

TULSA METROPOLITAN AREA PLANNING COMMISSION
 MINUTES of Meeting No. 1563
 Wednesday, July 10, 1985, 1:30 p.m.
 City Commission Room, Plaza Level, Tulsa Civic Center

MEMBERS PRESENT	MEMBERS ABSENT	STAFF PRESENT	OTHERS PRESENT
Connery	Carnes	Frank	Bode/Green,
Higgins	Draughon	Gardner	Protective Inspections
Kempe, Chairman	Harris	Holwell	Linker, Legal Counsel
Paddock, Secretary	Young		
Wilson, 1st Vice-Chairman			
VanFossen			
Woodard			

The notice and agenda of said meeting were posted in the Office of the City Auditor on Tuesday, July 9, 1985, at 12:35 p.m., as well as in the Reception Area of the INCOG offices.

After declaring a quorum present, Chairman Kempe called the meeting to order at 1:37 p.m.

MINUTES:

Staff informed that the minutes of June 26, 1985, meeting No. 1561 were not yet complete, therefore, approval would be continued until July 17, 1985.

On **MOTION** of **PADDOCK**, the Planning Commission voted 6-0-1 (Connery, Higgins, Kempe, Paddock, VanFossen, Woodard, "aye"; no "nays"; Wilson, "abstaining"; Carnes, Draughon, Harris, Young, "absent") to **APPROVE** the corrected page 3 of the **Minutes of June 12, 1985, meeting No. 1559.**

REPORTS:

Committee Report:

Rules and Regulations Committee:

Mr. Paddock, Chairman of the Rules and Regulations Committee informed that the Committee met on Tuesday, July 10 to review the proposed amendments to the Tulsa Zoning Code as relate to on-premise business signs and proposed amendments amendments which relate to regulating the placement of satellite dishes. This meeting was attended by committee members, members of the media, members of the Staff, legal counsel and interested parties. The Committee unanimously voted to recommend approval of the satellite dish proposal to the full Commission, but due to a lack of quorum later in the meeting, was unable to make a recommendation in regard to the proposal pertaining to on-premise signs. The Committee confined itself to those

Rules and Regulations Committee Report (cont'd)

matters which had been presented at the public hearing on June 26 and which were to be considered at the continued public hearing on this date.

Director's Report:

Mr. Gardner informed that the City had taken action on the question regarding the proposed closing of the fire station in the north part of the City so that item would not be coming before the Planning Commission as scheduled. He advised that if the plan is considered for revision at some later date, it would then be considered by the TMAPC.

Mr. Connery asked if the promise that was made to provide a new fire station was considered to be a change in the plan and Mr. Gardner informed that if that happens it would possibly be reviewed by the TMAPC as a change. Mr. Connery asked if this proposal should have been considered by the TMAPC first and Mr. Gardner informed that it should.

CONTINUED ZONING PUBLIC HEARING:

CONTINUATION OF A PUBLIC HEARING TO CONSIDER PROPOSED AMENDMENTS
TO TITLE 42, TULSA REVISED ORDINANCES (TULSA ZONING CODE) AS RELATE
TO THE REGULATION OF SIGNS IN THE CITY OF TULSA (EXCEPT OUTDOOR
ADVERTISING SIGNS IN THE CITY OF TULSA).

Ad Hoc Sign Committee Recommendations — Education and Enforcement:

1. **ORDINANCE COMPLIANCE:**

The committee -- and most of the sign industry and retail business representatives who assisted the committee -- believe that the most significant improvement which can be made in the regulation of signage in the City of Tulsa would result from rigorous, consistent and uniform enforcement of the existing ordinance provisions. Since the City ordinances governing signage have been only haphazardly enforced for many years, we believe that the new, more rigorous enforcement policy should be phased in with adequate education and notice to violators by adopting the following implementation strategy:

- A. The Code Enforcement and Protective Inspections Departments shall prepare a list of enforcement priorities during the phase-in period such as the suggested priority list in Section 2 below.
- B. The Departments shall request news media cooperation in advising the public about the specific ordinance provisions and penalties for non-compliance governing the first item on the priority list and shall alert the public that the Department will begin rigorously enforcing that particular provision after a short grace period.
- C. After the expiration of the grace period, and without neglecting entirely its regular enforcement responsibilities, the Departments will concentrate its inspection (and penalty assessment) efforts on that particular item for a sufficient period of time to induce voluntary compliance.
- D. When a reasonable degree of compliance has been obtained, the Departments shall repeat the process with respect to each successive category of violation on the priority list (without, of course, totally neglecting previously targeted items).
- E. After completion of this "phase-in" education and notice process, the Departments shall strive to maintain a high level of equity, consistency and uniformity in the enforcement of all segments of the zoning ordinances governing signage.

Ad Hoc Sign Committee Recommendations (cont'd)

2. PRIORITY LIST FOR PHASE-IN ENFORCEMENT STRATEGY:

- A. Signs located in dangerous proximity to power lines or which contain serious electrical code violations;
- B. Business signs for which permits have not been obtained and which are illegally located on public right-of-way;
- C. Portable signs which are illegally located on public right-of-way;
- D. Promotional business signs (tinsel, advertising flags, searchlights, balloons and banners) in violation of special promotion restrictions and flashing lights in violation of new ordinance provisions;
- E. Other signs requiring permits for which permits have not been obtained;
- F. Business signs in violation of quantity and spacing limitations;
- G. Business signs in violation of display surface area, height and other code provisions;
- H. Temporary and non-commercial signs in violation of the code.

3. ENFORCEMENT PERSONNEL REQUIREMENTS:

It would appear that our recommendations for more uniform and rigorous enforcement would require the addition of personnel to the Division of Protective Inspections (responsible for permit application review and building code enforcement) and the Code

Enforcement Department (responsible for zoning code compliance). The committee is not qualified to make those determinations; however, we recommend that the City Commissioners make the appropriate personnel decisions. If staff additions are required, we believe that the cost would largely or entirely be offset by the collection of additional permit fees and fines for violations.

4. SIGN LOCATION PLAT TO BE FILED WITH PERMIT APPLICATION:

We recommend that an applicant for a new sign permit be required to submit a plat (including elevation drawing) with his application, showing the location and size of the proposed sign on the property and with respect to other existing signs and structures. The plat should be drawn to scale but need not be professionally prepared nor surveyed.

Ad Hoc Sign Committee Recommendations (cont'd)

5. EDUCATION — CONCISE SIGNAGE MANUAL:

The ordinance provisions governing signage are scattered throughout the zoning and building codes which makes it difficult for a sign user to determine what is required for compliance. We recommend that the Division of Protective Inspections assemble a manual of sign rules, excerpted from the ordinance, for the guidance of sign users and installers and that this ordinance extract be available for purchase at a nominal cost.

6. EDUCATION — ADVISORY SHEET:

We recommend that a one-page document be prepared by Protective Inspections for enclosure with each permit application approval setting forth the most significant and most commonly violated sign ordinance requirements to further assure that each sign user and installer is fully informed about his obligations.

7. INSTALLER/OWNER IDENTIFICATION:

To assist in enforcement, we recommend that every sign requiring a permit should contain a permanent identification tag on it showing the permit number and date, and the name, address and telephone number of the sign owner and installer. If such a tag cannot be conveniently affixed to the sign in a readily accessible location, it would be required to be posted in a conspicuous place within the business establishment.

8. ENFORCEMENT AGAINST INSTALLER AND OWNER:

In cases of illegally installed signs, we recommend that enforcement action be taken against the installer as well as the owner.

9. REPORTING AND REMOVAL OF ABANDONED SIGNS:

We recommend that the city accept the offers of various sign companies and organizations to assist in identifying and removing abandoned signs.

10. IMPOUNDING OF SIGNS IN RIGHT-OF-WAY:

Signs (other than city directional signs) are not permitted in the public right-of-way. We recommend that enforcement officials be granted the authority to place a prominent violation notice sticker on illegally-placed signs, similar to the process with regard to abandoned cars. We further recommend that if the violation is not rectified within 24 hours after such notice, the signs in violation be removed and impounded by the city.

Ad Hoc Sign Committee Recommendations (cont'd)

SPECIFIC ORDINANCE REVISIONS RECOMMENDATIONS

11. REAL ESTATE SIGNS:

We recommend no changes in current ordinance provisions.

12. CONSTRUCTION SIGNS:

We recommend that the display surface area square footage restriction of construction signs be established uniformly in all zoning districts as one-half of a square foot of surface area for each lineal foot of street frontage. In no event, however, would a sign be restricted to less than 32 square feet nor be permitted to be more than 400 square feet in display surface area. Construction signs in residential districts should be deemed to be real estate signs 18 months after initial installation, even if there is continuing construction activity within the development.

13. TEMPORARY USE, OCCASIONAL COMMERCIAL SIGNS:

We recommend no changes in current ordinance provisions.

14. POLITICAL SIGNS:

The committee decided to make no formal recommendations concerning this issue. Enforcement of current restrictions governing such signs should be rigorous as enforcement with respect to other signs. If the primary difficulty is post-election clean up, however, perhaps consideration should be given to a plan under which the city would pay a nominal amount for each sign turned in within a few days after the election. That payment, plus a handling charge, would then be levied against a small, pre-election sign display deposit posted by each campaign organization.

15. BULLETIN BOARD SIGNS:

The current restrictions on bulletin board signs have proved to be unduly restrictive and have therefore occasioned a large number of applications to the Board of Adjustment for relief. To reduce the number of such applications, we recommend the adoption of less restrictive surface area and height limitations which reflect the standards routinely granted by the Board of Adjustment. We propose the maximum permissible surface area for bulletin board and "business" signs in AG, R, P, OL, OM, OMH and OH zoning districts be increased from 12 to 20 square feet and that the maximum height be increased from 15 to 20 feet.

Ad Hoc Sign Committee Recommendations (cont'd)

16. IDENTIFICATION SIGNS:

Similarly, the current restrictions on the size and height of identification signs have necessitated a number of exception applications to the Board of Adjustment, especially to provide for signs appropriately proportioned for large apartment, institutional and office projects. We therefore recommend that the maximum permissible display surface area for identification and "business" signs in AG, R, P, OL, OM, OMH and OH zoning districts be increased from 32 square feet to two-tenths (2/10) of a square foot per lineal foot of street frontage. In no event, however, would a sign be restricted to less than 32 square feet nor be permitted to be more than 150 square feet in display surface area.

17. ROOF SIGNS:

We recommend that no new permits be granted for roof signs. Tethered balloons or other similar devices which are used for temporary promotional purposes shall be exempted from this ban and shall instead be governed by the restrictions set forth in section 22.

18. WALL/CANOPY SIGN HEIGHT LIMITATION:

Currently, all signs which are mounted on or just above the wall of a building and extend above the mean height of the roof are illegal, though this ordinance provision is rarely enforced. We recommend that the code provisions concerning such signs be liberalized to allow the use of wall or canopy signs which extend above the roof line in circumstances in which the limited height of the fascia requires that they do so. Specifically, we recommend a new code provision with the following effect:

If the front fascia of a wall or canopy is three feet or greater in height, any sign attached to such fascia may not extend above the common visual line of the wall or canopy;

If the front fascia of a wall or canopy is less than three feet in height, any sign attached to such fascia may extend above the common visual roof line of the wall or canopy so long as it does not rise more than three feet above the bottom of the fascia.

19. PAINTED SIGNS ON GLASS SURFACES — EXEMPTION FROM SURFACE AREA LIMITATION:

We recommend that the exemption from wall sign surface area limitations provided for painted signs on glass surfaces (1221.3d.4.) be restricted to such signs which are in place for 60 days or less, the intent being to distinguish promotional signs from permanent ones.

Ad Hoc Sign Committee Recommendations (cont'd)

20. ROOF/PROJECTING/GROUND SIGNS — SURFACE AREA LIMITATIONS:

- A. We recommend that the surface area square footage limitations for roof, projecting and ground signs for single-tenant buildings in CS-zoned districts be made consistent with the limitations for multi-tenant buildings -- 2 square feet for each lineal foot of street frontage for one sign and 1 square foot for each lineal square foot of street frontage for two or more signs.
- B. We recommend that the square footage limitations for roof, projecting and ground signs in CG and IL districts be restored to the provision in effect when the ordinance was originally drafted -- 3 square feet for each lineal foot of street frontage for one sign (but no change in the provision for two or more signs).
- C. We recommend that the ordinance language be clarified, if necessary, to reflect that the display surface area of portable signs should be included in determining conformance with overall business or property display area square footage limitations.
- D. We recommend the deletion of the provision (1221.6) exempting signs within the CBD, CH, IM and IH districts from display surface area limitations and adoption of a provision placing the same square footage limitations on signs in those districts as for signs in CG districts.
- E. We recommend the deletion of the provision (1221.5 b.) exempting signs located behind the building setback line in CG and IL districts from the display surface area limitations.

21. PROJECTING SIGN HEIGHT LIMITATION:

We recommend that a projecting sign be limited in height to the top of the common visual roof line of the wall to which it is attached.

22. PROMOTIONAL BUSINESS SIGNS:

We recommend that the restrictions in the building code governing tinsel, advertising flags, searchlights, balloons and banners be included in the zoning code in a modified form. Specifically, we recommend that tinsel, advertising flags, balloons (including tethered balloons, attached to the ground, wall or roof) and searchlights be allowed by permit to be used once a year at each business location for a 15-day period. We recommend that banners be allowed by permit to be used an unlimited number of times at each business location so long as each use is separately permitted and does not exceed 10 days of continuous display. Since the intent is to restrict banners for use in special promotions, a limit may need to be placed on the number of permits per year issued for the same location, if excessive re-permitting results. Permits for promotional business signs should be obtainable by users and not just by sign contractors.

Ad Hoc Sign Committee Recommendations (cont'd)

23. SATELLITE DISH "SIGNS":

We recommend that satellite dishes (and other products containing labels or signs) in residential areas be allowed to display only an identification label "sign" with a display surface area not exceeding one tenth (1/10) of a square foot (14.4 square inches).

24. QUANTITY LIMITATION ON ROOF, PROJECTING, GROUND, OUTDOOR ADVERTISING AND PORTABLE SIGNS:

When the zoning ordinance was revised to place new spacing requirements on outdoor advertising signs in March of 1984, the minimum spacing requirement for business signs (20 feet) was inadvertently deleted. We recommend that a spacing provision be restored to the code requiring a minimum distance of 30 feet between roof, projecting, ground, outdoor advertising and portable signs.

26. FLASHING LIGHT ILLUMINATION:

Because of the potential distraction to drivers caused by flashing lights near the roadway and the potential annoyance to homeowners, we recommend the following restrictions:

- A. No signs containing flashing lights shall be located within 50 feet from a corner of a signallized intersection;
- B. No signs containing flashing lights shall be located within 20 feet of the driving surface of a street;
- C. No signs containing flashing lights shall be located within 200 feet of a residential district;
- D. No signs containing flashing lights shall use incandescent bulbs with greater than 25 watts of illumination nor strobe lights of any kind;
- E. These provisions shall not govern time and temperature devices.

27. POWER LINE SAFETY:

The committee received conflicting presentations regarding the adequacy of Tulsa building code safety provisions relating to the proximity of signage to power lines. We recommend that all such safety requirements in the BOCA code be adopted into the city building code.

28. AMORTIZATION PERIOD:

Signs which are legally permitted on the effective date of this ordinance revision but which do not conform to its provisions shall be deemed non-conforming signs. Such signs shall be brought into conformance or be removed on or before January 1, 1996. Provided,

Ad Hoc Sign Committee Recommendations (cont'd)

however, the ordinance provisions concerning flashing lights and promotional business signs and provisions which affect portable signs shall be enforceable as of the effective date of this ordinance revision.

Presentation by Chairman, Ad Hoc Sign Committee:

George Kaiser, Chairman of the Ad Hoc Committee, informed that he met with the Rules and Regulations Committee to review and clarify issues in regard to the proposed amendments pertaining to on-premise signs and advised that after additional discussion with the Greater Tulsa Sign Association (GTSA), eight items were considered to be worthy of further discussion.

The following items were discussed by Mr. Kaiser in clarifying the Committee's intent:

4. Intent was to require a plat for business signs (covered under item 22).
7. The sign should be placed on the sign proper.
14. All language following the second sentence could be deleted, as it was felt it was not necessary to include this in the ordinance.
15. It was suggested and Mr. Kaiser concurred, with changing the maximum permissible surface area of signs to read "12 to 32 square feet" instead of "12 to 20" square feet" as shown in the proposal.
18. Confusion on this item was due to the nomenclature used; however, the intent of this item was now understood by the City Legal Counsel and the language would be clarified during drafting of the ordinance. The solution would be to define "fascia" and it is possible that the front elevations of the building could be used for clarification.
22. It was felt that promotional business signs and banners should be considered the same as other signs. He advised that comments had been made recommending that these uses be permitted 2, 3 or 4 times per year, with a maximum time limit of 10 days per period. He advised that the Committee felt that this use should be permitted for a period less than 4 times per year. He also clarified the question of banners and window signs. He noted that a comment had been made that it could take up to two weeks to obtain a permit for promotional business signs; however, Protective Inspections had advised that these signs could be installed 48 hours after the permit application has been received by that office, whether or not the permit has been processed.

Ad Hoc Sign Committee Recommendations (cont'd)

26(C). The words "if visible from said District" should be added to the end of the sentence, as recommended by Legal Counsel.

28. It had been recommended that the amortization period be extended to one year. After one year those signs would not be in compliance and would have to be turned off, etc.

Mr. Kaiser informed that the only unresolved issue was how many times per year promotional signs should be permitted and for how many days.

Comments and Discussion:

Ms. Higgins informed that she did not feel that promotional business signs should be limited to once a year at each business location.

Interested Parties:

Frank Capps	Address: 906 N. 2nd, Jenks
Richard Craig	1889 N. 105 E. Avenue
Leroy Borden	4611 E. Admiral
Rex Hall	4812 S. Ash, Broken Arrow
Gary Gomez	2222 E. 31st Place
Bob Davis	4025 E. 77th
Bob McKenzie	3101 S. Chestnut

Mr. Capps requested that promotional business signs be permitted four times per year as a minimum since this promotion method is used by the small businessman and recommended approval of the proposed amendments. Mr. Connery asked why Mr. Capps recommended four times per year as a minimum. Mr. Capps informed that there are four major promotional seasons during the year.

Mr. Craig informed that he was representing the Greater Tulsa Sign Association (G TSA) and advised that he had several comments in regard to the proposed amendments. Under item 4, he advised that it was felt a plat was expensive to reproduce and would take time to prepare. He objected to the requirement for "scale drawings" and advised these were too expensive and requested that a "rough drawing" be permitted instead. Mr. VanFossen suggested that the last sentence of 4. be revised to read "The plat should be drawn approximately to scale and dimension, but need not be professionally prepared nor surveyed". Under item 16, Mr. Craig suggested a compromise be made between .2 and .5 of a square foot per lineal foot of street frontage. In item 17, he advised that roof signs are needed on occasion and removal of these roof signs would be expensive and cited the Mayo Hotel and Camelot Inn as locations which have roof signs. He also advised that there are sometimes few alternatives other than roof signs for some businesses (hotels, etc.). He expressed concern about enforcing the limitation on painted signs on windows (item 19) and recommended that roof signs be permitted to remain (item 20). He suggested that limiting the number of business signs (item 24) would pose a hardship on business and add more of a burden on the Board of Adjustment. He also advised that a wattage restriction (item 26) could

Ad Hoc Sign Committee Recommendations (cont'd)

impose a hardship on some businesses and could result in the Board of Adjustment having to interpret the intent.

Additional Comments and Discussion:

Ms. Wilson asked about "roof signs" being addressed in some sections of the proposal, but in one section, they were not going to be permitted. Mr. Kaiser informed that roof signs would be permitted to remain for 10-1/2 years and it was necessary to make provision for this period.

Mr. VanFossen requested clarification of the proposal in regard to item 24 in which a building that has only 70' of frontage, but the proposed requirement is for a minimum of 100' of frontage. Mr. Gardner informed that in cases in which a piece of property is non-conforming one freestanding sign would be permitted; if a piece of property has over 100' of frontage, the portion of the area over and above the minimum would be entitled to an additional percentage for signage.

Mr. VanFossen asked if there was an interpretation that would permit advertisements on signs in item 26E. Mr. Kaiser informed that he didn't feel that a distinction should be made between other signs which distract.

Other Interested Parties:

Mr. Borden informed that he had originally misunderstood the intent of limiting signs in item 24, but felt he now understood. Mr. Gardner explained that there could be 36 square feet of frontage on a building which would permit 3' of sign per front foot.

Mr. Hall informed that he was representing Ken's/Mazzio's Pizza Parlors and advised that there are 10 or 11 Mazzio's Restaurants which would be affected by the provision pertaining to the flashing lights (item 26 C). He advised that the majority of these restaurants are closer than 200' to residential areas which would present a problem since the lights could be seen by the residences even though they are located in the front. He requested that if the bulbs be kept at 25 watts, they be allowed to remain and that the 200' requirement be reduced to 100'.

Ms. Wilson asked what percentage of the Mazzio's locations would be affected by the proposal. Mr. Hall informed that 10 of the 12 Mazzio's would not be in compliance and it would place a financial burden on the company to comply with the proposal.

Mr. Gomez informed that he is president of Chimi's, Inc. and under the proposal a sign on one of his restaurants would have to be removed in 10-1/2 years. He expressed concern that the signs currently in conformance and maintained would have to be removed after expiration of the "grandfather clause". Mr. Kaiser informed that he didn't think Mr. Gomez's sign was in violation. Mr. Gomez suggested a 15 or 30-day lapse between dates that promotional signs are permitted to be reinstalled.

Ad Hoc Sign Committee Recommendations (cont'd)

Mr. Davis informed that he owns the Arby's Restaurant chain and wanted to see illegal signs removed, but felt this proposal was premature. He expressed concern that no representatives from churches or small businessmen were present at the hearing and didn't know what was being proposed and recommended, nor about enforcement of the current sign ordinance. He also expressed concern about signs being located in areas that are not easily seen. He advised that most promotions don't get "off the ground" for two weeks and that 10 days was not a sufficient amount of time for promotions.

Other Comments from Ad Hoc Committee Chairman:

Mr. Kaiser informed that he felt the plat requirement in item 4 was vital and suggested that a ruler could be used to draw the plat approximately to scale. In regard to the proposal for increasing the size of identification signs in item 16 from .2 to .5 per lineal foot of street frontage, Mr. Kaiser informed this would be a significant liberalization of the code and Mr. Gardner had recommended an amount which would permit fewer applications to the Board of Adjustment. In regard to roof signs (item 17), the BOA is designed for the purpose of deciding if an item should be removed. Mr. Kaiser informed that he had no problem with the suggested rewording in item 18 (Exhibit "A-1"). In regard to the question raised about enforcement of item 22, Mr. Kaiser informed that this is designed to address the problem of flagrant uses of promotional signs.

Other Interested Party:

Mr. McKenzie informed that he was representing Shoney's and Captain D's Restaurants and questioned if the current ordinance is being enforced and if it is not, would a new ordinance be enforced. Mr. Paddock cited the notations on page two of the Ad Hoc proposal which stated that the most significant improvement in sign problems would result from rigorous and uniform enforcement of the ordinance.

Other Comments and Discussion:

Ms. Higgins informed that she had concerns about items #19 and #22 and could not vote in favor of the proposal

TMAPC Action: 7 members present

On **MOTION** of **VANFOSSEN**, the Planning Commission voted 6-1-0 (Connery, Kempe, Paddock, VanFossen, Wilson, Woodard, "aye"; Higgins, "nay"; no "abstentions"; Harris, Young, "absent") to recommend approval of the revisions to the Tulsa Ordinances relating to regulations of signs as recommended by the Ad Hoc Committee as revised and clarified by Mr. George Kaiser on this date, with the following provisions:

- a. In item 4, the wording be modified to "require the plat to be drawn approximately to scale and dimensioned".

Ad Hoc Sign Committee Recommendations (cont'd)

- b. In item 14, strike everything after the end of the second sentence.
- c. In item 15, the maximum permissible surface area for bulletin board and "business" signs in AG, R, P, OL, OM, OMH and OH zoning districts be increased from "12 to 32 square feet" instead of "12 to 20 square feet".
- d. In item 20, add verbiage that temporary promotional signs are exempt from the conditions.
- e. In item 22, add verbiage that promotional signs be permitted up to four times a year for a period not to exceed 10 days.
- f. In item 22, add additional language which would state that "a sign may be installed 48 hours after permit application is received by protective inspections, excluding weekends and holidays".
- g. In item 26 (C), the language "if visible from said district" should be added to the end of the sentence.
- h. In item 28, the last sentence should be amended to permit a one year amortization period for flashing lights.

CONTINUATION OF A HEARING TO CONSIDER AMENDING THE ZONING CODE OF THE CITY OF TULSA TITLE 42, ZONING AND PROPERTY RESTRICTIONS, BY ADDING THERETO PROVISIONS FOR REGULATING THE PLACEMENT OF SATELLITE DISHES

Staff Presentation:

Mr. Gardner informed that the proposed amendments pertaining to the placement of satellite dishes had been brought before the TMAPC on June 26, 1985, and had been continued to this date to permit review by the Rules and Regulations Committee. This proposal involved limiting all satellite dishes to the rear yard in residential districts; specifically, those requiring lotting, and in the interior of an apartment complex. In an OL District, the satellite dish was also initially required to be placed in the rear yard. In other districts, this use would be permitted as a matter of right. Based on information from interested parties, it was noted that there could be an exception for an antenna which did not meet the District regulations. It was requested that certain antenna be permitted to be placed on the roof of the building and was decided to permit a roof mounted antenna provided it did not exceed 4' in height. If the height exceeds 4', it would require Board of Adjustment approval.

Other Comments and Discussion:

Mr. Paddock informed that the Rules and Regulations Committee voted unanimously to recommend approval of these proposed amendments to the full Commission.

Proposed Amendment to Zoning Code in Regard to Regulations of Satellite Dishes
(cont'd)

Mr. Connery asked if this proposal includes antenna that has already been installed. Mr. Gardner informed that it does and advised that antenna which has been installed without a permit was not a permitted use. Those dishes presently installed, which do not meet the requirements, would be given a reasonable time to come into compliance.

Mr. VanFossen asked if this could be done since there were no requirements previously. Mr. Gardner informed that these were not previously considered customary accessory uses; however, the Code was not enforced. Under this proposal, they would be considered as customary accessory uses although there could be some instances in which existing dishes would not meet the setback requirements and to be permitted, may have to be relocated.

Mr. Linker informed that he basically agreed with what was said and advised that in interpreting the ordinance, it had been determined that these dishes were not legal, thus were not entitled to protection under nonconforming provisions of the Code.

Ms. Higgins asked what it would cost to make application to the Board of Adjustment and Mr. Gardner informed it would probably be \$125.00.

Interested Party:

John Dyer

Address: 2243 Camino Brazos; Pleasanton, CA

Mr Dyer informed that he was representing Equatorial Communications Co. and is working with Farmer's Insurance agents in Tulsa in installing communications equipment. He advised that he understood the Staff's Recommendations for the 4' height limitation and would work with them. He also advised that he would try to keep these antennas out of sight. He asked Mr. Gardner how he would obtain a permit and was informed that he would need to apply through Building Inspections.

TMAPC Action: 7 members present

On **MOTION** of **PADDOCK**, the Planning Commission voted 7-0-0 (Connery, Higgins, Kempe, Paddock, VanFossen, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; Carnes, Draughon, Harris, Young, "absent") to close the Public Hearing.

TMAPC Action: 7 members present

On **MOTION** of **PADDOCK**, the Planning Commission voted 7-0-0 (Connery, Higgins, Kempe, Paddock, VanFossen, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; Carnes, Draughon, Harris, Young, "absent") to recommend to the Board of City Commissioners that the Zoning Code be amended by adding provisions for regulating the placement of satellite dishes, as follows:

Proposed Amendment to Zoning Code in Regard to Regulations of Satellite Dishes
(cont'd)

SECTION 291. SATELLITE COMMUNICATION ANTENNA

Satellite Antenna is regulated as follows:

- (a) Satellite antenna is a permitted use in an RS, RD and RM-T District, provided it meets the following standards:
 - 1. Shall be ground mounted.
 - 2. Shall be located in the rear yard only and shall be setback from the property line(s) one foot for every foot of height.
 - 3. Shall not exceed 13 feet in height at the grade where it is mounted.
 - 4. Not permitted as a principal use on the lot.
- (b) Satellite antenna is a permitted use in an RM and OL District provided it meets the following standards:
 - 1. Shall be ground mounted or mounted on the building roof provided the roof mounted antenna does not exceed four feet in height.
 - 2. Shall be setback from the perimeter property line(s) one foot for every foot of height.
 - 3. Ground mounted antenna shall not exceed 13 feet in height at the grade where it is mounted.
 - 4. Not permitted as a principal use on the lot.
- (c) Satellite antenna is permitted as a matter of right in all other O, C and I Districts, provided if the antenna is to be located on a lot which abuts a residential district, the antenna shall be setback from the common property boundary two feet for every one foot of height above grade.
- (d) Satellite antenna which does not meet the standards as set forth above shall require approval of a Special Exception by the Board of Adjustment.

SECTION 1680. SPECIAL EXCEPTION

Section 1680.1 General

- i. Satellite antenna which do not meet all of the standards as set forth in Section 291 of this Code.

Application No. **CZ-134**
Applicant: D&D Investments
Location: 1/4 mile west of 116th St. No. & Garnett

Present Zoning: AG
Proposed Zoning: CS

Date of Application: April 26, 1985
Date of Hearing: July 10, 1985 (cont'd from June 12 — continued to August 28, 1985)

Chairman Kempe informed that a timely request had been received to continue this case to August 28, 1985 in order to submit a PUD application.

TMAPC Action: 7 members present

On **MOTION** of **HIGGINS**, the Planning Commission voted 7-0-0 (Connery, Higgins, Kempe, Paddock, VanFossen, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; Carnes, Draughon, Harris, Young, "absent") to **CONTINUE consideration of CZ-134** until Wednesday, August 28, 1985, at 1:30 p.m., in the City Commission Room, City Hall, Tulsa Civic Center.

Application No. **Z-6049 and PUD #397** Present Zoning: RS-3, RD, RM-1
Applicant: Moody (61MM Ltd.) Proposed Zoning: RD, RM-1
Location: S. side of E. 61st Street; 1/2 mile E. of Memorial

Date of Application: April 11, 1985
Date of Hearing: July 10, 1985 (cont'd from July 3, 1985 — cont'd to July 17, 1985)

Chairman Kempe informed that a request had been received to continue this case to July 10, 1985.

Mr. Moody informed that he has had numerous meetings with the Burning Tree Homeowners' Association and he felt that it was necessary to request an additional one-week continuance in order to finalize agreements and incorporate requested changes in the PUD, including a few items that would meet some of the Staff Recommendations.

Ms. Kempe asked if one week would be enough since this case had been continued on several other occasions. Mr. Moody informed that he was making a commitment to this and was requesting that the homeowners' association also work with him in order to come to an agreement.

Mr. Frank Spiegelburg, 9032 E. 67th Street, informed that he was the attorney for the Burning Tree Homeowners' Association and requested that the continuance be granted.

TMAPC Action: 7 members present

On **MOTION** of **HIGGINS**, the Planning Commission voted 7-0-0 (Connery, Higgins, Kempe, Paddock, VanFossen, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; Carnes, Draughon, Harris, Young, "absent") to **CONTINUE consideration of Z-6049 and PUD #397** until Wednesday, July 17, 1985, at 1:30 p.m., in the City Commission Room, City Hall, Tulsa Civic Center.

ZONING PUBLIC HEARING:

Application No. CZ-138 Present Zoning: AG
Applicant: Kauffman Proposed Zoning: IL
Location: Northeast corner of 80th St. No. & Memorial

Date of Application: May 29, 1985
Date of Hearing: July 10, 1985

Presentation to TMAPC by: Bill Kauffman
Address: Rt. 1, Box 1268, Owasso Phone: 272-3632

Relationship to the Comprehensive Plan:

The District 15 Plan Map, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, does not cover the subject tract. However, the Owasso Comprehensive Plan designates the subject tract as Low Intensity -- No Specific Land Use.

According to the "Matrix Illustrating District Plan Map Categories Relationship to Zoning Districts," the requested IL District is not in accordance with the Plan Map.

Staff Recommendation:

Site Analysis -- The subject tract is 2.31 acres in size and located at the northeast corner of Memorial Drive and 80th Street North. It is non-wooded, gently sloping, contains a single-family dwelling and is zoned AG.

Surrounding Area Analysis -- The tract is abutted on all sides by vacant property zoned AG. There are scattered single-family dwellings also zoned AG, located north of the railroad tracks and southeast of the subject tract along 88th Street North.

Zoning and BOA Historical Summary -- Nodal intensities exist at the southeast corner of 86th Street North and Memorial Drive which have developed by allowing 10 acres of RMH zoning (medium intensity) and the balance RS.

On June 20, the Owasso Planning Commission voted unanimously to deny the request.

Conclusion -- Although the subject tract and abutting property is zoned AG, the area has begun to develop residentially with single-family houses on 2.5 and 5-acre tracts. Recent zoning cases show the Comprehensive Plan has been followed in the area and the Staff can see no reason to vary from it in this location. Industrial zoning and associated uses would not be compatible in this area. It is also possible that damaged vehicles would be stored on the subject tract in conjunction with the requested use for a wrecker and towing service. The requested IL zoning is also not in compliance with the Development Guidelines.

Based on the Comprehensive Plan, surrounding land uses, and the unanimous recommendation from the Owasso Planning Commission for denial, the Staff recommends DENIAL of IL zoning on the subject tract.

CZ-138 (cont'd)

NOTE: The Staff has received a petition which supports this application and acknowledges that the signers are considering possible similar requests in the future. If this application is approved, the Comprehensive Plan would have to be amended from Low Intensity Residential to Medium Intensity -- No Specific Land Use.

Comments:

Applicant was not present.

Interested Party:

Mr. J. D. Gates

Address: 8201 N. Memorial

Mr. Gates informed that he owns the adjoining property and objected to the storage of junk cars. Mr. Connery asked if the land is being used as a junkyard and Mr. Gates informed it isn't and advised that it is a car repair shop.

TMAPC Action: 7 members present

On MOTION of PADDOCK, the Planning Commission voted 7-0-0 (Connery, Higgins, Kempe, Paddock, VanFossen, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; Carnes, Draughon, Harris, Young, "absent") to DENY IL zoning on the following described tract:

Legal Description:

The Southwest 1/4 of the Northwest 1/4 of the Northwest 1/4 of the Southwest 1/4, less the south 25 feet for right-of-way, Section 25, Township 21N, Range 13E, of the Indian Base and Meridian, Tulsa County, State of Oklahoma.

There being no further business, the Chairman declared the meeting adjourned at 5:15 p.m.

Date Approved July 24, 1985

Cherry Kempe
Chairman

ATTEST:

R.B. Paddock
Secretary

