

TULSA METROPOLITAN AREA PLANNING COMMISSION
Minutes of Meeting No. 1856
Wednesday, October 9, 1991, 1:30 p.m.
City Council Room, Plaza Level, Tulsa Civic Center

Members Present	Members Absent	Staff Present	Others Present
Carnes	Ballard	Gardner	Linker, Legal
Doherty, 1st Vice Chairman	Harris	Hester	Counsel
Draughon	Horner	Jones	
Neely, 2nd Vice Chairman	Midget	Lasker	
Parmeale, Chairman			
Wilson, Secretary			
Woodard			

The notice and agenda of said meeting were posted in the Office of the City Clerk on Tuesday, October 8, 1991 at 10:39 a.m., as well as in the Reception Area of the INCOG offices.

After declaring a quorum present, Chairman Parmele called the meeting to order at 1:35 p.m.

Minutes:

Approval of the minutes of September 25, 1991, Meeting No. 1854:

On **MOTION** of **DRAUGHON**, the TMAPC voted **6-0-1** (Carnes, Draughon, Neely, Parmele, Wilson, Woodard, "aye"; no "nays"; Doherty "abstaining"; Ballard, Harris, Horner, Midget "absent") to **APPROVE** the minutes of the meeting of September 25, 1991 Meeting No. 1854.

REPORTS:

Rules and Regulations Committee

Mr. Doherty announced the Rules and Regulations Committee would meet October 16, 1991 after the TMAPC meeting to discuss notification on lot splits and receive presentation from staff on the parking study. He reported the Committee met today at 11:30 and will make recommendations at the Public Hearing.

Director's Report

Mr. Lasker advised of receipt of a letter from the mayor regarding citizen planning team elections.

Mr. Parmele stated the letter advised the mayor's office is working with neighborhoods throughout the city to build a strong alliance between city government and concerned residents. The mayor asked that citizen planning team chair and co-chair elections be postponed for the present and has instructed his staff to arrange a

meeting with TMAPC within the next two weeks to discuss possible alternatives, merging, changing, leaving as is, etc.

Mr. Doherty inquired if the current chairs and co-chairs would continue to serve in their present capacity.

Mr. Parmele confirmed that they would and he had no objection to postponing the elections until after meeting with the mayor's staff.

Ms. Wilson added the letter also stated one of the reasons the mayor is asking for delay is to permit more time to reorganize the districts to improve neighborhood outreach efforts. Also the mayor wants to involve Jeannie McDaniel, head of the neighborhood group in the mayor's office; Dwain Midget, of the mayor's office; Urban Development; and Chairman of TMAPC to study the structure of TMAPC planning districts and explore options for possibly reorganizing to get more neighborhood involvement.

Mr. Lasker added the TMAPC Progress Report to the City Council is scheduled on City Council agenda for October 17.

Mr. Parmele announced the public hearing to consider amendments as related to communication towers would be heard last.

* * * * *

Continued Zoning Public Hearing

Z-6329 (PD-26 (CD-8))

RT to OMH

West side of South Delaware Avenue at 109th Street South

Mr. Parmele announced the applicant is requesting an additional continuance to November 6, 1991. He noted there was a protestant present and if there were no objections Mr. Parmele suggested, striking this item from the agenda. Mr. Parmele added this item has been continued three times and if the applicant chooses to return and readvertise for a new public hearing he may do so. The Commission concurred.

* * * * *

PUD 261-B: North and east of the northeast corner of Riverside Drive and East 71st Street South

Mr. Parmele announced the applicant requested a continuance to October 23, 1991.

Comments and Discussion

Roy Johnsen, representing the applicant, advised they were still negotiating with adjacent property owners and hoped to resolve the matter.

TMAPC Action; 7 members present:

On MOTION of WILSON, the TMAPC voted 7-0-0 (Carnes, Doherty, Draughon, Neely, Parmele, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; Ballard Harris, Horner, Midget, "absent") to CONTINUE PUD 261-B to October 23, 1991.

* * * * *

PUD 473 Southwest corner of East 26th Place South and South Boston Avenue

Mr. Parmele advised the applicant has requested a continuance to October 23, 1991. The applicant is still in the process of meeting with those in the neighborhood and all issues have not yet been resolved. There were no interested parties present.

TMAPC Action; 7 members present:

On MOTION of WOODARD, the TMAPC voted 7-0-0 (Carnes, Doherty, Draughon, Neely, Parmele, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; Ballard Harris, Horner, Midget, "absent") to CONTINUE PUD 473 to October 23, 1991.

* * * * *

Zoning Public Hearing

Z-6332: West of the Northwest corner of Admiral Place and 161st E. Avenue.

Relationship to the Comprehensive Plan:

The District 17 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the subject property Special District - Industrial.

According to the Zoning Matrix the requested IL District may be found in accordance with the Plan Map. All zoning districts are considered may be found in accordance with Special Districts guidelines.

Staff Recommendation:

Site Analysis: The subject tract is approximately 2 acres in size and is located west of the northwest corner of Admiral Place and 161st E. Avenue. It is nonwooded, gently sloping, contains industrial buildings and stored school buses and is zoned RS-3.

Surrounding Area Analysis: The tract is abutted on the north by Interstate 44 zoned RS-3; on the east by an industrial building and school bus sales zoned IL; on the south across Admiral Place by vacant land and a trucking firm zoned IL; and on the west by vacant land zoned RS-3.

Zoning and BOA Historical Summary: A number of tracts have been rezoned from RS-3 to IL in this general area.

Conclusion:

The area between I-44 and Admiral Place is in transition from residential to industrial. This application would be a logical part of that transition and compatible with the Comprehensive Plan.

Therefore, Staff recommends **APPROVAL** of Z-6332 for IL zoning.

There were none present wishing to speak.

TMAPC Action; 7 members present:

On **MOTION** of **DOHERTY**, the TMAPC voted 7-0-0 (Carnes, Doherty, Draughon, Neely, Parmele, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; Ballard Harris, Horner, Midget, "absent") to **APPROVE** Z-6332 for IL zoning.

Legal Description

East 1/2 of Lot three (3) Foster Subdivision an Addition to City and County of Tulsa, Oklahoma.

* * * * *

Z-6333: 1/4 mile east of the northeast corner of E. 81st St. S. and S. Mingo Road.

Relationship to the Comprehensive Plan:

The District 18 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the subject property Low Intensity - No Specific Land Use, Corridor and Development Sensitive.

According to the Zoning Matrix the requested CO District is in accordance with the Plan Map.

Staff Recommendation:

Site Analysis: The subject tract is approximately 71.5 acres in size and is located 1/4 mile east of the northeast corner of East 81st Street and South Mingo Road. It is partially wooded, gently sloping, contains a few scattered dwellings, but is mostly vacant and is zoned AG and RS-3.

Surrounding Area Analysis: The tract is abutted on the north by vacant property zoned CO; on the east by proposed Mingo Valley Expressway and former single-family dwelling approved for a dinner restaurant zoned AG and CO; on the south across 81st Street by Tulsa Junior College Southeast Campus zoned AG; and on the west by vacant land zoned CO and AG.

Zoning and BOA Historical Summary: A number of tracts surrounding the subject tract have been approved for CO zoning.

Conclusion:

CO zoning is compatible with the existing zoning and development as well as the Comprehensive Plan.

Therefore, Staff recommends **APPROVAL** of Z-6333 for CO zoning.

There were no interested parties wishing to speak.

TMAPC Action; 7 members present:

On **MOTION** of **WOODARD**, the TMAPC voted 7-0-0 (Carnes, Doherty, Draughon, Neely, Parmele, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; Ballard Harris, Horner, Midget, "absent") to **APPROVE** Z-6333 FOR CO zoning.

Legal Description

The E/2 SW/4 of Section 7, Township 18 North, Range 14 East of the Indian Base and Meridan, Tulsa County, State of Oklahoma, LESS 8.45 acres, more particularly described as follows:

COMMENCING at the SE corner of the E/2 SW/4 of Section 7; thence West 690 feet to a point; thence north 534 feet to a point; thence East 690 feet to a point; thence South 534 feet to the POINT OF BEGINNING.

* * * * *

Other Business

PUD 470 Detail Site and Landscape Plans for *Romano's Macaroni Grill* in Development Area "B" -- Southeast corner of East 66th Street and South Memorial Drive

Staff has reviewed the proposed site and landscape plans for the above mentioned restaurant and finds them to be in accordance with the PUD requirements subject to the following conditions:

1. Removal of the existing ground sign at the eastern entrance on 66th Street.
2. No parking lot light standard is greater than 20' in height.

Comments and Discussion

Mr. Gardner advised Mr. Johnsen was representing the applicant, but had a conflicting meeting. Mr. Johnsen is aware of staff recommendation. Mr. Gardner pointed out there is extensive landscaping involved and a list and sizes of plant materials were provided with the agenda.

TMAPC Action; 7 members present:

On **MOTION** of **CARNES**, the TMAPC voted 7-0-0 (Carnes, Doherty, Draughon, Neely, Parmele, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; Ballard Harris, Horner, Midget, "absent") to **APPROVE** PUD 470 Detail Site and Landscape Plans--Development Area "B" as recommended by staff.

PUBLIC HEARING

PUBLIC HEARING TO CONSIDER AMENDMENT(S) TO TITLE 42, TULSA REVISED ORDINANCES (TULSA ZONING CODE) AS RELATES TO COMMUNICATION TOWERS, ANTENNAS, SATELLITE ANTENNAS, ETC. AND THEIR PERMITTED LOCATION AND HEIGHT

Chairman Parmele announced that staff would be heard from first and a recommendation will be made from Rules and Regulations Committee meeting as to proposed changes.

Mr. Gardner reported the proposal deals with antennas in general and the towers required to support such antenna. Two parts of the three part proposal came from the City Council. TMAPC was requested to place regulations in the zoning code relating to transmission towers in AG, Agricultural Districts. Presently towers in agriculture districts have no height limitation and no permit process, other than to obtain a building permit. Also a request was received from the city relating to satellite antenna; therefore, this is also a part of this ordinance. There was no specific requests on ham radio operators, but since all is related this was taken into consideration as new regulations were proposed to address the two specific concerns of the City Council.

Mr. Gardner advised the Planning Commission of proposed changes agreed upon at the Rules and Regulations Committee meeting which was held at 11:30 a.m.

Listed below is the proposed draft to which the mentioned changes have been made.

REVISED DRAFT

DRAFT AMENDMENTS TO THE TULSA ZONING CODE AS IT RELATES TO ANTENNAS (Proposed Amendments are shown in bold-letters)

CHAPTER 2

GENERAL PROVISIONS

200. Zoning and Supplemental Zoning Districts Established
201. Official Zoning Map Established
202. District Boundary Description and Interpretation
203. Limitation on Land Use
204. Division of Lots
205. Number of Dwelling Units on a Lot
206. Street Frontage Required
207. One Single-family Dwelling Per Lot of Record
208. Height Exceptions
209. Lot Area and Width Exceptions
210. Yards
211. Existing Building Encroachment on Front Yards or Building Setbacks

- 212. Screening Wall or Fence
- 213. Platting Requirement
- 214. Major Street Plan
- 215. Structure Setback from Abutting Streets
- 216. Code of Ethics
- ~~217. Satellite Communication Antennas~~
- 217. Antennas

SECTION 200. ZONING AND SUPPLEMENTAL ZONING DISTRICTS ESTABLISHED

The Zoning Districts and Supplemental Zoning Districts set forth below are hereby established. The District symbol is in the column to the left.

- AG Agriculture District
- RE Residential Single-Family, Estate District
- RS-1 Residential Single-Family Low Density District
- RS-2 Residential Single-Family Medium Density District
- RS-3 Residential Single-Family High Density District
- RS-4 Residential Single-Family Highest Density District
- RD Residential Duplex District
- RT Residential Townhouse District
- RM-0 Residential Multifamily Lowest Density District
- RM-1 Residential Multifamily Low Density District
- RM-2 Residential Multifamily Medium Density District
- RM-3 Residential Multifamily High Density District
- RMH Residential Manufactured Home District
- PK Parking District
- OL Office Low Intensity District
- OM Office Medium Intensity District
- OMH Office Medium - High Intensity District

SECTION 208. HEIGHT EXCEPTIONS

The following structures shall not be subject to the height limitations of the district in which they are located:

- A. Farm buildings and structures.
- B. Belfries, chimneys, coupoles, domes, elevators, penthouses, flagpoles, monitors, smokestacks, spires, cooling towers and ventilators, provided they are not intended for human occupancy.

~~C. Ground and structure supported accessory antennas and aerials, including elevating structures (poles and towers), which do not exceed a total aggregate height of 60 feet above the natural land grade and which meet the following requirements:~~

- ~~1. No portion of the antenna, aerial, elevating structure or any anchor or guy line may encroach upon the land area or airspace of any adjoining or abutting property.~~

~~-----2.---In a residential district no portion of the antenna, aerial, elevating structure, or any anchor or guy line, may extend beyond the front yard building setback line or extend into any established front yard or into any side yard.~~

~~-----3.---Provided that:~~

~~-----a.---Height and location restrictions shall not be applicable to radio communication facilities owned, operated and maintained by any city, county, state or federal governmental entities.~~

~~-----b.---Non-guyed, omni-directional, single element vertical antennas not exceeding 112 inches in height, and not exceeding 1-3/4 inches outside diameter shall be permitted in addition to the 60-foot aggregate height limitation.~~

~~-----c.---The restrictions established by this section may be modified by Board of Adjustment special exception approval, subject to the minimum requirements for special exception approvals and such additional safeguards and conditions as may be imposed by the Board of Adjustment.~~

C. Antennas and their supporting structures owned, operated and maintained by any City, County, State or Federal governmental entity.

SECTION 210. YARDS

A. Compliance With Yard Requirements

Except as otherwise provided, required yards shall be open and unobstructed from the ground to the sky. Yards provided for a building, for the purpose of complying with the provisions of the Code, shall not be considered the yard for any other building, and yards provided for a lot shall not be considered the yard of any other lot.

B. Permitted Obstructions in Required Yards

Obstructions are permitted in required yards as follows:

1. Cornices, canopies, eaves, fireplaces, and similar architectural features may project not more than 2 feet into a required yard.
2. Fire escapes may project not more than 4-1/2 feet into a required yard.
3. Fences, hedges, plant materials and walls may be located in any yard provided that corner traffic visibility is maintained in accordance with the City of Tulsa Traffic Code. Fences and walls within yards shall not exceed a height of 8 feet. Any fence or wall which projects into or encloses a required front yard shall not exceed a height of 4 feet. The Board of Adjustment, as a special exception, may modify these limitations.

4. Signs which are permitted as accessory uses in residential districts, may be located within any yard which is bounded by a public street.
5. In the RE and RS and RD Districts a detached accessory building, not exceeding one story in height, may be located in a rear yard provided the building does not cover more than 20% of the area of the rear yard and is located at least three feet from any lot line, provided, however, where said lot line abuts a public street, the detached accessory building shall be setback from the centerline of the street 20 feet plus one-half of the right-of-way designated on the Major Street and Highway Plan, or 45 feet from the centerline of the street if said street is not designated on the Major Street and Highway Plan.
6. Swimming pools, tennis courts, and fallout shelters.
7. Mobile home hitches.
8. Customary accessory structures, such as clotheslines, barbecue pits, playground equipment.
9. Antenna and their supporting structures and guy lines may be located in the required rear yard.

~~SECTION 217. -- SATELLITE COMMUNICATION ANTENNAS~~

~~Satellite antennas are regulated as follows:~~

~~A. -- Satellite antennas are a permitted use in an RE, RS, RD and RP 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 antennas are a permitted use in an RM and OB 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.~~

~~E.---Satellite-antennas-are-permitted-as-a-matter-of-right-in-all-other-O,-E,-SR 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-antennas-which-do-not-meet-the-standards-as-set-forth-above-shall require-approval-of-a-Special-Exception-by-the-Board-of-Adjustment.~~

~~E.---Satellite-antennas-which-have-been-installed-prior-to-the-effective-date-of this-ordinance-shall-be-permitted-to-continue-notwithstanding-any-provision herein-to-the-contrary.~~

SECTION 217. Antennas

- A. Antennas and their supporting structures which are principal uses on the lot are regulated by Section 1204 of this Code.
- B. Antennas and their supporting structures which are accessory uses in an agriculture district are regulated by Section 302 of this Code.
- C. Antennas and their supporting structures which are accessory uses in a residential district are regulated by Section 402 of this Code.
- D. Antennas and their supporting structures which are accessory to principal uses permitted in the office, commercial, scientific research and industrial districts shall be setback from an abutting R district 40 feet plus 2 feet for each foot of height of the supporting structure above 65 feet measured at grade.

CHAPTER 3

AGRICULTURE DISTRICT PROVISIONS

- 300. Purposes
- 301. Principal Uses
- 302. Accessory Uses
- 303. Bulk and Area Requirements
- 304. Special Exception Uses, Requirements

SECTION 300. PURPOSES OF AGRICULTURE DISTRICT

The Agriculture District is designed to:

- A. Encourage and protect agricultural land until an orderly transition to urban development may be accomplished.
- B. Discourage wasteful scattering of development in rural areas.
- C. Obtain economy of public fund expenditures for improvements and services.

SECTION 301. PRINCIPAL USES PERMITTED IN THE AGRICULTURE DISTRICT

The principal uses permitted in the Agriculture District are designated by use units. The use units are groupings of individual uses and are fully described, including their respective off-street parking, loading, screening requirements and other use conditions in Chapter 12. The use units permitted in the Agriculture District are set forth in Table 1.

Table 1

Use Units Permitted in the Agriculture District*

Use Units		District
No.	Name	AG
1.	Area-Wide Uses by Right	X
2.	Area-Wide Special Exception	E
3.	Agriculture	X
4.	Public Protection & Utility Facilities	X**
5.	Community Services & Similar Uses	E
6.	Single-Family Dwelling	X
9.	Manufactured Home Dwelling	E
20.	Commercial Recreation: Intensive	E
24.	Mining and Mineral Processing	E

*X = Use by Right

E = Special Exception

** Structures exceeding 65 feet in height, measured from grade, which are used primarily to support antennas, shall require Board of Adjustment approval.

SECTION 302. ACCESSORY USES IN THE AGRICULTURE DISTRICT

A. Accessory Uses Permitted

Accessory uses customarily incident to a principal use permitted in an Agriculture District are permitted in such district. In addition, the uses set forth in Table 2 are permitted as accessory uses.

Table 2

Accessory Uses Permitted In the Agriculture District

Uses	District
1. Bulletin Boards	AG
2. Home Occupation*	AG
3. Identification Signs	AG
4. Real Estate Signs	AG
5. Antennas	AG

*By Special Exception requiring Board of Adjustment approval subject to the requirements set forth in Section 404.B.

B. Accessory Use Conditions

1. General Conditions

- a. An accessory building erected as an integral part of the principal building shall be made structurally a part thereof, and shall comply with the requirements applicable to the principal building.
- b. Accessory buildings shall meet the minimum yard or building setback requirements.
- c. Accessory antennas are permitted to be attached to a residential dwelling or customary accessory building, provided the antennas do not exceed seven (7) square feet of surface area.
- d. Structures other than a dwelling or customary accessory building which are used to support accessory antennas (including guy lines) shall:
 - (1) be located in the rear yard only *and limited to one such structure,
 - (2) not exceed 65 feet in height,
 - (3) not encroach upon the land or airspace of any abutting property, and
 - (4) not exceed 24 inches in width above 25 feet in height, exclusive of guy lines.

SECTION 402. ACCESSORY USES IN RESIDENTIAL DISTRICTS

A. Accessory Uses Permitted

Accessory uses customarily incident to a principal use permitted in a Residential District are permitted in such district. In addition, the following uses set forth in Table 2, are permitted as accessory uses.

* Addition made at October 23, 1991 meeting

Table 2

Accessory Uses Permitted in Residential Districts

Uses	Districts
1. Accessory Commercial	RM-3
2. Home Occupations	All R Districts*
3. Sleeping Rooms	All R Districts**
4. Shelters	All R Districts
5. Signs:	All R Districts
Bulletin Board	
Identification Sign	
Real Estate	
Construction Sign	
6. Swimming Pool	All R Districts
7. Management Office and	RM-0, RM-1, RM-2
Private Recreation, Laundry,	and RM-3, and RMH
Storage Facilities	
8. Family Day Care Home	All R Districts
9. Antennas	All R Districts

*By Special Exception requiring Board of Adjustment approval.

**By Special Exception requiring Board of Adjustment approval if the number of persons exceeds the number permitted as a family as elsewhere defined.

B. Accessory Use Conditions

1. General Conditions:

- a. An accessory building erected as an integral part of the principal building shall be made structurally a part thereof, and shall comply with the requirements applicable to the principal building.
- b. A detached accessory building shall not be located in the front yard.
- c. Within the rear yard, a detached accessory building shall be located at least three feet from any lot line; provided, however, where said lot line abuts a public street, the detached accessory building shall be setback from the centerline of the street 20 feet plus one-half of the right-of-way designated on the Major Street and Highway Plan, or 45 feet from the centerline of the street if said street is not designated on the Major Street and Highway Plan.
- d. Detached accessory buildings in the aggregate shall not exceed 750 square feet of floor area or 40% of the floor area of the principal residential structure, whichever is greater.
- e. Accessory antennas are permitted to be attached to a residential dwelling or customary accessory building, provided the antennas do not exceed seven (7) square feet of surface area.
- f. Structures other than a dwelling or customary accessory building which are used to support accessory antennas (including guy lines) shall:

- (1) be located in the rear yard only *and shall be limited to one such structure,
- (2) not exceed 65 feet in height,
- (3) not encroach upon the land or airspace of any abutting property, and
- (4) not exceed 24 inches in width above 25 feet in height, exclusive of guy lines.

SECTION 1204. USE UNIT 4. PUBLIC PROTECTION AND UTILITY FACILITIES

A. Description

Public protection and utility facilities which may have technical locational requirements necessitating specific locations in or around areas serviced and certain temporary open air land uses which can be objectionable to certain other uses and are therefore permitted in certain districts by special exception and in the remaining districts by right.

B. Included Uses:

Ambulance Service
 Antenna and supporting structure
 Electrical Regulating Station, excluding storage or service garages and yards
 Fire Protection Facility
 Pressure Control Station; gas or liquid, excluding storage or service garages and yards
 Shelter, civil defense or storm
 Transmitting-Tower,--excluding-amateur-radio-tower
 Water Storage Facility, NEC

C. Use Conditions. none

1. In an AG Agriculture District, structures exceeding 65 feet in height which are used primarily to support antennas shall require approval of a special exception by the Board of Adjustment per Section 1608 of this Code.
2. Structures exceeding 65 feet in height which are used primarily to support antennas shall be setback from an abutting R district 40 feet plus 2 feet of setback for each foot of height of the supporting structure above 65 feet measured at grade.

SECTION 1608. SPECIAL EXCEPTION

A. General

The Board of Adjustment upon application and after hearing subject to the procedural and substantive standards hereinafter set forth, may grant the following special exceptions:

1. Special exception uses as designated and regulated within the permitted principal or accessory use provisions of the zoning districts.
2. Special exception uses as designated within Chapter 10, Floodway Zoning District.
3. Modification of restrictions as provided within Section 208.

* Addition made at October 23, 1991 meeting

4. The change of a nonconforming use as provided in Section 1402.F, Chapter 14, Nonconformities.
5. The restoration of a partially destroyed structure, containing a nonconforming use as provided in Section 1402.G, Chapter 14, Nonconformities.
6. The restoration of a partially destroyed nonconforming structure as provided in Section 1405, Chapter 14, Nonconformities.
7. The modification of a screening requirement, as provided in Chapter 2, Section 212.C.
8. The modification of a screening requirement, as provided in Chapter 12, Section 1228.E.3.
9. The modification of the parking and loading requirements as provided in Section 1407.C, Chapter 14, Nonconformities.
- ~~10. Satellite antennas which do not meet all of the standards as set forth in Section 217 of this Code.~~
10. Antenna supporting structures exceeding 65 feet in height in an AG District as provided for in Section 1204.C.1.
11. The modification of permitted yard obstructions as provided in Chapter 2, Section 240.B.3.
12. Permit residential accessory uses and structures on abutting residentially zoned lots which are under common ownership.

Minor Variances and Exceptions

Accessory antennas and supporting structures which are permitted by zoning but cannot meet height and setback requirements should be added to the Board of Adjustment and City Council approved list of Minor Variances and Exceptions. (This would provide a less costly, less time consuming procedure for dealing with specific situations.)

Committee Recommendation

Mr. Doherty gave a brief history of the proposed amendments. It was brought to the Committee's attention that there was a preemption in federal regulations if the regulation of antennas was structured, as ours currently is, that limits an individual's ability to receive the signal. Also City Council had directed TMAPC to hold public hearings, not specifically for, but which was generated by a case of a commercial tower built near a residential neighborhood. These two issues have been combined and attempted to draft a proposal which will regulate the entire area fairly and uniformly. Mr. Doherty believes this has been done. The recommendation of the Rules and Regulations Committee was unanimous to recommend to the City Council the adoption of these amendments.

Interested Parties

Terry Wilson, Planning District 5 Chairman 7728 E. 30th Street
 Mr. Wilson expressed concern in treating satellites as any other antenna due to technology bringing the satellites down in size to allow them to be on top of even a 65' structure in a residential neighborhood.

Mr. Doherty advised the Committee deliberated this possibility and discovered there were several limiting factors that would not allow this to occur.

Mr. Wilson responded there could be some reasons such as in a heavily wooded lot where one may wish to get above the tree line.

Mr. Doherty acknowledged this and stated if the lot was large enough to guy a tower big enough to carry the dish, this proposal would allow such an instance. However, he does not feel this would apply in urban areas. Mr. Doherty explained that the guy wire angle on an RS-2 lot, for example, would not be sufficient to support that size of an antenna on top of that slender a tower.

Mr. Wilson replied that there are some backyard engineers who might feel they could do this.

Mr. Doherty stated to obtain a building permit for this an individual would have to go through the Building Inspector and he does not feel engineering would permit this.

Mr. Wilson noted there was nothing in the proposed ordinance about the nuisance of high power bleed over into other electronic components of neighbors.

Mr. Doherty advised that problems with electrical interference did not belong in the Zoning Code under land use, other than objectionable noise. He explained it is not the tower that contributes to the noise, but the transmitting equipment which is not located on the tower.

Mr. Wilson advised he was attempting to protect the aesthetic appearance and liveability of the neighborhoods and is not sure the proposed ordinance answers all the questions which may arise in the future.

Mr. Doherty acknowledged this. He noted there are federal restrictions that prevent the Planning Commission from addressing all the issues.

Mr. Wilson presented a photo of a damaged antenna that now lays across the roof line of a residential house in his district. Attempts have been made for over a year to have Code Enforcement address this and he was told no code exists. Mr. Wilson inquired about damaged antennas that leave debris and supporting structure debris on top of the roof line.

Mr. Doherty responded that this is unsightly, but how does one differentiate between damaged antennas or damaged garbage cans or a damaged car in the driveway.

Mr. Wilson believes this is what Code Enforcement is attempting to pull out of the code, but feels there is not enough there to go to

municipal court and defend. He expressed his concern of addressing this particular incident and any similar incidents that will occur.

Mike Reynolds

3826 S. 92nd Place

Mr. Reynolds stated he is past President of Tulsa Repeater Organization, which is an amateur radio group of over 300 members, and he also owns a satellite receiving antenna mounted in his backyard. He advised he was perhaps one of the parties which helped start the momentum to review the existing antenna ordinances. At that time he pointed out to city legal staff there were difficulties with the present ordinance regarding its compliance with federal preemptions that relate to antennas. The Federal Communication Commission regulates transmitting and receiving antennas and has a great deal to say on this subject. The two rules FCC enacted into federal law say cities can not unduly restrict the ability of a radio amateur to conduct his avocation. They are allowed restrictions, but they must be reasonable. FCC also states if a city ordinance differentiates for a satellite dish antenna over any other kind of antenna certain guidelines must be met. It was the opinion of the city legal staff that Tulsa's existing ordinance did differentiate for the subject of a satellite antenna versus another antenna; therefore, it was believed this may be subject to the FCC preemption. In that effort the Rules and Regulations Committee has met a number of times on this subject, has had vigorous debate and generally, in his view, has come out with a very good workable ordinance that will satisfy the needs of the City and the Planning Commission, as well as the needs of a citizen. He urges favorable consideration of the draft as explained orally to him. He believes this is a good ordinance proposal if it goes in writing the way it has been explained. Mr. Reynolds felt it is one that will be good for the entire community.

Comments and Discussion

Mr. Doherty stated work was ongoing until the last minute refining the last of the points of difference. He suggested the Planning Commission recommend this particular amendment to the City Council and review the final document language to make sure all provisions are made as agreed upon just prior to this meeting.

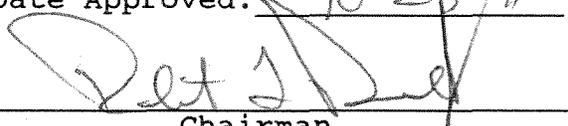
Chairman Parmele closed the public hearing and instructed staff present the Planning Commission with the final language for review and comments at a later date, and notify the interested parties when that language will be considered by TMAPC.

Mr. Doherty made a motion for recommendation of the basic concept and approve the proposed draft as amended and presented by staff.

TMAPC Action; 7 members present:

On MOTION of WILSON, the TMAPC voted 6-0-0 (Carnes, Doherty, Draughon, Parmele, Wilson, Woodard, "aye"; no "nays"; Neely "abstaining"; Ballard Harris, Horner, Midget, "absent") to APPROVE the proposal as presented and as it relates to Tulsa revised ordinances and Tulsa Zoning Code Title 42 and presented by staff.*

There being no further business, the Chairman declared the meeting adjourned at 2:05 p.m.

Date Approved: 10-23-91

Chairman

ATTEST:


Secretary

* The proposed amendments as appears in these minutes reflects the final language as agreed upon.