

**TULSA METROPOLITAN AREA PLANNING COMMISSION**

Minutes of Meeting No. 2044

Wednesday, November 8, 1995, 1:30 p.m.

City Council Room, Plaza Level, Tulsa Civic Center

**Members Present**

Ballard  
Carnes,  
Chairman  
Doherty, 1st Vice  
Chairman  
Gray, Secretary  
Horner  
Ledford  
Pace  
Taylor

**Members Absent**

Boyle  
Midget  
Selph

**Staff Present**

Gardner  
Hester  
Jones  
Stump

**Others Present**

Linker, Legal  
Counsel

The notice and agenda of said meeting were posted in the Office of the City Clerk on Monday, November 6, 1995 at 1:45 p.m., in the office of the County Clerk at 1:42 p.m., as well as in the Reception Area of the INCOG offices.

After declaring a quorum present, Chairman Carnes called the meeting to order at 1:40 p.m.

**Minutes:**

Approval of the minutes of October 25, 1995, Meeting No. 2042:

On **MOTION** of **HORNER**, the TMAPC voted **6-0-0** (Carnes, Gray, Horner, Ledford, Pace, Taylor "aye"; no "nays"; "abstaining"; Ballard, Boyle, Doherty, Midget, Selph "absent") to **APPROVE** the minutes of the meeting of October 25, 1995 Meeting No. 2042.

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**REPORTS:**

**Director's Report:**

Amendment to the minutes of September 27, 1995 relating to rezoning case Z-6506.

Mr. Gardner explained that the motion of the minutes for September 27, 1995 regarding zoning case Z-6506 failed to reflect the RS-1 zoning for a portion of the tract.

**TMAPC Action; 7 members present:**

On **MOTION** of **HORNER**, the TMAPC voted **7-0-0** (Ballard, Carnes, Gray, Horner, Ledford, Pace, Taylor "aye"; no "nays"; none "abstaining"; Boyle, Doherty, Midget, Selph "absent") to **AMEND** the minutes of September 27, 1995 relating to rezoning case Z-6506 to reflect TMAPC approval of RE zoning and RS-1 zoning for Z-6506 as recommended by Staff.

\* \* \* \* \*

**SUBDIVISIONS:**

**REINSTATEMENT OF PRELIMINARY PLAT:**

The Orchard (PUD 431)(2783) (PD-26)(CD-8)  
West of the southwest corner of East 101st Street South & South Sheridan Road.

**Staff Comments**

Mr. Jones announced that Bill Lewis was present representing the plat. He informed that this is a request for a one-year extension for the preliminary plat of The Orchard. Mr. Jones stated that The Orchard is an office subdivision plat for which the Planning Commission approved the preliminary plat approximately one year ago. Mr. Jones informed that the plat is working and Staff recommends **APPROVAL** of reinstatement for one year.

**TMAPC Action; 7 members present:**

On **MOTION** of **HORNER**, the TMAPC voted **7-0-0** (Ballard, Carnes, Gray, Horner, Ledford, Pace, Taylor "aye"; no "nays"; none "abstaining"; Boyle, Doherty, Midget, Selph "absent") to **APPROVE REINSTATEMENT** of the Preliminary Plat for The Orchard for one year as recommended by Staff.

\* \* \* \* \*

**APPROVAL AND EXECUTION OF AMENDMENT OF RESTRICTIVE COVENANT:**

PUD 509 (Meadowbrook Heights) (494)

**(PD-17)(CD-6)**

South of the southeast corner of East 5th Street & South 129th East Avenue.

**Staff Comments**

Mr. Jones announced that Jeff Levinson was present representing the application. Mr. Jones reminded the Planning Commission that this PUD approved statutory sales as the permitted use in the PUD. He informed that the plat was waived on this property; however, one of the conditions of approval was that the PUD conditions be filed of record by separate instrument. Mr. Jones advised that both Staff and the Legal Department have reviewed that instrument and Staff recommends **APPROVAL** of the execution of this document to be filed of record.

**TMAPC Action; 8 members present:**

On **MOTION** of **HORNER**, the TMAPC voted **8-0-0** (Ballard, Carnes, Doherty, Gray, Horner, Ledford, Pace, Taylor "aye"; no "nays"; none "abstaining"; Boyle, Midget, Selph "absent") to **APPROVE** and **EXECUTE** the Amendment of Restrictive Covenant for PUD 509 as recommend by Staff.

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**ZONING PUBLIC HEARING:**

Application No.: **Z-6511**  
Applicant: Tom Wright  
Location: 7924 East 15th Street  
Date of Hearing: November 8, 1995

Present Zoning: OL  
Proposed Zoning: CS

**Relationship to the Comprehensive Plan:**

The District 5 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the property as Medium Intensity - Commercial.

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

**Staff Comments:**

**Site Analysis:** The subject property is approximately 1.28 acres in size and is located west of the southwest corner of East 15th Street South and South Memorial Drive. It is nonwooded, flat, contains a manufactured structure that is used as an office building and is zoned OL.

**Surrounding Area Analysis:** The subject tract is abutted on the north by E. 15th Street with a church on the north side of the street that is zoned RS-3; to the south, east and west are commercial uses, zoned CS.

**Zoning and BOA Historical Summary:** The history of zoning actions in this area have permitted duplex uses within a Planned Unit Development to the southwest and Board of Adjustment approval for a mini-storage south of the subject tract along S. Memorial Drive.

**Conclusion:** The subject property is identified as being designated as Medium Intensity - Commercial. Therefore, Staff recommends **APPROVAL** of CS zoning for Z-6511.

**TMAPC Action; 8 members present:**

On **MOTION** of **HORNER**, the TMAPC voted **8-0-0** (Ballard, Carnes, Doherty, Gray, Horner, Ledford, Pace, Taylor "aye"; no "nays"; none "abstaining"; Boyle, Midget, Selph "absent") to **APPROVE** CS Zoning for Z-6511 as recommended by Staff.

**LEGAL DESCRIPTION Z-6511**

The West 170' of the North one acre of the NE/4, NE/4, NE/4, SE/4, Section 11, T-19-N, R-13-E of the IBM, Tulsa, County, Oklahoma according to the U.S. Government survey thereof, less and except the North 40' thereof, and located on the southwest corner of E. 15th Street S. and S. Memorial Drive.

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Application No.: **Z-6512**

Applicant: A.C. Hall

Location: East of the northwest corner of East 61st Street South and South Mingo Road.

Date of Hearing: November 8, 1995

Presentation to TMAPC: Dwayne Wilkerson

Present Zoning: RS-3

Proposed Zoning: IL

**Relationship to the Comprehensive Plan:**

The District 18 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the property as Special District 1 - Industrial Area.

According to the Zoning Matrix the requested IL may be found in accordance with the Plan Map.

**Staff Comments:**

**Site Analysis:** The subject property is approximately 1 acre in size and is located east of the northeast corner of E. 61st Street S. and S. Mingo Road. It is nonwooded, flat, contains a single-family dwelling, and is zoned RS-3.

**Surrounding Area Analysis: SURROUNDING AREA:** The subject tract is abutted on the north by vacant property, zoned RS-3; to the east by a commercial business, zoned IL; to the west by vacant property, zoned CS and to the south by a shopping center, zoned CS.

**Zoning and BOA Historical Summary:** The history of zoning actions in this area indicate that IL zonings have been approved.

**Conclusion:** The subject property is identified as being within the future industrial special district and the Comprehensive Plan encourages industrial development in this area. Therefore, Staff recommends **APPROVAL** of IL zoning for Z-6512.

Applicant's Comments

Dwayne Wilkerson, engineer with Sizemore & Hall, was present representing the applicant. He informed of plans to utilize the existing structure for a small used-car facility.

TMAPC Action; 8 members present:

On **MOTION** of **DOHERTY**, the TMAPC voted **8-0-0** (Ballard, Carnes, Doherty, Gray, Horner, Ledford, Pace, Taylor "aye"; no "nays"; none "abstaining"; Boyle, Midget, Selph "absent") to **APPROVE** IL zoning for Z-6512 as recommended by Staff.

LEGAL DESCRIPTION Z-6512

The West 116.6' of the East 306.6' of the South 431.00' of the West Half of Lot 4, Section 31, T-19-N, R-14-E, less the South 50' thereof, and less a parcel of land lying in the West 116.6' of the East 306.6' of the South 431.0' of the West Half of Lot 4, Section 31, T-19-N, R-14-E, Tulsa County, Oklahoma being more particularly described as follows to-wit: beginning at a point 190.00' West and 50.00' North of the southeast corner of said West Half, thence West and parallel with the South line of Section 31; 116.6'; thence North 10.00'; thence East and parallel with said South line, 116.6'; thence South 10.00' to the Point of Beginning, and located on the northeast corner of East 61st Street South and South Mingo Road, Tulsa, Oklahoma.

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Application No.: **Z-6513**  
Applicant: Rose Higdon  
Location: 1345 South 129th East Avenue  
Date of Hearing: November 8, 1995  
Presentation to TMAPC: Charlie Listenbee

Present Zoning: RS-2  
Proposed Zoning: CS

Relationship to the Comprehensive Plan:

The District 17 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the property as Low Intensity - No Specific Land Use.

According to the Zoning Matrix the requested CS is not in accordance with the Plan Map.

Staff Comments:

**Site Analysis:** The subject property is approximately 8.3 acres in size and is located on the southeast corner of S. 129th East Avenue and E. 13th Street. It is gently sloping, nonwooded, vacant and zoned RS-2.

**Surrounding Area Analysis:** The subject tract is abutted on the south and east by single-family dwellings, zoned RS-2; to the north by vacant land and a single-family dwelling, zoned RS-2; and to the west by S. 129th East Avenue and beyond that by single-family dwellings and a church, zoned RS-3.

**Zoning and BOA Historical Summary:** The subject tract was zoned RS-2 in 1970 and the Board of Adjustment approved a special exception for a church use on the property in 1994, but the church was never constructed. In July, 1995 an application to rezone the subject tract from RS-2 to RD for duplex development was withdrawn by the applicant prior to the TMAPC Hearing.

**Conclusion:** The Comprehensive Plan designates the property as Low Intensity - No Specific Land Use. The Plan also recommends that development in this area be designed and maintained so as to be compatible with surrounding land uses and existing development. Based on the surrounding zoning and development, Staff recommends **DENIAL** of CS zoning for Z-6513.

Applicant's Comments

Charlie Listenbee, general manager for Pattern Concrete of Oklahoma, explained his proposal for the subject tract is to construct an office warehouse. The office will have a display area for product samples with equipment, color and concrete forms being kept in the rear. Mr. Listenbee deemed the proposed development will be an asset to the neighborhood.

Interested Parties

**Carolyn Harter**

1217 South 129th East Avenue 74102

Ms. Harter, who owns a business on 129th East Avenue, was present representing business owners on 129th East Avenue. She expressed support of the application.

**Judy Crosby**

**1335 South 132nd East Avenue 74108**

Ms. Crosby expressed support of the application and informed that area residents she talked with were also supportive of the application. Ms. Crosby perceives that the development will maintain the integrity of the neighborhood. She declared that this application is preferable to a more dense development.

Responding to inquiry from Mr. Doherty, Ms. Crosby disclosed that area residents are concerned over flooding problems experienced in the area, and that it was her understanding that the applicant is willing to file a PUD, restricting usage of the land to the type of low-intensity use proposed. She stated that residents support filing of a PUD for the property.

TMAPC Comments

Ms. Gray expressed support of the application and agrees that a PUD is needed to limit use of the property for protection of area residents.

Responding to inquiry from Mr. Taylor, Mr. Gardner informed that even with a PUD, Staff cannot support the application because it is contrary to the Comprehensive Plan. He pointed out that the applicant may need some CG zoning for storage of vehicles on the property.

It was the consensus of the Planning Commission to hold the nonresidential zoning line to the depth of the existing line. They also determined that the applicant should meet with Staff to review the exact nature of his operation to allow Staff time to write a recommendation.

Mr. Listenbee answered questions from the Planning Commission regarding the type of equipment needed for his business and explained that manufacturing of the product is produced at the job site. He informed that probably rezoning only the front half of the tract would accommodate the business.

**TMAPC Action; 8 members present:**

On **MOTION** of **HORNER**, the TMAPC voted **8-0-0** (Ballard, Carnes, Doherty, Gray, Horner, Ledford, Pace, Taylor "aye"; no "nays"; none "abstaining"; Boyle, Midget, Selph "absent") to **CONTINUE** Z-6513 to November 15, 1995.

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Application No.: **Z-6023-SP-1** Corridor Site Plan  
Applicant: William E. Lewis  
Location: South of the southeast corner of 81st Street South and Mingo Road.  
Date of Hearing: November 8, 1995  
Presentation to TMAPC: Bill Lewis

The applicant is proposing a single-family residential subdivision on 37.6 acres which will have 127 residential lots and one lot containing a clubhouse. Staff recommends **APPROVAL** of Z-6023-SP-1 subject to the following conditions:

1. The applicant's Development Standards and Restrictive Covenants be made a condition of approval unless modified below.
2. Subject to any changes required by TMAPC as a result of the approval of the subdivision plat.
3. One sign identifying the subdivision is permitted which does not exceed 8' in height nor 100 SF of display surface area.

Applicant's Comments

Mr. Lewis expressed support of Staff recommendation.

Interested Parties

**Jeff Levinson**

**35 East 18th Street 74119**

Mr. Levinson representative for Mr. Eweu and Mrs. Eloise Bain, property owners of the tract that is contiguous and north of the subject tract and who own and operate a nearby private airport. He stated that his clients have operated the nearby private airport for over 40 years. Mr. Levinson expressed opposition to the site plan and declared that it does not harmonize with the existing use. He commented on safety concerns over developing a residential subdivision next to an operating airport. Mr. Levinson commented on Federal Aviation Administration (FAA) conditions which do not allow structures to be built in the flight path. He acknowledged that the airport is an existing nonconforming use; however, he declared that the proposed development is not consistent with the present use. Mr. Levinson disclosed his clients' concern that approval of this application will adversely affect their right to earn a living.

TMAPC Comments

Ms. Gray expressed concern over whether FAA regulations have been considered.

Mr. Doherty pointed out that surrounding land owners cannot be held to nondevelopment because of the existing airport.

TMAPC Action; 8 members present:

On **MOTION** of **DOHERTY**, the TMAPC voted **8-0-0** (Ballard, Carnes, Doherty, Gray, Horner, Ledford, Pace, Taylor "aye"; no "nays"; none "abstaining"; Boyle, Midget, Selph "absent") to **APPROVE** the **CORRIDOR SITE PLAN** for Z-6023-SP-1 as recommended by Staff.

**LEGAL DESCRIPTION**

Government Lot 2 and the South 27.5' of West 555.72' of Government Lot 1, Section 18, T-18-N, R-14-E, and located south of the southeast corner of East 81st Street South and South Mingo Road, Tulsa, Oklahoma.

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Application No.: **PUD 223-A-1** Minor Amendment

Applicant: Shirley Abbott

Location: Northeast corner of West Edison and North Country Club Drive - Lots 1 through 8, Block 1, Country Club Oaks.

Date of Hearing: November 8, 1995

Presentation to TMAPC: Shirley Abbott

The applicant is requesting amendment to the PUD to accommodate single-family use in Development Area A. The amendments as proposed by the applicant include changes to the setback requirements. Staff recommends modification of the request and has added discussion regarding the type of use(s) allowed in this development area. The site is bounded by West Edison Avenue in the south; North Country Club Drive in the west; residential development in the north and Guthrie Avenue in the east. The underlying zoning for this parcel is RM-0. The remainder of the PUD is RS-2.

The applicant's request to amend setbacks is as follows:

- From centerline of West Edison Avenue - 75'
- From centerline of North Country Club Drive - 60'
- From centerline of North Guthrie Avenue - 50'
- Rear yard setbacks in Development Area A - 15'

Staff review indicates that the applicant is currently in the process of reconfiguring three lots in the southwest corner of the site into two. The middle lot of the three will be split in two and combined with the lots to the north and south. A 10' storm sewer easement runs southwest to northeast through the northern portion of the proposed lot. The size of the lot provides adequate area for development.

Staff's proposed revisions and comments are as follows:

Multifamily development will conform to the existing PUD standards.

Single-family development shall be an allowed use in Development Area A. Development of Area A will be of either single-family or multifamily use.

Single-family standards -

The existing setback along West Edison Avenue is 75'. No amendment is required.

The setback from the centerline of North Country Club Drive will be 60'. This is based on the minimum RS-2 front yard setback (30') and a 60' right-of-way.

The setback from the centerline of North Guthrie Avenue will be 55'. This is based on the minimum RS-2 front yard setback (30') and a 50' right-of-way.

The minimum rear yard setback will be 20' based on the minimum RM-0 setback (except for Lot 6 and the south half of Lot 5, which will be allowed 15' rear setbacks\*).

The minimum side yard setbacks will be 10' on one side and 5' on the other based on the minimum RS-2 setbacks.

The minimum setback at the north boundary of the PUD will be 10'.

Landscaping and exterior building materials requirements of the PUD will not apply to single-family development.

\*Revised at the TMAPC meeting.

Applicant's Comments

Ms. Abbott expressed agreement with Staff recommendation for setback from centerline of North Guthrie Avenue of 55'. However, Ms. Abbott requested an exception for Lot 6 to 15' for rear yard setback. She explained the reason for the exception is the existence of a storm sewer easement which had earlier been vacated by the City, and now the City has reclaimed the easement.

Mr. Stump stated that Staff can support the requested setback for Lot 6 and the south half of Lot 5, the southwest corner of the development, as requested.

TMAPC Action; 8 members present:

On **MOTION** of **DOHERTY**, the TMAPC voted **8-0-0** (Ballard, Carnes, Doherty, Gray, Horner, Ledford, Pace, Taylor "aye"; no "nays"; none "abstaining"; Boyle, Midget, Selph "absent") to **APPROVE** PUD 223-A-1 Minor Amendment as recommended by Staff and setback for Lot 6 and the south half of Lot 5 of 15' for rear yard setback as revised.

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Application No.: **PUD 456-A** Detail Site Plan

Applicant: Tanner Consulting

Location: East side of South Memorial, South of 77th Street - S/2 of NW/4 of SW/4 of STR 1283.

Date of Hearing: November 8, 1995

The applicant is requesting site plan approval for an 360-unit apartment complex on approximately 18.2 acres. This parcel was the subject of a major amendment which changed the uses on the parcel from offices to multifamily dwellings and other uses in Use Unit 8. The amendment was approved by the Commission on 1/18/95 and by the Council on 3/16/95 with certain conditions. An important item of discussion was the impact that the potential use would have on the residential development to the east. To address that issue certain setback and screening measures were required.

Staff has reviewed the request and finds that the plan as submitted conforms to the setback requirements as approved by the Council at their March meeting. Staff also finds that the livability space, number of units and heights of structures conform to the approved standards. Parking provided technically conforms to the per-unit requirements of the code; however, Staff has the following comments.

The parking layout which is technically adequate may not in reality be functionally sufficient. Review indicates that 38 spaces dedicated to resident use are located outside the project entry gates, although they are accessible to the units via paved walkway. Most buildings in the complex will be functionally underparked by 5-10 spaces based on their proximity to available spaces. The buildings in the central portion of the site (#'s 6,10,11) will be most greatly underparked. Concentrations of parking which create project-wide conformance with the code occur in the southeast and northwest corners of the site, the northwest being outside the gates. The plan as submitted is consistent with similar approved projects; however, Staff would recommend that standards be explored which more specifically address the physical relationship of parking spaces to units.

Staff recommends **APPROVAL** subject to a revised walk layout at the Northwest corner of the site which provides more direct access to buildings served by parking in this area.

Comments

There was an interested party present; however, the applicant was able to privately address those concerns.

**TMAPC Action; 7 members present:**

On **MOTION** of **TAYLOR**, the TMAPC voted **7-0-0** (Ballard, Carnes, Doherty, Gray, Ledford, Pace, Taylor "aye"; no "nays"; none "abstaining"; Boyle, Horner, Midget, Selph "absent") to **APPROVE** PUD 456-A **DETAIL SITE PLAN** as recommended by Staff.

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**OTHER BUSINESS**

**Public Hearing to amend Title 42 - Tulsa Zoning Code in the following areas.**

- a) New provision stating all references to City Commission shall mean City Council;
- b) Delete all references to Use Unit 5 which was repealed;
- c) Eliminating platting requirement for rezonings to AG (Agriculture);
- d) Eliminate Use Unit 12a uses as home occupations; and
- e) Various other housekeeping amendments relating to City Clerk, City Council, nonconforming lots, fees covering notice requirements and special housing facilities references.

**Staff Comments**

Mr. Gardner reviewed the above-listed changes to the Zoning Code (attachment at the end of these minutes).

**TMAPC Action; 7 members present:**

On **MOTION** of **PACE**, the TMAPC voted **7-0-0** (Ballard, Carnes, Doherty, Gray, Ledford, Pace, Taylor "aye"; no "nays"; none "abstaining"; Boyle, Horner, Midget, Selph "absent") to recommend **AMENDING** Title 42 - Tulsa Zoning Code as presented by Staff.

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There being no further business, the Chairman declared the meeting adjourned at 2:30 p.m.

Date Approved: November 29, 1995

*[Signature]*  
Chairman

ATTEST:

*[Signature]*  
Secretary

TITLE 42

ZONING CODE

CITY OF TULSA,

OKLAHOMA

EDITOR'S NOTE: ~~On February 14, 1989, the citizens of Tulsa approved an Amended Charter of the City of Tulsa, Oklahoma to take effect at 12:00 noon on the 8th day of May, 1990. Pursuant to the provisions of the Amended Charter, the Mayor of the City of Tulsa is the chief executive and administrative officer of the City, and the City Council is the legislative body. The Amended Charter provides for the office of City Clerk who will assume the duties of City Clerk which were previously performed by the City Auditor. Consequently, all references in this title to "Board of Commissioners," "Board of City Commissioners," "Mayor and City Commissioners," "City Commission," "Auditor," "City Auditor," and "Auditor of the City of Tulsa" should be construed in accordance with the provisions of the Amended Charter.~~



## SECTION 101. PURPOSES, INTERPRETATION AND JURISDICTION

### B. Interpretation

3. **Tense and Definition:** For the purpose of the Code certain terms and words are to be used and interpreted as defined in Chapter 18 of this Code, words used in the present tense shall include the future tense; words in the singular number include the plural and words in the plural number include the singular, except where the natural construction of the writing indicates otherwise. The word 'shall' is mandatory and not directory. All references in this title to "Board of Commissioners," "Board of City Commissioners", "City Commissioners", "City Commission", shall be construed to mean and shall mean City Council of the City of Tulsa, Oklahoma.

### C. Jurisdiction

1. **Territorial Jurisdiction:** This Code shall be in full force and effect in the corporate limits of the City of Tulsa, Oklahoma, and any other area of jurisdiction as permitted by the Statutes of the State of Oklahoma. Property owned, leased, or operated by the City of Tulsa, or any other public or governmental body or agency, shall be subject to the terms of this Code.
2. **Annexed Territory:** When any territory shall be brought into the zoning jurisdiction of the City of Tulsa, by annexation or otherwise, such territory shall be deemed to be an AG Agriculture District. This provision shall not operate to preclude subsequent rezoning of such property by amendment in the manner set forth in Chapter 17.



## SECTION 213. PLATTING REQUIREMENT

For the purposes of providing a proper arrangement of streets and assuring the adequacy of open spaces for traffic, utilities, and access of emergency vehicles, commensurate with the intensification of land use customarily incident to a change of zoning, a platting requirement is established as follows:

For any land which has been rezoned **to a zoning classification other than AG** upon application of a private party or for any land which has been granted a special exception by the Board of Adjustment as enumerated within Use Units 2, 4, 5, 8, and 20, no building permit or zoning clearance permit shall be issued until that portion of the tract on which the permit is sought has been included within a subdivision plat or replat, as the case may be, submitted to and approved by the Planning Commission, and filed of record in the office of the County Clerk where the property is situated. Provided that the Planning Commission, pursuant to their exclusive jurisdiction of subdivision plats, may remove the platting requirement upon a determination that the above stated purposes have been achieved by previous platting or could not be achieved by a plat or replat.



b. Home occupations permitted by special exception

Home occupations which are not permitted by right and which do not consist of uses within Use Unit 12 **or 12a** nor uses within Use Units 15 through 28 inclusive may be permitted as a special exception subject to the minimum requirements as set forth in Section 404.B. and such additional safeguards and conditions as may be imposed by the Board of Adjustment.

c. Uses within Use Units 12, **12a** and 15 through 28 inclusive shall not be considered as home occupations and are prohibited in all residential and agricultural districts.



## SECTION 402. ACCESSORY USES IN RESIDENTIAL DISTRICTS

### B. Accessory Use Conditions

#### 6. Home Occupations

- a. Home occupations permitted by right.

Artists  
Authors and Composers  
Catering/Food Service  
Computer programming  
Home cooking and preserving  
Home crafts  
Ironing  
Sewing  
Telephone answering and/or solicitation  
Tutorial service, limited to one student at a time

Such home occupations shall comply with the following requirements:

- (1) Only members of the family residing in the dwelling shall participate in the home occupation.
- (2) Signs or displays, including signs exceeding 2 square feet on a vehicle, advertising the home occupation on the premises, which are visible from outside the lot are prohibited.
- (3) The home occupation shall be conducted entirely within an enclosed principal residential structure.
- (4) Mechanical equipment which creates noise, dust, odor or electrical disturbance is prohibited.
- (5) Exterior alterations of the structure which would detract from the residential character of the structure are prohibited.
- (6) Outside storage or display of materials or items associated with the home occupation is prohibited.
- (7) A maximum of 500 square feet of floor area may be used in the home occupation.
- (8) Vehicles used in conjunction with the home occupation shall be parked off the street, on the lot containing the home occupation, and shall be of a type customarily found in a residential area.
- (9) The sale of merchandise on the premises is prohibited.
- (10) The pick up of home craft or food items at the home occupation site is prohibited.



## **SECTION 604. SPECIAL EXCEPTION USES IN OFFICE DISTRICTS, REQUIREMENTS**

The Special Exception Uses, permitted in the Office Districts, as designated in Table 1 and Table 2, are subject to the minimum requirements set out below and such additional safeguards and conditions as may be imposed by the Board of Adjustment.

- A.** The accessory use provisions of the Office Districts pertaining to signs apply to signs which are accessory to uses permitted by special exception; provided that each sign permitted shall primarily identify the principal building; permitted accessory goods and services shall be secondary.
- B.** Multifamily use in the OL District shall comply with the bulk and area requirements of the RM-1 District. Multifamily use in the OM and OMH Districts shall comply with the bulk and area requirements of the RM-2 District.
- C.** Convenience goods and services and shopping goods and services in the OM and OMH Districts shall comply with the following requirements:
  - 1. No convenience goods and services and shopping goods and services shall be permitted unless the principal building shall contain a minimum of 50,000 square feet.
  - 2. The permitted convenience goods and services and shopping goods and services listed below shall be located entirely within the principal building and shall have no exterior pedestrian access except through the general building entrances.
  - 3. Permitted convenience goods and services and shopping goods and services are limited to the following uses and use groupings:
    - a. Book, stationery and office supply store
    - b. Gift, novelty and florist shop
    - c. Medical, dental, optical and orthopedic supply (prescription service only)
    - d. Tobacco and candy store
  - 4. The permitted convenience goods and services and shopping goods and services listed above shall not occupy more than 10% of the gross floor area of the building in which located, and each goods and services use or use grouping shall be limited to a maximum of 2,000 square feet of floor area; provided that if a restaurant and/or private club is requested or existing that the total amount for all accessory uses, including restaurants and private clubs, shall not exceed 12.5% of the gross floor area of the principal building.



- D. Private clubs in the OM and OMH Districts, shall comply with the following requirements:
1. The private club shall be located entirely within the principal building.
  2. The private club shall not occupy more than 5% of the gross floor area of the building in which located.
  3. Exterior business signs identifying the private club are prohibited.
- E. Except as provided in Section 209 for public protection and utility facilities, a minimum frontage of 100 feet is a requirement of the Special Exception uses unless the use unit requirements are more restrictive, in which case the more restrictive shall control.
- F. Barber and beauty shops may be permitted as either accessory or principal uses in an OL, OM, or OMH District by Special Exception.
- G. Special housing facilities in ~~Use Unit 5 (Community Services)~~ **Use Unit 2 (Area-Wide Special Exception Uses)**, Use Unit 6 (Single-Family), and Use Unit 8 (Multifamily) shall meet applicable Use Conditions and Off-Street Parking and Loading Requirements as provided in Chapter 12.



## SECTION 805. SITE PLAN REVIEW

### A. Purposes

By reason of potential adverse effects on public services or to neighboring land uses, site plan review and approval is required for any development within a Corridor District for the purposes of assuring proper accessibility, circulation, functional relationships of uses, and compatibility with adjoining and nearby development. No building permit shall be issued nor use commenced within a Corridor District except in accordance with a subdivision plat incorporating the provisions of the site plan, submitted to and approved by the Planning Commission, and filed of record in the Office of the County Clerk of the county in which the property is located. A CO (Corridor District) zoning classification is required to file and process a corridor site plan.

Chapter 17, Amendments, sets forth the procedure for processing a zoning map amendment. An application for the approval of a Corridor site plan may be processed simultaneously with and contingent upon an application for an amendment to the zoning map which, if successful, would result in the tract being placed in a CO Corridor District.

### B. Application for Site Plan Review

An application for site plan review shall be filed with the Planning Commission. The application shall be accompanied by a **an application** fee in accordance with the established fee schedule, **and additionally shall include the newspaper publishing cost and the cost of posting appropriate signs on the subject property.** ~~Such fee shall not include advertising and sign costs which shall be billed to the applicant.~~ The application shall be in such format and content as the Planning Commission may by resolution establish, with three copies of the site plan accompanying the filing of the application. A site plan shall consist of maps and texts containing:

1. Proposed location of uses, including off-street parking, open spaces and public uses.
2. Development standards for location, height, and size of buildings and other structures.
3. Proposed location of all existing or proposed site improvements, including drains, culverts, retaining walls and fences.
4. Public and private vehicular and pedestrian circulation.
5. Proposed location and development of buffer areas, screening and landscaping.



6. The approximate intensity of residential uses expressed in number of dwelling units and the approximate intensity of nonresidential uses expressed in floor area, allocated to each identifiable segment of the development.
7. A computation of lot area, building floor area, and building coverage for each type of proposed use.
8. Proposed location, height, and size of any ground sign.
9. Sufficient surrounding area to demonstrate the relationship of the development to adjoining uses, both existing and proposed.
10. Existing topographic character of the land including identification of floodplain areas, treed areas, slope analysis and soil analysis.
11. An explanation of the character of the development.



## SECTION 854. SPECIAL EXCEPTION USES, REQUIREMENTS

- A. Special Exception Uses shall conform to the bulk and area requirements of the use district.
- B. Special housing facilities in Use Unit 5 2 and (~~Community Services and Similar Uses~~) **(Area-Wide Special Exception Uses)**, shall meet applicable Use Conditions and Off-Street Parking and Loading Requirements as provided in Chapter 12.



**SECTION 904. SPECIAL EXCEPTION USES, REQUIREMENTS**

- A. Special exception uses shall conform to the bulk and area requirements of the use district in which located.
- B. Special housing facilities in Use Unit 5 2 (~~Community Services and Similar Uses~~) (**Area-Wide Special Exception Uses**), shall meet applicable Use Conditions and Off-Street Parking and Loading Requirements as provided in Chapter 12.
- C. Manufactured home development where permitted by special exception shall comply with the following bulk and area requirements:

1. The Manufactured Home Development:

Tract Area	(Minimum)	2 acres
Tract Width	(Minimum)	150 feet
Land Area per Dwelling Unit	(Minimum.)	4,300 sq ft
Livability Space per Dwelling Unit	(Minimum)	200 sq ft

Livability Space shall be provided in common areas of not less than 4,000 square feet, located so as to be conveniently accessible to the manufactured homes it is intended to serve.

Setback Abutting a Public Street: (Minimum)

[MEASURED FROM THE CENTERLINE; add to the distance designated in the column to the right, 1/2 of right-of-way width designated on the Major Street Plan, or 25 feet, if not designated on the Major Street Plan:]

Abutting an Arterial or Freeway Service Road	35 feet
Not Abutting an Arterial or Freeway Service Road	25 feet

Setback from perimeter boundaries, except where abutting a public street 10 feet

Height (Maximum) One-Story

6' screening fence (Minimum) along entire boundary abutting an R District

2. Internal Requirements:

Minimum Private Street Surfacing Width	20 feet
Minimum Off-Street Paved Parking Spaces Per Unit	2
Manufactured Home Setback from Internal Private Street (Minimum)	10 feet
Separation Between Manufactured Homes (Minimum)	10 feet



## CHAPTER 10A

### HISTORIC PRESERVATION

#### SECTION 1054. HISTORIC PRESERVATION DISTRICT - ZONING MAP AMENDMENTS

##### G. Planning Commission Action on HP Zoning Map Amendments

After notice and public hearing, the Planning Commission shall vote to:

1. Recommend to the City ~~Commission~~ **Council** that the application be approved as submitted, or as amended, or be approved subject to modification; or
2. Recommend to the City ~~Commission~~ **Council** that the application be denied.

An application recommended for approval, or approval subject to modification shall be transmitted with the report and recommendation of the Planning Commission and the Preservation Commission to the City ~~Commission~~ **Council** within 15 days from the date of Planning Commission action.

An application recommended for denial, shall not be considered further, unless the applicant within 15 days from the date of the Planning Commission action, files a written request with the City Auditor **Clerk** for a hearing by the City ~~Commission~~ **Council**. The request for hearing shall be accompanied by the payment of a \$15.00 fee. Upon notice of such request, the Planning Commission shall forthwith transmit the application and its report and recommendation, including all material and minutes received from the Preservation Commission, to the City ~~Commission~~ **Council**.

In the event the Planning Commission arrives at a tie vote, the application shall be transmitted with a report and notation of the tie vote, to the City ~~Commission~~ **Council** within 15 days from the date of the Planning Commission action.

##### H. Appeal by Preservation Commission

The Preservation Commission may appeal the denial of an amendment by the Planning Commission by following the procedures set forth in Section 1054.G.



**I. City Commission Council Action on HP Zoning Map Amendments**

The City Commission Council shall hold a hearing on each application transmitted from the Planning Commission and on any proposed Zoning Map amendment initiated pursuant to Section 1054.D. The City Commission Council shall approve the application as submitted, or approve the application subject to modification, or deny the application. Prior to the hearing on the proposed rezoning ordinance before the City Commission Council, the applicant shall remit to the office of the City Auditor Clerk a \$50.00 publication fee. In case of a protest against such zoning change filed at least three days prior to said public hearing by the owners of 20% or more of the area of the lots included in such proposed change, such amendment shall not become effective except by the favorable vote of three-fifths of all the members of the City Commission Council .

**J. Recording of HP Zoning Map Amendments**

The Secretary of the Preservation Commission should file or cause to be filed, a copy of the HP zoning map Amendment ordinance and map in the office of the County Clerk.



## SECTION 1107. ADMINISTRATION OF PLANNED UNIT DEVELOPMENT

### A. General

Any person, corporation, partnership, association, or combination thereof, owning or possessing a property right or interest in or to a tract of land may make application for the supplemental district designation PUD. Such application shall be accompanied by a development plan processed in the manner set forth in Subsections 1107.B, 1107.C, 1107.D and 1107.E.

An application for the supplemental district designation PUD may be processed simultaneously with an application for an amendment to the general zoning district and made contingent upon approval of said application.

### B. Application and Development Plan

An application for a Planned Unit Development shall be filed with the Planning Commission. The application shall be accompanied by a **an application** fee in accordance with the established fee schedule, ~~which~~ **and additionally** shall include the newspaper publishing cost and the cost of posting appropriate signs on the subject property. The application shall be in such form and content as the Planning Commission may establish. Three (3) copies of the development plan shall accompany the filing of the application.

The development plan shall consist of maps and text which contain:

1. Proposed development areas and requested land uses;
2. Proposed number of off-street parking and loading spaces, amount of open space and number and size of business signs;
3. Proposed maximum building heights and minimum building setbacks;
4. Proposed public and private vehicular and pedestrian circulation systems;
5. Proposed landscaping areas and screening;
6. Proposed intensity of residential uses expressed in number of dwelling units and proposed intensity of nonresidential uses expressed in floor area, allocated to proposed development areas of the Planned Unit Development;
7. Sufficient surrounding area to demonstrate the relationship of the PUD to adjoining uses, both existing and proposed;
8. Existing topographic character of the land including identification of any floodplain areas and treed areas. In instances of probable development constraints due to slope and/or soil conditions, the TMAPC staff may require the submittal of slope and/or soil analysis;
9. An explanation of the character of the PUD; and
10. The expected schedule of development.



#### SECTION 1404. NONCONFORMING LOTS

- A. In residential districts, on any lot filed of record on or before July 1, 1970, or ~~on any lot within a subdivision having received the approval of the Tulsa Metropolitan Area Planning Commission on or before July 1, 1970,~~ **any lot of record for which a recorded instrument of transfer bears the endorsement of the Planning Commission** a single-family detached dwelling may be erected without complying with the required lot area, **land area per dwelling unit, lot width, livability space per dwelling unit** or the required side yard which abuts a public street, provided; **however, no side yard shall be less than five feet and livability space shall not be less than 50% of the lot area** and all other requirements of the district are complied with.
- B. In nonresidential districts, on any lot filed of record on or before July 1, 1970, ~~or on any lot within a subdivision having received approval of the Tulsa Metropolitan Area Planning Commission on or before July 1, 1970,~~ **or any lot of record for which a recorded instrument of transfer bears the endorsement of the Planning Commission** the permitted use may be located on such lot irrespective of its area or width provided that other requirements of the district are complied with.



## CHAPTER 16

### BOARD OF ADJUSTMENT

#### SECTION 1604. FEES

An application for an appeal from an administrative official enforcing this Code, or any variance or special exception shall be accompanied by the payment of a fee in accordance with the schedule of fees adopted by resolution of the ~~Board of Commissioners~~ **City Council** of the City of Tulsa. **Additionally, the applicant will be charged a fee to cover the costs of publishing notice.**

#### SECTION 1609. APPEALS TO THE DISTRICT COURT

##### A. Procedure

An appeal from any action, decision, ruling, judgment, or order of the Board of Adjustment may be taken by any person or persons aggrieved, or any taxpayer or any officer, department, board or bureau of the City to the District Court by filing with the City Auditor **Clerk** and with the Clerk of the Board within ten days from the date of such action, a notice of appeal, which notice shall specify the grounds of such appeal. No bond or deposit for costs shall be required for such appeal. Upon filing of the notice of appeal, the Board shall forthwith transmit to the Court Clerk of the County, the original or certified copies of all the papers constituting the record in the case, together with the order, decision or ruling of the Board. Said case shall be heard and tried de novo in the District Court of Tulsa County, Oklahoma. An appeal shall be from the action of the District Court as in all other civil actions. All issues in any proceedings under this Section shall have preference over all other civil actions and proceedings. Costs shall not be allowed against the Board unless it shall appear to the Court that it acted with gross negligence or in bad faith, or with malice in making the decision appealed from.

##### B. Stay of Proceedings

An appeal to the District Court stays all proceedings in furtherance of the action appealed from unless the Chairman of the Board certifies to the Court Clerk, after notice of appeal shall have been filed, that by reason of facts stated in the certificate, a stay would cause imminent peril of life or property. In such case, proceedings shall not be stayed other than by a restraining order granted by the District Court.



## SECTION 1703. ZONING MAP AMENDMENTS

### A. Initiated by Application

1. Any person, corporation, partnership, association, or combination thereof, having a legal or equitable interest in or to real property, may file an application for a change in the zoning classification of such property by amendment of the Zoning Map. An application shall be filed with the Planning Commission, shall be in such form and content as the Planning Commission may by resolution establish. ~~and shall be accompanied by payment of a fee.~~ **The application shall be accompanied by an application fee in accordance with the established fee schedule,** the amount of which shall be established by resolution adopted by the Planning Commission and approved by the City Council. ~~Cost of notice and posting of signs shall be billed to the applicant.~~ **Additionally, the applicant will be charged a fee to cover the costs of published notice and posting of signs.**
2. An application shall be filed with the Planning Commission at least 30 days prior to the date of public hearing and shall be set for public hearing, provided the Planning Commission upon written request may set the matter for an early public hearing for cause shown.

### D. Planning Commission Action on Zoning Map Amendments

After notice and public hearing, the Planning Commission shall vote to:

1. Recommend to the City Council that the application be approved as submitted, or as amended, or be approved subject to modification or;
2. Recommend to the City Council that the application be denied.

An application recommended for approval, or approval subject to modification shall be transmitted, with the report and recommendation of the Planning Commission, to the City Council within 15 days from the date of Planning Commission action.

An application recommended for denial, shall not be considered further unless the applicant within 15 days from the date of the Planning Commission action, files a written request with the City Auditor **Clerk** for a hearing by the City Council. The request for hearing shall be accompanied by the payment of a \$15.00 fee. Upon notice of such request, the Planning Commission shall forthwith transmit the application and its report and recommendations to the City Council.



In the event the Planning Commission arrives at a tie vote, the application shall be transmitted with a report and notation of the tie vote, to the City Council within 15 days from the date of Planning Commission action.



## CHAPTER 18

### DEFINITIONS

#### SECTION 1800. DEFINITIONS

**City Commission Council:** The ~~Board of Commissioners~~ **City Council** of the City of Tulsa.

**Major Street Plan:** The Tulsa City-County Major Street and Highway Plan, as adopted by the Mayor and ~~Board of Commissioners~~ **City Council** of the City of Tulsa, on April 29, 1969, Ordinance No. 11435, or as it may hereafter be amended by ordinance.

