

# TULSA METROPOLITAN AREA PLANNING COMMISSION

## Minutes of Meeting No. 2600

Wednesday, April 20, 2011, 1:30 p.m.

City Council Chamber

One Technology Center – 175 E. 2<sup>nd</sup> Street, 2<sup>nd</sup> Floor

<b>Members Present</b>	<b>Members Absent</b>	<b>Staff Present</b>	<b>Others Present</b>
Cantrell		Alberty	Boulden, Legal
Carnes		Fernandez	Steele, Sr. Eng.
Dix		Huntsinger	
Edwards		Matthews	
Leighty		Sansone	
Liotta			
Midget			
Perkins			
Shivel			
Stirling			
Walker			

The notice and agenda of said meeting were posted in the Reception Area of the INCOG offices on Thursday, April 14, 2011 at 2:55 p.m., posted in the Office of the City Clerk, as well as in the Office of the County Clerk.

After declaring a quorum present, Chair Leighty, called the meeting to order at 1:30 p.m.

### **REPORTS:**

#### **Chairman's Report:**

Mr. Leighty introduced and welcomed Mr. Brandon Perkins as the newest addition to the Planning Commission. Mr. Perkins will replace Mr. McArtor on the Planning Commission.

#### **Work Session Report:**

Mr. Leighty reminded the Planning Commission that there will be a work session held immediately following today's TMAPC meeting.

#### **Director's Report:**

Mr. Alberty reported on the BOCC and City Council agendas.

Mr. Alberty reported on the TMAPC Receipts for the month of March 2011.

\*\*\*\*\*

**Minutes:**

**Approval of the minutes of April 6, 2011 Meeting No. 2599**

On **MOTION** of **CARNES**, the TMAPC voted 10-0-1 (Carnes, Dix, Edwards, Leighty, Liotta, Midget, Perkins, Shivel, Stirling, Walker "aye"; no "nays"; Cantrell "abstaining"; none "absent") to **APPROVE** the minutes of the meeting of April 6, 2011, Meeting No. 2599.

\*\*\*\*\*

Mr. Dix read the opening statement and rules of conduct for the TMAPC meeting.

**CONSENT AGENDA**

2. **LC-305 – Robert Spahr**, (Lot-Combination) (CD-9) Location: Southwest corner of East 23<sup>rd</sup> Street South and South Delaware Avenue (Related to LS-20425) (Related to Item 3)
3. **LS-20425 – Robert Spahr**, (Lot-Split) (CD-9) Location: Southwest corner of East 23<sup>rd</sup> Street South and South Delaware Avenue (Related to LC-305) (Related to Item 2)
4. **LC-306 – Duvall Architects, David Fugate**, (Lot-Combination) (CD-4) Location: Northeast corner of East 3<sup>rd</sup> Street South and South Madison Avenue
5. **LC-307 – Charles Keithline**, (Lot-Combination) (CD-4) Location: West of the southwest corner of East 7<sup>th</sup> Street South and South Utica Avenue
6. **LC-308 – Tulsa Development Authority**, (Lot-Combination) (CD-1) Location: Southwest corner of East Independence Street and North Rockford Avenue
7. **LC-309 – Tulsa Development Authority**, (Lot-Combination) (CD-1) Location: South of the southwest corner of East Independence Street and North Rockford Avenue
8. **LC-310 – Tulsa Development Authority**, (Lot-Combination) (CD-1) Location: South of the southwest corner of East Independence Street and North Rockford Avenue

9. **LC-311 – Tulsa Development Authority**, (Lot-Combination) (CD-1) Location:  
South of the southwest corner of East Independence Street and North Rockford Avenue
10. **LC-312 – Tulsa Development Authority**, (Lot-Combination) (CD-1) Location:  
South of the southeast corner of East Independence Street and North Quincy Avenue
11. **LC-313 – Tulsa Development Authority**, (Lot-Combination) (CD-1) Location:  
South of the southeast corner of East Independence Street and North Quincy Avenue
12. **LC-314 – Tulsa Development Authority**, (Lot-Combination) (CD-1) Location:  
South of the southeast corner of East Independence Street and North Quincy Avenue
13. **LC-315 – Tulsa Development Authority**, (Lot-Combination) (CD-1) Location:  
Southeast corner of East Independence Street and North Quincy Avenue
14. **LC-316 – Tulsa Development Authority**, (Lot-Combination) (CD-1) Location:  
East of the northeast corner of East Haskell Street and North Norfolk Avenue
15. **LC-317 – Tulsa Development Authority**, (Lot-Combination) (CD-1) Location:  
East of the northeast corner of East Haskell Street and North Madison Avenue
16. **LC-318 – Tulsa Development Authority**, (Lot-Combination) (CD-1) Location:  
East of the northeast corner of East Haskell Street and North Madison Avenue
17. **LC-319 – Tulsa Development Authority**, (Lot-Combination) (CD-1) Location:  
West of the northwest corner of East Easton Avenue and North Norfolk Avenue
18. **LC-320 – Tulsa Development Authority**, (Lot-Combination) (CD-1) Location:  
West of the northwest corner of East Easton Avenue and North Norfolk Avenue
19. **LC-321 – Tulsa Development Authority**, (Lot-Combination) (CD-1) Location:  
West of the northwest corner of East Easton Avenue and North Norfolk Avenue
20. **LC-322 – Tulsa Development Authority**, (Lot-Combination) (CD-1) Location:  
Northwest corner of East Easton Avenue and North Norfolk Avenue
21. **LC-323 – Tulsa Development Authority**, (Lot-Combination) (CD-1) Location:  
East of the southeast corner of East Easton Avenue and North Norfolk Avenue

23. **Candlewood/Yale** – Reinstatement of plat, (3913) (CD 7), Location: South of the southwest corner of East 51<sup>st</sup> Street and South Vandalia Avenue

**STAFF RECOMMENDATION:**

This plat consists of two lots in one block on 3.70 acres.

Staff recommends **APPROVAL** of the reinstatement of the final plat. The final plat was approved in December of 2009 and was never filed of record.

25. **Z-7008-SP-1 – Sack & Associates/Mark Capron**, Location: South of the southeast corner West 71<sup>st</sup> Street South and South Olympia Avenue, Requesting a Detail Site Plan for a 6,167 square foot restaurant, **CO** (CD-2)

**STAFF RECOMMENDATION:**

The applicant is requesting approval of a detail site plan for a 6,167 square foot (SF) restaurant. The proposed use, Use Unit 12 – Eating Establishments Other Than Drive-ins is a permissible use within this development area of the Tulsa Hills Corridor District.

The submitted site plan meets all applicable building floor area, open space, building height and setback limitations. Parking will be provided per the applicable Use Unit of the Zoning Code. Landscaping is provided per Corridor Plan development standards and the landscape chapter of the Zoning Code. Site lighting meets the applicable standard for height. All lighting will be directed down and away from adjoining properties in such a manner that the light producing element and reflector are not visible to a person standing in any adjacent residential area. A trash enclosure has been provided as required by the Corridor District Development Plan. Sidewalks have been provided along West 71<sup>st</sup> Street. Direct pedestrian access is provided from the Olympia Avenue sidewalk to the storefront and will not traverse any parking stalls. Pedestrian access shall be distinguished by either raised pavement or striping on the ground where pedestrian walkways intersect with vehicular traffic lanes.

Staff recommends **APPROVAL** of the detail site plan for Lot 5, Block 2 – Tulsa Hills.

*Note: Detail site plan approval does not constitute landscape plan or sign plan approval.*

**TMAPC COMMENTS:**

Mr. Leighty announced that Items 22, 24 and 26 will be removed from the consent agenda.

**The Planning Commission considered the consent agenda.**

**There were no interested parties wishing to speak.**

**TMAPC Action; 11 members present:**

On **MOTION** of **CARNES**, TMAPC voted **11-0-0** (Cantrell, Carnes, Dix, Edwards, Leighty, Liotta, Midget, Perkins, Shivel, Stirling, Walker "aye"; no "nays"; none "abstaining"; none "absent") to **APPROVE** the consent agenda Items 2 through 21, 23 and 25 per staff recommendation.

\* \* \* \* \*

**CONSIDERATION OF ITEMS REMOVED FROM THE CONSENT AGENDA:**

- 22. **Riverbend Gardens** – Final Plat, (9211) (CD 4), Location: South and west of southwest corner of West 7<sup>th</sup> Street and South Elwood Avenue (Continued from 4/6/11 meeting.) (**Applicant requests a continuance until 5/4/11.**)

**There were no interested parties wishing to speak.**

**TMAPC Action; 11 members present:**

On **MOTION** of **CARNES**, TMAPC voted **11-0-0** (Cantrell, Carnes, Dix, Edwards, Leighty, Liotta, Midget, Perkins, Shivel, Stirling, Walker "aye"; no "nays"; none "abstaining"; none "absent") to **CONTINUE** the final plat for Riverbend Gardens to May 4, 2011.

\* \* \* \* \*

- 24. **PUD-619-C-2 – Sisemore Weisz & Associates**, Location: North of the northwest corner of 111<sup>th</sup> Street South and South Memorial Drive, Requesting a Minor Amendment to transfer 3,000 square feet of existing floor area from Lot 2, Block 3 to Lot 1, Block 1, **AG/RS-3/CS/PUD** (CD-8)

**STAFF RECOMMENDATION:**

The applicant is requesting a minor amendment to transfer 3,000 square feet of existing floor area from Lot 2, Block 3 – Memorial Commons, to Lot 1, Block 1 – Memorial Commons. There is no request to increase the permitted floor area within the PUD.

Existing floor area allocations for the two lots are as follows:

<b>LOT/BLOCK</b>	<b>Floor Area Allocation</b>
Lot 1, Block 1	113,000
Lot 2, Block 3	64,650
<b>Total:</b>	<b>177,650</b>

Proposed floor area re-allocation is as follows:

<b>LOT/BLOCK</b>	<b>Floor Area Allocation</b>
Lot 1, Block 1	116,000
Lot 2, Block 3	61,650
<b>Total:</b>	<b>177,650</b>

Staff contends the transfer of 3,000 square feet of floor area between lots will have a negligible impact on the character of the PUD. Therefore, staff recommends **APPROVAL** of minor amendment PUD-619-C-2.

Note: Approval of a minor amendment does not constitute detail site, landscape or sign plan approval.

**The applicant indicated his agreement with staff's recommendation.**

**INTERESTED PARTIES COMMENTS:**

**Tony Solow**, 10400 South Memorial, 74133, stated that he has no objections to this application, but he would like to know who will be responsible for watering the subject property so that dust doesn't blow from Memorial Commons.

**Applicant's Comments:**

**Darin Akerman**, Sisemore Weisz & Associates, 6111 East 32nd Place, 74135, stated that the subject application is for a minor amendment for the floor area allocation. He explained that the developer for the subject site would be responsible for the watering to prevent dust. Mr. Akerman explained that there are other lots under development that are not a part of this application.

**TMAPC COMMENTS:**

Mr. Leighty thanked Mr. Akerman and requested that he give the contact information to Mr. Solow.

Mr. Dix stated that he doesn't believe Mr. Akerman answered the question of who will be responsible for dust control. Mr. Ackerman stated that for the subject site the construction team will handle the mitigation and controlling of dust.

**Lifetime Fitness**, 2901 Corporate Place, Chanhassen, MN, 55317, stated that the construction team will be responsible for the erosion control, dust control and watering the site for the subject site only. There will be some off-site work and it will be watered as well. There is other construction in the subject area that may create some dust, but his site superintendent will be John Howard.

**The applicant indicated his agreement with staff's recommendation.**

**TMAPC Action; 11 members present:**

On **MOTION** of **CARNES**, TMAPC voted **11-0-0** (Cantrell, Carnes, Dix, Edwards, Leighty, Liotta, Midget, Perkins, Shivel, Stirling, Walker "aye"; no "nays"; none "abstaining"; none "absent") to **APPROVE** the minor amendment for PUD-619-C-2 per staff recommendation.

\*\*\*\*\*

26. **PUD-411-C-16 – Sack & Associates/Mark Capron**, Location: Northeast of the northeast corner and 98<sup>th</sup> Street South and South Memorial Drive, Requesting a Minor Amendment to transfer 4,040 square feet of existing floor area from Development Area 4-A to Development Area 4-A-2 and to waive the screening requirement along the east boundary of Area 4-A-2, **CO/PUD** (CD-8)

**STAFF RECOMMENDATION:**

The applicant is requesting a minor amendment to PUD 411-C for the purpose of transferring 4,040 square feet (SF) of existing floor area from Development Area 5-A to Development Area 4-A-2 (see Exhibit A) and to waive the screening requirement along the east boundary of Area 4-A-2.

Current floor area allocation for Areas 4-A-2 and 5-A are as follows:

<b>Development Area</b>	<b>Permitted Floor Area</b>
4-A-2	27,360 SF
5-A	89,500 SF
<b>Total:</b>	<b>116,860 SF</b>

Proposed floor area allocation to transfer 4,040 SF is as follows:

<b>Development Area</b>	<b>Permitted Floor Area</b>
4-A-2	31,400 SF
5-A	85,460 SF
<b>Total:</b>	<b>116,860 SF</b>

Since there is no request to increase floor area within the PUD, staff views the transfer of permitted floor area as not significantly altering the character or intent of the PUD.

The applicant is also requesting to waive the screening requirement along the east boundary of the subject tract. Development standards for Area 4-A-2 regarding screening and landscaping are as follows:

**Landscape Buffer:**

A minimum 30-foot wide landscaped buffer will be maintained along the east boundary of Development Area 4-A-2. This area may be considered for future neighborhood trail access to the Creek Turnpike Trail to the north.

**Screening Wall or Fence:**

A minimum six-foot high screening wall shall be provided within the east 30 feet of Development Area 4-A-2.

There is an existing seven foot wall along the west boundary of the adjacent residential subdivision (see Exhibit B). The applicant wishes to consider this wall as providing adequate screening and staff agrees. Staff contends that constructing another masonry wall adjacent to the existing residential masonry wall would create a tunnel effect and thereby a potential safety hazard for people using the pedestrian easement to access the Creek Turnpike Trail.

Section 1217, C-1 of the Zoning Code imposes screening requirements on commercial properties when abutting residential uses. The existing seven foot wall along the residential property will provide screening, but this does not relieve the commercial property from the screening requirement. In keeping, staff recommends that landscaping in the form of evergreen trees be planted along the east boundary of the commercial property in sufficient density and height as to provide adequate screening of light and noise generated by operation of the commercial use. Staff also recommends the installation of a chain link or wrought iron type fence on the east side of the trees to provide the necessary security for the property owner of the subject tract.

In September 2007 and March 2008 the TMAPC approved two minor amendments waiving the screening requirement for the adjacent lots to the north and south of the subject tract. Approval of this minor amendment would provide consistency in the development of the pedestrian access from East 98<sup>th</sup> Street at the Ridge Point Development to the Creek Turnpike Trail.

Staff recommends **APPROVAL** of PUD 411-C-16 subject to:

1. Evergreen trees shall be planted in 25-foot intervals ~~fifteen feet from the existing seven foot masonry wall along the boundary in common with Ridge Pointe II;~~ within the east 30-feet of the subject property;
2. The trees will be planted in sufficient density and height at the time of planting as to provide adequate screening of light and noise generated by operation of the commercial use;
3. A wrought iron style or chain link fence similar to the fencing on the east boundary of adjacent lots to the north and south shall be installed on the east side of the row of trees to provide security for the subject tract; and

4. Windows shall be prohibited on the second floor of any east facing walls on the subject property; and
5. If for any reason, the existing seven-foot masonry wall adjacent to the subject tract along the west boundary of the Ridge Pointe II residential subdivision should be removed and not replaced by the Ridge Pointe Homeowners Association, the owner of the subject tract would be required to replace the aforementioned wall on the subject tract on the east side of the pedestrian trail access easement.

*Note: Approval of a minor amendment does not constitute detail site, landscape or sign plan approval.*

**TMAPC COMMENTS:**

In response to Ms. Cantrell, Mr. Sansone explained the screening fencing and that the applicant has the option to use whatever is consistent with the subject area.

**Applicant's Comments:**

**Mark Capron**, Sack & Associates, 111 S. Elgin, 74120, stated that he had discussed with staff about modifying that the evergreens would be within the east 30 feet of the project. There is a 15-foot easement for the trail and 30-foot landscape buffer. He would like to have the landscaping out of harm's way of the trail easement. Mr. Capron explained that the request for the screening fence waiver is due to a safety concern.

**TMAPC COMMENTS:**

In response to Mr. Leighty, Mr. Sansone stated that he discussed the modifications with the applicant last week and he apologizes for not mentioning that during his presentation. Mr. Sansone stated that staff is agreeable to the modification and will amend the language.

**INTERESTED PARTIES COMMENTS:**

**Matt Hudspeth**, 9536 South 85<sup>th</sup> East Avenue, 74133, stated that he has no objections. He wanted to make sure that whatever is done is consistent with the existing development. Mr. Hudspeth indicated that he is okay with the amendment and he would hope that they would continue the black-powder coated chain link fence.

Mr. Sansone stated that additional language needs to be added regarding the masonry wall and the possibility it would be removed by the residential development, then the applicant would be responsible for erecting a masonry wall on their development.

Mr. Hudspeth stated that it is his understanding that the masonry wall lies within the property lines of the landowners of Ridge Pointe II and it is their wall and their responsibility to maintain.

**The applicant indicated his agreement with staff's recommendation.**

**TMAPC Action; 11 members present:**

On **MOTION** of **CANTRELL**, TMAPC voted **11-0-0** (Cantrell, Carnes, Dix, Edwards, Leighty, Liotta, Midget, Perkins, Shivel, Stirling, Walker "aye"; no "nays"; none "abstaining"; none "absent") to **APPROVE** the minor amendment for PUD-411-C-16 per staff recommendation as amended. (Language underlined has been added and language with a strike-through has been deleted.)

\*\*\*\*\*

**PUBLIC HEARING**

27. **Ridgecrest Amended** – Minor Subdivision Plat (8418) (CD 8), Location: South of Southwest corner of East 81<sup>st</sup> Street South and South Garnett Road

**STAFF RECOMMENDATION:**

This plat consists of 24 Lots, 5 Blocks, on 3.77 acres.

The following issues were discussed April 7, 2011, at the Technical Advisory Committee (TAC) meeting:

1. **Zoning:** The property is zoned Corridor Site Plan Number 7024 SP 2. Several lots are being reconfigured from the original plat to allow single-family dwellings (along with duplexes and townhouses and multifamily) after Council approval of the CO amendment.
2. **Streets:** No comments.
3. **Sewer:** No comment.
4. **Water:** Section 1.3.3 is not standard and should be removed.
5. **Storm Drainage:** The title for Section 1.1.3 must be "Water, Sanitary Sewer, and Storm Sewer Services". The City of Tulsa's standard language must be used for this subsection. Also in Section I, from the original plat, the subsections for "Reserve Area A" (private streets) and "Reserves B and E" (stormwater detention easements) must be included. Section II from the original plat should be included in this plat. The Amended lot owners will still have the same responsibilities that the original lot owners had. Section II.2.1 must include the Reserve language from

Section III.3.1 of the previous plat.

6. **Utilities: Telephone, Electric, Gas, Cable, Pipeline, Others:** PSO may need to relocate a transformer.
7. **Other: Fire:** No comment.

**GIS:** Label all subdivisions within the mile section of the location map. Union Elementary number 13 is not shown. On the face of the plat match the bearings direction descriptions for Tracts A, C, D and E to what is shown in the legal description. In the line table on the face of the plat change the bearing descriptions for L2 and L3 from NE to SW. In the curve table on the face of the plat change the chord bearing from NE to SW. Submit a subdivision control data form. This plat should be a "stand alone" document and not be dependent on another plat to determine lot requirements. Add unchanged paragraphs from the original plat to these covenants.

Staff recommends **APPROVAL** of the Minor Subdivision plat subject to the TAC comments and the special and standard conditions below.

**Waivers of Subdivision Regulations:**

1. None requested.

**Special Conditions:**

1. The concerns of the Public Works Department and Development Services staff must be taken care of to their satisfaction.

**Standard Conditions:**

1. Utility easements shall meet the approval of the utilities. Coordinate with Subsurface Committee if underground plant is planned. Show additional easements as required. Existing easements shall be tied to or related to property line and/or lot lines.
2. Water and sanitary sewer plans shall be approved by the Public Works Department prior to release of final plat. (Include language for W/S facilities in covenants.)
3. Pavement or landscape repair within restricted water line, sewer line, or utility easements as a result of water or sewer line or other utility repairs due to breaks and failures shall be borne by the owner(s) of the lot(s).
4. Any request for creation of a Sewer Improvement District shall be submitted to the Public Works Department Engineer prior to release of final plat.

5. Paving and/or drainage plans (as required) shall be approved by the Public Works Department.
6. Any request for a Privately Financed Public Improvement (PFPI) shall be submitted to the Public Works Department.
7. A topography map shall be submitted for review by TAC (Subdivision Regulations). (Submit with drainage plans as directed.)
8. Street names shall be approved by the Public Works Department and shown on plat.
9. All curve data, including corner radii, shall be shown on final plat as applicable.
10. Bearings, or true N/S, etc., shall be shown on perimeter of land being platted or other bearings as directed by the County Engineer.
11. All adjacent streets, intersections and/or widths thereof shall be shown on plat.
12. It is recommended that the developer coordinate with the Public Works Department during the early stages of street construction concerning the ordering, purchase and installation of street marker signs. (Advisory, not a condition for plat release.)
13. It is recommended that the applicant and/or his engineer or developer coordinate with the Tulsa City/County Health Department for solid waste disposal, particularly during the construction phase and/or clearing of the project. Burning of solid waste is prohibited.
14. The method of sewage disposal and plans therefor shall be approved by the City/County Health Department. [Percolation tests (if applicable) are required prior to preliminary approval of plat.]
15. The owner(s) shall provide the following information on sewage disposal system if it is to be privately operated on each lot: type, size and general location. (This information to be included in restrictive covenants on plat.)
16. The method of water supply and plans therefor shall be approved by the City/County Health Department.
17. All lots, streets, building lines, easements, etc., shall be completely dimensioned.
18. The key or location map shall be complete.
19. A Corporation Commission letter, Certificate of Non-Development, or other records as may be on file, shall be provided concerning any oil and/or gas wells before plat is released. (A building line shall be shown on plat on any wells not

officially plugged. If plugged, provide plugging records.)

20. A "Letter of Assurance" regarding installation of improvements shall be provided prior to release of final plat. (Including documents required under 3.6.5 Subdivision Regulations.)
21. Applicant is advised of his responsibility to contact the U.S. Army Corps of Engineers regarding Section 404 of the Clean Waters Act.
22. All other Subdivision Regulations shall be met prior to release of final plat.
23. All PUD standards and conditions shall be included in the covenants of the plat and adequate mechanisms established to assure initial and continued compliance with the standards and conditions.
24. Private streets shall be built to City or County standards (depending upon the jurisdiction in which the plat is located) and inspected and accepted by same prior to issuance of any building permits in the subdivision.

**There were no interested parties wishing to speak.**

**The applicant indicated his agreement with staff's recommendation.**

**TMAPC Action; 11 members present:**

On **MOTION** of **CARNES**, TMAPC voted **11-0-0** (Cantrell, Carnes, Dix, Edwards, Leighty, Liotta, Midget, Perkins, Shivel, Stirling, Walker "aye"; no "nays"; none "abstaining"; none "absent") to **APPROVE** the minor subdivision plat for Ridgcrest Amended, subject to special conditions and standard conditions per staff recommendation.

\*\*\*\*\*

**OTHER BUSINESS:**

28. **Proposed amendments of the Zoning Code**, City of Tulsa, Oklahoma to Section 601, Table 1; Section 603, Table 3; Section 701, Table 1; Section 703, Table 2; Chapter 8; Section 902.A.1 and 2; Section 1106; Section 1212.C.1.a.; and Section 1212a.C.4.a. to attempt to provide Code amendments responsive to the new Comprehensive Plan. These are proposed "bridge" amendments until the Zoning Code will receive a thorough study and update. (Public Hearing closed 3/2/11 and final revision continued to 3/16/11, 4/6/11 and 4/20/11.)

**STAFF RECOMMENDATION:**

(Published in the Tulsa Daily Commerce  
& Legal News,

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE AMENDING TITLE 42, TULSA REVISED ORDINANCES, TITLED "THE TULSA ZONING CODE", RELATED TO RESTRICTIONS ON LAND USES WITHIN THE CITY OF TULSA; AMENDING SECTION 206, TITLED "STREET FRONTAGE REQUIRED", TO INCLUDE LOTS WITHIN A CORRIDOR DISTRICT DEVELOPMENT AS AN ADDITIONAL EXCEPTION FROM THE REQUIREMENT; AMENDING SECTION 601, TITLED "PRINCIPAL USES PERMITTED IN OFFICE DISTRICTS", TABLE 1, TITLED "USE UNITS PERMITTED IN OFFICE DISTRICTS", RELATED TO MIXED-USE BUILDINGS; AMENDING SECTION 603, TITLED "BULK AND AREA REQUIREMENTS IN THE OFFICE DISTRICTS", TABLE 3, TITLED "BULK AND AREA REQUIREMENTS IN THE OFFICE DISTRICTS", RELATED TO MIXED-USE BUILDINGS; AMENDING SECTION 604, TITLED "SPECIAL EXCEPTION USES IN OFFICE DISTRICTS, REQUIREMENTS", SUBSECTION B, TO DELETE CERTAIN BULK AND AREA REQUIREMENTS FOR MULTI-FAMILY USES IN OFFICE MEDIUM INTENSITY (OM) AND OFFICE MEDIUM-HIGH INTENSITY (OMH) DISTRICTS; AMENDING SECTION 701, TITLED "PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS", TABLE 1, TITLED "USE UNITS PERMITTED IN COMMERCIAL DISTRICTS", RELATED TO MIXED USE BUILDINGS; AMENDING SECTION 703, TITLED "BULK AND AREA REQUIREMENTS IN THE COMMERCIAL DISTRICTS", TABLE 2, TITLED "BULK AND AREA REQUIREMENTS IN THE COMMERCIAL DISTRICTS", RELATED TO MIXED-USE BUILDINGS; AMENDING SECTION 704, TITLED "SPECIAL EXCEPTION USES IN COMMERCIAL DISTRICTS, REQUIREMENTS", BY DELETING SUBSECTION A, REGARDING CERTAIN BULK AND AREA REQUIREMENTS FOR MULTI-FAMILY USES IN COMMERCIAL DISTRICTS; AMENDING SECTION 800, TITLED "PURPOSES", TO CLARIFY THE REQUIREMENT FOR AN APPROVED DEVELOPMENT PLAN AND A DETAIL SITE PLAN WITHIN A CORRIDOR ZONED DISTRICT; AMENDING SECTION 801, TITLED "PRINCIPAL USES PERMITTED IN CORRIDOR DISTRICTS", TABLE 1, TITLED "USE UNITS PERMITTED IN CORRIDOR DISTRICTS", BY ADDING A USE UNIT 25, LIGHT MANUFACTURING AND INDUSTRIAL USE; AMENDING SECTION 804 BY CHANGING THE TITLE FROM "ACCESS REQUIREMENTS" TO "CORRIDOR DEVELOPMENT PLAN" AND ESTABLISHING REQUIREMENTS FOR A CORRIDOR DEVELOPMENT PLAN; AMENDING SECTION 805, TITLED "SITE PLAN REVIEW" TO INCLUDE REVIEW OF CORRIDOR DEVELOPMENT PLANS; ADDING A NEW SECTION 806, TITLED "CORRIDOR DISTRICT ADMINISTRATION", PROVIDING PROCEDURES FOR THE APPROVAL OF A CORRIDOR SUBDIVISION PLAT; AMENDING SECTION 902, TITLED "ACCESSORY

USES PERMITTED IN INDUSTRIAL DISTRICTS", TO PERMIT ACCESSORY DWELLINGS IN INDUSTRIAL DISTRICTS FOR SECURITY AND MANAGEMENT PURPOSES; AMENDING SECTION 1106, TITLED "OFF-STREET PARKING AND LOADING", TO PERMIT MODIFICATION OF OFF-STREET PARKING AND LOADING REQUIREMENTS WITHIN A PLANNED UNIT DEVELOPMENT (PUD) BY THE CITY COUNCIL, IF INCORPORATED WITHIN A SUBDIVISION PLAT; AMENDING SECTION 1212, TITLED "USE UNIT 12. EATING ESTABLISHMENTS OTHER THAN DRIVE-INS" AND SECTION 1212A, TITLED "USE UNIT 12a. ADULT ENTERTAINMENT ESTABLISHMENTS", TO PROVIDE FOR OUTDOOR SEATING ON ROOFTOPS; ADDING A NEW SUBSECTION 1212.E, TITLED "OTHER REQUIREMENTS", TO REGULATE OFF-STREET PARKING AND LOADING REQUIREMENTS FOR A USE UNIT 12, EATING ESTABLISHMENTS OTHER THAN DRIVE-INS; AMENDING SECTION 1800, TITLED "DEFINITIONS", BY ADDING A DEFINITION FOR "MIXED-USE BUILDING"; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR SEVERABILITY; AND DECLARING AN EMERGENCY.

BE IT ORDAINED BY THE CITY OF TULSA:

*Section 1. That Title 42, Chapter 2, Section 206, Tulsa Revised Ordinances, be and the same is hereby amended to read as follows:*

**"SECTION 206. STREET FRONTAGE REQUIRED**

No lot shall contain any building used in whole or in part for residential purposes unless such lot has a minimum of thirty (30) feet of frontage on a public street or dedicated right-of-way, except as provided for a substandard lot of record, a lot within an approved Planned Unit Development or Corridor District Development, and a lot within an approved Townhouse Development."

Section 2. That Title 42, Chapter 6, Section 601, Tulsa Revised Ordinances, be and the same is hereby amended to read as follows:

**"SECTION 601. PRINCIPAL USES PERMITTED IN OFFICE DISTRICTS**

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

**Table 1**

**Use Units Permitted in Office Districts\***

Use Units		Districts			
No.	Name	OL	OM	OMH	OH
1.	Area-Wide Uses	X	X	X	X
2.	Area-Wide Special Exception Uses #	E	E	E	E
4.	Public Protection & Utility Facilities	E	E	E	E
5.	Community Services & Similar Uses	E	X	X	X
6.	Single-Family Dwelling	<del>EX</del>	<del>EX</del> <sup>†</sup>	<del>EX</del> <sup>†</sup>	<del>EX</del> <sup>†</sup>
7.	Duplex Dwelling	<del>EX</del>	<del>EX</del> <sup>†</sup>	<del>EX</del> <sup>†</sup>	<del>EX</del> <sup>†</sup>
7a.	Townhouse Dwelling	<del>EX</del>	<del>EX</del>	<del>EX</del>	X
8.	Multifamily Dwelling & Similar Uses	E	<del>EX</del>	<del>EX</del>	X
10.	Off-Street Parking Areas	X	X	X	X
11.	Offices, Studios & Support Services	X**	X	X	X
12.	Eating Establishments Other than Drive-Ins				X
13.	Convenience Goods and Services	E****	E****	E****	E****
16.	Mini-Storage	E	E	E	E
19.	Hotel, Motel & Recreational Facilities			E***	E***

\*X = Use by Right

E = Special Exception

<sup>†</sup> = **Must be within a mixed use building.**

\*\* = Drive-in bank facilities, whether a principal or accessory use, require Board of Adjustment approval of special exception in OL Districts.

\*\*\* = Limited to hotel and motel.

# = Residential Treatment and Transitional Living Centers are allowed by right in OM, OMH, and OH Districts.

\*\*\*\* = Limited to barber and beauty shops."

Ord. Nos. 17515, 17880, 18225, 18499, 18605, 19217, 19500, 20171

Section 3. That Title 42, Chapter 6, Sections 603 and 604, Tulsa Revised Ordinances, be and the same are hereby amended to read as follows:

**"SECTION 603. BULK AND AREA REQUIREMENTS IN THE OFFICE DISTRICTS**

**Table 3**

**Bulk and Area Requirements in the Office Districts**

	Districts			
	OL <sup>†</sup>	OM <sup>††</sup>	OMH <sup>††</sup>	OH <sup>*</sup>
LOT AREA MINIMUM (Sq. Ft.)	NA	NA	NA	10,000
FRONTAGE (Min. Ft.)				
Arterial or Freeway Service Road	75	100	100	NA
Not an Arterial or Freeway Service Road	50	50	50	NA
FLOOR AREA RATIO (Maximum)	.30 <sup>***</sup>	.50	2.0	8.0
BUILDING SETBACK FROM CENTERLINE OF ABUTTING STREET (Min. Ft.) Measured from centerline of abutting street; add to the distance designated in the column to the right, ½ of the right-of-way designated on the Major Street Plan or 25 feet if the street is not designated on the Major Street Plan:				
Arterial or Freeway Service Road	50	50	50	10
Not an Arterial or Freeway Service Road	25	25	25	10
BUILDING SETBACK FROM ABUTTING AG OR R DISTRICT BOUNDARY LINES (Min. Ft.)	10	10 <sup>**</sup>	10 <sup>**</sup>	10
BUILDING HEIGHT (Max. Ft.)	1 Story	NA	NA	NA

† Residential use in the OL District shall comply with the bulk and area requirements of an RT District.

†† In the OM and OMH Districts, residential buildings and the residential portions of mixed buildings shall be subject to the minimum land area per dwelling unit requirement of the RM-2 District.

\* In the OH District, residential buildings and the residential portions of mixed buildings shall be subject to the minimum land area per dwelling unit requirement of the RM-3 District.

\*\* Plus 2 feet of setback for each 1-foot of building height exceeding 15 feet, if the abutting property is within an RE, RS or RD District.

\*\*\* The Board of Adjustment may allow by special exception a floor area ratio (maximum) of .40.

Ord. No. 21542

**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. Accessory convenience goods and services and accessory 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 fifty thousand (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 ten percent (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 two thousand (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 twelve and one-half percent (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 five percent (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 one hundred (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. Special housing facilities in 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.

G. Mini-storage facilities located in the Office Districts shall comply with the following requirements:

1. Building height is limited to twelve (12) feet; provided, however, if the facility contains an accessory dwelling to be used for management and security purposes, the height of the dwelling shall not exceed thirty-five (35) feet.

2. The minimum building setback from an adjacent arterial street or freeway service road shall be fifty (50) feet, plus one-half the right-of-way designated on the Major Street Plan. The minimum building setback from an adjacent nonarterial street shall be thirty-five (35) feet. The minimum building setback from a freeway and all other boundaries shall be ten (10) feet; provided, however, the Board of Adjustment may allow less building setback in these two instances if the wall of the building is also to be used to meet the screening requirement, but in no event shall such setback be less than five (5) feet.

3. Building walls on the exterior of the development shall consist of masonry construction using brick, stone, stucco or concrete tilt-up panels. Metal or standard (smooth) concrete block exterior walls are not permitted for such exterior.

4. The floor area ratio (FAR) shall not exceed .5.

5. Access doors to storage units shall not be visible at ground level from an abutting O or R district and shall not be visible from an abutting public street.

6. No hazardous, toxic or explosive materials are permitted to be stored in such facilities.

7. Open air storage is prohibited in the OL District. Open air storage is prohibited on the perimeter of the lot in an OM, OMH or OH District, but is permitted on the interior of the lot if the storage is not visible at ground level from an abutting O or R District or any public street.

8. The development site shall have frontage on and access to an arterial street unless provided otherwise by the Board of Adjustment.

9. Only one (1) business sign shall be permitted. Location, size and height of such sign shall be determined by the Board of Adjustment; provided, however, the sign shall not exceed twenty (20) feet in height and thirty-two (32) square feet of display surface area or two-tenths (2/10) of a square foot of display surface area per lineal foot of street frontage (whichever is greater) and illumination of the sign, if any, shall be by constant light.

10. A screening fence or masonry wall (to be determined by the Board of Adjustment) a minimum of eight (8) feet in height is required along the lot line or lot lines in common within an R District. The wall of the buildings may be used to comply with this screening requirement with Board of Adjustment approval and in such case open spaces between perimeter buildings shall be screened with an eight (8) foot masonry wall."

*Ord. Nos. 18605, 18641, 20171*

*Section 4. That Title 42, Chapter 7, Section 701, Tulsa Revised Ordinances, be and the same is hereby amended to read as follows:*

**"SECTION 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS**

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

**Table 1**

**Use Units Permitted in Commercial Districts\***

Use Unit		Districts			
No.	Name	CS	CG	CH	CBD
1.	Area-Wide Uses	X	X	X	X
2.	Area-Wide Special Exception Uses	E	E	E	E***
4.	Public Protection & Utility Facilities	X	X	X	X
5.	Community Services & Similar Uses	X	X	X	X
6.	Single-Family Dwelling	<u>EX</u> #	<u>EX</u> #	<u>EX</u> #	<u>EX</u> #

7.	Duplex Dwelling	<del>EX</del> <sup>#</sup>	<del>EX</del> <sup>#</sup>	<del>EX</del> <sup>#</sup>	<del>EX</del> <sup>#</sup>
7a.	Townhouse Dwelling	<del>EX</del>	<del>EX</del>	X	X
8.	Multifamily Dwelling & Similar Uses	<del>EX</del>	<del>EX</del>	X	X
9.	Manufactured Home Dwelling		E	E	
10.	Off-Street Parking Areas	X	X	X	X
11.	Offices, Studios & Support Services	X	X	X	X
12.	Eating Establishments Other than Drive-Ins	X	X	X	X
12a.	Adult Entertainment Establishments	X <sup>**</sup>	X <sup>**</sup>	X <sup>**</sup>	X <sup>**</sup>
13.	Convenience Goods & Services	X	X	X	X
14.	Shopping Goods & Services	X	X	X	X
15.	Other Trades & Services	E	X	X	X
16.	Mini-Storage	E	X	X	X
17.	Automotive & Allied Activities	E	X <sup>**</sup>	X <sup>**</sup>	X <sup>**</sup>
18.	Drive-In Restaurants	E	X	X	X
19.	Hotel, Motel & Recreational Facilities	X	X	X	X
20.	Commercial Recreation: Intensive	E	E	E	E
21.	Business Signs & Outdoor Advertising	X <sup>†</sup>	X <sup>†</sup>	X <sup>†</sup>	X <sup>†</sup>
22.	Scientific Research & Development		E	X	X
23.	Warehousing & Wholesaling		E	X	X
25.	Light Manufacturing & Industry		E	E	E

\*X = Use by Right

\*\*X = Use Unit 12a and auto body painting within Use Unit 17 uses require Board of Adjustment approval of a special exception if the lot containing either of these uses is within 150 feet of R zoned land, other than streets or freeways which are in R Districts.

†X = Use Unit 21 outdoor advertising signs shall only be permitted in a CS, CG, CH, or CBD zoning district when located within a freeway sign corridor.

E = Special Exception

\*\*\*E = Except that tents used for special events are allowed by right on any non-right-of-way properties zoned CBD.

# = Must be located within a mixed-use building."

Ord. Nos. 17515, 17847, 18225, 18605, 19217, 21637, 21813

Section 5. That Title 42, Chapter 7, Sections 703 and 704, Tulsa Revised Ordinances, be and the same are hereby amended to read as follows:

**"SECTION 703. BULK AND AREA REQUIREMENTS IN THE COMMERCIAL DISTRICTS**

**Table 2**

**Bulk and Area Requirements in the Commercial Districts**

	Districts			
	CS <sup>†</sup>	CG <sup>†</sup>	CH	CBD
FRONTAGE (Min. Ft.)				

Arterial or Freeway Service Road	150	100	NA	NA
Not an Arterial or Freeway Service Road	50	50	NA	NA
FLOOR AREA RATIO (Maximum)	.50	.75	NA	NA
BUILDING SETBACK FROM CENTERLINE OF ABUTTING STREET (Min. Ft.) Measured from centerline of abutting street; add to the distance designated in the column to the right, ½ of the right-of-way width designated on the Major Street Plan or 25 feet if the street is not designated on the Major Street Plan				
Arterial or Freeway Service Road	50	50	0	0
Not an Arterial or Freeway Service Road	25	25	0	0
BUILDING SETBACK FROM ABUTTING R DISTRICT BOUNDARY LINES (Min. Ft.)				
	10*	10*	0	0
BUILDING HEIGHT (Max. Ft.)				
	NA	NA	NA	NA

\* Plus 2 feet of setback for each 1-foot building height exceeding 15 feet, if the abutting property is within an RE, RS or RD District.

† In the CS and CG Districts residential buildings and the residential portions of mixed buildings shall be subject to the minimum land area per dwelling unit requirements of the RM-2 District.

Ord. No. 21542

#### "SECTION 704. SPECIAL EXCEPTION USES IN COMMERCIAL DISTRICTS, REQUIREMENTS

The special exception uses permitted in commercial districts, as designated in Table 1, 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. Multifamily use where permitted by special exception shall comply with the bulk and area requirements of the RM-2 District.~~

~~B.~~ Except as provided above, all special exception uses shall comply with the bulk and area requirements of the use district in which located.

~~C.~~ Drive-in restaurants where permitted by special exception are subject to the following requirements and conditions:

1. Eating establishments which encourage or permit substantial in-car on-premise consumption of food shall be permitted within commercial shopping districts only in such locations as will not interfere with or detrimentally affect any adjoining or nearby residential properties;

2. All lighting shall be directed toward the proposed drive-in facility and away from any neighboring Residential Districts; area-wide loudspeakers or paging systems will not be allowed;

3. Traffic circulation shall be reviewed and approved by the Traffic Engineering Department, including the location of ingress and egress points;

4. The subject tract of land (proposed development site) shall have a minimum of 150 feet of frontage on a designated major arterial street.

**DC.** Uses included within Use Units 15 and 20 where permitted by special exception are subject to the following requirements:

1. The permitted uses will not interfere with or detrimentally affect any adjoining or nearby residential properties;

2. Traffic circulation shall be reviewed and approved by the Traffic Engineering Department, including the location of ingress and egress points;

3. The subject tract of land (proposed development site) shall have either a minimum of 150 feet of frontage on a designated major arterial street or a minimum of 50 feet of frontage on a nonarterial street.

**ED.** Special housing facilities in Use Unit 8 (Multifamily) shall meet applicable Use Conditions and Off-Street Parking and Loading Requirements as provided in Chapter 12.

**FE.** Manufactured Home Development where permitted by special exception shall comply with the following bulk and area requirements:

1. **The Manufactured Home Development:**

Tract Area (Min.)	2 acres
Tract Width (Min.)	150 feet
Livability Space per Dwelling Unit (Min.)	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: (Min.)	
Measured from the centerline; add to the distance designated in the column to the right, 1/2 of right-of-way width designated on Major Street Plan, or 25 feet, if not designated on 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 Boundary, except where abutting a public street	10 feet
Height (Max.)	One-Story
6' screening fence (Min.) 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 (Min.)	10 feet
Separation Between Manufactured Homes (Min.)	10 feet"

*Section 9. That Title 42, Chapter 9, Section 902, Tulsa Revised Ordinances, be and the same is hereby amended to read as follows:*

**"SECTION 902. ACCESSORY USES PERMITTED IN INDUSTRIAL DISTRICTS**

**A. Accessory Uses Permitted.**

1. Accessory uses customarily incident to a principal use permitted in an Industrial District are permitted in such district.

2. An accessory dwelling for the purposes of security or owner/management is permitted in all Industrial Districts.

**B. Accessory Use Conditions.**

1. Accessory buildings shall meet the minimum building setback lines of the applicable district.

2. An accessory building erected as an integral part of the principal building shall be structurally a part thereof, shall have a common wall therewith, and shall comply with the requirements applicable to the principal building.

3. Accessory storage of materials, equipment, or products, within 200' of an abutting R District, shall be screened by the erection of a screening wall or fence along the lot line or lines in common with the abutting R District.

4. Accessory Signs in the IL, IM and IH District are subject to the use conditions of Use Unit 21."

*Section 10. That Title 42, Chapter 11, Section 1106, Tulsa Revised Ordinances, be and the same is hereby amended to read as follows:*

**"SECTION 1106. OFF-STREET PARKING AND LOADING**

~~Within a PUD, off street parking and loading spaces shall be provided as specified in the applicable use units and in conformance with the requirements of Chapter~~

13, Off Street Parking and Loading; provided, however, no modification of off-street parking and loading requirements of any applicable use units and Chapter 13 of this title shall be permitted unless a subdivision plat incorporating the provisions and requirements is submitted to and approved by the Planning Commission and the City Council and filed of record in the office of the County Clerk of the county in which the property is located, except that Subsection 1301.B and Section 1302 shall not apply. Required spaces may be provided on the lot containing the uses for which it is intended to serve or in common areas. Common parking area shall be designed and located so as to be accessible to the uses it is intended to serve. Provisions for the ownership and maintenance of common parking space as will ensure its continuity and conservation shall be incorporated in the subdivision plat, in compliance with the provisions of Subsection 1107.F."

*Ord. No. 17922*

*Section 11. That Title 42, Chapter 12, Sections 1212 and 1212a, Tulsa Revised Ordinances, be and the same are hereby amended to read as follows:*

**"SECTION 1212. USE UNIT  
12. EATING  
ESTABLISHMENTS OTHER  
THAN DRIVE-INS**

A. **Description.** Eating establishments, including carry out eating establishments, except drive-in restaurants permitting in car consumption of food or drink.

B. **Included Uses.**

Cafeteria  
Coffee shop  
Delicatessen  
Restaurant, and other similar eating establishments\*

\*An accessory use bar which is customarily incidental and subordinate to a principal use restaurant is included in this use unit.

C. **Use Conditions.**

1. The uses included in Use Unit 12 shall take place within a completely enclosed building, except outdoor customer seating (includes rooftop seating) is permitted, whether uncovered or covered by a tent or canopy, provided:

a. The outdoor customer seating area shall abut the building wall of the business, except for rooftop seating, but extend no closer to the street than the building setback requirements;

b. The outdoor customer seating area shall not occupy or use required parking spaces or access aisles;

c. The outdoor customer seating area exceeding 10% of the indoor building floor area of the principal use shall be considered floor area for purposes of determining off-street parking and loading requirements as set forth herein; and

d. Noise from any outdoor entertainment activity shall not be audible from any abutting R District.

2. The uses included in Use Unit 12, when located within a district other than an R District and located on a lot which is abutting an R District, shall be screened from the abutting R District by the erection and maintenance of a screening wall or fence along the lot line or lines in common with the R District.

**D. Off-Street Parking and Loading Requirements.**

<b>Uses</b>	<b>Parking Spaces</b>	<b>Loading Berths</b>
Eating Establishment	1 per 100 sq. ft. of floor area	1 per 5,000 to 10,000 sq. ft. plus 1 per each additional 15,000 sq. ft. of floor area

**E. Other Requirements.**

1. Only vehicles which are accessory to permitted principal uses on the lot shall be permitted to be parked on the lot. Such vehicles shall include customer's vehicles, repair or service vehicles, and those vehicles driven in the ordinary course of the principal user's business.

2. Except for the purpose of immediate loading or unloading, accessory vehicles or trailers in excess of 1-1/2 tons capacity, or accessory vehicles or trailers with signs that exceed 32 square feet that direct attention to a business, service, commodity, or entertainment offered or sold on the premises shall not be parked closer to the street than the nearest building wall unless granted a special exception from the Board of Adjustment."

*Ord. Nos. 17830, 17847, 17907*

**"SECTION 1212a. USE UNIT 12a. ADULT ENTERTAINMENT ESTABLISHMENTS**

A. **Description.** Businesses which cater primarily to adults 21 years of age and above and which sell and serve intoxicating beverages and/or low-point beer (as defined by Oklahoma statutes) on the premises and all sexually oriented businesses.

**B. Included Uses:**

Bar/Tavern

Beer Bar  
Billiard Parlor/Pool Hall  
Night Club  
Private Club  
Sexually Oriented Business

**C. Use Conditions:**

1. The uses included in Use Unit 12a, when located on a lot which is abutting an R District shall be screened from the abutting R District by the erection and maintenance of a screening wall or fence along the lot line or lines in common with the R District.

2. Sexually Oriented Businesses shall meet the conditions set forth in Section 705 of this code.

3. Adult Entertainment Establishments, other than Sexually Oriented Businesses, shall meet the following spacing standards; provided, however, that the spacing standards shall not apply to accessory use bars as defined in this code:

a. Public entrance doors shall be located at least 50 feet from an R District, which shall be measured in a straight line from the nearest point on a residential zoning district boundary line (not including residentially zoned expressway right-of-way) to the nearest public entrance door of the Adult Entertainment Establishment; and

b. Shall be located a minimum of 300 feet from a public park, school or church, which shall be measured from the nearest point on the property line of a park, school or church to the nearest public entrance door of the Adult Entertainment Establishment measured along the street right-of-way line providing the nearest direct route usually traveled by pedestrians between such points; for purposes of determining measured distance, property situated on the opposite side of the street from such park, school or church shall be considered as if it were located on the same side of the street with the park, school or church; and

c. Shall be spaced 300 feet from any other Adult Entertainment Establishment listed in Use Unit 1212a., except in the Central Business District (CBD), which 300 feet shall be measured in a straight line from the nearest point of the wall of the portion of the building in which said business is conducted, to the nearest point of the wall of the portion of the building in which another adult entertainment business is conducted.

Church, as used herein, shall mean all contiguous property owned or leased by a church upon which is located the principal church building or structure, irrespective of any interior lot lines.

School, of the type which offers a compulsory education curriculum, as used herein, shall mean all contiguous property owned or leased by a school upon which is located the principal school building(s) irrespective of any interior lot lines.

4. The uses included in Use Unit 12a. shall take place within a completely enclosed building, except outdoor customer seating (includes rooftop seating) is permitted, whether uncovered or covered by a tent or canopy, provided:

a. The outdoor customer seating area shall abut the building wall of the business, except for rooftop seating, but extend no closer to the street than the building setback requirements;

b. The outdoor customer seating area shall not occupy or use required parking spaces or access aisles;

c. The outdoor customer seating area exceeding 10% of the indoor building floor area of the principal use shall be considered floor area for purposes of determining off-street parking and loading requirements as set forth herein; and

d. Noise from any outdoor entertainment activity shall not be audible from any abutting R District.

5. All uses included within Use Unit 1212a shall be reviewed by the Board of Adjustment at a public hearing to determine if they comply with all applicable spacing requirements. Notice of the public hearing shall be given as provided in Section 1603 of this code.

**D. Off-Street Parking and Loading Requirements.**

Uses	Parking Spaces	Loading Berths
Bar, Beer Bar, Tavern, Billiard Parlor, Night Club, Pool Hall, Private Club	1 per 75 sq. ft. of floor area	1 per 5,000 to 10,000 sq. ft. plus 1 per each additional 15,000 sq. ft. of floor area
Sexually Oriented Business: Adult Amusement or Entertainment	1 per 75 sq. ft. of floor area	1 per 5,000 to 10,000 sq. ft. plus 1 per each additional 15,000 sq. ft. of floor area
Motel	1 per room plus 1 per manager	1 per 5,000 to 10,000 sq. ft. plus 1 for each additional 15,000 sq. ft. of floor area

Theater	1 per 4 seats or 1 per booth plus 1 per manager	1 per 5,000 to 10,000 sq. ft. plus 1 for each additional 15,000 sq. ft. of floor area
All other such uses	1 per 225 sq. ft. of floor area	1 per 5,000 to 10,000 sq. ft. plus 1 for each additional 15,000 sq. ft. of floor area"

Ord. Nos. 17847, 17907, 18751, 19217, 20952

Section 12. That Title 42, Chapter 18, Section 1800, Tulsa Revised Ordinances, be and the same is hereby amended by adding a definition for "Mixed-Use Building", to read as follows:

**"Mixed-Use Building: A building that includes both residential and non-residential uses, provided that when only one or two dwellings are within a building, the total residential use shall not exceed fifty percent (50%) of the building's total square footage."**

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

Section 14. REPEAL OF CONFLICTING ORDINANCES. That all ordinances or parts of ordinances in conflict herewith be and the same are now expressly repealed.

Section 15. EMERGENCY CLAUSE. That an emergency is now declared to exist for the preservation of the public peace, health and safety, by reason whereof this ordinance shall take effect immediately from and after its passage, approval and publication.

**STAFF RECOMMENDATION:**

Mr. Alberty explained that this item was continued to this date and staff is still working on changes. Mr. Alberty explained that Ms. Cantrell has had a chance to review Chapter 8 and found a few mistakes. He suggested that Chapter 8 be pulled from today's consideration.

**TMAPC COMMENTS:**

Ms. Cantrell stated that Chapter 8 needs to be reviewed again and make sure that each of the processes now goes with the right processes. Ms. Cantrell further stated that she believes that the remainder amendments are ready to be transmitted.

**TMAPC Action; 11 members present:**

On **MOTION** of **CANTRELL**, TMAPC voted **11-0-0** (Cantrell, Carnes, Dix, Edwards, Leighty, Liotta, Midget, Perkins, Shivel, Stirling, Walker "aye"; no "nays"; none "abstaining"; none "absent") to recommend **APPROVAL** of the Zoning Code amendments except amendments under Chapter 8 per staff recommendation. (Language underlined has been added and language with a strike-through has been deleted.)

**There were no interested parties wishing to speak.**

**TMAPC Action; 11 members present:**

On **MOTION** of **CANTRELL**, TMAPC voted **11-0-0** (Cantrell, Carnes, Dix, Edwards, Leighty, Liotta, Midget, Perkins, Shivel, Stirling, Walker "aye"; no "nays"; none "abstaining"; none "absent") to **CONTINUE** Chapter 8 of the Zoning Code amendments to May 4, 2011.

\*\*\*\*\*

**Commissioners' Comments**

Mr. Midget thanked staff and everyone who worked on the "Bridge" amendments.

\*\*\*\*\*

There being no further business, the Chair declared the meeting adjourned at 2:03 p.m.

Date Approved:

5-4-11



Chairman

ATTEST:



Secretary