TULSA METROPOLITAN AREA PLANNING COMMISSION
For Meeting No. 2572
Wednesday, February 17, 2010, 1:30 PM
175 East 2nd Street, 2nd Level, One Technology Center
Tulsa City Council Chambers

CONSIDER, DISCUSS AND/OR TAKE ACTION ON

Call to Order:

REPORTS

Chairman's Report:

Worksession Report:

Comprehensive Plan Report:
Report on the update of the Comprehensive Plan

Director's Report:
Review TMAPC Receipts for the month of January 2010

1. Minutes of February 2, 2010 Meeting No. 2571

CONSENT AGENDA

All matters under "Consent" are considered by the Planning Commission to be routine and will be enacted by one motion. Any Planning Commission member may, however, remove an item by request.

2. **LS-20354** – Lou Reynolds (0429) (PD 16) (CD 6)
South of the southwest corner of East Apache Street and North 129th East Avenue, 2112 North 129th East Avenue

3. **LS-20355** – Calvin Mitchell (0329) (PD 3) (CD 3)
West of the southwest corner of East Woodrow Street and North Harvard Avenue, 3232 East Woodrow Street

4. **LS-20358** – Chou Lo and Dria Vang (2430) (Co.inty)
East of the southwest corner of North 97th East Avenue and East 139th Street North, 2112 North 129th East Avenue

5. **LC-228** – Calvin Mitchell (9305) (PD 4) (CD 4)
East of the southeast corner of South Atlanta Avenue and East 6th Street, 2520 East 6th Street

6. **51 Yale** – (9328) Final Plat (PD 18 B) (CD 7)
Southwest of the intersection of East Skelly Drive and South Yale Avenue

7. **Tulsa Medical Properties (formerly known as Tulsa Bone and Joint)** (PD 18) (CD 6)
- (9430) Final Plat
North of East 51st Street and East of U.S. Highway 169
   Southeast corner of 15th Street South and South Harvard Avenue (Detail Site Plan for the addition of a 1,500 square foot accessory use car wash to an existing gas station/convenient store.)

9. **Z-7008-SP-1-I – Chris Evertz** (PD-8) (CD-2)
   North of the northeast corner West 81st Street South and South Olympia Avenue (Corridor Plan Minor Amendment to clarify the allocated floor area on both Lot 7/Tract C and the remainder of Lot 8, Block 1 – Tulsa Hills.)

10. **AC-096 – Jack In The Box** (PD-17) (CD-5)
    East of the northeast corner of 41st Street South and Highway 169 (Alternative Compliance Landscape Plan to relocate a portion of the street yard landscape area and four required street yard trees to the interior of the lot.)

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

**PUBLIC HEARINGS**

11. **Z-7149 – (0213) Plat Waiver** (PD 2) (CD 1)
    East 37th Street North between Garrison and Hartford

12. **QuikTrip 59R – (0928) Minor Subdivision Plat** (PD 10) (CD 1)
    Northwest corner of West Brady and Gilcrease Museum Road

    East of South Riverside Drive at northeast corner of South Quincy and East 75th Place South

**PROPOSED ZONING CODE AMENDMENTS PUBLIC HEARING**

14. Proposed an Ordinance Amending Title 42, Tulsa Revised Ordinances, Chapter 12, Section 1221, Regarding Roof Top Signs and other related Sections of the Zoning Code of the City of Tulsa.

**OTHER BUSINESS**

15. Commissioners' Comments

**ADJOURN**

PD = Planning District/CD = Council District

**NOTICE:** If you require special accommodation pursuant to the Americans with Disabilities Act, please notify INCOG (918) 584-7526

Exhibits, Petitions, Pictures, etc., presented to the Planning Commission may be received and deposited in case files to be maintained at Land Development Services, INCOG.

Ringing/sound on all cell phones and pagers must be turned off during the Planning Commission.

Visit our website @ www.tmapc.org
The Mission of the Tulsa Metropolitan Area Planning Commission (TMAPC) is to provide unbiased advice to the City Council and the County Commissioners on development and zoning matters, to provide a public forum that fosters public participation and transparency in land development and planning, to adopt and maintain a comprehensive plan for the metropolitan area, and to provide other planning, zoning and land division services that promote the harmonious development of the Tulsa Metropolitan Area and enhance and preserve the quality of life for the region's current and future residents.

TMAPC Mission Statement
AGENDA
Tulsa Metropolitan Area Planning Commission

WORK SESSION

175 East 2nd Street, 2nd Level, One Technology Center
Tulsa City Council Chambers

Wednesday, February 17, 2010 – 1:45 p.m. (*
(*Or immediately following adjournment of the TMAPC Meeting)

CONSIDER, DISCUSS AND/OR TAKE ACTION ON:

1. Discussion of meeting management for special public hearings.

Adjourn.

Visit our website at www.tmapc.org

If you require special accommodation pursuant to the Americans with Disabilities Act, please notify INCOG (918) 584-7526
### TMAFC RECEIPTS
**Month of January 2010**

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Final Subdivision Plat

51 Yale - (9328) (PD 18 B) (CD 7)
Southwest of the intersection of East Skelly Drive and South Yale Avenue

This plat consists of 7 Lcts, in 1 Block, on 17 acres.

Staff recommends APPROVAL of the Final Plat. All release letters have been received.
Tulsa Medical Properties (formerly known as Tulsa Bone and Joint) - (9430) (PD 18) (CD 6)
North of East 51st Street and East of U.S. Highway 169

This plat consists of 1 Lot, in 1 Block, on 5.3 acres.

Staff recommends APPROVAL of the Final Plat. All release letters have been received.
February 17, 2009

STAFF RECOMMENDATION

PUD-770: Detail Site Plan – Southeast corner of 15th Street South and South Harvard Avenue; Sunrise Terrace Amended Re-subdivision of L1-3 & 18-20 B1 Sunrise Terrace; TRS 9309; CZM 37; Atlas 88; PD 4; CD 4; RS-3/RM-2/CS/PUD.

The applicant is requesting approval of a detail site plan for the addition of a 1,500 square foot (sf) accessory use car wash to an existing gas station/convenient store. The proposed use is a permitted use in PUD-770.

The submitted site plan meets all applicable building floor area, open space, building height and setback limitations. Access to the site is provided from 15th Street and Harvard Avenue. Parking has been provided per the applicable Use Unit of the Zoning Code. An 8’ masonry screening wall will be constructed along the east boundary and the easternmost 33.5’ of the southern boundary of the PUD. Landscaping is provided per the conceptual landscape plan as approved with the PUD, with a 5.75-foot landscape buffer along the east boundary line with 6’ evergreen trees planted every 20-feet on center as required. There is no new site lighting planned at this time. A trash enclosure has been provided as required by the PUD. There are existing sidewalks along 15th Street and Harvard Avenue.

Staff recommends APPROVAL of the detail site plan for PUD-770.

(Note: Detail site plan approval does not constitute landscape and sign plan approval.)
STAFF RECOMMENDATION

Z-7008-SP-1-I: Corridor Plan Minor Amendment – North of the northeast corner of W. 81st Street South and Olympia Ave.; Lots 7 and 8, Block 1 – Tulsa Hills; TRS 8211; CZM 51: PD 8; CD 2; CO.

Approved on August 19, 2009 Corridor District minor amendment Z-7008-SP-1-I reflected a combination of the southern ½ of Lot 7, Block 1 – Tulsa Hills with the northern ½ of Lot 8, Block 1 – Tulsa Hills. Lot combination LC-200 joining these two tracts was also approved 8/19/09. The action created new Lot 7/Tract C and re-allocated floor area to the new tract Lot 7/Tract C and the remainder of Lot 8 (see Exhibit A).

Due to a scrivener’s error in the approved case report the minor amendment is being brought back to the Planning Commission to clarify the allocated floor area on both Lot 7/Tract C and the remainder of Lot 8, Block 1 – Tulsa Hills.

The lot area and floor area allocation from the 8/19/09 case report read:

<table>
<thead>
<tr>
<th>Lot</th>
<th>New Lot Area</th>
<th>New allocation of floor area per lot split/combination @ .25 FAR</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lot 7/Tract C, Block 1</td>
<td>598,085 sf</td>
<td>149,521 sf</td>
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<tr>
<td>Remainder Lot 8, Block 1</td>
<td>401,245 sf</td>
<td>145,072 sf</td>
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</table>

The amended lot area and floor area allocation should read:

<table>
<thead>
<tr>
<th>Lot</th>
<th>New Lot Area</th>
<th>New allocation of floor area per this amendment @ .25 FAR</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lot 7/Tract C, Block 1</td>
<td>58,838 sf</td>
<td>14,709 sf</td>
</tr>
<tr>
<td>Remainder Lot 8, Block 1</td>
<td>27,156 sf</td>
<td>6,789 sf</td>
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</tbody>
</table>

Staff views this clarification as minor in nature since there was no increase in floor area requested. Staff therefore recommends **APPROVAL** of amended minor amendment Z-7008-SP-1-I.

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

AC-096: Alternative Compliance Landscape Plan – East of the northeast corner of 41st Street South and Highway 169; TRS 9419; CZM 49; Atlas 751; PD 17; CD 5; CS.

The applicant is requesting approval of an alternative compliance landscape plan for the redevelopment of a site for a Jack-in-the-Box restaurant. The site was previously used by a gas station (see case aerial photograph).

Specifically, the applicant is requesting to relocate a portion of the street yard landscape area and four required street yard trees to the interior of the lot.

Referring to the attached site landscape plan, there is a 30' mutual access easement (MAE) extending along the 41st Street boundary of the lot. This MAE also contains a 17' utility easement. These easements were required per the existing plat. The MAE in combination with the two existing access points makes it impossible to meet the street yard landscape requirement.

Since the easements limit the street yard area that can be landscaped, the applicant proposes to relocate 6.4% of the required street yard landscaping and four street yard trees to the interior of the lot. The applicant is proposing to landscape 23%, or 9,364 sf of the lot. Also, the applicant will plant 14 trees on the lot; five more trees than required. Additionally, by using shrubs and flowers the applicant proposes extensive accent landscaping above what is required by Chapter 10 of the Code (See Exhibit L1.0).

While not meeting the technical requirements of Chapter 10 of the Code, staff contends the proposed plan meets or exceeds the requirements of Chapter 10 and therefore recommends APPROVAL of alternative compliance landscape plan AC-096.
February 17, 2010

Vacated right-of-way at East 37th Street North between Garrison and Hartford (0213) (PD 2) (CD 1)

The platting requirement is being triggered by a pending rezoning to PK (for additional parking).

Staff provides the following information from TAC at their February 4, 2010 meeting:

ZONING:
• TMAPC Staff: The parcel is a vacated right-of-way to be used as part of the parking for the site to the south.

STREETS:
• No comment.

SEWER:
• No comment.

WATER:
• No comment.

STORM DRAIN:
• No comment.

FIRE:
• No comment.

UTILITIES:
• No comment.

Staff recommends APPROVAL of the plat waiver conditioned on the pending zoning approval.

A YES answer to the following 3 questions would generally be FAVORABLE to a plat waiver:

1. Has Property previously been platted? X
2. Are there restrictive covenants contained in a previously filed plat? X
3. Is property adequately described by surrounding platted X
properties or street right-of-way?

**A YES answer to the remaining questions would generally NOT be favorable to a plat waiver:**

<table>
<thead>
<tr>
<th></th>
<th>YES</th>
<th>NO</th>
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<tr>
<td>4. Is right-of-way dedication required to comply with Major Street and Highway Plan?</td>
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<td>5. Would restrictive covenants be required to be filed by separate instrument if the plat were waived?</td>
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<td>a) Water</td>
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<td>ii. Is an internal system or fire line required?</td>
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<td>iii. Are additional easements required?</td>
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<td>b) Sanitary Sewer</td>
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<tr>
<td>ii. Is an internal system required?</td>
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<td>iii. Are additional easements required?</td>
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<td>c) Storm Sewer</td>
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<td>ii. Is an Overland Drainage Easement required?</td>
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<td>iii. Is on site detention required?</td>
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<td>iv. Are additional easements required?</td>
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<td>7. Floodplain</td>
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<td>b) Does the property contain a F.E.M.A. (Federal) Floodplain?</td>
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<td>8. Change of Access</td>
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<td>a) Are revisions to existing access locations necessary?</td>
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<td>a) If yes, was plat recorded for the original P.U.D.</td>
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<td>10. Is this a Major Amendment to a P.U.D.?</td>
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<td>a) If yes, does the amendment make changes to the proposed physical development of the P.U.D.?</td>
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<td>11. Are mutual access easements needed to assure adequate access to the site?</td>
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<td>12. Are there existing or planned medians near the site which would necessitate additional right-of-way dedication or other special considerations?</td>
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Exhibit "B"
Vacation of Public Right-of-way
East 37th Street North

1
Northland 2nd Addition

14
Chandler-Fretes 3rd Addition

150.32'
DUE WEST

L=127.20'
R=201.35'
\( \Delta = 36^\circ 11' 47'' \)

37th Street North

83.61'
N 53° 46' 13'' W

25°

28°

Garrison Ave

L=38.84'
R=444.79'
\( \Delta = 5^\circ 00' 13'' \)

East

13

L=21.20'
R=494.79'
\( \Delta = 2^\circ 27' 18'' \)

40'

25.28'
S 410° 26'' W

Hartford Ave

L=34.86'
R=1960.00'
\( \Delta = 1^\circ 01' 09'' \)

Legend:
- SET IRON PIN
- FOUND IRON PIN

Bearings shown hereon are based on the recorded bearings of Northland Second Addition.

Scale: 1'' = 60'

Sisemore Weisz & Associates, Inc.
MINOR SUBDIVISION PLAT

Quik Trip Number 59R - (0928) (PD 10) (CD 1)

Northwest corner of West Brady and Gilcrease Museum Road

This plat consists of 1 Lot, 1 Block, on 3.07 acres.

The following issues were discussed February 4, 2010 at the Technical Advisory Committee (TAC) meeting:

1. **Zoning:** The property is zoned PUD 776 (pending) and RS-3 (existing). PUD restrictions and standards must be put in covenants.

2. **Streets:** Radius of driveway cannot encroach into adjacent property without official agreement between the owners.

3. **Sewer:** The existing utility easement that bisects the property must be closed by ordinance before a building permit can be issued.

4. **Water:** Prior to the construction of the proposed retaining wall along Cameron Street; the 6 inch waterline must be field verified for its location.

5. **Storm Drainage:** No comment.

6. **Utilities:** Telephone, Electric, Gas, Cable, Pipeline, Others: Releases have been received from AEP/PSO, ONG, AT&T, Cox Cable.

7. **Other:** Fire: No comment. **GIS:** Submit subdivision control data form. Address should be 220 North Gilcrease Museum Road.

Staff recommends APPROVAL of the Minor Subdivision plat subject to the TAC comments and the special and standard conditions below. All release letters have been received.

**Waivers of Subdivision Regulations:**

12.3
1. None requested.

**Special Conditions:**

1. The concerns of the public works department 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.
MINOR SUBDIVISION PLAT

River Oaks Park - (8307) (PD 18 A) (CD 2)
East of South Riverside Drive at Northeast corner of South Quincy and East 75th Place South

This plat consists of 1 Lot, 1 Block, on 1.75 acres.

The following issues were discussed January 7, 2010 and February 4, 2010 at the Technical Advisory Committee (TAC) meeting:

1. **Zoning:** The property is zoned OM (office medium). There was a lot split and combination done on the underlying plat previously.

2. **Streets:** It appears that the private drive is an access for the area to the north. It should be identified as a mutual access easement. Remove reference to Limits of Access on East 75th Place. Limits are identified only on arterials/parkways etc. Include standard sidewalk language. Include Mutual Access Easement language, if possible. Private drive cannot be 66 feet wide. Maximum allowed is 36 feet.

3. **Sewer:** Section 1F still has language that is unacceptable. The City of Tulsa is Not responsible for the repair and replacement of any landscaping and paving within the utility easement.

4. **Water:** No comment.

5. **Storm Drainage:** No comment.

6. **Utilities:** Telephone, Electric, Gas, Cable, Pipeline, Others: No comment.

7. **Other: Fire:** No comment. **GIS:** Update the date of preparation on the plat. Fix the inconsistencies between the metes and bounds legal description and what is shown on the face of the plat.
Staff recommends **APPROVAL** of the Minor Subdivision plat subject to the TAC comments and the special and standard conditions below. Since the TAC meeting was held, the appropriate changes have been made and release letters have been received.

**Waivers of Subdivision Regulations:**

1. None requested.

**Special Conditions:**

1. The concerns of the public works department 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.
CITY COUNCIL CONSENSUS 2010-1

A CONSENSUS DIRECTING THE TULSA METROPOLITAN AREA PLANNING COMMISSION TO HOLD PUBLIC HEARINGS, ANALYZE AND RECOMMEND TO THE CITY COUNCIL ORDINANCE AMENDMENTS TO THE ZONING CODE OF THE CITY OF TULSA TO ALLOW THE USE OF ON PREMISE BUSINESS SIGNS ON ROOFTOPS WITHIN A GEOGRAPHIC AREA WITH THE SAME OR SIMILAR BOUNDARIES AS THE BLUE DOME TAX INCREMENT FINANCING DISTRICT.

WHEREAS, the public's health, safety, and welfare is the City of Tulsa's highest priority;

WHEREAS, as the City of Tulsa becomes more densely populated, and continuing growth leaves fewer undeveloped areas for new construction; re-development or "in-fill" development has become more attractive and economically viable as an alternative to new construction;

WHEREAS, the City of Tulsa's Zoning Code prohibits rooftop business signs within the Central Business District (CBD);

WHEREAS, the Blue Dome Tax Increment Financing District (TIF) is contained within a portion of the Central Business District, and contains a portion of historic Route 66 and the new Tulsa Stadium;

WHEREAS, due to limited space, and street easements, landowners within the CBD have limited, if any, property to place business signs on their property;

WHEREAS, it is appropriate to weigh the burden imposed on a property where the zoning code limits property owner's free speech rights against the needs of public safety;

WHEREAS, it is the desire of the City Council of the City of Tulsa to develop reasonable parameters which would allow property owners in the Blue Dome TIF to utilize rooftop on-premises business signs, especially if such signs reflected the historic nature of the area.

THEREFORE; BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF TULSA:

Section 1. The City Council requests Tulsa Metropolitan Area Planning Commission to hold public hearings, analyze, and provide their report and recommendation to the City Council regarding:
1) whether the City of Tulsa Zoning Code should provide for rooftop on-premise business signs in the geographic area of the Blue Dome Tax Increment Financing District;

2) the geographic boundaries of the area allowing rooftop on-premise business signs; and

3) the language the Planning Commission would recommend.

Section 2. The City Council requests Tulsa Metropolitan Area Planning Commission provide their report and recommendation to the City Council no later than March 1, 2010.

Section 3. The Council Secretary is hereby directed to send a copy of this consensus to the Tulsa Metropolitan Area Planning Commission within two (2) business days after it is signed by the Chair.

Adopted by the Council this _____ day of ____________, 2010.

[Signature]
Rick Westcott,
Chairman of the Council

ATTEST:

[Signature]
Deana Burk,
Secretary of the City Council

Approved:

[Signature]
Council Attorney
# LIMITED CITY SURVEY FOR ROOF SIGNS
(2/17/10)

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## CONDITIONS FOR ROOF SIGNS BY CITY

**Fort Worth, TX**

**Chapter 6, Article 4 ‘Signs’**

Definition: Any sign erected, constructed or maintained on the roof of a building.

**Section 6.408.E** Signs may be installed upon the roof subject to the following conditions:

1. The area of the sign shall not exceed 10 percent of the area of the closest wall of the building above which the sign is placed.
2. The sign shall not exceed four feet above the roof or top of the parapet wall at the roof, whichever is higher.
3. All roof signs placed upon a building or buildings upon one platted lot shall be similar in size, shape, area, and design.

Animated signs are not permitted. Changeable copy signs are only permitted by special exception.

***************

14.3
Kansas City, MO: Section 88-445-07 permits one (1) roof sign per building not to exceed a height of 8 ft. (from top of highest parapet)

1. Roof signs are permitted only as follows:

   (a) in nonresidential zoning districts within the area bound by the Missouri River, Paseo Boulevard 31st Street, and State Line; or

   (b) within the M2-M3 district (industrial), on a roof that is set back at least 1,000 feet from all property lines.

2. The supporting structure for a roof sign must comply with all applicable engineering and code requirements. Such supporting structures must consist of the fewest number of supporting members without embellishments, consistent with all applicable municipal code requirements.

3. Roof signs are not permitted on buildings unless the top of the highest portion of the roof is at least 50 feet above grade.

4. The maximum horizontal dimension of a roof sign may not exceed 50% of the width of the wall it most closely parallels.

5. The maximum height of a roof sign and its supporting structure may not exceed 26 feet from the top of the sign to the elevation of the top of the roof.

Illumination
1. Any outdoor lighting arrangement for the illumination of a sign which would be visible from any property in an adjoining R-80, R-10, R-7.5, R-6, R-2.5, R-1.5, R-0.5, or R-0.3 district must be so designed that no flashing or direct glare from any light source is focused, beamed or directed toward such property.
2. Flashing lights, rapidly changing or blinking illumination, rotating beams, or illumination resembling emergency lights are prohibited.
3. The electric supply for all illuminated signs must be located underground unless otherwise expressly approved by the planning and development director.
4. Spillover light onto R-zoned property or public rights-of-way may not exceed 2 lux, measured at grade along the property line.

***************
Memphis permits roof signs:

'Above Roof Signs' are only permitted downtown in the ballpark and Peabody Place Entertainment districts (interestingly not Beal Street district).

In those two districts they are only permitted on hotels, hospital buildings, and when the tenant identified by the sign is a majority tenant within the building. In the ballpark district roof signs are permitted on buildings taller than 40 ft. in height. Signs must identify the name of the property or the majority tenant. Signage must face the direction of the ballpark and be visible from the interior of the ballpark. Signage must consist of individual lettering attached to a minimally visible frame. The horizontal length of the sign shall not exceed 50% of the length of the roof on the side of the building where the sign is located. The total area of the sign shall not exceed 350 sq. ft. No illumination restrictions.

****************

Oklahoma City permits roof signs:

(39) Roof sign, Type A means an attached accessory sign designed to permit, but not necessarily be limited to, the erection of a shield, symbol, or similar trademark or brand name. Such sign shall be located immediately and entirely over the roof of a building and attached to a wall or pylon or similar physical support that is part of the physical and architectural design of the building. This definition shall apply only to a building which is six stories or less in height.

(40) Roof sign, Type B means an attached accessory sign erected on a vertical framework supported by and located immediately and entirely over the roof of a building which is seven stories or more in height.

I could find no where in their Code where Type A roof signs were permitted except as legal non-conformities. Type B roof signs are only permitted on buildings of 7 stories or taller (limited to one per building). The aggregate display surface area is determined by the width of the building and setback from the street. The allowance begins with a 25 ft. wide building on the property line permitting a 60 ft. dsa sign up to 125 wide building setback with a 60 ft. setback permitting a 625 sq. ft. sign. The Code specifically states there is no maximum height for roof signs. Illumination: a. direct or indirect lighting is permitted. b. flashing signs shall be permitted subject to all regulations of this chapter.

In Bricktown the roof sign is limited to a display surface area equivalent to 15% of the building wall. A sign's height may not extend more than 10 ft. above the building.

In all districts, if the building's over 250 ft. in height then the roof sign's size permitted rises proportionally based on a range of heights starting at 250 sq. ft. for a 250 ft. tall building up to 750 sq. ft. of display surface area for a building over 450 ft. tall.

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19.5
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 CHAPTER 12, TITLED "USE UNITS"; AMENDING SECTION 1221 TITLED "USE UNIT 21. BUSINESS SIGNS AND OUTDOOR ADVERTISING"; AMENDING PARAGRAPH 1221.C.10 TO PERMIT ROOF SIGNS WITHIN THE DOWNTOWN ENTERTAINMENT DISTRICT, PROVIDED THE ILLUMINATION OF SUCH SIGNS IS RESTRICTED TO NEON LIGHT; AMENDING SECTION 1800, TITLED "DEFINITIONS", BY ADDING DEFINITIONS FOR "DOWNTOWN ENTERTAINMENT DISTRICT" AND "NEON LIGHT"; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREBY; PROVIDING FOR SEVERABILITY; AND DECLARING AN EMERGENCY.

BE IT ORDAINED BY THE CITY OF TULSA:

Section 1. That Title 42, Chapter 12, Subsection 1221, Tulsa Revised Ordinances, be and the same is hereby amended to read as follows:

"SECTION 1221. USE UNIT 21. BUSINESS SIGNS AND OUTDOOR ADVERTISING"

A. Description. Business signs and outdoor advertising.

B. Included Uses.
   Business Signs
   Digital Signs
   Digital Outdoor Advertising Signs
   Outdoor Advertising Signs

C. General Use Conditions for Business Signs.

1. Sign Setbacks.
   a. Signs, if visible from an R district other than street, highway or freeway right-

14.6
of-way, or if visible from a designated residential development area, shall not be located within fifty (50) feet from such a district or area.

b. Signs with a display surface area larger than three hundred (300) square feet which are visible from an R district other than street, highway or freeway right-of-way, or if visible from a designated residential development area, shall not be located within two hundred (200) feet from such a district or area.

c. Signs shall be setback a minimum distance of ten (10) feet from a freeway right-of-way.

d. The sign setbacks prescribed in this paragraph 1221.C.1 shall be measured in a straight line from the nearest point on a sign structure to the nearest point of an R district, residential development area, or freeway right-of-way boundary line.

2. Flashing signs, digital signs, changeable copy signs, running light or twinkle signs, animated signs, revolving or rotating signs or signs with movement shall be subject to the following limitations.

a. No such sign shall be located within fifty (50) feet of the driving surface of a signalized intersection. The fifty (50) feet shall be measured in a straight line from the nearest point on a sign structure to the nearest point of the signalized intersection.

b. No such sign shall be located within twenty (20) feet of the driving surface of a street. The twenty (20) feet shall be measured in a straight line from the nearest point on a sign structure to the nearest point of the street curb, or edge of the traveled roadway marked or understood as such.

c. No such sign, if visible from an R district other than street, highway or freeway right-of-way, or if visible from a designated residential development area, shall be located within two hundred (200) feet of such a district or area. The two hundred (200) feet shall be measured in a straight line from the nearest point on a sign structure to the nearest point of an R district or residential development area boundary line.

d. No such sign shall exceed an illumination of seventy (70) foot candles measured at a two (2) foot distance.

e. No such digital sign shall display an illuminative brightness exceeding five hundred (500) NITs at any time between one-half (½) hour after sunset until one-half (½) hour before sunrise or six thousand five hundred (6,500) NITs between one-half (½) hour before sunrise until one-half (½) hour after sunset.
f. No such digital sign shall display an illuminative brightness of such intensity or brilliance that it impairs the vision or endangers the safety and welfare of any pedestrian, cyclist, or person operating a motor vehicle.

g. No such digital sign shall resemble or simulate any warning or danger signal, or any official traffic control device, sign, signal or light.

h. No such digital sign shall be permitted to operate unless it is equipped with:

(1) a default mechanism that shall freeze the sign in one position or static message if a malfunction occurs; and

(2) notwithstanding paragraph 1221.C.2.e, a mechanism able to automatically adjust the display’s illuminative brightness according to natural ambient light conditions by means of a light detector/photo cell by which the sign’s brightness shall be dimmed.

3. Only one side of a double-faced sign shall be included in the computation of display surface area.

4. In the computation of permitted display surface area for business signs and outdoor advertising, the lineal footage of an abutting minor street shall not be combined with the lineal footage of any abutting major street which is included in the computation of permitted display surface area.

5. Signs and all parts of signs shall be set back from the centerline of an abutting street on one-quarter (¼) the right-of-way width designated on the Major Street and Highway Plan, except as provided in paragraph 1221.C.14.

Ord. Nos: 17830, 19217, 21100, 21542

6. Signs that have not been issued a sign permit shall not be located in any district.

7. Promotional business signs shall be permitted only as provided in this paragraph. Promotional business sign permits shall be limited to four (4) per year for each business. Such permits shall authorize the use of the sign for a period of ten (10) days. Any or all of the four (4) permitted time periods may run consecutively. Promotional business signs shall be further regulated as follows:

a. The maximum height of a promotional business sign shall not exceed the height of any ground sign permitted by the Zoning Code on the lot. Further, inflatable promotional business signs shall be set back from the property line(s) one (1) foot for
every foot of height as measured from the base of the sign; and

b. Promotional business signs, except inflatable or other non-rigid promotional business signs, shall not be permitted to be installed on the roof.

8. Except for wall and promotional business signs, the maximum number of business and outdoor advertising signs per lot of record shall be as follows:

a. Permitte Number of Business and Outdoor Advertising Signs (if permitted in the district and by subsection 1221.F.):

<table>
<thead>
<tr>
<th>CS &amp; IL</th>
<th>CG, CH &amp; CBD</th>
<th>SR, IM &amp; IH</th>
</tr>
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<tbody>
<tr>
<td>1 per 150 ft. of major street frontage or fraction thereof</td>
<td>1 per 100 ft. of major street frontage or fraction thereof</td>
<td>1 per 200 ft. of major street frontage or fraction thereof</td>
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</table>

b. If a lot of record in a CS, CG, CH, CBD, IL, IM or IH district has no frontage on a major street, then one (1) ground or projection business sign per street frontage is permitted which shall not exceed two-tenths (2/10) of a square foot of display surface area per linear foot of street frontage; provided that in no event shall the sign be restricted to less than thirty-two (32) square feet nor be permitted to exceed one hundred fifty (150) square feet of display surface area. If the sign is a ground sign, it shall not exceed the height of the building in which the principal use is located, or twenty (20) feet, whichever is lower. Wall signs shall be permitted in accordance with paragraph 1221.E.2.

9. Projecting or ground signs, shall maintain a minimum separation of thirty (30) feet from any roof, projecting, ground or outdoor advertising sign. The thirty (30) feet shall be measured in a straight line from the nearest point on the structure of the outdoor advertising sign to the nearest point of any roof, or the structure of any projecting sign or ground sign.

10. Roof signs shall be prohibited, except within the Downtown Entertainment District or as otherwise permitted in paragraph 1221.C.7.b. Illumination of roof signs within the Downtown Entertainment District shall be restricted to neon light. Roof signs lawfully existing on the effective date of this code, or amendments to this code, shall be regulated by Chapter 14 of this code.

11. A wall or projecting sign shall not extend above the top of the parapet or building wall on which it is located; provided that in instances where the height of the parapet or building wall, or where construction or architectural features will not permit a wall sign three (3) feet in height, the sign may extend above the parapet or building wall a distance which will permit a sign of
three (3) feet in height.

12. No sign shall be permitted to be located upon or constructed within a required parking space or loading berth, or to otherwise obstruct vehicular or pedestrian access or circulation, or to pose any other hazard to motor vehicle traffic exiting, entering or traveling within the site on which the sign is located.

13. A sign permitted as a business sign shall not thereafter be changed to an outdoor advertising sign without a permit for such use; nor shall a sign permitted as an outdoor advertising sign be changed to a business sign without a permit for such use.

14. No sign shall be permitted in the right-of-way or planned right-of-way as designated on the Major Street and Highway Plan of a public street, unless a license and removal agreement has been entered into by the sign owner and the City, and approval is given by the Board of Adjustment.

15. Signs shall not be permitted to exceed an illumination of seventy (70) foot candles measured at a two (2) foot distance.

D. **CS District Use Conditions for Business Signs.**

1. A ground sign, projecting sign or a promotional business sign abutting a major street shall not exceed twenty-five (25) feet in height measured from the mean curb level of the lot upon which it is erected unless, in addition to the minimum setback prescribed in 1221.C.5, the sign is set back one (1) foot for each foot of height exceeding twenty-five (25) feet. In no event shall the sign exceed forty (40) feet unless the abutting street is a designated freeway on the Major Street and Highway Plan. In those cases where the abutting street is a designated freeway, the maximum permitted height shall be fifty (50) feet. The maximum height of ground and projecting signs where permitted abutting a minor street shall be as prescribed in paragraph 1221.C.8.b.

2. Wall signs shall not exceed an aggregate display surface area of three (3) square feet per linear foot of the building wall to which the sign or signs are affixed.

3. **Roof** projecting ground and outdoor advertising signs, whether permitted as provided in this section or nonconforming, shall not exceed an aggregate display surface area of two (2) square feet per linear foot of major street frontage if only one (1) such sign is erected and shall not exceed one (1) square foot per linear foot of major street frontage, if more than one (1) such sign is erected. When a lot has no frontage on a major street, no **roof** or outdoor advertising signs shall be permitted. Projecting and ground signs shall comply with the provisions of paragraph 1221.C.8.b.

4. No **roof** projecting or ground sign shall contain more than two (2) sides, nor shall the total display surface area for each side exceed five hundred (500) square feet. The two (2) sides shall face in opposite directions. "Opposite" shall, in addition to its ordinary meaning, include V-shaped
signs when the angle of separation of the display surfaces does not exceed thirty degrees (30°).

E. CG, CH, CBD, I-1, IM and I-I Use Conditions for Business Signs.

1. A ground sign, projecting sign or a promotional business sign abutting a major street shall not exceed twenty-five (25) feet in height measured from the mean curb level of the lot upon which it is erected unless, in addition to the minimum setback prescribed in paragraph 1221.C.5, the sign is set back one (1) foot for each foot of height exceeding twenty-five (25) feet. In no event shall the sign exceed forty (40) feet unless the abutting street is a designated freeway on the Major Street and Highway Plan. In those cases where the abutting street is a designated freeway, the maximum permitted height shall be fifty (50) feet. The maximum height of ground and projecting signs where permitted abutting a minor street shall be as prescribed in paragraph 1221.C.8.b.

2. Wall signs shall not exceed an aggregate display surface area of three (3) square feet per lineal foot of the building wall to which the sign or signs are affixed.

3. Aggregate display surface area of roof, projecting, ground and outdoor advertising signs shall be regulated as follows:

a. Within a freeway sign corridor, roof, projecting, ground and outdoor advertising signs, whether permitted as provided in this section or nonconforming, shall not exceed an aggregate display surface area of three (3) square feet per lineal foot of major street frontage if only one (1) such sign is erected, and shall not exceed two (2) square feet per lineal foot of major street frontage if more than one (1) such sign is erected; or

b. Outside a freeway sign corridor, roof, projecting, ground and outdoor advertising signs, whether permitted as provided in this section or nonconforming, shall not exceed an aggregate display surface area of two (2) square feet per lineal foot of major street frontage if only one (1) such sign is erected and shall not exceed one (1) square foot per lineal foot of major street frontage, if more than one (1) such sign is erected.

c. Within or outside a freeway sign corridor, when a lot has no frontage on a major street, no roof or outdoor advertising signs shall be permitted. Projecting and ground signs shall comply with the provisions of paragraph 1221.C.8.b.

4. No roof, projecting or ground sign shall contain more than two (2) signs nor shall the total display surface area for each side exceed five hundred (500) square feet. The two (2) sides shall face in opposite directions. "Opposite" shall, in addition to its ordinary meaning, include V-shaped signs when the angle of separation of the display surfaces does not exceed thirty degrees (30°).
F. Use Conditions for Outdoor Advertising Signs.

1. Outdoor advertising signs shall be permitted in CS, CG, CH, CBD, IL, IM and IH zoning districts only when located within a freeway sign corridor. Outdoor advertising signs may be permitted in the CO zoning district, subject to the site plan review as provided in Chapter 8 of this code and provided it is located within a freeway sign corridor. Outdoor advertising signs may be permitted in Planned Unit Developments, in accordance with Chapter 11 of this code, so long as the same is zoned CS, CG, CH, CBD, IL, IM or IH and is within a freeway sign corridor.

2. An outdoor advertising sign shall be separated a minimum distance of one thousand two hundred (1,200) feet from any other outdoor advertising sign. Spacing limitations shall not apply between signs separated by the freeway. The one thousand two hundred (1,200) feet shall be measured in a straight line from the center of an outdoor advertising sign's structure, as located on the ground, to the center of any other outdoor advertising sign's structure, as located on the ground.

3. No outdoor advertising sign shall be located within one hundred fifty (150) feet of a public park. The one hundred fifty (150) feet shall be measured in a straight line from the nearest point on a sign structure to the nearest point on the property of the park.

4. Outdoor advertising signs, if visible from an R district other than street, highway or freeway right-of-way, or if visible from a designated residential development area, shall be set back from such district or area a minimum distance as follows:
   a. One hundred fifty (150) feet if the display surface area is three hundred (300) square feet or less; or
   b. Two hundred (200) feet if the display surface area is greater than three hundred (300) square feet.
   c. The setback requirement imposed by this paragraph 1221.1.F.4 shall be measured in a straight line from the nearest point on a sign structure to the nearest point of an R district or residential development area boundary line.

5. No portion of an outdoor advertising sign shall be located within ten (10) feet of a freeway right-of-way. The ten (10) feet shall be measured in a straight line from the nearest point on a sign structure to the nearest point of the freeway right-of-way boundary line.

6. No outdoor advertising sign shall contain more than two (2) sides and only one (1) side shall be included in the computation of display surface area. The two (2) sides shall face in opposite directions. "Opposite" shall, in addition to its ordinary meaning, include V-shaped signs when the angle of separation of the display surfaces does not exceed thirty degrees (30°).

7. An outdoor advertising sign shall be oriented to be primarily visible from the freeway.
8. No outdoor advertising sign shall contain flashing, blinking or traveling lights or reflective glitter.

9. Cutouts or extensions shall be permitted, in addition to the display surface area permitted in this section, so long as the cutouts or extensions do not exceed fifteen percent (15%) of the display surface area.

10. No outdoor advertising sign shall be supported by more than one (1) post or column unless required by site engineering considerations and is certified as such by a registered professional engineer.

11. Outdoor advertising signs which have animation, revolving or rotating components or movement shall be subject to the following limitations:

a. No such sign shall be located within fifty (50) feet of the driving surface of a signalized intersection. The fifty (50) feet shall be measured in a straight line from the nearest point on a sign structure to the nearest point of the signalized intersection;

b. No such sign shall be located within twenty (20) feet of the driving surface of a street. The twenty (20) feet shall be measured in a straight line from the nearest point on a sign structure to the nearest point of the street curb, or edge of the traveled roadway marked as such; and

c. No such sign, if visible from an R district other than street, highway or freeway right-of-way, or if visible from a designated residential development area, shall be located within two hundred (200) feet of such district or area. The two hundred (200) feet shall be measured in a straight line from the nearest point on a sign structure to the nearest point of an R district or residential development area boundary line.

12. Illumination on the face of outdoor advertising signs shall not be permitted to exceed seventy (70) foot candles measured at a two (2) foot distance.

13. Outdoor advertising signs shall maintain a minimum separation of thirty (30) feet from any roof, projecting or ground sign. The thirty (30) feet shall be measured in a straight line from the nearest point on the structure of the outdoor advertising sign to the nearest point of any roof, or the structure of any projecting sign or ground sign.

14. Any illumination shall be by constant light.

15. No outdoor advertising sign height shall exceed fifty (50) feet; except when the
freeway is elevated ten (10) feet or more above the grade where the sign is to be located, then in that event no outdoor advertising sign height shall exceed sixty (60) feet.

16. The maximum number of signs on a lot of record, including outdoor advertising signs, but exclusive of business wall signs and promotional business signs, shall be as provided in paragraph 1221.C.8.

17. The aggregate display surface area for all ground, roof or projecting signs, whether business or outdoor advertising, shall comply with the provisions of paragraphs 1221.C.A, 1221.D.3 and 1221.E.3, as applicable; provided that in no event shall an outdoor advertising sign exceed six hundred seventy-two (672) square feet of display surface area.

18. No outdoor advertising sign shall be permitted to be located upon or constructed within a required parking space or loading berth, nor to otherwise obstruct vehicular or pedestrian access or circulation, or pose any other hazard to motor vehicle traffic exiting, entering or traveling within the site on which the sign is located.

19. A sign permitted as a business sign shall not thereafter be changed to an outdoor advertising sign without a permit for such use; nor shall a sign permitted as an outdoor advertising sign be changed to a business sign without a permit for such use.

20. Signs that have not been issued a sign permit shall not be located in any district.

G. Additional Use Conditions for Digital Outdoor Advertising Signs

In addition to the use conditions prescribed for outdoor advertising signs in subsection 1221.F, digital outdoor advertising signs shall also comply with the following use conditions:

1. Digital outdoor advertising signs shall only display a static message or messages.

2. Digital outdoor advertising signs which display more than one static message shall do so sequentially, with each static message having a dwell time of no less than eight (8) seconds and a transition time between static messages of no more than one (1) second.

3. Digital outdoor advertising signs shall not display an illuminative brightness exceeding five hundred (500) NITs at any time between one half (½) hour after sunset until one half (½) hour before sunrise or six thousand five hundred (6,500) NITs between one-half (½) hour before sunrise until one-half (½) hour after sunset.

4. Use conditions establishing the minimum dwell time and maximum illuminative brightness levels for digital outdoor advertising signs codified in subsection 1221.G shall be subject to future modification and regulation in the exercise of the City's police powers and no vested right shall ever be created in these use conditions.
5. Digital outdoor advertising signs shall not display an illuminative brightness of such intensity or brilliance that they impair the vision or endanger the safety and welfare of any pedestrian, cyclist, or person operating a motor vehicle.

6. Digital outdoor advertising signs shall not resemble or simulate any warning or danger signal, or any official traffic control device, sign, signal or light.

7. Digital outdoor advertising signs shall not be permitted to operate unless they are equipped with:
   a. a default mechanism that shall freeze the sign in one position or static message if a malfunction occurs; and
   b. notwithstanding paragraph 1221.G.3, a mechanism able to automatically adjust the display’s illuminative brightness according to natural ambient light conditions by means of a light detector/photo cell by which the sign’s brightness shall be dimmed.

8. Digital outdoor advertising signs shall not display consecutive messages facing the same traveled way, which constitute a substantially similar theme or story and is a continuation of any immediately preceding message, thereby creating a storyboarding effect when viewed by persons operating a motor vehicle. Nothing contained in this paragraph shall prohibit the display of identical consecutive messages.

9. Any digital outdoor advertising sign for which a permit has been applied for prior to January 1, 2009, and the sign has been permitted and completely constructed prior to January 1, 2010, shall be separated by a minimum distance of one thousand two hundred (1,200) feet from any other digital outdoor advertising sign. This spacing limitation shall not apply between signs separated by the freeway. The one thousand two hundred (1,200) feet shall be measured in a straight line from the center of an outdoor advertising sign's structure, as located on the ground, to the center of any other outdoor advertising sign's structure, as located on the ground.

10. Except as provided in paragraph 1221.G.9, any digital outdoor advertising sign having a permit issued on or after January 1, 2009, shall be separated by a minimum distance of one thousand two hundred (1,200) feet from any other digital outdoor advertising sign facing the same traveled way. The one thousand two hundred (1,200) feet shall be measured in a straight line from the center of a digital outdoor advertising sign's structure, as located on the ground, to the center of any other digital outdoor advertising sign's structure, as located on the ground.

11. Digital outdoor advertising signs, if visible from an R district other than street, highway or freeway right-of-way, or if visible from a designated residential development area, shall
be setback from such district or area a minimum distance of two hundred (200) feet. The two hundred (700) feet shall be measured in a straight line from the nearest point on a sign structure to the nearest point of an R district or residential development area boundary line.

12. Prior to the issuance of any permit for the installation, testing, maintenance or use of any digital outdoor advertising sign, the operator shall provide written certification that the illuminative brightness of the display shall not exceed five hundred (500) NITs at any time between one half (½) hour after sunset until one half (½) hour before sunrise.

13. No lawfully existing outdoor advertising sign, whether conforming or lawfully nonconforming, which incorporates any digital sign, electronically generated display or light emitting diode (LED) on its display surface, or attached to the sign structure, shall be deemed a lawfully existing digital outdoor advertising sign pursuant to this subsection 1221G and no such sign shall be modified, extended, or enlarged unless and until its installation or use has been permitted as a digital outdoor advertising sign on or after May 1, 2008, in compliance with this Section 1221.

14. No outdoor advertising sign which is lawfully nonconforming as to any requirement imposed by this Zoning Code shall be modified, changed or converted into a digital outdoor advertising sign unless it shall conform to all requirements imposed by this Code and all spacing requirements have been verified as required by this Code. For purposes of this Code, no digital outdoor advertising sign shall be considered lawfully nonconforming and the conversion of an outdoor advertising sign into a digital outdoor advertising sign shall be considered a change of use.

Ord. Nos. 17838, 19217, 21100, 21547, 21813

Section 2. That Title 42, Chapter 18, Section 1800, Tulsa Revised Ordinances, be and the same is hereby amended by adding definitions for "Downtown Entertainment District" and "Neon Light, to read as follows:

"Downtown Entertainment District: That area of land zoned with a Central Business District (CBD) classification, within the following boundaries: The southern Burlington Northern Railroad right-of-way boundary line on the north; the eastern South Detroit Avenue right-of-way boundary line on the west; the western South Greenwood Avenue right-of-way boundary line on the east; and the northern East Third Street right-of-way boundary line on the south."

"Neon Light: A lamp which is customarily tube-shaped, containing neon, argon, krypton or other inert gas, which glows when an electric current is passed through it."

Section 3. 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 4. REPEAL OF CONFLICTING ORDINANCES. That all ordinances or parts of ordinances in conflict herewith be and the same are now expressly repealed.

Section 5. 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.

ADOPTED by the Council: ________________________________
Date __________________________________________________________________________
Chairman of the Council

ADOPTED as an emergency measure: ________________________________
Date __________________________________________________________________________
Chairman of the Council

OFFICE OF THE MAYOR

Received by the Mayor: ________________________________ Date ____________ at ____________ Time ____________.

Dewey F. Bartlett Jr., Mayor

By ________________________________ Secretary

APPROVED by the Mayor of the City of Tulsa, Oklahoma: ________________________________ Date __________________________________________________________________________
at ________________________________ Time __________________________________________________________________________

______________________________ Mayor

(Seal)
ATTEST:

______________________________
City Clerk

APPROVED:

______________________________
City Attorney