

TMAPC Staff Report
February 7, 2018
Tulsa County Zoning Code amendments
(related to Subdivision and Development Regulations)

Item: Various amendments (related to new Tulsa Metropolitan Area Subdivision and Development Regulations) to the **Tulsa County Zoning Code** in the following sections: Section 260. Platting Requirement; Section 850. Site Plan Review; Section 1120. General Provisions; Section 1140. Bulk and Area Requirements; Section 1150. Perimeter Requirements; Section 1160. Off-Street Parking and Loading; Section 1170. Administration of Planned Unit Development.

A. Background

The proposed amendments to the Tulsa County Zoning Code are necessary to reflect the change in platting requirements and process that are proposed as part of the new Subdivision and Development Regulations.

The current Subdivision Regulations for the Tulsa Metropolitan Area were adopted in 1978 and last amended in 2005. The existing Subdivision Regulations do not provide adequate tools to deal with modern development scenarios or implement the vision as expressed in the 2010 Comprehensive Plan update – PLANiTULSA. Also, new Subdivision and Development Regulations will serve as a more appropriate companion to the City of Tulsa Zoning Code, which came into effect in January 2016.

The City of Tulsa engaged a project working group consisting of industry professionals and subject matter experts led by Duncan Associates to complete an update to the existing Subdivision Regulations, now called the Subdivision and Development Regulations. The proposed Subdivision and Development Regulations address the quality of the physical development guided by the City's comprehensive plan (PLANiTULSA). These regulations ensure transportation circulation and connectivity, public access, and the availability of public services to each lot created within the City of Tulsa and unincorporated parts of Tulsa County.

The process to update the Subdivision Regulations began in May 2016. The technical and working groups have meet individually and jointly on multiple occasions, reviewing drafts and providing input. The TMAPC has held three work sessions (April 19, 2017, August 2, 2017 and November 11, 2017) to discuss key issues that were identified. As a final step before the Planning Commission public hearing, TMAPC staff reviewed the draft for consistency with policies in Tulsa County plans and found that the new Subdivision and Development Regulations will help to implement concepts contained in the plans.

B. Description of Tulsa County Zoning Code amendments

The proposed amendments align the Tulsa County Zoning Code with the newly proposed Subdivision and Development Regulations. The amendments accomplish the objective of removing platting requirements associated with zoning changes and certain special exceptions. The proposed changes will codify alternative processes by which property owners can verify conformance with the Subdivision and Development Regulations without being subjected to a full platting or re-platting process. The County will retain the requirement that any development standards approved by TMAPC through the development plan process must be filed as restrictive covenants with the county clerk's office making the Board of County Commissioners beneficiary to the covenants. This requirement will ensure enforceability of the required development standards moving forward and can be completed by plat or a separate recorded document. The specific amendments proposed to the Tulsa County Zoning Code are in **Attachment I** shown in ~~strike-through~~/underline.

C. Staff recommends APPROVAL of proposed amendments to the Tulsa County Zoning Code as shown in Attachment I.

Attachment I

Tulsa County Zoning Code amendments (related to Subdivision and Development Regulations)

SECTION 260. ZONING CLEARANCE

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

The requirements of this section are intended to help ensure that rights-of-way, streets, sidewalks and other public improvements are in place and adequate to serve proposed developments in accordance with applicable regulations.

For any land which has been rezoned upon application of a private party or for any land which has been granted a special exception by the Board of Adjustment as enumerated within Use Units 2, 4, 5, 8, and 20, no building permit or zoning clearance permit shall be issued until ~~that portion of the tract on which the permit is sought~~ the subject lot or parcel for which the permit is sought has been ~~included within a subdivision plat or replat, as the case may be, submitted to and approved by the Planning Commission, and filed of record in the office of the County Clerk where the property is situated. Provided that the Planning Commission, pursuant to their exclusive jurisdiction of subdivision plats, may remove the platting requirement upon a determination that the above stated purposes have been achieved by previous platting or could not be achieved by a plat or replat.~~ determined to be in compliance with all applicable design and improvement requirements of the Tulsa Metropolitan Area Subdivision and Development Regulations, as evidenced by submittal of a recorded subdivision plat or ALTA/ACSM survey and separate recorded legal instruments.

SECTION 850. SITE PLAN REVIEW

850.1 Purposes

By reason of potential adverse effects on public services or to neighboring land uses, site plan review and approval is required for any development within a Corridor District for the purposes of assuring proper accessibility, circulation, functional relationships of uses, and compatibility with adjoining and nearby development. ~~No building permit shall be issued nor use commenced within a Corridor District except~~

~~in accordance with a subdivision plat incorporating the provisions of the site plan, submitted to and approved by the Planning Commission, and filed of record in the Office of the County Clerk of the county in which the property is located. A CO (Corridor District) zoning classification is required to file and process a corridor site plan.~~

850.4 County Commission Action on Site Plan Review

Upon receipt of the county application, site plan, and Planning Commission recommendation, the Board of County Commissioners shall hold a hearing, review the site plan, approve, disapprove, modify, or return the site plan to the Planning Commission for further consideration. ~~Approval by the County Commission shall be authorization for the processing of a subdivision plat incorporating the provisions of the site plan.~~

850.5 Restrictive Covenants Subdivision Plat

No building permit may be issued, and no building or development may occur in a CO zoning district until covenants necessary to reasonably ensure continued compliance with the approved development plan are recorded in the county clerk's office. Such covenants may be established in a subdivision plat or in a separately recorded legal instrument. In order that the public interest may be protected, the Board of County Commissioners must be made beneficiary of the covenants pertaining to such matters as location of uses, height of structures, setbacks, screening, and access. Such covenants must provide that the Board of County Commissioners may enforce compliance of the covenants, and further provide that amendment of the covenants requires planning commission approval and the filing of record of a written amendment to covenants, endorsed by the planning commission.

~~A corridor subdivision plat shall be filed with the Planning Commission and shall be processed in accordance with the Subdivision Regulations, and in addition, to the requirements of the Subdivision Regulations, shall include:~~

- ~~A. Details as to the location of uses and street arrangements.~~
- ~~B. Provisions for the ownership and maintenance of the common open space as will reasonably insure its continuity and conservation. Open space may be dedicated to a private association or to the public, provided that a dedication to the public shall not be accepted without the approval of the Board of County Commissioners.~~
- ~~C. Such covenants as will reasonably insure the continued compliance with the approved site plan. In order that the public interest may be protected, the County Commissioners shall be made beneficiary of the covenants pertaining to such matters as location of uses, height of structure, setbacks, screening, and access. Such covenants shall provide that the Board of County Commissioners may enforce compliance therewith, and shall further provide that amendment of the covenants shall require the approval of the Planning Commission and the filing of record of a written~~

~~amendment to covenants, endorsed by the Planning Commission.~~

850.6 Issuance of Building Permits

Building permits may be issued only after a zoning compliance permit has been issued in accordance with Section 260. Any permits issued must be in accordance with the approved CO development plan.

~~After the filing of any approved corridor subdivision plat, and notice thereof to the County Building Inspector, building permits shall be issued in accordance with the approved plat incorporating the provisions of the site plan.~~

SECTION 1120. GENERAL PROVISIONS

A Planned Unit Development is permitted on tracts having the supplemental zoning district designation PUD. In every instance, the PUD is to be reviewed as to the proposed location and character of the uses and the unified treatment of the development of the tract. The regulations of the general zoning district or districts remain applicable except as specifically modified pursuant to the provisions of this Chapter. ~~No modification of use or bulk and area requirements of the applicable general use district or districts shall be permitted unless a subdivision plat incorporating the provisions and requirements of this chapter is submitted to and approved by the Planning Commission and the Board of City Commissioners and filed of record in the office of the County Clerk of Tulsa County.~~

1140.3 Livability Space

Within a PUD, livability space shall be provided in an aggregate amount of not less than the amount of livability space required by the applicable use district (Section 430.1) for conventional development of a comparable number of dwelling units. Required livability space shall be provided on the lot containing the dwelling unit or units on which computed, or in common areas. Common livability space shall be designed and located so as to be accessible to the dwelling units it is intended to serve. Provisions for the ownership and maintenance of common livability space as will insure its continuity and conservation shall be incorporated in the subdivision plat or, if platting is not required, in covenants recorded in the county clerk's office. ~~in compliance with the provisions of Section 1170.5.~~

1140.4 Building Height and Yards

Within a PUD, the Planning Commission shall prescribe building height limitations and minimum yards, which shall be incorporated within the subdivision plat or, if platting is not required, in covenants recorded in the county clerk's office. ~~in compliance with the provisions of Section 1170.5.~~

SECTION 1150. PERIMETER REQUIREMENTS

The Planning Commission shall prescribe perimeter requirements for screening, landscaping, and setbacks, as are necessary to assure compatibility with adjoining and proximate properties, which shall be incorporated within the subdivision plat or, if platting is not required, in covenants recorded in the county clerk's office. ~~in compliance with the provisions of Section 1170.5.~~

SECTION 1160. OFF-STREET PARKING AND LOADING

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. 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 must be incorporated in the subdivision plat or, if platting is not required, in the form of recorded restrictive covenants making the Board of County Commissioners beneficiary to the covenants. ~~in compliance with the provisions of Section 1170.5.~~

1170.5 Restrictive Covenants ~~Planned Unit Development Subdivision Plat~~

No building permit may be issued, and no building or development may occur in a PUD zoning district until covenants necessary to reasonably ensure continued compliance with the approved development plan are recorded in the county clerk's office. Such covenants may be established in a subdivision plat or in a separately recorded legal instrument. In order that the public interest may be protected, the Board of County Commissioners must be made beneficiary of the covenants pertaining to such matters as location of uses, height of structures, setbacks, screening, and access. Such covenants must provide that the Board of County Commissioners may enforce compliance of the covenants, and further provide that amendment of the covenants requires planning commission approval and the filing of record of a written amendment to covenants, endorsed by the planning commission.

~~A Planned Unit Development subdivision plat shall be filed with the Planning Commission and shall be processed in accordance with the Subdivision Regulations, and, in addition to the requirements of the Subdivision Regulations, shall include:~~

- ~~A. Details as to the location of uses and street arrangement.~~
- ~~B. Provisions for the ownership and maintenance of the common open space as will reasonably insure its continuity and conservation. Open space may be dedicated to a private association or to the public, provided that a dedication to the public shall not be accepted without the approval of the Board of County~~

Commissioners.

- ~~C. Such covenants as will reasonably insure the continued compliance with the approved outline development plan. The Planning Commission may require covenants which provide for detailed site plan review and approval by said Commission prior to the issuance of any building permits within the PUD. In order that the public interest may be protected, the County of Tulsa shall be made beneficiary of covenants pertaining to such matters as location of uses, height of structures, setbacks, screening, and access. Such covenants shall provide that the County of Tulsa may enforce compliance therewith, and shall further provide that amendment of such covenants shall require the approval of the Planning Commission and the filing of record of a written amendment to the covenants, endorsed by the Planning Commission.~~

1170.6 Issuance of Building Permits

Building permits may be issued only after a zoning compliance permit has been issued in accordance with Section 260. Any permits issued must be in accordance with the approved PUD development plan.

~~After the filing of an approved PUD subdivision plat and notice thereof to the Building Inspector, no building permits shall be issued on lands within the PUD except in accordance with the approved plat. A building permit for a freestanding or separate commercial structure within a PUD containing no commercial zoning shall not be issued until building permits have been issued for at least one half of the number of dwelling units on which the authorization of the commercial use is based.~~

1170.7 Amendments

Minor changes in the PUD may be authorized by the Planning Commission, ~~which may direct the processing of an amended subdivision plat, incorporating such changes,~~ so long as a substantial compliance is maintained with the outline development plan and the purposes and standards of the PUD provisions hereof. Changes which would represent a significant departure from the outline development plan shall require compliance with the notice and procedural requirements of an original Planned Unit Development.