

TULSA METROPOLITAN AREA PLANNING COMMISSION

Minutes of Meeting No. 2185

Wednesday, December 9, 1998, 1:30 p.m.

City Council Room, Plaza Level, Tulsa Civic Center

Members Present	Members Absent	Staff Present	Others Present
Boyle	Harmon	Dunlap	Myers, Legal
Carnes	Horner	Huntsinger	Counsel
Hill		Matthews	
Jackson		Stump	
Ledford			
Midget			
Pace			
Selph			
Westervelt			

The notice and agenda of said meeting were posted in the Reception Area of the INCOG offices on Monday, December 7, 1998 at 9:30 a.m., posted in the Office of the City Clerk at 9:02 a.m., as well as in the office of the County Clerk at 8:59 a.m.

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

REPORTS:

Chairman's Report:

Mr. Boyle asked staff if a work session has been set up for the Policies and Procedures Committee. In response, Mr. Stump stated that the work session is set for December 16th at 2:00 p.m. or immediately following the TMAPC meeting.

Committee Reports:

Policies and Procedures Committee:

Mr. Carnes reported that there will be a work session for the Policies and Procedures Committee on December 16th after the TMAPC meeting. The meeting will be regarding the amendments to the Rules of Procedure and the Code of Ethics.

Director's Report:

Reports of Receipts for October 1998

Mr. Stump reported that the receipts indicate an average month of activity. He indicated that there has recently been an increase in zoning requests, which will be heard next week and in January.

Mr. Stump stated that there will be no items on the City Council agenda this week.

Continued Zoning Public Hearings:

Z-6663 - Ted Sack

South and west of southwest corner East 116th Street and South Hudson Avenue

AG to RS-2
(PD-26) (CD-8)

Staff Recommendation:

Relationship to the Comprehensive Plan:

RELATIONSHIP TO THE COMPREHENSIVE PLAN: The District 26 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the north 600' of the subject tract as Low Intensity – Residential and the remaining southern portion as Special District 1.

According to the Zoning Matrix the requested RS-2 zoning **may be found** in accordance with the Plan Map.

Staff Comments:

Site Analysis: The subject property is approximately 15 acres in size and is located south and west of the southwest corner of East 116th Street South and South Hudson Avenue. The property is sloping, wooded, vacant and zoned AG.

Surrounding Area Analysis: The subject tract is abutted on the north by single-family dwellings, zoned RS-2; to the west by single-family dwellings, zoned RS-2/PUD-548; to the south and east by vacant property, zoned AG.

Zoning and BOA Historical Summary: Zoning actions in this area have established a pattern of large-lot, low-density, single-family development.

Conclusion: Based on the Comprehensive Plan, the surrounding land uses, and existing zoning, staff recommends **DENIAL** of RS-2 and **APPROVAL** of RS-1 for Z-6663 if the Planning Commission finds PUD-596 to be satisfactory.

AND

PUD-596 - Ted Sack

South and west of southwest corner East 116th Street and South Hudson Avenue

AG to RS-2/PUD
(PD-26) (CD-8)

Staff Recommendation:

The proposed PUD consists of 14.3 acres (gross) of heavily-wooded land located in an established residential neighborhood at East 116th Street South and South Granite Avenue (between South Yale and South Sheridan Avenue). The PUD proposes a maximum 34 single-family residential lots in a private street development with a gated entry.

The Estates of Forest Park is situated to the north of the site and The Reserve at Forest Hills, a gated development with private streets, is contiguous to the west. The balance of the property surrounding the site is unplatted. The proposed lots would meet or exceed the bulk and area requirements of the RS-2 district, with the exception of lot width, which would be 70' instead of 75'; side yards, which would be 5' and 5' instead of 5' and 10', and the required front yard would be a minimum of 40' from the centerline of the abutting private street. On a public street this would be equivalent to a 15' front yard. The RS-2 district requires a 30' minimum front yard, measured from the street right-of-way. Related zoning case Z-6663 is requesting a change to RS-2. The requested 34 lots would be fewer than permitted by RS-1 zoning. Staff would support rezoning to RS-1.

The PUD proposes a cul-de-sac that exceeds the maximum of 500' in length (Section 4.2.7 of the Subdivision Regulations for the Tulsa Metropolitan Area). The PUD proposes an emergency access drive that would extend from the south boundary of the project through an existing 30-foot roadway easement to East 116th Street South. The private street PUD to the west (The Reserve of Forest Hills) also has an emergency second entrance, and exceeds that maximum length of a cul-de-sac. East 118th Street South stubs out approximately 330' west of the subject tract. There are two natural drainageways between the subject tract and 118th Street, so extension of this public street through this PUD would be difficult.

If the property is rezoned to RS-1, staff finds the uses and intensities of development proposed, and as modified by staff, to be in harmony with the spirit and intent of the Code. Based on the following conditions, staff finds PUD-596 to be: (1) consistent with the Comprehensive Plan; (2) in harmony with the existing and expected development of surrounding areas; (3) a unified treatment of the development possibilities of the site; and (4) consistent with the stated purposes and standards of the PUD Chapter of the Zoning Code.

Therefore, staff recommends APPROVAL of PUD-596 subject to the following conditions:

1. The applicant's Outline Development Plan and Text be made a condition of approval, unless modified herein.

2. Development Standards:

Land Area (Gross): 14.296 acres

Permitted Uses: Use Unit 6, Detached single-family residences

Maximum Number of Dwelling Units: 34

Minimum Required Front Yard:
(Measured from the centerline of the abutting private street) 40 FT

Minimum Required Side Yards: 5 FT

Minimum Lot Width: 70 FT

Minimum Land Area per Dwelling Unit averaged over entire PUD: 16,000 SF

Other Bulk and Area Requirements per Lot:
As provided within an RS-2 district.

3. A homeowners association shall be created and vested with sufficient authority and financial resources to properly maintain all private streets and common areas, including any stormwater detention areas, entry gates and/or guardhouses within the PUD.
4. All private roadways shall be a minimum of 26' in width, measured face-to-face of curb or toe-to-toe of mountable curb. All curbs, gutters, base and paving materials used shall be of a quality and thickness which meets the City of Tulsa standards for a minor residential public street. The maximum vertical grade of private streets shall be 10 percent. The minimum private roadway right-of-way width shall be 30'. The emergency access drive shall have a minimum right-of-way width of 30' and shall be paved to a minimum width of ~~48'~~ 20'.
5. The City shall inspect all private streets and certify that they meet City standards prior to any building permits being issued or if the City will not inspect then a registered professional engineer shall certify that the streets have been built to City standards.
6. No Building Permit shall be issued until the requirements of Section 1170F of the Zoning Code have been satisfied and approved by the TMAPC and filed of record in the County Clerk's office, incorporating within the Restrictive Covenants the PUD conditions of approval and making the City beneficiary to said Covenants.
7. Subject to conditions recommended by the Technical Advisory Committee during the subdivision platting process which are approved by TMAPC.
8. Entry gates or guardhouses must receive Detail Site Plan approval from TMAPC prior to issuance of a building permit.
9. Approval of the PUD is not an endorsement of the layout. This will be done during the subdivision platting process.

TMAPC COMMENTS:

Mr. Carnes stated that the proposal seems to be a very well planned PUD, but he asked if the TMAPC rules should be changed regarding the length of the cul-de-sac, if the TMAPC approves it. In response, Mr. Boyle stated that if the TMAPC would like to change the rules on cul-de-sacs, it needs to be studied in the Rules and Regulations Committee. Mr. Boyle requested that there be a work session for the Rules and Regulations Committee sometime soon.

Mr. Westervelt stated that there should be other entities involved in the work session, such as the Fire Marshal, Jon Eshelman, etc. Mr. Boyle directed staff to include the entities who would be involved.

Ms. Pace asked what the present rule is on cul-de-sac length. In response, Mr. Stump stated that the standard for a public street cul-de-sac is 500 feet. He explained that for private developments served by private streets, the general rule is 20 lots to be served by the cul-de-sac. He indicated that the subject cul-de-sac does have an 18-foot paved drive to provide adequate access for emergency vehicles. Mr. Stump stated that the proposal has slightly more units than the rule, but with the second access for emergencies it is not absolutely a cul-de-sac.

Applicant's Presentation:

Ted Sack. 111 South Elgin, Tulsa, Oklahoma 74120, stated that he agrees with the staff recommendation.

TMAPC COMMENTS:

Mr. Boyle stated that he has concerns with the proposed cul-de-sac being long and serving too many dwelling units. Mr. Boyle asked Mr. Sack if there was another way to deal with the subject property without a cul-de-sac. In response, Mr. Sack stated that he does not look at the proposal as a cul-de-sac. Mr. Sack explained that there is a second means of access, which will be restricted for emergency use only. Mr. Sack stated that the width of the tract and the topography do not allow for an accessible road in and out in a useable fashion. Mr. Sack commented that the emergency access negates the concerns with a cul-de-sac.

Mr. Boyle stated that the first two lots will be using the emergency access as a driveway for their homes. Mr. Boyle commented that the second access becomes more than an emergency access when the two homes use it as access. Mr. Sack disagreed with Mr. Boyle's comment. Mr. Sack stated that there would be much greater density and traffic volume on a collector street than on a short cul-de-sac. Mr. Boyle asked Mr. Sack if a circulating street by the north side of the non-platted area could be designed. Mr. Sack stated that the topography and drainage make it difficult to develop differently. Mr. Sack commented that if traffic is a concern, the homeowners will know the number of residents who will pass their home when they purchase it. Mr. Sack described the emergency access as being a controlled access.

Mr. Boyle stated that the emergency access seems narrow. In response, Mr. Sack stated that the subject access is 30 feet in width, but the actual ownership is only 15 feet. Mr. Sack explained that there is an accompanying easement that goes along with the 15 feet. Mr. Sack stated that the subject access will be paved with a 20-foot wide access road. Mr. Sack indicated that the subject access needs to be wide enough for emergency vehicles and serve a couple of residences. Mr. Sack corrected his statement and indicated that the emergency access road will be paved 18 feet in width.

Mr. Sack stated that there is a 66-foot wide easement that runs along 116th Street and this is where the ownership is. He explained that the emergency access will connect to 116th Street with a crash gate near the entrance to the subject property. He explained that the non-platted areas will have access along the emergency access. Mr. Boyle expressed concerns that two of the properties will have driveways onto the emergency access. Mr. Boyle commented that he has never seen a plat like this. In response, Mr. Sack stated that he has done the same proposal on "Rockhurst" and several others. Mr. Sack commented that there is a drive existing and there is no need to make more curb cuts.

Mr. Westervelt agreed that if the emergency access is used only for emergency access, then an emergency vehicle could get through on an 18-foot wide access. However, if there are two properties with driveways on the emergency access, there could be a potential problem with cars parked in the access. Mr. Westervelt expressed concerns with the crash gate being located behind the two properties using the access road.

Mr. Boyle asked Mr. Sack why he didn't make the emergency access a real street. In response, Mr. Sack stated that he would have to obtain dedicated easement.

Mr. Levinson stated that the developer will own only 15 feet of the emergency access and the existing right-of-way is 30 feet. He does not have any right to dedicate the additional land. In response, Mr. Carnes asked how the developer is going to install 18 feet of pavement if he only owns 15 feet. In response, Mr. Levinson stated that there is a roadway easement.

Mr. Levinson informed the Commissioners that directly to the west is a reserve of Forest Hills and is basically the same configuration as the proposal. He stated that the Planning Commission approved the Forest Hills proposal, and there are 43 to 45 lots on the cul-de-sac. In response, Mr. Westervelt stated that Forest Hills is a shorter property and has a crash gate off of Hudson that goes out to 116th Street. Mr. Westervelt stated that the issue that he is concerned with is a safety issue.

Mr. Westervelt stated that he is concerned with the location of the crash gate and feels that it is a life-safety issue.

Ms. Pace asked if there is a residential collector through the subdivisions related to the proposal. She stated that she fails to see a viable straight-through road that will allow the public to get from one mile to the next within the square mile. In response, Mr.

Stump stated that there is a residential collector street. Mr. Stump indicated that Forest Hills Estate is the collector in the subject area. Ms. Pace asked why 116th Street is not a collector street. In response, Mr. Stump stated that 116th Street is a collector street, but Hunter's Hill was developed and did not connect to the west.

Mr. Sack stated that he has no problem with restricting the driveway use to the emergency access for the two homes. Mr. Sack explained that the access going out is basically to serve the subject property. He stated that the subject property was two parcels and the only means of access to the parcel in the eastern portion is the panhandle. He indicated that the emergency access is to serve the subject tract and the property that abuts it.

In response to Mr. Midget, Mr. Sack stated that if he can obtain the right to move the crash gate up on 116th Street then he will do so. He explained that currently the owner only owns half of the access.

Mr. Westervelt asked staff if they are comfortable with the 18-foot wide emergency access road. In response, Mr. Stump stated that the TMAPC could require a 12-foot wide traveling lane with an eight-foot parking lane, which equals a 20-foot wide, paved access road. Mr. Stump explained that there will still be a 12-foot lane opened if cars parked on one side.

Mr. Midget stated that the life-safety issue is serious and there is the issue of the owner only owning half of the property near 116th Street. If the emergency access paved area were widened to 20 feet, he would be comfortable with supporting the proposal.

TMAPC Action; 9 members present:

On **MOTION** of **MIDGET**, to recommend **DENIAL** of RS-2 zoning for Z-6663/PUD-596 and recommend **APPROVAL** of RS-1 for Z-6663/PUD-596, subject to the entire access being paved 20 feet in width.

TMAPC COMMENTS:

Ms. Pace asked if the plat could indicate the private streets for the subject property.

Mr. Westervelt reiterated that he has some real concerns with this application.

Mr. Boyle stated that he can support the motion, but he would rather see the emergency access as a private street. He commented that it would be a safer plan.

TMAPC Action; 9 members present:

On **MOTION** of **MIDGET**, the TMAPC voted **7-2-0** (Boyle, Hill, Jackson, Ledford, Midget, Pace, Selph "aye"; Carnes, Westervelt "nays"; none "abstaining"; Harmon, Horner "absent") to recommend **DENIAL** of the RS-2 zoning for Z-6663/PUD-596 and recommend **APPROVAL** for the RS-1 for Z-6663/PUD-596, subject to the entire emergency access being paved 20 feet in width. (Language deleted by TMAPC is shown as ~~strikeout~~, language added or substituted by TMAPC is underlined.)

Legal Description for Z-6663/PUD-596:

The East Half of the West Half of the Northwest Quarter of the Southeast Quarter (E/2 W/2 NW/4 SE/4), **and also** the W 30 feet of the West Half of the East Half of the Northwest Quarter of the Southeast Quarter (W/2 E/2 NW/4 SE/4), **and also** the South four hundred forty-nine (449) feet of the East three hundred (300) feet of the West Half of the East Half of the Northwest Quarter of the Southeast Quarter (W/2 E/2 NW/4 SE/4), **and also** the East fifteen (15) feet of the South eight hundred ten and thirty-eight hundredths (810.38) feet of the North eight hundred seventy-six and thirty-eight hundredths (876.38) feet of the West Half of the East Half of the Northwest Quarter of the Southeast Quarter (W/2 E/2 NW/4 SE/4) of Section 34, T-18-N, R-13-E IBM, Tulsa County, State of Oklahoma, according to the U.S. Government survey thereof.

ZONING PUBLIC HEARING

PUD-306-14 - William B. Jones

(PD-18) (CD-2)

Northeast corner East 101st Street and South Delaware
(Minor Amendment)

Staff Recommendation:

The applicant is requesting Minor Amendment approval to permit the splitting of Lot 2 into two tracts and the proportional allocation of the maximum 80,500 square feet of permitted floor area between the new tracts. The applicant has filed an application for a lot-split (#18756) indicating Tract A, or the western half of Lot 2, having a net area of 74,241 square feet. The applicant is requesting an allocation of 39,000 square feet of maximum floor area for Tract A. The lot-split proposes a net area of 77,500 square feet for Tract B (the eastern half of Lot 2). The Minor Amendment request proposes 41,500 square feet of maximum floor area for Tract B.

Staff has examined the information provided with both the Minor Amendment and Lot-split applications and finds the allocation of the allowed 80,500 of maximum floor area for Lot 2 is an equitable allocation proportional to the area of each tract created. Staff notes that Minor Amendment PUD-306-13 and a related Detail Site Plan approved in May, 1998, proposed the division of Lot 2 into a 125-foot western portion conditioned on Board of Adjustment and Site Plan review and approval. The proposed development never materialized.

The current request includes a conceptual site plan for Tract A. Staff notes that the approved PUD development standards as reflected in the Plat of Record indicates two points of access along East 101st Street for Lot 2. A condition of approval for the previous Detail Site Plan submitted for Lot 2 stipulated that the LNA be maintained and that internal access and circulation between tracts created from Lot 2 be established.

Staff can support the proposed allocation of floor area as maintaining the character and intent of the original PUD 306 approval as amended. Staff, therefore, recommends **APPROVAL** of PUD-306-14 subject to the following conditions and modification of the development standards for Lot 2 within Development Area J:

Tract A

Net Lot Area	74,241 SF
Maximum Building Floor Area	39,000 SF
Maximum Building Height	2 Stories
Minimum Building Setback	
From the Southern Tract Boundary	50 feet
From the Western Tract Boundary	50 feet

Signage

One ground sign along the East 101st Street frontage and one ground sign along the Creek Turnpike frontage. All ground, wall and business signage shall comply with the Planned Unit Development Chapter of the Tulsa Zoning Code.

Internal Mutual Access and Limits of No Access

Two entry drives shall be permitted corresponding to the two 40-foot access approved by TMAPC at their October 28, 1998 meeting modifying the Plat of Record for River Creek Village. Internal mutual access shall be provided between Tracts A and B. A separate instrument, amending the recorded plat, shall be filed providing internal access and circulation between all uses within Lot 2 and all Tracts created by lot-split within Lot 2.

Tract B

Net Lot Area	77,500 SF
Maximum Building Floor Area	41,500 SF
Maximum Building Height	2 Stories
Minimum Building Setback	
From the Southern Tract Boundary	50 feet

Signage

One ground sign along the East 101st Street frontage and one ground sign along the Creek Turnpike frontage. All ground, wall and business signage shall comply with the Planned Unit Development Chapter of the Tulsa Zoning Code.

Internal Mutual Access and Limits of No Access

One entry drive shall be permitted corresponding to the 40-foot access indicated on the Plat of Record for River Creek Village. Internal mutual access shall be provided between Tracts A and B. A separate instrument, amending the recorded plat, shall be filed providing internal access and circulation between all uses within Lot 2 and all Tracts created by lot-split within Lot 2.

NOTE: Minor Amendment approval does not constitute Detail Site, Sign or Landscape Plan approval

TMAPC COMMENTS:

Mr. Boyle asked if the proposal will have five points of access or will now have six points of access. In response, Mr. Dunlap stated that there will be six points of access, which were approved by the TMAPC on October 28, 1998. Mr. Boyle stated that for the record he would not be in agreement with any further splits after this proposal.

Applicant's Comments:

Bill Jones, 3800 First National Tower, Tulsa, Oklahoma 74103, stated that the applicant has sold the west half of Lot 2. He explained that Lot 2 is a large lot and was sold to Braum's. He commented that he does not represent Braum's, but he did speak with the planner and attorney for Braum's and they are in agreement with the mutual access.

Mr. Jones stated that he will have to draw a mutual access agreement between the two tracts. He commented that he does not believe that there will be any further requests for access points. Mr. Jones informed the Planning Commission that Braum's will be coming in with a Detail Site Plan and a request for a sign.

There were no interested parties wishing to speak.

TMAPC Action; 9 members present:

On **MOTION** of **MIDGET**, the TMAPC voted **9-0-0** (Boyle, Carnes, Hill, Jackson, Ledford, Midget, Pace, Selph, Westervelt "aye"; no "nays"; none "abstaining"; Harmon, Horner "absent") to **APPROVE** the Minor Amendment, subject to the conditions as recommended by staff.

OTHER BUSINESS:

Amendments to the Zoning Code

Regarding Special Residential Facilities

Staff Recommendation:

Ms. Matthews stated staff received and reviewed the language from the City Legal Department. She indicated that it appears that all of the concerns that could be

addressed in the Zoning Code have been addressed. She stated that the concerns were changes to zoning categories where Special Residential Facilities are allowed by right and not allowed by right, spacing increased to a half-mile, provisions for posting of the property and guidelines for the Board of Adjustment in Use Unit 2 hearings.

Ms. Matthews stated that if there are specific questions, she will refer them to Ms. Myers of the Legal Department.

TMAPC COMMENTS:

Mr. Boyle asked Ms. Matthews if she and Mr. Westervelt agree that language accurately represents the findings of the Task Force. In response, Mr. Westervelt stated that it appears that the language does meet the findings of the Task Force.

Mr. Boyle asked Ms. Myers if she agreed with Mr. Westervelt's statement. In response, Ms. Myers stated that Mr. Romig worked on the proposed language and it seems to be in order.

There were no interested parties wishing to speak.

Mr. Westervelt stated that there are two typing errors in the language and the Legal Department has been made aware of this.

TMAPC Action; 9 members present:

On **MOTION** of **WESTERVELT**, the TMAPC voted **9-0-0** (Boyle, Carnes, Hill, Jackson, Ledford, Midget, Pace, Selph, Westervelt "aye"; no "nays"; none "abstaining"; Harmon, Horner "absent") to **APPROVE AND TRANSMIT** the Amendments to the Zoning Code as regards to Special Residential Facilities to the City Council for adoption.

COMMISSIONERS' COMMENTS:

Mr. Carnes stated he would like to explain why he cast a negative vote on the PUD-306-14. He explained that it is a good PUD, but he felt it was using the cul-de-sac out of place and that is why is cast the negative vote.

(Published in the Tulsa Daily Commerce
and Legal News,
_____, 1998)

Ordinance No. ____

AN ORDINANCE AMENDING THE ZONING CODE OF THE CITY OF TULSA, TITLE 42, TULSA REVISED ORDINANCES, CHAPTER 4, SECTIONS 401, CHAPTER 6, SECTION 601, CHAPTER 9, SECTION 901, CHAPTER 12, SECTION 1202, CHAPTER 16, SECTION 1603, AND SECTION 1604; PROVIDING FOR CERTAIN USES NOT PERMITTED IN RESIDENTIAL DISTRICTS; PROVIDING FOR RESIDENTIAL TREATMENT CENTERS AND TRANSITIONAL LIVING CENTERS IN CERTAIN OFFICE AND INDUSTRIAL DISTRICTS; PROVIDING USE UNIT INDEX; PROVIDING CRITERIA TO BE CONSIDERED BY THE BOARD OF ADJUSTMENT WHEN CONSIDERING SPECIAL EXCEPTIONS FOR SPECIAL RESIDENTIAL FACILITIES; PROVIDING FOR POSTING OF SIGNS ON THE PROPERTY TEN (10) PRIOR TO THE BOARD OF ADJUSTMENT HEARING FOR A SPECIAL EXCEPTION; PROVIDING FOR A FEE FOR THE POSTING OF NOTIFICATION SIGNS; REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND DECLARING AN EMERGENCY.

BE IT ORDAINED BY THE CITY OF TULSA:

Section 1. That Title 42, Chapter 4, Section 401, Tulsa Revised Ordinances, be and the same is hereby amended to read as follows:

"SECTION 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS

The principal uses permitted in the Residential Districts are designated by use unit. 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 of an RE, RS, RD or RT District for access to any RM, O, C, or I District, or the use of an RM District for access to any O, C, or I District is prohibited unless permitted through an approved Planned Unit Development. The use units permitted in Residential Districts are set forth below in Table 1.

Table 1

Use Units Permitted in Residential Districts*

Use Units		Districts					
No.	Name	RE	RS	RD	RT	RM	RMH
1.	Area-Wide Uses by Right	X	X	X	X	X	X
2.	Area-Wide Special Exception Uses #	E	E	E	E	E	E
4.	Public Protection & Utility Facilities	E	E	E	E	E	E
5.	Community Services & Similar Uses	E	E	E	E	E	E
6.	Single-Family Dwelling	X	X	X	X	X	E
7.	Duplex Dwelling		E**	X	X	X	
7a.	Townhouse Dwelling				X	X	
8.	Multifamily Dwelling & Similar Uses	E****	E****	E****		X	
9.	Manufactured Home Dwelling	E	E	E		E	X
10.	Off-Street Parking					E***	
11.	Offices, Studios & Support Services					E****	
16.	Mini-Storage					E*****	

- *X = Use by Right
- E = Special Exception
- ** = Duplexes permitted only in RS-3 and RS-4 Districts.
- *** = In RM-2 and RM-3 Districts only.
- **** = In RM-1, RM-2, and RM-3 Districts only.
- ***** = Assisted living facility, community group home, convent, life/care retirement center, monastery and novitiate are the only uses within Use Unit 8 permitted by special exception in the RE, RS and RD districts.
- ***** = Mini-storage is permitted only in the RM-1, RM-2 and RM-3 Districts."
- # = Detention/Correctional Facilities, Emergency and Protective Shelters, Homeless Centers, Transitional Living and Residential Treatment Centers are not allowed RE and RS Districts.

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	E	E	E	E
7.	Duplex Dwelling	E	E	E	E
7a.	Townhouse Dwelling	E	E	E	X
8.	Multifamily Dwelling & Similar Uses	E	E	E	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
16.	Mini-Storage	E	E	E	E
19.	Hotel, Motel & Recreational Facilities			E***	E***

*X = Use by Right

E = Special Exception

** = 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.

Section 3. That Title 42, Chapter 9, Section 901, Tulsa Revised Ordinances, be and the same is hereby amended to read as follows:

"SECTION 901. PRINCIPAL USES PERMITTED IN INDUSTRIAL DISTRICTS

The principal uses permitted in the Industrial 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 the Industrial Districts are set forth below in Table 1.

Table 1

Use Units Permitted in Industrial Districts*

Use Units		Districts		
No.	Name	IL	IM	IH
1.	Area-Wide Uses	X	X	X
2.	Area-Wide Special Exception Uses #	E	E	E
3.	Agriculture	X	X	X
4.	Public Protection & Utility Facilities	X	X	X
5.	Community Services & Similar Uses	E	E	E
9.	Manufactured Home Dwelling	E	E	E
10.	Off-Street Parking Areas	X	X	X
11.	Offices, Studios & Support Services	X	X	X
12.	Eating Establishments, Other than Drive-Ins	E	E	E
12a.	Adult Entertainment Establishments	E	E	E
13.	Convenience Goods & Services	E	E	E
14.	Shopping Goods & Services	E	E	E
15.	Other Trades & Services	X	X	X
16.	Mini-Storage	X	X	X
17.	Automotive & Allied Activities	X	X	X
18.	Drive-In Restaurants	E	E	E
19.	Hotel, Motel, & Recreational Facilities	E	E	E
20.	Commercial Recreation: Intensive	E	X	X
21.	Business Signs, Outdoor Advertising	X	X	X
22.	Scientific Research & Development	X	X	X
23.	Warehousing & Wholesaling	X	X	X
24.	Mining & Mineral Processing		E	E
25.	Light Manufacturing & Industry	X	X	X
26.	Moderate Manufacturing & Industry	E	X	X
27.	Heavy Manufacturing & Industry		E	X
28.	Junk & Salvage Yards		E	X

*X = Use by Right

E = Special Exception"

= Residential Treatment and Transitional Living Centers are allowed by right in IL Districts.

Section 4. That Title 42, Chapter 12, Section 1202, Tulsa Revised Ordinances, be and the same is hereby amended to read as follows:

"SECTION 1202. USE UNIT 2. AREA-WIDE SPECIAL EXCEPTION USES

A. **Description.** Uses which in some instances may be suitable for location in

any district, but because of their potentially adverse influence on adjacent properties require site review and are therefore permitted in all districts as a special exception requiring Board of Adjustment approval.

B. Included Uses.

Adult Detention Center
Airport, Heliport
Bed and Breakfast Inn
Bus Station
Cemetery (see Section 1202.C.10)
Children's Home
City/County Health Department
Construction Facilities (off site)
Convict Pre-release Center
Correctional Community Treatment Center
Crematory
Day Camp
Emergency and Protective Shelter
Governmental Services, NEC
Homeless Center
Hydroelectric Generation Plant
Jail
Juvenile Delinquency Center
Marina
Mausoleum
Nursing Home
Post Office
Power Plant
Prison
Private Club or Lodge*
Residential Treatment Center
Rifle and Skeet Range, Gun Club
Sanatorium
Sanitary Landfill
Sewage Disposal Facility
Transitional Living Center
Uses which utilize tents, canopies or open air activities** such as:
 Carnival
 Christmas tree sales
 Circus
 Fruit and vegetable sales

Other sales of merchandise
Plant sales
Tent Revival
Water Treatment Plant

*Chief activity is a service not carried on as a business.

**Open air activities shall include sales from trucks, trailers, pickups and other vehicles.

C. Use Conditions.

1. Uses which utilize tents, canopies or open air activities may be approved for a maximum of 179 days per calendar year. The Board of Adjustment may, by special exception, permit alternative off-street parking materials.

2. Required parking spaces shall not be used for the tent, canopy or open air activity.

3. Tents, canopies, and open air activities shall meet the building setback requirements set forth in the applicable zoning districts.

4. Construction Facilities:

a. The use may continue for a period not to exceed two years in the same location.

b. Ingress and egress must be from arterial or collector streets, provided that the Board of Adjustment may approve a location with access to a minor street upon finding that such location would result in less traffic on streets in residential areas.

c. The use shall not be located nearer than 100 feet to any lot containing an occupied dwelling, without the consent of the owner thereof.

5. **Nursing Home:** The nursing home shall meet applicable licensing requirements of the state of Oklahoma. The maximum floor area ratio is .5.

6. **Day camp and private club or lodge,** when located within an AG, RE or RS District, shall have a minimum lot area of one acre.

7. **Spacing Requirement:** To avoid clustering, detention/correctional, emergency and protective shelter, homeless center, residential treatment center and

transitional living center shall not be located on a lot within ~~1/4 mile (1,320 ft.)~~ 1/2 mile (2,640) from any other lot containing such facilities. The Board of Adjustment, however, may as a special exception, permit the clustering of such uses if determined that the location of such uses will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

8. **Bed and Breakfast Inn:**

- a. The owner/operator shall maintain a register of bed and breakfast guests and special events for each calendar year and shall make such register available to City Code Enforcement upon request. The maximum length of stay for any guest shall be limited to 30 days per calendar year.
- b. The Board of Adjustment shall establish the number of guest rooms permitted (per lot of record); provided, however, the Board shall not approve more than twelve (12) guest rooms.
- c. Cooking facilities shall not be permitted in any of the guest rooms.
- d. A public restaurant is not permitted. Meals may only be served to overnight guests and for special events as permitted by the Board of Adjustment.
- e. The Board of Adjustment shall approve the size, type and location of the sign; provided, however, in no instance shall the sign exceed 32 sq. ft. in display surface area or 20 feet in height and illumination, if any, shall be by constant light. Provided further, that in no instance shall the sign exceed 2 sq. ft. in display surface area when located in an RS or an RE zoning district.
- f. The Board of Adjustment may permit the Bed and Breakfast structure(s) to be rented for special events, such as weddings, receptions, anniversaries, private dinner parties, business seminars, etc. The Board shall establish the maximum number of special events per year and shall establish the maximum number of guests per any single event based on the availability of off-street parking and the compatibility with the surrounding land use. Provided, however, that the rental or use of said structure(s) for special events, when located in an RS or RE zoning district, is prohibited.

9. Funeral homes are permitted within a cemetery which is ten (10) acres or more in size and has been approved by the Board of Adjustment, provided the parking

requirements set forth in Use Unit 11 and the building setback requirements of an office district as set forth in Section 603 of this code are met.

D. Off-Street Parking and Loading Requirements.

Uses	Parking Spaces	Loading Berths
Airport	1 per each 500 sq. ft. of enclosed passenger terminal area.	1 per 2,000 to 40,000 sq. ft. of floor area plus 1 per 40,000 to 100,000 sq. ft., plus 1 per each additional 100,000 sq. ft.
Bed & Breakfast Inn	2 plus 1 per guest room plus 1 for every 40 sq. ft. of reception area for special events	1 per 10,000 to 100,000 sq. ft. plus 1 per each additional 100,000 sq. ft. of floor area
Emergency & Protective Shelter	1 per 1,000 sq. ft. of floor area	1 per 10,000 to 100,000 sq. ft. plus 1 per each additional 100,000 sq. ft. of floor area
Juvenile Delinquency Center	1 per 1,000 sq. ft. of floor area	1 per 10,000 to 100,000 sq. ft. plus 1 per each additional 100,000 sq. ft. of floor area
Nursing Home	.35 per nursing home bed	1 per 10,000 to 100,000 sq. ft. plus 1 per each additional 100,000 sq. ft. of floor area
Private Club or Lodge	1 per 40 sq. ft. of assembly room floor area or 1 per 300 sq. ft. of total floor area whichever is greater	1 per 10,000 to 100,000 sq. ft. plus 1 per each additional 100,000 sq. ft. of floor area
Residential Treatment Center, and Transitional Living Center and other such residential facilities, NEC	1 per 1,000 sq. ft. of floor area plus 1 per each additional 100,000 sq. ft. of floor area	1 per 10,000 to 100,000 sq. ft.

All other uses

As may be required by the
Board of Adjustment"

E. Factors to be considered in granting a special exception.

In addition to any other requirements of this section, the following factors shall be considered in the determination to grant or deny a special exception for a special residential facility:

- (1) Size of the facility;
- (2) Number of staff and staff to client ratio;
- (3) Levels of treatment;
- (4) Location of site in relation to needed services;
- (5) City infrastructure in the area;
- (6) Compliance with State licensure and certification requirements;
- (7) Proximity to similar uses;
- (8) Distance from sensitive uses (single-family residential districts, schools, parks, child daycare centers).

Section 5. That Title 42, Chapter 16, Section 1603, Tulsa Revised Ordinances, be and the same is hereby amended to read as follows:

SECTION 1603. NOTICE OF PUBLIC HEARING

A. The Board of Adjustment shall give notice and conduct a public hearing before acting on any appeal from an administrative official enforcing this code, or before granting any special exception, or variance, or minor variance, or exception. The Board shall set forth in an adopted statement of policy a list of variances and exceptions which constitute minor variances or exceptions and such statement of policy shall be approved by the Board of City Commissioners of the City of Tulsa.

B. Ten days' notice of public hearing shall be given as follows:

1. For special exception, variance or appeal from a determination an administrative official enforcing this code:

- a. By publication in a newspaper of general circulation; and
- b. By mailing written notice to all owners of property within a 300 foot radius of the exterior boundary of the subject property.

2. For minor variance or exception by mailing written notice to all owners of abutting property of the subject property. Nothing herein shall preclude the Board of Adjustment from requiring the giving of public notice of hearings to all owners of property within a 300 foot radius of the exterior boundary of the subject property for consideration of a minor variance or Exception.

3. For special exceptions, ten (10) days' notice of public hearing by posting a sign or signs on the property.

C. The notice shall contain:

1. The legal description of the property and the street address or approximate location of the property;
2. The present zoning classification of the property and the nature of the relief sought;
3. The date, time and place of the hearing.

D. The applicant shall furnish the names and mailing addresses of all owners of property within a 300 foot radius of the exterior boundary of the subject property, or in the case of a minor variance or exception, the owners of abutting property of the subject property. Costs of publication shall be billed to the applicant.

Section 6. That Title 42, Chapter 14, Section 1604, Tulsa Revised Ordinances, be and the same is hereby amended to read as follows:

SECTION 1604. FEES

An application for an appeal from an administrative official enforcing this code, or any variance or special exception shall be accompanied by the payment of a fee in accordance with the schedule of fees adopted by resolution of the City Council of the City of Tulsa. Additionally, the applicant shall pay a fee to cover the costs of publishing notice and posting signs on the property.

Section 7. REPEAL OF CONFLICTING ORDINANCES. That all ordinances or parts of ordinances in conflict herewith be and the same are hereby expressly repealed.

Section 8. EMERGENCY CLAUSE. That an emergency is hereby 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

ADOPTED as an emergency measure: _____
Date

Chairman of the Council

OFFICE OF THE MAYOR

Received by the Mayor: _____, at _____.
Date Time

M. Susan Savage, Mayor

By _____
Secretary

APPROVED by the Mayor of the City of Tulsa, Oklahoma: _____
Date

at _____.
Time

Mayor

(Seal)
ATTEST:

City Clerk

APPROVED:

City Attorney

There being no further business, the Chairman declared the meeting adjourned at 2:00 p.m.

Date approved: 11/6/99

[Signature]
Vice-Chairman

ATTEST: [Signature]
Secretary

