

# Tulsa

## Zoning Code Amendments

Public Hearing Draft

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# Proposed Amendments to Tulsa Zoning Code

Section 25.040	CO, Corridor District .....	1
Section 25.070	MPD, Master Planned Development District .....	3
Section 30.010	PUD, Planned Unit Development (Legacy) District .....	4
Section 40.110	Cottage House Developments.....	6
Section 40.290	Patio Houses .....	6
Section 40.390	Townhouses.....	7
Section 70.040	Development Plans .....	7
Section 70.050	Site Plans .....	7
Section 70.045	Transportation Impact Analyses.....	7
Section 70.080	Zoning Clearance Permits .....	10
Section 90.080	Open Space per Unit.....	12
Section 95.150	Terms beginning with “L” .....	12

<b>Section 25.040 CO, Corridor District</b>
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**25.040-E Special Procedures Applicable to Corridor (CO) District Rezoning and Developments**

**1. Overview of Required Approval Process**

- a. A property owner request for rezoning to the CO zoning district requires review and approval of a zoning map amendment (see Section 70.030) and a development plan (see Section 70.040) for the subject property.
- b. The planning commission is authorized to recommend and the city council is authorized to approve modifications and adjustments to otherwise applicable parking, sign, landscaping, screening and outdoor lighting regulations concurrently with development plan approval.
- c. After approval of the zoning map amendment and development plan, site plan review and approval is required in accordance with the procedures of Section 70.050.
- d. No building permit may be issued and no building or development may occur in a CO zoning district until a zoning clearance permit has been issued in accordance with Section 70.080. ~~subdivision plat incorporating the provisions of the approved development plan has been approved and filed of record in the county clerk’s office of the county in which the property is located.~~

**3. ~~Restrictive Covenants~~ Subdivision Plats**

~~a. — A corridor district subdivision plat must be filed with the planning commission and processed in accordance with the subdivision regulations.~~

~~b. — In addition to the information and submittals required pursuant to the subdivision regulations, a corridor district subdivision plat must include:~~

~~(1) — Details regarding the approved location of uses and street arrangements;~~

~~(2) — Provisions for the ownership and maintenance of any common open space as will reasonably ensure its continuity, conservation and maintenance. Open space may be dedicated to a private association or to the public, provided that a dedication to the public may not be accepted without the express approval of the city council; and~~

~~(3) — No building permit may be issued, and no building or development may occur in a CO zoning district until All 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 City of Tulsa 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 City of Tulsa 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.~~

**4. Issuance of Building Permits**

Building permits may be issued only after ~~the a zoning clearance permit has been issued in accordance with Section 70.080 and covenants have been recorded in accordance with Section. 25.040-E.3.~~ required subdivision plat is approved and filed of record in the county clerk's office of the county in which the property is located. Any permits issued must be in accordance with the ~~approved plat incorporating the provisions of the~~ approved development plan.

**5. Amendments**

~~The planning commission is authorized to approve M~~ minor amendments to an approved development plan may be authorized by the planning commission, which may direct the processing of an amended development plan and subdivision plat, incorporating such changes, so as long as substantial compliance is maintained with the approved development plan. Major amendments must be processed as new development plans. See §70.040-I.

**6. Abandonment of Approved Plans**

Abandonment of an approved development plan requires review and recommendation by the planning commission and approval by the city council. Upon final action by the city council authorizing abandonment of the development plan, no building permits may be issued until a subsequent development plan ~~and a subdivision plat~~ has been approved and a zoning clearance permit has been issued and filed of record in the county clerk's

~~office of the county in which the property is located~~ or until the property has been rezoned to another zoning district and permits sought in accordance with the regulations applicable to the subject district.

## Section 25.070 MPD, Master Planned Development District

### 25.070-D MPD Approval Procedures

#### 1. Overview of Required Approval Process

- a. A property owner request for rezoning to the MPD zoning district requires review and approval of a zoning map amendment (see Section 70.030), which is processed concurrently with a development plan (see Section 70.040).
- b. After approval of the zoning map amendment and development plan, site plan review and approval is required in accordance with the procedures of Section 70.050.
- c. No building permit may be issued and no building or development may occur in a MPD zoning district until a zoning clearance permit has been issued in accordance with Section 70.080, ~~a subdivision plat incorporating the provisions of the approved development plan has been approved and filed of record in the county clerk's office of the county in which the property is located.~~

#### 3. ~~Subdivision Plats~~ Restrictive Covenants

- a. ~~The subdivision plat must be filed with the planning commission and processed in accordance with the subdivision regulations.~~
- b. ~~In addition to the information and submittals required pursuant to the subdivision regulations, No building permit may be issued, and no building or development may occur in an MPD district~~ subdivision plat must include all 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 City of Tulsa must be made beneficiary of the covenants pertaining to such matters as location of uses, height of structure, setbacks, screening, and access. Such covenants must provide that the City of Tulsa 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.

#### 4. Issuance of Building Permits

Building permits may be issued only after a zoning clearance permit has been issued in accordance with Section 70.080 and covenants have been recorded in accordance with Section. 25.070-D.3, ~~the required subdivision plat is approved and filed of record in the county clerk's office of the county in which the property is located.~~ Any permits issued must be in accordance with the ~~approved plat incorporating the provisions of the~~ approved development plan.

**25.070-G Other Development Standards**

Unless otherwise expressly provided in the approved development plan, properties within the MPD district are subject to all other applicable provisions of this zoning code and the subdivision and development regulations. The MPD district is expressly intended to accommodate the use of alternative standards for streets and other public improvements based on the approved development plans. The development plan must specify the deviations proposed from otherwise applicable public improvement standards if deviations from otherwise applicable standards are proposed.

**Section 30.010 PUD, Planned Unit Development (Legacy) District****30.010-B General**

1. Except as may be expressly approved as part of a PUD overlay district, the regulations of the underlying base zoning district apply within a planned unit development.
2. The city council in approving or amending a PUD and the planning commission in approving a minor amendment, may impose restrictions as conditions of approval in addition to those imposed by the underlying base zoning and the PUD regulations.
3. ~~No building permit may be issued, and no building or development may occur in a PUD zoning district until a zoning clearance permit has been issued in accordance with Section 70.080. No modification of use or bulk and area requirements of the underlying base district is permitted unless a subdivision plat incorporating the provisions and requirements of this section is submitted to and approved by the planning commission and the city council and filed of record in the county clerk's office of the county in which the property is located. The planning commission is authorized to waive the platting requirements if the property is already platted and if the PUD conditions for approval are included in the form of restrictive covenants and filed of record with the county clerk making the City of Tulsa beneficiary to the covenants.~~

**30.010-E Bulk and Area Regulations****3. Open Space**

Open space for a residential development area must be provided in an aggregate amount of not less than the amount of open space required by the underlying base zoning district for conventional development of a comparable number of dwelling units. Required open space must be provided on the lot containing the dwelling unit or units on which computed, or in common areas. Common open space must 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 open space as will ensure its continuity, conservation and maintenance must be incorporated in the subdivision plat or in covenants recorded in the county clerk's office.

**4. Building Height and Setbacks**

The building height limitations and building setback requirements must be prescribed and incorporated within the subdivision plat or in a separately recorded legal instrument. Every structure must be set back from the centerline of an abutting public street designated on the major street and

highway plan a horizontal distance of not less than 50% of the right-of-way width designated on the major street and highway plan.

**30.010-F Perimeter Requirements**

Perimeter requirements for screening, landscaping, and setbacks, as are necessary to ensure compatibility with adjoining and proximate properties, must be prescribed and be incorporated within the subdivision plat or in a separately recorded legal instrument.

**30.010-G Off-Street Parking and Loading**

No modification of applicable off-street parking and loading requirements is permitted unless a subdivision plat incorporating the provisions and requirements is submitted to and approved by the planning commission and the city council and ~~filed of record~~ in the county clerk's office or restrictive covenants are established in a separately recorded legal instrument of the county in which the property is located, except that §55.070-B and §55.080-C do not apply. Required spaces may be provided on the lot containing the uses for which it is intended to serve or in common areas. Common parking areas must 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 in the separately recorded legal instrument.

**30.010-I Amendments to Approved Plans**

**2. Minor Amendments**

a. ~~The planning commission is authorized to approve M~~ minor changes and amendments to an approved PUD development plan ~~may be authorized by the planning commission so long as long as~~ a substantial compliance is maintained with the approved PUD development plan. ~~In considering a minor amendment, the planning commission is authorized to direct the processing of an amended PUD subdivision plat, incorporating such changes.~~

c. The following may be processed as minor amendments:

- (10) Lot splits that ~~modify a recorded plat and that~~ have been reviewed and approved in accordance with, as required by the subdivision and development regulations;

**30.010-J ~~PUD Subdivision Plats~~ Restrictive Covenants**

No building permit may be issued, and no building or development may occur in a PUD zoning district until ~~a subdivision plat incorporating the provisions of the approved PUD development plan have been approved and filed of record in the county clerk's office.~~

1. ~~———— A PUD subdivision plat must be filed with the planning commission and processed in accordance with the subdivision regulations.~~

2. ~~———— In addition to the information and submittals required pursuant to the subdivision regulations, a PUD subdivision plat application must include:~~

a. ~~———— Details regarding the approved location of uses and street arrangements;~~

b. ~~———— Provisions for the ownership and maintenance of any common open space as will reasonably ensure its continuity, conservation and maintenance. Open space may be dedicated to a private association or to the public, provided that a dedication to the public may not be accepted without the express approval of the city council; and~~

~~c. — All~~ covenants necessary to reasonably ensure continued compliance with the approved PUD 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 City of Tulsa must be made beneficiary of the covenants pertaining to such matters as ~~the requirement of approval of detail plans prior to the issuance of any permits,~~ location of uses, height of structures, building setbacks, screening, ~~open space, signage~~ and access. Such covenants must provide that the City of Tulsa 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.

**30.010-K Issuance of Building Permits**

Building permits may be issued only after a zoning clearance permit has been issued in accordance with Section 70.080 and covenants have been recorded in accordance with Section. 30.010-J. ~~PUD subdivision plat is approved and filed of record in the county clerk's office.~~ Any permits issued must be in accordance with the ~~approved PUD subdivision plat incorporating the provisions of the~~ approved PUD development plan.

**Section 40.110 Cottage House Developments**

**40.110-H ~~Platting~~ Restrictive Covenants**

A cottage house development is permitted only if a subdivision plat or other recorded legal instrument incorporating the provisions and requirements of this section (Section 40.110) is approved in accordance with the subdivision and regulations and filed of record ~~ed~~ in the county clerk's office. ~~of the county clerk of the county in which the property is located.~~

**Section 40.290 Patio Houses**

**40.290-C** When the patio house's exterior wall or eaves are within 2 feet of the abutting property line, a perpetual maintenance easement at least 5 feet in width must be provided on the lot abutting the zero patio property line, which, with the exception of walls and/or fences, must be kept clear of structures. The easement must be depicted on and established in the a recorded plat or a separate legal instrument recorded in the county clerk's office ~~and established in the deed of dedication accompanying the plat.~~ This provision is intended to ensure the ability to conduct maintenance on the patio house. Eaves on the side of a patio house with a zero or reduced setback may project over the side property line only if shown on the easement required under this paragraph.

**40.290-E** A patio house development is permitted only if a subdivision plat or other recorded legal instrument incorporating the provisions and requirements of this section (Section 40.290) is approved in accordance with the subdivision regulations and filed of record ~~ed~~ in the county clerk's office. ~~of the county clerk of the county in which the property is located.~~



**Section 40.390 Townhouses**

**40.390-D Open Space**

Required open space per dwelling unit for a townhouse project may be provided either on each townhouse lot or in common areas within the overall townhouse project, as designated on a recorded subdivision plat or in a separately recorded legal instrument.

**Section 70.040 Development Plans**

**70.040-B Applicability**

**2. Optional**

Property owners may elect to submit a development plan with any zoning map amendment application. The optional development plan process is also used to process proposals to provide access to lots via a private street. In acting on optional development plans, the planning commission is authorized to recommend and the city council is authorized to approve use and development limitations that are at least as restrictive or are more restrictive than the base zoning regulations. Optional development plans may not be used to obtain relief from otherwise applicable zoning code regulations.

**70.040-I Amendments to Approved Development Plans**

**1. Minor Amendments**

a. The planning commission is authorized to approve amendments to approved development plans as minor amendments if the planning commission determines that substantial compliance is maintained with the approved development plan. The following is a non-exhaustive list of changes that may be considered as minor amendments:

- (6) Lot splits that ~~modify a recorded plat and that~~ have been reviewed and approved in accordance with, as required by the subdivision and development regulations;

**Section 70.050 Site Plans**

**70.050-D Effect of Approval**

Approval of a site plan must occur before any building permits are issued. Site plan approval, in and of itself, does not constitute effective dedication of rights-of-way or any other public improvements. See also the zoning clearance permit provisions of Section 70.080, nor will the site plan be the equivalent of or an acceptable alternative to the final platting of land prior to the issuance of building permits.

**Section 70.045 Transportation Impact Analyses**

**70.045-A Purpose**

Transportation impact analysis (TIA) requirements are intended to provide a mechanism for objective evaluation of the impacts that proposed developments will have on traffic conditions, transit users, pedestrians and bicyclists.

**70.045-B When Required**

1. A transportation impact analysis is required with zoning map amendment applications, optional development plan applications and mandatory development plan applications if the proposed development will include more than 100 dwelling units or nonresidential uses that will generate average daily traffic counts of 2,500 or more vehicles per day (ADT) or 250 or more vehicle trips during peak traffic hours (PHT), based on trip generation rates from the latest edition of the Institute of Transportation Engineers (ITE) *Trip Generation Manual*.
  - a. In calculating the number of vehicle trips expected to be generated, only “new” vehicle trips are to be counted; pass-by and internal trip capture rates are not used in calculating new or added vehicle trips.
  - b. A TIA is not required if all the following conditions are met: (1) the subject property has been the subject of a TIA within the previous 3 years; (2) the projected trip generation of the newly proposed development is equal to or less than the previous TIA and (3) the trip distribution has not significantly changed.
  - c. Unless the allowed density or intensity of development allowed on the subject property is limited by a development plan or other mechanism enforceable by the city, all TIA calculations must be based on reasonable estimates of the maximum residential and nonresidential development that could be placed on the subject property, as determined by the land use administrator.
2. In addition to the TIA thresholds established in §70.045-B.1, the planning commission and city council are authorized to require a traffic impact analysis regardless of the size or type based on consideration of:
  - a. The presence of an existing or potential safety issue; or
  - b. The presence of a roadway segment or intersection that is at or near capacity and that is likely to be affected by the proposed development.

**70.045-C Level of Service and Safety Assessment**

1. TIAs must include a assessment of existing and build-out-year, peak-hour levels of service on all major street and intersections.
2. The TIA must also include an assessment of the proposed development’s impacts on the safety of pedestrians, cyclists and other forms of non-motorized travel.

**70.045-D Study Area**

The transportation impact analysis must address the proposed development’s impact on at least:

1. Roads, sidewalks, bicycle routes, transit facilities and intersections within the development site;
2. Road segments, sidewalks, bicycle routes, transit facilities and intersections abutting the proposed development site; and

3. Off-site road segments and intersections when traffic from the proposed development is expected to account for at least 10% of the road's or intersection approach leg's average daily traffic.

**70.045-E      Preparation**

Any TIA, whether required or voluntarily provided, must be prepared by a registered engineer. Before preparing the TIA, the developer's engineer must hold a scoping meeting with the land use administrator and city engineer to identify the study area and any specific issues that must be addressed.

**70.045-F      Contents of Analysis**

Transportation impact analyses must include charts, graphics, and narrative presenting at least the following information unless the land use administrator and city engineer determine that such information is not necessary to conduct a competent review of anticipated transportation impacts:

1. A description of existing land uses and development intensities in the study area, the location and characteristics of streets, sidewalks, bicycle routes, transit facilities and intersections in the study area, and the existing traffic volumes and conditions (including levels of service) of those facilities;
2. A description of the location and traffic-related characteristics (land use, intensity, expected date of full build-out and occupancy, vehicular access points, pedestrian connections, bicycle routes and transit facilities and characteristics, etc.) of the proposed development and other developments in the study area that are under construction or approved, as well as streets and other transportation facilities and improvements in the study area that are under construction or programmed and funded;
3. Projections of future background traffic (existing vehicular, pedestrian, bicycle and transit volumes forecasted to build-out year levels based on traffic growth rates agreed upon in the TIA scoping meeting) plus traffic generated by other developments in the study area that are under construction or approved;
4. Future background and site traffic projections must be made for the peak hours of the adjacent street segments and intersections and for the development's expected full build-out and occupancy date, and must include trip generation, trip distribution (using distributions agreed upon in the TIA scoping meeting), and traffic assignment estimates;
5. Studies of the proposed development's incremental impacts on:
  - a. Street capacity during peak hours at all site access points and at street segments and intersections in the study area (including determination of the level of service for the street segments and intersections, queuing vs. existing/proposed storage);
  - b. The need for signalization of intersections in the study area; and
  - c. Pedestrian, bicycle and transit-user safety and convenience.
5. A description of the location, nature, and extent of site access and transportation improvements and other measures recommended to

mitigate any failure to meet traffic operation standards due to the proposed development's transportation impacts;

6. Identification of all assumptions and data sources used in analyses, projections and recommendations.

**Section 70.080 Zoning Clearance ~~and Platting Requirements~~ Permits**

**70.080-A**

**Applicability**

Property owners or their authorized agent must obtain a zoning clearance permit from the development administrator before constructing, moving, or structurally altering any building or structure or establishing or changing the use of any building or lot.

**70.080-B**

**Platting Requirement and Exceptions Compliance with Development Regulations**

**1. Requirement Purpose**

The requirements of this section are intended in order 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, a proper arrangement of streets and the adequacy of open spaces for traffic, utilities and emergency vehicle access, commensurate with the intensification of land use customarily incident to a zoning map amendment, a platting requirement is established.

**2. Rezoning, Special Exceptions and Residential Uses**

Except as expressly stated in §70.080 B2, a No building permit or zoning clearance permit may be issued until that portion of the subject lot or parcel for which the permit is sought has been 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 included within a recorded subdivision plat or replat, submitted to and approved by the planning commission, and that is filed of record in the county clerk's office of the county in which the property is located or ALTA/ACSM survey and separately recorded legal instruments. This platting requirement applies to any property for which:

- a. A property owner-initiated zoning map amendment or development plan was approved after July 1, 1970; ~~or~~
- b. A special exception was approved for any of the following:
  - (1) Group living use;
  - (2) Public, civic or institutional use;
  - (3) Outdoor assembly and entertainment use;
  - (4) Apartment/condo use/building Household living involving 3 or more households on a single lot;
  - ~~(5) Bed & breakfast;~~
  - ~~(56)~~ Marina;
  - ~~(67)~~ Gun club;
  - ~~(78)~~ Crematory; or

~~(89)~~ Mausoleum-Or

~~c.~~ A building permit is requested for any of the following residential uses:

~~(1)~~ Cottage house development;

~~(2)~~ Patio house; or

~~(3)~~ Townhouse.

**3. Sidewalks**

For properties that are not subject to §70.080-B.2, no certificate of occupancy may be issued until the subject lot or parcel for which the permit is sought has been determined to be in compliance with the sidewalk regulations of section 5-070 of the subdivision and development regulations.

**24. Exceptions**

The planning commission, pursuant to its exclusive jurisdiction over subdivision plats, is authorized to:

~~a.~~ Waive the platting requirement of §70.080 B1 upon a determination that the purposes have been achieved by previous platting, have or will be achieved by other actions, including any conditions prescribed by the planning commission, or could not be achieved by plat or replat;

~~b.~~ Allow the processing of a minor subdivision plat, upon a determination that no new streets will be built and that minimal public improvements will be required;

~~c.~~ Allow ~~authorize~~ the accelerated release of a building permit in accordance with the accelerated release of building permit procedures in the *Subdivision and Development Regulations*, upon approval of a proposed preliminary plat, thereby enabling building permits to be issued prior to the filing of the final plat. All required street right-of-way dedications must occur before issuance of a building permit. Prior to allowing accelerated release of a building permit, the planning commission must determine that extraordinary or exceptional circumstances warrant the release and that compliance with the filing of the final plat is reasonably assured. In exercising its discretion to allow accelerated release of a building permit, the planning commission may:

~~(1)~~ Waive the requirement for street dedication as a condition of approval of a building permit being released prior to the filing of a final plat. Such waiver may only occur upon a determination that circumstances related to the particular project reasonably preclude the future use or improvement of the area for which dedication would be required;

~~(2)~~ Require that no final inspection of buildings or structures occur, that no certificate of occupancy be issued and that no building be occupied until the platting requirement is fully complied with; and

~~(3)~~ Prescribe other conditions determined to be necessary to ensure the filing of the final plat.

**Section 90.080 Open Space per Unit**

**90.080-C** Required open space within a townhouse development may be provided on each townhouse lot or may be provided in outdoor common areas within the townhouse development, as designated on the recorded subdivision plat or a in separately recorded legal instrument.

**Section 95.150 Terms beginning with “L”**

**Lot of Record**

A lot that is part of a subdivision, the plat of which is recorded in the county clerk’s office; a parcel of land, the conveyance of which is lawfully recorded in the county clerk’s office; or the balance of a parcel of land where the conveyance of another portion of that parcel is lawfully recorded in the county clerk’s office.