



**PLANNING & DEVELOPMENT  
DEPARTMENT**

November 6, 2017

Mr. Andrew A. Shank  
Eller & Detrich  
2727 East 21<sup>st</sup> Street, Suite 200  
Tulsa, OK 74114-3533

Re: Zoning Code Interpretation #2017-02  
Spacing requirements for outdoor advertising signs

Dear Mr. Shank:

The question you pose in your September 27, 2017 letter is whether a permitted sign (or sign alteration) should be granted the same consideration as an "existing" sign when verifying spacing requirements for placement (or conversion) of another sign. In your letter you state *"Consideration of signs that may potentially be erected at some uncertain point in the future (whether or not they have been issued a permit) is undoubtedly improper and ignores the plain language of the standard set forth by the Code."* I agree with much of this statement however it is negated by the parenthetical reference to the issuance of a valid permit. Once a permit has been issued, the City has granted a right to construct or alter a sign and has recognized an applicant's intent to do so. A permit represents a real project that is no longer a hypothetical condition. The timeline associated with a permit is not "some uncertain point in the future." Applicants have 180 days to initiate work; and to then undertake permitted work without significant lapses in activity until that work is completed, inspected and approved. Every applicant seeks and should enjoy fair and equal treatment in this regard.

If a project is permitted but the applicant fails to act, causing the permit to expire, other requests should be considered. However, until that occurs, issuance of approvals for other signs would only put the City in a position of having issued one or more permits in violation of the Zoning Code. Issuing permits for construction that is known to be non-conforming or could become non-conforming due to other properly issued permits, is not appropriate. The City cannot issue a permit for a structure that does not conform to the Zoning Code:

*Section 1.070 Compliance Required*

*1.070-A Land may not be used for any purpose other than one that is allowed by the provisions of this zoning code.*

*1.070-B A building or structure may not be erected, located, moved, reconstructed, extended or structurally altered except as allowed by this zoning code.*

*1.070-C Buildings, structures and land may be used and occupied only in compliance with the provisions of this zoning code.*

*1.070-D All lots created or modified must comply with all applicable provisions of this zoning code.*

The Code advises further that any conflicting regulations are to be resolved or addressed in a very specific manner:

*Section 1.080 Conflicting Provisions*

*1.080-B Conflict with Other City Regulations*

*If the provisions of this zoning code are inconsistent with one another or if they conflict with provisions found in other adopted ordinances or regulations of the city, the more restrictive provision governs unless otherwise expressly stated. The more restrictive provision is the one that imposes more stringent controls.*

This means the City cannot operate in a vacuum. When we have knowledge of other actions or permits that affect or would be affected by a requested action (permit, spacing verification, etc.) it would be irresponsible to act in a manner that does not recognize this information.

Interpretation:

To improve this situation and ensure administration of the regulations matches the stated intent staff will undertake the following:

- Work with the Board of Adjustment staff to address the standard language for motions related to sign spacing verification; and
- Review code language with City legal staff to determine if it is appropriate to recommend amendments that will provide greater clarification related to this matter.

*70.090-G Appeal of decision*

*Appeals of written interpretations issued pursuant to this section may be taken to the board of adjustment in accordance with the appeal procedures of Section 70.140.*

Sincerely,



Dawn T. Warrick, AICP  
Planning & Development Director

cc: Yuen Ho  
Bob Kolibas  
Susan Miller  
Janine VanValkenburgh