September 9, 2019

Mr. Lou Reynolds
Eller & Detrich
2727 E. 21st Street, Suite 200
Tulsa, OK 74114-3533

Re: Zoning Code Interpretation #2019-01
Permitted Uses in PUD-230 Development Plan

Dear Mr. Reynolds:

This letter is in response to your request for interpretation as to the uses that are allowed in the PUD-230 development plan. In your letter you state: "The requested interpretation is for a determination that PUD-230 permits principal uses in the OL District, both by right and special exception."

PUD-230 states: "That the permitted uses be those that are permitted as principal and accessory uses within the OL District and in addition include barber and beauty shops." As the Land Use Administrator, I interpret this language to mean that the principal and accessory uses permitted are those allowed by right within the OL District, but that uses permitted by special exception, other than the uses of barber and beauty shops, are not permitted. If the language in the PUD intended to permit all uses allowed by right and by special exception, it would not have specifically called out those two uses.

The fact that the words "as matter of right" were omitted from the staff recommendation for PUD-230 does not imply that all uses allowed by special exception were then included as permitted uses. On occasion, as staff writes standards in a development plan, the language may be streamlined while not changing the intent.

Given my interpretation, a school use is allowed in OL only by special exception and therefore requires a major amendment to the PUD to add that use.

Sincerely,

Susan Miller, AICP
Land Use Administrator
Director, Tulsa Planning Office at INCOG

cc: Janine VanValkenburgh
    Yuen Ho