# Tulsa Metropolitan Area Planning Commission

## Minutes of Meeting No. 2737

Wednesday, January 4, 2017, 1:30 p.m.

City Council Chamber

One Technology Center – 175 E. 2<sup>nd</sup> Street, 2<sup>nd</sup> Floor

Members Present	Members Absent	Staff Present	Others Present
Carnes	Adams	Foster	Ling, COT
Covey	Doctor	Hoyt	VanValkenburgh, Legal
Dix	Reeds	Miller	
Fretz		Sawyer	
Millikin		Ulmer	
Shivel		Wilkerson	
Stirling			
Walker			

The notice and agenda of said meeting were posted in the Reception Area of the INCOG offices on Friday, December 30, 2016 at 2:18 p.m., posted in the Office of the City Clerk, as well as in the Office of the County Clerk.

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

#### **REPORTS:**

#### Chairman's Report:

#### **Director's Report:**

Ms. Miller reported there haven't been any new City Council actions since the last TMAPC meeting. Ms. Miller stated a work session has been scheduled for January 18<sup>th</sup>, 2017 before the regular TMAPC meeting in the 3<sup>rd</sup> floor presentation room at 11:00 am. There will be 3 things on the agenda: Urban Forest Master Plan; Peoria Bus Rapid Transit Land Use Study; and illustrations and examples for discussion on the residential driveway width topic. On the February 1<sup>st</sup> 2017 TMAPC meeting staff will be asking Planning Commission to initiate a Land Use change for the residential properties on the east side of Elwood Avenue south of 71<sup>st</sup> Street.

\* \* \* \* \* \* \* \* \* \* \* \*

#### A. Minutes:

Minutes of December 21, 2016, Meeting No. 2736

Approval of the minutes of December 21, 2016 Meeting No. 2736 On MOTION of DIX, the TMAPC voted 8-0-0 (Carnes, Covey, Dix, Fretz, Millikin, Shivel, Stirling, Walker, "aye"; no "nays"; none "abstaining"; Adams, Doctor, Reeds "absent") to APPROVE the minutes of the meeting of December 21, 2016 Meeting No. 2736.

\* \* \* \* \* \* \* \* \* \* \* \*

#### **CONSENT AGENDA**

All matters under "Consent" are considered by the Planning Commission to be routine and will be enacted by one motion. Any Planning Commission member may, however, remove an item by request.

- 1. <u>LC-839</u> (Lot-Combination) (CD 1) Location: North of the northeast corner of East Apache Street and North Rockford Avenue
- 2. <u>LC-840</u> (Lot-Combination) (CD 3) Location: Northwest corner of East Admiral Boulevard and South Zunis Avenue
- LC-841 (Lot-Combination) (CD 1) Location: East of the northeast corner of North Waco Avenue and West Reading Street
- 4. <u>LC-842</u> (Lot-Combination) (CD 4) Location: West of the southwest corner of South Boston Avenue and East 25<sup>th</sup> Street South (related to LS-20952)
- 5. <u>LS-20952</u> (Lot-Split) (CD 4) Location: West of the southwest corner of South Boston Avenue and East 25<sup>th</sup> Street South (related to LC-842)
- 6. <u>LS-20951</u> (Lot-Split) (County) Location: South of the southwest corner of North Birmingham Avenue and East 96<sup>th</sup> Street North
- 7. <u>LS-20953</u> (Lot-Split) (CD 8) Location: East and South of the Southeast corner of East 109<sup>th</sup> Street South and South 74<sup>th</sup> East Avenue
- 8. <u>Crosstown Industrial No. 1</u> (CD 3) Final Plat, Location: Southwest corner of East Pine Street and South 129<sup>th</sup> East Avenue

#### TMAPC Action; 8 members present:

On **MOTION** of **DIX**, TMAPC voted **8-0-0** (Carnes, Covey, Dix, Fretz, Millikin, Shivel, Stirling, Walker, "aye"; no "nays"; none "abstaining"; Adams, Doctor, Reeds "absent") to **APPROVE** Items 1 through 8 per staff recommendation

\* \* \* \* \* \* \* \* \* \* \* \*

Ms. Millikin read the opening statement and rules of conduct for the TMAPC meeting.

#### **PUBLIC HEARINGS:**

 Memorial Imports (CD 7) – Minor Subdivision Plat, Location: North of the northeast corner of East 91<sup>st</sup> Street South and South Memorial Drive (Staff requests continuance to January 18, 2017)

## TMAPC Action; 8 members present:

On **MOTION** of **DIX**, TMAPC voted **8-0-0** (Carnes, Covey, Dix, Fretz, Millikin, Shivel, Stirling, Walker, "aye"; no "nays"; none "abstaining"; Adams, Doctor, Reeds "absent") to **CONTINUE** the Minor Subdivision Plat Memorial Imports to January 18, 2017

\* \* \* \* \* \* \* \* \* \* \* \*

9. <u>96<sup>th</sup> & Sheridan</u> (County) – Preliminary Subdivision Plat, Location: Southwest corner of East 96<sup>th</sup> Street North and North Sheridan Road

#### **STAFF RECOMMENDATION:**

This plat consists of 52 lots, 3 blocks, on 40 acres.

The following issues were discussed December 15, 2016, at the Technical Advisory Committee (TAC) meeting:

- **1. Zoning:** The property is zoned RE (Residential Estate)
- **2. Streets:** Dedicate an additional 8' of right-of-way along the south side of 96<sup>th</sup> Street North, from the Sheridan Road section line to a point 388' to the west to allow for turn lane. The County Engineer has requested stub streets to the west and south to provide connectivity for future development.
- 3. Sewer: No comment.
- **4. Water:** Water service will be provided by Rural Water District #3. The easement along the south side of 96<sup>th</sup> Street North needs to be 20' instead of the currently shown 17.5'. Waterline plans must be submitted for review.
- **5. Storm Drainage:** Show overland drainage easements for offsite flow across lots.
- Utilities: Telephone, Electric, Gas, Cable, Pipeline, Others: AT&T has

requested rear utility easements for Lot 1-12 Block 2

7. Other: GIS: Submit subdivision data control sheet with final plat. Graphically show all found or set property pins associated with the plat. Provide a north arrow for the location map. Remove contours before submitting final plat. State the basis of bearings between two known points and provide the bearing angle. Change Whirlpool Drive to North Yale Avenue in the location map.

Staff recommends **APPROVAL** of the preliminary subdivision plat with the TAC recommendations and the special and standard conditions listed below.

#### Waivers of Subdivision Regulations:

1. None requested.

#### **Special Conditions:**

1. The concerns of the Development Services and Engineering Services staffs must be taken care of to their satisfaction.

#### **Standard Conditions:**

- 1. Utility easements shall meet the approval of the utilities. Coordinate with Subsurface Committee if underground plant is planned. Show additional easements as required. Existing easements shall be tied to or related to property line and/or lot lines.
- 2. Water and sanitary sewer plans shall be approved by the Public Works Department prior to release of final plat. (Include language for W/S facilities in covenants.)
- 3. Pavement or landscape repair within restricted water line, sewer line, or utility easements as a result of water or sewer line or other utility repairs due to breaks and failures shall be borne by the owner(s) of the lot(s).
- 4. Any request for creation of a Sewer Improvement District shall be submitted to the Public Works Department Engineer prior to release of final plat.
- 5. Paving and/or drainage plans (as required) shall be approved by the Public Works Department.
- 6. Any request for a Privately Financed Public Improvement (PFPI) shall be submitted to the Public Works Department.
- 7. A topography map shall be submitted for review by TAC (Subdivision Regulations). (Submit with drainage plans as directed.)
- 8. Street names shall be approved by the Public Works Department and shown on plat.
- 9. All curve data, including corner radii, shall be shown on final plat as

- applicable.
- 10. Bearings, or true N/S, etc., shall be shown on perimeter of land being platted or other bearings as directed by the County Engineer.
- 11. All adjacent streets, intersections and/or widths thereof shall be shown on plat.
- 12. It is recommended that the developer coordinate with the Public Works Department during the early stages of street construction concerning the ordering, purchase and installation of street marker signs. (Advisory, not a condition for plat release.)
- 13. It is recommended that the applicant and/or his engineer or developer coordinate with the Tulsa City/County Health Department for solid waste disposal, particularly during the construction phase and/or clearing of the project. Burning of solid waste is prohibited.
- 14. The method of sewage disposal and plans therefore shall be approved by the City/County Health Department. [Percolation tests (if applicable) are required prior to preliminary approval of plat.]
- 15. The owner(s) shall provide the following information on sewage disposal system if it is to be privately operated on each lot: type, size and general location. (This information to be included in restrictive covenants on plat.)
- 16. The method of water supply and plans therefore shall be approved by the City/County Health Department.
- 17. All lots, streets, building lines, easements, etc., shall be completely dimensioned.
- 18. The key or location map shall be complete.
- 19. A Corporation Commission letter, Certificate of Non-Development, or other records as may be on file, shall be provided concerning any oil and/or gas wells before plat is released. (A building line shall be shown on plat on any wells not officially plugged. If plugged, provide plugging records.)
- A "Letter of Assurance" regarding installation of improvements shall be provided prior to release of final plat. (Including documents required under 3.6.5 Subdivision Regulations.)
- 21. Applicant is advised of his responsibility to contact the U.S. Army Corps of Engineers regarding Section 404 of the Clean Waters Act.
- 22. All other Subdivision Regulations shall be met prior to release of final plat.
- 23. All PUD standards and conditions shall be included in the covenants of the plat and adequate mechanisms established to assure initial and continued compliance with the standards and conditions.
- 24. Private streets shall be built to City or County standards (depending upon the jurisdiction in which the plat is located) and inspected and accepted by

same prior to issuance of any building permits in the subdivision.

There were no interested parties wishing to speak.

The applicant indicated his agreement with staff's recommendation.

#### TMAPC Action; 8 members present:

On **MOTION** of **DIX**, TMAPC voted **8-0-0** (Carnes, Covey, Dix, Fretz, Millikin, Shivel, Stirling, Walker, "aye"; no "nays"; none "abstaining"; Adams, Doctor, Reeds "absent") to **APPROVE** the preliminary subdivision plat for 96<sup>th</sup> and Sheridan per staff recommendation.

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11. <u>CZ-449 Jeffery Tuttle-</u>(County) Location: East of the northeast corner of East 136<sup>th</sup> Street North and North Sheridan Road requesting rezoning from **AG** to **RE**.

#### **STAFF RECOMMENDATION:**

**SECTION I: CZ-449** 

**DEVELOPMENT CONCEPT:** The applicant is requesting to rezone the subject tract to permit a single family residential subdivision.

#### **DETAILED STAFF RECOMMENDATION:**

RE zoning is non injurious to the existing proximate properties and;

RE zoning is consistent with the anticipated future development pattern of the surrounding property therefore;

Staff recommends Approval of CZ-449 to rezone property from AG to RE.

#### **SECTION II: Supporting Documentation**

#### RELATIONSHIP TO THE COMPREHENSIVE PLAN:

<u>Staff Summary</u>: The subject area is not located within a designated Comprehensive Plan Area.

#### Land Use Vision:

Land Use Plan map designation: N/A

Areas of Stability and Growth designation: N/A

#### **Transportation Vision:**

*Major Street and Highway Plan*: 136<sup>th</sup> Street North is a Secondary Arterial. North 71<sup>st</sup> East Avenue is a Residential Collector.

Trail System Master Plan Considerations: None

Small Area Plan: N/A

Special District Considerations: None

Historic Preservation Overlay: None

#### **DESCRIPTION OF EXISTING CONDITIONS:**

Staff Summary: The site is currently agricultural land.

<u>Environmental Considerations:</u> A portion of the tract along the east property line, lies within the 100 year flood plain.

## Streets:

Exist. Access	MSHP Design	MSHP R/W	Exist. # Lanes
East 136 <sup>th</sup> Street North	Secondary Arterial	100 feet	2

#### **Utilities:**

The subject tract has Washington County Rural 3 water and no sewer available.

#### **Surrounding Properties:**

Location	Existing Zoning	Existing Land Use Designation	Area of Stability or Growth	Existing Use
North	AG	N/A	N/A	Single-Family
East	AG	N/A	N/A	Vacant/Agricultural
South	AG	N/A	N/A	Single- Family/Agricultural
West	AG/RS	N/A	N/A	Single- Family/Agricultural

**SECTION III: Relevant Zoning History** 

**ZONING ORDINANCE:** Ordinance number 98254 dated September 15, 1980, established zoning for the subject property.

## Subject Property:

No relevant history.

## Surrounding Property:

<u>CZ-349 December 2004:</u> All concurred in approval of a request for rezoning a 20± acre tract of land from AG-R to RS, for residential use, on property located north and east of the northeast corner East 136<sup>th</sup> Street North and North Sheridan Road, and abutting west of part of subject property.

<u>CZ-324 August 2003:</u> Approval was granted by TMAPC and the County Commission to grant RE from AG zoning on a 341-acre tract located south and east of the southeast corner of East 146<sup>th</sup> Street and Highway 75 and directly south of the subject property.

<u>CZ-302 August 2002:</u> All concurred in approval of a request for rezoning a 20± acre tract of land from AG to AG-R, for residential/agriculture use, on property located north and east of the northeast corner East 136<sup>th</sup> Street North and North Sheridan Road, and abutting west of part of subject property.

<u>CZ-267 June 2000:</u> All concurred in approval of a request to rezone an eighty-acre tract located east of the northeast corner of East 146<sup>th</sup> Street North and North Sheridan Road and north of the subject tract, from AG to RE for residential development.

#### **INTERESTED PARTIES COMMENTS:**

<u>Lawrence Hardacre</u> 14324 North 123<sup>rd</sup> East Avenue, Collinsville, OK Mr. Hardacre stated he has floodplain maps of the area and it is very extensive. The water from the land on all sides of Mr. Hardacre's runs through Mr. Hardacre's property and he is concerned building on the subject property would flood his property.

#### **Jeffrey Tuttle** 9714 E 55<sup>th</sup> Place, Tulsa, OK 74146

Mr. Tuttle stated he is with Tuttle and Associates a civil engineering firm and is representing the owner of the property Viking Land Development. Mr. Tuttle stated his firm has begun looking at the property for design and certainly will conform to all the county requirements for drainage. Mr. Tuttle stated Mr. Hardacre's concerns are appreciated and acknowledges the tract has some floodplain on it and it is the intent of his firm to stay out of the floodplain and not modify it at all and to be as sympathetic as possible to the neighbors.

Dr. Dix asked Mr. Tuttle if he would be required to provide all the site retention.

Mr. Tuttle stated he had met with Tulsa County Engineering Department and didn't know if he would be mandated for site retention because Tulsa County has a requirement that if it is 20 percent pervious or less site retention was not mandated but you can't exceed the historic runoff of the site. Mr. Tuttle stated they would be providing retention of some kind to conform to the requirements as to not increase the runoff.

Mr. Dix stated Mr. Hardacre lives in Mr. Dix neighborhood and Mr. Dix will be very interested in seeing this plat.

#### TMAPC Action; 8 members present:

On **MOTION** of **MILLIKIN**, the TMAPC voted **8-0-0** (Carnes, Covey, Dix, Fretz, Millikin, Shivel, Stirling, Walker, "aye"; no "nays"; none "abstaining"; Adams, Doctor, Reeds "absent") to **RECOMMEND APPROVAL** of rezoning from AG to RE per staff recommendations

#### **LEGAL DESCRIPTION:**

THE SOUTHEAST QUARTER (SE/4) OF THE SOUTHWEST QUARTER (SW/4) AND THE EAST HALF (E/2) OF THE NORTHEAST QUARTER (NE/4) OF THE SOUTHWEST QUARTER (SW/4) OF SECTION TWENTY-SIX (26), TOWNSHIP TWENTY-TWO (22) NORTH, RANGE THIRTEEN (13) EAST OF THE INDIAN BASE AND MERIDIAN, IN TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE U.S. GOVERNMENT SURVEY THEREOF, LESS AND EXCEPT THE FOLLOWING: THE NORTHWEST QUARTER (NW/4) OF THE SOUTHEAST QUARTER (SE/4) OF THE SOUTHWEST QUARTER (SW/4); THE NORTHWEST QUARTER (NW/4) OF THE NORTHEAST QUARTER (NE/4) OF THE NORTHEAST QUARTER (NE/4) OF THE SOUTHWEST QUARTER (SW/4), AND; THE NORTHEAST QUARTER (NE/4) OF THE NORTHEAST QUARTER (NE/4) OF THE NORTHEAST QUARTER (NE/4) OF THE SOUTHWEST QUARTER (SW/4), ALL IN SECTION TWENTY-SIX (26), TOWNSHIP TWENTY-TWO (22) NORTH, RANGE THIRTEEN (13) EAST OF THE INDIAN BASE AND MERIDIAN IN TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE U.S. GOVERNMENT SURVEY THEREOF, AND:

SUBJECT TO THE ROADWAY EASEMENT RECORDED AS DOCUMENT # 2004135315, FILE NOVEMBER 8, 2004, IN THE LAND RECORDS OF THE COUNTY CLERK OF TULSA COUNTY, STATE OF OKLAHOMA, OVER, THROUGH, UPON AND ACROSS THE FOLLOWING DESCRIBED REAL PROPERTY, TO-WIT: THE WEST THIRTY (30) FEET OF THE EAST HALF (E/2) OF THE SOUTHEAST QUARTER (SE/4) OF THE SOUTHWEST QUARTER (SW/4) OF SECTION TWENTY-SIX (26), TOWNSHIP TWENTY-TWO (22) NORTH, RANGE THIRTEEN (13) EAST OF THE INDIAN BASE AND MERIDIAN IN TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE U.S. GOVERNMENT SURVEY THEREOF.

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12. ZCA-3 - Various amendments to the City of Tulsa Zoning Code in the following chapters: Chapter 5 Residential Districts; Chapter 10 Mixed-use Districts; Chapter 15 Office, Commercial and Industrial Districts; Chapter 20 Overlay Districts; Chapter 25 Special Districts; Chapter 35 Building Types and Use Categories; Chapter 40 Supplemental Use and Building Regulations; Chapter 45 Accessory Uses and Structures; Chapter 50 Temporary Uses; Chapter 55 Parking; Chapter 60 Signs; Chapter 65 Landscaping, Screening and Lighting; Chapter 70 Review and Approval Procedures; Chapter 75 Administration; Chapter 80 Nonconformities; Chapter 90 Measurements; and Chapter 95 Definitions.

Item: Various amendments to the City of Tulsa Zoning Code in the following chapters: Chapter 5 Residential Districts; Chapter 10 Mixed-use Districts; Chapter 15 Office, Commercial and Industrial Districts; Chapter 20 Overlay Districts; Chapter 25 Special Districts; Chapter 35 Building Types and Use Categories; Chapter 40 Supplemental Use and Building Regulations; Chapter 45 Accessory Uses and Structures; Chapter 50 Temporary Uses; Chapter 55 Parking; Chapter 60 Signs; Chapter 65 Landscaping, Screening and Lighting; Chapter 70 Review and Approval Procedures; Chapter 75 Administration; Chapter 80 Nonconformities; Chapter 90 Measurements; and Chapter 95 Definitions.

Background: The new City of Tulsa Zoning Code became effective on January 1, 2016. It was discussed during the development of the zoning code that staff anticipated that cleanup items would be identified as implementation began in 2016. In early 2016, a zoning code implementation team was established and began meeting regularly to discuss situations where inconsistencies existed, clarification was needed, intent was not fully accomplished and where unintended consequences occurred. Primarily these items were identified through interactions with the public, both through the zoning and building permit processes. The zoning code implementation team was comprised of members of INCOG Land Development Services, City of Tulsa Planning and Development Department and City Legal.

These amendments were presented to the Planning Commission at a work session on December 7, 2016. Staff and the Planning Commission discussed details of the amendments at the meeting. The revised regulations regarding coffee roasters were discussed at length and Planning Commission asked that staff research comparable cities regarding their practices. Staff research found that the cities (Seattle, Kansas City, Memphis, Austin) relied on their building permit process to determine whether the use was accessory or a principal use. The City of Tulsa permit office would prefer to establish a threshold in the Zoning Code based on the need for consistency and previous neighborhood interactions with these uses.

The amendments proposed to the City of Tulsa Zoning Code, Title 42 Tulsa Revised Ordinances, are in **Attachment I** shown in <a href="mailto:strike-through/underline">strike-through/underline</a>. The proposed amendments are primarily minor in nature and located in every chapter of the Zoning Code, except for Chapters 1, 30 and 85.

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

#### **ATTACHMENT I**

# **List of Figures**

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# Reason for changes:

1) Figure 90-16- The change was made to correct a typo.

# **Chapter 5 | Residential Districts**

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# **Section 5.020 Use Regulations**

Table 5-2: R District Use Regulations

Table 3	)-2.	I \ L				0 1	legu	latio	1113	_				l
USE CATEGORY				RS	-					R	M-	1		
Subcategory	RE	1	2	3	4	5	RD	RT	0	1	2	3	RMH	
Specific use		'	_	<u> </u>	7	J			U		_	J		Regulations
RESIDENTIAL		_		_					_	_		-	_	
Household Living (if allowed in building	ig ty	pe	ide	ntif	ied	in	Tabl	<u>e 5-</u>	2.5	)				
Single household	P	P	P	P	P	P	P	P	P	P	P	P	P	
Two households on single lot	_	_	_	S	S	<u>S</u>	P	P	P	P	P	P	_	
Three or more households on						S	S	P	P	P	P	P	_	
single lot		=	=	=	=	<u>2</u>								
Detached house	P	P	P	₽	P	P	P	P	₽	P	₽	P	S	
<del>Patio House</del>	_	_	_	₽	P	₽	P	₽	₽	₽	₽	₽	<del>-</del>	<b>Section</b>
														40.290
<mark>Townhouse</mark>														
<del>2-unit townhouse</del>	_	_	-	S	S	P	P	₽	₽	₽	P	P	<u> </u>	Section 40.390
O								_	_	_	_	_		
<del>3+-unit townhouse</del>	-	-	-	-	=	=	=	P	P	₽	P	P	=	Section 40.390
Cottage house development						P	S		₽	_	_	_	_	
Cottage nouse development	=	=	-	=	=	<b>+</b>	9	S	۲	₽	P	P	=	Section 40.110
<del>Duplex</del>	_	_		S	S	S	P	₽	₽	₽	₽	₽		40.110
Multi-unit house	_					S	S	P	P	P	P	P		Section
Wate and node	<u>-</u>		-		=	_	•	_	•	-	_	•	_	40.250
Apartment/condo	_	_	_	-	_	_	_	_	₽	₽	₽	₽		Section
													_	<del>40.030</del>
Manufactured housing unit	S	S	S	S	S	S	S	S	S	S	S	S	P	Section
													_	<del>40.210</del>
Manufactured housing subdivision	_	_	_	_	_	_	_	_	_	_	_	_	P	Section
							_					_	_	<del>40.220</del>
Mobile home	-	_	-	-	-	-	_	-	-	-	_	-	₽	Section
														<del>40.240</del>
Mobile home park	-	_	-	_	_	-	_	-	-	_	_	-	₽	Section
<del></del>			_								_			<mark>40.240</mark>

Group Living														Section
Assisted living facility	S	S	S	S	S	S	S	S	Р	Р	Р	Р		40.160
Community group home	S	S	S	S	S	S	S	S	P	P	P	P	_	Section 40.100
Convent/monastery/novitiate	S	S	S	S	S	S	S	S	Р	Р	Р	Р	_	
Elderly/retirement center	_	_	_	_	_	_	_	_	Р	Р	Р	Р	_	
Fraternity/Sorority	_	_	_	_	_	_	_	_	Р	Р	Р	Р	_	
Homeless center	S	S	S	S	S	S	S	S	S	S	S	S	S	Section 40.130
Life care retirement center	S	S	S	S	S	S	S	_	Р	Р	Р	Р	_	
Re-entry facility	S	S	S	S	S	S	S	S	S	S	S	S	S	
Residential treatment center	S	S	S	S	S	S	S	S	S	S	S	S	S	Section 40.130
Rooming/boarding house	_	_	_	_	_	_	_	_	Р	Р	Р	Р	_	
Shelter, emergency and protective	S	S	S	S	S	S	S	S	S	S	S	S	S	Section 40.130
Transitional living center	S	S	S	S	S	S	S	S	S	S	S	S	S	Section 40.130

Table 5-2.5: R District	Build	dina	ı Tv	ре	Red	gula	tions	for	Ho	use	hol	d Li	vina	
USE CATEGORY			_	RS	_	,					VI-			
Subcategory	RE	İ					RD	рт					RMH	<b>Supplemental</b>
Specific Uses	KE	1	2	<u>3</u>	<u>4</u>	<u>5</u>	ΚD	ΚI	0	1	2	<u>3</u>	KIVITI	Regulations
Building Type														
RESIDENTIAL														
Household Living														
Single household		_	_	_	_	_	_	_	_	_	_	_	_	
Detached house	<u>P</u>	<u>P</u>	<u>P</u>	P	P	P P	P P	<u>P</u>	<u>P</u>	P	P	P	<u>S</u>	Castian
Patio House	=	=	=	<u>P</u>	<u>P</u>	<u> </u>	<u> </u>	P	<u>P</u>	<u>P</u>	<u>P</u>	P	=	<u>Section</u> 40.290
Townhouse														40.290
2-unit townhouse			_	S	S	Р	P	P	P	Р	P	P	_	Section
	_	_	_	_	_	_	_	_	_	_	_	_	_	<u>40.390</u>
<u>3+-unit townhouse</u>	_	=	=	=	=	_	=	P	P	P	P	P	<u>=</u>	<u>Section</u>
	_	_	_	_	_	_	_	_		_	_	_		40.390
Manufactured housing unit	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>P</u>	Section 1000
Manufactured housing subdivision													P	40.210 Section
<u>Manulactured Housing Subdivision</u>	=	=	=	=	=	=	=	=	=	=	=	=	드	40.220
Mobile home			_	_			_			_			<u>P</u>	Section
														<u>40.240</u>
Mixed-use building	<u>=</u>	=	=	=	=	_	=	=	=	S S	S S	S S		
Vertical mixed-use building	<u>=</u>	=	=	=	=	_	=	<u>=</u>	_	<u>S</u>	<u>S</u>	<u>S</u>	<u>=</u>	
Two households on single lot				_	_	<u>_</u>	Б	_	Ь	_	<u> </u>	_		
Duplex Mixed-use building	<mark>=</mark>	=	=	<u>S</u>	<u>S</u>	S	P	P	<u>P</u>	P P	P P	P P	=	
Vertical mixed-use building	=	=	=	=	=	-	=	=	=	P	P	P	<u>=</u>	
Three or more households on single lot	=	=	=	=	=	=	=		_		<u></u>			
Cottage house development		_	_	_	_	P	S	S	P	P	P	P		Section
	_	_	_	_	_	_	_	_	_	_	_	_	_	40.110
Multi-unit house	_			_		<u>S</u>	<u>S</u>	<u>P</u>	<u>P</u>	P	P	P	_	Section
														<u>40.250</u>
Apartment/condo	_	=	=	=	=	_	=	=	<u>P</u>	<u>P</u>	<u>P</u>	P	<u>=</u>	<u>Section</u>
					_									40.030
Mobile home park	<u>=</u>	=	=	<b>=</b>		=	=	=	<u> </u>	=	_	_	<u>P</u>	<u>Section</u>

USE CATEGORY				RS	-					RI	M-			
Subcategory Specific Uses Building Type	RE	1	<u>2</u>	<u>3</u>	<u>4</u>	<u>5</u>	RD	RT	<u>0</u>	1	<u>2</u>	<u>3</u>	RMH	Supplemental Regulations
														40.240
Mixed-use building	=	_	_	_	_	_	=		_	P	P	P		
Vertical mixed-use building	=		=	=	=	=	=	=	=	<u>P</u>	<u>P</u>	<u>P</u>		

# Section 5.030 Lot and Building Regulations

Table 5-3: F	2 District	I ot and	<b>Building</b>	Regulations

Regulations	RE	RS-1	RS-2	RS-3	RS-4	RS-5	RD	RT	RM-0	RM-1	RM-2	RM-3	RMH
Minimum Lot Area (sq. ft.)													
Detached house	22,500	13,500	9,000	6,900	5,500	3,300	5,500	5,500	5,500	5,500	5,500	5,500	5,500
Patio house	_	_	_	6,900	5,500	3,300	5,500	5,500	5,500	5,500			_
Townhouse	_	_	_	4,500	4,500	2,200	2,750	1,600	1,600	1,600	1,600	1,600	_
Cottage house dev't	_	_	_	_	_	15,000	15,000	15,000	15,000	15,000	15,000	15,000	_
Duplex	_	_	_	9,000	9,000	3,300	6,900	6,900	6,900	6,900	6,900	6,900	_
Multi-unit house	_	_	_	_	_	3,300	6,900			5,500		5,500	_
Apartment/condo	_	_	_	_	_	_	_	_	10,000	10,000	6,000	24,000	_
Mobile home park	_	_	_	_	_	_	_	_	_	_	_	_	[1]
Other allowed buildings/uses				'									
Permitted by right	22,500	13,500	9,000	6,900	5,500	5,500	5,500	5,500	5,500	5,500	5,500	5,500	5,500
Special exceptions	22,500	13,500	12,000	12,000	12,000	12,000	12,000	12,000	12,000	12,000	12,000	12,000	12,000
Min. Lot Area per Unit (sq. ft.)								-					
Detached house	22,500	13,500	9,000	6,900	5,500	3,300	5,500	5,500	5,500	5,500	5,500	5,500	_
Patio house	_	_	´-	6,900	5,500	3,300	5,500		5,500		5,500		_
Townhouse	_	_	_	4,500	4,500	2,200	2,750		1,600		1,600		_
Cottage house dev't	_	_	_		_	2,750	2,750		2,750		2,750		_
Duplex	_	_	_	4,500	4,500	1,650	3,450			3,450	3,450		_
Multi-unit house	_	_	_	_	_	1,100	1,800		1,800		1,100	900	_
Apartment/condo	_	_	_	_	_	_		_	2,900		1,100	400	_
Other allowed buildings/uses				'									
Permitted by right									F F00	E E00	E E00	E E00	F F00
remitted by right		<del>-</del>	<del>-</del>		<del>-</del>	<del>-</del>	<del>-</del>	<del>-</del>	5,500	<b>5,500</b>	5,500	5,500	$_{0,000}$
Special exceptions	<del>2</del> 2,500	= 13,500	= 12,000	12,000	= 12,000	= 12,000	= 12,000	= 12,000		5,500 12,000			
Special exceptions	= 22,500	= 13,500	<u>=</u> <u>12,000</u>	<u>=</u> <u>12,000</u>	<u>=</u> 12,000	<u>=</u> 12,000	<u>=</u> 12,000	<u>=</u> <u>12,000</u>					
	22,500 150	13,500 100	12,000 75	12,000 60	<u>=</u> <u>12,000</u> 50	12,000 30	<u>=</u> <u>12,000</u> 50	<u>=</u> <u>12,000</u> 50					
Special exceptions Minimum Lot Width (ft.)									12,000	12,000	12,000	<u>12,000</u>	12,000
Special exceptions  Minimum Lot Width (ft.)  Detached house  Patio house	150		75	60 60	50 50	30 30	50 50	50 50	50 50	50 50	50 50	50 50	12,000
Special exceptions Minimum Lot Width (ft.) Detached house Patio house Townhouse	150	100	75 –	60	50	30	50	50	12,000 50	12,000 50	12,000 50	12,000 50	12,000 - -
Special exceptions  Minimum Lot Width (ft.)  Detached house  Patio house	150 _ _	100	75 - -	60 60 30	50 50 30	30 30 20	50 50 25	50 50 20	50 50 20	50 50 20	50 50 20	50 50 20	12,000 - - -
Special exceptions Minimum Lot Width (ft.) Detached house Patio house Townhouse Cottage house dev't	150 - - -	100 - - -	75 - - -	60 60 30	50 50 30	30 30 20 5 30	50 50 25 75	50 50 20 75	50 50 20 75	50 50 20 75	50 50 20 75	50 50 20 75	12,000 - - - -
Special exceptions Minimum Lot Width (ft.) Detached house Patio house Townhouse Cottage house dev't Duplex Multi-unit house	150 - - - -	100	75 - - - -	60 60 30 - 75	50 50 30 - 75	30 30 20 5	50 50 25 75 60	50 50 20 75 60	50 50 20 75 60 50	50 50 20 75 60 50	50 50 20 75 60 50	50 50 20 75 60	- - - - -
Special exceptions Minimum Lot Width (ft.) Detached house Patio house Townhouse Cottage house dev't Duplex Multi-unit house Apartment/condo	150 - - - - -	100	75 - - - -	60 60 30 - 75	50 50 30 - 75	30 30 20 5 30 30	50 50 25 75 60 50	50 50 20 75 60 50	50 50 20 75 60	50 50 20 75 60	50 50 20 75 60	50 50 20 75 60 50	- - - - -
Special exceptions Minimum Lot Width (ft.) Detached house Patio house Townhouse Cottage house dev't Duplex Multi-unit house Apartment/condo Other allowed buildings/uses	150 - - - - -	100	75 - - - -	60 60 30 - 75	50 50 30 - 75	30 30 20 5 30 30	50 50 25 75 60 50	50 50 20 75 60 50	50 50 20 75 60 50	50 50 20 75 60 50	50 50 20 75 60 50	50 50 20 75 60 50	- - - - -
Special exceptions Minimum Lot Width (ft.) Detached house Patio house Townhouse Cottage house dev't Duplex Multi-unit house Apartment/condo Other allowed buildings/uses Permitted by right	150 - - - - - -	100	75 - - - - -	60 60 30 - 75 -	50 50 30 - 75 -	30 30 20 5 30 30	50 50 25 75 60 50	50 50 20 75 60 50	50 50 20 75 60 50 100	50 50 20 75 60 50	50 50 20 75 60 50 50	50 50 20 75 60 50	- - - - - - -
Special exceptions Minimum Lot Width (ft.) Detached house Patio house Townhouse Cottage house dev't Duplex Multi-unit house Apartment/condo Other allowed buildings/uses Permitted by right Special exceptions	150 - - - - - - - - - 150	100 - - - - - - - 100	75 - - - - - - - 75	60 60 30 - 75 - -	50 50 30 - 75 - -	30 30 20 5 30 30 -	50 50 25 75 60 50 -	50 50 20 75 60 50	50 50 20 75 60 50 100	50 50 20 75 60 50 100	50 50 20 75 60 50 50	50 50 20 75 60 50 100	- - - - - - - - - - - - - - - -
Special exceptions  Minimum Lot Width (ft.)  Detached house Patio house Townhouse Cottage house dev't Duplex Multi-unit house Apartment/condo Other allowed buildings/uses Permitted by right Special exceptions Minimum Street Frontage	150 - - - - - - - - - 150 150	100 - - - - - - - 100 100	75 - - - - - - - 75 100	60 30 - 75 - - 60 100	50 50 30 - 75 - -	30 30 20 5 30 30 - 50	50 50 25 75 60 50 -	50 50 20 75 60 50	50 50 20 75 60 50 100	50 50 20 75 60 50 100	50 50 20 75 60 50 50	50 50 20 75 60 50 100	12,000 - - - - - - - - - - 50 100
Special exceptions  Minimum Lot Width (ft.)  Detached house Patio house Townhouse Cottage house dev't Duplex Multi-unit house Apartment/condo Other allowed buildings/uses Permitted by right Special exceptions Minimum Street Frontage Residential bdgs/uses [2]	150 - - - - - - - - - 150	100 - - - - - - - 100	75 - - - - - - - 75	60 60 30 - 75 - -	50 50 30 - 75 - - 50 100	30 30 20 5 30 30 -	50 50 25 75 60 50 -	50 50 20 75 60 50 -	50 50 20 75 60 50 100	50 50 20 75 60 50 100	50 50 20 75 60 50 50	50 50 20 75 60 50 100	- - - - - - - - - - - - - - - -
Special exceptions  Minimum Lot Width (ft.)  Detached house Patio house Townhouse Cottage house dev't Duplex Multi-unit house Apartment/condo Other allowed buildings/uses Permitted by right Special exceptions Minimum Street Frontage Residential bdgs/uses [2] Min. Building Setbacks (ft.)	150 - - - - - - - - - 150 150	100 - - - - - - - 100 100	75 - - - - - - - 75 100	60 30 - 75 - - 60 100	50 50 30 - 75 - - 50 100	30 30 20 5 30 30 - 50	50 50 25 75 60 50 -	50 50 20 75 60 50 -	50 50 20 75 60 50 100	50 50 20 75 60 50 100	50 50 20 75 60 50 50	50 50 20 75 60 50 100	12,000 - - - - - - - - - - - 100
Special exceptions  Minimum Lot Width (ft.)  Detached house Patio house Townhouse Cottage house dev't Duplex Multi-unit house Apartment/condo Other allowed buildings/uses Permitted by right Special exceptions Minimum Street Frontage Residential bdgs/uses [2] Min. Building Setbacks (ft.) Street [3]	150 - - - - - - - - 50 150 30	100 - - - - - - 100 100	75 - - - - - - - 75 100	60 30 - 75 - - 60 100	50 50 30 - 75 - - 50 100	30 30 20 5 30 30 - 50 100	50 50 25 75 60 50 -	50 50 20 75 60 50 - 50 100	50 50 20 75 60 50 100	50 50 20 75 60 50 100	50 50 20 75 60 50 50 50	50 50 20 75 60 50 100 50	12,000 - - - - - - - 50 100
Special exceptions Minimum Lot Width (ft.) Detached house Patio house Townhouse Cottage house dev't Duplex Multi-unit house Apartment/condo Other allowed buildings/uses Permitted by right Special exceptions Minimum Street Frontage Residential bdgs/uses [2] Min. Building Setbacks (ft.) Street [3] Arterial or fwy service rd.	150 - - - - - - - - 150 150 30	100 - - - - - - 100 100 30	75 - - - - - - 75 100	60 30 - 75 - - 60 100	50 50 30 - 75 - - - 50 100	30 30 20 5 30 30 - 50 100	50 50 25 75 60 50 - 50 100	50 50 20 75 60 50 - 50 100	50 50 20 75 60 50 100 50	50 50 20 75 60 50 100 50	50 50 20 75 60 50 50 50 30	50 50 20 75 60 50 100 50	12,000 - - - - - - - 50 100 30
Special exceptions Minimum Lot Width (ft.) Detached house Patio house Townhouse Cottage house dev't Duplex Multi-unit house Apartment/condo Other allowed buildings/uses Permitted by right Special exceptions Minimum Street Frontage Residential bdgs/uses [2] Min. Building Setbacks (ft.) Street [3] Arterial or fwy service rd. Other streets	150 - - - - - - - - - 150 150 30	100 - - - - - 100 100 30	75 - - - - - - 75 100 30	60 60 30 - 75 - - 60 100 30	50 50 30 - 75 - - 50 100 30	30 30 20 5 30 30 - 50 100 30	50 50 25 75 60 50 - 50 100	50 50 20 75 60 50 - 50 100 30	50 50 20 75 60 50 100 50 100	50 50 20 75 60 50 100 50 100	50 50 20 75 60 50 50 50 100	50 50 20 75 60 50 100 50 100	12,000 - - - - - - - - - - - - -
Special exceptions  Minimum Lot Width (ft.)  Detached house Patio house Townhouse Cottage house dev't Duplex Multi-unit house Apartment/condo Other allowed buildings/uses Permitted by right Special exceptions Minimum Street Frontage Residential bdgs/uses [2] Min. Building Setbacks (ft.) Street [3] Arterial or fwy service rd. Other streets Side (interior) [4]	150 - - - - - - - - - 150 150 30 35 35 15	100 - - - - - 100 100 30 35 35 5	75 - - - - - - 75 100 30 35 30 5	60 60 30 - 75 - - 60 100 30 35 25 5	50 50 30 - 75 - - 50 100 30 35 20 5	30 30 20 5 30 30 - 50 100 30 35 20 5	50 50 25 75 60 50 - 50 100 30	50 50 20 75 60 50 - 50 100 30	50 50 20 75 60 50 100 50 100 30	50 50 20 75 60 50 100 50 100 30	50 50 20 75 60 50 50 50 100 30	50 50 20 75 60 50 100 50 100 30 35 25 5[7]	12,000 - - - - - - - - 50 100 30 35 25 10
Special exceptions Minimum Lot Width (ft.) Detached house Patio house Townhouse Cottage house dev't Duplex Multi-unit house Apartment/condo Other allowed buildings/uses Permitted by right Special exceptions Minimum Street Frontage Residential bdgs/uses [2] Min. Building Setbacks (ft.) Street [3] Arterial or fwy service rd. Other streets Side (interior) [4] Rear [4]	150 - - - - - - - - 150 150 30 35 35 15 25	100 - - - - - 100 100 30 35 35 5 25	75 - - - - - - 75 100 30 35 30 5 25	60 60 30 - 75 - - 60 100 30 35 25 5	50 50 30 - 75 - - 50 100 30 35 20 5	30 30 20 5 30 30 - 50 100 30 35 20 5	50 50 25 75 60 50 - 100 30	50 50 20 75 60 50 - 50 100 30	50 50 20 75 60 50 100 50 100 30 35 25 5[6] 20	50 50 20 75 60 50 100 50 100 30 35 25 5[6] 20	50 50 20 75 60 50 50 50 100 30	50 50 20 75 60 50 100 50 100	12,000 - - - - - - - - - - - - -
Special exceptions  Minimum Lot Width (ft.)  Detached house Patio house Townhouse Cottage house dev't Duplex Multi-unit house Apartment/condo Other allowed buildings/uses Permitted by right Special exceptions Minimum Street Frontage Residential bdgs/uses [2] Min. Building Setbacks (ft.) Street [3] Arterial or fwy service rd. Other streets Side (interior) [4]	150 - - - - - - - - - 150 150 30 35 35 15	100 - - - - - 100 100 30 35 35 5	75 - - - - - - 75 100 30 35 30 5	60 60 30 - 75 - - 60 100 30 35 25 5	50 50 30 - 75 - - 50 100 30 35 20 5	30 30 20 5 30 30 - 50 100 30 35 20 5	50 50 25 75 60 50 - 50 100 30	50 50 20 75 60 50 - 50 100 30	50 50 20 75 60 50 100 50 100 30	50 50 20 75 60 50 100 50 100 30	50 50 20 75 60 50 50 50 100 30	50 50 20 75 60 50 100 50 100 30 35 25 5[7] 20	12,000 - - - - - - - - 50 100 30 35 25 10

#### 5.030-B Tables Notes

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[4] Uses requiring special exception approval in R zoning districts require minimum 25-foot building setback from R-zeoned lots occupied by residential uses.

\*\*\*

## Reason for changes:

- 2) Table 5-2 The changes added specific uses to Household Living subcategory and deleted building types, moving them to Table 5-2.5 to clarify distinctions between specific uses and building types.
- 3) Table 5-2.5-The new table is created to provide which residential building types are permitted for specific uses in the Household Living subcategory.
- 4) Table 5-3- Establishes lot area per unit requirements for other allowed buildings/uses permitted by right and special exception.
- 5) 5.030-B[4]- The change was made to correct a typo.

# **Chapter 10**| Mixed-use Districts

\*\*\*

#### Section 10.010 General

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10.010-C Use, Character and Height Designations

\*\*\*

3. On the zoning map, all the components of the applicable mixed-use zoning district will be identified as a single map symbol. MX1-P-4045, for example, is the map symbol denoting a neighborhood-oriented mixed-use district (MX1) that requires a very pedestrian-oriented (–P) building pattern (character) and that allows buildings up to 4045 feet in height (–4045).

Section 10.030 Chara

**Character Designations** 

10.030-C -P, Pedestrian Character Designation

\*\*\*

2. Allowed Building Types

\*\*\*

a. <u>Vertica</u>l <mark>Mm</mark>ixed-use buildings

3. Lot and Building Regulations

The lot and building regulations of <u>Table 10-4</u> apply to all new construction and building additions in –P character zones, except that civic/institutional buildings and open space sites are subject to –F character zone

regulations (see §10.030-H). General exceptions to lot and building regulations and rules for measuring compliance can be found in Chapter 90. Existing buildings are exempt from compliance with build-to-zone (BTZ), ground floor ceiling height and transparency regulations.

Table	10-4: Lot and	Buildina I	Regulations	for –P	Character Zones

	Minimum Lot Area (sq. ft.)	3,500		Min. Ground Floor Ceiling Height (feet)	14
Α	Minimum Lot Width (feet)	25		Minimum Transparency (%)	
В	Minimum Street Frontage (feet)	20	Ε	Ground floor	50
	Minimum Open Space per Unit (sq. ft.)	100	F	Upper floors	20
	Minimum Building Setbacks (feet)		_ 	Min. Parking Setbacks (ft)(see also	
				§55.080-C)[1]	
	Street	0	_	Primary street	30
	Abutting R district	10	_	Secondary street or R zoning district	10
	Abutting nonresidential district	0		Nonresidential zoning district	0
	Abutting alley	5	G	Street-facing Entrance Required	Yes
С	Build-to-Zone (BTZ)	0/10			
C	(minimum/maximum in feet)	0/10			
	Primary street BTZ (%)	80	_		
	Secondary street BTZ (%)	30	-		

\*\*\*

#### 10.030-E Urban Character Designation

\*\*\*

# 2. Allowed Building Types

a. Vertical Mmixed-use buildings and mixed use-buildings

\*\*\*

#### 3. Lot and Building Regulations

The lot and building regulations of <u>Table 10-4</u> apply to all new construction and building additions in –P character zones, except that civic/institutional buildings and open space sites are subject to –F character zone regulations (see §10.030-H). General exceptions to lot and building regulations and rules for measuring compliance can be found in <u>Chapter 90</u>. Existing buildings are exempt from compliance with build-to-zone (BTZ), ground floor ceiling height and transparency regulations.

Table 10-5: Lot and Building Regulations for –U Character Zones

Minimum Lot Area (sq. ft.)		Min. Parking Setbacks (feet)(see also	
		§55.080-C)[1]	
Townhouse	1,600	Primary street	30
Apartment/condo	7,500	Secondary street or R zoning district	10
All other	3,500	Nonresidential district	0
Minimum Lot Width (feet)	·	Min. Ground Floor Ceiling Height (feet)	
Townhouse	20	Mixed-use and commercial buildings	14
Apartment/condo	50	Other buildings	_
All other	25	Minimum Transparency (%)	
Minimum Street Frontage (feet)	20	Vertical Mmixed-use buildings	

Minimum Open Space per Unit (sq. ft.)	
Townhouse	200
Apartment/condo/mixed-use	100
Minimum Building Setbacks (feet)	
Street	0
Abutting R district	10
Abutting nonresidential district	0
Abutting alley	5
Build-to-Zone (BTZ) (minimum/maximum	0/20
in feet)	60
Primary street BTZ (%)	00
Secondary street BTZ ( <u>%)</u>	30

Ground floor	40
Upper floors	20
Commercial buildings and mixed-use	
<u>buildings</u>	
Ground floor	35
Upper floors	20
Other buildings	20
Street-facing Entrance Required	Yes

# 10.030-G Variable Character Designation

\*\*\*

# 2. Allowed Building Types

\*\*\*

a. Vertical Mmixed-use buildings and mixed use-buildings

#### 3. Lot and Building Regulations

The lot and building regulations of <u>Table 10-4</u> apply to all new construction and building additions in –P character zones, except that civic/institutional buildings and open space sites are subject to –F character zone regulations (see §10.030-H). General exceptions to lot and building regulations and rules for measuring compliance can be found in <u>Chapter 90</u>. Existing buildings are exempt from compliance with build-to-zone (BTZ), ground floor ceiling height and transparency regulations.

Table 10-6: Lot and Building Regulations for –V Character Zones

Minimum Lot Area (sq. ft.)		С	Build-to <sub>Z</sub> zone (BTZ) (minimum/maximum in feet)	0/110
Townhouse	1,600		Primary street BTZ (%)	50
Apartment/condo	7,500		Secondary street BTZ (%)	25
All other	3,500	D	Min. Parking Setbacks (feet)(see also §55.080-C)[1]	
A Minimum Lot Width (feet)			Street or R zoning district	10
Townhouse	20		Nonresidential zoning district	0
Apartment/condo	50		Min. Ground Floor Ceiling Height (feet)	
All other	25		Mixed-use and commercial buildings	14
<b>B</b> Minimum Street Frontage	(feet) 20		Other buildings	_
Minimum Open Space per (sq. ft.)	Unit	_	Minimum Transparency (%)	
Townhouse	200		Vertical Mmixed-use buildings	
Apartment/condo/mixed	-use 100	Ε	Ground floor	40
Minimum Building Setbac	ks (feet)	F	Upper floors	20
Street	0	1	Commercial buildings and mixed use buildings	

Abutting R district	10 E	Ground floor	35
Abutting nonresidential district	0 <b>F</b>	Upper floors	20
Abutting alley	5	Other buildings	20
	G	Street-facing Entrance Required	Yes
		***	

#### 10.030-I Flexible Character Designation

\*\*\*

## 2. Allowed Building Types

a. <u>Vertical</u> <u>Mm</u>ixed-use buildings <u>and mixed use-buildings</u>

Table 10-7: Lot and Building Regulations for –F Character Zones

Not Area (sq. ft.)

Minimum Parking Sethacks (feet)(s

Minimum Lot Area (sq. ft.)		Minimum Parking Setbacks (feet)(see also	)
		§Error! Reference source not found.)	
Townhouse	1,600	Detached house/townhouse/duplex	_
Duplex	5,000	Other buildings [3]	
Apartment/condo	7,500	Street	10
Other buildings	3,500	Abutting R district	10
Minimum Lot Width (feet)		Abutting nonresidential district	0
Townhouse	20	Abutting alley	2
Duplex	45	Min. Ground Floor Ceiling Height (feet)	
Apartment/condo	50	Mixed-use and commercial buildings	14
Other buildings	25	Other buildings	_
Minimum Street Frontage	20	Minimum Transparency (%)	
(feet)			
Minimum Open Space per Unit	•	Vertical Mmixed-use buildings	
(sq. ft.)			
Detached house	400	Ground floor	40
Townhouse/Duplex	200	Upper floors	20
Apartment/condo/mixed-use	100	Commercial buildings and mixed-use	
		<u>buildings</u>	
Minimum Building Setbacks		Ground floor	35
(feet)			
Detached		Upper floors	20
house/townhouse/duplex			
Street	15[1]	Other buildings	20
Side	3[2]	Street-facing Entrance Required	Yes
Rear	20		
Other buildings			
Street	5		
Abutting R district	10		
Abutting nonresidential	0		
district			
Abutting alley	5		
		***	

#### Reason for changes:

- 5) 10.010-C.3 40' is not one of the height designations offered for MX districts in Table 10-8; therefore it should be changed to 45'.
- 6) 10.030-C.2.a, 10.030-E.2.a, 10.030-G.2.a, 10.030-I.2.a- The changes are consistent with the addition of Vertical mixed-use and mixed-use as building types in 35.010-L and 35.010-M.
- 7) 10.030-C.3, Table 10-4, 10.030-E.3, Table 10-5, 10.030-G.3, Table 10-6- The changes were made to correct typos.
- 8) Table 10-5, Table 10-6, Table 10-7(vertical mixed-use and mixed-use buildings) The tables specify regulations for newly added allowed building types. The changes are consistent with the addition of Vertical mixed-use and mixed-use as building types in 35.010-L and 35.010-M.
- 9) Table 10-4, Table 10-5 & Table 10-6 (%)— Currently in the Build-to Zone section of the tables, the Primary street BTZ and Secondary street BTZ the table references a number without defining if is a length or percentage. The change is to add that it is a percentage (%).

# **Chapter 15** Office, Commercial, & Industrial Districts

Section 15.020 Use Regulations

\*\*\*

#### Table 15-2: O, C and I District Use Regulations

USE CATEGORY							211	000				Supplemental
Subcategory	OL	OM	ОМН	ОН	CS	CG	СН	CRD	IL	IIVI	ΙΗ	Regulations
Specific use					_	_						
RESIDENTIAL												
Household Living (if allowed in building type in Single household						ь	ь	ь	<u> </u>	ь	П	
Two households on single lot	P P	P P	<u> </u>	<u>P</u>	<u>P</u> P	<u> </u>	P P	<u> </u>	<u>P</u>	P	<u>P</u>	
Three or more households on single lot	P	P	P P P	P P	P	<u>P</u> <u>P</u>	P	<u>Р</u> Р	<u>P</u>	P	P	
Detached house	<u> </u>	S	<u> </u>	S	<u> </u>	S	S	S		<u>P</u>	<u> </u>	
Townhouse	₽	P	<u>₹</u>	<del>P</del>	P P	P	P	P P	_	_		
<del>Duplex</del>	<u> </u>	S	S	S	- <mark>5</mark>	S	S	S	=			
Multi-unit House	P	<del>S</del>	S	<del>S</del>	<del>S</del>	S	S	S	Ξ			
Apartment/condo	S	P	P P	₽ P	P P	P	P	P		_		Section 40.030
Manufactured housing unit	_		<u> </u>			S	S		S	<u>-</u> S	<u>-</u>	Section 40.210
Group Living	_			_		<b>–</b>	<del>-</del>		9	<u> </u>	0	Section 40.160
Assisted living facility	S	Р	Р	Р	Р	Р	Р	Р		_		Section 40.100
Community group home	S	P	P	P	- P	P	P	P		_		Section 40.100
Convent/monastery/novitiate	S	Р	Р	Р	P	Р	Р	Р		_		3ection 40.100
Elderly/retirement center	S	Р	P	Р	 Р	Р	Р	Р	_	_		
Fraternity/Sorority	S	Р	Р	Р	P	Р	Р	Р		_		
Homeless center	S	S	S	S	S	S	S	S	S	S	S	Section 40.130
Life care retirement center	S	P	P	Р	 	P	P	P	_	_	_	3ection 40.130
Re-entry facility	S	P	P	P	S	s	S	S	Р	S	S	
Residential treatment center	S	P	P	P	S	S	S	S	P	S	S	Section 40.130
Rooming/boarding house	S	P	P	P	 P	Р	P	P	_	_	_	<u> </u>
Shelter, emergency and protective	S	S	S	S	S	S	S	S	S	S	S	Section 40.130
Transitional living center	S	P	P	Р	S	S	S	S	Р	S	S	Section 40.130
PUBLIC, CIVIC AND INSTITUTIONAL			-									000001140.100
Airport	S	S	S	S	S	S	S	S	S	S	S	
Cemetery	S	S	S	S	S	S	S	S	S	S	S	Section 40.150
College or University	S	Р	Р	Р	Р	Р	Р	Р		S	S	Section 40.070
Day Care	S	Р	Р	Р	Р	Р	Р	Р		S	S	
Detention and Correctional Facility	S	S	S	S	S	S	S	S	S	S	S	Section 40.130
Fraternal Organization	S	S	S	S	S	S	S	S		S	S	
Governmental Service	S	S	S	S	S	S	S	S		S	S	
Hospital	S	Р	Р	Р	Р	Р	Р	Р	S	S	S	Section 40.070
Library or Cultural Exhibit	S	Р	Р	Р	Р	Р	Р	Р	S	S	S	
Natural Resource Preservation	Р	Р	Р	Р	Р	Р	Р	Р	Р	Р	Р	
Parks and Recreation	S	Р	Р	Р	Р	Р	Р	Р	S	S	S	
Postal Services	S	S	S	S	S	S	S	S		S		
Religious Assembly	S	Р	Р	Р	Р	Р	Р	Р		S		Section 40.320
Safety Service	S	S	S	S	P	P	P	P		P	P	
School					-		-	-	- 1			
Established on or before Jan. 1, 1998	Р	Р	Р	Р	Р	Р	Р	Р	Р	Р	Р	Section 40.350
Others	S	P	P	P	Р	P	P	P		s		Section 40.350
Utilities and Public Service Facility		-		•			-	-		_		
Minor	Р	Р	Р	Р	Р	Р	Р	Р	Р	Р	Р	
Major	S	S	S	s	S	s	S	S		s		
Wireless Communication Facility										_		
Freestanding tower	S	S	S	S	Р	Р	Р	Р	Р	Р	Р	Section 40.420
Building or tower-mounted antenna	P	P	P	Р	 P	P	P	P	_	P		Section 40.420
Dunding of tower mounted afferina	1	<u>'</u>	· •	•	- '	<u> </u>	•		•	•	•	00000011 70.720

USE CATEGORY												Supplemental
Subcategory	OL	OM	ОМН	ОН	CS	CG	СН	<b>CBD</b>	IL	IM	ΙH	Regulations
Specific use												
COMMERCIAL												
Animal service												Section 40.020
Boarding or shelter	_	_	_	_	S	Р	Р	Р	Р	Р	Р	00000011 101020
Grooming	_	_	_	_	P	P	P	P	P	P	P	
Veterinary	_	_	_	_	P	P	P	P	P	P	P	
Assembly and Entertainment					•		•	•	•	•	•	Section 40.040
Indoor gun club	Τ_	Ι_	_	_	S	S	S	S	S	S	S	Section 40.040
Other indoor									_			0000011 10:010
Small (up to 250-person capacity)	_	_	_	_	P[2]	P[2]	P[2]	P[2]	S	S	S	Section 40.040
Large (>250-person capacity)	_	_	_	_	S . [-]	S	S . [-]	S . [-]	S	S	S	Section 40.040
Outdoor gun club	_	_	_	_	S	S	S	_	S	S	S	Section 40.040
Other outdoor	_	_	_	_	S	S	S	S	S	S	S	Section 40.040
Broadcast or Recording Studio	Р	Р	Р	Р	P	P	P	P	P	P	P	0000011 10:010
Commercial Service	'	•	•	•		'	•	•	'	•	•	
Building service	T _	_	_	_	S	Р	Р	Р	Р	Р	Р	
Business support service	$+ \equiv$			_	 P	P	P	P	Р	P	Р	Section 40.300
Consumer maintenance/repair service	$+ \equiv$			_	P	P	P	P	P	P	P	<u> </u>
Personal improvement service	S	S	S	S	P	P	P	P	P	P	P	
Research service	- 3	_	_	_		S	P	P	P	P	P	
Financial Services (except as below)	P	P	P	P	 P	P	P	Р	P	P	Р	
Personal credit establishment	Г				P	Р	Р	P	Р	Р	Р	Section 40.300
	P	P	_ Р	P	<u>г</u> Р	Р	Р	Р	Р	Р	Р	Section 40.300
Funeral or Mortuary Service	Р	Р	Р	Р	٢	Р	Р	Р	۲	۲	۲	
Lodging			_	_	_	_	0	_		_		0
Bed & breakfast	S	S	S	S	S	S	S	S	S	S	S	Section 40.060
Campgrounds and RV parks	-	_	_	_	S	Р	Р	Р	Р	Р	Р	
Hotel/motel	<u> </u>	_	S	S	Р	Р	Р	Р	S	S	S	
Marina	S	S	S	S	S	S	S	S	S	S	S	0 " 10 000
Office			_				_		_	_	_	Section 40.260
Business or professional office	P	P	P	P	P	P	Р	P	P	P	Р	
Medical, dental or health practitioner office	Р	Р	Р	Р	P	Р	Р	Р	P	P	Р	
Plasma center	_	_	_	_	Р	Р	Р	Р	Р	Р	Р	Section 40.300
Parking, Non-accessory	Р	Р	Р	Р	Р	Р	Р	Р	Р	Р	Р	
Restaurants and Bars									,			
Restaurant	P[1]	P[1]	P[1]	P <del>[1]</del>	Р	Р	Р	Р	Р	Р	Р	Section 40.330
Bar (except as below)	_	_	_	_	P[2]		P[2]		S	S	S	Section 40.050
Brewpub	_	_	_	_	S	S	S	P[2]	S	S	S	Section 40.050
Retail Sales												Section 40.340
Building supplies and equipment	_	_	_	_	Р	Р	Р	Р	Р	•	Р	
Consumer shopping goods	_	S[3]			Р	Р	Р	Р	Р	Р	Р	
Convenience goods	_	S[3]	S[3]	P[3]	Р	Р	Р	Р	Р		Р	Section 40.300
Self-service Storage Facility	S	S	S	S	S	Р	Р	Р	Р	Р	Р	Section 40.360
Sexually Oriented Business Establishment	_	_	_	_	Р	Р	Р	Р	S	S	S	Section 40.370
Studio, Artist or Instructional Service	Р	Р	Р	Р	Р	Р	Р	Р	Р	Р	Р	Section 40.380
Trade School	_	_	_	_	S	Р	Р	Р	Р	Р	Р	
Vehicle Sales and Service	-	1	1					1				Section 40.400
Commercial vehicle repair/maintenance	_	_	_	_	S	Р	Р	Р	Р	Р	Р	
Truck stop	<b> </b>	_	_	_		S	S	_	P	P	P	
Commercial vehicle sales and rentals	_	_	_	_	S	P	P	Р	P		P	
Fueling station	_	_	_	_	P	P	Р	P	P	P	P	
Personal vehicle repair and maintenance	<b>—</b>	_	_	_	P	P	P	P	P	P	P	
Personal vehicle sales and rentals	<b>—</b>	_	_	_	S	P	P	P	P	P	P	
Vehicle part and supply sales	<b>—</b>	_	_	_	P	P	P	P	P	P	P	
Vehicle body and paint finishing shop	_	_	_	_	S	P	P	P	P		P	
WHOLESALE, DISTRIB. & STORAGE							•	•				Section 40.410
Equip. & Materials Storage, Outdoor					S	Р	Р	Р	Р	Р	Р	-56611611-101-110
Trucking and Transportation Terminal	+-	<u> </u>	_	_	 	Р	Р	Р		Р	Р	
Trucking and Transportation Terminal	_	_	_	_	3							

USE CATEGORY												Supplemental
Subcategory	OL	OM	OMH	OH	CS	CG	СН	CBD	IL	IM	ΙH	Regulations
Specific use												
Warehouse	_	_	_	_	S	Ρ	Р	Р	Р	Ρ	Р	
Wholesale Sales and Distribution	_	_	_	_	S	Р	Р	Р	Р	Р	Р	
INDUSTRIAL												Section 40.180
Low-impact Manufacturing & Industry	_	_	_	_	_	S	S	S	Р	Р	Р	
Moderate-impact Manufacturing & Industry	_	_	_	_	_	_	_	_	S	Ρ	Р	
High-impact Manufacturing & Industry	_	_	_	_	_	_	_	_	_	S	Р	
Mining or Mineral Processing	_	_	_	_	_	_	_	_	_	S	S	Section 40.230
Junk or Salvage Yard	_	_	_	_	_	_	_	_	_	S	Р	Section 40.190
RECYCLING												Section 40.310
Construction or Demolition Debris	_	_	_	_	_	_	_	_	S	S	Р	
Consumer Material Drop-off Station	_	_	_	_	P/S[5]	Р	Р	Р	Р	Р	Р	
Consumer Material Processing	_	_	_	_	_	_	_	_	Р	Р	Р	
AGRICULTURAL												
Animal Husbandry	_	_	_	_	_	_	_	_	_	Р	Р	
Community Garden	Р	Р	Р	Ρ	Р	Ρ	Р	Р	Р	Ρ	Р	Section 40.090
Farm, Market- or Community-supported	Р	Р	Р	Ρ	Р	Ρ	Р	Р	Р	Ρ	Р	
<del>Greenhouse</del>	_	_	_		S	P	P	P	₽	₽	₽	
Horticulture Nursery	_	_	_	_	_	_	_	_	Р	Р	Р	
OTHER												
Drive-in or Drive-through Facility (as a	S	S	Р	Р	Р	Р	Р	S	Р	Ρ	Р	Section 55.100
component of an allowed principal use)												
Off-Premise Outdoor Advertising Sign [4]	_	_	_	_	Р	Р	Р	Р	Р	Р	Р	Chapter 60
Oil or Gas Well	S	S	S	S	S	S	S	S	S	S	S	Section 40.270

#### 15.020-G Table Notes

[1] Restaurant is permitted as accessory use in OL, OM, and OMH districts.

Use must be located entirely within the principal office building and may not occupy more than 5% of the building's floor area.

\*\*\*

Table 15-2.5: O, C and I District	t Bui	lding	Type F	Regu	latio	ns fo	r Ho	useho	ld L	ivii	ng	
USE CATEGORY												<b>Supplemental</b>
Subcategory	OL	<u> </u>	ОМН	ОЦ	CC	CC	СП	CDD		IN A	ш	<b>Regulations</b>
Specific use	<u>UL</u>	<u>Olvi</u>	OIVIN	<u>Un</u>	<u></u>	<u>CG</u>	<u>Сп</u>	CDD	ᄩ	IIVI	Ш	
Building Types												
RESIDENTIAL												
Household Living												
Single household												
Detached house	<u>P</u>	S P	S P	<u>S</u>	<u>S</u>	<u>S</u>	S P	S P	_	_	=	
<u>Townhouse</u>	<u>P</u>	P	P	P	<u>P</u>	<u>P</u>	<u>P</u>			Ξ	=	
Manufactured housing unit	<u>=</u>		<u> </u>	<u>=</u>	<u>=</u>	<u>S</u>	<u>S</u>	<u>=</u> <u>Р</u>	<u>S</u>	<u>S</u>	<u>S</u>	
Mixed-Use building	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>S</u>	=	=	
Vertical mixed-use building	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>S</u>	=	<u>=</u>	
Two households on single lot		_	_	_	_	_	_	_				
<u>Duplex</u>	<u>P</u>	<u>S</u>	S P	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u> <u>P</u>	=	=	=	
Mixed-Use building	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>S</u>	=	<u>=</u>	
Vertical mixed-use building	<u>P</u>	P	<u>P</u>	P	<u>P</u>	<u>P</u>	<u>P</u>	P	S	=	<u> </u>	
Three or more households on single lot												
Multi-unit House	P	S	S P	<u>S</u>	S	<u>S</u>	<u>S</u>	S P	_		_	
Apartment/condo	<u>S</u>	S P	<u>P</u>	P	<u>P</u>	P	P	P			_	<b>Section</b>
												<u>40.030</u>
Mixed-Use building	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>S</u>		_	
Vertical mixed-use building	P	P	P	P	P	P	P	P	S			

\*\*\*

## Section 15.030 Lot and Building Regulations

\*\*\*

#### 15.030-B Table Notes

\*\*\*

- [3] Same as required in RM-3 district.
- [3] Same as required in RM-3 district.
- [4]Garage doors must be set back at least 20 feet or 20 feet from the back of the sidewalk, whichever is greater.

## **Section 15.040 Other Relevant Regulations**

\*\*\*

#### 15.040-A Outdoor Storage and Display

In the CS district, outdoor storage, including storage of recyclable materials, and outdoor merchandise display is prohibited within 300 feet of an abutting R district.

\*\*

#### Reason for changes:

- 10) Table 15-2 (Household Living) The changes added specific uses to Household Living subcategory and deleted building types, moving them to Table 5-2.5 to clarify distinctions between specific uses and building types.
- 11)Table 15-2.5- The new table is created to provide which residential building types are permitted for specific uses in the Household Living subcategory.
- 12) Table 15-2 (Greenhouse)- This was deleted to be consistent with the removal of Greenhouse as an agricultural use subcategory, 35.090-D.
- 13) Table 15-2 (Religious Assembly) This supplemental regulation applies only to Religious Assembly use in AG and R districts, and Table 15-2 is for office, commercial and industrial districts.
- 14) Table 15-2 (Restaurant), 15.020-G[1]- Modifies to be consistent with previous zoning code- restaurants in all O districts, except for OH, are permitted as accessory use only and are limited to 5% of the floor area of the building; restaurants are permitted by right in OH and are not limited to a percentage of the building floor area.
- 15)15.030-B[3]-The change was made to correct a typo.
- 16)15.030-B[4]- Revised to be consistent with 5.030-B[3] which states 20 feet or 20 feet from back of sidewalk, whichever is greater.

## **Chapter 20 | Overlay Districts**

\*\*\*

## Section 20.050 RDO, River Design Overlays

#### **20.050-A General**

\*\*\*

4. Exemptions

\*\*\*

- d. New or modified public utility and service uses, where allowed, and accessory uses customarily incidental to park and recreation uses (excluding restaurants) are exempt from compliance with the:
  - (1) Build-to-zone regulations of <u>Table 20-2</u>;
  - (2) Ground floor transparency regulations of Table 20-3; and
  - (3) Building entrance requirements of Table 20-3.

\*\*\*

- 7. Effect of PUD, MPD or CO Zoning Modifications to RDO Regulations
  - a.The land use administrator is authorized to grant administrative adjustments to provisions in this Section 20.050 in accordance with Section 70.100
  - b. The Board of Adjustment is authorized to modify the build-to-zone regulations in Table 20-2, the transparency regulations in Table 20-3 and the parking regulations in §20.050-C2.b(3) through the Special Exception process provided that the Board of Adjustment finds the Special Exception will be in harmony with the spirit and intent of the zoning code, including the spirit and intent of this Section 20.050 and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.
  - c. The regulations of an RDO district may not be varied or modified through approval of or amendment of a Planned Unit Development (PUD),
     Master Planned Development (MPD) district or Corridor (CO) district.
  - d. The regulations of an RDO district may not be varied or modified through approval of or amendment of a Master Plan Development (MPD) district except that in a MPD with a minimum area of 20 acres, the build-to-zone regulations in Table 20-2 may be modified. If the build-to-zone in the MPD is modified, the MPD must demonstrate activation along the trail and/or street edge through the use of other principles of the RDO. The MPD must meet all other RDO provisions and remain consistent with the purpose and intent of both the RDO and the MPD.

\*\*\*

Table 20-1: RDO District Use Regulations

USE CATEGORY								
Subcategory Specific use Building Types	RDO-1	RDO- 2	RDO- 3					
X = expressly prohibited use   □ and unlisted uses = underlying zoning governs								
RESIDENTIAL								
Household Living (if allowed in building type indicated in	Table 2	<u>0-1.5)</u>						
Single household	X	X	X					
Two households on single lot	X	X	X					
Three or more households on single lot	X	X	X					
<del>Detached house</del>	×.	X [1]	<mark>⊟</mark>					
Cottage house development	×.	X	<mark>⊟</mark>					
<del>Duplex</del>	X	X [1]	<u>-</u>					
Manufactured housing unit	X	X	X					
Manufactured housing subdivision	X	X	X					
Mobile home	×.	X	X					
<mark>Mobile home park</mark>	X	X	X					
***								
***								

Table 20-1.5: RDO Building Type Regulations for Household Living

Specific use Building Type	RDO-1	RDO- 2	RDO- 3
X = expressly prohibited use   □ and unlisted uses = under	lying zon	ing gov	erns
RESIDENTIAL	, ,	3 3 -	
Household Living			
Single household			
Detached house	X	X [1]	
Manufactured housing unit	X	X	X
Manufactured housing subdivision	X	X	X
Mobile home	X	X	X
Two households on single lot			
Duplex Duplex	X	X [1]	
Three or more households on single lot			
Mobile home park	X	X	X
Cottage house development	X	X	

#### Reason for changes:

- 17)20.050.A.4.d This change allows for park accessory building to be exempt from overlay standards. This was the intent, but was inadvertently omitted.
- 18)20.050-A.7.a, 20.050-A.7.b, 20.050-A.7.c, 20.050-A.7.d- This revision is a follow up to the RDO ordinance to allow special provisions for developments on larger parcels to be located in an MPD.
- 19) Table 20-1— The changes added specific uses to Household Living subcategory and deleted building types, moving them to Table 5-2.5 to clarify distinctions between specific uses and building types.
- 20) Table 20-1.5-The new table is created to provide which residential building types are permitted for specific uses in the Household Living subcategory.

## Section 25.020 AG, Agricultural District

## 25.020-B Use Regulations

\*\*\*

Table 25-1: AG District Use Regulations

USE CATEGORY		Supplemental Use Regulations
Subcategory (Section 35.020)	AG	
Specific use		
Household Living (if allowed in building t	ype	ndicated in 25-1.5)
Single household	<u>P</u>	
Detached House	₽	
Manufactured Housing Unit	S	
***		
AGRICULTURAL		
Animal Husbandry	Р	
Community Garden	Р	Section 40.090
Farm, Market- or Community-supported	Р	
Horticulture Nursery	<u> Տ</u>	
***		

Table 25-1.5: AG Building Type Regulations for Household Living

USE CATEGORY		Supplemental Use Regulations
Subcategory (Section 35.020)	AG	
Specific use	,	
Building Type		
RESIDENTIAL	_	
Household Living		
Single household		
Detached house	<u> </u>	
Manufactured housing unit	S	

## 25.020-C Lot and Building Regulations

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Table 25-2: AG District Lot and Building Regulations

Regulations	AG	
Min. Lot Area	2 acres	
Min. Lot Area per Unit	2 acres	
Minimum Lot Width (feet)	200	
Min. Lot Frontage (feet)	<u>30</u>	
Min. Building Setbacks (feet)		
Street	25	
Side (one side/other side)	10/5	
Rear	40	
Max. Building Height (feet)	_	

# Section 25.040 CO, Corridor District

\*\*\*

## 25.040-B Use Regulations

\*\*\*

Table 25-4: CO District Use Regulations

USE CATEGORY		Supplemental
Subcategory (Section 35.020)	CO	Regulations
Specific use		
***		
PUBLIC, CIVIC AND INSTITUTIONAL		
***		
Parks and Recreation	P*	
Postal Services	P*	
Religious Assembly	P*	Section 40.320
***		
COMMERCIAL		
***		
Financial Services (except as below)	P*	
***		
AGRICULTURAL		
Community Garden	P*	Section 40,090
Farm, Market- or Community-supported	P*	
<u>Greenhouse</u>	<u>P*</u>	
OTHER		
Drive-in or Drive-through Facility (as a	P*	
component of an allowed use)		
Oil or Gas Well	P*/S	Section 40.270
Off-Premise Outdoor Advertising Sign [1]	<u>P*</u>	

#### 25.040-C Table Notes

[1] Allowed only when located within freeway sign corridors. See Chapter 60 for other supplemental regulations that apply to off-premise outdoor advertising signs.

# 25.040-CD Lot and Building Regulations

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# 25.040-DE Special Procedures Applicable to Corridor (CO) District Rezonings and Developments

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# Section 25.050 SR, Scientific Research District

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# 25.050-B Use Regulations

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Table 25-5: SR District Use Regulations

USE CATEGORY		Supplemental	
Subcategory (Section 35.020)	SR	Regulations	
Specific use ***			
PUBLIC, CIVIC AND INSTITUTIONAL			
***			
Parks and Recreation	S		
Postal Services	S		
Religious Assembly	S	Section 40.320	
***			

# Section 25.060 IMX, Institutional Mixed-Use

\*\*\*

# 25.060-B Use Regulations

Table 25-7: IMX District Use Regulations

Table 25-7. INA District Use Regulations		
USE CATEGORY		Supplemental
Subcategory (Section 35.020)	<b>IMX</b>	Regulations
Specific use		
RESIDENTIAL		
Household Living (if allowed in building type indicated in Table 25-7.5)	)	
Single household	<u>P</u>	
Two households on single lot	P	
Three or more households on single lot	<u>P</u>	
Detached house	P	
Townhouse Townhouse	P	
<mark>Duplex</mark>	P	
Multi-unit house	P	
Apartment/condo	P	
*** 		
PUBLIC, CIVIC AND INSTITUTIONAL		
***		
Parks and Recreation	Р	
Postal Services	S	
Religious Assembly	Р	Section 40.320
***		

Table 25-7.5: IIVIX District Building Type Regulations				
USE CATEGORY		<b>Supplemental</b>		
Subcategory (Section 35.020)	IMX	Regulations		
Specific use	114174			
Building Type				
RESIDENTIAL				
Household Living				
Single household				
Detached house	<u>P</u>			
<u>Townhouse</u>	<u> </u>			
Two households on single lot				
<u>Duplex</u>	<u>P</u>			
Three or more households on				
<u>single lot</u>				
Multi-unit house	P			
Apartment/condo	<u>P</u>			
***				

\*\*\*

## 25.060-C Lot and Building Regulations

1. Table of Regulations

The lot and building regulations of <u>Table 25-8</u> apply to all new construction and building additions in IMX districts. General exceptions to lot and building regulations and rules for measuring compliance can be found in <u>Chapter 90</u>. Existing buildings are exempt from compliance with build-to-zone (BTZ) and transparency regulations.

\*\*\*

#### 25.060-G Landscaping and Screening

#### 2. L2 Street Tree Yards

a. When required

L2 street tree yards with a minimum depth of 10 feet are required between the planned right-of-way and the closest edge of the build-to-zone within the lot, extending the full width of the lot.

#### Reason for changes:

- 21) Table 25-1, Table 25-7 (Household Living)- The changes added specific uses to Household Living subcategory and deleted building types, moving them to Table 5-2.5 to clarify distinctions between specific uses and building types.
- 22) Table 25-1.5, Table 25-7.5-The new table is created to provide which residential building types are permitted for specific uses in the Household Living subcategory.
- 23) Table 25-2 The Agriculture district does not currently have a minimum frontage requirement, although the previous zoning code required 30'. A minimum of 30' frontage should be required to ensure police and fire services have necessary access to serve lots.
- 24) Table 25-4, Table 25-5, Table 25-7(Religious Assembly)- The supplemental regulation found in Section 40.320 applies only to Religious Assembly use in Agriculture and Residential districts and was deleted.
- 25) Table 25-4 (Off Premise Outdoor Advertising Sign) This was added as a permitted use category if approved as a part of an approved development plan. This is consistent with the previous zoning code.
- 26)25.040-C- The Table Note was added to permit Off-premise outdoor advertising signs in Corridor Districts. This is consistent with the previous zoning code.
- 27)25.040-D, 25.040-E- Renumbering is required due to addition of 25.040-C Table Notes.
- 28) Table 25-4 (Financial Services) There is no "below" in this instance.
- 29) Table 25-4 (Greenhouse)- This was deleted to be consistent with the removal of Greenhouse as an agricultural use subcategory, 35.090-D.
- 30)25.060-C.1, 25.060-G.2- The changes were made to correct typos.

## Chapter 35 Building Types and Use Categories

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Section 35.010 Building Types

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35.010-F Mulit-Multi-unit House

\*\*\*

## 35.010-L Mixed-Use Building, Vertical

A <u>vertical</u> mixed-use building is a principal building occupied by <u>one or more</u> commercial uses on the ground floor and <u>one or more</u> residential <u>uses</u> <u>dwelling units</u> on upper floors.

Figure 35-8: Vertical Mixed-use Building

\*\*\*

#### 35.010-M Mixed-Use Building

A mixed-use building is a principal building occupied by one or more commercial uses and one or more residential dwelling units.

## 35.010-MN Commercial Building

A commercial building is a principal building occupied primarily by commercial non-residential uses.

\*\*\*

35.010-NO Civic/Institutional Building

\*\*\*

35.010-OP Civic/Institutional Building

\*\*\*

# Section 35.040 Public, Civic and Institutional Use Category

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## 35.040-G Governmental and Social Services

Local, state or federal government services or <u>similar</u> functions, <u>and non-profit or charitable services or similar functions</u>, that are not otherwise classified. <u>Typical uses include health department</u>, courthouse, soup kitchens and food pantries.

\*\*\*

# **Section 35.050 Commercial Use Category**

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## 35.050-B Assembly and Entertainment

Uses that provide gathering places for participant or spectator recreation, entertainment or other assembly activities. Assembly and entertainment uses may provide incidental food or beverage service. Typical uses include gun clubs, shooting ranges, health clubs, gymnasiums, riding stables and academies, banquet halls, entertainment centers, event centers, billiard centers, bowling

centers, cinemas, go-cart tracks, laser tag, paintball, miniature golf courses, stadiums, arenas, video arcades, race tracks, fairgrounds, rodeo grounds, water parks, amusement parks, food truck courts, and live theaters. Outdoor seating and dining areas that exceed 50% of the indoor floor area of the subject principal use (e.g., bar, restaurant or indoor assembly and entertainment use) are regulated as an outdoor assembly and entertainment use.

\*\*\*

#### 35.050-K Restaurants and Bars

\*\*\*

#### 2. Restaurant

An establishment that serves food or beverages for on- or offpremise consumption as its principal business. The
preparation and processing of food or beverages to be served
or sold on-site directly to consumers is permitted as an
accessory use to a restaurant, including on-site coffee roasting
with a maximum roasting capacity of 3 kilos 15 kilograms per
batch. Typical examples of restaurant uses include principal
use restaurants, cafés, cafeterias, ice cream/yogurt shops,
donut shops and coffee shops. Maximum roasting capacity for
restaurant uses in any office district shall not exceed 3
kilograms per batch.

\*\*\*

# Section 35.70 Industrial Use Category

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#### 35.070-A Low-Impact Manufacturing and Industry

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Manufacturing and industrial uses that do not, as part of their normal operations, generate noticeable off-site impacts in terms of noise, smoke, particulate matter, odors, or vibration. Typical examples of low-impact manufacturing and industrial uses include: commercial laundries and linen supply services, apparel manufacturing, bakery products manufacturing, bottling plants, ice manufacturing, mattress manufacturing and assembly, microbreweries, micro distilleries, coffee roasting with a maximum roasting capacity of 35 kilograms per batch, musical instrument and parts manufacturing, newspaper printing and binderies.

\*\*\*

#### 35.070-B Moderate-Impact Manufacturing and Industry

Manufacturing and industrial uses that, as part of their normal operations, generate noticeable off-site impacts in terms of noise,

smoke, particulate matter, odors, or vibration. Typical examples of moderate-impact manufacturing and industrial uses include: large breweries, distilleries and alcohol manufacturing (other than micro distilleries) coffee roasting with a roasting capacity of more than 3 kilos 35 kilograms per batch, dairy products manufacturing, foundries, chrome plating, crematoriums and animal rendering plants, electroplating, fiberglass manufacturing, flour mills and paper products manufacturing.

\*\*\*

# Section 35.090 Agricultural Use Category

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#### 35.090-C Farm, Market or Community-Supported

An area managed and maintained by an individual, group or business entity to grow and harvest food crops or non-food crops (e.g., flowers) for sale or distribution. Market ffarms may be principal or accessory uses and may be located on a roof or within a building.

#### 35.090-D Greenhouse

A building used for propagation and growth of trees or plants for wholesale or retail sales and distribution. Does not include on-site retail sales unless such sales are otherwise allowed in the subject zoning district.

## 35.090-ED Horticulture Nursery

A primarily outdoor use involving propagation and growth of trees or plants in containers or in the ground for wholesale or retail sales and distribution. Does not include on-site retail sales unless such sales are otherwise allowed in the subject zoning district.

#### Reason for changes:

- 31)35.010-F- The change was made to correct a typo.
- 32)35.010-L, Figure 35-8- Added "Vertical" to differentiate between vertical and horizontal mixed-use building. Currently only vertical mixed-use is allowed (under the term "mixed-use").
- 33)35.010-M- This changes the definition of mixed-use to include a horizontal orientation. For example, retail and residential could both locate on the same floor.
- 34)35.010-N- This change clarifies uses allowed in a commercial building.
- 35)35.010-N,35.010-O,35.010-P- Renumbering was required due to addition of item 35.010-M
- 36)35.040-G-Clarifies that the category includes services provided by private funding/organizations.
- 37)35.050-B- This change adds food truck courts into the Assembly and Entertainment use subcategory for clarity.
- 38)35.050-K.2- The change establishes revised thresholds for coffee roasting capacity within a restaurant use.
- 39)35.070-A- This would allow coffee roasting, with a maximum capacity of 35 kilograms per batch, as a Low-Impact Manufacturing and Industry use.
- 40) 35.070-B- This would allow coffee roasting, exceeding 35 kilograms per batch, as a Moderate-Impact Manufacturing and Industry use.

#### Chapter 40 Supplemental Use and Building Regulations

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# **Section 40.210 Manufactured Housing Units**

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40.210-A The application for a special exception must be accompanied by a written signed agreement by the applicant and the property owner to

remove the manufactured housing unit within one year of the date of special exception approval.

- 40.210-BA The manufactured housing unit must be removed from the lot within one year of the date of special exception approval. The board of adjustment is authorized to extend the one-year limit through approval of a subsequent special exception if the (special exception) extension request is filed before expiration of the one-year time limit.
- 40.210-CB No more than one manufactured housing unit may be located on a lot.
- 40.210-DC Manufactured housing units are required to comply with the same lot and building regulations that apply to detached houses in the subject zoning district.
- 40.210-E When a manufactured housing unit is located on a lot abutting an RE-, RS- or RD- zoned lot, a screening wall or fence must be provided along the common lot line in accordance with the F1 screening fence or wall standards of §65.060-C2.

\*\*Figure 40-8: Screening of Manufactured Housing Unit Abutting RE, RS or RD District

#### \*\*\*

#### Section 40.360 Self-Service Storage Facilities

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40.360-A General

- 3. All lots to be occupied by self-service storage facilities must have frontage on an arterial street. A single dwelling unit may be integrated into the self storage facility.
- No activities other than rental storage units and pick-up and deposit of stored materials are allowed on the premises within the storage units.

#### \*\*\*

#### Section 40.400 Vehicle Sales and Services

- 40.400-A Whenever a vehicle sales and service use is located on a lot abutting an R-zoned lot, a screening wall or fence must be provided along the common lot line in accordance with the F1 screening fence or wall standards of §65.060-C2.
- 40.400-B Whenever commercial or personal vehicle sales or rentals are within 300 feet of an R-zoned lot, off-street parking and vehicle display areas must comply with the parking area design standards of Section 55.090.

#### Reason for changes:

- 42)40.210-A-The zoning code currently requires that a manufactured home be removed within one year of the special exception approval; however, requiring the homeowner/applicant to submit a letter agreeing that the manufactured home will be removed is not necessary.
- 43)40.210-B, 40.210-C- A renumbering is necessary due to deleted items.
- 44) 40.210-E, Figure 40-8- This requirement is removed because screening is not necessary between a manufactured housing unit and other residential uses.
- 45) 40.360-A.3, 40.360-A.4-The arterial street frontage requirement for ministorage facilities is not necessary. These facilities generally have a low-impact and can be appropriately located on non-arterial streets. This change also allows for a single dwelling unit (caretakers unit), which is typical for ministorage facilities and clarifies the allowed uses within the storage unit.
- 46) 40.400-A, 40.400-B- On lots containing vehicle sales, the change provides design and dimensional standards for parking and vehicle display areas within 300 feet of an R-zoned lot. This change addresses neighborhood issues which are frequently encountered by the Board of Adjustment.

## Chapter 45 Accessory Uses and Structures

\*\*\*

#### Section 45.080 Fences and Walls

45.080-A Fences and walls within required building setbacks may not exceed 8 feet in height, except that in required street setbacks fences and walls may not exceed 4 feet in height. However, in R zoned districts, fences up to 8 feet in height are permitted in side street setbacks of detached houses or duplexes located on corner lots and in street setbacks abutting the rear lot line of houses or duplexes located on double frontage lots. The board of adjustment is authorized to modify these fence and wall regulations in accordance with the special exception procedures of Section 70.120.

\*\*\*

Section 45.030 Accessory Buildings and Carports in RE and RS R Districts

45.030-A RE and RS-1 Districts Accessory Building Size

1. RE and RS-1 Districts

In RE and RS-1 districts, the total aggregate floor area of all detached accessory buildings and accessory buildings not erected as an integral part of the principal residential building may not exceed 750 square feet or 40% of the floor area of the principal residential structure, whichever is greater. [1]

2. RS-2, RS-3, RS-4, and RS-5 and RM Districts
In RS-2, RS-3, RS-4, and RS-5 or RM districts, zoned lots used for detached houses or duplexes, the total aggregate floor area of all detached accessory buildings and accessory buildings not erected as an integral part of the principal residential building may not exceed 500 square feet or 40% of the floor area of the principal residential structure, whichever is greater. [1]

[1] For detached accessory buildings located within rear setbacks see §90.090-C2

# 45.030-B RS-2, RS-3, RS-4 and RS-5 Districts Carports

Carports are allowed in R zoning districts. Any carport that occupies all or a portion of the street setback or street yard area must be approved in accordance with the special exception procedures of Section 70.120 and comply with the regulations of Section 90.090-C1.

**Section 45.100 Home Occupations** 

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45.100-G Where Allowed

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- 2. Type 2 Home Occupations
- Type 2 home occupations may be approved as an accessory use to a principal use in the household living use category enly through the special exception procedures of Section 70.120. Type 2 home occupations are subject to the general regulations of §45.100-H and the supplemental regulations of §45.100-J.
- b. Type 2 home occupations may be approved as an accessory use to a principal use in the household living use category through mandatory development plan provisions defined in Section 70.040-B.1. Type 2 home occupations are subject to the general regulations of §45.100-H and the supplemental regulations of §45.100-J or as may be further regulated in a mandatory development plan.

#### 45.100-H General Regulations

\*\*\*

4. External structural alterations or site improvements that change the residential character of the lot upon which a home occupation is located are prohibited. Examples of such prohibited alterations include construction of parking lots, the addition of commercial-like exterior lighting, the addition of a separate building entrance that is visible from abutting streets or the exterior display of an illuminated nameplate sign. (See Section 60.030-C Nameplates)

\*\*\*

### 45.100-J Supplemental Regulations for Type 2 Home Occupations

1. Only uses approved in accordance with the special exception procedures of Section 70.120 or through a mandatory development plan are allowed as type 2 home occupations.

\*\*\*

### Reason for changes:

- 47)45.080-A- This change is consistent with the previous zoning code.
- 48)45.030-A.1, 45.030-A.2, 45.030-A[1]- This change adds a reference to Chapter 90 and allows accessory buildings on RM-zoned lots.
- 49)45.030-B- This change adds carports as an accessory use and references Chapters 70 and 90.
- 50)45.100-G.2.a, 45.100-G.2.b, 45.100-J.1- This change adds language that allows Type 2 home occupations to be approved through the development plan process.
- 51)45.100-H.4- This change adds a reference to nameplate regulations.

# **Section 50.050 Exemptions**

\*\*\*

#### 50.050-B

- Temporary dumpsters are allowed on lots with ongoing construction, subject to compliance with all the following regulations:
  - a. Temporary dumpsters related to ongoing construction are permitted for a period in which construction is ongoing and all required permits remain valid.

- b. Temporary dumpsters may not exceed 22 feet in length, 8 feet in width, and 8.5 feet in height.
- c. Temporary dumpsters must comply with all structure setback requirements of the subject zoning district.
- d. Temporary dumpsters are prohibited within storm water basins, or any other location that may cause hazardous conditions, constitute a threat to public safety, or create a condition detrimental to surrounding land uses and development.
- e. In single-family residential zoning districts and development areas, no more than 1 temporary dumpster may be located on any lot.
- 2. Temporary dumpsters are allowed on lots for a period of 60 days following a natural disaster (act of God) occurring in the immediate area of the lot, to be used for the disposal of debris resulting from the natural disaster (act of God). The development administrator is authorized to grant extensions of the 60-day time limit.

\*\*\*

# Reason for changes:

52)50.050-B.1, 50.050-B.2- This provides a clear-cut means of regulating temporary dumpsters in residential areas.

# Chapter 55 Parking

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Section 55.020 Minimum Parking Ratios

Table 55-1: Minimum Motor Vehicle Parking Ratios

USE CATEGORY	Measurement (spaces per)	CBD	CH District and MX	All Other Districts and PI	Additional requirements/ notes
Subcategory		Distric	District	Overlay [1]	
Specific use		t		, , ,	
	[1] See and Section 20.040 fo	r inform	ation on PI Overlay		
RESIDENTIAL					
Household Living				1	
Detached house	dwelling unit	0.00	1.00	2.00	
Townhouse	dwelling unit	0.00	1.00	2.00	
Duplex	dwelling unit	0.00	1.00	2.00	
Manufactured housing unit	dwelling unit	0.00	1.00	2.00	
Mobile home	dwelling unit	0.00	1.00	2.00	
Multi-unit house	0-1 bedroom dwelling unit	0.00	1.10	1.25	
Multi-unit house	2+ bedroom dwelling unit	0.00	1.50	2.00	
Apartment/condo	0-1 bedroom dwelling unit	0.00	1.10	1.25	
Apartment/condo	2+ bedroom dwelling unit	0.00	1.75	2.00	
Group Living	1 112 3	0.00	0.00	0.45	
Assisted living facility	dwelling unit	0.00	0.33	0.45	
Community group home	established as part of special	<u>0.00</u>	<u>0.65</u>	<u>0.85</u>	
Company	exception 1000 sq. ft	0.00	0.05	0.05	
Convent/monastery/novitiate	1,000 sq. ft.	0.00	0.65	0.85	
Elderly/retirement center	dwelling unit	0.00	0.50	0.65	
Fraternity/Sorority	bed	0.00	0.33	0.45	
Homeless Center	established as part of special				
Life and action and and a	exception	0.00	0.50*	0.05*	*
Life care retirement center	dwelling unit	0.00	0.50*	0.65*	*plus 0.20 per nursing center bed
Re-entry facility	established as part of special exception 1000 sq. ft.		<u>0.65</u>	<u>0.85</u>	
Residential treatment center	1,000 sq. ft.	0.00	0.65	0.85	
Rooming/boarding house	bed	0.00	0.33	0.45	
Shelter, emergency and protective	1,000 sq. ft.	0.00	0.65	0.85	
Transitional living center	1,000 sq. ft.	0.00	0.65	0.85	
PUBLIC, CIVIC & INSTITUTIONAL					
Airport		<u>0.00</u>	established as p		
			exception/development plan		
Cemetery		0.00	established as part of		
College or University	1,000 sq. ft. (classroom)	0.00	1.10	1.40	
Community Center	1,000 sq. ft.	0.00	1.30	1.70	
Day Care	1,000 sq. ft.	0.00	1.30	1.70	
Detention and Correctional Facility		<u>0.00</u>	established as part of		
Fraternal Organization	1,000 sq. ft. (assembly room)	0.00	16.25*	21.25*	*or 3.33 per 1,000 sq. ft. of floor area, whichever is greater
Governmental Service		0.00	established as part of		
Hospital	bed	0.00	0.65*	0.85*	*plus 3.00 per 1,000 sq. ft. emergency/ou tpatient care area
Library or Cultural Exhibit					
Library	1,000 sq. ft.	0.00	1.30	1.70	
Museum/cultural exhibit	1,000 sq. ft.	0.00	0.80	1.10	
Natural Resource Preservation		0.00	0.00	0.00	
Parks and Recreation	seat (stadium)	0.00	0.15*	0.20* 01:04:17:2737	*plus 2 per (49)00 sq. ft. in community

					center or recreation building plus 3.33 per 1,000 sq. ft. in swimming pool area
Golf course	hole	0.00	3.25*	4.25*	*plus 2.50 per 1,000 sq. ft. in club house
Tennis court	court	0.00	1.30*	1.70*	*plus 2.50 per 1,000 sq. ft. in club house
Postal Services		<u>0.00</u>	established as part of		
Religious Assembly	1,000 sq. ft. (sanctuary)	0.00	18.5*	24.25*	*or 1 per 3 seats, whichever is greater
Safety Service					
Police station	1,000 sq. ft.	0.00	3.00	4.00	
Fire station/ambulance service School	emergency vehicle bay	0.00	3.00	4.00	
Elementary or Middle	1,000 sq. ft.	0.00	0.65	0.85	
Senior High	1,000 sq. ft.	0.00	0.85*	1.10*	*plus 0.20 per stadium/audito rium seat
Utilities and Public Service Facility					
Minor		0.00	0.00	0.00	
Major		<u>0.00</u>	established as part of	special exception	
Wireless Communication Facility					
Freestanding tower		0.00	0.00	0.00	
Building or tower-mounted antenna COMMERCIAL	_	0.00	0.00	0.00	
Animal service					
Boarding or shelter	1,000 sq. ft.	0.00	1.00	1.00	
Grooming	1,000 sq. ft.	0.00	2.80*	3.75	*None for first 5,000 sq. ft.
Veterinary	1,000 sq. ft.	0.00	2.80*	3.75	*None for first 5,000 sq. ft.
Assembly and Entertainment					
Cinema, Theater, Auditorium, Stadium, Gymnasium	seat	0.00	0.15	0.20	
Driving range Gun Club ( indoor or outdoor)	tee	0.00 <u>0.00</u>	0.65 established as part of		
Health club	1,000 sq. ft.	0.00	4.25	5.50	
Video arcade, bingo, billiards	1,000 sq. ft.	0.00	6.50	8.50	
Other assembly and entertainment (indoor)	1,000 sq. ft.	0.00	2.80	3.75	
Other assembly and entertain. (outdoor)	1,000 sq. ft.	0.00	0.80	1.10	
Broadcast or Recording Studio	1,000 sq. ft.	0.00	2.15	2.85	
Commercial Service	1,000 22 4	0.00	1.60	2.45	
Building service Business support service	1,000 sq. ft. 1,000 sq. ft.	0.00	1.60 1.60*	2.15 2.15	*None for first 5,000 sq. ft.
Consumer maintenance/repair service	1,000 sq. ft.	0.00	2.80*	3.75	*None for first 5,000 sq. ft.
Personal improvement service	1,000 sq. ft.	0.00	2.80*	3.75	*None for first 5,000 sq. ft.
Tanning salon	1,000 sq. ft.	0.00	4.25	5.65	3,000 04.10
Research service	1,000 sq. ft.	0.00	0.80	1.00	
	.,000 04. 11.	0.00	0.00	1.00	

Financial Services (except as below)	1,000 sq. ft.	0.00	2.50	3.00*	*2.50 per 1,000 sq. ft. above 30,000 sq. ft.
Personal credit establishment	1,000 sq. ft.	0.00	2.80	3.75	04
Funeral or Mortuary Service	1,000 sq. ft. (assembly room)	0.00	16.25*	21.25*	*plus 3.30 spaces per 1,000 sq. ft. in non-assembly area
Lodging Bed & breakfast	guest room	0.00	0.65*	0.85*	*plus spaces required for assembly space
Campgrounds and RV parks	camping space	0.00	0.65	0.85*	
Hotel/motel	guest room	0.00	0.65*	0.85*	*plus spaces required for restaurants/ba rs and assembly/mee ting space
Rural retreat	guest room	0.00	0.65*	0.85*	*plus spaces required for restaurants/ba rs and assembly/mee ting space
Marina		<u>0.00</u>	established as part of	special exception	
Office					
Business or professional office	1,000 sq. ft.	0.00	2.20*	2.80**	*None for first
					5,000 sq. ft. **2.50 per 1,000 sq. ft. above 30,000 sq. ft.
Medical, dental or health practitioner office	1,000 sq. ft.	0.00	2.60	3.40	**2.50 per 1,000 sq. ft.
	1,000 sq. ft. 1,000 sq. ft.	0.00	2.60	3.40 3.40	**2.50 per 1,000 sq. ft. above 30,000
office Plasma center Parking, Non-accessory					**2.50 per 1,000 sq. ft. above 30,000
office Plasma center Parking, Non-accessory Restaurants and Bars	1,000 sq. ft.	0.00	2.60 0.00	3.40 0.00	**2.50 per 1,000 sq. ft. above 30,000 sq. ft.
office Plasma center Parking, Non-accessory Restaurants and Bars Restaurant	1,000 sq. ft.	0.00	2.60 0.00 6.50*	3.40 0.00 8.50	**2.50 per 1,000 sq. ft. above 30,000
office Plasma center Parking, Non-accessory Restaurants and Bars Restaurant Restaurant, carry-out only	1,000 sq. ft. 1,000 sq. ft. 1,000 sq. ft.	0.00 0.00 0.00	2.60 0.00 6.50*	3.40 0.00 8.50 2.50	**2.50 per 1,000 sq. ft. above 30,000 sq. ft. *None for first 5,000 sq. ft.
office Plasma center Parking, Non-accessory Restaurants and Bars Restaurant Restaurant, carry-out only Bar	1,000 sq. ft.	0.00	2.60 0.00 6.50*	3.40 0.00 8.50	**2.50 per 1,000 sq. ft. above 30,000 sq. ft. *None for first
office Plasma center Parking, Non-accessory Restaurants and Bars Restaurant  Restaurant, carry-out only Bar  Retail Sales	1,000 sq. ft.  1,000 sq. ft.  1,000 sq. ft. 1,000 sq. ft.	0.00 0.00 0.00 0.00 0.00	2.60 0.00 6.50* 2.50 8.50*	3.40 0.00 8.50 2.50 11.25	**2.50 per 1,000 sq. ft. above 30,000 sq. ft. *None for first 5,000 sq. ft.
office Plasma center Parking, Non-accessory Restaurants and Bars Restaurant  Restaurant, carry-out only Bar  Retail Sales Antique dealer or furniture store	1,000 sq. ft.	0.00 0.00 0.00 0.00 0.00 0.00	2.60 0.00 6.50* 2.50 8.50*	3.40 0.00 8.50 2.50 11.25	**2.50 per 1,000 sq. ft. above 30,000 sq. ft. *None for first 5,000 sq. ft.
office Plasma center Parking, Non-accessory Restaurants and Bars Restaurant  Restaurant, carry-out only Bar  Retail Sales Antique dealer or furniture store Building supplies and equipment	1,000 sq. ft.	0.00 0.00 0.00 0.00 0.00 0.00	2.60 0.00 6.50* 2.50 8.50* 1.65	3.40 0.00 8.50 2.50 11.25	**2.50 per 1,000 sq. ft. above 30,000 sq. ft.   *None for first 5,000 sq. ft.   *None for first 5,000 sq. ft.
office Plasma center Parking, Non-accessory Restaurants and Bars Restaurant  Restaurant, carry-out only Bar  Retail Sales Antique dealer or furniture store Building supplies and equipment Consumer shopping goods	1,000 sq. ft.	0.00 0.00 0.00 0.00 0.00 0.00 0.00 0.0	2.60 0.00 6.50* 2.50 8.50* 1.65 1.65 2.50*	3.40 0.00 8.50 2.50 11.25 2.20 2.20 3.33	**2.50 per 1,000 sq. ft. above 30,000 sq. ft.  *None for first 5,000 sq. ft.  *None for first 5,000 sq. ft.  *None for first 5,000 sq. ft.
office Plasma center Parking, Non-accessory Restaurants and Bars Restaurant  Restaurant, carry-out only Bar  Retail Sales Antique dealer or furniture store Building supplies and equipment Consumer shopping goods  Convenience goods	1,000 sq. ft.	0.00 0.00 0.00 0.00 0.00 0.00 0.00 0.0	2.60 0.00 6.50* 2.50 8.50* 1.65 1.65 2.50*	3.40 0.00 8.50 2.50 11.25 2.20 2.20 3.33 3.33	**2.50 per 1,000 sq. ft. above 30,000 sq. ft.  *None for first 5,000 sq. ft.  *None for first 5,000 sq. ft.  *None for first 5,000 sq. ft.
office Plasma center Parking, Non-accessory Restaurants and Bars Restaurant  Restaurant, carry-out only Bar  Retail Sales Antique dealer or furniture store Building supplies and equipment Consumer shopping goods  Convenience goods  Convenience goods: Lawn, garden	1,000 sq. ft.	0.00 0.00 0.00 0.00 0.00 0.00 0.00 0.0	2.60 0.00 6.50* 2.50 8.50* 1.65 1.65 2.50*	3.40 0.00 8.50 2.50 11.25 2.20 2.20 3.33	**2.50 per 1,000 sq. ft. above 30,000 sq. ft.  *None for first 5,000 sq. ft.  *None for first
office Plasma center Parking, Non-accessory Restaurants and Bars Restaurant  Restaurant, carry-out only Bar  Retail Sales Antique dealer or furniture store Building supplies and equipment Consumer shopping goods  Convenience goods	1,000 sq. ft.  (Outdoor display and storage area)  1,000 sq. ft. (Outdoor display	0.00 0.00 0.00 0.00 0.00 0.00 0.00 0.0	2.60 0.00 6.50* 2.50 8.50* 1.65 1.65 2.50*	3.40 0.00 8.50 2.50 11.25 2.20 2.20 3.33 3.33	**2.50 per 1,000 sq. ft. above 30,000 sq. ft.  *None for first 5,000 sq. ft.
office Plasma center Parking, Non-accessory Restaurants and Bars Restaurant  Restaurant, carry-out only Bar  Retail Sales Antique dealer or furniture store Building supplies and equipment Consumer shopping goods  Convenience goods: Convenience goods: Lawn, garden and building materials Convenience goods: Other materials	1,000 sq. ft.  (Outdoor display and storage area)  1,000 sq. ft. (Outdoor display and storage area)	0.00 0.00 0.00 0.00 0.00 0.00 0.00 0.0	2.60 0.00 6.50* 2.50 8.50* 1.65 1.65 2.50* 2.50*	3.40 0.00 8.50 2.50 11.25 2.20 2.20 3.33 3.33 1.40 3.33	**2.50 per 1,000 sq. ft. above 30,000 sq. ft.  *None for first 5,000 sq. ft.
office Plasma center Parking, Non-accessory Restaurants and Bars Restaurant  Restaurant, carry-out only Bar  Retail Sales Antique dealer or furniture store Building supplies and equipment Consumer shopping goods  Convenience goods  Convenience goods: Lawn, garden and building materials	1,000 sq. ft.  (Outdoor display and storage area)  1,000 sq. ft. (Outdoor display	0.00 0.00 0.00 0.00 0.00 0.00 0.00 0.0	2.60 0.00 6.50* 2.50 8.50* 1.65 1.65 2.50* 2.50*	3.40 0.00 8.50 2.50 11.25 2.20 2.20 3.33 3.33	**2.50 per 1,000 sq. ft. above 30,000 sq. ft.  *None for first 5,000 sq. ft.

Adult motel	room	0.00	0.65	0.85	
Adult theater	seat	0.00	0.19*	0.20*	*plus 1 per booth
Studio, Artist or Instructional Service	1,000 sq. ft.	0.00	2.80*	3.75	*None for first
Trade School	1,000 sq. ft.	0.00	16.25*	21.25*	5,000 sq. ft.  *or 0.33 per seat, whichever is greater
Vehicle Sales and Service					
Car wash		tacking space r	equirements of Se	ction 55.100	
Fueling station	1,000 sq. ft.	0.00	1.50	1.80	
Vehicle parts and supply sales	1,000 sq. ft.	0.00	3.33	4.00	
Vehicle repair and maintenance (all types of vehicles/repairs)	1,000 sq. ft.	0.00	1.50*	1.80*	*minimum 5 spaces
Vehicle rentals	1,000 sq. ft.	0.00	1.25	1.50	
Vehicle sales (all types)	1,000 sq. ft.	0.00	1.25*	1.50*	*plus 0.67 per 1,000 sq. ft. of open air display or storage area up to 4,500 sq. ft. plus 0.20 per each add' I 1,000 sq. ft. of open display or storage area
WHOLESALE, DISTRIBUTION & STORAG	Œ				
All Wholesale, Distribution and Storage Subcategories	1,000 sq. ft.	0.00	0.15	0.18	
INDUSTRIAL	4.000 (1	0.00	0.05	4.00	
Low-impact, Moderate-impact and High-impact Manufacturing & Industry	1,000 sq. ft.	0.00	0.85	1.00	
Mining/Extraction	1,000 sq. ft.	0.00	0.65	0.85	
Junk or Salvage Yard	1,000 sq. ft.	0.00	0.65	0.85	
RECYCLING Construction or Demolition Debris	1,000 sq. ft.	0.00	1.00	1.00	
Consumer Material Drop-off Station	1,000 sq. ft.	0.00	1.00*	1.00*	*minimum 2 spaces
Consumer Material Processing	1,000 sq. ft.	0.00	1.00	1.00	
AGRICULTURAL					
Animal Husbandry		0.00	0.00	0.00	
Community Garden		0.00	0.00	0.00	
Farm, Market- or Community- supported		0.00	0.00	0.00	
<del>Greenhouse</del>	<del>1,000 sq. ft.</del>	<del>0.00</del>	<del>0.20</del>	<del>0.20</del>	-
Horticulture Nursery OTHER	1,000 sq. ft.	0.00	0.20	0.20	
Drive-in or Drive-through Facility	See the vehicle s	tacking space r	requirements of Se	ction 55.100	

# Section 55.090 Parking Area Design

\*\*\*

# 55.090-D Parking Area Layout (Geometrics)

Parking areas must be designed and marked in accordance with the dimensional standards of <u>Table 55-5</u>, which shows minimum dimensions for various parking layouts (angles). Requirements for layouts or angles not shown in <u>Table 55-5</u>, may be interpolated from the layouts shown, as approved by the development administrator. Parking areas serving the following building types are exempt from the marking requirement of this section:

Detached house, Patio house, Townhouse, Duplex, Manufactured housing unit, and Mobile home.

\*\*\*

# 55.090-E Tandem Parking

Tandem parking spaces may be used to satisfy parking requirements for household living uses when the spaces are assigned to the same dwelling unit. In all other cases required parking spaces must be designed to allow each parking space to be accessed without passing through another parking space. Tandem parking arrangements must have a minimum stall width of 8.5 feet and a minimum length of 36 feet.

\*\*\*

#### **Section 55.130 Pedestrian Circulation**

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#### **55.130-B Required Connections**

The pedestrian circulation system must provide safe, direct and convenient pedestrian access connecting main entrances of buildings and uses with all other such entrances and with available access points including parking, streets, sidewalks and transit stops. In the case of building or site additions, these requirements apply only to the new or expanded areas.

#### Reason for changes:

- 53) Table 55-1 (Table Note 1), 55.130-B- This change was made to correct typo.
- 54) Table 55-1 (Community Group Home, Re-entry Facility) The measurement variable was removed and minimum parking ratios were added to reflect that there are certain districts where a special exception is not required to allow a Community Group Home and Re-Entry Facility.
- 55) Table 55-1 (Airport, Cemetery, Detention and Correctional Facility, Governmental Service, Postal Services, Major Utilities and Public Service Facility, Gun Club, Marina)- The change clarifies that there is no minimum parking ratio in the CBD for the stated uses.
- 56) Table 55-1 (Greenhouse)- This was deleted to be consistent with the removal of Greenhouse as an agricultural use subcategory, 35.090-D.
- 57) 55.090-D- This change adds language that requires marked parking spaces for all pavement types. Current text requires marked spaces only on pervious pavement systems.
- 58) 55.090-E- This change clarifies that, except for household living uses, tandem parking is not permitted, whether for required parking or otherwise. This change addresses inaccessible, overcrowded car lot issues which are frequently encountered by the Board of Adjustment.
- 59) 55.130-B- This change was made to correct a typo.

# Chapter 60 | Signs

\*\*\*

# Section 60.020 Prohibited Signs and Sign Characteristics

60.020-E Signs located in or that project into the right-of-way or planned right-of-way of a public street, unless a license has been granted by the city and a special exception has been approved by the board of adjustment in accordance with the procedures of Section 70.120 and a license has been granted by the city in the case of the right-of-way or a removal agreement has been entered into in the case of the planned right-of-way. See also Title 11 § 1400- § 1403, Tulsa Revised Ordinances, which grants a license for certain signs located in the "Central Business District" as therein defined.

# **Section 60.030 Sign Exceptions**

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### 60.030-E Temporary Signs

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#### 3. Banners

a. One Bbanners attached to the wall of a building are is allowed as a sign exceptions for allowed nonresidential uses, provided that such banner does not exceed 32 square feet in area.

\*\*\*

#### 60.030-F Other Sign Exceptions

\*\*\*

The following additional signs are also allowed as sign exceptions:

- Signs of warning, directive, or instructional nature erected by or on behalf of a governmental agency to the discharge of governmental functions, or that are required by law, ordinance, or government regulation, or that are required to be posted in order to effectuate a legal right.
- Flags, emblems or insignia of any nation or political subdivision; that do not contain a commercial message.
- 3. Commemorative wWall plaques and memorial wall signs that are not illuminated and that do not exceed 4 square feet in area;

\*\*\*

# Section 60.040 Sign Regulations of General Applicability

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# 60.040-E Off-Premise Business Signs

Off-premise business signs may be approved for multi-tenant developments only when such developments are included in a mandatory development plan (See Section 70.040). The authority to approve off-premise business signs is intended to be used only when the location of the identified business or activity precludes placement of a sign that is visible to motorists and pedestrians along the highest (traffic) volume street that provides access to the subject development and when the result of the approval will be in keeping with the stated purposes of this chapter (§60.010-A). The intent of this off-premise business sign authorization is to provide flexibility in overcoming the locational and visibility challenges of lots within a mandatory development plan area, not to allow an overall increase in the amount of signage allowed or encourage a proliferation of signs within the area covered by the mandatory development plan. Any waiver, modification, or variance to these off-premise business sign regulations is considered a use variance and is thereby prohibited in accordance with \$70,130-B1.

# Section 60.050 Signs in R and AG Zoning Districts

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### 60.050-B Signs Allowed

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2. Nonresidential Uses

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a. Wall Signs

Nonresidential uses in R and AG districts are allowed a maximum of one wall sign per public building entrance.

Such signs may not No individual wall sign may exceed 32 square feet in area and in buildings with multiple public building entrances, the sign area of all wall signs may not exceed 32 square feet in the aggregate.

\*\*\*

60.080-F Off-premise Outdoor Advertising Signs

\*\*\*

3. Maximum Height

Off-premise outdoor advertising signs may not exceed 50 feet in height, except when the adjacent freeway is elevated 10 feet or more above grade in the location where the sign is to be located, in which case the off-premise outdoor advertising sign may not exceed 50 feet in height or be a maximum of 20 feet in height above the centerline of the travel lanes of the freeway, whichever is greater.

\*\*\*

11. Dynamic Displays

c. The conversion of an off-premise outdoor advertising sign into an off-premise outdoor advertising sign with a dynamic display is considered a change of use requiring requires a permit as if it was were an entirely new sign.

#### Reason for changes:

- 60) 60.020-E- Where a sign is proposed for the planned, rather than the actual, right-of-way a removal agreement, rather than a license is required. This section also refers to special provisions for signs in the CBD.
- 61) 60.030-E.3.a- This change adds language to limit sign exception to one banner.
- 62) 60.030-F.1, 60.030-F.2, 60.030-F.3- This modifies regulations relating to sign exceptions (government signs, flags, wall plaques).
- 63) 60.040-E- The additional information provides clarification that variance of off-premise business signs would be a use variance.
- 64) 60.050-B.2.a- The language was changed regulates placement of permitted wall signs in R and AG districts for buildings with multiple public entrances.
- 65) 60.080-F.3- This change clarifies that where the adjacent freeway is 10 feet or more above grade the maximum height of the permitted sign is the greater of 50 feet or 20 feet above the travel lanes.
- 66) 60.080-F.11.c- This change clarifies the intent to require a new permit if an off-premise outdoor advertising sign is converted to a dynamic display.

# 65.020-A Landscaping and Screening

 The landscaping and screening regulations of this chapter apply as set forth in the individual sections of this chapter. The following are expressly exempt from the landscaping and screening regulations of this chapter:

\*\*\*

# Section 65.030 Street Yard Landscaping

\*\*\*

#### 65.030-B Requirements

 At least 20% of the required street setback area must be established and maintained as landscaped area. At least one tree must be preserved or planted and maintained or replaced in required street yard setback landscape areas for each 1,200 square feet of area, or fraction thereof.

\*\*\*

# Section 65.060 Screening

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# 65.060-B Features Required to be Screened

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#### 3. Mechanical Equipment

# a. Ground-mounted Equipment

Mechanical equipment located at ground level, such as heating or cooling equipment, pumps, or generators must be screened from view of the street and any abutting R districts zoned lots by walls, fences or vegetation. Screening must be at least as tall as the tallest part of the equipment required to be screened.

## **b.** Roof-mounted Equipment

Mechanical equipment placed on roofs must be screened in one of the following ways, if the equipment is within 50 feet of an R zening district zoned lot:

- A parapet along facades facing the R district zoned lot that is as least as tall as the tallest part of the equipment;
- (2) A screening fence or wall around the equipment that is as least as tall as the tallest part of the equipment required to be screened; or
- (3) An equipment setback from roof edges facing the R district zoned lot by at least 3 feet for each one foot of equipment height.

\*\*\*

#### 65.060-C Type of Screens

\*\*\*

#### 7. Screening Required along Common Lot Line

When the erection of a screening wall or fence is required by this zoning code to be located along a common lot line of two abutting lots, and the lots are separated only by a nonarterial street, alley or railroad right-of-way, the screening wall or fence must be constructed within the lot containing the use or feature required to be screened, along the lot line abutting the nonarterial street, alley or railroad right-of-way, excepting at points of access.

#### **Section 65.090 Outdoor Lighting**

\*\*\*

#### 65.090-C Lighting Plans

1. General

When outdoor lighting is proposed, Ooutdoor lighting plans demonstrating compliance with the standards of this section are required with the submittal of a site plan. If no outdoor lighting is proposed, a note must be placed on the face of the site plan indicating that no outdoor lighting will be provided. Applicants have 2 options for the format of the required lighting plan:

\*\*\*

#### Reason for changes:

- 67) 65.020-A.1- The change removes language that allows exemption from screening regulations.
- 68) 65.030-B.1- The language was removed to make the first and second sentences consistent with one another. The revision is consistent with the definition of a street setback. The yard is the area between the building and the lot line. The setback is the area between the setback line and the lot line.
- 69)65.060-B.3.a, 65.060-B.3.b- The changes specify that screening of mechanical equipment should be from abutting R zoned lot rather than from abutting R zoned district.
- 70) 65.060-C.7- This paragraph was added to establish the location of the required screening in instances where there is no common lot line. The term "abutting" as defined in the code includes, for purposes of screening or enclosure requirements, properties that are separated only by a non-arterial street, alley or railroad right of way. Various code provisions (for example 40.260-D) provide that screening must be provided along the "common lot line" of the lot containing the use to be screened and the abutting lot.
- 71) 65.090-C.1-The language was changed because there is no need for statement on the plan if no lighting is proposed.

# Chapter 70 Review and Approval Procedures

\*\*\*

Section 70.030 Zoning Map Amendments (Rezoning)

#### 70.030-G Protest Petitions

\*\*\*

 A protest petition will be deemed valid if it is signed and acknowledged by the owners of 20% or more of the area of the lots included in the proposed zoning map amendment area or by the owners of 50% or more of the area of the lots within 300 feet of the area included in the proposed zoning map amendment area and if it meets the other regulations of this Section 70.030-G.

\*\*\*

- 4. The protest petition must identify the zoning case number for which the protest is filed and must state that it is a formal protest of the proposed zoning map amendment.
- 5. Persons signing the protest petition must be at least eighteen (18) years of age and must hold record title to their properties, as shown in the land records of the Tulsa County Clerk. If a lot is owned jointly by more than one owner, all owners must sign the protest petition. If a lot is owned by a trust, the trustee must sign, noting that he or she signs "as trustee". If there is more than one trustee, and no single trustee is authorized to sign, then all the trustees must sign. If a lot is owned by a corporation, the president or a vice-president or the chair or vice chair of the board of directors, must sign. If a lot is owned by a limited liability company, a manager must sign. If a lot is owned by any other legal entity, the person signing the protest petition must be someone authorized by that entity to convey title to land.
- 6. Persons signing the protest petition must indicate the street address of the lot owned. If no street address is assigned, a legal description (lot and block of a subdivision, metes and bounds description of unplatted tracts) or a map may be provided.
- 7. If a protest petition contains multiple signature pages, each page must contain the same protest language. Signatures must be the normal cursive signature of the person signing and should be accompanied by the legibly printed or typed name of the person signing. The name of the person signing must be the same as the name of that person as shown in the land records of the Tulsa County Clerk.
- 8. A protest petition may not be amended, supplemented or corrected subsequent to the deadline for filing the petition.

\*\*\*

#### **Section 70.040 Development Plans**

\*\*\*

#### 70.040-B Applicability

1. Mandatory

Development plans are required (mandatory) for Corridor (CO) district zoning map amendments and Master Planned Development (MPD) zoning map amendments. They are also required for major amendments to existing Planned Unit Developments (PUDs). In acting on mandatory development plans, the planning commission is authorized to recommend and the city council is authorized to approve

use and development limitations that comply with, are more restrictive than or, as may be permitted by the respective CO, MPD, or PUD provisions of this code, are less restrictive than the base zoning district regulations and otherwise applicable standards of this zoning code.

\*\*\*

# 70.040-E Notice of Hearing

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Mailed Notice

Notice must be mailed to the owner of the subject property and all owners of property within 300 feet of the subject property at least 20 days before the scheduled public hearing. Notice for zoning map amendment constitutes notice for optional development plans

\*\*\*

#### 70.040-G Final Action—City Council

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- 2. In acting on mandatory development plans, the city council is granted final decision-making authority on any special exception, spacing verification, variance or other authorization that would otherwise require approval by the board of adjustment. This "concurrent" approval authority is intended to avoid redundant and conflicting reviews. Concurrent approval authority does not extend to voluntary development plans.
- 3.2. Development plans may be approved by a simple majority vote, except that any accompanying zoning map amendment may require a super-majority vote, as stated in §70.030-G.

#### **Section 70.100 Administrative Adjustments**

\*\*\*

#### 70.100-F Action by Land Use Administrator

\*\*

 The land use administrator may not take final action to approve or deny an administrative adjustment application until at least 5 days after the date of delivery of the required notices required notices have been mailed.

#### Reason for changes:

- 72) 70.030-G.2, 70.030-G.4, 70.030-G.5, 70.030-G.6, 70.030-G.7, 70.030-G.8- This change adds language to acknowledge that Article II Section 6.3 of the Charter provides "The Council shall establish by ordinance the procedures to be followed in the filing, validation, and acceptance of a protest..." These sections establish the procedures to align with previous practices.
- 73) 70.040-B.1-This change adds language to clarify the authority to approve regulations in mandatory development plans that are less restrictive than the otherwise applicable standards of the code.
- 74) 70.040-E.2-The additional language addresses the need to accommodate the optional development plan process that often evolves after the straight zoning application has been submitted and noticed. This change is justified in that the optional development plan only further restricts the straight zoning, thereby the broader notice would cover a more specific optional development plan.
- 75) 70.040-G.2- This section is not necessary because the authority of Planning Commission and City Council over the development standards in PUD, CO and MPD is included in the PUD, CO and MPD provisions in the code.
- 76) 70.100-F.2- The change was made to allow staff to better track noticing requirements.

#### **Chapter 75** Administration

\*\*\*

#### 75.010-K Appeals to District Court

#### Procedure

a.An appeal from any action, decision, ruling, judgment, or order of the board of adjustment may be taken by any person or persons who were entitled, pursuant to any provision of this zoning code, to mailed notice of the public hearing before the board of adjustment, by any person or persons whose property interests are directly affected by such action decision, ruling, judgment or order of the board of adjustment, aggrieved, or any taxpayer or any officer, department, board or bureau of or by the city council to the District Court of Tulsa County by filing with the city clerk and with the clerk of the board of adjustment within 10 days of the date of such action,

- a notice of appeal that specifies the grounds for the appeal. No bond or deposit for costs is required for such an appeal.
- b.Upon filing of the notice of appeal, the board of adjustment must transmit to the clerk of the Tulsa County District Court, the original or certified copies of all papers constituting the record in the case, together with the order, decision or ruling of the board of adjustment.
- c. The appeal is heard and tried de novo in the District Court of Tulsa County. An appeal from the action of the District Court may be taken as in all other civil actions. All issues in any proceedings under this section have preference over all other civil actions and proceedings.
- **d.**Costs are not allowed against the board of adjustment unless the court finds that the board of adjustment, in making its decision, acted with gross negligence, in bad faith or with malice.

#### 2. Stay of Proceedings

An appeal to the District Court stays all proceedings in furtherance of the action appealed until the ultimate disposition of the appeal, unless the chairman of the board of adjustment certifies to the court clerk, after notice of appeal has been filed, that by reason of facts stated in the certificate, a stay would cause imminent peril of life or property. In such case, proceedings may be stayed only by a restraining order granted by the District Court.

During the pendency of such an appeal, the effectiveness of a decision of the board of adjustment shall not be suspended unless a party applies to the district court for a stay pending the district court's determination of the merits of the appeal and the district court issues the stay. Stays in appeals from the board of adjustment to the district court shall be obtained only as set forth in Title 11 Oklahoma Statutes Section 44-110

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#### Reason for changes:

77) 75.010-K- The language was revised to incorporate state statutes as amended in 2016.

# **Chapter 80 | Nonconformities**

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# **Section 80.030 Nonconforming Structures**

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#### 80.030-D Alterations, Enlargements and Expansions

Alterations, including enlargements and expansions, are permitted if the proposed alteration or expansion complies with all applicable lot and

building regulations and does not increase the extent of the nonconformity. A building with a nonconforming street setback, for example, may be expanded to the rear as long as the rear expansion complies with applicable rear setback regulations and all other applicable lot and building regulations. Horizontal and vertical extensions of an exterior wall that is nonconforming with regard to applicable setbacks may be approved in accordance with the special exception procedures of Section 70.120, provided the extensions are not located closer to the lot line than the existing structure.

\*\*\*

# Section 80.060 Nonconforming Signs

80.060-B Off-Premise Outdoor Advertising Signs

\*\*\*

 If an off-premise outdoor advertising sign is nonconforming by reason of restrictions on its brightness or illumination or its use of dynamic displays, strobe or beacon lights, the sign must be immediately removed or made to conform.

\*\*\*

80.060-C On-premise Signs

\*\*\*

 If an on-premise sign is nonconforming by reason of restrictions on its brightness or illumination or its use of dynamic displays, strobe or beacon lights, the sign must be immediately removed or made to conform.

\*\*\*

## Reason for changes:

78) 80.030-D- The added language is for clarification purposes.

79) 80.060-B.2, 80.060-C.2- The language was removed to correct inconsistency with other code provisions regarding nonconforming dynamic displays.

#### Chapter 90 Measurements

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Section 90.090 Setbacks

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90.090-C Permitted Setback Obstructions in R Zoning Districts

Table 90-1: Permitted Setback Obstructions in R Zoning Districts

	9	Setback	
Obstruction	Street	Side	Rear
Accessory buildings (see also §90.090-C2)	No	No	Yes
Air conditioning units	No	Yes	Yes
Arbors and trellises	Yes	Yes	Yes
Awnings, canopies, light shelves and architecturally integrated solar shading devices projecting no more than 2 feet into the setback	Yes	Yes	Yes
Barbeque pits and outdoor fireplaces	No	No	Yes
Bay windows projecting no more than 2 feet into the setback	Yes	Yes	Yes
Carports	Yes [1]	Yes [2]	Yes[2]
Chimneys and flues projecting no more than 2 feet into the setback	Yes	Yes	Yes
Clotheslines	No	Yes	Yes
Decks, patios, and other features and structures less than 30 inches in height above grade	Yes	Yes	Yes
Eaves and gutters projecting no more than 2 feet into the setback	Yes	Yes	Yes
Fences and walls (see also Section 37.010)	Yes	Yes	Yes
Fire escapes projecting no more than 4.5 feet into the setback	Yes	Yes	Yes
Flagpoles and similar features	Yes	Yes	Yes
Geothermal heat pumps and geothermal heat exchange system equipment up to 4 feet in height	No	No	Yes
above grade			
Green houses and hoop houses	No	No	Yes
Insulation added to the outside of the exterior wall of an existing building	Yes	Yes	Yes
Plants and cold frames	Yes	Yes	Yes
Rainwater harvesting equipment projecting no more than 4.5 feet into the setback	Yes	Yes	Yes
Recreational equipment (e.g., swing sets, playground equipment, tree houses, etc.)	No	No	Yes
Satellite dish antennas	See S	ection 45	5.180
Signs (see also Chapter 46)	Yes	Yes	Yes
Sills, belt courses, cornices and similar architectural features projecting no more than 2 feet into the setback	Yes	Yes	Yes
Solar energy systems, building-mounted	No	Yes	Yes
Solar energy systems, ground-mounted	No	No	Yes
Swimming pools and tennis courts	No	No	Yes
Vehicle parking/storage, inoperable (see also <u>Section 45.140</u> )	No	No	Yes
Wheelchair lifts and ramps that meet federal, state and local accessibility standards	Yes	Yes	Yes

#### Table 90-1 Notes

\*\*\*

#### 2] Must be setback at least 3 feet from side and rear lot lines.

\*\*\*

- 2. Detached Accessory Buildings in RE, RS, RD districts or RM zoned lots used for detached houses or duplexes
  - a. Detached accessory buildings may be located in rear setbacks in RE, RS and RD districts, provided that:

\*\*\*

Figure 90-9: Maximum Height of Accessory Buildings In Rear Setbacks (RE, RS and RD Districts)

Table 90-2: Accessory Building Coverage Limits in Rear Setback

Zoning District	Maximum Coverage of Rear Setback
RS-1 and RE Districts	20%
RS-2 District	25%
RS-3, RS-4, RS-5 and RD Districts	30%
RM zoned lots used for detached	30%
houses or duplexes	

b. Detached accessory buildings in the rear yard setbacks must be set back at least 3 feet from all interior lot lines. For lot lines abutting street right-of-way, detached accessory buildings must comply with the same setback requirements that apply to principal buildings.

\*\*\*

Figure 90-10: Required Setbacks for Accessory Buildings In Rear Setbacks (RE, RS and RD Districts)

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#### Section 90.110 Build-to-Zone

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90.110-B The street-facing building façade must be located in and extend along the length of the build-to-zone for a minimum distance equal to a percentage of the width of the lot, as required by specific provisions of this zoning code. The required minimum percentage is calculated by dividing the width of the building façade located within the building-to-zone by the width of the lot. For purposes of this calculation, the width of the lot is the narrowest width of the lot within the build-to-zone.

\*\*\*

Figure 90-16: Build-to-Zone

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## Reason for changes:

- 80) Table 90-1 (Carports), Table 90-1 Notes [2]- The change in Table 90-1 references the newly added Table Note [2], which provides setback measurement guidelines. Both are consistent with changes made in 45.030-B.
- 81) Figure 90-9, Table 90-2, 90.090-C.2.a, Figure 90-10- These changes were made to clarify detached accessory building regulations in specified districts and zoned lots.
- 82)90.090-C.2.b- This is a correction, otherwise a 35 ft. height building could be constructed within 3 ft. of the lot line in the rear yard between the house and the rear setback.
- 83)90.110-B, Figure 90-16- These changes were made to correct typos.

#### **Chapter 95 | Definitions**

\*\*

#### Section 95.030 Measurement-Related Terms

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See <u>Chapter 90</u> for an explanation of various lot and building regulation terms, such as "lot area," "building height," "setbacks" and "build-to\_zone."

# Section 95.040 Terms Beginning with "A"

#### Abut or Abutting

To touch or share a contiguous boundary or border, except that in the context of hearing notice and screening or enclosure requirements, "abutting" includes properties that are contiguous or separated therefrom only by a non-arterial street, alley or railroad right-of-way.

Section 95.050 Terms Beginning with "B"

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Build-to-Zone (or Build-to Line)

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Section 95.100 Terms Beginning with "G"

\*\*\*

#### Greenhouse

A temporary or permanent structure that is primarily used for the cultivation of plants.

\*\*\*

#### Section 95.190 Terms Beginning with "P"

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#### Parking Area

The <u>vehicular driving surfaces and parking</u> area which includes the parking spaces, the maneuvering areas necessary to enter and exit the spaces and the drives providing access to the parking spaces and maneuvering areas from a public or private street or other parking areas.

\*\*\*

# Section 95.220 Terms Beginning with "S"

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#### Sign

Any object, device, structure or part thereof used to advertise, identify, display or attract attention to an object, person, institution, organization, business, product, service, event or location by any means, including words, letters, figures, designs, symbols, fixtures, colors, illumination or projected images. Signs as defined herein do not include the flag or emblem of any nation, organization of nations, state, city or any fraternal, religious or civic organizations; one corporate

flag; works of art that in no way identify a product; temporary holiday decorations; or landscape features that display no words or symbols.

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# (Sign) Banner

A-temporary sign composed of lightweight, flexible, non-rigid material that is mounted to a pole or a structure at one or more edges either vertically or horizontally. Flags of any nation or political subdivision are not considered banners.

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#### (Sign) Flag

A generally rectangular or triangular sign or part of a sign made of fabric or other pliant material attached to a flagpole only along one side and which predominately displays distinctive colors, images, shapes or designs rather than legible words, letters, numbers or other linguistic characters.

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#### Sign, Special Event

A sign associated with and approved in connection with a special event permit approved by the city council (see also §60.030-E6)

#### Reason for changes:

- 84)95.030, 95.040, 95.050- These changes were made to correct typos.
- 85)95.100- This was deleted to be consistent with the removal of Greenhouse as an agricultural use subcategory, 35.090-D.
- 86)95.190- This change clarifies that the drive aisle is part of the parking area.
- 87)95.220 (Sign, (Sign) Banner, (Sign) Flag, Sign, Special Event) The definitions were revised to reflect content neutrality.

#### TMAPC COMMENTS:

Mr. Dix asked Ms Miller what happens if the coffee roasting capacity was left at 3 kilograms.

Ms. Miller stated if the roasting capacity is left with the current language, at 3 kilograms it would be very constraining to an applicant who wants to roast coffee as accessory to their existing restaurant.

Mr. Dix asked staff if they were still recommending the roasting capacity be clarified and these constraints be in the Zoning Code.

Ms. Miller stated she didn't consider these restraints, Ms. Miller stated these changes will loosen the options and allow the threshold to be a lot greater as an accessory use and allow it in a light industrial which is not currently allowed.

# **INTERESTED PARTIES COMMENTS:**

Brian Franklin 1730 B South Boston, Tulsa, OK 74119

Mr. Franklin stated he owns Double Shot at 18th and Boston. Mr. Franklin stated Double Shot has been in business for 13 years and employs 15 full time people and Mr. Franklin roasts his coffee in his shop. Mr. Franklin stated the current regulations on coffee roasting in a shop is to stringent, a 3 kilogram roaster is a home roaster. Mr. Franklin stated if he was trying to roast coffee with a 3 kilogram roaster he would not be able to keep up with demand. Mr. Franklin stated he questions the intent of having this regulation at all because there is not a city definition of what a commercial roaster or a craft roaster really is and what is the city trying to avoid with these regulations. Mr. Franklin asked if we are worried about smoke, traffic or the smell of coffee roasting, Mr. Franklin stated he didn't know the answers to these questions but was asking them to try to understand the concerns with coffee roasting so he may help come up with a solution. Mr. Franklin stated it is important to roast coffee in the vicinity of where you are serving coffee because coffee once roasted has a 7-10 day shelf life and after that it is stale. Mr. Franklin stated Double Shot was started on the basis of fresh coffee. He started roasting coffee 19 years ago and when its fresh it is amazing and people don't know that because they have been drinking stale coffee forever. Mr. Franklin stated he opened his business on the basis of roasting coffee on the premises and serving the freshest coffee people have ever tasted. So it is very important to Mr. Franklin's business that coffee be roasted on the premises. Mr. Franklin stated if a coffee roaster like himself wanted to open a coffee shop with today's regulations in place it would be difficult because he would need to go before the Board of Adjustment and beg for them to make an exception to allow him to roast more than is allowed or locate his business in an industrial area where there is no customers. Mr. Franklin stated the smoke coming out of a roaster is not very much it is less than a fireplace it's less than a barbeque restaurant.

Mr. Covey asked Mr. Franklin if he agreed with what was being proposed which is a maximum roasting capacity of 15 kilograms per batch.

Mr. Franklin answered he thought that was too small. A lot of the people in Mr. Franklin's industry are roasting on 60 kilogram roasters and those are considered small batch roasters. Mr. Franklin stated he asked the man, who restored his 15 kilogram 1953 Italian roaster, and it is too small at this point. His reply was that in a commercial district a 60 kilogram should be allowed and anything over that should be industrial use.

- Mr. Covey asked Mr. Franklin if there is a foul odor when roasting beans.
- Mr. Franklin answered he didn't think so; it was a very interesting smell that changed throughout the roasting cycle. Mr. Franklin stated you are roasting sugars and oils and you get a grassy smell of the coffee trying to cook and then the aroma of roasted coffee.
- Mr. Covey stated during the work session someone used the word formaldehyde.
- Mr. Franklin stated he would disagree with that.
- Mr. Covey stated 35 kilograms was also considered as a maximum roasting capacity.
- Mr. Franklin stated he thought that was to small also When roasting coffee in a coffee shop that is what makes that shop unique and brings people who are innovators to a place. So if it is limited it is like saying Burnco, who smokes meat, to go to an industrial area to smoke their meat and then bring it to their restaurant.
- Mr. Covey asked Mr. Franklin what size roaster he was currently using.
- Mr. Franklin answered 15 kilograms. But he needed to upsize.
- Mr. Covey asked what size roaster Mr. Franklin would go to.
- Mr. Franklin stated a 30 kilogram. Mr. Franklin stated the more big name coffee shops that come to Tulsa the better it is for Tulsa and his company. If these companies are not allowed to roast coffee they won't come to Tulsa. Why can't Tulsa be a Mecca of coffee and let the industry come to us. Let's be the new Seattle.
- Mr. Walker asked what thresholds Mr. Franklin would propose on the low impact and moderate impact section of the code.
- Mr. Franklin stated up to 60 kilograms in a coffee shop and over 60 should be industrial. If you are doing over 60 kilograms you are probably not doing it for a coffee shop but for an industrial use.
- Mr. Walker stated to Mr. Franklin that the Topeka Coffee shop had to move from 11<sup>th</sup> and Houston to north of I-244 because the neighbors were upset about the smell.
- Mr. Franklin asked Mr. Walker if they were located in a commercial district when that happened.

- Mr. Walker stated there was residential to the south.
- Mr. Dix stated to Mr. Franklin how long does it take to roast a batch.
- Mr. Franklin responded 15 minutes.
- Mr. Dix asked if that would suffice for a restaurant

Mr. Franklin stated it depends on the restaurant. Mr. Franklin states almost all of the coffee he roasts is sold in his shop and he supplies coffee to a few restaurants and he works lots of overtime to meet the demand with his 15 kilogram roaster. Mr. Franklin stated he serves about 350 customers a day and has customers that buy coffee beans to take home and brew at home. Mr. Franklin stated he still feels like it's just an arbitrary number and asked is what are we trying to avoid.

Mr. Covey stated it is a smell issue, that's what this is all about.

Mr. Franklin stated he did pull a study from the EPA but obviously there are no smell meters and the study was on a 500 pound batch roaster so it's industrial. The EPA hasn't done any studies for craft roasters because they are to small for the smell to be an issue. Mr. Franklin stated TMAPC could require an after burner to burn off the roasting smell for over 35 kilograms and then over 60 are industrial.

Lou Reynolds 2727 East 21st Street, Suite 200 Tulsa, OK 74104 Mr. Reynolds stated he represents Irongate and they are not 12 days past Christmas yet and the City of Tulsa wants to tell Irongate there is no room at the inn. Irongate is about three things, life, hope and respect. The City of Tulsa told the applicant three months ago that Irongate is a governmental service as interpreted by the zoning code. Mr. Reynolds stated they appealed that interpretation to District Court. Now the City of Tulsa wants to change the rules in the middle of the game. Mr. Reynolds stated if the American Red Cross wants to give vaccinations do they need a special exception. This is a close minded attitude and this is a very provincial mindset that the City of Tulsa has towards Irongate. Mr. Reynolds would like the Planning Commission to put that mindset behind them and vote to deny the recommended changes.

- Mr. Walker asked Mr. Reynolds are you saying to strike 35.040-G.
- Mr. Reynolds stated that is correct.

Mark Barcus 3903 South Riverside, #12 Tulsa, Ok 74105

Mr. Barcus stated he is the Interim Director at Irongate and is here to speak about section 35.040-G specifically the change from Governmental Services to Governmental and Social Services. Mr. Barcus stated that it is clear by the wording that it is targeted at Irongate and a few other issues that have came up in the past but the wording is such that it would apply to all non-profits in Tulsa. If you are in this category you would need to get a special exception for anything you do under the zoning code. Mr. Barcus stated he is involved with several nonprofits and he has not notified them of this change because he believes this change shouldn't survive this hearing. This change imposes extra burdens on non-profits. Mr. Barcus stated he didn't think this was fair and didn't know why the City of Tulsa would want to do this to non-profits. Every 1000 dollars Irongate spends on legal fees is 4000 meals that they don't serve. If the City of Tulsa wants to put these extra burdens on non-profits they should do it in a more public way than to put it will these other issues that is just a rewrite of the code. Mr. Barcus would like TMAPC to strike any amendments to section 35.040-G at this time.

Ms Miller stated the Board of Adjustment appeal of the use category for Irongate did not vote that it should be allowed by right, which was not the vote they took. The Board of Adjustment voted to uphold the appeal that it should be this use category. Ms. Miller stated that Mr. Enix the building official determines the category in a very systematic way, there is a process to determine a use and this was the use determined. Ms. Miller stated that when a use cannot be classified into a use category there is a process to go through; you look at the use categories, then the sub-categories and the intent. After going through this systematic process this was the use category that was determined most appropriate for Irongate given the functions of government services. Ms Miller stated the intent was there and that is how Irongate functions but the words don't match so those need to be clarified. Ms Miller stated further that at the end of the adoption of the new zoning code City Council wanted to make sure those social services could be looked at on a case by case basis with a special exception. Ms. Miller stated this isn't any kind of punishment or reaction this was really our intent all along and this is just clarification to make everyone understands what it is and cleans it up and clarify.

Mr. Walker asked Ms. Miller if this change came out of the staff working group meetings.

Ms. Miller stated yes, it was just cleanup of what we understood from City Council the intent was for that use and how government service functions is more similar to social service function than it is to a restaurant use for example.

Mr. Covey asked what the vote at Board of Adjustment on Irongate was.

Ms. VanValkenburgh stated it takes 3 affirmative votes to overturn a decision of an administrative official and 3 people could not vote in this case. The 2 people

who voted did vote to overturn the decision of the administrative official. But only 2 people voted.

Mr. Covey asked for those of us who didn't follow the case what was the administrative decision.

Ms. VanValkenburgh stated the administrative decision was that Irongate should be in section 35.040 the Public, Civic and Institutional Use Category because this is the category that was the best fit and the subcategory 35.040-G Governmental Services category. This was the decision by the Development Services office and that was appealed.

Mr. Covey asked Ms VanValkenburgh if the board members that voted to overturn the decision, even though there were not enough voting members to succeed, voice an opinion as to what category they thought it fit in.

Ms. VanValkenburgh stated "no". Mr. Reynolds represented Irongate and his argument was that it was a restaurant, warehouse and an office and all three of those uses are permitted by right in central business district which is the proposed location for Irongate.

Mr. Walker asked how Board of Adjustment could have a vote if there were only 2 people.

Ms VanValkenburgh stated there were 3 people present so there was a quorum but the third person abstained.

Mr. Dix asked Mr. Reynolds what his objections were to the wording changes to section 35.040-G.

Mr. Reynolds stated start with the words "and Social" because it is very broad, next is the wording "non-profit or charitable services or similar functions" that also is very broad and subject to a lot of interpretation, then you see the wording dealing with Irongate "soup kitchens and food pantries". Mr. Reynolds stated the zoning code states that a restaurant is establishment that serves or sells food. Irongate complies with the letter of the law with respect to serving food.

Mr. Dix stated Ms Miller is saying the changes make the category clearer and Mr. Reynolds is saying it muddies it up.

Mr. Reynolds stated he thought it was clear before. Mr. Reynolds stated if this approved and becomes law this moves the goal posts for Irongate. Irongate has appealed the determination and has some property under contract and probably doesn't have vested rights. This is changing the rules in the middle of the game.

Ms. Warrick stated Ms. Miller went through the process of how we make a use determination based upon a description of a particular activity that comes into the permit center in order for Development Services to issue permits or a letter of deficiency to move forward the development process. Ms. Warrick stated the changes are needed to ensure that there is a good clear understanding of what types of uses fit under the overall use category of Public, Civic and Institutional Use. Ms. Warrick stated the first layer of determination is that the general description of the activity that is going to be conducted on the site fits the Public, Civic and Institutional Use category. The sub-category, such as government service is a way for Development Services to better delineate and to provide additional regulation specific to a sub-category of uses below that overall category. The changes help staff to be consistent in the way they are applying the permitting review process and treating applications to have a clear understanding of what is the proper threshold for different use categories and having those further descriptions to do that.

Mr. Carnes stated like Mr. Reynolds stated the rules are being changed in the middle of the game and if that is a true scenario then the change to section 35.040-G should not be changed until after the court case is settled. Mr. Carnes stated he does not want to be a part of changing the rules.

Mr. Covey asked Ms Warrick why these changes were not put in the zoning code in the first place if this was the intent.

Ms Warrick stated she isn't sure she can go through the entire thought process of how the previous use units were broken down and the various structures of old code versus new but, Ms. Warrick stated it was always Development Services understanding that this was the sub-category that caught this group of uses. Ms. Warrick stated one of the reasons that social services, government uses and public and civic intuitions typically stay together is because it is a wide variety of activities. Governmental uses could be anything from City of Tulsa building to the jail to a police sub-station there are a lot of different types of activities that are considered governmental and likewise for non-profit or social services. The types of impact those uses present are varied and different and having the opportunity to look at each of those in a case by case situation gives the city the ability to say in this particular location there are certain mitigations that need to be accommodated such as screening or setbacks and the same activity on a different site may not require those types of treatments. Ms. Warrick stated that is what a special exception is for; it is for fine tuning how a development fits on a site and is appropriately located to co-exist with the neighbors around it. So it made sense for Public, Civic and Institutional Uses to fall into that type of category, the language is to provide better clarification for what is intended by that overall use category.

Mr. Covey stated if a sked if a non-profit fell under Government Services as it read before Mr. Covey stated he didn't see it. Mr. Covey asked Ms. Warrick if the intent is every non-profit and every charitable service fit into this category.

Ms. VanValkenburgh stated remember it's also limited by the language that says not elsewhere classified.

Mr. Covey stated he couldn't go through every charitable organization and wonder if it is elsewhere classified.

Ms. VanValkenburgh stated you have to look in the other categories to see if it fits in another category that is more explicit first, for example the US Postal Service is a governmental service but it's elsewhere classified.

Mr. Covey asked if we are picking and choosing does Mr. Reynolds not make a good argument of elsewhere classified are they not a restaurant.

Ms. VanValkenburgh stated that one of the arguments is that this fits into much broader category of Public, Civic and Institutional Use as opposed to a commercial use.

Mr. Covey asked Ms. VanValkenburgh if the language is changed could Mr. Reynolds not make the argument that its elsewhere classified.

Ms. VanValkenburgh stated "sure"

Ms Warrick stated that was the argument. Ms. Warrick stated Development Services doesn't just take the name of an organization and what they imagine them to do as a starting point we ask for a detailed description of the activities that are going to be conducted and that is what Development Services uses to first determine if it is classified and if it is classified Development Services does not have the latitude to decide to change what category the applicant uses. If there is a classification that is specific to the use that is described, that is their classification and it may or may not be this one. But it is based on a description provided by the applicant.

Ms Warrick stated what was provided to staff was an overall description of the activities that are proposed to be conducted. Staff utilized that information and evaluated it and disagreed with applicant's category designation. The application then went to the administrator who is Ms. Warrick who also disagreed with applicant. This sent the applicant to the Board of Adjustment.

Mr. Dix stated Irongates application was made before these changes were recommended is that application not grandfathered. Mr. Dix further stated the application had been denied do they have to reapply.

Ms. Warrick stated the application was for a building permit, it was reviewed and a letter of deficiency was written stating that the use category would require a special exception and that was what the applicant appealed to the Board of Adjustment. So action was taken on the permit that was submitted.

Ms. Millikin stated she was sympathetic to both sides but Ms. Millikin would like to expand on what she understands staff to say. Ms. Millikin states perhaps she is over simplifying but if a food pantry or a soup kitchen is categorized as a restaurant would they have a right to open a location on Brookside or on Cherry Street and is that what your concern is.

Ms. Warrick stated what staff is trying to do is properly classify the use, if it is a restaurant it should be allowed to operate in a zoning district that allows restaurants. But staff did not agree that this use operates as a restaurant based upon our definition of a restaurant and staffs understanding of what was submitted as a description of this use.

Ms Millikin stated Mr. Reynolds is saying Irongate does fall into the use category of a restaurant.

Ms. Warrick stated "yes and several other use categories".

Ms. Millikin stated she could see if a soup kitchen wanted to open up on Cherry Street that there could be some use issues there.

Ms Warrick stated the only thing that would be necessary is exactly what a special exception provides for; to look at a site in context and to determine if there is any mitigation necessary based upon what is proposed for that site.

Mr. Carnes asked Mr. Reynolds to explain his side of the issue.

Mr. Reynolds stated Irongate would be allowed by right in Central Business District it is the applicant's belief. The language changes the rules for Irongate, if the City Council changes the law the applicants appeal is moot and that is prejudice to Irongate. Mr. Reynolds stated Asbury United Methodist Church at 71<sup>st</sup> and Mingo has a food pantry and any church in the city of Tulsa can run a soup kitchen or food pantry by right as an accessory use. Mr. Reynolds stated the unusual part is in the Central Business District, Irongate can have warehouse use for their food pantry, this would not be allowed in CS zoning. The applicant would have to move up in zoning intensity for warehouse use. Mr. Reynolds asks TMAPC to not let the city change the game on his applicant.

Mr. Walker asked Ms. Miller if staff was comfortable with 60 kilograms for coffee roasting capacity as accessory to a restaurant.

Ms Miller stated staff doesn't have the magic number either but Mr. Wilkerson talked with several coffee roasters.

Mr. Wilkerson stated the two main goals staff was trying to accomplish were to help the building permit office make a determination on what was appropriate and to get out of the way of coffee roasters. Mr. Wilkerson stated all the numbers looked at are still fairly limiting. The coffee roasters Mr. Wilkerson spoke to all agreed that if you roast over 45 kilograms this would be industrial use. Mr. Wilkerson stated if we increased the capacity of roaster in either a restaurant or in a low impact manufacturing to 45 kilograms that would be within reason, 60 kilograms in a moderate impact.

Mr. Covey stated to review staff started at 3 kilograms and moved to 15 kilograms and now we are at 45 kilograms.

Mr. Wilkerson stated after learning and visiting Double shots and seeing what a 15 kilogram roaster looked like and hearing more about the business model and the idea of what coffee could be 15 kilograms is very limiting and 45 kilograms would be better for coffee shops.

Mr. Carnes stated he would support no changes to 35.040-G. Mr. Carnes believes this should not be changed until the Irongate litigation is finished.

Mr. Dix stated he agreed with Mr. Carnes.

Mr. Wilkerson stated the motion should reflect the sign provision changes that were included in the email sent to Planning Commission yesterday.

Mr. Dix asked Mr. Wilkerson if staff accepted or rejected Mr. Shanks suggested changes to the sign provisions.

Mr. Wilkerson stated staff accepted three of the suggested changes and rejected one change. The one rejected is the 60 foot height change.

#### TMAPC Action; 8 members present:

On **MOTION** of **DIX**, TMAPC voted **6-2-0** (Carnes, Covey, Dix, Fretz, Shivel, Walker, "aye"; Millikin, Stirling "nays"; none "abstaining"; Adams, Doctor, Reeds "absent") to recommend **ADOPTION** of the various amendments to the City of Tulsa Zoning Code in the following chapters: Chapter 5 Residential Districts; Chapter 10 Mixed-use Districts; Chapter 15 Office, Commercial and Industrial Districts; Chapter 20 Overlay Districts; Chapter 25 Special Districts; Chapter 35 Building Types and Use Categories; Chapter 40 Supplemental Use and Building Regulations; Chapter 45 Accessory Uses and Structures; Chapter 50 Temporary Uses; Chapter 55 Parking; Chapter 60 Signs; Chapter 65 Landscaping, Screening and Lighting; Chapter 70 Review and Approval Procedures; Chapter 75 Administration; Chapter 80 Nonconformities; Chapter 90 Measurements; and Chapter 95 Definitions as presented by staff with the following modifications:

- p. 12.22 35.050-K, 2. Restaurant on line 5 change "maximum roasting capacity of 3 kilos 15 kilograms per batch" to "maximum roasting capacity of 3 kilos 45 kilograms per batch" and delete last sentence: Maximum roasting capacity for restaurant uses in any office district shall not exceed 3 kilograms per batch.
- p. 12-22 35.070-A, Low Impact Manufacturing and Industry change lines 6 and 7 from "coffee roasting with a roasting capacity of 35 kilograms per batch" to "coffee roasting with a roasting capacity of 45 kilograms per batch."
- p. 12.22 35.070-B, Moderate-Impact Manufacturing and Industry change line 5 from "with a roasting capacity of more than 3 kilos 35 kilograms per batch" to "with a roasting capacity of more than 3 kilos 45 kilograms per batch."
- **p. 12.21- 35.040-G**, remove proposed changes regarding subcategory of Governmental <u>and Social</u> Services
- pp. 12.35 through 12.37 For Chapter 60, Signs, accept staff recommended changes below in response to public comments as shown on page 12.50 & 12.51:

Section 60.040-E, Off-Premise Business Signs last sentence: Any waiver, modification, or variance to these off-premise business sign regulations the regulations of Section 60.040-E is considered a use variance and is thereby prohibited in accordance with 70.130-B1.

# Section 60.080-F, Off-Premise Advertising Signs, 1. Where Allowed

Off-premise outdoor advertising signs are a use allowed in commercial and industrial zoning districts but only when located in a freeway sign corridor. Off-premise outdoor advertising signs are a use allowed in corridor zoning districts when approved through the development plan approval process of Section 70.040, but may only be so approved when located in a freeway sign corridor. Off-premise outdoor advertising signs are prohibited in mixed-use zoning districts. Any waiver, modification, or variance to the regulations of Section 60.080-F-1 these off-premise outdoor advertising sign location regulations is considered a use variance and is thereby prohibited in accordance with §70.130-B1.

#### Section 60.090-C, CO District

Signs in CO districts are subject to same regulations that apply in mixed-use, commercial and industrial zoning districts (see Section 60.080). They are subject to review as part of development plan approval process (see Section 70.040).

\* \* \* \* \* \* \* \* \* \* \* \*

Covey out 2:58 pm

#### **OTHER BUSINESS**

13. Election of Officers

# **TMAPC** Action; 7 members present:

On **MOTION** of **FRETZ**, TMAPC voted **7-0-0** (Carnes, Dix, Fretz, Millikin, Shivel, Stirling, Walker, "aye"; no "nays"; none "abstaining"; Adams, Covey, Doctor Reeds "absent") to **WAIVE** the requirement that officers not succeed themselves after 2 years.

# **TMAPC** Action; 7 members present:

On **MOTION** of **FRETZ**, TMAPC voted **7-0-0** (Carnes, Dix, Fretz, Millikin, Shivel, Stirling, Walker, "aye"; no "nays"; none "abstaining"; Adams, Covey, Doctor Reeds "absent") to **REELECT** the current officers to their same positions.

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14. Commissioners' Comments

#### **ADJOURN**

#### TMAPC Action; 7 members present:

On **MOTION** of **MILLIKIN**, TMAPC voted **7-0-0** (Carnes, Dix, Fretz, Millikin, Shivel, Stirling, Walker, "aye"; no "nays"; none "abstaining"; Adams, Covey, Doctor Reeds "absent") to **ADJOURN** TMAPC meeting 2737.

## **ADJOURN**

There being no further business, the Chair declared the meeting adjourned at 3:03 p.m.

Date Approved: