

ITEM #8 – OTHER BUSINESS:

WORK SESSION

PERMIT CENTER PROCESS

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Item

Discussion with representatives of the Permit Center to explain the process for Zoning Clearance Permits, Building Permits, Certificates of Occupancy, Sign Permits and Certificates of Compliance.

Background

Discussion regarding the difference between Zoning Clearance Permits, Building Permits, Certificates of Occupancy, Sign Permits and Certificates of Compliance have occurred several times at the Board over the past two years. Most of this discussion has centered on the issue of medical marijuana dispensaries and other uses that have Spacing Limitations.

Staff from the permit have agreed to participate in this work session to be able to answer questions the Board may have regarding these applications and how they are processed. It would be helpful for the Board to understand what each of these terms means, how they relate to each other and what rights are granted by the approval of each application.

Staff Recommendation

Discuss and ask questions of the Permit Center staff to better inform your understanding of those applications.

Attachment(s)

Sections 70.080 and 70.110 of the City of Tulsa Zoning Code.

70.070-H Lapse of Approval

1. An approved HP permit will lapse and become void 2 years after it is approved by the preservation commission, unless a building permit for the work or improvements authorized has been issued and the project is commenced and thereafter diligently pursued to completion. If no building permit is required, the work that is the subject of the HP permit application must be completed within the 2-year period.
2. The preservation commission may extend the expiration period by up to one year at the time of approval of the HP permit or any time before expiration of the approval.

70.070-I Transferability

Approved HP permits run with the land and are not affected by changes of tenancy, ownership, or management.

70.070-J Amendments

A request for changes in the specific nature of the approved HP permit or changes to any conditions attached to an approved HP permit must be processed as a new application.

70.070-K Action by Preservation Officer

1. The preservation officer is authorized to approve HP permit applications for proposed work on existing structures involving the replacement of existing materials with equivalent materials if the work complies with the design guidelines of the subject HP district.
2. The preservation officer is also authorized to approve HP permit applications for the following minor exterior alterations if the work complies with design guidelines of the subject HP district:
 - a. Installation of storm windows and doors;
 - b. Removal of non-historic materials, including but not limited to siding, storm windows and doors, awnings, shutters, retaining walls and fences; and
 - c. Removal of paint from historic masonry surfaces.

70.070-L Appeals

Any final decision of the preservation commission may be appealed to the board of adjustment in accordance with [Section 70.140](#).

Section 70.080

Zoning Clearance and Permits

70.080-A Applicability

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

70.080-B Compliance with Development Regulations

1. Purpose

The requirements of this section are intended to help ensure that rights-of-way, streets, sidewalks and other public improvements are in place and adequate to serve proposed developments in accordance with applicable regulations.

2. Rezoning, Special Exceptions and Residential Uses

Except as expressly stated in [Section 70.080-B3](#), no building permit or zoning clearance permit may be issued until the subject lot or parcel for which the permit is sought has been determined to be in compliance with all applicable design and improvement requirements of the *Tulsa Metropolitan Area Subdivision and Development Regulations*, as evidenced by submittal of a recorded subdivision plat or ALTA/ACSM survey and separately recorded legal instruments. This requirement applies to any property for which:

- a. A property owner-initiated zoning map amendment or development plan was approved after July 1, 1970;
- b. A special exception was approved for any of the following:
 - (1) Group living use;
 - (2) Public, civic or institutional use;
 - (3) Outdoor assembly and entertainment use;
 - (4) Household living involving 3 or more households on a single lot;
 - (5) Marina;
 - (6) Gun club;
 - (7) Crematory; or
 - (8) Mausoleum; or
- c. A building permit is requested for any of the following residential uses:
 - (1) Cottage house development;
 - (2) Patio house; or
 - (3) Townhouse

3. Early-Release Permits

Building permits authorizing the installation of a building foundation and earth-change permits may be issued prior to the date that the final subdivision plat or lot split/adjustment certifications or certificates are recorded if the development administrator or land use administrator determines that all of the following criteria have been met:

- a. The final plat, lot split or lot line adjustment has been approved by the land use administrator or planning commission, in accordance with applicable procedures of *Tulsa Metropolitan Area Subdivision and Development Regulations*;

- b. All plats or other documents requiring the property owner's signature have been signed by the property owner;
- c. The activity for which the foundation permit or earth-change permit is requested complies with all applicable regulations; and
- d. Future recordation of all required plats or other documents is reasonably assured.

70.080-C Application

1. Zoning clearance permit applications must be accompanied by a legal description of the lot and plans in duplicate, drawn to scale, showing at least the following information:
 - a. The actual shape and dimension of the lot;
 - b. The location and dimensions of all easements;
 - c. The location, size and height of any existing buildings or structures to be erected or altered;
 - d. The existing and intended use of each building or structure and portion of the lot;
 - e. The number of dwellings and buildings proposed; and
 - f. Other information required by the development administrator to determine compliance with all applicable provisions this zoning code.
2. If the zoning code requires that the use, structure, or other development feature must be separated or spaced a minimum distance from another use, structure, or development feature, the zoning clearance permit application must also be accompanied by the following information:
 - a. An aerial photograph identifying the location of the proposed use, structure or development feature at the center of a circle drawn to scale, the radius of which is the required separation distance from another use, structure or development feature;
 - b. The location of the nearest use, structure, or development feature from which the proposed use, structure or development feature must be separated; and
 - c. Verification of having provided a copy of the zoning clearance permit application, concurrent with the submission of the application, to the City Councilor for the City Council District in which the subject property is located.

70.080-D Action

Following receipt of a complete application for a zoning clearance permit, the development administrator must review and take action on the permit. If the proposed development and construction complies with all applicable provisions of this zoning code, the permit must be issued. If the proposed development and construction does not comply with one or more provisions of this zoning code, the

permit must be denied. The applicant must be notified of the action taken, and if the permit is denied, notified of the specific reasons for denial.

Section 70.090 Interpretations of Zoning Code, Zoning Map, and Approved Development Plans and Site Plans

70.090-A Purpose and Applicability

1. Day-to-day responsibility for administering and interpreting the provisions of this zoning code, including the zoning map, rests with the development administrator and land use administrator, whose decisions may be appealed to the board of adjustment, in accordance with the procedures of [Section 70.140](#).
2. Occasionally, the zoning code may not sufficiently address an issue that arises in administering or interpreting the zoning code. In those cases, the development administrator may elect to issue, or a citizen may file an application for, a written zoning code interpretation to guide in future decision-making. The procedures of this section govern the issuance of such interpretations. The procedures also govern interpretations of the terms of approved development plans and site plans, such as those associated with PUDs, MPDs and CO zoning districts.

70.090-B Authority

The land use administrator, as to the zoning map and approved development plans and site plans, and the development administrator, as to the zoning code, are authorized to issue written interpretations pursuant to this section. The land use administrator and the development administrator are also authorized to refer the matter to the board of adjustment for an interpretation or for guidance in making an interpretation.

70.090-C Application

A complete application for a written interpretation request may be submitted either to the land use administrator or development administrator, as appropriate.

70.090-D Action

Within 30 days of receipt of a complete application, the land use administrator or development administrator, as appropriate, must (1) review and evaluate the interpretation request in light of the provisions that are the subject of the interpretation request and any other relevant documents (2) consult with affected staff and (3) prepare a written interpretation.

70.090-E Form

The interpretation must be provided to the applicant in writing and filed in the official record of interpretations held by the development administrator.

70.090-F Official Record

The development administrator must maintain an official record of written interpretations and provide copies to the land use administrator. The record of interpretations must be available for public inspection in the office of the land use administrator and development administrator during normal business hours.

2. The requested administrative adjustment will not have a substantial or undue adverse effect upon adjacent property, the character of the area or the public health, safety and general welfare; and
3. Any adverse impacts resulting from the administrative adjustment will be mitigated to the maximum extent feasible.

70.100-H Conditions of Approval

In granting an administrative adjustment, the land use administrator is authorized to impose conditions upon the subject property that are necessary to reduce or minimize any potentially adverse impacts on other property in the surrounding area, and to carry out the stated purpose and intent of this zoning code.

70.100-I Lapse of Approval

An approved administrative adjustment will lapse and become void 3 years after it is granted by the land use administrator, unless a building permit for the work or improvements authorized has been issued and the project has commenced and is diligently pursued to completion. If no building permit is required, the improvement that is the subject of the administrative adjustment must be in place within the 3-year period.

70.100-J Transferability

Approved administrative adjustments run with the land and are not affected by changes of tenancy, ownership, or management.

70.100-K Amendments

A request for changes in the specific nature of an approved administrative adjustment or changes to any conditions attached to an approved administrative adjustment must be processed as a new administrative adjustment application, including all requirements for fees and notices.

70.100-L Appeals

The applicant or any interested party may appeal the administrative adjustment decision of the land use administrator in accordance with [Section 70.140](#).

Section 70.110 Spacing and Separation Distance Verification

70.110-A Applicability

The spacing and separation distance verification procedure of this section applies whenever this zoning code requires that a use, structure or other development feature be separated or spaced a minimum distance from another use, structure or development feature. The procedure does not apply to a determination of compliance with building setback requirements that apply on individual lots.

70.110-B Action

The development administrator may rely upon the evidence provided by the applicant with an application for a zoning clearance permit to verify that the proposed use, structure or other development feature complies with the applicable spacing and separation distance requirements of this zoning code. Only other uses, structures, or development features that have been legally established by the issuance of a certificate of occupancy, an active building permit, active sign

permit or active zoning clearance permit will be considered in determining compliance with the applicable spacing and separation distance requirements. It is the responsibility of the applicant to provide all information requested by the development administrator to aid in the determination. For purposes of determining whether spacing and separation distance requirements are met, a zoning-clearance-only permit for the use, structure or development feature from which the subject use, structure or development feature must be separated is valid for 180 days after it is issued.

70.110-C Appeal of Decision

Appeals of spacing and distance verification decisions of the development administrator may be appealed to the board of adjustment in accordance with [§70.140](#).

Section 70.120 Special Exceptions

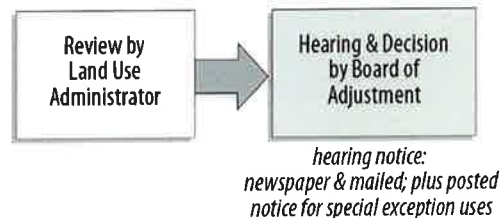
70.120-A Authorized Special Exceptions

Only those special exceptions expressly authorized in this zoning code may be approved as special exceptions.

70.120-B Authority to File

Applications for special exception approval may be filed only by the owner of the subject property or by the property owner's authorized agent.

Figure 70-5: Special Exception Process (Generally)



70.120-C Application Filing

Complete applications for special exception approval must be filed with the land use administrator.

70.120-D Review and Report—Land Use Administrator

Following receipt of a complete application, the land use administrator must prepare a report on the proposed special exception. The report must be transmitted to the board of adjustment before the required public hearing.

70.120-E Notice of Hearing

1. Minor Special Exceptions

Notice of the board of adjustment's required public hearing on any minor special exception application must be mailed to all owners of property that abut the subject property at least 10 days before the scheduled public hearing. (See [§70.010-F](#) for additional information on required mailed notices). Minor special exceptions are limited to the following:

- a. A special exception to allow public or private schools at the primary, elementary, middle school or high school level to expand a principal

**REVIEW CRITERIA FOR VARIANCES,
SPECIAL EXCEPTIONS & NON-CONFORMITIES**



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Item

Review of Criteria to grant Variances and Special Exceptions and possible discussion of criteria for nonconformities.

Background

The zoning code has criteria that must be met to grant a certain relief, and this should serve as a review of those criteria and the criteria in wish

Staff from the permit have agreed to participate in this work session to be able to answer questions the Board may have regarding these applications and how they are processed. It would be helpful for the Board to understand what each of these terms means, how they relate to each other and what rights are granted by the approval of each application.

Staff Recommendation

No action to be take but the Board should discuss and and ask questions of Tulsa Planning Office staff and City of Tulsa Legal Staff about these criteria provide clarificaiton if needed.

Attachment(s)

Sections 70.120, 70.130 and Sec. 80.010 of the City of Tulsa Zoning Code.

permit or active zoning clearance permit will be considered in determining compliance with the applicable spacing and separation distance requirements. It is the responsibility of the applicant to provide all information requested by the development administrator to aid in the determination. For purposes of determining whether spacing and separation distance requirements are met, a zoning-clearance-only permit for the use, structure or development feature from which the subject use, structure or development feature must be separated is valid for 180 days after it is issued.

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Appeals of spacing and distance verification decisions of the development administrator may be appealed to the board of adjustment in accordance with [§70.140](#).

Section 70.120 Special Exceptions

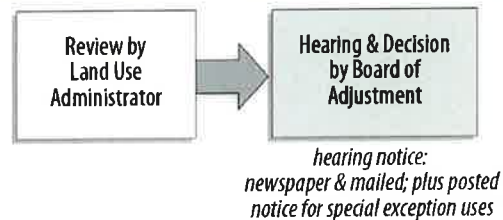
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Figure 70-5: Special Exception Process (Generally)



70.120-C Application Filing

Complete applications for special exception approval must be filed with the land use administrator.

70.120-D Review and Report—Land Use Administrator

Following receipt of a complete application, the land use administrator must prepare a report on the proposed special exception. The report must be transmitted to the board of adjustment before the required public hearing.

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1. Minor Special Exceptions

Notice of the board of adjustment's required public hearing on any minor special exception application must be mailed to all owners of property that abut the subject property at least 10 days before the scheduled public hearing. (See [§70.010-F](#) for additional information on required mailed notices). Minor special exceptions are limited to the following:

- a. A special exception to allow public or private schools at the primary, elementary, middle school or high school level to expand a principal

building or construct an accessory building, structure or use or to permit a use that is an accessory use to an existing principal use, provided the improvement does not include new athletic stadiums or other outdoor athletic facilities that include spectator seating or high-intensity lighting;

- b. A special exception to allow recreational vehicles to be parked or stored in a street yard or required side setback if the conditions listed in [§45.150-A](#) cannot be met;
- c. Amendments to plot plans that were made condition of the granting of a special exception that involve an increase in building floor area of no greater than 15% and do not require the granting of any variances;
- d. A special exception to allow any of the following improvements in public parks:
 - (1) Non-illuminated outdoor courts,
 - (2) Non-illuminated athletic fields,
 - (3) Playgrounds,
 - (4) Picnic shelters,
 - (5) Parking lots and
 - (6) Renovation or expansion of existing buildings.

2. Other Special Exceptions

Except as expressly allowed for minor special exceptions under [§70.120-E1](#), notice of the board of adjustment's required public hearing on a special exception application must be provided as follows (see [§70.010-F](#) for additional information on required newspaper, mail and posted notices).

- a. **Newspaper Notice**
Notice must be published in the newspaper at least 10 days before the scheduled public hearing.
- b. **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 10 days before the scheduled public hearing.
- c. **Posted Notice**
For uses that require special exception approval, notice (signs) must be posted at least 10 days before the scheduled public hearing. Posting of signs is not required for non-use matters.

70.120-F Hearing and Final Decision—Board of Adjustment

- 1. The board of adjustment must hold a public hearing on the special exception application. Following the close of the public hearing, the board of adjustment must act to approve the proposed special exception, approve the special exception with conditions and/or modifications or deny the special

exception. Approval of a special exception requires an affirmative vote of at least 3 members of the board of adjustment.

2. In approving a special exception, the board of adjustment is authorized to impose such conditions and restrictions as the board of adjustment determines to be necessary to ensure compliance with the standards of [§70.120-G](#), to reduce or minimize the effect of the special exception upon other properties in the area, and to better carry out the general purpose and intent of this zoning code.

70.120-G Approval Criteria

A special exception may be approved only if the board of adjustment makes each of the following findings:

1. That the special exception will be in harmony with the spirit and intent of this zoning code; and
2. That the special exception will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

70.120-H Lapse of Approval

1. An approved special exception will lapse and become void 3 years after it is granted by the board of adjustment, unless a building permit has been issued and the project has commenced and is diligently pursued to completion. If no building permit is required, the use, improvement or activity that is the subject of the special exception must be in place within the 3-year period.
2. The board of adjustment may extend the expiration period by up to one year at the time of approval of the special exception or any time before expiration of the approval. Requests for extensions after the special exception is approved must be processed in accordance with the special exception procedures, including applicable fees, notices and public hearings.

70.120-I Transferability

Approved special exceptions run with the land and are not affected by changes of tenancy, ownership, or management.

70.120-J Amendments

1. Amendments to approved special exceptions must be processed as new special exception applications, including all requirements for fees, notices and public hearings, provided that the development administrator is authorized to approve the following:
 - a. Any structures or uses authorized to be approved by the development administrator at the time of special exception approval; and
 - b. The addition or relocation of customary accessory uses and structures.
2. Applications for amendments to approved special exceptions must be filed in a form established by the land use administrator.

70.120-K Appeals

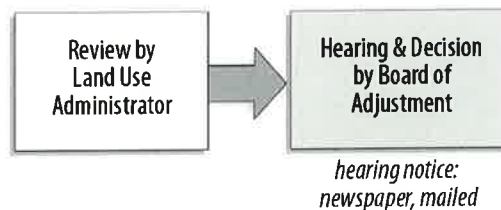
Board of adjustment decisions on special exceptions may be appealed to District Court in accordance with [§75.010-K](#).

Section 70.130 Variances

70.130-A Intent

A variance is a grant of relief to a property owner from strict compliance with the regulations of this zoning code. The intent of a variance is not to simply remove an inconvenience or financial burden that may result from compliance with applicable zoning requirements. Variances are intended to help alleviate an unnecessary hardship or practical difficulty that would be caused by strict enforcement of the subject zoning code requirements. They are intended to provide relief when the requirements of this zoning code render property very difficult or impossible to put to reasonable use because of some unique or special characteristics of the property itself.

Figure 70-6: Variance Process



70.130-B Authorized Variances

The board of adjustment is authorized to grant a variance to any regulation in this zoning code in accordance with the variance procedures of this section, except that the variance procedures may not be used to do any of the following:

1. Allow a principal or an accessory use in a zoning district that is not otherwise allowed in that zoning district (i.e., “use variances” are prohibited);
2. Allow an accessory use on a lot that is not occupied by the principal use that such accessory use serves;
3. Waive, modify or amend any definition or use classification;
4. Waive, modify or otherwise vary any of the review and approval procedures of this chapter;
5. Waive, vary, modify or otherwise override a condition of approval or requirement imposed by an authorized decision-making body or the state or federal government; or
6. Waive, vary or modify applicable residential density regulations, provided that this provision is not intended to prohibit variances to minimum lot area or width requirements that apply to lots occupied by a single dwelling unit.

70.130-C Authority to File

Variance applications may be filed only by the owner of the subject property or by the property owner’s authorized agent.

70.130-D Application Filing

Complete applications for variances must be filed with the land use administrator.

70.130-E Review and Report—Land Use Administrator

Following receipt of a complete application, the land use administrator must prepare a report on the requested variance. The report must be transmitted to the board of adjustment before the required public hearing.

70.130-F Notice of Hearing

Notice of the board of adjustment's required public hearing on a variance application must be provided as follows (see [§70.010-F](#) for additional information on required newspaper and mail notices).

1. Newspaper Notice

Notice must be published in the newspaper at least 10 days before the scheduled public hearing.

2. 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 10 days before the scheduled public hearing.

70.130-G Hearing and Final Decision—Board of Adjustment

1. Following receipt of a complete variance application, the board of adjustment must hold a public hearing to consider the requested variance. Following the close of the public hearing, the board of adjustment must act to approve the requested variance, approve the variance with modifications and/or conditions, or deny the variance request based on the standards and review criteria of [§70.130-H](#). Approval of a variance requires an affirmative vote of at least 3 members of the board of adjustment.
2. In approving a variance, the board of adjustment is authorized to impose such conditions and restrictions as the board determines to be necessary to ensure compliance with the standards of [§70.130-H](#), to reduce or minimize the effect of the variance upon other properties in the area, and to better carry out the general purpose and intent of this zoning code.

70.130-H Standards and Review Criteria

1. No variance may be approved unless the board of adjustment determines that the following facts, favorable to the property owner, have been established:
 - a. That the physical surroundings, shape, or topographical conditions of the subject property would result in unnecessary hardships or practical difficulties for the property owner, as distinguished from a mere inconvenience, if the strict letter of the regulations were carried out;
 - b. That literal enforcement of the subject zoning code provision is not necessary to achieve the provision's intended purpose;

- c. That the conditions leading to the need of the requested variance are unique to the subject property and not applicable, generally, to other property within the same zoning classification;
- d. That the alleged practical difficulty or unnecessary hardship was not created or self-imposed by the current property owner;
- e. That the variance to be granted is the minimum variance that will afford relief;
- f. That the variance to be granted will not alter the essential character of the neighborhood in which the subject property is located, nor substantially or permanently impair use or development of adjacent property; and
- g. That the variance to be granted will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of this zoning code or the comprehensive plan.

70.130-I Lapse of Approval

1. An approved variance will lapse and become void 3 years after it is granted by the board of adjustment, unless a building permit for the work or improvements authorized has been issued and the project has commenced and is diligently pursued to completion. If no building permit is required, the improvement that is the subject of the variance must be in place within the 3-year period.
2. The board of adjustment may extend the expiration period by up to one year at the time of approval of the variance or any time before expiration of the approval. Requests for extensions after the variance is approved must be processed in accordance with the variance procedures, including applicable fees, notices and public hearings.

70.130-J Transferability

Approved variances run with the land and are not affected by changes of tenancy, ownership, or management.

70.130-K Amendments

A request for changes in the specific nature of the approved variance or changes to any conditions attached to an approved variance must be processed as a new variance application, including all requirements for fees, notices and public hearings.

70.130-L Appeals

Board of adjustment decisions on variances may be appealed to District Court in accordance with [§75.010-K](#).

Section 70.140 Appeals of Administrative Decisions

70.140-A Authority

Appeals of administrative (staff-level) decisions on site plans go to the planning commission (See [§70.050-C](#)). The board of adjustment is authorized to hear and decide all other appeals where it is alleged there has been an error in any order, requirement, decision or determination made by the land use administrator, the

Chapter 80 | Nonconformities

Section 80.010	General.....	80-1
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Section 80.010 **General**

80.010-A Intent

The adoption and amendment of the zoning code text and map, beginning with the adoption of the city's first zoning code in 1923, has resulted in some lots, uses and structures becoming nonconforming (i.e., established in compliance with regulations in effect at the time of their establishment, but which would be prohibited under subsequently adopted regulations). The nonconformity regulations of this chapter are intended to explain the effect of this nonconforming status and help differentiate nonconformities, which have legal status under this zoning code, from zoning violations, which are illegal and subject to penalties and enforcement action. The regulations of this chapter are also intended to:

1. Recognize the interests of landowners in continuing to use their property for uses that were lawfully established;
2. Promote maintenance, reuse and rehabilitation of existing buildings; and
3. Place reasonable limits on nonconformities that have the potential to adversely affect surrounding properties.

80.010-B Authority to Continue

Any nonconformity that existed on the effective date specified in [Section 1.030](#) or any lot, structure use or situation that becomes nonconforming upon adoption of any amendment to this zoning code or any amendment of the zoning map subsequent to the effective date specified in [Section 1.030](#) may be continued, subject to the regulations of this chapter.

80.010-C Determination of Nonconforming Status

1. The burden of proving that a nonconformity exists (as opposed to a zoning code violation) rests entirely with the subject owner.
2. The development administrator is authorized to determine whether reliable evidence of nonconforming status has been provided by the subject owner.
3. Building permits, zoning clearance reports, lawfully recorded plats, lawfully recorded instruments of conveyance, aerial photography owned by a governmental agency and other official government records that indicate lawful establishment of the use, lot or structure constitute conclusive evidence of nonconforming status. If such forms of conclusive evidence are

not available, the development administrator is authorized to consider whether other forms of evidence provided by the owner are reliable and adequate to document nonconforming status. Common examples of evidence that may be determined to be reliable and adequate include:

- a. Professional registrations or business licenses;
 - b. Utility billing records;
 - c. Rent records;
 - d. Advertisements in dated publications;
 - e. Listings in telephone or business directories; and
 - f. Notarized affidavits affirming the date of lawful establishment of the use or structure.
4. The development administrator's determination of nonconforming status may be appealed in accordance with [Section 70.140](#).

80.010-D Repairs and Maintenance

1. Repairs and normal maintenance necessary to keep a nonconformity in sound condition are permitted unless the work increases the extent of the nonconformity or is otherwise expressly prohibited by this zoning code.
2. If a nonconforming structure or a structure occupied by a nonconforming use becomes physically unsafe or unlawful due to lack of repairs and maintenance, and a final order of vacation or demolition is entered by any duly authorized official by reason of physical condition, it may not thereafter be used, restored, or repaired, or rebuilt except in conformity with the provisions of the zoning district in which it is located.
3. Nothing in this chapter is intended to prevent nonconformities from being structurally strengthened or restored to a safe condition in accordance with an order from a duly authorized public official.

80.010-E Change of Tenancy or Ownership

Nonconforming status runs with the land and is not affected by changes of tenancy, ownership or management.

Section 80.020 Nonconforming Lots

80.020-A Description

A nonconforming lot is a lot that does not comply with the applicable minimum lot area, minimum lot width, minimum street frontage or minimum open space requirements of the subject zoning district and that meets at least one of the following criteria:

1. The lot was a lot of record on or before July 1, 1970;
2. The lot is located within a subdivision approved by the planning commission;
or

**PROPOSED NEIGHBORHOOD INFILL OVERLAY
(ZCA-19)**



Item

Discuss the proposed Neighborhood Infill Overlay and other "missing middle" citywide Zoning Code Amendments identified as TMAPC case number ZCA-19 .

Background

The 2019, the Downtown & Surrounding Neighborhoods Housing Study & Strategy (DSNHSS) commissioned to comprehensively assess housing needs Downtown and in the surrounding neighborhoods. The final study results were presented to the City Council in June 2020 and released to the public in July 2020. The study identified the need for the creation of missing middle zoning code amendments to promote housing typologies that have the potential to be effective tools for expanding housing choice and affordability. According to the study, missing middle housing could "potentially foster redevelopment in older neighborhoods with housing that "fits in" with the historic housing stock and land use patterns" of Tulsa (PG).

"Missing Middle" housing, a term coined by Opitcos Design, refers to the lack of housing options other than detached houses and large apartment complexes. These buildings are often similar in size to a detached house but have two or more units, such as duplexes, multi-unit homes, townhouses, and smaller-scale multi-family apartments/condos. The term "missing" suggests they have typically not been allowed to be built since the mid-1940s and "Middle" because size-wise they fit between detached homes and large multi-family complexes.

Simultaneously, the Tulsa Planning Office compiled various Small Area Plan and Comprehensive Plan recommendations that show a similar desire for opportunities for a full range of housing types to fit every income, household and preference. Listed below are just a few recommendations from PlaniTulsa that could target missing middle housing types both within the Study Area and Citywide.

PlaniTulsa:

- **PlaniTulsa Goal #1: Robust mix of housing types and sizes are developed and provided in all parts of the city.**
- **PlaniTulsa Goal #7: Low-income and workforce affordable housing is available in neighborhoods across the city.**
 - 7.2: Ensure that land use and zoning regulations allow a mix of housing types, including single family homes, cottage homes, townhomes, condominiums and apartments that serve people at a variety of income levels.

Crutchfield Small Area Plan:

- **Goal #5: Increase housing choices available in Crutchfield.**
 - 5.1: Support the development of an expanded range of housing types, including single-family housing types such as cottage housing, clustered homes, and narrow-lot homes and appropriately scaled "missing middle" (mid-density) housing types such as townhomes, multi-unit houses (duplexes, triplexes, quads), live-work units, and accessory dwelling units.



Crosbie Heights Small Area Plan:

- Goal #2: **Promote development of complete neighborhoods, defined in the Comprehensive Plan (p. LU-18) as “neighborhoods that blend...amenities, connectivity, and housing options together.”**
 - 2.4 In accordance with land use designations, support redevelopment to include a mix of smaller residential structures (e.g., duplexes, triplexes and cottage houses) to provide housing for the socioeconomic diversity (e.g, income, age, mobility) in the neighborhood.

Pearl District Small Area Plan:

- Goal #1: **Support compatible residential infill and reinvestment.**
 - 1.1 Support infill housing that fits with the character of the neighborhood. Encourage development that maintains the existing block and street patterns when feasible.

In May 2020, The Tulsa Planning Office began to identify possible zoning code amendments that seek to remove barriers to missing middle housing types by making a few changes applicable citywide and by creating a Neighborhood Infill Overlay within the study area. In August 2020, The Housing and Neighborhoods Survey was launched that helped inform what type of “missing middle” housing types were supported by respondents. Based upon the support for missing middle housing, The City Council initiated the development of the overlay and citywide text amendments.

Public Engagement

A developer's roundtable was held virtually in October 2020 to discuss the housing market, infill, and zoning code amendments to allow for more housing typologies by right in both the overlay area and citywide. In January 2021, staff and City Councilors participated in 5 separate virtual neighborhood meetings in the proposed overlay boundaries to discuss the Neighborhood Infill Overlay, the meeting schedule is listed below:

- Riverview & Cherry Street Residents – Mon., Jan. 11
- Pearl District Residents – Tues., Jan. 12
- Crutchfield Residents – Thurs., Jan. 14
- Owen Park & Crosbie Heights Residents – Tues., Jan. 19
- Greenwood & Unity-Heritage Residents – Thurs., Jan. 21

Staff used feedback from the developer's roundtable, community meeting sessions, and any additional commentary to continue to develop the Neighborhood Infill Overlay and other “missing middle” zoning code changes citywide. The attached proposed zoning code amendments are intended to allow for a spectrum of missing middle typologies to be developed by right, eliminating zoning obstacles that prevent these housing types.



Process Schedule

2020

- (July) City of Tulsa public press release of Housing Study
- (July) Small group meetings with City Councilors
- (Aug) TMAPC Work Session to discuss Housing Study findings
- (Aug) Engage development representatives to discuss general infill concepts
- (Sept) City Council initiation of an Infill Overlay and citywide text amendments

2021

- (Jan) Engage with neighborhoods included in the Housing Study boundary
- (Mar) TMAPC Work Session to discuss proposed text amendments
- (April) Reengage with neighborhoods and present final draft of text amendments
- (May) TMAPC public hearing to provide recommendation on proposed text amendments
- (Aug) City Council initiation of map amendments to apply the new Overlay text
- (Sept) Engage with residents and property-owners of area to be affected by Overlay
- (Oct) TMAPC public hearing to provide recommendation on proposed map amendments

Attachment(s)

Attachment I: Proposed Neighborhood Infill Overlay & Citywide Zoning Code Amendments

City-wide:

5.030-A Table of Regulations

The lot and building regulations of Table 5-3 apply to all principal uses and structures in R districts, except as otherwise expressly stated in this zoning code. General exceptions to these regulations and rules for measuring compliance can be found in Chapter 90 Regulations governing accessory uses and structures can be found in Chapter 45.

Table 5-3: R District Lot and Building 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	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	-
						10,000	10,000	10,000	10,000	10,000	10,000	10,000	
Duplex	-	-	-	9,000	9,000	3,300	6,900	6,900	6,900	6,900	6,900	6,900	-
				6,900	5,500		5,500	5,500	5,500	5,500	5,500	5,500	
Multi-unit house	-	-	-	-	-	3,300	6,900	5,500	5,500	5,500	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	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	-	-	-	-	-	2,750	2,750	2,750	2,750	2,750	2,750	2,750	-
						2,500	2,500	2,500	2,500	2,500	2,500	2,500	
Duplex	-	-	-	4,500	4,500	1,650	3,450	3,450	3,450	3,450	3,450	3,450	-
				3,450	2,750		2,750	2,750	2,750	2,750	2,750	2,750	
Multi-unit house	-	-	-	-	-	1,100	1,800	1,800	1,800	1,375	1,100	900	-
Apartment/condo	-	-	-	-	-	-	-	-	2,900	1,750	1,100	400	-
Other allowed buildings/uses													
Permitted by right	-	-	-	-	-	-	-	-	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
Minimum Lot Width (ft.)													
Detached house	150	100	75	60	50	30	50	50	50	50	50	50	-
Patio house	-	-	-	60	50	30	50	50	50	50	50	50	-
Townhouse	-	-	-	30	30	20	25	20	20	20	20	20	-
					25								
Cottage house dev't	-	-	-	-	-	75	75	75	75	75	75	75	-
Duplex	-	-	-	75	75	30	60	60	60	60	60	60	-
				60	50		50	50	50	50	50	50	

Regulations	RE	RS-1	RS-2	RS-3	RS-4	RS-5	RD	RT	RM-0	RM-1	RM-2	RM-3	RMH
Multi-unit house	-	-	-	-	-	30	50	50	50	50	50	50	-
Apartment/condo	-	-	-	-	-	-	-	-	100	100	50	100	-
Other allowed buildings/uses													
Permitted by right	150	100	75	60	50	50	50	50	50	50	50	50	50
Special exceptions	150	100	100	100	100	100	100	100	100	100	100	100	100
Minimum Street Frontage													
Residential bldgs/uses [2]	30	30	30	30	30	30	30	30	30	30	30	30	30
Min. Building Setbacks (ft.)													
Street [3]													
Arterial or fwy service rd.	35	35	35	35	35	35	35	35	35	35	35	35	35
Other streets	35	35	30	25	20	20	25	10	25	25	10	25	25
Side (interior) [4]	15	5	5	5	5	5	5	5[5]	5[6]	5[6]	5[6]	5[7]	10
Rear [4]	25	25	25	20	20	20	20	20	20	20	10	20	15
Min. Open Sp./Unit (sq. ft.)	12,000	7,000	5,000	4,000[8]	2,500	600	2,000	1,200	1,200	600	200	-	2,500
Max. Building Height (feet)	35	35	35	35	35	35	35	35	35	35	35	-	35

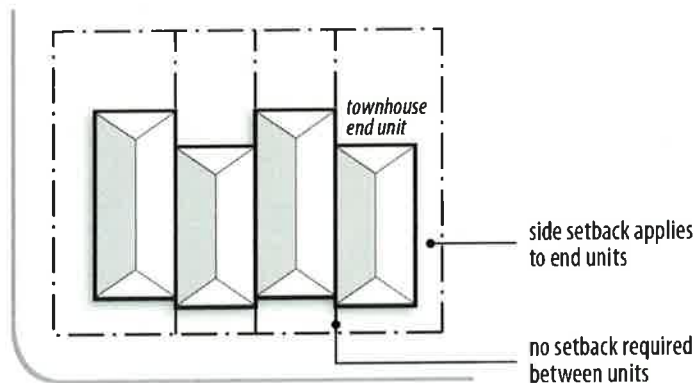
5.030-B Table Notes

The following notes refer to the bracketed numbers (e.g., "[1]") in Table 5-3:

- [2] Minimum street frontage requirements apply to townhouse developments, not to individual townhouse units. Cottage house developments require minimum street frontage of 75 feet. Minimum street frontage requirements do not apply to nonresidential uses.

- [4] **Non-residential** Uses requiring special exception approval in R zoning districts require minimum 25-foot building setback from R-zoned lots occupied by residential uses.
- [5] No side setback is required for interior units in townhouse developments. Side setback applies to end units (see Figure 5-2).

Figure 5-2: Side Setbacks for Townhouses



- [6] Minimum interior side setback is 10 feet for apartment/condo and permitted nonresidential buildings.
- [7] Minimum interior side setback is 25 feet for apartment/condo and permitted nonresidential buildings.
- [8] Minimum required open space for duplex in RS-3 is 2,500 square feet per unit.

Overlay:

Section 20.080 Neighborhood Infill Overlay

20.080-A General

1. Purpose and Intent

The Neighborhood Infill Overlay establishes zoning regulations that are intended to promote the development of alternative infill housing in established neighborhoods. The overlay allows for a variety of residential housing types in a manner that is compatible, in mass and scale, with the character of surrounding properties. The regulations are also intended to promote housing types that accommodate households of varying sizes and income levels and provide for a more efficient use of residential land.

2. Applicability

Except as otherwise expressly stated, the Neighborhood Infill Overlay regulations of this section apply to RS-3, RS-4, RS-5, RD, RT, RM-0, RM-1, RM-2 and RM-3 zoning districts only within the boundaries of the Neighborhood Infill Overlay districts to all new permitted uses and structures and all building alterations and site modifications that require a building permit.

3. Nonconformities

Nonconformities that exist within the overlay district are governed by the regulations of [Chapter 80](#) except in residential zoning districts, a single detached house, duplex, or multi-unit house, where the particular residential building type is allowed by right or is allowed by special exception and a special exception has been granted, may be erected on a nonconforming lot without complying with the minimum lot area, minimum lot area per unit, minimum lot width, minimum street frontage or minimum open space per unit requirements of the subject zoning district, provided that at least 50% of the lot area remains as open space. All other lot and building regulations apply, except that detached houses, duplexes, or multi-unit houses may be erected on corner lots that are nonconforming with regard to lot width, subject to a reduced minimum street side building setback of 5 feet. Garages that are accessed through a side yard abutting a street must be set back at least 20 feet.

4. Conflicting Regulations

All applicable regulations of the underlying base zoning district apply to property in the Neighborhood Infill Overlay unless otherwise expressly stated in the Neighborhood Infill Overlay regulations. For properties with approved development plans (PUD, CO, MPD, Optional Development Plan), the approved development plan and development standards apply.

20.080-B Use Regulations – Residential, Household Living

Residential, household living principal uses are allowed in the Neighborhood Infill Overlay district in accordance with Table 20-4.

1. Permitted Uses

Residential, household living uses identified with a “P” symbol are allowed by right in the Neighborhood Infill Overlay district within the particular base zoning district, subject to compliance with any supplemental regulations identified in Chapter 40 and all other applicable regulations of this zoning code.

2. Special Exception Uses

Uses identified with an “S” may be allowed and if reviewed and approved in accordance with the special exception procedures of Section 70.120.

3. Prohibited Uses

Uses identified with an “-” are expressly prohibited. Uses that are not listed in the table and that cannot be reasonably interpreted (as stated in §35.020-E) to fall within any defined use category are also prohibited.

Table 20-4: Neighborhood Infill Overlay District Use Regulations for Household Living
Base Zoning Districts:

USE CATEGORY Subcategory Specific use	RS-			R R		RM-		
	3	4	5	D	T	0	1	2 3
RESIDENTIAL								
Household Living (if in building type allowed in Table 20-4.5)								
Single household	P	P	P	P	P	P	P	P
	[1	[1	[1]	[2	[2	[2	[2	[2]
]]]]]]	[1]
				[1	[1	[1	[1	[1]
]]]]]
Two households on single lot	S	S	S	P	P	P	P	P
	P	P	P					
Three or more households on single lot	-	-	S	S	P	P	P	P
	P	P	P	P				

4. Table 20-4 Notes

The following notes refer to the bracketed numbers (e.g., “[1]”) in (Table 20-4):

[1] Accessory dwelling units may be allowed by special exception in RE and RS Districts on a lot occupied by a detached house. For supplemental regulations, see Section 45.031.

[2][1] Accessory dwelling units are allowed by right in RS, RD, RT, and RM, and RMH Districts on a lot occupied by a detached house. For supplemental regulations, see Section 45.031.

20.080-C Residential Building Types for Household Living

In the Neighborhood Infill Overlay district, within the particular base zoning district, household living uses must be located in the residential building types identified in Table 20-4.5. Descriptions of the residential building types and references to applicable regulations are found in Section 35.010.

Table 20-4.5: Neighborhood Infill Overlay District Building Type Regulations for Household Living
Base Zoning Districts:

USE CATEGORY Subcategory Specific use Building Types	RS-			RD	RT	RM-			
	3	4	5			0	1	2	3
RESIDENTIAL									
Household Living									
Single household									
Detached house	P	P	P	P	P	P	P	P	P
Patio House	P	P	P	P	P	P	P	P	P
Townhouse									
2-unit townhouse	S P	S P	P	P	P	P	P	P	P
3+-unit townhouse	- P	- P	- P	- P	P	P	P	P	P
Manufactured housing unit	S	S	S	S	S	S	S	S	S
Manufactured housing subdivision	-	-	-	-	-	-	-	-	-
Mobile home	-	-	-	-	-	-	-	-	-
Mixed-use building	-	-	-	-	-	-	S	S	S
Vertical mixed-use building	-	-	-	-	-	-	S	S	S
Two households on single lot									
Duplex	S P	S P	S P	P	P	P	P	P	P
Mixed-use building	-	-	-	-	-	-	P	P	P
Vertical mixed-use building	-	-	-	-	-	-	P	P	P
Three or more households on single lot									
Cottage house development	- P	- P	P	S P	S P	P	P	P	P
Multi-unit house	- P	- P	S P	S P	P	P	P	P	P
Apartment/condo	- P	- P	- P	- P	- P	P	P	P	P
	[1]	[1]	[1]	[1]	[1]				
Mobile home park	-	-	-	-	-	-	-	-	-

Mixed-use building	-	-	-	-	-	-	P	P	P
Vertical mixed-use building	-	-	-	-	-	-	P	P	P

1. Table 20-4.5 Notes

The following notes refer to the bracketed numbers (e.g., " [1]") in (Table 20-4.5):

[1] Apartment/condo is limited to no more than 8 dwelling units on a single lot.

20.080-D Lot and Building Regulations

In the Neighborhood Infill Overlay district, the lot and building regulations of Table 20-5 apply in the RS-3, RS-4, RS-5, RD, RT, RM-0, RM-1, RM-2, RM-3 base zoning districts to Duplex, Townhouse, Cottage House Development, Multi-unit House and Apartment/Condo building types. General exceptions to these regulations and rules for measuring compliance can be found in Chapter 90. Regulations governing accessory uses and structures can be found in Chapter 45.

Table 20-5: Neighborhood Infill Overlay District Lot and Building Regulations

Minimum Lot Area (sq. ft.)	
Townhouse	1,600
All other [1]	4,000
Minimum Lot Width (feet)	
Minimum Lot Area per unit (sq. ft.) [2]	
Townhouse	20
All other [1]	40
Minimum Street Frontage (feet)	20[2]
Minimum Open Space per Unit (sq. ft.)	100
Minimum Building Setbacks (feet)	
Street	10[3]
Side	3[4]
Rear	10
Maximum Building Height (feet)	35

Table 20-5 Notes

The following notes refer to the bracketed numbers (e.g., " [1]") in (Table 20-5):

[1] All other include Cottage house development, Duplex, Multi-unit house and Apartment/condo building types.

[2] Lot area per unit does not apply in the Neighborhood Infill Overlay

[3] Minimum street frontage requirements apply to townhouse developments, not to individual townhouse units. Cottage house developments require minimum street frontage of 50 feet.

[4] Minimum setback for street-facing garage doors is 20 feet.

[5] No side setback is required for interior units in townhouse developments. Side setback applies to end units.

20.080- E Parking Regulations

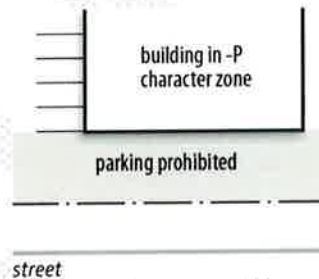
1. Minimum Parking Ratios

The minimum parking ratios established in [Section 55.020](#), Table 55-1 for a Household Living use are reduced by 50% in the Neighborhood Infill Overlay district.

2. Location

The parking area is prohibited between building and street right-of-way (see [Figure 20-2](#)) on lots occupied by a Townhouse, Cottage House Development, Multi-unit House and Apartment/Condo.

Figure 20-2: Parking Prohibited between Building and Street Right-of-Way *(need to update figure)*



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**PROPOSED AMENDMENTS
(ZCA-21)**



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Item

Discuss various proposed amendments to the City of Tulsa Zoning Code in the following sections:

- **Chapter 5 Residential Districts:** Section 5.020 Use Regulations, Table 5-2: R District Use Regulations
- **Chapter 10 Mixed-use Districts:** Section 10.020 Use Regulations, Table 10-2: MX District Use Regulations; Section 10.030 Character Designations, Table 10-4: Lot and Building Regulations for -P Character Zones, Figure 10-3: MX District Lot and Building Regulations (-P Character Zone), Table 10-5: Lot and Building Regulations for -U Character Zones, Table 10-6: Lot and Building Regulations for -V Character Zones
- **Chapter 15 Office, Commercial and Industrial Districts:** Section 15.020 Use Regulations, Table 15-2: O, C, and I District Use Regulations
- **Chapter 25 Special Districts:** Section 25.020 AG, Agricultural District and AG-R, Agricultural-Residential District, Table 25-1: AG and AG-R District Use Regulations; Section 25.040 CO, Corridor District, Table 25-4: CO District Use Regulations; Section 25.050 SR, Scientific Research District, Table 25-5: SR District Use Regulations; Section 25.060 IMX, Institutional Mixed-Use, Table 25-7: IMX District Use Regulations
- **Chapter 45 Accessory Uses and Structures:** Section 45.130 Parking and Storage of Commercial Trucks
- **Chapter 55 Parking:** Section 55.020 Minimum Parking Ratios, Table 55-1: Minimum Motor Vehicle Parking Ratios; Section 55.050 Parking Exemptions and Credits
- **Chapter 60 Signs:** Section 60.020 Prohibited Signs and Sign Characteristics; Section 60.100 Dynamic Displays
- **Chapter 65 Landscaping and Screening:** Section 65.080 Landscape and Screening Material
- **Chapter 70 Review and Approval Procedures:** Section 70.010 Common Provisions, Table 70-1: Review and Decision-making Authority Summary Table; Section 70.040 Development Plans; Section 70.080 Zoning Clearance and Permits; Section 70.140 Appeals of Administrative Decisions; Figure 70-7: Appeals of Administrative Decisions (Generally)
- **Chapter 95 Definitions:** Section 95.040 Terms Beginning with "A", Arterial

Background

The City of Tulsa Zoning Code became effective on January 1, 2016. During the development of the zoning code, 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 unintended consequences occurred. Since the effective date of the zoning code, staff has brought several rounds of general clean-up amendments through the approval process. The zoning code implementation team meets biweekly and consists of members of the Tulsa Planning Office, Development Services Department, and City Legal.



The amendments are a result of the zoning code implementation team's work. The proposed amendments are located in Chapters 5, 10, 15, 25, 45, 55, 60, 65, 70, and 95 of the zoning code. Many proposed amendments are minor in nature.

The amendments proposed to the City of Tulsa Zoning Code, Title 42 Tulsa Revised Ordinances, are shown in ~~strike through~~/underline/**highlight** in **Attachment I**.

Attachment 1

- Summary of changes and justifications for zoning code amendments

1. Governmental Service or Similar Functions Use Tables

Justification: As part of the ZCA-17 amendments effective July 1, 2020, the “Governmental Service” use was renamed “Governmental Service or Similar Functions” and its definition was revised. The amendment failed to update the use name throughout the entire zoning code. This change makes the “Governmental Service or Similar Functions” use name consistent across all use regulation tables and the minimum parking ratio table.

Chapter 5 | Residential Districts

Section 5.020 Use Regulations

Table 5-2: R District Use Regulations

USE CATEGORY	RS-					RD	RT	RM-				RMH	Supplemental Regulations	
Subcategory Specific Use	RE	1	2	3	4			5	0	1	2			3
PUBLIC, CIVIC AND INSTITUTIONAL														
Governmental Service or Similar Functions	S	S	S	S	S	S	S	S	S	S	S	S	S	

Chapter 10 | Mixed-use Districts

Section 10.020 Use Regulations

Table 10-2: MX District Use Regulations

USE CATEGORY	MX1	MX2	MX3	Supplemental Regulations
Subcategory Specific Use				
PUBLIC, CIVIC AND INSTITUTIONAL				
Governmental Service or Similar Functions	S	S	S	

Chapter 25 | Special Districts

Section 25.020 AG, Agricultural District and AG-R, Agricultural-Residential District

25.020-B Use Regulations

Table 25-1: AG and AG-R District Use Regulations

USE CATEGORY	AG	AG-R	Supplemental Use Regulations
Subcategory (Section 35.020) Specific Use			
PUBLIC, CIVIC AND INSTITUTIONAL			
Governmental Service or Similar Functions	S	S	

Section 25.040 CO, Corridor District

25.040-B Use Regulations

Table 25-4: CO District Use Regulations

USE CATEGORY	CO	Supplemental Regulations
Subcategory (Section 35.020) Specific Use		
PUBLIC, CIVIC, AND INSTITUTIONAL		
Governmental Service or Similar Functions	p*	

Section 25.050 SR, Scientific Research District

25.050-B Use Regulations

Table 25-5: SR District Use Regulations

USE CATEGORY		Supplemental Regulations
Subcategory (Section 35.020)	SR	
Specific Use		
PUBLIC, CIVIC AND INSTITUTIONAL		
Governmental Service or Similar Functions	S	

Section 25.060 IMX, Institutional Mixed-Use

25.060-B Use Regulations

Table 25-7: IMX District Use Regulations

USE CATEGORY		Supplemental Regulations
Subcategory (Section 35.020)	IMX	
Specific Use		
PUBLIC, CIVIC AND INSTITUTIONAL		
Governmental Service or Similar Functions	S	

Chapter 55 | Parking

Section 55.020 Minimum Parking Ratios

Table 55-1: Minimum Motor Vehicle Parking Ratios

USE CATEGORY	Measurement (spaces per)	CBD District	CH District and MX District	All Other Districts and PI Overlay [1]	Additional requirements/notes
Subcategory					
Specific Use					
[1] See Section 20.040 for information on PI Overlay					
PUBLIC, CIVIC & INSTITUTIONAL					
Governmental Service or Similar Functions		0.00	established as part of special exception		

2. Build-to-Zone in Mixed-use Districts

Justification: The proposed amendments to the build-to zone (BTZ) requirements in the pedestrian character district are intended to avoid conflicts between building placement and public and private utilities located within street rights-of-way. Adjusting the requirement from a 0/10 BTZ to a 0/20 BTZ still accomplishes the intent of street-facing buildings with active streetscapes while allowing the flexibility to avoid utilities where present. The proposed changes also correct typographical and formatting errors.

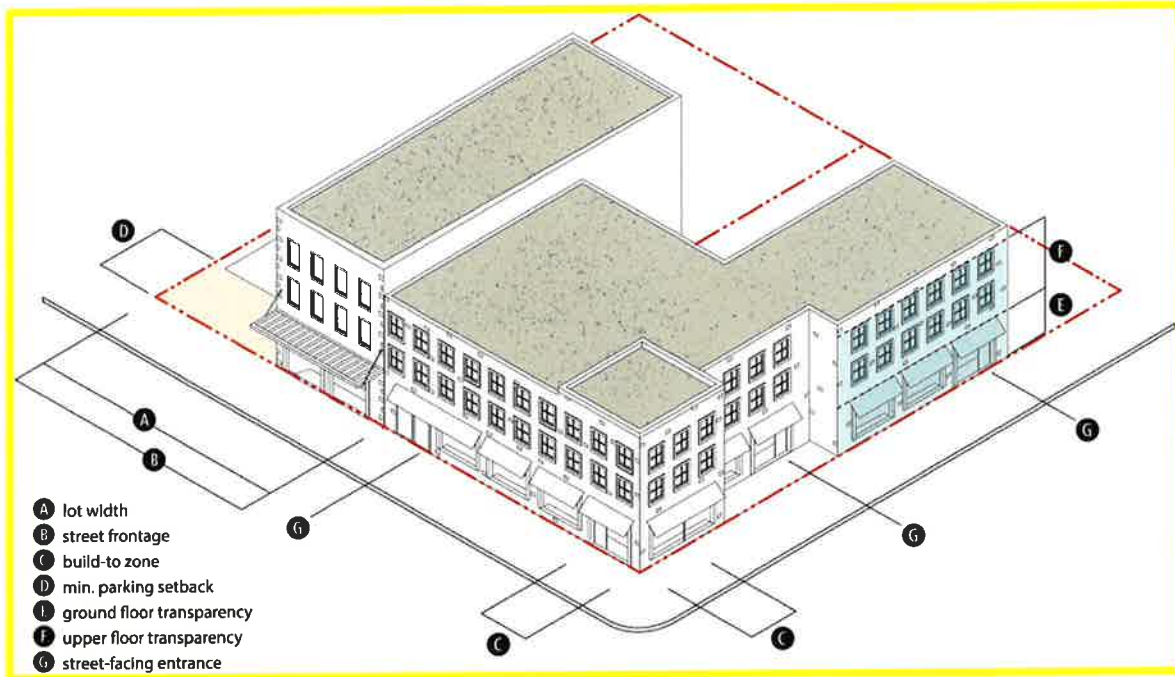
Chapter 10 | Mixed-use Districts

Section 10.030 Character Designations

10.030-B -P, Pedestrian Character Designation

Table 10-4: Lot and Building Regulations for -P Character Zones

Minimum Lot Area (sq. ft.)	3,500	Min. Ground Floor Ceiling Height (feet)	14
Minimum Lot Width (feet)	25	Minimum Transparency (%)	
Minimum Street Frontage (feet)	20	Ground floor	50
Minimum Open Space per Unit (sq. ft.)	100	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	Street-facing Entrance Required	Yes
Build-to Zone (BTZ) (minimum/maximum in feet) <i>See Section 90.110 for BTZ measurement</i>	0/ 10 20		
Primary street BTZ	80		
Secondary street BTZ	30		

Figure 10-3: MX District Lot and Building Regulations (-P Character Zone)


10.030-C Urban Character Designation

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	Mixed-use buildings	
Minimum Open Space per Unit (sq. ft.)		Ground floor	40
Townhouse	200	Upper floors	20
Apartment/condo/mixed-use	100	Commercial buildings	
Minimum Building Setbacks (feet)		Ground floor	35
Street	0	Upper floors	20
Abutting R district	10	Other buildings	20
Abutting nonresidential district	0	Street-facing Entrance Required	Yes
Abutting alley	5		
Build-to Zone (BTZ) (minimum/maximum in feet) <i>See Section 90.110 for BTZ measurement</i>	0/20		
Primary street BTZ	60		
Secondary street BTZ	30		

10.030-D Variable Character Designation

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

Minimum Lot Area (sq. ft.)		Build-to Zone (BTZ) (minimum/maximum in feet) <i>See Section 90.110 for BTZ measurement</i>	0/110
Townhouse	1,600	Primary street BTZ	50
Apartment/condo	7,500	Secondary street BTZ	25
All other	3,500	Min. Parking Setbacks (feet)(see also §55.080-C)[1]	
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
Minimum Street Frontage (feet)	20	Other buildings	-
Minimum Open Space per Unit (sq. ft.)		Minimum Transparency (%)	
Townhouse	200	Mixed-use buildings	
Apartment/condo/mixed-use	100	Ground floor	40
Minimum Building Setbacks (feet)		Upper floors	20
Street	0	Commercial buildings	
Abutting R district	10	Ground floor	35
Abutting nonresidential district	0	Upper floors	20
Abutting alley	5	Other buildings	20
		Street-facing Entrance Required [bold and left-justify]	Yes

3. Building Types and Use Tables

Justification: As part of the ZCA-3 amendments effective May 10, 2017, residential building types were separated from use tables. Household Living use allowances reflect the most permissive building type allowed under each zoning district in all use tables except Table 15-2 and Table 25-1. These proposed changes correct the Household Living uses for Industrial and Agricultural zoning districts to be consistent with other use tables throughout the code. The proposed changes also correct typographical and formatting errors.

Chapter 15 | Office, Commercial and Industrial Districts

Section 15.020 Use Regulations

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

USE CATEGORY	OL	OM	OMH	OH	CS	CG	CH	CBD	IL	IM	IH	Supplemental Regulations
Subcategory												
Specific Use												
RESIDENTIAL												
Household Living (if in allowed building type identified in Table 15-2.5) [bold]												
Single household	P	P	P	P	P	P	P	P	PS	PS	PS	
Two households on single lot	P	P	P	P	P	P	P	P	PS	P-	P-	
Three or more households on single lot	P	P	P	P	P	P	P	P	PS	P-	P-	

Chapter 25 | Special Districts

Section 25.020 AG, Agricultural District and AG-R, Agricultural-Residential District

25.020-B Use Regulations

Table 25-1: AG and AG-R District Use Regulations

USE CATEGORY	AG	AG-R	Supplemental Use Regulations
Subcategory Specific Use			
RESIDENTIAL			
	Household Living (if in allowed Bbuilding type indicated in 25.1-525-1.5) [bold and left-justify]		
Single Household	P/S	P	

4. Definition of Commercial Vehicle

Justification: The zoning code currently restricts the parking and storing of Commercial Trucks in residential zoning districts, but the definition of Commercial Truck is based on a section of the Oklahoma Administrative Code (O.A.C.). The section of the O.A.C. referenced by the zoning code is applicable for vehicle tag registration fees and not for identifying the types of vehicles causing a nuisance in residential neighborhoods. This update clarifies what types of vehicles are restricted from parking in residential areas and provides characteristics that are easily identifiable by code enforcement officers during an investigation.

Chapter 45 | Accessory Uses and Structures

Section 45.130 ~~Parking and Storage of Commercial Trucks~~Vehicles

45.130-A Description

A commercial vehicle, for the purpose of determining compliance with Section 45.130, is any vehicle, including but not limited to a car, van, truck, bus, semi-truck, or tow truck, that includes any of the following characteristics:

1. More than two (2) axles;
2. A cab height greater than eighty-four (84) inches;
3. Any part or attachment to the vehicle capable of exceeding the height of ninety (90) inches;
4. A gross vehicle weight rating greater than twelve thousand (12,000) pounds;
5. An overall length of more than twenty-five (25) feet;
6. A commercial sign or message exceeding four (4) square feet per side; or
7. A tow sling or other device designed specifically to tow another vehicle.

45.130-B Where Prohibited

No ~~vehicle required to be registered as a "commercial truck" pursuant to OAC 710:60-3-91~~ vehicle as defined in §45.130-A may be parked or stored outdoors on a lot within a residential zoning district. This provision is not intended to prohibit the following:

1. Vehicles accessory to permitted non-residential uses and parked on the lot containing the use;
2. Deliveries and pickups by common carrier delivery vehicles or service vehicles being actively used, loaded, or unloaded (e.g., postal service, ~~united parcel service~~UPS, FedEx, et al.) of the type typically used in residential neighborhoods;
3. Recreational vehicles (See §45.150);
4. Vehicles registered to a governmental body or utility provider and used for law enforcement, emergency response, or repair of public infrastructure; or
5. Vehicles accessory to a construction project or an active building or construction permit.

5. Minimum Parking Ratio for Schools

Justification: The Zoning Code has long required excessive amounts of parking for school uses, forcing schools to ask for relief from minimum parking requirements nearly twenty times in the past two decades whenever they propose construction projects resulting in additional square footage or athletic/auditorium seating. In each case, schools have successfully demonstrated that the zoning code requires much more parking than is needed or used, sometimes by a factor of 10. Currently, no high school meets the minimum parking requirement, several by 60-80%. In contrast, every high school would meet the requirement outlined in the proposal, allowing schools more flexibility and reducing the need to ask for relief in the future. These proposed changes reduce the minimum parking ratios for high schools, middle schools, and elementary schools.

Chapter 55 | Parking

Section 55.020 Minimum Parking Ratios

Table 55-1: Minimum Motor Vehicle Parking Ratios

USE CATEGORY	Measurement (spaces per)		CH District and MX District	All Other Districts and PI Overlay [1]	Additional requirements/notes
Subcategory		CBD District			
Specific use					
[1] See Section 20.040 for information on PI Overlay					
PUBLIC, CIVIC & INSTITUTIONAL					
School					
Elementary or Middle	1,000 sq. ft.	0.00	0.65 0.50	0.85 0.75	
Senior High	1,000 sq. ft.	0.00	0.85 0.50*	1.10 0.75*	*plus 0.20 or 0.055 per seat in the largest stadium/auditorium seat, whichever is greater

6. Alternative Compliance Parking Ratios

Justification: Alternative compliance parking ratios can be approved by the Board of Adjustment through its special exception procedures if a parking study is submitted along with the application. The requirements for the parking study are vague and difficult to interpret. The proposed change removes the requirement for a parking study but retains the other approval standards to guide the Board of Adjustment.

Chapter 55 | Parking

Section 55.050 Parking Exemptions and Credits

55.050-K Alternative Compliance

The motor vehicle parking ratios of this chapter are not intended to prevent development and redevelopment or to make development and redevelopment economically impractical. In order to allow for flexibility in addressing the actual expected parking demand of specific uses, alternative compliance parking ratios may be approved through the special exception procedures of Section 70.120 only if:

- ~~1. The applicant submits a parking study demonstrating that the motor vehicle parking ratios of Section 55.020 do not accurately reflect the actual day-to-day parking demand that can reasonably be anticipated for the proposed use based on field surveys of observed parking demand for similar use within the city or on external data from credible research organizations, such as the Urban Land Institute (ULI) or the Institute of Transportation Engineers (ITE);~~
21. The board of adjustment determines that the other allowed parking reduction alternatives of Section 55.050 are infeasible or do not apply; and
32. The board of adjustment determines that the reduced parking ratios proposed are not likely to cause material adverse impacts on traffic circulation and safety or on the general welfare of property owners and residents in the surrounding area.

7. Sign Permits

Justification: This change clarifies that most signs require a sign permit and cites Title 51, Tulsa Revised Ordinances, which establishes the types of signs requiring a permit.

Chapter 60 | Signs

Section 60.020 Prohibited Signs and Sign Characteristics

The following signs and sign characteristics are prohibited except as otherwise expressly stated:

60.020-A Signs for which no ~~required~~ permit that is required under Title 51 of the Tulsa Revised Ordinances has been issued;

8. Dynamic Display Signs

Justification: The zoning code requires a 1,200-foot separation distance between outdoor advertising signs that includes dynamic displays, regardless of the sign type. The intent of this was to provide a buffer between “Off-Premise Outdoor Advertising Signs” (Billboards) that included dynamic displays and not all outdoor advertising signs. Staff believes that was an error carried over from the previous zoning code and the text should include the words “off-premise” prior to “outdoor advertising sign” in Sections 60.100-J and 60.100-K. This proposed amendment will align the text of the code with the intent and application of the regulation.

Chapter 60 | Signs

Section 60.100 Dynamic Displays

60.100-J Any off-premise outdoor advertising sign that includes a dynamic display that was lawfully established before January 1, 2010, must be separated by a minimum distance of 1,200 feet from any other outdoor advertising sign that includes a dynamic display. This spacing limitation does not apply between signs separated by a freeway. The 1,200-foot distance must be measured in a straight line from the center of the subject sign structures, as located on the ground.

60.100-K Except as provided in §60.100-J, any off-premise outdoor advertising sign that includes a dynamic display and that was approved by a permit issued on or after January 1, 2009, must be separated by a minimum distance of 1,200 feet from any other off-premise outdoor advertising sign that includes a dynamic display facing the same traveled way. The 1,200-foot distance must be measured in a straight line from the center of the subject sign structures, as located on the ground.

9. Selection of Native Tree Species

Justification: This change removes references to a plant list and corrects a typographical error to clarify that non-native trees adapted to local growing conditions are acceptable.

Chapter 65 | Landscaping and Screening

Section 65.080 Landscape and Screening Material

65.080-A General

3. Selection

Trees and plants used to satisfy the requirements of this zoning code must:

- a. Meet or exceed the plant quality standards established in the latest edition of the American Standard for Nursery Stock (ANSI Z60.1);
- b. Be native to North America or adapted for growing conditions in the Tulsa area, as determined by the land use administrator; and
- c. Not be artificial plants or plants listed as prohibited species on the recommended and prohibited tree ~~and plant species~~ list.

10. Review and Decision-making Authority Summary Table

Justification: As part of the ZCA-17 amendments effective July 1, 2020, the authority for verifying compliance with spacing and separation distance requirements was removed from the Board of Adjustment and placed with the development administrator through the city's permit review process. The proposed amendment updates Table 20-1 to reflect that the development administrator has the authority to verify spacing and separation distance requirements.

Chapter 70 | Review and Approval Procedures

Section 70.010 Common Provisions

70.010-A Applicability

The common provisions of this section apply to all of the procedures in this chapter unless otherwise expressly stated.

Table 70-1: Review and Decision-making Authority Summary Table

Procedure	Staff	Preservation Commission	Planning Commission	Board of Adjustment	City Council	Public Notice
Zoning Code Text Amendments	R	-	<R>	-	<DM>	N
Zoning Map Amendments (Non-HP)	R	-	<R>	-	<DM>	N,M,P
Development Plans	R	-	<R>	-	<DM>	N,M,P
Site Plans	DM[1]	-	-	-	-	-
Historic Pres. (HP) Zoning Map Amendments	R	R	<R>	-	<DM>	N,M,P
HP Permits	R[2]	DM[2]	-	-	-	-
Zoning Code Interpretations	DM[3]	-	-	-	-	-
Spacing and Separation Distance Verification	-DM[4]	-	-	<DM> =	-	M =
Special Exceptions	-	-	-	<DM>	-	N,M,P [45]
Variances	-	-	-	<DM>	-	N,M
Appeals of Administrative Decisions	-	-	-	<DM>[56]	-	N,M

R = Review body (review and recommendation) | **DM** = Decision-making body (final decision to approve or deny)
 <> = Public hearing required | Hearing Notice: **N** = Newspaper; **M** = Mail; **P** = Posting (signs)

Table 70-1 Notes

[1] Unless alternative site plan review procedure/decision-maker is established by city council at time of development plan approval (see §70.050-C)

[2] Preservation officer (staff) authorized to act on some applications (see §70.070-K)

[3] Development administrator authorized to issue written interpretations

[4] Development administrator authorized to verify spacing and separation distance requirements

[45] Special notice requirements for minor special exceptions (See §70.120-E)

[56] Appeals of administrative decisions on site plans go the planning commission

11. Required Notice for Minor Amendments

Justification: As part of the ZCA-6 amendments effective June 11, 2018, the requirement to post sign notices for PUD minor amendments was removed. When the change was made, the requirement was removed from Section 30.010-I but not Section 70.040-I. This proposed change would delete the sign notification requirements for minor amendments in Section 70.040-I to be consistent with the changes made in ZCA-6.

Chapter 70 | Review and Approval Procedures

Section 70.040 Development Plans

70.040-I Amendments to Approved Development Plans

1. Minor Amendments

- c. Notice of the planning commission's public hearing on a development plan minor amendment request must be provided at least 10 days in advance of the hearing by mailing written notice to all owners of property within a 300-foot radius of the exterior boundary of the subject property. ~~Notice (signs) must also be posted on the subject property at least 10 days before the scheduled public hearing.~~

12. Early-Release Permits

Justification: This change removes the ability for building foundation or earth-change permits to be released prior to the recording of a final plat. Since the adoption of the Tulsa Zoning Code in 2016, the early-release provisions have never been used. The provision is unnecessary because the release of certain permits while platting is already covered through the IDP process.

Chapter 70 | Review and Approval Procedures

Section 70.080 Zoning Clearance and Permits

70.080-B Compliance with Development Regulations

~~3. Early-Release Permits~~

~~Building permits authorizing the installation of a building foundation and earth-change permits may be issued prior to the date that the final subdivision plat or lot split/adjustment certifications or certificates are recorded if the development administrator or land use administrator determines that all of the following criteria have been met:~~

- ~~a. The final plat, lot split or lot line adjustment has been approved by the land use administrator or planning commission, in accordance with applicable procedures of Tulsa Metropolitan Area Subdivision and Development Regulations;~~
- ~~b. All plats or other documents requiring the property owner's signature have been signed by the property owner;~~
- ~~c. The activity for which the foundation permit or earth-change permit is requested complies with all applicable regulations; and~~
- ~~d. Future recordation of all required plats or other documents is reasonably assured.~~

13. Appeals of Administrative Decisions

Justification: The filing requirements in place for appeals of administrative decisions have caused confusion and challenges for applicants. These changes streamline the process by allowing applicants to file appeals directly with the clerk of the board of adjustment and the City Clerk, rather than with the administrative official who issued the decision. The additions to §70.140-A clarify that the appeal procedures of §70.140 also apply to decisions made by the Tulsa Preservation Commission.

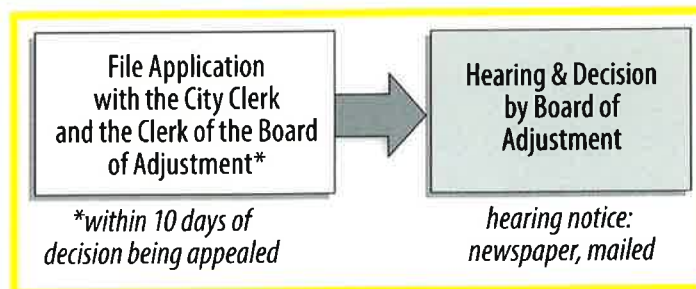
Chapter 70 | Review and Approval Procedures

Section 70.140 Appeals of Administrative Decisions

70.140-A Authority

Appeals of administrative (staff-level) decisions on site plans go to the planning commission (See §70.050-C). The board of adjustment is authorized to hear and decide all other appeals where it is alleged there has been an error in any order, requirement, decision or determination made by the land use administrator, the development administrator or any other administrative official in the administration, interpretation or enforcement of this zoning code. For the purpose of applying the procedures of 70.140 to appeal of any final decision of the preservation commission (See §70.070-L), the final decision of the preservation commission is deemed an administrative decision and the preservation commission is deemed an administrative official.

Figure 70-7: Appeals of Administrative Decisions (Generally)



70.140-C Application Filing

1. Complete applications for appeals of administrative decisions must be filed with the ~~land use administrator~~ city clerk and the clerk of the board of adjustment, who will forward it to the administrative official who made the decision being appealed.
2. Appeals of administrative decisions must be filed within 10 days of the date of the decision being appealed.

14. Special Trafficway / Scenic Drive

Justification: When the Tulsa Major Street and Highway Plan was updated in 2018, the "Special Trafficway" designation was renamed "Scenic Drive." This change updates the name and clarifies that a scenic drive is an arterial street.

Chapter 95 | Definitions

Section 95.040 Terms Beginning with "A"

Arterial

A street designated on the major street and highway plan as an arterial, parkway or ~~special trafficway~~scenic drive.

REVIEW OF MOTIONS

Prepared by Austin Chapman, achapman@incog.org, 918.579.9471

Item

Review of making motions during Board of Adjustment hearings.

Background

Due to the number of new Board members this is a time to review the process of making motions during BOA hearings.

Staff Recommendation

No action must be taken though the board may use this time to practice motion making and ask any questions of staff regarding the proper way to make motions.

Attachment(s)

Copy of the Policies and Procedures for the City of Tulsa Board.

**GENERAL POLICIES AND
RULES OF PROCEDURE
BOARD OF ADJUSTMENT OF THE CITY OF TULSA**

SECTION I - RULES OF PROCEDURE

A. Name

The name of this board shall be "Board of Adjustment of the City of Tulsa", hereinafter referred to as the "Board".

B. Membership

The Board shall consist of five members, who shall be appointed by the Mayor and confirmed by the City Council. Members of the Board shall serve without pay for a term of three years and shall continue to serve until their successors are appointed. Vacancies shall be filled for an unexpired term of any member in the manner set forth for appointments to a full term.

C. Removal

A Board member may be removed for cause by the City Council after notice, written charges and a public meeting. Three consecutive absences from regular and/or special called meetings, or absences totaling 2/3 of the regularly called or special called meetings held during any six month period, shall be sufficient cause for removal from the Board.

D. Officers

The Board shall elect annually from its appointed members a Chairman, a Vice-Chairman and Secretary. The Vice-Chairman shall serve as Chairman in the absence of the Chairman. Any vacancy in office shall be filled by the Chairman for the unexpired term only. The election shall take place on the first regularly scheduled meeting of the Board in the month of June.

- 1) The duties of the Chairman shall include:
 - a) Presiding over meetings with all powers under parliamentary procedure, unless the Chairman designates another member to preside;
 - b) Signing official documents of the Board;
 - c) Appointing a Vice-Chairman and Secretary in the event the said officers are absent from the meeting.
- 2) The duties of the Vice-Chairman shall include:
 - a) Presiding over all meetings in the absence of the Chair and shall have full powers of the Chair in matters that come before the Board; and
 - b) Assuming the duties of the Secretary in the event that the Secretary is absent from the meeting.

- 3) The duties of the Secretary shall include:
 - a) Assuming duties of the Chair in the event that the Chair and Vice-Chair are absent from the meeting; and
 - b) Collecting and stamping exhibits of each meeting for the official record.

E. Quorum

A numerical majority of three Board members shall constitute a quorum for the conduct of any Board business.

F. General Procedures

1. If inclined, the Board may grant a continuance of a scheduled public meeting at the request of the applicant, interested parties, or Board staff.
2. A motion to reconsider any action of the Board can be made by a Board member who voted for the prevailing party.
 - a) The Board may take a vote to reconsider an action of the Board during the meeting or at the next regularly scheduled meeting of the Board.
 - b) The action to be reconsidered will be placed on the subsequent meeting agenda and written notice must be given to all interested parties at least five working days in advance of the scheduled meeting.
3. When the public wishes to communicate with Board members, the appropriate way is through a letter or e-mail correspondence to Board staff, who will in turn distribute it to the Board members.

G. Public Meeting Procedures

1. The Board shall consider only public meeting items which have been properly advertised as required by law and only those where all fees have been paid, including fees for legal advertising.
2. During the public meeting the Chair reserves the right to modify the order of business as appropriate; however the following order of business for regular meetings shall normally be as follows:
 - a) Staff will announce the case by reading the item number, case number and applicant's name.
 - b) Staff will read the location of the subject tract and the action requested from the case report.
 - c) The Chairman will ask if the applicant is present and if there are any protestants or interested parties. If it is necessary, the Chair may set a time limit for each speaker.

- d) The applicant will be given time to present his/her case. If the applicant presents a site plan and/or written land use proposal significantly changed from that submitted for Staff review, (determined by Staff and Board at the time of the presentation) such action is considered grounds for continuance.
 - e) Protestants and interested parties will be given a chance to speak in support or opposition to a case.
 - f) The applicant may be allowed time for rebuttal; however, any Board member may make a motion at any point in time when he/she feel they have sufficient information to do so.
3. A second is required on all motions in order to bring the question to a vote of the Board.
 4. Three affirmative votes are required to approve all variances, special exceptions, land use spacing verifications and appeals of administrative officials.
 5. No variance may be approved unless the Board determines that the all the facts required by Section 70.130-H have been established.
 6. No special exception may be approved unless the Board makes each of the findings required by Section 70.120-G.

H. Meetings

1. The Board shall generally meet only on the second and fourth Tuesday of each month in a designated location in accordance with its approved calendar.
2. Special public meetings or work sessions may be held on approval by the Board Chair or a majority vote of the Board upon 48 hours notice.
3. The meeting agenda must be posted at least 24 hours in advance of the meeting for all regularly scheduled and special meetings and work sessions.
4. Board staff will make every effort to post the meeting agenda 6 days in advance of all regularly scheduled meetings, work sessions and special meetings.

I. Release of Information

No Board member or staff member shall use or transmit to others for private benefit any information derived from Board activities unless and until such information is made available to the public at large.

SECTION II – GENERAL POLICIES

A. Spacing and Separation Distance Verification (Supporting Information)

Applications for Spacing Verification between outdoor advertising signs shall include a certified survey demonstrating compliance with Section 60.130-C of the Zoning Code.

Applications for spacing or separation verification between a use, structure, or development feature shall include a parcel map drawn to scale showing distances between buildings or structures and zoning district boundaries or property lines accompanied by an inventory of current uses located within the required radius. If the spacing requirement cannot be clearly demonstrated on a parcel map the Board may require the Applicant submit a certified survey.

B. Letter of Deficiency (LOD)

An official Letter of Deficiency issued to the Applicant from the City of Tulsa shall accompany each application to the Board for a variance, special exception or other relief, provided that the Board Staff may waive the requirement that an LOD accompany an application when in the opinion of the Board staff it is unnecessary.

Where the LOD requirement has been waived, the Applicant shall be responsible for citing in the application the necessary relief and the sections of the Zoning Code pertinent to that relief. The waiver of the requirement that an LOD accompany the application shall not be considered a waiver of the necessity to apply for a building permit or a zoning clearance permit, as may be required by the particular proposed use or construction.

SECTION III - CODE OF ETHICS

A. Conflict of Interest

Each member of the Board shall avoid situations which create conflicts of interests. The possibility, not the actuality, of a conflict of interest should govern. In deciding the matter, the Board member should consider the question, "Would a reasonable person believe me to be unbiased and impartial".

1. A conflict of interest shall include, but not necessarily be limited to, the following:
 - a. Deliberating on, voting on or reviewing a case concerning property owned by a Board member or property which is adjacent to or within 300 ft of property owned by a Board member;
 - b. Deliberating on, voting on, or reviewing a case involving a corporation/organization, or any other entity in which a Board member may stand to have an economic or other personal interest;
 - c. Deliberating on, voting on or reviewing a case concerning a Board member's spouse or child, any member of a Board member's immediate family or any member of his/her household.
2. A Board member experiencing a conflict of interest shall not discuss the agenda item with any fellow Board member involved in decision making on the matter for the purpose of influencing a decision.

3. A Board member experiencing a conflict of interest shall publicly declare his/her intention to abstain, abstain from voting on the matter, and refrain from any deliberations on the matter. When possible, the Board member shall leave the public meeting room, until the agenda item is concluded.

B. Ex Parte Communication

Board members shall avoid ex parte discussion about cases where a decision is before the Board. In the event that a Board member receives ex parte communication, the Board member must disclose such ex parte communication prior to or at the public meeting of said matter. If in writing (letter, e-mail, text etc.) the communication shall be transmitted to Board staff, who shall publish the communication to each Board member, and include the communication in the permanent case file.

Date Approved JULY 14, 2016


Chairman

ATTEST:


Secretary