Item
Public hearing to provide a recommendation to the Board of County Commissioners regarding adopting the update to the Tulsa County Zoning Code.

Background
The Tulsa County Zoning Code was first adopted in 1980. Through the years, amendments were made but the structure and basics of the code remained unchanged over the years. In July 2021, Duncan Associates, was retained to help lead the code update effort.

Once the new code format was created, a Technical Team was formed to review the initial draft. The Technical Team consisted of staff members from Tulsa Planning Office, Tulsa County Inspections Department, and an attorney from the Tulsa County District Attorney's Office. Suggested edits were submitted and discussed during virtual meetings. Changes included adding regulations governing Marijuana-related uses, revising accessory building size regulations, adding two new "RS" districts (RS-1 and RS-2), incorporating new animal-keeping regulations in residential districts, and the addition of RV-living and accessory dwelling unit (ADU) regulations. The Technical Team also helped proofread, and review content for accuracy between the old Code and the updated Code.

The next step was the creation of a Work Group to serve as a sort of "sounding board" for review and discussion of key code changes before releasing a draft for public review. Each County Commissioner recommended three people to be a part of the Work Group. The group met in-person a total of five times and provided helpful feedback on a variety of issues, particularly as related to ensuring that the new code is not overly burdensome on farmers and rural landowners.

On August 17, 2022, the consultant presented an update of the progress on the Tulsa County Zoning Code at a Work Session. A link to the draft of the document was later emailed to the Planning Commissioners so they could review the document and provide feedback at the Work Session meeting on October 5, 2022. During the second work session, the consultant, Kirk Bishop, gave a presentation of the draft of the Tulsa County Zoning Code update.

The draft was open for public review and comments from October 7-21, 2022. The public was notified through various methods including emails to residents of unincorporated Tulsa County who subscribe to Tulsa Planning Office and the County Commissioners email lists, a press release was issued and Fox 23 and Channel 6 featured stories about it, Tulsa Planning Office created a webpage that directed interested parties to the review draft, Tulsa County shared the information on their News and Inspections webpage, and a link to the draft was posted on the Facebook pages of Tulsa Planning Office and Tulsa County.

The consultant gave a presentation at the November 16, 2022, Panning Commission meeting. The Commission voted to continue the item to December 7, 2022, to allow more time for review and to understand any remaining issues. At the December 7th meeting, Planning Commission requested that the latest draft be sent back to the Work Group for a final review. Two Work Group members replied, one with comments and NAIOP also provided a letter with comments (attached). A summary of all comments, with those highlighted since the last meeting, and the January 10th, 2023 Public Hearing Draft are provided as attachments to this staff report.

Staff Recommendation
Staff recommends that TMAPC recommend approval of the Tulsa County Zoning Code update.

Tulsa County Zoning Regulations Update

Public Comments

Updated 01-10-2023

The following table summarizes the substantive comments received on the public review draft of the county's updated zoning code, as well as the (consultant/staff) technical team's responses to those comments. Red underlined text indicates a change made in response to comment. Non-substantive comments (e.g., typographic errors) are not listed in the table. Yellow highlights in table indicate comments received at or after the December 7 (2022) TMAPC meeting.

No.	SECTION	PUBLIC COMMENT	Response
1	1.020 Statutory Authority	Typo in the statute number. It should be Title 19, Section 863.1 et seq., (NOT Section 868.1)	Agreed. The reference to "868.1" reflected an older version of the statutes and was in error. The draft has been revised to update the reference.
2	1.040 Applicability and Jurisdiction	Does this section say that certain bodies (i.e.: government bodies) would be exempt from adhering to the zoning regulations? "the extraction of minerals" should be deleted from subsection B. This stems from statutory language of 868.11 and is not in the corresponding language of 863.13	Subsection A states the county's zoning regulations do not apply to lands within cities (incorporated areas) Agreed. Mineral extraction was exempt from local zoning under an older version of the statutes but is not exempt under current state statutes, The draft has been revised accordingly.
3	1.040 Applicability and Jurisdiction	Will new regulations be retroactively enforced on existing businesses?	Nothing in this code will be retroactively enforced on existing businesses (assuming they were lawfully established).
4	1.040 Applicability and Jurisdiction	Do HOA restrictions take precedent over county zoning regulations?	Yes, HOA restrictions do take precedence if they are more restrictive than these zoning regulations (See 1.080-C).
5	Table 2-2 Residential Building Types (in A Districts)	Why is single-section manufactured housing unit - SPECIAL EXCEPTION and multi-section manufactured housing unit - PERMITTED in AG-R district? I find single-wide a SPECIAL EXCEPTION for AG-R in current county zoning code, but I do not find reference to multi-wide in current county zoning code. Is the difference based on average size of living space of single vs. multi-section, or something else? The response that there is no change [should be carefully reviewed], specifically related to current	As you note, single-wides (now single-section) are currently a special exception and the county's practice has been to permit double-wides as of right. So, this just clarifies existing practice. Both single- and multi-section are defined in the definitions article under "manufactured housing" Again, the regulations proposed here reflect current county practice. While the existing zoning code allows manufacturing housing units in AG and AG-R districts only on a temporary basis, the new code removes the requirement for removal of the temporary unit within two years of placement. No change has been made to draft.

No.	SECTION	PUBLIC COMMENT	Response
		practice. Also, recommend Temporary Units continue to be permitted during construction of a residence without any additional relief.	
6	Table 2-2 Residential Building Types (in A Districts)	Why does a detached house and one single section manufactured housing unit in AG-R require Special Exception approval, but a detached house and one multi-section manufactured housing unit is "Permitted"? Shouldn't they both be "S"?	This is the same regulation that applies under the county's current zoning code.
7	Table 2-2 Residential Building Types (in A Districts)	So, this means you are allowing more use of manufacture homes in the unincorporated areas? Why the change?	This is the same regulation that applies under the county's current zoning code. Manufactured housing units are allowed in the same districts as today.
8	Table 2-3 Agricultural District Lot and Building Regulations	Where is minimum lot width measured? If a minimum frontage on maintained public road is 30 feet, then is the minimum lot width not met?	The measurement of lot width is explained in Sec. 18.050 of the proposed code. It's basically the average distance between the side lots lines along the entire depth of the lot. This is the same as today (not a change).
9	Table 3-2 Residential Building Types (in R Districts)	If a manufactured housing unit, single-section is a Special Exception, then why doesn't that requirement apply to all manufactured housing unit, multi-section?	This is the same regulation that applies under the county's current zoning code. The updated code isn't changing how (manufactured or stick-built) residential dwelling units are allowed.
10	Table 3-3 Residential District Lot and Building Regulations	In Table 2-3, minimum lot area is 2 Acres for AG and 1 acre for AG-R, however, RE in Table 3-3 minimum square feet is 22,500 sq ft which is 0.516 acres. Should RE minimum sq ft be 43,560 sq ft which equals 1 acre?	No, all the minimum lot area regulations referred to are correct. They are the same regulations that apply today.
11	5.0202-D.3.	Recommend permitting off-premises outdoor advertising signs in PUDs generally, especially if they would otherwise be permitted by the underlying zoning.	Outdoor advertising signs (billboards) have always been prohibited in PUDs (see existing 1130.2-B.2) and that remains true under the proposed code. No change has been made to draft.
12	5.030 FD Floodway District	The language from the old code was inserted directly into the new code. Recommend defining "temporary amusement enterprises" which is a permitted SE use. It appears in both codes but is not a defined use.	As, noted, the existing Floodway District regulations have been carried over verbatim from the current code. A future text and map amendment is anticipated to eliminate this district since the regulations are no longer needed because generally applicable flood prevention regulations now apply countywide. In the very unlikely event that a "temporary amusement enterprise" is proposed on FD-zoned lands before the district is eliminated, the board of adjustment will have an opportunity to interpret what constitutes an appropriate temporary amusement

No.	SECTION	PUBLIC COMMENT	Response
			enterprise as part of the special exception process. No change has been made to draft.
13	5.030 PK, Parking District	I think eliminating parking regulations is a bad idea.	Elimination of parking regulations is NOT proposed. The draft zoning merely proposes the elimination of the "PK" zoning district, which has never been used. Parking requirements are in Chapter 10 of the updated zoning code.
14	Chapter 6 Allowed Uses and 6.020-D	Recommend keeping Use Units. The new code is structured like the 2016 City of Tulsa Zoning Code with generalized use categories. The category system leads to more ambiguity, less certainty for users, and greater need for Code interpretations by County Inspections. Under the current code, the board of adjustment is authorized to determines [sic] how to classify unclassified/undefined uses. Under the current code, the county inspector is authorized to make this determination. Recommend keeping board of adjustment as interpreting body. Generalized use classifications present a higher likelihood of interpretations by inspectors, particularly when that authority has been diverted to inspectors rather than the Board of Adjustment as later noted in the County revisions. For both the Tulsa County and City of Tulsa Zoning Code, we would ask that allowed uses be defined specifically or revert back to use units as previously included in the Code. In determining the suitability of a category for an unclassified use, we would ask that the Board of Adjustment The overarching concern is the presumed accuracy of a county inspector in their interpretation of the Code. We appreciate the intent to allow flexibility or decision-making on an ad-hoc basis, however; this presents significant risk for the marketplace without any posted guidance.	Replacement of the antiquated use-unit system was one of the reasons to initiate the county zoning code update project. Moreover, reverting back to the UU system at this time would be a major undertaking and result in significant delays in the project timeline. No change has been made to draft. Authorizing staff classification/use category determination will result in a more streamlined process for applicants. (since there will be no need to await a board of adjustment meeting date for such determination). Those aggrieved by the county inspector's determination have the right to appeal the decision to the board of adjustment, in which case the board of adjustment will be the "interpreting body." No change has been made to draft.

No.	SECTION	PUBLIC COMMENT	Response
		or Planning Commission be the venue for interpretation.	
15	Table 6-1 Use Table	Short-term rentals (STRs) should be "S" not "P" in all R zoning districts	Permitting STRs as of right is thought to be a reasonable approach. (Note: they are permitted by right in CoT R districts)
16	Table 6-1 Use Table	Building or tower-mounted antennas should be an "S" not a "P"	Permitting building and tower-mounted antennas by-right outside of R districts is consistent with the current zoning code. Note: there are also federal regulations governing the types of telecommunications equipment that must be allowed by right (administrative approval).
17	Table 6-1 Use Table	Why isn't Grooming in AG an "S"?	Because it's not allowed today. Note: any use not currently shown as a "P" or "S" can be approved by the Board of Adjustment as a use variance.
18	Table 6-1 Use Table (Marijuana-Related Uses)	1. Recommend permitting grower operations by SE in CH and maybe CG as well. 2. Recommend permitting low-impact processing by right in AG, CG, CH; permitting by SE in CS. This really is not an industrial use. 3. Recommend permitting moderate-impact processing by right in AG, IL and by SE in CH, maybe CG as well – perhaps depending on size of operation. 4. Recommend permitting high-impact processing by right in IM and by SE in AG, IL – perhaps depending on size of operation. 5. Allow low-impact processing by right in CS, CG & CH. 6. Allow medium-impact [sic] by right in CG & CH.	The technical group and citizen work group devoted considerable time to consideration of marijuana-related regulations. No change has been made to draft.
19	7.060 Marijuana-Related Uses	Is this trying to prevent grow operations or are we having to comply with state law.	No, not trying to prohibit. The draft code permits grow operations and other marijuana-related uses, subject to a few reasonable conditions.
20	7.140-E Sexually oriented material may not be displayed to be visible from outside the building in which the use is conducted.	This is way too vague	"Sexually oriented materials" are defined in Sec. 6.050-N2. Not sure of what's meant by the reference to vagueness. .
21	7.150 Short-Term Rentals	These regulations will have unintended consequences that I do not think you have through thru very well.	We welcome additional questions and clarifications about the alleged "unintended consequences."

No.	SECTION	PUBLIC COMMENT	Response
22	7.190-A Purpose (Wireless Communications)	This Purpose statement represents a wholesale gutting of the existing Code. Allowing EMTs to watch moves in 4K on their phones does not improve health and safety. The proposed statement strips any protections for those who will be forced to live near a tower.	The telecommunication tower regulations of this draft are the same as apply today. Moreover, the county is barred by federal law from denying the ability to site telecommunication equipment based on electromagnetics or similar safety concerns.
23	8.010-E Compliance with Lot and Building Regulations	Storage containers, if we mean the steel shipping boxes carried on ships, trains, and semi-tractor-trailers, are not taxed as buildings because they are, by definition, portable.	Thank you for clarifying. No change has been made to draft.
24	Table 8-1 Accessory Building Coverage, Height, and Setback Regulations	Shouldn't the maximum height for an accessory building on a lot over one acre be 35 feet, like the limit on the house height?	Additional building height seems reasonable in more rural (larger lot) settings. The regulations in the draft have been revised from today's code in light of the fact that the BoA routinely waives or varies existing requirements that apply to accessory buildings.
25	8.040-C.2 Number of accessory dwelling units allowed	I have 11 acres on the Tulsa/Okmulgee County line. I already have one barn (30x30) and I would like another. On the size of my property, a one building limitation is ridiculous and it's overreaching, and I don't think that you should be able to tell me how many buildings that I can have on my own property.	This provision applies to accessory DWELLING UNITS, not barns or other accessory buildings. The updated code does not limit the ability to place multiple barns or accessory buildings on farm properties.
26	Table 8-2 Animal Unit Equivalencies	Who came up with these equivalencies? 3 horses per acre in AG-R is way too many unless you want them living on a dry lot/dirt. In some cases, even 1 horse per acre is too many if much of the acreage is taken up by the house, roadways, accessory buildings, barns, etc. Horse density is way too high.	Animal unit equivalencies come from Dept of Agriculture. The county's existing regulations do not currently address the keeping of horses outside of the AG district, although there are many instances of horses being kept on such properties today.
27	8.130-B.1.b Chickens and Domestic Fowl	"…if all animals are owned by the subject property owner" should be stricken from subsection.	Yes, this language was in error and should not have been included. The draft has been revised to remove this language.
28	8.130-B Chickens and Domestic Fowl	Why not allow free-range chickens in AG-R or R? Should allow them to free range and put them up at night.	The code does NOT prohibit outdoor/free-range chickens if they are kept in a fenced area.

No.	SECTION	PUBLIC COMMENT	Response
29	Table 8-3: Bird Unit Equivalencies	Equivalent bird units is crazy. If you own 10 acres of AG-R or R, you can have 320 chickens! If you have 320 chickens, then you are producing chickens and/or eggs as a business not for personal use.	The code could impose an absolute cap on number of chickens, but such a cap is not thought to be necessary. It is important to note that running such a "business" is not allowed in AG-R and R districts, so there are other factors that would prevent such a large chicken-keeping operation. Also, there a very few 10-acre or larger parcels in existence in AG-R or R districts.
30	8.130-Bb. "The keeping of roosters and on-site slaughter is prohibited"	This rule is more restrictive than City of Tulsa, which allows 1 rooster. Please reconsider and allow at least one rooster. We need the ability to reproduce our chickens, if necessary. The fact that Tulsa County is trying to become more restrictive than cities and other counties needs to be addressed.	The keeping of roosters *is* allowed on AG-zoned lands, which represents the vast majority of unincorporated Tulsa County (est. 95%+). The rooster prohibition applies only in AG-R and R districts. The keeping of roosters (as well pigs and goats) in R-zoned areas is a common source of complaints fielded by the county inspection office. It is rare for zoning codes to allow roosters (or poultry slaughtering) *in residential districts*. No change has been made to draft.
31	8.160 Recreational Vehicle Living	So, the person has to get permission from the county to live in their RV for an extended period of time? So, Tulsa County wants to increase homelessness?	Living in RVs is currently prohibited in the county, so this is, in fact, a more lenient approach.
32	9.040-A Permitted Temporary Uses	Three years ago, we were instructed by inspections to go before the BOA for the approval for our seasonal pumpkin patches. Am I understanding that the new zoning regulations would not require that same process, rather the county inspector will either approve or deny our pumpkin patch? This section also does not mention if this is a yearly approval, or every 5-year approval process like our current scenario with the BOA? Also doesn't mention the need for an application or costs. Can you please clarify and provide the details to this section as it relates to our pumpkin patch and the exact protocol that will be in place? I have peeked at City of Tulsa Zoning Code to see how it specifically addresses pumpkin patch sales, and I did not see that specific wording mentioned like it is in the proposed Tulsa County Hearing Draft. With Pumpkin Town Farms being in city limits, I am	The current county zoning code classifies most common temporary uses as "area-wide special exception uses" (UU2). The new code authorizes the county inspections office to approve common temporary uses administratively or refer such use requests to the BoA, so this is a proposed streamlining measure. Fees and application submittal requirements are not changing and are not codified in the new code (or in the existing code). Since there seems to be concern that administrative (staff) approval could be burdensome or arbitrary, new provisions have been added authorizing applicants to seek approval from the board of adjustment if desired. This will ensure that applicants have the same rights under the new code as exist under today's code should they wish to forgo the proposed administrative approval option provided under the new code.

No.	SECTION	PUBLIC COMMENT	Response
		curious to know how City of Tulsa handles their approval. Thank you for addressing these points as lined out in my 5th concern. Correct, no BOA approval for such use.	
33	9.040-B Temporary Mobile Storage Units	Proposed regulations governing size of containers; time limits on use and number of containers allowed don't work and will cause multiple challenges for local businesses and property owners.	The draft regulations have been revised to remove the temporary mobile storage unit regulations of Sec.9.040-B and 9.040-C. In lieu of those regulations, the updated draft will expressly state (in Sec. 8.050) that storage containers are permitted as accessory buildings, subject to compliance with applicable accessory building regulations. These revisions are intended to ensure that the updated code follows current county practice.
34	9.040-B Temporary Mobile Storage Units	If I understand, the section 9.040 referencing storage containers has been deleted. Also, if I understand, the storage containers are now considered accessory storage as subject to those regulations in Sec. 8.050. We have never had a complaint in 12+ years, from the Wekiwa Hills neighborhood behind us at our Sand Springs site, yet in this section, if we were switched to conforming status, we would be subject to putting up a fence behind our lot? Another restrictive and costly expense for small business. Also, to follow up from a comment I made during the public review comment period….there are close to 8 wood portable buildings next to our Sand Springs lot, and yet there are no restrictions in place for those portable buildings, just still a stipulation of erecting a fence to block containers from the view of an R district as stated in Sec. 8.050.	Visual screening of accessory storage areas and buildings from R districts is required only if when such areas or buildings are located in Industrial zoning districts, which is an existing code requirement. The new code text in Sec. 8.050 has been revised to clarify this point. And yes, the previous Sec. 9.040 RE temporary containers has been deleted. The clarifying statement that "Storage containers are considered accessory buildings and are subject to the same regulations as all other accessory buildings" has been moved to Sec 8.010-E.
35	9.050-B Fireworks Retail Sales (Temporary Use) [Note: this provisions has been moved to 9.040-B]	The regulations in this section should apply only to temporary stands and tent locations. Indoor buildings should be exempt. Permits should be for 5 years rather than 3. Year-round sales are allowed by state and should be permitted in the zoning code.	The regulations in this section apply only to fireworks retailers and are consistent with state law and existing county zoning practice. By OK law, year-round sales of fireworks are allowed only for licensed manufacturers, distributors or wholesalers. Those uses are not eligible for temporary use approval, but instead require the appropriate zoning for "high-impact manufacturing and industry" or "wholesale sales and distribution" uses, respectively. See Table 6-1, Sec. 6.060-D, and Sec. 6.070-C.

No.	SECTION	PUBLIC COMMENT	Response
36	9.050-B Fireworks Retail Sales (Temporary Use) [Note: this provisions has been moved to 9.040-B]	Can you confirm that our two indoor buildings are not subjected to Sec. 9.050-A and 9.050-B, the wording still says "ALL" fireworks retail sales or "ANY" structure. We have been told verbally this doesn't pertain to our indoor facilities, just applies to temporary structures, but again want to make sure I understand correctly. It would be ideal in our case to add the wording "unless otherwise permitted by the State of Oklahoma"	These provisions have been revised to say that the temporary fireworks retail sales regulations apply to all fireworks retail sales uses conducted by a licensed fireworks retailer outside of a completed enclosed building. These regulations do not apply to fireworks retail sales conducted by licensed fireworks manufacturers, licensed fireworks distributors, or licensed firework wholesalers when conducted in a completely enclosed building.
37	11.030-E Temporary Signs	Opposed to proposed restrictions on temporary signs and banners. Should not require permits. Regulations will be difficult to enforce.	The draft regulations have been simplified and relaxed. These revised "temporary and ancillary" sign regulations no longer impose time-limits on such signs and expressly state that permits are not required.
38	Table 14-1 (RE Public Notice Requirements) And Sec. 14-090-E	Table 14-1 requires an applicant to provide written notice of site plan and administrative adjustments. Recommend applicants are not responsible for notice of any kind.	Agreed. Sec. 14.090-E has been revised to remove requirement for applicants to provide notice of administrative adjustment filing. Note: No notice is required for site plans. The inclusion of footnote "[2]" in the Site Plan row of Table 14-1 is a typo. The footnote has been removed.
39	14-010-E Neighbor Communications	Why is this required?	This provision merely states current practice. It is intended merely as an early "heads-up" for applicants who may not be aware of the expectations of review/decision-making bodies. Boards and commissions request neighborhood communications for the reasons stated in Sec. 14-010-E.1 (a-c).
40	14.020-A Zoning Regulation Text Amendments	Should the code allow for correction of non-substantive text errors without a public hearing? Note: this was not a public comment.	The draft regulations have been revised to authorize the correction of non-substantive typographical and formatting errors without following the formal text amendment process.
41	14.020-A Zoning Regulation Text Amendments	Based on [proposed] wording, it appears the Land Use Administrator is authorized to initiate any type of text amendment, not just formatting/typographical errors. Recommending deleting "or the land use administrator" from the end of the first sentence. The 2nd sentence provides the necessary language.	Your reading of this provision is correct. Under the proposed code, the land use administrator *is* authorized to propose substantive zoning text amendments and to correct scrivener's errors. This does not represent a change of current practice. No change has been made to draft.
42	14.040-I Amendments to Approved Development Plans	Need to add the following to the list of changes that may be processed as minor amendments to an approved PUD: • The addition of an approved use may be permitted, provided the underlying zoning on	The draft regulations have been revised to include this expanded list of changes that may be processed as minor amendments to an approved PUD development plan.

No.	SECTION	PUBLIC COMMENT	Response
		the particular site within the PUD would otherwise permit such use as by right or special exception and the proposed use would not result in any increase of incompatibility with the present and future use of nearby properties. • Increases in the number of dwelling units, provided the approved number of dwelling units is permitted by the underlying zoning and the density of a development area is not increased more than 15%. • Increases in permitted nonresidential floor area, provided the increased floor area is permitted by the underlying zoning and floor area of a development area is not increased more than 15%. • Changes in points of access, provided the traffic design and capacity are not substantially altered. • Changes in structure heights, building setbacks, yards, driveway coverage measured by width, square footage or percentage of the yard, open spaces, building coverage and lot widths or frontages, provided the approved PUD development plan, the approved PUD standards and the character of the development are not substantially altered. • Home occupations that comply with the regulations of Section 8.120.	
43	14.050-A & D	Site Plan approval is required before issuance of ANY permits for development or construction; whereas 14.050-D requires approval only prior to building permit issuance. Which is correct - would an earth change permit not be permitted prior to Site Plan approval?	The site plan provisions of this section are a part of the development plan process and apply only to PUDs and projects for which property owners elect to submit a development plan with a rezoning request. Sec. 14.050-A has been revised to clarify this point and to ensure consistency with Sec. 14.050-D.

No.	SECTION	PUBLIC COMMENT	Response
44	14.060-D Platting Requirement	Do we really need the platting requirement to apply to all these Special Exceptions? We removed Bed and Breakfast from the City Code and in the city it only applies to Outdoor Assembly and Entertainment. I would also be inclined to pick exactly what Group living and "Public, Civic and Institutional Uses" would trigger it.	The list of uses subject to platting under this section is actually much reduced from the current code. The draft regulations have been revised to remove bed & breakfasts uses.
45	14.070-F	Rather than have an official record of interpretations available only for inspection (assuming hard copy form), would it be more practical to have that document either (i) posted online as a reference in conjunction with the Code or, (ii) as an appendix to the Code itself?	The presumption that the official record of interpretations is or will be available only in paper (hardcopy) form is incorrect. As formal interpretations are issued, they will be made available on the Tulsa Planning Office website, as is the case today. http://tulsaplanning.org/resources/plans/zoning-code-interpretations/
46	14-100-B Authorized Variances	Should prohibit variances that "waive, modify or amend any definition or use classification."	Respectfully disagree. Adding that prohibition would constitute a major change from current county practice.
47	15.010-K Appeals to District Court	Is there statutory authority for requiring that the BoA provide notice to surrounding property owners when appeals are taken to District Court and that appellants pay notification costs? Note: this was not a public comment.	The draft regulations have been revised to remove requirements calling (1) for notice to be provided to surrounding property owners and (2) for appellants to pay the costs f such notification. Note: this change is intended to make the provisions consistent with Oklahoma Statutes.
48	15.0202 Code of Ethics	I stated in the public hearing, a lot of power is given solely to the land use administrator and/or county inspector, The Code of Ethics section in 15.020 should also include the names of those two positions. If there is a violation or concern that the land use administrator and/or county inspector is not able to handle an interest fairly, they should abstain from the matter. If this concern cannot be addressed specifically in section 15.020, it would be in the best interest of Tulsa County to address the significant amount of power given to these two positions.	Sec. 15.0202 (Code of Ethics) now applies to elected and appointed officials (TMAPC and BoA). This section has been revised to include any "administrative officials" with decision-making authority, which for purposes of the new code would include the land use administrator and county inspector.
49	Figure 16-1 Detached House on Nonconforming Lot in R District	There appears to be a typo – the figure states a minimum of 50% of the lot must remain as open space. However, Section 16.020-B does not have that requirement and says nonconforming R lots do	Thank you. The figure was in error and has been removed.

No.	SECTION	PUBLIC COMMENT	Response
		not need to comply with open space requirements at all.	
50	16.040-B.2 Nonconforming Uses	…since December 2020, the inspections office has required our Sand Springs facility to switch our occupancy type every time we transition from our indoor inflatable birthdays to fireworks sales. With these new zoning changes, if I understand this section correctly, it will switch our Sand Springs site from nonconforming to conforming when we conduct our next occupancy change. …this wording is not exactly the same as compared to the present zoning document, yet no words are highlighted in red. As a solution, that would not adversely affect our nonconforming status, I would propose the opportunity for a section on dual-occupancy status…[which] would allow for us to continue operating indoor parties off season, while continuing with seasonal fireworks sales in June/July and December, thus not subjecting our 12-year-old building to conforming status.	The new code's prohibition on re-establishment a nonconforming use (N/C) once such use is replaced by a conforming use mirrors the existing code (at Sec. 1420-C), which states "A nonconforming use of a building, or building and land in combination, if superseded by a permitted use, shall not thereafter be resumed." The new code's language was not shown as a change because its substantive effect is the exactly the same as the existing code. The issue raised in this comment (temporary replacement of nonconforming use) is not caused or exacerbated by the new code. Nonetheless, the text of Sec. 16.040-B.2 has been further revised to allow re-establishment of a nonconforming use after such use is temporarily replaced by an approved temporary use. Moreover, provisions have been added in 16.040.3 expressly authorizing the BoA to approve a special exception for re-establishment of a nonconforming use after being replaced by a conforming use. These changes result in the new code being far more flexible than the current code.
51	16.040-F Nonconforming Use of Unimproved Land	This specifically eliminates the required termination schedule currently included in 1410, citing that "the time frames for termination have long passed." Recommend keeping in the termination schedule. The new code makes the assumption that there is no more nonconforming use of unimproved land and thus, all timeframes have expired.	The amortization schedule established in the current code states that nonconforming uses of unimproved land that were in existence before September 15, 1980 cease by September 15, 1985, a date that *has* long since passed. Reinstituting an amortization (required termination) clause for lawfully established uses is not recommended. No change has been made to draft.
52	Chapter 17 Enforcement	Is there is a way to fine property owners that violate some kind of a maintenance clause.	Property maintenance codes are not typically part of zoning regulations.
53	Chapter 17 Enforcement	Will it just be the "squeaky wheels" that the enforcement and penalties are placed on, or are inspectors going house to house and business to business to make sure no stone is un-turned and everyone is following the same requirements and rules?	"Enforcement" efforts are currently complaint-based and will be in future, as is true in most jurisdictions.

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54	17.040-A Fines	Please advise how 17.040-A will be enforced? Is this something that needs to be added to the zoning code, so that citizens understand that specific process and how to engage it?	Under the updated code, monetary fines are one of several penalties or enforcement actions that may be imposed if property owners do not elect to comply with applicable regulations. The goal of zoning enforcement is to secure compliance, rather than to impose penalties on property owners. The process for seeking to obtain voluntary compliances, and if necessary, enforcement action will be same as today.
55	18.060 Frontage or Street Frontage	Please add the following clarifying provision to this section: Property that abuts the stub end of a stub street is not considered to have "frontage" on that stub street. Stub streets are intended only for continuation of a public street and are not permitted to have driveway connections. [From County Engineer's office]	Added the following to end of 18.060: Property that abuts the stub end of a stub street is not considered to have "frontage" on that stub street. Stub streets are intended only for continuation of a public street and are not permitted to have driveway connections.
56	Chapter 19 ("Household" definition)	You need to allow homes with more than 8 individuals we do not have enough special needs homes in OK.	The code does allow larger group homes by special exception. See Table 6-1.
57	General Comment and 1.050-A	As I have read through this document, I find myself browsing back up to 1.050-A, re-reading one of the purposes of the proposed changes. I have asked many questions, which with each question I have gone back to your purpose which states "public health, safety and general welfare". I would encourage the committee reviewing this document to ask themselves....do these zoning regulations truly resolve our purpose or are we overreaching our boundaries as a presiding agency. Also ask the question, what will the impact look like for the residents and businesses of Tulsa County? Are these regulations truly a matter of life safety.....temporary sign permits, container regulations, fireworks restrictions for ALL structures including the County's two indoor fireworks retail locations, chickens, roosters, limitations on number buildings in unincorporated areas with acres and acres of land, and so many more concerns that were echoed by the comments on this community	No comment/response

No.	SECTION	PUBLIC COMMENT	Response
		review document. Are these regulations helping or hurting businesses? Personally, as a business owner and life-long resident of unincorporated Tulsa County, I see more cost, more regulations, more restrictions. If we are going to keep this about public health and safety then let's do just that, reinvent this document for the original purpose that you intended it for. Thank you for your time and consideration! This document is more than just words on paper, the decisions you are making will adversely affect every resident and business in unincorporated Tulsa County. How about we take a different approach….where in this document does it reference partnering with residents and business, to help our community flourish together while keeping safety our number one priority and the prosperity of our constituents the number 2 priority. Let's work to promote and help Tulsa County flourish not by setting stringent restrictions	
58	General Comment on Updated Regulations	The folks who live in the unincorporated areas of Tulsa County are there by choice. If they wanted to be governed by the City of Tulsa, they would have lived inside the city limits. My home community of Berryhill was destroyed by the turnpike. Many lives were affected by decisions of others and without consideration for the people who live there. And now you want to tell them what they can and cannot do on their own property. This is overreach and no changes should be made without community input. As a property owner I am opposed to these changes.	No comment/response
59	General Comment on Updated Regulations	Why isn't there more time for the public to know about this and have say? People in the country of Tulsa County have no desire to have the same codes as the city. Many don't even know about this to voice their concerns.	No comment/response

No.	SECTION	PUBLIC COMMENT	Response
60	General Comment on Updated Regulations	This information wasn't made known to the public in a very widespread way. There should have been more time for residents to know about this. This is a big impact for people living in the country of Tulsa County.	No comment/response

Zoning Regulations Update

Public Hearing Draft

January 10, 2023

This represents a reorganized, reformatted version of the county's existing zoning regulations, with editing for clarity and consistency. Proposed substantive changes from the existing county zoning regulations are identified in **footnotes** or shown as red underline (proposed new) or ~~strikethrough~~ (proposed deleted) text. **Changes since the previous planning commission hearing draft (December 2022) are highlighted in yellow.**

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Sec. 1.010 Title

These zoning regulations are officially known as the "Tulsa County Zoning Regulations." For convenience, they are referred to herein as "these zoning regulations."

Sec. 1.020 Statutory Authority

These zoning regulations are adopted pursuant to the powers granted and limitations imposed by Title 19, Section ~~868.1~~863.1 et seq. of the Oklahoma Statutes.

Sec. 1.030 Effective Date

These zoning regulations become effective on January 1, 2023, except as otherwise expressly stated.

Sec. 1.040 Applicability and Jurisdiction

1.040-A These zoning regulations apply to all public and private use and development of properties within the unincorporated area of Tulsa County, except as provided by state or federal law or as otherwise expressly stated in specific sections of these zoning regulations. The regulations do not apply in areas subject to the zoning powers of any incorporated municipality.

1.040-B These zoning regulations do not apply to the erection, installation, and use of structures and equipment by public utilities subject to the jurisdiction and regulation of the Oklahoma Corporation Commission or other similar state or federal regulatory bodies; nor to the erection or use of the usual farm buildings for agricultural purposes, the planting of agricultural crops, ~~the extraction of minerals,~~ or to other uses and activities specifically excluded from county zoning regulations by applicable provisions of the Oklahoma State Statutes.

Sec. 1.050 Purposes

These zoning regulations are adopted for the purposes of:

1.050-A Protecting and promoting the public health, safety, and general welfare; and

1.050-B Implementing the policies and goals of the comprehensive plan and other relevant, officially adopted plans of the county.

Sec. 1.060 Minimum Requirements

1.060-A These zoning regulations are the minimum requirements deemed necessary to carry out their stated purposes.

1.060-B In addition to the requirements stated in these zoning regulations, all uses, buildings and structures must comply with all other applicable regulations and laws.

1.060-C All references in these zoning regulations to other governmental regulations are for informational purposes only and do not constitute a complete list of such regulations. These references do not imply any responsibility for the county to enforce regulations imposed by other government authorities.

Sec. 1.070 Compliance Required

1.070-A Land may not be used for any purpose other than one that is allowed by these zoning regulations.

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

1.070-C Buildings, structures, and land may be used and occupied only in compliance with these zoning regulations.

1.070-D All lots created or modified must comply with these zoning regulations.

Sec. 1.080 Conflicting Provisions

1.080-A Conflict with State or Federal Regulations

If the provisions of these zoning regulations are inconsistent with state or federal law, the more restrictive provision governs, to the extent allowed by law. The more restrictive provision is the one that imposes more stringent controls.

1.080-B Conflict with Other County Regulations

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

1.080-C Conflict with Private Agreements and Covenants

These zoning regulations are not intended to interfere with, abrogate, or annul any easement, covenant, deed restriction or other agreement between private parties. If these zoning regulations impose a greater restriction than imposed by an agreement or covenant among private parties, these zoning regulations govern. The county is not responsible for monitoring or enforcing agreements or covenants among private parties.

Sec. 1.090 Rules of Language and Construction

1.090-A Meanings and Intent

Words and terms expressly defined in these zoning regulations including those defined in Chapter 19 have the specific meanings assigned unless the context indicates another meaning. Words that are not expressly defined in these zoning regulations have the meaning given in the latest edition of Merriam-Webster's *Collegiate Dictionary*.

1.090-B Computation of Time

1. References to "days" are to calendar days unless otherwise expressly stated. References to "business days" are references to regular county government working days, excluding Saturdays, Sundays and holidays observed by county government.
2. The time in which an act is to be completed is computed by excluding the first day and including the last day. If the last day is a Saturday, Sunday or holiday observed by county government, that day is excluded.
3. A day concludes at the close of business and any materials received after that time will be considered to have been received the following day.

1.090-C Tenses and Usage

1. Words used in the singular include the plural. The reverse is also true.
2. Words used in the present tense include the future tense. The reverse is also true.
3. The words "must," "will," "shall" and "may not" are mandatory.

4. The word “may” is permissive, not mandatory or required.

5. When used with numbers, “up to x,” “not more than x” and “a maximum of x” all include “x.”

6. The word "person" includes a firm, association, organization, partnership, limited liability company, trust, or corporation, as well as an individual.

7. The words “used" and "occupied" include "intended, designed or arranged to be used or occupied."

1.090-D Conjunctions

Unless the context otherwise expressly indicates, conjunctions have the following meanings:

1. “And” indicates that all connected items or provisions apply; and

2. “Or” indicates that the connected items or provisions may apply singularly or in combination.

1.090-E Headings and Illustrations

Headings and illustrations are provided for convenience and reference only and do not define or limit the scope of any provision of these zoning regulations. In case of any difference of meaning or implication between the text of these zoning regulations and any heading, drawing, table, figure or illustration, the text governs.

1.090-F Versions and Citations

All references in these zoning regulations to other county, state or federal regulations are to be construed as referring to the most up-to-date version and citation for those regulations, unless otherwise expressly indicated. When the referenced regulations have been repealed and not replaced by other regulations, requirements for compliance with these zoning regulations are no longer in effect.

1.090-G Lists and Examples

Unless otherwise expressly indicated, lists of items or examples that use “including,” “such as,” or similar terms are intended to provide examples only. They are not to be construed as exhaustive lists of all possibilities.

1.090-H Delegation of Authority

Whenever a provision appears requiring the head of a department or another officer or employee of the county to perform an act or duty, that provision will be construed as authorizing the department head or officer to delegate that responsibility to others over whom they have authority. Delegation of authority is not allowed when the provisions of these zoning regulations expressly prohibit such delegation.

1.090-I Public Officials and Agencies

1. Unless otherwise expressly stated, all employees, public officials, bodies, and agencies to which references are made are those of Tulsa County or individuals or agencies legally authorized to act on behalf of Tulsa County.

2. References in these zoning regulations to the “county” are references to Tulsa County.

3. References in these zoning regulations to the “board of county commissioners” or “county commission” are references to the Tulsa County Board of County Commissioners.

4. References in these zoning regulations to the “planning commission” are references to the Tulsa Metropolitan Area Planning Commission.

5. References in these zoning regulations to the “board of adjustment” are references to the Tulsa County Board of Adjustment.

6. References in these zoning regulations to the “land use administrator” are references to the director of the Tulsa Planning Office, which is a division within the Indian Nations Council of Governments (INCOG). INCOG performs its responsibilities and duties under these zoning regulations pursuant to an agreement with Tulsa County.

7. References in these zoning regulations to the “county inspector” are references to the Tulsa County building inspector.

Sec. 1.100 Zoning Map

1.100-A Establishment

The location and boundaries of the zoning districts defined in these zoning regulations are shown on the Tulsa County Zoning Map, which is maintained as a geographic coverage layer as part of a geographic information system (GIS) under the direction of the land use administrator. This "Zoning" geographic coverage layer constitutes Tulsa County's official zoning map.[1]

1.100-B Maintenance and Updates

The Land Use Administrator is responsible for directing revisions to the official zoning map to reflect its amendment as soon as possible after the effective date of zoning map amendments (rezonings).

1.100-C District Boundaries

Zoning district boundary lines must be described by legal description or by a map that accompanies the ordinance establishing the district or amending the district boundaries. When a legal description is used, the zoning district boundary is deemed to extend to the centerline of abutting streets. When a map is used, district boundary lines must be established by dimensions, property lines, recorded lot lines, or the centerline of abutting streets, alleys, or railroad rights-of-way, as those features were of record at the time of adoption.

1.100-D Map Interpretations

Where any uncertainty exists about a zoning boundary that was established by legal description, the legal description accompanying the amending ordinance governs. In other cases, the land use administrator is authorized to make an interpretation of the boundary location in accordance with the following:[2]

1. A boundary shown on the zoning map as approximately following the shoreline or centerline of a river, stream, lake, or other watercourse will be construed as following the actual shoreline or centerline of the watercourse. If, after the establishment of the boundary, the shoreline or centerline of the watercourse should move because of natural processes (flooding, erosion, sedimentation, etc.), the boundary will be construed as moving with the shoreline or centerline of the watercourse.
2. A boundary shown on the zoning map as approximately following a ridge line or topographic contour line will be construed as following the actual ridge line or contour line. If, after the establishment of the boundary, the ridge line or contour line should move because of natural processes (erosion, slippage, subsidence, etc.), the boundary will be construed as moving with the ridge line or contour line.
3. A boundary shown on the zoning map as approximately following lot lines or other lot boundaries will be construed as following such lot lines or lot boundaries.
4. A boundary shown on the zoning map as approximately following a street or railroad right-of-way line will be construed as following the centerline of the street or railroad right-of-way.
5. A boundary shown on the zoning map as approximately following the boundary of an adjacent municipality will be construed as following that boundary.
6. A boundary shown on the zoning map as approximately parallel to, or as an apparent extension of, a feature described above will be construed as being actually parallel to, or an extension of, the feature.

1.100-E Zoning of De-Annexed Land

Whenever any area or tract of land that is part of an incorporated municipality is de-annexed or otherwise changed to an unincorporated status, it must be classified in the AG district or, following the procedures of Sec. 14.030, to another county zoning district. The established county zoning must be based on the comprehensive plan, existing land uses, any applicable de-annexation agreement, the property's previous municipal zoning

---

1 Existing regulations state that zoning map is to be maintained by the board of adjustment.

2 Existing regulations state that the board of adjustment determines boundary location in cases of uncertainty. Authorizing the land use administrator to make such interpretations would streamline the process, while still allowing appeals of the land use administrator's interpretation to the BoA.

classification, or other relevant considerations. County zoning must be established before any development or subdivision may occur.

Sec. 1.110 Transitional Provisions

The provisions of this section address the transition to these zoning regulations from the zoning regulations in effect immediately preceding the effective date specified in Sec. 1.030.

1.110-A Applications, Permits and Approvals

1. Any building, development or structure for which a building permit was issued or a complete building permit application had been accepted for processing before the effective date specified in Sec. 1.030 may be completed in conformance with the issued building permit and other applicable permits and conditions, even if such building, development or structure does not comply with these zoning regulations. If the building, development, or structure is not commenced and completed within the time allowed under the original building permit and any authorized permit extension, the building, development, or structure may be constructed, completed, and occupied only if it complies with these zoning regulations.

2. Complete applications for PUDs, special exceptions, variances, or other zoning-related approvals that are pending approval on the effective date specified in Sec. 1.030 must be reviewed wholly under the terms of the zoning regulations in effect immediately preceding the effective date specified in Sec. 1.030. Building permits for construction and development approved under such zoning approvals may be issued in accordance with 1.110-A3.

3. Building permits may be issued for construction or development approved before the effective date specified in Sec. 1.030 and for developments pending approval under 1.110-A2, even if such building, development, or structure does not fully comply with these zoning regulations. If building is not commenced and completed within the time allowed under the building permit and any authorized permit extension, then the building, development or structure may be constructed, completed, and occupied only if it complies with these zoning regulations.

4. When a use classified as a special exception under these zoning regulations exists as an approved special exception or permitted use on the effective date specified in Sec. 1.030, that use will be considered a lawfully established special exception under these zoning regulations. When any amendment to these zoning regulations changes the classification of a permitted use to a special exception, any use lawfully established before such amendment will be considered a lawfully established special exception after the effective date of the amendment. A lawfully established existing use that is not allowed as a special exception or permitted use in the district in which the use is now located will be considered a nonconforming use and will be subject to all applicable regulations of Chapter 16.

1.110-B Violations

The adoption of these zoning regulations does not affect any pending or future prosecution of, or action to abate, violations of the previous zoning regulations that occurred before the effective date specified in Sec. 1.030.

1.110-C Zoning District Names

The zoning district names in effect before the effective date specified in Sec. 1.030 are converted in these zoning regulations as indicated in Table 1-1.

Table 1-1: Zoning District Name Conversions

Map Symbol	Previous Zoning District Name	Map Symbol	New Zoning District Name
AGRICULTURAL (See Chapter 2)			
AG	Agriculture	AG	Agriculture
AG-R	Agriculture-Residential	AG-R	Agriculture-Rural Residential
RESIDENTIAL (See Chapter 3)			
RE	Residential Estate	RE	Residential Estate

Map Symbol	Previous Zoning District Name	Map Symbol	New Zoning District Name
No existing equivalent		RS-1	Residential Single-Dwelling-1
No existing equivalent		RS-2	Residential Single-Dwelling-2
RS	Residential Single-Family	RS-3	Residential Single-Dwelling-3
RD	Residential Duplex	RD	Residential Duplex
RM-T	Residential Multifamily Townhouse	RT	Residential Townhouse
RM-0	Residential Multi-family	RM-0	Residential Multi-Dwelling-0
RM-1	Residential Multi-family	RM-1	Residential Multi-Dwelling-1
RM-2	Residential Multi-family	RM-2	Residential Multi-Dwelling-2
RMH	Residential Mobile Home Park	RMH	Residential Mobile Home Park
OFFICE, COMMERCIAL, AND INDUSTRIAL (See Chapter 4)			
OL	Office Low Intensity	OL	Office–Low
OM	Office Medium Intensity	OM	Office–Medium
OMH	Office Medium-High Intensity	OMH	Office–Medium-High
CS	Commercial Shopping	CS	Commercial Shopping
CG	Commercial General	CG	Commercial General
CH	Commercial High Intensity	CH	Commercial–High
IR	Industrial Research and Development	IR	Industrial–Research and Development
IL	Industrial Light	IL	Industrial–Light
IM	Industrial Moderate	IM	Industrial–Moderate
IH	Industrial Heavy	IH	Industrial–Heavy
SPECIAL DISTRICTS (See Chapter 5)			
PK	Parking[3]	~~PK~~	~~Parking~~ (not mapped; proposed for elimination)
CO	Corridor[4]	~~CO~~	~~Corridor~~ (not mapped; proposed for elimination)
FD	Floodway	FD	Floodway[5]
PUD	Planned Unit Development	PUD	Planned Unit Development

Sec. 1.120 Severability

If any portion of these zoning regulations is held to be invalid or unconstitutional by a court of competent jurisdiction, that portion is to be deemed severed from these zoning regulations and in no way affects or diminishes the validity of the remainder of these zoning regulations.

[3] No PK zoning exists today.
[4] No CO zoning exists today.
[5] Previous drafts had proposed elimination of FD district. This draft includes FD district (without changes from current code).

Chapter 2 Agricultural Zoning Districts

Sec. 2.010 General 2-1
Sec. 2.020 Uses 2-1
Sec. 2.030 Residential Building Types 2-1
Sec. 2.040 Lot and Building Regulations 2-1
Sec. 2.050 Other Regulations 2-2

Sec. 2.010 General

2.010-A Districts

The agricultural zoning districts are listed in Table 2-1. When these zoning regulations refer generally to "agricultural" zoning districts or "A" districts, it is referring to these districts.

Table 2-1: Agricultural (A) Zoning Districts

Map Symbol	District Name	Relative Intensity Scale
AG	Agriculture	Least intensive "A" district
AG-R	Agriculture-Rural Residential	Most intensive "A" district

2.010-B Purposes

1. AG District

The AG district is primarily intended to:

a. Encourage and protect agricultural land~~; until an orderly transition to urban development may be accomplished;~~

b. Discourage unplanned, premature ~~wasteful scattering of~~ urban development in rural areas; and

c. Promote efficient delivery of public improvements and services.

2. AG-R District

The AG-R district is primarily intended to accommodate rural residential subdivisions with limited farming and animal raising.

Sec. 2.020 Uses

Principal uses are allowed in agricultural zoning districts in accordance with the use table of Sec. 6.010. See Chapter 8 for regulations governing accessory uses and structures.

Sec. 2.030 Residential Building Types

Residential uses allowed in agricultural districts must occupy residential buildings. Residential building types are allowed in agricultural districts in accordance with Table 2-2.

Table 2-2: Allowed Residential Building Types (A Districts)

Residential Building Type	AG	AG-R
Detached house	P	P
Two detached houses on a single lot	P	–
One detached house and one multi-section manufactured housing unit	P	P
One detached house and one single-section manufactured housing unit	P	S
Duplex	S	–
Manufactured housing unit, multi-section	P	P
Manufactured housing unit, single-section	P	S
~~Manufactured housing unit, temporary (see also §2.050-E)~~	~~P~~	~~S~~

P = Permitted; **S** = Special Exception Approval Required

Sec. 2.040 Lot and Building Regulations

The lot and building regulations of Table 2-3 apply to all principal uses and structures in agricultural districts, except as otherwise expressly stated in these zoning regulations. General exceptions to lot and building regulations and rules for

measuring compliance can be found in Chapter 18. Additional regulations governing accessory uses and structures can be found in Chapter 8.

Table 2-3: Agricultural District Lot and Building Regulations

Regulation	AG	AG-R
Minimum Lot Area (acres)	2	1
Minimum ~~Land~~ Lot Area per Dwelling Unit (acres)	2	1
Minimum Lot Width (feet)	150	150
Minimum Frontage on ~~County~~ Maintained Public Road (feet) [1]	30	30
Minimum Building Setbacks (feet)		
Street (from centerline) [2]	35	35
Side (interior)	15	15
Rear	40	40
Minimum Separation/Spacing Between Detached Houses on Same Lot (feet)	30	NA
Maximum Building Height (feet)	35	35

Table 2-3 Notes

The following notes refer to the bracketed numbers (e.g.," [1]") in Table 2-3:

[1] Minimum road frontage requirement applies only to lots that are used for human occupancy (e.g., residents, employees, customers, guests).

[2] Plus one-half of the right-of-way width designated on the *Major Street and Highway Plan* or 25 feet if not designated on the *Major Street and Highway Plan.*

Sec. 2.050 Other Regulations

Uses and structures in agricultural zoning districts are subject to all other applicable provisions of these zoning regulations, including the following.

2.050-A Accessory Uses and Structures

See Chapter 8.

2.050-B Parking

See Chapter 10.

2.050-C Signs

See Chapter 11.

2.050-D Nonconformities

See Chapter 16.

~~2.050-E Temporary Placement of Manufacturing Housing Units~~

~~The temporary placement of a single-wide manufactured housing unit is permitted in the AG district and may be approved as a special exception in the AG-R, subject to the following regulations:~~

~~1. A manufactured housing unit for temporary living purposes is allowed only if a permanent detached house is being constructed upon the premises. The two dwellings (the temporary manufactured housing unit and the detached house under construction) may not be occupied at the same time.~~

~~2. Nonconforming lots used for temporary placement of a manufactured housing unit must be at least one acre in area, with a width of at least 100 feet.~~

~~3. The manufactured housing unit installation must comply with all Department of Environmental Quality regulations.~~

~~4. The temporary manufactured housing unit is subject to compliance with all lot and building regulations of the subject zoning district and with applicable off-street parking requirements.~~

~~5.~~1. ~~The temporary manufactured housing unit may remain on the subject property for a maximum of 2 years from the date of the issuance of the permit for the detached house being constructed or until construction of the detached house is complete, whichever occurs first.~~

Chapter 3 Residential Zoning Districts

Sec. 3.010 General 3-1
Sec. 3.020 Uses 3-2
Sec. 3.030 Residential Building Types 3-2
Sec. 3.040 Lot and Building Regulations 3-2
Sec. 3.050 Other Regulations 3-3

Sec. 3.010 General

3.010-A Districts

The residential zoning districts are listed in Table 3-1. When these zoning regulations refer generally to "residential" zoning districts or "R" districts, it is referring to these districts.

Table 3-1: Residential (R) Zoning Districts

Map Symbol	District Name	Relative Intensity Scale
RE	Residential Estate	Least intensive R district
RS-1	Residential Single-Dwelling-1	
RS-2	Residential Single-Dwelling-2	
RS-3	Residential Single-Dwelling-3	
RD	Residential Duplex	
R~~M~~T	Residential Townhouse	
RM-0	Residential Multi-Dwelling-0	
RM-1	Residential Multi-Dwelling-1	
RM-2	Residential Multi-Dwelling-2	Most intensive R district
RMH	Residential Mobile Home Park	RMH not included in relative intensity scale

3.010-B Purposes

1. General

Residential zoning districts are primarily intended to create, maintain, and promote a variety of housing opportunities for residents and to maintain and promote the desired physical character of existing and developing areas of the county. While the districts primarily accommodate residential uses, some nonresidential uses are also allowed. The various R districts are primarily differentiated based on allowed building types, density and lot and building regulations.

2. RE District

The RE district is primarily intended to permit and conserve single-unit detached houses on large lots.

3. RS Districts

The RS districts (i.e., RS-1, RS-2, and RS-3) are primarily intended to permit and conserve single-unit detached houses at higher densities than the RE district.

4. RD District

The RD district is primarily intended to accommodate two-unit (duplex) houses.

5. RT District

The RT district is primarily intended to accommodate attached single-family (townhouse) dwellings, on separately owned individual lots.

6. RM Districts

The RM districts (i.e., RM-0, RM-1, and RM-2) are primarily intended to permit the development and conservation of multi-unit residential buildings. Multiple RM districts allowing different residential densities are included.

7. RMH District

The RMH district is primarily intended to accommodate mobile home parks.

Sec. 3.020 Uses

Principal uses are allowed in residential zoning districts in accordance with the use table of Sec. 6.010. See Chapter 8 for regulations governing accessory uses and structures.

Sec. 3.030 Residential Building Types

Residential uses allowed in residential districts must occupy residential buildings. Residential building types are allowed in residential districts in accordance with Table 3-2.

Table 3-2: Allowed Residential Building Types (R Districts)

Residential Building Type	RE	RS-1	RS-2	RS-3	RD	RT	RM-0	RM-1	RM-2	RMH	Supplemental Regulations
Detached house	P	P	P	P	P	P	P	P	P	P	
Manufactured housing unit, multi-section	P	P	P	P	P	P	P	P	P	P	
Manufactured housing unit, single-section	S	S	S	S	S	S	S	S	S	P	
Manufactured housing subdivision	–	–	–	–	–	–	–	–	–	P	Sec. 7.050
Mobile home (single- or multi-section)	–	–	–	–	–	–	–	–	–	P	
Mobile home park	–	–	–	–	–	–	–	–	–	P	Sec. 7.070
Townhouse	–	–	–	S	P[1]	P	P	P	P	–	
Duplex	–	–	–	S	P	P	P	P	P	–	
Multi-unit residential building	–	–	–	–	–	–	P	P	P	–	Sec. 7.080

P = Permitted; **S** = Special Exception Approval Required

Table 3-2 Notes

The following notes refer to the bracketed numbers (e.g.," [1]") in Table 3-2:

[1] No more than 2 attached townhouse units permitted in RD district.

Sec. 3.040 Lot and Building Regulations

The lot and building regulations of Table 3-3 apply to all principal uses and structures in residential districts, except as otherwise expressly stated in these zoning regulations. General exceptions to lot and building regulations and rules for measuring compliance can be found in Chapter 18. Additional regulations governing accessory uses and structures can be found in Chapter 8.

Table 3-3: Residential District Lot and Building Regulations[6]

Regulation	RE	RS-1	RS-2	RS-3	RD	RT	RM-0	RM-1	RM-2	RMH
Minimum Lot Area (square feet)										
Detached house	22,500	13,500	9,000	6,900	6,900	6,900	6,000	6,000	6,000	6,000
Manufactured housing unit	22,500	13,500	9,000	6,900	6,900	6,900	6,000	6,000	6,000	6,000
Townhouse	–	–	–	3,450	3,450	1,600	1,600	1,600	1,600	–
Duplex	–	–	–	6,900	6,900	6,900	6,900	6,900	6,900	–
Multi-unit residential building	–	–	–	–	–	–	10,000	10,000	6,000	–
Mobile home park	–	–	–	–	–	–	–	–	–	[1]
Other allowed uses										
Permitted by right	22,500	13,500	9,000	6,900	6,900	6,900	6,000	6,000	6,000	6,000
Special exception uses	22,500	13,500	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000
Min. Lot Area per Dwelling Unit (sq. ft.)										
Detached house	22,500	13,500	9,000	6,900	6,900	6,900	6,000	6,000	6,000	6,000
Manufactured housing unit	22,500	13,500	9,000	6,900	6,900	6,900	6,000	6,000	6,000	6,000
Townhouse				3,450	3,450	1,600	1,600	1,600	1,600	–
Duplex	–	–	–	3,450	3,450	3,450	3,450	3,450	3,450	–
Multi-unit residential building	–	–	–	–	–	–	2,900	1,750	1,100	–
Mobile home park	–	–	–	–	–	–	–	–	–	[1]
Minimum Lot Width (feet)										
Detached house	150	100	75	60	60	60	60	60	60	60

[6] New proposed RS-1 and RS-2 districts added to address substantial gap between existing RE and RS and past PUD requests to reduce RE district minimum lot area. New districts match City of Tulsa zoning requirements. Existing RS to be renamed RS-3, which also matches the city.

Regulation	RE	RS-1	RS-2	RS-3	RD	RT	RM-0	RM-1	RM-2	RMH
Manufactured housing unit	150	100	75	60	60	60	60	60	60	60
Townhouse	–	–	–	30	25	20	20	20	20	–
Duplex	–	–	–	60	60	60	60	60	60	–
Multi-unit residential building	–	–		–	–	–	100	100	50	–
Other allowed uses										
Permitted by right	150	100	75	6,900	6,900	6,900	6,000	6,000	6,000	6,000
Special exception uses	150	100	100	100	100	100	100	100	100	100
Minimum Street Frontage (feet)[2]	30	30	30	30	30	30	30	30	30	30
Minimum Building Setbacks (feet)										
Street (from centerline)										
Arterial [3]	35	35	35	35	35	35	35	35	35	35
Other [3]	35	25	30	25	25	10 [4]	25	25	10 [4]	25
Side (interior) [5]	15	5	5	5	5	5	10	10	10	10
Rear	25	25	20	20	20	20	20	20	10	15
Min. Open Space per Dwelling Unit (sq. ft.)	12,000	7,000	5,000	4,000	2,000	1,200	1,200	600	200	2,500
Maximum Building Height (feet)	35	35	35	35	35	35	35[7]	35	35	35

Table 3-3 Notes

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

[1] See Sec. 7.070 for detailed regulations governing mobile home parks.

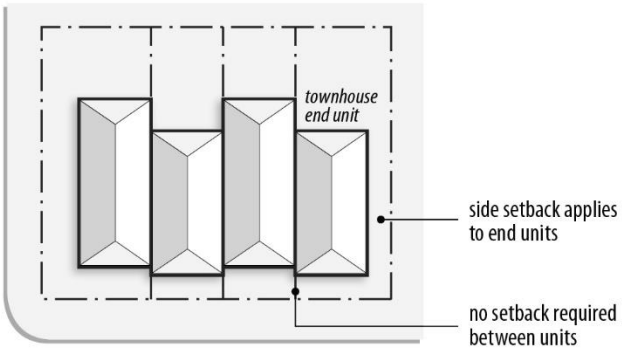
[2] Frontage must be on street lot line abutting county-maintained public road. For townhouse developments, minimum street frontage applies to overall townhouse development, not individual townhouse units/lots.

[3] Plus one-half of the right-of-way width designated on the *Major Street and Highway Plan* or 25 feet if not designated on the *Major Street and Highway Plan*. Except when the lot abuts a cul-de-sac having a radius greater than 25 feet, minimum street setbacks must be measured from the property line.

[4] Street-facing garage doors/entrances must be set back at least 20 feet from the street right-of-way or 20 feet from back of sidewalk, whichever is greater.

[5] No side setback is required for interior units in townhouse developments. Side setbacks are required for end units (see Figure 3-1).

Figure 3-1: Side Setbacks for Townhouses



Sec. 3.050 Other Regulations

Uses and structures in residential zoning districts are subject to all other applicable provisions of these zoning regulations, including the following.

3.050-A Accessory Uses and Structures

See Chapter 8.

[7] The following requirements are proposed for elimination from RM districts: (1) that multi-family buildings be set back at least 25 feet from any RE or RS district; (2) that multi-family buildings within 50 feet of an RE or RS district not exceed one story in height; and (3) that all 3+-story multi-family buildings be set back at least 75 feet from an RE or RS district.

3.050-B Parking

See Chapter 10.

3.050-C Signs

See Chapter 11.

3.050-D Nonconformities

See Chapter 16.

3.050-E Access Across R-zoned Property

The use of RE-, RS-, RD-zoned land for access to any RM, O, C, or I zoning district, or the use of an RM district for access to any O, C, or I zoning district is prohibited unless expressly permitted through an approved PUD or as expressly authorized as a special exception in accordance with §14.080-A.

Chapter 4 Office, Commercial, and Industrial Zoning Districts

Sec. 4.010 General 4-1
Sec. 4.020 Uses 4-2
Sec. 4.030 Residential Building Types 4-2
Sec. 4.040 Lot and Building Regulations 4-2
Sec. 4.050 Other Regulations 4-3

Sec. 4.010 General

4.010-A Districts

The office, commercial, and industrial zoning districts are listed in Table 4-1. When these zoning regulations refer generally to "office," "commercial," or "industrial" zoning districts or to "O," "C," or "I" districts, respectively, it is referring to these districts.

Table 4-1: Office (O), Commercial (C), and Industrial (I) Zoning Districts

Map Symbol	District Name	Relative Intensity Scale
OL	Office–Low	Least intensive O, C or I district
OM	Office–Medium	
OMH	Office–Medium-High	
CS	Commercial Shopping	
CG	Commercial General	
CH	Commercial–High	
IR	Industrial–Research and Development	
IL	Industrial–Light	
IM	Industrial–Moderate	
IH	Industrial–Heavy	Most intensive O, C or I district

4.010-B Purposes

1. General

Office, commercial and industrial zoning districts are intended to accommodate and promote local, area- and region-serving commercial uses, as well as industrial and employment uses.

2. OL District

The OL district is primarily intended to facilitate the development and preservation of low-intensity office development.

3. OM District

The OM district is primarily intended to accommodate medium-intensity office development, together with community facilities typically found in conjunction with offices.

4. OMH District

The OMH district is primarily intended to provide for multi-story office development.

5. CS District

The CS district is primarily intended to accommodate commercial uses providing a range of retail and service uses.

6. CG District

The CG district is primarily intended to:

a. Accommodate established commercial uses, while providing protection to adjacent residential area; and

b. Accommodate the grouping of compatible commercial and light industrial uses.

7. CH District

The CH district is primarily intended to:

a. Accommodate high-intensity commercial and related uses; and

b. Encourage use of properties and existing buildings along older commercial corridors; and

c. Minimize encroachment and adverse land use impacts on residential area.

8. IR District
The IR district is primarily intended to provide areas suitable for development and conservation of modern industrial and scientific research facilities and institutions.

9. IL District
The IL district is primarily intended to provide areas suitable for manufacturing, wholesaling, warehousing, and other industrial activities that have few if any adverse land use or environmental impacts.

10. IM District
The IM district is primarily intended to group together a wide range of industrial uses that may produce some moderate adverse land use or environmental impacts in terms of their operation and appearance.

11. IH District
The IH district is primarily intended to provide areas for manufacturing and other industrial activities that may constitute substantial adverse land use or environmental impacts or hazards.

Sec. 4.020 Uses

Principal uses are allowed in office, commercial, and industrial zoning districts in accordance with the use table of Sec. 6.010. See Chapter 8 for regulations governing accessory uses and structures.

Sec. 4.030 Residential Building Types

Household living uses allowed in office, commercial, and industrial districts must occupy residential buildings. Residential building types are allowed in residential districts in accordance with Table 4-2.

Table 4-2: Allowed Residential Building Types (O, C, and I Districts)

Residential Building Type	OL	OM	OMH	CS	CG	CH	IR	IL	IM	IH	Supplemental Regulations
Detached house	S	S	S	S	S	S		–	–	–	
Manufactured housing unit	–	–	–	–	S	S		S	S	S	
Townhouse	S	S	S	S	S	S		–	–	–	
Duplex	S	S	S	S	S	S		–	–	–	
Multi-unit residential building	S	S	S	S	S	P		–	–	–	Sec. 7.080
Mixed-Use building	P	P	P	P	P	P		S	–	–	
Vertical mixed-use building	P	P	P	P	P	P		S	–	–	

Sec. 4.040 Lot and Building Regulations

4.040-A Table of Regulations

The lot and building regulations of Table 4-3 apply to all principal uses and structures in office, commercial, and industrial districts, except as otherwise expressly stated in these zoning regulations. General exceptions to lot and building regulations and rules for measuring compliance can be found in Chapter 18. Additional regulations governing accessory uses and structures can be found in Chapter 8.

Table 4-3: O, C and I District Lot and Building Regulations

Regulations	OL	OM	OMH	CS	CG	CH	IR	IL	IM	IH
Minimum Lot Area (sq. ft.)	–	–	–	–	–	–		–	–	–
Minimum Street Frontage (feet)										
Arterial Street	75	100	100	150	100	–	200	150	200	200
All Other Streets	50	50	50	50	50	–	200	50	50	50
Maximum Floor Area Ratio (FAR)	0.40	0.50	2.00	0.50	0.75	–	0.50	–	–	–
Minimum Lot Area per Unit (sq. ft.)	[1]	[2]	[2]	[2]	[2]	–	–	–	–	–

Regulations	OL	OM	OMH	CS	CG	CH	IR	IL	IM	IH
Min. Open Space per Unit (sq. ft.)	[1]	[2]	[2]	[2]	[2]	–	–	–	–	–
Building Setbacks (feet)										
Street (from centerline)										
Arterial [3]	50	50	50	50	50	–	50	50	50	50
Other [3]	25	25	25	25	25	–	50	25	25	25
Side (abutting AG-R or R District)	10	10[4]	10[4]	10[4]	10[4]	–	50	75	75	75
Rear (abutting AG-R or R District)	10	10[4]	10[4]	–	–	–	50	25	25	25
Max. Building Coverage (% of lot)	–	–	–	–	–	–	–	–	–	–
Maximum Building Height (feet)	35	–	–	–	–	–	–	–	–	–

Table 4-3 Notes

The following notes refer to the bracketed numbers (e.g.," [1]") in Table 4-3:

[1] Same as required in RM-1 district.

[2] Same as required in RM-2 district.

[3] Plus one-half of the right-of-way width designated on the *Major Street and Highway Plan* or 25 feet if not designated on the *Major Street and Highway Plan*.

[4] When abutting AG-R- or R-zoned lot, 2 feet of add'l building setback required for each foot of building height above 15 feet.

Sec. 4.050 Other Regulations

Uses and structures in office, commercial, and industrial zoning districts are subject to all other applicable provisions of these zoning regulations, including the following.

4.050-A Accessory Uses and Structures

See Chapter 8.

4.050-B Parking

See Chapter 10.

4.050-C Signs

See Chapter 11.

4.050-D Nonconformities

See Chapter 16.

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Chapter 5 Special Districts

Sec. 5.010 General 5-1
Sec. 5.020 PUD, Planned Unit Development District 5-1
Sec. 5.030 FD, Floodway District 5-4

Sec. 5.010 General

5.010-A Purpose

Special purpose zoning districts are tools for dealing with unique neighborhoods or settings or accomplishing special planning and zoning goals.

5.010-B Establishment

Except as otherwise expressly stated, special districts may be established, amended, or removed only in accordance with the zoning map amendment procedures of Sec. 14.030.

Sec. 5.020 PUD, Planned Unit Development District

5.020-A Description

A Planned Unit Development (PUD) is an alternative to conventional development where the particular tract is under common ownership or control, and a detailed plan (outline development plan) for the development of the tract as a unit is proposed and submitted for public review. The supplemental zoning district PUD must be approved by the county commission as a prerequisite to the Planned Unit Development.

5.020-B Purposes

The purposes of the PUD overlay district are to:

1. Permit innovative land development while maintaining appropriate limitation on the character and intensity of use and assuring compatibility with adjoining and proximate properties.
2. Permit greater flexibility and creativity within the development to best utilize the unique physical features of the particular site.
3. Provide and preserve meaningful open space.
4. Achieve a continuity of function and design within the development.

5.020-C General

A Planned Unit Development is permitted on tracts having the supplemental (overlay) zoning district designation "PUD." In every instance, the PUD is to be reviewed as to the proposed location and character of the uses and the unified treatment of the development of the tract. The regulations of the underlying (base) zoning district remain applicable except as expressly modified pursuant to the provisions of this section.

5.020-D Allowed Uses

1. **Principal Uses**

   The development may consist of one or more of the uses permitted as of right or by special exception within the underlying base zoning districts, provided:

   a. That if any part of the PUD is located within a residential district, the permitted building types may include:

      (1) Detached house;

      (2) Townhouse;

      (3) Duplex; and

      (4) Multi-unit residential building;

   b. That manufactured housing units are a permitted use only within PUDs that are located in whole or in part in an RMH district; and

c. That the permitted uses, whether principal or accessory uses, may be reallocated within the development irrespective of the base zoning district boundaries.

2. Accessory Uses

Accessory uses customarily incidental to principal uses allowed within the PUD are permitted. Neighborhood-serving retail and service uses, private clubs and eating and drinking places may be approved as accessory uses withing residential PUDs, provided that the total cumulative floor area of such uses does not exceed 50 square feet per dwelling unit.

3. Signs

Signs in a PUD must comply with all provisions of the underlying zoning district unless otherwise expressly approved at the time of PUD approval. Off-premises outdoor advertising signs and roof signs may not be approved and are expressly prohibited in all PUDs.

5.020-E Bulk and Area Regulations

1. Intensity of Use

Intensity may be reallocated irrespective of the base zoning district boundaries.

a. Residential Intensity

(1) The residential intensity may not exceed a maximum number of dwelling units calculated as follows:

Maximum Number of Dwelling Units Allowed =
Gross area of property located within a residential district divided by (/) minimum land area per dwelling unit permitted in the underlying zoning district.

(2) The minimum land area per dwelling unit, for the purpose of the above-described residential intensity calculation, must be based on the least restrictive minimum land area per dwelling unit permitted in the underlying zoning district. Each 600 square feet of a quasi-dwelling, such as a care home, constitutes a dwelling unit. If the PUD is located in 2 or more residential districts, the permitted density is the sum of the permitted dwelling units computed separately for the gross area within each district. For a PUD located entirely within a residential district, the gross area for the purposes of the above-described residential intensity calculation must be reduced by the area or areas designated for any principal use other than dwellings, quasi dwellings, residential open space and recreation areas.

(3) For the purpose of residential intensity calculations, “gross area” means the lot area plus 50% of the right-of-way width of any abutting street to which the lot has access.

b. Nonresidential Intensity

(1) Nonresidential intensity may not exceed a maximum permitted floor area calculated as follows:

Maximum Permitted Floor Area =
Gross area of property located within a nonresidential district multiplied (X) by the maximum floor area ratio permitted by right or by special exception within the underlying zoning district, except where a floor area ratio is not specified, a maximum floor area ratio of 0.75 applies.

(2) The intensity of use of a PUD located within 2 or more zoning districts of the following differing classifications must be separately calculated and allocated within the PUD by the respective classification:

(a) Residential;

(b) Office;

(c) Commercial; and

(d) Industrial.

(3) For the purpose of nonresidential intensity calculations, gross area means the lot area plus 50% of the right-of-way width of any abutting street to which the lot has access.

2. Lot Width and Lot Area

Within a PUD, a minimum lot size requirement of 800 square feet shall apply to lots utilized for dwelling purposes. A minimum lot width requirement of 20 feet shall apply to lots utilized for dwelling purposes.

3. Open Space

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

4. Building Height and Setbacks

Within a PUD, the planning commission must prescribe building height limitations and minimum setback requirements, which must be incorporated within the subdivision plat or, if platting is not required, in covenants recorded in the county clerk's office.

5.020-F Perimeter Requirements

Perimeter requirements for screening, landscaping, and setbacks, as are necessary to ensure compatibility with adjoining and proximate properties, must be prescribed and be incorporated within the subdivision plat or, if platting is not required, in covenants recorded in the county clerk's office.

5.020-G Off-Street Parking

No modification of applicable off-street parking requirements is permitted unless a subdivision plat incorporating the provisions and requirements is submitted to and approved by the planning commission and the county commission and filed of record in the county clerk's office. Required spaces may be provided on the lot containing the uses for which it is intended to serve or in common areas. Common parking areas must be designed and located so as to be accessible to the uses it is intended to serve. Provisions for the ownership and maintenance of common parking space must be incorporated in the subdivision plat or, if platting is not required, in covenants recorded in the county clerk's office.

5.020-H PUD Approval Procedures

1. A property owner request for rezoning to the PUD zoning district requires review and approval of a zoning map amendment (see Sec. 14.030), which is processed concurrently with a development plan (see Sec. 14.040).

2. After approval of the zoning map amendment and development plan, site plan review and approval are required in accordance with the procedures of 14.040-A.

3. No building permit may be issued and no building or development may occur in a PUD zoning district until a subdivision plat incorporating the provisions of the approved development plan has been approved and filed of record in the county clerk's office or, if platting is not required, until all required covenants are recorded in the county clerk's office.

5.020-I Covenants

No building permit may be issued, and no building or development may occur in a PUD zoning district until covenants necessary to reasonably ensure continued compliance with the approved development plan are recorded in the county clerk's office. Such covenants may be established in a subdivision plat or in a separately recorded legal instrument. In order that the public interest may be protected, the county commission must be made beneficiary of the covenants pertaining to such matters as location of uses, height of structures, setbacks, screening, and access. Such covenants must provide that the county commission may enforce compliance of the covenants, and further provide that amendment of the covenants requires planning commission approval and the filing of record of a written amendment to covenants, endorsed by the planning commission.

5.020-J Abandonment

Abandonment of a PUD requires county commission approval, after recommendation by the planning commission, of an application for a zoning map amendment repealing the supplemental (overlay) designation of "PUD." Upon final action authorizing the abandonment of the PUD, no building permit may be issued except in accordance with the restrictions and limitations of the underlying (base) zoning district.

Sec. 5.030 FD, Floodway District

5.030-A General Provisions

1. Findings of Fact

a. Adverse Effects Resulting from Flooding

Flood hazard areas situated within the zoning jurisdiction of Tulsa County are subject to periodic inundation which, when the hazard areas are improperly developed, results in loss of life and property, presents health and safety hazards, disrupts commerce and governmental services, requires extraordinary public expenditures for flood protection and relief, and impairs the tax base, all of which adversely affect the public health, safety, and general welfare.

b. General Causes of these Flood Effects

These flood effects are caused by:

(1) The cumulative effect of obstructions in floodplains causing increases in flood heights and velocities.

(2) The occupancy of floodplain areas by uses vulnerable to floods or hazardous to other lands which are inadequately elevated or otherwise not protected from flood damages.

(3) Encroachment on the channel cross-section and storage capacity of the floodplain area which increases flood heights or velocities.

(4) Urbanization of the drainage basin outside the floodplain area, which accelerates runoff and adversely affects flood peaks.

2. Statement of Purposes

It is the purpose of these regulations to promote the public health, safety, and general welfare and to minimize those effects described in 5.030-A1 by provisions designed to:

a. Restrict or prohibit uses, including public uses, which are dangerous to health, safety, or property in terms of flood or cause increases in flood heights or velocities.

b. Require that uses vulnerable to floods, including public facilities which serve such uses, shall be protected against flood damage at the time of initial construction.

c. Identify lands which are subject to flooding hazards to inform and protect individuals from purchasing properties which may not be suited for their intended purposes because of flood hazard.

d. Comply with the regulations of the National Flood Insurance Program as established by the Federal Insurance Administration of the United States Department of Housing and Urban Development.

e. To minimize expenditure of public money for costly flood control projects.

f. To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public.

3. Lands to Which FD Zoning Regulations Apply
The FD zoning regulations of this section apply to all lands within the zoning jurisdiction of Tulsa County, Oklahoma, shown on the Official Zoning Map as being located within the boundaries of the FD, Floodway District.

4. Reference to the Official Zoning Map
The Official Zoning Map, together with all explanatory matter thereon and attached thereto, is hereby adopted by reference, and declared to be a part of these regulations.

5. Compliance
No structure or land shall hereafter be used, and no structure shall be located, extended, converted or structurally altered without full compliance with the terms of these regulations and other applicable regulations that apply to uses within the jurisdiction of these zoning regulations.

6. Interpretation
In their interpretation and application, the FD provisions of this section shall be held to be minimum requirements and should be liberally construed to accomplish their intended purposes and shall not be deemed a limitation or repeal of any other powers granted by state statutes.

7. Warning and Disclaimer of Liability
The degree of flood protection required by these FD zoning regulations is considered reasonable for regulatory purposes and is based on engineering and scientific methods of study. Larger floods may occur on rare occasions. Flood heights may be increased by manmade or natural causes. These regulations do not imply that areas outside the Floodway District or land uses permitted within the FD district will be free from flooding or flood damages. These regulations shall not create liability on the part of Tulsa County or any officer or employee thereof for any flood damages that result from reliance on these regulations or any administrative decision lawfully made thereunder.

5.030-B General Floodway Regulations

The following general regulations apply to the use of land located within a Floodway District:

a. New construction, substantial improvements, or other development (including fill) shall not be approved if it:

(1) Adversely affects the capacity of channels or floodways of any watercourse herein identified as in the Floodway District to convey the regulatory flood.

(2) Would measurably increase flood flows or flood heights or increase flood damage upon off site properties during the occurrence of the regulatory flood.

(3) Would individually, or when combined with all other existing and anticipated development, expose additional upstream, downstream, or adjacent properties to adverse flood effects that would otherwise not be exposed to such effects due to the regulatory flood.

(4) Increase velocities or volumes of floodwaters to the extent that significant erosion of floodplain soils would occur either on the subject property or on some other property upstream or downstream.

b. Encroachments in floodways, including fill, new construction, substantial improvements, and other development that would result in any increase in flood levels during the occurrence of the regulatory flood shall be prohibited.

c. All new construction and substantial improvements shall be designed (or modified) and adequately anchored to prevent flotation, collapse, or lateral movement of the structure.

d. All new construction or substantial improvements shall be constructed by methods and practices that minimize flood damage.

e. All new construction or substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.

f. All new and replacement water supply systems shall be flood-proofed.

g. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems and discharges from the systems into floodwaters.

h. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

i. The placement of any mobile home shall be prohibited.

5.030-C Permitted Uses

The following uses having a low flood damage potential and not obstructing flood flows shall be permitted within the Floodway District to the extent that they are not prohibited by any other regulations or ordinances and provided that they do not require buildings, structures, fill or storage of materials or equipment that adversely affect or in any way diminish the capacity of the floodway to carry the regulatory flood.

1. Agricultural uses such as general farming, pasture, grazing, outdoor plant nurseries, horticulture, viticulture, truck farming, forestry, sod farming, and wild crop harvesting.

2. Private and public recreational uses such as golf courses, tennis courts, golf driving ranges, archery ranges, picnic grounds, boat launching ramps, swimming areas, parks, game farms, fish hatcheries, fishing areas, hiking and horseback riding trails.

3. Residential accessory uses such as lawns, gardens, parking areas and play areas.

5.030-D Special Exception Uses

1. Within the Floodway District, certain uses (listed in 5.030-D2) may be permitted by the Board of Adjustment, after adherence to the procedural requirements for a special exception, as provided in 14.070-G, and upon the Board's finding that:

a. The use meets the requirements of 5.030-B.

b. The use will not impair the appropriate use of neighboring property and that the use will be in keeping with the spirit and intent of these regulations.

c. No structure (temporary or permanent), fill (including fill for roads and levees), deposit, obstruction, storage of materials or equipment or other use, acting alone or in combination with existing or future uses, adversely affects or in any way diminishes the capacity of the floodway to carry the regulatory flood.

d. Structures are not designed for human habitation.

e. Structures have a low flood damage potential.

f. Structures are to be constructed and placed on the building site so as to offer the minimum obstruction to the flow of floodwaters.

(1) Whenever possible, structures are to be constructed with the longitudinal axis parallel to the direction of flood flow; and

(2) So far as practicable, structures are to be placed approximately on the same flood flow lines as those adjoining structures.

g. The use will not include the storage or processing of materials that are in time of flooding buoyant, flammable, explosive or could be injurious to human, animal, or plant life.

2. The special exception uses that may be permitted by the Board of Adjustment are:

a. Parking;

b. Temporary amusement enterprises;

c. Industrial-commercial uses such as loading areas, parking areas, airport landing strips, drive-in theaters, roadside stands, signs, and billboards;

d. Extraction of sand, gravel, and other materials;

e. Marinas, boat rentals, docks, piers, wharves;

f. Railroads, streets, bridges, utility facilities not permitted as of right and pipelines;

g. Storage yards for equipment, machines, or materials;

h. Kennels and stables;

i. Uses or structures accessory to permitted or special exception uses;

j. Other uses similar in nature to areas described in 5.030-C and 5.030-D2, which are consistent with the purposes set out in 5.030-A2.

5.030-E Special Exception Uses, Requirements and Procedures

The Special Exception Uses authorized for approval within the Floodway District are subject to the requirements established by this section, the minimum requirements set out below and such additional safeguards or conditions as may be imposed by the Board of Adjustment.

1. Special Exception Administrative Procedure; Required Information

a. No application for a special exception shall be accepted for filing by the Board unless it is accompanied by plans in triplicate drawn to scale showing the nature, location, dimensions, and elevation of the lot, existing or proposed structures, fill, storage of materials, floodproofing measures, and the relationship of the above to the location of the channel floodway and regulatory flood protection elevation.

b. One copy of the plans submitted by the applicant shall be immediately forwarded by the Clerk of the Board to the County Engineer for technical assistance in evaluating the proposed project in relation to its potential impact on flood heights and velocities; its flood damage potential; and the adequacy of the plans for protection. The Board's transmittal shall bear a notation advising the County Engineer concerning the date the application is scheduled for public hearing.

c. On or before the date scheduled for public hearing, the County Engineer shall advise the Board concerning the adequacy of the plans submitted by the applicant.

d. If at time of public hearing either the Board or the County Engineer deems the plans submitted by the applicant to be inadequate for determining the suitability of the particular site for the proposed use, the Board shall require the applicant to furnish such of the following additional information which may be necessary for making a proper determination:

(1) A typical valley cross-section showing the channel of the stream, elevation of land areas adjoining each side of the channel, cross-sectional areas to be occupied by the proposed development, and high water information.

(2) Plan (surface view) showing elevations or contours of the ground; pertinent structure, fill or storage elevations; size, location, and spatial arrangement of all proposed and existing structures on the site; location and elevations of street, water supply, sanitary facilities, photographs existing land uses and vegetation upstream and downstream, soil types and other pertinent information.

(3) Profile showing the slope of the bottom of the channel or flow line of the stream.

(4) Specifications for building construction and materials, floodproofing, filling, dredging, grading, channel improvement, storage of materials, water supply, and sanitary facilities.

e. After the presentation of all required information and plans by the applicant and upon due consideration of all technical evaluations thereof the Board shall determine the specific flood hazard at the site and shall evaluate the suitability of the proposed use in relation to the flood hazard and the other natural features of the site.

2. Factors Upon Which the Decision of the Board Shall be Based

In passing upon such application, the Board shall consider all relevant factors specified in other provisions of this section and:

a. The effects upon lands upstream, downstream and in the immediate vicinity.

b. The effect upon the flood stage and flood velocity.

c. Whether a demand for additional public expenditures for flood protection or prevention will be created.

d. Whether a demand for additional flood relief payments will be created.

e. The danger to life and property due to flooding or erosion damage.

f. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner.

g. The danger that materials may be swept onto other lands to the injury of others.

h. The compatibility of the proposed use with existing and anticipated development.

i. The safety of access to the property in terms of flood for ordinary and emergency vehicles.

j. The costs of providing governmental services during and after flood conditions including maintenance and repair of streets and bridges, and public utilities and facilities such as sewer, gas, electrical, and water systems.

k. The expected heights, velocity, duration, rate of rise and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site.

l. The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use.

m. The relationship of the proposed use to the Comprehensive Plan for that area.

3. Conditions Attached to Special Exceptions

Upon consideration of the factors listed above and the purposes of the FD zoning regulations, the Board may attach such conditions to the granting of Special Exceptions or Variances as it deems necessary to further the purposes of the FD zoning regulations. Among such conditions without limitation because of specific enumeration may be included:

a. Modification of waste disposal and water supply facilities;

b. Limitations on periods of use and operation;

c. Imposition of operational controls, sureties and deed restrictions;

d. Requirements for construction of channel modifications, dikes, levees and other protective measures.

e. Floodproofing measures such as the following shall be designed consistent with the flood protection elevation for the particular areas, flood velocities, duration, rate of rise, hydrostatic and hydrodynamic forces and other factors associated with the regulatory flood. The Board of Adjustment shall require that the applicant submit a plan or document certified by a registered professional engineer that the floodproofing measures are consistent with the regulatory flood protection elevation and associated flood factors for the particular area. The following floodproofing measures may be required without limitation because of specific enumeration:

(1) Anchorage to resist flotation and lateral movement.

(2) Installation of watertight doors, bulkheads and shutters, or similar methods of construction.

(3) Reinforcement of walls to resist water pressures.

(4) Use of paints, membranes, or mortars to reduce seepage of water through walls.

(5) Addition of mass or weight to structures to resist flotation.

(6) Installation of pumps to lower water levels in structures.

(7) Construction of water supply and waste treatment systems so as to prevent the entrance of floodwaters.

(8) Pumping facilities or comparable practices for subsurface drainage systems for buildings to relieve external foundation wall and basement flood pressures.

(9) Construction to resist rupture or collapse caused by water pressure or floating debris.

(10) Installation of valves or controls on sanitary and storm drains which will permit the drains to be closed to prevent backup of sewage and storm waters into the buildings or structures. Gravity drainage of basements may be eliminated by mechanical devices.

(11) Location of all the applicant's electrical equipment circuits and installed electrical appliances in a manner which will assure they are not subject to flooding and to provide protection from inundation by the regulatory flood.

(12) Location of any structural storage facilities for chemicals, explosives, buoyant materials, flammable liquids or other toxic materials which could be hazardous to public health, safety, and welfare in a manner which will assure that the facilities are situated at elevations above the height associated with the regulatory flood protection elevation, or are adequately floodproofed to prevent flotation of storage containers, or damage to storage containers which could result in the escape of toxic materials into floodwaters.

5.030-F Nonconforming Uses

1. Special Regulations

The provisions of this section specifically govern nonconforming uses located in FD zoning districts and they shall be interpreted as supplemental to the provisions of Chapter 16, which generally governs nonconforming uses. In the event of any conflict between this section and the provisions of Chapter 16, such conflict shall be resolved in favor of the requirements established by this section.

2. Conditions

A structure or the use of a structure or premises which was lawful before the passage of amendment of this section, but which is not in conformity with the provisions of this chapter may be continued, subject to the following conditions:

a. Unless first approved by the Board of Adjustment, no repair or reconstruction of any destroyed structure shall exceed 50 percent of its current replacement cost immediately prior to its destruction. If any nonconforming use or structure is destroyed by any means, including floods, to an extent of more than 50 percent, it shall not be reconstructed except in conformity with the provisions of this chapter.

b. Uses or adjuncts thereof which are or become nuisances shall not be entitled to continue as nonconforming uses.

c. Except as provided in 5.030-F2.b, any use which has been permitted as a Special Exception Use shall be considered a conforming use.

5.030-G Amendments To Floodway Zoning Maps

1. Special Requirements

Amendments to FD Zoning Maps shall be initiated and processed in the manner specified in Sec. 14.030; provided, however, all such proposed amendments shall be subject to the special requirements pertaining thereto which are established by this section.

2. Requirement for Approval

District boundaries may be amended only if the amendment meets one of the two following requirements:

a. A flood control project of the federal, state, county or city government, or a private person, has substantially altered the boundaries of the district, or if proposed improvements have not been constructed, the actual construction thereof has been assured by the submission and acceptance of a bond or other acceptable financial arrangements; or

b. Flood data compiled after the adoption of the District Maps indicates that the district boundaries should be changed.

3. Recommendation of County Engineer

All applications shall be transmitted in writing by the Planning Commission to the County Engineer. Prior to any public hearing by the Planning Commission upon such application, the County Engineer shall review the application and thereafter transmit to the Planning Commission written report as to whether the application meets the required standard for approval; the County Engineer shall recommend the denial of any application which fails to meet the required standard.

~~Sec. 5.040 PK, Parking District~~[8]

[88] PK district is not applied in county and is proposed for elimination.

Chapter 6 Allowed Uses

Sec. 6.010 Use Table 6-1
Sec. 6.020 Use Categories Generally 6-6
Sec. 6.030 Residential Use Groups 6-6
Sec. 6.040 Public, Civic and Institutional Use Group 6-8
Sec. 6.050 Commercial Use Group 6-10
Sec. 6.060 Wholesale, Distribution & Storage Use Group 6-16
Sec. 6.070 Industrial Use Group 6-17
Sec. 6.080 Recycling Use Group 6-18
Sec. 6.090 Agricultural Use Group 6-18
Sec. 6.100 Other Use Group 6-19

Sec. 6.010 Use Table

Principal uses are allowed in accordance with Table 6-1.

6.010-A Use Classification System

Uses are listed in the first column of Table 6-1. These zoning regulations classify uses into groups, categories, and subcategories, which are defined in Sec. 6.030 through Sec. 6.100.

6.010-B Permitted Uses

Uses identified with a "P" are permitted as-of-right in the subject zoning district, subject to compliance with any supplemental regulations identified in the final column of Table 6-1 and with all other applicable regulations.

6.010-C Special Exception Uses

Uses identified with an "S" may be allowed if reviewed and approved in accordance with the special exception procedures of Sec. 14.080. Special exception uses are subject to compliance with any supplemental regulations identified in the final column of Table 6-1 and with all other applicable regulations.

6.010-D Prohibited Uses

Uses identified with an "–" are expressly prohibited in the subject zoning district. Uses that are not listed in the table and that cannot be reasonably interpreted (as stated in §6.020-D) to fall within any defined use category are also prohibited.

6.010-E Supplemental Regulations

The "supplemental regulations" column of Table 6-1 identifies additional regulations that apply to some uses. Unless otherwise expressly stated, compliance with these zoning regulations is required regardless of whether the use is permitted as-of-right or requires special exception approval.

6.010-F Accessory Uses and Structures

Accessory uses and structures, such as home occupations and sheds, are not regulated by Table 6-1. Customary accessory uses and structures are allowed in conjunction with principal uses, subject to compliance with all applicable regulations of Chapter 8.

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Table 6-1: Use Table

USE GROUP Use Category Use Subcategory	ZONING DISTRICTS																				Supplemental Regulations
	AG	AG-R	RE	RS-1	RS-2	RS-3	RD	RT	RM	RMH	OL	OM	OMH	CS	CG	CH	IR	IL	IM	IH	
RESIDENTIAL																					
Household Living (in permitted residential building type)																					
Single household	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	–	S	S	S	
Two households on single lot	P[1]	–	–	–	–	S	P	P	P	–	P	P	P	P	P	P	–	–	–	–	
Three or more households on single lot	–	–	–	–	–	–	S	P	P	–	P	P	P	P	P	P	–	–	–	–	Sec. 7.080
Group Living (except as stated below)	–	–	S	S	S	S	S	S	S	–	S	S	S	S	S	S	–	–	–	–	
Assisted living facility	S	S	S	S	S	S	S	S	P	–	S	P	P	P	P	P	–	–	–	–	
Community group home	S	S	S	S	S	S	S	S	P	–	S	P	P	P	P	P	–	–	–	–	
Convent/monastery/novitiate	S	S	S	S	S	S	S	S	P	–	S	P	P	P	P	P	–	–	–	–	
Elderly/retirement center	–	–	–	–	–	–	–	–	P	–	S	P	P	P	P	P	–	–	–	–	
Fraternity/Sorority	–	–	–	–	–	–	–	–	P	–	S	P	P	P	P	P	–	–	–	–	
Homeless center	–	–	S	S	S	S	S	S	S	–	S	S	S	S	S	S	–	S	–	–	
Life care retirement center	–	–	S	S	S	S	S	S	P	–	S	P	P	P	P	P	–	–	–	–	
Re-entry facility	–	–	S	S	S	S	S	S	S	–	S	P	P	S	S	S	–	S	–	–	
Residential treatment center	–	–	S	S	S	S	S	S	S	–	S	P	P	S	S	S	–	–	–	–	
Rooming/boarding house	–	–	–	–	–	–	–	–	P	–	S	P	P	P	P	P	–	–	–	–	
Shelter, emergency and protective	–	–	S	S	S	S	S	S	S	–	S	S	S	S	S	S	–	S	–	–	
Transitional living center	–	–	S	S	S	S	S	S	S	–	S	P	P	S	S	S	–	–	–	–	
PUBLIC, CIVIC AND INSTITUTIONAL																					
Cemetery	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	
College or University	S	S	S	S	S	S	S	S	S	S	S	P	P	P	P	P	S	S	S	S	
Day Care	S	S	S	S	S	S	S	S	S	S	S	P	P	P	P	P	S	S	S	S	
Detention or Correctional Facility	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	
Fraternal Organization	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	
Governmental Service	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	
Hospital	S	S	S	S	S	S	S	S	S	S	S	P	P	P	P	P	S	S	S	S	
Library or Cultural Exhibit	S	S	S	S	S	S	S	S	S	S	S	P	P	P	P	P	S	S	S	S	
Natural Resource Preservation	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Parks and Recreation	S	S	S	S	S	S	S	S	S	S	S	P	P	P	P	P	S	S	S	S	
Postal Service	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	
Religious Assembly	S	S	S	S	S	S	S	S	S	S	S	P	P	P	P	P	S	S	S	S	
Safety Service	S	S	S	S	S	S	S	S	S	S	S	S	S	P	P	P	P	P	P	P	
School	S	S	S	S	S	S	S	S	S	S	P	P	P	P	P	P	S	S	S	S	
Utilities and Public Service Facility, Minor	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Utilities and Public Service Facility, Major	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	

Table 6-1: Use Table

USE GROUP Use Category Use Subcategory	ZONING DISTRICTS																				Supplemental Regulations
	AG	AG-R	RE	RS-1	RS-2	RS-3	RD	RT	RM	RMH	OL	OM	OMH	CS	CG	CH	IR	IL	IM	IH	
Wireless Communication Facility																					
Freestanding tower	S	S	S	S	S	S	S	S	S	S	–	–	–	P	P	P	P	P	P	P	Sec. 7.190
Building- or tower-mounted antenna	P	P	S	S	S	S	S	S	S	S	P	P	P	P	P	P	P	P	P	P	Sec. 7.190
COMMERCIAL																					
Animal Service																					
Boarding or shelter	S	–	–	–	–	–	–	–	–	–	–	–	–	S	P	P	–	P	P	P	
Grooming	–	–	–	–	–	–	–	–	–	–	–	–	–	P	P	P	–	P	P	P	
Veterinary	–	–	–	–	–	–	–	–	–	–	–	–	–	P	P	P	–	P	P	P	
Assembly and Entertainment																					
Indoor gun club	S	–	–	–	–	–	–	–	–	–	–	–	–	S	S	S	–	S	S	S	Sec. 7.010
Other indoor																					
Small (up to 250-person capacity)	S	–	–	–	–	–	–	–	–	–	–	–	–	P[2]	P[2]	P[2]	–	S	S	S	Sec. 7.010
Large (>250-person capacity)	S	–	–	–	–	–	–	–	–	–	–	–	–	S	S	S	–	S	S	S	Sec. 7.010
Outdoor gun club	S	–	–	–	–	–	–	–	–	–	–	–	–	S	S	S	–	S	S	S	Sec. 7.010
Other outdoor	S	–	–	–	–	–	–	–	–	–	–	–	–	S	S	S	–	S	S	S	Sec. 7.010
Broadcast or Recording Studio	–	–	–	–	–	–	–	–	S[3]	–	P	P	P	P	P	P	–	P	P	P	
Commercial Service																					
Building service	–	–	–	–	–	–	–	–	–	–	–	–	–	P	P	P	–	P	P	P	Sec. 7.020
Business support service	–	–	–	–	–	–	–	–	–	–	–	–	–	P	P	P	–	P	P	P	Sec. 7.020
Consumer maintenance/repair service	–	–	–	–	–	–	–	–	–	–	–	–	–	P	P	P	–	P	P	P	Sec. 7.020
Personal improvement service	–	–	–	–	–	–	–	–	–	–	S	S	S	P	P	P	–	P	P	P	Sec. 7.020
Research service	–	–	–	–	–	–	–	–	–	–	–	–	–	–	S	P	P	P	P	P	Sec. 7.020
Financial Service (except as below)	–	–	–	–	–	–	–	–	S[3]	–	P	P	P	P	P	P	–	P	P	P	
Personal credit establishment	–	–	–	–	–	–	–	–	–	–	–	–	–	P	P	P	–	P	P	P	
Funeral and Mortuary Service	S	–	–	–	–	–	–	–	S[3]	–	P	P	P	P	P	P	–	P	P	P	
Lodging																					
Bed & breakfast	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	–	–	–	–	
Hotel/motel	–	–	–	–	–	–	–	–	–	–	–	–	–	S	P	P	–	–	–	–	Sec. 7.030
Campgrounds and RV parks	S	–	–	–	–	–	–	–	–	–	–	–	S	P	P	P	–	–	–	–	
Rural retreat	S	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	
Short-term rental	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	–	–	–	–	Sec. 7.150
Marina	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	
Office																					
Business or professional office	–	–	–	–	–	–	–	–	S[3]	–	P	P	P	P	P	P	P	P	P	P	
Medical, dental or health practitioner office	–	–	–	–	–	–	–	–	S[3]	–	P	P	P	P	P	P	–	P	P	P	
Plasma center	–	–	–	–	–	–	–	–	–	–	–	–	–	P	P	P	–	P	P	P	

Table 6-1: Use Table

USE GROUP Use Category Use Subcategory	ZONING DISTRICTS																			Supplemental Regulations
	AG	AG-R	RE	RS-1	RS-2	RS-3	RD	RT	RM	RMH	OL	OM	OMH	CS	CG	CH	IR	IL	IM	IH	
Parking, Non-Accessory	–	–	–	–	–	–	–	–	–	–	P	P	P	P	P	P	–	P	P	P	
Restaurants and Bars																					
Restaurant	–	–	–	–	–	–	–	–	–	–	P[4]	P[4]	P[4]	P	P	P	–	P	P	P	Sec. 7.110
Bar (except as below)	–	–	–	–	–	–	–	–	–	–	–	–	–	P[2]	P[2]	P[2]	–	S	S	S	Sec. 7.110
Brewpub	–	–	–	–	–	–	–	–	–	–	–	–	–	S	S	S	–	S	S	S	Sec. 7.110
Retail Sales																					
Building supplies and equipment	–	–	–	–	–	–	–	–	–	–	–	–	–	P	P	P	–	P	P	P	Sec. 7.120
Consumer shopping goods	–	–	–	–	–	–	–	–	–	–	–	–	–	P	P	P	–	P	P	P	Sec. 7.120
Convenience goods	–	–	–	–	–	–	–	–	–	–	–	S[4]	S[4]	P	P	P	–	P	P	P	Sec. 7.120
Self-service Storage Facility	–	–	–	–	–	–	–	–	S[3]	–	S	S	S	S	P	P	–	P	P	P	Sec. 7.130
Sexually Oriented Business Establishment	–	–	–	–	–	–	–	–	–	–	–	–	–	P	P	P	–	S	S	S	Sec. 7.140
Studio, Artist or Instructional Service	–	–	–	–	–	–	–	–	S[3]	–	P	P	P	P	P	P	–	P	P	P	
Trade School	–	–	–	–	–	–	–	–	–	–	–	–	–	S	P	P	–	P	P	P	
Vehicle Sales and Service																					
Commercial vehicle repair/maintenance	–	–	–	–	–	–	–	–	–	–	–	–	–	S	P	P	–	P	P	P	Sec. 7.150
Truck stop	–	–	–	–	–	–	–	–	–	–	–	–	–	–	S	S	–	P	P	P	Sec. 7.150
Commercial vehicle sales and rentals	–	–	–	–	–	–	–	–	–	–	–	–	–	S	P	P	–	P	P	P	Sec. 7.150
Fueling station	–	–	–	–	–	–	–	–	–	–	–	–	–	P	P	P	–	P	P	P	Sec. 7.150
Personal vehicle repair and maintenance	–	–	–	–	–	–	–	–	–	–	–	–	–	P	P	P	–	P	P	P	Sec. 7.150
Personal vehicle sales and rentals	–	–	–	–	–	–	–	–	–	–	–	–	–	S	P	P	–	P	P	P	Sec. 7.150
Vehicle part and supply sales	–	–	–	–	–	–	–	–	–	–	–	–	–	P	P	P	–	P	P	P	Sec. 7.150
Vehicle body and paint finishing shop	–	–	–	–	–	–	–	–	–	–	–	–	–	S	P	P	–	P	P	P	Sec. 7.150
WHOLESALE, DISTRIB. & STORAGE																					
Equipment and Materials Storage, Outdoor	–	–	–	–	–	–	–	–	–	–	–	–	–	S	P	P	–	P	P	P	Sec. 7.170
Trucking and Transportation Terminal	–	–	–	–	–	–	–	–	–	–	–	–	–	S	P	P	–	P	P	P	Sec. 7.170
Warehouse	–	–	–	–	–	–	–	–	–	–	–	–	–	S	P	P	–	P	P	P	Sec. 7.170
Wholesale Sales and Distribution	–	–	–	–	–	–	–	–	–	–	–	–	–	S	P	P	–	P	P	P	Sec. 7.170
INDUSTRIAL																					
Low-impact Manufacturing and Industry	–	–	–	–	–	–	–	–	–	–	–	–	–	–	S	S	S	P	P	P	Sec. 7.040
Moderate-impact Manufacturing and Industry	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	S	P	P	Sec. 7.040
High-impact Manufacturing and Industry	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	S	P	Sec. 7.040
Mining or Mineral Processing	S	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	S	S	Sec. 7.040
Junk or Salvage Yard	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	S	P	Sec. 7.040
RECYCLING																					

Table 6-1: Use Table

USE GROUP Use Category Use Subcategory	ZONING DISTRICTS																				Supplemental Regulations
	AG	AG-R	RE	RS-1	RS-2	RS-3	RD	RT	RM	RMH	OL	OM	OMH	CS	CG	CH	IR	IL	IM	IH	
Construction or Demolition Debris	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	S	S	P	Sec. 7.100
Consumer Material Drop-off Station	–	–	–	–	–	–	–	–	–	–	–	–	–	P/S[5]	P	P	–	P	P	P	Sec. 7.100
Consumer Material Processing	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	P	P	P	Sec. 7.100
AGRICULTURAL																					
Animal Husbandry (except as below)	P	S	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	P	P	
Keeping of wild or exotic animals	S	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	Sec. 7.180
Community Garden	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	–	P	P	P	
Farm, Market or Community-Supported	P	S	–	–	–	–	–	–	–	–	P	P	P	P	P	P	–	P	P	P	
Horticulture Nursery	P	S	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	P	P	P	
Marijuana Grower Operation																					
Indoor	P	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	P	P	P	Sec. 7.060
Outdoor	S	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	Sec. 7.060
OTHER																					
Drive-in or Drive-through Facility (as a component of an allowed principal use)	–	–	–	–	–	–	–	–	–	–	S	S	P	P	P	P	–	P	P	P	
Off-premises Outdoor Advertising Sign [6]	–	–	–	–	–	–	–	–	–	–	–	–	–	P	P	P	–	P	P	P	
Oil or Gas Extraction	P[7]	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	Sec. 7.090

Table 6-1 **Notes**

[1] Duplex requires special exception approval; 2 detached houses permitted by right, subject to applicable minimum lot area per unit requirements (see Sec. 2.040)

[2] Use requires special exception approval if intoxicating beverages or low-point beer are sold or served, and the subject lot is located within 150 feet of any residential zoning district other than R-zoned street right-of-way.

[3] Allowed by special exception approval in RM-1 and RM-2 districts only. Prohibited in other RM districts.

[4] Use allowed in O districts only if located entirely within the principal office building and does not occupy more than 10% of the building's floor area.

[5] Permitted by right only if no outdoor storage and gross floor does not exceed 5,000 square feet. Otherwise, special exception approval is required.

[6] Off-premises Outdoor Advertising Signs are expressly prohibited in the PUD district

[7] Requires special exception review and approval when located within a residential subdivision that was filed of record with the county clerk before July 1, 1985. See also the supplemental use regulations for oil and gas extraction uses in Sec. 7.090.

Sec. 6.020 Use Categories Generally

This section establishes and describes the use categorization system used to classify principal uses in these zoning regulations.

6.020-A Use Groups

These zoning regulations classify principal land uses into 8 major groupings (described in Sec. 6.030 through Sec. 6.100). These major groupings are referred to as "use groups." The use groups are as follows:

1. Residential. See Sec. 6.030.
2. Public, Civic and Institutional. See Sec. 6.040.
3. Commercial. See Sec. 6.050.
4. Wholesale, Distribution and Storage. See Sec. 6.060.
5. Industrial. See Sec. 6.070.
6. Recycling. See Sec. 6.080.
7. Agricultural. See Sec. 6.090.
8. Other. See Sec. 6.100.

6.020-B Use Categories

Each use group is further divided into more specific "categories." Use categories classify principal land uses and activities based on common functional, product or physical characteristics, such as the type and amount of activity, the type of customers or residents, and how goods or services are sold or delivered and site conditions.

6.020-C Use Subcategories

Some use categories are further broken down to identify specific types of uses that are regulated differently than the category as a whole.

6.020-D Categorization of Uses

1. The county inspector is authorized to classify uses on the basis of the use group, category and subcategory descriptions of this chapter.
2. When a use cannot be reasonably classified into a use group, category, or subcategory, or appears to fit into multiple categories, the county inspector is authorized to determine the most similar and thus most appropriate use group, category, and subcategory based on the actual or projected characteristics of the principal use or activity. In making such determinations, the county inspector must consider:
   a. The types of activities that will occur in conjunction with the use;
   b. The types of equipment and processes to be used;
   c. The existence, number and frequency of residents, customers, or employees;
   d. Parking demands associated with the use; and
   e. Other factors deemed relevant to a use determination.
3. If a use can reasonably be classified in multiple groups, categories, or subcategories, the county inspector is authorized to categorize each use in the group, category, or subcategory that provides the most exact, narrowest and appropriate "fit."

Sec. 6.030 Residential Use Groups

The residential use group includes uses that provide living accommodations for one or more persons. The residential use categories are as follows.

6.030-A Household Living

Residential occupancy of a dwelling unit by a household. When dwelling units are rented, tenancy is arranged on a month-to-month or longer basis. Uses where tenancy may be arranged for a shorter period are not considered residential; they are considered a form of lodging.

6.030-B Group Living

Residential occupancy of a building or any portion of a building by a group other than a household. Group living uses typically provide communal kitchen/dining facilities. Examples of group living use types include convents, monasteries, novitiates, fraternity and sorority houses, homeless centers and the following:

1. **Assisted Living Center**
   A residential facility designed to meet housing and care needs of older persons and individuals with disabilities in a residential rather than institutional environment, while maximizing independence, choice and privacy. Assisted living programs provide personal care for persons with needs for assistance in the activities of daily living and can respond to unscheduled needs for assistance. Services typically provided include meals, housekeeping, laundry and linen service, medication monitoring, transportation and activities. Assisted living settings also typically provide features that enhance resident autonomy, such as lockable doors, full bathrooms, temperature control and single occupancy, and may provide limited cooking facilities in individual units.

2. **Community Group Home**
   A community-based group living use for elderly persons or persons with disabilities that allows independent living and that provides communal room and board, personal care, and habilitation services in a household-like environment. Community group homes for 8 or fewer persons are considered household living uses.

3. **Elderly/Retirement Center**
   A residential facility designed for and principally occupied by elderly persons. Such facilities sometimes include congregate meals in a common dining area, but do not include medical or skilled nursing care, as distinguished from life care retirement centers.

4. **Emergency and Protective Shelter**
   A residential use that provides room and board for a continuous period of no more than 30 consecutive days for adults or children who have been abused, displaced or are transient. Such uses provide protection services and typically provide counseling and pre-placement screening services as well.

5. **Life Care Retirement Center**
   A residential facility designed for and principally occupied by elderly persons in a planned retirement community that includes a residential complex, an activity or community center and a medical or skilled nursing care facility licensed by the State of Oklahoma as an Intermediate Care Facility or a Skilled Nursing Center.

6. **Re-Entry Facility**
   A facility operated by the county, the state, the federal government or a private party under contract with the county, the state or the federal government and used for rehabilitation and overnight accommodation of individuals, including staff, who are (a) under the jurisdiction of a court, but not under confinement, or (b) individuals recently released from the jurisdiction of a court. Re-entry facilities are operated for the purpose of providing treatment or rehabilitation intended to assist such individuals with their re-entry into the community.

7. **Residential Treatment Center**
   A community-based residential facility that provides diagnostic or therapeutic services, counseling, or treatment and long-term room and board in a highly structured environment for persons receiving active treatment for alcoholism, drug abuse or behavioral disorders.

8. **Rooming and Boarding House**
   A residential use that provides congregate meals and lodging and that is not otherwise classified as another form of group living use or lodging use.

9. **Transitional Living Center**
   A community-based residential facility that provides room and board, a supervised living environment, counseling and rehabilitation services for persons with a history of juvenile delinquency, behavioral disorders, alcoholism or drug abuse for a continuous period of no more than 120 consecutive days.

Sec. 6.040 Public, Civic and Institutional Use Group

This use group includes public, quasi-public and private uses that provide unique services that are of benefit to the public at-large. The public, civic and institutional categories are as follows.

6.040-A Cemetery

Land or structures used for burial or permanent storage of the dead or their cremated remains. Typical uses include cemeteries and mausoleums. Also includes pet cemeteries.

6.040-B College or University

Institutions of higher learning that offer courses of general or specialized study and are authorized to grant academic degrees. The college or university use category includes classrooms and instructional spaces, as well as on-campus residence halls, fraternity and sorority houses, administrative buildings, auditoriums and other on-campus uses and facilities that provide customary accessory and support functions for college or university uses.

6.040-C Day Care

Uses providing care and supervision for children or adults for a fee on a regular basis away from their primary residence for less than 24 hours per day. Examples of day care uses include adult day care centers, as defined in the *Oklahoma Adult Day Care Act*; child care facilities, family child care homes and large family child care homes, as defined in the *Oklahoma Child Care Facilities Licensing Act* and OAC 340:110-3-81; provided that uses providing care and supervision for children or adults for 24 hours per day or longer are classified as group living uses. Day camps, as defined in the *Oklahoma Child Care Facilities Licensing Act,* that serve only school-age children and operate during regular school vacations for no more than 12 hours per day are also classified as day care uses. Family child care homes accessory to a household living use and that provides care and supervision for 7 or fewer children for less than 24 hours per day are not regulated as principal uses, but are allowed as accessory uses (see Sec. 8.090).

6.040-D Detention or Correctional Facility

An institution operated by the county, the state, the federal government or a private party under contract with the county, the state or the federal government for the confinement and punishment and treatment or rehabilitation of offenders under the jurisdiction of a court.

6.040-E Fraternal Organization

The use of a building or lot by a not-for-profit organization that restricts access to its facility to bona fide, annual dues-paying members and their occasional guests and where the primary activity is a service not carried on as a business enterprise.

6.040-F Governmental Service

Local, state or federal government services or functions that are not otherwise classified.

6.040-G Hospital

Uses providing medical or surgical care to patients and offering inpatient (overnight) care.

6.040-H Library or Cultural Exhibit

Museum-like preservation and exhibition of objects in one or more of the arts and sciences, gallery exhibition of works of art or library collections of books, manuscripts and similar materials for study and reading. Includes aquariums and planetariums.

6.040-I Natural Resource Preservation

Undeveloped land left in a natural state for specific use as visual open space or environmental purposes. Typical uses include wildlife or nature preserves, arboretums, flood management projects and reservoirs.

6.040-J Parks and Recreation

Recreational, social or multi-purpose uses associated with public parks and open spaces, including playgrounds, playfields, play courts, community centers and other facilities typically associated with public parks and open space areas. Also includes public and private golf courses and tennis clubs.

6.040-K Postal Service

Facilities operated by the U.S. Postal Service, including post offices and mail sorting and distribution facilities.

6.040-L Religious Assembly

Religious services involving public assembly that customarily occur in churches, synagogues, temples, mosques and other facilities used for religious worship.

6.040-M Safety Service

Establishments that provide fire, police or life protection, together with the incidental storage and maintenance of necessary vehicles. Typical uses include fire stations, police stations, ambulance services and storm or civil defense shelters.

6.040-N School

Public and private schools at the primary, elementary, middle school or high school level that provide basic, compulsory education.

6.040-O Utilities and Public Service Facility, Minor

Infrastructure services that need to be located in or close to the area where the service is provided. Minor utilities and public service facilities generally do not have regular employees at the site and typically have few if any impacts on surrounding areas. Typical uses include water and sewer pump stations; natural gas regulating stations; underground electric distribution substations; electric transformers; water conveyance systems; stormwater facilities and conveyance systems; telephone switching equipment and emergency communication warning/broadcast facilities.

1. The production, collection or distribution of renewable energy, water, organic waste, or other similar resources at a neighborhood, district or campus scale are classified as minor utilities and public service facilities. This includes distributed energy facilities that produce or distribute energy from renewable sources; neighborhood composting areas and neighborhood stormwater facilities.
2. District-, neighborhood or campus-scale systems that produce or distribute energy from the biological breakdown of organic matter produced within the subject neighborhood or campus are also considered minor utilities and public service facilities.
3. Energy production systems that generate energy from the byproducts of the principal use are considered accessory uses, including net metered installations and installations that generate power to sell at wholesale to the power grid.

6.040-P Utilities and Public Service Facility, Major

Infrastructure services that typically have substantial visual or operational impacts on nearby areas. Typical uses include but are not limited to water and wastewater treatment facilities, high-voltage electric substations, utility-scale power generation facilities (including wind, solar and other renewable and nonrenewable energy sources), sanitary landfills and utility-scale water storage facilities, such as water towers and reservoirs.

6.040-Q Wireless Communication Facility

Towers, antennas, equipment, equipment buildings and other facilities used in the provision of wireless communication services. The following are wireless communication facility specific use types:

1. **Freestanding Towers**
   A structure intended to support equipment that is used to transmit and/or receive telecommunications signals, including monopoles and guyed and lattice construction steel structures.

2. **Building or Tower-Mounted Antennas**
   The physical device that is attached to a freestanding tower, building or other structure, through which electromagnetic, wireless telecommunications signals authorized by the Federal Communications Commission are transmitted or received.

Sec. 6.050 Commercial Use Group

The commercial use group includes uses that provide a business service or involve the selling, leasing or renting of merchandise to the general public. The commercial use categories are as follows.

6.050-A Animal Service

Uses that provide goods and services for care of animals not owned by the permanent resident of the subject lot, including the following use subcategories:

1. **Grooming**
   Grooming of dogs, cats and similar small animals, including dog bathing and clipping salons and pet grooming shops.

2. **Boarding or Shelter**
   Animal shelters, care services, boarding, and kennel services for animals that are not owned by a permanent resident of the subject property, including stables, boarding kennels, pet resorts/hotels, pet adoption centers, dog training centers, and, animal rescue shelters. The keeping of farm animals as part of a farming operation in an AG district is not regulated as a boarding or shelter use.

3. **Veterinary**
   Animal hospitals and veterinary clinics.

6.050-B Assembly and Entertainment

Uses that provide gathering places for participant or spectator recreation, entertainment or other assembly activities. Assembly and entertainment uses may provide incidental food or beverage service. Typical uses include gun clubs, shooting ranges, health clubs, gymnasiums, riding stables and academies, banquet halls, wedding and special event venues, entertainment centers, event centers, billiard centers, bowling centers, cinemas, go-cart tracks, laser tag, paintball, miniature golf courses, stadiums, arenas, video arcades, race tracks, fairgrounds, rodeo grounds, water parks, amusement parks, and live theaters. Outdoor seating and dining areas that exceed 50% of the indoor floor area of the subject principal use (e.g., bar, restaurant or indoor assembly and entertainment use) are regulated as an outdoor assembly and entertainment use.

6.050-C Broadcast or Recording Studio

Uses that provide for audio or video production, recording or broadcasting.

6.050-D Commercial Service

Uses that provide for consumer or business services and for the repair and maintenance of a wide variety of products. Examples of commercial service use types include the following:

1. **Building Service**
   Uses that provide maintenance and repair services for all structural and mechanical elements of structures, as well as the exterior spaces of premises. Typical uses include janitorial, landscape maintenance, carpet cleaning, chimney sweeps, extermination, plumbing, electrical, HVAC, roofing, window cleaning and similar services.

2. **Business Support Service**
   Uses that provide personnel services, printing, copying, package (delivery) drop-off, photographic services or communication services to businesses or consumers. Typical uses include employment agencies, day labor hiring services, armored car services, copy and print shops, delivery/courier service drop-off location for consumers, caterers, telephone answering services and photo developing labs.

3. **Consumer Maintenance and Repair Service**
   Uses that provide maintenance, cleaning and repair services for consumer goods on a site other than that of the customer (i.e., customers bring goods to the site of the repair/maintenance business).

Typical uses include laundry and dry-cleaning pick-up shops, tailors, taxidermists, dressmakers, shoe repair, picture framing shops, gunsmiths, locksmiths, vacuum repair shops, electronics repair shops and similar establishments. Businesses that offer repair and maintenance service for large equipment or technicians who visit customers' homes or places of business are classified as a "building service."

4. **Personal Improvement Service**
Uses that provide personal grooming, cosmetic or health and well-being-related services. Typical uses include barbers, hair and nail salons, tanning salons, day spas, body art services and fortune telling services.

5. **Research Service**
Uses engaged in scientific research and testing services leading to the development of new products and processes. Such uses resemble office buildings or campuses and do not involve the mass production, distribution or sale of products. Research services do not produce odors, dust, noise, vibration or other external impacts that are detectable beyond the property lines of the subject property. Includes state-licensed marijuana testing laboratories, and marijuana research by the holder of a marijuana research license issued by the Oklahoma State Department of Health, in accordance with the terms of such license and the supplemental use regulations of Sec. 7.060.

6.050-E Financial Service

Uses related to the exchange, lending, borrowing, or safe-keeping of money. Automatic teller machines, kiosks and similar facilities that do not have on-site employees or amplified sound are not classified as financial service uses if they meet the criteria for classification as an accessory use (see §8.010-A).Typical examples of financial service use types are banks, credit unions, and the following types of personal credit establishments:

1. **Check Cashing**
An establishment that:

   a. Is not a bank or financial lending institution subject to federal or state regulation;

   b. Charges a fee to cash a check or have a check processed; and

   c. Provides such services to the public.

2. **Pawnshop**
An establishment that is engaged to any extent in any of the following business or activities:

   a. The lending of money on the deposit or pledge of personal property, other than choses in action, securities or written evidence of indebtedness;

   b. The purchase of personal property either from an individual, another pawn business or any other business with an expressed or implied agreement or understanding to offer the property for sale to the public, and if that sale is unsuccessful, then to sell it back to the previous owner at a subsequent time at a stipulated price or negotiated price;

   c. The purchase of precious metals with the intent to melt down, provided that such activity is not clearly incidental to the principal use of the establishment; or

   d. The lending of money upon personal property, goods, wares, or merchandise pledged, stored or deposited as collateral security.

3. **Payday Lender**
An establishment that is substantially in the business of negotiating, arranging, aiding, or assisting a consumer in procuring payday loans.

4. **Bail Bond**
A use that provides surety and pledged money or property as bail for the appearance of persons accused in court.

6.050-F Funeral and Mortuary Service

Uses that provide services related to the death of a human or domestic, household pet, including funeral homes and mortuaries. Funeral and mortuary services may include crematoriums as an accessory use. Other crematoriums and animal rendering uses are classified as moderate-impact manufacturing and industry.

6.050-G Lodging

Uses that provide temporary lodging for less than 30 days where rents are charged by the day or by the week. Lodging uses sometimes provide food or entertainment, primarily to registered guests. Examples of specific lodging use types include:

1. **Bed and Breakfast**
   A detached house in which the owner/operator offers overnight accommodations and meal service to overnight guests for compensation.

2. **Hotel/Motel**
   An establishment, other than a bed and breakfast or rural retreat, in which short-term lodging is offered for compensation. A hotel/motel may include an accessory use bar.

3. **Recreational Vehicle Park/Campground**
   An establishment that provides temporary overnight accommodations for camping in recreational vehicles or tents.

4. **Rural Retreat**
   An establishment that is part of a working farm or ranch that provides temporary overnight accommodations for individuals or groups engaged in supervised training or personal improvement activities. Examples include corporate retreat facilities, educational retreat facilities and dude ranches or working farm learning centers.

5. **Short-Term Rental**
   A dwelling unit that is not the primary residence of a household, or a portion thereof, in which temporary lodging is offered for compensation for no more than 29 consecutive days. Short-term rentals can also be allowed accessory uses in accordance with Sec. 8.170.

6.050-H Marina

Facilities that provide moorage, launching, storage, fueling, supplies and services (other than repair) commonly associated with storing, maintaining and operating recreational and commercial watercraft.

6.050-I Office

Uses in an enclosed building that provide executive, management, administrative, professional or medical services. Subcategories include:

1. **Business and Professional Office**
   Offices for companies, organizations, and administrative and professional workers. Examples include corporate office, law offices, architectural firms, insurance companies and other executive, management or administrative offices for businesses and corporations. Also included are union halls that offer only office and meeting space and insurance claims adjusters/estimators with no more than one vehicle inspection bay and no on-site repair facilities.

2. **Medical, Dental and Health Practitioner Office**
   Offices engaged in diagnosis or treatment of human patients' illnesses, injuries, or medical conditions that can be performed in an office setting with no overnight care. Typical uses include offices of physicians, dentists, psychiatrists, psychologists, chiropractors, and practitioners of massage therapy. Surgical, rehabilitation and other medical centers that do not involve overnight patient stays are included in this use subcategory, as are medical and dental laboratories, unless otherwise expressly indicated. Ancillary sales of medications and medical products are allowed in association with a medical, dental or health practitioner office.

3. **Plasma Center**
   An establishment primarily involved in the collection of human blood plasma from plasma donors.

6.050-J Parking, Non-Accessory

Parking that is not provided to comply with minimum off-street parking requirements or that is not provided exclusively to serve occupants of or visitors to a particular use, but rather is available to the public at-large. A parking facility that provides both accessory and non-accessory parking will be classified as non-accessory parking if it leases 25% or more of its spaces to non-occupants of or persons other than visitors to a particular use. Examples of specific non-accessory parking use types include:

1. **Surface Parking, Non-Accessory**
   A non-accessory parking lot.

2. **Structured Parking, Non-Accessory**
   A non-accessory parking garage.

6.050-K Restaurants and Bars

1. **Bar**
   Uses that cater primarily to adults, 21 years of age and older and that sell and serve intoxicating beverages and/or low-point beer as their principal business. Typical bar uses include bars, taverns, beer bars, brewpubs, nightclubs, pool halls, dance halls, hookah lounges, and similar establishments. See also the definition of accessory use bar in Sec. 19.040.

   a. **Hookah Lounge**
      An establishment whose business operation, whether as a principal use or as an accessory use, includes the smoking of tobacco or other substances through one or more hookah pipes (also commonly referred to as a hookah, waterpipe, shisha or narghile), including but not limited to establishments known variously as hookah bars, hookah parlors or hookah cafés.

   b. **Brewpub**
      An establishment where beer and malt beverages are made on the premises in conjunction with a restaurant and/or bar and where (1) less than 5,000 barrels (155,000 gallons) of beer and malt beverages are produced per calendar year and (2) at least 33% of the beer and malt beverages produced on site are sold on site. Where allowed by law, brewpubs may sell beer and malt beverages "to go" and/or distribute to off-site accounts.

2. **Restaurant**
   An establishment that serves food or beverages for on- or off-premises consumption as its principal business. The preparation and processing of food or beverages to be served or sold on-site directly to consumers is permitted as an accessory use to a restaurant, including on-site coffee roasting with a maximum roasting capacity of 45 kilograms per batch. Typical examples of restaurant uses include principal use restaurants, cafés, cafeterias, ice cream/yogurt shops, donut shops, coffee shops, and food truck courts.

   a. **Principal Use Restaurant**
      A restaurant that employs at least one full-time cook, has a menu, a fully equipped kitchen for cooking and preparation of meals and in which dining, kitchen and non-service areas occupy at least 75% of the floor area of the business. A principal use restaurant may include an accessory use bar, but any bar area that does not meet the definition of an accessory use bar (Sec. 19.040) is classified and regulated as a bar.

3. **Outdoor Seating and Dining Areas**
   Outdoor seating and dining areas that exceed 50% of the indoor floor area of the subject bar or restaurant are regulated as an outdoor assembly and entertainment use.

6.050-L Retail Sales

Uses involving the sale, lease or rental of new or used goods to the ultimate consumer. Examples of specific retail use types include:

1. **Building Supplies and Equipment**
   Retail sales uses that sell or otherwise provide goods to repair, maintain or visually enhance a structure or premises. Typical uses include hardware stores, home improvement stores, paint and wallpaper supply stores and garden supply stores.

2. **Consumer Shopping Goods**
   Retail sales uses that sell or otherwise provide wearing apparel, fashion accessories, furniture, household appliances and similar consumer goods, large and small, functional and decorative, for use, entertainment, comfort or aesthetics. Typical uses include clothing stores, department stores, appliance stores, TV and electronics stores, bike shops, book stores, costume rental stores, stationery stores, art galleries, hobby shops, furniture stores, pet stores and pet supply stores, shoe stores, antique shops, secondhand stores, record stores, toy stores, sporting goods stores, variety stores, video stores, musical instrument stores, medical supplies, state-licensed marijuana dispensaries, office supplies and office furnishing stores and wig shops.

   a. **Marijuana Dispensaries**
      Retail sales uses that sell or otherwise provide marijuana or marijuana products by the holder of a marijuana dispensary license issued by the Oklahoma State Department of Health, in accordance with the terms of such license and the supplemental use regulations of Sec. 7.060.

3. **Convenience Goods**
   Retail sales uses that sell or otherwise provide (1) sundry goods; (2) products for personal grooming and for the day-to-day maintenance of personal health or (3) food or beverages for off-premises consumption, including grocery stores, retail bakeries and similar uses that provide incidental and accessory food and beverage service as part of their primary retail sales business. Typical uses include convenience stores, drug stores, grocery and specialty food stores, wine or liquor stores, gift shops, newsstands, florists and tobacco stores.

6.050-M Self-service Storage Facility

An enclosed use that provides separate, small-scale, self-service storage facilities leased or rented to individuals or small businesses. Facilities are designed and used to accommodate only interior access to storage lockers or drive-up access only from regular size passenger vehicles and two-axle non-commercial vehicles.

6.050-N Sexually Oriented Business Establishment

Sexually oriented business establishments include all of the following:

1. **Adult Amusement or Entertainment**
   Amusement or entertainment that is distinguished or characterized by an emphasis on acts or material depicting, describing or relating to sexual conduct or specified anatomical areas, including but not limited to topless or bottomless dancers, exotic dancers, strippers, and similar uses and activities.

2. **Adult Bookstore**
   An establishment wherein 10% or more of its display area consists of books, films, videos, magazines, periodicals, games, novelties or other materials that are distinguished or characterized by an emphasis on depicting or describing sexual conduct or specified anatomical areas (referred to in this section as "sexually oriented materials"). As used in this definition of “adult bookstore,” “display area” is measured as follows:

   a. For bookshelves, magazine racks and similar display devices, display area is calculated by multiplying the length times the width of such devices. If sexually oriented materials are mixed with non-sexually oriented materials in or on such devices, the entire device is considered as consisting of sexually oriented materials.

   b. For tabletops, counters, display cases and similar display devices, display area is calculated by multiplying the length times the width of each surface on which merchandise is displayed. If

sexually oriented materials are mixed with non-sexually oriented materials on such surfaces, the entire surface is considered as consisting of sexually oriented materials.

c. For walls, display area is the area of the wall enclosed by the smallest imaginary rectangle that contains each item.

d. The display area of merchandise hanging or suspended from the ceiling is calculated by multiplying the item's length or width, whichever is longer, times the item's height.

3. Adult Mini Motion Picture Theater
An enclosed building with a capacity of fewer than 50 persons used for presenting material distinguished or characterized by an emphasis on depicting or describing sexual conduct or specified anatomical areas.

4. Adult Motel
A motel in which material is presented, as part of the motel services, via closed circuit TV or otherwise, that is distinguished or characterized by an emphasis on depicting or describing sexual conduct or specified anatomical areas.

5. Adult Motion Picture Arcade
Any place to which the public is permitted or invited wherein coin or slug operated or electronically, electrically or mechanically controlled, still or motion picture machines, projectors, or other image producing devices are maintained to show images to 5 or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by an emphasis on depicting or describing sexual conduct or specified anatomical areas.

6. Adult Motion Picture Theater
An enclosed building with a capacity of 50 or more persons used for presenting material distinguished or characterized by an emphasis on depicting or describing sexual conduct or specified anatomical areas.

7. Massage Parlor
Any place where for any form of consideration or gratuity, massage, alcohol rub, administration of fomentations, electric or magnetic treatments, or any other treatment or manipulation of the human body occurs as part of or in connection with sexual conduct or where any person providing such treatment, manipulation or service related thereto exposes specified anatomical areas.

8. Model Studio
Any place other than public park, museum or university or college art classes where, for any form of consideration or gratuity, figure models who display specified anatomical areas are provided to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by persons paying such consideration or gratuity.

9. Sexual Encounter Center
Any building or structure that contains, or is used for commercial entertainment where the patron directly or indirectly is charged a fee to engage in personal contact with or to allow personal contact by, employees, devices or equipment or by personnel provided by the establishment that appeals to the prurient interest of the patron, to include, but not to be limited to bath houses, massage parlors, and related or similar activities.

6.050-O Studio, Artist or Instructional Service

Uses in an enclosed building that focus on providing individual or small group instruction or training in fine arts, music, dance, drama, fitness, language or similar activities. Also includes dance studios, ballet academies, yoga studios, martial arts instruction, tutoring, artist studios and photography studios.

6.050-P Trade School

Uses in an enclosed building that focus on teaching the skills needed to perform a particular job. Examples include schools of cosmetology, modeling academies, computer training facilities, vocational schools, administrative

business training facilities and similar uses. Truck driving schools are classified as "trucking and transportation terminals" (wholesale, distribution and storage use group).

6.050-Q Vehicle Sales and Service

Uses that provide for the sale, rental, maintenance or repair of new or used vehicles and vehicular equipment. The vehicle sales and service category includes the following subcategories:

1. **Commercial Vehicle Repair and Maintenance**
   Uses, excluding vehicle paint finishing shops, that repair, install or maintain the mechanical components or the bodies of large trucks, mass transit vehicles, large construction or agricultural equipment, aircraft or similar large vehicles and vehicular equipment. Includes truck stops and fleet vehicle fueling facilities, which may dispense conventional vehicle fuels and/or alternative vehicle fuels.

2. **Commercial Vehicle Sales and Rentals**
   Uses that provide for the sale or rental of large trucks, moving equipment (e.g., U-haul and Ryder), construction or agricultural equipment, aircraft, or similar large vehicles and vehicular equipment.

3. **Fueling Station (for Personal, Consumer Vehicles)**
   Uses engaged in retail sales of vehicle fuels for personal vehicles, other than fleet fueling facilities and truck stops. (Note: Fleet vehicle fueling facilities and truck stops are part of the "Commercial Vehicle Repair and Maintenance" subcategory). Fueling stations may dispense conventional vehicle fuels and/or alternative vehicle fuels.

4. **Personal Vehicle Repair and Maintenance**
   Uses that repair, install or maintain the mechanical components of automobiles, small trucks or vans, motorcycles, motor homes or recreational vehicles including recreational boats or that wash, clean or otherwise protect the exterior or interior surfaces of these vehicles.

5. **Personal Vehicle Sales and Rentals**
   Uses that provide for the sale or rental of new or used autos, small trucks or vans, trailers, motorcycles, motor homes or recreational vehicles including recreational watercraft. Typical examples include automobile dealers, auto malls, and car rental agencies. Car-share vehicles that are parked or stored when not being used by members of a car-share program are not regulated as personal vehicle sales and rental uses, but are instead considered accessory parking.

6. **Vehicle Equipment and Supplies Sales and Rentals**
   Uses related to the sale, lease or rental of new or used parts, tools or supplies for the purpose of repairing or maintaining motor vehicles.

7. **Vehicle Body and Paint Finishing Shop**
   Uses that primarily conduct motor vehicle body work and repairs or that apply paint to the exterior or interior surfaces of motor vehicles by spraying, dipping, flow-coating or other similar means.

Sec. 6.060 Wholesale, Distribution & Storage Use Group

This use group includes uses that provide and distribute goods in large quantities, principally to retail sales, commercial services or industrial establishments. Long-term and short-term storage of supplies, equipment, commercial goods and personal items is included. The wholesale, distribution & storage categories are as follows.

6.060-A Equipment and Materials Storage, Outdoor

Uses related to outdoor storage of equipment, products or materials, whether or not stored in containers.

6.060-B Trucking and Transportation Terminal

Uses engaged in the dispatching and long-term or short-term storage of trucks, buses and other vehicles, including parcel service delivery vehicles, taxis and limousines. Minor repair and maintenance of vehicles stored on the premises is also included. Includes uses engaged in the moving of household or office furniture, appliances and equipment from one location to another, including the temporary on-site storage of those items.

6.060-C Warehouse

Uses conducted within a completely enclosed building that are engaged in long-term and short-term storage of goods and that do not meet the definition of a "self-service storage facility" or a "trucking and transportation terminal."

6.060-D Wholesale Sales and Distribution

Uses engaged in the wholesale sales, bulk storage and distribution of goods. Such uses may also include incidental retail sales and wholesale showrooms. Expressly includes the following uses: bottled gas and fuel oil sales, flea markets, ice distribution centers, monument sales, portable storage building sales, vending machine sales, auctioneers, licensed fireworks wholesalers, licensed fireworks distributors, and frozen food lockers.

Sec. 6.070 Industrial Use Group

The industrial use group includes uses that produce goods from extracted and raw materials or from recyclable or previously prepared materials, including the design, storage and handling of these products and the materials from which they are produced. The industrial categories are:

6.070-A Low-impact Manufacturing and Industry

Manufacturing and industrial uses that do not, as part of their normal operations, generate noticeable off-site impacts in terms of noise, smoke, particulate matter, odors, or vibration. Typical examples of low-impact manufacturing and industrial uses include: commercial laundries and linen supply services, apparel manufacturing, bakery products manufacturing, state-licensed production of marijuana edibles using marijuana components processed elsewhere (subject to the supplemental use regulations of Sec. 7.060), bottling plants, ice manufacturing, mattress manufacturing and assembly, microbreweries, micro distilleries, coffee roasting with a maximum roasting capacity of 45 kilograms per batch, musical instrument and parts manufacturing, newspaper printing and binderies.

1. **Microbrewery**
   An establishment in which beer or malt beverages are made on the premises and then sold or distributed, and which produces less than 15,000 barrels (465,000 gallons) of beer and malt beverages per calendar year. Where allowed by law, microbreweries may include tasting rooms and direct sales to consumers in addition to other methods of distribution.

2. **Micro Distillery**
   A distillery producing distilled spirits in total quantity of no more than 40,000 proof gallons per calendar year. Where allowed by law, micro distilleries may include tasting rooms and direct sales to consumers in addition to other methods of distribution.

6.070-B Moderate-impact Manufacturing and Industry

Manufacturing and industrial uses that, as part of their normal operations, generate noticeable off-site impacts in terms of noise, smoke, particulate matter, odors, or vibration. Typical examples of moderate-impact manufacturing and industrial uses include: large breweries, distilleries and alcohol manufacturing (other than micro distilleries), coffee roasting with a roasting capacity of more than 45 kilograms per batch, moderate-impact state-licensed marijuana processing facilities (subject to the supplemental use regulations of Sec. 7.060), dairy products manufacturing, foundries, chrome plating, crematoriums and animal rendering plants, electroplating, fiberglass manufacturing, flour mills and paper products manufacturing.

1. **Large Brewery**
   An establishment where beer or malt beverages are made on the premises at an annual production rate of over 15,000 barrels (465,000 gallons). Large breweries may include tasting rooms.

2. **Moderate-impact Marijuana Processing Facility**
   An establishment in which the preparation, manufacture, processing or packaging of marijuana products by the holder of a marijuana processor license issued by the Oklahoma State Department of Health is conducted, in accordance with the terms of such license and the supplemental use regulations of Sec. 7.060), and in which extraction processes are limited to use of non-flammable substances such as carbon dioxide, and to food-based and water-based extraction.

6.070-C High-impact Manufacturing and Industry

Manufacturing and industrial uses that regularly use hazardous chemicals or procedures or that produce hazardous byproducts or explosive hazards. Typical examples of high-impact manufacturing and industrial uses include: the manufacture of acetylene, cement, lime, gypsum or plaster-of-Paris, chlorine, corrosive acid or fertilizer, insecticides, disinfectants, poisons, explosives, paint, lacquer, varnish, petroleum products, coal products, plastic and synthetic resins and radioactive materials. This category also includes petrochemical tank farms, gasification plants, smelting, animal slaughtering, licensed fireworks manufacturers, oil refining, asphalt and concrete (batch) plants, tanneries, and high-impact marijuana processing facilities (subject to the supplemental use regulations of Sec. 7.060).

1. **High-impact Marijuana Processing Facility**
   An establishment in which the preparation, manufacture, processing or packaging of marijuana products by the holder of a marijuana processor license issued by the Oklahoma State Department of Health is conducted, in accordance with the terms of such license and the supplemental use regulations of Sec. 7.060, and in which extraction processes include the use of flammable substances such as butane, propane, ethanol and alcohol.

6.070-D Junk or Salvage Yard

A building or open area where waste, scrap, used or second-hand materials are bought, sold, exchanged, stored, baled, packed, disassembled, crushed, processed, or handled for reclamation, disposal or other similar purposes, including but not limited to scrap iron and other metals, paper, rags, motor vehicles, rubber tires, and bottles.

6.070-E Mining or Mineral Processing

The extraction or quarrying of coal, ores, stone, minerals, topsoil or aggregate resources from the ground. Examples include quarrying or dredging for sand, gravel or other aggregate materials; mining and topsoil extraction. Also includes crushing, washing and grading coal, ore, stone, sand, gravel, minerals, topsoil or aggregate resources and manufacture of Portland cement.

Sec. 6.080 Recycling Use Group

The recycling use group includes uses that collect, store or process recyclable material for the purpose of marketing or reusing the material in the manufacturing of new, reused or reconstituted products. The recycling use categories are as follows:

6.080-A Construction or Demolition Debris

Establishments that receive and process general construction or demolition debris for recycling.

6.080-B Consumer Material Drop-off Station

An establishment that (1) accepts consumer recyclable commodities directly from the consuming party; (2) is staffed by personnel during times when recyclables are accepted from consumers; and (3) stores materials temporarily before transferring them to recyclable material processing facilities.

6.080-C Consumer Material Processing

Establishments that receive and process consumer recyclable commodities for subsequent use in the secondary market.

Sec. 6.090 Agricultural Use Group

The agricultural use group includes uses such as gardens, farms and orchards that involve the raising and harvesting of food and non-food crops and the raising of farm animals. The agricultural categories are:

6.090-A Animal Husbandry

Uses that involve the feeding, housing and care of farm animals or exotic/wild animals for private or commercial purposes.

6.090-B Community Garden

An area less than one acre in area that is managed and maintained by a group of individuals to grow and harvest food crops or non-food crops (e.g., flowers). A community garden area may be divided into separate garden plots

or orchard areas for cultivation by one or more individuals or may be farmed collectively by members of the group. Community gardens may be principal or accessory uses.

6.090-C Farm, Market or Community-Supported

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

6.090-D Horticulture Nursery

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

6.090-E Marijuana Grower Operation

Uses involving the growing, harvesting and packaging of marijuana by the holder of a marijuana grower license issued by the Oklahoma State Department of Health, in accordance with the terms of such license and the supplemental use regulations of Sec. 7.060. Does not include or permit retail sales (dispensaries).

Sec. 6.100 Other Use Group

This use group includes uses that do not fit the other use groups or that require more focused regulatory treatment.

6.100-A Drive-in or Drive-through Facility

Any use with drive-through windows or drive-through lanes or that otherwise offer service to the occupants of motor vehicles. Typical uses include drive-through restaurants, drive-through pharmacies, drive-in restaurants and drive-in cinemas. Automatic teller machine kiosks and similar drop-off or pick-up facilities that do not have on-site employees or amplified sound are not classified as drive-in or drive-through facilities if they meet the criteria for classification as an accessory use (see §8.010-B).

6.100-B Off-premises Outdoor Advertising Sign

A sign that directs attention to a business, commodity, service, or activity that is conducted, sold or offered elsewhere than upon the lot where the subject sign is located.

6.100-C Oil or Gas Extraction

The drilling and servicing of oil and gas wells, including on-site storage and related transporting of the extracted products.

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Sec. 7.010 Assembly and Entertainment

Whenever an assembly or entertainment use is located on a lot abutting an R district, a screening fence or wall must be provided along the common lot line in accordance with the regulations of Sec. 12.010.

Sec. 7.020 Commercial Services

Whenever a commercial service use is located on a lot abutting an R district, a screening fence or wall must be provided along the common lot line in accordance with the regulations of Sec. 12.010.

Sec. 7.030 Hotels and Motels

Whenever a hotel or motel use is located on a lot abutting an R district, a screening fence or wall must be provided along the common lot line in accordance with the regulations of Sec. 12.010.

Sec. 7.040 Industrial Uses

Whenever a use classified in the industrial use group is located on a lot abutting an R district, a screening fence or wall must be provided along the common lot line in accordance with the regulations of Sec. 12.010.

Sec. 7.050 Manufactured Housing Subdivisions

The supplemental use regulations of this section apply to all manufactured housing subdivisions.

1. Manufactured housing subdivisions require a minimum contiguous land area of 5 acres.
2. All manufactured housing units in manufactured housing subdivisions must be attached to a permanent foundation and comply with the same lot and building regulations that apply to detached houses in the subject zoning district.

Sec. 7.060 Marijuana-Related Uses

The supplemental use regulation of this section apply to marijuana-related uses.

7.060-A All marijuana grower operations must be located inside a completely enclosed building that is designed and maintained to confine odors in accordance with §7.060-D1. Hoop houses do not constitute a completely enclosed building. The board of adjustment is authorized to approve a special exception to allow outdoor or partially enclosed grower operations in the AG district.

7.060-B All marijuana processing facilities, whether moderate-impact or high-impact, must be located inside a completely enclosed building.

7.060-C All marijuana dispensaries must be located inside a completely enclosed building.

7.060-D All marijuana grower operations, marijuana processing facilities and marijuana dispensaries must provide the following:

1. A carbon filtration system or similar approved odor mitigation system that prevents odor from being detectable at the boundaries of the lot within which the building occupied by the marijuana grower operation, processing facility or dispensary is located, except that if such use is located in multiple-tenant building, the carbon filtration system or other approved odor mitigation system must prevent odor from being detectible outside the tenant space occupied by the marijuana grower operation, marijuana processing facility, or marijuana dispensary. Specifications for proposed odor mitigation systems must be submitted with the permit application for the proposed facility or, if special exception approval is required, with the application for special exception approval. Approved odor mitigation systems must be maintained in sound working order throughout the life of the use.
2. An electronic security system and surveillance camera.

7.060-E All marijuana grower operations, marijuana processing facilities, marijuana dispensaries, or medical research facilities must possess a valid license, issued by the Oklahoma State Department of Health for the particular use at the particular location. All such facilities must be conducted and maintained in compliance with the license issued by the Oklahoma State Department of Health and in compliance with Oklahoma law, including but not limited to all applicable statutes, rules, and regulations.

Sec. 7.070 Mobile Home Parks

The supplemental regulations of this section apply to all mobile home parks.

7.070-A The lot and building regulations of Table 7-1 apply to the overall mobile home park site:

Table 7-1: Mobile Home Park Lot and Building Regulations

Regulations	
Minimum Park Area (acres)	5
Minimum Width (feet)	100
Minimum Lot Area per Unit (sq. ft.)	5,000
Minimum Building Setbacks (feet)	
Street (Arterial/Freeway) [1]	35
Street (Non-Arterial/Freeway) [1]	20
Side	10
Rear	10
Minimum Open Space per Unit [2]	300
Maximum Building Height (feet)	18[9]

[1] Plus one-half of the right-of-way width designated on the *Major Street and Highway Plan* or 25 feet if not designated on the *Major Street and Highway Plan*.

7.070-B The lot and building regulations of Table 7-2 apply to individual mobile home and manufactured housing unit spaces within a mobile home park:

Table 7-2: Mobile Home and Manufactured Housing Unit Space Regulations

Regulations	
Minimum Area (sq. ft.)	3,000
Minimum Width (feet)	40
Minimum Building Setbacks (feet)	
Street	10

[9] Currently one-story maximum.

Regulations	
Side (one side/other side)	5/10
Rear	10
Minimum Separation Between Units (feet)	15

7.070-C Streets within the mobile home park must have a minimum paved width of 24 feet.

7.070-D Whenever a mobile home park is located on a lot abutting an RE, RS, or RD district, a screening fence or wall must be provided along the common lot line in accordance with the regulations of Sec. 12.010.

Sec. 7.080 Multi-unit Residential Buildings

Whenever a multi-unit residential building containing more than 5 dwelling units is located on a lot abutting an RE or RS district, a screening fence or wall must be provided along the common lot line in accordance with the regulations of Sec. 12.010.

Sec. 7.090 Oil and Gas Extraction

7.090-A Oil and gas wells and related storage tanks are prohibited within 200 feet of any building containing a residential dwelling unit, unless the board of adjustment approves a special exception reducing this minimum separation distance requirement.

7.090-B Oil and gas wells and related storage tanks are prohibited within 300 feet of any incorporated area (excluding annexation fence lines), unless the board of adjustment approves a special exception reducing this minimum separation distance requirement.

7.090-C The following information must be provided by the applicant with the special exception application, or, if special exception approval is not required, with the application for a permit to establish the oil or gas extraction use:

1. The date the subdivision was recorded with the county clerk if the well is to be located within the boundaries of a subdivision.
2. A plot plan depicting well location, working/reserve pit, storage tanks and distances from nearest residences and incorporated areas.
3. A drilling schedule indicating the estimated depth of the well, estimated time to drill and type of equipment to be used, type of pumping device and maintenance and rework procedures.
4. The safety features to be employed and any screening fences or walls to be erected.

Sec. 7.100 Recycling Uses

Whenever a use classified in the recycling use group is located on a lot abutting an R district, a screening fence or wall must be provided along the common lot line in accordance with the regulations of Sec. 12.010.

Sec. 7.110 Restaurants and Bars

7.110-A Screening

Whenever a restaurant or bar use is located on a lot abutting an R district, a screening fence or wall must be provided along the common lot line in accordance with the regulations of Sec. 12.010.

7.110-B Drive-in and Drive-through Facilities

Restaurants with drive-in or drive-through facilities are subject to the following additional regulations:

1. All outdoor lighting must be directed away from nearby residential areas.
2. Area-wide loudspeakers and paging systems are prohibited.
3. Proposed traffic circulation plans must be reviewed and approved by the county inspector, including the location of ingress and egress points.
4. The lot on which the use is proposed to be located must have a minimum of 150 feet of frontage on an arterial street.

Sec. 7.120 Retail Sales

Whenever a retail sales use is located on a lot abutting an R district, a screening fence or wall must be provided along the common lot line in accordance with the regulations of Sec. 12.010.

Sec. 7.130 Self-Service Storage Facilities in RM and O Districts

Self-service storage facilities located in RM and O zoning districts are subject to the following supplemental use regulations:

7.130-A Self-service storage facilities are allowed only on lots with frontage on an arterial street.

7.130-B Exterior building walls visible from streets and abutting lots must be of masonry construction, using brick, stone, stucco or concrete tilt-up panels. Corrugated steel or standard (smooth) concrete block exterior walls are not permitted on these walls.

7.130-C The floor area ratio (FAR) may not exceed 0.5.

7.130-D The storage of flammable liquids, combustible or explosive materials, and hazardous chemicals is prohibited.

7.130-E Access doors to drive-up style storage units may not be visible at ground-level from abutting O- or R-zoned lots or from abutting street rights-of-way.

7.130-F Storage may only occur within completely enclosed buildings, except that outdoor (open-air) storage is allowed on the interior of the lot if the storage is not visible at ground level from abutting R or O districts or from any street rights-of-way.

7.130-G Buildings must be set back at least 50 feet from arterial streets and freeway service roads, plus one-half the right-of-way width designated on the *Major Street and Highway Plan.* Buildings must be set back at least 35 feet from all non-arterial streets plus one-half the right-of-way width designated on the *Major Street and Highway Plan.* The minimum building setback from a freeway and all other boundaries is 10 feet, provided, however, the board of adjustment may authorize a 5-foot building setback if the wall of the building is to be used to meet the requirements of §7.130-H. An 8-foot wall must be provided between perimeter buildings when spaces between such buildings would permit views into the interior of the site when viewed from abutting rights-of-way or R-zoned lots.

7.130-H A screening fence or wall with a minimum height of 8 feet must be provided in accordance with the regulations of Sec. 12.010 along all sides of a lot that abut an R-zoned lot. The board of adjustment is also authorized to allow building walls to provide required visual screening, as specified in §7.130-G.

~~**7.130-I** The building height is limited to 12 feet, provided, however, if the facilities contain an accessory dwelling to be used for management and security purposes, the height of the dwelling shall not exceed 35 feet.~~

Sec. 7.140 Sexually Oriented Business Establishments

The supplemental use regulations of this section apply to all sexually oriented business establishments.

7.140-A Sexually oriented business establishments are allowed only in those districts and under those approval procedures expressly stated in these zoning regulations. In addition, no person may exercise supervisory control, manage, operate, cause the establishment, or permit the establishment of any sexually oriented business establishment within 1,000 feet (the "minimum separation distance") of any of the following:

1. Another sexually oriented business. The minimum separation distance must be measured in a straight line from the nearest point of the wall of the portion of the building occupied by a sexually oriented business establishment to the nearest point of the wall of the portion of the building occupied by another sexually oriented business establishment.

2. A religious assembly use, including all contiguous property owned or leased by the religious organization upon which the principal religious assembly building is located, regardless of any interior lot lines. The minimum separation distance must be measured in a straight line from the nearest point

of the wall of the portion of the building occupied by a sexually oriented business establishment to the nearest point of the building in which religious assembly activities occur.

3. A school, including all contiguous property owned or leased by the school upon which the principal school building is located, regardless of any interior lot lines. The minimum separation distance must be measured in a straight line from the nearest point of the wall of the portion of the building occupied by a sexually oriented business establishment to the nearest point of the school.

4. A public park. The minimum separation distance must be measured in a straight line from the nearest point of the wall of the portion of the building occupied by a sexually oriented business establishment to the nearest point on the property of the park.

5. Residential zoning district or a habitable dwelling unit in an AG or AG-R zoning district. The minimum separation distance must be measured in a straight line from the nearest point of the wall of the portion of the building occupied by a sexually oriented business establishment, to the nearest point on an R district boundary line (not including R-zoned expressway right-of-way) or to the nearest point of the exterior wall of a habitable dwelling located in an AG or AG-R zoning district.

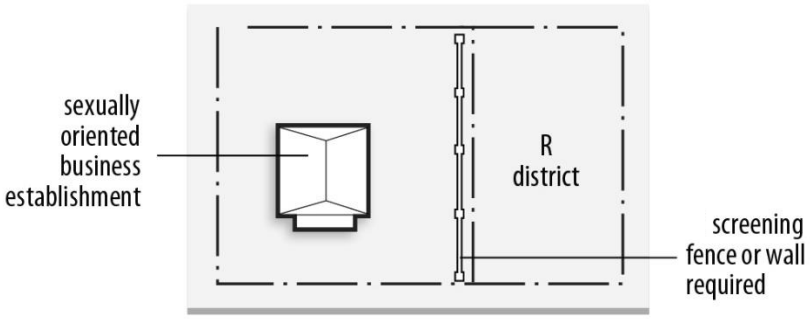
6. Any group living use or public, civic or institutional use that cares for or is typically frequented by persons under 18 years of age, including child day cares, children's preschools, children's nurseries, children's day camps, juvenile delinquency centers, children's campgrounds, children's group homes, libraries and cultural exhibits. The minimum separation distance must be measured in a straight line from the nearest point of the wall of the portion of the building occupied by a sexually oriented business establishment to the nearest point on the property occupied by the use that cares for or is typically frequented by persons under 18 years of age.

7.140-B The separation distance requirements of this section apply to new sexually oriented business establishments, the relocation of sexually oriented business establishments, the enlargement of sexually oriented business establishments in scope or area or the conversion of an existing business location to any sexually oriented business establishment.

7.140-C If a new religious assembly use, school, park, protected group living use or public, civic or institutional use is established within 1,000 feet of an existing lawful sexually oriented business establishment, the distance separation requirements from religious assembly uses, schools, parks, protected group living uses or public, civic or institutional uses do not apply.

7.140-D When a sexually oriented business establishment is located on a lot abutting an R-zoned lot, a screening fence or wall must be provided along the common lot line in accordance with the regulations of Sec. 12.010.

Figure 7-1: Screening of Sexually Oriented Business Establishments



7.140-E Sexually oriented material may not be displayed to be visible from outside the building in which the use is conducted.

Sec. 7.150 Short-Term Rentals

Principal use short-term rentals (as defined in Sec. 6.050-G5) are subject to the following supplemental use regulations:

7.150-A The rental period may not exceed 29 consecutive days.

7.150-B No more than 8 persons may occupy the dwelling unit at any one time, including the primary residents and the temporary occupants (guests).

7.150-C A register of short-term rental guests must be maintained and made available to code enforcement officials upon request.

7.150-D On-site events are not permitted in conjunction with a short-term rental. Examples of on-site events include but are not limited to weddings, receptions, anniversaries, private parties, banquets, and business seminars.

7.150-E External structural alterations or site improvements that change the residential character of the lot upon which an accessory short-term rental is located are prohibited. Examples of such prohibited alterations include the construction of a parking lot, the addition of commercial-like exterior lighting, and signage.

7.150-F No recreational vehicle, bus, or trailer may be parked on a residential street in conjunction with a short-term rental use. A recreational vehicle, bus or trailer may be parked on the property if not visible from the street.

Sec. 7.160 Vehicle Sales and Service

Whenever a vehicle sales or service use is located on a lot abutting an R district, a screening fence or wall must be provided along the common lot line in accordance with the regulations of Sec. 12.010.

Sec. 7.170 Wholesale, Distribution, and Storage Uses

Whenever a use classified in the wholesale, distribution, and storage use group is located on a lot abutting an R district, a screening fence or wall must be provided along the common lot line in accordance with the regulations of Sec. 12.010.

Sec. 7.180 Wild or Exotic Animals

7.180-A The applicant must provide the following information with the special exception application to allow the keeping or raising of wild or exotic animals:

1. The types of wild or exotic animals to be kept or raised;
2. The size of the property and the type and size of the facilities in which the wild or exotic animals are to be confined;
3. The staff and operating standards of the business or operation;
4. Evidence of a current, valid commercial breeder's license from the Oklahoma Department of Wildlife or a dealer's License from the United States Department of Agriculture; and
5. Other information as requested by the board of adjustment.

7.180-B A zoning clearance permit for the keeping or raising of wild or exotic animals may be issued by the county inspector only after an on-site inspection to determine that the facilities conform to the special exception application approved by the board of adjustment and are appropriate for the keeping and raising of the animals confined, and adequate for the protection of the public health, safety, and welfare. Once issued, a zoning clearance permit allows the operation of the business only as long as the operator maintains a valid commercial breeder's license issued by the Oklahoma Department of Wildlife or the United States Department of Agriculture permitting the operation of such business. The county inspector is authorized to solicit the assistance of qualified professionals when conducting field inspections of the facilities.

7.180-C The keeping or raising of wild or exotic animals in a zoning district other than the AG district is prohibited.

Sec. 7.190 Wireless Communications Facilities

7.190-A Purpose

The wireless telecommunications facility regulations of this section are intended to provide for the public health, safety and welfare by ensuring that residents, businesses and public safety operations in Tulsa County have reliable access to telecommunications networks and state-of-the-art mobile broadband communications services while also ensuring that this objective is accomplished in accordance with the overall purposes of these zoning regulations.

7.190-B State and Federal Law

The wireless communication facility regulations of this section must be applied within the constraints of state and federal law, including NCGS 153A-349.50 to 349.53, the federal *Telecommunications Act of 1996* and Section 6409 of the federal *Middle Class Tax Relief and Job Creation Act of 2012*, including Section 6409(a) of that act (A.K.A. "Spectrum Act").

7.190-C Exemptions

The following uses and activities are exempt from these wireless communications facility regulations:

1. Amateur (ham) radio operators;
2. Over-the-air and cable television antennas, which are considered accessory uses;
3. Microwave reflectors and parabolic antennas;
4. Antennas and equipment located completely inside of buildings; and
5. Minor modifications of existing wireless communications facilities and attached wireless communications facilities, whether emergency or routine, provide there is little or no change in the visual appearance. Minor modifications are those modifications, including the addition of antennas, to conforming wireless and attached wireless communications facilities that comply with the set forth in this section.

7.190-D Special Definitions

The following definitions are established solely for administering and interpreting the wireless communication facility regulations of this section.

1. "Antenna" means any exterior transmitting or receiving device used in communications to radiate or capture electromagnetic waves, digital signals, analog signals, radio frequencies, wireless telecommunications signals or other communication signals.
2. "FAA" means the Federal Aviation Administration.
3. "FCC" means the Federal Communications Commission.
4. "Height," when referring to a tower or wireless communication facility, means the distance from finished grade at the base of the tower or facility, including any base pad, to the highest point of the structure.
5. "Monopole" means a single, freestanding pole structure without guy wires or external supporting braces.
6. "Tower" means any structure more than 20 feet tall that is designed and constructed primarily for the purpose of supporting one or more antennas for telephone, radio and similar communication purposes, including self-supporting lattice towers, guyed towers or monopole towers. The term includes radio and television transmission towers, microwave towers, common-carrier towers, cellular telephone towers and the like. The term includes the tower structure and any tower supports.

7.190-E General Requirements

All towers and antennas are subject to the general requirements of this subsection unless otherwise expressly stated.

1. Towers may be considered either principal or accessory uses. Another principal or accessory use on the same lot does not preclude the installation of a tower on that lot.

2. Towers and antennas are subject to all of the following requirements:

   a. Towers and antennas must be designed to blend into the surrounding environment through the use of color, galvanizing, or camouflaging architectural treatment, except in instances where the color is dictated by federal or state authorities, such as the Federal Aviation Administration.

   b. Towers located in R districts or within 300 feet of R districts must be of a monopole design, provided that the board of adjustment is authorized to approve an alternative design by special exception. In order to approve a special exception for an alternative design, the board of adjustment must determine that:

      (1) The required antennas cannot be supported by a monopole tower; or

      (2) The proposed alternative better blends into the surrounding environment.

   c. If an antenna is installed on a structure other than a tower, the antenna and supporting electrical and mechanical equipment must be of a color that closely matches or complements the color of the supporting structure, so as to make the antenna and related equipment as visually unobtrusive as possible.

3. Towers may not be illuminated by artificial means and may not display strobe lights unless such lighting is expressly required by the Federal Aviation Administration or other federal or state authorities. When incorporated into the approved design of the tower, light fixtures used to illuminate ball fields, parking lots or similar areas may be attached to the tower.

4. The use of any portion of a tower for advertising or signs other than warning or equipment information signs is expressly prohibited.

5. All utility buildings and structures accessory to a tower must comply with all applicable requirements of the underlying zoning district. Exterior ground-mounted equipment occupying more than 50 square feet, if visible from ground level, must be screened from view of abutting property used or zoned for residential purposes by a screening wall or fence in accordance with the screening fence or wall standards of Sec. 12.010.

6. The following setback requirements apply to all towers unless otherwise expressly approved by the board of adjustment as part of the special exception approval:

   a. Towers must be set back a distance equal to at least 110% of the height of the tower from any adjoining lot line of an R-, O-, AG-, or AG-R-zoned lot, excluding R-zoned expressway rights-of-way. The setback may be modified by special exception approval.

   b. Accessory buildings are subject to applicable zoning district building setback requirements.

7. Towers must be enclosed by security fencing that is at least 6 feet in height or be equipped with an appropriate anti-climbing device.

7.190-F Antennas and Towers Permitted by Administrative Approval

Antennas or towers, except those approved or requiring approval by the board of adjustment are permitted by right, provided that a permit is obtained from the county inspector before construction and provided further that the towers comply with the following standards.

1. Antennas attached to a roof or wall of buildings in commercial or industrial zones, or to office or multi-unit residential buildings of 2 or more stories, or to institutional buildings such as schools, churches and hospitals with existing architectural elements more than 35 feet in height are permitted by right, provided that:

   a. An antenna does not extend more than 20 feet above the highest point of the building, or, if located on an architectural feature such as a steeple or bell tower, does not protrude above that

structure; provided, however, that the board of adjustment may modify such requirements by special exception; and

b. The antennas comply with all applicable FCC and FAA regulations; and

c. The antennas comply with all applicable building codes.

2. Antennas attached to an existing tower or other structure that is not located in a R district are permitted by right.

3. Towers modified or reconstructed to accommodate the collocation of antennas are permitted by right, provided that:

a. The tower is of the same type as the existing tower or is to be constructed as a monopole; and

b. The modification or reconstruction does not exceed 30 feet over the height of the existing tower.

7.190-G Antennas and Towers Requiring Special Exception Approval

1. In addition to any other requirements of this section, the following factors shall be considered in the determination to grant or deny a special exception for an antenna or tower:

a. Height of the proposed tower;

b. Proximity of the tower to residential structures, residential district boundaries and existing towers;

c. Nature of uses on adjacent and nearby properties;

d. Surrounding topography;

e. Surrounding tree coverage;

f. Design of the tower, with particular reference to design characteristics that have the effect of reducing or eliminating visual obtrusiveness;

g. The total number and size of antennas proposed and the ability of the proposed and the ability of the proposed tower to accommodate collocation;

h. Architectural design of utility buildings and accessory structures to blend with the surrounding environment;

i. Proposed ingress and egress;

j. The need of the applicant for a communications tower within the immediate geographic area to provide an acceptable level of communications service to the area;

k. The size of the tract and the most likely future development as indicated by the comprehensive plan, planned infrastructure, topography and other physical facts; and

l. Landscaping.

2. The findings of the board of adjustment as to each of these factors must be made on the record and contained in the written minutes of the meeting.

7.190-H Existing Towers and Antennas

Routine maintenance, including antenna replacement, is permitted on existing towers. New construction other than routine maintenance requires compliance with these regulations.

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Sec. 8.010 Generally Applicable Regulations

8.010-A Accessory Uses Allowed

Accessory uses and structures are allowed only in connection with lawfully established principal uses.

8.010-B Allowed Uses and Structures

Allowed accessory uses and structures are limited to those expressly regulated in this chapter as well as those that, in the determination of the county inspector, satisfy all of the following criteria:

1. They are customarily found in conjunction with the subject principal use or principal structure;
2. They are subordinate and clearly incidental to the principal use of the property; and
3. They serve a necessary function for or contribute to the comfort, safety, or convenience of occupants of the principal use.

8.010-C Time of Construction and Establishment

1. Accessory uses may be established only after the principal use of the property is in place.
2. Accessory buildings may be established in conjunction with or after the principal building or use. They may not be established before the principal building or use is in place.

8.010-D Location

Accessory uses and structures must be located on the same lot as the principal use to which they are accessory, unless otherwise expressly stated.

8.010-E Compliance with Lot and Building Regulations

Unless otherwise expressly stated, accessory uses and structures are subject to the same lot and building regulations as apply to principal uses and buildings. See also the provisions governing allowed yard obstructions (§18.080-C) and exceptions to height limits (Sec. 18.110). Storage containers are considered accessory buildings and are subject to the same regulations as all other accessory buildings.

Sec. 8.020 Accessory Antennas

8.020-A AG-R and R Districts

1. In AG-R and R districts, accessory antennas and their support structures are allowed to be mounted on a principal building or accessory building, provided that:

   a. The overall mounted height of the antenna does not exceed 65 feet, measured from the average ground elevation at the base of the building to the highest point of the antenna; and

   b. The aggregate surface area of all mounted antennas may not exceed 10 square feet, based on the area of the side with the largest surface area.

2. AG-R and R districts, structures other than principal or accessory buildings that are used to support accessory antennas (including guy lines) must comply with all of the following regulations.

   a. Only one such antenna support structure is allowed on a lot.

   b. The antenna support structure may be located only in the rear yard, not in a street yard or side yard.

   c. The overall height of the antenna may not exceed 65 feet, measured from the average ground elevation at the base of the structure to the highest point of the antenna.

   d. The antenna support structure may not encroach upon the land or airspace of any abutting property.

   e. The antenna support structure may not exceed 24 inches in width above 25 feet in height, exclusive of guy lines.

8.020-B Other Districts

In all districts other than AG-R and R districts, antenna support structures that are accessory to principal uses must be set back from any R district a distance equal to at least 110% of the height of the antenna, measured from the average ground elevation at the base of the structure to the highest point of the antenna. The setback distance must be measured from the nearest point of the antenna supporting structure (excluding any guy lines) to the nearest point on the residential zoning district boundary line, excluding R-zoned freeways.

8.020-C The accessory antenna regulations of this section (Sec. 8.020) may be modified in accordance with the special exception procedures of Sec. 14.080.

Sec. 8.030 Accessory Buildings in R Districts[10]

8.030-A Accessory buildings are permitted in the rear yard area of R-zoned lots, subject to regulations of Table 8-1.

Table 8-1: Accessory Building Coverage, Height, and Setback Regulations

	Lot Area (square feet)		
Regulation	**22,500 or Less**	**22,501 to 43,560**	**Over 43,560**
Maximum Building (Combined) Coverage of all Accessory Buildings	25% of Lot Area[11]		
Maximum Height (feet)	18	25	No maximum
Minimum Street Setback	Behind front façade of principal building		
Minimum Side and Rear Setbacks (feet)	3	Same as principal building	

8.030-B Nonconforming detached accessory buildings in the rear yard that are set back from side and rear lot lines by less than required in Table 8-1 may be expanded or demolished and reconstructed without complying with the rear and side setback requirements of Table 8-1, provided that the reconstructed or expanded building complies with all of the following requirements:

10 New/revised. Additional flexibility to address common source of variance requests.

11 Current regulations limit accessory buildings in RS districts to a maximum of 20% of the area of the rear yard or 750 square feet of floor area, whichever is less.

1. It is no closer to any interior lot line than the existing nonconforming structure;
2. It is not over 18 feet in height; and
3. It does not cover more of the required rear yard than permitted in Table 8-1.

Sec. 8.040 Accessory Dwelling Units (ADUs)[12]

8.040-A Purpose

1. The purpose of allowing accessory dwelling units is to:
   a. Accommodate new housing units while preserving the character of existing neighborhoods;
   b. Allow efficient use of the county's existing housing stock and infrastructure;
   c. Provide housing options and choices that respond to varying income levels, changing household sizes, and an aging population.
2. The regulations are also intended to help ensure that that new buildings and modifications to existing buildings are designed with sensitivity to their context in terms of building placement, proportions, building materials, and similar design features.

8.040-B Applicability

These accessory dwelling unit regulations apply to all accessory dwelling units.

8.040-C Regulations

1. **Where Allowed**
   Accessory dwelling units are allowed by right in AG, AG-R, RE, RS, RD, and RM, and RMH districts on lots occupied by a single detached house.
2. **Number**
   No more than one accessory dwelling unit is allowed per lot.
3. **Methods of Creation**
   An accessory dwelling unit may be created only through the following methods:
   a. Converting existing area within the interior of a principal dwelling unit (e.g., attic or basement) to an ADU;
   b. Adding floor area to an existing dwelling unit to accommodate an ADU;
   c. Constructing a detached accessory dwelling unit on a parcel with an existing principal dwelling unit;
   d. Converting space within a detached accessory building; or
   e. Constructing a new principal dwelling unit with an internal or detached accessory dwelling unit.
4. **Density (Minimum Lot Area and Lot Area per Unit)**
   No additional lot area or lot area per unit is required for the accessory dwelling unit.
5. **Open space (Minimum open space per unit)**
   No additional open space is required for the accessory dwelling unit.
6. **Accessory Dwelling Unit Size**
   The total floor area of an accessory dwelling units may not exceed 750 square feet or 40% of the floor area of the principal dwelling unit on the lot, whichever is greater. Detached accessory dwelling units located within rear setbacks are also subject to the regulations of Sec. 8.030.
7. **Building and Fire Codes**
   All accessory dwelling units are subject to applicable building and fire codes.

[12] These new ADU regulations are modeled after those in the city's zoning code.

8. Entrances
Building entrances to accessory dwelling units may not face the nearest side or rear property line unless there is an alley abutting that property line.

9. Setbacks
Accessory buildings occupied by an accessory dwelling unit must be located at least 10 feet behind the rear wall of the principal building, or if the ADU is allowed to be located on the side of principal dwelling unit, at least 10 feet behind the front building line. This required 10-foot separation distance must be open from the ground to the sky except that it may include walkways, patios, decks and similar structures that do not exceed 30 inches in height above finished grade.

Sec. 8.050 Accessory Storage

In all Industrial zoning districts, accessory storage of materials, equipment, or products located within 200 feet of an abutting R district must be screened from view of the abutting R district by the erection of a screening wall or fence, in accordance with the regulations of Sec. 12.010.

Sec. 8.060 Compressed Natural Gas (CNG) Refueling Appliances [13]

Private (restricted access), consumer-oriented (home), CNG refueling appliances are permitted as an accessory use to lawfully established household living uses in all zoning districts.

Sec. 8.070 Electric Vehicle Charging Stations [14]

8.070-A General

1. Private (restricted-access) electric-vehicle (EV) charging stations are permitted as accessory uses to lawfully established principal uses in all zoning districts.
2. Public EV charging stations are permitted as accessory uses to lawfully established principal nonresidential uses in all zoning districts.

8.070-B Parking

1. Electric vehicle charging stations may be counted toward satisfying minimum off-street parking space requirements.
2. Public electric vehicle charging stations must be reserved for parking and charging electric vehicles.

8.070-C Equipment

Vehicle charging equipment must be designed and located so that it does not impede pedestrian, bicycle or wheelchair movement or create safety hazards on sidewalks.

8.070-D Signage

Public electric vehicle charging stations must be posted with signage indicating that the space is reserved for electric vehicle charging purposes only. For purposes of this provision, “charging” means that an electric vehicle is parked at an electric vehicle charging station and is connected to the battery charging station equipment.

[13] CNG refueling appliance provisions are new.
[14] EV charging provisions are new.

Figure 8-1: Electric Vehicle Parking Signs (typical)

Sec. 8.080 Farm Stands[15]

The sale of agricultural products from property where such products were grown or from land that is part of the same farm or farming operation as the land where such products were grown is allowed as an accessory use to an agricultural operation in an AG or AG-R district.

Sec. 8.090 Family Child Care Homes

8.090-A Family child care homes must be an accessory use to an allowed household living use and be licensed by the State of Oklahoma.

8.090-B Applicants for family child care homes must obtain a zoning clearance permit and a certificate of occupancy before commencing operation.

8.090-C Family child care homes may provide supervision for no more than 7 children.

8.090-D No person may be employed other than a member of the household residing on the premises or a non-resident, substitute caregiver, as may be required for family child care homes by the State of Oklahoma.

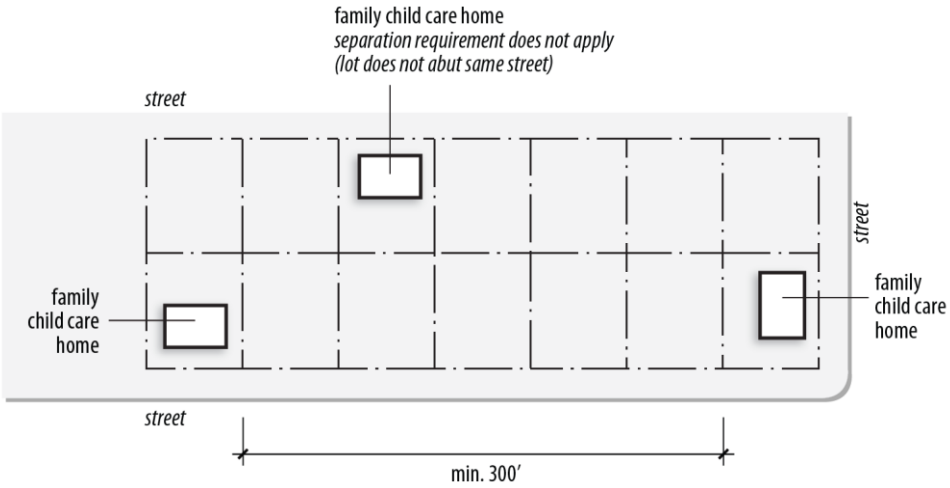
8.090-E Signs advertising a family child care home are prohibited.

8.090-F No exterior building alterations or site modifications may be made that would change the residential character of the premises.

8.090-G A family child care home may not be established on any lot located within 300 feet of another lot occupied by a family child care home if any boundary of the subject lot abuts the same street. For purposes of this provision, "street" means any named or numbered street along its full length, regardless of any intervening streets. Lawfully established, state-licensed family child care homes that would be prohibited by the distance separation requirements of this section, are allowed to continue to exist and operate.

[15] Farm stand provisions are new.

Figure 8-2: Separation Requirements for Famly Child Care Homes



Sec. 8.100 Fences and Walls

8.100-A Fences and walls located within or that enclose required street setback areas may not exceed 4 feet in height. Fences and walls in other locations may not exceed 8 feet in height. However, in R zoning districts, fences up to 8 feet in height are permitted in side street setbacks of detached houses or duplexes located on corner lots and in street setbacks abutting the rear lot line of houses or duplexes located on double frontage lots.

8.100-B Electrical fence charger systems are prohibited, except for the following:

1. Electrical fence charger systems are allowed on A-zoned properties;
2. Electrical fence charger systems are allowed on non-A-zoned properties with an area of 10 acres or more if the system is not readily accessible to the public; and
3. Electrical fence charger systems are allowed on non-A-zoned properties with an area of less than 10 acres, provided that the conductors are located at least 8 feet above grade and are not readily accessible to the public.

8.100-C The board of adjustment is authorized to modify the fence and wall regulations of this section in accordance with the special exception procedures of Sec. 14.080.

Sec. 8.110 Geothermal Heat Exchange Systems [16]

8.110-A General

Geothermal heat exchange systems are permitted as an accessory use in all zoning districts.

8.110-B Location

1. Above-ground equipment is subject to compliance with the minimum building setback regulations of the subject zoning district, including the setback obstruction provisions of §18.080-C.
2. Underground equipment, piping and devices may not be located in any public easement or right-of-way.

[16] Geothermal provisions are new.

Sec. 8.120 Home Occupations[17]

8.120-A Description

Home occupations are jobs or professions conducted wholly or partly from a residential dwelling.

8.120-B Purpose

The home occupation regulations of this section are intended to allow county residents to engage in customary home-based work activities, while also helping to ensure that neighbors are not subjected to adverse operational and land use impacts (e.g., excessive noise or traffic or public safety hazards) that are not typical of residential neighborhoods.

8.120-C Types of Home Occupations

Two types of home occupations are defined and regulated under this section: type 1 and type 2.

1. **Type 1 Home Occupations**
   Type 1 home occupations are those in which household residents use their home as a place of work, with no employees, customers or clients coming to the site. Typical examples include telecommuting office workers, writers, consultants, artists and crafts people.

2. **Type 2 Home Occupations**
   Type 2 home occupations are those in which household residents use their home as a place of work and either employees or customers come to the site. Typical examples include tutors, teachers, photographers, counselors, hair cutting/styling and real estate agents.

8.120-D Exemptions

Nonresidential uses that are expressly allowed in conjunction with residential uses (e.g., bed and breakfast uses and family child care homes) are not subject to home occupation regulations.

8.120-E Allowed Uses

The home occupation regulations of this section establish performance standards for all home occupations rather than listing specific home occupation uses that are allowed. Uses that comply with the standards of this section are allowed as of right unless otherwise expressly stated.

8.120-F Prohibited Uses

The following uses are expressly prohibited as home occupations:

1. Any type of assembly, cleaning, maintenance, painting or repair of motor vehicles, trailers, or large equipment in any district other than AG (i.e., allowed in AG district);
2. Dispatch centers or other businesses where employees come to the site and are dispatched to other locations;
3. Equipment or supply rental businesses;
4. Taxi, limo, van or bus services;
5. Tow truck services;
6. Restaurants;
7. Funeral or interment services;
8. Keeping of wild or exotic animals;
9. Animal care, grooming, or boarding businesses in any district other than AG (i.e., allowed in AG district);

[17] Home occupation provisions have been substantially revised. Proposal: most home occupations allowed as of right; only those with customer visits or outside employees require special exception approval. Currently, all home occupations require special exception.

10. Any use involving the use or storage of vehicles, products, parts, machinery or similar materials or equipment outside of a completely enclosed building; and

11. Any use that does not comply with regulations of this section.

8.120-G Where Allowed

1. Type 1 Home Occupations

Type 1 home occupations are permitted as of right as an accessory use to a principal use in the household living use category. Type 1 home occupations are subject to the general regulations of §8.120-H and the supplemental regulations of §8.120-I.

2. Type 2 Home Occupations

a. Type 2 home occupations may be approved as an accessory use to a principal use in the household living use category through the special exception procedures of Sec. 14.080. Type 2 home occupations are subject to the general regulations of §8.120-H and the supplemental regulations of §8.120-J.

b. Type 2 home occupations may be approved as an accessory use to a principal use in the household living use category through mandatory development plan provisions defined in §14.040-B1. Type 2 home occupations are subject to the general regulations of §8.120-H and the supplemental regulations of §8.120-J or as may be further regulated in a mandatory development plan.

8.120-H General Regulations

All type 1 and type 2 home occupations are subject to the following regulations.

1. Home occupations must be accessory and subordinate to the principal residential use of the property.

2. Home occupations that change the character of the residential building they occupy or that adversely affect the character of the surrounding neighborhood are prohibited. Home occupations may not, for example, produce light, noise, vibration, odor, parking demand, or traffic impacts that are not typical of a residential area of the county. Home occupations must be operated so as not to create or cause a nuisance.

3. Any tools or equipment used as part of a home occupation must be operated in a manner or sound-proofed so as not to be audible beyond the lot lines of the subject property.

4. External structural alterations or site improvements that change the residential character of the lot upon which a home occupation is located are prohibited. Examples of such prohibited alterations include construction of parking lots, the addition of commercial-like exterior lighting, the addition of a separate building entrance that is visible from abutting streets or the exterior display of an illuminated nameplate sign (See 11.030-C).

5. No display of any material or merchandise is allowed.

6. The use or storage of hazardous substances is prohibited, except at the “consumer commodity” level, as that term is defined in 49 C.F.R. Sec. 171.8.

8.120-I Supplemental Regulations for Type 1 Home Occupations

1. Only residents of the dwelling unit in which the home occupation is located may be engaged in a type 1 home occupation. No nonresident owners, employees or contractors may be present on the subject property.

2. No clients, customers, patients, or students are allowed in conjunction with a type 1 home occupation.

3. Type 1 home occupations and all related activities, including storage (other than the lawful parking of passenger vehicles), must be conducted entirely within the principal residential building or an allowed accessory building.

4. More than one Type 1 home occupation is allowed as an accessory use, but the general regulations of §8.120-H and the supplemental regulations of §8.120-I apply to the combined home occupation uses.

8.120-J Supplemental Regulations for Type 2 Home Occupations

1. Only uses approved in accordance with the special exception procedures of Sec. 14.080 or through a mandatory development plan are allowed as type 2 home occupations.
2. At least one individual engaged in the home occupation must reside in the dwelling unit in which the home occupation is located as their primary place of residence.
3. No more than 3 clients or customers may be present at any one time on the site of a type 2 home occupation. Family members of the client or customer are not counted towards the 3-person limit.
4. A maximum of one nonresident employee is allowed with a type 2 home occupation if no customers or clients come to the site at any time. Home occupations that have clients, customers or students coming to the site may not have nonresident employees and vice-versa. For the purpose of this provision, the term "nonresident employee" includes an employee, contractor, business partner, co-owner or any other person affiliated with the home occupation, who does not live at the site, but who visits the site as part of the home occupation.
5. Type 2 home occupations and all related activities, including storage (other than the lawful parking of passenger vehicles), must be conducted entirely within the principal residential building or an allowed accessory building.

Sec. 8.130 Keeping of Animals [18]

8.130-A Horses, Livestock and Farm Animals

The following regulations apply to the keeping of horses, livestock, and farm animals as an accessory use.

1. **AG District**
   a. The keeping of horses, livestock, and farm animals is allowed as of right in the AG zoning district.
   b. There is no zoning-based limit on the number of horses, livestock, or farm animals that may be kept in the AG district.
   c. Animal confinement buildings must comply with the principal building setback regulations of the AG district, unless modified in accordance with the special exception procedures of Sec. 14.080.
2. **AG-R District**
   a. The keeping of horses, livestock, and farm animals is allowed as of right as an accessory use in the AG-R district.
   b. Animal confinement buildings in the AG-R district must comply with the principal building setback regulations of the AG-R district.
   c. A maximum of one animal unit is allowed per acre of lot area in the AG-R district, based on the animal unit equivalencies established in Table 8-2.

Table 8-2: Animal Unit Equivalencies

Number of Animals	Equivalent Animal Unit
2 head of Cattle or Bison	1 Animal Unit
2 Swine	1 Animal Unit
3 Horses, Mules, Donkeys, or Burros	1 Animal Unit
5 Goats, Sheep, Llamas, or Alpacas	1 Animal Unit

Table 8-2 Notes:

[1] In calculating the number of animals permitted, only horses 6 months of age or older and cattle, sheep, goats, and swine one year of age or older are counted.

[18] These accessory animal keeping regulations are new.

d. The regulations governing the keeping of horses, livestock, and farm animals in the AG-R district may be modified in accordance with the special exception procedures of Sec. 14.080.

3. R Districts

a. The keeping of horses is allowed as of right as an accessory use in R districts on lots with an area of 13,500 square feet or more. A maximum of one horse is allowed per each 13,500 square feet of lot area, with no more than 20 horses allowed on any R-zoned lot.

b. Barns and stables in R districts must comply with the principal building setback regulations of the subject zoning district.

c. The keeping of other livestock and farm animals is allowed in R districts only if approved in accordance with the special exception procedures of Sec. 14.080.

8.130-B Chickens and Domestic Fowl

The following regulations apply to the keeping of chickens and domestic fowl as an accessory use:

1. AG District

a. The keeping of chickens and domestic fowl, including roosters, is allowed as of right in the AG zoning district.

b. There is no zoning-based limit on the number of chickens or domestic fowl that may be kept in the AG district.

c. Coops and similar animal confinement structures must comply with the principal building setback regulations of the AG district.

2. AG-R and R Districts

a. The keeping of chickens (hens only) and domestic fowl is allowed as of right as an accessory use in AG-R and R zoning districts.

b. The keeping of roosters and on-site slaughter is prohibited.

c. Chickens must be provided with a covered enclosure and must be kept in the covered enclosure or a fenced area at all times.

d. All covered enclosures and fenced areas for chickens and domestic fowl must be located at least 50 feet from any residential dwelling unit on an adjacent lot.

e. A maximum of one bird unit is allowed per acre of lot area, based on the bird unit equivalencies established in Table 8-2.

Table 8-3: Bird Unit Equivalencies

Number of Fowl	Equivalent Bird Unit
32 Chickens	1 Bird Unit
16 Ducks	1 Bird Unit
8 Turkeys	1 Bird Unit
8 Geese	1 Bird Unit
2 Ostriches or Emus	1 Bird Unit

Table 8-3 Notes:

[1] Only fowl 2 months of age or older are counted.

8.130-C Bees

The following regulations apply to beekeeping as an accessory use:

1. The keeping of honeybees in 4 beehives or less is allowed as an accessory use on any lot. On any lot with an area of 13,500 square feet or more, more than 4 beehives may be kept, provided there is an additional lot area of 2,500 square feet for each hive.

2. In all instances, there must be one adequate and accessible water source provided on-site and located within 50 feet of all beehives.

3. If the main entrance of the hive faces and is within 10 feet of any lot line, there must be a flight path barrier, consisting of a fence, structure, or plantings not less than 6 feet in height, located in front of the hive entrance.

8.130-D Wild and Exotic Animals
See the regulations of Sec. 7.180.

8.130-E Sanitation
Proper sanitation must be maintained for all horses, livestock, farm animals and domestic fowl. Proper sanitation includes:

1. Not allowing animal waste to accumulate;

2. Minimizing the detectable odors beyond property lines; and

3. Storing animal feed in metal or other pest-proof containers.

Sec. 8.140 Office Support Service[19]

8.140-A Retail sales of convenience goods and retail sales of shopping goods (office support services) are allowed as an accessory use to a principal office use in the OM and OMH districts if the principal use includes 50,000 square feet of floor area or more.

8.140-B Office support services must be located in the same building as the principal office use, and occupy, in aggregate, no more than 12.5% of the floor area of the subject building.

8.140-C Office support services must have internal access from the subject office building. External entrances are also allowed.

Sec. 8.150 Parking and Storage of Inoperable Vehicles

The parking or storage of inoperable or unlicensed motor vehicles is prohibited outside of completely enclosed buildings, except where expressly allowed as a junk yard or salvage yard.

Sec. 8.160 Recreational Vehicle Living[20]

The occupancy of a single recreational vehicle as an accessory dwelling may be approved as a special exception, subject to the following regulations.

8.160-A The use of a recreational vehicle for living purposes may be approved only in the AG district.

8.160-B The use of a recreational vehicle for living purposes may not be approved on a parcel occupied by an accessory dwelling unit.

8.160-C The recreational vehicle must be set back at least 150 feet from all property lines.

8.160-D No rent, fees or other compensation may be charged or received for occupancy of the recreational vehicle.

8.160-E The recreational vehicle may have a permanent electrical connection.

8.160-F The recreational vehicle must be self-contained with potable water and wastewater holding tanks. Wastewater may not be disposed of on-site except into an operational, permitted on-site septic system. Compliance with all applicable Oklahoma Department of Environmental Quality standards is required.

[19] Currently, these accessory office uses require special exception approval.
[20] RV living provisions (accessory use) are new.

8.160-G In approving a special exception for recreational vehicle living purposes, the board of adjustment is authorized to impose a time limit and require a financial guarantee to ensure removal of the recreational vehicle upon expiration of the allowed time limit.

Sec. 8.170 Short-Term Rentals

The rental of all or a portion of a dwelling unit that is the primary residence of a household for temporary lodging is allowed as an accessory use to a household living use, subject to all of the following regulations:

8.170-A The rental period may not exceed 29 consecutive days.

8.170-B No more than 8 persons may occupy the dwelling unit at any one time, including the primary residents and the temporary occupants.

8.170-C A register of short-term rental guests must be maintained and made available to code enforcement officials upon request.

8.170-D On-site events are not permitted in conjunction with an accessory short-term rental. Examples of on-site events include but are not limited to weddings, receptions, anniversaries, private parties, banquets, and business seminars.

8.170-E External structural alterations or site improvements that change the residential character of the lot upon which an accessory short-term rental is located are prohibited. Examples of such prohibited alterations include the construction of a parking lot, the addition of commercial-like exterior lighting, and signage.

8.170-F No recreational vehicle, bus, or trailer may be parked on a residential street in conjunction with a short-term rental use. A recreational vehicle, bus or trailer may be parked on the property if not visible from the street.

Sec. 8.180 Sleeping Rooms

In a dwelling unit occupied as a private residence, rooms may be rented ~~or table board furnished~~ to a maximum of 2 persons who are not members of the household occupying the dwelling unit.

Sec. 8.190 Solar Energy Systems[21]

8.190-A General

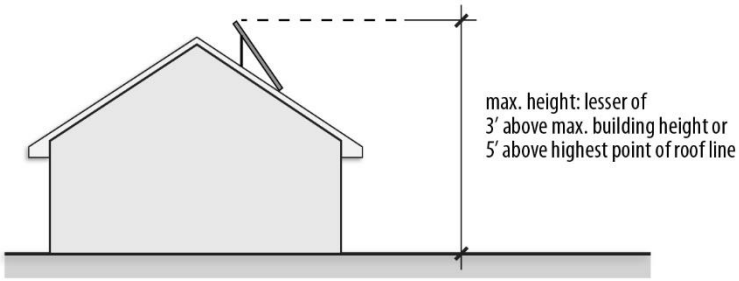
1. Solar energy systems are permitted as of right as an accessory use to all lawfully established principal uses in all zoning districts.
2. Accessory solar energy systems must comply with all applicable building and electrical code requirements.

8.190-B Building-Mounted Solar Energy Systems

1. Building-mounted solar energy systems may be mounted on principal and accessory structures.
2. Building-mounted solar energy systems may not encroach into required street setbacks. Systems mounted on principal structures may encroach into interior side and rear building setbacks in accordance with §18.080-C.
3. Only building-integrated or flush-mounted solar energy systems may be installed on street-facing building elevations.
4. Solar energy systems may not extend more than 3 feet above the applicable maximum building height limit for the subject building type or more than 5 feet above the highest point of the roof line, whichever is less.

[21] Solar energy system regulations are new/proposed.

Figure 8-3: Roof-Mounted Solar Energy Systems



8.190-C Ground-Mounted Solar Energy Systems

1. In residential zoning districts, ground-mounted solar energy systems may not be located in a required street setback or street yard area.
2. Ground-mounted solar energy systems may be located within required interior side and rear setbacks.
3. Ground-mounted solar energy systems are subject to applicable accessory structure height and lot coverage regulations.

Sec. 8.200 Small Wind Energy Conversion Systems [22]

8.200-A General

1. The regulations of this section apply to all small wind energy conversion systems.
2. Small wind energy conversion systems are also subject to building code requirements.

8.200-B Where Allowed

1. One small wind energy conversion system is permitted per lot as an accessory use to a lawfully established principal use in all zoning districts, provided that such systems comply with all applicable requirements of this section.
2. Up to 3 small wind energy conversion systems may be allowed on a single lot if the lot is at least one acre in area and the systems are approved in accordance with the special exception procedures of Sec. 14.080.

8.200-C Height

1. The maximum allowed height of a small wind energy conversion system, measured as the distance from ground level at the base of the structure to the highest point of the structure, varies based on the size of the lot on which it is located, as indicated in Table 8-4.

Table 8-4: Maximum Height of Small Wind Energy Conversion System

Lot Area (acres)	Maximum Height (feet)
0–0.99	30
1–1.99	65
2–4.99	85
5 or more	100

2. The lowest point of any moving elements, such as blades or vanes, must be at least 25 feet above grade immediately beneath the moving element.

8.200-D Siting

Small wind energy conversion systems may not be located in required building setbacks or within easements. In addition, systems must be set back from all property lines by a distance at least equal to 110% of the overall height

[22] Small wind energy conversion system regulations are new/proposed.

of the system, measured from grade at the base of the structure to the highest point of the system structure, which includes the tip of the top blade when the blade is in its highest position.

8.200-E Design and Operation

1. All small wind energy conversion systems must be equipped with manual and automatic over-speed controls to limit the blade rotation speed to within the design limits of the system.
2. The rotating turbine may not produce vibrations that are perceptible to humans standing at ground level outside the property lines of the subject lot.
3. Operational noise of a small wind energy system may not exceed 60 db(A) at the nearest property line except during short-term high wind speed events such as storms.
4. Lattice-type towers and towers using guy wires are prohibited.
5. All power transmission and telemetry lines from a ground-mounted small wind energy conversion system to any building or other structure must be placed underground.
6. Towers, rotors and turbines may not be illuminated unless required by a state or federal agency, such as the FAA.
7. All structures and equipment must maintain factory colors or be finished in a non-reflective, matte finished, neutral color.
8. No commercial messages may be placed or painted on the tower, rotor, turbine, generator or tail vane that is legible from off-site. This provision is not intended to prohibit warning signs or manufacturer's logos.
9. All climbing pegs, ladders and similar apparatus on ground-mounted small wind energy conversion systems must be located at least 12 feet above the ground at the base of the structure.

8.200-F Permits

The following information must be submitted with a zoning clearance permit application for a small wind energy conversion system:

1. A description of the system, including its maximum power-rated output capacity.
2. The make, model, an illustrative photograph or brochure, manufacturer's specifications including noise data (decibels) for the proposed wind energy conversion system, the support structure, and method of attachment to the ground and/or structure.
3. Elevation drawing of the wind energy conversion system showing total height, turbine dimensions, tower and turbine colors, distance between ground and lowest point of any blade, and if proposed, the location of climbing apparatus.
4. If the wind energy conversion system is not certified as meeting the IEEE 1547 standards (Institute of Electrical and Electronic Engineers), then an assessment must be provided from an electrical engineer indicating that protection equivalent to the IEEE standard will be provided.

8.200-G Abandonment

Any small wind energy conversion system that is not operated for a continuous period of 12 months or more or that is in an obvious state of disrepair or a threat to public safety will be considered abandoned and must be dismantled and removed from the property at the expense of the property owner.

Chapter 9 Temporary Uses

Sec. 9.010 Purpose 9-1
Sec. 9.020 Authority to Approve 9-1
Sec. 9.030 Exemptions 9-1
Sec. 9.040 Permitted Temporary Uses 9-2

Sec. 9.010 Purpose

The temporary use regulations of this chapter are intended to permit such occasional, temporary uses and activities when consistent with the purposes and regulations of these zoning regulations.

Sec. 9.020 Authority to Approve

Except as expressly stated in Sec. 9.030, all temporary uses require county approval.

9.020-A Permitted Temporary Uses

The county inspector is authorized to approve those temporary uses and activities identified in Sec. 9.040 upon determining that such uses that comply with the provisions of this chapter. The county inspector is further authorized to refer any temporary use to the board of adjustment for consideration in accordance with the special exception procedures of Sec. 14.080. In approving temporary uses and activities identified in Sec. 9.040, the county inspector is authorized to impose conditions on the operation of temporary uses to help ensure that they do not create significant adverse impacts on surrounding uses and that they operate safely and without causing nuisances, consistent with the general purposes of these zoning regulations. Examples of such conditions include the following:

1. Requirements for vehicle access and parking;
2. Restrictions on hours of operation;
3. Limitations on signs and outdoor lighting;
4. Requirements for financial guarantees covering the costs of cleanup and/or removal of structures or equipment; and
5. Other conditions necessary to carry out the stated purposes of these zoning regulations and this chapter.

9.020-B Temporary Uses Requiring Special Exception Approval

Temporary uses and activities identified in 9.040-B and those permitted temporary use types that do not comply with all applicable temporary use regulations and any conditions of approval require special exception approval in accordance with Sec. 14.080. The county inspector is further authorized to refer any temporary use or activity to the board of adjustment for consideration in accordance with the special exception procedures of Sec. 14.080.

Sec. 9.030 Exemptions

The following temporary uses are permitted as of right, without obtaining a zoning clearance permit from the county inspector:

9.030-A Garage Sales

Garage sales may be conducted on lots occupied by residential dwelling units no more than 2 times in any calendar year and for no more than 4 consecutive days per occurrence. These limits apply on a per-lot basis, regardless of the person conducting the garage sale. No person conducting a garage sale may sell merchandise at the garage sale acquired solely for resale purposes. Garage sales are sometimes referred to as “yard sales,” “estate sales,” “moving sales,” “occasional sales” and other similar names. All such sales, by whatever name, are classified and regulated as “garage sales.” Authorization to conduct more than 2 garage sales in any calendar year requires review and approval in accordance with the special exception procedures of Sec. 14.080.

9.030-B Temporary Dumpsters

Temporary dumpsters are allowed, subject to compliance with all the following regulations:

1. Temporary dumpsters related to ongoing construction are permitted for a period in which construction is ongoing and all required permits for such construction remain valid. Such dumpsters must comply with all structure setback requirements of the subject zoning district.

2. Temporary dumpsters are allowed for a period of ~~90~~ 180 days following a natural disaster or act of God occurring in the immediate area of the lot, to be used for the disposal of debris resulting from the natural disaster. The county inspector is authorized to grant extensions of the ~~90~~ 180-day time limit.

3. Temporary dumpsters are prohibited within stormwater basins or any other location that may cause hazardous conditions, constitute a threat to public safety, or create a condition detrimental to surrounding land uses and development.

Sec. 9.040 Permitted Temporary Uses

9.040-A Miscellaneous Uses and Activities

The county inspector is expressly authorized to approve the following as temporary uses upon determining that the proposed use is a customary temporary use in the subject location and will generally be compatible with surrounding uses and not be a detriment to public safety. In lieu of seeking administrative approval of these customary temporary uses, applicants are authorized to request that the board of adjustment approve such uses in accordance with the special exception procedures of Sec. 14.080.

1. Christmas tree and pumpkin sales lots for a maximum of 90 days per lot per year;

2. Parking lot sales for a maximum of 30 days per lot per year;

3. Farmer's markets;

4. Construction staging areas, construction offices and storage of materials related to ongoing construction for the period in which construction is ongoing and for which all required permits remain valid;

5. Temporary residential sales and leasing offices and model homes, when located on the same lot or in the same subdivision as the residential units actively being offered for lease or sales;

6. Tents accessory to an allowed principal or temporary use; and

7. Other similar customary temporary uses and activities.

~~**Temporary Mobile Storage Units**~~[23]

9.040-B Temporary Uses Requiring Special Exception Approval[24]

1. **Outdoor Events**

   Outdoor carnivals, concerts, festivals, revivals and similar public events of interest require special exception approval in accordance with Sec. 14.080.

2. **Fireworks Retail Sales**[25]

   a. The temporary fireworks retail sales regulations of this section apply to all fireworks retail sales uses conducted by a licensed fireworks retailer outside of a completed enclosed building. These regulations do not apply to fireworks retail sales conducted by licensed fireworks manufacturers, licensed fireworks distributors, or licensed firework wholesalers when conducted in a completely enclosed building.

   b. Temporary fireworks retail sales uses require special exception approval by the board of adjustment in accordance with Sec. 14.080. No structures may be established, and no sales may be conducted on the subject property until such approval is obtained.

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[23] Temporary mobile storage unit regulations (previously 9.040-B) have been removed. Storage units are considered accessory structures under this draft, as is the practice under the current code.

[24] Added provision exempting approved temporary uses from parking lot surfacing requirements. See 10.070-E.

[25] These provisions are not currently included in the county zoning code, but they reflect current county practice. Note; these provisions were previously numbered 9.050.

c. ~~In accordance with O.S. Title 68 §1623,~~Temporary fireworks retail sales uses may be approved for and may occur only during the periods ~~of June 15th to July 6th and December 15th to January 2nd each year~~allowed by Oklahoma law, unless a shorter time-frame is established by the board of adjustment at the time of special exception approval.

d. Hours of operation for fireworks retail sales uses are limited to the hours of 10:00 a.m. to 10:00 p.m. unless otherwise expressly approved as the time of special exception approval.

e. A building permit must be obtained before the construction, erection, or relocation of any structure from which fireworks are to be sold.

f. Any structure or objects associated with the fireworks retail sales use must be removed within 30 days following the end of the allowed sale period.

g. Unless another timeframe is expressly established by the board of adjustment at the time of special exception approval, special exception approval for fireworks retail sales uses must be obtained on an annual basis. In no case may the lifespan of a fireworks retail sale special exception approval extend more than 3 years. Once a fireworks retail sales special exception approval expires, the use must cease until such time as a new special exception approval is obtained from the board of adjustment.

h. All fireworks retail sales uses must comply with all applicable requirements of the State Fire Marshal's Office, the Oklahoma Tax Commission, and other state and federal agencies having jurisdiction over fireworks sales.

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Chapter 10 Parking

Sec. 10.010 General 10-1
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Sec. 10.030 Calculation of Required Parking 10-3
Sec. 10.040 Parking Exemptions and Credits 10-4
Sec. 10.050 Use of Off-Street Parking Areas 10-7
Sec. 10.060 Location of Off-Street Parking 10-7
Sec. 10.070 Parking Area Design 10-8
Sec. 10.080 Stacking Spaces for Drive-through Facilities 10-9
Sec. 10.090 Accessible Parking for People with Disabilities 10-10
Sec. 10.100 Loading 10-10

Sec. 10.010 General

10.010-A Purpose

The regulations of this chapter are intended to help ensure the provision of off-street parking and loading spaces to support a variety of land uses and to provide for safe and adequate vehicular access and on-site circulation. The regulations are also intended to provide flexible methods of responding to the transportation and access demands of various land uses in different areas of the county.

10.010-B Applicability

1. **General**
   Off-street parking and loading must be provided and maintained in accordance with the provisions of this chapter. Unless otherwise expressly stated, the regulations apply to all zoning districts and uses.

2. **New Uses and Development**
   The parking regulations of this chapter apply to all new buildings constructed and all new uses established in all zoning districts.

3. **Change of Use**
   If a new use of a building or structure requires more off-street parking than the use that most recently occupied the building or structure, additional off-street parking is required in an amount equal to the difference between the parking required for the new use and the parking that would have been required for the previous use if current parking requirements had been applicable, provided that the total number of required spaces for the change of use need not exceed the number that would be required for establishment of a new use.

4. **Enlargements and Expansions**

   a. The parking regulations of this chapter apply whenever an existing building or use is enlarged or expanded to include additional dwelling units, floor area, seating capacity or other units of measurement used for establishing off-street parking requirements.

   b. In the case of enlargements or expansions that trigger requirements for additional parking, additional spaces are required only to serve the enlarged or expanded area, not the entire building or use. There is no requirement to address parking space deficits associated with existing, lawfully established buildings or uses.

5. **Existing Spaces**
   Existing off-street parking spaces may not be reduced below, or if already less than, may not be further reduced below the minimum requirements for a similar new building or use under the provisions of these zoning regulations.

Sec. 10.020 Minimum Parking Ratios

Off-street parking spaces must be provided in accordance with the minimum ratios established in Table 10-1. See Sec. 10.040 for an explanation of exemptions and allowed reductions of minimum off-street parking requirements. Minimum off-street parking requirements for uses requiring special exception approval must be established as part of the special exception approval process.

Table 10-1: Minimum Off-Street Parking Ratios

USE CATEGORY **Subcategory** Specific use	**Minimum Off-Street Parking**
RESIDENTIAL	
Household Living	
Single-unit living	2 per dwelling unit
Two-unit living	2 per dwelling unit
Multi-unit living	0–1 bedroom: 1.5 per dwelling unit 2+ bedrooms: 2 per dwelling unit
Group Living	
Assisted living facility	0.50 per dwelling unit
Community group home	1 per 1,000 sq. ft.
Convent/monastery/novitiate	1 per 1,000 sq. ft.
Elderly/retirement center	0.75 per dwelling unit
Fraternity/Sorority	0.50 per bed
Life care retirement center	0.75 per dwelling unit plus 0.35 per nursing center bed
Nursing Home	0.35 per bed
Residential treatment center	1 per 1,000 sq. ft.
Rooming/boarding house	0.50 per bed
Shelter, emergency and protective	1 per 1,000 sq. ft.
Transitional living center	1 per 1,000 sq. ft.
PUBLIC, CIVIC AND INSTITUIONAL	
Airport	2 per 1,000 sq. ft. in passenger terminal
College or University	1.67 per 1,000 sq. ft. in classrooms plus 1 per 4 dormitory beds, plus 1 per 4 stadium seats
Community Center	2 per 1,000 sq. ft.
Day Care	2 per 1,000 sq. ft.
Fraternal Organization	20 per 1,000 sq. ft. in assembly room or 3.3 per 1,000 sq. ft. of total floor area, whichever is greater
Hospital	1 per bed
Libraries and Cultural Exhibit	
Library	2 per 1,000 sq. ft.
Museum/cultural exhibit	1 per 1,000 sq. ft.
Natural Resource Preservation	None
Parks and Recreation	1 per 4 stadium seats plus 2 per 1,000 sq. ft. in community center or recreation building plus 3.3 per 1,000 sq. ft. in swimming pool area
Golf course	5 per hole plus 2.5 per 1,000 sq. ft. in club house
Tennis court	2 per court, plus 2.5 per 1,000 sq. ft. in club house
Religious Assembly	20 per 1,000 sq. ft. in chapel or sanctuary or 1 per 3 seats, whichever is greater
Safety Service	2.5 per 1,000
School	0.75 per 1,000 sq. ft., or 0.055 per seat in largest auditorium or stadium, whichever is greater
Utilities and Public Service Facility	
Minor	None
Major	Established at time of special exception approval
Wireless Communication Facility	None

USE CATEGORY Subcategory Specific use	Minimum Off-Street Parking
COMMERCIAL	
Animal service	2.5 per 1,000
Assembly and Entertainment	
Indoor	1 per 4 seats if fixed seating; otherwise, 4 per 1,000 sq. ft.[26]
Outdoor	1.25 per 1,000 sq. ft.
Broadcast or Recording Studio	2.5 per 1,000 sq. ft.
Commercial Service	2.5 per 1,000 sq. ft.
Eating or Drinking Establishment	4 per 1,000 sq. ft.[27]
Financial Services	2.5 per 1,000 sq. ft.
Funeral or Mortuary Service	20 per 1,000 sq. ft. in assembly room plus 3.3 per 1,000 sq. ft. in non-assembly area
Lodging	1 per guest room or camping space
Office	2.5 per 1,000 sq. ft.
Parking, Non-accessory	None
Retail Sales	2.5 per 1,000 sq. ft.[28]
Self-service Storage Facility	0.2 per 1,000 sq. ft.
Sexually Oriented Business Establishment	4 per 1,000 sq. ft. or 1 per 4 seats, whichever is greater
Studio, Instructional or Service	~~6~~ 4 per 1,000 sq. ft.
Trade School	20 per 1,000 sq. ft. in classroom or 1 per 3 seats, whichever is greater
Vehicle Sales and Service	
Car wash	See the vehicle stacking space requirements of Sec. 10.080
Fueling station	2 per 1,000 sq. ft.; minimum 5 spaces
Vehicle part and supply sales	2.5 per 1,000 sq. ft.
Vehicle repair and maintenance	2 per 1,000 sq. ft.; minimum 5 spaces
Vehicle rentals	1.67 per 1,000 sq. ft.
Vehicle sales	1 per 1,000 sq. ft. of open-air display or storage area
WHOLESALE, DISTRIB. & STORAGE	
All Categories	0.2 per 1,000 sq. ft.
INDUSTRIAL	
All Categories	~~1~~ 0.5 per 1,000 sq. ft.
RECYCLING	
All Categories	~~1~~ 0.5 per 1,000 sq. ft.
AGRICULTURE	
Horticulture Nursery	~~1~~ 0.5 per 1,000 sq. ft.
Marijuana Grower Operation	~~1~~ 0.5 per 1,000 sq. ft.
All other Agriculture	None
OTHER	
Drive-in or Drive-through Facility	See the vehicle stacking space requirements of Sec. 10.080

Sec. 10.030 Calculation of Required Parking

In determining the number of parking spaces required, the following calculation rules apply:

10.030-A Multiple Uses

Lots containing more than one use or tenant must provide parking in an amount equal to the total aggregate number of spaces required for each use or tenant on the lot except when a shared parking arrangement is approved in accordance with §10.040-F.

[26] Existing minimums for indoor assembly and entertainment range from 4 to 10 spaces per 1,000 sq. ft.
[27] Existing minimum for drinking establishment is 10 spaces per 1,000 sq. ft.
[28] Existing minimums for retail sales uses range from 2.5 to 4 spaces per 1,000 sq ft.

10.030-B Fractions and Rounding

When calculating minimum off-street parking requirements, any fractional result may be rounded down to the next lower consecutive whole number. For example, if a minimum requirement of 2.5 spaces per 1,000 square feet is applied to a building containing 13,000 square feet of floor area, the resulting minimum requirement of 32.5 is rounded down to 32 required spaces.

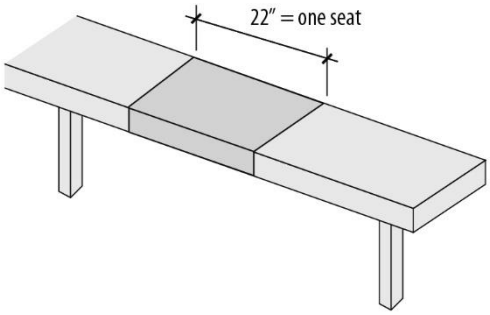
10.030-C Occupancy- or Capacity-based Standards

For the purpose of computing parking requirements based on employees, students, members, residents or occupants, calculations must be based on the average number of persons working on any single shift, the average enrollment or membership or the building code-rated capacity, whichever is applicable.

10.030-D Bench Seating

For the purpose of calculating parking requirements based on seating, each 22 linear inches of bench or pew length is equivalent to one seat.

Figure 10-1: Bench Seating



10.030-E Outdoor Customer Seating/Dining Areas

Any outdoor customer seating/dining area exceeding 10% of a bar, restaurant or other use's indoor floor area must be counted as floor area for purposes of determining off-street parking requirements.

10.030-F Unlisted Uses

Upon receiving a development application for a use not specifically listed in an off-street parking schedule, the county inspector is authorized to apply the off-street parking ratio specified for the listed use that is deemed most similar to the proposed use or establish a minimum off-street parking requirement for the proposed use in accordance with §10.030-G.

10.030-G Establishment of Other Parking Ratios

The county inspector is authorized to establish required minimum parking ratios for unlisted uses and in those instances where authority to establish a requirement is expressly granted. Such ratios must be established on the basis of (1) a similar use/parking determination (as described in §10.030-F), (2) on parking data provided by the applicant or (3) other information available to the county inspector. Parking data and studies must include estimates of parking demand based on reliable data collected from comparable local uses or on external data from credible research organizations, such as the Urban Land Institute (ULI) and the Institute of Transportation Engineers (ITE). Comparability will be determined by density, scale, bulk, area, type of activity and location. Parking studies must document the source of all data used to develop recommended requirements.

Sec. 10.040 Parking Exemptions and Credits[29]

10.040-A CH District

Uses within the CH zoning district are exempt from compliance with all off-street parking regulations of this chapter, except for the parking area design requirements of §10.070-B through §10.070-F, which do apply in the CH district.

[29] These exemption and credit provisions are all new.

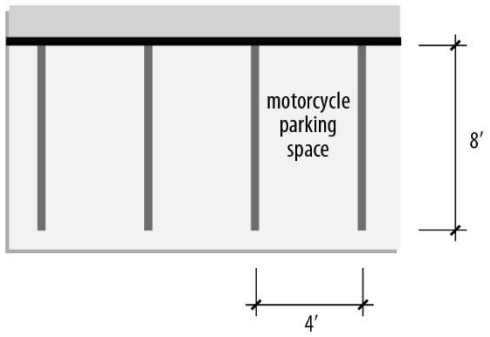
10.040-B Accessory Buildings

Accessory buildings are exempt from the minimum off-street parking ratios of Table 10-1.

10.040-C Motorcycle and Scooter Parking

In parking lots containing more than 10 parking spaces, the provision of motorcycle or scooter parking spaces may be credited toward satisfying the minimum off-street parking ratios of Table 10-1 at the rate of one motor vehicle parking space for each 2 motorcycle or scooter parking spaces. The maximum credit allowed under this provision is 2 spaces or 10% of the total minimum motor vehicle parking requirement for the subject property, whichever is greater. To receive credit, each motorcycle and scooter space must have a concrete surface and minimum dimensions of 4 feet by 8 feet. This provision applies to existing and proposed parking lots.

Figure 10-2: Motorcycle Parking Space Dimensions



10.040-D Public Parking

Nonresidential uses may receive credit for parking spaces within a nearby public parking lot or public parking garage, as follows:

1. The nearest pedestrian entrance to the public parking lot or garage must be located within 1,500 feet of the lot on which the subject use is located;
2. The parking facility must be open to the general public from at least 6:00 a.m. to 10:00 p.m.;
3. Minimum parking requirements may be reduced by one parking space for every 4 parking spaces within the public parking lot or garage, not to exceed a total reduction of more than 25 spaces.

10.040-E On-street Parking

Nonresidential uses may count on-street parking spaces on public street rights-of-way abutting the subject property towards satisfying off-street motor vehicle parking requirements. One on-street parking space credit may be taken for each 20 linear feet of abutting right-of-way where on-street parking is allowed. Only space on the same side of the street as the subject use may be counted, except that the opposite side of the street may be counted if the property on that side of the street does not have the potential for future development. In calculating credit for on-street parking, all fractional spaces are rounded down.

10.040-F Shared Parking

1. **General**
   Shared parking refers to the practice of 2 or more users who have need for parking at different times voluntarily agreeing to make use of the same motor vehicle parking spaces. Shared parking is encouraged as a means of conserving scarce land resources, reducing stormwater runoff, reducing the heat island effect caused by large paved areas and improving community appearance.
2. **Approval**
   The county inspector is authorized to approve shared parking arrangements among property owners who propose shared parking.
3. **Eligibility**
   Shared parking may be approved for nonresidential uses that have different periods of parking demand. Required residential parking and accessible parking spaces (for people with disabilities) may

not be shared, provided that this provision is not intended to prohibit shared driveways serving such uses.

4. Calculation

The number of parking spaces required under a shared parking arrangement must be determined in accordance with the following:

a. Multiply the minimum parking required for each individual use, as set forth in Table 10-1 by the percentage identified in Table 10-2 for each of the 6 designated time periods.

b. Add the resulting sums for each of the 6 columns in Table 10-2.

c. Select the time period with the highest total parking requirement and use that total as the shared parking requirement.

Table 10-2: Shared Parking Calculations

Land Use	Time					
	Weekday			Weekend		
	Midnight–7:00 a.m.	7:00 a.m. – 6:00 p.m.	6 p.m. – Midnight	Midnight–7:00 a.m.	7:00 a.m.– 6:00 p.m.	6 p.m. – Midnight
Office and Industrial	5%	100%	10%	0%	60%	5%
Lodging	100%	60%	90%	100%	65%	80%
Restaurants and Bars	50%	70%	100%	45%	70%	100%
Religious Assembly	0%	10%	30%	0%	100%	30%
Assembly & Entertain.	10%	50%	100%	5%	80%	100%
Retail Sales & Comm. Service	5%	70%	90%	0%	100%	60%

5. Other uses

If one or more of the land uses proposing to make use of a shared parking arrangement do not conform to the land use classifications in Table 10-2, as determined by the county inspector, then the applicant must submit sufficient data to indicate the principal operating hours of the uses. Based upon this information, the county inspector is authorized to determine the appropriate shared parking requirement, if any, for such uses.

6. Location

Shared parking may be located on-site or off-site. Off-site parking is subject to the regulations of §10.060-D.

7. Agreement

Before final approval of a shared parking arrangement, a shared parking agreement must be provided guaranteeing the long-term availability of the shared parking, commensurate with the uses served. The agreement must be filed of record in the county clerk's office. Shared parking privileges will continue in effect only as long as the agreement, binding on all parties, remains in force. If a shared parking agreement lapses or is no longer valid, then parking must be provided as otherwise required by this chapter.

10.040-G 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 Sec. 14.080 only if:

1. The board of adjustment determines that the other allowed parking reduction alternatives of Sec. 10.040 are infeasible or do not apply; and

2. 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.

Sec. 10.050 Use of Off-Street Parking Areas

10.050-A Required off-street parking spaces are intended to serve residents, tenants, patrons, employees, or guests of the principal use. Required off-street parking areas may be used solely for the temporary parking of licensed motor vehicles in operating condition.

10.050-B Required off-street parking spaces may not be used for the storage, display or sale of goods, equipment, or materials. No motor vehicle repair work of any kind is permitted in a required parking space.

10.050-C Required spaces may be used for electric vehicle charging.

Sec. 10.060 Location of Off-Street Parking

10.060-A General

Except as otherwise expressly stated in this chapter, required off-street parking areas must be located on the same lot as the building or use they are required to serve.

10.060-B Street Yard Parking in RM Districts

Within RM districts no more than 50% of a street yard may be used for motor vehicle parking, except in the RT district no more than one vehicle may be parked in a street yard for each 600 square feet of area contained in yard.

10.060-C Parking Setbacks

1. Unenclosed off-street parking areas must be set back from the centerline of abutting streets as indicated in Table 10-3:

Table 10-3: Parking Space Setback Requirements

	Minimum Street Setback (feet from centerline) [1]	
	1 to 5 Parking Spaces	**6 or More Parking Spaces**
Residential Zoning Districts		
Accessory to a household living use	28	35
Accessory to another use	40	50
Other Zoning Districts		
Within 50 feet of a residential district	40	50

[1] If the right-of-way width designated on the *Major Street and Highway Plan* exceeds 50 feet, add one-half of the distance by which the designated right-of-way exceeds 50 feet.

2. Unenclosed off-street parking areas (including drive aisles) that are accessory to multi-unit residential buildings or group living uses must be set back at least 25 feet from any abutting R zoning district.

3. All unenclosed, non-accessory off street parking areas must be screened from view of abutting R-zoned lots by a screening fence or wall, in accordance with Sec. 12.010. If the unenclosed parking area is located more than 50 feet from the R-zoned lot, the screening requirement does not apply

10.060-D Off-site Parking

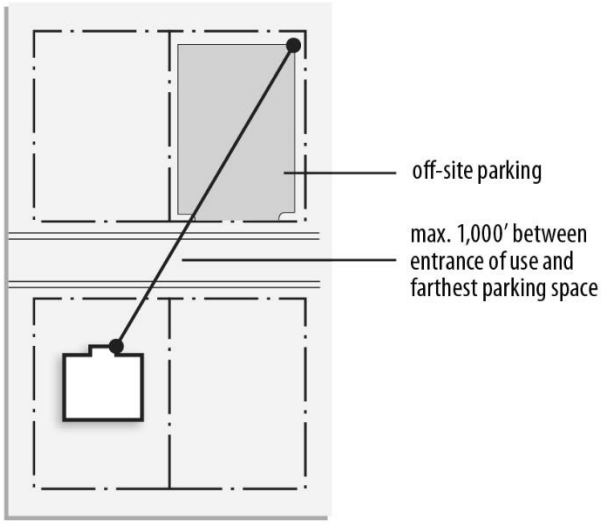
1. **When Allowed**

   All or a portion of required off-street parking for nonresidential uses may be provided off-site, in accordance with the regulations of this section. Required accessible parking spaces (see 10.080-A) and required parking for residential uses may not be located off site.

2. **Location**

   Off-site parking areas must be located within a 1,000-foot radius of the use served by such parking, measured between the nearest pubic entrance door of the use to be served and the outer perimeter of the furthest parking space within the off-site parking lot. Off-site parking lots are allowed only in zoning districts that permit non-accessory parking or in districts that allow the principal use to be served by the off-site parking spaces.

Figure 10-3: Off-Site Parking Location



3. **Design**
   Off-site parking areas must comply with all applicable parking area design regulations of Sec. 10.070.

4. **Control of Off-Site Parking Area**
   The property to be occupied by the off-site parking facilities must be under the same ownership as the lot containing the use to be served by the parking. The off-site parking area may be under separate ownership only if an agreement is provided guaranteeing the long-term availability of the parking, commensurate with the use served by the parking. The agreement must be filed of record in the county clerk's office. Off-site parking privileges will continue in effect only as long as the agreement, binding on all parties, remains in force. If an off-site parking agreement lapses or is no longer valid, then parking must be provided as otherwise required by this chapter.

Sec. 10.070 Parking Area Design

10.070-A Applicability

The parking area design regulations of this section apply to all off-street parking lots for motor vehicles, whether containing required parking spaces or non-required parking spaces.

10.070-B Ingress and Egress

All parking areas must be designed to allow vehicles to enter and exit a street and cross public sidewalks in a forward motion, except that this requirement does not apply to lots with access on a minor street.

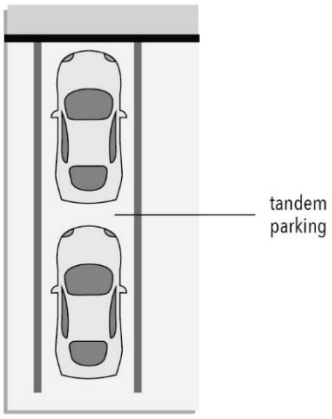
10.070-C Stall Size

Parking spaces must be at least 9 feet in width and 20 feet in length, except that up to 25% of the total required off-street parking spaces may be a minimum of 7.5 feet in width by 15 feet in length exclusive of access drives or aisles. In parking areas where permanent wheel stops have been installed, 2.5 feet of the parking space length (depth) beyond the wheel stop may be counted as part of the required parking space length if that area is unobstructed and not part of another parking stall, drive aisle or sidewalk.

10.070-D Tandem Parking

Tandem parking spaces may be used to satisfy parking requirements for household living uses when the spaces are assigned to the same dwelling unit. In all other cases parking spaces must be designed to allow each parking space to be accessed without passing through another parking space.

Figure 10-4: Tandem Parking



10.070-E Surfacing

1. All off-street parking areas must be surfaced with an all-weather surface unless otherwise expressly stated in these zoning regulations. Approved temporary uses are exempt from the all-weather surfacing requirement.

2. All motorized vehicles designed for travel upon public streets and that are being parked, stored or displayed for sale must be parked, stored or displayed on an all-weather surface. This surfacing requirement does not apply to junk or salvage yards. The board of adjustment is authorized to grant a special exception permitting the storage or display of motorized vehicles on a surface other than one consisting of an all-weather surface if the location complies with all applicable minimum building setbacks.

10.070-F Vertical Clearance

All parking spaces must have overhead vertical clearance of at least 6.5 feet.

10.070-G Lighting

Lighting used to illuminate an off-street parking area must be so arranged as to direct the light away from properties within an R District that do not contain uses for which the parking is being provided.

Sec. 10.080 Stacking Spaces for Drive-through Facilities

10.080-A Spaces Required

In addition to the parking required for each use, establishments with drive-through facilities must provide stacking spaces for each drive-through station as indicated in Table 10-4:

Table 10-4: Drive-through Stacking Space Requirements

Use	Minimum Spaces (per lane)
Automated teller machine	2 (measured from ATM)
Bank	3 (measured from teller or service area)
Car wash, automated or customer-operated	2 (measured from vehicle entrance)
Car wash, attendant hand wash	3 (measured from vehicle entrance)
Drug store	2 (measured from pick-up window)
Restaurant drive-through	3 (measured from order board)
Kiosks	2 (measured from service window)
Other	As determined by the county inspector

10.080-B Dimensions

Each lane of stacking spaces must be at least 8 feet in width and at least 18 feet in length. Stacking lanes must be delineated with pavement markings.

10.080-C Location and Design

1. Stacking lanes must be located on the subject property. They may not be located within required driveways or drive aisles, parking spaces or loading areas and may not interfere with access to parking and ingress and egress from the street.

2. All areas associated with drive-through facilities, including drive-through signs, stacking lanes, trash receptacles, loudspeakers and service windows must be located to the rear or on the non-street-facing side of the property. Drive-through lanes must be set back at least 10 feet from abutting R-zoned lots, and a screening wall or fence must be provided along the common lot line in accordance with the screening fence and wall regulations of Sec. 12.010.

10.080-D Pedestrian Access

The principal pedestrian access to the entrance of the use from a public sidewalk may not cross the drive-through facility stacking lane.

Sec. 10.090 Accessible Parking for People with Disabilities

Accessible parking facilities must be provided in accordance with the building code.

Sec. 10.100 Loading[30]

10.100-A Off-street loading areas must be designed so that all vehicle maneuvering, and loading/unloading operations will occur on private property.

10.100-B Off-street loading areas may not be located in any street yard. All loading spaces must be surfaced in the same manner as required for parking areas.

10.100-C Whenever a loading area is located adjacent to an R district, a screening fence or wall must be provided along the common lot line in accordance with the regulations of Sec. 12.010.

[30] Minimum off-street loading ratios have been removed.

Chapter 11 Signs

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Sec. 11.010 General

11.010-A Purpose

The sign regulations of this section are intended to balance the following differing, and at times, competing goals:

1. To support the desired character of the county, as expressed in adopted plans, policies and regulations;
2. To promote an attractive visual environment;
3. To encourage the effective use of signs as a means of communication for businesses, organizations and individuals;
4. To provide a means of wayfinding for visitors and residents;
5. To provide for reasonable business identification, advertising and communication;
6. To prohibit signs of such excessive size and number that they obscure one another to the detriment of the economic and social well-being of the county and its residents, property owners and visitors;
7. To protect the safety and welfare of the public by minimizing hazards for motorized and nonmotorized traffic;
8. To minimize the possible adverse effects of signs on nearby public and private property; and
9. To provide broadly for the expression of individual opinions through the use of signs on private property.

11.010-B Scope and Applicability

All signs within the county are subject to the regulations of this chapter and all other applicable provisions of these zoning regulations.

11.010-C Content Neutrality

Any sign allowed under this chapter may contain, in lieu of any other message or copy, any lawful noncommercial message that does not direct attention to a business operated for profit, or to a product, commodity or service for sale or lease, or to any other commercial interest or activity, as long as the sign complies with all size, height, location and other applicable requirements of this chapter.

11.010-D Off-premises Outdoor Advertising Signs

Off-premises outdoor advertising sign are allowed only in those locations expressly identified in these zoning regulations and only when such signs comply with all applicable off-premises outdoor advertising sign regulations. Provisions of these zoning regulations that refer to “signs” being allowed, or certain types of signs being allowed (e.g., freestanding, wall, projecting) are not to be construed as references to off-premises outdoor advertising signs being allowed, unless the subject provision expressly refers to “off-premises outdoor advertising signs.”

Sec. 11.020 Prohibited Signs and Sign Characteristics

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

11.020-A Signs for which a permit is required by these zoning regulations but for which no permit has been issued;

11.020-B Search lights, strobe lights, rotating beacon lights, flashing lights that are visible from public right-of-way, except as otherwise expressly allowed by this chapter or required by law;

11.020-C Signs located in or obstructing a required parking or loading space, or that otherwise obstruct vehicular or pedestrian access or circulation, or that pose any other hazard to motorized or nonmotorized travel;

11.020-D Signs that obstruct any fire escape, required exit, window or door opening used as a means of egress;

11.020-E Signs that interfere with an opening required for ventilation, except that signs may cover transom windows when not in violation of building and fire prevention codes;

11.020-F Signs affixed directly to a tree, utility pole or traffic control device;

11.020-G Signs that obstruct, impair, obscure, interfere with the view of, or that may be confused with, any authorized traffic control sign, signal, or device;

11.020-H Sign displays with a brightness of such intensity or brilliance that they impair the vision or endanger the safety and welfare of any pedestrian, cyclist, or person operating a motor vehicle;

11.020-I Signs that obstruct corner traffic visibility, as determined by the county engineer;

11.020-J Roof signs, except as expressly allowed by specific regulations of this chapter;

11.020-K Signs attached to or painted on an inoperable or unlicensed vehicle (motorized or non-motorized) located in view of the right-of-way;

11.020-L Signs attached to or painted on a licensed motor vehicle if the sign: (1) directs attention to a business, service, commodity, or activity offered or sold on the premises and (2) if the vehicle is parked closer to the street than the nearest building wall (does not apply to vehicles parked for the purpose of immediate loading and unloading); and

11.020-M Signs located in or that project into the right-of-way or planned right-of-way of a public street, unless a special exception has been approved by the board of adjustment in accordance with the procedures of Sec. 14.080 and a license has been granted by the county in the case of the right-of-way or a removal agreement has been entered into in the case of the planned right-of-way.

Sec. 11.030 Sign Exceptions

The following signs are not counted as signs for purposes of determining the number of signs or amount of signage on a lot.

11.030-A Driveway Signs

1. One driveway sign may be installed at each vehicle entrance and exit to any lot occupied by an allowed nonresidential use or multi-unit residential building. Such signs must be located within 10 feet of the intersection of the driveway and the street right-of-way. Driveway signs may be illuminated but may not exceed 4 square feet in area or 5 feet in height.
2. Off-street parking areas with a capacity of more than 4 vehicles and multi-tenant developments and uses on lots exceeding one acre in area may display internal site driveway signs. Such signs must be located within 10 feet of an internal site driveway or drive aisle and may not exceed 12 square feet in area or 10 feet in height.

11.030-B Drive-through Signs

Drive-through signs are permitted in conjunction with drive-through uses, in accordance with the following regulations.

1. Location

Drive-through signs must be located within 10 feet of a drive-through lane.

2. Number and Dimensions

One primary drive-through sign not to exceed 36 square feet in area or 8 feet in height is allowed per order station up to a maximum of 2 primary drive-through signs per lot. One secondary drive-through sign not to exceed 15 square feet in area or 6 feet in height is allowed per lot.

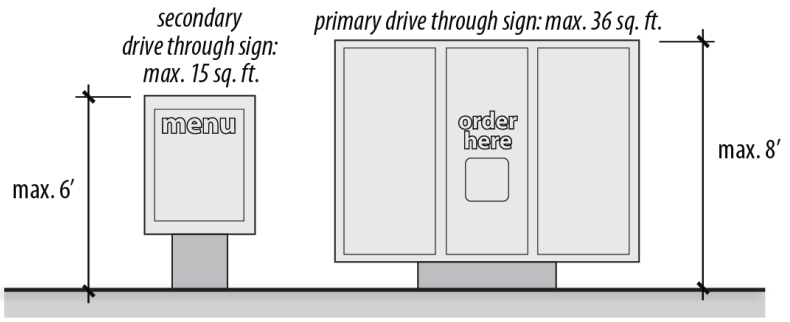
3. Residential Separation

Drive-through signs must be set back at least 50 feet from residential zoning districts.

4. Visibility

Drive-through signs must be oriented to be visible by motorists in allowed drive-through lanes.

Figure 11-1: Drive-through Signs



11.030-C Nameplates

Nameplates are allowed in all zoning districts, provided they do not exceed 2 square feet in area in R districts or 4 square feet in area in all other districts. Nameplate signs do not require a permit.

11.030-D Window Signs

Window signs are allowed as sign exceptions for allowed nonresidential uses, provided they do not cover more than 50% of the area of the window to which they are affixed. Window signs do not require a permit.

11.030-E Temporary and Ancillary Signs

Nonilluminated temporary or ancillary signs are allowed on lots in addition to all other signs permitted under this chapter, subject to the regulations of Table 11-1. Temporary and ancillary signs that comply with the regulations of Table 11-1 are allowed by right, without a sign permit. Temporary and ancillary signs that are illuminated or that do not comply with the regulations of Table 11-1 may be approved as a special exception in accordance with Sec. 14.080.

Table 11-1: Temporary and Ancillary Sign Regulations

Regulation	AG-R District	R Districts	All Other Districts
Max. Number per Lot	3	3	5 or 1 per 500 feet or road frontage, whichever is greater
Maximum Sign Area (sq. ft.)	16	16	32
Maximum Sign Height (feet)	8	8	15

11.030-F Special Event Signs

Special event signs are subject to county commission approval. County-approved special event signs are not subject to the sign regulations of this chapter unless otherwise expressly stated at the time of approval.

11.030-G Other Sign Exceptions

The following additional signs are also allowed as sign exceptions and do not require a permit:

1. Signs erected and maintained pursuant to the discharge of governmental functions, or that are required by law, ordinance, or government regulation, or that are required to be posted in order to effectuate a legal right.
2. Flags that do not contain a commercial message.
3. Wall plaques and wall signs that are not illuminated and that do not exceed 4 square feet in area;
4. Signs that are not legible from any public right-of-way or from beyond the boundaries of the lot or parcel;
5. Signs within completely enclosed buildings, provided that such signs are oriented to be primarily visible from inside the subject building; and
6. Labels and notices on equipment or structures, provided the label or notice does not exceeding 15 square inches in area.

Sec. 11.040 Sign Regulations of General Applicability

11.040-A Applicability

The regulations of this section apply to on-premises and all off-premises outdoor advertising signs, except as otherwise expressly stated. These zoning regulations supplement and apply in addition to any other applicable regulations established of this chapter.

11.040-B Required Setbacks, Spacing and Separations

1. All freestanding signs must be setback from the centerline of an abutting street by a distance of at least one-half the right-of-way width designated on the *Major Street and Highway Plan* or 25 feet if the street is not designated on the *Major Street and Highway Plan*. All parts of all signs must be set back at least 10 feet of a freeway planned right-of-way.
2. All on-premises projecting signs, roof signs and freestanding signs and all off-premises outdoor advertising signs must be separated from all other roof signs, projecting signs, freestanding signs and off-premises outdoor advertising signs by a minimum distance of 20 feet. Side-by-side ground signs located on a common line perpendicular to the nearest street are not required to maintain a 20-foot separation from one another.
3. Signs that are visible from an R district (other than street, highway or freeway right-of-way) or from a designated residential development area must be separated from the R district or residential development area by a minimum distance of 40 feet.

11.040-C Mounting Height of Wall Signs and Projecting Signs

Unless otherwise expressly stated in these sign regulations, wall signs and projecting signs must be mounted so that no portion of the sign extends above the top of the parapet or building wall to which they are attached, except in those cases where the height of the parapet or building wall or the presence of architectural features will not accommodate a wall or projecting sign that is at least 3 feet in height. In such cases, the sign may extend above the parapet or building wall for a distance that will permit a sign with a height of up to 3 feet.

11.040-D Dynamic Displays

Unless otherwise expressly stated, all signs that include a dynamic display are subject to the supplemental regulations of Sec. 11.080.

Sec. 11.050 Signs in A and R Zoning Districts

11.050-A Applicability

The regulations of this section apply to signs in A districts and R districts. See also the general regulations of Sec. 11.040.

11.050-B Signs Allowed

The following signs are allowed in A districts and R districts in addition to any signs allowed pursuant to Sec. 11.030. On-premises roof signs, on-premises projecting signs and all off-premises outdoor advertising signs are prohibited in A districts and R districts.

1. Multi-unit Residential Buildings and Neighborhood and Subdivision Identification Signs

a. Lots occupied by one or more multi-unit residential buildings are allowed a maximum of one freestanding sign per street frontage and a maximum of one wall sign per building wall. Wall signs may not exceed 32 square feet in area.

b. Residential neighborhoods and residential subdivisions, including manufactured housing parks, are allowed a single freestanding sign at each street entrance to the neighborhood or subdivision.

c. The freestanding signs allowed by this section may not exceed 32 square feet in area or 0.20 square feet of sign area per linear foot of street frontage, whichever is greater, but in no case may the sign exceed 150 square feet in area. The maximum sign area calculation must be based on the street frontage to which the sign is oriented. Maximum height may not exceed 20 feet.

2. Nonresidential Uses

The following regulations apply to all principal nonresidential uses in A districts and R districts.

a. Wall Signs

Nonresidential uses in A districts and R districts are allowed a maximum of one wall sign per public building entrance. No individual wall sign may exceed ~~12~~ 32 square feet in area. In buildings with multiple public building entrances, the sign area of all wall signs may not exceed 32 square feet in the aggregate.

b. Freestanding Signs

Nonresidential uses in A districts and R districts are allowed a maximum of one freestanding sign per street frontage. Allowed freestanding signs are subject to a maximum height limit of 15 feet and may not exceed 32 square feet in area or 0.20 square feet of sign area per linear foot of street frontage, whichever is greater, but in no case may the sign exceed 150 square feet in area. The maximum sign area calculation must be based on the street frontage to which the sign is oriented.

c. Dynamic Displays

Dynamic displays are prohibited in A districts and R districts except that on a lot occupied by an allowed public, civic or institutional use, the board of adjustment is authorized to approve a special exception for the allowed wall sign or the allowed freestanding sign to include a dynamic display. The following regulations apply to dynamic displays approved as special exceptions in A and R districts:

(1) The allowed dynamic display component may not exceed 32 square feet in area, and no more than one (wall or freestanding) dynamic display is allowed per street frontage.

(2) The sign area allowed for a dynamic display is not in addition to the maximum sign area allowed for a wall or freestanding sign, but rather is counted as part of the maximum area of a wall or freestanding sign.

(3) Dynamic displays in A districts and R districts may operate only between the hours of 7:00 a.m. and 9:00 p.m. unless otherwise expressly approved through the special exception process.

(4) Dynamic displays are subject to the dynamic display regulations of Sec. 11.080.

Sec. 11.060 Signs in Office Zoning Districts

11.060-A Applicability

The regulations of this section apply to signs in all office zoning districts. See also the general regulations of Sec. 11.040.

11.060-B Signs Allowed

In addition to any sign exceptions allowed pursuant to Sec. 11.030, lots in office zoning districts are allowed a maximum of one on-premises sign per street frontage. The allowed on-premises sign may be a wall sign, a projecting sign or a freestanding sign. Roof signs and off-premises outdoor advertising signs are prohibited in office districts.

11.060-C Maximum Area

Signs allowed in O districts may not exceed 32 square feet in area or 1.5 square feet of sign area per linear foot of street frontage, whichever is greater, but in no case may any single sign exceed 150 square feet in area. The maximum sign area calculation must be based on the street frontage to which the sign is oriented.

11.060-D Maximum Height

Freestanding signs in other O districts may not exceed 20 feet in height or the height of the principal building on the lot, whichever is less.

11.060-E Dynamic Displays

Dynamic displays are prohibited in O districts except that on a lot occupied by an allowed public, civic or institutional use, either the allowed wall sign or the allowed freestanding sign may include a dynamic display. The following regulations apply to dynamic displays in O districts:

1. The allowed dynamic display component may not exceed 32 square feet in area, and no more than one (wall or freestanding) dynamic display is allowed per street frontage.
2. The sign area allowed for a dynamic display is not in addition to the maximum sign area allowed for a wall or freestanding sign, but rather is counted as part of the maximum area of a wall or freestanding sign.
3. Dynamic displays in O districts may operate only between the hours of 7:00 a.m. and 9:00 p.m.
4. Dynamic displays are subject to the dynamic display regulations of Sec. 11.080.

Sec. 11.070 Signs in Commercial and Industrial Zoning Districts[31]

11.070-A Applicability

The regulations of this section apply to signs in all commercial and industrial zoning districts. See also the general regulations of Sec. 11.040.

11.070-B Signs Allowed

In addition to any sign exceptions allowed pursuant to Sec. 11.030, the following signs are the only signs allowed in commercial and industrial zoning districts:

1. **On-premises Wall Signs**
   On-premises wall signs are allowed in all commercial and industrial zoning districts. Wall signs may not exceed an aggregate area of more than 3 square feet per linear foot of building wall to which they are attached. Wall signs are not counted against a lot's allowed sign budget, pursuant to §11.070-D.
2. **On-premises Projecting Signs**
   On-premises projecting signs are allowed in all commercial and industrial zoning districts. Projecting signs are counted against a lot's allowed sign budget, pursuant to §11.070-D.
3. **On-premises Freestanding Signs**
   On-premises freestanding signs are allowed in all commercial and industrial zoning districts. Freestanding signs are counted against a lot's allowed sign budget, pursuant to §11.070-D.
4. **On-premises Roof Signs**
   On-premises roof signs are counted against a lot's allowed sign budget, pursuant to §11.070-D. A roof sign may not extend more than 25 feet above the mean roof level of the building to which it is affixed.

[31] Existing regulations are very confusing to me. Please review carefully to ensure I haven't made unintended major changes.

5. Off-premises Outdoor Advertising Signs

Off-premises outdoor advertising signs are subject to the regulations of §11.070-F. Where allowed, off-premises outdoor advertising signs are counted against a lot's allowed sign budget, pursuant to §11.070-D.

11.070-C Maximum Height

1. Freestanding on-premises and off-premises signs may not exceed 30 feet in height unless in addition to applicable minimum sign street setbacks, the sign is set back one foot for each foot of height exceeding 30 feet, provided that sign may not exceed 50 feet regardless of setback distance.

2. On-premises and off-premises projecting signs and roof signs may not extend more than 25 feet above the mean roof level of the building to which it is affixed.

11.070-D Sign Budget

1. Applicability

The sign budget provisions of this subsection govern the maximum aggregate number and combined area of all on-premises projecting, roof, and freestanding signs and off-premises outdoor advertising signs allowed on a lot in commercial and industrial zoning districts, except as otherwise expressly stated.

2. Maximum Area

a. The maximum aggregate sign area of all on-premises projecting, wall, and freestanding signs and off-premises outdoor advertising signs allowed on lots with may not exceed the limits established in Table 11-2:

Table 11-2: Maximum Aggregate Sign Area

Zoning District	On-premises Projecting, Freestanding and Roof Signs & Off-premises Outdoor Advertising Signs (sq. ft. per linear foot of major street frontage)	
	If More than 1 Such Sign	If Only 1 Such Sign
CS	1.5	2.5
CG, CH, and I	2	4

b. No maximum sign area limitation applies to on-premises projecting, wall, and freestanding signs and off-premises outdoor advertising signs that comply with minimum street setbacks applicable to principal buildings.

c. Off-premises outdoor advertising signs may be erected on unimproved lots with no sign face area limitation, if they comply with minimum street setbacks applicable to principal buildings, provided that upon the occupancy of any building on the lot, any sign not complying with the surface area limitations set out above, must be removed within 30 days of the date of such occupancy.

11.070-E Dynamic Displays on On-premises Wall, Projecting and Freestanding Signs

A maximum of one of the on-premises wall signs, roof signs, projecting signs or freestanding signs allowed on a lot in a commercial or industrial zoning district may include a dynamic display. The dynamic display may not exceed the maximum sign area allowed for the respective sign type or 48 square feet, whichever is less. The sign area allowed for a dynamic display is not in addition to the maximum sign area allowed for a wall, roof, projecting, or freestanding sign, but rather is counted as part of the maximum area of the wall, roof, projecting or freestanding sign. Only one, contiguous dynamic display is allowed on a wall, roof, projecting, or freestanding sign face. Off-premises outdoor advertising signs that incorporate a dynamic display are subject to the dynamic display regulations of Sec. 11.080.

11.070-F Off-premises Outdoor Advertising Signs

Off-premises outdoor advertising signs are allowed only in compliance with regulations of this subsection (§0).

1. **Where Allowed**
   Off-premises outdoor advertising signs are allowed in those zoning districts indicated in the use table of chapter 6 (see Table 6-1). They are expressly prohibited in PUD districts.

2. **Maximum Number and Area**
   The maximum number and area of allowed off-premises outdoor advertising signs is governed by the sign budget provisions of §11.070-D.

3. **Dynamic Displays**

   a. Off-premises outdoor advertising signs that incorporate a dynamic display are subject to the dynamic display regulations of Sec. 11.080.

   b. No off-premises outdoor advertising sign with a dynamic display may be modified, extended, or enlarged until a permit has been issued for its installation and use as a dynamic display sign.

   c. The conversion of an off-premises outdoor advertising sign into an off-premises outdoor advertising sign with a dynamic display requires a permit as if it were an entirely new sign.

   d. A nonconforming off-premises outdoor advertising sign may not be modified, changed or converted into a dynamic display off-premises outdoor advertising sign unless it complies with all requirements of these zoning regulations, and all setback, spacing and separation requirements have been verified.

Sec. 11.080 Dynamic Displays

The supplemental regulations of this section apply to all signs with dynamic displays. Except as otherwise expressly stated, these zoning regulations apply whether incorporated into off-premises outdoor advertising signs or ~~on-premises~~ on-premises signs that are allowed to include a dynamic display.

11.080-A The images and messages displayed on a dynamic display must have a minimum dwell time of at least 8 seconds and may not contain any movement, animation, audio, video, pyrotechnics or other special effects.

11.080-B The transition or change from one message to another must occur in one second or less and involve no animation or special effects.

11.080-C The images and messages displayed must be complete in and of themselves within the required dwell time.

11.080-D Dynamic displays may not be located within 50 feet of the driving surface of a signalized intersection, measured horizontally in a straight line from the nearest point of the sign structure to the nearest point of the intersection.

11.080-E Dynamic displays may not be located within or within 20 feet of the driving surface of a street, measured horizontally in a straight line from the nearest point of the sign structure to the nearest point of the street curb or edge of the traveled roadway marked or understood as such.

11.080-F Dynamic displays may not be located within 200 feet of any of the following: (1) an R district (other than street, highway or freeway right-of-way); (2) a residential development area. This separation distance does not apply if the dynamic display is not visible from the referenced district, area or lot, and the requirements may be modified in R and AG districts if approved through the special exception process. Required separation distances must be measured horizontally in a straight line from the nearest point on a sign structure to the nearest point of an R district or residential development area boundary.

11.080-G Dynamic displays must be equipped with a default mechanism that freezes the display in one position or presents a static or blank display if a malfunction occurs.

11.080-H Dynamic displays must be equipped with a light detector/photocell that automatically adjusts the display's brightness according to natural ambient light conditions.

11.080-I The maximum brightness level of a dynamic display may not exceed 6,500 nits (candelas per square meter) during daylight hours or 500 nits between 30 minutes after sunset and 30 minutes before sunrise, as those times are determined by the National Weather Service (Actual Time). Brightness must be measured from the brightest element of the sign's face.

11.080-J Outdoor advertising signs that include a dynamic display 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.

Sec. 11.090 Administration

11.090-A Any person proposing to erect any sign requiring a sign permit must submit a sign permit application to the county inspector. Applications for such permit must be accompanied by detailed plans, including scaled drawings of the proposed sign, a detailed site plan and other information deemed necessary by the county inspector to determine compliance with applicable regulations.

11.090-B Sign permit fees must be paid prior to the issuance of a sign permit.

11.090-C If the work associated with a sign permit has not been completed within 180 days of the date of the issuance of the permit, such permit will lapse and become null and void.

Sec. 11.100 Nonconforming Signs

11.100-A Description

A nonconforming sign is a sign that was lawfully established but that no longer complies with applicable zoning regulations because of the adoption or amendment of regulations after the sign was established.

11.100-B Off-premises Outdoor Advertising Signs[32]

Nonconforming off-premises outdoor advertising signs may continue subject to the following provisions:

1. Nonconforming off-premises outdoor advertising signs must be maintained in good repair and safe condition, in accordance with §16.010-D. No permits may be issued for upgrades or modifications of nonconforming signs.
2. If an off-premises outdoor advertising sign is nonconforming by reason of restrictions on its brightness or illumination or its use of strobe or beacon lights, the sign must be immediately removed or made to conform.
3. If a nonconforming off-premises outdoor advertising sign is damaged or partially destroyed to the extent of more than 50% of its replacement cost at the time of damage, the sign must be removed or made to conform to all applicable regulations within 90 days of the date of the date of damage or destruction.
4. If a nonconforming off-premises outdoor advertising sign is not used for advertising purposes for a period of 180 consecutive days, the nonconforming off-premises outdoor advertising sign is deemed to have been abandoned and must be removed. A sign that directs attention to the sign owner's outdoor advertising business, commodity, or service is not considered "outdoor advertising" for purposes administering and enforcing the provisions of this paragraph.

11.100-C On-premises Signs

Nonconforming on-premises signs may continue subject to the following provisions:

[32] Current regulations only address off-premises outdoor advertising signs that were erected on lots in an AG district but that were later rezoned to R or O district. Under current controls, such signs were to be removed within 6 months to 2 years after the effective date of the rezoning.

1. Nonconforming on-premises signs must be maintained in good repair and safe condition, in accordance with §16.010-D. No permits may be issued for upgrades or modifications of nonconforming signs.

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

3. A window sign that is nonconforming by reason of restrictions on its sign area must be immediately removed or made to conform.

4. If a nonconforming on-premises sign is damaged or partially destroyed to the extent of more than 50% of its replacement cost at the time of damage, the sign must be removed or made to conform to all applicable regulations within 90 days of the date of the date of damage or destruction.

5. If the on-premises sign is not used for advertising purposes for a period of 180 consecutive days, the sign is deemed abandoned and must be removed.

11.100-D Strobe Lights and Beacons

Search lights, strobe lights and rotating beacon lights that are visible from public right-of-way are prohibited and must be removed immediately, except as otherwise required by law.

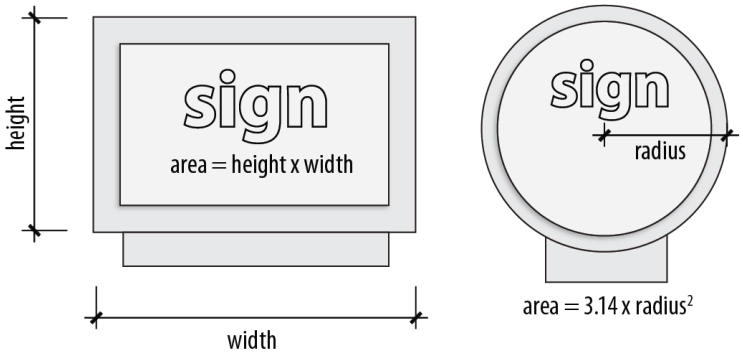
Sec. 11.110 Rules of Measurement

11.110-A Sign Area

1. Signs Enclosed in Frames or Cabinets

The area of a sign enclosed in a frame or cabinet is determined based on the outer dimensions of the frame or cabinet surrounding the sign face (see Figure 11-2).

Figure 11-2: Sign Area Measurement (Signs in Cabinets or Frames)



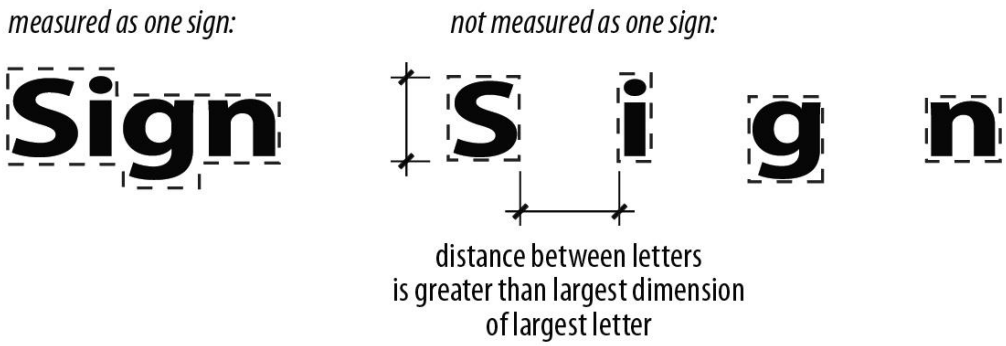
2. Channel (individual) Letter Signs

a. The area of a sign comprised of individual letters or elements attached to a building wall is determined by calculating the area of the smallest geometric figure (e.g. square, rectangle, circle, polygon, etc.) that can be drawn around the letters and/or elements (see Figure 11-3).

b. Signs consisting of individual letters and/or elements will be measured as one sign when the distance between the letters and/or elements is less than the largest dimension of the largest sign letter (see Figure 11-4).

Figure 11-3: Sign Area Measurement (Individual Letter Signs)

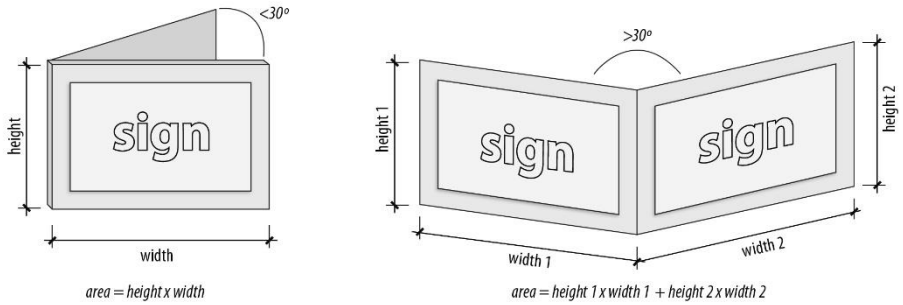
Figure 11-4: Sign Area Measurement (Single vs. Multiple Signs)



3. Multi-Sided Signs

Unless otherwise expressly stated, when the sign faces of a multi-sided sign are parallel or within 30 degrees of parallel, only one side is counted for the purpose of determining the area and number of signs. If the sign faces are not parallel or within 30 degrees of parallel, all sign faces are counted (see Figure 11-5).

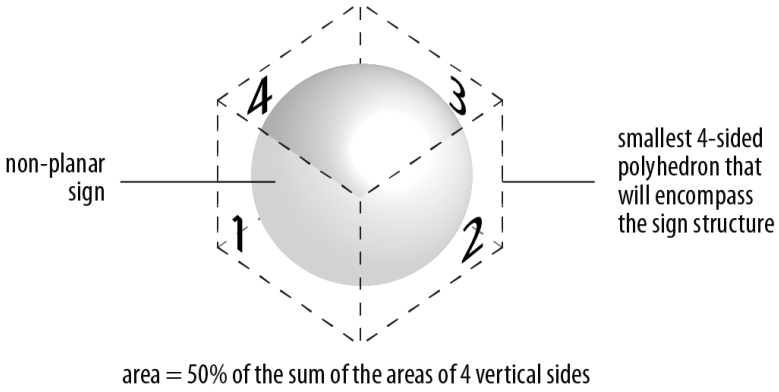
Figure 11-5: Multi-Sided Signs



4. Non-planar Signs

Spherical, free-form, sculptural or other non-planar sign area is measured as 50% of the sum of the areas using only the 4 vertical sides of the smallest 4-sided polyhedron that will encompass the sign structure. Signs with greater than 4 polyhedron faces are prohibited.

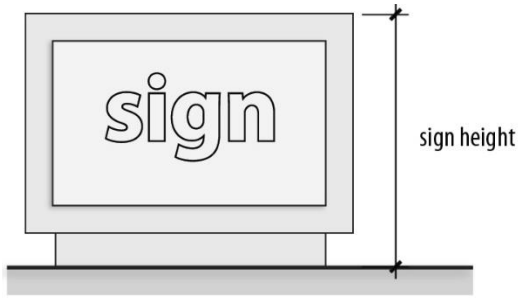
Figure 11-6: Non-Planar Sign Measurement



11.110-B Sign Height

The height of a sign is measured as the vertical distance from curb level to the highest point of the sign.

Figure 11-7: Sign Height Measurement



11.110-C Setback, Spacing and Separation Distances

1. Required setback, spacing and separation distances between signs must be measured in a straight line from the nearest points on the respective sign structures. Required separation distances between signs and zoning districts, area or lots must be measured in a straight line from the nearest point on the sign structure to the nearest point of the subject district, area or lot.

2. The required separation distance between off-premises outdoor advertising signs must be measured in a straight line from the center of the respective off-premises outdoor advertising sign structures, as located on the ground.

11.110-D Illumination and Luminance

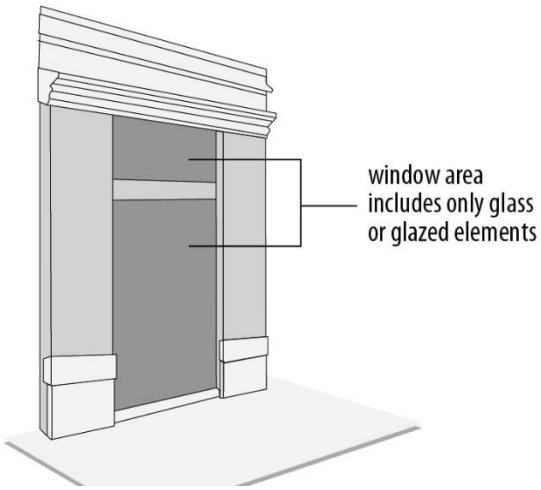
1. **Foot-Candles**
   Sign illumination in foot-candles is measured 2 feet from the sign face.

2. **Nits**
   For the purpose of verifying compliance with maximum brightness level limits expressed in "nits," brightness levels must be measured with the dynamic display set to run full white copy with a luminance meter positioned at a location perpendicular to the sign face center. When taking the luminance reading, the sign face must be the only subject visible in the viewfinder.

11.110-E Window Area

The area of a window includes only the glass or glazed elements of the window. Frames, mullions and similar features are not counted as part of the window area (see Figure 11-8)

Figure 11-8: Measurement of Window Area



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Chapter 12 Regulations of General Applicability

Sec. 12.010 Screening Fences and Walls 12-1

Sec. 12.010 Screening Fences and Walls

12.010-A Applicability

The regulations of this section apply to all uses and activities that are required to be screened by a screening fence or wall that complies with the regulations of this section.

12.010-B Specifications

Unless otherwise expressly stated in these zoning regulations, required screening fences and walls must:

1. Be at least 6 feet in height except when in a front yard area, in which case the screening wall or fence may not exceed 4 feet in height.
2. Be constructed with customarily used fencing materials and be designed and installed to provide visual screening between abutting areas.
3. Be constructed with all braces and supports on the interior, except when both sides are of the same design and appearance.
4. Be erected before the occupancy of the building or initiation of the use required to be screened.

12.010-C Maintenance

Screening walls and fences must be maintained by the owner of the lot containing the use required to construct the screening. Failure to maintain such fence or wall constitutes a violation of these zoning regulations.

12.010-D Modifications

The board of adjustment is authorized to approve a special exception that:

1. Modifies or removes the screening requirements when existing physical features provide equivalent visual screening between uses.
2. Modifies screening requirements when an alternative visual screening method will provide equivalent visual screening between uses.
3. Extends the time to erect a screen when properties that will be benefited by the visual screening are undeveloped.
4. Removes the screening requirement when the purposes of the visual screening requirement cannot be achieved or is prohibited by other ordinances or regulations.

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Chapter 13 Reserved

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Chapter 14 Procedures

Sec. 14.010 Common Provisions 14-1
Sec. 14.020 Zoning Regulation Text Amendments 14-5
Sec. 14.030 Zoning Map Amendments (Rezonings) 14-6
Sec. 14.040 Development Plans 14-9
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Sec. 14.100 Variances 14-18
Sec. 14.110 Appeals of Administrative Decisions 14-20

Sec. 14.010 Common Provisions

14.010-A Applicability

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

14.010-B Review and Decision-making Authority (Summary Table)

Table 14-1 provides a summary of the review and approval procedures of this chapter. In the event of conflict between this summary table and the detailed procedures contained elsewhere in this chapter, the detailed procedures govern.

Table 14-1: Review and Decision-making Authority Summary Table

Procedure	Staff	Planning Commission	Board of Adjustment	County Commission	Public Notice
Text Amendments (to Zoning Regulations)	R	<R>	–	<DM>	N
Zoning Map Amendments	R	<R>	–	<DM>	N,M,P
Development Plans	R	<R>	–	<DM>	N,M,P
Site Plans	DM[1]~~[2]~~	–	–	–	–
Zoning Clearance Permit	DM	–	–	–	–
Written Interpretations	DM	–	–	–	–
Special Exceptions	R	–	<DM>	–	N,M
Administrative Adjustments	DM	–	–	–	M~~[2]~~
Variances	R	–	<DM>	–	N,M
Appeals of Administrative Decisions	–	–	<DM>[2~~3~~]	–	N,M

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

Table 14-1 Notes

[1] Unless alternative site plan review procedure/decision-maker is established by the county commission at time of development plan approval (see §14.050-C).

~~[2] Applicant responsible for notifying all owners of abutting property.~~

[2~~3~~] Appeals of staff decisions on site plans go the planning commission.

14.010-C Applications and Fees

1. Owner-initiated Applications

Whenever these zoning regulations allow the filing of an application by the owner of the subject property, that application must be filed by the person, corporation, partnership, association, or combination thereof, having a legal or equitable interest in or to real property, or by such entity's authorized agent.

2. Pre-application Meetings

a. Purpose

Pre-application meetings provide an early opportunity for staff and applicants to discuss the procedures, standards and regulations required for development approval under these zoning regulations.

b. Applicability

Pre-application meetings are required whenever these zoning regulations expressly state that they are required. They are encouraged in all cases.

c. Scheduling

Pre-application meetings must be scheduled with the land use administrator.

d. Guidelines

The land use administrator is authorized to establish guidelines for pre-application meetings, including information that should be provided and any available alternatives to face-to-face meetings, such as teleconferences, telephone conversations, and email correspondence.

3. Form of Application

a. Applications required under these zoning regulations must be submitted in a form and in such numbers as required by the official responsible for accepting the application. Applications must include materials and information to assist authorized review and decision-making bodies in their consideration of the application, including at least the following:

(1) A list of the names and addresses of all owners of record of the property that is the subject of the application; and

(2) Maps, plats, surveys, dimensioned site plans, engineering documents, environmental reports, traffic studies, and other materials and information, as required by these zoning regulations or application checklists established by the official responsible for accepting the application. Application forms and submittal requirements must be made available to the public.

4. Application Filing Fees and Notification Costs

All applications must be accompanied by the application fee that has been established by the county commission plus an amount to cover the costs of providing required public hearing notices.

5. Application Completeness, Accuracy and Sufficiency

a. An application will be considered complete and ready for processing only if it is submitted in the required number and form, includes all required information and is accompanied by the required application filing and notification fees.

b. The official responsible for accepting the application must make a determination of application completeness within 10 business days of application filing.

c. If an application is determined to be incomplete, the official responsible for accepting the application must provide notice to the applicant along with an explanation of the application's deficiencies. Notice of an incomplete application may be provided by personal service, electronic mail, or first-class mail.

d. No further processing of incomplete applications will occur, and incomplete applications will be pulled from the processing cycle. When the deficiencies are corrected, the application will be placed in the first available processing cycle. If the deficiencies are not corrected by the applicant within 60 days, the application will be deemed to have been withdrawn.

e. Applications deemed complete will be considered to be in the processing cycle and will be reviewed by staff and other review and decision-making bodies in accordance with applicable review and approval procedures of these zoning regulations.

f. The official responsible for accepting the application may require that applications or plans be revised before being placed on an agenda for possible action if the land use administrator determines that:

(1) The application or plan contains one or more significant inaccuracies or omissions that hinder timely or competent evaluation of the plan's/application's compliance with these zoning regulations or other regulations;

(2) The application contains multiple minor inaccuracies or omissions that hinder timely or competent evaluation of the plan's/application's compliance with these zoning regulations or other regulations; or

(3) The decision-making body does not have legal authority to approve the application.

14.010-D Application Processing Cycles

The land use administrator and other officials responsible for accepting applications, after consulting with review and decision-making bodies, is authorized to promulgate reasonable cycles and timelines for processing applications, including deadlines for receipt of complete applications.

14.010-E Neighbor Communications

1. Neighbor communications are encouraged by the board of adjustment, planning commission and county commission to help:

a. Educate applicants and neighbors about one another's interests;

b. Resolve issues in a manner that respects those interests; and

c. Identify unresolved issues before initiation of formal public hearings.

2. Applicants are encouraged to submit a summary of their neighbor communication activities at or before the first required public hearing. The recommended content of such summaries is as follows:

a. Efforts to notify neighbors about the proposal (how and when notification occurred, and who was notified);

b. How information about the proposal was shared with neighbors (mailings, workshops, meetings, open houses, flyers, door-to-door handouts, etc.);

c. Who was involved in the discussions;

d. Suggestions and concerns raised by neighbors; and

e. What changes (if any) were made as a result of the neighbor communications.

14.010-F Public Hearing Notice

1. Newspaper Notice

Whenever the procedures of this chapter require that newspaper notice be provided, the notice must be published in a newspaper of general circulation within Tulsa County.

2. Mailed Notice

a. Whenever the procedures of this chapter require that notices be mailed, the notices must be sent by United States Postal Service first class mail.

b. Addresses must be based on property ownership information from the county assessor's office. When required notices have been properly addressed and deposited in the U.S. mail, alleged failure of a party to receive the mailed notice does not constitute grounds to invalidate any action taken.

3. Posted Notice

When the procedures of this chapter require that posted notice be provided, at least one notice sign must be posted on each public street frontage abutting the subject property in locations plainly visible

to passers-by. If the subject application includes an area with more than 1,000 feet of street frontage on a single street, at least one sign must be posted for each 1,000 feet of street frontage or fraction thereof on that street.

4. **Content of Notice**
All required public hearing notices must:

   a. Indicate the date, time and place of the public hearing that is the subject of the notice;

   b. Describe any property involved in the application by map, street address or by legal description, provided that a map must be included in the newspaper notice for any zoning map amendment;

   c. Describe the action sought in the application or proposal;

   d. Identify who will conduct the hearing; and

   e. Indicate where additional information can be obtained.

5. **Constructive Notice**

   a. Minor defects in required notices will not be deemed to impair the notice or invalidate proceedings pursuant to the notice. Minor defects in notice are limited to errors in a legal description or typographical or grammatical errors that do not impair communication of the notice to affected parties. If questions arise at the hearing regarding the adequacy of notice, the hearing body must make a formal finding about whether there was substantial compliance with the notice requirements of these zoning regulations.

   b. When the records of the county document the publication, mailing, and posting of notices as required by this chapter, required notice of the public hearing will be presumed to have been given.

14.010-G Hearing Procedures

1. At required public hearings, interested persons must be permitted to submit information and comments, verbally or in writing. The hearing body is authorized to establish reasonable rules and regulations governing the conduct of hearings and the presentation of information and comments.

2. Once commenced, a public hearing may be continued by the hearing body. No re-notification is required if the continuance is set for a specified date and time and that date and time is announced at the time of the continuance.

3. If a public hearing is continued or postponed for an indefinite period of time from the date of the originally scheduled public hearing, new public hearing notice must be given before the rescheduled public hearing. If the applicant requests and is granted a continuance or postponement requiring renotification, the applicant must pay any costs of renotification.

14.010-H Action by Review Bodies and Decision-Making Bodies

1. In taking action under the procedures of this chapter, review and decision-making bodies must act by simple majority vote of a quorum, unless otherwise expressly stated.

2. Review and decision-making bodies may take any action that is consistent with:

   a. These zoning regulations;

   b. Any rules or by-laws that apply to the review or decision-making body; and

   c. The notice that was given.

3. In acting on zoning map amendments, review and decision-making bodies are expressly authorized to recommend and approve a less intensive zoning district classification than the zoning district that was described in required public notices (see definition of “less intensive zoning district” in Chapter 19).

4. Review and decision-making bodies are authorized to continue a public hearing or defer action to receive additional information or further deliberate.

14.010-I Conditions of Approval

When the procedures of this chapter authorize approval with conditions, review bodies, including staff, are authorized to recommend conditions and decision-making bodies are authorized to approve the subject application with conditions. Any conditions recommended or approved must relate to a situation likely to be created or aggravated by the proposed use or development and must be roughly proportional to the impacts of the use or development.

14.010-J Decision-Making Criteria; Burden of Proof or Persuasion

Applications must address relevant review and decision-making criteria. In all cases, the burden is on the applicant to show that an application or proposal complies with all applicable review or approval criteria.

14.010-K Required Timeframes for Action

Any time limit specified in these zoning regulations for any decision or action on behalf of a review or decision-making body may be extended if the applicant agrees to an extension. Unless otherwise expressly stated, if a review or decision-making body does not render a decision or take action within any time period required under these zoning regulations and the applicant has not agreed to an extension of that time limit, the application is deemed denied.

Sec. 14.020 Zoning Regulation Text Amendments

14.020-A Authority to File

Amendments to the text of these zoning regulations may be initiated only by the county commission, the planning commission, or the land use administrator. The land use administrator, in consultation with the county inspector, is authorized to correct typographical errors, reference errors, spelling errors, formatting errors, and errors in section, page, table, and figure numbering, without following the zoning regulation text amendment procedures of this section. The changes necessary to correct such errors may not change the meaning or substantive effect of these zoning regulations.

Figure 14-1: Zoning Regulations Text Amendment Process (Generally)

14.020-B Review and Recommendation—Land Use Administrator

The land use administrator must prepare a report and recommendation on the proposed zoning regulation text amendment. The report must be transmitted to the planning commission before its public hearing on the proposed amendment.

14.020-C Notice of Hearing

Notice of the planning commission's required public hearing on a zoning regulation text amendment must be published in the newspaper at least 20 days before the scheduled public hearing (see §14.010-E1 for additional information on newspaper notices).[33]

14.020-D Hearing and Recommendation—Planning Commission

The planning commission must hold a public hearing on the proposed zoning regulation text amendment. Following the close of the public hearing, the planning commission must act to recommend that the proposed text amendment be approved, approved with modifications, or denied and transmit its report and recommendations to the county commission. Motions to approve, approve with modifications or deny zoning regulation text

[33] OK Statutes require only 15 days notice.

amendments may be approved by a simple majority vote. If the planning commission arrives at a tie vote, the application must be forwarded to the county commission with the notation of the tie vote.

14.020-E Final Action—County Commission

Following receipt of the planning commission's report and recommendation, the county commission must hold a public hearing and act to approve the proposed zoning regulation text amendment, approve the proposed text amendment with modifications or deny the proposed text amendment. The county commission is also authorized to remand the proposed text amendment back to the planning commission for further consideration. Zoning regulation text amendments may be approved by a simple majority vote.

14.020-F Review and Approval Criteria

The decision to amend the text of these zoning regulations is a matter of legislative discretion that is not controlled by any one standard. In making recommendations and decisions about zoning regulation text amendments, review and decision-making bodies must consider all relevant factors, including at least the following:

1. Whether the proposed text amendment is in conformity with the policy and intent of the comprehensive plan; and
2. Whether the proposed text amendment corrects an error or inconsistency or is necessary or desirable to meet the challenge of a changed or changing condition.

Sec. 14.030 Zoning Map Amendments (Rezonings)

14.030-A Authority to File

Amendments to the zoning map may be initiated only by the county commission, the planning commission, the owner of the real property that is the subject of the proposed zoning map amendment or the property owner's authorized agent.

Figure 14-2: Zoning Map Amendment Process (Generally)

14.030-B Application Filing

Property owner-initiated applications for zoning map amendments must be filed with the land use administrator. Property owners have the option of filing applications for zoning map amendments with or without a development plan. If the applicant elects to submit a development plan concurrently with a zoning map amendment application, the development plan procedures of Sec. 14.040 govern review and approval of the development plan.

14.030-C Review and Recommendation—Land Use Administrator

Following receipt of a complete zoning map amendment application or initiation of zoning map amendment by the planning commission or the county commission, the land use administrator must prepare a report and recommendation on the proposed zoning map amendment. The report must be transmitted to the planning commission before its public hearing on the proposed amendment.

14.030-D Notice of Hearing

Notice of the planning commission's required public hearing on a zoning map amendment must be provided as follows (see §14.010-E1 for additional information on required newspaper, mail and posted notices):

1. **Newspaper Notice**
   Notice must be published in the newspaper at least 20 days before the scheduled public hearing.[34]

[34] OK statutes require only 15 days prior notice, and, with a couple of exceptions, require only newspaper/published notice.

2. Mailed Notice

a. Except as provided in §14.030-D2.b, notice must be mailed to all owners of property included within the area that is the subject of the proposed zoning map amendment and all owners of property and recorded mineral interests and leasehold owners within a minimum of 300 feet of the subject property at least 20 days before the scheduled public

b. In accordance with Oklahoma Statutes §19-863.26, if a zoning map amendment application is filed to allow treatment facilities, multiple family facilities, transitional living facilities, halfway houses, or any housing or facility that may be used for medical or nonmedical detoxification as these terms are defined in Oklahoma Statutes Title 43A, Section 3-403, mailed notice must be provided to all owners of property within 1,320 feet of the subject property within 30 days of the hearing. Applicants are responsible for all costs incurred in mailing this notice.[35]

3. Posted Notice

Notice (signs) must be posted on the subject property at least 20 days before the scheduled public hearing.

14.030-E Hearing and Recommendation—Planning Commission

1. Following receipt of a complete application for a zoning map amendment or initiation of a zoning map amendment by the planning commission or county commission, the planning commission must hold a public hearing on the proposed amendment. Following the close of the public hearing, the planning commission must act to recommend that the proposed amendment be approved, approved with modifications, or denied.

2. All proposed zoning map amendments initiated by the county commission or the planning commission must be transmitted to the county commission within 15 days of the date of planning commission action.

3. A property owner-initiated zoning map amendment recommended for approval or approval with modifications must be transmitted to the county commission within 15 days of the date of planning commission action.

4. A property owner-initiated application recommended for denial by the planning commission may not be considered further unless the applicant, within 15 days of the date of the planning commission's action, files a written request with the county clerk and the recording secretary of the planning commission for a public hearing by the county commission. The request for hearing must be accompanied by the payment of the required filing fee. Upon notice of a request for a public hearing before the county commission, the planning commission must transmit the application and its report and recommendations to the county commission.

5. Motions to approve, approve with modifications or deny zoning map amendments may be approved by a simple majority vote. If the planning commission arrives at a tie vote, the application must be forwarded to the county commission with the notation of the tie vote.

14.030-F Final Action—County Commission

1. Following receipt of the planning commission's recommendation, the county commission must hold a public hearing on the application and act to approve the proposed zoning map amendment, approve the proposed amendment with modifications, including approval of a less intensive zoning district, or deny the proposed amendment. The county commission is also authorized to remand the proposed zoning map amendment back to the planning commission for further consideration.

2. Zoning map amendments may be approved by a simple majority vote, except as stated in §14.030-G.

[35] Per OK statutes §19-863.26.

14.030-G Protest Petitions

1. If a valid protest petition is filed against any proposed zoning map amendment, passage of the zoning map amendment requires a favorable vote of all the members of the county commission.

2. A protest petition will be deemed valid if it meets all applicable requirements of this section (14.030-G) and is signed and acknowledged by any one or more of the following:

   a. The owners of 20% or more of the land area included in the proposed zoning map amendment;

   b. The owners of 20% or more of the frontage within 1,000 feet to the right or left of the subject property's frontage;

   c. The owners of 20% or more of the frontage directly opposite the subject property's frontage; or

   d. The governing body of municipality having an adopted zoning ordinance whose boundaries lie within 1.5 miles of the subject property.

3. A written protest petition opposing a zoning map amendment must be submitted to the land use administrator at least 3 business days before the county commission's vote.

4. The protest petition must identify the zoning case number for which the protest is filed and must state that it is a formal protest of the proposed zoning map amendment.

5. Persons signing the protest petition must be at least 18 years of age and must hold record title to their properties, as shown in the land records of the Tulsa County Clerk. If a lot is owned jointly by more than one owner, all owners must sign the protest petition. If a lot is owned by a trust, the trustee must sign, noting that he or she signs "as trustee." If there is more than one trustee, and no single trustee is authorized to sign, then all the trustees must sign. If a lot is owned by a corporation, the president or a vice-president or the chair or vice chair of the board of directors must sign. If a lot is owned by a limited liability company, a manager must sign. If a lot is owned by any other legal entity, the person signing the protest petition must be someone authorized by that entity to convey title to land.

6. Persons signing the protest petition must indicate the street address of the lot owned. If no street address is assigned, a legal description (lot and block of a subdivision, metes and bounds description of unplatted tracts) or a map must be provided.

7. If a protest petition contains multiple signature pages, each page must contain the same protest language. Signatures must be the normal cursive signature of the person signing and should be accompanied by the legibly printed or typed name of the person signing. The name of the person signing must be the same as the name of that person as shown in the land records of the Tulsa County Clerk.

8. A protest petition may not be amended, supplemented or corrected subsequent to the deadline for filing the petition.

14.030-H Review and Approval Criteria

The decision to amend the zoning map is a matter of legislative discretion that is not controlled by any single standard or criterion. In making recommendations and decisions on zoning map amendments, review and decision-making bodies must consider all relevant factors, including at least the following:

1. Whether the proposed zoning map amendment is consistent with the policy and intent of comprehensive plan; and

2. Whether the proposed zoning map amendment corrects an error or inconsistency or is necessary or desirable to meet the challenge of a changed or changing condition.

Sec. 14.040 Development Plans

14.040-A Purpose

Development plans are required with some property owner-initiated rezonings and are optional with other property owner-initiated rezonings. Their purpose is to depict a property owner's generalized plan for the type, amount and character of development proposed on the subject property. By providing greater certainty about development proposals, development plans provide review and decision-making bodies with additional information on which to base rezoning decisions.

14.040-B Applicability

1. Mandatory

Development plans are required (mandatory) for Planned Unit Development (PUD) zoning map amendments. They are also required for major amendments to existing PUDs. In acting on mandatory development plans, the planning commission is authorized to recommend, and the county commission is authorized to approve use and development limitations that comply with, are more restrictive than or are less restrictive than the base zoning district regulations and otherwise applicable standards of these zoning regulations.

2. Optional

Property owners may elect to submit a development plan with any zoning map amendment application. In acting on optional development plans, the planning commission is authorized to recommend, and the county commission is authorized to approve use and development limitations that are at least as restrictive or are more restrictive than the base zoning regulations. Optional development plans may not be used to obtain relief from otherwise applicable provisions of these zoning regulations.

14.040-C Application Filing

Complete applications for development plan approval must be filed with the land use administrator concurrently with a zoning map amendment application.

14.040-D Review and Recommendation— Land Use Administrator

Following receipt of a complete application, including the required development plan, the land use administrator must prepare a report and recommendation. The report must evaluate the proposed development plan in light of all applicable standards and approval criteria. The report must also include a description of any development plan modifications or conditions of approval that would help ensure the development plan complies with applicable standards and approval criteria. The land use administrator's report must be transmitted to the planning commission before the required public hearing.

14.040-E Notice of Hearing

Notice of the planning commission's required public hearing must be provided as follows (see §14.010-E1 for additional information on required newspaper, mail and posted notices).

1. Newspaper Notice

Notice must be published in the newspaper at least 20 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 a minimum of 300 feet of the subject property at least 20 days before the scheduled public hearing. Notice for straight zoning constitutes notice for optional development plans.

3. Posted Notice

Notice (signs) must be posted on the subject property at least 20 days before the scheduled public hearing.

14.040-F Hearing and Recommendation—Planning Commission

1. Within 60 days of the date of filing of a complete application for development plan approval, the planning commission must hold a public hearing to consider the proposed development plan.

Following the close of the public hearing, the planning commission must act to recommend that the proposed development plan be approved, approved with modifications, or denied.

2. A development plan application recommended for approval or approval with modifications must be transmitted, with the report and recommendation of the planning commission, to the county commission within 15 days of the date of planning commission action.

3. A development plan application recommended for denial by the planning commission will be deemed denied and will not be considered further unless the applicant, within 15 days of the date of the planning commission's action, files a written request with the county clerk and with the recording secretary of the planning commission for a public hearing by the county commission. The request for hearing must be accompanied by the payment of the required filing fee. Upon notice of a request for a public hearing before the county commission, the planning commission must transmit the development plan application and its report and recommendations to the county commission.

4. If the planning commission arrives at a tie vote, the application must be forwarded to the county commission with a notation of the tie vote.

14.040-G Final Action—County commission

1. Following receipt of the planning commission's recommendation, the county commission must hold a public hearing on the development plan and act to approve the proposed development plan, approve the proposed development plan with modifications or deny the proposed development plan. The county commission is also authorized to remand the proposed development plan back to the planning commission for further consideration.

2. Development plans may be approved by a simple majority vote, except that any accompanying zoning map amendment subject to a valid protest may require a unanimous vote, as stated in §14.030-G.

14.040-H Requirement for Filing of Site Plan

1. Unless a longer time period or a phasing plan is approved at the time of approval of a mandatory development plan, a complete application for site plan approval must be filed within 5 years of the date of mandatory development plan approval. If an application for site plan approval is not filed within the time required, no further site plans may be approved for the project until the subject property owner has filed the original or amended development plan for re-review and reconsideration by the planning commission and county commission. Such re-review and reconsideration must follow the mandatory development plan review procedures of these zoning regulations. Following re-review and reconsideration, the planning commission is authorized to recommend and the county commission is authorized to approve any of the following actions based on surrounding land use patterns and other relevant information presented at the time of reconsideration by the planning commission and county commission:

a. An extension of time for filing a site plan

b. An amendment to the approved mandatory development plan; or

c. Rezoning to another zoning district in accordance with the zoning map amendment procedures of Sec. 14.030.

2. The site plan filing deadline established in §14.040-H1 does not apply to optional development plans or to PUD development plans approved before the effective date specified in Sec. 1.030. The site plan filing deadline established in §14.040-H1 does apply to any major amendments to PUD development plans approved after the effective date specified in Sec. 1.030.

14.040-I Amendments to Approved Development Plans

1. Minor Amendments

a. The planning commission is authorized to approve amendments to approved development plans as minor amendments if the planning commission determines that substantial compliance is

maintained with the approved development plan. The following is a non-exhaustive list of changes that may be considered as minor amendments:

(1) Any deviation expressly authorized at the time of development plan approval;

(2) The addition or relocation of customary accessory uses and structures, including accessory dwelling units;

(3) Adjustment of internal development area boundaries, provided the allocation of land to particular uses and the relationship of uses within the project are not substantially altered;

(4) Limitation or elimination of previously approved uses, provided the character of the development is not substantially altered;

(5) Modification of the internal circulation system that would not increase points of access from adjacent streets, change access to another street or increase projected traffic volumes;

(6) Lot splits that modify a recorded plat and that have been reviewed and approved, as required by the subdivision regulations;

(7) Modifications to approved signage, provided the size, location, number, and type of signs is not substantially altered;

(8) Modification to approved screening and landscaping plans, provided the modification is not a substantial deviation from the original approved plan;

(9) Changes reducing the number of permitted dwelling units, the amount of nonresidential floor area or the area covered by buildings or paved areas;

(10) Reductions in off-street parking or loading by more than 10% or one space, whichever results in a greater reduction;

(11) The addition of home occupations that comply with the regulations of Sec. 8.120;

(12) Changes in points of access, provided the traffic design and capacity are not substantially altered;

(13) The addition of use within a PUD, provided the underlying zoning would otherwise permit such use as by right or special exception and the proposed use would not result in any increase of incompatibility with the present and future use of nearby properties;

(14) Increases in the number of dwelling units within a PUD, provided the approved number of dwelling units is permitted by the underlying zoning and the density of a development area is not increased more than 15%;

(15) Increases in permitted nonresidential floor area within a PUD, provided the increased floor area is permitted by the underlying zoning and floor area of a development area is not increased more than 15%; and

(16) Changes in structure heights, building setbacks, yards, driveway coverage, open spaces, building coverage and lot width or lot frontage within a PUD, provided the character of the development is not substantially altered.

b. In those cases when the county commission has expressly imposed a condition more restrictive than recommended by the planning commission, any amendment of that county commission-imposed condition must be reviewed and approved by the county commission.

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.

d. If the planning commission determines that the proposed development plan amendment, if approved, will result in a significant departure from the approved development plan or otherwise significantly change the character of the subject area or that the cumulative effect of a number of minor amendments substantially alters the approved development plan, then the amendment must be deemed a major amendment to the development plan and processed as a new development plan following the development plan approval procedure of Sec. 14.040, including all requirements for fees, notices and hearings.

2. Appeal of Development Plan Minor Amendment Decisions

An appeal from any development plan minor amendment decision by the planning commission may be taken by any person aggrieved, or any taxpayer or any officer, department, board, or bureau of the county. Appeals are made to the county commission by filing notice of appeal with the county clerk and with the recording secretary of the planning commission within 10 days of the date of the decision being appealed. The appeal must specify the grounds of the appeal. No bond or deposit for costs are required for an appeal. Upon filing of the notice of appeal, the planning commission must transmit to the county commission the original or certified copies of all the papers constituting the record in the case, together with the decision of the planning commission. The county commission must notify the applicant and all interested parties, as recorded in the minutes of planning commission, of the appeal hearing location, date and time.

3. Major Amendments

Any amendment to an approved development plan that is not authorized as a minor amendment must be processed as a new development plan following the development plan approval procedure of this section including all requirements for fees, notices and hearings.

Sec. 14.050 Site Plans

14.050-A Applicability

Site plan approval is required before the issuance of any building permits for construction on any property included within the boundaries of any approved development plan and whenever these zoning regulations expressly state that site plan approval is required.

14.050-B Application Filing

Complete applications for site plan approval must be filed with the land use administrator. At a minimum, the application must include a site plan, landscape plan and sign plan.

14.050-C Review and Action by Land Use Administrator; Appeals

1. Unless otherwise required by the county commission as a condition of approval of a development plan, the land use administrator is authorized to review and take action on site plans. The land use administrator must approve the site plan if it complies (as applicable) with an approved development plan, all conditions of development plan approval and all applicable provisions of these zoning regulations. If the submitted site plan does not comply with an approved development plan, any conditions imposed on that plan or applicable provisions of these zoning regulations, the land use administrator must disapprove the site plan and advise the landowner in writing of the specific reasons for disapproval.

2. If the land use administrator does not approve the site plan, the landowner may either: (1) resubmit the site plan to correct the plan's inconsistencies and deficiencies, or (2) within 60 days of the date of notice of disapproval, appeal the decision of the land use administrator by filing a notice of appeal with the recording secretary of the planning commission. If such an appeal is filed, the site plan must be reviewed by the planning commission following the hearing and notice requirements that apply to minor amendments of approved development plans (see §14.040-I1.c). The planning commission's decision may be appealed following the procedures of §14.040-I2.

14.050-D Effect of Approval

Approval of a site plan must occur before any building permits are issued. Site plan approval, in and of itself, does not constitute effective dedication of rights-of-way or any other public improvements, nor

will the site plan be the equivalent of or an acceptable alternative to the final platting of land prior to the issuance of building permits.

Sec. 14.060 Zoning Clearance and Platting Requirements

14.060-A Applicability

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

14.060-B Application

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:

1. The actual shape and dimension of the lot;
2. The location and dimensions of all easements;
3. The location, size and height of any existing buildings or structures to be erected or altered;
4. The existing and intended use of each building or structure and portion of the lot;
5. The number of dwellings and buildings proposed; and
6. Other information required by the county inspector to determine compliance with all applicable provisions these zoning regulations.

14.060-C Action

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

14.060-D Platting Requirement and Exceptions

1. **Purpose**
   The requirements of this subsection 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. **Requirement**
   No building permit or zoning clearance permit may be issued until that portion of the subject parcel for which the permit is sought has been determined to comply 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 an ALTA/ACSM survey and separately recorded legal instruments. This platting requirement applies to any property for which:

   a. A property owner-initiated zoning map amendment was approved after the effective date specified in Sec. 1.030; or

   b. A special exception was approved for any of the following:

      (1) Group living use;

      (2) Public, civic, or institutional use;

      (3) Outdoor assembly and entertainment use;

      (4) Household living involving 3 or more households on a single lot;

      (5) Marina;

      (6) Gun club;

(7) Crematory; or

(8) Mausoleum.

Sec. 14.070 Interpretations of Zoning Regulations, Zoning Map, and Approved Plans

14.070-A Purpose and Applicability

1. Day-to-day responsibility for administering and interpreting the provisions of these zoning regulations, including the zoning map, rests with the county inspector, whose decisions may be appealed to the board of adjustment, in accordance with the procedures of Sec. 14.110.

2. Occasionally, these zoning regulations may not sufficiently address an issue that arises in administering or interpreting these zoning regulations. In those cases, the county inspector may elect to issue, or a citizen may file an application for, a written 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.

14.070-B Authority

The land use administrator is authorized to issue written interpretations of the zoning map, approved development plans, and approved site plans. The county inspector is authorized to issue written interpretations of the text of these zoning regulations. The land use administrator and county inspector are also authorized to refer such matters to the board of adjustment for an interpretation or for guidance in making interpretations.

14.070-C Application

A complete application for a written interpretation request must be submitted to the county inspector or the land use administrator, as appropriate.

14.070-D Action

Within 30 days of receipt of a complete application, the county inspector or the land use 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.

14.070-E Form

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

14.070-F Official Record

The county inspector must maintain an official record of written interpretations. The record of interpretations must be available for public inspection in the office of the county inspector during normal business hours.

14.070-G Appeal of decision

Appeals of written interpretations issued pursuant to this section may be taken to the board of adjustment in accordance with the appeal procedures of Sec. 14.110.

Sec. 14.080 Special Exceptions

14.080-A Authorized Special Exceptions

Only those special exceptions expressly authorized in these zoning regulations may be approved as special exceptions, including principal uses for which special exception approval is expressly required in Table 6-1 and the following:

1. The change of a nonconforming use as provided in §16.040-B2.

2. The restoration of a partially destroyed structure, containing a nonconforming use as provided in §16.030-E.

3. The restoration of a partially destroyed nonconforming structure as provided in §16.030-E.

4. The modification of a screening requirement, as provided in Sec. 12.010.

5. Approval of non-accessory parking in an R district, when the subject property is abutting an Office, Commercial, or Industrial district.

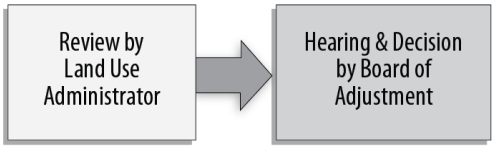
6. Reduction of the minimum required setback distance for oil and gas wells and related storage tanks (see Sec. 7.090).

7. Drilling of oil and gas wells located within AG-, AG-R-, RE- and RS-zoned residential subdivisions.

14.080-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 14-3: Special Exception Process (Generally)



14.080-C Application Filing

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

14.080-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.

14.080-E Notice of Hearing

Notice of the board of adjustment's required public hearing on a special exception application must be provided as follows (see §14.010-E1 for additional information on required newspaper, mail and posted notices).

1. **Newspaper Notice**
   Notice must be published in the newspaper at least 15 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 a minimum of 300 feet of the subject property at least 15 days before the scheduled public hearing.

14.080-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 §14.080-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 these zoning regulations.

14.080-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 these zoning regulations; and

2. That the special exception will not be injurious to property in the vicinity of the subject property or otherwise detrimental to the public welfare.

14.080-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.

14.080-I Transferability

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

14.080-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 county inspector is authorized to approve the following:

   a. Any structures or uses authorized to be approved by the county inspector 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.

14.080-K Appeals

Board of adjustment decisions on special exceptions may be appealed to District Court in accordance with §15.010-K.

Sec. 14.090 Administrative Adjustments

14.090-A Intent

Administrative adjustments are intended to provide a streamlined approval procedure for minor (de minimis) modifications of selected zoning regulations. Administrative adjustments are further intended to:

1. Allow development and construction that is in keeping with the general purpose and intent of these zoning regulations and the established physical character of the area in which the development or construction is located;

2. Provide flexibility that will help promote rehabilitation and reuse of existing buildings when such flexibility will not adversely affect nearby properties or neighborhood character; and

3. Provide flexibility for new construction when such flexibility is in keeping with the general purpose and intent of these zoning regulations and will not adversely affect nearby properties or surrounding neighborhood character.

14.090-B Authorized Administrative Adjustments

1. Administrative adjustments may be granted only as expressly identified in this section.

   a. The land use administrator is authorized to grant an administrative adjustment reducing minimum required street setbacks by up to 5 feet.

   b. The land use administrator is authorized to grant an administrative adjustment reducing minimum required side and rear setbacks in any R district by up to 20%.

c. The land use administrator is authorized to grant an administrative adjustment reducing minimum required side setbacks to no less than 5 feet in any RM district to allow construction of a detached house or two-unit house.

d. The land use administrator is authorized to approve an administrative adjustment reducing minimum lot width and lot frontage requirements by up to 10%.

2. The administrative adjustment procedures may not be used to vary, modify or otherwise override a condition of approval or requirement imposed by an authorized decision-making body.

14.090-C Authority to File

Administrative adjustment applications may be filed by the owner of the subject property or by the property owner's authorized agent.

14.090-D Application Filing

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

14.090-E Notice of Filing/Intent to Approve

Written notice of application filing must be delivered to all owners of property abutting the subject lot. The written notice must describe the nature of the requested administrative adjustment. It must also indicate the date on which the land use administrator will take action on the application and that the application will be available for review and comment until that date. Any interested party may submit written comments concerning the application to the land use administrator.

14.090-F Action by Land Use Administrator

1. The land use administrator must review each application for an administrative adjustment and act to approve the application, approve the application with conditions, deny the application or refer the application to the board of adjustment for consideration as a variance.

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

3. The land use administrator's decision to approve or deny an administrative adjustment must be based on the approval criteria and standards of 14.090-G and accompanied by written findings of fact.

4. At least once per calendar year, the land use administrator must provide to the board of adjustment a list of all administrative adjustment decisions.

14.090-G Standards and Review Criteria

Administrative adjustments may be approved only when the land use administrator determines that the following general approval criteria and any specific criteria associated with the authorized administrative adjustment have been met:

1. The requested administrative adjustment is consistent with all relevant purpose and intent statements of these zoning regulations and with the general purpose and intent of the comprehensive plan;

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.

14.090-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 these zoning regulations.

14.090-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.

14.090-J Transferability

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

14.090-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.

14.090-L Appeals

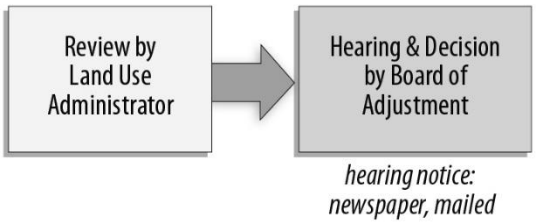
The applicant or any interested party may appeal the administrative adjustment decision of the land use administrator in accordance with Sec. 14.110.

Sec. 14.100 Variances

14.100-A Intent

A variance is a grant of relief to a property owner from strict compliance with the regulations of these zoning regulations. 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 specific requirements of these zoning regulations. They are intended to provide relief when the requirements of these zoning regulations render property very difficult or impossible to put to reasonable use because of some unique or special characteristics of the property itself.

Figure 14-4: Variance Process



14.100-B Authorized Variances

The board of adjustment is authorized to grant a variance to any regulation in these zoning regulations 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. Waive, modify or otherwise vary any of the review and approval procedures of this chapter; or
2. 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.

14.100-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.

14.100-D Application Filing

Complete applications for variances must be filed with the land use administrator. The application for a principal use variance must include information necessary to evaluate such request, as established by the board of adjustment in their rules of procedure for granting principal use variances.

14.100-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.

14.100-F Notice of Hearing

Notice of the board of adjustment's required public hearing on a variance application must be provided as follows (see §14.010-E1 for additional information on required newspaper and mail notices).

1. **Newspaper Notice**
   Notice must be published in the newspaper at least 15 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 a minimum of 300 feet of the subject property at least 15 days before the scheduled public hearing.

14.100-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 §14.100-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 §14.100-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 these zoning regulations.

14.100-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 by reason of extraordinary or exceptional conditions or circumstances which are peculiar to the land, structure or building involved, the literal enforcement of applicable zoning regulations would result in unnecessary hardship;

   b. That such extraordinary or exceptional conditions or circumstances do not apply generally to other property in the same zoning district; and

   c. That the variance, if granted, will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of these zoning regulations, or the comprehensive plan.

14.100-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.

14.100-J Transferability

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

14.100-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.

14.100-L Appeals

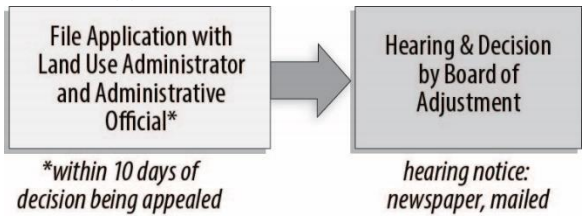
Board of adjustment decisions on variances may be appealed to District Court in accordance with §15.010-K.

Sec. 14.110 Appeals of Administrative Decisions

14.110-A Authority

Appeals of administrative (staff-level) decisions on site plans go to the planning commission (See §14.050-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 county inspector or any other administrative official in the administration, interpretation or enforcement of these zoning regulations.

Figure 14-5: Appeals of Administrative Decisions (Generally)



14.110-B Right to Appeal

Appeals of administrative decisions may be filed by any person aggrieved by the land use administrator's, the county inspector's or other administrative official's decision or action. The board of adjustment is authorized to make determinations about whether individuals filing appeals are "aggrieved" by the decision or action.

14.110-C Application Filing

1. Complete applications for appeals of administrative decisions must be filed with the land use administrator and 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.

14.110-D Effect of Filing

The filing of a complete notice of appeal stays all proceedings in furtherance of the action appealed, unless the land use administrator or the administrative official who made the decision being appealed certifies to the board of adjustment, after the appeal is filed, that, because of facts stated in the certification, a stay would cause immediate peril to life or property, in which case the proceedings will not be stayed unless by a restraining order, which may be granted by the board of adjustment or by a court of record based on due cause shown.

14.110-E Record of Decision

Upon receipt of a complete application of appeal, the land use administrator or other administrative official whose decision is being appealed must transmit to the board of adjustment all papers constituting the record related to decision being appealed

14.110-F Notice of Hearing

Notice of the board of adjustment's required public hearing must be provided as follows (see §14.010-E1 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

When an appeal affects a specific property, notice must be mailed to the owner of the subject property and all owners of property within a minimum of 300 feet of the subject property at least 10 days before the scheduled public hearing.

14.110-G Hearing and Final Decision

1. The board of adjustment must hold a public hearing on the appeal.
2. Following the close of the public hearing, the board of adjustment must make its findings and take action on the appeal.
3. In exercising the appeal power, the board of adjustment has all the powers of the administrative official from whom the appeal is taken. The board of adjustment may affirm or may, upon the concurring vote of at least 3 members, reverse, wholly or in part, or modify the decision being appealed.
4. In acting on the appeal, the board of adjustment must grant to the official's decision a presumption of correctness, placing the burden of persuasion of error on the appellant.

14.110-H Review Criteria

The decision being appealed may be reversed or wholly or partly modified only if the board of adjustment finds that the land use administrator, the county inspector or other administrative official erred.

14.110-I Appeals

Board of adjustment decisions may be appealed to District Court in accordance with §15.010-K.

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Chapter 15 Administration

Sec. 15.010 Board of Adjustment 15-1
Sec. 15.020 Code of Ethics 15-2

Sec. 15.010 Board of Adjustment

15.010-A Composition
The board of adjustment must consist of 5 members.

15.010-B Appointments
Board of adjustment members must be appointed by the county commission.

15.010-C Terms
Members of the board of adjustment serve 3-year terms.

15.010-D Vacancies
In the event of a vacancy occurring in the membership of the board of adjustment for any reason, an appointment for the remainder of the vacant term must be made in the same manner as regular appointments.

15.010-E Removal
A board of adjustment member may be removed for cause by the county commission after notice, written charges and public hearing.

15.010-F Compensation
Members of the board of adjustment serve without compensation.

15.010-G Officers
The board of adjustment must elect a chairperson, vice chairperson and secretary.

15.010-H Rules of Procedure
The board of adjustment must adopt rules necessary for the conduct of its affairs.

15.010-I Meetings
Meetings are held at the call of the chairperson and at other times as the board of adjustment may determine. The chairperson, or in the chairperson's absence, the acting chairperson, may administer oaths and compel attendance of witnesses. All meetings of the board of adjustment must be conducted in compliance with the Oklahoma *Open Meeting Act*. The board of adjustment must keep records of its proceedings and official actions, all of which must be open to the public in compliance with the Oklahoma *Open Records Act*. Except as stated in §14.010-K, the board of adjustment must decide all matters within 90 days after the filing of a complete application.

15.010-J Powers and Duties
The board of adjustment has the powers and duties that are expressly identified in these zoning regulations, including hearing and acting on applications for variances, special exceptions, and appeals of administrative decisions.

15.010-K Appeals to District Court

1. Procedure

a. An appeal to the District Court from any decision, ruling, judgment, or order of the board of adjustment may be taken to District Court by any person, firm or corporation, jointly or severally, aggrieved thereby, or any department, board or official of government.

b. Notice of appeal to District Court must be filed with the clerk of the board of adjustment within 10 days of the date of the action being appealed. ~~The notice of appeal must be accompanied by payment of the public notice fee.~~ No bond or deposit for costs is required for such appeal, but costs may be required in the District Court as in other cases such as, but not limited to, filing fees, administrative fees and other such statutory fees.

c. Upon filing of a notice of appeal, the clerk of the board of adjustment must transmit to the clerk of the District Court the originals or certified copies of all the papers constituting the record in the case, together with the order, judgment, or decision of the board of adjustment. ~~The clerk of the board of adjustment must all property owners within 300 feet of boundary of the subject property of the pending appeal and must give the title of the case, the district court case number and the name of the judge assigned regarding such appeal.~~

d. The appeal to District Court is limited to the District Court's review of the record of the proceedings before the board of adjustment. The judicial review of any action of the board of adjustment will be to determine if said action was arbitrary, unreasonable or capricious, and that by reason thereof such action has worked or, if enforced, will work as unnecessary hardship on or create substantial harm or loss to the complaining party based upon the record of the proceedings held before the board of adjustment as set out in 19 O.S., §863.22.

e. An appeal to the Supreme Court from the decision of the District Court is allowed as in other cases.

2. Stay of Proceedings

An appeal to the district court stays all proceedings in furtherance of the action appealed from unless the chairperson of the board of adjustment certifies to the court clerk, after a notice of appeal has been filed, that by reason of facts stated in the certificate, a stay would cause imminent peril of life or property. In such case, proceedings shall not be stayed other than by a restraining order granted by the district court.

Sec. 15.020 Code of Ethics

Any administrative official or member of the county commission, planning commission, or board of adjustment to whom some private benefit, direct or indirect, financial, or otherwise, may come as a result of an ~~public~~ action concerning these zoning regulations should not be a participant in that action. The possibility, not the actuality, of a conflict should govern. The individual experiencing a conflict of interest should declare ~~his~~ their interest, abstain from voting on the matter, and refrain from any deliberations, voting, or decision-making on the matter. The individual should not discuss the matter with a fellow official for the purpose of influencing a decision thereon.

Chapter 16 Nonconformities

Sec. 16.010 General 16-1
Sec. 16.020 Nonconforming Lots 16-2
Sec. 16.030 Nonconforming Structures 16-2
Sec. 16.040 Nonconforming Uses 16-3
Sec. 16.050 Sexually Oriented Business Establishment 16-5
Sec. 16.060 Nonconforming Signs 16-6
Sec. 16.070 Nonconforming Development Features 16-6

Sec. 16.010 General

16.010-A Intent

The adoption and amendment of these zoning regulations (including the zoning map) may occasionally result in some lots, uses and structures becoming nonconforming, which means that such lots, uses, and structures were established in compliance with regulations in effect at the time of their establishment, but became 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 these zoning regulations, 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.

16.010-B Authority to Continue

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

16.010-C Determination of Nonconforming Status[36]

1. The burden of proving that a nonconformity exists (as opposed to a zoning violation) rests entirely with the subject owner.
2. The county inspector 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 county inspector 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;

[36] These clarifying provisions are new, but do not represent a substantive change from existing practice.

d. Advertisements in dated publications; and

e. Notarized affidavits from the property owner affirming the date of lawful establishment of the use or structure.

4. The county inspector's determination of nonconforming status may be appealed in accordance with Sec. 14.110.

16.010-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 these zoning regulations.

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, 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.

16.010-E Change of Tenancy or Ownership

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

Sec. 16.020 Nonconforming Lots

16.020-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 September 15, 1980;

2. The lot is located within a subdivision approved by the planning commission on or before September 15, 1980; or

3. The lot is a lot of record for which a recorded instrument of conveyance bears the endorsement of the planning commission.

16.020-B Nonconforming Lots in Residential Zoning Districts

In residential zoning districts, a single detached house 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, and minimum open space requirements of the subject zoning district. All other lot and building regulations apply except that minimum side setbacks may be reduced to a minimum of 5 feet. Street-facing garages on corner lots must be set back at least 20 feet from street side lot lines or 20 feet from the back of the sidewalk, whichever is greater.

16.020-C Nonconforming Lots in Nonresidential Zoning Districts

In nonresidential districts, uses permitted in the subject zoning district are allowed on nonconforming lots without complying with the minimum lot area, minimum lot area per unit, minimum lot width, minimum street frontage, and minimum open space requirements of the subject zoning district. Such uses are subject to compliance with other lot and building regulations of the district and applicable use regulations.

Sec. 16.030 Nonconforming Structures

16.030-A Description

A nonconforming structure is a structure, other than a sign, that was lawfully established but that no longer complies with applicable zoning regulations because of the adoption or amendment of zoning regulations after the structure was established.

16.030-B Use

A nonconforming structure may be used for any use allowed in the zoning district in which the structure is located, including a lawfully established nonconforming use.

16.030-C Movement

A nonconforming structure may be moved in whole or in part to another location on the same lot only if the movement or relocation does not create additional or new nonconformities. A nonconforming structure may be moved to another lot only if the structure would comply with the zoning regulations that apply to that (relocation) lot.

16.030-D Alterations, Enlargements and Expansions

Alterations, including enlargements and expansions, are permitted if the proposed alteration or expansion complies with all applicable lot and building regulations and does not increase the extent of the nonconformity. A building with a nonconforming street setback, for example, may be expanded to the rear as long as the rear expansion complies with applicable rear setback regulations and all other applicable lot and building regulations. Horizontal and vertical extensions of an exterior wall that is nonconforming with regard to applicable setbacks may be approved in accordance with the special exception procedures of Sec. 14.080, provided the extensions are not located closer to the lot line than the existing structure.

16.030-E Restoration or Re-establishment of Damaged or Destroyed Structures

1. Antenna-supporting structures, if damaged or destroyed by any means, may be reconstructed, provided the supporting structure is placed in the same location and has no greater height or area than the structure it replaces.
2. If any other nonconforming structure is damaged or partially destroyed by any means to the extent of more than 50% of its replacement cost at time of damage, it may be restored as a nonconforming structure only if approved in accordance with the special exception procedures of Sec. 14.080. In order to approve a special exception for re-establishment of a nonconforming structure, the board of adjustment must find that restoration as a conforming structure cannot reasonably be made in view of the nature and extent of the nonconformity and the nature and extent of the damages.
3. If a nonconforming structure is damaged or partially destroyed by any means to the extent of 50% or less of its replacement cost at time of damage it may be restored as a nonconforming structure.
4. Re-establishment as a nonconforming structure may not increase the extent of nonconformity, except that the board of adjustment is authorized to approve a special exception for building additions that increase the extent of nonconformity if the board of adjustment determines that such additions:
   a. Do not increase the habitable or leasable floor area of the building; and
   b. Are required to be provided because of building or energy code amendments adopted after construction of the original building.
5. In all cases, any permits required to restore the damaged structure must be obtained within 2 years of the date of damage. If required permits are not obtained within 2 years, the structure's nonconforming status is lost.

Sec. 16.040 Nonconforming Uses

16.040-A Description

A nonconforming use is a use that was lawfully established in accordance with all zoning regulations in effect at the time of its establishment but that is no longer allowed by the use regulations of the zoning district in which the use is located. Lawfully established uses that do not comply with separation distance (spacing) requirements are also deemed to be nonconforming uses.

16.040-B Change of Use

1. A nonconforming use in a residential zoning district may be changed only to a use that is allowed in the subject zoning district. Once changed to a conforming use, the nonconforming use may not be re-established.

2. A nonconforming use located in a zoning district other than a residential zoning district, may be changed to a use that is allowed in the subject zoning district, in which case the nonconforming use may not be re-established. The change of a nonconforming use to another use included within the same use category or to an approved temporary use does not constitute a "change of use" within the meaning of this section. If a nonconforming use is changed to another use within the same use category or is temporarily replaced by an approved temporary use, the original nonconforming use may be re-established, provided re-establishment of the original nonconforming use occurs within 36 months of the date that it was replaced.

3. A nonconforming use located in a zoning district other than a residential zoning district, may be changed to another nonconforming use or re-established after being replaced by a conforming use only if approved in accordance with the special exception procedures of Sec. 14.080. In order to approve a special exception for a nonconforming use substitution or re-establishment, the board of adjustment must find that the proposed use substitution or re-establishment will not result in any increase in adverse impacts on the surrounding area when compared to the immediately preceding ~~previous nonconforming~~ use of the property. In making such a determination, the board of adjustment must consider all of the following factors, as applicable:

   a. Traffic to and from the site;

   b. Hours of operation,

   c. Outdoor display, storage and work activities; and

   d. Other factors likely to have an effect on the surrounding area.

16.040-C Expansion of Use

A nonconforming use of a portion of a building may be expanded or extended into the remaining portions of the building if the county inspector determines that the areas of the building in which the expansion is proposed were manifestly arranged and designed for the use. Nonconforming uses may not be expanded or extended in any other way unless the expansion reduces or eliminates the nonconformity.

16.040-D Movement

A nonconforming use may be moved in whole or in part to another location on the same lot only if the movement or relocation does not create additional or new nonconformities. A nonconforming use may be moved to another lot only if the use would comply with the zoning regulations that apply to that (relocation) lot.

16.040-E Loss of Nonconforming Status

1. If a structure containing a nonconforming use is damaged or partially destroyed to the extent of more than 50% of its replacement cost at time of damage, the nonconforming use may be re-established only if approved in accordance with the special exception procedures of Sec. 14.080. In order to approve a special exception for re-establishment of a nonconforming use, the board of adjustment must find that re-establishment will not result in any increase in adverse impacts on the surrounding area when compared to the previous nonconforming use of the structure. In making such a determination, the board of adjustment must consider all of the following factors, as applicable:

   a. Traffic to and from the site;

   b. Hours of operation,

   c. Outdoor display, storage, and work activities; and

   d. Other factors likely to have an effect on the surrounding area.

~~If a nonconforming use is changed to a conforming use, no matter how short the period of time, all nonconforming use rights are lost, and re-establishment of the nonconforming use is prohibited.~~

2. If a nonconforming use of a building is discontinued for 36 consecutive months or for 36 months during any 4-year period, the nonconforming use may not be re-established. Periods of time when governmental action impedes access to use of the premises are not counted as periods of discontinuance.

16.040-F Nonconforming Use of Unimproved Land[37]

Nonconforming uses of unimproved land are land uses and activities that meet the definition of a nonconforming use but that include structures that are all accessory or incidental to the use and in the aggregate do not cover more than 10% of the lot area devoted to the nonconforming use. Common examples include storage yards, construction debris sites, used vehicle sales lots, vehicle impound yards, auto wrecking, junkyards, and similar open-air uses. Nonconforming uses of unimproved land are subject to the nonconforming use regulations of this section (Sec. 16.040), except as modified by the following specific regulations:

1. No nonconforming use of unimproved land may be changed to another nonconforming use, nor enlarged, increased, or moved to another portion of the lot, nor extended to occupy a greater area of land than was occupied at the time that the use became nonconforming.

2. No additional structure (other than fences) may be erected in connection with a nonconforming use of unimproved land.

3. If any nonconforming use of unimproved land ceases for any reason for a period of more than 90 days, (except when government action impedes access to or use of the premises) any subsequent use of such land must conform in all respects to the regulations of the zoning district in which it is located.

Sec. 16.050 Sexually Oriented Business Establishment

A sexually oriented business establishment lawfully existing on the effective date specified in Sec. 1.030, or any subsequent amendment, but that does not comply with any parking, loading, spacing (separation), or screening requirements of these zoning regulations, is deemed nonconforming. Such use may continue subject to the following provisions:

16.050-A No such use may be enlarged or extended.

16.050-B No such use may be changed to another use that does not comply with parking, loading, screening and spacing requirements, except that changes to an office or retail use are permitted, and the board of adjustment is authorized to approve a change to another use otherwise permitted by right or special exception within the subject zoning district, even though such use does not comply with applicable parking, loading, screening or spacing requirements.

16.050-C A change of a use from one type of sexually oriented business establishment to another type of sexually oriented business establishment is considered a change of use and is not permitted unless the new use complies with all applicable requirements of these zoning regulations.

16.050-D If the use of a nonconforming sexually oriented business establishment is discontinued for any reason whatsoever for a period of 180 days or more, such use may not be reestablished unless it complies with all of the requirements of these zoning regulations.

16.050-E If 2 or more existing sexually oriented business establishments are separated by a lesser distance than required by these zoning regulations, the first sexually oriented business establishment licensed and continually operating at a particular location will be deemed the conforming use with regard to required spacing and separation distances and all later established sexually oriented business establishments will be deemed the nonconforming use with regard to required spacing distance.

[37] The existing "termination" (amortization) provisions have not been carried forward in this draft since the timeframes for termination have long passed.

Sec. 16.060 Nonconforming Signs

See Sec. 11.100 for regulations governing nonconforming signs.

Sec. 16.070 Nonconforming Development Features

16.070-A Description

A nonconforming development feature is any aspect of a development—other than a nonconforming lot, nonconforming structure, nonconforming use, or nonconforming sign—that was lawfully established in accordance with zoning regulations in effect at the time of its establishment but that no longer complies with one or more applicable zoning regulations. Common examples are off-street parking areas that contain fewer spaces than required by current regulations and sites that do not comply with current screening regulations.

16.070-B General

Nonconforming development features may remain except as otherwise expressly stated in these zoning regulations, but the nature and extent of nonconforming development features may not be increased.

Chapter 17 Violations, Penalties, and Enforcement[38]

Sec. 17.010 Responsibility for Enforcement 17-1
Sec. 17.020 Violations 17-1
Sec. 17.030 Continuing Violations 17-1
Sec. 17.040 Remedies and Enforcement Powers 17-1
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Sec. 17.010 Responsibility for Enforcement

The county inspector and other officials or agencies designated by the chairman of the board of county commissioners have responsibility for enforcing these zoning regulations. All departments, officials, agencies, and employees vested with the authority to review, recommend or issue development approvals, permits or licenses must act in accordance with the provisions of these zoning regulations.

Sec. 17.020 Violations

Unless otherwise expressly allowed by these zoning regulations or state law, any violation of a provision of these zoning regulations—including any of the following—are subject to the remedies and penalties provided for in these zoning regulations.

17.020-A To use land, buildings or other structures in any way that is not consistent with the requirements of these zoning regulations;

17.020-B To erect a building or other structure in any way not consistent with the requirements of these zoning regulations;

17.020-C To install or use a sign in any way not consistent with the requirements of these zoning regulations;

17.020-D To engage in the use of a building, structure or land, the use or installation of a sign, or any other activity requiring one or more permits or approvals under these zoning regulations without obtaining such required permits or approvals;

17.020-E To engage in the use of a building, structure or land, the use or installation of a sign, or any other activity for which a permit or approval has been granted under these zoning regulations or under previous zoning regulations of the county in any way inconsistent with such permit or approval or any conditions imposed on the permit or approval;

17.020-F To violate the terms of any permit or approval granted under these zoning regulations or under previous zoning regulations of the county or any condition imposed on the permit or approval;

17.020-G To obscure, obstruct or destroy any notice required to be posted under these zoning regulations;

17.020-H To violate any lawful order issued by any authorized public official; or

17.020-I To continue any violation after receipt of notice of a violation.

Sec. 17.030 Continuing Violations

Each day that a violation continues constitutes a separate violation of these zoning regulations.

Sec. 17.040 Remedies and Enforcement Powers

The county has all remedies and enforcement powers allowed by law, including, without limitation, all of the following:

[38] This article includes an expanded range of enforcement tools..

17.040-A Fines

Any person violating any provisions of these zoning regulations or failing to comply with any of its requirements may be deemed guilty of an offense punishable by a fine ~~of not more than $100.00~~ in an amount not to exceed the maximum allowed under Oklahoma law.

17.040-B Withhold Permit

1. The county inspector may deny or withhold all permits, certificates, or other forms of authorization on any land or structure or improvements upon which there is an uncorrected violation of a provision of these zoning regulations or of a condition or qualification of a permit, certificate, approval, or other authorization previously granted by the county. This enforcement provision may be used regardless of whether the current owner or applicant is responsible for the violation in question.

2. The county inspector may deny or withhold all permits, certificates, or other forms of authorization on any land where an uncorrected violation exists. The county inspector may also withhold all permits, certificates, or other forms of authorization on any other land owned by the owner of land on which an uncorrected violation exists. This enforcement provision may be used regardless of whether the property for which the permit or other approval is sought is the property in violation.

3. Instead of withholding or denying a permit or other authorization, the county inspector may grant such authorization subject to the condition that the violation be corrected.

17.040-C Revoke Permits

1. A permit, certificate or other form of authorization required under these zoning regulations may be revoked by the county inspector when such official determines:

   a. That there are unapproved significant, material departures from approved plans or permits;

   b. That the development permit was procured by false representation; or

   c. That any of the provisions of these zoning regulations or approval previously granted by the county are being violated.

2. Written notice of revocation must be served upon the owner, the owner's agent or contractor, or upon any person employed on the building or structure for which such permit was issued. If no persons can reasonably be served with notice, the notice must be posted in a prominent location.

17.040-D Stop Work

With or without revoking permits, the county inspector may stop work on any building or structure on any land on which there is an uncorrected violation of a provision of these zoning regulations or of a permit or other form of authorization issued under this or previous zoning regulations.

17.040-E Injunctive Relief

The county may seek an injunction or other equitable relief in court to stop any violation of these zoning regulations or of a permit, certificate or other form of authorization granted under this or previous zoning regulations.

17.040-F Forfeiture and Confiscation of Signs on Public Property

Any sign installed or placed on public property, except in compliance with the regulations of these zoning regulations will be considered forfeited to the public and subject to confiscation. In addition to other remedies and penalties of this chapter, the county has the right to recover from the sign owner or person who placed the sign, the full costs of sign removal and disposal.

17.040-G Abatement

The county may seek a court order in the nature of mandamus, abatement, injunction or other action or proceeding to abate or remove a violation or to otherwise restore the premises in question to the condition in which they existed prior to the violation.

17.040-H Other Penalties, Remedies and Powers

The county may seek such other penalties and remedies as are provided by law.

17.040-I Continuation of Previous Enforcement Actions

Nothing in these zoning regulations prohibits the continuation of previous enforcement actions, undertaken by the county pursuant to previous valid ordinances and laws.

Sec. 17.050 Remedies Cumulative

The remedies and enforcement powers established in these zoning regulations are cumulative, and the county may exercise them in any combination or order.

Sec. 17.060 Persons Subject to Penalties

The owner or tenant of any building, structure, premises, or part thereof, and any architect, builder, contractor, or agent, or other person who commits, participates in, assists in, or maintains such violations may each be found guilty of a separate offense and be subject to penalties, remedies, and enforcement actions.

Sec. 17.070 Enforcement Procedures

17.070-A Non-Emergency Matters

In the case of violations of these zoning regulations that do not constitute an emergency or require immediate attention, the county inspector must give notice of the nature of the violation to the property owner by personal service, U.S. first class mail or by posting notice on the premises. Notices of violation must state the nature of the violation and the timeframe for compliance and may state the corrective steps necessary and the nature of subsequent penalties and enforcement actions should the situation not be corrected.

17.070-B Emergency Matters

In the case of violations of these zoning regulations that constitute an emergency situation as a result of public health or safety concerns if not remedied immediately, the county may use the enforcement powers available under these zoning regulations without prior notice, but the county inspector must attempt to give notice to the property owner simultaneously with beginning enforcement action.

Sec. 17.080 Appeals

A determination made by the county inspector or other administrative officials that violation of these zoning regulations has occurred may be appealed by the affected party in accordance with Sec. 14.110.

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Chapter 18 Measurements

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Sec. 18.020 Lot Area per Dwelling Unit 18-1
Sec. 18.030 Floor Area 18-1
Sec. 18.040 Floor Area Ratio 18-1
Sec. 18.050 Lot Width 18-1
Sec. 18.060 Frontage or Street Frontage 18-2
Sec. 18.070 Open Space per Unit 18-2
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Sec. 18.010 Lot Area

Lot area is measured as the total ground-level surface area contained within the property lines of a lot.

Sec. 18.020 Lot Area per Dwelling Unit

Lot area per dwelling unit is a measure of residential density. It governs the amount of lot area required for each dwelling unit on the subject lot. To determine the number of dwelling units allowed on a lot, divide the area of the lot by the minimum lot-area-per-dwelling-unit requirement, and round any fractional result down to a whole number. If, for example, a maximum limit of one dwelling unit for every 2,900 square feet of lot area is applied to an 14,000 square foot lot, the resulting fraction of 4.83 is rounded down to 4 allowed dwelling units. In applying minimum lot-area-per-dwelling-unit requirements to group living uses, each 600 square feet of floor area is counted as one dwelling unit.

Sec. 18.030 Floor Area

The floor area of a building is measured as the sum of the gross horizontal areas of all floors within the building, including basements, as measured from the exterior faces of the exterior walls or from the centerline of walls separating 2 buildings. The floor area of enclosed required off-street parking areas is not included in the measurement of floor area.

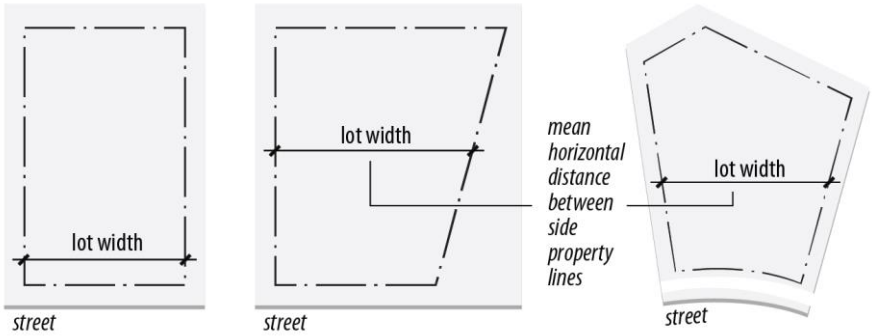
Sec. 18.040 Floor Area Ratio

The floor area ratio (FAR) is the floor area of all buildings on a lot, divided by the area of that lot.

Sec. 18.050 Lot Width

Lot width is measured as the average (mean) horizontal distance between the side property lines of a lot (see Figure 18-1)

Figure 18-1: Lot Width Measurement

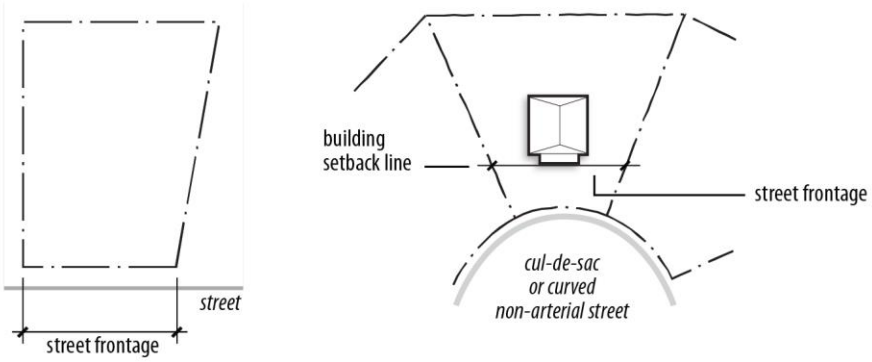


Measurements

Sec. 18.060 Frontage or Street Frontage

Street frontage is measured between side property lines of a lot along the property line that abuts a county-maintained public road. For purposes of determining compliance with zoning district lot and building regulations, the frontage of a lot that abuts a cul-de-sac or similarly curved non-arterial street may be measured along the required setback line. Lot boundaries that abut a limited access freeway are not considered street frontage for the purpose of complying with zoning district lot and building regulations (see Figure 18-2). Property that abuts the stub end of a stub street is not considered to have "frontage" on that stub street. Stub streets are intended only for continuation of a public street and are not permitted to have driveway connections.

Figure 18-2: Street Frontage Measurement



Sec. 18.070 Open Space per Unit

18.070-A Open space per unit refers to the amount of outdoor open space required to be provided on a lot for each dwelling unit on the subject lot. Multiply the minimum open space-per-unit requirement by the number of dwelling units to determine the total amount of open space required on a lot. In applying minimum open space-per-unit requirements to fraternity, sorority and rooming/boarding house uses, each 600 square feet of floor area is counted as one dwelling unit.

18.070-B The following may be counted toward satisfying minimum open space-per-unit requirements:

1. Outdoor areas that are not occupied by buildings, driveways or parking areas and are generally useable by residents;
2. Driveways and parking areas located in the rear yard of a detached house or duplex; and
3. Green roofs covering 25% or more of the subject building's overall roof area.

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

Sec. 18.080 Setbacks

18.080-A Measurement

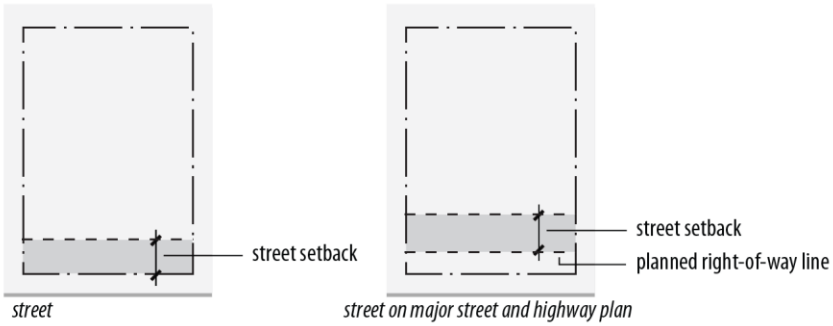
Required setbacks are measured from the applicable lot line, right-of-way, planned right-of-way or location referred to below. Building setbacks are measured to the nearest exterior building wall. Minimum setbacks that apply to other features (parking areas, fences, storage areas) are measured from the nearest point of the area or feature for which a setback is required. See §18.080-C for information on structures and building features that are allowed to occupy setback and yard areas in R zoning districts. Unless otherwise expressly stated, no part of any structure may be located within the street right-of-way, nor within the planned right-of-way of streets shown on the *Major Street and Highway Plan*, nor within 25 feet of the centerline of the right-of-way on streets not shown on the *Major Street and Highway Plan*.

1. Street setbacks are measured from the actual right-of-way line of the street (other than an alley), provided that if the following measurement results in a greater setback, the greater setback applies:

a. For streets shown on the *Major Street and Highway Plan*, if the width of the planned right-of-way exceeds the width of the actual right-of-way, the measurement must be taken from the planned right-of-way; and

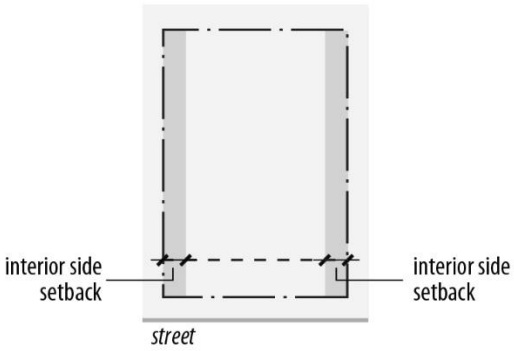
b. For streets not shown on the *Major Street and Highway Plan*, if the width of the right-of-way is 50 feet or less, the measurement must be taken from a point that is 25 feet from the centerline of the actual right-of-way (see Figure 18-3).

Figure 18-3: Street Setback Measurement



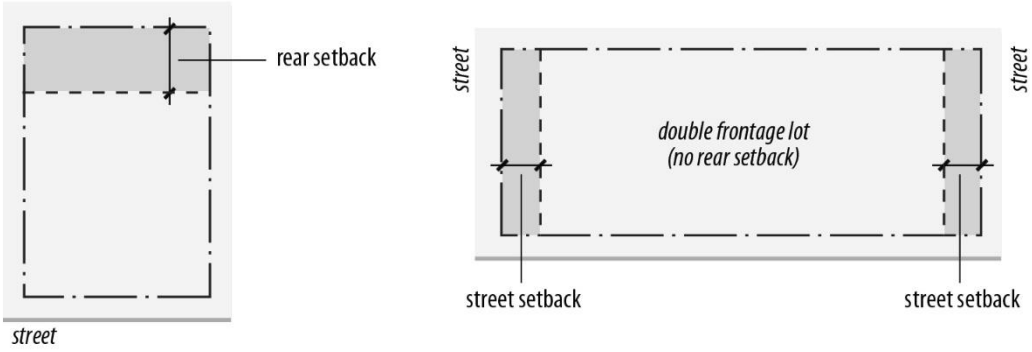
2. Side (interior) setbacks are measured from a side lot line that does not abut a street (see Figure 18-4).

Figure 18-4: Side (Interior) Setback Measurement



3. Rear setbacks are measured from the rear lot line, except on double-frontage lots. On double-frontage lots, street setbacks apply from all property lines that abut streets (see Figure 18-5).

Figure 18-5: Rear Setback Measurement



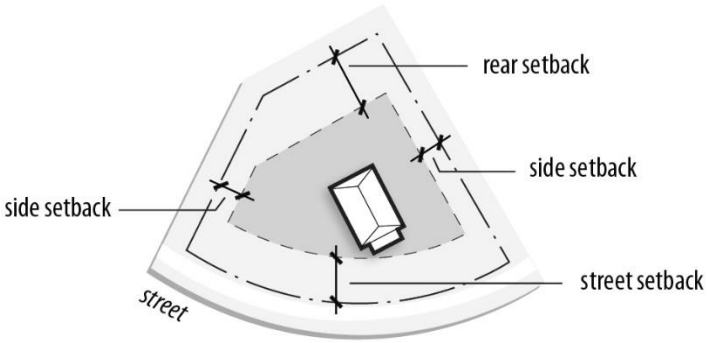
18.080-B Setbacks on Irregular Lots

Setbacks are measured from lot lines towards the center of the lot, as follows:

1. Generally, setbacks are measured as set out in §18.080-A.

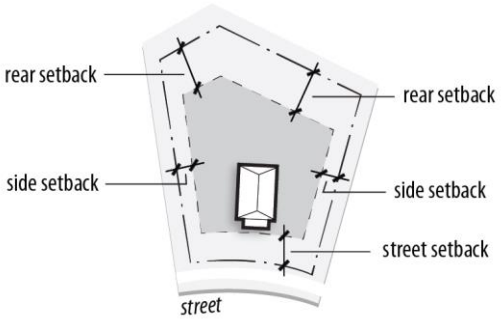
2. When lot lines are curvilinear, setbacks must be measured parallel to the curvilinear lot line (see Figure 18-6).

Figure 18-6: Setbacks from Curvilinear Lot Lines



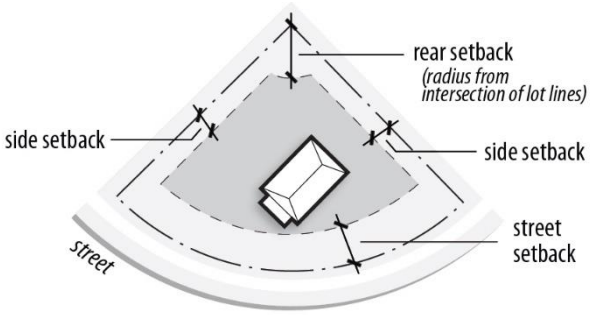
3. When there are multiple rear lot lines, the rear setback must be measured from each of the rear lot lines (see Figure 18-7).

Figure 18-7: Setbacks from Multiple Rear Lot Lines



4. When there is no rear lot line, the rear setback must be measured as a radial distance from the intersection of side lot lines at the rear of the lot (see Figure 18-8).

Figure 18-8: Rear Setback Measurement When There is No Rear Lot Line



18.080-C Permitted Setback Obstructions in R Zoning Districts

Setbacks in R zoning districts must be unobstructed and unoccupied from the ground to the sky except as indicated in Table 18-1:

Table 18-1: Permitted Setback Obstructions in R Zoning Districts

Obstruction	Setback		
	Street	Side	Rear
Accessory buildings (see also §8.030-A)	No	No	Yes
Air conditioning units	No	Yes	Yes
Arbors and trellises	Yes	Yes	Yes
Awnings, canopies, light shelves and architecturally integrated solar shading devices projecting no more than 2 feet into the setback	Yes	Yes	Yes
Barbeque pits and outdoor fireplaces	No	No	Yes
Bay windows projecting no more than 2 feet into the setback	Yes	Yes	Yes
Carports	Yes [1]	Yes [1]	Yes [1]
Chimneys and flues projecting no more than 2 feet into the setback	Yes	Yes	Yes
Clotheslines	No	Yes	Yes
Decks, patios, and other features and structures less than 30 inches in height above grade	Yes	Yes	Yes
Eaves and gutters projecting no more than 2 feet into the setback	Yes	Yes	Yes
Fallout and storm shelters	No	No	Yes
Fire escapes projecting no more than 4.5 feet into the setback	Yes	Yes	Yes
Flagpoles and similar features	Yes	Yes	Yes
Geothermal heat pumps and geothermal heat exchange system equipment up to 4 feet in height above grade	No	No	Yes
Green houses and hoop houses	No	No	Yes
Insulation added to the outside of the exterior wall of an existing building	Yes	Yes	Yes
Parking/storage of inoperable vehicles (see also Sec. 8.150)	No	No	Yes
Plants and cold frames	Yes	Yes	Yes
Rainwater harvesting equipment projecting no more than 4. 5 feet into the setback	Yes	Yes	Yes
Recreational equipment (e.g., swing sets, playground equipment, tree houses, etc.)	No	No	Yes
Signs (see also §11.040-B)	Yes	Yes	Yes
Sills, belt courses, cornices and similar architectural features projecting no more than 2 feet into the setback	Yes	Yes	Yes
Solar energy systems, building-mounted	No	Yes	Yes
Solar energy systems, ground-mounted	No	No	Yes
Swimming pools, tennis courts	No	No	Yes
Wheelchair lifts and ramps that meet federal, state, and local accessibility standards	Yes	Yes	Yes

Table 18-1 Notes

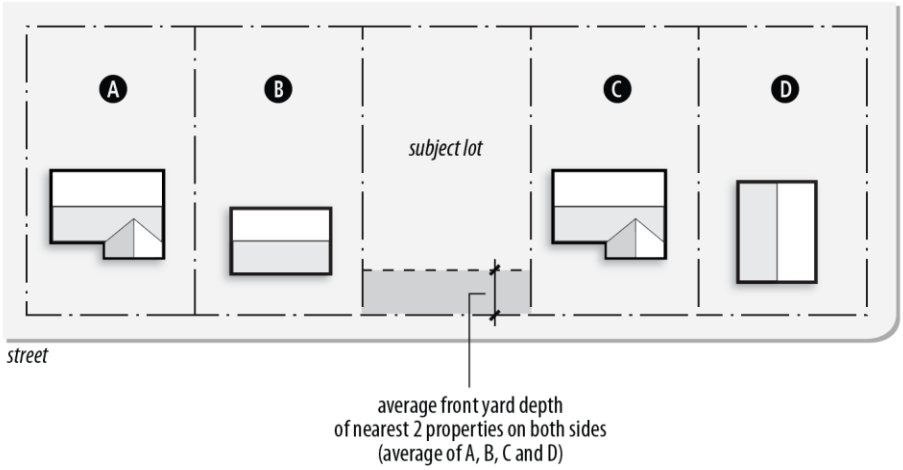
[1] Special exception approval required.

18.080-D Contextual Setbacks[39]

When existing buildings on one or more abutting lots are closer to the street (front or street side) property line than the otherwise required setback, additions to existing buildings or construction of new buildings on the subject lot may comply with the average street yard depth that exists on the nearest 2 lots on either side of the subject lot instead of complying with the zoning district's minimum street setback requirement. Existing yard depths must be based on the front corners of the buildings on the lots used in the contextual setback determination that are nearest to the subject lot (see Figure 18-9). The contextual setback provisions may not be used to reduce street setbacks to less than 5 feet plus 1/2 of the right-of-way width designated on the *Major Street and Highway Plan* for the abutting street, or 5 feet plus 25 feet if the street is not designated on the *Major Street and Highway Plan*.

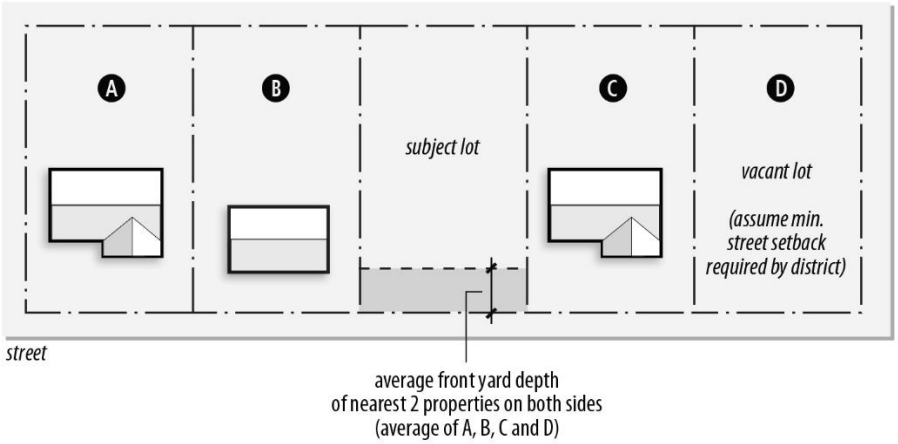
[39] This is a proposed replacement of existing section 241.

Figure 18-9: Contextual Setbacks (1)



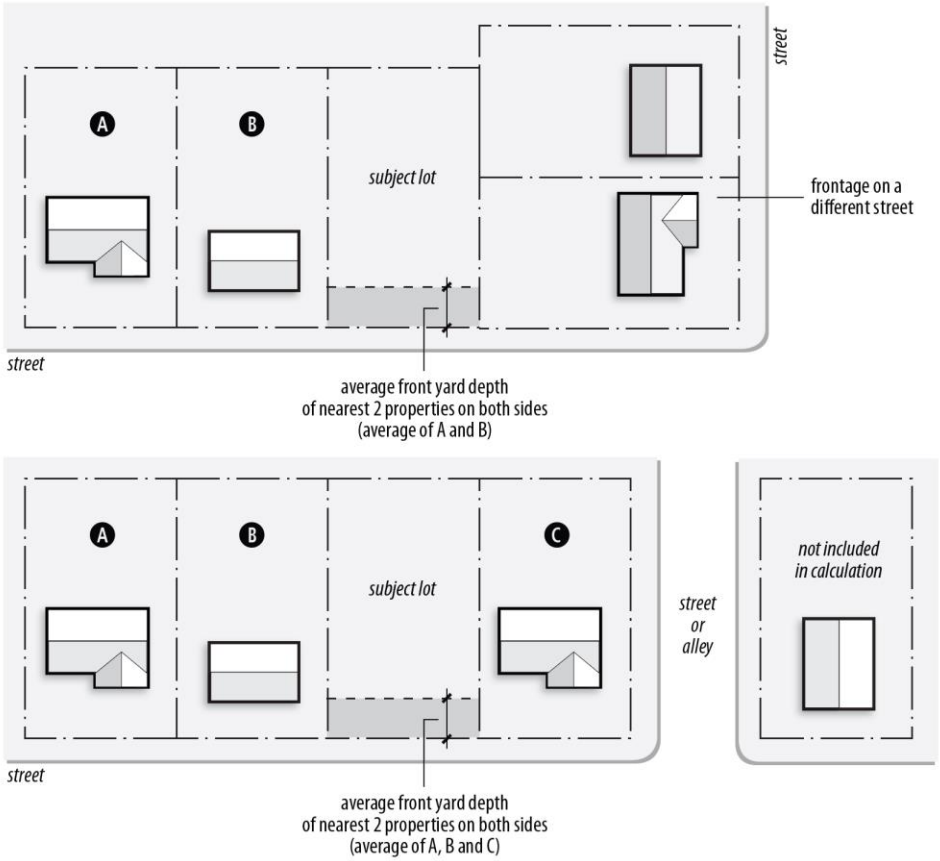
1. If one or more of the lots required to be included in the averaging calculation is vacant, that vacant lot will be deemed to have a street yard depth equal to the minimum street setback requirement of the subject zoning district (see Figure 18-10).

Figure 18-10: Contextual Setbacks (2)



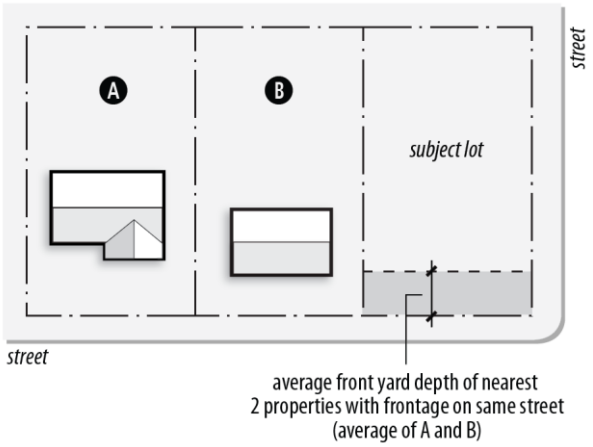
2. Lots with frontage on a different street than the subject lot or that are separated from the subject lot by a street or alley may not be used in computing the average (see Figure 18-11).

Figure 18-11: Contextual Setbacks (3)



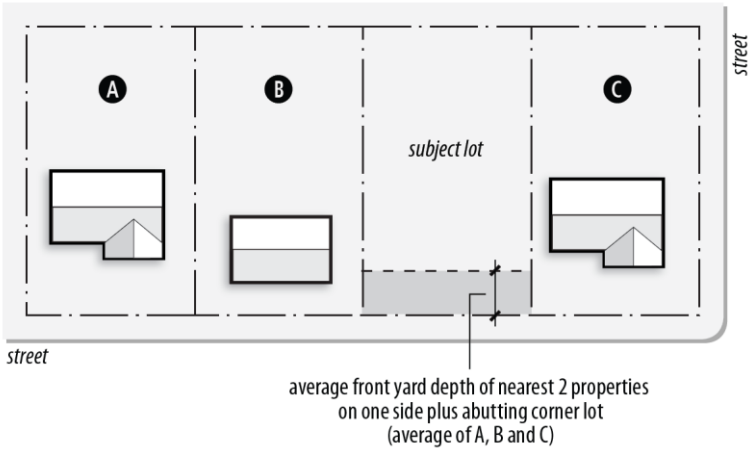
3. When the subject lot is a corner lot, the average street yard depth will be computed on the basis of the nearest 2 lots with frontage on the same street as the subject lot (see Figure 18-12).

Figure 18-12: Contextual Setbacks (4)



4. When the subject lot abuts a corner lot with frontage on the same street, the average street yard depth will be computed on the basis of the abutting corner lot and the nearest 2 lots with frontage on the same street as the subject lot (see Figure 18-13).

Figure 18-13: Contextual Setbacks (5)



5. These contextual setback provisions may not be used to reduce the setback of a street-facing garage door to less than 20 feet.

Sec. 18.090 Parking Setbacks

18.090-A All on-site parking spaces must be located behind any applicable parking setback line. This requirement applies whether such spaces are located in a surface (open-air) parking lot or in a parking structure. Parking setbacks do not apply to on-street parking spaces, parking spaces located in an underground structure or parking spaces located above the ground floor.

18.090-B Parking setbacks are measured in accordance with §18.080-A.

Sec. 18.100 Building Coverage

Building coverage is the total area of a lot covered by principal and accessory buildings. Only building areas beneath a roof are counted for purposes of measuring building coverage. A porch with a roof, for example, is counted, but an uncovered deck structure is not considered building coverage.

Sec. 18.110 Building Height

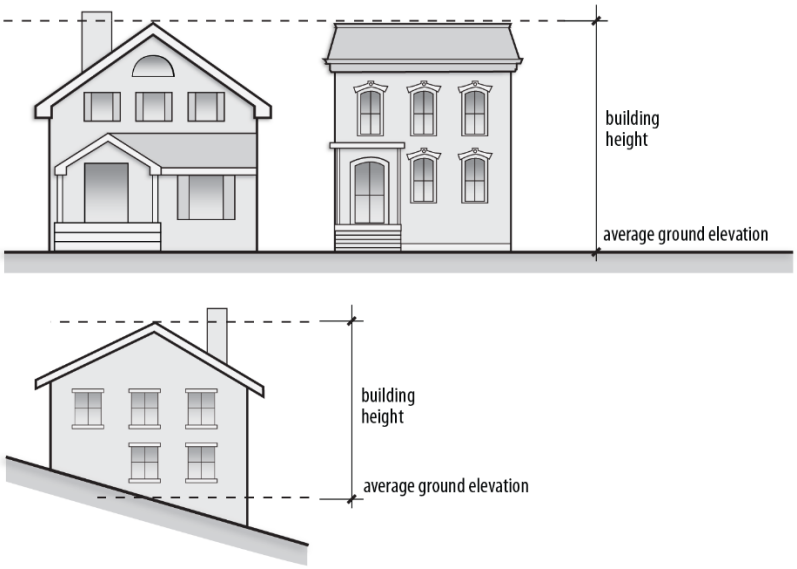
18.110-A Measurement

1. Building height is measured as the vertical distance from the average ground elevation along the exterior building wall to the highest point of the subject building (see Figure 18-14). For purposes of measuring height:

   a. The average ground elevation is the mid-point between the highest and lowest ground elevations along the exterior building wall; and

   b. The highest point of the building is the coping of a flat roof, the top of a mansard roof or shed roof, or the peak of the highest gable of a gambrel or hip roof. For buildings without a roof, height is measured to the highest point of the structure.

Figure 18-14: Building Height Measurement



18.110-B Exceptions

1. Farm buildings and farm-related structures are not subject to building height limits.
2. Chimneys, elevators, equipment penthouses, monitors, cooling towers and ventilators may exceed maximum building height limits, provided they are not intended for human occupancy.
3. Belfries, clock towers, cupolas, domes, flag poles and spires may exceed maximum building height limits, provided they are not intended for human occupancy.

Sec. 18.120 Other Height Measurements

18.120-A Fences and Walls

The height of fences and walls is measured as vertical distance from the average finished grade on the inside of the fence to the top of the fence or wall. Fences atop walls or landscape features (e.g., raised beds) are measured to average finished grade at the base of the wall or landscape feature. Fence posts may exceed the height of the highest connected portion of the fence by up to 12 inches.

18.120-B Other Structures

The height of structures other than buildings, fences or walls is measured as the vertical distance from the average finished grade at the base of the structure to the highest point of the structure. Unless otherwise expressly stated, the height of a structure may not exceed the maximum building height allowed in the subject zoning district.

Sec. 18.130 Noise and Sound

For the purpose of determining compliance with any noise limits expressed in db(A) (A-weighted decibels), the noise must be measured on the A-weighting scale on a sound level meter of standard design and quality having characteristics established by the American National Standards Institute.

Sec. 18.140 Occupancy

For the purpose of determining compliance with standards or requirements based on building occupancy or capacity, calculations must be based on the building code.

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Chapter 19 Definitions

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Sec. 19.010 General

Words and terms expressly defined in these zoning regulations have the specific meanings assigned unless the context clearly indicates another meaning. Words and terms that are not expressly defined in these zoning regulations have the meaning given in the latest edition of *Merriam-Webster’s Unabridged Dictionary*.

Sec. 19.020 Use Definitions

See Chapter 6 for an explanation of the use categorization system used in these zoning regulations and for use type definitions.

Sec. 19.030 Measurement-Related Terms

See Chapter 18 for an explanation of various lot and building regulation terms, such as “lot area,” “building height,” and “setback.”

Sec. 19.040 Terms Beginning with “A”

Abandoned or Abandonment

The intentional or unintentional cessation of use, or maintenance of a building, structure, or lot.

Abut or Abutting

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

Accessory Dwelling Unit (ADU)
A dwelling unit that is located in an accessory building on the same lot as a detached house to which it is accessory and subordinate. Examples of ADUs include carriage houses, garage apartments, and mother-in-law cottages.

Accessory Use Bar
A commercial establishment open to the public that sells and serves intoxicating beverages for consumption on the premises, but that is incidental and subordinate to and that occupies no more than 25% of the floor area of a principal use restaurant, hotel/motel, or fraternal organization. In order to be classified as an accessory use bar, the bar must occupy the same principal building and contiguous tenant space as the principal use and not contain a separate exterior public entrance (i.e., it must be served solely by the customer entrance that serves the principal use restaurant, hotel/motel or fraternal organization).

Accessory Use or Structure
A use or structure that meets the criteria established in §8.010-B.

Adjacent
Lying near or in the immediate vicinity

Agent
A person duly authorized to act on behalf of the owner of the subject property.

Alley
A public right-of-way that affords a means of access to abutting property, generally secondary in nature.

All-Weather Surface (or Material)
A hard surface, dustless material capable, during ordinary use, of withstanding without substantial deterioration, normal weather conditions. Gravel, rock or screenings alone, without use of a road surface binder, does not meet the definition of an all-weather surface.

Applicant
The owner of the subject property or an agent authorized by the subject property owner to submit an application on the owner's behalf.

Arterial
A street designated on the *Major Street and Highway Plan* as an arterial, parkway, or special trafficway.

Average Ground Elevation
See §18.110-A1.a.

Awning
A roof-like structure typically made of cloth, metal or other material attached to a frame that extends from and is supported by a building. Awnings are typically erected over a window, doorway or building front and they may be raised or retracted to a position adjacent to the building.

Sec. 19.050 Terms Beginning with "B"

Base Station
A station at a specific site authorized to communicate with mobile stations, generally consisting of radio transceivers, antennas, coaxial cables, power supplies and other associated electronics.

Base (Zoning) District
Any zoning district that is not an overlay district.

Board of Adjustment (BOA)
The Tulsa County Board of Adjustment.

Building
A structure that is permanently affixed to the land; with or without a roof, or walls on all sides; and used or intended for supporting or sheltering any use or occupancy.

Building Coverage
See Sec. 18.100.

Building Height
See Sec. 18.110.

Sec. 19.060 Terms Beginning with "C"

Carport
Any parking space or spaces having a roof, but not enclosed by walls, and accessory to a dwelling or dwellings. Parking garages and parking structures are not carports.

Character
Any letter of the alphabet or any numeral.

County
Tulsa County, Oklahoma.

County Commission
The Board of County Commissioners of Tulsa County, Oklahoma.

Cold Frame
An unheated structure no more than 4 feet in height used for protecting seedlings and plants from the cold.

Commercial Message
Any sign, wording, logo, or other representation that directly or indirectly, names, advertises, or calls attention to a business, product, service, or other commercial activity.

Comprehensive Plan
Tulsa County's official comprehensive plan, as adopted by the planning commission and approved by the county commission.

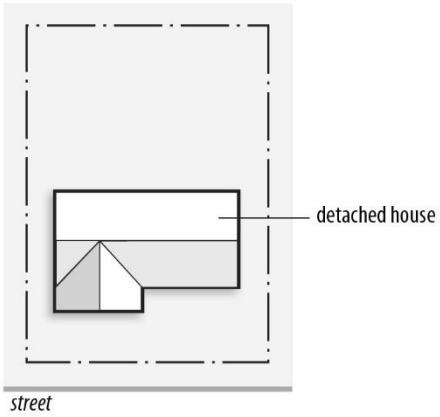
Curb Level
The average (mean) level of the established curb at the frontage of the subject lot. Where no curb has been established, the county engineer is authorized to establish such curb level or its equivalent.

Sec. 19.070 Terms Beginning with "D"

Designated Residential Development Area
An area specifically designated for residential development by conditions imposed in a PUD district.

Detached House
A principal residential building, other than a manufactured housing unit or mobile home, that contains only one dwelling unit and that, unless otherwise expressly allowed under these zoning regulations, is located on a single lot that is not occupied by other principal residential buildings. Detached houses are not attached to or do not immediately abut other dwelling units. Detached houses include conventional ("stick-built") construction and construction involving modular or system-built components as long as such construction complies with applicable building codes.

Figure 19-1: Detached House



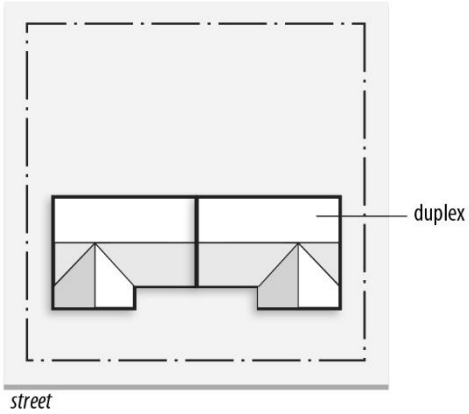
Development
Any man-made change to improved or unimproved real estate, including but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation, or drilling operations.

Development Plan
See Sec. 14.040.

Dumpster
A container with a capacity of more than 1.5 cubic yards or a height of more than 4.5 feet that is designed for receiving, transporting, and depositing waste materials produced by uses that are on the subject site.

Duplex
A principal residential building occupied by 2 dwelling units, both of which are located on a single lot that is not occupied by other principal residential buildings. The 2 dwelling units are attached and may be located on separate floors or side-by-side.

Figure 19-2: Duplex



Dwelling Unit
A room or group of rooms arranged, intended, or designed as a habitable unit, containing kitchen, bath and sleeping facilities, for not more than one household living independently of any other household.

Sec. 19.080 Terms Beginning with "E"

Electric Vehicle
Any vehicle that is licensed and registered for operation on public and private highways, roads, and streets either partially or exclusively powered by electrical energy from the grid or an off-board source via a battery. "Electric vehicle" includes: (1) battery electric vehicles; and (2) plug-in hybrid electric vehicles.

Electric Vehicle (EV) Charging Station
A public or private parking space that is served by battery charging station equipment.

Electric Vehicle Charging Station, Private (Restricted-Access)
An EV charging station that is not available for use by the general public. Examples include electric vehicle charging stations that serve residential homeowners or renters, executive parking areas, designated employee parking areas and fleet parking areas.

Electric Vehicle Charging Station, Public
An EV charging station that is accessible to and available for use by the general public.

Electric Vehicle Parking Space
Any parking space that is clearly identified to be used exclusively for the parking of an electric vehicle.

Electrical Fence Charger System
A labeled circuit arrangement, whether energized by a battery or other electrical power source that is or is designed or intended to impart an electrical shock to any person or animal coming in contact with such un-insulated conductors.

Electrical Transmission Tower
An electrical transmission structure used to support high-voltage overhead power lines. The term does not include a utility pole.

Sec. 19.090 Terms Beginning with "F"

Farm Animal
Breeds of animals raised primarily for commercial purposes on agricultural property, in outbuildings or open spaces separate from residences. Typical examples include cattle, swine, poultry, sheep, goats, donkeys, horses.

Flood
A temporary rise in stream level that results in inundation of areas not ordinarily covered by water.

Floodway
The channel of a river or other watercourse and those portions of the adjoining floodplains which are reasonably required to carry and discharge the regulatory flood.

Floor Area
See Sec. 18.030.

Floor Area Ratio
See Sec. 18.040.

Freeway
A street designated as a freeway on the *Major Street and Highway Plan*.

Frontage (or Street Frontage)
See Sec. 18.060.

Sec. 19.100 Terms Beginning with "G"

Garage Sale
The sale of tangible personal property at retail by a person who is not in the business or does not hold himself or herself out to be in the business of selling tangible personal property at retail, when such sale occurs on residentially-zoned property (including in a garage, on a driveway, patio or porch, in the yard or in the residential structure) and is open to the public. Also referred to as Yard Sale, Estate Sale, Moving Sale, Occasional Sale, etc.,

Geothermal Heat Exchange System
Equipment that exchanges thermal energy between the ground (or a water source) and a building. This includes vertical closed loop, horizontal closed loop, water body closed loop system and open loop systems. Also known as ground source heat pumps and geothermal heat pumps.

Grade, Finished
The vertical location of the ground or pavement surface after site grading work is completed in accordance with an approved plan.

Green Roof
An extension of an above-grade building roof that includes at least a waterproof membrane, a root repellent system, a drainage system, a filtering layer, soil with a minimum depth of 3 inches and native or naturalized plants. Also commonly referred to as a "vegetated roof."

Ground-Floor Level
The lowest level of a building that is at or above grade for at least 50% of its interior floor-to-ceiling height.

Sec. 19.110 Terms Beginning with "H"

Habitable Floor
Any floor usable for living purposes, which includes working, sleeping, eating, cooking, or recreation, or a combination thereof. A floor used for storage purposes only is not a "habitable floor".

Height, Building
See Sec. 18.110.

Height, Sign
See §11.110-B.

Home Occupation
An accessory use of a dwelling unit for business or commercial purposes. Home occupations are subject to the regulations of Sec. 8.120.

Hoop House
A temporary or permanent structure typically made of flexible pipe or other material covered with translucent plastic, constructed in a "half-round" or "hoop" shape, for the purposes of protecting and cultivating plants. A hoop house is considered more temporary than a greenhouse and does not constitute a completely enclosed structure.

~~**Family**~~
~~One or more persons occupying a single dwelling unit, as a single housekeeping unit, provided that unless all members are related by blood, marriage, or adoption, no such family shall contain over five persons, but further provided that domestic servants may be housed on the premises without being designated as a family. Individuals not related by blood, marriage, or adoption occupying a single dwelling unit for on-site institutional education, training, supervision, medical care or nursing care shall not be considered a family as defined herein. Further provided a family, as defined herein, does not include a foster home or a neighborhood group home as elsewhere defined.~~

Household
One or more persons who inhabit a single dwelling unit, as a single housekeeping unit, that is: (1) traditionally characterized by matrimonial or parent-child relationship, provided that all such persons are related by blood, marriage, adoption, fosterage, or guardianship and no more than 2 unrelated inhabitants are included in the housekeeping unit; or (2) predominantly characterized by voluntary associational, communal relationships, provided no more than 8 inhabitants are included in the housekeeping unit. The term "household" expressly includes community-based residential facilities licensed by or contracted with the Oklahoma Department of Human Services that provide care or supervision by a responsible adult for no more than 8 individuals with developmental or physical disabilities as a single housekeeping unit.

Sec. 19.120 Terms Beginning with "I"

Inoperable Vehicle
Any motor vehicle from which, for a period of 7 days, the engine, wheels, or other parts have been removed, or in which the engine, wheels, or other parts have been altered, damaged, or otherwise modified so that the vehicle is incapable of being driven under its own motor power. "Inoperable motor vehicle" does not include a motor vehicle that has been rendered temporarily incapable of being driven under its own motor power, solely to perform ordinary service or repair operations.

Intersection, Signalized
The area where motor vehicle traffic is regulated by an official traffic control signal or light, which is also embraced within the prolongation or connection of the lateral curb lines, or if none, then the lateral boundary lines of the roadways of 2 streets that join one another at or approximately at right angles, or the area within which vehicles travel upon different streets joining at any other angle that may conflict, whether or not one such street or roadway crosses the other.

Intoxicating Beverages
All beverages containing more 3.2% alcohol by weight and all mixed beverage coolers, as defined in Section 506 of Title 37, Oklahoma Statues, regardless of percent of alcohol content.

Sec. 19.130 Terms Beginning with "J"
RESERVED

Sec. 19.140 Terms Beginning with "K"
RESERVED

Sec. 19.150 Terms Beginning with "L"

Land Use Administrator
See §1.090-I.

Lawfully Established
A use, structure, lot, or sign (as the context indicates) that was established in conformance with all applicable zoning regulations in effect at the time of its establishment.

Less Intensive Zoning District
A zoning district classification that is identified as being less intensive than another zoning district within the same grouping of districts, as indicated in these zoning regulations. Overlay districts, special district and zoning districts that are expressly excluded from the relative intensity scales identified in these tables do not qualify as less intensive zoning districts.

Lot
A lot of record.

Lot Area
See Sec. 18.010.

Lot Area per Unit
A measurement of allowed residential density. See Sec. 18.020.

Lot, Corner
A lot abutting 2 or more streets at their intersection or upon 2 segments of the same street, when such segments form an interior angle of less than 135 degrees. The point of intersection of street rights-of-way lines is the corner.

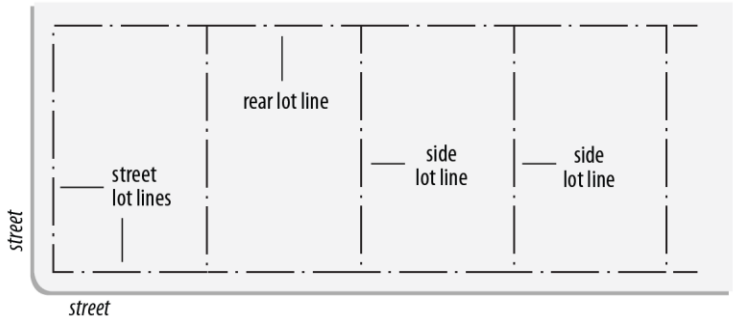
Lot, Double-frontage
An interior lot with frontage on more than one street or a corner lot with frontage on more than 2 streets.

Lot, Interior
A lot other than a corner lot.

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

Lot Line
Any boundary of a lot.

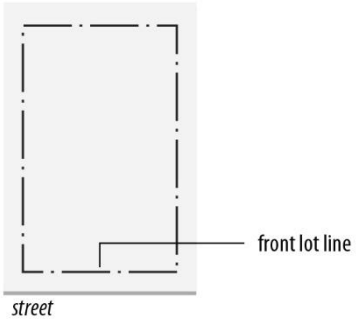
Figure 19-3: Lot Lines



Lot Line, Front
The boundary of a lot that abuts the street. Unless otherwise expressly stated, the owner of the subject property may select which lot line is the front lot line on corner lots.

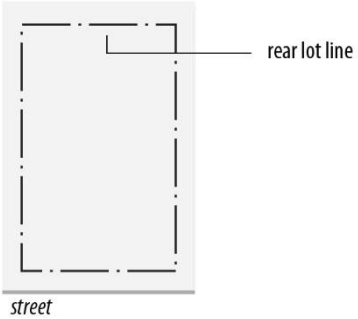
Lot Line, Street
The boundary of a lot that abuts a street. A lot may have more than one street lot line, and a street lot line may also be a front lot line.

Figure 19-4: Street Lot Line



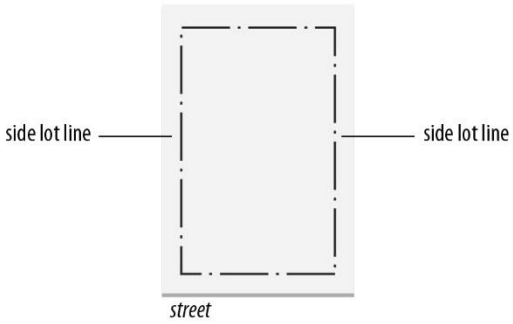
Lot Line, Rear
The boundary of a lot that is most distant from and most nearly parallel to the front lot line.

Figure 19-5: Rear Lot Line



Lot Line, Side
Any boundary of a lot that is not a street lot line or a rear lot line.

Figure 19-6: Side Lot Lines



Lot Width
See Sec. 18.050.

Low-Impact Development (LID)
An approach to land development (or redevelopment) that works with nature to manage stormwater as close to its source as possible. LID employs principles such as preserving and recreating natural landscape features, minimizing impervious area to create functional and appealing site drainage features that treat stormwater as a resource rather than a waste product. Common LID practices include bioretention facilities, rain gardens, green roofs, rain barrels or cisterns, and permeable paving.

Low-Point Beer
Includes beverages containing more than 0.5% alcohol by volume, and not more than 3.2% alcohol by weight, including but not limited to beer or cereal malt beverages obtained by the alcoholic fermentation of an infusion of barley or other grain, malt, or similar products.

Sec. 19.160 Terms Beginning with "M"

Major Street and Highway Plan
The latest version of the Tulsa Metropolitan Area *Major Street and Highway Plan*, which is adopted and amended from time to time by the county commission.

Manufactured Housing Subdivision
A residential subdivision primarily comprising home sites for manufactured housing units on individual lots. Manufactured housing subdivisions are subject to the supplemental regulations of Sec. 7.050.

Manufactured Housing Unit
A factory-built principal residential dwelling that bears a seal certifying that it was built in compliance with the federal *Manufactured Housing Construction and Safety Standards Act of 1974* (42 U.S.C. §5401, et seq.). Manufactured housing units are further classified as "single-section" and "multi-section" units.

Manufactured Housing Unit, Multi-Section[40]
Mobile homes or manufactured housing units that are constructed and transported to the home site in 2 or more sections, which are then joined together and placed on a permanent foundation. Multi-section mobile homes or manufactured housing units have a width of 20 feet or more for at least 60% of their length.

Manufactured Housing Unit, Single-Section[41]
Mobile homes or manufactured housing units that are constructed and transported to the home site in one section that is not joined together with other sections at the home site. Single-section mobile homes or manufactured housing units have a width of less than 20 feet.

[40] Changed from "double-wide" to acknowledge that triple wide and wider units do exist.
[41] Changed from "single-wide."

Marijuana-Related Use
Any of the following uses: marijuana testing laboratory, marijuana research, marijuana dispensary, production of marijuana edibles, marijuana processing facility, or marijuana grower operation, as those uses are described in Chapter 6.

Massage Therapy
The manipulation of soft or connective tissues of the human body to alleviate pain, enhance circulation, improve joint mobilization, relieve stress, or muscle tension. This definition expressly excludes sexually oriented business establishments and any manipulation of the human body associated with a sexually oriented business establishment.

Mixed-Use Building
A principal building occupied by one or more commercial uses and one or more residential dwelling units.

Mobile Home
A factory-built principal residential dwelling that does not meet the definition of a "manufactured housing unit," and that is designed for transportation, after fabrication, on streets or highways on its own wheels or on a flatbed or other trailers, and arriving at the site where it is to be occupied as a dwelling complete and ready for occupancy, except for minor and incidental unpacking and assembly operations, connection to utilities, and similar site installation activities. Mobile homes are allowed only within mobile home parks, which are subject to the regulations of Sec. 7.070.

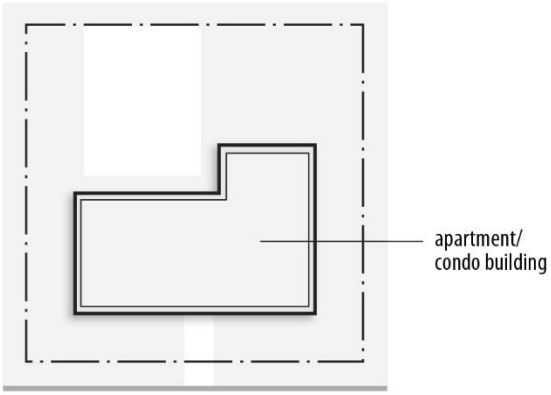
Mobile Home Park
A lot or multiple lots upon which mobile homes or manufactured housing units are available for lease or upon which spaces for mobile homes or manufactured housing units are available for lease.

Mobile Storage Unit, Temporary
A mobile, fully enclosed container that is specifically designed and used for the temporary storage of household goods, wares, and materials for the purpose of moving, relocation, or temporary storage during construction. This definition does not include a shipping or cargo container, modified or otherwise.

Multi-tenant Development
A development typically under unified ownership and control consisting of 2 or more business establishments, which may be on the same lot or on separate lots. The tenants of multi-tenant development typically share vehicle access and parking facilities.

Multi-unit Residential Building
A principal residential building on a single lot that is occupied by 3 or more dwelling units that share common walls and/or common floors/ceilings.

Figure 19-7: Multi-unit Residential Building



Sec. 19.170 Terms Beginning with "N"

NA (or –)
Not applicable or no requirement.

Nit
A unit of illuminative brightness equal to one candela per square meter, measured perpendicular to the rays of the source.

Nonconforming Development Feature
See Sec. 16.070.

Nonconforming Lot
See Sec. 16.020.

Nonconforming Use
See Sec. 16.040.

Nonconforming Sign
See Sec. 16.060.

Nonconforming Structure
See Sec. 16.030.

Nonconformity
A nonconforming lot, nonconforming use, nonconforming structure, nonconforming development feature or nonconforming sign.

Nonresidential Building
Any principal building other than a residential building.

Nonresidential Development Area
An area designated for nonresidential development on an approved development plan.

Nonresidential District or Nonresidential Zoning District
Any zoning districts other an R (residential) district.

Sec. 19.180 Terms Beginning with "O"

Obstruction
Any dam, wall, wharf, embankment, levee, dike, pile, abutment, projection, excavation, channel rectification, bridge conduit, culvert, building, wire, fence, rock, gravel, refuse, fill, structure or matter in, along, across, or projecting into any channel, watercourse, or regulatory flood hazard area which may impede, retard, or change the direction of the flow of water, either in itself or by catching or collecting debris carried by such water, or that is placed where the flow of water might carry the same downstream to the damage of life or property.

Open-Air Uses
Uses of land that do not involve buildings or that involve buildings that are incidental and accessory to the open-air use of the lot. Typical examples include storage yards, vehicle impound yards, auto wrecking and junkyard uses.

Open Space per Unit
See Sec. 18.070.

Outdoor Customer Seating/Dining Area
The area of all unenclosed areas used or intended to be used for seating and dining by customers and guests, including standing table areas.

Overlay District
A zoning district that over-lays one or more base zoning districts and imposes requirements in addition to those of the base district or modifies the regulations otherwise applicable in the base zoning district.

Sec. 19.190 Terms Beginning with "P"

Parapet or Parapet Wall
A wall-like barrier at the edge of a roof that acts as a vertical extension of an exterior building wall extending above the roof height of the building. Parapets may serve as a safety or architectural feature.

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

Parking Space, Off-Street
A space on a lot intended and reserved for the parking of an automobile.

Parking Space, Required Off-Street
A space on a lot reserved for parking required by these zoning regulations.

Permanent Foundation
A foundation that meets the requirements established in the building code administered by the county.

Photovoltaic Cell
A semiconductor device that converts solar energy into electricity.

Planned (Street) Right-of-Way
The right-of-way designated in the *Major Street and Highway Plan*.

Planning Commission
The Tulsa Metropolitan Area Planning Commission (TMAPC).

Principal Building
A building or combination of buildings of chief importance or function on a lot. In general, the principal use is conducted in the principal building.

Principal Use
A use or activity or combination of which are of chief importance on the lot; one of the main purposes for which the land, buildings or structures are intended, designed, or ordinarily used.

Proof Gallon
One liquid gallon of beverage grade spirits that is 50% alcohol by volume at 60 degrees F. Note: spirits bottled at 80 proof (40% alcohol) would be 0.8 proof gallons per gallon of liquid. At 125 proof, a gallon of liquid would be 1.25 proof gallons.

Sec. 19.200 Terms Beginning with "Q"

RESERVED

Sec. 19.210 Terms Beginning with "R"

Rainwater Harvesting Equipment
A rain barrel, cistern or similar container that collects and stores rainwater or other water that would otherwise be lost as runoff.

Recreational Vehicle (RV)
A trailer, boat trailer, travel trailer, camping trailer, truck camper, camper shell, motor home, tent trailer, boat, houseboat, or similar vehicle or unit. Camper shells that are attached to a pickup truck are not considered a recreational vehicle.

Regulatory Flood
A flood having a 1% chance of being equaled or exceeded in any given year based upon the full potential urbanization of the contributing watershed considering the Comprehensive Plan, adopted Floodplain Management Policies and the watershed Master Drainage Plan where adopted.

Residential Building
A detached house, townhouse, duplex, or multi-unit residential building.

Residential Development Area
An area designated for residential development on an approved development plan.

Sec. 19.220 Terms Beginning with "S"

Setback
An open, unobstructed area that is required to be provided by these zoning regulations. See Sec. 18.080.

Sexual Conduct
Any and all of the following: (1) the fondling or other touching of human genitals, pubic region, buttocks, or female breasts; (2) ultimate sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, sodomy; (3) masturbation; and (4) excretory functions as part of or in connection with any of the activities set forth in (1) through (3) above.

Sign
Any object, device, structure, or part thereof used to advertise, identify, display, or attract attention to an object, person, institution, organization, business, product, service, event or location by any means, including words, letters, figures, designs, symbols, fixtures, colors, illumination or projected images. Signs as defined herein do not include temporary holiday decorations; or landscape features that display no words or symbols.

Sign, Animation
The presentation of pictorials and graphics on signs displayed in a progression of frames that give the illusion of motion, including the illusion of moving objects, moving patterns or bands of light, or expanding or contracting shapes.

Sign Area
See 11.110-A.

(Sign) Banner
A sign composed of lightweight, flexible, non-rigid material that is mounted to a pole or a structure at one or more edges either vertically or horizontally. Flags are not considered banners.

Sign Budget
Sign regulations governing the maximum aggregate number and/or maximum aggregate area of all or a defined group of signs on a lot.

Sign, Campaign
A temporary sign displayed on a lot during an active local, state, or federal campaign for public office or ballot issue or referenda, generally intended to promote the ultimate exercise of voting by the general public.

(Sign) Commercial Message
See "Commercial Message."

Sign, Construction
A temporary sign located on a lot upon which building or construction is actively occurring.

Sign, Drive-through
A sign located on the site of an allowed drive-through use.

Sign, Driveway
A sign located near a driveway entrance from a street or near an internal site driveway or drive aisle (See also §11.030-A).

(Sign) Dwell Time
The duration or interval of time during that each individual advertisement or message is displayed on any sign with a dynamic display.

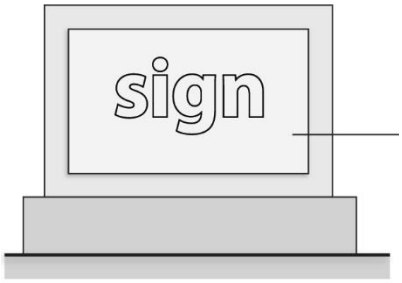
Sign, Dynamic Display
Any element of a sign or sign structure capable of displaying words, symbols, figures, images, or messages that can be electronically or mechanically changed by remote or automatic means. This also includes any display that incorporates rotating panels, LED lights manipulated through digital input, "digital ink" or any other method or technology that allows a sign to present a series of images, messages or displays.

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

Sign, Flashing (Illumination)
A light source or other image that in whole or in part physically changes in light intensity or gives the appearance of such change.

Sign, Freestanding
A sign that is part of a self-supporting structure, other than a building or portion of a building. Sometimes referred to as a "ground sign."

Figure 19-8: Freestanding Sign



Sign, Height of
See §11.110-B.

Sign, Illuminated
Any sign, other than a dynamic display, that is directly lighted by any constant light source, internal or external, except light sources specifically and clearly operated for the purpose of lighting the general area in which the sign is located rather than the sign itself.

Sign, Illumination and Luminance
See §11.110-D.

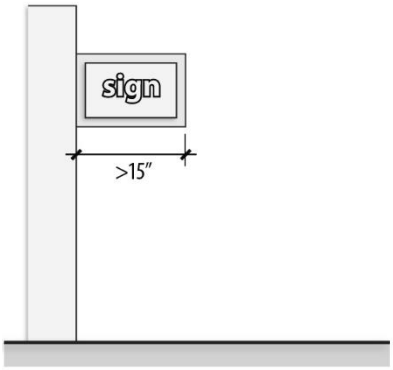
(Sign) Nameplate
A sign attached flush against a building.

Sign, Off-premises Outdoor Advertising
See §6.100-B.

Sign, On-premises
A sign that directs attention to a business, commodity, service, or activity that is conducted, sold, or offered upon the lot where the subject sign is located.

Sign, Projecting
A sign that is affixed to a building wall, canopy, awning, or marquee and that extends horizontally more than 15 inches from the wall, canopy, awning or marquee.

Figure 19-9: Projecting Sign



Sign, Promotional
A temporary sign that is located on a lot on which a business promotion is actively occurring and that consists of tinsel, flags, balloons, banners, wind devices, or similar attention-getting devices, whether or not the same contain any words, numbers or characters.

Sign, Real Estate
A temporary sign located on a lot or portion of a lot that is actively being marketed for sale, rental, or lease.

Sign, Roof
A sign that is affixed to a roof, extended roof, pitched roof, or canopy, and that extends above the building wall or parapet wall.

(Sign) Rules of Measurement
See Sec. 11.110.

Sign, Special Event
A sign approved in connection with a special event permit approved by the county commission (see also §11.030-F)

(Sign) Storyboarding
The consecutive display of advertisements or messages on a sign, used to provide a continuing or evolving message, theme or story.

(Sign) Static Message
An advertisement or message that, when displayed, contains no motion, flashing, changeable copy, running lights, variances in brightness, or animation.

Sign, Wall
A sign affixed to a building wall, canopy, awning, marquee or parapet wall, or a sign displayed in or on a door that does not extend horizontally more than 15 inches from the wall, canopy, awning, marquee, parapet wall, or door, nor extend above the parapet wall.

(Sign) Wind Device
Any flag, banner, pennant, streamer, or similar device that moves freely in the wind.

Sign, Window
A sign attached to a window.

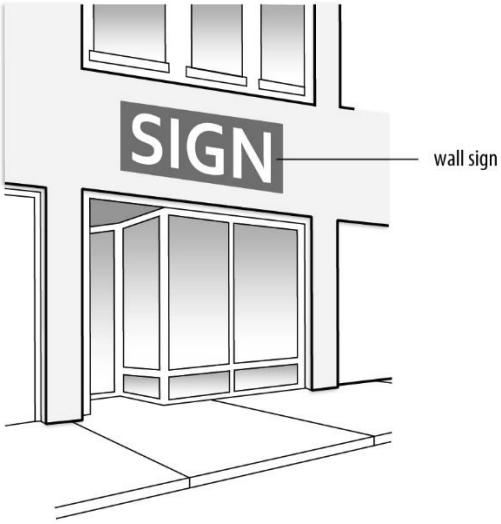
(Sign) Word
Any and all of the following (otherwise, each separate character is considered to be a word):

1. A word in any language found in any standard unabridged dictionary or dictionary of slang.
2. A proper noun or any initial.
3. A separate symbol or abbreviation, such as "&", "S", "%" and "INC".

4. A telephone number, street number or commonly used combination of numerals and/or symbols such as "$5.00" or "50%".

5. A symbol or logo that is a registered trademark, but that itself contains no word or character.

Figure 19-10: Wall SIgn



Site Plan
A detailed plan or set of plans depicting the arrangement of buildings, parking, landscaping, lighting, walls, grading, elevations, building materials, signs, and other information necessary to determine compliance with applicable regulations (see also 14.040-A).

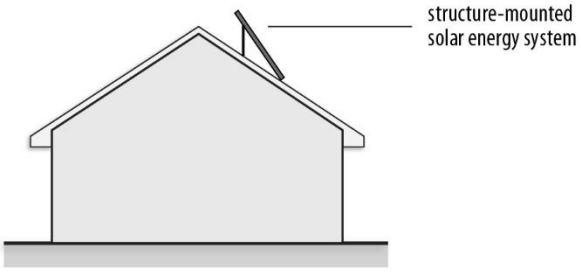
Solar Energy System
A system intended to convert solar energy into thermal, mechanical, or electrical energy.

Solar Energy System, Building-Integrated
A solar energy system that is an integral part of a principal or accessory building, rather than a separate mechanical device, replacing or substituting for an architectural or structural part of the building. Building-integrated systems include, but are not limited to, photovoltaic or hot water systems that are contained within roofing materials, windows, skylights, shading devices and similar architectural components.

Figure 19-11: Building-Integrated Solar Energy System

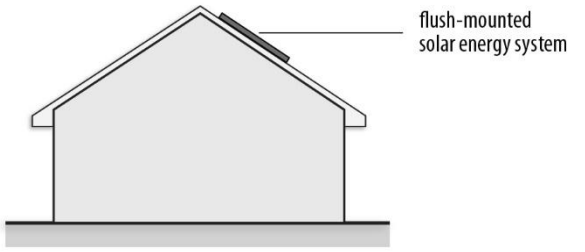
Solar Energy System, Structure-Mounted
A solar energy system that is mounted on the façade or roof of either a principal or accessory structure.

Figure 19-12: Structure-Mounted Solar Energy System



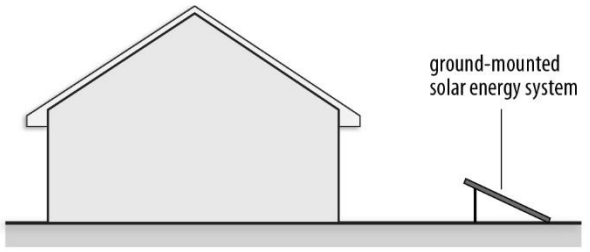
Solar Energy System, Flush-Mounted
A solar energy system that is mounted flush with a finished building surface, at no more than 6 inches in height above that surface.

Figure 19-13: Flush-Mounted Solar Energy System



Solar Energy System, Ground-Mounted
A solar energy system mounted on the ground and not attached to any other structure other than structural supports.

Figure 19-14: Ground_mounted Solar Energy System



Solar Panel
A group of photovoltaic cells assembled on a panel. Panels are assembled on-site into solar arrays.

Special Event
A temporary event or group of related temporary events typically involving a mass gathering of people on public right-of-way or public property; or on private property in a manner that results in significant impacts on public property or right-of-way.

Special Exception
A use or a design element or characteristic of a use or development that is not permitted by right because of potential adverse effect, but that if controlled in the particular instance as to its relationship to the neighborhood and to the general welfare, may be permitted by the board of adjustment. In order to be approved as a special exception, the special exception must be expressly authorized by these zoning regulations and reviewed in accordance with the substantive and procedural standards of these zoning regulations.

Specified Anatomical Areas
Any and all of the following: (1) human genitals, pubic region, buttocks, and female breasts below a point immediately above the top of the areola; and (2) human male genitals in a discernible turgid state, even if completely and opaquely covered.

Street Frontage
See Sec. 18.060.

Street, Minor
All classifications of public streets not defined as major streets.

Street, Major
All classifications of streets shown on and defined by the *Major Street and Highway Plan*, except residential collector streets. Major streets include freeways and freeway service roads.

Street, Perimeter
A public street that abuts the exterior boundary of a residential or nonresidential development.

Street Wall
The wall or part of the building nearest the abutting street.

Street Yard
See Yard, Street.

Structure
Anything constructed or erected with a fixed location on the ground or attached to something having a fixed location on the ground, expressly including buildings, fences, canopies, and signs. Provided that, for the purposes of the Floodway District (FD) zoning district regulations, "structure" means a walled and roofed building that is principally above ground, as well as a mobile home.

Substantial Improvement
Any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds 50% of the market value of the structure either, (1) before the improvement or repair is started, or (2) if the structure has been damaged and is being restored, before the damage occurred. For the purposes of this definition "substantial improvement" is considered to occur when the first alteration affects the external dimensions of the structure. The term does not, however, include either (1) any project for improvement of a structure to comply with the existing state or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions, or (2) any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

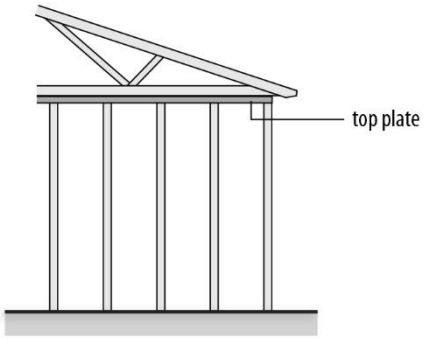
Sec. 19.230 Terms Beginning with "T"

Tasting Room
A room that is ancillary to the production of beer at a microbrewery or large brewery where the public can purchase and/or consume only the beer produced on site.

Tent
Any structure, enclosure, or shelter constructed of fabric or other pliable material supported by any manner except by air or the contents protected by the material.

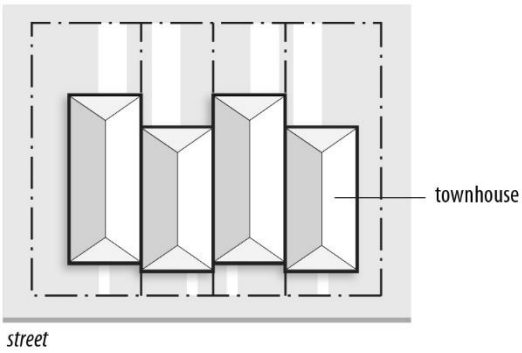
Top Plate
The horizontal timber directly carrying the trusses of a roof or the rafters.

Figure 19-15: Top Plate



Townhouse
A principal residential building that is occupied by multiple dwelling units, each located on its own lot with a common or abutting wall along the dwelling units' shared lot lines. Each dwelling unit has its own external entrance.

Figure 19-16: Townhouse



Transition Time
The duration or interval of time between which each individual advertisement or message is displayed on any dynamic display.

Sec. 19.240 Terms Beginning with "U"

Utility-scale Energy Production
An energy production facility that produces electric energy for widespread distribution through the electric power grid.

Sec. 19.250 Terms Beginning with "V"

Variance
See Sec. 14.100.

Vehicle Fuels, Alternative
Electricity, CNG (compressed natural gas), LNG (liquefied natural gas), LPG (liquefied petroleum gas), and hydrogen.

Vehicle Fuels, Conventional
Gasoline and diesel fuel.

Sec. 19.260 Terms Beginning with "W"

Walkway
A clearly defined path for non-motorized movement between buildings, structures, destinations, or other walkways on or adjacent to a site.

Wind Energy Conversion System
A device that directly converts wind energy into usable thermal, mechanical, or electrical energy, including such devices as windmills and wind turbines. The "system" includes towers and supporting structures and directly connected facilities such as generators, alternators, inverters, batteries, and associated control equipment.

Wild or Exotic Animals
All of the following: non-human primates; non-domestic flesh-eating mammals; venomous snakes and lizards; and non-venomous reptiles reaching 8 feet or more in length and/or weighing 40 pounds or more at maturity.

Wind Energy Conversion System, Small
A wind energy conversion system with a power-related capacity of no more than 100 kW that is primarily intended to produce power for on-site consumption, as a supplement to utility power or in lieu of utility power. Small wind energy systems are often connected to the electric utility for the purpose of "net metering."

Sec. 19.270 Terms Beginning with "X"

RESERVED

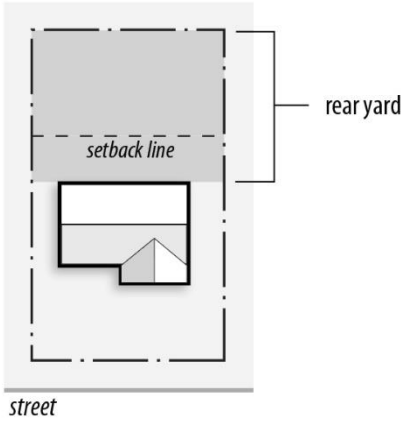
Sec. 19.280 Terms Beginning with "Y"

Yard
An actual (as opposed to "required") open, unoccupied space that exists on a lot between a building and a lot line.

Yard, Front
A yard extending along the full length of the front lot lines between the side lot lines.

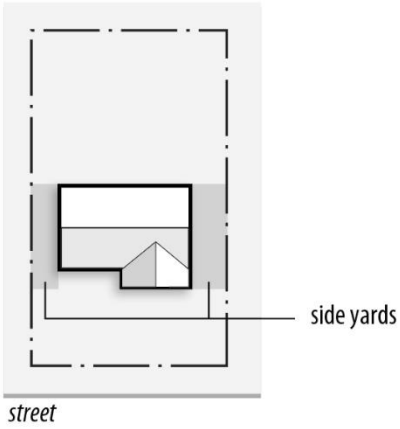
Yard, Rear
A yard extending along the full length of the rear lot line between the side lot lines.

Figure 19-17: Rear Yard



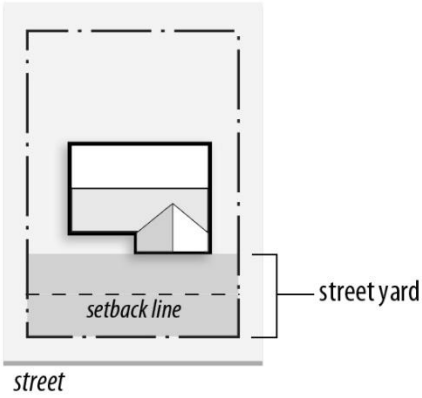
Yard, Side
A yard extending along a side lot line between the front yard and the rear yard.

Figure 19-18: Side Yard



Yard, Street
Any yard abutting a street.

Figure 19-19: Street Yard



Sec. 19.290 Terms Beginning with "Z"

RESERVED

Miller, Susan

To: Stacey Bayles
Subject: RE: Tulsa County Zoning Code public hearing draft 12/1/2022

From: Stacey Bayles <sbayles@tulsahba.com>
Sent: Thursday, January 5, 2023 10:10 PM
To: Miller, Susan <SMiller@incog.org>; dean@bluegoat.com; mliotta@tulsacounty.org; jklempa@pmgtulsa.com; louann@stava.com; Mike Craddock - Tulsa County (mcraddock@tulsacounty.org) <mcraddock@tulsacounty.org>; James Roderick <jamesroderick2022@gmail.com>; vines.properties@gmail.com
Cc: James Rea <jrea@tulsacounty.org>; ttosh@tulsacounty.org; Kerrick Edenborough (kedenborough@tulsacounty.org) <kedenborough@tulsacounty.org>; Nicholas Williams <nwilliams@tulsacounty.org>; Wilkerson, Dwayne <DWilkerson@incog.org>; Hoyt, Jay <JHoyt@incog.org>; Kirk Bishop <kirk@duncanassociates.com>; Lucky Airehrour <lairehrour@tulsacounty.org>; Stacey Bayles <sbayles@tulsahba.com>; sbayl@cox.net
Subject: RE: Tulsa County Zoning Code public hearing draft 12/1/2022

Topic	Current Code	New Code	Comments
Introductory Provisions			
Statutory Authority		Section 1.020	Typo in the statute number. It should be Title 19, Section 863.1 et seq., (NOT Section 868.1)
Applicability and Jurisdiction		Section 1.040-B	"the extraction of minerals" should be deleted. This stems from statutory language of 868.11 and is not in the corresponding language of 863.13
Residential Building Types (A District)			
Single vs Double Wide	Section 310 Table 1 "Mobile Home Dwelling" permitted by right in AG and SE in AG-R. The current code does not distinguish single and double wide dwellings <u>except</u> single-wides are permitted by right on a temporary	Section 2.030 Table 2-2 "Multi-section" permitted by right in AG and AG-R. "Single-section" permitted by right in AG and SE in AG-R. Temporary units have been deleted	The public comments also inquire about this change. The response is that there is no change. Recommend a careful review, specifically related to current practice. Also recommend Temporary Units continue to be permitted during construction of a residence without any additional relief.

	basis in both AG & AG-R when a house is being constructed on the same lot		
Floodway District	Chapter 10	Section 5.030-D	The language from the old code was inserted directly into the new code. Recommend defining "temporary amusement enterprises" which is a permitted SE use. It appears in both codes but is not a defined use.
PUDs	Chapter 11	Section 5.020-D.3.	Recommend permitting off-premises outdoor advertising signs in PUDs generally, especially if they would otherwise be permitted by the underlying zoning.
Uses (generally)	Use Units	Use Categories	Recommend keeping Use Units. The new code is structured like the 2016 City of Tulsa Zoning Code with generalized use categories. The category system leads to more ambiguity, less certainty for users, and greater need for Code interpretations by County Inspections
Uses (specific)			
Medical Marijuana			
Growing	Not specifically addressed	Indoor growing permitted by right in AG, IL, IM, IH; Outdoor permitted by SE in AG.	Recommend permitting by SE in CH and maybe CG as well.
Processing	Not specifically addressed		
Low Impact (production of mmj edibles using mmj components processed elsewhere) e.g., baking		Permitted by right in IL, IM, IH; Permitted by SE in CG, IR, IL	Recommend permitting by right in AG, CG, CH; permitting by SE in CS. This really is not an industrial use.
Moderate Impact (extraction using non-flammable substances		Permitted by right in IM, IH; Permitted by SE in IL	Recommend permitting by right in AG, IL and by SE in CH, maybe

and food and water based extraction			CG as well – perhaps depending on size of operation
High Impact (extraction using flammable substances such as butane, propane, ethanol, alcohol)		Permitted by right in IH; Permitted by SE in IM	Recommend permitting by right in IM and by SE in AG, IL – perhaps depending on size of operation.
Keeping of Animals		Section 8.130-B prohibits roosters in AG-R and R districts	The City of Tulsa does not prohibit roosters, why would the County?
Temporary and Ancillary Signs		Table 11-1	Typo – ancillary is misspelled
Zoning Text Amendments	Section 1720 – amendments may be initiated by TMAPC or BOCC	Section 14.020-A Land Use Administrator is authorized to initiate	Based on current wording, it appears the Land Use Administrator is authorized to initiate any type of text amendment, not just formatting/typographical errors. Recommending deleting "or the land use administrator" from the end of the first sentence. The 2nd sentence provides the necessary language.
Administrative Adjustments (Notice)		Table 14-1 and Section 14.090-E requires an applicant to provide written notice of its application to all abutting property owners.	Recommend applicants are not responsible for notice of any kind. Same for Site Plans.
Interpretation of Uses	Section 1200.2 CBOA is body who determines whether a use is in a particular use unit	Section 6.020-D County Inspector determines use category	Recommend keeping CBOA as interpreting body.
Nonconforming Use of Unimproved Land	Section 1410 provides a schedule of when such uses will terminate	Section 16.040-F specifically eliminated the termination schedule, citing that "the time frames for termination have long passed"	Recommend keeping in the termination schedule. The new code makes the assumption that there is no more nonconforming use of unimproved land and thus, all timeframes have expired.
Detached house on nonconforming lot in R district		Figure 16-1	There appears to be a typo – the figure states a minimum of 50% of the lot must remain as open space. However, Section 16.020-

			B does not have that requirement and says nonconforming R lots do not need to comply with open space requirements at all.

Miller, Susan

From: Mark Liotta <mliotta@tulsacounty.org>
Sent: Thursday, January 5, 2023 5:10 PM
To: Stacey Bayles; Miller, Susan; dean@bluegoat.com; PMG-Jaylee Klempa; louann@stava.com; Michael Craddock; James Roderick; vines.properties@gmail.com
Cc: James Rea; ttosh@tulsacounty.org; Kerrick Edenborough; Nicholas Williams; Wilkerson, Dwayne; Hoyt, Jay; Kirk Bishop; Lucky Airehrour; sbayl@cox.net
Subject: RE: Tulsa County Zoning Code public hearing draft 12/1/2022

Section 8.010-E
Storage containers, if we mean the steel shipping boxes carried on ships, trains, and semi-tractor-trailers, are not taxed as buildings because they are, by definition, portable.
Don't know if that has an impact here, but just FYI.

The other highlighted changes appear to be reasonable.

From: Stacey Bayles <sbayles@tulsahba.com>
Sent: Thursday, January 5, 2023 4:50 PM
To: INCOG-SusanMiller <SMiller@incog.org>; dean@bluegoat.com; Mark Liotta <mliotta@tulsacounty.org>; PMG-Jaylee Klempa <jklempa@pmgtulsa.com>; louann@stava.com; Michael Craddock <mcraddock@tulsacounty.org>; James Roderick <jamesroderick2022@gmail.com>; vines.properties@gmail.com
Cc: James Rea <jrea@tulsacounty.org>; Teresa Tosh <ttosh@tulsacounty.org>; Kerrick Edenborough <kedenborough@tulsacounty.org>; Nicholas Williams <nwilliams@tulsacounty.org>; INCOG-DwayneWilkerson <DWilkerson@incog.org>; Hoyt, Jay <JHoyt@incog.org>; Kirk Bishop <kirk@duncanassociates.com>; Lucky Airehrour <lairehrour@tulsacounty.org>; sbayl@cox.net
Subject: RE: Tulsa County Zoning Code public hearing draft 12/1/2022

CAUTION: This email originated from outside of Tulsa County. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Working on it now at close of business.

Stacey Bayles
Director of Association Issues

HBA
HOME BUILDERS ASSOCIATION | TULSA
Home Builders Association of Greater Tulsa
11545 East 43rd Street
Tulsa, Oklahoma 74146
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www.tulsahba.com

NAIOP
COMMERCIAL REAL ESTATE DEVELOPMENT ASSOCIATION
OKLAHOMA CHAPTER

MEMORANDUM

To: INCOG / TMAPC

From: NAIOP OKLAHOMA

Date: 10 January, 2023

Re: Tulsa County Zoning Code Comments

On behalf of the NAIOP Oklahoma, the largest commercial real estate trade organization in Oklahoma, please find below our comments to the Tulsa County Zoning Code update. As a preliminary note, our membership finds it frustrating that despite being involved heavily in rezoning, permitting, development, financing and the daily operations of commercial real estate, the notice for these changes escaped over 400 practitioners when asked at monthly meetings for NAIOP Oklahoma, Oklahoma CCIM and SIOR Oklahoma. In the past 45 days, not one member or participant in these organizations has expressed any knowledge of pending changes to the Code nor that it was even in the pipeline. While admittedly many of the proposed changes are innocuous, it does not bode well for relations between public and private sectors of real estate management and development to not have an open and clear dialogue.

With that said, in our review of the proposed changes to the Tulsa County Zoning Code, here are our comments/questions to those updates:

Marijuana Processing: We would ask that low-impact processing be allowed by right in CS, CG & CH; medium-impact allowed by right in CG & CH zoning.

Chapter 6: Generalized use categories, similar to those present in the 2016 Tulsa Zoning Code, present a higher likelihood of interpretations by inspectors, particularly when that authority has been diverted to inspectors rather than the Board of Adjustment as later noted in the County revisions. For both the Tulsa County and City of Tulsa Zoning Code, we would ask that allowed uses be defined specifically or revert back to use units as previously included in the Code.

6.020-D: In determining the suitability of a category for an unclassified use, we would ask that the Board of Adjustment or Planning Commission be the venue for interpretation.

Chapter 14: The overarching concern is the presumed accuracy of a county inspector in their interpretation of the Code. We appreciate the intent to allow flexibility or decision-making on an ad-hoc basis, however; this presents significant risk for the marketplace without any posted guidance.

14.050-A - Site Plan approval is required before issuance of ANY permits for development or construction; whereas 14.050-D requires approval only prior to building permit issuance. Which is correct - would an earthchange permit not be permitted prior to Site Plan approval?

14.070-F: Rather than have an official record of interpretations available only for inspection (assuming hard copy form), would it be more practical to have that document either (i) posted online as a reference in conjunction with the Code or, (ii) as an appendix to the Code itself?

Thanks you for your consideration and we look forward to continued dialogue for future updates/changes to the Code and in particular, the recently released PlaniTulsa draft.

NAL