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## Item

Discuss proposed amendments to the City of Tulsa Zoning Code, many of which are minor in nature and reflect needed changes and clarifications identified in implementation.

## Background

The City of Tulsa Zoning Code became effective on January 1, 2016. During the development of the zoning code, staff anticipated that cleanup items would be identified as implementation began in 2016. In early 2016, a zoning code implementation team was established and began meeting regularly to discuss situations where inconsistencies existed, clarification was needed, intent was not fully accomplished, and unintended consequences occurred. Since the effective date of the zoning code, staff has brought several rounds of general clean-up amendments through the approval process.

After a brief hiatus, the zoning code implementation team reconvened in November 2019 to address ongoing issues. The zoning code implementation team meets biweekly and consists of members of the Tulsa Planning Office, Development Services Department, and City Legal.

The amendments are a result of the zoning code implementation team's work. The proposed amendments are located in Chapters 15, 35, 45, 65, 67, 70, and 95 of the zoning code. Many proposed amendments are minor in nature.

The amendments proposed to the City of Tulsa Zoning Code, Title 42 Tulsa Revised Ordinances, are shown in ~~strike through~~/underline in **Attachment I**. A description of each proposed change is also included.

## Staff Recommendation

Discuss proposed amendments to the City of Tulsa Zoning Code in advance of public hearing.

## Attachment

- Summary of changes for zoning code amendments



## Summary of Changes for Zoning Code amendments

### 1. Public, Civic and Institutional Use Category

The proposed changes to the definition of Governmental Services in Section 35.040-G clarifies that this includes social services such as soup kitchens and food pantries.

#### Chapter 35 Building Types and Use Categories

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#### Section 35.040 Public, Civic and Institutional Use Category

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##### 35.040-G Governmental and Social Service

Local, state or federal government services or similar functions, and non-profit or charitable services or similar functions, that are not otherwise classified. Typical uses include health departments, courthouses, soup kitchens, and food pantries.

## 2. Sidewalks

The deletion of Section 70.080-B, Subsection 4. Sidewalks, is proposed to align the Zoning Code with the recently adopted sidewalk requirements in Title 35, Section 602, Tulsa Revised Ordinances, adopted December 4, 2019.

### Chapter 70 Review and Approval Procedures

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### Section 70.080 Zoning Clearance and Permits

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### 70.080-B Compliance with Development Regulations

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#### ~~4. Sidewalks~~

~~For properties that are not subject to §70.080-B2, no certificate of occupancy may be issued until the subject lot or parcel for which the permit is sought has been determined to be in compliance with the sidewalk regulations of Section 5-070 of the Tulsa Metropolitan Area Subdivision and Development Regulations.~~

### 3. Special Exception for Horticulture Nursery in CG and CH Districts

The proposed change to Section 15.020, Table 15-2, is to permit a Horticulture Nursery as a special exception in Commercial General (CG) and Commercial-High (CH) zoning districts. The proposed change reduces the need for rezoning requests to Industrial zoning districts with optional development plans for the sole purpose of allowing Medical Marijuana Grower Operations. CG and CH allow for a warehouse component (Medical Marijuana growing facilities are required to be indoors). The Board of Adjustment (BOA) can determine on a case by case basis if a medical marijuana growing operation or any other horticultural nursery use would have a negative impact on the surrounding area.

#### Chapter 15 Office, Commercial and Industrial Districts

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#### Section 15.020 Use Regulations

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

USE CATEGORY	OL	OM	OMH	OH	CS	CG	CH	CBD	IL	IM	IH	Supplemental Regulations
<b>Subcategory Specific Use</b>												
<b>AGRICULTURAL</b>												
<b>Horticulture Nursery</b>	-	-	-	-	-	<u>S</u>	<u>S</u>	-	P	P	P	Section 40.225

## 4. Spacing and Separation Distance

The proposed changes to Sections 70.080 and 70.110 eliminate the Board of Adjustment (BOA) procedures for spacing and separation distance verification and integrate spacing requirements into an administrative process, specifically the City of Tulsa's zoning clearance and permit review process. These changes will remove the additional time required for applicants to work through the BOA spacing verification process. These changes will make it clear that illegally operating uses will not constrain the location of legally established uses. Some of the uses requiring spacing include bars, package stores, medical marijuana dispensaries, and off-premise outdoor advertising signs. Applicants and protestants may still appeal the decision of the development administrator to the BOA and subsequently District Court.

### Chapter 70 Review and Approval Procedures

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### Section 70.080 Zoning Clearance and Permits

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#### 70.080-C Application

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

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## Section 70.110 Spacing and Separation Distance Verification

### ~~70.110-A Purpose~~

~~The spacing and separation distance verification procedure of this section is intended to provide a public process for determining compliance with applicable spacing and separation distance requirements.~~

### 70.110-~~BA~~ Applicability

- ~~1.~~ The spacing and separation distance verification procedure of this section applies whenever this zoning code requires that a use, structure or other development feature be separated or spaced a minimum distance from another use, structure or development feature. The procedure does not apply to a determination of compliance with building setback requirements that apply on individual lots.
- ~~2. If a use, structure or development feature requiring spacing or separation is subject to public notice and review under other procedures of this chapter (e.g., special exception or variance), separate verification under the procedures of this section is not required.~~

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### ~~70.110-C Mailed Notice of Board of Adjustment Hearing~~

~~Notice of the board of adjustment hearing at which the matter will be considered must be mailed to the owner of the subject property and all owners of property within 300 feet of the subject property at least 10 days before the scheduled public hearing.~~

### 70.110-~~DB~~ Action

The ~~board of adjustment must consider~~ development administrator may rely upon the evidence ~~and testimony~~ provided ~~at the public hearing and make a determination of whether the~~ by the applicant with an application for a zoning clearance permit to verify that the proposed use, structure or other development feature complies with the applicable spacing and separation distance requirements of this zoning code. Only other uses, structures, or development features that have been legally established by the issuance of a certificate of occupancy, an active building permit, active sign permit or active zoning clearance permit will be considered in determining compliance with the applicable spacing and separation distance requirements. It is the responsibility of the applicant to provide all information requested by the development administrator to aid in the determination. For purposes of determining whether spacing and separation distance requirements are met, a zoning-clearance-only permit for the use, structure or development feature from which the subject use, structure or development feature must be separated is valid for 180 days after it is issued.

### 70.110-~~EC~~ Appeal of Decision

Appeals of spacing and distance verification decisions of the ~~board of adjustment~~ development administrator may be appealed to ~~District Court~~ the board of adjustment in accordance with ~~§75.010-K~~ §70.140.



## 5. Landscape Chapter fine-tuning

The proposed changes to Sections 65.060 and 65.080 clarify that street frontage buffers include highway right-of-way and remove references to a plant list.

### Chapter 65 Landscaping and Screening

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### Section 65.060 Vehicular Use Area Buffers

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#### 65.060-C Requirements

##### 1. Street Frontage Buffers

- a. When a vehicular use area is located adjacent to a street or highway right-of-way, street frontage buffers must be provided in accordance with this subsection to physically and visually buffer the vehicular use area from the right-of-way.

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### Section 65.080 Landscape and Screening Material

#### 65.080-A General

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##### 2. Tree ~~and Plant~~ Lists

The planning director must annually prepare a list of recommended and prohibited tree ~~and plant~~ species for use in administering and enforcing the regulations of this chapter.

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#### 65.080-B Trees

##### 1. Types

Unless otherwise expressly approved by the land use administrator, trees used to satisfy the tree planting requirements of this chapter must be selected from the recommended tree ~~and plant~~ list (see also 65.080-A2).



## 6. AG-R in Landscaping, Screening, and Lighting

The proposed changes to Sections 65.060, 65.070, 67.030 and 67.040 ensure that the previously updated Chapter 65, Landscape and Screening, and Chapter 67, Outdoor Lighting, are consistent with recently adopted AG-R zoning district regulations effective December 9, 2020.

### Chapter 65 Landscaping and Screening

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#### Section 65.060 Vehicular Use Area Buffers

##### 65.060-A Purpose

The vehicular use area buffer regulations of this section are intended to help mitigate the visual and operational impacts of parking lots and other vehicular use areas when such areas are adjacent to streets, highways, ~~or~~ residential zoning districts, ~~or agricultural-residential~~ zoning districts.

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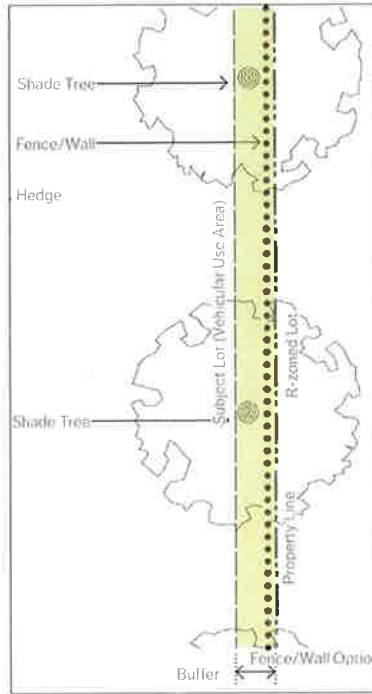
##### 65.060-C Requirements

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#### 2. R or AG-R District Buffers

- a. When a vehicular use area is located on a lot abutting an R- or AG-R-zoned lot, an R or AG-R district buffer must be provided in the form of an F1 screen, in accordance with 65.070-C2.
- b. R or AG-R district buffers are required only when the vehicular use area is located within 100 feet of an abutting R- or AG-R-zoned lot and there are no buildings between the vehicular use area and the abutting R- or AG-R-zoned lot.
- c. Groundcover plants must be provided in all R or AG-R district buffer areas that are not covered by fences or walls.
- d. The vehicle overhang allowance described in Sec. 65.050-D4 applies to parking spaces abutting R or AG-R district buffers.

Figure 65-4: R and AG-R District Buffer



(Add AG-R to the Figure)

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### Section 65.070 Screening

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### 65.070-B Features Required to be Screened

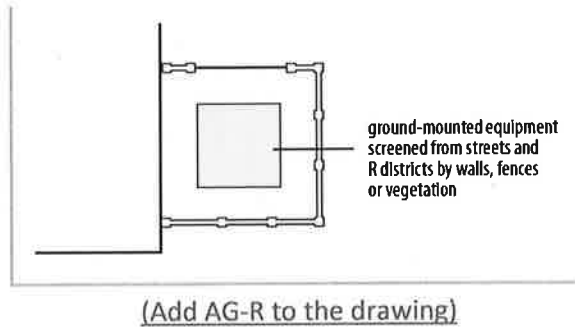
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### 3. Mechanical Equipment

#### a. Ground-mounted Equipment

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

Figure 65-6: Screening of Ground-mounted Equipment



**b. Roof-mounted Equipment**

Mechanical equipment placed on roofs must be screened in one of the following ways, if the equipment is within 50 feet of an R or AG-R zoning district:

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

**65.070-C Types of Screens**

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**5. Screening or Setbacks Triggered by Proximity to Nonresidential Areas/Features**

When a screening wall or fence or setback is required by this zoning code because a use abuts one or more R or AG-R districts, such wall, fence, or setback is not required if the actual use of the abutting R or AG-R district is a freeway, expressway, turnpike, nonresidential use; or a nonresidential development area. This exemption from screening does not apply to junk or salvage yards.

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**Chapter 67 Outdoor Lighting**

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**Section 67.030 General Standards**

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**67.030-C Spillover Light**

Light trespass along the lot line of the subject property may not exceed 0.5 foot-candles when abutting an agricultural, agricultural-residential or residential zoning district and may not exceed 3.0 foot-candles when abutting any other zoning district or public right-of-way. Maximum

illumination levels are measured 3 feet above grade or from the top of any opaque screening fence or wall along the property line.

## Section 67.040 Lighting Plans

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### 67.040-B Option 1: Fixture Height Standard Lighting Plan

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#### 2. Maximum Fixture Heights

Allowable heights of light fixtures must be measured from the light-emitting surface to finished grade at the base of the pole. Maximum allowed light fixture heights are based on the (ground-level) horizontal distance between the light fixture and any agricultural, agricultural-residential or residential zoning district or public right-of-way, as established in Table 67-1:

*Table 67-1: Maximum Light Fixture Heights*

Distance from AG District, <u>AG-R District</u> , R District or Public Right-of-Way (feet)	Maximum Fixture Height (feet)
0 – 50	16
50.01 – 250	20
More than 250	35

## **7. Campaign Sign Definition**

The proposed change to Section 95.220, Terms Beginning with “S”, clarifies a “content-neutral” definition of a campaign sign.

### **Chapter 95 Definitions**

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### **Section 95.220 Terms Beginning with “S”**

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#### **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.~~

## 8. Barbed-wire and Razor-wire Fencing Clarification

The proposed changes to Section 45.080 clarify the zoning districts in which barbed-wire and razor-wire fencing is allowed. Barbed-wire and razor-wire fencing is permitted as of right in agricultural and industrial districts, except as limited by Title 24, but can be allowed by special exception in any other zoning district, subject to the limitations of Title 24. This change in wording does not constitute substantive change, rather just makes the existing regulation more understandable.

### Chapter 45 Accessory Uses and Structures

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### Section 45.080 Fences and Walls

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#### 45.080-C

Barbed-wire and razor-wire fencing is ~~prohibited in all districts except agricultural and industrial districts~~ permitted as of right in AG, IL, IM, and IH districts and prohibited in all other districts unless ~~also~~ approved in accordance with the special exception procedures of Section 70.120 (See Title 24, Sec. 103 of the Tulsa Revised Ordinances).