

Prepared by Nathan Foster, nfoster@incog.org, 918-579-9481

Public hearing to provide a recommendation to the City Council regarding amending the City of Tulsa Zoning Code, Title 42 Revised Ordinances, to add Section 20.090 establishing the regulations of a Neighborhood Character Overlay (NCO) district.

Background

Over the past few years residential infill development has increased within existing neighborhoods in the City of Tulsa. The Tulsa Planning Office was contacted by representatives of the Renaissance Neighborhood with concerns about the impact of new homes on the established neighborhood character. The purpose of the Neighborhood Character Overlay district is to establish zoning regulations consistent with the existing neighborhood scale and to prevent the negative impact of oversized infill development on existing established neighborhoods.

On June 22, 2022, the Tulsa City Council initiated an effort to develop zoning code amendments that would establish a Special Area Overlay as defined by the City of Tulsa Zoning Code in Section 20.010:

"As the name implies, overlay districts 'over-ly' applicable base zoning district classifications to alter some or all of the base zoning district regulations that apply to particular sites. Overlay zoning districts work to modify or supplement the regulations imposed by the base zoning district when necessary to address special situations or accomplish specific city goals. Overlay zoning is intended to be used when the base zoning district applied to an area remains generally appropriate, but when an additional, modified or eliminated requirement could help implement the city's planning goals or address an area-specific planning, design, or land use regulations issue."

The first step in the adoption of any overlay district is a zoning code text amendment to codify the provisions of the overlay. If adopted under ZCA-18, the Neighborhood Character Overlay district must then be applied to neighborhood areas through the zoning map amendment procedures of the Tulsa Zoning Code. As part of the original initiation, the City Council included an initiation of zoning map amendments for the areas known as the Renaissance Neighborhood. Staff will prepare a proposed boundary for the zoning map amendments and present those to TMAPC at a later hearing date.

Public Engagement

Throughout the development of the proposed Zoning Code amendments, Tulsa Planning Office met with leadership of the Renaissance Neighborhood Association and the overall neighborhood on several occasions to present the proposed standards. 930 notices were sent to property owners within the neighborhood inviting them to the meetings:

- Renaissance Neighborhood Association Leadership – February 1, 2022
- Renaissance Neighborhood (in-person at Campbell Hotel) – August 4, 2022
- Renaissance Neighborhood (virtual via Zoom) – August 19, 2022

Staff Analysis

The standards in the proposed ZCA-18 are consistent with the requested initiation by the Tulsa City Council. If applied through the zoning map amendment procedures, the standards set forth in ZCA-18 will align the zoning regulations with the existing neighborhood scale. The changes are consistent with the Zoning Code's general purposes (Section 1.050) and the stated purpose and intent of the applicable overlay.

Staff Recommendation

Approval of the proposed amendments to the City of Tulsa Zoning Code as shown in Attachment II.

Attachment(s)

Attachment I: ZCA-18 – Zoning Code Text Amendments

Section 20.090, NCO, Neighborhood Character Overlay

20.090-A General

1. Purpose and Intent

The Neighborhood Character Overlay (NCO) district establishes zoning regulations that are intended to promote compatibility of infill housing in established neighborhoods.

2. Applicability

- a. The regulations of this section apply to newly permitted detached houses, duplexes, and accessory buildings and any building alterations and site modifications for detached houses, duplexes, or accessory buildings that require a building permit within the boundaries of the NCO district. Any building, development, or structure for which a building permit was issued, or a complete building application has been accepted for processing prior to the effective date of the NCO district 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 the provisions of the NCO district. 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 the regulations of the NCO district.
- b. Complete applications for development plans, special exceptions, variances, or other zoning-related approvals that are pending approval on the date a property is supplementally zoned NCO must be reviewed wholly under the zoning regulations applicable to the property immediately preceding the date the property was supplementally zoned NCO. Building permits for construction and development approved under such zoning approvals may be issued in accordance with
- c. The development administrator is authorized to issue building permits for construction or development approved before the date a property was supplementally zoned NCO and for developments pending approval under ?? even if such building, development, or structure does not fully comply with the NCO district 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 the NCO district regulations.

3. Conflicting Regulations

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

4. Nonconformities

Nonconformities that exist within the NCO district are governed by the regulations of Chapter 80.

20.090-B Lot and Building Regulations

In the Neighborhood Character Overlay district, the supplemental regulations of this section apply to detached houses and duplexes, and lots being used for detached houses and duplexes. General exceptions to these regulations and rules for measuring compliance can be found in Chapter 90.

1. **Maximum Building Height**
The maximum allowable building height is 30 feet.
2. **Maximum Building Width**
The maximum allowable building width is 40 feet. For the purposes of the Neighborhood Character Overlay district, building width shall be measured from the exterior wall closest to the side setback to the exterior wall closest to the opposite side setback, parallel to the street setback. For corner lots, building width is measured parallel to the street setback not designated as the side street setback.
3. **Maximum Driveway Width**
Driveways serving detached houses or duplexes may not exceed 18 feet in width within the right-of-way and within the street setback. Maximum width is applied to the composite of all driveways if multiple curb cuts are provided.
4. **Garage Setbacks**
Street-facing garage doors must be set back at least 36 feet and may not be located closer to the street than the front façade of the principal residential building. On corner lots, the side street setback along a non-arterial street may be reduced to 20 feet.

20.090-C Accessory Building Regulations

In the Neighborhood Character Overlay, the supplemental regulations of this section apply to all detached accessory buildings including an accessory dwelling unit (ADU) established in conjunction with detached houses or duplexes.

1. **Accessory Dwelling Units**
Accessory Dwelling Units (ADUs), as defined in Section 45.031, are permitted by right.
2. **Maximum Height of Accessory Buildings**
The maximum allowable height for accessory buildings is 25 feet with a maximum of two stories.
3. **Accessory Building Size**
The total aggregate floor area of all accessory buildings may not exceed 750 square feet or 40% of the floor area of the principal residential structure, whichever is greater.
4. **Accessory Building Coverage of Rear Setback**
The maximum allowable coverage of the rear setback by accessory buildings is 50%.

Foster, Nathan

From: Ari Swank <swank.arynique@gmail.com>
Sent: Friday, August 05, 2022 4:58 PM
To: Foster, Nathan
Subject: ZCA-18 | Cherokee Nation Land

Hi,

I would like to strongly object to the new proposed zoning laws. As home owners we have the right to do with our property what we wish without the over reach of government. Please contact me back at your earliest convenience so that I may exempt my home from this. My attorney has been contacted as well so if I don't hear back from you, they can reach out. We strongly object to this to the highest order. We are sovereign beings, card holding members of the Cherokee Nation and my home falls within the 2020 Oklahoma Cherokee Nation Reservation lines, see McGirt V Oklahoma, so your government has no right to implement anything with my home. We will continue doing exactly what we want with our home, and I will involve Cherokee Nation if needed. The State of Oklahoma holds no rights on Cherokee Nation land. We will fight this. How dare you try to rezone our neighborhood to stop us from progressing. We will not comply, and we will be at every meeting moving forward for this. Shame on you for attempting to tell other people what to do with their own homes. If we wanted an HOA, we would have moved into one.

Thank you,
Arynique Swank

Foster, Nathan

From: Daniel Levy <daniel-levy@utulsa.edu>
Sent: Friday, August 05, 2022 2:09 PM
To: esubmit; Foster, Nathan
Subject: ZCA-18

Hello,

Please allow this email to serve as my notice that I do not wish for my property at 1239 S. College Avenue, Tulsa, OK 74104 to be included in Neighborhood Character Overlay ZCA-18. I strongly object for several reasons: 1) My house is small and I may wish to expand it in the future should I start a family; 2) I welcome individuals who would wish to demolish and build more extravagant homes. This will increase the property value of the existing homes in the neighborhood; 3) There are several smaller houses in the neighborhood that are unsightly, including one directly to my north. Permitting these houses to be purchased, demolished and rebuilt with more extravagant homes will not only improve property values but also aesthetically improve the neighborhood; and 4) The implementation of ZCA-18 will foreclose on the the right of property owners to improve homes--thereby eliminating a right and foreclosing on additional potential investment in the neighborhood.

Respectfully,
Daniel Levy

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Daniel A. Levy
Attorney

Foster, Nathan

From: Derrick Harding <dcwaterworks@hotmail.com>
Sent: Friday, August 19, 2022 2:30 PM
To: esubmit
Subject: 1220 s Columbia Ave

As of now 100% against it. Doesn't make much sense as a property owner to limit my potential buyers. Ie "mega mansions". I do appreciate the opportunity to hear and listen.

Sincerely,

Derrick Harding

Sent from my iPad

Foster, Nathan

From: Michelle Adams <mjadams557@gmail.com>
Sent: Tuesday, August 09, 2022 10:56 AM
To: esubmit
Subject: ZCA-18 renaissance neighborhood overlay

Regarding our letter from INCOG referencing ZCA – 18 for the renaissance neighborhood character overlay:

I am not exactly for this but I would like to see that no more cheap owasso style homes are built here but not against improvement with new homes like what is being built on brookside that will improve our home values and neighborhood and give us pride being next to the University and Route 66.

I like the change of not needing a permit to build a garage apartment or a shed.

I am not ok with homeowners not being able to widen their driveway if they want to and have the room to do it.

I would like to see a restriction saying no new duplexes or apartments can be built in this neighborhood. Only homes small and large. I would like to know the process of getting rid of the nasty apartments behind QuikTrip on 11th and college.

Many of us have been part of the solution the last 10-15 years to cleanup and improve this neighborhood to be a safe one to live in and walk in and be a place where people want to live.

We are looking forward to attending the meeting to hear more details. Thank you for caring about our neighborhood and involving us homeowners in the process.

Michelle Adams
1337 S Evanston Ave
Tulsa, OK. 74104

Sent from my iPhone

Foster, Nathan

From: Janet Wehrenberg <janrocke@aol.com>
Sent: Monday, August 15, 2022 3:45 PM
To: esubmit
Subject: ZCA-18

My husband and I own a duplex at 1221-1223 S. Atlanta Ave. and have received a letter about a zoning change. We are not in favor of the zoning change and do not want our property included in the zoning. If you have any questions please call me at 918 527-8433.

Thank you Janet and David Wehrenberg

Foster, Nathan

From: Scott <fscottf@juno.com>
Sent: Tuesday, August 16, 2022 9:36 PM
To: esubmit
Cc: Foster, Nathan
Subject: Renaissance Neighborhood Overlay Proposal

I want to thank Incog and especially Nathan for presenting the proposed overlay to our neighborhood association last night. It was well attended and lots of good questions brought up.

I have lived in the Renaissance neighborhood for 40 years and really appreciate the charm and convenience of this area. I am an architect, mostly residential, and probably understand the parameters involved better than most of my neighbors. I have seen very little change in the area over my tenure here. Yes, a few infills on empty lots or rebuilds due to fire, and a handful of second story additions or garage replacements, but really not that much change. I think the area is mostly filled with empty nesters, very few children around. Young couples buy here, but when the children come, the house is too small, and the school situation encourages them to move elsewhere. I have seen the pattern over and over again. I want to make this point so you know who your audience is.

Most of the homes here are privately owned and owner occupied, very few rentals. A typical home is 2 to 3 bedrooms, one bath, detached garage, one story. The neighborhood started in the early 1930s, and is filled with bungalows and English revival cottages, mostly brick. I understand the purpose of the overlay is to protect this character and discourage tear downs being replaced by oversized crowded homes. I am pleased with this proactive approach. I do, however, have a couple of concerns to address.

The first, and in my mind, most important item is the facilitation of garage apartments to be built on such small lots without BOA clearance. I have personally fought for years trying to keep them out of our area. Yes, the argument may be a needed home for Mom, or added income. Mom will not be able to walk up those icy steps very long. In reality, by the time you tear down an existing garage and replace it with a 2 story structure, you would be lucky to recoup your investment in 20 years. Rentals do encourage a more transient population, which does not make my home value increase. But my biggest concern is the added cars parked on the street. Yes, you can provide drive parking, but not very practical to shuffle cars. Probably half of my neighbors already park in the street because their garage is full. At times, it is hard to get out of my own driveway because of cars parked across from my drive. And you want to add more cars? The parking hampers trash pickup, mail delivery for those with mail boxes at the street. It also can make it difficult for emergency vehicles to navigate.

My second concern is the decrease in open space requirement. The proposal will reduce open space from 4000 sf to 2500 sf. per lot. I know the argument is that our lot widths here are substandard for the R3 zoning, but the actual lot sizes in area are above the R3 requirements. My lot is 50x140, or 7000 sf. Again, you seem to be encouraging people to overbuild on their lots. I lived here during the Memorial Day Flood of 1984. The City has put lots of effort in preventing this from happening again, but you don't address this. As I understand it, there is nothing in the code to prevent you from paving your entire lot. Open space should be addressed as PERMEABLE AREA, as the rain water needs to soak in, not run off.

Again, I really do appreciate all you do. I know you have many people to satisfy, and I have been impressed at how the zoning code has progressed recently. I also know you have developers screaming for fewer restrictions. I just hope that any overlay to an established area will put the protection of the current neighborhood residents and the character of the area above that of a developer. If you have any questions for me, please call.

Thank you

Scott Ferguson, Architect
918-587-1581

fscottf@juno.com

Sent from my iPad

Foster, Nathan

From: Alexander Day <Alexander.Day@gordon.edu>
Sent: Wednesday, August 24, 2022 11:19 PM
To: esubmit; Foster, Nathan
Subject: ZCA-18

I am Alexander Day and I own the property at 1424 S College Ave.

I attended the Zoom meeting on 8/19 (by the way I never received a follow up email with the meeting info, I had to get the info from the Renaissance Neighborhood email I received on 8/6 which may not be as up-to-date). I am opposed to all **20.090-B** regulations. For **20.090-C** regulations, I agree with (1) the right to accessory buildings. I'm opposed to (2) unless the prior regulation was more restrictive in which case I'd be for the change although I would raise the limit up to the same as current principal buildings (36'). For (3), I'm not sure if that is more restrictive or less restrictive? If it allows you to build an accessory building in your backyard as long as you maintain a 5' setback on each side whereas before you could not build an additional building unless it was set back 20' from rear of property, then I agree with (3). Essentially, I agree with the proposals that allow homeowners to maximize the building use of their land and oppose limiting building square footage potential. Please see my specific reasoning for each point in Section 2 below.

My general reasoning is as follows:

0) I asked my sister to review this email before sending, and what she said to me, I think, reinforces my points below. She said, "I understand why they are doing this, I love the look of your neighborhood." But then 2 statements later, she said "**I could never live in those tiny houses in your neighborhood**". She only has a partner and 1 child and has a middle-class income and yet these houses are not sufficiently livable for her. So all my points summarized is, what good are charming houses that are not practical or livable for the average American? These rules are just going to encourage people to move to South Tulsa or Broken Arrow or Jenks, etc, instead of using their money to help prosper our area of Tulsa.

1) The reason for these proposals was given to be maintaining the character of the Renaissance neighborhood. There is nothing worth preserving about the character of the Renaissance neighborhood, many of the homes are old and outdated designs. Using Zillow I counted at least nine 1 bathroom houses just on my street, and none of the houses on my street have more than 2 bathrooms. I believe that if you are going to build a house today, it shouldn't be any less than a 4 bedroom, 2.5-3 bathroom house; a 1000 sq ft home is a waste of perfectly good land. Renaissance is great because of its **location**, and I am all for people maximizing the benefits of this location. When I see these small old houses with 1 bathroom, even if they look nice on the outside, I think, "man that must suck to live in". Especially when I see nice brick facades on small houses, I think such a waste of money putting lipstick on a pig. If you are going to build a small house it would be better to plow down a 30' Yurt from Pacific Yurts for \$17k or a mobile home or some other temporary dwelling until you could save up to build a proper house.

2) If someone wants to build a 4 story 90' wide home that uses every inch of buildable space on a lot, and wants to pay the higher taxes on it, more power to them. My neighbor pointed out that my taxes might go up because of that, which I'm not keen on, but if the tax increase on neighbors who still have small homes could be minimized/prevented then let people who want big homes support Tulsa by paying higher taxes.

3) If I understand it right, the 40' width restriction would have prevented 1420 S College Ave from being built the way it was. I thought the builder wasted the land's potential by only building it as a 1 story instead of a 2 story house, but at least he utilized the width well. I believe that lot is 100' wide, and he kept 5' setbacks on each side, so that house must be 90' wide? I don't see a problem with the size of it, or with the garage being in the front. It seems these regulations would force the design style of the thin house with a driveway running alongside it to a garage in the back, which I've seen some nice examples of, but I don't think they are an efficient use of land.

4) These proposals could hurt the value of the neighborhood in the eyes of buyers. Again, the great thing about the Renaissance neighborhood is **location, location, location**. If someone wants to buy one of the old dumpy houses, tear it down and build a 4 story house with another building in the back that maximizes the number of people who can comfortably live there, great. If a developer comes in and is willing to pay top dollar to buy the whole neighborhood and build maximum square footage buildings that could house 4x+ the number of people that could live in this space, that is more tax dollars per square mile without equal infrastructure cost increases, see the Youtube videos under (6).

5) The councilwoman mentioned not wanting to see McMansions built in the neighborhood. I haven't seen anything like that built so far, so my question is that just a generalized fear on her part that it could happen, or does she consider any of the current buildings to be "McMansions". Because when I see a property like 1147 S Evanston Ave with the main house and guest house in the back, I think, "good on them, what a great use of the property, it would be even better if they had built a 3-4 story house". If 1142 S College Ave was 4 stories I'd be fine with that, I just think the bright white paint doesn't match the neighborhood and would prefer if they matched the facade to the rest of the nice houses in the neighborhood, but it's not a hill I'd die on. Form should follow function. I don't consider size to be a "McMansion", I consider "McMansions" to be abominations of aesthetics combining different architectural styles into a depraved Frankenstein monstrosity of a house design. If the council wants to combat terrible aesthetics then sure focus on that, but not the size of the buildings.

6) We have a housing crisis at the moment and I do not want to limit families from building homes that can house multiple generations or rent spare rooms to friends to help ease that burden. Or if someone wants to build a house with enough rooms that they could rent to multiple Tulsa University students, I think that would be great. And I also believe that we should move away from the suburban model of single-family homes that is unsustainable and destructive to community and start moving back toward a self-sufficient neighborhood model that was the norm before America tried the suburban experiment. I highly recommend watching the videos below that explain that thought process better than I can:

<https://www.youtube.com/watch?v=CCOdQsZa15o>

<https://www.youtube.com/watch?v=bnKIVX968PQ>

Section 2

20.090-B Building Regulations

In the NCO-1 district, the supplemental regulations of this section apply in RS zoning districts to detached houses and duplexes. General exceptions to these regulations and rules for measuring compliance can be found in Chapter 90.

1. Maximum Building Height

The maximum allowable building height for principal buildings is 25'.

Strongly Opposed. Honestly I doubt people will build taller than a 2 story house because I haven't really seen any examples of people doing that in Oklahoma, which I think is a pity because it maximizes the benefit of building a structure. If someone actually goes for it then more power to them. I don't think we should codify limiting the height from 36' to 25', if there is an issue with a design I think it should be addressed as permits are applied for case-by-case.

2. Maximum Building Width

The maximum allowable building width for principal buildings is 40'.

Absolutely Opposed. I think lots are 50' wide but many properties are two lots together so 100'. I definitely think that if someone wants to build a 90' wide building on their 100' wide lot with 5' setbacks on each side, good for them. 5' setbacks are reasonable, forcing people to build dinky little homes is unreasonable. This rule should absolutely be scrapped.

3. Maximum Driveway Width

Driveways serving detached houses or duplexes may not exceed 12' in width within the right-of-way or within the street setback. Maximum width is applied to the composite of all driveways if multiple curb cuts are provided.

Absolutely Opposed. The width of the driveway of 1420 S College Ave is 17', which I consider perfectly reasonable for the design intent. My yard is being ruined because of the thin nature of my driveway forcing the other occupant to drive on the grass to get around my car, so I wish I had the funds to double the driveway's width. My dad bought a house close to Yale Avenue specifically because it was a 2-car wide driveway, and I agree with him that a 2 vehicle driveway is a great property feature, and I think many would agree with that. If you aren't building a circular driveway then a 2 truck width driveway is essential in any new build in my opinion. If someone wants the entire front yard barring the 5' setbacks to be driveway I think they should be able to do that. But if a limit absolutely will be made, it should be way wider than 12', it should be at least 2 truck width's wide, so probably at least 20' or wider. On a 100' wide property I'd say the driveway width should be allowed to be 40'. I would much rather see a nice wide concrete driveway for a front yard with cars in it than see people have to park on the grass or big ruts in their yard from driving around each other, and would much rather a property have plenty of parking space where lots of people can park than have the entire street filled with cars parked on the curb. I've driven through a neighborhood nearby where both curbs of the street were lined with cars for a party making the drive between them very tight and nerve-racking that I would scrape someone's car. Would much rather have seen most of those cars parked in a wide driveway.

4. Garage Setbacks

All residential garages that are accessed from the street must be set back at least 40' and may not be located closer to the street than the front façade of the principal residential building. On corner lots, the garage setback can be reduced to 20' on the applied side street.

Absolutely Opposed. Again, this proposal seems to be targeted at eliminating my neighbor's house design with its garage built into the house on a 30' setback. The real travesty the builder committed was putting two front doors on that house which was nonsensical, but I have no issue with the built-in garage. In fact, I think the garage should have been wider and taller.

20.090-C Accessory Building Regulations

In the NCO-1 district, the supplemental regulations of this section apply to all detached accessory buildings established in conjunction with allowable principal uses.

1. Accessory Dwelling Units

Accessory Dwelling Units (ADUs), as defined in Section 45.031, are permitted by right 1.5.22 within legally established detached accessory buildings that are accessory to detached houses.

Agree

2. Maximum Height of Accessory Buildings

The maximum allowable building height for accessory buildings in RS districts is 25'.

Disagree unless this is a loosening of restrictions instead of being more restrictive.

3. Accessory Building Setbacks

Accessory buildings in RS districts are required to meet all principal building setbacks with the exception of the rear setback which is reduced to 5'.

Agree if this is a loosening of restrictions instead of being more restrictive.

If you have read all of that I appreciate you taking the time to do so and your consideration of my arguments. Please let me know if I misunderstood anything.

Alex