



CITY EXPERIENCE

DATE:
May 15, 2024

TO:
TMAPC

FROM:
Felicity Good, AICP
Susan Miller, AICP (Land Use
Administrator)

Item

ZCA-30, Consider proposed zoning code amendments, to the following sections of the Tulsa Zoning Code (Title 42 Tulsa Revised Ordinances, Zoning and Property Restrictions):

Section 20.030-E: Remove section requiring Special Area Overlay ordinances to be recorded in the County Clerk's land records.

Section 20.050-A: Clarify when nonconforming structures must be brought into compliance with site and building design regulations of the River Design Overlay.

Section 20.100-C: Require masonry skirting and street-facing entrances for manufactured housing units permitted by right in the Neighborhood Infill Overlay - 2.

Section 35.070-D: Update the definition of Junk or Salvage Yard to remove "building."

Sections 35.050, 35.060, 35.070, 35.090, 40.225: Update regulations related to medical marijuana uses to align with Oklahoma state laws and license types.

Sections 55.090-F, 55.100-A, 95.040-A: Clarify that recreational vehicles must be parked on a dustless, all-weather surface; clarify that gravel, rock, or screenings are a dustless, all-weather surface when treated with an approved binder; and allow residential uses in AG and AG-R districts to have gravel driveways.

Section 70.140-C: Change the timeline for appeals of administrative decisions from 10 calendar days to 10 business days to align with nuisance violation appeal timelines.

Section 80.060-B: Clarify language related to non-conforming dynamic display sign modifications.

Section 85.010: Change reference to code enforcement to reflect the 2023 City reorganization.

Sections 90.060, 90.065, 95.150: Revise measurement for lot width to include a calculation, add measurement for lot depth, and update related figures.



Sections 90.170, 95.210: Clarify that fence and wall height atop a retaining wall is measured from the top of the retaining wall and add definition for retaining wall.

Background

During the development of the City of Tulsa Zoning Code, staff anticipated that clean-up 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, the Land Use Administrator (Planning Director) has initiated and brought several rounds of general clean-up amendments through the approval process. The zoning code implementation team meets biweekly and consists of members of the Tulsa Planning Office, Code Enforcement, Development Services Department, and Legal Department.

The proposed amendments are a result of the continuing work of the zoning code implementation team. Primarily these items were identified through interactions with the public through the zoning, enforcement, and building permit processes. The proposed amendments are located in Chapters 20, 35, 40, 55, 70, 80, 85, 90, and 95 of the zoning code. The proposed amendments are minor in nature, but important to ensure ease of usability and enforcement of the zoning code. Staff presented the proposed amendments at the TMAPC meeting on April 17, 2024.

Staff Recommendation

Staff recommends approval of the proposed amendments to the City of Tulsa Zoning Code as shown in Attachment 1.

Attachment I

The amendments proposed to the City of Tulsa Zoning Code, Title 42 Tulsa Revised Ordinances, are shown in ~~strike-through~~/underline in Attachment I. Changes made to the draft since the informational presentation on April 17, 2024, are **highlighted**.

Attachment I: ZCA-30 Zoning Code Amendments Draft Changes

1. Remove section requiring Special Area Overlays to be recorded in the County Clerk’s land records

Justification: This change would delete the requirement to file a copy of Special Area (SA) overlay zoning map amendment ordinances with the county clerk’s office. Because SA Overlays are typically adopted by map, rather than legal description, the ordinance would not appear in title or land records research for individual properties.

Chapter 20 | Overlay Districts

Section 20.030 SA, Special Area Overlays

~~20.030-E—Recordation~~

~~The land use administrator must file a copy of all SA overlay zoning map amendment ordinances and maps indicating the boundaries of approved SA overlays in the county clerk’s office of the county in which the property is located.~~

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**Attachment I: ZCA-30 Zoning Code Amendments
Draft Changes**

2. Change “and” to “or” in the nonconformities section of the River Design Overlay

Justification: This change corrects a typo and clarifies that nonconforming structures must be brought into compliance with the RDO districts if they are replaced, restored, *or* expanded more than 50%.

Chapter 20 | Overlay Districts

- ***
Section 20.050 RDO, River Design Overlays
- ***
20.050-A General
- ***
5. Nonconformities
- ***
b. Restoration, Replacement, Alteration and Expansion of Nonconforming Uses and Structures (other than signs)
- ***
(2) An existing structure and all replacements, restorations, expansions, alterations and additions must be brought into compliance with the site and building design regulations of §20.050-C under the following circumstances:
 - (a) **More than 50% of a** nonconforming structure is proposed to be replaced, **or** restored **and expanded by more than 50%**; or
 - (b) A nonconforming structure is proposed to be altered or expanded by more than 50%; or
 - (c) Additional structure(s) are proposed to be constructed resulting in a more than 50% increase in the floor area or lot coverage, as described in §20.050-A5.b(1).

**Attachment I: ZCA-30 Zoning Code Amendments
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3. Require masonry skirting and street-facing entrances for manufactured housing units permitted by right in the Neighborhood Infill Overlay – 2

Justification: This change was requested by City Council as the Neighborhood Infill Overlay – 2 (NIO-2) for the Dawson area went through the approval process. To alleviate concerns heard from neighbors, the proposed changes would require manufactured housing units in the NIO-2 district to be skirted with masonry and have a street-facing entrance.

Chapter 20 | Overlay Districts

Section 20.100 NIO-2, Neighborhood Infill Overlay – 2

20.100-C Residential Building Types for Household Living

1. Table 20-7 Notes

The following notes refer to the bracketed numbers (e.g., "[1]") in (Table 20-7):

[1] Apartment/condo is limited to no more than 4 dwelling units on a single lot.

[2] Manufactured housing units manufactured in 2016 or later, ~~that are~~ permitted by right if they are skirted with masonry, have a street-facing entrance, and are attached to a permanent foundation ~~are permitted by right.~~

All other manufactured housing units require a special exception approved in accordance with the procedures of Section 70.120.

Attachment I: ZCA-30 Zoning Code Amendments Draft Changes

4. Remove “building” from the definition of Junk or Salvage Yard

Justification: This change clarifies that junk or salvage yards occur in open areas, not within buildings. Other use categories, such as Vehicle Equipment and Supplies Sales and Rentals, also relate to the sale of used parts or supplies but take place inside a building. The change is intended to avoid unintentionally regulating or enforcing uses within enclosed buildings that more closely align with other use categories.

Chapter 35 | Building Types and Use Categories

Section 35.070 Industrial Use Category

35.070-D Junk or Salvage Yard

An ~~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, rubber tires and bottles.

Attachment I: ZCA-30 Zoning Code Amendments Draft Changes

5. Update regulations related to medical marijuana uses in Chapters 35 and 40

Justification: These changes align city medical marijuana zoning regulations with Oklahoma state licenses issued by the Oklahoma Medical Marijuana Authority (OMMA). Since the zoning code amendments related to medical marijuana uses were first adopted in 2018, Oklahoma state statutes and OMMA regulations have changed. The intent of the amendments is to align zoning regulations with current state laws.

Chapter 35 | Building Types and Use Categories

- ***
- Section 35.050 Commercial Use Category
- ***
- 35.050-D Commercial Service
- ***
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 medical marijuana testing laboratories, and medical marijuana research ~~facilities, as licensed by the holder of a medical marijuana research license issued~~ by the Oklahoma ~~State Department of Health~~ Medical Marijuana Authority, in accordance with the terms of such license.
- ***
- 35.050-L Retail Sales
- ***
6. **Medical Marijuana Dispensary**
Retail sales uses that sell or otherwise provide medical marijuana or medical marijuana products by the holder of a medical marijuana dispensary license issued by the Oklahoma ~~State Department of Health~~ Medical Marijuana Authority, in accordance with the terms of such license, which may be sold or provided only to the holder of a medical marijuana patient or caregiver license.
- ***
- 35.050-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

Attachment I: ZCA-30 Zoning Code Amendments Draft Changes

facilities and similar uses. [Licensed medical marijuana education facilities are expressly included.](#) Truck driving schools are classified as “trucking and transportation terminals” (wholesale, distribution and storage use category).

Section 35.060 Wholesale, Distribution & Storage Use Category

35.060-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, and frozen food lockers. [Includes uses engaged in the transportation and distribution of medical marijuana products to and from the licensed premises of commercial medical marijuana licensees.](#)

Section 35.070 Industrial Use Category

This category 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 subcategories are:

35.070-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, production of medical marijuana [products, such as edibles and pre-rolls,](#) using medical marijuana components processed elsewhere, 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.

Attachment I: ZCA-30 Zoning Code Amendments Draft Changes

3. Low-impact Medical Marijuana Processor

A medical marijuana processor issued a nonhazardous processor license by the Oklahoma Medical Marijuana Authority.

35.070-B Moderate-impact Manufacturing and Industry

Manufacturing and industrial uses that, as part of their normal operations, generate noticeable off-site impacts in terms of noise, smoke, particulate matter, odors, or vibration. Typical examples of moderate-impact manufacturing and industrial uses include: large breweries, distilleries and alcohol manufacturing (other than micro distilleries), coffee roasting with a roasting capacity of more than 45 kilograms per batch, ~~moderate-impact medical marijuana processing facilities, medical marijuana waste disposal facilities,~~ 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 Medical Marijuana Processing Facility~~

~~An establishment in which the preparation, manufacture, processing or packaging of medical marijuana products by the holder of a medical marijuana processor license issued by the Oklahoma State Department of Health is conducted, in accordance with the terms of such license, 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.~~

2. Medical Marijuana Waste Disposal Facility

A facility issued a medical marijuana waste disposal facility license by the Oklahoma Medical Marijuana Authority.

35.070-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 subcategory also includes petrochemical tank farms, gasification plants, smelting, animal slaughtering, oil refining, asphalt and concrete (batch) plants and tanneries.

1. High-impact Medical Marijuana Processing Facility

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An establishment in which the preparation, manufacture, processing or packaging of medical marijuana products by the holder of a hazardous medical marijuana processor license issued by the Oklahoma ~~State Department of Health~~ Medical Marijuana Authority is conducted, in accordance with the terms of such license, and in which extraction processes include the use of flammable substances such as butane, propane, ethanol and alcohol.

Section 35.090 Agricultural Use Category

35.090-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 on-site retail sales unless such sales are otherwise allowed in the subject zoning district.

1. Medical Marijuana Grower Operation

Uses involving the growing, harvesting and packaging of medical marijuana by the holder of a medical marijuana grower license issued by the Oklahoma ~~State Department of Health~~ Medical Marijuana Authority, in accordance with the terms of such license. Does not include retail sales.

Chapter 40 | Supplemental Use and Building Regulations

Section 40.225 Medical Marijuana Uses

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

40.225-A A medical marijuana grower operation must be located inside an enclosed building.

40.225-B A medical marijuana processing facility, whether ~~moderate~~low-impact or high-impact, must be located inside an enclosed building.

40.225-C A medical marijuana dispensary must be located inside an enclosed building.

40.225-D A medical marijuana dispensary may not be located within 1,000 feet of another medical marijuana dispensary.

40.225-E Drive-through windows and drive-through lanes are prohibited for medical marijuana grower operations, processing facilities, and research facilities.

40.225-F Medical marijuana grower operations, processing facilities, waste disposal facilities, and dispensaries must provide the following:

1. A ventilation/air filtration system that prevents odor from being detectible at the boundaries of the lot within which the building housing the medical marijuana grower operation, processing facility or dispensary is located, except that if such use is located in multiple-tenant building, the

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ventilation/air filtration system must prevent odor from being detectible outside the tenant space housing the use.

2. An electronic security system and surveillance camera.

- 40.225-G** Medical marijuana grower operations, processing facilities, dispensaries, transportation facilities, education facilities, waste disposal facilities, testing laboratories, and research facilities must be conducted and maintained in compliance with the licenses issued by the Oklahoma ~~State Department of Health~~ Medical Marijuana Authority and in compliance with Oklahoma law, including but not limited to all applicable statutes, rules and regulations.
- 40.225-H** No medical marijuana grower operation, processing facility, dispensary, transportation facility, education facility, waste disposal facility, testing laboratory, or research facility shall be permitted or maintained unless there exists a valid license, issued by the Oklahoma ~~State Department of Health~~ Medical Marijuana Authority for the particular use at the particular location.
- 40.225-I** The separation distance required under Section 40.225-D must be measured in a straight line between the nearest perimeter walls of the buildings (or portion of the building, in the case of a multiple-tenant building) occupied by the dispensaries. The separation required under Section 40.225-D shall not be applied to limit the location of a medical marijuana dispensary for which a license was issued by the Oklahoma ~~State Department of Health~~ Medical Marijuana Authority prior to December 1, 2018, for the particular location.
- 40.225-J** A medical marijuana waste disposal facility must be located inside an enclosed building.

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6. Update regulations related to the dustless, all-weather surface requirement for driveways and parking areas

Justification: These changes clarify that recreational vehicles must be parked on a dustless, all-weather surface; clarify that gravel, rock, or screenings are considered a dustless, all-weather surface when treated with an approved road surface binder; and correct table numbers. The proposed changes also allow residential driveways in AG and AG-R zoning districts to be surfaced with gravel. AG and AG-R districts tend to be more rural in character, with less density and often longer driveways than residential districts.

Chapter 55 | Parking

Section 55.090 Parking Area Design

55.090-F Surfacing

1. All off-street parking areas must be surfaced with a dustless, all-weather surface unless otherwise expressly stated in this zoning code. Pervious pavement or pervious pavement systems are allowed subject to the supplemental regulations of [§55.090-F.4](#). Parking area surfacing must be completed prior to initiation of the use to be served by the parking.
2. All motorized vehicles designed for travel upon public streets and [all recreational vehicles](#) that are being parked, stored or displayed for sale must be parked, stored or displayed on [a dustless, 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 [parking, storage or display of motorized vehicles or recreational vehicles](#) on a surface other than one consisting of a dustless, all-weather surface if the location complies with all applicable minimum building setbacks.
3. [Driveways, not including parking spaces, that serve residential uses in AG and AG-R zoning districts may be surfaced with gravel in place of a dustless, all-weather surface outside of the street right-of-way.](#)
34. In RE and RS zoning districts, driveways serving residential dwelling units may not exceed 50% of the lot frontage or the following maximum widths, whichever is less, unless a greater width is approved in accordance with the special exception procedures of [Section 70.120](#), or, if in a PUD, in accordance with the amendment procedures of [§30.010-1.2](#). (Refer to the [City of Tulsa Standard Specifications and Details for Residential Driveways #701-704](#)).

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Table 55-6: Maximum Driveway Widths in RE and RS Zoning Districts

Maximum Driveway Width					
Lot Frontage	75'+	60' – 74'	46' – 59'	30' – 45'	Less than 30' [2]
Driveway Within Right-of-Way (feet) [1]	27'	26'	22'	20'	12'
Driveway Within Street Setback (feet)	30'	30'	--	--	--

[1] Maximum width applies to the composite of all driveways if multiple curb cuts are provided.

[2] Provided that for lot frontages less than 24 feet, a driveway up to 12 feet in width is permitted.

For approvals granted under the terms of the zoning code in effect prior to January 1, 2016, including (1) variances of maximum driveway coverage measured by width, square footage or percentage of yard and (2) establishment of PUD development standards that increase the maximum permitted driveway coverage measured by any such means, the foregoing maximums do not apply.

- 45. Pervious pavement or pervious pavement systems, including pervious asphalt, pervious concrete, modular pavers designed to funnel water between blocks, lattice or honeycomb shaped concrete grids with turf grass or gravel filled voids to funnel water, plastic geocells with turf grass or gravel, reinforced turf grass or gravel with overlaid or embedded meshes, resin-bound pervious pavement systems, or similar structured and durable systems are allowed as parking lot surfacing materials. Gravel, turf, or other materials that are not part of a structured system designed to manage stormwater are not considered pervious pavement or a pervious pavement system. Pervious pavement and pervious pavement systems must comply with the following:

Section 55.100 Stacking Spaces for Drive-through Facilities

55.100-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 55-6Z](#):

Table 55-6Z: 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 development administrator

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Chapter 95 | Definitions

Section 95.040 Terms Beginning with "A"

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~~ when treated with a road surface binder approved by the development administrator, ~~does not~~ meet the definition of an all-weather surface.

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7. Revise timelines for appeals of administrative decisions

Justification: These changes update appeal timelines to align with the appeal timelines for nuisance violations. Currently, an owner has 10 business days to appeal a nuisance violation but only 10 calendar days to appeal a zoning violation. This change would give 10 business days to file appeals of administrative decisions to the board of adjustment. This would affect appeals of zoning violation determinations by the development administrator or code enforcement, preservation commission decisions, and zoning decisions and interpretations by the land use administrator or development administrator.

Chapter 70 | Review and Approval Procedures

Section 70.140 Appeals of Administrative Decisions

70.140-C Application Filing

1. Complete applications for appeals of administrative decisions must be filed with the clerk of the board of adjustment and the city clerk, who will accept the appeal on behalf of the administrative official who made the decision being appealed and forward it to said official.
2. Appeals of administrative decisions must be filed within 10 business days of the date of the decision being appealed.

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8. Clarify language related to non-conforming dynamic display sign modifications

Justification: Section 80.060-B currently prevents non-conforming off-premise outdoor advertising signs from being upgraded or modified. The intent of the requirement is for signs to conform to current zoning standards as changes are made to them. This proposed amendment clarifies that converting a sign from one type of dynamic display to another is considered a sign modification for the purposes of non-conforming sign regulations. For example, converting a dynamic display sign using mechanical display like rotating panels into a sign using electronic display like LED lights is a modification, not basic repair/maintenance.

Chapter 80 | Nonconformities

Section 80.060 Nonconforming Signs

80.060-A Description

A nonconforming sign is a sign that was lawfully established but that no longer complies with applicable zoning code regulations because of the adoption or amendment of regulations after the sign was established.

80.060-B Off-Premise Outdoor Advertising Signs

Nonconforming off-premise outdoor advertising signs may continue subject to the following provisions:

1. Nonconforming off-premise outdoor advertising signs must be maintained in good repair and safe condition, in accordance with [§80.010-D](#). No permits may be issued for upgrades or modifications of nonconforming signs. [The conversion of a dynamic display component of a sign to a different dynamic display method or technology is considered a sign modification.](#)

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9. Change reference from “Neighborhood Inspections” and “Working in Neighborhoods” to “Code Enforcement”

Justification: This change updates the name for the code enforcement division in Chapter 85. The City of Tulsa’s 2023 reorganization renamed the neighborhood inspections division of the Working in Neighborhoods Department to the code enforcement division of the Department of City Experience.

Chapter 85 | Violations, Penalties and Enforcement

Section 85.010 Responsibility for Enforcement

The development administrator, the ~~neighborhood inspections division of the working in neighborhoods department~~ **code enforcement division**, and any other officials or agencies designated by the mayor have responsibility for enforcing this zoning code. 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 this zoning code.

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10. Revise measurement for lot width and add measurement for lot depth

Justification: The current measurement of lot width is unclear and difficult to calculate for irregularly shaped lots. This change provides more specific guidance and reflects the current practice for calculating lot width when reviewing subdivisions, lot splits, and lot line adjustments. Figures have been updated to reflect the lot depth measurement and to show that an irregular lot may have more than one rear lot line.

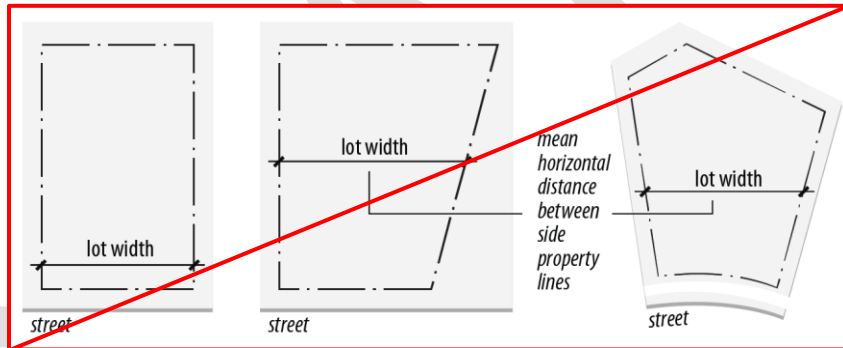
Chapter 90 | Measurements

Section 90.060 Lot Width

Lot width ~~is measured as~~ refers to the average (~~mean~~) horizontal distance between the side property lines of a lot. Lot width is calculated as follows:

Lot Width =
Lot Area (square feet) divided by (l) Lot Depth (feet)

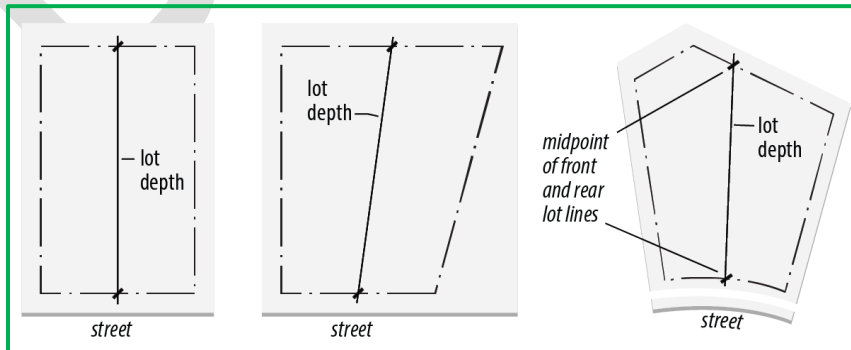
Figure 90-1: Lot Width Measurement



Section 90.065 Lot Depth

Lot depth is measured as the distance, in a straight line, between the midpoint of the front lot line and the midpoint of the rear lot line.

Figure 90-1: Lot Depth Measurement



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Chapter 95 | Definitions

Section 95.150 Terms Beginning with "L"

Figure 95-4: Lot Lines

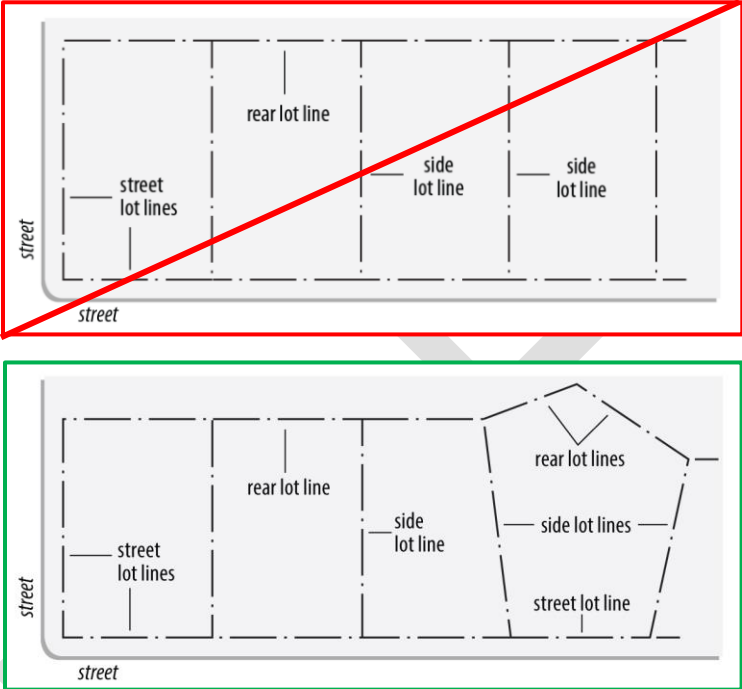
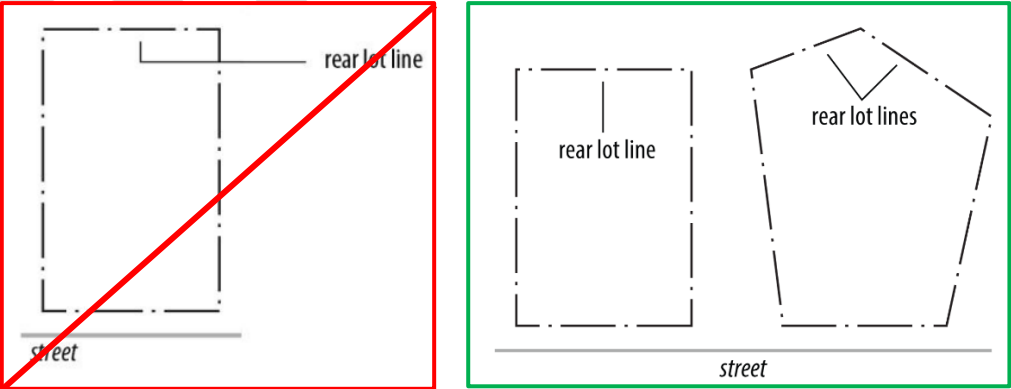


Figure 95-6: Rear Lot Line



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11. Fence and wall height measurement along retaining walls

Justification: The current measurement of fence and wall height does not take into account retaining walls. These changes clarify that fences and walls installed on top of retaining walls can be measured from the top of the retaining wall and add a definition for retaining wall.

Chapter 90 | Measurements

Section 90.170 Other Height Measurements

90.170-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. In the case of retaining walls, average finished grade may be measured from the side of the retaining wall abutting and contacting the earth being supported. Fence posts may exceed the height of the highest connected portion of the fence by up to 12 inches.

Chapter 95 | Definitions

Section 95.210 Terms Beginning with "R"

Retaining Wall

A vertical structure built from stone or brick masonry, reinforced concrete, segmented block or other material approved by the development administrator and built to support earth of a higher level on one side than on the other.