



# **TULSA ZONING CODE UPDATE**

Public Review Draft

**DRAFT**

Public Review Draft: February 2015

# Public Review Draft

This draft identifies proposed substantive revisions to the current zoning code with footnotes<sup>1</sup> and/or underline (new material) ~~strikeout~~ (deleted material)

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<sup>1</sup> Footnotes have this appearance.

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## Section 1.010 Title

Title 42 Tulsa Revised Ordinances is known and may be cited as the “Tulsa Zoning Code” For convenience, it may be referred to as the “zoning code.”

## Section 1.020 Authority

This zoning code is adopted pursuant to the powers granted in the Tulsa City Charter ([Article I, Section 3](#)).

## Section 1.030 Effective Date

The provisions of this zoning code become effective on [effective date to be inserted], except as otherwise expressly stated.

## Section 1.040 Applicability and Jurisdiction

The provisions of this zoning code apply to all public and private use and development of properties within the corporate limits of the City of Tulsa, except as provided by state or federal law or as otherwise expressly stated in this zoning code.

## Section 1.050 Purposes

This zoning code is 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 city.

## Section 1.060 Minimum Requirements

- 1.060-A The provisions of this zoning code are the minimum requirements deemed necessary to carry out the zoning code’s stated purposes.

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<sup>2</sup> The provisions of this chapter have been edited and reorganized, but they do not represent a substantive change unless indicated.



1.060-B In addition to the requirements of this zoning code, all uses, buildings and structures must comply with all other applicable ordinances, laws and regulations.

1.060-C All references in the zoning code 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 city to enforce regulations imposed by other government authorities.

### **Section 1.070 Compliance Required**

1.070-A Land may not be used for any purpose other than one that is allowed by the provisions of this zoning code.

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

1.070-C Buildings, structures and land may be used and occupied only in compliance with the provisions of this zoning code.

1.070-D All lots created or modified must comply with all applicable provisions of this zoning code.

### **Section 1.080 Conflicting Provisions**

#### **1.080-A Conflict with State or Federal Regulations**

If the provisions of this zoning code 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 City Regulations**

If the provisions of this zoning code are inconsistent with one another or if they conflict with provisions found in other adopted ordinances or regulations of the city, 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**

This zoning code does not interfere with, abrogate or annul any easement, covenant, deed restriction or other agreement between private parties. If the provisions of this zoning code impose a greater restriction than imposed by an agreement or covenant among private parties, the provisions of this zoning code govern. The city is not responsible for monitoring or enforcing agreements or covenants among private parties.

### **Section 1.090 Rules of Language and Construction**

#### **1.090-A Meanings and Intent**

Words and terms expressly defined in this zoning code including those defined in [Chapter 95](#) have the specific meanings assigned unless the context indicates another meaning. Words that are not expressly defined in this zoning code have the meaning given in the latest edition of Merriam-Webster's Unabridged 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 city government working days, excluding Saturdays, Sundays and holidays observed by city 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 city 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 company 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 this zoning code. In case of any difference of meaning or implication between the text of this zoning code and any heading, drawing, table, figure or illustration, the text governs.

#### 1.090-F Versions and Citations

All references in this zoning code to other city, 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, zoning code requirements for compliance 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 city 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 this zoning code 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 the City of Tulsa or individuals or agencies legally authorized to act on behalf of the City of Tulsa.
2. References in this zoning code to the “city” are references to the City of Tulsa.
3. References in this zoning code to the “city council” are references to the Tulsa City Council.
4. References in this zoning code to the “planning and development director” are references to the director of the City of Tulsa planning and development department who is responsible for overall zoning code administration and assignment of day-to-day staffing duties and responsibilities.
5. References in this zoning code to the “planning commission” are references to the Tulsa Metropolitan Area Planning Commission.
6. References in this zoning code to the “board of adjustment” are references to the City of Tulsa Board of Adjustment.
7. References in this zoning code to the “preservation commission” are references to the City of Tulsa Preservation Commission.
8. References in this zoning code to the “preservation officer” are references to the planning and development director or the staff member to whom the planning and development director assigns responsibility for performing the preservation officer’s duties under this zoning code.
9. References in this zoning code to the “development administrator” are references to the head of the development services division of the City of Tulsa planning and development department.
10. References in this zoning code to the “land use administrator” are references to the head of the land development services division of the Indian Nations Council of Governments (INCOG). INCOG performs its responsibilities and duties under this zoning code pursuant to an agreement with the City of Tulsa.

**Section 1.100 Zoning Map<sup>3</sup>**

**1.100-A Establishment**

The location and boundaries of the zoning districts defined in this zoning code must be established by ordinance and shown on a geographic coverage layer that is maintained as part of a geographic information system (GIS) under the direction of the land use administrator. This “Zoning” geographic coverage layer constitutes Tulsa’s official zoning map.

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<sup>3</sup> Updated/expanded version of Sections 201 and 202 of current zoning code.

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 in accordance with the procedures of Section 70.090. The following rules apply to all map interpretations:

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, subsequent to the establishment of the boundary, the shoreline or centerline of the watercourse should move as a result 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, subsequent to the establishment of the boundary, the ridge line or contour line should move as a result 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 Annexed Land<sup>4</sup>**

When land is annexed or otherwise brought into the zoning jurisdiction of the city, it may be classified in the AG district or assigned another zoning classification based on the comprehensive plan, existing land uses, any applicable annexation agreement and other relevant considerations.

**Section 1.110 Transitional Provisions<sup>5</sup>**

The provisions of this section address the transition to this zoning code from the zoning code in effect immediately preceding the effective date specified in [Section 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 [Section 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 provisions of this zoning code. 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 this zoning code.
2. Complete applications for PUDs, development plans, special exceptions, variances or other zoning-related approvals that are pending approval on the effective date specified in [Section 1.030](#) must be reviewed wholly under the terms of the zoning code in effect immediately preceding the effective date specified in [Section 1.030](#). Building permits for construction and development approved under such zoning approvals may be issued in accordance with [§1.110-A3](#).
3. The development administrator is authorized to issue building permits for construction or development approved before the effective date specified in [Section 1.030](#) and for developments pending approval under [§1.110-A2](#), even if such building, development or structure does not fully comply with provisions of this zoning code. 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 regulations of this zoning code.
4. When a use classified as a special exception under this zoning code exists as an approved special exception or permitted use on the effective date specified in [Section 1.030](#), that use will be considered a lawfully established special exception under this zoning code. When any amendment to this zoning code 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

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<sup>4</sup> This is a substantive change of the provision found in Section 101.B.2 of the current zoning code, which states that annexed "territory shall be deemed to be an AG Agricultural District."

<sup>5</sup> Updated/expanded version of Section 203 of current zoning code.

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 80](#).

**1.110-B Violations**

The adoption of this zoning code does not affect any pending or future prosecution of, or action to abate, violations of the previous zoning code that occurred before the effective date specified in [Section 1.030](#).

**Section 1.120 Severability**

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

## Chapter 5 | Residential Districts

Section 5.010	General .....	5-1
Section 5.020	Use Regulations .....	5-1
Section 5.030	Lot and Building Regulations .....	5-4
Section 5.040	Other Relevant Regulations .....	5-6

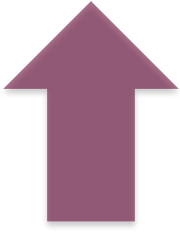
### Section 5.010 General

#### 5.010-A Districts

##### 1. List

The residential zoning districts are listed in [Table 5-1](#). When this zoning code refers to “residential” zoning districts or “R” districts, it is referring to these districts.

*Table 5-1: Residential (R) Zoning Districts*

Map Symbol	District Name	Relative Intensity Scale	
RE	Residential Single-family Estate		
RS1	Residential Single-family 1		
RS2	Residential Single-family 2		
RS3	Residential Single-family 3		
RS4	Residential Single-family 4		
<b>RS5</b>	<b>Residential Single-family 5</b>		
RD	Residential Duplex		
RT	Residential Townhouse		
RM0	Residential Multi-family 0		
RM1	Residential Multi-family 1		
RM2	Residential Multi-family 2		
RM3	Residential Multi-family 3		Most intensive “R” district
RMH	Residential Manufactured Housing		RMH not included in relative intensity scale

##### 2. Purposes

Residential zoning districts are primarily intended to create, maintain and promote a variety of housing opportunities for individual households and to maintain and promote the desired physical character of existing and developing neighborhoods. While the districts primarily accommodate residential uses, some nonresidential uses are also allowed.

### Section 5.020 Use Regulations

Principal uses are allowed in R districts in accordance with [Table 5-2](#).

#### 5.020-A Use Classification System

Uses are listed in the first column of [Table 5-2](#). This zoning code classifies uses into categories and subcategories, which are defined in [Chapter 35](#). In some cases, specific use types and building types are listed in addition to the use categories and subcategories. Building types are also defined in [Chapter 35](#).

#### 5.020-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 5-2](#) and with all other applicable regulations of this zoning code.

**5.020-C Special Exception Uses**

Uses identified with an “S” may be allowed if reviewed and approved in accordance with the special exception procedures of [Section 70.120](#). Special exception uses are subject to compliance with any supplemental regulations identified in the final column of [Table 5-2](#) and with all other applicable regulations of this zoning code.

**5.020-D Prohibited Uses**

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

**5.020-E Supplemental Regulations**

The “supplemental regulations” column of [Table 5-2](#) identifies additional regulations that apply to some uses. Unless otherwise expressly stated, compliance with these regulations is required regardless of whether the use is permitted as-of-right or requires special exception approval.

**5.020-F Accessory Uses**

Accessory uses, such as home occupations, are not regulated by [Table 5-2](#). Customary accessory uses are allowed in conjunction with principal uses permitted by right or by special exception, subject to compliance with all applicable accessory use regulations of [Chapter 45](#).

*Table 5-2: R District Use Regulations*

USE CATEGORY Subcategory Specific use	RE	RS					RD	RT	RM				RMH	Supplemental Regulations	
		1	2	3	4	5			0	1	2	3			
<b>RESIDENTIAL</b>															
<b>Household Living</b>															
Detached house	P	P	P	P	P	<u>P</u>	P	P	P	P	P	P	P	S	
<u>Lot Line-Patio House</u>	=	=	=	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	=	<a href="#">Section 40.290</a>
<b>Townhouse</b>															
2-unit townhouse	-	-	-	<u>S</u>	<u>S</u>	<u>P</u>	P <sup>6</sup>	P	P	P	P	P	P	-	<a href="#">Section 40.390</a>
3+-unit townhouse	-	-	-	-	-	=	-	P	P	P	P	P	P	-	<a href="#">Section 40.390</a>
<u>Cottage house development</u>	=	=	=	=	=	<u>P</u>	<u>S</u>	<u>S</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	=	<a href="#">Section 40.110</a>
Duplex	-	-	-	S	S	<u>S</u>	P	P	P	P	P	P	P	-	
<u>Multi-unit house</u>	=	=	=	=	=	<u>S</u>	<u>S</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	=	<a href="#">Section 40.250</a>
Apartment/condo	-	-	-	-	-	=	-	-	P	P	P	P	P	-	<a href="#">Section 40.030</a>
Manufactured housing unit	S	S	S	S	S	<u>S</u>	S	<u>-S</u>	S	S	S	S	S	P	<a href="#">Section 40.210</a>
Manufactured housing subdivision	-	-	-	-	-	=	-	-	-	-	-	-	-	P	<a href="#">Section 40.220</a>
Mobile home	-	-	-	-	-	=	-	-	-	-	-	-	-	P	<a href="#">Section 40.240</a>
Mobile home park	-	-	-	-	-	=	-	-	-	-	-	-	-	P	<a href="#">Section 40.240</a>
<b>Group Living</b>														<a href="#">Section 40.160</a>	
Assisted living facility	S	S	S	S	S	<u>S</u>	S	S	P	P	P	P	P	-	
Community group home	S	S	S	S	S	<u>S</u>	S	S	P	P	P	P	P	-	<a href="#">Section 40.100</a>
Convent/monastery/novitiate	S	S	S	S	S	<u>S</u>	S	S	P	P	P	P	P	-	
Elderly/retirement center	-	-	-	-	-	=	-	-	P	P	P	P	P	-	
Fraternity/Sorority	-	-	-	-	-	=	-	-	P	P	P	P	P	-	
Homeless center	S	S	S	S	S	<u>S</u>	S	S	S	S	S	S	S	S	<a href="#">Section 40.130</a>

<sup>6</sup> This is a change from current code; currently townhouse project must include more than 2 units and are not allowed in RD district. This proposed change would accommodate what are sometimes referred to as semi-detached houses in RD.



USE CATEGORY	RE	RS					RD	RT	RM				RMH	Supplemental Regulations
		1	2	3	4	5			0	1	2	3		
<b>Subcategory</b>														
<b>Specific use</b>														
Life care retirement center	S	S	S	S	S	<u>S</u>	S	-	P	P	P	P	-	
Re-entry facility	S	S	S	S	S	<u>S</u>	S	S	S	S	S	S	S	
Residential treatment center	S	S	S	S	S	<u>S</u>	S	S	S	S	S	S	S	<a href="#">Section 40.130</a>
Rooming/boarding house	-	-	-	-	-	<u>-</u>	-	-	P	P	P	P	-	
Shelter, emergency and protective	S	S	S	S	S	<u>S</u>	S	S	S	S	S	S	S	<a href="#">Section 40.130</a>
Transitional living center	S	S	S	S	S	<u>S</u>	S	S	S	S	S	S	S	<a href="#">Section 40.130</a>
<b>PUBLIC, CIVIC AND INSTITUTIONAL</b>														
<b>Airport</b>	S	S	S	S	S	<u>S</u>	S	S	S	S	S	S	S	
<b>Cemetery</b>	S	S	S	S	S	<u>S</u>	S	S	S	S	S	S	S	<a href="#">Section 40.150</a>
<b>College or University</b>	S	S	S	S	S	<u>S</u>	S	S	S	S	S	S	S	<a href="#">Section 40.070</a>
<b>Day Care<sup>7</sup></b>	S	S	S	S	S	<u>S</u>	S	S	S	S	S	S	S	<a href="#">Section 40.120</a>
<b>Detention and Correctional Facility</b>	S	S	S	S	S	<u>S</u>	S	S	S	S	S	S	S	<a href="#">Section 40.130</a>
<b>Fraternal Organization</b>	S	S	S	S	S	<u>S</u>	S	S	S	S	S	S	S	<a href="#">Section 40.140</a>
<b>Governmental Service</b>	S	S	S	S	S	<u>S</u>	S	S	S	S	S	S	S	
<b>Hospital</b>	S	S	S	S	S	<u>S</u>	S	S	S	S	S	S	S	<a href="#">Section 40.070</a>
<b>Library or Cultural Exhibit</b>	S	S	S	S	S	<u>S</u>	S	S	S	S	S	S	S	<a href="#">Section 40.200</a>
<b>Natural Resource Preservation</b>	P	P	P	P	P	<u>P</u>	P	P	P	P	P	P	P	
<b>Parks and Recreation</b>	S	S	S	S	S	<u>S</u>	S	S	S	S	S	S	S	
<b>Postal Services</b>	S	S	S	S	S	<u>S</u>	S	S	S	S	S	S	S	
<b>Religious Assembly</b>	S	S	S	S	S	<u>S</u>	S	S	S	S	S	S	S	<a href="#">Section 40.320</a>
<b>Safety Service</b>	S	S	S	S	S	<u>S</u>	S	S	S	S	S	S	S	
<b>School</b>														
Established on or before Jan. 1, 1998	P	P	P	P	P	<u>P</u>	P	P	P	P	P	P	P	<a href="#">Section 40.350</a>
Others	S	S	S	S	S	<u>S</u>	S	S	S	S	S	S	S	<a href="#">Section 40.350</a>
<b>Utilities and Public Service Facility</b>														
Minor	S	S	S	S	S	<u>S</u>	S	S	S	S	S	S	S	
Major	S	S	S	S	S	<u>S</u>	S	S	S	S	S	S	S	
<b>Wireless Communication Facility</b>														
Freestanding tower	S	S	S	S	S	<u>S</u>	S	S	S	S	S	S	S	<a href="#">Section 40.420</a>
Building or tower-mounted antenna	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<a href="#">Section 40.420</a>
<b>COMMERCIAL</b>														
<b>Broadcast or Recording Studio<sup>8</sup></b>	-	-	-	-	-	<u>-</u>	-	-	-	S	S	S	-	
<b>Financial Services</b> (except as below)	-	-	-	-	-	<u>-</u>	-	-	-	S	S	S	-	
Personal credit establishment	-	-	-	-	-	<u>-</u>	-	-	-	-	-	-	-	
<b>Funeral or Mortuary Service</b>	-	-	-	-	-	<u>-</u>	-	-	-	S	S	S	-	
<b>Lodging</b>														
Bed & breakfast	S	S	S	S	S	<u>S</u>	S	S	S	S	S	S	S	<a href="#">Section 40.060</a>
<b>Marina</b>	S	S	S	S	S	<u>S</u>	S	S	S	S	S	S	S	
<b>Office</b>														<a href="#">Section 40.260</a>
Business or professional office	-	-	-	-	-	<u>-</u>	-	-	-	S	S	S	-	
Medical, dental or health practitioner office	-	-	-	-	-	<u>-</u>	-	-	-	S	S	S	-	
<b>Self-service Storage Facility</b>	-	-	-	-	-	<u>-</u>	-	-	-	S	S	S	-	<a href="#">Section 40.360</a>
<b>Studio, Artist or Instructional Service</b>	-	-	-	-	-	<u>-</u>	-	-	-	S	S	S	-	<a href="#">Section 40.380</a>
<b>AGRICULTURAL</b>														
<b>Animal Husbandry</b>														See <a href="#">Title 2, Ch. 2</a> of the Tulsa Revised Ordinances
<b>Community Garden</b>	P	P	P	P	P	<u>P</u>	P	P	P	P	P	P	P	<a href="#">Section 40.090</a>

<sup>7</sup> Family day care home, which is permitted by right in all R, O and C districts, has been moved to accessory use regulations of Chapter 45.

<sup>8</sup> This is a substantive change from current zoning code; gun clubs (assembly and entertainment use) have been removed as an allowed use in R districts.

USE CATEGORY	RE	RS					RD	RT	RM				RMH	Supplemental Regulations
		1	2	3	4	5			0	1	2	3		
Subcategory Specific use														
<del>Farm, Market or Community supported</del>	P	-	-	-	-	-	-	-	-	-	-	-	-	
<b>OTHER</b>														
<u>Oil or Gas Well</u>	S	S	S	S	S	S	S	S	S	S	S	S	S	Section 40.270

**Section 5.030 Lot and Building Regulations**

5.030-A Table of Regulations

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

Table 5-3: R District Lot and Building Regulations<sup>9</sup>

Regulations	RE	RS1	RS2	RS3	RS4	RS5 <sup>10</sup>	RD	RT	RM0	RM1	RM2	RM3	RMH	
<b>Min. Lot Area (sq. ft.)</b>														
Detached house	22,500	13,500	9,000	6,900	5,500	3,750	5,500	5,500	5,500	5,500	5,500	5,500	5,500	
<del>Lot line-Patio house</del>	-	-	-	6,900	5,500	3,750	5,500	5,500	5,500	5,500	5,500	5,500	-	
Townhouse	-	-	-	4,500	4,500	2,750	2,750	1,600	1,600	1,600	1,600	1,600	-	
<del>Cottage house development</del>	-	-	-	-	-	15,000	15,000	15,000	15,000	15,000	15,000	15,000	-	
Duplex	-	-	-	9,000	9,000	6,900	6,900	6,900	6,900	6,900	6,900	6,900	-	
<del>Multi-unit house</del>	-	-	-	-	-	6,900	6,900	5,500	5,500	5,500	5,500	5,500	-	
Apartment/condo	-	-	-	-	-	-	-	-	10,000	10,000	6,000	24,000	-	
Mobile home park	-	-	-	-	-	-	-	-	-	-	-	-	[1]	
<b>Other allowed buildings/uses</b>														
Permitted by right	22,500	13,500	9,000	6,900	5,500	5,500	5,500	5,500	5,500	5,500	5,500	5,500	5,500	
Special exceptions	22,500	13,500	12,000	12,000	12,000	12,000	12,000	12,000	12,000	12,000	12,000	12,000	12,000	
<b>Min. Lot Area per Unit<sup>11</sup> (sq. ft.)</b>														
Detached house	22,500	13,500	9,000	6,900	5,500	3,750	5,500	5,500	5,500	5,500	5,500	5,500	-	
<del>Lot line-Patio house</del>	-	-	-	6,900	5,500	3,750	5,500	5,500	5,500	5,500	5,500	5,500	-	
Townhouse	-	-	-	4,500	4,500	2,750	2,750	1,600	1,600	1,600	1,600	1,600	-	
<del>Cottage house development</del>	-	-	-	-	-	2,750	2,750	2,750	2,750	2,750	2,750	2,750	-	
Duplex	-	-	-	4,500 <sup>12</sup>	4,500	3,450	3,450	3,450	3,450	3,450	3,450	3,450	-	
<del>Multi-unit house</del>	-	-	-	-	-	1,800	1,800	1,800	1,800	1,375	1,100	900	-	
Apartment/condo	-	-	-	-	-	-	-	-	2,900	1,750	1,100	400	-	
<b>Minimum Lot Width (ft.)</b>														
Detached house	150	100	75	60	50	30	50	50	50	50	50	50	-	
<del>Lot line-Patio house</del>	-	-	-	60	50	30	50	50	50	50	50	50	-	
Townhouse	-	-	-	30	30	25	25	20	20	20	20	20	-	
<del>Cottage house development</del>	-	-	-	-	-	75	75	75	75	75	75	75	-	
Duplex	-	-	-	75	75	60	60	60	60	60	60	60	-	
<del>Multi-unit house</del>	-	-	-	-	-	50	50	50	50	50	50	50	-	

<sup>9</sup> The changes noted in this table mostly reflect changes from the current code.

<sup>10</sup> This is a new proposed district; intended to accommodate smaller lot development and broader range of housing types. It will be available for future rezonings.

<sup>11</sup> The draft zoning code proposes eliminating the current “land-area-per-dwelling-unit” requirements and instead regulates density on the basis of “lot-area-per-dwelling-unit.” Change means that abutting ROWs will not count towards satisfying the minimum requirements. Proposed regulations are based on approximately 80% of the former “minimum land area” requirements.

<sup>12</sup> This is a proposed change for RS3 and RS4. Current code requires min. lot area of 9,000 sq. ft. for duplex (which has been retained), but also requires 5,000 sq. ft. of lot area per unit within a duplex.

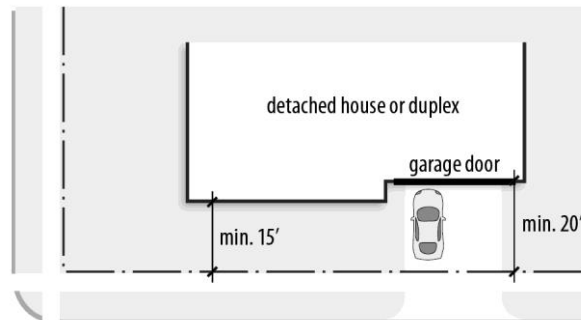
Regulations	RE	RS1	RS2	RS3	RS4	RS5 <sup>10</sup>	RD	RT	RM0	RM1	RM2	RM3	RMH
Apartment/condo	-	-	-	-	-	-	-	-	100	100	50	100	-
Other allowed buildings/uses													
Permitted by right	150	100	75	60	50	50	50	50	50	50	50	50	50
Special exceptions	150	100	100	100	100	100	100	100	100	100	100	100	100
<b>Min. Street Frontage</b>													
Residential buildings/uses <sup>[2]</sup>	30	30	30	30	30	30	30	30	30	30	30	30	30
Other allowed buildings/uses	-	-	-	-	-	-	-	-	-	-	-	-	-
<b>Min. Building Setbacks (ft.)</b>													
Street <sup>[3]</sup>													
Arterial or fwy service road	35	35	35	35	35	35	35	35	35	35	35	35	35
Other streets	35	35	30	25	20	20	25	10	25	25	10	25	25
Side (interior) <sup>[4]</sup>	15	5 <sup>13</sup>	5 <sup>13</sup>	5	5	5	5	5 <sup>[5]</sup>	5 <sup>[6]</sup>	5 <sup>[6]</sup>	5 <sup>[6]</sup>	5 <sup>[7]</sup>	10
Rear <sup>[4]</sup>	25	25	25	20	20	20	20	20	20	20	10	20 <sup>14</sup>	15
<b>Min. Open Space/Unit<sup>15</sup></b> (sq. ft.)	12,000	7,000	5,000	4,000 <sup>[8]</sup>	2,500	2,000	2,000	1,200	1,200	600	200	-	2,500
<b>Max. Building Height</b> (feet)	35	35	35	35	35	35	35	35	35	35	35	-	35

5.030-B Table Notes

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

- [1] See [Section 40.240](#) for detailed regulations governing mobile home parks.
- [2] Minimum street frontage requirements apply to townhouse developments, not to individual townhouse units. [Cottage house developments require minimum street frontage of 75 feet.](#)
- [3] For detached houses and duplexes on corner lots, the property owner may designate one side as a side street. The minimum building setback from the designated side street is 15 feet, provided that street-facing garage doors must be set back at least 20 feet (see [Figure 5-1](#)). The street setback specified in [Table 5-3](#) applies along the other street.

Figure 5-1: Street Side Setback for Detached Houses and Duplexes on Corner Lots



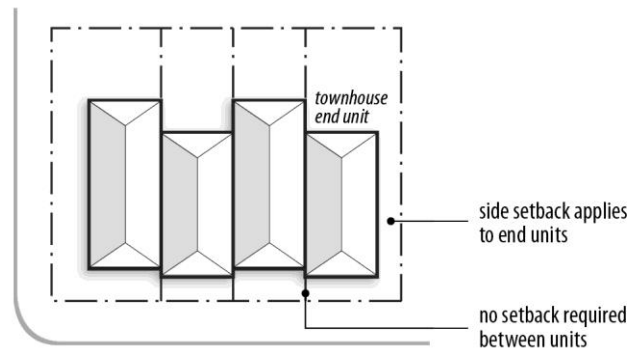
- [4] Uses requiring special exception approval in R zoning districts require minimum 25-foot building setback from R-zoned lots occupied by residential uses.
- [5] No side setback is required for interior units in townhouse developments. Side setback applies to end units (see [Figure 5-2](#)).

<sup>13</sup> This is a change; code now requires 5-foot on one side, 10 feet on the opposite side in RS1 and RS2.

<sup>14</sup> This is a change; code currently requires 25-foot rear setback in RM3.

<sup>15</sup> Formerly referred to as "livability space."

Figure 5-2: Side Setbacks for Townhouses



[6] Minimum interior side setback is 10 feet for apartment/condo and permitted nonresidential buildings.<sup>16</sup>

[7] Minimum interior side setback is 25 feet for apartment/condo and permitted nonresidential buildings.

[8] Minimum required open space for duplex in RS3 is 2,500 square feet per unit.

### Section 5.040 Other Relevant Regulations

Uses and structures in residential zoning districts may be subject to other regulations and standards, including the following.

5.040-A Nonconformities  
See [Chapter 80](#).

5.040-B Accessory Uses and Structures  
See [Chapter 45](#).

5.040-C Parking  
See [Chapter 55](#).

5.040-D Signs  
See [Chapter 60](#).

5.040-E Landscaping and Screening  
See [Chapter 65](#).

5.040-F Temporary Uses  
See [Chapter 50](#).

5.040-G Outdoor Lighting  
See [Section 65.090](#).

5.040-H Access Across R-zoned Property  
The use of RE-, RS-, RD- or RT-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 permitted through an approved PUD or MPD.

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<sup>16</sup> This is a change; code currently requires 10-foot side setback in RM0, RM1 and RM2 and 25 feet in RM3 for all uses. This would retain existing setback requirement for apt/condo and nonresidential, but reduce to the otherwise universal standard of 5 feet for single-family and duplex.

## Chapter 10 | Mixed-use Districts


Section 10.010	General .....	10-1
Section 10.020	Use Regulations .....	10-2
Section 10.030	Character Designations.....	10-5
Section 10.040	Height Designations .....	10-11
Section 10.050	Other Relevant Regulations.....	10-12

### Section 10.010 General

#### 10.010-A List

The mixed-use zoning districts are listed in [Table 10-1](#). When this zoning code refers to “mixed-use” zoning districts or to “MX” districts it is referring to all MX districts.

*Table 10-1: Mixed-use (MX) Zoning Districts*

Map Symbol	District Name	Relative Intensity Scale
MX1	Neighborhood Mixed-use	Least intensive MX district
MX2	Community Mixed-use	
MX3	Regional Mixed-use	Most intensive MX district

#### 10.010-B District Descriptions

##### 1. MX1, Neighborhood Mixed-use

The MX1, Neighborhood Mixed-use district is intended to accommodate small-scale retail, service and dining uses that serve nearby residential neighborhoods. The district also allows a variety of residential uses and building types. MX1 zoning is generally intended for application in areas designated by the comprehensive plan as neighborhood centers, main streets and mixed-use corridors.

##### 2. MX2, Community Mixed-use

The MX2, Community Mixed-use district is intended to accommodate retail, service, entertainment and employment uses that serve many surrounding neighborhoods. The district also allows a variety of residential uses and building types. MX2 zoning is generally intended for application in areas designated by the comprehensive plan as town centers, main streets and mixed-use corridors.

##### 3. MX3, Regional Mixed-use

The MX3, Regional Mixed-use district is intended to accommodate large-scale employment, retail, civic and institutional and entertainment uses that draw visitors and workers from around the region. MX3 zoning is generally intended for application in areas designated by the comprehensive plan as regional centers.

#### 10.010-C Use, Character and Height Designations

- Each MX district consists of a use designation (MX1, MX2 or MX3), a character designation (-P, -U, -V or -F) and a height designation (-30, -40, -50, -65 or -130). This “modular” approach allows the creation of finely-tuned, context-sensitive zoning districts.
- MX districts and their respective use, character and height designations may be established or amended only through the zoning map amendment procedures of [Section 70.030](#).

3. On the zoning map, all the components of the applicable mixed-use zoning district will be identified as a single map symbol. MX1-P-40, for example, is the map symbol denoting a neighborhood-oriented mixed-use district (MX1) that requires a very pedestrian-oriented (-P) building pattern (character) and that allows buildings up to 40 feet in height (-40).

**Section 10.020 Use Regulations**

Principal uses are allowed in mixed-use districts in accordance with [Table 10-2](#).

**10.020-A Use Classification System**

Uses are listed in the first column of [Table 10-2](#). This zoning code classifies uses into categories and subcategories, which are defined in [Chapter 35](#). In some cases, specific use types are listed in addition to the use categories and subcategories. Building types are also defined in [Chapter 35](#).

**10.020-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 10-2](#) and with all other applicable regulations of this zoning code.

**10.020-C Special Exception Uses**

Uses identified with an “S” may be allowed if reviewed and approved in accordance with the special exception procedures of [Section 70.120](#). Special exception uses are subject to compliance with any supplemental regulations identified in the final column of [Table 10-2](#) and with all other applicable regulations of this zoning code.

**10.020-D Prohibited Uses**

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

**10.020-E Supplemental Regulations**

The “supplemental regulations” column of [Table 10-2](#) identifies additional regulations that apply to some uses. Unless otherwise expressly stated, compliance with these regulations is required regardless of whether the use is permitted as-of-right or requires special exception approval.

**10.020-F Accessory Uses**

Accessory uses are not regulated by [Table 10-2](#). Customary accessory uses are allowed in conjunction with principal uses permitted by right or by special exception, subject to compliance with all applicable accessory use regulations of [Chapter 45](#).

*Table 10-2: MX District Use Regulations*

USE CATEGORY	MX1	MX2	MX3	Supplemental Regulations
<b>Subcategory</b> Specific use				
<b>RESIDENTIAL</b>				
<b>Household Living</b> (allowed building types regulated by character zone)	P	P	P	
<b>Group Living</b>				<a href="#">Section 40.160</a>
Community group home	P	P	P	<a href="#">Section 40.100</a>
Homeless center	S	S	S	<a href="#">Section 40.130</a>
Life care retirement center	S	S	S	
Re-entry facility	S	S	S	
Residential treatment center	S	S	S	<a href="#">Section 40.130</a>

USE CATEGORY	MX1	MX2	MX3	Supplemental Regulations
<b>Subcategory</b>				
Specific use				
Shelter, emergency and protective	S	S	S	<a href="#">Section 40.130</a>
Transitional living center	S	S	S	<a href="#">Section 40.130</a>
<b>PUBLIC, CIVIC AND INSTITUTIONAL</b>				
<b>College or University</b>	S	S	P	<a href="#">Section 40.070</a>
<b>Day Care</b>	P	P	P	<a href="#">Section 40.120</a>
<b>Fraternal Organization</b>	S	P	P	
<b>Governmental Service</b>	S	S	S	
<b>Hospital</b>	S	S	S	<a href="#">Section 40.070</a>
<b>Library or Cultural Exhibit</b>	P	P	P	
<b>Natural Resource Preservation</b>	P	P	P	
<b>Parks and Recreation</b>	P	P	P	
<b>Postal Services</b>	S	S	S	
<b>Religious Assembly</b>	P	P	P	
<b>Safety Service</b>	S	P	P	
<b>School</b>	-	-	P	<a href="#">Section 40.350</a>
<b>Utilities and Public Service Facility</b>				
Minor	P	P	P	
Major	S	S	S	
<b>Wireless Communication Facility</b>				
Freestanding tower	S	S	S	<a href="#">Section 40.420</a>
Building or tower-mounted antenna	P	P	P	<a href="#">Section 40.420</a>
<b>COMMERCIAL</b>				
<b>Animal service</b>				<a href="#">Section 40.020</a>
Boarding or shelter	-	-	S	
Grooming	P	P	P	
Veterinary	P	P	P	
<b>Assembly and Entertainment</b>				<a href="#">Section 40.040</a>
Indoor				
Small (up to 250 persons capacity)	S	P/S[1]	P/S[1]	
Large (>250 person capacity)	-	P/S[1]	P/S[1]	
Outdoor	-	S	S	
<b>Broadcast or Recording Studio</b>	S	P	P	
<b>Commercial Service</b>				<a href="#">Section 40.080</a>
Building service	-	S	P	
Business support service	-	S	P	<a href="#">Section 40.300</a>
Consumer maintenance/repair service	P	P	P	
Personal improvement service	P	P	P	
Research service	-	P	P	
<b>Financial Services</b> (except as below)	P	P	P	
Personal credit establishment	-	P	P	<a href="#">Section 40.300</a>
<b>Funeral or Mortuary Service</b>	-	P	P	
<b>Lodging</b>				
Bed & breakfast	S	S	S	<a href="#">Section 40.060</a>
Hotel/motel	-	P	P	<a href="#">Section 40.170</a>
<b>Marina</b>	S	P	P	
<b>Office</b>				<a href="#">Section 40.260</a>
Business or professional office	P	P	P	
Medical, dental or health practitioner office	P	P	P	
Plasma center	-	-	P	<a href="#">Section 40.300</a>
<b>Parking, Non-accessory</b>	-	SP	SP	<a href="#">§5.080-C3</a>
<b>Restaurants and Bars</b>				
Restaurant	P	P	P	<a href="#">Section 40.330</a>
Bar	P/S[1]	P/S[1]	P/S[1]	<a href="#">Section 40.050</a>
<b>Retail Sales</b>				<a href="#">Section 40.340</a>

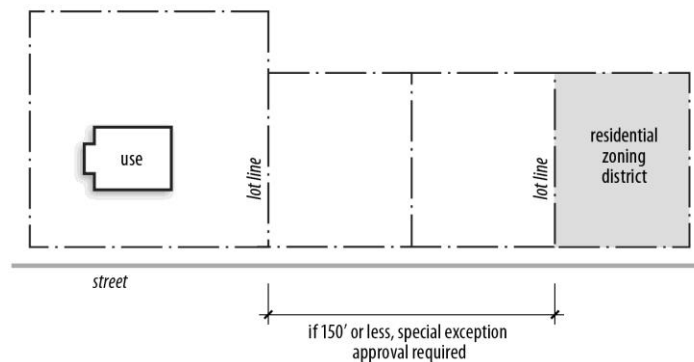
USE CATEGORY	MX1	MX2	MX3	Supplemental Regulations
<b>Subcategory</b>				
Specific use				
Building supplies and equipment	–	S	P	
Consumer shopping goods	P	P	P	
Convenience goods	P	P	P	<a href="#">Section 40.300</a>
<b>Self-service Storage Facility</b>	–	–	S	<a href="#">Section 40.360</a>
<b>Sexually Oriented Business Establishment</b>	–	–	S	<a href="#">Section 40.370</a>
<b>Studio, Artist or Instructional Service</b>	P	P	P	
<b>Trade School</b>	–	S	S	
<b>Vehicle Sales and Service</b>				<a href="#">Section 40.400</a>
Commercial vehicle repair/maintenance	–	S	S	
Commercial vehicle sales and rentals	–	S	S	
Fueling station	–	P	P	
Personal vehicle repair and maintenance	–	S	P	
Personal vehicle sales and rentals	–	S	S	
Vehicle part and supply sales	–	P	P	
Vehicle body and paint finishing shop	–	S	S	
<b>INDUSTRIAL</b>				<a href="#">Section 40.180</a>
<b>Low-impact Manufacturing &amp; Industry</b>	–	–	S	
<b>RECYCLING</b>				<a href="#">Section 40.210</a>
<b>Consumer Material Drop-off Station</b>	–	S	P	
<b>AGRICULTURAL</b>				<a href="#">Section 40.090</a>
<b>Community Garden</b>	P	P	P	
<b>OTHER</b>				
<b>Drive-in or Drive-through Facility</b> ( <del>accessory as a component of an</del> allowed principal use) <sup>17</sup>	–	S	S	<a href="#">Section 55.100</a>
<b>Oil or Gas Well</b>	<u>S</u>	<u>S</u>	<u>S</u>	<a href="#">Section 40.270</a>

10.020-G Table Notes

The following notes refer to the bracketed numbers (e.g., "[1]") in [Table 10-2](#):

- [1] Proposed use requires special exception approval if [selling or serving intoxicating beverages or low-point beer and](#) located on a lot within 150 feet of any residential zoning district other than R-zoned street right-of-way (see [Figure 10-1](#)).

Figure 10-1: Special Exception Requirement within 150 Feet of R zoning



<sup>17</sup> The grouping of all drive-in uses and uses with drive-through windows is a change.



**Section 10.030 Character Designations**

**10.030-A List**

There are 4 character designations established for the MX districts, as identified in [Table 10-3](#). These designations govern allowed building types as well as required building and development patterns.

*Table 10-3: MX District Character Designations*

Map Symbol	General Character
-P	Pedestrian
-U	Urban
-V	Variable
-F	Flexible

**10.030-B -P, Pedestrian Character Designation**

**1. Intent**

The -P, Pedestrian character designation is generally intended to be applied in locations where a very high level of pedestrian orientation is present or desired, such as areas designated by the comprehensive plan as “main street” areas.

**2. Allowed Building Types**

The following building types are permitted in -P character zones (see building type definitions in [Section 35.010](#)):

- a. Mixed-use buildings
- b. Commercial buildings
- c. Civic/Institutional buildings
- d. Open space sites

**3. Lot and Building Regulations**

The lot and building regulations of [Table 10-4](#) apply to all new construction and building additions in -P character zones, except that civic/institutional buildings and open space sites are subject to -F character zone regulations (see [§10.030-E](#)). General exceptions to lot and building regulations and rules for measuring compliance can be found in [Chapter 90](#). Existing buildings are exempt from compliance with build-to zone (BTZ), ground floor ceiling height and transparency regulations.

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

Minimum Lot Area (sq. ft.)	3,500	Min. <b>Ground Floor Ceiling Height</b> (feet)	14
<b>A</b> Minimum Lot Width (feet)	25	<b>Minimum Transparency (%)</b>	
<b>B</b> Minimum Street Frontage (feet)	20	<b>E</b> Ground floor	50
Minimum Open Space per Unit (sq. ft.)	100	<b>F</b> Upper floors	20
Minimum Building Setbacks (feet)		<b>D</b> Min. Parking Setbacks (feet)(see also <a href="#">§55.080-C</a> )[1]	
Street	0	Primary street	30
Abutting R district	10	Secondary street or R zoning district	10
Abutting nonresidential district	0	Nonresidential zoning district	0
Abutting alley	5	<b>G</b> Street-facing Entrance Required	Yes
<b>C</b> Build-to Zone (BTZ) (minimum/maximum in feet)	0/10		
Min. percent of building in primary street BTZ	80		
Min. percent of building in secondary street BTZ	30		

[1] Parking is prohibited between building and street right-of-way (see [Figure 10-2](#)). Parking structures are subject to [Section 40.280](#).

Figure 10-2: Parking Prohibited between Building and Street Right-of-Way (-P Character Zones)

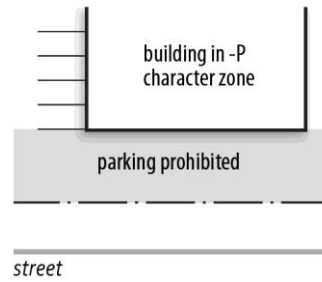
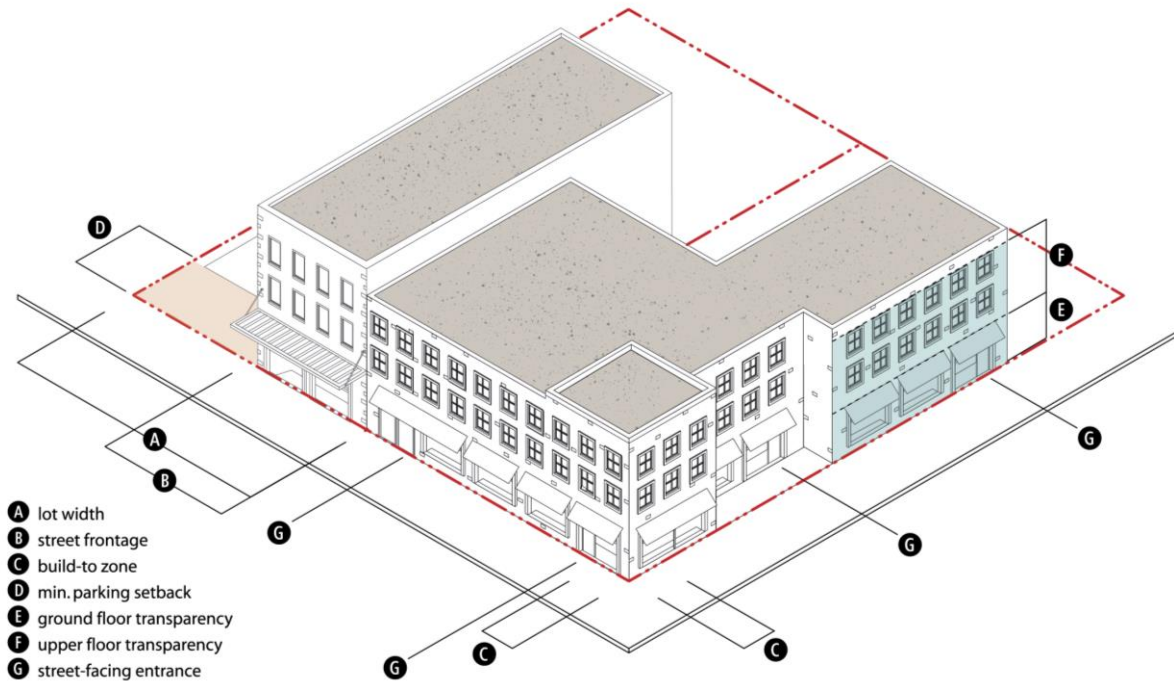


Figure 10-3: MX District Lot and Building Regulations (1)<sup>18</sup>



### 10.030-C Urban Character Designation

#### 1. Intent

Like the -P character designation, the -U, Urban character designation is generally intended to be applied in areas with high levels of walkability, but where a greater variety of building types are present or desired, such as in areas designated by the comprehensive plan as neighborhood, town and regional centers and along some plan-designated mixed-use corridors.

#### 2. Allowed Building Types

The following building types are permitted in -U character zones (see building type definitions in [Section 35.010](#)):

##### a. Mixed-use buildings

<sup>18</sup> Illustration to be revised to accurately depict "street frontage" measurement.

- b. Commercial buildings
- c. Apartment/Condo
- d. Townhouses
- e. Civic/Institutional buildings
- f. Open space sites

3. **Lot and Building Regulations**

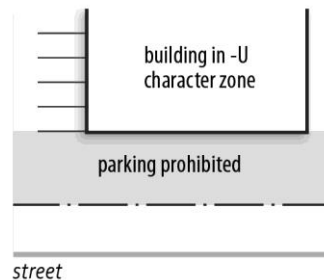
The lot and building regulations of [Table 10-5](#) apply to all new construction and building additions in –U character zones, except that civic/institutional buildings and open space sites are subject to –F character zone regulations (see [§10.030-E](#)). General exceptions to lot and building regulations and rules for measuring compliance can be found in [Chapter 90](#). Existing buildings are exempt from compliance with build-to zone (BTZ), ground floor ceiling height and transparency regulations.

*Table 10-5: Lot and Building Regulations for –U Character Zones<sup>19</sup>*

<b>Minimum Lot Area</b> (sq. ft.)		<b>Min. Parking Setbacks</b> (feet)(see also <a href="#">§55.080-C</a> )[1]	
Townhouse	1,600	Primary street	30
Apartment/condo	7,500	Secondary street or R zoning district	10
All other	3,500	<b>Nonresidential district</b>	0
<b>Minimum Lot Width</b> (feet)		<b>Min. Ground Floor Ceiling Height</b> (feet)	
Townhouse	20	Mixed-use and commercial buildings	14
Apartment/condo	50	Other buildings	–
All other	25	<b>Minimum Transparency</b> (%)	
<b>Minimum Street Frontage</b> (feet)		Mixed-use buildings	
<b>Minimum Open Space per Unit</b> (sq. ft.)		Ground floor	40
Townhouse	200	Upper floors	20
Apartment/condo/mixed-use	100	Commercial buildings	
<b>Minimum Building Setbacks</b> (feet)		Ground floor	35
Street	0	Upper floors	20
Abutting R district	10	Other buildings	20
Abutting nonresidential district	0	<b>Street-facing Entrance Required</b>	
Abutting alley	5	Yes	
<b>Build-to Zone</b> (BTZ) (minimum/maximum in feet)			
Minimum percent of building in primary street BTZ	60		
Min. percent of building in secondary street BTZ	30		

[1] Parking is prohibited between building and street right-of-way (see [Figure 10-4](#)). Parking structures are subject to [Section 40.280](#).

*Figure 10-4: Parking Prohibited between Building and Street Right-of-Way (–U Character Zones)*



<sup>19</sup> New measurement-related provisions have been added to [Chapter 90](#) to address the character-based lot and building regulations introduced in this table.

10.030-D Variable Character Designation

1. Intent

The –V, Variable character designation is generally intended to be applied in auto-oriented areas where a transition to greater levels of walkability are underway or desired. The regulations allow greater flexibility in the siting of buildings and parking areas by, for example, allowing more generous maximum building setbacks, which can be used for landscape and streetscape elements or limited amounts of parking.

2. Allowed Building Types

The following building types are permitted in –V character zones (see building type definitions in [Section 35.010](#)):

- a. Mixed-use buildings
- b. Commercial buildings
- c. Apartment/Condo
- d. Townhouses
- e. Civic/Institutional buildings
- f. Open space sites

3. Lot and Building Regulations

The lot and building regulations of [Table 10-6](#) apply to all new construction and building additions in –V character zones, except that civic/institutional buildings and open space sites are subject to –F character zone regulations (see [§10.030-E](#)). General exceptions to lot and building regulations and rules for measuring compliance can be found in [Chapter 90](#). Existing buildings are exempt from compliance with build-to zone (BTZ), ground floor ceiling height and transparency regulations.

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

<b>Minimum Lot Area</b> (sq. ft.)		<b>C Build-to Zone</b> (BTZ) (minimum/maximum in feet)	0/110
Townhouse	1,600	Minimum percent of building in primary street BTZ	50
Apartment/condo	7,500	Min. percent of building in secondary street BTZ	25
All other	3,500		
<b>A Minimum Lot Width</b> (feet)		<b>D Min. Parking Setbacks</b> (feet)(see also <a href="#">§55.080-C</a> )[1]	
Townhouse	20	Street or R zoning district	10
Apartment/condo	50	Nonresidential zoning district	0
All other	25	<b>Min. Ground Floor Ceiling Height</b> (feet)	
<b>B Minimum Street Frontage</b> (feet)	20	Mixed-use and commercial buildings	14
<b>Minimum Open Space per Unit</b> (sq. ft.)		Other buildings	–
Townhouse	200	<b>Minimum Transparency</b> (%)	
Apartment/condo/mixed-use	100	Mixed-use buildings	
<b>Minimum Building Setbacks</b> (feet)		<b>E</b> Ground floor	40
Street	0	<b>F</b> Upper floors	20
Abutting R district	10	Commercial buildings	
Abutting nonresidential district	0	<b>E</b> Ground floor	35
Abutting alley	5	<b>F</b> Upper floors	20
		Other buildings	20
		<b>G Street-facing Entrance Required</b>	Yes

[1] A maximum of one double-loaded parking aisle (2 parking bays) is permitted between the building and street right-of-way (see [Figure 10-5](#) and [Figure 10-6](#)). Parking structures are subject to [Section 40.280](#).

Figure 10-5: Limited Parking between Building and Street Right-of-Way (-V Character Zones)

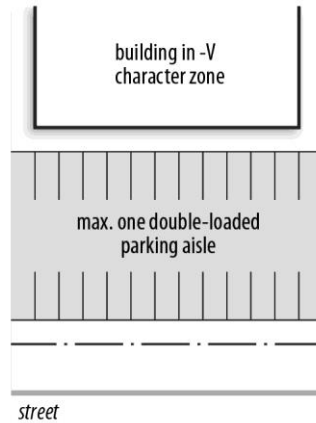
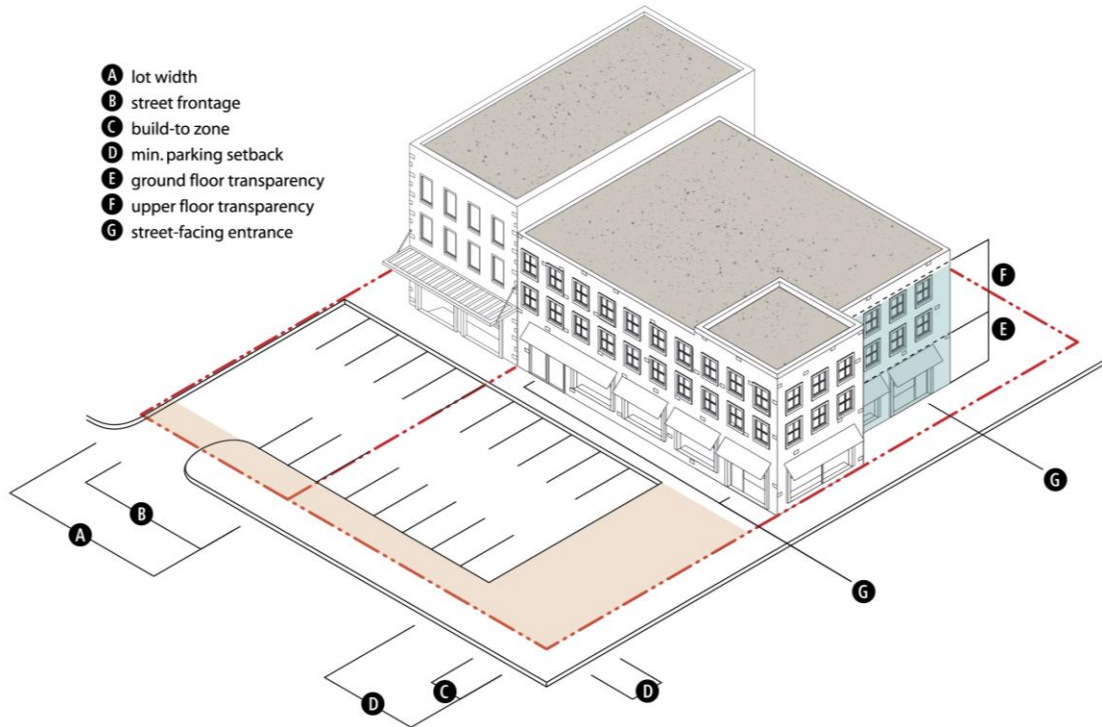


Figure 10-6: MX District Lot and Building Regulations (2)<sup>20</sup>



### 10.030-E Flexible Character Designation

#### 1. Intent

The -F, Flexible character designation is generally intended to allow the highest levels of flexibility in terms of allowed building types and development patterns.

<sup>20</sup> Illustration to be revised to accurately depict "street frontage" measurement.

2. **Allowed Building Types**

The following building types are permitted in –F character zones (see building type definitions in [Section 35.010](#)):

- a. Mixed-use buildings
- b. Commercial buildings
- c. Apartment/Condo
- d. Townhouses
- e. Duplexes
- f. Detached houses
- g. Civic/Institutional buildings
- h. Open space sites

3. **Lot and Building Regulations**

The lot and building regulations of [Table 10-7](#) apply to all new construction and building additions in –F character zones. General exceptions to lot and building regulations and rules for measuring compliance can be found in [Chapter 90](#). Existing buildings are exempt from compliance ground floor ceiling height and transparency regulations.

*Table 10-7: Lot and Building Regulations for –F Character Zones<sup>21</sup>*

<b>Minimum Lot Area</b> (sq. ft.)		<b>Minimum Parking Setbacks (feet)</b> (see also <a href="#">§55.080-C</a> )	
Townhouse	1,600	Detached house/townhouse/duplex	–
Duplex	5,000	Other buildings [3]	
Apartment/condo	7,500	Street	10
Other buildings	3,500	Abutting R district	10
<b>Minimum Lot Width</b> (feet)		Abutting nonresidential district	0
Townhouse	20	Abutting alley	2
Duplex	45	<b>Min. Ground Floor Ceiling Height (feet)</b>	
Apartment/condo	50	Mixed-use and commercial buildings	14
Other buildings	25	Other buildings	–
<b>Minimum Street Frontage</b> (feet)		<b>Minimum Transparency (%)</b>	
20		<b>Mixed-use buildings</b>	
<b>Minimum Open Space per Unit</b> (sq. ft.)		Ground floor	40
Detached house	400	Upper floors	20
Townhouse/Duplex	200	<b>Commercial buildings</b>	
Apartment/condo/mixed-use	100	Ground floor	35
<b>Minimum Building Setbacks</b> (feet)		Upper floors	20
Detached house/townhouse/duplex		Other buildings	20
Street	15[1]	<b>Street-facing Entrance Required</b>	
Side	3[2]	Yes	
Rear	20		
Other buildings			
Street	5		
Abutting R district	10		
Abutting nonresidential district	0		
Abutting alley	5		

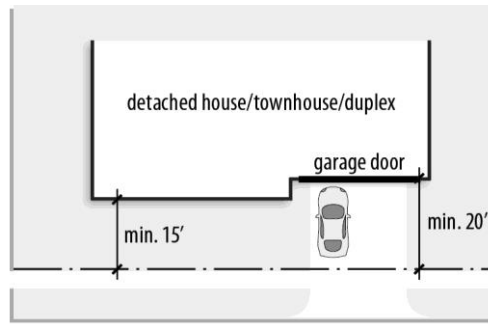
[1] Garage doors must be set back at least 20 feet from back of sidewalk (see [Figure 10-7](#)).

[2] For townhouses, side setback applies only to exterior wall of end units.

[3] Parking structures are subject to [Section 40.280](#).

<sup>21</sup> Several new measurement-related provisions have been added to [Chapter 90](#) to address the character-based lot and building regulations introduced in this table.

Figure 10-7: Garage Door Setback



## Section 10.040 Height Designations

### 10.040-A Regulations

MX district height designations are indicated by a dash and number suffix at the end of an MX district map symbol. Except as stated by the transition standards of §10.040-B, building heights in MX districts may not exceed the limits established in Table 10-8.

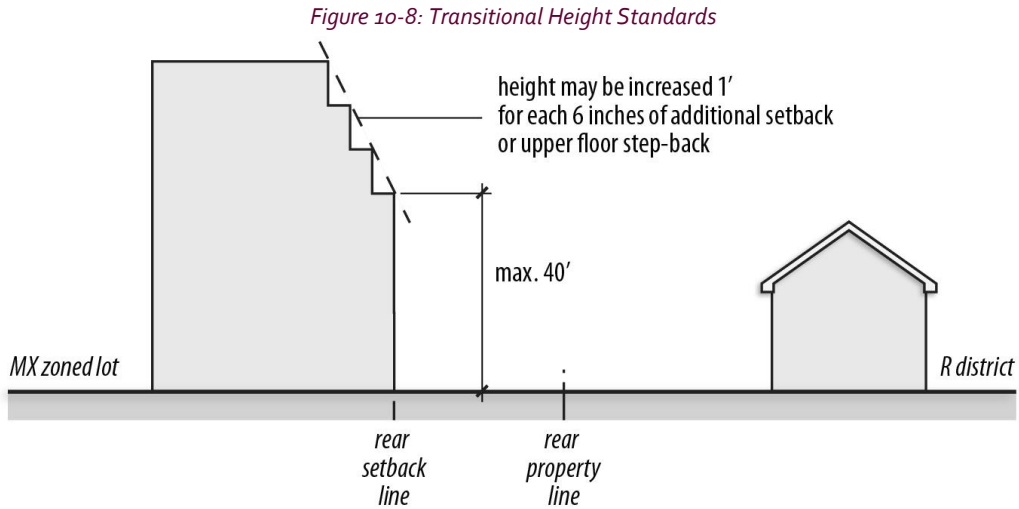
Table 10-8: MX District Height Designations

Height Designation	Maximum Height (feet)
-30	30
-40	40
-50	50
-65	65
-U	Unlimited (no maximum)

### 10.040-B Transition Standards<sup>22</sup>

For MX-zoned lots that abut an R-zoned lot or are directly across the street from an R-zoned lot and separated from such lot by a minor street right-of-way, the maximum building height limit at the point of the required minimum setback is 40 feet. Height may be increased above 40 feet by up to one foot (vertical) for each 6 inches of additional building setback, up the maximum height allowed in the district. The additional setback may be provided for the entire building or only the portion of the building above 40 feet in height (see Figure 10-8).

<sup>22</sup> Proposed requirement for transitional heights triggered by R zoning on opposite side of minor street are being studied for further refinement or possible elimination.



### Section 10.050 Other Relevant Regulations

Uses and development in mixed-use zoning districts may be subject to other regulations and standards, including the following.

- 10.050-A Nonconformities  
See [Chapter 80](#).
- 10.050-B Accessory Uses and Structures  
See [Chapter 45](#).
- 10.050-C Parking  
See [Chapter 55](#).
- 10.050-D Signs  
See [Chapter 60](#).
- 10.050-E Landscaping and Screening  
See [Chapter 65](#).
- 10.050-F Temporary Uses  
See [Chapter 50](#).
- 10.050-G Outdoor Lighting  
See [Section 65.090](#).



## Chapter 15 | Office, Commercial and Industrial Districts

Section 15.010	General .....	15-1
Section 15.020	Use Regulations .....	15-1
Section 15.030	Lot and Building Regulations .....	15-5
Section 15.040	Other Relevant Regulations .....	15-6

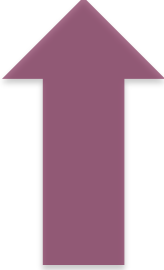
### Section 15.010 General

#### 15.010-A Districts

##### 1. List

The office, commercial and industrial zoning districts are listed in [Table 15-1](#). When this zoning code refers to “office,” “commercial” or “industrial” zoning districts or to “O,” “C” or “I” districts, respectively, it is referring to these districts.

*Table 15-1: Office, Commercial and Industrial Zoning Districts*

Map Symbol	District Name	Relative Intensity Scale
OL	Office–Low	
OM	Office–Medium	
OMH	Office–Medium-High	
OH	Office–High	
CS	Commercial Shopping	
CG	Commercial General	
CH	Commercial–High	
CBD	Central Business District	
IL	Industrial–Light	
IM	Industrial–Moderate	
IH	Industrial–Heavy	

##### 2. Purposes

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

### Section 15.020 Use Regulations

Principal uses are allowed in office, commercial and industrial districts in accordance with [Table 15-2](#).

#### 15.020-A Use Classification System

Uses are listed in the first column of [Table 15-2](#). This zoning code classifies uses into categories and subcategories, which are defined in [Chapter 35](#). In some cases, specific use types are listed in addition to the use categories and subcategories. Building types are also defined in [Chapter 35](#).

#### 15.020-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 15-2](#) and with all other applicable regulations of this zoning code.

#### 15.020-C Special Exception Uses

Uses identified with an “S” may be allowed if reviewed and approved in accordance with the special exception procedures of [Section 70.120](#). Special exception uses are subject to

compliance with any supplemental regulations identified in the final column of [Table 15-2](#) and with all other applicable regulations of this zoning code.

**15.020-D Prohibited Uses**

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

**15.020-E Supplemental Regulations**

The “supplemental regulations” column of [Table 15-2](#) identifies additional regulations that apply to some uses. Unless otherwise expressly stated, compliance with these regulations is required regardless of whether the use is permitted as-of-right or requires special exception approval.

**15.020-F Accessory Uses**

Accessory uses are not regulated by [Table 15-2](#). Customary accessory uses are allowed in conjunction with principal uses permitted by right or by special exception, subject to compliance with all applicable accessory use regulations of [Chapter 45](#).

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

USE CATEGORY	OL	OM	OMH	OH	CS	CG	CH	CBD	IL	IM	IH	Supplemental Regulations
<b>RESIDENTIAL</b>												
<b>Household Living</b>												
Detached house	P	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	–	–	–	
Townhouse	P	P	P	P	P	P	P	P	–	–	–	
Duplex	P	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	–	–	–	
<u>Multi-unit House</u>	<u>P</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	–	–	–	
Apartment/condo	S	P	P	P	P	P	P	P	–	–	–	<a href="#">Section 40.030</a>
Manufactured housing unit	–	–	–	–	–	S	S	–	S	S	S	<a href="#">Section 40.210</a>
<b>Group Living</b>												<a href="#">Section 40.160</a>
Assisted living facility	S	P	P	P	P	P	P	P	–	–	–	
Community group home	S	P	P	P	P	P	P	P	–	–	–	<a href="#">Section 40.100</a>
Convent/monastery/novitiate	S	P	P	P	P	P	P	P	–	–	–	
Elderly/retirement center	S	P	P	P	P	P	P	P	–	–	–	
Fraternity/Sorority	S	P	P	P	P	P	P	P	–	–	–	
Homeless center	S	S	S	S	S	S	S	S	S	S	S	<a href="#">Section 40.130</a>
Life care retirement center	S	P	P	P	P	P	P	P	–	–	–	
Re-entry facility	S	P	P	P	S	S	S	S	P	S	S	
Residential treatment center	S	P	P	P	S	S	S	S	P	S	S	<a href="#">Section 40.130</a>
Rooming/boardng house	S	P	P	P	P	P	P	P	–	–	–	
Shelter, emergency and protective	S	S	S	S	S	S	S	S	S	S	S	<a href="#">Section 40.130</a>
Transitional living center	S	P	P	P	S	S	S	S	P	S	S	<a href="#">Section 40.130</a>
<b>PUBLIC, CIVIC AND INSTITUTIONAL</b>												
<b>Airport</b>	S	S	S	S	S	S	S	S	S	S	S	
<b>Cemetery</b>	S	S	S	S	S	S	S	S	S	S	S	<a href="#">Section 40.150</a>
<b>College or University</b>	S	P	P	P	P	P	P	P	S	S	S	<a href="#">Section 40.070</a>
<b>Day Care<sup>23</sup></b>	S	P	P	P	P	P	P	P	S	S	S	

<sup>23</sup> Family day care home, which is permitted by right in all R, O and C districts, has been moved to accessory use regulations of Chapter 45.

USE CATEGORY	OL	OM	OMH	OH	CS	CG	CH	CBD	IL	IM	IH	Supplemental Regulations
<b>Subcategory</b>												
<b>Specific use</b>												
<b>Detention and Correctional Facility</b>	S	S	S	S	S	S	S	S	S	S	S	<a href="#">Section 40.330</a>
<b>Fraternal Organization</b>	S	S	S	S	S	S	S	S	S	S	S	
<b>Governmental Service</b>	S	S	S	S	S	S	S	S	S	S	S	
<b>Hospital</b>	S	P	P	P	P	P	P	P	S	S	S	<a href="#">Section 40.070</a>
<b>Library or Cultural Exhibit</b>	S	P	P	P	P	P	P	P	S	S	S	
<b>Natural Resource Preservation</b>	P	P	P	P	P	P	P	P	P	P	P	
<b>Parks and Recreation</b>	S	P	P	P	P	P	P	P	S	S	S	
<b>Postal Services</b>	S	S	S	S	S	S	S	S	S	S	S	
<b>Religious Assembly</b>	S	P	P	P	P	P	P	P	S	S	S	<a href="#">Section 40.320</a>
<b>Safety Service</b>	S	S	S	S	P	P	P	P	P	P	P	
<b>School</b>												
Established on or before Jan. 1, 1998	P	P	P	P	P	P	P	P	P	P	P	<a href="#">Section 40.350</a>
Others	S	P	P	P	P	P	P	P	S	S	S	<a href="#">Section 40.350</a>
<b>Utilities and Public Service Facility</b>												
Minor	S	S	S	S	P	P	P	P	P	P	P	
Major	S	S	S	S	S	S	S	S	S	S	S	
<b>Wireless Communication Facility</b>												
Freestanding tower	S	S	S	S	P	P	P	P	P	P	P	<a href="#">Section 40.420</a>
Building or tower-mounted antenna	P	P	P	P	P	P	P	P	P	P	P	<a href="#">Section 40.420</a>
<b>COMMERCIAL</b>												
<b>Animal service</b>												<a href="#">Section 40.020</a>
Boarding or shelter	-	-	-	-	S	P	P	P	P	P	P	
Grooming	-	-	-	-	P	P	P	P	P	P	P	
Veterinary	-	-	-	-	P	P	P	P	P	P	P	
<b>Assembly and Entertainment</b>												<a href="#">Section 40.040</a>
Indoor gun club <sup>24</sup>	-	-	-	-	S	S	S	S	S	S	S	<a href="#">Section 40.040</a>
Other indoor												
Small (up to 250-person capacity)	-	-	-	-	P[2]	P[2]	P[2]	P[2]	S	S	S	<a href="#">Section 40.040</a>
Large (>250-person capacity)	-	-	-	-	S	S	S	S	S	S	S	<a href="#">Section 40.040</a>
Outdoor gun club	-	-	-	-	S	S	S	-	S	S	S	<a href="#">Section 40.040</a>
Other outdoor	-	-	-	-	S	S	S	S	S	S	S	<a href="#">Section 40.040</a>
<b>Broadcast or Recording Studio</b>	P	P	P	P	P	P	P	P	P	P	P	
<b>Commercial Service</b>												
Building service	-	-	-	-	S	P	P	P	P	P	P	
Business support service	-	-	-	-	P	P	P	P	P	P	P	<a href="#">Section 40.300</a>
Consumer maintenance/repair service	-	-	-	-	P	P	P	P	P	P	P	
Personal improvement service	S <sup>25</sup>	S <sup>25</sup>	S <sup>25</sup>	S <sup>25</sup>	P	P	P	P	P	P	P	
Research service	-	-	-	-	-	S	P	P	P	P	P	
<b>Financial Services (except as below)</b>	P	P	P	P	P	P	P	P	P	P	P	
Personal credit establishment	-	-	-	-	P	P	P	P	P	P	P	<a href="#">Section 40.300</a>
<b>Funeral or Mortuary Service</b>	P	P	P	P	P	P	P	P	P	P	P	
<b>Lodging</b>												
Bed & breakfast	S	S	S	S	S	S	S	S	S	S	S	<a href="#">Section 40.060</a>
Campgrounds and RV parks	-	-	-	-	S	P	P	P	P	P	P	
Hotel/motel	-	-	S	S	P	P	P	P	S	S	S	

<sup>24</sup> Unless otherwise noted, this table represents the consultant’s interpretation of the existing zoning code, which under use unit 2 allows a very broad range of uses (as special exceptions). Indoor and outdoor gun clubs are proposed to be removed from the list of uses allowed in office districts, and outdoor gun clubs have been removed from the CBD district.

<sup>25</sup> This is a change; currently, only barber/beauty shops are allowed by special exception in the “O” districts.

USE CATEGORY	OL	OM	OMH	OH	CS	CG	CH	CBD	IL	IM	IH	Supplemental Regulations
<b>Subcategory</b>												
<b>Specific use</b>												
<b>Marina</b>	S	S	S	S	S	S	S	S	S	S	S	
<b>Office</b>												<a href="#">Section 40.260</a>
Business or professional office	P	P	P	P	P	P	P	P	P	P	P	
Medical, dental or health practitioner office	P	P	P	P	P	P	P	P	P	P	P	
Plasma center	-	-	-	-	P	P	P	P	P	P	P	<a href="#">Section 40.300</a>
<b>Parking, Non-accessory</b>	P	P	P	P	P	P	P	P	P	P	P	
<b>Restaurants and Bars</b>												
Restaurant	P[1]	P[1]	P[1]	P[1]	P	P	P	P	P	P	P	<a href="#">Section 40.330</a>
Bar	-	-	-	-	P[2]	P[2]	P[2]	P[2]	S	S	S	<a href="#">Section 40.050</a>
Brewpub	-	-	-	-	S	S	S	P[2]	S	S	S	<a href="#">Section 40.050</a>
Private club	-	S[1]	S[1]	P[1]	P[2]	P[2]	P[2]	P[2]	S	S	S	<a href="#">Section 40.050</a>
<b>Retail Sales</b>												<a href="#">Section 40.340</a>
Building supplies and equipment	-	-	-	-	P	P	P	P	P	P	P	
Consumer shopping goods	-	S[3]	S[3]	P[3]	P	P	P	P	P	P	P	
Convenience goods	-	S[3]	S[3]	P[3]	P	P	P	P	P	P	P	<a href="#">Section 40.300</a>
<b>Self-service Storage Facility</b>	S	S	S	S	S	P	P	P	P	P	P	<a href="#">Section 40.360</a>
<b>Sexually Oriented Business Establishment</b>	-	-	-	-	P	P	P	P	S	S	S	<a href="#">Section 40.370</a>
<b>Studio, Artist or Instructional Service</b>	P	P	P	P	P	P	P	P	P	P	P	<a href="#">Section 40.380</a>
<b>Trade School</b>	-	-	-	-	S	P	P	P	P	P	P	
<b>Vehicle Sales and Service</b>												<a href="#">Section 40.400</a>
Commercial vehicle repair/maintenance	-	-	-	-	S	P	P	P	P	P	P	
Truck stop	-	-	-	-	-	S	S	-	P	P	P	
Commercial vehicle sales and rentals	-	-	-	-	S	P	P	P	P	P	P	
Fueling station	-	-	-	-	P	P	P	P	P	P	P	
Personal vehicle repair and maintenance	-	-	-	-	P	P	P	P	P	P	P	
Personal vehicle sales and rentals	-	-	-	-	S	P	P	P	P	P	P	
Vehicle part and supply sales	-	-	-	-	P	P	P	P	P	P	P	
Vehicle body and paint finishing shop	-	-	-	-	S	P	P	P	P	P	P	
<b>WHOLESALE, DISTRIB. &amp; STORAGE</b>												<a href="#">Section 40.410</a>
<b>Equip. &amp; Materials Storage, Outdoor</b>	-	-	-	-	S	P	P	P	P	P	P	
<b>Trucking and Transportation Terminal</b>	-	-	-	-	S	P	P	P	P	P	P	
<b>Warehouse</b>	-	-	-	-	S	P	P	P	P	P	P	
<b>Wholesale Sales and Distribution</b>	-	-	-	-	S	P	P	P	P	P	P	
<b>INDUSTRIAL</b>												<a href="#">Section 40.180</a>
<b>Low-impact Manufacturing &amp; Industry</b>	-	-	-	-	-	S	S	S	P	P	P	
<b>Moderate-impact Manufacturing &amp; Industry</b>	-	-	-	-	-	-	-	-	S	P	P	
<b>High-impact Manufacturing &amp; Industry</b>	-	-	-	-	-	-	-	-	-	S	P	
<b>Mining or Mineral Processing</b>	-	-	-	-	-	-	-	-	-	S	S	<a href="#">Section 40.230</a>
<b>Junk or Salvage Yard</b>	-	-	-	-	-	-	-	-	-	S	P	<a href="#">Section 40.190</a>
<b>RECYCLING</b>												<a href="#">Section 40.310</a>
<b>Construction or Demolition Debris</b>	-	-	-	-	-	-	-	-	S	S	P	
<b>Consumer Material Drop-off Station</b>	-	-	-	-	S	P	P	P	P	P	P	
<b>Consumer Material Processing</b>	-	-	-	-	-	-	-	-	P	P	P	
<b>AGRICULTURAL</b>												
<b>Animal Husbandry</b>	-	-	-	-	-	-	-	-	-	P	P	
<b>Community Garden</b>	P	P	P	P	P	P	P	P	P	P	P	<a href="#">Section 40.090</a>
<b>Farm, Market- or Community-supported<sup>26</sup></b>	P	P	P	P	P	P	P	P	P	P	P	

<sup>26</sup> "Cultivation," "grazing," "planting" and "forestry" are currently permitted as of right in all districts as "passive" agriculture (use group 1). Farming, ranching and animal/poultry raising are permitted only in the AG district (use group 3).

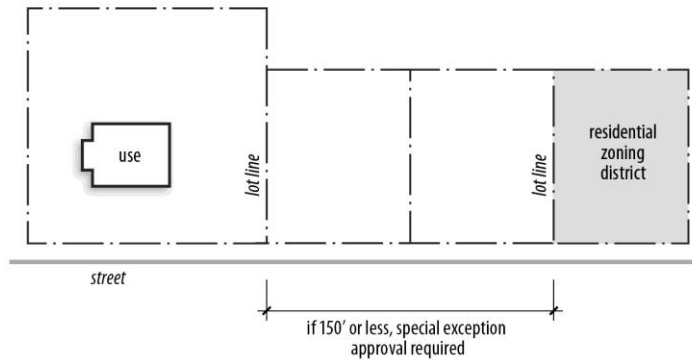
USE CATEGORY	OL	OM	OMH	OH	CS	CG	CH	CBD	IL	IM	IH	Supplemental Regulations
Subcategory												
Specific use												
Greenhouse	-	-	-	-	S	P	P	P	P	P	P	
Horticulture Nursery	-	-	-	-	-	-	-	-	P	P	P	
<b>OTHER</b>												
Drive-in or Drive-through Facility <sup>27</sup> (accessory to an <a href="#">as a component of an</a> allowed principal use)	S	S	SP	SP	SP	P	P	PS	P	P	P	<a href="#">Section 55.100</a>
Off-Premise Outdoor Advertising Sign [4]	-	-	-	-	P	P	P	P	P	P	P	<a href="#">Chapter 60</a>
Oil or Gas Well	S	S	S	S	S	S	S	S	S	S	S	<a href="#">Section 40.270</a>

15.020-G Table Notes

The following notes refer to the bracketed numbers (e.g., "[1]") in [Table 15-2](#):

- [1] Use must be located entirely within the principal office building and may not occupy more than 5% of the gross floor area.
- [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 (see [Figure 15-1](#)).

Figure 15-1: Special Exception Requirement within 150 Feet of R zoning



- [3] Retail sales uses that are allowed in O districts must be located entirely within the principal building and may not occupy more than 15% of the gross floor area of the building in which such uses are located.
- [4] Allowed in specified zoning district only when location within freeway sign corridors. See [Chapter 60](#) for other supplemental regulations that apply to off-premise outdoor advertising signs.

Section 15.030 Lot and Building Regulations

15.030-A Table of Regulations

The lot and building regulations of [Table 15-3](#) apply to all principal uses and structures in office, commercial and industrial districts, except as otherwise expressly stated in this zoning code. General exceptions to lot and building regulations and rules for measuring compliance can be found in [Chapter 90](#). Additional regulations governing accessory uses and structures can be found in [Chapter 45](#).

<sup>27</sup> The grouping of all drive-in uses and uses with drive-through windows is a change.

Table 15-3: O, C and I District Lot and Building Regulations

Regulations	OL	OM	OMH	OH	CS	CG	CH	CBD	IL	IM	IH
Minimum Lot Area (sq. ft.)	–	–	–	10,000	–	–	–	–	–	–	–
Minimum Street Frontage <sup>28</sup> (feet)	50	50	50	–	50	50	–	–	50	50	50
Maximum Floor Area Ratio (FAR)	0.40 <sup>29</sup>	0.50	2.00	8.00	0.50	0.75	–	–	–	–	–
Minimum Lot Area per Unit (sq. ft.)	[1]	[2]	[2]	[3]	[2]	[2]	–	–	[2]	[2]	[2]
Min. Open Space per Unit <sup>30</sup> (sq. ft.)	[1]	[2]	[2]	[3]	[2]	[2]	–	–	[2]	[2]	[2]
<b>Building Setbacks (feet)</b>											
Street <sup>31</sup>	25	25	25	10	25	25	0	0	25	25	25
From AG or R district	10	10[4]	10[4]	10	10[4]	10[4]	0	0	75[6]	75[6]	75[6]
From O district	–	–	–	–	–	–	–	–	75[6]	75[6]	75[6]
Max. Building Coverage (% of lot)	–	–	–	–	–	–	–	–	–	–	–
Maximum Building Height (feet)	35 <sup>32</sup>	–	–	–	–	–	–	–	–	–	–

15.030-B Table Notes

The following notes refer to the bracketed numbers (e.g., “ [1]”) in [Table 15-3](#):

- [1] Same as required in RT district.
- [2] Same as required in RM2 district.
- [3] Same as required in RM3 district.
- [4] When abutting RE-, RS- or RD-zoned lot, 2 feet of add'l building setback required for each foot of building height above 15 feet.
- [5] When abutting RE- or RS-zoned lot, 2 feet of add'l building setback required for each one foot of building height above 35 feet.
- [6] Minimum building setback abutting freeway right-of-way that is zoned AG, R or O is 10 feet.

**Section 15.040 Other Relevant Regulations**

Uses and development in office, commercial and industrial zoning districts may be subject to other regulations and standards, including the following.

15.040-A Outdoor Storage and Display

In the CS district, outdoor storage and outdoor merchandise display is prohibited within 300 feet of an abutting R district.

15.040-B Nonconformities

See [Chapter 80](#).

15.040-C Accessory Uses and Structures

See [Chapter 45](#).

15.040-D Parking

See [Chapter 55](#).

15.040-E Signs

See [Chapter 60](#).

<sup>28</sup> This is a change; current code requires greater frontage for lots on arterial or freeway service roads.  
<sup>29</sup> This is a change; current code establishes max FAR of 0.30 in OL, with the ability to go to 0.40 by special exception.  
<sup>30</sup> Formerly referred to as “livability space.”  
<sup>31</sup> This is a change; current code establishes different setbacks for arterial and non-arterial streets. This draft proposes a single standard, based on the non-arterial requirement.  
<sup>32</sup> This is a change: existing height limit is one-story for all buildings in OL district.

15.040-F Landscaping and Screening

See [Chapter 65](#).

15.040-G Temporary Uses

See [Chapter 50](#).

15.040-H Outdoor Lighting

See [Section 65.090](#).

## Chapter 20 | Overlay Districts

Section 20.010	General .....	20-1
Section 20.020	HP, Historic Preservation Overlays .....	20-2
Section 20.030	RC, Residential Character Overlays.....	20-3
Section 20.040	PB, Plan-Based Overlays.....	20-4

### Section 20.010 General

#### 20.010-A Purpose and Intent

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 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 regulation issue.

#### 20.010-B Establishment

Overlay districts are shown on the official zoning map. Overlay districts may be established, amended or eliminated only in accordance with the zoning map amendment procedures of [Section 70.030](#).

#### 20.010-C Interpretation

1. All applicable regulations of the underlying base zoning district apply to property in an overlay district unless otherwise expressly stated in the overlay district regulations.
2. When overlay regulations conflict with regulations that otherwise apply in the underlying base zoning district, the regulations of the applicable overlay govern. If property is classified in multiple overlay districts and the regulations of one overlay district conflict with the regulations of another overlay district, the more restrictive regulations govern.

#### 20.010-D Procedure

The following procedures apply to the establishment of all overlay districts unless otherwise expressly stated.

1. Overlay district regulations must be established in accordance with the zoning code text amendment procedures of [Section 70.020](#).
2. Zoning map amendments establishing, expanding or reducing the boundaries of an overlay district must be established in accordance with the zoning map amendment procedures of [Section 70.030](#).
3. A recommendation to establish an overlay district must be accompanied by a report containing at least the following information:



- a. Specific findings regarding the need for the proposed overlay and its consistency with the zoning code's general purposes ([Section 1.050](#)) and the stated purpose and intent of the applicable overlay.
- b. Any recommended overlay-specific use, development or design regulations that will apply within the overlay and what actions (e.g., new development, building additions, change of use) will trigger compliance with those regulations.
- c. A description of public education and outreach activities undertaken to inform property owners, residents and tenants of the effect of proposed overlay regulations;
- d. A map showing the boundaries of the proposed overlay, including all lots included within the boundaries and identifying those owners of property within the proposed overlay who have indicated, in writing, their support or opposition to the overlay district text or map amendment. Property owners may submit their written indication of support or opposition at informal informational meetings, at public hearings, or by writing directly to the land use administrator or planning commission. The report and all other pertinent information must be transmitted to the planning commission and city council before their public hearing and final action, respectively.

## **Section 20.020 HP, Historic Preservation Overlays**

### **20.020-A Purposes**

HP, Historic Preservation overlay districts and the other historic preservation-related regulations of this zoning code are intended to:

1. Promote the educational, cultural, economic and general welfare of the public through the conservation, preservation, protection and regulation of historic resources within the City of Tulsa;
2. Safeguard the cultural, social, political and architectural heritage of the city by conserving, preserving and regulating historic preservation districts;
3. Conserve, preserve and enhance the environmental quality and economic value of historic preservation districts;
4. Strengthen the city's economic base by promotion of conservation and reuse of the city's historic resources; and
5. Promote the development of the community in accordance with the comprehensive plan and historic preservation plan.

### **20.020-B Use Regulations**

The use regulations of the underlying base zoning district apply in HP overlay districts.

### **20.020-C Lot and Building Regulations**

The lot and building regulations of the underlying base zoning district apply in HP overlay districts.

### **20.020-D Design Guidelines**

Design guidelines governing the applicable HP zoning district must be adopted before or concurrent with any HP zoning map amendments.

**20.020-E Establishment or Amendment of HP Overlay Districts**

See [§20.010-D](#) and [Section 70.060](#) for procedures and requirements governing establishment or amendment of HP overlay districts.

**20.020-F HP Permits<sup>33</sup>**

See [Section 70.070](#) for requirements and procedures governing the review and approval of HP permits in HP overlay districts.

**Section 20.030 RC, Residential Character Overlays<sup>34</sup>**

**20.030-A General**

This section establishes the general authority and basic procedure for establishment of RC, Residential Character overlay districts.

**20.030-B Purpose and Intended Use**

1. RC overlays are intended to address neighborhood planning and design issues when other available zoning tools or other techniques cannot achieve the desired results. RC overlays may be used to relax or eliminate requirements that apply under base zoning or to impose requirements in addition to those of base zoning. RC overlays may be appropriate for one or more of the following purposes:
  - a. Protect unique development, building or land use patterns in residential areas when such patterns are not adequately addressed by applicable zoning regulations;
  - b. Promote reinvestment and redevelopment in residential areas where change is desired and when existing zoning regulations hinder achievement of the desired change; or
  - c. Help implement neighborhood plans or planning studies.
2. Without limiting the general purpose and intent of [§20.030-B1](#), RC overlays may be used for the following express purposes:
  - a. Allow principal or accessory uses that are not allowed under base zoning; or
  - b. Establish reasonable, clear and objective site, building and design standards that promote the general purpose established in [§20.030-B1](#).
3. RC overlays may not be used to:
  - a. Impose greater restrictions on residential density than the base zoning;
  - b. Prohibit uses allowed under base zoning;
  - c. Prohibit off-street parking that is otherwise allowed under the base zoning;
  - d. Impose subjective design requirements; or
  - e. Require review by boards or commissions that are not required under base zoning.

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<sup>33</sup> "HP permit" is the new proposed name for "certificate of appropriateness "

<sup>34</sup> This is a new proposed overlay.

**20.030-C Underlying Zoning**

RC overlays may be approved only in areas classified in a residential base zoning district.

**20.030-D Minimum Contiguous Areas**

Proposed RC overlay boundaries must encompass at least 10 lots, and in all cases must include at least one acre of contiguous land area. Smaller areas may be designated as RC overlays if they abut and extend an existing RC overlay district or if they include all lots within an original subdivision plat.

**20.030-E Establishment or Amendment of RC Overlay Districts**

Property owner-initiated applications to establish or expand the boundaries of an RC overlay district must be signed by all (100%) owners of property within the boundaries of the proposed overlay. See [§20.010-D](#) for additional procedures and requirements governing establishment or amendment of RC overlay districts.

**20.030-F Recordation**

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

**Section 20.040 PB, Plan-Based Overlays<sup>35</sup>**

**20.040-A General**

This section establishes the general authority and basic procedure for establishment of PB, Plan-Based overlay districts.

**20.040-B Purpose and Intended Use**

1. PB overlays are intended to allow for adjustments in an area's underlying base zoning as a means of carrying out the policies of an adopted neighborhood or area plan. PB overlays may be used to relax or eliminate requirements that apply under base zoning or to impose requirements in addition to those of base zoning. PB overlays may be appropriate for one or more of the following purposes:
  - a. Protect unique development, building or land use patterns that are not adequately addressed by otherwise applicable zoning regulations; or
  - b. Promote reinvestment and redevelopment in areas where change is desirable and where existing zoning regulations hinder or fall short of achieving desired outcomes.
2. Without limiting the general purpose and intent of [§20.040-B1](#), PB overlays may be used for the following express purposes:
  - a. Allow principal or accessory uses that are not allowed under base zoning; or
  - b. Establish reasonable, clear and objective site, building and design standards that promote the general purpose established in [§20.040-B1](#).
3. PB overlays may not be used to:

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<sup>35</sup> This is a new proposed overlay.

- a. Impose greater restrictions on residential density or nonresidential floor area than the applicable base zoning;
- b. Prohibit uses allowed under base zoning;
- c. Prohibit off-street parking that is otherwise allowed under the base zoning;
- d. Impose subjective design requirements; or
- e. Require review by boards or commissions that are not required under base zoning.

**20.040-C Underlying Zoning**

PB overlays may be approved in areas classified in any residential or nonresidential base zoning district, except the CB district. PB overlays may not be applied in combination with CB zoning.

**20.040-D Required Plan**

PB overlays may be approved only when the overlay is consistent with and will help to implement a neighborhood plan or other plan that has been:

1. Prepared following an inclusive, transparent, and equitable planning process including opportunities for property owner and citizen participation;
2. Adopted by the planning commission; and
3. Approved by the city council.

**20.040-E Minimum Contiguous Areas**

Proposed PB overlay boundaries must encompass at least 10 lots, and in all cases must include at least an entire block face. Smaller areas may be designated as PB overlays if they abut and extend an existing PB overlay district.

**20.040-F Establishment or Amendment of PB Overlay Districts**

Property owner-initiated applications to establish or expand the boundaries of a PB overlay district must be signed by all (100%) owners of property within the boundaries of the proposed zoning map amendment. See [§20.010-D](#) for additional procedures and requirements governing establishment or amendment of PB overlay districts.

**20.040-G Recordation**

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

## Chapter 25 | Special Districts

Section 25.010	General .....	25-1
Section 25.020	AG, Agricultural District .....	25-1
Section 25.030	PK, Parking District .....	25-3
Section 25.040	CO, Corridor District .....	25-4
Section 25.050	SR, Scientific Research District .....	25-8
Section 25.060	IMX, Institutional Mixed-Use .....	25-10
Section 25.070	MPD, Master Planned Development District .....	25-18

### Section 25.010 General

#### 25.010-A Purpose

Like overlay zoning districts, special purpose zoning districts are tools for dealing with unique neighborhoods or settings or accomplishing special planning and zoning goals. Unlike overlay districts, however, special districts are base zoning classifications; they do not “over-lay” other base zoning districts.

#### 25.010-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 [Section 70.030](#).

### Section 25.020 AG, Agricultural District

#### 25.020-A Purpose

The AG, Agricultural district is primarily intended to accommodate agricultural, mining or mineral processing uses in rural areas. The district also allows very low-density residential and other uses and serves as a holding zone pending an orderly transition to more urban development that can be efficiently served by public facilities and services.

#### 25.020-B Use Regulations

1. Uses are allowed in AG districts in accordance with [Table 25-1](#). These uses are described in [Chapter 35](#). Uses identified with a “P” are permitted as-of-right. Uses identified with an “S” may be allowed only if reviewed and approved in accordance with the special exception procedures of [Section 70.120](#). All allowed uses are subject to compliance with all other applicable regulations of this zoning code.
2. Uses identified with an “–” are expressly prohibited. Uses that are not listed in the table and that cannot be reasonably interpreted (as stated in [§35.020-E](#)) to fall within one of those uses are also prohibited.

*Table 25-1: AG District Use Regulations*

USE CATEGORY		Supplemental Use Regulations
Subcategory	AG	
Specific use (See <a href="#">Chapter 25</a> )		
<b>RESIDENTIAL</b>		
<b>Household Living</b>		
Detached house	P	
Manufactured housing unit	S	

USE CATEGORY	AG	Supplemental Use Regulations
<b>Subcategory</b> Specific use (See <a href="#">Chapter 25</a> )		
<b>Group Living</b>		<a href="#">Section 40.160</a>
Community group home	S	<a href="#">Section 40.100</a>
Convent/monastery/novitiate	S	
<b>PUBLIC, CIVIC AND INSTITUTIONAL</b>		
<b>Airport</b>	S	
<b>Cemetery</b>	S	
<b>College</b>	S	
<b>Detention and Correctional Facility</b>	S	<a href="#">Section 40.130</a>
<b>Fraternal Organization</b>	S	<a href="#">Section 40.140</a>
<b>Governmental Service</b>	S	
<b>Hospital</b>	S	
<b>Library or Cultural Exhibit</b>	S	<a href="#">Section 40.200</a>
<b>Natural Resource Preservation</b>	P	
<b>Parks and Recreation</b>	S	
<b>Postal Service</b>	S	
<b>Religious Assembly</b>	S	<a href="#">Section 40.320</a>
<b>School</b>		
Established on or before Jan. 1, 1998	P	<a href="#">Section 40.350</a>
Others	S	<a href="#">Section 40.350</a>
<b>Utilities and Public Service Facility</b>		
Minor	P	
Major	S	
<b>Wireless Communication Facility</b>		
Freestanding tower	S	<a href="#">Section 40.420</a>
Building or tower-mounted antenna	P	<a href="#">Section 40.420</a>
<b>COMMERCIAL</b>		
<b>Assembly and Entertainment</b>		<a href="#">Section 40.040</a>
Indoor gun club	S	
Outdoor gun club	S	
Stable or riding academy	P	
Other indoor assembly and entertainment	S	
Other outdoor assembly and entertainment	S	
<b>Day Care</b>	S	<a href="#">Section 40.120</a>
<b>Funeral and Mortuary Service</b>		
Crematory	S	
<b>Lodging</b>		
Bed & breakfast	S	<a href="#">Section 40.060</a>
Rural retreat	S	
<b>Marina</b>	S	
<b>INDUSTRIAL</b>		
<b>Mining or Mineral Processing</b>	S	<a href="#">Section 40.180</a>
		<a href="#">Section 40.230</a>
<b>AGRICULTURAL</b>		
<b>Animal Husbandry</b>	P	
<b>Community Garden</b>	P	<a href="#">Section 40.090</a>
<b>Farm, Market- or Community-supported</b>	P	
<b>Horticulture Nursery</b>	S	
<b>OTHER</b>		
<b>Oil or Gas Well</b>	S	<a href="#">Section 40.270</a>

25.020-C Lot and Building Regulations

The lot and building regulations of [Table 25-2](#) apply to all principal uses and structures in AG districts, except as otherwise expressly stated in this zoning code. General exceptions

to lot and building regulations and rules for measuring compliance can be found in [Chapter 90](#). Additional regulations governing accessory uses and structures can be found in [Chapter 45](#).

Table 25-2: AG District Lot and Building Regulations

Regulations	AG
Min. Lot Area	2 acres
Min. Lot Area per Unit	2.2 acres
Minimum Lot Width	200 feet
Min. Building Setbacks (feet)	
Street <sup>36</sup>	25
Side (one side/other side)	10/5
Rear	40
Max. Building Height (feet)	-

**Section 25.030 PK, Parking District**

**25.030-A Purpose**

The PK, Parking district is primarily intended to accommodate off-street parking areas bordering nonresidential zoning districts, while protecting nearby residential areas from adverse impacts associated with spillover parking into residential neighborhoods.

**25.030-B Use Regulations**

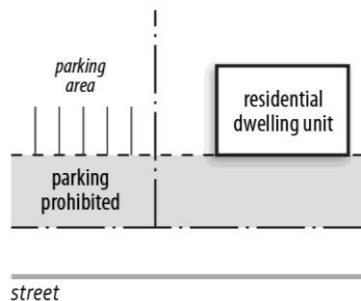
Parking lots, including parking structures, are the only uses permitted in the PK district. Such parking lots may be used for off-site accessory parking or for non-accessory parking.

**25.030-C Lot and Building Regulations<sup>37</sup>**

The following lot and building regulations apply in the PK district.

- No part of any parking space or drive aisle may be located closer to a minor street right-of-way line than any residential building occupying an abutting lot with frontage on the same minor street as the parking lot (see [Figure 25-1](#)).

Figure 25-1: Parking Setback from Street on Lots Abutting Residential Buildings

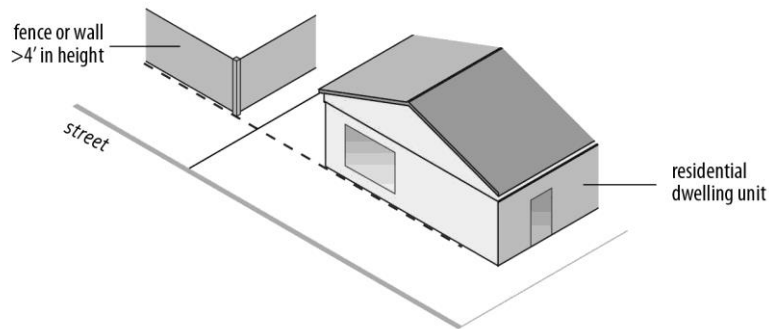


<sup>36</sup> This is a change; current code establishes different setbacks for arterial and non-arterial streets. This draft proposes a single standard, based on the non-arterial requirement.

<sup>37</sup> Existing regulations governing building setbacks and lot frontage are proposed for deletion. Building setback regulations are viewed as unnecessary in light of proposed change that would permit only at-grade and below-grade parking in the PK district.

2. When a PK district abuts an R district, a masonry screening wall must be provided along the common lot line in accordance with the F1 screening fence or wall standards of §65.060-C2.
3. No fence or wall more than 4 feet in height may be located closer to the street right-of-way line than any residential building occupying an abutting lot with frontage on the same street as the parking lot (see Figure 25-2).

Figure 25-2: Fence Setback from Street Abutting Residential Building



4. Buildings in the PK district may exceed 35 feet in height, unless reviewed and approved in accordance with the special exception procedures of Section 70.120.<sup>38</sup>

## Section 25.040 CO, Corridor District

### 25.040-A Purpose

The CO, Corridor district is established to allow and encourage high-intensity, multi-use development, in compliance with an approved development plan, in order to:

1. Allow for the development of a diversity of intense uses which benefit from mutual proximity and from the immediate service of high-capacity thoroughfares;
2. Allow for a wide range of lifestyles and housing types close to employment, recreational, shopping, and cultural facilities;
3. Maximize the interrelationship between land use and transportation and in particular encourage development patterns compatible with the evolution of transit;
4. Maximize use of higher capacity segments within the city's overall transportation network;
5. Accommodate a more productive use of land consistent with the public objectives and standards of accessibility and land use compatibility; and
6. Maintain the traffic carrying capacity of the city's transportation network by encouraging access from internal streets or private drives.

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<sup>38</sup> This proposed maximum height limit for the PK district is new. Would apply to parking garages.



25.040-B Use Regulations

1. Uses identified with a "P\*" in [Table 25-3](#) may be approved in CO districts at the time of development plan approval. Only uses approved through the development plan approval process of [Section 70.040](#) are allowed. Allowed uses are subject to compliance with all other applicable regulations of this zoning code.
2. Uses identified with an "-" are expressly prohibited. Uses that are not listed in the table are also prohibited, except as stated in [§35.020-E](#).

Table 25-3: CO District Use Regulations

USE CATEGORY	CO	Supplemental Regulations
Subcategory		
Specific use		
<b>RESIDENTIAL</b>		
Household Living	P*	
Group Living	P*	<a href="#">Section 40.160</a>
<b>PUBLIC, CIVIC AND INSTITUTIONAL</b>		
Airport	P*	
Cemetery	P*	<a href="#">Section 40.150</a>
College or University	P*	<a href="#">Section 40.070</a>
Day Care	P*	<a href="#">Section 40.120</a>
Detention and Correctional Facility	P*	<a href="#">Section 40.130</a>
Fraternal Organization	P*	
Governmental Service	P*	
Hospital	P*	<a href="#">Section 40.070</a>
Library or Cultural Exhibit	P*	
Natural Resource Preservation	P*	
Parks and Recreation	P*	
Postal Services	P*	
Religious Assembly	P*	<a href="#">Section 40.320</a>
Safety Service	P*	
School	P*	
Utilities and Public Service Facility (Major or Minor)	P*	
Wireless Communication Facility	P*	
<b>COMMERCIAL</b>		
Animal service	P*	<a href="#">Section 40.020</a>
Assembly and Entertainment	P*	<a href="#">Section 40.040</a>
Broadcast or Recording Studio	P*	
Commercial Service	P*	<a href="#">Section 40.080</a>
Financial Services (except as below)	P*	
Funeral or Mortuary Service	P*	
Lodging	P*	<a href="#">Section 40.170</a>
Marina	P*	
Office	P*	<a href="#">Section 40.260</a>
Parking, Non-accessory	P*	
Restaurants and Bars	P*	
Restaurant	P*	<a href="#">Section 40.330</a>
Bar	P*	<a href="#">Section 40.050</a>
Retail Sales	P*	<a href="#">Section 40.340</a>
Self-service Storage Facility	P*	<a href="#">Section 40.360</a>
Sexually Oriented Business Establishment	P*	<a href="#">Section 40.370</a>
Studio, Artist or Instructional Service	P*	<a href="#">Section 40.380</a>
Trade School	P*	
Vehicle Sales and Service	P*	<a href="#">Section 40.400</a>
<b>WHOLESALE, DISTRIB. &amp; STORAGE</b>		
Equip. & Materials Storage, Outdoor	P*	<a href="#">Section 40.410</a>

USE CATEGORY		Supplemental Regulations
Subcategory	CO	
Specific use		
Trucking and Transportation Terminal	P*	
Warehouse	P*	
Wholesale Sales and Distribution	P*	
<b>INDUSTRIAL</b>		<a href="#">Section 40.180</a>
Low-impact Manufacturing & Industry	P*	
Mining or Mineral Processing	-	
<b>RECYCLING</b>		<a href="#">Section 40.310</a>
Consumer Material Drop-off Station	P*	
<b>AGRICULTURAL</b>		
Community Garden	P*	<a href="#">Section 40.090</a>
Farm, Market- or Community-supported	P*	
Greenhouse	P*	
<b>OTHER</b>		
Drive-in or Drive-through Facility <i>(as a component of an allowed use)</i>	P*	
<u>Oil or Gas Well</u>	<u>S</u>	<a href="#">Section 40.270</a>

### 25.040-C Lot and Building Regulations

#### 1. Table of Regulations

The lot and building regulations of [Table 25-4](#) apply to all principal uses and structures in CO districts. Additional regulations and standards may be imposed through the development plan approval process of [Section 70.040](#). General exceptions to lot and building regulations and rules for measuring compliance can be found in [Chapter 90](#). Additional regulations governing accessory uses and structures can be found in [Chapter 45](#).

*Table 25-4: CO District Lot and Building Regulations*

Regulations	CO
Minimum Lot Area (sq. ft.)	-
Minimum Street Frontage (feet)	[1]
Maximum Floor Area Ratio (FAR)	1.25
Minimum Lot Area per Unit (sq. ft.)	800 <sup>39</sup>
Min. Open Space per Unit <sup>40</sup> (sq. ft.)	200
Minimum Building Setbacks (feet)	
Street <sup>41</sup>	85 <sup>42</sup>
From AG, R and O districts	[1]
Max. Building Coverage (% of lot)	30
Maximum Building Height (feet)	-

#### 2. Table Notes

The following notes refer to the bracketed numbers (e.g., "[1]") in [Table 25-4](#):

[1] As specified in approved development plan.

<sup>39</sup> Currently requires at least 1,000 square feet of *land* area per unit. Converting to *lot* area per dwelling unit results in an approximate 20% reduction.

<sup>40</sup> Formerly referred to as "livability space."

<sup>41</sup> This is a change; current code establishes different setbacks for arterial and non-arterial streets. This draft proposes a single standard, based on the non-arterial requirement.

<sup>42</sup> This is a change; currently different standards for different building types, ranging from 85 feet to 200 feet.

## 25.040-D Special Procedures Applicable to Corridor (CO) District Rezoning and Developments

### 1. Overview of Required Approval Process

- a. A property owner request for rezoning to the CO zoning district requires review and approval of a zoning map amendment (see [Section 70.030](#)) and a development plan (see [Section 70.040](#)) for the subject property.
- b. The planning commission is authorized to recommend and the city council is authorized to approve modifications of CO district lot and building regulations and adjustments to otherwise applicable parking, sign, landscaping, screening and outdoor lighting regulations concurrently with development plan approval.
- c. After approval of the zoning map amendment and development plan, site plan review and approval is required in accordance with the procedures of [Section 70.050](#).
- d. No building permit may be issued and no building or development may occur in a CO 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 of the county in which the property is located.

### 2. Supplemental Review and Approval Criteria

In making recommendations and decisions on CO district zoning map amendments and development plans, review and decision-making bodies must consider the zoning map amendment criteria of [§70.030-H](#) and the following factors:

- a. Whether the proposed corridor development will be compatible with the existing and expected development of surrounding areas;
- b. Whether the proposed corridor development is a unified treatment of the development possibilities of the project site;
- c. Whether provision has been made for proper access, circulation, and functional relationships of uses; and
- d. Whether the proposed corridor development is consistent with the stated purposes of this zoning code.

### 3. Subdivision Plats

- a. A corridor district subdivision plat must be filed with the planning commission and processed in accordance with the subdivision regulations.
- b. In addition to the information and submittals required pursuant to the subdivision regulations, a corridor district subdivision plat must include:
  - (1) Details regarding the approved location of uses and street arrangements;
  - (2) Provisions for the ownership and maintenance of any common open space as will reasonably ensure its continuity, conservation and maintenance. Open space may be dedicated to a private association or to the public, provided that a dedication to the public may not be accepted without the express approval of the city council; and

- (3) All covenants necessary to reasonably ensure continued compliance with the approved development plan. In order that the public interest may be protected, the City of Tulsa must be made beneficiary of the covenants pertaining to such matters as location of uses, height of structure, setbacks, screening, and access. Such covenants must provide that the City of Tulsa 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.
4. **Issuance of Building Permits**  
Building permits may be issued only after the required subdivision plat is approved and filed of record in the county clerk's office of the county in which the property is located. Any permits issued must be in accordance with the approved plat incorporating the provisions of the approved development plan.
5. **Amendments**  
Minor amendments to an approved development plan may be authorized by the planning commission, which may direct the processing of an amended development plan and subdivision plat, incorporating such changes, so long as substantial compliance is maintained with the approved development plan. Major amendment must be processed as a new development plan. See [§70.040-H](#).
6. **Abandonment of Approved Plans**  
Abandonment of an approved development plan requires review and recommendation by the planning commission and approval by the city council. Upon final action by the city council authorizing abandonment of the development plan, no building permits may be issued until a subsequent development plan and a subdivision plat has been approved and filed of record in the county clerk's office of the county in which the property is located or until the property has been rezoned to another zoning district and permits sought in accordance with the regulations applicable to the subject district.

## **Section 25.050 SR, Scientific Research District**

### **25.050-A Purpose**

The SR, Scientific Research district is intended to accommodate and promote modern, scientific research facilities and institutions.

### **25.050-B Use Regulations**

1. Principal uses are allowed in SR districts in accordance with Table 25-5. These uses are described in [Chapter 35](#). Uses identified with a "P" are permitted as-of-right. Uses identified with an "S" may be allowed if reviewed and approved in accordance with the special exception procedures of [Section 70.120](#). All allowed uses are subject to compliance with all other applicable regulations of this zoning code.
2. Uses identified with an "-" are expressly prohibited. Uses that are not listed in the table are also prohibited, except as stated in [§35.020-E](#).

Table 25-5: SR District Use Regulations

USE CATEGORY	SR	Supplemental Regulations
Subcategory Specific use		
<b>RESIDENTIAL</b>		
<b>Group Living</b>		
Homeless center	S	<a href="#">Section 40.130</a>
Life care retirement center	S	
Re-entry facility	S	
Residential treatment center	S	<a href="#">Section 40.130</a>
Shelter, emergency and protective	S	<a href="#">Section 40.130</a>
Transitional living center	S	<a href="#">Section 40.130</a>
<b>PUBLIC, CIVIC AND INSTITUTIONAL</b>		
Airport	S	
Cemetery	S	<a href="#">Section 40.150</a>
College or University	S	<a href="#">Section 40.070</a>
Day Care	S	<a href="#">Section 40.120</a>
Detention and Correctional Facility	S	<a href="#">Section 40.130</a>
Fraternal Organization	S	
Governmental Service	S	
Hospital	S	<a href="#">Section 40.070</a>
Library or Cultural Exhibit	S	
Natural Resource Preservation	P	
Parks and Recreation	S	
Postal Services	S	
Religious Assembly	S	<a href="#">Section 40.320</a>
Safety Service	P	
School		
Established on or before Jan. 1, 1998	P	<a href="#">Section 40.350</a>
Others	S	<a href="#">Section 40.350</a>
<b>Utilities and Public Service Facility</b>		
Minor	P	
Major	S	
<b>Wireless Communication Facility</b>		
Freestanding tower	P	<a href="#">Section 40.420</a>
Building or tower-mounted antenna	P	<a href="#">Section 40.420</a>
<b>COMMERCIAL</b>		
<b>Assembly and Entertainment</b>		
Indoor gun club	S	
Other indoor	-	
Outdoor gun club	S	
Other outdoor	-	
Broadcast or Recording Studio	P	
<b>Commercial Service</b>		
Research service	P	
<b>Financial Services</b> (except as below)		
Personal credit establishment	-	<a href="#">Section 40.300</a>
Funeral or Mortuary Service	P	
<b>Lodging</b>		
Bed & breakfast	S	<a href="#">Section 40.060</a>
Campgrounds and RV parks	-	
Hotel/motel	-	
Marina	S	
<b>Office</b>		
Business or professional office	P	<a href="#">Section 40.260</a>
Medical, dental or health practitioner office	P	<a href="#">Section 40.260</a>
Plasma center	-	<a href="#">Section 40.300</a>

USE CATEGORY	SR	Supplemental Regulations
Subcategory		
Specific use		
<b>Parking, Non-accessory</b>	P	
<b>AGRICULTURAL</b>		
<b>Community Garden</b>	P	<a href="#">Section 40.090</a>
<b>OTHER</b>		
<b>Drive-in or Drive-through Facility<sup>43</sup> (as a component of an allowed use)</b>	–	
<b><u>Oil or Gas Well</u></b>	S	<a href="#">Section 40.270</a>

**25.050-C Lot and Building Regulations**

The lot and building regulations of [Table 25-6](#) apply to all principal uses and structures in SR districts, except as otherwise expressly stated in this zoning code. General exceptions to lot and building regulations and rules for measuring compliance can be found in [Chapter 90](#). Additional regulations governing accessory uses and structures can be found in [Chapter 45](#).

*Table 25-6: SR District Lot and Building Regulations*

Regulations	SR
<b>Minimum Lot Area</b> (sq. ft.)	–
<b>Minimum Street Frontage<sup>44</sup></b> (feet)	200
<b>Maximum Floor Area Ratio (FAR)</b>	0.50
<b>Minimum Lot Area per Unit</b> (sq. ft.)	–
<b>Minimum Building Setbacks</b> (feet)	
Street <sup>45</sup>	50
From AG or R district	50[1][2]
From O district	50[1][2]

[1] When abutting RE- or RS-zoned lot, 2 feet of add'l building setback required for each one foot of building height above 35 feet.

[2] Minimum building setback abutting freeway right-of-way that is zoned AG, R or O is 10 feet.

**25.050-D Supplemental Regulations**

In the SR district, all research service uses must be conducted within a completely enclosed building.

**Section 25.060 IMX, Institutional Mixed-Use<sup>46</sup>**

**25.060-A General**

**1. Purposes**

The Institutional Mixed-Use (IMX) district is designed to:

- a. Achieve the economic objectives of the *Comprehensive Plan* by encouraging sustainable growth of regional job centers anchored by institutions.
- b. Meet the need for medical and educational services in the metropolitan area and trade area.

<sup>43</sup> The grouping of all drive-in uses and uses with drive-through windows is a change.

<sup>44</sup> This is a change; current code requires greater frontage for lots on arterial or freeway service roads.

<sup>45</sup> This is a change; current code establishes different setbacks for arterial and non-arterial streets. This draft proposes a single standard, based on the non-arterial requirement.

<sup>46</sup> Renamed version of recently adopted MX-I district.

- c. Provide an environment conducive to the development and conservation of medical and educational institutions.
  - d. Permit the establishment of uses which are customarily located in proximity to such institutions.
  - e. Accommodate a mix of uses and encourage a compatible relationship with adjoining land uses and thoroughfares by:
    - (1) Establishing lot and building regulations, including transitional height regulations, which help to ensure compatibility among areas with different uses and development intensities;
    - (2) Requiring off-street parking and loading facilities to mitigate vehicular impacts in surrounding residential areas;
    - (3) Controlling the number, size, height, display surface area, location and types of signs; and
    - (4) Preserving, enhancing and creating open space.
2. Zoning Criteria
- a. Properties proposed for IMX zoning must include one or more hospitals, colleges, or universities.
  - b. The minimum contiguous land area required for an IMX district is 5 acres, provided that properties of less than 5 acres in area that are contiguous with existing IMX-zoned areas or that are separated from existing IMX-zoned areas only by a non-arterial street, alley or railroad right-of-way, may be approved for IMX zoning.

25.060-B Use Regulations

- 1. Uses are allowed in IMX districts in accordance with [Table 25-7](#). These uses are described in [Chapter 35](#). Uses identified with a “P” are permitted as-of-right. Uses identified with an “S” may be allowed only if reviewed and approved in accordance with the special exception procedures of [Section 70.120](#). All allowed uses are subject to compliance with all other applicable regulations of this zoning code.
- 2. Uses identified with an “-” are expressly prohibited. Uses that are not listed in [Table 25-7](#) and that cannot be reasonably interpreted (as stated in [§35.020-E](#)) to fall within one of those uses are also prohibited.

*Table 25-7: IMX District Use Regulations*

USE CATEGORY	IMX	Supplemental Regulations
Subcategory		
Specific use		
<b>RESIDENTIAL</b>		
<b>Household Living</b>		
Detached house	P	
Townhouse	P	
Duplex	P	
<u>Multi-unit house</u>	<u>P</u>	
Apartment/condo	P	
<b>Group Living</b>		
Assisted living facility	P	<a href="#">Section 40.160</a>

<b>USE CATEGORY</b>		
<b>Subcategory</b>	<b>IMX</b>	<b>Supplemental Regulations</b>
Specific use		
Community group home	P	<a href="#">Section 40.100</a>
Convent/monastery/novitiate	P	
Elderly/retirement center	P	
Fraternity/Sorority	P	
Homeless center	S	<a href="#">Section 40.130</a>
Life care retirement center	P	
Re-entry facility	S	
Residential treatment center	S	<a href="#">Section 40.130</a>
Rooming/boarding house	P	
Shelter, emergency and protective	S	<a href="#">Section 40.130</a>
Transitional living center	S	<a href="#">Section 40.130</a>
<b>PUBLIC, CIVIC AND INSTITUTIONAL</b>		
<b>Airport</b>	S	
<b>Cemetery</b>	S	<a href="#">Section 40.150</a>
<b>College or University</b>	P	<a href="#">Section 40.070</a>
<b>Day Care</b>	P	
<b>Detention and Correctional Facility</b>	S	<a href="#">Section 40.130</a>
<b>Fraternal Organization</b>	S	
<b>Governmental Service</b>	S	
<b>Hospital</b>	P	<a href="#">Section 40.070</a>
<b>Library or Cultural Exhibit</b>	P	
<b>Natural Resource Preservation</b>	P	
<b>Parks and Recreation</b>	P	
<b>Postal Services</b>	S	
<b>Religious Assembly</b>	P	<a href="#">Section 40.320</a>
<b>Safety Service</b>	P	
<b>School</b>	P	<a href="#">Section 40.350</a>
<b>Utilities and Public Service Facility</b>		
Minor	P	
Major	S	
<b>Wireless Communication Facility</b>		
Freestanding tower	P	<a href="#">Section 40.420</a>
Building or tower-mounted antenna	P	<a href="#">Section 40.420</a>
<b>COMMERCIAL</b>		
<b>Animal service</b>		<a href="#">Section 40.020</a>
Grooming	P	
Veterinary	P	
<b>Assembly and Entertainment</b>		
Indoor	P[1]	<a href="#">Section 40.040</a>
<b>Broadcast or Recording Studio</b>	P	
<b>Commercial Service</b>		
Building service	S[2]	
Business support service	P	<a href="#">Section 40.300</a>
Consumer maintenance/repair service	P	
Personal improvement service	P	
Research service	P	
<b>Financial Services</b> (except as below)	P	
Personal credit establishment	S[2]	<a href="#">Section 40.300</a>
<b>Funeral or Mortuary Service</b>	P	
<b>Lodging</b>		
Bed & breakfast	S	
Hotel/motel	S[2]	
<b>Marina</b>	S	
<b>Office</b>		<a href="#">Section 40.260</a>



USE CATEGORY	IMX	Supplemental Regulations
<b>Subcategory</b>		
Specific use		
Business or professional office	P	
Medical, dental or health practitioner office	P	
Plasma center	P	<a href="#">Section 40.300</a>
<b>Parking, Non-accessory</b>	P[3]	
<b>Restaurants and Bars</b>		
Restaurant	P	<a href="#">Section 40.330</a>
Bar	P[1]	<a href="#">Section 40.050</a>
Brewpub	S	<a href="#">Section 40.050</a>
Private club	P[1]	<a href="#">Section 40.050</a>
<b>Retail Sales</b>		<a href="#">Section 40.340</a>
Building supplies and equipment	S[2]	
Consumer shopping goods	P[4]	
Convenience goods	P	<a href="#">Section 40.300</a>
<b>Studio, Artist or Instructional Service</b>	P	<a href="#">Section 40.380</a>
<b>Trade School</b>	S[2]	
<b>Vehicle Sales and Service</b>		
Fueling station	P	
Personal vehicle repair and maintenance	P	
Vehicle part and supply sales	P	
<b>AGRICULTURAL</b>		
<b>Community Garden</b>	P	<a href="#">Section 40.090</a>
<b>OTHER</b>		
<b>Oil or Gas Well</b>	S	<a href="#">Section 40.270</a>

3. **Table Notes**

The following notes refer to the bracketed numbers (e.g., "[1]") in [Table 25-7](#).

- [1] 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.
- [2] Vehicular and pedestrian circulation must be reviewed and approved by traffic engineering, including the location of ingress and egress points.
- [3] No surface parking lot, whether a principal use or accessory use, is permitted within 100 feet of any HP district.
- [4] Liquor stores require special exception approval, and vehicular and pedestrian circulation must be reviewed and approved by traffic engineering, including the location of ingress and egress points.

4. **Accessory Uses**

a. Accessory uses are not regulated by [Table 25-7](#). Customary accessory uses are allowed in conjunction with principal uses permitted by right or by special exception, subject to compliance with all applicable accessory use regulations of [Chapter 45](#). The following are expressly allowed as accessory uses in the IMX district:

- (1) Heliport
- (2) Loading Dock and Storage Facilities
- (3) Repair and Service Facilities, including Vehicle Repair
- (4) Laundry Facilities
- (5) Parking, provided that no surface parking is permitted within 100 feet of HP district.

- (6) Physical Plant
  - (7) Disaster Shelters
  - (8) Antennas and Supporting Structures
  - (9) Signs, in accordance with [Chapter 60](#).
- b. All accessory buildings must comply with minimum building setback requirements.
  - c. An accessory building erected as an integral part of the principal building must be made structurally a part of the principal building, have a common wall with the principal building, and comply the requirements applicable to the principal building.

**25.060-C Lot and Building Regulations**

**1. Table of Regulations**

The lot and building regulations of [Table 25-8](#) apply to all new construction and building additions in IMX districts. General exceptions to lot and building regulations and rules for measuring compliance can be found in [Chapter 90](#). Existing buildings are exempt from compliance with build-to zone (BTZ) and transparency regulations.

*Table 25-8: IMX District Lot and Building Regulations*

Regulation	IMX
<b>Minimum District Area</b> (acres)	5 acres (see <a href="#">§25.060-A2.b</a> )
<b>Minimum Lot Area</b> (sq. ft.)	
Detached house	5,500
Duplex	6,900
Townhouse	1,600
<a href="#">Multi-unit house</a>	<a href="#">7,500</a>
Apartment/condo	7,500
Other uses/buildings	3,500
<b>Minimum Street Frontage</b> (feet)	
Arterial or freeway service road	50
All other streets	20
<b>Minimum Building Setbacks</b> (feet)	
Street	See "Build-to Zone" Requirements
Side	None <sup>[1]</sup>
Rear	5 <sup>[2]</sup>
<b>Build-to-Zone</b> (BTZ) (min./max. in feet) <sup>[4]</sup> (See also <a href="#">§25.060-G2</a> )	
Arterial or freeway service road	10/20
All other streets	20/30
<b>Minimum Percentage of Build-To Zone Occupied</b>	
Arterial or freeway service road	70
All other streets	50
<b>Minimum Parking Setback</b> (feet)	30 <sup>[3]</sup>
<b>Street-facing Building Entrance Required</b>	Yes <sup>[5]</sup>
<b>Minimum Transparency</b> (%)	
Arterial or freeway service road	50
All other streets	40
<b>Maximum Building Height</b> (feet)	See <a href="#">§25.060-D</a>

**2. Table Notes**

The following notes refer to the bracketed numbers (e.g., " [1]" ) in [Table 25-8](#).

- [1] A minimum side setback of 10 feet is required on lots abutting an R district, an HP district, or a lot occupied by a detached house, duplex or townhouse without an intervening right-of-way. Required side setbacks may not be used for parking, paving, loading, servicing or any other activity, and must comply with the L1 landscape yard requirements of ~~§25.060-G1~~.
- [2] A minimum rear setback of 20 feet is required on lots abutting an R district, an HP district, or a lot occupied by a detached house, duplex or townhouse without an intervening right-of-way. Required rear setbacks may not be used for parking, paving, loading, servicing or any other activity, and must comply with the L1 landscape yard requirements of ~~§25.060-G1~~.
- [3] A minimum 10-foot deep buffer yard that complies with the L1 landscape yard requirements of ~~§25.060-G1~~ must be provided to separate parking from the sidewalk, except no buffer yard is required where the ground-floor level of a parking garage or structure is masked by a liner building.
- [4] In all cases, a minimum setback distance of 12 feet is required between the edge of curb and the face of the building.
- [5] A functional building entrance door is required on each street-facing façade, and each dwelling unit on the ground-floor level shall have a functional building entrance facing the street. The length of street-facing facade without an intervening entrance may not exceed 150 feet. An angled or curved entrance may be provided at either corner of a building along the street to meet the street-facing entrance requirements along both streets.

#### 25.060-D Height Regulations<sup>47</sup>

No maximum height limits apply in the IMX district except in the following cases:

1. When an IMX district abuts an HP district with an intervening right-of-way that is not an alley, a maximum height limit of 35 feet applies within 100 feet of the right-of-way centerline.
2. When an IMX district abuts an R district with an intervening right-of-way that is not an alley, a maximum height limit of 48 feet applies within 100 feet of the right-of-way centerline.
3. When an IMX district abuts an R district or an HP district with an intervening alley, a maximum height limit of 24 feet applies within 40 feet of the alley centerline and a maximum height limit of 48 feet applies at a distance between 40 feet and 90 feet of the alley centerline.
4. When an IMX district abuts an R district or an HP district without an intervening right-of-way, a maximum height limit of 24 feet applies within 50 feet of the lot boundary and a maximum height limit of 48 feet applies at a distance between 50 and 100 feet of the lot boundary.
5. A maximum height limit of 96 feet applies for a distance of 100 feet from the 48-foot maximum height limit zone where the IMX district abuts an HP district.

#### 25.060-E Structured Parking Facilities

Parking structures must be designed to visually conceal parking at ground-floor level and the second floor level through the use of architectural detailing or liner buildings.

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<sup>47</sup> Removed story-based height limits for consistency with remainder of code.

#### 25.060-F Loading Areas and Dumpsters

1. Loading dock entrances must be screened from public view at ground level by masonry walls.
2. Dumpsters must be placed at the side or the rear of the building and must be screened from public view at ground level by masonry walls

#### 25.060-G Landscaping and Screening

Landscaping and screening in the IMX district must meet or exceed the minimum regulations of this subsection and the minimum regulations of [Section 65.040](#), [Section 65.070](#) and [Section 65.080](#). The other landscaping and screening regulations of [Chapter 65](#) do not apply in the IMX district.

##### 1. L1 Landscape Transition Yards

###### a. When Required

L1 landscape transition yards with a minimum depth of 10 feet are required in all of the following cases:

- (1) When development occurs on a lot abutting an R district, an HP district, or a lot occupied by a detached house, duplex or townhouse without an intervening right-of-way;
- (2) When off-street parking lots or structures are located adjacent to sidewalks or public rights-of-way, except that L1 landscape yards are not required when the ground-floor level of a parking garage or structure is masked by a liner building.

###### b. Trees

Trees must be provided in L1 landscape transition yards as follows:

- (1) At least one medium or large tree must be provided per 25 linear feet of landscape transition yard.
- (2) If medium or large trees are not appropriate due to overhead utilities or other obstructions one small tree must be provided per 20 linear feet of landscape yard.
- (3) Trees must generally be evenly spaced.
- (4) Medium and large trees must be a minimum of 2.5 inches in caliper size and at least 12 feet in height at time of planting. Small trees must be a minimum of 2 inches in caliper size and at least 8 feet in height at time of planting.

###### c. Understory plantings meeting the following requirements must be provided in all L1 landscape transition yards:

- (1) Ground covers or shrubs must be provided at a size and density in order to protect tree roots and to prevent erosion within a 3-year growth cycle.
- (2) Sod is not permitted in required L1 landscape transition yards.
- (3) Where used to meet the landscape requirement, shrubs must be maintained at a minimum height of 3 feet and a maximum height of 8 feet with no more than 50% opacity.

- d. Screening must be provided within L1 landscape transition yards as follows:
  - (1) Opaque walls or fences a minimum height of 6 feet must be provided if the L1 landscape transition yard is in a side or rear setback and must be maintained in good condition. Screening is not required if the subject lot occupied by a detached house, duplex or townhouse.
  - (2) Opaque walls with a minimum height of 36 inches must be provided within 10 feet of a surface parking lot edge where surface parking is located within 100 feet of any IMX district boundary except when a building is located between the IMX district boundary and the surface parking lot. Walls must be maintained in good condition.

2. L2 Street Tree Yards

a. When required

L2 street tree yards with a minimum depth of 10 feet are required between the planned right-of-way and the closest edge of the build-to zone within the lot, extending the full width of the lot.

b. Trees

Trees must be provided in L2 street tree yards as follows:

- (1) At least one medium or large tree must be provided per 25 linear feet of street frontage.
- (2) If medium or large trees are not appropriate due to overhead utilities or other obstructions one small tree must be provided per 20 linear feet of street frontage.
- (3) Trees must generally be evenly spaced.
- (4) Medium and large trees must be a minimum of 2.5 inches in caliper size and at least 12 feet in height at time of planting. Small trees must be a minimum of 2 inches in caliper size and at least 8 feet in height at time of planting.

25.060-H Walls and Fences

Except as otherwise provided in this zoning code, fences or walls within a street tree yard may not exceed 36 inches in height. Fences or walls in other locations may not exceed 8 feet in height.

25.060-I Mechanical Equipment

- 1. Mechanical equipment is not permitted between the building and the street.
- 2. An opaque wall or fence exceeding the height of the equipment is required if the equipment is visible from a public street or from adjacent properties at the level where such equipment is located.
- 3. Rain barrels, cisterns, and similar equipment designed as part of the building do not require screening.
- 4. Chiller Plants and similar utility structures must be screened from public rights-of-way and abutting R district, HP districts, and lots occupied by a detached houses, duplexes or townhouses. Required screening must consist of a masonry wall that is at

least 6 feet in height. Trees must also be provided as required in L1 landscape transition yards (see §25.060-G1.b).

~~There is no obligation that equipment belonging to a public utility be screened.~~

### **Section 25.070 MPD, Master Planned Development District<sup>48</sup>**

#### **25.070-A Purpose and Intent**

The MPD, Master Planned Development district is established to accommodate development that would be difficult or impossible to carry out under otherwise applicable zoning regulations. Different types of MPDs will promote different planning goals. In general, however, all MPDs are intended to result in development that is consistent with the city's adopted plans and that provides greater public benefits than could be achieved using conventional zoning regulations. MPDs are also generally intended to promote one or more of the following:

1. Variety in housing types and sizes to accommodate households of all ages, sizes, incomes and lifestyle choices;
2. Compact, mixed-use development patterns where residential, commercial, employment, civic, and open space areas are located in close proximity to one another;
3. A transportation network designed to accommodate safe and efficient motorized and non-motorized travel;
4. Buildings and other improvements that by their arrangement, massing, design, character and site design elements establish a ~~high~~-quality, livable environment;
5. Sustainable development practices;
6. Incorporation of open space amenities and natural resource features into the development design;
7. Low-impact development (LID) and best management practices for managing stormwater; and
8. Flexibility and creativity in responding to changing social, economic and market conditions.

#### **25.070-B Initiation of Amendment<sup>49</sup>**

Applications to establish an MPD district or expand the boundaries of an existing MPD district may be initiated only by the owner of the subject property.

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<sup>48</sup> This is a new district—proposed as a replacement for the existing PUD district. MPD would be a base zoning district, as opposed to an overlay.

<sup>49</sup> The form-based code (FBC) that is currently codified in Title 42-B, Tulsa Revised Ordinances, is proposed to be the city's first Master Planned District (MPD #1), with the regulating plan and accompanying text regulations constituting the MPD development plan. This "initiation of application" provision may need to be revised slightly to enable the city to process the "conversion" of Title 42-B into the MPD framework.

**25.070-C Statement of Intent**

Each MPD application must include a written explanation describing how the proposed development meets the purpose and intent described in [§25.070-A](#) and the supplemental review and approval criteria of [§25.040-D2](#).

**25.070-D MPD Approval Procedures**

**1. Overview of Required Approval Process**

- a. A property owner request for rezoning to the MPD zoning district requires review and approval of a zoning map amendment (see [Section 70.030](#)), which is processed concurrently with a development plan (see [Section 70.040](#)).
- b. After approval of the zoning map amendment and development plan, site plan review and approval is required in accordance with the procedures of [Section 70.050](#).
- c. No building permit may be issued and no building or development may occur in a MPD 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 of the county in which the property is located.

**2. Supplemental Review and Approval Criteria**

In making recommendations and decisions on MPD district zoning map amendments, review and decision-making bodies must consider the zoning map amendment criteria of [§70.030-H](#) and the following factors:

- a. Whether the proposed master planned development is consistent with the comprehensive plan and any other adopted plans for the subject area;
- b. Whether the development plan complies with the MPD district provisions of [Section 25.070](#);
- c. Whether the development will result in public benefits that are equal to or greater than those that would have resulted from development under conventional zoning (non-MPD) regulations; and
- d. Whether appropriate terms and conditions have been imposed on the approval to protect the interests of surrounding property owners and residents, existing and future residents of the MPD and the general public.

**3. Subdivision Plats**

- a. The subdivision plat must be filed with the planning commission and processed in accordance with the subdivision regulations.
- b. In addition to the information and submittals required pursuant to the subdivision regulations, an MPD district subdivision plat must include all covenants necessary to reasonably ensure continued compliance with the approved development plan. In order that the public interest may be protected, the City of Tulsa must be made beneficiary of the covenants pertaining to such matters as location of uses, height of structure, setbacks, screening, and access. Such covenants must provide that the City of Tulsa 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.

4. **Issuance of Building Permits**

Building permits may be issued only after the required subdivision plat is approved and filed of record in the county clerk's office of the county in which the property is located. Any permits issued must be in accordance with the approved plat incorporating the provisions of the approved development plan.

**25.070-E Abandonment**

Abandonment of an approved MPD requires that the property be rezoned to another zoning district in accordance with the zoning map amendment procedures of [Section 70.030](#) or that a new MPD be approved following the procedures of [§25.070-D](#).

**25.070-F Use Regulations and Lot and Building Standards**

The use regulations and lot and building standards that apply within an MPD zoning district must be established at the time of development plan approval by the city council.

**25.070-G Other Development Standards**

Unless otherwise expressly provided in the approved development plan, properties within the MPD district are subject to all other applicable provisions of this zoning code and the subdivision regulations. The MPD district is expressly intended to accommodate the use of alternative standards for streets and other public improvements based on the approved development plans. The development plan must specify the deviations proposed from otherwise applicable public improvement standards if deviations from otherwise applicable standards are proposed.

*The form-based code (FBC) that is currently codified in Title 42-B, Tulsa Revised Ordinances, is proposed to be the city's first Master Planned District (MPD #1). This proposal is essentially a recodification and will result in no substantive change for owners of property now classified in the FBC district. Any future expansion of the area covered by MPD #1 (nee FBC) will require an application by the owner of the subject property.*



## Chapter 30 | Legacy Districts

Section 30.010	PUD, Planned Unit Development (Legacy) District .....	30-1
Section 30.020	CDP, Community Development Projects .....	30-7

### Section 30.010 PUD, Planned Unit Development (Legacy) District<sup>50</sup>

#### 30.010-A Legacy District Status

1. Land classified in a PUD overlay zoning district on the effective date specified in [Section 1.030](#) will continue to be classified in the PUD overlay district.
2. No applications to establish new PUD zoning districts or to expand the boundaries of existing PUD zoning districts may be accepted for processing after the effective date specified in [Section 1.030](#), except that PUD rezoning applications that were in process on the effective date specified in [Section 1.030](#) may continue to be processed and may be approved (see the transitional provisions of [Section 1.110](#)). Amendments to existing PUDs may be processed in accordance with the PUD amendment procedures of [§30.010-I](#).
3. The PUD zoning district regulations of this section and all applicable conditions of approval of an approved PUD govern the use and development of PUD-zoned areas unless and until the subject PUD is abandoned.

#### 30.010-B General

1. Except as may be expressly approved as part of a PUD overlay district, the regulations of the underlying base zoning district apply within a planned unit development.
2. The city council in approving or amending a PUD and the planning commission in approving a minor amendment, may impose restrictions as conditions of approval in addition to those imposed by the underlying base zoning and the PUD regulations.
3. No modification of use or bulk and area requirements of the underlying base district is permitted unless a subdivision plat incorporating the provisions and requirements of this section is submitted to and approved by the planning commission and the city council and filed of record in the county clerk's office of the county in which the property is located. The planning commission is authorized to waive the platting requirements if the property is already platted and if the PUD conditions for approval are included in the form of restrictive covenants and filed of record with the county clerk making the City of Tulsa beneficiary to the covenants.

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<sup>50</sup> The current PUD (overlay) district is proposed to be replaced with a new special purpose "master planned development" base district. See [Section 25.070](#). This section includes the existing PUD regulations and procedures without any intended substantive changes. Retaining the "legacy" provisions in the new zoning code is intended to aid in future administration, enforcement and amendment of previously approved PUDs. Some editing of these provisions has occurred since module review, but no substantive changes are proposed.

### 30.010-C Purposes

The purposes of the PUD overlay district are to:

1. Permit and encourage 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 within the development to best utilize the unique physical features of the particular site;
3. Permit creative land use design;
4. Provide and preserve meaningful open space; and
5. Achieve a continuity of function and design within the development.

### 30.010-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) Apartment/condo;
- b. That manufactured housing units are a permitted use only within PUDs that are located in whole or in part in an RMH district;
- c. That the permitted uses, whether principal or accessory uses, may be reallocated within the development irrespective of the base zoning district boundaries; and

#### 2. Accessory Uses

##### a. General

Accessory uses customarily incidental to principal uses allowed within the PUD are permitted.

##### b. Accessory Commercial

In addition to accessory uses customarily incidental to a permitted principal residential use, residential support services are allowed as an accessory use to a principal group living use and in apartment/condo buildings in accordance with [Section 45.150](#). Office support services are allowed as an accessory use to a principal office use in accordance with [Section 45.110](#).

#### 3. Signs

Except for regulations governing dynamic displays, which must comply with all applicable provisions of [Chapter 60](#), signs in a PUD, including outdoor advertising signs, must comply with all provisions of the PUD or if not provided for within the PUD, with all applicable provisions of the zoning code in effect at the time of the adoption or amendment of the PUD.

### 30.010-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, Frontage and Area**

Minimum requirements for lot width, frontage and area must be prescribed.

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.

4. **Building Height and Setbacks**

The building height limitations and building setback requirements must be prescribed and incorporated within the subdivision plat. Every structure must be set back from the centerline of an abutting public street designated on the major street and highway plan a horizontal distance of not less than 50% of the right-of-way width designated on the major street and highway plan.

5. **Landscaped Area**

Minimum landscaped open space is required for each type of nonresidential development area as follows:

- a. Office use: 15% of lot area
- b. Commercial use: 10% of lot area
- c. Industrial use: 5% of lot area

**30.010-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.

**30.010-G Off-Street Parking and Loading**

No modification of applicable off-street parking and loading requirements is permitted unless a subdivision plat incorporating the provisions and requirements is submitted to and approved by the planning commission and the city council and filed of record in the county clerk's office of the county in which the property is located, except that [§55.070-B](#) and [§55.080-C](#) do not apply. 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.

**30.010-H Administration and Procedures**

No applications to establish new PUD zoning districts or to expand the boundaries of existing PUD zoning districts may be accepted for processing after the effective date specified in [Section 1.030](#), except that PUD rezoning applications that were in process on the effective date specified in [Section 1.030](#) may continue to be processed and may be ap-

proved in accordance with the PUD procedures in effect immediately prior to the effective date specified in [Section 1.030](#). Amendments to existing PUDs may be processed in accordance with the PUD amendment procedures of [§30.010-I](#).

### 30.010-I Amendments to Approved Plans

#### 1. Major Amendments

Any change or amendment that represents a significant departure from an approved PUD development plan requires review and approval of a PUD zoning district map amendment and development plan ~~as a new PUD zoning map amendment and development plan application, in accordance with the procedures of this section~~, including all requirements for fees, notices and hearings.

#### 2. Minor Amendments

- a. Minor changes and amendments to an approved PUD development plan may be authorized by the planning commission so long as a substantial compliance is maintained with the approved PUD development plan. In considering a minor amendment, the planning commission is authorized to direct the processing of an amended PUD subdivision plat, incorporating such changes.
- b. In instances where the city council has expressly imposed a PUD condition more restrictive than originally recommended by the planning commission, any minor amendment of that specific condition must be approved by the city council.
- c. The following may be processed as minor amendments:
  - (1) 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;
  - (2) Limitation or elimination of previously approved uses, provided the character of the development is not substantially altered;
  - (3) Increases in the number 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%;
  - (4) Increases in permitted nonresidential floor area, provided the increased floor area is permitted by the underlying zoning and the floor area of a development area is not increased more than 15%;
  - (5) Modification of the internal circulation system, provided the system is not substantially altered in design, configuration or location;
  - (6) Changes in points of access, provided the traffic design and capacity are not substantially altered;
  - (7) Addition of customary accessory buildings and uses within the delineated common open space of a residential PUD, including swimming pools, cabanas, security buildings, clubhouses and tennis courts;
  - (8) Location of customary residential accessory buildings and uses on an adjoining single-family residential lot within the PUD, including swimming pools, cabanas, garages, and tennis courts, provided an agreement has been rec-

orded by the owner prohibiting the conveyance of the lot containing the accessory use separate from the conveyance of the lot containing the principal use;

- (9) Changes in structure heights, building setbacks, yards, 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;
  - (10) Lot splits that modify a recorded plat and that have been reviewed and approved, as required by the subdivision regulations;
  - (11) Home occupations that comply with the regulations of [Section 45.090](#);
  - (12) Modifications to approved signage, provided the size, location, number and character (type) of signs is not substantially altered;
  - (13) Modification to approved screening and landscaping plans, provided the modification is not a substantial deviation from the original approved plan;
  - (14) Changes reducing the number of permitted dwelling units; and
  - (15) Changes in an approved use to another use may be permitted, provided the underlying zoning on the particular site within the PUD would otherwise permit such use as of right and the proposed use will not result in any increase of incompatibility with the present and future use of nearby properties.
- d. Notice of the planning commission's public hearing on a minor PUD 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.
  - e. If the planning commission determines that the proposed amendment, if approved, will result in a significant departure from the approved PUD development plan or otherwise change the character of the PUD significantly or that the cumulative effect of a number of minor amendments substantially alters the approved PUD development plan, then the amendment must be deemed a major amendment to the PUD development plan.

### 3. Appeal of Minor Amendment

An appeal from any minor PUD 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 city. Appeals are made to the city council by filing notice of appeal with the city 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 city council, the original or certified copies of all the papers constituting the record in the case, together with the decision of the planning commission. The city council must notify the applicant and all interested parties, as recorded in the minutes of planning commission, of the appeal hearing location, date and time.

**30.010-J PUD Subdivision Plats**

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 PUD development plan have been approved and filed of record in the county clerk's office.

1. A PUD subdivision plat must be filed with the planning commission and processed in accordance with the subdivision regulations.
2. In addition to the information and submittals required pursuant to the subdivision regulations, a PUD subdivision plat application must include:
  - a. Details regarding the approved location of uses and street arrangements;
  - b. Provisions for the ownership and maintenance of any common open space as will reasonably ensure its continuity, conservation and maintenance. Open space may be dedicated to a private association or to the public, provided that a dedication to the public may not be accepted without the express approval of the city council; and
  - c. All covenants necessary to reasonably ensure continued compliance with the approved PUD development plan. In order that the public interest may be protected, the City of Tulsa must be made beneficiary of the covenants pertaining to such matters to as the requirement of approval of detail plans prior to the issuance of any permits, location of uses, height of structures, setbacks, screening, open space, signage and access. Such covenants must provide that the City of Tulsa 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.

**30.010-K Issuance of Building Permits**

Building permits may be issued only after a PUD subdivision plat is approved and filed of record in the county clerk's office. Any permits issued must be in accordance with the approved PUD subdivision plat incorporating the provisions of the approved PUD development plan.

**30.010-L Abandonment of Approved PUDs**

Abandonment of an approved PUD requires review and recommendation by the planning commission and approval by the city council. The city council is authorized to amend the underlying zoning upon abandonment of the PUD. Upon final action by the city council authorizing abandonment of the PUD, no building permit may be issued except in accordance with the restrictions and limitations of the base zoning district.

**Section 30.020 CDP, Community Development Projects**

**30.020-A General**

CDP was the predecessor of PUD zoning. Before adoption of the city's 1970 zoning code, which created the PUD district, the board of adjustment had authority to approve site-specific CDPs.

**30.020-B Expiration and Lapse of Approval**

Pursuant to Section 204 of the 1970 zoning code, all CDPs approved by the board of adjustment before 1970 effectively expired on June 30, 1975 except those extended by the board of adjustment or for which building permits had been issued or construction had commenced in accordance with the terms and conditions approved by the board of adjustment. The following CDPs have expired pursuant to this provision and are now governed by the zoning district regulations that apply to the subject property: CDP01, CDP02, CDP03, CDP04, CDP05, CDP06, CDP07, CDP08, CDP09, CDP10, CDP11, CDP12, CDP13, CDP14, CDP15, CDP16, CDP17, CDP18, CDP19, CDP23, CDP24, CDP25, CDP26, CDP27, CDP28, CDP30, CDP31, CDP32, CDP34, CDP35, CDP36, CDP37, CDP38, CDP39, CDP40, CDP41, CDP42, CDP43, CDP44, CDP45, CDP46, CDP47, CDP48, CDP49, CDP50, CDP51, CDP52, CDP55, CDP56, CDP57, CDP58, CDP59, CDP60, CDP61, CDP62, CDP64, CDP65, CDP66, CDP67, CDP68, CDP69, CDP70, CDP71, CDP72, CDP73, CDP74, CDP75, CDP76, CDP77, CDP78, CDP79, CDP81, CDP82, CDP83, CDP84, CDP85, CDP86, and CDP87

**30.020-C Active CDPs**

The following CDPs remain active and are governed by the terms of the CDP approval granted by the board of adjustment: CDP20, CDP21, CDP22, CDP29, CDP33, CDP53, CDP54, CDP63, and CDP80. Proposed changes and amendments to active CDPs require a public hearing and approval by the board of adjustment.



## Chapter 35 | Building Types and Use Categories<sup>51</sup>

Section 35.010	Building Types .....	35-1
Section 35.020	Use Categories Generally .....	35-6
Section 35.030	Residential Use Category .....	35-8
Section 35.040	Public, Civic and Institutional Use Category .....	35-9
Section 35.050	Commercial Use Category .....	35-12
Section 35.060	Wholesale, Distribution & Storage Use Category .....	35-20
Section 35.070	Industrial Use Category .....	35-20
Section 35.080	Recycling Use Category .....	35-21
Section 35.090	Agricultural Use Category .....	35-22
Section 35.100	Other Use Category .....	35-22

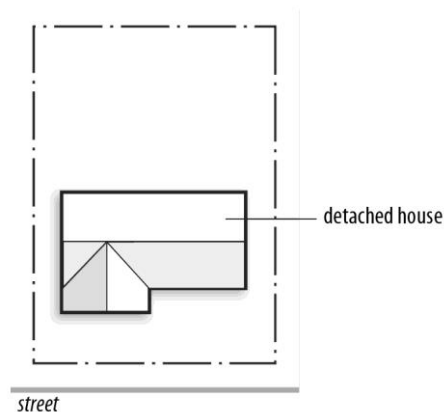
### Section 35.010 Building Types

This section establishes and describes the building types regulated by this zoning code.

#### 35.010-A Detached House

A detached house is a principal residential building, other than a manufactured housing unit or mobile home, that occupied by contains only one dwelling unit and that is located on a single lot that is not occupied by other principal residential buildings. Detached houses are not attached to and do not 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 city building codes.

Figure 35-1: Detached House



#### 35.010-B Lot Line Patio House<sup>52</sup>

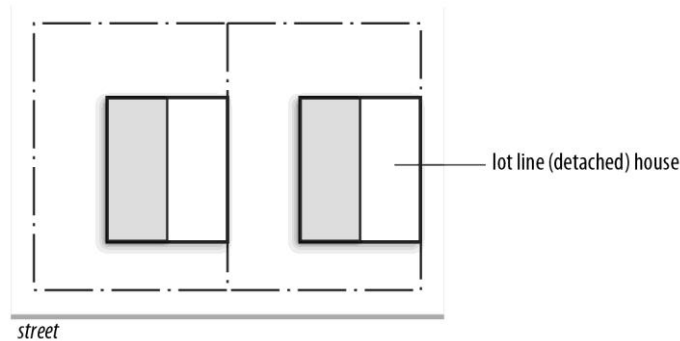
A lot line patio house is a principal residential building occupied by one dwelling unit and that is located on a single lot that is not occupied by other principal residential buildings.

<sup>51</sup> This chapter includes an entirely new use classification system proposed to replace the existing "use unit" approach of the current ordinance. The objective is to provide a modern and dynamic classification system, not to change how existing uses are regulated.

<sup>52</sup> This is a new proposed building type.

Patio houses are not attached to and do not abut other dwelling units. The building is shifted to one side of the lot so that there is a more usable side yard on one side of the house and very little or no private yard on the other side. **Lot line-Patio** houses are subject to the same lot and building regulations that apply to detached houses except as modified by the supplemental **lot line-patio** house regulations of [Section 40.290](#).

Figure 35-2: **Lot Line-Patio House**

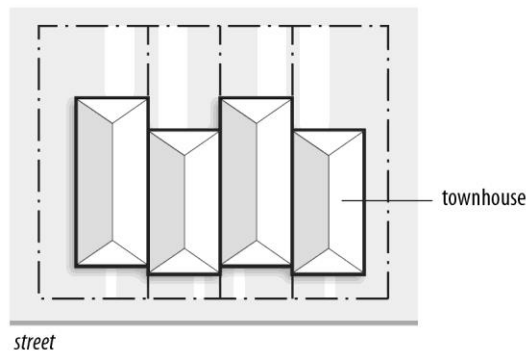


### 35.010-C Townhouse

A townhouse building is 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. There are two types of townhouses: 2-unit townhouses and 3+-unit townhouses.

1. A two-unit townhouse is a townhouse building occupied by only 2 dwelling units.
2. A 3+-unit townhouse is a townhouse building occupied by 3 or more dwelling units.

Figure 35-3: **Townhouse**

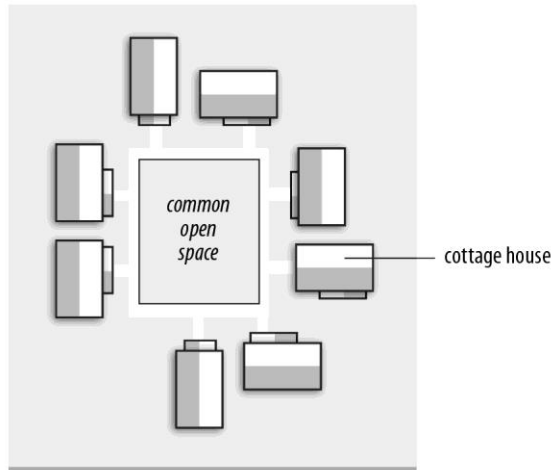


### 35.010-D Cottage House Development<sup>53</sup>

A cottage house development is a grouping of small detached houses around a common open space or shared courtyard. Cottage house developments are subject to lot and building regulations of the subject zoning district and the supplemental cottage house development regulations of [Section 40.110](#).

<sup>53</sup> This is a new proposed building type.

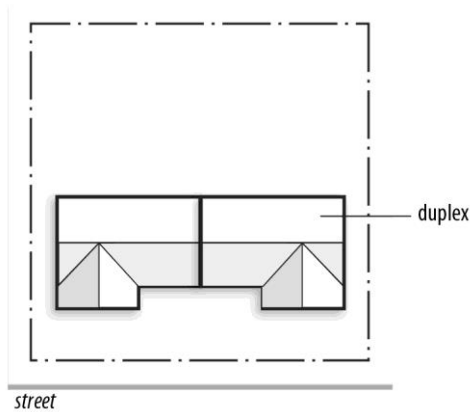
Figure 35-4: Cottage House Development



35.010-E Duplex

A duplex is 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 35-5: Duplex

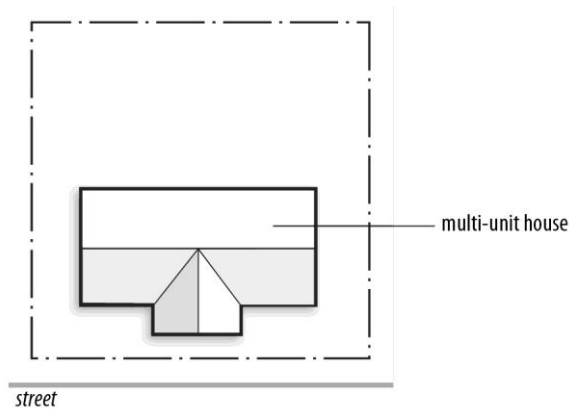


35.010-F Multi-unit House<sup>54</sup>

A multi-unit house is a principal residential building that occupied by contains 3 or 4 dwelling units that share common walls and/or common floors/ceilings. The building is located on a single lot that is not occupied by other principal residential buildings. Multi-unit houses have the appearance of large detached houses and have only one entrance visible from the street.

<sup>54</sup> This is a new proposed building type.

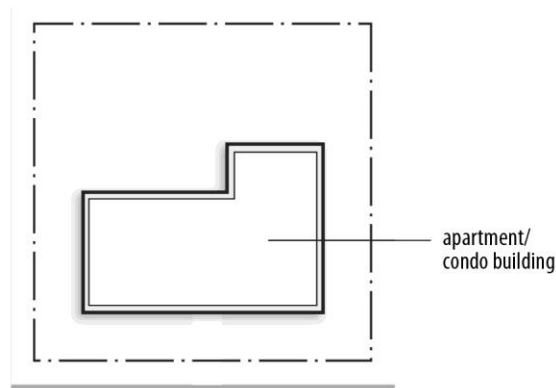
Figure 35-6: Multi-unit House



**35.010-G Apartment/Condo**

An apartment/condo building is a principal residential building on a single lot that is occupied by 3 or more dwelling units (other than a multi-unit house) that share common walls and/or common floors/ceilings.

Figure 35-7: Apartment/Condo



**35.010-H Manufactured Housing Unit**

A manufactured housing unit is a principal residential building that complies with the *National Manufactured Housing Construction and Safety Standards Act of 1974* (42 U.S.C. §5401, et seq.).<sup>55</sup> Manufactured housing units are subject to the same regulations that apply to detached houses, except as modified by supplemental regulations of [Section 40.210](#).

**35.010-I Manufactured Housing Subdivision**

A manufactured housing subdivision is a residential subdivision primarily comprising home sites for manufactured housing units on individual lots. Manufactured housing subdivisions are subject to the lot and building regulations of [Section 5.030](#) ([Table 5-3](#)). They are also subject to the regulations of [Section 40.220](#).

<sup>55</sup> Units built before 1976 are typically referred to as “mobile homes.”

**35.010-J Mobile Home**

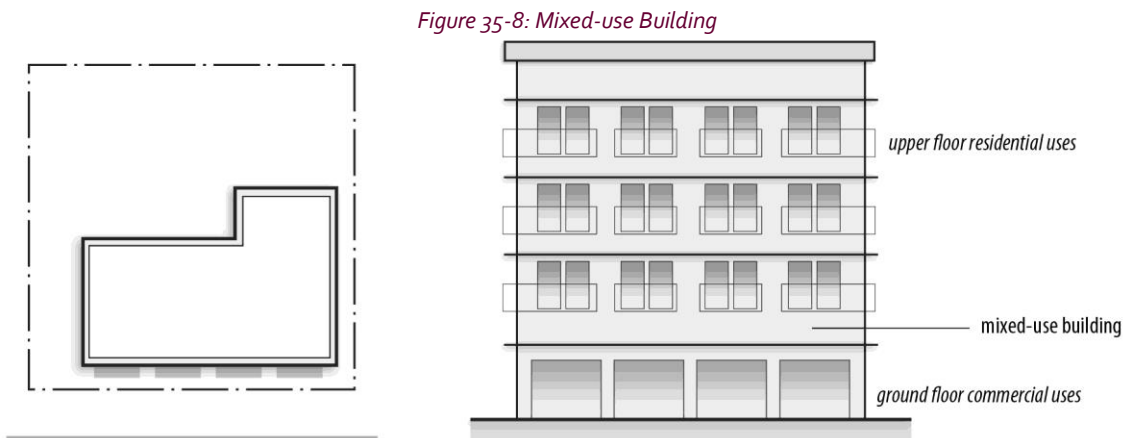
A mobile home is a principal residential building that is built on a permanent chassis and that complies with *Standard for Mobile Homes, National Fire Protection Association (NFPA) 501*, American National Standards Institute (ANSI) 119.1, in effect at the time that the unit was manufactured. Mobile homes are allowed only within mobile home parks, which are subject to the regulations of [Section 40.240](#).

**35.010-K Mobile Home Park**

A mobile home park is a lot 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.

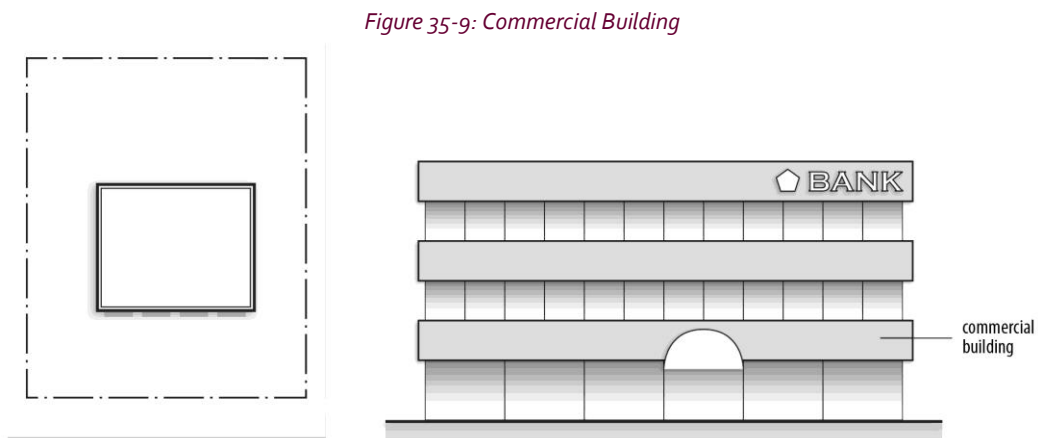
**35.010-L Mixed-use Building<sup>56</sup>**

A mixed-use building is a principal building occupied by commercial uses on the ground floor and residential uses on upper floors.



**35.010-M Commercial Building**

A commercial building is a principal building occupied primarily by commercial uses.

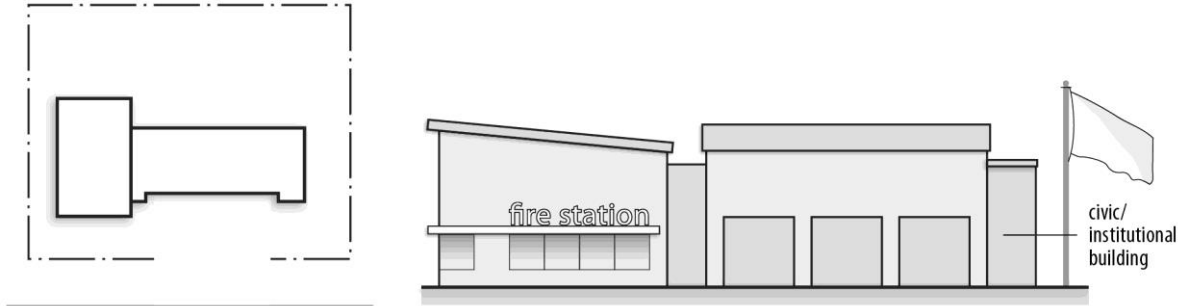


<sup>56</sup> This is a new proposed building type.

**35.010-N Civic/Institutional Building**

A civic/institutional building is a principal building occupied primarily by public, civic or institutional uses.

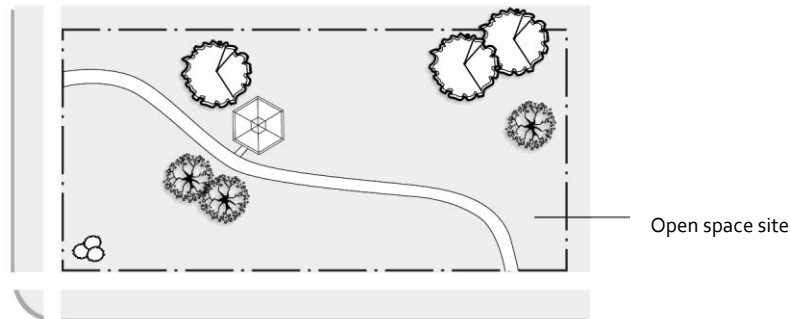
*Figure 35-10: Civic/Institutional Building*



**35.010-O Open Space Site**

Open space sites are parcels occupied primarily by parks, open spaces, natural areas and similar large outdoor open spaces.

*Figure 35-11: Open Space Site<sup>57</sup>*



**Section 35.020 Use Categories Generally**

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

**35.020-A Use Categories**

This zoning code classifies principal land uses into 8 major groupings (described in Section 35.030 through Section 35.090). These major groupings are referred to as “use categories.” The use categories are as follows:

1. Residential. See [Section 35.030](#).
2. Public, Civic and Institutional. See [Section 35.040](#).
3. Commercial. See [Section 35.050](#).
4. Wholesale, Distribution and Storage. See [Section 35.060](#).
5. Industrial. See [Section 35.070](#).
6. Recycling. See [Section 35.080](#).

<sup>57</sup> Illustration to be revised to refer to “open space site” (existing fix is temporary).

7. Agricultural. See [Section 35.090](#).
8. Other. See [Section 35.100](#).

**35.020-B Use Subcategories**

Each use category is further divided into more specific “subcategories.” Use subcategories 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.

**35.020-C Specific Use Types**

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

**35.020-D Use Tables**

Use tables are used in this zoning code to identify the land uses allowed within the respective zoning districts. The structure of the use tables reflects the hierarchical nature of the use categorization described in this section.

*Table 35-1: Sample Use Table Format*

	District	District	District	District	District	District	Supplemental Regulations
P = use permitted as of right   S = Special exception approval required   – = Not allowed Uses not listed are also prohibited except as stated in <a href="#">§35.020-E</a>   Bracketed numbers refer to notes following the table							
USE CATEGORY							
Use Subcategory							cross-reference to any applicable regulations
Specific Use	P[1]	P[1]	P	P	P	P	
Specific Use	–	–	–	S	S	S	
Specific Use	–	–	–	–	P	P	

[1] Table notes

**35.020-E Determination of Use Categories and Subcategories**

1. The development administrator is authorized to classify uses on the basis of the use category, subcategory and specific use type descriptions of this chapter.
2. When a use cannot be reasonably classified into a use category, subcategory or specific use type, or appears to fit into multiple categories, subcategories or specific use types, the development administrator is authorized to determine the most similar and thus most appropriate use category, subcategory or specific use type based on the actual or projected characteristics of the principal use or activity in relationship to the use category, subcategory and specific use type descriptions provided in this section. In making such determinations, the development administrator 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 categories, subcategories or specific use types, the development administrator must categorize the use in the category,

subcategory or specific use type that provides the most exact, narrowest and appropriate “fit.”

4. If the development administrator is unable to determine the appropriate use category for a proposed use, the development administrator is authorized to deny required permits and certificates for establishment of the proposed use. This decision may be appealed to the board of adjustment.

### **Section 35.030 Residential Use Category**

This category includes uses that provide living accommodations for one or more persons. The residential use subcategories are as follows.

#### **35.030-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.

#### **35.030-B Group Living<sup>58</sup>**

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.<sup>59</sup>

3. **Elderly/Retirement Housing**

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

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<sup>58</sup> The group living subcategories are currently being studied for further consolidation.

<sup>59</sup> The last sentence is new. Added for clarification; not a change.



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 city, the state, the federal government or a private party under contract with the city, 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.

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

This category 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 subcategories are as follows.

**35.040-A Airport or Ground Transportation Terminal**

Facilities fixed-wing aircraft or helicopters take off and land, including customary accessory uses and structures. Also includes passenger ticketing, loading and unloading facilities for buses (local or intercity) and trains.

**35.040-B 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.

**35.040-C 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 subcategory 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.

**35.040-D 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 are also classified as day care uses.

**1. Family Child Care Home**

A day care use that is accessory to a household living use and that provides care and supervision for 57 or fewer children for less than 24 hours per day. See Section 45.060.

**2. Day Camps**

As defined in the *Oklahoma Child Care Facilities Licensing Act*, programs that serve only school-age children and operate during regular school vacations for no more than 12 hours per day.

**35.040-E Detention and Correctional Facility**

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

**35.040-F 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.

**35.040-G Governmental Service**

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

**35.040-H Hospital**

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

**35.040-I 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.

**35.040-J 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.

**35.040-K 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, tennis clubs and private park and open space facilities within common areas of residential subdivisions.

**35.040-L Postal Service**

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

**35.040-M Religious Assembly**

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

**35.040-N 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.

**35.040-O School**

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

**35.040-P Utilities and Public Service Facility, Minor**

1. 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; 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.
2. 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.
3. 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.
4. 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.

**35.040-Q 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.

**35.040-R 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.

**Section 35.050 Commercial Use Category**

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

**35.050-A Animal Service**

Uses that provide goods and services for care of animals, including the following of specific use types:

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 and kennel services for dogs, cats and small animals, including boarding kennels, pet resorts/hotels, pet adoption centers, dog training centers, animal rescue shelters and zoos and animal sanctuaries.

3. **Veterinary**

Animal hospitals and veterinary clinics.

**35.050-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, 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.

**35.050-C Broadcast or Recording Studio**

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

**35.050-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 a premise. 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. Business 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.

**35.050-E Financial Service**

Uses related to the exchange, lending, borrowing and 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 §45.010-B). 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.

35.050-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. ~~Also includes crematoriums for pets and domestic animals.~~ Other crematoriums and animal rendering uses are classified as moderate-impact manufacturing and industry.

35.050-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 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, but any bar area that does not meet the definition of an accessory use bar is classified and regulated as a 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.

**35.050-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.

**35.050-I Office**

Uses in an enclosed building, customarily performed in an office, that focus on providing executive, management, administrative, professional or medical services. Examples of specific use types include:

**1. Business and Professional Office**

Office uses for companies and non-governmental organizations. 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**

Office uses related to diagnosis and treatment of human patients' illnesses, injuries and physical maladies 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.

**35.050-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.

**35.050-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 uses

include bars, taverns, beer bars, brewpubs, nightclubs, dance halls, hookah bars, private clubs and similar establishments. See also the definition of accessory use bar in [Section 95.040](#).

**a. Hookah Bar**

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 lounge, hookah parlors or hookah cafés.

**b. Brewpub**

An establishment where beer and malt beverages are made on the premises in conjunction with a restaurant or bar and where (1) less than 15,000 barrels (465,000 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.

**a-c. Private Club**

A private commercial establishment, not open to the general public, but which is operated for profit and that sells and serves intoxicating and/or low-point beer for consumption on the premises.

**2. Restaurant**

An establishment that serves food or beverages for on- or off-premise consumption as their 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 capacity of 3 kilos. Typical examples of restaurant uses include principal use restaurants, cafés, cafeterias, ice cream/yogurt shops, donut shops and coffee shops.

**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 gross 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 ([Section 95.040](#)) is classified and regulated as a bar.

**35.050-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. 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-premise 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.



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, office supplies and office furnishing stores and wig shops.

3. **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.

**35.050-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 designated to accommodate only interior access to storage lockers or drive-up access only from regular size passenger vehicles and two-axle non-commercial vehicles.

**35.050-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, male or female impersonators or similar entertainment.

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 table tops, 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.
- 35.050-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.

**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 facilities and similar uses. Truck driving schools are classified as “trucking and transportation terminals” (wholesale, distribution and storage use category).

**35.050-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 subcategory includes the following specific use types:

- 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” specific use type). 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, 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.

### **Section 35.060 Wholesale, Distribution & Storage Use Category**

This category 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 subcategories are as follows.

#### **35.060-A Equipment and Materials Storage, Outdoor**

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

#### **35.060-B Trucking and Transportation Terminals**

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.

#### **35.060-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."

#### **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.

### **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, bottling plants, ice manufacturing, mattress manufacturing and assembly, microbreweries, micro distilleries, 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.

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 3 kilos, 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.

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.

35.070-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, rubber tires and bottles.

35.070-E Mining/~~Extraction~~ or Mineral Processing

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

**Section 35.080 Recycling Use Category**

This category 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 subcategories are as follows:

35.080-A Construction or Demolition Debris

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

**35.080-B Consumer Material Drop-off Station**

An establishment that accepts consumer recyclable commodities directly from the consuming party and stores them temporarily before transferring them to recyclable material processing facilities. Establishments that process recyclable material are classified as “consumer material processing” establishments. (Note: small consumer-oriented donation drop boxes for items such as clothes, books, newspapers, cans and glass items are allowed as an accessory use, subject to the regulations of [Section 45.030](#). Donation drop boxes that do not comply with the regulations of [Section 45.030](#) are classified as “recyclable material drop-off facilities” and are subject to the regulations that apply to recyclable material drop-off facilities.

**35.080-C Consumer Material Processing**

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

**Section 35.090 Agricultural Use Category**

This category 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 subcategories are:

**35.090-A Animal Husbandry**

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

**35.090-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 and may be located on a roof or within a building.

**35.090-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. Market farms may be principal or accessory uses and may be located on a roof or within a building.

**35.090-D Greenhouse**

A building used for propagation and growth of trees or plants 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.

**35.090-E Horticulture Nursery**

A primarily outdoor 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.

**Section 35.100 Other Use Category**

This category includes uses that do not fit the other use categories.

**35.100-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.<sup>60</sup> 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 [§45.010-B](#)).

**35.100-B Off-premise 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.

**35.100-C Oil or Gas Well**

Any hole or bore, of any depth, for the purpose of producing and recovering oil, gas, or other hydrocarbon substances or for the injection or disposal of any oil, gas, or other hydrocarbon substances. See also [Title 42A](#) of the Tulsa Revised Ordinances.

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<sup>60</sup> The grouping of all drive-in uses and uses with drive-through windows is a change.

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**Section 40.010 General**

This chapter includes supplemental regulations that apply to some uses and building types. These regulations supplement the applicable zoning district regulations. The applicability of these supplemental use regulations is indicated in the individual sections of this chapter and in the use regulations of the respective zoning district.

**Section 40.020 Animal Services**

Whenever an animal services use is located on a lot abutting an R district, a screening wall or fence must be provided along the common lot line in accordance with the F1 screening fence or wall standards of §65.060-C2.

**Section 40.030 Apartments/Condos**

Whenever an apartment/condo building containing more than 5 dwelling units is located on a lot abutting an RE or RS district, a screening wall or fence must be provided along the common lot line in accordance with the F1 screening fence or wall standards of §65.060-C2.

**Section 40.040 Assembly and Entertainment**

Whenever an assembly and entertainment use is located on a lot abutting an R district, a screening wall or fence must be provided along the common lot line in accordance with the F1 screening fence or wall standards of §65.060-C2.

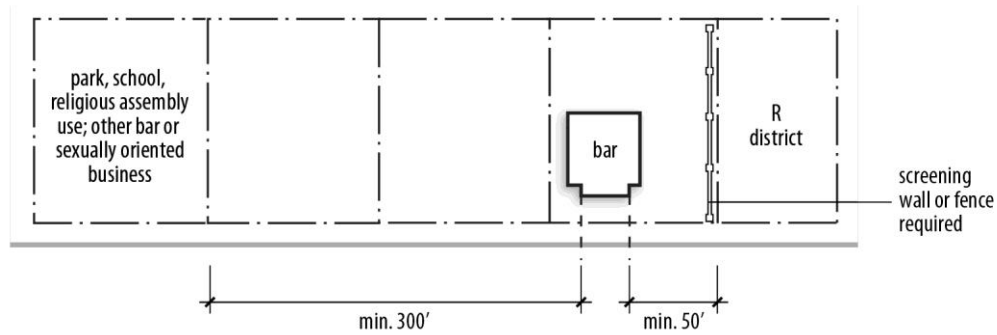
**Section 40.050 Bars**

The supplemental use regulations of this section apply to all bars, brewpubs and private clubs, except accessory use bars.

**40.050-A** Bars, brewpubs and private clubs are subject to all of the following separation distance requirements:

1. Public entrance doors may not be located within 50 feet of R districts, as measured in a straight line from the nearest point on a residential zoning district boundary line (not including R-zoned expressway right-of-way) to the nearest public entrance door of the bar.
2. Public entrance doors of bars, brewpubs and private clubs may not be located within 300 feet of a public park, school or religious assembly use, as measured from the nearest point on the property line of a park, school or religious assembly use to the nearest public entrance door of the bar, measured along the street right-of-way line providing the nearest direct route typically traveled by pedestrians between such points. For purposes of measuring required separation distance, property on the opposite side of the street from parks, schools or religious assembly uses will be considered as if it were located on the same side of the street as the park, school or religious assembly use.
3. Bars, brewpubs and private clubs may not be located within 300 feet of any other bar, brewpub, private club or sexually oriented business establishment, except in the CBD district. The required separation distance must be measured in a straight line between the nearest points of the walls of the portions of the buildings occupied by the bar, brewpub, private club or sexually oriented business establishment.

Figure 40-1: Separation Distance Requirements for Bars



4. Religious assembly uses include 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.
5. Schools include all contiguous property owned or leased by the school upon which the principal school building is located, regardless of any interior lot lines.

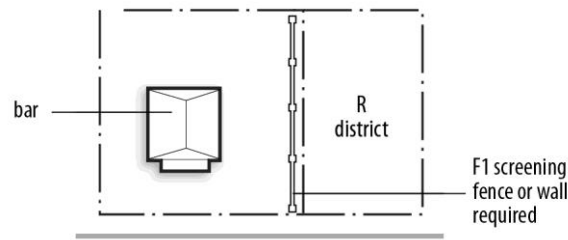
**40.050-B** Bars, brewpubs and private clubs must be located within completely enclosed buildings, except that outdoor customer seating areas, including rooftop seating, are allowed subject to the following regulations:

1. Outdoor customer seating areas are subject to all applicable building setback requirements and must abut the building wall or roof area of the principal building;
2. Outdoor seating areas may not occupy required parking spaces or parking area access aisles;
3. An outdoor seating area exceeding 10% of the indoor building floor area of the bar is counted as floor area for purposes of determining off-street parking and loading requirements; and
4. When a bar, brewpub or private club is located on a lot abutting an R district, noise emanating from any outdoor seating areas may not exceed 65 db(A), as measured long the common lot line at the top of the required screening wall or fence.<sup>61</sup>

**40.050-C** When a bar, brewpub or private club is located on a lot abutting an R district, a screening wall or fence must be provided along the common lot line in accordance with the F1 screening fence or wall standards of [§65.060-C2](#).

<sup>61</sup> The current zoning code contains a "no-audible-noise" standard, which may be overly restrictive and unrealistic. This revision limits sound to normal conversation levels.

Figure 40-2: Screening of Bar Abutting R District



All uses included within Use Unit 1212a shall be reviewed by the board of adjustment at a public hearing to determine if they comply with all applicable spacing requirements. Notice of the public hearing shall be given as provided in Section 1603 of this code.

### Section 40.060 Bed and Breakfasts

The supplemental use regulations of this section apply to all bed and breakfast uses.

- 40.060-A Bed and breakfast are limited to a maximum of 12 guest rooms unless a lower limit is established by the board of adjustment as a condition of an approved special exception.
- 40.060-B The maximum length of stay for any guest is limited to 30 days per calendar year.
- 40.060-C The owner/operator must maintain a register of bed and breakfast guests and special events for each calendar year and make the register available to city code enforcement upon request.
- 40.060-D Cooking facilities are prohibited in guest rooms.
- 40.060-E Signs are allowed in accordance with the sign regulations of the subject zoning district unless the board of adjustment establishes stricter conditions at the time of special exception approval may not exceed 2 square feet in area in RE and RS zoning districts. In all other districts signs are limited to a maximum of 32 square feet in area and 20 feet in height.
- 40.060-F Public restaurants are prohibited. Meals may be served only to overnight guests and for special events expressly authorized by the board of adjustment at the time of special exception approval. ~~Except in RE and RS zoning districts, where special events are prohibited, the~~ board of adjustment may authorize bed and breakfasts to be rented for special events, such as weddings, receptions, anniversaries, private dinner parties, business seminars, etc. The use of bed and breakfasts for special events requires express authorization of the board of adjustment, in accordance with the special exception procedures of [Section 70.120](#). As part of approval of the special exception, the board of adjustment is authorized to establish the maximum number of special events per year and the maximum number of guests per any single event, based on the availability of off-street parking and the facility's likely impacts on the area.<sup>62</sup>

### Section 40.070 Colleges, Universities and Hospitals

Colleges, universities and hospitals are all subject to a minimum site area requirement of one acre.

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<sup>62</sup> Removed outright prohibition of special events in RE and RS districts.

### **Section 40.080 Commercial Services**

Whenever a commercial services use is located on a lot abutting an R district, a screening wall or fence must be provided along the common lot line in accordance with the F1 screening fence or wall standards of [§65.060-C2](#).

### **Section 40.090 Community Garden**

The supplemental use regulations of this section apply to all community garden uses.

- 40.090-A** Unless permitted by the underlying zoning district or approved as a special exception, on-site sale of community garden products is prohibited.
- 40.090-B** Lawn and garden equipment of the type customarily used by consumers for household lawn and garden care is the only type of motorized equipment allowed. The use of motorized equipment is restricted to hours beginning at 8:00 a.m. and ending at 8:00 p.m.
- 40.090-C** The site must be designed and maintained to prevent any chemical pesticide, fertilizer or other garden waste from draining on to adjacent properties.
- 40.090-D** An on-site trash storage container must be provided and located as close as practicable to the rear lot line. Compost bins or piles must also be located as close as practicable to the rear lot line. Trash must be removed from the site at least once a week.
- 40.090-E** Only individuals and organizations authorized by the property owner may participate in the community garden.
- 40.090-F** A sign must be posted on the property identifying the name and phone number of the property owner or the owner's agent name. The sign must be at least 4 and no more than 8 square feet in area and be posted so that it is legible from the public right-of-way.
- 40.090-G** The owner of any lot used for a community garden must give each abutting property owner and occupant written notice of the intent to establish a community garden and the applicable use regulations of this zoning code at least 30 days before the start of the community garden.
- 40.090-H** Measures must be taken to prevent cultivated areas from encroaching onto adjacent properties.
- 40.090-I** The property must be maintained free of tall weeds and debris. Dead garden plants must be regularly removed and, in any instance, no later than October 31 of each year.
- 40.090-J** Within a residential zoning district, operating hours for community garden activities are restricted to between 5:00 a.m. and 11:00 p.m. daily.
- 40.090-K** Any community garden use regulation of this section may be modified by special exception approval.

### **Section 40.100 Community Group Homes**

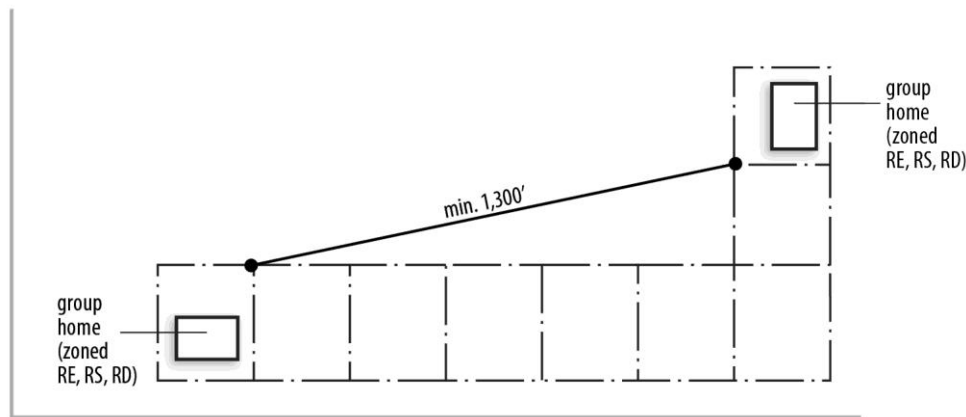
The supplemental use regulations of this section apply to all community group homes.

- 40.100-A** The occupancy of a community group home may not exceed 15 inhabitants. Consideration of special exception approval must, at least in part, be based upon a showing that, but for the economic need associated with the number of inhabitants requested to be permitted in the proposed group home, (1) the dwelling would otherwise be available to the applicant and (2) the requested number of inhabitants is reasonably calculated to offset the increased economic costs associated with the group home use.

**40.100-B** Community group homes must have all licenses required by the state. A special exception granted for a community group home use will immediately become void upon final revocation of any required state license.

**40.100-C** To avoid over-concentration, community group homes in RE, RS or RD zoning districts may not be located within 1,300 feet of any other a community group home. This separation requirement is established, not on the basis of any disability status, but on the basis of the non-family status of the groups. The required separation distance must be measured in a straight line from the nearest lot lines of the lots occupied by the community group home uses.

Figure 40-3: Required Separation of Community Group Homes<sup>63</sup>



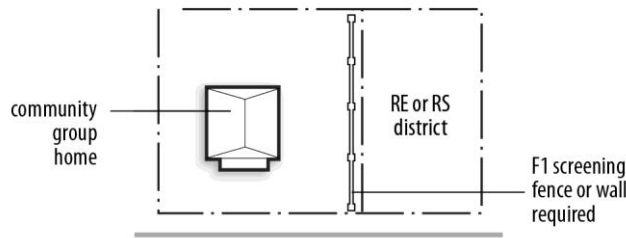
1. Traffic and parking congestion given the capacity of nearby streets;
2. The likelihood that any other applicable group home use will impact traffic and parking congestion;
3. Traffic hazards;
4. Availability of off-street parking;
5. Availability of public transit and the likelihood of its use;
6. Feasibility of traffic mitigation measures; and

<sup>63</sup> Illustration to be revised to indicate that spacing is required from RE-, RS- or RD-zoned group homes regardless of the other site's zoning.

7. Impacts on public utilities, including water and sanitary sewer capacities.<sup>64</sup>

40.100-E When a community group home is located on a lot abutting an RE- or RS-zoned lot, a screening wall or fence must be provided along the common lot line in accordance with the F1 screening fence or wall standards of §65.060-C2.

Figure 40-4: Screening of Community Group Home Abutting RE or RS District



~~For any special exception granted for the location of a community group home in an AG, RE, RS or RD district, the board of adjustment must establish a time limit on the special exception, giving particular consideration to accommodations for financial constraints that may make the establishment of the group home impractical and the review of compliance with any conditions the board of adjustment may attach. Regardless of the time limitation established, an applicant may apply for subsequent grants of the special exception, extending the group home use, which shall not be unreasonably denied.<sup>65</sup>~~

#### Section 40.110 Cottage House Developments<sup>66</sup>

Cottage house developments are subject to the lot and building regulations that apply to detached houses in the subject zoning district, except as expressly modified by the cottage house development regulations of this section.

##### 40.110-A Purpose

The cottage house development regulations of this zoning code are intended to provide opportunities for individual ownership of small houses oriented around a courtyard or common open area.

##### 40.110-B Development Size

Cottage house developments must contain at least 4 and no more than 10 houses arranged around at least 2 sides of a courtyard or common open space.

##### 40.110-C Orientation of Cottage Houses

1. Cottage houses must be oriented to, and have a main entry onto a courtyard or common open space area that is accessible by all residents in the cottage house development, provided that cottage houses on lots abutting minor streets must have their front building elevation facing the street, including a building entrance, with a second entrance facing a courtyard or common open space area.

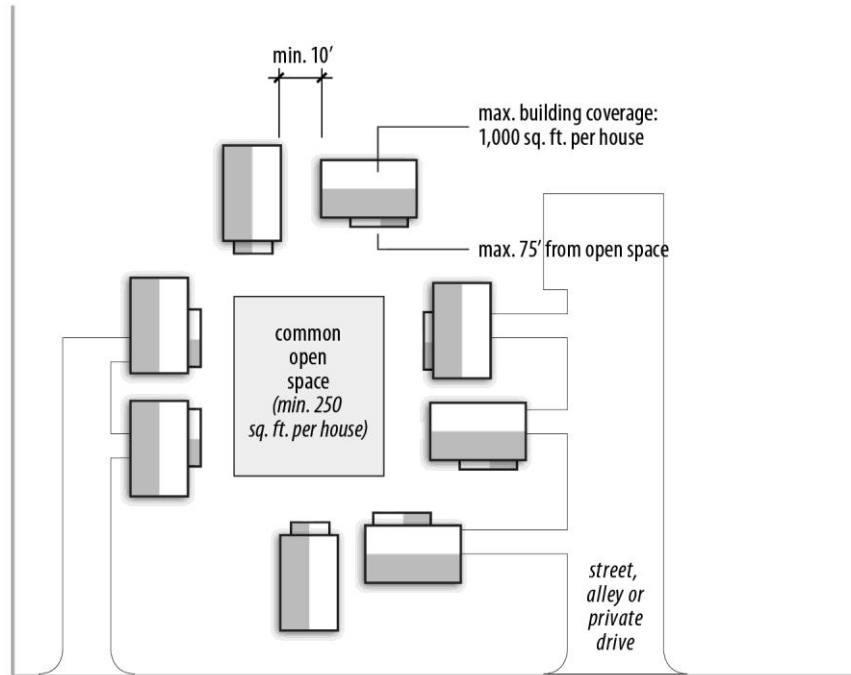
<sup>64</sup> The existing prohibition of all signs advertising group homes has been eliminated. Group homes should be subject to the same sign regulations as other uses within the subject district.

<sup>65</sup> Proposed for elimination because of concerns about enforceability/defensibility.

<sup>66</sup> Entirely new.

2. Required courtyards and common open space areas must have cottage houses abutting on at least 2 sides.
3. All cottage houses must be located within 75 feet walking distance of a required courtyard or common open space area.

Figure 40-5: Cottage House Developments<sup>67</sup>



#### 40.110-D Open Space

A unified, contiguous courtyard or common open space must be provided as the focal point of the cottage house development. The courtyard or common open space area must contain at least 250 square feet of common open space per cottage house.

#### 40.110-E Building Setbacks and Separation

All buildings within a cottage house development must comply with the minimum building setbacks that apply to detached houses in the subject zoning district. No building setback is required from an alley. Buildings within the cottage house development must be separated by a minimum distance of 10 feet.

#### 40.110-F Building Coverage

Each cottage house is subject to a maximum building coverage of 1,000 square feet. Attached garages are counted in the calculation of total floor area, but covered porches are not counted.

#### 40.110-G Vehicular Access and Parking

1. Vehicular access to residences within a cottage house development may come from the street, an alley or a private drive.

<sup>67</sup> Illustration to be revised to better indicate access to cottage houses at top.

2. Required parking may be provided on each cottage house lot or in a shared parking lot located within commonly owned space or in a combination of the two. Common parking areas containing 4 or more spaces must be screened in accordance with the F1 screening fence or wall standards of ~~§65.060-C2~~. Parking may not be located in street yards or in the required courtyard or common open space area.

**40.110-H Platting**

A cottage house development is permitted only if a subdivision plat incorporating the provisions and requirements of this section ([Section 40.290](#)) is approved in accordance with the subdivision regulations and filed of record in the office of the county clerk of the county in which the property is located.

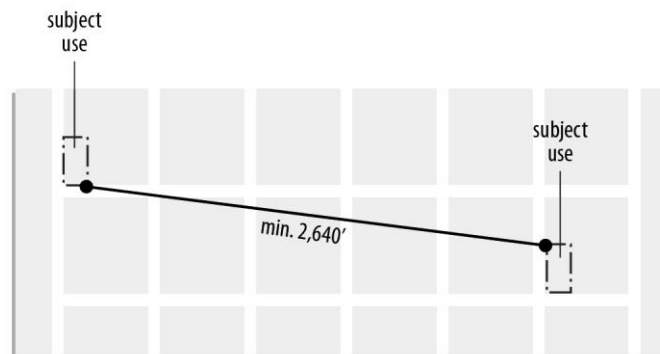
**Section 40.120 Day Cares**

Day camps require a minimum lot area of one acre in AG, RE and RS zoning districts. See also the (accessory use) family child care home regulations of [Section 45.060](#).

**Section 40.130 Dispersal Standards for Specified Land Uses**

- 40.130-A** The supplemental use regulations of this section apply to all detention and correctional facilities, emergency and protective shelters, homeless centers, residential treatment centers and transitional living center uses.
- 40.130-B** To avoid over-concentration, all detention and correctional facilities, emergency and protective shelters, homeless centers, residential treatment centers and transitional living center uses must be separated from one another by a minimum distance of 2,640 feet, as measured in a straight line from the nearest point on the lot line of the property occupied by one of these uses to the nearest point on a lot line of the other property occupied by one of the subject uses (see [Figure 40-6](#)). The separation distance requirements of this subsection may be reduced if approved through the special exception approval process.<sup>68</sup>

*Figure 40-6: Dispersal Standards Measurement*



**Section 40.140 Fraternal Organizations**

Fraternal organizations require a minimum lot area of one acre in AG, RE and RS zoning districts.

<sup>68</sup> Editor's Note: Illustration to be modified to give clearer appearance of lot line to lot line measurement.



**Section 40.150 Funeral Homes**

Funeral homes may be approved as a special exception in any cemetery with a land area of 10 acres or more, provided that special exception approval is not required for a funeral home use if the use is permitted as of right in the subject zoning district.

**Section 40.160 Group Living Uses**

Whenever any group living use is located on a lot abutting an RE or RS district, a screening wall or fence must be provided along the common lot line in accordance with the F1 screening fence or wall standards of ~~§65.060-C2~~.

**Section 40.170 Hotel or Motel**

Whenever a hotel or motel use is located on a lot abutting an R district, a screening wall or fence must be provided along the common lot line in accordance with the F1 screening fence or wall standards of ~~§65.060-C2~~.

**Section 40.180 Industrial Uses**

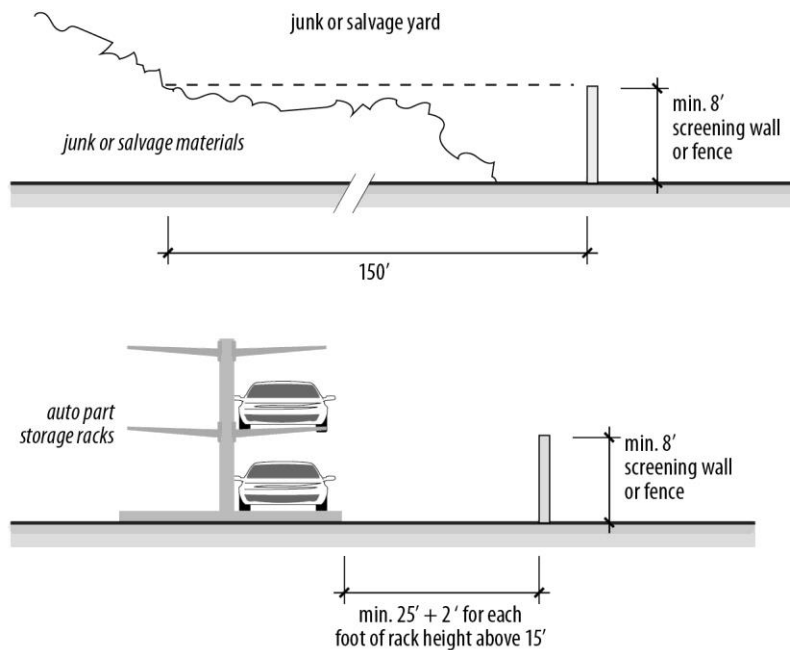
- 40.180-A Whenever any industrial use, other than a junk or salvage yard, is located on a lot abutting an R district, a screening wall or fence must be provided along the common lot line in accordance with the F1 screening fence or wall standards of ~~§65.060-C2~~. Junk and salvage yards are subject to the regulations of [Section 40.190](#).
- 40.180-B Industrial uses located within 300 feet of an abutting R district must be conducted within a completely enclosed building.

**Section 40.190 Junk or Salvage Yards**

The supplemental use regulations of this section apply to all junk or salvage yards.

- 40.190-A Junk or salvage yards must be screened from view of abutting streets and all AG, R, PK, O, C, CBD, SR, IL and CO zoning districts by the erection and maintenance of a screening wall or fence that is:
  1. At least 8 feet in height;
  2. Made of wood, metal, or masonry construction;
  3. Designed and arranged to provide opaque visual screening;
  4. Uniform in height, except in response to significant changes in topography;
  5. Constructed with all braces and supports on the interior of the fence or wall; and
  6. Erected before occupancy of the building or initiation of the junk or salvage yard use.
- 40.190-B Required screening walls and fences must be maintained by the owner of the lot containing the use requiring the screening.
- 40.190-C The piling of junk or salvage materials may not exceed the height of the required screening wall or fence within 150 feet of the boundary required to be screened, except that storage racks designed for the stacking of automotive front-ends, hoods, doors, quarter panels, and similar parts that exceed the height of the screening wall or fence, must be set back at least 25 feet from abutting R district and street rights-of-way, plus 2 additional feet of setback for every foot of rack height above 15 feet.

Figure 40-7: Screening and Setback Requirements for Junk and Salvage Material



40.190-D The board of adjustment is authorized as a special exception to:

1. Modify or eliminate the screening wall or fence requirements where existing physical features, such as trees and other plant materials, buildings, earthen berms or hills, provide equivalent visual screening;
2. Modify the screening wall or fence requirements when alternative screening will provide equivalent visual screening, such as:
  - a. Dense landscaping, or
  - b. A 6-foot privacy wall or fence;
3. Grant an extension of time to erect a screening wall or fence when properties, other than streets, are undeveloped and no immediate plans for development are known or anticipated; or
4. Eliminate the screening wall or fence requirements when the purpose of the screening requirement cannot be achieved, such as when a street is elevated, or when the required screening wall or fence is prohibited by other regulations, such as in floodplains.

**Section 40.200 Library or Cultural Exhibit**

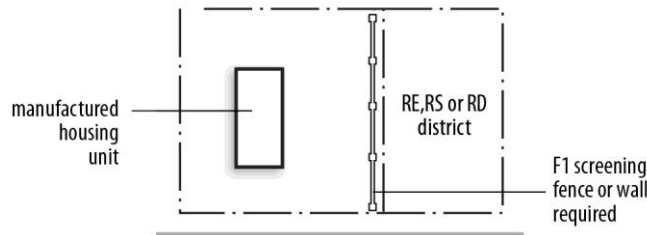
Museums, planetariums, aquariums and other cultural exhibit uses require a minimum lot area of one acre in AG, RE and RS zoning districts.

**Section 40.210 Manufactured Housing Units**

The supplemental regulations of this section apply only to manufactured housing units approved as special exception uses in R zoning districts.

- 40.210-A The application for a special exception must be accompanied by a written signed agreement by the applicant and the property owner to remove the manufactured housing unit within one year of the date of special exception approval.
- 40.210-B The manufactured housing unit must be removed from the lot within one year of the date of special exception approval. The board of adjustment is authorized to extend the one-year limit through approval of a subsequent special exception if the (special exception) extension request is filed before expiration of the one-year time limit.
- 40.210-C No more than one manufactured housing unit may be located on a lot.
- 40.210-D Manufactured housing units are required to comply with the same lot and building regulations that apply to detached houses in the subject zoning district.
- 40.210-E When a manufactured housing unit is located on a lot abutting an RE, RS or RD district, a screening wall or fence must be provided along the common lot line in accordance with the F1 screening fence or wall standards of [§65.060-C2](#).

*Figure 40-8: Screening of Manufactured Housing Unit Abutting RE, RS or RD District*



~~The applicant must, within 10 days of the date of special exception approval, post with the city clerk, a cash bond or surety bond payable to the order of the City of Tulsa in the amount of \$500.00 to defray removal cost in the event the applicant fails to remove the manufactured housing unit at the end of one (1) year from the date of granting of the special exception.~~

### **Section 40.220 Manufactured Housing Subdivisions**

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

- 40.220-A Manufactured housing subdivisions require a minimum contiguous land area of 10 acres.
- 40.220-B All manufactured housing units in manufactured housing subdivisions must be attached to a permanent foundation.<sup>69</sup>

### **Section 40.230 Mining or Mineral Processing**

As part of the special exception review and approval process for any mining or mineral processing use, the board of adjustment must consider potential environmental impacts, such as noise, dust and vibration, and is authorized to establish conditions of approval (e.g., setbacks, screening, and methods of operation) to help control and mitigate any adverse land use or environmental impacts on surrounding areas.

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<sup>69</sup> This draft does not carry over the existing certificate and sign regulations for mobile home subdivisions [403.B.2.a.(2) and 403.B.2.a.(4)].

**Section 40.240 Mobile Home Parks**

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

- 40.240-A All mobile homes and manufactured housing units must be completely skirted.
- 40.240-B All mobile homes and manufactured housing units must be anchored in accordance with city regulations.
- 40.240-C All housing units must be certified and display applicable federal certifications.
- 40.240-D The lot and building regulations of [Table 40-1](#) apply to the overall mobile home park site:

*Table 40-1: Mobile Home Park Lot and Building Regulations*

Regulations	
Minimum Area (acres)	5
Minimum Width (feet)	200
Minimum Lot Area per Unit (sq. ft.)	5,000 <sup>70</sup>
Minimum Building Setbacks (feet)	
Street (Arterial/Freeway)	35
Street (Non-Arterial/Freeway)	20
Side (interior)	10
Rear	10
Maximum Building Height (feet)	15 <sup>71</sup>

- 40.240-E The lot and building regulations of [Table 40-2](#) apply to individual mobile home and manufactured housing unit spaces within a mobile home park:

*Table 40-2: Mobile Home and Manufactured Housing Unit Space Regulations*

Regulations	
Minimum Area (sq. ft.)	4,000
Minimum Width (feet)	40
Minimum Building Setbacks (feet)	
Street	10
Side (interior)	5/10 <sup>[1]</sup>
Rear	10
Minimum Separation Between Units (feet)	15
Maximum Under-Roof Area <sup>[2]</sup> (% of space)	45
Minimum Outdoor Living Area <sup>[3]</sup> (sq. ft.)	100

Table 40-2 Notes

- [1] Minimum 5 feet on one side, 10 feet on the other.
- [2] Includes dwellings, carports and all other accessory buildings.
- [3] May be covered by roof or awning. May be paved but may not include parking or driveway areas. Must have average dimensions of 10 feet per side.

- 40.240-F Accessory buildings must be set back at least 10 feet from manufactured housing units.<sup>72</sup>
- 40.240-G Streets within the mobile home park must have a minimum paved width of 24 feet.

<sup>70</sup> This draft code proposes eliminating current “land area per dwelling unit” requirements and instead regulates density on the basis of “lot area per dwelling unit.” Since this change means abutting right-of-ways will not count towards satisfying the minimum requirements, the proposed requirement has been reduced (from 5,445 sq. ft. per unit).

<sup>71</sup> This is a change; currently one-story maximum.

<sup>72</sup> Eliminated 36 square feet minimum and 100 square feet maximum.

- 40.240-H Common park/recreational open space and facilities (which may include trails, playgrounds, community buildings and tot-lots) must be provided for all mobile home parks equal to at least 6% of the total gross area of the mobile home park, exclusive of outdoor living area provided on individual mobile home/manufactured unit spaces.

#### **Nursing Home**

~~The nursing home shall meet applicable licensing requirements of the State of Oklahoma. The maximum floor area ratio is .5.~~

#### **Section 40.250 Multi-unit Houses<sup>73</sup>**

Multi-unit houses are subject to the lot and building regulations of the subject zoning district, except as expressly modified by the supplemental regulations of this section.

- 40.250-A The street-facing façade of a multi-unit house may have only one building entrance that is visible from the street. If the building is located on a corner lot, one building entrance may be visible from each street.
- 40.250-B Patio-style doors, such as sliding glass doors, may not be used for entrance doors on building façades that face a street.
- 40.250-C The front façade of new multi-unit houses established after the effective date established in [Section 1.030](#) may not exceed 60 feet in width.
- 40.250-D Outdoor (surface) parking areas may not be located between the principal building and the street or within any required side building setback.

#### **Section 40.260 Offices**

The supplemental use regulations of this section apply to office uses in the districts indicated.

- 40.260-A Office uses in the RM1 district must comply with the lot and building regulations of the OL district.
- 40.260-B Office uses in the RM2 district must comply with the lot and building regulations of the OM district, except that no building occupied by office uses may exceed ~~two stories~~ 35 feet in height.
- 40.260-C Office uses in the RM3 district must comply with the lot and building regulations of the OMH district.
- 40.260-D Whenever an office use is located on a lot abutting an R district, a screening wall or fence must be provided along the common lot line in accordance with the F1 screening fence or wall standards of ~~§65.060-C2~~.

#### **Section 40.270 Oil or Gas Wells**

Oil and gas wells and oil and gas well drilling operations are subject to the regulations of [Title 42A](#) of the Tulsa Revised Ordinances.

#### **Section 40.280 Parking Structures**

The supplemental use regulations of this section apply to all parking structures in MX districts.

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<sup>73</sup> Entirely new.

40.280-A The ground floor of all parking structures located in MX zoning districts must be lined with habitable floor space between the parking structure and any public sidewalk. The floor space may be occupied by any use allowed in the district, except for parking.

~~40.280-A~~ 40.280-B The street-facing facade of parking structures must be oriented horizontally (maintain a horizontal line) on all street-facing facades, so that the sloping nature of parking floors is not repeated on the exterior facade. This requirement does not apply to helix-shaped ramps leading to and from parking floors and may be waived or modified in accordance with the administrative adjustment provisions of Section 70.100 when compliance would result in a reduction in the number of parking spaces or necessitate mechanical ventilation of the garage.

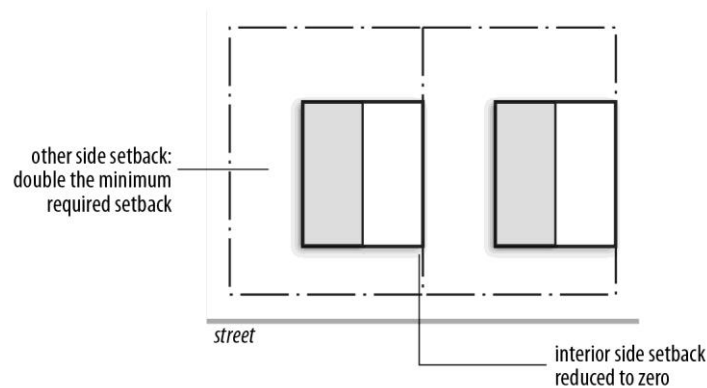
#### Section 40.290 Lot Line Patio Houses<sup>74</sup>

Lot line Patio houses are subject to the lot and building regulations of the subject zoning district, except as expressly modified by the lot line supplemental patio house regulations of this section.

40.290-A A lot line patio house development must consist of at least 3 contiguous lots with frontage on the same street.

40.290-B The interior side building setback on one side of the lot containing a lot line patio house may be reduced to as little as zero. The zero- or reduced setback side of a lot line patio house may not abut a street and may not abut a lot that is not part of the lot line patio house development. On the “non-zero” side, a side building setback must be provided equal to at least twice the minimum side building setback requirement of the subject zoning district.

Figure 40-9: Minimum Side Building Setbacks for Lot Line Patio Houses



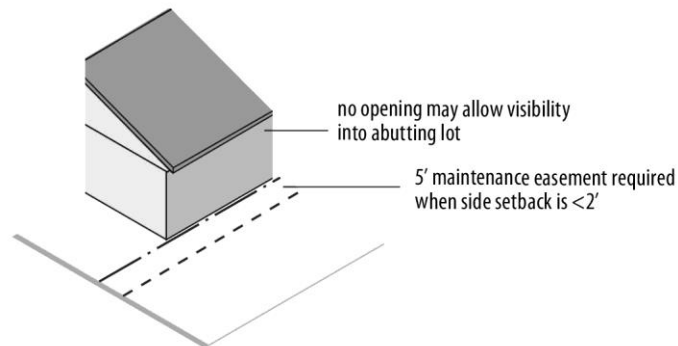
40.290-C When the lot line patio house’s exterior wall or eaves are within 2 feet of the abutting property line, a perpetual maintenance easement at least 5 feet in width must be provided on the lot abutting the zero lot line patio property line, which, with the exception of walls and/or fences, must be kept clear of structures. The easement must be depicted on the plat and established in the deed of dedication accompanying the plat. This provision is intended to ensure the ability to conduct maintenance on the lot line patio house. Eaves

<sup>74</sup> Entirely new.

on the side of a **lot-linepatio** house with a zero or reduced setback may project over the side property line only if shown on the easement required under this paragraph.

- 40.290-D Windows, doors and other openings that allow for visibility into the side yard of the lot abutting the reduced or zero setback side of the **lot-linepatio** house are prohibited. Windows that do not allow visibility into the side yard of the lot abutting the zero or reduced setback side, such as clerestory windows or translucent windows, are allowed, subject to compliance with the building code.

Figure 40-10: **Lot-LinePatio** House Maintenance Easements and "Privacy" Requirements



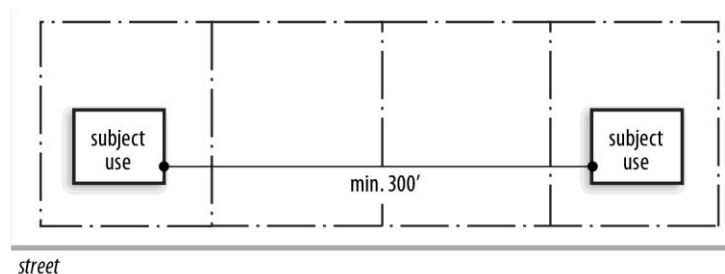
- 40.290-E A patio house development is permitted only if a subdivision plat incorporating the provisions and requirements of this section ([Section 40.290](#)) is approved in accordance with the subdivision regulations and filed of record in the office of the county clerk of the county in which the property is located.

### Section 40.300 Plasma Centers, Day Labor, Liquor Stores, Bail Bonds, Pawn Shops

The supplemental use regulations of this section apply to all plasma centers, day labor hiring centers, liquor stores, bail bond offices and pawn shops.

- 40.300-A Plasma centers, day labor hiring centers, liquor stores, bail bond offices and pawn shops must be separated by a minimum distance of 300 feet, provided that bail bond offices located within the CBD district are not subject to this separation requirement.
- 40.300-B For uses established after July 1, 2001, the separation distance requirement of [§40.300-A](#) must be measured in a straight line from the nearest perimeter wall of the portion of the building occupied by one of the subject uses to the nearest perimeter wall of the portion of the building of any other subject use.

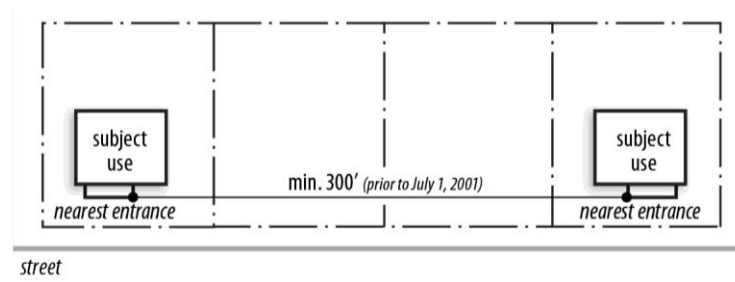
Figure 40-11: Measurement of Required Use Separation (Permits Issued after 7/1/2001)



- 40.300-C For uses that were in operation or had been issued a building permit on or before July 1, 2001, the separation distance requirement of [§40.300-A](#) must be measured in a straight

line from the nearest public entrance door of one of the subject uses to the nearest public entrance door of any other subject use.

Figure 40-12: Measurement of Required Separation (Uses Established/Permits Issued on or before 7/1/2001)



### Section 40.310 Recycling Uses

Whenever any recycling use is located on a lot abutting an R district, a screening wall or fence must be provided along the common lot line in accordance with the F1 screening fence or wall standards of §65.060-C2.

### Section 40.320 Religious Assembly

The supplemental use regulations of this section apply to religious assembly uses in AG and R districts.

40.320-A In AG and R zoning districts, religious assembly uses must be located on lots with a minimum lot area of one acre and a minimum lot width of 100 feet.

40.320-B In AG and R zoning districts, off-street parking on the site of a religious assembly use is prohibited in street building setbacks.

### Section 40.330 Restaurants

The supplemental use regulations of this section apply to all restaurant uses.

40.330-A Restaurants must occupy completely enclosed buildings, except outdoor customer seating, including rooftop seating, is permitted subject to the following regulations:

1. Outdoor customer seating areas are subject to all applicable building setback requirements and must abut the building wall or roof area of the principal building;
2. Outdoor seating areas may not occupy required parking spaces or drive aisles;

~~An outdoor seating area exceeding 10% of the indoor building floor area of the restaurant is counted as floor area for purposes of determining off-street parking and loading requirements; and<sup>75</sup>~~

3. When a restaurant is located on a lot abutting an R district, noise emanating from any outdoor seating areas may not exceed 65 db(A), as measured along the common lot line at the top of the required screening wall or fence.<sup>76</sup>

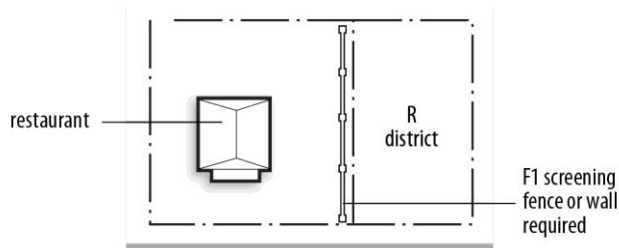
<sup>75</sup> Removed because already addressed in parking chapter.

<sup>76</sup> The current zoning code contains a “no-audible-noise” standard, which may be overly restrictive and unrealistic. This revision limits sound to normal conversation levels.



- 40.330-B Whenever a restaurant is located on a lot abutting an R district, a screening wall or fence must be provided along the common lot line in accordance with the F1 screening fence or wall standards of §65.060-C2.

*Figure 40-13: Screening of Restaurant Abutting R District*



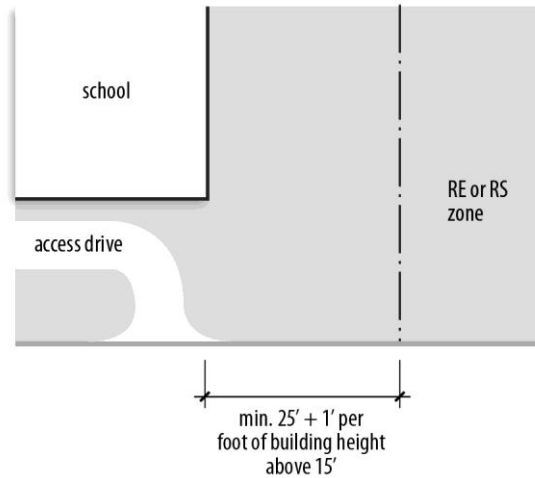
### Section 40.340 Retail Sales

- 40.340-A Whenever a retail sales use is located on a lot abutting an R district, a screening wall or fence must be provided along the common lot line in accordance with the F1 screening fence or wall standards of §65.060-C2.
- 40.340-B Retail sales uses must take place within a completely enclosed building, except that accessory outdoor display of merchandise and accessory outdoor customer seating areas are permitted, subject to the following supplemental regulations:
1. Outdoor display areas must comply with the minimum street setback requirements of the subject zoning district;
  2. Outdoor display areas may not occupy or use required parking spaces or drive aisles;
  3. Outdoor display areas are considered floor area for the purposes of determining off-street parking requirements;
  4. Outdoor customer seating areas are subject to the same requirements that apply to restaurants, per §40.330-A.

### Section 40.350 Schools

- 40.350-A **Schools Established Before January 1, 1998**  
Schools established before January 1, 1998 are subject to a maximum floor area ratio of 0.5 and to the following supplemental use regulations:
1. Day care uses and community centers may be allowed as accessory uses to a school. Outdoor stadiums, lighted athletic fields, unlighted athletic fields that have bleachers for non-student spectators and buildings and structures accessory to these types of stadiums or fields may not be approved as accessory uses to a school.
  2. Buildings, parking areas and access drives must be set back at least 25 feet from abutting RE- and RS-zoned properties, plus one foot of additional building setback for each one foot of building height above 15 feet. These setback and height requirements do not apply if the RE- or RS-zoned land is freeway or expressway right-of-way.

Figure 40-14: Required Building Setbacks from RE and RS Zoning Districts (Schools)



40.350-B Schools Established on or After January 1, 1998

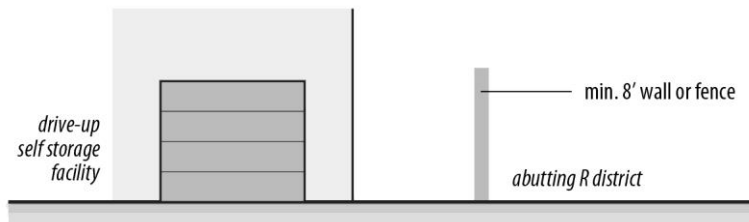
Schools established on or after January 1, 1998 require a minimum lot area of one acre, and lots to be occupied by senior high schools must have frontage on an arterial street.<sup>77</sup>

Section 40.360 Self-Service Storage Facilities

40.360-A General

1. All drive-up style self-service storage facilities located on lots abutting R districts must be screened from the abutting R district by the erection and maintenance of a screening wall or fence with a minimum height of 8 feet.

Figure 40-15: Screening of Drive-up Style Self-Storage Facilities from Abutting R Districts



2. All lots to be occupied by self-service storage facilities must have frontage on ~~and access to~~ an arterial street.
3. No activities other than rental storage units and pick-up and deposit of stored materials are allowed on the premises.

40.360-B RM and O Districts

Self-service storage facilities located in RM or O zoning districts are subject to the following additional requirements:

<sup>77</sup> Current ordinance requires "principal vehicular access" on arterial streets.

- ~~1.— 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.~~
- ~~2.— The minimum building setback from an adjacent arterial street or freeway service road shall be 50 feet, plus 1/2 the right-of-way designated on the Major Street Plan. The minimum building setback from an adjacent nonarterial street shall be 35 feet. The minimum building setback from a freeway and all other boundaries shall be 10 feet, provided however, the board of adjustment may allow less building setback in these two instances if the wall of the building is also to be used to meet the screening requirement, but in no event shall such setback be less than 5 feet.~~
- ~~3-1.~~ 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.
- ~~4-2.~~ The floor area ratio (FAR) may not exceed 0.5.
- ~~5-3.~~ Access doors to drive-up style storage units may not be visible at ground-level from abutting O or R districts or from abutting street rights-of-way.
- ~~6-4.~~ The storage of flammable liquids, highly combustible, explosive materials or hazardous chemicals is prohibited.
- ~~7-5.~~ In RM1 and OL districts storage may only occur within completely enclosed buildings. All storage in RM2, RM3, OM, OMH or OH districts must also occur in 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.
- ~~8.— A maximum of one ground sign is allowed. The sign may not exceed 20 feet in height or 32 square feet in area or 0.2 square feet of sign area per linear foot of street frontage, whichever is greater. Any illumination of the sign must be by constant light.~~

#### 40.360-C CS District

In the CS district, no outdoor (open-air) storage of any kind is allowed that is visible at ground level from abutting R or O districts or from any street rights-of-way.

### **Section 40.370 Sexually Oriented Business Establishments**

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

**40.370-A** Sexually oriented business establishments are allowed only in those districts and under those approval procedures expressly stated in this zoning code. 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 or private 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 or a habitable dwelling unit in an AG 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 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,<sup>78</sup> 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.
- 40.370-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.
- 40.370-C** If a new religious assembly use, school, park or 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 or protected group living uses or public, civic or institutional uses do not apply.

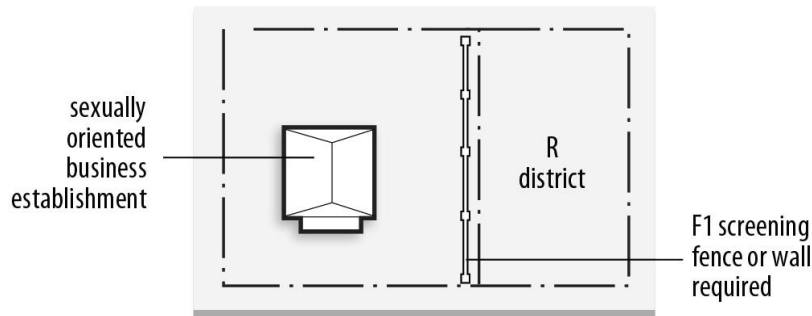
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<sup>78</sup> This has been changed to reflect the new use classification terminology. Currently applies to "Area Wide Special Exception Uses, Community Services and Similar Uses that care for or are typically frequented by persons under 18 years of age."

~~Beginning March 15, 2008 and every 4 years thereafter, the administration must review the separation distance requirements that apply to sexually oriented business establishments and propose any amendments necessary to preserve the interests protected by this section.~~

40.370-D When a sexually oriented business establishment is located on a lot abutting an R district, a screening wall or fence must be provided along the common lot line in accordance with the F1 screening fence or wall standards of §65.060-C2.

Figure 40-16: Screening of Sexually Oriented Business Establishments



### Section 40.380 Studios, Artist or Instructional Services

Whenever an artist studio or an instructional services studio is located on a lot abutting an R district, a screening wall or fence must be provided along the common lot line in accordance with the F1 screening fence or wall standards of §65.060-C2.

### Section 40.390 Townhouses

#### 40.390-A Applicability

Townhouses are subject to all applicable regulations of this zoning code and other city codes and ordinances except as modified or supplemented by the townhouse development and building regulations of this section.

#### Development Size

~~A minimum of 3 townhouse lots is required for any townhouse development.~~

#### 40.390-B Side Setbacks

No side building setback is required for common or abutting walls. Otherwise, the minimum side setback requirements of the subject zoning district apply.

#### 40.390-C Design

Townhouses must be affixed to a permanent foundation, ~~and be constructed using customary residential exterior finishing materials.~~

#### 40.390-D Open Space

Required open space per dwelling unit for a townhouse project may be provided either on each townhouse lot or in common areas within the overall townhouse project, as designated on a recorded subdivision plat.

### Section 40.400 Vehicle Sales and Service

Whenever a vehicle sales and service use is located on a lot abutting an R district, a screening wall or fence must be provided along the common lot line in accordance with the F1 screening fence or wall standards of §65.060-C2.

### Section 40.410 Wholesale, Distribution & Storage Uses

Whenever any wholesale, distribution & storage use is located on a lot abutting an R district, a screening wall or fence must be provided along the common lot line in accordance with the F1 screening fence or wall standards of [§65.060-C2](#).

### Section 40.420 Wireless Communication Facilities

#### 40.420-A Purpose

The wireless communication facility regulations of this section establish supplemental regulations governing wireless communications towers and antennas. These regulations are established to promote the following goals:

1. Protecting residential areas and land uses from potentially adverse impacts of towers and antennas;
2. Encouraging the location of towers in nonresidential areas;
3. Minimizing the total number of towers;
4. Encouraging co-location rather than the construction of additional single-use towers;
5. Encouraging users of towers and antennas to locate them, to the extent possible, in areas where the adverse impact on the community is minimal;
6. Encouraging users of towers and antennas to configure them in a way that minimizes the adverse visual impact of the towers and antennas through careful design, siting, landscape screening and innovative camouflaging techniques; and
7. Helping to ensure the ability of telecommunications services providers to offer such services to the community quickly, effectively and efficiently.

#### 40.420-B Exemptions

The following are exempt from these regulations:

1. Amateur (Ham) radio antennas;
2. Microwave reflectors and parabolic antennas;
3. Antennas and equipment located completely inside of buildings; and
4. Minor modifications of existing wireless communications facilities and attached wireless communications facilities, whether emergency or routine, provided 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 all applicable regulations of this section.

#### 40.420-C Federal Law

The wireless communication facility regulations of this section must be applied within the constraints of the *Telecommunications Act of 1996* and *Section 6409 of the Middle Class Tax Relief and Job Creation Act of 2012*.<sup>79</sup>

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<sup>79</sup> New provision

#### 40.420-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.

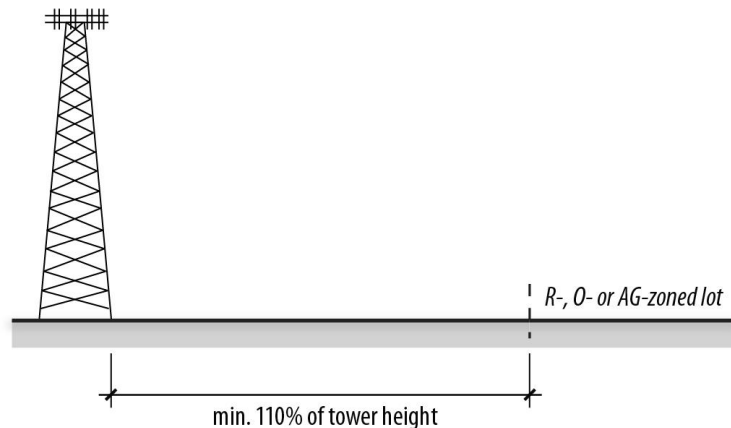
#### 40.420-E General Requirements

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. Other than in IM and IH zoning districts, communication towers must be of a monopole design unless the board of adjustment approves, by special exception, an alternative design that they determine would better blend into the surrounding environment or that the required antennas cannot be supported by a monopole.
  - 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 ~~is identical to, or~~ closely matches or complements compatible with, the color of the supporting structure, so as to make the antenna and related equipment as visually unobtrusive as possible.

- ~~3.~~ Towers and antennas shall be regulated and permitted pursuant to this ordinance and shall not be regulated or permitted as essential services, public utilities, or private utilities.
- ~~4.3.~~ 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.
- ~~5.4.~~ The use of any portion of a tower for advertising or signs other than warning or equipment information signs is expressly prohibited.
- ~~6.5.~~ 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 F1 screening fence or wall standards of §65.060-C2.<sup>80</sup>
- ~~7.6.~~ The following setback requirements apply to all towers unless otherwise expressly approved by the board of adjustment as part of the special exception approval:
- 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- or AG-zoned lot, excluding R-zoned expressway rights-of-way.
  - Accessory buildings are subject to applicable zoning district building setback requirements.

Figure 40-17: Tower Setback from R, O or AG district



- ~~8.7.~~ Towers must be enclosed by security fencing that is at least 6 feet in height or be equipped with an appropriate anti-climbing device.

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<sup>80</sup> Currently requires screening from residential property within 300 feet.



#### 40.420-F Antennas and Towers Requiring Special Exception Approval

1. **Applicability**

The regulations of this subsection (§40.420-F) apply to all antennas and towers that require special exception approval.

2. **Factors to be Considered**

a. In addition to any other applicable requirements, the following factors must be considered in a decision to approve or deny special exception approval for a tower:

- (1) Height of the proposed tower;
- (2) Proximity of the tower to residential structures, residential district boundaries and existing towers;
- (3) Nature of uses on adjacent and nearby properties;
- (4) Surrounding topography;
- (5) Surrounding tree coverage and foliage;
- (6) Design of the tower, with particular reference to design characteristics that have the effect of reducing or eliminating visual obtrusiveness;
- (7) The total number and size of antennas proposed and the ability of the proposed tower to accommodate co-location;
- (8) Architectural design of utility buildings and accessory structures to blend with the surrounding environment;
- (9) Proposed ingress and egress;
- (10) The need for a tower within the immediate geographic area to provide an acceptable level of communications service to the area;
- (11) The size of the tract and the most likely future development as indicated by the comprehensive plan, planned infrastructure, topography and other physical considerations.

b. **Findings**

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

3. **Co-location**

Co-location of facilities is encouraged wherever practical by allowing reasonable extra height or tower diameter necessary to support multiple antennas.

4. **Landscaping**

The following requirements govern landscaping surrounding towers that require special exception approval; provided that the board of adjustment may modify or waive such requirements by special exception.

a. Tower facilities must be landscaped with a continuously maintained buffer of plant materials that effectively screens the view of the tower compound from property within 300 feet used or zoned for residential purposes. The standard

buffer requirement consists of a landscaped strip with a minimum width of 4 feet outside the perimeter of the compound.

- b. Existing mature tree growth and natural land forms on the site must be preserved to the maximum extent possible. In some cases, such as towers sited on large, wooded lots, natural growth around the property perimeter may provide sufficient buffer.

#### 40.420-G Antennas and Towers Permitted as-of-Right

1. **Applicability**

The regulations of this subsection (~~§40.420-G~~) apply to all antennas and towers that are permitted as-of-right.

2. **Permits**

A permit must be obtained from the city before installation or construction of any antenna or tower.

3. **Standards**

Antennas and towers that are permitted as-of-right are subject to the following supplemental regulations:

- a. ~~When located in C, I, or SR zoning districts, provided that Freestanding~~ towers must be set back a distance equal to at least 110% of the height of the tower from any abutting R district, ~~excluding R-zoned expressway rights-of-way~~. The minimum setback requirement may be modified by special exception.
- b. Antennas attached to the roof or wall of buildings in commercial or industrial zoning districts, or to office or apartment/condo buildings ~~of 2 or more stories~~, or to public, civic or institutional buildings (e.g., schools, places of worship, or hospitals) are subject to all of the following regulations:
  - (1) An antenna may 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, may not protrude above that structure; provided, however, that the board of adjustment may modify such requirements by special exception; and
  - (2) The antenna must comply with all applicable FCC and FAA regulations;
  - (3) The antenna must comply with all applicable building codes.
- c. Antennas may be attached to existing towers and to city-owned buildings and structures. When an existing tower must be modified to accommodate the collocation of antennas, the tower must be of the same type as the existing tower or reconstructed as a monopole and the modification or reconstruction may not result in a height increase of more than 30 feet above the height of the existing tower. Other modifications may be approved by special exception.

#### 40.420-H Removal of Abandoned Antenna and Towers

Any antenna or tower that is not operated for a continuous period of 12 months will be considered abandoned, and the owner of the antenna or tower must remove it within 90 days of receiving notice from the city. Failure to remove the abandoned antenna or tower within 90 days constitutes grounds for the city to remove the antenna or tower at the

owner's expense. Abandoned towers are subject to the nuisance abatement procedures set forth in [Title 24, Tulsa Revised Ordinances, Chapter 2](#).

**40.420-1 Preexisting Towers and Antennas**

Any tower or antenna that lawfully existed on or before April 19, 1997 including a tower or antenna for which a permit was issued on or before that date which was constructed within the time frame allowed under the permit, is allowed to remain in use. Routine maintenance, including antenna replacement, is permitted. All new construction, other than routine maintenance, requires compliance with all applicable regulations of this section.

## Chapter 45 | Accessory Uses and Structures

Section 45.010	Generally Applicable Regulations .....	45-1
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### Section 45.010 Generally Applicable Regulations<sup>81</sup>

#### 45.010-A Accessory Uses Allowed

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

#### 45.010-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 development administrator, 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.

#### 45.010-C Time of Construction and Establishment

1. Accessory uses may be established only after the principal use of the property is in place.

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<sup>81</sup> These are new.

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.

**45.010-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.

**45.010-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 (§90.080-C) and exceptions to height limits (§90.150-B)

**Section 45.020 Accessory Antennas**

**45.020-A AG, R and PK Districts**

1. In AG, R and PK 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 side with the largest surface area.
2. In AG, R and PK 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.

**45.020-B Other Districts**

In all districts other than AG, R or PK 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.

**Section 45.030 Donation Drop Boxes<sup>82</sup>**

**45.030-A Where Allowed**

Donation drop boxes are allowed as an accessory use in commercial and industrial districts.

**45.030-B Regulations**

Donation drop boxes are subject to the following regulations:

1. Drop boxes may only be placed with the written permission of the owner of the subject property.
2. No more than 2 donation drop boxes are allowed on lots of less than 40,000 square feet in area. No more than 3 donation drop boxes are allowed on any other lot.
3. Donation drop boxes may not exceed 7 feet in height or cover a ground area of more than 32 square feet. Donation drop boxes may cover a ground area of up to 100 square feet in industrial districts.
4. Donation drop boxes are subject to the building setback regulations of the subject zoning district.
5. Donation drop boxes must be located on a dustless, all-weather surface.
6. Donation drop boxes may not:
  - a. Obstruct motorized or non-motorized traffic;
  - b. Reduce any sidewalk or walkway designed for the passage of pedestrians to less than 5 feet in width;
  - c. Be located within 10 feet of a fire hydrant or fire suppression connection; or
  - d. Be located in a required parking space.
7. The name of the company or organization that owns or controls the donation drop box must be prominently displayed on the drop box, including a phone number and email address. The drop box must also include a legible notice prohibiting the placement of items outside of the drop box. Items that are not enclosed within a donation drop box are deemed a public nuisance and are subject to removal by the city at the subject property owner's expense.

**Section 45.040 Compressed Natural Gas (CNG) Refueling Appliances<sup>83</sup>**

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.

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<sup>82</sup> New proposed provisions.

<sup>83</sup> This is new; provides clarity.

### Section 45.050 Electric Vehicle Charging Stations<sup>84</sup>

#### 45.050-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.

#### 45.050-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.

#### 45.050-C Equipment

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

#### 45.050-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.

Figure 45-1: Electric Vehicle Parking Signs (typical)



### Section 45.060 Family Child Care Homes

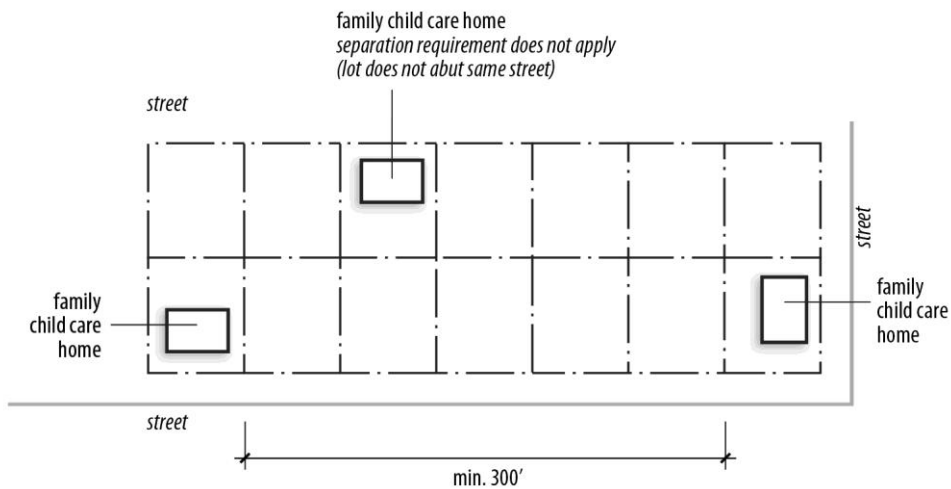
1. Family child care homes must be an accessory use to an allowed household living use and be licensed by the State of Oklahoma.
2. Applicants for family child care homes must obtain a zoning clearance permit and a certificate of occupancy before commencing operation.
3. Family child care homes may provide supervision for no more than 57 children, ~~including those children under 5 years of age who may reside in the subject dwelling unit.~~

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<sup>84</sup> These proposed regulations are new..

4. 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.
5. Signs advertising a family child care home are prohibited.
6. No exterior building alterations or site modifications may be made that would change the residential character of the premises.
7. 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. State-licensed family child care homes in existence on [insert effective date of amendment establishing this provision] that would be prohibited by the distance separation requirements of this section, are allowed to continue to exist and operate.

Figure 45-2: Separation Requirements for Family Child Care Homes



### Section 45.070 Fences and Walls

Fences and walls within required building setbacks may not exceed 8 feet in height, except that in required street setbacks fences and walls may not exceed 4 feet in height. ~~however, this height limitation shall not apply to townhouse or multifamily developments containing more than fifteen (15) dwelling units.~~ The board of adjustment is authorized to modify these fence and wall regulations in accordance with the special exception procedures of [Section 70.120](#).

### Section 45.080 Geothermal Heat Exchange Systems<sup>85</sup>

#### 45.080-A General

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

<sup>85</sup> These proposed regulations are new.



#### 45.080-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 ~~§90.080-C~~.
2. Underground equipment, piping and devices may not be located in any public easement or right-of-way.

### Section 45.090 Home Occupations<sup>86</sup>

#### 45.090-A Description

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

#### 45.090-B Purpose

The home occupation regulations of this section are intended to allow Tulsa 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.

#### 45.090-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.

#### 45.090-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.

#### 45.090-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.

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<sup>86</sup> These draft home occupations represent a substantive modification of the regulations found in 402.B.6 of the current zoning code.

#### 45.090-F Prohibited Uses

The following uses are expressly prohibited as home occupations:

1. Any type of assembly, cleaning, maintenance, painting or repair of vehicles or equipment with internal combustion engines or of large appliances (such as washing machines, clothes dryers or refrigerators);
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. Taxidermists;
7. Restaurants;
8. Funeral or interment services;
9. Animal care, grooming or boarding businesses; and
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.

#### 45.090-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 [§45.090-H](#) and the supplemental regulations of [§45.090-I](#).

##### 2. Type 2 Home Occupations

Type 2 home occupations may be approved as an accessory use to a principal use in the household living use category only through the special exception procedures of [Section 70.120](#). Type 2 home occupations are subject to the general regulations of [§45.090-H](#) and the supplemental regulations of [§45.090-J](#).

#### 45.090-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 neighborhood in Tulsa. 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 signs exceeding 2 square feet in area.
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.
7. Home occupations are subject to the commercial truck parking prohibition of [Section 45.120.](#)

#### 45.090-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 [§45.090-H](#) and the supplemental regulations of [§45.090-I](#) apply to the combined home occupation uses.

#### 45.090-J Supplemental Regulations for Type 2 Home Occupations

1. Only uses approved in accordance with the special exception procedures of [Section 70.120](#) 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.

6. Multiple type 2 home occupations are prohibited as an accessory use to a household living use, and a type 2 home occupation may not be conducted with a type 1 home occupation.
7. The area devoted to the type 2 home occupation is limited to 500 square feet unless otherwise expressly approved through the special exception procedures of [Section 70.120](#).

**Section 45.100 Intoxicating Beverage and Low-point Beer Sales and Service<sup>87</sup>**

The development administrator is authorized to allow accessory sales or service of [intoxicating beverages or low-point beer](#) if the development administrator determines that all of the following criteria are met:

- 45.100-A The proposal complies with the accessory use criteria of [§45.010-B](#); and
- 45.100-B The use is located in a zoning district in which bars are permitted as of right or the use is temporary in nature and located on city-owned property.

**Section 45.110 Office Support Service**

- 45.110-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 OH district and in any O district with a PUD overlay.
- 45.110-B Office support services must be located in the same building as the principal office use, and occupy, in aggregate, no more than 15% of the gross floor area of the subject building.
- 45.110-C Office support services must have internal access from the subject office building. External entrances are also allowed.

**Section 45.120 Parking and Storage of Commercial Trucks**

No vehicle [required to be registered as a "commercial truck" pursuant to OAC 710:60-3-91](#) may be parked or stored on a lot within a residential zoning district. This provision is not intended to prohibit deliveries and pickups by common carrier delivery vehicles (e.g., postal service, united parcel service, FedEx, et al.) of the type typically used in residential neighborhoods

**Section 45.130 Parking and Storage of Inoperable or Unlicensed Motor Vehicles**

In R districts, parking or storage of inoperable or unlicensed motor vehicles is prohibited within street yards.

**Section 45.140 Parking and Storage of Recreational Vehicles**

- 45.140-A Other than for purposes of loading and unloading, which must take place within a 48-hour period, recreational vehicles located in an AG, R or MX district may be parked or stored only in the following locations:
  1. Within a garage;
  2. Within a rear building setback, provided it is set back at least 3 feet from all lot lines;

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<sup>87</sup> The express authority to approve such accessory uses does not actually represent a change in practice, but rather confirms a recent (2012) interpretation by the board of adjustment. The proposed zoning district (or public land) requirement is new.

3. Within a side yard but not within a required side building setback;
4. Within a side building setback if the recreational vehicle is no more than 6 feet in height, excluding the height of any outboard motor or windshield, and the recreational vehicle is screened ~~by a 6-foot opaque fence or wall~~ along the lot line nearest to the vehicle and extending for the vehicle's the full length by an F1 screening fence or wall in accordance with §65.060-C2; or
5. Within the street yard, provided that the development administrator determines that all of the following conditions exist:
  - a. Space is not available or there is no reasonable access to either the side yard or rear yard;
  - b. Parking inside the garage is not possible due to the height or width of the recreational vehicle;
  - c. The recreational vehicle is parked perpendicular to the street lot line;
  - d. The body of the recreational vehicle is at least 12 feet from the face of the curb or travel lanes of the street and does not extend over a sidewalk; and
  - e. No more than one recreational vehicle is parked or stored in the street yard.
6. For purposes of these provisions:
  - a. A corner lot is always deemed to have reasonable access to the rear yard;
  - b. A fence does not necessarily prevent reasonable access to a yard; and
  - c. A boat loaded on a boat trailer is considered one recreational vehicle.

**45.140-B** The parking and storage of recreational vehicles in an R district is permitted in accordance with ~~§45.140-A~~, provided that:

1. The vehicle is not used for dwelling purposes;
2. The vehicle is not permanently connected to sewer lines, water lines, or electricity; and
3. The vehicle is not used for storage of goods, materials, or equipment other than those items considered to be a part of the recreational vehicle or essential for its use as a recreational vehicle.

**45.140-C** If the siting regulations of ~~§45.140-A~~ cannot be met, parking or storage of recreational vehicles in the street yard requires approval in accordance with the special exception procedures of Section 70.120.

## **Section 45.150 Residential Support Service<sup>88</sup>**

**45.150-A** Residential support services include restaurants and retail sales of convenience goods provided primarily to serve the needs of residents of residential buildings.

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<sup>88</sup> These regulations are based on the existing accessory commercial use regulations of 402.B.2. They have been revised.

- 45.150-B Residential support services are allowed in the RM3 district and all MX districts as an accessory use to any principal group living use and in apartment/condo buildings.
- 45.150-C Residential support services must be located in the same building as the principal residential use, and occupy, in aggregate, floor area no more than 4,000 square feet or 10% of the floor area of the principal residential use, whichever is less.
- 45.150-D Residential support services must have internal access from the principal residential building. External entrances are also allowed.

**Section 45.160 Rooming Units<sup>89</sup>**

Rooming units that are accessory to household living uses are allowed, provided that the total number of unrelated persons residing on the property does not exceed the number permitted in the household.

**Section 45.170 Satellite Dish Antennas<sup>90</sup>**

**45.170-A Where Allowed**

1. Satellite dish antennas up to 40 inches in diameter are permitted as of right as an accessory use to all lawfully established principal uses in all zoning districts. They are subject to all applicable accessory structure setback regulations.
2. Satellite dish antennas over 40 inches in diameter, up to 120 inches in diameter, are permitted as of right as an accessory use to all lawfully established principal uses in mixed-use and nonresidential zoning districts. They are subject to all applicable accessory structure setback regulations.

**45.170-B Location**

1. In RM and MX districts, satellite dish antennas may be located anywhere in the buildable area of the lot (outside of required building setbacks) or on an allowed principal or accessory building on the lot.
2. In RS, RD and RT districts, satellite antennas may be located only to the rear of any principal structure. If usable communication signals cannot be obtained from a rear location, the satellite antenna may be located in the side yard. If usable satellite communication signals cannot be received by locating the antenna in the rear or to the side of the principal structure, the antenna may be placed in the street yard outside of the required building setback or on the roof in a location that is visible from the street, provided that the diameter of the satellite dish antenna does not exceed 18 inches.
3. Ground-mounted satellite dish antennae must be visually screened to reduce visual impact from surrounding properties at street level and from public streets.

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<sup>89</sup> These are referred to as “sleeping rooms” under the current zoning code.

<sup>90</sup> These proposed regulations are new.

## Section 45.180 Solar Energy Systems<sup>91</sup>

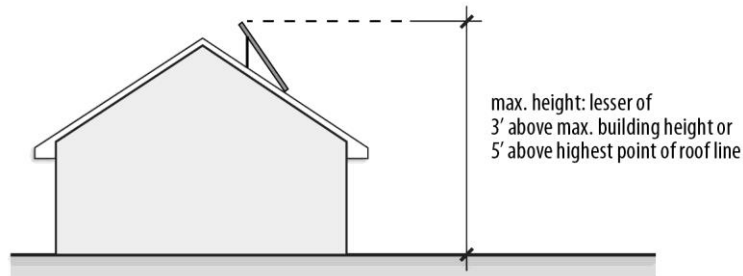
### 45.180-A General

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.

### 45.180-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 [§90.080-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.

*Figure 45-3: Roof-Mounted Solar Energy Systems*



### 45.180-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.

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<sup>91</sup> These proposed regulations are new.

**Section 45.190 Small Wind Energy Conversion Systems<sup>92</sup>**

**45.190-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.

**45.190-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 [Section 70.120](#).

**45.190-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 45-1](#).

*Table 45-1: Maximum Height of Small Wind Energy Conversion System*

<b>Lot Area (acres)</b>	<b>Maximum Height (feet)</b>
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.

**45.190-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 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.

**45.190-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.

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<sup>92</sup> New proposed provisions; added since module review.



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.

#### 45.190-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.

#### 45.190-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 50 | Temporary Uses

Section 50.010	Description and Purpose .....	50-1
Section 50.020	Authority to Approve .....	50-1
Section 50.030	Authorized Uses .....	50-1
Section 50.040	Procedure .....	50-3

## Section 50.010 Description and Purpose

50.010-A A temporary use is the use of private property that does not require a building permit and that may or may not comply with the use and lot and building regulations of the zoning district in which the temporary use is located.

50.010-B 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 this zoning code.

## Section 50.020 Authority to Approve

50.020-A Except as expressly stated in [Section 50.050](#), all temporary uses require city approval.

50.020-B The development administrator is authorized to approve temporary uses that comply with the provisions of this chapter and 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 this zoning code.

50.020-C Temporary uses that do not comply with all applicable regulations and all conditions of approval may be approved as special exceptions in accordance with [Section 70.120](#). The development administrator is authorized to refer any temporary use to the board of adjustment for consideration in accordance with special exception procedures of [Section 70.120](#).

50.020-D Temporary uses and special events on public right-of-way or city-owned land require city council review and approval.

## Section 50.030 Authorized Uses

The development administrator is authorized to approve a zoning clearance permit for 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. The following is a non-exhaustive list of the types of temporary uses and activities for which a zoning clearance permit may be approved by the development administrator:

50.030-A Christmas tree and similar holiday sales lots for a maximum of 90 days per lot per year;

50.030-B Parking lot sales for a maximum of 30 days per lot per year;

50.030-C Outdoor carnivals, concerts, festivals, revivals and public gatherings for a maximum of 30 days per lot per year and no more than 10 consecutive days per occurrence;

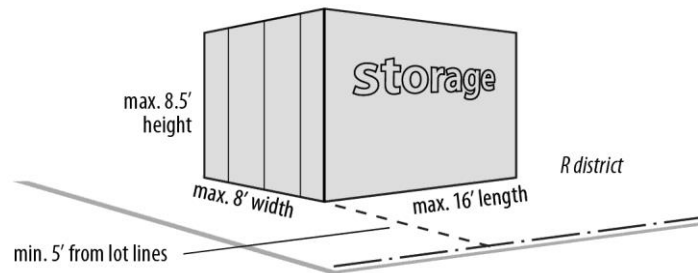
50.030-D Construction staging areas, construction offices and storage of materials related to ongoing construction for the period in which construction is ongoing and all required permits remain valid;

50.030-E 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; and

50.030-F Temporary mobile storage units, subject to the following supplemental regulations:

1. Temporary mobile storage units are allowed in R zoning districts, subject to compliance with all of the following regulations:
  - a. Temporary mobile storage units are permitted for a period not to exceed a total of 90 days within any calendar year unless a valid building or construction permit is in place for the subject property, in which case the temporary mobile storage unit may remain in place for a maximum of 120 days or until the permit expires, whichever occurs first. If a dwelling unit on the subject lot has been damaged by natural disaster act of God, the development administrator is authorized to grant time extensions of otherwise applicable temporary mobile storage unit time limits.
  - b. No more than one temporary mobile storage unit may be located on any lot.
  - c. Temporary mobile storage units may not exceed 16 feet in length, 8 feet in width, and 8.5 feet in height. Figure 50-1.

*Figure 50-1: Maximum Mobile Storage Unit Size in Residential Districts*

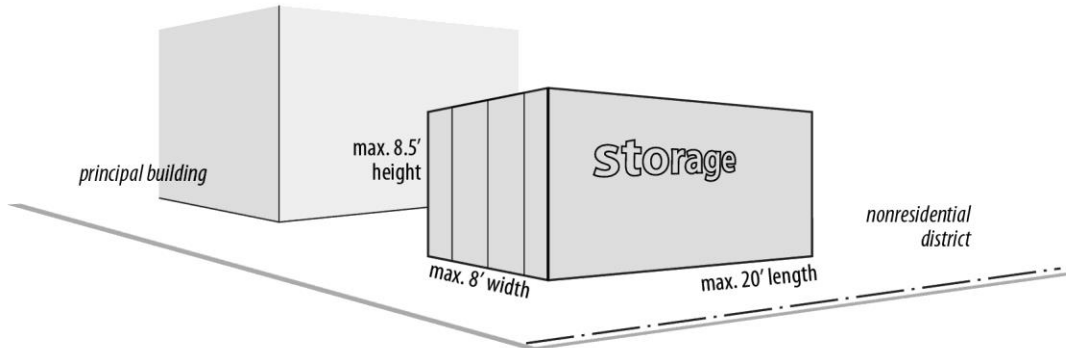


- d. Temporary mobile storage units must be set back at least 5 feet from all property lines.
  - e. Temporary mobile storage units must be placed on an improved all-weather surface, generally asphalt, brick pavers, or concrete. Units are prohibited within landscape areas, open spaces, stormwater basins, 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.
  - f. No materials may be stacked or stored on the exterior of the mobile storage unit and no running gear or transport trailer may be stored on site outside of a completely enclosed building.
2. Temporary mobile storage units are allowed in nonresidential zoning districts, subject to compliance with all the following regulations:
    - a. Temporary mobile storage units are permitted for a period not to exceed a total of 90 days within any calendar year unless a valid building or construction permit is in place for the subject property, in which case the temporary mobile storage unit may remain in place for a maximum of 180 days or until the permit expires,

whichever occurs first. If the principal building on the subject lot has been damaged by natural disaster act of God, the development administrator is authorized to grant time extensions of otherwise applicable temporary mobile storage unit time limits.

- b. No more than 3 temporary mobile storage units may be located on any lot.
- c. Temporary mobile storage units may not exceed 20 feet in length, 8 feet in width, and 8.5 feet in height. See Figure 50-2.

*Figure 50-2: Maximum Mobile Storage Unit Size in Nonresidential Districts*



- d. Temporary mobile storage units must comply with all building setback requirements of the subject zoning district.
- e. Temporary mobile storage units may not be placed or located on a required parking space, circulation aisle/lane, or fire access lane.
- f. Vertical stacking of storage units and stacking of any other materials or merchandise on top of any mobile storage unit is prohibited. No running gear or transport trailer may be left underneath any mobile storage unit.
- g. Temporary mobile storage units are prohibited within landscape areas, required open spaces, 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.

#### **Section 50.040 Procedure**

Upon receipt of a complete application for a zoning clearance permit for a temporary use, the development administrator must review the proposed use for its likely effects and surrounding properties and its compliance with the general provisions of this chapter. The development administrator may impose such conditions of approval on the zoning clearance permit as the development administrator determines necessary to mitigate potential adverse impacts. Such conditions may include the following:

50.040-A Requirements for vehicle access and parking;

50.040-B Restrictions on hours of operation;

50.040-C Limitations on signs and outdoor lighting;

50.040-D Requirements for financial guarantees covering the costs of cleanup and/or removal of structures or equipment; and

~~50.010-A~~ ~~50.040-E~~ Other conditions necessary to carry out the stated purposes of this zoning code and this chapter.

**Section 50.050 Exemptions**

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

50.050-A Garage sales conducted in R districts or 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 sale," "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 [Section 70.120](#).

## Chapter 55 | Parking

Section 55.010	General .....	55-5
Section 55.020	Minimum Parking Ratios.....	55-6
Section 55.030	Maximum Parking Ratio for Large Retail Uses .....	55-12
Section 55.040	Calculation of Required Parking .....	55-12
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Section 55.060	Bicycle Parking.....	55-16
Section 55.070	Use of Off-Street Parking Areas.....	55-19
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### Section 55.010 General

#### 55.010-A Purpose<sup>93</sup>

1. The regulations of this chapter establish off-street motor vehicle and bicycle parking requirements that attempt to balance the city's goal of encouraging transit and non-motorized modes of transportation with the goal of providing off-street parking facilities to meet the typical day-to-day needs of shoppers, employees, visitors and residents. The regulations are also intended to help avoid the negative impacts that can result from requiring excessive supplies of off-street parking (e.g., impervious surfaces, stormwater runoff, heat island affect, visual environment, parking encroachment into stable neighborhoods).
2. The provisions of this chapter are also intended to help protect the public health, safety and general welfare by:
  - a. Promoting economically viable and beneficial use of land; and
  - b. Providing flexible methods of responding to the transportation and access demands of various land uses in different areas of the city.

#### 55.010-B Applicability<sup>94</sup>

1. **General**  
Off-street parking 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.

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<sup>93</sup> Purpose statement is entirely new. No equivalent provisions in current ordinance.

<sup>94</sup> Applicability provisions are entirely new. The change of use and enlargement/expansion provisions have been revised from those in Sec. 1300-C and 1407 of the current code.

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.

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.

**Section 55.020 Minimum Parking Ratios<sup>95</sup>**

Off-street motor vehicle parking spaces must be provided in accordance with the minimum ratios established in [Table 55-1](#). See [Section 55.050](#) for an explanation of exemptions and allowed reductions of minimum motor vehicle parking requirements. See [Section 55.060](#) for additional information about bicycle parking requirements.

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<sup>95</sup> The minimum parking ratios established in [Table 55-1](#) are based on location (context). Under this approach, requirements differ depending on the area of the city in which the use is located, based on the land use plan categories from PLANI-TULSA.

Chapter 55 | Parking  
Section 55.020 | Minimum Parking Ratios

Table 55-1: Minimum Motor Vehicle Parking Ratios

USE CATEGORY Subcategory Specific use	Measurement (spaces per)	Parking Zones (per Comp. Plan)			Additional requirements/notes
		Downtown	Urban	Suburban	
<p><b>Downtown</b> = Downtown Core + Downtown Neighborhood   <b>Urban</b> = Town Centers, Regional Centers, Main Streets, Mixed-use Corridors  <b>Suburban</b> = Employment, Neighborhood Centers, Existing and New Residential Neighborhoods</p>					
<b>RESIDENTIAL</b>					
<b>Household Living</b>					
Detached house	dwelling unit	0.00	2.00	2.00	
Townhouse	dwelling unit	0.00	2.00	2.00	
Duplex	dwelling unit	0.00	2.00	2.00	
Manufactured housing unit	dwelling unit	0.00	2.00	2.00	
Mobile home	dwelling unit	0.00	2.00	2.00	
Multi-unit house	0-1 bedroom dwelling unit	0.00	1.13	1.35	
Multi-unit house	2+ bedroom dwelling unit	0.00	1.50	1.80	
Apartment/condo	0-1 bedroom dwelling unit	0.00	1.13	1.35	
Apartment/condo	2+ bedroom dwelling unit	0.00	1.50	1.80	
<b>Group Living</b>					
Assisted living facility	dwelling unit	0.00	0.38	0.45	
Community group home	established as part of special exception				
Convent/monastery/novitiate	1,000 sq. ft.	0.00	0.75	0.90	
Elderly/retirement center	dwelling unit	0.00	0.56	0.68	
Fraternity/Sorority	bed	0.00	0.38	0.45	
Homeless Center	established as part of special exception				
Life care retirement center	dwelling unit	0.00	0.56	0.68	plus 0.35 per nursing center bed
Re-entry facility	established as part of special exception				
Residential treatment center	1,000 sq. ft.	0.00	0.75	0.90	
Rooming/boarding house	bed	0.00	0.38	0.45	
Shelter, emergency and protective	1,000 sq. ft.	0.00	0.75	0.90	
Transitional living center	1,000 sq. ft.	0.00	0.75	0.90	
<b>PUBLIC, CIVIC &amp; INSTITUTIONAL</b>					
<b>Airport</b>	1,000 sq. ft. (passenger terminal)	0.00	0.38	0.45	
<b>Cemetery</b>	established as part of special exception				
<b>College or University</b>	1,000 sq. ft. (classroom)	0.00	1.25	1.50	plus 1 per 4 dormitory beds, plus 1 per 4 stadium seats
<b>Community Center</b>	1,000 sq. ft.	0.00	1.50	1.80	
<b>Day Care</b>	1,000 sq. ft.	0.00	1.50	1.80	
<b>Detention and Correctional Facility</b>	established as part of special exception				
<b>Fraternal Organization</b>	1,000 sq. ft. (assembly room)	0.00	18.75	22.50	or 3.33 per 1,000 sq. ft. of total floor area, whichever is greater



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Section 55.020 | Minimum Parking Ratios

USE CATEGORY Subcategory Specific use	Measurement (spaces per)	Parking Zones (per Comp. Plan)			Additional requirements/notes
		Downtown	Urban	Suburban	
<b>Downtown</b> = Downtown Core + Downtown Neighborhood   <b>Urban</b> = Town Centers, Regional Centers, Main Streets, Mixed-use Corridors <b>Suburban</b> = Employment, Neighborhood Centers, Existing and New Residential Neighborhoods					
<b>Governmental Service</b>	established as part of special exception				
<b>Hospital</b>	bed	0.00	0.75	0.90	plus 3.00 per 1,000 sq. ft. emergency/outpatient care area
<b>Library or Cultural Exhibit</b>					
Library	1,000 sq. ft.	0.00	1.50	1.80	
Museum/cultural exhibit	1,000 sq. ft.	0.00	0.94	1.13	
<b>Natural Resource Preservation</b>		0.00	0.00	0.00	
<b>Parks and Recreation</b>	seat (stadium)	0.00	0.19	0.23	plus 2 per 1,000 sq. ft. in community center or recreation building plus 3.33 per 1,000 sq. ft. in swimming pool area
Golf course	hole	0.00	3.75	4.50	plus 2.50 per 1,000 sq. ft. in club house
Tennis court	court	0.00	1.50	1.80	plus 2.50 per 1,000 sq. ft. in club house
<b>Postal Services</b>	established as part of special exception				
<b>Religious Assembly</b>	1,000 sq. ft. (sanctuary)	0.00	21.38	25.65	or 1 per 3 seats, whichever is greater
<b>Safety Service</b>					
Police station	1,000 sq. ft.	0.00	3.33	4.00	
Fire station/ambulance service	emergency vehicle bay	0.00	3.33	4.00	
<b>School</b>					
Elementary or Middle	1,000 sq. ft.	0.00	0.75	0.90	
Senior High	1,000 sq. ft.	0.00	1.01	1.22	plus 0.25 per stadium/auditorium seat
<b>Utilities and Public Service Facility</b>					
Minor		0.00	0.00	0.00	
Major	established as part of special exception				
<b>Wireless Communication Facility</b>					
Freestanding tower		0.00	0.00	0.00	
Building or tower-mounted antenna		0.00	0.00	0.00	
<b>COMMERCIAL</b>					
<b>Animal service</b>					
Boarding or shelter	1,000 sq. ft.	0.00	1.00	1.00	
Grooming	1,000 sq. ft.	0.00	3.33	4.00	
Veterinary	1,000 sq. ft.	0.00	3.33	4.00	
<b>Assembly and Entertainment</b>					
Cinema, Theater, Auditorium, Stadium, Gymnasium	seat	0.00	0.19	0.23	
Driving range	tee	0.00	0.75	0.90	
Gun club (indoor or outdoor)	established as part of special exception				

Chapter 55 | Parking  
Section 55.020 | Minimum Parking Ratios

USE CATEGORY Subcategory Specific use	Measurement (spaces per)	Parking Zones (per Comp. Plan)			Additional requirements/notes
		Downtown	Urban	Suburban	
<b>Downtown</b> = Downtown Core + Downtown Neighborhood   <b>Urban</b> = Town Centers, Regional Centers, Main Streets, Mixed-use Corridors <b>Suburban</b> = Employment, Neighborhood Centers, Existing and New Residential Neighborhoods					
Health club	1,000 sq. ft.	0.00	5.00	6.00	
Video arcade, bingo, billiards	1,000 sq. ft.	0.00	7.50	9.00	
Other assembly and enter. (indoor)	1,000 sq. ft.	0.00	3.33	4.00	
Other assembly and enter. (outdoor)	1,000 sq. ft.	0.00	0.94	1.13	
<b>Broadcast or Recording Studio</b>	1,000 sq. ft.	0.00	2.50	3.00	2.86 per 1,000 sq. ft. above 30,000 sq. ft.
<b>Commercial Service</b>					
Building service	1,000 sq. ft.	0.00	1.88	2.25	
Business support service	1,000 sq. ft.	0.00	1.88	2.25	
Consumer maintenance/repair service	1,000 sq. ft.	0.00	3.33	4.00	
Personal improvement service	1,000 sq. ft.	0.00	3.33	4.00	
Tanning salon	1,000 sq. ft.	0.00	5.00	6.00	
Research service	1,000 sq. ft.	0.00	0.94	1.13	
<b>Financial Services</b> (except as below)	1,000 sq. ft.	0.00	2.50	3.00	2.86 per 1,000 sq. ft. above 30,000 sq. ft.
Personal credit establishment	1,000 sq. ft.	0.00	3.33	4.00	
<b>Funeral or Mortuary Service</b>	1,000 sq. ft. (assembly room)	0.00	18.75	22.50	plus 3.33 per 1,000 sq. ft. in non-assembly area
<b>Lodging</b>					
Bed & breakfast	guest room	0.00	0.75	0.90	plus 10.00 per 1,000 sq. ft. of reception event space
Campgrounds and RV parks	camping space	0.00	0.75	0.90	plus 3.33 per 1,000 sq. ft. in campground buildings
Hotel/motel	guest room	0.00	0.75	0.90	plus 4.44 per 1,000 sq. ft. of accessory retail and service uses plus 10.00 per 1,000 sq. ft. for accessory restaurants and bars
Rural retreat	guest room	0.00	0.75	0.90	plus 10.00 per 1,000 sq. ft. of reception event space
<b>Marina</b>	established as part of special exception				
<b>Office</b>					
Business or professional office	1,000 sq. ft.	0.00	2.50	3.00	2.86 per 1,000 sq. ft. above 30,000 sq. ft.
Medical, dental or health practitioner office	1,000 sq. ft.	0.00	3.00	3.60	
Plasma center	1,000 sq. ft.	0.00	3.00	3.60	
<b>Parking, Non-accessory</b>		0.00	0.00	0.00	
<b>Restaurants and Bars</b>					
Restaurant	1,000 sq. ft.	0.00	7.50	9.00	
Bar	1,000 sq. ft.	0.00	10.00	12.00	
<b>Retail Sales</b>					

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USE CATEGORY Subcategory Specific use	Measurement (spaces per)	Parking Zones (per Comp. Plan)			Additional requirements/notes
		Downtown	Urban	Suburban	
<b>Downtown</b> = Downtown Core + Downtown Neighborhood   <b>Urban</b> = Town Centers, Regional Centers, Main Streets, Mixed-use Corridors <b>Suburban</b> = Employment, Neighborhood Centers, Existing and New Residential Neighborhoods					
Antique dealer or furniture store	1,000 sq. ft.	0.00	1.88	2.25	
Building supplies and equipment	1,000 sq. ft.	0.00	1.88	2.25	
Consumer shopping goods	1,000 sq. ft.	0.00	3.33	4.00	
Convenience goods	1,000 sq. ft.	0.00	3.33	4.00	
Convenience goods: Lawn, garden and building materials	1,000 sq. ft. (Outdoor display and storage area)	0.00	1.25	1.50	
Convenience goods: Other materials	1,000 sq. ft. (Outdoor display and storage area)	0.00	2.50	3.00	
<b>Self-service Storage Facility</b>	1,000 sq. ft.	0.00	0.15	0.18	
<b>Sexually Oriented Business Establishment</b> (except as below)	1,000 sq. ft.	0.00	3.33	4.00	
Adult amusement or entertainment	1,000 sq. ft.	0.00	10.00	12.00	
Adult motel	room	0.00	0.75	0.90	
Adult theater	seat	0.00	0.19	0.23	plus 1 per booth
<b>Studio, Artist or Instructional Service</b>	1,000 sq. ft.	0.00	5.00	6.00	
<b>Trade School</b>	1,000 sq. ft.	0.00	18.75	22.50	or 0.33 per seat, whichever is greater
<b>Vehicle Sales and Service</b>					
Car wash	See the vehicle stacking space requirements of <a href="#">Section 55.100</a>				
Fueling station	1,000 sq. ft.	0.00	1.50	1.80	minimum 5 spaces
Vehicle parts and supply sales	1,000 sq. ft.	0.00	3.33	4.00	
Vehicle repair and maintenance (all types of vehicles/repairs)	1,000 sq. ft.	0.00	1.50	1.80	minimum 5 spaces
Vehicle rentals	1,000 sq. ft.	0.00	1.25	1.50	
Vehicle sales (all types)	1,000 sq. ft.	0.00	1.25	1.50	plus 0.67 per 1,000 sq. ft. of open air display or storage area up to 4,500 sq. ft. plus 0.20 per each add' l 1,000 sq. ft. of open display or storage area
<b>WHOLESALE, DISTRIBUTION &amp; STORAGE</b>					
<b>All Wholesale, Distribution and Storage Subcategories</b>	1,000 sq. ft.	0.00	0.15	0.18	
<b>INDUSTRIAL</b>					
<b>Low-impact, Moderate-impact and High-impact Manufacturing &amp; Industry</b>	1,000 sq. ft.	0.00	1.00	1.20	
<b>Mining/Extraction</b>	1,000 sq. ft.	0.00	0.75	0.90	
<b>Junk or Salvage Yard</b>	1,000 sq. ft.	0.00	0.75	0.90	
<b>RECYCLING</b>					

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USE CATEGORY Subcategory Specific use	Measurement (spaces per)	Parking Zones (per Comp. Plan)			Additional requirements/notes
		Downtown	Urban	Suburban	
<b>Downtown</b> = Downtown Core + Downtown Neighborhood   <b>Urban</b> = Town Centers, Regional Centers, Main Streets, Mixed-use Corridors <b>Suburban</b> = Employment, Neighborhood Centers, Existing and New Residential Neighborhoods					
Construction or Demolition Debris	1,000 sq. ft.	0.00	1.00	1.00	
Consumer Material Drop-off Station					
Attended	1,000 sq. ft.	0.00	1.00	1.00	minimum 2 spaces
Unattended	1,000 sq. ft.	0.00	0.00	0.00	minimum 2 spaces
Consumer Material Processing	1,000 sq. ft.	0.00	1.00	1.00	
<b>AGRICULTURAL</b>					
Animal Husbandry		0.00	0.00	0.00	
Community Garden		0.00	0.00	0.00	
Farm, Market- or Community-supported		0.00	0.00	0.00	
Greenhouse	1,000 sq. ft.	0.00	0.20	0.20	
Horticulture Nursery	1,000 sq. ft.	0.00	0.20	0.20	
<b>OTHER</b>					
Drive-in or Drive-through Facility	See the vehicle stacking space requirements of <a href="#">Section 55.100</a>				

**Section 55.030 Maximum Parking Ratio for Large Retail Uses**

Retail uses requiring more than 225 parking spaces may not provide more than 4 spaces per 1,000 square feet of floor area, based on all indoor area and outdoor display/storage area, except as approved through the special exception procedures of Section 70.120. The special exception application must include a parking study prepared by professional transportation planner or traffic engineer.

**Section 55.040 Calculation of Required Parking<sup>96</sup>**

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

**55.040-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 §55.050-H.

**55.040-B Fractions**

1. In calculating the number of parking spaces required for uses subject to a minimum parking ratio of "x" spaces per 1,000 square feet, first divide the floor area of the subject use by 1,000 and then multiply the result by "x." If, for example, a minimum parking ratio of 3.33 spaces per 1,000 square feet is applied to a use occupying 500 square feet of floor area, the minimum parking requirement for that use would be calculated as follows:  $(500 \text{ sq. ft.} \div 1,000) \times 3.33 = 0.5 \times 3.33 = 1.665$ , which is rounded to 2 spaces (see §55.040-B2).<sup>97</sup>
2. When calculations of the number of parking spaces required result in a fractional number, any fraction of less than  $\frac{1}{2}$  (0.5) is rounded down to the next lower whole number, and any fraction of  $\frac{1}{2}$  (0.5) or more is rounded up to the next higher whole number. The rounding must occur after the calculation is made. If, for example, a minimum parking ratio of 2.5 spaces per 1,000 square feet is applied to a 2,000 square foot building, the minimum parking requirement for that building is 5 spaces ( $2.5 \times 2 = 5.0$ )

**55.040-C Area Measurements**

Unless otherwise expressly stated, all area-based (square footage) parking standards must be computed on the basis of gross floor area.

**55.040-D 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 largest number of persons working on any single shift, the maximum enrollment or membership or the maximum building code-rated capacity, whichever is applicable and whichever results in the greater number of spaces.

**55.040-E Bench Seating**

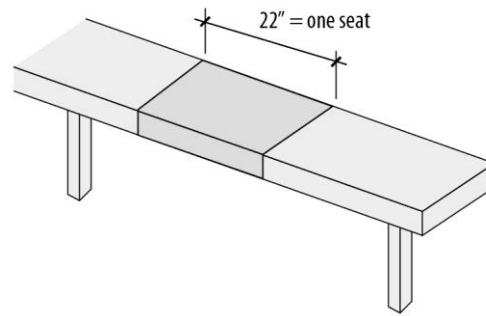
For the purpose of calculating parking requirements based on seating, each ~~22~~ 20-linear inches of bench or pew length is equivalent to one seat.

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<sup>96</sup> These calculation rules are new, except for the bench seating measurement, which has been changed...

<sup>97</sup> Explanatory text (not a substantive change).

Figure 55-1: Bench Seating



**55.040-F Unlisted Uses**

Upon receiving a development application for a use not specifically listed in an off-street parking schedule, the development administrator 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 [§55.040-G](#).

**55.040-G Establishment of Other Parking Ratios<sup>98</sup>**

The development administrator 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 [§55.040-F](#)), (2) on parking data provided by the applicant or (3) other information available to the development administrator. 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.

**Section 55.050 Exemptions and Reductions**

**55.050-A Central Business District**

Uses within the CBD zoning district are exempt from compliance with all regulations of this chapter, except for the parking area design requirements of [§55.090-A](#) through [§55.090-F](#), which do apply in the CBD district.

**55.050-B HP-zoned Property**

Buildings within HP (Historic Preservation) overlay districts are exempt from the minimum off-street parking ratios of [Table 55-1](#).

**55.050-C National Register of Historic Places**

**[Buildings listed in the National Register of Historic Places and](#) ~~C~~contributing buildings within National Register districts are exempt from the minimum off-street parking ratios of [Table 55-1](#).**

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<sup>98</sup> This is new.

**55.050-D Restaurant Outdoor Seating Areas**

Any outdoor seating area exceeding 10% of the indoor floor area of the restaurant is counted as floor area for purposes of determining off-street parking requirements.

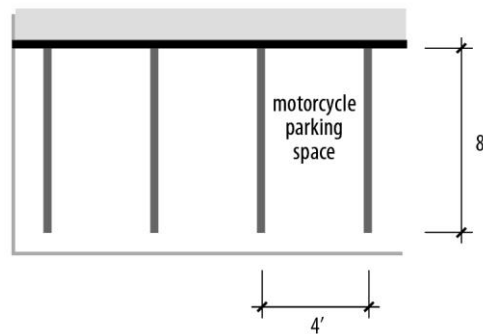
**55.050-E Accessory Buildings**

Accessory buildings are exempt from the minimum off-street parking ratios of [Table 55-1](#).

**55.050-F Motorcycle and Scooter Parking<sup>99</sup>**

In parking lots containing more than 10 parking spaces, 2 motorcycle or scooter parking spaces may be substituted for each required motor vehicle parking space, up to a maximum of 2 spaces or 10% of the required motor vehicle parking spaces, whichever is greater. 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 55-2: Motorcycle Parking Space Dimensions*



**55.050-G Car-Share and Bike-Share Service<sup>100</sup>**

The following parking reductions apply to nonresidential uses that are required to provide 10 or more motor vehicle parking spaces and to residential or mixed-use projects that are required to provide 25 or more motor vehicle parking spaces.

1. The number of required motor vehicle parking spaces is reduced by 4 spaces for each parking space that is leased by a city-certified car-share program for use by a car-share vehicle.
2. The number of required motor vehicle parking spaces is reduced by 2 spaces for uses that provide space for a city-certified bike-share program facility with a minimum of 10 bicycle spaces.

<sup>99</sup> This is new

<sup>100</sup> This is new.

55.050-H Shared Parking<sup>101</sup>

1. General

Sharing parking among different users can result in overall reductions in the amount of motor vehicle parking required. 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. Special Exception Approval

Shared parking arrangements require review and approval in accordance with the special exception procedures of [Section 70.120](#).

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 55-1](#) by the percentage identified in [Table 55-2](#) for each of the 6 designated time periods.
- b. Add the resulting sums for each of the 6 columns in [Table 55-2](#).
- c. Select the time period with the highest total parking requirement and use that total as the shared parking requirement.

*Table 55-2: 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 shared parking arrangement do not conform to the land use classifications in [Table 55-2](#), as determined by the board of adjustment, then the applicant must submit sufficient data to indicate the

<sup>101</sup> These shared parking provisions are new. The current zoning code (Section 1305) allows a maximum 10% sharing reduction for mixed-use projects of at least 400,000 sq. ft. in floor area and commercial centers with at least 100,000 sq. ft. of floor area.



principal operating hours of the uses. Based upon this information, the board of adjustment is authorized to determine the appropriate shared parking requirement, if any, for such uses.

**6. Alternative Methodology**

As an alternative to the shared parking methodology established in ~~§55.050-H4~~, the board of adjustment is authorized to approve shared parking calculations based on the latest edition of the Urban Land Institute's or the Institute of Transportation Engineer's shared parking model or based on studies prepared by professional transportation planner or traffic engineer. The shared parking analysis must demonstrate that the peak parking demands of the subject uses occur at different times and that the parking area will be large enough for the anticipated demands of both uses.

**7. Location**

Shared parking may be located on-site or off-site. Off-site parking is subject to the regulations of ~~§55.080-D~~.

**55.050-I Alternative Compliance<sup>102</sup>**

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

1. The applicant submits a parking study demonstrating that the motor vehicle parking ratios of [Section 55.020](#) do not accurately reflect the actual day-to-day parking demand that can reasonably be anticipated for the proposed use based on field surveys of observed parking demand for similar use within the city or on external data from credible research organizations, such as the Urban Land Institute (ULI) or the Institute of Transportation Engineers (ITE);
2. The board of adjustment determines that the other allowed parking reduction alternatives of [Section 55.050](#) are infeasible or do not apply; and
3. 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.

**Section 55.060 Bicycle Parking<sup>103</sup>**

**55.060-A Purposes**

**1. Short-term Bicycle Parking**

Short-term bicycle parking is generally intended to serve the needs of cyclists who park their bicycles for short time periods, including customers, clients, students and other short-term visitors.

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<sup>102</sup> This is new.

<sup>103</sup> These bicycle parking requirements are new.

2. Long-term Bicycle Parking

Long-term bicycle parking is generally intended to serve the needs of cyclists who park their bicycles for long time periods, primarily employees and residents.

55.060-B Spaces Required

1. Short-term Bicycle Parking

Short-term bicycle parking spaces must be provided in accordance with the minimum ratios established in [Table 55-3](#).

*Table 55-3: Minimum Bicycle Parking Ratios*

USE CATEGORY	
Subcategory Specific use	Bicycle Spaces (% of Motor Vehicle Parking Spaces)
<b>RESIDENTIAL</b>	
<b>Household Living</b>	
Apartment/condo	10% or 2 spaces, whichever is greater
<b>PUBLIC, CIVIC AND INSTITUTIONAL</b>	
<b>College or University</b>	10% or 2 spaces, whichever is greater
<b>Library or Cultural Exhibit</b>	10% or 2 spaces, whichever is greater
<b>Parks and Recreation</b>	5% or 2 spaces, whichever is greater
<b>School</b>	
Elementary or Junior High	10% or 2 spaces, whichever is greater
Senior High	5% or 2 spaces, whichever is greater
<b>COMMERCIAL</b>	
<b>Assembly and Entertainment</b>	5% or 2 spaces, whichever is greater
<b>Commercial Service</b>	
Personal improvement service	5% or 2 spaces, whichever is greater
<b>Financial Services</b>	5% or 2 spaces, whichever is greater
<b>Restaurants and Bars</b>	
Restaurant	5% or 2 spaces, whichever is greater
Bar	5% or 2 spaces, whichever is greater
<b>Retail Sales</b>	
Consumer shopping goods	5% or 2 spaces, whichever is greater
Convenience goods	5% or 2 spaces, whichever is greater
<b>Studio, Artist or Instructional Service</b>	5% or 2 spaces, whichever is greater

2. Long-term Bicycle Parking

Long-term bicycle parking and storage is not required, but as a means of encouraging the provision of long-term bicycle parking spaces for employees and bicycle commuters, each long-term bicycle parking space is counted as 3 short-term bicycle spaces.

55.060-C Location and Design

1. Short-Term Bicycle Parking Spaces

a. Location

Short-term bicycle parking spaces must be located in highly visible areas that do not interfere with pedestrian movements. At least 50% of required short-term bicycle parking spaces must be located within 100 feet of a customer entrance, with the remainder located no more than 300 feet from any entrance.

b. Design

Required short-term bicycle parking spaces must:

- (1) Consist of bike racks or lockers that are anchored so that they cannot be easily removed;

- (2) Be of solid construction, resistant to rust, corrosion, hammers, and saws;
- (3) Allow both the bicycle frame and the wheels to be locked with the bicycle in an upright position using a standard U-lock;
- (4) Be designed so as not to cause damage to the bicycle;
- (5) Facilitate easy locking without interference from or to adjacent bicycles; and
- (6) Have minimum dimensions of 2 feet in width by 6 feet in length, with a minimum overhead vertical clearance of 7 feet.

2. Long-Term Bicycle Parking and Storage Spaces

a. Location

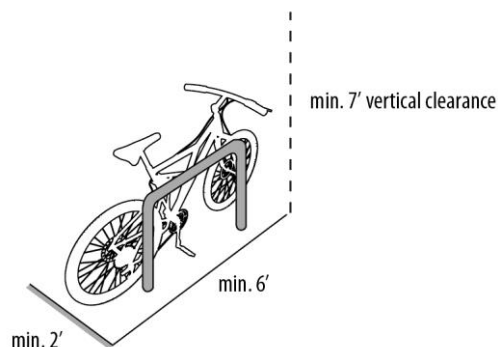
Long-term bicycle parking spaces provided to receive parking credit in accordance with §55.060-B2 must be provided in the building or in a weather-protected area. Long-term bicycle parking spaces must be protected from access by unauthorized persons.

b. Design

Long-term bicycle parking spaces provided to receive parking credit in accordance with §55.060-B2 must:

- (1) Consist of bike racks or lockers anchored so that they cannot be easily removed;
- (2) Be of solid construction, resistant to rust, corrosion, hammers, and saws;
- (3) Allow both the bicycle frame and the wheels to be locked with the bicycle in an upright position using a standard U-lock;
- (4) Be designed so as not to cause damage to the bicycle;
- (5) Facilitate easy locking without interference from or to adjacent bicycles; and
- (6) Have minimum dimensions of 2 feet in width by 6 feet in length, with a minimum overhead vertical clearance of 7 feet. Bicycle lockers are exempt from overhead clearance requirements.

*Figure 55-3: Bicycle Parking Space Dimensions*



**55.060-D Special Exceptions**

1. The board of adjustment is authorized to approve a special exception reducing the number of bicycle spaces required under this section in accordance with the special exception procedures of [Section 70.120](#).
2. The board of adjustment is also authorized to approve special exception to modify the bicycle parking design and location requirements of this section in accordance with the in accordance with the special exception procedures of [Section 70.120](#).

**Section 55.070 Use of Off-Street Parking Areas<sup>104</sup>**

- 55.070-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.
- 55.070-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.

**Section 55.080 Location of Off-Street Parking**

**55.080-A General**

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

**55.080-B Parking in the Street Yard in RM Districts**

Within RM districts no more than ~~50% of a street yard may be used for motor vehicle parking one vehicle may be parked for each 600 square feet of area contained in a required front or exterior side yard.~~

**55.080-C Parking Setbacks**

1. Unenclosed off-street parking areas must be set back from abutting streets as indicated in [Table 55-4](#):

*Table 55-4: Parking Space Setback Requirements*

	Minimum Street Setback (feet)	
	1 to 5 Parking Spaces	6 or More Parking Spaces
<b>Residential Zoning Districts</b>		
Accessory to a household living use	3	15
Accessory to another use	15	25
<b>Other Zoning Districts</b>		
Within 50 feet of a residential district	15	25

2. Unenclosed off-street parking areas (including drive aisles) that are accessory to apartment/condo buildings or group living uses must be set back at least 25 feet from any abutting RE or RS zoning district.
3. Unenclosed off street parking areas that are principal uses must be screened from abutting R districts by an F1 screening fence or wall, in accordance with [§65.060-C2](#).

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<sup>104</sup> This represents an expansion of the provisions now found in Sec. 1301-B.

Unenclosed accessory off street parking areas containing 6 or more spaces must be screened from abutting RE-zoned lots and RS-zoned lots by an F1 screening fence or wall, in accordance with [§65.060-C2](#), provided that accessory parking areas located more than 50 feet from abutting RE- or RS-zoned lots are not required to provide such screening.

55.080-D Off-site Parking<sup>105</sup>

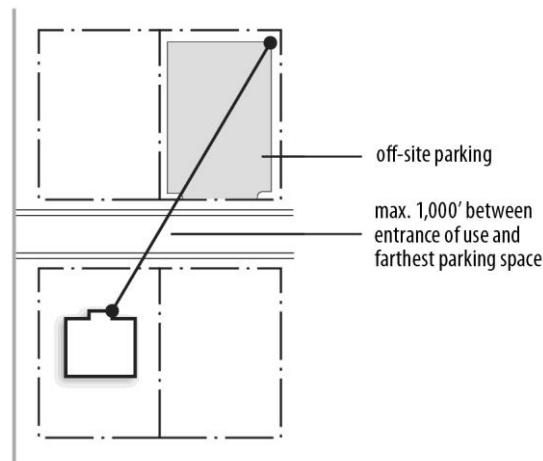
1. When Allowed

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 [Section 55.110](#)) 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 entrance 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 the principal use to be served by the off-site parking spaces.

Figure 55-4: Off-Site Parking Location



3. Design

Off-site parking areas must comply with all applicable parking area design regulations of [Section 55.090](#). Off-site parking proposed to take place on a newly constructed parking area must comply with the PK district lot and building regulations of [§25.030-C](#).

<sup>105</sup> These off-site parking provisions have been revised. The current ordinance allows approval of off-site parking as a special exception but provides no guidance on location or other matters. These draft provisions will allow off-site parking as of right, subject to compliance with stated (location, design, control) requirements. Revised per June CAT review.

**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 of the county in which the property is located. 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.

**Section 55.090 Parking Area Design**

**55.090-A 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.

**55.090-B Stall Size**

Parking spaces must be at least 8.5 feet in width and 18 feet in length, exclusive of access drives and 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 stall length if that area is unobstructed and not part of another parking stall or drive aisle.

**55.090-C Parking Area Layout (Geometrics)**

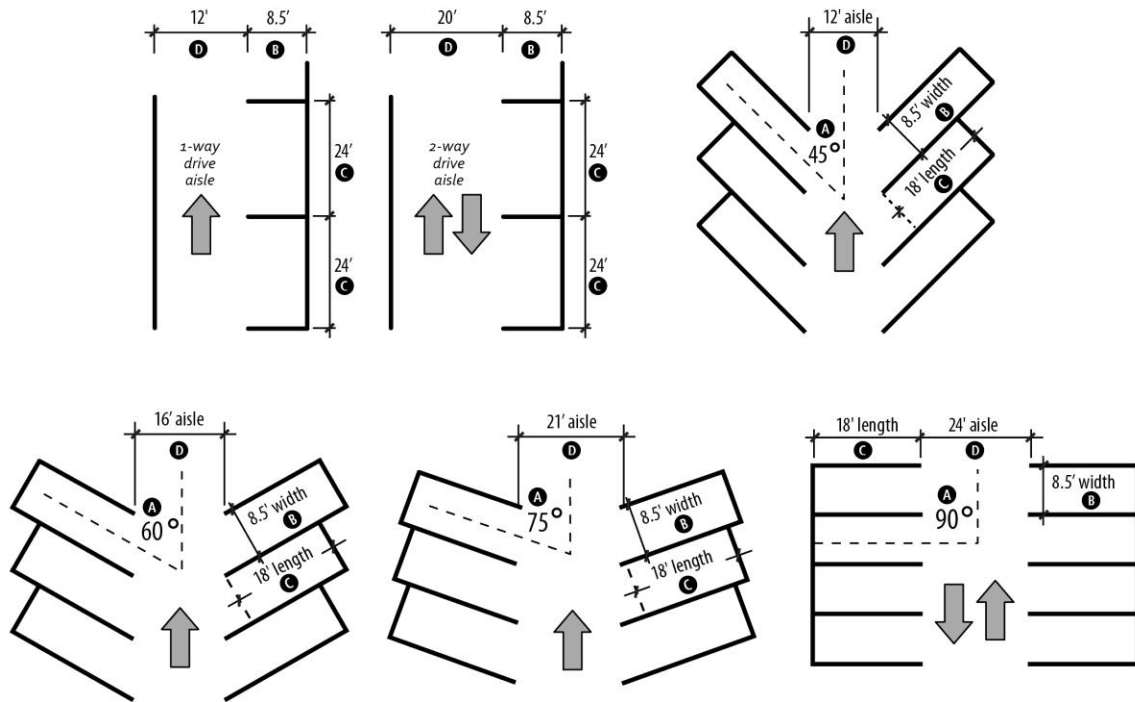
Parking areas must be designed in accordance with the minimum dimensional standards of [Table 55-5](#). This table shows required dimensions for various parking layouts (angles). Requirements for layouts or angles not shown in [Table 55-5](#) may be interpolated from the layouts shown, as approved by the development administrator.

*Table 55-5: Parking Area Geometrics*

A	B	C	D
0°	8.5	24.0	12.0/20.0
	9.0	24.0	12.0/20.0
45°	8.5	18.0	12.0/20.0
	9.0	18.0	11.0/19.0
60°	8.5	18.0	16.0/21.0
	9.0	18.0	15.0/20.0
75°	8.5	18.0	21.0/22.0
	9.0	18.0	20.0/21.0
90°	8.5	18.0	-/24.0
	9.0	18.0	-/22.0
	10.0	18.0	-/20.0

A = Stall Angle, B = Stall Width, C = Stall Length, D = Aisle Width (1-way/2-way)

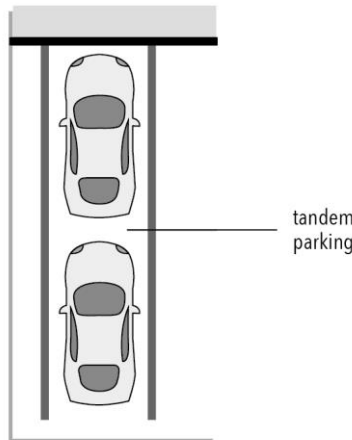
Figure 55-5: Parking Area Geometrics



55.090-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 required parking spaces must be designed to allow each parking space to be accessed without passing through another parking space. Tandem parking arrangements must have a minimum stall of 8.5 feet and a minimum length of 36 feet.

Figure 55-6: Tandem Parking



55.090-E 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.

E.4. Parking area surfacing must be completed prior to initiation of the use to be served by the parking.<sup>106</sup>

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 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 storage or display of motorized 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. In RE and RS zoning districts, driveways serving residential dwelling units may not exceed the following maximum widths unless a greater width is approved in accordance with the special exception procedures of Section 70.120:

<u>Maximum Driveway Width</u>	<u>RE</u>	<u>RS1</u>	<u>RS2</u>	<u>RS3</u>	<u>RS4</u>	<u>RS5</u>
<u>Within Right-of-Way (feet)</u>	<u>20</u>	<u>20</u>	<u>20</u>	<u>20</u>	<u>20</u>	<u>12</u>
<u>On the Lot (Outside ROW) (feet)</u>	<u>30</u>	<u>30</u>	<u>30</u>	<u>30</u>	<u>20</u>	<u>12</u>

3. an all-weather surfaced parking area within a street setback may not exceed the limits established in Table 55-6:

*Table 55-6: Maximum Parking Area Surfacing in Street Setback*

<u>Zoning District</u>	<u>Maximum All-Weather Surface Coverage (%) for Parking in Street Setback</u>
<u>RE</u>	<u>17</u>
<u>RS-1</u>	<u>25</u>
<u>RS-2</u>	<u>32</u>
<u>RS-3</u>	<u>34</u>
<u>RS-4</u>	<u>36</u>
<u>RS-5</u>	<u>40</u>

4. 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, 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:
  - a. Materials must be installed and maintained in accordance with all applicable city standards. Damaged areas must be promptly repaired. Gravel that has migrated from a pervious pavement systems onto adjacent areas must be regularly swept and removed.

<sup>106</sup> Express allowance of pervious pavement/pavement systems is new.



- b. Pervious asphalt or pervious concrete may be used for accessible parking spaces and accessible routes from the accessible space to the principal structure or use served, but no other pervious pavement system may be used for such areas.
- c. Pervious pavement or pervious pavement systems are prohibited in areas used for the dispensing of gasoline or other liquid engine fuels or where other hazardous materials are used or stored.
- d. Pervious asphalt, pervious concrete, or modular pavers may be used for drive aisles and driveways, but no other pervious pavement systems may be used in such areas.
- e. Pervious pavement or pervious pavement systems that utilize turf grass may not be used to meet minimum off-street parking requirements, but may be used for overflow parking spaces that are not used for required parking and that are not occupied on a daily or regular basis.
- f. Pervious pavement or pervious pavement systems that utilize gravel with overlaid or embedded mesh or geocells are limited to industrial zoning districts.
- a-g. Parking areas with pervious pavement or pervious pavement systems must have the parking spaces marked as required by this chapter, except that pervious pavement systems that utilize gravel or turf may use alternative marking to indicate the location of the parking space, including markings at the end of spaces on the drive aisle or curbing, wheel stops, or concrete or paver strips in lieu of painted lines.

55.090-F Vertical Clearance

All parking spaces must have overhead vertical clearance of at least 7 feet.

55.090-G Landscaping and Screening

See [Chapter 65](#).

55.090-H Lighting

See [Section 65.090](#).

**Section 55.100 Stacking Spaces for Drive-through Facilities<sup>107</sup>**

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 55-6](#):

*Table 55-6: Drive-through Stacking Space Requirements*

<b>Use</b>	<b>Minimum Spaces (per lane)</b>
Automated teller machine	3 (measured from ATM)
Bank or ATM	4 (measured from teller or service area)
Car wash, automated or customer-operated	2 (measured from vehicle entrance)
Car wash, attendant hand wash	4 (measured from vehicle entrance)
Drug store	3 (measured from pick-up window)

<sup>107</sup> These stacking space requirements are new.

Use	Minimum Spaces (per lane)
Restaurant drive-through	4 (measured from order board)
Kiosks	2 (measured from service window)
Other	As determined by the development administrator

#### 55.100-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.

#### 55.100-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 menu boards, 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 F1 screening fence or wall standards of §65.060-C2.

#### 55.100-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.

### Section 55.110 Accessible Parking for People with Disabilities

Accessible parking facilities must be provided in accordance with the building code.

### Section 55.120 Loading<sup>108</sup>

Unenclosed off-street loading areas may not be located within 50 feet of any abutting R-zoned properties unless the loading areas is screened on all sides abutting the R-zoned property in accordance with the F1 screening fence or wall standards of §65.060-C2.

### Section 55.130 Pedestrian Circulation

#### 55.130-A Applicability

An on-site circulation system for pedestrian and non-motorized travel must be provided in accordance with the requirements of this section. These pedestrian circulation requirements apply to lots occupied by buildings with a customer or general public entrance, except that the following are exempt:

1. Residential buildings containing 4 or fewer dwelling units;
2. Agricultural uses; and
3. Uses that do not include a principal building intended for regular human occupancy.

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<sup>108</sup> Minimum off-street loading requirements have been eliminated.

**55.130-B Required Connections**

The pedestrian circulation system must provide safe, direct and convenient pedestrian access connecting main entrances of buildings and uses with all other such entrances and with available access points including parking, streets, sidewalks and transit stops.

**55.130-C Design**

Required on-site pedestrian circulation facilities must be designed and constructed in accordance with the following requirements:

1. Pedestrian access must consist of an accessible, easily-discernible, and ADA-compliant walkway or multi-use path with a minimum width of 5 feet.
2. The pedestrian access surface located on private property must be constructed of concrete, asphalt or other fixed, firm and nonslip material, approved by the development administrator.
3. Pedestrian access routes that cross parking lots, drive aisles or other vehicular use areas must be clearly differentiated from the vehicle surface through the use of physical separation or by durable, low-maintenance materials such as pavers, bricks, scored concrete, pavement textures or painted surfaces to define places of pedestrian movement.

## Chapter 60 | Signs<sup>109</sup>

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### Section 60.010 General

#### 60.010-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 city, 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 way-finding 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 city 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.

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<sup>109</sup> Chapter has been revised in response to staff, CAT and sign industry reviews. The intent of this draft, as before, is to consolidate existing regulations and clarify provisions.

60.010-B Scope and Applicability

All signs within the city are subject to the regulations of this chapter and all other applicable provisions of this zoning code.

60.010-C Content Neutrality

Any sign allowed under this chapter may contain, in lieu of any other message or copy, any lawful noncommercial message<sup>110</sup> 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.

**Section 60.020 Prohibited Signs and Sign Characteristics**

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

60.020-A Signs for which no required permit has been issued;

60.020-B Signs located in such a manner as to constitute a nuisance as provided in [Title 24, Chapter 1](#) of the Tulsa Revised Ordinances;

60.020-C 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;

60.020-D Signs located in or obstructing a required parking or loading space, or that otherwise obstruct vehicular or pedestrian access or circulation, or that poses any other hazard to motorized or nonmotorized travel;

60.020-E Freestanding signs located in ~~or that project into~~ or that project into the right-of-way or planned right-of-way of a public street, unless a license has been granted by the city and a special exception has been approved by the board of adjustment in accordance with the procedures of Section 70.120.a ~~is granted by the Board of Adjustment.~~

60.020-F Signs that obstruct any fire escape, required exit, window or door opening used as a means of egress;

60.020-G 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;

60.020-H Signs affixed directly to a tree, utility pole or traffic control device;

60.020-I Signs that obstruct, impair, obscure, interfere with the view of, or that may be confused with, any authorized traffic control sign, signal, or device;

60.020-J 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;

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<sup>110</sup> A definition of "commercial message" has been added to the definitions chapter: "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."

~~60.020-F~~ 60.020-K Signs that violate the intersection sight distance regulations of [Title 24 \(§103.A\)](#) of the Tulsa Revised Ordinances;

~~60.020-G~~ 60.020-L Roof signs;

60.020-M Signs exceeding an illumination of 70 foot candles measured at a distance of 2 feet.<sup>111</sup>

60.020-N Signs attached to or painted on an inoperable or unlicensed vehicle (motorized or non-motorized) located in view of the right-of-way; and

60.020-O 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~~

### Section 60.030 Sign Exceptions<sup>112</sup>

The following signs are not counted as signs for purposes of determining the number of signs or amount of signage on a lot.

#### 60.030-A Directional Signs<sup>113</sup>

1. One directional sign may be installed at each vehicle entrance and exit. Such signs may be illuminated, but they may not exceed 4 square feet in area or 5 feet in height. Commercial messages may not comprise more than 50% of the area of a directional sign.
- ~~1.~~ 2. Off-street parking areas with a capacity of more than 4 vehicles may display signs that do not exceed 12 square feet in area or 10 feet in height. Such signs are allowed for the purposes of informing patrons and visitors about parking rates and rules, the location of stairways and elevators, pedestrian routes, restrooms, telephones, and other facilities. Such signs may not be illuminated and may not contain any commercial message.

#### 60.030-B Menu Board Signs

Menu board signs accessory to allowed drive-through uses are permitted in addition to other allowed signs, in accordance with the following regulations.

1. Number and Dimensions  
One primary menu board 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 menu boards per lot. One secondary menu board not to exceed 15 square feet in area or 6 feet in height is allowed per lot.
2. Residential Separation  
Menu board signs must be set back at least 50 feet from residential zoning districts.

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<sup>111</sup> Excessive illumination (existing code prohibition) added since module review.

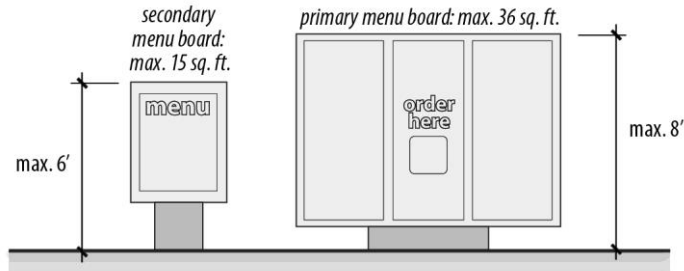
<sup>112</sup> Except as otherwise indicated, the provisions of this section are based on those found in Sec. 225 of the current code (Sign Exceptions).

<sup>113</sup> These directional sign regulations are more permissive (i.e., larger and allowed in more districts) than those now found in Sec. 225.

**3.3. Visibility**

Menu board signs are intended to convey information to motorists within the boundaries of the lot and therefore may not be located or oriented to be visible from off site.

Figure 60-1: Menu Board Sign



**60.030-C Nameplates**

Nameplates attached to the wall of a building are allowed in nonresidential zoning districts, provided they do not exceed 4 square feet in area.

**60.030-D Window Signs**

Window signs are allowed as sign exceptions, provided they do not cover more than 25% of the area of the window to which they are affixed.

**60.030-E Temporary Signs**

**1. Real Estate Signs**

One "For Sale," "For Rent" or similar real estate sign is allowed per street frontage, subject to the standards in [Table 60-1](#):

Table 60-1: Temporary Real Estate Signs

Regulation	AG, R, O and SR Districts	All Other Districts
<b>Maximum Sign Area (sq. ft.)</b>		
Minor street Frontage	8	8
All Other Street Frontage	32	80
<b>Maximum Sign Height (feet)</b>		
Minor street Frontage	8	8
All Other Street Frontage	15	25

**2. Construction Signs**

One construction sign is allowed per street frontage during the time that construction or development activity is occurring on the subject lot, subject to the following standards:

- a. Construction signs may not exceed 32 square feet in area or 0.50 square feet of sign area per linear foot of street frontage, whichever is greater, but in no case may the sign exceed 400 square feet in area. The maximum sign area calculation must be based on the street frontage to which the sign is oriented.
- b. Construction signs may not exceed 15 feet in height.

- c. Construction signs must be removed within 2 weeks of completion of the construction or development.<sup>114</sup>
3. **Campaign Signs**  
Temporary campaign signs ~~are allowed for a period of not more than 45 days before an election, referendum, or similar voting event; they~~ must be removed no later than 7 days after the voting event. Temporary campaign signs are prohibited on public property and are allowed on private property only with the consent of the owner of the subject property. In R and O zoning districts campaign signs may not exceed 16 square feet in area.<sup>115</sup>
4. **Banners**  
Temporary banners attached to the wall of a building are exempt signs, provided that such temporary banner does not exceed 32 square feet in area. Temporary banners must be removed no later than 90 days after installation or at such time that permanent signs are installed, whichever occurs first.
5. **Promotional Signs**  
Promotional signs are allowed for temporary business promotions conducted on lots occupied by allowed nonresidential uses. Such signs are subject to the following standards:
  - a. No more than 4 promotional signs are allowed per business per year. A special event sign permit may be issued for a maximum ~~10~~14-day period. Any or all of the 4 allowed special event sign time periods may run consecutively.
  - b. The height of a promotional sign may not exceed the maximum allowed height of any freestanding sign allowed in the subject zoning district. In addition, any inflatable promotional signs must be set back from all property lines by a minimum distance of one foot for every one foot of sign height, as measured from ground level at the base of the sign.
  - c. Promotional signs may not be mounted on the roof, except for inflatable or other non-rigid sign/displays, which may be roof-mounted.
6. **Special Event Signs**<sup>116</sup>  
Special event signs are allowed for festivals and similar temporary special events. Unless otherwise expressly approved at the time of approval of the temporary special event, such signs are subject to the following standards:
  - a. Special event signs may be used for a maximum of 2 events per year, for a period not to exceed 16 days per event.
  - b. Special event signs may be located on the lot where the special event occurs or off-site, on another lot.

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<sup>114</sup> Current regulations require that signs be reduced to no more than 8 square feet in area and no more than 8 feet in height after 18 months. This seems difficult to administer and enforce and has been removed.

<sup>115</sup> Removed existing (pre-election) time limit imposed on campaign signs. Such time limits raise First Amendment issues

<sup>116</sup> Removed requirement that such signs be located only on lots occupied by nonresidential uses.



c. The number of special event signs per lot may not exceed the limits established in Table 60-2.

*Table 60-2: Special Event Sign Limits*

<u>Zoning</u>	<u>Maximum Number of Special Event Signs Per Lot</u>
<u>CG, CH, CBD</u>	<u>1 per 100 feet of street frontage</u>
<u>CS and IL</u>	<u>1 per 150 feet of street frontage</u>
<u>All other</u>	<u>1 per 200 feet of street frontage</u>

d. Special event signs may not exceed 6 feet in height or 16 square feet in area.

#### 60.030-F Other Sign Exceptions

The following additional signs are also allowed as sign exceptions:

1. Signs of warning, directive, or instructional nature erected by a public utility, franchised transportation company or governmental agency;
2. Flags, emblems or insignia of any nation or political subdivision;
3. Commemorative wall plaques and memorial wall signs;
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;
6. Wall signs identifying allowed home occupations, provided that no home occupation signs may be illuminated or exceed 2 square feet in area;
7. Labels and notices on accessory equipment or structures, provided the label or notice does not exceeding 15 square inches in area; and
8. Address and street number signs; "No trespassing," "no dumping" and similar warning/security signs that do not to exceed 8 square feet in area.

### Section 60.040 Sign Regulations of General Applicability

#### 60.040-A Applicability

The regulations of this section apply to on-premise wall, projecting and freestanding signs and all off-premise outdoor advertising signs, except as otherwise expressly stated. These regulations are in addition to any other applicable regulations established in this chapter.

#### 60.040-B Required Setbacks, Spacing and Separations

1. All parts of a sign must be set back at least 10 feet of a freeway planned right-of-way.
2. All on-premise projecting and freestanding signs and off-premise outdoor advertising signs located on the same lot must be separated from any other projecting, free-standing and off-premise outdoor advertising signs by a minimum distance of 30 feet. Additional spacing requirements apply between off-premise outdoor advertising signs (See §60.080-F5).
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 in an approved PUD or MPD must be separated from the R district or residential development area by a minimum distance of 50 feet.

4. Signs with an area of more than 300 square feet that are visible from an R district (other than street, highway or freeway right-of-way) or from a designated residential development area in an approved PUD or MPD must be separated from the R district or residential development area by a minimum distance of 200 feet.

#### 60.040-C Mounting Height of Wall Signs and Projecting Signs

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.

#### 60.040-D Dynamic Displays

Unless otherwise expressly stated, all signs that include a dynamic display are subject to the supplemental regulations of [Section 60.100](#).

#### 60.040-E License Agreements

A license agreement is required before issuance of any sign permit for a sign that will project into public right-of-way.

#### ~~60.040-E~~ ~~60.040-F~~ Development Plan Signs

1. Development plan signs may be approved only as part of a development plan (See [Section 70.040](#)) for multi-tenant developments to compensate for the locational challenges of lots that do not have frontage on the main street providing access to the area covered by the development plan.
2. Development plan signs may be approved only when the location of the identified business or activity precludes placement of a sign that is visible from a street or the identified business or activity is located on a lot that does not abut a public street.
3. No more than one development plan sign is allowed per business or activity. Unless otherwise expressly approved as part of the development plan approval, the maximum height and allowed area of a development plan sign may not exceed the limits that would apply if the sign was located on the site of the associated business or activity.
4. A development plan sign may be located on a lot that contains an on-premise free-standing sign and vice-versa.

#### ~~60.040-F~~ ~~60.040-G~~ Illumination

Except for authorized dynamic displays, the illumination on the face of any sign where illumination is permitted must be by constant light and may not exceed 70 foot candles measured at a distance of 2 feet from the face of the sign.

### Section 60.050 Signs in R and AG Zoning Districts

#### 60.050-A Applicability

The regulations of this section apply to signs in R districts and AG districts. See also the general regulations of [Section 60.040](#).

#### 60.050-B Signs Allowed

The following signs are allowed in R districts and AG districts in addition to any signs allowed pursuant to [Section 60.030](#). On-premise roof signs, on-premise projecting signs and all off-premise outdoor advertising signs are prohibited in R districts and in AG districts.

##### 1. Apartment/Condo Buildings and Neighborhood and Subdivision Identification Signs

- a. Lots occupied by one or more apartment/condo 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.
- ~~b.c.~~ The freestanding signs allowed by this section must be monument signs. They 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.

##### 2. Nonresidential Uses

The following regulations apply to all principal nonresidential uses in R districts and AG districts.

- a. Wall Signs  
Nonresidential uses in R and AG districts are allowed a maximum of one wall sign per public building entrance. Such signs may not exceed 32 square feet in area.
- b. Freestanding Signs<sup>117</sup>  
Nonresidential uses in R districts and AG districts are allowed a maximum of one freestanding sign per street frontage. Allowed freestanding signs are subject to a maximum height limit of 20 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 R districts and AG 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.

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<sup>117</sup> Current code allows one "bulletin board sign" and one identification sign. This approach would allow only one freestanding sign per frontage, plus wall signs.

- (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 R districts and in AG 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.
- ~~(3)~~(4) Dynamic displays are subject to the dynamic display regulations of [Section 60.100](#).

### Section 60.060 Signs in Office Zoning Districts

#### 60.060-A Applicability

The regulations of this section apply to signs in all office zoning districts. See also the general regulations of [Section 60.040](#).

#### 60.060-B Signs Allowed

In addition to any sign exceptions allowed pursuant to [Section 60.030](#), lots in office zoning districts are allowed a maximum of one on-premise sign per street frontage. The allowed on-premise sign may be a wall sign, a projecting sign or a freestanding sign. Roof signs and off-premise outdoor advertising signs are prohibited in office districts.

#### 60.060-C Maximum Area

Signs allowed in O districts 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.

#### 60.060-D Maximum Height

Freestanding signs in the OH district may not exceed 30 feet in 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.

#### 60.060-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.

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.
- ~~3-4.~~ Dynamic displays are subject to the dynamic display regulations of [Section 60.100](#).

## Section 60.070 Signs in SR Zoning Districts

### 60.070-A Applicability

The regulations of this section apply to signs in all SR zoning districts. See also the general regulations of [Section 60.040](#).

### 60.070-B Signs Allowed

#### 1. On-premise Wall Signs

On-premise wall signs are allowed in SR zoning districts. Wall signs may not exceed an aggregate area of more than one square foot 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 [§60.070-C](#).

#### 2. On-premise Projecting Signs and Freestanding Signs

On-premise projecting signs and freestanding signs are allowed in SR zoning districts. Projecting signs and freestanding signs are counted against a lot's allowed sign budget, pursuant to [§60.070-C](#). They are subject to the regulations of [§60.070-D](#).

#### 3. On-premise Roof Signs and Off-Premise Outdoor Advertising Signs Prohibited

On-premise Roof signs and off-premise outdoor advertising signs are prohibited in SR zoning districts.

### 60.070-C Sign Budget

#### 1. Applicability

The sign budget provisions of this subsection govern the maximum aggregate number and combined area of all projecting and freestanding signs on a lot in an SR district, except as otherwise expressly stated.

#### 2. Maximum Number

In addition to any sign exceptions allowed pursuant to [Section 60.030](#), lots in SR zoning districts are allowed a maximum of one projecting sign or freestanding sign per street frontage.<sup>118</sup>

#### 3. Maximum Area

The maximum aggregate sign area of all projecting and freestanding signs allowed in SR zoning districts may not exceed 0.50 square feet of sign area per linear foot of street frontage or 300 square feet, whichever is less.

### 60.070-D Maximum Height of Projecting Signs and Freestanding Signs

1. Projecting signs in SR districts may not exceed 20 feet in height or the height of the principal building on the lot, whichever is less.<sup>119</sup> In addition, projecting signs may not extend 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 projecting sign that is at least 3 feet in height, in which case the projecting sign may extend above the parapet or building wall for a distance that will permit a projecting sign with a height of 3 feet.

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<sup>118</sup> The current code does not appear to include a numerical limit.

<sup>119</sup> The current code does not establish a maximum height limit for projecting signs.

2. Freestanding signs in the SR zoning district may not exceed 30 feet in height.

#### 60.070-E Dynamic Displays

Dynamic displays are prohibited in SR 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 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. 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. Dynamic displays are subject to the dynamic display regulations of Section 60.100.

### **Section 60.080 Signs in Mixed-use, Commercial and Industrial Zoning Districts**

#### 60.080-A Applicability

The regulations of this section apply to signs in all mixed-use, commercial and industrial zoning districts. See also the general regulations of [Section 60.040](#).

#### 60.080-B Signs Allowed

In addition to any sign exceptions allowed pursuant to [Section 60.030](#), the following signs are the only signs allowed in all mixed-use, commercial and industrial zoning districts:

1. **On-premise Wall Signs**  
On-premise wall signs are allowed in all mixed-use, 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 [§60.080-C](#).
2. **On-premise Projecting Signs**  
On-premise projecting signs are allowed in all mixed-use, commercial and industrial zoning districts. Projecting signs are counted against a lot's allowed sign budget, pursuant to [§60.080-C](#). They are also subject to the regulations of [§60.080-D](#).
3. **On-premise Freestanding Signs**  
Freestanding signs are allowed in all mixed-use, commercial and industrial zoning districts. Freestanding signs are counted against a lot's allowed sign budget, pursuant to [§60.080-C](#). They are also subject to the regulations of [§60.080-D](#).
4. **Off-Premise Outdoor Advertising Signs**  
Off-premise outdoor advertising signs are subject to the regulations of [§60.080-F](#). Where allowed, off-premise outdoor advertising signs are counted against a lot's allowed sign budget, pursuant to [§60.080-C](#).
5. **Roof Signs**
  - a. Roof signs are prohibited in all mixed-use, commercial and industrial zoning districts, except that one roof sign is allowed per business address within the Downtown Entertainment District, provided that:

- (1) The sign does not include any digital dynamic display,<sup>120</sup> and
  - (2) They do not extend more than 20 feet above the point where the sign is attached to the roof, measured in a vertical line from the horizontal plane of the lowest point where the sign is attached to the roof to the horizontal plane of the highest location on the sign's structure.
- b. Roof signs are counted against a lot's allowed sign budget, pursuant to §60.080-C, and no individual roof sign may exceed 500 square feet in area.
  - c. Only major street frontage along that portion of the subject lot that is occupied by the business displaying the sign may be counted in determining the maximum sign area of a roof sign allowed under this section.

**60.080-C Sign Budget**

**1. Applicability**

The sign budget provisions of this subsection govern the maximum aggregate number and combined area of all projecting, roof, freestanding and off-premise outdoor advertising signs allowed on a lot in mixed-use, commercial and industrial zoning districts, except as otherwise expressly stated.

**2. Maximum Number**

**a. Lots with Frontage on Only Minor Streets**

Lots with frontage on only minor streets are allowed a maximum of one free-standing or projecting sign per lot.

**b. Lots with Frontage on Major Streets**

The maximum aggregate number of projecting, freestanding and off-premise outdoor advertising signs allowed on lots with frontage on one or more major streets may not exceed the limits established in [Table 60-3](#).

*Table 60-3: Maximum Aggregate Number of Signs*

Zoning District	Maximum Aggregate Number of Signs Allowed
CG, CH, and CBD	1 per 100 feet of major street frontage or fraction thereof
CO, CS and IL	1 per 150 feet of major street frontage or fraction thereof
IM and IH	1 per 200 feet of major street frontage or fraction thereof

**3. Maximum Area**

**a. Lots with Frontage on Only Minor Streets**

Signs allowed on lots with frontage on only minor streets 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

<sup>120</sup> Defined in the current code as CBD-zoned land within the area bounded by: the southern Burlington Northern Railroad right-of-way boundary line on the north; the eastern South Detroit Avenue right-of-way boundary line on the west; the western South Greenwood Avenue right-of-way boundary line on the east; and on the south, a line one 150 feet south of and parallel to the southern East Second Street right-of-way boundary line from a point beginning at the eastern South Detroit Avenue right-of-way boundary line and ending at the western South Greenwood Avenue right-of-way boundary line.

area. The maximum sign area calculation must be based on the street frontage to which the sign is oriented.

**b. Lots with Frontage on Major Streets**

- (1) The maximum aggregate sign area of all on-premise projecting and free-standing signs and off-premise outdoor advertising signs allowed on lots with frontage on one or more major may not exceed the limits established in [Table 60-4](#):

*Table 60-4: Maximum Aggregate Sign Area*

Zoning District	(On-premise Projecting and Freestanding Signs & Off-premise Outdoor Advertising Signs) (sq. ft. per linear foot of major street frontage)			
	Not Within Freeway Sign Corridor <sup>[1]</sup>		Within Freeway Sign Corridor	
	If More than 1 Such Sign	If Only 1 Such Sign	If More than 1 Such Sign	If Only 1 Such Sign
MX, CO and CS	1	2	1	2
CG, CH, CBD, IL, IM and IH	1	2	2	3

[1] Off-premise outdoor advertising signs prohibited in MX districts and outside of freeway sign corridors.

- (2) In addition to the maximum aggregate sign area limits, individual on-premise projecting and freestanding signs may not exceed 500 square feet in area. Individual off-premise outdoor advertising signs may not exceed 672 square feet in area.

**60.o80-D Maximum Height of On-premise Projecting and Freestanding Signs**

**1. Lots with Frontage on Only Minor Streets**

On-premise projecting signs and freestanding signs on lots with frontage on only minor streets may not exceed 20 feet in height or the height of the principal building on the lot, whichever is less.

**2. Lots with Frontage on Major Streets**

On-premise projecting signs and freestanding signs on lots with frontage on major streets may not exceed 25 feet in height, except that a maximum height of 40 feet is allowed if the sign is set back from the planned right-of-way line at least one foot for each foot of sign height in excess of 25 feet. Projecting signs and freestanding signs may not exceed 40 feet in height unless the subject lot abuts a freeway, in which case the maximum allowed height is 50 feet.

**60.o80-E Dynamic Displays on On-premise Wall, Projecting and Freestanding Signs**

A maximum of one of the on-premise wall signs, projecting signs or freestanding signs allowed on a lot in a mixed-use, 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, projecting or freestanding sign, but rather is counted as part of the maximum area of the wall, projecting or freestanding sign. Only one, contiguous dynamic display is allowed on a wall, projecting or freestanding sign face. Off-premise outdoor advertising signs that incorporate a dynamic display are subject to the dynamic display regulations of [Section 60.100](#).

**60.o80-F Off-premise Outdoor Advertising Signs**

Off-premise outdoor advertising signs are allowed only in compliance with regulations of this subsection ([§60.o80-F](#)).



1. **Where Allowed**

Off-premise outdoor advertising signs are a use allowed only in commercial and industrial zoning districts and only on lots that have frontage on a major street in a freeway sign corridor. Any waiver, modification, or variance to this regulation is considered a use variance and is thereby prohibited in accordance with [§70.130-B1](#).

2. **Maximum Number and Area**

The maximum number and area of allowed off-premise outdoor advertising signs is governed by the sign budget provisions of [§60.080-C](#).

3. **Maximum Height**

Off-premise outdoor advertising signs may not exceed 50 feet in height, except when the adjacent freeway is elevated 10 feet or more above grade where the sign is to be located, in which case the off-premise outdoor advertising sign may be a maximum of 60 feet in height.

4. **Orientation**

All off-premise outdoor advertising signs must be oriented to be primarily visible from the adjacent freeway.

5. **Required Setbacks, Spacing and Separations**

a. All off-premise outdoor advertising signs must be separated by a minimum distance of 1,200 feet from any other off-premise outdoor advertising sign except when the subject signs are separated by and on opposite sides of the same freeway.

b. Off-premise outdoor advertising signs must be separated by a minimum distance of 150 feet from any public park.

c. Off-premise outdoor advertising signs that are visible from an R district (other than street, highway or freeway right-of-way) or from a designated residential development area in an approved PUD or MPD district must be separated from the R district or residential development area by a minimum distance of 150 feet if the sign does not exceed 300 square feet in area and by a distance of at least 200 feet if the sign is greater than 300 square feet in area.

d. See [§60.040-B](#) for setback, spacing and separation regulations generally applicable to all signs.

~~e. Outdoor advertising signs that include animation, revolving or rotating components or movement may not be located within:~~

~~(1) 50 feet of the driving surface of a signalized intersection;~~

~~(2) 20 feet of the curb or edge of a street; and~~

~~(3) 200 feet of an R district (other than street, highway or freeway right-of-way) or of a designated residential development area in an approved PUD or MPD district. The R district/residential development area separation required by this paragraph applies only if the sign is visible from such areas.~~

6. **Number of Sign Faces**

Off-premise outdoor advertising signs may not have more than 2 sign faces. See also [§60.130-A3](#).

7. **Cutouts and Extensions**

Cutouts or extensions are permitted and do not count in calculating the sign area of an off-premise outdoor advertising sign unless the cutouts or extensions exceed 15% of the sign face, in which case the cutout or extension area in excess of 15% of the sign face area does count.

8. **Posts and Columns**

Off-premise outdoor advertising signs that are freestanding may not be supported by more than one post or column unless required by site engineering considerations, as certified by a registered professional engineer.

9. **Illumination**

- a. Illumination on the face of any off-premise outdoor advertising sign may not exceed 70 foot-candles.
- b. Any illumination must be by constant light unless otherwise expressly stated.
- c. No off-premise outdoor advertising sign may contain flashing, blinking or traveling lights or reflective glitter.

10. **Conversion**

A sign permitted as an off-premise outdoor advertising sign may not be converted to any other type of sign without first obtaining a permit. The reverse is also true.

11. **Dynamic Displays**

- a. Off-premise outdoor advertising signs that incorporate a dynamic display are subject to the dynamic display regulations of [Section 60.100](#).
- b. No off-premise outdoor advertising sign with a dynamic display, whether conforming or nonconforming, is deemed a lawfully existing off-premise outdoor advertising sign **and** no such off-premise 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-premise outdoor advertising sign into an off-premise outdoor advertising sign with a dynamic display is considered a change of use requiring a permit as if it was an entirely new sign.
- d. A nonconforming off-premise outdoor advertising sign may not be modified, changed or converted into a dynamic display off-premise outdoor advertising sign unless it complies with all requirements of this zoning code, and all setback, spacing and separation requirements have been verified.

**Section 60.090 Signs in Special Districts**

60.090-A AG District

See [Section 60.050](#).

60.090-B PK District

In addition to any sign exceptions allowed pursuant to [Section 60.030](#), a maximum of one on-premise freestanding sign is allowed on a lot in a PK (Parking) zoning district. The freestanding sign 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.

#### 60.090-C CO District

Signs in CO districts are subject to same regulations that apply in mixed-use, commercial and industrial zoning districts (see [Section 60.080](#)). They are subject to review as part of development plan approval process (see [Section 70.040](#)).

#### 60.090-D IMX District

##### 1. Applicability

The regulations of this section apply to signs in all IMX zoning districts. See also the general regulations of [Section 60.040](#).

##### 2. Signs Allowed

In addition to any sign exceptions allowed pursuant to [Section 60.030](#), the following signs are the only signs allowed in IMX zoning districts:

- a. Directional and way-finding signs
- b. On-premise building signature signs
- c. On-premise wall signs
- d. On-premise projecting signs
- e. On-premise canopy signs
- f. On-premise marquee signs
- g. On-premise, monument-style ground signs

##### 3. Directional and Way-Finding Signs

Directional and way-finding signs for business establishments located in the IMX district may be permitted by special exception within the lot containing the use. Such signs are subject to conditions (including but not limited to regulation of the location, number, display surface area and height of such signs) established by the board of adjustment in approving the special exception.

##### 4. On-Premise Wall signs, Projecting Signs, Canopy Signs, and Marquee Signs

###### a. When Allowed

On-premise wall, projecting, canopy and marquee signs are permitted only for business establishments located within the ground- floor level, second-floor level, and third-floor level of a building.

###### b. "Business Establishments"

For purposes of administering interpreting and enforcing the IMX district sign regulations of this section, the term "business establishment" means a space within a building occupied for a use permitted by right or special exception in the IMX district, except for residential uses.

c. **Maximum Number**

- (1) A maximum of 3 such signs are permitted for each business establishment located within the ground-floor level of a building and having a façade that faces a street.
- (2) A maximum of 2 such signs are permitted for each business establishment located within the second-floor level or third-floor level of a building and having a façade that faces a street.
- (3) One additional such sign is permitted for each business establishment located within the ground-floor level, second-floor level or third-floor level of a building and occupying a corner space that faces two streets. Such additional sign must be oriented toward the additional street.
- (4) Only one of the allowed signs may be projecting along each street-facing façade of the subject business establishment.
- (5) If the subject business establishment is identified on a ground sign that is permitted for the building in which the business establishment is located, the number of wall, projecting, canopy and marquee signs otherwise permitted for the business establishment is reduced by one for each ground sign in which the business establishment is identified

d. **Maximum Area**

No individual projecting sign may exceed 12 square feet in area, and no other individual sign may exceed 60 square feet in area, provided that the total area of all on-premise wall, projecting, canopy and marquee signs permitted for a business establishment may not exceed 10% of the area of the street-facing façade of the subject business establishment

e. **Location and Height**

Permitted on-premise wall, projecting, canopy and marquee signs must be located directly above the independent entrance to the subject business establishment identified on the sign or directly above or adjacent to windows in the street-facing façade of the business establishment and within the area of the street-facing façade of the building establishment, provided, however

- (1) No portion of a sign permitted for a ground-floor level business establishment may be located more than 35 feet above the elevation of the nearest curb.
- (2) No portion of a sign permitted for a second-level or third-level business establishment may be located more than 50 feet above the elevation of the nearest curb.
- (3) No portion of any sign may extend above the top of a parapet or building wall upon which it is located

5. **Ground signs**

a. **When Allowed**

Ground signs are permitted only for business establishments within a building containing more than 25,000 square feet of gross floor area.

b. **Maximum Number**

If the building for which a ground sign is permitted faces only one street, a maximum of one ground sign is permitted. If the building faces 2 or more streets, a maximum of 2 ground signs is permitted, provided that each sign is oriented toward a different street.

c. **Size and height**

Ground signs may not exceed 18 feet in length and 2 feet in depth, measured from the outer edges of the ground sign, and 5 feet in height measured from the lowest point of the elevation of the nearest curb to the highest point of the ground sign.

6. **Building Signature Signs**

- a. A building signature sign is a sign that identifies the owner of the building or a business establishment located in the building that occupies more than 50% of the gross floor area of the subject building.
- b. Building signature signs are permitted only on buildings 4 or more stories in height, provided no part of such sign may extend above the top of the parapet or building wall upon which it is located.
- c. Only one building signature sign is permitted per exterior building wall.
- d. The display surface area of a building signature sign may not exceed 5% of the area of the wall to which it is affixed or 300 square feet, whichever is less.
- e. All sides of the building that display a building signature sign must contain the exact copy that is displayed on any other side of the building that displays a building signature sign

7. **Prohibited signs:**

In addition to the signs prohibited by [Section 60.020](#), the following signs are expressly prohibited in IMX district:

- a. Outdoor advertising signs
- b. Dynamic displays
- c. Roof signs

60.090-E MPD District

Except as otherwise expressly allowed as part of an approved MPD development plan:

1. Residential development areas within an approved MPD district are subject to the sign regulations that apply to R districts; and

8-2. Nonresidential development areas within an approved MPD are subject to the sign regulations that apply to CS districts.

**Section 60.100 Dynamic Displays**

The supplemental regulations of this section apply to all signs with dynamic displays. Except as otherwise expressly stated, these regulations apply whether incorporated into off-premise outdoor advertising signs or on-premise signs that are allowed to include a dynamic display.

- 60.100-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.
- 60.100-B The transition or change from one message to another must occur in one second or less and involve no animation or special effects.
- 60.100-C The images and messages displayed must be complete in and of themselves within the required dwell time.
- 60.100-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.
- 60.100-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.
- 60.100-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 designated in an approved PUD, MPD or CO district. This separation distance does not apply if the dynamic display is not visible from 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 in a 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.
- 60.100-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.
- 60.100-H Dynamic displays must be equipped with a light detector/photocell that automatically adjusts the display's brightness according to natural ambient light conditions.
- 60.100-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.
- 60.100-J Regulations governing dynamic displays are subject to ongoing monitoring and future modification in the exercise of the city's police powers. No vested right is ever created in an existing dynamic display. If regulations governing operational aspects of dynamic displays (e.g., dwell time, transitions, illumination/brightness, etc.,) are modified by the city, sign owners and operators are required to bring dynamic display advertising signs into compliance with all applicable dynamic display regulations.

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

~~Except as provided in §60.100.1, any outdoor advertising sign that includes a dynamic display and that was approved by a permit issued on or after January 1, 2009, must be separated by a minimum distance of 1,200 feet from any other outdoor advertising sign that includes a dynamic display facing the same traveled way. The 1,200-foot distance must be measured in a straight line from the center of the subject sign structures, as located on the ground.<sup>121</sup>~~

### Section 60.110 Administration

60.110-A Any person proposing to erect any sign requiring a sign permit must submit a sign permit application to the development administrator. Application 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 development administrator to determine compliance with applicable regulations.

60.110-B Sign permit fees must be paid prior to the issuance of a sign permit.

60.110-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.

### Section 60.120 Nonconforming Signs

See [Section 80.060](#).

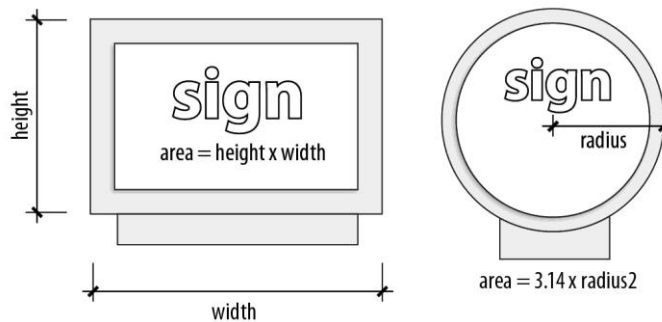
### Section 60.130 Rules of Measurement

#### 60.130-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 60-2](#)).

Figure 60-2: 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 60-3](#)).

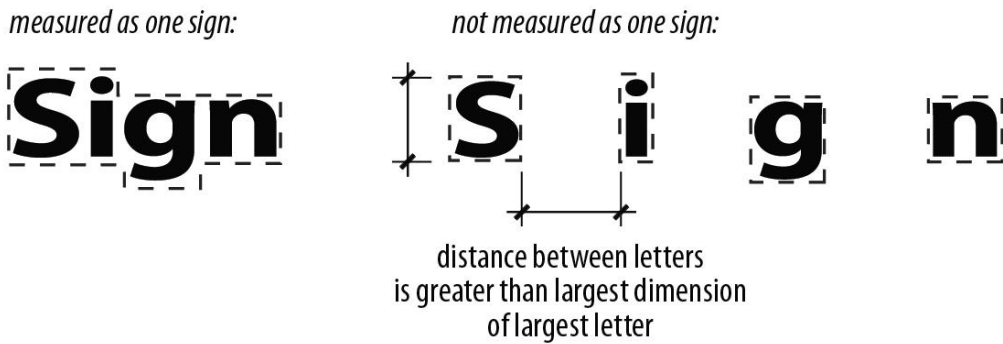
<sup>121</sup> These spacing requirements do not seem necessary in light of the existing spacing requirements for outdoor advertising signs in general (see [60.080.F5](#)).

- 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 60-4](#)).

Figure 60-3: Sign Area Measurement (Individual Letter Signs)



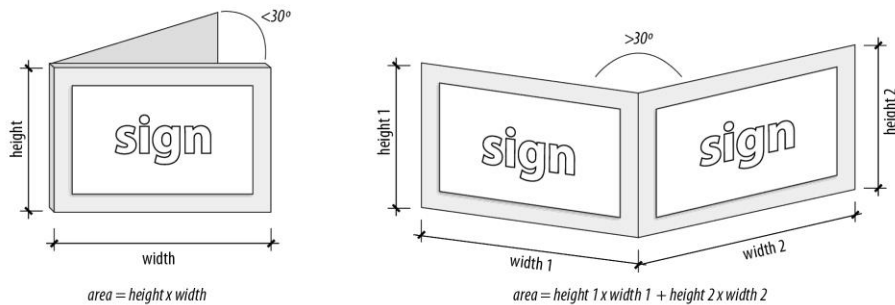
Figure 60-4: Sign Area Measurement (Single vs. Multiple Signs)



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 60-5](#)).

Figure 60-5: Multi-Sided Signs

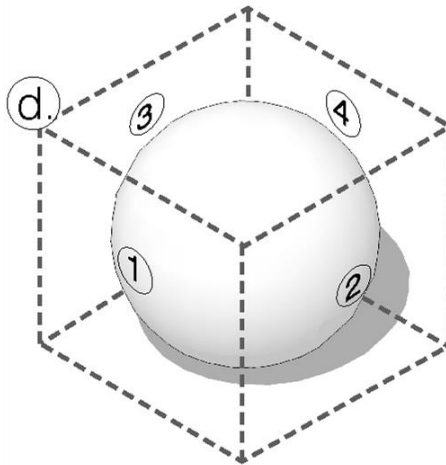


4. **Non-planar Signs**

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.



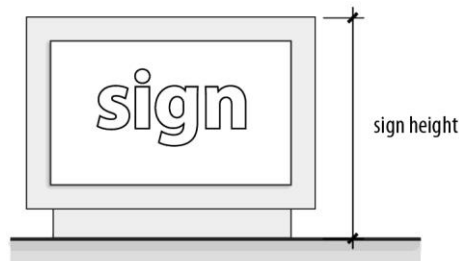
Figure 60-6: Non-Planar Sign Measurement<sup>122</sup>



60.130-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 60-7: Sign Height Measurement



60.130-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-premise outdoor advertising signs must be measured in a straight line from the center of the respective off-premise outdoor advertising sign structures, as located on the ground.

60.130-D Illumination and Luminance

1. **Foot-Candles**  
Sign illumination in foot-candles is measured at a maximum distance of 2 feet from the sign face.

<sup>122</sup> Borrowed. Illustration to be updated/replaced.

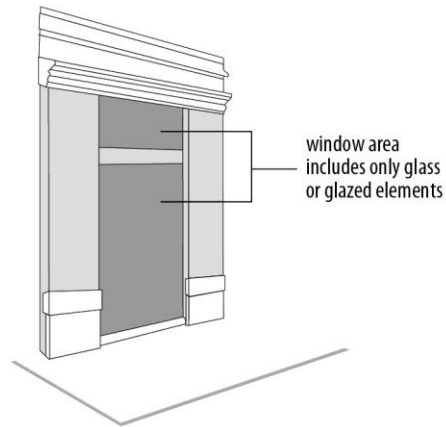
2. Nits

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.

60.130-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 60-8](#))

*Figure 60-8: Measurement of Window Area*



## Chapter 65 | Landscaping, Screening and Lighting

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### Section 65.010 Purposes

#### 65.010-A Landscaping and Screening

The landscaping and screening regulations of this chapter establish minimum requirements for landscaping and screening. The regulations are intended to advance the general purposes of this zoning code and to help:

1. Maintain and enhance the city's appearance;
2. Mitigate possible adverse impacts of higher intensity land uses abutting lower intensity land uses;
3. Reduce the impacts of noise and glare.
4. Maintain and improve air quality;
5. Protect water quality in [the Arkansas and Verdigris Rivers](#) and reduce the negative impacts of stormwater runoff by reducing impervious surface area and providing vegetated areas that filter and retain greater amounts of stormwater on site;
6. Moderate heat by providing shade;
7. ~~Ensure~~ Encourage wise use of water resources;
8. Encourage preservation and replacement of existing trees and landscaping; and
9. Encourage greater use of low-impact development practices.

#### 65.010-B Outdoor Lighting

The outdoor lighting regulations of this chapter are intended to help ensure adequate lighting for motorized and nonmotorized travelers; provide for the efficient use of energy; and reduce the impacts of nuisance lighting and glare on nearby areas.

## Section 65.020 Applicability

### 65.020-A Landscaping and Screening

1. The landscaping and screening regulations of this chapter apply as set forth in the individual sections of this chapter. The following are expressly exempt from the landscaping and screening regulations of this chapter:<sup>123</sup>
  - a. Agricultural uses;
  - b. Public parks and open spaces;
  - c. Detached houses and duplexes (existing or proposed);
  - d. Reconstruction of any building that was in existence on January 1, 1994<sup>124</sup> and that is later damaged or destroyed by an act of God~~;~~
  - e. Interior remodeling; ~~and~~
  - f. Land for which a landscape plan ~~has been was~~ approved by the planning commission before January 1, 1994, pursuant to its review of a planned unit development or corridor development, provided that the required landscaping is installed in accordance with the approved detailed landscape plan by January 1, 1995~~;~~
  - g. Construction of a structure, other than a building, that does not increase the developed area of a lot more ~~that than~~ 30 square feet.
  - h. Developed area of a lot if all proposed new buildings and/or additions to buildings contain less floor area than the floor area of existing buildings which remain on the lot after completion of the new construction.
  - i. For the purposes of this section, "developed area" means the area of a lot that on January 1, 1994, is covered by a structure, off-street parking or loading areas, or other areas paved with an all-weather material, and "existing buildings" means buildings completed and existing before January 1, 1994.

### 65.020-B Outdoor Lighting

The outdoor lighting regulations of this chapter apply as stated in ~~§65.020-A~~.

## Section 65.030 Street Yard Landscaping

### 65.030-A Purpose

Street yard landscaping helps maintain and enhance the appearance of the city, while also offering environmental benefits by allowing the infiltration of stormwater, reducing urban heating and improving air quality.

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<sup>123</sup> Note: the existing exemption for parking lot landscaping within the CBD district has been incorporated into the parking lot landscaping sections of this chapter.

<sup>124</sup> This date is from the current ordinance and refers to the effective date of the existing landscaping regulations.

### 65.030-B Requirements<sup>125</sup>

1. At least 15% of the street yard must be established and maintained as landscaped area.<sup>126</sup>
2. The landscaped area must be at least 5 feet in width and extend along the entirety of abutting street right-of-way, except at points of vehicular access. This area may be counted towards satisfying the minimum landscaped area requirements of [§65.030-B1](#).
3. Off-street parking areas must be separated from abutting residential districts and abutting residential development areas within a PUD or MPD by a landscaped area that is at least 5 feet in width. This area may be counted towards satisfying the minimum landscaped area requirements of [§65.030-B1](#) if it is located within the street yard.
4. The street yard landscaping requirements of this section ([Section 65.030](#)) do not apply in the CBD or to properties where no street yard exists.
5. For nonresidential development on lots of record as of December 31, 1993, that are no more than one acre in area, minimum off-street parking requirements are reduced by one space for each 300 square feet of street yard landscaping required by [§65.030-B1](#).
6. Depressed bioretention areas used for landscaping and stormwater management are encouraged and may be used to satisfy the street yard landscaping requirements of this section.

## Section 65.040 Parking Lot Landscaping

### 65.040-A Purpose

The parking lot landscaping requirements of this section are intended to help soften the visual impacts of parking lots and provide shading.

### 65.040-B Requirements<sup>127</sup>

The following parking lot landscaping requirements apply in surface off-street parking lots that are not located in the CBD zoning district.

1. **Lots up to 2.5 Acres in Area**  
For lots up to 2.5 acres in area, no parking space may be located more than 50 feet from a landscaped area that is at least 30 square feet in area and that has a minimum width or diameter of 3 feet.

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<sup>125</sup> The requirements included here are exactly the same as those now found in Section 1002-A of the current zoning code, although they have been edited.

<sup>126</sup> The code's existing definition of "landscaped area" has been reinserted in the definitions chapter and modified.

<sup>127</sup> The parking lot (perimeter and interior) landscaping revisions included here are exactly the same as those now found in Section 1002-B of the current zoning code, except as noted. They *have* been edited.

2. **Lots Greater than 2.5 Acres in Area**  
For lots greater than 2.5 acres in size, no parking space may be located more than 75 feet from a landscaped area that is at least 100 square feet in area and that has a minimum width or diameter of 7 feet.
3. **Bioretention Areas**  
Depressed bioretention areas used for landscaping and stormwater management are encouraged and may be used to satisfy the parking lot landscaping requirements of this section.

## Section 65.050 Tree Planting and Preservation

### 65.050-A Purpose

The tree planting and preservation requirements of this section are intended to help maintain and enhance the city's appearance and maintain and improve air quality.

### 65.050-B Requirements<sup>128</sup>

1. At least one tree must be preserved or planted and maintained or replaced in street yards for each 1,500 square feet of street yard area, or fraction thereof. See also the street yard landscaping requirements of [Section 65.030](#).
2. Except in the CBD zoning district, in surface parking lots located outside the street yard, at least one tree must be preserved or planted and maintained or replaced for each 12 parking spaces, with at least one tree in each required landscaped area. See also the parking lot landscaping requirements of [Section 65.040](#).
3. Trees must be preserved or planted and maintained or replaced in CBD-zoned surface parking lots that have 20 or more parking spaces and that are located within 25 feet of a public street right-of-way, as follows:
  - a. At least one tree must be provided per 35 linear feet of public street right-of-way that is located within 25 feet of the parking lot; and
  - b. Required trees must be located within 10 feet of the public street right-of-way.
4. All trees must be planted in a pervious area not less than 3 feet in diameter.
5. Minimum required tree sizes at time of planting are as follows:
  - a. Ornamental trees must be at least 6 feet in height and 1-inch in caliper size;
  - b. Conifers/evergreen trees (e.g., pine, spruce or cedar) must be at least 5 feet in height; and
  - c. Canopy trees must be at least 8 feet in height and 1.5 inches in caliper size.
6. Any existing or newly planted tree with a diameter at breast height of 6 inches or more is counted as 2 trees for the purpose of determining compliance with the tree

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<sup>128</sup> The "tree and plant material" requirements included here are exactly the same as those now found in Section 1002 -C of the current zoning code, except as noted. They *have* been edited.

planting requirements of this section, provided there is no alteration of the soil grade under the existing tree's dripline.

7. To further encourage preservation of existing mature trees and the planting of larger trees, each square foot of pervious landscaped area within the dripline of a tree with a diameter at breast height of 6 inches or more is counted as 1.5 square feet of landscaped area for the purpose of meeting street yard landscaping requirements of [Section 65.030](#) and the parking area landscaping requirements of [Section 65.040](#), provided that:
  - a. Overlapping dripline areas may only be counted once;
  - b. At least 50% of the dripline area must be permeable;
  - c. The original grade of the dripline area may not be changed; and
  - d. The 1.5 square foot incentive credit may not constitute more than 25% of a site's landscaped area requirement.

## Section 65.060 Screening

### 65.060-A Purpose

Screening requirements are intended to partially or completely shield expressly identified uses and site features from view of abutting streets or other abutting lots.

### 65.060-B Features Required to be Screened

#### 1. General

This subsection establishes screening requirements for several common site features that require visual separation from streets and abutting lots. Other uses, districts, structures and activity areas may also require screening in accordance with other provisions of this zoning code.

#### 2. Garbage and Recycling Collection Area

All exterior garbage cans, garbage collection areas, and recycling collection areas must be screened from the street and any adjacent properties. Receptacles for pedestrian use are exempt and household-size containers serving individual dwelling units are exempt from screening requirements. Required screening must consist of an F1 screening fence or wall in accordance with §65.060-C2.

#### 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 districts by walls, fences or vegetation. Screening must be at least as tall as the tallest part of the equipment required to be screened.

##### 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 zoning district:

- (1) A parapet along facades facing the R district that is at 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 district by at least 3 feet for each one foot of equipment height.

### 65.060-C Type of Screens

#### 1. S1, Low-profile Screen

##### a. Purpose

The S1, low-profile screen is intended to help soften visual impacts of certain site features and provide an "urban edge" along lot borders and other site features, while maintaining some visibility of the areas required to be screened.

##### b. Design

The S1 screen requires shrubs planted to form a continuous visual barrier at least 3 feet in height. In addition, one tree is required per 30 linear feet of screen. A 3-foot tall masonry wall may be substituted for the shrubs.

#### 2. F1, Screening Fence or Wall

##### a. Purpose

An F1 screening fence or wall is required in those instances where a complete visual barrier is needed.

##### a-b. Options

F1 screening requirements may be met by either of the following options.

(1) The installation of an opaque fence at least 6 feet in height and at least one tree per 25 linear feet of fence; or

~~(1)~~(2) The installation of a masonry wall with a minimum height of 6 feet.

##### c. Front Yards

When located in the front yard, fences and walls may not exceed 4 feet in height.

##### d. Existing Fences and Walls

When a fence or wall already exists that provides screening that is as least as effective as would be achieved with a new F1 screening fence or wall, the development administrator is authorized to waive or reduce the fence or wall requirements of this subsection.

#### ~~2-3~~ Materials and Design

Fences and walls provided to meet the screening standards of this section must:

- a. Be constructed with customarily used fencing materials;
- b. Be designed and arranged to provide visual separation of uses irrespective of vegetation;
- c. Be constructed with all braces and supports on the interior, except when both sides are of the same design and appearance;
- d. Be erected prior to the occupancy of the building or initiation of the use required to be screened;
- e. Be uniform in height, except for significant changes in topography;



- f. If painted, be earth-tone in color when abutting an R district boundary; and
- g. Not be a chain link fence that utilizes inserts of metal or other materials.

~~3-4~~ Maintenance

Fences and walls provided to meet the screening standards of this section must be maintained by the owner of the lot containing the use or feature required to be screened from view.

~~4-5~~ Modification of Requirements

- a. Applicable screening requirements may be eliminated or modified through the alternative compliance approval process (see ~~§65.080-D~~) or through the special exception approval process when existing physical features provide at least as effective visual screening as would strict compliance or when the screening requirement cannot be achieved or is prohibited by other ordinances and/or regulations.
- b. An extension of time to install required screening may be approved through the special exception approval process when the properties benefited by the screening are undeveloped.

~~5-6~~ Screening or Setbacks Triggered by Proximity to Nonresidential Areas/Features

When the erection of a screening wall or fence or setback is required by this zoning code because a use abuts one or more R districts, such wall, fence, or setback is not required if the actual use of the abutting R district is a freeway, expressway, turnpike, nonresidential use previously approved by the board of adjustment; a nonresidential development area in a PUD; or a nonresidential development area in an approved development plan. This exemption from screening does not apply to junk or salvage yard uses.

## Section 65.070 Landscape Installation, Irrigation and Maintenance<sup>129</sup>

### 65.070-A Irrigation

1. Required landscaping must be irrigated by an underground sprinkler system, drip irrigation system or ~~a hose attachment located within 100 feet of all landscaped areas, provided that this method to irrigate required landscape area without the prior approval of TMAPC other methods of irrigation approved by the land use administrator.~~
2. Irrigation is not required for any of the following:
  - a. Sites that are consistent with the general low-impact development (LID) and stormwater regulation guidelines established by Oklahoma State University Division of Agricultural Sciences and Natural Resources, as certified by a landscape architect licensed to practice in the State of Oklahoma.
  - b. Sites for which a LEED (Leadership in Energy & Environmental Design) certification plan is submitted as part of an alternative compliance landscape plan (See

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<sup>129</sup> These requirements come directly from the current ordinance (Section 1002-D) except as indicated.

~~§65.080-D~~, as certified by a landscape architect licensed to practice in the State of Oklahoma.

65.070-B Installation and Maintenance

1. All landscaped areas that are adjacent to pavement must be protected with curbs or equivalent barriers.
2. Landscaping may not obstruct traffic visibility at street intersections or at access points to streets.
3. Required landscaping must be maintained in a live and healthy condition. ~~and replaced as necessary to comply therewith.~~ Dead or diseased plants must be replaced with equivalent plantings.
4. Required landscaped areas must be maintained free of debris and litter.
5. Required landscaping must be installed in accordance with an approved landscape plan.

65.070-C Timing of Installation

1. All required landscaping and appurtenances, except trees, must be installed prior to the issuance of a certificate of occupancy.
2. All required trees must be installed within 120 days after issuance of the certificate of occupancy.

65.070-D Certificate of Installation

Within a CO district, PUD or MPD, certification of installation of required landscaping must be provided as required by any express provisions of the CO district, PUD or MPD approval that was granted. In all other cases, within 120 days of the issuance of the certificate of occupancy, written certification by the owner of the property, an architect, landscape architect or engineer licensed to do business in the State of Oklahoma must be submitted to the city stating that all landscaping and appurtenances have been installed in accordance with the approved landscape plan.

**Section 65.080 Landscape Plans<sup>130</sup>**

65.080-A Required Information

All building permit applications for sites requiring landscaping must include a landscape plan that includes at least the following information:

1. The date, scale, north arrow, ~~project name~~ and name of the owner;
2. The location of property lines and dimensions of the site;
3. The approximate center line of existing water courses, the approximate location of significant drainage features, the location and size of existing and proposed streets and alleys, existing and proposed utility easements and overhead utility lines on or adjacent to the lot, and existing and proposed sidewalks on or adjacent to the lot;

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<sup>130</sup> Provisions come directly from Section 1003 of current landscape ordinance, except as indicated.

4. The location, size and type (tree, shrub, ground cover) of proposed landscaping and the location and size of the proposed landscape areas;
5. Planting details and/or specifications;
6. The method of protecting any existing trees and vegetation proposed to be preserved, including the identification of existing and finished contours illustrating the limits of grading near the drip line of any trees;
7. The proposed method of irrigation and type of irrigation system proposed, if applicable, for each required landscape area;
8. The schedule of installation of required trees, landscaping and appurtenances;
9. For developments that are not part of an approved PUD or MPD development plan, written certification by an architect, landscape architect or engineer licensed to do business in the State of Oklahoma, that the landscape plan is in conformance with the minimum requirements of this chapter or that an alternative compliance landscape plan has been approved in accordance with §65.080-D; and
10. For developments that are part of an approved PUD or MPD development plan, evidence that the landscape plan has been approved as required by the applicable PUD or MPD development plan procedures or more expressly established pursuant to the PUD or MPD development plan approval that was granted.

65.080-B Preparation of Landscape Plan

Required landscape plans must be prepared and sealed by a landscape architect licensed to practice in the State of Oklahoma. This requirement may be waived by the development administrator or land use administrator if the estimated cost of required plant material is less than \$10,000, based on cost data provided by the applicant.

65.080-C Administrative Review

After receipt of a complete landscape plan, the development administrator must:

1. Approve the landscape plan as complying with the requirements of this chapter;
2. Approve the landscape plan with conditions of approval that will bring it into compliance with the requirements of this chapter; or
3. Reject the landscape plan as failing to comply with the requirements of this chapter.

65.080-D Alternative Compliance Landscape and Screening Plans

1. In order to accommodate creativity in landscape and screening design and to allow for flexibility in addressing atypical, site-specific development/redevelopment challenges, the development administrator is authorized to approve alternative compliance landscape plans when they determine that one or more of the following conditions or opportunities are present:
  - a. The site has space limitations or an unusual shape that makes strict compliance impossible or impractical;
  - b. Physical conditions on or adjacent to the site such as topography, soils, vegetation or existing structures or utilities are such that strict compliance is impossible, impractical or of no value in terms of advancing the general purposes of this chapter;

c. Safety considerations such as intersection visibility, utility locations, etc., make alternative compliance necessary; or

e.d. Creative, alternative landscape plans will provide an equal or better means of meeting the intent of the landscaping and screening regulations of this chapter.

~~In accordance with the provisions of Section 1605, an appeal to the Board of Adjustment may be taken by any person aggrieved by a determination of the Planning Commission as set forth in Subsection 1003.D above.~~

2. The land use administrator is expressly authorized to approve alternative compliance landscape plans for projects implementing low-impact development practices or seeking sustainable development or green building certification from nationally recognized organizations, such as the International Code Council, the U.S. Green Building Council, the International Living Future Institute, or the U.S. Green Building Initiative, as follows:
  - a. Sites implementing low-impact development (LID) solutions meeting the general LID and stormwater regulation guidelines of Oklahoma State University's Division of Agricultural Sciences and Natural Resources may be approved as alternative compliance landscape plans.
    - (1) LID plans must be sealed by a landscape architect licensed to practice in the State of Oklahoma.
    - (2) LID development solutions may be provided in the street right-of-way, subject to approval by all applicable city agencies. Such improvements must be maintained by the adjoining property owner.
    - (3) All aspects of an LID project, including permeable pavement, bio swales, rain gardens, green roofs, wetlands natural stream restoration or preservation will be considered part of the approved alternative compliance landscape plan.
  - b. Plans for sites for which property owners are seeking sustainable development or green building certification from nationally recognized organizations may be approved as alternative compliance landscape plans.
    - (1) Landscape plans must be sealed by a landscape architect licensed to practice in the State of Oklahoma.
    - (2) Landscape improvements may be provided in the street right-of-way, subject to approval by all applicable city agencies. Such improvements must be maintained by the adjoining property owner.
    - (3) All proposed aspects of the proposed certification, including hardscape material selections, site lighting, grey water irrigation systems and other components of the site may be considered as part of the approved alternative compliance landscape plan.

## Section 65.090 Outdoor Lighting<sup>131</sup>

### 65.090-A Applicability and Exemptions

The outdoor lighting regulations of this section apply to all outdoor lighting installed after the effective date specified in [Section 1.030](#), except that they do not apply to any of the following:

1. Outdoor lighting on lots occupied by residential buildings containing fewer than 4 dwelling units;
2. Public street lights;
3. Airport runway and aviation safety lights required by the FAA (e.g., warning lights on radio, communication and navigation towers);
4. Lighting of official government flags;
5. Outdoor lighting used exclusively for public recreational activities, sporting events at stadiums and ball fields or other outdoor public spaces or venues;
6. Outdoor lighting used for emergency equipment and work conducted in the interest of law enforcement or for public health, safety or welfare;
7. Outdoor lighting used for a temporary event lasting no more than 10 days; and
8. Temporary holiday light displays.

### 65.090-B General Standards

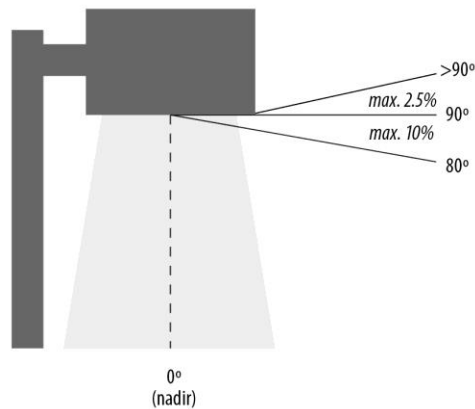
All outdoor lighting must comply with the following general standards:

1. **Safety**  
Lighting must provide sufficient and safe illumination for motorized and nonmotorized circulation on the subject lot.
2. **Canopy-Mounted Lights**  
Canopy lighting must be by recessed fixtures with diffusers that do not extend below the canopy surface.
3. **Shielding**  
Light sources must be concealed or shielded with cutoffs so that no more than 2.5% of the light emitted directly from the lamp or indirectly from the fixture is projected at an angle of more than 90 degrees above nadir and no more than 10% of the light emitted directly from the lamp or indirectly from the fixture is projected at an angle of more than 80 degrees above nadir.

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<sup>131</sup> These lighting regulations are entirely new.

Figure 65-1: Required Shielding



#### 4. Spillover Light

Illumination along the lot line of the subject property may not exceed 0.5 foot-candles when abutting an agricultural 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 screening fence or wall along the property line.

### 65.090-C Lighting Plans

#### 1. General

Outdoor lighting plans demonstrating compliance with the standards of this section are required with the submittal of a site plan. If no outdoor lighting is proposed, a note must be placed on the face of the site plan indicating that no outdoor lighting will be provided. Applicants have 2 options for the format of the required lighting plan:

- a. Submit a lighting plan that complies with the fixture height lighting plan requirements of [§65.090-C2](#); or
- b. Submit a photometric plan demonstrating that compliance will be achieved using taller fixture heights, in accordance with [§65.090-C3](#).

#### 2. Option 1: Fixture Height Standard Lighting Plan

Option 1 (Fixture Height Standard Lighting Plans) establishes maximum light fixture heights but does not require submittal of a detailed photometric plan.

##### a. Information Required

Fixture height standard lighting plans must include at least the following:

- (1) A scale drawing of the site with all outdoor lighting locations shown;
- (2) Fixture specifications, including catalog cut-sheets or generic standards;
- (3) Pole type and height of fixture;
- (4) Lamp type and size; and
- (5) Fixture mounting and orientation.

b. **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 or residential zoning district or public right-of-way, as established in .....[Table 65-1](#):

*Table 65-1: Maximum Light Fixture Heights*

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

3. **Option 2: Photometric Study**

Under option 2 (Photometric Study Lighting Plan) no maximum fixture heights are established, but applicants are required to submit a photometric study in sufficient detail to demonstrate that all applicable outdoor light standards will be met. The photometric study must include at least the following:

- a. A scale drawing of the site with all outdoor lighting locations shown;
- b. Fixture specifications, including catalog cut-sheets or generic standards;
- c. Lamp type and size;
- d. Fixture mounting heights, mounting orientation, and tilt angles if applicable; and
- e. A representative point-by-point illumination array for the site showing property lines and all off-site lighting impacts.

**65.090-D Measurement of Illumination**

Light levels must be measured with a direct-reading, portable light meter, calibrated annually by an independent laboratory regularly engaged in the calibration of such instruments. The meter's sensor must be located at the top of the visual screening fence or wall along on the property line (or at a height of 3 feet above finished grade at the property line if there is no fence or wall), aimed towards the subject property in horizontal position. Readings must be recorded after the value has stabilized. Measurements are made after establishment of darkness with the light sources to be measured illuminated, and then with those light sources extinguished. The difference between these 2 readings must then be compared to the maximum allowed illumination at the property line. In this way, contributions to light levels by the moon and other ambient light sources are eliminated and the light intensity from the subject light sources can be accurately determined.

# Chapter 70 | Review and Approval Procedures

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## Section 70.010 Common Provisions

### 70.010-A Applicability

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

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

Procedure	Staff	Preservation Commission	Planning Commission	Board of Adjustment	City Council	Public Notice
Zoning Code Text Amendments	R	–	<R>	–	DM	N
Zoning Map Amendments (Non-HP)	R	–	<R>	–	DM	N,M,P
Development Plans <sup>132</sup>	R	–	<R>	–	DM	N,M,P
Site Plans	DM[1]	–	–	–	–	–
Historic Pres. (HP) Zoning Map Amendments	R	R	<R>	–	DM	N,M,P
HP Permits	R[2]	DM[2]	–	–	–	–
Zoning Code Interpretations	DM[3]	–	–	–	–	–
Spacing and Separation Distance Verification	–	–	–	<DM>	–	M
Special Exceptions	–	–	–	<DM>	–	N,M,P[4]
Variances	–	–	–	<DM>	–	N,M
Appeals of Administrative Decisions	–	–	–	<DM>[5]	–	N,M

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

#### Table 70-1 Notes

- [1] Unless alternative site plan review procedure/decision-maker is established by city council at time of development plan approval (see §70.050-C)
- [2] Preservation officer (staff) authorized to act on some applications (see §70.070-K)
- [3] Planning and development director authorized to issue written interpretations or delegate decision-making authority to development administrator or land use administrator

<sup>132</sup> This draft creates a universal process for all “development plans” and “site plans,” whether associated with corridor districts, MPDs or other zoning classifications. It also authorizes (optional) a development plan to accompany any request for rezoning.



[4] Special notice requirements for minor variances and special exceptions (See §70.120-E and §70.130-F)

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

#### 70.010-B Review and Decision-making Authority (Summary Table)

Table 70-1 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.

#### 70.010-C Applications and Fees

##### 1. Owner-initiated Applications

Whenever the provisions of this zoning code allow the filing of an application by the owner of the subject property, that application may be filed by any person or legal entity having a legal or equitable interest in the real property that is the subject of the application. Applications may also be filed by the property owner'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 this zoning code.

###### b. Applicability

Pre-application meetings are required whenever the provisions of this zoning code 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 telephone conversations and email correspondence.

##### 3. Form of Application

a. Applications required under this zoning code 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 this zoning code or applications checklists established by the official responsible for accepting the application. Application forms and submittal requirements must be made available to the general public.

4. **Application Filing Fees and Notification Costs**

All applications must be accompanied by the application fee that has been established by city council and by an amount to cover the costs of required public hearing notices and publication.

5. **Application Completeness, Accuracy and Sufficiency**<sup>133</sup>

- 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 this zoning code.
- 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 zoning code requirements 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 zoning code requirements or other regulations; or
  - (3) The decision-making body does not have legal authority to approve the application.

70.010-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.

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<sup>133</sup> New provisions.

#### 70.010-E 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 the City of Tulsa.

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 ~~the latest~~ property ownership information **available** 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 and by legal description, provided that a map must be included in the newspaper notice for any zoning map amendment;
- c. Describe action sought in the application or proposal;
- d. Identify who will conduct hearing; and
- e. Indicate where additional information on the matter 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 impede 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 this zoning code.

b. When the records of the city 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.

#### 70.010-F 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 renotification is required if the continuance is set for 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.

#### 70.010-G Action by Review Bodies and Decision-Making Bodies

1. Review and decision-making bodies may take any action that is consistent with:
  - a. The regulations of this zoning code;
  - b. Any rules or by-laws that apply to the review or decision-making body; and
  - c. The notice that was given.
2. In acting on zoning map amendments, review and decision-making bodies are authorized to recommend and approve zoning a classification that is consistent with the comprehensive plan and that is the same or less intensive than the zoning classification that was described in required public notices.
3. Review and decision-making bodies are authorized to continue a public hearing or defer action in order to receive additional information or further deliberate.

#### 70.010-H 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.

#### 70.010-I 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.

#### 70.010-J Required Time-frames for Action

Any time limit specified in this zoning code 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 this zoning code and the applicant has not agreed to an extension of that time limit, the application is deemed denied.

## Section 70.020 Zoning Code Text Amendments

### 70.020-A Authority to File

Amendments to the text of this zoning code may be initiated only by the city council, planning commission or land use administrator.<sup>134</sup>

Figure 70-1: Zoning Code Text Amendment Process (Generally)



### 70.020-B Review and Recommendation—Land Use Administrator

The land use administrator must prepare a report and recommendation on the proposed zoning code text amendment. The report must be transmitted to the planning commission before their public hearing on the proposed amendment.

### 70.020-C Notice of Hearing

Notice of the planning commission’s required public hearing on a zoning code text amendment must be published in the newspaper at least 20 days before the scheduled public hearing (see [§70.010-E](#) for additional information on newspaper notices).

### 70.020-D Hearing and Recommendation—Planning Commission

The planning commission must hold a public hearing on the proposed zoning code text amendment. Following the close 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 city council. In the case of a tie vote, the proposed text amendment and planning commission report must be forwarded to the city council with a notation of the tie vote.

### 70.020-E Final Action—City Council

Following receipt of the planning commission’s report and recommendation, the city council must hold a public hearing and act to approve the proposed zoning code text amendment, approve the proposed text amendment with modifications or deny the proposed text amendment. The city council is also authorized to remand the proposed text amendment back to the planning commission for further consideration. Zoning code text amendments may be approved by a simple majority vote.

### 70.020-F Review and Approval Criteria

The decision to amend the zoning code text is a matter of legislative discretion that is not controlled by any one standard. In making recommendations and decisions about zoning code 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

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<sup>134</sup> This is new.

2. Whether the proposed zoning code text amendment corrects an error or inconsistency or is necessary or desirable to meet the challenge of a changed or changing condition.

### Section 70.030 Zoning Map Amendments (Rezoning)

#### 70.030-A Authority to File

Amendments to the zoning map may be initiated only by the city council, the planning commission, the owner of the real property that is the subject of the proposed zoning map amendment or by the property owner's authorized agent.

*Figure 70-2: Zoning Map Amendment Process (Generally)*



#### 70.030-B Application Filing

Property owner-initiated applications for zoning map amendments must be filed with the land use administrator.<sup>135</sup> 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 Section 70.040 govern review and approval of the development plan.<sup>136</sup>

#### 70.030-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 city council, 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 their public hearing on the proposed amendment.

#### 70.030-D Notice of Hearing

Notice of the planning commission's required public hearing on a zoning map amendment must be provided as follows (see §70.010-E 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.

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<sup>135</sup> The current zoning code (Sec. 1702) requires application filing at least 30 days before TMAPC hearing, but then allows waivers of this rule. In light of this waiver authority and the fixed 20-day hearing notice requirement. This draft does not carry over the 30-day rule. Section 70.010-D of this draft allows the land use administrator to establish agenda calendars and application processing cycle rules.

<sup>136</sup> New proposal.

2. **Mailed Notice**

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 within 300 feet of the subject property at least 20 days before the scheduled public hearing. Mailed notice is not required for city-initiated rezonings proposed as a means of revising the comprehensive plan or official map or designating areas that require specific land use development due to topography, geography or other distinguishing features, including but not limited to floodplain, drainage and blighted areas.

3. **Posted Notice**

Notice (signs) must be posted at least 20 days before the scheduled public hearing.

**70.030-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 city council, 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 the city council or the planning commission must be transmitted to the city council 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 city council 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 city clerk and the recording secretary of the planning commission for a public hearing by the city council. 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 city council, the planning commission must transmit the application and its report and recommendations to the city council.
5. If the planning commission arrives at a tie vote, the application must be forwarded to the city council with a notation of the tie vote.

**70.030-F Final Action—City Council**

1. Following receipt of the planning commission's recommendation, the city council 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 city council 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 [§70.030-G](#).

#### 70.030-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 three-fourths of the members of the entire city council.
2. A protest petition will be deemed valid if it is signed and acknowledged by the owners of 20% or more of the area of the lots included in proposed zoning map amendment area or by the owners of 50% or more of the area of the lots within 300 feet of the area included in the proposed zoning map amendment area.
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 city council's vote.

#### 70.030-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.

### Section 70.040 Development Plans<sup>137</sup>

#### 70.040-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.

#### 70.040-B Applicability

1. **Mandatory**  
Development plans are required (mandatory) for Corridor (CO) district zoning map amendments and Master Planned Development (MPD) zoning map amendments. In acting on mandatory development plans, the planning commission is authorized to recommend and the city council 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 this zoning code.

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<sup>137</sup> This section introduces the idea of a single, universal "development plan" approval process to replace the separate development plan provisions for PUDs, MPDs, and Corridor districts.



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 city council 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 zoning code regulations.

70.040-C Application Filing<sup>138</sup>

Complete applications for development plan approval must be filed with the land use administrator concurrently with a zoning map amendment application. The development plan must consist of drawings, maps and text that identify:

1. Proposed land uses;
2. Proposed building and development areas;
3. Proposed off-street parking and loading (quantity, location and design)
4. Proposed open space;
5. Proposed signage;
6. Proposed building locations and heights;
7. Proposed public and private vehicular and pedestrian circulation systems;
8. Proposed landscaping and screening;
9. Proposed number of residential dwelling units and proposed nonresidential floor area;
10. Sufficient surrounding area to demonstrate the relationship of the proposed development to adjacent uses, both existing and proposed;
11. Existing topographic character of the land, including identification of any floodplain areas and natural resource areas (Note: In instances of probable development constraints due to slope and/or soil conditions, TMAPC staff is authorized to require the submittal of slope and/or soil analysis);
12. An explanation of the overall character and design of the proposed development; and
13. The expected schedule of development.

**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

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<sup>138</sup> We recommend that application submittal and development plan information checklists be provided as uncodified information handouts or as appendices to the code.

with applicable standards and approval criteria. The land use administrator's report must be transmitted to the planning commission before the required public hearing.

**70.040-D Notice of Hearing**

Notice of the planning commission's required public hearing must be provided as follows (see [§70.010-E](#) 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 300 feet of the subject property at least 20 days before the scheduled public hearing.
3. **Posted Notice**  
Notice (signs) must be posted at least 20 days before the scheduled public hearing.

**70.040-E 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 city council 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 city clerk and with the recording secretary of the planning commission for a public hearing by the city council. 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 city council, the planning commission must transmit the development plan application and its report and recommendations to the city council.
4. If the planning commission arrives at a tie vote, the application must be forwarded to the city council with a notation of the tie vote.

**70.040-F Final Action—City Council**

1. Following receipt of the planning commission's recommendation, the city council 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 city council is also authorized to remand the proposed development plan back to the planning commission for further consideration.

2. In acting on mandatory development plans, the city council is granted final decision-making authority on any special exception, spacing verification, variance or other authorization that would otherwise require approval by the board of adjustment. This “concurrent” approval authority is intended to avoid redundant and conflicting reviews. Concurrent approval authority does not extend to voluntary development plans.<sup>139</sup>
3. Development plans may be approved by a simple majority vote, except that any accompanying zoning map amendment may require a super-majority vote, as stated in [§70.030-G](#).

#### 70.040-G Requirement for Filing of Site Plan

1. Unless a longer time period is established 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, the approved mandatory development plan must be reviewed and reconsidered by the planning commission and city council to determine which of the following actions is warranted in light of surrounding land use patterns and other relevant information presented at the time of reconsideration by the planning commission and city council:
  - 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.
2. No site plan filing deadlines apply to optional development plans.

#### 70.040-H Amendments to Approved Development Plans

1. **Minor Amendments**<sup>140</sup>
  - 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 relocation or addition of customary accessory uses and structures;
    - (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;

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<sup>139</sup> This proposed clarification of “concurrent” approval authority is new.

<sup>140</sup> Modified criteria for “minor amendments.”

- (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; and
  - (10) Reductions in off-street parking or loading by more than 10% or one space, whichever results in a greater reduction.
- b. In those cases when the city council has expressly imposed a condition more restrictive than recommended by the planning commission, any amendment of that city council-imposed condition must be reviewed and approved by the city council.
  - 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 amendment 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 [Section 70.040](#), 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 city. Appeals are made to the city council by filing notice of appeal with the city 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 city council, the original or certified copies of all the papers constituting the record in the case, together with the decision of the planning commission. The city council 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 [Section 70.040](#), including all requirements for fees, notices and hearings.

**Section 70.050 Site Plans**<sup>141</sup>

**70.050-A Applicability**

Site plan approval is required before the issuance of any permits for development or construction on any property included within the boundaries of any approved development plan and whenever a provision of this zoning code expressly states that site plan approval is required.

**70.050-B Application Filing**

Complete applications for site plan approval, which must include a site plan must be filed with the land use administrator.

**70.050-C Review and Action by Land Use Administrator; Appeals**<sup>142</sup>

1. Unless otherwise required by the city council 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 regulations of this zoning code. If the submitted site plan does not comply with an approved development plan, any conditions imposed on that plan or applicable regulations of this zoning code, 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 to 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 [§70.040-H1.c](#)). The planning commission's decision may be appealed following the procedures of [§70.040-H2](#).

**70.050-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

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<sup>141</sup> This section introduces the idea of a single, universal "site plan" approval process to replace the separate detailed site plan provisions for PUDs, MPDs, and Corridor districts.

<sup>142</sup> The current zoning code states that "the city council, as a condition of approval of a (corridor district or PUD) development plan, may require that site/detail plans be submitted to the city council for approval; otherwise, the planning commission shall be authorized to approve site/detail plans."

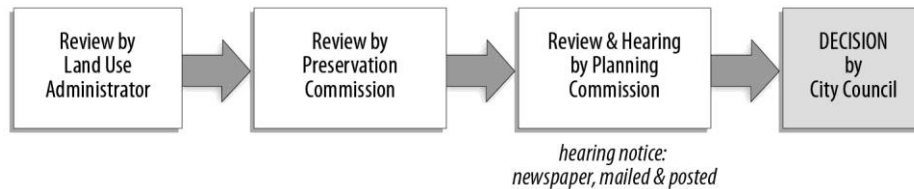
other public improvements, nor will the site plan be the equivalent of or an acceptable alternative to the final platting of land prior to the issuance of building permits.

## Section 70.060 Historic Preservation (HP) Zoning Map Amendments

### 70.060-A Scope

The HP zoning procedures of this section govern the establishment, amendment or repeal of any HP zoning district.

*Figure 70-3: HP District Zoning Map Amendment Process (Generally)*



### 70.060-B Authority to File

HP zoning map amendments may be initiated only by the city council, the planning commission, [the preservation commission](#) or the owner of the real property that is the subject of the proposed zoning map amendment or the property owner's authorized agent.

### 70.060-C Application Filing

Complete applications for privately initiated HP zoning map amendments must be filed with the land use administrator.

### 70.060-D Review and Recommendation—Preservation Commission

The preservation commission must prepare a report and recommendation on the proposed HP zoning map amendment in accordance with the general overlay district procedure described in [§20.010-D](#). The report and recommendation must also include specific findings regarding the proposed map amendment's consistency with the HP zoning criteria of [§70.060-J](#). The preservation commission's report and all other pertinent information must be transmitted to the planning commission before the planning commission's public hearing on the proposed HP zoning map amendment.

### 70.060-E Notice of Hearing

Notice of the planning commission's required public hearing on an HP zoning map amendment must be provided as follows (see [§70.010-E](#) 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 all owners of property included within the area that is the subject of the proposed HP zoning map amendment and all owners of property within 300 feet of the subject property at least 20 days before the scheduled public hearing. In addition to other information required in hearing notices (see [§70.010-E](#)),

mailed notice for an HP zoning map amendment must describe the types of construction and improvement activities that will trigger the need to obtain an HP permit<sup>143</sup> if the HP zoning is approved.

3. **Posted Notice**

Notice (signs) must be posted at least 20 days before the scheduled public hearing.

**70.060-F Hearing and Recommendation—Planning Commission**

1. The planning commission must hold a public hearing on all proposed HP zoning amendments. Following the close of the public hearing, the planning commission must act to recommend that the proposed HP zoning map amendment be approved, approved with modifications, or denied.
2. All proposed HP zoning map amendments initiated the city council, the planning commission or the preservation commission must be transmitted to the city council within 15 days of the date of planning commission action.
3. A property owner-initiated HP zoning map amendment recommended by the planning commission for approval or approval with modifications must be transmitted to the city council within 15 days of the date of planning commission action.
4. A property owner-initiated HP 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 city clerk for a public hearing by the city council. 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 city council, the planning commission must transmit the application and its report and recommendations to the city council.
5. If the planning commission arrives at a tie vote, the application must be forwarded to the city council with a notation of the tie vote.

**70.060-G Final Action—City Council**

1. Following receipt of the planning commission's recommendation, the city council must hold a public hearing on the application and act to approve the proposed HP zoning map amendment, approve the proposed amendment with modifications or deny the proposed amendment. The city council is also authorized to remand the proposed HP zoning map amendment back to the planning commission for further consideration.
2. HP zoning map amendments may be approved by a simple majority vote, except as stated in [§70.060-H](#).

**70.060-H Protest Petitions**

1. If a valid protest petition is filed against any proposed HP zoning map amendment, passage of the text amendment requires a favorable vote of three-fourths of the members of the entire city council.

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<sup>143</sup> The term "certificate of appropriateness" has been replaced with "HP permit" throughout the draft code.

2. A protest petition will be deemed valid if it is signed and acknowledged by the owners of 20% or more of the area of the lots included in proposed HP zoning map amendment area or by the owners of 50% or more of the area of the lots within 300 feet of the area included in the proposed HP zoning map amendment area.
3. A written protest petition opposing an HP zoning map amendment must be submitted to the land use administrator at least 3 business days before the city council's vote.

**70.060-I Recordation**

The ~~secretary of the preservation commission~~ **preservation officer** must file a copy of the HP zoning map amendment ordinance and a map indicating the boundaries of the HP-zoned area in the county clerk's office of the county in which the property is located.

**70.060-J HP Zoning Approval Criteria**

A building, structure, site or area containing buildings, structures or sites that are generally 50 years or older may be classified in an HP overlay district if the subject building, structure, site or area meets one or more of the following criteria:

1. It has significant character, interest, or value as part of the historical development, history or cultural heritage of the city, state, or nation;
2. It has significance as the site of a historic event in the past of the city, state or nation;
3. It is associated with a person, or group of persons, who played a significant role in the historical development, history or cultural heritage of the city, state, or nation;
4. It is the embodiment of distinguishing characteristics, design, details, materials or craftsmanship which represent a historically significant architectural or engineering innovation, type, style or specimen;
5. It portrays the environment in an era of history characterized by a distinctive architectural, engineering, or construction style;
6. It represents a significant and distinguishable entity of historical importance whose components may lack individual distinction;
7. It has yielded, or is likely to yield, information important in prehistory or history; or
8. It meets the criteria for listing on the *National Register of Historic Places*.

**Section 70.070 HP Permits**

**70.070-A Applicability**

Within any HP zoning district, an HP permit must be obtained in accordance with the procedures of this section before any work is performed on or changes are made to any existing building, structure or lot unless expressly exempted under ~~§70.070-B~~. Examples of changes and work that require an HP permit include the erection, construction, reconstruction, renovation, alteration, painting, removal, or demolition of a building, structure, or lot, regardless of whether or not a building permit is required.



Figure 70-4: HP Permits (Generally)



*\*Preservation officer (staff) authorized to act on some applications.*

#### 70.070-B Exemptions

The applicability provisions of §70.070-A notwithstanding, none of the following changes or work require an HP permit:

1. Ordinary maintenance and repair including the removal, installation, or replacement of guttering; the removal or replacement of roof covering with like material; and the application of any paint color to non-masonry surfaces;
2. The interior of buildings or structures;
3. Portions of buildings, structures, or sites not visible from adjoining streets;
4. Accessory structures or buildings, such as storage sheds, garages, decks, patios, fencing, swimming pools and pool houses that are not part of the primary structure, provided that the structures or buildings are not located in street front yards.
5. Installation of radio or television antennas;
6. General landscape maintenance and planting of new organic materials; and
7. Work required for temporary stabilization of a building or structure due to damage.

#### 70.070-C Authority to File

Applications for an HP permit may be filed only by the owner of the subject property or by the property owner's authorized agent.

#### 70.070-D Application Filing

Complete HP permit applications must be filed with the preservation officer in a form established by the preservation commission. The application must be accompanied by plans of sufficient clarity and detail to show the nature of the work to be performed and the materials to be used. The plans must depict at least the following information:

1. The location, orientation and placement of existing and proposed structures on the site;
2. A floor plan, if applicable, identifying the location and limits of the proposed work;
3. Facade elevations, if applicable, of the proposed work in sufficient detail to identify existing and proposed materials and the location of the proposed work; and
4. Any other drawings, photographs, material brochures or samples, specifications, or information that may be necessary to determine compliance with HP district regulations and design guidelines.

#### 70.070-E Meeting and Final Decision—Preservation Commission

Within 30 days of receipt of a complete HP permit application, the preservation commission must meet to consider the application and act to approve the HP permit, approve the HP permit with modifications and/or conditions, or deny HP permit application based on the standards and review criteria of §70.070-F. Approval of an HP permit requires at least

a simple majority vote of the preservation commission. Failure of the preservation commission to take action within 30 days of receipt of a complete HP permit application is deemed to constitute approval of the HP permit, unless the applicant requests or agrees to an extension of the 30-day period.

**70.070-F Standards and Review Criteria**

In its review of HP permit applications, the preservation commission must use the adopted design guidelines to evaluate the proposed work and must, to the greatest extent possible, strive to affect a fair balance between the purposes and intent of HP district regulations and the desires and rights of the property owner. In addition, the preservation commission must consider the following specific factors:

1. The degree to which the proposed work is consistent with the applicable design guidelines;
2. The degree to which the proposed work would destroy or alter all or part of the historic resource;
3. The degree to which the proposed work would serve to isolate the historic resource from its surroundings, or introduce visual elements that are out of character with the historic resource and its setting, or that would adversely affect the physical integrity of the resource;
4. The degree to which the proposed work is compatible with the significant characteristics of the historic resource; and
5. The purposes and intent of the HP district regulations and this zoning code.

**70.070-G Demolition Requests**

1. Any HP permit application for demolition, if not approved, is automatically stayed for a period of 60 days, unless the preservation commission determines that the building or structure meets one of more of the following criteria:
  - a. It is imminently dangerous to life and property;
  - b. The building or structure does not contribute significantly to the district; or
  - c. The building or structure cannot be preserved.
2. During the 60-day stay period, the preservation commission must consult with the property owner and other interested parties to find alternatives to demolition. Should alternatives acceptable to the property owner not be found, the HP permit for demolition will be deemed automatically approved and must be issued upon termination of the stay period.
3. Prior to the expiration of the 60-day stay period, the preservation commission may request that the city council extend the stay for a period not to exceed an additional 60 days. The preservation commission must provide written notice to the property owner of such request and of the date of the public hearing to consider the request. At the hearing, the city council must consider whether:
  - a. The preservation commission has presented reasonable alternatives that would preserve the structure;

- b. Suitable alternatives have been found and further time is required to finalize arrangements for achieving such alternatives; and
  - c. The property owner desires further time to search for or continue action on available alternatives.
4. After notice and public hearing, the city council must vote to approve, approve with conditions, or deny the request for an extension of the stay period. If the request is denied the HP permit for demolition will be deemed automatically approved and must be issued upon termination of the original stay period.
5. During any period of the stay of demolition the property owner may use the property in question in any legal manner, except that no action may be taken that would place the property in danger of damage or destruction.

#### 70.070-H Lapse of Approval

1. An approved HP permit will lapse and become void 2 years after it is approved by the preservation commission, unless a building permit for the work or improvements authorized has been issued and the project is commenced and thereafter diligently pursued to completion. If no building permit is required, the work that is the subject of the HP permit application must be completed within the 2-year period.<sup>144</sup>
2. The preservation commission may extend the expiration period by up to one year at the time of approval of the HP permit or any time before expiration of the approval.<sup>145</sup>

#### 70.070-I Transferability

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

#### 70.070-J Amendments

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

#### 70.070-K Action by Preservation Officer

1. The preservation officer is authorized to approve HP permit applications for proposed work on existing structures involving the replacement of existing materials with equivalent materials if the work complies with the design guidelines of the subject HP district.
2. The preservation officer is also authorized to approve HP permit applications for the following minor exterior alterations if the work complies with design guidelines of the subject HP district:
  - a. Installation of storm windows and doors;

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<sup>144</sup> This is a slight change. The current code requires only that work is "being diligently carried to completion."

<sup>145</sup> There is currently no stated limit on the length of time extension that may be granted by the commission (beyond the 2-year period). These proposed provision would provide greater certainty and finality to the approval process, while still allowing a reasonable time for completion of any work.

- b. Removal of non-historic materials, including but not limited to siding, storm windows and doors, awnings, shutters, retaining walls and fences; and
- c. Removal of paint from historic masonry surfaces.

#### 70.070-L Appeals

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

### Section 70.080 Zoning Clearance and Platting Requirements

#### 70.080-A Applicability

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

#### 70.080-B Platting Requirement and Exceptions

##### 1. Requirement

In order to help ensure a proper arrangement of streets and the adequacy of open spaces for traffic, utilities, emergency vehicle access, commensurate with the intensification of land use customarily incident to a zoning map amendment, a platting requirement is established. Except as expressly stated in [§70.080-B2](#), 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 included within a subdivision plat or replat, submitted to and approved by the planning commission, and filed of record in the county clerk's office of the county in which the property is located. This platting requirement applies to any property for which:

- a. A property owner-initiated zoning map amendment was approved after July 1, 1970; 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) Apartment/condo use/building;
  - (5) Bed & breakfast;
  - (6) Marina;
  - (7) Gun club;
  - (8) Crematory; or
  - (9) Mausoleum.

##### 2. Exceptions

The planning commission, pursuant to its exclusive jurisdiction over subdivision plats, is authorized to:

- a. Waive the platting requirement of [§70.080-B1](#) upon a determination that the purposes have been achieved by previous platting, have or will be achieved by other

actions, including any conditions prescribed by the planning commission, or could not be achieved by plat or replat;

- b. Allow the processing of a minor subdivision plat, upon a determination that no new streets will be built and that minimal public improvements will be required;
- c. Allow the accelerated release of a building permit, upon approval of a proposed preliminary plat, thereby enabling building permits to be issued prior to the filing of the final plat. All required street right-of-way dedications must occur before issuance of a building permit. Prior to allowing accelerated release of a building permit, the planning commission must determine that extraordinary or exceptional circumstances warrant the release and that compliance with the filing of the final plat is reasonably assured. In exercising its discretion to allow accelerated release of a building permit, the planning commission may:
  - (1) Waive the requirement for street dedication as a condition of approval of a building permit being released prior to the filing of a final plat. Such waiver may only occur upon a determination that circumstances related to the particular project reasonably preclude the future use or improvement of the area for which dedication would be required;
  - (2) Require that no final inspection of buildings or structures occur, that no certificate of occupancy be issued and that no building be occupied until the platting requirement is fully complied with; and
  - (3) Prescribe other conditions determined to be necessary to ensure the filing of the final plat.

#### 70.080-C 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 development administrator to determine compliance with all applicable provisions this zoning code.

#### 70.080-D Action

Following receipt of a complete application for a zoning clearance permit, the development administrator must review and take action on the permit. If the proposed development and construction complies with all applicable provisions of this zoning code, the permit must be issued. If the proposed development and construction does not comply with one or more provisions of this zoning code, the permit must be denied. The applicant must be notified of the action taken, and if the permit is denied, notified of the specific reasons for denial.

## Section 70.090 Zoning Code Interpretations<sup>146</sup>

### 70.090-A Purpose and Applicability

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

### 70.090-B Authority

The planning and development director is authorized to issue written interpretations pursuant to this section or to delegate that authority to the land use administrator or the development administrator, based on which office has primary responsibility under this zoning code for administering the provisions in question. The planning and development director is also authorized to refer the matter to the board of adjustment for an interpretation or for guidance in making an interpretation.

### 70.090-C Application

A complete application for a written interpretation request may be submitted either to the land use administrator or development administrator, who must then forward the application to the planning and development director.

### 70.090-D Action

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

### 70.090-E Form

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

### 70.090-F Official Record

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

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<sup>146</sup> This section is new. Although no interpretation procedures are included in the current zoning code, current practice is for the board of adjustment to issue interpretations. This proposal would allow for (expedited) staff-level interpretations, which could then be appealed, if desired, to the board of adjustment.

**70.090-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 [Section 70.140](#).

**Section 70.100 Administrative Adjustments<sup>147</sup>**

**70.100-A Intent**

Administrative adjustments are intended to provide a streamlined approval procedure for minor (de minimis) modifications of selected zoning code regulations. Administrative adjustments are further intended to:

1. Allow development and construction that is in keeping with the general purpose and intent of zoning code regulations and the established character of the area in which the development or construction it 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 zoning code regulations and will not adversely affect nearby properties or surrounding neighborhood character.

**70.100-B Authorized Administrative Adjustments<sup>148</sup>**

1. Administrative adjustments may be granted only as expressly identified in this section.<sup>149</sup>
  - a. The Development Administrator is authorized to grant an administrative adjustment reducing minimum required setbacks by up to 10% or 1 foot, whichever is greater.
  - b. The Development Administrator is authorized to grant an administrative adjustment of build-to-zone regulations by up to 10% or 1 foot, whichever is greater.
  - c. The Development Administrator is authorized to approve an administrative adjustment reducing minimum transparency requirements by up to 10 square feet or 20%, whichever is greater.
  - d. The Development Administrator is authorized to approve an administrative adjustment reducing minimum lot width and lot frontage requirements by up to 10%.
  - e. The Development Administrator is authorized to approve an administrative adjustment waiving or modifying the parking structure design requirement of

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<sup>147</sup> This is a proposed new procedure authorizing administrative approval of very minor variations of selected code provisions.

<sup>148</sup> While this draft gives authority to the development administrator, the appropriate decision-making body for administrative adjustments is still under review.

<sup>149</sup> This is a fairly typical list of “adjustable” regulations. Other commonly approved minor variances are being considered for additions to this list.

~~§40.280-B~~ when the development administrator determines that compliance with that requirement would result in a reduction in the number of parking spaces within the parking structure or necessitate mechanical ventilation of the garage.

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.

**70.100-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.

**70.100-D Application Filing**

Complete applications for administrative adjustments must be filed with the Development Administrator.

**70.100-E Notice of Filing/Intent to Approve**

Within 5 business days of receipt of a complete application for an administrative adjustment, written notice of application filing must be delivered to all owners of property abutting the subject lot. The notice must describe the nature of the requested administrative adjustment. It must also indicate the date on which the Development 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 Development Administrator.

**70.100-F Action by Development Administrator**

1. The Development 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 Development Administrator may not take final action to approve or deny an administrative adjustment application until at least 5 days after the date of delivery of the required notices.
3. The Development Administrator decision to approve or deny an administrative adjustment must be based on the approval criteria and standards of ~~70.100-G~~ and accompanied by written findings of fact.
4. At least once per calendar year, the Development Administrator must provide to the board of adjustment a list of all administrative adjustment decisions.

**70.100-G Standards and Review Criteria**

Administrative adjustments may be approved only when the Development Administrator determines that the following general approval criteria and any specific criteria associated with the authorized administrative adjustment and have been met:

1. The requested administrative adjustment is consistent with all relevant purpose and intent statements of this zoning code 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.

**70.100-H Conditions of Approval**

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

**70.100-I Lapse of Approval**

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

**70.100-J Transferability**

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

**70.100-K Amendments**

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

**70.100-L Appeals**

The applicant or any interested party may appeal the administrative adjustment decision of the Development Administrator in accordance with ~~70.130-11~~.<sup>150</sup>

**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-B 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 that is located on another lot. The procedure does not apply to a

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<sup>150</sup> The appropriate process for appeals of decisions on administrative adjustments is still under review, and may be the subject of future revision. Another option would be to process appealed decisions as variances.

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.

**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-D Action**

The board of adjustment must consider the evidence and testimony provided at the public hearing and make a determination of whether the use, structure or other development feature complies with the applicable spacing and separation distance requirements of this zoning code. The board of adjustment's determination must be followed by the development administrator in issuing or not issuing required permits.

**70.110-E Appeal of Decision**

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

**Section 70.120 Special Exceptions**

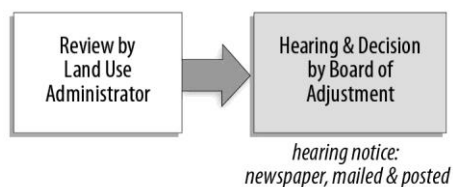
**70.120-A Authorized Special Exceptions**

Only those special exceptions expressly authorized in this zoning code may be approved as special exceptions.<sup>151</sup>

**70.120-B Authority to File**

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

*Figure 70-5: Special Exception Process (Generally)<sup>152</sup>*



**70.120-C Application Filing**

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

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<sup>151</sup> While the current zoning includes a listing of matters that may be approved as special exceptions, the list seems unnecessary and redundant since other sections of the code clearly indicate which uses and matters are authorized as special exceptions. Not restating the list of allowed special exceptions here will help avoid internal inconsistencies that could result by stating allowed uses in more than one location within the code.

<sup>152</sup> Illustration to be revised to indicate the different notice requirements for minor special exceptions.

**70.120-D Review and Report—Land Use Administrator**

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

**70.120-E Notice of Hearing**

**1. Minor Special Exceptions**

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

- a. A special exception to permit residential accessory uses and structures on abutting R-zoned lots that are under common ownership;
- b. A special exception to allow public or private schools at the primary, elementary, junior high or high school level to expand a principal building or construct an accessory building, structure or use or to permit a use that is an accessory use to an existing principal use, provided the improvement does not include new athletic stadiums or other outdoor athletic facilities that include spectator seating or high-intensity lighting;
- c. A special exception to allow recreational vehicles to be parked or stored in a street yard or required side setback if the conditions listed in [§45.140-A](#) cannot be met;
- d. Amendments to plot plans that were made condition of the granting of a special exception that involve an increase in building floor area of no greater than 15% and do not require the granting of any variances;
- e. A special exception to allow any of the following improvements in public parks:
  - (1) Non-illuminated outdoor courts,
  - (2) Non-illuminated athletic fields,
  - (3) Playgrounds,
  - (4) Picnic shelters,
  - (5) Parking lots and
  - (6) Renovation or expansion of existing buildings.

**2. Other Special Exceptions**

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

**a. Newspaper Notice**

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

b. **Mailed Notice**

Notice must be mailed to the owner of the subject property and all owners of property within 300 feet of the subject property at least 10 days before the scheduled public hearing.

c. **Posted Notice**

For uses that require special exception approval, notice (signs) must be posted at least 10 days before the scheduled public hearing. Posting of signs is not required for non-use matters.

**70.120-F Hearing and Final Decision—Board of Adjustment**

1. The board of adjustment must hold a public hearing on the special exception application. Following the close of the public hearing, the board of adjustment must act to approve the proposed special exception, approve the special exception with conditions and/or modifications or deny the special exception. Approval of a special exception requires an affirmative vote of at least 3 members of the board of adjustment.
2. In approving a special exception, the board of adjustment is authorized to impose such conditions and restrictions as the board of adjustment determines to be necessary to ensure compliance with the standards of [§70.120-G](#), to reduce or minimize the effect of the special exception upon other properties in the area, and to better carry out the general purpose and intent of this zoning code.

**70.120-G Approval Criteria**

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

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

**70.120-H Lapse of Approval**

1. An approved special exception will lapse and become void 3 years after it is granted by the board of adjustment, unless a building permit has been issued and the project has commenced and is diligently pursued to completion. If no building permit is required, the use, improvement or activity that is the subject of the special exception must be in place within the 3-year period.
2. The board of adjustment may extend the expiration period by up to one year at the time of approval of the special exception or any time before expiration of the approval. Requests for extensions after the special exception is approved must be processed in accordance with the special exception procedures, including applicable fees, notices and public hearings.<sup>153</sup>

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<sup>153</sup> There is currently no stated limit on the length of time extension that may be granted by the board (beyond the 3-year period). These proposed provision would provide greater certainty and finality to the approval process, while still allowing a reasonable time for completion of any work.

**70.120-I Transferability**

The status of special exception approval is not affected by changes of tenancy, ownership, or management.

**70.120-J Amendments<sup>154</sup>**

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

**70.120-K Appeals**

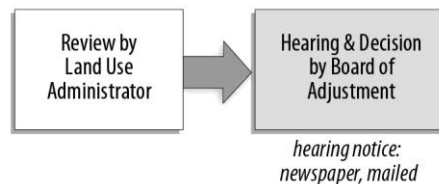
Board of adjustment decisions on special exceptions may be appealed to District Court in accordance with [§75.010-K](#).

**Section 70.130 Variances**

**70.130-A Intent**

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

*Figure 70-6: Variance Process (Generally)<sup>155</sup>*



**70.130-B Authorized Variances**

The board of adjustment is authorized to grant a variance to any regulation in this zoning code in accordance with the variance procedures of this section, except that the variance procedures may not be used to do any of the following:<sup>156</sup>

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<sup>154</sup> This is entirely new. The existing code does not expressly address amendments to approved special exceptions.

<sup>155</sup> Illustration to be revised to indicate the different notice requirements for minor variances.

<sup>156</sup> This is an expanded list; intended to provide clarity. None of these are typically allowed as zoning variances.

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

**70.130-C Authority to File**

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

**70.130-D Application Filing**

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

**70.130-E Review and Report—Land Use Administrator**

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

**70.130-F Notice of Hearing**

**1. Minor Variances**

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

- a. A variance to allow up to a 5-foot reduction in a required street setback;
- b. A variance of 20% or less of a required side or rear setback in an R district;
- c. A variance of the required minimum side setback to no less than 5 feet to allow construction of detached house or two-unit house in an RM district.

**2. Other Variances**

Except as expressly allowed for minor variances under [§70.130-F1](#), notice of the board of adjustment’s required public hearing on a variance application must be provided as follows (see [§70.010-E](#) for additional information on required newspaper and mail notices).

**a. Newspaper Notice**

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

**b. Mailed Notice**

Notice must be mailed to the owner of the subject property and all owners of property within 300 feet of the subject property at least 10 days before the scheduled public hearing.

#### 70.130-G Hearing and Final Decision—Board of Adjustment

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

#### 70.130-H Standards and Review Criteria

1. No variance may be approved unless the board of adjustment determines that the following facts, favorable to the property owner, have been established:
  - a. That the physical surroundings, shape, or topographical conditions of the subject property would result in unnecessary hardships or practical difficulties for the property owner, as distinguished from a mere inconvenience, if the strict letter of the regulations were carried out;
  - b. That literal enforcement of the subject zoning code provision is not necessary to achieve the provision's intended purpose;
  - c. That the conditions leading to the need of the requested variance are unique to the subject property and not applicable, generally, to other property within the same zoning classification;
  - d. That the alleged practical difficulty or unnecessary hardship was not created or self-imposed by the current property owner;
  - e. That the variance to be granted is the minimum variance that will afford relief;
  - f. That the variance to be granted will not alter the essential character of the neighborhood in which the subject property is located, nor substantially or permanently impair use or development of adjacent property; and<sup>157</sup>
  - g. That the variance to be granted will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of this zoning code or the comprehensive plan.

#### 70.130-I Lapse of Approval

1. An approved variance will lapse and become void 3 years after it is granted by the board of adjustment, unless a building permit for the work or improvements authorized has been issued and the project has commenced and is diligently pursued to

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<sup>157</sup> Criteria c, d and e are new, commonly understood variance criteria.

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.<sup>158</sup>

**70.130-J Transferability**

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

**70.130-K Amendments**

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

**70.130-L Appeals**

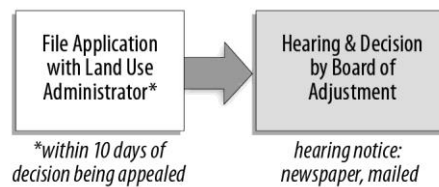
Board of adjustment decisions on variances may be appealed to District Court in accordance with [§75.010-K](#).

**Section 70.140 Appeals of Administrative Decisions**

**70.140-A Authority**

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

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



**70.140-B Right to Appeal**

Appeals of administrative decisions may be filed by any person aggrieved by the land use administrator's, the development administrator'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.

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<sup>158</sup> There is currently no stated limit on the length of time extension that may be granted by the board (beyond the 3-year period). These proposed provision would provide greater certainty and finality to the approval process, while still allowing a reasonable time for completion of any work.



#### 70.140-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.

#### 70.140-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.

#### 70.140-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

#### 70.140-F Notice of Hearing

Notice of the board of adjustment's required public hearing must be provided as follows (see [§70.010-E](#) 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 300 feet of the subject property at least 10 days before the scheduled public hearing.

#### 70.140-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.

**70.140-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 development administrator or other administrative official erred.

**70.140-I Appeals**

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

## Chapter 75 | Administration

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### Section 75.010 Board of Adjustment

#### 75.010-A Composition

The board of adjustment must consist of 5 members.

#### 75.010-B Appointments

Board of adjustment members must be appointed by the mayor and confirmed by the city council.

#### 75.010-C Terms

Members of the board of adjustment serve 3-year terms.

#### 75.010-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.

#### 75.010-E Removal

A board of adjustment member may be removed for cause by the appointing authority after notice, written charges and public hearing.

#### 75.010-F Compensation

Members of the board of adjustment serve without compensation.

#### 75.010-G Officers

The board of adjustment must elect a chairperson, vice chairperson and secretary.

#### 75.010-H Rules of Procedure

The board of adjustment must adopt rules necessary for the conduct of its affairs.

#### 75.010-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, deliberations, and voting of the board of adjustment must be open to the public. The board of adjustment must keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote, indicating that fact, and must keep records of its examinations and other official actions, all of which must be immediately filed in the office of the board of adjustment and be maintained as a public record. 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.~~ In all matters, the board of adjustment must decide within 90 days after the filing of a complete application.

**75.010-J Powers and Duties**

The board of adjustment has the powers and duties that are expressly identified in this zoning code, including hearing and acting on applications for variances, special exceptions, land use spacing verifications and appeals of administrative decisions.

**75.010-K Appeals to District Court**

**1. Procedure**

- a. An appeal from any action, decision, ruling, judgment, or order of the board of adjustment may be taken by any person or persons aggrieved, or any taxpayer or any officer, department, board or bureau of the city to the District Court of Tulsa County by filing with the city clerk and with the clerk of the board of adjustment within 10 days of the date of such action, a notice of appeal that specifies the grounds for the appeal. No bond or deposit for costs is required for such an appeal.
- b. Upon filing of the notice of appeal, the board of adjustment must transmit to the clerk of the Tulsa County District Court, the original or certified copies of all papers constituting the record in the case, together with the order, decision or ruling of the board of adjustment.
- c. The appeal is heard and tried de novo in the District Court of Tulsa County. An appeal from the action of the District Court may be taken as in all other civil actions. All issues in any proceedings under this section have preference over all other civil actions and proceedings.
- d. Costs are not allowed against the board of adjustment unless the court finds that the board of adjustment, in making their decision, acted with gross negligence, in bad faith or with malice.

**2. Stay of Proceedings**

An appeal to the District Court stays all proceedings in furtherance of the action appealed until the ultimate disposition of the appeal, unless the chairman of the board of adjustment certifies to the court clerk, after 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 may be stayed only by a restraining order granted by the District Court.

**Section 75.020 Preservation Commission**

**75.020-A Composition**

Members of the preservation commission must have a demonstrated interest in historic preservation, as required by the Oklahoma State Historic Preservation Office, to maintain certified local government status with the National Park Service. The preservation commission must be composed of ~~9 voting members and 2 non-voting (ex-officio) members~~ appointed to positions as "professional members," and "historic property owner members," ~~and "ex-officio members."~~ The composition and qualifications of each class of members are as follows:

**1. Professional Members**

The professional membership of the preservation commission must be composed of 5 members as follows:

- a. One member must be a licensed architect;
- b. One member must be a licensed landscape architect;
- c. One member must be a developer or builder;
- d. One member must be a licensed real estate broker; and
- e. One member must be an architectural historian or historian.

2. **Historic Property Owner Members**

The historic property owner membership of the preservation commission must be composed of 4 members, each of whom must own an individual National Register-listed property or a property within a National Register-listed or eligible historic district. For a district to be considered eligible, it must be identified as eligible for National Register listing in the *Tulsa Historic Preservation Resource Guide* and agreed to by the Oklahoma State Historic Preservation Office. At least 3 of the 4 historic property owner members must reside in their historic property, or within their listed or eligible historic district, and at least one of the historic property owner members must reside within an HP district.

~~3. **Ex Officio Members**~~

~~The non-voting, ex-officio membership must be composed of 2 members, one of whom must be a member of the arts commission and one of whom must be a member of the planning commission.~~

75.020-B Appointments

Professional members and historic property owner members of the preservation commission must be appointed by the mayor and confirmed by the city council. ~~Ex-officio members must be appointed by their respective commissions to serve on the preservation commission.~~

75.020-C Terms

1. **Length of Terms**

Effective October 1, 2011, the terms of office of all members of the preservation commission ~~except ex-officio members~~, will expire and the terms of office of all subsequently appointed members will be 3 years, except that effective October 1, 2011 the terms of office of the members must be staggered as follows: 2 professional members and one historic property owner member will serve a one-year term of office, 2 professional members and one historic property owner member will serve a 2-year term of office, and one professional member and 2 historic property owner members will serve a 3-year term of office. ~~Ex-officio members serve terms on the preservation commission commensurate with the terms of office served on their respective commissions, without any limitation provided in this paragraph.~~ Regardless of the expiration of any term of office, except in the event of death, resignation, or removal from office, all members of the preservation commission must continue to serve until their successor is duly appointed by the mayor.

2. **Limitation of Terms**

No member of the preservation commission may serve more than 3 consecutive terms of office on the preservation commission. Partial terms of office served by a member are not included in this limitation. After any member has served 3 consecutive terms of office, that member is not eligible for reappointment to serve on the

preservation commission until after that person has ceased to be a member of the preservation commission for at least one calendar year. ~~The limitation provided in this paragraph does not apply to ex-officio members or terms served by a member prior to October 1, 2011.~~

**75.020-D Vacancies**

In the event of a vacancy occurring in the membership of the preservation commission for any reason, an appointment for the remainder of the vacant term of office must be made in the same manner as regular appointments.

**75.020-E Compensation**

Members of the preservation commission serve without compensation.

**75.020-F Officers**

The preservation commission must annually elect from its members a chairperson, vice chairperson and secretary. Vacancies of officer positions must be filled in the same manner as regular election.

**75.020-G Rules of Procedure**

The preservation commission must adopt rules necessary for the conduct of its affairs.

**75.020-H Meetings**

The preservation commission must meet at least once a month for the purpose of transacting its business and duties. All meetings of the preservation commission must be conducted in compliance with the Oklahoma *Open Meeting Act*. The preservation commission must keep records of its ~~examinations-proceedings~~ and ~~other~~ official actions, all of which must be open to the public in compliance with the Oklahoma *Open Records Act*.

**75.020-I Quorum**

A simple majority of the entire voting membership of the preservation commission, regardless of vacancies, constitutes a quorum for the transaction of business.

**75.020-J Minimum Vote**

Issues must be decided by at least a simple majority vote by those members present.

**75.020-K Conflict of Interest**

Members of the preservation commission to whom some private benefit, directly or indirectly, may come as a result of a public action taken by the preservation commission, should not be a participant in that action. The possibility, not actuality, of a conflict should govern. The individual experiencing a conflict of interest must declare their interest, and abstain from voting on the matter. The individual should not discuss the matter with a fellow member or a member of the city council or planning commission for the purpose of influencing a decision on the action.

**75.020-L Staff**

The planning and development department, or such other department, division or section as directed by the mayor, must provide staff to the preservation commission to assist in the performance of its duties.

**75.020-M Powers and Duties**

The powers and duties of the preservation commission are as follows:

1. Prepare, or cause to be prepared, a comprehensive inventory of historic resources within the City of Tulsa and update the inventory as deemed necessary.

2. Prepare, or cause to be prepared, proposed HP zoning map amendments and amendments to the historic preservation plan.
3. Prepare reports and recommendations on HP zoning map amendments in accordance with [Section 70.060](#).
4. Promulgate design guidelines as necessary for the review and approval of applications for HP permit and inform residents, property owners, and the general public of those guidelines. Design guidelines must relate to the significant characteristics of the historic resources being proposed for HP zoning. Design guidelines must be developed by the preservation commission and include the input of property owners and other parties directly affected by proposed HP zoning. Design guidelines are subject to approval and adoption by the city council, after a public hearing by the planning commission, and the recommendation of the preservation commission and planning commission.
5. Act upon applications for HP permits and perform other duties as set forth in [Section 70.070](#).
6. Make recommendations to the mayor and the city council concerning grants and programs from federal and state agencies, private groups and individuals and the utilization of budgetary appropriations to promote the preservation of historic resources in the city.
7. Coordinate and oversee such programs and projects as may be directed by the mayor or the city council.
8. Recommend to the mayor the need for employing staff and making contracts with professional and technical experts as may be required for the furtherance of preservation commission work.
9. Increase public awareness of the historic resources and disseminate information to the public concerning historic resources in the city deemed worthy of preservation. Provide notification, as effectively as possible, to property owners within HP zoning districts of the rights and responsibilities associated with HP zoning of their properties. Advise and disseminate information to property owners on the preservation, conservation, protection, enhancement, perpetuation, and use of historic resources.
10. Place, or cause to be placed, monuments, markers, or other identifying elements at locations of historic resources as funds are available.
11. Coordinate, comment on and make recommendations to the appropriate body concerning actions undertaken by other city, state, and federal agencies with respect to the effect of such actions upon the historic resources in the City of Tulsa.
12. Consider methods other than those provided for in this zoning code for encouraging and achieving preservation of historic resources in the City of Tulsa and make appropriate recommendations to the mayor, the city council and to other bodies and agencies, public and private.
13. Prepare, or cause to be prepared, studies and reports, and undertake other preservation related tasks as may be deemed appropriate.

14. Prepare, or cause to be prepared, in accordance with the goals and objectives set forth for neighborhood conservation in the comprehensive plan, programs and plans designed to implement neighborhood stabilization, revitalization, and conservation in those neighborhoods that are 50 years or older which may not qualify for historic or HP zoning designation, yet represent valuable resources to the City of Tulsa and its citizens.
15. Perform any other duties and functions imposed by this zoning code or which may be specified by the mayor and city council.



## Chapter 80 | Nonconformities

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### Section 80.010 General

#### 80.010-A Intent

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

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

#### 80.010-B Authority to Continue

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

#### 80.010-C Determination of Nonconforming Status

1. The burden of proving that a nonconformity exists (as opposed to a zoning code violation) rests entirely with the subject owner.
2. The development administrator is authorized to determine whether reliable evidence of nonconforming status has been provided by the subject owner.
3. Building permits, zoning clearance reports, lawfully recorded plats, lawfully recorded instruments of conveyance, aerial photography owned by a governmental agency and other official government records that indicate lawful establishment of the use, lot or structure constitute conclusive evidence of nonconforming status. If such forms of conclusive evidence are not available, the development administrator is authorized to consider whether other forms of evidence provided by the owner are reliable and

adequate to document nonconforming status. Common examples of evidence that may be determined to be reliable and adequate include:

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

#### 80.010-D Repairs and Maintenance

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

#### 80.010-E Change of Tenancy or Ownership

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

### Section 80.020 Nonconforming Lots

#### 80.020-A Description

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

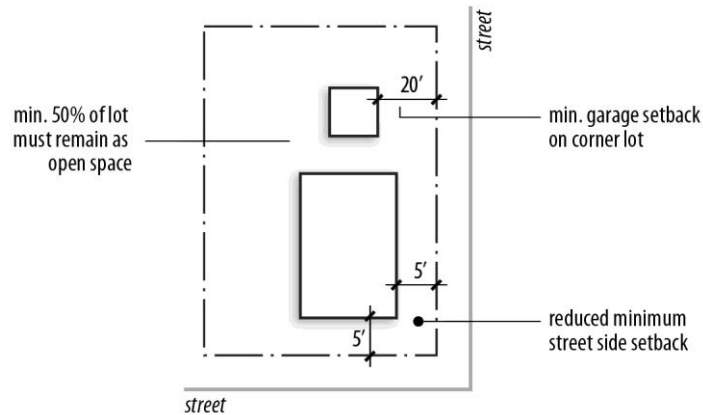
1. The lot was ~~filed of record in existence~~ on or before July 1, 1970;
2. The lot is located within a subdivision approved by the planning commission; or
3. The lot is a lot of record for which a recorded instrument of conveyance bears the endorsement of the planning commission.

#### 80.020-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 or minimum open space per unit requirements

of the subject zoning district, provided that at least 50% of the lot area remains as open space. All other lot and building regulations apply, except that detached houses may be erected on corner lots that are nonconforming with regard to lot width, subject to a reduced minimum street side building setback of 5 feet. Garages that are accessed through a side yard abutting a street must be set back at least 20 feet.

Figure 80-1: Detached House on Nonconforming Lot in R District



#### 80.020-C Nonconforming Lots in Nonresidential Zoning Districts

In all zoning districts other than residential zoning districts, a nonconforming lot may be occupied by any use and building allowed in the subject zoning district. All regulations other than minimum lot area, minimum lot width, minimum street frontage and minimum open space apply to nonconforming lots, and buildings and uses on such lots are subject to all applicable use and building regulations.

### Section 80.030 Nonconforming Structures

#### 80.030-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.

#### 80.030-B Use

A nonconforming structure may be used for any use allowed in the zoning district in which the structure is located.

#### 80.030-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.<sup>159</sup>

#### 80.030-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

<sup>159</sup> This is a slight modification of existing 14.05.C, which does not allow any movement of a nonconforming structure.

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 [Section 70.120](#).<sup>160</sup>

#### 80.030-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 [Section 70.120](#). 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.
- ~~2-3.~~ 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.
- ~~3-4.~~ 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.

### Section 80.040 Nonconforming Uses

#### 80.040-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 now located. Lawfully established

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<sup>160</sup> The last sentence is a new concept. It is intended to allow case-by-case (flexibility) review of exterior wall extensions that would otherwise likely be prohibited because they arguably increase the extent of a nonconformity.

uses that do not comply with separation distance (spacing) requirements are also deemed to be nonconforming uses.

#### 80.040-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. A nonconforming use located in a zoning district other than a residential zoning district, may be changed to another nonconforming use only if approved in accordance with the special exception procedures of [Section 70.120](#). The change of a use to another use included within the same use category does not constitute a "change of use" within the meaning of this section. In order to approve a special exception for a nonconforming use substitution, the board of adjustment must find that the proposed use substitution will not result in any increase ~~of incompatibility with the present and future use of nearby properties in adverse impacts on the surrounding area when compared to the 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
  - ~~a-d.~~ Other factors likely to have an effect on the surrounding area.

#### 80.040-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 development administrator determines that the areas of the building in which the expansion is proposed were manifestly arranged and designed for the use. Nonconforming use may not be expanded or extended in any other way unless the expansion reduces or eliminates the nonconformity.

#### 80.040-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.<sup>161</sup>

#### 80.040-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% ~~but less than 75%~~ of its replacement cost at time of

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<sup>161</sup> This is currently unstated but implied by 1402 of the existing zoning code.

damage, the nonconforming use may be re-established only if approved in accordance with the special exception procedures of [Section 70.120](#). 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 ~~of incompatibility with the present or future use of proximate properties. Should the structure containing a nonconforming use be damaged or destroyed to the extent of more than 75% of its replacement cost at time of damage, the nonconforming use shall not thereafter continue or be resumed 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
- a-d. Other factors likely to have an effect on the surrounding area.

2. 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.
3. 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 or the use of the premises are not counted as periods of discontinuance.

#### 80.040-F Nonconforming Use of Unimproved Land<sup>162</sup>

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 ([Section 80.040](#)), 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

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<sup>162</sup> The existing code (Sec. 1401) includes amortization provisions for nonconforming uses on unimproved land. These provisions have not been carried over because the time period for amortization has long since passed.

premises) any subsequent use of such land must conform in all respects to the regulations of the zoning district in which it is located.

**Section 80.050 Sexually Oriented Business Establishment<sup>163</sup>**

A sexually oriented business establishment lawfully existing on the effective date specified in [Section 1.030](#), or any subsequent amendment, but that does not comply with any parking, loading, spacing or screening requirement of this zoning code, is deemed nonconforming. Such use may continue subject to the following provisions:

- 80.050-A No such use may be enlarged or extended;
- 80.050-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.
- 80.050-C No sexually oriented business establishment use that contains a public entrance door located within 50 feet of an R district may continue more than one year from the date this provision first became effective.
- 80.050-D No sexually oriented business establishment use that is less than 300 feet from an R District and is nonconforming as to off-street parking or loading requirements may continue for more than one year from the date this provision first became effective. The distance must be measured in a straight line from the nearest building wall of the sexually oriented business establishment to the nearest point on a residential zoning district boundary line (not including R-zoned expressway right-of-way).
- 80.050-E 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 this zoning code.
- 80.050-F 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 this zoning code.
- 80.050-G If 2 or more existing sexually oriented business establishments are separated by a lesser distance than required by this zoning code, 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.

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<sup>163</sup> The special nonconforming use regulations that apply to dance halls (current section 1409) have not been carried over. Dance halls are classified as "bars" under this draft code and are subject to all regulations that apply to bars.

## 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 visual appearance.
- ~~2. If an off-premise outdoor advertising sign is nonconforming by reason of restrictions other than its setback from R districts or from designated residential development areas, the off-premise outdoor advertising sign must be removed or made to conform within 90 days of the date that the sign became nonconforming;~~
- 3-2. If an off-premise 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.
- ~~4-3.~~ If a nonconforming off-premise 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.
- ~~5-4.~~ If a nonconforming off-premise outdoor advertising sign is not used for advertising purposes for a period of 180 consecutive days, the nonconforming off-premise 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.

### 80.060-C On-premise Signs

Nonconforming signs on-premise signs may continue subject to the following provisions:

1. Nonconforming on-premise signs must be maintained in good repair and visual appearance.
2. If an on-premise 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 display surface area must be immediately removed or made to conform.
- ~~4. An on-premise sign that is nonconforming by reason of restrictions on its height or setback must be removed or made to conform within 90 days of the date that the sign became nonconforming.~~
- ~~5. If the on-premise sign is nonconforming by reason of restrictions other than on its sign area, height or setback from R districts or its setback from designated residential~~



~~development areas, it must be removed or made to conform within 90 days of the date that the sign became nonconforming.~~

~~6-4.~~ If a nonconforming on-premise 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.

~~7-5.~~ If the on-premise sign is not used for advertising purposes for a period of 180 consecutive days, the sign is deemed abandoned and must be removed.

#### 80.060-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.

#### 80.060-E Dynamic Displays

See ~~§60.100-J~~.

### Section 80.070 Nonconforming Development Features

#### 80.070-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 regulations of this zoning code. Common examples are off-street parking areas that contain fewer spaces than required by current regulations and sites that do not comply with current landscaping, screening or lighting regulations.

#### 80.070-B General

Nonconforming development features may remain except as otherwise expressly stated in this zoning code, but the nature and extent of nonconforming development features may not be increased.

## Chapter 85 | Violations, Penalties and Enforcement

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### Section 85.010 Responsibility for Enforcement

The development administrator, the neighborhood inspections division of the working in neighborhoods department 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.

### Section 85.020 Violations

Unless otherwise expressly allowed by this zoning code or state law, any violation of a provision of this zoning code—including any of the following—are subject to the remedies and penalties provided for in this zoning code.

- 85.020-A To use land, buildings or other structures in any way that is not consistent with the requirements of this zoning code;
- 85.020-B To erect a building or other structure in any way not consistent with the requirements of this zoning code;
- 85.020-C To install or use a sign in any way not consistent with the requirements of this zoning code;
- 85.020-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 this zoning code without obtaining such required permits or approvals;
- 85.020-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 this zoning code or under previous zoning codes of the city in any way inconsistent with such permit or approval or any conditions imposed on the permit or approval;
- 85.020-F To violate the terms of any permit or approval granted under this zoning code or under previous zoning codes of the city or any condition imposed on the permit or approval;
- 85.020-G To obscure, obstruct or destroy any notice required to be posted under this zoning code;
- 85.020-H To violate any lawful order issued by any authorized public official; or
- 85.020-I To continue any violation after receipt of notice of a violation.

### Section 85.030 Continuing Violations

Each day that a violation continues constitutes a separate violation of this zoning code.

### **Section 85.040 Remedies and Enforcement Powers<sup>164</sup>**

The city has all remedies and enforcement powers allowed by law, including, without limitation, all of the following:

#### **85.040-A Fines**

Any person violating any provisions of this zoning code or failing to comply with any of its requirements may be deemed guilty of a misdemeanor punishable by a fine of not more than \$1,200.00 or by imprisonment not exceeding 6 months, or by both fine and imprisonment.

#### **85.040-B Withhold Permit**

1. The development administrator 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 this zoning code or of a condition or qualification of a permit, certificate, approval or other authorization previously granted by the city. This enforcement provision may be used regardless of whether the current owner or applicant is responsible for the violation in question.
2. The development administrator may deny or withhold all permits, certificates or other forms of authorization on any land where an uncorrected violation exists. The development administrator 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 development administrator may grant such authorization subject to the condition that the violation be corrected.

#### **85.040-C Revoke Permits**

1. A permit, certificate or other form of authorization required under this zoning code may be revoked by the development administrator when the development administrator determines:
  - a. That there unapproved significant, material departures from approved plans or permits;
  - b. That the development permit was procured by false representation or was issued by mistake; or
  - c. That any of the provisions of this zoning code or approval previously granted by the city are being violated.

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<sup>164</sup> The existing code (Sec. 1502) states that anyone guilty of a zoning violation is "deemed guilty of a misdemeanor punishable by a fine of not more than \$500.00 or by imprisonment not exceeding 90 days, or by both such fine and imprisonment." These rewritten provisions include a fuller range of penalties, including administrative remedies, with the goal of seeking compliance rather than penalties.

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.

**85.040-D Stop Work**

With or without revoking permits, the development administrator may stop work on any building or structure on any land on which there is an uncorrected violation of a provision of this zoning code or of a permit or other form of authorization issued under this or previous zoning codes.

**85.040-E Injunctive Relief**

The city may seek an injunction or other equitable relief in court to stop any violation of this zoning code or of a permit, certificate or other form of authorization granted under this or previous zoning codes.

**85.040-F Forfeiture and Confiscation of Signs on Public Property**

Any sign installed or placed on public property, except in compliance with the regulations of this zoning code will be considered forfeited to the public and subject to confiscation. In addition to other remedies and penalties of this chapter, the city has the right to recover from the sign owner or person who placed the sign, the full costs of sign removal and disposal.

**85.040-G Abatement**

The city 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.

**85.040-H Other Penalties, Remedies and Powers**

The city may seek such other penalties and remedies as are provided by law.

**85.040-I Continuation of Previous Enforcement Actions**

Nothing in this zoning code prohibits the continuation of previous enforcement actions, undertaken by the city pursuant to previous valid ordinances and laws.

**Section 85.050 Remedies Cumulative**

The remedies and enforcement powers established in this zoning code are cumulative, and the city may exercise them in any combination or order.

**Section 85.060 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.

**Section 85.070 Enforcement Procedures**

**85.070-A Non-Emergency Matters**

In the case of violations of this zoning code that do not constitute an emergency or require immediate attention, the development administrator 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 time period for compliance and may state the corrective steps necessary and the nature of subsequent penalties and enforcement actions should the situation not be corrected.

**85.070-B Emergency Matters**

In the case of violations of this zoning code that constitute an emergency situation as a result of public health or safety concerns if not remedied immediately, the city may use the enforcement powers available under this zoning code without prior notice, but the development administrator must attempt to give notice to the property owner simultaneously with beginning enforcement action.

**Section 85.080 Appeals**

A determination made by the development administrator or other administrative officials that a zoning code violation has occurred may be appealed by the affected party in accordance with [Section 70.140](#).

## Chapter 90 | Measurements

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### Section 90.010 Lot Area

Lot area is measured as the total ground-level surface area contained within the property lines of a lot.

### Section 90.020 Lot Area per Unit

Lot area per 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-unit requirement, and round any fractional result down to a whole number. If, for example, a minimum lot-area-per-unit requirement of 1,750 feet is applied to a 10,000 square foot lot, a maximum of 5 units would be allowed on that lot (5.71 rounded down to 5). In applying minimum lot-area-per-unit requirements to fraternity, sorority and rooming/boarded house uses, each 600 square feet of floor area is counted as one dwelling unit.

### Section 90.030 Floor Area

The floor area of a building is measured as 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. ~~Floor area for outdoor display of merchandise or customer seating, whether uncovered or covered by a tent or canopy, under the provisions of Sections 1212, 1212a, 1213 and 1214 shall mean the smallest rectangular area encompassing the display or customer seating area.~~

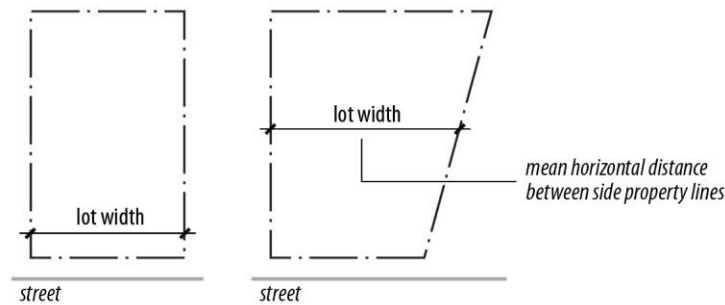
### Section 90.040 Floor Area Ratio

The floor area ratio (FAR) is the floor area of all buildings on a lot, divided by the area of that lot.

### Section 90.050 Lot Width

Lot width is measured as the average (mean) horizontal distance between the side property lines of a lot.

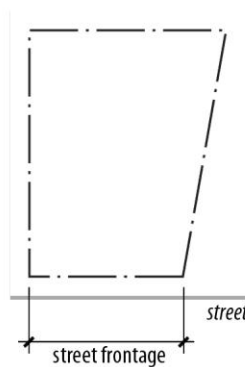
Figure 90-1: Lot Width Measurement<sup>165</sup>



### Section 90.060 Frontage or Street Frontage

Street frontage is measured between side property lines of a lot along the property line that abuts the street. For purposes of determining compliance with zoning district lot and building regulations, the frontage of a lot that abuts cul-de-sac or similarly curved non-arterial street may be measured along the actual building 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.

Figure 90-2: Street Frontage Measurement



### Section 90.070 Open Space per Unit

90.070-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/boarder house uses, each 600 square feet of floor area is counted as one dwelling unit.

90.070-B The following may be counted toward satisfying minimum open space-per-unit requirements:

1. ground level, Outdoor areas ~~on a lot~~ that are not occupied by buildings, driveways or parking areas and are generally useable by residents;

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<sup>165</sup> Illustration to be revised to refer to “average” rather than “mean.”

2. Driveways and parking areas located in the rear yard of a detached house or duplex; and

2-3. Green roofs covering 25% or more of the subject building's overall roof area.

~~90.070-B~~ 90.070-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.

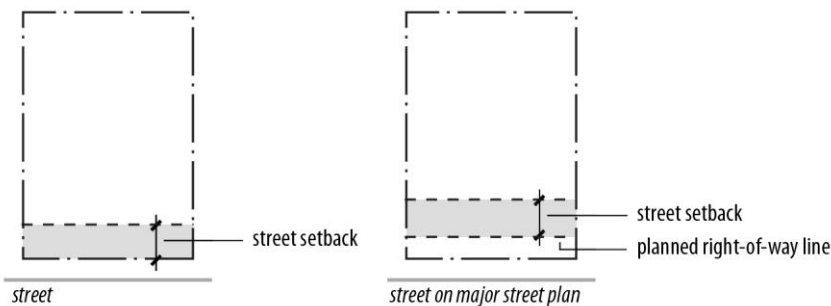
## Section 90.080 Setbacks

### 90.080-A Measurement

Building 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 §90.080-C for information on structures and building features that are allowed to occupy setback and yard areas in R zoning districts.

1. Street setbacks are measured from actual right-of-way line of the street (other than an alley), provided that:
  - a. For streets shown on the major street and highway plan, if the width of the 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 less than 50 feet, the measurement must be taken from a point that is 25 feet from the centerline of the actual right-of-way.

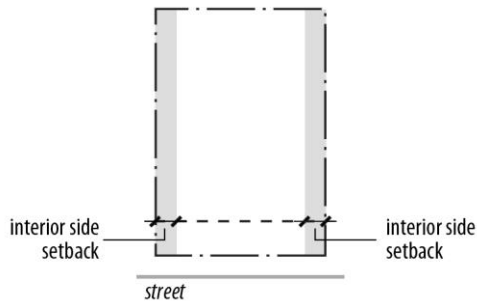
*Figure 90-3: Street Setback Measurement*



2. Side (interior) setbacks are measured from a side lot line that does not abut a street.

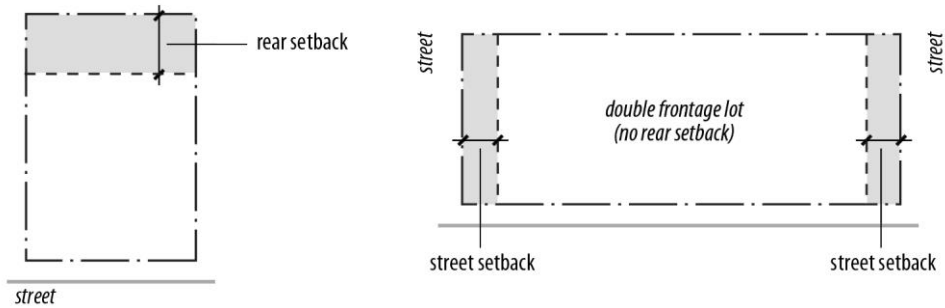


Figure 90-4: Side (Interior) Setback Measurement



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.<sup>166</sup>

Figure 90-5: Rear Setback Measurement

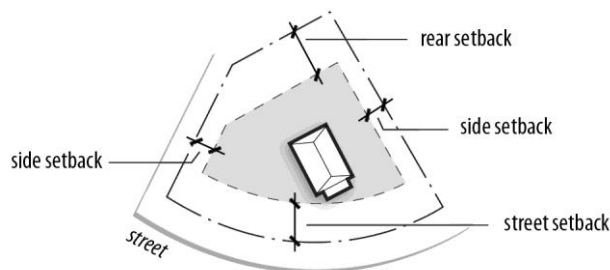


90.080-B **Setbacks on Irregular Lots**<sup>167</sup>

Setbacks are measured from lot lines towards the center of the lot, as follows:

1. Generally, setbacks are measured as set out in §90.080-A.
2. When lot lines are curvilinear, setbacks must be measured from the curvilinear lot line.

Figure 90-6: Setbacks from Curvilinear Lot Lines

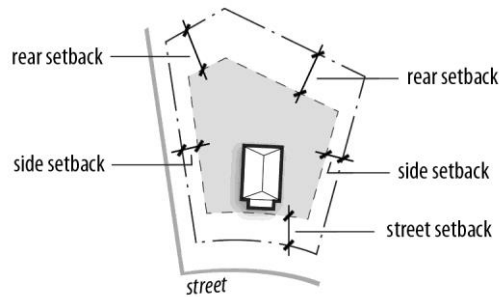


<sup>166</sup> This is new; current code does not seem to address double-frontage or “through” lots.

<sup>167</sup> All new.

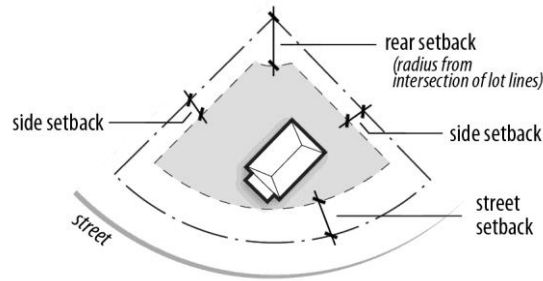
- When there are multiple rear lot lines, the rear setback must be measured from each of rear lot lines.

Figure 90-7: Setbacks from Multiple Rear Lot Lines



- 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.

Figure 90-8: Rear Setback Measurement When There is No Rear Lot Line



### 90.080-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 90-1](#):

Table 90-1: Permitted Setback Obstructions in R Zoning Districts

Obstruction	Setback		
	Street	Side	Rear
Accessory buildings (see also <a href="#">§90.080-C2</a> )	No	No	Yes
<a href="#">Air conditioning units</a>	No	Yes	Yes
<a href="#">Arbors and trellises</a>	Yes	Yes	Yes
<a href="#">Awnings, and canopies, light shelves and architecturally integrated solar shading devices</a> projecting no more than 2 feet into the setback	Yes	Yes	Yes
Barbeque pits <a href="#">and outdoor fireplaces</a>	No	No	Yes
<a href="#">Bay windows</a> projecting no more than <a href="#">2 feet into the setback</a>	Yes	Yes	Yes
Carports	Yes [1]	Yes	Yes
Chimneys and flues projecting no more than 2 feet into the setback	Yes	Yes	Yes
Clotheslines	No	Yes	Yes
<a href="#">Decks, patios, and other features and structures less than 30 inches in height above grade</a>	Yes	Yes	Yes
Eaves and gutters projecting no more than 2 feet into the setback	Yes	Yes	Yes
Fences and walls (see also <a href="#">Section 45.070</a> )	Yes	Yes	Yes
Fire escapes projecting no more than 4.5 feet into the setback	Yes	Yes	Yes
<a href="#">Flagpoles and similar features</a>	Yes	Yes	Yes
<a href="#">Geothermal heat pumps and geothermal heat exchange system equipment up to 4 feet in height above grade</a>	No	No	Yes
<a href="#">Green houses and hoop houses</a>	No	No	Yes
<a href="#">Insulation added to the outside of the exterior wall of an existing building</a>	Yes	Yes	Yes

Obstruction	Setback		
	Street	Side	Rear
Plants and <a href="#">cold frames</a>	Yes	Yes	Yes
<a href="#">Rainwater harvesting equipment</a> projecting no more than <a href="#">4.5 feet into the setback</a>	<a href="#">Yes</a>	<a href="#">Yes</a>	<a href="#">Yes</a>
Recreational equipment (e.g., swing sets, playground equipment, tree houses, etc.)	No	No	Yes
<a href="#">Satellite dish antennas</a>	See <a href="#">Section 45.170</a> .		
Signs (see also <a href="#">Chapter 60</a> )	Yes	Yes	Yes
Sills, belt courses, cornices and similar architectural features projecting no more than 2 feet into the setback	Yes	Yes	Yes
<a href="#">Solar energy systems, building-mounted</a>	<a href="#">No</a>	<a href="#">Yes</a>	<a href="#">Yes</a>
<a href="#">Solar energy systems, ground-mounted</a>	<a href="#">No</a>	<a href="#">No</a>	<a href="#">Yes</a>
Swimming pools and tennis courts	No	No	Yes
Vehicle parking/storage, inoperable (see also <a href="#">Section 45.130</a> )	No	No	Yes
<a href="#">Wheelchair lifts and ramps that meet federal, state and local accessibility standards</a>	<a href="#">Yes</a>	<a href="#">Yes</a>	<a href="#">Yes</a>

Table 90-1 Notes

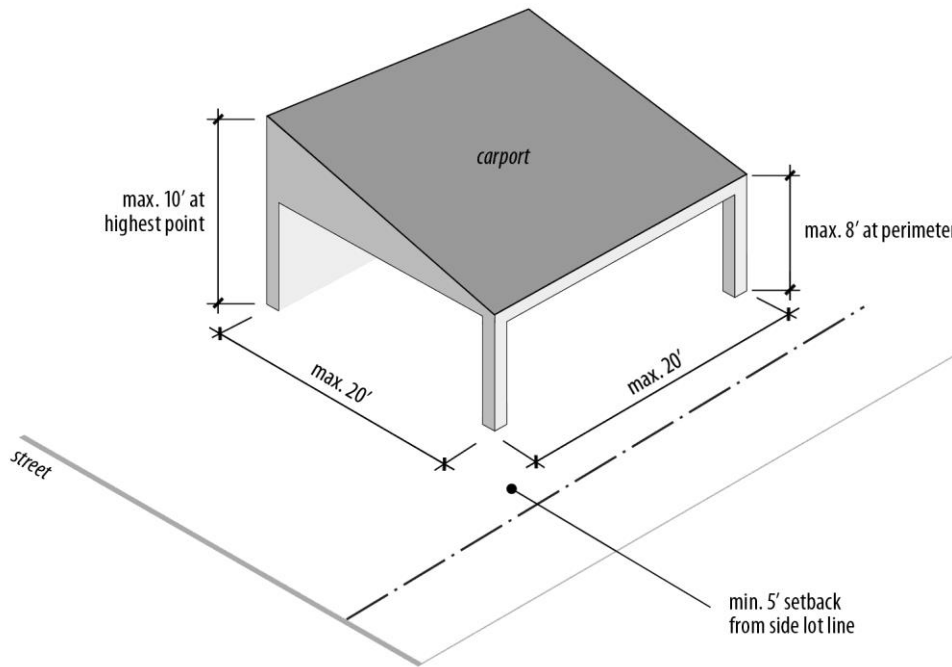
[1] Special exception approval required; see [§90.080-C1](#).

1. **Carports**

Carports are allowed in street setbacks and yards in R zoning districts only if approved in accordance with the special exception procedures of [Section 70.120](#). Any carport that occupies all or a portion of the street setback or street yard area must comply with the following regulations, [unless otherwise expressly approved by the board of adjustment as part of the special exception process](#):

- a. A carport may be a detached accessory building or an integral part of the principal building.
- b. The area of the carport may not exceed 20 feet in length by 20 feet in width.
- c. The carport may not exceed 8 feet in height at its perimeter [or 18 feet in height at its highest point and may not exceed 10 feet in height at the highest point of its interior ceiling](#).
- d. The carport structure must be setback from side lot lines by a minimum distance of 5 feet or the depth of the principal building setback, whichever is a greater distance from the side lot line.
- e. The carport structure may project into the required street setback by a maximum distance of 20 feet. This distance must be measured from the required street setback line or the exterior building wall of the principal building, whichever results in the least obstruction of the street setback.
- f. All sides of a carport that are within the required street setback must be open and unobstructed, except for support columns, which may not obstruct more than 15% of the area of any side.
- g. The entire area under a carport may be used only for storage of operable, licensed motor vehicles (i.e., cars, [boats](#), pickup trucks, vans, sport utility vehicles), which are customarily accessory to the dwelling. No other use of the carport area is allowed.

Figure 90-9: Carports in Street Setbacks<sup>168</sup>

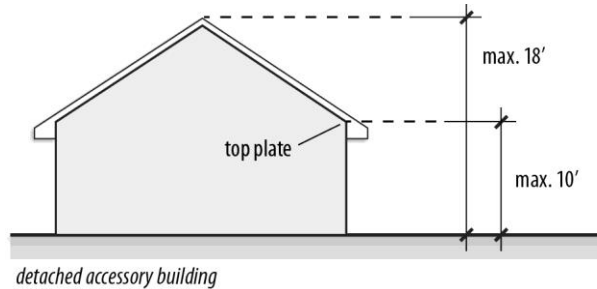


2. Detached Accessory Buildings<sup>169</sup>

a. Detached accessory buildings may be located in rear setbacks in RE, RS and RD districts, provided that:

- (1) The building does not exceed one story or 18 feet in height and is not more than 10 feet in height to the top of the top plate; and

Figure 90-10: Maximum Height of Accessory Buildings In Rear Setbacks (RE, RS and RD Districts)



- (2) Building coverage in the rear setback does not exceed the maximum limits established in [Table 90-2](#):

Table 90-2: Accessory Building Coverage Limits in Rear Setback

Zoning District	Maximum Coverage of Rear Setback
RS1 and RE Districts	20%
RS2 District	25%

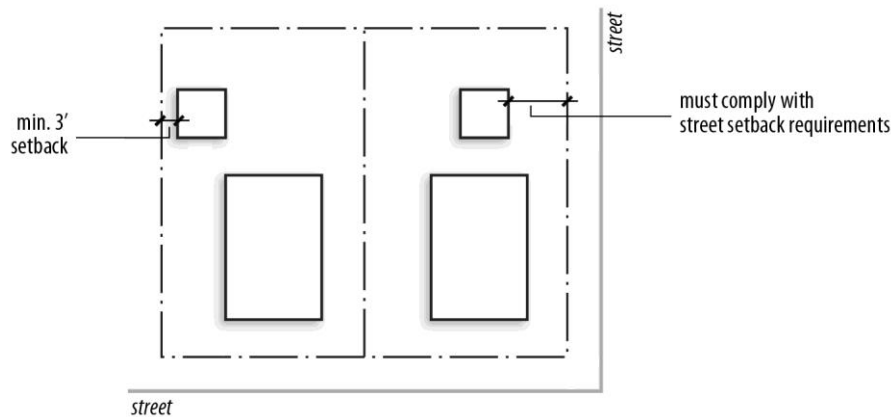
<sup>168</sup> Illustration to be revised to match text.

<sup>169</sup> There do not appear to be any similar regulations for other R districts.

Zoning District	Maximum Coverage of Rear Setback
RS <sub>3</sub> , RS <sub>4</sub> , RS <sub>5</sub> and RD Districts	30%

- b. Detached accessory buildings in the rear yard must be set back at least 3 feet from all interior lot lines; For lot lines abutting street right-of-way, detached accessory buildings must comply with the same setback requirements that apply to principal buildings provided, however, where said lot line abuts a public street, the detached accessory building shall be set back from the centerline of the street twenty (20) feet plus one half of the right-of-way designated on the Major Street and Highway Plan, or forty five (45) feet from the centerline of the street if said street is not designated on the Major Street and Highway Plan;

Figure 90-11: Required Setbacks for Accessory Buildings In Rear Setbacks (RE, RS and RD Districts)



- c. Nonconforming detached accessory buildings in the rear yard that are set back less than 3 feet from interior lot lines may be expanded or demolished and reconstructed without complying with the 3-foot setback requirements, provided that the reconstructed or expanded building complies with all of the following requirements:
- (1) It is no closer to any interior lot line than the existing nonconforming structure;
  - (2) It is not over one story in height;
  - (3) It does not cover more of the required rear yard than permitted in §90.080-C2.a(2); and
  - (4) It does not exceed 500 square feet in floor area if the building does not comply with the setback requirements of §90.080-C2.b.

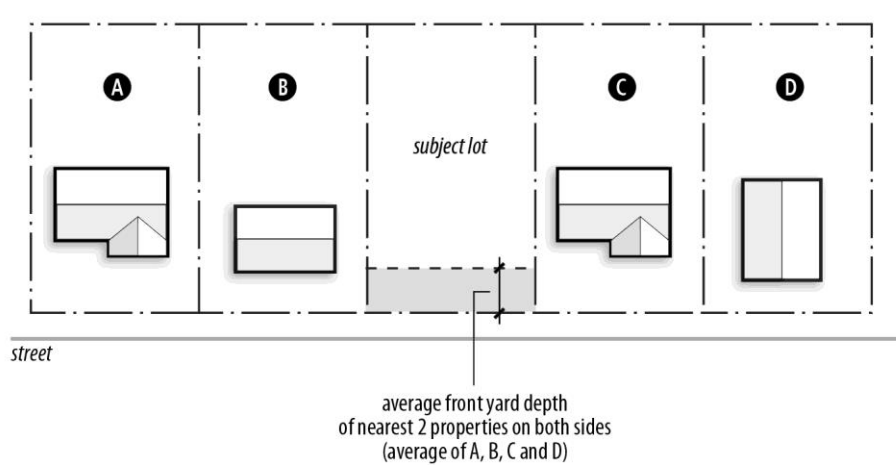
#### 90.080-D Contextual Setbacks<sup>170</sup>

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

<sup>170</sup> This is a revision of the "average" setback provisions of existing Section 211.

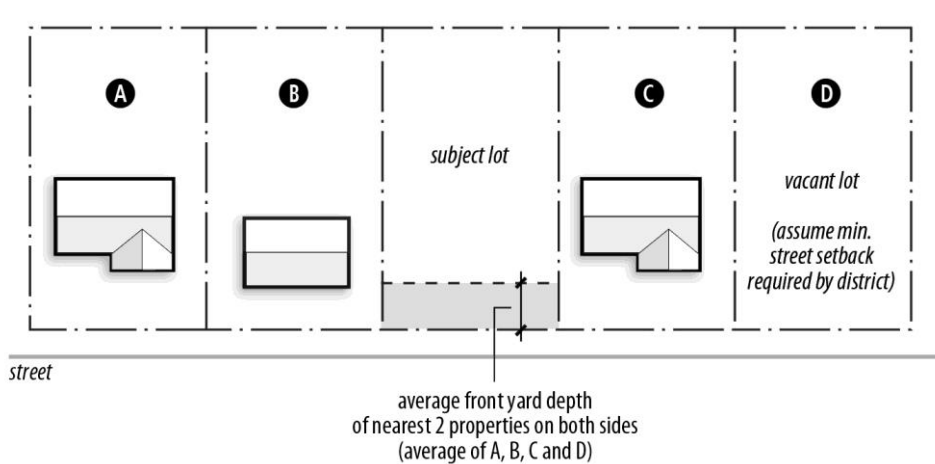
of complying with the zoning district's minimum street setback requirement. Existing yard depths must be based on the front corners of the buildings on the lots used in the contextual setback determination that are nearest to the subject lot.

Figure 90-12: Contextual Setbacks (1)



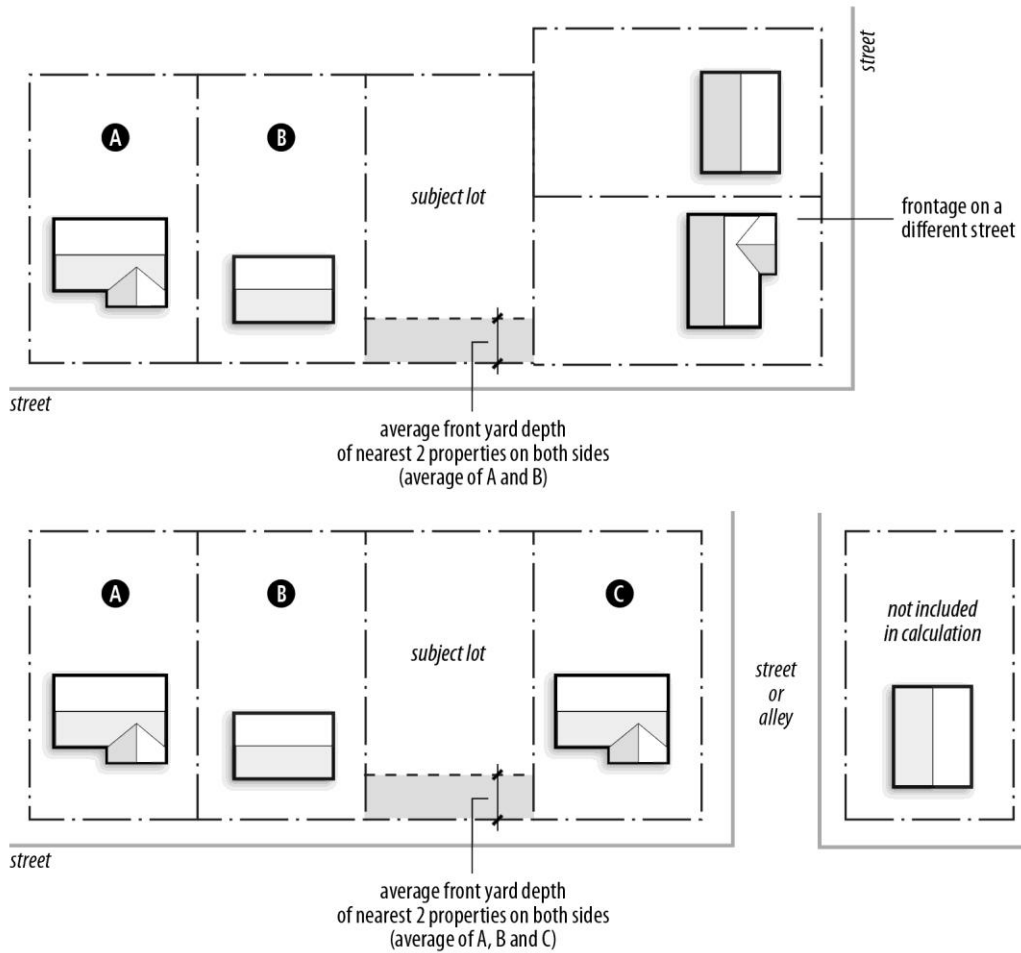
1. If one or more of the lots required to be included in the averaging calculation is vacant, that vacant lot will be deemed to have a street yard depth equal to the minimum street setback requirement of the subject zoning district.

Figure 90-13: Contextual Setbacks (2)



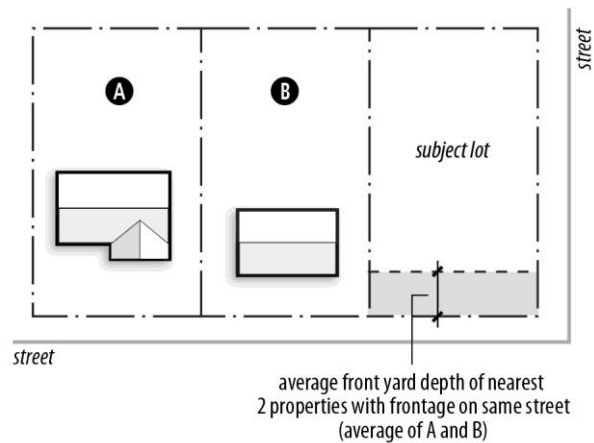
2. Lots with frontage on a different street than the subject lot or that are separated from the subject lot by a street or alley may not be used in computing the average.

Figure 90-14: Contextual Setbacks (3)



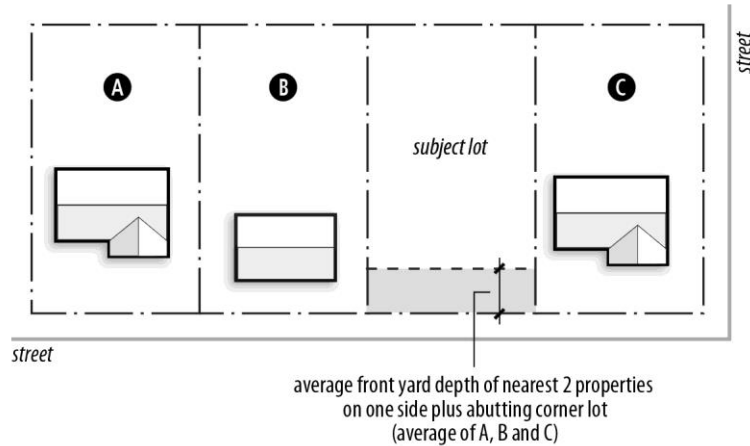
3. When the subject lot is a corner lot, the average street yard depth will be computed on the basis of the nearest 2 lots with frontage on the same street as the subject lot.

Figure 90-15: 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.

Figure 90-16: 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.

#### Section 90.090 Parking Setbacks

90.090-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.

90.090-B Parking setbacks are measured in accordance with §90.080-A.

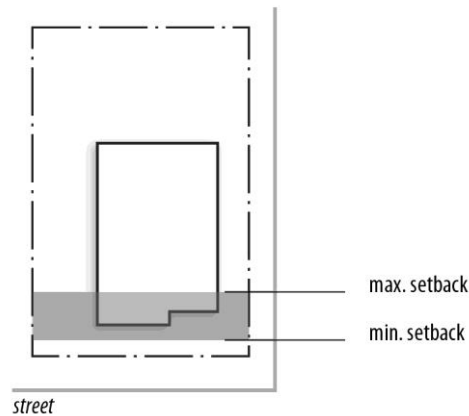
#### Section 90.100 Build-to-Zone

90.100-A The build-to zone is the area on the lot where all or a portion of the street-facing building façade must be located, measured as a minimum and maximum yard (setback) range from the abutting street right-of-way or planned street right-of-way, whichever results in the greater minimum setback.

~~90.100-A~~ 90.100-B The street-facing building façade must be located in and extend along the length of the build-to zone for a minimum distance equal to a percentage of the width of the lot, as required by specific provisions of this zoning code. The required minimum percentage is calculated by dividing the width of the building façade located within the building-to zone by the width of the lot. For purposes of this calculation, the width of the lot is the narrowest width of the lot within the build-to zone.



Figure 90-17: Build-to Zone



90.100-C On corner lots, the development administrator is authorized to designate which street is the primary street and which street is the secondary or side street. The primary street designation must be based on consideration of the following criteria:

1. The street with the highest functional street classification;
2. The street that the lot takes its address from; and
3. The street parallel to an alley within the block.

90.100-D On corner lots, the building must be within the required build-to-zone for the first 25 feet extending from the intersection of the two rights-of-way.

90.100-E Outdoor open space, plazas and outdoor dining areas are counted as part of the building for the purpose of measuring compliance with build-to zone requirements, provided that:

1. The area does not exceed 33% of the length of the building façade or 30 feet, whichever is less;
2. The area is no more than 25 feet in depth; and
3. No more than one such feature may be counted per frontage.

### **Section 90.110 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.<sup>171</sup>

### **Section 90.120 Ceiling Height**

Ceiling height is measured from the finished floor to the ceiling immediately above. At least 50% of the enclosed ground floor area must comply with established floor-to-ceiling height requirements and all of the first 30 feet of building depth, measured from the principal street-facing façade, must comply with established ceiling height requirements. Buildings in existence or that were the subject of an approved building permit before the effective date specified in Section 1.030 are exempt from ceiling height requirements.

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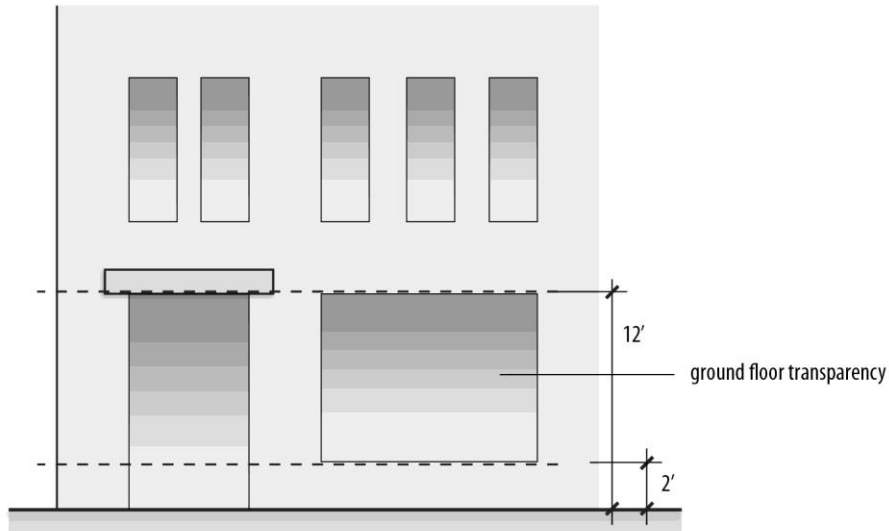
<sup>171</sup> New/revised.

**Section 90.130 Transparency**

90.130-A Transparency regulations govern the percentage of a street-facing building facade that must be covered by glazed elements (e.g., transparent windows and doors)

90.130-B 90.130-B The transparency of a ground floor facade is measured between 3 and 8 feet above the adjacent curb.<sup>172</sup>

Figure 90-18: Ground Floor Transparency Measurement

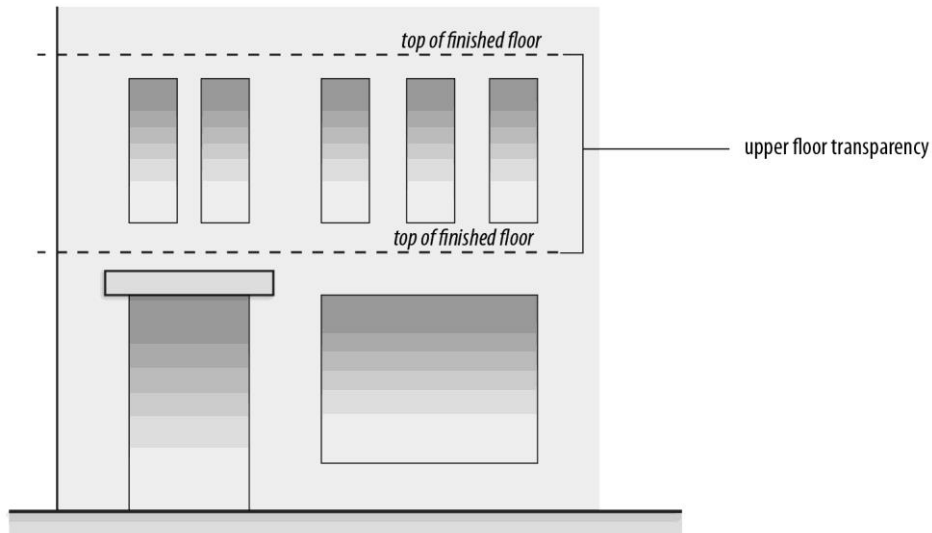


90.130-B 90.130-C The transparency of an upper story facade is measured from top of the finished floor to the top of the finished floor above. When there is no floor above, upper story transparency is measured from the top of the finished floor to the top of the wall plate.

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<sup>172</sup> Originally proposed to be measured between 2 and 12 feet, but later revised at request of legal to match institutional mixed use district.

Figure 90-19: Upper Floor Transparency Measurement



90.130-D Glazed elements used to satisfy minimum transparency requirements must be clear and non-reflective and not be painted or tinted (transparent, low-emissivity glass is permitted).

#### Section 90.140 **Street-facing Building Entrances**

90.140-A Required street-facing building entrances must provide ingress and egress for residents and customers. Additional entrances off another street, pedestrian area or internal parking area are also permitted.

90.140-B An angled entrance may be provided at any corner of a building along the street to meet street-facing entrance requirements.

#### Section 90.150 **Building Height**

##### 90.150-A Measurement

1. Building height is measured as the vertical distance from the average ground elevation along the exterior building wall to the highest ~~horizontal~~ point of the subject building. 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.

Figure 90-20: Building Height Measurement



#### 90.150-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 limits, provided they are not intended for human occupancy and they do not extend more than 20 feet above the top of the principal structure to which they are attached. This 20-foot limit may be increased through the special exception procedures of [Section 70.120](#).
3. Belfries, clock towers, cupolas, domes, flag poles and spires may exceed maximum building limits, provided they are not intended for human occupancy and they are not more than 150% taller than the applicable height limit. This 150% limit may be increased through the special exception procedures of [Section 70.120](#).

### **Section 90.160 Other Height Measurements**

#### 90.160-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.

#### 90.160-B Other Structures

The height of structures other than buildings, fences or walls is measured as vertical distance from the average finished grade at the base of the structure to the highest point of the structure.

### **Section 90.170 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.

### **Section 90.180 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.

## Chapter 95 | Definitions

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### Section 95.010 General

Words and terms expressly defined in this zoning code have the specific meanings assigned unless the context clearly indicates another meaning. Words and terms that are not expressly defined in this zoning code have the meaning given in the latest edition of *Merriam-Webster's Unabridged Dictionary*.

### Section 95.020 Use Definitions

See [Chapter 35](#) for an explanation of the use categorization system used in this zoning code and for use type definitions.

### Section 95.030 Measurement-Related Terms

See [Chapter 90](#) for an explanation of various lot and building regulation terms, such as "lot area," "building height," "setbacks" and "build-to zone."

## Section 95.040 Terms Beginning with "A"

### Abut or Abutting

~~To touch or share a contiguous boundary or border. In the context of notice and a screening or enclosure requirement, abutting shall mean contiguous or separated therefrom only by a nonarterial street, alley or railroad right-of-way. In other instances, abutting shall mean contiguous.~~

### Accessory Use Bar<sup>173</sup>

A commercial establishment open to the public that sells and serves intoxicating beverages or low-point beer for consumption on the premises, but that is incidental and subordinate to and that occupies no more than 25% of the gross 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 §45.010-B, on the same lot with, and of a nature customarily incidental and subordinate to, the principal use or structure.~~

### 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.

### Anchoring Systems

~~A combination of ties, anchoring equipment and/or anchoring devices that are designed to resist overturning, uplift and lateral movement of the manufactured home from wind and water forces.~~

### Anticipated Development

~~Full potential urbanization of the contributing watershed, considering the Comprehensive Plan and the reasonable assumption that in considering the effects of a proposed development in a floodplain area that there will be an equal degree of encroachment extending for a significant reach on both sides of the stream or water course.~~

### Applicant

Any authorized person, firm, corporation or agent who submits an application.

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<sup>173</sup> Definition has been revised in light of recent questions and interpretations.

**Arterial**

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

**Arts Commission**

The arts commission of the City of Tulsa.

**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.

**Section 95.050 Terms Beginning with "B"**

**Base (Zoning) District**

Any zoning district that is not an overlay district.

**Bioretention**

The use of soil and plants to remove pollutants from stormwater runoff.

**Block Face**

All lots abutting one side of a street between the 2 nearest intersecting streets.

**Board of Adjustment (BOA)**

The board of adjustment of the City of Tulsa.

**Build-to Zone (or Build-to Line)**

See [Section 90.100](#).

**Building**

A structure that is permanently affixed to the land, and has one or more floors and a roof, and is bounded by either another building with a common party wall, open air, or the lot lines of a lot, 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 [Section 90.110](#).

**Building Height**

See [Section 90.150](#).

**Building-Integrated Solar Energy System**

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 95-1: Building-Integrated Solar Energy System

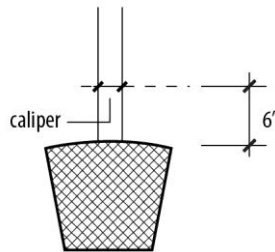


## Section 95.060 Terms Beginning with "C"

### Caliper

The diameter of the tree trunk measured at a point 6 inches above the root ball or soil level.

Figure 95-2: Caliper (Tree) Measurement



### 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.

### Car-share Program

A system in which a fleet of cars (or other motor vehicles) is made available for use by members of the car-share program and that exhibit all of the following characteristics:

1. Members are permitted to use vehicles from the car-share program fleet on an hourly basis;
2. Car-share vehicles are generally available 24 hours a day and 7 days a week to members in parking spaces at dispersed locations or facilities; and
3. No separate written agreement is required each time a member reserves and uses a car-share vehicle.

### Car-share Vehicle

A motor vehicle from a car-share program fleet.

### Changeable Copy

Copy or other images that physically change or give the appearance of change at intervals of less than 10 minutes.



~~Certificate of Appropriateness~~<sup>174</sup>

Character

Any letter of the alphabet or any numeral.

City

The City of Tulsa, Oklahoma.

City Council

The City Council of the City Tulsa.

Coffee Roasting

Applying heat to green coffee beans to produce darker roasted beans that can be used to brew coffee.

Cold Frame

An unheated structure no more than 4 feet in height used for protecting seedlings and plants from the cold.

Comprehensive Plan

The City of Tulsa's official comprehensive plan, as adopted by the planning commission and approved by the city council.

~~Core Area~~

~~Core Area shall mean a contiguous habitable floor area, under roof, irrespective of interior walls, at least 20 feet by 20 feet in size.~~

Curb Level

The average (mean) level of the established curb at the frontage of ~~a~~the subject lot. Where no curb has been established, the city engineer is authorized to establish such curb level or its equivalent.

**Section 95.070 Terms Beginning with "D"**

Designated Residential Development Area

An area specifically designated for residential development by conditions imposed in a PUD, MPD or CO district.

Design Guidelines

The criteria used to guide the preservation commission in review of an application for an HP permit, unless the context clearly indicates another meaning.

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 Administrator

See ~~§1.090-19.~~

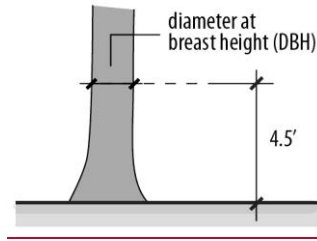
Diameter at Breast Height (DBH)

The diameter of a tree trunk measured at a point 4.5 feet above ground level at the base of the tree.

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<sup>174</sup> This term has been changed to "HP permit" throughout the draft code.

*Figure 95-3: Diameter at Breast Height (DBH)*



#### Display Surface

The surface of a sign upon, against, or through that the message is displayed or illustrated.

#### Display Surface Area

For *ground signs* shall mean the area enclosed by the minimum imaginary rectangles that fully contains all extremities of the sign, exclusive of its supports. This rectangle is to be calculated from an orthographic projection of the sign viewed horizontally. A viewpoint for this projection is to be taken that gives the largest rectangle of that kind as the viewpoint is rotated horizontally around the sign. If elements of the sign are movable or flexible, the measurement shall be taken when the elements are fully extended and parallel to the plane of view.

The display surface area for *wall signs* shall mean the sum of the areas of the minimum imaginary rectangles enclosing each word attached to any particular facade.

The display surface area for *window signs* shall mean the sum of the areas of the minimum imaginary rectangles enclosing each word, figure, design and symbol if the window or other transparent material forms the background, or the entire area of the background material when such material is translucent or opaque.

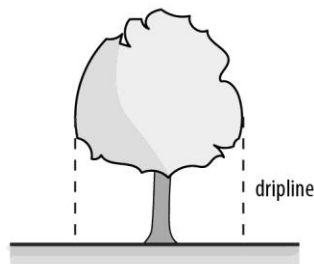
#### Downtown Entertainment District

That area of land zoned CBD within the following boundaries: The southern Burlington Northern Railroad right-of-way boundary line on the north; the eastern South Detroit Avenue right-of-way boundary line on the west; the western South Greenwood Avenue right-of-way boundary line on the east; and on the south, a line 150 feet south of and parallel to the southern East Second Street right-of-way boundary line from a point beginning at the eastern South Detroit Avenue right-of-way boundary line and ending at the western South Greenwood Avenue right-of-way boundary line.

#### Dripline

The periphery of the area underneath a tree that would be encompassed by perpendicular lines extending from the exterior edges of the crown of the tree.

*Figure 95-4: Dripline (of a Tree)*



#### Drop Box, Donation and Collection

A receptacle provided for general public to drop-off recyclable paper, cans, glass and plastics as well as charitable donations such as clothing, shoes, books, and toys (See [Section 45.030](#) for applicable regulations).

Dwelling

~~A building or structure used in whole or in part for human habitation.~~

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 family household living independently of any other family household.

**Section 95.080 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, on electrical energy from the grid or an off-board source, that is stored on-board 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) means 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.

**Section 95.090 Terms Beginning with "F"**

Floor Area

See [Section 90.030](#).

Floor Area Ratio

See [Section 90.040](#).

Floor-to-Ceiling Height

See [Section 90.120](#).

Foot-candle

A measure of illumination, the amount of light falling onto a surface. One lumen of light, shining evenly across one square foot of surface, illuminates that surface to one foot-candle.

Freeway

A street designated as a freeway on the major street and highway plan.

Freeway Sign Corridor

An area 400 feet in width on each side of and adjacent to the publicly acquired right-of-way of a freeway.

**Section 95.100 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, Existing

The vertical location of the existing ground surface prior to excavation or filling.

Grade Finished

The vertical location of the ground or pavement surface after site grading work is completed in accordance with an approved plan.

Greenhouse

A temporary or permanent structure that is primarily used for the cultivation of plants.

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...

**Section 95.110 Terms Beginning with "H"**

Height, Building

See [Section 90.150](#).

Height, Sign

See [60.130-B](#).

Historic Preservation

The adaptive use, conservation, protection, reconstruction, rehabilitation, restoration, or stabilization of a historic resource.

Adaptive Use

The restrained alteration of a historic resource to accommodate uses for which the resource was not originally constructed, but in such a way so as to maintain the general historical and architectural character.

Conservation

The sustained appearance of an historic resource essentially in its existing state.

**Protection**

The security of a historic resource as it exists through the establishment of the mechanisms of this zoning code.

**Reconstruction**

The process of recreating or reproducing by new construction all or part of the form and detail of a vanished historic resource as it appeared at a specific period in time.

**Rehabilitation**

The process of recreating a historic resource to a state of efficiency or soundness by repair or alteration designed to encourage its continued use, but without noticeably changing the exterior appearance of the historic resource.

**Restoration**

The process of accurately recovering all or part of the form and detail of a historic resource and its setting as it appeared at a particular period of time by means of the removal of later work and the replacement of missing earlier work.

**Stabilization**

The process of applying measures designated to halt deterioration and to establish the structural stability of an unsafe or deteriorated resource while maintaining the essential form as it presently exists and without noticeably changing the exterior appearance of the historic resource.

**Historic Preservation District**

A supplemental zoning district consisting of a building, structure, or site or an area containing buildings, structures, or sites that is a historic resource.

**Historic Resource**

A building, structure, site or area containing a concentration, linkage, or continuity of buildings, structures, or sites that are generally 50 years or older and that contain one or more of the following attributes:

1. Significant character, interest, or value as part of the historical development, history, or cultural heritage of the city, state, or nation;
2. Significance as the site of a historic event in the past of the city, state, or nation;
3. Associated with a person, or group of persons, who played a significant role in the historical development, history, and cultural heritage of the city, state, or nation; or,
4. That it is the embodiment of distinguishing characteristics, design, details, materials or craftsmanship which represent a historically significant architectural or engineering innovation, type, style or specimen; or
5. That it portrays the environment in an era of history characterized by a distinctive architectural, engineering, or construction style; or
6. That it represents a significant and distinguishable entity of historical importance whose components may lack individual distinction;
7. Yielded and is likely to yield, information important in prehistory or history; or
8. Meets the criteria for listing on the National Register of Historic Places.

#### Home Occupation

An accessory use of a dwelling unit for business or commercial purposes. Home occupations are subject to the regulations of [Section 45.090](#).

#### 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.

#### FamilyHousehold

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.

#### HP Permit

The official document issued by the preservation commission authorizing work within an HP district.

### **Section 95.120 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 Statutes, regardless of percent of alcohol content.

### **Section 95.130 Terms Beginning with "J"**

RESERVED

### **Section 95.140 Terms Beginning with "K"**

RESERVED

### Section 95.150 Terms Beginning with "L"

#### Land Area

~~The area of a lot plus one-half or 30 feet, whichever is less, of the right-of-way of any abutting street to which the lot has access.~~

#### Land Coverage

~~The land area of a lot covered by building or buildings, except structural parking.~~

#### Landscaped Area

The unpaved area of a lot that contains grass, shrubs, flowers, ground cover, trees or ~~native~~ plant materials and that may include decorative fixtures such as rock, pools and planters. Areas of a lot containing artificial plants, artificial trees or other artificial vegetation are not considered landscaped area.

#### Land Use Administrator

See §1.090-110.

#### Lawfully Established

A use, structure, lot or sign (as the context indicates) that was established in conformance with all applicable zoning code regulations in effect at the time of its establishment.

#### Less Intensive Zoning District

A district that is identified as being less intensive than another zoning district within the same grouping of districts, as indicated in Table 5-1, Table 10-1, Table 15-1. 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.

#### Light Trespass

Light that is emitted into an unintended area.

#### Liner Building

A building or portion of a building that is specifically designed to mask a parking garage or structure from frontage on a public street and that consists of habitable or occupiable floor space.

#### Lot

A lot of record or an unplatted lot, parcel and tract.

#### Lot Area

See Section 90.010.

#### Lot Area per Unit

A measurement of allowed residential density. See Section 90.020.

#### 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.

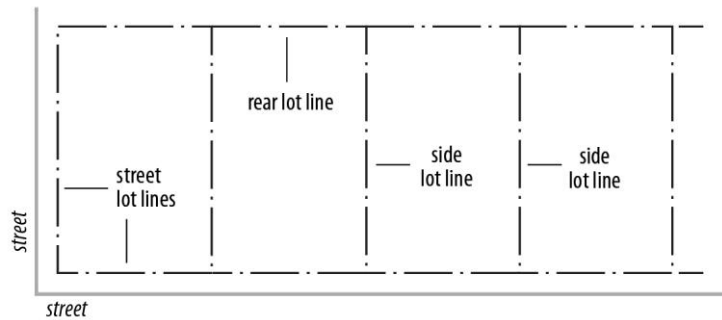
**Lot of Record**

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 95-5: Lot Lines*



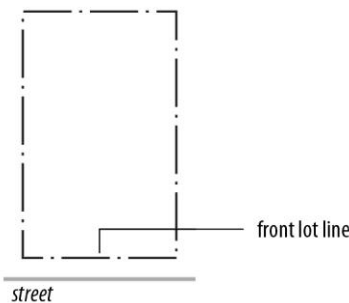
**Lot Line, Front**

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, FrontStreet**

The boundary of a lot that abuts a public street. A lot may have more than one street lot line, and a street lot line may also be a front lot line.

*Figure 95-6: Street Lot Line<sup>275</sup>*



**Lot Line, Rear**

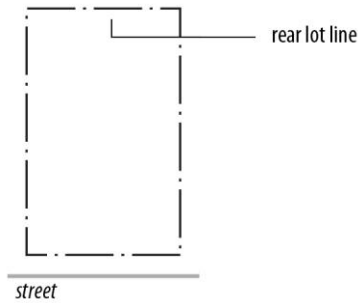
The boundary of a lot that is most distant from and most nearly parallel to the front lot line.

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<sup>275</sup> Illustration to be revised to refer front lot line/street lot line.



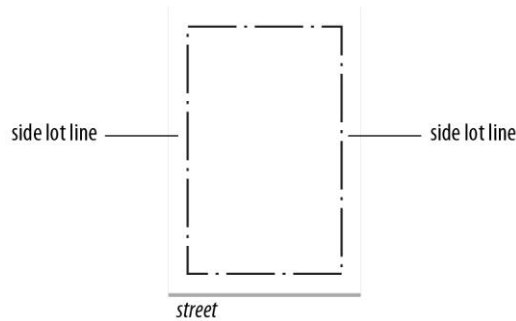
Figure 95-7: Rear Lot Line<sup>176</sup>



### Lot Line, Side

Any boundary of a lot that is not a street lot line or a rear lot line.

Figure 95-8: Side Lot Lines



### Lot Width

See [Section 90.050](#).

### 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.

## Section 95.160 Terms Beginning with "M"

### Major Street and Highway Plan

The Tulsa Metropolitan Area Major Street and Highway Plan, [which is adopted as a functional element of the comprehensive plan](#) ~~adopted by the Mayor and Board of Commissioners of the City of Tulsa.~~

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<sup>176</sup> Illustration to be revised to identify front lot line/street lot line.

**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.

**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.

**Section 95.170 Terms Beginning with "N"**

**NA (or –)**

Not applicable or no requirement.

**Nameplate**

A sign, attached flush against a building identifying the name of the building or the name of an occupant of the building.

**NIT**

A unit of illuminative brightness equal to one candela per square meter, measured perpendicular to the rays of the source.

**Nonconforming Lot**

See [§80.020-A](#).

**Nonconforming Use**

See [§80.040-A](#).

**Nonconforming Sign**

See [§80.060-A](#).

**Nonconforming Structure**

See [§80.030-A](#).

**Nonconformity**

A nonconforming lot, nonconforming use, nonconforming structure or nonconforming sign.

**Nonresidential Building**

Any principal building other than a residential building.

**Nonresidential District or Nonresidential Zoning District**

Any zoning districts other an R (residential) district.

### Section 95.180 Terms Beginning with "O"

#### 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 [Section 90.070](#).

#### 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.

### Section 95.190 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 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 this zoning code.

#### Permanent Foundation

A foundation that meets the requirements established in [Title 51](#) Tulsa Revised Ordinances.

#### Photovoltaic Cell

A semiconductor device that converts solar energy into electricity.

#### Planned (Street) Right-of-Way

The right-of-way designated in the *Tulsa Metropolitan Area Major Street and Highway Plan*. If the subject street is not designated on the *Tulsa Metropolitan Area Major Street and Highway Plan*, the planned right-of-way is deemed to extend 25 feet on both sides of the centerline of the right-of-way of the subject street.

#### Planning Commission

The Tulsa Metropolitan Area Planning Commission (TMAPC).

#### Preservation (Historic)

See "historic preservation."

#### Principal Building

A building or combination of buildings of chief importance or function on a lot. In general, the principal use is carried out in the principal building.

Principal Use

An 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.

**Section 95.200** Terms Beginning with "Q"  
RESERVED

**Section 95.210** 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.

Residential Building

A detached house, townhouse, duplex or apartment/condo building (See also building types described in [Section 35.010](#))

Residential Exterior Finishing Materials, Customary

Roof and siding materials traditionally used to provide the finished exterior of single-family dwellings. Customary roofing materials include composition shingles, fiberglass shingles, wood shingles (shakes), and clay tile applied according to the manufacturer's specifications. Customary siding materials include aluminum lap or vinyl lap siding, cedar or other wood siding, masonry (stucco, brick, stone, block, tilt-up panel) and wood-grain weather-resistant pressboard siding.<sup>177</sup>

Roomer

An occupant of a rooming unit who is not a member of the household occupying the principal residential building.

Rooming Unit

Any habitable room or group of adjoining habitable rooms that is an accessory use to a household living use and forming a single unit with facilities that are used or intended to be used primarily for living and sleeping but not for cooking.

**Section 95.220** Terms Beginning with "S"

Setback

An open, unobstructed area. See [Section 90.080](#).

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<sup>177</sup> Term deleted because it is no longer used in proposed code.

### 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 the flag or emblem of any nation, organization of nations, state, city or any fraternal, religious or civic organizations; one corporate flag; works of art that in no way identify a product; 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 but not limited to the illusion of moving objects, moving patterns or bands of light, or expanding or contracting shapes.

### Sign Area

See [60.130-A](#).

### 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) 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.

### Sign, Construction

A temporary sign erected during the time that permitted building or construction is occurring on the subject property.

### Sign, Development Plan

A sign approved as part of a development plan (See [Section 70.040](#)) that directs attention to a business, commodity, service, or activity that is conducted, sold, or offered on property that lies within the boundaries of an approved development plan covering a contiguous area that includes both the subject sign and the subject business, commodity, service, or activity.

### Sign, Directional

A sign used to convey directions and other information for the convenience of the public. Included are signs designating restrooms, address numbers, hours of operation, entrances to buildings, help wanted, public telephone, etc. Also included are signs on private property designed to direct pedestrians or vehicular traffic, such as "entrance" or "exit."

### (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 that is capable of sequentially displaying more than one advertisement or message on its display surface.

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, 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 95-9: Freestanding Sign<sup>178</sup>*



Sign, Height of

See §60.130-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 §60.130-D.

Sign, Menu Board

A sign displaying goods or services available through a drive-up window or available through a drive-in or drive-through establishment.

Sign, Monument

A freestanding sign where the base of the sign structure is on the ground or no more than 12 inches above the ground adjacent to the sign. Typically constructed of brick, wood, stone, or metal, monument signs have a base that is at least 75% of the width of the sign face.

Sign, Off-premise Outdoor Advertising

See §35.100-B.

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<sup>178</sup> Illustration to be revised to show both monument and pole sign examples.

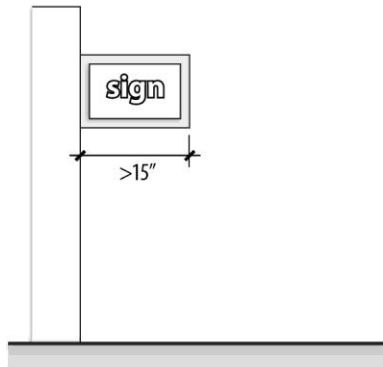
### Sign, On-premise

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 95-10: Projecting Sign*



### Sign, Promotional Business

A sign, temporary in nature, consisting of tinsel, ~~advertising~~ flags, ~~searchlights~~, balloons, banners, wind devices, or similar ~~advertising-attention-getting~~ devices, whether or not the same contain any words, numbers or characters.

### Sign, Real Estate

A temporary sign advertising the sale, rental, or lease of the lot or portion thereof on which the sign is located.

### 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, Special Event

A temporary sign that is allowed pursuant to §60.030-E6 and that contains no commercial message.

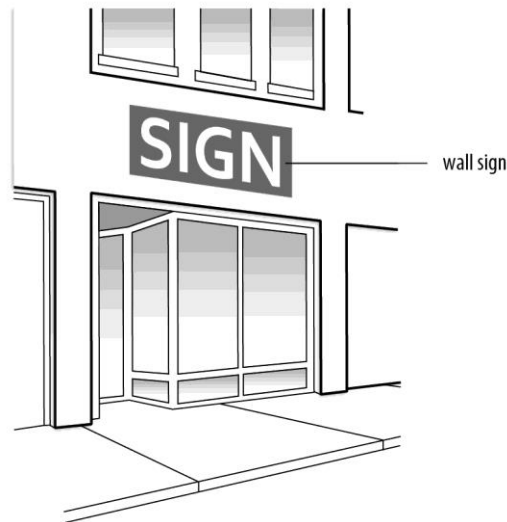
### Sign Rules of Measurement

See [Section 60.130](#).

### Sign, Wall

A sign affixed to a building wall, canopy, awning, marquee or parapet wall, or a sign displayed in or on a window or door that does not extend horizontally more than 15 inches from the wall, canopy, awning, marquee, parapet wall, window or door, nor extend above the parapet wall.

Figure 95-11: Wall Sign



### Significant Characteristics of a Historic Resource

Those characteristics that are important to the historic resource by design or location, and include, but are not limited to materials, detail, height, orientation, proportion, rhythm, scale, setback, setting, shape, and workmanship.

#### Materials

The physical elements of a building, structure, site, or area that create an aesthetic and structural appearance of the resource, including characteristics such as texture, form, composition, and style.

#### Detail

Aspects of a building, structure, site or area which, due to particular treatment, draw attention to certain parts or features of the building, structure, site, or area.

#### Orientation

The position of a building, structure, site, or area relative to a particular point in which it is viewed or in relation to other fixed elements in the environment.

#### Proportion

The visible relationship and order established between buildings, structures, sites or areas, their individual parts to one another, as well as between the parts and the whole.

#### Rhythm

The regular pattern or harmonious recurrence of lines, shapes, or forms, such elements occurring within or between buildings, structures, sites or areas; including, but not limited to, windows, doors, roofs, porches, driveways, sidewalks, setbacks and heights

#### Scale

The size of the parts of a building, structure, site or area in relationship to one another and to the human figure.

#### Setback

The location of a building or structure as it relates to the street and other buildings and structures around it.



### Setting

The surrounding buildings, structures, landscaping and familiar features which provide a visual aesthetic or perceptual quality to historic resources.

### Shape

The physical configuration of a building, structure, site or area, established by its form, surfaces, edges, height, width, and depth.

### Workmanship

A level of quality exhibited in the construction, detailing, or design of a historic resource.

### Site Plan

A detailed plan required as a condition of approval by this zoning code or by the city council in the particular case, including but not limited to, the depiction of: arrangement of buildings, parking, landscaping, lighting, walls, grading, elevations, building materials, and general sign information.

### Special Exception

A use or a design element or characteristic of a use or development that is not permitted by right ~~in a particular district~~ 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 this zoning code and reviewed where specifically authorized by the Code, and in accordance with the substantive and procedural standards of ~~the Code~~ this zoning code.

### 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.

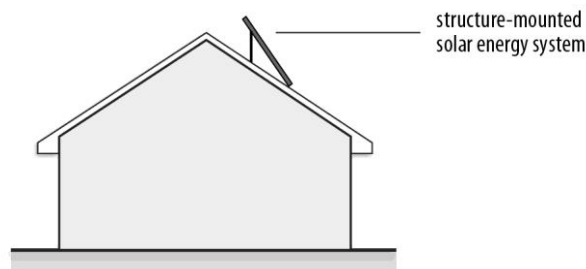
### Solar Energy System

A system intended to convert solar energy into thermal, mechanical or electrical energy.

### Solar Energy System, Structure-Mounted

A solar energy system that is mounted on the façade or roof of either a principal or accessory structure.

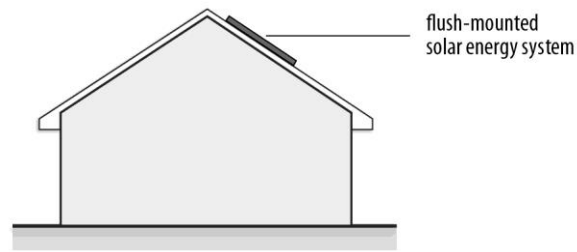
*Figure 95-12: Structure-Mounted Solar Energy System*



### 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.

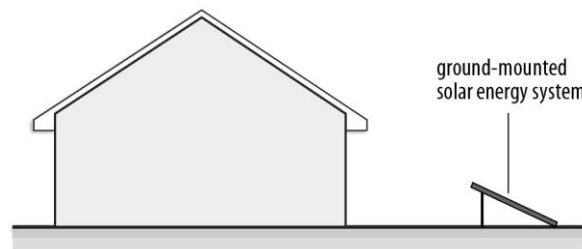
*Figure 95-13: Flush-Mounted Solar Energy System*



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 95-14: Ground-mounted Solar Energy System*



Solar Panel

A group of photovoltaic cells assembled on a panel. Panels are assembled on-site into solar arrays.

Static Message

An advertisement or message that, when displayed, contains no motion, flashing, changeable copy, running lights, variances in brightness, or animation.

Story

A room or set of rooms on one floor level of a building.

Storyboarding

The consecutive display of advertisements or messages on a sign, used to provide a continuing or evolving message, theme or story.

Street-Facing Building Entrance

See [Section 90.140](#).

Street Frontage

See [Section 90.060](#).

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, and includes buildings, parking areas, walks, fences, and signs.

**Section 95.230 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.

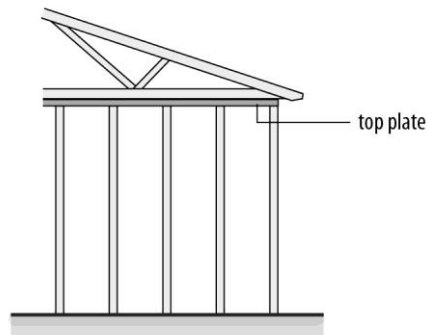
**Tent**

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 95-15: Top Plate*



**Transition Time**

The duration or interval of time between which each individual advertisement or message is displayed on any dynamic display.

**Transparency**

See [Section 90.130](#).

**Tree**

A woody plant having one or more defined stems or trunks.

**Tree, Large**

A tree that will attain a mature height of over 60 feet and a spread or canopy that is at least 35 feet in width.

**Tree, Medium**

A tree that will attain a mature height of between 30 and 60 feet and a spread or canopy that is at least 25 feet in width.

Tree, Small

A Tree that will attain a mature height of less than 30 feet and a spread or canopy that is at least 15 feet in width

**Section 95.240 Terms Beginning with "U"**

Utility-scale Energy Production

An energy production facility that produces electric energy for widespread distribution through the electric power grid.

**Section 95.250 Terms Beginning with "V"**

Variance

See [Section 70.130](#).

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.

**Section 95.260 Terms Beginning with "W"**

Walkability

The extent to which the built environment is safe and inviting for pedestrians and for the presence of people living, shopping, visiting, enjoying or spending time in an area.

Walkway

A clearly defined path for non-motorized movement between buildings, structures, destinations, or other walkways on or adjacent to a site.

Wind Device

Any flag, banner, pennant, streamer or similar device that moves freely in the wind.

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.

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."

Window Area

See [60.130-E](#).

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.

#### Work

Solely for purposes of administering and enforcing the historic preservation-related provisions of this zoning code, "work" means any changes to an existing building, structure, or lot, or any portion thereof, including but not limited to, the erection, construction, reconstruction, renovation, alteration, painting, removal, or demolition of a building, structure, or lot, irrespective of whether or not a building permit is required.

#### Section 95.270 Terms Beginning with "X" RESERVED

#### Section 95.280 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.

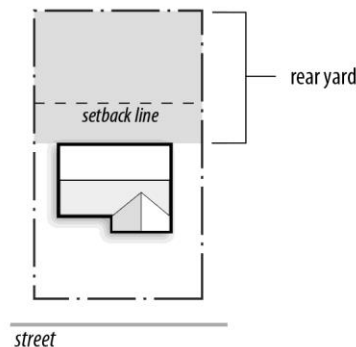
#### Yard, Front

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.

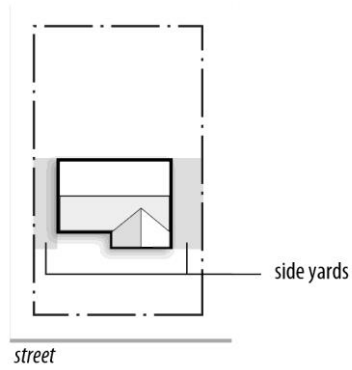
Figure 95-16: Rear Yard



#### Yard, Side

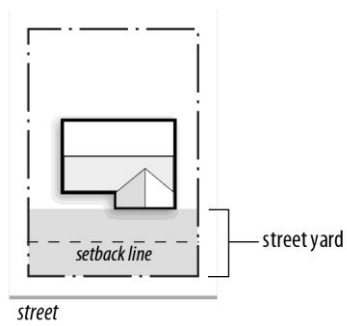
A yard extending along a side lot line between the front yard and the rear yard.

Figure 95-17: Slde Yard



**Yard, Street**  
Any yard abutting a street.

Figure 95-18: Street Yard



**Section 95.290** Terms Beginning with "Z"  
RESERVED