


Current State of Land Use Education and Communication

City of Tulsa Land Use Education and
Communication Task Force

March 27, 2009



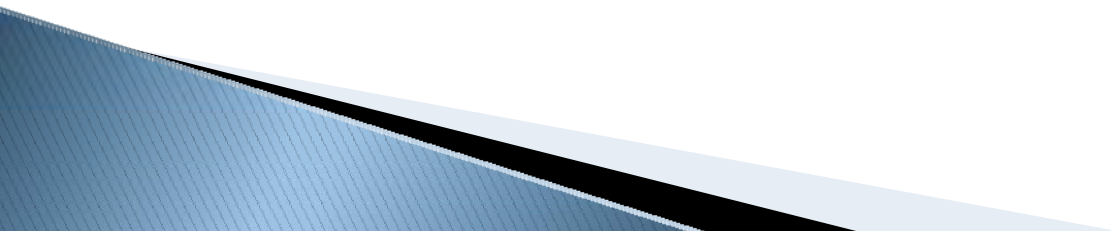
Definition of Land Use

- Determining what types of uses are allowed on land
 - Zoning is method of identifying different uses of land; categorizing and locating them in an urban environment
 - “While zoning is plain in concept and easy to understand, it is often complex and difficult in application.” (*Planning Made Easy* – American Planning Association)
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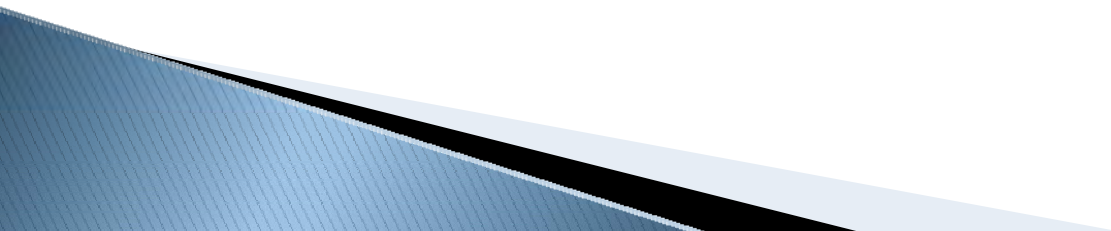
Land Development Process

- Provides an orderly procedure for the development of property
- Provides for protection and safeguards – requirements are established in response to problems identified or to achieve community policy objectives:
 - Growth policy – nodal development rather than strip zoning
 - Spacing of certain uses (*e.g. bars, S.O.B.s, billboards*)
 - Landscaping requirements
 - PUDs as a way to put conditions on zoning

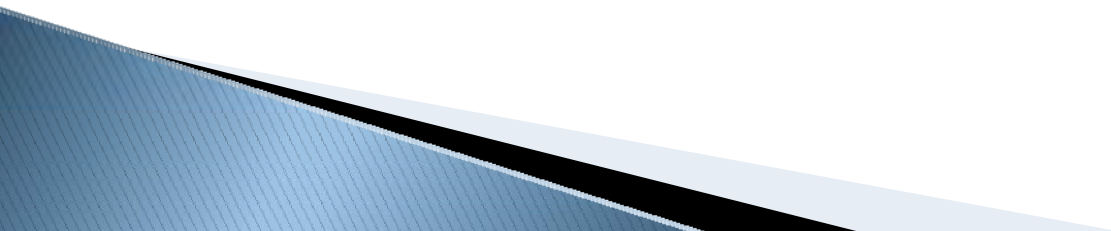
Land Development Process *(cont'd)*

- Process prescribed/constrained by state statute, city ordinances and TMAPC policy
 - Zoning and development is initiated by owner/developer
 - Zoning must be consistent with Comprehensive Plan
 - Ultimate development decisions are market driven – market may delay or change original intention of owners/developers for particular tracts of land
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Role of TMAPC

- Volunteer citizen board
 - Approves Comprehensive Plan
 - Recommends rezoning and zoning code amendments to City Council
 - Approves subdivision regulations and plats
 - Reviews Capital Improvements Plan for conformance to Comprehensive Plan
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Role of Board of Adjustment

- Volunteer citizen board
 - Quasi judicial
 - Considers requests for
 - Special Exceptions
 - Variances
 - Spacing verifications
 - Hears appeals of administrative decisions
 - Interprets text of zoning code and map
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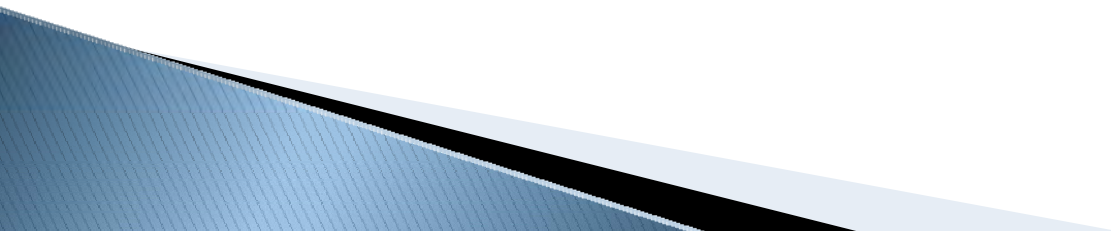
Role of City Council

- Legislative governing body
 - Approves rezoning and PUDs
 - Accepts dedication of rights-of-way and easements through platting process
 - Approves Planning Commission recommended Comprehensive Plan in whole or in part
 - Approves mayoral appointments to TMAPC and BOA

Education

- Monthly training for TMAPC members
- Periodic citizen training at workshops
- Brochures for citizen education
- Web site resources
 - FAQs
 - Zoning Code and maps
 - Guide to Planning and Zoning
 - Suggestions for Presentations
 - Zoning maps (*including PUDs*)

Communication

- Applicants/developers are encouraged to meet with affected neighbors and neighborhood/homeowner associations early in the application process
 - Notices – all notices meet or exceed state law and city ordinances
 - Web site – zoning code, current and historic agendas and minutes, case analysis, staff recommendations, etc.
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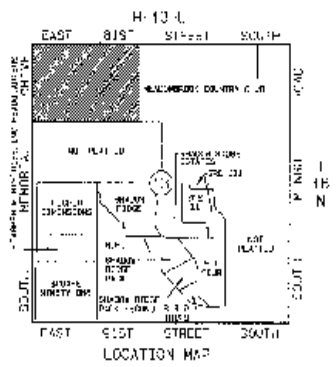
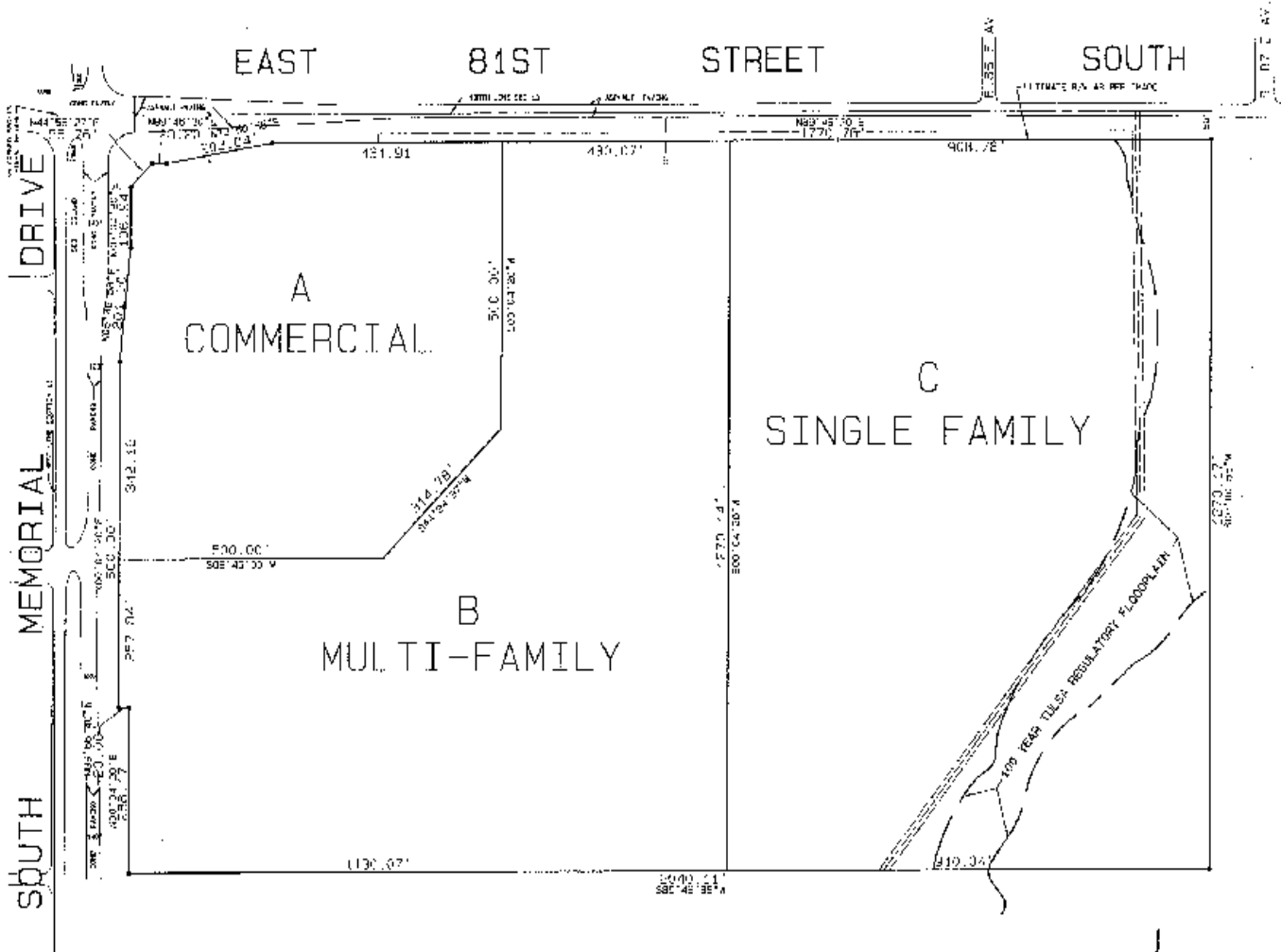
Previous Education and Communication Activities

- Annual planning, zoning and land development workshops for citizens and neighborhood associations – *eliminated due to City of Tulsa budget cuts*
- Greater Tulsa Council and Citizen Planning Teams
 - Established with Vision 2000 Comprehensive Plan in 1970s to provide citizen input at the district level
 - Participation waned with the change to Mayor/City Council form of government and election of City Councilors by district
 - *eliminated due to City of Tulsa budget cuts*

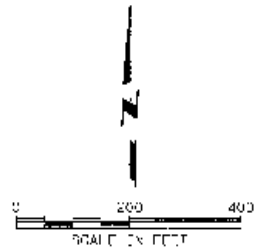
Key Terms

Planned Unit Development

- A type of overlay zoning district that allows the City more control over aspects of development and also allows the developer some flexibility in the development.
- Takes longer than a typical straight zoning case because more review steps are needed. PUDs require development of a concept plan, development standards, a detail site plan, sign plan and landscaping plan.
- Within a PUD, the underlying zoning is not changed, but the flexibility afforded by the process allows the developer, with approval by the City Council, to spread the allowable intensity (*floor area ratio*) over specific development areas potentially the entire property.
- Examples of PUDs include Meadowbrook Plaza (*81st and Memorial*) and Olympia Medical Park (*West 71st Street and U.S. 75*), among others.



Prepared by: Sack and Associates, Inc.



Development Area Map
EXHIBIT 'B'

SOUTH

MEMORIAL

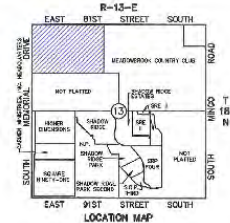
DRIVE

EAST

81ST

STREET

SOUTH



Concept Illustration
EXHIBIT 'A'

Prepared by:  Sack and Associates, Inc.

DATE: 10/1/11
SHEET: 48 OF 58

FLOODPLAIN

4270.00'
400' W. 51' M





S MEMORIAL DR

E 81st ST

E 81st PL

S 84th AV

E 82nd ST

S 84th AV

E 83rd ST

E 84th ST

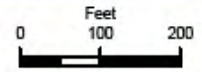
E 84th ST

S 83rd AV

E 84th PL

E 84th PL

S 84th PL



Key Terms

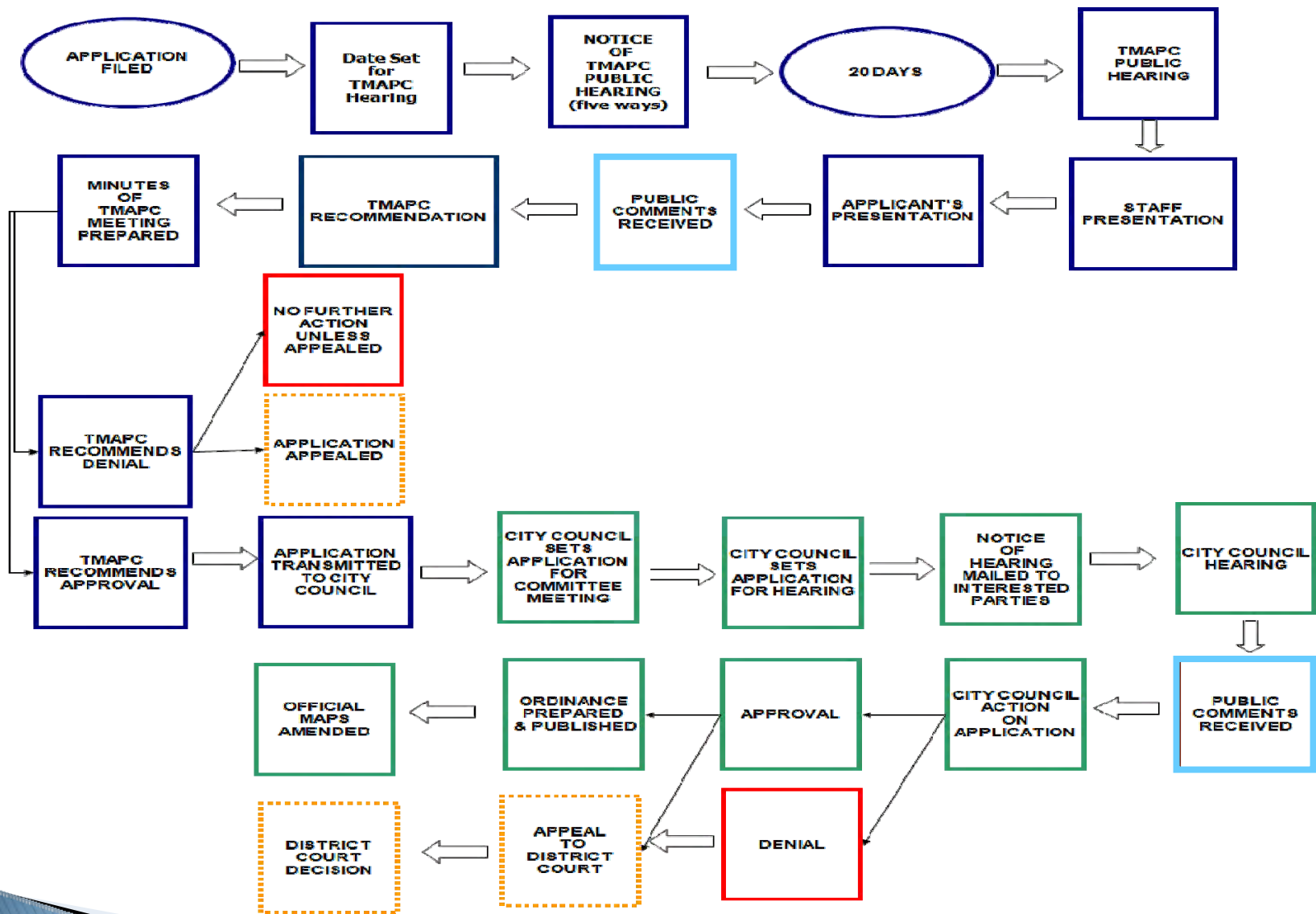
Special Exception

- The Zoning Code specifies uses that may be allowed within particular zoning categories under stated conditions. These must be reviewed on a case-by-case basis by the Board, using the criteria listed in the Zoning Code, and under no circumstance may the Board grant a Special Exception for a use not specified in the Code.

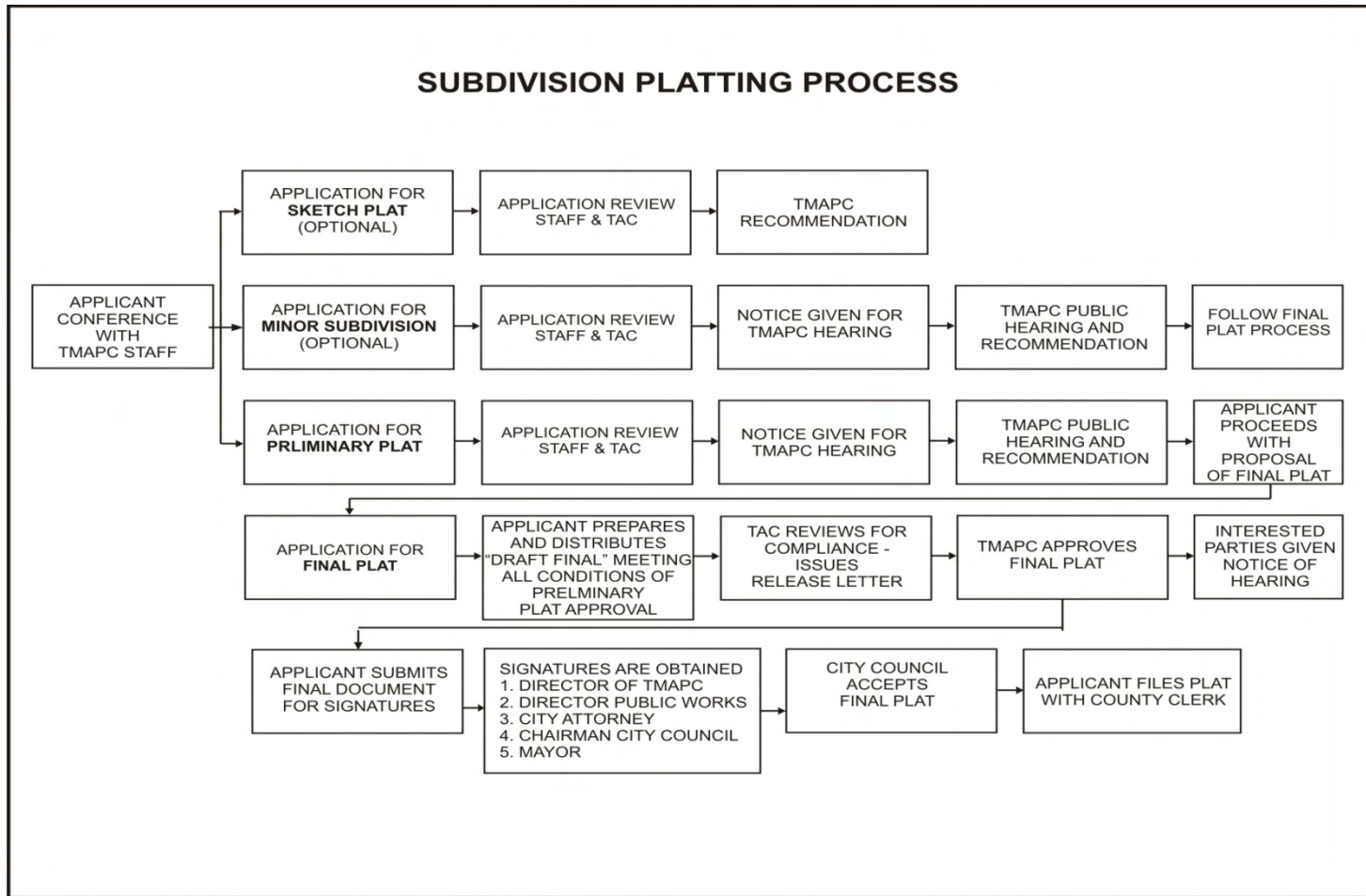
Variance

- A relaxation of a provision of the Code, granted by the Board of Adjustment, where because of some feature unique to the property in question (*exceptional narrowness, topography, shallowness or other extraordinary conditions*) that make strict enforcement of the Zoning Code requirements untenable and thereby create a hardship.
- In granting a variance the Board must find that the condition is unique to the property, does not apply to other properties in the same district and the granting of a variance will not cause substantial detriment to the public good.

Zoning Process



Subdivision Flow Chart



Oklahoma Open Meeting Act

(25 O.S. § 301 et seq.)

- The Act requires notice of regularly scheduled public meetings:
 - Annual meeting schedule posted by December 15th each year
 - Notice must set out date, time, place and agenda for meeting
 - Notice publicly posted 24 hours before the meeting (48 hours before special meetings)

Public Website

(74 O.S. § 3106.2)

- Public bodies shall make available on their Internet website:
 - Information about regularly scheduled meetings
 - Date, time, place and agenda of each meeting
 - Names of members of governing bodies

Notice

TYPE OF APPLICATION	LEGAL REQUIREMENTS	TMAPC/BOA POLICY & PRACTICE
LAND DEVELOPMENT		
Zoning Planned Unit Development (PUD) PUD Major Amendments Historic Preservation District	<p>19 O.S. § 863.26</p> <p>Notice shall be given by:</p> <p>1. Publication in a newspaper of general circulation in the county at least 15 days before the public hearing.</p> <p>City Zoning Code (Title 42, §§ 1703 C, 1107 D, 1107 H, 1054 F)</p> <p>Notice by 3 ways:</p> <p>1. Publication in a newspaper of general circulation 20 days before public hearing;</p> <p>2. Posting notice on property 20 days before public hearing</p> <p>3. Mailing to property owners within 300' of property 20 days before public hearing</p>	<p>Provides notice all three ways:</p> <p>1. Publication in newspaper of general circulation 20 days before public hearing</p> <p>2. Posting notice 20 days before public hearing;</p> <p>3. Mailing to property owners within 300' of property 20 days before public hearing.</p> <p>In addition, notice is also given to:</p> <p>1. Representatives of registered neighborhood associations within 300' of subject property.</p> <p>2. City Councilor within whose district the property lies.</p> <p>3. Adjacent municipalities.</p> <p>4. Tulsa Airport Authority, Corps of Engineers, institutional representatives and any other identified parties as appropriate.</p> <p>5. All cases are posted on the website.</p> <p>Staff discusses cases with applicant and advises all to meet with neighborhood representatives prior to public hearing, and to meet with City Councilor or County Commissioner prior to public hearing before those bodies. Staff and applicant contact names, phone numbers, email addresses are now included on mailings.</p> <p>Staff contacts applicant prior to public hearing.</p>

Notice

TYPE OF APPLICATION	LEGAL REQUIREMENTS	TMAPC/BOA POLICY & PRACTICE
PUD Detail Site Plans (building elevations, lighting, parking, etc.)	Zoning Code (Title 42, § 1107 C) Notice not required except at the request of TMAPC, City Council or Board of County Commissioners as specified with original PUD approval.	<ol style="list-style-type: none"> 1. Notice provided to all parties who have indicated an interest. 2. Notice of public hearing on detail site plans posted on website as part of TMAPC agenda.
PUD Landscape Plans PUD Sign Plans	Zoning Code (Title 42, 1107 C) Notice not required except at the request of TMAPC, City Council or Board of County Commissioners as specified with original PUD approval.	Approved administratively. Notice provided if requested.
PUD Minor Amendment	Zoning Code (Title 42, § 1107 H) Notice by mailing to property owners within 300' 10 days prior to public hearing.	<ol style="list-style-type: none"> 1. Notice by mailing to property owners within 300' 10 days prior to public hearing. 2. Notice of public hearing is posted on website.
Subdivision plats: Sketch Plats Preliminary Plats Minor Plats	19 O.S. § 863.9: No notice requirements specified for subdivision plats. No notice requirements in ordinances or regulations. Subdivision Regulations for TMAPC, Section 2.3(3)(a) for preliminary plats: Requires 15 days written notice to abutting property owners prior to hearing date. Subdivision Regulations for TMAPC, Section 2.4(2)(c) for minor plats: 1. Distribution to agencies/officials within 3 mile radius . 2. Requires 15 days written notice to abutting property owners prior to hearing.	<ol style="list-style-type: none"> 1. Notice to abutting property owners more than 15 days prior to public hearing and notice to all property owners within a 300' radius of property's perimeter. 2. Notice to utilities and franchises, city, county and state operating departments, school districts and any identified interested parties. 3. Notice to any municipalities within a 3-mile radius, and City Planners in the adjacent local jurisdictions.

Notice

TYPE OF APPLICATION	LEGAL REQUIREMENTS	TMAPC/BOA POLICY & PRACTICE
Final Plats:	No notice requirements in ordinances or regulations.	<ol style="list-style-type: none"> 1. Notice given if interested parties involved in PUDs are known about at time plat is presented for final hearing. 2. Notice of public hearing is posted on the website.
Change of access Accelerated building permits Plat waivers	No notice requirement	Reviewed by Technical Advisory Committee. No further notice given, but if appears on a TMAPC agenda, will be posted on the website .
Lot-splits	<p>19 O.S. § 863.10:</p> <p>No notice requirements specified for lot-splits</p> <p>Section 6.3(5)(f) of Subdivision Regulations for TMAPC:</p> <p>For lot splits requiring acquisition of easements or in public streets, notice mailed to abutting property owners 10 days prior to the public hearing.</p>	<ol style="list-style-type: none"> 1. No notice if lot split meets subdivision regulations and no issues with easement or right-of-way. 2. For lot splits involving easements, right-of-way or in staff's opinion require review by additional entities, but not involving a waiver of zoning or subdivision regulations: <ol style="list-style-type: none"> A. City departments or utilities notified. B. Notice to all property owners within 300' of the subject property 15 days before public hearing.
Lot combinations	No notice requirement	<ol style="list-style-type: none"> 1. Staff reviews/approves/disapproves the voluntary combining of lots administratively 2. Planning Commission ratifies staff's decision at next meeting. Agenda posted on website.


Notice

TYPE OF APPLICATION	LEGAL REQUIREMENTS	TMAPC/BOA POLICY & PRACTICE
BOARDS OF ADJUSTMENT		
City Board of Adjustment Special Exceptions Variances Appeals Spacing Determinations	11 O.S. §44-108 and Zoning Code (Title 42 §1603 B1) Notice required by State statute and City ordinance: 1.Publication in a newspaper of general circulation 10 days before public hearing. 2.Mailing of written notice to all property owners within 300' 10 days before public hearing. Zoning Code (Title 42, §1603 B 3) In addition, for Special Exceptions (Use): 3.The posting of a sign on the property at least 10 days before public hearing. Zoning Code (Title 42, 1603 B 1 b) Notice by mail to all property owners within same distance as the spacing requirement.	Notice provided by: 1.Publication in newspaper of general circulation generally 15 days before public hearing. 2.Mailing written notice to property owners within 300' generally 15 days before public hearing. 3.For Special Exceptions (Use), posting of sign on property 10 days before public hearing. 4.For Spacing Determinations, mailing written notice to property owners within same distance as requirement In addition, staff notifies: <ol style="list-style-type: none"> 1. All registered neighborhood associations within 300'of the subject property. 2. Public Works Department—Land Development Division 3. City Councilor 4. City or County operating departments. 5. When appropriate, Tulsa Airport Authority, Corps of Engineers, any adjacent local jurisdictions 6. For appeals, also notified are the original applicant, the Neighborhood Inspector, other administrative officials and any identified interested parties.
Minor variance or special exception	11 O.S. § 44-108 C Zoning Code (Title 42, §1603 B 2) requires: Mailing written notification to all abutting owners 10 days before public hearing.	Notice by mailing to all abutting property owners generally 15 days before public hearing.

Notice

TYPE OF APPLICATION	LEGAL REQUIREMENTS	TMAPC/BOA POLICY & PRACTICE
COMPREHENSIVE PLAN		
Plan adoptions/amendments	<p>19 O.S. § 863.26: Requires 15 days notice by publication in newspaper of general circulation.</p>	<ol style="list-style-type: none"> 1. Publication in newspaper of general circulation for 15 days before public hearing. 2. If lead staff, TMAPC staff notifies and convenes meetings with planning team and any other interested parties to discuss the area's issues, develop recommendations and present for public hearing. 3. Any identified interested parties are notified and sent meeting agendas. 4. Any involved and/or adjacent neighborhood association representatives who are registered with the Mayor's office are notified and sent meeting agendas. 5. All meeting agendas are posted on the website. 6. The City Councilor is kept apprised of progress on the plan/update. 7. The TMAPC is kept apprised of planning activities. 8. If TMAPC is not lead staff, they are kept informed of planning activities by the City Planning Department. 9. Work sessions with the TMAPC are held to review the proposed plans/plan amendments prior to public hearing. 10. Notification of work session and public hearing always includes notification of business/institutional/ industrial property owners as well and the residents.

Conclusion

- Education/Communication is a shared responsibility – owners, developers, realtors, homebuyers, staff, Planning Commission, Board of Adjustment, City etc.
 - Process is not static, improvements are made all the time
 - Some changes can be made easily; some only with adequate funding
 - Highlights of recent changes and recommendations for improving the process will be presented at the next meeting
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PLANNED UNIT DEVELOPMENT

- ▶ A type of overlay district that allows the City more control over aspects of development and also allows the developer some flexibility in the development.
- ▶ Takes longer than a typical straight zoning case because more review steps are needed. PUDs require development of a concept plan, development standards, a detail site plan, sign plan and landscaping plan. Chapter 11 of the City of Tulsa Zoning Code sets forth the requirements for PUD development.
- ▶ Within a PUD, the underlying zoning is not changed, but the flexibility afforded by the process allows the developer, with approval by the City Council, to spread the allowable floor area over potentially the entire property.
- ▶ Examples of PUDs include The Tudors (21st and Main Street) and Olympia Medical Park at West 71st Street and U.S. 75, among others.

PUD MAJOR AND MINOR AMENDMENTS

- ▶ **PUD Major Amendment**

- ▶ Within an existing PUD, a proposal that is a significant change from the original development plan (such as a change from single-family residential development to multifamily development).
- ▶ All notice requirements of the original PUD must be met and a public hearing must be held before the City Council, who have the final approval authority.

- ▶ **PUD Minor Amendment**

- ▶ Proposals within an existing PUD that are in substantial compliance with the spirit and intent of the original PUD Plan and Chapter 11 of the Zoning Code may be deemed minor in nature. Examples include a building setback reduction, variation in allowed building height and locations of permitted accessory buildings. Unless specified as such by the City Council, minor PUD amendments have only a public hearing before the TMAPC.
- ▶ Appeals may be made by any person(s) aggrieved, taxpayer or officer, department, board or City entity by filing notice of appeal with the City Clerk and the Secretary of the TMAPC within 10 days from the date of approval.

PUD Detail Site Plan

- ▶ Following approval of the PUD Development Plan, the applicant must then submit a detail site plan for each development area or lot within the PUD. This plan must include all land uses; locations, size, height and setbacks for all buildings; location and number of off-street parking spaces; utility easements; vehicular and pedestrian circulation systems; access points; and location of all trash enclosures. Building elevation views of all buildings are required.
- ▶ Single-family residential lots do not require detail site plan approval. They are given their final approval when the final plat for the subdivision is approved by the City Council, incorporating all of the deeds of dedication and easements.
- ▶ No permit may be issued for construction within a PUD until a detail site plan has been approved by the TMAPC.

PUD Landscape and Screening Plans

- ▶ These graphically display the original PUD's development standards for landscaping and screening, as recommended by the TMAPC and approved by the City Council. Individual single-family residential lots within PUDs do not require submittal of landscape/screening plans for public hearing, as the TMAPC staff has been granted administrative authority to review and approve these.
- ▶ Landscape plans must meet the minimum requirements set forth in Chapter 10 of the Zoning Code, but the TMAPC and/or City Council may impose greater requirements. Plans must include location, size and type of plant materials and information regarding irrigation of landscaped areas.
- ▶ Screening plans must demonstrate the type of screening material, height and location.

PUD Sign Plan

- ▶ These plans must comply with all approved PUD standards as prescribed by Section 1103 of the Zoning Code and must include location, size, height and setbacks for all signs, as shown on an overall plan for the PUD. The plan must also include an elevation view of each wall on which a sign is to be placed, providing the length and height of the building wall involved and location on the building side where sign is to be placed.
- ▶ The TMAPC has authorized the staff to approve sign plans administratively, unless otherwise advised.

SUBDIVISIONS

- ▶ A division of land into one or more lots, parcels, tracts or areas for the purpose of selling, developing or leasing separately. If five or more lots, division must be through the subdivision process. Subdivision requires the dedication of right-of-way or alignment for existing or planned streets or highways.

PLATS

- ▶ Plat
- ▶ Map detailing a tract of land, indicating the boundaries and location of individual properties and roadways and rights-of-ways, easements, reserve areas and other pertinent improvements. For an individual lot, this would include the building setbacks, easements and any other development issues related to the property. The TMAPC approves Sketch Plats, Preliminary Plats and Plat Waivers. The City Council has no involvement, as a rule. The purpose of a plat (and hence, a legal description) is so that the City and County have a legal description of property within the respective boundaries.
- ▶ Sketch Plat
- ▶ A first conceptual rendering of how a property may be developed, including the required setbacks, ROW dedications and a possible building design. These are submitted to staff for the developer to test the viability of his/her project.

PRELIMINARY AND FINAL PLAT

- ▶ **Preliminary Plat**
- ▶ As defined in the Subdivision Regulations, a preliminary drawing of the proposed manner or layout of the subdivision to be submitted to the TMAPC for approval. This rendition is more detailed and refined than the Sketch Plat.
- ▶ **Final Plat**
- ▶ The most detailed of the proposed property layouts, indicating easements, dedications, setbacks, building lines and any other relevant information. A typical final plat for a subdivision would show streets/ROWs, utility easements, stormwater improvements (if necessary), access, circulation systems and building footprints. These are forwarded to the City Council from the TMAPC for Council's approval and acceptance of easements and ROW dedications.

MINOR SUBDIVISION PLAT AND PLAT WAIVER

- ▶ Minor Subdivision Plat
- ▶ A subdivision plat requiring no new streets (no dedications) and minimal infrastructure extension (i.e., water and/or sewer) and that is handled through a shortened process.
- ▶ Plat Waiver
- ▶ Release from requirement to plat or replat a piece of property. These are usually granted due to the property's having been previously platted. Subdivision of land or Board of Adjustment activities trigger a need for a plat, but the TMAPC may waive this requirement by showing that the Subdivision Regulations have been achieved by previous subdivision or will be achieved by separate instrument..

▶ **Lot**

- ▶ A tract, plot or portion of a subdivision or other parcel of land intended as a unit for the purpose of transfer of ownership or for building development. Lots are legally described (see Plat, above) for legal recording purposes.

▶ **Lot Split**

- ▶ The further division of tracts of land of less than five acres, where not shown of record in the Office of the County Clerk as separately owned. No more than four lots may be split off from a single property without a properly filed subdivision request. If a lot split meets all the regulatory requirements, it may be a candidate for prior approval by staff.

▶ **Lot Combination**

- ▶ One or more adjoining lots voluntarily combined, subject to TMAPC approval, for the purpose of complying with the bulk and area requirements of the Zoning Code and the Subdivision Regulations.

BOARD OF ADJUSTMENT

- ▶ A five-member quasi-judicial body appointed by the Mayor and approved by City Council. The Board is charged with four functions: deciding Variances, Special Exceptions, hearing appeals from a Zoning Official and verifying spacing requirements. Boards of Adjustment are necessary because some attributes unique to a property may not be covered by a Zoning Code and therefore relief is needed. Because it is quasi-judicial, any appeal from a Board action goes directly to District Court.

SPECIAL EXCEPTION

- ▶ **Special Exception**
- ▶ The Zoning Code specifies uses that may be allowed within particular zoning categories under stated conditions. These must be reviewed on a case-by-case basis by the Board, using the criteria listed in the Zoning Code, and under no circumstance may the Board grant a Special Exception for a use not specified in the Code.
- ▶ **Minor Special Exception**
- ▶ Minor uses, slight modifications of design elements or of conditions to a previous grant of a use approved by the Board of Adjustment. Minor Special Exceptions require only notices to abutting property owners prior to public hearing.

VARIANCES

- ▶ Variance

- ▶ A relaxation of a provision of the Code, granted by the Board of Adjustment, where because of some feature unique to the property in question (exceptional narrowness, topography, shallowness or other extraordinary conditions) that make strict enforcement of the Zoning Code requirements untenable and thereby create a hardship.
- ▶ A variance shall not be granted unless three of the five BOA members find all three of the conditions specified in the Zoning Code are met. (Condition must be unique to the property, such conditions do not apply to other properties in the same district and the granting of a variance will not cause substantial detriment to the public good.)

- ▶ Minor Variance

- ▶ The City Council has an approved list of relief elements that may be granted as a minor variance. These are relatively routine and entail only slight relaxation of Code standards, provisions or conditions. Minor variances require only notice to abutting property owners prior to the public hearing.

Appeals from an Administrative Official

- ▶ These may be taken by any person aggrieved or by an officer, department or other governmental entity where it is alleged that there is an error in any order, requirement, decision or determination made by an administrative official in the enforcement of the Zoning Code. The Board may reverse or affirm, wholly or in part, or may modify the order, requirement, decision or determination and in so doing, has all the powers of the officer from whom the appeal is taken.

Spacing Determination

- ▶ The Zoning Ordinance specifies certain uses that require a minimum spacing distance from similar or other uses. The Board is charged with verifying such spacing after staff review of the submitted information and public notice and public hearing on the matters.

Zoning

- ▶ Overlay Zoning District
- ▶ A supplemental zoning district that is typically more detailed and restrictive than the underlying zoning. Like the underlying zoning, overlay districts are enacted by ordinance and have specific standards and requirements that are contained within the ordinance. The only two overlay districts in Tulsa are the Planned Unit Development district and the Historic Preservation district. The latter is largely administered by the Tulsa Preservation Commission. Changes to either overlay conditions require a public hearing and a vote by the City Council to approve.

Corridor District

- ▶ Areas specified on the Comprehensive Plan as being eligible for higher intensity development due to their proximity to high-volume trafficways, accessibility and visibility. These are typically along expressways. No use is permitted by right and all Corridor District rezoning requests must be accompanied by a Corridor Site Plan for public hearing. The Corridor Site Plan must show land uses and intensities as specified in Chapter 8 of the Zoning Code. Corridors were designated to accommodate a variety of mixed land uses that are compatible with each other and with their location. The City Council must approve any corridors.

Uses

▶ Accessory Use

- ▶ Any use or structure on the same lot with, but customarily incidental and subordinate (in size and nature) to the principal use or structure. The Zoning Code specifies size and area requirements for accessory structures, such as detached garages, storage buildings and cabanas. Unless otherwise approved, these are typically located in the rear yards of the principal use. Accessory uses must meet the requirements of the Zoning Code and any changes, whether by Variance or Special Exception, must be approved by the Board of Adjustment. Violations are the purview of the Neighborhood Inspection Department.

▶ Principal Use

- ▶ The main use on a particular lot or parcel for which the lot is either zoned or for which there is a Board of Adjustment action that is applicable. These uses are approved through a public hearing before the TMAPC, which submits a recommendation to the City Council for its approval. The Zoning Code lists allowable uses and Use Units for each zoning designation.
- ▶ Any principal uses not in compliance with the Zoning Code fall within the purview of the Neighborhood Inspections Department.