

7H

REQUEST FOR ACTION: ORDINANCE

Version: 01/27/2014

AGENDA FOR: MAYOR COUNCIL AUTHORITY: TMAPC DATE: December 2, 2016
Tulsa City Clerk's Office: 596-7513 or 596-7514

FOR INFORMATION CONTACT:

DEPARTMENT: TMAPC CONTACT NAME: Susan Miller
ADDRESS: 2 West 2nd St. Ste. 800, Tulsa, OK 74103 TELEPHONE: (918) 579-9470

ORDINANCE # 23617

SUBJECT: ZCA-2, Zoning Code amendments regarding driveway width

ORDINANCE TYPE: AMENDING ZONING CODE BA or CT #: _____
AMENDMENT OF ORD#: _____ TRO TITLE: _____ TRO SUBTITLE: _____ PLANNING DISTRICT: _____
ZONING #: _____ SSID: _____ PUD #: _____ PROP/NON-PROP: _____ COUNCIL DISTRICT: _____

SUMMARY:

Applicant: Land-Use Administrator (Susan Miller), 2 West 2nd Street, Suite 800, Tulsa, OK-74103

Summary: ZCA-2 - Proposed amendments to the City of Tulsa Zoning Code to:

1. Amend Section 30.010-I 2 c (9) of the Zoning Code to provide that within a Planned Unit Development (PUD) certain amendments pertaining to driveway width and coverage may be processed as minor amendments.
2. Amend Section 55.090-F 3 of the Zoning Code to exempt certain properties from the maximum driveway width ~~requirements~~ established by that section.

APPROVED BY MAYOR
CITY OF TULSA
JAN 18 2017

BUDGET:

FINANCE DIRECTOR APPROVAL:

FUNDING SOURCE: N/A

REQUEST FOR ACTION: All department items requiring Council approval must be submitted through the Mayor's Office.

On November 16, 2016 TMAPC voted 6-0-1 to recommend the City Council approve the proposed amendments to the City of Tulsa Zoning Code per staff recommendation

DEPARTMENT HEAD APPROVAL: Susan Miller

DATE: 12/2/2016

CITY ATTORNEY APPROVAL: _____

BOARD APPROVAL: _____

MAYORAL APPROVAL: [Signature]

JAN 18 2017

OTHER: _____

FOR CITY COUNCIL OFFICE USE ONLY:

COMMITTEE: VAD COMMITTEE DATE(S): 12-14-16 DATE RECEIVED: 12-2-16
HEARING DATE: _____ SECOND AGENDA DATE: 1-11-17 FIRST AGENDA DATE: 12-14-16
APPROVED: _____

For City Clerk's Office Use Only (Agenda Date: MMDDYYYY; Sec #: Dept #: Item #: Sub-Item #: Status: S=Synopsis):

01 - 18 - 2017 2 22 01

TMAPC Public Hearing Staff Report
November 16, 2016
ZCA-2, Chapter 30 & Chapter 55, Driveway Width

Item: Public hearing to provide a recommendation to City Council regarding adoption of amendments to the City of Tulsa Zoning Code Section 30.010-I 2 c (9) (Minor amendments of Planned Unit Developments) and Section 55.090-F 3 (Maximum width of residential driveways in RE and RS Districts)

- A. Background:** The new Zoning Code became effective for the City of Tulsa on January 1, 2016. The new code included different provisions for driveway width than existed in the previous code. The new code prescribes maximum width of driveways both in the right of way and on the lot. The only relief from those dimensional requirements is provided through the special exception process at the Board of Adjustment. Public feedback indicates that in PUDs, relief should be available through the amendment process. The following proposed revisions permit increases in maximum allowed driveway width to be approved as an amendment to a PUD.

In addition, the proposed amendment states that the maximum driveway widths prescribed in the new code do not apply if a variance of maximum driveway coverage measured by width, square footage or percentage of the yard was granted and in instances where development standards in PUDs specify maximum driveway coverage.

The proposed amendments to the Tulsa Zoning Code, Title 42 Tulsa Revised Ordinances (the Zoning Code), include: **(See Attachment I for ~~strike through~~/underline version of changes)**

1. Amendment of Section 30.010-I 2 c (9) of the Zoning Code to provide that within a Planned Unit Development (PUD) certain amendments pertaining to driveway width and coverage may be processed as minor amendments.
 2. Amendment of Section 55.090-F 3 of the Zoning Code to exempt certain properties from the maximum driveway width regulations established by that section.
- B. Staff recommends APPROVAL** of proposed amendments to the City of Tulsa Zoning Code Section 30.010-I 2 c (9) (Minor amendments of Planned Unit Developments) and Section 55.090-F 3 (Maximum width of residential driveways in RE and RS Districts) as attached.

REVISED
Attachment I

Chapter 30 | Legacy Districts

Section 30.010 PUD, Planned Unit Development (Legacy) District

30.010-I Amendment to Approved Plans

2. Minor Amendments

- c. The following may be processed as minor amendments:

- (9) Changes in structure heights, building setbacks, yards, driveway coverage measured by width, square footage or percentage of the yard, 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;

Chapter 55 | Parking

Section 55.090 Parking Area Design

55.090-F Surfacing

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, or, if in a PUD, in accordance with the amendment procedures of Section 30.010-12.

Maximum Driveway Width	RE	RS-1	RS-2	RS-3	RS-4	RS-5
Within Right-of-Way (feet)	20	20	20	20	20	12
On the Lot (Outside ROW) (feet)	30	30	30	30	20	12

In instances where a variance of maximum driveway coverage measured by width, square footage or percentage of the yard has been granted, and in PUDs where development standards specify such maximum driveway coverage, the foregoing maximums do not apply.

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

16.2

material, Mr. Atkins believes this should be for all Historic Districts so there isn't the fight against vinyl or plastics or whatever new material comes up. Mr. Atkins would like the Brady Heights recommendation extended to all 5 Historic Districts. Mr. Atkins stated page 19 Section B regarding the metal roof issue, Mr. Atkins is against the recommendation because there are other materials out there to do the roof correct besides asphalt shingles. Mr. Atkins would like the section about replacing the roof on moved houses clarified to state if it had been torn off before moving or after. Mr. Atkins is asking for a continuance until after the next TPC meeting which is December 8, 2016.

Mr. Shear stated the demolition is per zoning code 60 day moratorium. Mr. Shear stated as for home owners or property owners who don't have access to the internet a flyer of the public meeting was mailed out to all property owners in all districts. There were 4 public meetings to review the guidelines or request a copy from staff. Mr. Shear stated the window provision comments were considered and the commission voted to leave them as they are because it allows more flexibility to review on a case by case basis. Mr. Shear stated the Historic Preservation Commission has done its due diligence through public meetings and mailing and would like the planning commission to recommend approval to the City Council of the proposed revisions.

Mr. Midget asked Mr. Shear how the revisions of windows in Brady Heights have changed.

Mr. Shear answered he was not aware of any provisions changing that would make Brady Heights guidelines more stringent.

TMAPC Action; 7 members present

On **MOTION** of **REEDS**, TMAPC voted **7-0-0** (Covey, Fretz, Midget, Millikin, Reeds, Shivel, Walker, "aye"; no "nays"; none "abstaining"; Carnes, Dix, Stirling, Willis "absent") to **RECOMMEND APPROVAL** of the proposed revisions to the Tulsa Preservation Commission Unified Design Guidelines per staff recommendation.

Mr. Covey stated to staff a work session would be good to discuss things that would be beneficial to potential homeowners that would be included on abstracts things such as land use designations.

DRAFT

16 ZCA-2 Public hearing to provide a recommendation to City Council regarding adoption of amendments to the City of Tulsa Zoning Code Section 30.010-I 2 c (9) (Minor amendments of Planned Unit Developments) and Section 55.090-F 3 (Maximum width of residential driveways in RE and RS Districts).

REVISED
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Chapter 30 | Legacy Districts

Section 30.010 PUD, Planned Unit Development (Legacy) District

30.010-I Amendment to Approved Plans

2. Minor Amendments

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Chapter 55 | Parking

Section 55.090 Parking Area Design

55.090-F Surfacing

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, or, if in a PUD, in accordance with the amendment procedures of Section 30.010-12.

Maximum Driveway Width	RE	RS-1	RS-2	RS-3	RS-4	RS-5
Within Right-of-Way (feet)	20	20	20	20	20	12
On the Lot (Outside ROW) (feet)	30	30	30	30	20	12

~~In instances where a variance of maximum driveway coverage measured by width, square footage or percentage of the yard has been granted, and in PUDs where development standards specify such maximum driveway coverage, the foregoing maximums do not apply.~~

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

INTERESTED PARTIES COMMENTS:

Brandon Jackson 11545 East 43rd Street, Tulsa, OK 74128

Mr. Jackson stated he is the current president of the Home Builders Association and is in agreement with staff's recommendation based on the PUD structure however; this change is causing problems with customers. Customers with straight zoned lots prefer 30 foot driveways. Mr. Jackson stated the customer was shown a 30 foot driveway with the model home. Mr. Jackson stated they could go to Board of Adjustment but that was another 90 day delay.

Allen Jenkins 10901 South Memorial Drive, Tulsa, OK 74133

Mr. Jenkins stated he is a local home builder and the past president of the Home Builders Association. Mr. Jenkins stated him and his partners developed an addition in the City of Tulsa called Cypress Creek and have been building in Cypress Creek for about 10 years. Mr. Jenkins stated they put model homes in the addition and sell homes off the model homes. In the past 10 years about 200 homes have been built in Cypress Creek. Mr. Jenkins stated he was one of the builders caught in this change. Mr. Jenkins stated he sold one of his customers a house based off of the model home that had a three car wide driveway and Mr. Jenkins built the customers house with a three car wide driveway. Mr. Jenkins stated the change became effective this year and when Mr. Jenkins went to get final inspection Mr., Jenkins was given an official notice from Kevin Mitten that the driveway was poured past the 20 foot limit and gave Mr. Jenkins an application for a temporary use permit. Mr. Jenkins said there are people living in the home but he did not have a final inspection on the home. Mr. Jenkins was also given the Board of Adjustment phone number to apply for variance. Mr. Jenkins stated all the houses in this neighborhood have 3 car garages and driveways and his customers ask why they couldn't have a 3 car drive when

people across the street have one. Mr. Jenkins stated those are the problems he has run into.

Ms Miller stated staff realizes this is a desired amenity for some home owners and there is an option in the zoning code to get there. This was a deliberate point of discussion of the zoning code citizen Advisory Team and from a planning perspective driveway width can impact the character of the neighborhood. It's important to respect the character of the neighborhood and that is the reason this regulation is drafted this way.

Ms. Miller stated the intent was not to prohibit PUD's that were approved for wider driveways or if approved for a variance for wider driveways.

Mr. Reeds stated the Home Builders Association participated in the writing of the Zoning Code at a very high level so how did arrive at something that didn't work for builders. Were there disagreements expressed during the development of the zoning code which has been effect since January 2016.

Ms. Miller stated there were discussions but in the end this was not something people were having issues with.

Mr. Midget stated the intent was not to prohibit PUD's from finishing out their projects just as planned, but there are other issues with the ordinance in the zoning code as written but that is something for a future discussion because what we discussed with the citizen advisory team was how to protect the character of an existing neighborhood from the one offs that ruin the character of the neighborhood.

Mr. Walker asked Ms. Miller when you say impact the character of the neighborhood specifically how is it impacted.

Ms. Miller answered even though the citizen advisory team kept reminding themselves this would have city wide impacts, the team kept going back to infill situations. The character of a neighborhood is smaller driveways 12 feet 20 feet and then you have one driveway that is 30 feet when you look down the street that drastically changes the character of the neighborhood when you start adding those into existing neighborhoods.

Mr. Fretz asked what the process was to change the zoning code to widen the driveways to 30 feet instead of going to Board of Adjustment and paying 400 to 500 dollars every time even if they don't approve the application.

Ms. Miller answered that is something that would need discussion because there would be people on both sides of the issue. There may be a compromise there but not everyone is on board with opening it up so everyone could do that.

Mr. Reeds stated that in other cities there are formulas based on the lot size to determine what size the Driveway can be, has that been looked at.

Ms. Miller stated in general that is the methodology here.

TMAPC Action; 7 members present:

On **MOTION** of **MIDGET**, TMAPC voted **6-0-1** (Covey, Midget, Millikin, Reeds, Shivel, Walker "aye"; no "nays"; Fretz, "abstaining"; Carnes, Dix, Stirling, Willis "absent") to recommend **ADOPTION** of the amendments to the City of Tulsa Zoning Code Section 30.010-1 2 c (9) (Minor amendments of Planned Unit Developments) and Section 55.090-F 3 (Maximum width of residential driveways in RE and RS Districts) per staff recommendation.

17. Commissioner Comments

Mr. Midget stated the discussion about driveway widths should be revisited after the first of the year to look at how this can be adjusted to accommodate both the character of the neighborhood and the buyer's preference. Mr. Midget gave example of North Tulsa Heritage Hills area North of Pine near Carver school where there is new housing. The buyers want the 3 car garages but there are a lot of old houses with single car garages. So there needs to be a balance.

Mr. Covey stated to staff to put this on a work session.

Mr. Fretz stated what concerns him about the 3 car driveways is people want them and if we make them too hard to get they may go to adjoining community and buy. That would lose taxes for Tulsa and would be a huge economic impact.

ADJOURN

TMAPC Action; 7 members present:

On **MOTION** of **SHIVEL**, TMAPC voted **7-0-0** (Covey, Fretz, Midget, Millikin, Reeds, Shivel, Walker "aye"; no "nays"; none "abstaining"; Carnes, Dix, Stirling, Willis "absent") to **ADJOURN** TMAPC meeting 2734.

There being no further business, the Chair declared the meeting adjourned at 3:35 p.m.,

Date Approved: _____

(Published in the Tulsa World

January 23, 2017)
ORDINANCE NO. 23617

AN ORDINANCE AMENDING TITLE 42, TULSA REVISED ORDINANCES, TITLED "ZONING AND PROPERTY RESTRICTIONS" (THE TULSA ZONING CODE), CHAPTER 30 "LEGACY DISTRICTS", SECTION 30.010-I 2 c (9) TO PROVIDE FOR PROCESSING CERTAIN AMENDMENTS TO PLANNED UNIT DEVELOPMENTS PERTAINING TO DRIVEWAY WIDTH AND COVERAGE AS MINOR AMENDMENTS; AND AMENDING CHAPTER 55 "PARKING" OF SAID TITLE 42, SECTION 55.090-F 3 TO EXEMPT CERTAIN PROPERTIES FROM THE MAXIMUM DRIVEWAY WIDTH REGULATIONS ESTABLISHED BY THAT SECTION; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith; AND DECLARING AN EMERGENCY.

BE IT ORDAINED BY THE CITY OF TULSA:

Section 1. That Title 42, Chapter 30, Section 30.010-I 2 c (9), Tulsa Revised Ordinances, be and the same is hereby amended to read as follows:

"(9) Changes in structure heights, building setbacks, yards, driveway coverage measured by width, square footage or percentage of the yard, 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;"

Section 2. That Title 42, Chapter 55, Section 55.090-F 3, Tulsa Revised Ordinances, be and the same is hereby amended to read as follows:

"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, or, if in a PUD, in accordance with the amendment procedures of Section 30.010-I2.

Maximum Driveway Width	RE	RS-1	RS-2	RS-3	RS-4	RS-5
Within Right-of-Way (feet)	20	20	20	20	20	12
On the Lot (Outside ROW) (feet)	30	30	30	30	20	12

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

Section 3. SEVERABILITY CLAUSE. That if any section, sentence, clause or phrase of this ordinance or any part thereof is for any reason found to be invalid by a court of competent jurisdiction, such decision shall not affect the validity of the remainder of this ordinance or any part thereof.

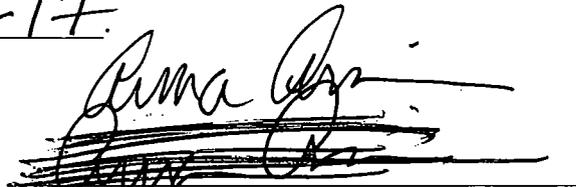
Section 4. REPEAL OF CONFLICTING ORDINANCES. That all ordinances or parts of ordinances in conflict herewith be and the same are now expressly repealed.

Section 5. EMERGENCY CLAUSE. That an emergency is now declared to exist for the preservation of the public peace, health and safety, by reason whereof this ordinance shall take effect immediately from and after its passage, approval and publication.

ADOPTED by the Council: 1-11-17
Date


Chair of the Council

ADOPTED as an emergency measure: 1-12-17
Date


Chair of the Council

OFFICE OF THE MAYOR

Received by the Mayor: _____, at _____
Date Time

G.T. Bynum, Mayor

By _____
Secretary

APPROVED by the Mayor of the City of Tulsa, Oklahoma:

JAN 18 2017, at _____
Date Time



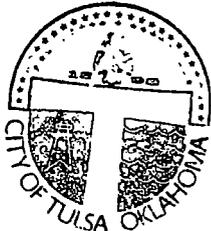
G.T. Bynum, Mayor

(Seal)

ATTEST:



City Clerk



APPROVED:



City Attorney ADO