

PlaniTulsa and the new Zoning Code bring big changes

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It has been over three years since the PlaniTulsa comprehensive plan was conducted, and the resulting zoning code changes have finally appeared in the form of a draft for public review.

The proposed code can be downloaded in pdf format at the City of Tulsa website at <http://zoningcode.planittulsa.org/>

On the same page, there is a link to Big Changes that makes it plain that this is a zoning code that intends to promote density:

"PlaniTulsa recommends policies that promote a more livable, pedestrian-friendly and cost-efficient city. One way that zoning can support this is by making it easier to increase development density that follows standards for urban design and appropriate location. The proposed Zoning Code Update defines several new types of development that, in parts of Tulsa and other cities, has already proven to work well for owners, neighbors, and citizens."

The page goes on to describe how the new code will "encourage mixed-use development", is "reducing parking requirements", provide "regulations that fit the context", are "powerful tools for unique projects", and provide "improved efficiency".

The proposal is long - slightly over 300 pages - but I suppose that is something to be grateful for. Denver's code is over 1,000 pages.

I have only begun to study it. I have scanned about half of it looking for words and phrases, looking for catchwords that are characteristic of form-based codes.

The phrase "urban growth boundary" does not occur in the document. The question will be whether or not it is included in the document conceptually without actually being called as such.

An urban growth boundary is something that is intended to confine development to a particular area, primarily to force dense development. In some cases, the boundary is defined with lines on a map outlining where construction will not be allowed, such as an area that surrounds a city.

In other cases, an urban growth boundary can be done with policies and decisions by planning commissions or other governmental bodies. It could be done through the taking or purchase of land to set aside as "open areas," which would be distributed throughout the city. It could be done by denying a permit for one developer in favor of another, simply because one proposes a development that is denser than the other.

Another phrase that I specifically looked for is "form-based", as in a form-based code.

It actually appears twice in the proposed code, but not in defining itself as such. The two references to a form-based code refer to one that already exists in our current code, which applies only to a specific area of town that has been designated as a trial area.

The new code refers to something called a Master Planned District (MPD), and it describes our first and only form-based code area as Tulsa's first MPD, so apparently there are more to come.

The phrase "property rights" does not appear in the new code. The word "rights" appears numerous times as in "rights-of-ways", but only once in reference to actual property rights. In that case, it was specific to homeowners in Historic Preservations districts.

Who will be subject to the new code? Eventually, anyone who has property in Tulsa will be affected, although there is some immunity for those who began their projects under the old code. However, even that is limited. Section 1.110-A states that "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."

In other words, hope that you don't hit any delays during the construction of your project that pushes completion beyond the time period allowed by the permit, otherwise you will be forced to comply with the new code.

In virtually all cases, the rules of a form-based code (and to a lesser degree our current codes) can be imposed without the consent or vote of the people. It can be changed at will to satisfy those who are making the decision. It sets up neighbor against neighbor and citizen against local government as people attempt to prevent violation of their property rights.

I will be studying this proposed code over the coming weeks, and hope to have more comments soon. But at the outset, I am not optimistic that the camel hasn't pushed his nose under the tent, meaning that once the new code is in place, it can become even more obtrusive over time. Perhaps a thousand pages isn't so far away.



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