

Questions remain about Tulsa's proposed zoning code

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By [Randy W. Bright](#)

Last week was the beginning of what will be a series of articles regarding Tulsa's new proposed zoning code.

I attended a meeting held by Kirk Bishop of Duncan Associates, the consultant who has written the new code, and who has been holding public forum meetings to present it.

The meeting I attended was hosted by Mill Creek Lumber & Supply Association of Greater Tulsa. Mr. Bishop's presentation was understandably focused on the concerns of homebuilders, so it was not a comprehensive or broad presentation of the entire proposed code.

The presentation, according to Mr. Bishop, was the thirtieth one he had conducted. I was only aware of two of those, the one I attended and one that had been done for the local chapter of the AIA (American Institute of Architects). I received an invitation to that presentation, as all of our members did, but I was not able to attend because I was out of town on that date. I hope that the city would make a better effort to publicize these events because of the importance of what is actually being done.

There were perhaps about 25 people at the meeting I attended, and I presume most were homebuilders. Of those, only about a half dozen had questions about the new code, and most were directed at more specific topics rather than the overall content of the code.

One concern in particular was in regard to PUD's (Planned Unit Development). Bishop explained that while existing PUDs would remain, the new code was eliminating them in favour of Master Planned Developments.

After the others had exhausted their questions, I expressed my concern about the statements made on the PlaniTulsa website regarding the code's focus on developing density, and whether or not an Urban Growth Boundary (UGB) was going to be a part of the code.

I stated within my question to Mr. Bishop that density really could not be achieved without a UGB, and that a UGB could be a line on a map, a policy or even an attitude within governing bodies. He assured me that the code draft did not contain a UGB and he knew of no efforts being made to create one.

I had at the time of my question already done word searches of the code and a cursory page-by-page review of the code, and was already aware that the phrase Urban Growth Boundary did not appear in the code draft. I believe that he was sincere in his answer, and one other person (who I knew and trusted)

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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