

Will Tulsa's new zoning code offer more or fewer options?

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As I have continued to study the Public Review Draft of the proposed Tulsa Zoning Code Update, I have become very concerned about one thing in particular as it relates not only to possible church development in Tulsa, but other commercial and mixed use developments as well.

The Public Review Draft is available on the PlaniTulsa website; however, it has not been heavily publicized. Though it was apparently released back in February, I was not made aware of its existence until sometime in April.

The public review period ends in mid-June, giving the public little time to scrutinize it.

As I wrote last week, I attended a meeting held last month in which I was able to hear something about the proposed code from its author. Among the things I heard at the meeting that concerned me, I would like to address in this article the fact that new Planned Unit Developments (PUDs) are not going to be allowed in the new code. For those who are not familiar with PUDs, an explanation.

Our current zoning code, as well as thousands of other cities, have used a Euclidean model developed in 1926 in the city of Euclid, Ohio. It segregates areas of the city according to their general uses - residential, commercial, industrial and so on.

The problem with this type of zoning model is that it did not provide for mixed use, which was actually common in those days. For example, go down any small town main street in America and you will see rows of multi-storied business buildings, in which the first story was occupied by retail and service businesses, and the upper floors were occupied by residential apartments. This scenario became illegal under the Euclidean code.

PUD's were developed in the 1950s to overcome this flaw, and essentially what they allowed was for a property owner or developer to write their own rules for the development of their property. It made possible the construction of mixed-use development as well as any other kind of project that couldn't fit into any of the established zones.

The Euclidean codes have been criticized heavily for being too rigid and for not allowing for mixed use, and to this day, even with the existence of PUDs, they are criticized for not allowing mixed use.

The problem has never been that mixed uses weren't allowed.

They have been allowed for many decades within existing zoning codes. The problem is that the approval process involved winning the approval of planning commissions, city staff and mayors, and that even though there have been far more PUDs approved than not, urban planners would like for you to believe that they rarely obtained approval, and that we need a code that will give us more choices.

So what we are being told by urban planners now is that we need a new kind of code, the Form-Based Code (FBC). FBCs come with their own set of rules designed to bring about a "desired outcome" - that is, establishing a kind of look, or even theme, to development in order to achieve a particular look that planners want.

The district that is going to replace PUDs in our new code is the Master Planned Development District, or MPD. I will speak in greater length in my next article about the MPD, but here are a few highlights found on pages 25-18 and 25-19 of the Public Review Draft. Bear in mind that I was told in the meeting last month that the MPDs are Form-Based Codes.

MDPs are described as "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." In particular it aspires to bring about a "variety of housing types," "compact, mixed-use development patterns," "a transportation network," "buildings and other improvements that by their arrangement, massing, design, character and site design elements establish a quality, liveable environment," "incorporation of open space amenities," "low-impact development (LID)" and "flexibility and creativity in responding to social, economic and market conditions."

Furthermore, someone who wants to develop with a MPD will be subjected to criteria that questions "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."

So does the elimination of PUDs and the establishment of MPDs result in more or fewer options? More on that next week.



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