

Tulsa's new zoning code could affect agricultural space

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In last week's article regarding my study of the Public Review Draft of the proposed Tulsa Zoning Code, I alluded to the fact that I believed that it contains an Urban Growth Boundary (UGB).

Wikipedia defines a UGB as "a regional boundary, set in an attempt to control urban sprawl by mandating that the area inside the boundary be used for higher density urban development and the area outside be used for lower density development."

While this is a reasonably accurate definition, UGB's are not always as obvious as a line on a map labelled as such. A UGB can also be imposed by in-house policies that are not widely published, or even by a city planner with strongly held opinions about how land should be developed.

For instance, I am aware of a franchise that planned to build one of their stores in a city in Arkansas. The franchise developed a site plan that not only met the city's published minimum parking requirements, but also provided the minimum number of spaces they knew that, from experience from hundreds of their other stores, they needed to make the store cash flow. Even though their current code did not require it, the city planner refused to issue a permit unless they reduced the number of parking spaces and replaced them with green space. The franchise saw that as a money-loser and abandoned the project.

In the case of the proposed Tulsa Zoning Code, it is a bit more complicated.

On page 25-1 of the proposed draft, section 25.020-A defines the purpose of an AG (agriculture) district as follows:

"The AG, Agricultural district is primarily intended to accommodate agricultural, mining, or mineral processing uses in rural areas. The district also allows very low-density residential and other uses and *serves as a holding zone pending an orderly transition to more urban development that can be efficiently served by public facilities and services.*" (italics mine)

Is this a great departure from how the AG zone is currently defined? Since at least 1994 (the oldest copy I could find in my office records), it has been defined as a zone designed to "A. Encourage and protect agricultural land until an orderly transition to urban development may be accomplished," "B. Discourage wasteful scattering of development in rural areas" and "C. Obtain economy of public fund expenditures for improvements and services."

So one could argue that the city has intended to regulate agriculturally zoned land in a way that could be perceived as a UGB, but I am only aware of only one case where that might have been

abused. In that instance, someone who wanted to build low-density housing on their property abandoned the project after being delayed too long in getting an approval. The entity that purchased that property submitted a high-density development and received a quick approval.

The primary difference between the two definitions is found in the phrase “serves as a holding zone”. If you are someone who owns AG zoned property within city limits, how will you feel about your investment when you learn that your property has been effectively placed in a holding zone?

There is still a large amount of property in the City of Tulsa that is zoned AG, and you can see it on the zoning map on the city’s website. As one might assume, there are a lot of AG properties around the perimeter of the city, but there are also numerous areas scattered throughout the interior of the city.

The other key phrase in the new definition is “very low density residential and other uses”. Does this mean “very low density residential” and “other uses”, or does it mean very low-density residential and very low density other uses? Does this mean that the city will only allow something small enough that it can be easily removed later to make room for high-density development? Will a church be allowed to build in an AG district, even though the new code says that they will be under a Special Exception (as is the current code)? How about other businesses, such as industry, that, like churches, look to AG areas to build new facilities?

One could argue that since the AG districts are being slated for high-density development, AG properties will increase in value. One should also remember that open space is a part of high-density development, so winners and losers will be selected according to whose property is selected for high-density development or open space.

The new code does, in fact, contain a UGB, even if it is a “soft” one. Its impact will all depend on how it is interpreted and who has the power to interpret and enforce it.



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