7-K.

REQUEST FOR ACTION: ORDINANCE

Version: 01/27/2014

AGENDA FOR: [X] MAYOR [X] COUNCIL AUTHORITY: [TMAPC] DATE: March 27, 2018

Tulsa City Clerk's Office: 596-7513 or 596-7514

FOR INFORMATION CONTACT:

ORDINANCE # 23904

DEPARTMENT: TMAPC CONTACT NAME: Susan Miller

ADDRESS: 2 West 2nd St. Ste. 800, Tulsa, OK 74103 TELEPHONE: (918) 579-9470

SUBJECT: ZCA-7, Healthy Neighborhoods Overlay

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: Tulsa City Council, 175 E. 2nd Street, 4th Floor, Tulsa, OK 74103 (related to SA-3)

Summary of ZCA-7: The proposed amendments to the City of Tulsa Zoning Code will add Section 20.060 establishing the regulations of a Special Area (SA) overlay district (Healthy Neighborhoods Overlay); to amend Section 10.020 Table 10-2, Section 15.020 Table 15-2, and Section 25.060 Table 25-7 to include Small Box Discount Stores and Grocery Stores as specific uses; to amend Section 10.020-G, Section 15.020-G and Section 25.060-B.3 to include Table Notes for Small Box Discount Stores; to amend Section 35.050-L to include Small Box Discount Stores and Grocery Stores as specific retail use types; and to amend Section 55.020 Table 55-1 to establish minimum motor vehicle parking ratios for Small Box Discount Stores and Grocery Stores.

APPROVED BY MAYOR
CITY OF TULSA
APR 16 2018

Approved By
City Council On
APR 11 2018

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 March 21, 2018 TMAPC voted 7-3-0 to recommend the City Council deny the proposed amendments (ZCA-7) to the City of Tulsa Zoning Code

DEPARTMENT HEAD APPROVAL: Susan Miller DATE: 3/27/2018

CITY ATTORNEY APPROVAL:

BOARD APPROVAL:

MAYORAL APPROVAL: PRO-TEM APR 16 2018

OTHER:

FOR CITY COUNCIL OFFICE USE ONLY: 18-162-1 DATE RECEIVED: 3-27-18

COMMITTEE: UED COMMITTEE DATE(S): 4-4-18 FIRST AGENDA DATE: 4-4-18

HEARING DATE: SECOND AGENDA DATE: 4-11-18 APPROVED:

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

04-16-2018	2	23	04		

[redacted]

ORDINANCE

Dept:

TMAPC

BA, CT or MT #: **

Subject:

ZCA-7, HEALTHY NEIGHBORHOODS OVERLAY

Ordinance Type:

AMENDING ZONING CODE

Num of Ord Amen -ded: **

Zone Num: **

Planning District: **

SSID #: **

PUD #: **

TRO TITLE: **

TRO Subtitle: **

Prop/ Non-Prop.: **

'----- For City Clerk's Office Use Only * Data For Scanning * Please Do Not Alter -----

(Published in the Tulsa World

April 21, 2018.)

ORDINANCE NO. 23904

AN ORDINANCE AMENDING THE TULSA ZONING CODE, TITLE 42 TULSA REVISED ORDINANCES (HEREINAFTER "TITLE 42"), BY AMENDING **CHAPTER 20, OVERLAY DISTRICTS,** TO ADD SECTION 20.060 ESTABLISHING A NEW OVERLAY ZONING DISTRICT TITLED "HEALTHY NEIGHBORHOODS OVERLAY", DESIGNATED BY THE ABBREVIATION "HNO", ESTABLISHING PROVISIONS RELATED TO PURPOSE AND INTENT AND APPLICABILITY OF THE OVERLAY DISTRICT, ESTABLISHING REGULATIONS PERTAINING TO SMALL BOX DISCOUNT STORES AND COMMUNITY GARDENS WITHIN THE OVERLAY DISTRICT, ESTABLISHING REQUIRED OFF-STREET PARKING FOR GROCERY STORES LOCATED WITHIN THE OVERLAY DISTRICT, AND PROVIDING FOR EXEMPTIONS AND NONCONFORMITIES; AMENDING **CHAPTER 35, BUILDING TYPES AND USE CATEGORIES**, TO AMEND SECTION 35.050-L1, CONVENIENCE GOODS, AND SECTION 35.050-L2, CONSUMER SHOPPING GOODS, ADDING SECTION 35.050-L4, TITLED "SMALL BOX DISCOUNT STORE", AND ADDING SECTION 35.050-L5, TITLED "GROCERY STORE"; AMENDING **CHAPTER 10, MIXED-USE DISTRICTS**, TO AMEND SECTION 10.020, TABLE 10-2, MX DISTRICT USE REGULATIONS AND TO AMEND SECTION 10.020-G TO ADD TABLE NOTE [2]; AMENDING **CHAPTER 15, OFFICE, COMMERCIAL AND INDUSTRIAL DISTRICTS**, TO AMEND SECTION 15.020, TABLE 15-2, O, C AND I DISTRICT USE REGULATIONS, AND TO AMEND SECTION 15.020-G TO ADD TABLE NOTE [6]; AMENDING **CHAPTER 25, SPECIAL DISTRICTS**, TO AMEND SECTION 25.060-B, TABLE 25-7, IMX DISTRICT USE REGULATIONS, AND TO AMEND SECTION 25.060-B3 TO ADD TABLE NOTE [5]; AMENDING **CHAPTER 55, PARKING**, TO AMEND TABLE 55-1, MINIMUM MOTOR VEHICLE PARKING RATIOS, TO ESTABLISH OFF-STREET PARKING REQUIREMENTS FOR SMALL BOX DISCOUNT STORES AND GROCERY STORES; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND DECLARING AN EMERGENCY.

JHV:lm
4.11.18

JHV

BE IT ORDAINED BY THE CITY OF TULSA:

Section 1. That Title 42, Chapter 20, Overlay Districts, be and the same is hereby amended to add Section 20.060 titled "Healthy Neighborhoods Overlay" to read as follows:

Section 20.060 Healthy Neighborhoods Overlay

Purpose and Intent

The regulations of this section are established for properties located within the boundaries of the healthy neighborhoods overlay (HNO) district. The purpose of the healthy neighborhoods overlay (HNO) is to modify and supplement regulations in a specified area where there is a desire for greater diversity in retail options and convenient access to fresh meats, fruits and vegetables. These regulations are intended to:

a. Avoid and reduce over-concentration of small box discount stores in the area.
b. Encourage and streamline grassroots access to fresh meats, fruits and vegetables.
c. Encourage a greater diversity of retail activity and purchasing options within the area.
d. Allow for a more community-based approach to distributing and purchasing fresh meats, fruits and vegetables in a specified area.
e. Promote investment and development in a community where change is desired.

Section 20.060-A Applicability

Except as otherwise expressly stated, the regulations of this section apply within the boundaries of the HNO district to all new uses and structures and all building alterations and site modifications that require a building permit.

Section 20.060-B Exemptions

a. Uses that contain a prescription pharmacy or offer for sale gasoline or diesel fuel are exempt from the dispersal standards established in Section 20.060-C.
b. Uses that dedicate a minimum floor area of 500 square feet to the sale of fresh meat, fruits or vegetables are exempt from the dispersal standards established in Section 20.060-C.
c. Grocery Stores are exempt from the dispersal standards established in Section 20.060-C.

Section 20.060-C Dispersal Standards for Small Box Discount Stores

To avoid over-concentration, a small box discount store, as defined in Section 35.050-L4, within the overlay area must be separated from another small box discount store within or outside the overlay area by a minimum distance of 5,280 feet. The required separation distance must be measured in a straight line from the nearest point on the lot line of the property occupied by a small box discount store to the nearest point on a lot line of the other property occupied by a small box discount store. The separation distance

requirements of this section may be reduced if approved through the special exception approval process.

Section 20.060-D Community Gardens

Community gardens within the boundaries of the HNO district are governed by the regulations of Section 40.090, unless expressly stated by this section. On-site sale of community garden products is permitted by right in all zoning districts within the boundaries of the HNO district.

Section 20.060-E Grocery Store

The minimum parking ratios established in Section 55.020, Table 55-1 for a Grocery Store use are reduced by 50% in the HNO district.

Section 20.060-F Nonconformities

Nonconformities that exist within the HNO district are governed by the regulations of Chapter 80.

Section 2. That Title 42, Chapter 35, Building Types and Use Categories, Section 35.050-L1 be and the same is hereby amended to read as follows:

1. **Convenience Goods**

   Retail sales uses that sell or otherwise provide (1) sundry goods; (2) products for personal grooming and for the day-to-day maintenance of personal health or (3) food or beverages for off-premise consumption, retail bakeries and similar uses that provide incidental and accessory food and beverage service as part of their primary retail sales business. Typical uses include convenience stores, drug stores, specialty food stores, wine or liquor stores, gift shops, newsstands, florists and tobacco stores. Does not include small box discount stores or grocery stores.

Section 3. That Title 42, Chapter 35, Building Types and Use Categories, Section 35.050-L2 be and the same is hereby amended to read as follows:

2. **Consumer Shopping Goods**

   Retail sales uses that sell or otherwise provide wearing apparel, fashion accessories, furniture, household appliances and similar consumer goods, large and small, functional and decorative, for use, entertainment, comfort or aesthetics. Typical uses include clothing stores, department stores, appliance stores, TV and electronics stores, bike shops, book stores, costume rental stores, stationery stores, art galleries, hobby shops, furniture stores, pet stores and pet supply stores, shoe stores, antique shops, secondhand stores, record stores, toy stores, sporting goods stores, variety stores, video stores, musical instrument stores, medical supplies, office supplies and office furnishing stores and wig shops. Does not include small box discount stores or grocery stores.

Section 4. That Title 42, Chapter 35, Building Types and Use Categories, be and the same is hereby amended to add Section 35.050-L4 titled "Small Box Discount Store" to read as follows:

4. Small Box Discount Store
Retail sales uses with a floor area less than 12,000 square feet that offer for sale a combination and variety of convenience shopping goods and consumer shopping goods; and continuously offer a majority of the items in their inventory for sale at a price less than $10.00 per item.

Section 5. That Title 42, Chapter 35, Building Types and Use Categories, be and the same is hereby amended to add Section 35.050-L5 titled "Grocery Store" to read as follows:

5. Grocery Store
Retail sales uses that sell or otherwise provide assorted goods; products for personal grooming and for the day-to-day maintenance of personal health; and that sell food and beverages for off-premise consumption; and that have a minimum floor area of 500 square feet dedicated to the sale of fresh meat, fruits and vegetables. A principal use Grocery Store may include an accessory use restaurant or dining area for on-premise consumption of food and beverage items.

Section 6. That Title 42, Chapter 10, Mixed Use Districts, Section 10.020, Table 10-2, MX District Use Regulations, be and the same is hereby amended to provide for Grocery Stores and Small Box Discount Stores in the table, and the pertinent portion of the table be and the same is hereby amended to read as follows:

Section 10.020, Table 10-2

USE CATEGORY Subcategory Specific use	MX1	MX2	MX3	Supplemental Regulations
Retail Sales				Section 40.340
Building supplies and equipment	–	S	P	
Consumer shopping goods	P	P	P	
Convenience goods	P	P	P	Section 40.300
Grocery Store	P	P	P	
Small Box Discount Store	P[2]	P[2]	P[2]	

Section 7. That Title 42, Chapter 10, Mixed Use Districts, Section 10.020-G, be and the same is hereby amended to add Table Note [2] to read as follows:

[2]When located in the Healthy Neighborhoods Overlay (HNO) district the use is regulated as stated in Section 20.060-C.

Section 8. That Title 42, Chapter 15, Office, Commercial and Industrial Districts, Section 15.020, Table 15-2, O, C and I District Use Regulations, be and the same is hereby amended to provide for Grocery Stores and Small Box Discount Stores in the table, and the pertinent portion of the table be and the same is hereby amended to read as follows:

Section 15.020, Table 15-2

USE CATEGORY Subcategory Specific use	OL	OM	OMH	OH	CS	CG	CH	CBD	IL	IM	IH	Supplemental Regulations
Retail Sales												Section 40.340
Building supplies and equipment	–	–	–	–	P	P	P	P	P	P	P	
Consumer shopping goods	–	S[3]	S[3]	P[3]	P	P	P	P	P	P	P	
Convenience goods	–	S[3]	S[3]	P[3]	P	P	P	P	P	P	P	Section 40.300
Grocery Store	–	S[3]	S[3]	S[3]	P	P	P	P	P	P	P	
Small Box Discount Store	–	S[3,6]	S[3,6]	S[3,6]	P[6]	P[6]	P[6]	P[6]	P[6	P[6]	P[6]	

Section 9. That Title 42, Chapter 15, Office, Commercial and Industrial Districts, Section 15.020-G, be and the same is hereby amended to add Table Note [6] to read as follows:

[6] When located in the Healthy Neighborhoods Overlay (HNO) district the use is regulated as stated in Section 20.060-C.

Section 10. That Title 42, Chapter 25, Special Districts, Section 25.060-B, Table 25-7, IMX District Use Regulations, be and the same is hereby amended to provide for Grocery Stores and Small Box Discount Stores in the table, and the pertinent portion of the table be and the same is hereby amended to read as follows:

Section 25.060, Table 25-7

USE CATEGORY **Subcategory** Specific Use	IMX	Supplemental Regulations
Retail Sales		
Building supplies and equipment	S[2]	
Consumer shopping goods	P[4]	
Convenience goods	P	Section 40.300
Grocery Store	P	
Small Discount Box Store	P[5]	

Section 11. That Title 42, Chapter 25, Special Districts, Section 25.060-B3, be and the same is hereby amended to add Table Note [5] to read as follows:

[5] When located in the Healthy Neighborhoods Overlay (HNO) district the use is regulated as stated in Section 20.060-C.

Section 12. That Title 42, Chapter 55, Parking, Table 55-1, Minimum Motor Vehicle Parking Ratios, be and the same is hereby amended to establish off-street parking requirements for Grocery Stores and Small Box Discount Stores, and the pertinent portion of the table be and the same is hereby amended to read as follows:

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Section 55.020, Table 55-1: Minimum Motor Vehicle Parking Ratios

	Measurement (spaces per)	CDB	CH district and MX districts	All Other Districts and PI Overlay	Additional requirement/notes
Retail Sales					
Convenience Goods	1000 sq. ft.	0.00	2.50*	3.33	*None for first 5,000 sq. ft.
Small Box Discount Store	1,000 sq. ft.	0.00	2.50*	3.33	*None for first 5,000 sq. ft.
Grocery Store	1000 sq. ft	0.00	2.50*	3.33	*None for first 5,000 sq. ft.

Section 13. SEVERABILITY CLAUSE. 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 14. REPEAL OF CONFLICTING ORDINANCES. That all ordinances or parts of ordinances in conflict herewith be and the same are now expressly repealed.

Section 15. 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: APR 11 2018, 2018.

Chair of the Council

ADOPTED as an emergency measure: APR 11 2018, 2018.

Chair of the Council

JHV:lm
4.11.18

JHV

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: APR 16 2018 2018,
Date

at _____.
Time

Mayor PRO-TEM

(Seal)
ATTEST:

City Clerk

APPROVED:

City Attorney

JHV

JHV:lm
4.11.18

JHV

TMAPC Public Hearing
March 21, 2018
ZCA-7, Healthy Neighborhoods Overlay
(related to SA-3)

Item: Public hearing to provide a recommendation to the City Council regarding amending the City of Tulsa Zoning Code to add Section 20.060 establishing the regulations of a Special Area (SA) overlay district (**Healthy Neighborhoods Overlay**); to amend Section 10.020 Table 10-2, Section 15.020 Table 15-2, and Section 25.060 Table 25-7 to include Small Box Discount Stores and Grocery Stores as specific uses; to amend Section 10.020-G, Section 15.020-G and Section 25.060-B.3 to include Table Notes for Small Box Discount Stores; to amend Section 35.050-L to include Small Box Discount Stores and Grocery Stores as specific retail use types; and to amend Section 55.020 Table 55-1 to establish minimum motor vehicle parking ratios for Small Box Discount Stores and Grocery Stores. **[*See Attachment I*]**

A. **Background:** This proposed overlay was initiated by Tulsa City Council on December 20, 2017 to make permanent the spacing requirements for Small Box Discount Stores, as established and defined in **Moratorium, Ordinance No. 23783**, as adopted by City Council on September 20, 2017. The City Council motion to initiate the overlay also included a provision "to consider imposing other requirements and restrictions, as developed in the public hearing process".

As initiated by City Council, the proposed overlay would apply only within the boundaries of following plan areas:

- Greenwood Heritage Neighborhoods Sector Plan (also known as the Unity Heritage Neighborhoods Plan);
- The 36th Street North Corridor Small Area Plan; and
- The Crutchfield Neighborhood Revitalization Master Plan.
  [*See Attachment II*]

Since Council initiation, INCOG and City of Tulsa planners facilitated two community input meetings, on January 29th at Rudisill Library and on February 5th at 36th Street North Event Center. Numerous public comments were received at the community input meetings and on FeedbackTulsa.org.

After reviewing the comments, staff is proposing a Healthy Neighborhoods Overlay in response to the input received from the community. The purpose of the Healthy Neighborhoods Overlay is to modify and supplement regulations in the plan areas listed

above where there is a desire for greater diversity in retail options and convenient access to fresh meats, fruits and vegetables.

These regulations are intended to:

- Avoid and reduce over-concentration of small box discount stores in the area.
- Encourage and streamline grassroots access to fresh produce.
- Encourage a greater diversity of retail activity and purchasing options within the area.
- Allow for a more community-based approach to distributing and purchasing fresh meats, fruits and vegetables options in a specified area.
- Promote investment and development in a community where change is desired.

Comments were made at the meeting regarding the need for exceptions from the spacing requirement for certain situations – as a result, the spacing requirement can be reduced through the special exception process (Board of Adjustment) and two additional exceptions were added to the definition of a Small Box Discount Store: 1) uses that dedicate a minimum floor area of 500 square feet to the sale of fresh meat, fruits and vegetables and 2) uses that meet the definition of a Grocery Store. In addition to the spacing requirement for Small Box Discount Stores, the overlay includes other zoning incentives to facilitate healthy neighborhoods, specifically: allowances for on-site sale of community garden products by right in all zoning districts within the boundaries of the overlay; and a 50% reduction in minimum parking ratios for grocery store within the boundaries of the overlay.

B. Healthy Neighborhoods Overlay Conformance with the Comprehensive Plan

Tulsa Comprehensive Plan

The Comprehension Plan states, "Tulsans want to encourage healthy lifestyles for our children and families...with access to grocery stores with healthy food choices." (page10)

The proposed HNO district will enable innovative parking solutions for grocery stores that want to locate within the plan area. This is a proposed strategy for economic development as recommended in the Comprehension Plan, page 40.

36th Street North Corridor Plan

Land Use Priority 2 – Encourage new development and redevelopment to contribute to the vibrancy of the plan area.

- *Goal 2 Promote a mix of uses in new development and redevelopment.*

2.2 Zoning changes should support neighborhood-level amenities and retail services (e.g., grocery stores, restaurants, shops) which are close to both single-family and multi-family residential units.

Greenwood Heritage Neighborhoods Sector Plan

- Goal 7 Enhance local commerce and access to important goods and services. 7.4 Provide municipal incentives for healthy food stores, pharmacies, medical services, and other uses that enhance access to critical goods and services.
- 7.7 Support collaboration among the Tulsa Regional Chamber of Commerce, Greenwood Chamber, and other business development advocates to market commercial development opportunities in the area.

Crutchfield Neighborhood Revitalization Master Plan

- *Goal 2 Modify current land use practices to more closely reflect the existing uses and conditions within the neighborhood to infill on small lots and ensure compatible infill development in the future. Modify design and land use standards to support improved design as a means of protecting residential areas from incompatible commercial/industrial uses.*
  Objective 1.D Flexibility in parking requirements to encourage and support the reuse of existing commercial properties and existing, smaller commercial lots.

The Healthy Foods Overlay (HNO) will provide an incentive to grocery stores by decreasing the minimum parking ratios for grocery stores in the plan area by 50% (Section 55.020, Table 55-1). Community gardens within the HNO will allow for the on-site sales of community garden products which encourages greater diversity of retail activity and purchasing options within the area. Therefore, the Neighborhoods Overlay is consistent with the Comprehensive Plans and applicable small area plans.

C. Staff Recommendation

Staff recommends **approval** of Zoning Code amendments to establish the regulations of a Special Area (SA) overlay district (**Healthy Neighborhoods Overlay**) and amend other relevant sections as shown in Attachment I.

Attachment I: Proposed draft of the Healthy Neighborhoods Overlay
Attachment II: Boundary maps of the area subject to the overlay

Attachment I

Chapter 10 | Mixed-Use Districts
Section 10.020, Table 10-2

USE CATEGORY Subcategory Specific use	MX1	MX2	MX3	Supplemental Regulations
Retail Sales				Section 40.340
Building supplies and equipment	–	S	P	
Consumer shopping goods	P	P	P	
Convenience goods	P	P	P	Section 40.300
Grocery Store	P	P	P	
Small Box Discount Store	P[2]	P[2]	P[2]	

10.020-G Table Notes
The following notes refer to the bracketed numbers (e.g.," [1]") in Table 10-2:

[1] Proposed use requires special exception approval if selling .....

[2] When located in the Healthy Neighborhoods Overlay (HNO) district the use is regulated as stated in Section 20.060-C.

11.5

Chapter 15 | Office, Commercial and Industrial Districts
Section 15.020, Table 15-2

USE CATEGORY Subcategory Specific use	OL	OM	OMH	OH	CS	CG	CH	CBD	IL	IM	IH	Supplemental Regulations
Retail Sales												Section 40.340
Building supplies and equipment	–	–	–	–	P	P	P	P	P	P	P	
Consumer shopping goods	–	S[3]	S[3]	P[3]	P	P	P	P	P	P	P	
Convenience goods	–	S[3]	S[3]	P[3]	P	P	P	P	P	P	P	Section 40.300
Grocery Store	–	S[3]	S[3]	S[3]	P	P	P	P	P	P	P	
Small Box Discount Store	–	S[3,6]	S[3,6]	S[3,6]	P[6]	P[6]	P[6]	P[6]	P[6	P[6]	P[6]	

15.020-G Table Notes

The following notes refer to the bracketed numbers (e.g.," [1]") in Table 15-2:

[1] Restaurant is permitted as accessory use in OL, OM, and O....

[2] .....

[6] When located in the Healthy Neighborhoods Overlay (HNO) district the use is regulated as stated in Section 20.060-C.

11.6

Chapter 25| Special Districts
Section 25.060, Table 25-7

USE CATEGORY **Subcategory** Specific Use	IMX	Supplemental Regulations
Retail Sales		
Building supplies and equipment	S[2]	
Consumer shopping goods	P[4]	
Convenience goods	P	Section 40.300
Grocery Store	P	
Small Discount Box Store	P[5]	

3. Table Notes
The following notes refer to the bracketed numbers (e.g.," [1]") in Table 25-7.

[1] Requires special exception approval if intoxicating beverages or

.....

[5] When located in the Healthy Neighborhoods Overlay (HNO) district the use is regulated as stated in Section 20.060-C.

11.7

Chapter 20 | Overlay Districts
Section 20.060
Healthy Neighborhoods Overlay
Purpose and Intent

The regulations of this section are established for properties located within the boundaries of the healthy neighborhoods overlay (HNO) district. The purpose of the healthy neighborhoods overlay (HNO) is to modify and supplement regulations in a specified area where there is a desire for greater diversity in retail options and convenient access to fresh meats, fruits and vegetables. These regulations are intended to:

a. Avoid and reduce over-concentration of small box discount stores in the area.
b. Encourage and streamline grassroots access to fresh meats, fruits and vegetables
c. Encourage a greater diversity of retail activity and purchasing options within the area.
d. Allow for a more community-based approach to distributing and purchasing fresh meats, fruits and vegetables in a specified area.
e. Promote investment and development in a community where change is desired.

Section 20.060-A
Applicability

Except as otherwise expressly stated, the regulations of this section apply within the boundaries of the HNO district to all new uses and structures and all building alterations and site modifications that require a building permit.

Section 20.060-B
Exemptions

a. Uses that contain a prescription pharmacy or offer for sale gasoline or diesel fuel are exempt from the dispersal standards established in Section 20.060-C.
b. Uses that dedicate a minimum floor area of 500 square feet to the sale of fresh meat, fruits or vegetables are exempt from the dispersal standards established in Section 20.060-C.
c. Grocery Stores are exempt from the dispersal standards established in Section 20.060-C.

Section 20.060-C
Dispersal Standards for Small Box Discount Stores

To avoid over-concentration, a small box discount store, as defined in Section 35.050-L4, within the overlay area must be separated from another small box discount store within or outside the overlay area by a minimum distance of 5,280 feet. The required separation distance must be measured in a straight line from the nearest point on the lot line of the property occupied by a small box discount store to the nearest point on a lot line of the other property occupied by a small box discount store. The separation distance requirements of this section may be reduced if approved through the special exception approval process.

11.8

Section 20.060-D
Community Gardens
Community gardens within the boundaries of the HNO district are governed by the regulations of Section 40.090, unless expressly stated by this section. On-site sale of community garden products is permitted by right in all zoning districts within the boundaries of the HNO district.

Section 20.060-E
Grocery Store
The minimum parking ratios established in Section 55.020, Table 55-1 for a Grocery Store use are reduced by 50% for in the HNO district.

Section 20.060-F
Nonconformities
Nonconformities that exist within the HNO district are governed by the regulations of Chapter 80.

11.9

Chapter 35 | Building Types and Use Categories

.....

35.050-L Retail Sales

Uses involving the sale, lease or rental of new or used goods to the ultimate consumer.

Examples of specific retail use types include:

1. Convenience Goods

Retail sales uses that sell or otherwise provide (1) sundry goods; (2) products for personal grooming and for the day-to-day maintenance of personal health or (3) food or beverages for off-premise consumption, ~~including grocery stores,~~ retail bakeries and similar uses that provide incidental and ..... Typical uses include convenience stores, drug stores, ~~grocery and~~ specialty food stores, wine or .....

4. Small Box Discount Store

Retail sales uses with a floor area less than 12,000 square feet that offer for sale a combination and variety of convenience shopping goods or consumer shopping goods; and continuously offer a majority of the items in their inventory for sale at a price less than $10.00 per item.

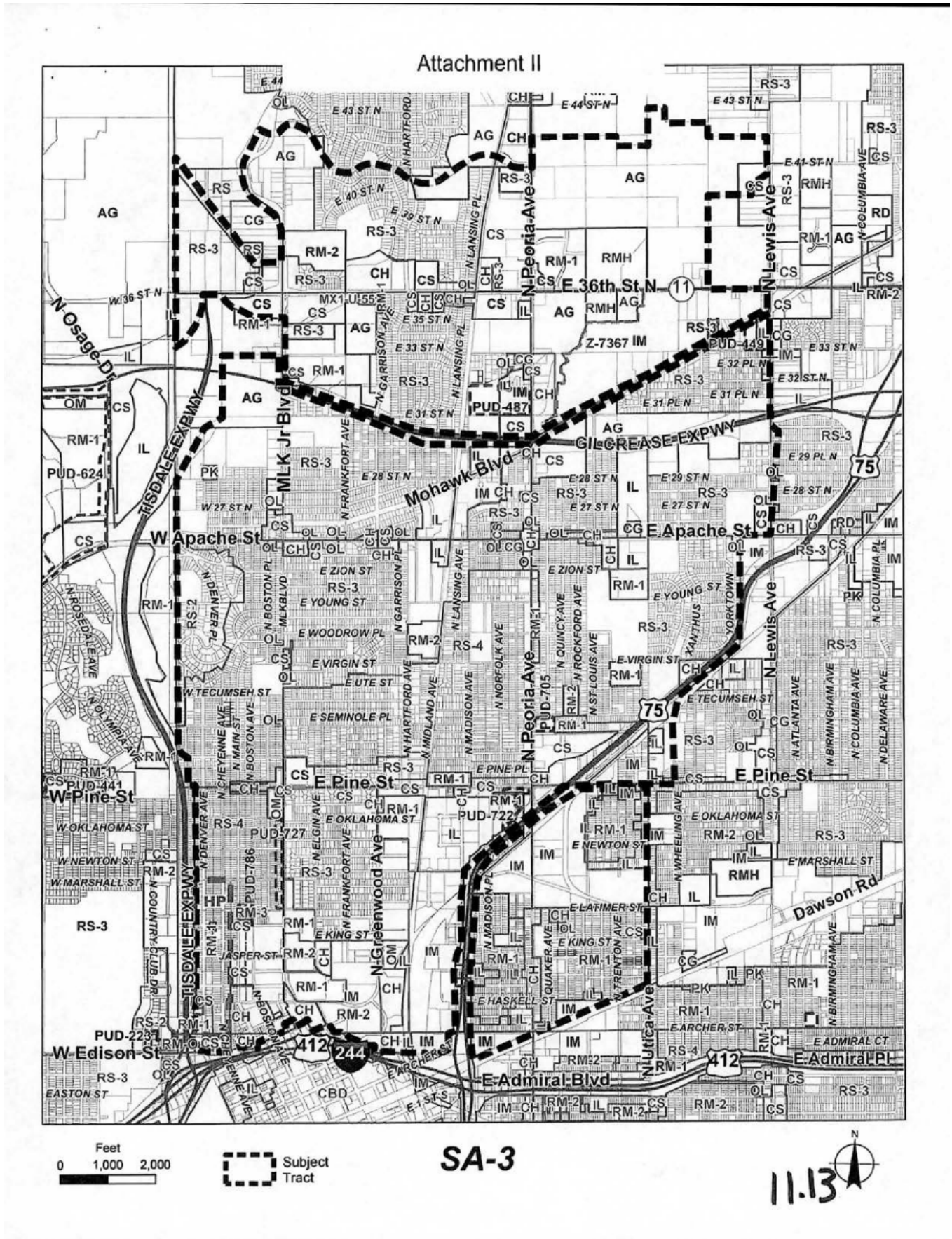
5. Grocery Store

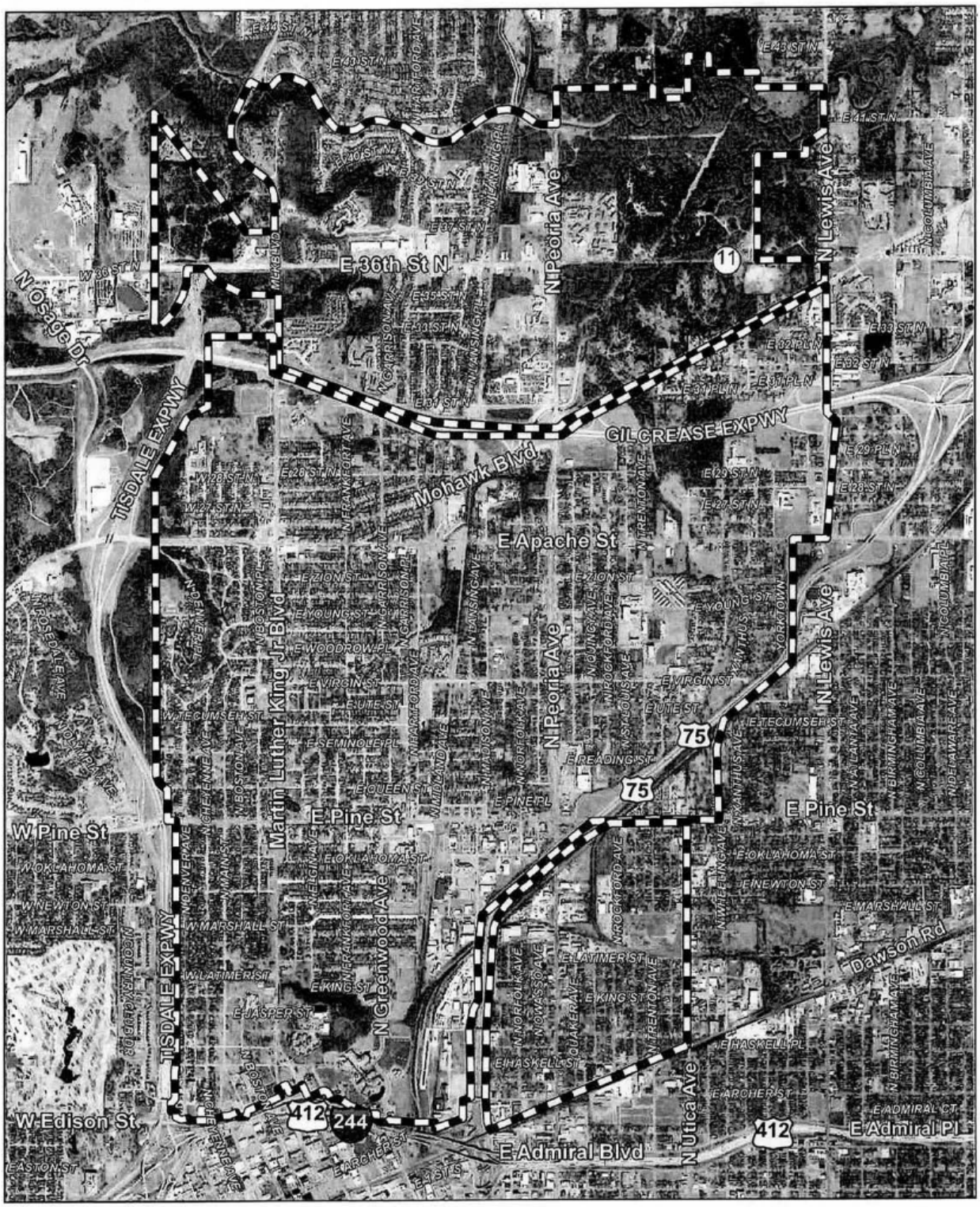
Retail sales uses that sell or otherwise provide assorted goods; products for personal grooming and for the day-to-day maintenance of personal health; and that sell food and beverages for off-premise consumption; and that have a minimum floor area of 500 square feet dedicated to the sale of fresh meat, fruits and vegetables. A principal use Grocery Store may include an accessory use restaurant or dining area for on-premise consumption of food and beverage items.

Chapter 55 | Parking
Section 55.020, Table 55-1: Minimum Motor Vehicle Parking Ratios

	Measurement (spaces per)	CDB	CH district and MX districts	All Other Districts and PI Overlay	Additional requirement/notes
Retail Sales					
Convenience Goods	1000 sq. ft.	0.00	2.50*	3.33	*None for first 5,000 sq. ft.
Small Box Discount Store	1,000 sq. ft.	0.00	2.50*	3.33	*None for first 5,000 sq. ft.
Grocery Store	1000 sq. ft	0.00	2.50*	3.33	*None for first 5,000 sq. ft.

11.11


Attachment II
N Peoria Ave
N Lewis Ave
E 36th St N
Mohawk Blvd
MLK Jr Blvd
W Apache St
E Apache St
E Pine St
W Pine St
W Edison St
E Admiral Blvd
E Admiral Pl
N Greenwood Ave
N Utica Ave
Dawson Rd
N Osage Dr
TISDALE EXPWY
GILCREASE EXPWY
Z-7367 IM
PUD-624
PUD-487
PUD-449
PUD-441
PUD-727
PUD-786
PUD-722
PUD-705
PUD-223
CBD
Feet
0 1,000 2,000
Subject Tract
SA-3
11.13


E 36th St N
N Peoria Ave
N Lewis Ave
Mohawk Blvd
GILCREASE EXPWY
E Apache St
Martin Luther King Jr Blvd
E Pine St
W Pine St
N Greenwood Ave
Dawson Rd
W Edison St
E Admiral Blvd
N Utica Ave
E Admiral Pl
TISDALE EXPWY
11
75
412
244
Subject Tract
SA-3

BOA-19914 September 2004: The Board of Adjustment approved a variance of required parking spaces from fourteen to ten, per plan, on property located at the southeast corner of South Lewis Avenue and East 6th Street South.

The applicant indicated his agreement with staff's recommendation.

There were no interested parties wishing to speak.

TMAPC Action; 10 members present:
On **MOTION** of **DIX,** TMAPC voted **10-0-0** (Adams, Covey, Dix, Doctor, Fretz, Krug, Millikin, Ritchey, Shivel, Walker, "aye"; no "nays"; none "abstaining"; Reeds, "absent") to **APPROVE** Z-7436 rezoning from **RM-2 to MX1-U-45** per staff recommendation.

Legal Description of Z-7436:
Lots Fifteen (15) and Sixteen (16), Block Ten (10) COLLEGE VIEW ADDITION AMENDED, an Addition to the City of Tulsa, Tulsa County, State of Oklahoma, according to the recorded Plat thereof; [Parcel # 09175-93-05-05840]
The North 61 feet of the East Half (E/2) of Lot Two (2), Block One (1), HIGHLANDS ADDITION, an Addition to the City of Tulsa, Tulsa County, State of Oklahoma, according to the recorded Plat thereof; [Parcel # 18550-93-05-11490]
The West 75 feet of the North 61 feet of Lot Three (3), Block One (1), HIGHLANDS ADDITION, and the West Half (W/2) of Lot Seven (7) AND all of Lot Eight (8), Block Ten (10) COLLEGE VIEW ADDITION AMENDED, an Addition to the City of Tulsa, Tulsa County, State of Oklahoma, according to the recorded Plat thereof; [Parcel # 09175-93-05-05820]
The West Half (W/2) of Lot Six (6) and the East Half (E/2) of Lot Seven (7) Block Ten (10), COLLEGE VIEW ADDITION AMENDED, an Addition to the City of Tulsa, Tulsa County, State of Oklahoma, according to the recorded Plat thereof; [Parcel # 09175-93-05-05810]
The West 25 feet of the North 61 feet of Lot Four (4) and the East 25 feet of the North 61 feet of Lot Three (3) Block One (1), HIGHLANDS ADDITION, an Addition to the City of Tulsa, Tulsa County, State of Oklahoma, according to the recorded Plat thereof; [Parcel # 18550-93-05-11570]
The East 75 feet of the North 61 feet of Lot Four (4), Block One (1), HIGHLANDS ADDITION AND All of Lot Five (5), and the East Half (E/2) of Lot Six (6), Block Ten (10) COLLEGE VIEW ADDITION AMENDED, an Addition to the City of Tulsa, Tulsa County, State of Oklahoma, according to the recorded Plat thereof; [Parcel # 09175-93-05-05800]
The West Half (W/2) of the South 150 feet of Lot Four (4) Block One (1), HIGHLANDS ADDITION to the City of Tulsa, Tulsa County, State of Oklahoma, according to the recorded Plat thereof; [Parcel # 18550-93-05-11560]
The East Half (E/2) of the South 150 feet of Lot Four (4) Block One (1), HIGHLANDS ADDITION to the City of Tulsa, Tulsa County, State of Oklahoma, according to the recorded Plat thereof; [Parcel # 18550-93-05-11550]

* * * * * * * * * * * *

Items 11 and 12 were presented together

11. ZCA-7, Tulsa City Council, Amendment to the City of Tulsa Zoning Code to add Section 20.060 establishing the regulations of a Special Area (SA) overlay district (**Healthy Neighborhoods Overlay**); to amend Section 10.020 Table 10-

2, Section 15.020 Table 15-2, and Section 25.060 Table 25-7 to include Small Box Discount Stores and Grocery Stores as specific uses; to amend Section 10.020-G, Section 15.020-G and Section 25.060-B.3 to include Table Notes for Small Box Discount Stores; to amend Section 35.050-L to include Small Box Discount Stores and Grocery Stores as specific retail use types; and to amend Section 55.020 Table 55-1 to establish minimum motor vehicle parking ratios for Small Box Discount Stores and Grocery Stores. (related to SA-3)

STAFF RECOMMENDATION:

Item: Public hearing to provide a recommendation to the City Council regarding amending the City of Tulsa Zoning Code to add Section 20.060 establishing the regulations of a Special Area (SA) overlay district (**Healthy Neighborhoods Overlay**); to amend Section 10.020 Table 10-2, Section 15.020 Table 15-2, and Section 25.060 Table 25-7 to include Small Box Discount Stores and Grocery Stores as specific uses; to amend Section 10.020-G, Section 15.020-G and Section 25.060-B.3 to include Table Notes for Small Box Discount Stores; to amend Section 35.050-L to include Small Box Discount Stores and Grocery Stores as specific retail use types; and to amend Section 55.020 Table 55-1 to establish minimum motor vehicle parking ratios for Small Box Discount Stores and Grocery Stores. **[*See Attachment I*]**

A. **Background:** This proposed overlay was initiated by Tulsa City Council on December 20, 2017 to make permanent the spacing requirements for Small Box Discount Stores, as established and defined in **Moratorium, Ordinance No. 23783**, as adopted by City Council on September 20, 2017. The City Council motion to initiate the overlay also included a provision "to consider imposing other requirements and restrictions, as developed in the public hearing process".

As initiated by City Council, the proposed overlay would apply only within the boundaries of following plan areas:

- Greenwood Heritage Neighborhoods Sector Plan (also known as the Unity Heritage Neighborhoods Plan);
- The 36th Street North Corridor Small Area Plan; and
- The Crutchfield Neighborhood Revitalization Master Plan.

[*See Attachment II*]

Since Council initiation, INCOG and City of Tulsa planners facilitated two community input meetings, on January 29th at Rudisill Library and on February 5th at 36th Street North Event Center. Numerous public comments were received at the community input meetings and on FeedbackTulsa.org. After reviewing the comments, staff is proposing a Healthy Neighborhoods Overlay in response to the input received from the community. The purpose

of the Healthy Neighborhoods Overlay is to modify and supplement regulations in the plan areas listed above where there is a desire for greater diversity in retail options and convenient access to fresh meats, fruits and vegetables.

These regulations are intended to:

- Avoid and reduce over-concentration of small box discount stores in the area.
- Encourage and streamline grassroots access to fresh produce.
- Encourage a greater diversity of retail activity and purchasing options within the area.
- Allow for a more community-based approach to distributing and purchasing fresh meats, fruits and vegetables options in a specified area.
- Promote investment and development in a community where change is desired.

Comments were made at the meeting regarding the need for exceptions from the spacing requirement for certain situations – as a result, the spacing requirement can be reduced through the special exception process (Board of Adjustment) and two additional exceptions were added to the definition of a Small Box Discount Store: 1) uses that dedicate a minimum floor area of 500 square feet to the sale of fresh meat, fruits and vegetables and 2) uses that meet the definition of a Grocery Store. In addition to the spacing requirement for Small Box Discount Stores, the overlay includes other zoning incentives to facilitate healthy neighborhoods, specifically: allowances for on-site sale of community garden products by right in all zoning districts within the boundaries of the overlay; and a 50% reduction in minimum parking ratios for grocery store within the boundaries of the overlay.

B. Healthy Neighborhoods Overlay Conformance with the Comprehensive Plan

Tulsa Comprehensive Plan

The Comprehension Plan states, "Tulsans want to encourage healthy lifestyles for our children and families...with access to grocery stores with healthy food choices." (page10)

The proposed HNO district will enable innovative parking solutions for grocery stores that want to locate within the plan area. This is a proposed strategy for economic development as recommended in the Comprehension Plan, page 40.

36th Street North Corridor Plan

Land Use Priority 2 – Encourage new development and redevelopment to contribute to the vibrancy of the plan area.

- *Goal 2 Promote a mix of uses in new development and redevelopment.*
  2.2 Zoning changes should support neighborhood-level amenities and retail services (e.g., grocery stores, restaurants, shops) which are close to both single-family and multi-family residential units.

Greenwood Heritage Neighborhoods Sector Plan

- Goal 7 Enhance local commerce and access to important goods and services.
  7.4 Provide municipal incentives for healthy food stores, pharmacies, medical services, and other uses that enhance access to critical goods and services.
- 7.7 Support collaboration among the Tulsa Regional Chamber of Commerce, Greenwood Chamber, and other business development advocates to market commercial development opportunities in the area.

Crutchfield Neighborhood Revitalization Master Plan

- *Goal 2 Modify current land use practices to more closely reflect the existing uses and conditions within the neighborhood to infill on small lots and ensure compatible infill development in the future. Modify design and land use standards to support improved design as a means of protecting residential areas from incompatible commercial/industrial uses.*
  Objective 1.D Flexibility in parking requirements to encourage and support the reuse of existing commercial properties and existing, smaller commercial lots.

The Healthy Foods Overlay (HNO) will provide an incentive to grocery stores by decreasing the minimum parking ratios for grocery stores in the plan area by 50% (Section 55.020, Table 55-1). Community gardens within the HNO will allow for the on-site sales of community garden products which encourages greater diversity of retail activity and purchasing options within the area. Therefore, the Neighborhoods Overlay is consistent with the Comprehensive Plans and applicable small area plans.

C. Staff Recommendation

Staff recommends **approval** of Zoning Code amendments to establish the regulations of a Special Area (SA) overlay district (**Healthy Neighborhoods Overlay**) and amend other relevant sections as shown in Attachment I.

03:21:18:2766(18)

Attachment I: Proposed draft of the Healthy Neighborhoods Overlay
Attachment II: Boundary maps of the area subject to the overlay

TMAPC Action; 10 members present:
On **MOTION** of **DIX,** TMAPC voted **7-3-0** (Adams, Covey, Dix, Fretz, Millikin, Shivel, Walker, "aye"; Doctor, Krug, Ritchey, "nays"; none "abstaining"; Reeds, "absent") to **DENY** ZCA-7.

* * * * * * * * * * * *

SA-3, Healthy Neighborhoods Overlay, Tulsa City Council (CD 1) Location: multiple properties that are within the plan area boundaries of Greenwood Heritage Neighborhoods Sector Plan (also known as the Unity Heritage Neighborhoods Plan); 36th Street North Corridor Small Area Plan; and The Crutchfield Neighborhood Revitalization Master Plan (related to ZCA-7)

STAFF RECOMMENDATION:
SECTION I: SA-3

Healthy Neighborhoods Overlay (HNO)

The HNO is a Special Area (SA) overlay. Overlay districts "over-lay" applicable base zoning district classifications to alter some or all of the base zoning district regulations that apply to particular sites.

HNO Purpose

The purpose of the healthy neighborhoods overlay (HNO) is to modify and supplement regulations in a specified area where there is a desire for greater diversity in retail options and convenient access to fresh meats, fruits and vegetables.
These regulations are intended to:
Avoid and reduce over-concentration of small box discount stores in the area.
Encourage and streamline grassroots access to fresh meats, fruits and vegetables
Encourage a greater diversity of retail activity and purchasing options within the area.
Allow for a more community-based approach to distributing and purchasing fresh meats, fruits and vegetables in a specified area.
Promote investment and development in a community where change is desired.

03:21:18:2766(19)

Ordinance

Version 2.3 released on 1/17/18
Use for all Ordinances including: TRO, Budget, Zoning, Declarations, Trust Indentures, etc.

CITY COUNCIL USE ONLY			CITY CLERK USE ONLY
Date Received:	Tracking #:		Date:
Committee Date:	Committee:		Item #:
1st Agenda Date:	Hearing Date:		
	2nd Agenda Date:		

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

Primary Details

Dept. Tracking No.	Board Approval	Other Board Name	City Council Approval
			○ Yes ○ No
Department	**Contact Name**	**Email**	**Phone**
Subject (Description)		**Ordinance Type**	
FIELD REQUIRES UPDATE		Rezoning Land	
Section	**Township**	**Range**	**Lot**
Block	**Address**		**BA / CT Number**
Amending Ord. No.	**TRO Title No.**	**TRO Subtitle**	**Property/Non-Property**
Council District	**Zoning No.**	**PUD No.**	**Planning District**

Budget

Funding Source(s)

TOTAL:

Approvals

Department:		**Date:**
Legal:		**Date:**
Board:		**Date:**
Mayor:		**Date:**
Other:		**Date:**