

_____, 2009.)

ORDINANCE NO. _____

AN ORDINANCE AMENDING TITLE 42, TULSA REVISED ORDINANCES, ENTITLED "THE TULSA ZONING CODE", RELATED TO RESTRICTIONS ON LAND USES WITHIN THE CITY OF TULSA; AMENDING SECTION 1201, ENTITLED "USE UNIT 1. AREA WIDE USES BY RIGHT", TO PROVIDE FOR AND REGULATE COMMUNITY GARDENS; AMENDING SECTION 1800, ENTITLED "DEFINITIONS", BY ADDING A NEW DEFINITION FOR THE TERM "COMMUNITY GARDEN"; AMENDING APPENDIX "B", ENTITLED "INDEX OF LAND USES", TO ADD "COMMUNITY GARDEN" TO THE ALPHABETICAL LISTING OF LAND USES; PROVIDING THAT THE THIRTY (30) DAY ADVANCE NOTICE REQUIREMENTS IN PARAGRAPHS 1201.C.3.g.-h., AS ENACTED BY THIS ORDINANCE, SHALL BE EFFECTIVE ON AND AFTER JANUARY 1, 2010; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR SEVERABILITY; AND DECLARING AN EMERGENCY.

BE IT ORDAINED BY THE CITY OF TULSA:

Section 1. That Title 42, Chapter 12, Section 1201, Tulsa Revised Ordinances, be and the same is hereby amended to read as follows:

"SECTION 1201. USE UNIT 1. AREA-WIDE USES BY RIGHT

A. **Description.** Certain public uses, agricultural uses, open land uses, and similar uses which are either subject to other public controls or which do not have adverse effects on other land uses.

B. **Included Uses.**

1. **Passive Agricultural Uses** such as:

Cultivation
Community Garden
Forestry
Grazing
Planting

2. **Open Land Uses** such as:

Arboretum
Flood Management Project
Reservoir
Wildlife Preserve

3. **Public Uses** such as:

Bus Shelter*
Existing Schools**
Fire Alarm
Historical Marker
Political Campaign Sign
Sidewalk
Street Sign
Thoroughfare
Utility Line

*Commercial advertising permitted only on shelters located in a "C" or "I" District.

**Schools legally operating on January 1, 1998, which offer a compulsory education curriculum but excluding the following accessory uses; outdoor stadiums, lighted athletic fields, unlighted athletic fields which have bleachers for non-student spectators and all buildings and structures (such as scoreboards) accessory to such stadium or field.

C. **Use Conditions.**

1. Political Campaign Signs - No political campaign sign shall be erected more than forty-five (45) days prior to any election, nor shall any sign be permitted to remain on any property more than seven (7) days following an election; no political campaign signs shall be permitted on public property and they shall be permitted on private property only with the consent of the property owner; the display surface area of each political campaign sign located in R or O Zoning Districts shall not exceed sixteen (16) square feet in surface area; only one side of a double-faced sign shall be computed in the computation of display surface area.

2. Existing Schools:

a. Buildings and grounds may also be used for a children=s nursery, preschool, community center or day camp.

b. Maximum floor area ratio of 0.5.

c. Minimum building setback of 25 feet from abutting properties in an R District, plus one (1) foot of setback for each one (1) foot of building height exceeding 15 feet, if the abutting property is within an RE or RS District and is not a freeway or expressway.

d. Minimum setback for parking lots and their access drives from an RE or RS District which is not a freeway or expressway is 25 feet.

3. Community Garden

a. Unless permitted by the underlying zoning district or the grant of a special exception, on-site sale of community garden products shall be prohibited.

b. Mechanical equipment, other than the type customarily identified as lawn and garden equipment, creating offensive noise, dust, odor or electrical disturbance shall be prohibited. Within a residential zoned district, the use of motorized equipment shall be restricted to hours beginning at 8:00 a.m. and ending at 8:00 p.m.

c. The site shall be designed and maintained to prevent any chemical pesticide, fertilizer or other garden waste from draining on to adjacent properties.

d. An on-site trash storage container shall be provided and located as close as practicable to the rear lot line. Compost bins or piles shall also be located as close as practicable to the rear lot line. Trash shall be removed from the site at least once a week.

e. Accessory structures including buildings or signs shall comply with requirements of the underlying zoning district.

f. Only individuals, or organizations authorized by the property owner shall participate in the community garden.

g. A sign, legible from the public right of way, no greater than eight (8) square feet in display surface area, giving notice of the property owner's or the owner's agent's name, address, and telephone number shall be posted on any lot containing a community garden, beginning no less than thirty (30) days prior to the start of any community garden use.

h. The owner of any lot used for a community garden shall give each abutting property owner or occupant written notice of the owner's or the owner's agent's name, address, and telephone number and the use conditions provided in this Code for community gardens, no less than thirty (30) days prior to the start of any community garden use.

i. Cultivated areas shall be prevented from encroaching onto adjacent properties.

j. The property shall be maintained free of high grass, weeds or other debris. Dead garden plants shall be regularly removed and, in any instance, no later than October 31 of each year.

k. Within a residential zoned district, operating hours for community garden activities shall be restricted to between 5:00 a.m and 11:00 p.m. daily.

l. Any use condition for a Community Garden may be modified by Special Exception.

D. Off-Street Parking and Loading Requirements.

Uses	Parking Spaces	Loading Berths
Existing Schools		
Elementary and Junior High	1 per 1,200 sq. ft. of floor area	
1 per 10,000 to 200,000 sq. ft. plus 1 per each additional 200,000 sq. ft. of floor area Senior High	1 per 800 sq. ft. of floor area plus 1 per 4 stadium seats	1 per 10,000 to 200,000 sq. ft. plus 1 per each additional 200,000 sq. ft. of floor area
All other uses <i>Ord. Nos. 19217, 19220</i>	None	None"

Section 2. That Title 42, Chapter 18, Section 1800, Tulsa Revised Ordinances, be and the same is hereby amended by adding a definition for "Community Garden", to read as follows:

"Community Garden: One or more lots or parcels of land, less than one (1) acre in size, which are not located within an Agriculture (AG) District, used to produce vegetables, fruits, flowers, or other plant material for personal use by the property owner or individuals authorized by the property owner."

Section 3. That Title 42, Tulsa Revised Ordinances, Appendix B, entitled "Index of Land Uses" be and the same is hereby amended by adding, within the codified alphabetical listing of land uses and related use units, the following reference, to read as follows:

"Community Garden 1"

Section 4. 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 5. REPEAL OF CONFLICTING ORDINANCES. That all ordinances or parts of ordinances in conflict herewith be and the same are now expressly repealed.

Section 6. EFFECTIVE DATE OF THE THIRTY (30) DAY ADVANCE NOTICE REQUIREMENTS IN TITLE 42 TULSA REVISED ORDINANCES, PARAGRAPHS 1201.C.3.g.-h. That the provisions of Title 42 Tulsa Revised Ordinances, paragraphs 1201.C.3.g.-h., as enacted by this Ordinance, which specifically require thirty (30) days advance notice by posting of a sign and written notice to abutting property owners or occupants shall not be immediately effective thirty (30) days from the date of first publication of this Ordinance, but shall be effective on and after January 1, 2010.

Section 7. 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: _____
Date

Chairman of the Council

ADOPTED as an emergency measure: _____
Date

Chairman of the Council