

(Published in the Tulsa Daily Commerce  
& Legal News,

October 25, 2004.)

ORDINANCE NO. 20952

AN ORDINANCE AMENDING TITLE 42, TULSA REVISED ORDINANCES, THE ZONING CODE OF THE CITY OF TULSA; AMENDING SECTION 1212a.C, TO ADD A NEW PARAGRAPH 5 TO REQUIRE A PUBLIC HEARING BEFORE THE BOARD OF ADJUSTMENT TO DETERMINE COMPLIANCE WITH SPACING REQUIREMENTS APPLICABLE TO USE UNIT 12a USES, "ADULT ENTERTAINMENT ESTABLISHMENTS"; AMENDING SECTION 1603 TO SPECIFY HOW NOTICE OF PUBLIC HEARINGS ON ANY SPACING REQUIREMENTS SHALL BE GIVEN; AMENDING SECTION 1606 TO ADD A NEW SUBSECTION 'C' TO REQUIRE BOARD OF ADJUSTMENT REVIEW OF COMPLIANCE WITH ALL USE UNIT SPACING REQUIREMENTS IMPOSED BY THE TULSA ZONING CODE; 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 1212a, Subsection C, Tulsa Revised Ordinances, be and the same is hereby amended by adding thereto a paragraph 5 to read as follows:*

"5. All uses included within Use Unit 1212a shall be reviewed by the Board of Adjustment at a public hearing to determine if they comply with all applicable spacing requirements. Notice of the public hearing shall be given as provided in Section 1603 of this code."

*Section 2. That Title 42, Chapter 16, Section 1603, Tulsa Revised Ordinances, be and the same is hereby amended to read as follows:*

**"SECTION 1603. NOTICE OF PUBLIC HEARING**

A. The Board of Adjustment shall give notice and conduct a public hearing before acting on any appeal from an administrative official enforcing this code, or before granting any special exception, or variance, or minor variance, or exception, or before determining if any spacing requirements between uses have been met. The Board shall set forth in an adopted statement of policy a list of variances and exceptions which constitute minor variances or exceptions and such statement of policy shall be approved by the City Council of the City of Tulsa.

B. Ten (10) days' notice of public hearing shall be given as follows:

1. For a special exception, variance, an appeal from a determination of an administrative official enforcing this code, or for determining spacing requirements:

a. By publication in a newspaper of general circulation; and

b. By mailing written notice to all owners of property within a three hundred (300) foot radius of the exterior boundary of the subject property; provided, written notice mailed to determine if spacing requirements have been met for all uses included in Use Unit 1212a shall be mailed to all owners of property within a radius of the exterior boundary of the subject property equal to the spacing requirement established.

2. For minor variance or exception, by mailing written notice to all owners of abutting property of the subject property. Nothing herein shall preclude the Board of Adjustment from requiring the giving of public notice of hearings to all owners of property within a three hundred (300) foot radius of the exterior boundary of the subject property for consideration of a minor variance or exception.

3. For uses allowed by special exceptions, ten (10) days' notice of public hearing by posting a sign or signs on the property.

C. The notice shall contain:

1. The legal description of the property and the street address or approximate location of the property;

2. The present zoning classification of the property and the nature of the relief sought;

3. The date, time, and place of the hearing.

D. The applicant shall furnish the names and mailing addresses of all owners of property:

1. Within a three hundred (300) foot radius of the exterior boundary of the subject property; or

2. In the case of a minor variance or exception, the owners of abutting property of the subject property; or

3. In the case of determining if spacing requirements have been met for all uses included within Use Unit 1212a, all the owners of property within a radius of the exterior boundary of the subject property equal to the spacing requirement established.

Costs of publication shall be billed to the applicant."

*Ord. Nos. 19500, 20171*

*Section 3. That Title 42, Chapter 16, Section 1606, Tulsa Revised Ordinances, be and the same is hereby amended by adding thereto Subsection C, to read as follows:*

"C. Any use established by this code that is limited by a spacing requirement requiring it to be a minimum distance from another use shall be reviewed by the Board of Adjustment at a public hearing to determine if the spacing requirements have been met."

*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. 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: October 14, 2004 .

Date

s/ Randall L. Sullivan  
Chairman of the Council

ADOPTED as an emergency measure: October 14, 2004 .  
Date

s/ Randall L. Sullivan  
Chairman of the Council

OFFICE OF THE MAYOR

Received by the Mayor: N/A at \_\_\_\_\_ .  
Date Time

Bill LaFortune, Mayor

By \_\_\_\_\_  
Secretary

APPROVED by the Mayor of the City of Tulsa, Oklahoma: October 18, 2004 ,  
Date  
at 9:00 a.m. .  
Time

s/ Bill LaFortune  
Mayor

(Seal)  
ATTEST:

s/ Dana Burks  
Deputy City Clerk

APPROVED:

s/ Alan L. Jackere  
City Attorney