

Ordinance

Version 3.4 released on 6/29/23

Use for all Ordinances including: TRO, Budget, Zoning, Declarations, Trust Indentures, etc.



CITY COUNCIL USE ONLY

Date Received: _____
Committee Date: _____
1st Agenda Date: _____

Tracking #: _____
Committee: _____
Hearing Date: _____
2nd Agenda Date: _____

CITY CLERK USE ONLY

☐ Scanned Date: 10.18.2023
☐ Posted Item # 2310-02449

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 <input checked="" type="radio"/> Yes <input type="radio"/> No
Department Public Works	Contact Name Terry Ball	Email TBALL@cityoftulsa.org	Phone 9185969715
Subject (Description) Amend Title 35 TRO, "Infrastructure Development" ; Section 602	Ordinance Type Amending Tulsa Revised Ordinances		
Section	Township	Range	Lot
Block	Address	BA / CT Number	
Amending Ord. No.	TRO Title No. 35 e.g. 43	TRO Subtitle e.g. G	Property/Non-Property
Council District	Zoning No.	PUD No.	Planning District

Budget

Funding Source(s)

TOTAL:

Enter the funding source(s) using the appropriate Munis funding format: Org (Allocation Code)-Object-Amount (1001211-531401-\$10.00) or Project String-Amount (144104.AbstTitle5413102.6001-4043122-541102-\$30,000.01)

Approvals

Department:	<u>Terry Ball</u>	Date:	<u>10/16/2023</u>
Legal:	<u>M. Swiney</u>	Date:	<u>OCT 13 2023</u>
Board:		Date:	
Mayor:	<u>Cassia Carr</u>	Date:	<u>OCT 18 2023</u>
Other:	<u>Mayor Pro Tem</u>	Date:	

Policy Statement

Background Information

Ordinance amendment, updating the Infrastructure Development ordinances; replacing "Engineering Services Department" and "Streets and Stormwater Department" with "Public Works Department"; imposing certain duties on the Deputy Director of Public Works; setting requirements for appeals from the Deputy Director's decisions; and revising sidewalk fees.

Provide background information on the requested action.

Summation of the Requested Action

Summarize the pertinent details of the requested action.

Emergency Clause?

- ☒ Yes
- ☐ No

Reason for Emergency Clause

This ordinance deals with work in public property, public safety, and public revenue; therefore it is offered as an emergency measure.

Explain why you are requesting that the City Council approve this action with an emergency clause.

Processing Information for City Clerk's Office

Post Execution Processing

- ☐ Mail vendor copy (addtl signature copies attached)
- ☐ Must be filed with other governmental entity
- ☐ Addtl governmental entity approval(s) required

Additional Routing and Processing Details

(Published in the Tulsa World

_____, 2023)

ORDINANCE NO. _____

AN ORDINANCE AMENDING TITLE 35 TULSA REVISED ORDINANCES (TRO), "INFRASTRUCTURE DEVELOPMENT", SECTION 602, "REQUIRED SIDEWALKS AND FEE-IN-LIEU OPTION"; STRIKING FROM SUB-SECTION "A", "DEFINITIONS", THE DEFINITION "ENGINEERING SERVICES DIRECTOR" AS NO LONGER APPLICABLE; ADDING TO SUB-SECTION "A", "DEFINITIONS", THE DEFINITION OF "DEPUTY DIRECTOR", THAT IS: THE DEPUTY DIRECTOR OF THE PUBLIC WORKS DEPARTMENT; SUBSTITUTING THE TERM "PUBLIC WORKS" EVERYWHERE THE INAPPLICABLE TERMS "ENGINEERING SERVICES" OR "STREETS AND STORMWATER" APPEAR IN THE ORDINANCE; ADDING THE WORD "DEPUTY" BEFORE THE WORD "DIRECTOR" EVERYWHERE IT APPEARS IN SUB-SECTION "E", "OTHER LOCATIONS ELIGIBLE FOR THE FEE-IN-LIEU OPTION", WITH ONE EXCEPTION IN THE LAST PARAGRAPH OF SUB-SECTION "E"; ADDING THE WORD "DEPUTY" BEFORE THE WORD "DIRECTOR" IN THE FIRST AND SIXTH SENTENCES IN SUB-SECTION "F", "APPEAL OF DENIAL OF APPLICATION FOR APPROVAL OF SIDEWALK FEES-IN-LIEU"; REQUIRING A MAJORITY VOTE OF THE QUORUM OF THE CITY COUNCIL AS NECESSARY FOR REVERSAL IN SUB-SECTION "H", "CITY COUNCIL ACTION"; ADJUSTING FEES IN SUB-SECTION "J", "DETERMINATION OF SIDEWALK FEES"; REPEALING ALL ORDINANCES IN CONFLICT HERewith; PROVIDING FOR SEVERABILITY; AND DECLARING AN EMERGENCY.

BE IT ORDAINED BY THE CITY OF TULSA:

Section 1. That Title 35, Chapter 6, Section 602, Tulsa Revised Ordinances, be amended to read as follows:

Section 602. - Required sidewalks and fee-in-lieu option.

- A. **Definitions.** Words and terms not defined in this section shall have the meanings given to them by the Tulsa Metropolitan Area Subdivision and Development Regulations, the Zoning Code of the City of Tulsa ("City"), other ordinances of the City, and statutes of the State of Oklahoma, all as amended from time to time, or by common and ordinary usage if

not defined elsewhere. For the purposes of this Section, the following words, terms, and phrases shall have the meanings prescribed in this Section, unless otherwise expressly written:

Agent: A person authorized to act on behalf of another person or entity concerning a construction project.

Applicant: The owner of real property upon which a construction project is planned or has commenced, or an agent of such owner.

Arterial Street: A street designated as an arterial street on the Tulsa Metropolitan Area Major Street and Highway Plan, including, but not limited to, primary arterials, secondary arterials, and urban arterials.

Building Permit: Formal written permission by the City to perform construction, alteration, repair or related activities within the municipal limits of the City or within its jurisdictional control, as required by ordinance.

Certificate of Occupancy: A document issued by the City certifying that a building is in compliance with applicable building codes and other requirements and indicating that the building is in a condition suitable for occupancy.

City Limits: The outer boundary of the area within a specified sidewalk service area lying within the territory of the City.

Collector Street: A street designated as a collector street on the Tulsa Metropolitan Area Major Street and Highway Plan, whether a residential collector street or a commercial, central business district ("CBD") or industrial collector street. A collector street is a street intended to move traffic from local streets to arterial streets.

Commercial/Industrial Street: A street designated as a commercial/industrial street on the Tulsa Metropolitan Area Major Street and Highway Plan.

Construction Project: An organized undertaking at a specific location to complete pre-determined objectives for the planning, design, construction, repair, improvement or expansion of buildings or facilities, as detailed in construction plans, specifications and other related documents.

Curb and Gutter: The area abutting a street designed for the collection of stormwater runoff and providing a raised barrier for the safety of pedestrians and vehicular traffic.

Deputy Director: The Deputy Director of the Public Works Department of the City, or the Director of any successor department which has responsibility for the engineering, and design of streets.

Development(s): Buildings, facilities, improvements, or locations, whether planned, under construction or which are completed, which currently create pedestrian demand or which are likely to create pedestrian demand in the future.

Director: The Director of the Public Works Department of the City, or the Director of any successor department which has responsibility for the management, maintenance and repair of streets.

Fee-in-Lieu: Payment of a fee rather than constructing required sidewalk(s) and sidewalk infrastructure which has been deferred in accordance with this Section.

Mobility Scooter: An electrically powered scooter designed for people with restricted mobility, typically those who are elderly and/or disabled.

Ordinance: A legislative act of the City Council of the City which has become effective in accordance with the Amended Charter of the City.

Owner: The person or entity having legal title to the real property upon which a construction project is planned, has commenced or is completed.

Parkway: A street designated as a parkway on the Tulsa Metropolitan Area Major Street and Highway Plan.

Pedestrian: A person traveling on foot (walking or running), or in an equivalent manner such as by means of a wheelchair or mobility scooter.

Pedestrian Circulation System: Improvements, whether public or private, including, but not limited to, sidewalks, parking lots, streets, paths, and trails, which provide connectivity and walkability between residential areas, businesses, schools, parks, and other pedestrian generators.

Residential (local) Street: A street, whether privately or publicly maintained, which provides access within a residential area, neighborhood or subdivision, which connects to other residential streets, collector streets, and less frequently, to arterial streets.

Scenic Drive: A street designated as a scenic drive on the Tulsa Metropolitan Area Major Street and Highway Plan.

Sidewalk: A hard-surfaced path (typically concrete) adjacent to a street or road, designed for pedestrian use, and which is constructed in accordance with standards approved and adopted by the City's Public Works Department, or its successor department. For the purpose of this Section, the term "sidewalk" shall incorporate and include the term "sidewalk infrastructure".

Sidewalk Infrastructure: Improvements designed and constructed for the purpose of pedestrian use and travel which includes, but is not limited to, sidewalks, curb cuts and ramps, and retaining walls necessary for sidewalk construction.

B. Required Sidewalks. Sidewalks are required to be installed on both sides of arterial streets, parkways, scenic drives, commercial/industrial streets, collector streets and also on both sides of residential (local) streets with curb and gutter, except as set forth herein. The Director, or the Director's designee, may also require the installation of sidewalks in other locations when determined that such sidewalks will contribute to a logical and well-connected pedestrian circulation system.

1. When Sidewalks are Required. The sidewalk requirements of this subsection 602.B shall apply to all:

- a. Land divisions, as defined in the Tulsa Metropolitan Area Subdivision and Development Regulations;
- b. Activities expressly identified in Section 70.080-B(2) of [Title 42](#), Tulsa Revised Ordinances; and
- c. Development for which a building permit and a certificate of occupancy are required.

2. Sidewalk Design and Construction Standards. The standards for sidewalk design and construction shall be the standards approved and adopted by the City's Public Works Department, or its successor department.

3. Sidewalk Fee-in-Lieu Option.

- a. An applicant may elect to pay the fee-in-lieu instead of constructing the sidewalk as required above, provided that the sidewalk location is not listed in the Critical Sidewalk Areas in subsection C below.

C. Critical Sidewalk Areas. The following-listed areas and locations within the City of Tulsa are designated as "Critical Sidewalk Areas". Sidewalks are required to be constructed within Critical Sidewalk Areas. The Fee-in-Lieu Option is not available, and deferral of sidewalk construction and payment of a sidewalk fee-in-lieu will not be approved for a construction project within a Critical Sidewalk Area, unless otherwise permitted by this Section.

CRITICAL SIDEWALK AREAS:

1. Properties abutting or connecting to an existing sidewalk.
2. New subdivisions or replats of existing subdivisions.

D. Fee-in-Lieu Option for Property Not Within a Critical Sidewalk Area. An applicant desiring to defer sidewalk construction and pay a fee-in-lieu for a project which is not within a Critical Sidewalk Area as listed in subsection 602.C above shall submit an "Application for Deferral of the Requirement to Construct Sidewalks and Payment of a Fee-in-Lieu" ("Application") to the Public Works Department, together with such other information and supporting documentation as may be required or necessary to process the application and determine the eligibility of the applicant. The Deputy Director, or the Director's designee, shall review the completed application and shall approve deferral of sidewalk construction and require payment of a fee-in-lieu if the project which is the subject of the application is not wholly or partially within a Critical Sidewalk Area. An application not meeting the eligibility requirements for deferral of sidewalk construction and payment of a fee-in-lieu shall be denied and the required sidewalk(s) shall be constructed prior to the issuance of a certificate of occupancy.

E. Other Locations Eligible for the Fee-in-Lieu Option. Required sidewalk construction may be deferred by the Deputy Director, in the Deputy Director's discretion, in locations otherwise requiring a sidewalk or sidewalk infrastructure, including locations within a Critical Sidewalk Area, based on one or more of the following factors demonstrated by the applicant:

1. Anticipated construction, known to the Deputy Director to be planned for the subject site, which will substantially damage or cause the replacement of sidewalks, if presently constructed;
2. Other factors not specified in this section deemed by the Deputy Director to make present sidewalk construction at the location in question impractical. The cost of construction of required sidewalk infrastructure, without other relevant factors being present, shall not make construction of a required sidewalk impractical.

In addition to one or more of the above-listed factors demonstrated by the applicant, the Deputy Director shall make a finding that deferral of sidewalk construction will not adversely impact pedestrian safety, mobility or connectivity. An applicant desiring to pay a fee-in-lieu for a location which may be eligible pursuant to the criteria established by this subsection shall submit an application to the Public Works Department, together with such other information and supporting documentation as may be required or necessary to process the application and determine the eligibility of the subject property. The Deputy Director, or the Director's designee, shall review the completed application and may approve deferral of sidewalk construction and payment of a fee-in-lieu if the project is eligible for the Fee-in-Lieu Option pursuant to the criteria set forth in this subsection. An application not meeting the eligibility requirements for sidewalk construction deferral and payment of a fee-in-lieu, in the discretion of the Deputy Director, shall be denied and the required sidewalk(s) shall be constructed prior to the issuance of a certificate of occupancy.

F. Appeal of denial of Application for Approval of Sidewalk Fees-in-Lieu. If an application is denied by the Deputy Director, the applicant may appeal the decision of the Deputy Director

if the applicant believes that the subject property meets the criteria for eligibility for deferral of sidewalk construction and payment of fees-in-lieu as set forth in subsection 602.D or 602.E above. Such appeal shall be commenced by filing a notice of appeal to the Public Works Department within ten (10) business days after the date of denial of the application. The written Notice of Appeal must state the basis for the appeal. The Public Works Director, or the Public Works Director's designee, shall review the application and supporting documents provided to the Public Works Department and any other information provided by the applicant with the notice of appeal. The Public Works Director, or Public Works Director's designee, shall either affirm or reverse the decision appealed from in writing within thirty (30) calendar days after receipt of the appeal. If the appeal is granted and the decision of the Deputy Director is reversed, sidewalk construction shall be deferred, and the required fee-in-lieu shall be paid by the Applicant prior to issuance of the certificate of occupancy. If the appeal is denied, the required sidewalks shall be constructed prior to the issuance of a certificate of occupancy.

G. Appeal to the City Council. An applicant who has an appeal denied by the Public Works Director, or Public Works Director's designee, may appeal such decision to the City Council within ten (10) business days after the date of denial of the appeal by filing two copies of a written Notice of Appeal, specifying the name and address of the Appellant and the grounds for appeal with the City Clerk at 175 East 2nd Street, Tulsa, Oklahoma, 74103, and by filing two copies of a written Notice of Appeal with the City Council Secretary. The written Notice of Appeal form shall be the form provided by the City Clerk or the Council Secretary. A hearing on the appeal shall be heard by the City Council not later than thirty (30) calendar days from the date of filing the Notice of Appeal unless a later date is agreed to by the Appellant. Notice of the date, time and place of the appeal hearing shall be mailed by the City Council Secretary by first-class mail to the Appellant at the address shown in the Notice of Appeal. Only the issues raised as the basis of the appeal to the Public Works Director and the documents submitted to and considered by the Public Works Director, including documents submitted by the applicant as part of the appeal to the Public Works Director shall be reviewed and heard by the City Council.

H. City Council Action. The City Council shall hold a hearing and may reverse or affirm the decision of the Public Works Director, or the Public Works Director's designee. The concurring vote of a majority of the quorum of the City Council shall be necessary to reverse the decision of the Public Works Director, or the Public Works Director's designee.

I. Establishment of Sidewalk Service Areas. There are now established by this subsection 602.I nineteen (19) geographic Sidewalk Service Areas with the City of Tulsa in which a defined sidewalk infrastructure system provides or will provide service to developments within that service area. The nineteen (19) Sidewalk Service Areas shall be as follows:

1. City limits to the North and West; Highway 75 to the East; Gilcrease Expressway to the South.
2. Highway 75 to the West; City limits to the North and East; Gilcrease Expressway and I-244 to the South.

3. City limits to the West, North, and South; I-244 and L.L. Tisdale Parkway to the East.
4. Gilcrease Expressway to the North; Highway 75 to the East; I-244 to the South; L.L. Tisdale Parkway to the West.
5. Gilcrease Expressway to the North; North Harvard Avenue to the East; I-244 to the South; Highway 75 to the West.
6. Gilcrease Expressway to the North and East; I-244 to the South; North Harvard Avenue to the West.
7. I-244 and Highway 75 to the North; South Lewis Avenue to the East; East 21st Street to the South; The Arkansas River and Highway 75 to the West.
8. I-244 to the North; South Yale Avenue to the East; East 21st Street to the South; South Lewis Avenue to the West.
9. I-244 to the North; Highway 169 to the East; East 15th Street and East 21st Street to the South; South Yale Avenue to the West.
10. East 21st Street to the North; South Lewis Avenue to the East; I-44 to the South; the Arkansas River to the West.
11. East 21st Street to the North; South Yale Avenue to the East; I-44 to the South; South Lewis Avenue to the West.
12. East 15th Street and East 21st Street to the North; I-44 and South Memorial Drive to the East; I-44 to the South; South Yale Avenue to the West.
13. I-244 to the North; 145th East Avenue and the City limits to the East; East 61st Street and City limits to the South; Highway 169, the Broken Arrow Expressway, and I-44 to the West.
14. City limits to the North, East, and South; 145th East Avenue to the West.
15. City limits to the North, South, and West; Arkansas River to the East.
16. I-44 to the North; South Harvard Avenue and South Lewis Avenue to the East; East 61st Street and East 81st Street to the South; the Arkansas River to the West.
17. I-44 and the Broken Arrow Expressway to the North; Highway 169 to the East; East 61st Street to the South; South Harvard Avenue to the West.

18. East 61st Street and East 81st Street to the North; City limits to the East; the Creek Turnpike to the South; City limits, the Arkansas River, and South Lewis Avenue to the West.

19. The Creek Turnpike to the North; City limits to the East, South, and West.

A map depicting the Sidewalk Service Areas established by this section is attached as Exhibit "A" and is made a part of this subsection 602.1. Sidewalk Service Areas which reference the Arkansas River, turnpikes, highways or streets, which act as the boundary for adjoining sidewalk service areas shall meet in the center of the Arkansas River, turnpike, highway or street so referenced.

J. Determination of Sidewalk Fees. The Director of the Public Works Department, or the Director's successor, shall review and calculate, at least annually, the average unit cost to the City with respect to sidewalk infrastructure constructed for the City based on the lowest valid responsive bid(s) submitted to the City for similar work within the previous twelve months, and the annual City-Wide Infrastructure Rehabilitation and Improvement Contract (or similar contract with a different title), and shall determine if the average unit costs of sidewalk infrastructure construction for fee-in-lieu purposes should be adjusted. The unit costs so calculated shall be the basis for the fee-in lieu amounts required. Eighty percent (80%) of the average unit cost of sidewalk and ADA-compliant ramp construction as determined and adjusted by the Director shall be the required fee-in-lieu amount for sidewalks on or along streets not designated as arterial streets, parkways, scenic drives, commercial/industrial streets, or collector streets in the Tulsa Metropolitan Area Major Street and Highway Plan (applicable to "Non-Arterial Sidewalk Construction" below in numerical 1 and 2 of this subsection), and one hundred percent (100%) of the average unit cost of sidewalk construction and ADA-compliant ramp construction as determined and adjusted by the Director shall be the required fee-in-lieu amount for sidewalks and for ADA-compliant ramps on or along streets designated as arterial streets, parkways, scenic drives, commercial/industrial streets, or collector streets in the Tulsa Metropolitan Area Major Street and Highway Plan and (applicable to "Arterial Sidewalk Construction" below in numerical 3 and 4 of this subsection). The existing average unit costs of sidewalk infrastructure adopted for fee-in-lieu purposes, until otherwise adjusted by the Director, are as follows:

1. Non-Arterial Sidewalk Construction: Eight Dollars and Twenty-Two Cents (\$8.68) per square foot for eighty percent (80%) of the average unit cost of Ten Dollars and Eighty-Five Cents (\$10.85) per square foot.

2. Non-Arterial ADA-Compliant Ramp Construction: Five Hundred Forty-Four dollars (\$544.00) each for eighty percent (80%) of the average unit cost of Six Hundred Eighty Dollars (\$680.00).

3. Arterial Sidewalk Construction: Ten Dollars and Eighty-Five Cents (\$10.85) per square foot for one hundred percent (100%) of the average unit cost.

4. Arterial ADA-Compliant Ramp Construction: Six Hundred Eighty Dollars (\$680.00) each for one hundred percent (100%) of the average unit cost.

K. Creation of Separate Fund; Use of Sidewalk Fees Collected. A separate fund or funds for fees-in-lieu collected shall be established and the funds so collected shall be accounted for based upon the fees-in-lieu collected within each Sidewalk Service Area. The fees-in-lieu so collected for a particular Sidewalk Service Area shall only be spent for public sidewalk infrastructure projects within that service area. In the case of developments spanning more than one Sidewalk Service Area, the Sidewalk fees-in-lieu collected shall be expended proportionately within each Sidewalk Service Area. Fees-in-lieu may not be used to fund repairs, maintenance, restorations, refurbishments, alterations, improvements, or fixes to existing sidewalk infrastructure that do not result in an increase or expansion in the functional service capacity of the sidewalk system which is available to serve new or expanded existing growth and development in the applicable Sidewalk Service Area. Fees-in-lieu may be used for any costs related to public sidewalk infrastructure expansion within the applicable Sidewalk Service Area.

L. Annual Report. The Public Works Department shall provide an annual report to the City Council detailing the collection, investment and expenditure of fee-in-lieu funds as separately reported for each Sidewalk Service Area, and each public sidewalk infrastructure system project completed for each Sidewalk Service Area, as well as the estimates of the timing of system-capacity expanding improvements as such construction is funded by fees-in-lieu.

M. Termination of Sidewalk Fees. The City may terminate the deferral of required sidewalk construction and the collection of fees-in-lieu when the system of public sidewalk infrastructure has been fully funded or developed and any expanded or modified development will have no additional impact on the public sidewalk infrastructure system.

Section 2. 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 3. REPEAL OF CONFLICTING ORDINANCES. That all ordinances or parts of ordinances in conflict herewith be and the same are now expressly repealed.

Section 4. 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

Chair of the Council

ADOPTED as an emergency clause: _____
Date

Chair of the Council

APPROVED by the Mayor of the City of Tulsa, Oklahoma: _____,
Date
at _____
Time

Mayor

(Seal)
ATTEST:

APPROVED:

City Clerk

City Attorney

MDS

• **Section 602. - Required sidewalks and fee-in-lieu option.**

- A. **Definitions.** Words and terms not defined in this section shall have the meanings given to them by the Tulsa Metropolitan Area Subdivision and Development Regulations, the Zoning Code of the City of Tulsa ("City"), other ordinances of the City, and statutes of the State of Oklahoma, all as amended from time to time, or by common and ordinary usage if not defined elsewhere. For the purposes of this Section, the following words, terms, and phrases shall have the meanings prescribed in this Section, unless otherwise expressly written:

Agent: A person authorized to act on behalf of another person or entity concerning a construction project.

Applicant: The owner of real property upon which a construction project is planned or has commenced, or an agent of such owner.

Arterial Street: A street designated as an arterial street on the Tulsa Metropolitan Area Major Street and Highway Plan, including, but not limited to, primary arterials, secondary arterials, and urban arterials.

Building Permit: Formal written permission by the City to perform construction, alteration, repair or related activities within the municipal limits of the City or within its jurisdictional control, as required by ordinance.

Certificate of Occupancy: A document issued by the City certifying that a building is in compliance with applicable building codes and other requirements, and indicating that the building is in a condition suitable for occupancy.

City Limits: The outer boundary of the area within a specified sidewalk service area lying within the territory of the City.

Collector Street: A street designated as a collector street on the Tulsa Metropolitan Area Major Street and Highway Plan, whether a residential collector street or a commercial, central business district ("CBD") or industrial collector street. A collector street is a street intended to move traffic from local streets to arterial streets.

Commercial/Industrial Street: A street designated as a commercial/industrial street on the Tulsa Metropolitan Area Major Street and Highway Plan.

Construction Project: An organized undertaking at a specific location to complete pre-determined objectives for the planning, design, construction, repair, improvement or expansion of buildings or facilities, as detailed in construction plans, specifications and other related documents.

Curb and Gutter: The area abutting a street designed for the collection of stormwater runoff and providing a raised barrier for the safety of pedestrians and vehicular traffic.

DRAFT

Deputy Director: The Deputy Director of the Public Works Department of the City, or the Director of any successor department which has responsibility for the engineering, and design of streets.

Development(s): Buildings, facilities, improvements, or locations, whether planned, under construction or which are completed, which currently create pedestrian demand or which are likely to create pedestrian demand in the future.

Director: The Director of the ~~Streets and Stormwater~~ **Public Works** Department of the City, or the Director of any successor department which has responsibility for the management, maintenance and repair of streets.

~~Engineering Services Director:~~ ~~The Director of the Engineering Services Department, or the Director of any successor department which has the responsibility for general engineering services for the City.~~

Fee-in-Lieu: Payment of a fee rather than constructing required sidewalk(s) and sidewalk infrastructure which has been deferred in accordance with this Section.

Mobility Scooter: An electrically powered scooter designed for people with restricted mobility, typically those who are elderly and/or disabled.

Ordinance: A legislative act of the City Council of the City which has become effective in accordance with the Amended Charter of the City.

Owner: The person or entity having legal title to the real property upon which a construction project is planned, has commenced or is completed.

Parkway: A street designated as a parkway on the Tulsa Metropolitan Area Major Street and Highway Plan.

Pedestrian: A person traveling on foot (walking or running), or in an equivalent manner such as by means of a wheelchair or mobility scooter.

Pedestrian Circulation System: Improvements, whether public or private, including, but not limited to, sidewalks, parking lots, streets, paths, and trails, which provide connectivity and walkability between residential areas, businesses, schools, parks, and other pedestrian generators.

Residential (local) Street: A street, whether privately or publicly maintained, which provides access within a residential area, neighborhood or subdivision, which connects to other residential streets, collector streets, and less frequently, to arterial streets.

DRAFT

Scenic Drive: A street designated as a scenic drive on the Tulsa Metropolitan Area Major Street and Highway Plan.

Sidewalk: A hard-surfaced path (typically concrete) adjacent to a street or road, designed for pedestrian use, and which is constructed in accordance with standards approved and adopted by the City's ~~Engineering Services~~ **Public Works** Department, or its successor department. For the purpose of this Section, the term "sidewalk" shall incorporate and include the term "sidewalk infrastructure".

Sidewalk Infrastructure: Improvements designed and constructed for the purpose of pedestrian use and travel which includes, but is not limited to, sidewalks, curb cuts and ramps, and retaining walls necessary for sidewalk construction.

DRAFT

B. Required Sidewalks. Sidewalks are required to be installed on both sides of arterial streets, parkways, scenic drives, commercial/industrial streets, collector streets and also on both sides of residential (local) streets with curb and gutter, except as set forth herein. The Director, or the Director's designee, may also require the installation of sidewalks in other locations when determined that such sidewalks will contribute to a logical and well-connected pedestrian circulation system.

1. **When Sidewalks are Required.** The sidewalk requirements of this subsection 602.B shall apply to all:

- a. Land divisions, as defined in the Tulsa Metropolitan Area Subdivision and Development Regulations;
- b. Activities expressly identified in Section 70.080-B(2) of [Title 42](#), Tulsa Revised Ordinances; and
- c. Development for which a building permit and a certificate of occupancy are required.

2. **Sidewalk Design and Construction Standards.** The standards for sidewalk design and construction shall be the standards approved and adopted by the City's ~~Engineering Services~~ **Public Works** Department, or its successor department.

3. **Sidewalk Fee-in-Lieu Option.**

- a. An applicant may elect to pay the fee in lieu of instead of constructing the sidewalk as required above, provided that the sidewalk location is not listed in the Critical Sidewalk Areas in subsection C below.

C. Critical Sidewalk Areas. The following-listed areas and locations within the City of Tulsa are designated as "Critical Sidewalk Areas". Sidewalks are required to be constructed within Critical Sidewalk Areas. The Fee-in-Lieu Option is not available and deferral of sidewalk

construction and payment of a sidewalk fee-in-lieu will not be approved for a construction project within a Critical Sidewalk Area, unless otherwise permitted by this Section.

CRITICAL SIDEWALK AREAS:

1. Properties abutting or connecting to an existing sidewalk.
2. New subdivisions or replats of existing subdivisions.

DRAFT

D. Fee-in-Lieu Option for Property Not Within a Critical Sidewalk Area. An applicant desiring to defer sidewalk construction and pay a fee-in-lieu for a project which is not within a Critical Sidewalk Area as listed in subsection 602.C above shall submit an "Application for Deferral of the Requirement to Construct Sidewalks and Payment of a Fee-in-Lieu" ("Application") to the ~~Streets and Stormwater~~ **Public Works** Department, together with such other information and supporting documentation as may be required or necessary to process the application and determine the eligibility of the applicant. The **Deputy** Director, or the Director's designee, shall review the completed application and shall approve deferral of sidewalk construction and require payment of a fee-in-lieu if the project which is the subject of the application is not wholly or partially within a Critical Sidewalk Area. An application not meeting the eligibility requirements for deferral of sidewalk construction and payment of a fee-in-lieu of shall be denied and the required sidewalk(s) shall be constructed prior to the issuance of a certificate of occupancy.

E. Other Locations Eligible for the Fee-in-Lieu Option. Required sidewalk construction may be deferred by the **Deputy** Director, in the **Deputy** Director's discretion, in locations otherwise requiring a sidewalk or sidewalk infrastructure, including locations within a Critical Sidewalk Area, based on one or more of the following factors demonstrated by the applicant:

1. Anticipated construction, known to the **Deputy** Director to be planned for the subject site, which will substantially damage or cause the replacement of sidewalks, if presently constructed;
2. Other factors not specified in this section deemed by the **Deputy** Director to make present sidewalk construction at the location in question impractical. The cost of construction of required sidewalk infrastructure, without other relevant factors being present, shall not make construction of a required sidewalk impractical.

In addition to one or more of the above-listed factors demonstrated by the applicant, the **Deputy** Director shall make a finding that deferral of sidewalk construction will not adversely impact pedestrian safety, mobility or connectivity. An applicant desiring to pay a fee-in-lieu for a location which may be eligible pursuant to the criteria established by this subsection shall submit an application to the ~~Streets and Stormwater~~ **Public Works** Department, together with such other information and supporting documentation as may be required or necessary to process the application and determine the eligibility of the subject property. The **Deputy** Director, or the

Director's designee, shall review the completed application and may approve deferral of sidewalk construction and payment of a fee-in-lieu if the project is eligible for the Fee-in-Lieu Option pursuant to the criteria set forth in this subsection. An application not meeting the eligibility requirements for sidewalk construction deferral and payment of a fee-in-lieu, in the discretion of the **Deputy** Director, shall be denied and the required sidewalk(s) shall be constructed prior to the issuance of a certificate of occupancy.

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F. Appeal of denial of Application for Approval of Sidewalk Fees-in-Lieu. If an application is denied by the **Deputy** Director, the applicant may appeal the decision of the **Deputy** Director if the applicant believes that the subject property meets the criteria for eligibility for deferral of sidewalk construction and payment of fees-in-lieu as set forth in subsection 602.D or 602.E above. Such appeal shall be commenced by filing a notice of appeal to the ~~Streets and Stormwater~~ **Public Works** Department within ten (10) business days after the date of denial of the application. The written Notice of Appeal must state the basis for the appeal. The ~~Engineering Services~~ **Public Works** Director, or the ~~Engineering Services~~ **Public Works** Director's designee, shall review the application and supporting documents provided to the ~~Streets and Stormwater~~ **Public Works** Department and any other information provided by the applicant with the notice of appeal. The ~~Engineering Services~~ **Public Works** Director, or the ~~Engineering Services~~ **Public Works** Director's designee, shall either affirm or reverse the decision appealed from in writing within thirty (30) calendar days after receipt of the appeal. If the appeal is granted and the decision of the **Deputy** Director is reversed, sidewalk construction shall be deferred and the required fee-in-lieu shall be paid by the Applicant prior to issuance of the certificate of occupancy. If the appeal is denied, the required sidewalks shall be constructed prior to the issuance of a certificate of occupancy.

G. Appeal to the City Council. An applicant who has an appeal denied by the ~~Engineering Services~~ **Public Works** Director, or the ~~Engineering Services~~ **Public Works** Director's designee, may appeal such decision to the City Council within ten (10) business days after the date of denial of the appeal by filing two copies of a written Notice of Appeal, specifying the name and address of the Appellant and the grounds for appeal with the City Clerk at 175 East 2nd Street, Tulsa, Oklahoma, 74103, and by filing two copies of a written Notice of Appeal with the City Council Secretary. The written Notice of Appeal form shall be the form provided by the City Clerk or the Council Secretary. A hearing on the appeal shall be heard by the City Council not later than thirty (30) calendar days from the date of filing the Notice of Appeal unless a later date is agreed to by the Appellant. Notice of the date, time and place of the appeal hearing shall be mailed by the City Council Secretary by first-class mail to the Appellant at the address shown in the Notice of Appeal. Only the issues raised as the basis of the appeal to the ~~Engineering Services~~ **Public Works** Director and the documents submitted to and considered by the ~~Engineering Services~~ **Public Works** Director, including documents submitted by the applicant as part of the appeal to the ~~Engineering Services~~ **Public Works** Director shall be reviewed and heard by the City Council.

H. City Council Action. The City Council shall hold a hearing and may reverse or affirm the decision of the ~~Engineering Services~~ **Public Works** Director, or the ~~Engineering Services~~ **Public**

~~Works~~ Director's designee. The concurring vote of a majority of ~~all of the members~~ **the quorum** of the City Council shall be necessary to reverse the decision of the ~~Engineering Services~~ **Public Works** Director, or the ~~Engineering Services~~ **Public Works** Director's designee.

I. Establishment of Sidewalk Service Areas. There are now established by this subsection 602.I nineteen (19) geographic Sidewalk Service Areas with the City of Tulsa in which a defined sidewalk infrastructure system provides or will provide service to developments within that service area. The nineteen (19) Sidewalk Service Areas shall be as follows:

1. City limits to the North and West; Highway 75 to the East; Gilcrease Expressway to the South.
2. Highway 75 to the West; City limits to the North and East; Gilcrease Expressway and I-244 to the South.
3. City limits to the West, North, and South; I-244 and L.L. Tisdale Parkway to the East.
4. Gilcrease Expressway to the North; Highway 75 to the East; I-244 to the South; L.L. Tisdale Parkway to the West.
5. Gilcrease Expressway to the North; North Harvard Avenue to the East; I-244 to the South; Highway 75 to the West.
6. Gilcrease Expressway to the North and East; I-244 to the South; North Harvard Avenue to the West.
7. I-244 and Highway 75 to the North; South Lewis Avenue to the East; East 21st Street to the South; The Arkansas River and Highway 75 to the West.
8. I-244 to the North; South Yale Avenue to the East; East 21st Street to the South; South Lewis Avenue to the West.
9. I-244 to the North; Highway 169 to the East; East 15th Street and East 21st Street to the South; South Yale Avenue to the West.
10. East 21st Street to the North; South Lewis Avenue to the East; I-44 to the South; the Arkansas River to the West.
11. East 21st Street to the North; South Yale Avenue to the East; I-44 to the South; South Lewis Avenue to the West.
12. East 15th Street and East 21st Street to the North; I-44 and South Memorial Drive to the East; I-44 to the South; South Yale Avenue to the West.

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13. I-244 to the North; 145th East Avenue and the City limits to the East; East 61st Street and City limits to the South; Highway 169, the Broken Arrow Expressway, and I-44 to the West.

14. City limits to the North, East, and South; 145th East Avenue to the West.

15. City limits to the North, South, and West; Arkansas River to the East.

16. I-44 to the North; South Harvard Avenue and South Lewis Avenue to the East; East 61st Street and East 81st Street to the South; the Arkansas River to the West.

17. I-44 and the Broken Arrow Expressway to the North; Highway 169 to the East; East 61st Street to the South; South Harvard Avenue to the West.

18. East 61st Street and East 81st Street to the North; City limits to the East; the Creek Turnpike to the South; City limits, the Arkansas River, and South Lewis Avenue to the West.

19. The Creek Turnpike to the North; City limits to the East, South, and West.

A map depicting the Sidewalk Service Areas established by this section is attached as Exhibit "A" and is made a part of this subsection 602.1. Sidewalk Service Areas which reference the Arkansas River, turnpikes, highways or streets, which act as the boundary for adjoining sidewalk service areas shall meet in the center of the Arkansas River, turnpike, highway or street so referenced.

J. Determination of Sidewalk Fees. The Director of the ~~Streets and Stormwater~~ **Public Works** Department, or the Director's successor, shall review and calculate, at least annually, the average unit cost to the City with respect to sidewalk infrastructure constructed for the City based on the lowest valid responsive bid(s) submitted to the City for similar work within the previous twelve months, and the annual City-Wide Infrastructure Rehabilitation and Improvement Contract (or similar contract with a different title), and shall determine if the average unit costs of sidewalk infrastructure construction for fee-in-lieu purposes should be adjusted. The unit costs so calculated shall be the basis for the fee-in lieu amounts required. Eighty percent (80%) of the average unit cost of sidewalk and ADA-compliant ramp construction as determined and adjusted by the Director shall be the required fee-in-lieu amount for sidewalks on or along streets not designated as arterial streets, parkways, scenic drives, commercial/industrial streets, or collector streets in the Tulsa Metropolitan Area Major Street and Highway Plan (applicable to "Non-Arterial Sidewalk Construction" below in numerical 1 and 2 of this subsection), and one hundred percent (100%) of the average unit cost of sidewalk construction and ADA-compliant ramp construction as determined and adjusted by the Director shall be the required fee-in-lieu amount for sidewalks and for ADA-compliant ramps on or along streets designated as arterial streets, parkways, scenic drives, commercial/industrial streets, or collector streets in the Tulsa Metropolitan Area Major Street and Highway Plan and (applicable to "Arterial Sidewalk Construction" below in numerical 3

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and 4 of this subsection). The existing average unit costs of sidewalk infrastructure adopted for fee-in-lieu purposes, until otherwise adjusted by the Director, are as follows:

1. Non-Arterial Sidewalk Construction: ~~Six Dollars and Forty-Four Cents (\$6.44)~~ **Eight Dollars and Twenty-Two Cents** per square foot for eighty percent (80%) of the average unit cost of ~~Eight Dollars and Five Cents (\$8.05)~~ **Ten Dollars and Eighty-Five Cents (\$10.85)** per square foot.
2. Non-Arterial ADA-Compliant Ramp Construction: ~~Seven Hundred Sixty Dollars (\$760.00)~~ **Five Hundred Forty-Four dollars (\$544.00)** each for eighty percent (80%) of the average unit cost of ~~Nine Hundred Fifty Dollars (\$950.00)~~ **Six Hundred Eighty Dollars (\$680.00)**.
3. Arterial Sidewalk Construction: ~~Eight Dollars and Five Cents (\$8.05)~~ **Ten Dollars and Eighty-Five Cents (\$10.85)** per square foot for one hundred percent (100%) of the average unit cost.
4. Arterial ADA-Compliant Ramp Construction: ~~Nine Hundred Fifty Dollars (\$950.00)~~ **Six Hundred Eighty Dollars (\$680.00)** each for one hundred percent (100%) of the average unit cost.

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K. Creation of Separate Fund; Use of Sidewalk Fees Collected. A separate fund or funds for fees-in-lieu collected shall be established and the funds so collected shall be accounted for based upon the fees-in-lieu collected within each Sidewalk Service Area. The fees-in-lieu so collected for a particular Sidewalk Service Area shall only be spent for public sidewalk infrastructure projects within that service area. In the case of developments spanning more than one Sidewalk Service Area, the Sidewalk fees-in-lieu collected shall be expended proportionately within each Sidewalk Service Area. Fees-in-lieu may not be used to fund repairs, maintenance, restorations, refurbishments, alterations, improvements, or fixes to existing sidewalk infrastructure that do not result in an increase or expansion in the functional service capacity of the sidewalk system which is available to serve new or expanded existing growth and development in the applicable Sidewalk Service Area. Fees-in-lieu may be used for any costs related to public sidewalk infrastructure expansion within the applicable Sidewalk Service Area.

L. Annual Report. The ~~Streets and Stormwater~~ **Public Works** Department shall provide an annual report to the City Council detailing the collection, investment and expenditure of fee-in-lieu funds as separately reported for each Sidewalk Service Area, and each public sidewalk infrastructure system project completed for each Sidewalk Service Area, as well as the estimates of the timing of system-capacity expanding improvements as such construction is funded by fees-in-lieu.

M. Termination of Sidewalk Fees. The City may terminate the deferral of required sidewalk construction and the collection of fees-in-lieu when the system of public sidewalk

infrastructure has been fully funded or developed and any expanded or modified development will have no additional impact on the public sidewalk infrastructure system.

([Ord. No. 24275](#), §§ 1, 2, 12-4-19; [Ord. No. 24493](#), §§ 1—3, 12-2-2020; [Ord. No. 24890](#), § 1, 8-10-2022)

Editor's note— [Ord. No. 24275](#), § 1, adopted December 4, 2019, repealed the former § 602, and enacted a new § 602 as set out herein. The former § 602 pertained to parkway and arterial street sidewalks—fee-in-lieu option and derived from Ord. No. 22845, § 1, 3-14-2013.

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