

POLICIES AND PROCEDURES
and
CODE OF ETHICS
of the
TULSA METROPOLITAN AREA PLANNING COMMISSION
(as Amended April 22, 2009)

SECTION I: Policies and Procedures

I. GENERAL POLICIES

A. Name

The name of this Commission shall be "Tulsa Metropolitan Area Planning Commission (TMAPC)", hereinafter referred to as the "Commission".

B. Policies Regarding Meetings

1. It is the policy of the Commission that sufficient supporting information, such as a plot plan, plat of survey, etc., be filed with an application in order for the staff and Commission to have time to evaluate the proposal. If staff concludes that sufficient supporting information has not been provided, staff shall consider the application as incomplete and shall not place the item on the agenda. If material is received by Commissioners less than 48 hours prior to a meeting, the application may be continued by a majority vote of Commissioners present at that meeting.
2. In order to help alleviate potential conflicts and assure that interested parties have adequate information, the Commission encourages applicants to meet with surrounding property owners of nearby areas prior to public hearings.
3. It shall be the policy of the Planning Commission in cases where the recommended PUD concept plan is changed from the applicant's submitted plan that a revised plan reflecting the Planning Commission's recommendation be prepared and submitted to the Planning Commission staff for transmittal to the City Council with the minutes of the meeting.
4. It is the policy of the Commission that public comments are not encouraged at worksessions or training sessions.

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C. Zoning Initiated by TMAPC

1. As a general rule, the TMAPC will not initiate applications for zoning changes without the consent of the owner or his agent, unless such application is requested by the proper legislative body.

D. Subdivisions and Lot-Splits

1. **PLAT WAIVER:** It is the TMAPC's policy to waive the platting requirement for Antennas and Supporting Structures (Use Unit 4. Public Protection and Utility Facilities) and Open Air Activities (Use Unit 2. Subsection 1202.2). The Code lists Open Air Activities as: carnivals; Christmas tree sales; circuses; fruit and vegetable sales; plant sales; tent revivals; and any other sales from trucks, trailers, pickups and other vehicles.
2. **LOT-SPLITS:**
 - a. Right-of-way acquisition by the City of Tulsa requires the processing and approval of a lot-split by the Tulsa Metropolitan Area Planning Commission (TMAPC) when the City acquires only a portion of an existing lot of record. It is the policy of TMAPC to permit Staff to process such lot-splits as "prior approval lot-splits" and stamp the deed(s) for recording with the Tulsa County Clerk. TMAPC then ratifies Staff approval at the next regularly scheduled meeting of TMAPC.
 - b. No lot-split applications which require waiver of a provision of the Subdivision Regulations shall be processed as prior approval lot-splits. Such lot-splits shall require a ten-day written notice to abutting property owners (including lot owners separated only by a residential street). Deeds for such lot-splits shall not be stamped or released until the TMAPC has approved said lot-split in a public meeting.

E. Comprehensive Plan

It shall be the policy of the Planning Commission to not recommend or advocate site-specific locations for such public and quasi-public uses as water storage facilities, stormwater management facilities, traffic signs and signals and other similar uses.

F. TMAPC Privacy

Frequently the public asks how to contact members of the TMAPC. This may be done in one of three ways. The first is by letter correspondence to the TMAPC secretary who will deliver it to the members. The second is by-email to the TMAPC secretary, who will deliver it to the TMAPC members. The third method, if the individual wishes to speak personally with the TMAPC members, is for that individual to call the TMAPC secretary and leave a message to that effect. Staff will not release addresses or phone numbers of TMAPC members without that member's approval.

II. MEMBERSHIP AND OFFICERS

A. Commission Membership (0.8.19-863.5)

The Tulsa Metropolitan Area Planning Commission consists of eleven members, selected as follows: Six are appointed by the Mayor of the City of Tulsa and approved by the City Council, and three are appointed by the Board of County Commissioners of Tulsa County. The Mayor or a person designated by the Mayor as an alternate and the Chairman of the Board of County Commissioners or other member of the Board designated by the Chairman of the Board as an alternate shall be ex officio members of the Commission and shall be entitled to vote on all matters. Appointed members shall serve for terms of three years, and shall continue to serve until their successors are appointed. Vacancies occurring, otherwise than through the expiration of term, shall be filled only for the unexpired term in the same manner as set out above. All appointed members of the Commission shall serve without compensation and shall hold no municipal or county office.

A member of such Commission, once qualified, can thereafter be removed during his/her term of office only for cause and after a hearing held before the governing body by which he/she was appointed.

B. Absentees

In order to properly conduct business, Commissioners must attend as many meetings as practical. If a Commissioner fails to attend ten regularly scheduled meetings, excluding worksession and training session, during a 12 month period the Commission may contact the appointing body to request that the Commissioner be removed and replaced.

C. Officers

1. Annually, on the first Wednesday in January, the Commission shall elect from its appointed members a Chair, a First Vice-Chair, a Second Vice Chair and a Secretary. No Commission member shall hold the same office for more than two consecutive full one-year terms. Any vacancy in office shall be filled by the Chair for the unexpired term only.
2. The duties of the Chair shall include:
 - (a) Presiding over meetings when present, unless the Chair designates another member to preside;
 - (b) Appointing commissioners to serve on other governmental agency committees;
 - (c) Establishing ad hoc committees as the Chair deems necessary and appointing members and chairs to that committee;
 - (d) Signing official documents of the Commission; and

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- (e) Representing the Commission before other governmental bodies, unless the Chair designates another member or a member of the Commission's staff.
- 3. The First Vice-Chair shall assume all of the duties of the Chair during the Chair's absence. The First Vice-Chair shall work in consultation with staff to arrange training sessions and acquire training material for the benefit of the Commission.
- 4. The Second Vice-Chair shall assume all of the duties of the Chair during the Chair's and the First Vice Chair's absence.
- 5. The Secretary shall keep or cause to be kept full and complete minutes of all public hearings of the Commission and shall assume all duties of the Chair in the event the Chair, First Vice-Chair and Second Vice-Chair are absent. The Secretary shall attest the Chair's signature on all documents and receive all District Court appeals from any action of the Commission. In the event the Secretary is not present, the First Vice-Chair or Second Vice-Chair, in that order, will assume the Secretary's duties.
- 6. Each of the officers above named shall be entitled to participate in discussion and vote on any question before the Commission, whether occupying the position of the Chair or not.

III. MEETING PROCEDURES

A. Quorum

A numerical majority of six of the full membership of the Commission, including the ex officio members thereof shall constitute a quorum for the conduct of any Commission business except at Worksessions where four members shall constitute a quorum.

B. Training and Worksessions

- 1. The TMAPC shall meet as a committee of the whole in a worksession on the fourth Wednesday of the month, or at call of the Chair, unless the Chair determines that such a meeting is unnecessary. The TMAPC Chair shall preside or designee.
- 2. The purpose of the worksession shall be to discuss work items and Planning Commission issues, to share other information and determine whether work items are ready to be considered at regular TMAPC meetings. TMAPC shall take no final action on work items while in Worksessions. Generally, special requests coming to the Commission for consideration shall be reviewed by the Commission in the worksession prior to action, if appropriate, at the regular TMAPC meeting.

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3. To assist Commissioners in their job, the TMAPC shall hold regular training sessions at times and locations to be determined.

C. Meeting Schedule

1. The Commission shall meet regularly on the first, third and fourth Wednesday of each month in the Tulsa City Council Chambers, 2nd Level, One Technology Center, 175 E. 2nd Street, or in another designated location, in accordance with its approved calendar.
2. Special Public Hearing meetings may be held on approval by a majority vote of the Commission. Such public hearings shall be held in the regular meeting place of the Commission.
3. Normally, land division matters and zoning public hearings will be considered on the first and third Wednesdays and Comprehensive Plan matters as needed.
4. All meeting agendas must be posted twenty-four (24) hours in advance of the meeting for all special and regularly scheduled hearings, provided that for special meetings the Tulsa County Clerk must be given notice of the date, time and place of such meeting, in writing, in person or by telephone means, forty-eight 48 hours in advance of all special Commission hearings and Committee meetings (Title 25 Oklahoma Statutes, Section 311).
5. Items to be placed on the TMAPC agenda shall meet the cut-off dates as specified on the approved TMAPC annual planning calendar. New items shall not be added to the final agenda mailed to TMAPC on Friday preceding the regularly scheduled Wednesday meeting unless authorized by the Chair.

D. Annual Meetings

Once a year, at a time and place to be determined, the Commission shall meet to review Rules of Procedure and Code of Ethics, to discuss work programs, and to discuss other matters pertinent to the efficient running of the TMAPC.

E. General Procedures

1. The latest edition of Robert's Rules of Order shall govern all TMAPC proceedings to which they are applicable and where they do not conflict with other adopted rules herein.
2. A waiver of the Subdivision Regulations shall require six affirmative votes by the Commission.

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3. An amendment to the Tulsa Comprehensive Plan, including the Tulsa City/County Major Street and Highway Plan, shall require six affirmative votes by the Commission.
4. The Commission may grant a continuance of a scheduled public hearing or other business item at the request of the applicant or another interested party. A request for a continuance should be made in writing and must contain the reasons for the request. In considering the request, the Commission may consider the timeliness of the request, the reasons given for the request, and the inconvenience created.

F. Notification

1. The Commission shall provide notices for all public hearing items as prescribed by the Zoning Code and Subdivision Regulations. Methods of notification for public hearing items for zoning changes include giving at least twenty (20) days notice of the public hearing by: publication in a newspaper, posting of a sign on the affected property and by mailing written notice to all property owners within 300-foot radius of the exterior boundary of the affected property. The method of notice for proposed subdivision plats shall be by mailing a written notice of any proposed preliminary plat to the owners of property abutting the proposed plat a minimum of fifteen (15) days prior to the hearing. Also all commission meeting agendas are posted on the TMAPC website at least five (5) days prior to the hearing.
2. The Commission shall consider only public hearing items that have been properly advertised, as required by law, and only those items in which all fees have been paid, including fees for legal advertising.
3. Interested parties speaking on an agenda item for Corridor (CO) or PUD applications will be given notice of future related items appearing before the TMAPC if requested. These include such items as minor amendments, detail site plans, preliminary plats, and final plats.

G. Public Hearing Procedures

1. The Commission may grant an early zoning public hearing, if properly advertised and notice given, upon receipt of a letter setting out the reasons for the need of an early public hearing.
2. Staff recommendation on advertised matters shall be written and made part of the file (public record) five days in advance of the advertised public hearing date.

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3. Form of Address: Each commissioner shall address only the presiding Chair for recognition; and shall confine their remarks to the question under debate.
4. Public Participation: Any member of the public may address the Planning Commission at a regular or special meeting after signing in for a specific item. When recognized by the Chair, a member of the public should state their name and address.
5. Limitation of comments: The Chair may rule comments out of order if it is redundant, irrelevant, indecorous or untimely.
6. Motions: The Chair shall restate motions before a vote is taken and shall state the maker of the motion and the name of the supporter.
7. The order of business for a public hearing shall be determined by the Chair; however, the following is provided as a guide:
 - (a) Chair announces the application and asks if the applicant is present and if there are any interested parties who wish to address the Commission.
 - (b) Chair asks staff for summary of the case and the physical facts of the area involved.
 - (c) Chair asks for staff recommendation, together with the reasons for the recommendation, and to provide, as part of that written recommendation, whether the request is, is not, or may be found, in conformance with the Comprehensive Plan.
 - (d) Chair calls on the applicant for a presentation, not to exceed 15 minutes for a zoning application, 20 minutes for a PUD or Corridor application or a joint PUD/zoning application. If the applicant presents a significantly changed application and/or Outline Development Plan from that submitted for staff review (determined by staff and TMAPC at the time of the presentation), such action is considered grounds for continuance.
 - (e) Chair calls on interested parties or protestants, and may direct that a time limit per speaker be imposed. Those wishing to speak must use the sign-in sheet.
 - (f) Applicant is given the opportunity to rebut, time not to exceed ten minutes. If applicant, in the Chair's opinion, should present new facts or information, the Chair may allow the protestants time to rebut same.
 - (g) Chair announces the public hearing is closed on the case and opens the review session, during which the Commission will discuss the case among themselves and make a recommendation.
 - (h) During the review session, which shall be open and public, no new evidence shall be admitted unless specifically requested by a member of the Commission. The Commission's recommendation shall be decided by a majority vote of the members present.

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- (i) The Chair shall announce the vote.
8. In the event the final vote on any zoning matter before the Commission results in a tie, such tie vote shall result in the matter being transmitted to the City Council as a tie vote, without recommendation.
9. The Commission shall not rehear a zoning application on the same property for a period of six months after action on the application has been taken by the Commission, unless said application is amended to a land use which is in accordance with the Comprehensive Plan.
10. The transmittal of applications for a zoning map amendment to the City Council in those instances where the applicant, staff and Commission are all in agreement and there are no interested parties will occur following the Commission hearing without minutes. All other applications will be transmitted when the meeting minutes are prepared.
11. Reconsiderations: A motion to reconsider an item on which a vote has been taken may be made only by a Member who voted with the prevailing side. If a motion to reconsider is adopted, the Members shall consider the need for additional notice to interested persons before a vote is taken on the item being reconsidered.

H. Development

1. **VARIANCES OF SECTION 206. STREET FRONTAGE REQUIRED:**
Applicants proposing developments using a combination of private street(s) and a variance of the required 30 feet of frontage on a public street should instead be required (to the extent possible) to develop their project as a PUD, excepting a proposed townhouse development.
2. **COMPATIBILITY REVIEW:**
A development project where rezoning is required shall be reviewed not only for compatibility with surrounding zoning patterns and land uses, but also for compatibility of the proposed intensities with surrounding intensities of like uses. Where review shows the potential exists for creating an intensity on the tract that is significantly different from that surrounding the tract, development of the project through the use of the PUD is encouraged. When reviewed as a PUD, it shall meet the test of being in harmony with the existing and expected development of surrounding areas (Section 1107.D.2, Zoning Code, City of Tulsa).
3. **PUD DETAIL PLAN REVIEW:**
The staff of the TMAPC shall review and approve, approve with conditions or deny all Detail Sign and Landscape Plans and minor revisions to previously approved Detail Site Plans unless specifically directed by the TMAPC to present the Plans to the Commission for

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review. Prior to approval of any Detail Plans, the staff shall ascertain that the Plan complies with all PUD and Zoning Ordinance provisions. If the Plan does not comply with such requirements, the staff shall approve the Plan subject to conditions which bring it into compliance or deny the Plan.

If the applicant or interested parties disagrees with the decision of staff, they may appeal the staff decision as provided for in Section 1107C of the Tulsa Zoning Code.

The staff shall provide periodic reports to the TMAPC of Detail Plans they have approved or approved with conditions. If staff is uncertain as to whether a Detail Plan complies with the requirements of a PUD, staff shall place the items on the TMAPC agenda and the Planning Commission shall determine if the Plan is in compliance.

4. PROCEDURES FOR PROCESSING URBAN RENEWAL PLAN (URP) AMENDMENTS:

In keeping with Oklahoma statutory requirements, the Tulsa Development Authority (TDA) periodically requests that TMAPC review proposed amendments to the URP for conformance with the Comprehensive Plan. If a proposed URP amendment is not in accord with the Comprehensive Plan, an amendment to the respective District Plan must be processed prior to or concurrently with TMAPC review of the proposed URP amendments.

The foregoing points apply to proposals that lie within existing designated Urban Renewal areas. However, additional Urban Renewal areas may be created and amendments to the respective District Plans may need to precede the Urban Renewal area designation.

5. PROCEDURES FOR PROCESSING MINOR AMENDMENTS TO APPROVED CO SITE PLANS:

Minor changes in the proposed corridor development may be authorized by the Planning Commission, which may direct the processing of an amended subdivision plat, incorporating such changes, so long as substantial compliance is maintained with the approved site plan and the purposes and standards of Section 805, Zoning Code, City of Tulsa. Changes that would represent a significant departure from the site plan shall require compliance with the notice and procedural requirements of an initial site plan review and approval. The following shall be considered minor amendments.

- (a) Adjustment of internal development area boundaries, provided the allocation of land to particular uses and the relationship of uses within the project are not substantially altered.
- (b) Limitation or elimination of previously approved uses, provided the character of the development is not substantially altered.

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- (c) Increases in dwelling units, provided the approved number of dwelling units is permitted by the underlying zoning and the density of a development area is not increased more than 15%.
- (d) Increases in permitted non-residential floor area, provided the increased floor area is permitted by the underlying zoning and the floor area of a development area is not increased more than 15%.
- (e) Modification of the internal circulation system, provided the system is not substantially altered in design, configuration or location.
- (f) Changes in points of access, provided the traffic design and capacity are not substantially altered.
- (g) Addition of customary accessory buildings and uses within the delineated common open space of a residential development area, including but not limited to swimming pools, cabanas, security buildings, clubhouses and tennis courts.
- (h) Location of customary residential accessory buildings and uses on an adjoining single-family residential lot within a residentially developed area including but not limited to a swimming pool, cabana, garage and tennis court, provided an agreement has been recorded by the owner prohibiting the conveyance of the lot containing the accessory use separate from the conveyance of the lot containing the principal use.
- (i) Changes in structure heights, building setbacks, yards, open spaces, building coverage and lot widths or frontages, provided the approved Corridor Plan, the approved Corridor Standards and the character of the development are not substantially altered.
- (j) Lot-splits which modify a recorded plat and which have been reviewed and approved by the Technical Advisory Committee (TAC).
- (k) Home occupations which meet the requirements of Section 404.B Home Occupations, of the Zoning Code.
- (l) Modifications to approved signage, provided the size, location, number and character (type) of the sign(s) is not substantially altered.
- (m) Modifications(s) to approved screening and landscaping plans, provided the modification(s) is not a substantial deviation from the original approved plan.
- (n) Changes from multifamily (apartments) to duplexes, townhouses or detached single-family, thereby reducing the number of permitted dwelling units.

Ten days notice of public hearing shall be given for minor amendments by mailing written notice to all owners of property within a 300-foot radius of the exterior boundary of the subject property.

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If the Planning Commission determines that the proposed amendment, if approved, will result in a significant departure from the approved Corridor Site Plan or otherwise change the character of the Site Plan significantly or that the cumulative effect of a number of minor amendments substantially alters the approved Site Plan, then the amendment shall be deemed a major amendment. Major amendments shall comply with the notice and procedural requirements of Section 805. Site Plan Review.

6. TENT AND OPEN AIR SALES IN PUD:
 - (a) Accessory tent sales are to be processed by TMAPC as site plan approvals.
 - (b) Principal use tent sales are to be processed by the Board of Adjustment.

SECTION II: Code of Ethics

Definitions

1. PRIVATE BENEFIT means a direct or indirect benefit not shared by the general public that could be reasonably expected to impair a Commissioner's objectivity or independent judgment.
2. ORGANIZATIONAL INTEREST exists when a Commissioner is a director or board member of a company, business, or organization that takes an official position before the Planning Commission.
3. EX PARTE COMMUNICATION means a private communication with a Commissioner from a party with an interest, financial or otherwise, in a particular matter before the Planning Commission.

B. Conflict of Interest:

1. A conflict of interest exists whenever a Commissioner
 - a. may receive a private benefit as a result of a public action taken by the Planning Commission; or
 - b. has an organizational interest regarding a matter before the Planning Commission. The possibility, not the actuality, of a conflict of interest should govern. *The question is, "Would a reasonable person believe me to be unbiased and impartial?"*
2. A Planning Commissioner experiencing a conflict of interest should declare his interest publicly, abstain from voting on the matter, and should refrain from any deliberations on the matter. When possible, the Planning Commissioner should leave the public hearing room.
3. A Planning Commission member experiencing a conflict of interest should not discuss the matter in any venue other than the public hearing with any fellow TMAPC member, staff or other officials involved in decision making on the matter for the purpose of influencing a decision thereon.

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C. Ex Parte

1. Although not forbidden, per se, ex parte communication has the potential to influence a Planning Commissioner's decision on quasi-judicial matters before the Commission. The Planning Commissioner who receives ex parte communication may, if he or she feels that it is appropriate, disclose this prior to public discussion of the subject matter.
2. The Commissioner should also evaluate whether, as a result of this communication, he/she can remain unbiased and impartial and should either abstain or participate accordingly. As with a potential conflict of interest, the appearance, not the actuality, of bias should govern.

D. Release of Information:

1. No Planning Commissioner or staff member shall use or transmit to others for private benefit any information derived from Planning Commission activities unless and until such information is made available to the public at large.
2. No Planning Commissioner or any person appearing before the Planning Commission shall knowingly misrepresent facts or distort information for the purpose of achieving a desired outcome.

E. Appearance at City Council

1. Planning Commissioners who appear at City Council Public Hearings on Planning Commission matters should do so as representatives of the majority opinion. Only the person designated by the Chair shall be the official spokesperson for the Planning Commission. The official spokesperson for the Commission shall, to the best of his or her ability, present an unbiased record of the proceedings and the decision of the Commission. The official spokesperson shall not present new facts or arguments that were not made available at the hearing before the Commission.
2. Nothing herein would deprive a Planning Commissioner of the right to speak at a public hearing. If a Planning Commissioner chooses to speak at a public hearing, and he or she has not been designated as the spokesperson by the Chair, that Commissioner must state that:
 - a. Though they are a Planning Commissioner, they are before the City Council as an individual, and not on behalf of the Commission; and
 - b. They have no authority to make representations regarding the Planning Commission's public meetings, thought processes, or decision-making.
3. If a Planning Commissioner other than the one designated by the Chair intends to speak at a public hearing on a matter upon which the Planning Commission has previously voted, he or she must notify all members of the commission that intention at least 24 hours prior to the public hearing.

F. Violation of Codes of Ethics

1. The Planning Commission may refer a violation of these Code of Ethics for a hearing before the governing body by which he/she was appointed.

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Date Approved: April 22, 2009

Middle Cantrell
Chairman

ATTEST:

Joshua A. Walker
Secretary

PC/ethics
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