

CITY OF NORMAN, OK PLANNING COMMISSION MEETING

Municipal Building, Council Chambers, 201 West Gray, Norman, OK 73069
Thursday, July 14, 2022 at 6:30 PM

AGENDA

It is the policy of the City of Norman that no person or groups of persons shall on the grounds of race, color, religion, ancestry, national origin, age, place of birth, sex, sexual orientation, gender identity or expression, familial status, marital status, including marriage to a person of the same sex, disability, retaliation, or genetic information, be excluded from participation in, be denied the benefits of, or otherwise subjected to discrimination in employment activities or in all programs, services, or activities administered by the City, its recipients, sub-recipients, and contractors. In the event of any comments, complaints, modifications, accommodations, alternative formats, and auxiliary aids and services regarding accessibility or inclusion, please contact the ADA Technician at 405-366-5424, Relay Service: 711. To better serve you, five (5) business days' advance notice is preferred.

NOTICE: The requested rezoning items appearing on this Planning Commission Agenda were filed by the applicant at least 30 days ago. Legal notice for each rezoning item was published in The Norman Transcript and mailed to each property owner of record within a minimum of 350 feet of each rezoning request.

Planning Commission will hold a public hearing on these items tonight, and each item upon which action is taken will be forwarded to the City Council with a recommendation. It should be recognized that the Planning Commission is a recommendatory body and that the City Council may, or may not, concur with the Planning Commission's recommendation. Therefore, it is important to note that all items forwarded by the Planning Commission will be introduced and heard at a subsequent City Council meeting.

PUBLIC WIFI – CONNECT TO CITYOFNORMANPUBLIC – PASSWORD: April1889.

Planning Commissioners: Kevan Parker, Liz McKown, Steven McDaniel, Erica Bird, Doug McClure, Dave Boeck, Shaun Axton, and Michael Jablonski

ROLL CALL

CONSENT ITEMS

This section is placed on the agenda so that the Planning Commission, by unanimous consent, may designate those items that they wish to approve by one motion. Any of these items may be removed from the Consent Docket and be heard in its regular order.

Minutes

1. Consideration of Approval, Rejection, Amendment, and/or Postponement of the Minutes of the June 9, 2022 Regular Planning Commission Meeting.

NON-CONSENT ITEMS

2025 Amendment & SPUD Zoning

- 2. CONSIDERATION OF ADOPTION, REJECTION, AMENDMENT, AND/OR POSTPONEMENT OF RESOLUTION NO. R-2223-6: Rental Ranch II, L.L.C. and D.L. Hayes Co., Inc. request amendment of the NORMAN 2025 Land Use & Transportation Plan from Low Density Residential Designation to Commercial Designation for the east 20’ of Lot 50 and all of Lot 51, Block 2, WOODSLAWN ADDITION, located at 621 Highland Parkway.
- 3. CONSIDERATION OF ADOPTION, REJECTION, AMENDMENT, AND/OR POSTPONEMENT OF ORDINANCE NO. O-2223-2: Rental Ranch II, L.L.C. and D.L. Hayes Co., Inc. request rezoning from R-1, Single Family Dwelling District, and C-2, General Commercial District, to SPUD, Simple Planned Unit Development for the east 20’ of Lot 50 and all of Lot 51, Block 2, and the west 25’ of Block 9, WOODSLAWN ADDITION, generally located at 621 Highland Parkway.

Zoning Ordinance Amendments

- 4. CONSIDERATION OF ADOPTION, REJECTION, AMENDMENT, AND/OR POSTPONEMENT OF ORDINANCE NO. O-2223-1: AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AMENDING SECTION 429.1 (“FLOOD HAZARD DISTRICT”) OF THE ZONING ORDINANCE, SUBSECTION 1, TO ADD CITATION TO OKLAHOMA STATUTORY AUTHORITY FOR LOCAL REGULATION; AND PROVIDING FOR THE SEVERABILITY THEREOF.
- 5. CONSIDERATION OF ADOPTION, REJECTION, AMENDMENT, AND/OR POSTPONEMENT OF ORDINANCE NO. O-2223-4: AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AMENDING SECTION 22:420 (“PLANNED UNIT DEVELOPMENTS”) AND SECTION 22:442.1 (“AMENDMENTS”), BOTH WITHIN CHAPTER 22 (“ZONING ORDINANCE”) OF THE CODE OF THE CITY OF NORMAN TO ESTABLISH A POSTPONEMENT POLICY CONCERNING CERTAIN DEVELOPMENT APPLICATIONS PRESENTED TO CITY COUNCIL FOR CONSIDERATION OR POSTPONEMENT; AND PROVIDING FOR THE SEVERABILITY THEREOF.

MISCELLANEOUS COMMENTS OF PLANNING COMMISSION AND STAFF

ADJOURNMENT

File Attachments for Item:

1. Consideration of Approval, Rejection, Amendment, and/or Postponement of the Minutes of the June 9, 2022 Regular Planning Commission Meeting.



CITY OF NORMAN, OK STAFF REPORT

MEETING DATE: 07/14/2022

REQUESTER: Rone' Tromble

PRESENTER: Rone' Tromble, Admin. Tech. IV

ITEM TITLE: Consideration of Approval, Rejection, Amendment, and/or Postponement of the Minutes of the June 9, 2022 Regular Planning Commission Meeting.

ACTION NEEDED: Approve, amend, reject, or postpone the minutes of the June 9, 2022 Regular Planning Commission Meeting.

**NORMAN PLANNING COMMISSION
REGULAR SESSION MINUTES**

JUNE 9, 2022

The Planning Commission of the City of Norman, Cleveland County, State of Oklahoma, met in Regular Session in Council Chambers of the Norman Municipal Building, 201 West Gray Street, on the 9th day of June, 2022.

Notice and agenda of the meeting were posted at the Norman Municipal Building and online at <https://norman-ok.municodemeetings.com> at least twenty-four hours prior to the beginning of the meeting.

Chair Erica Bird called the meeting to order at 6:31 p.m.

* * *

Item No. 1, being:

ROLL CALL

MEMBERS PRESENT

Kevan Parker
Liz McKown
Steven McDaniel
Erica Bird
Doug McClure

MEMBERS ABSENT

Dave Boeck
Shaun Axton
Michael Jablonski

A quorum was present.

STAFF MEMBERS PRESENT

Jane Hudson, Director, Planning &
Community Development
Logan Hubble, Planner I
Anaïs Starr, Planner II
Colton Wayman, Planner I
Roné Tromble, Recording Secretary
Bryce Holland, Multimedia Specialist
Beth Muckala, Asst. City Attorney

* * *

Chair Bird welcomed the new members of the Planning Commission, Liz McKown and Doug McClure.

* * *

CONSENT DOCKET

Item No. 1, being:

CONSIDERATION OF APPROVAL, REJECTION, AMENDMENT, AND/OR POSTPONEMENT OF THE MINUTES OF THE MAY 12, 2022 REGULAR PLANNING COMMISSION MEETING.

DISCUSSION AND ACTION BY THE PLANNING COMMISSION:

Chair Bird asked if any member of the Commission wished to remove any item from the Consent Docket. There being none, she asked if any member of the audience wished to remove any item from the Consent Docket. There being none, she asked for a motion.

Steven McDaniel moved to approve Item 1 on the Consent Docket as presented. Kevan Parker seconded the motion.

There being no further discussion, a vote on the motion was taken with the following result:

YEAS	Kevan Parker, Liz McKown, Steven McDaniel, Erica Bird, Doug McClure
NAYES	None
MEMBERS ABSENT	Dave Boeck, Shaun Axton, Michael Jablonski

Ms. Tromble announced that the motion, to adopt Item 1 on the Consent Docket as presented, passed by a vote of 5-0.

* * *

Item No. 2, being:

O-2122-47 -- CONSIDERATION OF ADOPTION, REJECTION, AMENDMENT, AND/OR POSTPONEMENT OF ORDINANCE No. O-2122-47: AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA IMPLEMENTING AMENDMENTS THROUGHOUT THE CENTER CITY FORM BASED CODE ("CCFBC") DOCUMENT, WHICH IS INCORPORATED BY REFERENCE IN CHAPTER 22 OF THE CITY CODE AT SECTION 429.7, TO AMEND, REPLACE, SUPPLEMENT, RENUMBER OR REORDER PROVISIONS, CORRECT LANGUAGE, AND PROVIDE DEFINITIONS FOR TERMS FOUND THROUGHOUT THE CCFBC DOCUMENT TO RESOLVE INCONSISTENCIES OR INACCURACIES AND PROVIDE CLARIFICATION TO THE PROVISIONS, INCLUDING "HOW TO USE THIS CODE", PART 1 ("GENERAL PROVISIONS"), PART 2 ("ADMINISTRATION, APPLICATION PROCESS & APPEALS"), PART 3 ("THE REGULATING PLAN"), PART 4 ("BUILDING FORM STANDARDS"), PART 5 ("URBAN SPACE STANDARDS"), PART 6 ("PARKING AND LOADING STANDARDS"), PART 7 ("BUILDING FUNCTIONS"), PART 8 ("SITE DEVELOPMENT REQUIREMENTS"), PART 9 ("DEFINITIONS") AND APPENDICES A THROUGH C; TO AMEND SECTIONS 204 AND 205 OF PART 2 ("ADMINISTRATION, APPLICATION PROCESS & APPEALS") TO ACCOMMODATE POTENTIAL PATTERN ZONING AND CLEARLY ESTABLISH CERTIFICATE OF COMPLIANCE ENFORCEMENT AS WELL AS SECTION 208 TO CLARIFY THE TREATMENT OF NON-CONFORMING STRUCTURES AND USES; TO AMEND SECTION 302 ("ILLUSTRATIVE FORM DISTRICT MAPS") OF PART 3 ("THE REGULATING PLAN"), TO ADD "CENTER CITY MAXIMUM BUILDING HEIGHT MAP" AND "CENTER CITY UNIT MINIMUM MAP" AND TO AMEND THE CENTER CITY REGULATING PLAN MAP; TO AMEND PART 4 ("BUILDING FORM STANDARDS") TO CONSOLIDATE CERTAIN BUILDING FORM STANDARDS AND EXPAND GEOGRAPHICAL APPLICATION OF THE URBAN RESIDENTIAL BUILDING FORM STANDARD, TO INCREASE CERTAIN BUILDING FORM STANDARD REQUIRED UNIT MINIMUMS, AND TO REVISE LIGHTING AND MECHANICAL EQUIPMENT REQUIREMENTS; TO AMEND SECTION 504 ("STREETSCAPE ELEMENTS") OF PART 5 ("URBAN SPACE STANDARDS") TO REMOVE STREETLIGHT PROVISIONS AND CLARIFY BICYCLE PARKING DESIGN REQUIREMENTS; TO AMEND VARIOUS ALLOWANCES AND REQUIREMENTS IN PART 6 ("PARKING AND LOADING STANDARDS"), INCLUDING MINIMUMS AND MAXIMUMS AND SPECIAL PARKING STANDARDS; TO AMEND PART 7 ("BUILDING FUNCTIONS"), TO CLARIFY AND DEFINE USES AND CATEGORIES, INCLUDING REVISIONS TO THE USE TABLE (SECTION 702) AND SPECIAL USES; TO RENUMBER AND AMEND PART 8 ("SITE DEVELOPMENT REQUIREMENTS"); TO RENUMBER, AMEND AND ADD DEFINITIONS TO PART 9 ("DEFINITIONS"), TO AMEND APPENDIX A TO REFERENCE POTENTIAL PATTERN ZONING, AND TO ADD APPENDIX C; AND TO MAKE OTHER LANGUAGE ALTERATIONS AS NECESSITATED BY OR CONSISTENT WITH THESE AMENDMENTS, DECLARING AN EMERGENCY, AND PROVIDING FOR THE SEVERABILITY THEREOF.

ITEMS SUBMITTED FOR THE RECORD:

1. Staff Report
2. Ordinance No. O-2122-47 Annotated
3. Ordinance No. O-2122-47 Clean
4. Center City Form-Based Code – Track Changes
5. Pre-Development Summary

PRESENTATION BY STAFF:

1. Logan Hubble reviewed a PowerPoint, a copy of which is filed with the minutes.
2. Mr. McDaniel asked for more information on stormwater and whether that would require engineering. Mr. Hubble responded.

Mr. McDaniel asked questions about the bedroom provisions. Mr. Hubble responded.

3. Mr. McClure asked for clarification about the timeline for sidewalk removal and replacement. Mr. Hubble responded.

AUDIENCE PARTICIPATION:

1. Autumn McMahon, 416 W. Eufaula, spoke in support of the ordinance.
2. Mr. McDaniel asked about renovation of her house. Ms. McMahon responded.

DISCUSSION AND ACTION BY THE PLANNING COMMISSION:

Steven McDaniel moved to recommend adoption of Ordinance No. O-2122-47 to City Council. Kevan Parker seconded the motion.

There being no further discussion, a vote on the motion was taken with the following result:

YEAS	Kevan Parker, Liz McKown, Steven McDaniel, Erica Bird, Doug McClure
NAYES	None
MEMBERS ABSENT	Dave Boeck, Shaun Axton, Michael Jablonski

Ms. Tromble announced that the motion, to recommend adoption of Ordinance No. O-2122-47 to City Council, passed by a vote of 5-0.

* * *

MISCELLANEOUS COMMENTS OF PLANNING COMMISSION AND STAFF

1. Ms. Tromble announced that Ms. Williford has resigned from the Planning Commission. Chair Bird thanked her for her service.

* * *

ADJOURNMENT

There being no further comments from Commissioners or staff, and no further business, the meeting adjourned at 6:59 p.m.

Norman Planning Commission

File Attachments for Item:

2. CONSIDERATION OF ADOPTION, REJECTION, AMENDMENT, AND/OR POSTPONEMENT OF RESOLUTION NO. R-2223-6: Rental Ranch II, L.L.C. and D.L. Hayes Co., Inc. request amendment of the NORMAN 2025 Land Use & Transportation Plan from Low Density Residential Designation to Commercial Designation for the east 20' of Lot 50 and all of Lot 51, Block 2, WOODSLAWN ADDITION, located at 621 Highland Parkway.



CITY OF NORMAN, OK STAFF REPORT

MEETING DATE: 07/14/2022

REQUESTER: Rental Ranch II, L.L.C. and D.L. Hayes Co., Inc.

PRESENTER: Logan Hubble, Planner I

ITEM TITLE: CONSIDERATION OF ADOPTION, REJECTION, AMENDMENT, AND/OR POSTPONEMENT OF RESOLUTION NO. R-2223-6: Rental Ranch II, L.L.C. and D.L. Hayes Co., Inc. request amendment of the NORMAN 2025 Land Use & Transportation Plan from Low Density Residential Designation to Commercial Designation for the east 20' of Lot 50 and all of Lot 51, Block 2, WOODSLAWN ADDITION, located at 621 Highland Parkway.

ACTION NEEDED: Recommend adoption, rejection, amendment or postponement of Resolution No. R-2223-6 to City Council.



Date: July 7, 2022

To: Planning Commission

From: Logan Hubble, Planner I

Subject: Items No. 2 & 3: Postponement of R-2223-6 & O-2223-2

The applicant has requested postponement of these items to the August 11, 2022, Planning Commission meeting. This will give them more time to refine their SPUD narrative.

Staff recommends that the Planning Commission postpone these items to their August 11, 2022, meeting.

office memorandum

Logan Hubble

From: Andy Darks <adarks@sbcglobal.net>
Sent: Wednesday, July 06, 2022 11:31 AM
To: Logan Hubble
Subject: EXTERNAL EMAIL : 621 Highland Pkwy

Logan,

Let's postpone until next month, August

You choose the date!

Thanks for working with me!

Andy Darks

[Sent from AT&T Yahoo Mail for iPhone](#)

File Attachments for Item:

3. CONSIDERATION OF ADOPTION, REJECTION, AMENDMENT, AND/OR POSTPONEMENT OF ORDINANCE NO. O-2223-2: Rental Ranch II, L.L.C. and D.L. Hayes Co., Inc. request rezoning from R-1, Single Family Dwelling District, and C-2, General Commercial District, to SPUD, Simple Planned Unit Development for the east 20' of Lot 50 and all of Lot 51, Block 2, and the west 25' of Block 9, WOODSLAWN ADDITION, generally located at 621 Highland Parkway.



CITY OF NORMAN, OK STAFF REPORT

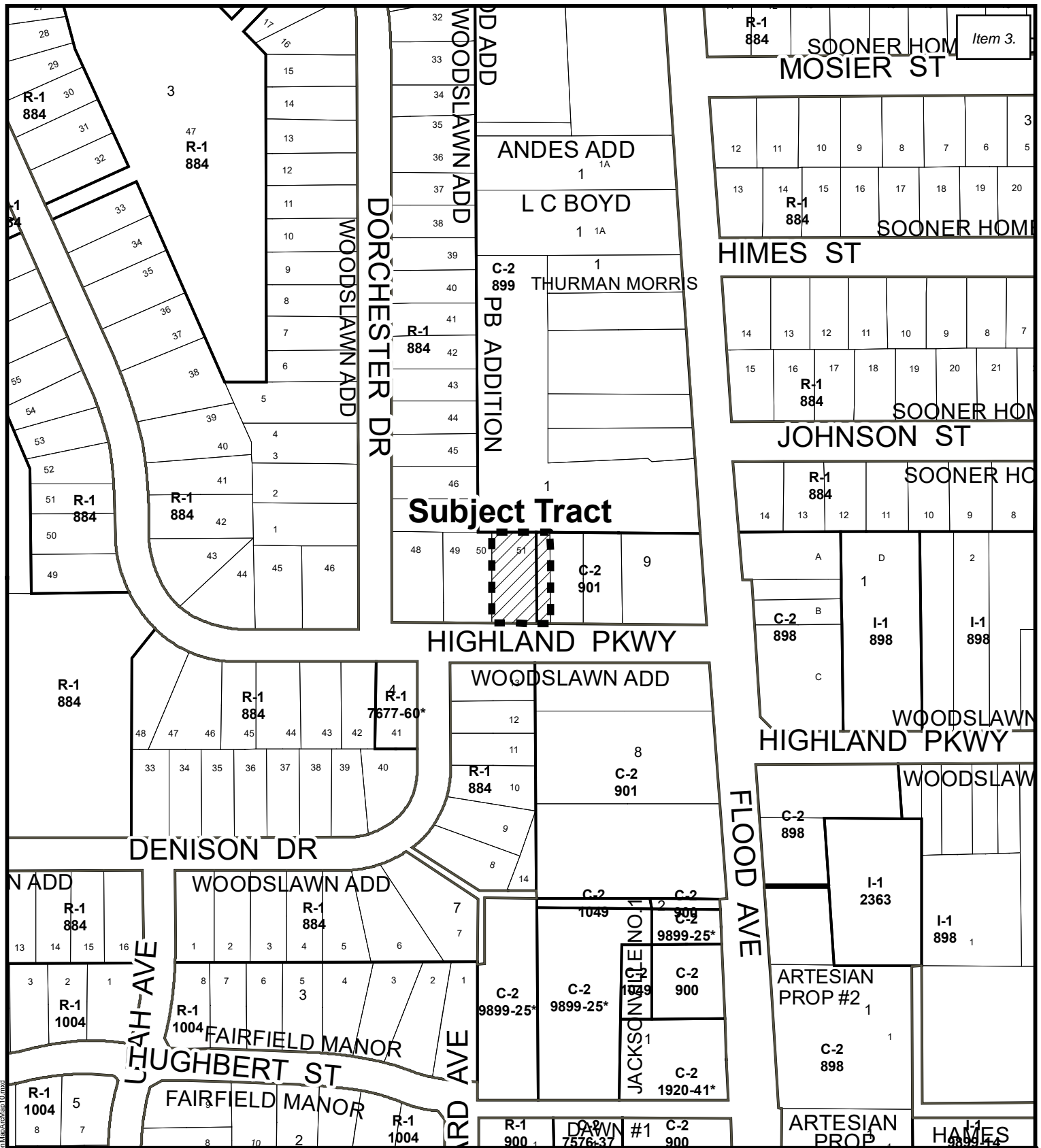
MEETING DATE: 07/14/2022

REQUESTER: Rental Ranch II, L.L.C. and D.L. Hayes Co., Inc.

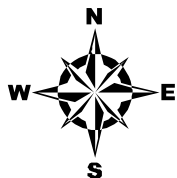
PRESENTER: Logan Hubble, Planner I

ITEM TITLE: CONSIDERATION OF ADOPTION, REJECTION, AMENDMENT, AND/OR POSTPONEMENT OF ORDINANCE NO. O-2223-2: Rental Ranch II, L.L.C. and D.L. Hayes Co., Inc. request rezoning from R-1, Single Family Dwelling District, and C-2, General Commercial District, to SPUD, Simple Planned Unit Development for the east 20' of Lot 50 and all of Lot 51, Block 2, and the west 25' of Block 9, WOODSLAWN ADDITION, generally located at 621 Highland Parkway.

ACTION NEEDED: Recommend adoption, rejection, amendment or postponement of Ordinance No. O-2223-2 to City Council.



Map Produced by the City of Norman
Geographic Information System.
The City of Norman assumes no
responsibility for errors or omissions
in the information presented.

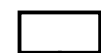


June 17, 2022

0 100 200 Ft.



Subject Tract



Zoning



Date: July 7, 2022

To: Planning Commission

From: Logan Hubble, Planner I

Subject: Items No. 2 & 3: Postponement of R-2223-6 & O-2223-2

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File Attachments for Item:

4. CONSIDERATION OF ADOPTION, REJECTION, AMENDMENT, AND/OR POSTPONEMENT OF ORDINANCE NO. O-2223-1: AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AMENDING SECTION 429.1 ("FLOOD HAZARD DISTRICT") OF THE ZONING ORDINANCE, SUBSECTION 1, TO ADD CITATION TO OKLAHOMA STATUTORY AUTHORITY FOR LOCAL REGULATION; AND PROVIDING FOR THE SEVERABILITY THEREOF.



CITY OF NORMAN, OK STAFF REPORT

MEETING DATE: 07/14/2022

REQUESTER: Jason Murphy, Stormwater Program Manager

PRESENTER: Jason Murphy, Stormwater Program Manager

ITEM TITLE: CONSIDERATION OF ADOPTION, REJECTION, AMENDMENT, AND/OR POSTPONEMENT OF ORDINANCE NO. O-2223-1: AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AMENDING SECTION 429.1 ("FLOOD HAZARD DISTRICT") OF THE ZONING ORDINANCE, SUBSECTION 1, TO ADD CITATION TO OKLAHOMA STATUTORY AUTHORITY FOR LOCAL REGULATION; AND PROVIDING FOR THE SEVERABILITY THEREOF.

ACTION NEEDED: Recommend adoption, rejection, amendment or postponement of Ordinance No. O-2223-1 to City Council.



Date: July 14, 2022

To: Chairman and Members
Norman Planning Commission

From: Shawn O'Leary, Director of Public Works
Jason Murphy, Stormwater Program Manager
Todd McLellan, Development Engineer

Subject: Agenda Item - Approval of Ordinance No. O-2223-1
Revised Floodplain Ordinance

BACKGROUND:

The City's Floodplain Ordinance which is included in Section 22:429.1 of the City of Norman Code of Ordinances, was first adopted by the City of Norman on July 8, 1975. The ordinance has been revised fourteen (14) times in 1978, 1981, 1986, 1987, 1989, 1997, 2003, 2004, 2007, 2008, 2012, 2017, 2020, and 2021. The floodplain ordinance was originally adopted as a requirement of the City of Norman's participation in the National Flood Insurance Program (NFIP), which was established by the U.S. Congress in 1968 and is administered by the Department of Homeland Security's Federal Emergency Management Agency (FEMA).

DISCUSSION:

A Community Assistance Visit (CAV) is a major component of the National Flood Insurance Program's (NFIP's) Community Assistance Program (CAP). The CAV is a visit to a community by a FEMA staff member or staff of a State agency on behalf of FEMA that serves the dual purpose of providing technical assistance to the community and assuring that the community is adequately enforcing its floodplain management regulations. Generally, a CAV consists of a tour of the floodplain, an inspection of community permit files, and meetings with local appointed and elected officials. If any administrative problems or potential violations are identified during a CAV the community will be notified and given the opportunity to correct those administrative procedures and remedy the violations to the maximum extent possible within established deadlines. FEMA or the State will work with the community to help them bring their program into compliance with NFIP requirements.

In April 2022, the City of Norman underwent a CAV. During the review of the City's floodplain ordinance, it was noted that a clear reference outlining the City's statutory authority under State Law to administer the floodplain ordinance was missing. Therefore, the proposed amendment to the City's floodplain ordinance is to add language clearly referencing the Oklahoma Floodplain Management Act Sections 1601 through 1620.1 of Title 82 of the Oklahoma Statutes wherein the responsibility is delegated to local governmental units to adopt regulations designed to minimize flood losses through regulation of the Flood Hazard District.

The proposed revisions are noted in the attached ordinance.

office memorandum

Norman Revised Floodplain Ordinance Schedule	
Item	Completion Date
Proposed Ordinance Changes Approved by OWRB	June 1, 2022
Proposed Ordinance Changes to Floodplain Permit Committee	June 6, 2022
Proposed Ordinance Changes to Planning Commission	July 14, 2022
Proposed Ordinance Changes to City Council 1st Reading	August 9, 2022
Proposed Ordinance Changes to City Council 2nd Reading	August 23, 2022
Revised Floodplain Ordinance Becomes Effective	October 1, 2022

RECOMMENDATION: Staff recommends that the Planning Commission approve Ordinance No. O-2223-1, which amends Sections 22:429.1(1) of the current ordinance.

Reviewed by: Scott Sturtz, City Engineer
Shawn O’Leary, Director of Public Works
Jane Hudson, Director of Planning and Community Development
Beth Muckala, Assistant City Attorney III

AN ORDINANCE OF THE CITY OF NORMAN, OKLAHOMA AMENDING SECTION 429.1 ("FLOOD HAZARD DISTRICT") OF THE ZONING ORDINANCE, SUB-SECTION 1, TO ADD CITATION TO OKLAHOMA STATUTORY AUTHORITY FOR LOCAL REGULATION; AND PROVIDING FOR THE SEVERABILITY THEREOF.

NOW THEREFORE, BE IT ORDAINED BY THE CITY OF NORMAN, OKLAHOMA:

§ 1. That, Section 429.1(1) of Chapter 22 of the Code of the City of Norman be amended to define the statutory authorization granted by the State of Oklahoma to local governmental units.

1. Statutory Authorization, Description and Purpose. The Legislature of the State of Oklahoma has in the Oklahoma Floodplain Management Act, Sections 1601 through 1620.1 of Title 82 of the Oklahoma Statutes, delegated the responsibility, and authorized local governments, to adopt and enforce regulations designed to minimize flood losses within this Flood Hazard District. The Flood Hazard District includes special flood hazard areas which are subject to periodic or occasional flooding during a one percent chance flood, and for which special regulations are applied in addition to or in combination with other zoning regulations applying to these areas to guide the type and manner of floodplain use so that it is consistent with the land use needs of the City of Norman. The City of Norman thus declares that it is the purpose of this ordinance Flood Hazard District to exercise this delegated authority, to promote the public health, safety and general welfare and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

* * *

§ 2. SEVERABILITY. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is, for any reason, held invalid or unconstitutional, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions of this Ordinance.

ADOPTED this _____ day
of _____, 2022.

NOT ADOPTED this _____ day
of _____, 2022.

(Mayor)

(Mayor)

ATTEST:

(City Clerk)

File Attachments for Item:

5. CONSIDERATION OF ADOPTION, REJECTION, AMENDMENT, AND/OR POSTPONEMENT OF ORDINANCE NO. O-2223-4: AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AMENDING SECTION 22:420 ("PLANNED UNIT DEVELOPMENTS") AND SECTION 22:442.1 ("AMENDMENTS"), BOTH WITHIN CHAPTER 22 ("ZONING ORDINANCE") OF THE CODE OF THE CITY OF NORMAN TO ESTABLISH A POSTPONEMENT POLICY CONCERNING CERTAIN DEVELOPMENT APPLICATIONS PRESENTED TO CITY COUNCIL FOR CONSIDERATION OR POSTPONEMENT; AND PROVIDING FOR THE SEVERABILITY THEREOF.



CITY OF NORMAN, OK STAFF REPORT

MEETING DATE: 07/14/2022

REQUESTER: Beth Muckala, Assistant City Attorney III

PRESENTER: Beth Muckala, Assistant City Attorney III

ITEM TITLE: CONSIDERATION OF ADOPTION, REJECTION, AMENDMENT, AND/OR POSTPONEMENT OF ORDINANCE NO. O-2223-4: AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AMENDING SECTION 22:420 ("PLANNED UNIT DEVELOPMENTS") AND SECTION 22:442.1 ("AMENDMENTS"), BOTH WITHIN CHAPTER 22 ("ZONING ORDINANCE") OF THE CODE OF THE CITY OF NORMAN TO ESTABLISH A POSTPONEMENT POLICY CONCERNING CERTAIN DEVELOPMENT APPLICATIONS PRESENTED TO CITY COUNCIL FOR CONSIDERATION OR POSTPONEMENT; AND PROVIDING FOR THE SEVERABILITY THEREOF.

ACTION NEEDED: Recommend adoption, rejection, amendment or postponement of Ordinance No. O-2223-4 to City Council.

ORDINANCE NO. O-2223-4

ITEM NO. 5

STAFF REPORT

ITEM: AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA AMENDING SECTION 22:420 ("PLANNED UNIT DEVELOPMENTS") AND SECTION 22:442.1 ("AMENDMENTS"), BOTH WITHIN CHAPTER 22 ("ZONING ORDINANCE") OF THE CODE OF THE CITY OF NORMAN TO ESTABLISH A POSTPONEMENT POLICY CONCERNING CERTAIN DEVELOPMENT APPLICATIONS PRESENTED TO CITY COUNCIL FOR CONSIDERATION OR POSTPONEMENT; AND PROVIDING FOR THE SEVERABILITY THEREOF.

BACKGROUND:

On April 14, 2022, the City Council Oversight Committee discussed rezoning policies, procedures and processes, including the possibility of creating a policy concerning the number of postponements that may be granted for certain development applications that are brought before City Council for consideration. At the May 12, 2022 Oversight Committee Meeting, a draft ordinance regarding this Development Postponement Policy was reviewed and the committee recommended that the ordinance proceed for consideration by Planning Commission, and thereafter by the City Council for formal adoption.

DISCUSSION:

The Development Postponement Policy applies to all "Amendment" applications that would proceed pursuant to the process outlined in the Zoning Ordinance, Section 22:442.1. Amendments covered by Section 22:442.1 includes amendments to regulations and districts. Thus, a change from a conventional zoning district to the Planned Unit Development district ("PUD") addressed in Section 22:420 of the Zoning Ordinance, as well as Simple Planned Unit Development district ("SPUD") addressed in Section 22:420.05 of the Zoning Ordinance, are affected by this policy.

The proposed amendment adds subpart (d) to Section 22:442.1(4), which establishes that, when the application is before City Council for consideration, barring unique or extenuating circumstances, an applicant will generally be permitted one requested postponement. Any further postponements are a purely discretionary matter for City Council. City Council has always borne the authority to grant or deny postponements based upon its discretion; however, historically the City Council has often deferred to applicants when postponements were requested.

In recent years, applicant postponement requests have become quite frequent on certain types of applications, particularly when the application has progressed and is before City Council for consideration. To avoid undue burdens to non-applicant parties affected by such applications, and to promote efficient consideration of these applications, this amendment formally implements a policy where City Council will generally permit one applicant-requested postponement. But upon a repeated request, the policy clearly sets forth City

Council's intention to scrutinize the request within the full bounds of its discretion, and afford less deference to the wishes of an applicant making the request.

In reviewing Section 22:420, addressing PUDs, City Staff determined the need to cross-reference the addition to Section 22:441.2, but no similar language appeared to be required in Section 22:420.05, concerning SPUDs.

CONCLUSION:

This policy was developed at the direction of the City Council Oversight Committee, has been reviewed and vetted by City Staff, and is forwarded to the Planning Commission for its review, comments and consideration.

Ordinance No. O-2223-4

AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AMENDING SECTION 22:420 (“PLANNED UNIT DEVELOPMENTS”) AND SECTION 22:442.1 (“AMENDMENTS”), BOTH WITHIN CHAPTER 22 (“ZONING ORDINANCE”) OF THE CODE OF THE CITY OF NORMAN TO ESTABLISH A POSTPONEMENT POLICY CONCERNING CERTAIN DEVELOPMENT APPLICATIONS PRESENTED TO CITY COUNCIL FOR CONSIDERATION OR POSTPONEMENT; AND PROVIDING FOR THE SEVERABILITY THEREOF.

§ 1. That development applications including zoning ordinance amendments and requests for planned unit developments and simple planned unit developments implicate extremely impactful determinations by City Council, for the applicant owner as well as adjacent or surrounding property owners and City of Norman residents;

§ 2. That the Norman City Code, and in particular the Zoning Ordinance, sets reasonable requirements and procedures that encourage applicant owners and others to engage in efficient and fruitful discourse regarding the potential impacts of these types of development proposals;

§ 3. That, in certain situations, multiple postponements by applicants may place undue strain on non-applicant residents arguably impacted by the proposed development, which residents are themselves entitled to an efficient conclusion of such application;

§ 4. Whereas, the City Council has hereby established the need for a postponement policy concerning these applications, which policy accommodates the needs of the applicant and non-applicant residents of the City of Norman for both thoughtful and efficient conclusion of these applications.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA:

§ 5. That Section 22:420 of the Code of the City of Norman shall read as follows:

SEC. 22:420 – PLANNED UNIT DEVELOPMENTS.

* * *

4. Application Procedures. The Planned Unit Development application procedure shall consist of three phases.

* * *

(b) Zoning application. After receiving written comments following the preapplication conference, the applicant may proceed in preparing a formal application for a Planned Unit

Development. The application shall consist of a simultaneous submission of a rezoning application, Preliminary Plat, and proposed Development Plan. The Preliminary Plat shall conform to all requirements contained in Chapter 19 of the Norman City Code, with the exception of certain design requirements regarding lot dimensions, setbacks, etc., that are specifically exempted or modified by provisions of this ordinance. In addition to the required Preliminary Plat, the Rezoning Application/Development Plan shall include at least the following information:

* * *

The Preliminary Development Plan will be reviewed by Staff and their recommendation shall be forwarded to the Planning Commission. A public hearing for the Preliminary Plat and Development Plan shall be set not later than the second regular meeting after filing, and shall be legally advertised as specified in the Zoning Ordinance. At the public hearing before the Planning Commission, the applicant and interested citizens will have the opportunity to discuss the merits of the Planned Unit Development proposal. The Planning Commission will assess the proposal in light of ordinance guidelines and will take action after weighing the recommendations of the Staff, the applicant's presentation, and the community's response. The Commission shall approve, recommend approval conditioned on specified modifications, or recommend disapproval of the Planned Unit Development proposal.

After the Preliminary Development Plan is reviewed by the Planning Commission, it will be forwarded to the City Council for their action. The City Council may grant, deny, defer for requested changes or information, or return the application to the Planning Commission for further study. Applicant-requested postponements shall be governed as set forth in Section 22:442.1(4)(d). The Council may direct the Planning Commission to reconsider specific aspects of the Preliminary Development Plan.

If the City Council approves the Preliminary Development Plan, it shall be in the form of an Ordinance which shall specify all conditions and schedules necessary to insure that the proposed Planned Unit Development is accomplished. The applicant is permitted to construct the Planned Unit Development in more than one phase or stage of construction. In such cases, the applicant shall clearly indicate on the site plan map the boundaries of each proposed phase. If the sequence of construction of various portions of the development is to occur in phases or stages, then the open space and/or recreational facilities should be developed or committed thereto in proportion to the number of dwelling units intended to be developed during any given stage of construction. Additionally, the applicant shall submit a schedule of construction for the project or for each phase within the project indicating the sequence of development according to residential type and other non-residential construction within the project.

* * *

§ 6. That Section 22:442.1 of the Code of the City of Norman shall read as follows:

SEC. 22:442.1 – AMENDMENTS.

* * *

4. Passage by the City Council.

(a) Every such proposed change in regulations, restrictions, and boundaries shall be referred to the City Planning Commission for public hearing, report, and recommendation. In case of a protest against such change, signed by the owners of twenty percent (20%) or more of the area of the lots included in such proposed change, such amendment shall not become effective except by the favorable vote of three-fourths (3/4) of all the members of the City Council; or (O-9394-19) 227 22:442.1

(b) In case of a protest against such change, signed by the owners of fifty percent (50%) or more of the area within a three hundred fifty (350) or larger foot radius of the exterior boundary of the subject property, such change shall not become effective except by the favorable vote of three-fourths (3/4) of all the members of the City Council. (O-9091-10; O-9394-19; O-0405-61)

(c) Whenever the owners of fifty-one percent (51%) of the land in any area shall present a petition duly signed and acknowledged requesting an amendment of the regulations prescribed for such area, it shall be the duty of the City Council to vote upon such amendment within ninety (90) days of the filing of same by the petitioners with the City Clerk. If any area is hereafter transferred to another district by amendment of district boundaries as provided in this section, buildings or premises existing at the time of passage of this Ordinance shall apply to buildings or premises existing in such transferred area at the time of passage of such amendment.

(d) Absent unique or extenuating circumstances, an application pursuant to this Section may be postponed one (1) time as a matter of right, to a date certain, upon request of the applicant and approval by City Council. Any further requests for postponement will be reviewed by City Council and is entirely subject to its discretion in approving or disapproving any such request by applicant. Protests addressed by subpart (b) above shall not affect the threshold for City Council approval respecting postponements pursuant to this sub-section.

* * *

§ 7. Severability. If any section, subsection, sentence, clause, phrase, or portion of this ordinance is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions of this ordinance, except that the effective date provision shall not be severable from the operative provisions of the ordinance.

ADOPTED this _____ day
of _____, 2022.

NOT ADOPTED this _____ day
of _____, 2022.

(Mayor)

(Mayor)

ATTEST:

(City Clerk)