

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.

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

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(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.

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

SEC. 22:442.1 – AMENDMENTS.

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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.

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§ 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)