



CITY OF NORMAN, OK STAFF REPORT

MEETING DATE: 08/09/2022

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 O-2223-4 UPON FIRST READING BY TITLE: 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 on 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. However, 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.

This policy was developed at the direction of the City Council Oversight Committee and has been reviewed and vetted by City Staff. At their July 14, 2022 meeting, Planning Commission unanimously recommended adoption of Ordinance O-2223-4, by a vote of 4-0.

CONCLUSION AND RECOMMENDATION:

City staff forwards Ordinance O-2223-4 to City Council for consideration and recommends adoption.