



City of Norman, OK

Municipal Building Council
Chambers
201 West Gray Street
Norman, OK 73069

Text File

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Title

CONSIDERATION OF ORDINANCE NO. O-1213-32 UPON SECOND AND FINAL READING: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AMENDING ARTICLE I, SECTION 19-104; ARTICLE II, SECTIONS 19-201, 19-202 AND 19-204; ARTICLE III, SECTIONS 19-301, 19-302, 19-307 TO 19-319; AND ARTICLE VI, SECTION 19-602 AND 19-606 AND ADDING ARTICLE III, SECTION 19-320 TO EXTEND THE VALIDITY PERIOD OF PRELIMINARY PLATS AND TO ESTABLISH FEES THEREFORE; TO REMOVE THE REQUIREMENT FOR PLANNING COMMISSION APPROVAL OF FINAL PLATS; TO AMEND THE DEVELOPMENT APPLICATION PROCESS; AND TO REMOVE THE REQUIREMENT FOR PRE-DEVELOPMENT MEETING FOR PROPERTIES SUBDIVIDED BY CERTIFICATE OF SURVEY; AND PROVIDING FOR THE SEVERABILITY THEREOF.

Body

BACKGROUND: In an effort to further streamline the development process, staff is proposing an ordinance to amend the following sections of Chapter 19 (Subdivision Regulations) of the City's Code: Article I, Section 19-104; Article II, Sections 19-201, 19-202 and 19-204; Article III, Sections 19-301, 19-302, 19-307 to 19-319; and Article VI, 19-602 and 19-606; and adding Article III, Section 19-320. The proposed amendments and addition will:

- 1) extend the validity period of preliminary plats,
- 2) establish an administrative approval process for a plat extension of an additional 5 years and set fees for the extension,
- 3) remove the requirement for Planning Commission approval of Final Plats,
- 4) allow an applicant to apply for a pre-development meeting and Planning Commission meeting for preliminary plats during the same application cycle and
- 5) remove the requirement of a pre-development meeting for Certificate of Survey properties larger than 40 acres.

These suggested ordinance amendments and addition were presented to and discussed by the Council Business and Community Affairs Committee (BACA) during its December 2012, January 2013 and February 2013 monthly meetings. These Ordinance amendments were also presented to the Planning Commission during its February 2013 monthly meeting. These amendments are being brought forward upon recommendation of both the BACA and the Planning Commission.

DISCUSSION: Brief descriptions of each of the changes being proposed in the Ordinance amendments are outlined below.

Extending the Validity of Preliminary Plats to 5 Years and Adding an Administrative Plat Extension Process (Amending Sections 19-201, 19-301, 19-305, & 19-307)

Staff has met with members of the development community and BACA to discuss the possibility of amending the Subdivision Regulations and Zoning Ordinance to extend the life of preliminary plats and allow for an administrative renewal of preliminary plats that are approaching expiration. The development community favors allowing plats to remain active longer, thereby allowing more flexibility in bringing new

developments to market.

Currently, preliminary plats are valid for three years after approval by the City Council. If any section of the preliminary plat is final platted during that three year validity period, the preliminary plat remains valid for an additional two years. However, if a preliminary plat is not final platted within that validity period, the plat expires and must go back through the entire plat approval process.

The amendments proposed for consideration increase the validity period of a preliminary plat to five years and retain the automatic extension of an additional two years to the life of the preliminary plat upon approval of a final plat for any section of the development. In addition, the amendments create an administrative renewal process.

This proposed administrative renewal process would allow an applicant to renew a preliminary plat for an additional five year term after initial approval. The administrative renewal process would only be available if the preliminary plat to be renewed is identical to or contains only minor amendments to the preliminary plat currently on file. In order to administratively renew an eligible preliminary plat, an applicant must pay a \$900 fee. If the preliminary plat is identical or only has minor changes, the Development Committee, consisting of members of the Planning staff and Public Works staff, may administratively renew the preliminary plat for an additional five years. Preliminary plats with more than "minor" changes will be required to go back through the standard approval process.

Under the City's current subdivision regulations (§19-306), changes to a preliminary plat that 1) reroute a collector street, 2) change the relationship between uses of land, 3) increase in the number of lots by more than 5%, or 4) request a change of specific elements of the preliminary plat cannot be administratively approved and must go back through the entire development process.

The following items establish criteria for what will be considered a minor change to a preliminary plat:

Items that can be administratively approved by the Development Committee:

Any increase in the number of lots up to 10%, or decrease in the number of lots can be approved by the Development Committee. Changes to parkland location may be approved by the Development Committee, upon recommendation of approval by the Director of Parks.

Any change in parkland location that is denied by the Director of Parks, must then be reapproved by the Planning Commission and Council.

Street alterations may also be approved by the Development Committee concurrently with a request for an increase or decrease in the number of lots, so long as the layout of the street is not substantially altered. All alterations to streets must conform to adopted public safety and traffic management standards before being approved administratively.

If the Development Committee determines that a plat amendment is not minor, the Development Committee will require that the preliminary plat to go back through the plat approval process.

If the proposed preliminary plat amendments are minor, the Development Committee may administratively renew the preliminary plat.

Items that cannot be administratively approved by the Development Committee:

- Substantial alteration to the layout and use of the preliminary plat
- Increases the number of lots by more than 10%
- Substantial alterations of street layouts
- Significant alterations to the design and scope of the preliminary plat

Additionally, the proposed amendments outline that preliminary plats, upon submission of a final plat, must adhere to all modifications to Chapter 19, or other pertinent chapters of the Code of Ordinances that have been approved from the date of the first renewal of the preliminary plat to its final plat submission to Council. This statement encompasses changes that may be made to the Subdivision

Regulations (Chapter 19), Zoning Ordinance (Chapter 22), Norman Land Use and Transportation Plan (as outlined in Sec. 19-401 of the subdivision regulations), Engineering Design Criteria and Standard Specifications and Construction Drawings (as outlined in Sec. 19-503 of the subdivision regulations). Any modifications to these chapters and/or sections must be shown and adhered to by the developer upon submission of a final plat. A note must be placed on the renewed preliminary plat as a reminder that such changes must be complied with upon submittal for approval of the final plat. Secondly, if there are intervening changes, a revised preliminary plat, incorporating those changes, must be reapproved prior to or concurrent with approval of the final plat.

Removal of the requirement for Planning Commission approval of Final Plats (Amending Sections 19-104, 19-201, 19-204, 19-308-309, 19-312, 19-315, 19-318, 19-320 & 19-602)

The Planning Commission currently reviews Final Plats in order to ensure that all the public dedications are provided and that the Final Plat conforms to the previously approved Preliminary Plat. After the Planning Commission approves a Final Plat, the Final Plat is then sent to City Council for approval and acceptance of public dedications. Final Plats are checked by City Staff to ensure compliance with the Preliminary Plat and a staff report is included with the Final Plat approval items before Planning Commission approval. Typically, the Final Plat conforms to the previously approved Preliminary Plat and thus Planning Commission review of Final Plats is part of the consent agenda and handled as a fairly routine matter.

For that reason, it has been suggested that eliminating Planning Commission consideration of final plats in the review process may be a potential time saver for applicants. Within the proposed amendments, whenever an applicant submits for final plat approval, that item would then be eligible to be approved by the City Council. Under the proposed ordinance amendments, the Planning Commission and City Council would still be responsible for approval of the preliminary plat, and City Council will still be responsible for acceptance of public improvements and easement dedications with the approval of a development's final plat. The Development Committee (DC), comprised of City staff, will review and approve plans prior to Council approval of a final plat. The DC will also be responsible for approving the program for accomplishing the required public improvements and will authorize the Public Works Department to issue construction permits for such improvements.

Removal of the requirement of a pre-development meeting for Certificate of Survey properties larger than 40 acres (Amending Section 19-606)

The City requires Pre-Development meetings to be held between the developer and the neighboring property owners to discuss potential applications for rezoning, Land Use and Transportation Plan Amendments, Certificates of Survey greater than 40 acres, and preliminary plats prior to Planning Commission and City Council consideration. These pre-development meetings are generally conducted after the filing deadline for the following month's Planning Commission meeting. Under this timetable an applicant may need to wait over one month before an item will be eligible for consideration by the Planning Commission.

It has been suggested that Pre-Development meetings may be considered optional for these types of COS developments. Property owners may apply for Rural Certificates of Survey to subdivide large parcels located in either A-1 or A-2 zoning districts into smaller parcels of at least ten acres. The 350-foot notification zone, as is required for notification for a pre-development meeting, will often yield very few affected property owners. For this reason, COS pre-development meetings generally have low or no attendance by the surrounding property owners.

If this proposed ordinance amendment is adopted, it would remove the initial meeting between the developer and the surrounding property owners for COS developments of 40 acres or more, which may be the only notification to adjacent property owners that a development project is proposed to be built near their property. Making the Pre-Development meeting optional would allow the property owner to evaluate whether they felt a Pre-Development meeting would be beneficial toward resolving issues before taking the development forward.

Allowing an applicant to apply for a pre-development meeting and Planning Commission meeting

for preliminary plats during the same application cycle (Amending Section 19-302)

This amendment to Chapter 19 will allow a preliminary plat applicant to apply for a pre-development meeting and Planning Commission meeting in the same application cycle. This is a companion amendment to Ordinance O-1213-31, regarding changes in the pre-development meeting application cycle. These changes are further outlined in the agenda item for Ordinance amendment O-1213-31.

RECOMMENDATION: Staff recommends approval of amendments to the following sections of Chapter 19 (Sub-Division Regulations) of the City's Code: Article I, Section 19-104; Article II, Sections 19-201, 19-202 and 19-204; Article III, Sections 19-301, 19-302, 19-307 to 19-319; and Article VI, 19-602 and 19-606; and the addition of Article III, Section 19-320.

The Planning Commission, at their meeting of February 14, 2013, by a vote of 7-0, recommended adoption of Ordinance No. O-1213-32. At their March 14, 2013, by a vote of 6-0, the Planning Commission recommended adoption of Section 19-302, which was inadvertently omitted from their review of the ordinance at the February meeting.