

**NOTICE
STAKEHOLDERS MEETING
AND
COMPREHENSIVE PLAN
ADVISORY COMMITTEE
MEETING 4**

A meeting of the City of Glenpool Stakeholders will be held at 6:00 p.m. on, Thursday, March 2nd, 2017, at Glenpool City Hall, City Council Chambers, 12205 S. Yukon Ave., 3rd Floor, Glenpool, Oklahoma and a meeting of the Comprehensive Plan Advisory Committee will follow at 6:45pm.

AGENDA

A) Scheduled Discussion

1. A preview of zoning code/subdivision regulations proposed revisions to date.
(Rick Malone, City Planner/Council Members/Public Stakeholders/Facilitator, Kendig Keast Collaborative)
2. Advisory Committee Meeting # 4.

B) Adjournment

This notice and agenda was posted at Glenpool City Hall, 12205 S. Yukon Ave., Glenpool, Oklahoma, on
_____, _____ at _____ am/pm.

Signed: Rick Malone, City Planner



M E M O R A N D U M

Date: February 23, 2017

To: Rick Malone – City Planner, City of Glenpool

From: Gary Mitchell, AICP – President, Kendig Keast Collaborative (KKC)
Randal Anderson, AICP – Senior Associate (KKC)

Subject: Materials for March 2 Advisory Committee Meeting

We are providing the items listed below as advance background information and for reference during the upcoming meeting of the project Advisory Committee next Thursday evening. At this point, we continue to focus much of our project efforts on the potential amendments to the City's zoning and subdivision regulations given the extent of content involved and the significance of the proposed changes in both development standards and procedural aspects.

- **Enhanced Standards for Screening and Buffering.** With the ongoing growth and development of Glenpool and increasing diversity in its range of land uses, especially nonresidential, ensuring compatibility among uses and residential/neighborhood protection will become more important. The draft content in zoning Section 11-6-11, Screening and Bufferyards, addresses this need.
- **Procedure for New “Limited Use” Category.** We previously discussed introduction of a new use category—“limited uses”—into the Glenpool zoning framework. Uses in this category could be approved administratively by the City Planner subject to specific standards that are spelled out in the ordinance. The draft content in zoning Section 11-9-3, Limited Use Authorization, spells out the process for such approvals. Another related piece, Section 11-9-14, Limited Use and Site Plan Referrals, addresses situations where Planning Commission review is warranted versus only staff-level review.
- **Procedure for Planned Unit Development (PUD) Reviews.** In our last meeting, we reviewed draft content that would: (1) provide an enhanced framework for the City's evaluation of proposed PUDs, and (2) communicate to potential applicants the community's expectations for such development proposals. The draft content in zoning Sections 11-9-9 through 11-9-11 outlines the steps toward arriving at an approved development plan for a PUD, through conceptual, preliminary and final plan stages. Significantly, the new process would also allow for, at the applicant's discretion, the parallel tracking of the rezoning, site plan and subdivision plat reviews that a PUD involves to expedite the overall process.
- **Clarification of Developer and City Responsibilities for Public Improvements.** As previously discussed, the only significant change anticipated in the City's current Title 12, Subdivision Regulations, is to add new content to better define the “fair share”

requirements of developers and the City for public improvements that mitigate the impact of development. This proposed content is in what would be a new Chapter 4 in Title 12, Developer and City Responsibilities. Additionally, regarding the adjusted Planned Unit Development procedure in the zoning ordinance, minor adjustments are also necessary in two PUD-related Title 12 sections—Sections 12-5-6 and Section 12-6-15.

Below is the list of current Glenpool zoning districts as cited in some of the materials and for reference during the discussions. We look forward to seeing everyone again next week.

Glenpool Zoning Districts

Agricultural

AG Agriculture district

Residential

RE Residential Estate district

RS-1 Residential Single-Family low density district

RS-2 Residential Single-Family medium density district

RS-3 Residential Single-Family high density district

RS-4 Residential Single-Family highest density district

RD Residential Duplex district

RM-1 Residential Multi-Family low density district

RM-2 Residential Multi-Family medium density district

RM-3 Residential Multi-Family high density district

RMH Residential Mobile Home Park district

RMT Residential Multi-Family Townhouse district

Commercial

OL Office low intensity district

OM Office medium intensity district

CS Commercial Shopping Center district

CG Commercial General district

Industrial

IL Industrial Light Manufacturing and Research and Development district

IM Industrial Moderate district

IH Industrial Heavy district

Overlay

PUD Planned Unit Development

Title 11

ZONING REGULATIONS

Chapter 6

Site Development

Subchapter 2: Landscaping, Screening and Bufferyards.

11-6-11: Screening and Bufferyards.

A. *Purpose.* For the purpose of maintaining a compatible relationship between different land uses, screening and buffering requirements are hereby established as set out below.

B. *General Specifications of Walls and Fences.* When the provisions of this Title require the construction of a screening wall or fence as a development standard or as a requirement of a specific or limited use, the screening wall or fence shall:

1. Be constructed, designed, and arranged to provide a visual and opaque separation between uses.
2. Generally not be more than six feet in height, except where an eight foot height is required.
 - a. The City Planner has the discretion to allow, or require, a height up to eight feet to improve use compatibility.
 - b. Fence height shall be measured based on the prevailing natural grade, so fence height may increase when a site has uneven or undulating slope.
 - c. Ornamental columns, pilasters, column caps, trellises or similar features that enhance the character of a wall or fence are not subject to the height limitation.
3. Be constructed with all braces and supports on the interior side of a fence, except when both sides are of the same design and appearance.
4. Be constructed using a common material, color, and style on the perimeter of all residential developments, and along arterial and collector streets, as designated on the *Major Streets and Highways Plan*, in all new developments.
5. Be installed prior to the occupancy of any building and prior to the initiation of the use.
6. Utilize materials that are compatible with the surrounding area and properties.
7. Be maintained by the owner of the lot containing the use required to install screening. Failure to maintain required screening shall constitute an offense hereunder.

C. *Bufferyards Generally.* The bufferyards required by this Subchapter are based on the amount of screening they provide and are classified from the least screening (Type A) to the most screening (Type D), depending on the types and intensities of adjacent uses.

D. Bufferyard Types.

1. There are four types of bufferyards, each of which varies in the width of the bufferyard and the numbers and types of plants that are required per 100 linear feet, or portion thereof, and whether a wall or fence is also required.
2. The minimum planting requirements for each type and composition of bufferyard are set out in Table 11-6-11.1, *Bufferyard Classifications*, except where another requirement of Title 11 or a condition of the City Council, the Commission, or Board requires a greater bufferyard.

E. Composition of Bufferyards. Bufferyards are classified as:

1. *Structural Bufferyards.* Structural bufferyards include fences, walls or buildings to achieve the required level of screening.
2. *Natural Bufferyards.* Natural bufferyards include earthen berms, a geologic grade change or a higher density, or opacity, of plant materials to achieve the required level of screening.

Table 11-6-11.1 Bufferyard Classifications						
Type	Width	Required Plantings per 100 Linear Feet (Structural / Natural)				Height of Berm, Wall or Fence ^{1,2}
		Large Trees	Evergreen Trees	Small Trees	Shrubs	
Type A	5 ft.	1/2	1/2	1/3	10/15	-
Type B	10 ft.	2/3	2/3	2/6	20/30	-
Type C	25 ft.	3/6	3/6	3/9	30/40	6 ft.
Type D	35 ft.	4/8	4/8	4/12	40/55	8 ft.

NOTES:

¹ An earthen berm, wall, or fence is not required for a natural bufferyard.

² Per Chapter 3, Subchapter 3, *Specific and Limited Uses*, additional wall height may be required for some uses or as a condition of SUP approval.

F. Bufferyard Locations. Bufferyards are required between different adjacent zoning districts and between different levels of density (residential) and intensity (nonresidential and mixed use). Table 11-6-11.1, *Bufferyard Classifications*, and Table 11-6-11.2, *District Bufferyard Standards*, highlight how the bufferyard standards and adjacent land use are related and the degree of buffering required to improve compatibility between different land uses.

G. Composition of Bufferyards in Certain Locations.

1. *Between Districts.* Structural bufferyards are the preferred composition along a district boundary that is not a street, or where there is a specific privacy or security need that requires a wall or fence.
2. *Between Mixed Housing Types and Uses.* Structural or natural bufferyards may be used between mixed housing types and mixed uses within a development, depending on the use types and intensities and the desired degree of compatibility, privacy, and/or security.
3. *Adjacent to Land Zoned Agriculture (AG), Residential Estate (RE), or Residential Single-Family Low Density (R-1).* Natural bufferyards are the preferred composition in these

locations to reinforce the rural or low density residential character of the adjacent district.

4. *Along Resource Features and Recreation Uses.* Natural bufferyards are required adjacent to recreation uses and along natural areas and resources to act as a riparian buffer and to protect and enhance water quality and stormwater management.

H. Exemptions. A parcel proposed for development, redevelopment, or substantial improvement shall be exempt from the requirement to provide a bufferyard under the following conditions:

1. When there is an elevation difference between two adjacent properties that is six feet or greater.
2. When a property is separated from the adjacent property by a natural or man-made area that meets or exceeds the level of screening required.

I. Credits for Existing Buffer Treatments.

1. *Generally.* Existing landscape, trees, fences, and retaining walls that meet, in part but not in whole, the bufferyard requirements set out herein, may be counted toward the bufferyard requirements, provided that:
 - a. The trees and landscaping are in good health.
 - b. The fences or walls are structurally sound and in good repair.
2. *Existing Landscaping Credit.* Credit shall be given for existing trees that are located within bufferyards as set out in Section 11-6-9, *Credit for Existing Trees*.
3. *Existing Fences and Walls.* If a fence or wall is the preferred or required bufferyard composition and there is already a fence or retaining wall on the property line, then the City Planner may waive the fence or wall requirement if:
 - a. The City Planner verifies and documents that an existing fence or wall is structurally sound and in good repair; and
 - b. The height and level of existing screening meets the intent of this Subsection.

J. Bufferyard Standards.

1. *Generally.* Table 11-06-11.2, *District Bufferyard Standards*, sets out the classifications of bufferyards required between zoning districts not separated by a public street right-of-way.
2. *Interpretation of the Table.*
 - a. The table is a matrix where all zoning districts are categorized into groups of similar use intensity.
 - b. The rows indicate the zoning of the parcel proposed for development and the columns indicate the zoning of the adjacent property or properties.
 - c. Where "-" is found there is no bufferyard required.

Table 11-6-11.2 District Bufferyard Standards					
Zoning of Parcel Proposed for Development	Zoning of Adjoining Property				
	AG, RE, RS	RD, RMH, RM-1	RM-2, OL, OM	CS, CG	IL, IH
AG, RE, RS	-	A	B	C	D
RD, RMH, RM-1	B	A	-	C	D
RM-2, OL, OM	C	B	A	A	C
CS, CG	C	C	B	-	-
IL, IH	D	C	C	B	-

3. Relationship to Other Bufferyard Requirements.

- a. Some limited uses or specific uses have different requirements for bufferyards, as specified in Chapter 3, Subchapter 3, *Specific and Limited Uses*.
- b. If bufferyards are required by another Section of this Title along property lines that are also zoning district boundaries, then the greater bufferyard requirement shall apply.

4. Bufferyard Fencing. Where a fence is used to provide a buffer, the following requirements shall apply:

- a. The finished side of all fences shall face outward toward any adjacent public rights-of-way or the property that is being buffered, with all braces and supports on the interior side of the fence.
- b. All support posts and stringers shall face inward toward the property upon which the fence is located or the development that it screens.

K. Modification of Requirements. The Board of Adjustment may:

- 1. Consider modifications to or a waiver of the screening or bufferyard requirements when an existing physical feature provides the intended visual or physical separation of uses.
- 2. Modify the screening or bufferyard requirements where an alternative screening or buffering solution will provide the intended visual or physical separation of uses.

Title 11

ZONING REGULATIONS

Chapter 9

Permits and Procedures

Subchapter 1: Administrative Permits and Procedures.

11-9-3: Limited Use Authorization.

A. *Generally.* The authorization of a limited use is an administrative procedure where the City Planner determines if an application complies with the standards set out in Chapter 3, Subchapter 3, *Specific and Limited Uses*, and other applicable requirements of Title 11.

B. *Applicability.*

1. Uses requiring limited use authorization are specified in Chapter 3, Subchapter 2, Sections 11-3-7, *Residential Uses*, and 11-3-8, *Nonresidential Uses*. Applications requiring limited use authorization shall be submitted to the City Planner for review. The City Planner may convene a TAC meeting to assess the application.

2. Until authorization of a limited use is given by the City Planner:

a. No construction, reconstruction, or remodeling of any structure shall be commenced which would result in the alteration of any exterior dimension of such structure, any structural alteration of such structure, or any alteration in the amount of off-street parking or loading required in conjunction with such structure.

b. No structure shall be moved.

c. No alteration of land preliminary to any use of such land shall be commenced.

d. No building or other permits pertaining to the construction, reconstruction, remodeling, or moving of any structure, or a change in the use of any land or structure shall be issued by the City.

C. *Submittal Requirements.* Every application for limited use authorization shall contain:

1. The name and contact information of the applicant and /or agent;
2. The address or location of the subject property;
3. The present use and zoning classification of the subject property;
4. A brief description of the construction or alteration of land, change of use, or proposed use that requires the authorization of a limited use; and
5. A description of the use in adequate detail to determine if the proposed use will comply with all applicable limited use requirements, along with a site plan, plan of operation and any supplemental information necessary to ascertain if the use will comply with Title 11.

D. *Process and Decision.*

1. Applications for limited use authorization shall be approved or denied by the City Planner.
2. If the City Planner determines that an application does not comply with the applicable standards and requirements for the use, the request shall be denied. Upon denial, the applicant may appeal the decision to the Planning Commission.
3. If Planning Commission action is required:
 - a. The City Planner shall file a written report detailing the specific issues warranting denial of the application and measures taken by the applicant to address the issues.
 - b. The Commission shall deliberate and vote to approve, conditionally approve, or deny the application and make written findings stating how the application complies with, or failed to comply with, the applicable standards and requirements.
 - c. The Commission may impose any reasonable conditions of approval to mitigate any issues in order to approve the application.
 - d. Action by the Commission shall be final.

E. *Enforcement.* If an applicant fails to obtain authorization for a limited use or fails to abide by all applicable standards, requirements, and conditions of the authorization, the City may utilize any of the processes and procedures set out in Chapter 11, *Enforcement and Remedies*, including, but not limited to, the revocation of the administrative authorization.

Subchapter 2: Public Meeting Permits and Procedures.

11-9-14: Limited Use and Site Plan Referrals.

A. *General.* A request proposing a limited use or a site plan may be referred to the Planning Commission when:

1. The City Planner determines that discretion is required as to the appropriateness and level of conformity of the site plan with the standards for a limited use or compliance with all applicable requirements of Title 11.
2. An applicant requests an alternative method to comply with the spirit and intent of the regulations of Title 11.
3. An applicant appeals the decision of the City Planner or TAC to deny a site plan.

Requests referred to the Planning Commission shall be heard by the Commission within 45 days of the referral date. Notice and publication is not required, but rather general notice as an item of consideration on the Commission agenda.

B. *Commission Action.* Upon referral, the Planning Commission shall:

1. Review the request for its conformance with the standards and requirements of Title 11 and its consistency with the policies and objectives of Title 11 and the Comprehensive Plan.
2. Seek input and recommendations from the City Planner.
3. Assess whether an alternative method of compliance is satisfactory to satisfy requirements of Title 11.

4. Determine if the request satisfies all of the applicable limited use requirements and if any other conditions should be imposed to address issues to ensure that the use is compatible with surrounding properties.
5. Review the issues that were the basis for the denial, or referral of the site plan, and uphold or overturn the decision of the City Planner or TAC, or find a satisfactory alternative solution to the issue agreeable to all parties.
6. Render decisions in the interest of promoting the public health, safety, order, convenience, prosperity and general welfare, compatibility between different land uses, and the fair and equitable application of Title 11.

The Commission may grant a continuance if, during the course of considering a request, the Commission finds that proper action cannot be made without additional information. The Commission is authorized to request that the applicant submit such reasonable additional information and withhold further action on the application. Decisions of the Planning Commission shall be final.

Subchapter 2: Public Meeting Permits and Procedures.

11-9-9: Conceptual Development Plan (CDP) for a PUD.

- A. *Purpose.* The purpose of a CDP is to enable a prospective development applicant to demonstrate how a proposed PUD, at an initial conceptual stage, will comply with the requirements set out in Chapter 3, Subsection 3, *Planned Unit Developments*, and Chapter 4, Subchapter 4, *Design Standards*, and other relevant requirements of Title 11. The City will determine if the substance of the PUD concept may result in the public deriving adequate benefits to justify an alternative approach to development design than possible under conventional zoning standards. The City will provide the prospective applicant with feedback and direction should he choose to proceed with a Preliminary Development Plan (PDP). The CDP will not contain the level of detail required for Preliminary and Final Development Plans for a PUD and generally will not exceed the submittal requirements in this Section, although a prospective applicant may voluntarily submit more detailed information to convey the concept of a proposed PUD.
- B. *Applicability.* A CDP shall be submitted prior to the submittal of any other application or plat in which PUD approval is requested.
- C. *Submittal Requirements.* A CDP application shall provide the information set out in Chapter 3, Subchapter 4, *Planned Unit Developments*, and the following additional information:
 1. Existing and proposed land uses, their relationship to each other, and to surrounding uses. This plan may take the form of a "bubble" map that shows proposed use types in an approximate fashion, including tentative circulation diagrams and anticipated buffers or screening.
 2. A map depicting physiographic information for the subject property such as soil types, topography and any severe slopes, geology, vegetation, flood plain boundaries and the location and availability of water and sanitary sewer services.
 3. A written narrative that includes:

- a. The approximate number of acres of each type of land use.
- b. The character, density, and intensity of dwellings, structures, and uses on each section of the PUD.
- c. Justification for the proposed uses, density and/or intensity in relation to existing or proposed surrounding uses.
- d. Proposed phasing of the development, if any, and a general indication of the expected development schedule.
- e. General discussion of the anticipated impacts that build-out may have on community facilities and the measures necessary to address those impacts.

D. **Process.** Staff reviews the CDP and prepares a report, without an approval or denial recommendation, for Planning Commission and City Council consideration. The staff report will describe the CDP and how the prospective applicant proposes to satisfy the PUD requirements of this Title. A CDP does not require a public hearing or any publication or mailed notice. The purpose of the process is to identify strengths, weaknesses and potential issues with the prospective application at an early stage.

E. **Review Criteria.** The CDP application shall be reviewed based on the PUD rationale and purposes set out in Chapter 3, Subchapter 4, *Planned Unit Developments*, and the ability of the CDP to adhere to the following criteria at a conceptual level of review pending further details:

1. The CDP will further the objectives of the Comprehensive Plan and other City plans.
2. The CDP will be compatible with, or blend into, the development pattern and intensities in the area, or will establish a more desirable pattern in terms of implementing City plans.
3. Adequate public services are available or may be extended to serve the PUD.
4. The PUD design and proposed amenities will provide a high quality environment.
5. Streets will have the capacity to serve the proposed development and are consistent with the *Major Streets and Highways Plan*.
6. Geologic hazard areas, steep slopes, open spaces, and natural resources will be appropriately protected from the impacts of development.
7. Any off-site street or utility improvements necessary to adequately serve the development are identified at a conceptual level, as set out in Title 12, Chapter 4, *Developer and City Responsibilities*.

F. Effect of CDP Process.

1. City staff, the Commission, and Council will not make recommendations or motions to approve or deny any CDP, but will offer comments and recommendations to address the review criteria in Subsection E above, to facilitate the preparation of a Preliminary Development Plan as set out in Section 11-9-10, below.
2. Completion of the CDP process shall not provide any vesting for the development or obligate the City to approve a Preliminary or Final Development Plan when each is submitted.

11-9-10: Preliminary Development Plan (PDP) for a PUD.

A. Purpose. The purpose of a PDP is to provide a detailed site layout for the proposed PUD. Like a Preliminary Plat prior to a Final Plat, PDP approval provides the basis for approval of a Final Development Plan.

B. Establishment of a "Specific Density."

1. The PDP shall propose a "specific density" per gross acre, consistent with the allowable densities set out for each type of use. The "specific density" of the proposed development shall be justified by the PDP, based on the quality of the design and the degree of its anticipated impacts and public benefits. Once the "specific density" of the PDP is established, it shall be included in the approved contract documents and plats to be submitted for approval with the Final Development Plan.
2. If the PDP is filed in phases:
 - a. A "specific density" shall be assigned to each phase.
 - b. Density at each preliminary phase shall be justified by a specific design.
 - c. Approved "specific density" from a phase which is not utilized when that phase is built out may be carried over to another phase, so long as the approved character of the overall PUD is not significantly altered and the maximum allowed density is not exceeded.
 - d. In no case shall the overall "specific density" established for the PUD as a whole be increased.

C. Submittal Requirements. A PDP application shall include the following information:

1. Proposed building envelopes, common open areas, public uses, amenities and common use facilities to be dedicated to the City or reserved in common ownership.
2. Approximate locations of all buildings, structures, and improvements, and open space around buildings and structures.
3. A written statement describing the proposed PUD character, to justify the creation of the PUD, and further narrative to elaborate on the overall design style, colors, materials, and sign program for the PUD, which may be accompanied by conceptual elevations or renderings.
4. Plans, reports and diagrams that include:
 - a. Proposed off-street parking and loading areas.
 - b. A circulation plan showing the proposed car, truck, bicycle, and pedestrian networks and their relationship with existing or proposed streets.
 - c. Any special engineering features, such as, but not limited to, stormwater detention areas, drainage plan, utility plan and traffic control improvements.
 - d. Designation of any improvements to be dedicated to, or accepted by, the City.
 - e. Proposed open space, buffering, perimeter design treatments and amenity plans.
5. A development schedule indicating:
 - a. The approximate date when construction of the project is expected to commence.

- b. The phases in which the project will be built and the approximate sequence and timing of when the public improvements, landscaping, buffering, and amenities are proposed to begin and be completed in conjunction with the phasing schedule.
- c. Anticipated development rates per year in terms of acres, number of residential units, square footage of nonresidential floor area, or similar quantitative measures.
- d. The location and area of common open spaces that will be provided at each stage.

6. Legal agreements, provisions, and/or covenants and restrictions to govern the use and maintenance of common areas.

7. The names and addresses of all property owners within 300 feet of the PUD boundary.

D. Process.

1. The PDP shall be processed as set out in Section 11-9-8, *Zoning Map Amendment (Rezoning)*.
2. A PDP shall require a public hearing and recommendation by the Planning Commission and a public hearing and action by the City Council.
3. The City Planner may recommend amendments to the PDP throughout the review process.
4. A Preliminary Plat may be filed and processed concurrently with the PDP, at risk to the developer, or following PDP approval. If the Preliminary Plat is filed with the PDP, the City may not take any action on the plat until first approving the PDP. Applicants proposing concurrent PDP and Preliminary Plat applications shall automatically consent to a waiver of all statutory subdivision plat review and approval deadlines to the degree necessary to allow the zoning approval of the PDP to occur prior to plat approval. Concurrent action on both applications may be taken by the Commission and Council in a single meeting, respectively for each body, provided that zoning action precedes platting action. If the PDP application is denied, the Preliminary Plat shall automatically be denied.

E. Review Criteria. The PDP shall comply with all applicable PUD standards and PUD purposes and criteria set out in Chapter 3, Subchapter 4, *Planned Unit Developments*.

F. Effect of PDP Decision.

1. Following the approval of a PDP, the applicant may submit an application for a Final Development Plan and for a Preliminary or a Final Plat.
2. An approved PDP may be finalized by more than one FDP and Final Plat.
3. If the PDP is denied, the applicant may submit an amended PDP addressing the issues central to the denial of the PDP. Such a submittal will not be considered a "substantially similar" application.

11-9-11: Final Development Plan (FDP) for a PUD.

A. Purpose. The purpose of an FDP is to finalize the approval of the PUD and provide documentation for the recordation of a Final Plat(s) to be submitted to complete the development of the PUD.

B. Submittal Requirements. An FDP application shall include the following additional

information:

1. All materials and information required for a Final Plat.
2. A list of all conditions of approval of the PDP and a statement of how each condition was addressed on the FDP.
3. All of the items required for a site plan as set out in Appendix A, *Site Plan Submittal Requirements*, and the following information pertinent to the PUD:
 - a. The approved "specific density".
 - b. Required setbacks along all street frontages and any build-to lines or other special building setback or spacing provisions within the interior of the development.
 - c. A list of all approved and specifically excluded uses, including the areas in which such uses are allowed or excluded. All uses shall be classified as provided in this Title, or, if alternative classifications are used, they shall be defined and justified.
 - d. A final narrative describing all aspects of the final PUD, to be incorporated by reference, along with the FDP, into the ordinance establishing the PUD district.
 - e. Proposed building footprints, or envelopes, for all buildings and major structures, excluding single-family dwellings.
 - f. Sidewalks, pedestrian ways, trails, and associated structures.
 - g. Drainage facilities and stormwater best management practice improvements.
 - h. Open space and other amenities.
 - i. Major utility locations and easements.
 - j. All other improvements that reflect significant aspects of the approval of the PUD.
4. A development schedule for all private and commonly-owned site improvements, including, but not limited to, circulation networks, curbs and gutters, signage and street and trail lighting.

C. Process.

1. The FDP shall be processed as set out in Section 11-9-8, *Zoning Map Amendment (Rezoning)*.
2. Upon Council approval of an FDP, the PUD shall be established by ordinance and all of the "Final Form" plans and narrative submitted with the FDP shall be incorporated by reference into the ordinance to govern the development of the PUD.

D. Effect of Approval.

1. Upon approval of the FDP, a Final Plat and all related agreements shall be executed and shall be recorded by the County Clerk of Tulsa County.
2. Applications involving site plans, Zoning Clearance Permits, and building permits, consistent with the FDP, may then be filed, approved, and permits issued to implement the FDP.
3. Any property owner association created to administer the common land in the PUD shall be incorporated.

Title 12

SUBDIVISION REGULATIONS

Chapter 4 [New]

Developer and City Responsibilities

Subchapter 1: Transportation Responsibilities.

12-4-1: Responsibilities of the Subdivider or Developer.

- A. *Responsibility for Transportation Improvements.* The subdivider or developer is responsible for all design, engineering, labor, and construction expenses for transportation related improvements required by:
 - 1. Title 12, as a requirement of the subdivision process, including the City Engineering Design Criteria.
 - 2. The recommendations of the *Major Streets and Highways Plan* and any other regional transportation plans.
 - 3. The need for transportation improvements resulting from a site plan or any other development process described in Title 11.
- B. *Limitation.* The subdivider or developer is not responsible for improvements to the extent that this Subchapter specifically requires full or partial payment for transportation improvements by the City.
- C. *Transportation Improvements Required.* Except where limited in this Subchapter, the subdivider or developer is responsible for:
 - 1. Providing public streets, sidewalks, and, when applicable, trails, that comply with all City Engineering Design Criteria and requirements.
 - 2. Extending and connecting existing public streets, sidewalks, and, where applicable, trails, with existing or proposed streets, sidewalks, and trails.
 - 3. Providing all necessary property interests, including rights-of-way, and where necessary, easements, for proposed public streets, sidewalks, and trails.
 - 4. Providing reports and inspection results showing that proposed public streets, sidewalks, and trails will be, and were, constructed in accordance with all City Engineering Design Criteria and requirements.
 - 5. Providing the expansion or extension of public streets, sidewalks, and trails, as shown on approved City plans, particularly the *Major Streets and Highways Plan*, and regional transportation plans, to serve future development.
 - 6. Providing for the initial operation, maintenance, and warranty of public streets, sidewalks, and trails.
 - 7. Providing fiscal security required to warranty the construction of the public streets,

sidewalks, and trails.

8. Complying with all requirements of the utility providers, including the City, with respect to utilities located adjacent to, or within, the public right-of-way.

D. *No Other Dedication or Construction Required.* Nothing in this Subchapter is construed to require any dedication or construction that is not explicitly required by the standards of this Title or the City Engineering Design Criteria, the Master Streets and Highways Plan, or any regional transportation plans.

E. *Off-Site/Perimeter Road Improvements.*

1. When a subdivision or development is proposed to be located adjacent to, or served by, a street that does not meet the minimum standards of the City for roadway construction, pavement design, pavement width, street drainage, or right-of-way width:
 - a. The subdivider or developer shall provide improvements to the substandard street or intersections, as necessary to mitigate traffic impacts generated by the subdivision or proposed development, as set out in Section 12-4-3, *Street Improvements Required*. Required street improvements shall be established through the completion of a Traffic Impact Analysis (TIA) that meets the minimum standards specified in Section 12-4-4, *Traffic Impact Analysis (TIA)*.
 - b. The City may, at its discretion, participate in the costs to oversize improvements by executing a development or public improvement agreement with the subdivider or developer.
2. Where a subdivision is adjacent to or served by an Oklahoma Department of Transportation (ODOT) highway, the City, in collaboration with ODOT, shall make a determination whether developer participation in the "fair share" cost of any improvements, or if the dedication of right-of-way or any other improvements, such as, but not limited to, drainage or utility relocation, is required.

12-4-2: Essential Nexus.

A. *Support for New Development.*

1. New development must be supported by adequate levels of transportation services, as required and defined in this Subchapter and as limited by Section 12-4-6, *Mitigation Limitations and Exemptions*.
2. It is necessary and desirable to provide the dedication of rights-of-way and easements for capital improvements, as limited by Section 12-4-6, *Mitigation Limitations and Exemptions*, to support new development at the earliest stage of the development process.

B. *Essential Nexus.* There is an essential nexus between the demand on public facility systems generated by a new development and the requirement to dedicate rights-of-way and easements and to construct capital improvements to offset such impacts.

C. *Developer Obligations, Dedication, and Construction of Improvements.* The subdivider or developer shall dedicate all rights-of-way and easements necessary for public streets, sidewalks, and, where applicable, trails, to adequately serve a proposed development, consistent with the *Major Streets and Highways Plan*, any regional transportation plans, and

City Engineering Design Criteria, as limited by Section 12-4-6, *Mitigation Limitations and Exemptions*.

D. *Timing of Dedication and Construction.*

1. *Initial Provision for Dedication or Construction.*

- a. The City shall require the submittal of a preliminary TIA demonstrating that a proposed development can be adequately served by existing public facilities and services at the time for approval of the first development application that portrays a specific plan of development, or if off-site improvements, such as, but not limited to, a traffic signal or turn lane, will be required to adequately serve the development at an acceptable Level of Service.
- b. As a condition of approval, the City may require the dedication of rights-of-way or easements and the construction of on- or off-site capital improvements to serve the proposed development, consistent with the *Major Streets and Highways Plan*, regional transportation plans, or the TIA recommendations.

2. *Deferral of Obligations.*

- a. The obligations to dedicate rights-of-way or to construct improvements to serve a new development may be deferred until approval of a subsequent phase of development or development on the opposite side of a right-of-way, at the sole discretion of the City, upon written request of the subdivider or developer, or at the City's initiative.
- b. As a condition of deferring the transportation obligations, the City may require that the subdivider or developer enter into a deferral agreement in a form acceptable to the City Attorney.
- c. The City Council reserves the right to specify the timing and sequencing or any other aspect of the deferred improvement, as a condition of the deferral of obligation.

E. *Relief from Obligations for Substandard Boundary Streets.*

1. In order to achieve proportionality between the demands created by a proposed development on existing transportation facilities and the obligation of the developer to provide adequate transportation facilities, as limited by Section 12-4-6, *Mitigation Limitations and Exemptions*, the City Council may elect to have the City participate in the cost of improving an existing substandard street.
2. At the discretion of City Council, the City may agree to relieve the developer of some portion of the obligations of improving the substandard boundary street in response to a petition for relief from a dedication or construction requirement by the subdivider or developer, as set out in Section 12-4-3, *Street Improvements Required*.
3. Consideration for relief from the obligations of the subdivider or developer shall be assessed by the City in accordance with Section 12-4-6, *Mitigation Limitations and Exemptions*.

F. *Reimbursement Agreement.* If public street improvements are designed and constructed by the initial subdivider or developer in accordance with the City Engineering Design Criteria, *Major Streets and Highways Plan*, or a regional transportation plan, the subdivider or

developer may be eligible for reimbursement by adjoining property owners connecting to the public street improvements based on the ratio of the connector's linear front footage to the total linear footage of the public street infrastructure.

1. If the connecting property fronts on or is contiguous on only one side of the public street, the connecting property owner may be responsible for up to a 50 percent reimbursement of the construction cost for that frontage; or
2. If the connecting property fronts on or is contiguous on both sides of the public street, the connecting property owner may be responsible for up to a 100 percent reimbursement of the construction cost for that frontage.

In order to be eligible for reimbursement for transportation improvements, subdividers or developers must execute a Reimbursement Agreement in a form that is acceptable to the City Attorney and approved by the City Council.

G. *Development and Public Improvement Agreements.* The City Council, at its discretion, may approve a public/private partnership to share in the expense of essential public transportation improvements when the future needs of the public exceed the fair share requirements to provide public improvements to a specific development.

12-4-3: Street Improvements Required.

A. *Improvements Required.* When a proposed plat abuts one side of an existing substandard street, or a future street designated on the *Major Streets and Highways Plan*, the subdivider or developer is required to:

1. Dedicate adequate rights-of-way.
2. Improve streets, including appurtenant sidewalks, paths, bikeways, barrier-free ramps, stormwater drainage facilities, median openings, and left turn lanes, and ensure water quality by providing temporary (during construction) and permanent erosion control improvements and utilities to the City Engineering Design Criteria, and the criteria of the affected utility provider.
3. Construct or replace the street and appurtenant improvements to City Engineering Design Criteria, at no expense to the City.

B. *Calculation of Cost.*

1. The subdivider share for physical improvements to a substandard boundary street or a proposed street designated on the *Major Streets and Highways Plan* is one-half of the pavement and right-of-way width of the street. The substandard street shall be designed in accordance with the City Engineering Design Criteria and the *Major Streets and Highways Plan* requirements for the length of frontage adjoining the subdivision or development.
2. The subdivider share for physical improvements to a substandard street or a proposed street designated on the *Major Streets and Highways Plan*, where a subdivision or development will be on each side of a substandard or a future street, is the full pavement and right-of-way width. The street shall be designed in accordance with the City Engineering Design Criteria where each side of the street adjoins both sides of the subdivision or development.

3. The City may elect to participate in the cost of improving the substandard perimeter street or proposed street in excess of the developer's fair share obligations where such costs are not borne by another public entity, and in cases where the application of the standards of this Subchapter may result in a disproportional burden on the subdivision or development, as determined by the City Engineer and approved by the City Council.
4. The City Council may defer the initiation of required improvements, as set out in Section 12-4-2, Subsection D.2, *Deferral of Obligations*.

C. *Improvements to Substandard Streets.*

1. All substandard streets that border a subdivision or development shall be improved, or provisions shall be established for their eventual improvement to City standards.
2. If a subdivider or developer elects to widen the pavement of an existing street, the existing pavement shall be cut back a distance required by the City Engineer to assure adequate sub-base and pavement joint before additional paving material is installed.
3. If a subdivider or developer elects to improve the pavement of an existing street to meet current standards, the subdivider or developer shall be required to submit construction plans for such improvements and provide evidence as deemed to be sufficient by the City Engineer to demonstrate that the street meets City standards, before the City will consider accepting the improvements.
4. When a proposed subdivision or development abuts both sides of an existing substandard street, or a future street designated on the *Major Streets and Highways Plan*, the subdivider or developer is required to complete all of the requirements listed above for each side of the street.

D. *Existing Boundary Street Minimum Requirements.* For existing boundary streets, regardless of their existing condition, the following minimum standards shall apply:

1. The subdivider or developer shall dedicate additional rights-of-way as necessary to complete the desired street width from the desired street centerline to the final edge of right-of-way. Dedication of more than half this additional increment may be required, in some instances, to maximize use of the existing roadway or to ensure a consistent street alignment with a minimum of undesirable curvature.
2. If a subdivision or development includes no more than four lots, the subdivider or developer is only required to dedicate an amount of right-of-way necessary to improve the street to City standards, but is not required to improve the street.

12-4-4: Traffic Impact Analysis (TIA).

A. *Purpose.* The purpose of a TIA is to:

1. Assess the effects of a proposed development on the existing and planned roadway systems.
2. Determine improvements necessary to mitigate negative traffic impacts from a proposed development.
3. Determine roughly proportionate responsibilities for the sharing of traffic mitigation expenses to be borne by the City and the subdivider or developer.

4. Ensure that the major street network for Glenpool is based on the operational values of Level of Service Category D, or better, as a minimum criterion for design purposes. Level of Service D is the industry standard for traffic operations that balances vehicle movement, impacts on neighborhoods, and expenses to developers and the public.
- B. *Applicability.* A TIA is required to be submitted at the time of platting or site plan review only for developments that exceed any threshold described below. The City reserves the right to require a TIA for land developments that do not meet the threshold requirements but may impact a sensitive area with traffic issues or may be a known public concern.
 1. Development that generates more than 100 Peak Hour Trips (PHT).
 2. Development that generates more than 5,000 vehicle trips per day (VTD).
 3. Development where more than 25 acres of property are involved and impacted by the development. Minor subdivisions or low intensity developments on larger parcels do not require a TIA.
 4. Development that would result in an amendment to the *Major Streets and Highways Plan*.
 5. Land uses that have unusually high traffic generation, fleet vehicle characteristics, or involve special traffic design considerations, such as regularly occurring oversized, or slow moving, vehicles that require special traffic geometry designs.
- C. *Required Findings of a TIA.* For purposes of enforcing the requirements in this Section, the TIA shall identify the following:
 1. The existing, and known proposed, background traffic not created or associated with traffic generated by the proposed development.
 2. The projected traffic volumes calculated to be present after a project is completed in the TIA study area.
 3. Existing and anticipated traffic queues of vehicles stacking to make a traffic movement in the TIA study area.
 4. Existing and anticipated trip distribution of the percentage estimates per turning movement from the proposed development.
 5. A Trip Generation Summary, in tabular form, that summarizes existing and anticipated trip generation characteristics of a development for an entire day, including A.M. and P.M. peak periods, rates, units, and all assumptions used to calculate the number of anticipated trips.
- D. *TIA Responsibility.* The primary responsibility for assessing the traffic impacts associated with a proposed development rests with the applicant. The City serves in a review capacity for this process. Both the City and subdivider or developer share responsibility to consider all reasonable solutions to mitigate transportation problems identified through the study process. The TIA must be prepared, signed, and sealed by a professional traffic operations engineer registered to practice in Oklahoma, with experience sufficient to assess traffic impacts.
- E. *TIA Scope Assessment.*
 1. Prior to the initiation of a TIA, the subdivider or developer and the representing engineer shall meet with the City Engineer to formally determine the scope of the TIA. The TIA

scope will be sufficiently scaled to reflect the traffic impacts of the proposed use necessitating the TIA and shall include pedestrian and bicycle analysis.

2. Once the scope of the TIA is established, the City Engineer will formally stipulate the scope in writing.
3. The City Engineer reserves the right to expand or contract the TIA scope as additional details about the proposed use are ascertained, based on generally accepted traffic engineering practices.
4. If the TIA pertains to ODOT system highways, a representative from ODOT shall also be involved in the scope assessment and in the TIA approval process.

F. *TIA Review.* The TIA shall be reviewed by the City Engineer and any other necessary review authorities, including ODOT if the project is located on an ODOT system highway, and Tulsa County, when applicable. Review comments shall be provided to the applicant for response.

G. *City Assistance in Improvements.* During the course of making required traffic improvements identified through the TIA, the City, at its discretion, may elect to partner with the subdivider or developer and use its governmental powers to assist in the timely and cost effective implementation of improvements. Specifically, the City may agree to provide any of the following forms of assistance:

1. Acquisition of necessary rights-of-way and easements.
2. Relocation of utilities.
3. Obtaining approvals from Tulsa County or ODOT.
4. Entering into any legal agreement permitted by the statutes of the State of Oklahoma.

H. *TIA Revisions.* Periodic updates or revisions to the TIA may be required to address issues or identify changes to the Level of Service at study intersections and streets. These updates shall address modifications to the magnitude and timing of improvements recommended by the original TIA. Any TIA amendment must be acceptable to the City, and Tulsa County or ODOT, when applicable.

I. *Off-Site Improvements.*

1. Based on the TIA results and other instances where the City finds that public safety is at risk, the subdivider or developer may be required to make improvements to off-site streets and intersections to mitigate traffic impacts generated by the subdivision or development.
2. When off-site improvements are required, they shall be roughly proportional to the impact of the proposed subdivision or development.
3. The City may participate in the costs of oversizing public improvements with the subdivider or developer, subject to the City's cost participation policies and procedures.

J. *Construction Easements.* Temporary construction easements, in addition to rights-of-way, may be required when adequate width for street and/or utility construction staging is not available. The subdivider or developer is responsible for obtaining any required temporary construction easements.

12-4-5: Mitigation and Rough Proportionality.

- A. *Purposes.* One of the primary purposes of Section 12-4-4, *Traffic Impact Analysis (TIA)*, is to determine the roughly proportionate responsibilities for the sharing of traffic mitigation expenses to be borne by the City and the subdivider or developer, to implement:
 - 1. The *Major Streets and Highways Plan* and any applicable regional transportation plans.
 - 2. City Engineering Design Criteria and the requirements of Title 12.
 - 3. The funding of the required transportation improvements identified in Section 12-4-4, *Traffic Impact Analysis (TIA)*.
- B. *Determination.* Minimum areas to be addressed in roughly proportionate determination include:
 - 1. Right-of-way dedication for adjacent exterior streets.
 - 2. Improvements to substandard transportation facilities.
 - 3. Projecting and aligning streets to provide mobility and reduce traffic congestion.
 - 4. Right-of-way dedication and the construction of streets identified in the *Major Streets and Highways Plan* and any applicable regional transportation plans.
 - 5. Upgrading existing traffic signals and/or installing new traffic signals or other traffic control devices to accommodate the growth of the City and the impacts of new development.
 - 6. Adding acceleration, deceleration, or turn lanes where necessary to achieve the required Level of Service for new and existing development.
 - 7. Any other improvements identified in the TIA.
 - 8. Identifying the roughly proportionate costs of transportation improvements to be borne by the subdivider or developer and the City.
- C. *Phased Development.* For phased development projects:
 - 1. Implementation of the mitigation improvements must be completed no later than the completion of the project phase for which the TIA showed the improvements were required.
 - 2. Plats for project phases subsequent to a phase for which a mitigation improvement is required may be approved only if the mitigation improvements are completed or bonded by the subdivider or developer.
- D. *TIA Recommendations.* At the conclusion of the TIA, the report shall summarize all mitigation improvements identified in the TIA and the approximate cost of all such improvements including design, engineering, and construction. Mitigation improvements that serve only the proposed development, such as, but not limited to, turn lanes or a traffic signal that facilitates egress into and out of the subject subdivision or development, but provides minimal or no benefit to the study area roadway network, shall not be included in the cost of the mitigation improvements.
- E. *Methodology.* The methodology to be utilized to complete the TIA, and to review the findings and recommendations of the TIA, shall be as follows:

1. The maximum amount of improvements attributable to a development is roughly proportional to the demand created by the development. This value is determined by multiplying the following values:
 - a. Intensity of the development, using the independent variable identified in the ITE Trip Generation Manual, such as, but not limited to, the number of dwelling units in large residential developments; the peak average trips generated per 1,000 square feet of leasable floor area for larger scale developments that collectively have high traffic generating characteristics, such as a shopping center or large scale retail business; or large scale industrial or heavy commercial developments that typically utilize oversized vehicles and/or semi-tractor trailers on a daily basis;
 - b. Number of vehicles, using the peak hour trip generation rate for the applicable peak hour from the most current version of the ITE Trip Generation Manual;
 - c. Anticipated trip length to and from the development on the City's major street network, with a minimum value of one mile and a maximum value of 1.5 miles being applicable;
 - d. Special traffic characteristics, such as operations that require a significant number of slow-turning traffic movements by semi-trucks or other over-sized vehicles and therefore require special road geometry and traffic signal consideration, such as, but not limited to, oil-field service vehicles or fleet semi-tractor trailer service; and
 - e. Cost per vehicle-mile, using the average cost per vehicle-mile for the City to deliver a typical roadway capacity improvement project based on the current City Engineer estimates.
2. The Average Unit Price List and methodology shall be reviewed by the City Engineer annually to ensure that the Average Unit Price List and methodology are consistent with current costs and engineering assumptions.

F. *Determining Value of Improvements.* The TIA engineer for the subdivider or developer shall:

1. Utilize a methodology preapproved by the City Engineer to determine the maximum valuation of improvements that may be attributable to the proposed development.
2. Then compare the cost of the mitigation improvements to the maximum probable amount of improvements attributable to the development.

G. *Less Than or Equal.* If the valuation of the mitigation improvements is less than or equal to the maximum amount of improvements attributable to the development, then the mitigation improvements identified in the TIA are considered to be roughly proportionate to the impact of the development.

H. *Greater Than.* If the valuation of the mitigation improvements is greater than the maximum amount of improvements attributable to the development, then the mitigation improvements identified in the TIA are limited to an amount roughly equal to the maximum valuation of the improvements attributable to the development.

12-4-6: Mitigation Limitations and Exemptions.

A. *Limitations.* Limitations on traffic impact mitigation requirements include improvements that have been identified by the TIA and that are already planned and funded through a City or other public capital improvement project that exceeds the proposed traffic mitigation

measures recommended in the TIA. In this case, such mitigation improvements are not required. To qualify for this exemption:

1. The capital improvement project must be planned to be awarded to a contractor for construction within one year following the completion of the development approval that required the improvement as a traffic mitigation improvement; and
2. Credit may only be provided for improvements that directly correlate to a proportionate percentage of the capital improvement.

B. *Determination of Waivers.* Traffic mitigation improvements may be waived if the City Council makes one of the following determinations:

1. A proposed development has an interconnected street system or a mixed use development and includes pedestrian facilities that will result in fewer trips than isolated, low-density subdivisions; or
2. A proposed development will produce fewer and shorter trips than developments subject to conventional zoning.

Subchapter 2: Utility Responsibilities.

12-4-7: Utility Responsibilities.

A. Roughly Proportionate Fair Share.

1. The roughly proportionate fair share utility obligations of the subdivider or developer are:
 - a. The full cost of all design, engineering, labor, and construction that is roughly proportional to the utility improvements required by the City Engineering Design Criteria, Title 12, and the criteria of each utility provider.
 - b. The provision of adequate levels of utility services to all developments, sites, subdivisions, and resubdivisions in compliance with all City Construction Codes.
2. Nothing in this Section shall be construed to require or to allow public improvements that are not explicitly required by the standards within this Code, City Engineering Design Criteria, applicable Building, Fire, and Life Safety Codes, and requirements of each utility.
3. The subdivider or developer is responsible for the roughly proportional cost of:
 - a. Phasing development improvements in order to ensure the provision of adequate utility services;
 - b. Extending public facilities, including any necessary on- and off-site facilities, to connect to existing utility facilities;
 - c. Providing and/or procuring all necessary property interests, including rights-of-way and easements, for the utility facilities, whether on- or off-site;
 - d. Providing proof to the City of adequate utility facilities;
 - e. Providing for the operation and maintenance of the utilities, or providing proof that a separate entity will be responsible for the operation and maintenance of the utilities;
 - f. Providing fiscal security required for the construction of the utility facilities;
 - g. Obtaining approvals from all applicable utility providers, including the City; and

- h. Providing levels of utility services that meet all minimum utility standards that are roughly proportional to the demand generated by the development, as required by the City Engineering Design Criteria and all applicable Building, Fire, and Life Safety Codes.

B. *Essential Nexus.* There is an essential nexus between the demand on public facility systems created by a new development and the requirement to dedicate rights-of-way and easements and to construct capital improvements to offset such impacts.

C. *Timing of Dedication and Construction.*

- 1. Initial Provision for Dedication or Construction.
 - a. The City shall require an initial demonstration that a proposed development shall be adequately served by public facilities and services at the time for approval of the first development application that portrays a specific plan of development.
 - b. As a condition of approval, the City may require provision for the dedication of easements or rights-of-way for, and construction of, capital improvements to serve the proposed development, as required by the City Engineering Design Criteria and all applicable Building, Fire, and Life Safety Codes.
- 2. Deferral of Obligation.
 - a. The obligation to construct one or more capital improvements to serve a new development may be deferred until approval of a subsequent phase of development, at the sole discretion of the City, upon written request of the subdivider or developer, or at the City's initiative.
 - b. As a condition of approving a deferral, the City may require the subdivider or developer to enter into a deferral agreement in a form acceptable to the City Attorney.
 - c. The City Council reserves the right to specify the timing and sequencing or any other aspect of the deferred improvement, as a condition of the deferral of obligation.

D. *Roughly Proportionate Fair Share Responsibility When Adjoining Substandard or Nonexistent Utility Facilities.*

- 1. When a proposed development abuts property with existing substandard utilities or no utilities, the subdivider or developer is required to provide a roughly proportional share of the utility facilities to adequately serve the proposed development in accordance with the City Engineering Design Criteria and all applicable Building, Fire and Life Safety Codes, at no expense to the City.
- 2. If an adjoining property with substandard or nonexistent utilities is identified as a capital improvement project related to water or wastewater, the roughly proportionate responsibilities of the subdivider or developer may be affected, as set out in Subsection F, *Relief from Obligations*, below.

E. *Calculation of Cost.* The subdivider or developer's responsibility to improve any substandard utilities or to extend utilities may include the complete cost of the required improvements, to achieve a Level of Service to adequately serve the proposed development to the standards and requirements of this Title and the City Engineering Design Criteria.

F. *Relief from Obligations.* The City Council, at its discretion, may grant relief from the roughly proportionate fair share utility obligations and responsibilities of a subdivider or developer if the City Council finds that the required improvements:

1. Would complete, or facilitate the completion, of a capital improvement project that is under construction or that has been funded by the City.
2. Would result in the subdivider or developer paying more than a roughly proportional share of the cost of the improvements, as determined by the City Engineer and Community Development Director.
3. Are necessary to address a significant public health, safety, or economic development issue; or
4. Are specified in an approved utility plan or capital improvements program.

G. *Reimbursement Agreement.*

1. If water and/or sanitary sewer infrastructure will be constructed by the initial developer in accordance with the City Engineering Design Criteria, the subdivider or developer may be eligible for reimbursement by adjoining owners connecting to the public utilities based on the ratio of a connector's linear front footage to the total linear footage of the infrastructure.
 - a. If the connecting property fronts on or is contiguous on only one side of the subject infrastructure, the connecting property owner may be responsible for up to a 50 percent reimbursement of the construction cost for that frontage.
 - b. If the connecting property fronts on, or is contiguous on both sides of the subject infrastructure, the connecting property owner may be responsible for up to a 100 percent reimbursement of the construction cost for that frontage.
2. In the event that an adjoining property desires to connect to utility infrastructure that is not contiguous or does not front on right-of-way or an easement where water and/or sanitary sewer infrastructure was constructed by the initial developer:
 - a. The City Engineer must determine if the subdivision plat for the initial developer would require less capacity than projected in the initial developer's Reimbursement Agreement.
 - b. If the City Engineer determines that less capacity is required, then the construction cost to be reimbursed to the initial developer shall be adjusted based on the projected capacity required by the connecting subdivision plats, excluding the property that did not connect to the utility. The reimbursement amount for the remaining properties not yet connected shall not be changed from the amounts shown in the Reimbursement Agreement as a result of this event.
3. In order to be eligible for reimbursement for connections to public water and /or sanitary sewer improvements, subdividers or developers must execute a Reimbursement Agreement in a form that is acceptable to the City Attorney and approved by the City Council.

H. *Subdivider or Developer Extension of Utility Services.* All utility services shall be extended by the subdivider or developer as set out below:

1. Extension of all utility lines shall be made along the entire frontage of the subdivision or

development adjacent to a street or right-of-way, per the City Engineering Design Criteria or the criteria of the affected utility.

2. If the subdivision or development is not adjacent, or natural or man-made constraints preclude the extension of utilities along public rights-of-way, the subdivider or developer, in consultation with the City Engineer or an agent from the affected utility, may consider an alternative location for utilities, provided that the alternative method will facilitate the future extension of the utilities and development of all adjoining properties.
3. If natural or man-made constraints, or other engineering considerations, prevent the extension of utilities to adjoining properties, the City Manager, in consultation with the City Engineer or an agent from the affected utility, may waive the requirement to extend utilities to such a property, and may dead-end a utility in accordance with generally accepted engineering and utility practices and all applicable Building, Fire, and Life Safety Codes.

I. *City Utility Extension and Connection Responsibilities.*

1. Except when expressly stipulated in conjunction with an annexation, the City is not obligated to extend water or sanitary sewer lines to provide services at the expense of the City.
2. The City may allow subdivider, developers, or property owners to tie onto existing City water and sanitary sewer mains when they bear the expense of extending the service line to their property.
3. Requests for a utility connection shall be made to the City Engineer. Requests that are denied may be appealed to the City Council.
4. The City shall not require any use, lot, or acreage, in existence prior to its annexation into the City, to connect to a public or private water system unless the City determines that a connection is necessary to:
 - a. Prevent destruction of property or injury to persons.
 - b. Remove or mitigate a public nuisance.
 - c. Satisfy applicable Building, Fire, or Life Safety Codes related to the storage or use of hazardous substances or processes.
5. If the City determines that a utility connection is necessary, the City shall:
 - a. Provide due notice to the affected property owner.
 - b. Allow the owner up to one year from the date of the City's initial notice to make the required service connection.

J. *Required Excess Capacity.*

1. Where the size of water or sanitary sewer lines required to meet the ultimate requirements of the City is larger than the minimum size of line needed to comply with the obligations of the subdivider or developer, the City may enter into a contract with the developer for excess capacity.
2. The City shall provide reimbursement to the subdivider or developer for required excess capacity based on the difference between the cost of the minimum line required to be installed and the cost of installing the line size requested by the City.

Chapter 5

Subdivision Plats and Procedures

12-5-6: Planned Unit Development (PUD).

The subdivision platting of a Planned Unit Development (PUD) project shall proceed in accordance with this Title and the PUD requirements set out in Title 11, Chapter 3, Subchapter 4, *Planned Unit Development (PUD)*, and the procedures set out in Title 11, Sections 11-9-9, *Conceptual Development Plan (CDP) for a PUD*, 11-9-10, *Preliminary Development Plan (PDP) for a PUD*, and, 11-9-11, *Final Development Plan (FDP) for a PUD*. Subdivision plats may be filed concurrently with PDP and FDP applications but may not be approved until the PDP and FDP have been approved by City Council. Applicants filing plats concurrent with PDP and FDP applications automatically consent to the waiver of all statutory subdivision plat review and approval deadlines by virtue of the fact that zoning approval must precede plat approval. The approval of a PUD, as required by Titles 11 and 12, shall be noted and documented on the face of the final subdivision plat and officially made a part thereof. Minor and Major PUD amendments, as set out in Title 11, shall require corresponding amendment to Preliminary and Final Plats to coincide with the PUD amendment.

Chapter 6

Design Requirements

12-6-15: Planned Unit Development (PUD).

- A. When a subdivision is to be developed as a PUD, in accordance with all applicable requirements set out in Title 11 and Title 12, the Planning Commission and the City Council may vary the requirements of this Title in order to allow the subdivider the ability to achieve those PUD purposes and goals set out in Title 11, Chapter 3, Subchapter 4, *Planned Unit Development (PUD)*. However, all such development shall be done in a manner that protects the public health, safety, and general welfare of existing and future residents of the area and consistent with the spirit and intent of this Title and the Comprehensive Plan.