SALLISAW PLANNING COMMISSION
REGULAR MEETING

May 6, 2025

5:30 P.M.

Council Chambers
113 North Elm St
Sallisaw, Oklahoma

A G E N D A

1. **Meeting called to order**

2. **Declaration of a quorum**

3. **Consider and take possible action on the minutes of the regular meeting of April 1, 2025.**

4. **Discussion and possible action on Rules of Procedure for Sallisaw Planning Commission**

5. **Discussion and possible action on proposed Planned Unit Development District (PUD)**

6. **Adjourn**

Posted: **MAY 1, 2025**
Time: **4:55 PM**
Lisa Gabbert

MINUTES

SALLISAW PLANNING COMMISSION

REGULAR MEETING

APRIL 1, 2025

The Sallisaw Planning Commission met in a regular meeting on April 1, 2025, in the Council Chambers, 113 N. Elm Street, Sallisaw. Notice of the meeting was given by emailing to Sequoyah County Times; by posting at city hall on March 28, 2025 at 3:30 pm; by posting on the city's website; and, by giving notice to the City Clerk.

Members present:	Tim Brown	Chairman
	Scott Looper	Vice Chairman
	Matt Duke	Member
	Brady Bauer	Member
	Reece Bush	Member
	Beko Rivera	Member
Members absent:	Crystal Sides	Secretary
Staff present:	Keith Miller	Building Development Director
	Chris Carter	Senior Code Inspector
	Lisa Gabbert	Recording Secretary
	Ben Spyres	Computer Technician
	Vickie Wyman	Animal Welfare Officer
	Lewis Brown	Sr Animal Welfare Officer
	Brian Heverly	City Manager
Others present:	Kenny Moody	
	Brad Hamilton	
	Greg Ruark	
	Tyler Choate	
	Roger Dickerson	
	and others present	

Meeting called to order

Meeting was called to order at 5:31 p.m.

Declaration of a quorum

A quorum was declared present.

Consider and take possible action on the minutes of the regular meeting of March 4, 2025.

Motion was made by Looper, seconded by Rivera to accept the minutes of regular meeting of March 4, 2025 as presented.
Vote: Brown aye, Looper aye, Bauer aye, Duke aye, Bush aye, Rivera aye. Motion carried 6-0.

Discuss, consider and take possible action on Case No. PC 2025-001; rezoning request from One-Family Residence District (R-1) to Multi-Family Residence District (R-3) by Tyler Choate, Sallisaw Apartment Partners.

Roger Dickerson presented renderings of houses and apartments which Sallisaw Apartment Partners are proposing for Prairie Sky, which was requested by the Planning Commission Board, along with a study on the need for housing in the city. Greg Ruark, representing Prairie Sky residents, told the board the residents are looking forward to seeing the area being developed, but their concern is the apartments, and implored the city to keep it zoned R-1 to keep their investments protected.
Motion made by Bush, seconded by Rivera, to approve Case No. PC2025-001 rezoning request from One-Family Residence District (R-1) to Multi-Family Residence District (R-3).
Vote: Brown aye, Looper aye, Bauer aye, Duke aye, Bush aye, Rivera aye. Motion carried 6-0.

Adjourn

Motion made by Bush, seconded by Bauer to adjourn the meeting.
Vote: Brown aye, Looper aye, Bauer aye, Duke aye, Bush aye, Rivera aye. Motion carried 6-0.
Meeting was adjourned at 6:12 p.m.

Approved this _____ day of _____, _____.

_____
Tim Brown, Chairman

ATTEST:

_____

Crystal Sides, Secretary

AGENDA ITEM COMMENTARY

Meeting Date:	May 6, 2025
Board:	Sallisaw Planning Commission
Subject:	Discussion and possible action on rules of procedure set forth in ordinance for the planning commission, as discussed the February 2, 2025 regular meeting.

ITEM TITLE: Discussion and possible action on Rules of Procedure for Sallisaw Planning Commission

INITIATOR:

STAFF INFORMATION SOURCE: Building Devlopment Staff

BACKGROUND:

EXHIBITS: 1. Proposed Rules of Procedure

KEY ISSUES:

FUNDING SOURCE: N/A

RECOMMENDATION:

Authority

Section 74-33 Rules and Regulations and 74-35 Procedure of the Sallisaw Code of Ordinance provides that Rules shall be written and adopted by the Sallisaw Planning Commission (Commission) and any procedure shall be presented to Board of City Commissioners (Board) within 60 days. Any Rules or Bylaws previously adopted are hereby repealed and replaced with these Rules approved by the Commission.These Rules shall be in effect upon their adoption by the Commission until such time as they are amended or new Rules are adopted. The Commission shall vote to adopt the approved Rules of Procedure by majority vote.

The Commission may review and recommend amendments to the Rules of Procedure by a super majority vote of the members of the Commission. A super majority shall be considered five (5) affirmative votes. Proposed amendments must be submitted in writing to each member of the Commission at least thirty (30) days prior to the meeting at which such action is to be taken. The Commission-approved amendments shall be presented to the enitire Commission for approval. The amendment of the Rules of Procedure shall take effect beginning the next regularly scheduled meeting of the Commission.

Planning Commission

Chapter 74 Section 31 of the Sallisaw Code of Ordinances establishes the Planning Commission (hereinafter the "Commission") under the provisions provided therein including defining the membership, terms, powers and duties authority, as the same are amended from time to time.

Purpose

It shall be the purpose of the Commission to:

1. Conduct its business and perform its responsibilities and duties in an orderly, efficient, fair and lawful manner
2. Adopt a Comprehensive Plan for the area of jurisdiction
3. Amend and update the Zoning Ordinance and Subdivision Regulations
4. To exercise its function by making recommendations to the City Council relating to area planning, project planning and land development.

Chair and Secretary

The members of the Commission shall elect a Chair, Vice-Chair and Secretary, annually on or about July 1 for a term of one year. No member shall serve more than two consecutive terms as Chair or Secretary. Nominations shall be made from the floor at a regularly scheduled Commission meeting. The member receiving a majority vote of the membership of the Commission in attendance and voting shall be declared elected. The Chair shall serve as the Presiding Officer of the Commission meetings. In the event of absence, disability, or disqualification of the Chair, the Vice-Chair shall exercise or perform all the duties and be subject to all the responsibilities of the Chair. Vacancies in the office of Chair, Vice-Chair or Secretary shall be filled immediately by regular election procedures.

Where both the Chair and Vice-Chair are absent from a hearing or meeting, The Secretary shall preside. In the case all three (3) are absent and a quorum is still present, the senior member shall preside.

Duties of Presiding Officer

The Presiding Officer shall be responsible for the conduct of the meeting. It is their duty to maintain order and decorum. They shall follow the agenda unless a change of order is acceptable to a majority of the Commission. They shall have the responsibility to limit lengthy and repetitive orations but shall allow all interested parties an opportunity to discuss and present their position. The City Staff shall provide the Presiding Officer guidance on procedure subject to overrule by the Commission. The Presiding Officer and Secretary shall sign documents of the Commission.

Membership

The members of the Commission shall consist of seven (7) members who shall be residents of the City and appointed by the Mayor and approved by a majority of the Board of City Commissioners. (Board)

Terms of Members

The members of the Commission shall be appointed by the Mayor for three (3) year terms, expiring after the term unless otherwise reappointed. When a position becomes vacant, the person filling that vacancy shall be appointed for the duration of the remaining term. Members are requested to continue serving until a replacement has been appointed.

Conduct of Members of the Commission

1. Members shall take such time as to prepare themselves for hearings and meetings.
2. Any member of the Commission absent for 25% of the regular meetings in a year, absent extenuating circumstances, may be removed from the Commission for cause by a majority vote of the Commission. Any member of the Commission absent 50% of the regular meeting in a year, absent extenuating circumstances, shall be removed for cause without vote. The Chair shall report either instance to the Mayor for replacement. Each member of the Commission who shall not be able to attend a scheduled meeting of the Commission shall notify the City Staff at the earliest possible opportunity. City staff shall notify the Chairman in the event that the projected absences shall produce a lack of a quorum.

3. The Commission shall encourage the public to attend its regular meetings and shall take positive action to keep its activities before the public by supplying all media sources with information, and by having members and staff appear before civic groups to discuss the purpose of planning and the work of the Commission
4. To assist new Commission members in learning their responsibilities, and to develop their understanding of the planning process as quickly as possible, they will be encouraged to:

    A. Attend an orientation session with Planning Staff

    B. Read the Planning Commissioner's Workbook

    C. Attend the annual APA Planning Commissioner's Workshop

Appointment to Commissions

The appointment of a member as a non-voting liaison from the Commission for each sub-commission shall come from the Mayor.

Staff

Recording Secretary. The City Manager shall supply a qualified staff member to be designated as the Recording Secretary to perform all general corresponding and recording secretarial duties for the Commission. The Recording Secretary will:

1. Keep the minutes of the Planning Commission. The minutes shall be completed and delivered to the Commission members a minimum of three (3) days prior to the Planning Commission meeting at which they will be considered
2. Prepare and post notices/agenda packets for all meetings at least three (3) days prior to a scheduled meeting
3. Maintain the permanent records of the Commission
4. Perform such other duties as State Statues may require.

Staff Liason. The City Manager shall appoint a Staff Liason to:

1. Be responsible for carrying out the directives of the Commission
2. Advise and assist the Commission in the establishment of general planning policy
3. Prepare all necessary documents for presentation to the Commission
4. Develop reports for the Commission
5. Encourage private development or investment in accordance with the Comprehensive Plan
6. Cooperate with public and private agencies and with individuals for the development, acceptance, and completion of plans
7. Supply information for and encourage interested public agencies and citizen organizations in programs to promote public understanding and participation in planning
8. Officially present the Commission's recommendations to the City Council
9. Officially represent the Commission and its staff at planning conferences, interdepartmental meetings of the City of Sallisaw, and generally serve as a liaison between the Commission and the public.

City Attorney. The City Attorney or their designee shall:

1. Serve as legal counsel to the Commission
2. Prepare memoranda of law as requested by the Commission
3. Review drafts of Ordinances, Resolutions, and Bylaws and their amendments.
4. Attend all meetings of the Commission, unless excused, and provide opinion as to law, ordinances or procedure, but the final decision as to the matter of procedure shall be the responsibility of the Presiding Officer.

Meeting Schedule

Regular meetings of the Commission shall be held the second Tuesday of each month in the Council Chambers at 113 North Elm Street, at 5:30 p.m. Meeting dates may be moved due to the City's holiday schedule by vote of a majority of the members. All meetings shall be in person with exception of a declared State of Emergency by the Governor or Mayor.

Special Meeting

Special meetings of the Commission shall be presented to the City Clerk in accordance with State Statute. The Clerk shall give prior notice to such meeting and shall state the time, date, and place of each meeting, and its tentative agenda, in a manner reasonably calculated to apprise the public of that information. Reasonable notice shall include making available copies of the notice to any representative of the news media by posting the notice on a bulletin board or other prominent place which is easily accessible to the public and clearly designated for that purpose at the principal office of the body holding the meeting as well as publishing on the City's website.

Workshops

Workshops and other meetings whose sole purpose is for general information and/or educational purposes will be open to the public. Public testimony may or may not be allowed.

Quorum for Attendance

A majority of the entire Commission, excluding vacancies, shall constitute a quorum for its business. All members of the Commission shall attend all meetings. If a quorum is not present, the meeting shall be adjourned. If public hearings are scheduled, the Chair shall continue the hearing date to the next regular meeting.

Voting

All members, including the Chair, shall have a vote and shall vote when present, except any member who shall automatically disqualify themselves from voting on any decision in which there might be a conflict of interest as defined by State Statutes.

The Chair shall restate the motion before a vote is taken. The name of the maker and supporter of a motion shall be recorded. All votes shall be taken by the Recording Secretary in random order, except that the Chairman shall vote last.

The affirmative vote of a majority of the voting members present and able to vote is necessary to approve a motion. In the event of a tie vote, the motion shall have been defeated.

Parliamentary Rules of Procedure

The purpose of procedure is for the assembly to conduct its businesses in the most efficient way possible while considering the rights of its members. The Commission shall refer to the Clerk, City Attorney or State Statute to answer procedural questions not resolved, so long as it does not conflict with the Sallisaw Code of Ordinance or Oklahoma Law.

Open Meetings and Records Policy

The City Clerk of the City shall keep a record of the Commissions, transactions, findings, and determinations. All meetings and meeting records shall be open to the public. Communications among a quorum of the Commission is considered a public record and should be copied to the City's repository. More than one communication among a quorum of the Commission is considered a meeting and is in violation of the Oklahoma Open Meeting Act

Getting the Floor

Every member desiring to speak shall address the Presiding Officer or individual speaking only. The Chair may suspend comments if the comments do not stay confined to the question under debate.

Interruptions

A member, once recognized, shall not be interrupted when speaking unless to be called to order by the Presiding Officer, or as hereinafter provided. If a member, while speaking, be called to order, the member shall cease speaking until the question of order be determined and if in order, shall be permitted to proceed.

Conflicts

If a member of the Commission believes they have a conflict and would be unable to vote on an agenda item, the member should consult with the City Staff or the City Attorney to confirm the conflict. Once the conflict is confirmed, the City Attorney may assist in the preparation of a statement to be used by the member to recuse themselves prior to any discussion, public hearing, introduction and vote on the conflicting matter. The member would read the statement regarding the conflict and recuse themselves from the item. The member may stay and discuss the item. The recusal shall be registered as an opposing vote. If the member leaves the meeting and it affects the quorum, the remaining members shall consitute a quorum.

The Member does have an option to abstain from a vote due to a conflict but should recuse prior to the agenda item. If the member did not recuse themselves prior to the agenda item and participated in discussion and abstains from voting on the item, the City Staff would advise the members that abstaining is a vote against the item. If the member continues to abstain or refuses to vote, the Recording Secretary would record the vote as an apposing vote and note in the journal that the member refused to vote and register as an apposing vote.

If a member of the Commission does not believe they have enough information to make a decision on a matter, they may move to continue the matter to a future meeting requesting staff to provide the needed information. The motion would require a majority vote of the entire Commission to continue. If the motion to continue fails, all members of the Commission must vote either aye or nay.

Order of Business and Preparation of Agenda

Deadlines for filing for placement on the Commission Agenda shall be in accordance with deadlines established by Staff members. As a general policy, the Staff Liason has deemed that all agenda items must be in the City Clerks office no later than 10 days prior to the advertising requirments for publication to be in a regularly scheduled meeting.

The order of business on the agenda may be as follows:

- Call to Order
- Confirmation of a Quorum/Roll Call
- Approval of previous meeting Minutes

- Presentation of requests (Public Hearing) for Planned Unit Developments (PUD's), Zoning Amendments, Zoning Ordinance and Subdivision Regulation Text Amendments, Conditional Use Permits, Comprehensive Plan Update
- Presentation of remaining requests for Subdivision and Plat approval
- Reports of standing and special committees
- Reports of Commission officers and planning staff
- Other business
- Adjournment

A motion from the floor must be made and passed in order to dispense with any item on the agenda.

Where the volume of agenda items may require such action, the Chair may postpone discussion of certain agenda items until sufficient time is available for the members to give proper review to such subjects. If public interest warrants, the Chair may rearrange the order of the agenda.

Subjects not listed on an official Commission agenda will ordinarily not be considered at a meeting. Unscheduled items may be added to the agenda if, in the opinion of the Chair, unusual conditions warrant the addition.

Agendas shall be posted on the lobby door of City Hall, and on the City's website. The agenda shall note at the bottom the date it was posted. The agenda posted on the website shall be published and sent to email addresses requesting to be notified of the Commission agendas.

Meeting Shall be Open to the Public

All meetings shall be open to the public, except for closed sessions, as provided by the Statutes of the State of Oklahoma and the Ordinances of the City of Sallisaw.

Motions

Unless operating under procedures provided by Oklahoma statute or other legal regulations, all motions shall be open to debate without restriction, shall require a second (except as noted in the Rules), and shall require a simple majority vote for passage. A motion requires that a Commissioner makes a motion by stating "I move to..." and another Commissioner seconds the motion. If a motion does not receive a second, the motion will not be considered.

A motion must be made and seconded before the Commission can debate the motion. Debate is limited to the motion immediately on the floor.

Amending or withdrawing a motion. If a main motion is on the floor and a Commissioner moves to amend that motion, and the motion to amend receives a second, discussion must be limited to the amendment first. If the amendment is not seconded it will not be considered.

If the seconder disagrees with the amendment, they may withdraw the second and the amendment must be seconded by another Commissioner. The motion maker may withdraw their motion for lack of a second, or the withdrawal of the second.

If the motion to amend is passed, the main motion, as amended, can now be discussed.

No motion shall violate these Rules of Procedure. It is the Presiding Officer's duty to rule a motion out of order. These conflicts shall include: 1)

1) conflicts with federal, state or local law and rules of the City; 2) an action outside of the City's scope unless approved by two-thirds vote to allow it; 3) conflicts with a motion previously adopted and still in force; 4) presents the same question that was rejected during the same meeting; and 5) conflicts or presents the same question as one that was postponed or tabled.

Procedure for Annual Report

The Board may require the Commission to submit an annual report containing the activities and updates of the Commission during budget retreat of each year. The Annual Report shall be included in the City Managers Reports to the Board. The Commission may be requested to present the Annual Report at a future meeting of the Board if either the Mayor or two Councilmembers request.

Comprehensive Plan

The Commission shall annually review the Comprehensive Plan to determine if any portion has become obsolete and shall make a report to the Board regarding the same. The report to Board shall be submitted in the same fashion as the Annual Report.

Procedures for Public Hearings

If the applicant or staff has requested a continuance of a public hearing to another date, the Presiding Officer will not open the public hearing, but accept a motion, second and vote to continue the public hearing. The public hearing will not require newspaper publication if continued to a date certain. Staff will include information regarding the continuation on the agenda the public hearing is continued to allow the public to follow the status of a published public hearing.

Order of Public Hearing

- The Presiding Officer announces the opening of the public hearing
- Any Commissioners with conflict will state their conflict and either leave the preceeding or stay and abstain from the official vote.
- The City Staff shall read the exhibits into the record
- City staff, applicant, attorneys, public, etc. The Presiding Officer may request to state name for record.
- Staff report to be further expanded upon at this time
- Applicant and representatives will make comments regarding the request
- In Support of – citizen group will be asked to state the representatives name, address and confirm their status as to the case
- In Opposition to – citizen group will be asked to state the representatives name, address and confirm their status as to the case
- Presiding Officer announces public comment section of the hearing is over
- Presiding Officer asks applicant and staff if they have any remarks prior to Commission discussion to address statements made during hearing
- Commission discussion
- Close public hearing
- The public hearing shall be reopened if additional discussion or comments are made after the public hearing is closed and prior to the vote. The Staff Reporter should stay until the final vote has been taken

All discussion and testimony should be given while the public hearing is open. If additional comments are made after the public hearing has been closed, a motion to reopen the public hearing is in order to capture the comments on the record.

Speakers - All speakers for public hearings shall complete a Speaker Appearance Form prior to the start of the Commission meeting. This will include attorneys, architects, applicants, residents, etc.

If a large number of speakers are present for a public hearing, the Presiding Officer may ask a single representitive to speak on behalf of the group and provide testimony on "XXX" public hearing.

When called by the Presiding Officer, the speaker will step to the podium, state if they are with the larger group and identify themselves. The speaker shall give their name and address in an audible tone for the Staff Reporter to add to the transcript, and shall limit their remarks to three minutes or less at the discretion of the Presiding Officer. The Presiding Officer may remind speakers to not repeat information previously presented by another speaker. When addressing the Commission, members of the public shall direct all remarks to the Presiding Officer and shall confine remarks to the matters that are specifically before the Commission at that time. The Commission reserves the right to question any speaker. Written testimony may be received from the speaker.

Members Leaving Council Chambers During Meeting

With the exception of a member of the Commission recusing themselves and leaving the Council Chambers due to a conflict, the Presiding Officer and all Commissioners shall remain in their designated places during the meeting unless a recess is called or the member is excused by the Presiding Officer with cause. A vote shall not be taken during a member's absence from their chair.

Visitors

The Commission may, although not required to do so, allow the public to speak during the Visitors' section of the agenda. Anyone wishing to address the Commission must complete a Speaker Appearance Form. If the Speaker Appearance Form is completed onsite, it must be submitted to the Staff Recording Secretary in the Council Chambers prior to the start of the meeting.

The Presiding Officer may ask speakers to not repeat comments made by others, and to limit their comments to no more than three minutes. The Commission should not engage in discussion with the speaker, but take the matter under advisement for a future meeting.

Visitors are not required to be residents of the City, but the Presiding Officer may advise that the Commission may not give the same weight to the comments as it would a resident.

Conduct during Meetings

Any Commissioner desiring to speak shall confine their remarks to the subject under consideration or to be considered.

Any discussion on issues must be relative to the specific topic at hand to allow adequate time to fully discussed scheduled issues.

Cell phone or computer use to text or use social media during meetings should be avoided.

Commissioners should avoid discussion or sharing their opinion of matters on social media or comment outside of public meetings. If emails or phone calls are received regarding a project outside of the public meeting, information regarding the date of the meeting at which the item will be discussed should be shared. Commissioners are encouraged to stay on topic and not deviate due to outside comments Commissioners should encourage the individual to attend the Commission and City Council meetings where the item will be discussed to hear all testimony or to address the Commission and Council. The City Attorney will assist in drafting a response for citizens and developers who wish to speak with Commissioners outside of the public hearing once an application has been filed.

How and When Rules of Procedure May be Suspended

These rules may be suspended if the Commission determines such action is necessary in case of an emergency that effects the general well-being, health or welfare of the City of Sallsiaw or its citizens. Such consent will be by a 2/3 majority of the Commission present and voting.

Attachment 1 - Sample Motions

Main Motions. Motions that bring business before the Commission are debatable and amendable and as a general rule need a majority vote to pass.

APPROVE – official action to endorse a proposal

AUTHORIZE – official approval to empower an action or a person to act on behalf of the Commission in a specific manner

DENY – official action to reject a proposal

RESCIND/REPEAL – official action to nullify previous action taken by the Commission; requires a two-thirds vote or a majority of the entire membership

FIX THE TIME TO WHICH TO ADJOURN – sets the time for continuation of the present meeting in order for another meeting to continue business, but does not adjourn the present meeting or set the time for its adjournment; requires a majority vote

Example: I move that when this meeting adjourns, it adjourns to meet on (date and time) at (place).

ADJOURN – a privileged motion to close a meeting that must be seconded and is not subject to debate; discussion must be halted and a vote taken

RECESS – Short interruption which does not close the meeting; motion is not required if recess is included on the agenda

AMEND – to improve or clarify the intent or substance of a pending motion that must be made while a motion is on the floor. Amendments must be relevant to the question under consideration and shall be acted upon in reverse order. Motions can be amended only to a third degree, that is, one can amend an amendment, but can go no further.

ADDITION – addition of specific words or phrases or sentences to perfect the intent or meaning of the pending main motion.

SUBSTITUTION – substituting provisions, sections or the entire language of the original motion and providing in lieu thereof new provisions, sections or language; substantially, offering a new motion relevant to the subject of the original main motion properly in possession of the body.

REFER – enables any pending question or matter to be referred to a committee, agency or department, or another entity for review, comment and possibly recommendation.

POSTPONE – postponing consideration (or further consideration) of a measure to a certain motion and carries a time limit and can be debated as to the merits of postponement.

POSTPONE TO A CERTAIN TIME/POSTPONE DEFINITELY – set the date and time when the motion will be acted upon

TABLE – temporarily setting aside a pending motion (or series of pending motions) to take care of something else deemed urgent; if the motion laid on the table is not taken from the table by the next regular meeting, the motion dies

Pending motion. When a main motion has been made, members can amend it, postpone it, etc. All of the actions that take place while the main motion is pending are subsidiary motions.

AGENDA ITEM COMMENTARY

Meeting Date:	May 6, 2025
Board:	Sallisaw Planning Commission
Subject:	Proposed Planned Unit Development District plan

ITEM TITLE: Discussion and possible action on proposed Planned Unit Development District (PUD)

INITIATOR:

STAFF INFORMATION SOURCE: Building Development Staff

BACKGROUND: It was requested by a local land developer that the city look into utilizing Planned Unit Development Districts (PUD)s as a way of providing standards and guidelines for development.

EXHIBITS: 1. Draft - PLANNED UNIT DEVELOPMENTS

KEY ISSUES:

FUNDING SOURCE:

RECOMMENDATION:

PLANNED UNIT DEVELOPMENTS

Sec. 102-XX Scope and Intent.

A. This division applies to the Planned Unit Development Districts (PUD).
B. It is the intent of this division to establish planned unit development requirements and procedures, which permit flexibility in the regulation of land development; encourage innovation in land use and variety in design, layout and type of structures constructed; achieve efficiency in the use of land, natural resources, energy and the providing of public services and utilities; encourage useful open space; and provide better housing, employment, and shopping opportunities particularly suited to the needs of the residents of the city.
C. Within a designated planned unit development, conditions relating to the use of land, including but not limited to, permitted uses, lot sizes, setbacks, height limits, required facilities, buffers, open space areas, lighting, signage, landscaping, parking, and loading, compatibility and land use density shall be determined in accordance with the planned unit development regulations contained in this division. The planned unit development conditions need not be uniform with regard to each type of land use if equitable procedures recognizing due process principles and avoiding arbitrary decisions have been followed in making regulatory decisions.

State law reference--Similar provisions 11 O.S. §43-110

Sec. 102-XXX. Compliance.

A Planned Unit Development may be authorized in any district, provided that all of the provisions of this division are complied with.

Sec. 102-XX Application and review procedures.

The developer of a PUD shall adhere to the following application and review procedures:

A. Prior to submitting a formal application, the developer shall meet with the Planning Commission and/or designated municipal staff to discuss the proposed PUD.
B. Application for rezoning submission of PUD master plan including a design statement and master development plan map.

Submission of preliminary plat.

A. Review of traffic flow, proposed curb cuts, traffic control devices and other safety related concerns by the planning commission.

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B. At least one (1) public hearing shall be held on the application for rezoning, the PUD master plan, and plat by the planning and zoning commission in accordance with the provisions of Sections 74-35 and 74-36 of the code of ordinances.
C. Application for review of site plan and building plans shall be made to the planning and zoning commission.

Application for site plan approval and building permit(s) approval shall be made to the city council.

A. Application for rezoning and planned unit development master plan:
    1. The PUD application for rezoning shall be filed in accordance with regular procedures and on application forms of the City of The Village. The PUD master plan, which is submitted with application for rezoning, shall consist of a design statement and a master development plan map. The applicant shall also provide other supporting maps as necessary to meet submission requirements of this section.
    2. The master development plan map shall be a graphic representation of the development plan for the area, prepared at a scale appropriate for the size of the project but no less than the minimum required for preliminary plats. The purpose of the map is to conceptually portray the development commitments described in the PUD design statement. The map shall show the following:
B. Location of proposed land uses, and residential densities;
C. Location of collector streets within the PUD and adjacent arterial streets;
D. Sufficient surrounding area to demonstrate the relationship to the PUD to adjoining uses, both existing and proposed;
E. Location and approximate size of proposed open space and recreation areas;
F. Areas where access to streets will be limited and location of driveways where appropriate;
G. Any other pertinent information necessary for review, approval, and administration of the PUD.

The PUD design statement shall be a written report submitted as a part of the PUD master plan containing a minimum of the following elements:

A. Title of the PUD;
B. List of the owners and/or developers;
C. Statement on the general location and relationship to adjoining land uses both existing and proposed;

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D. Description of the PUD concept, including an acreage or square foot breakdown of land use areas and densities proposed, a general description proposed, a general description of building use types, proposed restrictions, and typical site layouts;
E. The existing PUD zoning districts in the development area and surrounding it;
F. A list of all special development regulations or the conventional zoning district regulations, which will be applicable; plus, a list of requested variations to the other applicable development regulations;
G. A statement on the existing and proposed streets, including right-of-way standards and street design concepts;
H. The following physical characteristics; elevation, slope analysis, soil characteristics, tree cover, and drainage information;
I. A topographic map with minimum five (5) foot contour intervals;
J. Drainage information, including number of acres in drainage area and delineation of applicable flood levels;
K. A statement of utility lines and services to be installed, including which lines will be dedicated to the city and which ones will remain private;
L. The proposed densities, and the types and sizes of structures; and
M. A description of the proposed sequence of development.

Sec. 102-XXX. Design standards.

A. The proposed PUD shall be designed to provide for the unified development of the area in accordance with the spirit and purpose of the land uses and zoning districts adjacent to it.
B. Design of the PUD may provide for modification of conventional zoning ordinance requirements for such elements as yard areas, densities, setback, height, lot coverage, landscaping, and off-street parking.
~~C.~~ The minimum size of the site on which a PUD shall be located shall not be less than ~~four (4) standard-size residential lots of at least seven thousand two hundred square feet each for residential developments~~ three (3) acres.
D. Building codes and other related city code development requirements shall not be reduced in the design of a PUD.
E. Location and type of housing shall be established in a general pattern and shown on the master development plan map.

Sec. 102-XX. Minimum design and construction standards for streets and alleys.

Streets and alleys for a PUD shall be designed and constructed in accordance with city standards and specifications for right-of-way width and paving cross section; provided that

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modifications may be requested and approved as a part of the master plan if the following criteria are met:

A. Public streets and alleys. Proposed public street and alley modifications shall satisfy the following criteria:
   a. Street right-of-way and paving widths shall be adequate to provide a traffic carrying and utility installation capacity related to the design of the overall street system, the function of the individual street, and the land uses served.
   b. Paving cross sections shall be designed to be adequate to provide acceptable drainage in conformity with the drainage plan for the PUD; to receive loading commensurate with anticipated traffic based on the design of the overall street system; and to have a maintenance level commensurate with that of facilities constructed to regular standards.

B. Private streets and alleys. Proposed private street and alley modifications shall satisfy the criteria for public facility modifications listed above and the following:
   a. Private streets shall not be connected to an adjacent parcel, which is not part of the PUD in a manner that will circulate traffic into and through the private street system.
   b. The owner/applicant shall clearly demonstrate the existence and capabilities of a property or homeowners association to provide the ongoing and long-term maintenance of the private street and alley facilities that will not be provided by the city.
   c. The owner/applicant shall clearly demonstrate the accessibility of emergency and sanitation equipment to all proposed structures served by private streets and alleys.
   d. The owner/applicant shall clearly demonstrate the adequacy of on and off-street parking for all property served by private streets and alleys.

Sec. 102-XXX General design and development guidelines.

A. Densities. Proposed residential densities should be compatible with adjacent developed neighborhoods.
B. Amenities. Amenities should be considered as an important justification for development and city approval of a PUD. Where densities are to be increased to promote the economy of development, or where other methods of land use intensification are proposed, usable open space should be furnished along with provision for its permanent retention and continued maintenance. Sidewalks and pedestrian ways should be planned where it is necessary to provide for amenity and public safety.

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C. Streets:
   a. Street design should restrict through traffic from residential areas as much as possible.
   b. Encouragement should be given to design of short local streets serving limited areas, such as the residential cul-de-sac. Reduction of conventional minor street design widths should be considered appropriate on such streets when they are designed with limited length and only one access point.
   c. Reduction of design widths on streets designed in a conventional pattern should not be approved.
   d. Development of a private street system should be considered appropriate under certain conditions where there is no through traffic. However, a private street system should not serve as a reason for reduction of minimum design and paving standards.
   e. On-street parking bays or other similar areas where vehicles must back into the traffic flow should not be approved on arterial or collector streets or any local street; provided, however, that certain cul-de-sac or small loop street designs may be considered as appropriate.
   f. Off-street parking. The off-street parking requirements set forth in Article IV of this chapter for residential and mixed-use Planned Unit Developments may be complied with by providing one (1) or more permanent, common, off-street facilities for all uses within the development, provided that the facility contains the requisite number of spaces for each use, and that the spaces provided for permanent residents shall be clearly designated and separated from spaces provided for employees, customers, and service. The total spaces provided shall not be less than the sum of the individual requirements and the spaces required for each use and shall be under the ownership or permanent control of the owners of the use for which the spaces are required.

D. Relationship to abutting uses:
   a. The master development plan map should show graphically the treatments that will be employed to separate the PUD from abutting properties, including commitments to landscaping, screening, earth berms, retention ponds, drainage channelization, or similar techniques.
   b. It is appropriate to specifically establish areas with height limitations where a transition to more intense uses is proposed or where a higher intensity development is proposed to abut a lower intensity area.

E. Mixed land use developments. Where a PUD proposes a mix of uses, which may generally be incompatible with a conventional development, the PUD master plan

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should specifically establish appropriate guidelines to assure a harmonious development.

Sec. 102-XX. Approval of PUD.

Within a reasonable time after holding the public hearing, the city council shall deny the request, approve the request, or approve the request with conditions.

State law reference--Similar provisions 11 O.S. §43-110.

A. Upon final approval by the city council of the PUD master plan and the appropriate approval of rezoning, these elements shall become a part of the official zoning districts map.
B. The approved PUD Master Plan shall control the use and development of the property, and all building permits and development requests shall be in accord with said plan until it is otherwise amended by the city council as provided herein. The developer shall furnish a reproducible copy of the approved master plan map for signature by the chairman of the planning and zoning commission, the mayor, and acknowledgment by the city clerk. The PUD master plan, including the signed map, shall be made a part of the permanent file, and maintained by the city clerk.

Sec. 102-XX. Conditional approval of PUD.

A. Reasonable conditions may be required by the city council in conjunction with the approval of a planned unit development. Conditions imposed shall:
   a. Be designed to take into consideration natural environment, the health, safety and welfare of the residents, and landowners immediately adjacent to the proposed land use or activity, and the community as a whole.
   b. Be related to the valid exercise of police power, and to the proposed use or activity.
   c. Be necessary to meet the intent and purpose of the zoning requirements; be related to the standards established by this article for the land use or activity under consideration; and be necessary to ensure compliance with those standards.
B. The conditions imposed with respect to the approval of a land use or activity shall be stated in the record of the approval actions and shall not be changed or amended except as provided herein.

Sec. 102-XX. Plan changes.

Any deviation from the plans of a planned unit development submitted at the time of rezoning shall constitute a violation of the rezoning and changes in plans shall be resubmitted for review following the same procedure required in the original adoption of the plan. The city council shall maintain a record of the conditions, which are changed.

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Sec. 102-XX. Time limit.

The construction of planned unit development shall be started within one (1) year of the effective date of the approval of plans by the city council. Failure to begin the development within said one (1) year shall automatically void the development plans and the land shall revert to the same zoning classification which existed immediately preceding the approval of the PUD, provided however, that prior to the expiration of the development plans, the city council may extend the PUD in increments of one (1) year upon written request by the owner/developer.

Sec. 102-XX. Application fee.

The fee for filing a petition to obtain approval of a planned unit development shall be as established by resolution. The fee shall be payable upon receipt of the petition by the city clerk, such receipt to be a prior condition to any action on the petition by the city. The fee shall be nonrefundable, regardless of the disposition of the application.

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