

ORDINANCE NO. 452

AN ORDINANCE OF THE CITY OF NICOMA PARK AMENDING THE NICOMA PARK CITY CODE TO CREATE A NEW SECTION 98-185, PUD PLAN UNIT DEVELOPMENT DISTRICT TO PROVIDE A SPECIAL ZONING DISTRICT THAT PROVIDES AN ALTERNATIVE APPROACH TO CONVENTIONAL LAND USE CONTROLS, SUBJECT TO SPECIAL REVIEW PROCEDURES, AND TO CREATE THIS SPECIAL ZONING CLASSIFICATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEALER; AND DECLARING FOR AN EMERGENCY.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF NICOMA PARK, OKLAHOMA THAT:

Section I. The Nicoma Park City Council does hereby create a new Plan Unit Development District 98-185:

98-185: PUD PLANNED UNIT DEVELOPMENT DISTRICT:

- A. General Description: The planned unit development district (PUD) is a special zoning district category that provides an alternate approach to conventional land use controls. The PUD process offers an opportunity for more creative solutions to redevelopment issues while at the same time requiring a proposal that conforms to the goals and policies of the city comprehensive plan. The PUD is subject to special review procedures, and once approved by the city council it becomes a special zoning classification for the property it represents.
- B. Intent And Purpose:
1. Encourage innovative land development while maintaining appropriate limitations on the character and intensity of use of the project to assure compatibility with adjoining and neighborhood properties.
 2. Permit flexibility within the development to maximize the unique physical features of the particular site.
 3. Encourage efficient use and reuse of land and facilitate economic arrangement of buildings and circulation systems.
 4. Achieve a continuity of function and design within the development that results in an economically feasible project that conforms to the comprehensive plan and is compatible with development patterns in the surrounding neighborhood.
 5. Provide a tool for negotiating modifications in standard zoning district regulations in order to achieve innovative design solutions that will protect the health, safety, and general welfare of the citizens.

- C. **Planned Unit Development Authorized:** A PUD may be authorized by an amendment to the official zoning districts map after public hearings by the planning commission and city council, provided it complies with the requirements contained herein.
- D. **Location And Uses:** A PUD shall be considered a special zoning district, and it may be authorized for any use or combination of uses permitted in this chapter. The PUD may also include uses not otherwise permitted in this zoning ordinance, provided the location and development of such uses conform to the policies of the comprehensive plan.
- E. **Planned Unit Development Submission Requirements:**
 - 1. The developer of a PUD shall follow a four (4) step application and review procedure.
 - a. Application for rezoning, submission of PUD master plan, including the design statement and master development plan map.
 - b. Preliminary plat, where required by the subdivision regulations.
 - c. Final plat, where required by the subdivision regulations.
 - d. Application for building permit and site plan review.
 - 2. Each required step shall be completed and approved before the following step is reviewed. Where appropriate, other methods authorized in the subdivision regulations may be substituted in subsections E1c and E1d of this section. The planning commission and city council may, however, review more than one step at the same public hearing.
- F. **Step 1; Planned Unit Development Master Plan Required:** The basis for review and approval of a PUD is the master plan, which shall be adopted as a part of the ordinance of rezoning. The PUD master plan shall contain a design statement and a master development plan map that shall include, at a minimum, the following information:
 - 1. **PUD Design Statement:** The PUD design statement shall be a written report containing the following elements:
 - a. Title of the PUD;
 - b. List of the property owners and proposed developers;
 - c. Specific location of the proposal, and a legal description of the property;
 - d. Reference to the comprehensive plan policy for the subject property, including a map showing zoning and land uses within a minimum of three hundred feet (300) of the subject property;

- e. A description of the development proposal including:
 - (1) Existing and proposed land uses;
 - (2) Existing and proposed densities where housing is involved;
 - (3) Existing and proposed points of access;
 - (4) Drainage information, including a topographic map of the property with five-foot (5') contours;
 - (5) A description of building use types, proposed private restrictions, and typical site layouts;
 - (6) A list of all special development regulations requested and/or the conventional zoning district regulations that will be applicable;
 - (7) A specific timetable for the development.

2. Planned Unit Development Master Development Plan Map: The master development plan map shall be a graphic representation of the plan for the PUD area prepared at a scale of one inch equals one hundred feet (1"=100'). It shall show, at a minimum, the following:

- a. The subject property and sufficient surrounding area to demonstrate the relationship of the PUD to adjoining uses, including structures, streets, and other physical features;
- b. Specific siting of planned buildings, parking, driveways, landscaping and open space, utility easements, setbacks, and other specific information about the project;
- c. Detailed landscaping plans showing treatment of a minimum of six percent (6%) of the lot area plus street right of way;
- d. Any other pertinent information necessary for review, approval, and administration of the PUD.

3. Review and Approval:

a. The PUD application will be considered by the planning commission and city council at public hearings in accordance with established review procedures for consideration of applications for city council may require additional information, including but not limited to, the following: evidence of a market feasibility study; drainage study or other engineering data and plans; infrastructure improvements or dedication of necessary easements and rights of way; developer meetings with surrounding property owners; replatting; building elevations; specific plat restrictions, covenants, height, use, setback, or coverage requirements; creation of a property owners' association; performance bond or other surety for required public improvements.

b. Upon final approval by the city council of the PUD master plan and the appropriate ordinance of rezoning, these elements shall become a part of the official zoning districts map. The ordinance of rezoning shall adopt the PUD master plan and all supporting documentation by reference, and it shall become a part of the official records of the city.

c. The PUD master plan shall control the development of the property, and all building permits shall be in accord with said plan until it is otherwise amended by the city council. The developer shall furnish a reproducible copy of the master plan map at a scale of one inch equals one hundred feet (1"=100') for the chair of the planning commission and the mayor, with acknowledgment by the city clerk. The PUD master plan, including the signed map and all supporting data, shall be made a part of the permanent file and maintained by the city clerk.

G. Step 2; Preliminary Plat: Upon approval of the PUD master plan and ordinance of rezoning, the developer shall prepare a preliminary plat for the entire development area. Where a recorded plat for the entire area comprising the proposed PUD exists, and where there will be no sale of lots which do not conform to the platted lot lines, the planning commission may waive the platting requirements.

H. Step 3; Final Plat: Where a subdivision plat has been required, the developer shall prepare a final plat for review, approval, and filing of record according to procedures established by the planning commission and city council. In addition to these procedures the final plat shall include:

1. Provisions for the ownership and maintenance of common open space. Said open space may be dedicated to a private association or to the public, provided that a dedication to the public shall not be accepted without the approval of the city council.
2. A homeowners' or property owners' association shall be created if other satisfactory arrangements have not been made for improving, operating, and maintaining common facilities, including private street drives, service and parking areas, and recreation areas.
3. Covenants shall be submitted to reasonably ensure the continued compliance with the approved PUD master plan.
4. If there is no plat required, then subsections H1, H2, and H3 of this section shall be submitted and approved as part of the PUD, master plan at the time of rezoning.

I. Step 4; Building Permit Application and Site Plan Review: A site plan for the area to be developed within the PUD shall be submitted with the application for a building permit and shall be reviewed by the planning commission for conformance with the standards established in the master development plan. No building permit shall be issued by the city for the PUD area until these requirements have been met.

J. Abandonment, Continuing City Review, Reversion, Or Effect Of Alternate Rezoning on PUD District Status:

1. **Property Owner Request:** If the property owner determines to abandon the PUD zoning, he shall make application for rezoning either to the original status or to a new classification. Said application shall be heard according to regular procedures by the planning commission and city council.
2. **Continuing Review By The City:** If development of the PUD has not been started within three (3) years of the date of approval of the PUD rezoning, the city manager shall request a report from the applicant/owner to determine the status of the project. The city commission shall determine the appropriateness of holding a public hearing to consider rezoning the property to its original district status. Additional three (3) year reviews shall be held as required.
3. **Alternate Rezoning:** An application for rezoning to change part of the area of a PUD to a different zoning district classification shall be considered an amendment of the original PUD. The planning commission shall review the commitments and provisions of the original PUD as approved to determine the impact of the new application on the PUD, and may require rezoning of the entire PUD.

Section II. Repealer. All former ordinances or parts of ordinances conflicting or inconsistent with the provisions of this ordinance are hereby repealed.

Section III. Severability. If any section, subsection, sentence, clause, phrase, or portion of this ordinance is for any reason held invalid or unconstitutional by any Court of competent jurisdiction, said portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions of this ordinance.

Section IV. Emergency. It being immediately necessary for the preservation of the public health, peace, and safety of the City of Nicoma Park and the inhabitants thereof, an emergency is hereby declared to exist by reason whereof, this ordinance shall be in full force and effect from and after its passage and approval, as provided by law.

PASSED AND APPROVED and the Emergency Clause voted upon separately and passed and approved this ____ day of _____, 2023.

ATTEST:

Mayor

CITY CLERK

ROBERT C. THOMPSON, City Attorney

THE CITY OF NICOMA PARK
PLANNED UNIT DEVELOPMENT DISTRICT
PUD-Sierra Villas

MASTER DESIGN STATEMENT FOR
Sierra Villas

August 21, 2023

PREPARED FOR:

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SECTION 1.0 INTRODUCTION

The Planned Unit Development (PUD) of Sierra Villas consisting of approximately 24.18 acres, is located within the Southeast Quarter (SE/4) of Section 19, Township 12 N, Range 1 W, of the Indian Meridian, Oklahoma County, Oklahoma.

SECTION 2.0 LEGAL DESCRIPTION

The legal description of the property comprising this PUD is described in Exhibit A, attached, and is made a part of this Master Design Statement.

SECTION 3.0 OWNER/DEVELOPER

The owner of this property is The Barbara Earlene Davidson Living Trust and the VC Davidson Living Trust. The developer of this property is Ascend Development Group, LLC.

SECTION 4.0 SITE AND SURROUNDING AREA

The subject property is presently zoned for C-1 Highway Commercial District. Surrounding properties are zoned and used for:

North: I-1 District and used for a mobile home park.
East: R-1, C-1, and I-1 Districts and is undeveloped.
South: R-1 and C-2 District and used for commercial.
West: R-1 and C-2 District and is undeveloped.

The relationship between the proposed use of this parcel and the above adjoining land uses is compatible. The proposed use of this property is in harmony with the surrounding zoning.

SECTION 5.0 PHYSICAL CHARACTERISTICS

The majority of the property is currently undeveloped, aside from a single-family residence.

SECTION 6.0 CONCEPT

The concept for this PUD is to change the existing base zoning to an R-1 base zoning that will permit a single-family residential development.

SECTION 7.0..... SERVICE AVAILABILITY

7.1 STREETS

The nearest street to the north is NW Minister. The nearest street to the east is N. Westminster Rd. The nearest street to the south is NE 23rd St. The nearest street to the west is Liberty Blvd.

7.2 SANITARY SEWER

Public sanitary sewer facilities for this property are available. Sanitary sewer services shall be extended by the developer and will be provided from public mains.

7.3 WATER

Water facilities for this property are available. Water services shall be extended by the developer and will be provided from public mains.

7.4 FIRE PROTECTION

The nearest fire station to this property is the Nicoma Park Fire Department located at 11600 NE 23rd St. It is approximately 1.4 miles from this PUD development.

7.5GAS, ELECTRICAL, AND TELEPHONE SERVICE

Proper coordination with the various utility companies will be made in conjunction with this development.

7.6 PUBLIC TRANSPORTATION

Public Transportation is currently unavailable adjacent to this site.

7.7 DRAINAGE

The property within this Planned Unit Development is not within a FEMA flood plain.

7.8COMPREHENSIVE PLAN

The Land Use Plan projects this parcel to be in the Rural Estate land use topology area. The uses proposed in this Planned Unit Development are consistent and in compliance with the existing area standards.

SECTION 8.0..... SPECIAL DEVELOPMENT REGULATIONS

The following Special Development Regulations and/or limitations are placed upon the development of the PUD. Planning and zoning regulations will be those, which are in effect at the time of development of this PUD, provided, however, that the density and or intensity of the PUD shall not be increased. Development is when a permit is issued for any construction or addition to any structure on a development tract. Certain zoning districts are referred to as a part of the Special Development Regulations of this PUD. For purposes of interpretation of these Special Development Regulations, the operative and controlling language and regulations of such zoning districts shall be the language and regulations applicable to the referenced zoning districts as contained in the Nicoma Park Code of Ordinances as such exists at the time of development of this PUD. In the event of conflict between provisions of this PUD and any of the provisions of the Nicoma Park Code of Ordinances in effect at the time a permit is applied for with respect to any lot, block, tract and/or parcel of land subject to this PUD, the provisions of the Code shall prevail and be controlling; provided however, that in the event of a conflict between the Special Use and Development Regulations specifically negotiated as a part of this PUD and the provisions of the Code in effect at the time a permit is applied for with respect to any lot, block, tract and/or parcel of land subject to this PUD, such Special Use and Development Regulations of this PUD shall prevail and be controlling.

8.1.....USE AND DEVELOPMENT REGULATIONS

The use and development regulations of the R-1Single-Family Residential District shall govern this PUD, except as herein modified.

The following uses shall be permitted:

Single-family detached dwellings [limited to a maximum of 131 dwellings].
Agricultural uses of the garden type that are not intended for commercial purposes.

9.0.....SPECIAL CONDITIONS

The following special conditions shall be made a part of this PUD:

9.1.....FAÇADE REGULATIONS

Exterior building wall finish on all structures shall consist of a minimum 75% brick veneer, masonry, rock, stone, stucco, or other similar type finish. No more than 25% EIFS or wood shall be permitted. Exposed metal or exposed concrete block buildings shall not be permitted.

9.2 LANDSCAPING REGULATIONS

The subject parcel shall meet all requirements of the Nicoma Park Code of Ordinances in place at the time of development.

9.3 LIGHTING REGULATIONS

The site lighting in this PUD shall be in accordance with the Nicoma Park Code of Ordinances in place at the time of development.

9.4 SCREENING REGULATIONS

No less than a six-foot and no greater than an eight-foot-high wall shall be required along the boundary of this parcel. Said wall shall be solid and opaque and be constructed entirely of wood with brick monuments and with metal posts.

9.5 PLATTING REGULATIONS

Platting shall be required within this PUD.

9.6 DRAINAGE REGULATIONS

Development of this parcel will comply with Section 76 of the Nicoma Park Code of Ordinances.

9.7 DUMPSTER REGULATIONS

Trash collection facilities in this PUD shall be in accordance with Chapter 46 of the Nicoma Park Code of Ordinances.

9.8 ACCESS REGULATIONS

There shall be two (2) access points from N Westminster Rd. in this PUD.

9.9 PARKING REGULATIONS

The number of all parking facilities in this PUD shall be in accordance with the Nicoma Park Code of Ordinances.

9.10 SIGNAGE REGULATIONS

There shall be two (2) freestanding ground monument signs per entrance permitted within this PUD.

9.11 ROOFING REGULATIONS

Every structure in this PUD shall have architectural shingles.

9.12 SIDEWALK REGULATIONS

Four (4) foot sidewalks shall be constructed on the interior streets prior to any occupancy certificates being issued.

9.13 HEIGHT REGULATIONS

The maximum height for single-family dwellings shall be two (2) stories. The maximum height for accessory structures shall be one (1) story and shall not exceed the height of the single-family dwelling on the same lot.

9.14 SETBACK & LOT SIZE REGULATIONS

The minimum lot size shall be 4,800 square feet. The maximum lot coverage shall be 40%, excluding eaves, overhangs, and patios. Setback regulations shall be as follows:

Front: 25 feet
Side: 5 feet
Rear: 10 feet

9.15 PUBLIC IMPROVEMENTS

Public improvements shall be made by the property owner throughout the PUD as required by Nicoma Park or other City, County, or State Department or agency. All Local, State, and Federal ordinances as they shall apply to the site will be adhered to fully.

9.16 COMMON AREAS

Maintenance of the common areas in the development shall be the responsibility of the Homeowners Association. No structures, storage of material, grading, fill, or other obstructions,

including fences, either temporary or permanent, that shall cause a blockage of flow or an adverse effect on the functioning of the storm water facility, shall be placed within the common areas intended for the use of conveyance of storm water, and/or drainage easements shown. Certain amenities such as, but not limited to, walks, benches, piers, and docks, shall be permitted if installed in a manner to meet the requirements specified above. Centralized mailboxes (cluster box units) shall be required and permitted within the Common Areas.

10.0 DEVELOPMENT SEQUENCE

Developmental phasing shall be allowed as a part of the development of this PUD.

11.0 EXHIBITS

The following exhibits are hereby attached and incorporated into this PUD. These exhibits are:

Exhibit A - Legal Description

Exhibit B - Conceptual Master Development Plan