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ORDINANCE NO. _____

AN ORDINANCE RELATING TO STREETS AND SIDEWALKS, AMENDING CHAPTER 50 OF THE OKLAHOMA CITY MUNICIPAL CODE, 2020, BY AMENDING SECTION 50-14, STREETS DEVELOPMENT FEES, SUBSECTION (M), DECLARING AN EMERGENCY, AND PROVIDING FOR EFFECTIVE DATE.

EMERGENCY ORDINANCE

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF OKLAHOMA CITY:

SECTION 1. That Section 50-14 (m) of Chapter 50 of the Oklahoma City Municipal Code, 2020, the General Schedule of Fees, is hereby amended to read as follows:

CHAPTER 50

STREETS AND SIDEWALKS

* * *

§ 50-14. Streets development fees.

* * *

(m) Subject to the provisions and limitations of 62 O.S. § 895, and the requirement that development exactions by the City shall not exceed a clear, ascertainable, and reasonably determined proportionate share of the cost of capital improvement to the public infrastructure system attributable to the expansion or increase in functional service capacity generated, or to be generated by, the development being charged the fee, nothing in this Section 50-14 will:

- (1) Preclude the City from requiring a developer, and the City reserves the right to require a developer to, donate or dedicate real property or capital improvements, or to install, construct, operate, maintain, or repair capital improvements, including, but not limited to, the following local, adjacent, and site-specific, development-related street and sidewalk improvements to the extent that such improvements are planned as part of the development approval process and as may be required by zoning, the subdivision regulations or other regulations or ordinances of the City:

- a. right and left turn lanes that provide access into and out of the proposed development, and
- b. City-required sidewalks along and/or around the development in accordance with ADA Standards or through reasonable accommodations acceptable under the ADA, and
- c. traffic signals:
 - 1. ~~if the traffic signal is required by zoning, the subdivision regulations or other regulations or ordinances of the City in the event that a City traffic study has determined that one is necessary for a developer's development and as approved by the City's Traffic and Transportation Commission (which signal is deemed to be only for the specific development and falls outside of the scope of the development fees for the benefit area), or~~
 - 2. if the traffic signal is requested by the developer,

Any such improvement must be constructed in accordance with City policies, practices, and/or traffic studies or evaluations and in accordance with engineering design guidelines of the City. Determinations of the Traffic and Transportation Commission are subject to appeal as provided in Oklahoma City Municipal Code Section 2-751.

Provided, an improvement required under subsection 50-14(m)(1) does not entitle a developer a streets development fee exemption under 50-14(m)(3).

- (2) Require a credit against or an adjustment to a streets development fee for contribution of, or to the cost of, any real property or capital improvement provided by a developer.
- (3) A developer may request and the City may contract (with a developer for the developer to make infrastructure improvements to arterial streets, at developers sole cost, ~~the addition of new travel lanes (excluding turning lanes or deceleration lanes), or the intersection of two City arterial streets, as designated in the City's Comprehensive Plan, in the proximity of a designated platted development~~ and the City may grant the developer an exemption to streets development fees equal to the cost of such improvements approved by the City and up to, but not in excess of the amount of the streets development fees for the designated development. To be eligible for an exemption to the streets development fees, any such improvements to an arterial street must meet the following criteria:
 - a. includes a new through-lane at least the length of the development and any needed merging distance beyond the development; or
 - b. includes intersection improvements with engineered left and/or right turn lane(s); or
 - c. includes a new traffic signal, if the traffic signal:
 - 1. meets a published Manual on Uniform Traffic Control Devices warrant standard;
and
 - 2. includes intersection improvements with engineered left and/or right turn lane(s);
and
 - 3. has been approved by the Traffic and Transportation Commission.

Additionally, construction plans for such public improvement(s) have been submitted, reviewed, and approved by the City Engineer prior to commencement of construction, and the developer must have tendered, with the approved plans, executed performance and maintenance bonds for the proposed public improvement to obtain a work order and to obtain the credit.

To finalize the credit, the developer must complete the public improvement in accordance with the approved plans and the public improvement must be accepted by formal action of the City Council.

- (4) Provided, should the eligible and approved ~~traffic~~ improvements in subsection 3 above cost more than the applicable streets development fee for the designated development, no additional exemption, and no credit, adjustment or refund will be granted to the developer for the designated development or any other development as a result thereof. Provided, further, the ~~traffic~~ improvements must be constructed in accordance with City standards and procedures ~~and the traffic improvements must satisfy the demands and requirements of the City's traffic study for that area.~~ In conjunction with any such contract the developer will provide a performance and maintenance bond in the amount of the estimated cost of the improvement in accordance with City policies and procedures. Nothing herein obligates the City to:
- a. enter such a contract ~~an agreement~~, or
 - b. contract for improvements that only partially address traffic needs, or
 - c. prioritize improvements to that ~~intersection~~ arterial street improvement, or
 - d. finance improvements to that ~~intersection~~ arterial street improvement.

* * *

SECTION 2. EMERGENCY. Whereas, it being immediately necessary for the preservation of the peace, health, safety and public good of The City of Oklahoma City and the inhabitants thereof that the provisions of this ordinance be put into full force and effect, an emergency is hereby declared to exist by reason whereof this ordinance shall take effect and be in full force from and after its passage as provided by law.

SECTION 3. EFFECTIVE DATES. The provisions of Section 1 of this ordinance shall be effective September 1, 2023.

INTRODUCED and **CONSIDERED** in open meeting of the Council of the City of Oklahoma City this 1ST day of AUGUST, 2023.

PASSED by the Council of the City of Oklahoma City this _____ day of _____, 2023.

SIGNED by the Mayor of the City of Oklahoma City this _____ day of _____, 2023.

ATTEST: (Seal)

City Clerk

Mayor

REVIEWED for form and legality.



Assistant Municipal Counselor