

CITY COUNCIL SPECIAL SESSION MINUTES

December 2, 2014

The City Council of the City of Norman, Cleveland County, State of Oklahoma, met in Special Session at 5:30 p.m. in the Municipal Building Conference Room on the 2nd day of December, 2014, and notice and agenda of the meeting were posted in the Municipal Building at 201 West Gray and the Norman Public Library at 225 North Webster 24 hours prior to the beginning of the meeting.

PRESENT: Councilmembers Castleberry, Heiple, Holman, Jungman, Lang, Miller, Quinn, and Mayor Rosenthal

ABSENT: Councilmember Williams

Item 1, being:

DISCUSSION REGARDING CARPORTS IN RESIDENTIAL ZONING DISTRICTS.

Ms. Susan Connors, Director of Community Planning and Development, said in a study session on February 4, 2014, Council reviewed Code amendments to Chapters 2, 5, 10, 13, and 22. One of the suggested amendments was a proposed change to regulations regarding carports and after some discussion Council requested more information because they felt the regulations were too broad and the language was narrow in scope. They also felt the language only allowed carports in the central portion of Norman. Council requested proposed amendments be reviewed by the Community and Transportation Committee (CPTC). Ms. Connors said CPTC discussed the regulations in their May 19, 2014, meeting and asked Staff to draft an ordinance integrating regulations from other cities to include quality materials, as well as compatibility to neighborhoods. Staff presented the new draft ordinance language to the Committee on September 25, 2014; however, since only two members were present at that meeting Chairman Jungman requested Staff bring the draft language back to the Committee in October.

Ms. Connors said at the October 23, 2014, CPTC meeting, the Committee focused on whether material compatibility should be included in the ordinance language since it could be costly for applicants. There was no consensus on the issue so the Committee proposed the ordinance language go forward to the full Council for review and discussion.

Ms. Connors said Staff surveyed 20 cities and a majority of the cities in Oklahoma that allow carports have architectural and/or structural requirements. Staff researched regulations from other communities that include regulating the pitch of the roof and height and width of the carport and requiring rain gutter eaves on carport, etc. Ms. Connors said in some communities, if metal carports are allowed the metal must be a specific gauge of steel and some communities allow carports in the front yard with no setback.

Ms. Connors said carports require a building permit; however, language has been problematic for many years because it is very difficult to determine if building permits were issued for carports or to determine when some carports were built on a particular block. She said current language in Section 5-404 also conflicts with setback requirements in Chapter 22, which is the City's Zoning Ordinance.

Ms. Connors highlighted proposed language as follows:

Carports: Carports must be set back twenty-five (25) feet from front property line unless:

- (1) Property has alley access and is located in the Central Core Area as defined in Section 431.7(c), then it must be placed in back and accessed through the alley; or
- (2) Property has one (1) car garage or no garage, then it can be located no closer than seven (7) feet from front property line and five (5) feet from side property line.

Item 1, continued:

Ms. Connors said there was concern about how allowing new carports, as stated in the above language, could affect a neighborhood. The Committee felt the language was too broad and wanted additional criteria to address cheaper metal carports that were not compatible in a neighborhood; however, some members felt the regulations would not allow the elderly, disabled and others on fixed incomes to provide protection for their vehicles. The language also did not allow carports in new subdivisions and some members felt carports should be allowed in all residential zoning districts if existing neighbors did not object.

Ms. Connors said based on discussion at the May, September, and October CPTC meetings, Staff developed the following carport criteria, which would be amended into the Zoning Ordinance in Chapter 22.

Item 1, continued:

Proposed Criteria Language

Based on the information provided and Committee discussion on what should be included in an Ordinance regarding carports in residential zoning districts, Staff prepared language to include:

1. **Definition:** A permanent roofed structure, open on at least two sides, providing space for the parking or storage of private passenger vehicles OR designed for or occupied by private passenger vehicles;
2. **Zoning Districts:** Carports are allowed in the following zoning districts: R-E, Residential Estate Dwelling District; R-1, Single-Family Dwelling District; R-1-A, Single-Family Attached Dwelling District; R-2, Two-Family Dwelling District; RM-2, Low Density Apartment District; RM-6, Medium Density Apartment District; R-3, Multi-Family Dwelling District; and R-O, Residence-Office District.
3. **General Provisions:**
 - a) Carports shall not be used for the outside storage of materials, equipment or goods or the parking and/or storage of inoperable vehicles;
 - b) No more than one carport shall be permitted for each dwelling unit;
 - c) A building permit shall be required prior to construction, and the structure shall comply with all applicable building, zoning and development codes except as provided (in this Section);
 - d) The carport shall not be enclosed;
 - e) Metal carports shall not be permitted in the front yard except that when the main structure has a metal roof an attached carport may also employ the same material;
 - f) All carports shall be kept in an attractive state, in good repair, and in a safe and sanitary condition;
 - g) All open carports existing as of the date of adoption of this regulation shall be grandfathered and considered nonconforming use, subject to the restrictions concerning nonconforming uses as set forth in Section 419 of the Zoning Ordinance; and
 - h) The area of the carport, combined with all other structures on the lot, shall not exceed the maximum lot coverage established for the zoning district in which it is located.
4. **Carport Construction:**
 - a) Carports shall use the same construction materials as the main building they serve and shall have compatible architectural style;
 - b) Carports shall not be constructed of cloth or fabric of any kind. Tarps, canvas or similar materials shall not be used to enclose the carport;
 - c) The minimum size of a carport is 180 square feet and a maximum of 440 square foot with a minimum width of nine feet;
 - d) The structure must be designed to support a load of 20 pounds per square foot in addition to the weight of the structure;
 - e) Free standing carports shall be supported by two and one-half (2 1/2) inch diameter by fourteen (14) gauge steel columns or columns of equivalent strength, set in concrete footings not less than twenty-four (24) inches deep nor less than twelve (12) inches in diameter;
 - f) All concrete in footing shall be two thousand (2,000) pounds per square inch quality;
 - g) Carports shall comply with the front, side, and rear yard setbacks except as provided in Section (j) below;
 - h) The maximum height of a carport is 24 feet or the height of the principal structure, whichever is less;

Item 1, continued:

- i) Guttering shall be installed and maintained in a manner to prohibit any increase of water run-off onto adjacent property;
- j) Carports shall be permitted to extend within the minimum front yard or exterior side yard setback requirement of a corner lot in residential districts upon approval by the Board of Adjustment and subject to the following conditions:
 - 1. The carport must comply with all regulations in Sections 3 and 4 (a) through 4 (i) above;
 - 2. No part of the carport canopy or appurtenance may extend into the front yard setback more than seven feet and into the exterior side yard setback more than three feet;
 - 3. In no case shall the erection of a carport interfere with the existing sidewalks, sight triangle or fire hydrants;
 - 4. All carports which extend into the required front yard setback must abut the main structure and shall be permanently open on three sides from the grade surface to the eaves line; and
 - 5. All carports shall be located only over a paved hard surfaced drive. Provided, however, a gravel driveway may be used to satisfy the requirement if the property owner can demonstrate that the gravel driveway existed prior to (date).

Councilmember Castleberry asked Staff to explain what the problem is and what the City is trying to solve. Ms. Connors said existing language regarding carports is in Chapter 5 of the City Code.

Section 5-404 of Article IV of Chapter 5 reads as follows:

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Section 5-404. Carports: Setbacks Required

- (a) Setbacks are required, i.e., no carport shall be constructed nearer than five (5) feet to any side yard line and shall not be constructed nearer than seven (7) feet to the front property line nor within any sight triangle of intersection of streets. The construction of carports shall only be authorized or permitted on premises on which there now exists a dwelling structure.
- (b) Installation or construction of a carport on property on which there has not been a commencement of construction of a new dwelling structure as of November 22, 1966, which carport would extend past or beyond the required front yard setback line, is specifically prohibited except in those cases where other legally constructed and permitted carports exist in the same block on either side of the street; in which case, a carport would be permitted to extend past the front yard setback line but only to the extensions of the same block.

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Ms. Connors said carports require a building permit; however, existing language has been problematic for many years because it is very difficult to determine if building permits were issued for carports and when some carports were built on a particular block. She said language also conflicts with setback requirements in Chapter 22 of the City's Zoning Ordinance. Because of this, Staff is recommending deleting language from Chapter 5 and inserting proposed language into the residential zoning ordinance.

Councilmember Lang asked who was responsible for ensuring that "all carports shall be kept in an attractive state, in good repair, and in a safe and sanitary condition." Ms. Connors said Code Enforcement would look at any carports reported to be in disrepair or unsafe. Councilmember Castleberry asked if there were similar requirements on houses and Ms. Connors said yes. Mayor Rosenthal said the word "attractive" is very subjective whereas "good repair and safe and sanitary condition" are not. Ms. Connors said Staff can remove the words "attractive state" and Mayor Rosenthal felt that would be appropriate.

Mayor Rosenthal said RE zoning districts have huge lots and she is concerned that the term "front yard" may be misunderstood and asked if the City could use the term "front setback" instead and Ms. Connors said yes. Mayor Rosenthal felt that would be much clearer in layman terms.

Councilmember Miller was concerned the architectural standards would price many people out of being able to add a carport. She understands why there have to be standards to protect the neighborhoods, but is still concerned about cost to the property owner and wondered if there could be some type of exception. Councilmember Castleberry asked if Homeowner's Associations usually have covenants that address carports and Ms. Connors said yes, newer subdivision covenants do not allow carports. Mayor Rosenthal said she would like to soften the language in 4(a) and suggested using the words "similar construction materials" instead of "same construction materials."

Mr. Harold Heiple, 2011 Morgan Drive, was concerned about how allowing a non-conforming status on existing carports would affect property owners trying to sell their property. He said Council has not considered the impact of including all residential zoning districts either. He said not all people worry about aesthetics, some care more about protecting their vehicles at a price that is affordable to them.

Mayor Rosenthal suggested Staff look at language that is less subjective in nature.

Mayor Rosenthal said she still has concerns about allowing carports in RE zoning districts because of the large lots and Councilmember Holman said he was not worried about carports in rural areas as much as carports in neighborhoods where residents live right next to each other.

Councilmember Holman said he is more concerned about the stabilization and security of structures given Oklahoma's high winds, tornados, etc., than he is about aesthetics.

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Item 2, being:

CONSIDERATION OF ADJOURNING INTO AN EXECUTIVE SESSION TO DISCUSS THE FOLLOWING:

AS AUTHORIZED BY OKLAHOMA STATUTES, TITLE 25 § 307(B)(4), IN ORDER TO DISCUSS DUNN VS. THE CITY OF NORMAN, CLEVELAND COUNTY COURT CASE NO. CJ-2012-1097TS

AS AUTHORIZED BY OKLAHOMA STATUTES, TITLE 25 § 307(B)(2), TO DISCUSS NEGOTIATIONS CONCERNING EMPLOYEES AND REPRESENTATIVES OF EMPLOYEE GROUPS

Councilmember Quinn moved that the Special Session be adjourned out of and an Executive Session be convened into in order to discuss Dunn vs. the City of Norman, Cleveland County Court Case No. CJ-2012-1097TS, and negotiations concerning employees and representatives of employee groups, which motion was duly seconded by Councilmember Holman; and the question being upon adjourning out of the Special Session and convening into an Executive Session in order to discuss Dunn vs. the City of Norman, Cleveland County Court Case No. CJ-2012-1097TS, and negotiations concerning employees and representatives of employee groups, a vote was taken with the following result:

YEAS:	Councilmembers Castleberry, Heiple, Holman, Jungman, Lang, Miller, Quinn, and Mayor Rosenthal
NAYES:	None

The Mayor declared the motion carried and the Special Session adjourned out of; and an Executive Session was convened into in order to discuss Dunn vs. the City of Norman, Cleveland County Court Case No. CJ-2012-1097TS, and negotiations concerning employees and representatives of employee groups.

The City Council adjourned into Executive Session at 6:06 p.m. Mr. Steve Lewis, City Manager; Mr. Rick Knighton, Assistant City Attorney; Ms. Gala Hicks, Director of Human Resources; and Mr. Michael Bates, Labor Consultant, were in attendance at the Executive Session.

Mayor Rosenthal acknowledged return to Open Session.

Item 2, continued:

Thereupon, Councilmember Quinn moved that the Special Session be reconvened, which motion was duly seconded by Councilmember Heiple; and the question being upon reconvening the Special Session, a vote was taken with the following result:

YEAS:	Councilmembers Castleberry, Heiple, Holman, Jungman, Lang, Miller, Quinn, and Mayor Rosenthal
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NAYES:	None
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The Mayor declared the motion carried and the Special Session was reconvened at 6:58 p.m.

The Mayor said Dunn vs. the City of Norman, Cleveland County Court Case No. CJ-2012-1097TS, and negotiations concerning employees and representatives of employee groups were discussed in Executive Session. No action was taken and no votes were cast.

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ADJOURNMENT

There being no further business, Councilmember Quinn moved that the meeting be adjourned, which motion was duly seconded by Councilmember Castleberry; and the question being upon adjournment of the meeting, a vote was taken with the following result:

YEAS:	Councilmembers Castleberry, Heiple, Holman, Jungman, Lang, Miller, Quinn, and Mayor Rosenthal
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NAYES:	None
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The Mayor declared the motion carried and the meeting was adjourned at 6:59 p.m.

ATTEST:

City Clerk

Mayor