

CITY COUNCIL  
COMMUNITY PLANNING AND TRANSPORTATION  
COMMITTEE MINUTES

May 19, 2014

The City Council Community Planning and Transportation Committee of the City of Norman, Cleveland County, State of Oklahoma, met at 5:30 p.m. in the Conference Room on the 19th day of May, 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 48 hours prior to the beginning of the meeting.

PRESENT:	Councilmembers Holman, Williams, Chairman Jungman
ABSENT:	Councilmember Miller
STAFF PRESENT:	Ms. Susan Connors, Director of Planning and Community Development Mr. Terry Floyd, Development Coordinator Ms. Leah Messner, Assistant City Attorney Ms. Syndi Runyon, Administrative Technician IV
OTHER GUESTS PRESENT:	Mr. Mark Campbell, Concerned Citizen Ms. Karlene Smith, Marketing Specialist for Cleveland Area Rapid Transit (CART)

Item 1, being:

**CART RIDERSHIP REPORT INCLUDING SAFERIDE AND EXTENDED SERVICE FOR THE MONTH OF APRIL, 2014.**

Ms. Karlene Smith, Planner and Grant Specialist, Cleveland Area Rapid Transit (CART), said the CART ridership was up 7%. She said Dump the Pump is scheduled for June 19, 2014, and announcements will be placed in City water bills explaining free fares with the exception of the Oklahoma City route. Ms. Smith said improvements have been made for Americans with Disabilities Act (ADA) requirements, Light Emitting Diode (LED) Display Board, a Voice-activated feature, and braille will soon be added to the destination guide on the website.

Items submitted for the record

1. Cleveland Area Rapid Transit Ridership Totals for the Month of April, 2014

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Item 2, being:

**DISCUSSION REGARDING CARPORTS IN RESIDENTIAL ZONING DISTRICTS.**

Ms. Susan Connors, Director of Community Planning and Development, said Staff proposed Code amendments to Chapters 2, 5, 10, 13, and 22 to Council for discussion at study session on February 4, 2014. One of the suggested amendments proposes to change regulations regarding carports and Council requested more information. Chairman Jungman said discussion on this item was scheduled on the April 28, 2014, Community Planning and Transportation Committee (CPTC) meeting, but was postponed to today's meeting due to time constraints.

Ms. Connors said existing language regarding carports is in Chapter 5 of the City Code. Section 5-404 of Article 5-404 of Article IV of Chapter 5 reads as follows:

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.

Item 2, continued:

- (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.

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 it is difficult to determine 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.

Staff proposes deleting language from Chapter 5 and inserting the following language to the residential zoning districts in Chapter 22. She said the zoning districts proposed to be changed include: R-1 Residential Zoning District; R-1-A Residential Single-Family Attached Dwelling District; R-2 Residential Two-Family Dwelling District; RM-2 Residential Low-Density Apartment District; RM-6 Residential Medium-Density Apartment District; R-3 Residential Multi-Family Dwelling District; and RO Residence-Office District. Ms. Connors said the front yard setback varies depending on the required setback in each zoning district; therefore, these regulations are narrow in scope and would primarily allow carports in the central portion of Norman.

Ms. Connors said R-1 regulations would read as follows:

Carports: Carports must be set back twenty-five (25) feet form 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.

Ms. Connors said there was concern about allowing new carports as stated in the language above and how that could affect a neighborhood. Council felt the proposal was too broad and wanted additional criteria to address cheaper metal carports that were not compatible in a neighborhood. On the other hand, some members of Council felt regulations do not allow the elderly, disabled and others on fixed incomes to provide protection for their vehicles. The language does not allow carports in new subdivisions and some Councilmembers felt that carports should be allowed if all neighbors did not object.

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

Chairman Jungman said if carports are not allowed in the front due to setback regulations does that mean that carports cannot be constructed over the driveway and Ms. Connors said that is correct, unless the residence has a recessed garage; otherwise the carports have to be in the side or rear yard. Councilmember Williams said some cities define carports as "a permanent roof structure open on at least two sides" and asked if that is because they do not want the structure to be used for storage and Ms. Connors said that is part of the reason as well as visibility issues. She said some communities restrict storage of any kind in carports.

Item 2, continued:

Councilmember Williams asked if carports are not allowed after 1966 due to setback regulations and Ms. Connors said that is partially the reason, but there are a number of people who do not like carports. Ms. Leah Messner, Assistant City Attorney, said a resident can currently have a carport if it meets the setback, but with newer homes it is difficult to meet the 20 foot setback requirement.

Chairman Jungman said there are not many two car garages in the central core area of Norman as most have a one car garage or no garage so language making an exception for that would include every house in the core area. He said this is an extraordinarily broad exception for that part of town. Chairman Jungman said his understanding of the language is that he could construct a carport if the setback is 25 feet unless there is a one car garage or no garage then he can get as close as seven feet from the front property line, which places the structure in his front yard. Ms. Messner said Staff can clarify language because that is not what the language intended.

Councilmember Williams asked about residences that turned the garage into a room and Ms. Connors said that residence would essentially have no garage so a carport would be allowed to protect vehicles. She said when drafting language, Staff was focused on the central core area, but not all Councilmembers believed that is where the focus should be.

Chairman Jungman asked if people having trouble getting a permit for a carport are those people with homes that were built after 1966 and Ms. Connors said yes. She said there are many neighborhoods with carports on the block and the City cannot prove whether or not they are legal so language exempted those blocks that already had carports.

Chairman Jungman said a clear majority of communities do not allow carports in the front setback and asked why and Ms. Connors said there could be an anti-carport desire in those cities. Chairman Jungman said he was not comfortable with carports in the front setback and it should not be allowed. Ms. Connors said there is a possibility the City could allow carports outside some of the restricted areas if all the neighbors said it was okay. Councilmember Williams asked what the front setback is and Ms. Connors said 20 or 25 feet from the property line. Councilmember Williams said most of the core area homes are recessed and have 20 to 25 feet setbacks so carports would be allowed.

Chairman Jungman asked if there is an appeal process if someone is denied a building permit for a carport and Ms. Messner said no. Ms. Connors said if language was added to Chapter 22 there would be a variance process through the Board of Adjustment. Councilmember Holman said he would like to have an appeal or variance process to avoid a situation where someone would have to tear down an illegal carport structure. Chairman Jungman said he would like Council to approve a variance rather than the Board of Adjustment.

Councilmember Williams said he would like to allow carports, but regulate the design and materials, e.g., using the same roofing material as the house. Chairman Jungman said if the City has regulations on design and materials that would give newer neighborhoods more protection; however, most of the newer neighborhoods have covenants and/or Home Owner Associations that would prevent construction of carports. Councilmember Williams said stand-alone carports pose safety issues so the City needs design and material regulations for safety reasons.

Ms. Connors said Staff can draft an ordinance integrating regulations from other cities. Chairman Jungman asked that regulations on quality materials and compatibility to neighborhood be addressed in the language. Councilmember Williams felt that regulating compatibility to the neighborhood would be a difficult job for Staff. He said he did not want approval or denial of a building permit to be based on Staff's opinion as to whether or not a design is compatible, he wants specific regulations. Ms. Connors said there are communities that have specific criteria and she will review those. Councilmember Williams said water run-off from the structure should be addressed as well because that could cause damage to neighboring properties

Chairman Jungman asked Staff draft language for further discussion in July.

Items submitted for the record

1. Memorandum dated April 25, 2014, from Susan Connors, AICP, Director, Community Planning and Transportation, with Exhibit A, Carport Survey and Exhibit B, Carport: Definitions Only
2. Pertinent excerpts from City Council Study Session minutes of February 4, 2014

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Item 5, being:

MISCELLANEOUS DISCUSSION.

Mr. Mark Campbell, Post Office Box 3801, said there is no continuous sidewalk on Park Avenue between the municipal offices and the Willows Apartments (the Willows). He spoke with Mr. Jack Burdett, Engineering Assistant, who said a sidewalk project is scheduled in FYE 2016. He asked that Council consider expediting that project because many people that live in the Willows are disabled and have to maneuver in the street. Chairman Jungman said he would speak to Mr. Shawn O'Leary, Director of Public Works, about available options for a sidewalk.

Mr. Campbell said the Willows has no storm shelter and asked if the City could put him in touch with an agency or person that could possibly help host a fundraiser to build a storm shelter. Ms. Connors said she would check into that and get back with him.

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The meeting adjourned at 6:20 p.m.