

CITY OF NORMAN
CITY COUNCIL SPECIAL SESSION

MUNICIPAL BUILDING CONFERENCE ROOM
201 WEST GRAY
TUESDAY, DECEMBER 2, 2014

5:30 P.M.

1. DISCUSSION REGARDING CARPORTS IN RESIDENTIAL ZONING DISTRICTS.
2. 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 CJ-2012-1097TS

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

INFORMATION: Pursuant to 25 O.S., Section 307(B)(4), a public body is permitted to conduct an executive session to have confidential communications between a public body and its attorney concerning a pending investigation, claim, or action if the public body, with the advice of its attorney, determines that disclosure will seriously impair the ability of the public body to process the claim or conduct a pending investigation, litigation, or proceeding in the public interest. Further, pursuant to 25 O.S., Section 307(B)(2), a public body is permitted to conduct an executive session to discuss negotiations concerning employees and representatives of employee groups. Thereupon, this item is submitted for City Council's consideration.

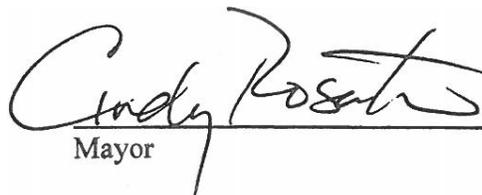
ACTION NEEDED: 1. Motion to adjourn out of the Special Session and convene into an Executive Session in order to discuss Dunn vs. the City of Norman, Cleveland County Court Case CJ-2012-1097TS and negotiations concerning employees and representatives of employee groups.

ACTION TAKEN: _____

ACTION NEEDED: 2. Motion to adjourn out of Executive Session and reconvene the Special Session.

ACTION TAKEN: _____

3. ADJOURNMENT.



Mayor



office memorandum

TO: Mayor and Council Members

FROM: Susan Connors, AICP, Director, Planning and Community Development *STC*

DATE: November 26, 2014

RE: Carports in Residential Zoning Districts

Staff presented information to the Community Planning and Transportation (CPT) Committee on May 19, 2014 based on the discussion by City Council at their Study Session on February 4, 2014. The discussion at that meeting led staff to develop much more detailed Ordinance language which was presented to CPT Committee on September 25, 2014. Only two members were present. The Chair asked that we come back in October with the same information so the other members of the Committee could provide input into the proposed Ordinance changes. At the October 23rd meeting the Committee discussed the proposed Ordinance language with a focus on whether the material compatibility should be included as it could be costly for applicants. There was not a consensus on this issue and the Committee proposed that the Ordinance language should go forward to full Council at a future Study Session. The minutes of the May, September and October Community Planning and Transportation Committee meetings are attached.

The existing language regarding carports is in Chapter 5 of the City Code. That Section 5-404 of Article IV of Chapter 5 of the Code of the City of Norman reads as follows:

Sec. 5-404. Carports: Setbacks required.

- (a) 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 streets. The construction of carports shall only be authorized or permitted on the premises on which there now exists a dwelling structure.
- (b) The 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.

This language has been problematic for many years because it is very difficult to determine when some carports were built on a block and to determine if

building permits were issued for carports. Carports do require issuance of a building permit. This language also conflicts with the setback requirements of Chapter 22.

The proposed language discussed on February 4, 2014 would delete the language from Chapter 5 above and insert the following language to the residential zoning districts in Chapter 22. The zoning districts that were proposed to be changed include R-1, R-1-A, R-2, RM-2, RM-6, R-3 and R-O. The front yard setback varies depending on the required setback in each zoning district. These regulations are narrow in scope and would primarily allow carports in the central portion of Norman. The R-1 regulations would read 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.

There was concern about how allowing new carports as regulated in the language above could affect a neighborhood. It was discussed that the proposal was too broad; therefore, additional criteria should be considered so that cheaper metal carports that were not compatible in a neighborhood could not be constructed. On the other side of the argument it was discussed that the current regulations do not allow the elderly, disabled and others on fixed incomes to provide protection for their vehicles. It was also discussed that this does not allow carports in newer subdivisions in Norman. One suggestion was that a carport should be allowed if all existing neighbors did not object.

Staff contacted 20 cities to determine their regulations regarding carports. In the May 19th packet there was a chart containing the information that was collected and included the name of the City contacted, whether carports are allowed, if a carport is allowed in the front yard setback, if a public hearing is required, architectural requirements and whether there is a definition of a carport. In addition there was a list of definitions for "Carports", and examples of Code language from some of the survey cities to provide examples of the range of regulations that exist regarding carports. Based on that information and the discussion at the May, September and October Community Planning and Transportation Committee meetings, staff developed that attached Carport Criteria which would be amended into the Zoning Ordinance in Chapter 22.

City Council Study Session
December 2, 2014

The following attachments are included in this packet:

- Carport Criteria (Ordinance language)
- Carport Survey
- CPT Committee minutes, May 19, Sept. 25, Oct. 23

CARPORT CRITERIA

1. DEFINITION

A permanent roofed structure, open on at least two sides, providing space for the parking or storage of private passenger vehicles.

2. ZONING DISTRICTS

Carports are allowed in the following zoning districts: R-E, R-1, R-1-A, R-2, RM-2, RM-4, RM-6, and R-3

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 a nonconforming use, subject to the restrictions concerning nonconforming uses as set forth in Section 419 of the Zoning Ordinance.
- (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** - Carports shall be constructed in compliance with the following criteria:

- (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 feet 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 footings 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.
- (i) Guttering shall be installed and maintained in a manner to prohibit any increase of water run-off onto the 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.
- (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 (through what documents?) that the gravel driveway existed prior to (date).

EXHIBIT A

Carport Survey

<i>City Surveyed</i>	<i>Carports Allowed</i>	<i>Carports Allowed in Front Setback</i>	<i>Public Hearing Req'd for Setback</i>	<i>Generally Approved by Public Hearing Body</i>	<i>Architectural Requirements</i>	<i>Definition</i>	<i>Notes</i>
Broken Arrow, OK	Yes	Yes	No	N/A	No	No	Not on collector or arterial streets; Local streets only; 5' setback from property line req'd
Edmond, OK	Yes	No	Yes	No	No	Yes	
Moore, OK	Yes	Yes	No	N/A	Yes	Yes	
Lawton, OK	Yes	Yes	No	N/A	Yes	Yes	5' setback from property line req'd
Midwest City, OK	Yes	Yes	No	N/A	Yes	Yes	
Oklahoma City, OK	Yes	Yes	No	N/A	Yes	Yes	5' setback from property line req'd
Stillwater, OK	Yes	No	Yes	No	No	Yes	
Bartlesville, OK	Yes	No	Yes	Yes	Yes	Yes	Special zoning permit req'd by BOA & cannot extend beyond front property line
Ft. Smith, AR	Yes	No	Yes	Yes; 75% approval rate	No	Yes	
Boulder, CO	Yes	No	Yes	case by case basis	No	Yes	Can administratively allow up to 20% intrusion into setback. More than that requires BOA approval.
Westminister, CO	No	No	Yes	No; Hardship only	No	No	Only allowed in Mobile Home Parks
Ft. Collins, CO	Yes	Yes*	Yes	No	No	No	*Unless it is less than 120 sq.ft. & less than 8' tall, then it is allowed w/o setback requirements other than 3' from property line

Thornton, CO	Yes	No	Yes	No	Yes	Yes	
Columbia, MO	No*	No	Yes	No	No	No	Only allowed in Mobile Home Parks
St. Joseph, MO	Yes*	No	Yes	No	Yes	No	*Considered accessory structure. Galvanized metal not allowed. Same Ext. covering & roofing material as dwelling. Detached carports only.
Lawrence, KS	Yes	No	Yes	No; Hardship only	No	No	
Denton, TX	Yes	No	No	No	No	No	Only allows carports in rear as an accessory structure
Odessa, TX	Yes	No	Yes	No	No	No	
Waco, TX	Yes	No	Yes	Yes; 70% approval rate	*Yes	No	*Same construction materials & architectural design as main bldg
Las Cruces, NM	Yes	No	Yes	No; Hardship only	No	No	

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

* * * * *

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

* * * * *

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.

* * * * *

The meeting adjourned at 6:20 p.m.

CITY COUNCIL
COMMUNITY PLANNING AND TRANSPORTATION
COMMITTEE MINUTES

September 25, 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 25th day of September, 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 and Chairman Jungman
ABSENT:	Councilmembers Miller and Williams
STAFF PRESENT:	Ms. Susan Connors, Director of Planning and Community Development Ms. Leah Messner, Assistant City Attorney Ms. Karla Chapman, Administrative Technician III
OTHER GUESTS PRESENT:	Ms. Karlene Smith, Marketing Specialist for Cleveland Area Rapid Transit (CART)

Item 1, being:

CART RIDERSHIP REPORT INCLUDING SAFERIDE AND EXTENDED SERVICE FOR THE MONTHS OF JULY AND AUGUST, 2014.

Ms. Karlene Smith, Planner and Grant Specialist, Cleveland Area Rapid Transit (CART), said the CART ridership was up 19%. She said CART hired two (2) planning interns who will evaluate existing routes that will help identify opportunities to make changes to improve services. Ms. Smith said CART will test Route #42 – Research Campus, for a possible route change the week of September 29th to October 3rd. If the test period is successful, the revised route will allow CART to provide additional service along the Asp Avenue Corridor between Imhoff Road and Lindsey Street and improve the connection between the University of Oklahoma (OU) Main Campus and Research Campus.

Ms. Smith said since the new fiscal year, 604 individuals have applied to use the Community Development Block Grant (CDBG) passes and CART anticipates over 1,000 individuals will use the CDBG passes based on last year's users.

Four (4) new paratransit vehicles arrived on September 23, 2014, which will accommodate up to 14 ambulatory passengers and up to four (4) wheelchairs. The vehicles were provided with Federal Transit Administration (FTA) Section 5310 funds through Department of Human Services (DHS) Aging Services. Ms. Smith said two (2) new fixed route vehicles are scheduled for delivery next fall. She said CART completed its Title VI Civil Rights Program and will submit to FTA before October 1, 2014. This program includes CART's program to ensure equal access to all persons.

Items submitted for the record

1. Cleveland Area Rapid Transit Ridership Totals for the Month of July, 2014
2. Cleveland Area Rapid Transit Ridership Totals for the Month of August, 2014
3. Cleveland Area Rapid Transit Flyer entitled, "Attention, Research Shuttle riders!"
4. Cleveland Area Rapid Transit Flyer entitled, "Stuff the Bus For Operation Homefront," scheduled October 10, 2014

Item 2, being:

CONTINUED 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 a study session on February 4, 2014. One of the suggested amendments proposed to change regulations regarding carports and Council requested more information. Council discussed and felt the regulations were too broad and the language was narrow in scope, allowing only carports in the central portion of Norman. Chairman Jungman said discussion on this item was discussed at the May 19, 2014, Community Planning and Transportation Committee (CPTC) meeting and the Committee requested Staff draft an ordinance integrating regulations from other cities to include quality materials, as well as compatibility to neighborhoods for further discussion and review.

Existing Language

Chapter 5 of the City Code Section 5-404 of Chapter 5 regarding carports 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.
- (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 the current language in Section 5-404 also conflicts with setback requirements in Chapter 22, which is the City's Zoning Ordinance.

Original Proposed Language

Staff proposed to delete language from Chapter 5 and insert the following language to the residential zoning districts in Chapter 22. She said the zoning districts proposed to be changed include: R-1, Single Family Dwelling; R-1-A, Single-Family Attached Dwelling District; R-2, Two-Family Dwelling District; RM-2, Low-Density Apartment District; RM-6, Multi-Family Apartment District; R-3, Residential Medium Density 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.

The proposed language included:

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 2, continued:

Ms. Connors said there was concern about allowing new carports as stated in the language 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. Staff researched 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. 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.

Latest Proposed 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:

- 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;
- Zoning Districts: Carports are allowed in the following zoning districts: R-E, R-1, R-1-A, RM-2, RM-3, RM-6, and R-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.
- 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 2, 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 lines; 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).

Chairman Jungman asked Staff approximately how many carports are requested per year and Ms. Connors said approximately 10. Ms. Connors said this is not a huge issue; however, those residents who want a carport (and really need one due to health or disability issues) cannot construct one. She stated some Home Owners Association (HOA) covenants will not allow carports at all.

Chairman Jungman said he liked the latest draft standards for carports and Councilmember Holman agreed. Chairman Jungman requested Staff bring this back to the October 23, 2014, CPTC for discussion and to gain addition Committee comments.

Items submitted for the record

1. Memorandum dated September 18, 2014, from Susan Connors, AICP, Director, Community Planning and Transportation, with proposed ordinance amendments
2. Pertinent excerpts from Community Planning and Transportation Committee minutes of May 19, 2014

* * * * *

Item 3, being:

MISCELLANEOUS DISCUSSION.

Chairman Jungman requested the following items be included on the October 23, 2014, Community Planning and Transportation Committee (CPTC) for discussion.

- Discussion of a resolution that would require developers to respond to comments made by the Greenbelt Commission and would require Staff to respond to those comments with potential suggestions for conditions to be placed on the developer that will achieve the suggestions/recommendations of the Greenbelt Commission;
- Review ownership of the current R-3 properties to have a better idea of whether or not there are any existing R-3 tracts of enough size that, if the proposed R-3 amendments are adopted, those property owners would lose the opportunity to construct the type of residential units by right that the proposed R-3 ordinance amendments would require a special use permit to construct; and
- Discuss downzoning; specifically, look at a voluntary program for downzoning that the City could assist with or a program to help defray the cost(s) of downzoning.

* * * * *

The meeting adjourned at 5:55 p.m.

CITY COUNCIL
COMMUNITY PLANNING AND TRANSPORTATION
COMMITTEE MINUTES

October 23, 2014

The City Council Community Planning and Transportation Committee of the City of Norman, Cleveland County, State of Oklahoma, met at 5:00 p.m. in the Conference Room on the 23rd day of October, 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, Miller, Williams, and Chairman Jungman

ABSENT: None

STAFF PRESENT: Ms. Susan Connors, Director of Planning and Community Development
Mr. Terry Floyd, Development Coordinator
Ms. Leah Messner, Assistant City Attorney
Ms. Karla Chapman, Administrative Technician III

OTHER GUESTS PRESENT: Mayor Rosenthal
Ms. Joy Hampton, *The Norman Transcript*
Ms. Hailey Mathis, Progressive Independence
Mr. Mark Nanny, Chair Environmental Control Advisory Board
Ms. Karlene Smith, Marketing Specialist for Cleveland Area Rapid Transit (CART)
Mr. Walt Strong, Westheimer Airport

Item 1, being:

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

Ms. Karlene Smith, Planner and Grant Specialist, Cleveland Area Rapid Transit (CART), highlighted the CART ridership report for September, 2014. She said the CART test Route #42 – Research Campus, reflected the modifications of improved travel to Research Park as well as reduced traffic congestion. Therefore, the changes for the revised route will remain allowing CART to provide additional service along the Asp Avenue Corridor between Imhoff Road and Lindsey Street and improve the connection between the University of Oklahoma (OU) Main Campus and Research Campus.

Ms. Smith said the University of Oklahoma was recently recognized as a Bicycle Friendly University; only 1 of 100 across the United States. She said CART received an Air Quality Awareness Grant from the Association of Central Oklahoma Governments (ACOG) to install bicycle racks and repair stations and, in connection, the City of Norman also received an ACOG Grant for a bus wrap promoting bicycle safety. She said CART and the CON will work together in the future regarding placement of the repair stations. She said CART will be collecting toys for the Christmas Store in November via the annual “Fill the Trolley.”

Items submitted for the record

1. Cleveland Area Rapid Transit Ridership Totals for the Month of September, 2014
2. Cleveland Area Rapid Transit flyer entitled, “Attention, Research Route (N42) riders!”

* * * * *

Item 2, being:

CONTINUED DISCUSSION REGARDING CARPORTS IN RESIDENTIAL ZONING DISTRICTS.

Ms. Susan Connors, Director of Community Planning and Development, said Staff proposed various Code amendments to Chapters 2, 5, 10, 13, and 22 to Council for discussion at a study session on February 4, 2014. One of the suggested amendments proposed to change regulations regarding carports and Council requested more information. Council discussed and felt the regulations were too broad and the language was narrow in scope, allowing only carports in the central portion of Norman. Chairman Jungman said discussion on this item was discussed at the May 19, 2014, Community Planning and Transportation Committee (CPTC) meeting and the Committee requested Staff draft an ordinance integrating regulations from other cities to include quality materials, as well as compatibility to neighborhoods for further discussion and review.

Staff highlighted the existing language and proposed modifications as follows:

Existing Language

Chapter 5 of the City Code Section 5-404 of Chapter 5 regarding carports 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.
- (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 the current language in Section 5-404 also conflicts with setback requirements in Chapter 22, which is the City's Zoning Ordinance.

Original Proposed Language

Staff proposed to delete language from Chapter 5 and insert the following language to the residential zoning districts in Chapter 22. She said the zoning districts proposed to be changed include: 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, Multi-Family Apartment District; R-3, Residential Medium Density 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.

The proposed language included:

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 2, continued:

Ms. Connors said there was concern about allowing new carports as stated in the language 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. Staff researched 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. 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.

Latest Proposed 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:

- 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;
- Zoning Districts: Carports are allowed in the following zoning districts: R-E, Residential Estates Dwelling District; R-1, Single Family Dwelling District; R-1-A, Single-Family Attached Dwelling District; RM-2, Two-Family Dwelling District; RM-4, Mobile Home Park District; RM-6, Multi-Family Apartment District; and R-3, Residential Medium Density Dwelling District;
- 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.
- 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 feet 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;

Item 2, continued:

- h) The maximum height of a carport is 24 feet or the height of the principal structure, whichever is less;
- 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 lines; 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 (a specified date).

The Committee discussed whether the material compatibility should be included within the proposed ordinance as it could be costly for applicants. Councilmember Williams said some of his constituents felt the City should not decide material compatibility for carports. He said he would fully support this proposal if that standard was eliminated. Chairman Jungman said he felt just the opposite; he would fully support this proposal as long as this standard was included in the proposal. Ms. Connors said if the ordinance was approved, any new carport requests would have to meet proposed standards; however, the Ordinance will not be retroactive for carports already constructed.

The Committee discussed and agreed the proposed Ordinance should go forward to full Council at a future Study Session.

Items submitted for the record

- 1. Memorandum dated September 18, 2014, from Susan Connors, AICP, Director, Community Planning and Transportation, with proposed ordinance amendments
- 2. Pertinent excerpts from Community Planning and Transportation Committee minutes of May 19, 2014

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Mayor Rosenthal arrived at 5:25 p.m.

Item 3, being:

POSSIBLE RESOLUTION REQUIRING DEVELOPMENT APPLICATIONS TO INCLUDE WRITTEN RESPONSES TO GREENBELT COMMISSION COMMENTS WHEN FORWARDED TO PLANNING COMMISSION AND CITY COUNCIL FOR RECOMMENDATION AND ACTION.

Ms. Susan Connors, Director of Planning and Community Development, introduced Mr. Mark Nanny, Chair of the Norman Greenbelt Commission (GBC), and said Mr. Nanny made a presentation about their work to the Community Planning and Transportation Commission (CPTC) on March 24, 2014. She said Mr. Nanny's presentation included ideas for new strategies. In addition, the GBC was interested in learning about related projects overseen by this CPTC and is eager to collaborate with the Committee on areas of mutual and overlapping interests.

Mr. Nanny's GBC presentation included the Greenbelt Commission's purpose, vision, and proposals for implementation of the Greenways Master Plan. The GBC recognizes that several boards, commissions and committees are involved as the community develops over an extended period of time, and is continuing the coordination and dialogue necessary in this teamwork effort.

Item 3, continued:

As an implementation step in this process, Councilmember Jungman requested Staff prepare a draft Resolution which would require applicants to address, in writing, comments from the GBC as they move through the public hearing process. In addition, language in the Resolution would require Staff to prepare possible conditions of approval based on the GBC comments.

Staff highlighted the proposed draft Resolution requiring development applications to include written responses to Greenbelt comments when forwarded to Planning Commission and City Council for recommendations and actions. Chairman Jungman said he felt the proposed Resolution is a good idea; however, he wondered whether this effort would be easy or problematic.

Ms. Connors stated Greenbelt Commission comments are *very* early in the process and projects can change; therefore, the Greenbelt Commissions comments may not coincide nicely with the (end) project. Ms. Leah Messner, Assistant City Attorney, said Staff looks for current Ordinance satisfaction when reviewing applications. She said Staff can make suggestion(s) to the developer; however, Staff cannot recommend a denial to Council on the project simply because the developer does not incorporate the suggestions.

Mayor Rosenthal said the goal is to get highlights for Council within Staff's reports and felt a Resolution is not needed since Council already has the ability to achieve this now. She suggested Staff make a table/chart of "recommendations made" and "recommendations taken" for any project moving forward during the public hearing process, i.e., Parks Board, Greenbelt Commission, Pre-Development, and Planning Commission and forward such to Council with the Staff report in order that Council will have all the information at the applicant's presentation. The Committee agreed the proposed Greenbelt Commission Comments Resolution should not go forward at this time.

Items submitted for the record

1. Memorandum dated October 17, 2014, from Susan Connors, AICP, Director, Community Planning and Transportation, with proposed draft resolution

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Item 4, being:

MISCELLANEOUS PUBLIC COMMENT.

None.

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The meeting adjourned at 5:40 p.m.

ATTEST:



City Clerk



Mayor

