

CITY OF NORMAN, OKLAHOMA

**CITY COUNCIL COMMUNITY PLANNING AND
TRANSPORTATION COMMITTEE AGENDA**

**Municipal Building
Study Session Conference Room
201 West Gray**

Monday, April 28, 2014

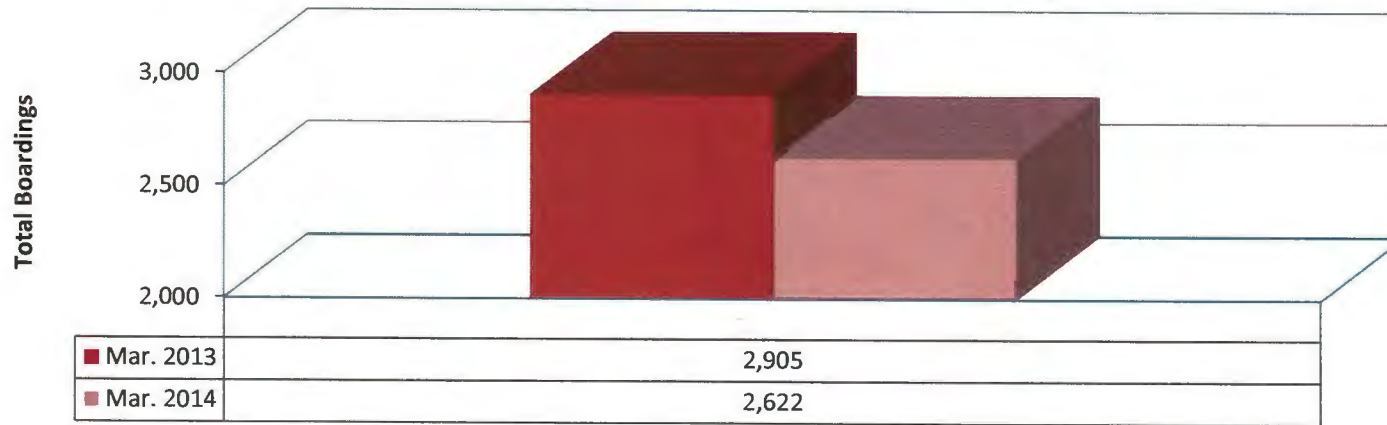
5:30 P.M.

- 1. CART RIDERSHIP REPORT INCLUDING SAFERIDE AND EXTENDED SERVICE FOR THE MONTH OF MARCH, 2014.**
- 2. DISCUSSION REGARDING A GRANT APPLICATION TO BE SUBMITTED FOR THE TRANSPORTATION ALTERNATIVES PROGRAM.**
- 3. DISCUSSION REGARDING CONSTRUCTION IN THE CENTER CITY VISIONING STUDY AREA.**
- 4. DISCUSSION REGARDING CARPORTS IN RESIDENTIAL ZONING DISTRICTS.**
- 5. MISCELLANEOUS DISCUSSION.**

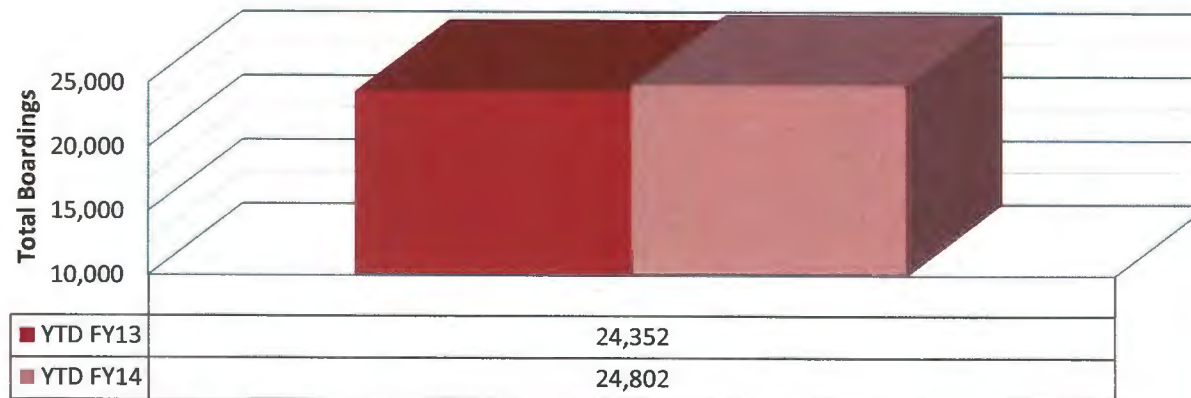
Item 1

CART RIDERSHIP REPORT

March 2014 CARTaccess Total Ridership

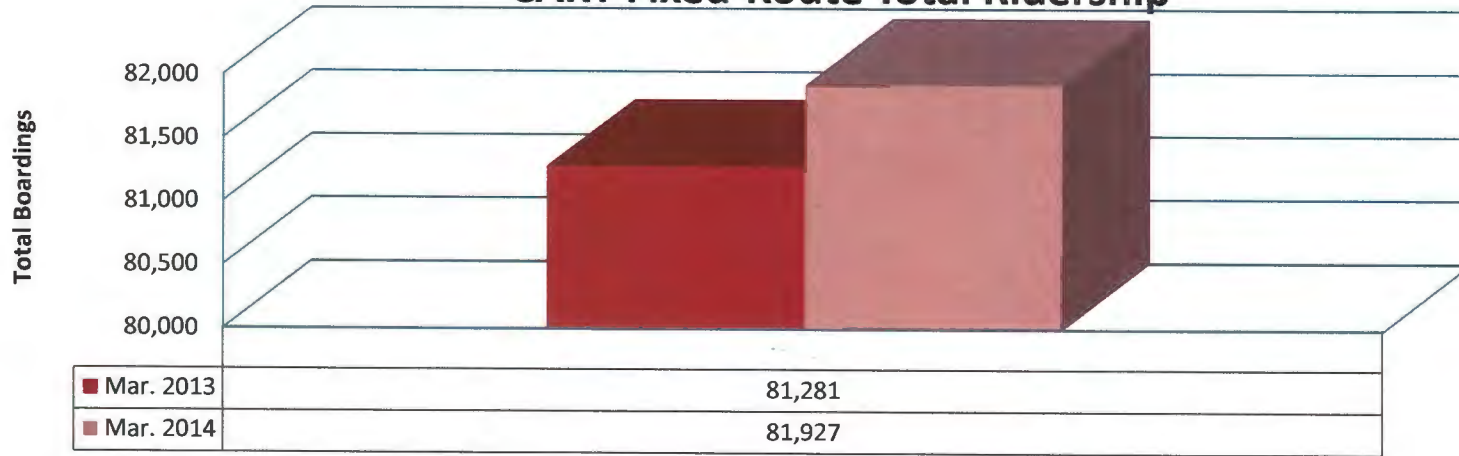


July 2013 - March 2014 (Year-to-Date FY14) CARTaccess Total Ridership

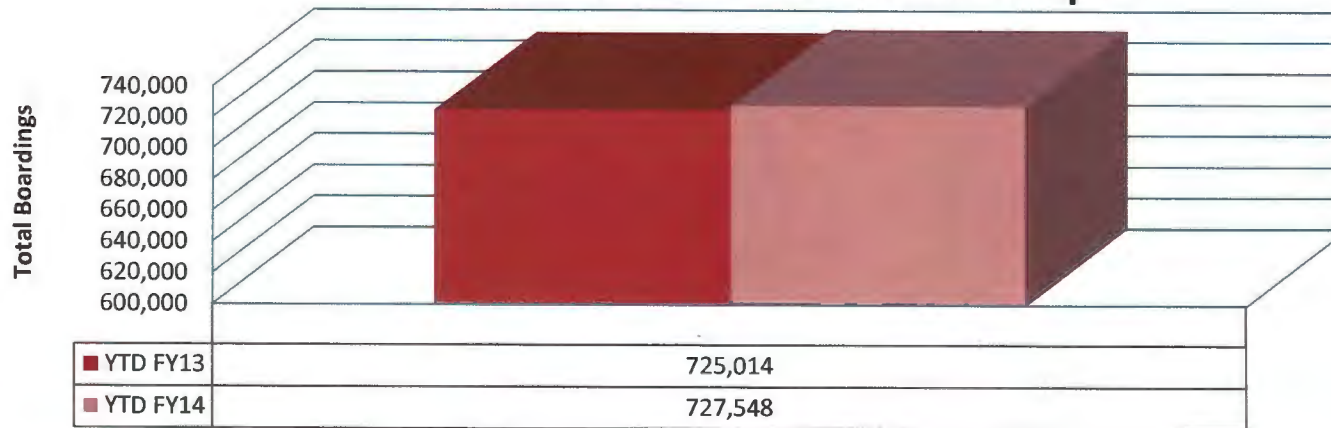


CARTaccess	Mar. 2013	Mar. 2014	% Change	CARTaccess	YTD FY13	YTD FY14	% Change
Monthly	2,905	2,622	-10%	Annual Total	24,352	24,802	2%

March 2014 CART Fixed-Route Total Ridership



July 2013 - March 2014 (Year-to-Date FY14) CART Fixed-Route Total Ridership



CART Fixed Route	Mar. 2013	Mar. 2014	% Change	CART Fixed Route	YTD FY13	YTD FY14	% Change
Monthly Total	81,281	81,927	1%	Annual Total	725,014	727,548	0%

FY13: July 1, 2012 - June 30, 2013

FY14: July 1, 2013 - June 30, 2014

Item 2

TRANSPORTATION ALTERNATIVES GRANT



City of Norman
and
Association of Central Oklahoma Governments



TRANSPORTATION ALTERNATIVES PROGRAM

1st Biennial Application Cycle

Presentation to:

City Council Community Planning and Transportation Committee

Monday, April 28, 2014

Agenda

- Purpose
- Program History
- Selection Criteria
- Process Time Line
- Projects currently recommended by Staff
- Council Guidance

Purpose

To review two potential Transportation Alternatives Projects (previously submitted to ODOT under the no longer funded Transportation Enhancement Program):

- Downtown Main Streetscape (West End)
- Legacy Trail Extension – 24th Avenue NW, from Robinson Street to Rock Creek Road, and 36th Avenue NW, from Rock Creek Road to Tecumseh Road



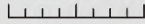



Legacy Trail Development



1 inch equals 3,000 feet

0 750 1,500 3,000 Feet


History of City of Norman ENHANCEMENT PROJECT Requests

1st Cycle (FY2001-2002)

1. Legacy Trail – Duffy to Acres [selected]
2. Bicycle Master Plan [selected]

2nd Cycle (FY2003-2004)

1. Robinson Street Multi-modal Path [selected]
2. Downtown Main Street (E of railroad to Porter Ave.)
Improvements Project [selected]

3rd Cycle (FY2005-2006)

1. Extension of Legacy Trail (Acres to Hayes) [selected]

History of City of Norman ENHANCEMENT PROJECT Requests

4th Cycle (FY2007-2008)

1. Extension of Legacy Trail (Duffy St. to OU Campus area via Jenkins Ave. to Boyd St. and via Asp Ave. to White St.)
[selected]
2. Downtown Main Street (W of railroad to University Blvd.) Improvements Project [not selected]

5th Cycle (FY 2009-2010)

1. Downtown Main Street (W of railroad to University Blvd.) Improvements Project [not selected]
2. State Hwy. 9 Bicycle Path [selected]

History of City of Norman ENHANCEMENT PROJECT Requests

6th Cycle (FY2011-2013) (Suspended by ODOT)

- Downtown Main Streetscape (West End) **[selected]**
- Legacy Trail Extension – 24th Avenue NW, from Robinson Street to Rock Creek Road, and 36th Avenue NW, from Rock Creek Road to Ruby Grant Park **[selected]**

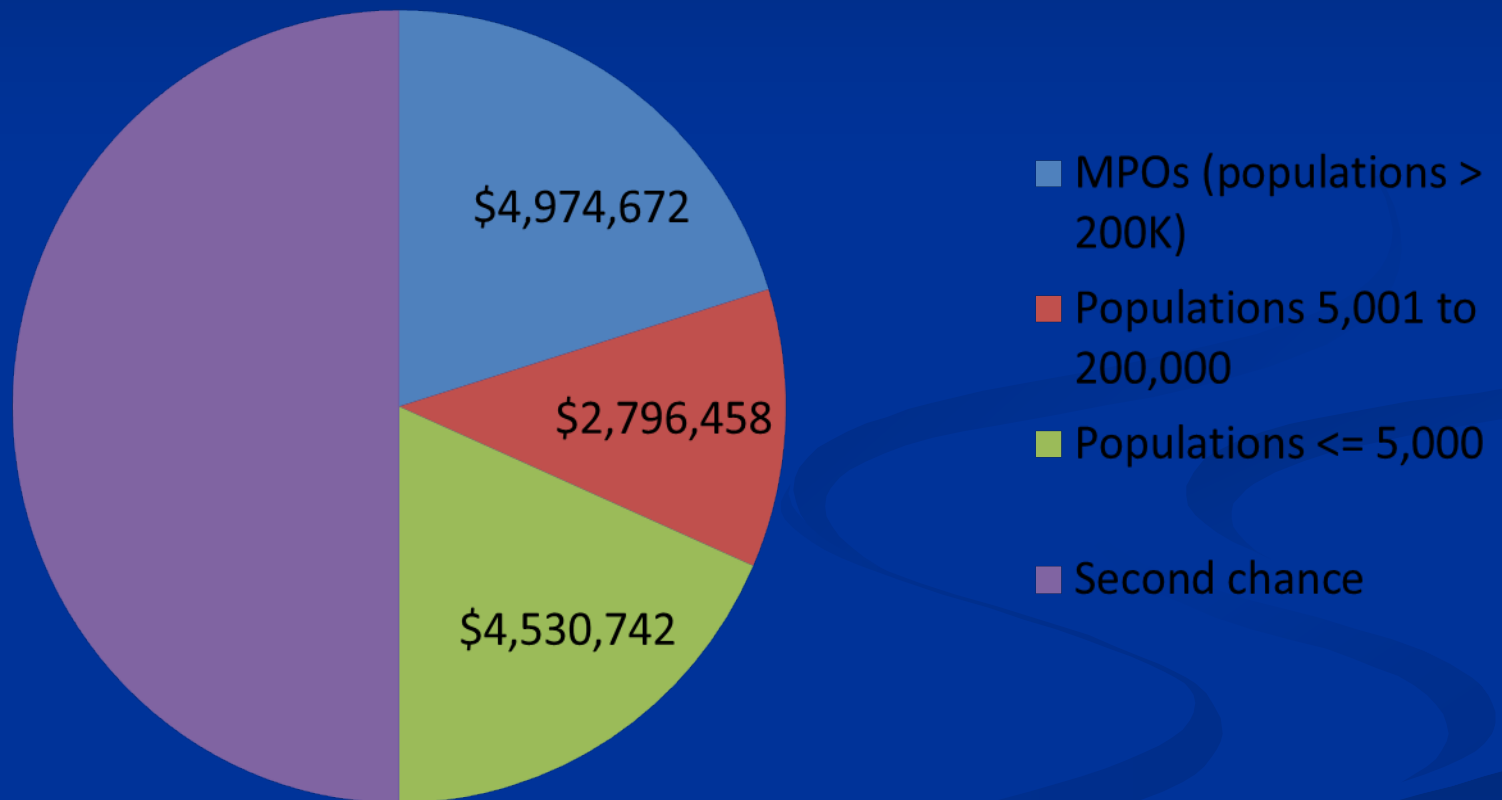
Transportation Alternatives Program

- Federal Funding Program – MAP-21
- Congglomeration of
 - Transportation Enhancements Program
 - Recreational Trails Program
 - Safe Routes to School Program
- New Role for MPOs



Round 1 - Half Given by Population

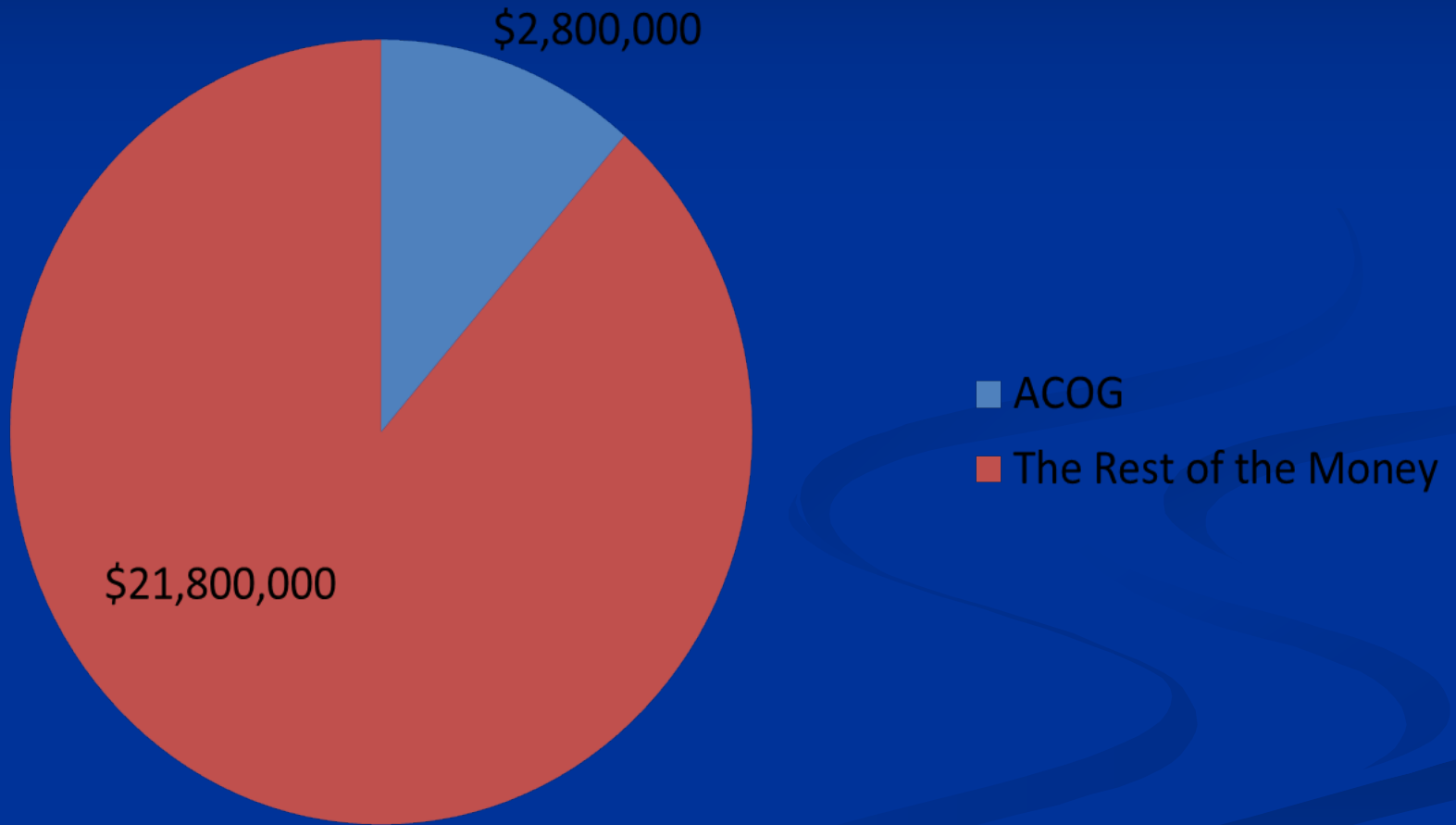
2 years = \$12.3 Million



Statewide TAP Funding (less Rec Trails)
2 years = \$24.6 Million

ACOG's Piece of the Pie

2 years = \$2.8 Million



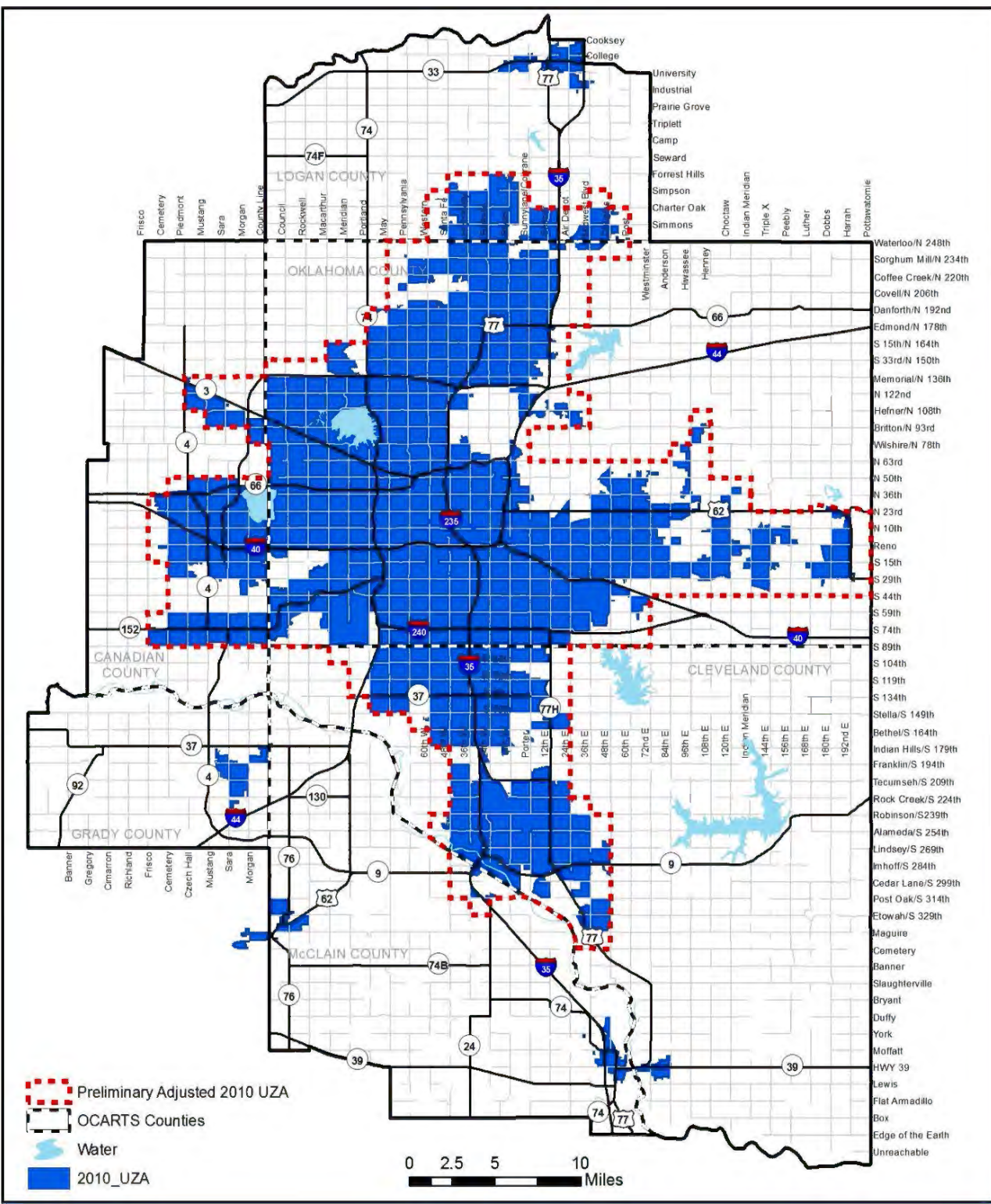
High Points

- Eligible applicants
- Eligible projects
- Financial details
- Criteria
- Process Timeline



Eligible Applicants

- Local governments;
- Transit agencies;
- Natural resource or public land agencies;
- School districts, local education agencies, or schools;
- Tribal governments; and
- Any other local or regional governmental entity with responsibility for oversight of transportation or recreational trails



- Preliminary Adjusted 2010 UZA
- OCARTS Counties
- Water
- 2010_UZA

0 2.5 5 10 Miles

Cooksey
College
University
Industrial
Prairie Grove
Triplett
Camp
Seward
Forrest Hills
Simpson
Charter Oak
Simmons
Choctaw
Indian Meridian
Triple X
Peebly
Luther
Dobbs
Herrin
Pottawatomie
Waterloo/N 248th
Sorghum Mill/N 234th
Coffee Creek/N 220th
Covell/N 206th
Danforth/N 192nd
Edmond/N 178th
S 15th/N 164th
S 33rd/N 150th
Memorial/N 136th
N 122nd
Hefner/N 108th
Britton/N 93rd
Wishire/N 78th
N 63rd
N 50th
N 36th
N 23rd
N 10th
Reno
S 15th
S 29th
S 44th
S 59th
S 74th
S 89th
S 104th
S 119th
S 134th
Stella/S 149th
Bethel/S 164th
Indian Hills/S 179th
Franklin/S 194th
Tecumseh/S 209th
Rock Creek/S 224th
Robinson/S239th
Alameda/S 254th
Lindsey/S 269th
imhoff/S 284th
Cedar Lane/S 299th
Post Oak/S 314th
Etowah/S 329th
Maguire
Cemetery
Banner
Slaughterville
Bryant
Duffy
York
Moffatt
HWY 39
Lewis
Flat Armadillo
Box
Edge of the Earth
Unreachable

Eligible Projects



Eligible Projects

- On-road and off-road trail facilities
- Infrastructure-related projects that will provide safe routes for non-drivers, including children, older adults, and individuals with disabilities to access daily needs.
- Conversion and use of abandoned railroad corridors for trails
- Infrastructure-related projects that will substantially improve the ability of students to walk and bicycle to school.
- Activities to encourage walking and bicycling to school

Financial Specs

- Federal details
 - 80/20 match
 - \$2.8 Million every 2 yrs. to ACOG
- ACOG Bicycle and Pedestrian Advisory Committee (BPAC) - recommended details
 - \$500K is maximum funding request
 - No maximum project size
 - No limit to number of applications
 - 56% of total is maximum an entity can receive
 - From STP-UZA program
 - Engineering costs are eligible



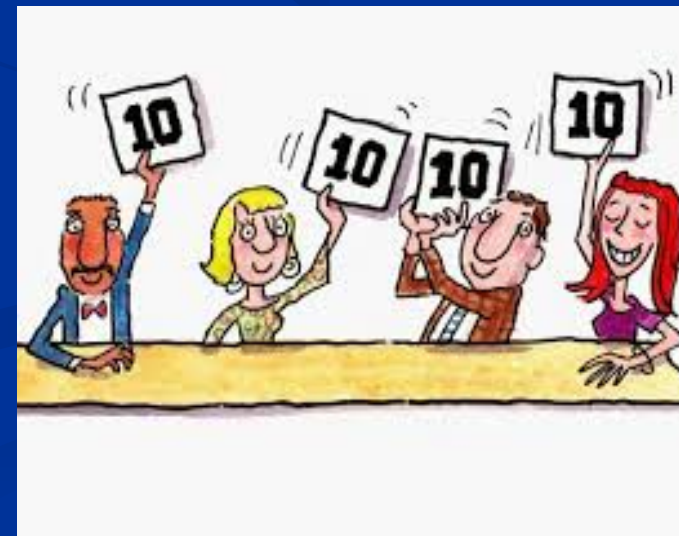
Criteria & Points

■ Programmatic

- Safety (15 pts. max)
- Barriers (10 pts.)
- Connectivity within existing networks (15 pts.)
- Connectivity between communities (10 pts.)

■ Practical

- Funding (15 pts.)
- Planning & Design (25 pts.)
- Public Recognition (10 pts.)

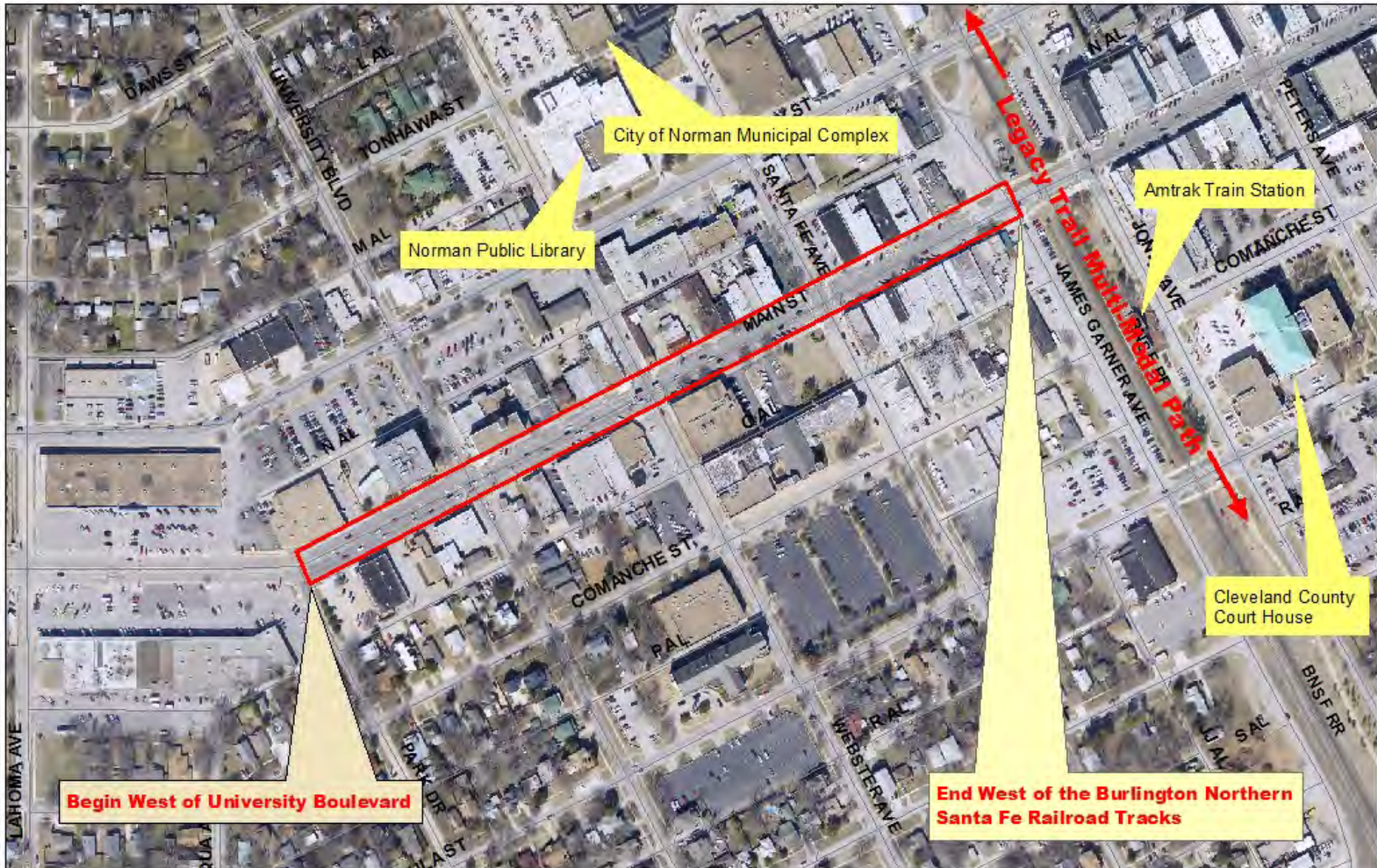


ACOG Process Timeline

Task	Date
Final BPAC Approval	March 12
Info to ITTC	March 13
Final ITPC & Board Approval	March 27
Workshop and Applications	April 4
TAP Applications Due	May 23
Results of TAP Apps.	June Meetings

Recommended Transportation Alternatives Projects

- **Downtown Main Street Improvements Project – West**
 - Extends from west of University Boulevard to Railroad Track
 - In conjunction with proposed other projects
 - STP-UZA project to interconnect traffic signals and upgrade lighting
 - Replace waterline (constructed separately)

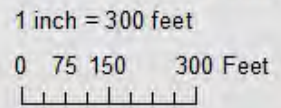


Begin West of University Boulevard

End West of the Burlington Northern Santa Fe Railroad Tracks



Downtown Main Street Improvement Project (West End)



 Project Area

Recommended Transportation Alternatives Projects

- Downtown Main Street Improvements Project – West (cont.)
 - Scope
 - Landscaping
 - Cobblestone Paving Band
 - Sidewalks
 - Street Furniture
 - Decorative Lighting Upgrade
 - Stamped and Colored Asphalt
 - ADA Ramps

The "look" before improvements



The "look" after improvements



Transportation Alternatives Projects currently recommended

■ Downtown Main Street Improvements Project – West (cont.)

■ Cost

■ Estimated Cost for Total Project \$1,730,000

■ Federal

- Transportation Alternatives - \$500,000
- STP-UZA - \$470,000

■ Local

- City - \$685,000 (\$517,622 currently budgeted in FYE 2014)
- Private - \$75,000

Transportation Alternatives Projects currently recommended - Main Street

Project Activity	City	Federal		Private
		Transportation Alternatives	STP-UZA	
Design	\$120,000			
Utilities	Waiting on Number			
Construction	\$565,000	\$500,000	\$470,000	\$75,000
Total	\$685,000	\$970,000		\$75,000

Transportation Alternatives Projects currently recommended

- Legacy Trail along 24th Avenue NW north of Robinson Street and 36th Avenue NW north of Rock Creek Road
 - Extends the 24th Avenue NW trail to Rock Creek Road including (two gaps) with lighting
 - Connects to the Rock Creek Road trail constructed with the I-35 overpass (which is the only bike friendly crossing across I-35 in Norman)
 - Extends the trail along 36th Avenue NW from Rock Creek Road to Tecumseh Road (and eventually to Ruby Grant Park)



Legacy Trail Extension - 24th Avenue NW and 36th Avenue NW

1 inch = 1,250 feet

0 435 870 1,740 Feet

Existing Trail

Proposed Trail



Transportation Alternatives Projects currently recommended

- Legacy Trail Project – 24th Avenue NW & 36th Avenue NW
 - Cost
 - Estimated Cost for Project \$772,250
 - Federal
 - Transportation Alternatives - \$500,000
 - Local
 - City - \$272,250 (\$150,000 currently budgeted in FYE 2014)

Transportation Alternatives Projects currently recommended – Legacy Trail

Project Activity	City	Federal
		Transportation Alternatives
Design	\$50,000	
Utilities		
Construction	\$222,250	\$500,000
Total	\$272,250	\$500,000

Transportation Alternatives Program

■ Council Guidance

■ Project Selection OK?

■ Budget Issues? (\$290,000 shortfall)

- \$167,000 for Main Street

- \$123,000 for Legacy Trail

■ Water line replacement to be included on Main Street project?

Next Steps

- Council to adopt Programming Resolutions (May 13, 2014)
- Staff to submit grant applications by May 23, 2014
- Project selections by ACOG in June 2014
- Selected Projects go to ODOT for inclusion in the State's Transportation Improvement Plan
- If selected, ODOT Project Agreement approval by City during the Fall of 2014
- Choose from pre-qualified ODOT list of engineering companies for design
- Begin construction no later than Fall of 2016

The TAP funding has a sunset date (two years)

Questions

Item 4

CARPORTS IN RESIDENTIAL ZONING DISTRICTS



office memorandum

TO: Community Planning and Transportation Committee

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

DATE: April 25, 2014

RE: Carports in Residential Zoning Districts

Staff proposed Code Amendments to Chapters 2, 5, 10, 13 and 22 and brought those for discussion at a City Council Study Session on February 4, 2014. One of the proposed amendments was to change the regulations regarding carports. Council requested more information on this amendment and asked that the Community Planning and Transportation Committee (CPT) discuss this item at a future meeting. It is on the CPT agenda April 28, 2014.

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 in all existing neighbors did not object.

Staff has contacted 20 cities to determine their regulations regarding carports. The attached Exhibit A is a chart containing the information that was collected and includes 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 the definitions for "Carports" are attached as Exhibit B for comparison of language for those cities in the survey that have a definition.

Exhibit C is examples of Code language from some of the survey cities to provide examples of the range of regulations that exist regarding carports.

Staff is presenting this information for your review and discussion.

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	

EXHIBIT B
Carport: Definitions Only

City of Edmond: **CARPORT**. A permanent roofed structure permanently open on at least two sides, designed for or occupied by private passenger vehicles.

City of Thornton, CO: **Carport** means a covered structure open on a minimum of two sides, either freestanding or attached to the principal structure, used to offer limited protection to vehicles.

City of Moore: Awnings, **carports**, and patio covers, individually or in combinations, as used herein, are defined as any structure, whether attached to an existing structure or free standing, which is constructed for the purpose of providing a roof type cover only, for shelter from the sun, rain, snow, sleet or hail.

City of Bartlesville: **Carport**. A roofed structure providing space for the parking or storage of motor vehicles and enclosed on not more than three sides.

City of Lawton: **Carport**. is defined as a permanent roofed structure open on at least two sides, when located within the building setback limits, and designed for or occupied by private passenger vehicles and includes any covered drive areas and porticos.

Midwest City: **Carport**: A permanent roofed structure permanently open on at least two (2) sides, designed for or occupied by private passenger vehicles.

Oklahoma City: **Carport**: A permanent roofed structure, open on at least two sides, designed for or occupied by private passenger vehicles.


Stillwater: **Carport** means a roofed structure providing space for the parking or storage of motor vehicles that is open on two or more sides.

Ft. Smith, AR: **Carport** [shall mean] a permanent roofed structure open on at least two (2) sides, designed for or occupied by private passenger vehicles.

Boulder, CO: **Carport** means a covered building for the shelter of vehicles that is not enclosed on more than two sides.

**EXHIBIT C
REGULATIONS FOR CARPORTS**

Waco, TX

Sec. 28-812.3. Items of secondary construction. 

d. **Carports**, storage sheds and outbuildings shall use the same construction materials as the main building they serve and shall have compatible architectural style.

ST. JOSEPH CODE

§31-053 (3) Accessory structures, which are limited to a garage and a shed, shall be placed in conformance with the setback and dimensional requirements established for the district in which located. The exterior covering and roofing material of the garage or carport must be the same as that of the dwelling unit.

Thornton, CO

Sec. 18-285. Single-family dwellings. 

a. In single-family lots, the board may approve a development permit where no parking spaces are fully enclosed.

(1) The owner may construct a **carport** in compliance with the following criteria:

a. **Carports** shall comply with the front, rear and side yard setbacks and shall not be constructed in front of the principal residential structure.

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. A building permit obtained from the city is required to build or modify a **carport**.

d. **Carports** shall not be used for storage or placement of items for a period in excess of 24 hours.

e. The maximum height of a **carport** is 16 feet or the height of the principal structure, whichever is less.

f. The minimum size of a **carport** is 180 square feet and a maximum of 440 square feet with minimum width of nine feet.

g. The **carport** floor shall be in compliance with Section 18-601(c) of the Code.

h. The **carport** shall be architecturally compatible with the existing structure.

2. **Carports** that were constructed prior to March 8, 2011 and meet the side setback requirements are granted nonconforming status.

Sec. 18-473. Remodeling, new construction of accessory structures. 

Design review criteria for remodeling and new construction of accessory structures are as follows:

1. *Visual appeal.*

a. Additions, renovations and new accessory structures should be designed to provide variety and visual interest while creating a unified overall image. Strategies to achieve this include, but are not limited to:

1. Using sufficient design details.
2. Providing sufficient relief in building façades by using a variety of comparable materials and complementary colors or by using materials with textures or depth such as brick or stone.
3. Using simple lines and good proportions.
4. Using consistent and/or complementary façade treatments for different façades of a structure, especially those façades which are visible from the street.

b. Additions or separate components should be designed as an integral part of the building design so that they are integrated with the existing structure and do not appear to be tacked on. Strategies to achieve this include, but are not limited to:

1. Using similar roof pitches and types.
2. Using complementary or consistent materials and colors.
3. Screening appurtenances or designing them as an integral part of the building design.

c. Accessory structures should be designed to be consistent and/or complementary with the principal structures within a development. Strategies to achieve this include, but are not limited to:

Using complementary or consistent materials, colors, or details.

(2) *Massing and scale.* A balance should be provided between the various parts and forms of a structure. Strategies to achieve this include, but are not limited to designing a structure so that elements that are visually more massive or heavier are below elements which are visually less massive or lighter. For example, a second story addition to a house should be designed so that it does not appear heavier than the portion of the building that supports it.

(3) *Compatibility.* Where the character of an area is identifiable, additions, renovations and new accessory structures should be designed to maintain that character. In areas where the character is not identifiable, additions, renovations and new accessory structures should be designed to be complementary or consistent with the characteristics of the surrounding area in a way that contributes to the establishment of a positive character for the area. Strategies to achieve this include, but are not limited to:

- a. Using similar or complementary materials, colors or design details.
- b. Using similar or complementary building shapes and/or forms.

Moore, OK

SECTION 5-252 - CONSTRUCTION RESTRICTIONS.

Awnings, **carports** and patio covers which extend beyond the front building line, toward the street, or beyond the side building line on side streets, may be constructed if they meet the following requirements:

1. They are not to exceed more than twenty (20) feet beyond the front building line, but in no instance beyond the front property line of interior lots;
2. They are not to extend more than twenty (20) feet beyond the side building line, but in no case beyond the side property line of corner lots;
3. They must not be, at any point on the structure, closer than five (5) feet to an adjacent property line; except, those houses that have a one car garage as of November 2, 1995, may erect a **carport** within one foot of the side property line, provided the structure may not divert any storm water to the adjacent property;
4. Construction details must conform to the following:
 - a. The structure must be designed to support a load of twenty (20) pounds per square foot in addition to the weight of the structure;
 - b. Awnings, **carports** and patio covers which are attached to an existing structure, shall be attached with one-quarter (1/4) inch or larger lag screws in a substantial manner and shall be anchored to each wall stud or to a masonry wall. One side of attached awnings, **carports** or patio cover structures shall be supported by one and one-half (1 1/2) inch diameter by fourteen (14) gauge steel columns, or columns of equivalent strength, set in concrete footings not less than twelve (12) inches deep nor less than twelve (12) inches in diameter;
 - c. Free standing **carports** or patio covers 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;
 - d. All concrete in footings shall be two thousand (2,000) pounds per square inch quality;
 - e. Roof slope shall be at least three-sixteenth (3/16) inch per foot; and
 - f. All bolts and screws used in the structure shall be cadmium plated or equal.

(Prior Code, Sec. 5-317; Ord. No. 131(95), 11/2/95)

SECTION 5-253 - PERMITS AND FEES.

A. A permit must be obtained from the city clerk upon written application showing compliance with this article and other applicable ordinances of the city.

B. Such application shall contain the address of the applicant along with a detailed drawing showing the desired specification of the proposed awning, **carport** or patio cover and showing on such drawing compliance with this article in all particulars. The application will be on forms prepared by the city clerk and shall contain such other information as is deemed necessary by him.

C. No permit will be issued until the permit fee is paid to the city clerk. It shall be an offense to construct an awning, **carport** or patio cover without having first secured a permit as provided in this article. (Prior Code, Sec. 5-318)

Bartlesville, OK

9.5.4

Open **carports** shall be permitted to extend beyond the minimum front yard or exterior side yard setback requirement in residential districts upon approval of a Special Zoning Permit by the Board of Adjustment as provided for in Section 10.5 and subject to the following conditions:

A. 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.

B. No part of the **carport** canopy or appurtenance may extend beyond the front property line or onto the public right-of-way.

C. Said open **carport** shall not be used for the outside storage of materials, equipment or goods or the parking and/or storage of inoperable vehicles.

D. The **carport** is compatible with other residential improvements in the neighborhood as to both value and exterior appearance (such as type of roof, color, structural design, etc.).

E. A building permit shall be required prior to construction and the structure shall comply with all applicable building, zoning and development codes.

F. The **carport** shall not be enclosed or the building permit shall be revoked and the owner cited for noncompliance.

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 8.1 of these regulations.

Lawton, OK

18-4-1-404.1 Open space. Exceptions to Specific District Regulations 

A. The following requirements are intended to provide exceptions or qualify and supplement, as the case may be, the specific district regulations set forth in Sections 18-501 through 18-693 of this code.

b. Specific Accessory Uses.

(1) **Carport.** A **carport** is defined as a permanent roofed structure open on at least two sides, when located within the building setback limits, and designed for or occupied by private passenger vehicles and includes any covered drive areas and porticos. **Carports** are permitted to be constructed with or added to a residential structure subject to the following conditions and requirements:

(a) A **carport** may be permitted on the side of a structure provided it is located at least five (5) feet from the side property line of an interior lot. A **carport** may be permitted on the side of a structure on a corner lot provided that it is located at least fifteen (15) feet from the right-of-way of the intersecting street. If the corner lot is not back to back with another corner lot, a setback of at least twenty (20) feet from the intersecting street is required.

(b) All **carports** shall comply with the front yard setback requirements of Chapter 18, with the following exceptions;

i. **Carports** used in conjunction with single-family dwellings or two-family dwellings located only on local streets as defined by the subdivision regulations or the long range transportation plan and having a platted right-of-way in excess of sixty (60) feet shall be permitted to extend into the required front yard setback area and into the public right-of-way. However, no such **carport** shall be closer than eleven and one-half (11½) feet in distance from back of the curb or the edge of the pavement. In no case shall the erection of such **carports** interfere with the existing sidewalks, sight triangle or fire hydrants. This provision does not give a landowner any legal right to the right-of-way, and the city shall be held harmless with respect to any future use of the right-of-way by the city or a utility company; or

ii. **Carports** may be permitted within the front yard setback of any single-family or two-family dwelling located on a local street as defined by the subdivision regulations or the long range transportation plan and having a platted right-of-way less than or equal to sixty (60) feet when located on lots for which the subdivision plat creating said lots was recorded prior to January 1, 1990, provided that no such **carport** shall be permitted closer than five (5) feet from the front property line or within a sight visibility triangle; or

iii. On lots located on local streets as defined by the subdivision regulations or the long range transportation plan for which the encroachment of a **carport** into the front yard setback would not otherwise be permitted, **carports** may be permitted within the front yard setback following the approval of a "special exception" by the Board of Adjustment per the procedure outlined in Division 18-2-1 of this code, provided that no such **carport** shall be permitted closer than five (5) feet from the front property line or within a sight visibility triangle.

(c) Under no circumstances shall any **carport** used in conjunction with a single-family dwelling or two-family dwelling exceed twenty-six (26) feet in width. All width measurements shall be from eaves line to eaves line. No more than one (1) **carport** shall be permitted for each dwelling unit.

(d) All **carports** which extend into the required front yard setback must abut the main structure and shall be permanently open on three (3) sides from the grade surface to the eaves line, with a maximum of four (4) support columns, with each having a maximum width of twelve (12) inches, or six (6) support columns/posts, with each having a maximum width of eight (8) inches.

(e) All **carports** shall have an architectural design that harmonizes with the main structure in material and appearance. **Carports** abutting the main structure shall also match the roof pitch and roofing materials of said structure. 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. If an application for a building permit is denied for failure to meet the above architectural design standards, the applicant may appeal said denial to the building materials review committee as established in Section 18-4-1-406 of this code.

(f) The maximum height of any **carport** shall be twenty-four (24) feet or the height of the main structure, whichever is less.

(g) **Carports** must be anchored to the ground with minimum twelve (12) inch diameter concrete footings set a minimum of twenty-four (24) inches into the ground, and able to withstand a minimum of twenty (20) pounds per square foot of uplift pressure.

(h) The parking area beneath the **carport** and any driveway approach thereto must meet the requirements set forth in Division 18-8-1 of this code.

(i) Prior to being issued a permit for a **carport** which extends beyond a platted building limit line, the applicant shall sign a disclaimer indicating that they fully understand that a permit issued by the City of Lawton to construct a **carport** beyond the building limit line as shown on a recorded subdivision plat does not relieve the lot owners' obligation to any plat restrictions, covenants, or conditions that may prohibit or otherwise limit said construction.

Midwest City

Sec. 9-4. **Carports**.

(a) **Carports** are permitted to be added to residential structures and are subject to the following conditions and regulations:

(1) Any person erecting or constructing a **carport**, in whole or in part, shall obtain a building permit.

(2) No portion of a **carport** shall violate a required side yard setback as prescribed in the zoning ordinance with the exception that open eaves may extend two (2) feet into the side yard as prescribed in Section 4.8.2, Projections in Yards, of Appendix A, Zoning; and with the exception that **carports** may be located abutting or less than five (5) feet from the side property line under the following conditions;

a. The abutting owner(s) of the property immediately adjacent to the proposed construction must sign an agreement stating his/her name, address, and that they give permission for the **carport** to be located abutting or less than five (5) feet from the side property line;

b. The eave of the **carport** shall in no instance overhang the adjacent property;

c. Guttering shall be installed and maintained in a manner to prohibit any increase of water run-off onto the adjacent property.

d. If the proposed **carport** is to be located over a utility easement paralleling the side property line, the following provision must be agreed to by the applicant for the building permit and the property owner, if different from the applicant;

In the event access is required to the dedicated easement by the city or any franchised public utility, the property owner shall be responsible for relocating the **carport** structure in a manner to allow such access. The property owner shall be notified of the need to relocate said **carport** and from that point in time have seventy-two (72) hours to do so. If the property owner can not or refuses to relocate said **carport**, the city or franchised public utility may have said **carport** relocated at the owner's expense. The property owner shall not hold the city or franchised public utility responsible for any damages to said **carport** or property due to the required relocation.

(3) 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 dated photographs, or dated negatives, that the gravel driveway existed prior to January 1, 1985. Dated photographs/negatives shall mean those photos or negatives dated on the front or back through a development process. Handwritten, typed, or other means of dating photographs/negatives other than those dated through the development process shall not be accepted as proof.

Those properties currently approved with a residential building permit, whether for a new home, addition, remodel, house move-in that have been required to install a paved driveway as part of their permit approval, or any other regulations pertinent to the approved building permit shall not be exempt from the requirement to install paved driveways.

(4) All **carports** shall be kept in an attractive state, in good repair, and in a safe and sanitary condition.

(5) Metal **carports** shall be constructed of 26 gauge steel or 0.25 aluminum decking with a baked-on enamel finish to be compatible with the exterior finish of the structure. Poles supporting the **carport** shall be wrought iron or of a metal material compatible with the exterior finish of the structure. Exposed eaves shall have rain guttering directing water flow to the street and away from adjacent properties. Wooden construction of **carports** shall be permitted with the following provisions:

a. Roof slopes shall exceed two (2) inches in twelve-inch pitch;

b. All eaves shall be enclosed and have rain guttering installed to divert water to the street and/or away from adjacent properties unless the pitch of the roof diverts the flow of rainwater to the street;

c. Finishes shall be compatible with the exterior of the primary structure;

d. The underside, of the **carport** shall be enclosed with an approved material.

(6) No more than one (1) **carport** shall be permitted for each dwelling unit. Except upon application to the development services department, no **carport** shall exceed twenty-four (24)

feet in width. The development services department director may approve an application for a width greater than twenty-four (24) feet if the **carport** will be architecturally integrated with the residence and no protest is received after notice by the development services department to all property owners whose property abuts the sides or front of the property of the applicant. If a protest is received or if the development services department director determines that the **carport** in excess of twenty-four (24) feet in width is not architecturally integrated with the home, the application may be appealed to the city council for final determination. An example of architectural integrity would be where a property owner wishes to match his **carport** with the existing house eaves and the total width exceeds twenty-four (24) feet. The initial application fee shall be ten dollars (\$10.00). If a protest is received or if the applicant desires to appeal the decision of the development services department director before the application shall be placed on the agenda for the city council, a further fee of fifty dollars (\$50.00) shall be paid to the development services department for the processing of the application. The city shall notify the applicant and abutting property owners of the application at least five (5) days prior to the city council's consideration of the appeal.

(7) All **carports**, observing the required front yard setback, shall be permanently open on two (2) sides from grade surface to eaves line. All **carports** that extend into the required front yard setback shall be permanently open on three (3) sides from grade surface to eaves line, except that such **carports** extending beyond the front yard setback may install latticework along one side of the **carport**. Such latticework, when installed, shall be a framework of ornamental design made of strips of wood, plastic, nylon or other material as approved by the chief building official. Such latticework shall be of a design so as to not impair the vision of the operator of the vehicle exiting the **carport** from any vehicular/pedestrian traffic along the abutting sidewalk and/or roadway. Also, such lattice work shall be of a design to permit the continued circulation of air and light within the **carport**.

(8) All **carports** shall comply with front yard setback requirements of the zoning ordinance, provided **carports** used in conjunction with single-family dwellings or two-family dwellings shall be permitted to extend into the required front yard setback area. However, no portion of a **carport** shall be permitted closer than five (5) feet from the right-of-way line of a public street except as provided in subsection (a)(9) of this section.

(9) For corner lots only, a **carport** may extend into the right-of-way of only a local street if the garage is so situated because of the building setback line that a **carport** cannot be constructed without extending into the right-of-way. In this situation a **carport** may extend into the right-of-way; however, no **carport** shall be permitted closer than six (6) feet to the curb line and shall not be more than twenty (20) feet in length measured from the structure to which it is attached. The **carport** must be constructed in such a manner as not to obstruct sight distance at the intersection. Damage to any public utility associated with the **carport** shall be the responsibility of the property owner.

In the event that the city shall determine that street widening is necessary or the installation, repair or replacement or maintenance of existing or future public utilities is necessary, the city or any public utility shall have the right to remove said **carport**. Cost of removal and reinstallation, if allowed, shall be at the owner's expense. If the owner refuses to remove the **carport**, the city or public utility may have the **carport** removed and reinstalled at the owner's expense with the cost being included on the ad valorem tax rolls as a lien. Other provisions of the Midwest City Code which would prohibit structures within the right-of-way shall not apply to this exception.

(b) It shall be unlawful for any person being the current owner of property which has a **carport** to fail to have proof of a building permit issued by the city for the **carport**. The proof can be the permit in his possession or in the address files of the development services department. If the property owner fails to provide proof of such permit, or if no permit was previously requested on the **carport**, he shall make application as required in section 9-4(a).

A permit shall be issued at no charge to the applicant if after inspection of the **carport** it is found that the **carport** was in compliance with the requirements of the city existing at the time it was erected or it is found that the **carport** is currently in compliance with the requirements existing on the effective date of Ordinance 2193 adopted April 14, 1987. If after application and inspection it is found that the subject **carport** was not in compliance, no permit shall be issued and the owner/applicant shall cause the offending **carport** to be removed. If the owner/applicant fails to make the corrections or have the offending structure removed, the city may proceed as required by law.

Subsection (b) only applies to **carports** reconstructed prior to the effective date of Ordinance 2193. It is the responsibility of the owner/applicant to prove to the satisfaction of the development services director or his designated representative this date of construction of the **carport**.

Oklahoma City

*12200.3. Standards for **Accessory Structures and Uses**. Accessory use and structure regulations for the RA2, RA, R-1, R-1ZL, R-2, R-3, R-3M, R-4, R-4M and R-MH-1 Districts, as well as residential uses in the NC District, any portion of a PUD specifically allowing for residential use, and all permitted residential uses in non-residential districts are as follows.*

*A. **Carports**. Carports are permitted to be added to an existing residential structure in the above specified districts subject to the following conditions and requirements:*

(1) Any person erecting or constructing a carport, in whole or in part, shall obtain a building permit. Application for a permit shall be made by the owner or lessee of the subject property, or agent of either, or by a licensed contractor employed in connection with the proposed work.

(2) A carport may be permitted: 1) on the side property line on an interior lot; 2) on a side property line on a corner lot line abutting a street; and 3) in subdivisions permitting zero lot line development, a carport may be permitted on the side property line.

(a) On the side property line on an interior lot;

(3) All carports shall be located only over an existing paved driveway.

(4) All carports shall be kept in an attractive state, in good repair, and in a safe and sanitary condition.

(5) All carports shall be constructed, erected or installed to conform with the structural requirements of Chapter 12, Buildings and Building Regulations, as amended, and shall have an architectural design and appearance compatible with the primary building on the property.

(6) No carport used in conjunction with a single-family or two-family dwelling shall exceed 12 feet in width for a single garage and/or driveway, and shall not exceed 24 feet in width for a double garage and/or driveway. Under no circumstance, shall any carport used in conjunction with a single-family or two-family dwelling exceed 24 feet in width. All width measurements shall be made from eave line to eave line. No more than one carport shall be permitted for each dwelling unit.

(7) All carports shall be permanently open on two sides from grade surface to eave line. All carports that extend into the required front yard setback shall be permanently open on three sides from grade surface to eave line.

(8) All carports shall comply with the front yard setback requirements of this chapter, provided carports used in conjunction with a single-family or two-family dwelling shall be permitted to extend into the required front yard setback area. No carport shall be permitted closer than five feet from the front property line. No carport shall violate the sight distance requirements of this chapter.

Item 2, being:

DISCUSSION REGARDING PROPOSED CODE AMENDMENTS RELATED TO CODE COMPLIANCE INCLUDING INSPECTIONS FOR VARIOUS CITY LICENSES, NUISANCE ABATEMENT ITEMS, AND DILAPIDATED BUILDINGS; CLEANUP ITEMS IN CONFLICT WITH THE ZONING ORDINANCE; AND ELIMINATION OF THE ISSUANCE OF CITY JOURNEYMAN LICENSES.

Ms. Susan Connors, Director of Planning and Community Development, highlighted several proposed code amendments, which would clarify areas of confusion and contradiction in areas of the City Code and the Zoning Ordinance. The Planning Commission met in study session on November 14, 2013, to review the proposed amendments to the Zoning Ordinance and agreed those amendments should move forward for Council discussion and consideration.

The proposed amendments include the following:

- Updating the Administration Chapter to include all chapters of the Code currently being enforced by the City's Code Compliance Division relative to inspections for certain City licenses, nuisance parties, and zoning violations.
- Updating the Code to comply with state statutes to reduce the time for the declaration of a dilapidated building that has been boarded and secured from 36 months to 18 months.
- Establishing front and side yard setback requirements for tornado shelters.
- Reinstating the ability to abate easement obstructions including low-hanging tree limbs or encroaching bushes and shrubs from blocking sidewalks and basketball goals in the right-of-way.
- Adding the ability to affix a notice to an abandoned vehicle and/or post the property upon which the abandoned vehicle is located.
- Broadening the definition of health nuisances to include trash and appliances other than iceboxes and refrigerators.
- Adding platted and unplatted properties and all zoning districts to the noxious growth (weed) ordinance with the exception of properties larger than 10 acres and properties zoned for agriculture.
- Removing the requirement of outside drying spaces or other clothes drying facilities in mobile home parks as well as requiring residents to register the make, model, year and license of the motor vehicle towing any mobile home or travel trailer.
- Eliminating the issuance of City journeyman licenses - state statute no longer allows municipalities to require City journeyman licenses.

The remaining proposals would amend the Zoning Ordinance and vary based on several types of requests brought to staff over the past year and cannot be adequately addressed with the current ordinance language.

- Updating and clarifying language for the location of off-street parking spaces – adds the same restriction regarding parking surfaces for commercial districts as for residential districts except for vehicle and equipment storage yards that are completely enclosed by an opaque fence.
- Adds a provision that notices of illegal parking may be issued to the property owner if information is not available on the registration of the vehicle.
- Allowing carports in all residential zoning districts with specific setback requirements – properties with alley access in the Central Core Area must be placed in back and accessed through the alley.
- Adding a special exception to allow reconstruction of non-conforming buildings that have been destroyed by fire or act of God under very stringent criteria.
- Adding the allowance of a mobile home and a house on the same lot in the A-2 (agricultural) zoning for a medical emergency.
- Allowing a variance to be considered by the Board of Adjustment for any regulation in the Zoning Ordinance - the criteria for evaluation of a variance would remain the same.

Item 2, continued:

Councilmember Greg Jungman was concerned about the proposed changes regulating carports and how those changes could affect neighborhoods. He felt like the regulation was too broad and if Council considered such a change additional criteria should be placed on the provision to ensure neighborhoods would be protected from someone putting up a cheaper metal carport that may not be aesthetically pleasing to the neighbors.

Councilmember Tom Kovach said the current regulations could prevent the elderly, the disabled and others on fixed incomes from being able to protect their vehicles from Oklahoma weather and felt some compromise should be reached.

Ms. Connors said while there are not a lot of requests for carports, some residents in the older neighborhoods have expressed a desire to protect their vehicles from weather related damages. She said current regulations prohibit carports unless the home was built prior to 1965.

Councilmember Jim Griffith said he supports the amendment to allow for carports where appropriate. He said one of his constituents had to remove a carport even though the neighbors supported it because it was in violation of the current ordinance.

Councilmember Jungman also expressed concern about broadening the type of variances that could be heard by Board of Adjustment to include anything in the Zoning Ordinance. He wondered if this would be a way for applicants to ask for a variance of a provision Council required as part of the rezoning approval process. Ms. Leah Messner, Assistant City Attorney, highlighted the duties of the Board of Adjustment and the criteria by which they must consider each variance request, e.g., the size and shape of the lot to be built on is of such nature that the provisions could not be complied with, the proposed use of the land is similar in nature to adjacent land uses, and the proposed use would not create undue traffic congestion in the adjacent street. She said any requests filed under the proposed amended ordinance would still be reviewed under the same criteria.

It was the consensus of Council to move forward with the proposed amendments with the exception of the carport amendment until further discussion could take place.

Items submitted for the record

1. Memorandum dated January 30, 2014, from Susan Connors, AICP, Director of Planning and Community Development, to Mayor and Councilmembers
2. Draft Ordinance No. O-1314-14
3. Draft Ordinance No. O-1314-15
4. Draft ordinance amending carport regulations
5. Draft ordinance amending the types of variances Board of Adjustment reviews
6. Draft ordinance removing journeyman license requirements

The meeting adjourned at 6:45 p.m.

ATTEST:



City Clerk




Mayor

Item 3

CONSTRUCTION IN THE CENTER CITY VISIONING AREA



DATE: April 24, 2014
TO: Community Planning and Transportation Committee
THROUGH: Jeff H. Bryant, City Attorney *JHB*
FROM: Kathryn L. Walker, Assistant City Attorney *KW*
RE: Construction in the Center City Visioning Study Area

This item comes forward for discussion at the request of Councilmembers Jungman and Holman after observing several instances around campus of single-family homes being torn down and new duplexes being built that includes 4 or 5 bedrooms and bathrooms in each unit. The area this is occurring in is zoned R-3, which explicitly allows a two-family dwelling, but does not limit the number of bedrooms or bathrooms of the dwelling. The concern expressed includes structures out of scale with the existing neighborhood and disproportionately increased density.

Section 450 (141.6) of the City's Zoning Ordinance defines a two-family dwelling as "a building designed to be occupied by not more than two families". A single family is defined in Section 450 (38) of the Zoning Ordinance as (1) an individual or two or more persons related by blood, marriage, or legal adoption living together as a single housekeeping unity in a dwelling unity, including foster children, domestic servants, and not more than two roomers; or (2) Three (3) unrelated persons living in a quasi-unit quarter; or (3) a group home as defined by Oklahoma law. Thus, each unit of the two-family dwelling is subject to the City's prohibition against more than three (3) unrelated people living in one unit.

With the Center City Visioning process moving forward with a possible outcome of creating form-based codes, Staff was asked to look at the feasibility of an administrative delay to address construction in the study area while the new codes are being developed. An administrative delay imposed now would apply to any building permits requested after Council imposed the delay. Permits requested prior to imposition of the delay would not be affected.

Discussion

Temporary Administrative Delays are appropriate tools for municipalities when creating or changing a zoning plan or ordinance. However, when choosing to implement a Temporary Administrative Delay, citizens and affected property owners may raise concerns regarding takings jurisprudence. In order to craft a delay that passes constitutional muster, several items must be addressed. First, the delay must not effectuate a regulatory taking by either the conduct prohibited or the time period for the prohibition. Second, the delay must be accompanied by an appeals process in order to protect the due process rights of the affected property owners.

office memorandum

There are two main Supreme Court cases governing regulatory takings and development administrative delays. The first case, *Penn Central Transportation Company, et al. v. City of New York et al.*, creates a balancing test for determining if a government regulation has caused a taking. 438 U.S. 104 (1978). In *Penn Central*, the owners of Grand Central Station in New York City wished to build a multi-story office building on top of Grand Central Station. Because Grand Central Station had been designated a historic landmark, the Landmark Preservation Commission in New York City denied the application to add on the office structure. In upholding that denial, the Supreme Court utilized a balancing test that requires analyzing (1) the character of the government action, (2) the economic impact of the regulation on the landowner and (3) the extent to which the regulation has interfered with the landowner's investment-backed expectations. Investment-backed expectations include improvements that have been made to property in reliance on current regulations.

There are two specific circumstances where the Court finds a government regulation to constitute a "categorical" taking without employing the balancing test from the *Penn Central* case. Regulations that impose a permanent physical invasion or occupation of one's property constitute a categorical taking because the character of the governmental action is enough to effect a taking. *Tahoe-Sierra Preservation Council, Inc. v. Tahoe Regional Planning Agency, et al.*, 535 U.S. 302 (2002) citing *Loretto v. Teleprompter Manhattan CATV Corp.*, 458 U.S. 419 (1982). Regulations that deprive or deny the property owner of all economically beneficial or productive use of his or her land also constitute a categorical taking. *Id.*

In the *Tahoe-Sierra* case, the *Penn Central* framework was used to analyze a 32 month development moratorium around Lake Tahoe that was designed to prevent further deterioration of the lake's water quality until a comprehensive plan could be created for development around Lake Tahoe. 535 U.S. 302 (2002). Ultimately, the Supreme Court held that there was no categorical taking of any property around Lake Tahoe because the moratorium was temporary, and there was no deprivation of all economically beneficial use of the land. During this moratorium, property holders around Lake Tahoe could still continue to live in their homes and operate their businesses.

Tahoe-Sierra also cites a variety of other administrative delays from around the United States where development moratoriums were imposed. These delays provide guidance for establishing a time frame for the proposed Temporary Administrative Delay that would not raise takings concerns. These cases allowed for moratoriums of ten months for study of a gaming district, eighteen months for study of use of open space, and two years for developing new height, width, and dispersal regulations for beach front property. *Williams v. Central*, 907 P.2d 701 (Colo. App. 1995); *Zilber v. Town of Moraga*, 692 F. Supp. 1195 (N.D. Cal. 1988).

In addition, there is an older Oklahoma Supreme Court case dealing with administrative delays. In *McCurley v. City of El Reno*, El Reno passed a temporary ordinance to control development while in the process of creating a zoning code. 280 P. 467 (Okla. Sup. Ct. 1929). The temporary ordinance lasted for one year and provided for an appeals process

to the Board of Adjustment when a permit was denied. The Oklahoma Supreme Court upheld the temporary ordinance because it was a valid exercise of El Reno's police power. The Court also noted the El Reno regulation provided an appeals process for property owners to seek relief from the temporary regulations.

Based on the above and foregoing, if Council chooses to move forward with an administrative delay, Staff offers the following guidance:

- Any administrative delay should be reasonably limited in time based on the anticipated timeline for development of revised zoning codes through the Center City study process.
- An appeal process should be in place to ensure the due process rights of affected property owners are protected.

The City imposed an administrative delay during the Porter Corridor Study in 2009. A copy of the resolution establishing the administrative delay is attached for your reference. Staff will be available at the meeting of the Community Planning and Transportation Committee on April 28, 2014 to answer any questions you may have.

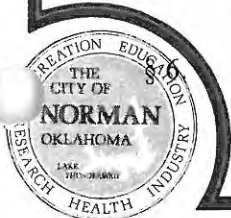
Resolution

R-0910-28

A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, DECLARING A TEMPORARY ADMINISTRATIVE DELAY FOR A PERIOD OF (12) TWELVE MONTHS ON THE ACCEPTANCE OF ALL APPLICATIONS FOR BUILDING, DEMOLITION, PAVING, PLATTING, AND REZONING ACTIVITIES IN THE PORTER AVENUE CORRIDOR PROJECT AREA; DECLARING POSSIBLE EXCEPTIONS; DECLARING A PROCEDURE FOR ADMINISTRATIVE REVIEW AND APPEALS PROCESS; AND PROVIDING FOR THE SEVERABILITY THEREOF.

- § 1. WHEREAS, in commissioning the *Porter Avenue Corridor Study* in 2008, the Norman City Council recognized that there were substantial opportunities along Porter Avenue to improve aesthetic, economic, and social conditions for residential and commercial property owners; and
- § 2. WHEREAS, the Porter Corridor Project Area, roughly bounded by Robinson Street, Findlay Avenue, Alameda Street, and Crawford Avenue, more specifically delineated on the attached map, attached hereto as Exhibit "A", has unique characteristics and issues; and
- § 3. WHEREAS, over the past year, community stakeholders have participated in the creation of and support for a Vision for Porter Avenue as follows:
- Make Porter Avenue a Core Area destination;
 - Make Porter Avenue a source of new economic and social vitality to the City of Norman;
 - Make Porter Avenue a gateway to Central Norman;
 - Create a unique Porter Corridor environment with distinctive visual appeal, from streetscape to storefronts;
 - Offer a balance of commercial, residential and institutional land uses along Porter Avenue that complement and protect the adjacent neighborhoods;
 - Accommodate all forms of transportation along Porter Avenue, with a strong commitment to pedestrian uses and safety;
 - Establish the Porter Avenue corridor as a community connector instead of being a barrier or merely a through-street; and
- § 4. WHEREAS, development and redevelopment pressures threaten to erode Porter Corridor's potential to become a Core Area destination with a desirable mix of land uses that complement and protect the adjacent neighborhoods, and to realize the community's vision for an attractive streetscape environment with distinctive visual appeal, pedestrian uses, safety, and economic vitality; and
- § 5. WHEREAS, the future of an attractive, economically healthy neighborhood commercial district depends in no small part on the preservation of a healthy neighborhood around it; particularly at the edges of the district, where one land use stops and another starts, it is essential that these edges be carefully designed to make boundaries clear and to protect a fragile harmony that allows a peaceful coexistence of different land uses; and

WHEREAS, during the past year, the Porter Avenue planning and visioning process has been closely guided by an 18-member Porter Corridor Stakeholder Committee, appointed by the



Mayor, whose members represent the four neighborhoods adjacent to the Porter Corridor project area, as well as institutions, businesses, and property owners along Porter Avenue, and who have worked directly with City staff and the Porter Corridor consultant team to ensure that the Porter Avenue Corridor Plan balances commercial, residential and institutional land uses along the Corridor and complements and protects the adjacent neighborhoods which will allow the community to realize the goal of making Porter Avenue an attractive, successful Core Area destination; and

- § 7. WHEREAS, during the past year, the Porter Avenue planning process has included an investment of hundreds of citizen hours spent participating in Community Stakeholder interviews, attending the Porter Avenue Charette, multiple neighborhood meetings, and the Porter Avenue Open House, which has generated broad community understanding of what Norman would gain by making an investment in the Porter Avenue Corridor, of how the public and private sectors can work together to create a source of new economic and social vitality to the entire City of Norman, and how this process has created good will among commercial and residential property owners who recognize the social, economic, and civic opportunity of a revitalized Porter Corridor; and
- § 8. WHEREAS, the City Council is elected and is duty-bound to promote the community's health, safety, and moral and general welfare, which duty includes the preparation of plans, strategies, and ordinances designed to effectuate the coordinated development of the City, and that in accordance with existing and future needs, will best promote the general welfare, as well as conserve property values and encourage the most appropriate use of land throughout the City; and
- § 9. WHEREAS, generally, when it becomes apparent there is a need to amend existing plans or ordinances, or to adopt new plans, strategies, or ordinances to promote the health, safety, and general welfare, a "race of diligence" ensues between landowners seeking to establish vested rights under existing law and the City Council seeking to enact or amend a plan or ordinance, or adopt new plans, strategies, or ordinances, before such vested rights are established; thereby creating additional safety and welfare problems; and
- §10. WHEREAS, this "race of diligence" is counterproductive to both individual landowners and the City as a whole, because landowners rush to submit applications that may not have received adequate consideration and to gain approval of such applications, and the City rushes to adopt a plan or ordinance amendments, strategies, or ordinances that may not have received thorough analysis or been subject to full public debate with respect to the issues, goals, and policies of the proposed development controls, and therefore may not be as responsive to either the City's or the applicant's goals and needs or received the degree of community input and debate as would otherwise be possible and appropriate; and
- §11. WHEREAS, a temporary administrative delay of development applications within a defined geographic boundary of the City by resolution of the City Council, based upon the likelihood that proposed amendments to the Zoning Ordinance or planning policies may impact the nature of development applications, is an appropriate remedy to counteract the effects of a "race of diligence"; and
- §12. WHEREAS, this Resolution is considered because the City Council has determined that some applications for building, demolition, paving, platting, and rezoning activities in the Porter Avenue Corridor will be impacted by the pending adoption or rejection of a Porter Corridor Plan, and preparation of a Porter Corridor Overlay Zoning District and Design Guidelines for

the Porter Corridor and such applications may adversely affect the potential of the Porter Avenue Corridor to offer a balance of commercial, residential, and institutional land uses that complement the adjacent neighborhoods and ~~that~~ allows Porter Avenue to become a source of new economic and social vitality to the City of Norman; and

- §13. WHEREAS, a limited number of applications will seek permits for projects that may have little or no effect on the future revitalization of the Porter Avenue Corridor and should therefore be reviewed administratively and approved, if appropriate, in order to cause the least disruption to property owners affected by this Resolution; and
- §14. WHEREAS, the City Council recognizes that administrative delay is an extraordinary remedy that should be used judiciously and only after serious evaluation and analysis by staff and City Council and based upon staff's carefully considered recommendation; and,
- §15. WHEREAS, to ensure that the City Council successfully, fairly, and rationally fulfills this duty, it is necessary to delay temporarily some applications and permits in accordance with Exhibit B, the Table of Affected Permits; and
- §16. WHEREAS, the Council also recognizes that it has an equally important duty to fully consider applications and permits for the issuance of building, demolition, paving, platting, and rezoning whenever such applications are consistent with the *Norman 2025 Plan* and the City's Code of Ordinances, and that it is necessary that delay be enacted for the shortest amount of time; and
- §17. WHEREAS, the City Council has determined that it is appropriate and necessary to provide an expeditious appeal process to individuals or entities affected by this administrative delay in order to ensure proper due process; and
- §18. WHEREAS, it is anticipated that certain public improvements will be recommended to be accomplished in furtherance of the Porter Corridor Plan and that funding sources to accomplish those public improvements will need to be identified.


NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA:

- §19. That for a period of twelve (12) months, the Council of the City of Norman hereby formally adopts a temporary policy of delaying some applications and permits for building, demolition, paving, platting and rezoning in the Porter Avenue Corridor Project Area as shown in Exhibit A and in accordance with Exhibit B. This Resolution may be rescinded if the City completes those tasks in less than twelve (12) months; and
- §20. That the Planning and Community Development and Public Works Departments of the City of Norman are directed not to accept building, demolition, paving, platting, and rezoning applications except in accordance with Exhibit B; and
- §21. That it is the intent of this action to protect the future character of the designated area by protecting residential neighborhoods from haphazard commercial intrusion and to realize the community's vision for a fully revitalized Porter Corridor that accommodates an attractive balance of commercial, residential, and institutional land uses; and

- §22. That applicants shall have the right to appeal the temporary Administrative Delay of Applications to the Council of the City of Norman if the applicant believes that the decision not to accept building, demolition, paving, platting, or rezoning applications is unreasonable. Such appeal shall be filed with the City Clerk within ten (10) business days after receiving written notification of a determination; and
- §23. That, after receipt of the applicant's written statement of appeal, the City Clerk shall schedule the appeal for hearing by the City Council on the next regular agenda, or as soon thereafter as practicable in the normal course of managing Council agendas. The applicant shall be notified of the time of the hearing at least seven (7) days prior to such hearing. Proper mailing to the address shown on the original application shall be adequate notification. The decision and order of the Council on such appeal shall be final and conclusive; and
- §24. That the applicant shall bear the burden of establishing by a preponderance of the evidence that processing the application for building, demolition, paving, platting, or rezoning will not undermine the spirit and intent of the pending Porter Avenue Corridor Plan and the preparation of the Porter Avenue Overlay Zoning District, and the Porter Avenue Design Guidelines. If the City Council determines that such action will not undermine the spirit and intent of the Porter Avenue Corridor Plan, Porter Avenue Overlay Zoning District, or the Porter Avenue Design Guidelines, it shall direct that the application be processed; and
- §25. That the City Council shall consider the following in determining whether applications for building, demolition, paving, platting, or rezoning, with respect to which an appeal has been properly filed, if approved, will undermine the spirit and intent of the pending Porter Avenue Corridor Plan, and the preparation of the Porter Avenue Overlay Zoning District and the Porter Avenue Design Guidelines:
- The City's interest in protecting the public's health, safety and general welfare;
 - The City's interest is avoiding the creation of nonconforming uses that may conflict with the pending Porter Avenue Corridor Plan, and the preparation of the Porter Avenue Overlay Zoning District, and the Porter Avenue Design Guidelines;
 - The extent to which the proposed use, if applicable, will negatively impact the values of the property and the neighboring property;
 - The economic impact and hardship of the delay upon the owner; and
- §26. That the provisions of this resolution are temporary in nature and are intended to be removed in totality or replaced by subsequent legislative enactment. The temporary administrative delay of applications and permits for building, demolition, paving, platting, and rezoning as specified in this resolution shall terminate twelve (12) months from the date of adoption.
- §27. That the Council adopts the Porter Corridor Timeline ("Timeline") appearing as Exhibit C, and at its meeting of April 27, 2010, shall review progress toward completion of the Porter Corridor Plan, the Porter Corridor Overlay District, and the Porter Corridor Design Guidelines as outlined in the Timeline. In addition to reviewing progress toward completion of the tasks outlined in the Timeline, Council shall also hear proposals for funding the implementation of public improvements identified by the Porter Corridor Plan. If Council determines that progress on the tasks outlined in the Timeline is insufficient or that funding options for the public improvements are not feasible, then lifting the administrative delay on permits within the Porter Corridor Area shall be considered by Council at that time.

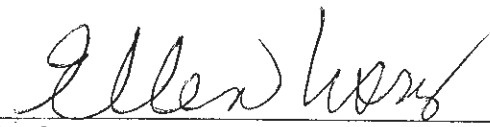
§ 28. Severability. If any section, subsection, sentence, clause, phrase or portion of this resolution is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not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

PASSED AND ADOPTED this 11th day of August, 2009.

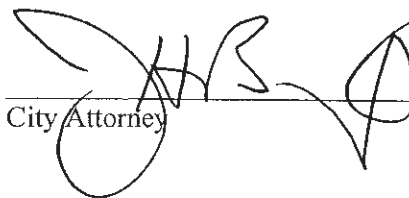


Mayor

ATTEST:



Deputy City Clerk



City Attorney

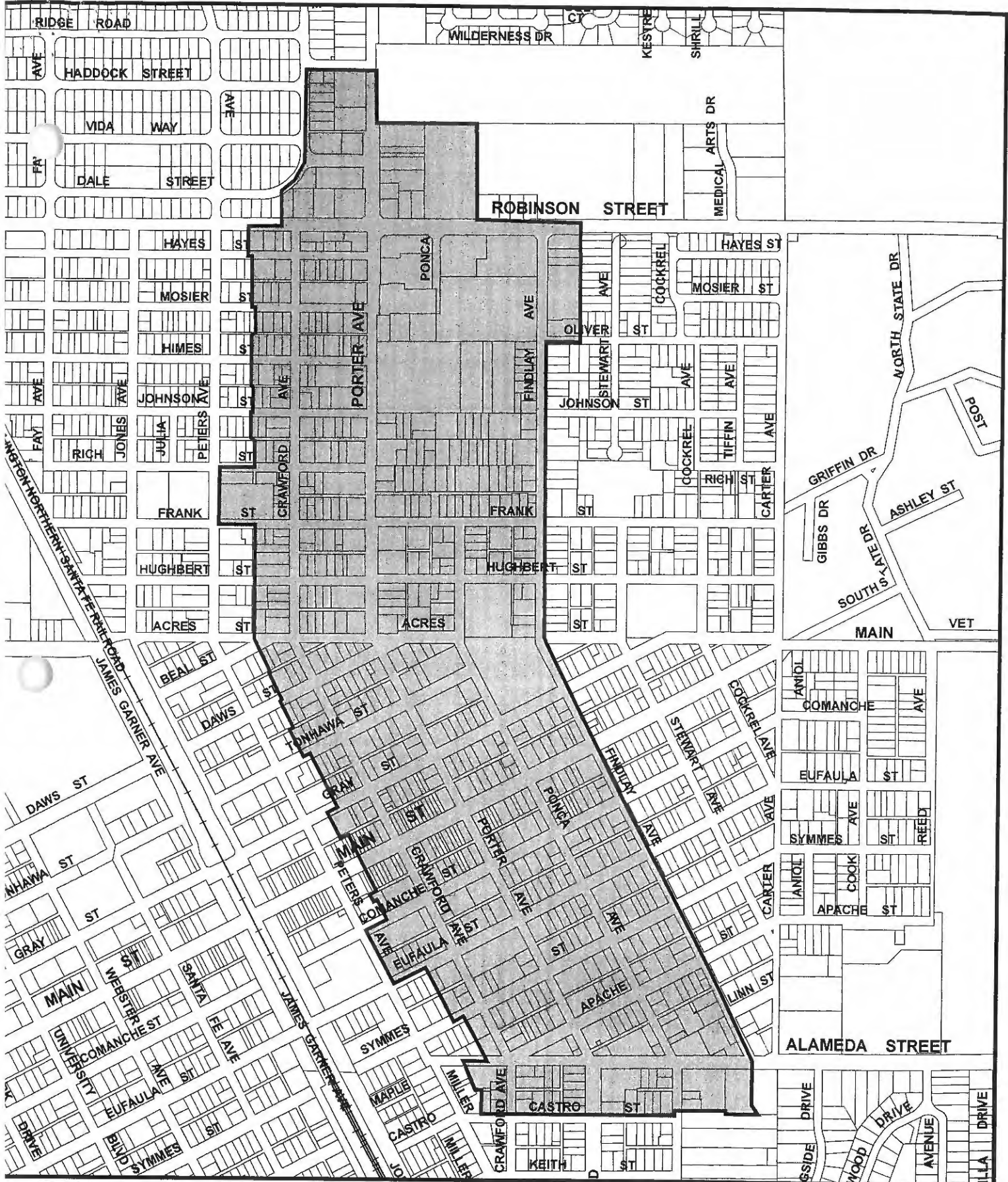



Exhibit A

29-8



Scale: 1" = 800'

August 3, 2009

 Porter Corridor Project Area Boundary



office memorandum

TO: Community Planning and Transportation Committee Members

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

DATE: April 25, 2014

RE: Establishing an Administrative Delay for Certain Building Permit Types in the Center City Vision Plan Boundary

Councilmembers Jungman and Holman asked whether certain types of redevelopment that are occurring in the Center City Vision Plan (Plan) area could be temporarily stopped until the planning process is completed.

There has been concern that the R-3 zoning district allows development within the study area that could be contrary to the scale and density of the neighborhoods where that zoning district exists. The R-3 zoning in the central part of Norman was established in 1954 with the adoption of the Zoning Ordinance. The same Zoning Ordinance, with amendments, is the zoning regulation in use today.

The R-3 Zoning District is a multi-family dwelling district. There is no specific purpose identified in the Code for this zoning district. The R-3 District is primarily located in central Norman. The general boundaries of the R-3 zoning district are Robinson Street on the north, Ponca Avenue on the east, Timberdell Road on the south and Chautauqua on the west. Within these boundaries there are approximately 1,350 parcels zoned R-3. There are very few R-3 zoned properties outside of those boundaries. The R-3 Zoning District permitted uses include: (a) any use permitted in the R-1 Zoning District; (b) two-family dwelling, or a single-family dwelling and a garage apartment; (c) apartment house; and (d) accessory buildings and uses customarily incidental to any of the above uses when located on the same lot. There are square footage requirements in the district for each type of dwelling unit allowed.

The primary concern is the teardown of single-story single-family homes frequently replaced by large two-story multi-unit homes that are out of place in the neighborhood. The new multi-unit structures built are much larger in scale, create impervious surface on the lot to the maximum percentage allowed, remove mature landscaping and potentially create parking issues in the area. Currently, the size of new construction is dictated by lot size with no requirement that the new building blend in with the surrounding homes.

One reason to consider an administrative delay is to allow the city to study development-related issues through the Center City Vision Plan process without additional projects creating new problems.

There are several options that the Committee could consider to achieve an effective administrative delay for the Plan area.

1. The administrative delay could stop the issuance of all permits in the Plan area, which would include all remodeling, demolition and new construction.
2. The administrative delay could stop demolition, new construction of single-family and two-family residential dwellings and remodeling projects in excess of a certain square footage.
3. The administrative delay could stop the demolition and new construction of multi-unit residential dwellings.
4. The administrative delay could stop the issuance of only demolition permits which would still allow new construction on vacant lots. A map is attached which shows the vacant properties in the Plan area.

In each instance listed above the administrative delay would provide that no new permit applications would be accepted after the effective date of the administrative delay.

NEBRASKA ST

KANSAS ST

TONHAWA ST

COMANCHE ST

EUFULA ST

MCKINLEY ST

PARK AVE

DAWS ST

TONHAWA ST

MAIN ST

COMANCHE ST

UNIVERSITY BLVD

TOBERMAN DR

COLLEGE AVE

CHAUTAQUA AVE

FLOOD AVE

PICKARD AVE

ELM AVE

BUCHANAN AVE

ASP AVE

DEBARR AVE

JENKINS AVE

MONNETT AVE

BOYD ST

PARK DR

SYMMES ST

WEBSTER AVE

SANTAFE AVE

MAPLE LN

MILLER LN

MILLER AVE

CLASSEN BLVD

MACY ST

GRAY ST

JONES AVE

BNSF RR

AVENUE

SYMMES

ALAMEDA ST

CASTRO ST

KEITH ST

DUFFY ST

MILLER LN

MILLER AVE

CLASSEN BLVD

MACY ST

Center City Vision Plan March 2013 Aerial Photography

April 25, 2014

-  Project Area
-  Under Utilized
-  Surface Parking
-  Vacant



Map Produced by the City of Norman
Geographic Information System.
(405) 366-5316
The City of Norman assumes no
responsibility for errors or omissions
in the information presented.



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