

CITY OF NORMAN, OKLAHOMA

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

**Municipal Building Conference Room
201 West Gray**

Thursday, June 28, 2018

4:00 P.M.

- 1. CLEVELAND AREA RAPID TRANSIT (CART) RIDERSHIP REPORT INCLUDING SAFERIDE AND EXTENDED SERVICE FOR THE MONTH OF MAY 2018, AND IDEAS FOR FUTURE SERVICE TO UNIVERSITY NORTH PARK.**
- 2. CONTINUED DISCUSSION REGARDING NEW CELLULAR TECHNOLOGY IN THE RIGHTS-OF-WAY.**
- 3. DISCUSSION REGARDING COMMERCIAL PARKING REGULATIONS.**
- 4. DISCUSSION REGARDING CARPORTS IN RESIDENTIAL ZONING DISTRICTS.**
- 5. MISCELLANEOUS COMMENTS.**

ITEM 1

CART REPORTS



Community Planning & Transportation Committee Meeting, June 28th, 2018

CART Monthly Report for May 2018

CART – Ridership Report Summary

- CART transported 63,299 passengers in May – a 6% decrease over May 2017. The daily average ridership was 4,034, a decrease of 4% or 186.
- Fiscal year to date ridership (July – May) is 1,103,137– a decrease of 7% over the same period last year.
- There were 479 riders who traveled with bicycles (0.8%) and 216 with wheelchairs (0.3%). Route 11-Lindsey East carried the most passengers with bicycles (114) and wheelchairs (57).

CARTaccess – Ridership Report Summary

- CARTaccess transported 3,049 passengers in May – a decrease of 5% or 147. Average daily ridership was 117, a decrease of 5% or 6. Primary zone ridership decreased by 190 or 7% in May; Secondary Zone ridership increased by 43 or 10%.
- For FY18 year to date (July to May), CARTaccess ridership is 31,142 – a decrease of 10%. Primary Zone ridership has decreased by 4,148 or 14% FYTD; Secondary Zone ridership has increased by 521 or 12%. Secondary Zone ridership comprises 16% of all CARTaccess trips FYTD.

CART Activities

- CART announced that it would offer free fare on June 26 and November 6, 2018 to further encourage voters to participate in those respective elections.
- CART participated in the City of Norman's Bike to Work Day festivities on May 18. CART staff were present with a bus to answer any questions about using the bike rack on the bus.
- CART had a vehicle available on May 31 for OU Housing and Food to film a short video on how to ride the bus for incoming students.
- CART will be holding a Read and Ride event with councilmember Clark on August 11. More details about the event to follow.
- CART is hosting public meetings on June 25 and 27 at 6:30 pm at the Central Public Library to give a presentation over the proposed changes to route 20-West Norman Link. A public notice of the proposed changes and meeting dates was issued on May 25 in the Norman Transcript, CART social media, and on CART vehicles.

CART Detours/Construction

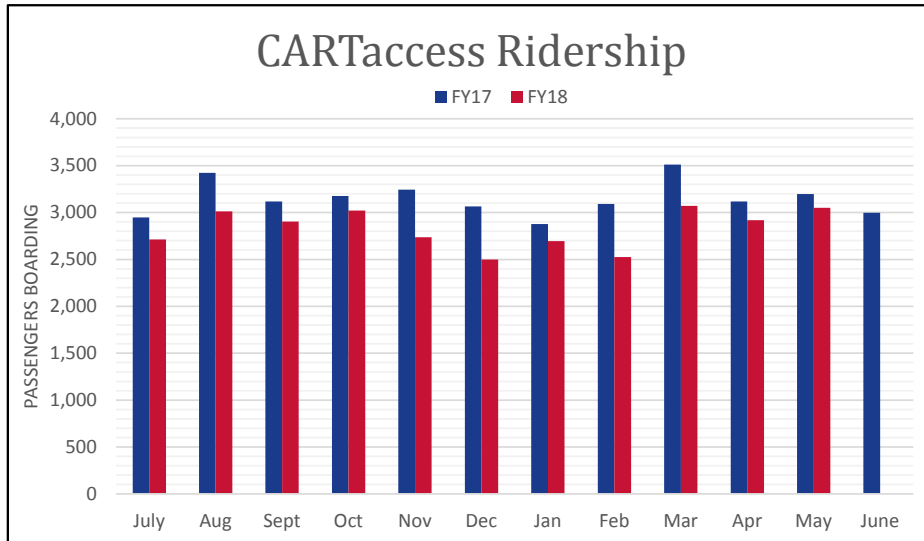
- Route 52-Campus Loop is missing its stop at the Oklahoma Memorial Student Union due to construction of a new engineering building on Felgar Street. Riders are encouraged to use stop 181 at Jenkins Avenue and Felgar Street.
- Due to the construction for the OKC Streetcar, the route 24-Sooner Express is taking a few detours from its regular route. To view the latest detours, please visit www.ridecart.com/detours-and-alerts.
- CART prides itself on operating year-round public transportation service in Norman. However, certain periods necessitate an Alternate Schedule to conserve resources by operating as efficiently as possible. For more information about CART's Alternate Schedule please visit CART's website at www.ridecart.com.

Attachments

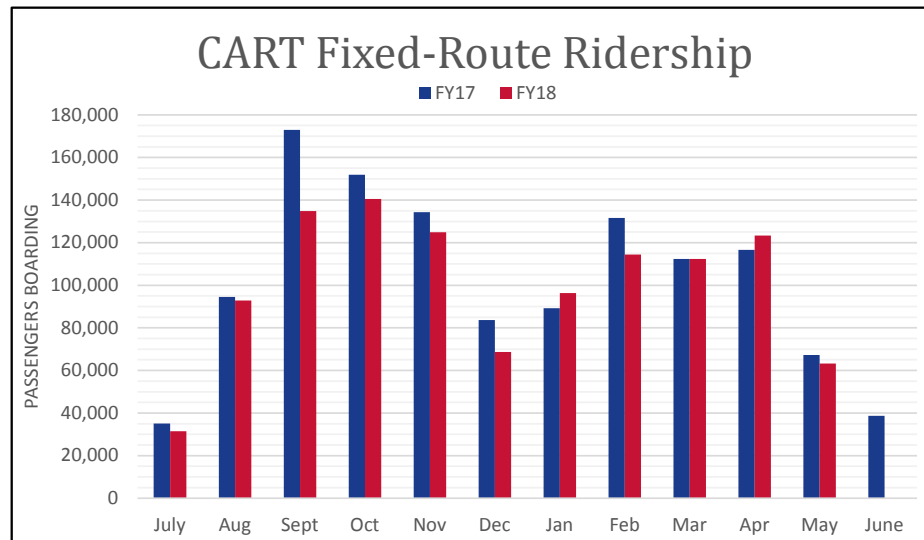
- CART Fixed-route and CARTaccess Ridership Graphs for FY17 and FY18
- CART Presentation of Ideas to Increase Transit Service to the University North Park (UNP) Area

CART Ridership Summary

City of Norman Community Planning & Transportation Committee



CARTaccess Ridership by Month			
	FY17	FY18	Change
July	2,948	2,714	-8%
Aug	3,422	3,011	-12%
Sept	3,118	2,905	-7%
Oct	3,177	3,022	-5%
Nov	3,244	2,736	-16%
Dec	3,065	2,498	-18%
Jan	2,878	2,695	-6%
Feb	3,092	2,524	-18%
Mar	3,511	3,070	-13%
Apr	3,118	2,918	-6%
May	3,196	3,049	-5%
June	2,997		
July - May	34,769	31,142	-10%
FY17 Total	37,766		



Fixed-Route Ridership by Month			
	FY17	FY18	Change
July	35,072	31,500	-10%
Aug	94,507	92,808	-2%
Sept	173,011	134,812	-22%
Oct	151,858	140,553	-7%
Nov	134,347	124,836	-7%
Dec	83,667	68,733	-18%
Jan	89,238	96,358	8%
Feb	131,650	114,482	-13%
Mar	112,329	112,378	0%
Apr	116,616	123,378	6%
May	67,325	63,299	-6%
June	38,645		
July - May	1,189,620	1,103,137	-7%
FY17 Total	1,228,265		

FY18: July 1, 2017 - June 30, 2018

FY17: July 1, 2016 - June 30, 2017



Cleveland Area Rapid Transit (CART)

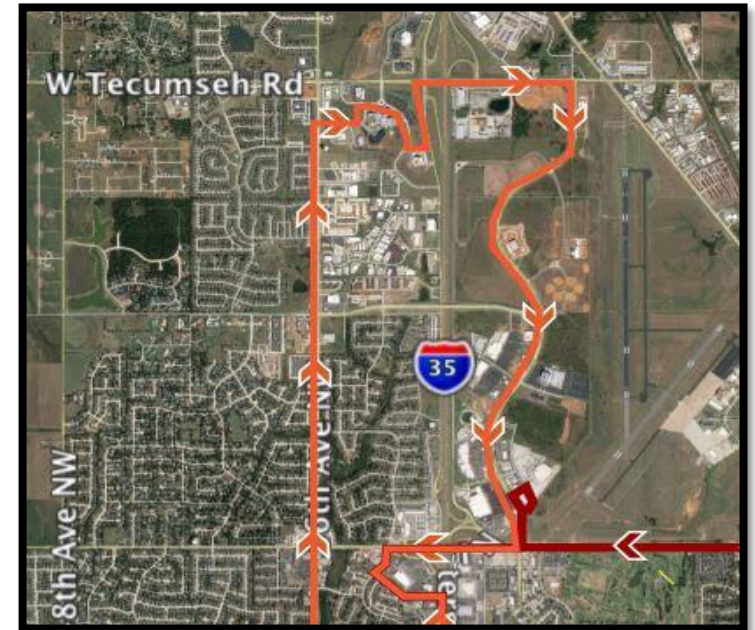
Ideas for Future Service to Norman's University North Park (UNP)

Current Service for Passengers Traveling from East Norman to UNP

Current Service to the University North Park (UNP) Area

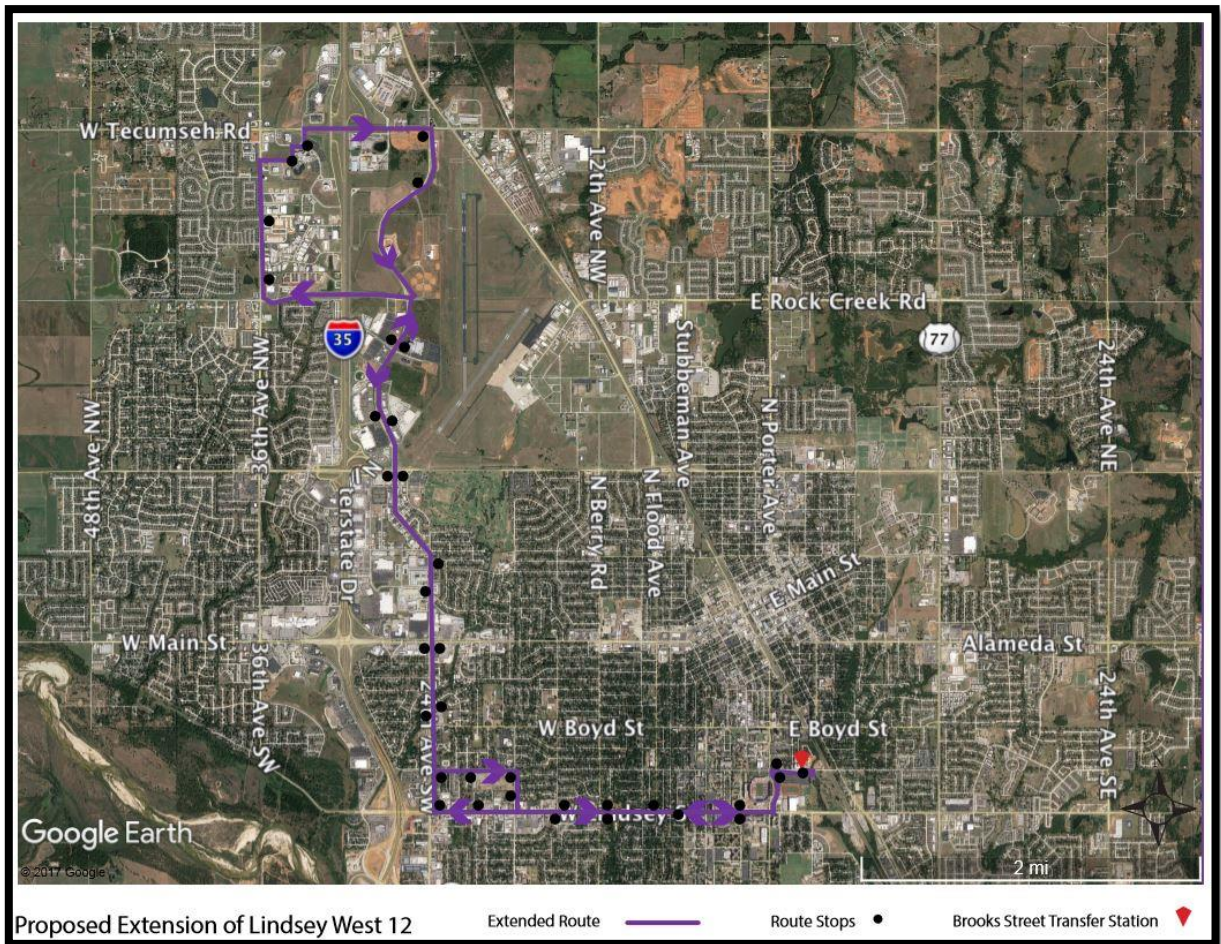
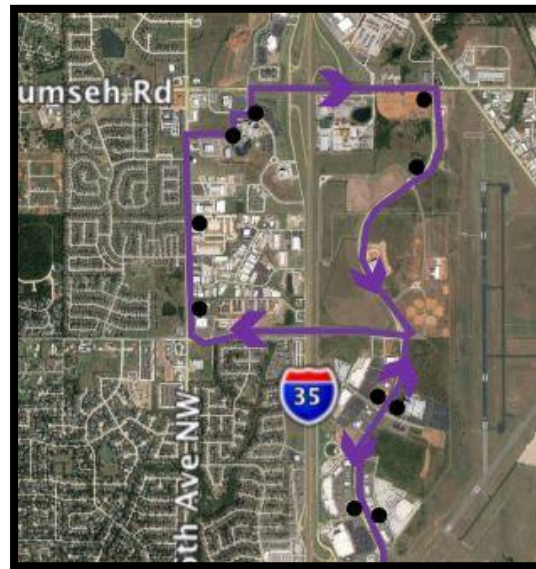
Existing Service:

- Routes 10-Main St. and 20-West Norman Link currently serve the University North Park Area. However, route 20 (orange) is the only route that provides service north of Rock Creek Road.



Ideas for Increasing Service to the University North Park (UNP) Area

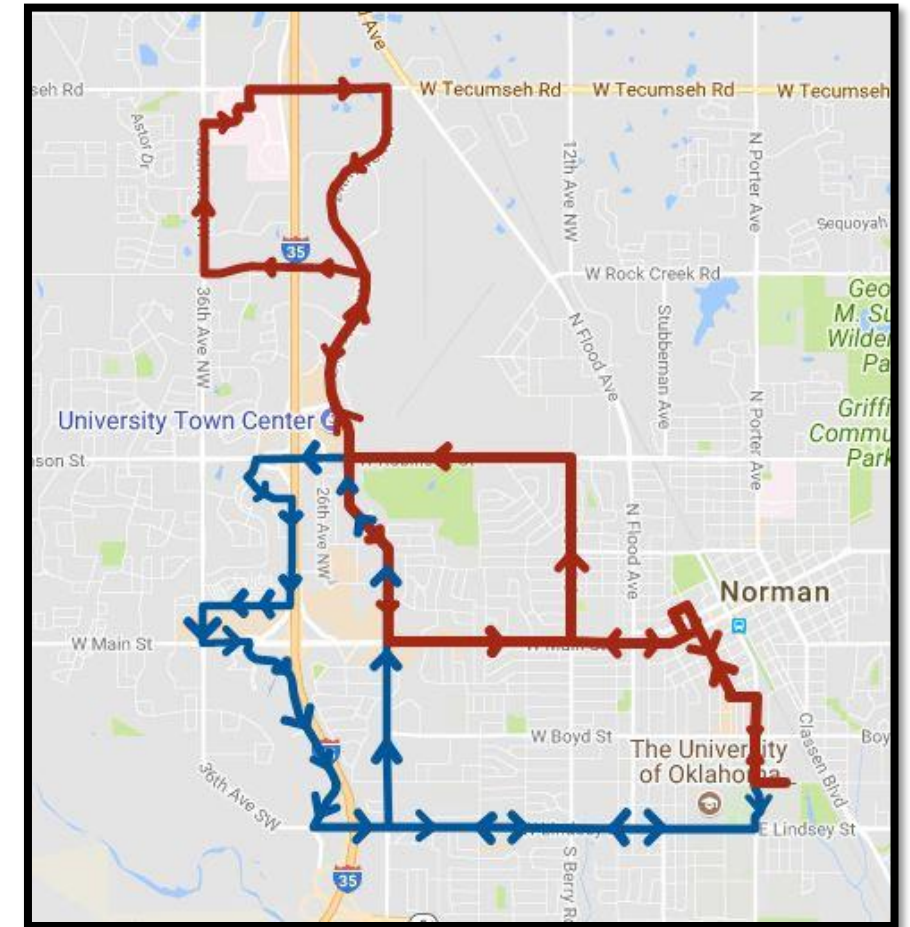
Proposed Extension of Route 12-Lindsey West



Ideas for Increasing Service to the University North Park (UNP) Area

Alteration of Routes 10-Main St. and 12-Lindsey West

- Route 10-Main St., illustrated in red, would be revised to serve the UNP area as well as the Norman Regional HealthPlex.
- Route 12-Lindsey West (blue) would extend past its original path and serve the Sooner Mall and the Ed Noble Parkway; covering the path of the existing Main St. route on the west side of Interstate 35.



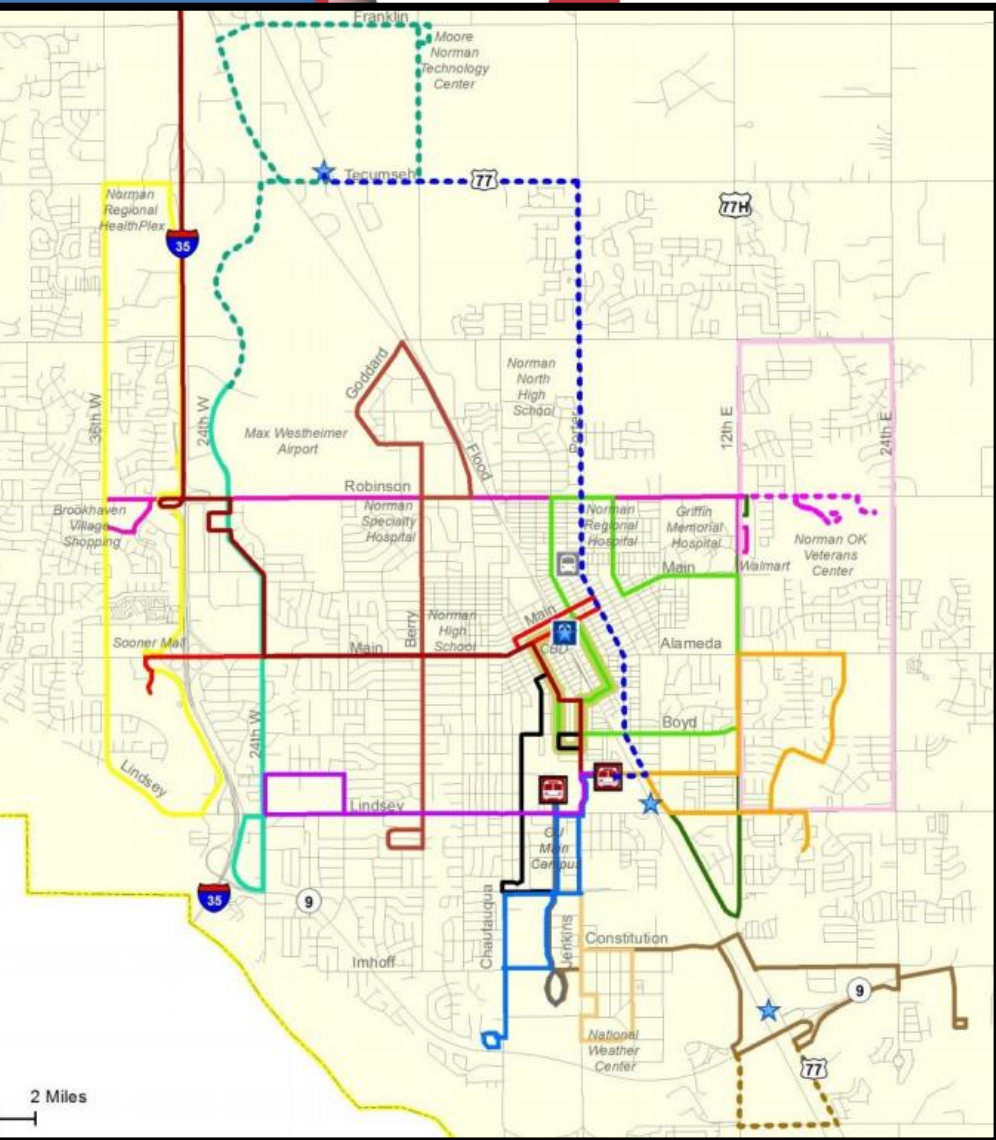
Ideas for Increasing Service to the University North Park (UNP) Area

CART's Long Range Plan - 2014

- Looking forward, CART'S long range plans accounts for the continuous development of north Norman with the inclusion of several different new proposed routes.

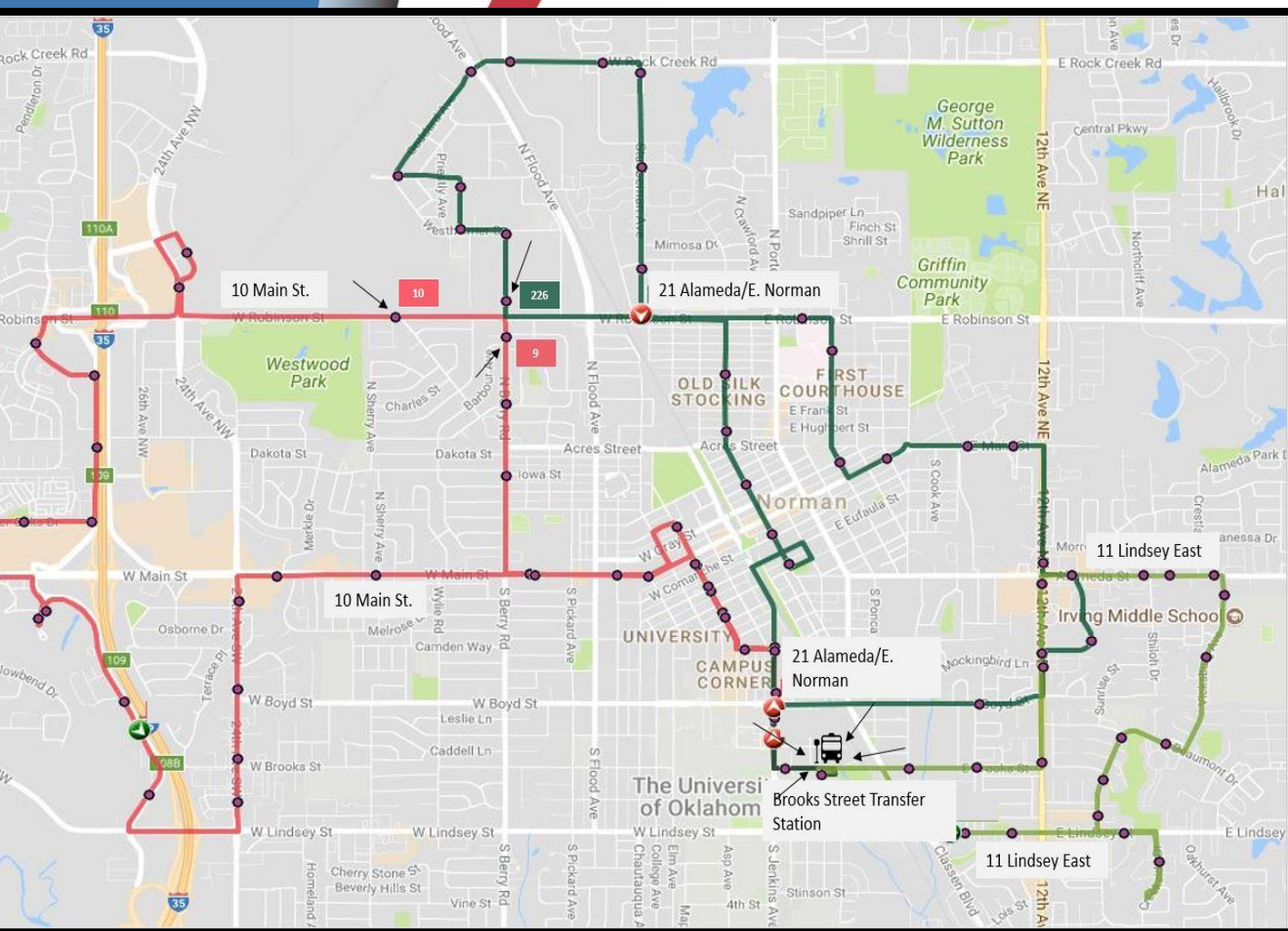
CART's Long Range Plan – 2018 Update

- CART is currently going through an interim update of its long-range plan. Once a draft of the plan is final, more information will be available. Service to UNP is being considered carefully.

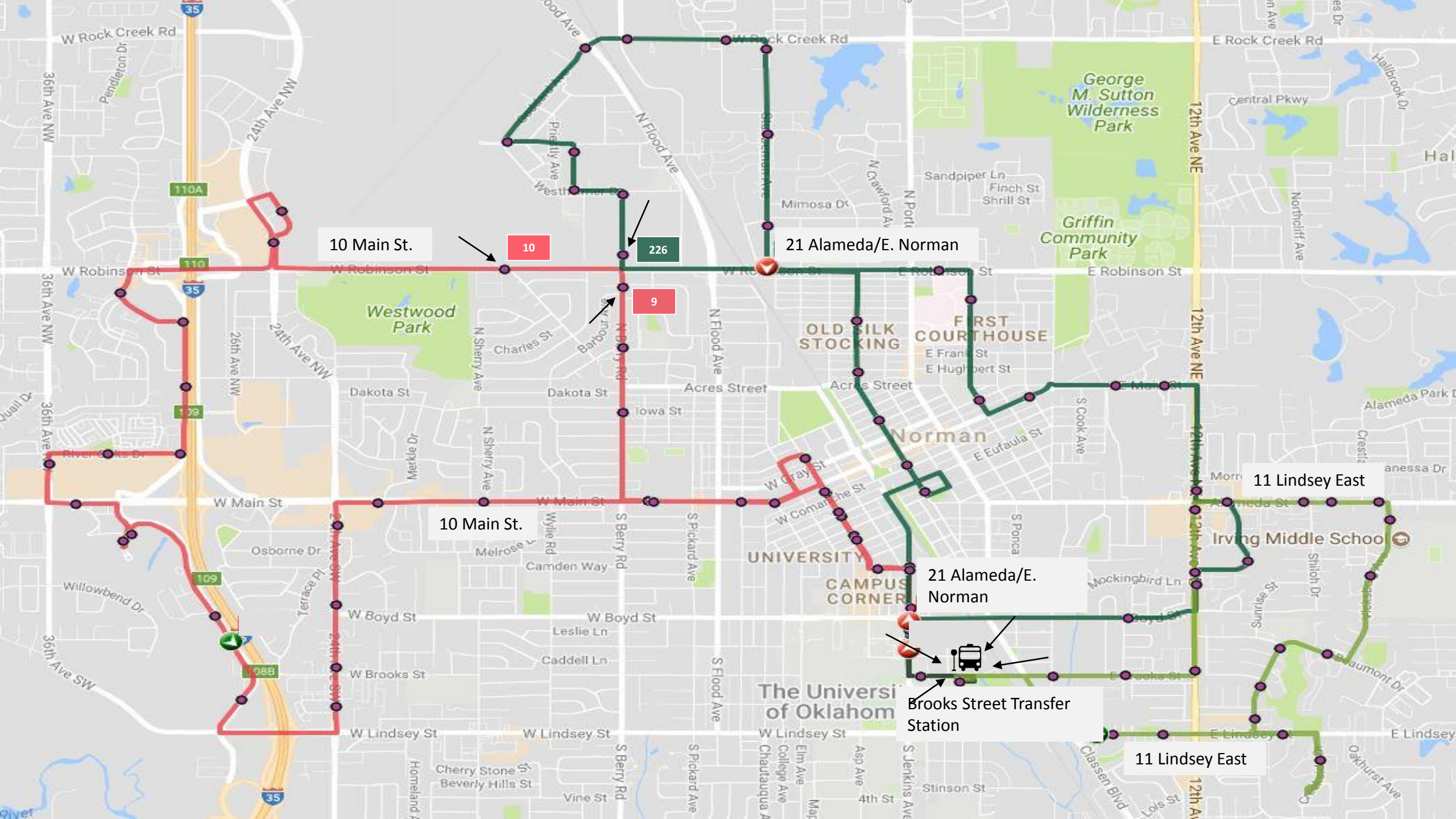


East Norman Access to the University North Park (UNP) Area

East Norman → UNP



- 21-Alameda/E Norman and 11-Lindsey East both provide service to the east part of Norman.
- Currently two routes serve the UNP area: 10-Main St. and 20-West Norman Link.
- Access to the UNP from the east side of Norman can be done from taking route 11 or 21 and then transferring onto the 10 Main St route at the Brook St. Transfer Station.
 - Alternatively, if taking route 21, passengers could disembark at stop at 226-Berry/Robinson and transfer to the nearest 10-Main St. stop, either 9-Berry/Dorchester or 10-Robinson/Woods.



ITEM 2

CELLULAR TECHNOLOGY



office memorandum

DATE: June 22, 2018

TO: Members of the City Council Community Planning and Transportation Committee

THROUGH: Jeff Bryant, City Attorney

FROM: Kathryn L. Walker, Assistant City Attorney III

RE: Update on Small Cell Technology Legislation

Background

Over the last year, cell phone providers and infrastructure providers have approached cities around Oklahoma about attaching a new technology called “small cells” on street lights, electric poles, and structures to enhance the cellular network and provide faster download speeds. Small cells are critical to the implementation of a new fifth generation (5G) cellular network. The Oklahoma Municipal League formed a working group of municipal attorneys and municipal electric utility providers to work on legislation with cell service providers at the request of AT&T. CPTC was provided information about those discussions at its February meeting. The efforts of the working group culminated in Senate Bill 1388, which was signed by Governor Fallin on April 26, 2018. The purpose of this memorandum is to provide information about the adopted legislation and identify future steps needed by the City.

Senate Bill 1388

Senate Bill 1388 creates the Oklahoma Small Wireless Facilities Deployment Act (the “Act”) in Title 11, Sections 36-501 et seq. of the Oklahoma Statutes. The Act only applies to the collocation of small wireless facilities by a wireless provider in the rights-of-way and the deployment of utility poles to support small wireless facilities.¹

Permitting Process. Under the Act, cities can require permits for the collocation of a small wireless facility and for the installation of new, modified, or replacement utility poles associated with a small wireless facility as long as the required permit is one of generally applicability for access to the rights-of-way and is not exclusive to wireless providers.² Cities cannot require the applicant to perform any unrelated services or goods as a condition of the permit and cannot require more information other than what is required to demonstrate compliance with the Act to obtain a permit.³ The City cannot require the placement of facilities on specific utility poles or require multiple antenna systems on a single pole.⁴

¹ Senate Bill 1388, Section 3(A).

² *Id.* at Section 4(D).

³ *Id.* at 4(D)(1) and (2).

⁴ *Id.* at 4(D)(3).

Within twenty (20) days of receipt of a permit application, the City must notify the applicant in writing whether the application is complete.⁵ Once a complete application is received, the City has seventy-five (75) days to approve or deny the application.⁶ If the City fails to act on an application in that timeframe, it will be deemed approved.⁷

Proposed collocations and installation, modification or replacement of utility poles that meet height requirements can only be denied under certain conditions.⁸ Most of the conditions for denial are related to safety, i.e. interference with sight lines, FAA regulations, ADA regulations, etc.⁹ An ordinance of general application containing “reasonable and nondiscriminatory” spacing requirements for new utility poles and ground mounted equipment can be the basis of permit denial.¹⁰ A permit denial must be documented and communicated to the applicant so that the applicant has an opportunity to cure any deficiencies in the application.¹¹ Applicants can file a consolidated application for the collocation of up to twenty-five (25) small wireless facilities under a single permit.¹² Once a permit is issued, the work authorized by the permit must be completed within one (1) year.¹³ A permit must be effective for at least ten years.¹⁴ The Act forbids the City from instituting a moratorium on permit applications or approvals or requiring an application for things like routine maintenance, replacement of a small wireless facility with a similar facility, and work related to micro wireless facilities that are strung on cables between existing utility poles.¹⁵

Cities can charge an application fee if such a fee is required for similar types of commercial development or construction.¹⁶ Wireless providers must be treated the same as nonpublic entities when imposing a rate or fee for the use of right-of-way for collocation of facilities or for the installation, maintenance, modification, operation or replacement of utility poles in the rights-of-way.¹⁷ An application fee cannot exceed \$200 each for the first five small cell facilities on the same application and \$100 for each additional facility on the same application.¹⁸ Application and permit fees for utility poles and any associated small wireless facility cannot exceed \$350 per pole.¹⁹ The City can also charge up to \$20 per year per small wireless facility.

⁵ *Id.* at 4(D)(6).

⁶ *Id.* at 4(D)(7).

⁷ *Id.*

⁸ *Id.* at 4(D)(8).

⁹ *Id.*

¹⁰ *Id.*

¹¹ *Id.* at 4(D)(9).

¹² *Id.* at 4(D)(10).

¹³ *Id.* at 4(D)(11).

¹⁴ *Id.*

¹⁵ *Id.* at 4(E).

¹⁶ *Id.* at 6(C).

¹⁷ *Id.* at Section 3(C).

¹⁸ *Id.*

¹⁹ *Id.*

The Act specifically empowers City to adopt indemnification, insurance and bonding requirements related to small wireless facility permits to protect the City.²⁰

Facility Restrictions. New and modified poles installed in the right-of-way cannot exceed the greater of 10 feet in height above an existing utility pole within 500 feet of the new pole at the time of adoption of the Act; or 50 feet above ground level.²¹ New small wireless facilities in the right-of-way cannot extend more than 10 feet above an existing utility pole.²² A wireless provider can collocate a small wireless facility and install, replace, modify and operate a utility pole that exceeds these height limitations subject to zoning or other land-use regulations.²³ If the proposed facility meets the terms of the Act, it is deemed a permitted use not subject to zoning review or approval.²⁴ The City can adopt guidelines that established stealth or concealment criteria for small wireless facilities in certain areas or for certain poles as long as they are reasonable and objective.²⁵

Future Steps

Currently, the City regulates the use of its rights of way and easements through franchise agreements (where applicable), contracts, revocable permits, and revocable licenses. The City has franchise agreements for use of the rights of way with OG&E, OEC and ONG. AT&T has a statewide franchise by virtue of a provision in Article 9, Section 2 of the Oklahoma Constitution. Cox Communications and AT&T U-Verse have five year contracts with the City for right of way access for the provision of cable television services. Franchise fees are paid on gross revenues by virtue of franchise agreements and contracts with providers in the rights of way.

A revocable utility installation permit is typically utilized for underground right of way encroachments. The permit is only issued upon approval of construction drawings, receipt of letters of no objection from franchised utility companies, and proof of insurance. The permit fee schedule varies based on the cost of construction. Revocable permits have been issued to Chickasaw Telephone, Norman Regional Hospital and other providers that aren't selling service to Norman customers. Staff typically requires a fee in lieu of a franchise fee should the provider begin to sell services in Norman.

Other entities have been allowed to put structures in the City's rights of way and easements upon approval of a revocable license by City Council. Revocable licenses are typically issued for non-utility encroachments in the rights of way. These come forward to Council as a contract. Recent examples include licenses for placement of entrance arches into the Fountain View Addition (2012), patio encroachments for La Baguette, Blackbird Gastropub, Coach's Brewhouse and In the Raw Sushi (2011-2013), staircase and entrance into First Baptist Church (2013), parking and sports fields at Community

²⁰ *Id.* at 12(A).

²¹ *Id.* at 3(E).

²² *Id.*

²³ *Id.* at 3(F).

²⁴ *Id.* a 3(D).

²⁵ *Id.* at 3(G).

Christian School (2013), and LED lighting installation across Main Street in Downtown Norman (2017).

As emphasized several times in the Act, many of the regulations allowed under the Act must be imposed upon all work in the right of way instead of just wireless providers. As our rights-of-way become more crowded, an ordinance addressing these issues is important to protect the City. Staff will begin working on a draft ordinance that would address more uniformly facilities in the right-of-way, and include safety and spacing requirements and concealment criteria in advance of the November 1, 2018 effective date of the Act.

Staff will be available to answer any questions at the next Community Planning and Transportation Committee meeting on June 28, 2018.

An Act

ENROLLED SENATE
BILL NO. 1388

By: Treat and Pittman of the
Senate

and

Thomsen of the House

An Act relating to telecommunications; creating the Oklahoma Small Wireless Facilities Deployment Act; defining terms; establishing procedures for the deployment of small wireless facilities and utility poles within a right-of-way; establishing the permitting process for wireless providers utilizing small wireless facilities in certain areas; establishing permitting process for wireless providers installing and maintaining utility poles in certain areas; establishing exceptions to the permitting process; establishing procedures for wireless provider access to utility poles in certain areas; establishing permissible rates and fees for certain activities related to small wireless facility deployment; exempting certain entities from application of act; establishing procedures for agreements and ordinances adopted by certain entities for implementation of this act; establishing jurisdiction for dispute resolutions related to this act; authorizing certain entities to adopt requirements related to indemnification insurance and bonding in implementation of this act; establishing procedures for requirements related to indemnification, insurance and bonding in implementation of this act; providing for codification; and providing an effective date.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 36-501 of Title 11, unless there is created a duplication in numbering, reads as follows:

This act shall be known and may be cited as the "Oklahoma Small Wireless Facilities Deployment Act".

SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 36-502 of Title 11, unless there is created a duplication in numbering, reads as follows:

As used in the Oklahoma Small Wireless Facilities Deployment Act:

1. "Antenna" means communications equipment that transmits or receives electromagnetic radio frequency signals used in the provision of wireless services;

2. "Applicable codes" means uniform building, fire, electrical, plumbing or mechanical codes adopted by a recognized national code organization or local amendments to those codes enacted solely to address imminent threats of destruction of property or injury to persons to the extent not inconsistent with this act;

3. "Applicant" means any person who submits an application and is a wireless provider;

4. "Application" means a request submitted by an applicant to an authority:

- a. for a permit to collocate small wireless facilities,
or
- b. to approve the installation, modification or
replacement of a utility pole;

5. "Authority" means a municipality or a municipal electric utility;

6. "Authority pole" means a utility pole owned, managed or operated by or on behalf of an authority;

7. "Collocate" means to install, mount, maintain, modify, operate or replace small wireless facilities on or adjacent to a wireless support structure or utility pole. "Collocation" has a corresponding meaning;

8. "Communications service provider" means a cable operator as defined in 47 U.S.C., Section 522(5), a provider of information service as defined in 47 U.S.C., Section 153(24), a telecommunications carrier as defined in 47 U.S.C., Chapter 153(51), or a wireless provider;

9. "Decorative pole" means an authority pole that is specially designed and placed for aesthetic purposes and on which no appurtenances or attachments, other than a small wireless facility, light fixtures or specially designed informational or directional signage or temporary holiday or special event attachments, have been placed or are permitted to be placed according to nondiscriminatory municipal rules or codes;

10. "Electric distribution pole" means an authority pole used to support an electric distribution system;

11. "FCC" means the Federal Communications Commission of the United States;

12. "Fee" means a one-time, nonrecurring charge;

13. "Historic district" means a group of buildings, properties or sites that are zoned by the authority as a historic district on or before March 31, 2018; included in the State Register of Historic Places in accordance with Section 355 of Title 53 of the Oklahoma Statutes; or are either listed in the National Register of Historic Places or formally determined eligible for listing by the Keeper of the National Register, the individual who has been delegated the authority by the federal agency to list properties and determine their eligibility for the National Register, in accordance with Section VI.D.1.a.i-v of the Nationwide Programmatic Agreement codified at 47 C.F.R. Part 1, Appendix C;

14. "Law" means federal, state or local law, statute, common law, code, rule, regulation, order or ordinance;

15. "Micro wireless facility" means a small wireless facility that meets the following qualifications:

- a. is not larger in dimension than twenty-four (24) inches in length, fifteen (15) inches in width, and twelve (12) inches in height, and
- b. any exterior antenna is no longer than eleven (11) inches;

16. "Permit" means a written authorization required by an authority to perform an action or initiate, continue or complete a project;

17. "Person" means an individual, corporation, limited liability company, partnership, association, trust or other entity or organization, including an authority;

18. "Rate" means a recurring charge;

19. "Right-of-way" means the area within the jurisdiction of the authority that is on, below or above a public roadway, highway, street, sidewalk, alley or similar property or a public easement that authorizes the deployment sought by the wireless provider, but does not include a federal interstate highway;

20. "Small wireless facility" means a wireless facility that meets both of the following qualifications:

- a. each antenna of the wireless provider could fit within an enclosure of no more than six (6) cubic feet in volume, and
- b. all other wireless equipment associated with the wireless facility, whether ground- or pole-mounted, is cumulatively no more than twenty-eight (28) cubic feet in volume. The following types of associated ancillary equipment are not included in the calculation of equipment volume: electric meter, concealment elements, telecommunications demarcation box, grounding equipment, power transfer switch, cut-

off switch and vertical cable runs for the connection of power and other services;

21. "Technically feasible" means that by virtue of engineering or spectrum usage, the proposed placement for a small wireless facility, or its design or site location can be implemented without a reduction in the functionality of the small wireless facility;

22. "Utility pole" means a pole or similar structure that is or may be used in whole or in part by or for wireline communications, electric distribution, lighting, traffic control, signage or a similar function, or for the collocation of small wireless facilities; provided, however, such term shall not include wireless support structures or electric transmission structures. Utility poles controlled by an investor-owned electric utility or electric cooperative are subject to Section 7 of this act;

23. "Wireless facility" means equipment at a fixed location that enables wireless communications between user equipment and a communications network, including: (a) equipment associated with wireless communications; and (b) radio transceivers, antennas, coaxial or fiber-optic cable, regular and backup power supplies and comparable equipment regardless of technological configuration. The term includes small wireless facilities. The term does not include:

- a. the structure or improvements on, under or within which the equipment is collocated, or
- b. coaxial or fiber-optic cable that is between wireless support structures or utility poles or that is otherwise not immediately adjacent to or directly associated with a particular antenna;

24. "Wireless infrastructure provider" means any person authorized to provide telecommunications service in the state that builds or installs wireless communication transmission equipment, wireless facilities or wireless support structures but that is not a wireless services provider;

25. "Wireless provider" means a wireless infrastructure provider or a wireless services provider;

26. "Wireless services" means any services, whether at a fixed location or mobile, provided to the public using wireless facilities;

27. "Wireless services provider" means a person who provides wireless services; and

28. "Wireless support structure" means a structure such as a monopole; tower, either guyed or self-supporting; billboard; building; or other existing or proposed structure designed to support or capable of supporting wireless facilities other than a structure designed solely for the collocation of small wireless facilities. Such term shall not include a utility pole.

SECTION 3. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 36-503 of Title 11, unless there is created a duplication in numbering, reads as follows:

A. The provisions of this section shall only apply to the collocation of small wireless facilities by a wireless provider in the right-of-way and the deployment of utility poles to support small wireless facilities by a wireless provider in the right-of-way.

B. An authority may not enter into an exclusive arrangement with any person for use of the right-of-way for the collocation of small wireless facilities or the installation, operation, marketing, modification, maintenance or replacement of utility poles.

C. An authority may only charge a wireless provider a rate or fee for the use of the right-of-way with respect to the collocation of small wireless facilities or the installation, maintenance, modification, operation or replacement of a utility pole in the right-of-way, if the authority charges nonpublic entities for use of the right-of-way. Notwithstanding the foregoing, an authority is permitted, on a nondiscriminatory basis, to refrain from charging any rate to a wireless provider for the use of the right-of-way. The rate for use of the right-of-way is provided in Section 6 of this act.

D. Subject to the provisions of this section and approval of an application pursuant to Section 4 of this act, a wireless provider

shall have the right, as a permitted use not subject to zoning review or approval, to collocate small wireless facilities and install, maintain, modify, operate and replace utility poles along, across, upon and under the right-of-way. Such structures and facilities shall be so installed and maintained as not to obstruct or hinder the usual travel or public safety on such right-of-way or obstruct the legal use of such right-of-way by other occupants of the right-of-way, including public utilities, or violate right-of-way regulations of general application that are consistent with this act.

E. Each new or modified utility pole installed in the right-of-way shall not exceed the greater of:

1. Ten (10) feet in height above the tallest existing utility pole in place as of the effective date of this act located within five hundred (500) feet of the new pole in the same right-of-way; or
2. Fifty (50) feet above ground level.

New small wireless facilities in the right-of-way may not extend more than ten (10) feet above an existing utility pole in place as of the effective date of this act or, for small wireless facilities on a new utility pole, above the height permitted for a new utility pole under this section.

F. A wireless provider shall have the right to collocate a small wireless facility and install, maintain, modify, operate and replace a utility pole that exceeds the height limits in subsection E of this section along, across, upon and under the right-of-way, subject to applicable zoning or other land-use regulations.

G. An authority may adopt written guidelines establishing reasonable and objective stealth or concealment criteria for small wireless facilities in designated areas, reasonable and objective design criteria for small wireless facilities to be collocated on decorative poles and reasonable and objective design criteria for utility poles deployed in areas with decorative poles. Such guidelines may be adopted by any appropriate means, including without limitation by inclusion in the authority's zoning code, but such inclusion shall not subject small wireless facilities and utility poles classified as permitted uses in subsection D of this

section to zoning review. Such guidelines may be adopted only if they apply on a nondiscriminatory basis to all other occupants of the right-of-way, including the authority. A wireless provider that seeks to collocate small wireless facilities on a decorative pole shall comply with Section 4 of this act. A wireless provider that is required to replace a decorative pole at its expense in compliance with Section 5 of this act shall conform the new decorative pole to the design aesthetics and material of the decorative pole(s) being replaced.

H. Wireless providers shall comply with reasonable and nondiscriminatory requirements that prohibit communications service providers from installing utility poles or other structures in the right-of-way in an area designated solely for underground or buried cable and utility facilities where:

1. The authority has required all cable and utility facilities other than authority poles and attachments to be placed underground (i) by a date certain before the application is submitted or (ii) by a date certain within two (2) years after the application is submitted, if relocation of facilities has commenced;

2. The authority does not prohibit the replacement of authority poles in the designated area; and

3. The authority permits wireless providers to seek a waiver of the undergrounding requirements for the placement of a new utility pole to support small wireless facilities, which waivers shall be addressed in a nondiscriminatory manner.

I. Subject to Section 4 of this act and subsection D of this section, and except for facilities excluded from evaluation for effects on historic properties under 47 C.F.R., Section 1.1307(a)(4) of the FCC rules, an authority may require reasonable, technically feasible, nondiscriminatory and technologically neutral design or concealment measures in a historic district. Any such design or concealment measures may not have the effect of prohibiting any provider's technology, nor may any such measures be considered a part of the small wireless facility for purposes of the size restrictions in the definition of small wireless facility.

J. The authority, in the exercise of its administration and regulation related to the management of the right-of-way, must be competitively neutral with regard to other users of the right-of-way, including that terms may not be unreasonable or discriminatory and may not violate any applicable law.

K. The authority may require a wireless provider to repair all damage to the right-of-way directly caused by the activities of the wireless provider in the right-of-way and to return the right-of-way to its functional equivalence before the damage pursuant to the competitively neutral, reasonable requirements and specifications of the authority. If the wireless provider fails to make the repairs required by the authority within a reasonable time after written notice, the authority may effect those repairs and charge the applicable party the reasonable, documented cost of such repairs. A wireless provider shall be required to comply with right-of-way and vegetation management practices adopted by the authority that apply to all occupants of the right-of-way.

L. Nothing in this act precludes an authority from adopting reasonable and nondiscriminatory requirements with respect to the removal of abandoned small wireless facilities. A small wireless facility that is not operated for a continuous period of twelve (12) months shall be considered abandoned, and the owner of the facility must remove the small wireless facility within ninety (90) days after receipt of written notice from the authority notifying the owner of the abandonment. The notice shall be sent by certified or registered mail, return receipt requested, by the authority to the owner at the last-known address of the owner. If the owner neither provides the authority written notice that the small wireless facility has not been out of operation for a continuous period of twelve (12) months nor removes the small wireless facility within the ninety-day period, the authority may remove the small wireless facility, take ownership of the small wireless facility and assess the cost of removal to the owner.

SECTION 4. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 36-504 of Title 11, unless there is created a duplication in numbering, reads as follows:

A. The provisions of this section shall apply to the permitting of small wireless facilities by a wireless provider in or outside

the right-of-way as specified in subsection C of this section and to the permitting of the installation, modification and replacement of utility poles by a wireless provider inside the right-of-way.

B. Except as provided in this act, an authority may not prohibit, regulate or charge for the collocation of small wireless facilities classified as permitted uses in subsection C of this section.

C. Small wireless facilities shall be classified as permitted uses and not subject to zoning review or approval if they comply with the height requirements in subsection E of Section 3 of this act and are collocated in the right-of-way in any zone or outside the right-of-way in property not zoned exclusively for residential single-family or duplex use. Utility poles installed to support small wireless facilities shall be classified as permitted uses and not subject to zoning review or approval if they comply with the height requirements in subsection E of Section 3 of this act and are collocated in the right-of-way in any zone.

D. An authority may require an applicant to obtain one or more permits to collocate a small wireless facility or install a new, modified or replacement utility pole associated with a small wireless facility as provided in Section 3 of this act, provided such permits are of general applicability for nongovernmental users of the right-of-way and do not apply exclusively to wireless facilities. An authority shall receive applications for, process and issue such permits subject to the following requirements:

1. An authority may not directly or indirectly require an applicant to perform services or provide goods unrelated to the permit, such as in-kind contributions to the authority including reserving fiber, conduit or pole space for the authority;

2. An applicant shall not be required to provide more information to obtain a permit than communications service providers that are not wireless providers, provided that an applicant may be required to include construction and engineering drawings and information demonstrating compliance with the criteria in paragraph 8 of this subsection and, for an application to collocate on an authority pole, a wireless provider may be required to provide at its expense engineering analysis demonstrating compliance with

applicable standards and codes, construction drawings stamped by a professional engineer registered in Oklahoma and a description of any recommended make-ready work, including any modification or replacement of the authority pole;

3. An authority may not require the placement of small wireless facilities on any specific utility pole or category of poles or require multiple antenna systems on a single utility pole;

4. Subject to subparagraphs e and f of paragraph 8 of this subsection, an authority may not limit the placement of small wireless facilities by minimum separation distances;

5. The authority may require an applicant to include an attestation that the small wireless facilities will be operational for use by a wireless services provider within one (1) year after the permit issuance date, unless the authority and the applicant agree to extend this period or delay is caused by lack of commercial power or communications transport facilities to the site;

6. Within twenty (20) days of receiving an application, an authority must determine and notify the applicant in writing whether the application is complete. If an application is incomplete, an authority must specifically identify the missing information in writing. The processing deadline in paragraph 7 of this subsection is tolled from the time the authority sends the notice of incompleteness to the time the applicant provides the missing information. That processing deadline also may be tolled by agreement of the applicant and the authority;

7. An application shall be processed on a nondiscriminatory basis and deemed approved if the authority fails to approve or deny the application within seventy-five (75) days of receipt of the application;

8. An authority may deny a proposed collocation of a small wireless facility or installation, modification or replacement of a utility pole that meets the height requirements in subsection E of Section 3 of this act only if the proposed application:

- a. materially interferes with the safe operation of traffic control equipment or emergency management systems or devices,
- b. materially interferes with sight lines or clear zones for transportation or pedestrians,
- c. materially interferes with compliance with the Americans with Disabilities Act or similar federal or state standards regarding pedestrian access or movement,
- d. materially interferes with Federal Aviation Administration requirements or the operation of an airport or air traffic,
- e. fails to comply with reasonable and nondiscriminatory spacing requirements of general application adopted by ordinance that concern the location of new utility poles. Such spacing requirements shall not prevent a wireless provider from serving any location,
- f. with respect to ground-mounted equipment, fails to comply with reasonable and nondiscriminatory requirements of general application adopted by ordinance that concern spacing of the ground-mounted equipment; interference with sight lines, clear zones or pedestrian access or movement; unhindered use of the right-of-way by other right-of-way occupants, including the authority; or design or concealment measures in a historic district required under subsection I of Section 3 of this act,
- g. fails to comply with applicable codes, including without limitation the most recent version of the National Electrical Safety Code,
- h. fails to comply with subsections D, G, H and I of Section 3 of this act,
- i. causes the utility pole or wireless support structure to become structurally unsound, unless the applicant

demonstrates that it will address the problem adequately, such as by modifying or replacing the structure, or

- j. materially interferes with the intended use of an authority pole;

9. The authority shall document the basis for a denial, including the specific code provisions on which the denial was based, and send the documentation to the applicant on or before the day the authority denies an application. The applicant may cure the deficiencies identified by the authority and resubmit the application within thirty (30) days of the denial without paying an additional application fee. The authority shall approve or deny the revised application within thirty (30) days. Any subsequent review shall be limited to the deficiencies cited in the denial;

10. An applicant seeking to collocate small wireless facilities within the jurisdiction of a single authority shall be allowed at the applicant's discretion to file a consolidated application for the collocation of up to twenty-five small wireless facilities and receive a single permit; provided, however, the denial of one or more small wireless facilities in a consolidated application shall not delay processing of any other small wireless facilities in the same batch;

11. Installation or collocation for which a permit is granted pursuant to this section shall be completed within one (1) year after the permit issuance date, unless the authority and the applicant agree to extend this period, or a delay is caused by the lack of commercial power or communications facilities at the site. Approval of an application authorizes the applicant to:

- a. undertake the installation or collocation, and
- b. subject to applicable relocation requirements and the applicant's right to terminate at any time, operate and maintain the small wireless facilities and any associated utility pole covered by the permit for a period of not less than ten (10) years, which must be renewed for equivalent durations so long as they are

in compliance with the criteria set forth in paragraph 8 of this subsection;

12. Wireless providers shall comply with relocation requirements that apply to similarly situated occupants of the right-of-way; and

13. An authority may not institute, either expressly or de facto, a moratorium on:

- a. filing, receiving or processing applications, or
- b. issuing permits or other approvals, if any, for the collocation of small wireless facilities or the installation, modification or replacement of utility poles to support small wireless facilities.

E. An authority shall not require an application for the following:

1. Routine maintenance;

2. The replacement of small wireless facilities with small wireless facilities that are substantially similar or the same size or smaller; or

3. For the installation, placement, maintenance, operation or replacement of micro wireless facilities that are strung on cables between existing utility poles, in compliance with the National Electrical Safety Code.

An authority may, however, require a permit to work within the right-of-way for such activities, if applicable. Any such permits shall not be subject to the requirements provided in subsections C and D of this section.

SECTION 5. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 36-505 of Title 11, unless there is created a duplication in numbering, reads as follows:

A. The provisions of this section shall apply to activities of the wireless provider within the right-of-way.

B. A person owning, managing or controlling authority poles in the right-of-way may not enter into an exclusive arrangement with any person for the right to attach to such poles. A person who purchases or otherwise acquires an authority pole is subject to the requirements of this section.

C. An authority shall allow the collocation of small wireless facilities on authority poles subject to the application process in Section 4 of this act and the make-ready process in this section. The rates, fees and terms for such collocations shall be nondiscriminatory regardless of the services provided by the collocating person, comply with this act and be made available to wireless providers under Section 10 of this act.

D. The rates, fees and terms and conditions for the make-ready work to collocate on an authority pole described in the application shall be nondiscriminatory, competitively neutral and commercially reasonable and must comply with this act. The authority may perform the make-ready work necessary to enable the pole to support the requested collocation by a wireless provider or require the wireless provider to perform the make-ready work. If the authority elects to perform the make-ready work, it shall provide a good-faith estimate for the work, including pole replacement if necessary, within sixty (60) days after receipt of a complete application. The authority shall complete any make-ready work it elects to perform, including any pole replacement, within sixty (60) days of written acceptance of the good-faith estimate by the applicant. An authority may require replacement of the authority pole only if it demonstrates that the collocation would make the authority pole structurally unsound. The authority may require that the replaced authority pole have the same functionality as the pole being replaced. If the authority pole is replaced, the authority shall take ownership of the new pole and operate authority fixtures on the pole.

The person owning, managing or controlling the authority pole shall not require more make-ready work than required to meet applicable codes or industry standards. Fees for make-ready work shall not include costs related to preexisting or prior damage or noncompliance. Fees for make-ready work including any pole replacement shall be reasonable and nondiscriminatory and shall not exceed actual costs, which may include the amount the authority pays

a professional engineer registered in Oklahoma to review the wireless provider's make-ready work plans.

E. A wireless provider shall comply with the following requirements and specifications:

1. Requirements and specifications of the National Electrical Safety Code, the National Electrical Code and the Occupational Safety and Health Act, including amendments or revisions to such requirements or specifications, and in the event of conflict, the most stringent of such requirements and specifications;

2. Requirements and specifications of general application adopted by the authority that do not conflict with this act, including requirements and specifications that concern how equipment shall be attached to electric distribution poles so they may be climbed safely; and

3. Notwithstanding subsection D of this section, requirements and specifications of general application adopted by the authority concerning make-ready work for authority electric distribution poles.

SECTION 6. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 36-506 of Title 11, unless there is created a duplication in numbering, reads as follows:

A. This section shall govern an authority's rates and fees for the placement of a wireless facility, wireless support structure or utility pole.

B. An authority may not require a wireless provider to pay any rates, fees or compensation to the authority or other person other than what is expressly authorized by this act for the right to use or occupy a right-of-way, for collocation of small wireless facilities on utility poles in the right-of-way or for the installation, maintenance, modification, operation and replacement of utility poles in the right-of-way.

C. Application fees shall be subject to the following requirements:

1. An authority may charge an application fee only if such fee is required for similar types of commercial development or construction within the authority's jurisdiction;

2. An application fee may not include:

- a. travel expenses incurred by a third party in its review of an application, or
- b. direct payment or reimbursement of third-party rates or fees charged on a contingency basis or a result-based arrangement;

3. An application fee for a collocation shall be limited to the cost of granting a permit for similar types of commercial development or construction within the authority's jurisdiction. The application and permit fees for collocation of small wireless facilities on an existing or replacement authority pole shall not exceed Two Hundred Dollars (\$200.00) each for the first five small wireless facilities on the same application and One Hundred Dollars (\$100.00) for each additional small wireless facility on the same application; and

4. The application and permit fees for the installation, modification or replacement of a utility pole and the collocation of an associated small wireless facility that are permitted uses in accordance with the specifications in subsection D of Section 3 of this act shall not exceed Three Hundred Fifty Dollars (\$350.00) per pole for access to the right-of-way.

D. The rate for occupancy of the right-of-way shall not exceed Twenty Dollars (\$20.00) per year per small wireless facility.

E. The rates to collocate on authority poles in the right-of-way shall not exceed Twenty Dollars (\$20.00) per authority pole per year.

F. There shall be no rate charged for the installation, placement, maintenance, operation or replacement of micro wireless facilities that are strung on cables between existing utility poles, in compliance with the National Electrical Safety Code.

G. Rates provided in this section do not include any applicable charges for electric power. A wireless provider must pay separately for such services.

H. An authority may adjust the fees and rates it adopts under this section ten percent (10%) every five (5) years rounded to the nearest dollar.

SECTION 7. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 36-507 of Title 11, unless there is created a duplication in numbering, reads as follows:

This act does not impose or otherwise affect any tariff, contractual obligation or right, or federal or state law regarding utility poles, similar structures or equipment of any type owned or controlled by an investor-owned electric utility or electric cooperative.

SECTION 8. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 36-508 of Title 11, unless there is created a duplication in numbering, reads as follows:

This section applies to activities in the right-of-way only. Nothing in this act shall be interpreted to allow any entity to provide services regulated under 47 U.S.C., Sections 521 to 573, without compliance with all laws applicable to such providers nor shall this act be interpreted to impose any new requirements on cable providers for the provision of such service in this state.

SECTION 9. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 36-509 of Title 11, unless there is created a duplication in numbering, reads as follows:

Subject to the provisions of this act and applicable federal law, an authority may continue to exercise zoning, land use, planning and permitting authority within its territorial boundaries with respect to wireless support structures and utility poles. No authority shall have or exercise any jurisdiction or authority over the design, engineering, construction, installation or operation of any small wireless facility located in an interior structure or upon the site of any campus, stadium or athletic facility not owned or controlled by the authority, other than to comply with applicable

codes. An authority shall evaluate the structure classification for wireless support structures under the latest version of ANSI/TIA-222. Nothing in this act authorizes the state or any political subdivision, including an authority, to require wireless facility deployment or to regulate wireless services.

SECTION 10. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 36-510 of Title 11, unless there is created a duplication in numbering, reads as follows:

A. An authority may adopt an ordinance, resolution or standard agreement that makes available to wireless providers rates, fees and other terms that comply with this act.

1. Subject to subsections B, C, D and E of this section, in the absence of an ordinance, resolution or standard agreement that fully complies with this act and until such a compliant ordinance, resolution or standard agreement is adopted, if at all, wireless providers may collocate small wireless facilities on wireless support structures and utility poles other than electric distribution poles and may install and operate utility poles under the requirements of this act.

2. Upon request, an authority shall enter into a pole attachment agreement with a wireless provider for the collocation of small wireless facilities on electric distribution poles. The rates, fees and terms of the pole attachment agreement shall be reasonable and nondiscriminatory and shall comply with this act. If the wireless provider and the authority are not able to reach agreement within ninety (90) days of the request for a pole attachment agreement, the authority shall make a best-and-final offer to the wireless provider within fifteen (15) days of the expiration of the ninety-day period. The best-and-final offer shall be in the form of a pole attachment agreement that is reasonable and nondiscriminatory, complies with this act and may be accepted and signed by the wireless provider. If the authority fails to make such a best-and-final offer within fifteen (15) days of the expiration of the ninety-day period, the wireless provider may collocate small wireless facilities on the authority's electric distribution poles under the requirements of this act until the authority makes such a best-and-final offer.

B. Agreements between an authority and a wireless provider for the deployment of small wireless facilities in the right-of-way under the terms of this act are public/private agreements.

C. An agreement, ordinance or resolution that does not fully comply with this act may apply only to small wireless facilities and utility poles that became operational or were installed before the effective date of this act. An agreement, ordinance or resolution that applies to small wireless facilities and utility poles that became operational or were constructed before the effective date of this act is invalid and unenforceable beginning on the one-hundred-eighty-first day after the effective date of this act unless it fully complies with this act. If an agreement, ordinance or resolution is invalid in accordance with this subsection, in the absence of an agreement, ordinance or resolution that fully complies with this act and until such a compliant agreement or ordinance is entered or adopted, small wireless facilities and utility poles that became operational or were constructed before the effective date of this act may remain installed and be operated under the requirements of this act.

D. An agreement, ordinance or resolution that applies to small wireless facilities and utility poles that become operational on or after the effective date of this act may not be enforced beginning on the effective date of this act unless it fully complies with this act. If an agreement, ordinance or resolution is invalid in accordance with this subsection, in the absence of an agreement, ordinance or resolution that fully complies with this act and until such a compliant agreement, ordinance or resolution is entered or adopted, small wireless facilities and utility poles may be installed and operated in the right-of-way or become operational under the requirements of this act.

E. Notwithstanding the requirements in subsections C and D of this section, a communications service provider that has executed an agreement with an authority relating to small wireless facilities and utility poles prior to the effective date of this act may choose to continue to be subject to the rates, terms and conditions of that agreement for up to five (5) years beyond the effective date of this act.

SECTION 11. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 36-511 of Title 11, unless there is created a duplication in numbering, reads as follows:

A court of competent jurisdiction shall have jurisdiction to determine all disputes arising under this act. Pending resolution of a dispute concerning rates for collocation of small wireless facilities on authority poles and nonauthority poles, the person owning or controlling the pole shall allow the collocating person to collocate on its poles at annual rates of no more than Twenty Dollars (\$20.00) with rates to be trued up upon final resolution of the dispute.

SECTION 12. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 36-512 of Title 11, unless there is created a duplication in numbering, reads as follows:

A. An authority may adopt indemnification, insurance and bonding requirements related to small wireless facility permits subject to the requirements of this section.

B. An authority may require a wireless provider to defend, indemnify and hold harmless the authority and its officers, agents and employees against any claims, demands, damages, lawsuits, judgments, costs, liens, losses, expenses and attorney fees resulting from the installation, construction, repair, replacement, operation or maintenance of wireless facilities, wireless support structures or utility poles to the extent caused by the wireless provider, its contractors, subcontractors and their officers, employees or agents. A wireless provider has no obligation to defend, indemnify or hold harmless an authority, its officers, agents or employees against any liabilities or losses due to or caused by the sole negligence of the authority or its employees or agents.

C. An authority may require a wireless provider to have in effect insurance coverage naming the authority and its officers, agents and employees as additional insureds against the claims, demands, damages, lawsuits, judgments, costs, liens, losses, expenses and attorney fees described in subsection B of this section, so long as the authority imposes similar requirements on

other right-of-way users and such requirements are reasonable and nondiscriminatory.

D. An authority may require a wireless provider to furnish proof of insurance, if required, prior to the effective date of any permit issued for a small wireless facility.

E. An authority may adopt bonding requirements for small wireless facilities if the authority imposes similar requirements in connection with permits issued for other right-of-way users.

1. The purpose of such bonds shall be to:

- a. provide for the removal of abandoned or improperly maintained small wireless facilities, including those that an authority determines need to be removed to protect public health, safety or welfare,
- b. restoration of the right-of-way in connection with removals under this paragraph, or
- c. recoup rates or fees that have not been paid by a wireless provider in over twelve (12) months, so long as the wireless provider has received reasonable notice from the authority of any of the noncompliance listed above and an opportunity to cure.

2. An authority shall not require either of the following under paragraph 1 of this subsection:

- a. a cash bond, unless any of the following apply:
 - (1) the wireless provider has failed to obtain or maintain a bond required under this section, or
 - (2) the surety has defaulted or failed to perform on a bond given to the authority on behalf of the wireless provider, or
- b. a bond in an amount exceeding One Thousand Dollars (\$1,000.00) per small wireless facility.

SECTION 13. This act shall become effective November 1, 2018.

Passed the Senate the 19th day of April, 2018.

Presiding Officer of the Senate

Passed the House of Representatives the 17th day of April, 2018.

Presiding Officer of the House
of Representatives

OFFICE OF THE GOVERNOR

Received by the Office of the Governor this _____

day of _____, 20_____, at _____ o'clock _____ M.

By: _____

Approved by the Governor of the State of Oklahoma this _____

day of _____, 20_____, at _____ o'clock _____ M.

Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Office of the Secretary of State this _____

day of _____, 20_____, at _____ o'clock _____ M.

By: _____

ITEM 3

COMMERCIAL PARKING



office memorandum

TO: Community Planning and Transportation Committee Members

FROM: Susan Connors, Director, Planning and Community Development

DATE: June 18, 2018

RE: Parking Regulations

Staff was asked to provide information regarding the City of Norman parking regulations; specifically, why do big box retail establishments seem to have excessively large parking lots? The City of Norman Zoning Ordinance currently requires a minimum number of parking spaces and there is no regulation on a maximum number of parking spaces (See 'Exhibit A' City of Norman Parking Requirements). The minimum number of parking spaces required is determined by specific uses and this is the standard for many cities. Off-street parking standards are an attempt to minimize spillover parking on public streets and ensure safe and efficient movement of traffic by requiring the supply of parking at the site of the development is adequate to meet demand. While parking minimums require a certain number of parking spaces for a specific land use there are other alternatives to the traditional minimum parking requirement. For instance, minimum requirements combined with maximum parking requirements limits the total number of spaces that would be allowed by a single use. This strategy can effectively minimize over parking and has been applied in several cities.

Parking maximums have been used most extensively in central business districts where there is an existing built environment. However, establishing a maximum standard can be an effective tool for communities interested in maximizing green space, managing stormwater runoff, increasing densities and utilizing sustainable land development management tools while meeting transportation and parking demand throughout the community.

A parking minimum combined with a parking maximum standard can limit the number of parking spaces supplied while providing adequate parking. Maximum standards can be applied in several ways:

- Base the maximum parking requirement on a reduced square footage of building area for the parking calculation.

For example, the City of Norman parking ordinance under the SERVICES category, offices are required to have 1 parking space per 300 sq. ft. of Gross Floor Area (GFA).

Therefore a 10,000 sq. ft. office would be required a minimum of 33 parking spaces. By allowing a reduction in the building area to calculate required parking a maximum parking allowance would be achieved.

For example, if a 3,000 sq. ft. reduction in the GFA was allowed for offices there would not be a parking requirement for the first 3,000 sq. ft. GFA and this would place a maximum parking allowance of 23 parking spaces for a 10,000 sq. ft. office building. See 'Exhibit B' Tulsa Zoning Code

- Set a minimum parking ratio per the number of square feet of building area up to a maximum ratio of building area allowed per use; only the maximum parking spaces would be allowed.

For instance, the City of Norman parking ordinance under the RETAIL TRADE category a food and drug store requires 6 spaces plus 1 parking space per 200 sq. ft. of Customer Service Area (CSA) over 1,000 sq. ft.

Therefore, a big box store that has 60,000 sq. ft. of CSA / 200 sq. ft. CSA equals 300 parking spaces plus 6 equals 306 minimum required parking spaces. However, with a maximum ratio of building area a cap is placed on the amount of area calculated. For example, 60,000 sq. ft. of CSA with a maximum allowed area of 40,000 sq. ft. CSA would place a maximum parking limit of 200 plus 6 for a total of 206 parking spaces.

See 'Exhibit C' Maximum Parking Allowances

Another strategy that can be applied with maximum parking standards is to increase the landscape and impervious coverage requirements. For instance, increase the landscape island square footage within each development, increase the landscape buffer widths and locations and require a minimum percentage of pervious area. Currently, the City of Norman does not have any pervious coverage requirements in any commercial zoning categories. This strategy can naturally decrease the space available for parking.

It's important to recognize that there are a variety of stakeholders in decisions about off-street parking requirements. Those include developers, business owners and their employees and patrons, community residents and the general public, all of whom have an interest in mobility and in an attractive physical environment where automobile traffic is not overwhelming.

Parking literature argues that excessive parking supply discourages alternative modes of transportation, reduces density, increases the cost of development, creates an uninviting built environment, and degrades the natural environment. Sources that are commonly used to determine off-street parking requirements include the Institute of Transportation Engineers (ITE) and often zoning ordinances from other cities.

Because the City of Norman bases parking standards on the minimum requirement and does not have a maximum allowed parking space per use it is up to the land owner/developer to decide how many parking spaces will be provided. If there was a minimum parking requirement with a maximum allowed

combined with increased landscape and impervious coverage requirements this would limit the over parked commercial parking lots.

There are numerous examples and solutions to over parking that have been researched by various agencies and organizations. The 'Sustainable Transportation Toolkit-Parking Annotated Bibliography' outlines several publications that have explored how to better manage required parking.

See 'Exhibit D' Sustainable Transportation Toolkit-Parking Annotated Bibliography

Exhibit A

SEC. 431.5 - OFF-STREET PARKING REQUIREMENTS

(As amended by Ord. No. O-7576-60 -- March 1, 1977; O-8687-48 -- March 24, 1987; O-9596-28 -- March 26, 1996; O-9697-51 -- June 10, 1997; O-0405-30 -- January 24, 2006; O-1213-17 -- November 27, 2012)

1. **Duty to Provide and Maintain Off-Street Parking.** The duty to provide and maintain the off-street parking spaces herein required shall be the joint and several responsibility of the operator and owner of the use and the operator and owner of the land on which, or the structure or structures in which, is located the use or uses for which off-street parking space is required to be provided and maintained. Each parking space shall have minimum dimensions of eight and one-half (8-1/2) feet by nineteen (19) feet plus adequate space for ingress and egress. No land shall be used or occupied, no structure shall be designed, erected, altered, used, or occupied, and no use shall be operated unless the off-street parking space herein required is provided in at least the amount specified, and maintained in the manner herein set forth; provided, however, that where off-street parking space is not provided or maintained for land, structures, or uses actually used, occupied, and operated as of July, 1966 it shall not be required under this ordinance. (O-0405-30)
2. **Number of Off-Street Parking Spaces Required.** Except for lots in the C-3, Intensive Commercial District, off-street parking spaces for motor vehicles shall be provided in at least the amount shown in the following list:

<u>USE</u>	<u>SPACES REQUIRED</u>
<u>DWELLINGS & LODGINGS</u>	
Single & two-family dwellings	2 per dwelling unit (du)
Apartments & apartment hotels	1.8 per du
Boarding or rooming houses	1.8 per boarding or rooming unit
Fraternity or sorority houses	1 for each accommodation
Hotels or motels	1.2 each room in addition to spaces required for restaurant facilities
Mobile homes (park/subdivision)	2 per mobile home
<u>RETAIL TRADE</u>	
Department & variety stores	1 per 200 sq. ft. customer service area (CSA) ⁵
Food & drug stores	6 + 1 per 200 sq. ft. CSA over 1,000 sq. ft.

⁵ NOTE: CSA is the total area available for regular customer service both inside and outside commercial establishments. Storage & kitchen areas and toilet facilities are not included.

<u>USE</u>	<u>SPACES REQUIRED</u>
Furniture store, motor vehicle sales	1 per 500 sq. ft. gross floor area (GFA)
Liquor stores	3 + 1 per 300 sq. ft. GFA over 500 sq. ft.
Night club or tavern	1 per 50 sq. ft. CSA
Radio & television sales and/or repair	1 per 200 sq. ft. CSA or 1 per 175 sq. ft. GFA, whichever is greater
Restaurants, drive-in & fast-food takeout	1 per 100 sq. ft. GFA
Restaurants (except above)	1 per 50 sq. ft. CSA
Shopping Centers: (including up to 10% office use)	
(a) 25,000 - 400,000 Gross Leasable Area (GLA)	4 spaces per 1,000 sq. ft. GLA
(b) 400,000 - 600,000 GLA	4.5 spaces per 1,000 sq. ft. GLA
(c) over 600,000 GLA	5.0 spaces per 1,000 sq. ft. GLA
In addition to the base ratio, for Theaters - when in conjunction with a shopping center:	
(a) Less than 100,000 GLA	3 per 100 seats
(b) 100,000 - 200,000 GLA	3 per 100 seats (over 450)
(c) over 200,000 GLA	3 per 100 seats (over 750)
In addition to the basic ratio, for Food Services when in conjunction with a shopping center (but not more than 10% of GLA). Food Services does not include grocery stores:	
(a) 25,000 - 100,000	10 per 1,000 sq. ft. of food service tenant
(b) 100,000 - 200,000	6 per 1,000 gross sq. ft. of food service tenant
(c) 200,000 - 600,000	no additional parking (other than basic index)
(d) over 600,000	reduction of 4 spaces per 11,000 gross sq. ft. of food service tenant
Various Specialty shops (camera, gifts, jewelry, etc.	3 + 1 per 200 sq. ft. CSA over 500, or 1 per 275 sq. ft. GFA over 400, whichever is greater.

SERVICES

Amusement establishments	1 per ea. 4 patrons (capacity)
Automobile service stations	2 per service bay and 1 each service vehicle and 1 each 2 employees
Banks or savings & loan companies	1 per 150 sq. ft. CSA
Barber shops	1.5 per chair and 1 per each 2 employees
Beauty parlor	2 per operator station & 1 per each 2 employees
Bowling alleys	5 per lane and spaces required for affiliated uses
Churches	1 per 4 seats in sanctuary
Clubs or lodges (private, nonprofit)	1 per 50 sq. ft. of assembly area
Crematorium	1 per 1,000 sq. ft. of floor area or portion thereof (O-1213-17)
Funeral parlors or mortuaries	5 and 1 per 5 seats in largest chapel
Hospitals and Sanitariums	1 per 1 bed, 1 per hospital or staff doctor, and 1 per each employee at maximum shift (O-9697-51)
Medical or dental clinics or offices	3 per treatment room and 1 each doctor or dentist
Nursing, convalescent, or rest homes	1 per 4 beds and 1 per each 2 employees
Offices, business or professional	1 per 300 sq. ft. GFA
Private Schools:	
Nursery school, day care center, or elementary school	1 per employee and adequate off-street area for pick- up and delivery of children
Nonboarding Junior & Senior high schools	1 per employee and 1 per each 8 students

**NOTE: CSA is the total area available for regular customer service both inside and outside commercial establishments. Storage & kitchen areas and toilet facilities are not included.*

<u>USE</u>	<u>SPACES REQUIRED</u>
<u>SERVICES</u>	
Self-service laundries, dry cleaning	.5 per machine
Theaters, auditoriums	1 per 4 seats

MANUFACTURING, STORAGE, & WHOLESALE


Manufacturing	2 + 1 per 3 employees and 1 per company vehicle*
Printing & publishing	1 per 2 employees
Warehousing (mini-storage)	1 per 8 rental units
Warehousing (general)	10% GFA 1 per 1000
Wholesale establishments	2 + 1 per 3 employees and 1 per company vehicle

**NOTE: Spaces required for company vehicles shall vary as to size so as to adequately accommodate the vehicle usually occupying the spaces.*

FOR USES NOT COVERED ABOVE, THE REQUIREMENTS LISTED BELOW ARE APPLICABLE:

<u>USE</u>	<u>SPACES REQUIRED</u>
Retail stores and service establishments	1 per 200 sq. ft. CSA or 1 per 275 sq. ft. GFA, whichever is greater
Other commercial and industrial	.75 x maximum number of employees on premises at any one time.

**NOTE: CSA is the total area available for regular customer service both inside and outside commercial establishments. Storage & kitchen areas and toilet facilities are not included.*

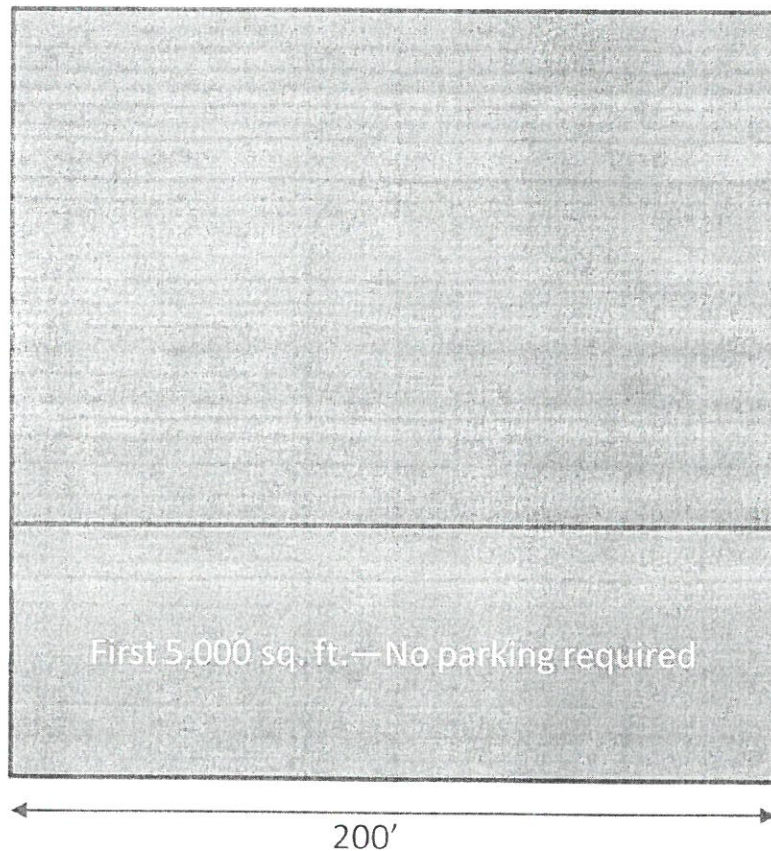

'Exhibit B'

Tulsa Zoning Code

City Council Adoption: 11-05-2015
Effective: 01-01-2016

PARKING SCENARIOS

15,000 sq. ft. drug store (CH zoning)



Old code

Minimum parking = 4.44 parking spaces per
1,000 sq. ft. = $4.44 \times 15 = 67$ spaces

New code

Base requirement

0 spaces for 1st 5,000 sq. ft. +
2.50 parking spaces per 1,000 sq. ft. of
remaining floor area = $2.50 \times 10 = 25$ spaces
(60% reduction)

PARKING SCENARIOS

8,000 sq. ft. restaurant space (CH zoning)



65'

Old code

Minimum parking = 10.0 parking spaces per
1,000 sq. ft. = $10.0 \times 8 = 80$ spaces

New code

Base requirement

0 spaces for 1st 5,000 sq. ft. +
6.50 parking spaces per 1,000 sq. ft. of
remaining floor area = $6.50 \times 3 = 20$ spaces
(75% reduction)

PARKING

- Objective shared parking methodology
- Alternative compliance parking plans by special exception
- Maximum ratio (4 spaces/1,000 sq. ft.) for large-format retail
- Bicycle parking
- Express allowance of pervious paving material
- Stacking requirements for drive-through uses
- New pedestrian circulation provisions—safe, marked access to building entrances

'Exhibit C'

Maximum Parking Allowances

Posted on March 8, 2010 at 6:53 pm. Written by [Kit Un](#)

LIMITING PARKING SUPPLY

Parking Maximums establish an upper limit on parking supply, either at the site level or across an area. Limits imposed by district or neighborhood are called "Parking Caps". Either type of maximum can be imposed in addition to or instead of minimum parking requirements.

Establishing a maximum allowable amount of parking can prevent developers from building excessively large lots, or limit the parking supply in an area based on roadway capacity or community priorities. Communities looking to increase tax revenue through redevelopment of parking lots, improve pedestrian safety and comfort downtown, or reduce stormwater runoff and heat island impacts of parking may want to consider parking maximums as a way to achieve those goals.

Either type of parking maximum can pose implementation issues, however. Setting a maximum leaves little room for error in projecting parking demand. Area-wide parking caps also leave little room for error and require substantial effort in planning and administration to determine the appropriate number of spaces and to allocate them to specific development projects.

Furthermore, a restricted parking supply can present problems with spillover effects if not implemented carefully. Resident permit parking or other solutions to mitigate spillover effects and availability of other transportation options can improve the chances of success. Developers may also worry about the long-term marketability of the site if parking is restricted. If parking is restricted throughout an area, then the site will not be less competitive than surrounding sites.

Restricting the parking supply may seem to put a community at a competitive disadvantage, and only makes sense in places where the benefits, such as rapid transit service, attractive pedestrian environments, or concentrations of businesses and services, outweigh any inconvenience from reduced parking.

To improve flexibility, planners can set up the parking maximums as transferable parking entitlements, so that the allowed number of parking spaces can be transferred or sold to another development if they are not needed. This allows for area-wide control of parking supply without restricting developments that need more parking. Developments requiring less parking can benefit by selling the rights to their additional spaces. [1]

LOCAL EXAMPLES:

- The Town of Burlington lists both maximum and minimum parking requirements for most uses throughout the town ([see regulation](#)).

- The City of Somerville provides parking maximums (in addition to minimums) for the Assembly Square Mixed Use District and the Planned Unit Development-A Overlay District that will go into effect when a new MBTA station is operational there ([see regulation](#)).
- The City of Cambridge has caps on the number of off-street parking spaces that may be provided within certain Special Districts and maximums for certain uses throughout the city.
- The Town of Belmont has maximum numbers of parking spaces allowed for each subdistrict of the McLean Hospital property and in the Belmont Uplands District (without parking minimums) ([see regulation](#)).
- The Town of Bedford has maximum parking allowances for certain uses throughout the town ([see regulation](#)).
- “In 1977, the City of Boston adopted a freeze on commercial parking open to the public, but not parking reserved for individuals or a company use within office buildings. While the number of commercial spaces have not increased, there was a 26% increase in exempt spaces between 1984 and 1987 alone and motor vehicle traffic increased dramatically along major corridors to the city.” [4]

NATIONAL EXAMPLES:

- “In 1975, the City of Portland set an overall cap of approximately 40,000 parking spaces downtown, including existing and new parking facilities. The cap was increased to about 44,000 spaces by the 1980’s and increased again in the 1990’s. The City is generally satisfied with its parking policies and believes it has helped increase transit use from 20-25% in the early 1970’s to 48% in the mid-1990’s.” [4] In addition, Portland sets maximum parking limits based on type of use and availability and frequency of transit service, and allows transfer of unused parking entitlements. [1]
- San Francisco limits parking downtown to 7% of the building’s floor area. [2]
- Seattle allows a maximum of one parking space per 1,000 square feet of office space downtown, and is considering extending this limit to areas outside of downtown as well. [2]
- Redmond, Washington, a suburban community, allows a minimum of 4 and a maximum of 5 spaces per 1,000 square feet of floor area for most uses in the Neighborhood, Retail, and General commercial zones. [3]
- Helena, Montana establishes maximum parking ratios as a percent above the minimum parking ratio (e.g. no more than 110% of the minimum for parking lots of more than 51 spaces). [3]

Additional resources:

1. U.S. Environmental Protection Agency, *Parking Spaces / Community Places: Finding the Balance Through Smart Growth Solutions*, January 2006; p. 16-18. Available as a free download at <http://www.epa.gov/smartgrowth/parking.htm>, or click here for the PDF.
2. Maryland Governor’s Office of Smart Growth, *Driving Urban Environments: Smart Growth Parking Best Practices*, March 2006; p. 5-6. [Available as a download](#).
3. Jason Wittenberg, “*Parking Standards in the Zoning Code*”, *Zoning News*, January 2003, p.3.

4. Victoria Transport Policy Institute, "Parking Maximums", Online TDM Encyclopedia: <http://www.vtpi.org/tdm/tdm28.html/Toc128220478>.
5. Todd Litman, *Parking Management: Strategies, Evaluation, and Planning*, Victoria Transport Policy Institute, April 2006; p. 15. Available as a free download from http://www.vtpi.org/park_man.pdf or by clicking here.
6. Fitzgerald & Halliday, Inc., *Northwest Connecticut Parking Study – Phase II: Model Zoning Regulations for Parking for Northwestern Connecticut*, Northwestern Connecticut Council of Governments and Litchfield Hills Council of Elected Officials, September 2003. Available as a free download from <http://www.fhiplan.com/PDF/NW%20Parking%20Study/NW%20Connecticut%20Parking%20Study.pdf> or by clicking here.
7. Christopher V. Forinash, et al., "Smart Growth Alternatives to Minimum Parking Requirements", Proceedings from the 2nd Urban Street Symposium, July 28-30, 2003. Available as a free download from <http://www.urbanstreet.info/> or click here for the PDF.

File Types: [Report](#)

Download File: [Download](#)

Regional Smart Growth &

The Metropolitan Area Planning Council (MAPC) is the regional planning agency serving the people who live and work in the 101 cities and towns of Metropolitan Boston. Our mission is to promote smart growth and regional collaboration. Our regional plan, MetroFuture, guides our work as we engage the public in responsible stewardship of our region's future.

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'Exhibit D'

Sustainable Transportation Toolkit – Parking Annotated Bibliography

Driving Urban Environments: Smart Growth Parking Best Practices, Maryland Office of Smart Growth, June 27, 2005.

“The Maryland Governor's Office of Smart Growth has published *Driving Urban Environments: Smart Growth Parking Best Practices*. Recognizing the importance of parking in development, this report looks for new ways to manage parking supply and demand, to design parking facilities, and to provide financing, offering more, not fewer, options to communities, households and developers. These creative approaches are intended to promote better project design, reduce construction and operational costs, and add value to development projects. The main sections of this study specifically address these three areas—parking management, parking design, and parking financing. The first section identifies parking management strategies that control the supply and demand for parking. The following section proposes innovative design strategies that reduce the aesthetic and environmental impacts of parking facilities, including on-street parking, surface parking lots, and parking structures. The final section outlines various financing mechanisms and incentives for the construction of both public and private parking structures.” (blurb from planetizen) Interesting pieces of information include descriptions and examples of reduced minimum parking standards, table illustrating calculation for shared parking, strategies that can be pursued by local jurisdictions, and a chart suggesting which strategies are most appropriate to achieve which objectives.

Litman, Todd, *Parking Management: Strategies, Evaluation and Planning*, Victoria Transport Policy Institute, April 25, 2006.

“Parking management refers to various policies and programs that result in more efficient use of parking resources. This report summarizes the book, *Parking Management Best Practices* (Planners Press, 2006), which describes and evaluates more than two-dozen such strategies. It investigates problems with current parking planning practices, discusses the costs of parking facilities and the savings that can result from improved management, describes specific parking management strategies and how they can be implemented, discusses parking management planning and evaluation, and describes how to develop the optimal parking management program in a particular situation. Cost-effective parking management programs can usually reduce parking requirements by 20-40% compared with conventional planning requirements, providing many economic, social and environmental benefits.” (abstract of report) Interesting pieces of information include parking requirement adjustment factors; illustrative examples of parking management programs; and expected impacts of various parking management strategies, including typical reduction in parking.

“Parking Solutions: A Comprehensive Menu of Solutions to Parking Problems,” *TDM Encyclopedia*, Victoria Transport Policy Institute, updated April 4, 2006,
<http://www.vtpi.org/tdm/tdm72.htm>.

Summarizes advantages and disadvantages of a wide array of parking solutions. Interesting pieces of information include typical parking facility costs; time of peak parking demand for various uses; a table comparing outcomes of various parking solutions on parking congestion, costs, TDM & land use, consumer benefits, and equity; and best practices.

Shoup, Donald, *The High Cost of Free Parking*, Planners Press, American Planning Association, 2005.

Describes the origins of existing parking requirements, the costs of current parking management practices, and solutions that can reduce the supply of parking while maintaining public support and benefiting businesses. Strategies recommended include allowing in-lieu fees instead of providing parking on-site, charging for curb parking and creating parking benefit districts to use some or all of the revenue generated, time limits, providing transit passes, parking cash out, car sharing, and unbundling parking. Other interesting pieces of information or insight include commentary on the use of parking requirements to restrict the intensity of development (in an effort to control traffic), policies on parking requirements when building use changes, and the use of parking benefit districts and their revenue.

Parking Spaces / Community Places: Finding the Balance through Smart Growth Solutions, U.S. Environmental Protection Agency, January 2006.

Offers descriptions and examples/case studies of strategies to manage parking demand, move beyond minimum parking requirements, and other parking alternatives. Sections include “Beyond Generic Parking Requirements,” which offers general guidance on criteria for reducing minimum parking requirements; “The Costs of Parking”; “Innovative Parking Alternatives,” including “Reduce Oversupply,” “Manage Demand,” and “Pricing Strategies”; and six detailed case studies of communities with innovative parking solutions. Interesting pieces of information include examples of where various strategies have been successful, factors for setting context-specific minimum parking requirements, benefits of parking maximums and shared parking, and case studies.

Kuzmyak, J. Richard, et al., “Chapter 18 – Parking Management and Supply,” *TCRP Report 95: Traveler Response to Transportation System Changes*, Transportation Research Board, 2003.

Chapter 18 “presents information on how travelers respond to differences in the supply and availability of vehicle parking, including changes that might occur as a result of shifting land use patterns, alterations of regulatory policy, or attempts to ‘manage’ the supply of parking. Information on ‘normal’ baseline parking characteristics is also provided.” Does not cover effects of pricing or park-and-ride facilities. Interesting pieces of information include information on parking supply and utilization rates in suburban office settings, the degree of success of several strategies, representative hourly parking accumulations as a percentage of peak demand for various uses, and empirical data on mixed use parking utilization versus requirements.

Additional Resources (\$)

ULI – *Parking Standards*, 2002 (\$59.95 – ULI Bookstore)

“This new report, an expanded and updated version of a previous best seller, contains not only an exhaustive set of parking standards, but also a section dealing with the complexities of creating

practical parking standards in the present-day U.S. For instance, there is general agreement in recent planning literature that when the supply of parking greatly exceeds typical demand, the results are detrimental to a range of stakeholders. However, while benefits may accrue from minimizing the amount of off-street parking, downsizing parking requirements may be a tricky proposition because many communities fear detrimental impact on overall community development objectives. The commentary in this report addresses that quandary, as well as techniques such as shared parking, maximum parking standards, downtown parking standards, and more.”

ULI – *Shared Parking*, 2005 (\$69.96 – ULI Bookstore)

“Thoroughly updated and based on all new data, the new edition of this highly respected book contains the information you need to accurately estimate parking requirements for a mixed-use setting where parking is shared among the uses. Based on widely accepted methodology, the study now includes new parking ratios that take into account trends in visits to restaurants and cineplexes, and shopping and office trips. A thorough discussion of the methodology, findings, and derivation of these values provides a solid foundation for the validity of shared parking and the number of spaces recommended for various land use mixes.

Highlights:

- * Experiment with different mixes of office, retail, hotel, restaurant, and residential space to determine the appropriate number of parking spaces.
- * Find the balance between providing adequate parking to support a development from a commercial viewpoint, and avoiding excessive costs and storm drainage impacts.
- * Explore case studies of notable projects that implemented shared parking.
- * Study a discussion of the design, operation, and management of shared parking.”

APA – PAS Report – *Parking Standards* (PAS 510/511), 2002 (\$60.00 – APA Store, Planner’s Book Service)

“This new report, an expanded and updated version of a previous best seller, contains not only an exhaustive set of parking standards, but also a section dealing with the complexities of creating practical parking standards in the present-day U.S. For instance, there is general agreement in recent planning literature that when the supply of parking greatly exceeds typical demand, the results are detrimental to a range of stakeholders. However, while benefits may accrue from minimizing the amount of off-street parking, downsizing parking requirements may be a tricky proposition because many communities fear detrimental impact on overall community development objectives. The commentary in this report addresses that quandary, as well as techniques such as shared parking, maximum parking standards, downtown parking standards, and more.”

Contents: “The dynamics of off-street parking • The basis for zoning code parking requirements • Other relevant factors related to drafting street parking requirements • Zoning code provisions that respond to and/or influence parking demand • Summary • List of references • Ordinances consulted • Additional resources”

APA – *Zoning Practice* – “The Practice of Parking Standards,” January 2006 (\$10)

ITEM 4

CARPORTS



TO: Community Planning and Transportation Committee

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

DATE: June 22, 2018

RE: Carports in Residential Zoning Districts

Staff presented information regarding carports to the Community Planning and Transportation (CPT) Committee on May 19, 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 and again in October. At the October 23, 2014 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. City Council discussed the topic at a Study Session on December 2, 2014. There was no consensus on what the final language should be and the discussion did not proceed and no changes were made to the regulations at that time.

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 parcel or 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.

One proposal discussed in 2014 would delete the language from Chapter 5 above and insert the following language into 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:

office memorandum

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 from the Committee 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 areas if neighbors did not object (many subdivisions prohibit carports through covenants).

Staff contacted 20 cities to determine their regulations regarding carports. Attached is a chart (Exhibit A) 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 discussions in 2014 at the May, September and October Community Planning and Transportation Committee meetings and the December City Council study session, staff developed the attached Carport Criteria (Exhibit B) which could be amended into the Zoning Ordinance in Chapter 22.

Staff is presenting this information for your review and discussion.

The following attachments are included in this packet:

- Carport Survey (Exhibit A)
- Carport Criteria (Ordinance language)(Exhibit B)

EXHIBIT B
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 good repair and 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 similar 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 setback 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 eave 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	