



CITY OF NORMAN, OK CITY COUNCIL BUSINESS & COMMUNITY AFFAIRS COMMITTEE MEETING

Municipal Building, Executive Conference Room, 201 West Gray, Norman,
OK 73069

Thursday, December 02, 2021 at 4:00 PM

AGENDA

It is the policy of the City of Norman that no person or groups of persons shall on the grounds of race, color, religion, ancestry, national origin, age, place of birth, sex, sexual orientation, gender identity or expression, familial status, marital status, including marriage to a person of the same sex, disability, retaliation, or genetic information, be excluded from participation in, be denied the benefits of, or otherwise subjected to discrimination in employment activities or in all programs, services, or activities administered by the City, its recipients, sub-recipients, and contractors. In the event of any comments, complaints, modifications, accommodations, alternative formats, and auxiliary aids and services regarding accessibility or inclusion, please contact the ADA Technician at 405-366-5424, Relay Service: 711. To better serve you, five (5) business days' advance notice is preferred.

CALL TO ORDER

AGENDA ITEMS

1. DISCUSSION REGARDING NEIGHBORHOOD COMMERCIAL AND ACCESSORY COMMERCIAL UNITS IN NEIGHBORHOODS.

ADJOURNMENT



TO: Business and Community Affairs Council Committee
FROM: Jane Hudson, Director, Planning and Community Development
DATE: December 2, 2021
RE: Neighborhood Commercial – Discussion Items

Planning staff was directed to begin the process of research and potential discussion items for possible addition of “Neighborhood Commercial” as well as “Accessory Commercial Unit” (ACU) within Norman Zoning Code, Chapter 22.

Neighborhood Commercial – General notes/comments as assigned:

How do we amend our current Zoning Ordinance to include Small Neighborhood Commercial and Accessory Commercial Units?

- Mainly the idea of smaller bodega style corner stores (no parking, small footprint, basic perishable goods, essentially Midway Deli or the Earth as an example).
- Including the option of accessory commercial units

Introduction Discussion:

The key to this discussion is the distinction of what is “Small Neighborhood Commercial”, “Neighborhood Commercial” or “Local Commercial” as currently defined in the Zoning Ordinance, Chapter 22 as C-1, Local Commercial District. As well as, how do we appropriately “fit” an Accessory Commercial Unit into a neighborhood without negatively impacting adjacent property owners.

Establishing criteria for development/redevelopment of a neighborhood with Neighborhood Commercial and Accessory Commercial Unit developments cannot be a “one size fits all” criteria. For these uses to be a positive addition to a neighborhood, the review for each neighborhood must be comprehensive and recognize the needs and wants of the particular neighborhood; again, this cannot be a “one size fits all”, each neighborhood should be able to appropriately develop within its own parameters.

In working through the research of the topic, staff found there to be a tremendous amount of information, what is available can be somewhat confusing when differentiating between a true “Small Neighborhood Commercial” use and what we currently have adopted in the Zoning Ordinance as “Local Commercial” (C-1, Local Commercial District). The C-1 District is a mix of what can be classified as “Small Neighborhood Commercial” and “Local Commercial”, some of the more intense uses that truly are not appropriate adjacent to residential uses. This distinction needs to be established prior to determining what Council wants to implement to achieve this end goal for the community.

Defining Commercial Districts:

The definition of Neighborhood Commercial as found in a general search of the internet should be highlighted:

What does neighborhood commercial mean?

office memorandum

*Neighborhood Commercial - Every residential neighborhood has its needs, such as grocers, hardware stores, food outlets, and more. A neighborhood commercial or a neighborhood commercial zone is an area demarcated to provide residents with **centers** catering to those vital needs. (Center?)*

The City of Norman, Zoning Ordinance has the following general description for “Local Commercial District, C-1”:

SEC. 423.2 - C-1, LOCAL COMMERCIAL DISTRICT

*General description. This commercial district is intended for the conduct of retail trade and to **provide personal services to meet the regular needs and for the convenience of the people of adjacent residential areas**. It is anticipated that this district will be the predominately used commercial district in the community. Because these shops and stores may be an **integral part of the neighborhood** closely associated with residential, religious, recreational, and educational elements, more restrictive requirements for light, air, open space, and off-street parking are made than are provided in other commercial districts.*

The above general description for C-1, Local Commercial District in the Zoning Ordinance does not align with several of the uses allowed by right in C-1, in comparison to a neighborhood commercial concept. To be neighborhood commercial as implied, some of the uses by right need to be amended as they are not appropriate to be located in close proximity of adjacent residential area. See attached Exhibit A for current uses allowed by right in C-1, Local Commercial District.

The definition of Accessory Commercial Unit as found in a general search of the internet should be highlighted:

What does accessory commercial unit mean?

Accessory Commercial Unit (ACU), an affordable alternative to prime commercial space, could equitably establish retail destinations that people need in close proximity to where they live.

The City of Norman does not have a definition or general description of Accessory Commercial Unit within the Zoning Ordinance.

Different Commercial Zoning Districts:

Further research found the following definitions applicable to different commercial zoning districts, these are included as a point of reference for how commercial uses can be characterized:

Neighborhood Commercial development provides **daily convenience goods and services easily accessible to the residents of the immediate area**. Neighborhood commercial areas might contain a grocery store, bakery, neighborhood restaurant, drug store, video rental, service station, daycare or some office space. Ideally, these activities would be located close together, in one convenient location to provide one-stop shopping and prevent encroachment into residential areas. Many neighborhoods require the commercial areas to blend in with the residential character of the area.

Community Commercial development provides for a zoning district which would allow businesses which provide convenient goods and services to a **daytime work population as well as the residents of adjacent neighborhoods** within a planned and architecturally unified development;

A second definition of **Community Commercial provides goods, services and facilities that are needed on a weekly basis by the immediate surrounding area**, or which are only possible when supported with the population provided by an entire community (**perhaps 3-5 neighborhoods**). Typical community commercial centers may include a very large grocery store with at least one other retailer (such as a large discount store), hardware store, apparel store or movie theater), restaurants, mid-size offices and employers.

Regional Commercial development **provides a broad range of goods and least a population of 100,000**, and offers **comparison-shopping, specialty and “big ticket” items such as furniture and appliances**, may include a regional shopping mall, hotels or motels, a large discount retailer, specialty dining, theater multiplexes, and other large entertainment facilities.

Discussion:

Neighborhood Commercial

Referring back to the C-1, Local Commercial District, as adopted in the Zoning Ordinance, it appears some of the allowed uses are incompatible with adjacent residential uses. Outlined is a few of the uses that are or could be incompatible as local commercial uses for adjacent residential neighborhoods: hotel/motel, theatre, furniture store, supermarket/grocery, retail trade/toy store/apparel, parking lots, appliance store/big ticket items.

The Z.O. was initially adopted in 1954, the larger majority of uses have not changed since adoption. Some of the C-1 uses are more appropriate as a general commercial use, not a local commercial use.

Council could look at options for adopting a new zoning category – “Neighborhood Commercial” (N.C.) and restrict the “Neighborhood Commercial” uses to something similar to the below outline or possibly more restrictive if the goal is only neighborhood commercial or uses similar to The Earth or Midway.

The below uses are strictly for the day-to-day convenience needs for the surrounding neighborhood any other uses could be covered in the existing C-1, Local Commercial District.

Neighborhood Commercial Zone:

- a) accommodates limited day-to-day convenience needs for the surrounding neighborhood;
- b) generally characterized by buildings similar in scale to the adjacent residential area; (similar in height and area, single use structures – no strip malls)

c) generally located in close proximity to/within low density residential development.

Permitted Uses:

- Child Care Centre – (As defined in the Z.O.)
- Grocery Store – (Limited in S.F. – what is that limitation?)
- Dwelling Unit (Do you want to allow residential on the second floor of these uses?)
- Food Service – Dining/Take-out (Limit in S.F. what is that limitation? No live entertainment as is currently allowed in the C-1, Local Commercial District? No drive-thru permitted.)
- Medical Practice (Limit number of doctors?)
- Personal Service – Apparel (This is not a retail clothing store – this is a dry cleaners/alteration.)
- Personal Service – Individual (Barber/Salon/Nails)
- Pet Care Service – (Vet/Grooming – no boarding of animals allowed indoor only, no outdoor runs/boarding)
- Fuel Sales (With restrictions?)
- Live/Work

Accessory Commercial Unit

The location of an Accessory Commercial Unit appears to be the biggest concern for properly developing these uses. Unlike the Neighborhood Commercial, the Accessory Commercial Unit will typically occur mid-block.

These building types could be particularly useful on active corridors with an existing residential built pattern where commercial use is already permitted. This might have the potential to create an attractive and active street frontage.

There are current zoning obstacles to creating an Accessory Commercial Unit. Typically, Accessory Commercial Units are built in areas already zoned for commercial uses. (Commercial may be located on the ground floor and residential on the second floor. Commercial located in front of the residential use – where residential is accessed from an alley at the rear.) For an Accessory Commercial Unit to be located deeper in the neighborhood there will have to be accommodations made for the development of these units. Updated zoning will need to allow an Accessory Commercial Unit to have reduced front setbacks (if you want them to locate in the front yard?) and increased lot coverage in order to maximize limited available space within a residential neighborhood. Also, for such limited square footage of commercial spaces, there should be no parking requirements. Council already addressed parking requirements for commercial uses, if this is to occur in residential areas there may need to be regulations established. Many

locations will have on-street parking options or will be accessed via walking and biking. With the existing storm water concerns, it is possible this will be a limited use decision – establishing a limit on how many may locate with a designated radius??

Other Options

An option found during the research process is to allow the individual neighborhood(s) petition Council to allow for development/redevelopment of a specific location within their neighborhood. Within the petition to Council the neighborhood establishes the guidelines to be considered for the allowed uses and design standards for the specific area. This process is similar to the process for application to Council for an Historic District Neighborhood – this takes a majority of the residents to sign the petition for the neighborhood commercial use.

Another area of research found that the plats for residential neighborhoods set aside a lot to be designated for neighborhood commercial uses – this is done at the preliminary plat stage. The lot designated for the neighborhood commercial use is approximately the same area as the residential lots – approximately 6,000 – 7,000 SF.

Closing

This memo contains a great deal of varied information, done so to the outline the vast amount of information in the commercial zoning field.

A topic of debate regarding the Neighborhood Commercial V. Accessory Commercial Unit is the location of the use. The Neighborhood Commercial should be located at the corner of a neighborhood/cross-streets that carry moderate levels of pedestrian activity – walking, biking and automobiles. While the Accessory Commercial Unit is located deeper into the neighborhood – allowing this option is a discussion that needs to be had with the neighbors.

Is this an option for a “use by right” within the commercial and residential zoning districts? For the option of use by right, should there be the opportunity for the surrounding neighborhood/residents to be involved in the changes of their neighborhood?

If it is to be use allowed by right, then they must be exact – the proposal for both of these zoning options will need to be concise to avoid any unintended negative impacts for adjacent residential use.

Possible Issues:

Building Code issues for reuse of existing building,
Existing setbacks,
Alley/no alley,
Coverage,
Lights,
Hours of operation,
Restricted uses.

(Will the idea of Neighborhood Commercial/Accessory Commercial Units be restricted to existing structures?)

As with the greater majority of possible zoning changes that could impact the community, a variety of stakeholders may wish to be involved in the discussions leading to decisions for allowing the commercial uses within/adjacent to the residential neighborhoods. Those stakeholders will include area residents, local developers, and current/future business owners, all have an interest in the development aspects: providing services to the adjacent residential use while not creating a negative impact on the same residential use, adequate access to the to keep the business successful, mobility within the general area/neighborhood and developing an attractive physical environment where again, not a negative impact to the adjacent residential use.

Staff is available for discussion, questions and ready for direction from Council.

Exhibit A – C-1 Uses

SEC. 423.2 - C-1, LOCAL COMMERCIAL DISTRICT

(As amended by Ord. No. O-8485-62 – February 5, 1985; O-8485-89 – June 11, 1985; O-9192-17 – November 12, 1991; O-9192-18 – November 12, 1991; O-9596-19 – December 12, 1995; O-9697-51 – June 10, 1997; O-0102-26 – March 12, 2002; O-0102-51 – June 25, 2002; O-0203-46 – May 27, 2003; O-0304-29 – October 28, 2003; O-0405-60 – September 27, 2005; O-1314-13 – November 22, 2013; O-1617-31 – May 23, 2017; O-1718-51 – August 23, 2018; O-1819-17 – December 11, 2018; O-1920-4 – August 29, 2019; O-1920-39 – April 23, 2020; O-1920-45 – July 23, 2020)

1. General description. This commercial district is intended for the conduct of retail trade and to provide personal services to meet the regular needs and for the convenience of the people of adjacent residential areas. It is anticipated that this district will be the predominately used commercial district in the community. Because these shops and stores may be an integral part of the neighborhood closely associated with residential, religious, recreational, and educational elements, more restrictive requirements for light, air, open space, and off-street parking are made than are provided in other commercial districts.

2. Uses permitted. Property and buildings in a C-1, Local Commercial District, shall be used only for the following purposes:

- (a) Any use permitted in CO, except for Medical Marijuana Testing Laboratories as set forth in 423.1.2(a)(4). (O-1920-45)
- (b) The following uses shall be permitted provided that no individual use shall exceed a Gross Floor Area of 35,000 square feet and that no outdoor storage or display of materials or goods is permitted:
 - Antique shop.
 - Appliance Store.
 - Artist materials supply, or studio.
 - Automobile parking lots.
 - Automobile supply store.
 - Baby shop.
 - Bakery goods store.
 - Bank.
 - Barber shop, or beauty parlor.
 - Book or stationery store.
 - Camera shop.
 - Candy store.
 - Catering establishment.
 - Child care establishment.
 - Clothing or apparel store.
 - Dairy products or ice cream store.
 - Delicatessen store.
 - Dress shop.
 - Drug store or fountain.
 - Dry Cleaning and Laundry Plant with no more than three (3) dry cleaning machines and/or Laundry Pick-up Station (O-0102-26)
 - Dry goods store.
 - Fabric or notion store.
 - Florist.
 - Furniture Store
 - Gift Shop.
 - Grocery or supermarket.
 - Hardware store.
 - Hotel or motel.
 - Interior decorating store.
 - Jewelry shop.

- Key shop.
- Leathergoods shop.
- Medical Marijuana Dispensary, as allowed by state law. (O-1920-4)
- Messenger or telegraph service.
- Office business.
- Outdoor or indoor courts for handball, racquet ball, tennis, or sports activity of a similar nature (lighted outdoor courts shall not to be operated later in the evening than 10:00 p.m. and lighting must be arranged to direct light away from any adjoining property in a residential district).
- Painting and decorating shop.
- Pet shop.
- Pharmacy.
- Photographer's studio.
- Radio and television sales and service.
- Restaurant. A restaurant may include live entertainment and/or a dance floor, (all such activity fully within an enclosed building) provided the kitchen remains open with full food service whenever live entertainment is offered. (O-0102-51)
- Retail spirits store. (O-1718-51)
- Self service laundry.
- Sewing machine sales.
- Sporting goods sales.
- Shoe store or repair shop.
- Tailor shop.
- Theater (excluding drive-in theaters), including one that sells alcoholic beverages in compliance with state law. (O-1718-51)
- Tier I Medical Marijuana Processor, as allowed by state law. (O-1920-39)
- Tier II Medical Marijuana Processor, as allowed by state law. (O-1920-39)
- Toy store.

- (c) Any other retail store, shop or establishment serving the neighborhood in the manner stated above which in the opinion of the Planning Commission is similar in character to those above enumerated and is not more obnoxious or detrimental to the area in which it is located, by reason of noise, offensive odor, smoke, dust, vibration, traffic congestion or danger to life and property.
- (d) Name plate and sign relating only to the use of the store and premises or products sold on the premises.
- (e) Accessory buildings used primarily for any of the above enumerated purposes may not have more than forty (40) percent of the floor area devoted to purposes incidental to such primary use.

NOTE: The following uses are specifically prohibited: Laundry and dry cleaning establishments where cleaning or laundering is done on premises, major auto repairs, and manufacturing. (O-1971)

3. Special Use. The following uses may be permitted, after review, in accordance with Section 434.1:

- (a) Emergency Medical Transportation Services. (O-0203-46)
- (b) Funeral parlor, mortuary, and crematorium so long as the crematorium is attached to the funeral parlor or mortuary and complies with the following conditions and requirements:
 - (1) Any building which incorporates a crematorium use shall meet the setback requirements of the underlying zoning district.
 - (2) Facilities shall meet all applicable state and federal requirements for incineration equipment and shall be licensed at all times.
 - (3) All storage shall be inside.
 - (4) Incinerator stacks shall not be located on the front side of the roof of any structure facing the street. (O-1314-13)

- (c) Mixed building in which one or more dwelling units may be located on the second floor provided that:
 - (1) First floor use is a permitted use in the district;
 - (2) Only two-story structures are involved;
 - (3) The minimum area of a lot shall be 6,000 square feet;
 - (4) The ratio of floor area to lot area shall not exceed six tenths (0.6).
- (d) Automobile Service Station.
- (e) Any use listed in Section 423.2.2(b) which exceeds a Gross Floor Area of 35,000 square feet.
- (f) Liquefied Petroleum Gas sales and storage, when such use is clearly subordinate and accessory to the primary usage of the property.
- (g) Municipal use, public buildings and public utility. (O-1617-31)
- (h) Medical Marijuana Education Facility, as allowed by state law. (O-1920-4)
- (i) Medical Marijuana Research Facility, as allowed by state law. (O-1920-4)
- (j) Medical Marijuana Testing Laboratory, as allowed by state law. (O-1920-4)
- (k) Tier III Medical Marijuana Processor, as allowed by state law. (O-1920-39)

4. Area requirements.

- (a) Front Yard: A twenty-five (25) foot setback is required for all buildings. Across the entire front of all lots (and the street side of any corner lot) in plats filed after November 7, 2005 a minimum ten (10) foot landscape strip shall be installed, which may not be encroached upon by parking. One eight (8) foot tall shade (canopy) tree per each twenty (20) feet of lot frontage and one (1) three (3)-gallon shrub per five (5) feet of building frontage shall be installed within this landscape strip. Clustering of these required plantings may be allowed, if approved by the City Forester or his designee. Such planting should be covered by the three (3) year maintenance bond required when new landscaping is installed with the parking lot on the same tract. All species are to be approved by the City Forester. (O-0405-60)
- (b) Side Yard:
 - (1) For uses other than dwelling, no side yard shall be required except on the side of a lot adjoining a dwelling district in which case there shall be a side yard of not less than five (5) feet.
 - (2) Whenever the rear lot line of a corner lot of a local business district abuts a dwelling district, the side yard setback adjacent to the street shall be fifteen (15) feet.
- (c) Rear Yard:
 - (1) Rear yard shall not be required for retail establishments; except where a rear lot line abuts upon a dwelling district and the commercial building is designed to be serviced from the rear, there shall be provided a rear yard of not less than thirty (30) feet for lots without alleys and twenty (20) feet for lots with alleys; and further provided that in no case where the rear lot lines abut a dwelling district shall the commercial building be erected closer than three (3) feet to the rear lot line.

5. Height regulations. Except as provided in Article XII, Section 431.3 of this Code, no building shall exceed two and one-half (2-1/2) stories or thirty-five (35) feet in height.