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ORDINANCE NO. O-1920-51

ITEM NO. 15

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**STAFF REPORT**

**ITEM:** AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, DELETING SECTION 5-404 OF ARTICLE IV OF CHAPTER 5 ("BUILDING CONSTRUCTION"), RESERVING THE SAME, AND ADDING SECTION 22-431.10 ("RESIDENTIAL CARPORTS") TO CHAPTER 22 ("ZONING ORDINANCE"); AND AMENDING SECTION 22-441 ("BOARD OF ADJUSTMENT") TO CHAPTER 22 ("ZONING ORDINANCE") OF THE CODE OF THE CITY OF NORMAN TO ESTABLISH NEW RESIDENTIAL CARPORT STANDARDS IN THE ZONING ORDINANCE AND PROVIDE FOR BOARD OF ADJUSTMENT REVIEW OF RESIDENTIAL CARPORT APPLICATIONS AS SPECIAL EXCEPTIONS; AND PROVIDING FOR THE SEVERABILITY THEREOF.

**BACKGROUND:** Staff presented information regarding construction of carports to Council Committees and Council Study Session in May and October 2014, June 2018, and June 2019. Over the last few years, staff has researched several other communities and developed varying proposals regarding construction requirements and location of carports. At the October 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, the discussion did not proceed and no changes were made to the regulations at that time. Staff proposed amendments to change the regulations regarding carports in residentially zoned districts beginning again in 2018. Council requested more information on this amendment and asked that the Community Planning and Transportation Committee (CPT) discuss this item at a future meeting. Staff brought the carport discussion back to Committee in June of 2018 and again in June of 2019.

**DISCUSSION:**

The existing language regarding carports is in Chapter 5 of the City Code.

Chapter 5, 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 regulatory language and the location of the language, in Chapter 5 as opposed to Chapter 22, has been problematic for many years because it is very difficult to determine when some carports were built on a block, and to determine if building permits were issued for carports, as many existed prior to some of the current record keeping and permitting methods. In addition, Board of Adjustment does not have jurisdiction over regulations in Chapter 5. So, historically, there has been no appeal available for those citizens that wanted to construct a carport when the carport would extend forward of the setback line and the principal structure/house was built after the 1966 date. In addition, this language in Chapter 5 is in conflict with the setback requirements adopted in Chapter 22.

This amendment will delete the existing language in Chapter 5, as noted above, and insert the following language, shown in associated Ordinance, to Chapter 22, the Zoning Ordinance.

The 1966 date has been removed from the proposal, allowing structures built in 1975, as an example, to submit to Board of Adjustment for approval of a Special Exception to build a carport on their lot. Frequently, older homes built with a two-car garage have since been converted to living space. Not to mention, the older homes with a two-car garage typically do not allow the larger vehicles/mid-size SUVs to fit inside the garage. As stated, this amendment places the regulations for carports in Chapter 22. If adopted, the property owner now has the opportunity to submit to Board of Adjustment for a Special Exception to construct a carport.

With this proposed amendment all carports must receive Special Exception from Board of Adjustment and all carports do require issuance of a building permit.

Associated fees for Board of Adjustment, Special Exception application are approximate as shown: Special Exception application fees \$200, Certified Ownership List is approximately \$150 to \$200 and the Legal Ad in the Norman Transcript is approximately \$50 to \$100.

**CONCLUSION:** Staff presents this item to Planning Commission for your consideration.