

ORDINANCE NO. O-1314-15

ITEM NO. 11

STAFF REPORT

ITEM: AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA AMENDING SECTION 419, NON-CONFORMING USES; AMENDING SECTION 431.7 BY CLARIFYING THE LOCATION OF OFF-STREET PARKING SPACES, NOTICE PROVISIONS AND PENALTIES FOR NON-COMPLIANCE; AMENDING SECTION 441, THE BOARD OF ADJUSTMENT; AMENDING SECTION 450, DEFINITIONS, OF CHAPTER 22 OF THE CODE OF THE CITY OF NORMAN; AND PROVIDING FOR THE SEVERABILITY THEREOF.

SUMMARY OF REQUEST:

The Planning and Community Development Department has prepared a number of Code amendments that will clarify areas of confusion in the Code. Staff is proposing changes to Chapter 22 (Zoning) to address recent issues that have been brought forward regarding the location of off-street parking spaces, second homes for medical reasons in the rural area of the City, regulations for non-conforming uses and when a Variance is allowed.

The Planning Commission conducted a Study Session on November 14th to discuss the changes to Chapter 22 (Zoning Ordinance). The Commission agreed that all of the proposed amendments to Chapter 22 should move forward for consideration.

STAFF ANALYSIS:

The proposed amendments to Chapter 22 are varied and described below. They address several types of requests that have come to our attention in the last year and cannot be adequately addressed by the current language in the Code.

1. Section 22-431.7 addresses the location of off-street parking spaces. Section (a) language has been updated to read more clearly. Section (b) adds the same restriction regarding parking surfaces for commercial districts as for residential districts except for vehicle and equipment storage yards that are completely enclosed by an opaque fence. Section (c) adds the provision that notices for illegal parking may be issued to the property owner if information is not available on the registration of the vehicle. Also, if the offending vehicle is not moved to a legal parking surface within the time period specified, a citation may be issued to the property owner. Subsection [a] has been deleted after the language changes in the main body of section (c) have been added.
2. Paragraph 22:441.7(b) is related to Special Exceptions to allow the reconstruction of non-conforming buildings that have been destroyed by fire or act of God under very stringent criteria, including that the Board of Adjustment must find a "compelling public necessity" to allow the continuance of the use. Many Ordinances allow the reconstruction of a non-conforming building that is destroyed by a natural disaster back

to its original footprint with no changes without any additional oversight. The recommendation is to delete paragraph 22:441.7(b) and add language to Section 419, Non-Conforming Uses, to allow a building to be built back to its pre-disaster condition. The existing Section will affect the Hibdon Tires that burnt down near the west side WalMart.

3. The addition of Section 22:441.7 (g) is a proposed amendment to allow a Mobile Home and a House on the same lot in the A-2 zone for a medical emergency. This is allowed in Edmond and Oklahoma City, and the regulations proposed are similar to Oklahoma City regulations. Edmond has a more informal process.
4. Section 22:441.10 is being amended to allow a variance to be considered by the Board of Adjustment for any regulation in Chapter 22 as opposed to the current language that only allows variances to be considered for "height, area, and the size of yards and open spaces except that in the A-2, Rural Agricultural District, the frontage requirement may also be varied when justified." There are other common development regulations that people would like to request a variance for, such as the Exterior Appearance regulations. The criteria for evaluation of a Variance would remain the same. Requesting a variance does not ensure that it will be granted but does allow a property owner the process for it to be considered.
5. Section 22:450 is being amended to create a definition for Garage and to provide better definitions for Building and Structure. These terms have been problematic recently. The new definitions will allow staff to administer zoning and building applications more efficiently.

STAFF RECOMMENDATION:

Staff recommends approval of O-1314-15, amendments to Chapter 22 (Zoning Ordinance).