

ORDINANCE NO. O-1718-14

ITEM NO. 13

STAFF REPORT

ITEM: AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA AMENDING CHAPTER 22 OF THE CITY CODE TO AMEND SECTION 420, PLANNED UNIT DEVELOPMENTS, BY UPDATING THE REFERENCE TO THE CITY OF NORMAN'S MASTER LAND USE PLAN, BY INCREASING THE ACREAGE REQUIRED FOR PUD ZONING TO FIVE ACRES OR MORE AND AMENDING OTHER STANDARDS OF DEVELOPMENT TO ALLOW MORE FLEXIBILITY IN THE DEVELOPMENTS ZONED PUD; TO ADD SECTION 420.05, SIMPLE PLANNED UNIT DEVELOPMENTS (SPUD), TO CREATE A NEW ZONING CATEGORY FOR SPECIAL PLANNED UNIT DEVELOPMENTS CONTAINING LESS THAN FIVE ACRES; TO AMEND SECTION 431.2 BY DELETING THE WORD 'COMMERCIAL' FROM THE TITLE AND TO ADD SECTION 431.2 (c), SMALL COMMUNICATION TOWERS, TO REGULATE THE OPERATION OF THESE TOWERS THAT PROVIDE PRIMARILY RURAL INTERNET SERVICE; AND TO ADD SECTION 433, DISTRIBUTED WIND TURBINES, TO REGULATE THE OPERATION OF THESE TURBINES THAT PROVIDE POWER TO INDIVIDUAL STRUCTURES; AND PROVIDING FOR THE SEVERABILITY THEREOF.

BACKGROUND:

In the last year staff has had several inquiries from business owners to allow uses that are currently prohibited in the Zoning Code in certain areas or in the whole City. Staff has been researching other cities on how these uses are regulated and presented this information to the Community Planning and Transportation Committee for discussion and future action on August 24, 2017. In addition the City Council has requested that staff research a potential change in the Planned Unit Development (PUD) Ordinance to allow a different method of approving PUD's less than two acres in size. The Community Planning and Transportation Committee recommended staff move forward with the amendments to the Zoning Code and proposed changes which have been incorporated into the draft ordinance.

DISCUSSION:

The topics that are included for discussion are Simple Planned Unit Development (SPUD), Distributed (Small) Wind Turbines and Small Communication Towers.

Simple Planned Unit Development (SPUD)

Over the last few years there has been discussion about bringing forward an option to the PUD, Planned Unit Development Ordinance for areas smaller in size than the typical 5- to 20-acre proposals. In addition, there has been concern over the "2 acres" language currently included in the Zoning Ordinance for a PUD.

The Zoning Code amendments include the proposal to amend the two (2) acre language in the existing PUD zoning district and change it to five (5) acres or larger. And with the work on the new Comprehensive Plan, PlanNorman, staff proposes deleting the reference to the NORMAN 2025 Land Use and Transportation Plan of the City of Norman, Oklahoma from the PUD language.

There is language to establish a Simple Planned Unit Development (SPUD) zoning district for sites that are less than five (5) acres. Staff researched several other municipalities and there is a trend to establish a Planned Unit Development, PUD which is five (5) acres or larger and a secondary regulatory method to allow smaller developments under a SPUD, which is less than five (5) acres in area.

The SPUD will be the third type of PUD available for development projects. The original PUD regulations have been in the zoning code since 1991. The Center City Planned Unit Development (CCPUD) was approved this year as part of the approval of the Center City Form Based Code rezoning. Each set of PUD regulations are used in separate situations. They each apply in different circumstances and are not intended or allowed to be used together.

Distributed (Small) Wind Turbines

A distributed (small) wind turbine is a machine that, powered by the energy of the wind, generates mechanical energy that can be used to directly power machinery or to power an electrical generator for making electricity. The term can refer to windmills, windpumps as well as wind turbines.

Distributed (small) wind turbines raise many of the same issues as midsize wind energy conversion systems and wind farms. However, with their small size and their use as an accessory to a residence, they are more readily accepted than their larger counterparts. It is important to protect the property owner and neighbors from the potential hazards of a tall structure in a residential setting.

The intent of this zoning ordinance change would be to allow distributed (small) wind turbines in the RE, A-1 and A-2 zoning districts where the acreage will allow for small towers that would not be intrusive on neighbors. The proposed amendment to the Zoning Code are included in the attached ordinance.

Small Communication Towers

Staff received an anonymous complaint regarding "internet towers" that were installed by a local internet provider, Sooner Wireless, without benefit of permit. Code Compliance visited the site, noticed the property owner and the owner of the company submitted a permit application for the tower located on 120th Ave. N.E. Currently, the Zoning Ordinance does not address the use of internet towers, only Commercial Communication Towers (i.e. cellular phone communication towers) and Television and Radio Broadcast Towers.

These small internet towers provide an important service to the more rural areas of East Norman whose residents may not have any other access to internet service. For that reason, staff has included language amending the Zoning Ordinance to allow for the internet towers to be an allowed use in the rural residential areas. The proposed Zoning Ordinance amendment will allow these towers in the RE, A-1 and A-2, commercial and industrial zoning districts.

STAFF RECOMMENDATION:

Staff recommends approval of the attached Ordinance amending the Zoning Ordinance to address issues that are not currently included in the Zoning Ordinance and providing an additional option for planned unit developments.