



# City of Norman, OK

Municipal Building  
Council Chambers  
201 West Gray  
Norman, OK 73069

## Master

**File Number: O-1617-9**

**File ID:** O-1617-9

**Type:** Zoning Ordinance

**Status:** Non-Consent Items

**Version:** 1

**Reference:** Item 30

**In Control:** City Council

**Department:** Planning and  
Community  
Development  
Department

**Cost:**

**File Created:** 09/21/2016

**File Name:** Elm-Park Rezoning

**Final Action:**

**Title:** CONSIDERATION OF ORDINANCE O-1617-9 UPON SECOND AND FINAL READING:  
AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA,  
AMENDING SECTION 460 OF CHAPTER 22 OF THE CODE OF THE CITY OF NORMAN  
SO AS TO REMOVE PART OF THE NORTHEAST QUARTER (NE/4) OF SECTION  
THIRTY-ONE (31), TOWNSHIP NINE (9) NORTH, RANGE TWO (2) WEST OF THE  
INDIAN MERIDIAN, NORMAN, CLEVELAND COUNTY, OKLAHOMA, FROM THE R-3,  
MULTI-FAMILY DWELLING DISTRICT AND PLACE THE SAME IN THE R-1, SINGLE  
FAMILY DWELLING DISTRICT, OF SAID CITY; AND PROVIDING FOR THE  
SEVERABILITY THEREOF. (INCLUDING APPROXIMATELY: 400-500 BLOCKS OF  
WEST COMANCHE STREET; 400-500 BLOCKS OF WEST EUFAULA STREET; 400-600  
BLOCKS OF WEST SYMMES STREET; 100-300 BLOCKS OF WEST SIDE OF  
UNIVERSITY BOULEVARD; 100-400 BLOCKS OF PARK DRIVE; 400 BLOCK OF ELM  
AVENUE; AND 400 BLOCK OF TOBERMAN DRIVE)

**Notes:** ACTION NEEDED: Motion to adopt or reject Ordinance O-1617-9 upon Second Reading section by section.

ACTION TAKEN: \_\_\_\_\_

ACTION NEEDED: Motion to adopt or reject Ordinance O-1617-9 upon Final Reading as a whole.

ACTION TAKEN: \_\_\_\_\_

**Agenda Date:** 11/08/2016

**Agenda Number:** 30

**Attachments:** O-1617-9, Location Map, Staff Report, Interior  
Support/Protest Map 11-3-16, Petition Signatures  
11-3-16, Support Letters 11-3-16, Protest Signatures  
11-3-16, Protest Letters 11-3-16, Interior  
Support/Protest Map - 10-13-16 Planning  
Commission, 10-13-16 PC Minutes,  
Pre-Development Summary

**Project Manager:** Janay Greenlee, Planner II

**Entered by:** rone.tromble@normanok.gov

**Effective Date:**

## History of Legislative File

Ver- sion:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
1	Planning Commission	10/13/2016	Recommended for Adoption at a subsequent City Council Meeting		10/25/2016		Pass
	<b>Action Text:</b> A motion was made by Lewis, seconded by Knotts, that this Zoning Ordinance be Recommended for Adoption at a subsequent City Council Meeting . The motion carried by the following vote:						
1	Planning Commission	10/13/2016					
1	City Council	10/25/2016	Introduced and adopted on First Reading by title only				Pass
	<b>Action Text:</b> That this Zoning Ordinance be Introduced and adopted on First Reading by title only. by consent roll call						

## Text of Legislative File O-1617-9

Body

**SYNOPSIS:** The applicant and petitioners submitted a request to rezone from R-3, Multi-Family to R-1, Single Family. According to the Zoning Ordinance, Section 442.1-Amendments, "Whenever the owners of fifty-one percent (51%) of the land in any area shall present a petition duly signed and acknowledged requesting an amendment of the regulations prescribed for such area, it shall be the duty of the City Council to vote upon such amendment within ninety (90) days of the filing of the same by the petitioners with the City Clerk." The applicant and the petitioners met the petition requirement to bring this request forward; the original application submitted included owners of 57.8% of the land area within the subject tract signing the petition in favor of the rezoning request. The applicant and petitioners are requesting this rezoning to prevent redevelopment of existing structures into allowed uses under the R-3, Multi-Family Dwelling District regulations.

**ANALYSIS:** This area of Norman is known as Core Norman and is directly across the street from The University of Oklahoma. Campus Corner is two blocks to the east and downtown Norman is two blocks to the northeast. Core Norman is densely populated with a mix of eclectic architectural styles mainly designated as R-3, Multi-Family District with commercial zoning designations located in the nearby business districts. In this area of Norman, the R-3, Multi-Family District has a mix of single family homes, duplexes, townhomes, apartment houses and apartment complexes, as well as many single-family homes with garage apartments. Core Norman's unique character is built around the mix of businesses and neighborhoods. This and surrounding neighborhoods developed around the University of Oklahoma and downtown Norman; most of the structures in this area date approximately from the early 1900's to the 1950's.

The City of Norman adopted the Zoning Ordinance, No. 884, on July 13, 1954, and at that time the R-3, Multi-Family District was established in Core Norman. The R-3, Multi-Family District surrounds the commercial and office zoning districts of Downtown Norman and the OU campus area. The R-3, Multi-Family District boundaries north of Boyd are approximately from Elm Avenue on the west, to Classen Boulevard on the east. The R-3, Multi-Family District has remained on these properties since the adoption of the 1954 ordinance. Single family homes, duplexes and multi-family apartment houses have coexisted in this area of Norman for over 62 years.

The nature of the built environment in this area corresponds with the R-3, Multi-Family District because the existing various types of dwelling structures are allowed uses in this zoning designation. Several single family homes were converted into multi-family and two-family dwellings, garages were converted into apartments and there are structures that were originally built as two-family dwellings.

The proximity to downtown Norman and OU, which is Norman's largest employer with a high concentration of faculty and student populations, has precipitated higher density development. Norman promotes pedestrian friendly routes and walkability; therefore, higher densities are encouraged and planned where people can walk

to work and school as well as be in close proximity to goods, services and entertainment.

## **ALTERNATIVES/ISSUES**

**IMPACTS** The request to downzone is uncommon; most cases for rezoning are to increase residential density or change the zoning to allow commercial or industrial uses. The applicant and petitioners made this request to rezone from R-3 to R-1 which will not allow the construction of new multi-family and two-family structures or apartment houses within the area requested.

Existing structures in this area range from single family homes to single-family homes with garage apartments, duplexes and converted single family homes into multi-family units. Under the R-3, Multi-Family District any use in the R-1, Single Family District is allowed by right as well as a duplex or a single family home with a garage apartment and an apartment house if the lot area meets the zoning requirements as well as the required setbacks.

To redevelop a lot the required lot area must be met. The following outlines the required lot size requirements for each allowed use: a single family dwelling requires 5,000 sq. ft., a duplex or single family dwelling and a garage apartment requires 7,000 sq. ft., and an apartment house requires 9,000 sq. ft. for three units and each additional unit increases the lot requirement by 3,000 sq. ft.

For example, a six unit apartment house would require 18,000 sq. ft. of lot area with a 65% impervious limit for all paving and structures as well as 1.8 parking spaces for each dwelling unit. Currently, most of the lots in this area do not meet those requirements. Therefore, to remove an existing structure and build an apartment house requires more area than most lots contain and lots would have to be combined through lot line adjustments to achieve the required lot size for this type of structure.

The request to rezone to the R-1, Single Family zoning district will create non-conforming uses because of the existing duplexes, multi-family dwellings and garage apartments. Non-conforming uses cannot be expanded beyond their current footprint which creates impediments to improving or upgrading existing two family or multi-family dwellings.

## **OTHER AGENCY COMMENTS:**

**PARK BOARD:** Parkland dedication is not required for this request.

**PUBLIC WORKS:** There are multiple plats for this area of Norman and some lots are not platted. All public infrastructure is in place.

## **PREDEVELOPMENT MEETING#16-14 - September 22, 2016**

### **Application Summary**

The applicants, David and Joan Koos and Jonathan Fowler made a request to rezone the requested area from R-3, Multi-Family District, to R-1, Single Family District.

### **Neighbor's Comments/Concerns/Responses**

The applicant and petitioners do not want any existing properties to be redeveloped with two-family units, multi-family units or garage apartments. They stated that they value the current housing stock and do not want redevelopment or change to existing structures into any type of multi-family structures.

Property owners that did not sign the petition do not want the R-3, Multi-family designation removed from their properties. They stated this area of Norman has been zoned R-3, Multi-family since Norman adopted the Zoning Ordinance in 1954; rezoning from R-3 to R-1 removes their private property rights; and as investors in the community, will reduce their property values and sources of income. Downzoning removes the potential to provide aging in place for elderly parents or provide housing for children that are in college.

Property owners asked Planning staff what other mechanisms are available besides rezoning to prevent the teardown of existing homes and rebuilding of multi-family structures. Staff explained options such as:

requesting to be included in a Historic District, form a property owners association with covenants, or create an overlay district on R-3 zoned properties with architectural design guidelines, increased setbacks and greater lot size requirements are several options.

Staff also explained that rezoning from R-3 to R-1 makes the existing multi-family dwellings non-conforming uses. This was a concern to property owners that currently lease their properties. Staff also explained the implications of non-conforming uses to their properties; the use may remain but they cannot expand the existing footprint; and if the use is not continued or ceases for two consecutive years, the non-conforming use expires. Furthermore, the existing structure cannot be demolished on the property owners own will; the only way a non-conforming multi-family use would be allowed to be redeveloped into a multi-family structure is if it was destroyed by an act of nature. Staff explained the following implications of this request if passed; for instance, a homeowner of an existing single family house with a detached garage decides they would like to add a garage apartment but that would not be allowed under the R-1 zoning regulations. If you have an existing garage apartment in R-3 the use can continue but under R-1 regulations you cannot demolish and rebuild the existing structure. All multi-family properties that have existing structures that may be in substantial need of rehabilitation potentially will not be redeveloped because the ability to redevelop will be restricted. The downzoning creates non-conforming uses that cannot be rehabilitated, rebuilt or renovated beyond general maintenance.

Overall, the applicants believe their rezoning request will protect the integrity of their neighborhood, and property owners not in favor of this petition believe this request removes their existing property rights and will diminish their investments.

**RECOMMENDATION:** The applicants and petitioners made this request to prevent multi-family redevelopment of existing homes within this neighborhood. This zone change will also have the effect of creating non-conforming structures on lots which are developed with more than a single-family home. There are pros and cons on both sides of this request; however, staff supports this request to rezone from R-3 to R-1 based on the percentage of property owners who have signed the petition in favor of the change.

Planning Commission, at their meeting of October 13, 2016, recommended adoption of Ordinance No. O-1617-9 by a unanimous vote of 8-0.

Staff is still receiving letters of support and protest from those included in the subject tract, those within the notification area, as well as those outside the notification area. Staff will continue to update the percentages of support and protest for those within the subject tract and those within the notification area. Those letters of support or protest outside the notification area will not be included in the percentages but will be shown on the updated map. The updated map will be ready for 2nd Reading at City Council on Tuesday, November 8, 2016.