

**NORMAN PLANNING COMMISSION
REGULAR SESSION MINUTES**

MARCH 13, 2014

The Planning Commission of the City of Norman, Cleveland County, State of Oklahoma, met in Regular Session in Council Chambers of the Norman Municipal Complex, 201 West Gray Street, on the 13th day of March 2014. Notice and agenda of the meeting were posted at the Norman Municipal Building and online at <http://www.normanok.gov/content/boards-commissions> at least twenty-four hours prior to the beginning of the meeting.

Vice Chair Sandy Bahan called the meeting to order at 6:30 p.m.

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Item No. 1, being:

ROLL CALL

MEMBERS PRESENT

Curtis McCarty
Jim Gasaway
Roberta Pailes
Tom Knotts
Chris Lewis
Cindy Gordon
Dave Boeck
Sandy Bahan

MEMBERS ABSENT

Andy Sherrer

A quorum was present.

STAFF MEMBERS PRESENT

Susan Connors, Director, Planning &
Community Development
Jane Hudson, Principal Planner
Janay Greenlee, Planner II
Ken Danner, Subdivision Development
Manager
Roné Tromble, Recording Secretary
Leah Messner, Asst. City Attorney
Larry Knapp, GIS Analyst II
Terry Floyd, Development Coordinator
David Riesland, Traffic Engineer
Scott Sturtz, City Engineer

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Item No. 11, being:

O-1314-15 – 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.

ITEMS SUBMITTED FOR THE RECORD:

1. Staff Report
2. Ordinance No. O-1314-15

PRESENTATION BY STAFF:

1. Susan Connors – I held a study session with you in November regarding these zoning code amendments, but I'll go over them quickly with you again. The first one, regarding the off-street parking spaces – we have right now restrictions regarding parking surfaces for residential districts, but we don't have that same restriction for commercial districts. So what this amendment would do, first of all, would be to require that parking surfaces in commercial districts be a hard parking surface, like we require for residential. Then we would also make a revision that notices for illegal parking may be issued to the property owner, and if we can't find the owner of the car, then we could cite the property owner if a car is not parked properly on a piece of property. Then we are deleting a section of the code on violations that was there because we've added this new language. So basically we are adding language that gives us some additional provisions to regulate parking.

Then the next item is -- in the special exceptions section for the Board of Adjustment, they have a portion of the code that gives them allowance to have a non-conforming use that is destroyed by fire or an act of God – the allowance to build it back, but only if they find a compelling public necessity to allow continuance of that use. We are proposing that that section of the special exceptions be deleted, and that language be added to the non-conformance section of the code that would simply allow a non-conforming use destroyed by act of God or a fire or some disaster, which does occur in Oklahoma, that that use could be put back in exactly the same size and location that it was previously with no changes or additions. That's really common language in many codes that I've been aware of.

Then we're also adding a special exception amendment to allow a mobile home and a house on the same lot in the A-2 zoning district where there is a medical emergency and where we have a note from a doctor indicating that there's a medical emergency and need for someone to take care of someone on the lot. That would be allowed for a period of up to three years by the Board of Adjustment, and then they could renew that at whatever time slot the Board of Adjustment allows that to continue, until its no longer needed, and then the mobile home would have to be removed. That would be on a lot in A-2 of at least five acres.

Then we're also recommending amendment to the Board of Adjustment language to allow an expanded allowance on variances in the code. Right now a variance is only allowed for height, area, the size of yards, and open spaces, generally. So what we're proposing is that there would be an allowance for a variance of any development standard in the code. That would include things like the exterior appearance, landscaping regulations, building coverage, impervious areas, lot width, minimum lot area, and floor area ratio. Those types of things currently aren't allowed to be brought to the Board of Adjustment to be considered. Of course, the regulations and the criteria for granting a variance wouldn't change. And just because it's brought forward doesn't mean it would be approved. But that would allow people at least the opportunity to have that application process.

Then, finally, we are adding definitions of a garage, which we don't currently have and, in the recent past, it's been a problem not having that definition. Then we are also improving the definitions for building and structure. Those are the amendments that we are proposing. I'd be happy to answer any questions.

2. Ms. Gordon – On page 11-4, the citations for illegal parking – issuance. Is that just really kind of nothing content-wise is necessarily a change; just the language has been cleaned up?
3. Ms. Connors – Actually, no. You mean section c? Actually, right now we have to only post the vehicle. Very often we can't find – we have to send the letter to the owner of the vehicle. We can't run tags; Code Compliance Officers cannot run tags, and the police can't run tags for us. We can put a note on the vehicle, but it's not a very effective way to get compliance with illegal parking. So what this will allow us to do, if we cannot determine who the owner of the vehicle is, then we will be able to cite the property owner where the illegal vehicle is parked. That will probably be quicker compliance because the property owner doesn't want to get tickets.
4. Mr. Boeck – Has that been tested in the court of law in other places as a more efficient way?
5. Ms. Connors – Well, certainly, the Legal Department has reviewed all these amendments and deemed that they're appropriate.
6. Ms. Gordon – The wording in here is weird. It says "the inspector finding the vehicle shall take its registration number and any other information displayed on the vehicle which may identify its owner". Well, if they can't check registration, who has their name on it? How else would you identify its owner on the vehicle?
7. Ms. Connors – It's my understanding that potentially – we can check the VIN number. This has been a pretty major problem.
8. Ms. Gordon – I'm concerned about the time and the delay that all of this takes. I mean, if this is the most efficient way. But, my gosh, the vehicle will be sitting there for 30 days by the time it's moved.
9. Ms. Messner – I think the major problem, Commissioner Gordon, is cars in parking lots of apartment complexes. We're stickering the vehicle and it's not getting moved and we don't know who the owner is if it's a large complex. Or we're seeing cars parked in back yards and we can't see tags. There's no way we can check the VIN number, so we'd like the option to ticket the property owner as opposed to the owner of the vehicle, because they may be different folks – maybe a landlord/tenant type situation.
10. Ms. Gordon – Oh, I'm all for it. But the timing of all that really doesn't change?
11. Ms. Messner – No.
12. Mr. Knotts – Does the mobile home for emergency medical allow for an additional septic system or connection?
13. Ms. Connors – Yes, we put language in here identifying that they have to meet any City requirements. Well, we didn't put that in there; we can add language to the special exception that they would have to meet any sanitary sewer – we did check; they can connect into a septic system.
14. Mr. Knotts – It has to be an existing septic system, or can they have a separate system, because sometimes those systems are really not accessible.
15. Ms. Connors – The County would have to approve the connection to the system, so it would have to meet the County's requirements for a septic system.

16. Mr. McCarty – Well, moving in a trailer house, you've got to get a permit. Right?
17. Ms. Connors – Yes.
18. Mr. McCarty – So the City is going to have inspections as well.
19. Mr. Knotts – The problem is that, in A-2, if you have a 10-acre property, you're actually only allowed one septic system in that and the parking place for the mobile home could be a problem.
20. Mr. McCarty – How are you only allowed one?
21. Mr. Knotts – When I tried to put one in, they told me I couldn't.
22. Ms. Connors – Who did? The City?
23. Mr. Knotts – The City.
24. Ms. Connors – That's because right now in A-2 you are only allowed one house per lot. So we're allowing a temporary second unit, and so whatever is required to make that second unit up to code, we would require that.
25. Mr. Knotts – Well, I think you really need to say something that, if need be – I mean, this would be a permanent installation of a new septic system for that temporary mobile home.
26. Mr. McCarty – But if it's temporary, you could also put above-ground storage in. They do it in job-site trailers and stuff all the time.
27. Mr. Knotts – Some of your jobs may last three years, but a three-year above-ground system is not a real safe system, really.
28. Mr. McCarty – Is there some language we want to change on the septic thing that you feel comfortable with?
29. Mr. Knotts – You've made note of that and I just would like to be sure that that's a possibility.
30. Ms. Connors – We will carry forward something to City Council to explain that. And it will be in the minutes.

AUDIENCE PARTICIPATION:

None

DISCUSSION AND ACTION BY THE PLANNING COMMISSION:

Curtis McCarty moved to recommend adoption of Ordinance No. O-1314-15 to City Council, with Mr. Knotts' concerns noted. Chris Lewis seconded the motion.

There being no further discussion, a vote on the motion was taken with the following result:

YEAS

Curtis McCarty, Jim Gasaway, Roberta Pailes, Tom Knotts,
Chris Lewis, Cindy Gordon, Sandy Bahan, Dave Boeck

NAYES

None

MEMBERS ABSENT

Andy Sherrer

Ms. Tromble announced that the motion, to recommend adoption of Ordinance No. O-1314-15 to City Council, passed by a vote of 8-0.

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