
ORDINANCE NO. O-1617-10

ITEM NO. 5

STAFF REPORT

GENERAL INFORMATION

APPLICANT	Judith Hadley
REQUESTED ACTION	Rezoning to R-1, Single Family Dwelling District
EXISTING ZONING	R-3, Multi-Family Dwelling District and Miller Historic District Overlay
SURROUNDING ZONING	North: C-2, General Commercial and R-3, Multi-Family and RM-6, Medium Density Apartment Districts East: R-1, Single Family Dwelling District and C-2, General Commercial South: R-3, Multi-family Dwelling District West: PL, Park Land and Rail Road ROW
LOCATION	Core Norman
SIZE	24.67 acres more or less
PURPOSE	Single Family Dwellings
EXISTING LAND USE	Multi-Family, Two-Family and Single Family Dwellings, Office and Park Land
SURROUNDING LAND USE	North: Single Family, Two-Family, Multi-Family homes and Commercial Businesses East: Single Family homes and Norman Public School South: Single Family, Two-Family and Multi-Family homes West: Single Family and Multi-Family Homes, Park Land and Rail Road
LAND USE PLAN DESIGNATION	Low Density Residential

SYNOPSIS: The applicant, Judith Hadley and petitioners made a request to rezone the subject area from R-3, Multi-Family District to R-1, Single Family District. According to the Zoning

Ordinance in 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 petitioners met this requirement with the owners of 64.1% of the land in this area.

The applicant and petitioners have requested this downzoning to prevent redevelopment of the existing structures into multi-family apartment houses, duplexes or single family homes with a garage apartment allowed under the R-3, Multi-Family District regulations.

ANALYSIS: This area of Norman is known as Core Norman. The University of Oklahoma is three blocks southwest of this neighborhood, Campus Corner is two blocks to the southwest and downtown Norman is two blocks to the north. Core Norman is densely populated with a mix of eclectic architectural styles within several zoning designations. 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. Core Norman’s unique character and style is built around this 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 is surrounded by the commercial and office zoning districts of Downtown Norman and the OU campus area. In this area the R-3, Multi-Family District boundaries are north of Boyd 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 Zoning Ordinance. Single family homes, duplexes and multi-family apartment houses have coexisted in this area of Norman for over 70 years.

The nature of the built environment in this area corresponds with the R-3, Multi-Family District; the existing various types and styles of dwelling structures are allowed uses in this zoning designation. 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. This varied mix of housing types also provides for a range of affordable housing options for the elderly to age in place as well as young student families.

Furthermore, the proximity to downtown Norman and OU, which is Norman’s largest employer, has a high concentration of faculty and student populations which 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, Multi-Family to R-1, Single Family to prevent the construction of new multi-family apartment houses, duplexes, or single family homes with a garage apartment in this area.

Existing structures 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 guidelines 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 requirements.

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. Most of the lots in this area do not meet those requirements.

The request to rezone to the R-1, Single Family 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 or rebuilt by the property owners own will which creates impediments to improving or upgrading existing two family, multi-family dwellings or garage apartments. A non-conforming can only be rebuilt in the event a natural disaster destroys the structure, then the non-conforming use can be rebuilt only to the original footprint and intensity of use. Non-conforming uses can be renovated on the interior and improved on the exterior without removing the existing frame of the structure.

Most of the area in this request is within the Miller Historic Overlay District (MHD). The MHD provides an extensive layer of protection for this neighborhood; before any structure can receive approval for a demolition and/or building permit the applicant must obtain approval from the Historic District Commission. The Historic District Commission reviews the applicant's proposal for appropriate style, character and function which protects the neighborhood architectural style and type of use. The only properties that are part of this application but are not included in the MHD are the abutting properties west of Miller Lane to Jones; they are subject only to the R-3, Multi-Family District regulations.

OTHER AGENCY COMMENTS:

- **PARK BOARD** Parkland dedication is not required for this request.
- **PUBLIC WORKS** There are multiple plats for this area and some lots are not platted. All public infrastructure is in place.
- **PREDEVELOPMENT MEETING #16-15** **September 22, 2016**

Application Summary

The applicant, Judith Hadley and petitioners, have made a request to rezone the requested area from R-3, Multi-Family, to R-1, Single Family zoning district. The applicant and petitioners met the minimum requirement of owners of 51% of land in an area to bring this request through the public hearing process. This requirement has been met with the owners of 64.1 % of land in this area that support this request. The applicants and petitioners have requested this downzoning to prevent redevelopment of the existing structures into multi-family apartment

houses, duplexes or single family homes with a garage apartment under the R-3, Multi-Family regulations.

Neighbors' Comments/Concerns/Responses

The applicant and petitioners do not want any existing properties to be redeveloped into two-family, multi-family or a garage apartment. They value the current housing stock and do not want redevelopment of existing structures into any type of multi-family structures.

The majority of the land area in this request is within the Miller Historic Overlay District which provides a protective layer in the R-3, Multi-Family District. The Historic District halts redevelopment (demolition and/or building permits cannot be issued without approval from the Historic District Commission) that could otherwise happen under the R-3, Multi-Family regulations. The area immediately west of the Miller Historic District boundary at Miller Lane west to Jones Street and north from Maple Lane and south to Ferrill Lane is not in the Miller Historic District and zoned R-3 Multi-Family District. This area could be redeveloped under the R-3 regulations without the Historic District Commission oversight.

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. Furthermore, by downzoning it 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 downzoning to prevent the teardown of existing homes and rebuilding of multi-family structures. Staff explained options such as: expanding the Miller Historic District to the west to Jones Street, form a property owners association with covenants, or make a petition to 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 places existing multi-family dwellings into a non-conforming status. This is a concern to property owners that currently lease their properties. Staff further explained the implications of non-conforming uses and the potential impacts to their properties; the existing use may remain but cannot expand beyond the existing footprint, and if the use is not continued or ceases for two consecutive years the non-conforming use discontinues. Furthermore, the existing structure cannot be demolished on the property owners own will; the only way a non-conforming use would be allowed to be redeveloped is if was destroyed by an act of nature. The non-confirming use could then be replaced/redeveloped only to the extent of what existed prior to the 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 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 the garage apartment is not allowed. All multi-family properties that have existing structures that may be in substantial need of rehabilitation potentially will not be redeveloped because the right to redevelop will be restricted. Downzoning can create non-conforming uses that cannot be rebuilt or expanded.

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

RECOMMENDATION

This request is made to preserve the existing homes and character of the 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. There are pros and cons on both sides of this request; however, staff supports this request to rezone from R-3 to R-1 (Ordinance No. O-1617-10) based on the percentage of property owners who have signed the petition in favor of the change.