

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 SIMPLE 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.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA:

§ 1. That Section 420 of Chapter 22 of the Code of the City of Norman shall be amended to read as follows:

**SEC. 420 - PLANNED UNIT DEVELOPMENTS**

1. Statement of Purpose. It is the intent of this section to encourage developments with a superior built environment brought about through unified development and to provide for the application of design ingenuity in such developments while protecting existing and future surrounding areas in achieving the goals of the comprehensive plan of record. The "PUD" Planned Unit Development district herein established is intended to provide for greater flexibility in the design of buildings, yards, courts, circulation, and open space than would otherwise be possible through the strict application of other district regulations. In this way, applicants may be awarded certain premiums in return for assurances of overall planning and design quality, or which will be of exceptional community benefit and which are not now required by other regulations. By permitting and encouraging the use of such procedures, the Planning Commission and City Council will be able to make more informed land use decisions and thereby guide development more effectively in the best interest of the health, safety, and welfare of the City.

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3. Standards of Development.

- (a) Ownership control. Applicants eligible for preliminary plan review must be the landowners of record, holders of a lease for not less than fifty (50) years, or their authorized agent and beneficiaries of all properties in question. The approved final development plan shall be binding on all subsequent owners of the land until revised or repealed as authorized in this section.
- (b) Minimum District Area. Eligible properties must be five (5) acres or larger in size.

- (c) Parking and off-street loading. All uses established within a Planned Unit Development shall provide standards for off-street parking and loading and related landscaping provisions which generally follow the regulations found in Sections 431.5, 431.7 and 431.8 and are found to provide adequate parking and landscaping for the uses proposed. However, the requirements for individual structures or lots may be met through either provision of adequate parking on the lot on which structure is so located, or upon adjacent property which is under the control of a property owners' association to which said lot is an automatic participant.

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§ 2. That Section 420.05 of Chapter 22 shall be added to read as follows:

**SEC. NO. 420.05 SIMPLE PLANNED UNIT DEVELOPMENTS**

1. General Description. The Simple Planned Unit Development referred to as SPUD, is a special zoning district that provides an alternate approach to the conventional land use controls and to a PUD, Planned Unit Development to maximize the unique physical features of a particular site and produce unique, creative, progressive, or quality land developments.

The SPUD may be used for particular tracts or parcels of land that are to be developed, according to a SPUD Narrative and a Development Plan Map and contains less than five (5) acres.

The SPUD is subject to review procedures by Planning Commission and adoption by City Council.

2. Statement of Purpose. It is the intent of this section to encourage developments with a superior built environment brought about through unified development and to provide for the application of design ingenuity in such developments while protecting existing and future surrounding areas in achieving the goals of comprehensive plan of record. In addition the SPUD provides for the following:

Encourage efficient, innovative use of land in the placement and/or clustering of buildings in a development and protect the health, safety and welfare of the community.

Contribute to the revitalization and/or redevelopment of areas where decline of any type has occurred. Promote infill development that is compatible and harmonious with adjacent uses and would otherwise not be an area that could physically be redeveloped under conventional zoning.

Maintain consistency with the City's Zoning Ordinance, and other applicable plans, policies, standards and regulations on record.

Approval of a zone change to a SPUD adopts the Master Plan prepared by the applicant and reviewed as a part of the application. The SPUD establishes new and specific requirements for the amount and type of land use, residential densities, if appropriate, development regulations and location of specific elements of the development, such as open space and screening.

3. Uses Permitted. In addition to zoning districts established elsewhere in this chapter, a Simple Planned Unit Development zoning district is established and shall be designated on the Zoning District Map, upon application of the landowner and approval by the City Council. There are no specifically prescribed uses which are permitted within the boundaries of a Simple Planned Unit

Development. The developer shall be responsible for preparation of a list of permitted uses within the specific Simple Planned Unit Development requested.

#### 4. Master Plan.

- (a) The basis for review and approval of a SPUD application shall be the SPUD Narrative and SPUD Development Plan Map, which shall be adopted as a part of the ordinance for rezoning in conformance with the requirements described in the regulations.
- (b) The SPUD Master Plan shall consist of two (2) elements:

*SPUD Narrative, and*

*The Site Development Plan Map*

The SPUD Narrative and Development Plan Map establishes residential densities, if appropriate, as well as the amount, type and general location of all land uses; the SPUD Narrative and Development Plan Map shall serve at the basis for review and approval of all subdivision plats and building permits within the SPUD.

5. Criteria for Review and Approval. The applicant should be prepared to provide amenities and services that may not be required or possible under the current conventional zoning. Review and approval of a SPUD is therefore a process of negotiation between the city government and the applicant to achieve the intent and purpose of the regulations of the comprehensive plan of record while maintaining/establishing compatible uses abutting one another.

The following factors should be specifically included as review criteria for the evaluation of a SPUD application. Other factors not listed herein may also be considered in the review process in order to respond to specific design and land use proposals.

- (a) The proposed SPUD shall be designed to provide for the unified development of the area in accordance with the spirit and purpose of the adopted comprehensive plan of record and the land uses and zoning districts adjacent to said proposal.
- (b) Density, land use, and intensity will be based on the SPUD Narrative and Development Plan Map and be in conformance with the comprehensive plan of record.
- (c) Location and type of housing shall be established in a general pattern and shown on the Development Plan Map and outlined in the Narrative as supporting documentation.
- (d) Minimum design and construction standards for streets and alleys shall meet the requirements adopted in the Subdivision Regulations or other policies on record.

#### 6. Standards of Development.

- (a) The Site Development Plan shall include the following: north arrow, all property lines, all adjacent street and alley rights-of-way, show the centerline of each and

any street names, the location of driveway approaches both on-site and across the street.

- (1) Identify the uses to be allowed in the district
- (2) Maximum height of all buildings
- (3) Maximum number of buildings
- (4) Designating on the Development Plan the front, side and rear of the lot(s), with setbacks (if any)
- (5) Description of the sight-proof screening requirements
- (6) Description of all outdoor/exterior lighting to be regulated on site
- (7) Master sign plan for the site is required
- (8) The applicant must show how drainage/storm water management methods will be addressed so as to not impact adjacent property owners
- (9) A description of the architecture of all buildings including exterior building materials
- (10) A statement indicating the percentage of open space for the site
- (11) A detail of the parking area must be shown on the Site Development Plan

#### 7. General Design and Development Guidelines.

- (a) Amenities. Amenities should be considered as an important justification for development and city approval of a SPUD. The applicant should be prepared to provide amenities and services that may not be required or possible in a conventional development such as additional landscaping, usable open space fencing, limiting curb cuts, limits of no access, sidewalks and pedestrian ways where it is necessary to provide for public safety, minimal signage to provide development compatible with adjacent developments and neighborhoods.
- (b) Land Area. The land area allowed under a SPUD is less than five (5) acres in size.
- (c) Off-Street Parking, Loading and Access. All uses should contain adequate parking on private property to provide parking, loading and maneuvering of vehicles in accordance with the regulations established in Section 431.5 – Off-Street Parking Requirements of the Zoning Ordinance. The applicant may request a parking variance within the SPUD Narrative.
- (d) Relationship to Abutting Uses. The Master Development Plan Map should show graphically the treatment, what will be employed to separate the SPUD uses from abutting properties, including commitments to landscaping, screening, earthen berms or similar techniques.

It is appropriate to specifically establish areas with height limitations where a transition to more intense uses is proposed or where a higher intensity development is proposed to abut a lower intensive area.

The applicant may request a variance to the landscaping requirements established in Section 431.8 – Landscaping Requirements for Off-Street Parking Facilities within the SPUD Narrative.

- (e) Common Access. In office, commercial or industrial developments, the SPUD Development Plan should establish specific standards and locations for common access driveways both within the development and abutting arterial streets.

8. Application Procedures. The application procedures for the SPUD shall follow the procedures listed in Section 420.4 of this Ordinance.

9. Submission Requirements. The submission requirements for the SPUD shall follow the requirements listed in Section 420.5 of this Ordinance.

10. Revocation. The revocation of a SPUD shall follow the procedure listed in Section 420.6 of this Ordinance.

11. Administration. The Planning Director shall be permitted to approve minor amendments and adjustments to the SPUD Narrative or Site Development Plan Map, provided the following conditions are satisfied:

- (a) The project boundaries are not altered.
- (b) Uses other than those specifically approved in the SPUD are not added. Percentage of area devoted to specific uses may not be increased or decreased by more than 20 percent of the area devoted to the specific use. Uses may be deleted, but not to the extent that the character of the project is substantially altered.
- (c) The allocation of land to particular uses, or the relationship of uses within the project, is not substantially altered.
- (d) The density of housing is not increased by more than 20 percent or decreased by more than 20 percent.
- (e) The land area allocated to non-residential uses is not increased or decreased by more than 20 percent.
- (f) Floor area, if prescribed, is not increased or decreased by more than 20 percent.
- (g) Floor area ratios, if prescribed, are not increased.

- (h) Open space areas or ratios, if prescribed, are not decreased.
- (i) Screening and fencing requirements, provided amendments shall not substantially alter the SPUD.
- (j) Height restrictions, yard requirements, lot coverage restrictions, and other area, height and bulk requirements prescribed in the SPUD are not altered by more than 20 percent.
- (k) The circulation system is not substantially altered in design, configuration or location, and has the approval of the Public Works Department.
- (l) The design and location of access points to the project are not substantially altered, either in design or capacity and have the approval of the Public Works Department.

The Director shall determine if proposed amendments to an approved SPUD satisfy the above criteria. If the Director finds that these criteria are not satisfied, an amended SPUD shall be submitted for full review and approval by Planning Commission and City Council.

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§ 3. That Section 431.2 of Chapter 22 shall be amended to read as follows:

**Sec.431.2 Communcation Towers**

(a) As defined herein, Communication Towers are prohibited within any public right-of-way or residential zoning district. Such uses are allowed by right within the PL and C-1 Districts, (with specific conditions) as well as the C-2, C-3, I-1, I-2, M-1, A-1, or A-2 zoning districts, subject to the following restrictions:

\* \* \*

(c) Small Communication Towers are allowed in the rural area of Norman to particularly provide internet service to areas of east Norman that do not have any or adequate service at this time. Norman residents' access to internet services is important since many people now run businesses from home with the use of internet and stream television programming which they could not do in these rural areas without alternative service. The following design standards are the minimum criteria that must be met:

- (1) A Small Communication Tower is defined as a tower, possibly guy-wired, no more than 190 feet tall where antennae and communications equipment are placed to serve residential properties with internet service.
- (2) Internet receiver towers are allowed on private property in the RE, A-1 and A-2 Districts as well as C-2, C-3, I-1, I-2, and M-1 Districts with the following conditions:
  - a. Towers shall be no taller than 190 feet.
  - b. Towers shall be set back from the property line a distance that protects

adjacent property owners and/or habitable structures from damage if the tower collapses. Area of fall cannot be located on adjacent property not owned by the applicant or on the public right-of way. A certified engineer’s report is required to verify adequate area of fall and guy wire installation.

- c. All towers shall observe a minimum setback from any abutting street right-of-way equal to the height of the tower.
- d. Compliance with all requirements of the Building Code, including an Engineer’s structural certification of the tower structure, must be demonstrated before a building permit can be issued.
- e. To minimize visual impacts that can result from the presence of such facilities, towers are limited to single sphere construction.
- f. No lights, signals, or illumination shall be permitted on any tower unless required by the Federal Communication Commission (FCC), Federal Aviation Administration (FAA), or City agency. No commercial advertising, signage, or flags shall be allowed on any tower. Towers and accessory facilities should be colored or painted in muted tones that minimize their visibility, unless otherwise required by the FCC or FAA.
- g. As defined herein, Internet Receiver Towers are prohibited within any public right-of-way.

- (3) Removal. If a small communication tower becomes inoperable and is not put back into service within six months, the owner of the tower shall remove the small communication tower and other related equipment.

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§ 4. That Section 433 of Chapter 22 shall be added to read as follows:

**SEC. 433 – DISTRIBUTED (SMALL) WIND TURBINES**

1. Intent. To provide for the development of clean, renewable energy resources while protecting the public health, safety and welfare of the community. The City of Norman finds these regulations are necessary to ensure that distributed (small) wind turbines are appropriately designed and safely sited and installed. This ordinance establishes the regulations and criteria which allow distributed (small) wind turbines as compatible accessory uses in residential districts.

2. Definitions.

- a. Distributed (Small) Wind Turbine: A wind energy conversion system consisting of a wind turbine, tower, and associated control or conversion electronics, which has a rated capacity of not more than ten kilowatts and is intended to primarily reduce on-site consumption of utility power. A system is considered a residential distributed (small) wind turbine only if it supplies electrical power solely for on-site use, except that when a parcel on which the system is installed also receives electrical power supplied by a utility company, excess electrical power generated and not presently needed for on-site use may be used by the utility company.
- b. Tower: The vertical component of a wind energy conversion system that elevates the wind turbine generator and attached blades above the ground.

3. Regulations. Distributed (small) wind turbines are a permitted use in the RE, A-1 and A-2 zoning districts subject to the following:

- a. Only one distributed (small) wind turbine per residential lot.
- b. The maximum rotor diameter for small wind turbines shall be thirty (30) feet.
- c. The tower height shall be limited to 120 feet.
- d. No tower is permitted that requires any lighting except under federal, state or local law.
- e. There shall be a minimum of thirty (30) feet between the ground and the lowest point of the rotor blade. No blades may extend over parking areas, driveways, sidewalks or right-of-way.
- f. Unauthorized access to the tower shall be prevented by design with a minimum of twelve (12) feet from the ground to the bottom of the ladder. All doors to small wind turbine towers and electrical equipment shall be locked.
- g. No part of the small wind turbine structure, including guy wire anchors, may extend within ten feet of the property boundaries of the installation site.
- h. Small wind turbines shall be set back, a distance equal to the total height of the wind turbine from the natural grade of the ground supporting the pad to the tip of the blade in the vertical position measured along the vertical axis of the tower, from existing inhabited structures, overhead utility lines, and public roads or rights-of-way. The setback zone can fall within the limits of the Flood Hazard Overlay District.
- i. All wiring from the tower to the residence shall be underground.
- j. All small wind turbines shall be equipped with manual (electronic or mechanical) and automatic overspeed controls to limit the blade rotation speed to within the design limit of the residential wind energy system.
- k. In all residential districts the maximum decibel level at the property line shall be sixty-five (65) decibels.

4. Appearance. The distributed (small) wind turbine and tower shall have a flat finish as applied by the manufacturer. The objective is to have the equipment as inconspicuous as practicable.

5. Application Information. All building applications shall include the following:

- a. A site plan showing:
  - (i) Property lines and physical dimensions of the subject property within two times the total height from the tower location;
  - (ii) Location, dimensions, and types of existing structures, impervious surfaces and fencing on the property;
  - (iii) Location of the proposed wind system tower, foundations, guy anchors, and associated equipment;
  - (iv) The right-of-way of any public road that is contiguous with the property;
  - (v) Any overhead utility lines;
- b. Distributed (small) wind turbine system specifications, including manufacturer and model, rotor diameter, tower height, and tower type (freestanding or guyed);
- c. Tower foundation blueprints or drawings signed by a professional engineer licensed to practice in the state of Oklahoma.



- d. Tower blueprint or drawing signed by a professional engineer licensed to practice in the state of Oklahoma.
- e. Prior to the issuance of a Certificate or Completion, built to plans shall be submitted to the City signed by a professional engineer licensed to practice in the state of Oklahoma.

6. Maintenance. The applicant shall maintain the distributed (small) wind turbine and related equipment in good condition, and shall provide a written report of inspection and maintenance every two years to the building official who will provide a form for the report. The report shall be signed by the original installer of the system or someone of equivalent qualifications.

7. Insurance. Prior to the issuance of a building permit for the installation of a distributed (small) wind turbine, the applicant shall provide the building official with evidence that the homeowner’s insurance policy has been endorsed to cover damage or injury that might result from the installation and operation of the small wind turbine system.

8. Removal. If a distributed (small) wind turbine becomes inoperable and is not put back into service within six months, the property owner shall remove the small wind turbine, tower, and other related equipment.

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§ 5. Severability. If any section, subsection, sentence, clause, phrase, or portion of this ordinance is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions of this ordinance, except that the effective date provision shall not be severable from the operative provisions of the ordinance.

ADOPTED this \_\_\_\_\_ day  
of \_\_\_\_\_, 2017.

NOT ADOPTED this \_\_\_\_\_ day  
of \_\_\_\_\_, 2017.

\_\_\_\_\_  
(Mayor)

\_\_\_\_\_  
(Mayor)

ATTEST:

\_\_\_\_\_  
(City Clerk)