



## Legislation Text

File #: O-1920-3, Version: 1

CONSIDERATION OF ORDINANCE O-1920-3 UPON SECOND AND FINAL READING: AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA IMPLEMENTING AMENDMENTS THROUGHOUT THE CENTER CITY FORM BASED CODE ("CCFBC"), WHICH IS INCORPORATED BY REFERENCE IN CHAPTER 22 OF THE CITY CODE AT SECTION 429.7, TO REPLACE, SUPPLEMENT, OR CORRECT LANGUAGE THROUGHOUT THE CCFBC TO RESOLVE INCONSISTENCIES OR INACCURACIES, INCLUDING THE INTRODUCTION, PART 2 ("ADMINISTRATION, APPLICATION PROCESS & APPEALS"), PART 3 ("THE REGULATING PLAN"), PART 4 ("BUILDING FORM STANDARDS"), PART 5 ("URBAN SPACE STANDARDS"), AND PART 8 ("DEFINITIONS"); TO AMEND REFERENCES TO BUILDING FORM STANDARDS AND AMEND SECTION 303 ("THE ILLUSTRATIVE REGULATING PLAN") WITHIN PART 3 ("THE REGULATING PLAN"); TO AMEND AND SUPPLEMENT GENERAL PROVISIONS AND THE BUILDING FORM STANDARDS IN PART 4 ("BUILDING FORM STANDARDS"); TO AMEND REQUIREMENTS IN PART 6 ("PARKING AND LOADING STANDARDS"); TO AMEND AND SUPPLEMENT USES IDENTIFIED IN PART 7 ("BUILDING FUNCTIONS"), INCLUDING THE ADDITION OF A SPECIAL USE FOR DWELLING UNITS WITH FOUR OR MORE BEDROOMS TO SECTION 704 ("DEVELOPMENT AND PERFORMANCE STANDARDS"); TO AMEND AND ADD DEFINITIONS TO PART 8 ("DEFINITIONS"); TO ADD PART 9 ("SITE DEVELOPMENT REQUIREMENTS"); AND TO MAKE OTHER LANGUAGE ALTERATIONS AS NECESSITATED BY OR CONSISTENT WITH THESE AMENDMENTS, DECLARING AN EMERGENCY, AND PROVIDING FOR THE SEVERABILITY THEREOF.

### **DISCUSSION:**

City staff presented information to City Council at their January 29, 2019 Study Session meeting regarding a possible Temporary Administrative Delay for acceptance of applications for demolition and construction, as well as rezoning applications from Center City Form Based Code (CCFBC) to Center City Planned Unit Development (CCPUD) for properties located in the Center City Study Area. Following the January 29<sup>th</sup> Study Session meeting, City Council held a Special Session meeting to discuss and vote on the possible Temporary Administrative Delay; City Council adopted Resolution R-1819-75 which implemented a six-month administrative delay for the Center City Area; this six-month administrative delay will expire on July 29, 2019.

Since the adoption of the CCFBC almost two years ago, twelve projects have applied to the Center City Design Review Team, ("DRT") for a Certificate of Compliance ("COC"), a prerequisite to issuance of a building permit within the Center City. All twelve applications have received a COC. Staff noted an increase of submittals since September 2018, with six of the twelve COC applications having been submitted between September 2018 and January 2019. In addition to those twelve projects, four Center City projects have been submitted as CCPUDs; all have been adopted by City Council.

Recurring concerns, City Council observations of development in the area, expectations of the Center City Steering Committee, as well as concerns voiced by Norman citizens and CCFBC property owners, indicated a potential "disconnect" between the Center City Vision and CCFBC

implementation. City staff was assigned the task of evaluating and researching the status of the CCFBC's implementation and make recommendations for moving forward.

Following staff research and conclusions of the implementation of the CCFBC, the number and density of application submittals, staff was directed to prepare a resolution that would place a six-month administrative delay on permit issuance within Center City; as noted above, Resolution R-1819-75 was adopted allowing City Council, staff and the community the opportunity to revisit implementation of the CCFBC.

An Ad Hoc Committee was proposed, and the Center City Administrative Delay Ad Hoc Committee first met on March 28, 2019.

#### **AD HOC COMMITTEE:**

The Center City Administrative Delay Ad Hoc Committee meetings continued through June 3rd - its assignment to review the existing CCFBC for needed amendments. The Ad Hoc Committee continued to meet discussing the topics of concern expressed by many on the Committee as well as residents and neighbors in the community.

Staff's observations from the various projects submitted, as well as City Council and citizen input, uncovered the following concerns with implementation of CCFBC and the Center City Vision. This list below is a summary and is not comprehensive of all items of review:

- Parking availability and public safety concerns
- Dedicated City Public Open Space
- Setback inconsistencies, including those impacting corner and irregular lots
- Requiring commercial/retail on the ground floor of the Urban General District - allowance of residential on the ground floor of the Urban General District created a conflict with the required 3' elevation for residential use while meeting the siting of the building in relation to the RBL (Required Build Line)
- Lack of architectural guidance and a disconnect of function and form
- A need for development to accomplish a walkable connection between Downtown and OU Campus/Campus Corner while still embodying the Center City Vision and promoting a walkable, "park once" environment
- Development consistent with Center City's vision for James Garner Avenue's role as a "gateway" to Downtown Norman
- Difficulties for architects, developers and staff to interpret the Code as adopted while promoting the Vision
- Evaluation of incentives for development in-line with the Center City Vision, plans for

public infrastructure projects, and use of the Project Plan (TIF) adopted as O-1718-27 - alley improvements are piecemeal/partial, creating issues with grades, making it almost impossible to develop the alley behind a single lot

- Recent neighborhood downzoning from R-3 to R-1 reduces allowed density, however CCFBC now allows increased density in the same neighborhood
- Construction of large multiple-bedroom duplexes changes the character of neighborhoods and this increased density impacts existing aging public infrastructure, particularly in the older Core Norman neighborhoods
- Removal of the “Missing Middle Neighborhood” (Pink) Building Form Standard (BFS) and residual issues resulting from this removal
- Coverage/impervious area allowances
- Impact of CCFBC development on adjacent properties (Example: Park Drive)
- Evaluation of the CCFBC and BFS boundaries
- On-street parking and placement of trees/sidewalk - Engineering review and approved on-street/parallel parking accommodation is needed
- Pedestrian lighting, including alleyway lighting - location, responsibility for installation and servicing
- The role of “Block” development per the Vision: with the scattered development the opportunity to fully develop an entire block, alley improvements, on-street parking, pedestrian lighting is being missed.

All of the above concerns were discussed at the Ad Hoc Committee. In addition, the Committee discussed additional and related concerns (identified during meetings) as follows; again, this list below is a summary and is not comprehensive of all items of review:

- Re-establishment of the “Neighborhood Middle Frontage District” (Pink)
- The number of bedrooms allowed per unit before a Special Use should be required
- Parking requirement of 1 parking space/1 bedroom if more than 3 bedrooms in one dwelling unit
- Presentation by Public Works/Stormwater regarding standards for 65% coverage of developing lots
- Allowed signage, allowed square footage per frontage

- Items of discussion for ongoing, living-document review of the CCFBC by the Ad Hoc Committee

### **OUTSTANDING CCFBC ISSUES FOR CITY COUNCIL TO DISCUSS:**

The amended CCFBC document is presented to City Council from the CCFBC Administrative Delay Ad Hoc Committee with the proposed amendments highlighted. The Ad Hoc Committee completed a thorough review of the CCFBC; however, there are a few items of discussion, principally arising after Ad Hoc Meetings concluded, that City Council should consider prior to a vote on at its August 23<sup>rd</sup> meeting, which are not currently present in the draft ordinance:

- The requirement to locate structures at the RBL for 100% of the structure, for the first 12' of the structure is proposed for the Urban General Frontage BFS; and meeting the RBL for 100% of the structure is also proposed for the Townhouse/Small Apartment BFS. Since this draft was formalized, staff has received comments/concern from developers, property owners and those individuals attending the meetings that the requirement of building the structure to 100% of the RBL, could potentially impact adjacent property owners.
  - Building to the property line could in some cases require a contractor to access the adjacent properties potentially not under their ownership/control. Where an adjacent property owner denies the contractor access/crossing of their property development could be negatively impacted. Thus, City Council may consider adding an administrative adjustment to "allow" minimal setbacks from the property line, only as needed and in accordance with applicable specification codes. (Typically, 3 feet is the minimum staff has seen.)
- Blue - Townhouse/Small Apartment and Pink - Neighborhood Middle Frontage: The Ad Hoc Committee discussed several options for the areas south of Duffy. The recommendation of the Committee is to re-establish the Neighborhood Middle Frontage, as it was originally drawn, and as shown on the amended Regulating Plan. A suggested further change City Council may consider, in order to avoid a disconnected portion of "Blue" (Townhouse/Small Apartment BFS) is to extend the Neighborhood Middle Frontage to Eddington and McCullough.
- City Council may also consider granting administrative approval to reduce the RBL in order to save existing/developed trees? (Consider the Park Avenue CCPUD Council recently adopted.)
- Street Wall - Where a structure is built to 100% of the RBL, the definition and use of the terminology "Street Wall" becomes an unnecessary term in the CCFBC and this language could be removed. .
- Corner Lots - Where the structure must meet 100% of the RBL on a cornerlot, City Council may consider reducing the 100% to 65% on the non-addressed lot frontage, avoiding any site triangle issues at alley intersections. Further, where there is no alley, the City Council may consider whether the structure should meet the RBL for 100%. Note: if corner lot RBLs are reduced to 65% on one side, all "Street Wall" language will need to remain in the CCFBC.

### **COMMENTS:**

For easier review, all proposed changes are noted in "pink" within the document.

The proposed document, coming from the Ad Hoc Committee, is a recommendation to City Council. Planning Commission reviewed the document at their July 8<sup>th</sup>, Special Meeting, and recommended adoption of Ordinance No. O-1920-3 to City Council by a vote of 6-0. Adoption of an emergency clause in the ordinance is necessary to ensure the changes are in place prior to the expiration of the Administrative Delay - July 29<sup>th</sup>.

*(Please note staff is working diligently on some formatting issues from the program creating this document when it was transferred to the City of Norman for amendments - staff will continue to work this out and have a clean copy prior to adoption.)*