

## CITY OF NORMAN, OK CITY COUNCIL REGULAR MEETING

Municipal Building, Council Chambers, 201 West Gray, Norman, OK 73069 Tuesday, February 11, 2025 at 6:30 PM

### **AGENDA**

It is the policy of the City of Norman that no person or groups of persons shall on the grounds of race, color, religion, ancestry, national origin, age, place of birth, sex, sexual orientation, gender identity or expression, familial status, marital status, including marriage to a person of the same sex, disability, relation, or genetic information, be excluded from participation in, be denied the benefits of, or otherwise subjected to discrimination in employment activities or in all programs, services, or activities administered by the City, its recipients, sub-recipients, and contractors. In the event of any comments, complaints, modifications, accommodations, alternative formats, and auxiliary aids and services regarding accessibility or inclusion, please call 405-366-5424, Relay Service: 711. To better serve you, five (5) business days' advance notice is preferred.

## CITY COUNCIL, NORMAN UTILITIES AUTHORITY, NORMAN MUNICIPAL AUTHORITY, AND NORMAN TAX INCREMENT FINANCE AUTHORITY

You are required to sign up in advance of the meeting on the City's webpage, by calling the City Clerk's Office (405-366-5406), or at the Council Chambers prior to the start of the meeting with your name, ward, and item you wish to speak to including whether you are a proponent or opponent. When the time comes for public comments, the Clerk will call your name and you can make your way to the podium. Comments may be limited on items of higher interest, if so, the Mayor will announce that at the beginning of the meeting. Participants may speak one time only up to 3 minutes per person per item. There will be no yielding of time to another person. Sign up does not guarantee you will get to speak if the allotted time for that item has already been exhausted. If there is time remaining after those registered to speak have spoken, persons not previously signed up may have the opportunity to speak. Comments received must be limited to the motion on the floor only.

**CALL TO ORDER** 

**ROLL CALL** 

PLEDGE OF ALLEGIANCE

#### AWARDS AND PRESENTATIONS

- 1. PRESENTATION OF AWARDS FROM THE OKLAHOMA MUNICIPAL LEAGUE TO THE FOLLOWING CITY OF NORMAN EMPLOYEES WHO HAVE COMPLETED 25 YEARS OF CONTINUOUS SERVICE:
- 1. JUSTIN BURRIGHT, FIREFIGHTER, FIRE DEPARTMENT
- 2. GARY DAVENPORT, BATTALION CHIEF, FIRE DEPARTMENT
- 3. BRIAN EDWARDS, DRIVER/ENGINEER, FIRE DEPARTMENT
- 4. DERRICK ENOS, DRIVER/ENIGINEER, FIRE DEPARTMENT
- 5. DAVID FAUGHT, FIREFIGHTER, FIRE DEPARTMENT
- 6. JACK INGRAM, CAPTAIN, FIRE DEPARTMENT
- 7. BARRY MORING, CAPTAIN, FIRE DEPARTMENT
- 8. CHARLES LITTLETON, DRIVER/ENGINEER, FIRE DEPARTMENT
- 9. GREGORY SKELLY, ASSISTANT CHIEF, FIRE DEPARTMENT
- 10. MICHAEL BUSSELL, ASSISTANT CHIEF, FIRE DEPARTMENT
- 11. CRAIG ROBERTS, CAPTAIN, FIRE DEPARTMENT
- 12. RANDALL CARY, CAPTAIN, FIRE DEPARTMENT
- 13. RICK HOFFSTATTER, GIS ANALYST PLANNING
- 14. JAN JANSING, HOUSING REHABILITATION TECHNICIAN, PLANNING
- 15. LARRY ANDERSON, SERGEANT, POLICE DEPARTMENT
- 16. CURTIS GARRETT, SERGEANT, POLICE DEPARTMENT
- 17. SHAWN HAWKINS, CAPTAIN, POLICE DEPARTMENT
- 18. JUSTIN WISHON, LIEUTENANT, POLICE DEPARTMENT
- 19. BLAS FLORES, SERGEANT, POLICE DEPARTMENT
- 20. TROY ADAMS, HEAVY EQUIPMENT OPERATOR, PUBLIC WORKS
- 21. KEVIN DEAVER, MECHANIC II, PUBLIC WORKS
- 22. TOMMY HENDON, TRAFFIC TECHNICIAN, PUBLIC WORKS
- 23. JERRY JENNINGS, STORMWATER CREW CHIEF, PUBLIC WORKS
- 24. OTIS OLIPHANT, STREETS CREW CHIEF, PUBLIC WORKS
- 25. ALLEN SHELTON. HEAVY EQUIPMENT OPERATOR. PUBLIC WORKS
- 26. CHRISTOPHER WHITAKER, TRAFFIC CREW CHIEF, PUBLIC WORKS
- 27. JERRY TARVER, MAINTENANCE WORKER II, PUBLIC WORKS
- 28. HANS OSGOOD, STORMWATER SUPERVISOR, PUBLIC WORKS
- 29. ROBERT STROMAN, HEAVY EQUIPMENT OPERATOR, UTILITIES
- 30. DANIEL HAYNES, CONTAINER PROGRAM TECHNICIAN, UTILITIES
- 31. TIM WOOLINGTON, CREW CHIEF, UTILITIES
- 32. JERRY RATHER, HEAVY EQUIPMENT OPERATOR, UTILITIES

#### **COUNCIL ANNOUNCEMENTS**

#### **CONSENT DOCKET**

This item is placed on the agenda so that the City Council, by unanimous consent, can designate those routine agenda items that they wish to be approved or acknowledged by one motion. If any item proposed does not meet with approval of all Councilmembers, that item will be heard in regular order. Staff recommends that Item 2 through Item 20 be placed on the consent docket.

#### **APPROVAL OF MINUTES**

- 2. CONSIDERATION OF APPROVAL, ACCEPTANCE, REJECTION, AMENDMENT, AND/OR POSTPONEMENT OF THE MINUTES AS FOLLOWS:
  - CITY COUNCIL SPECIAL MEETING MINUTES OF FEBRUARY 20, 2024.
  - CITY COUNCIL FINANCE COMMITTEE MEETING MINUTES OF JANUARY 16, 2025.

#### **First Reading Ordinance**

- 3. CONSIDERATION OF ADOPTION, REJECTION, AMENDMENT AND/OR POSTPONEMENT OF ORDINANCE O-2425-10 UPON FIRST READING BY TITLE: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, ADDING SECTION 36-567.1 ("RESTRICTIONS ON TOBACCO AND E-CIGARETTE RETAILERS") TO CHAPTER 36 ("ZONING ORDINANCE"); AND AMENDING SECTIONS 36-521 ("RO, RESIDENCE-OFFICE DISTRICT"), 36-524 ("C-1, LOCAL COMMERCIAL DISTRICT"), 36-526 ("TC, TOURIST COMMERCIAL DISTRICT"), 36-527 ("CR, RURAL COMMERCIAL DISTRICT"), AND 36-560 ("SPECIAL USES") TO CHAPTER 36 ("ZONING ORDINANCE") OF THE CODE OF THE CITY OF NORMAN TO ESTABLISH RESTRICTIONS ON TOBACCO AND E-CIGARETTE RETAILERS; AND PROVIDING FOR THE SEVERABILITY THEREOF.
- 4. CONSIDERATION OF ADOPTION, REJECTION, AMENDMENT AND/OR POSTPONEMENT OF ORDINANCE O-2425-11 UPON FIRST READING BY TITLE: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AMENDING THE TITLE OF ARTICLE V, CHAPTER 16; AMENDING SECTION 16-501 TO REFLECT CHANGES TO PURPOSE; AMENDING AND ADDING DEFINITIONS TO SECTION 16-502 FOR THE PURPOSES THEREOF; AMENDING SECTION 16-503 TO ADD PROHIBITED ACTIVITIES ON MUNICIPAL PROPERTY; MOVING SECTION 16-508 TO SECTION 16-504 AND THEREBY LEAVING SECTIONS 16-505 THROUGH 16-508 AS RESERVED FOR PURPOSES OF INTERAL CODE CONSISTENCY; AND PROVIDING FOR THE SEVERABILITY THEREOF.
- 5. CONSIDERATION OF ADOPTION, REJECTION, AMENDMENT AND/OR POSTPONEMENT OR ORDINANCE O-2425-12 UPON FIRST READING BY TITLE: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AMENDING THE TITLE OF SECTION 24-311 OF CHAPTER 24; AMENDING DEFINITIONS FOR THE PURPOSES THEREOF; PROHIBITING THE FURNISHING OF TOBACCO, NICOTINE AND VAPOR PRODUCTS TO ANYONE UNDER THE AGE OF TWENTY-ONE, PROHIBITING THE POSSESSION OF TOBACCO, NICOTINE AND VAPOR PRODUCTS BY ANYONE UNDER THE AGE OF TWENTY-ONE, PROHIBITING THE DISPLAY OR SALE OF TOBACCO, NICOTINE OR VAPOR PRODUCTS WHERE SELF-ACCESSIBLE BY ANYONE UNDER THE AGE OF TWENTY-ONE; AND PROVIDING FOR THE SEVERABILITY THEREOF.

- 6. CONSIDERATION OF ADOPTION, REJECTION, AMENDMENT, AND/OR POSTPONEMENT OF ORDINANCE O-2425-13 UPON FIRST READING BY TITLE: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, ADDING ARTICLE 2-III, DIVISION 2-III-17 DUTIES AND POWERS OF THE ANIMAL WELFARE OVERSIGHT COMMISSION.
- 7. CONSIDERATION OF ADOPTION, REJECTION, AMENDMENT, AND/OR POSTPONEMENT OF ORDINANCE O-2425-14 UPON FIRST READING BY TITLE: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AMENDING ARTICLE 2-III, DIVISION 2-III-1, SECTION 2-301 OF THE CODE OF THE CITY OF NORMAN INCREASING THE NUMBER OF PERSONS FOR THE BOARD OF ADJUSTMENT FROM FIVE TO SEVEN, AMENDING CITY PLANNING COMMISSION MEMBERSHIP TO REQUIRE A PERSON FROM EACH WARD AND ONE AT-LARGE PERSON, DECREASING THE TERMS OF PERSONS ON THE BOARD OF APPEALS FROM FOUR TO THREE YEAR TERMS, AND ADDING NORMAN ELECTION COMMISSION: SEVEN PERSONS WITH THREE-YEAR TERMS; AMENDING DIVISION 2-III-6, SECTION 3-216, ADDING OVERSIGHT OVER TREE PROTECTION TO THE BOARD OF PARK COMMISSIONERS AUTHORITY: REPEALING DIVISION 2-III-9, GREENBELT COMMISSION IN ITS ENTIRETY; REPEALING DIVISION 2-III-16, TREE BOARD IN ITS ENTIRETY; AMENDING ARTICLE 10-II, SECTION 10-201, NORMAN ELECTION COMMISSION, TO CHANGE A FIVE MEMBER COMMITTEE TO SEVEN; AND AMENDING ARTICLE 36-V-4, SECTION 36-570(A)(2) TO INCREASE THE CONCURRING VOTE REQUIRED FOR THE BOARD OF ADJUSTMENT FROM THREE TO FOUR MEMBERS.
- 8. CONSIDERATION OF ADOPTION, REJECTION, AMENDMENT, AND/OR POSTPONEMENT OF ORDINANCE O-2425-23 UPON FIRST READING BY TITLE: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AMENDING ARTICLE 4-I. SECTION 4-101 ADDING DEFINITIONS FOR ABANDON. ANIMAL, COMMUNITY CAT, COMMUNITY CAT CAREGIVER, AND TRAP-NEUTER-RETURN (TNR) AND AMENDING DEFINITIONS FOR EXOTIC WILDLIFE AND NATIVE WILDLIFE; AMENDING ARTICLE 4-II, SECTION 4-202 AND 4-205 UPDATING LANGUAGE FOR ANIMAL WELFARE SUPERVISOR AND UPDATING LANGUAGE THROUGHOUT FOR CONSISTENCY; DELETING SECTION 4-205(H) DUPLICATIVE LANGUAGE RELATED TO THE TNR PROGRAM: REPEALING SECTIONS 4-211 THROUGH 4-221 PET LICENSE REQUIRED; AMENDING ARTICLE 4-III, SECTION 4-301(D) ADDING ANIMALS VENOMOUS TO HUMAN BEINGS; AMENDING SECTION 4-301(E) REQUIRING ACCREDITATION ASSOCIATION OF ZOOS AND AQUARIUMS (AZA) OR ZOOLOGICAL ASSOCIATION OF AMERICA (ZAA) CERTIFIED FOR ZOOS; ADDING ARTICLE 4-V, SECTION 4-510 COMMUNITY CATS: AMENDING SECTION 4-501, ABANDONMENT OF CATS AND DOGS: AMENDING SECTION 503(C), CONFINEMENT OF DOGS AND CATS; ADDING SECTION 4-510, COMMUNITY CATS; AMENDING ARTICLE 4-VI, SECTION 4-601(A), CRUELTY TO ANIMALS: AND AMENDING SECTION 4-603, ANIMALS THAT ARE NUISANCES.

- 9. CONSIDERATION OF ADOPTION, REJECTION, AMENDMENT, AND/OR POSTPONEMENT OF ORDINANCE O-2425-20 UPON FIRST READING BY TITLE: AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AMENDING SECTION 36-201 OF THE CODE OF THE CITY OF NORMAN SO AS TO REMOVE LOTS FORTY-FIVE (45) AND FORTY-SIX (46) IN BLOCK ONE (1) OF LARSH'S UNIVERSITY ADDITION, TO NORMAN, CLEVELAND COUNTY, OKLAHOMA, FROM THE CCFBC, CENTER CITY FORM-BASED CODE DISTRICT, URBAN GENERAL FRONTAGE, AND PLACE SAME IN THE CCPUD, CENTER CITY PLANNED UNIT DEVELOPMENT DISTRICT; AND PROVIDING FOR THE SEVERABILITY THEREOF. (428 BUCHANAN AVENUE)
- 10. CONSIDERATION OF ADOPTION, REJECTION, AMENDMENT, AND/OR POSTPONEMENT OF ORDINANCE O-2425-21 UPON FIRST READING BY TITLE: AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AMENDING SECTION 36-201 OF THE CODE OF THE CITY OF NORMAN SO AS TO GRANT SPECIAL USE FOR A CHURCH, TEMPLE, OR OTHER PLACE OF WORSHIP WITH A WAIVER OF SECTION 36-547(a)(4) PERTAINING TO EXTERIOR APPEARANCE IN THE R-1, SINGLE-FAMILY DWELLING DISTRICT FOR LOT ONE (1), IN BLOCK SEVENTEEN (17), OF HALL PARK FOURTH ADDITION OF THE INDIAN MERIDIAN, CLEVELAND COUNTY, OKLAHOMA; AND PROVIDING FOR THE SEVERABILITY THEREOF. (1501 24<sup>TH</sup> AVE NE)
- 11. CONSIDERATION OF ADOPTION, REJECTION, AMENDMENT, AND/OR POSTPONEMENT OF ORDINANCE O-2425-22 UPON FIRST READING BY TITLE: AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AMENDING SECTION 36-201 OF THE CODE OF THE CITY OF NORMAN SO AS TO REMOVE LOT ONE (1), IN BLOCK TWO (2), OF EAST LINDSEY PLAZA SECTION 5, TO NORMAN, CLEVELAND COUNTY, OKLAHOMA, FROM THE SPUD, SIMPLE PLANNED UNIT DEVELOPMENT DISTRICT, AND PLACE SAME IN THE SPUD, SIMPLE PLANNED UNIT DEVELOPMENT DISTRICT; AND PROVIDING FOR THE SEVERABILITY THEREOF. (1451 12<sup>TH</sup> AVENUE SOUTHEAST)

#### **Request for Payment**

12. CONSIDERATION OF APPROVAL, REJECTION, AMENDMENT, AND/OR POSTPONEMENT OF A COURT ORDER: A RECOMMENDATION FOR APPROVAL OF A COURT ORDER IN THE TOTAL AMOUNT OF \$35,742 REGARDING JERRY WILSON VS. THE CITY OF NORMAN, OKLAHOMA WORKERS' COMPENSATION COMMISSION CASE 2024-04699 W.

#### Conveyance of Deed

13. CONSIDERATION OF APPROVAL, ACCEPTANCE, REJECTION, AMENDMENT AND/OR POSTPONEMENT OF THE CONVEYANCE OF TITLES FOR THE IRVING AND WHITTIER RECREATIONAL CENTERS FROM THE CITY OF NORMAN, OKLAHOMA, TO THE NORMAN PUBLIC SCHOOLS AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE QUIT CLAIM DEEDS FOR SUCH PURPOSE AS OUTLINED IN THE STAFF REPORT.

#### **Easement**

- 14. CONSIDERATION OF APPROVAL, ACCEPTANCE, REJECTION, AMENDMENT, AND/OR POSTPONEMENT OF EASEMENT E-2425-12: A SANITARY SEWER EASEMENT DONATED BY THE OKLAHOMA ELECTRIC COOPERATIVE, SERVING 24<sup>TH</sup> AVENUE INDUSTRIAL PARK ADDITION, BLOCK 3, IN NORMAN, OKLAHOMA, AND DIRECTING THE FILING THEREOF.
- 15. CONSIDERATION OF APPROVAL, ACCEPTANCE, REJECTION, AMENDMENT, AND/OR POSTPONEMENT OF EASEMENT E-2425-13: A SANITARY SEWER EASEMENT DONATED BY THE BOARD OF REGENTS OF THE UNIVERSITY OF OKLAHOMA, SERVING BLOCK 14 OF THE FORMER NAVAL AIR TECHNICAL TRAINING CENTER (NATTC), IN NORMAN, OKLAHOMA, AND DIRECTING THE FILING THEREOF.

#### **Encroachment**

16. CONSIDERATION OF APPROVAL, ACCEPTANCE, REJECTION, AMENDMENT, AND/OR POSTPONEMENT OF CONSENT TO ENCROACH EN-2324-6: FOR LOT 1B, BLOCK 8, WESTPORT PROFESSIONAL PARK, CITY OF NORMAN, CLEVELAND COUNTY, OKLAHOMA, FOR HYUNDIA OF NORMAN. (591 North Interstate Drive)

#### Contracts

- 17. CONSIDERATION OF APPROVAL, ACCEPTANCE, REJECTION, AMENDMENT, AND/OR POSTPONEMENT OF CONTRACT K-2425-94: A SERVICE AGREEMENT BY AND BETWEEN THE CITY OF NORMAN AND NORMAN ARTS COUNCIL, FOR THE 2025 ARTFUL INLETS PROJECT.
- 18. CONSIDERATION OF APPROVAL, ACCEPTANCE, REJECTION, AMENDMENT, AND/OR POSTPONEMENT OF AWARDING A GRANT IN THE AMOUNT OF \$1,000,000 THROUGH THE UNITED STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT PATHWAYS TO REMOVING OBSTACLES TO HOUSING GRANT PROGRAM TO BE USED TO UPDATE VARIOUS PLANS, CODES, ORDINANCES AND STUDIES TO REMOVE BARRIERS TO AFFORDABLE HOUSING, AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO EXECUTE CONTRACT K-2425-98 AND RELATED GRANT DOCUMENTS, AND APPROVE THE APPROPRIATION OF FUNDS AS OUTLINED IN THE STAFF REPORT.

19. CONSIDERATION OF APPROVAL, ACCEPTANCE, REJECTION, AMENDMENT, AND/OR POSTPONEMENT OF CONTRACT K-2425-38: A LEASE AGREEMENT BY AND BETWEEN THE CITY OF NORMAN AND YOUNG FAMILY ATHLETIC CENTER, L.L.C., FOR THE TRAE YOUNG FAMILY FOUNDATION TO BE THE RETAIL PARTNER AND OPERATOR; AND ACCEPT THE IMPROVEMENTS, IN THE AMOUNT OF \$288,368.00, TO THE RETAIL SPACE INSIDE THE YFAC, 2201 TRAE YOUNG DRIVE, NORMAN, OKLAHOMA.

#### Resolutions

20. CONSIDERATION OF ADOPTION, REJECTION, AMENDMENT, AND/OR POSTPONEMENT OF RESOLUTION R-2425-86: A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, APPROPRIATING \$112,384 TO THE OKLAHOMA DEPARTMENT OF TRANSPORTATION (O.D.O.T.) FOR CONSTRUCTION TO BEGIN ON THE NORMAN TRAFFIC MANAGEMENT CENTER PROJECT.

#### **MISCELLANEOUS COMMENTS**

This is an opportunity for citizens to address City Council. Due to Open Meeting Act regulations, Council is not able to participate in discussion during miscellaneous comments. Remarks should be directed to the <u>Council as a whole</u> and limited to <u>three minutes or less</u>.

#### **ADJOURNMENT**

#### File Attachments for Item:

1. PRESENTATION OF AWARDS FROM THE OKLAHOMA MUNICIPAL LEAGUE TO THE FOLLOWING CITY OF NORMAN EMPLOYEES WHO HAVE COMPLETED 25 YEARS OF CONTINUOUS SERVICE:

JUSTIN BURRIGHT, FIREFIGHTER, FIRE DEPARTMENT

GARY DAVENPORT, BATTALION CHIEF, FIRE DEPARTMENT

BRIAN EDWARDS, DRIVER/ENGINEER, FIRE DEPARTMENT

DERRICK ENOS, DRIVER/ENIGINEER, FIRE DEPARTMENT

DAVID FAUGHT, FIREFIGHTER, FIRE DEPARTMENT

JACK INGRAM, CAPTAIN, FIRE DEPARTMENT

BARRY MORING, CAPTAIN, FIRE DEPARTMENT

CHARLES LITTLETON, DRIVER/ENGINEER, FIRE DEPARTMENT

GREGORY SKELLY, ASSISTANT CHIEF, FIRE DEPARTMENT

MICHAEL BUSSELL, ASSISTANT CHIEF, FIRE DEPARTMENT

CRAIG ROBERTS, CAPTAIN, FIRE DEPARTMENT

RANDALL CARY, CAPTAIN, FIRE DEPARTMENT

RICK HOFFSTATTER, GIS ANALYST PLANNING

JAN JANSING, HOUSING REHABILITATION TECHNICIAN, PLANNING

LARRY ANDERSON, SERGEANT, POLICE DEPARTMENT

CURTIS GARRETT, SERGEANT, POLICE DEPARTMENT

SHAWN HAWKINS, CAPTAIN, POLICE DEPARTMENT

JUSTIN WISHON, LIEUTENANT, POLICE DEPARTMENT

BLAS FLORES, SERGEANT, POLICE DEPARTMENT

TROY ADAMS, HEAVY EQUIPMENT OPERATOR, PUBLIC WORKS

KEVIN DEAVER, MECHANIC II, PUBLIC WORKS

TOMMY HENDON, TRAFFIC TECHNICIAN, PUBLIC WORKS

JERRY JENNINGS, STORMWATER CREW CHIEF, PUBLIC WORKS

OTIS OLIPHANT, STREETS CREW CHIEF, PUBLIC WORKS

ALLEN SHELTON, HEAVY EQUIPMENT OPERATOR, PUBLIC WORKS

CHRISTOPHER WHITAKER, TRAFFIC CREW CHIEF, PUBLIC WORKS

JERRY TARVER, MAINTENANCE WORKER II, PUBLIC WORKS

HANS OSGOOD, STORMWATER SUPERVISOR, PUBLIC WORKS

ROBERT STROMAN, HEAVY EQUIPMENT OPERATOR, UTILITIES

DANIEL HAYNES, CONTAINER PROGRAM TECHNICIAN, UTILITIES

TIM WOOLINGTON, CREW CHIEF, UTILITIES

JERRY RATHER, HEAVY EQUIPMENT OPERATOR, UTILITIES



## CITY OF NORMAN, OK STAFF REPORT

02/11/2025 **MEETING DATE:** 

**REQUESTER:** Brenda Hall, City Clerk

PRESENTER: Mayor Larry Heikkila

PRESENTATION OF AWARDS FROM THE OKLAHOMA MUNICIPAL ITEM TITLE:

LEAGUE TO THE FOLLOWING CITY OF NORMAN EMPLOYEES WHO

HAVE COMPLETED 25 YEARS OF CONTINUOUS SERVICE:

1. JUSTIN BURRIGHT, FIREFIGHTER, FIRE DEPARTMENT

GARY DAVENPORT, BATTALION CHIEF, FIRE DEPARTMENT

3. BRIAN EDWARDS, DRIVER/ENGINEER, FIRE DEPARTMENT

4. DERRICK ENOS, DRIVER/ENIGINEER, FIRE DEPARTMENT

DAVID FAUGHT, FIREFIGHTER, FIRE DEPARTMENT

JACK INGRAM, CAPTAIN, FIRE DEPARTMENT

7. BARRY MORING, CAPTAIN, FIRE DEPARTMENT

8. CHARLES LITTLETON, DRIVER/ENGINEER, FIRE DEPARTMENT

9. GREGORY SKELLY, ASSISTANT CHIEF, FIRE DEPARTMENT

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12. RANDALL CARY, CAPTAIN, FIRE DEPARTMENT

13. RICK HOFFSTATTER, GIS ANALYST PLANNING

14. JAN JANSING, HOUSING REHABILITATION TECHNICIAN, PLANNING

15. LARRY ANDERSON, SERGEANT, POLICE DEPARTMENT

16. CURTIS GARRETT, SERGEANT, POLICE DEPARTMENT

17. SHAWN HAWKINS, CAPTAIN, POLICE DEPARTMENT

18. JUSTIN WISHON, LIEUTENANT, POLICE DEPARTMENT

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29. ROBERT STROMAN, HEAVY EQUIPMENT OPERATOR, UTILITIES

30. DANIEL HAYNES. CONTAINER PROGRAM TECHNICIAN. UTILITIES

31. TIM WOOLINGTON, CREW CHIEF, UTILITIES

32. JERRY RATHER, HEAVY EQUIPMENT OPERATOR, UTILITIES

#### File Attachments for Item:

2. CONSIDERATION OF APPROVAL, ACCEPTANCE, REJECTION, AMENDMENT, AND/OR POSTPONEMENT OF THE MINUTES AS FOLLOWS:

CITY COUNCIL SPECIAL MEETING MINUTES OF FEBRUARY 20, 2024.

CITY COUNCIL FINANCE COMMITTEE MEETING MINUTES OF JANUARY 16, 2025.



# CITY OF NORMAN, OK STAFF REPORT

**MEETING DATE:** 02/11/2025

**REQUESTER:** Brenda Hall, City Clerk

**PRESENTER:** Brenda Hall, City Clerk

ITEM TITLE: CONSIDERATION OF APPROVAL, ACCEPTANCE, REJECTION,

AMENDMENT, AND/OR POSTPONEMENT OF THE MINUTES AS

FOLLOWS:

CITY COUNCIL SPECIAL MEETING MINUTES OF FEBRUARY 20, 2024.

CITY COUNCIL FINANCE COMMITTEE MEETING MINUTES OF

JANUARY 16, 2025.





## CITY OF NORMAN, OK CITY COUNCIL SPECIAL SESSION

Municipal Building, Executive Conference Room, 201 West Gray, Norman, OK 73069

Tuesday, February 20, 2024 at 5:30 PM

#### **MINUTES**

The City Council of the City of Norman, Cleveland County, State of Oklahoma, met in Special Session in the Executive Conference Room of the Norman Municipal Building on the 20th day of February, 2024, at 5:30 p.m., and notice and agenda of the meeting were posted at the Municipal Building at 201 West Gray Street 48 hours prior to the beginning of the meeting.

#### **CALL TO ORDER**

**PRESENT** 

Mayor Larry Heikkila

Councilmember Ward 1 Austin Ball

Councilmember Ward 2 Lauren Schueler

Councilmember Ward 3 Bree Montoya

Councilmember Ward 4 Helen Grant

Councilmember Ward 5 Michael Nash

Councilmember Ward 7 Stephen Holman

Councilmember Ward 8 Matthew Peacock

#### **ABSENT**

Councilmember Ward 6 Elizabeth Foreman

#### AGENDA ITEMS

## 1. DISCUSSION REGARDING FILM-FRIENDLY CERTIFICATION FOR THE CITY OF NORMAN.

Ms. Sara Kaplan, Business and Community Relations Manager, said this subject was brought up in the Business and Community Affairs Committee (BACA) and now it is being brought to the City Council to be implemented.

Visit Norman started this process and will be the primary point of contact for the Film-Friendly Certification. Visit Norman has done the ground work such as submitting site locations with the Oklahoma Commerce Department. The Oklahoma Commerce Department runs the state certification process for the film industry.

Ms. Kaplan said there are many similarities between the special event process and the film permit process through the City of Norman. Therefore, it was decided the film permit would go through the special event process to get a permit issued. In order to create this permit there is Ordinance language that must be updated. On the City of Norman website there is a video showing the film permit process and how to apply for a special event permit. Ms. Kaplan will be editing this area of the website since we have now switched to Cityview software (portal).

#### Item 1, continued:

The special event application process through the portal asks all the necessary questions, including those necessary for a film permit. The application will ask about noise, street closures, etc.

Ms. Ashlynn Wilkerson, Assistant City Attorney, said that the substantive changes to the Special Event Ordinance (Article 20-XXXX) are the following:

- 1. Adding film language to the definition section (20-3001)
- 2. Supporting documents added to special event permit section (20-3005) this section is where we need input from Council as to whether there will be a fee for the film permit? Currently, there is not a fee for a special event permit.
- 3. Event Access Requirements section (20-3011) to request complete street closure to public for a limited time.

Councilmember Grant asked about the costs associated with issuing a film permit. The City needs to cover any staff costs with the fee associated with the film permit.

Ms. Kaplan said that each situation is different but for example closing down Main Street takes more staff time, having fireworks would require involvement from the Fire Department to make sure all safety precautions are being observed. There could also be involvement from the Sanitation Department for clean up. Each scenario can be wildly different depending on the size of the production, how many days they plan to shoot film, etc.

Ms. Wilkerson said after researching other similarly sized cities, it was found that most cities do not charge for the actual film permit and only charge for related permits. For example, street closures or noise variances do have related charges. The smaller cities researched do not charge a film permit fee but Oklahoma City charges \$25 and Tulsa charges \$30.

Councilmember Grant is in favor of a fee if the production will take staff time to coordinate and assist.

Councilmember Peacock asked if a permit is required for each day a film crew is on site or if there will be a multiple day permit issued. We do not want the process or fees to be cumbersome to the applicants. However, covering staff costs is agreeable but we should consider the money the film crews will spend while here and that should be considered a benefit as well. In fact, it would be preferable to not have a fee.

Ms. Kaplan said even though the base Special event permit does not have a fee, the street closure, noise variance permits do have a fee and we can add on to those for those situations that warrant extra staff time to manage. While at the workshop, it was discussed that having a small fee is ideal because then you have a paper trail, if nothing else. A nominal fee would allow the local production manager to have something in hand if asked that shows their permission to film or perform whatever activities are taking place.

Councilmember Ball asked if it would encompass local TV news crews interviewing someone in their front yard? Do OU students putting together a documentary have to be issued a film permit? He said he is not in favor of a fee for this permit and wanted to clarify that I am not in favor of this permit if it would include a resident going in his front yard and using his phone to go live and film.

#### Item 1, continued:

Ms. Wilkerson said this is why we need Council input and the definition of what type of event would be required to have a film permit needs to be broad to encompass everything we do want and have a fee system that is tiered.

Councilmember Nash said he would support as low a fee as possible to encourage big productions to come here and film and generate fan fare for Norman.

Mayor Heikkila agrees the fee structure should be tiered so that larger productions pay their fair share but the little guy can also afford to film as well.

Council supports a graduated fee schedule.

Councilmember Holman asked if the City was only issuing film permits for indoor films.

Several Councilmembers asked if a waiver could be included for student projects. The City does not want to burden students with fees but does want to make sure larger film companies pay fees that cover staff expenses.

Councilmember Schueler said if the production is part of a student project then it should be exempt from the permit process. The intent of this permit is for larger productions of film, movies, etc. and to attract Hollywood level companies or Indy films. Having some type of trigger would be the smart way to go.

Councilmember Holman suggested that if the production were enclosed inside a studio then a film permit would not be required. Also, if production occurs on University of Oklahoma property, a permit would not be required.

Ms. Brenda Hall, City Clerk, said some of the larger productions required noise variances and street closures and also hired off duty Norman Police officers as security.

Councilmember Grant asked if the Convention and Visitors Bureau assist the production companies with getting blocks of hotel rooms at discounted rates?

Ms. Kaplan assumes the Convention and Visitor's Bureau does assist them with these things when a larger production is happening.

Ms. Hall indicated that the production companies usually contact the Convention and Visitor's Bureau first to ask about permits, etc. and they refer them to the City.

Councilmember Hinkle asked how we would build fee waivers into this process.

Ms. Wilkerson said we can structure that however Council would like to, but based on the comments today, we need to define what a large production is versus a small one and what those threshold amounts would be. There could be a base fee for the permit then add on fees if street closures or noise variances are needed.

Mayor Heikkila indicated that charging a base fee and then adding additional fees as other services are needed would be sufficient.

Councilmember Ball asked that local business commercials be exempt from this permit.

#### Item 1, continued:

Ms. Wilkerson said that she would draft a fee structure and Council would see it during the first reading ordinance. The last change is to allow an entire street closure for longer duration and also making other changes, such as making the language in the ordinance gender neutral, the numbering within the ordinance is inconsistent, therefore, updating that so it is all the same throughout. We will be reorganizing some of the sections to make it clear and concise.

#### 2. FOLLOW-UP ON A LITTER CONTROL PROGRAM.

Ms. Michelle Loudenback, Environmental & Sustainability Manager, said the Litter Control RFP asked for non-profit organizations to send a plan outlining how they would provide litter control and how they would manage a program utilizing vulnerable people and provide a low barrier employment opportunity with wrap around services for those individuals. Two responses were received and the committee chose Mental Health Association of Oklahoma. This organization was chosen because they have in-house services offered within their program umbrella. These services include mental health recovery services, outreach and prevention services, pro bono services, employment services and an emergency response program to help divert calls from 911. Additionally, the Mental Health Association of Oklahoma has a contract with the Department of Rehabilitation Services to provide employees for jobs.

The motto for this program is "Empowering people and beautifying Norman". The Mental Health Association of Oklahoma operates a van in Oklahoma City that is wrapped with their motto, "Real Change for Panhandling". The City of Norman owns and operates a handicap accessible van which is an asset because MHAO wants to service unhoused individuals that have physical disabilities. Staff would direct them to locations where staff has seen vulnerable people and needs arising. Eight participants can be transported in the van at one time along with the Case Manager and driver. Three days per week will be designated for litter collection, the wage is \$65 per day, per person and this is a cash wage that is paid to the individuals at the end of each day. The other two days per week are when services are provided to those individuals. This program helps people learn how to deal with others, work as a team and how to interact in a work environment. Lunch is provided for the participants and during that time the case manager meets with each person to determine what other services are needed. The Case Manager is dedicated to this group of people and will find the necessary resources. One of the big needs is permanent low-barrier housing and permanent stable employment. The van driver drives three days a week for the litter program but the other two days of the week, the driver will provide transportation to necessary services. For example, a person may need transportation to the Department of Motor Vehicles or a tag agency to get identification or to the Social Security office to obtain a social security card replacement, etc. The services provided build confidence and help bolster life skills.

MHAO plans to make contact with and talk to at least 200 people each calendar year in addition to the eight participants in the litter control program. They plan to provide as many services as possible to those they come in contact with.

Mayor Heikkila asked for an explanation of what their job program consists of.

Ms. Loudenback said that the job program can mean joining a Better Way and getting on the bus each day or connecting with the Department of Rehabilitative Services or other agencies they network with for employment opportunities. These services are provided to anyone MHAO staff contacts and not just those that participates in the Better Way program. 25% of those who

#### Item 2, continued:

participate in the job program and finish will have stable employment at the end of the program.

Wrap around services are not required, but they are offered and participants can choose to take advantage of them or not. 25% will obtain permanent housing while participating in this program. It is a known fact that it sometimes takes three to six interactions with someone before they decide to join the program. MHAO will submit monthly and semi-annual reports, which will be available for Council to review their progress.

The total expense for MHAO to provide all of these services is \$360,368 per year. Associated costs of the program are:

- a. Trailer (the City may have one that can be used so this may not be a huge cost)
- b. Wrap for van
- c. Gas and Maintenance for van
- d. Centrally located office space

From 2021 through current day the mileage for the program in Oklahoma City was 15,000 miles.

Councilmember Schueler said that it is possible the current location of the shelter may be a location for the office space. This would also be in close proximity to the population being served by this program.

Councilmember Grant agreed about the office space. She asked where they plan to pick people up for the program.

Ms. Loudenback said City staff will direct MHAO as to what locations would be best to recruit people for this program.

Mayor Heikkila said there is one room on the side of the Lindsey yard facility that may be potential office space for this program. This location would also provide a safe place to lock the van at night which would be in a gated area.

Ms. Loudenback said these costs are 80/20. 80% of the costs are what they provide to us and 20% would be budgeted for litter control.

Councilmember Holman asked what the fringe costs would include.

Ms. Loudenback said these costs are for employee benefits. The Program Manager for MHAO is over all of their programs, not just ours. The City only pays a portion of the salaries. The van driver is charged directly to our program, the employment specialist is shared but during the days working for our program those costs would be charged to our program.

Utilities and Sanitation received the litter program from Public Works in April. Utilities allocated \$50,000 and because it is an enterprise fund, the City has to show what services are being provided to paying customers. 20% of the total cost of this program is \$72,073.60 and 80% would be \$288,294.40. A case could be made for Utilities to provide the full 20%.

Mr. Chris Mattingly, Director of Utilities, said if there is an overspend of what was budgeted for this program, he would be forced to ask for a rate increase to cover those costs.

#### Item 2, continued:

Councilmember Holman asked if a Sanitation rate increase is requested, would it be possible to include funding of this program and ask voters if this is something they would want to have funded through the City Sanitation rate. We could fund the program through the General Fund until the Sanitation rate increase comes to a vote of the people and if the vote is successful, it can be explained that we would continue this program through the Sanitation rate increase.

Mayor Heikkila said that by that time staff have statistics and metrics to show the voters so they could see what a difference this program is making and hopefully they would want to vote for the rate increase in order to continue the program further.

Councilmember Holman said by doing it this way, we are not encumbering the General Fund forever with this program and voters can see the difference it is making.

Councilmember Peacock said he is in favor of this method of funding because his only negative about the program is encumbering the General Fund with this every year and if there is a way to have it funded through the Sanitation rate increase, this would be preferable.

Mr. Pyle said that the City would seek grant funding to pay for the service side of this program since 80% of the total cost is for service and not actual trash removal. Funds that come from Sanitation should be used to pay for the actual trash removal, which is 20% and not be used for the service portion of this program's cost. By having actual metrics to list when applying for different grants, this will give the City an advantage for grant approval.

Ms. Loudenback said the Mental Health Association of Oklahoma also said they would be seeking grants as well to help support the program.

Councilmember Schueler said even though the funding would be coming from the General Fund, this would save the City money in many ways. One way is keeping litter from getting into our storm water channels and the wrap around services provided to those being employed will benefit a community we have targeted for assistance.

All Councilmembers agreed that they were in favor of the program moving forward.

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### 3. DISCUSSION REGARDING CITY OF NORMAN FACILITIES IMPROVEMENTS.

Mr. Lance Harper, Facility and Construction Program Manager, said the Automated Logic for HVAC is provided through ES2 company. Automative logic optimizes building performances. This system controls air conditioning, heating and lighting for all City buildings. Implementing these items, helps consume less energy. The program is visual and easy to use. If there is an issue somewhere in the system, a red flag is given and problems can be diagnosed through the computer screen. When HVAC employees are called about a problem, Staff will already have a lot of information and know what the problem may be. The program is free once installed and training is also free for the City of Norman. Staff recently attended a two-day training and it was very good. Staff has gained access to the meeting room calendars so the temperatures can be programmed based on the activity in the room. The program also controls lighting based on occupied status of any room. Currently, this program is in use for the Central Library Building, East Library, Norman Investigation Center and Animal Welfare Building. Young Family Athletic Center and Adult Wellness Center will be added to the system. This system will be added to

#### Item 3, continued:

three fire stations and next year Staff will be adding it to three more fire stations. It is intended to have all buildings on this system due to the cost savings it provides.

The largest energy savings to date has been at the Central Library. In one year the City had \$30,000 energy savings by using this program.

Mr. Jason Olsen, Director of Parks & Recreation, said some offices do have more control of their environment and the ability to change the temperatures more to their liking. In the summer the average temperature for the buildings is 72 degrees. Employees in the buildings have the ability to change the temperature +/- five degrees. In the winter, the temperature is kept at 68 degrees. Staff can even monitor the buildings from home in case there are any issues that need to be addressed after hours or on the weekends.

The savings for 2023 with this program was \$74,617 overall. This will continue to get better as Staff learn more about the system and how to best utilize it.

Councilmember Peacock said if he understood correctly, it would cost \$15,000 per building to have the program installed.

Mr. Harper said it ranges from \$10,000-\$15,000 per building depending on how many units are included. This is a one-time cost.

Councilmember Peacock said if the City has eight buildings on the program, the cost for that is approximately, \$120,000 and the City saved \$75,000 in one year.

Mr. Harper said it is very beneficial to be able to remotely access the units and their functioning. When the City has a three day weekend for instance, the savings that comes from keeping the buildings on unoccupied status is quite a bit.

Mr. Harper said changing over the buildings to using LED lights is a savings as well and being able to control the lighting through this program will keep costs down. By summer this year, generators will also be controlled by this program, which gives Staff the ability to check ahead of storms to make sure the generator batteries are charged in advance. While the generators are running, the number of kilowatts can be tracked.

Mr. Olsen said it is key to have the ability to monitor all of the City buildings from a laptop so if there is an emergency somewhere the generators are ready to go. Also, with the new Emergency Operations Center coming online, this program will allow our Staff to take care of issues remotely during weather emergencies, etc.

Councilmember Ball asked if the City has a good rate with Oklahoma Gas and Electric and whether they have any type of program similar to this.

Mr. Harper said he reached out to OG&E about incentives for lighting and HVAC systems and the City is signed up for all we qualify for. OG&E does have a program where they will come out to any of our HVAC systems and clean them and tell us at what percent efficiency the unit is running. If it is below 80%, they will credit the City a certain amount if replacing the unit is necessary. The City can give copies of any of our building plans to OG&E and their engineers will review them and make recommendations of what mechanical equipment to use to help save initial cost and energy use.

Item 3, continued:

Ms. Brenda Hall, City Clerk, said the City has done this with all of the projects recently, which includes the Development Center, Municipal Court, etc.

Mr. Chris Mattingly, Director of Utilities, said Staff is having engineers go through the Utilities Department buildings and write in specifications where the City can install efficiency motors and blowers. The City is getting rebates for the Wastewater Plant and the Water Plant currently.

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4. CONSIDERATION OF ADJOURNING INTO AN EXECUTIVE SESSION AS AUTHORIZED BY OKLAHOMA STATUTES, TITLE 25 307 (B)(4) TO DISCUSS PENDING CLASS ACTION LITIGATION AGAINST 3M COMPANY AND E.I. DUPONT DE NEMOURS AND COMPANY AND OTHER DEFENDANTS INVOLVING PER AND POLYFLUOROALKYL SUBSTANCES (PFAS) CONTAMINATION IN RE: AQUEOUS FILM-FORMING FOAM PRODUCTS LIABILITY LITIGATION, MDL NO. 2:18-MN-2873, UNITED STATES DISTRICT COURT, DISTRICT OF SOUTH CAROLINA.

Item #4 was not considered due to outside counsel not being available.

ADJOURNMENT	
Council adjourned out of Special Session at 6:36 p.m.	

ATTEST:		
City Clerk	 Mayor	



## CITY OF NORMAN, OK CITY COUNCIL FINANCE COMMITTEE MEETING

Municipal Building, Executive Conference Room, 201 West Gray, Norman,
OK 73069

Thursday, January 16, 2025 at 4:00 PM

#### **MINUTES**

The City Council Finance Committee of the City of Norman, Cleveland County, State of Oklahoma, met in Regular Session in the Executive Conference Room in the Municipal Building, on Thursday, January 16, 2025 at 4:00 PM, and notice of the agenda of the meeting was posted at the Norman Municipal Building at 201 West Gray and on the City website at least 24 hours prior to the beginning of the meeting.

#### **CALL TO ORDER**

#### **PRESENT**

Mayor Larry Heikkila
Councilmember Ward 3 Bree Montoya
Councilmember Ward 4 Helen Grant
Councilmember Ward 6 Josh Hinkle

#### **ABSENT**

None

#### **OTHERS**

Councilmember Ward 7 Stephen Holman
Councilmember Ward 8 Scott Dixon
Anthony Francisco, Director of Finance
Dannielle Risenhoover, Admin. Tech IV
Jacob Huckabaa, Budget Technician
Kim Coffman, Budget Manager
Rick Knighton, Interim City Attorney
Chris Mattingly, Director of Utilities
Scott Sturtz, Director of Public Works
Darrel Pyle, City Manager
Jason Olsen, Director of Parks and Recreation
Jason Murphy, Stormwater Program Manager
AshLynn Wilkerson, Asst. City Attorney
William Andrews, Comm. And Engagement Coordinator
David Floyd, Norman Public School Attorney

Mayor Heikkila called the meeting to order at approximately 4:00 PM.

#### **AGENDA ITEMS**

1. DISCUSSION REGARDING THE MID-YEAR BUDGET REVIEW.

Anthony Francisco gave the report. Francisco stated that the City is really close to being displayed with their revenues. He pointed out the rapid growth in the City's expenditures classified under salaries and benefits is due to some fairly aggressive wage increases over the last two fiscal years. There has been a \$1.4 million subsidy to the Public Safety Sales Tax Fund in Fiscal Year 2024. It is estimated that a \$2.87 million subsidy to the Public Safety Sales Tax Fund will be required in Fiscal Year 2025. There was a \$791,000. subsidy to the transit fund in Fiscal Year 2024. It is estimated that this fund will require a \$500,000 subsidy in Fiscal Year 2025. "This is going to inflate pretty rapidly if we stay on the course that we are on," Francisco said. "It is our job as the City management, it is your job as the City Council and the fiduciaries of the City to make sure that we don't stay on the course that we're on. As we move forward in the budget process we'll be making some recommended changes to you, to make sure that we course correct."

Francisco stated, "We're losing \$6.2 million in fiscal year 27, \$7.8 million in fiscal year 28, \$10 million in fiscal year 29, and \$12 million in fiscal year ending 2030. That is where we need to course correct and that's what we have to be concentrating on. That number is driven by personnel costs."

Darrel Pyle said, "Even without adding positions, what we find is the legislative change, or a change in the pension funding formula, for all the police departments in the State of Oklahoma is causing our pension costs to jump \$400,000 July 1 (2025); and, nothing's different in the world, we're not providing any new services, it's just going to be a lot more expensive to maintain the exact same number of police officers in the pension system that we have today."

With the assumptions that the Finance Department has made, it is estimated that the City will lose about \$5 million this fiscal year with expenditures outweighing revenues. When the budget was adopted, it was assumed that the City would have an excess operational reserve amount of approximately \$10.6 million; however, this excess reserve money has been "held" in anticipation of the purchase of Griffin Park and Sutton Wilderness Park. Negotiations involving a purchase price for these parks is still ongoing; however, City Manager Darrel Pyle stated, "We think the transaction could conclude relatively quickly upon Council's approval of the purchase and sale agreement which we do anticipate this fiscal year."

Francisco highlighted the Stabilization Fund, also known as the "Rainy Day" Fund. Ordinance requires Council to make a determination at their mid-year budget review as to whether they want to make a deposit to the Fund, leave the Fund as is, or take money out of the Fund. The Fund must be maintained at a minimum level but also has a maximum contribution. "We are projecting at the end of this fiscal year that we will exceed that minimum by \$467,000 in the Rainy Day Fund, so we're fine there; but, we're about \$615,000 short of the targeted level," Francisco said. Adjustments to the Fund can be made at any time. The Committee did not recommend any changes to the Rainy Day Fund.

The Public Safety Sales Tax Fund was positive at the end of Fiscal Year 24 with a \$2.6 million balance. It is expected that this balance will be drawn down to \$221,000 by the close of Fiscal Year 25. "Again, this Fund is driven mainly by personnel. Eleven million, seven hundred thousand dollars of the \$12.9 million we project to come in from the sales tax is going straight back out to pay salaries and benefits for the police and fire personnel," Francisco said. It is projected that \$2.3 million in this Fund will be spent on capital equipment this fiscal year and there is \$2.3 million in debt service, due to bonds that were issued in 2016, that will require payment for the next two fiscal years. The last debt service payment for this Fund will be made

March 1, 2027. Once this is paid, funds may be allocated for the reconstruction of Fire Station 5.

The City is duty bound by the Public Safety Sales Tax ordinance to rebuild fire station five and is also expected to provide for some capital purchases. "We have capital obligations that will be continuing after those original things we did in 2016 have been paid for," Francisco told the Committee. "After Fire Station 5 has been funded, the Public Safety Sales Tax (revenue and expenses) will become a function of the General Fund."

## 2. DISCUSSION REGARDING THE CONDITION AND OWNERSHIP OF THE WHITTIER AND IRVING RECREATION CENTERS.

Rick Knighton led the discussion regarding transferring ownership of the City of Norman, Irving Recreation Center and City of Norman Whittier Recreation Center to Norman Public Schools (NPS). In the past, these recreation centers have been used for youth sports, after school programs, and summer camps; however, since the construction of the Young Family Athletic Center (YFAC), youth sports have moved to the YFAC. Knighton highlighted that since the City's after school programs and summer camps operate in conjunction with the Department of Human Services' (DHS) rules, only after school program and camp participants, their parents, and City employees are allowed in the facilities during these scheduled programs.

"Nobody can be in there for recreational sports during the school day because they're (each facility) directly connected to both Whittier and Irving schools. After school from about three to maybe six would be the only time people could go and play recreational basketball, but for the most part, that's not occurring anymore," Knighton said. "And during the summer they're (the public) not allowed to be in there (the facilities) because of the DHS regulations."

Norman Public Schools are the primary users of these facilities during the school year as they use them for assemblies, plays, performances, physical education, and basketball games.

Knighton believes that a provision in Title 11 O.S. Section 22-125 gives special legislative authority to the governing body of a municipality to make a gift of any real estate belonging to the municipality to a school district within that municipality. The provision states: "The municipal governing body may make gifts of any real estate belonging to the municipality to any school district, which is located in the municipality."

"The wrench that gets thrown into this, that makes this a little bit difficult, has to do with the fact that the facilities were purchased with Bond Funds," Knighton said. "Under Oklahoma law, the use of Bond Funds is limited to the purpose for which the indebtedness was incurred. The case of *Protest of Reid* in 1932 also says, 'use of those funds also include the proceeds of a sale,' so if Bond Funds were approved, you constructed the facility with those funds, you subsequently sell the facility, you have to use those Bond Funds for the same purpose or you have to deposit those into the Sinking Fund as a rebate to the taxpayers. That's the way that's supposed to be handled when you sell something what was purchased using Bond Funds." Both facilities were constructed using General Obligation Bond Funds.

Knighton has talked with the City's Bond Counsel regarding the level of risk this issue brings. "Is it possible that a court would read that statutory provision? Remember it (the provision under Title 11 O.S. Section 22-125) says, 'any real estate'. It doesn't say, 'real estate except what you purchase Bond Funds with'. It says, 'Any real estate can be gifted to a school district by a governing body of a municipality.' So there is an argument that you could do that (transfer ownership) under 11 O.S section 22-125," Knighton said.

"The uniqueness of these (facilities) are, they're totally surrounded by school property so it's nlike a freestanding building that there may be a market for to sell. These are unique because, arguably, the only entity that would be interested in them would be the school district; because, if I bought them, arguably, I can't really be there during the day while school is in session," Knighton said.

The other argument Knighton brought up was the possibility of someone purchasing the properties and then leasing them to the school. Knighton's point was that if the school doesn't lease the property, it's virtually of no value to the owner because the properties have such limited use.

Currently, there is no lease agreement between the City of Norman and Norman Public Schools for use of the facilities. Jason Olsen stated, "The schools and the City work together in the best interest of the public to use these buildings." The City maintains 100% of these structures at an approximate total cost of \$50,000/year.

Knighton stated that gifting these properties to NPS could also qualify under: Public Use Abandoned – *Immel*, 2021 OK 39 at ¶ 19, 490 P.3d 142-143. "This is another reason that you can alienate property that's been dedicated to the public for public use," Knighton said. "There is a pretty good argument that we've abandoned these facilities for the most part. Again, our use for youth sports has been transferred to the YFAC so we're not using those facilities for youth sports anymore. We are using them for summer and after school programs, but that doesn't really require use of the entire centers – but again, because we are regulated by DHS, you really can't have the public in there during those hours; so, it really isn't of any benefit to the public."

Under the transfer of ownership, Norman Public Schools would assume all maintenance responsibilities of the two facilities. According to City of Norman Parks and Recreation Director Jason Olsen, the School District is willing to allow the City to continue to use the facilities for after school programs at a "very nominal cost".

"Our position is," said Knighton, "recreation facilities can be alienated. We can alienate them either under 11 O.S. section 22-125 or based on the fact that we have effectively abandon the use of them. We believe that special legislative authority under 11 O.S. section 22-125 gives this governing body, or gives you, the ability to actually gift those recreation centers to the school district. If 11 O.S. section 22-125 does not permit the City to gift the recreation centers to NPS, Oklahoma law permits the City to transfer the centers to the Norman Public School District if the City's public use is abandoned." Knighton doesn't anticipate converting the recreation centers into money so he doesn't see an issue with the facilities having been built with bond funds.

City Manager Darrel Pyle stated that an action item regarding the transfer of ownership of the Irving Recreation Center and the Whittier Recreation Center from the City of Norman to Norman Public Schools would be on an upcoming City Council agenda.

#### DISCUSSION REGARDING MONTHLY REVENUE AND EXPENDITURE REPORTS.

Anthony Francisco gave the report. Francisco reported that sales tax in January was "fairly good". January revenue reports do reflect grocery sales tax revenues that a major retailer under reported in prior months. Francisco thinks that there will be a "5% or so growth trend for the rest of the fiscal year" related to use tax.

### **ADJOURNMENT**

Mayor Heikkila adjourned the meeting at	approximately 5:10 PM.	
ATTEST:		
City Clerk	Mayor	

#### File Attachments for Item:

3. CONSIDERATION OF ADOPTION, REJECTION, AMENDMENT AND/OR POSTPONEMENT OF ORDINANCE O-2425-10 UPON FIRST READING BY TITLE: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, ADDING SECTION 36-567.1 ("RESTRICTIONS ON TOBACCO AND E-CIGARETTE RETAILERS") TO CHAPTER 36 ("ZONING ORDINANCE"); AND AMENDING SECTIONS 36-521 ("RO, RESIDENCE-OFFICE DISTRICT"), 36-524 ("C-1, LOCAL COMMERCIAL DISTRICT"), 36-526 ("TC, TOURIST COMMERCIAL DISTRCT"), 36-527 ("CR, RURAL COMMERCIAL DISTRICT"), AND 36-560 ("SPECIAL USES") TO CHAPTER 36 ("ZONING ORDINANCE") OF THE CODE OF THE CITY OF NORMAN TO ESTABLISH RESTRICTIONS ON TOBACCO AND E-CIGARETTE RETAILERS; AND PROVIDING FOR THE SEVERABILITY THEREOF.



# CITY OF NORMAN, OK STAFF REPORT

**MEETING DATE:** 02/11/2025

**REQUESTER:** Jason Olsen, Director of Parks and Recreation

**PRESENTER:** AshLynn Wilkerson, Assistant City Attorney

ITEM TITLE: CONSIDERATION OF ADOPTION, REJECTION, AMENDMENT AND/OR

POSTPONEMENT OF ORDINANCE O-2425-10 UPON FIRST READING BY TITLE: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, ADDING SECTION 36-567.1 ("RESTRICTIONS ON TOBACCO AND E-CIGARETTE RETAILERS") TO CHAPTER 36 ("ZONING ORDINANCE"); AND AMENDING SECTIONS 36-521 ("RO, RESIDENCE-OFFICE DISTRICT"), 36-524 ("C-1, LOCAL COMMERCIAL DISTRICT"), 36-526 ("TC, TOURIST COMMERCIAL DISTRICT"), 36-527 ("CR, RURAL COMMERCIAL DISTRICT"), AND 36-560 ("SPECIAL USES") TO CHAPTER 36 ("ZONING ORDINANCE") OF THE CODE OF THE CITY OF NORMAN TO ESTABLISH RESTRICTIONS ON TOBACCO AND E-CIGARETTE RETAILERS: AND PROVIDING FOR THE

SEVERABILITY THEREOF.

#### **BACKGROUND:**

The City of Norman Parks and Recreation Department is actively seeking grant funding opportunities through TSET (Tobacco Settlement Endowment Trust). The grant funding would go to support the construction of the Miracle Field—a custom, adaptive, ADA compliant baseball field to remove barriers and provide opportunities for youth with disabilities to participate in outdoor sports and recreation activities.

In order to achieve these objectives, the City needs to: 1) update two existing ordinances, 16-V Tobacco and 24-311 Prevention of Youth Access to Tobacco And Vapor Products to include updates to State law as well as regulate and prohibit smoking and use of tobacco and vapor products and the smoking or vaping of marijuana on all municipal property; and 2) pass a zoning ordinance imposing certain restrictions on tobacco and e-cigarette retailers to protect youth from the negative health effects of tobacco, nicotine, or vapor products.

All three ordinances must be approved as they are presented in order to achieve the desired level of grant funding (TSET representatives have approved all three ordinances as compliant with the requirements for the highest level of grant funding).

On November 14, 2024, the City of Norman Planning Commission reviewed the proposed zoning ordinance and voted to send it forward for Council consideration.

City staff are scheduled to discuss all the proposed ordinance changes with Council at the February 18, 2025 Study Session prior to the second and final reading of the ordinances.

#### **DISCUSSION:**

The restrictions in this Ordinance O-2425-10 come directly from 63 O.S. § 1-229.18 and only regulates the distance (within 300 feet) tobacco and e-cigarette retailers can be located near a school, playground, or other facility when primarily used by persons under twenty-one. This ordinance would not apply retroactively—meaning current tobacco or e-cigarette retailers located within this prohibited distance would be allowed to continue operations and only new retailers would be subject to the distance requirements.

This ordinance proposes to add a new section (36-567.1) to Division 36-V-3 "Additional District Provisions" of Article 36-V "Zoning," to establish the above referenced restriction: "[t]he location of a tobacco or e-cigarette store is specifically prohibited within three hundred feet (300') of any playground, school, or other facility when the facility is being used primarily by persons under twenty-one (21) years of age." This section also establishes the permitted legal non-conforming use for those tobacco and e-cigarette retailers that currently exist within the prohibited distance to the protected areas.

The ordinance then establishes internal references to this new section (36-567.1) in the permitted uses subsections of the applicable zoning districts within Division 36-V-2 "Specific District Regulations" of Article 36. Such zoning districts are RO, C-1—which thereby implicates C-2 and C-3—TC, and CR. The ordinance also establishes the same internal reference to the new section 36-567.1 in section 36-560 "Special Uses" within Division 36-V-3.

#### **RECOMMENDATION:**

Staff forwards Ordinance O-2425-10 to Council for consideration.

#### CITY OF NORMAN ORDINANCE 0-2425-10

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, ADDING SECTION 36-567.1 ("RESTRICTIONS ON TOBACCO AND E-CIGARETTE RETAILERS") TO CHAPTER 36 ("ZONING ORDINANCE"); AND AMENDING SECTIONS 36-521 ("RO, RESIDENCE-OFFICE DISTRICT"), 36-524 ("C-1, LOCAL COMMERCIAL DISTRICT"), 36-526 ("TC, TOURIST COMMERCIAL DISTRCT"), 36-527 ("CR, RURAL COMMERCIAL DISTRICT"), AND 36-560 ("SPECIAL USES") TO CHAPTER 36 ("ZONING ORDINANCE") OF THE CODE OF THE CITY OF NORMAN TO ESTABLISH RESTRICTIONS ON TOBACCO AND E-CIGARETTE RETAILERS; AND PROVIDING FOR THE SEVERABILITY THEREOF.

**WHEREAS**, WHEREAS, in an effort to protect our youth from the negative health effects of tobacco, nicotine or vapor products, the State of Oklahoma has prohibited the sale, distribution or possession of tobacco, nicotine or vapor products for anyone under the age of twenty-one (21) years of age; and

WHEREAS, WHEREAS, the City of Norman, pursuant to 63 O.S. § 1-229.18, is authorized to enact laws prohibiting the distribution of tobacco, nicotine, and vapor products and product samples within three hundred (300) feet of any playground, school, or other facility when it is being used primarily by persons under twenty-one (21); and

**WHEREAS,** WHEREAS, the City of Norman desires to support and enforce the State of Oklahoma's regulations promulgated to control youth access to tobacco by adopting Ordinance O-2425-10.

**NOW THEREFORE,** be it ordained by the City Council of the City of Norman, in the State of Oklahoma, as follows:

**SECTION 1:** <u>AMENDMENT</u> "36-521 RO, Residence-Office District" of the City of Norman Municipal Code is hereby *amended* as follows:

#### AMENDMENT

#### 36-521 RO, Residence-Office District

- (a) *Purposes*. The RO district is designed to provide areas for high density residential development; limited offices, convenience goods stores, and personal service establishments in conjunction with residential uses; primarily in the vicinity of the campus business district.
- (b) *Uses permitted*. Property and buildings in the RO district shall be used only for the following purposes:

- (1) Any uses permitted in the RM-6 district; provided, however, that the minimum yards established for certain uses in NCC 36-517(b)(2), shall be 20 feet.
- (2) Any use permitted in the R-3 district.
- (3) Artist and photographer studio, but not including the processing of film for others.
- (4) Medical or dental clinic or laboratory.
- (5) Office of non-profit association.
- (6) Office of such professional person as accountant, architect, attorney, business or management consultant, court reporter, dentist or dental surgeon, engineer, geologist or geophysicists, linguist, landscape architect, optometrist without sales, osteopathic physician, planning consultant, psychologist, physician or surgeon, or registered nurse.
- (7) Prescription pharmacy (only when provided in conjunction with subsection (b)(4) of this section).
- (8) Accessory buildings and uses customarily incidental to any of the above uses when located on the same lot.
- (9) Convenience goods and services as follows but only in conjunction with residential uses in a mixed building as qualified below:
  - a. Convenience goods stores, similar to the following uses:
    - 1. Drugstore or proprietary store;
    - 2. Florist:
    - 3. Food store, including bakery (retail only);
    - 4. Gift, novelty, or souvenir shop;
    - 5. Hardware store;
    - 6. Ice vending establishment;
    - 7. Limited price variety store;
    - 8. Newsstand;
    - 9. Paint, glass, or wallpaper store;
    - 10. Retail spirits store;
    - 11. Tobacco store.
  - b. Personal service establishments, similar to the following uses:
    - 1. Barber shop;
    - 2. Custom dressmaker, milliner, or tailor;
    - 3. Dry-cleaning pickup or self-service;
    - 4. Dry-cleaning plant limited to 7,000 square feet of floor area;
    - 5. Hat cleaning or repair shop;
    - 6. Laundry pickup or self-service;
    - 7. Optician or optometrist;
    - 8. Pressing, alteration, or garment repair;
    - 9. Shoeshine or repair shop.
  - c. In the case of a mixed building, the floor area devoted to nonresidential uses shall not exceed one-third of the floor area devoted to residential uses; in calculating such ratio, common areas serving both residential and nonresidential areas shall be excluded.
- (10) Certain requirements for Tobacco and E-Cigarette Retailers. Any use under

this Subsection which involves a tobacco or e-cigarette store shall comply with the requirements described under NCC § 36-567.1 "Restrictions on Tobacco and E-cigarette Retailers.

- (c) *Special use*. The following uses may be permitted, after review, in accordance with NCC 36-560:
  - (1) Direct mail business.
  - (2) Municipal use, public building and public utility.
  - (3) Public or private golf courses, including any country clubs, club houses, or any accessory commercial enterprises.
  - (4) Church, temple or other place of worship.
  - (5) School offering general educational courses the same as ordinarily given in public schools and having no rooms regularly used for housing and sleeping.
  - (6) Type I bed and breakfast establishment.
  - (7) Type II bed and breakfast establishment.
  - (8) Childcare center, as specified in NCC 36-566.
  - (9) Library/museum.
  - (10) Off-street parking lot to be used as open space for vehicular parking, provided that such parking lot is adjacent to the land on which the principal use is located or separated therefrom only by a street or alley if the principal use is in the CO, C-1, C-2, C-3, I-1, I-2, R-1, R-2, or R-3 districts.
  - (11) Fraternal service organization not conducted for profit.
  - (12) Funeral parlor and mortuary.
  - (13) Pre-packaged food store and toiletries within apartment buildings or complexes wherein there are a minimum of 150 dwelling units, provided that:
    - a. Such store is limited to the main floor or below of the building in which it is located;
    - b. There is no direct entrance thereto from any public street, sidewalk or other public way;
    - c. No part of such store, or its entrance, is visible from any public way, street or sidewalk;
    - d. That such store shall not be advertised in any manner;
    - e. In reviewing any application for permission to establish and operate any such store in any apartment building or complex, the following matters shall be considered:
      - The proximity of other business or commercial districts, and whether or not the proposed store would constitute an independent commercial enterprise, as opposed to any accessory use to the tenants of the apartment complex;
      - 2. Service entrances for delivery vehicles and adequate space for the parking of customers;
      - 3. The size and character of the apartment building or complex since the tenants thereof will be expected to furnish substantially all of the financial support of such store.
    - f. Any ordinance hereafter enacted granting permission for the

establishment and operation of any pre-packaged food store after review, may set forth restrictions as to the space to be occupied, provisions for the automatic termination of permission for violations, and any other reasonable conditions which to the Commission may seem proper.

- (14) Medical marijuana dispensary, Tier I medical marijuana processor, or Tier II medical marijuana processor, as allowed by State law (only when in conjunction with residential uses in a mixed building).
- (d) *Area regulations*. Property and buildings in the RO district shall be subject to the following area regulations:
  - (1) Front yard. The minimum front yard shall be ten feet.
  - (2) *Side yards*. The minimum width of the side yard shall be five feet, except as required for tall buildings by the provisions of subsection (e) of this section.
  - (3) *Rear yard*. There shall be a rear yard of not less than ten feet; one-story unattached buildings of accessory use shall be set back one foot from the utility easement or alley line, and garage apartments shall be set back ten feet from the rear lot line.
  - (4) Lot width. There shall be a minimum lot width of 50 feet at the building line for a single-family dwelling or for a two-family dwelling, and ten feet additional width for each additional family occupying the lot. Such lot shall abut on a street not less than 35 feet.
  - (5) Intensity of residential use; options.
    - a. *Large lots*. In the case of a lot which is either at least 40,000 square feet in area or bounded on all sides by streets, alleys, railroads, public lands, or physical barriers, the provisions of either subsection (d)(6) or (7) of this section shall apply, at the option of the applicant for a building permit.
    - b. *Small lots*. In the case of all other lots, the provisions of subsection (d) (6) of this section shall apply.
  - (6) Intensity of residential use; general option.
    - a. *Minimum lot area*. The minimum area of a lot for residential use shall be 6,000 square feet, subject to the provisions of NCC 36-544(g).
    - b. *Floor area ratio*. The ratio of floor area to lot area shall not exceed six-tenths (0.6).
    - c. Accessory buildings shall not cover more than 30 percent of the rear yard.
  - (7) *Intensity of residential use; large lot option.* 
    - a. The ratio of floor area to the land area of the site shall not exceed eight-tenths (0.8).
    - b. The ratio of open space to floor area shall be at least 85 hundredths (0.85)
    - c. The ratio of livability space to floor area shall be at least four-tenths (0.4).
    - d. The ratio of recreation space to floor area shall be at least 95 thousandths (0.095).

- e. Accessory buildings shall not cover more than 30 percent of the rear yard.
- (8) *Intensity of mixed-uses*. The residential portion of a mixed building shall be subject to the intensity provisions of residential buildings. The ratio of the floor area of a mixed building to the area of the lot or the land area shall not exceed the following limits:
  - a. General option: 0.80.
  - b. Large lot option: 1.00.
- (9) Intensity of nonresidential uses.
  - a. *Floor area ratio*. The ratio of the floor area of a nonresidential building to the area of the lot or the land areas shall not exceed the following limits:
    - 1. General option: 1.00.
    - 2. Large lot option: 1.25.
- (10) *Impervious area*. The total amount of impervious area, including all buildings and permanently paved areas shall not cover more than 65 percent of a lot. Paving for parking as required in NCC 36-548, including other impervious surfaces, shall not cover more than 50 percent of the required ten-foot front yard, and comply with NCC 36-550(a)(3). Total impervious area of the front yard can be increased to 70 percent when one or more of the following circumstances occur:
  - a. The driveway is needed to access a garage for three or more cars;
  - b. The driveway is part of a circular driveway that includes a landscaped separation from the sidewalk; or
  - c. The driveway is located on a cul-de-sac lot with lot frontage of less than 40 feet.
- (11) *Duplexes*. Within the Central Core Area of the City (see map exhibit to NCC 36-550), any two-family (duplex) structure with four or more bedrooms per unit is required to be sprinkled per the requirement in section P2904 of the International Residential Code (IRC) or NFPA 13D, or as these documents are amended.
- (e) Height regulations.
  - (1) In the RO district there shall be no limit on height of structures, provided that any portion of a structure exceeding 35 feet in height is set back from side and rear lot lines abutting other property in residential districts at least one-third foot for each additional foot of height.
  - (2) Any accessory building shall not exceed a wall height of ten feet unless the required side and rear yard setbacks are increased by one foot for each additional foot of wall height above ten feet; provided, however, that no accessory building shall exceed the height of the principal building to which it is accessory.
- (f) *Plot plans required*. A plot plan shall be submitted with each application of rezoning of land to the RO district. Such plot plans shall reflect as a minimum the information set forth in NCC 36-571(e).

(Ord. No. 2244, 1-27-1970; Ord. No. O-7778-60, 5-2-1978; Ord. No. O-7778-68, 10-3-1978; Ord. No. O-8182-41, 2-9-1982; Ord. No. O-1961; Ord. No. O-8485-22, 10-23-1984; Ord. No. O-8990-42; Ord. No. O-9293-38; Ord. No. O-9596-19, 12-12-1995; Ord. No. O-9697-6, 8-27-1996; Ord. No. O-0708-36, 4-22-2008; Ord. No. O-1718-47, 7-26-2018; Ord. No. O-1718-51, 8-23-2018; Ord. No. O-1819-17, 12-11-2018; Ord. No. O-1920-4, 8-29-2019; Ord. No. O-1920-39, 4-23-2020)

**SECTION 2:** <u>AMENDMENT</u> "36-524 C-1, Local Commercial District" of the City of Norman Municipal Code is hereby *amended* as follows:

#### AMENDMENT

#### 36-524 C-1, Local Commercial District

- (a) General description. This commercial district is intended for the conduct of retail trade and to provide personal services to meet the regular needs and for the convenience of the people of adjacent residential areas. It is anticipated that this district will be the predominately used commercial district in the community. Because these shops and stores may be an integral part of the neighborhood closely associated with residential, religious, recreational, and educational elements, more restrictive requirements for light, air, open space, and off-street parking are made than are provided in other commercial districts.
- (b) *Uses permitted*. Property and buildings in a C-1, Local Commercial District shall be used only for the following purposes:
  - (1) Any use permitted in CO, except for medical marijuana testing laboratories, as set forth in NCC 36-523(a)(4).
  - (2) The following uses shall be permitted, provided that no individual use shall exceed a gross floor area of 35,000 square feet and that no outdoor storage or display of materials or goods is permitted:
    - a. Antique shop.
    - b. Appliance store.
    - c. Artist materials supply, or studio.
    - d. Automobile parking lots.
    - e. Automobile supply store.
    - f. Baby shop.
    - g. Bakery goods store.
    - h. Bank.
    - i. Barber shop, or beauty parlor.
    - j. Book or stationery store.
    - k. Camera shop.
    - 1. Candy store.
    - m. Catering establishment.
    - n. Childcare establishment.

- o. Clothing or apparel store.
- p. Dairy products or ice cream store.
- q. Delicatessen store.
- r. Dress shop.
- s. Drug store or fountain.
- t. Dry-cleaning and laundry plant with no more than three dry-cleaning machines and/or laundry pick-up station.
- u. Dry goods store.
- v. Fabric or notion store.
- w. Florist.
- x. Furniture store.
- y. Gift shop.
- z. Grocery or supermarket.
- aa. Hardware store.
- ab. Hotel or motel.
- ac. Interior decorating store.
- ad. Jewelry shop.
- ae. Key shop.
- af. Leathergoods shop.
- ag. Medical marijuana dispensary, as allowed by State law.
- ah. Messenger or telegraph service.
- ai. Office business.
- aj. Outdoor or indoor courts for handball, racquet ball, tennis, or sports activity of a similar nature (lighted outdoor courts shall not to be operated later in the evening than 10:00 p.m. and lighting must be arranged to direct light away from any adjoining property in a residential district).
- ak. Painting and decorating shop.
- al. Pet shop.
- am. Pharmacy.
- an. Photographer's studio.
- ao. Radio and television sales and service.
- ap. Restaurant. A restaurant may include live entertainment and/or a dance floor, (all such activity fully within an enclosed building) provided the kitchen remains open with full food service whenever live entertainment is offered.
- aq. Retail spirits store.
- ar. Self-service laundry.
- as. Sewing machine sales.
- at. Sporting goods sales.
- au. Shoe store or repair shop.
- av. Tailor shop.
- aw. Theater (excluding drive-in theaters), including one that sells alcoholic beverages in compliance with State law.
- ax. Tier I medical marijuana processor, as allowed by State law.

- ay. Tier II medical marijuana processor, as allowed by State law. az. Toy store.
- (3) Any other retail store, shop or establishment serving the neighborhood in the manner Stated above which in the opinion of the Planning Commission is similar in character to those above-enumerated and is not more obnoxious or detrimental to the area in which it is located, by reason of noise, offensive odor, smoke, dust, vibration, traffic congestion or danger to life and property.
- (4) Name plate and sign relating only to the use of the store and premises or products sold on the premises.
- (5) Accessory buildings used primarily for any of the above-enumerated purposes may not have more than 40 percent of the floor area devoted to purposes incidental to such primary use.
- (6) Certain requirements for Tobacco and E-Cigarette Retailers. Any use under this Subsection which involves a tobacco or e-cigarette store shall comply with the requirements described under NCC § 36-567.1 "Restrictions on Tobacco and E-cigarette Retailers.
  - Note: The following uses are specifically prohibited: Laundry and drycleaning establishments where cleaning or laundering is done on premises, major auto repairs, and manufacturing.
- (c) *Special use*. The following uses may be permitted, after review, in accordance with NCC 36-560:
  - (1) Emergency medical transportation services.
  - (2) Funeral parlor, mortuary, and crematorium so long as the crematorium is attached to the funeral parlor or mortuary and complies with the following conditions and requirements:
    - a. Any building which incorporates a crematorium use shall meet the setback requirements of the underlying zoning district.
    - b. Facilities shall meet all applicable State and federal requirements for incineration equipment and shall be licensed at all times.
    - c. All storage shall be inside.
    - d. Incinerator stacks shall not be located on the front side of the roof of any structure facing the street.
  - (3) Mixed building in which one or more dwelling units may be located on the second floor, provided that:
    - a. First floor use is a permitted use in the district;
    - b. Only two-story structures are involved;
    - c. The minimum area of a lot shall be 6,000 square feet;
    - d. The ratio of floor area to lot area shall not exceed six-tenths (0.6).
  - (4) Automobile service station.
  - (5) Any use listed in subsection (b)(2) of this section which exceeds a gross floor area of 35,000 square feet.
  - (6) Liquified petroleum gas sales and storage when such use is clearly subordinate and accessory to the primary usage of the property.
  - (7) Municipal use, public buildings and public utility.
  - (8) Medical marijuana education facility, as allowed by State law.

- (9) Medical marijuana research facility, as allowed by State law.
- (10) Medical marijuana testing laboratory, as allowed by State law.
- (11) Tier III medical marijuana processor, as allowed by State law.
- (d) Area requirements.
  - (1) Front yard. A 25-foot setback is required for all buildings. Across the entire front of all lots (and the street side of any corner lot) in plats filed after November 7, 2005, a minimum ten-foot landscape strip shall be installed, which may not be encroached upon by parking. One eight-foot-tall shade (canopy) tree per each 20 feet of lot frontage and one three-gallon shrub per five feet of building frontage shall be installed within this landscape strip. Clustering of these required plantings may be allowed, if approved by the City Forester or his designee. Such planting should be covered by the three-year maintenance bond required when new landscaping is installed with the parking lot on the same tract. All species are to be approved by the City Forester.
  - (2) Side yard.
    - a. For uses other than dwelling, no side yard shall be required except on the side of a lot adjoining a dwelling district in which case there shall be a side yard of not less than five feet.
    - b. Whenever the rear lot line of a corner lot of a local business district abuts a dwelling district, the side yard setback adjacent to the street shall be 15 feet.
  - (3) Rear yard. Rear yard shall not be required for retail establishments; except where a rear lot line abuts upon a dwelling district and the commercial building is designed to be serviced from the rear, there shall be provided a rear yard of not less than 30 feet for lots without alleys and 20 feet for lots with alleys; and further, provided that in no case where the rear lot lines abut a dwelling district shall the commercial building be erected closer than three feet to the rear lot line.
- (e) *Height regulations*. Except, as provided in NCC 36-546, no building shall exceed 2 1/2 stories or 35 feet in height.

(Ord. No. O-8485-62, 2-5-1985; Ord. No. O-8485-89, 6-11-1985; Ord. No. O-9192-17, 11-12-1991; Ord. No. O-9192-18, 11-12-1991; Ord. No. O-9596-19, 12-12-1995; Ord. No. O-9697-51, 6-10-1997; Ord. No. O-0102-26, 3-12-2002; Ord. No. O-0102-51, 6-25-2002; Ord. No. O-0203-46, 5-27-2003; Ord. No. O-0304-29, 10-28-2003; Ord. No. O-0405-60, 9-27-2005; Ord. No. O-1314-13, 11-22-2013; Ord. No. O-1617-31, 5-23-2017; Ord. No. O-1718-51, 8-23-2018; Ord. No. O-1819-17, 12-11-2018; Ord. No. O-1920-4, 8-29-2019; Ord. No. O-1920-39, 4-23-2020; Ord. No. O-1920-45, 7-23-2020; Ord. No. O-1971)

**SECTION 3:** <u>AMENDMENT</u> "36-526 TC, Tourist Commercial District" of the City of Norman Municipal Code is hereby *amended* as follows:

#### AMENDMENT

#### 36-526 TC, Tourist Commercial District

- (a) General description. This district is intended to accommodate the grouping of those commercial activities necessary to supply the normal needs of tourists, and to protect these against other incompatible commercial uses. This district is intended to be located in defined areas and will be permitted at the intersection of primary arterials or highways and section line roads east of 72nd Avenue East which serve as the primary entrances of major public recreational areas. For the purpose of this chapter, only State Highway No. 9, Alameda Drive, and 120th Avenue North shall be designated as primary entrances to major public recreational areas.
- (b) Uses permitted.
  - (1) Any of the following uses:
    - a. Amusement enterprises.
    - b. Boat and marine sales and service.
    - c. Cafeteria or restaurant.
    - d. Drive-in restaurant.
    - e. Dry dock boat storage.
    - f. Gift, novelty or souvenir store.
    - g. Hotel, motel, tourist court.
    - h. Ice dispensing machine (and other outdoor-type automatic vending machines).
    - i. Medical Marijuana Dispensary, as allowed by State law.
    - j. Miniature golf course.
    - k. Offices accessory to main use.
    - l. Parks or playgrounds.
    - m. Parking lot or structure, non-commercial accessory to and within 200 feet.
    - n. Pre-packaged food store.
    - o. Service station.
    - p. Tier I medical marijuana processor, as allowed by State law.
    - q. Tier II medical marijuana processor, as allowed by State law.
    - r. Travel trailer court.
    - s. Sporting goods store, including sale of live bait.
    - t. Childcare center, as specified in NCC 36-566.
    - u. Short-term rentals.
  - (2) Any use which, in the opinion of the Planning Commission, would be similar in character to those above-enumerated and is not more obnoxious or detrimental to the area in which it is located, by reason of noise, offensive odor, smoke, dust, vibration, traffic congestion or danger to life and property than those uses enumerated above.
  - (3) Certain requirements for Tobacco and E-Cigarette Retailers. Any use under this Subsection which involves a tobacco or e-cigarette store shall comply with the requirements described under NCC § 36-567.1 "Restrictions on

## Tobacco and E-cigarette Retailers.

- (c) *Special use*. The following uses may be permitted, after review, in accordance with NCC 36-560:
  - (1) Any permitted use in NCC 36-526(b) which exceeds 35 feet in height.
  - (2) Live entertainment venue.
  - (3) Laundry, self service, in conjunction with travel trailer court.
  - (4) Nightclub or tavern.
  - (5) Liquified petroleum gas sales and storage when such use is clearly subordinate and accessory to the primary usage of the property.
  - (6) Municipal use, public buildings and public utility.
- (d) Area regulations.
  - (1) *Front yard*. The minimum front yard shall be 50 feet or 100 feet from the center line of the public street or road, whichever distance shall be the greater.
  - (2) Side yard. The minimum side yard shall be 25 feet.
  - (3) Rear yard. The minimum rear yard shall be 50 feet.
  - (4) *Lot width*. The minimum lot width shall be 150 feet measured at the front building line.
- (e) *Height regulations*. Except, as provided in NCC 36-546, or 36-526(c), no building shall exceed 35 feet in height.
- (f) Special provisions.
  - (1) There shall be no outdoor storage, display, or use within any required front, side or rear yard setback other than parking, loading and unloading, and landscaping.
  - (2) Off-street parking requirements shall be the standards prescribed in NCC 36-548.

(Ord. No. O-9192-17, 11-12-1991; Ord. No. O-9596-19, 12-12-1995; Ord. No. O-1617-31, 5-23-2017; Ord. No. O-1819-17, 12-11-2018; Ord. No. O-1920-4, 8-29-2019; Ord. No. O-1920-39, 4-23-2020; Ord. No. O-1920-45, 7-23-2020; Ord. No. O-0102-51)

**SECTION 4:** <u>AMENDMENT</u> "36-527 CR, Rural Commercial District" of the City of Norman Municipal Code is hereby *amended* as follows:

#### **AMENDMENT**

## 36-527 CR, Rural Commercial District

- (a) General description. This commercial district is intended for the conduct of retail trade and to provide personal services to meet the regular needs and convenience of rural residents. It is anticipated that this district will be the predominately used commercial district in rural Norman. It is intended that this zoning district be located at the intersection of improved section line roads.
- (b) Uses permitted. Property and buildings in a CR, Rural Commercial District shall be

## used only for the following purposes:

- (1) No individual use shall exceed a gross floor area of 35,000 square feet:
  - a. Artist material supply, studio or hobby shop.
  - b. Automobile service station.
  - c. Bank.
  - d. Barber shop, or beauty parlor.
  - e. Childcare center.
  - f. Clothing and dry goods store.
  - g. Farm feed store.
  - h. Firewood sales.
  - i. Florist.
  - j. Grocery or supermarket.
  - k. Hardware store.
  - 1. Key shop.
  - m. Medical marijuana dispensary, as allowed by State law.
  - n. Office building and offices for such professional services as accountant, architect, attorney, business or management consultant, court reporter, dentist or dental surgeon, engineer, geologist or geophysicist, linguist, landscape architect, optometrist, optician, osteopathic physician, planning consultant, psychologist, physician or surgeon, or registered nurse. Funeral homes and mortuaries shall not be considered professional services permitted in this district.
  - o. Pharmacy.
  - p. Plant nursery.
  - q. News stand and tobacco store.
  - r. Restaurant.
  - s. Retail spirits store.
  - t. Shoe store or repair shop.
  - u. Tier I medical marijuana processor, as allowed by State law.
  - v. Tier II medical marijuana processor, as allowed by State law.
- (2) Any uses which, in the opinion of the Planning Commission, would be similar in character to those above-enumerated and is not more obnoxious or detrimental to the area in which it is located, by reason of noise, offensive odor, smoke, dust, vibration, traffic congestion, or danger to life and property than those uses enumerated above.
- (3) Certain requirements for Tobacco and E-Cigarette Retailers. Any use under this Subsection which involves a tobacco or e-cigarette store shall comply with the requirements described under NCC § 36-567.1 "Restrictions on Tobacco and E-cigarette Retailers.
- (c) *Special use*. The following uses may be permitted, after review, in accordance with NCC 36-560:
  - (1) Any use listed in NCC 36-527(b)(1) which exceeds a gross floor area of 35,000 square feet.
  - (2) Any use listed in NCC 36-527(b)(1) which exceeds 35 feet in height.
  - (3) Automobile sales and service.

- (4) Boat sales and services.
- (5) Farm implement sales and service.
- (6) Theater, indoor, including one that sells alcoholic beverages in compliance with State law.
- (7) Veterinary hospital.
- (8) Liquified petroleum gas sales and storage when such use is clearly subordinate and accessory to the primary usage of the property.
- (9) Municipal use, public buildings and public utility.
- (10) Medical marijuana commercial grower, as allowed by State law.
- (11) Medical marijuana education facility (cultivation activities only), as allowed by State law.
- (d) Area regulations.
  - (1) *Front yard*. The minimum front yard shall be 50 feet or 100 feet from the center line of the public street or road, whichever distance shall be the greater.
  - (2) Side yard. The minimum side yard shall be 25 feet.
  - (3) Rear yard. The minimum rear yard shall be 50 feet.
  - (4) *Lot width*. The minimum lot width shall be 150 feet measured at the front building line.
- (e) *Height regulations*. Except, as provided in NCC 36-546 or 36-527(c), no building shall exceed 35 feet in height.

(Ord. No. O-8485-32; Ord. No. O-9192-17, 11-12-1991; Ord. No. O-9596-19, 12-12-1995; Ord. No. O-1617-31, 5-23-2017; Ord. No. O-1718-51, 8-23-2018; Ord. No. O-1819-17, 12-11-2018; Ord. No. O-1920-4, 8-29-2019; Ord. No. O-1920-39, 4-23-2020)

**SECTION 5:** <u>AMENDMENT</u> "36-560 Special Uses" of the City of Norman Municipal Code is hereby *amended* as follows:

## AMENDMENT

36-560 Special Uses

Any use designated as a special use under any zoning district is not appropriate for each and every parcel of land which is included in the pertinent zoning district. However, upon review, the City Council may determine that one or more special uses should be approved for a specific parcel of land. Such approval, by ordinance duly adopted by the City Council, may come after a public notice and a hearing by the Planning Commission. Any such approval may be made conditional on the subject parcel of land meeting and maintaining specific requirements and/or conditions.

(a) *Application and fee*. Application for a special use shall be filed with the Director of Planning and Community Development Department. The application shall include the following:

- (1) Name and address of the owner, and also applicant if different from the owner. (The City may initiate the application.)
- (2) Address and legal description of the property.
- (3) If the applicant is not the legal owner of the property, a statement that the applicant is either the authorized agent for the owner of the property or has a lawful right to acquire use and possession of the property.
- (4) A statement describing the nature and operating characteristics of the proposed special uses. For uses potentially generating high volumes of vehicular traffic, the Director may require specific information relative to the anticipated peak loads and peak use periods, the ability of the use to meet performance standards, or substantiating the adequacy of proposed parking, loading, and circulation facilities.
- (5) A site plan, drawn to scale, showing the location and dimensions of boundary lines, with distances and bearings, easements, required yards and setbacks, and all existing and proposed buildings, parking and loading areas, ingress and egress, the location of existing and proposed landscaped areas, utility or service areas, fencing and screening, signs and lighting.
- (6) Application for a special use and for rezoning for the same property may be made concurrently, subject to the fees applicable to both a special use and rezoning. The Planning Commission shall hold the public hearing on the rezoning and the special uses at the same meeting and may combine the two hearings. If the City Council modifies a recommendation of the Commission on a concurrent zoning reclassification, the special uses application may, if the City Council deems it necessary, be referred back to the Planning Commission in the same manner as a new application; provided, however, that no additional fee shall be required.
- (7) A filing fee of \$400.00, plus \$10.00 per acre.
- (8) In order to properly evaluate the proposed special uses, the Planning Director may require the following additional information:
  - a. Preliminary building elevations for all new or renovated structures, indicating height, bulk, and general appearance.
  - b. Preliminary improvement plans for any alteration of existing watercourses or drainage features, proposed streets and alleys, and the location of the 100-year floodplain.
  - c. The relationship of the site and the proposed use to surrounding uses, including pedestrian and vehicular circulation, current use of nearby parcels, and any proposed off-site improvements to be made.
- (b) *Review and evaluation criteria*. The Planning Commission shall review and evaluate any special use proposal and recommend to the City Council using the following criteria:
  - (1) Conformance with applicable regulations and standards established by this article.
  - (2) Compatibility with existing or permitted uses on abutting sites, in terms of building height, bulk and scale, setbacks and open spaces, landscaping and site development, and access and circulation features.

- (3) Potentially unfavorable effects or impacts on other existing or permitted uses on abutting sites, to the extent such impacts exceed those which reasonably may result from use of the site by a permitted use. (Note: Throughout this section, the term "permitted use" means any use authorized as a matter of right under the applicable zoning district.)
- (4) Modifications to the site plan which would result in increased compatibility, or would mitigate potentially unfavorable impacts, or would be necessary to conform to applicable regulations and standards and to protect the public health, safety, morals, and general welfare.
- (5) Safety and convenience of vehicular and pedestrian circulation in the vicinity, including traffic reasonably expected to be generated by the proposed special use and other uses authorized and anticipated in the area, considering existing zoning and land uses in the area.
- (6) That any conditions applicable to approval are the minimum necessary to minimize potentially unfavorable impacts on nearby uses and to ensure compatibility of the proposed special use with existing or permitted uses in the surrounding area.
- (c) Planning commission hearing and recommendation. The Planning Commission shall hold a public hearing on each application for a special use. Public notification requirements shall be the same as a rezoning procedure. At the public hearing, the Commission shall review the application and shall receive public comments concerning the proposed use and the proposed conditions under which it would be operated or maintained. The Planning Commission may recommend that the City Council establish conditions of approval. Conditions may include, but shall not be limited to, requirements for special yards, open spaces, buffers, fences, walls, and screening; requirements for installation and maintenance of landscaping and erosion control measures; requirements for street improvements and dedications, regulation of vehicular ingress and egress, and traffic circulation, regulation of signs; regulation of hours or other characteristics of operation; and such other conditions as the Commission may deem necessary to ensure compatibility with surrounding uses, and to preserve the public health, safety, and welfare.
- (d) *City Council approval*. Granting a special use shall be considered a privilege bestowed by the City Council for a specific use at a specific location. Special uses may be granted by the City Council with such requirements and/or conditions, as the Council deems appropriate. Such requirements and/or conditions shall be continually complied with by the applicant and his successors and assigns. At the time of issuance of a certificate of occupancy for the initial operation of a special use, the City shall cause the property legal description and conditions of approval established by the City Council to be filed in the Tract Index of the County Clerk's office. Prior to such filing, the applicant shall be afforded an opportunity to review the instrument to be filed, for correctness.
- (e) *Violations*. For any reason, if any requirement or condition specified in the authorizing special use ordinance is violated, said violation constitutes a violation of this chapter and subjects the violator to the fines and penalties contained herein. Further, such a violation constitutes grounds for the City Council to remove or amend, by ordinance,

the previously authorized special use and any concurrent rezoning.

- (1) If it is determined by the Planning Director or the City Manager that there is a violation of any applicable provision of this section, or a failure to comply with conditions imposed by any special use ordinance on the property, then the Planning Director or the City Manager may initiate any or all of the following actions to remedy the situation, including:
  - a. Specify the nature and extent of any such violations and specify reasonable time to correct such violations;
  - b. Report such violations to the Code Enforcement Official and initiate action in the same manner as any other violation of this chapter;
  - c. Schedule a public hearing before the City Council to review such matter and consider revocation, by ordinance, of the granting of a special use for said property.
- (2) Whenever any one or more of the foregoing actions is initiated, notice shall be given to the property owner of record by any means then authorized by the State Pleading Code for service of summons in a civil action. Further, if the property is occupied, such notice shall also be given, by first-class mail or hand-delivery, addressed to "Tenant, Owner, or Manager" at the property address.
- (f) Expiration for non-use.
  - (1) The authority to issue initial construction or initial occupancy permits pursuant to the granting of a special use shall expire two years after the City Council approves the special use, unless the City Council includes a different time limit as a specific condition of approval. This time period to initially establish a special use may be extended for a maximum of an additional two years by action of the City Council, upon receipt of a timely request from the owner of said property, when it determines that conditions have not substantially changed since the time of original approval.
  - (2) In any case where the special use is not activated in accordance with the times specified in the preceding section, or where the special use has been discontinued for two continuous years, then authority for such a special use ceases to exist and the owner must reapply in order to establish or re-establish said special use.
- (g) Change of ownership. A special use may be transferred to a new owner provided:
  - (1) Written notification is sent to the Planning Director indicating date of transfer, name and address of new owner, and a statement acknowledging any conditions attached to the special use and the intent to continuously comply;
  - (2) A transfer fee is paid; and
  - (3) An inspection of the property reveals continued compliance with all original conditions.
- (h) Special uses which were formerly described as uses permitted on review or conditional use permits.
  - (1) A use legally established pursuant to a conditional use permit or permissive use rezoning prior to the date of adoption of these zoning regulations shall be

- deemed pre-existing and, shall be permitted to continue, provided that it is operated and maintained in accordance with any conditions prescribed at the time of its establishment. If such a structure is destroyed by fire, explosions, or act of God, it may be rebuilt, if compliance with all conditions stipulated in its enabling ordinance are complied with.
- (2) Expansion of a pre-existing permissive use or conditional use permit shall be permitted only upon the granting of a special use as prescribed in these regulations.
- (i) Certain requirements for Tobacco and E-Cigarette Retailers. Any use under this Section which involves a tobacco or e-cigarette store shall comply with the requirements described under NCC § 36-567.1 "Restrictions on Tobacco and E-cigarette Retailers.

(Ord. No. O-9596-11, 10-24-1995)

**SECTION 6:** <u>ADOPTION</u> "36-567.1 Restrictions On Tobacco And E-Cigarette Retailers" of the City of Norman Municipal Code is hereby *added* as follows:

## ADOPTION

- 36-567.1 Restrictions On Tobacco And E-Cigarette Retailers(Added)
- (1) Definitions. For the purposes of this Subsection only, the following meanings shall apply:
  - (a) School means any property, building, permanent structure, facility, auditorium, stadium, arena or recreational facility owned, leased or under the control of a public school district or private school or any educational facility that is accredited by the state of Oklahoma.
    - i. School shall include all licensed childcare facilities, kindergartens, elementary schools, which may include either K-6 or K-8, and all secondary schools ii. School shall include any institution within the Oklahoma State System of Higher Education or any other public or private college or university that is accredited by a national accrediting body.
  - (b) Playgrounds means any area used for outdoor play or recreation, especially by children, and often containing recreational equipment such as slides and swings. (c) Tobacco product means any product that is made from or derived from tobacco, or that contains nicotine, that is intended for human consumption or is likely to be consumed, whether smoked, heated, chewed, absorbed, dissolved, inhaled or ingested by any other means, including, but not limited to, a cigarette, a cigar, pipe tobacco, chewing tobacco, snuff, or snus. Tobacco product also means electronic smoking devices and any component or accessory used in the consumption of a tobacco product, such as filters, rolling papers, pipes, and liquids used in electronic smoking devices, whether or not they contain nicotine. Tobacco product does not

include drugs, devices, or combination products authorized for sale by the U.S. Food and Drug Administration, as those terms are defined in the Federal Food, Drug and Cosmetic Act. (d) Electronic smoking device means any device that may be used to deliver any aerosolized or vaporized substance to the person inhaling from the device, including, but not limited to, an e-cigarette, e-cigar, e-pipe, vape pen, or e-hookah. Electronic smoking device includes any component, part, or accessory of the device, and also includes any substance that may be aerosolized or vaporized by such device, whether or not the substance contains nicotine. Electronic smoking device does not include drugs, devices, or combination products authorized for sale by the U.S. Food and Drug Administration, as those terms are defined in the Federal Food, Drug, and Cosmetic Act.

- (2) A business license issued by the City of Norman shall only be located or operated at locations permitted by the City's zoning or planning laws. The location of a tobacco or ecigarette store is specifically prohibited within three hundred feet (300') of any playground, school, or other facility when the facility is being used primarily by persons under twenty-one (21) years of age. The distance shall be measured as the shortest straight line distance from the property line of the proposed tobacco or e-cigarette store to the property line of the entities listed below:
  - (a) Public or Private School (b) Playgrounds (c) Facility used primarily by persons under twenty-one (21) years of age
- (3) Legal Non-conforming Use. Current license tobacco or e-cigarette store(s) within three hundred feet (300') of the above described locations are permitted to continue operations despite this amendment to the zoning ordinance. If a current license tobacco/ or e-cigarette store is sold, then the new owner would no longer be able to use the legal non-conforming use to obtain a license.

SECTION /:	<u>SEVERABIL</u>	ATTY CLAUSE Should	any part or provision of	
this Ordinance be declared	ed by the courts to be	e unconstitutional or inva	lid, such decision shall	
not affect the validity of t	he Ordinances a wh	ole or any part thereof ot	her than the part so	
declared to be unconstitu		y parameter of	F	
<b>SECTION 8:</b>	EFFECTIVE	<b>DATE</b> This Ordinance	shall be in full force and	
effect from an	·			
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PASSED AND ADOPT	ED BY THE CITY	OF NORMAN CITY C	COUNCIL	
	·			
	<b>37.437</b>	ADGENT	A DOTTA DA	
AYE	NAY	ABSENT	ABSTAIN	
Presiding Officer		Attest		
Larry Heikkila, Mayor, C	City of	Brenda Hall, City Clerk, City of		
Norman	·	Norman		

## CITY OF NORMAN ORDINANCE 0-2425-10

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, ADDING SECTION 36-567.1 ("RESTRICTIONS ON TOBACCO AND E-CIGARETTE RETAILERS") TO CHAPTER 36 ("ZONING ORDINANCE"); AND AMENDING SECTIONS 36-521 ("RO, RESIDENCE-OFFICE DISTRICT"), 36-524 ("C-1, LOCAL COMMERCIAL DISTRICT"), 36-526 ("TC, TOURIST COMMERCIAL DISTRCT"), 36-527 ("CR, RURAL COMMERCIAL DISTRICT"), AND 36-560 ("SPECIAL USES") TO CHAPTER 36 ("ZONING ORDINANCE") OF THE CODE OF THE CITY OF NORMAN TO ESTABLISH RESTRICTIONS ON TOBACCO AND E-CIGARETTE RETAILERS; AND PROVIDING FOR THE SEVERABILITY THEREOF.

**WHEREAS**, WHEREAS, in an effort to protect our youth from the negative health effects of tobacco, nicotine or vapor products, the State of Oklahoma has prohibited the sale, distribution or possession of tobacco, nicotine or vapor products for anyone under the age of twenty-one (21) years of age; and

WHEREAS, WHEREAS, the City of Norman, pursuant to 63 O.S. § 1-229.18, is authorized to enact laws prohibiting the distribution of tobacco, nicotine, and vapor products and product samples within three hundred (300) feet of any playground, school, or other facility when it is being used primarily by persons under twenty-one (21); and

**WHEREAS,** WHEREAS, the City of Norman desires to support and enforce the State of Oklahoma's regulations promulgated to control youth access to tobacco by adopting Ordinance O-2425-10.

**NOW THEREFORE,** be it ordained by the City Council of the City of Norman, in the State of Oklahoma, as follows:

**SECTION 1:** <u>AMENDMENT</u> "36-521 RO, Residence-Office District" of the City of Norman Municipal Code is hereby *amended* as follows:

#### AMENDMENT

## 36-521 RO, Residence-Office District

- (a) *Purposes*. The RO district is designed to provide areas for high density residential development; limited offices, convenience goods stores, and personal service establishments in conjunction with residential uses; primarily in the vicinity of the campus business district.
- (b) Uses permitted. Property and buildings in the RO district shall be used only for the

## following purposes:

- (1) Any uses permitted in the RM-6 district; provided, however, that the minimum yards established for certain uses in NCC 36-517(b)(2), shall be 20 feet.
- (2) Any use permitted in the R-3 district.
- (3) Artist and photographer studio, but not including the processing of film for others.
- (4) Medical or dental clinic or laboratory.
- (5) Office of non-profit association.
- (6) Office of such professional person as accountant, architect, attorney, business or management consultant, court reporter, dentist or dental surgeon, engineer, geologist or geophysicists, linguist, landscape architect, optometrist without sales, osteopathic physician, planning consultant, psychologist, physician or surgeon, or registered nurse.
- (7) Prescription pharmacy (only when provided in conjunction with subsection (b)(4) of this section).
- (8) Accessory buildings and uses customarily incidental to any of the above uses when located on the same lot.
- (9) Convenience goods and services as follows but only in conjunction with residential uses in a mixed building as qualified below:
  - a. Convenience goods stores, similar to the following uses:
    - 1. Drugstore or proprietary store;
    - 2. Florist;
    - 3. Food store, including bakery (retail only);
    - 4. Gift, novelty, or souvenir shop;
    - 5. Hardware store;
    - 6. Ice vending establishment;
    - 7. Limited price variety store;
    - 8. Newsstand;
    - 9. Paint, glass, or wallpaper store;
    - 10. Retail spirits store;
    - 11. Tobacco store.
  - b. Personal service establishments, similar to the following uses:
    - 1. Barber shop;
    - 2. Custom dressmaker, milliner, or tailor;
    - 3. Dry-cleaning pickup or self-service;
    - 4. Dry-cleaning plant limited to 7,000 square feet of floor area;
    - 5. Hat cleaning or repair shop;
    - 6. Laundry pickup or self-service;
    - 7. Optician or optometrist;
    - 8. Pressing, alteration, or garment repair;
    - 9. Shoeshine or repair shop.
  - c. In the case of a mixed building, the floor area devoted to nonresidential uses shall not exceed one-third of the floor area

- devoted to residential uses; in calculating such ratio, common areas serving both residential and nonresidential areas shall be excluded.
- (10) Certain requirements for Tobacco and E-Cigarette Retailers. Any use under this Subsection which involves a tobacco or e-cigarette store shall comply with the requirements described under NCC § 36-567.1 "Restrictions on Tobacco and E-cigarette Retailers.
- (c) *Special use*. The following uses may be permitted, after review, in accordance with NCC 36-560:
  - (1) Direct mail business.
  - (2) Municipal use, public building and public utility.
  - (3) Public or private golf courses, including any country clubs, club houses, or any accessory commercial enterprises.
  - (4) Church, temple or other place of worship.
  - (5) School offering general educational courses the same as ordinarily given in public schools and having no rooms regularly used for housing and sleeping.
  - (6) Type I bed and breakfast establishment.
  - (7) Type II bed and breakfast establishment.
  - (8) Childcare center, as specified in NCC 36-566.
  - (9) Library/museum.
  - (10) Off-street parking lot to be used as open space for vehicular parking, provided that such parking lot is adjacent to the land on which the principal use is located or separated therefrom only by a street or alley if the principal use is in the CO, C-1, C-2, C-3, I-1, I-2, R-1, R-2, or R-3 districts.
  - (11) Fraternal service organization not conducted for profit.
  - (12) Funeral parlor and mortuary.
  - (13) Pre-packaged food store and toiletries within apartment buildings or complexes wherein there are a minimum of 150 dwelling units, provided that:
    - a. Such store is limited to the main floor or below of the building in which it is located;
    - b. There is no direct entrance thereto from any public street, sidewalk or other public way;
    - c. No part of such store, or its entrance, is visible from any public way, street or sidewalk;
    - d. That such store shall not be advertised in any manner;
    - e. In reviewing any application for permission to establish and operate any such store in any apartment building or complex, the following matters shall be considered:
      - 1. The proximity of other business or commercial districts, and whether or not the proposed store would constitute an independent commercial enterprise, as opposed to any accessory use to the tenants of the apartment complex;
      - 2. Service entrances for delivery vehicles and adequate space for the parking of customers;

- 3. The size and character of the apartment building or complex since the tenants thereof will be expected to furnish substantially all of the financial support of such store.
- f. Any ordinance hereafter enacted granting permission for the establishment and operation of any pre-packaged food store after review, may set forth restrictions as to the space to be occupied, provisions for the automatic termination of permission for violations, and any other reasonable conditions which to the Commission may seem proper.
- (14) Medical marijuana dispensary, Tier I medical marijuana processor, or Tier II medical marijuana processor, as allowed by State law (only when in conjunction with residential uses in a mixed building).
- (d) *Area regulations*. Property and buildings in the RO district shall be subject to the following area regulations:
  - (1) Front yard. The minimum front yard shall be ten feet.
  - (2) *Side yards*. The minimum width of the side yard shall be five feet, except as required for tall buildings by the provisions of subsection (e) of this section.
  - (3) *Rear yard*. There shall be a rear yard of not less than ten feet; one-story unattached buildings of accessory use shall be set back one foot from the utility easement or alley line, and garage apartments shall be set back ten feet from the rear lot line.
  - (4) Lot width. There shall be a minimum lot width of 50 feet at the building line for a single-family dwelling or for a two-family dwelling, and ten feet additional width for each additional family occupying the lot. Such lot shall abut on a street not less than 35 feet.
  - (5) Intensity of residential use; options.
    - a. *Large lots*. In the case of a lot which is either at least 40,000 square feet in area or bounded on all sides by streets, alleys, railroads, public lands, or physical barriers, the provisions of either subsection (d)(6) or (7) of this section shall apply, at the option of the applicant for a building permit.
    - b. *Small lots*. In the case of all other lots, the provisions of subsection (d) (6) of this section shall apply.
  - (6) Intensity of residential use; general option.
    - a. *Minimum lot area*. The minimum area of a lot for residential use shall be 6,000 square feet, subject to the provisions of NCC 36-544(g).
    - b. *Floor area ratio*. The ratio of floor area to lot area shall not exceed six-tenths (0.6).
    - c. Accessory buildings shall not cover more than 30 percent of the rear yard.
  - (7) *Intensity of residential use; large lot option.* 
    - a. The ratio of floor area to the land area of the site shall not exceed

- eight-tenths (0.8).
- b. The ratio of open space to floor area shall be at least 85 hundredths (0.85).
- c. The ratio of livability space to floor area shall be at least four-tenths (0.4).
- d. The ratio of recreation space to floor area shall be at least 95 thousandths (0.095).
- e. Accessory buildings shall not cover more than 30 percent of the rear vard.
- (8) *Intensity of mixed-uses*. The residential portion of a mixed building shall be subject to the intensity provisions of residential buildings. The ratio of the floor area of a mixed building to the area of the lot or the land area shall not exceed the following limits:
  - a. General option: 0.80.
  - b. Large lot option: 1.00.
- (9) Intensity of nonresidential uses.
  - a. *Floor area ratio*. The ratio of the floor area of a nonresidential building to the area of the lot or the land areas shall not exceed the following limits:
    - 1. General option: 1.00.
    - 2. Large lot option: 1.25.
- (10) *Impervious area*. The total amount of impervious area, including all buildings and permanently paved areas shall not cover more than 65 percent of a lot. Paving for parking as required in NCC 36-548, including other impervious surfaces, shall not cover more than 50 percent of the required ten-foot front yard, and comply with NCC 36-550(a)(3). Total impervious area of the front yard can be increased to 70 percent when one or more of the following circumstances occur:
  - a. The driveway is needed to access a garage for three or more cars;
  - b. The driveway is part of a circular driveway that includes a landscaped separation from the sidewalk; or
  - c. The driveway is located on a cul-de-sac lot with lot frontage of less than 40 feet.
- (11) *Duplexes*. Within the Central Core Area of the City (see map exhibit to NCC 36-550), any two-family (duplex) structure with four or more bedrooms per unit is required to be sprinkled per the requirement in section P2904 of the International Residential Code (IRC) or NFPA 13D, or as these documents are amended.
- (e) Height regulations.
  - (1) In the RO district there shall be no limit on height of structures, provided that any portion of a structure exceeding 35 feet in height is set back from side and rear lot lines abutting other property in residential districts at least one-third foot for each additional foot of height.

- (2) Any accessory building shall not exceed a wall height of ten feet unless the required side and rear yard setbacks are increased by one foot for each additional foot of wall height above ten feet; provided, however, that no accessory building shall exceed the height of the principal building to which it is accessory.
- (f) *Plot plans required*. A plot plan shall be submitted with each application of rezoning of land to the RO district. Such plot plans shall reflect as a minimum the information set forth in NCC 36-571(e).

(Ord. No. 2244, 1-27-1970; Ord. No. O-7778-60, 5-2-1978; Ord. No. O-7778-68, 10-3-1978; Ord. No. O-8182-41, 2-9-1982; Ord. No. O-1961; Ord. No. O-8485-22, 10-23-1984; Ord. No. O-8990-42; Ord. No. O-9293-38; Ord. No. O-9596-19, 12-12-1995; Ord. No. O-9697-6, 8-27-1996; Ord. No. O-0708-36, 4-22-2008; Ord. No. O-1718-47, 7-26-2018; Ord. No. O-1718-51, 8-23-2018; Ord. No. O-1819-17, 12-11-2018; Ord. No. O-1920-4, 8-29-2019; Ord. No. O-1920-39, 4-23-2020)

**SECTION 2:** <u>AMENDMENT</u> "36-524 C-1, Local Commercial District" of the City of Norman Municipal Code is hereby *amended* as follows:

#### AMENDMENT

## 36-524 C-1, Local Commercial District

- (a) General description. This commercial district is intended for the conduct of retail trade and to provide personal services to meet the regular needs and for the convenience of the people of adjacent residential areas. It is anticipated that this district will be the predominately used commercial district in the community. Because these shops and stores may be an integral part of the neighborhood closely associated with residential, religious, recreational, and educational elements, more restrictive requirements for light, air, open space, and off-street parking are made than are provided in other commercial districts.
- (b) *Uses permitted*. Property and buildings in a C-1, Local Commercial District shall be used only for the following purposes:
  - (1) Any use permitted in CO, except for medical marijuana testing laboratories, as set forth in NCC 36-523(a)(4).
  - (2) The following uses shall be permitted, provided that no individual use shall exceed a gross floor area of 35,000 square feet and that no outdoor storage or display of materials or goods is permitted:
    - a. Antique shop.
    - b. Appliance store.
    - c. Artist materials supply, or studio.
    - d. Automobile parking lots.

- e. Automobile supply store.
- f. Baby shop.
- g. Bakery goods store.
- h. Bank.
- i. Barber shop, or beauty parlor.
- j. Book or stationery store.
- k. Camera shop.
- 1. Candy store.
- m. Catering establishment.
- n. Childcare establishment.
- o. Clothing or apparel store.
- p. Dairy products or ice cream store.
- q. Delicatessen store.
- r. Dress shop.
- s. Drug store or fountain.
- t. Dry-cleaning and laundry plant with no more than three dry-cleaning machines and/or laundry pick-up station.
- u. Dry goods store.
- v. Fabric or notion store.
- w. Florist.
- x. Furniture store.
- y. Gift shop.
- z. Grocery or supermarket.
- aa. Hardware store.
- ab. Hotel or motel.
- ac. Interior decorating store.
- ad. Jewelry shop.
- ae. Key shop.
- af. Leathergoods shop.
- ag. Medical marijuana dispensary, as allowed by State law.
- ah. Messenger or telegraph service.
- ai. Office business.
- aj. Outdoor or indoor courts for handball, racquet ball, tennis, or sports activity of a similar nature (lighted outdoor courts shall not to be operated later in the evening than 10:00 p.m. and lighting must be arranged to direct light away from any adjoining property in a residential district).
- ak. Painting and decorating shop.
- al. Pet shop.
- am. Pharmacy.
- an. Photographer's studio.
- ao. Radio and television sales and service.
- ap. Restaurant. A restaurant may include live entertainment and/or a

dance floor, (all such activity fully within an enclosed building) provided the kitchen remains open with full food service whenever live entertainment is offered.

- aq. Retail spirits store.
- ar. Self-service laundry.
- as. Sewing machine sales.
- at. Sporting goods sales.
- au. Shoe store or repair shop.
- av. Tailor shop.
- aw. Theater (excluding drive-in theaters), including one that sells alcoholic beverages in compliance with State law.
- ax. Tier I medical marijuana processor, as allowed by State law.
- ay. Tier II medical marijuana processor, as allowed by State law.
- az. Toy store.
- (3) Any other retail store, shop or establishment serving the neighborhood in the manner Stated above which in the opinion of the Planning Commission is similar in character to those above-enumerated and is not more obnoxious or detrimental to the area in which it is located, by reason of noise, offensive odor, smoke, dust, vibration, traffic congestion or danger to life and property.
- (4) Name plate and sign relating only to the use of the store and premises or products sold on the premises.
- (5) Accessory buildings used primarily for any of the above-enumerated purposes may not have more than 40 percent of the floor area devoted to purposes incidental to such primary use.
- (6) Certain requirements for Tobacco and E-Cigarette Retailers. Any use under this Subsection which involves a tobacco or e-cigarette store shall comply with the requirements described under NCC § 36-567.1 "Restrictions on Tobacco and E-cigarette Retailers.
  - Note: The following uses are specifically prohibited: Laundry and drycleaning establishments where cleaning or laundering is done on premises, major auto repairs, and manufacturing.
- (c) *Special use*. The following uses may be permitted, after review, in accordance with NCC 36-560:
  - (1) Emergency medical transportation services.
  - (2) Funeral parlor, mortuary, and crematorium so long as the crematorium is attached to the funeral parlor or mortuary and complies with the following conditions and requirements:
    - a. Any building which incorporates a crematorium use shall meet the setback requirements of the underlying zoning district.
    - b. Facilities shall meet all applicable State and federal requirements for incineration equipment and shall be licensed at all times.
    - c. All storage shall be inside.
    - d. Incinerator stacks shall not be located on the front side of the roof of

any structure facing the street.

- (3) Mixed building in which one or more dwelling units may be located on the second floor, provided that:
  - a. First floor use is a permitted use in the district;
  - b. Only two-story structures are involved;
  - c. The minimum area of a lot shall be 6,000 square feet;
  - d. The ratio of floor area to lot area shall not exceed six-tenths (0.6).
- (4) Automobile service station.
- (5) Any use listed in subsection (b)(2) of this section which exceeds a gross floor area of 35,000 square feet.
- (6) Liquified petroleum gas sales and storage when such use is clearly subordinate and accessory to the primary usage of the property.
- (7) Municipal use, public buildings and public utility.
- (8) Medical marijuana education facility, as allowed by State law.
- (9) Medical marijuana research facility, as allowed by State law.
- (10) Medical marijuana testing laboratory, as allowed by State law.
- (11) Tier III medical marijuana processor, as allowed by State law.
- (d) Area requirements.
  - (1) Front yard. A 25-foot setback is required for all buildings. Across the entire front of all lots (and the street side of any corner lot) in plats filed after November 7, 2005, a minimum ten-foot landscape strip shall be installed, which may not be encroached upon by parking. One eight-foot-tall shade (canopy) tree per each 20 feet of lot frontage and one three-gallon shrub per five feet of building frontage shall be installed within this landscape strip. Clustering of these required plantings may be allowed, if approved by the City Forester or his designee. Such planting should be covered by the three-year maintenance bond required when new landscaping is installed with the parking lot on the same tract. All species are to be approved by the City Forester.
  - (2) Side yard.
    - a. For uses other than dwelling, no side yard shall be required except on the side of a lot adjoining a dwelling district in which case there shall be a side yard of not less than five feet.
    - b. Whenever the rear lot line of a corner lot of a local business district abuts a dwelling district, the side yard setback adjacent to the street shall be 15 feet.
  - (3) Rear yard. Rear yard shall not be required for retail establishments; except where a rear lot line abuts upon a dwelling district and the commercial building is designed to be serviced from the rear, there shall be provided a rear yard of not less than 30 feet for lots without alleys and 20 feet for lots with alleys; and further, provided that in no case where the rear lot lines abut a dwelling district shall the commercial building be erected closer than three feet

to the rear lot line.

(e) *Height regulations*. Except, as provided in NCC 36-546, no building shall exceed 2 1/2 stories or 35 feet in height.

(Ord. No. O-8485-62, 2-5-1985; Ord. No. O-8485-89, 6-11-1985; Ord. No. O-9192-17, 11-12-1991; Ord. No. O-9192-18, 11-12-1991; Ord. No. O-9596-19, 12-12-1995; Ord. No. O-9697-51, 6-10-1997; Ord. No. O-0102-26, 3-12-2002; Ord. No. O-0102-51, 6-25-2002; Ord. No. O-0203-46, 5-27-2003; Ord. No. O-0304-29, 10-28-2003; Ord. No. O-0405-60, 9-27-2005; Ord. No. O-1314-13, 11-22-2013; Ord. No. O-1617-31, 5-23-2017; Ord. No. O-1718-51, 8-23-2018; Ord. No. O-1819-17, 12-11-2018; Ord. No. O-1920-4, 8-29-2019; Ord. No. O-1920-39, 4-23-2020; Ord. No. O-1920-45, 7-23-2020; Ord. No. O-1971)

**SECTION 3:** <u>AMENDMENT</u> "36-526 TC, Tourist Commercial District" of the City of Norman Municipal Code is hereby *amended* as follows:

#### AMENDMENT

## 36-526 TC, Tourist Commercial District

- (a) General description. This district is intended to accommodate the grouping of those commercial activities necessary to supply the normal needs of tourists, and to protect these against other incompatible commercial uses. This district is intended to be located in defined areas and will be permitted at the intersection of primary arterials or highways and section line roads east of 72nd Avenue East which serve as the primary entrances of major public recreational areas. For the purpose of this chapter, only State Highway No. 9, Alameda Drive, and 120th Avenue North shall be designated as primary entrances to major public recreational areas.
- (b) *Uses permitted*.
  - (1) Any of the following uses:
    - a. Amusement enterprises.
    - b. Boat and marine sales and service.
    - c. Cafeteria or restaurant.
    - d. Drive-in restaurant.
    - e. Dry dock boat storage.
    - f. Gift, novelty or souvenir store.
    - g. Hotel, motel, tourist court.
    - h. Ice dispensing machine (and other outdoor-type automatic vending machines).
    - i. Medical Marijuana Dispensary, as allowed by State law.
    - j. Miniature golf course.
    - k. Offices accessory to main use.

- 1. Parks or playgrounds.
- m. Parking lot or structure, non-commercial accessory to and within 200 feet.
- n. Pre-packaged food store.
- o. Service station.
- p. Tier I medical marijuana processor, as allowed by State law.
- q. Tier II medical marijuana processor, as allowed by State law.
- r. Travel trailer court.
- s. Sporting goods store, including sale of live bait.
- t. Childcare center, as specified in NCC 36-566.
- u. Short-term rentals.
- (2) Any use which, in the opinion of the Planning Commission, would be similar in character to those above-enumerated and is not more obnoxious or detrimental to the area in which it is located, by reason of noise, offensive odor, smoke, dust, vibration, traffic congestion or danger to life and property than those uses enumerated above.
- (3) Certain requirements for Tobacco and E-Cigarette Retailers. Any use under this Subsection which involves a tobacco or e-cigarette store shall comply with the requirements described under NCC § 36-567.1 "Restrictions on Tobacco and E-cigarette Retailers.
- (c) *Special use*. The following uses may be permitted, after review, in accordance with NCC 36-560:
  - (1) Any permitted use in NCC 36-526(b) which exceeds 35 feet in height.
  - (2) Live entertainment venue.
  - (3) Laundry, self service, in conjunction with travel trailer court.
  - (4) Nightclub or tavern.
  - (5) Liquified petroleum gas sales and storage when such use is clearly subordinate and accessory to the primary usage of the property.
  - (6) Municipal use, public buildings and public utility.
- (d) Area regulations.
  - (1) *Front yard*. The minimum front yard shall be 50 feet or 100 feet from the center line of the public street or road, whichever distance shall be the greater.
  - (2) *Side yard*. The minimum side yard shall be 25 feet.
  - (3) Rear yard. The minimum rear yard shall be 50 feet.
  - (4) *Lot width*. The minimum lot width shall be 150 feet measured at the front building line.
- (e) *Height regulations*. Except, as provided in NCC 36-546, or 36-526(c), no building shall exceed 35 feet in height.
- (f) Special provisions.
  - (1) There shall be no outdoor storage, display, or use within any required front, side or rear yard setback other than parking, loading and unloading, and landscaping.
  - (2) Off-street parking requirements shall be the standards prescribed in NCC 36-

(Ord. No. O-9192-17, 11-12-1991; Ord. No. O-9596-19, 12-12-1995; Ord. No. O-1617-31, 5-23-2017; Ord. No. O-1819-17, 12-11-2018; Ord. No. O-1920-4, 8-29-2019; Ord. No. O-1920-39, 4-23-2020; Ord. No. O-1920-45, 7-23-2020; Ord. No. O-0102-51)

**SECTION 4:** <u>AMENDMENT</u> "36-527 CR, Rural Commercial District" of the City of Norman Municipal Code is hereby *amended* as follows:

#### AMENDMENT

## 36-527 CR, Rural Commercial District

- (a) General description. This commercial district is intended for the conduct of retail trade and to provide personal services to meet the regular needs and convenience of rural residents. It is anticipated that this district will be the predominately used commercial district in rural Norman. It is intended that this zoning district be located at the intersection of improved section line roads.
- (b) *Uses permitted*. Property and buildings in a CR, Rural Commercial District shall be used only for the following purposes:
  - (1) No individual use shall exceed a gross floor area of 35,000 square feet:
    - a. Artist material supply, studio or hobby shop.
    - b. Automobile service station.
    - c. Bank.
    - d. Barber shop, or beauty parlor.
    - e. Childcare center.
    - f. Clothing and dry goods store.
    - g. Farm feed store.
    - h. Firewood sales.
    - i. Florist.
    - j. Grocery or supermarket.
    - k. Hardware store.
    - 1. Key shop.
    - m. Medical marijuana dispensary, as allowed by State law.
    - n. Office building and offices for such professional services as accountant, architect, attorney, business or management consultant, court reporter, dentist or dental surgeon, engineer, geologist or geophysicist, linguist, landscape architect, optometrist, optician, osteopathic physician, planning consultant, psychologist, physician or surgeon, or registered nurse. Funeral homes and mortuaries shall not be considered professional services permitted in this district.

- o. Pharmacy.
- p. Plant nursery.
- q. News stand and tobacco store.
- r. Restaurant.
- s. Retail spirits store.
- t. Shoe store or repair shop.
- u. Tier I medical marijuana processor, as allowed by State law.
- v. Tier II medical marijuana processor, as allowed by State law.
- (2) Any uses which, in the opinion of the Planning Commission, would be similar in character to those above-enumerated and is not more obnoxious or detrimental to the area in which it is located, by reason of noise, offensive odor, smoke, dust, vibration, traffic congestion, or danger to life and property than those uses enumerated above.
- (3) Certain requirements for Tobacco and E-Cigarette Retailers. Any use under this Subsection which involves a tobacco or e-cigarette store shall comply with the requirements described under NCC § 36-567.1 "Restrictions on Tobacco and E-cigarette Retailers.
- (c) *Special use*. The following uses may be permitted, after review, in accordance with NCC 36-560:
  - (1) Any use listed in NCC 36-527(b)(1) which exceeds a gross floor area of 35,000 square feet.
  - (2) Any use listed in NCC 36-527(b)(1) which exceeds 35 feet in height.
  - (3) Automobile sales and service.
  - (4) Boat sales and services.
  - (5) Farm implement sales and service.
  - (6) Theater, indoor, including one that sells alcoholic beverages in compliance with State law.
  - (7) Veterinary hospital.
  - (8) Liquified petroleum gas sales and storage when such use is clearly subordinate and accessory to the primary usage of the property.
  - (9) Municipal use, public buildings and public utility.
  - (10) Medical marijuana commercial grower, as allowed by State law.
  - (11) Medical marijuana education facility (cultivation activities only), as allowed by State law.
- (d) Area regulations.
  - (1) *Front yard*. The minimum front yard shall be 50 feet or 100 feet from the center line of the public street or road, whichever distance shall be the greater.
  - (2) Side yard. The minimum side yard shall be 25 feet.
  - (3) Rear yard. The minimum rear yard shall be 50 feet.
  - (4) *Lot width*. The minimum lot width shall be 150 feet measured at the front building line.
- (e) *Height regulations*. Except, as provided in NCC 36-546 or 36-527(c), no building shall exceed 35 feet in height.

(Ord. No. O-8485-32; Ord. No. O-9192-17, 11-12-1991; Ord. No. O-9596-19, 12-12-1995; Ord. No. O-1617-31, 5-23-2017; Ord. No. O-1718-51, 8-23-2018; Ord. No. O-1819-17, 12-11-2018; Ord. No. O-1920-4, 8-29-2019; Ord. No. O-1920-39, 4-23-2020)

**SECTION 5:** <u>AMENDMENT</u> "36-560 Special Uses" of the City of Norman Municipal Code is hereby *amended* as follows:

#### AMENDMENT

36-560 Special Uses

Any use designated as a special use under any zoning district is not appropriate for each and every parcel of land which is included in the pertinent zoning district. However, upon review, the City Council may determine that one or more special uses should be approved for a specific parcel of land. Such approval, by ordinance duly adopted by the City Council, may come after a public notice and a hearing by the Planning Commission. Any such approval may be made conditional on the subject parcel of land meeting and maintaining specific requirements and/or conditions.

- (a) *Application and fee*. Application for a special use shall be filed with the Director of Planning and Community Development Department. The application shall include the following:
  - (1) Name and address of the owner, and also applicant if different from the owner. (The City may initiate the application.)
  - (2) Address and legal description of the property.
  - (3) If the applicant is not the legal owner of the property, a statement that the applicant is either the authorized agent for the owner of the property or has a lawful right to acquire use and possession of the property.
  - (4) A statement describing the nature and operating characteristics of the proposed special uses. For uses potentially generating high volumes of vehicular traffic, the Director may require specific information relative to the anticipated peak loads and peak use periods, the ability of the use to meet performance standards, or substantiating the adequacy of proposed parking, loading, and circulation facilities.
  - (5) A site plan, drawn to scale, showing the location and dimensions of boundary lines, with distances and bearings, easements, required yards and setbacks, and all existing and proposed buildings, parking and loading areas, ingress and egress, the location of existing and proposed landscaped areas, utility or service areas, fencing and screening, signs and lighting.
  - (6) Application for a special use and for rezoning for the same property may be made concurrently, subject to the fees applicable to both a special use and rezoning. The Planning Commission shall hold the public hearing on the

rezoning and the special uses at the same meeting and may combine the two hearings. If the City Council modifies a recommendation of the Commission on a concurrent zoning reclassification, the special uses application may, if the City Council deems it necessary, be referred back to the Planning Commission in the same manner as a new application; provided, however, that no additional fee shall be required.

- (7) A filing fee of \$400.00, plus \$10.00 per acre.
- (8) In order to properly evaluate the proposed special uses, the Planning Director may require the following additional information:
  - a. Preliminary building elevations for all new or renovated structures, indicating height, bulk, and general appearance.
  - b. Preliminary improvement plans for any alteration of existing watercourses or drainage features, proposed streets and alleys, and the location of the 100-year floodplain.
  - c. The relationship of the site and the proposed use to surrounding uses, including pedestrian and vehicular circulation, current use of nearby parcels, and any proposed off-site improvements to be made.
- (b) *Review and evaluation criteria*. The Planning Commission shall review and evaluate any special use proposal and recommend to the City Council using the following criteria:
  - (1) Conformance with applicable regulations and standards established by this article.
  - (2) Compatibility with existing or permitted uses on abutting sites, in terms of building height, bulk and scale, setbacks and open spaces, landscaping and site development, and access and circulation features.
  - (3) Potentially unfavorable effects or impacts on other existing or permitted uses on abutting sites, to the extent such impacts exceed those which reasonably may result from use of the site by a permitted use. (Note: Throughout this section, the term "permitted use" means any use authorized as a matter of right under the applicable zoning district.)
  - (4) Modifications to the site plan which would result in increased compatibility, or would mitigate potentially unfavorable impacts, or would be necessary to conform to applicable regulations and standards and to protect the public health, safety, morals, and general welfare.
  - (5) Safety and convenience of vehicular and pedestrian circulation in the vicinity, including traffic reasonably expected to be generated by the proposed special use and other uses authorized and anticipated in the area, considering existing zoning and land uses in the area.
  - (6) That any conditions applicable to approval are the minimum necessary to minimize potentially unfavorable impacts on nearby uses and to ensure compatibility of the proposed special use with existing or permitted uses in the surrounding area.
- (c) Planning commission hearing and recommendation. The Planning Commission shall

hold a public hearing on each application for a special use. Public notification requirements shall be the same as a rezoning procedure. At the public hearing, the Commission shall review the application and shall receive public comments concerning the proposed use and the proposed conditions under which it would be operated or maintained. The Planning Commission may recommend that the City Council establish conditions of approval. Conditions may include, but shall not be limited to, requirements for special yards, open spaces, buffers, fences, walls, and screening; requirements for installation and maintenance of landscaping and erosion control measures; requirements for street improvements and dedications, regulation of vehicular ingress and egress, and traffic circulation, regulation of signs; regulation of hours or other characteristics of operation; and such other conditions as the Commission may deem necessary to ensure compatibility with surrounding uses, and to preserve the public health, safety, and welfare.

- (d) *City Council approval*. Granting a special use shall be considered a privilege bestowed by the City Council for a specific use at a specific location. Special uses may be granted by the City Council with such requirements and/or conditions, as the Council deems appropriate. Such requirements and/or conditions shall be continually complied with by the applicant and his successors and assigns. At the time of issuance of a certificate of occupancy for the initial operation of a special use, the City shall cause the property legal description and conditions of approval established by the City Council to be filed in the Tract Index of the County Clerk's office. Prior to such filing, the applicant shall be afforded an opportunity to review the instrument to be filed, for correctness.
- (e) *Violations*. For any reason, if any requirement or condition specified in the authorizing special use ordinance is violated, said violation constitutes a violation of this chapter and subjects the violator to the fines and penalties contained herein. Further, such a violation constitutes grounds for the City Council to remove or amend, by ordinance, the previously authorized special use and any concurrent rezoning.
  - (1) If it is determined by the Planning Director or the City Manager that there is a violation of any applicable provision of this section, or a failure to comply with conditions imposed by any special use ordinance on the property, then the Planning Director or the City Manager may initiate any or all of the following actions to remedy the situation, including:
    - a. Specify the nature and extent of any such violations and specify reasonable time to correct such violations;
    - b. Report such violations to the Code Enforcement Official and initiate action in the same manner as any other violation of this chapter;
    - c. Schedule a public hearing before the City Council to review such matter and consider revocation, by ordinance, of the granting of a special use for said property.
  - (2) Whenever any one or more of the foregoing actions is initiated, notice shall be given to the property owner of record by any means then authorized by the

State Pleading Code for service of summons in a civil action. Further, if the property is occupied, such notice shall also be given, by first-class mail or hand-delivery, addressed to "Tenant, Owner, or Manager" at the property address.

- (f) Expiration for non-use.
  - (1) The authority to issue initial construction or initial occupancy permits pursuant to the granting of a special use shall expire two years after the City Council approves the special use, unless the City Council includes a different time limit as a specific condition of approval. This time period to initially establish a special use may be extended for a maximum of an additional two years by action of the City Council, upon receipt of a timely request from the owner of said property, when it determines that conditions have not substantially changed since the time of original approval.
  - (2) In any case where the special use is not activated in accordance with the times specified in the preceding section, or where the special use has been discontinued for two continuous years, then authority for such a special use ceases to exist and the owner must reapply in order to establish or re-establish said special use.
- (g) Change of ownership. A special use may be transferred to a new owner provided:
  - (1) Written notification is sent to the Planning Director indicating date of transfer, name and address of new owner, and a statement acknowledging any conditions attached to the special use and the intent to continuously comply;
  - (2) A transfer fee is paid; and
  - (3) An inspection of the property reveals continued compliance with all original conditions.
- (h) Special uses which were formerly described as uses permitted on review or conditional use permits.
  - (1) A use legally established pursuant to a conditional use permit or permissive use rezoning prior to the date of adoption of these zoning regulations shall be deemed pre-existing and, shall be permitted to continue, provided that it is operated and maintained in accordance with any conditions prescribed at the time of its establishment. If such a structure is destroyed by fire, explosions, or act of God, it may be rebuilt, if compliance with all conditions stipulated in its enabling ordinance are complied with.
  - (2) Expansion of a pre-existing permissive use or conditional use permit shall be permitted only upon the granting of a special use as prescribed in these regulations.
- (i) Certain requirements for Tobacco and E-Cigarette Retailers. Any use under this Section which involves a tobacco or e-cigarette store shall comply with the requirements described under NCC § 36-567.1 "Restrictions on Tobacco and E-cigarette Retailers.

(Ord. No. O-9596-11, 10-24-1995)

**SECTION 6:** <u>ADOPTION</u> "36-567.1 Restrictions On Tobacco And E-Cigarette Retailers" of the City of Norman Municipal Code is hereby *added* as follows:

#### ADOPTION

36-567.1 Restrictions On Tobacco And E-Cigarette Retailers(Added)

- (1) Definitions. For the purposes of this Subsection only, the following meanings shall apply:
  - (a) School means any property, building, permanent structure, facility, auditorium, stadium, arena or recreational facility owned, leased or under the control of a public school district or private school or any educational facility that is accredited by the state of Oklahoma.
    - i. School shall include all licensed childcare facilities, kindergartens, elementary schools, which may include either K-6 or K-8, and all secondary schools ii. School shall include any institution within the Oklahoma State System of Higher Education or any other public or private college or university that is accredited by a national accrediting body.
  - (b) Playgrounds means any area used for outdoor play or recreation, especially by children, and often containing recreational equipment such as slides and swings. (c) Tobacco product means any product that is made from or derived from tobacco, or that contains nicotine, that is intended for human consumption or is likely to be consumed, whether smoked, heated, chewed, absorbed, dissolved, inhaled or ingested by any other means, including, but not limited to, a cigarette, a cigar, pipe tobacco, chewing tobacco, snuff, or snus. Tobacco product also means electronic smoking devices and any component or accessory used in the consumption of a tobacco product, such as filters, rolling papers, pipes, and liquids used in electronic smoking devices, whether or not they contain nicotine. Tobacco product does not include drugs, devices, or combination products authorized for sale by the U.S. Food and Drug Administration, as those terms are defined in the Federal Food, Drug and Cosmetic Act. (d) Electronic smoking device means any device that may be used to deliver any aerosolized or vaporized substance to the person inhaling from the device, including, but not limited to, an e-cigarette, e-cigar, e-pipe, vape pen, or e-hookah. Electronic smoking device includes any component, part, or accessory of the device, and also includes any substance that may be aerosolized or vaporized by such device, whether or not the substance contains nicotine. Electronic smoking device does not include drugs, devices, or combination products authorized for sale by the U.S. Food and Drug Administration, as those terms are defined in the Federal Food, Drug, and Cosmetic Act.
- (2) A business license issued by the City of Norman shall only be located or operated at locations permitted by the City's zoning or planning laws. The location of a tobacco or ecigarette store is specifically prohibited within three hundred feet (300') of any playground, school, or other facility when the facility is being used primarily by persons under twenty-one

- (21) years of age. The distance shall be measured as the shortest straight line distance from the property line of the proposed tobacco or e-cigarette store to the property line of the entities listed below:
  - (a) Public or Private School (b) Playgrounds (c) Facility used primarily by persons under twenty-one (21) years of age
- (3) Legal Non-conforming Use. Current license tobacco or e-cigarette store(s) within three hundred feet (300') of the above described locations are permitted to continue operations despite this amendment to the zoning ordinance. If a current license tobacco/ or e-cigarette store is sold, then the new owner would no longer be able to use the legal non-conforming use to obtain a license.

**SECTION 7: SEVERABILITY CLAUSE** Should any part or provision of this Ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the Ordinances a whole or any part thereof other than the part so declared to be unconstitutional or invalid.

**SECTION 8: EFFECTIVE DATE** This Ordinance shall be in full force and effect from and after the required approval and publication according to law.

# PASSED AND ADOPTED BY THE CITY OF NORMAN CITY COUNCIL

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AYE	NAY	ABSENT	ABSTAIN	
Presiding Officer		Attest		
Larry Heikkila, Mayor, C	City of	Brenda Hall, Ci	ty Clerk, City of	
Norman		Norman		

## File Attachments for Item:

4. CONSIDERATION OF ADOPTION, REJECTION, AMENDMENT AND/OR POSTPONEMENT OF ORDINANCE O-2425-11 UPON FIRST READING BY TITLE: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AMENDING THE TITLE OF ARTICLE V, CHAPTER 16; AMENDING SECTION 16-501 TO REFLECT CHANGES TO PURPOSE; AMENDING AND ADDING DEFINITIONS TO SECTION 16-502 FOR THE PURPOSES THEREOF; AMENDING SECTION 16-503 TO ADD PROHIBITED ACTIVITIES ON MUNICIPAL PROPERTY; MOVING SECTION 16-508 TO SECTION 16-504 AND THEREBY LEAVING SECTIONS 16-505 THROUGH 16-508 AS RESERVED FOR PURPOSES OF INTERAL CODE CONSISTENCY; AND PROVIDING FOR THE SEVERABILITY THEREOF.



# CITY OF NORMAN, OK STAFF REPORT

**MEETING DATE:** 02/11/25

**REQUESTER:** Jason Olsen, Director of Parks and Recreation

**PRESENTER:** AshLynn Wilkerson, Assistant City Attorney

ITEM TITLE: CONSIDERATION OF ADOPTION, REJECTION, AMENDMENT AND/OR

POSTPONEMENT OF ORDINANCE O-2425-11 UPON FIRST READING BY TITLE: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AMENDING THE TITLE OF ARTICLE V, CHAPTER 16; AMENDING SECTION 16-501 TO REFLECT CHANGES TO PURPOSE; AMENDING AND ADDING DEFINITIONS TO SECTION 16-502 FOR THE PURPOSES THEREOF; AMENDING SECTION 16-503 TO ADD PROHIBITED ACTIVITIES ON MUNICIPAL PROPERTY; MOVING SECTION 16-508 TO SECTION 16-504 AND THEREBY LEAVING SECTIONS 16-505 THROUGH 16-508 AS RESERVED FOR PURPOSES OF INTERAL CODE CONSISTENCY; AND PROVIDING FOR

THE SEVERABILITY THEREOF.

## **BACKGROUND:**

The City of Norman Parks and Recreation Department is actively seeking grant funding opportunities through TSET (Tobacco Settlement Endowment Trust). The grant funding would go to support the construction of the Miracle Field—a custom, adaptive, ADA compliant baseball field to remove barriers and provide opportunities for youth with disabilities to participate in outdoor sports and recreation activities.

In order to achieve these objectives, the City needs to: 1) update two existing ordinances, 16-V Tobacco and 24-311 Prevention of Youth Access to Tobacco And Vapor Products to include updates to State law as well as regulate and prohibit smoking and use of tobacco and vapor products and the smoking or vaping of marijuana on all municipal property; and 2) pass a zoning ordinance imposing certain restrictions on tobacco and e-cigarette retailers to protect youth from the negative health effects of tobacco, nicotine, or vapor products.

All three ordinances must be approved as they are presented in order to achieve the desired level of grant funding (TSET representatives have approved all three ordinances as compliant with the requirements for the highest level of grant funding).

City staff are scheduled to discuss all the proposed ordinance changes with Council at the February 18, 2025 Study Session prior to the second and final reading of the ordinances.

#### DISCUSSION:

The restrictions contained in this Ordinance O-2425-11 come directly from those contained and allowed in 63 O.S. § 1-1527, et seq. Such statute establishes restrictions that must be followed and cannot be more restrictive than the State law, and also allows the City to enact laws restricting smoking on properties owned or operated by the City.

A brief overview of the proposed amendments to Article 16-V follows:

- (1) Amending the title from "Tobacco" to "Smoking in Public"
- (2) 16-501 Purpose: The amendments to this section involve establishing the prohibition of smoking or carrying any lighted smoking instrument in or on municipal property in the purpose of the ordinance.
- (3) 16-502 Definitions: The amendments to this section consist of:
  - 1) General formatting edits (capitalizations, consistent numbering schemes, gender neutral terms, etc.);
  - 2) The addition of three new definitions for terms used throughout the ordinance (Municipal Property, Tobacco Product, and Vapor Product); and
  - 3) The removal of an exclusion in the definition of Public Park (parking lots and Westwood Golf Course) as the purpose of the amendments to this ordinance are to prohibit smoking activities on all municipal property.
- (4) **16-503 Smoking in Certain Public Places Prohibited**: The amendments to this section involve:
  - Updating language to achieve the goal of prohibiting smoking activities on all municipal property by clearly outlining the prohibition in subsection (b) and removing previous exceptions for certain municipal property (subsections (c-e);
  - 2) General formatting edits; and
  - 3) Updates to the signage requirements: indoor areas requirements remain the same and are just reorganized in subsection (f)(1); outdoor municipal property requirements are added in subsection (f)(2); and general requirements are outlined in subsection (f).
- (5) **16-504 Enforcement/Penalties**: The amendments to this section include moving the penalty information currently in section 16-508 into this section and then adding two new subsections which outline enforcement aspects.
- (6) **16-505-508**: These sections existed in previous versions of this ordinance and will thereby be left as "Reserved."

(7) Appendix B City Of Norman Penalty And Fine Schedule: Amended chapter 16 section of the appendix to match the penalties established in section 16-504 and remove the fines no longer existing.

# **RECOMMENDATION:**

Staff forwards Ordinance O-2425-11 to Council for consideration.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AMENDING THE TITLE OF ARTICLE V, CHAPTER 16; AMENDING SECTION 16-501 TO REFLECT CHANGES TO PURPOSE; AMENDING AND ADDING DEFINITIONS TO SECTION 16-502 FOR THE PURPOSES THEREOF; AMENDING SECTION 16-503 TO ADD PROHIBITED ACTIVITIES ON MUNICIPAL PROPERTY; MOVING SECTION 16-508 TO SECTION 16-504 AND THEREBY LEAVING SECTIONS 16-505 THROUGH 16-508 AS RESERVED FOR PURPOSES OF INTERAL CODE CONSISTENCY; AND PROVIDING FOR THE SEVERABILITY THEREOF.

- §1. WHEREAS, in an effort to standardize laws of governmental subdivisions that control and regulate smoking in public places, the State of Oklahoma has enacted legislation to preempt regulations that differ from State law; and
- §2. WHEREAS, the City of Norman, pursuant to 63 O.S. § 1-1527, is authorized to enact laws restricting smoking on properties owned or operated by the City; and
- §3. WHEREAS, the City of Norman desires to support and enforce the State of Oklahoma's regulations promulgated to control smoking in public places by adopting Ordinance O-2425-11.

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

\* \* \*

§ 4. THAT the title of Article V of Chapter 16 of the Code of Ordinances of the City of Norman shall be amended to read as "Smoking in Public Places."

\* \* \*

§ 5. THAT Section 16-501 of Chapter 16 of the Code of Ordinances of the City of Norman shall be amended to read as follows:

Smoking in certain areas has been determined to be injurious to human health, to constitute a source of annoyance and discomfort to nonsmokers, and to be a public nuisance due to the following:

- (a) Reliable studies have shown that breathing sidestream or secondhand smoke is a significant health hazard for certain population groups, including elderly people, individuals with cardiovascular disease, and individuals with impaired respiratory function, including asthmatics and those with obstructive airway disease;
- (b) Health hazards induced by breathing sidestream or secondhand smoke include lung cancer, respiratory infection, decreased exercise tolerance, decreased respiratory function, bronchoconstriction, and bronchospasm;

- (c) Nonsmokers with allergies, respiratory diseases and those who suffer other ill effects of breathing sidestream or secondhand smoke may experience a loss of job productivity or may be forced to take periodic sick leave because of adverse reactions to same; and
- (d) The smoking of tobacco, or any other weed or plant, is a danger to health.

Therefore, no person shall smoke or carry any lighted smoking instrument in a public place, public park, or at a public meeting except in permitted smoking areas. or on Municipal Property. Neither shall a person smoke or carry any lighted smoking instrument in a Public Place or at a public Meeting, except where otherwise specifically allowed by law.

\* \* \*

§ 6. THAT Section 16-502 of Chapter 16 of the Code of Ordinances of the City of Norman shall be amended to read as follows:

The following words, terms and phrases, when used in this aArticle, shall have the meanings ascribed to them in this sSection, except where the context clearly indicates a different meaning:

Health fFacility: An entity which provides health services, including, but not limited to, hospitals, nursing homes, long-term care facilities, kidney disease treatment centers, health maintenance organizations and ambulatory treatment centers.

Indoor www.orkplace: Any indoor place of employment or employment-type service for or at the request of another individual or individuals, or any public or private entity, whether part-time or full-time and whether for compensation or not. Such services shall include, without limitation, any service performed by an owner, employee, independent contractor, agent, partner, proprietor, manager, officer, director, apprentice, trainee, associate, servant or volunteer. An indoor workplace included work areas, employee lounges, restrooms, conference rooms, classrooms, employee cafeterias, hallways, any other spaces used or visited by employees, and all space between a floor and ceiling that is predominately or totally enclosed by walls or windows, regardless of doors, doorways, open or closed windows, stairways or the like. The provisions of this section shall apply to such indoor workplaces at any given time, whether or not work is being performed.

Meeting: A meeting as defined in the Open Meeting Act.

<u>Municipal Property:</u> All buildings, Indoor Workplaces, Public Parks, and Public Places owned and operated by the City, including but not limited to vehicles and equipment owned by the municipality.

*Person:* Any individual, firm, fiduciary, partnership, corporation trust, or association, however formed.

Public bBody: A public body as defined in the Open Meeting Act.

*Public pPark:* All unenclosed areas of a park or playground, including outdoor recreation areas, that is owned and operated by the City to which members of the general public have

been granted a right to access. "Public park" shall exclude parking lots located on the same property as a park or playground, and the Westwood Golf Course.

Public pPlace: Any enclosed indoor area where individuals other than employees are invited or permitted.

Restaurant: Any eating establishment regardless of seating capacity.

*Smoking:* The carrying or holding of a lighted pipe, cigar, cigarette, or any other lighted smoking device.

Stand-alone bar, Stand-alone tavern, and Cigar bar: An establishment that derives more than sixty percent (60%) of its gross receipts, subject to verification by competent authority, from the sale of alcoholic beverages and low-point beer no person under twenty-one (21) years of age is admitted, except for members of musical band employed or hired as provided in paragraph 2 of subsection B of Section 537 of Title 37 of the Oklahoma Statutes and that is not located within, and does not share any common entryway or common indoor area with, any other enclosed indoor workplace, including a restaurant.

Tobacco Product: Any product that contains tobacco and is intended for human consumption.

Vapor Product: Any noncombustible product, that may or may not contain nicotine, that employs a mechanical heating element, battery, electronic circuit, or other mechanism, regardless of shape or size, that can be used to produce a vapor in a solution or other form. Vapor Products shall include any vapor cartridge or other container of a solution, that may or may not contain nicotine, or other form that is intended to be used with or in an electronic cigarette, cigar, cigarillo, pipe, or similar electronic product or device.

\* \* \*

- § 7. THAT Section 16-503 of Chapter 16 of the Code of Ordinances of the City of Norman shall be amended to read as follows:
  - (a) Except where specifically allowed by law, nNo person shall smoke tobacco or marijuana or vape marijuana in a pPublic pPlace, in an iIndoor wWorkplace, in any vehicle providing public transportation, or at a meeting of a pPublic bBody, except where otherwise specifically permitted by law.
  - (b) Notwithstanding Subsection (a) above, no person shall smoke or use Tobacco Products or Vapor Products or smoke or vape marijuana in or on any Municipal Property.
  - (c) All buildings, or portions thereof owned or operated by this municipality shall be designated as nonsmoking.
  - (d) No smoking of tobacco or marijuana or vaping marijuana shall be allowed within 25 feet of the entrance or exit of any building specified in subsection (b) of this section.
  - (e) No smoking of tobacco or marijuana or vaping marijuana shall be allowed on the grounds of any City owned public parks excluding the parking lots of any public park or playground and the Westwood Golf Course.

- (c) The restrictions provided in this sSection shall not prohibit tobacco smoking in:
  - (1) Stand-alone bars, <u>sS</u>tand-alone taverns or <u>eCigar</u> bars;
  - (2) The room or rooms where licensed charitable bingo games are being operated; but only during the hours of operation of such games;
  - (3) Up to twenty-five percent (25%) percent of the guest rooms at a hotel or other lodging establishment;
  - (4) Retail tobacco stores predominantly engaged in the sale of tobacco products and accessories and in which the sale of other products is merely incidental and in which no food or beverage is sold or served for consumption on the premises;
  - (5) Workplaces where only the owner or operator of the workplace, or the immediate family of the owner or operator, performs any work in the workplace, and the workplace only has incidental public access. "Incidental public access" means that a place of business has only an occasional person, who is not an employee, present at the business to transact business or make a delivery. It does not include businesses that depend on walk-in customers for any part of their business;
  - (6) Workplaces occupied exclusively by one or more tobacco smokers, if the workplace has only incidental public access;
  - (7) Private offices occupied exclusively by one or more smokers;
  - (8) Workplaces within private residences, except that smoking tobacco or marijuana or vaping marijuana shall not be allowed inside any private residence that is used as a licensed childcare facility during hours of operation;
  - (9) Medical research or treatment centers, if tobacco smoking is integral to the research or treatment. Furthermore, the restrictions on smoking or vaping of marijuana provided in this <u>sSection</u> shall not apply to medical research or treatment centers, if marijuana smoking or vaping is integral to the research or treatment;
  - (10) A facility operated by a post or organization of past or present members of the Armed Forces of the United States, which is exempt from taxation pursuant to section 501(c)(8), 501(c)(10), or 501(c)(19) of the Internal Revenue Code, 26 USC 501(c)(8), 501(c)(10), or 501(c)(19), when such facility is utilized exclusively by its members and their families for the conduct of post or organization nonprofit operations, except during an event or activity which is open to the public; and
  - (11) Any outdoor seating area of a restaurant; provided, tobacco or marijuana smoking or vaping marijuana shall not be allowed within <u>fifteen (15)</u> feet of any exterior public doorway or any air intake of a restaurant.

- (12) An employer not otherwise restricted from doing so may elect to provide tobacco smoking rooms where no work is performed except for cleaning and maintenance during the time the room is not in use for tobacco smoking, provided each tobacco smoking room is fully enclosed and exhausted directly to the outside in such a manner that no tobacco smoke can drift or circulate into a nonsmoking area. No exhaust from a tobacco smoking room shall be located within <u>fifteen (15)</u> feet of any entrance, exit, or air intake.
- (d) If tobacco smoking is to be permitted in any space exempted in subsections (cf)(5) or (c)(6) of this sSection or in a tobacco smoking room pursuant to subsection (cf)(2) of this sSection, such tobacco smoking space must either occupy the entire enclosed indoor space or, if it shares the enclosed space with any nonsmoking areas, the tobacco smoking space shall be fully enclosed, exhausted directly to the outside with no air from the smoking space circulated to any nonsmoking area, and under negative air pressure so that no tobacco smoke can drift or circulate into a nonsmoking area when a door to an adjacent nonsmoking area is opened. Air from the tobacco smoking room shall not be exhausted within fifteen (15) feet of any entrance, exit, or air intake. Any employer may choose a more restrictive tobacco smoking policy, including being totally tobacco smoke free.
- (e) Restaurants shall be totally nonsmoking or may provide nonsmoking areas and designated tobacco smoking rooms. Food and beverage may be served in such designated tobacco smoking rooms, which shall be in a location which is fully enclosed, directly exhausted to the outside, under negative air pressure so tobacco smoke cannot escape when a door is opened, and no air is recirculated to nonsmoking areas of the building. No exhaust from such room shall be located within twenty-five (25) feet of any entrance, exit or air intake. Such room shall be subject to verification for compliance with the provisions of this subsection by the State Department of Health.
- (f) The person that has legal or de facto control of an area in which who owns or operates a place where tobacco smoking and the use of Tobacco Products or Vapor Products or use is prohibited by law this Article shall post a clear, conspicuous, and unambiguous sign at each point of entry to the area be responsible for posting a sign or decal, at least four (4) inches by two (2) inches in size, at each entrance of the building indicating that the place is smoke-free or tobacco-free. Breathe Easy decals meet this requirement.
  - (1) For restrictions on smoking or use of Tobacco Products or Vapor Products in indoor areas, a sign or decal, at least four (4) inches by two (2) inches in size, shall be posted at each entrance of the building indicating that the place is smoke-free or tobacco-free. Breathe Easy decals meet this requirement.
  - (2) For restrictions on smoking and the use of Tobacco Products or Vapor products in outdoor Municipal Property, signs shall be posted at each entrance that are (1) weather-resistant; (2) at least fifteen (15) inches by fifteen (15) inches in size, with lettering of at least one (1) inch; and (3) clearly state that the place is smoke-free or tobacco-free.
- (g) Responsibility for posting signs or decals shall be as follows:

- (1) In privately-owned facilities, the owner or lessee, if lessee is in possession of the facilities, shall be responsible;
- (2) In corporately-owned facilities, the manager and/or supervisor of the facility involved shall be responsible; and
- (3) In publicly-owned facilities, the manager and/or supervisor shall be responsible.
- (h) The person who owns or operates a place where smoking or tobacco use of Tobacco Products or Vapor Products is prohibited by law shall ask smokers to refrain from smoking upon observation of anyone violating the provisions of this actArticle.

\* \* \*

- § 8. THAT Section 16-504 of Chapter 16 of the Code of Ordinances of the City of Norman shall be amended to read as follows:
  - (a) Persons convicted of any violation of NCC 16-503 shall be punished by a fine of not less than ten dollars (\$10.00) nor more than one hundred dollars (\$100.00), as provided in the City penalty and fine schedule, excluding costs, fees, and assessments.
  - (b) The possession of a lighted smoking instrument in violation of this Article shall be deemed a nuisance.
  - (c) Enforcement of this Article shall be the responsibility of the City of Norman Police Department, or, in addition, any peace officer or code enforcement official.

\* \* \*

§ 9. THAT Section 16-505 through 16-508 of Chapter 16 of the Code of Ordinances of the City of Norman shall be titled "Reserved" for the consistency and clarity of the Code of Ordinances of the City of Norman.

\* \* \*

§ 10. THAT Appendix B – City of Norman Penalty and Fine Schedule of the Code of Ordinances of the City of Norman shall be amended to read as follows:

Chapter 16Health and Safety			
16-115	Violation of article 16-I	\$50.00\$750.00	
16-211	Violation of article 16-II	\$50.00\$750.00 and/or imprisonment not to exceed 60 days	
16-311	Violation of article 16-III	\$50.00\$750.00 and/or imprisonment not to exceed 60 days	

16-406	Violation of article 16-IV	\$50.00\$1,000.00 and/or imprisonment not to exceed 90 days	
16-50 <u>4</u> 8(a)	Smoking in certain places Violation of article 16-V	\$10.00\$100.00	
<del>16-508(b)</del>	Signs required in retail establishments	<del>Up to \$50.00</del>	
<del>16-508(c)</del>	Vending machines and sales displays	<del>Up to \$200.00</del>	
16-602	Violation of article 16-VI	\$50.00\$750.00 and/or imprisonment not to exceed 60 days	
16-703	Violation of article 16-VII	\$50.00\$750.00	
16-813	Violation of article 16-VIII	\$50.00\$750.00	
16-904(b)	Removal of street tree in violation of NCC 16-903, per inch DBH	Up to \$50.00	
	Total administrative fine not to exceed	\$2,000.00	
16-911	Violation of article 16-IX; per offense	Up to \$500.00	
16-1103	Violation of article 16-XI; per offense	\$50.00—\$750.00	

\* \* \*

§11. Severability and Intent. 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. It is the intent of the City of Norman City Council to supplement applicable state and federal law, not to duplicate nor contradict such law.

ADOPTED this day		NOT ADOPTED this day	
of	, 2025.	of	, 2025.
Larry Heikkila, Mayor		Larry Heikkila, Mayor	_
ATTEST:			
Brenda Hall City Clerk			

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AMENDING THE TITLE OF ARTICLE V, CHAPTER 16; AMENDING SECTION 16-501 TO REFLECT CHANGES TO PURPOSE; AMENDING AND ADDING DEFINITIONS TO SECTION 16-502 FOR THE PURPOSES THEREOF; AMENDING SECTION 16-503 TO ADD PROHIBITED ACTIVITIES ON MUNICIPAL PROPERTY; MOVING SECTION 16-508 TO SECTION 16-504 AND THEREBY LEAVING SECTIONS 16-505 THROUGH 16-508 AS RESERVED FOR PURPOSES OF INTERAL CODE CONSISTENCY; AND PROVIDING FOR THE SEVERABILITY THEREOF.

- §1. WHEREAS, in an effort to standardize laws of governmental subdivisions that control and regulate smoking in public places, the State of Oklahoma has enacted legislation to preempt regulations that differ from State law; and
- §2. WHEREAS, the City of Norman, pursuant to 63 O.S. § 1-1527, is authorized to enact laws restricting smoking on properties owned or operated by the City; and
- §3. WHEREAS, the City of Norman desires to support and enforce the State of Oklahoma's regulations promulgated to control smoking in public places by adopting Ordinance O-2425-11.

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

\* \* \*

§ 4. THAT the title of Article V of Chapter 16 of the Code of Ordinances of the City of Norman shall be amended to read as "Smoking in Public Places."

\* \* \*

§ 5. THAT Section 16-501 of Chapter 16 of the Code of Ordinances of the City of Norman shall be amended to read as follows:

Smoking in certain areas has been determined to be injurious to human health, to constitute a source of annoyance and discomfort to nonsmokers, and to be a public nuisance due to the following:

- (a) Reliable studies have shown that breathing sidestream or secondhand smoke is a significant health hazard for certain population groups, including elderly people, individuals with cardiovascular disease, and individuals with impaired respiratory function, including asthmatics and those with obstructive airway disease;
- (b) Health hazards induced by breathing sidestream or secondhand smoke include lung cancer, respiratory infection, decreased exercise tolerance, decreased respiratory function, bronchoconstriction, and bronchospasm;

- (c) Nonsmokers with allergies, respiratory diseases and those who suffer other ill effects of breathing sidestream or secondhand smoke may experience a loss of job productivity or may be forced to take periodic sick leave because of adverse reactions to same; and
- (d) The smoking of tobacco, or any other weed or plant, is a danger to health.

Therefore, no person shall smoke or carry any lighted smoking instrument in or on Municipal Property. Neither shall a person smoke or carry any lighted smoking instrument in a Public Place or at a public Meeting, except where otherwise specifically allowed by law.

\* \* \*

§ 6. THAT Section 16-502 of Chapter 16 of the Code of Ordinances of the City of Norman shall be amended to read as follows:

The following words, terms and phrases, when used in this Article, shall have the meanings ascribed to them in this Section, except where the context clearly indicates a different meaning:

Health Facility: An entity which provides health services, including, but not limited to, hospitals, nursing homes, long-term care facilities, kidney disease treatment centers, health maintenance organizations and ambulatory treatment centers.

Indoor Workplace: Any indoor place of employment or employment-type service for or at the request of another individual or individuals, or any public or private entity, whether part-time or full-time and whether for compensation or not. Such services shall include, without limitation, any service performed by an owner, employee, independent contractor, agent, partner, proprietor, manager, officer, director, apprentice, trainee, associate, servant or volunteer. An indoor workplace included work areas, employee lounges, restrooms, conference rooms, classrooms, employee cafeterias, hallways, any other spaces used or visited by employees, and all space between a floor and ceiling that is predominately or totally enclosed by walls or windows, regardless of doors, doorways, open or closed windows, stairways or the like. The provisions of this Section shall apply to such indoor workplaces at any given time, whether or not work is being performed.

Meeting: A meeting as defined in the Open Meeting Act.

*Municipal Property:* All buildings, Indoor Workplaces, Public Parks, and Public Places owned and operated by the City, including but not limited to vehicles and equipment owned by the municipality.

Person: Any individual, firm, fiduciary, partnership, corporation trust, or association, however formed.

*Public Body:* A public body as defined in the Open Meeting Act.

*Public Park:* All unenclosed areas of a park or playground, including outdoor recreation areas, that is owned and operated by the City to which members of the general public have been granted a right to access.

*Public Place*: Any enclosed indoor area where individuals other than employees are invited or permitted.

Restaurant: Any eating establishment regardless of seating capacity.

*Smoking:* The carrying or holding of a lighted pipe, cigar, cigarette, or any other lighted smoking device.

Stand-alone bar, Stand-alone tavern, and Cigar bar: An establishment that derives more than sixty percent (60%) of its gross receipts, subject to verification by competent authority, from the sale of alcoholic beverages and low-point beer no person under twenty-one (21) years of age is admitted, except for members of musical band employed or hired as provided in paragraph 2 of subsection B of Section 537 of Title 37 of the Oklahoma Statutes and that is not located within, and does not share any common entryway or common indoor area with, any other enclosed indoor workplace, including a restaurant.

Tobacco Product: Any product that contains tobacco and is intended for human consumption.

Vapor Product: Any noncombustible product, that may or may not contain nicotine, that employs a mechanical heating element, battery, electronic circuit, or other mechanism, regardless of shape or size, that can be used to produce a vapor in a solution or other form. Vapor Products shall include any vapor cartridge or other container of a solution, that may or may not contain nicotine, or other form that is intended to be used with or in an electronic cigarette, cigar, cigarillo, pipe, or similar electronic product or device.

\* \* \*

- § 7. THAT Section 16-503 of Chapter 16 of the Code of Ordinances of the City of Norman shall be amended to read as follows:
  - (a) No person shall smoke tobacco or marijuana or vape marijuana in a Public Place, in an Indoor Workplace, in any vehicle providing public transportation, or at a meeting of a Public Body, except where otherwise specifically permitted by law.
  - (b) Notwithstanding Subsection (a) above, no person shall smoke or use Tobacco Products or Vapor Products or smoke or vape marijuana in or on any Municipal Property.
  - (c) The restrictions provided in this Section shall not prohibit tobacco smoking in:
    - (1) Stand-alone bars, Stand-alone taverns or Cigar bars;
    - (2) The room or rooms where licensed charitable bingo games are being operated; but only during the hours of operation of such games;

- (3) Up to twenty-five percent (25%) of the guest rooms at a hotel or other lodging establishment;
- (4) Retail tobacco stores predominantly engaged in the sale of tobacco products and accessories and in which the sale of other products is merely incidental and in which no food or beverage is sold or served for consumption on the premises;
- (5) Workplaces where only the owner or operator of the workplace, or the immediate family of the owner or operator, performs any work in the workplace, and the workplace only has incidental public access. "Incidental public access" means that a place of business has only an occasional person, who is not an employee, present at the business to transact business or make a delivery. It does not include businesses that depend on walk-in customers for any part of their business;
- (6) Workplaces occupied exclusively by one or more tobacco smokers, if the workplace has only incidental public access;
- (7) Private offices occupied exclusively by one or more smokers;
- (8) Workplaces within private residences, except that smoking tobacco or marijuana or vaping marijuana shall not be allowed inside any private residence that is used as a licensed childcare facility during hours of operation;
- (9) Medical research or treatment centers, if tobacco smoking is integral to the research or treatment. Furthermore, the restrictions on smoking or vaping of marijuana provided in this Section shall not apply to medical research or treatment centers, if marijuana smoking or vaping is integral to the research or treatment;
- (10) A facility operated by a post or organization of past or present members of the Armed Forces of the United States, which is exempt from taxation pursuant to section 501(c)(8), 501(c)(10), or 501(c)(19) of the Internal Revenue Code, 26 USC 501(c)(8), 501(c)(10), or 501(c)(19), when such facility is utilized exclusively by its members and their families for the conduct of post or organization nonprofit operations, except during an event or activity which is open to the public; and
- (11) Any outdoor seating area of a restaurant; provided, tobacco or marijuana smoking or vaping marijuana shall not be allowed within fifteen (15) feet of any exterior public doorway or any air intake of a restaurant.
- (12) An employer not otherwise restricted from doing so may elect to provide tobacco smoking rooms where no work is performed except for cleaning and maintenance during the time the room is not in use for tobacco smoking, provided each tobacco smoking room is fully enclosed and exhausted directly to the outside in such a manner that no tobacco smoke can drift or circulate into a nonsmoking area. No exhaust from a tobacco smoking room shall be located within fifteen (15) feet of any entrance, exit, or air intake.

- (d) If tobacco smoking is to be permitted in any space exempted in subsections (c)(5) or (c)(6) of this Section or in a tobacco smoking room pursuant to subsection (c)(2) of this Section, such tobacco smoking space must either occupy the entire enclosed indoor space or, if it shares the enclosed space with any nonsmoking areas, the tobacco smoking space shall be fully enclosed, exhausted directly to the outside with no air from the smoking space circulated to any nonsmoking area, and under negative air pressure so that no tobacco smoke can drift or circulate into a nonsmoking area when a door to an adjacent nonsmoking area is opened. Air from the tobacco smoking room shall not be exhausted within fifteen (15) feet of any entrance, exit, or air intake. Any employer may choose a more restrictive tobacco smoking policy, including being totally tobacco smoke free.
- (e) Restaurants shall be totally nonsmoking or may provide nonsmoking areas and designated tobacco smoking rooms. Food and beverage may be served in such designated tobacco smoking rooms, which shall be in a location which is fully enclosed, directly exhausted to the outside, under negative air pressure so tobacco smoke cannot escape when a door is opened, and no air is recirculated to nonsmoking areas of the building. No exhaust from such room shall be located within twenty-five (25) feet of any entrance, exit or air intake. Such room shall be subject to verification for compliance with the provisions of this subsection by the State Department of Health.
- (f) The person that has legal or de facto control of an area in which smoking and the use of Tobacco Products or Vapor Products is prohibited by this Article shall post a clear, conspicuous, and unambiguous sign at each point of entry to the area.
  - (1) For restrictions on smoking or use of Tobacco Products or Vapor Products in indoor areas, a sign or decal, at least four (4) inches by two (2) inches in size, shall be posted at each entrance of the building indicating that the place is smoke-free or tobacco-free. Breathe Easy decals meet this requirement.
  - (2) For restrictions on smoking and the use of Tobacco Products or Vapor Products in outdoor Municipal Property, signs shall be posted at each entrance that are (1) weather-resistant; (2) at least fifteen (15) inches by fifteen (15) inches in size, with lettering of at least one (1) inch; and (3) clearly state that the place is smoke-free or tobacco-free.
- (g) Responsibility for posting signs or decals shall be as follows:
  - (1) In privately-owned facilities, the owner or lessee, if lessee is in possession of the facilities, shall be responsible;
  - (2) In corporately-owned facilities, the manager and/or supervisor of the facility involved shall be responsible; and
  - (3) In publicly-owned facilities, the manager and/or supervisor shall be responsible.

Clear

(h) The person who owns or operates a place where smoking or use of Tobacco Products or Vapor Products is prohibited by law shall ask smokers to refrain from smoking upon observation of anyone violating the provisions of this Article.

\* \* \*

- § 8. THAT Section 16-504 of Chapter 16 of the Code of Ordinances of the City of Norman shall be amended to read as follows:
  - (a) Persons convicted of any violation of NCC 16-503 shall be punished by a fine of not less than ten dollars (\$10.00) nor more than one hundred dollars (\$100.00), as provided in the City penalty and fine schedule, excluding costs, fees, and assessments.
  - (b) The possession of a lighted smoking instrument in violation of this Article shall be deemed a nuisance.
  - (c) Enforcement of this Article shall be the responsibility of the City of Norman Police Department, or, in addition, any peace officer or code enforcement official.

\* \* \*

§ 9. THAT Section 16-505 through 16-508 of Chapter 16 of the Code of Ordinances of the City of Norman shall be titled "Reserved" for the consistency and clarity of the Code of Ordinances of the City of Norman.

\* \* \*

§ 10. THAT Appendix B – City of Norman Penalty and Fine Schedule of the Code of Ordinances of the City of Norman shall be amended to read as follows:

	Chapter 16Health and Safety			
16-115	Violation of article 16-I	\$50.00\$750.00		
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16-311	Violation of article 16-III	\$50.00\$750.00 and/or imprisonment not to exceed 60 days		
16-406	Violation of article 16-IV	\$50.00\$1,000.00 and/or imprisonment not to exceed 90 days		
16-504	Violation of article 16-V	\$10.00\$100.00		
16-602	Violation of article 16-VI	\$50.00\$750.00 and/or imprisonment not to exceed 60 days		

Ordinance No. O-2425-11

16-703	Violation of article 16-VII	\$50.00\$750.00	
16-813	Violation of article 16-VIII	\$50.00\$750.00	
Removal of street tree in violation of NCC 16-903, per inch DBH Up to \$50.00		Up to \$50.00	
16-813	Total administrative fine not to exceed	\$2,000.00	
16-911	Violation of article 16-IX; per offense	Up to \$500.00	
16-1103	Violation of article 16-XI; per offense	\$50.00—\$750.00	

\* \* \*

§11. Severability and Intent. 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. It is the intent of the City of Norman City Council to supplement applicable state and federal law, not to duplicate nor contradict such law.

ADOPTED this	day	NOT ADOPTED this	day
of	, 2025.	of	, 2025.
Larry Heikkila, Mayor		Larry Heikkila, Mayor	
ATTEST:			
Brenda Hall City Clerk			

#### File Attachments for Item:

5. CONSIDERATION OF ADOPTION, REJECTION, AMENDMENT AND/OR POSTPONEMENT OR ORDINANCE O-2425-12 UPON FIRST READING BY TITLE: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AMENDING THE TITLE OF SECTION 24-311 OF CHAPTER 24; AMENDING DEFINITIONS FOR THE PURPOSES THEREOF; PROHIBITING THE FURNISHING OF TOBACCO, NICOTINE AND VAPOR PRODUCTS TO ANYONE UNDER THE AGE OF TWENTY-ONE, PROHIBITING THE POSSESSION OF TOBACCO, NICOTINE AND VAPOR PRODUCTS BY ANYONE UNDER THE AGE OF TWENTY-ONE, PROHIBITING THE DISPLAY OR SALE OF TOBACCO, NICOTINE OR VAPOR PRODUCTS WHERE SELF-ACCESSIBLE BY ANYONE UNDER THE AGE OF TWENTY-ONE; AND PROVIDING FOR THE SEVERABILITY THEREOF.



# CITY OF NORMAN, OK STAFF REPORT

**MEETING DATE:** 02/11/25

**REQUESTER:** Jason Olsen, Director of Parks and Recreation

**PRESENTER:** AshLynn Wilkerson, Assistant City Attorney

ITEM TITLE: CONSIDERATION OF ADOPTION, REJECTION, AMENDMENT AND/OR

POSTPONEMENT OR ORDINANCE O-2425-12 UPON FIRST READING BY TITLE: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AMENDING THE TITLE OF SECTION 24-311 OF CHAPTER 24; AMENDING DEFINITIONS FOR THE PURPOSES THEREOF; PROHIBITING THE FURNISHING OF TOBACCO, NICOTINE AND VAPOR PRODUCTS TO ANYONE UNDER THE AGE OF TWENTY-ONE, PROHIBITING THE POSSESSION OF TOBACCO, NICOTINE AND VAPOR PRODUCTS BY ANYONE UNDER THE AGE OF TWENTY-ONE, PROHIBITING THE DISPLAY OR SALE OF TOBACCO, NICOTINE OR VAPOR PRODUCTS WHERE SELF-ACCESSIBLE BY ANYONE UNDER THE AGE OF TWENTY-ONE; AND PROVIDING FOR THE

SEVERABILITY THEREOF.

#### **BACKGROUND:**

The City of Norman Parks and Recreation Department is actively seeking grant funding opportunities through TSET (Tobacco Settlement Endowment Trust). The grant funding would go to support the construction of the Miracle Field—a custom, adaptive, ADA compliant baseball field to remove barriers and provide opportunities for youth with disabilities to participate in outdoor sports and recreation activities.

In order to achieve these objectives, the City needs to: 1) update two existing ordinances, 16-V Tobacco and 24-311 Prevention of Youth Access to Tobacco And Vapor Products to include updates to State law as well as regulate and prohibit smoking and use of tobacco and vapor products and the smoking or vaping of marijuana on all municipal property; and 2) pass a zoning ordinance imposing certain restrictions on tobacco and e-cigarette retailers to protect youth from the negative health effects of tobacco, nicotine, or vapor products.

All three ordinances must be approved as they are presented in order to achieve the desired level of grant funding (TSET representatives have approved all three ordinances as compliant with the requirements for the highest level of grant funding).

City staff are scheduled to discuss all the proposed ordinance changes with Council at the February 18, 2025 Study Session prior to the second and final reading of the ordinances.

#### **DISCUSSION:**

The restrictions contained in this Ordinance O-2425-12 come directly from those contained and allowed in 63 O.S. § 1-229.11, et seq.

The proposed amendments to Section 24-311 of Chapter 24 are fairly minimal. The majority of the amendments are general formatting edits (capitalizations, consistent numbering schemes, gender neutral terms, etc.). There are only two substantive changes in the proposed amendments:

- The addition of nicotine products to the prohibited products under this ordinance (seen in subsection (a) - definitions and everywhere the prohibitions are referenced throughout the ordinance); and
- 2) A clear enumeration of the enforcement officials and process (seen in subsection (g)).

#### **RECOMMENDATION:**

Staff forwards Ordinance O-2425-12 to Council for consideration.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AMENDING THE TITLE OF SECTION 24-311 OF CHAPTER 24; AMENDING DEFINITIONS FOR THE PURPOSES THEREOF; PROHIBITING THE FURNISHING OF TOBACCO, NICOTINE AND VAPOR PRODUCTS TO ANYONE UNDER THE AGE OF TWENTY-ONE, PROHIBITING THE POSSESSION OF TOBACCO, NICOTINE AND VAPOR PRODUCTS BY ANYONE UNDER THE AGE OF TWENTY-ONE, PROHIBITING THE DISPLAY OR SALE OF TOBACCO, NICOTIINE OR VAPOR PRODUCTS WHERE SELF-ACCESSIBLE BY ANYONE UNDER THE AGE OF TWENTY-ONE; AND PROVIDING FOR THE SEVERABILITY THEREOF.

- §1. WHEREAS, in an effort to protect our youth from the negative health effects of tobacco, nicotine or vapor products, the State of Oklahoma has prohibited the sale or possession of tobacco, nicotine or vapor products for anyone under the age of twenty-one (21) years of age; and
- §2. WHEREAS, the City of Norman desires to support and enforce the State of Oklahoma's policy of protection and safety of minors by adopting Ordinance O-2425-12.

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

\* \* \*

§ 3. THAT the title of Section 24-311 of Chapter 24 of the Code of Ordinances of the City of Norman shall be amended to read as "Prevention of Youth Access To Tobacco, Nicotine, And Vapor Products."

\* \* \*

- § 4. THAT Section 24-311 of Chapter 24 of the Code of Ordinances of the City of Norman shall be amended to read as follows:
  - (a) *Definitions*. The following words, terms and phrases, when used in this sSection, shall have the meanings ascribed to them in this sSubsection, except where the context clearly indicates a different meaning:

Nicotine product means any product that contains nicotine extracted or isolated from plants, vegetables, fruit, herbs, weeds, genetically modified organic matter, or that is synthetic in origin and is intended for human consumption; provided, however, this term shall not include products approved by the United States Food and Drug Administration for smoking cessation;

<u>Person</u> means any individual, firm, fiduciary, partnership, corporation, trust, or association, however formed;

*Proof of age* means a driver's license, license for identification only, or other generally accepted means of identification that describes the individual as <u>twenty-one</u> (21) years of age or older and contains a photograph or other likeness of the individual and appears on its face to be valid.

*Sample* means a tobacco product, <u>nicotine product</u> or vapor product distributed to members of the public at no cost for the purpose of promoting the product.

Sampling means the distribution of samples to members of the public in a public place.

*Tobacco product* means any product that contains tobacco and is intended for human consumption.

*Transaction scan* means the process by which a seller checks, by means of a transaction scan device, the validity of a driver's license or other government-issued photo identification.

Transaction scan device means any commercial device or combination of devices used at a point of sale or entry that is capable of deciphering in an electronically readable format the information encoded on the magnetic strip or bar code of a driver's license or other government-issued photo identification.

Vapor product means noncombustible products, that may or may not contain nicotine, that employ a mechanical heating element, battery, electronic circuit, or other mechanism, regardless of shape or size, that can be used to produce a vapor in a solution or other form. The term "vapor product" shall include any vapor cartridge or other container with or without nicotine or other form that is intended to be used with an electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, or similar product or device and any vapor cartridge or other container of a solution, that may or may not contain nicotine, that is intended to be used with or in an electronic cigarette, electronic cigarillo or electronic device. The term "vapor product" does not include any products regulated by the United States Food and Drug Administration under chapter V of the Food, Drug, and Cosmetic Act.

- (b) Furnishing of  $\underline{t}$  <u>Tobacco  $\underline{p}$  Products, Nicotine Products</u> or  $\underline{v}$  <u>Vapor  $\underline{p}$  Products to  $\underline{p}$  Persons under the  $\underline{a}$  <u>Age of Twenty-One (21)  $\underline{y}$  Years.</u></u>
  - (1) It shall be an offense for any person to sell, give or furnish in any manner any tobacco product, nicotine product or vapor product to another person who is under twenty-one (21) years of age, or to purchase in any manner a tobacco product, nicotine product or vapor product on behalf of any such person. It shall not be unlawful for an employee under twenty-one (21) years of age to handle tobacco products, nicotine products or vapor products when required in the performance of the employee's duties.
  - (2) A person engaged in the sale or distribution of tobacco products, <u>nicotine</u> <u>products</u> or vapor products shall demand proof of age from a prospective

purchaser or recipient if an ordinary person would conclude on the basis of appearance that the prospective purchaser may be under <a href="twenty-one">twenty-one</a> (21) years of age. If an individual engaged in the sale or distribution of tobacco products, <a href="micotine products">nicotine products</a> or vapor products has demanded proof of age from a prospective purchaser or recipient who is not under <a href="twenty-one">twenty-one</a> (21) years of age, the failure to subsequently require proof of age shall not constitute a violation of this <a href="mailto:s\subsection">S\subsection</a>.

- (3) Any person convicted of violating <u>sSubsection</u> (b)(1) or (2) of this <u>sSection</u> shall be punished, as provided in 63 O.S. § 1-229.13.
- (4) Proof that the defendant demanded, was shown, and reasonably relied upon proof of age shall be a defense to any action brought pursuant to this sSection. A person cited for violating this sSection shall be deemed to have reasonably relied upon proof of age, and such person shall not be found guilty of the violation if such person proves that:
  - a. The individual who purchased or received the tobacco product, <u>nicotine</u> <u>product</u> or vapor product presented a driver's license or other government-issued photo identification purporting to establish that such individual was <u>twenty-one</u> (21) years of age or older; or
  - b. The person cited for the violation confirmed the validity of the driver's license or other government-issued photo identification presented by such individual by performing a transaction scan by means of a transaction scan device.

Provided that this defense shall not relieve from liability any person cited for a violation of this ssection if the person failed to exercise reasonable diligence to determine whether the physical description and picture appearing on the driver's license or other government-issued photo identification was that of the individual who presented it. The availability of the defense described in this ssubsection does not affect the availability of any other defense under any other provision of law.

- (5) If the sale is made by an employee of the owner of a store at which tobacco products, nicotine products or vapor products are sold at retail, the employee shall be guilty of the violation and shall be subject to the fine.
- (6) Upon failure of the employee to pay the administrative fine within <u>ninety</u> (90) days of the day of the assessment of such fine, the Clerk of the municipal Court shall notify the Department of Public Safety, and the Department shall suspend or not issue a driver's license to the employee until proof of payment has been furnished to the Department of Public Safety.
- (c)  $p\underline{P}$  ossession of  $t\underline{T}$  obacco  $p\underline{P}$  roducts, Nicotine Products or  $v\underline{V}$  apor  $p\underline{P}$  roducts by  $p\underline{P}$  ersons under the  $a\underline{A}$  ge of  $\underline{T}$  wenty-One (21)  $v\underline{Y}$  ears.

- (1) It shall be an offense for a person who is under twenty-one (21) years of age to purchase, receive, or have in histheir possession a tobacco product, nicotine product or vapor product, or to present or offer to any person any purported proof of age which is false or fraudulent, for the purpose of purchasing or receiving any tobacco product, nicotine product or vapor product. It shall not be unlawful for an employee under twenty-one (21) years of age to handle tobacco products, nicotine products or vapor products when required in the performance of the employee's duties.
- (2) Any person convicted of violating <u>sSubsection</u> (c)(1) of this <u>sSection</u> shall be punished by a fine:
  - a. Not to exceed \$10050.00 for a first offense; and
  - b. Not to exceed \$1200.00 for a second or subsequent offenses within a one year period following the first offense.
- (3) Upon failure of the individual to pay the administrative fine within <u>ninety (90)</u> days of the day of the fine, the Clerk of the municipal Court shall notify the Department of Public Safety, and the Department shall suspend or not issue a driver's license to the individual until proof of payment has been furnished to the Department of Public Safety.
- (d) Distribution of  $t\underline{T}$ obacco  $p\underline{P}$ roducts, Nicotine Products or  $v\underline{V}$ apor  $p\underline{P}$ roducts and  $v\underline{P}$ roduct  $v\underline{S}$ amples  $v\underline{R}$ estricted.
  - (1) It shall be unlawful for any person or retailer to distribute tobacco products, nicotine products, vapor products or product samples to any person under twenty-one (21) years of age.
  - (2) No person shall distribute tobacco products, nicotine products, vapor products or product samples in or on any public street, sidewalk, or park that is within 300 three hundred feet (300') of any playground, school, or other facility when the facility is being used primarily by persons under twenty-one (21) years of age.
  - (3) Any person convicted of violating <u>sSubsections</u> (d)(1) or (2) of this <u>sSection shall</u> be punished by a fine of:
    - a. Not more than \$100.00 for the first offense;
    - b. Not more than \$200.00 for the second offense; and
    - c. Not more than \$300.00 for a third or subsequent offense.
  - (4) Upon failure of any person to pay an administrative fine within <u>ninety</u> (90) days of the assessment of the fine, the Clerk of the municipal Court shall notify the Department of Public Safety, and the Department shall suspend or not issue a driver's license to the person until proof of payment has been furnished to the

Department of Public Safety.

- (e) Sale of  $\underline{t}\underline{T}$  obacco  $\underline{p}\underline{P}$  roducts  $\underline{e}\underline{E}$  xcept in  $\underline{\theta}\underline{O}$  riginal,  $\underline{s}\underline{S}$  ealed  $\underline{p}\underline{P}$  ackages.
  - (1) It is unlawful for any person to sell cigarettes except in the original, sealed package in which they were placed by the manufacturer.
  - (2) Any person convicted of <u>sSubsection</u> (e)(1) of this <u>sSection</u> shall be punished by a fine of not more than \$200.00 for each offense.
- (f) Publicly  $\underline{AA}$  ccessible  $\underline{AD}$  isplay or  $\underline{SA}$  ale of  $\underline{AD}$  is  $\underline{AB}$  considered and  $\underline{AB}$  is  $\underline{AB}$  considered and  $\underline{AB}$  is  $\underline{AB}$  is  $\underline{AB}$  is  $\underline{AB}$  in  $\underline{AB}$  is  $\underline{AB}$  in  $\underline{AB}$  in  $\underline{AB}$  in  $\underline{AB}$  in  $\underline{AB}$  is  $\underline{AB}$  in  $\underline{AB}$  in
  - (1) It is unlawful for any person or retail store to display or offer for sale tobacco products, nicotine products or vapor products in any manner that allows public access to the tobacco products, nicotine products or vapor products without assistance from the person displaying the tobacco products, nicotine products or vapor products or an employee or the owner of the store. The provisions of this sSubsection shall not apply to retail stores which do not admit into the store persons under twenty-one (21) years of age.
  - (2) Any person convicted of violating <u>sSubsection</u> (f)(1) of this <u>sSection</u> shall be punished by a fine of not more than \$200.00 for each offense.
- (g) Notice of conviction to be provided to the ABLE Commission. Any information or reports required or requested by the State Alcoholic Beverages Enforcement (ABLE)

  Commission shall be provided by the Clerk of the municipal Court regarding the enforcement of any of violations found within this section. Enforcement.
  - (1) Any conviction for a violation of this Article and any compliance checks by a municipal police officer pursuant to Subsection (3) of this Section shall be reported in writing to the Alcoholic Beverage Laws Enforcement (ABLE)

    Commission within thirty (30) days of such conviction or compliance check.

    Such reports shall be compiled in the manner prescribed by the ABLE

    Commission. Convictions shall be reported by the Court Clerk or their designee and compliance checks shall be reported by the Chief of Police or their designee.
  - (2) For the purpose of determining second or subsequent violations, both the offenses penalized by the ABLE Commission as administrative fines and the offenses penalized by the City of Norman and reported to the ABLE Commission shall be considered together in such determination.
  - (3) Persons under twenty-one (21) years of age may be enlisted by the Police Department to assist in compliance checks and enforcement of this Article pursuant to the rules of the ABLE Commission.

\* \* \*

Item 5.

## Ordinance No. O-2425-12

Annotated

§5. <u>Severability.</u> 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	NOT ADOPTED this	day
of	, 2025.	of	, 2025
Larry Heikkila, Mayor		Larry Heikkila, Mayor	
ATTEST:			
Brenda Hall, City Clerk			

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AMENDING THE TITLE OF SECTION 24-311 OF CHAPTER 24; AMENDING DEFINITIONS FOR THE PURPOSES THEREOF; PROHIBITING THE FURNISHING OF TOBACCO, NICOTINE AND VAPOR PRODUCTS TO ANYONE UNDER THE AGE OF TWENTY-ONE, PROHIBITING THE POSSESSION OF TOBACCO, NICOTINE AND VAPOR PRODUCTS BY ANYONE UNDER THE AGE OF TWENTY-ONE, PROHIBITING THE DISPLAY OR SALE OF TOBACCO, NICOTIINE OR VAPOR PRODUCTS WHERE SELF-ACCESSIBLE BY ANYONE UNDER THE AGE OF TWENTY-ONE; AND PROVIDING FOR THE SEVERABILITY THEREOF.

- §1. WHEREAS, in an effort to protect our youth from the negative health effects of tobacco, nicotine or vapor products, the State of Oklahoma has prohibited the sale or possession of tobacco, nicotine or vapor products for anyone under the age of twenty-one (21) years of age; and
- §2. WHEREAS, the City of Norman desires to support and enforce the State of Oklahoma's policy of protection and safety of minors by adopting Ordinance O-2425-12.

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

\* \* \*

§ 3. THAT the title of Section 24-311 of Chapter 24 of the Code of Ordinances of the City of Norman shall be amended to read as "Prevention of Youth Access To Tobacco, Nicotine, And Vapor Products."

\* \* \*

- § 4. THAT Section 24-311 of Chapter 24 of the Code of Ordinances of the City of Norman shall be amended to read as follows:
  - (a) *Definitions*. The following words, terms and phrases, when used in this Section, shall have the meanings ascribed to them in this Subsection, except where the context clearly indicates a different meaning:

*Nicotine product* means any product that contains nicotine extracted or isolated from plants, vegetables, fruit, herbs, weeds, genetically modified organic matter, or that is synthetic in origin and is intended for human consumption; provided, however, this term shall not include products approved by the United States Food and Drug Administration for smoking cessation;

*Person* means any individual, firm, fiduciary, partnership, corporation, trust, or association, however formed;

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*Proof of age* means a driver's license, license for identification only, or other generally accepted means of identification that describes the individual as twenty-one (21) years of age or older and contains a photograph or other likeness of the individual and appears on its face to be valid.

Sample means a tobacco product, nicotine product or vapor product distributed to members of the public at no cost for the purpose of promoting the product.

Sampling means the distribution of samples to members of the public in a public place.

*Tobacco product* means any product that contains tobacco and is intended for human consumption.

*Transaction scan* means the process by which a seller checks, by means of a transaction scan device, the validity of a driver's license or other government-issued photo identification.

Transaction scan device means any commercial device or combination of devices used at a point of sale or entry that is capable of deciphering in an electronically readable format the information encoded on the magnetic strip or bar code of a driver's license or other government-issued photo identification.

Vapor product means noncombustible products, that may or may not contain nicotine, that employ a mechanical heating element, battery, electronic circuit, or other mechanism, regardless of shape or size, that can be used to produce a vapor in a solution or other form. The term "vapor product" shall include any vapor cartridge or other container with or without nicotine or other form that is intended to be used with an electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, or similar product or device and any vapor cartridge or other container of a solution, that may or may not contain nicotine, that is intended to be used with or in an electronic cigarette, electronic cigarillo or electronic device. The term "vapor product" does not include any products regulated by the United States Food and Drug Administration under chapter V of the Food, Drug, and Cosmetic Act.

- (b) Furnishing of Tobacco Products, Nicotine Products or Vapor Products to Persons under the Age of Twenty-One (21) Years.
  - (1) It shall be an offense for any person to sell, give or furnish in any manner any tobacco product, nicotine product or vapor product to another person who is under twenty-one (21) years of age, or to purchase in any manner a tobacco product, nicotine product or vapor product on behalf of any such person. It shall not be unlawful for an employee under twenty-one (21) years of age to handle tobacco products, nicotine products or vapor products when required in the performance of the employee's duties.
  - (2) A person engaged in the sale or distribution of tobacco products, nicotine products or vapor products shall demand proof of age from a prospective

purchaser or recipient if an ordinary person would conclude on the basis of appearance that the prospective purchaser may be under twenty-one (21) years of age. If an individual engaged in the sale or distribution of tobacco products, nicotine products or vapor products has demanded proof of age from a prospective purchaser or recipient who is not under twenty-one (21) years of age, the failure to subsequently require proof of age shall not constitute a violation of this Subsection.

- (3) Any person convicted of violating Subsection (b)(1) or (2) of this Section shall be punished as provided in 63 O.S. § 1-229.13.
- (4) Proof that the defendant demanded, was shown, and reasonably relied upon proof of age shall be a defense to any action brought pursuant to this Section. A person cited for violating this Section shall be deemed to have reasonably relied upon proof of age, and such person shall not be found guilty of the violation if such person proves that:
  - a. The individual who purchased or received the tobacco product, nicotine product or vapor product presented a driver's license or other government-issued photo identification purporting to establish that such individual was twenty-one (21) years of age or older; or
  - b. The person cited for the violation confirmed the validity of the driver's license or other government-issued photo identification presented by such individual by performing a transaction scan by means of a transaction scan device.

Provided that this defense shall not relieve from liability any person cited for a violation of this Section if the person failed to exercise reasonable diligence to determine whether the physical description and picture appearing on the driver's license or other government-issued photo identification was that of the individual who presented it. The availability of the defense described in this Subsection does not affect the availability of any other defense under any other provision of law.

- (5) If the sale is made by an employee of the owner of a store at which tobacco products, nicotine products or vapor products are sold at retail, the employee shall be guilty of the violation and shall be subject to the fine.
- (6) Upon failure of the employee to pay the administrative fine within ninety (90) days of the day of the assessment of such fine, the Clerk of the municipal Court shall notify the Department of Public Safety, and the Department shall suspend or not issue a driver's license to the employee until proof of payment has been furnished to the Department of Public Safety.
- (c) Possession of Tobacco Products, Nicotine Products or Vapor Products by Persons under the Age of Twenty-One (21) Years.

- (1) It shall be an offense for a person who is under twenty-one (21) years of age to purchase, receive, or have in their possession a tobacco product, nicotine product or vapor product, or to present or offer to any person any purported proof of age which is false or fraudulent, for the purpose of purchasing or receiving any tobacco product, nicotine product or vapor product. It shall not be unlawful for an employee under twenty-one (21) years of age to handle tobacco products, nicotine products or vapor products when required in the performance of the employee's duties.
- (2) Any person convicted of violating Subsection (c)(1) of this Section shall be punished by a fine:
  - a. Not to exceed \$50.00 for a first offense; and
  - b. Not to exceed \$200.00 for subsequent offenses.
- (3) Upon failure of the individual to pay the administrative fine within ninety (90) days of the day of the fine, the Clerk of the municipal Court shall notify the Department of Public Safety, and the Department shall suspend or not issue a driver's license to the individual until proof of payment has been furnished to the Department of Public Safety.
- (d) Distribution of Tobacco Products, Nicotine Products or Vapor Products and Product Samples Restricted.
  - (1) It shall be unlawful for any person or retailer to distribute tobacco products, nicotine products, vapor products or product samples to any person under twenty-one (21) years of age.
  - (2) No person shall distribute tobacco products, nicotine products, vapor products or product samples in or on any public street, sidewalk, or park that is within three hundred feet (300') of any playground, school, or other facility when the facility is being used primarily by persons under twenty-one (21) years of age.
  - (3) Any person convicted of violating Subsections (d)(1) or (2) of this Section shall be punished by a fine of:
    - a. Not more than \$100.00 for the first offense;
    - b. Not more than \$200.00 for the second offense; and
    - c. Not more than \$300.00 for a third or subsequent offense.
  - (4) Upon failure of any person to pay an administrative fine within ninety (90) days of the assessment of the fine, the Clerk of the municipal Court shall notify the Department of Public Safety, and the Department shall suspend or not issue a driver's license to the person until proof of payment has been furnished to the

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Department of Public Safety.

- (e) Sale of Tobacco Products Except in Original, Sealed Packages.
  - (1) It is unlawful for any person to sell cigarettes except in the original, sealed package in which they were placed by the manufacturer.
  - (2) Any person convicted of Subsection (e)(1) of this Section shall be punished by a fine of not more than \$200.00 for each offense.
- (f) Publicly Accessible Display or Sale of Tobacco, Nicotine or Vapor Products.
  - (1) It is unlawful for any person or retail store to display or offer for sale tobacco products, nicotine products or vapor products in any manner that allows public access to the tobacco products, nicotine products or vapor products without assistance from the person displaying the tobacco products, nicotine products or vapor products or an employee or the owner of the store. The provisions of this Subsection shall not apply to retail stores which do not admit into the store persons under twenty-one (21) years of age.
  - (2) Any person convicted of violating Subsection (f)(1) of this Section shall be punished by a fine of not more than \$200.00 for each offense.
- (g) Enforcement.
  - (1) Any conviction for a violation of this Article and any compliance checks by a municipal police officer pursuant to Subsection (3) of this Section shall be reported in writing to the Alcoholic Beverage Laws Enforcement (ABLE) Commission within thirty (30) days of such conviction or compliance check. Such reports shall be compiled in the manner prescribed by the ABLE Commission. Convictions shall be reported by the Court Clerk or their designee and compliance checks shall be reported by the Chief of Police or their designee.
  - (2) For the purpose of determining second or subsequent violations, both the offenses penalized by the ABLE Commission as administrative fines and the offenses penalized by the City of Norman and reported to the ABLE Commission shall be considered together in such determination.
  - (3) Persons under twenty-one (21) years of age may be enlisted by the Police Department to assist in compliance checks and enforcement of this Article pursuant to the rules of the ABLE Commission.

\* \* \*

§5. <u>Severability.</u> 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,

Item 5.

## Ordinance No. O-2425-12

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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	NOT ADOPTED this day
of, 2025.	of, 2025
Larry Heikkila, Mayor	Larry Heikkila, Mayor
ATTEST:	
Brenda Hall, City Clerk	

#### File Attachments for Item:

6. CONSIDERATION OF ADOPTION, REJECTION, AMENDMENT, AND/OR POSTPONEMENT OF ORDINANCE O-2425-13 UPON FIRST READING BY TITLE: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, ADDING ARTICLE 2-III, DIVISION 2-III-17 DUTIES AND POWERS OF THE ANIMAL WELFARE OVERSIGHT COMMISSION.



# CITY OF NORMAN, OK STAFF REPORT

**MEETING DATE:** 02/11/2025

**REQUESTER:** Jeanne Snider, Assistant City Attorney

**PRESENTER:** Jeanne Snider, Assistant City Attorney

ITEM TITLE: CONSIDERATION OF ADOPTION, REJECTION, AMENDMENT, AND/OR POSTPONEMENT OF ORDINANCE 0-2425-13 UPON FIRST READING

BY TITLE: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, ADDING ARTICLE 2-III, DIVISION 2-III-17 DUTIES AND POWERS OF THE ANIMAL WELFARE OVERSIGHT

COMMISSION.

#### **BACKGROUND:**

Over the past several years, City Council has discussed a number of proposals to amend some of the City's Boards, Commission and Committees. At the December 17, 2024, Study Session, City Council agreed to move forward with the following amendments.

#### **DISCUSSION:**

#### Animal Welfare Oversight Committee

Codifying the Animal Welfare Oversight Committee. The Animal Welfare Oversight Committee was originally appointed by Resolution R-0203-111. The addition would make Animal Welfare Oversight Committee a permanent committee with term limits and requiring some rural representation. Sec. 2-347 will reflect the duties and powers of the Animal Welfare Oversight Committee. Resolution R-0203-111 would be repealed.

#### **RECOMMENDATION:**

Staff recommends Council approve the amendments listed above.

### CITY OF NORMAN ORDINANCE 0-2425-13

# AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, ADDING ARTICLE 2-111, DIVISION 2-111-17 DUTIES AND POWERS OF THE ANIMAL WELFARE OVERSIGHT COMMISSION.

**NOW THEREFORE**, be it ordained by the City Council of the City of Norman, in the State of Oklahoma, as follows:

**SECTION 1:** <u>ADOPTION</u> "DIVISION 2-III-17 ANIMAL WELFARE OVERSIGHT COMMISSION" of the City of Norman Municipal Code is hereby *added* as follows:

#### ADOPTION

#### DIVISION 2-III-17 ANIMAL WELFARE OVERSIGHT COMMISSION (Added)

- 2-347 Duties and Powers of the Animal Welfare Oversight Committee
  - (a) Purpose. Provide advice and recommendations to the City Council related to the Norman Animal Shelter and issues pertaining to animal care and welfare, animal rescue, fostering and adoption, control of the animal population, standards for animal shelters, recruiting volunteers, budget priorities as identified by the Commission and suggest modifications to the City of Norman Code of Ordinances.
  - (b) Authority. There is hereby created a newly established Animal Welfare Oversight Commission for the City. The Animal Welfare Oversight Commission shall consist of seven members appointed at-large by the Mayor with the approval of City Council. Membership in one or more of the following categories is preferred, but not required:
    - (1) Veterinarian;
    - (2) Local animal welfare organizations; and
    - (3) At least one citizen from a rural area.

All members serve without compensation and may be removed by the City Council as provided in the Code. City staff and administrative guidance shall be provided by the Norman Animal Welfare staff and other City departments as necessary.

(c) Term of Office. The term of the seven persons appointed by the Mayor shall be three years. For the newly established Animal Welfare Oversight Commission, current committee members will be assigned staggered initial terms of one, two or three years by random

selection or agreement. This will ensure that approximately one-third of members rotate off each year thereafter.

## (d) Quorum and operation.

- (1) Quorum. At any meeting of the Animal Welfare Oversight Commission, a quorum shall consist of four of the appointed members. No action shall be taken in the absence of a quorum. Four affirmative votes shall be required to pass any measure.
- (2) Board officers. The Animal Welfare Oversight Commission shall elect a Chairman from its members and shall create and fill such other offices as deemed necessary. The term of Chair shall be one year with eligibility for reelection for no more than two consecutive terms.

**SECTION 2: SEVERABILITY CLAUSE** Should any part or provision of this Ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the Ordinances a whole or any part thereof other than the part so declared to be unconstitutional or invalid.

**SECTION 3: EFFECTIVE DATE** This Ordinance shall be in full force and effect after the required approval and publication according to law.

PASSED AND ADOPTED BY THE CITY OF NORMAN CITY COUNCIL

	AYE	NAY	ABSENT	ABSTAIN
Presiding (	Officer		Attest	
•	cila, Mayor, City o	f	Brenda Hall, City Cler	k, City of
Norman			Norman	

#### File Attachments for Item:

7. CONSIDERATION OF ADOPTION, REJECTION, AMENDMENT, AND/OR POSTPONEMENT OF ORDINANCE 0-2425-14 UPON FIRST READING BY TITLE: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AMENDING ARTICLE 2-III, DIVISION 2-III-1, SECTION 2-301 OF THE CODE OF THE CITY OF NORMAN INCREASING THE NUMBER OF PERSONS FOR THE BOARD OF ADJUSTMENT FROM FIVE TO SEVEN, AMENDING CITY PLANNING COMMISSION MEMBERSHIP TO REQUIRE A PERSON FROM EACH WARD AND ONE AT-LARGE PERSON, DECREASING THE TERMS OF PERSONS ON THE BOARD OF APPEALS FROM FOUR TO THREE YEAR TERMS, AND ADDING NORMAN ELECTION COMMISSION: SEVEN PERSONS WITH THREE-YEAR TERMS: AMENDING DIVISION 2-III-6. SECTION 3-216. ADDING OVERSIGHT OVER TREE PROTECTION TO THE BOARD OF PARK COMMISSIONERS AUTHORITY; REPEALING DIVISION 2-III-9, GREENBELT COMMISSION IN ITS ENTIRETY; REPEALING DIVISION 2-III-16, TREE BOARD IN ITS ENTIRETY: AMENDING ARTICLE 10-II, SECTION 10-201, NORMAN ELECTION COMMISSION, TO CHANGE A FIVE MEMBER COMMITTEE TO SEVEN; AND AMENDING ARTICLE 36-V-4, SECTION 36-570(A)(2) TO INCREASE THE CONCURRING VOTE REQUIRED FOR THE BOARD OF ADJUSTMENT FROM THREE TO FOUR MEMBERS.



# CITY OF NORMAN, OK STAFF REPORT

**MEETING DATE:** 02/11/2025

**REQUESTER:** Jeanne Snider, Assistant City Attorney

**PRESENTER:** Jeanne Snider, Assistant City Attorney

ITEM TITLE: CONSIDERATION OF ADOPTION, REJECTION, AMENDMENT, AND/OR POSTPONEMENT OF ORDINANCE O-2425-14 UPON FIRST READING BY

TITLE: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AMENDING ARTICLE 2-III, DIVISION 2-III-1, SECTION 2-301 OF THE CODE OF THE CITY OF NORMAN INCREASING THE NUMBER OF PERSONS FOR THE BOARD OF ADJUSTMENT FROM FIVE TO SEVEN, AMENDING CITY PLANNING COMMISSION MEMBERSHIP TO REQUIRE A PERSON FROM EACH WARD AND ONE AT-LARGE PERSON, DECREASING THE TERMS OF PERSONS ON THE BOARD OF APPEALS FROM FOUR TO THREE YEAR TERMS, AND ADDING NORMAN ELECTION COMMISSION: SEVEN PERSONS WITH THREE-YEAR TERMS: AMENDING DIVISION 2-111-6. SECTION 3-216, ADDING **OVERSIGHT** OVER THE OF PARK PROTECTION TO BOARD COMMISSIONERS AUTHORITY; REPEALING DIVISION 2-III-9, GREENBELT COMMISSION IN ITS ENTIRETY: REPEALING DIVISION 2-III-16, TREE BOARD IN ITS ENTIRETY; AMENDING ARTICLE 10-II, SECTION 10-201, NORMAN ELECTION COMMISSION, TO CHANGE A FIVE MEMBER COMMITTEE TO SEVEN; AND AMENDING ARTICLE 36-V-4, SECTION 36-570(A)(2) TO INCREASE THE CONCURRING VOTE REQUIRED FOR THE BOARD

#### **BACKGROUND:**

Over the past several years, City Council has discussed a number of proposals to amend some of the City's Boards, Commission and Committees. At the December 17, 2024, Study Session, City Council agreed to move forward with the following amendments.

OF ADJUSTMENT FROM THREE TO FOUR MEMBERS.

#### **DISCUSSION:**

Section 2-301 Appointment Boards and Commissions; Appointments; Terms of Office

Section 2-301(a). Increase the membership of the Board of Adjustment from five to seven members.

Section. 2-301(g). Add the provision of the City Planning Commission that there shall be a member from each ward and one at-large member.

Section 2-301(j). Decrease the term of the Board of Appeal appointments from four years to three years.

Section 2-301(m). Include this Section stating the Norman Election Commission has seven members with three year terms; and amend Section 10-201 to increase the membership of the Norman Election Commission from five to seven members.

Section 36-750(d)(2) Board of Adjustment. Increase the concurring vote from three to four members necessary to reverse any order, requirement, decision or determination of the administrative office, to decide in favor of the applicant on any matter upon which it is required to pass under this chapter, or to affect any variation in the application of this chapter.

Repeal Division 2-III-16 Tree Board and authorizing the Board of Park Commissioners be the presiding authority over matters contained in NCC 16-IX, Tree Protection, with review and oversight by City Council.

Repeal Division 2-III-9 Greenbelt Commission.

#### **RECOMMENDATION:**

Staff recommends Council approve the amendments listed above.

# CITY OF NORMAN ORDINANCE 0-2425-14

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AMENDING ARTICLE 2-III, DIVISION 2-III-1, SECTION 2-301 OF THE CODE OF THE CITY OF NORMAN INCREASING THE NUMBER OF PERSONS FOR THE BOARD OF ADJUSTMENT FROM FIVE TO SEVEN, AMENDING CITY PLANNING COMMISSION MEMBERSHIP TO REQUIRE A PERSON FROM EACH WARD AND ONE AT-LARGE PERSON, DECREASING THE TERMS OF PERSONS ON THE BOARD OF APPEALS FROM FOUR TO THREE YEAR TERMS, AND ADDING NORMAN ELECTION COMMISSION: SEVEN PERSONS WITH THREE-YEAR TERMS; AMENDING DIVISION 2-III-6, SECTION 3-216, ADDING OVERSIGHT OVER TREE PROTECTION TO THE BOARD OF PARK COMMISSIONERS AUTHORITY; REPEALING DIVISION 2-III-9, GREENBELT COMMISSION IN ITS ENTIRETY; REPEALING DIVISION 2-III-16, TREE BOARD IN ITS ENTIRETY; AMENDING ARTICLE 10-II, SECTION 10-201, NORMAN ELECTION COMMISSION, TO CHANGE A FIVE MEMBER COMMITTEE TO SEVEN; AND AMENDING ARTICLE 36-V-4, SECTION 36-570(A)(2) TO INCREASE THE CONCURRING VOTE REQUIRED FOR THE BOARD OF ADJUSTMENT FROM THREE TO FOUR MEMBERS.

**NOW THEREFORE,** be it ordained by the City Council of the City of Norman, in the State of Oklahoma, as follows:

**SECTION 1:** <u>AMENDMENT</u> "2-301 Appointive Boards And Commissions; Appointments; Terms Of Office" of the City of Norman Municipal Code is hereby *amended* as follows:

## AMENDMENT

2-301 Appointive Boards And Commissions; Appointments; Terms Of Office

The appointed members of the following boards and commissions shall first be nominated by the Mayor and then confirmed by a majority of the Council and the number of appointive members of each respective body and their overall respective terms of office shall be as listed below:

- (a) Board of Adjustment: Five seven persons for three-year terms.
- (b) Norman Regional Hospital Authority: Nine persons for three-year terms.
- (c) Board of Park Commissioners: Nine persons for three-year terms;
- (d) -Environmental Control Advisory Board: Nine persons for three-year terms.
- (e) Human Rights Commission: Nine persons for three-year terms.
- (f) Library Board: Nine persons for three-year terms.
- (g) City Planning Commission: Nine persons for three-year terms.
- (h) Public Housing Authority: Five persons for three-year terms.
- (i) Social and Voluntary Services Commission: Nine persons for three-year terms.
- (j) Board of Appeals: Five persons and one alternate for four three-year terms.
- (k) Historic District Commission: Nine persons for three-year terms. Such commission shall consist of not less than nine citizens, all of whom shall reside in the City and who shall be nominated by the Mayor, and confirmed by the City Council, each for a term

- of three years; provided, however, that in the first instance, one-third shall be for three years, one-third for two years, and one-third for one year.
- (l) Economic Development Advisory Board: Initially consisting of two members appointed for one-year terms, three members appointed for two-year terms and two members appointed for three-year terms. Thereafter, successor appointments shall serve Seven persons for three-year terms.
- (m) Norman Election Commission: Seven persons for three-year terms.

(Code 1976, § 4-101; Ord. No. O-7475-31; Ord. No. O-7677-31; Ord. No. O-7879-20; Ord. No. O-8081-55; Ord. No. O-8081-69; Ord. No. O-8283-40; Ord. No. O-8384-136; Ord. No. O-8889-11; Ord. No. O-9091-23; Ord. No. O-9293-31; Ord. No. O-0001-39; Ord. No. O-1213-42, § 1)

**SECTION 2:** <u>AMENDMENT</u> "2-316 Duties And Powers Of The Board" of the City of Norman Municipal Code is hereby *amended* as follows:

## **AMENDMENT**

2-316 Duties And Powers Of The Board

The Board of Park Commissioners shall advise the City Council on policies pertaining to the use of the park and recreational facilities of the City and, pursuant thereto:

- (a) Propose rules and regulations for the maintenance of order, safety, and decency in those parks and recreational facilities;
- (b) Consider and investigate any matter affecting the development and improvement of parks and recreational facilities and policies pertaining to the use of those facilities;
- (c) Make recommendations to improve the park and recreational facilities;
- (d) Make recommendations regarding systems of supervised recreation, and modifications in existing recreational programs;
- (e) Act as the presiding authority over the matters contained in NCC 16-IX, with review and oversight by the City Council;
- (f) Provide copies of the minutes of its meetings to the office of the City Clerk within ten days from the date of their approval; and
- (g) Provide an annual report of the Board's acts and affairs.

(Code 1976, § 4-501; Ord. No. O-7475-31)

**SECTION 3:** <u>REPEAL</u> "DIVISION 2-III-9 GREENBELT COMMISSION" of the City of Norman Municipal Code is hereby *repealed* as follows:

## REPEAL

DIVISION 2-III-9 GREENBELT COMMISSION RESERVED

**SECTION 4: REPEAL** "2-324 Purpose" of the City of Norman Municipal Code is hereby *repealed* as follows:

## REPEAL

# 2-324 Purpose

It is the purpose of this article to promote and protect the public health, safety and general welfare by creating a mechanism for providing a Greenbelt System, which will include preserved open spaces, protected natural areas and greenways/trails in a system of land parcels that together will work to help maintain and preserve the beauty and livability of the City.

(Code 1976, § 4-2021; Ord. No. O-0304-71)

**SECTION 5: REPEAL** "2-325 Authority" of the City of Norman Municipal Code is hereby *repealed* as follows:

#### REPEAL

# 2-325 Authority

There is hereby created and established the Greenbelt Commission for the City. The City Greenbelt Commission shall consist of a total of nine members, one from each ward and one at-large. The members shall be appointed by the Mayor, with approval of the City Council, based upon their interests or expertise regarding open-space preservation. All members shall serve without compensation and may be removed by the City Council, as provided in the Code of Ordinances. City staff and administrative guidance shall be provided to the Greenbelt Commission by the Department of Planning and Community Development, with assistance from the City Forester and other Departments, as necessary. The implementation of the activities associated with this article shall be dependent upon the City Council's ability to provide funds on an annualized basis. Term of office. The term of the nine persons to be appointed by the Mayor shall be three years, except that the term of three of the members appointed to the first Board shall be for only one year and the term of three members of the first Board shall be for two years. In the event that a vacancy shall occur during the term of any member, the successor shall be appointed by the Mayor with approval by the City Council for the unexpired portion of the term. Quorum. At any meeting of the Greenbelt Commission, a quorum shall consist of five of the appointed members. No action shall be taken in the absence of a quorum. Five affirmative votes shall be required to pass any measure. Meeting. The Greenbelt Commission shall meet as required in the furtherance of its duties set forth herein. Commission officer. The Greenbelt Commission shall elect a Chairman from its members and shall create and fill such other offices as deemed necessary. The term of the Chairman shall be one year with eligibility for reelection for no more than two consecutive terms. Quorum and operation. (Code 1976, § 4-2022; Ord. No. O-0304-71; Ord. No. O-1011-6, § 1)

**SECTION 6: REPEAL** "2-326 Duties And Powers Of The Greenbelt Commission" of the City of Norman Municipal Code is hereby *repealed* as follows:

## REPEAL

# 2-326 Duties And Powers Of The Greenbelt Commission

The Greenbelt Commission shall advise the City Council on policies pertaining to the promotion, acquisition, maintenance and improvement of the green spaces, greenways and trailway systems in the City and, pursuant thereto:

- (a) Propose an ordinance defining the Greenbelt System of green spaces, greenways and trail systems, including, without limitation, the contents of the Greenbelt Enhancement Statement and the duties and responsibilities for submission of such Greenbelt Enhancement Statements, in accordance with the recommendations of the Greenbelt Task Force. Upon the adoption of an ordinance defining the Greenbelt System and the requirement for a Greenbelt Enhancement Statement, all applications for a land use plan amendment, a City rural certificate of survey or preliminary platting of land in the City shall include a Greenbelt Enhancement Statement that articulates how the goals and objectives of the City's Greenbelt System plan are met by the proposed development; provided, however, that nothing herein shall require dedication of private property for public access;
- (b) Propose policy guidelines to determine the suitability of parcels for the Greenbelt System;
- (e) Identify possible parcels for preservation and/or acquisition and incorporation into the Greenbelt System;
- (d) Identify possible outside funding sources and matching funds for acquisition of development rights and preservation and/or acquisitions of parcels for the Greenbelt System;
- (e) Make recommendations to the City Council regarding policies and other related matters;
- (f) Provide advocacy for the Greenbelt System in the City's planning process by reviewing Greenbelt Enhancement Statements and advising and making recommendations to the City Council thereon;
- (g) Solicit public opinion in planning for the Greenbelt System and facilitate citizen participation in the planning process so that the public's interest in the Greenbelt System is expressed;
- (h) Develop policies regarding security and safety in the Greenbelt System;
- (i) Develop policies and guidelines for use of the land and easements within the Greenbelt System;
- (j) Provide copies of the minutes of its meetings to the office of the City Clerk within ten days from the date of their approval;and
- (k) Provide an annual report of the Commission's acts and affairs.

(Code 1976, § 4-2023; Ord. No. O-0304-71; Ord. No. O-1011-6, § 2)

**SECTION 7: REPEAL** "2-327 Definitions" of the City of Norman Municipal Code is hereby *repealed* as follows:

## REPEAL

# 2-327 Definitions

The following words, terms, and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Bikeway* means a thoroughfare designated for bicycle travel by the Norman Bikeway Plan, as may be amended from time to time.

Cluster development means as defined by the City Code in NCC 30-101, as may be amended from time to time.

Conservation easement means a nonpossessory interest of a holder in real property imposing limitations or affirmative obligations the purpose of which include, but are not limited to, retaining or protecting natural, seenic, or open-space values of real property, ensuring its availability for agricultural, forest, recreational, or open-space use, protecting natural resources, maintaining or enhancing air or water quality, or preserving the historical, architectural, archaeological, or cultural aspects of real property.

Floodplain means as defined by NCC 36-533 as may be amended from time to time.

Flowage easement means an easement purchased by the U.S. Department of Interior, Bureau of Reclamation, Norman Project, which grants to the United States and its assigns the perpetual right, privilege and easement to intermittently and completely seep, flood, flow and inundate, and the right to enter upon at any time for the purpose of making surveys, and investigations or for any other purpose incidental to the construction, operation, and maintenance of the Norman Reservoir Project and any feature thereof, any and all of the tracts or parcels of land lying below elevation 1,064.5 sea level datum.

Green space means any land area designated as open space by the City's Comprehensive land use plan; land determined to be open space or green space on an approved site development plan; or any land area in which the preservation in its present use would conserve and enhance natural or seenic resource, protect streams or water supply, promote conservation of soils, wetlands or marshlands, enhance the value to the public of abutting or neighboring parks, forest, wildlife preserves, nature reservations, sanetuaries or other open space or green space, enhance recreation opportunities, including parks, plazas and narrow corridors or pathways for walking or bicycling even though surrounded by developed areas, preserve visual quality along highway, road, and street corridors or seenic vistas, or retain in its natural state tracts of land not less than one acre situated in an urban area and open to public use on such conditions as may be reasonably required by the granting authority.

Greenbelt Enhancement Statement (GES) means a statement on a form provided to the applicant by the City Planning and Community Development Department that is to be included with all applications for a land use plan amendment, a City rural certificate of survey or preliminary platting of land and submitted for consideration by the Commission that articulates how the principles, purposes and goals of the Greenbelt System are met by the proposed development.

Greenbelt System means and includes the following spaces, regardless of whether they are open to the public:

- (a) A system of trails (both on- and off-road) intended to connect parks, green spaces, schools, retail, employment, and residential areas.
- (b) Areas of land within the City limits required to be open space by zoning; areas eurrently designated for open space, park, floodplain, and institutional use by the Comprehensive Plan and subsequently adopted land use plans; Lake Thunderbird, the Bureau of Reclamation (BOR) take-line and BOR flowage easements; any other areas of land which are designated by easement, by deed restriction, or otherwise required to remain free of structures; and areas designated as green space.

# Greenway means:

- (a) A green open space, such as a linear open space established along or on either side of a natural or cultural corridor, such as a riverfront, a stream valley, a ridgeline, a railroad right-of-way, a channel, a scenic road or other route;
- (b) A trail; and/or
- (c) An open-space connector available to pedestrians intended to link parks, nature reserves, cultural features, historic sites, schools, residential or commercial areas with each other.

*Impervious surface* means one that does not permit penetration or passage of water, such as a roof or paved street or parking area.

Riparian buffers means the area between developed land and streams, rivers and shorelines that is managed to maintain the integrity of the waterway, to reduce pollution and to provide food, habitat, and thermal protection for fish and wildlife.

Structure means as defined by the City Code in NCC 36-101, as may be amended from time to time

Take line means exterior boundary of the property acquired by the Bureau of Reclamation for construction of Lake Thunderbird.

*Trail* means any natural or landscaped course open to pedestrian or bicycle passage, including, but not limited to, sidewalks, but excluding roadways, streets, alleys and other passages primarily provided for general public motorized vehicular use. Types of trails include:

- (a) Community-wide (regional or arterial) trails means trails between ten feet and 12 feet in width that provide access from one part of the City to another.
- (b) Natural trails means trails at least eight feet to ten feet in width composed of compacted earth.
- (e) Neighborhood trails means trails between six feet and ten feet in width that mimic the system of local neighborhood streets and ultimately connect to larger arterial trails.
- (d) Parkway trails means trails between six feet and eight feet in width that are constructed with durable materials, and usually include amenities such as decorative light fixtures, landscaping, and ground cover and varying surface treatments at intersections and crosswalks.
- (e) Sidewalk trails means sidewalks located alongside streets that are constructed in accordance with City design criteria and designated as trails.
- (f) Specialized trails means water trails, equestrian trails, bikeways, or other trails

dedicated to some specific use not otherwise listed herein.

(Code 1976, § 4-2023A; Ord. No. O-1011-6, § 3)

**SECTION 8: REPEAL** "2-328 Expenditure Of City Funds, Compensation, Reimbursement Of Expenses" of the City of Norman Municipal Code is hereby *repealed* as follows:

#### REPEAL

- 2-328 Expenditure Of City Funds, Compensation, Reimbursement Of Expenses
  - (a) The Greenbelt Commission shall neither authorize nor incur the expenditure of any City funds for any purpose except as may be authorized and appropriated therefor by the City Council.
  - (b) Members of the Greenbelt Commission are entitled to reimbursement for their actual and necessary expenses, so long as those expenses were incurred in performance of their duty as Commission members.

(Code 1976, § 4-2024; Ord. No. O-0304-71)

**SECTION 9: REPEAL** "2-329 Review By The City Council" of the City of Norman Municipal Code is hereby *repealed* as follows:

# REPEAL

2-329 Review By The City Council

The City Council shall have the right to review all acts and recommendations of the Greenbelt Commission.

(Code 1976, § 4-2025; Ord. No. O-0304-71; Ord. No. O-1011-6, § 4)

**SECTION 10: REPEAL** "2-330 Specific Principles, Purposes And Goals Of The Greenbelt System" of the City of Norman Municipal Code is hereby *repealed* as follows:

# REPEAL

2-330 Specific Principles, Purposes And Goals Of The Greenbelt System

A Greenbelt System, as defined herein, serves the following principles, purposes and goals of the City.

- (a) Proposed additions to the Greenbelt System should be guided by the following principles:
  - (1) The ultimate goal is to create an interconnected system of trails that allow

- multiple connections across all of the City.
- (2) The Greenbelt System should preserve valuable green space, natural habitat and key areas with existing vegetation.
- (3) Trail segments should be designed so that they convey the physical and historical character of the City and relate to the neighborhoods through which the trail corridors pass.
- (4) Greenway corridors should provide unique opportunities to learn about the history, culture, and accomplishments of the City.
- (5) Trails should promote smooth walkable corridors that are open and visible.
- (6) The Greenbelt System should contribute to enhancing the physical appearance of the City, whether through new pedestrian features, landscaping added to trail corridors, or simply by revealing natural areas not previously visible to the general public.
- (7) The Greenbelt System should encourage the creation of public and private partnerships that help build the entire system more quickly.
- (8) Greenbelts should protect environmentally sensitive lands that are generally the least suitable for development, especially floodprone areas and riparian corridors, and provide connectivity between the elements of the Greenbelt System.
- (b) The use of lot elustering should be encouraged as a means to develop the Greenbelt System.
- (e) The Greenbelt System should be used to link together existing recreation areas.
- (d) Multipurpose greenways should be created that:
  - (1) Create a unique greenway character for the City;
  - (2) Protect the environmentally sensitive areas of the City and serve as a wildlife habitat:
  - (3) Serve as a stormwater management resource for urban runoff and regional detention needs;
  - (4) Provide recreation opportunities for bicycling, walking, and jogging, as well as an alternate route to move through the City for commuting to work, schools, shopping, between neighborhoods, and/or other destinations by bicycling or walking;
  - (5) Preserve agriculturally significant lands through conservation easements or other means; and
  - (6) Provide suitable locations for sanitary sewer easements and facilities.
- (e) Greenbelts should be used to provide green space areas adjacent to highways and major streets for sound buffer zones and protection from incompatible land uses.
- (f) The Greenbelt System should continue to improve a natural landscape planting and maintenance program for City-owned properties and rights-of-way of major streets and highways.

(Code 1976, § 4-2026; Ord. No. O-1011-6, § 5)

**SECTION 11:** <u>**REPEAL**</u> "2-331 Greenbelt Enhancement Statements" of the City of Norman Municipal Code is hereby *repealed* as follows:

## REPEAL

2-331 Greenbelt Enhancement Statements

- (a) Submission. All applications for a pre-development meeting regarding a proposed land use plan amendment, a City rural certificate of survey or preliminary platting of land in the City shall include a Greenbelt Enhancement Statement.
- (b) Content. Greenbelt Enhancement Statements shall articulate how the principles, purposes and goals of this division are met by the proposed development and its amenities. Applicants shall also provide supporting drawings, illustrations, and other documents designed to assist the Greenbelt Commission in determining how the goals, principles, and policies herein are met by the development.
- (e) Review.
  - (1) Staff review. The Planning Director or designee shall perform an initial review of the Greenbelt Enhancement Statement. If the application indicates that an opportunity for greenbelt development does not exist and the details of the application support such a finding, then the Planning Director or designee may issue a finding of no greenbelt opportunity. Such a finding shall be based on factors unique to the subject parcel, such as when the application involves redevelopment of an already fully-developed site, rezoning of property that does not involve new construction, or the existing plat requirements are such that development options are restricted. If a finding of no greenbelt opportunity is made, then the application shall be forwarded to the Greenbelt Commission for consideration as a consent docket item as outlined in subsection (e)(2)a of this section. If a request for a finding of no greenbelt opportunity is denied, a completed Greenbelt Enhancement Statement shall be forwarded to the Greenbelt Commission for consideration as set forth below.
  - (2) Initial review by Greenbelt Commission.
    - a. Findings of no Greenbelt opportunity. If such a finding is made by the Planning Director or designee, then the application shall be forwarded to the Greenbelt Commission for consideration as a consent docket item to allow the Commission to determine whether it agrees with staff's finding of no greenbelt opportunity. If a Commission member disagrees with staff's finding of no greenbelt opportunity, said member may request that the item be removed from the consent docket and the item will be reviewed in the same manner as other applications. If the Commission agrees with staff's finding of no greenbelt opportunity, the subject application will bypass further review by the Commission and be forwarded on to the Planning Commission, as provided for in the City Code.
    - b. Other applications. All other applications for which a Greenbelt Enhancement Statement is completed shall be considered by the Greenbelt Commission for an initial review when application is made for a pre-development meeting and upon due notice of its consideration to the applicant. Comments about applications shall be in writing and delivered to the applicant. Those comments shall also be provided to the Planning Commission and to the City Council upon each respective body's consideration of the application. The comments from the Greenbelt Commission will reflect how the proposed development does or does not meet the goals of the Greenbelt System through reference to specific principles, purposes and goals set forth herein.
  - (3) Subsequent review by Greenbelt Commission. Should it be determined that a greenbelt opportunity exists for a particular application and if the application has substantially changed (as determined by Planning and Community)

Development staff) since it was originally considered by the Greenbelt Commission, the Greenbelt Enhancement Statement shall be reviewed by the Greenbelt Commission at one of its regularly scheduled meetings after application is made to the Planning Commission and upon due notice of its consideration to the applicant. Comments about applications shall be in writing and delivered to the applicant with the Planning Commission packet. Those comments shall also be provided to the Planning Commission and to the City Council upon each respective body's consideration of the application. The comments from the Greenbelt Commission will reflect how the proposed development does or does not meet the goals of the Greenbelt System through reference to specific principles, purposes and goals set forth herein.

(Code 1976, § 4-2027; Ord. No. O-1011-6, § 6)

**SECTION 12:** <u>**REPEAL**</u> "2-332 Guidelines For Evaluating Greenbelt Enhancement Statements" of the City of Norman Municipal Code is hereby *repealed* as follows:

## REPEAL

# 2-332 Guidelines For Evaluating Greenbelt Enhancement Statements

In performing its duties, the Greenbelt Commission shall take into account the considerations listed below. Not all considerations will be applicable or feasible for each application.

- (a) Portions of the Greenbelt System are accessible to the general public.
- (b) Greenways are established and provide connections to other existing and future components of the Greenbelt System.
- (e) Existing easements (e.g., utility, pipeline, oil lease right-of-way, etc.) may be used for greenways where appropriate and where expressly approved by the easement grantor and grantee.
- (d) Greenways connect neighborhoods to each other and to industrial and commercial
- (e) Greenways provide alternative routes to move through the City for commuting to work, schools, shopping, between neighborhoods, and/or other destinations by bicycling or walking.
- (f) Adverse impacts on existing topography, drainage patterns and natural vegetation are minimized.
- (g) Developments between urbanized Norman and Lake Thunderbird include pedestrian and bike connectivity to adjacent parcels to allow for future connections to Lake Thunderbird.
- (h) Landscaping required by the City has been planted in conformance with the City zoning regulations, including with local drought-resistant low maintenance plants, shrubs and trees.
- (i) Vegetative buffers between neighborhoods and railway lines have been provided to enhance safety and reduce the effects of noise and air pollution.
- (j) Permeable ground surfaces have been preserved to the extent possible.
- (k) Ingress and egress to and from a development is designed to permit safe use by nonmotorized traffic in and out of the development and across the ingress and egress

- provisions of the development.
- (1) Fences abutting components of the Greenbelt System, and particularly those abutting green spaces, are of designs and materials that minimize their visual impact to the extent such fences are allowable under this Code and not in conflict with applicable national standards for utility facilities. Examples of acceptable open fences include such types as wrought iron, split rail, low picket fence with every other picket removed, and metal pickets.
- (m) Water retention and detention storage facilities are designed in accordance with bioengineering principles and built with bioengineering materials.
- (n) Detention facilities are integrated into the surrounding neighborhood as part of the Greenbelt System in as ecologically sound a method as possible.
- (o) Stormwater management design considers the potential for trail and green space preservation, enhancement and/or creation.
- (p) The development layout is designed to preserve the health and diversity of wildlife affected by development in natural drainage corridor areas.
- (q) The development layout is designed to minimize the intrusions of noise, trash and other things into the Greenbelt System that would negatively affect visitors' and users' experience of any impacted components of the Greenbelt System.
- (r) To the extent possible, the development layout, as designed, does not impair the ability of riparian buffers from serving as corridors for wildlife movement.
- (s) Riparian buffers are incorporated into the Greenbelt System.
- (t) The commercial developments have provided for pedestrian access.
- (u) Pavement is minimized when possible by, among other things, using shared parking areas and/or permeable parking surfaces where feasible and allowed under NCC eh. 36, the zoning ordinance of the City, and the City Engineering Design Criteria.
- (v) Cluster development has been utilized as a means to develop the Greenbelt System.
- (w) Structures, other than utility transmission poles or substations, were located to maximize greenbelt and trail opportunities.

(Code 1976, § 4-2028; Ord. No. O-1011-6, § 7)

**SECTION 13:** REPEAL "2-333 Policy For Acquiring Greenways, Trails, And Other Green Space" of the City of Norman Municipal Code is hereby *repealed* as follows:

## REPEAL

2-333 Policy For Acquiring Greenways, Trails, And Other Green Space

Easements accepted, purchased, or otherwise acquired by the City for the purposes of expanding or enhancing the Greenbelt System shall be acquired in accordance with the guidelines and policies contained herein and in the City subdivision regulations as may be amended from time to time.

(Code 1976, § 4-2029; Ord. No. O-1011-6, § 8)

**SECTION 14:** <u>REPEAL</u> "DIVISION 2-III-16 TREE BOARD" of the City of Norman Municipal Code is hereby *repealed* as follows:

## REPEAL

DIVISION 2-III-16 TREE BOARD RESERVED

**SECTION 15: REPEAL** "2-346 Duties And Powers Of The Tree Board" of the City of Norman Municipal Code is hereby *repealed* as follows:

## REPEAL

#### 2-346 Duties And Powers Of The Tree Board

- (a) *Purpose*. It is the purpose of this division to promote and protect the public health, safety and general welfare by providing for the development of a community forestry plan to address the planting, maintenance, and removal of public trees, street trees, and shrubs within the City in order to promote, maintain and improve the urban forest resource of the City. It is not the intent of this division for the City to assume responsibility for trees planted in the rights-of-way by adjacent property owners other than for removal as needed due to damage, hazard, or disease.
- (b) Applicability. This division is applicable to trees and shrubs located within street rights-of-way, drainage easements, public parks and on other public property within the City. Definitions. The following words and phrases, when used in this division, shall have the meanings ascribed to them in this subsection, except where the context otherwise requires:

Private trees mean all trees and shrubs other than public or street trees.

Public property means, and shall include any land owned by the City, any real property including parks, easements, and other lands which are owned by the City or held by it in trust for the benefit of the public.

Public trees and shrubs means all trees and shrubs for which any portion of the trunk is located on public property.

Street rights-of-way means a strip of land acquired by purchase, reservation, dedication, forced dedication, prescription or condemnation and intended to be occupied by a roadway or street.

- Street trees means all trees and shrubs for which any portion of the trunk is located on street rights-of-way within the City.
- (e) Authority. There is hereby created and established a City Tree Board for the City. The City Tree Board shall consist of a total of nine members comprised of residents of the City. The members shall be appointed at-large by the Mayor, with approval of the City Council based on their interest or expertise regarding urban forestry. All members shall serve without compensation and may be removed by the City Council, as provided in this Code. City staff and administrative guidance shall be provided to the City Tree Board by the Parks and Recreation Department or by other City departments as necessary. The implementation of the activities associated with this division shall be dependent upon the City Council's ability to provide funds on an annualized basis. Term of office. The term of the nine persons to be appointed by the Mayor shall be

- three years, except that the term of three of the members appointed to the first Board shall be for only one year and the term of three members of the first Board shall be for two years. In the event that a vacancy shall occur during the term of any member, the successor shall be appointed by the Mayor with approval by the City Council for the unexpired portion of the term.
- (d) Quorum and operation. Quorum. At any meeting of the City Tree Board, a quorum shall consist of five of the appointed members. No action shall be taken in the absence of a quorum. Five affirmative votes shall be required to pass any measure. Meeting. The City Tree Board shall meet as required in the furtherance of its duties set forth herein. Board officers. The City Tree Board shall elect a Chairman from its members and shall create and fill such other offices as deemed necessary. The term of the Chairman shall be one year with eligibility for reelection for no more than three consecutive terms. Other operations. The City Tree Board may develop bylaws or other rules of operation, establish subcommittees, develop and recommend to the City Council regulations, standards and specifications to be adopted separate from or as a part of this division as deemed necessary. Community forestry plan. It shall be the responsibility of the City Tree Board to study, investigate, counsel and develop and/or update periodically a written plan for the care, preservation, trimming, planting, replanting, removal or disposition of street trees, public trees and shrubs. Such plan shall incorporate an inventory of the existing street trees, public trees and shrubs. The Tree Board shall ensure that the plan will be in conformance with the goals and objectives of the current City land use and transportation plan by submittal to the Planning Commission for review and approval. Upon approval and adoption of the recommended plan by the City Council, it shall constitute the official community forestry plan and become a part of the City land use and transportation plan.
- (c) Tree planting, maintenance and removal standards. Standards for the planting, maintenance and removal of trees are to be located within the community forestry plan. These standards shall not amend, abridge or modify the prohibition against obstructing motor vehicle operators' line of sight at intersections and entry points along streets. Tree species. The City Forester, with the approval of the City Tree Board, shall develop and maintain a list of suitable trees for planting along streets in three size elasses: Small, medium and large. A list of trees not suitable for planting shall also be ereated. Review by the City Council. The City Council shall have the right to review the acts and decisions of the City Tree Board. Exemptions. Property owned and used by the schools or any branch of the County, State or federal governments shall be exempt from the provisions of these regulations. Prior to any tree or shrub being planted in any street right-of-way or public property, as defined above, within the Downtown Revitalization Area or in the Project Area of the Campus Corner Revitalization Project Plan Area and Increment District, a permit must be obtained from the City Forester. The purpose of this permit is to ensure that any trees or shrubs planted within this designated area are consistent with the overall community forestry plan. The Forester shall determine the criteria for granting a permit based upon, but not limited to, the species of tree or shrub, the time of year of planting and a proposed watering plan. In the event a tree or shrub is planted without the proper permit, a tenday notice shall be given to the property owner to either remove the tree or shrub or obtain a permit. In the event that no permit is obtained or the tree or shrub is not removed, then the City Forester shall remove the tree or shrub.
- (f) Permit required.
  - (1) The project areas are described as: The Downtown Revitalization Area; and The Campus Corner Revitalization Project Plan Area and Increment District pursuant to each district's map on file in the office of the City Clerk. Report. In

locations where a public hazard is created by a street tree, public tree or shrub the appropriate City department shall cause the abatement of the hazard and subsequently submit a report to the City Tree Board.

(Code 1976, § 4-1301; Ord. No. O-0102-44; Ord. No. O-0304-21; Ord. No. O-1011-27, § 1)

**SECTION 16:** <u>AMENDMENT</u> "10-201 Definitions" of the City of Norman Municipal Code is hereby *amended* as follows:

## AMENDMENT

10-201 Definitions

The following words, terms, and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Campaign committee means a committee which may be composed of one or more persons the purpose of which is to support the election of a specific candidate to municipal office, whose name as it will appear on the ballot shall appear in the name of the committee.

*Candidate* means any person who publicly seeks nomination or election to any elective municipal office in the City government.

*Election* means any municipal election, municipal runoff election, or special election held in the City at which candidates for public office are voted upon.

*Municipal office* means any elective municipal office for which declarations of candidacy are filed with the Secretary of the County Election Board as required by 11 O.S. §§ 16-109 and 16-110.

Municipal Political Committee means any committee composed of one or more persons whose purpose includes the election or defeat of one or more candidates for municipal office, but which is not required to register with the Ethics Commission or the Federal Election Commission.

Norman Election Commission means a fiveseven-member committee, appointed by the Mayor and approved by a majority of the City Council to serve three-year staggered terms. The terms of initial appointments shall be adjusted so as to provide that no more than two terms shall expire in any one year; subsequent appointments shall be for three-year terms.

(Code 1976, § 7.5-21; Ord. No. O-1415-23, § 1)

**SECTION 17:** <u>AMENDMENT</u> "36-570 Board Of Adjustment" of the City of Norman Municipal Code is hereby *amended* as follows:

## AMENDMENT

36-570 Board Of Adjustment

- (a) Establishment of a Board of Adjustment and proceedings thereof. A Board of Adjustment and rules for the conduct of proceedings are hereby established, as provided in NCC 2-III and 2-IV.
- (b) Duties of an administrative official, Board of Adjustment, City Council, and courts on matters of appeal.
  - (1) It is the intent of this chapter that all questions of interpretation and enforcement shall be first presented to an administrative official, and that such questions shall be presented to the Board of Adjustment only on appeal from the decision of an administrative official, and that recourse from the decision of the Board of Adjustment shall be by appeal to the District Court as herein provided.
  - (2) It is further intent of this chapter that the duties of the City Council, in connection with this chapter, shall not include hearing and deciding questions of interpretation and enforcement that may arise. The procedure for deciding such questions shall be as Stated in this section and this chapter. Under this chapter, the City Council shall have only the duties of:
    - a. Considering, adopting, or rejecting proposed amendments, or repealing this chapter, as provided by law; and
    - b. Establishing a schedule of fees for appeals hereunder for building permits and all other expenses connected with the enforcement of this chapter.
- (c) *Powers*. The Board of Adjustment shall have the following powers:
  - (1) Upon proper application, to hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by an administrative official, as well as the Historic District Commission, in the enforcement of this chapter or any other ordinance adopted pursuant thereto.
  - (2) Upon proper application to hear and decide special exceptions to the terms of this chapter as hereinafter enumerated in subsection (g) of this section and as enumerated in NCC ch. 28.
  - (3) Upon proper application, to hear and authorize in specific cases such variances from the terms of this chapter as are allowed under subsection (j) of this section.
- (d) Decisions of the Board of Adjustment.
  - (1) In exercising the above-mentioned powers, the Board of Adjustment shall reverse or affirm, wholly or in part, shall modify the order, requirement, decision, or determination appealed from, shall make such order, requirement, decision, or determination as ought to be made, so long as such action is in conformity with the terms of this chapter, and to that end shall have the powers of an administrative official from whom the appeal is taken.
  - (2) The concurring vote of <a href="mailto:three\_four">three\_four</a> members of the Board shall be necessary to reverse any order, requirement, decision, or determination of the administrative official, to decide in favor of the applicant on any matter upon which it is required to pass under this chapter, or to affect any variation in the application of this chapter.
- (e) Appeals from the Board of Adjustment.
  - (1) Any person, Board, taxpayer, department, or bureau of the City aggrieved by any decision of the Board of Adjustment may, within ten days after the meeting wherein such decision was reached, seek review by the District Court and also by filing a copy with the City Clerk and with the Chairman of the Board of Adjustment, a notice of appeal, which said notice shall specify in detail the grounds of such appeal. Upon filing of the notice of appeal, as herein provided, said Board shall forthwith cause to be transmitted to the Court Clerk of the District Court the original, or certified copies, of all the papers constituting the record in the case, together with the order, decision, or ruling of the Board. Said case shall be heard and tried de novo in the District Court as in all other civil actions. Failure to file an appeal shall mean the Board's action is

considered final.

- (2) An appeal to the District Court from the Board of Adjustment stays all proceedings and the action appealed from unless the Chairman of the Board of Adjustment, from which the appeal is taken, certifies to the Court Clerk after the notice of appeal has been filed, that by reason of fact Stated in the certificate a stay would in his opinion cause imminent peril to life or property. In such case, proceedings shall not be stayed other than by a restraining order, which may be granted by the District Court upon application or notice to an administrative official in charge of the enforcement of the terms and provisions of this chapter, upon notice to the Chairman of the Board of Adjustment from which the appeal is taken, and upon due cause being shown the Court may reverse or affirm, wholly or partly, or modify, the decision brought up for review.
- (f) Procedure for appeal of the decision of an administrative official or Historic District Commission to the Board of Adjustment. Appeals may be taken to the Board of Adjustment by any person aggrieved or by any officer or bureau of the governing body of said City affected by any decision of an administrative official concerning interpretation or administration of this chapter. Such appeals shall be taken within a reasonable time, not to exceed 30 days, by filing with an administrative official and with the Board of Adjustment, a notice of appeal specifying the grounds thereof. In addition, such person shall deposit with the Planning and Community Development Department a fee of \$150.00 to cover the cost and expense of appeal to the Board of Adjustment.
  - (1) An administrative official shall forthwith transmit to the Board of Adjustment all papers constituting the record upon which the action appealed from was taken.
  - (2) The Board of Adjustment shall fix a reasonable time for the hearing of an appeal give public notice thereof, as well as due notice to the parties in interest, and shall decide the same within a reasonable time. At the hearing, any party may appear in person or by agent or attorney.
  - (3) An appeal stays all proceedings in furtherance of the action appealed from unless an administrative official from whom the appeal is taken certifies to the Board of Adjustment after the notice of appeal is filed with him, that by reason of fact Stated in the certificate a stay would, in his opinion, cause imminent peril to life and property. In such case, proceedings shall not be stayed other than by restraining order, which may be granted by the Board of Adjustment or by a court of competent jurisdiction upon application, upon notice to an administrative official from whom the appeal is taken, and upon due cause being shown.
- (g) Special exceptions defined and enumerated.
  - (1) The term "special exception" means a use that would not be appropriate generally or without restriction throughout the zoning district but which if controlled as to number, area, location, or relation to the neighborhood, would promote the public health, safety, welfare, morals, order, comfort, convenience, appearance, prosperity, or general welfare. Such uses may be permitted in such zoning districts as special exceptions if specific provision for such special exceptions is made hereafter.
  - (2) The Board of Adjustment is hereby empowered and authorized to grant the following specific exceptions, to wit:
    - a. To permit the extension of a district where the boundary line of a district divides a lot in single ownership as shown of record.
    - b. To interpret the provisions of the ordinance where the street layout actually on the ground varies from the street layout as shown on the map fixing the several districts, which map is attached to and made a part of this ordinance.
    - c. To grant exceptions to the off-street parking requirements as set forth in Article 36, Section 548, when it is determined that the size and shape of the lot to be built on is

- such that off-street parking provisions could not be complied with, that the proposed use of land is similar in nature to adjacent land uses, and that the proposed use will not create undue traffic congestion in the adjacent streets.
- d. To permit new structures and substantial improvements to be erected in the designated floodway of the Flood Hazard District on a lot of one-half acre or less in size contiguous to and surrounded by lots of existing structures constructed below the base flood level when (1) good and sufficient cause is shown (2) it is determined that the exception is the minimum necessary (considering the flood hazard) to afford relief, and (3) that the granting of the exception will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing ordinances.
- e. To allow the continued use of a legal non-conforming gravel driveway and/or parking area within the Central Core Area (as defined) when it can be determined that both of the following conditions are met (1) the parking area has existed since July 1966, and (2) the owner has agreed to install permanent of semi-permanent borders to aid in visually verifying the actual extent of usage.
- f. Where an ADU is not already existing on a parcel, to permit a mobile home to serve as a temporary second dwelling to relieve a medical hardship. The application must include a doctor's statement indicating that the patient is in need of the care of his or her family. The mobile home must meet all City of Norman Building Code requirements and State of Oklahoma requirements for septic systems. The Exception can be approved for up to three years on any lot that is five acres or greater in the A-2 zoning district. The Exception can be renewed every three years by filing an application for an administrative extension, including a new doctor's statement. Only two (2) administrative extensions may be granted. If a third extension is needed, a new application will be required for Board of Adjustment review. Once the need for the mobile home no longer exists, the mobile home must be removed. While an applicant utilizes this special exception, an ADU may not be added to the same parcel.
- (h) Procedure for application for special exceptions. Applications may be taken to the Board of Adjustment for special exceptions to this chapter, above-defined and enumerated in subsection (g) of this section, by any person aggrieved or by any officer or bureau of the governing body of said City. A special exception shall not be granted by the Board of Adjustment unless and until:
  - (1) An applicant shall submit to the Board of Adjustment a written application for said special exception indicating the section of this chapter under which the special exception is sought and stating the grounds upon which it is requested. An application for a special exception to the provisions of NCC ch. 28 shall include the following plans and information:
    - a. The name, address, and telephone number of the owner or person entitled to possession of the sign and of the sign contractor or erector;
    - b. The location by street address of the proposed sign structure;
    - c. A site plan, drawn to scale, showing the location of the proposed sign, the location of existing or proposed buildings or other structures on the lot, the location of existing signs and proposed signs on the premises, the location of public rights-of-way on or adjacent to the property, and the location of vehicular entrances or exits on the property;
    - d. Elevation drawings of the proposed sign, drawn to scale, showing major dimensions of the proposed sign, including height, clearance above sidewalks and distance of projection from the building, proposed sign copy, and pertinent architectural details and location of any landscaping to be provided in connection with the sign;

- e. Type and location of proposed illumination;
- f. Elevation or perspective drawings, or photographs, showing the architectural design and construction materials of existing or proposed building on the lot, when such information is pertinent to the application;
- g. Any additional information which the applicant feels may support the request.
- (2) A fee of \$200.00 shall be paid to the Planning and Community Development Department to cover the cost and expense of the appeal to the Board of Adjustment.
- (3) The applicant shall submit with each application a list of names and addresses of all record property owners within a 300-foot-radius of the exterior boundary of the subject property, said radius to be extended by increments of 100 linear feet until the list of property owners includes not less than 15 individual property owners of separate parcels or until a maximum radius of 1,000 feet has been reached. Said list shall be current and certified by a professional engineer, an attorney, a registered surveyor, a bonded abstractor, or the County Assessor. Maps and forms to accomplish the above requirement will be available at the City Planning and Community Development Department.
- (4) Upon receipt of said written application, fee, and list, notice of public hearing before the Board of Adjustment shall be given by publication in a newspaper of general circulation in the City not less than ten days before the meeting of the Board. In addition, notice by the Chairman of said Board to all owners of property within a 300foot or larger radius of the exterior boundary of the subject property shall be mailed not less than ten days before the meeting of the Board. Said notice shall contain:
  - a. Legal description of the property and the street address or approximate location in the City;
  - b. Present zoning classification of the property and the nature of the exception requested;
  - c. Date, time, and place of hearing.

A copy of the published notice may be mailed in lieu of written notice. However, no notice of hearing shall be required on hearings involving minor exceptions, and the Board shall set forth in its statement of policy what constitutes minor exceptions. Such minor exceptions shall be approved by the City Council.

- (i) Hearing of the Board of Adjustment on a special exception. The public hearing shall be held in accordance with the following provisions:
  - (1) At said hearing, any party may appear in person or by agent or attorney;
  - (2) In those instances where a special exception is granted the Board of Adjustment shall make a finding that the granting of such special exception will not adversely affect the public interest;
  - (3) In granting any special exception, the Board of Adjustment shall prescribe the appropriate conditions and safeguards in conformity with this chapter. Violation of such conditions and safeguards, when made a part of the terms under which the special exception is granted, shall be deemed a violation of this chapter and punishable under the penalty sections of this chapter. The Board of Adjustment shall prescribe a time limit within which the action for which the special exception is required shall be begun or completed, or both. Failure to begin or complete, or both, such action within the time limit set shall void the special exception.
- (j) Variance defined. The term "variance" means a relaxation of the terms of this chapter, when such variance will not be contrary to the public interest, and where, owing to the conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of the ordinance would result in unnecessary and undue hardship, as hereinafter defined. As in this chapter a variance is authorized for any development standard contained in NCC 36-III and 36-IV except where a special exception is defined and enumerated in NCC 36-570.

- (k) Procedure for application for variances. The Board of Adjustment shall have the power to authorize, upon appeal in specific cases, such variances from the terms of this chapter as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions would result in an unnecessary hardship. A variance from the terms of this chapter shall not be granted by the Board of Adjustment unless and until:
  - (1) An applicant shall submit to the Board of Adjustment a written application indicating:
    - a. That special conditions and circumstances exist that are peculiar to the land, structure, or building involved and are not applicable to other lands, structures, or buildings in the same district;
    - b. That the literal interpretation of the provisions of this chapter would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this chapter:
    - c. That the special conditions and circumstances do not result from the actions of the applicant;
    - d. That granting the variances requested will not confer on the applicant any special privilege that is denied by this chapter to other lands, structure, or buildings in the same district;

No nonconforming use of neighboring lands, structures, or buildings in the same district and no permitted use of lands, structures, or buildings in other districts shall be considered grounds for the issuance of a variance.

- (2) A fee of \$200.00 shall be paid to the Planning and Community Development Department to cover the cost and expense of the appeal to the Board of Adjustment;
- (3) The applicant shall submit with each application a list of names and addresses of all record property owners within a 300-foot-radius of the exterior boundary of the subject property, said radius to be extended by increments of 100 linear feet until the list of property owners includes not less than 15 individual property owners of separate parcels or until a maximum radius of 1,000 feet has been reached. Said list shall be current and certified by a professional engineer, an attorney, a registered surveyor, a bonded abstractor, or the County Assessor. Maps and forms to accomplish the above requirement will be available at the City Planning and Community Development Department;
- (4) Upon receipt of said written application, fee, and list, notice of public hearing before the Board of Adjustment shall be given by publication in a newspaper of general circulation in the City not less than ten days before the meeting of the Board. In addition, notice of public hearing shall be given by mailing written notice by the Chairman of said Board to all owners of property within a 300-foot or larger radius of the exterior boundary of the subject property. Said notice shall contain:
  - a. Legal description of the property and the street address or approximate location in the City;
  - b. Present zoning classification of the property and the nature of the variance requested;
  - c. Date, time, and place of hearing.

Said written notice shall be mailed not less than 15 days before the meeting of the Board. A copy of the published notice may be mailed in lieu of written notice. However, no notice of hearing shall be required on hearings involving minor variances, and the Board shall set forth in its statement of policy what constitutes minor variances. Such minor variance shall be approved by the City Council.

- (5) A variance from the terms of NCC ch. 28 shall not be granted by the Board of Adjustment unless and until an applicant shall comply with all provisions of this section and also indicate by written application that:
  - a. There are special circumstances or conditions such as the existence of

- buildings, topography, vegetation, sign structure or other matters on right-ofway, which would substantially restrict the effectiveness of the sign in question; provided, however, that such special circumstances or conditions must be peculiar to the particular business or enterprise to which the applicant desired to draw attention and do not apply generally to all business or enterprises.
- b. The variance would be in general harmony with the purposes of this Code, and specifically would not be injurious to the neighborhood in which the business or enterprise to which the applicant desired to draw attention is located.
- c. The variance is the minimum one necessary to permit the applicant to reasonably draw attention to his business or enterprise.
- (6) A minor variance may be granted by the Board of Adjustment for an encroachment upon any required building setback line when that encroachment represents approximately ten percent of the required yard or involves only a minor portion of the structure.
  - a. A minor variance may be granted only upon a finding by the Board of Adjustment that the application of the ordinance to the particular property would create an unnecessary hardship, that there are peculiar conditions of the property which contributed to the encroachment, and relief, if granted, would not cause detriment to the surrounding properties or the public good, or impair the purposes and intent of the ordinance.
  - b. A fee of \$300.00 dollars shall be paid to the Planning and Community Development Department to cover the cost and expense of the appeal to the Board of Adjustment.
  - c. The applicant shall submit with each application an accurate list of names and addresses of all record property owners adjacent to, or directly across the street, from the subject property. Notice, by certified mail, shall be mailed not less than ten days before the meeting of the Board, and shall contain the facts listed in subsection (l)(4) of this section.
- (l) *Hearing of the Board of Adjustment on a variance*. The public hearing shall be held in accordance with the following provisions:
  - (1) At said hearing, any party may appear in person or by agent or attorney;
  - (2) The Board of Adjustment shall make a finding that the requirements of subsection (1) (1) of this section have been met by the applicant for variance;
  - (3) The Board of Adjustment shall further make a finding that the reason set forth in the application justifies the granting of the variance and that the variance is the minimum variance that will make possible the reasonable use of the land, structure, or building;
  - (4) The Board of Adjustment shall further make a finding that the granting of the variance will be in harmony with the purpose and intent of this chapter, will not be injurious to the neighborhood, or will not be otherwise detrimental to the public welfare;
  - (5) The Board of Adjustment, in granting any variance, shall prescribe appropriate conditions and safeguards in conformity with this chapter. Violation of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of this chapter and shall be punishable under the penalty section of this chapter;
  - (6) The Board of Adjustment shall under no circumstances grant a variance to allow a use not permissible under the applicable terms of this chapter or other general ordinance of said City with respect to the use district concerned, nor shall the Board of Adjustment hear or decide upon any matters that could be determined by regular zoning procedures before the Planning Commission and City Council of the City; nor grant

- any variance by reason of the existence of nonconforming uses in the district concerned or in adjoining districts;
- (7) For the purposes of this chapter, the term "hardship" means a hardship peculiar to the property of the applicant that is of such a degree of severity that its imposition is not necessary to carry out the spirit of this chapter and that would amount to substantial and unnecessary waste of the property;
- (8) The Board of Adjustment shall not have the authority to grant any variance which would increase the maximum permitted sign area on a single lot or building as specified in this code, or to allow any sign classified as a prohibited sign as specified in NCC 28-403.
- (m) Provisions of chapter declared to be minimum requirements. The provisions of this chapter, in their interpretation and application, shall be held to be minimum requirements adopted for the promotion of public health, safety, morals, or general welfare. Wherever the requirements of this chapter are at variance with the requirements of any of the lawfully adopted rules, regulations, ordinances, deed restrictions, or covenants, the most restrictive or that imposing the higher standard shall govern.

(Ord. No. O-7778-70, 6-27-1978; Ord. No. O-7879-41, 3-27-1979; Ord. No. O-7879-41, 1-30-1979; Ord. No. O-8586-86, 5-27-1986; Ord. No. O-8788-48, 5-10-1988; Ord. No. O-8990-43, 7-10-1990; Ord. No. O-9091-10, 12-11-1990; Ord. No. O-9192-43, 4-28-1992; Ord. No. O-9192-48, 4-28-1992; Ord. No. O-9394-19, 12-28-1993; Ord. No. O-0405-30, 1-24-2006; Ord. No. O-0506-35, 2-28-2006; Ord. No. O-1314-15, 4-22-2014; Ord. No. O-1920-44, 7-23-2020; Ord. No. O-1920-51, 7-23-2020; Ord. No. O-2021-31; Ord. No. O-2223-20, 1-24-23)

**SECTION 18: SEVERABILITY CLAUSE** Should any part or provision of this Ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the Ordinance as a whole or any part thereof other than the part so declared to be unconstitutional or invalid.

PASSED AND ADOPT	ED BY THE CITY 	OF NORMAN CITY C	OUNCIL
AYE	NAY	ABSENT	ABSTAIN
Presiding Officer		Attest	
Larry Heikkila, Mayor, C	City of Norman	Brenda F	Hall, City Clerk, City of Norman

# File Attachments for Item:

8. CONSIDERATION OF ADOPTION, REJECTION, AMENDMENT, AND/OR POSTPONEMENT OF ORDINANCE 0-2425-23 UPON FIRST READING BY TITLE: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AMENDING ARTICLE 4-I, SECTION 4-101 ADDING DEFINITIONS FOR ABANDON, ANIMAL, COMMUNITY CAT, COMMUNITY CAT CAREGIVER, AND TRAP-NEUTER-RETURN (TNR) AND AMENDING DEFINITIONS FOR EXOTIC WILDLIFE AND NATIVE WILDLIFE: AMENDING ARTICLE 4-II, SECTION 4-202 AND 4-205 UPDATING LANGUAGE FOR ANIMAL WELFARE SUPERVISOR AND UPDATING LANGUAGE THROUGHOUT FOR CONSISTENCY: DELETING SECTION 4-205(H) DUPLICATIVE LANGUAGE RELATED TO THE TNR PROGRAM: REPEALING SECTIONS 4-211 THROUGH 4-221 PET LICENSE REQUIRED; AMENDING ARTICLE 4-III, SECTION 4-301(D) ADDING ANIMALS VENOMOUS TO HUMAN BEINGS; AMENDING SECTION 4-301(E) REQUIRING ACCREDITATION ASSOCIATION OF ZOOS AND AQUARIUMS (AZA) OR ZOOLOGICAL ASSOCIATION OF AMERICA (ZAA) CERTIFIED FOR ZOOS: ADDING ARTICLE 4-V, SECTION 4-510 COMMUNITY CATS: AMENDING SECTION 4-501, ABANDONMENT OF CATS AND DOGS: AMENDING SECTION 503(C), CONFINEMENT OF DOGS AND CATS; ADDING SECTION 4-510, COMMUNITY CATS; AMENDING ARTICLE 4-VI, SECTION 4-601(A), CRUELTY TO ANIMALS; AND AMENDING SECTION 4-603, ANIMALS THAT ARE NUISANCES.



# CITY OF NORMAN, OK STAFF REPORT

**MEETING DATE:** 02/11/2025

**REQUESTER:** Jeanne Snider, Assistant City Attorney

**PRESENTER:** Jeanne Snider, Assistant City Attorney

ITEM TITLE: CONSIDERATION OF ADOPTION, REJECTION, AMENDMENT, AND/OR

POSTPONEMENT OF ORDINANCE O-2425-23 UPON FIRST READING BY TITLE: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AMENDING ARTICLE 4-I, SECTION 4-101 ADDING DEFINITIONS FOR ABANDON, ANIMAL, COMMUNITY CAT, COMMUNITY CAT CAREGIVER, AND TRAP-NEUTER-RETURN (TNR) AND AMENDING DEFINITIONS FOR EXOTIC WILDLIFE AND NATIVE WILDLIFE; AMENDING ARTICLE 4-II, SECTION 4-202 AND 4-205 UPDATING LANGUAGE FOR ANIMAL WELFARE SUPERVISOR AND **UPDATING** LANGUAGE THROUGHOUT FOR CONSISTENCY: DELETING SECTION 4-205(H) DUPLICATIVE LANGUAGE RELATED TO THE TNR PROGRAM: REPEALING SECTIONS 4-211 THROUGH 4-221 PET LICENSE REQUIRED; AMENDING ARTICLE 4-III, SECTION 4-301(D) ADDING ANIMALS VENOMOUS TO HUMAN **ACCREDITATION AMENDING SECTION** 4-301(E) REQUIRING ASSOCIATION OF ZOOS AND AQUARIUMS (AZA) OR ZOOLOGICAL ASSOCIATION OF AMERICA (ZAA) CERTIFIED FOR ZOOS; ADDING ARTICLE 4-V, SECTION 4-510 COMMUNITY CATS; AMENDING SECTION 4-501, ABANDONMENT OF CATS AND DOGS: AMENDING SECTION 503(C), CONFINEMENT OF DOGS AND CATS: ADDING SECTION 4-510, COMMUNITY CATS; AMENDING ARTICLE 4-VI, SECTION 4-601(A), CRUELTY TO ANIMALS; AND AMENDING SECTION 4-603, ANIMALS THAT ARE NUISANCES.

# **BACKGROUND:**

The Norman Animal Welfare Center Staff proposed additions and amendments to Chapter 4 of the Norman City Code. Staff also proposed repealing Sec. 4-211 through 4-221 requiring pet licenses and other changes to reflect language consistent throughout Chapter 4.

# DISCUSSION;

Staff proposed adding the definitions of abandon, animal, community cat, community cat caregiver and revised the definition of Exotic Wildlife and Native Wildlife and Trap-Neuter-Return (TNR). Language has been added that it is unlawful for any person to keep, maintain or allow

to be maintained any exotic wildlife or species, as defined, which is venomous to human beings and added zoos must be AZA or ZAA certified.

The word "willfully" will be added to Sec. 4-601 Cruelty to Animals. The words "dog or cat" will be amended to "any animal" in Sec. 4-501 Abandonment of Cats and Dogs. Sec. 4-510 Community Cats will be added to the Norman City Code.

Sec. 4-211 through 4-221 requiring the purchase of pet licenses will be repealed. Staff advised microchipping is a more effective in registering pets and returning pets to their owners.

Changes to reflect the language consistent throughout the ordinance such as amending Animal Welfare Shelter to Animal Welfare Center and including the Shelter Supervisor are recommended.

# **RECOMMENDATION;**

Staff recommends Council approve the amendments listed above.

# CITY OF NORMAN ORDINANCE 0-2425-23

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AMENDING ARTICLE 4-I, SECTION 4-101 ADDING **DEFINITIONS FOR ABANDON, ANIMAL, COMMUNITY CAT, COMMUNITY** CAT CAREGIVER, AND TRAP-NEUTER-RETURN (TNR) AND AMENDING DEFINITIONS FOR EXOTIC WILDLIFE AND NATIVE WILDLIFE; AMENDING ARTICLE 4-II, SECTION 4-202 AND 4-205 UPDATING LANGUAGE FOR ANIMAL WELFARE SUPERVISOR AND UPDATING LANGUAGE THROUGHOUT FOR CONSISTENCY; DELETING SECTION 4-205(H) DUPLICATIVE LANGUAGE RELATED TO THE TNR PROGRAM; REPEALING SECTIONS 4-211 THROUGH 4-221 PET LICENSE REQUIRED; AMENDING ARTICLE 4-III, SECTION 4-301(D) ADDING ANIMALS VENOMOUS TO HUMAN BEINGS; AMENDING SECTION 4-301(E) REQUIRING ACCREDITATION ASSOCIATION OF ZOOS AND AQUARIUMS (AZA) OR ZOOLOGICAL ASSOCIATION OF AMERICA (ZAA) CERTIFIED FOR ZOOS; ADDING ARTICLE 4-V, SECTION 4-510 COMMUNITY CATS; AMENDING SECTION 4-501, ABANDONMENT OF CATS AND DOGS; AMENDING SECTION 503(C), CONFINEMENT OF DOGS AND CATS; ADDING SECTION 4-510, COMMUNITY CATS; AMENDING ARTICLE 4-VI, SECTION 4-601(A), CRUELTY TO ANIMALS; AND AMENDING SECTION 4-603, ANIMALS THAT ARE **NUISANCES.** 

**NOW THEREFORE**, be it ordained by the City Council of the City of Norman, in the State of Oklahoma, as follows:

**SECTION 1:** <u>AMENDMENT</u> "4-101 Definitions" of the City of Norman Municipal Code is hereby *amended* as follows:

## AMENDMENT

# 4-101 Definitions

The following words and phrases, when used in this chapter, shall have the meanings respectively ascribed to them in this section, except where the context otherwise requires:

Abandon means the voluntary relinquishment of an animal including, but not limited to, vacating a premises and leaving the animal in or at the premises or leaving, dumping, discarding at the Norman Animal Welfare Center without Staff approval.

Adequate shelter means a structure or area of structural soundness with three sides, a waterproof roof, solid floor, adequate bedding material, positioned to allow for protection from north and west winds, proper ventilation, and which is suitable for the species, age, condition,

size and type of animal which is safe and protects each animal from injury, precipitation, direct sunlight, adverse effects of extreme heat or cold, enables the animal to be clean and dry, and has sufficient room for the animal to move about freely and to lie comfortably while allowing the retention of the animal's body heat. Wildlife, livestock, and other non-domesticated animals normally residing outdoors shall be only required to have appropriate shelter from extreme weather through natural or artificial means available to it to protect the animal.

## *Altered* means:

- (a) *Neutered*. The term "neutered" means a process performed by a veterinarian or other person authorized by law, which removes the reproductive organs of any male animal as defined in O. S. title 4, ch. 14A, Dog and Cat Sterilization Act.
- (b) *Spayed*. The term "spayed" means a process performed by a veterinarian or other person authorized by law, which removes the reproductive organs of any female animal as defined in O. S. title 4, ch. 14A, Dog and Cat Sterilization Act.

Animal means any mammal, bird, fish, reptile or invertebrate, including wild and domesticated species, other than a human.

Animal Welfare Center means the facility designated and operated by the City, including the actual premises where animals are regularly kept, or places where the Animal Welfare Officer Supervisor, Animal Welfare Shelter Center Manager, or other designee may designate, for the purpose of keeping or impounding stray, neglected, abused or seized animals and provide adequate care before disposal of the animals as outlined in this chapter. The Animal Welfare Center includes a portion of the facility to provide for animal adoptions, education, citizen involvement, and spaying or neutering of animals before adoption from the facility.

Animal welfare group means a nonprofit organization which is registered with and approved by the City's Animal Welfare Center and has as one of its purposes the providing for the welfare and/or protection of animals. Approval may be refused to any animal welfare group if the Animal Welfare Officer Supervisor determines that the animal welfare group or one of its members meets one or more of the following:

- (a) Has a record of cruelty to animals;
- (b) Is under 18 years of age;
- (c) Has committed acts of harassment to animals;
- (d) Owns other animals which are in violation of any requirement of this chapter;
- (e) Refuses to comply with adoption requirement;
- (f) Has released two or more animals to the Animal Welfare Center in the past six months;
- (g) Lacks adequate housing and/or fencing to contain the animals; or
- (h) Has a conviction in municipal Court for any violation of this chapter.

At heel means within a radius of ten feet of the owner and obedient to the owner's commands.

*At-large* means a phrase indicating that an animal is:

- (a) Off the premises of its owner and not securely and physically restrained by means of harness, leash, or other device designed to restrain such animal.
- (b) Not confined on the premises of the owner or at heel on those premises.

*Chicken coop* means a small structure or enclosure where chickens nest, roost or perch and may include feeding and watering devices.

*Chicken run* means an enclosed area physically connected to the coop where chickens are able to walk or run about which may include feeding and watering devices.

<u>Community cat</u> means any outdoor, unowned, free-roaming kitten or adult cat that could be friendly, feral, healthy, sick, sterilized or unsterilized.

<u>Community cat caregiver</u> means a person who provides food, shelter or medical care to a community cat while not being considered the owner, custodian, harborer, controller or keeper of a community cat.

Confined on the premises means and indicates that an animal is securely and physically restrained on and within the premises of the owner by means of fences, leashes, walls, or other devices designed to prevent the animal from leaving those premises.

Dangerous animal means any animal whose behavior, temperament, size, or any combination thereof, when considered under the totality of the circumstances, including the nature of the surrounding area, constitutes a reasonable risk of injuring a human or animal or damaging personal or real property. That behavior includes, but is not limited to, an animals biting or attacking or attempting to attack a human or another animal. However, this definition shall not apply to any animal that has been subject to provocation or if the victim has been trespassing, as defined in NCC 24-505, upon the animal owner's premises.

Domesticated farm animal means any domestic species of cattle, sheep, swine, goats, llamas, or horses, or any other animals which are normally and have historically, been kept and raised on farms in the United States, and used or intended for use as food or fiber, or for improving animal nutrition, breeding, management, or production efficiency, or for improving the quality of food or fiber; in A-1 and A-2 zones only.

# Exotic wildlife and native wildlife

- (a) The following members of the Class Aves: Order Falconiformes (hawks, eagles, falcons and vultures) which are not kept pursuant to federal or state permit, and Order Ratites (ostriches, rheas, cassowaries and emus); or birds native to the continental United States and Alaska and all birds covered under the Lacey Act and Migratory Bird Act.
- (b) The following members of the Class Mammalia: Order Carnivora, Family Felidae (such as ocelots, margays, tigers, lions, panthers, jaguars, leopards and cougars, bobcat, lynx, cheetah, serval) except commonly accepted domesticated cats; the Family Canidae (such as wolves, foxes, dingoes, coyotes and jackals), except domesticated dogs; Family Mustelidae

(such as weasels, martins, minks and badgers); Family Procyonidae (such s raccoons or coatimundi); Family Ursidae (such as bears); Order Chiroptera (such as bats); Magnorder Xenarthra (such as sloths, anteaters and armadillos); Order Marsupialia (such as kangaroos and common opossums); Order Proboscidea (such as elephants); Order Primate (such as monkeys, lemurs, chimpanzees and gorillas); Order Rodentia (such as beavers, muskrats and porcupines); Order Perssodactyla (such as zebras and tapirs); Order Crocodilia (such as alligators); and any hybrid or cross-breed of any of the above-listed animals.

- (c) Except as expressly provided in this Chapter, exotic animals do not include:
  - (1) Nonpoisonous aquatic or amphibious animals, gerbils, hedgehogs, hamsters, guinea pigs, mice, rabbits, birds except for those listed in this definition, domestic rats, chinchillas, domestic honeybees, ferrets and those reptiles described in this definition as not prohibited.
  - (2) The families of reptiles listed below, since these reptiles pose no life-threatening hazards to humans, provided that the reptiles are also owned in accordance with all state, federal and Convention of International Trade of Endangered Species (CITED) regulations that may apply.
    - a. The following Families of the Order Squamata Suborder Sauria: Family Gekkonidae (such as geckos); Family Agamidae (such as agamas); Family Iguanidae (such as anoles, swifts and iguanas); Family Cordylidae (such as sungazers and girdled lizards); Family Anguidae (such as alligator lizards, galliwasps and glass lizards); Family Varanidae (such as monitors); Family Lacertidae (such as wall lizards); Family Anniellidae (such as legless lizards); Family Teiidae 9such as tegus and racerunners); Family Chamaeleonidae (such as chameleons); Family Scincidae such as skinks); Family Xenosauridae (such as knob-scaled lizard); Family Shinisauridae (such as crocodile lizard)
    - b. The following Families of the Order of Squamata, Suborder Ophidia; Family Leptotyphlopidae (such as blind and worm snakes); Family Boidae (such as boas and pythons); Family Colubridae, sub family Colubrinae (such as garter snakes, water snakes, gopher snakes, bull snakes, hognose snakes, ringneck green snakes, rate snakes, kingsnakes, corn snakes and racer snakes).
    - c. The following Families of the Order Testudines; Family Chelydridae (such as snapping turtles; Family Kinosternidae (such as musk turtles); Family Platysternidae (such as big-head turtles); Family Emydidae (such as painted turtles, slider turtles, box turtles and pond turtles); Family Testudinidae (such as tortoises); Family Trionychidae (such as soft-shelled turtles); Family Pelomedusidae (such as flat-headed turtles); and Family Chelidae (such asisidenecked turtles).

Exotic livestock means commercially raised exotic livestock including animals of the families bovidae, cervidae and antilocapridae or birds of the ratite group.

# Exotic wildlife and native wildlife.

(a) The term "exotic wildlife" means any of the following animals: A lion, tiger, leopard, occlot, ehectah, margay, lynx, jaguar, jaguarundi, or any and all other felines (family Felidae), except the domestic cat (species Felis domesticus); A grizzly bear, or any and all other bears (family Ursidae); A wolf, fox, jackal, hyena, or any other canines (family Canidae), except the domestic dog (species Canis familiaris); Any and all venomous reptiles (venomous members of the class Reptilia), including without limitation, Gila monster (species Heloderma suspectum), beaded lizard (species Heloderma horridum), and venomous snakes (venomous members of the suborder Serpentes); Any and all crocodiles, caimans, or alligators (family Crocodilia); Gorillas, orangutans, baboons, macaques, or chimpanzees; or any non-human primate (order Primata) that is not licensed pursuant to the provisions of this chapter; or any nonhuman primate (order Primata) that test positive for tuberculosis or herpes B; Cassowaries (genus Casuarius); Any cross-breed or hybrid which includes any animal defined as exotic wildlife in subsections (1)(a) through (g), inclusive, of this definition. The term "native wildlife" means any and all species of wildlife that are indigenous to or occur naturally within the State, including, but not limited to, mountain lion (cougar), bobeat, coyote, red fox, gray fox, black bear, and American alligator.

Feral dog or cat means a dog or cat that was either born in the wild or has reverted to a wild state due to abandonment or lack of domestication and has no owner. Any feral dog or cat which has been captured and neutered or spayed and returned to the wild shall continue to be classified as a feral animal.

Foster home means any premises owned by an individual who works under the direction of an approved Animal Welfare Group registered with the City who will take in stray or unowned dogs and/or cats, or other animals, for the purpose of providing temporary care up to 12 months for each animal. A temporary care extension may be requested for up to an additional six months for an animal, if there is proof of a documented medical condition that requires the extended temporary housing of the animal.

# Kennel classifications.

- (a) *Commercial kennel* means any business or establishment, whether operated separately or in connection with another business or establishment that keeps, boards, sells, shows, and/or trains dogs and/or cats for profit, except for an Animal Hospital as outlined in NCC 20-1401.
- (b) *Private kennel* means any premises which exceeds the allowable number of dogs and/or cats as described in this section, and the animals are kept as pets and not used for any other purpose other than companionship for their owners.
- (c) *Rescue kennel* means any facility operated by a non-profit Animal Welfare Group where dogs and/or cats, or other animals, are kept and are provided temporary housing for an animal for up to 12 months and up to an additional six months if there is proof of a documented medical condition that requires the extended temporary housing, and care for the purpose of placing them into a permanent home, except for a designated

foster home.

## *Nuisance* means an animal that:

- (a) Damages the property of anyone other than its owner, including, but not limited to, scratches or digs about any flower bed, garden, tilled soil, vines, shrubbery, or small plants and in so doing injures them;
- (b) Habitually prowls around, on, or over any premises not the property of its owner to the frequent annoyance of the owner or occupant of those premises;
- (c) Overturns any garbage can or other container of waste products, or scatters the contents of the same;
- (d) Chases or kills any domesticated animals or domesticated birds;
- (e) Annoys or disturbs any person by loud and frequent barking, howling, yelping, or causes noise in an excessive, continuous or untimely fashion/manner so as to interfere with the reasonable use and enjoyment of neighboring private premises;
- (f) An animal that habitually or repeatedly chases, snaps at, or barks at pedestrians, joggers, dogs walked by owners, bicycles or vehicles;
- (g) Disturbs the rights of, threatens the safety of or injures a member of the general public or interferes with the ordinary use and enjoyment of his property.

Owner means any person possessing legal title to any animal or, possessing no legal title, is identified by City pet license or microchip registration, or a person who keeps or harbors the animal in excess of 14 days without delivering the animal to its proper owner or the Animal Welfare Center, provides food or water regularly for the animal, or provides routine or ongoing non-emergency medical care for the animal with exception of Community Cat Caretakers.

# Service animal means:

- (a) A dog or miniature horse that has been individually trained to do work or perform tasks for the benefit of an individual with a disability, including an individual with a disability, including a physical, sensory, psychiatric, intellectual, or other mental disability. The Americans with Disabilities Act (ADA) rules state that other animals, whether wild or domestic, do not qualify as service animals. Dogs that are not trained to perform tasks that mitigate the effects of a disability, including dogs that are purely for emotional support, are not service animals.
- (b) Therapy, comfort, and/or emotional support animals are often a great asset to those they work with. However, they are not service animals, and may not enjoy the same rights, privileges and/or access to restricted areas as is allowed under federal or State law, as a service animal.

<u>Trap-Neuter-Return (TNR)</u> means the process of humanely trapping, sterilizing, vaccinating for rabies an ear-tipping community cats and returning them to their original location.

*Unprovoked* means an act of aggression towards an animal or human that occurs without apparent cause, reason, prompting or motivation.

(Code 1976, §§ 3-101--3-119; Ord. No. O-7475-56; Ord. No. O-0809-18, § 1; Ord. No. O-1213-18, § 1; Ord. No. O-1516-18, § 1; Ord. No. O-1819-39, § 1)

**SECTION 2:** <u>AMENDMENT</u> "4-202 Duties Of Animal Welfare Supervisor And Animal Welfare Shelter Manager" of the City of Norman Municipal Code is hereby *amended* as follows:

# AMENDMENT

4-202 Duties Of Animal Welfare Officer Supervisor And Animal Welfare Shelter Center Manager

- (a) The Animal Welfare Officer Supervisor shall supervise all Animal Welfare Officers and the Shelter Supervisor shall supervise all Kennel Technicians. The Animal Welfare ShelterCenter Manager shall supervise all other division employees and is responsible for the administration and maintenance of the Animal Welfare Center.
- (b) The Animal Welfare Officer Supervisor, Animal Welfare Officers, police officers, his officers, and other persons designated by the City Manager, shallmay pick up all animals in violation of the provisions of this chapter; or
  - (1) Any animal that is or will be without proper care because of injury, illness, incarceration or other excusable, involuntary absence of the person responsible for the care of such animal, and shall impound them at the Animal Welfare Center; or
  - (2) May within the City, search out and destroy with firearms or other methods any dangerous animal when causing an immediate threat to a human or another animal after a reasonable attempt is unable to be captured.
- (c) The Animal Welfare ShelterCenter Manager shall cause all animals which are located within the City limits and are brought to the City Animal Welfare Center after being lawfully picked up or seized by an Animal Welfare Officer and delivered to the Animal Welfare Center or any stray animal delivered to the Animal Welfare Center by a citizen to be impounded and shall provide suitable and necessary sustenance for all animals while impounded in the shelter.
- (d) The Animal Welfare Shelter Center Manager shall not release an impounded animal to its owner until all impoundment fees and room and board charges are paid in full. The Animal Welfare Shelter Center Manager, or designated employees, shall have the discretion and authority to waive or suspend part or all of the fees based on documentable, reasonable and necessary needs to allow an animal to be returned to its owner.
- (e) The Animal Welfare Shelter Center Manager or his or her designee shall regularly transfer all proceeds from sales, fees, charges, and deposits to the City Finance Director.
- (f) Nothing in this section shall prevent the Animal Welfare Supervisor or his <u>or her</u> designee from seizing and/or forfeiting an <u>impounded</u> animal pursuant to any other

provision of the City ordinances or State law.

(Code 1976, § 3-202; Ord. No. O-7475-56; Ord. No. O-0809-18, § 2; Ord. No. O-1516-18, § 2; Ord. No. O-1819-39, § 2)

**SECTION 3:** <u>AMENDMENT</u> "4-205 Sale And Disposition Of Animals Not Retrieved By Owners" of the City of Norman Municipal Code is hereby *amended* as follows:

## AMENDMENT

4-205 Sale And Disposition Of Animals Not Retrieved By Owners

- (a) Except as hereinafter provided, any animal which is impounded by the City pursuant to the provisions of this chapter, shall be sold, destroyed or otherwise disposed of after three full days from the time of its impoundment at the Animal Welfare Center; provided, however, in the event an animal is taken into the custody of the Animal Welfare Center and the animal has been injured or otherwise disabled as would ordinarily would require the animal's destruction or treatment by a veterinarian, the Animal Welfare Officer Supervisor, Animal Welfare Shelter Manager, Shelter Supervisor, shelter veterinarian, or other authorized division staff, may order its destruction if the ownership of such animal cannot be determined within a reasonable period of time. Should such ownership be determined, the injured or disabled animal shall be promptly delivered over to such owner. For the purposes of this section, the three-day time period shall begin at 8:00 a.m. the day following the animal's intake into the facility. Calculation of the three total days shall not include Sundays, holidays, or other days the shelter is not open to the public. Impounded kittens and puppies which enter the shelter in groups of three or more and are under four months of age without a known owner or mother may, at the discretion of the shelter staff, be exempted from any required hold times prior to their release. The age of four months shall be determined by the eruption of the animal's adult teeth.
- (b) Animals held at the Animal Welfare Center due to legal seizure, arrest, medical situation, protective custody seizures, or other legal means involving law enforcement requests shall be returned to the owners or legal representative as soon as possible. Upon verification that the animal's owner has been notified of its impoundment, the three-day holding time referenced in the above section shall apply as if the animal were impounded for other reasons.
- (c) An animal's impoundment period will be increased by 48 hours should that impounded animal display a tag, microchip or markings indicating that:
  - (1) The owner of such animal is a City resident; The animal has an owner; or
  - (2) Such animal displays a tag which indicates it is vaccinated against rabies.
- (d) Should it be determined that the owner of an impounded animal is experiencing a situation that prohibits him <u>or her</u> from reclaiming or arranging for the release of the animal in a timely and reasonable manner, the Animal Welfare <u>ShelterCenter</u> Manager

- , <u>Shelter Supervisor</u> or Animal Welfare <u>Officer Supervisor</u> may seek an order from a judge of competent jurisdiction for the release of the animal into the care and custody of the Animal Welfare Center in order that the highest level of long-term care and safety of the animal may be provided for.
- (e) Notwithstanding any provisions of this chapter, no animal suspected of being rabid or otherwise diseased shall be destroyed until such destruction is recommended by the Animal Welfare Officer Supervisor-Shelter Supervisor or the Animal Welfare ShelterCenter Manager.
- (f) The manner and method of disposal or destruction of an impounded animal shall be directed by the Animal Welfare Officer Supervisor, Shelter Supervisor or the Animal Welfare Shelter Center Manager; and such disposal may include, but is not limited to, adoptions, euthanasia, or transfer to another animal welfare group, an animal rescue group or other animal welfare facility. For domestic animals other than dogs and cats, sale by auction may be utilized as outlined in State law. No live animals shall be released or sold to any facility for educational, scientific and/or medical research.
- (g) Adoption or sale may be refused to anyone determined by the Animal Welfare Officer Supervisor, Shelter Supervisor or Animal Welfare Shelter Center Manager, or their designated staff members to meet one or more of the following:
  - (1) Has a record of cruelty to animals;
  - (2) Is under 18 years of age;
  - (3) Has committed acts of harassment of animals;
  - (4) Owns other animals which are in violation of any requirement of this chapter;
  - (5) Refuses to comply with adoption requirement;
  - (6) Has released two or more animals to the Animal Welfare Center in the preceding 12 months;
  - (7) Lacks adequate housing and/or fencing to contain the animals; or
  - (8) Has a conviction in mMunicipal Court for any violation of this chapter.
- (h) Animals in custody of the City Animal Welfare or partnering organizations as part of a trap neuter return (TNR) program or a return to field program may be returned to their original location in accordance with common program standards. Further, cats trapped from identified feral colonies and placed in the custody of the Animal Welfare Center who have no identifiable owner may, after necessary holding times, alterations, examinations, and vaccinations be returned to their original location at the shelter staff's discretion. Notification of residents shall be required when a cat is re-released on their street.

(Code 1976, § 3-205; Ord. No. O-7475-56; Ord. No. O-0809-18, § 2; Ord. No. O-1516-18, § 2; Ord. No. O-1819-39, § 2)

**SECTION 4:** REPEAL "4-211 Pet License Required" of the City of Norman Municipal Code is hereby *repealed* as follows:

REPEAL

# 4-211 Pet License Required Reserved

(a) Every person within the City owning, possessing, controlling, harboring, or keeping any dog or eat over six months of age shall procure a pet license tag for each dog or eat from the Animal Welfare Center or authorized agent, as long as ownership of the dog or eat continues, or within 30 days after acquiring or bringing into the City any dog or cat over the age of six months, and shall continue to procure such tags as required herein, so long as ownership of the dog or eat continues. When the dog or eat has a valid license from any county or from another city within the State, proof of such licensing shall be submitted to the Animal Welfare Center and an animal license tag shall be issued to the owner for a fee established administratively. Service animals shall not be charged a pet license fee. Senior citizens (55 years of age and above), activeduty military, and military veterans shall receive a 50 percent discount on a pet license fee. Adopted animals from the City shall receive a waiver of the first-year pet license. The City license tag should be displayed on the licensed animal at all times. It shall be permissible for voluntary licensing stations to be operated by nonprofit organizations or veterinary hospitals, allowing such voluntary licensing stations to retain \$4.00 of the pet licensing fees with the remainder of such fee amounts to be retained by the City. Within 30 days of the transfer or sale of a dog or eat with a valid City license, the new owner shall purchase a new pet license from the Animal Welfare Center.

(Code 1976, § 3-211; Ord. No. O-9091-38; Ord. No. O-9495-44; Ord. No. O-0304-42, § 2; Ord. No. O-1516-18, § 2; Ord. No. O-1819-39, § 2)

**SECTION 5:** <u>**REPEAL**</u> "4-212 Exemptions" of the City of Norman Municipal Code is hereby *repealed* as follows:

# REPEAL

# 4-212 Exemptions Reserved

This article does not apply to dogs or eats found within the City under any of the following conditions: When the dog or eat is owned by, or in the care of, any person who is a nonresident or who is traveling through the City, or who is temporarily within the City limits, for a period not exceeding 30 days. When the dog or eat is brought into the City and kept therein for a period not exceeding 30 days, for the exclusive purpose of entering the dog or eat in any bench show, dog exhibition, field trials or other competition. When the dog or eat is brought or sent into the City for the exclusive purpose of receiving veterinary care in any hospital.

(Code 1976, § 3-212; Ord. No. O-1516-18, § 2)

**SECTION 6:** <u>REPEAL</u> "4-213 Term Of License" of the City of Norman Municipal Code is hereby *repealed* as follows:

## REPEAL

# 4-213 Term Of License Reserved

(a) Each pet license issued shall be effective for a one- or three-year period, at the option of the owner, and shall be issued upon payment of all required fees, charges, and penalties established administratively, and upon compliance with all conditions required for issuance of a license. A new license issued for a period commencing after the first of any month shall be effective from that date until the last day of the same month in the following years, as appropriate. Any license renewal shall be effective from the first day of the month following the expiration date of the license being renewed.

(Code 1976, § 3-213; Ord. No. O-1516-18, § 2)

**SECTION 7: REPEAL** "4-214 License Application" of the City of Norman Municipal Code is hereby *repealed* as follows:

## REPEAL

# 4-214 License Application Reserved

The owner shall state, at the time application is made and upon standard printed forms of an application provided for such purpose, his name, address, and telephone number and the name, breed, color, age, sex, physical location where the dog or cat is kept, and microchip and tattoo information of each dog or cat for which application is made.

(Code 1976, § 3-214; Ord. No. O-1516-18, § 2)

**SECTION 8:** REPEAL "4-215 Rabies Vaccination" of the City of Norman Municipal Code is hereby *repealed* as follows:

# REPEAL

# 4-215 Rabies Vaccination Reserved

As a condition for the issuance of a City pet license for a dog or eat, all applications for such

license shall procure and deliver to the licensing authority a certificate issued by a duly licensed veterinarian certifying the dog or cat to be licensed has been administered an anti-rabies vaccination sufficient to immunize said dog or cat against rabies for the entire license period.

(Code 1976, § 3-215; Ord. No. O-1516-18, § 2)

**SECTION 9: REPEAL** "4-216 Issuance Of Tags And Certificates" of the City of Norman Municipal Code is hereby *repealed* as follows:

# REPEAL

4-216 Issuance Of Tags And Certificates Reserved

A metallic tag and license certificate with corresponding number shall be furnished by the license authority upon payment of the appropriate fee.

(Code 1976, § 3-216; Ord. No. O-1516-18, § 2)

**SECTION 10:** <u>REPEAL</u> "4-217 Owner Must Attach License" of the City of Norman Municipal Code is hereby *repealed* as follows:

# REPEAL

4-217 Owner Must Attach License Reserved

The licensing authority shall keep a record of the name of such owner or person making payment of said license fee and to whom a certificate and tag shall have been issued, and the number and date of such certificate and such tag. Such metal tag shall be securely fixed to a collar, harness or other device to be worn at all times by the registered dog or cat. Cats and dogs are exempt from wearing a tag as long as the animal is in compliance with NCC 4-505 and is microchipped with current information.

(Code 1976, § 3-217; Ord. No. O-1516-18, § 2; Ord. No. O-1819-39, § 2)

**SECTION 11: REPEAL** "4-218 Tag Or Certificate Must Be Shown" of the City of Norman Municipal Code is hereby *repealed* as follows:

## REPEAL

4-218 Tag Or Certificate Must Be ShownReserved

No person shall fail or refuse to show to the Animal Welfare Officer, or Police Officer, the license certificate or tag for any duly registered dog or cat kept or remaining with any home or upon any enclosed premises under their immediate control.

(Code 1976, § 3-218; Ord. No. O-1516-18, § 2)

**SECTION 12:** REPEAL "4-219 Removal Of Registration Tags Prohibited" of the City of Norman Municipal Code is hereby *repealed* as follows:

### REPEAL

4-219 Removal Of Registration Tags Prohibited Reserved

Only the owner or licensing authority shall have the authority to remove or cause the removal of the license tag or other device authorized by the licensing authority used to identify the dog or eat owner.

(Code 1976, § 3-219; Ord. No. O-1516-18, § 2)

**SECTION 13:** REPEAL "4-220 Lost And Destroyed Tags" of the City of Norman Municipal Code is hereby *repealed* as follows:

### REPEAL

4-220 Lost And Destroyed Tags Reserved

If the license tag is lost or destroyed, the owner shall have 30 days to procure a new license tag or other identifying device authorized by and from the licensing authority for a fee established administratively.

(Code 1976, § 3-220; Ord. No. O-1516-18, § 2)

**SECTION 14:** REPEAL "4-221 Counterfeit And Imitation Tags" of the City of Norman Municipal Code is hereby *repealed* as follows:

### REPEAL

4-221 Counterfeit And Imitation TagsReserved

No person shall imitate or counterfeit tags or other devices authorized by the licensing

authority prescribed by this chapter, or have in his possession any imitation or counterfeit device or tags.

(Code 1976, § 3-221; Ord. No. O-1516-18, § 2)

**SECTION 15:** <u>AMENDMENT</u> "4-222 Authority To Euthanize" of the City of Norman Municipal Code is hereby *amended* as follows:

### AMENDMENT

4-222 Authority To Euthanize

**SECTION 16:** <u>AMENDMENT</u> "4-301 Keeping Of Animals Other Than Dogs And Cats" of the City of Norman Municipal Code is hereby *amended* as follows:

### AMENDMENT

- 4-301 Keeping Of Animals Other Than Dogs And Cats
  - (a) Except, as provided otherwise, all animals commonly known as domesticated farm animals may be kept and maintained in any of the City's zoning districts only as long as:
    - (1) The provisions of NCC ch. 36 pertaining thereto are complied with;
    - (2) Such animals maintained in single-family, two-family or multifamily districts are not permitted closer than:
      - a. 25 feet to a lot line upon which is situated an inhabited dwelling; nor
      - b. 100 feet to any dwelling other than the owner's;
    - (3) The owner or occupant of the land upon which such animals are kept and maintained erects and maintains a suitable barrier sufficient to ensure compliance with the above distance requirements.
  - (b) Except, as provided otherwise, chickens or laying hens may be kept and maintained in the R-1 zoning district so long as:
    - (1) The provisions of NCC ch. 36 pertaining thereto are complied with;
    - (2) Such chickens or laying hens are maintained on land upon which the owner or occupant resides;
    - (3) Chickens or laying hens may only be kept under the following conditions:
      - a. No more than four chickens or laying hens are allowed per R-1-zoned parcel unless additional setback conditions can be achieved as described in subsection (a)(2) of this section;
      - b. Roosters are not allowed;
      - c. The chickens are kept within a designated chicken coop and chicken

- run, unless supervised as described in subsection (b)(3)m of this section;
- d. The chicken coop and chicken run shall be located in the rear or backyard of a residential property. No part of the coop or run shall be located in the side or front yard;
- e. The chicken coop and chicken run shall be attached and shall be located no closer than five feet from any side or rear property lines and no closer than 25 feet from any dwelling unit other than the owner's. Movable chicken enclosures are permitted as long as they meet the setbacks as indicated in this section;
- f. The minimum size for a chicken coop shall be four square feet per animal and the chicken run shall be eight square feet per animal;
- g. During daylight hours, the chickens shall have access to a chicken run and a chicken coop;
- h. From dusk until dawn, chickens shall be kept within the chicken coop as protection from predators;
- i. Chicken coops shall be predator resistant and any open walls or windows shall be designed to prevent access by predators;
- j. Chicken runs shall be adequately fenced and protected from predators;
- k. The outside openings of any enclosure shall be screened to prevent the spread of disease by flies and vermin;
- 1. Water shall be provided onsite and accessible to chickens at all times;
- m. Chickens are permitted to be outside of a run or coop during daylight hours but must be supervised and contained inside a fenced yard at all times; chickens that stray outside the fenced yard may be regarded as nuisance animals under NCC 4-101;
- All chicken enclosures shall be cleaned regularly to prevent an
  accumulation of food, fecal matter, or nesting material from creating a
  nuisance or unsanitary condition due to odor, vermin, debris, or decay.
- (4) Outdoor slaughter of chickens is prohibited.
- (5) Electrical and heat sources shall comply with the City's building code.
- (c) No person shall own, keep, or maintain a swine within the City limits, except in those areas zoned A-1 or A-2 and only then when in compliance with the limitations regarding those areas.
- (d) Except as otherwise provided, noit shall be unlawful for any person to shall keep and or maintain, or allow to be maintained any exotic wildlife or species defined in this chapter, or native wildlife or dangerous or venomous reptiles. or any species of animal which is venomous to human beings, whether its venom is transmitted by bite, sting, touch or other means. If a person is found in possession of a prohibited animal, the animal may be immediately seized and impounded by an Animal Services Officer. 4-205(b) regarding release or disposition of the animal shall apply to prohibited animals. However, the prohibited animal shall only be released to the owner if the owner has found a place where the animal may be legally kept.
- (e) Persons excepted from subsection (d) of this section shall be:

- (1) Duly authorized educational institutions;
- (2) Agents or employees properly authorized by an educational institution to keep and maintain that institution's animals in connection with any lawful experimental or research program;
- (3) Zoological gardens;
- (4) Zoos which are <u>AZA or ZAA certified</u>; supervised and publicly maintained;
- (5) Falconry facilities that have a current license issued by the U.S. Department of the Interior, by the U.S. Fish and Wildlife Service, or a license issued by the Oklahoma Department of Wildlife Conservation under the rules adopted in 50 CFR 21 of the Federal Regulations;
- (6) Required to ensure the animal is properly secured during any transport, remains detained, or prohibited from unsafe access to others;
- (7) Be required to provide proof of required licensing and liability insurance to any City officer for keeping and displaying the animal.

(Code 1976, § 3-501; Ord. No. O-7475-56; Ord. No. O-8687-50; Ord. No. O-0102-9; Ord. No. O-1213-18, § 2; Ord. No. O-1516-18, § 5; Ord. No. O-1819-39, § 5)

**SECTION 17:** <u>AMENDMENT</u> "ARTICLE 4-V DOGS AND CATS" of the City of Norman Municipal Code is hereby *amended* as follows:

### AMENDMENT

ARTICLE 4-V DOGS AND CATS

**SECTION 18:** <u>AMENDMENT</u> "4-501 Abandonment Of Cats And Dogs" of the City of Norman Municipal Code is hereby *amended* as follows:

### AMENDMENT

4-501 Abandonment Of Cats And Dogs

- (a) No person shall abandon or desert their any animal dog or eat or permit such animal to become a stray.
- (b) Any dog or cat found at-large not wearing any tag indicating proof of current vaccination against rabies, or that the owner is a City resident, shall be presumed abandoned, and will be impounded by the City.

(Code 1976, § 3-401; Ord. No. O-7475-56; Ord. No. O-1516-18, § 4)

**SECTION 19:** <u>AMENDMENT</u> "4-503 Confinement Of Dogs And Cats" of the City of Norman Municipal Code is hereby *amended* as follows:

### AMENDMENT

### 4-503 Confinement Of Dogs And Cats

- (a) No person shall knowingly or unknowingly permit his dog to be at-large anywhere within the City limits; and such dogs found at-large may be impounded and/or the owner cited by the City.
- (b) No person shall knowingly or unknowingly permit his cat to be at-large unless the cat is altered, current on its vaccinations, as required in this chapter, has a valid issued pet license, and has either a collar with a valid City pet license attached with an identification tag and or has a registered microchip containing accurate and current information for the owner, notwithstanding that the cat could still be determined to be a nuisance animal by its actions as defined in NCC 4-101 and NCC 4-509.
- (c) All dogs and cats shall be confined to the owner's premises should the Mayor declare a state of emergency due to an outbreak of rabies within the City.

(Code 1976, § 3-403; Ord. No. O-7475-56; Ord. No. O-0809-18, § 4; Ord. No. O-1516-18, § 4; Ord. No. O-1819-39, § 4)

**SECTION 20:** <u>ADOPTION</u> "4-510 Community Cats" of the City of Norman Municipal Code is hereby *added* as follows:

### ADOPTION

### 4-510 Community Cats(*Added*)

- (a) Community cats are exempted from stray, at large and other provisions of this Chapter that apply to owned animals.
- (b) All community cats may be managed and maintained by a community cat caregiver. Any person may provide care for a community cat, including but not limited to, the following:
  - (1) Food maintained in a feeding container.
  - (2) Clean, potable water that is free from debris and algae.
  - (3) Unobtrusive and safe shelter that is the proper size for the cat(s).

- (4) Trapping community cats (except by Norman Animal Welfare) is permitted only only for the purpose of TNR unless a community cat is injured, veterinary care is required or is a nuisance.
- (5) A community cat received by the Norman Animal Welfare or a local veterinarian from a community cat caregiver may be returned to the location where the cat was trapped or found with no hold period unless veterinary care is required.
- (6) Community cat caregivers are empowered to reclaim impounded community cats without proof of ownership solely for the purpose returning of ear tipped community cats to their original location.
- (7) A community cat caregiver who returns a community cat to its original location when conducting TNR is not deemed to have abandoned the cat.
- (8) TNR is permitted to be practiced by community cat caregivers and a 501(c)(3) nonprofit corporations in good standing with a TNR program in compliance with applicable federal or state law. As part of TNR, spay or neuter and vaccination for rabies must take place under the supervision of a licensed veterinarian. The Animal Welfare Division is authorized to direct impounded community cats to a TNR program.

**SECTION 21:** <u>AMENDMENT</u> "4-601 Cruelty To Animals" of the City of Norman Municipal Code is hereby *amended* as follows:

### AMENDMENT

### 4-601 Cruelty To Animals

- (a) No person shall <u>willfully or maliciously</u>:
  - (1) Torture, cruelly beat, injure, maim, mutilate, or unjustly destroy or kill any animal:
  - (2) Deprive any animal in subjugation or captivity of food generally accepted as being nutritious, potable drinking water, or adequate shelter;
  - (3) Administer any poison or noxious drug or substance to any animal;
  - (4) Expose any drug or substance with the intent that the same shall be taken by an animal, whether such animal be the property of that owner or another person;
  - (5) Cause any other person to do any of the above items;
  - (6) It shall be unlawful for any person to leave any animal in any standing or parked vehicle, box, container or other situation without providing for adequate ventilation nor shall a person allow an animal to be exposed to extreme temperature while confined in a vehicle, box, container or other situation which would likely cause distress, harm or death to the animal;
  - (7) It shall be unlawful to intentionally torment, harass, throw objects at, verbally

- or physically confront any animal, whether confined or unconfined, in a manner to cause unjustified agitation or injury to the animal;
- (8) No person shall cause an animal to be overloaded or forced to work in a manner unsuitable to its species, breed, condition or health so as to cause injury to the animal;
- (9) No person shall fail to provide or deprive any animal in their possession, care, or control reasonable medical or necessary veterinary care if the animal is sick, diseased, and/or injured;
- (10) It shall be unlawful to participate in, assist with, sell, transport or otherwise allow any animal to be dyed, colored, or otherwise similarly altered for the purposes as a promotional item, prize, or giveaway. This prohibition shall in no way limit the actions of a commercial or private groomer, medical care provider, or owner preparing an animal for a commonly recognized and accepted competition or show event as long as the action is performed in a safe and humane way that does not result in discomfort or injury to the animal;
- (11) It shall be unlawful to participate in, assist with, sell, transport or otherwise allow any animal to be provided to another person as a promotional item, or prize to be given away at any event, festival, carnival, or parade.
- (b) Animal Welfare, Police, or Fire Department Officials are hereby authorized to remove, impound or take possession of any animal which has been treated in violation of subsection (a) of this section.

(Code 1976, § 3-301; Ord. No. O-7475-56; Ord. No. O-8485-87; Ord. No. O-8687-50; Ord. No. O-0809-18, § 3; Ord. No. O-1516-18, § 3; Ord. No. O-1819-39, § 3)

**SECTION 22:** <u>AMENDMENT</u> "4-603 Animals That Are Nuisances" of the City of Norman Municipal Code is hereby *amended* as follows:

### AMENDMENT

### 4-603 Animals That Are Nuisances

- (a) No person shall own, keep, possess, or harbor any animal that is a nuisance unless the animal is confined at the residence of the owner as described in NCC 4-101 or if off the premises outside the residence of the owner the animal is at heel as described in NCC 4-101.
  - (1) The Mmunicipal Court Judge, upon a finding that the animal is a nuisance animal, may order that the animal be confined on the premises of the owner.
  - (2) If there are three convictions, pleas of guilty or nolo contendere of violations of subsection (a) of this section or NCC 4-503 against the same animal within a 12-month period, then such animal shall be ordered removed from the City limits or destroyed, at the owner's option, within ten days of the order.
- (b) Noncompliance shall be a violation punishable as listed in NCC 4-223.

(Code 1976, § 3-303; Ord. No. O-7475-56; Ord. No. O-8687-50; Ord. No. O-0506-10; Ord. No. O-1516-18, § 3; Ord. No. O-1819-39, § 3)

**SECTION 23:** <u>SEVERABILITY CLAUSE</u> Should any part or provision of this Ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the Ordinances a whole or any part thereof other than the part so declared to be unconstitutional or invalid.

**SECTION 24: EFFECTIVE DATE** This Ordinance shall be in full force and effect after the required approval and publication according to law.

# PASSED AND ADOPTED BY THE CITY OF NORMAN CITY COUNCIL AYE NAY ABSENT ABSTAIN Presiding Officer Attest Larry Heikkila, Mayor, City of Norman Brenda Hall, City Clerk, City of Norman

### File Attachments for Item:

9. CONSIDERATION OF APPROVAL, ACCEPTANCE, REJECTION, AMENDMENT, AND/OR POSTPONEMENT OF ORDINANCE O-2425-20 UPON FIRST READING BY TITLE: AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AMENDING SECTION 36-201 OF THE CODE OF THE CITY OF NORMAN SO AS TO REMOVE LOTS FORTY-FIVE (45) AND FORTY-SIX (46) IN BLOCK ONE (1) OF LARSH'S UNIVERSITY ADDITION, TO NORMAN, CLEVELAND COUNTY, OKLAHOMA, FROM THE CCFBC, CENTER CITY FORM-BASED CODE DISTRICT, URBAN GENERAL FRONTAGE, AND PLACE SAME IN THE CCPUD, CENTER CITY PLANNED UNIT DEVELOPMENT DISTRICT; AND PROVIDING FOR THE SEVERABILITY THEREOF. (428 BUCHANAN AVENUE)



# CITY OF NORMAN, OK STAFF REPORT

**MEETING DATE:** 02/11/2025

**REQUESTER:** CSO Development Corporation

**PRESENTER:** Jane Hudson, Planning & Community Development Director

ITEM TITLE: CONSIDERATION OF APPROVAL, ACCEPTANCE, REJECTION,

AMENDMENT, AND/OR POSTPONEMENT OF ORDINANCE O-2425-20 UPON FIRST READING BY TITLE: AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AMENDING SECTION 36-201 OF THE CODE OF THE CITY OF NORMAN SO AS TO REMOVE LOTS FORTY-FIVE (45) AND FORTY-SIX (46) IN BLOCK ONE (1) OF LARSH'S UNIVERSITY ADDITION, TO NORMAN, CLEVELAND COUNTY, OKLAHOMA, FROM THE CCFBC, CENTER CITY FORM-BASED CODE DISTRICT, URBAN GENERAL FRONTAGE, AND PLACE SAME IN THE CCPUD, CENTER CITY PLANNED UNIT DEVELOPMENT DISTRICT; AND PROVIDING FOR THE SEVERABILITY THEREOF. (428)

**BUCHANAN AVENUE)** 

APPLICANT/REPRESENTATIVE CSO Development Corporation/Peter

Petromilli

LOCATION 428 Buchanan Avenue

WARD 4

CORE AREA Yes

**REQUESTED ACTION**Rezoning from CCFBC, Center City Form-

Based Code District, Urban General Frontage, to Center City Planned Unit

Development District.

LAND USE PLAN DESIGNATION Low Density Residential

GROWTH AREA DESIGNATION Current Urban Service Area

### **BACKGROUND:**

The applicant requests to rezone this parcel on Buchanan Avenue, designated as Center City Form-Based Code District, Urban General Frontage, to a Center City Planned Unit Development (CCPUD), as outlined in Appendix B of the Center City Form-Based Code. This property is

unique in that it does not have an alleyway along its rear property line and is a smaller lot size than is typically found in the CCFBC.

The proposal for this site is to construct a four-story residential building with a total area of 14,624 square feet, as illustrated in Exhibit A, Site Development Plan. The CCPUD proposes the following uses for the site:

### Residential

- Household Living All Floors
  - One, two or three, or multi-dwelling unit structures or set of attached structures
  - Elderly housing
  - Short-Term Rentals
- Group Living All Floors
  - Assisted Living
  - o Boarding house, rooming house, lodging house
  - Hospice
  - Dormitory
  - Fraternity and Sorority
  - Monastery/convent
  - Nursing home
  - Transitional home

### Commerce – First Floor as defined and regulated by the CCFBC

- Office
- Overnight Lodging
- Recreation/Entertainment
- Vehicle Sales
- Passenger Terminal
- Day Care
- Retail Sales & Service
- Restaurant/Bar/Lounge/Tavern
- Art Studio/Artisanal Manufacturing
- Research & Development

The proposed building will have three (3) 2-bedroom units and seven (7) 3-bedroom units – for a total of ten (10) residential dwelling units and twenty-seven (27) bedrooms. The CCFBC would require a total of twenty-four (24) reserved parking spaces for such a development. This CCPUD proposed to provide 100% of the required reserved parking spaces off-site through a lease with McFarlin Church. The CCPUD allows the applicant to alter its strategy for providing these parking spaces as the CCFBC otherwise allows, upon the applicant's election. While off-site parking leases are allowed to provide reserved parking within 1000' feet of a development site, the specifics of what the lease must require must be set forth in the PUD document itself. Thus, the parking arrangements are reviewed case-by-case when a CCPUD utilizes a lease. Further, the City relies upon the cooperation of the applicant and future owners in order to evaluate and enforce any such parking provisions.

Private Open Space will be provided on the west side of the building through covered patios, and through a roof deck.

To provide additional privacy and accommodate the proposed front façade awning, the residential structure is proposed to be an additional five feet (5') behind the existing two foot (2') Required Build Line along the Buchanan Avenue street frontage. The proposed location of the new building behind the established Required Build Line, RBL, will be done through the request for this CCPUD Narrative. Therefore, this rezoning request will move the RBL to seven feet (7') behind the property line.

### PROCEDURAL REQUIREMENTS:

**GREENBELT MEETING:** This property is already platted; therefore, Greenbelt review is not a requirement for this application.

**PRE-DEVELOPMENT:** A Pre-Development meeting is not required for this application.

**BOARD OF PARKS COMMISSIONERS:** Parkland dedication is not required for this application.

### **ZONING ORDINANCE CITATION:**

APPENDIX B, SEC. 520 CENTER CITY PLANNED UNIT DEVELOPMENT

A. Statement of Purpose: It is the intent of this section to provide an alternative zoning district for the Center City Area as defined in the Center City Form Based Code (CCFBC). This Center City Planned Unit Development District (CCPUD) is specifically catering to the Center City Area because of the size of lots, the lack of vacant land and other distinguishing characteristics in this area that make the use of the existing PUD regulations not feasible. The CCPUD encourages developments that create the character of development envisioned in the CCFBC.

Specifically, the purposes of this section are to:

- 1. Provide an alternative zoning district to the CCFBC where a property owner proposes a development that does not meet the strict regulations required in the CCFBC.
- 2. Provide open space/street space that is compatible with the concepts of the CCFBC.
- 3. Provide comprehensive and innovative planning and design for a development which is consistent and compatible with surrounding developments.
- 4. Provide more efficient and economic use of land resulting in an urban/ pedestrian environment.
- 5. Provide complete and useful information which will enable the Planning Commission and City Council to make more informed decisions on land use.
- 6. Encourage developments that achieve community goals, such as, but not limited to, aging in place, or affordable housing, or other emerging trends in housing, that may not be able to meet all the required elements of the Center City Form Based Code.

### **STAFF ANALYSIS:**

The applicant is requesting this CCPUD to accommodate the preferred structure illustrated on the attached drawings. The applicant is able to comply with many of CCFBC requirements.

However, due to the characteristics of this parcel and the design of the preferred structure, the applicant is requesting a variety of modifications to the Center City Form-Based Code, as follows:

- 1. Move the Required Build Line along Buchanan Avenue from two feet (2') behind the property line to seven feet (7') behind the property line.
- 2. Reduce the Siting requirement from 100% to 75% to allow access to the rear of the property.
- 3. Reduce the rear setback from fifteen feet (15') to ten feet (10').
- 4. Allow for main building signage to be located between the third and fourth stories.
- 5. Allow required parking to be provided off-site within 1,000 feet of the subject tract through a lease agreement.
- 6. Permit metal panels, except for R-style metal panels.
- 7. Reduce the required bike racks from three (3) to two (2).
- 8. Allow for the reduction in width of awnings to a 5-feet (5') clear width with a walking path of 4 feet (4') in width along Buchanan Avenue. The awning will not extend into the right-of-way.

**USE:** The allowed uses for this site are listed in the Permissible Use section of the CCPUD Narrative. The primary proposed use for this structure is residential on all floors with the possibility of ground floor commercial use, such as retail sales, in the future.

**PARKING:** Under the existing CCFBC, Urban Residential Frontage, a residential structure with three (3) 2-bedroom units and seven (7) 3-bedroom units – for a total of ten (10) residential dwelling units and twenty-seven (27) bedrooms, requires twenty-four (24) reserved parking spaces. As addressed above, the applicant is proposing to provide all twenty-four (24) parking spaces off-site in designated spaces via a lease with the McFarlin Church in a parking lot located within 1,000 feet of the subject tract.

**LANDSCAPING:** Three (3) street trees will be provided along Buchanan Avenue in front of the structure as required by the CCFBC. Two (2) trees will be provided to meet the Open Space requirement along the west side of the building, as shown on the Site Development Plan. Any trees planted shall be of a species that is listed in Section 506. Tree Lists, of the CCFBC, as amended thereafter, or otherwise approved by the City of Norman Forester, City of Norman ordinance, or appropriate City of Norman staff member.

**SIGNAGE:** All signage shall comply with 402. General Provisions, Section M of the CCFBC, along with the allowance for one (1) main building sign to be permitted within the area between the top story floor line and the roofline within a horizontal band not to exceed three feet (3') in height along the building frontage.

**LIGHTING:** The project shall comply with the requirements of the CCFBC under 402. General Provisions, Section N. Lighting & Mechanical section of the CCFBC.

**SANITATION/UTILITIES:** The applicant is proposing to use polycarts to serve this residential structure.

**FENCING/WALLS:** The required Street Walls will be provided as illustrated on the Site Development Plan. A six to eight foot (6'-8') wood fence will be allowed along the North, West, and South property lines as listed in the Landscaping section of the CCPUD Narrative.

### **ALTERNATIVES/ISSUES:**

**IMPACTS:** The applicant proposes a residential structure with ten (10) dwelling units and twenty-seven (27) bedrooms. The CCFBC requires a minimum of twenty-four (24) parking spaces to be provided for this number of bedrooms. The applicant is proposing all twenty-four (24) parking spaces be provided off-site but within the required 1,000 square feet walking distance of this structure. Additionally, the construction of this 4-story structure will require the removal of the one (1) on-street parking space, in front of this parcel, to provide an aerial access fire lane. Given the proximity of this residential structure to the University of Oklahoma and Campus Corner, the need for daily use of a vehicle by future tenants will be greatly diminished. Removing one (1) metered on-street parking space will reduce visitor parking on Buchanan Avenue. However, there is a public parking lot across the street from this parcel that can be utilized by visitors, thereby reducing the impact of the removal of this one (1) on-street parking. The proposed residential structure with its off-site parking will create the park-once environment for this structure as encouraged by the Center City Form-Base Code.

### **OTHER AGENCY COMMENTS:**

### FIRE DEPARTMENT AND BUILDING PERMIT REVIEW:

**Fire Comment:** Due to the height of the structure, Section D105 of the IFC will require an aerial access fire lane to be provided along one entire side of the structure. Based on discussions with the applicant, this aerial access fire lane will be placed along the curb in front of the structure.

**PUBLIC WORKS/ENGINEERING:** The subject property is platted as part of Larsh's University Addition.

**TRAFFIC ENGINEER:** The request to remove one (1) on-street parking space located in front of this parcel is allowable in order to provide an aerial access fire lane. The City will need notice at the time of building permit in order to coordinate the removal of the parking spaces and parking meter at this site.

### **UTILITIES:**

**Solid Waste**: Solid waste service only for this site, no recycling, with a maximum of four (4) polycarts. At the time of building permit, the developer will need to show the location of polycarts for storage/use and also for proposed pickup along with the ground surface to be utilized. Recycling will only be available through the use of one of the regional recycling centers.

**Water:** Domestic and fire protection water services are required to be separate and must be new service lines from the main to the structure. In accordance with ODEQ regulations, the City provides water at a minimum pressure of 25 psi. The Developer is responsible for designing and constructing all fixtures and systems to provide adequate domestic and fire protection under minimum pressure conditions. The Developer will be responsible for any failure of domestic and fire protection systems which require water in excess of 25 psi.

Existing water services not proposed to be used must be abandoned at the main and existing material information must be provided to the Utilities Department at the time of building permit. Water service line materials must be identified at the time of demolition.

**Wastewater:** At the time of building permit, the property to the west will need to have an easement for their private sewer line since their only sewer access is on Buchanan, and existing sewer service(s), if not to be reused, must be abandoned at the main.

<u>CONCLUSION:</u> Staff forwards this request for Center City Planned Unit Development and Ordinance O-2425-20 for consideration by City Council.

<u>PLANNING COMMISSION RESULTS:</u> At their Special Meeting of February 3, 2025, Planning Commission recommended adoption of Ordinance O-2425-20 by a vote of 7-0.

### O-2425-20

AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AMENDING SECTION 36-201 OF THE CODE OF THE CITY OF NORMAN SO AS TO REMOVE LOTS FORTY-FIVE (45) AND FORTY-SIX (46) IN BLOCK ONE (1) OF LARSH'S UNIVERSITY ADDITION, TO NORMAN, CLEVELAND COUNTY, OKLAHOMA, FROM THE CCFBC, CENTER CITY FORM-BASED CODE DISTRICT, AND PLACE SAME IN THE CCPUD, CENTER CITY PLANNED UNIT DEVELOPMENT DISTRICT; AND PROVIDING FOR THE SEVERABILITY THEREOF. (428 BUCHANAN)

- § 1. WHEREAS, Sooner Crib LLC, the owners of the hereinafter described property, have made application to have the subject property removed from the CCFBC, Center City Form-Based Code District and placed in the CCPUD, Center City Planned Unit Development District; and
- § 2. WHEREAS, said application has been referred to the Planning Commission of said City and said body has, after conducting a public hearing on February 3, 2025 as required by law, considered the same and recommended that the same should be granted and an ordinance adopted to effect and accomplish such rezoning; and
- § 3. WHEREAS, the City Council of the City of Norman, Oklahoma, has thereafter considered said application and has determined that said application should be granted and an ordinance adopted to effect and accomplish such rezoning.

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

§ 4. That Section 36-201 of the Code of the City of Norman, Oklahoma, is hereby amended so as to remove the following described property from the CCFBC, Center City Form-Based Code District and place the same in the CCPUD, Center City Planned Unit Development District, to wit:

A tract of land being a part of Lots Forty-five (45) and Forty-six (46) in Block One (1) of LARSH'S UNIVERSITY ADDITION to Norman, Cleveland County, Oklahoma, according to the recorded plot thereof, being more particularly described as follows:

BEGINNING at the intersection of the North line of said Lot 46 and the West 40' right-of-way line of Buchanan Avenue; THENCE South 00'11'29" East along said West right-of-way line a distance of 64.00

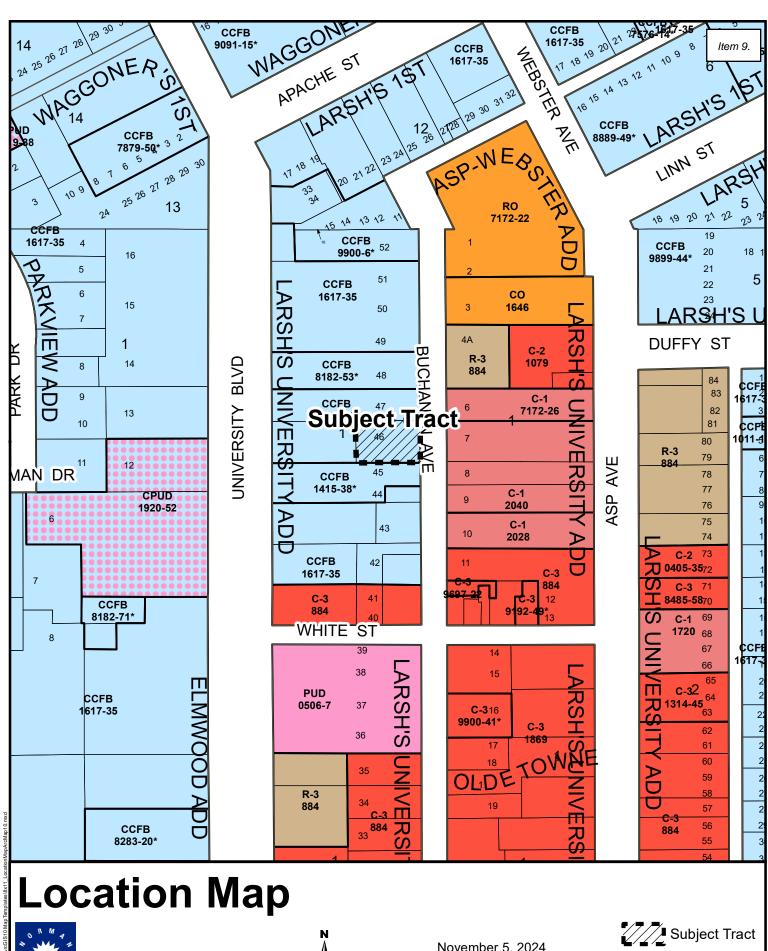
Ordinance No. O-2425-20 Page 2

feet to a point 14.00 feet South of the North line of said Lot 45; THENCE South 89'53'40" West and parallel with said South line a distance of 100.00 feet; THENCE North 00'11'29" West a distance of 64.00 feet to a point on said North line of Lot 46; THENCE North 89'53'40" East along said North line a distance of 100.00 feet to the POINT OF BEGINNING.

Said tract containing 6,400 square feet, or 0.147 acres, more or less

- § 5. Further, pursuant to the provisions of Section 36-509 of the Code of the City of Norman, as amended, the following condition is hereby attached to the zoning of the tract:
  - a. The site shall be developed in accordance with the CCPUD Narrative, Site Development Plan, and supporting documentation, which are made a part hereof.
- § 6. <u>Severability</u>. 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.

ADOPTED this	day of	NOT ADOPTED this	day of
	, 2025.		,
(Mayor)		(Mayor)	
ATTEST:			
(City Clerk)			

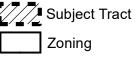


Map Produced by the City of Norman Geographic Information System. The City of Norman assumes no responsibility for errors or omissions in the information presented.



November 5, 2024

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162

# 428 Buchanan

Norman, Oklahoma

**CSO** Development Corporation

A CENTER CITY PLANNED UNIT DEVELOPMENT APPLICATION FOR REZONING

Submitted December 2, 2024 Revised December 31, 2024

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- A. Proposed Site Development Plan
- B. Legal Description of the Property

### I. INTRODUCTION

### A. Background and Intent

This Center City Planned Unit Development (the "**CCPUD**") is submitted for the development of the 428 Buchanan Avenue property (the "Property" or "Addition"). The Property is on the west side of Buchanan Avenue. The legal description is attached in Exhibit B.

The property has two dilapidated structures on them with a parking lot on along the north side. Neither structure are currently occupied and this Property is a good candidate for revitalization.

It is the intent of the Applicant to develop the Property into a leading example of Center City revitalization. The Applicant is Mr. Peter Petromilli.

The property where the new development sits is zoned CCFBC, Center City Form Based Code Urban General Frontage. The Applicant is able to conform to most of the lengthy and detailed CCFBC code provisions. However, due to the unique characteristics of this lot we are requesting modifications to the CCFBC to allow for the proposed design. Therefore, in the spirit of fulfilling the vision of CCFBC, the Applicants bring this CCPUD forward with requested variances from the CCFBC as is necessary for this proposed development. In order to accomplish these goals, the applicant hereby requests a rezoning to a CCPUD.

The current design is a 4-story residential building with seven 3-bed units and three 2-bed units. We are utilizing existing underutilized off-site parking in an effort to minimize additional surface parking. We are also revising the side yard setbacks to allow for emergency egress, and adjusting the front and rear setbacks to allow for an awning across the building frontage.

II. PROPERTY DESCRIPTIONS; EXISTING CONDITIONS

### A. Location

The Property is located at 428 Buchanan Avenue. The Property is on the west side of the Buchanan Avenue just north of Campus Corner. The specific location is illustrated on the attached Site Plan, as Exhibit A. See Exhibit B for legal description.

### B. Existing Land Use and Zoning

The Property is currently zoned CCFBC, Urban General Frontage. The existing

Property currently consists of two dilapidated residential structures and an existing parking lot.

### C. Elevation and Topography

The existing Property currently consists of two dilapidated structures and an existing parking lot. The existing structures and parking lot are being removed. There is no planned change to the general topography or drainage of the site. The impervious area of the new structure is similar to the buildings and parking previously located on this site.

### D. Drainage

The property is generally flat. The property currently drains to the East.

### E. Utility Services/ Public Works

All required utility systems for the project (including water, sewer, gas, and electric) are in immediate proximity to the Property, and long established.

The Property is already platted.

### F. Fire Protection Services

Fire protection services are as provided by the City of Norman Fire Department and per the City of Norman regulations for such.

### G. Traffic Circulation and Access

Buchanan Avenue is located to the east and there are properties on the North, South, and West of the property. Parking is being provided off site to the north and access to the property will be from the east side of the site.

### III. DEVELOPMENT PLAN AND DESIGN CONCEPT.

### A. Permissible Uses

The Applicant proposes that for this Property, the following uses shall be permitted.

### **Residential**

- Household Living All Floors
  - One, two or three, or multi-dwelling unit structures or set of attached structures
  - Elderly housing

- Short-Term Rentals
- Group Living All Floors
  - Assisted Living
  - Boarding house, rooming house, lodging house
  - Hospice
  - Dormitory
  - Fraternity and Sorority
  - Monastery/convent
  - Nursing home
  - Transitional home

### **Commerce** – First Floor as defined and regulated by the CCFBC

- Office
- Overnight Lodging
- Recreation/Entertainment
- Vehicle Sales
- Passenger Terminal
- Day Care
- Retail Sales & Service
- Restaurant/Bar/Lounge/Tavern
- Art Studio/Artisanal Manufacturing
- Research & Development

### B. Development Criteria

1. Siting. The development shall comply with the setbacks shown on the Site Development Plan, Exhibit A. The Property shall be developed in substantial conformance with the Site Development Plan. To achieve a multimodal, pedestrian friendly environment, the RBL for the Property along Buchanan Avenue shall be moved back to 7'-0" behind the east property line, and this RBL shall replace the RBL as currently shown in the CCFBC Regulating Plan to provide privacy for ground story units and accommodate the proposed awnings. Setbacks on the north and south property lines shall be no less than 3'-0" and no more than 6'-0" on the property for the first 12' of the building. The west property line setback shall be no less than 10-0" with the exception of porches and balconies which may extend 5'-0" into the setback. The RBLs identified in the Regulating Plan for this parcel shall be identified and reset, as applicable, in accordance with this CCPUD.

Parking Setback Line will be maintained at 17' as shown on Site Development Plan Exhibit A.

Buildings on the Property fronting Buchanan Avenue shall be built at a

minimum of 75% and up to 100% of the RBL on the Property.

The applicable setbacks are illustrated on the Site Development Plan. Street walls with pedestrian gates shall be provided along the RBL facing Buchanan Avenue as illustrated on Exhibit A, Site Development Plan and Elevation drawings.

- 2. Building Height. The building shall be at least two stories in height at the RBL but no more than four stories. The ground story finished floor elevation shall be no lower than the average fronting public sidewalk elevation and no higher than 14-inches above the average fronting public sidewalk elevation. The ground story shall have a clear height of at least 9-feet along the RBL. The minimum clear height for each upper story is 9-feet.
- 3. Unit Minimum and Bedroom Maximums. This parcel shall have no less than three dwelling units. There is no maximum unit requirement. Ground story commercial units shall count toward the residential dwelling unit minimums. All DWELLING UNITS in a parcel shall be contained within a single structure or set of ATTACHED STRUCTURES. Each unit shall contain no more than three bedrooms.
- **4. Elements.** The Property shall be built in accordance with the terms of this CCPUD and the exhibits hereto.

### **Fenestration**

- Blank lengths of wall exceeding 20 linear feet are prohibited on all Required Build Lines (RBL) provided they are not within 3 feet of the property line.
- Ground story fenestration on all Required Build Lines (RBL) shall comprise between 33% and 70% of the ground story facade and exterior walls provided they are not within 5 feet of the property line.
- Upper story fenestration on all Required Build Lines (RBL) shall comprise between 20% and 70% of the façade and exterior wall area per story provided they are not within 5 feet of the property line.
- All fire rated exterior walls are exempt from fenestration requirements.

### **Building Projections**

- Awnings shall project a minimum of 4-feet from the façade.
- Awnings may have supporting posts at their outer edge provided that they:

- a. Have a minimum of 5-feet clear width between the façade and the awning support posts or columns, and
- b. Provide a continuous walking path at least 4-feet wide within that clear width, running parallel to the awning posts/columns.
- Awnings may not extend into the right-of-way.
- **5. Sanitation.** It is the intent to utilize poly-carts to handle sanitation requirements since access to an alley is unavailable and putting a dumpster along the Buchanan frontage is undesirable.
- 6. Signage. All signage shall comply with 402. General Provisions, Section M of the CCFBC, along with the following allowance: one main building sign is permitted within the area between the top story floor line and the roofline with a horizontal band not to exceed 3 feet (3') in height along the building frontage. The Property shall feature residential style building address numbers. Letters/numbers shall not exceed 18 inches (18") in height or width. Signs shall not come closer than 2-feet (2') to the adjacent Common Lot Line.
- 7. Traffic access and sidewalks. The existing drive off Buchanan Avenue will be removed with this redevelopment. There will be no vehicular access to this property since there is no alley access. Access for pedestrians is planned along Buchanan Avenue where the main entrance to the building is located. The sidewalk is being replaced along Buchanan Avenue. Parking is addressed in sub-paragraph III(B)(12) herein. Currently, twenty-four dedicated parking spaces shall be provided via a lease to be located off site and within a 1,000-foot walking distance. To the extent that dedicated parking is provided via lease, a copy of said lease shall be provided and on file in the City Planning offices. As the CCFBC is amended and/or as other parking options become available, the off-site parking strategy may also be amended but only as allowed by the CCFBC. Two bicycle parking spaces shall be provided on site.
- **8. Lighting.** The project shall comply with the requirements of the CCFBC under 402. General Provisions, Section N. Lighting & Mechanical, as amended thereafter.
- **9. Drainage.** The impervious area of the new structure is similar to the buildings and pavement previously located on this site. Drainage for the new development will utilize existing drainage systems.
- **10.Open Space.** The proposed Private Open Area will meet or exceed the CCFBC required 15% Private Open Area. The proposed open space shall be located on the north, south, and west sides of the building, by way of unit

patios and roof top patios.

- 11.Landscaping. Refer to attached Exhibit A, Site Development Plan, for the number of trees to be planted in the open space area and street trees in street tree alignment area. Any trees planted shall be of a species that is listed in Section 506. Tree Lists, of the CCFBC, as amended thereafter, or otherwise approved by the City of Norman Forester, City of Norman ordinance, or appropriate City of Norman staff member. Wood fencing 6'-8' tall shall be allowed along the North, West, and East property lines.
- 12. Parking. The one existing street parking space shall be removed and 24 off-site parking spaces shall be provided via lease within a 1,000-foot walking distance. Currently, Reserved Parking shall be provided through a lease with McFarlin Church with specific designated spaces for tenants of the Property. The Reserved Parking spaces will not be available to tenants on OU Home Football Games without an additional payment for the space. Where the CCFBC is amended and/or as other parking options become available, the off-site parking strategy may respond to those changes, and in compliance with the then-applicable CCFBC parking requirements. Due to limited space and proximity to the University, only two bicycle parking racks shall be provided on site.
- 13. Architectural Materials (exteriors). The Center City is a compact, walkable, mixed-use urban district. Traditional, sustainable, durable materials appropriate to the central Oklahoma climate will be utilized. Innovative, energy-efficient materials appropriate to a pedestrian-scaled urban environment will be used for this development.

The following materials are prohibited:

- Any lap siding except natural wood or cementitious fiberboard.
- Composition roofing shingles used as a wall material
- Exposed fastener metal, R-Style panels.
- Artificial stucco or EIFS, except high impact quality

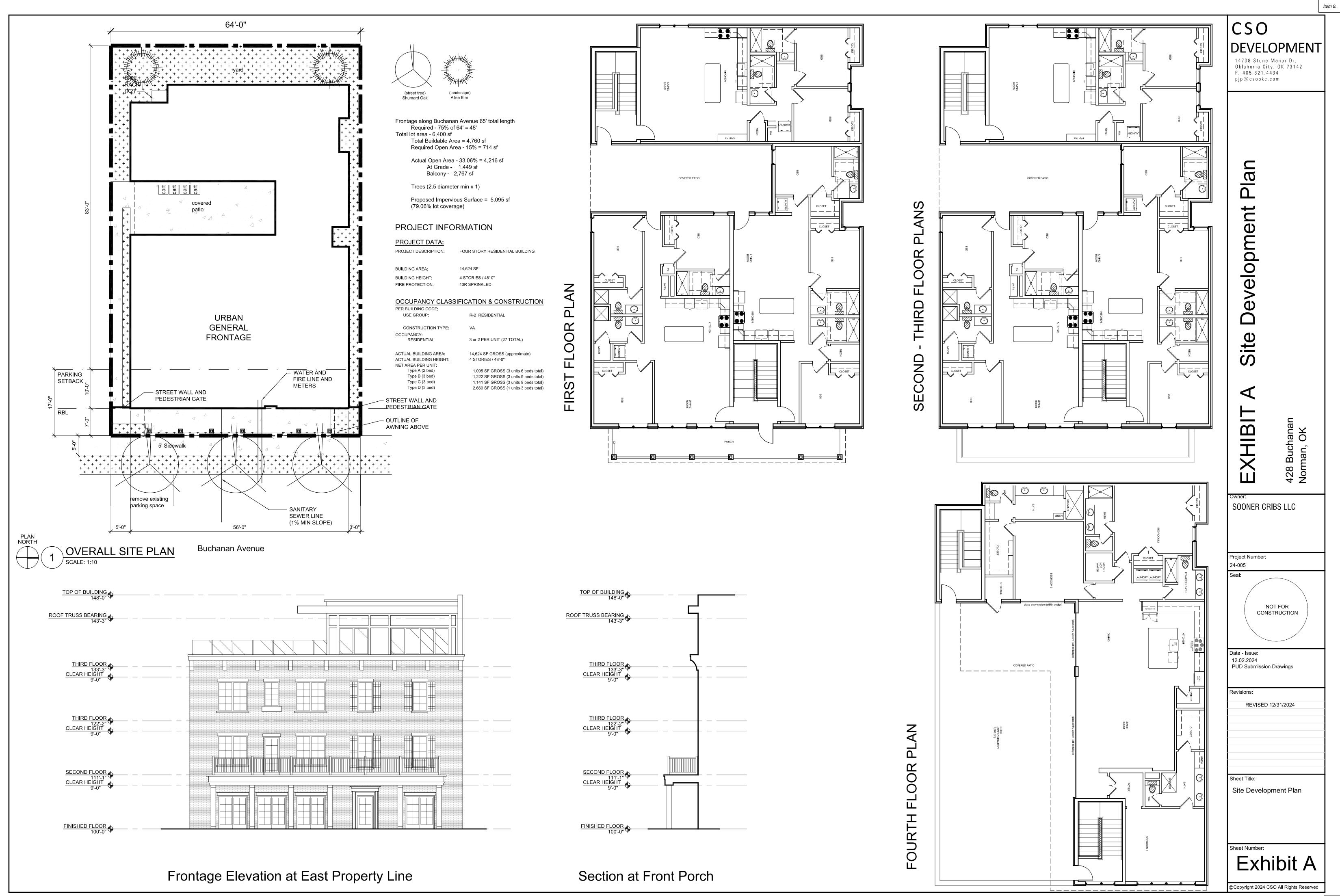
### C. CCFBC Standards

The Property shall be developed in accordance with the terms of this CCPUD and the exhibits attached hereto and incorporated by reference.

For convenience purposes, a summary of the proposed CCPUD is as follows:

1. Move the Required Build Line (RBL) along Buchanan Avenue from two (2')

- feet behind the property line to seven (7') behind property line.
- 2. Adjustment of the Siting requirement along Buchanan Avenue from 100% to 75% minimum due to the lack of alley and egress requirements from the west portion of the building.
- 3. Adjustment of the building setback line for the west property line to a minimum of 10'-0".
- 4. Allow a main building sign within the area between the top story floor line and the roofline with a horizontal band not to exceed 3 feet (3') in height.
- 5. Off-Site parking per the attached lease agreement or as allowed by the CCFBC. The one existing on street parking is being removed to provide an aerial fire lane.
- 6. Allow for all exposed fastener metal panels except for R-Style panels.
- 7. Allow for two bike racks.
- 8. Awnings may have supporting posts at their outer edge provided that they:
  - a. Have a minimum of 5-feet clear width between the façade and the awning support posts or columns, and
  - b. Provide a continuous walking path at least 4-feet wide within that clear width, running parallel to the awning posts/columns.
  - c. Awnings may not extend into the right-of-way.



## Exhibit B

### **LEGAL DESCRIPTION**

A tract of land being a part of Lots Forty-five (45) and Forty-six (46) in Block One (1) of LARSH'S UNIVERSITY ADDITION to Norman, Cleveland County, Oklahoma, according to the recorded plot thereof, being more particularly described as follows:

BEGINNING at the intersection of the North line of said Lot 46 and the West 40' right-of-way line of Buchanan Avenue; THENCE South 00'11'29" East along said West right-of-way line a distance of 64.00 feet to a point 14.00 feet South of the North line of said Lot 45; THENCE South 89'53'40" West and parallel with said South line a distance of 100.00 feet; THENCE North 00'11'29" West a distance of 64.00 feet to a point on said North line of Lot 46; THENCE North 89'53'40" East along said North line a distance of 100.00 feet to the POINT OF BEGINNING.

Said tract containing 6,400 square feet, or 0.147 acres, more or less.



# CITY OF NORMAN, OK STAFF REPORT

**MEETING DATE:** 01/09/2025

**REQUESTER:** CSO Development Corporation

**PRESENTER:** Anais Starr, Planner II

ITEM TITLE: CONSIDERATION OF APPROVAL, ACCEPTANCE, REJECTION,

AMENDMENT, AND/OR POSTPONEMENT OF ORDINANCE O-2425-20: AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AMENDING SECTION 36-201 OF THE CODE OF THE CITY OF NORMAN SO AS TO REMOVE LOTS FORTY-FVE (45) AND FORTY-SIX (46) IN BLOCK ONE (1) OF LARSH'S UNIVERSITY ADDITION, TO NORMAN, CLEVELAND COUNTY, OKLAHOMA, FROM THE CCFBC, CENTER CITY FORM-BASED CODE DISTRICT, URBAN GENERAL FRONTAGE, AND PLACE SAME IN THE CCPUD, CENTER CITY PLANNED UNIT DEVELOPMENT DISTRICT; AND PROVIDING FOR THE

SEVERABILITY THEREOF. (428 BUCHANAN AVENUE)

APPLICANT/REPRESENTATIVE CSO Development Corporation/Peter

Petromilli

**LOCATION** 428 Buchanan Avenue

WARD 4

CORE AREA Yes

REQUESTED ACTION Rezoning from CCFBC, Center City Form-

Based Code District, Urban General Frontage, to Center City Planned Unit

Development District.

LAND USE PLAN DESIGNATION Low Density Residential

GROWTH AREA DESIGNATION Current Urban Service Area

### **BACKGROUND:**

The applicant requests to rezone this parcel on Buchanan Avenue, designated as Center City Form-Based Code District, Urban General Frontage, to a Center City Planned Unit Development (CCPUD), as outlined in Appendix B of the Center City Form-Based Code. This property is

unique in that it does not have an alleyway along its rear property line and is a smaller lot size than is typically found in the CCFBC.

The proposal for this site is to construct a four-story residential building with a total area of 14,624 square feet, as illustrated in Exhibit A, Site Development Plan. The CCPUD proposes the following uses for the site:

### Residential

- Household Living All Floors
  - One, two or three, or multi-dwelling unit structures or set of attached structures
  - Elderly housing
  - Short-Term Rentals
- Group Living All Floors
  - Assisted Living
  - Boarding house, rooming house, lodging house
  - Hospice
  - Dormitory
  - Fraternity and Sorority
  - Monastery/convent
  - Nursing home
  - Transitional home

### <u>Commerce</u> – First Floor as defined and regulated by the CCFBC

- Office
- Overnight Lodging
- Recreation/Entertainment
- Vehicle Sales
- Passenger Terminal
- Day Care
- Retail Sales & Service
- Restaurant/Bar/Lounge/Tavern
- Art Studio/Artisanal Manufacturing
- Research & Development

The proposed building will have three (3) 2-bedroom units and seven (7) 3-bedroom units – for a total of ten (10) residential dwelling units and twenty-seven (27) bedrooms. A total of twenty-four (24) designated parking spaces are to be provided through a long-term lease with McFarlin Church. Private Open Space will be provided on the west side of the building through covered patios, and through a roof deck.

To provide additional privacy and accommodate the proposed front façade awning, the residential structure is proposed to be an additional five feet (5') behind the existing two foot (2') Required Build Line along the Buchanan Avenue street frontage. The proposed location of the new building behind the established Required Build Line, RBL, will be done through the request for this CCPUD Narrative. Therefore, this rezoning request will move the RBL to seven feet (7') behind the property line.

### **PROCEDURAL REQUIREMENTS:**

**GREENBELT MEETING:** This property is already platted; therefore, Greenbelt review is not a requirement for this application.

**PRE-DEVELOPMENT:** A Pre-Development meeting is not required for this application.

**BOARD OF PARKS COMMISSIONERS:** Parkland dedication is not required for this application.

### **ZONING ORDINANCE CITATION:**

APPENDIX B, SEC. 520 CENTER CITY PLANNED UNIT DEVELOPMENT

A. Statement of Purpose: It is the intent of this section to provide an alternative zoning district for the Center City Area as defined in the Center City Form Based Code (CCFBC). This Center City Planned Unit Development District (CCPUD) is specifically catering to the Center City Area because of the size of lots, the lack of vacant land and other distinguishing characteristics in this area that make the use of the existing PUD regulations not feasible. The CCPUD encourages developments that create the character of development envisioned in the CCFBC.

Specifically, the purposes of this section are to:

- 1. Provide an alternative zoning district to the CCFBC where a property owner proposes a development that does not meet the strict regulations required in the CCFBC.
- 2. Provide open space/street space that is compatible with the concepts of the CCFBC.
- 3. Provide comprehensive and innovative planning and design for a development which is consistent and compatible with surrounding developments.
- 4. Provide more efficient and economic use of land resulting in an urban/ pedestrian environment.
- 5. Provide complete and useful information which will enable the Planning Commission and City Council to make more informed decisions on land use.
- 6. Encourage developments that achieve community goals, such as, but not limited to, aging in place, or affordable housing, or other emerging trends in housing, that may not be able to meet all the required elements of the Center City Form Based Code.

### **STAFF ANALYSIS:**

The applicant is requesting this CCPUD to accommodate the preferred structure illustrated on the attached drawings. The applicant is able to comply with many of CCFBC requirements. However, due to the characteristics of this parcel and the design of the preferred structure, the applicant is requesting a variety of modifications to the Center City Form-Based Code, as follows:

- 1. Move the Required Build Line along Buchanan Avenue from two feet (2') behind the property line to seven feet (7') behind the property line.
- 2. Reduce the Siting requirement from 100% to 75% to allow access to the rear of the property.
- 3. Reduce the rear setback from fifteen feet (15') to ten feet (10').
- 4. Allow for main building signage to be located between the third and fourth stories.
- 5. Allow required parking to be provided off-site within 1,000 feet of the subject tract through a lease agreement.

- 6. Permit metal panels, except for R-style metal panels.
- 7. Reduce the required bike racks from three (3) to two (2).
- 8. Allow for the reduction in width of awnings to a 5-feet (5') clear width with a walking path of 4 feet (4') in width along Buchanan Avenue. The awning will not extend into the right-of-way.

**USE:** The allowed uses for this site are listed in the Permissible Use section of the CCPUD Narrative. The primary proposed use for this structure is residential on all floors with the possibility of ground floor commercial use, such as retail sales, in the future.

**PARKING:** Under the existing CCFBC, Urban Residential Frontage, a residential structure with three (3) 2-bedroom units and seven (7) 3-bedroom units – for a total of ten (10) residential dwelling units and twenty-seven (27) bedrooms, requires twenty-four (24) parking spaces. The applicant is proposing to provide all twenty-four (24) parking spaces off-site in designated spaces via a long-term lease with the McFarlin Church in a parking lot located within 1,000 feet of the subject tract.

**LANDSCAPING:** Three (3) street trees will be provided along Buchanan Avenue in front of the structure as required by the CCFBC. Two (2) trees will be provided to meet the Open Space requirement along the west side of the building, as shown on the Site Development Plan. Any trees planted shall be of a species that is listed in Section 506. Tree Lists, of the CCFBC, as amended thereafter, or otherwise approved by the City of Norman Forester, City of Norman ordinance, or appropriate City of Norman staff member.

**SIGNAGE:** All signage shall comply with 402. General Provisions, Section M of the CCFBC, along with the allowance for one (1) main building sign to be permitted within the area between the top story floor line and the roofline within a horizontal band not to exceed three feet (3') in height along the building frontage.

**LIGHTING:** The project shall comply with the requirements of the CCFBC under 402. General Provisions, Section N. Lighting & Mechanical section of the CCFBC.

**SANITATION/UTILITIES:** The applicant is proposing to use polycarts to serve this residential structure.

**FENCING/WALLS:** The required Street Walls will be provided as illustrated on the Site Development Plan. A six to eight foot (6'-8') wood fence will be allowed along the North, West, and South property lines as listed in the Landscaping section of the CCPUD Narrative.

### **ALTERNATIVES/ISSUES:**

**IMPACTS:** The applicant proposes a residential structure with ten (10) dwelling units and twenty-seven (27) bedrooms. The CCFBC requires a minimum of twenty-four (24) parking spaces to be provided for this number of bedrooms. The applicant is proposing all twenty-four (24) parking spaces be provided off-site but within the required 1,000 square feet walking distance of this structure. Additionally, the construction of this 4-story structure will require the removal of the one (1) on-street parking space, in front of this parcel, to provide an aerial access fire lane. Given the proximity of this residential structure to the University of Oklahoma and

Campus Corner, the need for daily use of a vehicle by future tenants will be greatly diminished. Removing one (1) metered on-street parking space will reduce visitor parking on Buchanan Avenue. However, there is a public parking lot across the street from this parcel that can be utilized by visitors, thereby reducing the impact of the removal of this one (1) on-street parking. The proposed residential structure with its off-site parking will create the park-once environment for this structure as encouraged by the Center City Form-Base Code.

### **OTHER AGENCY COMMENTS:**

### FIRE DEPARTMENT AND BUILDING PERMIT REVIEW:

**Fire Comment:** Due to the height of the structure, Section D105 of the IFC will require an aerial access fire lane to be provided along one entire side of the structure. Based on discussions with the applicant, this aerial access fire lane will be placed along the curb in front of the structure.

**PUBLIC WORKS/ENGINEERING:** The subject property is platted as part of Larsh's University Addition.

**TRAFFIC ENGINEER:** The request to remove one (1) on-street parking space located in front of this parcel is allowable in order to provide an aerial access fire lane. The City will need notice at the time of building permit in order to coordinate the removal of the parking spaces and parking meter at this site.

### **UTILITIES:**

**Solid Waste**: Solid waste service only for this site, no recycling, with a maximum of four (4) polycarts. At the time of building permit, the developer will need to show the location of polycarts for storage/use and also for proposed pickup along with the ground surface to be utilized. Recycling will only be available through the use of one of the regional recycling centers.

**Water:** Domestic and fire protection water services are required to be separate and must be new service lines from the main to the structure. In accordance with ODEQ regulations, the City provides water at a minimum pressure of 25 psi. The Developer is responsible for designing and constructing all fixtures and systems to provide adequate domestic and fire protection under minimum pressure conditions. The Developer will be responsible for any failure of domestic and fire protection systems which require water in excess of 25 psi.

Existing water services not proposed to be used must be abandoned at the main and existing material information must be provided to the Utilities Department at the time of building permit. Water service line materials must be identified at the time of demolition.

**Wastewater:** At the time of building permit, the property to the west will need to have an easement for their private sewer line since their only sewer access is on Buchanan, and existing sewer service(s), if not to be reused, must be abandoned at the main.

<u>CONCLUSION:</u> Staff forwards this request for Center City Planned Unit Development and Ordinance O-2425-20 to Planning Commission for consideration and a recommendation to the City Council.

### File Attachments for Item:

10. CONSIDERATION OF APPROVAL, ACCEPTANCE, REJECTION, AMENDMENT, AND/OR POSTPONEMENT OF ORDINANCE O-2425-21 UPON FIRST READING BY TITLE: AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AMENDING SECTION 36-201 OF THE CODE OF THE CITY OF NORMAN SO AS TO GRANT SPECIAL USE FOR A CHURCH, TEMPLE, OR OTHER PLACE OF WORSHIP WITH A WAIVER OF SECTION 36-547(a)(4) PERTAINING TO EXTERIOR APPEARANCE IN THE R-1, SINGLE-FAMILY DWELLING DISTRICT FOR LOT ONE (1), IN BLOCK SEVENTEEN (17), OF HALL PARK FOURTH ADDITION OF THE INDIAN MERIDIAN, CLEVELAND COUNTY, OKLAHOMA; AND PROVIDING FOR THE SEVERABILITY THEREOF. (1501 24<sup>TH</sup> AVE NE)



# CITY OF NORMAN, OK STAFF REPORT

**MEETING DATE:** 02/11/2025

**REQUESTER:** Wildwood Community Church, Inc.

**PRESENTER:** Jane Hudson, Planning & Community Development Director

ITEM TITLE: CONSIDERATION OF APPROVAL, ACCEPTANCE, REJECTION,

AMENDMENT, AND/OR POSTPONEMENT OF ORDINANCE O-2425-21 UPON FIRST READING BY TITLE: AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AMENDING SECTION 36-201 OF THE CODE OF THE CITY OF NORMAN SO AS TO GRANT SPECIAL USE FOR A CHURCH, TEMPLE, OR OTHER PLACE OF WORSHIP WITH A WAIVER OF SECTION 36-547(a)(4) PERTAINING TO EXTERIOR APPEARANCE IN THE R-1, SINGLE-FAMILY DWELLING DISTRICT FOR LOT ONE (1), IN BLOCK SEVENTEEN (17), OF HALL PARK FOURTH ADDITION OF THE INDIAN MERIDIAN, CLEVELAND COUNTY, OKLAHOMA: AND PROVIDING FOR THE SEVERABILITY THEREOF.

 $(1501\ 24^{TH}\ AVE\ NE)$ 

APPLICANT/REPRESENTATIVE Wildwood Community Church, Inc./Rieger Sadler and

Joyce LLC.

**LOCATION** 1501 24<sup>th</sup> Avenue NE

WARD 6

**REQUESTED ACTION** Site Plan amendment for Special Use for a Church,

Temple, or Other Place of Worship and Waiver to the

**Exterior Appearance Materials** 

LAND USE PLAN DESIGNATION Institutional

GROWTH AREA DESIGNATION Current Urban Service Area

**BACKGROUND:** This site is situated in the Hall Park Subdivision; the 6.67-acre parcel is currently home to the Wildwood Community Church. The subject property is currently zoned R-1, Single-Family Dwelling District, with Special Use for a Church, Temple or Place of Worship under Ordinance O-0607-04. The applicant is requesting to amend the existing approved site plan with the addition of a new accessory building/gymnasium; therefore, they must update the

Special Use zoning for the site. The applicant intends to construct a 12,000 square foot student center and gymnasium. The applicant has been informed that the project must meet all pertinent Zoning Ordinance requirements for commercial projects, including landscaping, building requirements, and commercial outdoor lighting standards.

### **PROCEDURAL REQUIREMENTS:**

**GREENBELT COMMISSION MEETING:** This property is already platted; therefore, Greenbelt review is not a requirement for this request.

PRE-DEVELOPMENT: PD24-17 December 19, 2024

No neighbors attended this meeting.

BOARD OF PARKS COMMISSIONERS: This zoning project does not require a Board of Parks Commissioners review for parkland dedication. This applicant did previously approach the Board of Parks Commissioners regarding pedestrian bridges that will cross City parkland, allowing the Church direct access to parking lots on the north and south sides, as well as construction of a sidewalk along 24<sup>th</sup> Ave. NE to the south of the church. Wildwood agreed to be responsible for the maintenance and use of these bridges and, in a separate process not dependent upon this application, the City is currently in discussions regarding the necessary actions to effectuate this arrangement. See the attached minutes of the December 7, 2023 Board of Parks Commissioners meeting.

**ZONING ORDINANCE CITATION:** A Special Use request shall be reviewed and evaluated on the following criteria according to Sec. 36-560, Special Uses:

- Conformance with applicable regulations and standards established by the Zoning Regulations.
- 2. Compatibility with existing or permitted uses on abutting sites, in terms of building height, bulk and scale, setbacks and open spaces, landscaping and site development, and access and circulation features.
- 3. Potentially unfavorable effects or impacts on other existing or permitted uses on abutting sites, to the extent such impacts exceed those which reasonably may result from use of the site by a permitted use. (NOTE: Throughout this Section, "Permitted Use" means any use authorized as a matter of right under the applicable zoning district.)
- 4. Modifications to the site plan which would result in increased compatibility, or would mitigate potentially unfavorable impacts, or would be necessary to conform to applicable regulations and standards and to protect the public health, safety, morals, and general welfare.
- 5. Safety and convenience of vehicular and pedestrian circulation in the vicinity, including traffic reasonably expected to be generated by the proposed "Special Use" and other uses authorized and anticipated in the area, considering existing zoning and land uses in the area.

6. That any conditions applicable to approval are the minimum necessary to minimize potentially unfavorable impacts on nearby uses and to ensure compatibility of the proposed "Special Use" with existing or permitted uses in the surrounding area.

STAFF ANALYSIS: The applicant proposes to construct a 12,000 square foot student center and gymnasium, in conjunction with the continued use of the church. The proposed building will be placed south and east of the existing church building. The addition of the proposed building will result in a net loss of sixty-nine parking spaces. The applicant is restriping and rearranging the accessible parking spaces directly west of the proposed building. Through a separate application, not part of this zoning request, the applicant is proposing to add an additional off-street parking area located south of the subject property. This new parking area consists of 115 parking spaces with a pedestrian bridge that allows passage through the adjacent parkland, the bridge will be donated to the City of Norman as an improvement and will be open to the public. As noted above, the pedestrian bridge proposal/dedication was on the Park Board agenda on December 7, 2023. Again, the parking area proposal is not part of this Special Use request but important to the overall flow of the development.

The project is bordered by City of Norman Parkland known as Wildwood Greenbelt, part of a system winding through the Hall Park Subdivision. The zoning surrounding the abutting Parkland is A-1, General Agricultural District (City of Norman property), and A-2, Rural Agricultural District, to the north and east, C-1, Local Commercial District, to the south, and R-1, Single-Family Dwelling District, to the west, across 24<sup>th</sup> Ave NE.

Section 36-547, Exterior Appearance, requires any institutional or nonresidential special use have all exterior walls constructed with masonry materials covering at least 80% of said walls, unless waived by City Council as part of the approval. The applicant is requesting a waiver from City Council for the masonry requirement for this proposed structure. Exterior elevations for the proposed structure are included in the packet.

The site will still comply with all relevant landscaping requirements. The applicant intends to meet all applicable regulations and standards for the Special Use of a Church and any recommendations deemed necessary from the Planning Commission or City Council.

### **ALTERNATIVES/ISSUES:**

### **IMPACTS**:

Development of a student center and gymnasium on this site would not be detrimental to the surrounding uses due to the anticipated traffic patterns generated by the use; the building will be used mostly on the weekends with occasional weekday operations. It will not be more intense than the existing use.

### **OTHER AGENCY COMMENTS:**

**FIRE DEPARTMENT AND BUILDING PERMIT REVIEW:** Items regarding fire hydrants, fire and building codes will be considered at the building permit stage. The plan review staff have already been in touch with the architect.

**PUBLIC WORKS**: The subject property is part of Hall Park, Section 4.

**TRAFFIC ENGINEER:** No traffic issues or impacts are anticipated.

**UTILITIES:** Water and sewer are currently being utilized on the property.

<u>CONCLUSION:</u> Staff forwards this request for amendment of a Special Use for a Church, Temple, or Other Place of Worship, and a Waiver to the Exterior Appearance requirement as Ordinance O-2425-21 for consideration by City Council.

<u>PLANNING COMMISSION RESULTS:</u> At their Special Meeting of February 3, 2025, Planning Commission recommended adoption of Ordinance O-2425-21 by a vote of 7-0.

### O-2425-21

AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AMENDING SECTION 36-201 OF THE CODE OF THE CITY OF NORMAN SO AS TO GRANT SPECIAL USE FOR A CHURCH, TEMPLE, OR OTHER PLACE OF WORSHIP WITH A WAIVER OF SECTION 36-547(A)(4) PERTAINING TO EXTERIOR APPEARANCE IN THE R-1, SINGLE-FAMILY DWELLING DISTRICT FOR LOT ONE (1), IN BLOCK SEVENTEEN (17), OF HALL PARK ADDITION OF THE INDIAN FOURTH MERIDIAN, CLEVELAND COUNTY, OKLAHOMA; AND PROVIDING FOR THE SEVERABILITY THEREOF. (1501 24<sup>TH</sup> AVE NE)

- § 1. WHEREAS, Wildwood Community Church, Inc. has made application to have Special Use for a Church, Temple, or other place of Worship on the property described below in the R-1, Single-Family Dwelling District; and
- § 2. WHEREAS, said application has been referred to the Planning Commission of said City and said body has, after conducting a public hearing on February 3, 2025 as required by law, considered the same and recommended that the same should be granted and an ordinance adopted to effect and accomplish such rezoning; and
- § 3. WHEREAS, the City Council of the City of Norman, Oklahoma, has thereafter considered said application and has determined that said application should be granted and an ordinance adopted to effect and accomplish such rezoning.

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

§ 4. That Section 36-201 of the Code of the City of Norman, Oklahoma, is hereby amended so as to grant Special Use for a Church, Temple, or other place of Worship in the R-1, Single-Family Dwelling District, for the following described property, to wit:

Lot One (1), in Block Seventeen (17), of HALL PARK FOURTH ADDITION, to the Town of Hall Park, Cleveland County, Oklahoma, according to the recorded plat thereof.

Less & Except the following three (3) Parcels

Parcel 1

Commencing at the Northwest corner of said Lot 1, Block 17; thence North 90°00'00" East, along the North line of said Lot 1, Block 17, a distance of 45.00 feet to the Point of Beginning; thence continuing North 90°00'00" East, along the North line of said Lot 1, Block 17, a distance of 179.16 feet; thence South 60°00'00" East, along the Northeasterly line of said Lot 1, Block 17, a distance of 347.38 feet; thence South 30°00'00" East, along the Easterly line of said Lot 1, Block 17, a distance of 60.00 feet; thence North 60°00'00" West, parallel with the Northeasterly line of said Lot 1, Block 17, a distance of 228.83 feet; thence North 00°45'59" East a distance of 13.99 feet; thence North 89°14'01" West a distance of 25.00 feet; thence North 60°00'00" West, parallel with the Northeasterly line of said Lot 1, Block 17, a distance of 63.82 feet; thence South 90°00'00" West, parallel with the North line of said Lot 1, Block 17, a distance of 212.74 feet; thence North 45°00'00" West a distance of 26.88 feet; thence North 00°00'00" East, parallel with the West line of said Lot 1, Block 17, a distance of 46.00 feet to the Point of Beginning.

### Parcel 2

Beginning at the Southeast corner of said Lot 1, Block 17; thence South 90°00'00" West, along the South line of said Lot 1, Block 17, a distance of 192.13 feet; thence North 00°00'00" East, parallel with the West line of said Lot 1, Block 17, a distance of 209.42 feet; thence North 22°21'24" West a distance of 65.78 feet; thence North 13°04'03" West a distance of 60.93 feet; thence North 00°00'00" East, parallel with the West line of said Lot 1, Block 17, a distance of 70.36 feet to a point on the Easterly line of said Lot 1, Block 17; thence South 30°00'00" East, along the Easterly line of said Lot 1, Block 17, a distance of 461.85 feet to the Point of Beginning.

### Parcel 3

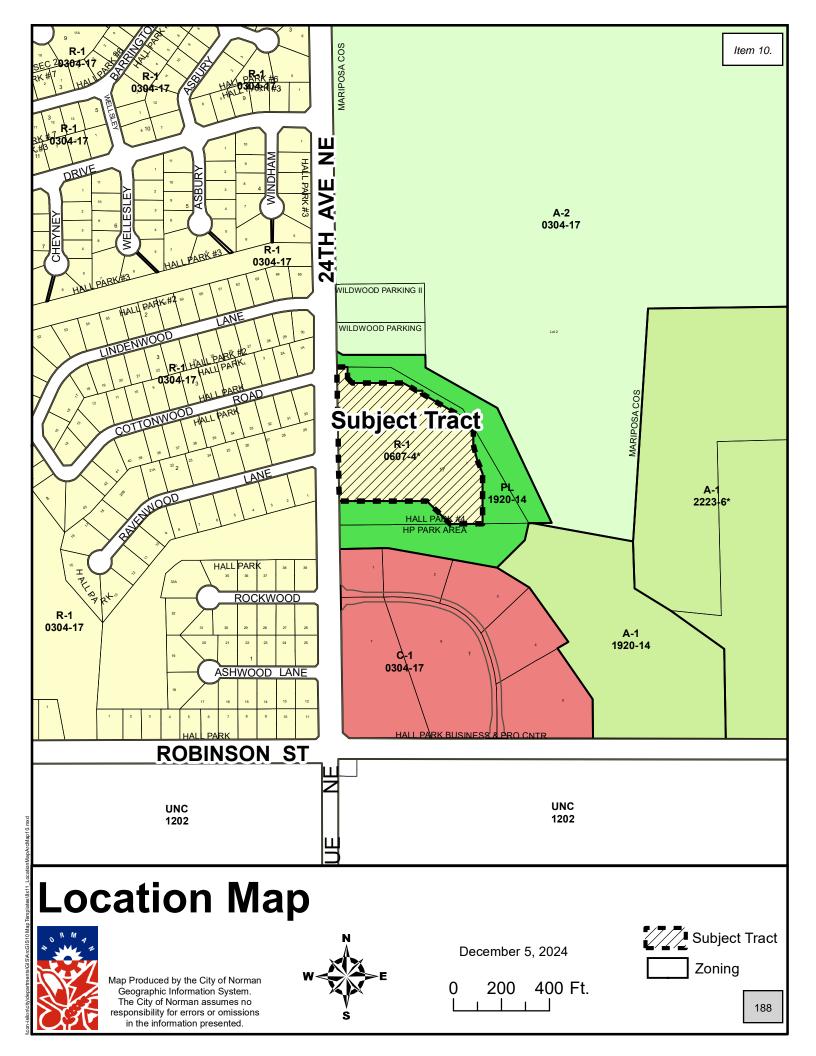
Beginning at the Southwest corner of said Lot 1, Block 17; thence North 00°00'00" East, along the West line of said Lot 1, Block 17, a distance of 100.00 feet; thence North 90°00'00" East, parallel with the South line of said Lot 1, Block 17, a distance of 366.00 feet; thence South 45°17'06" East a distance of 142.13 feet to a point on the South line of said Lot 1, Block 17; thence South 90°00'00" West, along the South line of said Lot 1, Block 17, a distance of 467.00 feet to the Point of Beginning.

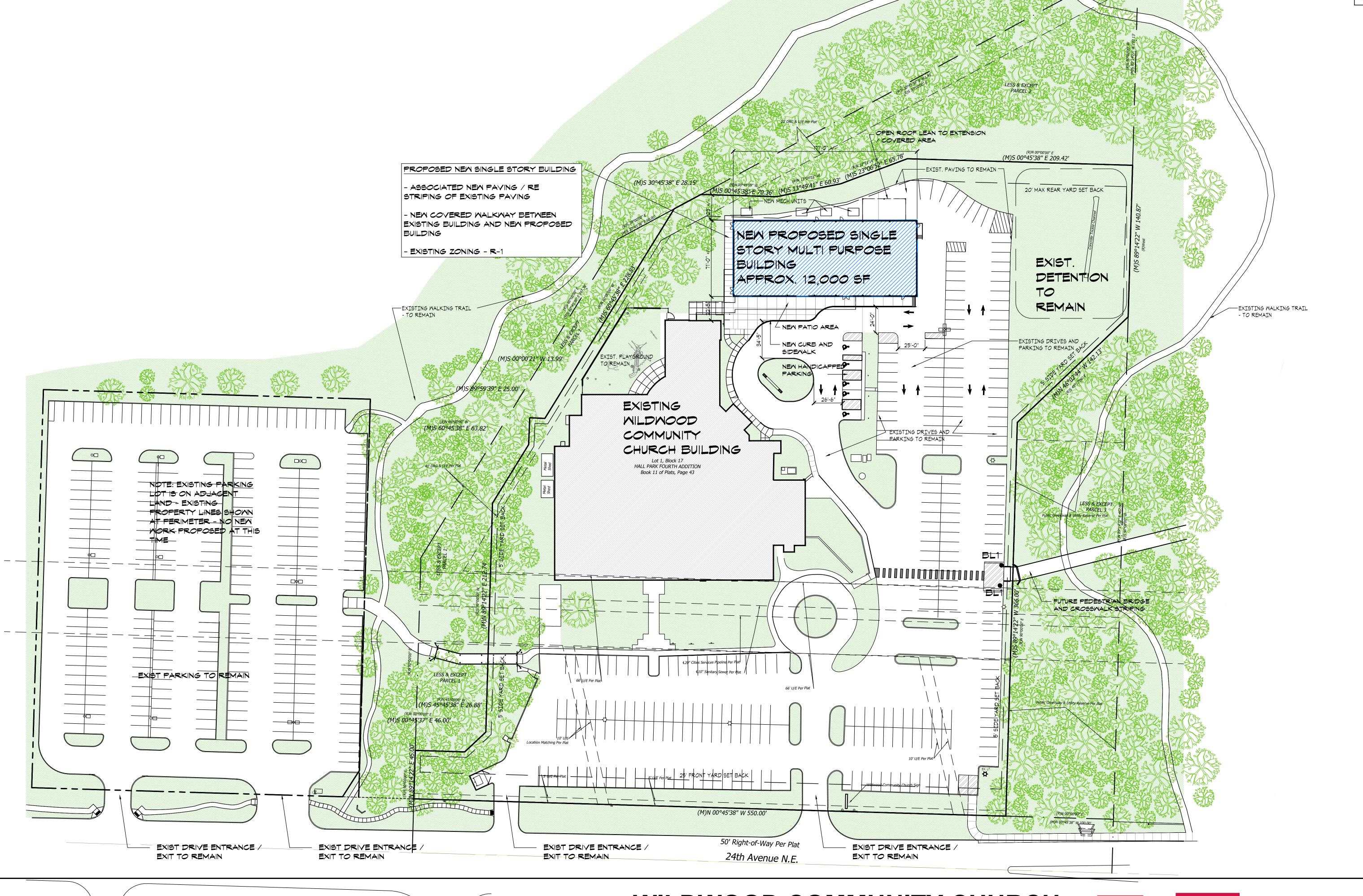
Ordinance No. O-2425-21 Page 3

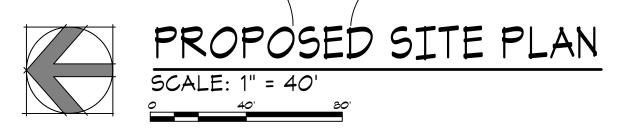
Containing 279,889.37 Sq. Ft. or 6.4253 Acres, more or less.

- § 5. Further, pursuant to the provisions of Section 36-560 of the Code of the City of Norman, as amended, the following conditions are hereby attached to the zoning of the tract:
  - a. The site shall be developed in accordance with the Site Plan, and supporting documentation, which are made a part hereof.
  - b. Buildings initially constructed on the site following the effective date of this Ordinance shall not be required to comply with the eighty (80) percent masonry requirements normally required for special uses.
- § 6. <u>Severability</u>. 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.

ADOPTED this	day of	NOT ADOPTED this	day of
	, 2025.		,2025.
(Mayor)		(Mayor)	
ATTEST:			
(City Clerk)			

















December 2, 2024

City of Norman Planning Department 225 N. Webster Ave Norman, OK 73069

RE: Special Use Condition of Approval 1501 24th Ave NE, Norman, OK

Dear City of Norman,

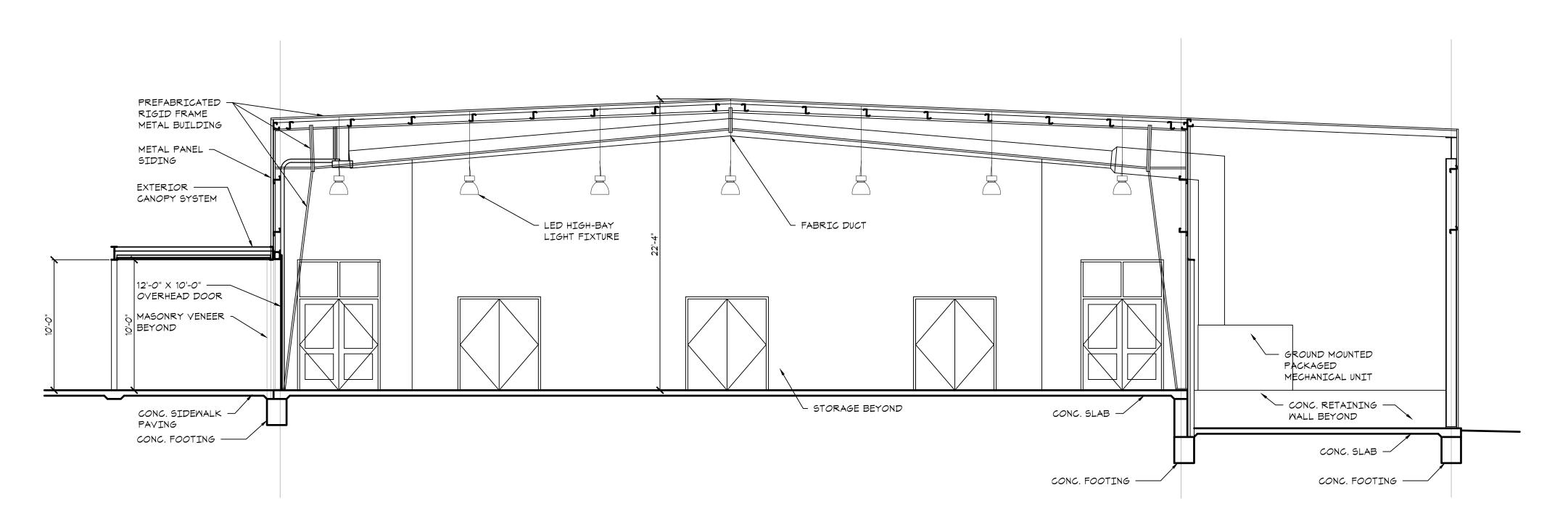
We represent the Applicant, Wildwood Community Church, Inc., in the pending Application for a Special Use Permit for Church on the property located at 1501 24th Ave NE, Norman, OK. The subject property is currently zoned R-1, Single Family Dwelling, with a Special Use Permit for Church. The Applicant intends to continue to use the subject property as a church and add an additional building to the site for the Church's use. The Applicant desires to move forward with the following Condition of Approval. The Condition of Approval will be a requirement and condition to be continually complied with by the Applicant and any successors in interest. The Condition of Approval is as follows:

Waiver from Masonry Material Requirement, City Ordinance Section 36-547(a)(4). The new building to be constructed and utilized by the Church shall not be required to be constructed with any masonry materials.

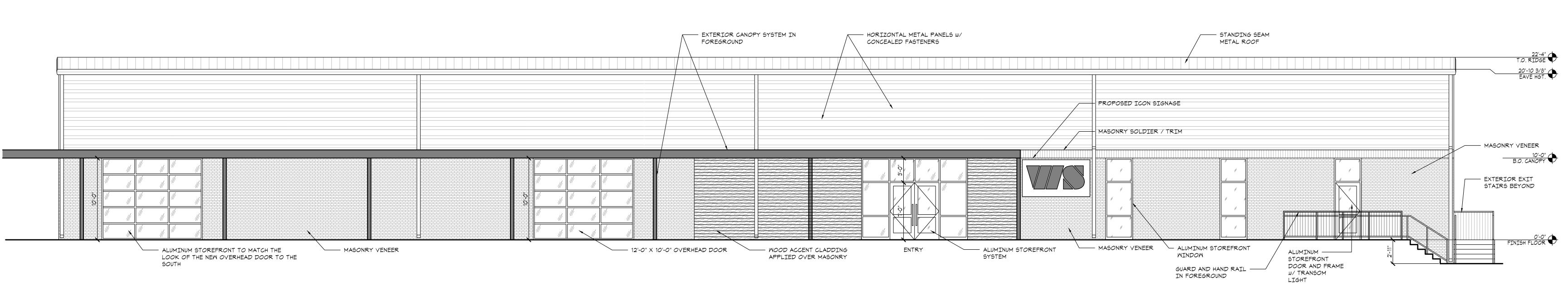
We respectfully request your support for this Special Use Application. Please let us know if you have any questions. We thank you for your consideration. Respectfully and best wishes,

Very Truly Yours,
RIEGER SADLER JOYCE LLC

GUNNER B. JOYCE *Attorney at Law* 



# PROPOSED STUDENT BUILDING / GYM E-W SECTION SCALE: 3/16" = 1'-0"



PROPOSED STUDENT BUILDING / GYM WEST ELEVATION

SCALE: 3/16" = 1'-0"

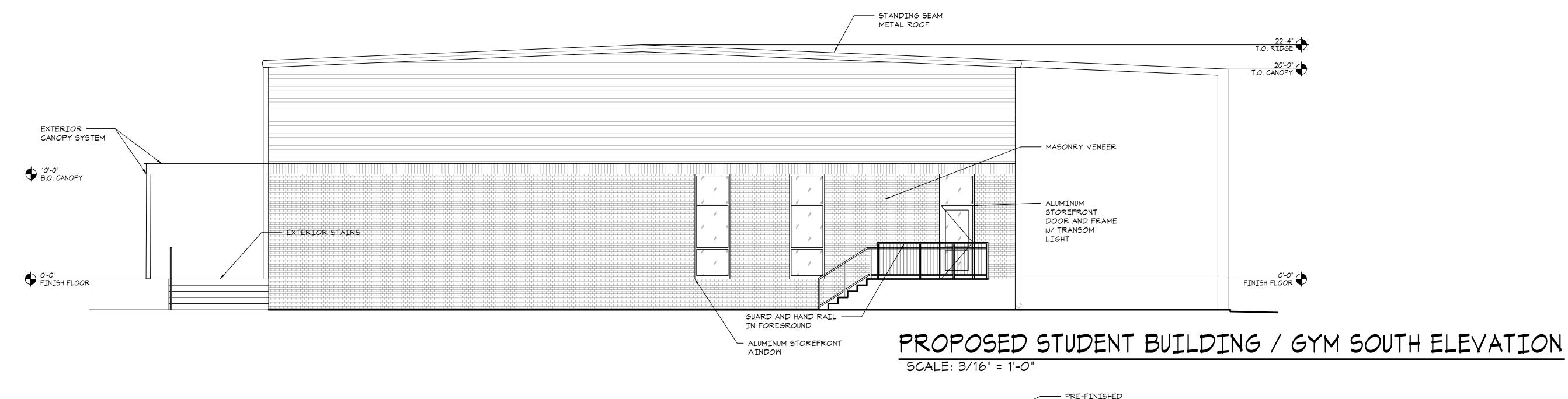
2 4 8 12'

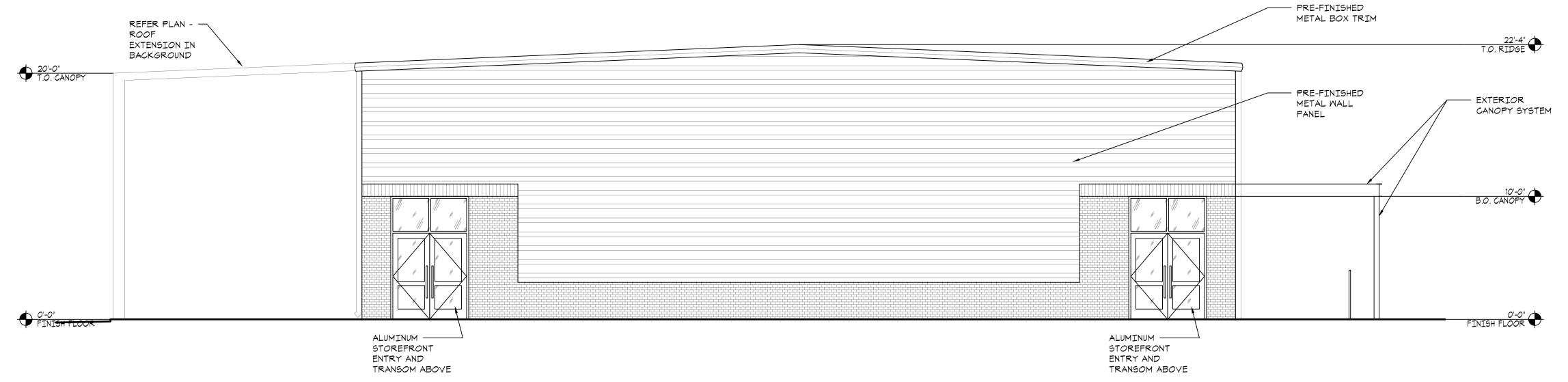
# WILDWOOD COMMUNITY CHURCH MASTER PLAN CONCEPT December 13, 2024

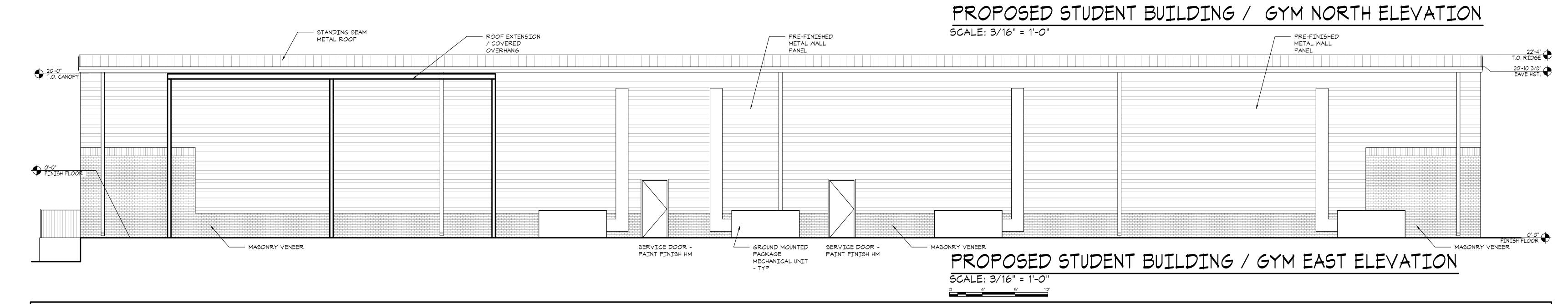












WILDWOOD COMMUNITY CHURCH MASTER PLAN CONCEPT December 13, 2024







### Norman Board of Parks Commissioners December 7, 2023

The Norman Board of Parks Commissioners of the City of Norman, Cleveland County, State of Oklahoma, met in a Regular Session in the Executive Conference Room of the Norman Municipal Building, on the 7th day of December 2023 at 5:30 p.m., and notice of the agenda of the meeting were posted at the Municipal Building at 201 West Gray and on the City website at least 24 hours prior to the beginning of the meeting.

### ROLL CALL

Present: Chair Wright and Commissioners Davison, Isacksen, Ross, Sallee, Sheriff, and Usry

Absent: Commissioners Moxley and One Vacancy

City Officials

Present: Jason Olsen, Director of Parks and Recreation

James Briggs, Park Development Manager

Veronica Tracy, Recreation Manager Wade Thompson, Parks Manager Bethany Grissom, Park Planner

Mitchell Richardson, Recreation Supervisor Karla Sitton, Administrative Technician IV

### ITEM 1, being:

CONSIDERATION OF APPROVAL, REJECTION, AMENDED AND/OR POSTPONEMENT OF MINUTES FROM OCTOBER 5, 2023, PARK BOARD MEETING

Commissioner Isacksen made the motion, and Commissioner Ross seconded to approve the October 5, 2023, Park Board minutes. The vote was taken with the following results:

YEAH: Chair Wright and Commissioners Davison, Isacksen, Ross, Sallee, Sheriff, and Usry

NAY: None

### ITEM 2, being:

CONSIDERATION OF APPROVAL, REJECTION, AMENDED AND/OR POSTPONEMENT OF PREVIOUSLY APPROVED COUNCIL ACTIONS

Mr. Jason Olsen, Director of Parks and Recreation, highlighted the previously approved Council actions pertaining to the Parks and Recreation Department.

The previously approved Council actions are as follows:

- Rebate payment in the amount of \$348 from Pepsi Bev Co to the City for the exclusive sale of Pepsi products at Westwood Golf and WWFAC
- Contract K-2324-74 is between the City & Center for Children and Families to operate the Boys & Girls Club Programming at the Reaves Park Center.
- Resolution R-2324-80, transferring \$37,609.76 from Reimbursements-Refunds-Miscellaneous General Account to be used for the Senior Wellness Center Project.
- Resolution R-2324-52, creating an Ad Hoc Steering Committee to work with consultants in the creation of the City's Area and Infrastructure Master Plan (AIM Norman) to name a replacement for a Steering Committee Member, acknowledging the addition of Parks and Recreation Plan, adding the list of partners, clarifying the process of selection of subcommittee members and setting attendance requirements
- Proclamation P-2324-17, commending City Employees and Department Coordinators for their generosity and leadership in the 2023 United Way of Norman Charity Campaign

ITEM 3, being:

CONSIDERATION OF APPROVAL, REJECTION, AMENDED AND/OR POSTPONEMENT OF LAND OR FEE IN LIEU OF PARKLAND FOR THE UNIVERSITY NORTH PARK ENTERTAINMENT DISTRICT PUD ADDITION

Mr. James Briggs, Park Development Manager, said the University North Park Entertainment District (UNPED) Addition PUD is located north of Rock Creek Road, between I-35 and 24th Avenue NW. This preliminary plat includes a large sports arena and many associated commercial developments in the southern half of the property. The northern half comprises a mix of residential uses, totaling 97 single-family lots and 750 multi-family housing units. At this density, the addition would generate a public parkland dedication of 3.9541 acres, and private park development would be twice the public amount, or 7.9082 acres. A private park decision would generate \$63,525 in Community Park Fees.

Mr. Briggs said the developer would like to pursue a private park decision and has asked the City to consider only the open space available throughout the residential northern half of the development to satisfy this requirement. These spaces total 7.94 acres, including the open area around the neighborhood clubhouse property and the land shown as open/green in several large traffic islands, undeveloped odd-shaped lots, easements, and walking spaces around the proposed ponds.

The developer's proposal includes walking trails, landscaped seating areas, picnicking spaces, and the clubhouse mentioned above, with usable land around that amenity. The developer also proposed an additional 9.1 acres of green space in the development's southern half, including shade seating, walking paths (around the ponds and connecting to the different use zones), and outdoor urban-style festival spaces around the arena.

Staff recommends a private park decision for the UNPED Addition PUD, provided that a combination of active and passive space is included in the planning of the private parkland. Commissioner Isacksen asked for clarification on whether only the north part of the land/plat is being considered for parkland. Mr. Briggs said the south part of the land/plat is not driving the parkland decision, and no residential area is being proposed south of Radius Way.

Commissioner Usry made the motion, and Commissioner Isacksen seconded approving and accepting a private parkland decision with 7.908 access for the University North Park Entertainment District Addition PUD. The vote was taken with the following results:

YEAH: Chair Wright and Commissioners Davison, Isacksen, Ross, Sallee, Sheriff, and Usry

NAY: None

ITEM 4, being:

# CONSIDERATION OF APPROVAL, REJECTION, AMENDED AND/OR POSTPONEMENT OF LAND OR FEE IN LIEU OF PARKLAND FOR THE SOONER VILLAGE ADDITION PUD

Mr. James Briggs, Park Development Manager, said the Sooner Village Addition PUD is located at the southwest corner of the intersection of State Highway 9 and Jenkins Avenue. He said this preliminary plat includes a variety of uses, including a gas/convenience store at the highway intersection, areas of mixed commercial space, self-storage units, office/warehouse area, a hotel, and some residential properties that are a mix of townhomes, apartments, and duplexes. A total of 211 units is proposed, generating a public parkland dedication requirement of 0.9337 acres at this density. A private park development would be twice the public amount, or 1.8674 acres, and generate \$15,825 in Community Park Development Fees.

Mr. Briggs said the developer would like to pursue a private park decision and has shown several acres of open space and/or private parkland on the preliminary plat that could satisfy this request. These areas will have walking trails, outdoor sports, playgrounds, and picnic areas. The developer will be required to provide proof of all park development costs equal to or greater than that which the City would have collected in park fees when

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### Park Board Meeting Page 3 of 6 December 7, 2023

building permits are issued in the future. This PUD is in an area isolated from other public parks to a large extent. The nearest park is Eagle Cliff; however, no sidewalk or street leads to that neighborhood without traveling along Highway 9 for most of the route. Any funds used to improve Eagle Cliff would not be readily accessible to the Sooner Village Addition PUD residents.

Mr. Briggs said staff favors a private park decision for the Sooner Village Addition PUD, provided that a combination of active and passive space is included in the planning of private parkland. Commissioner Ross asked whether the tree line could be cut down along Bishop Creek, and Mr. Briggs said no, it would stay as is. Commissioner Isacksen asked who would ensure the developer complies with proof of all park development cost requirements. Mr. Briggs said the developer will provide a plan and submit bonds (maintenance and statutory bonds), and staff will inspect and return the bonds once they are completed. He said the developer/builder cannot obtain Certificates of Occupancy for residential building permits if they do not comply with the requirement(s).

Commissioner Davison made the motion, and Commissioner Sallee seconded to approve and accept a private parkland decision for the Sooner Village Addition PUD. The vote was taken with the following results:

YEAH: Chair Wright and Commissioners Davison, Moxley, Ross, Sallee, Sheriff, and Usry

NAY: None

Chair Wright requested to move to item #6 as a courtesy to applicants who are present.

### ITEM 6, being:

CONSIDERATION OF APPROVAL, REJECTION, AMENDED AND/OR POSTPONEMENT OF A WILDWOOD COMMUNITY CHURCH BRIDGE REQUEST IN THE HALL PARK GREENBELT

Mr. Mark Robinson, Pastor at Wildwood Community Church (Wildwood), introduced himself and Toni Bragg with the McKinney Partnership Architects to the Board. Mr. Robinson said in 2007, Wildwood entered a land exchange with the City of Norman Parks and Recreation Department. The Church transferred property located on the east and south sides of the church property that abuts up to the existing greenbelt (totaling 102,176 sq. ft.), and in return, the City transferred City property north of the existing church building and greenbelt area (totaling 49,580 sq ft). This exchange would allow the City to expand the existing greenbelt and allow Wildwood Community Church to build a much-needed parking lot. In 2008, Wildwood built a wood pedestrian bridge that connected their new parking lot to the church campus. Mr. Robinson said Wildwood would like to construct a second pedestrian bridge to connect a new parking lot area to the Wildwood campus better. He said the proposed bridge would be built over the existing greenbelt trail and have double columns to minimize impact to waterflow. Mr. Robinson noted Wildwood would also like permission to construct a new sidewalk along 24th Avenue from the parking lots to the south that would connect to the trail/walk and continue north to Wildwood Campus. He showed the Board a site plan of the existing bridge, proposed a new bridge, and proposed a new sidewalk. Mr. Bragg said the new sidewalk will connect the neighborhood to the trail systems in Hall Park. Commissioner Davison asked who would maintain the bridge, and staff said Wildwood would be responsible. Commissioner Isacksen asked if the newly proposed bridge would be twice the size of the existing bridge, and Mr. Robinson said ves.

Commissioner Usry made the motion, and Commissioner Davison seconded to recommend granting the easement to Wildwood Community Church to allow the construction of a new pedestrian bridge to their campus and a new sidewalk along 24<sup>th</sup> Avenue that will connect the neighborhood to the Hall Park trail system. The vote was taken with the following results:

YEAH: Chair Wright and Commissioners Davison, Moxley, Ross, Sallee, Sheriff, and Usry

NAY: None

### Park Board Meeting Page 4 of 6 December 7, 2023

Chair Wright went back to Item #5.

ITEM 5, being:

CONSIDERATION OF APPROVAL, REJECTION, AMENDED AND/OR POSTPONEMENT OF AN UPDATE REGARDING THE YOUNG FAMILY ATHLETIC CENTER (YFAC) POLICY AND FEE SCHEDULE

Mr. Jason Olsen, Director of Parks and Recreation, said the Council Business and Community Affairs Committee (BACA) recently discussed the Young Family Athletic Center (YFAC) Policy; however, discussions continue regarding the hours of operation and fee schedule. He said BACA requested staff removal or planning from policy, and the board agreed. Mr. Olsen said recent discussions regarding the YFAC hours of operation prompted the City to consider opening the facility on Sundays. He highlighted the proposed hours of operation to include the following:

 $\begin{array}{ll} Monday-Friday: & 7:00\ am-9:00\ pm \\ Saturday: & 8:00\ am-6:00\ pm \\ Sunday: & 12:00\ pm-4:00\ pm \end{array}$ 

Mr. Olsen said recent discussions also suggested the YFAC will have a minimum of one hundred (100) hours of community open guy/swim annually for Norman residents at no cost by opening the facility to the public during non-regular operating hours. Commissioner Ross asked whether the 100 hours would be random or somewhat regular, and staff said the YFAC would be scheduled well ahead of time so that the random hours would be scheduled monthly.

Mr. Olsen updated the Community Partners agreements with the Norman Optimist Club, Norman Public Schools, and Sooner Swim Club Rise Volleyball. He said the Council will consider a contract on December 12<sup>th</sup> with Beanstalk Coffee and Sno (Beanstalk) as the exclusive Food and Beverage provider inside the YFAC. He said Beanstalk's hours of operation will match the hours of operation for the YFAC, and they will have complete control of the menu. Mr. Olsen said the City has also been discussing a contract with the Trae Young Family Foundation to operate the Adidas store located in the YFAC.

Commissioner Sallee made the motion, and Commissioner Davison seconded to recommend the Operating Hours and Serviceability of the YFAC Policy to state the Parks and Recreation Department commits to having the center available for passive activities at an average of 70 hours per week (removing *or planned* per BACA request) and include a minimum one hundred (100) hours of community open gym/swim annually for Norman residents at no cost by opening the facility to the public during non-regular operating hours. The vote was taken with the following results:

YEAH: Chair Wright and Commissioners Davison, Moxley, Ross, Sallee, Sheriff, and Usry

NAY: None

ITEM 7, being:

### ANNUAL PRESENTATION FROM THE WESTWOOD FAMILY AQUATIC CENTER

Ms. Veronica Tracy, Recreation Manager, highlighted the annual Westwood Family Aquatic Center (WWFAC) annual report. She said attendance for the 2023 season was as follows: 14,538 Aquatic Programs, 2,372 Special Events, 112,942 Open Swim, and 790 Rentals for a total season attendance of 130,642, just up from last year's 129,879. Ms. Tracy said 7,546 Season Passes were purchased, 2,322 Swim Lessons were bought, and WWFAC provided 2,120 scholarships.

Ms. Tracy said the 2023 WWFAC revenue was \$1,022,583.08, up slightly from 963,214.77 in 2022. She said the revenue includes season pool passes, swim lessons, gate admission, concession sales, special events, lockers, rentals, classes, and merchandise. Ms. Tracy said the staff is considering giving season pass holders free lockers for 2024. Chair Wright asked where the WWFAC revenue goes, and Staff said it goes to the Westwood Fund

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### Park Board Meeting Page 5 of 6 December 7, 2023

Ms. Tracy said the City hires over 140 seasonal employees at the WWFAC each summer. She said WWFAC has a fantastic team; most are rehires from previous seasons. She highlighted the aquatic program and said the Teen Aquatic Safety Program was new and worked very well. She said teens, 13 to 15 years old, participate in the Aquatic Safety Program, and then they can enter WWFAC without an adult; otherwise, they cannot enter WWFAC without a parent/adult. Ms. Tracy said WWFAC offers several different events for families and adults and noted that over 2,000 participated in the summer of 2023, including Free Scuba Lessons in partnership with Warriors for Freedom and Blue Water Dive Shop and an Inclusive Swim in partnership with Sooner Success.

Ms. Tracy said future WWFAC projects that could be funded through a capital project and/or bond project include installing eight Private Cabanas and a Flow Rider. She told me the cabanas could accommodate half-day or whole-day rentals, and the Return on Investment (ROI) would be about two seasons. The Flow Rider is a surf simulator that would be an investment for the WWFAC and not an ROI; however, it is the only attraction that revenue can be built around, i.e., Flow Rider birthday parties, private lessons, and/or special events.

The Board acknowledged the report.

ITEM 8, being:

### NORMAN FORWARD UPDATE

Mr. Jason Olsen, Director of Parks and Recreation, gave an update on the Norman Forward Projects.

### Young Family Athletic Center

Mr. Olsen said the second asphalt layer was added to the parking lot, parking stripes will be painted soon, and landscaping has begun. He said the pool would be quickly plastered, and the electricity was being finished. Mr. Olsen said the basketball courts have been installed and look fantastic, and the scoreboards will be mounted soon. He showed pictures depicting the progress and said the ribbon cutting is still scheduled for February 19, 2024.

### **Adult Wellness and Education Center**

Mr. Olsen said the ribbon cutting was held on November 13<sup>th</sup> at the Adult Wellness and Education Center (AWE) and exceeded all expectations. He told the AWE already has 900 members, and the 1,000<sup>th</sup> member will get a prize.

### **Reaves Park**

Mr. Olsen said the latest Norman Forward quality-of-life initiative through public art was unveiled at Reaves Park on December 5. He said "Mechan 14", a 15-foot robot sculpture by artist Tyler Fuqua, is the first giant robot in Norman and offers a dynamic presence in the park. He said the giant robot has interchangeable parts that allow it to transform from a Home Run Mechan with a baseball bat to a Bold Knight Mechan with a sword.

ITEM 9, being:

### DIVISIONAL UPDATES

Ms. Veronica Tracy, Recreation Manager, said the Andrews Park Community Tree Lighting is tomorrow, December 8th. She said festivities would begin at 5:30 pm, and participants could enjoy hot cocoa and holiday music while waiting on the tree lighting at dark. Winterfest at Legacy Park is on December 9th at 5:30 p.m. Talk of the Town will perform holiday classics, little ones can have their picture taken with Santa and a fireworks extravaganza will take place at 7:00 p.m. Ms. Tracy said the Annual Ugly Sweater Run is on December 10th at Legacy Park. Runners can run or walk the 3K and are encouraged to wear their favorite seasonal sweater.

Commissioner Sallee left the meeting at 7:02 p.m.

### Park Board Meeting Page 6 of 6 December 7, 2023

Ms. Tracy said the YFAC basketball registration is open, and the Daddy Daughter Dance (DDD) and Mom Prom tickets are on sale. The DDD is on February 10<sup>th</sup> at Embassy Suites, and the Mom Prom is on May 4<sup>th</sup> at The Noun.

Mr. James Briggs, Park Development Manager, said work continues on the pickleball courts at Bentley Park. He said playground bids for Sunrise and Falls Lakeview Parks and a new restroom building at Reaves Park had gone out. Mr. Briggs said staff will present the Andrews Park Master Plan at a Council Study Session on December 6th, and the Council will consider approving the Master Plan at a January Council meeting.

Mr. Wade Thompson, Parks Manager, said Park Maintenance Staff has been assisting with projects at the YFAC, helping with all the upcoming holiday events, removing trees on City property, replacing a tin horn at Saxon Park, and doing fence maintenance at the Andrews Park Skate Park.

Mr. Wade Thompson, Parks Manager, said staff is helping assist with the Parks and Recreation Division events and continue to install the annual Christmas Lights throughout the City.

### MISCELLANEOUS DISCUSSION

Mr. Jason Olsen, Director of Parks and Recreation, said the Norman Public Library Central branch closed November 13<sup>th</sup> after officials were made aware that mold was found at the facility. After investigating, contractors discovered several areas of mold on each library floor from water intrusion potentially stemming from roof and envelope issues. Mr. Olsen said the Central Library will remain closed for five months while Cavins Group (a company specializing in disaster response) assists with mold remediation. He said the City is hiring a building envelope consultant to help determine the underlying cause of the mold growth.

PUBLIC COMMENTS	
None.	
ADJOURNMENT	
Chair Wright adjourned the meeting at 7:10 p.m.	
Passed and approved thisof	2024
Sherrel Sheriff, Chair	_

### **City of Norman Predevelopment**

**December 19, 2024** 

Applicant: Wildwood Community Church, Inc./Rieger Sadler and Joyce LLC.

Project Location: 1501 24th Avenue NE

Case Number: PD24-17

**Time:** 5:30 p.m.

### **Applicant Representative:**

Wildwood Community Church Rieger Sadler and Joyce LLC. Herschel Thompson

### **Attendees:**

None

### **City Staff:**

Kelly Abell, Planner I Beth Muckala, City Attorney

### **Application Summary:**

A request for Special Use for a Church, Temple, or Other Place of Worship with a Waiver to the Exterior Appearance requirements.

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

No neighbors attended this meeting.



# CITY OF NORMAN, OK STAFF REPORT

**MEETING DATE:** 01/09/2025

**REQUESTER:** Wildwood Community Church, Inc.

**PRESENTER:** Kelly Abell, Planner I

ITEM TITLE: CONSIDERATION OF APPROVAL, ACCEPTANCE, REJECTION,

AMENDMENT, AND/OR POSTPONEMENT OF ORDINANCE O-2425-21: AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AMENDING SECTION 36-201 OF THE CODE OF THE CITY OF NORMAN SO AS TO GRANT SPECIAL USE FOR A CHURCH, TEMPLE, OR OTHER PLACE OF WORSHIP WITH A WAIVER OF SECTION 36-547(a)(4) PERTAINING TO EXTERIOR APPEARANCE IN THE R-1, SINGLE-FAMILY DWELLING DISTRICT FOR LOT ONE (1), IN BLOCK SEVENTEEN (17), OF HALL PARK FOURTH ADDITION OF THE INDIAN MERIDIAN, CLEVELAND COUNTY, OKLAHOMA; AND PROVIDING FOR THE SEVERABILITY THEREOF. (1501 24<sup>TH</sup> AVE NE)

APPLICANT/REPRESENTATIVE Wildwood Community Church, Inc./Rieger Sadler and

Joyce LLC.

**LOCATION** 1501 24<sup>th</sup> Avenue NE

WARD 6

**REQUESTED ACTION** Site Plan amendment for Special Use for a Church,

Temple, or Other Place of Worship and Waiver to the

**Exterior Appearance Materials** 

LAND USE PLAN DESIGNATION Institutional

GROWTH AREA DESIGNATION Current Urban Service Area

**BACKGROUND:** This site is situated in the Hall Park Subdivision; the 6.67-acre parcel is currently home to the Wildwood Community Church. The subject property is currently zoned R-1, Single-Family Dwelling District, with Special Use for a Church, Temple or Place of Worship under Ordinance O-0607-04. The applicant is requesting to amend the existing approved site plan with the addition of a new accessory building/gymnasium; therefore, they must update the Special Use zoning for the site. The applicant intends to construct a 12,000 square foot student

center and gymnasium. The applicant has been informed that the project must meet all pertinent Zoning Ordinance requirements for commercial projects, including landscaping, building requirements, and commercial outdoor lighting standards.

### **PROCEDURAL REQUIREMENTS:**

**GREENBELT COMMISSION MEETING:** This property is already platted; therefore, Greenbelt review is not a requirement for this request.

PRE-DEVELOPMENT: PD24-17 December 19, 2024

No neighbors attended this meeting.

**BOARD OF PARKS COMMISSIONERS:** This zoning project does not require a Board of Parks Commissioners review for parkland dedication; however, due to a request from the church to dedicate to the City of Norman a pedestrian bridge that will cross parkland, this item was reviewed by Parks Commissioners at their December 7, 2023 meeting. See Item 6 in the attached Park Board minutes for additional information.

**ZONING ORDINANCE CITATION:** A Special Use request shall be reviewed and evaluated on the following criteria according to Sec. 36-560, Special Uses:

- 1. Conformance with applicable regulations and standards established by the Zoning Regulations.
- Compatibility with existing or permitted uses on abutting sites, in terms of building height, bulk and scale, setbacks and open spaces, landscaping and site development, and access and circulation features.
- 3. Potentially unfavorable effects or impacts on other existing or permitted uses on abutting sites, to the extent such impacts exceed those which reasonably may result from use of the site by a permitted use. (NOTE: Throughout this Section, "Permitted Use" means any use authorized as a matter of right under the applicable zoning district.)
- 4. Modifications to the site plan which would result in increased compatibility, or would mitigate potentially unfavorable impacts, or would be necessary to conform to applicable regulations and standards and to protect the public health, safety, morals, and general welfare.
- 5. Safety and convenience of vehicular and pedestrian circulation in the vicinity, including traffic reasonably expected to be generated by the proposed "Special Use" and other uses authorized and anticipated in the area, considering existing zoning and land uses in the area.
- That any conditions applicable to approval are the minimum necessary to minimize potentially unfavorable impacts on nearby uses and to ensure compatibility of the proposed "Special Use" with existing or permitted uses in the surrounding area.

STAFF ANALYSIS: The applicant proposes to construct a 12,000 square foot student center and gymnasium, in conjunction with the continued use of the church. The proposed building will be placed south and east of the existing church building. The addition of the proposed building will result in a net loss of sixty-nine parking spaces. The applicant is restriping and rearranging the accessible parking spaces directly west of the proposed building. Through a separate application, not part of this zoning request, the applicant is proposing to add an additional off-street parking area located south of the subject property. This new parking area consists of 115 parking spaces with a pedestrian bridge that allows passage through the adjacent parkland, the bridge will be donated to the City of Norman as an improvement and will be open to the public. As noted above, the pedestrian bridge proposal/dedication was on the Park Board agenda on December 7, 2023. Again, the parking area proposal is not part of this Special Use request but important to the overall flow of the development.

The project is bordered by City of Norman Parkland known as Wildwood Greenbelt, part of a system winding through the Hall Park Subdivision. The zoning surrounding the abutting Parkland is A-1, General Agricultural District (City of Norman property), and A-2, Rural Agricultural District, to the north and east, C-1, Local Commercial District, to the south, and R-1, Single-Family Dwelling District, to the west, across 24<sup>th</sup> Ave NE.

Section 36-547, Exterior Appearance, requires any institutional or nonresidential special use have all exterior walls constructed with masonry materials covering at least 80% of said walls, unless waived by City Council as part of the approval. The applicant is requesting a waiver from City Council for the masonry requirement for this proposed structure. Exterior elevations for the proposed structure are included in the packet.

The site will still comply with all relevant landscaping requirements. The applicant intends to meet all applicable regulations and standards for the Special Use of a Church and any recommendations deemed necessary from the Planning Commission or City Council.

### **ALTERNATIVES/ISSUES:**

### **IMPACTS**:

Development of a student center and gymnasium on this site would not be detrimental to the surrounding uses due to the anticipated traffic patterns generated by the use; the building will be used mostly on the weekends with occasional weekday operations. It will not be more intense than the existing use.

### **OTHER AGENCY COMMENTS:**

**FIRE DEPARTMENT AND BUILDING PERMIT REVIEW:** Items regarding fire hydrants, fire and building codes will be considered at the building permit stage. The plan review staff have already been in touch with the architect.

**PUBLIC WORKS**: The subject property is part of Hall Park, Section 4.

**TRAFFIC ENGINEER:** No traffic issues or impacts are anticipated.

**UTILITIES:** Water and sewer are currently being utilized on the property.

<u>CONCLUSION:</u> Staff forwards this request for amendment of a Special Use for a Church, Temple, or Other Place of Worship, and a Waiver to the Exterior Appearance requirement as Ordinance O-2425-21 for consideration by Planning Commission and recommendation to City Council.

### File Attachments for Item:

11. CONSIDERATION OF APPROVAL, ACCEPTANCE, REJECTION, AMENDMENT, AND/OR POSTPONEMENT OF ORDINANCE O-2425-22 UPON FIRST READING BY TITLE: AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AMENDING SECTION 36-201 OF THE CODE OF THE CITY OF NORMAN SO AS TO REMOVE LOT ONE (1), IN BLOCK TWO (2), OF EAST LINDSEY PLAZA SECTION 5, TO NORMAN, CLEVELAND COUNTY, OKLAHOMA, FROM THE SPUD, SIMPLE PLANNED UNIT DEVELOPMENT DISTRICT, AND PLACE SAME IN THE SPUD, SIMPLE PLANNED UNIT DEVELOPMENT DISTRICT; AND PROVIDING FOR THE SEVERABILITY THEREOF. (1451 12<sup>TH</sup> AVENUE SOUTHEAST)



# CITY OF NORMAN, OK STAFF REPORT

**MEETING DATE:** 01/09/2025

**REQUESTER:** Tinker Federal Credit Union

**PRESENTER:** Jane Hudson, Planning & Community Development

ITEM TITLE: CONSIDERATION OF APPROVAL, ACCEPTANCE, REJECTION,

AMENDMENT, AND/OR POSTPONEMENT OF ORDINANCE O-2425-22 UPON FIRST READING BY TITLE: AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AMENDING SECTION 36-201 OF THE CODE OF THE CITY OF NORMAN SO AS TO REMOVE LOT ONE (1), IN BLOCK TWO (2), OF EAST LINDSEY PLAZA SECTION 5, TO NORMAN, CLEVELAND COUNTY, OKLAHOMA, FROM THE SPUD, SIMPLE PLANNED UNIT DEVELOPMENT DISTRICT, AND PLACE SAME IN THE SPUD, SIMPLE PLANNED UNIT DEVELOPMENT DISTRICT; AND PROVIDING FOR THE SEVERABILITY THEREOF. (1451 12<sup>TH</sup>

**AVENUE SOUTHEAST)** 

**APPLICANT/REPRESENTATIVE:** Tinker Federal Credit Union/Todd D'Amico

**LOCATION:** 1451 12th Avenue SE

WARD: 1

CORE AREA: No

**REQUESTED ACTION:** Rezoning to SPUD to allow for the development of a

second parcel.

LAND USE PLAN DESIGNATION: Commercial

**GROWTH AREA DESIGNATION:** Current Urban Service Area

BACKGROUND: The subject property's current SPUD, Simple Planned Unit Development, Ordinance O-1920-11, was approved in 2019. The existing SPUD included one building to be used as a Tinker Federal Credit Union with an accompanying parking lot. The remainder of the lot was left vacant. The applicant is requesting an amendment to the SPUD to accommodate the proposed changes to the subject lot and site plan. A Short Form Plat request will follow the zoning request, should it be approved by Council. The proposed changes will divide the three acre subject property into two lots. The second lot contains a parking lot and location for a

proposed building. The original lot will remain the same with the exception of gaining access to a proposed circle driveway on Lot 2. These changes are reflected on the accompanying Site Development Plan.

### PROCEDURAL REQUIREMENTS:

**GREENBELT MEETING:** This property is already platted, therefore Greenbelt is not a requirement for this request.

**PRE-DEVELOPMENT:** A Pre-Development meeting is not required for this application.

**BOARD OF PARKS COMMISSIONERS:** This project does not require a Board of Parks Commissioners request.

### **ZONING ORDINANCE CITATION:**

Section 36-510 SPUD, 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.

### **STAFF ANALYSIS:**

**USE:** The allowable uses for this SPUD are included in the SPUD Narrative under Section II Development Plan and Design Concept. The uses are generally commercial in nature. The allowable uses will not change with this amendment to the SPUD. As such, the proposed second lot will have the same set of allowable uses.

**SITE PLAN/ACCESS:** The proposed Site Development Plan shows existing access points off of U.S. Highway 9 (12<sup>th</sup> Ave. SE) and Commerce Dr. The new access point off of Eastgate Dr. will be used to access the proposed parking lot for lot 2. There is one proposed building on Lot 2.

**PARKING:** The SPUD narrative states that parking on site will comply with the City of Norman's applicable parking ordinances, as amended from time to time.

**LANDSCAPING:** The project area will feature 5' landscape buffer along Eastgate Dr. and a 20' Landscape Buffer along the south east boundary of the property. There will also be interior 5' landscape buffer running north to south adjacent to the proposed lot line. The southeast buffer will create separation between the subject lot and the abutting residential use. All other landscaping will be installed in accordance with the City of Norman landscaping regulations as amended from time to time, under Zoning Ordinance Section 36-551, Landscaping Requirements for Off-Street Parking Facilities.

**SIGNAGE:** All signage will be constructed in accordance with the City of Norman sign regulations, as amended from time to time, under City of Norman Code Section 28-505, Commercial Zone Sign Standards. A master sign plan was not provided to city staff because the applicant does not know what sign choices the future tenant will make. However as stated above, the choice of sign will be compliant with Commercial Zone Sign Standards.

**LIGHTING:** All lighting will be constructed in accordance with the City of Norman lighting regulations, as amended from time to time, under Zoning Ordinance Section 36-549, Commercial Outdoor Lighting Standards.

**SANITATION/UTILITIES:** Solid Waste Container Enclosure will be provided in accordance with the City of Norman standards. Any necessary approvals from the City of Norman Sanitation Department will be obtained.

**HEIGHT:** No building shall exceed two and one-half (2-1/2) stories or thirty-five (35) feet in height.

**FENCING/WALLS:** All screening will be constructed in accordance with the City of Norman screening regulations, as amended from time to time, and as applicable to the Commercial Districts under Zoning Ordinance Section 36-552, Fencing, Walls, and Screening

**OPEN SPACE:** The subject property will have open space in accordance with the Site Development plan or a maximum percentage of 15%.

**EXTERIOR MATERIALS:** The SPUD Narrative outlines the following for exterior materials:

- Masonry wainscoting up to 36 inches.
- EIFS from 36 inches above grade to top of exterior walls.
- Glass windows at 10 feet above finish floor for 10% of the exterior.
- Wood lodge type lumber for trim around windows and exterior doors.
- Structure shall meet the 80% masonry requirements, in accordance with the City of Norman Ordinance Section 36-547, Exterior Appearance.

**EXISTING ZONING:** The property is currently zoned SPUD, Simple Planned Unit Development. The SPUD zoning was granted from Ordinance O-1920-11. The current SPUD allows for similar commercial uses but only on one lot.

### **ALTERNATIVES/ISSUES:**

**IMPACTS**: No negative impacts are anticipated from this proposed development. The area is already commercially developed and appropriate screening between commercial and residential development will be required.

### **OTHER AGENCY COMMENTS:**

**FIRE DEPARTMENT AND BUILDING PERMIT REVIEW:** Items regarding fire hydrants, fire and building codes will be considered at the building permit stage.

**PUBLIC WORKS/ENGINEERING:** A Short Form Plat will be required after the approval of the zoning in order to create two total lots.

**TRAFFIC ENGINEER:** No traffic issues or impacts are anticipated.

**UTILITIES:** The following are comments regarding sewer: For the north lot long private service to be utilized, the recorded easement for the private service must be provided to the City. Lastly, the recorded long private sewer service agreement must be provided to the City. For sanitation, the dumpster location for the south lot must show turning movements for the City trash trucks.

<u>CONCLUSION:</u> Staff forwards this request of a SPUD, Simple Planned Unit Development, and Ordinance O-2425-22 to the Planning Commission for consideration and recommendation to City Council.

**PLANNING COMMISSION RESULTS:** At their meeting of February 3, 2025, Planning Commission recommended adoption of Ordinance No. O-2425-22 by a vote of 7-0.

### O-2425-22

AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AMENDING SECTION 36-201 OF THE CODE OF THE CITY OF NORMAN SO AS TO REMOVE LOT ONE (1), IN BLOCK TWO (2), OF EAST LINDSEY PLAZA SECTION 5, TO NORMAN, CLEVELAND COUNTY, OKLAHOMA, FROM THE SPUD, SIMPLE PLANNED UNIT DISTRICT, AND PLACE SAME IN THE SPUD, SIMPLE PLANNED UNIT DEVELOPMENT DISTRICT; AND PROVIDING FOR THE SEVERABILITY THEREOF. (1451 12<sup>TH</sup> AVENUE SOUTHEAST)

- § 1. WHEREAS, Tinker Federal Credit Union, the owners of the hereinafter described property, have made application to have the subject property removed from the SPUD, Simple Planned Unit Development District and placed in the SPUD, Simple Planned Unit Development District; and
- § 2. WHEREAS, said application has been referred to the Planning Commission of said City and said body has, after conducting a public hearing on February 3, 2025 as required by law, considered the same and recommended that the same should be granted and an ordinance adopted to effect and accomplish such rezoning; and
- § 3. WHEREAS, the City Council of the City of Norman, Oklahoma, has thereafter considered said application and has determined that said application should be granted and an ordinance adopted to effect and accomplish such rezoning.

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

§ 4. That Section 36-201 of the Code of the City of Norman, Oklahoma, is hereby amended so as to remove the following described property from the SPUD, Simple Planned Unit Development District and place the same in the SPUD, Simple Planned Unit Development District, to wit:

Lot One (1), in Block Two (2), of East Lindsey Plaza Section 5

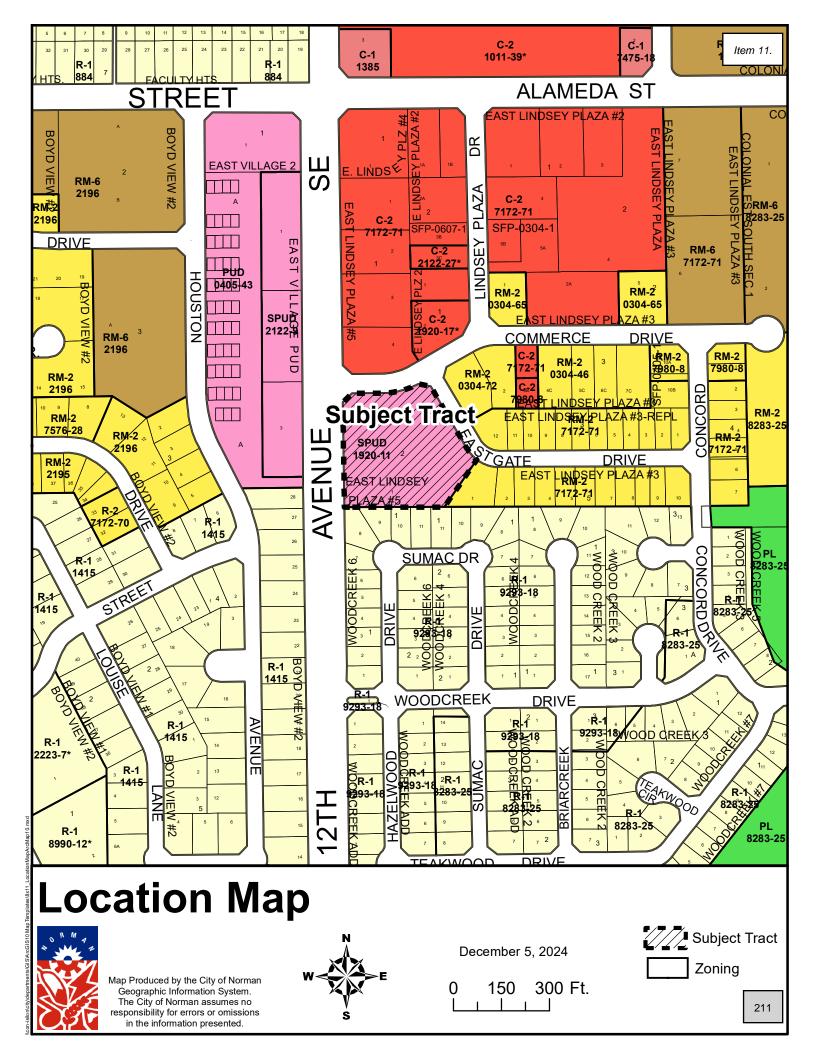
Containing 3 acres, more or less.

§ 5. Further, pursuant to the provisions of Section 36-510 of the Code of the City of Norman, as amended, the following condition is hereby attached to the zoning of the tract:

Ordinance No. O-2425-22 Page 2

- a. The site shall be developed in accordance with the SPUD Narrative, Site Development Plan, and supporting documentation, which are made a part hereof.
- § 6. <u>Severability</u>. 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.

ADOPTED this	day of	NOT ADOPTED this	day of
2025.	, 2025.		,
(Mayor)		(Mayor)	
ATTEST:			
(City Clerk)			





# Tinker Federal Credit Union SPUD

Norman, OK

# Simple Planned Unit Development SPUD Narrative

Current Owner: Tinker Federal Credit Union

Simple Planned Unit Development Application for Rezoning December 30, 2024

Prepared by: Todd D'Amico, PLS



3550 W. Robinson Street, 3rd Floor, Norman, OK 73072 (888) 322-7371 - cds.solutions@firstam.com

### Tinker Federal Credit Union SPUD

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### **INTRODUCTION**

Tinker Federal Credit Union (the "Property") is proposed as a Simple Planned Unit Development (SPUD) in the City of Norman. The Property is generally located at 1451 12<sup>th</sup> Avenue S.E., Norman, Oklahoma.

The intent of this SPUD is 1) to approve the proposed development of a Tinker Federal Credit Union bank branch and 2) to limit the permitted uses on site in order to prevent a negative impact on the adjacent residential properties. This SPUD Narrative will put forth the requirements of the SPUD district adopted herewith for this Property.

### I. <u>Property Description/General Site Conditions</u>

### A. Location

The Property is located on the east side of 12<sup>th</sup> Avenue SE/Highway 77 and is bounded by Commerce Drive along the north lot line and Eastgate Drive along the northeast lot line.

### B. Existing Land Use/Zoning

The Property is currently partially improved with a Credit Union and contains approximately 1.55 acres of vacant land. The property is currently under the original SPUD granted as 1920-11.

### C. Elevation and Topography

The site has very little slope and the property is partially improved at this time. No part of the Property lies within any flood plain or WQPZ.

### D. Drainage

TFCU plans to design and develop the site in accordance with the City of Norman Drainage Regulations. Existing underground storm water system was designed to include this site.

### E. Utility Services

The Property is fully served by all necessary utilities.

### F. Fire Protection Services

Fire Protection services will be provided by the City of Norman Fire Department and as otherwise required by code.



### G. Traffic Circulation/Access

Traffic circulation and access points will be to the City of Norman standards. Access points are as shown on the Site Development Plan attached as "Exhibit A."

### II. Development Plan and Design Concept

The Property is planned to accommodate Commercial/Office uses as designated in this SPUD Narrative.

### A. Commercial/Office Development

1. Uses and Design

The purpose for the SPUD is to allow for Commercial/Office Development under the following development regulations:

Uses: The allowable uses for the site are as listed below:

- Art gallery
- Assembly halls of non-profit corporations
- Laboratories for research and testing where all work is housed in buildings and no smoke, noise, odor, dust or other element of operation is more intense outside the confines of the building than that which normally prevails in an R-3, Multi-family Dwelling District
- Libraries
- Museums
- Music conservatories
- Office buildings and offices for such professional services as accountant, architect, attorney, business or management consultant, court reporter, dentist or dental surgeon, engineer, geologist or geophysicist, linguist, landscape



### Tinker Federal Credit Union SPUD

architect, optometrist, optician, osteopathic physician, planning consultant, psychologist, physician or surgeon, or registered nurse; provided, however, that no retail sales nor stock of goods shall be permitted other than the incidental sale of merchandise within the above professional offices or a pharmacy which may be located only in a building providing space for medical offices. Funeral homes and mortuaries shall not be considered professional services permitted in this district.

- Public and private schools and college with students in residence and dormitories associated therewith
- Trade schools and schools for vocational training
- Churches
- Child Care Center, as specified in Section 36-566, Childcare Establishments

The following uses shall be permitted provided that no individual use shall exceed a Gross Floor Area of 35,000 sq. ft. and that no outdoor storage or display of materials or goods is permitted:

- Antique shop
- Appliance store
- o Artistic materials supply, or studio
- Automobile supply store
- o Baby shop
- Bakery goods store
- Bank/Credit Union
- Barber shop or beauty parlor
- Book or stationary store
- o Camera shop
- Candy store
- Catering establishment
- Child care establishment
- Clothing or apparel store
- Dairy products or ice cream store
- o Delicatessen store
- Dress shop
- Drug store or fountain
- Dry cleaning and laundry plant with no more than three (3) dry cleaning machines and/or laundry pick-up station



### Tinker Federal Credit Union SPUD

- Dry goods store
- Fabric or notion store
- Florist
- o Furniture store
- Gift shop
- Hardware store
- Interior decorating store
- Jewelry shop
- Key shop
- Leather goods shop
- Messenger or telegraph service
- Office business
- o Painting and decorating shop
- Pet shop
- Pharmacy
- Photographer's studio
- o Radio and television sales and service
- Self-service laundry
- Sewing machine sales
- Sporting goods sales
- Shoe store or repair shop
- Tailor shop
- Toy store

### (a) Area Regulations

- Front Yard: A twenty-five (25) foot setback is required for all buildings. Across the entire front of all lots (and the street side of any corner lot) in plats filed after November 7, 2005 a minimum ten (10) foot landscape strip shall be installed, which may not be encroached upon by parking. One eight (8) foot tall shade (canopy) tree per each twenty (20) feet of lot frontage and one (1) three (3)-gallon shrub per five (5) feet of building frontage shall be installed within this landscape strip. Clustering of these required plantings may be allowed, if approved by the City Forester or his designee. Such planting should be covered by the three (3) year maintenance bond required when new landscaping is installed with the parking lot on the same tract. All species are to be approved by the City Forester.
- Side Yard: (1) For uses other than dwelling, no side yard shall be required except on the side of a lot adjoining a dwelling district in



### Tinker Federal Credit Union SPUD

which case there shall be a side yard of not less than five (5) feet. (2) Whenever the rear lot line of a corner lot of a local business district abuts a dwelling district, the side yard setback adjacent to the street shall be fifteen (15) feet.

Rear Yard: Rear yard shall not be required for retail establishments; except where a rear lot line abuts upon a dwelling district and the commercial building is designed to be serviced from the rear, there shall be provided a rear yard of not less than thirty (30) feet for lots without alleys and twenty (20) feet for lots with alleys; and further provided that in no case where the rear lot lines abut a dwelling district shall the commercial building be erected closer than three (3) feet to the rear lot line.

### (b) Height Regulations

 No building shall exceed two and one-half (2-1/2) stories or thirtyfive (35) feet in height.

### 2. Parking

Parking on the site will comply with the City of Norman's applicable parking recommendations, as amended from time to time.

### 3. Solid Waste Container Enclosures

Solid Waste Container Enclosure will be provided in accordance with the City of Norman standards. Any necessary approvals from the City of Norman Sanitation Department will be obtained.

### B. Miscellaneous Development Criteria

Site Plan

See TFCU Site Development Plan attached as "Exhibit A."

### 2. Open Space

The subject property will have open space in accordance with the Site Development plan or a maximum percentage of 15%.



### Tinker Federal Credit Union SPUD

### 3. Signage

All signage will be constructed in accordance with the City of Norman sign regulations, as amended from time to time, under City of Norman Code Section 28-505, Commercial Zone Sign Standards.

### 4. Lighting

All lighting will be constructed in accordance with the City of Norman lighting regulations, as amended from time to time, under Zoning Ordinance Section 36-549, Commercial Outdoor Lighting Standards.

### Landscaping

As shown on Exhibit "A", the project area will feature 5' landscape buffer along Eastgate Dr. and a 20' Landscape Buffer along the south east boundary of the property. There will also be interior 5' landscape buffer running north to south adjacent to the proposed lot line. The southeast buffer will create separation between the subject lot and the abutting residential use. All other landscaping will be installed in accordance with the City of Norman landscaping regulations, as amended from time to time, under Zoning Ordinance Section 36-551, Landscaping Requirements for Off-Street Parking Facilities.

### 6. Screening

All screening will be constructed in accordance with the City of Norman screening regulations, as amended from time to time, under Zoning Ordinance Section 36-552, Fencing, Walls, and Screening.

### 7. Traffic Access, Circulation, Parking, and Sidewalks

Traffic access, circulation, parking, and sidewalks will be provided in accordance with the City of Norman regulations, as amended from time to time.

#### 8. Exterior Materials

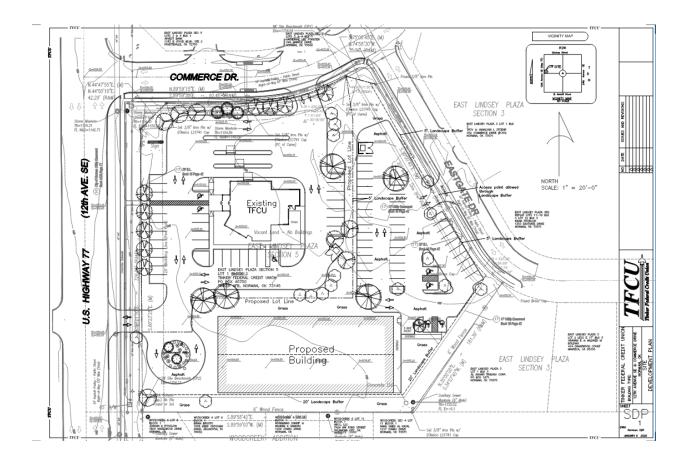
Masonry wainscoting up to 36 inches. EIFS from 36 inches above grade to top of exterior walls. Glass windows at 10 feet above finish floor for 10% of the exterior. Wood lodge type lumber for trim around windows and exterior doors. Structure shall meet the 80% masonry requirements, in accordance with the City of Norman Ordinance Section 36-547, Exterior Appearance.



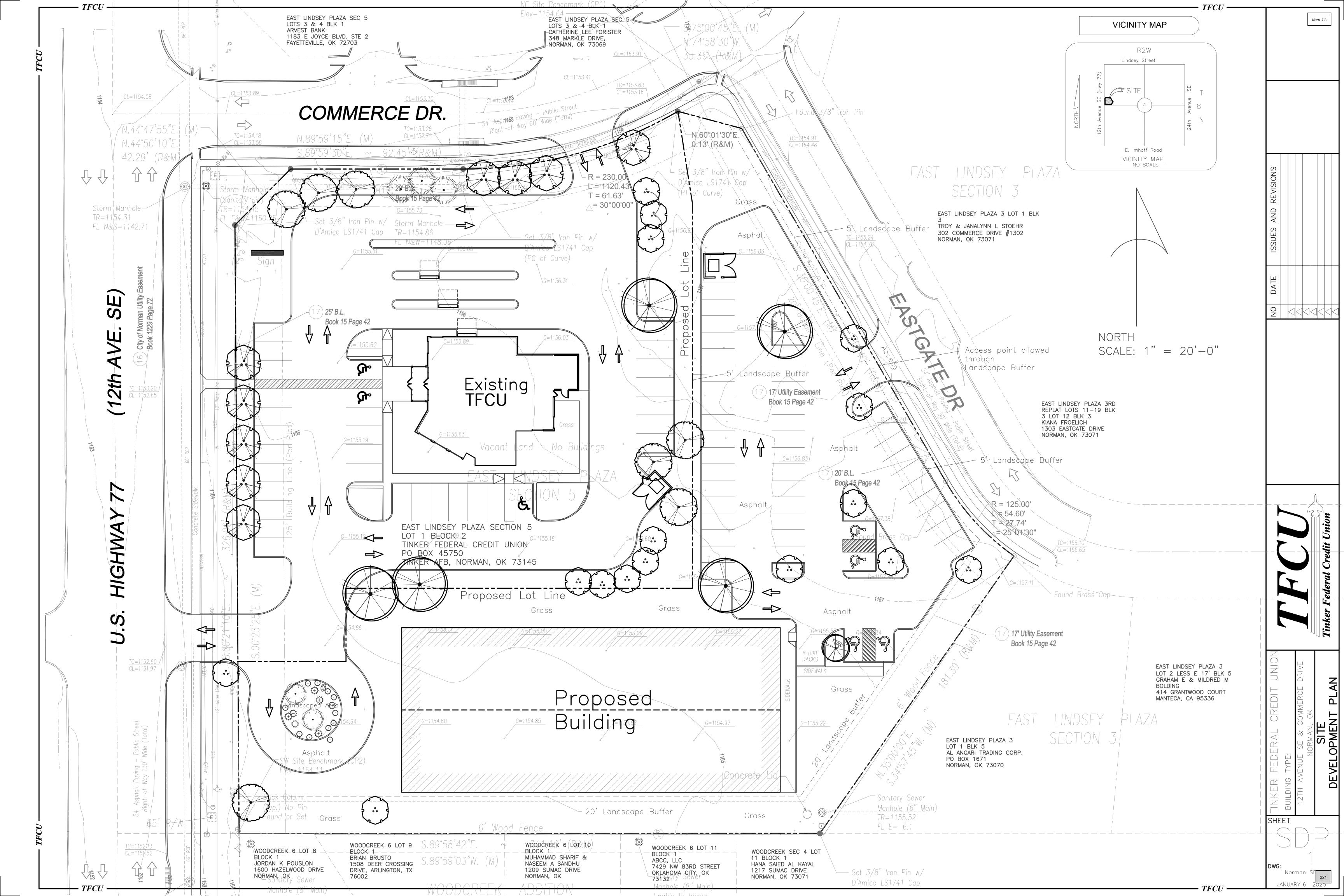
### **EXHIBIT A**

### Site Development Plan

### Full Size Documents Submitted to City Staff









# CITY OF NORMAN, OK STAFF REPORT

**MEETING DATE:** 01/09/2025

**REQUESTER:** Tinker Federal Credit Union

**PRESENTER:** Justin Fish, Planner I

ITEM TITLE: CONSIDERATION OF APPROVAL, ACCEPTANCE, REJECTION,

AMENDMENT, AND/OR POSTPONEMENT OF ORDINANCE O-2425-22: AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AMENDING SECTION 36-201 OF THE CODE OF THE CITY OF NORMAN SO AS TO REMOVE LOT ONE (1), IN BLOCK TWO (2), OF EAST LINDSEY PLAZA SECTION 5, TO NORMAN, CLEVELAND COUNTY, OKLAHOMA, FROM THE SPUD, SIMPLE PLANNED UNIT DEVELOPMENT DISTRICT, AND PLACE SAME IN THE SPUD, SIMPLE PLANNED UNIT DEVELOPMENT DISTRICT; AND PROVIDING FOR THE

SEVERABILITY THEREOF. (1451 12<sup>TH</sup> AVENUE SOUTHWEST)

APPLICANT/REPRESENTATIVE: Tinker Federal Credit Union/Todd D'Amico

LOCATION: 1451 12th Avenue SE

WARD: 1

CORE AREA: No.

**REQUESTED ACTION:** Rezoning to SPUD to allow for the development of a

second parcel.

LAND USE PLAN DESIGNATION: Commercial

GROWTH AREA DESIGNATION: Current Urban Service Area

BACKGROUND: The subject property's current SPUD, Simple Planned Unit Development, Ordinance O-1920-11, was approved in 2019. The existing SPUD included one building to be used as a Tinker Federal Credit Union with an accompanying parking lot. The remainder of the lot was left vacant. The applicant is requesting an amendment to the SPUD to accommodate the proposed changes to the subject lot and site plan. A Short Form Plat request will follow the zoning request, should it be approved by Council. The proposed changes will divide the three acre subject property into two lots. The second lot contains a parking lot and location for a proposed building. The original lot will remain the same with the exception of gaining access to

a proposed circle driveway on Lot 2. These changes are reflected on the accompanying Site Development Plan.

### **PROCEDURAL REQUIREMENTS:**

**GREENBELT MEETING:** This property is already platted, therefore Greenbelt is not a requirement for this request.

**PRE-DEVELOPMENT:** A Pre-Development meeting is not required for this application.

**BOARD OF PARKS COMMISSIONERS:** This project does not require a Board of Parks Commissioners request.

### **ZONING ORDINANCE CITATION:**

Section 36-510 SPUD, 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.

### **STAFF ANALYSIS:**

**USE:** The allowable uses for this SPUD are included in the SPUD Narrative under Section II Development Plan and Design Concept. The uses are generally commercial in nature. The allowable uses will not change with this amendment to the SPUD. As such, the proposed second lot will have the same set of allowable uses.

**SITE PLAN/ACCESS:** The proposed Site Development Plan shows existing access points off of U.S. Highway 9 (12<sup>th</sup> Ave. SE) and Commerce Dr. The new access point off of Eastgate Dr. will be used to access the proposed parking lot for lot 2. There is one proposed building on Lot 2.

**PARKING:** The SPUD narrative states that parking on site will comply with the City of Norman's applicable parking ordinances, as amended from time to time.

**LANDSCAPING:** The project area will feature 5' landscape buffer along Eastgate Dr. and a 20' Landscape Buffer along the south east boundary of the property. There will also be interior 5' landscape buffer running north to south adjacent to the proposed lot line. The southeast buffer will create separation between the subject lot and the abutting residential use. All other landscaping will be installed in accordance with the City of Norman landscaping regulations as amended from time to time, under Zoning Ordinance Section 36-551, Landscaping Requirements for Off-Street Parking Facilities.

**SIGNAGE:** All signage will be constructed in accordance with the City of Norman sign regulations, as amended from time to time, under City of Norman Code Section 28-505, Commercial Zone Sign Standards. A master sign plan was not provided to city staff because the applicant does not know what sign choices the future tenant will make. However as stated above, the choice of sign will be compliant with Commercial Zone Sign Standards.

**LIGHTING:** All lighting will be constructed in accordance with the City of Norman lighting regulations, as amended from time to time, under Zoning Ordinance Section 36-549, Commercial Outdoor Lighting Standards.

**SANITATION/UTILITIES:** Solid Waste Container Enclosure will be provided in accordance with the City of Norman standards. Any necessary approvals from the City of Norman Sanitation Department will be obtained.

**HEIGHT:** No building shall exceed two and one-half (2-1/2) stories or thirty-five (35) feet in height.

**FENCING/WALLS:** All screening will be constructed in accordance with the City of Norman screening regulations, as amended from time to time, and as applicable to the Commercial Districts under Zoning Ordinance Section 36-552, Fencing, Walls, and Screening

**OPEN SPACE:** The subject property will have open space in accordance with the Site Development plan or a maximum percentage of 15%.

**EXTERIOR MATERIALS:** The SPUD Narrative outlines the following for exterior materials:

- Masonry wainscoting up to 36 inches.
- EIFS from 36 inches above grade to top of exterior walls.
- Glass windows at 10 feet above finish floor for 10% of the exterior.
- Wood lodge type lumber for trim around windows and exterior doors.
- Structure shall meet the 80% masonry requirements, in accordance with the City of Norman Ordinance Section 36-547, Exterior Appearance.

**EXISTING ZONING:** The property is currently zoned SPUD, Simple Planned Unit Development. The SPUD zoning was granted from Ordinance O-1920-11. The current SPUD allows for similar commercial uses but only on one lot.

### **ALTERNATIVES/ISSUES:**

**IMPACTS**: No negative impacts are anticipated from this proposed development. The area is already commercially developed and appropriate screening between commercial and residential development will be required.

### **OTHER AGENCY COMMENTS:**

**FIRE DEPARTMENT AND BUILDING PERMIT REVIEW:** Items regarding fire hydrants, fire and building codes will be considered at the building permit stage.

**PUBLIC WORKS/ENGINEERING:** A Short Form Plat will be required after the approval of the zoning in order to create two total lots.

**TRAFFIC ENGINEER:** No traffic issues or impacts are anticipated.

**UTILITIES:** The following are comments regarding sewer: For the north lot long private service to be utilized, the recorded easement for the private service must be provided to the City. Lastly, the recorded long private sewer service agreement must be provided to the City. For sanitation, the dumpster location for the south lot must show turning movements for the City trash trucks.

<u>CONCLUSION:</u> Staff forwards this request of a SPUD, Simple Planned Unit Development, and Ordinance O-2425-22 to the Planning Commission for consideration and recommendation to City Council.

### File Attachments for Item:

12. CONSIDERATION OF APPROVAL, REJECTION, AMENDMENT, AND/OR POSTPONEMENT OF A COURT ORDER: A RECOMMENDATION FOR APPROVAL OF A COURT ORDER IN THE TOTAL AMOUNT OF \$35,742 REGARDING JERRY WILSON VS. THE CITY OF NORMAN, OKLAHOMA WORKERS' COMPENSATION COMMISSION CASE 2024-04699 W.



# CITY OF NORMAN, OK STAFF REPORT

**MEETING DATE: 2/11/25** 

**REQUESTER:** Jeanne Snider

**PRESENTER:** Jeanne Snider, Assistant City Attorney

ITEM TITLE: CONSIDERATION OF APPROVAL, REJECTION, AMENDMENT, AND/OR

POSTPONEMENT OF A COURT ORDER: A RECOMMENDATION FOR APPROVAL OF A COURT ORDER IN THE TOTAL AMOUNT OF \$35,742 REGARDING JERRY WILSON VS. THE CITY OF NORMAN, OKLAHOMA WORKERS' COMPENSATION COMMISSION CASE 2024, 04600 W

WORKERS' COMPENSATION COMMISSION CASE 2024-04699 W.

### **BACKGROUND:**

Jerry Wilson is a former tradesworker hired August 14, 1995 for the City of Norman's Facility Maintenance Division of the Parks and Recreation Department. Mr. Wilson filed claim CM3-2024-04699 W with the Oklahoma Workers' Compensation Commission on August 21, 2024, alleging a single incident injury to the Rib(s), Lumbar Spine, Right Shoulder, Neck, and Head when he slipped and fell off a stepladder while working on a Heating, Ventilation, and Air Conditioning (HVAC) system on November 16, 2023. The claim was accepted and proceeded through the normal litigation process. A trial was held on January 14, 2025. On January 31, 2025, the Court awarded Mr. Wilson 6 percent (\$7,776) Permanent Partial Disability (PPD) to the RIB(S), 12 percent (\$15,552) PPD to the LUMBAR SPINE, 7 percent (PPD) to the RIGHT SHOULDER, 1 percent (\$1,296) PPD to the NECK, and 1 percent (\$1,296) PPD to the HEAD. The PPD award totaled \$34,992 and is to be paid to Mr. Wilson weekly at the rate of \$360 commencing July 25, 2024 until the entire award is paid in full. In addition, the Court awarded serious and permanent disfigurement to the LEFT ARM in the amount of \$750 and is to be paid to Mr. Wilson in a lump sum (less attorney fee). Per the Order, Mr. Wilson is to be authorized a return visit to Dr. Jeffrey Miller to determine the need for continued medical maintenance. It is recommended that the City comply with this order.

### **DISCUSSION:**

Medical Treatment. Mr. Wilson was transported by ambulance to Norman Region Hospital's emergency room and radiographic studies of the thorax and lumbar spine were performed as well as a computed tomography (CT) scans of the head and neck. Imaging revealed mildly displaced fractures of the right transverse process of L1-L4 and non-displaced fractures of right ribs 5-12. He was then transported and admitted at OU Medical Center for observation and pulmonary function and was discharged on November 18, 2023. On January 4, 2024, Mr. Wilson was sent to spine surgeon Dr. Fong for residual middle and lower back pain, treated conservatively to include physical therapy, and released at maximum medical improvement

(MMI) with restrictions from a surgical standpoint. He was then sent to orthopedic surgeon Dr. Bond on January 10, 2024 for the residual right shoulder pain complaints and magnetic resonance imaging (MRI) was recommended. He underwent the MRI on January 19, 2024 which revealed some arthritis and residual inflammation with a partial tear in the rotator cuff. Dr. Bond recommended an ultrasound guided GH joint injection to the right shoulder which was performed on February 6, 2024 by Dr. Boehm. The injection to the right shoulder provided marked relief. He followed up with Dr. Bond on February 28, 2024 and was released at MMI without restrictions. For ongoing ribs and lumbar spine pain, he was sent to Dr. Miller on January 25, 2024. Mr. Wilson was also sent to neurologist Dr. Pitman on February 15, 2024 for an electroencephalogram (EEG). The EEG study was found to be normal and from a brain injury standpoint was released by Dr. Pitman MMI without restrictions. Meanwhile on April 25, 2024 he was sent to general surgeon Dr. Hagood to rule out a hernia due to a protrusion of the abdomen and underwent a CT scan of the abdomen on May 6, 2024. Mr. Wilson continued to follow-up with Dr. Miller and was treated conservatively to include physical therapy and medication management. On June 12, 2024, he returned to Dr. Hagood and was released at MMI without restrictions regarding the abdominal wall. Mr. Wilson was then sent by Dr. Miller for a function capacity evaluation on July 10, 2024 and was released on July 25, 2024 at MMI with permanent restrictions.

Issues for Trial. The issues tried on January 14, 2024, before the Oklahoma Workers' Compensation Commission was nature and extent of permanent partial disability benefits to the Rib(s), Lumbar Spine, Right Shoulder, Neck, head, and Left Arm (Disfigurement) as well as rehab and continued medical maintenance. Permanent partial disability is a factual determination made by the Workers' Compensation Commission Trial Judge based on doctors' opinions and medical records regarding the extent of permanent partial impairment.

Evaluations. On July 11, 2024, Mr. Wilson was rated by Dr. Lonnie Litchfield who opined 3% (\$3,888) PPI to the occipital nerve, 4% (\$5,184) chronic migraines, 27% (\$34,992) impairment to the lumbar spine due to findings consistent with multiple intervertebral disc herniation with documented signs of residual multiple level bilateral radiculopathy, 7% (\$9,072) PPI to the lumbar spine due to transverse process fractures, 25% (\$32,400) PPI to the right shoulder, and 10% (\$12,960) PPI to the ribs; continued care in the form of pain management in regard to chronic pain, assigned a pain management specialist for treatment, and entitlements for prescription medications or any treatments his treating physician deems necessary; and vocational rehabilitation for training in a job consistent with his physical limitations and help to find suitable employment due to permanent anatomical abnormalities and loss of function. The City then had Mr. Wilson evaluated by Dr. William Jones on November 5, 2024. Dr. Jones opined 0% PPI regarding the head, 0% PPI regarding post-injury headache, 0% PPI regarding occipital nerve 0% PPI regarding vestibular disorder, 2% (\$2,592) PPI regarding the right shoulder, 4% (\$5,184) PPI regarding the ribs, thorax, thoracic spine, and 7% (\$9,072) PPI regarding the lumbar spine. Dr. Jones further opined that future medical treatment including vocational retraining and ongoing palliative and maintenance medications, or physician care was not warranted. The City's maximum PPI exposure would be \$98,496.

<u>Court Award</u>: The case was heard by the Workers' Compensation Commission on January 14, 2025. After hearing the Claimant's testimony and considering the expert medical evidence, the Court entered its Order on January 31, 2025. The Court found Mr. Wilson's sustained compensable work-related injury to the RIB(S), LUMBAR SPINE, RIGHT SHOULDER, NECK,

and HEAD on November 16, 2023 awarding 6 percent (\$7,776) Permanent Partial Disability (PPD) to the RIB(S), 12 percent (\$15,552) PPD to the LUMBAR SPINE, 7 percent (PPD) to the RIGHT SHOULDER, 1 percent (\$1,296) PPD to the NECK, and 1 percent (\$1,296) PPD to the HEAD. The PPD award totaled \$34,992 and is to be paid to Mr. Wilson weekly at the rate of \$360 commencing July 25, 2024 until the entire award is paid in full. In addition, the Court awarded serious and permanent disfigurement to the LEFT ARM in the amount of \$750 and is to be paid to Mr. Wilson in a lump sum (less attorney fee). Per the Order, Mr. Wilson is to be authorized a return visit to Dr. Jeffrey Miller to determine the need for continued medical maintenance. It is recommended that the City comply with this order.

The Court's findings are set out in Paragraphs 3 through 11 of the Order as follows:

-3.- "That as a result of said injury, Claimant has sustained 6% Permanent Partial Disability to the RIB(S), 12% Permanent Partial Disability to the LUMBAR SPINE, 7% Permanent Partial Disability to the RIGHT SHOULDER, 1% Permanent Partial Disability to the NECK and 1% Permanent Partial Disability to the HEAD. At Claimant's rate of compensation, this is equal to an award of \$34,992.00, which shall be paid to Claimant weekly at the rate of \$360.00 commencing July 25, 2024, until the entire award is paid in full."

As can be noted in paragraph 3 of the Commission's Order, Permanent Partial Disability (PPD) compensation is expressed in terms of "weeks" of compensation with an accompanying "weekly wage rate." Workers' Compensation awards are normally paid at the weekly rates over a period of time. Mr. Wilson's weekly wage PPD rate is \$360.00. In this instance, a portion of the award has accrued.

- -4.- "That disability to the neck is due to occipital nerve injury."
- -5.- "As a result of the compensable injury, the Claimant suffered serious and permanent disfigurement to the LEFT ARM for which the Claimant is entitled to benefits pursuant to 85A O.S., §45(F) in the amount of \$750.00, which shall be paid by the Respondent to the Claimant in a lump sum. (less attorney fee).
- -6.- "The respondent is to authorize return visit to Dr. Jeffrey Miller for determination of Claimant's need for continuing medical maintenance.
- -7.- Maximum attorney fees of 20% of the permanent partial disability benefits are awarded herein, pursuant to 85A O.S., §82."

Further, in complying with the Order, the City will incur additional costs and fees as set out in Paragraphs 8 through 10. Special Occupational Health and Safety Fund Tax in the amount of \$268.07, Workers' Compensation Administration Fund in the amount of \$699.84, filing fee to the Workers' Compensation Court in the amount of \$140, and filing fee to Cleveland County in the amount of \$154.14. The costs and fees total \$1,262.05, which brings the total cost of this Order to \$37,004.05. Adequate funds are available in the Order/Settlements Account (43330102-42131).

-11.- "Pursuant to 85A O.S. § 31(7), For injuries occurring on or after July 1, 2019, a Multiple Injury Trust Fund assessment in the amount of \$1,049.76, representing (3%) of the Claimant's

permanent partial disability award shall be deducted and paid to the Oklahoma Tax Commission by the Respondent."

If approved by Council, Mr. Wilson and his attorney would be paid 27 weeks accrued PPD (\$9,720), disfigurement (\$750), and attorney's fee (\$7,148.40) less the Multiple Injury Trust Fund assessment amount (\$1,049.67), plus an additional 2 weeks of PPD for processing (\$720) for a total lump sum amount of \$17,288.64. The balance of the award would then be paid in weekly payments of \$360 until paid in full as set forth in the attached Payment Schedule. Funds are available in the Risk Management Fund, Orders and Settlements (Account No. 43330102-42131)

### **RECOMMENDATION:**

The issues tried on January 14, 2025, were nature and extent of permanent partial disability benefits to the RIGHT RIB(S), LUMBAR SPINE, RIGHT SHOULDER, NECK, HEAD, and LEFT ARM (DISFIGUREMENT) as well as rehab and continued medical maintenance. The Court Award in this case is within the medical evidence submitted. It is not anticipated a more favorable ruling for the City could be achieved by further litigation. It is recommended that the City move forward to comply with this Order.

Acceptance of the Order would require payments as outlined above. The Order would be certified to the Cleveland County District Court to be placed on the property tax rolls for collection over the next three years in accordance with 85 O.S. § 313, 51 O.S. § 159, and 62 O.S. § 361, et seq. Certifying the Order to the property tax rolls would, in effect, reimburse the City's Workers' Compensation Fund over the next three years.

### BEFORE THE OKLAHOMA WORKERS' COMPENSATION COMMISSION

ORDEF	RFI	LED
January	31,	2025

JERRY WILSON
Claimant
Commission File No.
CM3-2024-04699W
CITY OF NORMAN
CITY OF NORMAN
CITY OF NORMAN
Number: xxx-x4-2845
CITY OF NORMAN
Number: xxx-x4-2845

#### ORDER AWARDING PERMANENT PARTIAL DISABILITY BENEFITS

Hearing before Administrative Law Judge MICHAEL T EGAN on January 14, 2025, in OKLAHOMA CITY, Oklahoma.

Claimant appeared by counsel, BRANDON J BURTON.

Respondent and Insurance Carrier appeared by counsel, BRADLEY J MCCLURE.

### I. FACTS AND STIPULATIONS

Claimant seeks a finding of compensable work-related injury to the RIGHT RIB(S), LUMBAR SPINE, RIGHT SHOULDER, NECK (occipital nerve), HEAD and LEFT ARM (DISFIGUREMENT) on November 16, 2023 and an award of permanent partial disability therefor. Respondent stipulates to jurisdictional issues and admits compensable work-related injury to the RIGHT RIB(S), LUMBAR SPINE, RIGHT SHOULDER, NECK, HEAD and LEFT ARM (DISFIGUREMENT). The parties are in agreement that rates for temporary total disability and permanent partial disability can be adjudicated at \$986.86 and \$360.00, respectively, and that the accrual date for permanent partial disability is July 25, 2024.

### **II. FINDINGS AND CONCLUSIONS**

The Commission, having considered the evidence and records on file, and being duly advised in the premises, FINDS AND ORDERS AS FOLLOWS:

- 1. That on November 16, 2023, claimant sustained compensable work-related injury to the RIB(S), LUMBAR SPINE, RIGHT SHOULDER, NECK, HEAD.
- 2. That claimant's rates for temporary total disability and permanent partial disability are adjudicated at \$986.86 and \$360.00, respectively.
- 3. That as a result of said injury, claimant has sustained 6% Permanent Partial Disability to the RIB(S), 12% Permanent Partial Disability to the LUMBAR SPINE, 7% Permanent Partial Disability to the RIGHT SHOULDER, 1% Permanent Partial Disability to the NECK and 1% Permanent Partial Disability to the HEAD. At claimant's rate of compensation, this is equal to an award of \$34,992.00, which shall be paid to claimant weekly at the rate of \$360.00 commencing July 25, 2024, until the entire award is paid in full.

- 4. That disability to the neck is due to occipital nerve injury.
- 5. As a result of the compensable injury, the Claimant suffered serious and permanent disfigurement to the LEFT ARM for which the Claimant is entitled to benefits pursuant to 85A O.S., §45(F) in the amount of \$750.00, which shall be paid by the Respondent to the Claimant in lump sum. (less attorney fee)
- 6. That respondent is to authorize return visit to Dr. Jeffrey Miller for determination of Claimant's need for continuing medical maintenance.
- 7. Maximum attorney fees of 20% of the permanent partial disability benefits are awarded herein, pursuant to 85A O.S., §82.
- 8. That pursuant to Title 85A O.S., §118, a final award fee of one hundred forty dollars (\$140.00) is taxed as a cost in this matter and shall be paid by respondent to the Workers' Compensation Commission if not previously paid.
- 9. Pursuant to 40 O.S., §418, the Respondent-Insurer shall pay to the Oklahoma Tax Commission the Special Occupational Health and Safety tax in the amount of \$268.07, representing three-fourths of one percent of the total workers' compensation losses ordered herein, excluding medical payments and temporary total disability compensation.
- 10. Pursuant to 85A O.S., §122(B)(2), Respondent, if OWN RISK, shall pay a workers' compensation assessment in the amount of \$699.84 to the Oklahoma Tax Commission, representing two percent (2%) of the (permanent disability benefits) herein.
- 11. Pursuant to 85A O.S. § 31(7), For injuries occurring on or after July 1, 2019, a Multiple Injury Trust Fund assessment in the amount of \$1,049.76, representing (3%) of the Claimant's permanent partial disability award shall be deducted and paid to the Oklahoma Tax Commission by the Respondent.

### IT IS SO ORDERED.

DONE this 30th day of JANUARY, 2025.

BY ORDER OF:

MICHAEL T EGAN

ADMINISTRATIVE LAW JUDGE

### RM/EButler

A copy of this order was sent by electronic mail or registered mail on this file stamped date to:

Claimant's Attorney: BRANDON J BURTON

PO BOX 2666

**OKLAHOMA CITY, OK 73101-2666** 

Respondent's Attorney: JEANNE SNIDER

PO BOX 370

NORMAN, OK 73070

BRADLEY J MCCLURE 1327 N ROBINSON

**OKLAHOMA CITY, OK 73103-4848** 

OKLAHON

I do hereby certify that the above and foregoing is a true and correct copy of the original order signed by the Judge herein. Witness by my hand and the official seal of this Commission on this date.

Norma McRae Commission Clerk January 31, 2025

### JERRY WILSON CM3-2024-04699 W (L. Shoulder, Neck)

### **PAYMENT SCHEDULE**

DESCRIPTION	AMOUNT
PPD:	
(6% Rib(s)	\$ 7,776.00
(12% Lumbar Spine)	\$15,552.00
(7% Right Shoulder)	\$ 9,072.00
(1% Neck)	\$ 1,296.00
(1% Head)	\$ 1,296.00
Total PPD	<del>\$34,992.00</del>
Disfigurement (LEFT ARM)	\$ 750.00
Total Award	\$35,742.00
Lump Sum Payment:	
Accrued 27 weeks @ \$360 (per Order)	\$ 9,720.00
2 Add'1 wks @ \$360 City Council/Finance Processing	\$ 720.00
Disfigurement (LEFT ARM)	\$ 750.00
Attorney's Fee (per Order)	\$ 7,148.40
Less Multiple Injury Trust Fund (MITF) (3% of PPD-After 7/1/19)	(\$ 1,049.76)
Total Lump Sum to Claimant & Attorney	\$17,288.64
Balance to be paid in weekly payments until paid (Total PPD Less Accrued PPD, Atty Fee, & Less MITF)	\$16,353.84

The balance of the Order, \$16,353.84 will be paid in weekly payments of \$360/week until paid in full (approximately 45 weeks). Payments will be made beginning February 20, 2025 through December 26, 2025

Also, as noted, in Paragraph Nos. 8, 9, and 10 of the Order, the City will incur additional costs, fees and filing fee in Cleveland County as follows:

DESCRIPTION	AMOUNT
Workers' Compensation Admin Fund Tax Special Occupational Health & Safety Fund Tax Filing Fee (Workers' Comp Court) Filing Fee (Cleveland County District Court) Total costs & fees to the City of Norman	\$ 699.84 \$ 268.07 \$ 140.00 \$ 154.14 <b>\$ 1,262.05</b>

The total cost of this Order to the City would be \$37,004.05.

Jerry Wilson v. City of Norman CM3-2024-04699 W (Ribs, L Spine, R Shldr, Nk, Hd) Atty: Burton City Council Date 2/11/24	Date of Injury: 11/16/23 (SI) PPD Wage: \$360
Trial Date: 1/14/24 Order Date: 1/31/25 DOH 9/14/95 MMI 7/25/24 DOR: 7/26/24	Memo Resolution N/A Purchase Requistions
Permanent Partial Disability Settlement  Total PPD	\$ 7,776.00 6% Ribs \$ 15,552.00 12% L Spine \$9,072.00 7% R Shldr \$1,296.00 1% Neck \$1,296.00 1% Head \$ 34,992.00 Per Order:
Disfigurement (LEFT ARM)  Total Award (PPD & Disfigurement)	\$750.00 Commencing 7/25/24 \$ 35,742.00
Due and Payable in a Lump sum:  27 wks acrued @ \$360 = \$  2 Add'l Wks Processing @ \$360  Total Accrued PPD  Attorney Fee  Total PPD to Pay (Accrued PPD + Atty Fee)  Disfigurement (Lump Sum)	\$ 9,720.00 \$34,992-\$17,588.40= \$ 720.00 \$17,403.60-\$1,049.76 \$ 10,440.00 \$16,353.84@\$360/wks \$ 7,148.40 45 Weeks: \$ 17,588.40 \$ Checks (2/20/25 - 12/26/25) \$ 750.00 \$ 18,338.40
Less MITF Assessment (3% of PPD-After 7/1/19) <b>Total Lump Sum Payment Less MITF</b>	\$ 1,049.76 11739 4333010242134 \$ 17,288.64 Burton/Wilson 4333010242131
City's Settlement Costs (953-092) Workers Comp. Admn. Fund (2% of PPD) Occupational & Health Trust Fund (0.75%) Filing Fee - Workers Compensation Commission Filing Fee - Cleveland County District Court Total Costs & Fees to the City of Norman Total Settlement Cost	Vendor         \$ 699.84       2267       4333010242133         \$ 268.07       1950       4333010242135         \$ 140.00       12122       4333010244704         \$ 1,107.91       434       4333010244703         \$ 1,262.05       37,004.05
Settlement forms:	<u>Copies</u> Filed in WCC Filed in Dist.Ct.
Court Award Affidavit of Foreign Judgment Assignment of Judgment Checks with case name on them	4 n/a 4 n/a 4 n/a 1 n/a n/a
File Closing procedure Certified Copy of JP File Affidavit & Assigment in District Court Send Closing Letter to Claimant's Attorney Send in Taxes to Tax Commission Send Tax Roll Memo to Finance Log onto Legal's tracking spreadsheet Index in file list & place in storage	Completion Date n/a

### File Attachments for Item:

13. CONSIDERATION OF APPROVAL, ACCEPTANCE, REJECTION, AMENDMENT AND/OR POSTPONEMENT OF THE CONVEYANCE OF TITLES FOR THE IRVING AND WHITTIER RECREATIONAL CENTERS FROM THE CITY OF NORMAN, OKLAHOMA, TO THE NORMAN PUBLIC SCHOOLS AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE QUIT CLAIMS DEEDS FOR SUCH PURPOSE AS OUTLINED IN THE STAFF REPORT.



# CITY OF NORMAN, OK STAFF REPORT

**MEETING DATE:** 02/11/2025

**REQUESTER:** City of Norman

**PRESENTER:** Rick Knighton, City Attorney

ITEM TITLE: CONSIDERATION OF APPROVAL, ACCEPTANCE, REJECTION,

AMENDMENT AND/OR POSTPONEMENT OF THE CONVEYANCE OF TITLES FOR THE IRVING AND WHITTIER RECREATIONAL CENTERS FROM THE CITY OF NORMAN, OKLAHOMA, TO THE NORMAN PUBLIC SCHOOLS AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE QUIT CLAIMS DEEDS FOR SUCH PURPOSE AS OUTLINED IN THE

STAFF REPORT.

### **BACKGROUND:**

In 1974, the City of Norman submitted a measure to the voters requesting approval of General Obligation Bonds in the amount of \$750,000 to purchase land and construct, furnish, and equip recreational facilities. The voters approved the measure. In 1975, the City purchased 3.2 acres from the Norman Public School System (NPS) for \$150,000 and built recreational facilities at Irving Middle School, 125 Vicksburg Avenue, and Whittier Middle School, 2000 W. Brooks Street. The recreational facilities are entirely enclosed by NPS property.

Over the years, the City has used the recreational facilities for youth sports, after-school programs, and summer camps. NPS uses recreational facilities for assemblies, plays, performances, physical education, basketball games, and other school-related activities. In February 2024, the City began using the Young Family Athletic Center for its youth sports programs and abandoned the Irving and Whitter recreational facilities. The City's after-school programs and summer camps use only a small portion of the recreational facilities. If these facilities are transferred to NPS, it has agreed to allow the City to continue using them for its after-school program and summer camps for a nominal fee – e.g., one dollar (\$1.00) a year.

Because the recreational facilities are fully surrounded by NPS property and the middle schools can be accessed from the recreational facilities, the public cannot access these facilities during school hours. Additionally, since Oklahoma Human Services licenses the City's after-school program and summer camps, these facilities are limited to program participants and their parents or guardians during program hours. There are no hours when the recreational facilities are open to the general public for any purpose.

Recently, mold damage has been discovered at the Whittier recreational facility. The cost of mold remediation and roof repair may exceed the depreciated value of this facility. While it is

unclear if similar damage exists at the Irving recreational facility, the value of these facilities to the City is minimal, and their municipal use has been largely abandoned.

### **DISCUSSION:**

Council discussed this proposed real estate transaction during a Study Session on January 7, 2025. The council expressed a desire to move forward with the transfer during its January discussion. This item authorizes the City Manager to execute a Quit Claim deed granting the Irving and Whittier recreational facilities to NPS.

### **RECOMMENDATION:**

Staff recommends Council approve the conveyance of title for these properties from the City to Norman Public Schools and authorize the City Manager to execute a Quit Claim deed for such purpose.

### **QUIT CLAIM DEED**

### KNOW ALL MEN BY THESE PRESENTS:

THAT the City of Norman, a Cleveland County, Oklahoma municipal corporation, in consideration of the sum of TEN DOLLARS (\$ 10.00), receipt of which is hereby acknowledged, and for and upon other good and valuable consideration does hereby quitclaim, grant, bargain, sell and convey unto Independent School District No. 29 of Cleveland County, Oklahoma all right, title, interest, estate, and every claim and demand, both at equity and at law, acquired by the City, and including all right, title and interest in and to the airspace, light and view above the surface of the lands herein described therein, to-wit:

A part of the Northeast Quarter of Section 33; T9N; R2W; of the Indian Meridian, more particularly described as follows:

Beginning at a point North 89° 49" 27" West a distance of 1276.15 feet and South 00° 06' 38" East a distance of 427.42 feet, from the Northeast Corner of the Northeast Quarter of Section 33; T9N; R2W; of the Indian Meridian, thence South 89° 49' 27" East a distance of 160.00 feet, thence South 00° 06' 38" East a distance of 250.00 feet, thence North 89° 49' 27" West a distance of 160.00 feet, Thence North 00° 06' 38" West a distance of 250 feet, to the point of beginning, containing .918 acres more or less,

To have and to hold said described premises unto said Independent School District No. 29, its heirs and assigns

together with all improvements thereon and the appurtenances thereunto belonging to the same.

iorever.			
Signed and delivered thisday of	, 2025.		
City of Norman, a Cleveland County,	Oklahoma Municipal Corpora	ation by:	
D1 D.1. C't. M.			
Darrel Pyle, City Manager As authorized by the City of Norman O	City Council		
REPR	RESENTATIVE ACKNOW	LEDGEMENT	
STATE OF	OKLAHOMA, COUNTY O	F CLEVELAND, SS:	
Before me, the undersigned, a Nota, 2025, personally the foregoing grant of easement and ac	appeared Darrel Pyle, to me k	nown to be the identical person(	s) who executed
deed for the uses and purposes therein			oraniary act and
WITNESS my hand and seal the day a	nd year last above written.		
My Commission Expires:	Notary Public:		
Approved as to form and legality this	day of	, 2025.	
City Attorney			

### **QUIT CLAIM DEED**

### KNOW ALL MEN BY THESE PRESENTS:

City Attorney

THAT the City of Norman, a Cleveland County, Oklahoma municipal corporation, in consideration of the sum of TEN DOLLARS (\$10.00), receipt of which is hereby acknowledged, and for and upon other good and valuable consideration does hereby quitclaim, grant, bargain, sell and convey unto Independent School District No. I-29 of Cleveland County, Oklahoma, all right, title, interest, estate, and every claim and demand, both at equity and at law, acquired by the City, and including all right, title and interest in and to the airspace, light and view above the surface of the lands herein described therein, to-wit:

A part of the Southwest Quarter of Section 36; T9N; R3W; of the Indian Meridian more particularly described as follows:

Beginning at a point North 00° 13' 19" West a distance of 986.00 feet and South 89° 47' 23" West a distance of 684.00 feet, from the Southeast Corner of the Southwest Quarter of Section 36; T9N; R3W of the Indian Meridian, thence South 00° 13' 19" East a distance of 280.00 feet, thence South 89° 47' 23" West a distance of 250.00 feet, thence North 00° 13' 19" West a distance of 130.00 feet, thence North 89° 47' 23" East a distance of 47.00 feet, thence North 00° 13' 19" West a distance of 150.00 feet, thence North 89° 47' 23" East a distance of 203.00 feet, to the point of beginning, containing 1.446 acres more or less,

To have and to hold said described premises unto said Independent School District No. L-29, its heirs and assigns

together with all improvements thereon and the appurtenances thereunto belonging to the same.

forever.	os unto sala macpenacia	to School District 140. I 27, its hells and assig	,113
Signed and delivered thisday of	, 2025.		
City of Norman, a Cleveland County, Okla	thoma Municipal Corpor	oration by:	
Darrel Pyle, City Manager As authorized by the City of Norman City	Council		
REPRESEN	NTATIVE ACKNOWI	LEDGEMENT	
STATE OF OKLA	AHOMA, COUNTY OF	F CLEVELAND, SS:	
, 2025, personally app	peared Darrel Pyle, to a and acknowledged to a	County and State, on this day me known to be the identical person(s) w me that he executed the same as his free a	ho
WITNESS my hand and seal the day and y	ear last above written.		
My Commission Expires:	Notary Public:		
Approved as to form and legality this	day of	, 2025.	



Irving Recreation Center 125 Vicksburg Avenue



Whitter Recreation Center 2000 W. Brooks Street

### File Attachments for Item:

14. CONSIDERATION OF APPROVAL, ACCEPTANCE, REJECTION, AMENDMENT, AND/OR POSTPONEMENT OF EASEMENT E-2425-12: A SANITARY SEWER EASEMENT DONATED BY THE OKLAHOMA ELECTRIC COOPERATIVE, SERVING 24<sup>TH</sup> AVENUE INDUSTRIAL PARK ADDITION, BLOCK 3, IN NORMAN, OKLAHOMA, AND DIRECTING THE FILING THEREOF.



# CITY OF NORMAN, OK STAFF REPORT

**MEETING DATE:** 02/11/2025

**REQUESTER:** Jack Burdett, Subdivision Development Coordinator

PRESENTER: Scott Sturtz, Public Works Director

ITEM TITLE: CONSIDERATION OF APPROVAL, ACCEPTANCE, REJECTION,

AMENDMENT, AND/OR POSTPONEMENT OF EASEMENT E-2425-12: A SANITARY SEWER EASEMENT DONATED BY THE OKLAHOMA ELECTRIC COOPERATIVE, SERVING 24<sup>TH</sup> AVENUE INDUSTRIAL PARK ADDITION, BLOCK 3, IN NORMAN, OKLAHOMA, AND DIRECTING THE

FILING THEREOF.

### **BACKGROUND:**

This property is located north of West Main Street at 242 24<sup>th</sup> Ave. NW. The final plat for 24<sup>th</sup> Avenue Industrial Park Addition, Block 3 was approved by City Council on March 14, 1972 in which drainage, utility and sidewalk improvements were added to the entire area and was occupied by the Oklahoma Electric Cooperative. In 2022 Oklahoma Electric Cooperative, wishing to expand one of the buildings, required the relocation of a sewer line serving the area.

### **DISCUSSION:**

Sewer line relocation was completed and accepted in 2024 and an easement for sanitary sewer has been submitted by the owner. The City Attorney, Utilities and Public Works Staff have examined the easement and found it to be in order and proper as to form. Based upon the fact the easement has been donated to the City of Norman for the existing sewer improvements dedicated for public utilities that are in place serving this addition; Staff recommends acceptance of this easement. Copies of easement and location maps are included in the Agenda Book.

### **RECOMMENDATION:**

Based upon the above information, it is the recommendation of staff that Easement No. E-2425-12 be approved and filed of record with the Cleveland County Clerk.

# OWNER'S CERTIFICATE AND DEDICATION

KNOW ALL MEN BY THESE PRESENTS:

That Oklahoma Electric Cooperative, Inc. does hereby certify that it is the Owner of and the only Person, Firm, or Corporation having any right, title or interest in and to the land shown on the annexed plat and that it has caused the same to be surveyed and platted and that it hereby dedicates all the street and utility easements shown hereon to the public for its heirs, executors, administrators, successors, and assigns forever and has caused the same to be released from all encumbrances so that the title is clear, except as shown in the Abstracter's Certificate.

In witness whereof, the undersigned has caused this instrument to be executed this IO th. day of February, 1972. OKLAHOMA ELECTRIC COOPERATIVE, INC.

STATE OF OKLAHOMA COUNTY OF CLEVELAND

Before me, the undersigned, a Notary Public in and for said County and State on the 10th. day of February, 1972, personally appeared A.A. Barnes to me known to be the identical person who executed the within and foregoing instrument and acknowledged to me that he executed the same as his free and voluntary act and deed and as the free and voluntary act and deed of said Corporation for the uses and purposes herein set forth.

Given under my hand and seal the day and year last above written.

My Commission expires: June 11, 1973.

### COUNTY TREASURERS CERTIFICATE

1, Mabel Gilmore, do hereby certify that I am the duly elected, qualified and acting County Treasurer of Cleveland County, State of Oklahoma, that the tax records of said County show all taxes are paid for the year 1971 and prior years on the land shown on the annexed plat.

In witness whereof said County Treasurer has caused this instrument to be executed this 25th. day of February , 1972.

## CITY PLANNING COMMISSION APPROVAL

I, Samuel K. McCall, Chairman of the Norman Planning Commission hereby certify that the Commission duly approved this plat on the 10 th. day of February , 1972.

ACCEPTANCE OF DEDICATION BY CITY COUNCIL

Be it resolved by the Council of the City of Norman, Oklahoma, that the easement dedications shown hereon are hereby accepted. Adopted by the Council of the City of Norman, Oklahoma,, this 14 day of March, 1972.

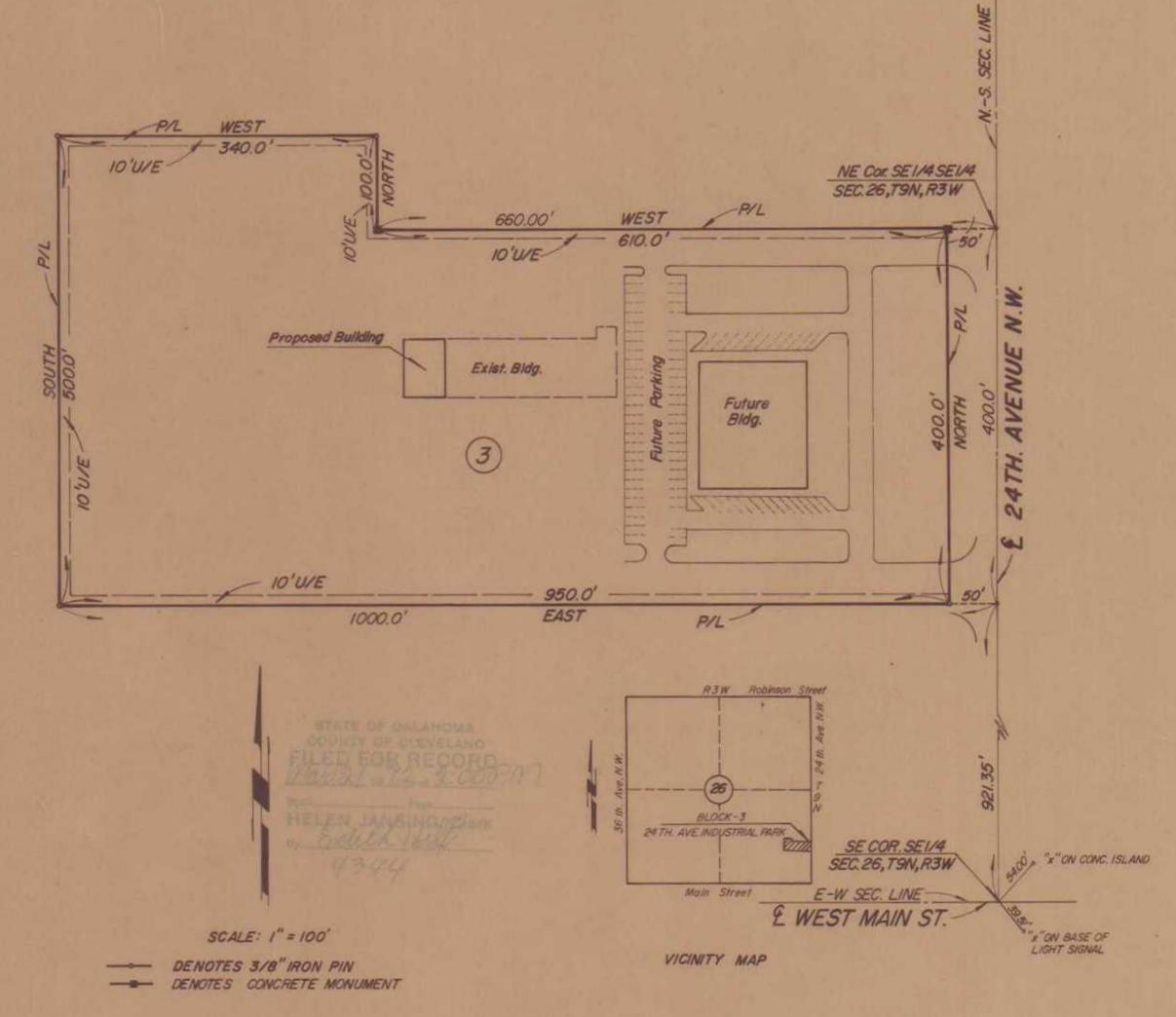
Affest: City Clerk

SUBDIVISION PLAT

# 24 TH. AVENUE INDUSTRIAL PARK

AN ADDITION TO

NORMAN, CLEVELAND COUNTY, OKLAHOMA



### LEGAL DESCRIPTION:

Part of the SE I/4 of Section 26, T9N, R3W of the I.M. and more particularly described as follows: Beginning at the Northeast Corner of the SEI/4 SEI/4 of Section 26, T9N, R3W; thence West 660.0 feet: thence North 100.0 feet; thence West 340.0 feet; thence South 500.0 feet: thence East 1,000.0 feet; thence North 400.0 feet to the point of beginning. Containing 9,96 acres more or less.

# BONDED ABSTRACTER'S CERTIFICATE

The undersigned, a duly qualified and lawfully Bonded Abstracter of titles in and for the County of Cleveland , State of Oklahoma , hereby certifies that the records of said County show that the fifle to the land shown on the annexed plat is vested in Oklahoma Electric Cooperative Inc. and that on the 15th. day of January, 1972 there are no actions pending or judgments of any nature in any court or on file with the Clerk of any court in said County or State against said land or the Owners thereof; that the taxes are paid for the year 1971 and prior years; that there are no outstanding tax sales certificates against said land and no tax deeds are issued to any person; that there are no liens, mortgages, or other encumbrances of any kind against the land included in the annexed plat. Except mortgages, mineral conveyances and easements of record. In witness whereof, said Bonded Abstracter has caused this instrument to be executed this 24th. day of January , 1972.

SECURITY ABSTRACT COMPANY

## STATE OF OKLAHOMA COUNTY OF CLEVELAND

Before me, the undersigned, a Notary Public in and for said County and State, personally appeared Richard Ratcliff to me known to be the identical person who executed the above instrument and acknowledged to me that he executed the same as his free and voluntary act and deed, and as the free and voluntary act and deed of said Corporation for the uses and purposes herein set forth. Given under my hand and seal this 24th. day of January, 1972.

My Commission expires: June 11, 1973.

### PROFESSIONAL ENGINEER AND LAND SURVEYOR'S CERTIFICATE

1, Don G. Clark, do hereby certify that I am a Registered Professional Civil Engineer and Land Surveyor and that the annexed plat correctly represents an accurate survey made under my supervision and that the monuments shown hereon actually exist and their positions are correctly shown.

Don G. Clark P.E. NO. 4233, L.S. NO. 414

### STATE OF OKLAHOMA COUNTY OF CLEVELAND

Before me, the undersigned, a Notary Public in and for said County and State, personally appeared Don G. Clark to me known to be the identical person who executed the above instrument and acknowledged to me that he executed the same as his free and voluntary act and deed. Given under my hand and seal this 15 th. day January , 1972.

My Commission expires: June 11, 1973.

BLOCK 3-24TH AVENUE INDUSTRIAL PARK

CLARK ENGINEERING COMPANY

### **SANITARY SEWER EASEMENT**

E-2425-12

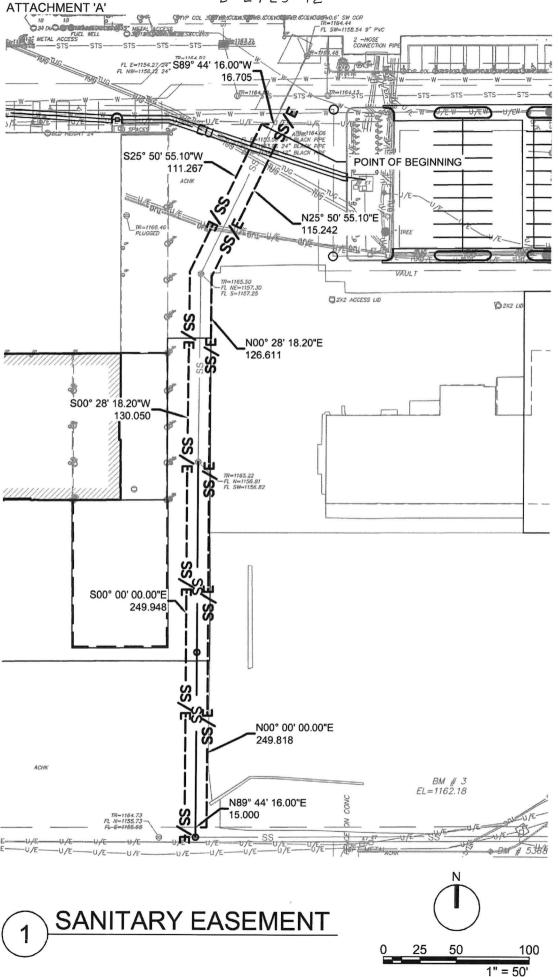
Know all men by these presents:
That Oklahoma Electric Cooperative , in consideration of the sum of One Dollar (\$1.00), receipt of which is hereby acknowledged, and for other good and valuable considerations, do hereby grant, bargain, sell, and convey unto the City of Norman, a municipal corporation, a sanitary sewer easement and right-of-way over, across, and under the following described premises situated in the City of Norman, Cleveland County, Oklahoma, to wit:
See Attachment A
With the right of ingress and egress to and from the same, for the purpose of surveying, laying out, constructing, maintaining, and operating the following public utility(ies) to wit:
SANITARY SEWER
To have and to hold the same unto the said city, its successors, and assigns forever.
Signed and delivered this
(OWNER NAME) by:
Non Watter President of the board of Directors
REPRESENTATIVE ACKNOWLEDGEMENT
STATE OF OKLAHOMA, COUNTY OF CLEVELAND, SS:
Before me, the undersigned, a Notary Public in and for said County and State, on this Dreston to me known to be the identical person(s) who executed the foregoing grant of easement and acknowledged to me that
My Commission Expires: May 15, 2027 Notary Public: Manda Cardy
Approved as to form and legality this 15 day of January, 2025  Clisabeth Dluckala  City Attorney
Approved and accepted by the Council of the City of Norman, this day of,
ATTEST:
City Clerk Mayor

### **ATTACHMENT 'A'** *E-2425-12*

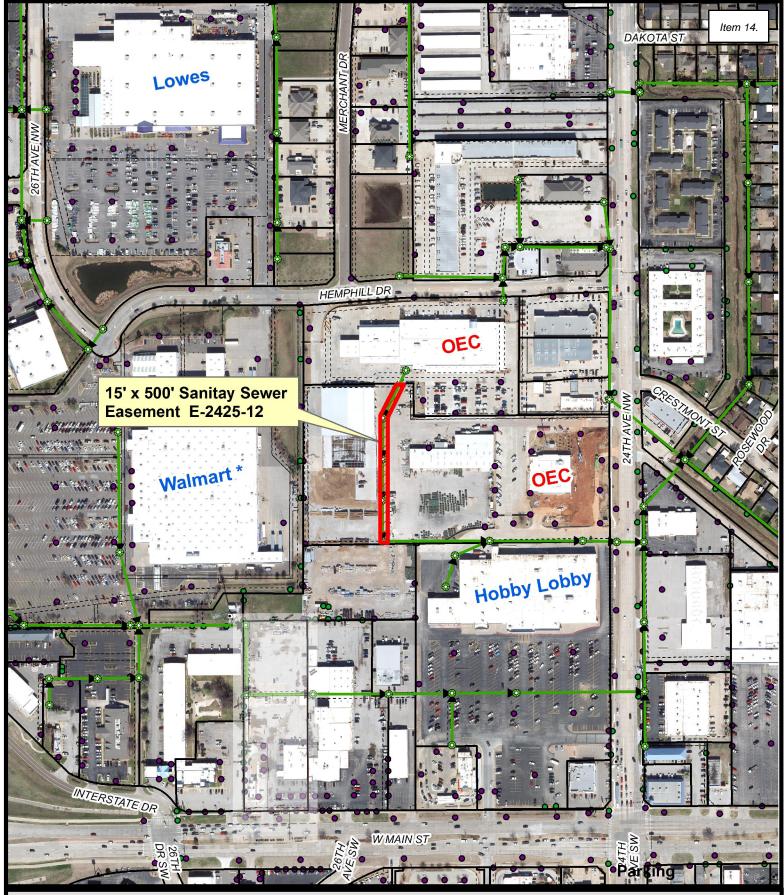
A tract of land in Section 26, Township 9 North, Range 3 West of the Indian Meridian, and within Block 3 of the 24<sup>th</sup> Avenue Industrial Park Addition of the City of Norman, Oklahoma, more particularly described as follows:

Commencing at the Southeast Corner of said Section, thence North 0°02′15.00″ West along the East line of said section a distance of 1,321.73 feet, thence South 89°44′16.00″ West a distance of 50.00 feet, thence South 89°44′16.00″ West along the North property line of said Block 3 a distance of 280.48 feet, thence South 89°44′16.00″ West along said North property line a distance of 329.76 feet, thence North 0°02′39.00″ West along the Northeast property line of said Block 3 a distance of 99.90 feet, thence South 89°44′16.00″ West along the North property line of said Block 3 a distance of 44.67 feet, thence South 25°47′12.61″ West a distance of 11.13 feet to the POINT OF BEGINNING.

Thence South 25°50′55.10″ West a distance of 111.27 feet, thence South 0°28′18.20″ West a distance of 130.05 feet, thence South 0°00′00.00″ East a distance of 249.95 feet, thence North 89°44′16.00″ East a distance of 15.00 feet, thence North 0°00′00.00″ East a distance of 249.82 feet, thence North 0°28′18.20″ East a distance of 126.61 feet, thence North 25°50′55.10″ East a distance of 115.24 feet, thence South 89°44′16.00 West a distance of 16.71 feet to return to the POINT OF BEGINNING, a tract of land containing 0.17 Acres, more or less.

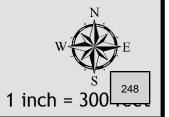


Page 2 of 2





Sanitary Sewer Easement 24th Avenue Industrial Park Addition E-2425-12



City Council Agenda

February 11, 2025

ITEM: CONSIDERATION OF ACCEPTANCE OF THE FOLLOWING DONATED EASEMENT:

E-2425-12 OKLAHOMA SANITARY SERVING THE 24TH ELECTRIC SEWER AVENUE INDUSTRI COOPERATIVE (OEC) PARK, BLOCK 3	

INFORMATION: The property owner has submitted an easement for a sewer line in connection with Block 3 of 24<sup>th</sup> Avenue Industrial Park Addition. The City Attorney, Utilities and Public Works Staff have examined the easement and found it to be in order and proper as to form. Based upon the fact the easement has been donated to the City of Norman for the existing sewer improvements dedicated for public utilities that are in place serving this addition; Staff recommends acceptance of this easement. Copies of easement and location maps are included in the Agenda Book.

ACTION NEEDED: Motion to accept or reject the Easement No. E-2425-12 and if accepted, direct the filing of the easement with the Cleveland County Clerk.

ACTION TAKEN:		
ACTION TAKEN:		

### File Attachments for Item:

15. CONSIDERATION OF APPROVAL, ACCEPTANCE, REJECTION, AMENDMENT, AND/OR POSTPONEMENT OF EASEMENT E-2425-13: A SANITARY SEWER EASEMENT DONATED BY THE BOARD OF REGENTS OF THE UNIVERSITY OF OKLAHOMA, SERVING BLOCK 14 OF THE FORMER NAVAL AIR TECHNICAL TRAINING CENTER (NATTC), IN NORMAN, OKLAHOMA, AND DIRECTING THE FILING THEREOF.



# CITY OF NORMAN, OK STAFF REPORT

**MEETING DATE:** 02/11/2025

**REQUESTER:** Jack Burdett, Subdivision Development Coordinator

PRESENTER: Scott Sturtz, Public Works Director

ITEM TITLE: CONSIDERATION OF APPROVAL, ACCEPTANCE, REJECTION,

AMENDMENT, AND/OR POSTPONEMENT OF EASEMENT E-2425-13: A SANITARY SEWER EASEMENT DONATED BY THE BOARD OF REGENTS OF THE UNIVERSITY OF OKLAHOMA, SERVING BLOCK 14 OF THE FORMER NAVAL AIR TECHNICAL TRAINING CENTER (NATTC), IN NORMAN, OKLAHOMA, AND DIRECTING THE FILING

THEREOF.

### **BACKGROUND:**

This property is located east of S. Jenkins Ave on South side Chesapeake St in the plat of Former Naval Air Technical Training Center (NATTC) Addition dated September 27th, 1960. This entire area is currently occupied by the University of Oklahoma. In 2025, the University of Oklahoma is wishing to construct a new building, which requires relocation of the sewer line serving the lot.

### **DISCUSSION**:

Sewer line relocation was completed and accepted in 2024 and an easement for sanitary sewer has been submitted by the owner. The City Attorney, Utilities and Public Works Staff have examined the easement and found it to be in order and proper as to form. Based upon the fact the easement has been donated to the City of Norman for the existing sewer improvements dedicated for public utilities that are in place serving this addition; Staff recommends acceptance of this easement.

### **RECOMMENDATION:**

Based upon the above information, it is the recommendation of staff that Easement No. E-2425-13 be approved and filed of record with the Cleveland County Clerk.

#### GRANT OF EASEMENT E-2425-13

#### KNOW ALL MEN BY THESE PRESENTS:

SEAL

THAT the Board of Regents of The University of Oklahoma, in consideration of the sum of Zero Dollars (\$0.00), receipt of which is hereby acknowledged, and for and upon other good and valuable considerations, does hereby grant, bargain, sell, and convey unto the City of Norman, a municipal corporation, a public utility easement and right-of-way over, across, and under the following described real estate and premises situated in the City of Norman, Cleveland County, Oklahoma, to wit:

#### See Attached Exhibit A

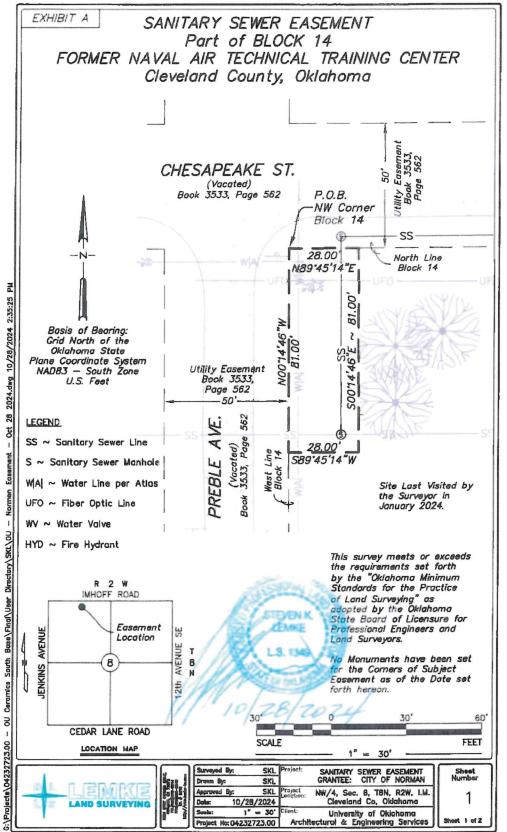
with the right of ingress and egress to and from the same, for the purpose of maintaining and operating a sanitary sewer.

In the event Grantee shall no longer require or ceases to use the easement for the purposes set forth herein for which it was granted, then this grant of easement and all rights and privileges granted hereunder shall terminate and Grantee shall cooperate with Granter and do all things reasonably necessary to give effect hereto.

Grantor retains the right of ingress and egress to and from and across the property for the purpose of constructing roads, drives, sidewalks, utilities, landscaping, and other improvements of its own in a manner and place acceptable to Grantee, acceptance not to be withheld unreasonably.

Grantee, its successors and assigns shall keep, repair and maintain the easement granted hereunder in a proper, attractive and workmanlike manner at its sole cost. Grantee shall notify Granter of its intent to enter the easement and the purpose therefor prior to entry, unless under emergency conditions in which case notice shall be given on the first business day thereafter.

To have and to hold the same unto the said City of	Norman, its successors, and assigns.
SIGNED and delivered this day of _	December, 2024.
Attest:	SEAL:
Mackenzie Wilfong, JD Executive Secretary of the Board of Regents The University of Oklahoma 660 Parrington Oval Norman, Oklahoma 73019	Brian Holderread Vice President for Campus Operations
REPR	ESENTATIVE ACKNOWLEDGEMENT
STATE OF OKLAHOMA, COUNTY OF CLEVELAND. SS:	
This instrument was acknowledged before me on to Operations of The University of Oklahoma.  WITNESS my hand and seal the day and year last My Commission Expires:	above written.  PUBLIC  Notary Public  Public  AHO  AND FOR STATE OF STATE
Approved as to form and legality thisday of	City Attorney
Approved and accepted by the Council of the City	of Norman, thisday of20
ATTEST:	Mayor
CONTROL (Fig. 1999) determined.	



# SANITARY SEWER EASEMENT Part of BLOCK 14 FORMER NAVAL AIR TECHNICAL TRAINING CENTER Cleveland County, Oklahoma

#### EASEMENT LEGAL DESCRIPTION

A parcel of land located in Block 14 of FORMER NAVAL AIR TECHNICAL TRAINING CENTER, part of the Northwest Quarter of Section 8, Township 8 North, Range 2 West of the Indian Meridian, Cleveland County, Oklahoma, being described as:

The West 28 feet of the North 81 feet of said Block 14, and being more particularly described by perimeter metes and bounds as follows:

BEGINNING at the Northwest Corner of said Block 14;

Thence North 89° 45' 14" East, along the north line of said Block 14, a distance of 28.00 feet;

Thence South 00° 14′ 46" East, parallel with the west line of said Block 14, a distance of 81.00 feet;

Thence South 89° 45' 14" West, parallel with the north line of said Block 14, a distance of 28.00 feet to a point on the west line of said Block 14:

Thence North 00° 14' 46" West, along the west line of said Block 14, a distance of 81.00 feet to the POINT OF BEGINNING and containing 2,268 square feet, more or less.

Basis of Bearing: Grid North of the Oklahoma State Plane Coordinate System, NAD83 — South Zone.

Legal Description prepared by Steven K. Lemke, OK PLS #1349 on October 28, 2024, and based on a field survey performed in January 2024. No corners have been monumented as part of this exercise.





1	Surveyed By:	5KL	Project:	SANITARY SEWER EASEMENT		
ı	Drawn By:	SKL	1	GRANTEE: CITY OF NORMAN		
۱	Approved By:	SKL	Project	NW/4, Sec. 8, TBN, R2W, LM		
ı	Dote: 10/28/2024		Lecabon: NW/4, Sec. 8, TBN, R2W, Cleveland Ca, Oklahorr			
ı	Scalar	n/a	Client:	University of Oklahoma		
ı	Project No: 04232	723.00	Architectural & Engineering Services			

ITEM #	ITEM	UNIT	QUANTITY	AS-BUILT
1.	8" SANITARY SEWER PIPE (SD		374	
2.	TRENCHING (0-6')	LF	374	
3.	TRENCHING (6-8')	LF	374	
4.	TRENCHING (8-10')	LF	150	
5.	TRENCHING (10-12')	LF	125	
6.	STD. 4' DIAMETER MANHOLE	EA	3	
7.	ADDITIONAL DEPTH MANHOLE	VF	8	
8.	8"X4" TEE	EA	1	
9. 10.	4" RISER PIPE ABANDON 8" SANITARY SEWE	VF R LF	9 345	
11.	REMOVE MANHOLE (COMPLET		345 1	
12.	TYPE 'A' AGGREGATE BACKFIL	_/	60	
13.	MANHOLE TESTING	LS	1	
14.	LEAKAGE TEST	LS	1	
15.	DEFLECTION TEST	LS	1	
16.	4" SEWER SERVICE (PRIVATE)	LF	42	
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	PRIVATE QUANTITIES (	BY DEVELOR	-EK)	
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1.	CONCRETE WASHOUT CONSTRUCTION ENTRANCE	EA EA	1	
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# PUBLIC WASTEWATER MAIN PLANS TO SERVE OU TRANSPORTATION RESEARCH LAB A PART OF THE NW/4 SEC. 8, T8N, R2W, I.M., AN ADDITION TO NORMAN, CLEVELAND COUNTY, OKLAHOMA



- 1. ALL CONSTRUCTION AND MATERIALS SHALL BE IN ACCORDANCE WITH THE MOST RECENT VERSION OF THE CITY OF NORMAN'S STANDARD SPECIFICATIONS AND TITLE 252 OKLAHOMA ADMINISTRATIVE CODES.
- 2. SEPARATION OF OF WATER MAINS AND SEWER MAINS SHALL BE IN ACCORDANCE TO ODEQ 252:626-5-4(C).
- 3. LEAKAGE TEST SHALL BE IN ACCORDANCE TO ODEQ 252:626-5-5-(b).
- MANHOLES AND WYE SERVICES MUST SIT OUTSIDE OF PAVING FOR SIDEWALKS AND DRIVEWAYS.
- 5. CONTRACTOR SHALL "CALL OKIE" AT 811 STATEWIDE OR 1-800-654-8249 OUT-OF-STATE FOR INFORMATION ON UNDERGROUND 18. ALL SANITARY SEWER BYPASS LINES SHALL BE FREE FROM ANY LEAKS AS TO ELIMINATE CONTAMINATION DURING BYPASS UTILITIES PRIOR TO ANY EXCAVATION.
- 6. THE CONTRACTOR MAY REQUEST SUBSTITUTION OF ALTERNATE METHODS OF CONSTRUCTION FROM THAT CALLED FOR, SUBJECT TO APPROVAL BY THE ENGINEER. THE CONTRACTOR SHALL THEN BE PAID THE LESSOR OF THE SUM OF THE ASSOCIATED BID ITEMS FOR THE RESPECTIVE ALTERNATIVE METHODS.
- WORK THAT DOES NOT HAVE A PAY ITEM WILL BE CONSIDERED INCIDENTAL WITH THE COST INCLUDED IN OTHER PAY ITEMS. NO ADDITIONAL COMPENSATION WILL BE PROVIDED.
- 8. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE GPS "AS-BUILT" SURVEY, FOLLOWING THE COMPLETION OF CONSTRUCTION, FOR EVERY 100 FEET ALONG THE ALIGNMENT OF THE PROJECT. LOCATION OF MANHOLES, RIM ELEVATIONS, AND COORDINATE DATA SHEET SHALL BE SUBMITTED TO THE PRIVATE DEVELOPMENT DIVISION FOR APPROVAL. ALL DRAWINGS MUST BE SIGN AND CERTIFIED BY A REGISTERED PROFESSIONAL LAND SURVEYOR. DATA SUBMITTED SHALL BE TIED TO THE OKLAHOMA STATE PLANE COORDINATE SYSTEM.
- THE CONTRACTOR SHALL BE RESPONSIBLE FOR PROTECTING ALL EXISTING STRUCTURES, FENCES, AND LANDSCAPING NOT SHOWN TO BE REMOVED AND SHALL BE RESPONSIBLE FOR THE COST OF ANY REPAIRS TO THESE ITEMS UPON COMPLETION OF CONSTRUCTION.
- 10. THE CONTRACTOR SHALL BE RESPONSIBLE FOR MANAGING ALL SANITARY SEWER FLOW AND WATERLINE SERVICE DURING CONSTRUCTION IN A MANNER APPROVED BY THE CITY OF OKLAHOMA CITY, AND ALL COSTS SHALL BE INCLUDED IN PRICE BID
- TYPE 'A' AGGREGATE BACKFILL SHALL BE PLACED IN ALL DITCHES UP TO GROUND LEVEL WHERE LINES CROSS UNDER PROPOSED OR EXISTING PAVING. TYPE 'A' AGGREGATE BACKFILL SHALL BE COMPACTED IN ACCORDANCE WITH THE CITY OF NORMAN'S STANDARD SPECIFICATIONS. THE MAXIMUM PAY QUANTITY FOR TYPE 'A' AGGREGATE BACKFILL IS THAT QUANTITY REQUIRED TO FILL A NEAT MINIMUM WIDTH DITCH, LISTED IN THE TRENCH WIDTH DETAIL, FROM THE FLOWLINE OF THE PIPE TO THE PAVEMENT SUBGRADE ELEVATION TO 5' BACK OF CURB ON EACH SIDE OF THE STREET. ANY ADDITIONAL TYPE 'A' AGGREGATE REQUIREMENTS ARE CONSIDERED INCIDENTAL.
- 12. ANY SUBDIVISION ENTRY SIGN, MARQUEE, SIGN, FENCE, STRUCTURE, ETC. THAT WILL BE OVER ANY PROPOSED WATER AND/OR WASTEWATER MAIN. THE MAIN MUST BE STEEL ENCASED A MINIMUM OF 20 FEET AND EXTEND 5 FEET BEYOND THE EDGE OR FOOTING OF SIGN. FOR ANY EXISTING MAINS, CONCRETE ENCASE EXISTING MAINS AS REQUIRED. A REVOCABLE PERMIT IS REQUIRED TO ALLOW THESE TO BE IN THE ROW AND/OR UTILITY EASEMENT.

### **EROSION CONTROL NOTES**

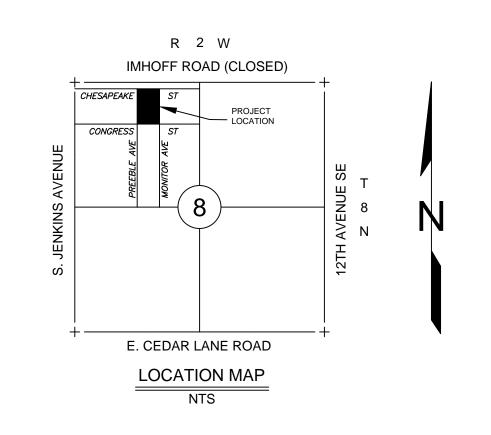
- 13. THE USGS 7.5 MINUTES QUADRANGLE SHEETS ARE USED TO INDICATE THE "WATERS OF THE UNITED STATES" AND "WETLANDS" EXIST WITHIN THIS PROJECT AREAS. THE ISSUE OF "WATERS OF THE UNITED STATES" AND "WETLANDS" FALLS UNDER THE CORP OF ENGINEERS (COE) TULSA DISTRICT REGULATORY DIVISION, BUT THE CITY IS OBLIGATED TO ENSURE THAT ALL NECESSARY STATE AND FEDERAL PERMITS HAVE BEEN OBTAINED, PURSUANT TO 40CFR 60.3 THEREFORE, THE APPLICANT IS REQUIRED TO SUBMIT DOCUMENTATION FROM THE COE SHOWING COE APPROVAL FOR PROPOSED WORK, IF APPLICABLE.
- 14. LIST EROSION CONTROL QUANTITIES AND WHO WILL BE RESPONSIBLE FOR THE INSTALLATION AND MAINTENANCE OF THE EROSION CONTROLS.

- 15. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE REPAIR OR REPLACEMENT OF ALL EROSION CONTROL DEVICES DAMAGED DUE TO CONSTRUCTION.
- 16. A COPY OF THE EROSION CONTROL SITE PLAN MUST ALWAYS BE ON SITE AND MADE AVAILABLE TO THE INSPECTOR UPON
- 17. BLOCK OFF ACCESS OR ADD CONSTRUCTION ENTRANCE.
- OPERATIONS.
- 19. A MINIMUM OF 18" OF SOD IS REQUIRED ALONG ALL CURBS & FLUMES.
- 20. A NOTICE OF INTENT (NOI) AND STORM WATER POLLUTION PREVENTION PLAN (SWPPP) SHOULD BE SUBMITTED 30 DAYS PRIOR TO THE INITIAL DISTURBANCE OF SOILS.

### TRAFFIC NOTES

- INVERTS, CASINGS, VALVES, METERS, PUMPS, AND SIMILAR APPURTENANCES SHALL BE LOCATED. AN AUTOCAD DRAWING 21. THE CONTRACTOR IS RESPONSIBLE FOR THE PROMPT REPLACEMENT AND/OR REPAIR OF ALL TRAFFIC CONTROL DEVICES AND APPURTENANCES DAMAGED OR DISTURBED DUE TO CONSTRUCTION.
  - 22. THE CONTRACTOR IS RESPONSIBLE FOR THE REMOVAL OF ALL PAVEMENT MARKINGS THAT WILL BE IN CONFLICT WITH THE
  - 23. THE CONTRACTOR SHALL CONTACT THE CITY OF NORMAN TRAFFIC OPERATIONS FOR THE MARKING OF TRAFFIC SIGNAL CONDUIT AND APPURTENANCES AT LEAST TWO (2) WORKING DAYS PRIOR TO THE START OF CONSTRUCTION AND/OR PLACING OR REMOVING ANY BARRICADES OR MODIFYING EXISTING TRAFFIC CONTROL DEVICES.
  - 24. ALL TRAFFIC CONTROL DEVICES SHALL BE PLACED, RELOCATED, OR REMOVED BY THE CONTRACTOR WHEN REQUIRED. THE COST OF SAID WORK SHALL BE INCLUDED IN THE UNIT PRICE BID FOR "TRAFFIC CONTROL".

# The City of NORMAN



### SHEET INDEX

DESCRIPTION PUBLIC SANITARY SEWER GENERAL LAYOUT SANITARY SEWER PLAN & PROFILE

facilities, mains, and appurtenances by Norman is only for conformance with Norman design requirements or standards. Norman takes no responsibility for any errors or omissions within the plans or for construction in conformance with the plans and easements. The Professional Engineer that sealed the approved plans and specifications must prepare and submit any revisions or modifications to Norman for review and approval. The Developer and/or their representative is responsible for ensuring that construction is completed in conformance with the approved plans and specifications.

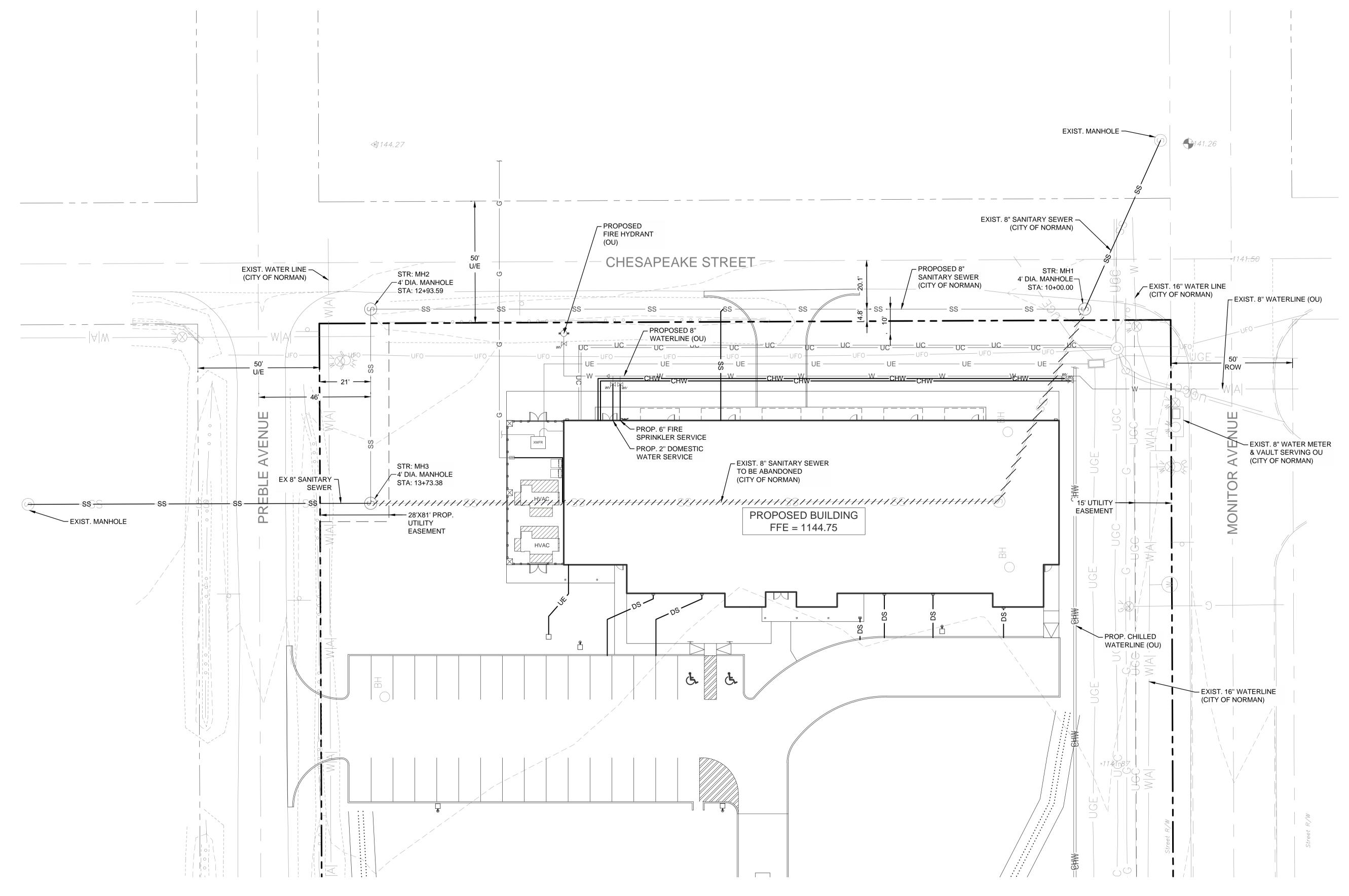
## ONE CALL UTILITY LOCATION NUMBER

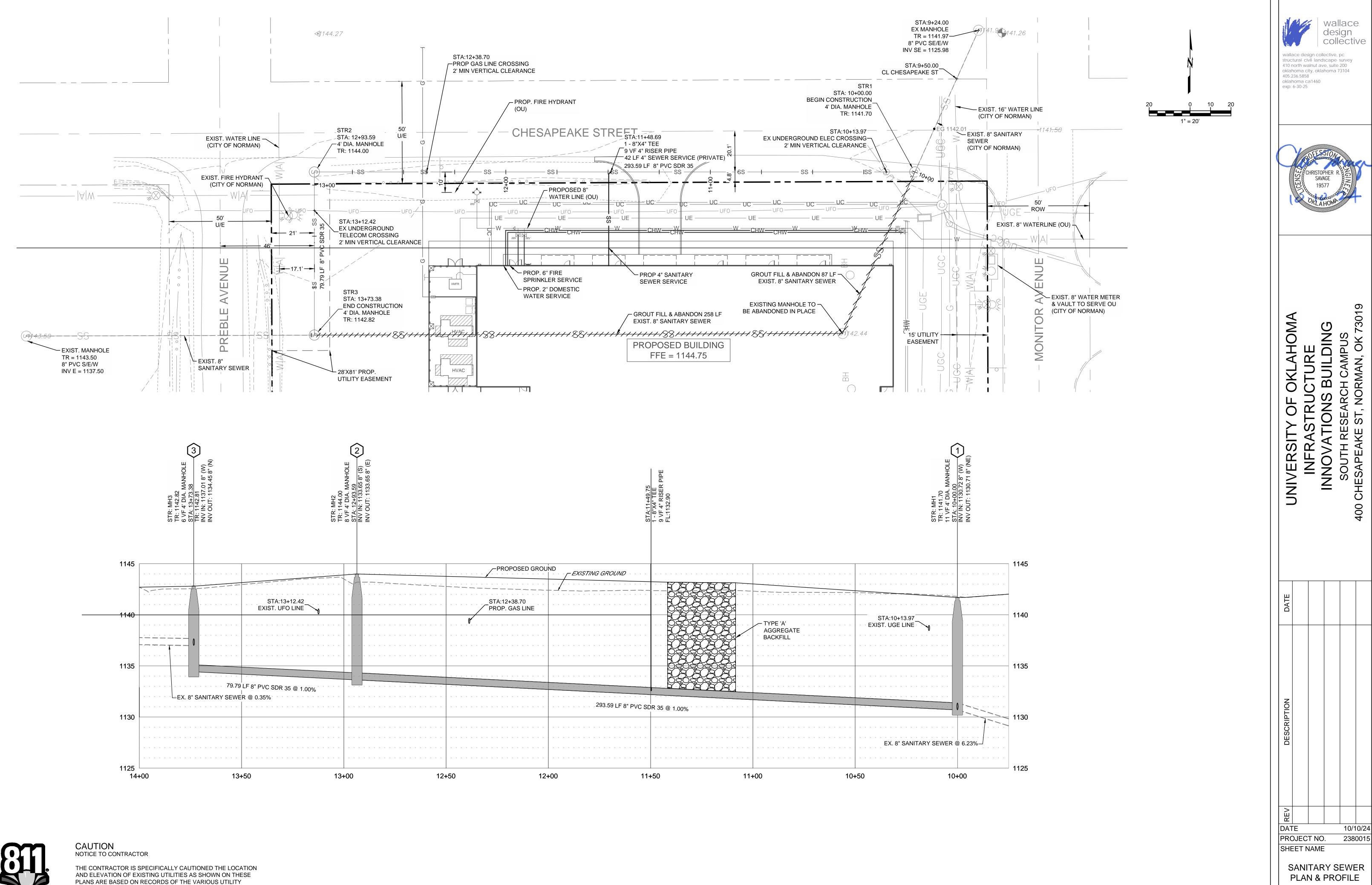
840-5032 1-800-522-6543 This number is to be used for information on the location of all underground utilities. Contact this number and other numbers specified in the plans prior to any excavation.



structural civil landscape survey 410 north walnut ave, suite 200 oklahoma city, oklahoma 73104 405.236.5858

PREPARED BY:	CONSTRUCTION MUST BEGIN WITHIN ONE (1) YEAR FROM THE DATE OF APPROVAL, OR THAT APPROVAL IS WITHDRAWN.
CHRISTOPHER R. SAVAGE  (OK P.E. 19577)  Date: 10.10.2024	DEPARTMENT OF PUBLIC WORKS ENGINEERING PRIVATE DEVELOPMENT DIVISION
REGISTERED PROFESSIONAL ENGINEER	
DATE: <u>EXP. 01.31.2025</u>	Checked by: Date:
OFESSION	Checked by: Date:
CHRISTOPHER R. SAVAGE 19577	Checked by: Date:
OYL A HOMA	DEPARTMENT OF PUBLIC WORKS ENGINEERING DIVISION
	APPROVED:
	Date:
	SCOTT STURTZ, P.E., DIRECTOR PUBLIC WORKS / CITY ENGINEER
OU TRANSPORTATION RESEARCH LAB	



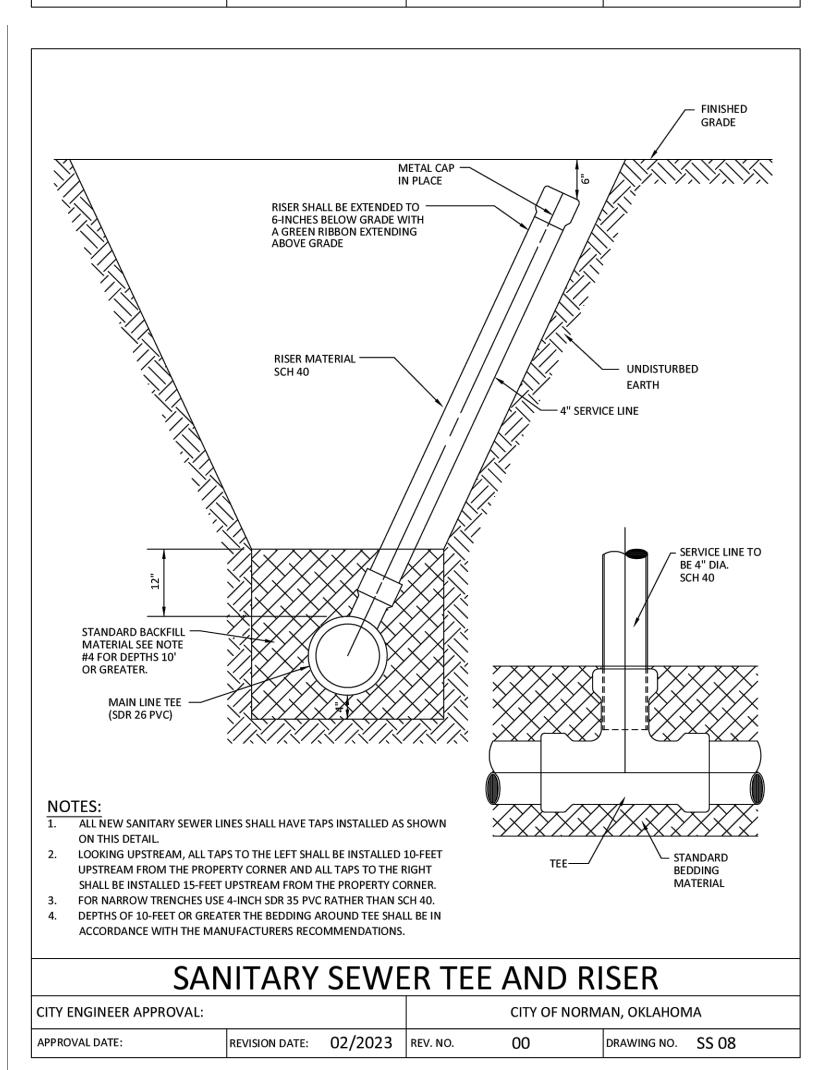


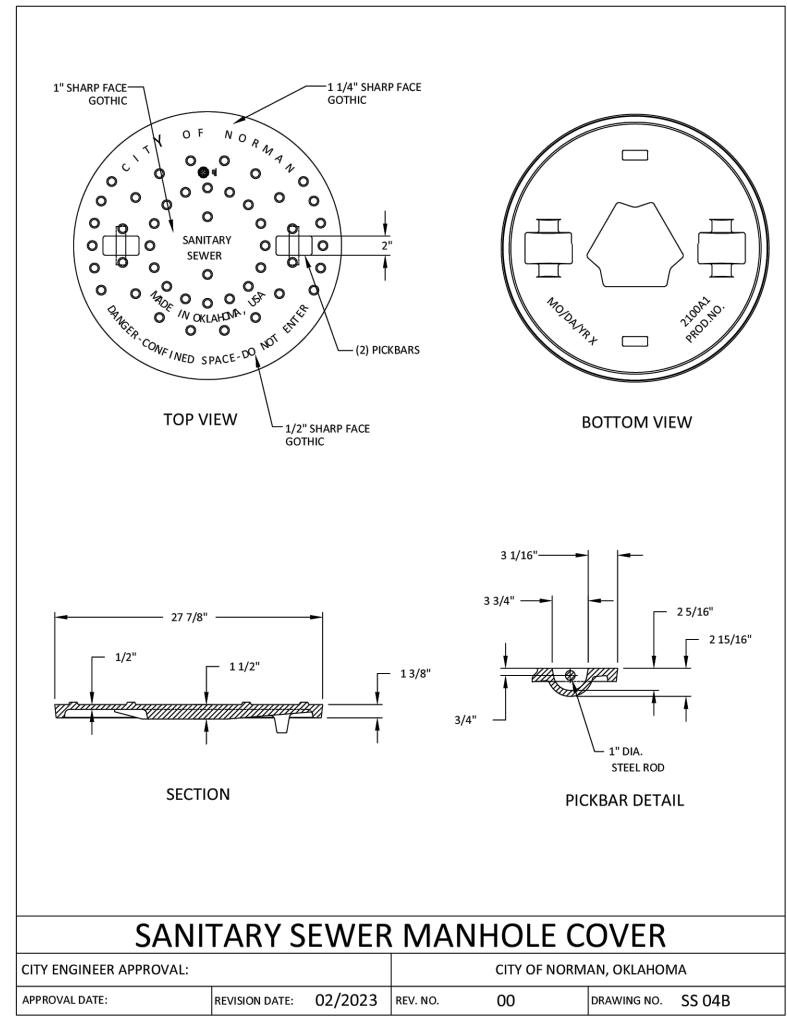
Know what's below. Call before you dig.

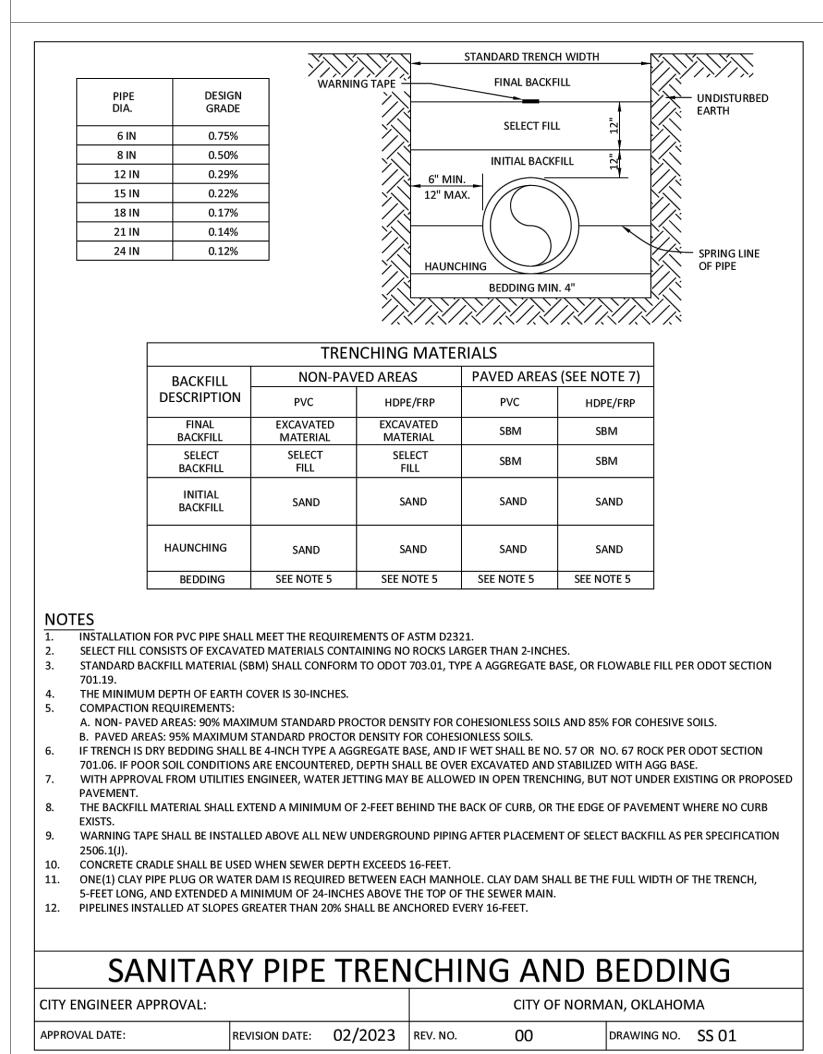
COMPANIES AND MEASUREMENTS TAKEN IN THE FIELD. THE INFORMATION IS NOT TO BE RELIED ON AS BEING EXACT OR COMPLETE. THE CONTRACTOR MUST CALL THE LOCAL UTILITY LOCATION CENTER AT LEAST 72 HOURS BEFORE ANY EXCAVATION TO REQUEST EXACT FIELD LOCATIONS OF THE UTILITIES.

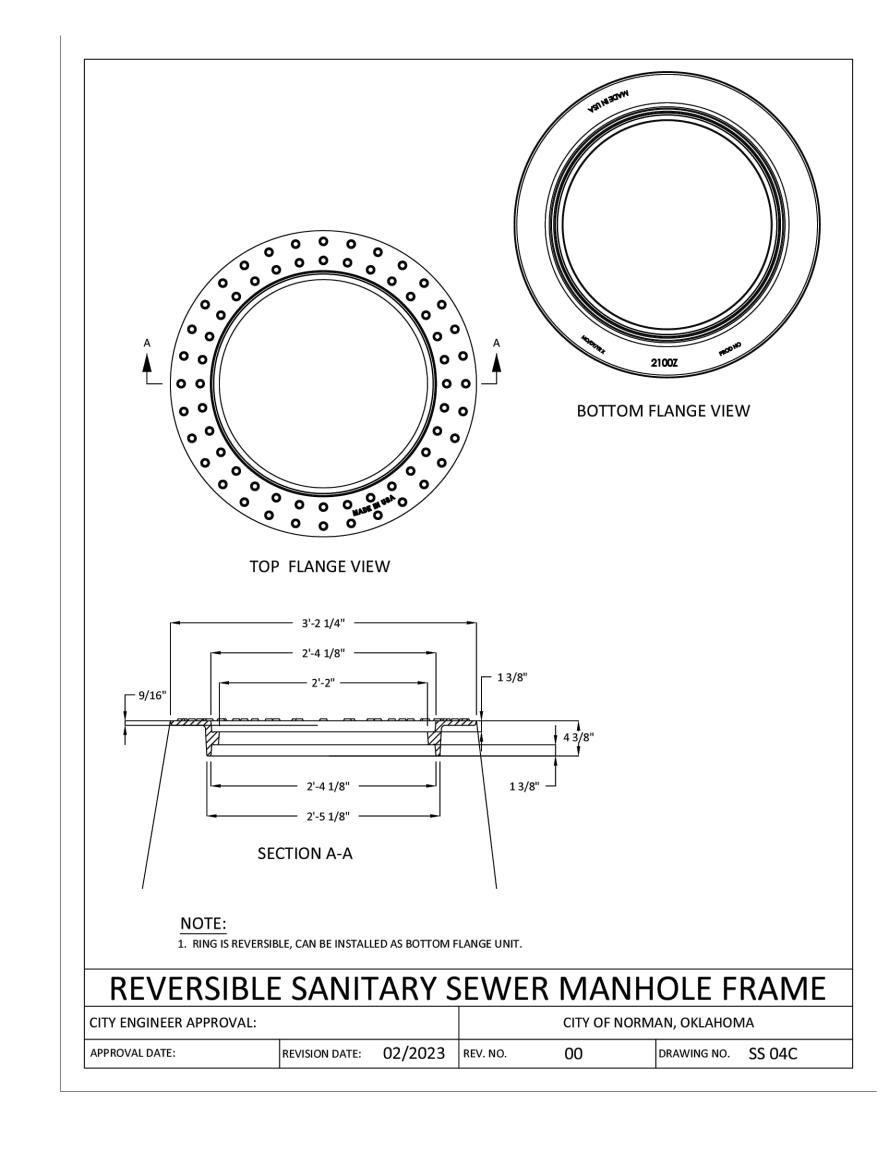
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\_ 2" OR 4" REINFORCED CONCRETE CONCENTRIC RINGS AS FINISH GRADE REQUIRES, PLASTERED WITH 1/4" GROUT ALSO WITH \_









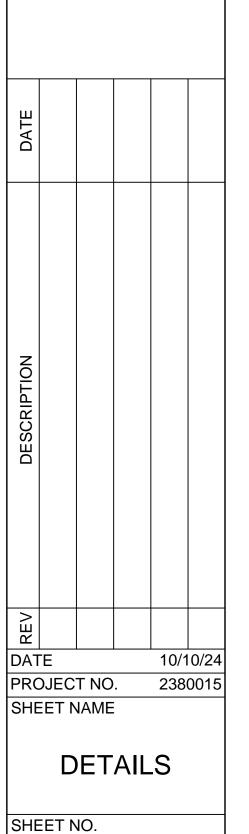


oklahoma ca1460 exp: 6-30-25



OKLAHOMA CTURE BUILDING

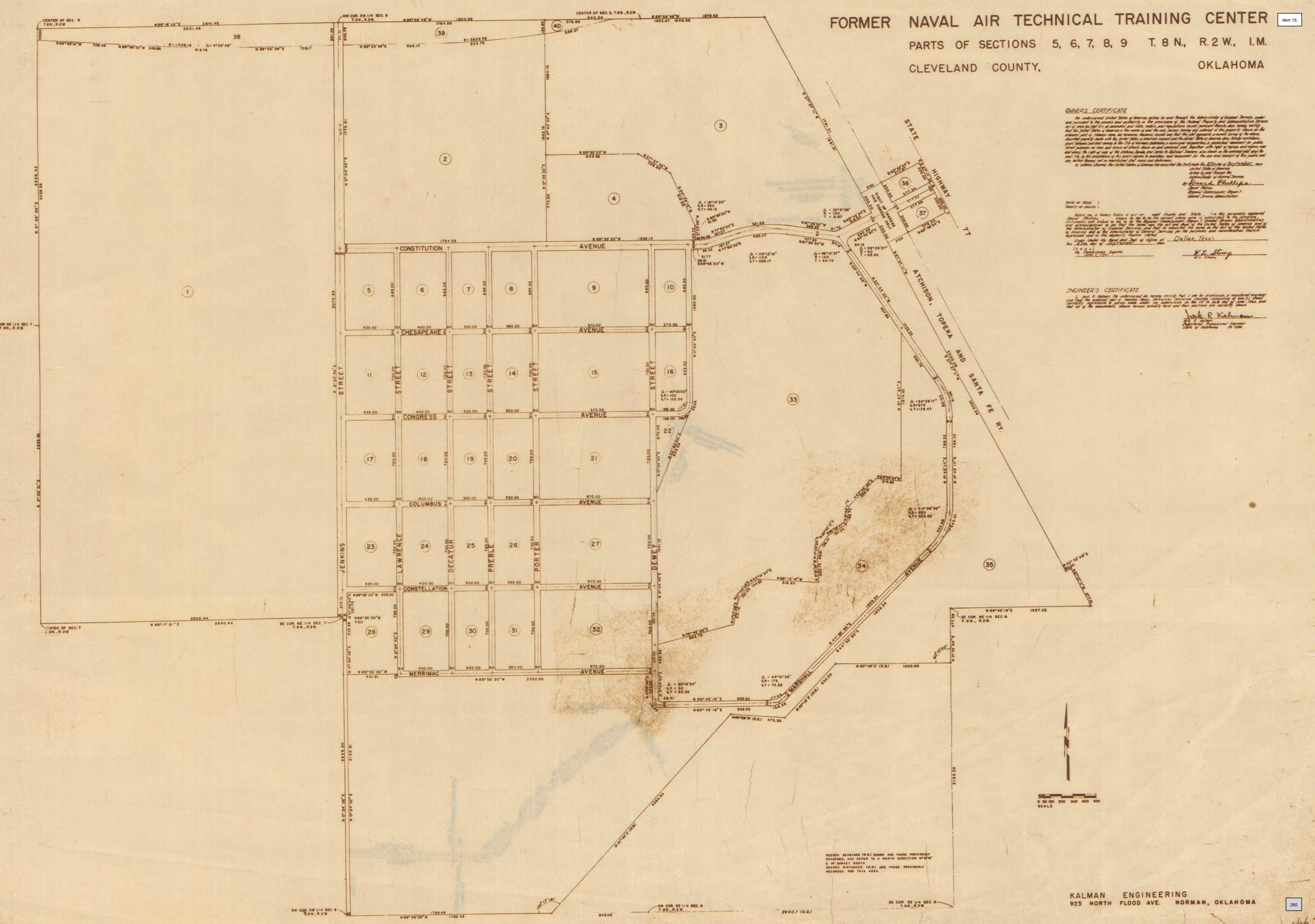
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259



**OU Infrastructure Innovations Building** 



City Council Agenda

February 11, 2025

ITEM: CONSIDERATION OF ACCEPTANCE OF THE FOLLOWING DONATED EASEMENT:

EASEMENT NO.	<u>GRANTOR</u>	<u>EASEMENT</u>	<u>ADDITION</u>
E-2425-13	UNIVERSITY OF OKLAHOMA	SANITARY SEWER	SERVING NAVAL AIR TECHNICAL TRAINING CENTER, BLOCK 14

INFORMATION: The property owner has submitted an easement for a sewer line in connection with Former Naval Air Technical Training Center (NATTC) Addition. The City Attorney, Utilities and Public Works Staff have examined the easement and found it to be in order and proper as to form. Based upon the fact the easement has been donated to the City of Norman for the existing sewer improvements dedicated for public utilities that are in place serving this addition; Staff recommends acceptance of this easement. Copies of easement and location maps are included in the Agenda Book.

ACTION NEEDED: Motion to accept or reject the Easement No. E-2425-13 and if accepted, direct the filing of the easement with the Cleveland County Clerk.

#### File Attachments for Item:

16. CONSIDERATION OF APPROVAL, REJECTION, AMENDMENT, AND/OR POSTPONEMENT OF CONSENT TO ENCROACH EN-2324-6: FOR LOT 1B, BLOCK 8, WESTPORT PROFESSIONAL PARK, CITY OF NORMAN, CLEVELAND COUNTY, OKLAHOMA, FOR HYUNDIA OF NORMAN. (591 North Interstate Drive)



# CITY OF NORMAN, OK STAFF REPORT

**MEETING DATE:** 02/11/2025

**REQUESTER:** AshLynn Wilkerson, Assistant City Attorney

**PRESENTER:** AshLynn Wilkerson, Assistant City Attorney

ITEM TITLE: CONSIDERATION OF APPROVAL, REJECTION, AMENDMENT, AND/OR

<u>POSTPONEMENT OF CONSENT TO ENCROACH EN-2324-6</u>: FOR LOT 1B, BLOCK 8, WESTPORT PROFESSIONAL PARK, CITY OF NORMAN, CLEVELAND COUNTY, OKLAHOMA, FOR HYUNDIA OF NORMAN. (591

North Interstate Drive)

#### **BACKGROUND:**

An encroachment request has been filed in the office of the City Clerk by property owner(s), Donohue Investments, L.L.C., requesting a Consent to Encroach into a utility easement at the above-described property.

#### **DISCUSSION:**

The application for the Consent to Encroach concerns the encroachment upon a City of Norman and Norman Utilities Authority (NUA) utility easement for an existing building. The owner(s) are requesting that the existing building be allowed to encroach upon the existing utility easement located across the middle portion of the property.

A platted 17-foot utility easement exists along the south side of the existing building and the building encroaches the easement by approximately 1.86-feet. Franchise utilities and a 10-inch sanitary sewer line are located in this easement.

The applicants have obtained a response from Oklahoma Gas and Electric Company, Oklahoma Natural Gas, and Cox Communications who indicated that they have facilities located in the easement however they are not opposed to the encroachment so long as the owner abides by certain requirements as indicated in #6-8 below. Oklahoma Electric Cooperative did not indicate that they have existing facilities in the easement and they are not opposed to the encroachment. AT&T Oklahoma was notified of this request but did not respond. The City and Norman Utilities Authority (NUA) have facilities located in the easement as referenced above.

Staff has reviewed the application and the "hold harmless" clauses. From a legal perspective, it protects the City's and the NUA's concerns with respect to damage to the property owners' property should the City and the NUA or other authorized entity be required to perform work within its easement. There are some conditions applied to this Consent to Encroachment as listed below:

- 1. The property owner(s), and property owners' heirs, successors, or assigns (hereafter collectively the "Owner Parties") shall be responsible for the cost to install or repair any damages to the City's utilities or infrastructure caused by any excavation, piering or other construction activities conducted by the Owner Parties or their agents;
- The Owner Parties shall be required to apply for and receive any applicable permits prior to commencing work;
- 3. The Owner Parties shall be responsible for the cost the City and the NUA incurs to remove any building, structure, paving, curb, retaining wall, landscaping, and/or any other item if needed to maintain or repair NUA facilities;
- The Owner Parties shall be hereby solely responsible for the cost to repair or replace any building, structure, paving, curb, retaining wall, landscaping, or any other item after such repair;
- The Owner Parties hereby waive and release any claims against the City and the NUA for any damages to the building and related improvements caused by failure or repair and maintenance of the City's and the NUA's facilities within the easement area;
- Oklahoma Gas and Electric Company, Oklahoma Natural Gas, and Cox Communications do not oppose to the encroachment so long as Owner Parties contact OKIE811 location services prior to any work. AT&T Oklahoma was notified but provided no response or objection;
- 7. By encroaching on said easement, the Owner Parties release Oklahoma Gas and Electric Company, Oklahoma Natural Gas, and Cox Communications for any damages caused by any excavation by these utility companies for purposes of installing, maintaining or replacing the City's and the NUA's utility facilities within the easement area; and
- 8. Damages to Oklahoma Gas and Electric Company, Oklahoma Natural Gas, and Cox Communications facilities resultant from any current/future construction may carry possible financial charges to the Owner Parties.

The benefit to having the consent to encroach on file is that it is evidence of the property owners' understanding that, while the City and the NUA are allowing them to encroach upon the easement, the City and the NUA are not liable and will not be responsible for damage to the property owners' property in the event installation or maintenance has to be performed within the easement.

All necessary City departments have responded on this item and have no objection to the proposed Consent Agreement and Covenant, with the conditions stated therein. Please note that this Consent Agreement and Covenant concerns only the City's consent to encroach where a project is otherwise permissible under City Code. Further evaluation will occur once such an application has been submitted by applicants relating to this project.

#### **RECOMMENDATION:**

Based upon the above and foregoing, the City Attorney's office is forwarding the above Consent to Encroach, EN-2324-6, for Council consideration.

#### CONSENT AGREEMENT AND COVENANT

Consent to Encroachment No. EN-2324-6

WHEREAS, the City of Norman and the Norman Utilities Authority (NUA), Cleveland County, are in possession of a utility easement on the land described as follows, to-wit:

Lot 1B, Block 8, Westport Professional Park, City of Norman, Cleveland County, Oklahoma (591 North Interstate Drive)

AND WHEREAS, the owner(s) of the above-described property requests that an existing building be allowed to encroach upon an existing utility easement;

AND WHEREAS, the City and the NUA have been requested to consent in writing to the existing building being located at the requested location;

NOW, THEREFORE, the City of Norman and the NUA do hereby consent to said existing building being within and upon the utility easement with the following conditions:

- 1. The property owner(s), and property owners' heirs, successors, or assigns (hereafter collectively the "Owner Parties") will be responsible for the cost to repair any damages to the City's utilities or infrastructure caused by any excavation, piering or other construction activities conducted by the Owner Parties or their agents;
- 2. The Owner Parties will be required to apply for and receive any applicable permits prior to commencing work;
- 3. The Owner Parties will be responsible for the cost the City and the NUA incurs to remove any building, structure, paving, curb, retaining wall, landscaping and/or any other item if needed to maintain or repair NUA facilities;
- 4. The Owner Parties will be responsible for the cost to repair or replace any building, structure, paving, curb, retaining wall, landscaping, or any other item after such repair;
- 5. The Owner Parties will waive and release any claims against the City and the NUA for any damages to the building and related improvements caused by failure or repair and maintenance of the City's and the NUA's utilities within the easement area;
- 6. Oklahoma Gas and Electric Company, Oklahoma Natural Gas, and Cox Communications indicated that they have facilities located in the easement but do not object to this request. Oklahoma Electric Cooperative did not indicate they have facilities in the area but they do not object. AT&T Oklahoma was notified but provided no response or objection;
- 7. By encroaching on said easement, the Owner Parties release Oklahoma Gas and Electric Company, Oklahoma Natural Gas, and Cox Communications for any damages caused by any excavation by these utility companies for purposes of installing, maintaining or replacing the City's and the NUA's utility facilities within the easement area; and

8. Damages to Oklahoma Gas and Electric Company, Oklahoma Natural Gas, and Cox Communications facilities resultant from any current/future construction may carry possible financial charges to the Owner Parties.

The consent is limited to the existing building as indicated in the application being located within the utility easement and the City does not authorize or consent to the construction or location of any other structure of a permanent nature within the easement. Further, this Consent is given with the understanding that the Owner Parties are responsible for any and all direct and consequential damages resulting from the granting of this consent with entry to or upon the existing utility easement as required at any time in the future.

The City and the NUA, or any other entity so authorized, shall not be held responsible for any and all direct or consequential damages to encroaching improvements resulting from entry, by the City and the NUA, or any other entity so authorized, upon said utility easement, for any purpose associated with the maintenance, construction, relocation, etc. of any drainage and/or utility located within the said easement.

This Consent carries with it obligations and benefits affecting the land, and constitutes a covenant running with the land, shall be binding upon the Owner Parties, and any heirs, successors and assigns.

IN WITNESS WHER January, 2025.	EOF, the undersigned has executed this consent this day of
	THE CITY OF NORMAN, OKLAHOMA
ATTEST:	Mayor
City Clerk	

**OWNER** 

Michael J. Donohue, Manager Donohue Acquisitions, LLC

COUNTY OF CLEVELAND	)
	) ss
STATE OF OKLAHOMA	)

On this day of January, 2025, before me personally appeared Michael J. Donohue, Manager, Donohue Acquisitions, LLC, to me known to be the Owner Parties and the identical person(s) who executed the same as their free and voluntary act and deed for the uses and purposes therein set forth.

Witness my hand and official seal the day and year last above written.

Sala Orecum Notary Public

My Commission Expires: 1/25/2029

My Commission Number: 21501091





DATE:

January 5, 2024

TO:

Rone Tromble, Administrative Technician IV Ken Danner, Subdivision Development Manager Nathan Madenwald, Capital Projects Engineer

Jane Hudson, Director of Planning and Community Development

Beth Muckala, Assistant City Attorney

Sara Encinias, Legal Administrative Technician

FROM:

Brenda Hall, City Clerk

SUBJECT:

Request for Consent to Encroachment No. 2324-6

I am in receipt of an encroachment request from Hyundai of Norman, for permission to encroach on an easement located at 591 North Interstate Drive, for a renovation and expansion project. The application fee has been paid. After the information has been received from the Planning Department, Public Works Department, and Utilities Department and a determination has been made on whether to recommend approval or denial, please forward your recommendation and Consent to Encroachment Form, if needed, to my office in order that it may be scheduled as an agenda item.

This item will be scheduled as an agenda item on March 12, 2024, and the information must be received in my office by March 4, 2024. If there is a problem in meeting that timeframe, please advise.

smr attachments



February 1, 2024

Brenda Hall City Clerk - City of Norman P.O. Box 370 Norman, OK 73070 Brenda.Hall@NormanOK.gov

Re:

Request for Consent to Encroach Existing Utility Easement - Hyundai of Norman Project (591 N

Interstate Dr, Norman, OK 73069)

Dear Ms. Hall:

My name is Ryan Swain, Civil Engineer for our current Hyundai of Norman renovation project (City of Norman Plan Review Application #2023-4326). I am writing to formally request the City of Norman's consent to encroach upon an existing utility easement for our renovation and expansion project at Hyundai of Norman.

#### Details of the request:

#### **Specifics of the Encroachment:**

The existing building partially extends beyond the designated existing utility easement by 1.86 feet, for a distance of 93.37 feet along the easement. After reviewing the survey and assessing the building's footprint in relation to the existing 17' utility easement (U/E), we've confirmed this encroachment (originating from an unrelated older project). Our proposed renovation plans in this area maintain the current building footprint within the 17' U/E, ensuring no further encroachment. We plan to submit a "Consent to Encroach" request to document this situation accurately, advancing the progress of our project while also accurately documenting any past encroachments from unrelated projects.

#### **Detailed Site Utility Plan:**

Enclosed with this letter is a detailed site utility plan illustrating the specific locations and extent of the encroachment. The plan highlights the existing utility easement and portion of existing building that is currently encroaching the existing 17' U/E.

#### File Fee:

In accordance with the city's requirements, we are submitting a non-refundable file fee of \$400. This payment is enclosed with a hard copy of this letter and will be hand delivered.

We understand that, following your receipt of this letter, the City of Norman will contact relevant utility companies for their responses and then will be presented for city council approval.

Should you require any additional information/documentation, please do not hesitate to contact me at 405.253.7593 or RSwain@Parkhill.com. We appreciate your assistance in facilitating the necessary approvals for this project.



Ms. Brenda Hall City of Norman

Page 2

February 1, 2024

Sincerely,

PARKHILL

Ryan Swain

Project Engineer/Site Development

RS/ilc

Item 16.



591 North Interstate Drive Norman, OK

Issue Dele: 12/8/23

Project Number CM092122 Sheet Tille: /TILITY PLAN

C-103

272





**TO:** Brenda Hall, City Clerk

**FROM:** Lora Hoggatt, Planning Services Manager

**DATE:** January 3, 2025

**SUBJECT:** Consent to Encroach No. 2324-6

Westport Professional Park and Westport Professional Park, Section 6

591 North Interstate Drive

The lot located at the subject address has a platted 17' utility easement. The owner is requesting consent to encroach into this platted easement with 1.86' of building for a distance of 93.37'. The building still meets setback and coverage requirements.

Planning and Community Development Staff does not oppose the encroachment of this additional pavement.

cc: Jane Hudson, Planning Director Brenda Hall, City Clerk Jamie Meyer, Deputy City Clerk Sarah Encinias, Legal Admin Tech





DATE: December 12, 2024

TO: Beth Muckala, Assistant City Attorney

FROM: Ken Danner, Subdivision Development Manager

SUBJECT: Consent to Encroach

Westport Professional Park and Westport Professional Park, Section 6

591 North Interstate Drive. Consent to Encroach No. 2324-6

Public Works/Engineering staff does not oppose the encroaching into a platted 17' foot utility easement. We do yield to the Utilities Department regarding any possible water main or sanitary sewer main that might be located within the easement. The City and /or utility companies should be held harmless in the course of maintaining their facilities if located within the utility easement. All of the utility companies were notified of the request. OG+E Cox and ONG have responded to the request with no objections. AT&T has had ample time to respond.

If you have further questions, please feel free to contact me.

Reviewed by: Scott Sturtz, Director of Public Works

cc: Brenda Hall, City Clerk

Chris Mattingly, Director of Utilities



6 March 2024

Ryan Swain | Project Engineer Parkhill 3226 Bart Conner Dr Norman, OK 73072 405-253-7593 | 405-366-8541 RSwain@Parkhill.com

Attn: Ryan Swain

RE: Revocable Permit –Letter of No Objection for *Hyundai of Norman at 591 N Interstate Dr., Norman, OK 73069.* 

Cox Communications has no objection to the City of Norman granting a revocable permit to extend building footprint by 1.86 feet, for distance of 93.37 feet along utility easement. for the property located at *Hyundai of Norman at 591 N Interstate Dr.*, *Norman, OK 73069*.

Please be advised that Cox Communications does have an underground and aerial facility in the vicinity; therefore, proceeding with caution is recommended and requested. If relocation of said facilities is necessary to accommodate your excavation or construction, Cox will provide a cost estimate upon request. A geographical depiction of our facilities is attached; however, this is not engineering scale and for the exact location of our facilities, Cox recommends calling in utility locates.

Prior to beginning any digging and/ or trenching activities, please call OKIE–ONE 1-800-522-6543 for exact location of our facilities. Cost to repair <u>ANY</u> Cox Communications facility damage caused during construction of this project will be the responsibility of the damaging party. If any future repairs are necessary, Cox Communications is not responsible for any damages to any structures placed on or in the utility easements.

If you have any questions or concerns, please feel free to contact our office at 833-850-0590 or email OKCROW@cox.com.

Sincerely,

Mel Garner

Mel Garner Cox Communications Land Use Agent 405-902-0121

Cox Communications, Inc., 715 NE 122<sup>nd</sup> Street, Oklahoma City, Oklahoma 73114



4901 N Santa Fe Oklahoma City, OK 73118 405-556-5910 oklahomanaturalgas.com

March 19th, 2024

Ken Danner Public Works Dept., Engineering Div. City of Norman Development Center 225 N. Webster Room 1500 Norman, OK 73069

RE: Request for Letter of No Objection

Revocable Permit

#### Letter of No Objection

Dear Mr. Danner,

Oklahoma Natural Gas Company, a division of ONE Gas, Inc. ("ONG") has no objection to the City of Norman granting a revocable permit to Norman Public Works Dept., Engineering Div. to encroach on the existing U/E at 591 N Interstate Dr, Norman, Oklahoma, 73069 for the Hyundai renovation project. Please be advised that ONG requires the following:

- A minimum of 2 feet undisturbed separation from underground/aboveground facilities in the area.
- Customer's conduit shall be installed at right angles or as near right angles to ONG's assets as reasonably practicable, so long as such installation provides for a minimum of two feet (2') of horizontal and vertical separation from all ONG assets.

If you need our facilities relocated to accommodate your excavation or construction, ONG will provide you a cost estimate.

Prior to any excavation, please contact OKIE-ONE 1-800-522-6543 a minimum of forty-eight (48) hours for exact location of our facilities. ONG will hold the damaging party responsible for any repairs to our facilities. If any repairs are necessary, ONG is not responsible for any damage to any structures or landscaping on or in the utility easement.



4901 N Santa Fe Oklahoma City, OK 73118 405-556-5910 oklahomanaturalgas.com

Sincerely,

Caleb Lee

Caleb Lee Pipeline Systems Engineer II



MARCH 11, 2024

KEN DANNER, DEVELOPMENT COORDINATOR NORMAN PLANNING COMMISSION P. O. BOX 370 NORMAN, OK. 73070

RE: Applicant: Hyundai of Norman

Request to allow existing building to encroach in the 17' utility easement

**Location: 591 North Interstate Drive** 

Legal: Lot 1B, Block 8, Westport Professional Park

Encroachment No. 2324-6

#### Mr. Danner;

Oklahoma Gas and Electric Company (OG&E) has reviewed the request by Hyundai of Norman. Our records show that OG&E has an overhead line that runs the length of the platted utility easement. OG&E also has underground facilities in the utility easement that serve the building. OG&E does not object to the encroachment of the building of 1.86 feet. The applicant must abide by the City of Norman guidelines for any work to be done in the utility easement, and does the following:

- 1.) Notify "Call-Okie" at (405) 840-5032 at least 48 hours before digging to have all lines marked.
- 2.) If equipment is involved and is as high as the lowest OG&E overhead wire, approximately 18 feet, and it will be operating within 10 feet of our wire, you should call OG&E construction at 553-5143, to have wires covered.
- 3.) Call OG&E construction at 553-5143 two days before drilling and/or trenching closer than ten feet to an OG&E utility pole and/or wire, or five feet to an OG&E underground line.
- 4.) OG&E would not be held responsible for damaging a private line in a (public/platted) easement.
- 5.) OG&E would need to be reimbursed ahead of time for the cost of relocating any facilities.

Should local service be disrupted to any OG&E customer due to any work performed by the applicant, they will be held responsible for any costs incurred by OG&E to restore service. Obtaining a permit from the City of Norman or beginning the above referenced work constitutes acceptance of the terms of this letter. If you have any questions, or if I can provide you with any other information, please contact me at (405) 553-5174.

Right-Of-Way Agent

Timothy J. Baile

incerely.

#### Ken Danner

Wes White <wwhite@okcoop.org> From: Wednesday, March 06, 2024 9:36 AM Sent:

Ken Danner To: Cc: Jack Burdett

EXTERNAL EMAIL: RE: [External]Consent to Encroach request 2324-6 Subject:

Oklahoma Electric Cooperative has no objection to the consent to encroach request 2324-6 at 591 N. Interstate Dr. Let me know if you need anything else.

Thanks, Wes

#### **Wes White**

Manager of Field Design Oklahoma Electric Cooperative



o: (405) 217-6617



wwhite@okcoop.org



www.okcoop.org



1208

Norman, OK 73070















Date:

January 7, 2025

To:

Brenda Hall, City Clerk

From:

Nathan Madenwald, Utilities Engineer

Subject:

Consent to Encroach 2324-06

(591 N Interstate Drive –Block 8, Lot 1B, Westport Professional Park)

An existing platted 17-foot utility easement lies along the south side of the subject property. The applicant is requesting encroachment into the utility easement for 1.86 feet for the existing structure.

Water lines are located in the street right-of-way but a 10-inch sanitary sewer line is located the encroached upon easement.

The Norman Utilities Authority (NUA) objects to all encroachments in utility easements. However, if the applicant agrees to the following requirements with consent document filed of record on the property for the duration that the encroachment is in place, NUA staff will not oppose a recommendation for approval:

- The property owner will be responsible for the cost to repair any damages to the City's utilities
  caused by any excavation or other construction activities conducted by the property owner or his
  agents.
- 2. The property owner will be responsible for the cost the City incurs to remove any improvements or structure if needed to maintain, repair, or install NUA facilities.
- 3. The property owner will be responsible for the cost to repair or replace any improvements or structure after such repairs.
- 4. The property owner will waive and release any claims against the City for any damages to the business or structure and related improvements caused by failure or repair, maintenance, and/or installation of the City's utilities within the easement area.

Please advise if questions arise.

Attachments:

Map of Water and Sewer Infrastructure

January 5, 2024 Consent to Encroachment No. 2324-6 Memo from City Clerk

Final Plat - Westport Professional Park

CC:

Ken Danner Beth Muckala Anthony Purinton Sarah Encinias Chris Mattingly Utilities Folder

#### File Attachments for Item:

17. CONSIDERATION OF APPROVAL, ACCEPTANCE, REJECTION, AMENDMENT, AND/OR POSTPONEMENT OF CONTRACT K-2425-94: A SERVICE AGREEMENT BY AND BETWEEN THE CITY OF NORMAN AND NORMAN ARTS COUNCIL, FOR THE 2025 ARTFUL INLETS PROJECT.



# CITY OF NORMAN, OK STAFF REPORT

**MEETING DATE:** 2/11/2025

**REQUESTER:** MICHELE LOUDENBACK, ENVIRONMENTAL AND SUSTAINABILITY

**MANAGER** 

**PRESENTER:** CHRIS MATTINGLY, DIRECTOR OF UTILITIES

TITLE: CONSIDERATION OF APPROVAL, ACCEPTANCE, REJECTION,

AMENDMENT, AND/OR POSTPONEMENT OF CONTRACT K-2425-94: A SERVICE AGREEMENT BY AND BETWEEN THE CITY OF NORMAN AND NORMAN ARTS COUNCIL, FOR THE 2025 ARTFUL INLETS

PROJECT.

#### **BACKGROUND:**

The City of Norman (City) was designated by rule under 40 CFR §122.32(a)(1) as a Phase II Municipal Separate Storm Sewer System (MS4) City subject to the 1999 Phase II Stormwater Final Rule promulgated by the U.S. Environmental Protection Agency (EPA). On September 9, 1997, EPA delegated responsibility for stormwater discharges associated with construction sites, industrial sites, and Phase I and II MS4s to the Oklahoma Department of Environmental Quality (DEQ). Under this delegation authority, DEQ issued General Permit OKR04 for Stormwater Discharges Associated with Municipal Separate Storm Sewer Systems in Small Cities, Urbanized Areas, and Other County Areas in the State of Oklahoma on February 8, 2005. On March 17, 2017, Authorization No. OKR040015 was reauthorized by DEQ and required that the Stormwater Management Program and all associated activities must be fully implemented by the end of the 5-year permit term.

The Stormwater Management Program outlines the activities that the City will implement during the permit cycle to reduce pollution in stormwater runoff. One of the ways that the City does this is through public education. The Stormwater Division conducts public education in a number of different ways, including distributing utility bill inserts with a stormwater message to residents, conducting workshops, and participating in community events and festivals such as 2nd Friday Art Walk and Downtown Fall Festival.

Stormwater education can also be done with posters, videos, and public art. One way that cities across the country have combined public art and stormwater education is through storm inlet art programs. These programs bring together stormwater experts and the arts community to draw attention to often hidden stormwater infrastructure, such as storm drains and inlets, to raise awareness of stormwater pollution and the actions the general public can take to reduce the amount of pollution that is discharged to local creeks and streams by using the infrastructure as

the canvas for artwork. Several cities in Arkansas and Oklahoma including Fayetteville, Springdale, Rogers, and Bentonville, AR, and Muskogee, OK, have implemented inlet art programs with great success.

At the request of Councilmember Bierman and with support from Mayor Miller, the Public Works Department, Stormwater Division, developed an inlet art program in consultation with the Norman Arts Council, now referred to as the Norman Arts Council (NAC) in the fall of 2019. The first set of five (5) Artful Inlets were installed in April 2019 as part of Earth Month and 2nd Friday Art Walk. The inaugural year was such a great success and received so many positive responses from the community that the City and NAC agreed to partner again in 2020. Despite the pandemic, 5 additional Artful Inlets were installed in October 2020 and were showcased during the October Virtual 2nd Friday Art Walk. Examples from the most recent installation, April 2024, are included for reference.

Given the success of the Artful Inlets program thus far, the City and the NAC desire to partner again in 2025 to facilitate the selection, location, and installation of public art on five (5) additional pieces of stormwater infrastructure in Norman as part of the Artful Inlets Program.

#### **DISCUSSION:**

In order to continue the Artful Inlets Program and select artists to install storm inlet art, the City and the NAC wish to enter into Services Agreement, Contract K-2425-94. The NAC, Public Arts Board, and City will invite artists to submit designs that will transform city storm drains into works of public art. These artful inlets will educate and raise awareness that pollutants that go down storm drains have a devastating impact on our local water quality.

Five (5) pieces of stormwater infrastructure have been identified for this project. They will be located in Campus Corner along Buchanan Avenue, Asp Avenue, and Boyd Street. The artwork will have a stormwater and/or water quality theme and must be adaptable to any of the five specified pieces of infrastructure. Each selected artist will incorporate their original design into the prescribed area around the stormwater infrastructure.

This Council action is to approve Contract K-2425-94 between the City and the NAC for implementation of the 2025 Artful Inlets Program. The NAC will provide \$3,750 in Public Arts Board funding for the project in order to pay a stipend to the selected artists. The City will provide \$3,750 in funding for materials and supplies needed for the selected artwork as well as in-kind services to ensure the inlets are properly prepared and protected for art installation. Funding for this project is available in the Stormwater Quality budget, Other Supplies and Materials – Miscellaneous (Account No. 10110225-43199). If approved, this program will take place in April 2025.

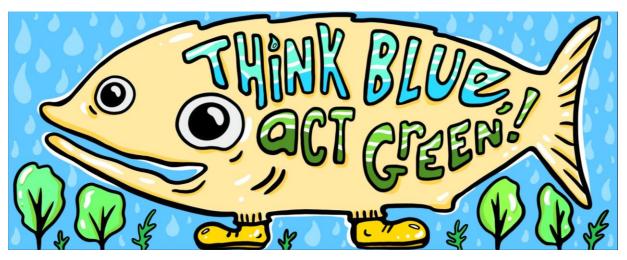
#### **RECOMMENDATION 1:**

Staff recommends approval of Services Agreement, Contract K-2425-94, with the Norman Arts Council for implementation of the 2025 Artful Inlets Program.

### **Examples from April 2024:**







## SERVICES AGREEMENT BETWEEN THE CITY OF NORMAN AND THE NORMAN ARTS COUNCIL

This Services Agreement ("Agreement"), made and entered into on this \_\_\_\_\_\_ February, 2025, the Effective Date, is by and between the Norman Arts Council ("NAC") and the City of Norman, Oklahoma ("City");

WHEREAS, the City is a charter municipality vested with the power to enter into contracts, and the NAC is a non-profit corporation with the powers of a corporation, including the authority to contract; and

WHEREAS, the existence of public art fosters a broader sense of community and improves the City's image locally, regionally, and nationally; and

WHEREAS, the City and the NAC desire to continue to partner to facilitate the selection, location, and installation of public art on storm inlets in Norman (the "Artful Inlets Program"); and

WHEREAS, the City and the NAC desire to enter into this Agreement to continue such a partnership.

NOW, THEREFORE, the parties agree as follows:

#### I. SELECTION AND INSTALLATION OF ARTWORK.

- 1. The NAC agrees to serve as the administrator for the selection and installation of public art for the Artful Inlets Program. As administrator, the NAC will work cooperatively with the City to select appropriate works of art for each of the five (5) pieces of stormwater infrastructure selected by the City for inclusion in the program. The Call for Artists will open on February 3, 2025, and art will be installed during FYE 2025.
- 2. Selection Process. Design proposals shall have a stormwater and/or water quality theme that serves to educate and raise awareness about the impact of pollutants in the stormwater system.
- 3. Execution Process. The NAC will coordinate with the City's Stormwater Program Manager or his/her designee for the execution of each selected project. The following parameters apply to the execution and installation of the art.
  - a. Art must stay within the parameters of the stormwater infrastructure
  - b. Safety equipment shall be used during installation of the art work as may be necessary and appropriate given the design and location of the storm inlet, including, but not limited to, safety vests, traffic

- cones, and street lane closures if approved in advance by the City of Norman Public Works Department.
- c. No additional wording or images can be added to the art that deviates from the approved design without prior approval from the NAC.
- d. While some deviation from the original design is acceptable due to the variation of sizes in storm drain structures, the principal theme and imagery of the approved design may not be changed.
- e. All art must be completed within the timeframe set forth in the contract with the artist.
- 4. Funding. The NAC will provide \$3,750 in Public Arts Board funding for the project in order to pay a stipend to the selected artist(s). The City will provide \$3,750 in funding for materials needed for the selected artwork as well as in-kind services to ensure the inlets are properly prepared for art installation.

#### II. RIGHTS TO INSTALLED ARTWORK

- 1. Finished pieces of art will be the property of the City of Norman. The City and the NAC will be granted the exclusive right to reproduce copies of the work for fundraising, educational, and promotional materials.
- 2. Art installed as part of the Artful Inlets Program is subject to removal at any time for any purpose deemed necessary by the City.

#### III. MISCELLANEOUS PROVISIONS.

- 1. Hold Harmless Clause.
  - a. To the extent allowed by law, NAC does hereby agree to waive all claims against, release, and hold harmless City and all of its officials, officers, agents, and employees, in both their public and private capacities, for any and all liability, claims, suits, demands, losses, damages, attorneys' fees, including all expenses of litigation or settlement, or causes of action which may arise by reason of injury or death of any person or for loss of, damage to, or loss of use of any property arising out of or in connection with this Agreement.
  - b. To the extent allowed by law, City does hereby agree to waive all claims against, release, and hold harmless NAC and all of its officials, officers, agents, and employees, in both their public and private capacities, for any and all liability, claims, suits, demands, losses, damages, attorneys' fees, including all expenses of litigation or settlement, or causes of action which may arise by reason of

- injury or death of any person or for loss of, damage to, or loss of use of any property arising out of or in connection with this Agreement.
- c. It is the intention of both Parties that this mutual hold harmless clause shall be interpreted to mean that each party shall only be responsible for the actions of each party's own employees, officials, officers and agents. The Parties agree that the City has not waived its sovereign immunity by entering into and performing its obligations under this Agreement.
- 2. The commissioning of artists shall be implemented without regard to or because of race, color, religion, ancestry, national origin, age, place of birth, disability, sex, sexual orientation, gender identity or expression, familial status, or marital status, including marriage to a person of the sex, or any other status protected by law, and in compliance with all antidiscrimination laws of the United States of America, the State of Oklahoma, and City.
- 3. This Agreement shall be binding upon the parties hereto, their successors and assigns, and constitutes the entire Agreement between the parties. No other Agreements, oral or written, pertaining to the performance of this Agreement exists between the parties. This Agreement can only be modified by written agreement of both parties.

[Remainder of Page Left Blank Intentionally]

IN WITNESS WHEREOF, the City and the NAC have executed this Agreement on the Effective Date set forth herein.

#### CITY OF NORMAN, OKLAHOMA

Ву:		
Mayor		
ATTEST:		
By:		
Approved as to form and legality this 23	_day of _dn. City Attorney	_, 2025.
NORMAN ARTS COUNCIL		

By: Leslie Nottingham
Executive Director

ATTEST:

By: William Hickman
Board President

### File Attachments for Item:

18. CONSIDERATION OF ACCEPTANCE, REJECTION, AMENDMENT, AND/OR POSTPONEMENT OF AWARDING A GRANT IN THE AMOUNT OF \$1,000,000 THROUGH THE UNITED STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT PATHWAYS TO REMOVING OBSTACLES TO HOUSING GRANT PROGRAM TO BE USED TO UPDATE VARIOUS PLANS, CODES, ORDINANCES AND STUDIES TO REMOVE BARRIERS TO AFFORDABLE HOUSING, AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO EXECUTE CONTRACT K-2425-98 AND RELATED GRANT DOCUMENTS, AND APPROVE THE APPROPRIATION OF FUNDS AS OUTLINED IN THE STAFF REPORT.



### CITY OF NORMAN, OK STAFF REPORT

**MEETING DATE:** 02/11/2025

**REQUESTER:** Jane Hudson, Director of Planning

**PRESENTER:** Lora Hoggatt, Planning Services Manager

TITLE: CONSIDERATION OF ACCEPTANCE, REJECTION, AMENDMENT,

AND/OR POSTPONEMENT OF AWARDING A GRANT IN THE AMOUNT OF \$1,000,000 THROUGH THE UNITED STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT PATHWAYS TO REMOVING OBSTACLES TO HOUSING GRANT PROGRAM TO BE USED TO UPDATE VARIOUS PLANS, CODES, ORDINANCES AND STUDIES TO REMOVE BARRIERS TO AFFORDABLE HOUSING, AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO EXECUTE CONTRACT K-2425-98 AND RELATED GRANT DOCUMENTS, AND APPROVE THE APPROPRIATION OF FUNDS AS OUTLINED IN THE STAFF REPORT.

### **BACKGROUND:**

The Federal Department of Housing and Urban Development (HUD) Pathways to Removing Obstacles to Housing (PRO Housing) Grant (FR-6800-N-98) makes federal funding resources available to states and direct recipients to actively take steps to remove barriers to affordable housing, such as: barriers caused by outdated zoning, land use policies, or regulations; inefficient procedures; gaps in available resources for development; deteriorating or inadequate infrastructure; lack of neighborhood amenities; or challenges to preserving existing housing stock such as increasing threats from natural hazards, redevelopment pressures, or expiration of affordability requirements. Funding is provided through the competitive grant process. Grantees may use awards for sustainable actions to further develop, evaluate, and implement housing policy plans, improve housing strategies, and facilitate affordable housing production and preservation. Eligible activities include: Planning and policy activities supporting affordable housing, development activities, infrastructure activities, and preservation activities.

On January 14, 2025 the City of Norman was recognized by HUD as an eligible recipient of federal funds and the PRO Housing Program. Eligible activities awarded, as defined in the grant application include a Zoning Code & Subdivision Regulation Overhaul, Neighborhood Pattern Book, Parking Study, and Affordable Housing Action Plan.

When a project is selected, funds remain available for obligation for five fiscal years. This includes the fiscal year in which the amount is made available or appropriated plus four additional years. Funds from Round 2 of the PRO Housing Grant are available for obligation until federal fiscal year 2029-2030 (FFY30). In October of 2024, City Council approved a grant application for PRO Housing approving a commitment of \$200,000 (20%) in leverage towards the total project cost of \$1,200,000. Total funding awarded from HUD was \$1,000,000.

### **DISCUSSION:**

On January 14, 2025, HUD announced project selections through the 2024 PRO Housing Grant Program. A total of 18 applicants amounting to \$100,064,100 in funding were selected through this highly competitive grant program. In order for the project award to be formally programmed, the City will need to obligate the funds into a HUD grant. This will ensure once the City of Norman's projects are complete, that the City will be eligible to receive reimbursement of the federal funding share of the project.

The application for the PRO Housing grant included four projects:

- Update the City of Norman Zoning Code and Subdivision Regulations
- Develop and Adopt a Neighborhood Pattern Book of Pre-Approved Housing Designs
- Conduct a Parking Study to Determine the Impact of Minimum-Maximum Regulations on Housing Affordability
- Produce an Affordable Housing Action Plan

Each project is described in detail in the application materials (pages 19-22).

### <u>Budget</u>

The City of Norman committed to leveraging 20%, or \$200,000, worth of funding for these projects to display continued support for the ongoing efforts to remove obstacles to affordable housing and preservation within the city.

The expected costs associated with this award are as follows:

Project	Description	Estimated Costs		
1	Zoning Code & Subdivision Regulation Update	\$500,000		
2	Neighborhood Pattern Book	\$200,000		
3	Parking Study	\$100,000		
4	Affordable Housing Action Plan	\$200,000		
-	Contingency	\$100,000		
-	Administration Costs	\$100,000		
	Total	\$1,200,000		
	City of Norman Contributions (After Reimbursement)	\$200,000		
	Total Federal Award	\$1,000,000		

This is a reimbursement grant. Funds received will be recorded into the Community Development Fund, revenue account PRO Housing Grant (Account 212-333380).

### **RECOMMENDATION:**

- 1. Staff recommends that City Council approve Contract K-2425-98 accepting the award through the United States Department of Housing and Urban Development Pathways to Removing Obstacles to Housing grant program for funding to update the zoning code and subdivision regulations, creation of a neighborhood pattern book and associated preapproved plans, a parking study, and creation of an affordable housing action plan, and authorizing the City Manager or his designee to submit, execute, and file a contract on behalf of the City of Norman with the United States Department of Housing & Urban Development to formally program the project award.
- 2. Staff recommends transferring \$400,000 from the Capital Fund, 718 North Porter project, Construction (Account 501933665-46101; Project BG0082; \$350,000) and Design (Account 50193365-46201; \$50,000) to:
  - a. \$150,000 to HUD Parking Study, Design (Account 21240003-46201; Project GC0101).
  - b. \$250,000 to HUD Affordable Housing Action Plan, Design (Account 21240003-46201; Project GC0102).
- 3. Staff recommends appropriating \$800,000 from General Fund Balance (Account 10-29000) and allocating to the Community Development Fund:
  - a. \$550,000 to HUD Zoning Code & Subdivision Update (Account 21240003-46201; Project GC0099).
  - b. \$250,000 to HUD Neighborhood Pattern Book, Design (Account 21240003-46201; Project GC0100).

Docusign Envelope ID: EDE9D332-6A6A-43D4-805B-C3AF5A9D616B

### **Funding Approval/Agreement**

Title I of the Housing and Community
Development Act (Public Law 930383)

### U.S. Department of Housing and Urban Development

Office of Community Planning and Development Community Development Block Grant Program

OMB Approval No.

No. Item 18. exp 1/31/2025

HI-00515R of 20515R 1. Name of Grantee (as shown in item 5 of Standard Form 424) 3a. Grantee's 9-digit Tax ID Number 3b. Grantee's 9-digit DUNS Number City of Norman 73-6005350 MTD4M7LKSKJ4 (UEI) 2. Grantee's Complete Address (as shown in item 5 of Standard Form 424) 4. Date use of funds may begin 1/22/2025 225 N. Webster 5a. Project/Grant No. 1 6a. Amount Approved Administration B-24-PH-40-0002 \$1,000,000.00 (by this action) Norman, OK 73069 5b. Project/Grant No. 2 6b. Amount Approved

Grant Agreement: This Grant Agreement between the Department of Housing and Urban Development (HUD) and the above named Grantee is made pursuant to the authority of Title I of the Housing and Community Development Act of 1974, as amended, (42 USC 5301 et seq.). The Grantee's submissions for Title I assistance, the HUD regulations at 24 CFR Part 570 (as now in effect and as may be amended from time to time), and this Funding Approval, including any additional and/or special conditions, constitute part of the Agreement. Subject to the provisions of this Grant Agreement, HUD will make the funding assistance specified here available to the Grantee upon execution of the Agreement by the parties. The funding assistance specified in the Funding Approval may be used to pay costs incurred after the date specified in item 4 above provided the activities to which such costs are related are carried out in compliance with all applicable requirements. Pre-agreement costs may not be paid with funding assistance specified here unless they are authorized in HUD regulations or approved by waiver and listed in the additional and/or special conditions to the Funding Approval. The Grantee agrees to assume all of the responsibilities for environmental review, decision making, and actions, as specified and required in regulations issued by the Secretary pursuant to Section 104(g) of Title I and published in 24 CFR Part 58. The Grantee further acknowledges its responsibility for adherence to the Agreement by sub-recipient entities to which it makes funding assistance hereunder available.

conditions to the Funding Approval. The Grantee agrees to required in regulations issued by the Secretary pursuant to Se	assume all of ection 104(g) of	the responsibilitien. Title I and publi	es for enviro shed in 24 C	onmental review, d CFR Part 58. The G	ecision ma	aking, and a		
for adherence to the Agreement by sub-recipient entities to which it makes funding assistant U.S. Department of Housing and Urban Development (By Name)				nce hereunder available.  Grantee Name (Contractual Organization)				
Earl Cook				Norman	riizauori)			
Title								
CPD Director								
Signature Date (mm/dd/yyyy)		ууу)	Signature Date (mm/dd/y				/уу)	
X Earl Cook	1/22/202	5	Χ			-		
7. Category of Title I Assistance for this Funding Action:	8. Additional/Special Conditions (check one)					10. check c	I ck one a. Orig. Funding	
CDBG Pathways to Removing Obstacles to Housing (Public Law	☐ None ´		9b. Date Grantee Notified (mm/dd/yyyy)			_ /	Approval ☐ b. Amendment	
118-42)		d						
			9c. Date of Start of Program Year N/A			- Amendment Number		
	11. Amount of	Community Develo	pment					
	Block Grant			FY 2024				
	a. Funds Reserved for this 0							
	b. Funds now being Approve			\$1,000,000.00				
		<ul><li>c. Reservation to be Cancelle (11a minus 11b)</li></ul>						
12a. Amount of Loan Guarantee Commitment now being Approved			complete Add	dress of Public Agend	;y			
N/A				•				
Loan Guarantee Acceptance Provisions for Designated At The public agency hereby accepts the Grant Agreement ex Department of Housing and Urban Development on the above grant number(s) as Grantee designated to the above grant number (s) as Grantee (s)	12c. Name of Au	f Authorized Official for Designated Public Agency						
guarantee assistance, and agrees to comply with the terms a of the Agreement, applicable regulations, and other requirer	nents of HUD	Title						
now or hereafter in effect, pertaining to the assistance provide	ded it.	Title						
	Signature							
<u>X</u>								
HUD Accounting use Only  Effective Date								
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Date Entered PAS (mm/dd/yyyy) Date Entered LOCCS (mm/dd/yyyy) Batch Numb			Transacti	ion Code	Entered B	<u>—</u> y	Verified By	
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### 8. Additional Requirements.

- (a) These additional requirements are attached to the Funding Approval/Agreement (form HUD-7082) (the "Agreement") between HUD and the Grantee for grant number B-24-PH-40-0002 and apply to all grantees receiving funds appropriated under Public Law 118-42 as part of the Pathways to Removing Obstacles to Housing (PRO Housing) program. By signing the Agreement, the Grantee agrees to these additional requirements on the use of this PRO Housing grant, as may be amended from time to time by the Secretary.
- (b) The submissions for assistance incorporated into the Agreement include the Grantee's PRO Housing action plan(s) and amendments, including the certifications, assurances, and any documentation the Grantee is required to submit for the award. Until grant closeout, the Grantee must continue to adhere to its submissions, unless amended in accordance with PRO Housing requirements.
- (c) The requirement of the Agreement to comply with the Housing and Community Development Act of 1974, as amended, and the requirements at 24 CFR part 570 are modified to incorporate the requirements of the Consolidated Appropriations Act, 2024 (Public Law 118-42) and the FY24 Pathways to Removing Obstacles to Housing (PRO Housing) Notice of Funding Opportunity (NOFO) FR-6800-N-98, (as now in effect and as may be modified from time to time). The Grantee agrees to comply with the NOFO, and any future Federal Register notices published by HUD that apply to PRO Housing under Public Law 118-42. Future Federal Register notices will apply prospectively from their applicability date, and to costs reimbursed from the grant after their applicability date, as provided in the notices and in 8.(d).
- (d) The period of performance and single budget period for the Funding Assistance shall each begin on the date specified in item 4 and shall each end on September 30, 2030. The Grantee shall not incur any obligations to be paid with such assistance after September 30, 2030.
- (e) Any program income received before or after closeout of the grant is treated as additional PRO Housing grant funds, subject to the requirements of the FY24 PRO Housing NOFO, and must be used in accordance with the Grantee's PRO Housing Action Plan. Except as amended by the FY24 PRO Housing NOFO, a grantee that is a local government, multijurisdictional entity or metropolitan planning organization shall comply with regulatory provisions at 24 CFR part 570 subparts A, C, D, J, K, and O, and a grantee that is a State shall comply with regulatory provisions at 24 CFR part 570 subpart I. To the maximum extent feasible, program income shall be used or distributed before additional withdrawals from the U.S. Treasury are made, except as provided in the FY24 PRO Housing NOFO.

- (f) The Grantee must use the Grant Funds only for costs (including indirect costs) that meet the applicable requirements in 2 CFR part 200 (including appendices). The Grantee's indirect cost rate information is as provided in Addendum #1 to this Agreement. The Grantee must immediately notify HUD upon any change in the Grantee's indirect cost rate, so that HUD can amend the Agreement to reflect the change if necessary.
- (g) In addition to the conditions contained on form HUD 7082, the grantee shall comply with requirements established by the Office of Management and Budget (OMB) concerning the Dun and Bradstreet Data Universal Numbering System (DUNS); the System for Award Management (SAM.gov.); the Federal Funding Accountability and Transparency Act as provided in 2 CFR part 25, Universal Identifier and General Contractor Registration; and 2 CFR part 170, Reporting Subaward and Executive Compensation Information.
- (h) The grantee shall ensure that no PRO Housing funds are used to support any Federal, State, or local projects that seek to use the power of eminent domain, unless eminent domain is employed only for a public use. For the purposes of this requirement, public use shall not be construed to include economic development that primarily benefits private entities. Any use of funds for mass transit, railroad, airport, seaport or highway projects as well as utility projects which benefit or serve the general public (including energy-related, communication-related, water- related and wastewater-related infrastructure), other structures designated for use by the general public or which have other common-carrier or public-utility functions that serve the general public and are subject to regulation and oversight by the government, and projects for the removal of an immediate threat to public health and safety or brownfield as defined in the Small Business Liability Relief and Brownfields Revitalization Act (Public Law 107–118) shall be considered a public use for purposes of eminent domain.
- (i) The Grantee or other entity that directly or indirectly receives PRO Housing funds may not sell, trade, or otherwise transfer all or any such portion of such funds to another such entity in exchange for any other funds, credits or non-Federal considerations, but must use such funds for activities eligible under title I of the Act or the FY24 PRO Housing NOFO.
- (j) E.O. 12372-Special Contract Condition Notwithstanding any other provision of this agreement, no funds provided under this agreement may be obligated or expended for the planning or construction of water or sewer facilities until receipt of written notification from HUD of the release of funds on completion of the review procedures required under Executive Order (E.O.) 12372, Intergovernmental Review of Federal Programs, and HUD's implementing regulations at 24 CFR Part 52. The recipient shall also complete the review procedures required under E.O. 12372 and 24 CFR Part 52 and receive written notification from HUD of the release of funds before obligating or expending

- any funds provided under this agreement for any new or revised activity for the planning or construction of water or sewer facilities not previously reviewed under E.O. 12372 and implementing regulations.
- (k) PRO Housing funds may not be provided to a for-profit entity pursuant to section 105(a)(17) of the Act unless such activity or project has been evaluated and selected in accordance with Appendix A to 24 CFR 570 "Guidelines and Objectives for Evaluating Project Costs and Financial Requirements." (Source P.L. 113-235, Consolidated and Further Continuing Appropriations Act, 2015, Division K, Title II, Community Development Fund).
- (1) The Grantee must comply with the requirements of the Build America, Buy America (BABA) Act, 41 USC 8301 note, and all applicable rules and notices, as may be amended, if applicable to the Grantee's infrastructure project. Pursuant to HUD's Notice, "Public Interest Phased Implementation Waiver for FY 2022 and 2023 of Build America, Buy America Provisions as Applied to Recipients of HUD Federal Financial Assistance" (88 FR 17001), any funds obligated by HUD on or after the applicable listed effective dates, are subject to BABA requirements, unless excepted by a waiver.
- (m) Waste, Fraud, Abuse, and Whistleblower Protections. Any person who becomes aware of the existence or apparent existence of fraud, waste or abuse of any HUD award must report such incidents to both the HUD official responsible for the award and to HUD's Office of Inspector General (OIG). HUD OIG is available to receive allegations of fraud, waste, and abuse related to HUD programs via its hotline number (1-800-347-3735) and its online hotline form. You must comply with 41 U.S.C. § 4712, which includes informing your employees in writing of their rights and remedies, in the predominant native language of the workforce. Under 41 U.S.C. § 4712, employees of a government contractor, subcontractor, grantee, and subgrantee—as well as a personal services contractor—who make a protected disclosure about a Federal grant or contract cannot be discharged, demoted, or otherwise discriminated against as long as they reasonably believe the information they disclose is evidence of:
  - 1. Gross mismanagement of a Federal contract or grant;
  - 2. Waste of Federal funds:
  - 3. Abuse of authority relating to a Federal contract or grant;
  - 4. Substantial and specific danger to public health and safety; or
  - 5. Violations of law, rule, or regulation related to a Federal contract or grant.

### Addendum # 1 to Agreement B-24-PH-40-0002 Grantee Indirect Cost Rate(s)

Na	me of Authorized Official: Si	gnature:	Date (mm/dd/yyyy):	
		%		
		%		
		%		
	function	rate		
	and, if required, was approved by  Agency/department/major	Indirect cost	Type of Direct Cost Base	
	proposal developed in accordance	**	•	
	rate(s) listed below, and each rate listed is included in an indirect cost rate			
	Will calculate and charge indirect costs under the grant using the indirect cost			
	Will calculate and charge indirect costs under the grant by applying a <i>de minimis</i> rate as provided by 2 CFR 200.414(f), as may be amended from time to time.			
	Will not use an indirect cost rate to	e	C	

### Instructions for the Grantee's Authorized Representative:

You must mark the one (and only one) checkbox above that best reflects how the Grantee's indirect costs will be calculated and charged under the grant. Do not include indirect cost rate information for subrecipients.

The table following the third box must be completed only if that box is checked. When listing a rate in the table, enter both the percentage amount (e.g., 15%) and the type of direct cost base to be used. For example, if the direct cost base used for calculating indirect costs is Modified Total Direct Costs, then enter "MTDC" in the "Type of Direct Cost Base" column.

If using the Simplified Allocation Method for indirect costs, enter the applicable indirect cost rate and type of direct cost base in the first row of the table.

If using the Multiple Allocation Base Method, enter each major function of the organization for which a rate was developed and will be used under the grant, the indirect cost rate applicable to that major function, and the type of direct cost base to which the rate will be applied.

If the Grantee is a government and more than one agency or department will carry out activities under the grant, enter each agency or department that will carry out activities under the grant, the indirect cost rate(s) for that agency or department, and the type of direct cost base to which each rate will be applied.

To learn more about the indirect cost requirements, see 2 CFR part 200, subpart E and Appendix VII to Part 200 (for state and local government and Indian Tribes).



## PATHWAYS TO REMOVING OBSTACLES TO HOUSING (PRO HOUSING)

CITY OF NORMAN, OKLAHOMA

GRANT PROPOSAL



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### **ATTACHMENTS**

ATTACHMENT A: SUMMARY OF COMMENTS RECEIVED ON PUBLISHED APPLICATION AND LIST OF COMMENTERS BY NAME/ORGANIZATION

ATTACHMENT B: CERTIFICATION OF COMPLIANCE WITH NOFO PUBLIC PARTICIPATION REQUIREMENTS

ATTACHMENT C: ADVANCING RACIAL EQUITY NARRATIVE

ATTACHMENT D: AFFIRMATIVE MARKETING AND OUTREACH NARRATIVE

ATTACHMENT E: EXPERIENCING AND PROMOTING RACIAL EQUALITY NARRATIVE



## EXHIBIT A: EXECUTIVE SUMMARY

PATHWAYS TO REMOVING OBSTACLES
TO HOUSING (PRO HOUSING)
CITY OF NORMAN, OKLAHOMA
GRANT PROPOSAL

### **EXECUTIVE SUMMARY**

Home to the University of Oklahoma (OU), newly adopted into the Southeastern Conference of College Football, Norman is a diverse, up-and-coming mid-sized city and the third largest by population and land area in Oklahoma. Anticipated to grow by more than 57,000 persons by 2045, the city shows no signs of slowing down. Residents move to, or stay in Norman for many reasons, but the most important one is that it is a great place to live. Every household: families, young professionals, students, faculty, empty-nester, needs a place to live. That means a home, a neighborhood, a community that is vibrant, supportive, and inclusive. Norman has a lot to offer top-of-the line parks and cultural recreation opportunities, diverse culture, natural beauty.

These wonderful aspects of community, however, can be overshadowed for many when making the difficult choices finding a home can represent. There is a balance of wants – size, condition, location, school districts, commute, and neighborhood services – and affordability. For many, the only option is to be cost-burdened. The median household income in Norman cannot afford a median priced home in the city today, with many of these households able to only afford 50% of the median sale price. For households that rent, there are few affordable options. As a result, many are unable to live, work, and play in Norman, and these issues disproportionately affect Norman's most vulnerable communities. Neighborhoods with aging infrastructure struggle with distressed home conditions, deteriorating roads and sidewalks, and higher levels of cost burden. The cost of renovating or redeveloping in these areas is cost-prohibitive due to outdated regulations. New residents moving to Norman can help increase availability of resources and address some of these long-standing issues – but it can also raise prices for those who already struggle, and some neighborhoods see an influx of higher-income residents which leads to the displacement of lower-income households and communities.

Every Norman resident deserves to live in a safe, comfortable home they can afford, and neighborhood improvements should not increase displacement. Achieving this vision will call for action at all levels including the City of Norman, its partner organizations, neighboring communities, residents, and State and Federal assistance.

In an effort to further our actions addressing the limited availability of affordable housing in Norman, the City developed the Area & Infrastructure Master (AIM) Norman Comprehensive Land Use Plan and supporting Housing, Water, Wastewater, Stormwater, Park, and Transportation Plans. The idea behind this undertaking was to ensure cohesive plans, focusing not only on protecting our city's natural resources, but also ensuring the city will be able to accommodate the influx of residents we anticipate over the next 20 years. The Land Use Plan and Housing Plan work in conjunction with one another, outlining the balance between encouraging sensitive development that is responsive to existing neighborhoods, and programming to help maintain affordability and anti-displacement. The results of these planning efforts included a robust list of possible solutions to land use and housing.

Many of the strategies identified in AIM reflect the goals of the Pathways to Reducing Obstacles to Affordable Housing (PRO Housing) Program grant. An award of \$1,000,000 would allow the City of Norman to undertake several actions to develop and implement housing policy plans, improve housing strategies, and facilitate affordable housing production and preservation.



### **EXHIBIT B:**

THRESHOLD REQUIREMENTS AND OTHER SUBMISSION REQUIREMENTS

PATHWAYS TO REMOVING OBSTACLES
TO HOUSING (PRO HOUSING)
CITY OF NORMAN, OKLAHOMA
GRANT PROPOSAL

### THRESHOLD REQUIREMENTS AND OTHER SUBMISSION REQUIREMENTS

### **SECTION III.D**

- 1. The City of Norman is not currently undergoing any resolution of civil rights matters.
- 2. The City of Norman is submitting this application, in full, on time in accordance with Section IV.D. Application Submission Dates and Times.
- 3. The City of Norman, in conformance with Section III.A. Eligible Applicants, is a 02 (City or township governments) eligible applicant and is applying as a single entity.
- 4. The City of Norman is submitting only one application for the PRO Housing Program Grant.

### **SECTION IV.G**

- 1. The City of Norman has consulted the Final Guidance to Federal Assistance Recipients Regarding Title VI, Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons published January 22, 2007 in the Federal Register (72 FR 2732) and has ensured that all information regarding the planning process and this application is available to LEP populations.
- 2. All meetings held in person for this application and subsequent activities will be held in facilities that are physically accessible to persons with disabilities. Where physical accessibility is not available, the City of Norman and our partners will give priority to alternative methods of product or information delivery that offers programs and activities to qualified individuals with disabilities most integrated setting appropriate in accordance with HUD's implementing regulations for section 504 of the Rehabilitation Act of 1973 (29 U.S.C.§ 794) at 24 CFR Part 8 and applicable laws and regulations. In addition, all notices and communications during all training sessions and public meetings shall be provided in a manner that is effective for persons with hearing, visual, and other communication-related disabilities or provide other means of accommodation for persons with disabilities consistent with 504 of the Rehabilitation Act of 1973 (29 U.S.C.§ 794) at 24 CFR Part 8.6.
- 3. The City of Norman foresees the projects outlined in this grant application to be exempt from Environmental Review.



### EXHIBIT C: NEED

PATHWAYS TO REMOVING OBSTACLES
TO HOUSING (PRO HOUSING)
CITY OF NORMAN, OKLAHOMA
GRANT PROPOSAL

### NORMAN'S ACUTE HOUSING NEED

After 20 years under the previous Comprehensive Land Use Plan, Norman leveraged the opportunity to create a new comprehensive plan in conjunction to overhauls of some of our most prominent guiding documents, including Housing, Water, Wastewater, Stormwater, Park, and Transportation Plans known as the Area Infrastructure and Master Plan (AIM) Norman planning process. The idea behind this undertaking was to ensure cohesive plans, focusing not only on protecting our city's natural resources, but also ensuring the city will be able to accommodate the influx of residents we anticipate over the next 20 years. This process began in late 2023 and is set to be adopted in early 2025. As part of AIM Norman, a housing market study was conducted. The primary findings of this study were astounding:

- There are few housing options for movement within the market.
- Attainable owner and renter options that match people's incomes, needs, and preferences are increasingly difficult to obtain.
- Aging and changing population demographics are increasing demand for products not provided by the current housing stock.
- The lowest income households face more burdens than in the past, and non-white households struggle more.
- Regulations are misaligned with Norman's housing vision.
- Many people have perceptions of the housing market that are disconnected from reality.

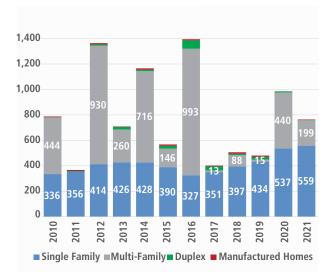
It is anticipated that Norman will continue to grow by 57,733 residents by 2045 – leading to a demand for more than 23,000 new homes and requiring an average development of 900-1,010 new homes every year to keep pace with demand. Historically, less than 800 new homes are developed every year within the city, across all price points. To meet the anticipated need for housing, Norman must find ways to increase the amount of housing stock built within the city.

AIM Norman Home Demand Forecast

	2020	2025	2020	2040	2045	Total
	2020	2025	2030	2040	2045	Total
Population at End of Period	128,026	137,920	148,579	172,432	185,759	
Household Population at End of Period	120,227	129,519	139,529	161,929	174,443	
Average People per Household	2.36	2.36	2.36	2.36	2.36	
Household Demand at End of Period	50,944	54,881	59,122	68,614	73,917	
Projected Vacancy Rate	7.4%	8.0%	9.0%	7.5%	7.0%	
Home Needs at End of Period	55,015	59,653	64,970	74,177	79,480	
Replacement Need (total lost homes)		60	100	200	100	460
Average Annual Construction		999	1,083	941	1,081	1,010
<b>Cumulative Need During Period</b>		2,998	5,417	9,408	5,403	23,226

Source: RDG Planning & Design





AIM Norman identified a severe need for affordable housing options. Referred to as being "cost-burdened" a household spending over 30% of their total household income can find it difficult, or burdensome, to meet other daily needs. In Norman's household profile, 75% of very-low-income households are cost-burdened, and 60% of households making less than \$50,000 a year are cost-burdened. For renter households, 44% are burdened by the cost of housing. Additionally, over 200 Low-Income Housing Tax Credit housing units within the city will reach the end of their 30-year compliance term in 2025, risking rising rental rates. Of households that are cost-burdened, black households are most severely impacted. Clearly, Norman's housing stock lacks options for the most vulnerable of households, creating a disproportionate impact on those who are least able to shoulder that burden.

To afford a median, single-family home in Norman, a household must spend \$298,402 (Zillow, 2024), while the maximum price that a median family can afford is \$117,000. A decade ago, this was not the case: in 2010, home values were 60% lower. While the median sale price is just below three-hundred thousand dollars, the median home value for 2022 was \$192,700, meaning that homes are selling for much more than they are valued at – an implication that the tight market is only accessible to those able to pay more to enter.

Changes in Cost of Homes and Rent in Norman and the Surrounding Area



Source: American Community Survey

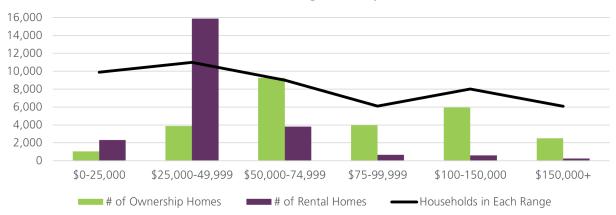
Reported median rent within Norman increased by over 48% from 2010-2022 and 13% from 2020-2022. The city also has a yearly influx of nearly 32,000 students and, while some student housing products are available at affordable prices, these students create additional demand in the rental market. This places an extreme burden on low- and middle- income households across the city trying to find safe, comfortable, affordable housing.

### Norman Household Profile

		Norma	n Household Pr	опіе		
Household Income	\$0- \$20,000	\$20,000- \$49,999	\$50,000- \$74,999	\$75,000- \$99,999	\$100,000- \$150,000+	
Example Occupation	Student, Retiree, Part-time and min. wage worker	Construction worker, Elementary teacher, Childcare, Nursing assistant, Janitor	Firefighter, Paramedic, Plumber	Facilities manager, Industrial engineer, Architect	Experienced management, Lawyer, Nurse practitioner, Software developer	
40-hour week hourly wage	\$0 - \$9.62	\$9.63 - \$24.04	\$24.05 - \$36.06	\$36.07 - \$48.08	Over \$48.08	
# of Households	7,704	13,178	9,016	6,112	14,119	Total 50,129
Share	15%	26%	18%	12%	28%	100%
% White, Non Hispanic	74%	74%	70%	75%	83%	76%
% Under 25	44%	18%	8%	5%	1%	14%
% 65+	13%	23%	23%	16%	24%	21%
% Owner	19%	34%	49%	65%	88%	53%
% Renter	81%	66%	51%	35%	12%	47%
Cost Burden	: •	; *	÷	: •	:	÷
Share of Owners	77%	38%	16%	12%	3%	16%
Share of Renters	73%	60%	13%	0%	0%	44%
The most a household	÷	: •	÷	÷	: •	
should spend on a home per month	<\$500	\$500 - \$1,250	<\$1,875	<\$2,500	\$2,500 - \$3,750+	Norman's Median Contract Rent is \$781
Comparable home ownership price in Norman*	Not available or feasible	<\$150,000	\$150,000 - \$240,000	\$240,000 - \$315,000	\$315,000 - \$470,000+	Norman's Median Home Value is \$192,700

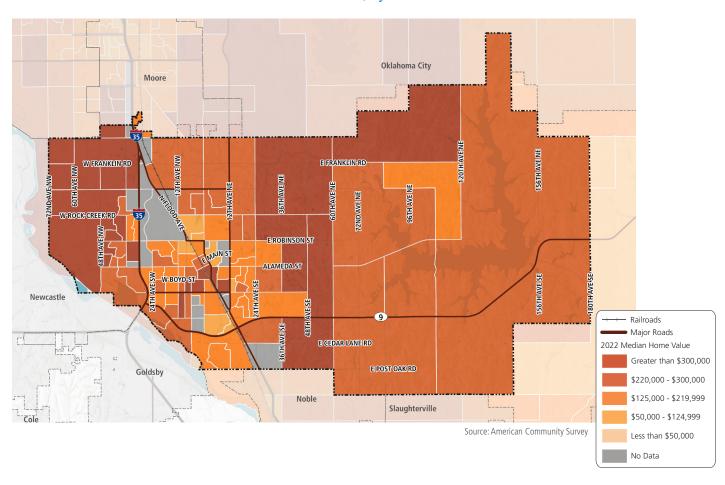
Source: American Community Survey; Paycheck to Paycheck for the Oklahoma City Metro; Zillow.com
\*Assumes a good credit score, no downpayment, no HOA fees, comparable local taxes/insurance, and a 30-year fixed rate
mortgage at 6.2%. The comparable home price rises considerably with a 20% downpayment

### Norman Housing Stock, by Tenure



As noted, the median income family in Norman cannot afford the median priced home. However, the scale of affordability for homes differs by location within the City, and some areas are more affordable than others. Two-thirds of Norman's housing stock was developed prior to 2000, with many homes near the city's core having been developed prior to the 1960's. While some of these homes are highly controlled historic homes, this area of the city is also home to much of the City's naturally occurring affordable housing (NOAH) stock. The homes in these areas are already seeing higher levels of displacement, due to development pressure.

### Norman Median Home Value, by Census Tract

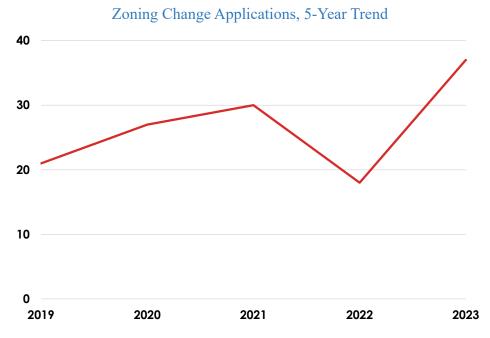


### REASONS FOR THE AFFORDABILITY CRISIS IN NORMAN

Like many Cities in Oklahoma, a lack of clear, consistent development requirements results in the inconsistent application of regulations and "negotiations at the horseshoe," where City Council can make additional demands or acquiescence of developers up until the last moment, endangering projects and making the development process not only arduous, but also infeasible in some instances.

One of the most substantial regulatory barriers leading to affordable housing production and preservation in Norman is the lack of supportive Zoning Code and Subdivision Regulations. Stakeholders of the AIM Norman process indicated low housing supply and development regulations are barriers to overcome. Adopted in 1954, Norman's first and current regulations do one type of development very well – greenfield large-lot housing subdivisions, to the detriment of all other forms of housing development, including multi-family and missing middle housing types. The Code includes no flexibility or provisions geared towards existing, non-conforming buildings, infill development, and lacks robust administrative approval processes.

Of land zoned for residential uses within the developed area of Norman, over 80% is single-family, with multi-family housing types requiring additional regulatory hurdles before approval. The existing regulations require an increasing number of variances and requests for Planned Unit Development (PUD) rezoning requests. These requests may take upwards of 90 days to complete and require a minimum of two public hearings placing heavy burdens on smaller developers and households looking to reconstruct. In the past five years alone, Norman has seen a 76% percent increase in the number of rezoning requests with 65% of those requests being for a PUD, many of which contain residential uses.



Additionally, while parking requirements have been updated to recommendations for many types of development, they remain requirements for single-family housing. State statute only requires 33 feet of right-of-way on either side of the road centerline, so many early neighborhoods were established with minimal room for on-street parking. Further, Oklahoma's reliance on auto-

centric infrastructure has created issues where building housing without sufficient parking leads to crowding on public streets, impacting emergency response times and circulation.

Prohibitive building codes also impact the ability for Norman to supply additional housing units. State Code requires any building with four or more units to be considered under the commercial building and fire codes. These requirements can sometimes double the estimated cost of a project, leaving them infeasible for many developers unless the project is of a large enough scale. This leads to a lack of interest in building the missing middle housing that Norman so desperately needs. There is some interest from Norman and neighboring cities to work with the State to make changes to these regulations, specifically for projects where buildings contain six or less homes.

Simplifying processes – allowing more housing types by-right, adding administrative processes, coordinating departmental review, and offering mixed-use, redevelopment, and mixed-income incentives are some of the key items Norman would like to integrate into existing regulations on top of addressing the other, major issues regarding inconsistent application.

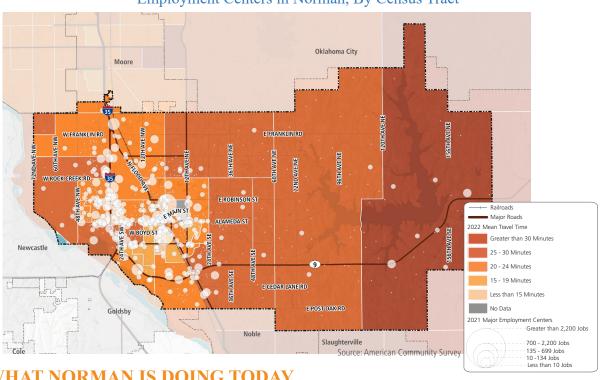
Additionally, barriers to affordable housing include infrastructure constraints within the city, specifically in the oldest parts of developed Norman. Near the core of the city, where NOAH is most common, increasingly strained infrastructure will have to be replaced to handle the increase of not just additional persons, but the impervious surface coverage that often comes with increased densities. It is essential that the replacement, as well as expansions, be done with care and sensitivity to residents and our environment.

In addition to regulatory and infrastructure hurdles, there are simply not enough jobs in Norman that support living within the City. While it's common for cities in the Oklahoma City Metro Area to have commuters work with the state's capitol city, only 22% of the City's workforce lives and works within the city. The AIM Norman Comprehensive Land Use Plan has identified multiple areas for mixed-use and job center locations with the hopes of attracting new businesses to Norman to support our growing population. In order to support the areas identified, it will be necessary to establish a flexible Zoning Code that also encourages the types of development we wish to see.



Source: Census OnTheMap, 2021

Lastly, once homes are produced at the correct level, residents within the City of Norman may require assistance or support owning, renting, and maintaining their homes. Often, even when a household is not cost-burdened, they may be unable to withstand the cost of other daily needs. Only 44% of Americans would be able to pay for an emergency expense of \$1,000 or more from savings. It is imperative that Norman establish programming to support households of all types, income levels, and abilities – beyond what is being offered today.



### Employment Centers in Norman, By Census Tract

### WHAT NORMAN IS DOING TODAY

The City of Norman currently provides a range of tools to support housing development and preservation including financing, rehabilitation, code enforcement, and zoning reformations. Increasingly, efforts have been made to expand housing options for members of our community by:

	TOOL	IMPACT
SUPP	Housing Rehabilitation	City of Norman provides the majority their federal HUD programming dollars to the development of housing, infrastructure for housing, and housing rehabilitation. Rehabilitation projects provide up to \$25,000 per eligible household to cover improvements beyond basic systems and structural needs for low-income households.
SUPPORTIVE I	Accessibility Modification	These projects may be either owner-occupied or rental properties. Typical projects include ramps, widening of doorways, and installation or grab bars and hand rails. Also available is a program for Non-Profit Agencies needing accessibility modifications.
PROGRAMMING	Emergency Repair	The Emergency Repair Grant Program is designed to address an area of urgent need which directly affects the immediate health, safety, or sanitation of the occupants of the structure. Typical projects are replacement of the roof, HVAC system, water heater, sewer line, etc.
MING	Down-Payment Assistance	The CDBG Grant Division offers \$14,999 in mortgage assistance to first time income eligible home buyers. The City recently approved this program in 2023.
	HOME Funds	HOME and CDBG funds can be paired with federal housing tax credits to provide gap financing for affordable housing developments.

### AIM Norman Comprehensive Land Use Plan

After 20 years under the NORMAN 2025 Comprehensive Land Use Plan, Norman leveraged the opportunity to create a new comprehensive plan in conjunction to overhauls of some of our most prominent guiding documents. The idea behind this undertaking was to ensure cohesive plans, focusing not only on protecting our city's natural resources, but also ensuring the city will be able to accommodate the influx of residents we anticipate over the next 20 years. The Land Use Plan outlines the balance between sensitive development that is responsive to existing neighborhoods and encourages denser development to further affordable housing goals.

### **AIM Norman Housing Plan**

PLANNING EFFORTS

The Housing Plan portion of the AIM Norman planning efforts included a housing market study for benchmark indicators, an involved public process in establishing Norman's housing goals for 2045, and outlines key efforts the city must pursue to meet our housing needs:

- The City must modernize development regulations.
- Variety of housing types across more densities and design approaches.
- Attainable, affordable options for all people must be made available.
- Existing neighborhoods should benefit from infill, enhancements, and maintenance.
- Clear, understandable, and reasonable housing incentives and program procedures should be established.

### **ADU Regulations**

Accessory dwelling units (ADUs), which are additional homes on residential lots. Traditionally, these homes have been known as "granny flats," "mother-in-law suites," or "garage apartments." In 2024, Norman approved ADUs by-right in almost all residential zoning districts, several of which had parking requirements. After reviewing the types of applications coming into the office, and issues people were having, in May of 2024, these sections were updated to allow ADUs of various types within all residential zoning districts, and parking requirements were removed.

### **Tiny Home Provisions**

REGULATORY CHANGES

Special Tiny Home provisions were introduced, allowing mobile tiny homes to be approved as special uses in rural areas of the city, where access to services are minimal, and multi-generational living is more popular.

### Parking Requirement Reform

In 2022, the City made a bold move. Shifting from parking "requirements" to "recommendations," except for single- and two-family dwellings, which has allowed larger residential projects to limit parking and focus more on increasing density. Over the past few years, Norman has seen multiple large residential projects developed and has not seen any negative impacts related to parking on these.

### 313

# REGULATORY CHANGES (CONTINUED)

### Home Occupation Expansion

In 2024, Norman relaxed home occupation regulations. These improved regulations allowed additional types of businesses to be conducted as home occupations and expanded home occupations to all residential zoning districts. Additionally, language was improved to allow home occupations within ADUs, which were previously expressly prohibited through language like "primary dwelling," "main dwelling," as well as improving language allowing residents, rather than property owners to conduct home occupations. These allowances create more opportunity for Normanites to engage in home occupations and reduce the need for additional space rentals.

### Center City Form-Based Code

In 2017, Norman adopted the Center City Form-Based Code (CCFBC). Most parcels governed by the regulating map were established early in the City's history. Its purpose is to provide a mechanism for implementing the following specific goals, using both public and private sector investments:

- 1. Capitalize on public investment in existing infrastructure.
- 2. Stabilize and strengthen mixed-use commercial centers and residential neighborhoods.
- 3. Create a pedestrian-oriented and multi-modal district.
- 4. Promote, create, and expand housing options.
- 5. Ensure transit-supportive and transit-serviceable development
- 6. Ensure a complementary relationship with surrounding neighborhoods.

In the years following the adoption of the CCFBC the area has seen increases in higher density developments.

### Mixed-Use Zoning

A mixed-use zoning district was established as an option for developers looking to rezone. Unfortunately, almost all rezones related to this zoning also require a land use change. With the upcoming adoption of the AIM Norman Land Use Plan, this will no longer be the case - a testament to Norman's ever improving processes and commitment to affordable housing goals.

### Lot Requirements

The City allowed lots platted prior to the adoption of the Zoning Code and Subdivision Regulations to be developed for limited residential purposes without going through Board of Adjustment or variance procedures. This allows smaller, older lots to be demolished and rebuilt, even if they do not conform to current minimum lot size requirements.



### EXHIBIT D: SOUNDNESS OF APPROACH

PATHWAYS TO REMOVING OBSTACLES
TO HOUSING (PRO HOUSING)
CITY OF NORMAN, OKLAHOMA
GRANT PROPOSAL

### SOUNDNESS OF APPROACH

The City of Norman proposes four projects to directly address increasing the amount of affordable housing development and preservation within the city and reduce barriers to housing. Among the Norman households who pay too much for housing, some are far less likely than others to require assistance.

As such, the AIM Norman Housing Plan notes that the City cannot do this work alone. Further, housing affordability must be strategically developed through goals that are responsive to the needs of specific issues and communities in Norman, especially for our most vulnerable residents. The goals of the AIM Norman Housing Plan are outlined below:

- Goal 1: Modernize development regulations to achieve consistency, efficiency, and outcomes.
- Goal 2: Add variety in housing types across more densities and design approaches.
- Goal 3: Increase attainable, affordable and quality housing options for all people.
- **Goal 4:** Maintain, enhance, and infill gaps in existing neighborhoods.
- Goal 5: Have clear, understandable, and reasonable housing incentives and program procedures.

**PRO Housing Project 1:** Update the City of Norman Zoning Code and Subdivision Regulations

The City of Norman's current Zoning Code is also its original one. Adopted in 1954, Norman's regulations have received updates throughout the years, but are riddled with inflexibility, contradictions, and no allowances for the types of affordable development that the City is looking to encourage. The Code also includes no provisions geared towards existing, non-conforming buildings, infill development, and lacks robust administrative approval processes. The related Subdivision Regulations, while more recently adopted, are based on the type of development that the Zoning Code was designed for – greenfield development of large-lot, single-family homes. In fact, while most lots platted prior to the adoption of the Zoning Code are 25-feet wide, the Subdivision Regulations require a minimum of 35-feet of street frontage and 50-foot lot width to develop a home on a lot.

Further, the City of Norman would like to plan for the establishment of commuter rail throughout the Oklahoma City Metro area, as outlined by the Regional Transit Authority (RTA). It is anticipated that multiple commuter rail stations will be fully active within Norman in the next five to ten years. As such, the AIM Norman Comprehensive Land Use Plan has established Transit-Oriented Development (TOD) Land Use Designated areas which will require specific Zoning regulations to cater to the unique needs of these areas.

The City of Norman believes that an overhaul of the current Zoning Code and Subdivision Regulations, possibly for the creation of a Unified Development Ordinance (UDO), would lead to consistent, reliable regulations that positively benefit housing production for years to come.

The AIM Norman Housing Plan outlines several key improvements that could benefit housing

production and preservation within Norman. These, as well as additional items the City believes are integral to the production and preservation of affordable housing, include the following changes foreseen within the overhauled regulations:

- Minimum density standards, specifically in TOD and Job Center Land Use Designations.
- New Zoning Districts that broaden by-right residential uses.
- Development standards for additional housing types.
- Clarified standards for home development on infill lots.
- Flexibility for non-conformities in existing neighborhoods.
- Improved ADU and Tiny Home provisions.
- Live-work by-right in all residential Zoning Districts.
- Floor-area ratio requirements and evaluation of all bulk standards.
- Context sensitive landscape requirements.
- Parking Regulation Improvements.
- Setback flexibility to allow for:
  - Replication of successful setback requirements in older neighborhoods throughout the city,
  - Home design variation,
  - Improved drainage, common open space, and trails,
  - Fewer Board of Adjustment requests just for setback adjustments, and
  - Opportunities for developers to design homes at lower price points.
- Administrative approvals for items that advance the goals of the Housing Strategy Plan.
- Offerings for mixed-use and redevelopment incentives, including density bonuses and/ or inclusionary zoning.
- Incentives for low-income and workforce affordable housing.
- Provisions for mixed-income or price point projects, including target metrics.

Precedent: Edmond, OK; Oklahoma City, OK Estimated Cost: \$500,000

Housing Goals (pg. 19) Impacted:

Estimated Timeline: 18-21 Months

Goal 1

Goal 2

Goal 3

Goal 4

Goal 5



### **PRO Housing Project 2:** Develop and Adopt a Neighborhood Pattern Book of Pre-Approved Housing Designs

One strategy clearly called for within the AIM Norman Housing Plan is for the creation of a housing typology pattern book including pre-approved plan configurations specifically designed for missing middle housing types and smaller lots. The main goal of this item is to encourage the development of products with affordability guarantees for households making 80%-120% AMI.

A housing pattern book of architectural plans, pre-approved by the City's Development Services Division, for infill housing in Norman neighborhoods, including single-family homes, duplexes, missing middle (2-12 homes) housing, and ADUs. The Pattern Book project includes the development of housing plans prepared by consulting architects, planners, engineers, as well as building code analysts (some staff, some consultants obtained through a competitive RFQ process). The City of Norman would purchase the intellectual property of the pattern book so that Norman residents can use the plans at low to zero cost and receive expedited approvals through Development Services if the plans are used.

Depending on the applicable Zoning District, paired with decreased minimum lot sizes and flexible standards (from Project 1) these plans could be used for homeowners to redevelop, add density to existing homes, or fully develop vacant lots. Plans would also be available to our local housing partners, for-profit and non-profit housing developers, for infill housing projects including those with affordability guarantees.

The Neighborhood Pattern Book would have a neighborhood component, consistent with the policies of character areas, as outlined in the AIM Norman Comprehensive Land Use Plan, to be suitable for existing Norman neighborhoods and garner support. The pattern book would live in the Development Services Division and be marketed to homeowners and small developers, like the *Sears, Roebuck & Co.* Catalogue of plans that used to speckle the lots next to Norman's beloved Burlington North Santa Fe (BNSF) rail line.

Precedent: Bryan, TX; Shawnee, OK Estimated Cost: \$200,000

Housing Goals (pg. 19) Impacted: Estimated Timeline: 12 Months

Goal 1 Goal 2 Goal 3 Goal 4 Goal 5 Goal 5

**PRO Housing Project 3:** Conduct a Parking Study to Determine the Impact of Minimum-Maximum Regulations on Housing Affordability

The City of Norman's minimum parking recommendations and requirements are often cited as inhibiting the construction of new housing. Required parking is outlined for single-family, duplex, and Center City Form-Based residential development. In 2022, the City updated requirements for all other uses, including multi-family construction to recommendations. While this was a step in the right direction, the City is considering the implications of enacting maximum parking requirements as well.

Large commercial projects often over park – using numbers based specifically on outdated assumptions of peak traffic on holidays and during their busiest hours. This creates a sea of parking that is unused most of the time. The land saved from instilling maximum parking could, incrementally, be used to develop mixed-use housing as well as lower the cost of construction. Additionally, the establishment of less car-dependent development would produce more affordable housing patterns, especially in TOD and Urban Living Center Land Use Designated areas of Norman.

Changes to parking standards can be adopted under the existing Comprehensive Plan and Zoning Code, but will require a comprehensive study to determine the extent to which these should be updated. As such, this project would include a comprehensive evaluation of parking supply and demand near OU campus, downtown, and for typical use categories. Following the study, staff will work with the Project 1 Consultant (to be contracted via competitive RFQ) to implement recommendations from the study into the Zoning Code and Subdivision Regulation update.

Precedent: Iowa City, IA Estimated Cost: \$100,000

Housing Goals (pg. 19) Impacted: Estimated Timeline: 6 Months

Goal 1 Goal 2 Goal 3 Goal 4 Goal 5 🕢

### **PRO Housing Project 4:** Produce an Affordable Housing Action Plan

The Housing Plan as outlined in AIM Norman, was the City of Norman's first ever inclusion of a housing element in the Comprehensive Plan. While the plan outlines some of the essential overarching goals that the City should pursue, as well as clearly define Zoning Code and Subdivision Regulation improvements, there is a lack of specific, prioritized programming outlined within the plan.

As such, following the adoption of the new Zoning Code and Subdivision Regulations, the City of Norman believes that to preserve affordable housing and limit displacement, an affordable housing action plan should be developed concurrently to the production of the Neighborhood Pattern Book. Both products will incorporate the updated regulations to ensure that the City is on the right path to meet affordable housing goals. Further, the affordable housing action plan will allow Norman to use the AIM Norman Housing Plan as a baseline for which to compare progress and provide an opportunity to update key metrics for maintenance and monitoring.

This Affordable Housing Action (AHA) Plan shall explore:

- Defining "affordability" within Norman and determining parameters for affordability requirements for city-backed projects.
- Clearly promoting affordable housing, especially in TOD and Urban Living Center Land Use Designations.
- Creating a pathway for establishing anti-displacement housing regulations, which may include Right-of-return and Right-of-first-refusal Ordinances.
- Providing a road map for supportive programming, and strengthening financing, education, and partnership options for the City including:
  - Development or redevelopment of affordable housing via City-backed projects.
  - Identification of affordable housing stock requiring maintenance and repair.
  - Expansion of the existing Low-Income Housing Tax Credit (LIHTC) program, as well as possible funding sources for future projects, exploration of fee waivers, and related parameters for establishing such programming.
  - Identification of partnership opportunities.
- Detailing the action steps, timelines, responsible parties, and required resources for shortand long-term actions and strategies as defined in the AHA Plan.

Precedent: Edmond, OK; Oklahoma City, OK Estimated Cost: \$200,000

Housing Goals (pg. 19) Impacted:

Estimated Timeline: 10-12 Months

Goal 1



Goal 2

Goal 3

Goal 4

Goal 5

### ALIGNMENT WITH EXISTING INITIATIVES AND SIMILAR EFFORTS

### **Zoning Reforms**

Many cities have looked towards zoning reformation to establish more equitable, affordable housing patterns. Most prominently, cities have begun to allow multiple housing types within zones by-right, shifting from exclusionary zoning practices to more inclusive ones. Edmond, OK is currently going through a zoning update right now where there are two or three housing zones, excluding their new mixed use zones – low, medium, and high residential. In each zone, there

are multiple housing typologies which are allowed, as well as the integration of ADUs, live/work development, and appropriately scaled commercial and recreational development. California has been leading the housing reform pattern for a long time – adopting ADU standards, reducing parking requirements, and promoting linkage fees, affordable housing projects, and mixed-income projects. In addition, the ONE Atlanta housing plan covers everything from zoning reform to affordable actions such as turnkey renovations for affordable housing stock, community land trusts, and revolving affordable housing funds. This project has been going for several years with successful catalyst projects.

In Oklahoma City, the Strong Neighborhoods Initiative (SNI) works with community partners to build affordable housing projects, such as the PIVOT revitalization of NE 23rd Street. PIVOT, a neighborhood non-profit also recently constructed a tiny home affordability project within Oklahoma City.

### **Existing Initiatives**

The items outlined in this application are the direct result of ongoing policy changes led by the municipality, elected officials, and community sentiment. During the AIM Norman (AIM) process, which included updates to the Comprehensive Land Use Plan and the Housing Plan element, the AIM Norman steering committee was adamant that until zoning and subdivision regulations reflected the goals and efforts of the new plans, we would not be able to produce more affordable housing types within the City. This committee included community members from various stakeholder groups, including developers, the local continuum of care, nonprofits, and REALTOR®s.

The AIM Norman planning efforts account for population growth into 2045 and require a nearly 50% increase in yearly housing development to accommodate the anticipated population change within that time. The Housing element of AIM includes a list of strategies to pursue, including sourcing stronger partnerships, developing housing funds, and expanding programming. An affordable housing action plan would allow the city detail and understanding of the goals and efforts outlined in this element.

The proposed changes to the Zoning Code, neighborhood pattern book, study of parking, and affordable housing action plan will allow the city to prepare confidently for the introduction of regional commuter train routes and expansion of existing regional public transit – as outlined in RTA and Embark regional plans.

With focus on infill and redevelopment, as well as rehabilitation and renovation, the proposed activities under this grant application endeavor to include anti-displacement regulations and long-term housing equity. Tools and processes outlined in the AIM Norman Plans focus not just on increasing affordable housing stock, but also maintaining affordability for existing residents. The increased flexibility of the code and foreseen action plan towards supportive programming endeavor to help keep residents in their homes – with those homes being safe, comfortable, and attainable for households of all shapes and sizes.

The activities proposed within this application are forward-looking, keeping in mind the job centers of the area. The University of Oklahoma (OU) located within the City of Norman, and Oklahoma City are some of the largest employment centers in the area. Updated Zoning Code and Subdivision Regulations, supported by an understanding of the impact of parking patterns; paired with neighborhood level Pre-Approved plans and an Affordable Housing Action Plan will allow the city to focus on affordable housing near public transit and commuter rail – establishing strong

last-mile connections and allowing residents, employees, and visitors safe connectivity between home and work.

### **Environmental Considerations**

The most significant environmental risk facing the City of Norman is the impact of development and human activity on the local watersheds, including Lake Thunderbird and the Garber-Wellington Aquifer. Without substantially protective regulations in place, poor drainage and sprawl development will impact the water supply very quickly. In 2023, the City of Norman suffered from a drought, which impacted the daily water use of residents and visitors. Building in a sustainably resilient manner is at the forefront of the AIM Norman processes, which included an update to the Water, Stormwater, and Wastewater Master Plans. The resulting plans intend to increase density within the most developed areas of the city, while protecting the ecologically sensitive areas surrounding the watersheds and the floodplains. With higher density projects, drainage can be handled at the neighborhood level, as opposed to site-by-site basis, which increases the likelihood that the impact will be mitigated and promotes low impact design. Additionally, reusing existing parking spaces for redevelopment encourages redevelopment to include less impervious coverage, reducing the impact of run off and preventing flooding issues within the City.

### **Possible Roadblocks**

Roadblocks that may impede the implementation of the proposal, including most likely obstacles are changes in City Council members and possible community opposition to the development in affordable housing.

City Council has expressed strong interest in affordable housing and has supported staff-led efforts including the AIM Norman Comprehensive Plan process and AIM Norman Housing Study. However, changes in leadership may impact the ability to codify reforms. Staff believes open and clear communication about the benefits of these changes to constituent lives, along with transparency, fiscal responsibility, and public stewardship will enable these processes to be implemented. As a municipality, City staff is not new to the impact of leadership change, but is cognizant of the obstacle it may propose.

Additionally, while support for affordable and attainable housing has been growing within Norman, there can still be opposition to projects of certain sizes and scales. Staff is confident that working with City Council and City Management will allow for robust public processes that create strategies and implementation towards affordable housing for all people within the City.

### GEOGRAPHIC SCOPE OF PROPOSED GRANT-FUNDED ACTIVITIES

The activities proposed within this application are intended to serve the entire geographic scope of the City of Norman. Key portions of the Plan, Neighborhood Pattern Book, and Zoning and Subdivision regulation updates will prioritize historically under-served areas, TOD and Urban Living Center Land Use Designations, and ecologically sensitive areas with specific details.

A map of Norman City Limits is provided on the next page (pg. 25).

### ∃ 41081 State Hwy 9 Item 18. Map Produced by the City of Geographic Information Sy The City of Norman assurr responsibility for errors or or in the information preser ∃ 41891 126th E ∃ 41991 JA41D E Lake Thunderbird Friendship ∃ 41++1 eer Cre 132nd E ∃ bnSE1 Alameda Dr 120th E 120th E ∃ 41801 108₽ E Bethel Stella 2 Miles ∃ 4196 ∃ 41₽8 94₽₽ Etowah ∃ bn27 ∃ bn27 Norman City Limits ∃ 4109 Alameda St State Hwy 9 Cedar Lane Rock Creek 189.5 square miles or 121,275 acres Frankjir E **Tecumseh** Robinson Post Oak Lindsey 3 419€ Indian Hills 24fh E **September 24, 2024** 12th E Boyd Jenkins Constituti Timberdell Jenkir Chautauqua ⊟ Berry Berry Porter Main Flood W AISI <del>9</del>මටා\ 24th W Interstate 35 W A186 Rock Creek Main Franklin 48th W **Fecumseh** Robinson W A108 322 W bnS7

### **STAKEHOLDERS**

Norman has tremendous support from our community stakeholders for building affordable housing in the City. All activities outlined within this application were developed because of the two-year long planning process for the AIM Norman Comprehensive Land Use Plan and related elements for various portions of the city, including Housing. The AIM Norman process included a 14-person steering committee of community members from various backgrounds and representatives of partner organizations, including the local continuum of care (CoC) and non-profit organizations. A sub-committee was convened for the purpose of deep diving into the Housing Need within Norman. This committee met several times and with local groups. Public outreach for this plan also included in-person and virtual input opportunities of multiple kinds – including surveys, mapping exercises, open comments, e-mails, sticky notes, and public comments. Throughout the process, over 17,000 visits to the project website occurred and over 2,300 survey responses were received, with the housing topic receiving more survey responses than any other subject. The resulting direction from these processes was ubiquitously in support of updating the Zoning Code to allow more housing types by-right and additional changes and protections that would help further the goals of creating affordable and attainable housing within the city.

Some of the feedback the City of Norman heard during the AIM Norman Planning Process includes:

"[Norman] needs more quality, affordable housing for low and middle-income [households]..." — Neighborhood Workshop Participant

"Please build a more walkable community that is affordable." – Survey Respondent

8

45% of survey respondents recognized "Increasing attainable, accessible, and quality housing options for all people" as the top of five goals within the proposed housing plan.

An outline of stakeholders identified for each proposed grant-funded project is shown below.

PROJECT	STAKEHOLDERS
<b>PRO Housing Project 1:</b> Update the City of Norman Zoning Code and Subdivision Regulations	City Staff, Developers, Builders, Financiers, Architects, Engineers, and other development professionals who will ultimately be Code users.
<b>PRO Housing Project 2:</b> Develop and Adopt a Neighborhood Pattern Book of Pre-Approved Housing Designs	City Staff, Small Developers, Property Owners, For- and Non-Profit Partners
PRO Housing Project 3: Conduct a Parking Study to Determine the Impact of Minimum-Maximum Regulations on Housing Affordability	City Staff - Historically speaking, parking studies do not have public engagement components. The results of the study, and regulatory impacts it may have, will go through the stakeholders involved in the Zoning Code update.
<b>PRO Housing Project 4:</b> Produce an Affordable Housing Action Plan	City Staff, Low- to Moderate- Income Households, Non-Profit Partners, CoC Partners, Elected Officials, and Residents in need of resources.

During the planning process for the Zoning Code, stakeholders involved in the planning process will include those most familiar with the code, who will be working with them – local developers, elected officials, committee members, lenders, designers, builders, and engineers. Their expertise will allow the City to craft a Code that ensures ease of use and proper processes. While public engagement for this process will be limited, the directions were crafted from years of public input on multiple projects.

The affordable housing action plan will center these stakeholder groups throughout the process. AIM Norman's housing plan was developed with community stakeholders, but we acknowledge that there were people missing from the conversation. As part of this plan, we look to complete focused stakeholder engagement with these groups, as well as groups within our CDBG Neighborhoods program. By conducting focus meetings across multiple day and time periods, we can cater to the specific needs of each group. Additionally, we plan to do focused outreach at locations such as the senior center, public libraries, food banks, and on public transportation to increase the probability that we are clearly representing all groups.

### AFFIRMATIVELY FURTHERING FAIR HOUSING (AFFH)

### "Building an Inclusive Community." – Norman City Motto

The City of Norman is intent on doing more than simply not discriminating in compliance with the Fair Housing Act mandate. Meaningful actions will be undertaken to overcome patterns of segregation, concentration of socioeconomic status, and fostering inclusive communities. Beyond the statutorily protected classes (Race, Color, National Origin, Religion, Sex, Familial Status, Disability), the City further makes concerted efforts to develop housing that includes mixed-income and all income levels. These efforts are not limited to a specific Council Ward or geographic area.

It is anticipated that the proposed project activities will result in the removal of barriers to the development of affordable housing in well-resourced areas of opportunity by cutting through arduous processes and allowing development of more affordable housing products by right, as well as incentivizing affordable housing development. Through the affordable housing action plan, the City intends to pursue priority programming aimed at low-to-moderate income households (80-120% AMI, and below) with regard to not only finding housing, but also staying in safe, comfortable, and affordable housing options within the city. Norman recognizes the need for non-displacement protections and support which affect the most vulnerable of our households. Within Norman, non-white, specifically black renter households are affected the most by cost burdening. Our proposal looks to protect these most vulnerable of persons within our community.

Zoning, especially codes adopted in the mid 1900's, are vestiges of the redlining practices that furthered segregation. Four years before Norman's Zoning Code was adopted, the University of Oklahoma enrolled its first BIPOC student. Oklahoma also has a fraught, but ever-improving, history with First Americans. Today, large portions of the far eastern side of the City are Citizen Potawatomi and Absentee Shawnee Tribal Lands. Norman intends to promote desegregation by removing barriers to affordable and attainable housing options throughout the City. The projects outlined within this application are representative of the efforts that Norman believes will promote desegregation within the City.

The naturally occurring affordable housing within the city of Norman is currently experiencing strong development pressures. When redeveloped, the homes going in are neither affordable nor

attainable. It is the City's desire that, by allowing additional housing types, flexibility of standards, and simplified processes would cultivate multiple housing types throughout the city, encourage mixed-income housing development, and remove concentration of affordable housing types, while maintaining anti-displacement standards of care.

The approach to protecting the unique housing needs of members of protected class groups such as persons with disabilities, families with children, and under-served communities of color is two-fold. Throughout the parking study and Zoning Code and Subdivision Regulation update processes, the city intends to incorporate special regulations aimed at protecting housing for these communities, as well as incorporating universal design principles into the final code product. The Zoning Code and Subdivision Regulations will apply a fair, accessible code evenly across the board. While it will be highly flexible, it will also be consistent. The more accessible the code is, the lower cost housing products can be, and the more approachable smaller projects can be for those with less – they can build/maintain more easily without the need for extremely complicated processes.

The affordable housing action plan will center these stakeholder groups throughout the process. AIM Norman's housing plan was developed with community stakeholders, but we acknowledge that there were people missing from the conversation. As part of this plan, Norman looks to complete focused stakeholder engagement with these groups, as well as groups within our CDBG Neighborhoods program. By conducting focus meetings across multiple day and time periods, we can cater to the specific needs of each group. Additionally, we plan to do focused outreach at locations such as the senior center, public libraries, food banks, and on public transportation to increase the probability that we are clearly representing all groups.

The activities proposed within this application, while not providing any actual development of housing units, endeavors to limit and mitigate displacement of future development activities by promoting anti-displacement measures such as the right-of-first-return and first-right-of-refusal. Additionally, outlined in the affordable housing action plan will be programming for housing support and maintenance. Once a household has found an attainable option, the city endeavors to support the household in stability and remaining there. Additionally, all materials (including final products) and outreach efforts will adhere to ADA standards, as well as any other federal, state, and local requirements for such items.

Equity is an ever-growing part of municipal work and the public process. As additional considerations are available from public and professional sources, our office accounts for this information and integrates it into our professional practices. As the activities are outlined within our proposal are intended to be led by the Planning Department; the American Planning Association code of ethics, APA Planning for Equity Policy Guide, and continued research into equitable planning processes serves as the North Star of our efforts.

Each year, HUD invests billions of federal dollars into distressed communities across the country for projects. Projects include:

- Building and rehabilitating housing
- Improving a variety of infrastructures
- Building community centers
- Helping families achieve stability and advancement

The Section 3 program requires recipients of HUD funding to direct employment, training, and contracting opportunities to low-income individuals and the businesses that employ these persons

within their community. Section 3 is a provision of the HUD Act of 1968 and is found at 12 U.S.C. 1701u. The regulations are found at 24 CFR Part 75.

Per this statutory language, recipients of HUD funds (i.e. grantees and contractors) ensure that "to the greatest extent feasible," when certain HUD funds are used to assist housing and community development projects, preference for construction-related training, jobs, and contracting opportunities go to low- and very-low income people and to businesses that are owned by low- and very-low income persons or businesses that hire them. These opportunities are both gender and race neutral.

Other equity considerations informed by local circumstances include the city of Norman is largely impacted by our student residents as the home to one of the states top universities. It will be important to include student groups during the planning process to ensure housing that meets student affordability needs does not impact other household makeups.

Success of the grant-funded activities efforts on promoting desegregation, expanding equitable access to well-resourced areas of opportunity, and furthering the de-concentration of affordable housing will be determined through the use of key metrics – to be identified based on available date during the Affordable Housing Action Plan phase, but may include:

- Homeownership by race
- Housing cost burden by income
- Homelessness by disability status
- Evictions by race

- Home purchase loan denial by race
- Homelessness by veteran status
- Rent burden by income
- Based on available data

Once determined, an annual report will be produced.

The applicant is not proposing the use of PRO Housing funds to fund housing units, and thus will not be affirmatively marketing units. This will be a consideration of any programming outlined in the affordable housing action plan for items that do result in the development of homes.

#### **BUDGET AND TIMELINE**

#### **Estimated Costs**

Project #	Description	<b>Estimated Costs</b>
1	Zoning Code and Subdivision Regulation Overhaul	\$500,000.00
2	Neighborhood Pattern Book	\$200,000.00
3	Parking Study	\$100,000.00
4	Affordable Housing Action Plan	\$200,000.00
-	Contingency	\$100,000.00
-	Administrative Costs	\$100,000.00
-	Staff Time	\$163,000.00
	TOTAL	\$1,363,000.00
	Total City of Norman Contributions	\$363,000.00
	TOTAL AWARD REQUEST	\$1,000,000.00

The \$1.2M budget was developed based on quotes from previous plan experiences and projects funded by other local entities. For Example, in 2023, Edmond, Oklahoma contracted out for a Unified Development Ordinance update to their Zoning Code for roughly \$490,000.00. Based on the costs of previous plans and municipalities operating similar activities, we anticipated expenses. Each proposed amount is in alignment with industry standards and is cost-effective. Additional contingency dollars are included in the event prices for these items have increased. Ten percent administrative costs were assigned consistent with the practices and policies of Norman, Oklahoma.

The budget will be managed through the Development Services Department, GDBG Grants Division. Funding will be allocated to individual divisions to conduct related activities as deemed necessary.

While the City of Norman has proposed an application in the amount of \$1.2M, it is understood that funding may be awarded at a lower levels. All proposed activities outlined within this application are high priority items for the City of Norman. In the event that HUD is unable to award all funds or programming efforts, the City intends to pursue them to the best of our abilities. Ideally, all projects would be funded through the PRO Housing programming and the City's supporting leveraged funds. In order to be most effective, estimated activities may be scaled back to conduct the activity at a lower estimated cost based on awarded funding.

#### **Timeline**

Below is a tentatively proposed schedule based on the activities requested within the application. The schedule may shift based on how long it takes for the grant to be awarded as well as when meetings are available for certain items, such as the acceptance of the code update will be dependent on when it can go to a meeting. However, the length of time associated with each portion of the plan is clearly based off the typical project time associated with these items. All items are intended to be completed by 2027, well before FY2030.

ACTIVITY	TIMELINE
Notice of Funding & Contract Drafting – HUD and Local Contract Approvals	3 Months – Febuary 2025
Notice of RFP/RFQ for Zoning Code and Parking Study released	30 days – May 2025
RFP/RFQs closed; finalist interviews; consultants chosen	15 days – May 2025
Projects awarded & Contracts Draft; Contracts approved by City Council	15 days – June 2025
Kick-off for Zoning Code and Parking Study	18-20 Months – June 2025 6 Months – June 2025
Parking Study Completer – Informing Zoning Code Update	December 2025
RFP/RFQs for Neighborhood Pattern Book and Affordable Housing Action Plan released	30 days – June 2026
RFP/RFQs closed; finalist interviews; consultants chosen	15 days – July 2026
Project awarded & Contract Draft; Contracts approved by City Council	15 days – August 2026
Zoning Code Adopted	December 2026 - February 2027
Kick-off for Neighborhood Pattern Book and Affordable Housing Action Plan including influence from Zoning/Parking Efforts	12 Months – August 2026 10-12 months – August 2026
Neighborhood Pattern Book and Affordable Housing Action Plan Adopted	August 2027
Maintenance and Monitoring	September 2027 onward

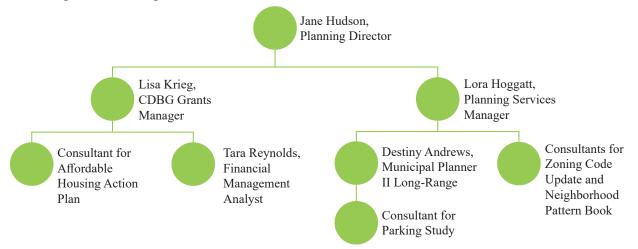


## **EXHIBIT E: CAPACITY**

PATHWAYS TO REMOVING OBSTACLES
TO HOUSING (PRO HOUSING)
CITY OF NORMAN, OKLAHOMA
GRANT PROPOSAL

#### **CAPACITY**

The City intends to have four full-time staff commit expansive amounts of time to the projects, including the following as outlined in the below chart:



- Lora Hoggatt will oversee the Zoning Code update process and coordinate with the consultant.
- Destiny Andrews will oversee the consultation process for the parking study and will report directly to Lora Hoggatt.
- Lisa Krieg will manage the process for the affordable housing action plan, as well as oversee grant administration through Tara Reynolds.
- Tara Reynolds will report to Lisa Krieg and will maintain all associated reporting documentation with regards to the projects.
- All parties will report to Jane Hudson, Planning Director, regularly to ensure a timely product.

There is no position within the city that is contingent upon the award of this grant.

The City of Norman Planning Services Division will be the lead agency or entity for all projects within this application. The role of the city will be to liaison between consultant groups and the public, while guiding the policy and regulation creation. City Staff will work with partner agencies during the stakeholder process and will manage consultants for these projects. City Staff have experience in contracting with consultant organizations in order to complete large-scale planning efforts, most recently with the AIM Norman process. The AIM Norman planning process resulted in the drafting of the new Land Use Comprehensive Plan, as well as additional plan updates to the Water, Wastewater, Stormwater, Transportation, Parks, and Housing Plans. Norman has effectively leveraged City dollars for this, and other similar projects in the past and has ample experience with procurement procedures. Further, the City of Norman is an entitlement municipality within the CDBG program, has worked on projects receiving HOME funding, and has experience leveraging grants and working with federal dollars. The City is confident in its ability to quickly launch and implement these major projects within the required time frame for the PRO Housing grant.

One the projects are completed, The City of Norman, with power established by the State of Oklahoma, as governed by the City Council has the ability and experience to effectively implement the proposed reforms as detailed in this application. No additional government entities are necessary for implementation.

This proposal does not include partnership organizations outside of the stakeholder engagement

process. While the City will be working with consultant firms or organizations for the activities outlined within this application, the City of Norman has ample experience working with these types of partners, including past iterations of all plans most recently updated with the AIM Norman process. There is no foreseen dependency on partner capacity to design, plan, or remove barriers to housing within this application.

This application was prepared by applicant staff, specifically those who will be involved with the implementation process, if awarded.

Applicant staff engaged with this application include:

- Destiny Andrews, Municipal Planner II Long-Range, City of Norman
- Lora Hoggatt, Planning Services Manager, City of Norman
- Lisa Krieg, CBDG Grant Manager, City of Norman
- Tara Reynolds, Financial Management Analyst, City of Norman

City staff has experience working with and analyzing data regarding economic or racial disparities on previous planning projects.



# **EXHIBIT F: LEVERAGE**

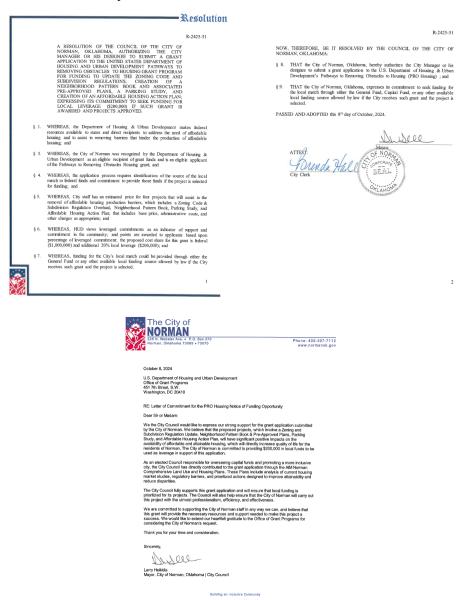
PATHWAYS TO REMOVING OBSTACLES
TO HOUSING (PRO HOUSING)
CITY OF NORMAN, OKLAHOMA
GRANT PROPOSAL

#### **LEVERAGE**

The City of Norman proposes to leverage city dollars to support the ongoing efforts to remove obstacles to affordable housing. Specifically for this grant, Norman intends to leverage 20% of awarded funds, or \$200,000.00 towards projects outlined within the grant application, as well as \$163,000.00 in staff time, for a total City contribution of 36.3%, or \$363,000.00, of total project costs.

In addition, Norman will continue to leverage city dollars to support the production and preservation of affordable housing within the city by continuing the efforts outlined in Exhibit B, under existing initiatives.

Resources for this project are firmly committed to by City Council, via Resolution R-2425-51, as supplied. Resources were firmly committed on October 8, 2024.



Full size copies of the resolution and support letter are available as attachments to this application.



# **EXHIBIT G: LONG-TERM EFFECT**

PATHWAYS TO REMOVING OBSTACLES
TO HOUSING (PRO HOUSING)
CITY OF NORMAN, OKLAHOMA
GRANT PROPOSAL

#### **LONG-TERM EFFECT**

One of the most prominent barriers identified to affordability (pg. 13) was the impact of outdated regulations on current development. There is an identified mismatch between market requirements, building codes, and the Zoning and Subdivision Regulations which each of the other items rely on. Updates to the regulations would allow the city to get out of its own way and promote the types of affordable, attainable housing that we would like to see within our city. Underproduction, as a result of regulatory misalignment has affected many parts of the country, but is prominently felt in Oklahoma where a high influx of migration from other states has increased the need for housing on a previously unforeseen scale. A successful program would allow the City of Norman to adjust our processes to directly address identified barriers in such a way that would enable building practices within the city to change for years to come. The current lifetime of the AIM Norman plan is until 2045, but the City endeavors to build a more inclusive city, resiliently for years to come. Paired with the Affordable Housing Action Plan, to be developed on the tail end of the zoning regulation updates, this plan will help us (knowing that our regulations for the type of development we'd like to see are in place) attack the more programmatic side of these practices - including but not limited to additional anti-displacement efforts, housing affordability efforts, rehab, maintenance, and monitoring efforts. The Affordable Housing Action Plan will identify how to strengthen partnerships to create and maintain additional funding mechanisms which will in turn create capacity within the city to operate these programs in perpetuity.

One perceived outcome from a result of grant-funded activities is the decrease in concentration of low-income households and increased production of mixed-income housing. Mixed-income housing, whether it is in one building or sprinkled throughout a neighborhood or district, offers many social advantages to all residents. When low-income individuals and families are concentrated in one area, that area is often disinvested, and the residents are less likely to have access to quality grocery stores, distinguished schools, or favorable job options. Rather, in a mixed-income neighborhood, low-, middle-, and high-income residents all have access to the same spaces and places as one another, giving a more even playing field for all who call the neighborhood home. Mixed-income housing also provides mental benefits to residents. Lower-income individuals have expressed that they are more comfortable in a mixed-income neighborhood, that they feel safer and more confident leaving home. They also feel greater pride in their neighborhood and are more likely to keep their owned or rental property better maintained. Middle- and high-income residents build an appreciation for income diversity among neighbors. These neighborhoods also provide benefits to children, giving them the opportunity to play with and learn from other children who may live differently than their own family.

Upon completion of the grant-funded activities, the City of Norman will have – a) a completed Parking Study extrapolating foreseen effects of min/max parking requirements on housing supply with results incorporated into, b) an updated Zoning Code and Subdivision Regulation section of the code which will encourage desired development patterns including mixed-use, live-work, and traditional neighborhoods, d) a Neighborhood Pattern book and associated Pre-Approved Plans, and d) an Affordable Housing Action Plan set to attack more long-term, programmatic issues within the city pertaining to affordable housing.

Norman is uniquely positioned, not just as the home of a land-grant university in a growing metro area, but also as a mid-sized American city, to set the standard for what it means to plan and grow

as an affordable city. Norman is the third most populous city within Oklahoma, behind the City of Oklahoma City and City of Tulsa, and our population of roughly 130,000 still means, we are comparatively small. The development pattern of the city is consistent with many railroad cities within the Midwest. While we have many unique features, Norman deals with challenges that face almost all American cities on a daily basis; drought and water concerns, infrastructure in need of updates, a tight housing market with many missing middle products, and other influential factors that Norman can set the stage for.

A successful outlook for the end of the performance period will be that the city is poised to produce housing at the required rate to meet the anticipated need for 2045. This will happen, in tandem with anti-displacement and supportive housing programming as established through the Affordable Housing Action Plan. There is a delicate balance between producing affordable and mixed-income housing throughout the city and limiting displacement and segregation within our borders. A successful use of PRO Housing grant funds for the programming as outlined within this application will address the needs for affordable housing today, tomorrow, and for years to come, while allowing people to live, work, play, and age-in-place in their homes here comfortably.



## ATTACHMENT A: SUMMARY OF COMMENTS RECEIVED ON PUBLISHED APPLICATION AND LIST OF COMMENTERS BY NAME/ORGANIZATION

• Question on how application is approaching gentrification, specifically regarding aging in place. Provided an anecdote about a redevelopment where an existing tenant was able to move back into a unit once redeveloped.

Staff responded with intent to include Right-to-Return in exploration of Zoning Code update. Question on if pre-approved plans will account for accessibility.

Staff responded with direction from AIM Norman Housing Plan to include universal design in Pre-Approved Plans.

Question on how these plans will protect the naturally affordable housing that does exist.

Staff responded with the intent to explore Right-to-Return and Right-of-First-Refusal, inclusion of flexibility in the code making renovation and rehabilitation easier, as well as promoting the protection of affordable housing through the Character Area policies developed in AIM being folded into the Zoning and Subdivision Regulation update.

"If you guys just provided the plans, then we could get this thing done!" David Boeck | Architect | Public Hearing October 2, 2024

- "You've addressed so many of the things we've been discussing over the last couple months [in the AIM Steering Committee Meetings]."
  - "Just the fact that we are dovetailing this with all of the work that is coming out really demonstrates that we have already set us up to do this work now... And this is really just excellently thought out."
  - "I'm excited. We've been talking about this pattern book concept, for at least three or four years."

Lee Hall | AIM Norman Steering Committee Member | Public Hearing October 2, 2024

• Expressed desire to include tools like inclusionary zoning and community land trusts in these processes.

Staff responded that these items can be explored in the Zoning Code update and in the Affordable Housing Action Plan respectively.

Helen Grant Norman City Councilmember | Public Hearing October 2, 2024

• "When you change legislation, when you change the way things are done from the beginning, that is what actually creates affordable housing."

Shavonne Evans | AIM Norman Steering Committee Co-Chair | Public Hearing October 2, 2024

## ATTACHMENT B: CERTIFICATION OF COMPLIANCE WITH NOFO PUBLIC PARTICIPATION REQUIREMENTS

The City of Norman provided for public participation in the following ways:

- Notification of public participation opportunities were noticed in the Journal Record on September 26, 2024 (see pg. 44).
- The application was readily available on the City's website at: <a href="https://www.normanok.gov/your-government/departments/planning-and-community-development/grant-programs/pro-housing-grant">https://www.normanok.gov/your-government/departments/planning-and-community-development/grant-programs/pro-housing-grant</a>
- Physical copies of the application materials were made available at the Norman Public Library and at the City of Norman Development Center in downtown Norman.
- A public hearing for comment hosted on October 4, 2025. The meeting included a short presentation describing the PRO Housing Grant Program, and Norman grant application.
  - Flyers for the meeting were posted at various locations throughout the City including: laundromats, health clinics, grocery stores, the food bank, and libraries.
  - Flyers were also provided to Norman's public transportation, EMBARK, and Norman's Mobile Meals partner for distribution.
- An article was printed in the Norman Transcript local newspaper on October 5, 2024 with a write-up of the October 4, 2024 meeting and with additional contact information for public comment (see pg. 44)
- The PRO Housing Application was on the City Council agenda for the October 8, 2024 meeting.
- All comments outlined within Attachment A were considered by staff, and included as necessary.

The City of Norman is confident that our compliance with public participation requirements meet and/or exceed those requested by HUD.



Flyer, as posted at Sooner Wash Laundromat.



Flyer, as available at Norman Public Library, West Branch.



Flyer, as available at Norman Public Library, Santa Fe Branch.

Additional examples of public outreach are available on pg. 44.

#### (MS2653914)

#### NOTICE OF PUBLIC HEARING

NOTICE is hereby given that the City of Norman's proposed Funding Application for the PRO Housing Pathways to Removing Obstacles (FR-6800-N-98) in the amount of \$1,000,000 is available for a 15-day public review beginning September 26 through October 11, 2024. More information regarding this funding opportunity is available at www.hud. gov/program\_offices/comm\_planning/ pro\_housing. A Public Hearing will be conducted on October 4, 2024 from 11 A.M. to 1 P.M. in Conference Room A of the Development Center at 225 N Webster Avenue. The item will appear on October 8, 2024 at the regularly scheduled City Council Meeting on the consent docket.

This application for funding includes strategies for the City of Norman actively taking steps to remove barriers to affordable housing development. Copies of the draft of the proposed application are available for review from 8:00 a.m. to 5:00 p.m. Monday through Friday in the Department of Planning & Community Development at 225 N Webster. Hard copy drafts will also be available at the Norman Public Library at 121 S Santa Fe Ave, Suite 119. A draft is also available on the City of Norman website www.NormanOK.gov.

Any comments or views of citizens received in writing during the comment period, or orally at the public hearing, will be considered in preparing the final application. A summary of the comments or views, and a summary of any comments or views not accepted and the reasons therefore, shall be attached to the final amendments. The proposed use of funds is hereby published below.

Zoning Code and Subdivision Regulation Overhaul - \$500,000.00

Neighborhood Pattern Book -\$200.000.00

Parking Study - \$100,000.00 Affordable Housing Action Plan

Contingency - \$100,000.00 Administrative Costs - \$100,000.00

TOTAL - \$1,200,000.00 Total City of Norman Contributions - \$200,000.00

TOTAL AWARD REQUEST \$1,000,000.00

Comments must be received prior to October 11, 2024. For additional information please contact Destiny Andrews at 405-366-5302 or destiny. andrews@normanok.gov. (9-26-24)

Public Notice, as printed. Courtesy of Journal Record.

### Norman Seeks \$1M HUD Grant for Affordable Housing

KATRINA CRUMBACHER FOR THE TRANSCRIPT

To further the city of Norman's long-term goal to generate more affordable housing, the planning department will \$1 million from the U.S. Department of Housing and Urban Development.

The city hopes to take advantage of HUD's Pathways to Removing Obstacles to Housing grant initiative, which is designed to support "communities who are actively taking steps to remove barriers to affordable housing," according to the grant website.

"Every Norman resident deserves to live in a safe, comfortable home they can afford, and neighborhood improvements should not increase displacement," the grant proposal reads. "Achieving this vision will call for action at all levels including the city of Norman, its partner organizations, neighboring communities, residents, and state and federal assistance."

If approved, the \$1 million grant is set to be appropriated to fund the following four projects:

• Update Norman's zoning code and subdivision regulations, estimated to cost \$500,000

• Develop and adopt a neighborhood pattern book of pre-approved housing designs, estimated to cost \$200,000

• Conduct a parking study to determine the impact of minimum to maximum regulations on housing affordability, estimated to cost

See HUD on A3

#### HUD

CONTINUED FROM A1

\$100,000

 Produce an affordable housing action plan, estimated to cost \$200,000

The grant proposal is part of a larger push by AIM Norman, an area and infrastructure master plan dedicated to capitalizing on the "community's strengths and identify fresh opportunities, all aimed at enhancing the overall quality of life in Norman," according to the AIM Norman website.

On Friday, Norman city planner Destiny Andrews held a public hearing for the grant proposal application, and six people showed up: Helen Grant, council member representing Norman's Ward 4; Shavonne Evans and Lee Hall, both members of the AIM Norman Steering Committee; former University of Oklahoma associate professor of architecture David Boeck and two others.

"I think one of the biggest things is the steering committee and staff want to be very responsive to the existing character of the areas, what's already on the ground, and we want to do that through providing flexibility," Andrews said. "It's really hard to redevelop on a smaller scale, so having a code that provides that flexibility allows you to build smaller, to build less expensive housing, as well as strengthening protections."

If the \$1 million grant proposal is approved, the city of Norman intends to contribute \$363,000 to the development of the PRO Housing projects, the last of which is expected to be complete by August 2027. The deadline to submit the grant proposal is set for Oct.

"I like to look through the glass half-full," Hall said. "It sounds like if we move in this direction, it gives you as a planning department a more holistic way of looking at projects and being able to move them through."

As required by HUD, the city of Norman's planning department must allow a 15-day period for public comment, which ends on Oct. 11. Any public comment must be directed to Norman municipal planner Destiny Andrews, who can be reached at destiny. andrews@normanok.gov.

October 5, 2024 article on PRO Housing grant application, as printed.

Courtesy of Norman Transcript.









Flyers, from left to right, as available at Variety Care Porter Avenue Location, Norman Public Library East Branch, Variety Care Alameda Street Location, and Highlander Laundromat.

#### ATTACHMENT C: ADVANCING RACIAL EQUITY NARRATIVE

As part of the AIM Norman planning process (described in detail on pages 5, 9, 19, and 26 of the application materials) a market study was conducted by the consultant. The market study accounted for various metrics of disparity, including race, income, household makeup, and ability. The recency of this study allows the City of Norman to pair information from the market study with our most recent Analysis of Fair Housing Choice, completed in September of 2020, to curate a complete picture of the racial composition of the persons and households that will benefit, directly or indirectly, from the proposed award activities. Selected detailed results from these studies are available on the next page (pg. 45) of this attachment.

Due to the nature of the proposed award activities, primarily planning functions, associated barriers to persons or communities of color equitably benefiting from the activities are:

- Fewer voices at the table, lessening the impact of benefits for these communities.
- Black families in Norman are more likely to be cost burdened and less likely to be homeowners and may be least likely to benefit directly from Zoning Reform and Preapproved plans in the short-term, while construction of affordable housing is less common.
- Black and Hispanic and/or Latiné communities within Norman are more likely to be exposed to poverty and may be less likely to benefit from planning activities. However, the anticipated long-term impacts of reducing barriers to affordable housing, and continuation of efforts after the proposed award activities are intended to prioritize these communities.

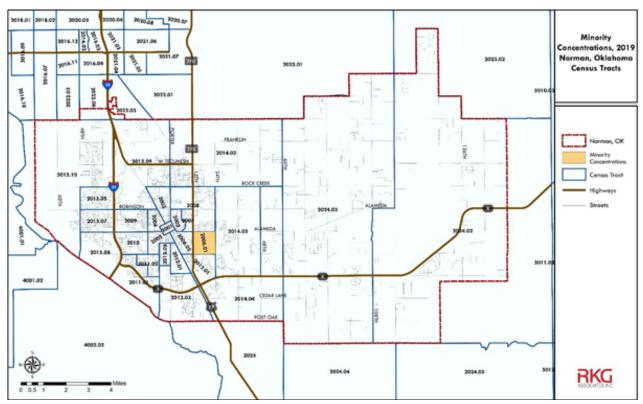
In order to prevent, reduce, or eliminate the barriers minority communities within the City of Norman will have regarding the proposed award activities, it will be imperative that the stakeholder involvement process meet minority communities where they are at. By conducting focus meetings across multiple day and time periods, we can cater to the specific needs of each group. Additionally, we plan to do focused outreach at locations such as the senior center, public libraries, food banks, and on public transportation to increase the probability that we are clearly representing all groups.

Success of the grant-funded activities efforts on promoting desegregation, expanding equitable access to well-resourced areas of opportunity, and furthering the de-concentration of affordable housing will be determined through the use of key metrics – to be identified based on available data during the Affordable Housing Action Plan phase, but may include:

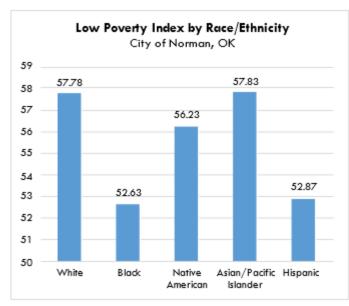
- Homeownership by race
- Housing cost burden by income
- Homelessness by disability status
- Evictions by race

- Home purchase loan denial by race
- Homelessness by veteran status
- Rent burden by income
- Based on available data

Once determined, an annual report will be produced.



In Norman, only one census tract has a minority concentration. This census tract is included in the City's CDBG qualified census tracts and is one of the priority locations outlined in the Stakeholder Section of Exhibit D, where increased efforts for public participation will occur.



Source: HUD AFFH Data Version AFFHT0004a and RKG Associates, Inc., 2020 Low poverty index by race/ethnicity. From Norman's 2020 Analysis of Fair Housing Choice.

RACE	PERCENT OF NORMAN
White Alone	74%
Black or African American	5.3%
American Indian & Alaska Native	4.5%
Asian	4.3%
Native Hawaiian & Other Pacific Islander	0.1%
Some Other Race	1.1%
Two or More Races	10.7%
Hispanic or Latiné	9.2%

Source: American Community Survey

## ATTACHMENT D: AFFIRMATIVE MARKETING AND OUTREACH NARRATIVE

It is crucial to the City that all award activities outlined within this grant application are marketed equitably to stakeholder groups who may benefit from said activities. As such it is imperative that marketing activities effectively communicate information about opportunities for involvement with the planning processes to groups of all races, income levels, abilities, and ages. The City intends to market materials for proposed award activities via, though not limited to, the following actions:

- Providing flyers in intentional spaces such as libraries, clinics, laundromats, public transit centers, food banks, and the senior center.
- Flyers and program information will be provided to community partners and organizations such as Meal on Wheels of Norman, Norman neighborhood alliance groups, and others.
- Meetings will be held multiple dates and times; special consideration for meetings within the qualified census tract outlined in Attachment C will be made.
- Materials will be presented and/or printed in accessible fonts with high contrast for low-vision and dyslexic persons.
- Materials may be made available in multiple languages, consistent with Title VI Low English Proficiency (LEP) obligations. The most commonly spoken language in Norman, besides English, is Spanish.

For all contracted services regarding the award activities, as outlined, the City of Norman will adhere to the same standards of marketing contracting opportunities as it does with all other work - adhering to the RFP/RFQ practices at the City of Norman, including requiring Contractors to comply with a certificate of nondiscrimination. Further, each year, HUD invests billions of federal dollars into distressed communities across the country for projects. The Section 3 program requires recipients of HUD funding to direct employment, training, and contracting opportunities to low-income individuals and the businesses that employ these persons within their community. Section 3 is a provision of the HUD Act of 1968 and is found at 12 U.S.C. 1701u. The regulations are found at 24 CFR Part 75.

Per this statutory language, recipients of HUD funds (i.e. grantees and contractors) ensure that "to the greatest extent feasible," when certain HUD funds are used to assist housing and community development projects, preference for construction-related training, jobs, and contracting opportunities go to low- and very-low income people and to businesses that are owned by low- and very-low income persons or businesses that hire them. These opportunities are both gender and race neutral.

## ATTACHMENT E: EXPERIENCING AND PROMOTING RACIAL EQUALITY NARRATIVE

The City of Norman is an entitlement municipality within the CDBG program and has previously worked on projects receiving HOME funding. City staff has experience within these programs addressing the needs of underserved communities within our City.

As described within the narrative section Exhibit D: Soundness of Approach, Stakeholder and Affirmatively Furthering Fair Housing (AFFH) items (pgs. 26-29), Attachment B: Certification of Compliance with NOFO Public Participation Requirements, Attachment C: Advancing Racial Equity Narrative, and Attachment D: Affirmative Marketing and Outreach Narrative, staff is well versed in soliciting, obtaining, and applying input from such groups when designing, planning, or implementing programs and activities, and has seriously considered the impact of proposed grant funded activities on such communities.

Key aspects of serving historically marginalized communities are conscientious and meaningful efforts towards inclusion. This may include purposefully organizing outreach opportunities in partnership with community cornerstone organizations and persons, such as schools, places of worship and community representatives, as well as ensuring that public participation opportunities are open and available to people of many backgrounds. Holding meetings at places where children are able to be safely supervised while parents are actively engaged in public processes, serving food during meal times, or working with local employers to hold meetings or table in break rooms are additional ways to engage with members of the public who may otherwise be disenfranchised with regards to public input.

City of Norman staff intend to use these types of strategies to ensure we effectively address the needs of underserved communities, particularly Black and Brown communities throughout the proposed grant funded activities.

#### File Attachments for Item:

19. CONSIDERATION OF APPROVAL, ACCEPTANCE, REJECTION, AMENDMENT, AND/OR POSTPONEMENT OF CONTRACT K-2425-38: A LEASE AGREEMENT BY AND BETWEEN THE CITY OF NORMAN AND YFAC, LLC FOR THE TRAE YOUNG FAMILY FOUNDATION TO BE THE RETAIL PARTNER AND OPERATOR; AND ACCEPT THE IMPROVEMENTS, IN THE AMOUNT OF \$288,368.00, TO THE RETAIL SPACE INSIDE THE YOUNG FAMILY ATHLETIC CENTER, 2201 TRAE YOUNG DRIVE, NORMAN, OKLAHOMA.



## CITY OF NORMAN, OK STAFF REPORT

**MEETING DATE:** 2/11/2025

**REQUESTER:** Jason Olsen, Director of Parks and Recreation

**PRESENTER:** AshLynn Wilkerson, Assistant City Attorney

ITEM TITLE: CONSIDERATION OF APPROVAL, ACCEPTANCE, REJECTION,

AMENDMENT, AND/OR POSTPONEMENT OF CONTRACT K-2425-38: A LEASE AGREEMENT BY AND BETWEEN THE CITY OF NORMAN AND YFAC, LLC FOR THE TRAE YOUNG FAMILY FOUNDATION TO BE THE RETAIL PARTNER AND OPERATOR; AND ACCEPT THE IMPROVEMENTS, IN THE AMOUNT OF \$288,368.00, TO THE RETAIL SPACE INSIDE THE YOUNG FAMILY ATHLETIC CENTER, 2201 TRAE

YOUNG DRIVE, NORMAN, OKLAHOMA.

#### **BACKGROUND:**

In October 2015, Norman voters approved the \$150 million, fifteen-year Norman Forward Sales Tax initiative. The Norman Forward Initiative outlined various citywide projects to improve the quality of life for the citizens of Norman. This initiative included projects to construct a new Multi-Sport Complex and Indoor Aquatic Facility.

The Multi-Sport Complex and Indoor Aquatic Facility were initially proposed as separate projects. After extensive public input and consideration by the City Council, acting as Trustees of the Norman Municipal Authority (NMA), these projects were combined in 2018 into one more extensive project, to be located at the southeast corner of 24th Avenue NW and Rock Creek Road in the University North Park development. This new sports and aquatic complex will include eight full-sized basketball or twelve volleyball courts; a 25-meter, eight-lane lap pool; a 25-yard, four-lane warm-up pool; concession stands; retail space; administration offices; and, through a partnership with Norman Regional Health System (NRHS), a health and wellness clinic to be placed between the multi-sports and aquatic complexes.

The building and the project were named the Young Family Athletic Center ("YFAC") in July of 2021 (K-2122-27) after the Trae Young Family Foundation (TYFF) agreed to donate \$4,000,000 to the construction of the building. NRHS has committed a minimum of \$6.7 million, through a contract approved by the City Council in June of 2023 (K-2122-99), towards constructing a human sports and performance clinic inside the YFAC called "N-Motion."

#### **DISCUSSION:**

During the design and construction of the YFAC, a retail space was initially planned, and a shell space was built. The full intention of the space was to work with local NBA superstar Trae Young and his family to have a retail space inside the YFAC that would open and operate during events. The retail space will include NIKE, Trae Young, and YFAC apparel and sporting goods. It will become a NIKE Team Store with the possibility of providing uniforms and apparel to groups like the Trae Young Academy, YFAC basketball and volleyball leagues, Norman Youth Soccer Association, Norman Public Schools, LYGENDS Nike EYBL teams, Sooner Swim Club, and so forth. This will be the only NIKE Team Store in Norman, and the Trae Young Family Foundation will operate it.

As stated above, the retail space was initially built as an empty shell and the Trae Young Family Foundation paid for design and construction to build out the empty shell retail space. The total cost of construction of the retail space was \$288,368.00. According to K-2425-38, all improvements made by the Lessee become the property of the City of Norman and any future enhancements.

The agenda item is the recommended approval of a lease agreement with YFAC, LLC, to operate and manage the retail space inside the YFAC. The contract is to begin on the Commencement Date (the date of execution) and will terminate upon the 20<sup>th</sup> anniversary of the Commencement Date (unless earlier terminated pursuant to contract provisions). Extension terms for successive five-year periods are also an option following the termination of the initial term. The Trae Young Family Foundation will operate the retail space and be the sole provider of the retail space inside the YFAC. The City is to receive \$38.88 per square foot as a lease payment, with the annual lease total to be \$25,000.00, and payments are to be remitted to the City on a monthly basis.

#### **RECOMMENDATION 1:**

Staff recommends the acceptance of the \$238,386.00 of improvements to the shell space of the retail store area inside the YFAC.

#### **RECOMMENDATION 2:**

Staff recommends the approval of Contract K-2425-38 between the City of Norman and YFAC, LLC, for the Trae Young Family Foundation to be the retail partner and operator of the retail space inside the YFAC.

delayed by any Force Majeure. The provisions of this <u>Section 11.10</u> shall not operate to excuse either Party from prompt payment of any amounts required by the terms of this Lease.

- 11.11 <u>Severability</u>. In the event one or more of the terms or provisions of this Lease or the application thereof to any Party or circumstances shall, to any extent, be held invalid, illegal or unenforceable, the remainder of this Lease, or the application of such term or provision to persons or circumstances other than those as to whom or which it is held invalid or unenforceable, shall not be affected thereby, and each term and provision of this Lease shall be valid and enforceable to the fullest extent permitted by law.
- 11.12 Governing Law. THIS LEASE SHALL BE GOVERNED BY, AND CONSTRUED AND ENFORCED IN ACCORDANCE WITH THE LAWS OF THE UNITED STATES APPLICABLE THERETO AND THE LAWS OF THE STATE OF OKLAHOMA APPLICABLE TO AN AGREEMENT EXECUTED, DELIVERED AND PERFORMED IN SUCH STATE, WITHOUT REGARD TO ANY OTHERWISE APPLICABLE PRINCIPLES OF CONFLICTS OF LAW.
- 11.13 <u>Venue for Actions</u>. The venue for any legal action arising out of this Lease shall lie exclusively in Cleveland County.
- 11.14 Attorneys' Fees. Should either Party to this Lease engage the services of attorneys or institute legal proceedings to enforce its rights or remedies under this Lease, the prevailing Party to such dispute or proceedings shall be entitled to recover its reasonable attorneys' fees, court costs and similar costs incurred in connection with the resolution of such dispute or the institution, prosecution or defense in such proceedings from the other Party.
- 11.15 Relationship of Parties. Nothing contained herein shall be deemed or construed by the Parties hereto or by any third party as creating the relationship of principal and agent, partnership, joint venture or any association between the Parties hereto, it being understood and agreed that none of the provisions contained herein or any acts of the Parties in the performance of their respective obligations hereunder shall be deemed to create any relationship between the Parties hereto other than the relationship of Lessor and Lessee. It is understood and agreed that this Lease does not create a joint enterprise, nor does it appoint any Party as an agent of the other for any purpose whatsoever. No Party shall in any way assume any of the liability of the other for acts of the other or obligations of any other. Each Party shall be responsible for any and all suits, demands, costs or actions proximately resulting from its own individual acts or omissions.
- 11.16 <u>Lessor's Lien Waiver</u>. Lessor hereby waives all landlord's liens that Lessor might hold, statutory or otherwise, to any of Lessee's (or any Sublessee's) inventory, trade fixtures, equipment or other personal property now or hereafter placed on the Retail Space.
- 11.17 <u>Non-Waiver</u>. No Party shall have or be deemed to have waived any default under this Lease by the other Party unless such waiver is embodied in a document signed by the waiving Party that describes the default that is being waived. Further, no Party shall be deemed to have waived its rights to pursue any remedies under this Lease, unless such waiver is embodied in a document signed by such Party that describes any such remedy that is being waived.

then allowed by law, shall be payable by Lessee to Lessor on demand, or, if not so paid, shall be treated at Lessor's option as a monetary default hereunder.

11.6 Notices. All notices, demands, payments and other communications required to be given or made hereunder shall be in writing and shall be duly given if delivered by hand, messenger, telecopy or reputable overnight courier or if mailed by certified or registered mail, first class postage prepaid, and shall be effectively received upon the date of such delivery or two (2) days after such mailing, to the respective parties hereto at the addresses set forth below, or to such other address furnished in writing to the other party hereto.

If to Lessee:

[4201 Crittenden Link Rd Norman, OK 73072 Attn: Rayford Young]

With a copy to:

McAfee & Taft, A Professional Corporation

8th Floor, Two Leadership Square

211 N. Robinson

Oklahoma City, Oklahoma 73102

Attn: Martin Stringer

If to Lessor:

City of Norman Attn: City Manager 201 West Gray Norman, OK 73069

With a copy to:

City of Norman Attn: City Attorney 201 West Gray Norman, OK 73069

- 11.7 <u>Successors and Assigns</u>. Except as expressly provided in <u>Article 8</u>, this Lease may not be assigned without the prior written consent of the other party hereto. Subject to the foregoing, this Lease shall be binding upon and shall inure to the benefit of the parties and their permitted successors and assigns.
- 11.8 <u>Amendment</u>. Except as expressly provided herein, neither this Lease nor any term hereof may be amended, waived, discharged or terminated, except by a written instrument signed by the parties hereto.
- 11.9 <u>Headings and Subheadings</u>. The headings of the articles, sections, paragraphs and subparagraphs of this Lease are for convenience or reference only and in no way define, limit, extend or describe the scope of this Lease or the intent of any provisions hereof.
- 11.10 <u>Unavoidable Default and Delays</u>. After the date of execution of this Lease, the time within which any party to this Lease shall be required to perform any act under this Lease shall be extended by a period of time equal to the number of days during which performance of such act is

- (c) <u>Binding Obligation</u>. This Lease is a valid and binding obligation of Lessee and is enforceable against Lessee in accordance with its terms, subject to (a) applicable bankruptcy, insolvency, fraudulent conveyance, reorganization, rearrangement, moratorium, receivership, liquidation and similar laws affecting creditors' rights or (b) general principles of equity.
- (d) <u>No Default</u>. The execution by Lessee of this Lease and the consummation by Lessee of the transactions contemplated hereby do not, as of the Commencement Date, result in a breach of any of the terms or provisions of, or constitute a default or condition which upon notice or the lapse of time or both would ripen into default under, the organizational documents of Lessee or under any indenture, agreement, instrument or obligation to which Lessee is a party or is bound.
- (e) <u>Consents</u>. No permission, approval or consent by third parties or any other governmental authorities is required in order for Lessee to enter into this Lease, make the agreements herein contained or perform the obligations of Lessee hereunder other than those which have been obtained.

#### Miscellaneous

- 11.3 <u>Estoppel Certificates</u>. Lessee and Lessor shall, at any time and from time to time upon not less than 20 days' prior written request by the other Party, execute, acknowledge and deliver to Lessor or Lessee, as the case may be, a statement in writing certifying (a) its ownership of the interest of Lessor or Lessee hereunder, as the case may be, (b) that this Lease is unmodified and in full force and effect (or if there have been any modifications, that the same is in full force and effect as modified and stating the modifications), (c) the dates to which any amounts due from Lessee have been paid, and (d) that, to the best knowledge of Lessor or Lessee, as the case may be, no default hereunder on the part of the other Party exists (except that if any such default does exist, the certifying Party shall specify such default.)
- 11.4 <u>Release</u>. If requested by Lessor, Lessee shall, upon termination of this Lease, execute and deliver to Lessor an appropriate release, in form proper for recording, of all Lessee's interest in the Retail Space, and upon request of Lessee, Lessor will execute and deliver a written cancellation and termination of this Lease and release of all claims (if none are then outstanding and known) in proper form for recording to the extent such release is appropriate under the provisions hereof.
- 11.5 Lessor's Right to Perform Lessee's Covenants. If Lessee shall fail in the performance of any of its covenants, obligations or agreements contained in this Lease, other than the obligation to pay any amounts due hereunder, and such failure shall continue without Lessee curing or commencing to cure such failure within all applicable grace and/or notice and cure periods, Lessor after ten (10) days additional written notice to Lessee specifying such failure (or shorter notice if any emergency, meaning that there is imminent danger to the safety of persons or of substantial damage to property exists) may (but without any obligation to do so) perform the same for the account and at the expense of Lessee, and the amount of any payment made or other reasonable expenses (including reasonable attorneys' fees incurred by Lessor for curing such default), with interest thereon at the rate of twelve percent (12%) per annum or the highest rate

in a breach of any of the terms or provisions of, or constitute a default, or a condition which upon notice or lapse of time or both would ripen into a default, under Lessor's charter or any resolution, indenture, agreement, instrument or obligation to which Lessor is a party or by which the Retail Space or any portion thereof is bound; and (ii) do not, to the knowledge of Lessor, constitute, a violation of any law, order, rule or regulation applicable to Lessor or any portion of the Retail Space of any court or of any federal, state or municipal regulatory body or administrative agency or other governmental body having jurisdiction over Lessor or any portion of the Retail Space.

- (e) <u>Consents</u>. No permission, approval or consent by third parties or any other governmental authorities is required in order for Lessor to enter into this Lease, make the agreements herein contained or perform the obligations of Lessor hereunder other than those which have been obtained.
- (f) <u>Quiet Enjoyment</u>. During the Term of this Lease and subject to the terms of this Lease, Lessee shall have the quiet enjoyment and peaceable possession of the Retail Space against hindrance or disturbance by Lessor or any person or entity acting by, through or under Lessor.
- (g) <u>Proceedings</u>. There are no actions, suits or proceedings pending or, to the reasonable best knowledge of Lessor, threatened or asserted against Lessor affecting Lessor's ability to enter into this Lease or any portion of the Retail Space, at law or at equity or before or by any federal, state, municipal or other governmental department, commission, board, bureau, agency or instrumentality, domestic or foreign.
- (h) <u>Compliance with Laws</u>. Lessor has not received any notice of any violation of any ordinance, regulation, law or statute of any governmental agency pertaining to the Land or any portion thereof.
- (i) <u>Encumbrances</u>. Lessor has good and marketable fee simple title to the Land, subject to no liens or security interests, and Lessor has not placed or granted any liens or security interests against the Land.
- (j) <u>Limitations</u>. Except as otherwise expressly provided herein, this Lease is made by Lessor without representation or warranty of any kind, either express or implied, as to the condition of the Land or the Retail Space, its merchantability, its condition or its fitness for Lessee's intended use or for any particular purpose.

#### 11.2 Lessee's Representations, Warranties and Special Covenants.

- (a) <u>Existence</u>. Lessee is an Oklahoma limited liability company duly organized and existing pursuant to the laws of the State of Oklahoma.
- (b) <u>Authority</u>. Lessee has all requisite power and authority to own its property, operate its business, enter into this Lease and consummate the transactions herein contemplated, and by proper action has duly authorized the execution and delivery of this Lease and the consummation of the transactions herein contemplated.

in the Retail Space or its leasehold estate hereunder if not removed with 120 days; or (f) the entry of a final judgment, order or decree of a court of competent jurisdiction adjudicating Lessee to be bankrupt, and the expiration without appeal of the period, if any, allowed by applicable law in which to appeal therefrom.

9.2 Upon the occurrence and during the continuance of an Event of Default, Lessor shall have all remedies available at law or in equity, including, without limitation, termination, injunction and specific performance. All remedies of Lessor under this Lease shall be cumulative, and the failure to assert any remedy or the granting of any waiver of any event of default shall not be deemed to be a waiver of such remedy or any subsequent event of default.

#### **ARTICLE 10**

#### **Default of Lessor**

10.1 <u>Defaults and Remedies</u>. In the event of any breach by Lessor of any covenant of Lessor under this Lease, Lessee shall have the right to deliver to Lessor a written notice specifying such breach or non-payment, and unless within thirty (30) days from and after the date of delivery of such notice Lessor shall have commenced to remove or to cure such breach or occurrence and shall be proceeding with reasonable diligence to completely remove or cure such breach or occurrence (provided such breach or occurrence must be cured within 120 days after such notice), then Lessee shall have all remedies available at law or in equity, including, without limitation, termination, injunction and specific performance. All remedies of Lessee under this Lease shall be cumulative, and the failure to assert any remedy or the granting of any waiver of any event of default shall not be deemed to be a waiver of such remedy or any subsequent event of default.

#### **ARTICLE 11**

#### Representations, Warranties and Special Covenants

- 11.1 <u>Lessor's Representations, Warranties and Special Covenants</u>. Lessor hereby represents, warrants and covenants as follows:
- (a) <u>Existence</u>. Lessor is a home rule municipal corporation of the State of Oklahoma duly incorporated and currently existing pursuant to the constitution and laws of the State of Oklahoma.
- (b) <u>Authority</u>. Lessor has all requisite power and authority to own the Retail Space, to execute, deliver and perform its obligations under this Lease and to consummate the transactions herein contemplated and, by proper action in accordance with all applicable law, has duly authorized the execution and delivery of this Lease, the performance of its obligations under this Lease and the consummation of the transactions herein contemplated.
- (c) <u>Binding, Obligation</u>. This Lease is a valid and binding obligation of Lessor and is enforceable against Lessor in accordance with its terms.
- (d) <u>No Defaults</u>. The execution by Lessor of this Lease and the consummation by Lessor of the transactions contemplated hereby (i) do not, as of the Commencement Date, result

#### Assignment and Subletting

8.1 <u>Assignment.</u> During the Term, Lessee shall continuously own and operate the Retail Space and shall not sell, convey or assign any of the leasehold estate created hereby without the express written consent of Lessor, except Lessee may assign or transfer this Lease, or any interest herein to (a) any entity owned or controlled by Lessee or its successors or assigns without the consent of the Lessor, or (b) a financially qualified third party subject to the reasonable approval of Lessor, provided such entity expressly assumes all the covenants and obligations of Lessee herein, subject to the reasonable satisfaction of the Lessor. Upon any such assignment, the assignee shall execute and deliver to Lessor a written assumption, in form and substance reasonably satisfactory to Lessor, of all of the obligations of Lessee pertaining to the Leased Premises and accruing under this Lease after such assignment.

#### 8.2 Subletting.

- (a) Lessee shall have the right at any time, without the consent of Lessor, to sublease all or any portion of the Retail Space to any third party; provided, however, that no such subletting or assignment shall relieve Lessee of any of its obligations hereunder unless otherwise agreed in writing by Lessor, and all subleases shall be subject to the terms and provisions of this Lease.
- (b) No Sublessee shall have any right to sublease or otherwise assign or encumber its interest in the Retail Space.
- 8.3 <u>General Provisions</u>. Lessee shall, in connection with any assignment or sublease, provide notice to Lessor of the name and address of any assignee or Sublessee, together with a complete copy of the assignment agreement or sublease.

#### **ARTICLE 9**

#### **Default of Lessee**

9.1 Lessee shall be in default if any of the following events ("Events of Default") shall occur: (a) the failure on the part of Lessee to pay 100% of the Construction Fundingwhen due and the continuation of such failure for ten (10) days after Lessor has provided to Lessee a written notice of such failure; (b) any breach by Lessee of any covenant of Lessee under this Lease (other than the failure to pay Construction Funding when due) and such breach has not been cured within thirty (30) days from and after the date notice of such breach is given by Lessor to Lessee; provided, however, no Event of Default shall exist if Lessee shall have commenced to remove or to cure such breach and shall be proceeding with reasonable diligence to completely remove or cure such breach (provided such breach must be cured within 120 days after such notice); (c) the making of any general assignment for the benefit of creditors by Lessee; (d) the filing of a voluntary petition in bankruptcy or a voluntary petition for an arrangement or reorganization under the United States Federal Bankruptcy Act (or similar statute or law of any foreign jurisdiction) by Lessee; (e) the appointment of a receiver or trustee for all or substantially all of Lessee's interest

direct or indirect stockholders, agents, other representatives, successors and assigns for bodily injury (including death) to persons, or loss or damage to property of Lessor and Lessee whether caused by the negligence or fault of Lessor and Lessee or their partners, directors, officers, employees, agents or representatives or otherwise, to the extent that the injuries, losses or damages are covered by the proceeds of insurance policies maintained by either party.

- 6.5 Adjustment of Losses. Except for the proceeds relating to the contents policy required to be maintained by Lessee (which proceeds shall be paid solely to Lessee), any loss under any insurance policy required under Section 6.3 hereof shall be made payable to Lessor for the benefit of Lessee and Lessor, to the end that Lessor shall be entitled to collect all money due under such insurance policies payable in the event of and by reason of the loss of or damage to the Facility, to be applied pursuant to Article 7, below. The adjustment of losses with the insurer shall be made by Lessor.
- 6.6 Operational Liability. Lessor shall be responsible for all liability related to the operation of the Facility and shall indemnify, defend, and hold harmless Lessee for any losses or damages incurred by Lessee in connection with Lessor's operation of the Facility to the extent provide by law; provided, however, Lessor shall not have any liability related to Lessee's operation of the Retail Space, which shall be Lessee's sole responsibility.

#### ARTICLE 7

#### Casualty

- 7.1 Repair in the Event of Casualty. In the event the Facility shall be damaged during the Term, Lessor, to the extent covered by the insurance obtained by Lessor in accordance with Section 6.3, above, shall promptly proceed to repair, restore, replace, or rebuild the Facility to substantially the same condition in which the same were immediately prior to such damage or destruction. If this Lease is not terminated pursuant to Section 7.2 below following a casualty event impacting the Leased Premises, then Lessor shall restore (or cause to be restored) the Leased Premises with reasonable promptness to the condition in which it was in immediately prior to such casualty.
- 7.2 <u>Lessee Termination Right</u>. Notwithstanding the foregoing, in the event Lessee determines in good faith that repairs and restoration of the Facility cannot be substantially completed within 180 days of such damage, Lessee shall have the option to terminate this Lease by written notice to Lessor. Provided that if the casualty event renders all or a substantial part of the Leased Premises untenantable, then Lessee may terminate this Lease within 45 days after such casualty event.
- 7.3 Right to Insurance Proceeds. In the event Lessee terminates this Lease pursuant to Section 7.2, and Lessor elects not to restore the Facility pursuant to Section 7.1, Lessee shall be entitled to its pro rata share of any insurance proceeds received by Lessor based on the value of the tenant improvements to the Retail Space within the Facility at the time of the loss.

- (c) Lessee shall keep the Retail Space in a state of good repair on a regular and ongoing basis. Upon termination of this Lease, Lessee shall deliver the Leased Premises in good condition, reasonable wear and tear, obsolescence, acts of God and loss by casualty excepted. Lessee shall arrange for its own cleaning services for the Retail Space (which may include using Lessor's contracted cleaning service) at Lessee's sole cost and expense.
- 5.4 Operational Rights: Revenue. Lessee shall receive all revenues generated from and associated with the Retail Space for the duration of the Term. Subject to the terms and provisions of this Lease, Lessee shall have full and exclusive control of the management and operation of the Retail Space. Without limiting the generality of the foregoing during the term of this Lease, (i) Lessee shall have the sole right to grant and enter into licenses, rights, subleases, and any and all other agreements of any nature relating to the Retail Space or the name thereof on such terms as Lessee deems appropriate, and (ii) Lessee shall own all revenues of any source generated by or from the Retail Space or the operation or management or the name thereof.

#### **Insurance and Indemnity**

- 6.1 <u>Liability Insurance</u>. Lessee agrees, at its sole expense, to obtain and maintain public liability insurance at all times during the Term hereof with reputable insurance companies authorized to transact business in the State of Oklahoma for bodily injury (including death) and property damage with minimum limits of \$1,000,000 combined single limit protecting Lessee against any liability, damage, claim or demand arising out of or connected with the condition or use of the Retail Space. Such insurance shall include contractual liability, personal injury and advertising liability, and independent contractor liability. Such insurance coverage must be written on an "occurrence" basis. It may be maintained by any combination of single policies and/or umbrella or blanket policies.
- 6.2 <u>Workers' Compensation Insurance</u>. Lessee agrees, at its sole expense, to obtain and maintain workers' compensation insurance, as required by applicable law, during the Term.
- 6.3 Property Insurance. At all times during the Term, Lessor and Lessee shall maintain property insurance as set forth herein. Lessor shall maintain building and contents insurance on the Facility, including the Retail Space. Lessee shall, at its sole expense, keep all equipment and other personal property included in the Retail Space insured against "all risk" of loss for full replacement cost coverage, to include direct loss by fire, windstorm, hail, explosion, riot, civil commotion, aircraft, vehicles, smoke, boiler and machinery and flood. Coverage must be written by reputable insurance companies authorized to transact business in the State of Oklahoma.
- 6.4 <u>Policies</u>. All insurance policies Lessee is required to maintain pursuant to this <u>Article 6</u> shall provide for at least thirty (30) days written notice to Lessor before cancellation and certificates or copies of policies of insurance shall be delivered to Lessor and Lessor shall be named as an additional insured under such policy. Lessor and Lessee hereby waive all claims, rights of recovery and causes of action that either party or any party claiming by, through or under such party by subrogation or otherwise may now or hereafter have against the other party or any of the other party's present and future subsidiaries, affiliates, partners, officers, directors, employees,

#### **Use of Premises**

- 5.1 <u>Use of Retail Space</u>. Lessee shall use the Retail Space to sell athletic goods for the benefit of the general public. Only Lessee, in its sole discretion, will determine the inventory and retail costs for the goods sold in the Retail Space.
- 5.2 <u>Compliance with Laws</u>. Lessee agrees not to use the Retail Space for any use or purpose in violation of any valid and applicable law, regulation or ordinance of the United States, the State of Oklahoma, the City of Norman or other lawful governmental authority having jurisdiction over the Retail Space, including, without limitation, the Americans with Disabilities Act of 1990, as amended.
- (a) Lessee's employment policies must include non-discriminatory provisions in compliance with federal and state laws, rules and regulations, including Title VII of the Civil Rights Act of 1964, and the Lessor's Civil Rights Ordinance.
- (b) Lessee agrees that it will not discriminate on the basis of race, color, religion, ancestry, national origin, age, place of birth, disability, sex, sexual orientation, gender identity or expression, familial status, or marital status, including marriage to a person of the same sex in furnishing or refusing to furnish, to such person or persons the use of the Retail Space, including any and all services, privileges, accommodations, and activities thereby. Lessee agrees that this non-discrimination requirement will be included in all subcontracts related to the operation of the Center and to the services provided by the Lessee, its employees, agents and tenants.

#### 5.3 Maintenance.

- (a) Lessor shall keep the Facility with the exception of the interior of the Retail Space and any Improvements that only benefit Lessee, in a state of good repair on a regular and ongoing basis. Lessor shall keep the Facility in a clean, neat and orderly manner at all times and shall, without limitation, (i) keep the inside and outside of all glass in the doors and windows of the Facility clean, (ii) maintain the Facility free of insects, rodents, vermin and other pests, (iii) keep the Facility free of dirt, rubbish and other debris, (iv) keep the Facility free of objectionable or offensive odors, and (v) maintain lighting, heating and plumbing fixtures and heating, ventilating and air conditioning equipment and systems, and the fire protection sprinkler system in good order, condition and repair making all needed maintenance, repairs and replacements. Lessor shall arrange for the regular pickup of all trash and garbage at the Facility, including the Retail Space.
- (b) Lessor shall maintain the foundation of the Leased Premises, the roof of the Facility in which the Leased Premises is located and the structural soundness of concrete floors, walls and windows of the Leased Premises in good order, repair and condition; provided, however, that Lessee shall give Lessor notice of the need for such maintenance and Lessor shall have a reasonable time to respond.

#### **Rent for Retail Space**

2.1 Gross Rent. Lessee shall make an annual rental payment of \$25,000 (\$38.88/square foot) within 30 days of the date on which the retail space commences operations and every 12 months thereafter during the Term. If the term of this Lease is terminated prior to expiration pursuant to Section 1.2 or Section 7.2, then any amounts paid for such Lease Year shall be prorated as of the effective date of the termination and any amounts paid by Lessee attributable to dates after the effective date of the termination shall be returned to Lessee.

#### **ARTICLE 3**

#### Taxes and Utilities

- 3.1 <u>Taxes</u>. Lessor and Lessee acknowledge that this is a "gross lease" and Lessor shall be responsible for the cost of all real estate and ad valorem taxes levied against the Facility.
- 3.2 <u>Utilities</u>. Lessor shall obtain and maintain at its sole cost and expense all water, gas, electricity, telephone, internet and similar utilities and services provided to the Leased Premises during the Term; provided, however, Lessee shall have the option to obtain its own telephone and internet service for the Leased Premises.

#### **ARTICLE 4**

#### **Improvements**

Improvements, Removals and Replacements. Lessee shall have the right, at its 4.1 option and expense (subject only to the express restrictions set forth in this Lease) to further enhance the tenant improvements within the Retail Space, as long as such improvements do not materially interfere with the development or use of the YFAC. Any fixtures, materials or equipment that are permanent in nature and installed in the Retail Space automatically shall become the property of Lessor, unless prior to the installation thereof, Lessee shall have obtained from Lessor written acknowledgment that the same shall remain the property of Lessee, in which event Lessee may remove such fixtures, materials or equipment at any time (including, without limitation, upon the termination of this Lease), if such can be done without material damage to the remainder of the Improvements and Lessee agrees to repair any damage caused by such removal including the patching of holes and the painting thereof. Any furniture, fixtures, or equipment purchased by Lessee for the Retail Space that is not of a permanent nature will remain the property of Lessee unless Lessor and Lessee agree otherwise in writing. Any Improvements purchased by Lessor or that are otherwise the property of Lessor may not be removed without the consent of Lessor and unless they are replaced with reasonably comparable Improvements. Lessee shall not construct any Improvements on the Retail Space during the Term that adversely interfere with the development or use of the YFAC.

reason at all upon 180 days written notice to Lessee provided that on the effective date of such termination Lessor shall reimburse Lessee for the cost of the Construction Funding paid by Lessee, reduced by 10% for each 12 month period in which the lease is in operation following the Commencement Date, subject to adequate appropriations by the City. The Initial Term, together with any exercised Extension Terms, are collectively referred to herein as the "*Term*."

- 1.3 <u>Certain Definitions.</u> The following terms shall have the meaning set forth in this <u>Section 1.3</u>:
- (a) <u>Commencement Date</u>. The date first set forth above in the introductory paragraph of this Lease.
- (b) <u>Construction Funding.</u> The amount paid for by Lessee for the construction work performed on the Retail Space for tenant improvements prior to the Commencement Date.
  - (c) Event of Default. Has the meaning set forth in Article 9.
- (d) <u>Facility</u>. The various buildings, facilities, and improvements located in the City of Norman as depicted on <u>Exhibit A</u>, including the YFAC.
- (e) <u>Force Majeure</u>. Any unforeseeable causes beyond a Party's control and without such Party's fault or negligence, including, but not limited to, acts of God, acts of the public enemy, acts of any federal state or local government, acts of the other party, fires, floods, epidemics, quarantine restrictions, strikes, lockouts, freight embargoes, and unusually severe weather or unforeseen environmental or archaeological conditions requiring investigation/mitigation pursuant to federal, state or local laws
  - (f) Foundation. Trae Young Family Foundation.
- (g) <u>Gross Rent</u>. The lease payments for the Retail Space provided in <u>Article 2</u> hereof.
- (h) <u>Improvements</u>. All buildings, structures, equipment, improvements, fixtures and related infrastructure from time to time connected, installed or situated on the land of the Facility, including all landscaping. Improvements shall not include minor capital maintenance items such as, but not limited to, carpeting, wall coverings, artwork, light fixtures, etc.
- (i) <u>Leased Premises</u>. The areas leased to Lessee pursuant to this Lease including the Retail Space and designated office space, as depicted on <u>Exhibit A</u>.
- (j) <u>Lease Year</u>. Each successive 12-month period during the Term from and including the Commencement Date.
- (k) <u>Retail Space</u>. The portion of the Facility, including any improvements therein, that is depicted in <u>Exhibit A</u> and operated pursuant to this Lease by the Lessee.
  - (p) <u>Term.</u> The term of this Lease as provided in <u>Section 1.2</u> hereof.

#### LEASE AGREEMENT

#### For the Operation of a Retail Store

This Lease Agreement (this "Lease") is entered into on the \_\_\_\_\_\_ day of \_\_\_\_\_\_, 2024, (the "Commencement Date"), by and between the City of Norman, Oklahoma, a municipal corporation ("Lessor"), and YFAC, LLC, an Oklahoma limited liability company ("Lessee"), for the purpose of creating a contractual relationship related to the operation of a retail store within the Young Family Athletic Center ("YFAC").

WHEREAS, Norman voters approved the Norman Forward Quality of Life Projects Sales Tax of 2015, providing a one-half (1/2) percent sales tax dedicated to fund a number of Quality of Life projects, including \$22.5 million for the Facility; and

WHEREAS, on July 13, 2021, Lessor entered into an agreement (K-2122-27) with the Foundation to provide for additional funding and an ongoing relationship related to the YFAC;

WHEREAS, in connection with further improvements of YFAC, Lessor desires to lease to Lessee certain space within the YFAC for the operation of a retail sporting goods store; and

WHEREAS, the Parties desire to formalize the Lessee's occupancy of the Leased Premises on the terms set forth herein.

#### **AGREEMENT**

NOW, THEREFORE, in consideration of the recitals set forth above and the mutual covenants and agreements contained herein and for other good and valuable consideration, the receipt and sufficiency of which are acknowledged and confessed by each of the parties hereto, the parties hereto have agreed and, intending to be legally bound, do hereby agree as follows:

#### **ARTICLE 1**

#### **Grant, Term of Lease and Certain Definitions**

- 1.1 <u>Leasing Clause</u>. Upon and subject to the terms and provisions contained herein, Lessor does hereby lease, demise and let unto Lessee, and Lessee does hereby take and lease from Lessor, the Leased Premises, depicted in <u>Exhibit A</u> attached hereto, for the term and subject to the provisions hereinafter provided.
- 1.2 <u>Term.</u> The term of this Lease shall be for a period commencing on the Commencement Date and terminating on the 20th anniversary of the Commencement Date (the "Initial Term"), unless earlier terminated in accordance with the provisions of this Lease. Lessee shall have the right, at its option, to extend the Term for five additional successive five-year periods (each, an "Extension Term"), beginning at the end of the Initial Term or the then-current Extension Term, as applicable. Each Extension Term shall be subject to the same terms and conditions as the Initial Term; provided however, at any time following the fifth anniversary of the Commencement Date, (a) Lessee may terminate this Lease for any reason or no reason at all upon 180 days written notice to Lessor and (b) Lessor may terminate this Lease for any reason or no

- 11.18 Obligations to Defend Validity of Agreement. If litigation is filed by a third party against any party to this Lease in an effort to enjoin a Party's performance of this Lease, the Parties hereto who are named as parties in such action shall take all commercially reasonable steps to support and defend the validity and enforceability of this Lease. A Party may intervene in any such matter in which the other Party hereto has been named as a defendant. Each Party shall be responsible for its attorneys' fees and costs of litigation.
- 11.19 <u>Survival</u>. Covenants in this Lease providing for performance after termination of this Lease shall survive the termination of this Lease.
- 11.20 Entire Agreement. This Lease and the other documents delivered pursuant to this Lease or referenced herein constitute the full and entire understanding and agreement between the Parties with regard to the subject matter hereof. There are no representations, promises or agreements of any Party regarding the subject matter of this Lease not contained in this Lease, the Exhibits attached hereto or the other documents delivered pursuant to this Lease or referenced herein.
- 11.21 <u>Counterparts</u>. This Lease may be executed in any number of counterparts, each of which shall be an original, but all of which together shall constitute one and the same instrument.
- 11.22 <u>Waiver of Consequential Damages</u>. Notwithstanding anything in this Lease, to the contrary, Lessor hereby waives any consequential damages, compensation or claims for inconvenience, loss of business, rents or profits as a result of any injury or damage, whether or not caused by the willful or wrongful act of Lessee or its representatives, agents or employees. Anything to the contrary in this Lease notwithstanding, Lessee hereby waives any consequential damages, compensation or claims for inconvenience, loss of business, rents or profits as a result of any injury or damage, whether or not caused by the willful or wrongful act of Lessor or its representatives, agents or employees.

[remainder of page left blank intentionally]

IN WITNESS WHEREOF, the parties hereto have executed and delivered this Lease as of the date first set forth above.

### THE CITY OF NORMAN, OKLAHOMA (as "Lessor")

(SEAL)	By:		Larry Heikkila	
ATTEST:		Title:	Mayor	
By:  Name: Brenda Hall  Title: City Clerk				

YFAC, LLC (as "Lessee")

3y: 🗡

Title:

APPROVED BY CITY OF NORMAN LEGAL DEPARTMENT BY DATE 217125

#### File Attachments for Item:

20. CONSIDERATION OF ADOPTION, REJECTION, AMENDMENT, AND/OR POSTPONEMENT OF RESOLUTION R-2425-86: A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, APPROPRIATING \$112,384 TO THE OKLAHOMA DEPARTMENT OF TRANSPORTATION (O.D.O.T.) FOR CONSTRUCTION TO BEGIN ON THE NORMAN TRAFFIC MANAGEMENT CENTER PROJECT.



## CITY OF NORMAN, OK STAFF REPORT

**MEETING DATE:** 2/11/2025

**REQUESTER:** Katherine Coffin

**PRESENTER:** David Riesland, Transportation Engineer

ITEM TITLE: CONSIDERATION OF ADOPTION, REJECTION, AMENDMENT, AND/OR

POSTPONEMENT OF RESOLUTION R-2425-86: A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, APPROPRIATING \$112,384 TO THE OKLAHOMA DEPARTMENT OF TRANSPORTATION (O.D.O.T.) FOR CONSTRUCTION TO BEGIN ON

THE NORMAN TRAFFIC MANAGEMENT CENTER PROJECT.

#### **BACKGROUND:**

Norman's first Traffic Management Center (TMC) is a 2019 Transportation Bond Project that has seen a number of twists and turns going through the bid process up to Award. The project was originally managed by the Oklahoma Department of Transportation (ODOT) but passed rather quickly to the Oklahoma Office of Management and Enterprise Services (OMES) because ODOT does not normally manage architectural projects. After numerous delays, OMES was finally successful in bidding the project with bids received on January 16, 2025.

A total of seven bids were received when bids were due. The apparent low bidder was Pope Contracting, Inc., with a total bid of \$3,065,000 (a copy of the bid tabulations from OMES are attached for reference). The TMC construction is funded in part by a federal grant obtained through the Association of Central Oklahoma Governments as well as local funds that have already been sent to ODOT in anticipation of the beginning of construction. The grant and local funds on deposit with ODOT total \$2,952,616, minus the office furniture to be provided by Oklahoma Correctional Industries at a cost of \$23,036. The amount of the low bid, \$3,065,000, minus the amount available between the grant and local funds on deposit with ODOT, \$2,952,616, leaves a balance of \$112,384 to be paid using local funds since the grant will be entirely exhausted (a copy of the invoice from ODOT is attached for reference). This additional funding would need to be made available in the Traffic Management Center project (BG0087).

#### **DISCUSSION:**

A number of construction projects have been recently completed that still show balances remaining. Two of these projects have been selected for fund transfers to the TMC Construction account. First, is the Asp Ave Lot project (BG0255), which shows a current balance of \$24,000. This money could be transferred and allow this project to be closed. Second, is the Robinson West of I-35 Project (TR0104), has been completed and shows a current balance of \$164,808. Transferring \$88,384 to the TMC project would leave a balance of \$76,424 in this project. Below is a table showing the proposed fund transfers.

Losing Account				Gaining Account					
				Transfer					Transfer
Description	Project #	Org	Object	Amount	Description	Project #	Org	Object	Amount
Asp Avenue Parking Lot, Construction	BG0255	50594908	46001	-\$24,000	Traffic Management Center Pay-Go	BG0087	50596688	46101	+24,000
Robinson West of I-35, Land	TR0104	50595552	46701	-\$88,384	Traffic Management Center Pay-Go	BG0087	50596688	46101	+\$88,384

#### **RECOMMENDATION 1:**

Staff recommends approval of the transfer of funds from Asp Avenue Parking Lot to Traffic Management Center, Construction in the amount \$24,000.

#### **RECOMMENDATION 2:**

Staff recommends approval of the transfer of funds from Robinson West of I-35 account to Traffic Management Center Pay-Go Construction in the amount of \$88,384.

#### **RECOMMENDATION 3:**

Staff recommends approval of Resolution R-2425-86 and payment of final invoice from ODOT.

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### Resolution

R-2425-86

A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA APPROPRIATING \$112,384 TO THE OKLAHOMA DEPARTMENT OF TRANSPORTATION (O.D.O.T.) FOR CONSTRUCTION TO BEGIN ON THE NORMAN TRAFFIC MANAGEMENT CENTER PROJECT.

- § 1. WHEREAS, Norman's first Traffic Management Center (TMC) is a 2019 Transportation Bond Project and has experienced some delays; and
- § 2. WHEREAS, the TMC construction project is funded in part by a federal grant obtained through the Association of Central Oklahoma Governments as well as local funds that have already been sent to ODOT in anticipation of the beginning of construction; and
- § 3. WHEREAS, the amount of the low bid, \$3,065,000, minus the amount available between the grant and local funds on deposit with ODOT, \$2,952,616, leaves a balance of \$112,384 to be paid using local funds; and
- § 4. WHEREAS, the Asp Avenue Lot Project and the Robinson Street West of I-35 Project construction projects have recently been completed and still show balances remaining that could be transferred to allow the TMC project to proceed.

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

§ 5. That the following transfers be made for reason stated above:

Losing Account	Gaining Account	Amount	
Asp Avenue Parking Lot,	Project BG0087, 50596688-46101	\$24,000	
Construction, BG0255			
Robinson West of I-35, Land, TR0104	Project BG0087, 50596688-46101	\$88,384	

PASSED AND ADOPTED this 11th day of February, 2025.

ATTES	ST:	Mayor	
City Cl	erk		





## **Construction and Properties Bid Tabulation for CAP24-0211R2**

#### 01/16/2025

Submitted Bids							
Business	Opened at	Status	<b>Bid Alt Total</b>	Bid Total			
W.L. McNatt & Company	2025-01-16 20:48:39 UTC	Responsive	\$468,600.00	\$2,741,107.00			
Federal Constructors, Inc.	2025-01-16 20:48:41 UTC	Responsive	\$472,000.00	\$2,752,000.00			
Pope Contracting, Inc.	2025-01-16 20:48:43 UTC	Responsive	\$474,000.00	\$2,591,000.00			
A&K Construction, Inc.	2025-01-16 20:48:45 UTC	Responsive	\$455,000.00	\$2,636,000.00			
Sun Construction Services	2025-01-16 20:48:46 UTC	Responsive	\$480,000.00	\$2,708,769.00			
Onsite Construction Group, LLC	2025-01-16 20:48:48 UTC	Responsive	\$470,106.00	\$2,794,882.00			
Stronghold Construction	2025-01-16 20:48:49 UTC	Responsive	\$468,537.00	\$2,724,059.00			

#### OKLAHOMA DEPARTMENT OF TRANSPORTATION

#### **INVOICE**

Make check PAYABLE, and MAIL TO:

Oklahoma Department of Transportation Comptroller Division 200 N.E. 21<sup>st</sup> Street

Oklahoma City, Oklahoma 73105-3204

To: City of Moore

Department Invoice No 3532504-02 01/21/2025

Project Type	Div	County	JP No	Project No.	Work Type	Description
ACOG STBG-UZA	3	CLEVELAND	35325(04)	STP- 214E(128)AG	ITS MAINTENANCE & OPERATIONS	LOCATION TRAFFIC MANAGEMENT CENTER: VIDEO WALL, WORK STATIONS, COMPUTER SERVER, HARDWARE & SOFTWARE, NETWORKING, COMMUNICATION EQUIPMENT, FURNITURE

Description – Explanation of Charge	Total	Federal	Sponsor
Due Date: Upon Receipt	\$3,088,036	\$2,413,566	\$674,470
Estimate for Project Construction  Funds On Deposit (Receipt #9000025770)	\$3,088,030	\$2,413,300	(\$562,086)
Accounting Use Only		Invoice Total	\$112,384

Distribution:

City Remit with Payment Division Project File Comptroller Division