CITY OF NORMAN, OK
CITY COUNCIL REGULAR MEETING
Municipal Building, Council Chambers, 201 West Gray, Norman, OK 73069
Tuesday, June 14, 2022 at 6:30 PM

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

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, retaliation, 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 contact the ADA Technician at 405-366-5424, Relay Service: 711. To better serve you, five (5) business days' advance notice is preferred.

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

APPROVAL OF MINUTES

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

   CITY COUNCIL CONFERENCE MINUTES OF OCTOBER 26, 2021
   CITY COUNCIL CONFERENCE MINUTES OF JANUARY 25, 2022
   CITY COUNCIL MINUTES OF APRIL 26, 2022
   NORMAN UTILITIES AUTHORITY MINUTES OF APRIL 26, 2022
   NORMAN MUNICIPAL AUTHORITY MINUTES OF APRIL 26, 2022
   NORMAN TAX INCREMENT FINANCE AUTHORITY MINUTES OF APRIL 26, 2022

PROCLAMATIONS

2. CONSIDERATION OF ACKNOWLEDGING RECEIPT, REJECTION, AMENDMENT, AND/OR POSTPONEMENT OF PROCLAMATION P-2122-47: A PROCLAMATION OF THE MAYOR OF THE CITY OF NORMAN, OKLAHOMA, PROCLAIMING THE MONTH OF JULY, 2022, AS PARKS AND RECREATION MONTH IN THE CITY OF NORMAN.

3. CONSIDERATION OF ACKNOWLEDGEMENT, APPROVAL, REJECTION, AMENDMENT, AND/OR POSTPONEMENT OF PROCLAMATION P-2122-48: A PROCLAMATION OF THE MAYOR OF THE CITY OF NORMAN, OKLAHOMA, PROCLAIMING JUNE 20 THROUGH JUNE 26, 2022, AS POLLINATOR WEEK IN THE CITY OF NORMAN.

4. CONSIDERATION OF ACKNOWLEDGMENT, ACCEPTANCE, REJECTION, AND/OR POSTPONEMENT OF PROCLAMATION P-2122-49: A PROCLAMATION OF THE MAYOR OF THE CITY OF NORMAN, OKLAHOMA, PROCLAIMING SUNDAY, JUNE 19, 2022, AS JUNETEENTH DAY IN THE CITY OF NORMAN.

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 5 through Item 27 be placed on the consent docket.

First Reading Ordinance

5. CONSIDERATION OF ADOPTION, APPROVAL, REJECTION, AMENDMENT, AND/OR POSTPONEMENT OF ORDINANCE O-2122-42 UPON FIRST READING BY TITLE: AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AMENDING SECTION 460 OF CHAPTER 22 OF THE CODE OF THE CITY OF NORMAN SO AS TO REMOVE PART OF THE SOUTHEAST QUARTER (SE/4) OF SECTION FOUR (4), TOWNSHIP EIGHT (8) NORTH, RANGE TWO (2) WEST OF THE INDIAN MERIDIAN, CLEVELAND COUNTY, OKLAHOMA, FROM THE PUD, PLANNED UNIT DEVELOPMENT DISTRICT, AND PLACE SAME IN THE PUD, PLANNED UNIT DEVELOPMENT DISTRICT; AND PROVIDING FOR THE SEVERABILITY THEREOF. (NORTHWEST CORNER OF IMHOFF ROAD AND OAKHURST AVENUE)

6. CONSIDERATION OF ADOPTION, APPROVAL, REJECTION, AMENDMENT, AND/OR POSTPONEMENT OF ORDINANCE O-2122-43 UPON FIRST READING BY TITLE. AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AMENDING SECTION 460 OF CHAPTER 22 OF THE CODE OF THE CITY OF NORMAN SO AS TO GRANT SPECIAL USE FOR A CHURCH, TEMPLE OR OTHER PLACE OF WORSHIP IN THE R-3, MULTI-FAMILY DWELLING DISTRICT FOR LOT SIXTEEN (16), IN BLOCK ONE (1), OF LINCOLN ADDITION, TO NORMAN, CLEVELAND COUNTY, OKLAHOMA; AND PROVIDING FOR THE SEVERABILITY THEREOF. (494 ELM AVENUE)

7. CONSIDERATION OF ADOPTION, APPROVAL, REJECTION, AMENDMENT, AND/OR POSTPONEMENT OF ORDINANCE O-2122-48 UPON FIRST READING BY TITLE: AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, GRANTING TO THE OKLAHOMA GAS AND ELECTRIC COMPANY, AN OKLAHOMA CORPORATION, ITS SUCCESSORS AND ASSIGNS, THE RIGHT TO PRODUCE, TRANSMIT AND DISTRIBUTE ELECTRICITY WITHIN THE CITY LIMITS AND TO SELL ELECTRICITY THEREIN FOR ALL PURPOSES FOR WHICH IT MAY BE USED, TO THE CITY OF NORMAN, CLEVELAND COUNTY, OKLAHOMA, ITS INHABITANTS AND THE PUBLIC GENERALLY, AND THE RIGHT TO CONSTRUCT, MAINTAIN AND OPERATE A SYSTEM OF POLES, WIRES, CONDUITS AND OTHER FACILITIES AND EQUIPMENT IN, UPON, ACROSS, UNDER AND OVER THE STREETS, ALLEYS, PUBLIC GROUNDS AND OTHER PLACES IN THE CITY FOR SUCH PURPOSES FOR A PERIOD OF TWENTY-FIVE (25) YEARS BEGINNING ON JANUARY 11, 2023, AND ENDING ON JANUARY 10, 2048, SUBJECT TO THE APPROVAL OF THE VOTERS AND ACCEPTANCE OF THIS ORDINANCE; PROVIDING COMPENSATION TO THE CITY; AND CALLING A SPECIAL ELECTION ON JANUARY 10, 2023.

Appointments

8. CONSIDERATION OF ACKNOWLEDGEMENT OF RECEIPT, APPROVAL, REJECTION, AMENDMENT, AND/OR POSTPONEMENT OF THE PROPOSED NOMINATIONS FOR APPOINTMENT OF DREW NICHOLS AS PRESIDING JUDGE; GAYLE BLAYLOCK AND BLAINE NICE AS ASSOCIATE JUDGES, AND DAVID POARCH AS ACTING JUDGE OF THE MUNICIPAL CRIMINAL COURT EACH FOR A TERM BEGINNING JULY 1, 2022, AND ENDING JUNE 30, 2024.

9. CONSIDERATION OF ACKNOWLEDGEMENT, APPROVAL, REJECTION, AMENDMENT, AND/OR POSTPONEMENT OF THE MAYOR'S APPOINTMENTS AS FOLLOWS:

CITIZENS FINANCIAL OVERSIGHT BOARD
TERM: 06-14-22 TO 12-22-23: ALVA BROCKUS, WARD 2

CITIZENS OVERSIGHT COMMITTEE FOR TIF NO. 2
TERM: 06-14-22 TO 04-10-23: JOSHUA ADKISSON, WARD 5
TERM: 04-10-22 TO 04-10-25: BILL WILSON, WARD 1
TERM: 04-10-22 TO 04-10-25: PAULA PRICE, WARD 3

ECONOMIC DEVELOPMENT ADVISORY BOARD
TERM: 06-14-22 TO 08-13-23: HAILEY HOPPER, WARD 4
TERM: 06-14-22 TO 08-13-24: JOSH HINKLE, WARD 8
TERM: 06-14-22 TO 08-13-22: RYAN BROYLES, WARD 4

Item 9, continued:

HUMAN RIGHTS COMMISSION
TERM: 07-13-22 TO 07-13-25: DR. BINBIN WENG, WARD 8

PUBLIC ART BOARD
TERM: 06-14-22 TO 06-23-23: CODY GILES, WARD 2

SOCIAL AND VOLUNTARY SERVICES COMMISSION
TERM: 06-14-22 TO 12-09-22: SCOTT MEIER, WARD 3
TERM: 06-14-22 TO 12-09-22: CHRISTY SHEPHERD, WARD 1

TREE BOARD
TERM: 05-14-22 TO 05-14-25: DARREL JANAWAY, WARD 3

Donation

10. CONSIDERATION OF ACCEPTANCE, APPROVAL, REJECTION, AMENDMENT, AND/OR POSTPONEMENT OF A DONATION IN THE AMOUNT OF $2,658 FROM GAMMA KAPPA OF THE KAPPA SIGMA TO THE FIRE DEPARTMENT AND BUDGET APPROPRIATION AS OUTLINED IN THE STAFF REPORT.

Easement

11. CONSIDERATION OF ACCEPTANCE, GRANTING, REJECTION, AMENDMENT, AND/OR POSTPONEMENT OF EASEMENT E-2122-55: TO OKLAHOMA GAS AND ELECTRIC COMPANY (OG&E), FOR THE PURPOSE OF RELOCATING PAD MOUNT TRANSFORMERS AT PORTER AND FINDLAY AVENUES .

12. CONSIDERATION OF ACCEPTANCE, REJECTION, AMENDMENT, AND/OR POSTPONEMENT OF EASEMENT E-2122-67: A PERMANENT PUBLIC SIDEWALK AND UTILITY EASEMENT DONATED BY NORMAN REGIONAL HOSPITAL AUTHORITY FOR THE PORTER AVENUE STREETSCAPE 2019 BOND PROJECT.

13. CONSIDERATION OF APPROVAL, ACCEPTANCE, REJECTION, AMENDMENT, AND/OR POSTPONEMENT OF EASEMENT E-2122-68: A PERMANENT PUBLIC SIDEWALK AND UTILITY EASEMENT DONATED BY NORMAN REGIONAL HOSPITAL AUTHORITY FOR THE PORTER AVENUE STREETSCAPE 2019 BOND PROJECT.

14. CONSIDERATION OF APPROVAL, ACCEPTANCE, REJECTION, AMENDMENT, AND/OR POSTPONEMENT OF EASEMENT E-2122-69: A PERMANENT PUBLIC SIDEWALK AND UTILITY EASEMENT DONATED BY NORMAN REGIONAL HOSPITAL AUTHORITY FOR THE PORTER AVENUE STREETSCAPE 2019 BOND PROJECT.

15. CONSIDERATION OF APPROVAL, ACCEPTANCE, REJECTION, AMENDMENT, AND/OR POSTPONEMENT OF EASEMENT E-2122-70: A PERMANENT PUBLIC SIDEWALK AND UTILITY EASEMENT DONATED BY NORMAN REGIONAL HOSPITAL AUTHORITY FOR THE PORTER AVENUE STREETSCAPE 2019 BOND PROJECT.

16. CONSIDERATION OF APPROVAL, ACCEPTANCE, REJECTION, AMENDMENT, AND/OR POSTPONEMENT OF TEMPORARY EASEMENT E-2122-71: A TEMPORARY CONSTRUCTION EASEMENT DONATED BY NORMAN REGIONAL HOSPITAL AUTHORITY FOR THE PORTER AVENUE STREETSCAPE 2019 BOND PROJECT.

17. CONSIDERATION OF APPROVAL, ACCEPTANCE, REJECTION, AMENDMENT, AND/OR POSTPONEMENT OF TEMPORARY EASEMENT E-2122-72: A TEMPORARY CONSTRUCTION EASEMENT DONATED BY NORMAN REGIONAL HOSPITAL AUTHORITY FOR THE PORTER AVENUE STREETSCAPE 2019 BOND PROJECT.

Contracts

18. CONSIDERATION OF APPROVAL, ACCEPTANCE, REJECTION, AMENDMENT, AND/OR POSTPONEMENT OF EXPENDITURE NO. TWO TO ON-CALL CONTRACT K-1314-103 BY AND BETWEEN THE CITY OF NORMAN, OKLAHOMA, AND PINNACLE CONSULTING MANAGEMENT GROUP, INC., IN THE AMOUNT OF $74,500 FOR RIGHT-OF-WAY ACQUISITION FOR THE JENKINS AVENUE WIDENING PROJECT FROM IMHOFF ROAD TO LINDSEY STREET.

19. CONSIDERATION OF APPROVAL, ACCEPTANCE, REJECTION, AMENDMENT, AND/OR POSTPONEMENT OF CONTRACT K-2122-129: AN INTERAGENCY AGREEMENT BY AND BETWEEN THE CITY OF NORMAN, OKLAHOMA, AND THE OKLAHOMA CONSERVATION COMMISSION FOR REIMBURSEMENT TO THE CITY OF NORMAN IN AN AMOUNT UP TO $4,000 FOR EDUCATIONAL SIGNAGE PRODUCED AND INSTALLED BY THE CITY OF NORMAN AND BUDGET APPROPRIATION AS OUTLINED IN THE STAFF REPORT.

20. CONSIDERATION OF ACCEPTANCE, APPROVAL, REJECTION, AMENDMENT, AND/OR POSTPONEMENT OF A FISCAL YEAR 2021 AND 2022 SURFACE TRANSPORTATION BLOCK GRANT (STBG) IN THE AMOUNT OF $959,855 FROM THE OKLAHOMA DEPARTMENT OF TRANSPORTATION TO BE USED TO PURCHASE TWO 35-FOOT LOW-FLOOR COMPRESSED NATURAL GAS (CNG) TRANSIT BUSES, APPROVAL OF CONTRACT K-2122-130, AND BUDGET APPROPRIATION AS OUTLINED IN THE STAFF REPORT.

21. CONSIDERATION OF APPROVAL, ACCEPTANCE, REJECTION, AMENDMENT, AND/OR POSTPONEMENT OF CONTRACT K-2122-135: A PROJECT AGREEMENT BY AND BETWEEN THE CITY OF NORMAN, OKLAHOMA, AND THE OKLAHOMA DEPARTMENT OF TRANSPORTATION FOR PROJECT STP-214D(125)AG, JOB 35323(04) FOR THE NORMAN FORWARD JAMES GARNER AVENUE PROJECT, PHASE II, ACRES STREET TO FLOOD AVENUE, AND RESOLUTION R-2122-129 .

22. CONSIDERATION OF APPROVAL, ACCEPTANCE, REJECTION, AMENDMENT, AND/OR POSTPONEMENT OF CONTRACT K-2122-136: A PROJECT AGREEMENT BY AND BETWEEN THE CITY OF NORMAN, OKLAHOMA, AND THE OKLAHOMA DEPARTMENT OF TRANSPORTATION FOR PROJECT J3-5956(004)AG, JOB 35956(04), GRAY STREET TWO-WAY 2019 BOND PROJECT AND RESOLUTION R-2122-130

23. CONSIDERATION OF APPROVAL, ADOPTION, REJECTION, AMENDMENT, AND/OR POSTPONEMENT OF CONTRACT K-2122-137: A PROJECT AGREEMENT BY AND BETWEEN THE CITY OF NORMAN, OKLAHOMA, AND THE OKLAHOMA DEPARTMENT OF TRANSPORTATION FOR PROJECT J3-5321(004) AG, JOB 35321(04), PORTER AVENUE STREETSCAPE 2019 BOND PROJECT AND RESOLUTION R-2122-131.

Resolutions

24. CONSIDERATION OF ADOPTION, REJECTION, AMENDMENT, AND/OR POSTPONEMENT OF RESOLUTION R-2122-126: A RESOLUTION OF THE NORMAN UTILITIES AUTHORITY APPROPRIATING $40,000 FROM THE SEWER MAINTENANCE FUND TO BE USED TO REPLENISH ACCOUNTS FOR FLEET PARTS AND AUTO REPAIR ACCOUNTS AND TO COMPLETE INSTALLATIONS, REPAIRS, AND RESTORATIONS FOR THE REMAINDER OF FYE 2022.

25. CONSIDERATION OF ADOPTION, REJECTION, AMENDMENT, AND/OR POSTPONEMENT OF RESOLUTION R-2122-127: A RESOLUTION OF THE NORMAN MUNICIPAL AUTHORITY APPROPRIATING $28,159.72 FROM THE WESTWOOD FUND BALANCE FOR A LEAK REPAIR AT THE WESTWOOD FAMILY AQUATIC CENTER.

26. CONSIDERATION OF ADOPTION, REJECTION, AMENDMENT, AND/OR POSTPONEMENT OF RESOLUTION R-2122-132: A RESOLUTION OF THE NORMAN UTILITIES AUTHORITY APPROPRIATING $24,000 FROM THE WATER RECLAMATION FUND BALANCE TO BE USED TO PURCHASE POLYMER FOR DEWATERING FOR THE REMAINDER OF FYE 2022.

27. CONSIDERATION OF ADOPTION, REJECTION, AMENDMENT, AND/OR POSTPONEMENT OF RESOLUTION R-2122-133: A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AUTHORIZING JOINT PETITION SETTLEMENTS OF TWO CASES FILED BY CHRISTOPHER KOSCINSKI UNDER THE PROVISIONS OF THE WORKERS' COMPENSATION STATUTES OF THE STATE OF OKLAHOMA IN THE CASES OF *CHRISTOPHER KOSCINSKI V. THE CITY OF NORMAN,* WORKERS' COMPENSATION COMMISSION CASES 2020-06955 J AND 2021-04927 L; DIRECTING THE LEGAL DEPARTMENT TO THEN FILE SUCH SETTLEMENTS AND ALL ATTENDANT COSTS IN THE WORKERS' COMPENSATION COMMISSION, OKLAHOMA CITY, OKLAHOMA; AND AUTHORIZING AND DIRECTING THE FINANCE DIRECTOR TO SUBSEQUENTLY PURCHASE SUCH WORKERS' COMPENSATION COMMISSION JUDGMENT FROM THE RISK MANAGEMENT INSURANCE FUND.

NON-CONSENT ITEMS

28. CONSIDERATION OF ADOPTION, REJECTION, AMENDMENT AND/OR POSTPONEMENT OF ORDINANCE O-2122-47 UPON SECOND AND FINAL READING: AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA IMPLEMENTING AMENDMENTS THROUGHOUT THE CENTER CITY FORM BASED CODE ("CCFBC") DOCUMENT, WHICH IS INCORPORATED BY REFERENCE IN CHAPTER 22 OF THE CITY CODE AT SECTION 429.7, TO AMEND, REPLACE, SUPPLEMENT, RENUMBER OR REORDER PROVISIONS, CORRECT LANGUAGE, AND PROVIDE DEFINITIONS FOR TERMS FOUND THROUGHOUT THE CCFBC DOCUMENT TO RESOLVE INCONSISTENCIES OR INACCURACIES AND PROVIDE CLARIFICATION TO THE PROVISIONS, INCLUDING "HOW TO USE THIS CODE", PART 1 ("GENERAL PROVISIONS"), PART 2 ("ADMINISTRATION, APPLICATION PROCESS & APPEALS"), PART 3 ("THE REGULATING PLAN"), PART 4 ("BUILDING FORM STANDARDS"), PART 5 ("URBAN SPACE STANDARDS"), PART 6 ("PARKING AND LOADING STANDARDS"), PART 7 ("BUILDING FUNCTIONS"), PART 8 ("SITE DEVELOPMENT REQUIREMENTS"), PART 9 ("DEFINITIONS") AND APPENDICES A THROUGH C; TO AMEND SECTIONS 204 AND 205 OF PART 2 ("ADMINISTRATION, APPLICATION PROCESS & APPEALS") TO ACCOMMODATE POTENTIAL PATTERN ZONING AND CLEARLY ESTABLISH CERTIFICATE OF COMPLIANCE ENFORCEMENT AS WELL AS SECTION 208 TO CLARIFY THE TREATMENT OF NON-CONFORMING STRUCTURES AND USES; TO AMEND SECTION 302 ("ILLUSTRATIVE FORM DISTRICT MAPS") OF PART 3 ("THE REGULATING PLAN"), TO ADD "CENTER CITY MAXIMUM BUILDING HEIGHT MAP" AND "CENTER CITY UNIT MINIMUM MAP" AND TO AMEND THE CENTER CITY REGULATING PLAN MAP; TO AMEND PART 4 ("BUILDING FORM STANDARDS") TO CONSOLIDATE CERTAIN BUILDING FORM STANDARDS AND EXPAND GEOGRAPHICAL APPLICATION OF THE URBAN RESIDENTIAL BUILDING FORM STANDARD, TO INCREASE CERTAIN BUILDING FORM STANDARD REQUIRED UNIT MINIMUMS, AND TO REVISE LIGHTING AND MECHANICAL EQUIPMENT REQUIREMENTS; TO AMEND SECTION 504 ("STREETSCAPE ELEMENTS") OF PART 5 ("URBAN SPACE STANDARDS") TO REMOVE STREETLIGHT PROVISIONS

Item 28, continued:

AND CLARIFY BICYCLE PARKING DESIGN REQUIREMENTS; TO AMEND VARIOUS ALLOWANCES AND REQUIREMENTS IN PART 6 (“PARKING AND LOADING STANDARDS”), INCLUDING MINIMUMS AND MAXIMUMS AND SPECIAL PARKING STANDARDS; TO AMEND PART 7 (“BUILDING FUNCTIONS”), TO CLARIFY AND DEFINE USES AND CATEGORIES, INCLUDING REVISIONS TO THE USE TABLE (SECTION 702) AND SPECIAL USES; TO RENUMBER AND AMEND PART 8 (“SITE DEVELOPMENT REQUIREMENTS”); TO RENUMBER, AMEND AND ADD DEFINITIONS TO PART 9 (“DEFINITIONS”), TO AMEND APPENDIX A TO REFERENCE POTENTIAL PATTERN ZONING, AND TO ADD APPENDIX C; AND TO MAKE OTHER LANGUAGE ALTERATIONS AS NECESSITATED BY OR CONSISTENT WITH THESE AMENDMENTS, DECLARING AN EMERGENCY, AND PROVIDING FOR THE SEVERABILITY THEREOF.

29. CONSIDERATION OF ADJOURNING INTO AN EXECUTIVE SESSION AS AUTHORIZED BY OKLAHOMA STATUTES, UNDER TITLE 25 § 307(B)(4) TO DISCUSS PENDING LITIGATION ASSOCIATED WITH CLEVELAND COUNTY COURT CASE CV-2022-1692, AMY CERATO, PIKE OFF OTA ET AL VS. OKLAHOMA TURNPIKE AUTHORITY AND AS AUTHORIZED UNDER TITLE 25 § 307(B)(3) TO DISCUSS THE POSSIBLE PURCHASE OF REAL PROPERTY LOCATED AT 3101 SILVERADO WAY.

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 Council as a whole and limited to three minutes or less.

ADJOURNMENT

File Attachments for Item:

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

CITY COUNCIL CONFERENCE MINUTES OF OCTOBER 26, 2021

CITY COUNCIL CONFERENCE MINUTES OF JANUARY 25, 2022

CITY COUNCIL MINUTES OF APRIL 26, 2022

NORMAN UTILITIES AUTHORITY MINUTES OF APRIL 26, 2022

NORMAN MUNICIPAL AUTHORITY MINUTES OF APRIL 26, 2022

NORMAN TAX INCREMENT FINANCE AUTHORITY MINUTES OF APRIL 26, 2022

CITY OF NORMAN, OK

STAFF REPORT

MEETING DATE: 06/14/2022

REQUESTER: Brenda Hall, City Clerk

PRESENTER: Brenda Hall, City Clerk

ITEM TITLE: CONSIDERATION OF APPROVAL, REJECTION, AMENDMENT, AND/OR POSTPONEMENT OF THE MINUTES AS FOLLOWS:

CITY COUNCIL CONFERENCE MINUTES OF OCTOBER 26, 2021
CITY COUNCIL CONFERENCE MINUTES OF JANUARY 25, 2022
CITY COUNCIL MINUTES OF APRIL 26, 2022
NORMAN UTILITIES AUTHORITY MINUTES OF APRIL 26, 2022
NORMAN MUNICIPAL AUTHORITY MINUTES OF APRIL 26, 2022
NORMAN TAX INCREMENT FINANCE AUTHORITY MINUTES OF APRIL 26, 2022

CITY COUNCIL CONFERENCE MINUTES

October 26, 2021

The City Council of the City of Norman, Cleveland County, State of Oklahoma, met in a conference at 5:00 p.m. in the Municipal Building Executive Conference room on the 26th day of October, 2021, and notice and agenda of the meeting were posted at the Municipal Building at 201 West Gray 24 hours prior to the beginning of the meeting.

PRESENT:	Councilmembers Foreman, Hall, Holman, Lynn, Peacock, Schueler, Studley, Tortorello, Mayor Clark
ABSENT:	None

Item 1, being:

UPDATE FROM A REPRESENTATIVE OF THE NORMAN REGIONAL HEALTH SYSTEM ON THE HEALTH VILLAGE PROJECT ON THE PORTER CAMPUS.

Mr. Richie Splitt, Chief Executive Officer (CEO) of Norman Regional Health System (NRHS), said the $280 million in bold, transformational NRHS projects include Healthplex expansion; Ambulatory Pavilion and Cancer Center; free standing Emergency Department; Porter Health Village; and Behavioral Health Center. He said this significant investment would transform Norman's health care system as well as modernize delivery of care, improve access to care, expand services, and keep quality care as a top priority. He said this project will more than double the size of the Healthplex Campus to include a parking garage and large decorative pond.

The NRHS State Highway 9 project (NR 9) will consist of a freestanding emergency facility that will include an emergency department, primary care, specialty care, physical therapy, etc., with room for expansion. He anticipates construction to be completed in approximately eleven months.

The Porter Health Village and Behavioral Health Center is NRHS's Legacy Campus with 75 years of life saving care. Mr. Splitt said NRHS is planning to repurpose Legacy Campus into the Health Village and will only retain the existing Education Center and North Tower buildings. He said NRHS initiated a Memorandum of Understanding (MOU) with the City of Norman for purchase of property that could include an asset swap as well. Initially, NRHS had an appraisal done for the nearly 30 acres of the Porter site; however, as part of that appraisal some unknown elements came to light, e.g., streets not vacated through proper channels, pockets of City owned property within the Porter Campus (12.2 acres), etc. He said NRHS Staff wants to move away from that chaos and in doing so hired experts in titling and civil engineering. He said there would be room for growth in the future.

Mr. Splitt said the purpose of the Health Village is to improve access to healthcare by integrating various health related services including urgent care, preventative care (inpatient and outpatient), behavioral health services, retail, health education, and independent senior living located nearby.

Item 1, continued:

Mr. Splitt said after the MOU was approved, NRHS partnered with Oceans Healthcare to build and operate a freestanding Behavioral Health Center to expand behavioral health services in south central Oklahoma. He said the 48 bed hospital will be named Behavioral Health Porter Village and will more than double NRHS's current inpatient capacity for behavioral health patients and add new services, including an intensive outpatient program and a dedicated geriatric behavioral health unit. The Behavioral Health Center will be one of the first facilities constructed on the new Porter Health Village Campus and will augment a broad range of health and wellness services planned for that location including the addition of a Senior Wellness Center.

Councilmembers asked if public art would be a portion of the NRHS projects and Mr. Splitt said definitely and although NRHS has not drilled down into what that would look like, it will be art that honors healthcare and healthcare workers (healers), particularly recognizing healthcare workers' important roles throughout the COVID battle.

Items submitted for the record

1. PowerPoint presentation entitled, "NRHS Inspire Health City Council Update," dated October 26, 2021

* * * * *

Item 2, being:

SENIOR WELLNESS CENTER PROJECT UPDATE.

Mr. Jason Olsen, Director of Parks and Recreation, presented renderings of the proposed Senior Wellness Center and said Staff and the Ad-Hoc Committee are debating naming the Center the Adult Wellness Center because the word "senior" has negative connotations especially among younger senior adults. He said the goal target age for the facility is adults 50 years and over. He said the Senior Wellness Center will sit on 4.7 acres within the NRHS Porter Health Village with entrance on North Findley Avenue and will accommodate parking for 97 vehicles (including 20 Americans with Disabilities Act (ADA) parking spaces). The facility will include large restroom/locker areas; warm water pool with deck and open cabanas; fitness area; multi-purpose area (cooking demonstrations, special events, concerts, etc.); arts/crafts area; social gathering lounge; wellness rooms; game room; storage areas; covered outdoor patio; open grass recreation area; landscaping; and Staff office space. He said the wellness rooms could be used for almost anything, including medical exams, salon (massages), vaccination pods, first aid, etc. He said there would be room for future growth as well.

Mr. Olsen said the total funding sources include NORMAN FORWARD - $8,500,000 and CARES Act - $3,900,000 for a total of $12,400,000. Total project budget includes architecture/engineering costs - $722,000; Administrative Permit Fees/Construction Testing - $416,699.38; owner contingency - $468,787; and Furniture/Fixtures/Other Equipment - $375,029.44. Total projected construction costs will be $10,417,484.39.

Item 2, continued:

Mr. Olsen highlighted a tentative timeline that as MOU negotiation with City (approved in August 2021); filing of preliminary plat and land use applications in November 2021; Planning Commission approval in December 2021; City Council approval in January 2022; title cure actions in January thru April 2022; closings in February 2022; final plat process in April 2022; and groundbreaking/construction in April 2022.

Councilmembers said this project has been a long time coming and they are pleased with the design and location, as many locations have been discussed over the years. They said the senior community has been actively advocating for a 21st Century facility for many years and believe the adult community will be very happy with the facility. They thanked Staff and the Ad-Hoc Committee for their hard work.

Items submitted for the record

1. PowerPoint presentation entitled, "NORMAN FORWARD Adult Wellness Center," presented by Jason Olsen, Director of Parks and Recreation

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The meeting was adjourned at 5:55 p.m.

ATTEST:

_____ _____

City Clerk Mayor

CITY COUNCIL CONFERENCE MINUTES

January 25, 2022

The City Council of the City of Norman, Cleveland County, State of Oklahoma, met in a conference at 5:00 p.m. in the Municipal Building Council Chambers on the 25th day of January, 2022, and notice and agenda of the meeting were posted at the Municipal Building at 201 West Gray 24 hours prior to the beginning of the meeting.

PRESENT:	Councilmembers Foreman, Hall, Holman, Lynn, Peacock, Schueler, Studley, Tortorello, Mayor Clark
ABSENT:	None

Item 1, being:

DISCUSSION REGARDING UTILITY CONNECTION FEES.

Mr. Nathan Madenwald, Utilities Engineer, introduced Mr. Todd Cristiano with Raftelis who made a presentation on connection fees. He said the City has been working with Raftelis to review current connection fees, especially since the City is working towards asking voters for a water rate increase in 2022. He said this was an opportunity to review everything regarding water and a rate increase is needed for Advanced Metering Infrastructure (AMI), disinfection, operations and maintenance, and pipe replacement.

Mr. Cristiano said study goals and objectives include sustaining the water utility's financial health; funding operations; optimizing capital funding options; maintaining equity between existing and new customers; and meeting financial metrics and policy objectives while minimizing impact to customers.

Mr. Cristiano said water costs continue to increase locally and nationwide due to energy costs, maintenance/replacement of aging infrastructure, and increased regulatory requirements. As part of the analysis process, Raftelis used industry guidelines from American Water Works Association – Manual M-1, Principles of Rates, Fees and Charges, Water Environment Federation – Financing and Charges for Wastewater Systems, and Raftelis Financial Consultants – Water and Wastewater Finance and Pricing.

Water Connection Fees

Mr. Cristiano said connection fees are a one-time charge for new customer demand only. The fee is required of all new customers for their share of capacity and for existing customers requesting increased capacity. The fee is based on the value of the utility's capacity and the amount of capacity needed by the new customer. Connection fees can be used to pay for debt service; help keep user rates low; balance equity between existing and new customers; and represent cost to reserve capacity in system backbone facilities, i.e., Water Treatment Plant, water wells, transmission mains, pump stations, lift stations, storage, etc.

The fee industry's best practices consist of compliance with State Statutes; being reasonably tied to impact of new development; assessed in proportion to impact; not being used to fund repairs; based on actual system costs or reasonable cost estimates; assessed in a non-discriminatory manner based on published fee schedule; and reviewed relative to their sufficiency to fund new capacity at least biennially to determine appropriateness of the fees in accordance with State Statutes.

Basic connection fee calculations consists of the value of existing facilities and future capital divided by the system capacity (existing and future) multiplied by 3/4 inch meter demands to equal the dollar per 3/4 inch meter.

Mr. Cristiano highlighted current water connection fees as follows:

Meter Size	Connection Fee
3/4 inch	$ 1,000.00
1 inch	$ 1,667.00
1.5 inch	$ 3,333.00
2 inch	$ 6,667.00
3 inch	$14,667.00
4 inch	$28,000.50
6 inch	$57,667.00

Wastewater Connection Fees

Mr. Cristiano said Norman's wastewater utility includes a wastewater excise tax fee as well as the connection fee based on meter size. He highlighted current wastewater connection fees as follows:

Meter Size	Connection Fee
3/4 inch	$ 275.00
1 inch	$ 550.00
1.5 inch	$ 1,200.00
2 inch	$ 1,925.00
3 inch	$ 4,625.00
4 inch	$ 7,987.50
6 inch	$18,381.00

Residential structures up to 1,200 square feet have an additional excise tax of $850 and every square foot above 1,200 square feet is $2.00 per square foot. Non-residential structures pay $114 in excise tax per employee and $4.00 per gallon of estimated flow per day.

Mr. Cristiano said wastewater connection fee updates include replacement costs for current facilities that includes the Wastewater Treatment Plant (WWT), collection mains, force mains, and lift stations while growth related capital projects include a new North Water Reclamation Facility (WRF) or existing WRF expansion as well as interceptors and recoupment projects.

Mr. Cristiano said calculation of connection fees comparisons include a proposed calculated combined fee of $3,281 and current combined fee (2,290 square feet) of $3,285. He said the difference is so slight that Raftelis is not making a recommendation to change wastewater fees. He said Norman is moderately low on water and wastewater connection fees ($4,285) compared to other cities.

Mr. Cristiano said locally, Norman's fees are the highest when compared to surrounding communities that include Newcastle; Edmond; Moore; Mustang; Blanchard; Oklahoma City; Yukon; Broken Arrow; Stillwater; Noble; Midwest City; Chickasha; and Lawton. Mr. Madenwald said Lawton recently decided to get rid of all of their connection fees to help growth occur.

Council Comments

Councilmember Holman said wastewater reuse is in Norman's Water Strategic Plan and asked how close Norman is to implementing wastewater reuse and Mr. Madenwald said the City is in the pilot stages to determine what treatment technologies would be appropriate, if State requirements can be met, etc. He said answers to these questions help determine the path forward.

Councilmember Peacock asked if Department of Environmental Quality (DEQ) regulations are included in the cost of the water well option and Mr. Madenwald said yes and it addresses future growth capacity as well.

Councilmember Schueler said according to the recent Census, the community continues to grow and if the City does not recoup this type of capital to reinvest in current facilities or build new facilities, where will the money come from outside of passing costs onto current customers. She said connection fees and user rates need to be fair, equitable, and shared in costs.

Councilmember Schueler asked about the reason for the excise tax and Mr. Anthony Francisco, Director of Finance, said in 2000, there was a very long and very public process regarding the sewer system. He said a moratorium was placed on construction due to insufficient capacity creating sewer backups into the street. In response to the moratorium, a citizens committee was created to discuss the future of wastewater and out of that committee came proposals ultimately voted on by voters that included a five-year sewer sales tax to repair the current system. He said a $5 monthly sewer maintenance fee exists today to ensure the City never has that problem again and the wastewater excise fee was established for future development. He said the citizens committee felt a flat fee would be unfair for small home owners paying the same fee as large home owners so a one dollar ($1) per square foot fee was created for residential homes over 1,200 square feet, which was later increased to two dollars ($2) per square foot for homes over 1,200 square feet.

Councilmember Foreman said if Council does not come up with a fair and equitable plan a vote to increase utility rates will fail. She said citizens realize they are going to have to bear the burden of costs, not the developer, and Council must show good faith to residents that any proposal will be equitable. She said $1,000 to $1,500 connection fees is not an egregious request and does not understand why that is so hard to support.

Councilmember Holman said based on the presentation, wastewater connection fees do not need to be increased and in regards to water, he supports Alternative 3, which is drilling more wells. He wants water rates to be equitable and existing customers need to pay their fair share in maintaining the existing system that includes DEQ regulatory improvements. He said new customers need to pay for increased capacity as well as the maintenance that comes with that increased capacity, but it is important to find a balance.

Mayor Clark said she would like to hold a public meeting before the February 22 meeting to educate residents on this issue and garner feedback.

Councilmember Studley said she would like to see a more holistic view of Norman's fees compared to other cities before the February meeting.

Items submitted for the record

1. PowerPoint presentation entitled, "City of Norman Water Connection Fee and Financial Plan Update," dated January 25, 2022

* * * * *

The meeting was adjourned at 6:20 p.m.

ATTEST:

_____ _____

City Clerk Mayor

CITY OF NORMAN, OK
CITY COUNCIL REGULAR MEETING
Municipal Building, Council Chambers, 201 West Gray, Norman, OK 73069
Tuesday, April 26, 2022 at 6:30 PM

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

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, retaliation, 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 contact the ADA Technician at 405-366-5424, Relay Service: 711. To better serve you, five (5) business days' advance notice is preferred.

CALL TO ORDER

Mayor Clark called the Meeting to Order at 6:30 p.m.

ROLL CALL

PRESENT
Mayor Breea Clark
Councilmember Ward 1 Brandi Studley
Councilmember Ward 2 Lauren Schueler
Councilmember Ward 3 Kelly Lynn
Councilmember Ward 4 Lee Hall
Councilmember Ward 5 Rarchar Tortorello
Councilmember Ward 6 Elizabeth Foreman
Councilmember Ward 7 Stephen Holman
Councilmember Ward 8 Matthew Peacock

PLEDGE OF ALLEGIANCE

Mayor Clark led the Pledge of Allegiance.

APPROVAL OF MINUTES

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

   CITY COUNCIL MINUTES OF FEBRUARY 22, 2022
   NORMAN UTILITIES AUTHORITY MINUTES OF FEBRUARY 22, 2022
   NORMAN MUNICIPAL AUTHORITY MINUTES OF FEBRUARY 22, 2022
   NORMAN TAX INCREMENT FINANCE AUTHORITY MINUTES OF FEBRUARY 22, 2022
   CITY COUNCIL MINUTES OF MARCH 8, 2022
   NORMAN UTILITIES AUTHORITY MINUTES OF MARCH 8, 2022
   NORMAN MUNICIPAL AUTHORITY MINUTES OF MARCH 8, 2022
   NORMAN TAX INCREMENT FINANCE AUTHORITY MINUTES OF MARCH 8, 2022

   Motion made by Councilmember Ward 7 Holman, Seconded by Councilmember Ward 4 Hall.

   Voting Yea: Mayor Clark, Councilmember Ward 1 Studley, Councilmember Ward 2 Schueler, Councilmember Ward 3 Lynn, Councilmember Ward 4 Hall, Councilmember Ward 5 Tortorello, Councilmember Ward 6 Foreman, Councilmember Ward 7 Holman, Councilmember Ward 8 Peacock

   Items submitted for the record
   1. Staff Report dated April 26, 2022, from Brenda Hall, City Clerk
   2. City Council minutes of February 22, 2022
   3. Norman Utilities Authority minutes of February 22, 2022
   4. Norman Municipal Authority minutes of February 22, 2022
   5. Norman Tax Increment Finance Authority minutes of February 22, 2022
   6 City Council minutes of March 8, 2022
   7. Noman Utilities Authority minutes of March 8, 2022
   8. Noman Municipal Authority minutes of March 8, 2022
   9. Noman Tax Increment Finance Authority minutes of March 8, 2022

   The Minutes were Approved.

* * * * *

PROCLAMATIONS

2. CONSIDERATION OF ACKNOWLEDGEMENT, REJECTION, AMENDMENT, AND/OR POSTPONEMENT OF PROCLAMATION P-2122-34: A PROCLAMATION OF THE MAYOR OF THE CITY OF NORMAN, OKLAHOMA, PROCLAIMING SATURDAY, APRIL 30, 2022, AS NORMAN MUSIC FESTIVAL DAY IN THE CITY OF NORMAN.

   Motion made by Councilmember Ward 6 Foreman, Seconded by Councilmember Ward 4 Hall
   .

Voting Yea: Mayor Clark, Councilmember Ward 1 Studley, Councilmember Ward 2 Schueler, Councilmember Ward 3 Lynn, Councilmember Ward 4 Hall, Councilmember Ward 5 Tortorello, Councilmember Ward 6 Foreman, Councilmember Ward 7 Holman, Councilmember Ward 8 Peacock

Items submitted for the record
1. Staff Report dated April 26, 2022, from Brenda Hall, City Clerk
2. Proclamation P-2122-34

Participants in discussion
1. Ms. Shari Jackson, Executive Director, Norman Music Alliance, accepted the proclamation and thanked the Council

Receipt of Proclamation P-2122-34 was Acknowledged.

* * * * *

3. CONSIDERATION OF ACKNOWLEDGEMENT, REJECTION, AMENDMENT, AND/OR POSTPONEMENT OF PROCLAMATION P-2122-35: A PROCLAMATION OF THE MAYOR OF THE CITY OF NORMAN, OKLAHOMA, PROCLAIMING THE WEEK OF MAY 15 THROUGH MAY 21, 2022, AS EMERGENCY MEDICAL SERVICES WEEK IN THE CITY OF NORMAN.

Motion made by Councilmember Ward 6 Foreman, Seconded by Councilmember Ward 2 Schueler:

Voting Yea: Mayor Clark, Councilmember Ward 1 Studley, Councilmember Ward 2 Schueler, Councilmember Ward 3 Lynn, Councilmember Ward 4 Hall, Councilmember Ward 5 Tortorello, Councilmember Ward 6 Foreman, Councilmember Ward 7 Holman, Councilmember Ward 8 Peacock

Items submitted for the record
1. Staff Report dated April 26, 2022, from Brenda Hall, City Clerk
2. Proclamation P-2122-35

Participants in discussion
1. Mr. Kyle Hurley, Manager of EMSSTAT, accepted the proclamation and thanked the Council

Receipt of Proclamation P-2122-35 was Acknowledged.

* * * * *

4. CONSIDERATION OF ACKNOWLEDGEMENT, REJECTION, AMENDMENT, AND/OR POSTPONEMENT OF PROCLAMATION P-2122-38: A PROCLAMATION OF THE MAYOR OF THE CITY OF NORMAN, OKLAHOMA, PROCLAIMING THE WEEK OF MAY 1 THROUGH MAY 7, 2022, AS NATIONAL TRAVEL AND TOURISM WEEK IN THE CITY OF NORMAN.

   Motion made by Councilmember Ward 7 Holman, Seconded by Councilmember Ward 6 Foreman.

   Voting Yea: Mayor Clark, Councilmember Ward 1 Studley, Councilmember Ward 2 Schueler, Councilmember Ward 3 Lynn, Councilmember Ward 4 Hall, Councilmember Ward 5 Tortorello, Councilmember Ward 6 Foreman, Councilmember Ward 7 Holman, Councilmember Ward 8 Peacock

   Items submitted for the record
   1. Staff Report dated April 26, 2022, from Brenda Hall, City Clerk
   2. Proclamation P-2122-38

   Participants in discussion
   1. Ms. Stefanie Brickman, Communications Manager, VisitNorman, accepted the proclamation and thanked the Council

   Receipt of Proclamation P-2122-38 was Acknowledged.

* * * * *

5. CONSIDERATION OF ACKNOWLEDGEMENT, REJECTION, AMENDMENT, AND/OR POSTPONEMENT OF PROCLAMATION P-2122-39: A PROCLAMATION OF THE MAYOR OF THE CITY OF NORMAN, OKLAHOMA, PROCLAIMING THE WEEK OF MAY 1 THROUGH MAY 7, 2022, AS SMALL BUSINESS WEEK IN THE CITY OF NORMAN.

   Motion made by Councilmember Ward 6 Foreman, Seconded by Councilmember Ward 4 Hall.

   Voting Yea: Mayor Clark, Councilmember Ward 1 Studley, Councilmember Ward 2 Schueler, Councilmember Ward 3 Lynn, Councilmember Ward 4 Hall, Councilmember Ward 5 Tortorello, Councilmember Ward 6 Foreman, Councilmember Ward 7 Holman, Councilmember Ward 8 Peacock

   Items submitted for the record
   1. Staff Report dated April 26, 2022, from Brenda Hall, City Clerk
   2. Proclamation P-2122-39

   Participants in discussion
   1. Ms. Shannon Hanchett, owner of Okie Baking Company, 231 West Main Street, accepted the proclamation and thanked the Council

   Receipt of Proclamation P-2122-39 was Acknowledged.

* * * * *

COUNCIL ANNOUNCEMENTS

Appointments to Reapportionment Ad Hoc Commission. Councilmember Studley congratulated Ms. Allie Penner for her appointment as the Ward 1 representative to the Reapportionment Ad Hoc Commission.

Councilmember Tortorello congratulated Ms. Maria Kendall who was selected as the Ward 5 representative.

Councilmember Foreman thanked Josh Whittington for agreeing to serve on the Reapportionment Ad Hoc Committee representing Ward 6. She said she thinks this is a great group of candidates.

Councilmember Holman thanked Alison Behrens Braley for being willing to serve on the Committee as the Ward 7 representative.

Councilmember Peacock thanked all the volunteers who were appointed to the Committee because it is no small undertaking. He said their service is very much appreciated.

*

Red Dirt Collective. Councilmember Studley said Red Dirt Collective will be hosting a Mutual Aid Fair at the Irving Recreation Center on Saturday, May 21, from 12:00-3:00 p.m. and urged people to come and volunteer or if they need help.

*

Warming Shelter. Councilmember Studley said City Council had received an update on the proposed location of the temporary placement of the Warming Shelter on Griffin Memorial Hospital property. She said due to Griffin Memorial Hospital selling part of their property and trying to do some remodeling on the property, it would not be available for sale. She said the current Warming Shelter contract ends on August 31st. She implored any groups, community partners, or anyone willing to step up and help find a shelter. She said there are additional Continuum of Care partners that are willing to help.

*

Shooting Near Campus. Councilmember Studley said recently there was a shooting near campus and the District Attorney stated no charges would be filed against the shooter, which left the family of this man with many questions. She said the District Attorney also announced this man was suffering from a mental illness; this man's family has reported that a medical professional has never diagnosed him with any kind of mental illness. She said these inconsistencies are completely unfair to this family.

*

Imhoff Bridge. Councilmember Schueler said she is excited that she does not have to talk about the Imhoff Bridge tonight and she is excited that it was opened last weekend when the University of Oklahoma Spring game occurred.

*

Council Announcements, continued:

Diversity Roundtable Applications. Councilmember Schueler said the Diversity Roundtable applications have just been released and congratulated and thanked the Human Rights Commission and Cinthya Allen, Chief Diversity and Equity Officer, for organizing this. She said applications will be available through May 30 and it is a one to two-year commitment. She said meetings will be held bi-monthly, six times per year. She said the purpose of the Roundtable is to help improve City of Norman diversity engagement and inclusion.

*

Noise Ordinance. Councilmember Schueler said it is her understanding that the Noise Ordinance is out of date and needs to be updated based on how it can be used as an enforcement mechanism. She would like City Council to review this ordinance.

*

Carport Ordinance. Councilmember Schueler said there were some discrepancies found while she was working with Planning Staff on the Carport Ordinance. She would like the ordinance to be reviewed so it can be updated.

*

Norman Fire Department. Councilmember Lynn said since he made comments about the Norman Fire Department, he has been inundated by former personnel that have given him so many more nightmare scenarios.

*

Council Ethics. Councilmember Hall read the section in the Code entitled "Council Ethics". She said, in her opinion, the boundaries of Council's authority over personnel matters has been blurred lately and not clearly understood as evidenced by comments made by Councilmembers from this dais. She requested that the City Attorney review Council's Code of Ethics and the consequences of violating that code. She asked that the City Attorney be prepared to review the Code of Ethics with the City Council with recommendations on any changes that should be considered and also review the boundaries of Councilmembers from becoming directly involved with personnel matters so that it is clearly understood going forward. The City Council only has one City employee that they hire and supervise and that is the City Manager.

*

Norman Music Festival. Councilmember Holman said the Norman Music Festival would be April 28 through May 1. He really appreciated the return of the Norman Music Festival after a two-year break. He said Norman is very fortunate that it is coming back because so many communities have lost festivals and events. He urged people to come to the Festival and said he is looking forward to hosting and emceeing the Opolis Stage on Friday night and all day Saturday. He said Mayor Clark would be on the Main Stage at 10:30 p.m. to read the Norman Music Festival proclamation to let people know the City of Norman supports the Norman Music Festival and appreciates the tourism and the attention it brings to our city.

*

Council Announcements, continued:

Norman Music Festival, continued. Councilmember Peacock encouraged everyone to go and support the Norman Music Festival to guarantee its revival is a roaring success.

*

Norman Pride. Councilmember Holman said Norman Pride is coming up May 7 and 8.

Mayor Clark said the kickoff will be Friday, May 6, and the festival will be Saturday, May 7, with a 5K run. She said she plans to attend the parade Sunday evening, May 8.

*

Earth Day Festival Cancelled. Councilmember Holman said Earth Day was cancelled this year due to inclement weather.

Mayor Clark said the Earth Day festivities would have been phenomenal, but we are going to have to look forward to next year's Earth Day.

*

Survey on Website. Councilmember Holman encouraged everyone to go to the City Website and participate in the survey regarding the Water Rate Election. He said the City of Norman desperately needs to get a water rate increase approved. This survey will tell the City what people's thoughts are and possibly give insight on how to present a better proposal next time. He said the City needs a vote of confidence from the voters.

*

Community Planning and Transportation Committee. Councilmember Holman urged people to attend the Community Planning and Transportation Committee meeting on Thursday, April 26, at 4:00 p.m. or watch the meeting on YouTube.

*

Watershed Cleanups Around Norman. Mayor Clark said there are plenty of opportunities to volunteer with cleanup of various watersheds and encouraged residents to check it out.

*

Household Hazardous Waste Facility. Mayor Clark said if residents have not visited the new Household Hazardous Waste Facility, it is now open year-round. She said people who want to bring things to the facility would need to make an appointment. She said people just drive up to dispose of things that may have a negative impact on our environment. She said there is also a Swap Shop where Norman residents can pick up items that are in good condition free of charge that have been brought in by residents who no longer want or need the items. She said one must bring in proof of Norman residency to use the facility.

*

Council Announcements, continued:

Poet Laureate. Mayor Clark said she had been part of the committee to select Norman's first Poet Laureate and an announcement will be coming at a later date.

*

The Big Read. Mayor Clark said our partners at the Pioneer Library System do amazing work and they have selected three different books as part of the Big Read dealing with different environmental issues and encouraged people to participate.

*

The Mayor's Book Club. Mayor Clark said the Mayor's Book Club will be held this year and the books will focus on environmental issues.

*

Renewal Energy Project. Mayor Clark announced that Friday, April 27, at 9:00 a.m. (weather permitting) would be the Groundbreaking Ceremony for the Renewable Energy Project at the Water Treatment Plant.

*

Assistance League of Norman 5K. Mayor Clark announced that the Assistance League of Norman would be having their 5K run on Saturday, May 7, at 8:30 a.m. at Andrews Park. She encouraged support of the Assistance League because the money goes to Operation School Bell, which is an excellent program that helps provide clothing for all of Norman's children.

* * * * *

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 6 through Item 22 be placed on the consent docket.

Motion made by Councilmember Ward 7 Holman, Seconded by Councilmember Ward 4 Hall.

Voting Yea: Mayor Clark, Councilmember Ward 1 Studley, Councilmember Ward 2 Schueler, Councilmember Ward 3 Lynn, Councilmember Ward 4 Hall, Councilmember Ward 5 Tortorello, Councilmember Ward 6 Foreman, Councilmember Ward 7 Holman, Councilmember Ward 8 Peacock

Item 6 through Item 22 were placed on the Consent Docket.

*** * * * ***

Appointments

6. CONSIDERATION OF CONFIRMATION, ACKNOWLEDGEMENT, APPROVAL, REJECTION, AMENDMENT, AND/OR POSTPONEMENT OF THE MAYOR'S APPOINTMENTS AS FOLLOWS:

   REAPPORTIONMENT AD HOC COMMITTEE
   ALLI PENNER, WARD 1
   LISA SCHMIDT, WARD 2
   WADE STEWART, WARD 3
   SARA MCFALL, WARD 4
   MARIA KENDALL, WARD 5
   JOSHUA WHITTINGTON, WARD 6
   ALISON BEHRENS BRALY, WARD 7
   REBECCA OUBRE, WARD 8
   CHRISTOPHER TALLBEAR, AT-LARGE

Motion made by Councilmember Ward 7 Holman, Seconded by Councilmember Ward 4 Hall.

Voting Yea: Mayor Clark, Councilmember Ward 1 Studley, Councilmember Ward 2 Schueler, Councilmember Ward 3 Lynn, Councilmember Ward 4 Hall, Councilmember Ward 5 Tortorello, Councilmember Ward 6 Foreman, Councilmember Ward 7 Holman, Councilmember Ward 8 Peacock

Items submitted for the record
1. Staff Report dated April 26, 2022, from Brenda Hall, City Clerk

The Appointments were Confirmed.

* * * * *

Reports/Communications

7. SUBMISSION AND ACKNOWLEDGING RECEIPT OF REPORT ENTITLED "THE CITY OF NORMAN SINGLE AUDIT REPORT FOR THE YEAR ENDED JUNE 30, 2021," AS PREPARED BY THE CITY OF NORMAN FINANCE DEPARTMENT AND AUDITED BY THE FIRM OF BKD, LLP, FOR THE CITY OF NORMAN, OKLAHOMA, NORMAN UTILITIES AUTHORITY, NORMAN MUNICIPAL AUTHORITY, NORMAN ECONOMIC DEVELOPMENT AUTHORITY AND NORMAN TAX INCREMENT FINANCE AUTHORITY.

   Motion made by Councilmember Ward 7 Holman, Seconded by Councilmember Ward 4 Hall.

   Voting Yea: Mayor Clark, Councilmember Ward 1 Studley, Councilmember Ward 2 Schueler, Councilmember Ward 3 Lynn, Councilmember Ward 4 Hall, Councilmember Ward 5 Tortorello, Councilmember Ward 6 Foreman, Councilmember Ward 7 Holman, Councilmember Ward 8 Peacock

Items submitted for the record
1. Staff Report dated April 26, 2022, from Clint Mercer, Chief Accountant
2. City of Norman, Oklahoma, Single Audit Reports, June 30, 2021

Receipt of the City of Norman Single Audit Report for the Year Ended June 30, 2021, was Acknowledged.

* * * * *

8. CONSIDERATION OF ACKNOWLEDGEMENT, APPROVAL, ACCEPTANCE, REJECTION, AMENDMENT, AND/OR POSTPONEMENT OF RECEIPT OF THE FINANCE DIRECTOR'S INVESTMENT REPORT AS OF MARCH 31, 2022, AND DIRECTING THE FILING THEREOF.

   Motion made by Councilmember Ward 7 Holman, Seconded by Councilmember Ward 4 Hall.

   Voting Yea: Mayor Clark, Councilmember Ward 1 Studley, Councilmember Ward 2 Schueler, Councilmember Ward 3 Lynn, Councilmember Ward 4 Hall, Councilmember Ward 5 Tortorello, Councilmember Ward 6 Foreman, Councilmember Ward 7 Holman, Councilmember Ward 8 Peacock

   Items submitted for the record
   1. Staff Report dated April 26, 2022, from Anthony Francisco, Director of Finance
   2. Finance Director’s Investment Report as of March 31, 2022

Receipt of the Finance Director’s Investment Report as of March 31, 2022, was Acknowledged.

* * * * *

9. CONSIDERATION OF ACKNOWLEDGEMENT, APPROVAL, REJECTION, AMENDMENT, AND/OR POSTPONEMENT OF THE MONTHLY DEPARTMENTAL REPORTS FOR THE MONTH OF MARCH, 2022.

   Motion made by Councilmember Ward 7 Holman, Seconded by Councilmember Ward 4 Hall.

   Voting Yea: Mayor Clark, Councilmember Ward 1 Studley, Councilmember Ward 2 Schueler, Councilmember Ward 3 Lynn, Councilmember Ward 4 Hall, Councilmember Ward 5 Tortorello, Councilmember Ward 6 Foreman, Councilmember Ward 7 Holman, Councilmember Ward 8 Peacock

   Items submitted for the record
   1. Staff Report dated April 26, 2022, from Stacey Parker, Executive Assistant
   2. Monthly Departmental Reports for the month of March, 2022

Receipt of the Monthly Departmental Reports for the month of March, 2022, were Acknowledged.

* * * * *

Bids

10. CONSIDERATION OF AWARDING, ACCEPTANCE, REJECTION, AMENDMENT, AND/OR POSTPONEMENT OF BID 2122-58: FOR THE PURCHASE OF COPPER METER YOKES TO PIONEER SUPPLY, L.L.C.; HDPE METER BOXES WITH CAST IRON LIDS TO OKLAHOMA CONTRACTOR SUPPLY, L.L.C.; AND WATER LINE REPAIR CLAMPS TO PIONEER SUPPLY, L.L.C., OKLAHOMA CONTRACTORS SUPPLY, L.L.C., AND CORE AND MAIN LP, AND BUDGET APPROPRIATION AS OUTLINED IN THE STAFF REPORT.

Acting as the Norman Utilities Authority

Motion made by Trustee Ward 7 Holman, Seconded by Trustee Ward 4 Hall.

Voting Yea: Chairman Clark, Trustee Ward 1 Studley, Trustee Ward 2 Schueler, Trustee Ward 3 Lynn, Trustee Ward 4 Hall, Trustee Ward 5 Tortorello, Trustee Ward 6 Foreman, Trustee Ward 7 Holman, Trustee Ward 8 Peacock

Items submitted for the record
1. Staff Report dated April 26, 2022, from Scott Ayes, Utilities Manager
2. Tabulation of Bids dated March 24, 2022, for Copper Meter Yokes for Meters, HDPE Meter Boxes with Cast Iron Lids, and Water Line Repair Clamps

The Bid was Awarded to Pioneer Supply, L.L.C., for the Purchase of Copper Meter Yokes; Oklahoma Contractor Supply, L.L.C., for HDPE Meter Boxes with Cast Iron Lids; Pioneer Supply, L.L.C., and Oklahoma Contractors Supply, L.L.C., for Water Line Repair Clamps.

* * * * *

Easement

11. CONSIDERATION OF APPROVAL, GRANTING, REJECTION, AMENDMENT, AND/OR POSTPONEMENT OF EASEMENT E-2122-60: TO OKLAHOMA GAS AND ELECTRIC COMPANY (OG&E) FOR THE PURPOSE OF INSTALLING UNDERGROUND ELECTRIC SERVICE IN REAVES PARK AS PART OF THE NORMAN FORWARD REAVES PARK RENOVATION PROJECT.

Motion made by Councilmember Ward 7 Holman, Seconded by Councilmember Ward 4 Hall.

Voting Yea: Mayor Clark, Councilmember Ward 1 Studley, Councilmember Ward 2 Schueler, Councilmember Ward 3 Lynn, Councilmember Ward 4 Hall, Councilmember Ward 5 Tortorello, Councilmember Ward 6 Foreman, Councilmember Ward 7 Holman, Councilmember Ward 8 Peacock

Items submitted for the record

1. Staff Report dated April 26, 2022, from Jason Olsen, Director of Parks and Recreation
2. Easement E-2122-60 with Exhibit "A", legal description, and Exhibit "B", location map

Easement E-2122-60 was Granted to Oklahoma Gas and Electric Company.

* * * * *

Certificate of Survey

12. CONSIDERATION OF APPROVAL, ACCEPTANCE, REJECTION, AMENDMENT, AND/OR POSTPONEMENT OF NORMAN RURAL CERTIFICATE OF SURVEY COS-2122-11: FOR HENDERSON ESTATES AND EASEMENT E-2122-59. (LOCATED ON THE EAST SIDE OF 84TH AVENUE N.E., APPROXIMATELY ONE-HALF MILE NORTH OF TECUMSEH ROAD).

Motion made by Councilmember Ward 7 Holman, Seconded by Councilmember Ward 4 Hall.

Voting Yea: Mayor Clark, Councilmember Ward 1 Studley, Councilmember Ward 2 Schueler, Councilmember Ward 3 Lynn, Councilmember Ward 4 Hall, Councilmember Ward 5 Tortorello, Councilmember Ward 6 Foreman, Councilmember Ward 7 Holman, Councilmember Ward 8 Peacock

Items submitted for the record

1. Staff Report dated April 26, 2022, from Ken Danner, Subdivision Development Manager
2. Location map
3. Norman Rural Certificate of Survey COS-2122-11
4. Easement E-2122-59
5. Greenbelt Commission Final Comments
6. Planning Commission Staff Report dated March 10, 2022

Norman Rural Certificate of Survey COS-2122-11 for Henderson Estates was Approved and Easement E-2122-59 was Accepted.

* * * * *

Final Plat

13. CONSIDERATION FOR APPROVAL, ACCEPTANCE, REJECTION, AMENDMENT, AND/OR POSTPONEMENT OF A FINAL SITE DEVELOPMENT PLAN AND FINAL PLAT FOR THE VILLAS AT ASHTON GROVE ADDITION, SECTION 1, A PLANNED UNIT DEVELOPMENT, SUBJECT TO RECEIPT OF $44,543.40 FOR THE DEFERRAL OF SIDEWALK IMPROVEMENTS IN CONNECTION WITH 48TH AVENUE N.W. AND ACCEPTANCE OF PUBLIC DEDICATIONS CONTAINED THEREIN. (GENERALLY LOCATED 490 FEET NORTH OF WEST ROCK CREEK ROAD ON THE EAST SIDE OF 48TH AVENUE NW.)

    Motion made by Councilmember Ward 7 Holman, Seconded by Councilmember Ward 4 Hall.

    Voting Yea: Mayor Clark, Councilmember Ward 1 Studley, Councilmember Ward 2 Schueler, Councilmember Ward 3 Lynn, Councilmember Ward 4 Hall, Councilmember Ward 5 Tortorello, Councilmember Ward 6 Foreman, Councilmember Ward 7 Holman, Councilmember Ward 8 Peacock

    Items submitted for the record
    1. Staff Report dated April 26, 2022, from Ken Danner, Subdivision Development Manager
    2. Location map
    3. Final Plat
    4. Preliminary Plat for Ashton Grove Addition
    5. Site Plan
    6. Engineer's Estimate in the amount of $44,543.40 from Christopher D. Anderson, SMC Consulting Engineers, PC
    7. Development Committee Staff Report dated April 8, 2022
    8. Application for Development Committee Action dated April 6, 2022, from Ashton Grove Development Company, L.L.C., for Villas at Ashton Grove, Section 1

The Final Site Development Plan and Final Plat for the Villas at Ashton Grove Addition, Section 1, a Planned Unit Development, was Approved, subject to Receipt of $44,543.40 for the Deferral of Sidewalk Improvements in Connection with 48th Avenue N.W. and the Public Dedications Contained Therein were Accepted.

* * * * *

Contracts

14. CONSIDERATION OF APPROVAL, REJECTION, AMENDMENT, AND/OR POSTPONEMENT OF AMENDMENT NO. SEVEN TO CONTRACT K-1617-114: BY AND BETWEEN THE NORMAN MUNICIPAL AUTHORITY AND P.D.G., L.L.C., D/B/A PLANNING DESIGN GROUP, INCREASING THE CONTRACT AMOUNT BY $71,000 FOR A REVISED CONTRACT AMOUNT OF $1,858,150 FOR PROFESSIONAL ARCHITECTURAL DESIGN SERVICES FOR THE GRIFFIN COMMUNITY PARK.

Acting as the Norman Municipal Authority

Motion made by Trustee Ward 7 Holman, Seconded by Trustee Ward 4 Hall.

Voting Yea: Chairman Clark, Trustee Ward 1 Studley, Trustee Ward 2 Schueler, Trustee Ward 3 Lynn, Trustee Ward 4 Hall, Trustee Ward 5 Tortorello, Trustee Ward 6 Foreman, Trustee Ward 7 Holman, Trustee Ward 8 Peacock

Items submitted for the record
1. Staff Report dated April 26, 2022, from Wade Thompson, Parks and Facility Manager
2. Amendment No. Seven to Contract K-1617-114 with Exhibit B, Compensation

Amendment No. Seven to Contract K-1617-114 was Approved.

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15. CONSIDERATION OF APPROVAL, REJECTION, AMENDMENT, AND/OR POSTPONEMENT OF AMENDMENT NO. THREE TO CONTRACT K-1819-132: BY AND BETWEEN THE NORMAN MUNICIPAL AUTHORITY AND FLINTCO, L.L.C., INCREASING THE CONTRACT AMOUNT BY $153,635.64 FOR A REVISED CONTRACT AMOUNT OF $8,450,093.64 TO PROVIDE CONSTRUCTION OF THE NORMAN FORWARD YOUTH BASEBALL/SOFTBALL AND ADULT SOFTBALL IMPROVEMENTS PROJECTS AT REAVES PARK.

Acting as the Norman Municipal Authority

Motion made by Trustee Ward 7 Holman, Seconded by Trustee Ward 4 Hall.

Voting Yea: Chairman Clark, Trustee Ward 1 Studley, Trustee Ward 2 Schueler, Trustee Ward 3 Lynn, Trustee Ward 4 Hall, Trustee Ward 5 Tortorello, Trustee Ward 6 Foreman, Trustee Ward 7 Holman, Trustee Ward 8 Peacock

Items submitted for the record
1. Staff Report dated April 26, 2022, from James Briggs, Park Development Manager
2. Amendment No. Three to Contract K-1819-132
3. Contingency/Change Log

Amendment No. Seven to Contract K-1617-114 was Approved.

* * * * *

16. CONSIDERATION OF APPROVAL, ACCEPTANCE, REJECTION, AMENDMENT AND/OR POSTPONEMENT OF CHANGE ORDER NO. FIVE TO CONTRACT K-2021-35: BY AND BETWEEN THE CITY OF NORMAN, OKLAHOMA, AND FLINTCO, L.L.C., INCREASING THE CONTRACT AMOUNT BY $81,184.41 FOR A REVISED CONTRACT AMOUNT OF $9,064,937.37 AND ADDING 14 CALENDAR DAYS TO THE CONTRACT FOR THE NORTH BASE PROJECT, PHASE 1, TO MAKE VARIOUS CHANGES TO PROJECT DESIGN, AND BUDGET APPROPRIATION AS OUTLINED IN THE STAFF REPORT.

    Motion made by Councilmember Ward 7 Holman, Seconded by Councilmember Ward 4 Hall.

    Voting Yea: Mayor Clark, Councilmember Ward 1 Studley, Councilmember Ward 2 Schueler, Councilmember Ward 3 Lynn, Councilmember Ward 4 Hall, Councilmember Ward 5 Tortorello, Councilmember Ward 6 Foreman, Councilmember Ward 7 Holman, Councilmember Ward 8 Peacock

    Items submitted for the record
    1. Staff Report dated April 26, 2022, from Paul D'Andrea, Capital Projects Engineer
    2. Change Order No. Five to Contract K-2021-35
    3. Project location map

Change Order No. Five to Contract K-2021-35 and Budget Appropriation were Approved.

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17. CONSIDERATION OF APPROVAL, ACCEPTANCE, REJECTION, AMENDMENT, AND/OR POSTPONEMENT OF AMENDMENT NO. ONE TO CONTRACT K-2021-121: BY AND BETWEEN THE NORMAN UTILITIES AUTHORITY AND BIOSTAR E LIGHT JV, L.L.C., INCREASING THE CONTRACT AMOUNT BY $125,848.80 FOR A REVISED CONTRACT AMOUNT OF $4,900,848.80 TO COMPLETE SITE PREPARATION WORK FOR A SOLAR PHOTOVOLTAIC SYSTEM TO PROVIDE ENERGY SAVINGS AND PRODUCTION GUARANTY.

    Acting as the Norman Utilities Authority

    Motion made by Trustee Ward 7 Holman, Seconded by Trustee Ward 4 Hall.

    Voting Yea: Chairman Clark, Trustee Ward 1 Studley, Trustee Ward 2 Schueler, Trustee Ward 3 Lynn, Trustee Ward 4 Hall, Trustee Ward 5 Tortorello, Trustee Ward 6 Foreman, Trustee Ward 7 Holman, Trustee Ward 8 Peacock

    Items submitted for the record
    1. Staff Report dated April 26, 2022, from Nathan Madenwald, P.E., Utilities Engineer
    2. Amendment No. One to Contract K-2021-121

Amendment No. One to Contract K-2021-121 was Approved.

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18. CONSIDERATION OF AWARDING, ACCEPTANCE, APPROVAL, REJECTIO AMENDMENT, AND/OR POSTPONEMENT OF BID 2122-49 AND CONTRACT K-2122-89 BY AND BETWEEN THE CITY OF NORMAN, OKLAHOMA, AND PARATHON CONSTRUCTION, L.L.C IN THE AMOUNT OF $315,863.50 FOR THE MCCULLOUGH STREET AND ALLEY RECONSTRUCTION PROJECT, PERFORMANCE BOND B-2122-63; STATUTORY BOND B-2122-64; MAINTENANCE BOND MB-2122-47, AND RESOLUTION R-2122-85 GRANTING TAX-EXEMPT STATUS AND BUDGET TRANSFER AS OUTLINED IN THE STAFF REPORT

    Motion made by Councilmember Ward 7 Holman, Seconded by Councilmember Ward 4 Hall.

    Voting Yea: Mayor Clark, Councilmember Ward 1 Studley, Councilmember Ward 2 Schueler, Councilmember Ward 3 Lynn, Councilmember Ward 4 Hall, Councilmember Ward 5 Tortorello, Councilmember Ward 6 Foreman, Councilmember Ward 7 Holman, Councilmember Ward 8 Peacock

    Items submitted for the record
    1. Staff Report dated April 26, 2022, from Joseph Hill, Streets Program Manager
    2. Contract K-2122-89
    3. Performance Bond B-2122-63
    4. Statutory Bond B-2122-64
    5. Maintenance Bond MB-2122-47
    6. Resolution R-2122-85
    7. McCullough Street and Alley Project Location Map
    8. McCullough Street and Alley Project Site Plan

The Bid was Awarded to Parathon Construction, L.L.C., Contract K-2122-89, Performance Bond B-2122-63, Statutory Bond B-2122-64, and Maintenance Bond MB-2122-47 were Approved, Resolution R-2122-85 was Adopted, and Budget Transfer was Approved.

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19. CONSIDERATION OF AWARDING, AUTHORIZATION, ACCEPTANCE, APPROVAL, REJECTION, AMENDMENT, AND/OR POSTPONEMENT OF BID 2122-52 AND CONTRACT K-2122-92: BY AND BETWEEN THE NORMAN MUNICIPAL AUTHORITY AND CROSSLAND CONSTRUCTION COMPANY, INC., IN THE AMOUNT OF $2,782,000 FOR THE SANITATION OFFICE BUILDING PROJECT, PERFORMANCE BOND B-2122-65; STATUTORY BOND B-2122-66; AND MAINTENANCE BOND MB-2122-48; THE UTILITIES DIRECTOR TO PURCHASE MATERIALS ON BEHALF OF THE CONTRACTOR; AND BUDGET APPROPRIATION AS OUTLINED IN THE STAFF REPORT.

Acting as the Norman Municipal Authority

Motion made by Trustee Ward 7 Holman, Seconded by Trustee Ward 4 Hall.

Voting Yea: Chairman Clark, Trustee Ward 1 Studley, Trustee Ward 2 Schueler, Trustee Ward 3 Lynn, Trustee Ward 4 Hall, Trustee Ward 5 Tortorello, Trustee Ward 6 Foreman, Trustee Ward 7 Holman, Trustee Ward 8 Peacock

Items submitted for the record
1. Staff Report dated April 26, 2022, from Ken Giannone, P.E., Capital Projects Engineer
2. Bid Tabulation for the Sanitation Office Building
3. Memorandum dated March 22, 2022, from Kenneth J. Giannone, P.E., Capital Projects Engineer, to Nathan Madenwald, P.E., Utilities Engineer
4. Letter dated March 10, 2022, from Toni M. Bragg, AIA, Director and Project Manager, The McKinney Partnership Architects, to Mr. Kenneth Giannone, P.E., Capital Projects Engineer
5. Contract K-2122-92
6. Performance Bond B-2122-65
7. Statutory Bond B-2122-66
8. Maintenance Bond MB-2122-48

The Bid was Awarded to Crossland Construction Company, Inc., and Contract K-2122-92, Performance Bond B-2122-65, Statutory Bond B-2122-66, Maintenance Bond MB-2122-48, and Budget Appropriation were Approved.

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20. CONSIDERATION OF APPROVAL, AUTHORIZATION, REJECTION, AMENDMENT, AND/OR POSTPONEMENT OF CONTRACT K-2122-115: A CONTRACT BY AND BETWEEN THE NORMAN UTILITIES AUTHORITY AND CROSSLAND CONSTRUCTION COMPANY, INC., IN THE AMOUNT OF $14,650 PLUS $3,662 FOR EACH ADDITIONAL MONTH AFTER FOUR MONTHS FOR PHASE ONE OF CONSTRUCTION MANAGER AT RISK SERVICES FOR THE FIRST CONSTRUCTION PHASES OF THE NEW LINE MAINTENANCE FACILITY PROJECT AND THE UTILITIES DIRECTOR TO PURCHASE MATERIALS ON BEHALF OF THE CONTRACTOR.

Acting as the Norman Utilities Authority

Motion made by Trustee Ward 7 Holman, Seconded by Trustee Ward 4 Hall.

Voting Yea: Chairman Clark, Trustee Ward 1 Studley, Trustee Ward 2 Schueler, Trustee Ward 3 Lynn, Trustee Ward 4 Hall, Trustee Ward 5 Tortorello, Trustee Ward 6 Foreman, Trustee Ward 7 Holman, Trustee Ward 8 Peacock

Items submitted for the record
1. Staff Report dated April 26, 2022, from Nathan Madenwald, Utilities Engineer
2. Contract K-2122-115 with General Provisions
3. Project Location Map

Contract K-2122-115 with Crossland Construction Company, Inc., was Approved and the Utilities Director was Authorized to Purchase Materials on Behalf of the Contractor.

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21. CONSIDERATION OF APPROVAL, ADOPTION, REJECTION, AMENDMENT AND/OR POSTPONEMENT OF CONTRACT K-2122-116: BY AND BETWEEN THE CITY OF NORMAN, OKLAHOMA, AND PLAYCORE D/B/A GAMETIME, IN THE AMOUNT OF $362,599.30; PERFORMANCE BOND B-2122-79; STATUTORY BOND B-2122-80; AND MAINTENANCE BOND MB-2122-57 FOR THE ANDREWS PARK PLAYGROUND PROJECT, RESOLUTION R-2122-108 GRANTING TAX EXEMPT STATUS AND BUDGET TRANSFER AS OUTLINED IN THE STAFF REPORT.

    Motion made by Councilmember Ward 7 Holman, Seconded by Councilmember Ward 4 Hall.

    Voting Yea: Mayor Clark, Councilmember Ward 1 Studley, Councilmember Ward 2 Schueler, Councilmember Ward 3 Lynn, Councilmember Ward 4 Hall, Councilmember Ward 5 Tortorello, Councilmember Ward 6 Foreman, Councilmember Ward 7 Holman, Councilmember Ward 8 Peacock

    Items submitted for the record
    1. Staff Report dated April 26, 2022, from James Briggs, Park Development Manager
    2. Contract K-2122-116
    3. Performance Bond B-2122-79
    4. Statutory Bond B-2122-80
    5. Maintenance Bond MB-2122-57
    6. Resolution R-2122-108

Contract K-2122-116, Performance Bond B-2122-79, Statutory Bond B-2122-80, and Maintenance Bond MB-2122-57 were Approved, Resolution R-2122-108 was Adopted, and the Budget Transfer was Approved.

* * * * *

Resolutions

22. CONSIDERATION OF ADOPTION, REJECTION, AMENDMENT, AND/OR POSTPONEMENT OF RESOLUTION R-2122-112: A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AND THE NORMAN MUNICIPAL AUTHORITY APPROPRIATING $892,007.28 FROM THE 2016 STREET MAINTENANCE BOND FUND BALANCE TO BE USED TO PURCHASE ASPHALT AND MATERIALS FOR THE ALAMEDA STREET WIDENING PROJECT FROM 36TH AVENUE S.E. TO 48TH AVENUE S.E.

    Acting as the City Council and Norman Municipal Authority

    Motion made by Councilmember Ward 7 Holman, Seconded by Councilmember Ward 4 Hall.

    Voting Yea: Mayor Clark, Councilmember Ward 1 Studley, Councilmember Ward 2 Schueler, Councilmember Ward 3 Lynn, Councilmember Ward 4 Hall, Councilmember Ward 5 Tortorello, Councilmember Ward 6 Foreman, Councilmember Ward 7 Holman, Councilmember Ward 8 Peacock

Items submitted for the record
1. Staff Report dated April 26, 2022, from Joseph Hill, Streets Program Manager
2. Resolution R-2122-112
3. Project Location Map

Resolution R-2122-112 was Adopted.

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Approval of the Consent Docket

Motion made by Councilmember Ward 7 Holman, Seconded by Councilmember Ward 4 Hall.

Voting Yea: Mayor Pro Tem Holman, Councilmember Ward 1 Studley, Councilmember Ward 2 Schueler, Councilmember Ward 4 Hall, Councilmember Ward 5 Tortorello, Councilmember Ward 6 Foreman, Councilmember Ward 8 Peacock

This is the end of the Consent Docket. Item 6 through Item 22 were approved on the Consent Docket.

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NON-CONSENT ITEMS

23. CONDUCTING AND CLOSING THE FIRST PUBLIC HEARING FOR CONSIDERATION OF APPROVAL, REJECTION, AMENDMENT, AND/OR POSTPONEMENT THE FYE 2023 CITY OF NORMAN PROPOSED OPERATING AND CAPITAL BUDGETS.

Motion made by Councilmember Ward 6 Foreman, Seconded by Councilmember Ward 4 Hall.

Voting Yea: Mayor Clark, Councilmember Ward 1 Studley, Councilmember Ward 2 Schueler, Councilmember Ward 3 Lynn, Councilmember Ward 4 Hall, Councilmember Ward 5 Tortorello, Councilmember Ward 6 Foreman, Councilmember Ward 7 Holman, Councilmember Ward 8 Peacock

Items submitted for the record
1. Staff Report dated April 26, 2022, from Kim Coffman, Budget Manager
2. City of Norman, Oklahoma, Fiscal Year Ending 2023 Annual Budget, Summary of Fund Balance
3. The City of Norman, Oklahoma, Budget, Fiscal Year Ending June 30, 2023, Financial Plan, Fiscal Year End 2024-2027
4. The City of Norman, Oklahoma, Capital Improvement Projects Budget, Fiscal Year Ending June 30, 2023, Financial Plan, Fiscal Year End 2024-2027
5. PowerPoint Presentation entitled “City of Norman Fiscal Year 2022-2023 Budget, April 26, 2022, Anthony Francisco, Finance Director, and Kim Coffman, Budget Manager

Participants in discussion
1. Ms. Kim Coffman, Budget Manager
2. Mr. Dan Munson, Ward 6, made comments
3. Ms. Rebecca Bean, Ward 2, made comments
4. Mr. Darrel Pyle, City Manager

The Public Hearing was Conducted.

Motion made by Councilmember Ward 6 Foreman, Seconded by Councilmember Ward 5 Tortorello.

Voting Yea: Mayor Clark, Councilmember Ward 1 Studley, Councilmember Ward 2 Schueler, Councilmember Ward 3 Lynn, Councilmember Ward 4 Hall, Councilmember Ward 5 Tortorello, Councilmember Ward 6 Foreman, Councilmember Ward 7 Holman, Councilmember Ward 8 Peacock

The Public Hearing was Closed.

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24. CONSIDERATION OF ADOPTION, REJECTION, AMENDMENT, AND/OR POSTPONEMENT OF RESOLUTION R-2122-94: A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AMENDING THE NORMAN 2025 LAND USE AND TRANSPORTATION PLAN SO AS TO REMOVE PART OF THE EAST 20 FEET OF LOT FIFTY (50) AND ALL OF LOT FIFTY-ONE (51), IN BLOCK TWO (2), OF WOODSLAWN ADDITION, TO NORMAN, CLEVELAND COUNTY, OKLAHOMA, FROM THE LOW DENSITY RESIDENTIAL DESIGNATION AND PLACE THE SAME IN THE COMMERCIAL DESIGNATION. (621 HIGHLAND PARKWAY)

Motion to Adopt made by Councilmember Ward 7 Holman, Seconded by Councilmember Ward 6 Foreman.

Items submitted for the record
1. Staff Report dated April 26, 2022, from Jane Hudson, Director of Planning and Community Development
2. Resolution R-2122-94
3. Location map
4. Planning Commission Staff Report dated March 10, 2022
5. Greenbelt Commission Final Comments
6. City of Norman Predevelopment Summary PD22-02 dated February 24, 2022, from Rental Ranch II, L.L.C., and D.L. Hayes Company, for property located at 621 Highland Parkway
7. Pertinent excerpts from Planning Commission minutes of March 10, 2022

Participants in discussion
1. Mr. Bill Hayes, D.L. Hayes Company, applicant
2. Ms. Kathryn Walker, City Attorney
3. Ms. Jane Hudson, Director of Planning and Community Development

Motion to Deny made by Councilmember Ward 6 Foreman, Seconded by Councilmember Ward 5 Tortorello

Voting Yea: Mayor Clark, Councilmember Ward 1 Studley, Councilmember Ward 2 Schueler, Councilmember Ward 3 Lynn, Councilmember Ward 4 Hall, Councilmember Ward 5 Tortorello, Councilmember Ward 6 Foreman, Councilmember Ward 7 Holman, Councilmember Ward 8 Peacock

Resolution R-2122-94 was Denied.

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25. CONSIDERATION OF ADOPTION, REJECTION, AMENDMENT AND/OR POSTPONEMENT OF ORDINANCE O-2122-37 UPON SECOND AND FINAL READING: AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AMENDING SECTION 460 OF CHAPTER 22 OF THE CODE OF THE CITY OF NORMAN SO AS TO REMOVE THE EAST 20 FEET OF LOT FIFTY (50) AND ALL OF LOT FIFTY-ONE (51), IN BLOCK TWO (2), OF WOODSLAWN ADDITION, TO NORMAN, CLEVELAND COUNTY, OKLAHOMA, FROM THE R-1, SINGLE FAMILY DWELLING DISTRICT AND PLACE THE SAME IN THE C-2, GENERAL COMMERCIAL DISTRICT, OF SAID CITY; AND PROVIDING FOR THE SEVERABILITY THEREOF. (621 HIGHLAND PARKWAY)

Ordinance O-2122-37 was Not Considered Because Adoption Was Contingent Upon Adoption of Resolution R-2122-94, Which was Denied.

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26. CONSIDERATION OF ADOPTION, REJECTION, AMENDMENT, AND/OR POSTPONEMENT OF R-2122-95: A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AMENDING THE NORMAN 2025 LAND USE AND TRANSPORTATION PLAN SO AS TO REMOVE PART OF PART OF THE SOUTH HALF (S/2) OF THE NORTH HALF (N/2) OF THE SOUTHEAST QUARTER (SE/4) OF THE SOUTHEAST QUARTER (SE/4) OF THE SOUTHWEST QUARTER (SW/4) OF SECTION THIRTY-SIX (36), TOWNSHIP NINE (9) NORTH, RANGE THREE (3) WEST OF THE INDIAN MERIDIAN (I.M.), CLEVELAND COUNTY, OKLAHOMA, FROM THE HIGH DENSITY RESIDENTIAL DESIGNATION AND PLACE THE SAME IN THE COMMERCIAL DESIGNATION. (1134 MCGEE DRIVE)

Motion made by Councilmember Ward 2 Schueler, Seconded by Councilmember Ward 7 Holman.

Voting Yea: Mayor Clark, Councilmember Ward 2 Schueler, Councilmember Ward 3 Lynn, Councilmember Ward 4 Hall, Councilmember Ward 5 Tortorello, Councilmember Ward 6 Foreman, Councilmember Ward 7 Holman, Councilmember Ward 8 Peacock

Abstain: Councilmember Ward 1 Studley (out of chambers at time of vote)

Items submitted for the record

1. Staff Report dated April 26, 2022, from Jane Hudson, Director of Planning and Community Development
2. Resolution R-2122-95
3. Location map
4. Greenbelt Commission Final Comments
5. Planning Commission Staff Report dated March 10, 2022
6. City of Norman Predevelopment Summary PD22-03 dated February 24, 2022, from Dr. Greg Emmert for property located at 1134 McGee Drive
7. Pertinent excerpts from Planning Commission minutes of March 10, 2022

Participants in discussion

1. Mr. Larry Pickering, Popmodern Design Build, Oklahoma City, architect representing the applicant

Resolution R-2122-95 was Adopted.

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27. CONSIDERATION OF ADOPTION, REJECTION, AMENDMENT AND/OR POSTPONEMENT OF ORDINANCE O-2122-38 UPON SECOND AND FINAL READING: AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AMENDING SECTION 460 OF CHAPTER 22 OF THE CODE OF THE CITY OF NORMAN SO AS TO REMOVE PART OF THE SOUTH HALF (S/2) OF THE NORTH HALF (N/2) OF THE SOUTHEAST QUARTER (SE/4) OF THE SOUTHEAST QUARTER (SE/4) OF THE SOUTHWEST QUARTER (SW/4) OF SECTION THIRTY-SIX (36), TOWNSHIP NINE (9) NORTH, RANGE THREE (3) WEST OF THE INDIAN MERIDIAN, NORMAN, CLEVELAND COUNTY, OKLAHOMA, FROM THE RM-6, MEDIUM DENSITY APARTMENT DISTRICT AND PLACE THE SAME IN THE C-2, GENERAL COMMERCIAL DISTRICT, OF SAID CITY; AND PROVIDING FOR THE SEVERABILITY THEREOF. (1134 MCGEE DRIVE)

Motion made by Councilmember Ward 2 Schueler, Seconded by Councilmember Ward 7 Holman.

Voting Yea: Mayor Clark, Councilmember Ward 1 Studley, Councilmember Ward 2 Schueler, Councilmember Ward 3 Lynn, Councilmember Ward 4 Hall, Councilmember Ward 5 Tortorello, Councilmember Ward 6 Foreman, Councilmember Ward 7 Holman, Councilmember Ward 8 Peacock

Items submitted for the record

1. Staff Report dated April 26, 2022, from Jane Hudson, Director of Planning and Community Development
2. Ordinance O-2122-38
3. Location map
4. Site Plan
5. Planning Commission Staff Report dated March 10, 2022
6. Greenbelt Commission Final Comments
7. City of Norman Predevelopment Summary PD22-03 dated February 24, 2022, from Dr. Greg Emmert for property located at 1134 McGee Drive
8. Pertinent excerpts from Planning Commission minutes of March 10, 2022

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Ordinance O-2122-38 was Adopted Upon Second Reading Section by Section.

Motion made by Councilmember Ward 2 Schueler, Seconded by Councilmember Ward 6 Foreman.

Voting Yea: Mayor Clark, Councilmember Ward 1 Studley, Councilmember Ward 2 Schueler, Councilmember Ward 3 Lynn, Councilmember Ward 4 Hall, Councilmember Ward 5 Tortorello, Councilmember Ward 6 Foreman, Councilmember Ward 7 Holman, Councilmember Ward 8 Peacock

Ordinance O-2122-38 was Adopted Upon Final Reading as a Whole.

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28. CONSIDERATION OF ADOPTION, REJECTION, AMENDMENT AND/OR POSTPONEMENT OF ORDINANCE O-2122-39 UPON SECOND AND FINAL READING: AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AMENDING SECTION 460 OF CHAPTER 22 OF THE CODE OF THE CITY OF NORMAN SO AS TO REMOVE PART OF THE NORTHEAST QUARTER (NE/4) OF SECTION SIXTEEN (16), TOWNSHIP EIGHT (8) NORTH, RANGE TWO (2) WEST OF THE INDIAN MERIDIAN, NORMAN, CLEVELAND COUNTY, OKLAHOMA, FROM THE C-1, LOCAL COMMERCIAL DISTRICT AND PLACE THE SAME IN THE C-2, GENERAL COMMERCIAL DISTRICT, OF SAID CITY; AND PROVIDING FOR THE SEVERABILITY THEREOF. (SOUTHWEST CORNER OF EAST CEDAR LANE ROAD AND CLASSEN BOULEVARD)

Motion made by Councilmember Ward 7 Holman, Seconded by Councilmember Ward 6 Foreman

Voting Yea: Mayor Clark, Councilmember Ward 1 Studley, Councilmember Ward 2 Schueler, Councilmember Ward 3 Lynn, Councilmember Ward 4 Hall, Councilmember Ward 5 Tortorello, Councilmember Ward 6 Foreman, Councilmember Ward 7 Holman, Councilmember Ward 8 Peacock

Items submitted for the record

1. Staff Report dated April 26, 2022, from Jane Hudson, Director of Planning and Community Development
2. Ordinance O-2122-39
3. Location map
4. Planning Commission Staff Report dated March 10, 2022
5. Site Development Plan
6. Greenbelt Commission Final Comments
7. Floor Plan Exhibit
8. Exterior Elevations Exhibit
9. Color Elevations Exhibit
10. City of Norman Predevelopment Summary PD22-04 dated February 24, 2022, from JM Civil Engineering for property located at the southwest corner of East Cedar Lane Road and Classen Boulevard
11. Pertinent excerpts from Planning Commission minutes of March 10, 2022

Participants in discussion

1. Mr. Patrick Perales, JM Civil Engineering, 1101 Central Expressway South, Suite 215, Allen, Texas, engineer representing the applicant
2. Mr. Shawn O'Leary, Director of Public Works

Ordinance O-2122-39 was Adopted Upon Second Reading Section by Section.

Motion made by Councilmember Ward 2 Schueler, Seconded by Councilmember Ward 6 Foreman.

Voting Yea: Mayor Clark, Councilmember Ward 1 Studley, Councilmember Ward 2 Schueler, Councilmember Ward 3 Lynn, Councilmember Ward 4 Hall, Councilmember Ward 5 Tortorello, Councilmember Ward 6 Foreman, Councilmember Ward 7 Holman, Councilmember Ward 8 Peacock

Ordinance O-2122-39 was adopted upon Final Reading as a Whole.

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29. CONSIDERATION FOR APPROVAL, ACCEPTANCE, REJECTION, AMENDMENT, AND/OR POSTPONEMENT OF A PRELIMINARY PLAT FOR TAKE 5 ADDITION. (GENERALLY LOCATED AT THE SOUTHWEST CORNER OF CEDAR LANE ROAD AND CLASSEN BOULEVARD).

Motion made by Councilmember Ward 7 Holman, Seconded by Councilmember Ward 8 Peacock.

Voting Yea: Mayor Clark, Councilmember Ward 1 Studley, Councilmember Ward 2 Schueler, Councilmember Ward 3 Lynn, Councilmember Ward 4 Hall, Councilmember Ward 5 Tortorello, Councilmember Ward 6 Foreman, Councilmember Ward 7 Holman, Councilmember Ward 8 Peacock

Items submitted for the record

1. Staff Report dated April 26, 2022, from Ken Danner, Subdivision Development Manager
2. Location map
3. Site Development Plan
4. Preliminary Plat
5. City of Norman Development Review Form, Transportation Impacts, conducted by Jami L. Short, P.E., City Traffic Engineer, for Take 5 Oil Change Preliminary Plat
6. Greenbelt Commission Final Comments
7. City of Norman Predevelopment Summary PD22-04 dated February 24, 2022, from JM Civil Engineering for property located at the southwest corner of East Cedar Lane Road and Classen Boulevard
8. Planning Commission Staff Report dated March 10, 2022
9. Pertinent excerpts from Planning Commission minutes of March 10, 2022

The Preliminary Plat was Approved.

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30. CONSIDERATION OF ADOPTION, REJECTION, AMENDMENT, AND/OR POSTPONEMENT OF ORDINANCE O-2122-23 UPON SECOND AND FINAL READING: AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AMENDING SECTION 460 OF CHAPTER 22 OF THE CODE OF THE CITY OF NORMAN SO AS TO GRANT SPECIAL USE FOR A BAR, LOUNGE, OR TAVERN IN THE C-3, INTENSIVE COMMERCIAL DISTRICT FOR THE SOUTH 40 FEET OF THE EAST 140 FEET OF LOT TWENTY-FOUR (24) AND THE NORTH 8 FEET OF THE EAST 140 FEET OF LOT TWENTY-FIVE (25), IN BLOCK ONE (1) OF LARSH'S UNIVERSITY ADDITION, TO NORMAN, CLEVELAND COUNTY, OKLAHOMA; AND PROVIDING FOR THE SEVERABILITY THEREOF. (796 ASP AVENUE)

Motion made by Councilmember Ward 7 Holman, Seconded by Councilmember Ward 4 Hall.

Amendment to Ordinance O-2122-23

Motion made by Councilmember Ward 4 Hall, Seconded by Councilmember Ward 6 Foreman:

Voting Yea: Mayor Clark, Councilmember Ward 1 Studley, Councilmember Ward 2 Schueler, Councilmember Ward 3 Lynn, Councilmember Ward 4 Hall, Councilmember Ward 5 Tortorello, Councilmember Ward 6 Foreman, Councilmember Ward 7 Holman, Councilmember Ward 8 Peacock

That Section 5 of Ordinance O-2122-23 be amended by adding the following conditions:

a. The site shall be developed in accordance with the Site Plan and supporting documentation submitted by the applicant and approved by the Planning Commission on March 10, 2022.

b, During all hours of operation, signage shall be clearly posted on the licensed perimeter that patrons must be 21 years of age or more to enter the establishment.

c. The establishment, in addition to meeting the requirement of Section 10-304 of the Norman Municipal Code, position any outdoor speakers so that they do not face outward from the establishment.

d. The establishment's hours of operation will not materially change. The establishment shall plan to be open no less than 10 hours at a time and shall not open later than 4:00 p.m. nor operate past 2:00 a.m. on any given day.

e. The establishment shall operate a full kitchen from 4:00 p.m. to Midnight (12:00 a.m.), shall not meaningfully diminish its menu offerings and shall, at a minimum, offer hot food at all times, including hot sandwiches and chicken.

Voting Yea: Councilmember Ward 1 Studley, Councilmember Ward 2 Schueler, Councilmember Ward 3 Lynn, Councilmember Ward 4 Hall, Councilmember Ward 5 Tortorello, Councilmember Ward 6 Foreman, Councilmember Ward 7 Holman, Councilmember Ward 8 Peacock

Voting Nay: Mayor Clark

Items submitted for the record

1. Staff Report dated April 46, 2022, from Jane Hudson, Director of Planning and Community Development
2. Ordinance O-2122-23
3. Location map
4. Planning Commission Staff Report dated March 10, 2022
5. City of Norman Predevelopment Summary PD21-30 dated February 24, 2022, from BWB2, LP, for property located at 796 Asp Avenue
6. Aerial location map
7. Pertinent excerpts from Planning Commission minutes of March 10, 2022
8. Protest Map dated March 10, 2022, Containing 40.6% Protest within Notification Area
9. Letter of protest filed March 1, 2022, from H. Rainey Powell, Owner, 329 Partners Limited Partnership, to City of Norman Planning and Development Department
10. Letter of protest filed March 7, 2022, from James C. Miller, Deanna Burger, Owners, MB Real Estate I-VII, L.L.C., to City of Norman Planning and Development Department
11. Email of protest filed March 9, 2022, from Jerry M. Hatter, Owner, Crimson Proud, LP, to Rone' Tromble
12. Updated Protest Map dated March 10, 2022, containing 49.6% Protest within Notification Area
13. Letter of protest filed March 10, 2022, from Michael L. Webb, Owner and Managing Partner, L&E Webb, L.L.C., to City of Norman Planning and Development Department
14. Updated Protest Map dated March 28, 2022, containing 49.6% Protest within Notification Area
15. Letter of protest filed March 14, 2022, from Gayle Gordon Welcher, Lucille Gordon Welcher Trust and Gordon Stuart, Inc., to City of Norman Planning and Development Department
16. Updated Protest Map dated March 31, 2022, containing 50.7% Protest within Notification Area
17. Email of protest filed March 30, 2022, from Keith M. McCabe, Owner, 753 Asp, L.L.C.
18. Updated Protest Map dated April 6, 2022, containing 50.7% Protest within Notification Area

Items submitted for the record, continued

19. Letter of protest filed April 5, 2022, from Brett Murphy, Chief Executive Officer, Hideaway-2, Inc., to City of Norman
20. Letter of protest filed March 14, 2022, from Juneann Wadsworth Murphy, City of Norman Planning and Development Department
21. Letter rescinding protest filed April 22, 2022, from Keith McCabe, President, 753 Asp, L.L.C.
22. Updated Protest Map dated April 22, 2022, containing 49.6% Within Notification Area
23. Letter of Protest filed April 22, 2022, from Lois J. Wheeler, Trustee, Lois J. Wheeler Living Trust, Los Donas Apartments, to City Council
24. Letter of Protest filed April 22, 2022, from Bette Maffucci
25. Updated Protest Map dated April 22, 2022, containing 50.4% Protest within Notification Area

Participants in discussion

1. Mr. Joe Bendetti, owner
2. Mr. Robert McCampbell, GabelGotwals, 499 West Sheridan Avenue, Suite 2200, Oklahoma City, attorney representing the applicant
3. Ms. Kathryn Walker, City Attorney
4. Mr. Todd Emerson, Manager, Logies on the Corner, 796 Asp Avenue
5. Mr. Kevin Foster, Police Chief
6. Mr. Jeff Stewart, Owner, O'Connell's Irish Pub, made comments
7. Mr. Brad Robertson, Ward 3, protestant
8. Ms. Stephanie Odle, Ward 3, made comments
9. Ms. John Sparks, Ward 4, representing Rainey Powell
10. Ms. Brenda Hall, City Clerk

Ordinance O-2122-23 was Adopted, as Amended, Upon Second Reading Section by Section.

Motion made by Councilmember Ward 4 Hall, Seconded by Councilmember Ward 6 Foreman.

Councilmember Ward 1 Studley, Councilmember Ward 2 Schueler, Councilmember Ward 3 Lynn, Councilmember Ward 4 Hall, Councilmember Ward 5 Tortorello, Councilmember Ward 6 Foreman, Councilmember Ward 7 Holman, Councilmember Ward 8 Peacock

Voting Nay: Mayor Clark

Ordinance O-2122-23 was Adopted, as Amended, Upon Final Reading as a Whole.

* * * * *

MISCELLANEOUS COMMENTS

Insourcing Recyclables. Dr. Dan Munson, Ward 6, said the City of Norman is under contract with Republic for recycling services. He said the contract comes up for renewal in July, 2023. He said should the City try to get new quotes or should it be insourced? He said insourcing is a money generator for the City of Norman. He said Republic presently drives around Norman, pick up the City's recycling, and drives them to Oklahoma City where their sorting facility is. He said after sorting, they sell those commodities and receive every single penny from the sale. He thinks the City could offer a much more efficient model by bringing the recycled materials in-house. He said it is important to talk about this now because there is some capital investment that would have to take place. He said the City would have to buy three or so trash trucks and a sorting facility would be needed which would provide jobs.

Mayor Clark said Norman has the highest curbside-recycling rate in the state so if any city can pull it off, this city could.

ADJOURNMENT

The Meeting Adjourned at 9:35 p.m.

_____ _____

City Clerk Mayor

File Attachments for Item:

2. CONSIDERATION OF ACKNOWLEDGING RECEIPT, REJECTION, AMENDMENT, AND/OR POSTPONEMENT OF PROCLAMATION P-2122-47: A PROCLAMATION OF THE MAYOR OF THE CITY OF NORMAN, OKLAHOMA, PROCLAIMING THE MONTH OF JULY, 2022, AS PARKS AND RECREATION MONTH IN THE CITY OF NORMAN.

CITY OF NORMAN, OK

STAFF REPORT

MEETING DATE: 06/14/2022

REQUESTER: Jason Olsen

PRESENTER: Jason Olsen, Director of Parks and Recreation Department

ITEM TITLE: CONSIDERATION OF ACKNOWLEDGING RECEIPT, REJECTION, AMENDMENT, AND/OR POSTPONEMENT OF PROCLAMATION P-2122-47: A PROCLAMATION OF THE MAYOR OF THE CITY OF NORMAN, OKLAHOMA, PROCLAIMING THE MONTH OF JULY, 2022, AS PARKS AND RECREATION MONTH IN THE CITY OF NORMAN.

Proclamation

P-2122-47

A PROCLAMATION OF THE MAYOR OF THE CITY OF NORMAN, OKLAHOMA, PROCLAIMING THE MONTH OF JULY, 2022, AS PARKS AND RECREATION MONTH IN THE CITY OF NORMAN.

§ 1. WHEREAS, parks and recreation programs are an integral part of communities throughout the country, including the City of Norman; and

§ 2. WHEREAS, our parks and recreation facilities are vitally important to establishing and maintaining the quality of life in our communities, ensuring the health of all citizens, and contributing to the economic and environmental well-being of a community and region; and

§ 3. WHEREAS, parks and recreation programs build healthy, active communities that aid in the prevention of chronic disease, provide therapeutic recreation services for those who are mentally or physically disabled, and also improve the mental and emotional health of all citizens; and

§ 4. WHEREAS, parks and recreation programs increase a community's economic prosperity through increased property values, expansion of the local tax base, increased tourism, the attraction and retention of businesses, and crime reduction; and

§ 5. WHEREAS, parks and recreation programs are fundamental to the environmental well-being of our community; and

§ 6. WHEREAS, parks and recreation areas improve water quality, protect groundwater, prevent flooding, improve the quality of the air we breathe; provide vegetative buffers to development, and produce habitat for wildlife; and.

§ 7. WHEREAS, the U.S. House of Representative has designated July as Parks and Recreation Month; and.

NOW, THEREFORE, I, MAYOR OF THE CITY OF NORMAN, OKLAHOMA:

§ 8. Do hereby proclaim the month of July, 2022, as Parks and Recreation Month in the City of Norman.

PASSED AND APPROVED this 14th day of July, 2022.

_____
Mayor

ATTEST

_____
City Clerk

File Attachments for Item:

3. CONSIDERATION OF ACKNOWLEDGEMENT, APPROVAL, REJECTION, AMENDMENT, AND/OR POSTPONEMENT OF PROCLAMATION P-2122-48: A PROCLAMATION OF THE MAYOR OF THE CITY OF NORMAN, OKLAHOMA, PROCLAIMING JUNE 20 THROUGH JUNE 26, 2022, AS POLLINATOR WEEK IN THE CITY OF NORMAN

CITY OF NORMAN, OK

STAFF REPORT

MEETING DATE: 06/14/2022

REQUESTER: Michele Loudenback

PRESENTER: Michele Loudenback, Environmental and Sustainability Manager

ITEM TITLE: CONSIDERATION OF ACKNOWLEDGEMENT, APPROVAL, REJECTION, AMENDMENT, AND/OR POSTPONEMENT OF PROCLAMATION P-2122-48: A PROCLAMATION OF THE MAYOR OF THE CITY OF NORMAN, OKLAHOMA, PROCLAIMING JUNE 20 THROUGH JUNE 26, 2022, AS POLLINATOR WEEK IN THE CITY OF NORMAN

P-2122-48

A PROCLAMATION OF THE MAYOR OF THE CITY OF NORMAN, OKLAHOMA, PROCLAIMING JUNE 20 THROUGH JUNE 26, 2022, AS POLLINATOR WEEK IN THE CITY OF NORMAN.

§ 1. WHEREAS, the City of Norman is home to many native wildlife and pollinator species such as birds, bees, and insects which keep our environment healthy and biodiverse; and

§ 2. WHEREAS, the City of Norman recognizes that human health ultimately depends on well-functioning ecosystems and that biodiverse regions can better support food production, healthy soil and air quality and can foster healthy connections between humans and wildlife ; and

§ 3. WHEREAS, the City of Norman is working to build a healthy, sustainable and wildlife-friendly community that brings the many benefits of nature to all corners of our community; and

§ 4. WHEREAS, pollinators play an important role in maintaining a healthy ecosystem and in urban communities, pollinators play a crucial role in maintaining sustainable urban agriculture, local community gardens, and residential landscaping; and

§ 6. WHEREAS, pollinator species are in decline due to habitat loss and the use of pesticides, causing many species to decline significantly in the past 25 years; and

§ 7. WHEREAS, National Pollinator Week is a national initiative that offers opportunities to individuals and communities to help restore native habitat, support local pollinator species; and

§ 8. WHEREAS, the City of Norman will continue to support local, state, and national efforts that protect, restore, and conserve habitat for pollinators, as well as foster a greater connection between residents and wildlife.

NOW, THEREFORE, I, MAYOR OF THE CITY OF NORMAN, OKLAHOMA:

§ 9. Do hereby proclaim June 20 through June 26, 2022, as Pollinator Week in the City of Norman and encourage our residents to make a difference for pollinators in our community by taking part in activities to bring awareness to and protect our invaluable pollinators.

PASSED AND APPROVED this _____ day of June, 2022.

_____
Mayor

ATTEST:

_____
City Clerk

File Attachments for Item:

4. CONSIDERATION OF ACKNOWLEDGMENT, ACCEPTANCE, REJECTION, AND/OR POSTPONEMENT OF PROCLAMATION P-2122-49: A PROCLAMATION OF THE MAYOR OF THE CITY OF NORMAN, OKLAHOMA, PROCLAIMING SUNDAY, JUNE 19, 2022, AS JUNETEENTH DAY IN THE CITY OF NORMAN.

CITY OF NORMAN, OK

STAFF REPORT

MEETING DATE: 6/14/2022

REQUESTER: Cinthya Allen, Chief Diversity & Equity Officer

PRESENTER: Cinthya Allen, Chief Diversity & Equity Officer

ITEM TITLE: CONSIDERATION OF ACKNOWLEDGMENT, ACCEPTANCE, REJECTION, AND/OR POSTPONEMENT OF PROCLAMATION P-2122-49: A PROCLAMATION OF THE MAYOR OF THE CITY OF NORMAN, OKLAHOMA, PROCLAIMING SUNDAY, JUNE 19, 2022, AS JUNETEENTH DAY IN THE CITY OF NORMAN.

P-2122-49

A PROCLAMATION OF THE MAYOR OF THE CITY OF NORMAN, OKLAHOMA, PROCLAIMING SUNDAY, JUNE 19, 2022, AS JUNETEENTH DAY IN THE CITY OF NORMAN.

§ 1. WHEREAS, President Abraham Lincoln issued the Emancipation Proclamation on January 1, 1863, declaring that all persons held as slaves shall be free; and

§ 2. WHEREAS, on June 19, 1865, Union soldiers, led by Major General Gordon Granger, landed at Galveston, Texas, with news that the war had ended and that the enslaved were now free; and

§ 3. WHEREAS, June 19th, known as "Juneteenth" and also called "Emancipation Day," is the oldest known celebration, which started in 1866, commemorating the announcement of the abolition of slavery in the State of Texas and in remembrance of the day all remaining slaves acquired their freedom in the United States of America; and

§ 4. WHEREAS, on June 17, 2021, President Joseph Biden signed Juneteenth into law, declaring it a national holiday; and

§ 5. WHEREAS, Juneteenth reminds us of the promises of freedom, equality, opportunity, and the celebration of Black freedom, culture, and achievements made; and

§ 6. WHEREAS, the Juneteenth Festival will take place on Saturday, June 18, in the City of Norman at Reaves Park and provide a community event of celebration and inclusion, bringing together families, visitors, and local officials to celebrate this national holiday;

NOW, THEREFORE, I, MAYOR OF THE CITY OF NORMAN, OKLAHOMA:

§ 7. Do hereby proclaim Sunday, June 19, 2022, as Juneteenth in the City of Norman and invite all citizens to join me in celebrating this important holiday while continuing to strive towards full equality.

PASSED AND APPROVED this 14th day of June, 2022.

_____
Mayor

ATTEST:

_____
City Clerk

File Attachments for Item:

5. CONSIDERATION OF ADOPTION, APPROVAL, REJECTION, AMENDMENT, AND/OR POSTPONEMENT OF ORDINANCE O-2122-42 UPON FIRST READING BY TITLE: AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AMENDING SECTION 460 OF CHAPTER 22 OF THE CODE OF THE CITY OF NORMAN SO AS TO REMOVE PART OF THE SOUTHEAST QUARTER (SE/4) OF SECTION FOUR (4), TOWNSHIP EIGHT (8) NORTH, RANGE TWO (2) WEST OF THE INDIAN MERIDIAN, CLEVELAND COUNTY, OKLAHOMA, FROM THE PUD, PLANNED UNIT DEVELOPMENT DISTRICT, AND PLACE SAME IN THE PUD, PLANNED UNIT DEVELOPMENT DISTRICT; AND PROVIDING FOR THE SEVERABILITY THEREOF. (NORTHWEST CORNER OF IMHOFF ROAD AND OAKHURST AVENUE)

CITY OF NORMAN, OK

STAFF REPORT

MEETING DATE: 06/14/2022

REQUESTER: Lennar Homes of Oklahoma, L.L.C.

PRESENTER: Jane Hudson, Director of Planning & Community Development

ITEM TITLE: CONSIDERATION OF ADOPTION, APPROVAL, REJECTION, AMENDMENT, AND/OR POSTPONEMENT OF ORDINANCE O-2122-42 UPON FIRST READING BY TITLE: AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AMENDING SECTION 460 OF CHAPTER 22 OF THE CODE OF THE CITY OF NORMAN SO AS TO REMOVE PART OF THE SOUTHEAST QUARTER (SE/4) OF SECTION FOUR (4), TOWNSHIP EIGHT (8) NORTH, RANGE TWO (2) WEST OF THE INDIAN MERIDIAN, CLEVELAND COUNTY, OKLAHOMA, FROM THE PUD, PLANNED UNIT DEVELOPMENT DISTRICT, AND PLACE SAME IN THE PUD, PLANNED UNIT DEVELOPMENT DISTRICT; AND PROVIDING FOR THE SEVERABILITY THEREOF. (NORTHWEST CORNER OF IMHOFF ROAD AND OAKHURST AVENUE)

SYNOPSIS: Lennar Homes of Oklahoma is requesting to rezone property containing approximately 16.32 acres from PUD, Planned Unit Development, that consisted of apartment and specific special uses, to a new PUD, Planned Unit Development, to allow for single-family residential development. The PUD is requested to allow for setbacks, lot coverage, and lot sizes that differ from the R-1, Single-Family Dwelling District requirements.

HISTORY: This property was initially zoned CO, Suburban Office Commercial District, in 1977. In 2012, the property was rezoned to PUD, Planned Unit Development, with Ordinance O-1112-20 to allow for apartment development in addition to specific special uses enumerated under both RM-6 and CO. These special uses were the following:

- Church, temple, or other place of worship;
- Child care center;
- Off-street parking;
- Office buildings;
- Convalescent home, rest home, nursing home, or assisted living center.

ZONING ORDINANCE CITATION:

SEC. 420 – PLANNED UNIT DEVELOPMENT

Statement of Purpose. It is the intent of this section to encourage developments with a superior

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

Specifically, the purposes of this section are to encourage:

(a) A maximum choice in the types of environment and living units available to the public.
(b) Provision of more usable and suitably located open space, recreation areas, or other common facilities than would otherwise be required under conventional land development regulations.
(c) Maximum enhancement and minimal disruption of existing natural features and amenities.
(d) Comprehensive and innovative planning and design of diversified developments, which are consistent with the City's long range, plan and remain compatible with surrounding developments.
(e) More efficient and economic use of land resulting in smaller networks of utilities and streets, thereby lowering costs.
(f) Preparation of more complete and useful information, which will enable the Planning Commission and City Council to make more informed decisions on land use.

The PUD (Planned Unit Development) Regulations are designed to provide for small and large-scale developments incorporating a single type or a variety of residential, commercial, industrial and related uses, which are planned and developed as a unit. Such development may consist of individual lots, or it may have common building sites. Private or public common land and open space must be an essential, major element of the development, which is related to, and affects, the long-term value of the homes and other development. A Planned Unit Development shall be a separate entity with a distinct character that respects and harmonizes with surrounding development.

EXISTING ZONING: The existing zoning for the subject property is PUD, Planned Unit Development, allowing for apartment development in addition to specific special uses and requirements enumerated under both RM-6, Medium Density Apartment District, and CO, Suburban Office Commercial District.

ANALYSIS: The particulars of the new PUD include:

USE: The PUD Narrative includes the following uses:

- Detached single family dwellings;

- Family day care home;
- General purpose farm or garden;
- Home occupations;
- Municipal recreation or water supply;
- Accessory buildings;
- Model homes and/or Sales Office, subject to the applicable permits;
- Temporary Parking Lots; and
- Short-Term Rentals.

OPEN SPACE/PARKLAND: Open space and green space areas are located throughout the Property, as shown on the Open Space Exhibit (Exhibit D). The Open Space Exhibit proposes 23.7% of the site as open space. Notably, open space/landscaping is proposed adjacent to E. Imhoff Road to minimize impacts from the loading docks owned by Hitachi.

PHASES: Homes will be phased over time as market absorption permits.

SITE PLAN/ACCESS: The Site Development Plan is shown in Exhibit B-1. This development has one emergency access off E. Imhoff Road and full access off Oakhurst Avenue. The Site Development Plan shows 109 single-family residential lots in addition to common area throughout the site.

AREA REGULATIONS: The applicant is requesting the following area regulations for the development:

- Front yard setback: The minimum depth of the front yard setback shall be ten (10') feet provided that all garages shall have a minimum nineteen (19') foot front yard setback to allow for a parking space in the driveway. In the event a lot has street frontage on multiple sides, the front yard setback shall only apply along the frontage designated on the Site Development Plan as the 10' front yard setback and the remaining frontage may be treated as said lot's side yard;
- Side yard setback: The minimum depth of the side yard setback shall be five (5') feet provided that roof, gutter, window, patio, patio coverings, and similar improvement overhangs shall be allowed to encroach upon the side yard setback, up to a maximum of two (2') feet;
- Rear yard setback: The minimum depth of the rear yard setback shall be ten (10') feet, with the allowance for unenclosed patios, sheds, and similar common residential accessory improvements (i.e., gazebos, storm shelters, etc.) to be five (5') feet from the rear property line;
- Coverage: The maximum lot coverage for all structures, as well as impervious area, shall be no more than sixty-five percent (65%) of the total lot area;
- Height: Houses will not exceed thirty-five (35') feet or two (2) stories in height. An accessory building shall not exceed a wall height of ten (10') feet; and
- Lot Size: The minimum lot width for this PUD shall be thirty (30') feet at the front building line and twenty-five (25') feet along street frontage. The minimum lot area shall be a minimum of three thousand (3,000) square feet.

LANDSCAPING: Landscaping shall be installed in order to meet or exceed the City of Norman's applicable landscaping requirements for development of single-family residential lots. Additional landscaping is proposed adjacent to E. Imhoff Road to minimize impacts from the loading docks owned by Hitachi.

SIGNAGE: The entrance to the Property may contain entryway signage and associated walls, fences, and decorative features, in order to identify the addition. The signage may be lighted and landscaped with appropriate vegetation and planter boxes designed so as not to interfere with traffic sight lines. The maximum square footage shall comply with the provisions of the City of Norman Signage Code that are applicable to R-1, Single-Family Dwelling District.

ALTERNATIVES/ISSUES:

IMPACTS: The proposed PUD changes the use of the property from its current zoning. The proposed rezoning will change the property from an office/apartment use to a single-family residential use. Given that the intensity of the use will change, less traffic is predicted for the proposed PUD compared to the current zoning designation.

OTHER AGENCY COMMENTS:

PUBLIC WORKS:
Sanitary sewer and water improvements are available to the site. The proposed streets will be constructed to City standards. Sidewalks will be installed adjacent to the street. Stormwater runoff will be conveyed to proposed detention ponds.

PREDEVELOPMENT: PD 22-05, March 24, 2022
The neighbors were interested to know when the project would be presented to Planning Commission and City Council. In addition, neighbors were interested to know what the proposed side yard setbacks would be. The representative of the applicant did not give a specific number, explaining that was still being determined for the PUD Narrative. A neighbor also indicated that a natural spring exists on the site. The representative of the applicant explained that the spring would be diverted. Neighbors were interested to know the proposed square footages of the homes. The representative of the applicant could not provide neighbors with general square footage numbers as he was unsure what they would be. The representative of the applicant explained that a common area would be provided for the development and is yet to be determined for the site plan. Finally, neighbors were interested to know why one of the driveways was situated so far west on the site. The representative of the applicant explained that the City preferred this location for traffic-related reasons.

GREENBELT COMMISSION: GB 22-09, April 19, 2022
Greenbelt forwards this item with no additional comments.

CONCLUSION:

Staff forwards this request for rezoning from PUD, Planned Unit Development to a new PUD, Planned Unit Development, as Ordinance O-2122-42 to the City Council for consideration.

At their May 12, 2022 meeting, Planning Commission recommended adoption of O-2122-42 by a vote of 5-1.

O-2122-42

AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AMENDING SECTION 460 OF CHAPTER 22 OF THE CODE OF THE CITY OF NORMAN SO AS TO REMOVE PART OF THE SOUTHEAST QUARTER (SE/4) OF SECTION FOUR (4), TOWNSHIP EIGHT (8) NORTH, RANGE TWO (2) WEST OF THE INDIAN MERIDIAN, CLEVELAND COUNTY, OKLAHOMA, FROM THE PUD, PLANNED UNIT DEVELOPMENT DISTRICT, AND PLACE SAME IN THE PUD, PLANNED UNIT DEVELOPMENT DISTRICT; AND PROVIDING FOR THE SEVERABILITY THEREOF. (Northwest corner of Imhoff Road and Oakhurst Avenue)

§ 1. WHEREAS, Lennar Homes of Oklahoma, L.L.C., the owners of the hereinafter described property, have made application to have the subject property removed from the PUD, Planned Unit Development District (O-1112-20), and placed in a new PUD, 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 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 460 of Chapter 22 of the Code of the City of Norman, Oklahoma, is hereby amended so as to remove the following described property from the PUD, Planned Unit Development District and place the same in the PUD, Planned Unit Development District, to wit:

A part of the Southeast Quarter (SE/4) of Section FOUR (4), Township EIGHT (8) North, Range TWO (2) West of the Indian Meridian, Cleveland County, Oklahoma, being more particularly described as follows: Beginning at the Southwest corner of said Southeast Quarter (SE/4); thence North 01°03’37” West on the West line of said Southeast Quarter (SE/4) a distance of 690.98 feet to the Southwest corner of Lot 22, Block 32 of Oakhurst Addition Section 12; thence South 90°00’00” East on the South line of Oakhurst Addition Section 12 a distance of 1249.28 feet to the West line of Oakhurst Avenue; thence South 00°00’00” West a distance of 590.11 feet; thence South 44°51’52” West a distance of 36.86 feet; thence South 01°09’54” East

a distance of 50.00 feet to the South line of said Southeast Quarter (SE/4); thence South 88°50'06" West on said South line a distance of 1211.76 feet to the Point of Beginning, less and except: Lot ONE (1), in Block ONE (1), of CRIMSON CREEK ADDITION SECTION 1, to Norman, Cleveland County, Oklahoma, according to the recorded plat thereof.

§ 5. Further, pursuant to the provisions of Section 22:420 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 PUD Narrative and Site Development Plan, approved by the Planning Commission on May 12, 2022, and supporting documentation submitted by the applicant and approved by the Planning Commission, and made a part hereof.

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

ADOPTED this _____ day of

_____, 2022.

_____
(Mayor)

NOT ADOPTED this _____day of

_____, 2022.

_____
(Mayor)

ATTEST:

_____
(City Clerk)

THE VILLAGES

A PLANNED UNIT DEVELOPMENT
NORMAN, OKLAHOMA

APPLICANT:
LENNAR HOMES OF OKLAHOMA, LLC

APPLICATION FOR:

PLANNED UNIT DEVELOPMENT
PRELIMINARY PLAT
2025 AMENDMENT

Submitted April 4, 2022
Revised May 6, 2022

PREPARED BY:

RIEGER LAW GROUP PLLC
136 Thompson Drive
Norman, Oklahoma 73069

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E. Utility Services
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A. Legal Description of the Property
B-1. Site Development Plan
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I. INTRODUCTION

This Planned Unit Development ("**PUD**") seeks to rezone a tract of property, containing approximately 16.32 acres, located in Ward 1 of the City of Norman. The Applicant seeks to develop the site into a single-family residential community. The homes to be built within the development will be detached homes. The property is located North of E. Imhoff Road and West of Oakhurst Avenue. The property is more particularly described on the attached **Exhibit A** (the "**Property**"). The Property is currently zoned as a Planned Unit Development (O-1112-20) that allows for a mixed-use development featuring multi-family apartments and commercial office uses. Accordingly, the NORMAN 2025 Land Use Plan Designation is Mixed-Use. The Property is not currently platted.

The Applicant seeks to rezone the Property to this PUD in order to put forth the parameters for which the development of the Property as a single-family residential community will be phased over time as market absorption permits. This proposal will remove the existing allowances for multi-family apartments and commercial office uses. Additionally, the Applicant will plat the Property in order to facilitate this proposed development.

II. PROPERTY DESCRIPTION/GENERAL SITE CONDITIONS

A. Location

The Property is located in Ward 1, North of E. Imhoff Road and West of Oakhurst Avenue.

B. Existing Land Use and Zoning

The Property is currently zoned as a PUD that contemplates a mixed-use development with multi-family apartment units and commercial office uses. The Property's current NORMAN 2025 Land Use Plan Designation is Mixed Use. This request seeks to amend the Property's NORMAN 2025 Land Use Plan Designation to Low Density Residential. The properties to the North and Northeast of the Property are zoned R-1, Single Family Dwelling, with a NORMAN 2025 Land Use Plan Designation of Low Density Residential. The property to the East is zoned PUD for multi-family use, with a NORMAN 2025 Land Use Plan Designation of Medium Residential. The Property surrounds an office park that is zoned CO, Suburban Office Commercial, with a NORMAN 2025 Land Use Plan Designation of Office. The property located South of E. Imhoff Road is zoned I-1, Light Industrial, with a NORMAN 2025 Land Use Plan Designation of Industrial. The property to the West is zoned A-2, Rural Agricultural, with a NORMAN 2025 Land Use Plan Designation of Low Density Residential. A small tract to the Southwest of the Property is zoned I-1, Light Industrial, but has a NORMAN 2025 Land Use Plan Designation of Low Density Residential.

C. Elevation and Topography

The Property is undeveloped. The elevations range from approximately 1172 feet to 1150 feet with the highest elevations located near the Southeast corner of the Property and the lowest natural elevations located near the North property line.

D. Drainage

A drainage report has been provided by the Applicant to City Staff as part of the Preliminary Plat application. It is currently anticipated that drainage controls for the development will be located in the Northeast corner of the Property, subject to review and approval by City Staff in accordance with the application ordinances.

E. Utility Services

The necessary utility services for this project are already located in close proximity to the Property. The Applicant shall extend such utility services to the Property, as necessary.

F. Fire Protection Services

Fire Protection services will be provided by the City of Norman Fire Department and by the Applicant as such are required by applicable City codes, ordinances, and/or regulations.

G. Traffic Circulation and Access

Access to the Property shall be permitted in the manner depicted on the attached Site Development Plan.

III. DEVELOPMENT PLAN AND DESIGN CONCEPT

The Property is planned to accommodate a detached single-family residential development. The Property shall be developed in compliance with the Site Development Plan, attached hereto, subject to final revisions or adjustments allowed by the City's PUD ordinance, as discussed below. The Exhibits attached hereto, and as submitted on behalf on the Applicant, are incorporated herein by reference and further depict the development criteria for the Property. The proposed development will feature 109 platted single-family residential lots.

A. Uses Permitted:

The allowable uses for the Property shall mirror those uses that are allowed in the City of Norman's R-1, Single-Family Dwelling zoning district. A complete list of the allowable uses for the Property is attached as **Exhibit C**.

B. Area Regulations:

The lots within the Property shall comply with the following regulations:

Front Yard: The minimum depth of the front yard setback shall be ten (10') feet provided that all garages shall have a minimum nineteen (19') foot front yard setback to allow for a parking space in the driveway. In the event a Lot has street frontage on multiple sides, the front yard setback shall only apply along the frontage designated on the Site Development Plan as the 10' front yard setback and the remaining frontage may be treated as said Lot's side yard.

Side Yard: The minimum depth of the side yard setback shall be five (5') feet provided that roof, gutter, window, patio, patio coverings, and similar improvement overhangs shall be allowed to encroach upon the side yard setback, up to a maximum of two (2') feet.

Rear Yard: The minimum depth of the rear yard setback shall be ten (10') feet, with the allowance for unenclosed patios, sheds, and similar common residential accessory improvements (i.e., gazebos, storm shelters, etc.) to be five (5') feet from the rear property line.

Lot Coverage & Height: The maximum lot coverage for all structures, as well as impervious area, shall be no more than sixty-five percent (65%) of the total lot area. Houses will not exceed thirty-five (35') feet or two (2) stories in height. An accessory building shall not exceed a wall height of ten (10') feet.

Lot Size: The minimum lot width for this PUD shall be thirty (30') feet at the front building line and twenty-five (25') feet along street frontage. The minimum lot area shall be a minimum of three thousand (3,000) square feet. No more than one (1) main dwelling shall be constructed on any one lot.

C. Miscellaneous Development Criteria

1. Site Development Plan

The Site Development Plan for the Property, **Exhibit B-1** attached hereto, and Typical Lot Layouts, **Exhibit B-2** attached hereto, are concurrently submitted with this PUD and shall be incorporated herein as an integral part of the PUD and the development of the Property shall be generally constructed as presented thereon, subject to final design development and the changes allowed by Section 22.420(7) of the City of Norman's PUD Ordinance, as may be amended from time to time.

2. Open Space/Common Area

Open space and green space areas are located throughout the Property, as shown on the Open Space Exhibit attached hereto as **Exhibit D**. A minimum of 10% of the Property shall be designated as Open Space.

3. Signage

The entrance to the Property may contain entryway signage and associated walls, fences, and decorative features, in order to identify the addition. The signage may be lighted and landscaped with appropriate vegetation and planter boxes designed so as not to interfere with traffic sight lines. The maximum square footage shall comply with the provisions of the City of Norman Signage Code that are applicable to R-1, Single Family Dwelling district.

4. Traffic Access/Circulation and Sidewalks

Access to the Property shall be in the manner shown on the Site Development Plan. Sidewalks will be installed within the development as shown on the attached Site Development Plan, in compliance with the City's standards.

5. Landscaping/Parkland

Landscaping shall be installed in order to meet or exceed the City of Norman's applicable landscaping requirements for development of single-family residential lots. The Applicant requests fee in lieu of parkland donation due to the proximity of various parks in the surrounding area.

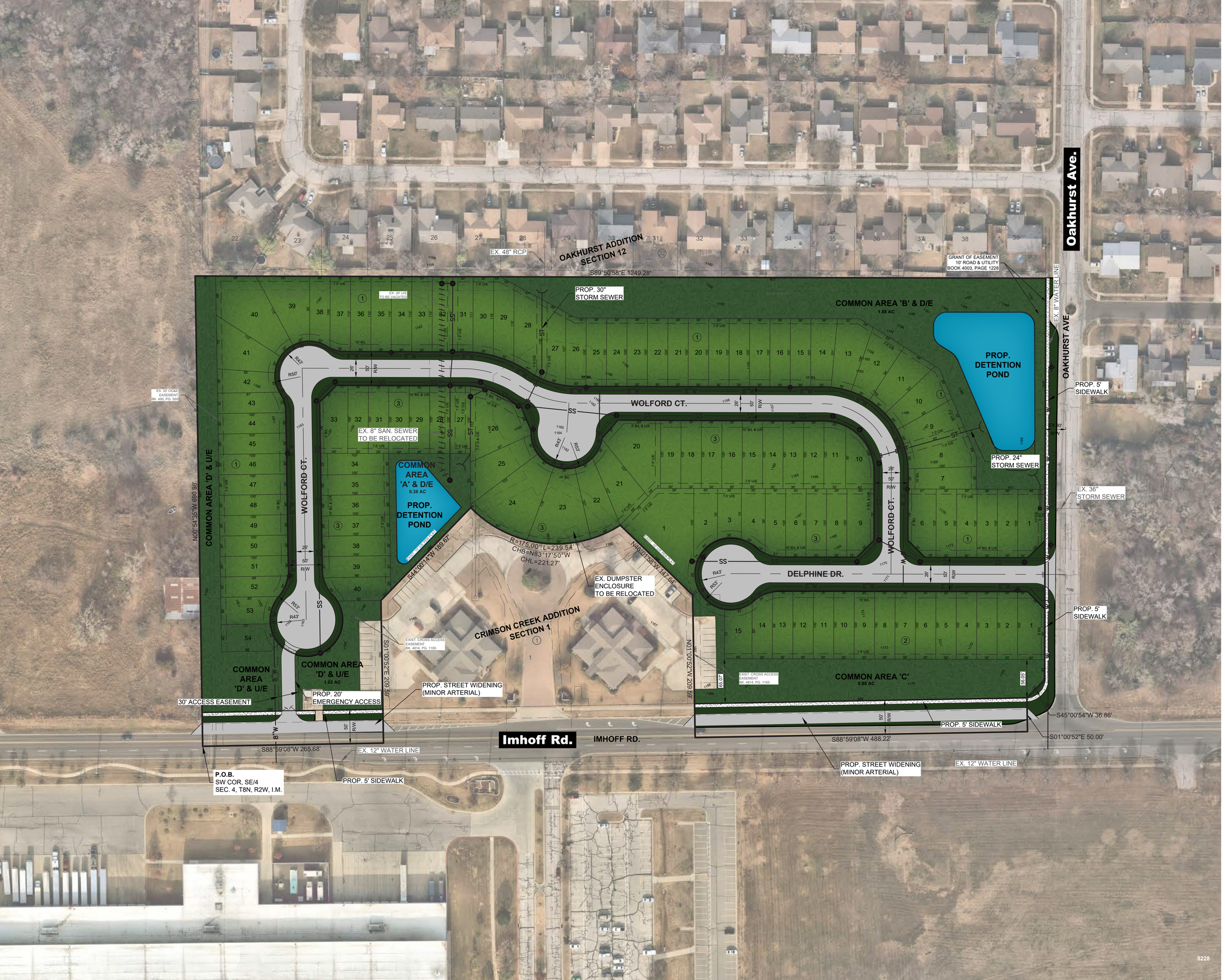
6. Roll Off Dumpsters

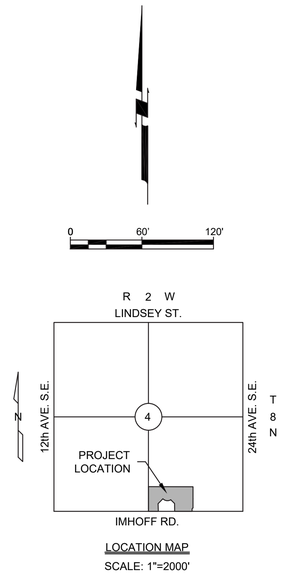
Roll off dumpsters shall be allowed for temporary construction purposes on the Property.

EXHIBIT A

Legal Description of the Property

A part of the Southeast Quarter (SE/4) of Section FOUR (4), Township EIGHT (8) North, Range TWO (2) West of the Indian Meridian, Cleveland County, Oklahoma, being more particularly described as follows: Beginning at the Southwest corner of said Southeast Quarter (SE/4); thence North 01°03'37" West on the West line of said Southeast Quarter (SE/4) a distance of 690.98 feet to the Southwest corner of Lot 22, Block 32 of Oakhurst Addition Section 12; thence South 90°00'00" East on the South line of Oakhurst Addition Section 12 a distance of 1249.28 feet to the West line of Oakhurst Avenue; thence South 00°00'00" West a distance of 590.11 feet; thence South 44°51'52" West a distance of 36.86 feet; thence South 01°09'54" East a distance of 50.00 feet to the South line of said Southeast Quarter (SE/4); thence South 88°50'06" West on said South line a distance of 1211.76 feet to the Point of Beginning, less and except: Lot ONE (1), in Block ONE (1), of CRIMSON CREEK ADDITION SECTION 1, to Norman, Cleveland County, Oklahoma, according to the recorded plat thereof.





LOCATION MAP

SCALE: 1"=2000'

Imhoff Rd & Oakhurst Ave

The Villages

Site Development Plan

109 Lots

16.3205 acres

Exhibit B-1

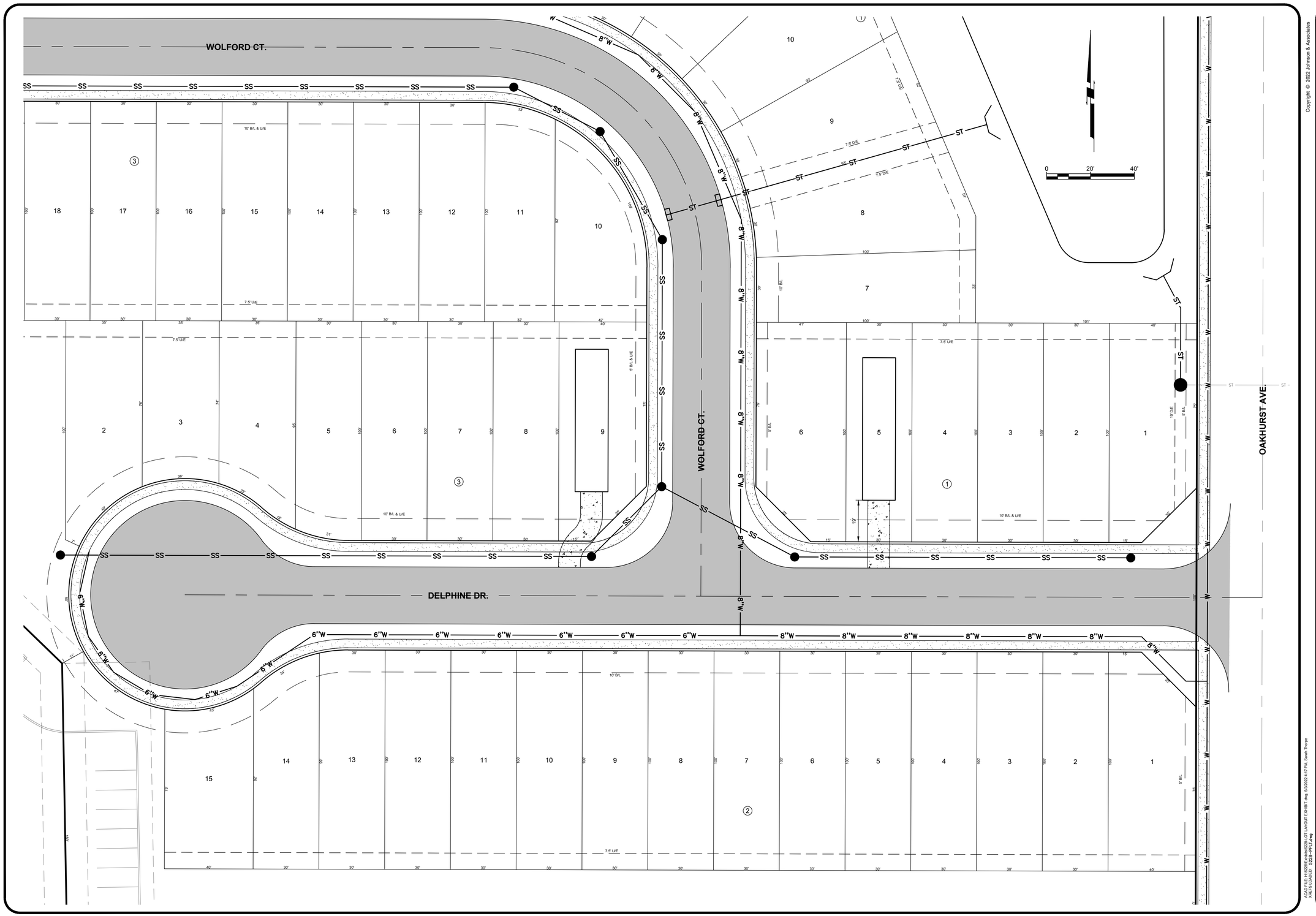
JOHNSON & ASSOCIATES

Johnson & Associates, Inc.
1 E. Sheridan Ave., Suite 200
Oklahoma City, OK 73104
(405) 235-8075 FAX (405) 235-8078

ENGINEERS SURVEYORS PLANNERS

5/6/2022

Conceptual site plan showing feasible option permitted under proposed rezoning



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REVISIONS

NO.	DESCRIPTION	DATE

Johnson & Associates
1 E. Sheridan Ave., Suite 200
Oklahoma City, OK 73104
(405) 235-8075 FAX (405) 235-8070 www.jaokc.com
Certificate of Authorization #1484 Exp. Date: 06-30-2023
- ENGINEERS - SURVEYORS - PLANNERS -

THE VILLAGES
CITY OF NORMAN, CLEVELAND COUNTY, OKLAHOMA
TYPICAL LOT LAYOUT
EXHIBIT B-2

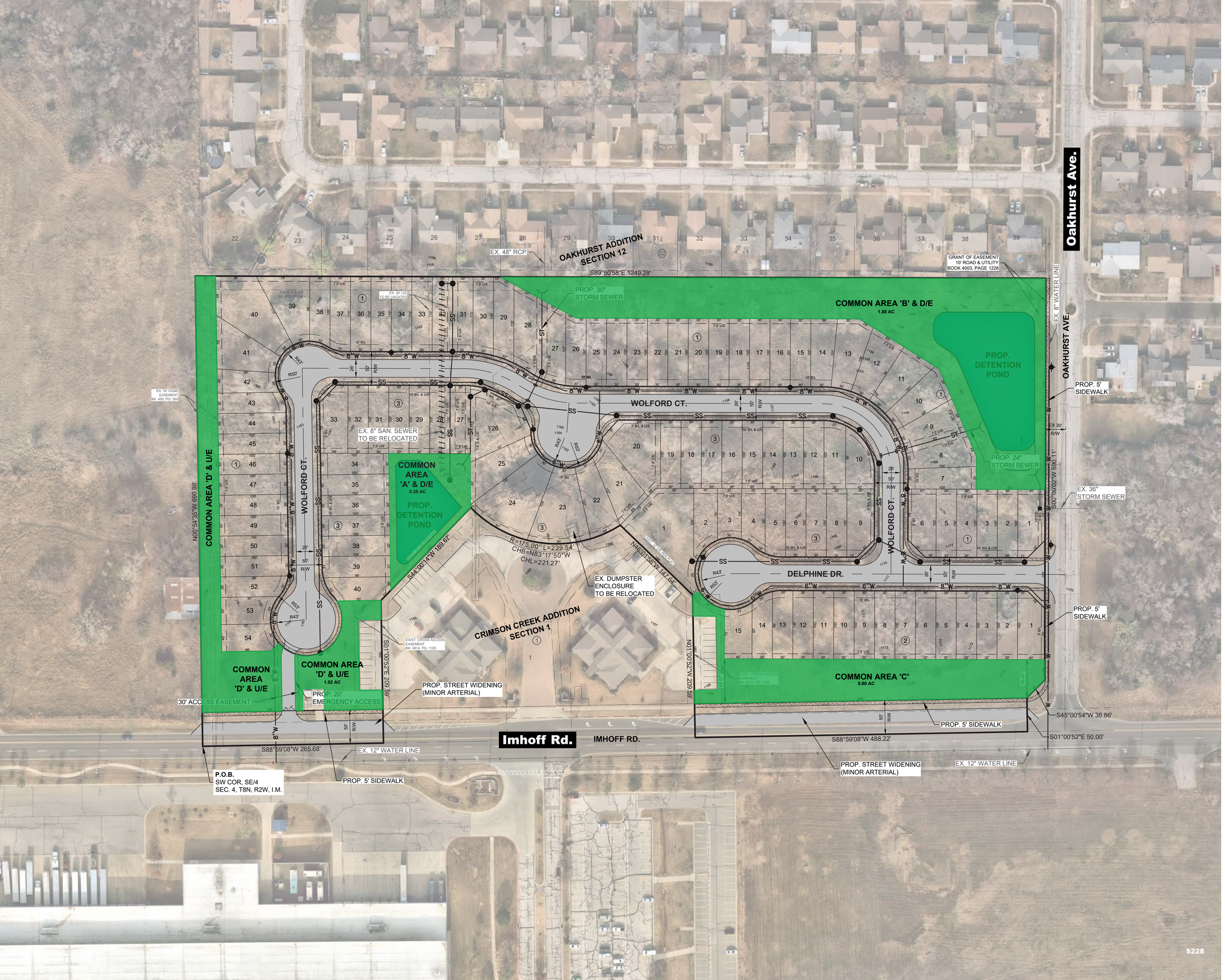
Proj. No.:
Date: 05-03-22
Scale: 1"= 20'
Checked By:
Approved By:

SHEET NUMBER
EX1

PLOT DATE: 5/3/2022 4:17 PM, Seth Thorpe
PLOT SCALE: 1.0000
PLOT STYLE: JA.ctb
LAYOUT: EX1
DWG: C:\Users\sthorpe\Desktop\5228-PRLT.dwg
XREFS LOADED: 5228-PRLT.dwg

EXHIBIT C
Allowable Uses

- Detached single family dwellings;
- Family day care home;
- General purpose farm or garden;
- Home occupations;
- Municipal recreation or water supply;
- Accessory buildings;
- Model homes and/or Sales Office, subject to the applicable permits; and
- Temporary Parking Lots.
- Short-Term Rentals



0 60' 120'

Imhoff Rd & Oakhurst Ave

The Villages

Open Space Exhibit

Total Open Space: +/- 3.86 acres

Preliminary Plat: 16.3205 acres
(23.7% Open Space)

Exhibit D

JOHNSON & ASSOCIATES

Johnson & Associates
1 E. Sheridan Ave., Suite 200
Oklahoma City, OK 73104
(405) 235-8075 **FAX (405) 235-8078**

ENGINEERS **SURVEYORS** **PLANNERS**

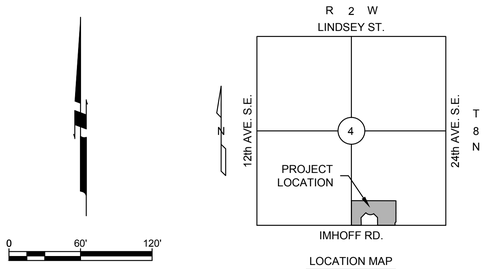
5/6/2022

PRELIMINARY PLAT
of

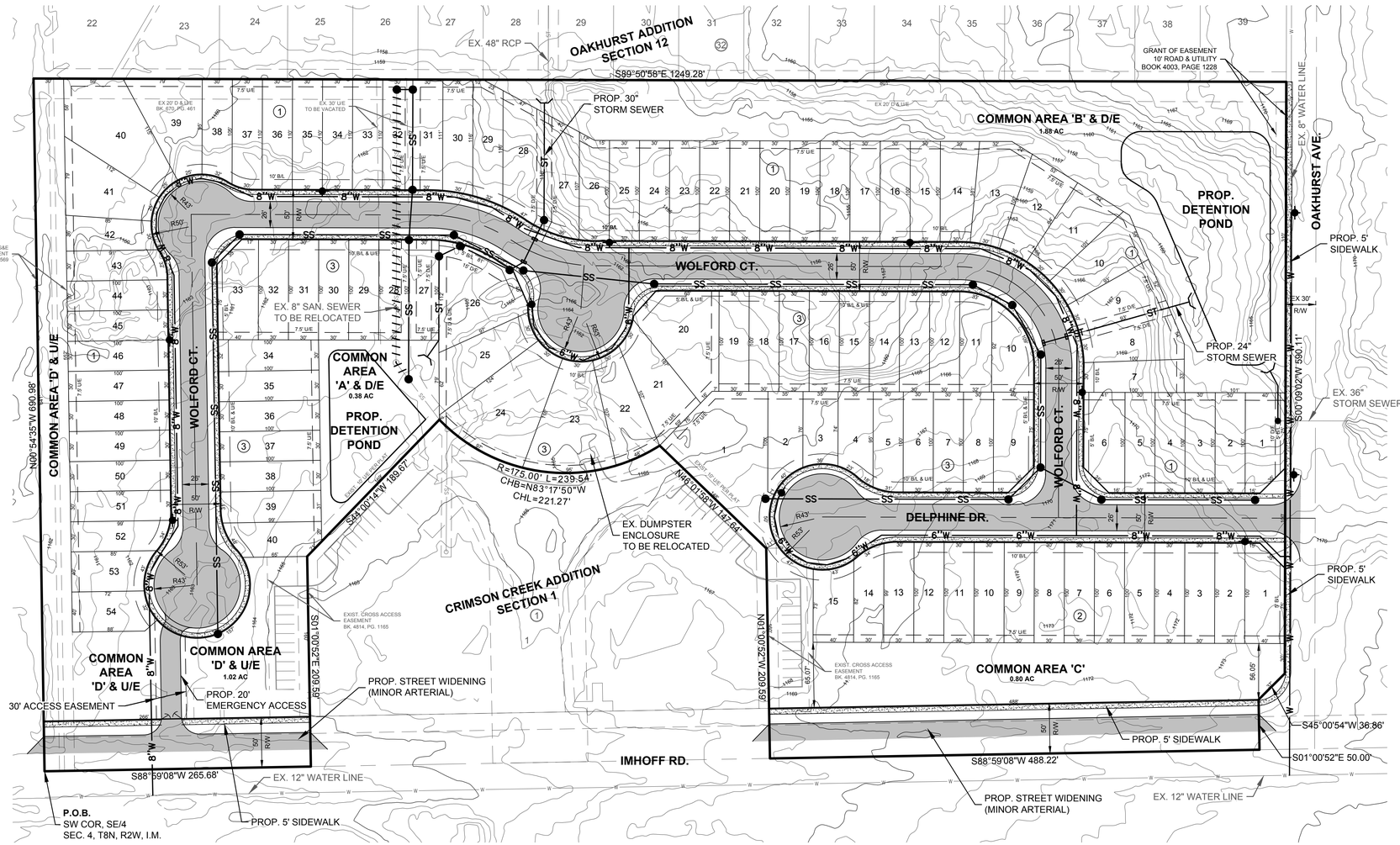
THE VILLAGES

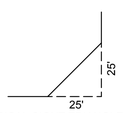
A PLANNED UNIT DEVELOPMENT

BEING A PART OF SE/4, SEC. 4, T8N, R2W, I.M.
AN ADDITION TO THE CITY OF NORMAN, CLEVELAND COUNTY, OKLAHOMA



LOCATION MAP
SCALE: 1"=2000'





TYPICAL SIGHT TRIANGLE

UTILITY LEGEND

- EXISTING WATER LINE
- EXISTING SANITARY SEWER LINE
- PROPOSED WATER LINE
- PROPOSED 8" SANITARY SEWER LINE
- PROPOSED STORM SEWER LINE
- PROPOSED FIRE HYDRANT

LEGEND:

P.O.C. = POINT OF COMMENCEMENT
P.O.B. = POINT OF BEGINNING
R/W = RIGHT OF WAY
STAT. R/W = STATUTORY RIGHT OF WAY
L.N.A. = LIMITS OF NO ACCESS
C.A.= COMMON AREA
B/L = BUILDING LIMIT LINE
U/E = UTILITY EASEMENT
D/E = DRAINAGE EASEMENT
D & U/E = DRAINAGE & UTILITY EASEMENT

LEGAL DESCRIPTION

A part of the Southeast Quarter (SE/4) of Section Four (4), Township Eight (8) North, Range Two (2) West of the Indian Meridian, Cleveland County, Oklahoma, being more particularly described as follows:

BEGINNING at the southwest comer of said Southeast Quarter (SE/4);

THENCE North 01°03'37" West on the west line of said Southeast Quarter (SE/4) a distance of 690.98 feet to the southwest comer of Lot 22, Block 32 of OAKHURST ADDITION SECTION 12;

THENCE South 90°00'00"' East on the south line of OAKHURST ADDITION SECTION 12 a distance of 1249.28 feet to the west line of Oakhurst Avenue;

THENCE South 00°00'00" West a distance of 590.11 feet;

THENCE South 44°51'52" West a distance of 36.86 feet;

THENCE South 01°09'54" East a distance of 50.00 feet to the south line of said Southeast Quarter (SE/4);

THENCE South 88°50'06" West on said south line a distance of 1211.76 feet to the POINT OF BEGINNING.

LESS AND EXCEPT:

Lot One (1), in Block One (1) of CRIMSON CREEK ADDITION SECTION 1, to Norman, Cleveland County, Oklahoma, according to the plat recorded in Book 21 of Plats, Page 53.

Said described tract of land contains a gross area of 710,923 square feet or 16.3205 acres and a net area, less streets rights of way, of 672,679 square feet or 15.4426 acres, more or less.

Notes:

1. All islands/medians within street rights-of-way, and arterial landscaping with its irrigation system, shall be maintained by the property owners association within THE VILLAGES.

2. Drainage detention facility easements are hereby established as shown to provide for detention of storm surface water and constructed as approved by the city engineer. All maintenance within the drainage detention facility easement shall be the right, duty and responsibility of the property owners association in the plat of THE VILLAGES; however, if maintenance is neglected or subject to other unusual circumstances and is determined to be a hazard or threat to public safety by the city, corrective maintenance may be performed by the governing jurisdiction with costs assessed to and born upon said property owners association. Officials representing the public works department, shall have the right to enter upon the easement for purposes of periodic inspection and/or corrective maintenance of the facility. Upon receiving written approval from the public works department, property owners association may construct improvements within the easement, provided the improvement does not interfere with the function of the detention facility.

OWNER / DEVELOPER

LENNAR HOMES
1707 MARKETPLACE BLVD. SUITE 100
IRVING, TX 75063

ENGINEER

JOHNSON & ASSOCIATES, INC.
1 E. SHERIDAN AVE., SUITE 200
OKLAHOMA CITY, OKLAHOMA 73104
(405) 235-8075

TOTAL ACRES = 16.3205 AC

TOTAL UNITS = 109

TOTAL COMMON AREA = 4.0815 AC

TOTAL % COMMON AREA = 25%

PRELIMINARY PLAT
of

THE VILLAGES

Johnson & Associates
1 E. Sheridan Ave., Suite 200
Oklahoma City, OK 73104
(405) 235-8075 FAX (405) 235-8078 www.jaokc.com
Certificate of Authorization #1484 Exp. Date: 06-30-2023
• ENGINEERS • SURVEYORS • PLANNERS •

Copyright © 2022 Johnson & Associates

SHEET 1 OF 1 PPLT

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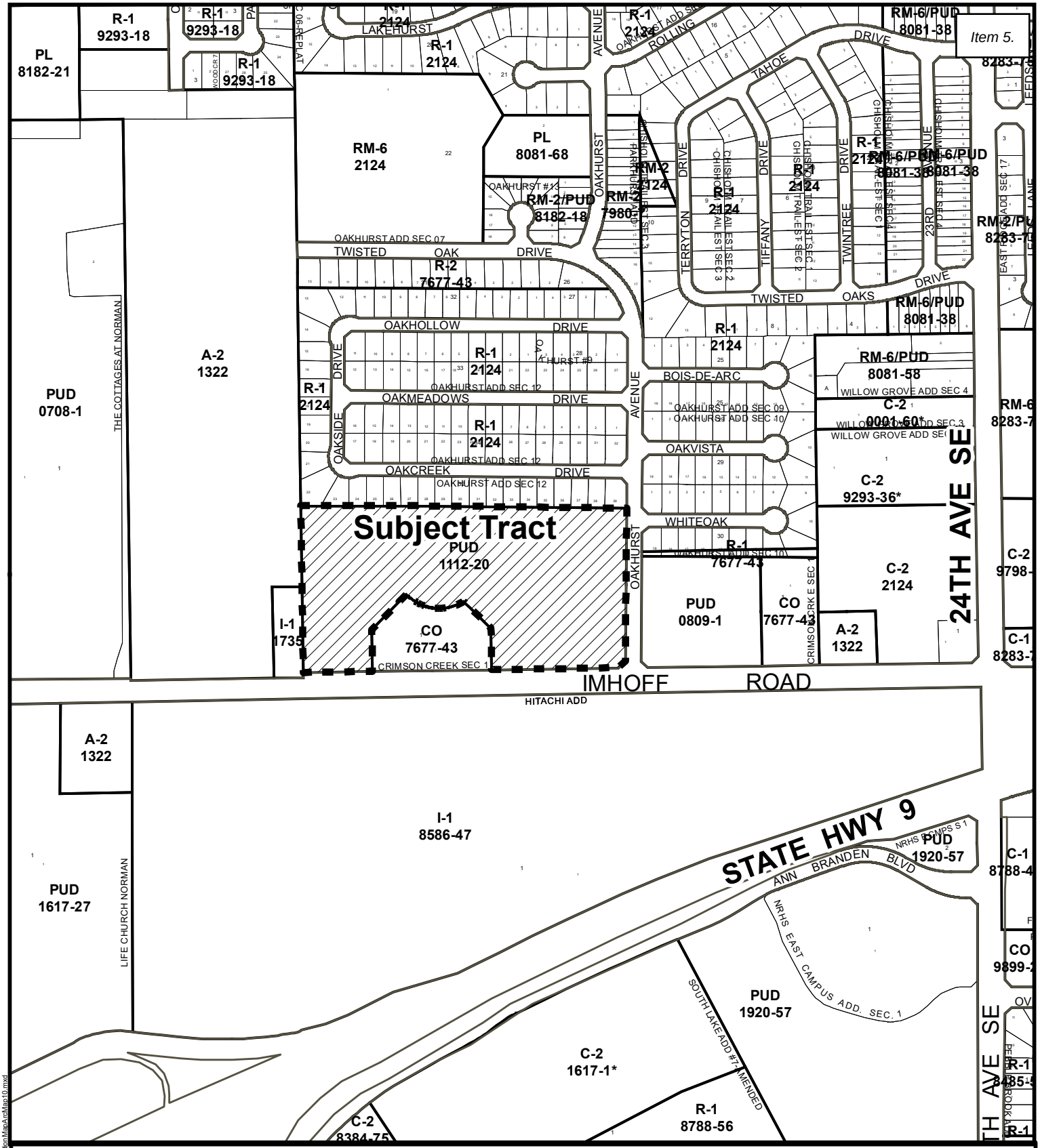


Location Map

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.

N E S W

April 6, 2022

0 250 500 Ft.

Subject Tract

Zoning

\\con-silon\citydepartments\GIS\ArcGIS10.Map Templates\8x11_LocationMapArcMap10.mxd

Applicant: Lennar Homes of Oklahoma, LLC

Project Location: North of E. Imhoff Rd. and west of Oakhurst Ave.

Case Number: PD22-06

Time: 6:00 p.m.

Applicant/Representative
Gunner Joyce (Attorney for Applicant)

Attendees
David Glaze
Ryan Glaze
Randy Reynolds
Allen Ahlert
Caleb Ball
Emma Bingham
Dayla Bingham

City Staff
Ken Danner, Subdivision Development Manager
Heather Poole, Assistant City Attorney II
Colton Wayman, Planner I

Application Summary
The applicant requests to rezone from the current PUD, Planned Unit Development to a new PUD, Planned Unit Development to allow for a single-family subdivision with smaller lots and setbacks than what is currently allowed.

Neighbor's Comments/Concerns/Responses
The neighbors were interested to know when the project would be presented to Planning Commission and City Council. In addition, neighbors were interested to know what the proposed side yard setbacks would be. The representative of the applicant did not give a specific number, explaining that was still being determined for the PUD narrative. A neighbor also indicated that a natural spring exists on the site. The representative of the applicant explained that the spring would be diverted. Neighbors were interested to know the proposed square footages of the homes. The representative of the applicant could not provide neighbors with general square footage numbers as he was unsure what they would be. The representative of the applicant explained that a common area would be provided for the development and is yet to be determined for the site plan. Finally, neighbors were interested to know why one of the driveways was situated so far west. The representative of the applicant explained that the City preferred this location for traffic-related reasons.

ORDINANCE NO. O-2122-42 ITEM NO. 5

STAFF REPORT

GENERAL INFORMATION

APPLICANT	Lennar Homes of Oklahoma, LLC
REQUESTED ACTION	Rezoning to PUD, Planned Unit Development
EXISTING ZONING	PUD, Planned Unit Development
SURROUNDING ZONING	North: R-1, Single Family Dwelling District East: R-1, Single Family Dwelling District, and PUD, Planned Unit Development South: CO, Suburban Office Commercial District, and I-1, Light Industrial District West: A-2, Rural Agricultural District, and I-1, Light Industrial District
LOCATION	N.W. Corner of E. Imhoff Road and Oakhurst Avenue
SIZE	16.32 acres, more or less
PURPOSE	Single-family residential neighborhood
EXISTING LAND USE	Vacant
SURROUNDING LAND USE	North: Single Family Residential East: Vacant/Single Family Residential South: Light Industrial West: Vacant

SYNOPSIS: Lennar Homes of Oklahoma is requesting to rezone property containing approximately 16.32 acres from PUD, Planned Unit Development, that consisted of apartment and specific special uses, to a new PUD, Planned Unit Development, to allow for single-family residential development. The PUD is requested to allow for setbacks, lot coverage, and lot sizes that differ from the R-1, Single-Family Dwelling District requirements.

HISTORY: This property was initially zoned CO, Suburban Office Commercial District, in 1977. In 2012, the property was rezoned to PUD, Planned Unit Development, with Ordinance

No. O-1112-20 to allow for apartment development in addition to specific special enumerated under both RM-6 and CO. These special uses were the following:

- Church, temple, or other place of worship;
- Child care center;
- Off-street parking;
- Office buildings;
- Convalescent home, rest home, nursing home, or assisted living center.

ZONING ORDINANCE CITATION:

SEC. 420 – PLANNED UNIT DEVELOPMENT

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

Specifically, the purposes of this section are to encourage:

(a) A maximum choice in the types of environment and living units available to the public.
(b) Provision of more usable and suitably located open space, recreation areas, or other common facilities than would otherwise be required under conventional land development regulations.
(c) Maximum enhancement and minimal disruption of existing natural features and amenities.
(d) Comprehensive and innovative planning and design of diversified developments which are consistent with the City's long range plan and remain compatible with surrounding developments.
(e) More efficient and economic use of land resulting in smaller networks of utilities and streets, thereby lowering costs.
(f) Preparation of more complete and useful information which will enable the Planning Commission and City Council to make more informed decisions on land use.

The PUD (Planned Unit Development) Regulations are designed to provide for small and large scale developments incorporating a single type or a variety of residential, commercial, industrial and related uses which are planned and developed as a unit. Such development may consist of individual lots, or it may have common building sites. Private or public common land and open space must be an essential, major element of the development which is related to, and affects, the long term value of the homes and other development. A Planned Unit Development shall be a separate entity with a distinct character that respects and harmonizes with surrounding development.

EXISTING ZONING: The existing zoning for the subject property is PUD, Planned Development, allowing for apartment development in addition to specific special uses and requirements enumerated under both RM-6, Medium Density Apartment District, and CO, Suburban Office Commercial District.

ANALYSIS: The particulars of the new PUD include:

USE: The PUD Narrative includes the following uses:

- Detached single family dwellings;
- Family day care home;
- General purpose farm or garden;
- Home occupations;
- Municipal recreation or water supply;
- Accessory buildings;
- Model homes and/or Sales Office, subject to the applicable permits;
- Temporary Parking Lots; and
- Short-Term Rentals.

OPEN SPACE/PARKLAND: Open space and green space areas are located throughout the Property, as shown on the Open Space Exhibit (Exhibit D). The Open Space Exhibit proposes 23.7% of the site as open space. Notably, open space/landscaping is proposed adjacent to E. Imhoff Road to minimize impacts from the loading docks owned by Hitachi.

PHASES: Homes will be phased over time as market absorption permits.

SITE PLAN/ACCESS: The Site Development Plan is shown in Exhibit B-1. This development has one emergency access off E. Imhoff Road and full access off Oakhurst Avenue. The Site Development Plan shows 109 single-family residential lots in addition to common area throughout the site.

AREA REGULATIONS: The applicant is requesting the following area regulations for the development:

- Front yard setback: The minimum depth of the front yard setback shall be ten (10') feet provided that all garages shall have a minimum nineteen (19') foot front yard setback to allow for a parking space in the driveway. In the event a lot has street frontage on multiple sides, the front yard setback shall only apply along the frontage designated on the Site Development Plan as the 10' front yard setback and the remaining frontage may be treated as said lot's side yard;
- Side yard setback: The minimum depth of the side yard setback shall be five (5') feet provided that roof, gutter, window, patio, patio coverings, and similar improvement overhangs shall be allowed to encroach upon the side yard setback, up to a maximum of two (2') feet;
- Rear yard setback: The minimum depth of the rear yard setback shall be ten (10') feet, with the allowance for unenclosed patios, sheds, and similar common residential accessory improvements (i.e., gazebos, storm shelters, etc.) to be five (5') feet from the rear property line;
- Coverage: The maximum lot coverage for all structures, as well as impervious area, shall be no more than sixty-five percent (65%) of the total lot area;
- Height: Houses will not exceed thirty-five (35') feet or two (2) stories in height. An accessory building shall not exceed a wall height of ten (10') feet; and

- Lot Size: The minimum lot width for this PUD shall be thirty (30') feet at the front bu line and twenty-five (25') feet along street frontage. The minimum lot area shall be a minimum of three thousand (3,000) square feet.

LANDSCAPING: Landscaping shall be installed in order to meet or exceed the City of Norman's applicable landscaping requirements for development of single-family residential lots. Additional landscaping is proposed adjacent to E. Imhoff Road to minimize impacts from the loading docks owned by Hitachi.

SIGNAGE: The entrance to the Property may contain entryway signage and associated walls, fences, and decorative features, in order to identify the addition. The signage may be lighted and landscaped with appropriate vegetation and planter boxes designed so as not to interfere with traffic sight lines. The maximum square footage shall comply with the provisions of the City of Norman Signage Code that are applicable to R-1, Single-Family Dwelling District.

ALTERNATIVES/ISSUES:

IMPACTS: The proposed PUD changes the use of the property from its current zoning. The proposed rezoning will change the property from an office/apartment use to a single-family residential use. Given that the intensity of the use will change, less traffic is predicted for the proposed PUD compared to the current zoning designation.

OTHER AGENCY COMMENTS:

PUBLIC WORKS: Sanitary sewer and water improvements are available to the site. The proposed streets will be constructed to City standards. Sidewalks will be installed adjacent to the street. Stormwater runoff will be conveyed to proposed detention ponds.

PREDEVELOPMENT: PD 22-05, March 24, 2022
The neighbors were interested to know when the project would be presented to Planning Commission and City Council. In addition, neighbors were interested to know what the proposed side yard setbacks would be. The representative of the applicant did not give a specific number, explaining that was still being determined for the PUD Narrative. A neighbor also indicated that a natural spring exists on the site. The representative of the applicant explained that the spring would be diverted. Neighbors were interested to know the proposed square footages of the homes. The representative of the applicant could not provide neighbors with general square footage numbers as he was unsure what they would be. The representative of the applicant explained that a common area would be provided for the development and is yet to be determined for the site plan. Finally, neighbors were interested to know why one of the driveways was situated so far west on the site. The representative of the applicant explained that the City preferred this location for traffic-related reasons.

GREENBELT COMMISSION: GB 22-09, April 19, 2022
Greenbelt forwards this item with no additional comments.

CONCLUSION: Staff forwards this request for rezoning from PUD, Planned Unit Development to a new PUD, Planned Unit Development, as Ordinance No. O-2122-42 for consideration by the Planning Commission and a recommendation to City Council.

GBC 22-09

APPLICANT	Lennar Homes of Oklahoma, LLC
LOCATION	16.32 acres of property generally located north of E. Imhoff Road and west of Oakhurst Avenue
PROPOSAL	The Villages Preliminary Plat & NORMAN 2025 Land Use Plan Amendment; Plat and rezone approximately 16.32 acres from PUD, Planned Unit Development to a new PUD, Planned Unit Development to allow for a single-family subdivision with smaller lots and setbacks.
NORMAN 2025 LAND USE	Current: Mixed Use Proposed: Low Density Residential
LAND USE	Current: Vacant Proposed: Single-family residential

Greenbelt Commission Final Comments - GBC 22-09

Greenbelt forwards this item with no additional comments.

NORMAN PLANNING COMMISSION
REGULAR SESSION MINUTES

MAY 12, 2022

The Planning Commission of the City of Norman, Cleveland County, State of Oklahoma, met in Regular Session in Council Chambers of the Norman Municipal Building, 201 West Gray Street, on the 12th day of May, 2022.

Notice and agenda of the meeting were posted at the Norman Municipal Building and online at https://norman-ok.municodemeetings.com at least twenty-four hours prior to the beginning of the meeting.

Chair Erica Bird called the meeting to order at 6:38 p.m.

* * *

Item No. 1, being:
ROLL CALL

MEMBERS PRESENT	Kevan Parker Steven McDaniel Erica Bird Dave Boeck Shaun Axton Michael Jablonski
MEMBERS ABSENT	Erin Williford

A quorum was present.

STAFF MEMBERS PRESENT	Jane Hudson, Director, Planning & Community Development Lora Hoggatt, Planning Services Manager Colton Wayman, Planner I Roné Tromble, Recording Secretary Bryce Holland, Multimedia Specialist Beth Muckala, Asst. City Attorney Todd McLellan, Development Engineer Jami Short, Traffic Engineer

* * *

NON-CONSENT ITEMS

Item No. 4, being:

R-2122-111 – CONSIDERATION OF ADOPTION, REJECTION, AMENDMENT, AND/OR POSTPONEMENT OF RESOLUTION NO. R-2122-111: LENNAR HOMES OF OKLAHOMA, L.L.C. REQUESTS AMENDMENT OF THE NORMAN 2025 LAND USE & TRANSPORTATION PLAN FROM MIXED USE DESIGNATION TO LOW DENSITY RESIDENTIAL DESIGNATION FOR APPROXIMATELY 16.32 ACRES OF PROPERTY GENERALLY LOCATED NORTH OF E. IMHOFF ROAD AND WEST OF OAKHURST AVENUE.

ITEMS SUBMITTED FOR THE RECORD:

1. 2025 Map
2. Staff Report
3. Pre-Development Summary

and

Item No. 5, being:

O-2122-42 – CONSIDERATION OF ADOPTION, REJECTION, AMENDMENT, AND/OR POSTPONEMENT OF ORDINANCE NO. O-2122-42: LENNAR HOMES OF OKLAHOMA, L.L.C. REQUESTS REZONING FROM PUD, PLANNED UNIT DEVELOPMENT, TO SPUD, SIMPLE PLANNED UNIT DEVELOPMENT, FOR APPROXIMATELY 16.32 ACRES OF PROPERTY GENERALLY LOCATED NORTH OF E. IMHOFF ROAD AND WEST OF OAKHURST AVENUE.

ITEMS SUBMITTED FOR THE RECORD:

1. Location Map
2. Staff Report
3. SPUD Narrative with Exhibits A-D
4. Pre-Development Summary

and

Item No. 5, being:

PP-2122-12 – CONSIDERATION OF ADOPTION, REJECTION, AMENDMENT, AND/OR POSTPONEMENT OF PP-2122-12: CONSIDERATION OF A PRELIMINARY PLAT SUBMITTED BY LENNAR HOMES OF OKLAHOMA, L.L.C. (JOHNSON & ASSOCIATES) FOR THE VILLAGES, A SIMPLE PLANNED UNIT DEVELOPMENT FOR 16.32 ACRES OF PROPERTY GENERALLY LOCATED NORTH OF E. IMHOFF AVENUE AND WEST OF OAKHURST AVENUE, WITH A VARIANCE IN THE CUL-DE-SAC LENGTH.

ITEMS SUBMITTED FOR THE RECORD:

1. Location Map
2. Preliminary Plat
3. Staff Report
4. Transportation Impacts
5. Request for Variance
6. Site Development Plan
7. Pre-Development Summary
8. Greenbelt Commission Comments

PRESENTATION BY STAFF:

1. Colton Wayman reviewed the staff report, a copy of which is filed with the minutes. There was 0.52% protest within the notification area.

2. Mr. Jablonski asked about open space/recreation areas.

PRESENTATION BY THE APPLICANT:

1. Sean Rieger, Rieger Law Group, representing the applicant, addressed the protest and explained the proposal. He addressed the open space question, and noted the location of an existing park, as well as the decision of the Parks Board for fee in lieu of park.

2. Mr. Boeck asked whether the homes will be accessible. He also commented on the front-facing garages.

3. Ms. Bird asked the difference in size of the open space between this PUD and the previous PUD. Ms. Hudson jndicated they are very close. Mr. Rieger explained the PUD regulations require 10-15%, and this is at 23%. This also maintains the 65% impervious per lot.

4. Ms. Bird asked if the PUD allows manufactured or pre-fab homes. Mr. Rieger responded it does not.

5. Mr. Boeck asked the square footage of the units. Mr. Rieger responded 1,000-1,200 square feet.

6. Ms. Bird asked if these could be characterized as a lower income housing type. Mr. Rieger did not think so.

7. Mr. Jablonski commented that he would be happier if the common area along the north were locked into the PUD as a treed area for wildlife.

AUDIENCE PARTICIPATION:
None

DISCUSSION AND ACTION BY THE PLANNING COMMISSION:
1. Mr. Jablonski thinks the area is too far away from a park.

Dave Boeck moved to recommend adoption of Resolution No. R-2122-111, Ordinance No. O-2122-42, and PP-2122-12, to City Council. Kevan Parker seconded the motion.

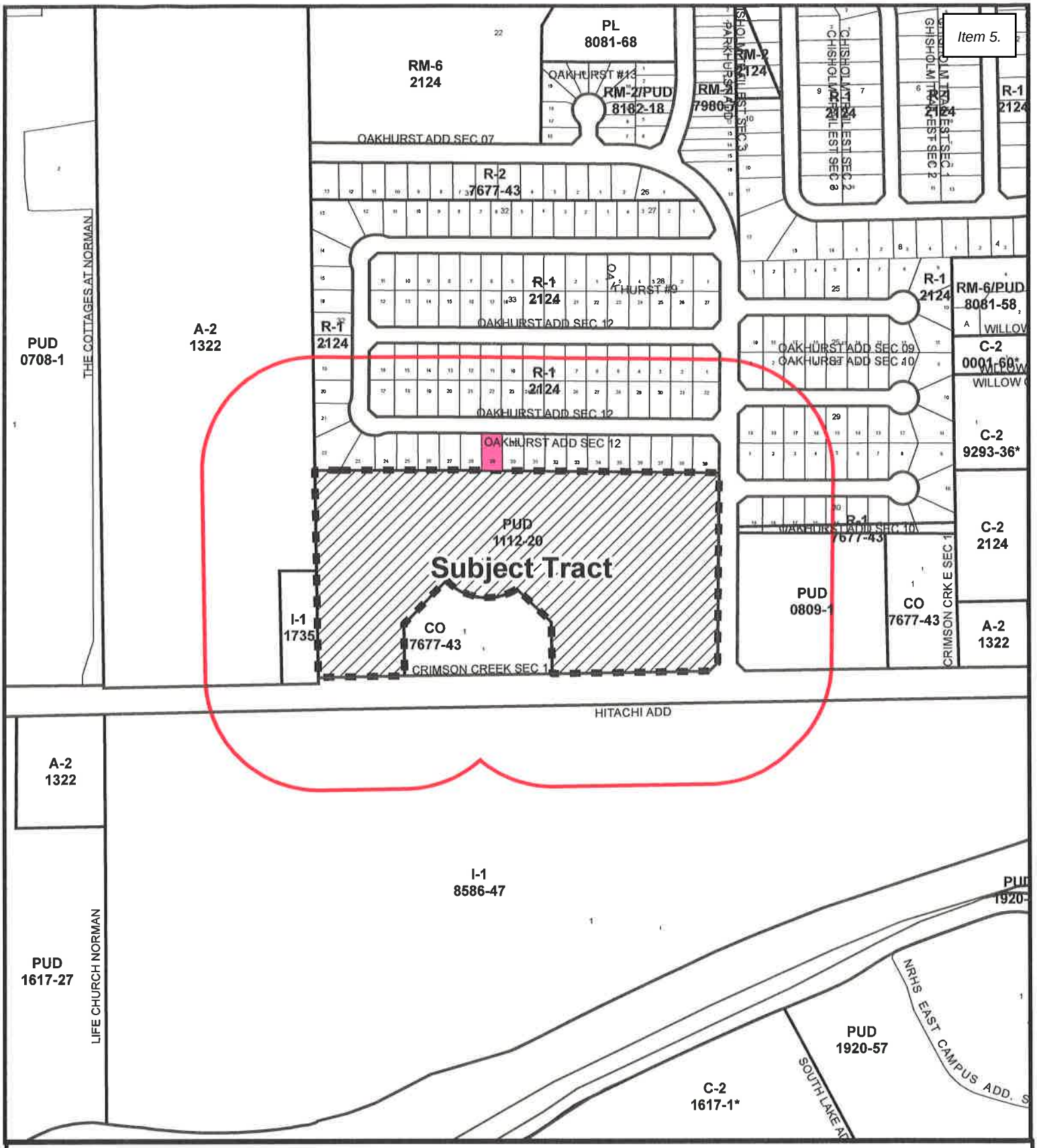
There being no further discussion, a vote on the motion was taken with the following result:

YEAS	Kevan Parker, Steven McDaniel, Erica Bird, Dave Boeck, Shaun Axton
NAYES	Michael Jablonski
MEMBERS ABSENT	Erin Williford

Ms. Tromble announced that the motion, to recommend adoption of Resolution No. R-2122-111, Ordinance No. O-2122-42, and PP-2122-12 to City Council, passed by a vote of 5-1.

* * *

ITEMS 4, 5, 6
Lennar Homes of Oklahoma, L.L.C.
PROTEST MAP & LETTERS



Protest Map

0.52% Protest Within Notification Area

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.

N W E S

0 200 400 Feet

May 10, 2022

Subject Tract

Notification Area

Protest

Protest Outside Notification Ar

To whom it may concern: May 9th, 2022

My name is Kristen Gifford and this is my formal written protest to the request of land use and rezoning that directly affects my property at 1906 Oakcreek Drive.

I purchased my home in 2019 solely because of the backyard and wooded area view. I was advised before purchasing that this land was green belt and nothing would be built on this property. This was a deciding factor in purchasing this property as a home for my son and I.

Now three years later, I am left feeling like I was more than swindled. as a 115 home neighborhood is now being proposed to take over the uninterrupted woodland, even though I was advised nothing would be built behind my property. This will directy affect my property, the value of my property, as well as any future issues as in storm water run off.

FILED IN THE OFFICE
OF THE CITY CLERK
ON 5-9-22

Kristen Gifford

Removing this well preserved piece of nature would demolish acres of trees and agriculture. This would also interrupt and negatively impact current inhabited wild life; multiple species of birds, including owls, families of foxes, frogs, squirrels etc. The rose rocks in this area would also be affected.

Rezoning this area would have a negative impact on traffic and the already stressed transportation system. The Stop light located at 24th ave SE and hwy 9 is already at full capacity and the worst functioning stop light in Norman. Then 400+ new residents who would use this stop light daily, as it is already maxed out.

I strongly disapprove for this proposal to tear away uninterrupted land that will negatively affect the wild life, nature, traffic, noise and my property. I protest in every way that I can and hope that the assurance I was given that this property will remain green belt with nothing built on it and remains as is.

Sincerely, Kristen Gifford Kristen Gifford

File Attachments for Item:

6. CONSIDERATION OF ADOPTION, APPROVAL, REJECTION, AMENDMENT, AND/OR POSTPONEMENT OF ORDINANCE O-2122-43 UPON FIRST READING BY TITLE. AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AMENDING SECTION 460 OF CHAPTER 22 OF THE CODE OF THE CITY OF NORMAN SO AS TO GRANT SPECIAL USE FOR A CHURCH, TEMPLE OR OTHER PLACE OF WORSHIP IN THE R-3, MULTI-FAMILY DWELLING DISTRICT FOR LOT SIXTEEN (16), IN BLOCK ONE (1), OF LINCOLN ADDITION, TO NORMAN, CLEVELAND COUNTY, OKLAHOMA; AND PROVIDING FOR THE SEVERABILITY THEREOF. (494 ELM AVENUE)

CITY OF NORMAN, OK

STAFF REPORT

MEETING DATE: 06/14/2022

REQUESTER: Hillel Foundation

PRESENTER: Jane Hudson, Director of Planning & Community Development

ITEM TITLE: CONSIDERATION OF ADOPTION, APPROVAL, REJECTION, AMENDMENT, AND/OR POSTPONEMENT OF ORDINANCE O-2122-43 UPON FIRST READING BY TITLE. AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AMENDING SECTION 460 OF CHAPTER 22 OF THE CODE OF THE CITY OF NORMAN SO AS TO GRANT SPECIAL USE FOR A CHURCH, TEMPLE OR OTHER PLACE OF WORSHIP IN THE R-3, MULTI-FAMILY DWELLING DISTRICT FOR LOT SIXTEEN (16), IN BLOCK ONE (1), OF LINCOLN ADDITION, TO NORMAN, CLEVELAND COUNTY, OKLAHOMA; AND PROVIDING FOR THE SEVERABILITY THEREOF. (494 ELM AVENUE)

SYNOPSIS:

The applicant, Hillel Foundation, is requesting Special Use for a Church, Temple, or Other Place of Worship. The subject property is currently zoned R-3, Multi-Family Dwelling District and a Special Use is required because the applicant is proposing to rebuild their facility and needs to bring their property into compliance with zoning.

HISTORY:

The current Hillel facility was built in 1951 before the adoption of the original zoning ordinance in 1954. The subject property was zoned R-3, Multi-Family Dwelling District, with the adoption of Ordinance O-884 on July 13, 1954.

ZONING ORDINANCE CITATION:

A Special Use request shall be reviewed and evaluated on the following criteria according to the Zoning Ordinance 22:434.1, Special Uses:

1. 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.

EXISTING ZONING: The subject property is currently zoned R-3, Multi-Family Dwelling District, which allows for a Church, Temple or Other Place of Worship with Special Use approval. The applicant would like to build a new facility, which requires the property to come into compliance with current zoning regulations despite their grandfathered status.

ANALYSIS: Per the applicant, the activities taking place at the Hillel Foundation facility will not change; the Foundation will still provide services for students at the University of Oklahoma.

The proposed site plan for the new facility does not have many changes from the existing site. There will still be one access point off College Ave. into the parking lot. There will still be the same number of parking spaces. The building will be roughly the same footprint as the existing facility but will be going from single-story to two-stories.

ALTERNATIVES/ISSUES:

IMPACTS: There are no anticipated negative impacts on the surrounding neighborhood as the applicant will not be changing any of their activities on the site and the parking will remain the same.

OTHER AGENCY COMMENTS:

PARK BOARD: This application does not go to the Parks Board as it is an existing building on platted property.

PUBLIC WORKS: The subject property is platted as part of the Lincoln Addition. City water and sewer are already connected to the site. If existing public sidewalks are damaged during construction of the new facility, they are required to be replaced by the owner.

PREDEVELOPMENT: PD21-08, April 28, 2022

No neighbors attended the Predevelopment meeting.

CONCLUSION: Staff forwards this request for Special Use for a Church, Temple or Other Place of Worship and proposed Ordinance No. O-2122-43 to the City Council for consideration.

At their meeting on May 12, 2022, Planning Commission unanimously recommended adoption of O-2122-43 by a vote of 6-0.

O-2122-43

AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AMENDING SECTION 460 OF CHAPTER 22 OF THE CODE OF THE CITY OF NORMAN SO AS TO GRANT SPECIAL USE FOR A CHURCH, TEMPLE OR OTHER PLACE OF WORSHIP IN THE R-3, MULTI-FAMILY DWELLING DISTRICT FOR LOT SIXTEEN (16), IN BLOCK ONE (1), OF LINCOLN ADDITION, TO NORMAN, CLEVELAND COUNTY, OKLAHOMA; AND PROVIDING FOR THE SEVERABILITY THEREOF. (494 Elm Avenue)

§ 1. WHEREAS, Hillel Foundation has made application to have Special Use for a Church, Temple or Other Place of Worship on the property described below in the R-3, Multi-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 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 460 of Chapter 22 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-3, Multi-Family Dwelling District, for the following described property, to wit:

Lot Sixteen (16), in Block One (1), of LINCOLN ADDITION, to Norman, Cleveland County, Oklahoma.

Said tract contains 20,625 square feet.

§ 5. Further, pursuant to the provisions of Section 22:434.1 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 submitted by the applicant and approved by the Planning Commission on May 12, 2022.

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

ADOPTED this _____ day of

_____, 2022.

_____
(Mayor)

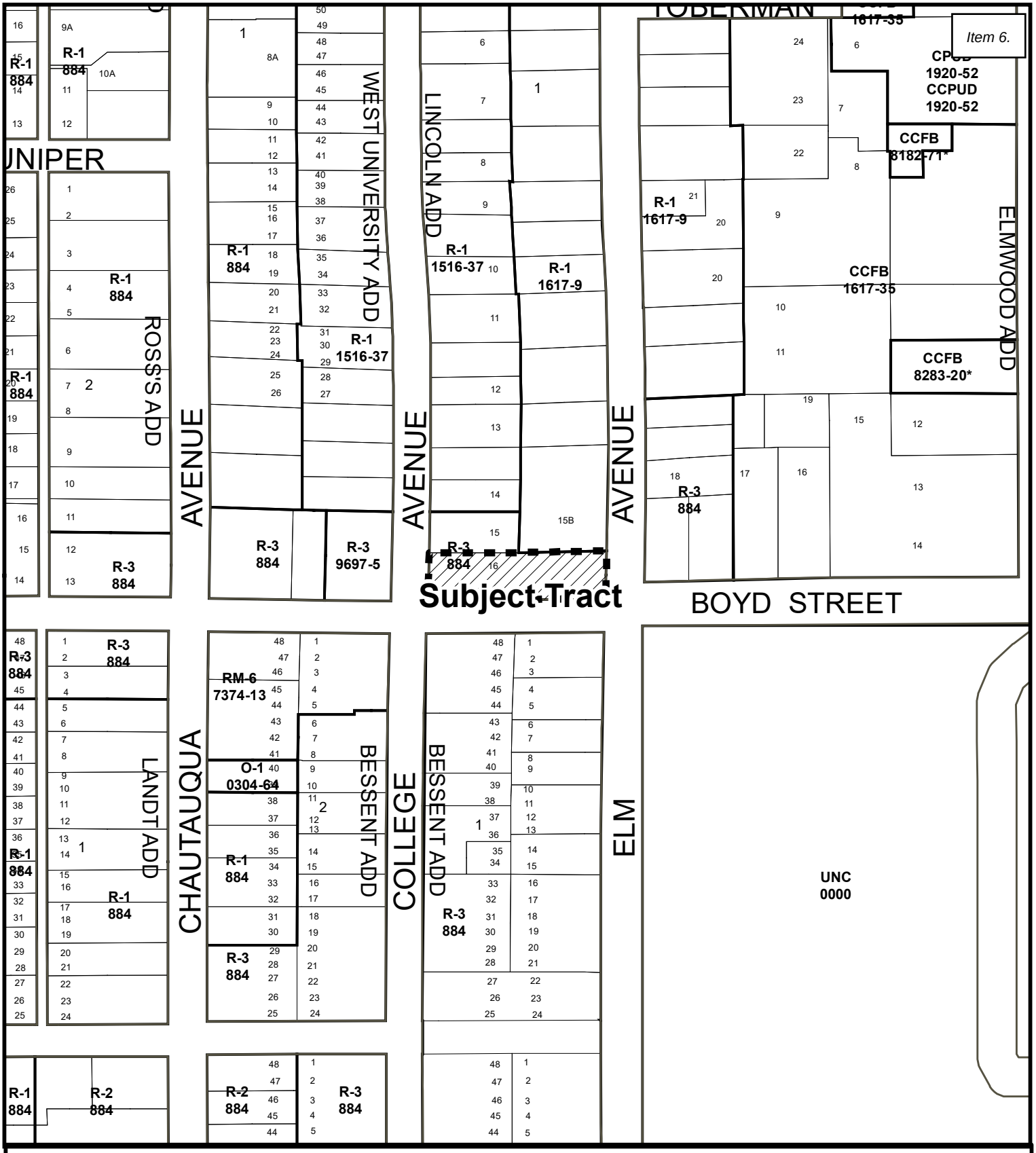
NOT ADOPTED this _____day of

_____, 2022.

_____
(Mayor)

ATTEST:

_____
(City Clerk)



Location Map

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.

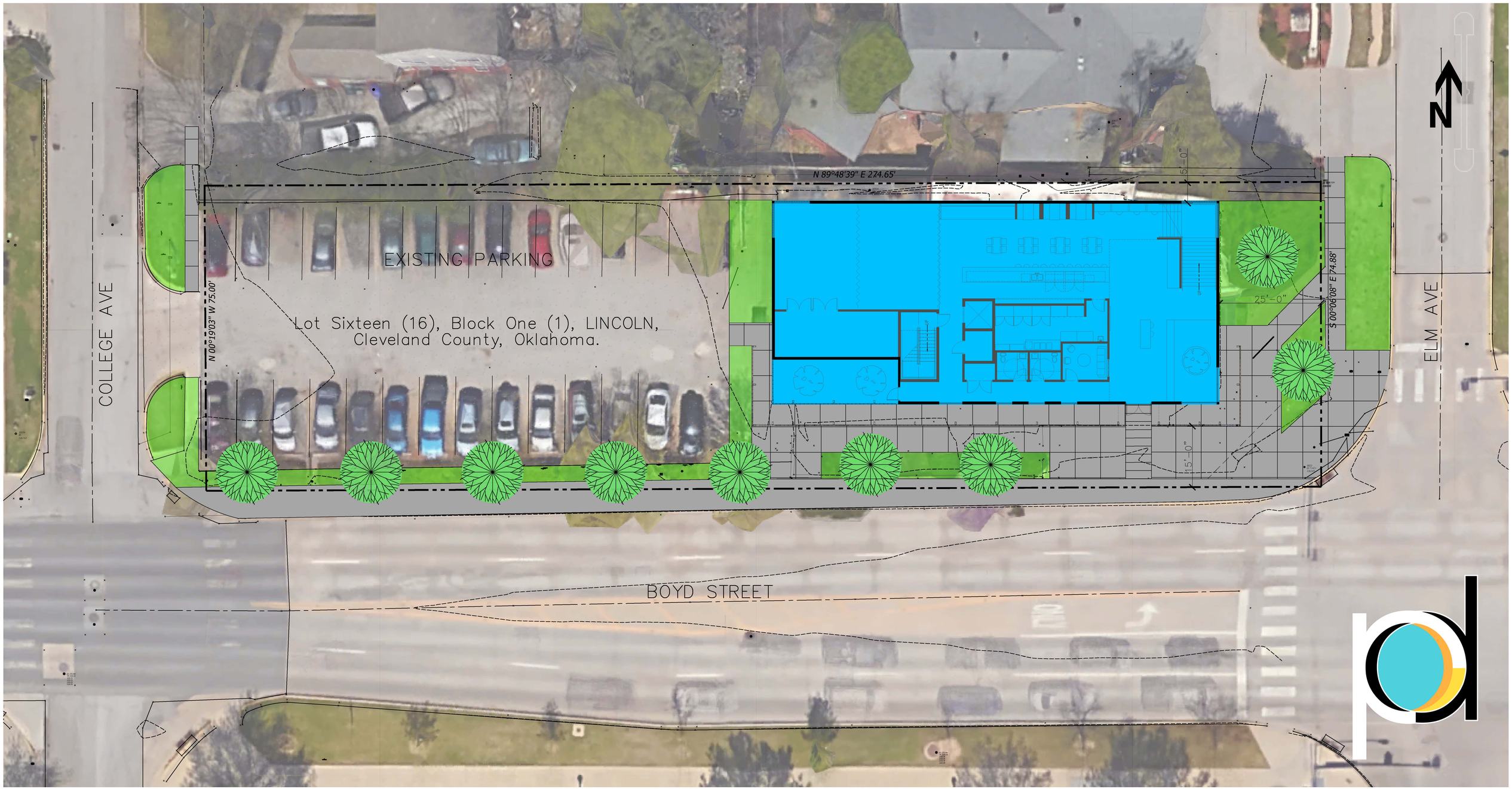
April 6, 2022

0 100 200 Ft.

Subject Tract

Zoning

G:\ArcGIS10.MapTemplates\8x11_LocationMapArcMap10.mxd


N 89°48'39" E 274.65'
EXISTING PARKING
Lot Sixteen (16), Block One (1), LINCOLN,
Cleveland County, Oklahoma.
N 00°19'03" W 75.00'
S 00°06'08" E 74.88'
COLLEGE AVE
ELM AVE
BOYD STREET
6'-0"
25'-0"
15'-0"
N

SITE PLAN

Applicant: Hillel Foundation

Project Location: 494 Elm Avenue

Case Number: PD22-08

Time: 6:00 p.m.

Applicant/Representative
Matthew Peacock

Attendees
None

City Staff
Logan Hubble, Planner I

Application Summary
The applicant is requesting a Special Use for a Church, Temple, or Other Place of Worship.

Neighbor's Comments/Concerns/Responses
No neighbors attended the meeting.

ORDINANCE NO. O-2122-43 ITEM NO. 7

STAFF REPORT

GENERAL INFORMATION

APPLICANT	Hillel Foundation
REQUESTED ACTION	Special Use for a Church, Temple or Other Place of Worship
EXISTING ZONING	R-3, Multi-Family Dwelling District
SURROUNDING ZONING	North: R-1, Single Family Dwelling District, and R-3, Multi-Family Dwelling District East: R-3, Multi-Family Dwelling District South: R-3, Multi-Family Dwelling District West: R-3, Multi-Family Dwelling District
LOCATION	494 Elm Avenue
SIZE	20,625 sq. ft.
PURPOSE	Place of Worship for Hillel Foundation
EXISTING LAND USE	Place of Worship for Hillel Foundation
SURROUNDING LAND USE	North: Residential East: Vacant/Parking South: Catlett Music Center West: Commercial/Restaurant
LAND USE PLAN DESIGNATION	Institutional
GROWTH AREA DESIGNATION	Current Urban Service Area

SYNOPSIS: The applicant, Hillel Foundation, is requesting Special Use for a Church, Temple, or Other Place of Worship. The subject property is currently zoned R-3, Multi-Family Dwelling District and a Special Use is required because the applicant is proposing to rebuild their facility and needs to bring their property into compliance with zoning.

HISTORY: The current Hillel facility was built in 1951 before the adoption of the original zoning ordinance in 1954. The subject property was zoned R-3, Multi-Family Dwelling District, with the adoption of Ordinance No. O-884 on July 13, 1954.

ZONING ORDINANCE CITATION: A Special Use request shall be reviewed and evaluated on the following criteria according to the Zoning Ordinance 22:434.1, Special Uses:

1. 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.

EXISTING ZONING: The subject property is currently zoned R-3, Multi-Family Dwelling District, which allows for a Church, Temple or Other Place of Worship with Special Use approval. The applicant would like to build a new facility, which requires the property to come into compliance with current zoning regulations despite their grandfathered status.

ANALYSIS: Per the applicant, the activities taking place at the Hillel Foundation facility will not change; the Foundation will still provide services for students at the University of Oklahoma.

The proposed site plan for the new facility does not have many changes from the existing site. There will still be one access point off College Ave. into the parking lot. There will still be the same number of parking spaces. The building will be roughly the same footprint as the existing facility but will be going from single-story to two-stories.

ALTERNATIVES/ISSUES:

IMPACTS: There are no anticipated negative impacts on the surrounding neighborhood as the applicant will not be changing any of their activities on the site and the parking will remain the same.

OTHER AGENCY COMMENTS:

PARK BOARD: This application does not go to the Parks Board as it is an existing building on platted property.

PUBLIC WORKS: The subject property is platted as part of the Lincoln Addition. City water and sewer are already connected to the site. If existing public sidewalks are damaged during construction of the new facility, they are required to be replaced by the owner.

PREDEVELOPMENT: PD21-08, April 28, 2022

No neighbors attended the Predevelopment meeting.

CONCLUSION: Staff forwards this request for Special Use for a Church, Temple or Other Place of Worship and proposed Ordinance No. O-2122-43 to the Planning Commission for a recommendation to City Council.

NORMAN PLANNING COMMISSION
REGULAR SESSION MINUTES

MAY 12, 2022

The Planning Commission of the City of Norman, Cleveland County, State of Oklahoma, met in Regular Session in Council Chambers of the Norman Municipal Building, 201 West Gray Street, on the 12th day of May, 2022.

Notice and agenda of the meeting were posted at the Norman Municipal Building and online at https://norman-ok.municodemeetings.com at least twenty-four hours prior to the beginning of the meeting.

Chair Erica Bird called the meeting to order at 6:38 p.m.

* * *

Item No. 1, being:
ROLL CALL

MEMBERS PRESENT	Kevan Parker Steven McDaniel Erica Bird Dave Boeck Shaun Axton Michael Jablonski
MEMBERS ABSENT	Erin Williford

A quorum was present.

STAFF MEMBERS PRESENT	Jane Hudson, Director, Planning & Community Development Lora Hoggatt, Planning Services Manager Colton Wayman, Planner I Roné Tromble, Recording Secretary Bryce Holland, Multimedia Specialist Beth Muckala, Asst. City Attorney Todd McLellan, Development Engineer Jami Short, Traffic Engineer

* * *

Item No. 7, being:
O-2122-43 -- CONSIDERATION OF ADOPTION, REJECTION, AMENDMENT, AND/OR POSTPONEMENT OF ORDINANCE NO. O-2122-43: HILLEL FOUNDATION REQUESTS SPECIAL USE FOR A CHURCH, TEMPLE OR OTHER PLACE OF WORSHIP FOR APPROXIMATELY 20,625 SQUARE FEET OF PROPERTY LOCATED AT 494 ELM AVENUE.

ITEMS SUBMITTED FOR THE RECORD:
1. Location Map
2. Staff Report
3. Site Plan
4. Pre-Development Summary

PRESENTATION BY STAFF:
1. Lora Hoggatt reviewed the staff report, a copy of which is filed with the minutes.

PRESENTATION BY THE APPLICANT:
1. Matt Peacock, Peacock Designs, representing the applicant, presented the project.

2. Mr. Boeck said he likes the design.

AUDIENCE PARTICIPATION:
None

DISCUSSION AND ACTION BY THE PLANNING COMMISSION:
Dave Boeck moved to recommend adoption of Ordinance No. O-2122-43 to City Council. Shaun Axton seconded the motion.

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

YEAS	Kevan Parker, Steven McDaniel, Erica Bird, Dave Boeck, Shaun Axton, Michael Jablonski
NAYES	None
MEMBERS ABSENT	Erin Williford

Ms. Tromble announced that the motion, to recommend adoption of Ordinance No. O-2122-43 to City Council, passed by a vote of 6-0.

* * *

File Attachments for Item:

7. CONSIDERATION OF ADOPTION, APPROVAL, REJECTION, AMENDMENT, AND/OR POSTPONEMENT OF ORDINANCE O-2122-48 UPON FIRST READING BY TITLE: AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, GRANTING TO THE OKLAHOMA GAS AND ELECTRIC COMPANY, AN OKLAHOMA CORPORATION, ITS SUCCESSORS AND ASSIGNS, THE RIGHT TO PRODUCE, TRANSMIT AND DISTRIBUTE ELECTRICITY WITHIN THE CITY LIMITS AND TO SELL ELECTRICITY THEREIN FOR ALL PURPOSES FOR WHICH IT MAY BE USED, TO THE CITY OF NORMAN, CLEVELAND COUNTY, OKLAHOMA, ITS INHABITANTS AND THE PUBLIC GENERALLY, AND THE RIGHT TO CONSTRUCT, MAINTAIN AND OPERATE A SYSTEM OF POLES, WIRES, CONDUITS AND OTHER FACILITIES AND EQUIPMENT IN, UPON, ACROSS, UNDER AND OVER THE STREETS, ALLEYS, PUBLIC GROUNDS AND OTHER PLACES IN THE CITY FOR SUCH PURPOSES FOR A PERIOD OF TWENTY-FIVE (25) YEARS BEGINNING ON JANUARY 11, 2023, AND ENDING ON JANUARY 10, 2048, SUBJECT TO THE APPROVAL OF THE VOTERS AND ACCEPTANCE OF THIS ORDINANCE; PROVIDING COMPENSATION TO THE CITY; AND CALLING A SPECIAL ELECTION ON JANUARY 10, 2023.

CITY OF NORMAN, OK
STAFF REPORT

MEETING DATE: 06/14/2022

REQUESTER: Kathryn Walker, City Attorney

PRESENTER: Kathryn Walker, City Attorney

ITEM TITLE: CONSIDERATION OF ADOPTION, APPROVAL, REJECTION, AMENDMENT, AND/OR POSTPONEMENT OF ORDINANCE O-2122-48 UPON FIRST READING BY TITLE: AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, GRANTING TO THE OKLAHOMA GAS AND ELECTRIC COMPANY, AN OKLAHOMA CORPORATION, ITS SUCCESSORS AND ASSIGNS, THE RIGHT TO PRODUCE, TRANSMIT AND DISTRIBUTE ELECTRICITY WITHIN THE CITY LIMITS AND TO SELL ELECTRICITY THEREIN FOR ALL PURPOSES FOR WHICH IT MAY BE USED, TO THE CITY OF NORMAN, CLEVELAND COUNTY, OKLAHOMA, ITS INHABITANTS AND THE PUBLIC GENERALLY, AND THE RIGHT TO CONSTRUCT, MAINTAIN AND OPERATE A SYSTEM OF POLES, WIRES, CONDUITS AND OTHER FACILITIES AND EQUIPMENT IN, UPON, ACROSS, UNDER AND OVER THE STREETS, ALLEYS, PUBLIC GROUNDS AND OTHER PLACES IN THE CITY FOR SUCH PURPOSES FOR A PERIOD OF TWENTY-FIVE (25) YEARS BEGINNING ON JANUARY 11, 2023, AND ENDING ON JANUARY 10, 2048, SUBJECT TO THE APPROVAL OF THE VOTERS AND ACCEPTANCE OF THIS ORDINANCE; PROVIDING COMPENSATION TO THE CITY; AND CALLING A SPECIAL ELECTION ON JANUARY 10, 2023.

BACKGROUND:

Article 18, Section 5(a) of the Oklahoma Constitution requires voter approval of a franchise in order for the City to grant the right to use its streets to sell and distribute utility services to its residents to a public utility company. A franchise is achieved by putting forth a franchise agreement to the voters in the form of an ordinance and calling a city-wide election. Franchise agreements are typically longer term and provide for a franchise fee to be paid to the City in exchange for access to the City streets and rights of way for utility services.

Recently, OG&E representatives approached the City about renewing its franchise for a twenty five (25) year term. The prior franchise agreement, which expired in 2018 and has been on a month to month basis since then, was also for twenty five (25) years.

DISCUSSION:

The proposed franchise agreement provides for an annual payment of a franchise fee equal to three percent (3%) of OG&E's gross revenues arising from the sale of electricity within the city limits of Norman. The franchise fee collected from OG&E for fiscal year 2020-2021 (FYE 2021) was $2,921,195. In addition to the franchise fee, OG&E furnishes free electricity to the City for operation of traffic signal lights and municipal buildings in an amount of up to one-half of one percent (0.5%) of the kilowatt hours sold to Norman customers within the preceding fiscal year. This provision resulted in the City receiving free electricity for traffic signal lights and municipal buildings during part of the last fiscal year. OG&E also collected and remitted sales taxes to the City in FYE 21.

With this agreement, the City grants to OG&E the "right, privilege and authority to produce, transmit, distribute, and sell electricity" within Norman's City limits, and the "right, privilege and authority to construct, maintain and operate a system of poles, wires, conduits, transformers, substations, and other facilities and equipment in, upon, across, under and over the streets, alleys, public grounds and other places" for the purpose of producing, transmitting, distributing and selling the electricity to the City of Norman and its inhabitants."

OG&E feels strongly that the franchise proposed to the voters should match the franchises it has in other cities and towns across Oklahoma; however, if another city negotiates a better rate than the 3% franchise fee imposed by this ordinance, the higher franchise fee will automatically be imposed in Norman.

OG&E has adopted an Environmental Policy that, among other things, obligates OG&E to conduct business in a manner that minimizes environmental impacts and supports environmental protection, emission, waste and release minimization, efficient resource management and sustainability. Staff is working with OG&E to develop an agreement with Norman to increase the reliance on renewable sources of energy. OG&E wishes to partner in good faith with Norman to help Norman achieve its goals related to renewable energy.

The Oklahoma Constitution reserves the decision of granting a franchise to the voters. OG&E has requested that the City put the franchise before the voters in the January 10, 2023 election.

RECOMMENDATION: Staff recommends that Ordinance O-2122-48 be adopted by Council upon First Reading on June 14th and Second and Final Reading on June 28th for submission to the voters.

O-2122-48

AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, GRANTING TO THE OKLAHOMA GAS AND ELECTRIC COMPANY, AN OKLAHOMA CORPORATION, ITS SUCCESSORS AND ASSIGNS, THE RIGHT TO PRODUCE, TRANSMIT AND DISTRIBUTE ELECTRICITY WITHIN THE CITY LIMITS AND TO SELL ELECTRICITY THEREIN FOR ALL PURPOSES FOR WHICH IT MAY BE USED, TO THE CITY OF NORMAN, CLEVELAND COUNTY, OKLAHOMA, ITS INHABITANTS AND THE PUBLIC GENERALLY, AND THE RIGHT TO CONSTRUCT, MAINTAIN AND OPERATE A SYSTEM OF POLES, WIRES, CONDUITS AND OTHER FACILITIES AND EQUIPMENT IN, UPON, ACROSS, UNDER AND OVER THE STREETS, ALLEYS, PUBLIC GROUNDS AND OTHER PLACES IN THE CITY FOR SUCH PURPOSES FOR A PERIOD OF TWENTY-FIVE (25) YEARS BEGINNING ON JANUARY 11, 2023 AND ENDING ON JANUARY 10, 2048 SUBJECT TO THE APPROVAL OF THE VOTERS AND ACCEPTANCE OF THIS ORDINANCE; PROVIDING COMPENSATION TO THE CITY; AND CALLING A SPECIAL ELECTION ON JANUARY 10, 2023.

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

§ 1. The word “City” as hereinafter used shall mean and designate the City of Norman, Cleveland County, Oklahoma, and the word “Company” as hereinafter used shall mean and designate the Oklahoma Gas and Electric Company, a corporation organized and existing under and by virtue of the laws of the State of Oklahoma and its successors and assigns.

§ 2. (a) The City hereby grants to the Company the right, privilege and authority to produce, transmit, distribute and sell electricity within the corporate limits of the City for all purposes for which it may be used, to the City, its inhabitants and the public generally, and the right, privilege and authority to construct, maintain and operate a system of poles, wires, conduits, transformers, substations, and other facilities and equipment in, upon, across, under and over the streets, alleys, public grounds and other places in each and every part of said City for the purpose of producing, transmitting, distributing and selling electricity to the City, its inhabitants, and to the public generally.

(b) The franchise hereby granted shall be effective from and after the date of approval of this Ordinance by the registered voters of the City and acceptance by the Company, and shall remain in full force and effect for a period of twenty-five (25) years beginning on January 11, 2023 and ending on January 10, 2048. Nothing in this Ordinance shall be construed to prevent the City from granting an electric franchise to any other person, firm, or corporation.

§ 3. The Company shall construct, operate and maintain its property in such manner as will, consistent with necessity, not obstruct nor impede traffic unduly.

§ 4. The Company shall defend and indemnify the City against all liability for injury to any person or property caused by the negligence of the Company in the construction, operation and maintenance of its property within the City.

§ 5. Electric service provided hereunder to the City, its inhabitants, and to the public generally, and rates charged therefor shall be in accordance with orders, rules and regulations of the

Corporation Commission of the State of Oklahoma or other governmental authority having jurisdiction.

§ 6. The Company shall have the right to assign this franchise and the assignee by written acceptance thereof shall be bound by all the provisions hereof. An authenticated copy of such assignment and acceptance shall be filed with the Clerk of the City.

§ 7. (a) From and after the approval and acceptance of this franchise, and in consideration of the granting of this franchise, the Company agrees to pay and shall pay to the City an annual franchise tax in an amount equal to three percent (3%) of its gross revenues arising from the sale of electricity within the corporate limits of the City, such payment to be made on or before the 25th day of July of each year, after deducting therefrom any amount due the Company from the City.

(b) In the event the Company in the future, under the terms of any franchise with any city or town in the State of Oklahoma, shall agree to and shall pay to any such city or town as a franchise fee a percentage of gross receipts in excess of the three percent (3%) franchise fee set forth in the section, the Company shall begin payment of such higher franchise fee to the City within thirty (30) days of the increase.

(c) The Company shall abide by an order, rule or regulation of the Corporation Commission of the State of Oklahoma requiring the listing separately of all or any portion of such franchise tax on electric bills to customers.

(d) Such franchise taxes paid by the Company to the City shall be in lieu of all other franchise, excise, license, occupation, privilege, inspection, permit, or other fees, taxes or assessments, except ad valorem taxes and sales taxes.

§ 8. The Company shall furnish to the City without charge each fiscal year during the term hereof electric current to be used exclusively by the City for operation of traffic signal lights and buildings occupied and operated by the City for municipal purposes, to be applied by the Company as a credit to billings to the City, provided that such electric current shall not exceed one-half of one per cent (0.5%) of the kilowatt-hours sold by the Company to customers within the corporate limits of the City during the preceding fiscal year.

§ 9. A special election is hereby called for the purpose of submitting this Ordinance to the registered voters of the City residing within its corporate limits for their approval or disapproval, provided the Company shall pay the cost of such election. The election shall be held on the January 10, 2023 between the hours of 7:00 a.m. and 7:00 p.m. The Mayor of the City of Norman is authorized and directed to issue an election proclamation calling such election and is further directed to take all steps that may be necessary for holding the election and for the submission of this Ordinance to the registered voters of the City. If a majority of the registered voters of the City voting thereon fail to approve this franchise at said election, no rights shall accrue hereunder.

§ 10. In case the franchise hereby granted is approved at said election, the Company shall, within thirty (30) days from the date of such approval, file with the Clerk of the City, in writing, its

acceptance. In the event the Company fails to accept within the said period, such failure shall be deemed a rejection of the franchise.

§ 11. The franchise hereby granted shall, on its effective date, supersede and terminate any previous franchise granted to or held by the Company.

PASSED AND ADOPTED this 28th day of June, 2022.

CITY OF NORMAN, OKLAHOMA

By: _____
Stephen Holman, Mayor Pro Tem

ATTEST:

_____
Brenda Hall, City Clerk

(SEAL)

SPECIAL ELECTION
PROCLAMATION AND NOTICE OF ELECTION

Under and by virtue of the Statutes of the State of Oklahoma and acts complimentary, supplementary and enacted pursuant thereto, and Ordinance No. O-2122-48 dated June 28, 2022, authorizing the calling of an election on the Proposition hereinafter set forth, I, the undersigned Mayor Pro Tem of the City of Norman, Oklahoma, hereby call a special election and give notice thereof to be held in the City of Norman, Oklahoma, on the 10th day of January, 2023, for the purpose of submitting to the registered qualified voters in said City the proposed Proposition:

PROPOSITION I

Shall a franchise be granted to the Oklahoma Gas and Electric Company, a corporation, its successors and assigns giving it the right to produce, transmit and distribute electricity within the City and to sell electricity therein for all purposes for which it may be used, to the City, its inhabitants and the public generally, and the right to construct, maintain and operate a system of poles, wires, conduits and other facilities and equipment in, upon, across, under and over the streets, alleys, public grounds and other places in the City for such purposes, for a period of twenty-five (25) years beginning January 11, 2023 and ending on January 10, 2048; providing compensation to the City; in accordance with the terms of Ordinance Number O-2022-48?

The ballot used at said election shall set out the Proposition as above set forth and shall also contain the words:

1st ☐ YES - FOR THE ABOVE PROPOSITION
2nd ☐ NO - AGAINST THE ABOVE PROPOSITION

(If the voter desires to vote for the above Proposition, he shall mark the ballot accordingly; if he desires to vote against the above Proposition, he shall mark the ballot accordingly.)

That only the registered qualified voters of the City of Norman, Oklahoma, may vote upon the Proposition as above set forth.

The polls shall be opened at 7:00 o'clock a.m. and shall remain open continuously until and be closed at 7:00 o'clock p.m.

The special election shall be held at the same places and in the same manner prescribed by law for conducting county and state elections and the numbers and locations of the polling places and the persons who shall conduct said election shall be the same as for county and state elections, all as respectively designated and prescribed by the County Election Board of Cleveland County, Oklahoma.

WITNESS my hand as Mayor of the City of Norman, Oklahoma, and the Seal of said City affixed hereto on the 28th day of June, 2022.

_____
Stephen Holman, Mayor Pro Tem

ATTEST:

_____
Brenda Hall, City Clerk

File Attachments for Item:

8. CONSIDERATION OF ACKNOWLEDGEMENT OF RECEIPT, APPROVAL, REJECTION, AMENDMENT, AND/OR POSTPONEMENT OF THE PROPOSED NOMINATIONS FOR APPOINTMENT OF DREW NICHOLS AS PRESIDING JUDGE; GAYLE BLAYLOCK AND BLAINE NICE AS ASSOCIATE JUDGES, AND DAVID POARCH AS ACTING JUDGE OF THE MUNICIPAL CRIMINAL COURT EACH FOR A TERM BEGINNING JULY 1, 2022, AND ENDING JUNE 30, 2024.

CITY OF NORMAN, OK

STAFF REPORT

MEETING DATE: 06/14/2022

REQUESTER: Ronda Guerrero, Municipal Court Clerk

PRESENTER: Ronda Guerrero, Municipal Court Clerk

ITEM TITLE: CONSIDERATION OF ACKNOWLEDGEMENT OF RECEIPT, APPROVAL, REJECTION, AMENDMENT, AND/OR POSTPONEMENT OF THE PROPOSED NOMINATIONS FOR APPOINTMENT OF DREW NICHOLS AS PRESIDING JUDGE; GAYLE BLAYLOCK AND BLAINE NICE AS ASSOCIATE JUDGES, AND DAVID POARCH AS ACTING JUDGE OF THE MUNICIPAL CRIMINAL COURT EACH FOR A TERM BEGINNING JULY 1, 2022, AND ENDING JUNE 30, 2024.

INFORMATION:

In accordance with Section 14-201 of the Code of the City of Norman, the above-described item appears on City Council's agenda in order that the reappointments of Drew Nichols as Presiding Judge, Gail Blaylock and Blaine Nice as Associate Judges, and David Poarch as Acting Judge of the Municipal Criminal Court each for a term beginning July 1, 2022, and ending June 30, 2022, may be confirmed. If the nominations are approved, they will be appointed at the next City Council Meeting on June 28, 2022.

File Attachments for Item:

9. CONSIDERATION OF ACKNOWLEDGEMENT, APPROVAL, REJECTION, AMENDMENT, AND/OR POSTPONEMENT OF THE MAYOR'S APPOINTMENTS AS FOLLOWS:

CITIZENS FINANCIAL OVERSIGHT BOARD

TERM: 06-14-22 TO 12-22-23: ALVA BROCKUS, WARD 2

CITIZENS OVERSIGHT COMMITTEE FOR TIF NO. 2

TERM: 06-14-22 TO 04-10-23: JOSHUA ADKISSON, WARD 5

TERM: 04-10-22 TO 04-10-25: BILL WILSON, WARD 1

TERM: 04-10-22 TO 04-10-25: PAULA PRICE, WARD 3

ECONOMIC DEVELOPMENT ADVISORY BOARD

TERM: 06-14-22 TO 08-13-23: HAILEY HOPPER, WARD 4

TERM: 06-14-22 TO 08-13-24: JOSH HINKLE, WARD 8

TERM: 06-14-22 TO 08-13-22: RYAN BROYLES, WARD 4

HUMAN RIGHTS COMMISSION

TERM: 07-13-22 TO 07-13-25: DR. BINBIN WENG, WARD 8

PUBLIC ART BOARD

TERM: 06-14-22 TO 06-23-23: CODY GILES, WARD 2

SOCIAL AND VOLUNTARY SERVICES COMMISSION

TERM: 06-14-22 TO 12-09-22: SCOTT MEIER, WARD 3

TERM: 06-14-22 TO 12-09-22: CHRISTY SHEPHERD, WARD 1

TREE BOARD

TERM: 05-14-22 TO 05-14-25: DARREL JANAWAY, WARD 3

CITY OF NORMAN, OK

STAFF REPORT

MEETING DATE: 06/14/2022

REQUESTER: Brenda Hall

PRESENTER: Brenda Hall, City Clerk

ITEM TITLE: CONSIDERATION OF ACKNOWLEDGEMENT, APPROVAL, REJECTION, AMENDMENT, AND/OR POSTPONEMENT OF THE MAYOR'S APPOINTMENTS AS FOLLOWS:

CITIZENS FINANCIAL OVERSIGHT BOARD
TERM: 06-14-22 TO 12-22-23: ALVA BROCKUS, WARD 2

CITIZENS OVERSIGHT COMMITTEE FOR TIF NO. 2
TERM: 06-14-22 TO 04-10-23: JOSHUA ADKISSON, WARD 5
TERM: 04-10-22 TO 04-10-25: BILL WILSON, WARD 1
TERM: 04-10-22 TO 04-10-25: PAULA PRICE, WARD 3

ECONOMIC DEVELOPMENT ADVISORY BOARD
TERM: 06-14-22 TO 08-13-23: HAILEY HOPPER, WARD 4
TERM: 06-14-22 TO 08-13-24: JOSH HINKLE, WARD 8
TERM: 06-14-22 TO 08-13-22: RYAN BROYLES, WARD 4

HUMAN RIGHTS COMMISSION
TERM: 07-13-22 TO 07-13-25: DR. BINBIN WENG, WARD 8

PUBLIC ART BOARD
TERM: 06-14-22 TO 06-23-23: CODY GILES, WARD 2

SOCIAL AND VOLUNTARY SERVICES COMMISSION
TERM: 06-14-22 TO 12-09-22: SCOTT MEIER, WARD 3
TERM: 06-14-22 TO 12-09-22: CHRISTY SHEPHERD, WARD 1

TREE BOARD
TERM: 05-14-22 TO 05-14-25: DARREL JANAWAY, WARD 3

Joshua Adkisson will replace Lauren Schueler who is no longer eligible to serve;; Dr. Binbin Weng filled the unexpired vacancy left by Dr. Hairong Song; Cody Giles will replace Liz Barfield who has resigned; Scott Meier will fill the unexpired vacancy left by Kristal Hamm who has

resigned; Hailey Hopper will replace Alexander Holmes; Josh Hinkle will replace Ben Graves; Ryan Broyles will replace Matthew Allen; Alva Brockus will fill the unexpired vacancy left by Tom Sherman who has passed away; and Christy Shepherd will replace Josh Hinkle who has resigned; and Bill Wilson, Paula Price, Darrel Janaway, s.

File Attachments for Item:

10. CONSIDERATION OF ACCEPTANCE, APPROVAL, REJECTION, AMENDMENT, AND/OR POSTPONEMENT OF A DONATION IN THE AMOUNT OF $2,658 FROM GAMMA KAPPA OF THE KAPPA SIGMA TO THE FIRE DEPARTMENT AND BUDGET APPROPRIATION AS OUTLINED IN THE STAFF REPORT.

CITY OF NORMAN, OK

STAFF REPORT

MEETING DATE: 06/14/2022

REQUESTER: Travis King

PRESENTER: Travis King, Fire Chief

ITEM TITLE: CONSIDERATION OF ACCEPTANCE, APPROVAL, REJECTION, AMENDMENT, AND/OR POSTPONEMENT OF A DONATION IN THE AMOUNT OF $2,658 FROM GAMMA KAPPA OF THE KAPPA SIGMA TO THE FIRE DEPARTMENT AND BUDGET APPROPRIATION AS OUTLINED IN THE STAFF REPORT.

BACKGROUND:

Section 8-111 of the City Code requires that the City Council accept all donations valued greater than $250 received by the City prior to the use or disbursement of same. Therefore, it is requested that Council review and consider the following item for acceptance and use by the Norman Fire Department.

DISCUSSION:

The Fire Department has received a donation of $2,658 from Gamma Kappa of the Kappa Sigma. The money will be deposited into the Fire Miscellaneous revenue account to be used to purchase replacement fire station materials.

RECOMMENDATION:

It is recommended that City Council accept the donation of $2,658 from Gamma Kappa of the Kappa Sigma to be used to purchase fire station materials and the money be deposited into Donations – Organizations (109-363373) and appropriated into Fire Suppression: Minor Equipment & Tools (10664143-43610).

File Attachments for Item:

11. CONSIDERATION OF ACCEPTANCE, GRANTING, REJECTION, AMENDMENT, AND/OR POSTPONEMENT OF EASEMENT E-2122-55: TO OKLAHOMA GAS AND ELECTRIC COMPANY (OG&E), FOR THE PURPOSE OF RELOCATING PAD MOUNT TRANSFORMERS AT PORTER AND FINDLAY AVENUES .

CITY OF NORMAN, OK
STAFF REPORT

MEETING DATE: 06/14/2022

REQUESTER: Jason Olsen, Director of Parks

PRESENTER: Jason Olsen, Director of Parks

ITEM TITLE: CONSIDERATION OF ACCEPTANCE, GRANTING, REJECTION, AMENDMENT, AND/OR POSTPONEMENT OF EASEMENT E-2122-55: TO OKLAHOMA GAS AND ELECTRIC COMPANY (OG&E), FOR THE PURPOSE OF RELOCATING PAD MOUNT TRANSFORMERS AT PORTER AND FINDLAY AVENUES .

BACKGROUND:

In October 2015, Norman citizens passed the NORMAN FORWARD initiative, funding various quality of life projects through a ½% sales tax increase over 15 years. The NORMAN FORWARD Initiative included authorization for a project to construct a new Senior Wellness Center. After much public input and Council discussion, the Senior Wellness Center is located on City-owned land on the southeast corner of Norman Regional Health System's (NRHS) Porter Campus, off North Findlay Avenue. While the Senior Wellness Center was included in the Norman Forward initiative in 2015, it was unfunded. The Senior Wellness Center was later funded through two Council actions: transferred savings from a long term land lease instead of a land purchase at Griffin Park ($7.4 million); and an appropriation of $4.8 million (Resolution R-2021-69) from federal Coronavirus Aid, Relief & Economic Security (CARES) Act reimbursements, for a total of a $12.4 million budget for construction and design.

On April 13, 2021, City Council approved Contract K-2021-115 with Crossland Construction to provide construction manager at-risk (CMaR) services for the Senior Wellness project. The initial contract amount of $26,320 was approved to provide pre-construction services which, to date, have included plan review, design assistance, bidding services, and value engineering.

On December 14, 2021, City Council approved Amendment No. One to Contract K-2021-115 with Crossland Construction for a Guaranteed Maximum Price (GMP) of $2,022,408 for steel fabrication and erection. This GMP amendment also included construction contingency, general conditions for the entire project, and indirect costs, including bonding, insurance, and CMaR fees.

On February 22, 2022, City Council approved Amendment No. Two to CMaR Contract K-2021-15 with Crossland Construction Company, Inc., in the amount of $2,758,145 for a revised contract amount of $4,806,873 for construction services for additional portions of the facility's

construction, including site demolition, foundation, pools, utilities, and upward construction for the Senior Wellness Center project.

On March 22, 2022, Amendment No. 3 was presented to Council for approval. Construction bids for this portion of construction include the fabrication and installation of the HVAC system for the Senior Wellness Center. This bid was opened on January 25, 2022. The total amount for work on the construction phase on Amendment No 3. is ($1,206,750) with additional indirect costs and fees of ($88,450) for a total of $1,295,200.

The Senior Wellness Center project will have a fourth and final Amendment/GMP that will include bid packages that either did not receive bids on the January 25 bid opening and/or the City rejected the bid packages, and the design team is adjusting scopes for more affordable options. The final bid opening will be in mid-April.

DISCUSSION:

Part of the design and revisions on this project included relocating overhead electrical wires that ran over the north side of the new construction. Those are being relocated underground and require an easement from the City of Norman to OG&E. The City of Norman owns lots located in the NRHS along Porter and Findlay Avenues. OG&E will be relocating the upgraded line by boring from Findlay Avenue to pad mount transformers, three of which are located on the west end of the City-owned lots in question.

RECOMMENDATION:

City Council grant the easement to OG&E in order to reroute lines by boring from Findlay Ave to the pad mount transformers located on the west side of the City-owned lots, identified in the attached Easement, located on the grounds of NRHS's Porter Campus.

AFTER RECORDING RETURN TO:
OGE ELECTRIC SERVICES
TIMOTHY J. BAILEY-M/C WNM-12
PO BOX 321
OKLAHOMA CITY OK 73101-0321

EASEMENT

Work Order #7704805

KNOW ALL MEN BY THESE PRESENTS: THAT THE **CITY OF NORMAN, a Municipal Corporation**, Grantor, in consideration of Ten or more dollars in hand paid, the receipt of which is hereby acknowledged, and other good and valuable consideration, does hereby grant and warrant unto **OKLAHOMA GAS AND ELECTRIC COMPANY,** an Oklahoma corporation, Grantee, its successors and assigns, the right, privilege and authority to enter upon and install, erect, operate, maintain, and reconstruct underground and/or above ground a system of conduits, wires, cables, vaults, junction boxes, switches, fuses, transformers, service connection boxes and other fixtures for the transmission and distribution of electrical current and communication messages, including the right of ingress and egress to and from said system across adjoining lands of Grantor, upon and across the following real property and premises, situated in Cleveland County, State of Oklahoma, to wit:

A part of **LOTS 9 AND 10, BLOCK 1, GRIFFIN HEIGHTS ADDITION,** an addition to Norman, Oklahoma, being part of tract of land recorded in a deed in Book 370, Pages 368-369, as described in Exhibit "A" and shown on Exhibit "B", attached hereto and hereby made a part of this easement.

Grantor further covenants and agrees that no building or other structure shall ever be erected nor shall any excavation or other removal of soil, so as to change the grade of terrain, be accomplished by Grantor, its heirs or assigns, within the above described easement area unless the written consent of the Grantee is first obtained. Grantor further acknowledges the requirements of 63 Oklahoma Statutes (2011) Section 142.1, et. seq. (One-call statute).

The rights and privileges above granted to continue so long as same are used or needed for the transmission and distribution of electric current or communication messages; but should the Grantee remove its property from the premises and abandon the right of way herein granted, then the rights granted in this easement shall terminate.

Approved this _____ day of _____, 2022, by the City of Norman.

CITY OF NORMAN, a Municipal Corporation

City Seal

By: _____
Breea Clark, Mayor

CITY ACKNOWLEDGMENT

STATE OF OKLAHOMA, COUNTY OF CLEVELAND, SS;
Before me, the undersigned, a Notary Public, in and for said County and State, on this _____ day of _____, 2022, personally appeared Breea Clark, of the City of Norman, a Municipal Corporation, to me known to be the identical person who subscribed the name of the maker thereof to the foregoing instrument as its Mayor, and acknowledged to me that she executed the same as her free and voluntary act and deed of such city, for the uses and purposes therein set forth.

My Commission Expires: _____

Commission # _____

_____
Notary Public

R/W File No. Norman Regional Hospital U/G line upgrade
Form 469 D (Rev 5/2018) SNOR_UG-C1.DOT tjb Atlas Sheet No. 059-303A

EXHIBIT "A"

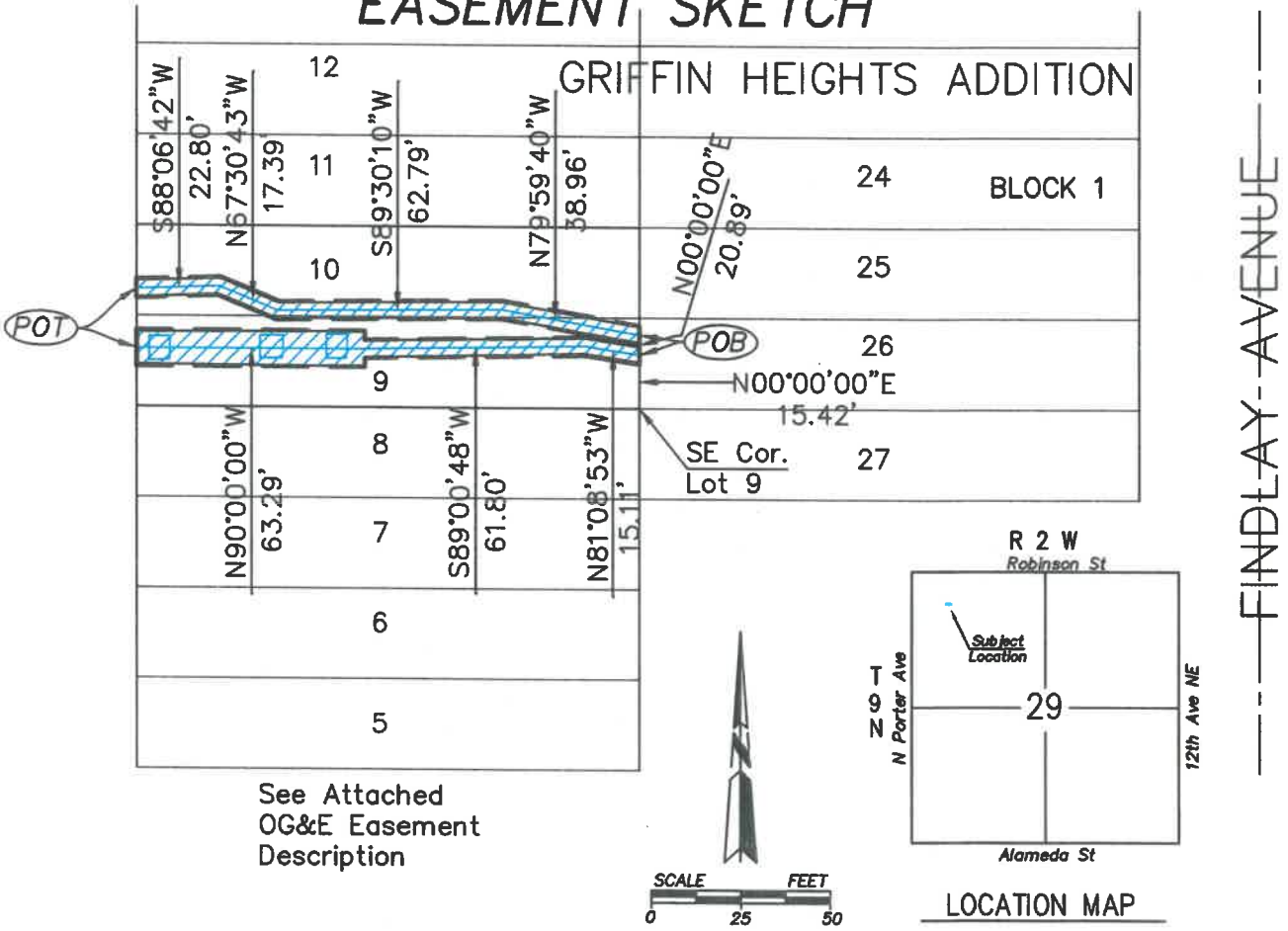
To that certain easement from the City of Norman, a Municipal Corporation, to Oklahoma Gas and Electric Company.

An easement in part of **LOTS NINE (9) AND TEN (10) BLOCK ONE (1) OF GRIFFIN HEIGHTS**, Cleveland County, Oklahoma, according to the recorded plat thereof. Written by Timothy G. Pollard, PLS 1474, on February 01, 2022, using Plat bearings of Griffin Heights, as Basis of Bearing, and as shown on attached Easement Sketch, said easement further described as being Five (5) feet in width, Two and one half (2.50) feet each side of a centerline described as follows:
COMMENCING at the Southeast corner of said Lot 9; as shown herein.
Thence N00°00'00"E, on the East line of said lot 9, for a distance of 20.89 feet, to the **POINT OF BEGINNING**;
Thence N79°59'40"W, on said centerline for a distance of 38.96 feet;
Thence S89°30'10"W, on said centerline for a distance of 62.79 feet;
Thence N67°30'43"W, on said centerline for a distance of 17.39 feet;
Thence S88°06'42"W, on said centerline for a distance of 22.80 feet, to the **POINT OF TERMINATION.**

AND

An easement in part of **LOTS NINE (9) AND TEN (10) BLOCK ONE (1) OF GRIFFIN HEIGHTS**, Cleveland County, Oklahoma, according to the recorded plat thereof. Written by Timothy G. Pollard, PLS 1474, on February 01, 2022, using Plat bearings of Griffin Heights, as Basis of Bearing, and as shown on attached Easement Sketch, said easement further described as being Five (5) feet in width, Two and one half (2.50) feet each side of a centerline described as follows:
COMMENCING at the Southeast corner of said Lot 9; as shown herein.
Thence N00°00'00"E, on the East line of said lot 9, for a distance of 15.42 feet, to the **POINT OF BEGINNING**;
Thence N81°08'53"W, on said centerline for a distance of 15.11 feet;
Thence S89°00'48"W, on said centerline for a distance of 61.80 feet to a point were said easement becomes Ten (10) feet in width, Five (5) feet each side of a centerline continuing;
Thence N90°00'00"W, on said centerline for a distance of 63.29 feet, to the **POINT OF TERMINATION.**

EXHIBIT "B"
EASEMENT SKETCH



Note: Bearings Are Based On Plat Bearings Of Griffin Heights Addition. Recorded In The Cleveland County Clerk's Records March 28, 1939. Cleveland County, Oklahoma.

(•) – Indicates Existing 1/2" Iron Pin Or Monument as Noted.

I, Timothy G. Pollard, a Professional Land Surveyor, hereby certify that the attached drawing is a true and accurate representation of the attached easement description and is subject to all notes and qualifying statements.

REGISTERED PROFESSIONAL LAND SURVEYOR
TIMOTHY G. POLLARD
1474
OKLAHOMA

Timothy G. Pollard

Timothy G. Pollard, PLS 1474
Dated: February 01, 2022

OKLAHOMA GAS AND ELECTRIC COMPANY

POLLARD & WHITED SURVEYING INC. 2514 TEE DRIVE, NORMAN, OKLAHOMA 73069 CA#2380 EXP 06-30-23 405-366-0001	OG&E EASEMENT SKETCH WO# 7704805 PART OF LOTS 9 AND 10 OF GRIFFIN HEIGHTS ADDITION CLEVELAND COUNTY, OKLAHOMA	REVISIONS:
DRAWN BY: J. THOMAS DATE: Feb 01, 2022	FILE #: GRIFFINEHEIGHTS.ASC DATE: Dec 22, 2021	SCALE: 1" = 50'
APPROVED BY: D. MEEKS DATE: Feb 01, 2022	DRWG #: GRIFFINHEIGHTS.DGN DATE: Feb 01, 2022	SHEET 1 OF 1

File Attachments for Item:

12. CONSIDERATION OF ACCEPTANCE, REJECTION, AMENDMENT, AND/OR POSTPONEMENT OF EASEMENT E-2122-67: A PERMANENT PUBLIC SIDEWALK AND UTILITY EASEMENT DONATED BY NORMAN REGIONAL HOSPITAL AUTHORITY FOR THE PORTER AVENUE STREETSCAPE 2019 BOND PROJECT.

CITY OF NORMAN, OK

STAFF REPORT

MEETING DATE: 6/14/2022

REQUESTER: Paul D'Andrea, Capital Projects Engineer

PRESENTER: Shawn O'Leary, Public Works Director

ITEM TITLE: CONSIDERATION OF ACCEPTANCE, REJECTION, AMENDMENT, AND/OR POSTPONEMENT OF EASEMENT E-2122-67: A PERMANENT PUBLIC SIDEWALK AND UTILITY EASEMENT DONATED BY NORMAN REGIONAL HOSPITAL AUTHORITY FOR THE PORTER AVENUE STREETSCAPE 2019 BOND PROJECT.

BACKGROUND:

The Porter Avenue Corridor from Robinson Street south to Alameda Street along with the intersection of Porter Avenue and Acres Street has been the subject of much discussion and study over the years, due to concerns over traffic and pedestrian safety.

In 2010, Ochsner Hare & Hare prepared a Porter Avenue Corridor Study, which sought to analyze the area and provide a vision for future improvements to the corridor.

An evaluation of traffic control needs revealed that traffic volumes had reached levels that justify the installation of a new traffic signal at Porter Avenue and Acres Street. Approximately 20,000 vehicles pass through the intersection every day. An aerial photograph of the two 2019 Bond projects within the Porter Avenue Corridor is included in the exhibits to this agenda item.

On April 2, 2019, the citizens of Norman voted in favor of a Bond Issue to finance the local share of nineteen transportation improvement projects. Two of the nineteen 2019 bond projects are the Porter Avenue and Acres Street Intersection Bond Project and the Porter Avenue Streetscape Bond Project. The Porter Avenue Streetscape Bond Project consists of design and construction of streetscape elements along the Porter Avenue corridor between Robinson Avenue on the north and Alameda Street on the south. Proposed improvements include:

- New sidewalks
- Driveway consolidation or elimination (access management)
- Decorative roadway and pedestrian lighting
- Landscaping
- New curb and gutter
- Street furniture (e.g., benches, trash receptacles, ash urns, etc.)

The Porter Avenue and Acres Avenue Intersection Project began construction in November of 2020 and was completed in January of 2022. The Porter Avenue Streetscape project has been approved to receive federal funds to aid in the construction costs and is anticipated to be out for bid in summer of 2022 pending right of way and utility relocations and ODOT environmental review.

On September 10, 2019, the Norman City Council approved Amendment No. 2 to Contract K-1213-165 with Garver Engineers, in the amount of $185,500.00, for a total contract amount of $400,800.00, for the design of the Porter Avenue Streetscape project including the portion of the project from Robinson Avenue to Hughbert Street, which coincides with the northern boundary of the Porter Avenue and Acres Street Intersection Project.

On April 28, 2020, the Norman City Council approved Amendment No. 3 to Contract K-1213-165 with Garver Engineers, in the amount of $175,000.00, for a total contract amount of $575,800.00, for the design of the Porter Avenue Streetscape project, which expands the design scope to encompass the full project, adding the section of Porter Avenue from the southern boundary of the Porter Avenue and Acres Street Intersection Bond Project to Alameda Street.

On July 13 2021, the Norman City Council approved Authorization for Expenditure No. Six under on-call Contract K-1314-102, with Smith-Roberts Land Services (SRLS), in the amount of $89,055, for right-of-way acquisition services.

On October 26, 2021, City Council approved Authorization for Expenditure No. Seven, under Contract K-1314-102 between the City of Norman, OK and Smith-Roberts Land Services, Inc., in an amount not-to-exceed $10,884.00, to provide acquisition services under an on–call contract utilizing funds from the Porter Avenue Streetscape Bond Project.

On March 8, 2022, City Council accepted easements for parcels 6, 9, 14, and 15, for the Porter Avenue Streetscape 2019 Bond Project, for a total cost of $45,425.

On March 22, 2022, City Council accepted easements for parcels 1, 2, 3, 5, 10, 11 and 16, for the Porter Avenue Streetscape 2019 Bond Project, for a total cost of $110,145.

On April 12, 2022, City Council accepted easements for parcels 7, 18, 19, and 21, for the Porter Avenue Streetscape 2019 Bond Project, for a total cost of $9,830.

On May 24, 2022, City Council accepted an easement for parcel 4 for the Porter Avenue Streetscape 2019 Bond Project, for a total cost of $2,585.

On June 8, 2022, The City deposited funds matching the Commissioners' Award associated with eminent domain proceedings for Parcel 8 for the Porter Streetscape 2019 Bond Project, thus acquiring rights to access the parcel for the purpose of the project.

Two parcels originally identified as requiring right of way, parcels 12 and 17, did not require right of way due to changes made during final design.

DISCUSSION:

Right-of-way acquisition necessary for the Porter Avenue Streetscape 2019 Bond Project consists of thirty-three (34) separate easements on nineteen (19) parcels. Smith-Roberts Land Services (SRLS) oversaw and reviewed the appraisal of each parcel, and assisted the City staff in the preparation of offer letters to each property owner affected, based on the appraised values and damages. These easements are typically small in size and have minimal impact on the existing property. The easements are usually needed to properly construct public sidewalks and driveways.

Offer letters were sent on January 10, 2022, and contained information identifying the required easements and encouraged each property owner to consider donation of the property. City staff and SRLS have met with the affected property owners individually, to answer questions and aid them in understanding the right of way acquisition process, as well as the effect it will have on their properties.

This project has been approved for federal funding for FYE 2022. In order to meet the project schedule to secure the federal funds, the City needs to acquire all associated parcels by June 2022. Previously, seventeen (17) parcels, consisting of twenty-eight (28) separate easements, have been acquired by the City, totaling $179,900.00. The secured easements were for parcels 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 14, 15, 16, 18, 19, and 21.

This item, and related items, is for the acceptance for the remaining two (2) parcels (parcels 13 and 20) consisting of six (6) easements. These parcels are the Norman Regional Hospital Authority properties. As part of the purchase agreement with the City, Contract K-2122-82, these easements are being donated by NRHA in advance of the final platting for the property involved; therefore, and there is no acquisition cost to the City for this item.

RECOMMENDATION

Staff recommends the above described easement be accepted and the filing be directed thereof.

E-2122-67

Parcel No: 13
Project No: 21T28374

GRANT OF EASEMENT
City of Norman

Know all men by these presents:

That **Norman Regional Hospital Authority**, for and in consideration of the sum of Ten Dollars and Other Valuable Consideration ($10.00 and OVC), receipt of which is hereby acknowledged, and for and upon other good and valuable considerations, do hereby grant, bargain, sell and convey unto the City of Norman, a municipal corporation, a public sidewalk and 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, the following described land to wit:

See attached Legal Description/Exhibit for Parcel 13

Said tract containing 99.03 sq ft or 0.002 acres, more or less.

With the right of ingress and egress to and from the same, for the purpose of surveying, laying out, constructing, maintaining, and operating a public sidewalk and utility.

PUBLIC SIDEWALK AND UTILITIES

To have and to hold the same unto the said city, its successors, and assigns forever.

Signed and delivered this 20 day of May, 2022.

Norman Regional Hospital Authority:

Richie Splitt
Title: President & CEO

John P. Manfredo
Title: VP & COO

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 20th day of May, 2022, personally appeared Richie Splitt & John Manfredo, to me known to be the identical person(s) who executed the foregoing grant of easement and acknowledged to me that they executed the same as their free and voluntary act and deed for the uses and purposes therein set forth.

WITNESS my hand and seal the day and year last above written.

My Commission Expires: January 21, 2023 Notary Public: Claudia Todd

CLAUDIA TODD NOTARY PUBLIC IN AND FOR STATE OF OKLAHOMA #19000728 Exp. January 21, 2023

Approved as to form and legality this ~~20th~~ 31st day of May, 2022.

Elizabeth Muckala
City Attorney

Approved and accepted by the Council of the City of Norman, this _____ day of _____, 20___.

_____
Mayor

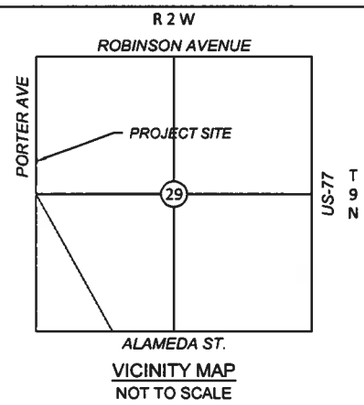
ATTEST:

_____
City Clerk
SEAL:

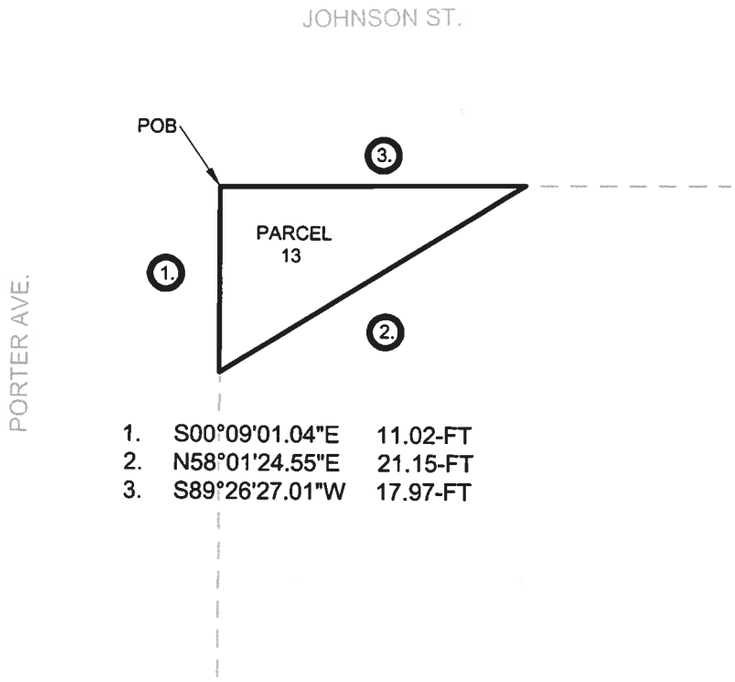
PARCEL 13

PERMANENT EASEMENT

OWNER: Lutterell, Richard C - Trustee
CITY OF NORMAN PROJECT:
PORTER AVE. STREETSCAPE



VICINITY MAP
NOT TO SCALE



1. S00°09'01.04"E 11.02-FT
2. N58°01'24.55"E 21.15-FT
3. S89°26'27.01"W 17.97-FT

LEGAL DESCRIPTION:

Parcel 13

A tract of land lying in the Northwest Quarter of Section Twenty Nine, Township Nine North, Range Two West of the Indian Meridian (NW/4, S29, T9N, R2W, IM), Cleveland County, Oklahoma, being more particularly described as follows:

A permanent sidewalk easement that is parallel to Porter Ave, and lies on the East side of Porter Ave. The Point of Beginning (POB) is the Northwest corner of LOT 13, BLOCK 2 High School Addition. From the POB, the easement extends;

S00°09'01.04"E for a distance of 11.02-FT, THENCE

N58°01'24.55"E for a distance of 21.15-FT, THENCE,

S89°26'27.01"W for a distance of 17.97-FT to the Point of Beginning (POB).

Said tract containing 99.03 square feet or 0.002 acres, more or less.

SCALE: 1" = 10'

30 0 30

THIS EXHIBIT IS NOT A LAND OR BOUNDARY SURVEY PLAT

GARVER
CA #4193 EXPIRES
JUNE 30, 2022

PORTER AVE. STREETSCAPE
PROJECT NAME

PERMANENT PARCEL 13
SHEET TITLE

10/11/2021	21T28374	21
DATE	JOB NO.	SHEET

L:\CAB\Projects\374 - Porter Avenue Streetscape\DWG\ODOT Sheets\Easements -ODOT.dwg

Easement Table

Parcel No.	Easement No.	Grantors	Document	Cost	Comments
13	E-2122-67	Norman Regional Hospital Authority	Permanent Easement	Donated	0.002 acres
20A	E-2122-68	Norman Regional Hospital Authority	Permanent Easement	Donated	0.009 acres
20B	E-2122-69	Norman Regional Hospital Authority	Permanent Easement	Donated	0.001 acres
20C	E-2122-70	Norman Regional Hospital Authority	Permanent Easement	Donated	0.001 acres
20.1	E-2122-71	Norman Regional Hospital Authority	Temporary Easement	Donated	0.010 acres
20.2	E-2122-72	Norman Regional Hospital Authority	Permanent Easement	Donated	0.027 acres

Porter Ave from Alameda to Gray St
West Side

Parcel	Sidewalk & Utility Easement	Temporary Construction Easement	Station Start	Station End	Landowner Information
16		201	111+32	111+82	S.W. Armstrong, Jr.
12	1295		101+02	102+02	Goodman Investments, LLC
12.1	337		112+02	113+42	Liberty National Bank & Trust CO.
11	43		116+96	117+22	Goodmain, Inc.

Porter Ave from Alameda to Gray St
East Side

Parcel	Sidewalk & Utility Easement	Temporary Construction Easement	Station Start	Station End	Landowner Information
1	287		100+07	100+42	Bradley K. Goodman
1.1		485	100+07	100+42	Bradley K. Goodman
2	871		100+62	102+02	BIP, LLC
2.1		10	100+62	100+66	BIP, LLC
3	392		102+82	104+22	Goodman Investments, LLC
3.1		913	102+82	104+22	Goodman Investments, LLC
4	330		104+42	105+82	Hollingsworth, Phil & Christie Ann-Rev. TRT-CO Trtees 1/5
5	211		106+62	108+03	Goodman Investments, LLC
5.1		2602	106+62	108+03	Goodman Investments, LLC
6A	342		108+22	108+56	Plaza Inn, Inc.
6B	75		109+54	109+62	Plaza Inn, Inc.
6.1		2751	108+22	109+62	Plaza Inn, Inc.
7		2961	112+02	113+43	Rowland, Meredith & Jeff- Liv Trt
8		2889	112+02	113+43	D & J Land, LLC
9		58	114+22	115+62	Goodmain, Inc.
10	1296		116+63	117+22	North Porter Center, LLC
10.1		147	116+63	117+22	North Porter Center, LLC

Porter Ave from Hughbert to Robinson St
West Side

Parcel	Sidewalk & Utility Easement	Temporary Construction Easement	Station Start	Station End	Landowner Information
21		34	136+88	136+92	Boomer's Express Corp.
14	65		143+93	144+02	Vaughn, Jessie M - 2003 Rev Liv Trust - Trustee
15	812		144+58	145+88	Physicians & Surgeons Medical, LLC
17	546		147+92	149+22	Physicians & Surgeons Medical, LLC
18	184		149+69	150+68	Rieger, LLC
18.1		22	150+61	150+68	Rieger, LLC
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Porter Ave from Hughbert to Robinson St
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Parcel	Sidewalk & Utility Easement	Temporary Construction Easement	Station Start	Station End	Landowner Information
20.1		420	139+31	140+71	Norman Municipal Hospital Trust
13	99		143+99	144+11	Luttrell, Richard C - Trustee
20A	400		144+51	144+71	Norman Municipal Hospital Trust
20.2		1181	144+71	148+45	Norman Municipal Hospital Trust
20B	63		148+45	148+58	Norman Municipal Hospital Trust
20C	59		148+83	148+88	Norman Regional Hospital Authority

E ACRES ST.
E HUGHBERT ST.
E FRANK ST.
E RICH ST.
E JOHNSON ST.
E HIMES ST.
E MOSIER ST.
E HAYES ST.
E TONHAWA ST
E DAWS ST
N PORTER AVE
BEGIN PROJECT
END PROJECT
E ALAMEDA ST
E APACHE ST.
E SYMMES ST.
E EUFALA ST.
E COMANCHE ST.
E MAIN ST.
E GRAY ST
E ROBINSON AVE
77'
88'

NORMAN R/W EXHIBIT

STATE JOB NO. 35321(04) SHEET NO. 132

10/11/2021

CLEVELAND COUNTY

10/12/2021 4:02 PM SCPrice

L:\CAB\Projects\374 - Porter Avenue Streetscape\DWG\ODOT Sheets\Norman Parcel Map - ODOT.dwg Location Map - ODOT - LOCATION MAP LOCATION MAP

File Attachments for Item:

13. CONSIDERATION OF APPROVAL, ACCEPTANCE, REJECTION, AMENDMENT, AND/OR POSTPONEMENT OF EASEMENT E-2122-68: A PERMANENT PUBLIC SIDEWALK AND UTILITY EASEMENT DONATED BY NORMAN REGIONAL HOSPITAL AUTHORITY FOR THE PORTER AVENUE STREETSCAPE 2019 BOND PROJECT.

CITY OF NORMAN, OK

STAFF REPORT

MEETING DATE: 6/14/2022

REQUESTER: Paul D'Andrea, Capital Projects Engineer

PRESENTER: Shawn O'Leary, Public Works Director

ITEM TITLE: CONSIDERATION OF APPROVAL, ACCEPTANCE, REJECTION, AMENDMENT, AND/OR POSTPONEMENT OF EASEMENT E-2122-68: A PERMANENT PUBLIC SIDEWALK AND UTILITY EASEMENT DONATED BY NORMAN REGIONAL HOSPITAL AUTHORITY FOR THE PORTER AVENUE STREETSCAPE 2019 BOND PROJECT.

BACKGROUND:

The Porter Avenue Corridor from Robinson Street south to Alameda Street along with the intersection of Porter Avenue and Acres Street has been the subject of much discussion and study over the years, due to concerns over traffic and pedestrian safety.

In 2010, Ochsner Hare & Hare prepared a Porter Avenue Corridor Study, which sought to analyze the area and provide a vision for future improvements to the corridor.

An evaluation of traffic control needs revealed that traffic volumes had reached levels that justify the installation of a new traffic signal at Porter Avenue and Acres Street. Approximately 20,000 vehicles pass through the intersection every day. An aerial photograph of the two 2019 Bond projects within the Porter Avenue Corridor is included in the exhibits to this agenda item.

On April 2, 2019, the citizens of Norman voted in favor of a Bond Issue to finance the local share of nineteen transportation improvement projects. Two of the nineteen 2019 bond projects are the Porter Avenue and Acres Street Intersection Bond Project and the Porter Avenue Streetscape Bond Project. The Porter Avenue Streetscape Bond Project consists of design and construction of streetscape elements along the Porter Avenue corridor between Robinson Avenue on the north and Alameda Street on the south. Proposed improvements include:

- New sidewalks
- Driveway consolidation or elimination (access management)
- Decorative roadway and pedestrian lighting
- Landscaping
- New curb and gutter
- Street furniture (e.g., benches, trash receptacles, ash urns, etc.)

The Porter Avenue and Acres Avenue Intersection Project began construction in November of 2020 and was completed in January of 2022. The Porter Avenue Streetscape project has been approved to receive federal funds to aid in the construction costs and is anticipated to be out for bid in summer of 2022 pending right of way and utility relocations and ODOT environmental review.

On September 10, 2019, the Norman City Council approved Amendment No. 2 to Contract K-1213-165 with Garver Engineers, in the amount of $185,500.00, for a total contract amount of $400,800.00, for the design of the Porter Avenue Streetscape project including the portion of the project from Robinson Avenue to Hughbert Street, which coincides with the northern boundary of the Porter Avenue and Acres Street Intersection Project.

On April 28, 2020, the Norman City Council approved Amendment No. 3 to Contract K-1213-165 with Garver Engineers, in the amount of $175,000.00, for a total contract amount of $575,800.00, for the design of the Porter Avenue Streetscape project, which expands the design scope to encompass the full project, adding the section of Porter Avenue from the southern boundary of the Porter Avenue and Acres Street Intersection Bond Project to Alameda Street.

On July 13 2021, the Norman City Council approved Authorization for Expenditure No. Six under on-call Contract K-1314-102, with Smith-Roberts Land Services (SRLS), in the amount of $89,055, for right-of-way acquisition services.

On October 26, 2021, City Council approved Authorization for Expenditure No. Seven, under Contract K-1314-102 between the City of Norman, OK and Smith-Roberts Land Services, Inc., in an amount not-to-exceed $10,884.00, to provide acquisition services under an on–call contract utilizing funds from the Porter Avenue Streetscape Bond Project.

On March 8, 2022, City Council accepted easements for parcels 6, 9, 14, and 15, for the Porter Avenue Streetscape 2019 Bond Project, for a total cost of $45,425.

On March 22, 2022, City Council accepted easements for parcels 1, 2, 3, 5, 10, 11 and 16, for the Porter Avenue Streetscape 2019 Bond Project, for a total cost of $110,145.

On April 12, 2022, City Council accepted easements for parcels 7, 18, 19, and 21, for the Porter Avenue Streetscape 2019 Bond Project, for a total cost of $9,830.

On May 24, 2022, City Council accepted an easement for parcel 4 for the Porter Avenue Streetscape 2019 Bond Project, for a total cost of $2,585.

On June 8, 2022, The City deposited funds matching the Commissioners' Award associated with eminent domain proceedings for Parcel 8 for the Porter Streetscape 2019 Bond Project, thus acquiring rights to access the parcel for the purpose of the project.

Two parcels originally identified as requiring right of way, parcels 12 and 17, did not require right of way due to changes made during final design.

DISCUSSION:

Right-of-way acquisition necessary for the Porter Avenue Streetscape 2019 Bond Project consists of thirty-three (34) separate easements on nineteen (19) parcels. Smith-Roberts Land Services (SRLS) oversaw and reviewed the appraisal of each parcel, and assisted the City staff in the preparation of offer letters to each property owner affected, based on the appraised values and damages. These easements are typically small in size and have minimal impact on the existing property. The easements are usually needed to properly construct public sidewalks and driveways.

Offer letters were sent on January 10, 2022, and contained information identifying the required easements and encouraged each property owner to consider donation of the property. City staff and SRLS have met with the affected property owners individually, to answer questions and aid them in understanding the right of way acquisition process, as well as the effect it will have on their properties.

This project has been approved for federal funding for FYE 2022. In order to meet the project schedule to secure the federal funds, the City needs to acquire all associated parcels by June 2022. Previously, seventeen (17) parcels, consisting of twenty-eight (28) separate easements, have been acquired by the City, totaling $179,900.00. The secured easements were for parcels 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 14, 15, 16, 18, 19, and 21.

This item, and related items, is for the acceptance for the remaining two (2) parcels (parcels 13 and 20) consisting of six (6) easements. These parcels are the Norman Regional Hospital Authority properties. As part of the purchase agreement with the City, Contract K-2122-82, these easements are being donated by NRHA in advance of the final platting for the property involved; therefore, and there is no acquisition cost to the City for this item.

RECOMMENDATION

Staff recommends the above described easement be accepted and the filing be directed thereof.

E-2122-68

Parcel No: 20A
Project No: 21T28374

GRANT OF EASEMENT
City of Norman

Know all men by these presents:

That **Norman Regional Hospital Authority**, for and in consideration of the sum of Ten Dollars and Other Valuable Consideration ($10.00 and OVC), receipt of which is hereby acknowledged, and for and upon other good and valuable considerations, do hereby grant, bargain, sell and convey unto the City of Norman, a municipal corporation, a public sidewalk and 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, the following described land to wit:

See attached Legal Description/Exhibit for Parcel 20A

Said tract containing 400.00 sq ft or 0.009 acres, more or less.

With the right of ingress and egress to and from the same, for the purpose of surveying, laying out, constructing, maintaining, and operating a public sidewalk and utility.

PUBLIC SIDEWALK AND UTILITIES

To have and to hold the same unto the said city, its successors, and assigns forever.

Signed and delivered this 20 day of May, 2022.

Norman Regional Hospital Authority:

Richie Splitt
Title: President & CEO

John P. Manfredo
Title: VP & COO

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 20th day of May, 2022, personally appeared Richie Splitt & John Manfredo, to me known to be the identical person(s) who executed the foregoing grant of easement and acknowledged to me that they executed the same as their free and voluntary act and deed for the uses and purposes therein set forth.

WITNESS my hand and seal the day and year last above written.

My Commission Expires: January 21, 2023 Notary Public: Claudia Todd

CLAUDIA TODD NOTARY PUBLIC IN AND FOR STATE OF OKLAHOMA #19000728 Exp. January 21, 2023

Approved as to form and legality this 31st day of May, 2022.

Kristen Chuckalen
City Attorney

Approved and accepted by the Council of the City of Norman, this _____ day of _____, 20___.

_____
Mayor

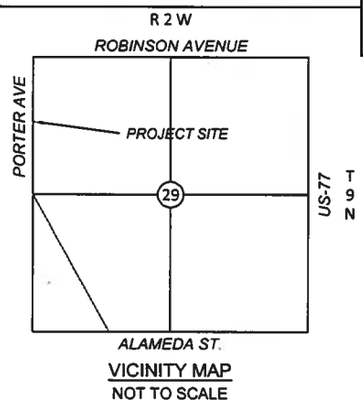
ATTEST:

_____
City Clerk
SEAL:

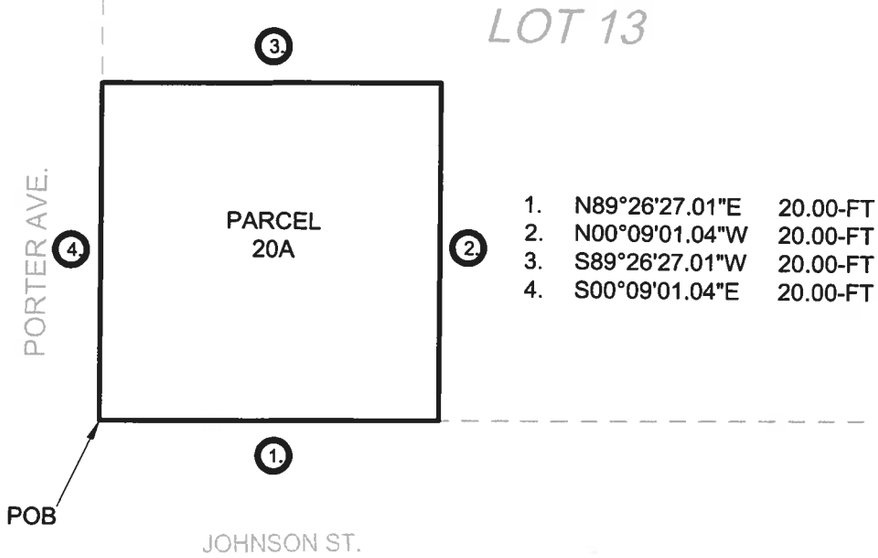
PARCEL 20A

PERMANENT EASEMENT

OWNER: Norman Municipal Hospital Trust
CITY OF NORMAN PROJECT:
PORTER AVE. STREETSCAPE



VICINITY MAP
NOT TO SCALE



1.	N89°26'27.01"E	20.00-FT
2.	N00°09'01.04"W	20.00-FT
3.	S89°26'27.01"W	20.00-FT
4.	S00°09'01.04"E	20.00-FT

LEGAL DESCRIPTION:

Parcel 20A

A tract of land lying in the Northwest Quarter of Section Twenty Nine, Township Nine North, Range Two West of the Indian Meridian (NW/4, S29, T9N, R2W, IM), Cleveland County, Oklahoma, being more particularly described as follows:

A permanent sidewalk easement that is parallel to Porter Ave, and lies on the East side of Porter Ave. The Point of Beginning (POB) is the Southwest corner of LOT 13, BLOCK 1 Whitwell Addition. From the POB, the easement extends;

N89°26'27.01"E for a distance of 20.00-FT, THENCE,

N00°09'01.04"W for a distance of 20.00-FT, THENCE,

S89°26'27.01"W for a distance of 20.00-FT, THENCE,

S00°09'01.04"E for a distance of 20.00-FT to the Point of Beginning (POB).

Said tract containing 400.00 square feet or 0.009 acres, more or less.

SCALE: 1" = 10'

30 0 30

THIS EXHIBIT IS NOT A LAND OR BOUNDARY SURVEY PLAT

GARVER
CA #4193 EXPIRES JUNE 30, 2022

PORTER AVE. STREETSCAPE
PROJECT NAME

PERMANENT PARCEL 20A
SHEET TITLE

10/11/2021	21T28374	29
DATE	JOB NO.	SHEET

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Easement Table

Parcel No.	Easement No.	Grantors	Document	Cost	Comments
13	E-2122-67	Norman Regional Hospital Authority	Permanent Easement	Donated	0.002 acres
20A	E-2122-68	Norman Regional Hospital Authority	Permanent Easement	Donated	0.009 acres
20B	E-2122-69	Norman Regional Hospital Authority	Permanent Easement	Donated	0.001 acres
20C	E-2122-70	Norman Regional Hospital Authority	Permanent Easement	Donated	0.001 acres
20.1	E-2122-71	Norman Regional Hospital Authority	Temporary Easement	Donated	0.010 acres
20.2	E-2122-72	Norman Regional Hospital Authority	Permanent Easement	Donated	0.027 acres

Porter Ave from Alameda to Gray St
West Side

Parcel	Sidewalk & Utility Easement	Temporary Construction Easement	Station Start	Station End	Landowner Information
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NORMAN R/W EXHIBIT

STATE JOB NO. 35321(04) SHEET NO. 140

10/11/2021

CLEVELAND COUNTY

L:\CAB\Projects\374 - Porter Avenue Streetscape\DWG\ODOT Sheets\Norman Parcel Map - ODOT.dwg Location Map - ODOT - LOCATION MAP SCPrice 10/12/2021 4:02 PM LOCATION MAP

File Attachments for Item:

14. CONSIDERATION OF APPROVAL, ACCEPTANCE, REJECTION, AMENDMENT, AND/OR POSTPONEMENT OF EASEMENT E-2122-69: A PERMANENT PUBLIC SIDEWALK AND UTILITY EASEMENT DONATED BY NORMAN REGIONAL HOSPITAL AUTHORITY FOR THE PORTER AVENUE STREETSCAPE 2019 BOND PROJECT.

CITY OF NORMAN, OK

STAFF REPORT

MEETING DATE: 6/14/2022

REQUESTER: Paul D'Andrea, Capital Projects Engineer

PRESENTER: Shawn O'Leary, Public Works Director

ITEM TITLE: CONSIDERATION OF APPROVAL, ACCEPTANCE, REJECTION, AMENDMENT, AND/OR POSTPONEMENT OF EASEMENT E-2122-69: A PERMANENT PUBLIC SIDEWALK AND UTILITY EASEMENT DONATED BY NORMAN REGIONAL HOSPITAL AUTHORITY FOR THE PORTER AVENUE STREETSCAPE 2019 BOND PROJECT.

BACKGROUND:

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In 2010, Ochsner Hare & Hare prepared a Porter Avenue Corridor Study, which sought to analyze the area and provide a vision for future improvements to the corridor.

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On March 8, 2022, City Council accepted easements for parcels 6, 9, 14, and 15, for the Porter Avenue Streetscape 2019 Bond Project, for a total cost of $45,425.

On March 22, 2022, City Council accepted easements for parcels 1, 2, 3, 5, 10, 11 and 16, for the Porter Avenue Streetscape 2019 Bond Project, for a total cost of $110,145.

On April 12, 2022, City Council accepted easements for parcels 7, 18, 19, and 21, for the Porter Avenue Streetscape 2019 Bond Project, for a total cost of $9,830.

On May 24, 2022, City Council accepted an easement for parcel 4 for the Porter Avenue Streetscape 2019 Bond Project, for a total cost of $2,585.

On June 8, 2022, The City deposited funds matching the Commissioners' Award associated with eminent domain proceedings for Parcel 8 for the Porter Streetscape 2019 Bond Project, thus acquiring rights to access the parcel for the purpose of the project.

Two parcels originally identified as requiring right of way, parcels 12 and 17, did not require right of way due to changes made during final design.

DISCUSSION:

Right-of-way acquisition necessary for the Porter Avenue Streetscape 2019 Bond Project consists of thirty-three (34) separate easements on nineteen (19) parcels. Smith-Roberts Land Services (SRLS) oversaw and reviewed the appraisal of each parcel, and assisted the City staff in the preparation of offer letters to each property owner affected, based on the appraised values and damages. These easements are typically small in size and have minimal impact on the existing property. The easements are usually needed to properly construct public sidewalks and driveways.

Offer letters were sent on January 10, 2022, and contained information identifying the required easements and encouraged each property owner to consider donation of the property. City staff and SRLS have met with the affected property owners individually, to answer questions and aid them in understanding the right of way acquisition process, as well as the effect it will have on their properties.

This project has been approved for federal funding for FYE 2022. In order to meet the project schedule to secure the federal funds, the City needs to acquire all associated parcels by June 2022. Previously, seventeen (17) parcels, consisting of twenty-eight (28) separate easements, have been acquired by the City, totaling $179,900.00. The secured easements were for parcels 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 14, 15, 16, 18, 19, and 21.

This item, and related items, is for the acceptance for the remaining two (2) parcels (parcels 13 and 20) consisting of six (6) easements. These parcels are the Norman Regional Hospital Authority properties. As part of the purchase agreement with the City, Contract K-2122-82, these easements are being donated by NRHA in advance of the final platting for the property involved; therefore, and there is no acquisition cost to the City for this item.

RECOMMENDATION

Staff recommends the above described easement be accepted and the filing be directed thereof.

E-2122-69

Parcel No: 20B
Project No: 21T28374

GRANT OF EASEMENT
City of Norman

Know all men by these presents:

That **Norman Regional Hospital Authority**, for and in consideration of the sum of Ten Dollars and Other Valuable Consideration ($10.00 and OVC), receipt of which is hereby acknowledged, and for and upon other good and valuable considerations, do hereby grant, bargain, sell and convey unto the City of Norman, a municipal corporation, a public sidewalk and 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, the following described land to wit:

See attached Legal Description/Exhibit for Parcel 20B

Said tract containing 62.98 sq ft or 0.001 acres, more or less.

With the right of ingress and egress to and from the same, for the purpose of surveying, laying out, constructing, maintaining, and operating a public sidewalk and utility.

PUBLIC SIDEWALK AND UTILITIES

To have and to hold the same unto the said city, its successors, and assigns forever.

Signed and delivered this 20th day of May, 2022

Norman Regional Hospital Authority:

Richie Splitt
Title: President & CEO

John P. Manfredo
Title: VP & COO

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 20th day of May, 2022, personally appeared Richie Splitt & John Manfredo to me known to be the identical person(s) who executed the foregoing grant of easement and acknowledged to me that they executed the same as their free and voluntary act and deed for the uses and purposes therein set forth.

WITNESS my hand and seal the day and year last above written.

My Commission Expires: January 21, 2023 Notary Public: Claudia Todd

CLAUDIA TODD NOTARY PUBLIC IN AND FOR STATE OF OKLAHOMA #19000728 Exp. January 21, 2023

Approved as to form and legality this 31st day of May, 2022

Elizabeth Muckala
City Attorney

Approved and accepted by the Council of the City of Norman, this _____ day of _____, 20___.

Mayor

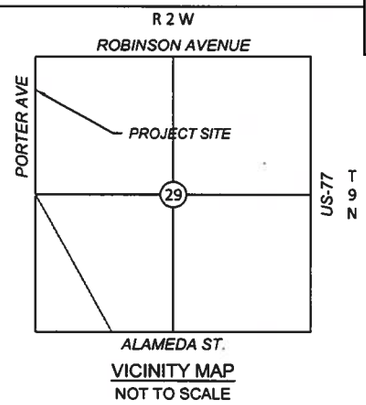
ATTEST:

City Clerk
SEAL:

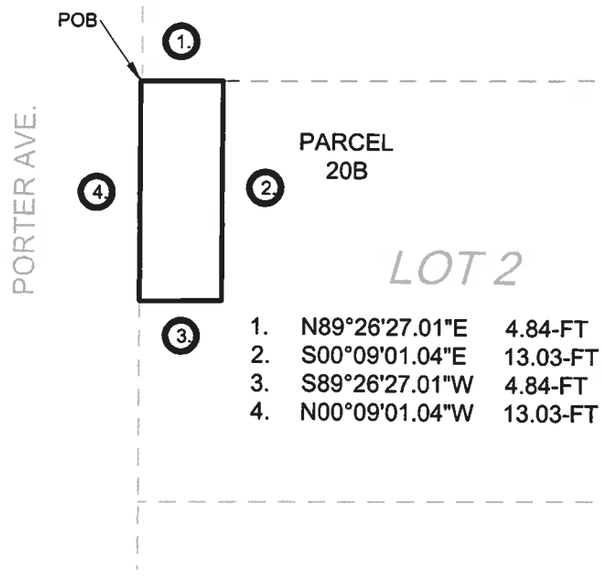
PARCEL 20B

PERMANENT EASEMENT

OWNER: Norman Municipal Hospital Trust
CITY OF NORMAN PROJECT:
PORTER AVE. STREETSCAPE



VICINITY MAP
NOT TO SCALE



1. N89°26'27.01"E 4.84-FT
2. S00°09'01.04"E 13.03-FT
3. S89°26'27.01"W 4.84-FT
4. N00°09'01.04"W 13.03-FT

LEGAL DESCRIPTION:

Parcel 20B

A tract of land lying in the Northwest Quarter of Section Twenty Nine, Township Nine North, Range Two West of the Indian Meridian (NW/4, S29, T9N, R2W, IM), Cleveland County, Oklahoma, being more particularly described as follows:

A permanent sidewalk easement that is parallel to Porter Ave, and lies on the East side of Porter Ave. The Point of Beginning (POB) is the Northwest corner of LOT 2, BLOCK 1 Whitwell Addition. From the POB, the easement extends;

N89°26'27.01"E for a distance of 4.84-FT, THENCE,

S00°09'01.04"E for a distance of 13.03-FT, THENCE,

S89°26'27.01"W for a distance of 4.84-FT, THENCE,

N00°09'01.04"W for a distance of 13.03-FT to the Point of Beginning (POB).

Said tract containing 62.98 square feet or 0.001 acres, more or less.

SCALE: 1" = 10'

30 0 30

THIS EXHIBIT IS NOT A LAND OR BOUNDARY SURVEY PLAT

GARVER
CA #4193 EXPIRES JUNE 30, 2022

PORTER AVE. STREETSCAPE
PROJECT NAME

PERMANENT PARCEL 20B
SHEET TITLE

10/11/2021	21T28374	30
DATE	JOB NO.	SHEET

L:\CAB\Projects\374 - Porter Avenue Streetscape\DWG\ODOT Sheets\Easements -ODOT.dwg

Easement Table

Parcel No.	Easement No.	Grantors	Document	Cost	Comments
13	E-2122-67	Norman Regional Hospital Authority	Permanent Easement	Donated	0.002 acres
20A	E-2122-68	Norman Regional Hospital Authority	Permanent Easement	Donated	0.009 acres
20B	E-2122-69	Norman Regional Hospital Authority	Permanent Easement	Donated	0.001 acres
20C	E-2122-70	Norman Regional Hospital Authority	Permanent Easement	Donated	0.001 acres
20.1	E-2122-71	Norman Regional Hospital Authority	Temporary Easement	Donated	0.010 acres
20.2	E-2122-72	Norman Regional Hospital Authority	Permanent Easement	Donated	0.027 acres

Porter Ave from Alameda to Gray St
West Side

Parcel	Sidewalk & Utility Easement	Temporary Construction Easement	Station Start	Station End	Landowner Information
16		201	111+32	111+82	S.W. Armstrong, Jr.
12	1295		101+02	102+02	Goodman Investments, LLC
12.1	337		112+02	113+42	Liberty National Bank & Trust CO.
11	43		116+96	117+22	Goodmain, Inc.

Porter Ave from Alameda to Gray St
East Side

Parcel	Sidewalk & Utility Easement	Temporary Construction Easement	Station Start	Station End	Landowner Information
1	287		100+07	100+42	Bradley K. Goodman
1.1		485	100+07	100+42	Bradley K. Goodman
2	871		100+62	102+02	BIP, LLC
2.1		10	100+62	100+66	BIP, LLC
3	392		102+82	104+22	Goodman Investments, LLC
3.1		913	102+82	104+22	Goodman Investments, LLC
4	330		104+42	105+82	Hollingsworth, Phil & Christie Ann-Rev. TRT-CO Trtees 1/5
5	211		106+62	108+03	Goodman Investments, LLC
5.1		2602	106+62	108+03	Goodman Investments, LLC
6A	342		108+22	108+56	Plaza Inn, Inc.
6B	75		109+54	109+62	Plaza Inn, Inc.
6.1		2751	108+22	109+62	Plaza Inn, Inc.
7		2961	112+02	113+43	Rowland, Meredith & Jeff- Liv Trt
8		2889	112+02	113+43	D & J Land, LLC
9		58	114+22	115+62	Goodmain, Inc.
10	1296		116+63	117+22	North Porter Center, LLC
10.1		147	116+63	117+22	North Porter Center, LLC

Porter Ave from Hughbert to Robinson St
West Side

Parcel	Sidewalk & Utility Easement	Temporary Construction Easement	Station Start	Station End	Landowner Information
21		34	136+88	136+92	Boomer's Express Corp.
14	65		143+93	144+02	Vaughn, Jessie M - 2003 Rev Liv Trust - Trustee
15	812		144+58	145+88	Physicians & Surgeons Medical, LLC
17	546		147+92	149+22	Physicians & Surgeons Medical, LLC
18	184		149+69	150+68	Rieger, LLC
18.1		22	150+61	150+68	Rieger, LLC
19		359	155+31	155+71	Mark Stanley A- Rev Trt

Porter Ave from Hughbert to Robinson St
East Side

Parcel	Sidewalk & Utility Easement	Temporary Construction Easement	Station Start	Station End	Landowner Information
20.1		420	139+31	140+71	Norman Municipal Hospital Trust
13	99		143+99	144+11	Luttrell, Richard C - Trustee
20A	400		144+51	144+71	Norman Municipal Hospital Trust
20.2		1181	144+71	148+45	Norman Municipal Hospital Trust
20B	63		148+45	148+58	Norman Municipal Hospital Trust
20C	59		148+83	148+88	Norman Regional Hospital Authority

E ACRES ST.
E HUGHBERT ST.
E FRANK ST.
E RICH ST.
E JOHNSON ST.
E HIMES ST.
E MOSIER ST.
E HAYES ST.
E TONHAWA ST
E DAWS ST
N PORTER AVE
BEGIN PROJECT
END PROJECT
E GRAY ST
E MAIN ST.
E COMANCHE ST.
E EUFALA ST.
E SYMMES ST.
E APACHE ST.
E ALAMEDA ST
E ROBINSON AVE
77'
88'

1 1.1 2 2.1 3 3.1 4 5 5.1 6A 6B 6.1 7 8 9 10 10.1 11 12 12.1 13 14 15 16 17 18 18.1 19 20.1 20A 20.2 20B 20C 21

NORMAN R/W EXHIBIT

STATE JOB NO. 35321(04) SHEET NO. 148

10/12/2021 4:02 PM SCPrice
L:\CAB\Projects\374 - Porter Avenue Streetscape\DWG\ODOT Sheets\Norman Parcel Map - ODOT.dwg
Location Map - ODOT - LOCATION MAP
LOCATION MAP
CLEVELAND COUNTY
10/11/2021

File Attachments for Item:

15. CONSIDERATION OF APPROVAL, ACCEPTANCE, REJECTION, AMENDMENT, AND/OR POSTPONEMENT OF EASEMENT E-2122-70: A PERMANENT PUBLIC SIDEWALK AND UTILITY EASEMENT DONATED BY NORMAN REGIONAL HOSPITAL AUTHORITY FOR THE PORTER AVENUE STREETSCAPE 2019 BOND PROJECT.

CITY OF NORMAN, OK

STAFF REPORT

MEETING DATE: 6/14/2022

REQUESTER: Paul D'Andrea, Capital Projects Engineer

PRESENTER: Shawn O'Leary, Public Works Director

ITEM TITLE: CONSIDERATION OF APPROVAL, ACCEPTANCE, REJECTION, AMENDMENT, AND/OR POSTPONEMENT OF EASEMENT E-2122-70: A PERMANENT PUBLIC SIDEWALK AND UTILITY EASEMENT DONATED BY NORMAN REGIONAL HOSPITAL AUTHORITY FOR THE PORTER AVENUE STREETSCAPE 2019 BOND PROJECT.

BACKGROUND:

The Porter Avenue Corridor from Robinson Street south to Alameda Street along with the intersection of Porter Avenue and Acres Street has been the subject of much discussion and study over the years, due to concerns over traffic and pedestrian safety.

In 2010, Ochsner Hare & Hare prepared a Porter Avenue Corridor Study, which sought to analyze the area and provide a vision for future improvements to the corridor.

An evaluation of traffic control needs revealed that traffic volumes had reached levels that justify the installation of a new traffic signal at Porter Avenue and Acres Street. Approximately 20,000 vehicles pass through the intersection every day. An aerial photograph of the two 2019 Bond projects within the Porter Avenue Corridor is included in the exhibits to this agenda item.

On April 2, 2019, the citizens of Norman voted in favor of a Bond Issue to finance the local share of nineteen transportation improvement projects. Two of the nineteen 2019 bond projects are the Porter Avenue and Acres Street Intersection Bond Project and the Porter Avenue Streetscape Bond Project. The Porter Avenue Streetscape Bond Project consists of design and construction of streetscape elements along the Porter Avenue corridor between Robinson Avenue on the north and Alameda Street on the south. Proposed improvements include:

- New sidewalks
- Driveway consolidation or elimination (access management)
- Decorative roadway and pedestrian lighting
- Landscaping
- New curb and gutter
- Street furniture (e.g., benches, trash receptacles, ash urns, etc.)

The Porter Avenue and Acres Avenue Intersection Project began construction in November of 2020 and was completed in January of 2022. The Porter Avenue Streetscape project has been approved to receive federal funds to aid in the construction costs and is anticipated to be out for bid in summer of 2022 pending right of way and utility relocations and ODOT environmental review.

On September 10, 2019, the Norman City Council approved Amendment No. 2 to Contract K-1213-165 with Garver Engineers, in the amount of $185,500.00, for a total contract amount of $400,800.00, for the design of the Porter Avenue Streetscape project including the portion of the project from Robinson Avenue to Hughbert Street, which coincides with the northern boundary of the Porter Avenue and Acres Street Intersection Project.

On April 28, 2020, the Norman City Council approved Amendment No. 3 to Contract K-1213-165 with Garver Engineers, in the amount of $175,000.00, for a total contract amount of $575,800.00, for the design of the Porter Avenue Streetscape project, which expands the design scope to encompass the full project, adding the section of Porter Avenue from the southern boundary of the Porter Avenue and Acres Street Intersection Bond Project to Alameda Street.

On July 13 2021, the Norman City Council approved Authorization for Expenditure No. Six under on-call Contract K-1314-102, with Smith-Roberts Land Services (SRLS), in the amount of $89,055, for right-of-way acquisition services.

On October 26, 2021, City Council approved Authorization for Expenditure No. Seven, under Contract K-1314-102 between the City of Norman, OK and Smith-Roberts Land Services, Inc., in an amount not-to-exceed $10,884.00, to provide acquisition services under an on–call contract utilizing funds from the Porter Avenue Streetscape Bond Project.

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Two parcels originally identified as requiring right of way, parcels 12 and 17, did not require right of way due to changes made during final design.

DISCUSSION:

Right-of-way acquisition necessary for the Porter Avenue Streetscape 2019 Bond Project consists of thirty-three (34) separate easements on nineteen (19) parcels. Smith-Roberts Land Services (SRLS) oversaw and reviewed the appraisal of each parcel, and assisted the City staff in the preparation of offer letters to each property owner affected, based on the appraised values and damages. These easements are typically small in size and have minimal impact on the existing property. The easements are usually needed to properly construct public sidewalks and driveways.

Offer letters were sent on January 10, 2022, and contained information identifying the required easements and encouraged each property owner to consider donation of the property. City staff and SRLS have met with the affected property owners individually, to answer questions and aid them in understanding the right of way acquisition process, as well as the effect it will have on their properties.

This project has been approved for federal funding for FYE 2022. In order to meet the project schedule to secure the federal funds, the City needs to acquire all associated parcels by June 2022. Previously, seventeen (17) parcels, consisting of twenty-eight (28) separate easements, have been acquired by the City, totaling $179,900.00. The secured easements were for parcels 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 14, 15, 16, 18, 19, and 21.

This item, and related items, is for the acceptance for the remaining two (2) parcels (parcels 13 and 20) consisting of six (6) easements. These parcels are the Norman Regional Hospital Authority properties. As part of the purchase agreement with the City, Contract K-2122-82, these easements are being donated by NRHA in advance of the final platting for the property involved; therefore, and there is no acquisition cost to the City for this item.

RECOMMENDATION

Staff recommends the above described easement be accepted and the filing be directed thereof.

E-2122-70

Parcel No: 20C
Project No: 21T28374

GRANT OF EASEMENT
City of Norman

Know all men by these presents:

That **Norman Regional Hospital Authority**, for and in consideration of the sum of Ten Dollars and Other Valuable Consideration ($10.00 and OVC), receipt of which is hereby acknowledged, and for and upon other good and valuable considerations, do hereby grant, bargain, sell and convey unto the City of Norman, a municipal corporation, a public sidewalk and 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, the following described land to wit:

See attached Legal Description/Exhibit for Parcel 20C

Said tract containing 59.89 sq ft or 0.001 acres, more or less.

With the right of ingress and egress to and from the same, for the purpose of surveying, laying out, constructing, maintaining, and operating a public sidewalk and utility.

PUBLIC SIDEWALK AND UTILITIES

To have and to hold the same unto the said city, its successors, and assigns forever.

Signed and delivered this 20th day of May, 2022.

Norman Regional Hospital Authority:

Richie Splett
Title: President & CEO

John P. Manfredo
Title: VP + COO

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 20th day of May, 2022, personally appeared Richie Splett & John Manfredo, to me known to be the identical person(s) who executed the foregoing grant of easement and acknowledged to me that they executed the same as their free and voluntary act and deed for the uses and purposes therein set forth.

WITNESS my hand and seal the day and year last above written.

My Commission Expires: January 21, 2023 Notary Public: Claudia Todd

CLAUDIA TODD NOTARY PUBLIC IN AND FOR STATE OF OKLAHOMA #19000728 Exp. January 21, 2023

Approved as to form and legality this 20th day of May, 2022.

Elisabeth Ludlam
City Attorney

Approved and accepted by the Council of the City of Norman, this _____ day of _____, 20___.

Mayor

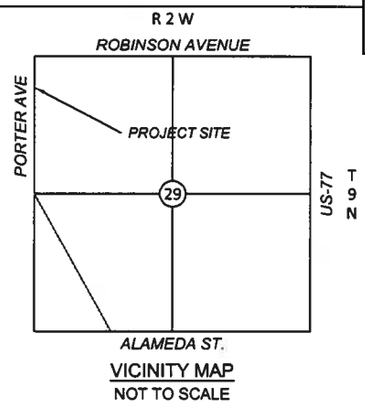
ATTEST:

City Clerk
SEAL:

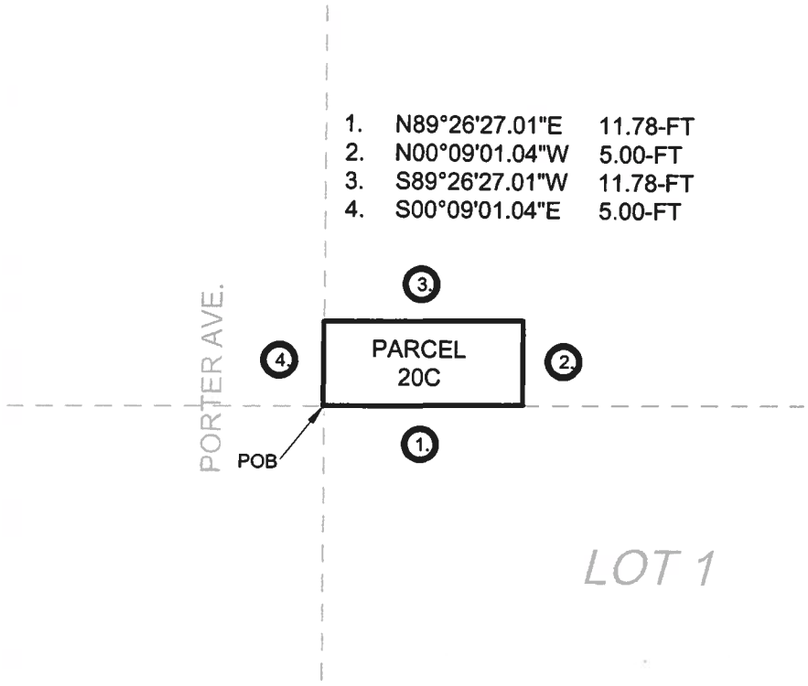
PARCEL 20C

PERMANENT EASEMENT

OWNER: Norman Regional Hospital Authority
CITY OF NORMAN PROJECT:
PORTER AVE. STREETSCAPE



VICINITY MAP
NOT TO SCALE



LEGAL DESCRIPTION:

Parcel 20C

A tract of land lying in the Northwest Quarter of Section Twenty Nine, Township Nine North, Range Two West of the Indian Meridian (NW/4, S29, T9N, R2W, IM), Cleveland County, Oklahoma, being more particularly described as follows:

A permanent sidewalk easement that is parallel to Porter Ave, and lies on the East side of Porter Ave. The Point of Beginning (POB) is the Northwest corner of LOT 1, BLOCK 1 Whitwell Addition. From the POB, the easement extends;

N89°26'27.01"E for a distance of 11.78-FT, THENCE,

N00°09'01.04"W for a distance of 5.00-FT, THENCE,

S89°26'27.01"W for a distance of 11.78-FT, THENCE,

S00°09'01.04"E for a distance of 5.00-FT to the Point of Beginning (POB).

Said tract containing 58.89 square feet or 0.001 acres, more or less.

SCALE: 1" = 10'

30 0 30

THIS EXHIBIT IS NOT A LAND OR BOUNDARY SURVEY PLAT

GARVER
CA #4193 EXPIRES
JUNE 30, 2022

PORTER AVE. STREETSCAPE
PROJECT NAME

PERMANENT PARCEL 20C
SHEET TITLE

10/11/2021	21T28374	31
DATE	JOB NO.	SHEET

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Easement Table

Parcel No.	Easement No.	Grantors	Document	Cost	Comments
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20A	E-2122-68	Norman Regional Hospital Authority	Permanent Easement	Donated	0.009 acres
20B	E-2122-69	Norman Regional Hospital Authority	Permanent Easement	Donated	0.001 acres
20C	E-2122-70	Norman Regional Hospital Authority	Permanent Easement	Donated	0.001 acres
20.1	E-2122-71	Norman Regional Hospital Authority	Temporary Easement	Donated	0.010 acres
20.2	E-2122-72	Norman Regional Hospital Authority	Permanent Easement	Donated	0.027 acres

Porter Ave from Alameda to Gray St
West Side

Parcel	Sidewalk & Utility Easement	Temporary Construction Easement	Station Start	Station End	Landowner Information
16		201	111+32	111+82	S.W. Armstrong, Jr.
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East Side

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Porter Ave from Hughbert to Robinson St
East Side

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20A	400		144+51	144+71	Norman Municipal Hospital Trust
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20B	63		148+45	148+58	Norman Municipal Hospital Trust
20C	59		148+83	148+88	Norman Regional Hospital Authority

E ACRES ST.
E HUGHBERT ST.
E FRANK ST.
E RICH ST.
E JOHNSON ST.
E HIMES ST.
E MOSIER ST.
E HAYES ST.
E TONHAWA ST
E DAWS ST
N PORTER AVE
BEGIN PROJECT
END PROJECT
E GRAY ST
E MAIN ST.
E COMANCHE ST.
E EUFALA ST.
E SYMMES ST.
E APACHE ST.
E ALAMEDA ST
E ROBINSON AVE
77'
88'

1 1.1 2 2.1 3 3.1 4 5 5.1 6A 6B 6.1 7 8 9 10 10.1 11 12 12.1 13 14 15 16 17 18 18.1 19 20.1 20A 20.2 20B 20C 21

NORMAN R/W EXHIBIT

STATE JOB NO. 35321(04) SHEET NO. 156

10/11/2021

CLEVELAND COUNTY

L:\CAB\Projects\374 - Porter Avenue Streetscape\DWG\ODOT Sheets\Norman Parcel Map - ODOT.dwg

Location Map - ODOT - LOCATION MAP

LOCATION MAP

SCPrice

10/12/2021 4:02 PM

File Attachments for Item:

16. CONSIDERATION OF APPROVAL, ACCEPTANCE, REJECTION, AMENDMENT, AND/OR POSTPONEMENT OF TEMPORARY EASEMENT E-2122-71: A TEMPORARY CONSTRUCTION EASEMENT DONATED BY NORMAN REGIONAL HOSPITAL AUTHORITY FOR THE PORTER AVENUE STREETSCAPE 2019 BOND PROJECT.

CITY OF NORMAN, OK

STAFF REPORT

MEETING DATE: 6/14/2022

REQUESTER: Paul D'Andrea, Capital Projects Engineer

PRESENTER: Shawn O'Leary, Public Works Director

ITEM TITLE: CONSIDERATION OF APPROVAL, ACCEPTANCE, REJECTION, AMENDMENT, AND/OR POSTPONEMENT OF TEMPORARY EASEMENT E-2122-71: A TEMPORARY CONSTRUCTION EASEMENT DONATED BY NORMAN REGIONAL HOSPITAL AUTHORITY FOR THE PORTER AVENUE STREETSCAPE 2019 BOND PROJECT.

BACKGROUND:

The Porter Avenue Corridor from Robinson Street south to Alameda Street along with the intersection of Porter Avenue and Acres Street has been the subject of much discussion and study over the years, due to concerns over traffic and pedestrian safety.

In 2010, Ochsner Hare & Hare prepared a Porter Avenue Corridor Study, which sought to analyze the area and provide a vision for future improvements to the corridor.

An evaluation of traffic control needs revealed that traffic volumes had reached levels that justify the installation of a new traffic signal at Porter Avenue and Acres Street. Approximately 20,000 vehicles pass through the intersection every day. An aerial photograph of the two 2019 Bond projects within the Porter Avenue Corridor is included in the exhibits to this agenda item.

On April 2, 2019, the citizens of Norman voted in favor of a Bond Issue to finance the local share of nineteen transportation improvement projects. Two of the nineteen 2019 bond projects are the Porter Avenue and Acres Street Intersection Bond Project and the Porter Avenue Streetscape Bond Project. The Porter Avenue Streetscape Bond Project consists of design and construction of streetscape elements along the Porter Avenue corridor between Robinson Avenue on the north and Alameda Street on the south. Proposed improvements include:

- New sidewalks
- Driveway consolidation or elimination (access management)
- Decorative roadway and pedestrian lighting
- Landscaping
- New curb and gutter
- Street furniture (e.g., benches, trash receptacles, ash urns, etc.)

The Porter Avenue and Acres Avenue Intersection Project began construction in November of 2020 and was completed in January of 2022. The Porter Avenue Streetscape project has been approved to receive federal funds to aid in the construction costs and is anticipated to be out for bid in summer of 2022 pending right of way and utility relocations and ODOT environmental review.

On September 10, 2019, the Norman City Council approved Amendment No. 2 to Contract K-1213-165 with Garver Engineers, in the amount of $185,500.00, for a total contract amount of $400,800.00, for the design of the Porter Avenue Streetscape project including the portion of the project from Robinson Avenue to Hughbert Street, which coincides with the northern boundary of the Porter Avenue and Acres Street Intersection Project.

On April 28, 2020, the Norman City Council approved Amendment No. 3 to Contract K-1213-165 with Garver Engineers, in the amount of $175,000.00, for a total contract amount of $575,800.00, for the design of the Porter Avenue Streetscape project, which expands the design scope to encompass the full project, adding the section of Porter Avenue from the southern boundary of the Porter Avenue and Acres Street Intersection Bond Project to Alameda Street.

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On March 8, 2022, City Council accepted easements for parcels 6, 9, 14, and 15, for the Porter Avenue Streetscape 2019 Bond Project, for a total cost of $45,425.

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On April 12, 2022, City Council accepted easements for parcels 7, 18, 19, and 21, for the Porter Avenue Streetscape 2019 Bond Project, for a total cost of $9,830.

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On June 8, 2022, The City deposited funds matching the Commissioners' Award associated with eminent domain proceedings for Parcel 8 for the Porter Streetscape 2019 Bond Project, thus acquiring rights to access the parcel for the purpose of the project.

Two parcels originally identified as requiring right of way, parcels 12 and 17, did not require right of way due to changes made during final design.

DISCUSSION:

Right-of-way acquisition necessary for the Porter Avenue Streetscape 2019 Bond Project consists of thirty-three (34) separate easements on nineteen (19) parcels. Smith-Roberts Land Services (SRLS) oversaw and reviewed the appraisal of each parcel, and assisted the City staff in the preparation of offer letters to each property owner affected, based on the appraised values and damages. These easements are typically small and have minimal impact on the existing property. The easements are usually needed to construct public sidewalks and driveways properly.

Offer letters were sent on January 10, 2022, and contained information identifying the required easements and encouraged each property owner to consider donation of the property. City staff and SRLS have met with the affected property owners individually, to answer questions and aid them in understanding the right of way acquisition process, as well as the effect it will have on their properties.

This project has been approved for federal funding for FYE 2022. In order to meet the project schedule to secure the federal funds, the City needs to acquire all associated parcels by June 2022. Previously, seventeen (17) parcels, consisting of twenty-eight (28) separate easements, have been acquired by the City, totaling $179,900.00. The secured easements were for parcels 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 14, 15, 16, 18, 19, and 21.

This item, and related items, is for the acceptance for the remaining two (2) parcels (parcels 13 and 20) consisting of six (6) easements. These parcels are the Norman Regional Hospital Authority properties. As part of the purchase agreement with the City, Contract K-2122-82, these easements are being donated by NRHA in advance of the final platting for the property involved; therefore, and there is no acquisition cost to the City for this item.

RECOMMENDATION

Staff recommends the above described easement be accepted and the filing be directed thereof.

E-2122-71

Parcel No. 20.1 Item 16.

TEMPORARY CONSTRUCTION EASEMENT

Know all men by these presents:

That **Norman Regional Hospital Authority**, for and in consideration of the sum of One Dollar ($1.00), receipt of which is hereby acknowledged, and for and upon other good and valuable considerations, do/does hereby grant, bargain, sell, and convey unto the City of Norman, a municipal corporation, a temporary easement over, across, and under the following described real estate and premises situated in the City of Norman, Cleveland County, Oklahoma, to wit;

A Temporary Construction Easement located in Norman, Cleveland County, Oklahoma, being more particularly described by perimeter metes and bounds as follows:

Please see attached legal description/exhibit for Parcel 20.1

With the right of ingress and egress to and from the same, for the purpose of surveying, laying out, constructing, maintaining, and operating a public right-of-way and sidewalk.

The sole purpose of this easement is to grant the City of Norman the right to work on the above-described tract of land, and includes the right to use and remove any and all sand, rock, dirt, gravel, and other road building materials from the above-described tract of land.

It is a condition of this easement that it shall not be filed of record and that all rights conveyed to the City of Norman by this instrument shall terminate upon completion of the project.

TEMPORARY CONSTRUCTION EASEMENT

To have and to hold the same unto the said city, its successors, and assigns forever.

Signed and delivered this 20th day of May, 2022.

Norman Regional Hospital Authority:

Richie Splitt — Title: President & CEO

John P. Manfredo — Title: VP & COO

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 20th day of May, 2022, personally appeared Richie Splitt & John Manfredo to me known to be the Identical person(s) who executed the foregoing grant of easement and acknowledged to me that they executed the same as their free and voluntary act and deed for the uses and purposes therein set forth.

WITNESS my hand and seal the day and year last above written.

My Commission Expires: January 21, 2023 Notary Public: Claudia Todd

CLAUDIA TODD NOTARY PUBLIC IN AND FOR STATE OF OKLAHOMA # 19000722 EXP. 01.21.2023

Approved as to form and legality this 31st day of May, 2022.

Elizabeth Muckala

City Attorney

Approved and accepted by the Council of the City of Norman, this ____ day of _____, 20__.

_____

Mayor

ATTEST:

_____

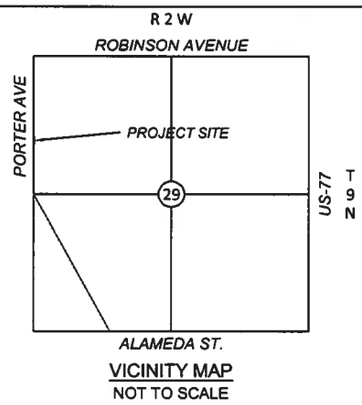
City Clerk

SEAL:

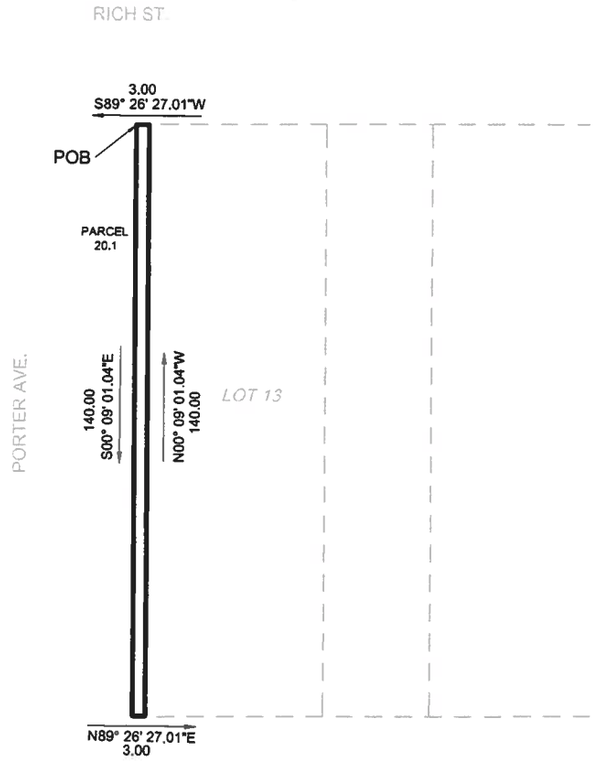
PARCEL 20.1

TEMPORARY EASEMENT

OWNER: Norman Municipal Hospital Authority
CITY OF NORMAN PROJECT:
PORTER AVE. STREETSCAPE



VICINITY MAP
NOT TO SCALE



LEGAL DESCRIPTION:

Parcel 20.1

A tract of land lying in the Northwest Quarter of Section Twenty Nine, Township Nine North, Range Two West of the Indian Meridian (NW/4, S29, T9N, R2W, IM), Cleveland County, Oklahoma, being more particularly described as follows:

A temporary construction easement that is parallel to Porter Ave, and lies on the East side of Porter Ave. The Point of Beginning (POB) is the Northwest corner of LOT 13, BLOCK 3 High School Addition. From the POB, the easement extends;

S00°09'01.04"E for a distance of 140.00-FT, THENCE,

N89°26'27.01"E for a distance of 3.00-FT, THENCE,

N00°09'01.04"W for a distance of 140.00-FT, THENCE,

S89°26'27.01"W for a distance of 3.00-FT to the Point of Beginning (POB).

Said tract containing 420.00 square feet or 0.010 acres, more or less.

SCALE: 1" = 40'

30 0 30

THIS EXHIBIT IS NOT A LAND OR BOUNDARY SURVEY PLAT

GARVER
CA #4193 EXPIRES
JUNE 30, 2022

PORTER AVE. STREETSCAPE
PROJECT NAME

TEMPORARY PARCEL 20.1
SHEET TITLE

10/11/2021	21T28374	32
DATE	JOB NO.	SHEET

L:\CAD\Projects\374 - Porter Avenue Streetscape\DWG\ODOT Sheets\Easements -ODOT.dwg

Easement Table

Parcel No.	Easement No.	Grantors	Document	Cost	Comments
13	E-2122-67	Norman Regional Hospital Authority	Permanent Easement	Donated	0.002 acres
20A	E-2122-68	Norman Regional Hospital Authority	Permanent Easement	Donated	0.009 acres
20B	E-2122-69	Norman Regional Hospital Authority	Permanent Easement	Donated	0.001 acres
20C	E-2122-70	Norman Regional Hospital Authority	Permanent Easement	Donated	0.001 acres
20.1	E-2122-71	Norman Regional Hospital Authority	Temporary Easement	Donated	0.010 acres
20.2	E-2122-72	Norman Regional Hospital Authority	Permanent Easement	Donated	0.027 acres

Porter Ave from Alameda to Gray St
West Side

Parcel	Sidewalk & Utility Easement	Temporary Construction Easement	Station Start	Station End	Landowner Information
16		201	111+32	111+82	S.W. Armstrong, Jr.
12	1295		101+02	102+02	Goodman Investments, LLC
12.1	337		112+02	113+42	Liberty National Bank & Trust CO.
11	43		116+96	117+22	Goodmain, Inc.

Porter Ave from Alameda to Gray St
East Side

Parcel	Sidewalk & Utility Easement	Temporary Construction Easement	Station Start	Station End	Landowner Information
1	287		100+07	100+42	Bradley K. Goodman
1.1		485	100+07	100+42	Bradley K. Goodman
2	871		100+62	102+02	BIP, LLC
2.1		10	100+62	100+66	BIP, LLC
3	392		102+82	104+22	Goodman Investments, LLC
3.1		913	102+82	104+22	Goodman Investments, LLC
4	330		104+42	105+82	Hollingsworth, Phil & Christie Ann-Rev. TRT-CO Trtees 1/5
5	211		106+62	108+03	Goodman Investments, LLC
5.1		2602	106+62	108+03	Goodman Investments, LLC
6A	342		108+22	108+56	Plaza Inn, Inc.
6B	75		109+54	109+62	Plaza Inn, Inc.
6.1		2751	108+22	109+62	Plaza Inn, Inc.
7		2961	112+02	113+43	Rowland, Meredith & Jeff- Liv Trt
8		2889	112+02	113+43	D & J Land, LLC
9		58	114+22	115+62	Goodmain, Inc.
10	1296		116+63	117+22	North Porter Center, LLC
10.1		147	116+63	117+22	North Porter Center, LLC

Porter Ave from Hughbert to Robinson St
West Side

Parcel	Sidewalk & Utility Easement	Temporary Construction Easement	Station Start	Station End	Landowner Information
21		34	136+88	136+92	Boomer's Express Corp.
14	65		143+93	144+02	Vaughn, Jessie M - 2003 Rev Liv Trust - Trustee
15	812		144+58	145+88	Physicians & Surgeons Medical, LLC
17	546		147+92	149+22	Physicians & Surgeons Medical, LLC
18	184		149+69	150+68	Rieger, LLC
18.1		22	150+61	150+68	Rieger, LLC
19		359	155+31	155+71	Mark Stanley A- Rev Trt

Porter Ave from Hughbert to Robinson St
East Side

Parcel	Sidewalk & Utility Easement	Temporary Construction Easement	Station Start	Station End	Landowner Information
20.1		420	139+31	140+71	Norman Municipal Hospital Trust
13	99		143+99	144+11	Luttrell, Richard C - Trustee
20A	400		144+51	144+71	Norman Municipal Hospital Trust
20.2		1181	144+71	148+45	Norman Municipal Hospital Trust
20B	63		148+45	148+58	Norman Municipal Hospital Trust
20C	59		148+83	148+88	Norman Regional Hospital Authority

E ACRES ST.
E HUGHBERT ST.
E FRANK ST.
E RICH ST.
E JOHNSON ST.
E HIMES ST.
E MOSIER ST.
E HAYES ST.
E TONHAWA ST
E DAWS ST
N PORTER AVE
21
20.1
14
13
15
20A
17
20.2
18
18.1
20B
20C
19
77'
88'
END PROJECT
E ROBINSON AVE
BEGIN PROJECT
N PORTER AVE
11
10
10.1
12
12.1
16
9
8
7
E GRAY ST
E MAIN ST.
E COMANCHE ST.
E EUFALA ST.
E SYMMES ST.
E APACHE ST.
E ALAMEDA ST
6A
6B
6.1
5
5.1
4
3
3.1
2
2.1
1
1.1

NORMAN R/W EXHIBIT

STATE JOB NO. 35321(04) SHEET NO. 165

10/11/2021

CLEVELAND COUNTY

10/12/2021 4:02 PM SCPrice

LOCATION MAP - Location Map - ODOT - LOCATION MAP

L:\CAB\Projects\374 - Porter Avenue Streetscape\DWG\ODOT Sheets\Norman Parcel Map - ODOT.dwg

File Attachments for Item:

17. CONSIDERATION OF APPROVAL, ACCEPTANCE, REJECTION, AMENDMENT, AND/OR POSTPONEMENT OF TEMPORARY EASEMENT E-2122-72: A TEMPORARY CONSTRUCTION EASEMENT DONATED BY NORMAN REGIONAL HOSPITAL AUTHORITY FOR THE PORTER AVENUE STREETSCAPE 2019 BOND PROJECT.

CITY OF NORMAN, OK

STAFF REPORT

MEETING DATE: 6/14/2022

REQUESTER: Paul D'Andrea, Capital Projects Engineer

PRESENTER: Shawn O'Leary, Public Works Director

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Two parcels originally identified as requiring right of way, parcels 12 and 17, did not require right of way due to changes made during final design.

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This project has been approved for federal funding for FYE 2022. In order to meet the project schedule to secure the federal funds, the City needs to acquire all associated parcels by June 2022. Previously, seventeen (17) parcels, consisting of twenty-eight (28) separate easements, have been acquired by the City, totaling $179,900.00. The secured easements were for parcels 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 14, 15, 16, 18, 19, and 21.

This item, and related items, is for the acceptance for the remaining two (2) parcels (parcels 13 and 20) consisting of six (6) easements. These parcels are the Norman Regional Hospital Authority properties. As part of the purchase agreement with the City, Contract K-2122-82, these easements are being donated by NRHA in advance of the final platting for the property involved; therefore, and there is no acquisition cost to the City for this item.

RECOMMENDATION

Staff recommends the above described easement be accepted and the filing be directed thereof.

E-2122-72

Parcel No. 20.2 Item 17.

TEMPORARY CONSTRUCTION EASEMENT

Know all men by these presents:

That **Norman Regional Hospital Authority**, for and in consideration of the sum of One Dollar ($1.00), receipt of which is hereby acknowledged, and for and upon other good and valuable considerations, do/does hereby grant, bargain, sell, and convey unto the City of Norman, a municipal corporation, a temporary easement over, across, and under the following described real estate and premises situated in the City of Norman, Cleveland County, Oklahoma, to wit;

A Temporary Construction Easement located in Norman, Cleveland County, Oklahoma, being more particularly described by perimeter metes and bounds as follows:

Please see attached legal description/exhibit for Parcel 20.2

With the right of ingress and egress to and from the same, for the purpose of surveying, laying out, constructing, maintaining, and operating a public right-of-way and sidewalk.

The sole purpose of this easement is to grant the City of Norman the right to work on the above-described tract of land, and includes the right to use and remove any and all sand, rock, dirt, gravel, and other road building materials from the above-described tract of land.

It is a condition of this easement that it shall not be filed of record and that all rights conveyed to the City of Norman by this instrument shall terminate upon completion of the project.

TEMPORARY CONSTRUCTION EASEMENT

To have and to hold the same unto the said city, its successors, and assigns forever.

Signed and delivered this 20th day of May, 2022

Norman Regional Hospital Authority:

Richie Splett

Title: President & CEO

John P. Manfreda

Title: VP & COO

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 20th day of May, 20 22 personally appeared Richie Splett & John Manfreda to me known to be the Identical person(s) who executed the foregoing grant of easement and acknowledged to me that they executed the same as their free and voluntary act and deed for the uses and purposes therein set forth.

WITNESS my hand and seal the day and year last above written.

My Commission Expires: January 21, 2023 Notary Public: Claudia Todd

CLAUDIA TODD NOTARY PUBLIC IN AND FOR STATE OF OKLAHOMA #19000728 Exp. January 21, 2023

Approved as to form and legality this 31st day of May, 2022

Elizabeth Muckala

City Attorney

Approved and accepted by the Council of the City of Norman, this ____ day of _____, 20__.

_____

Mayor

ATTEST:

_____

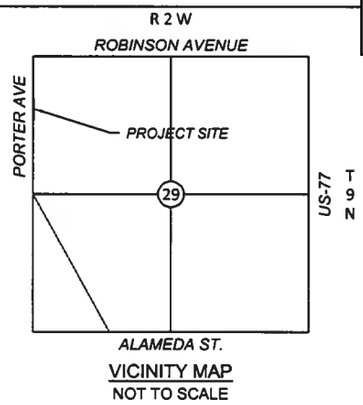
City Clerk

SEAL:

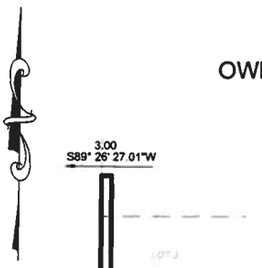
PARCEL 20.2

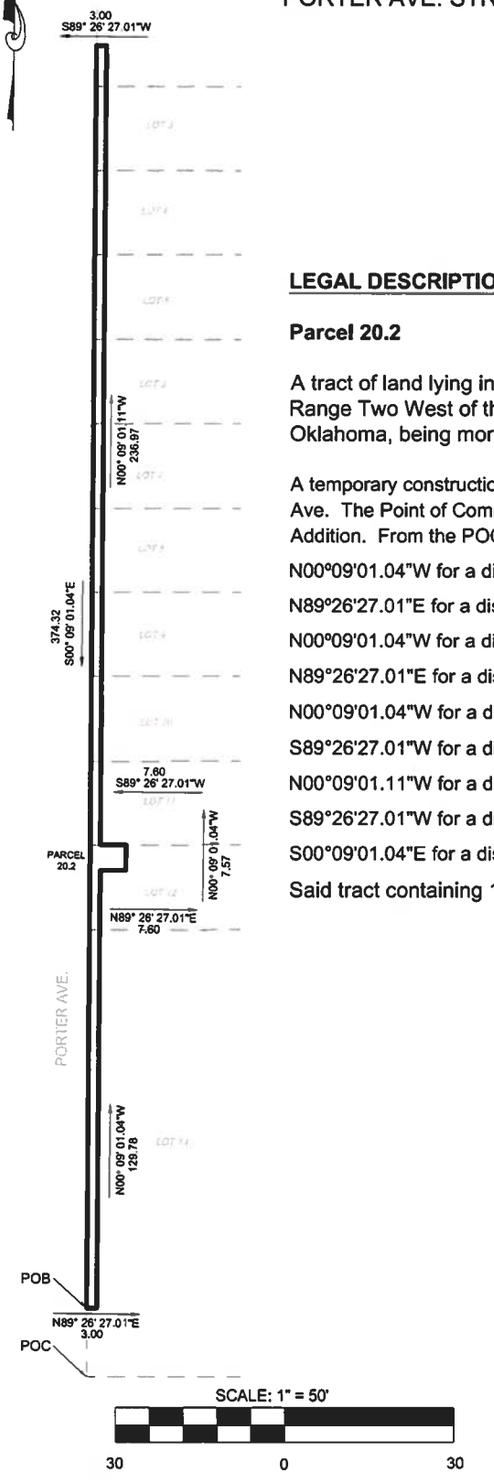
TEMPORARY EASEMENT

OWNER: Norman Municipal Hospital Trust
CITY OF NORMAN PROJECT:
PORTER AVE. STREETSCAPE



VICINITY MAP
NOT TO SCALE





THIS EXHIBIT IS NOT A LAND OR BOUNDARY SURVEY PLAT

LEGAL DESCRIPTION:

Parcel 20.2

A tract of land lying in the Northwest Quarter of Section Twenty Nine, Township Nine North, Range Two West of the Indian Meridian (NW/4, S29, T9N, R2W, IM), Cleveland County, Oklahoma, being more particularly described as follows:

A temporary construction easement that is parallel to Porter Ave, and lies on the East side of Porter Ave. The Point of Commencement (POC) is the Southwest corner of LOT 13, BLOCK 1 Whitwell Addition. From the POC, the easement extends;

N00°09'01.04"W for a distance of 20.00-FT to the Point of Beginning (POB), THENCE,

N89°26'27.01"E for a distance of 3.00-FT, THENCE,

N00°09'01.04"W for a distance of 129.78-FT, THENCE,

N89°26'27.01"E for a distance of 7.60-FT, THENCE,

N00°09'01.04"W for a distance of 7.57-FT, THENCE,

S89°26'27.01"W for a distance of 7.60-FT, THENCE,

N00°09'01.11"W for a distance of 236.97-FT, THENCE,

S89°26'27.01"W for a distance of 3.00-FT, THENCE,

S00°09'01.04"E for a distance of 374.32-FT to the Point of Beginning.

Said tract containing 1180.47 square feet or 0.027 acres, more or less.

GARVER
CA #4193 EXPIRES JUNE 30, 2022

PORTER AVE. STREETSCAPE
PROJECT NAME

TEMPORARY PARCEL 20.2
SHEET TITLE

10/11/2021	21T28374	33
DATE	JOB NO.	SHEET

L:\CAB\Projects\374 – Porter Avenue Streetscape\DWG\ODOT Sheets\Easements -ODOT.dwg

Easement Table

Parcel No.	Easement No.	Grantors	Document	Cost	Comments
13	E-2122-67	Norman Regional Hospital Authority	Permanent Easement	Donated	0.002 acres
20A	E-2122-68	Norman Regional Hospital Authority	Permanent Easement	Donated	0.009 acres
20B	E-2122-69	Norman Regional Hospital Authority	Permanent Easement	Donated	0.001 acres
20C	E-2122-70	Norman Regional Hospital Authority	Permanent Easement	Donated	0.001 acres
20.1	E-2122-71	Norman Regional Hospital Authority	Temporary Easement	Donated	0.010 acres
20.2	E-2122-72	Norman Regional Hospital Authority	Permanent Easement	Donated	0.027 acres

Porter Ave from Alameda to Gray St
West Side

Parcel	Sidewalk & Utility Easement	Temporary Construction Easement	Station Start	Station End	Landowner Information
16		201	111+32	111+82	S.W. Armstrong, Jr.
12	1295		101+02	102+02	Goodman Investments, LLC
12.1	337		112+02	113+42	Liberty National Bank & Trust CO.
11	43		116+96	117+22	Goodmain, Inc.

Porter Ave from Alameda to Gray St
East Side

Parcel	Sidewalk & Utility Easement	Temporary Construction Easement	Station Start	Station End	Landowner Information
1	287		100+07	100+42	Bradley K. Goodman
1.1		485	100+07	100+42	Bradley K. Goodman
2	871		100+62	102+02	BIP, LLC
2.1		10	100+62	100+66	BIP, LLC
3	392		102+82	104+22	Goodman Investments, LLC
3.1		913	102+82	104+22	Goodman Investments, LLC
4	330		104+42	105+82	Hollingsworth, Phil & Christie Ann-Rev. TRT-CO Trtees 1/5
5	211		106+62	108+03	Goodman Investments, LLC
5.1		2602	106+62	108+03	Goodman Investments, LLC
6A	342		108+22	108+56	Plaza Inn, Inc.
6B	75		109+54	109+62	Plaza Inn, Inc.
6.1		2751	108+22	109+62	Plaza Inn, Inc.
7		2961	112+02	113+43	Rowland, Meredith & Jeff- Liv Trt
8		2889	112+02	113+43	D & J Land, LLC
9		58	114+22	115+62	Goodmain, Inc.
10	1296		116+63	117+22	North Porter Center, LLC
10.1		147	116+63	117+22	North Porter Center, LLC

Porter Ave from Hughbert to Robinson St
West Side

Parcel	Sidewalk & Utility Easement	Temporary Construction Easement	Station Start	Station End	Landowner Information
21		34	136+88	136+92	Boomer's Express Corp.
14	65		143+93	144+02	Vaughn, Jessie M - 2003 Rev Liv Trust - Trustee
15	812		144+58	145+88	Physicians & Surgeons Medical, LLC
17	546		147+92	149+22	Physicians & Surgeons Medical, LLC
18	184		149+69	150+68	Rieger, LLC
18.1		22	150+61	150+68	Rieger, LLC
19		359	155+31	155+71	Mark Stanley A- Rev Trt

Porter Ave from Hughbert to Robinson St
East Side

Parcel	Sidewalk & Utility Easement	Temporary Construction Easement	Station Start	Station End	Landowner Information
20.1		420	139+31	140+71	Norman Municipal Hospital Trust
13	99		143+99	144+11	Luttrell, Richard C - Trustee
20A	400		144+51	144+71	Norman Municipal Hospital Trust
20.2		1181	144+71	148+45	Norman Municipal Hospital Trust
20B	63		148+45	148+58	Norman Municipal Hospital Trust
20C	59		148+83	148+88	Norman Regional Hospital Authority

E ACRES ST.
E HUGHBERT ST.
E FRANK ST.
E RICH ST.
E JOHNSON ST.
E HIMES ST.
E MOSIER ST.
E HAYES ST.
E TONHAWA ST
E DAWS ST
N PORTER AVE
BEGIN PROJECT
END PROJECT
E GRAY ST
E MAIN ST.
E COMANCHE ST.
E EUFALA ST.
E SYMMES ST.
E APACHE ST.
E ALAMEDA ST
E ROBINSON AVE
77'
88'

1 1.1 2 2.1 3 3.1 4 5 5.1 6A 6B 6.1 7 8 9 10 10.1 11 12 12.1 13 14 15 16 17 18 18.1 19 20.1 20A 20.2 20B 20C 21

NORMAN R/W EXHIBIT

STATE JOB NO. 35321(04) SHEET NO. 174

10/11/2021

CLEVELAND COUNTY

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Location Map - ODOT - LOCATION MAP

LOCATION MAP

File Attachments for Item:

18. CONSIDERATION OF APPROVAL, ACCEPTANCE, REJECTION, AMENDMENT, AND/OR POSTPONEMENT OF EXPENDITURE NO. TWO TO ON-CALL CONTRACT K-1314-103 BY AND BETWEEN THE CITY OF NORMAN, OKLAHOMA, AND PINNACLE CONSULTING MANAGEMENT GROUP, INC., IN THE AMOUNT OF $74,500 FOR RIGHT-OF-WAY ACQUISITION FOR THE JENKINS AVENUE WIDENING PROJECT FROM IMHOFF ROAD TO LINDSEY STREET.

CITY OF NORMAN, OK

STAFF REPORT

MEETING DATE: 06/14/2022

REQUESTER: Tim Miles, Capital Projects Manager

PRESENTER: Shawn O'Leary, Public Works Director

ITEM TITLE: CONSIDERATION OF APPROVAL, ACCEPTANCE, REJECTION, AMENDMENT, AND/OR POSTPONEMENT OF EXPENDITURE NO. TWO TO ON-CALL CONTRACT K-1314-103 BY AND BETWEEN THE CITY OF NORMAN, OKLAHOMA, AND PINNACLE CONSULTING MANAGEMENT GROUP, INC., IN THE AMOUNT OF $74,500 FOR RIGHT-OF-WAY ACQUISITION FOR THE JENKINS AVENUE WIDENING PROJECT FROM IMHOFF ROAD TO LINDSEY STREET.

BACKGROUND:

On April 2, 2019, the citizens of Norman voted in favor of a $72 million transportation bond issue, which includes nineteen (19) projects. With the anticipated $67 million in federal dollars being leveraged for these projects, approximately $139 million is budgeted for the nineteen (19) projects. Please see the attached project list and map showing the approved projects.

On August 19, 2019, City staff advertised Request for Proposal RFP 1920-16 to solicit Consulting Engineering Services for the fourteen (14) bond projects still requiring design. The selection committee consisting of three (3) City staff and two (2) citizens, shortlisted nine (9) consultant teams for interviews held on October 2, 2019. The five (5) consultant teams selected after interviews to complete the design on these projects are:

- Garver, Norman
- Cowan Group, Oklahoma City
- Freese and Nichols, Oklahoma City
- MacArthur Associated Consultants, Oklahoma City
- Olsson Associates, Oklahoma City

These consultants are being assigned various projects by City staff based on capacity, performance on their current projects and capabilities of their firm to complete a specific project.

On November 26, 2019, City Council awarded the Jenkins Avenue Widening Project to Freese and Nichols of Oklahoma City in the amount of $827,005.

On September 8, 2020, the Norman City Council approved Programming Resolution R-2021-46 requesting federal funds for the Jenkins Avenue Widening Project. This resolution states the City's commitment to adhere to the terms and conditions of a federally funded project including

engineering design, acquisition of all necessary rights-of-way and relocation of utilities and encroachments at 100% the City's cost. In return, the Association of Central Oklahoma Governments (ACOG), through the Oklahoma Department of Transportation (ODOT), agrees to provide 80% of the construction cost, up to a project maximum of $7,500,000 in federal funds, and administration of the construction with the matching share from the City of Norman.

The City's current construction cost estimate for the project is $9,491,000. Based on this amount, City 2019 Bond Funds will pay $1,991,000 or 21% and federal funds will pay $7,500,000 or 79% of construction and construction management costs. Federal funds have been secured for FFY2024, which means ODOT can take bids for the project as early as November 2023. City staff is working closely with the University of Oklahoma and ODOT to make the November 2023 bid date so that construction will start around February or March 2024.

This agenda item will award the Right-of-Way acquisition services on the Jenkins Avenue Widening Project to Pinnacle Consulting Group, Inc. (Pinnacle) of Oklahoma City in the amount of $74,500.

DISCUSSION:

For the Jenkins Avenue Widening Project, the City must necessarily acquire right-of-way and/or easements from seven (7) different property owners in order to construct the proposed improvements between Imhoff Road and Lindsey. As a result of the aforementioned RFP, the City of Norman has on-call contracts with three (3) right-of-way consultants, and City staff selected Pinnacle for this project.

Pinnacle's services will include title research, right-of-way staking for acquisition, appraisal, appraisal review, project management and right-of-way/easement acquisition.

Funding for these acquisition services will be allocated from the Jenkins Avenue Widening Bond Project Land (50594019-46001, Project No. BP0417).

For land acquisition of this nature, City policy requires compliance with state and federal regulations including the Federal Acquisition and Relocation Act. Property owners are provided ample opportunities to negotiate the sale of land to be used for public right-of-way. Property owners may donate the property or they may be compensated for fair market value. Council must approve and accept all land acquisitions.

RECOMMENDATION:

Staff recommends approval of Expenditure No. Two to On-Call Contract K-1314-102 with Pinnacle for the Right-of-Way acquisition services on the Jenkins Avenue Widening Project in the amount of $74,500.00.

PINNACLE
CONSULTING MANAGEMENT GROUP, INC.

Tim M. Miles, P.E.
Capital Projects Manager
City of Norman
201 West Gray, Bldg. A
Norman, OK 73069

RE: Scope of Services and Cost Estimate for Right of Way Acquisition
City of Norman – Project No. K-1314-103 – Jenkins Ave.

Dear Mr. Miles,

Based on my review of the project plans, I have prepared the following scope of services and cost estimate to acquire the necessary right of way for this project. The Pinnacle Group appreciates the opportunity to bid on this project.

Scope of Services

1) The acquisition of the necessary right-of-way for this project will be acquired under the City of Norman (City) guidelines, policies and procedures.

2) All project correspondence, including weekly status reports, will be directed through the City.

3) Pinnacle will obtain signed easements from all property owners along the planned route. Additional parcels will be billed at the same rate as shown below. If multiple parcel numbers are held in identical title, they will be combined and will be billed as one parcel. Based on my review of the plans, easements will be obtained from seven (7) unique property owners.

4) Pinnacle will set up parcel files including, but not limited to, all written correspondence, title work, acquisition agent's contact log, waiver, appraisal, appraisal review, easements, claim, summary of acquisition, W-9 form and all other applicable documents.

5) Pinnacle will conduct title research verifying ownership of and liens on each parcel. Title Investigation Report Forms will be prepared including copies of vesting deeds and any liens.

6) Pinnacle will conduct the right-of-way staking under the license of a Professional Land Surveyor with the Pinnacle Survey & Mapping Department.

7) Pinnacle will prepare Notice of Interest to Acquire letters, which will provide general information on the project and explain our role in performing the necessary right-of-way acquisition.

8) Pinnacle will hire an Oklahoma state certified general appraiser and review appraiser. Appraisals and appraisal reviews will be completed.

9) If appraisals are not required, Pinnacle will prepare Appraisal Waiver Valuations. The offers will be based on land values obtained from area market research.

10) Upon completion of the appraisals, appraisal reviews and/or waiver valuations, offer letters will be generated and sent to the City for signature.

11) The property owners will be contacted in person by a Pinnacle Acquisition Agent (unless they reside out of State) to explain the project, the acquisition area and answer questions regarding the project and the impact on the property. The written offers will be presented to the owners. If an owner will not accept the City's offer after a reasonable time, we will solicit any counter offer they feel is appropriate, including documented justification. The counter offer will be sent to the City to consider a possible administrative settlement offer.

12) Once an agreement is reached with an owner, Pinnacle will obtain a signed easement, Summary of Acquisition form, claim form, W-9 form and right of entry. The signed documents will be sent to the City for payment. The easements will be filed with the County Clerk.

13) Pinnacle will attempt to obtain a partial release of mortgage from the lienholder on the property, if applicable. The release will be filed with the County Clerk. If a partial release cannot be obtained, Pinnacle will request that the City approve an Unattainable Lien Waiver.

14) If a reasonable settlement cannot be reached, Pinnacle will prepare the file for condemnation and submit for filing and processing of the condemnation suit. Pinnacle will provide condemnation support to the City Attorney.

15) Pinnacle will provide post-acquisition support during construction, should any landowner issues arise.

16) Pinnacle will provide the City with copies of all necessary paperwork including the parcel files for future reference. We will work with the design engineer to resolve any design questions.

17) Pinnacle will not be responsible for any utility relocation activities under this scope. If utility relocation services are needed, they will be handled through a separate scope and contract.

Fees

The following per parcel fees include all labor, profit, mileage and all other expenses:

Services	# of Parcels	Fee per Parcel	Total
Title	7	$500.00	$3,500.00
R/W Staking for Acquisition	Lump Sum	N/A	$15,000.00
Appraisal	7	$3,000.00	$21,000.00
Appraisal Review	7	$1,000.00	$7,000.00
Project Manager Fee	7	$1,000.00	$7,000.00
R/W Acquisition	7	$3,000.00	$21,000.00
		Total	**$74,500.00**

The Pinnacle Group would like to thank you for the opportunity to provide our services for this project. We will begin the title work immediately once a written notice to proceed is provided.

If you have any questions regarding this estimate, please call me at (405)879-0600.

Sincerely,

Aaron Adkins
Senior Vice President
Pinnacle Consulting Management Group, Inc.

CONTRACT FOR RIGHT-OF-WAY ACQUISITION AND UTILITY RELOCATION SERVICES

This contract for right-of-way acquisition and utility relocation services ("Contract") is entered into this 25th day of February, 2014 by and between the City of Norman, a municipal corporation ("City"), and its successors in interest, the Norman Utilities Authority ("NUA") and Pinnacle Consulting Management Group, Inc. ("Right-of-Way Consultant")

WITNESSETH:

CONTRACT NO. K-1314-103
RIGHT-OF-WAY ACQUISITION AND UTILITY RELOCATION SERVICES

WHEREAS, the City/NUA requires the services of a right-of-way acquisition and utility relocation consultant to perform services in connection with miscellaneous City wide projects; and

WHEREAS, the Right-of-Way Consultant will provide services for these projects in accordance with this Contract; and

WHEREAS, it is the intent of the City/NUA to utilize the services contained in this contract on an as-needed basis for a period of one (1) year or longer as needed to complete any work started in that time frame from the date of the original Contract; and

NOW, THEREFORE, in consideration of the mutual covenants contained hereinafter relating to the project, the parties agree to the following:

1. Definitions. All items and phrases not expressly defined herein shall have their ordinary meanings, consistent with local and state law, except where the contract clearly indicates a different meaning. For purposes of this Contract, the following terms and phrases shall have the meaning subscribed herein:

A. *Right-of-way acquisition*	Those services associated with appraisal, negotiations, condemnation support, utility relocation, and other right-of-way acquisition-related services as requested by the City.
B. *City/NUA*	City of Norman, OK, and/or Norman Utilities Authority as it applies to the specific project for which services are rendered.
C. *Engineer*	The officer or/agent of the City/NUA in charge of overseeing the specific project for which services are be rendered.
D. *Term of Contract*	The term of this Contract shall run from the date of execution through one (1) year.

2. Basic Services. The Right-of-Way Consultant is hereby engaged and employed by the City to perform in accordance with good right-of-way acquisition practices and in the best interest of the City/NUA all the work as set out herein, including but not limited to the following:

A. Appraisals Services (for complex acquisitions only)

(1) Perform an appraisal of each parcel, utilizing qualified and experienced personnel (approved in advance by the City/NUA). Provide a second appraisal in cases exceeding the amount required by ODOT where necessary to achieve federal funding.

(2) Make a detailed inspection of the properties and make such investigations as are necessary to derive sound conclusions for the preparation of appraisal reports.

(3) All appraisals will be prepared in accordance with State law and acceptable appraisal standards, and in accordance with judicially recognized methods of property evaluation.

(4) Each written appraisal will be reviewed and sufficient copies submitted, not to exceed 4, to the City/NUA for authorization for the amount of the fair market value offer prior to the initiation of the negotiation process.

(5) The appraisal reports shall be based upon plans as furnished by the City/NUA for said project, showing areas of land and interests therein to be acquired by the City/NUA, and showing each parcel designated by a parcel number. Copies of such plans will be furnished by the City to the Right-of-Way Consultant, and the individual appraisal report prepared by the Right-of-Way Consultant shall make use of the parcel number for proper referenced. The Right-of-Way Consultant shall review the project plans, including field reconnaissance for items such as property lines, improvements, out conveyances, etc., as necessary to familiarize the Right-of-Way Consultant with the project scope.

(6) The City/NUA may provide appraisals to the Right-of-Way Consultant for use in acquisitions.

B. Negotiation and Miscellaneous Right-of-Way Services

(1) Prepare paperwork associated with acquiring right-of-way from inception to completion including, correspondence and letters of transmittal; assistance in processing claims, purchase orders and requisitions for title companies, appraisers, filing fees and right-of-way payment; assist in preparation of City Council Agenda Item for acceptance of easements; establish and maintain right-of-way and utility project files for the CITY/NUA to be delivered the CITY at project close.

(2) Perform abstracting and title search services through a search of courthouse records to determine ownerships, encumbrances, etc., as necessary to meet ODOT standard policy to achieve federal funding where applicable.

(3) Provide ownership list with legal descriptions of the total property in a format required for the City of Norman to prepare a resolution declaring a Recoupment Project if so deemed.

(4) Proof and resolve any discrepancies in Legal Descriptions provided by the City/NUA and/or their Design Consultants. Place all legal descriptions prepared by the City/NUA and/or other design consultant of each parcel on the appropriate City/NUA forms. On occasion prepare a legal description to resolver a change or addition to a pending negotiation in the interest of time or schedule of the project.

(5) Conduct negotiations, including explanations to each owner regarding the acquisition of the property interest to be acquired and give the owner the opportunity to donate said property or interest therein.

(6) Provide value find/appraisal waiver for non-complex acquisitions as necessary. Conduct appraisals where necessary in accordance with appraisal services herein.

(7) Conduct negotiation with each owner for the acquisition of the property interest to be acquired and give the owner the opportunity to sell said property or interest therein.

(8) Acquire any necessary donation certificates, lien waivers, mortgage subordinations, or tenant releases prepared on appropriate forms.

(9) Coordinate relocation of signs, structures, encroachments, etc., from existing right-of-way as necessary.

(10) Secure all documentation necessary to convey the title to the City/NUA and coordinate the examination of title with the City's Legal counsel.

(11) Process all documentation for closing through the City/NUA and coordinate delivery of settlement checks to property owners (for Federally-funded projects).

(12) Coordinate with the City/NUA relocation assistance payments and services as deemed appropriate (for Federally-funded projects).

(13) If negotiations with the property owner fail, provide the City/NUA with a recommendation for condemnation and all copies needed for filing condemnation.

(14) Attendance at meetings as requested by the City/NUA to explain any aspect of the right-of-way process.

(15) Update ownership data, in accordance with ODOT standards, prior to final R/W approval.

(16) Provide a complete set of files (copies) to ODOT required for R/W, encroachment, and utility clearances to obtain federal funding

(17) Provide R/W staking on call as often as necessary for any or all property owners as requested during negotiations.

C. Condemnation Support

(1) Assist the City's legal counsel in all condemnation actions required to obtain title to the required right-of-way, including expert testimony as to the fair market value of the property and damages to the remainder, as necessary. This service shall also include all pre-and post-trial activities involved in acquiring title to the property through eminent domain proceedings.

D. Relocation Assistance (Federally-funded projects)

(1) Perform real estate acquisition services as directed by the City/NUA. The scope of such services shall be as stipulated by the City/NUA in a letter of engagement to the Right-of-Way Consultant.

(2) Provide Letter(s) of Encroachment and/or Notice and Demand to the City/NUA as requested.

E. Utility Coordination (as requested by the City/NUA)

(1) Meet one on one with each utility company as necessary to determine their need to relocate and assign relocation corridors both horizontal and vertical, conduct field meetings with each utility owner as necessary.

(2) Review each relocation plan in sufficient detail and coordinate with each utility company to provide a relocation plan that doesn't conflict with other utility company's relocations or the roadway relocations.

(3) Coordinate with each utility company to field verify by exposing each conflict and determining location both vertically and horizontally by actual survey.

(4) Coordinate with City/NUA and/or their Design Engineer to provide electronic background drawings to each utility as needed.

(5) Follow up and insure each utility company's plan is submitted to the ODOT resident engineer's office in a timely manner.

(6) Coordinate with City/NUA and/or their Design Engineer to provide preliminary roadway plans to all utility companies.

(7) Coordinate with City/NUA and/or their Design Engineer to provide final roadway plans to all utility companies and identify in writing all changes made to the roadway plans since the preliminary submittal that potentially conflict with their current relocation plans.

(8) Coordinate and attend a pre-construction conference with each utility company before they begin relocation.

(9) Coordinate with City/NUA and/or their Design Engineer to provide to each utility company a drawing that identifies all conflicts with the proposed roadway and other proposed utility relocations, which give specific depth elevation and horizontal control at conflict point identified.

(10) Coordinate with each utility to provide reference control and/or stake their relocation assignment as necessary to insure the correct location in the field.

(11) Visit the site often enough during utility relocations to verify each utility is in the correct location both horizontally and vertically by survey as their installed.

(12) Coordinate and resolve all field changes for each utility during their relocation made for any reason including, impacts of other utilities, unforeseen conditions, constructability issues such as not being able to relocate because other utilities can't abandon their corridor because they need to remain in service until their new relocation is complete,

(13) Monitor the relocation of facilities in accordance with project consultant schedules.

(14) Prepare and distribute minutes of all office meetings and prepare and provide all necessary plans, drawings or sketches requested for utility clarification.

(15) Verify all expenditures from all utility companies for accuracy prior to payment by the City/NUA.

F. Changes in Work

(1) In any case where the Right-of-Way Consultant believes additional compensation and/or time is due for work and services not clearly covered by a project-specific work order, the Right-of-Way Consultant shall promptly notify the City/NUA in writing of its intention to negotiate for such additional compensation and/or time. The Right-of-Way Consultant shall give this notice prior to exceeding work order compensation and/or time limits. If such notification is not given, no claim for such extra compensation and/or time will be considered. Such notice by the Right-of-Way Consultant shall not in any

way be construed as proving the validity of the claim. The claim must be approved by the City/NUA. In such case where the claim is found to be just, it shall be allowed and paid as Extra Work in accordance with the Compensation paragraph of this Contract and hourly rates specifically identified therein.

(2) Exhaustion of the administrative procedure outlined herein above is a prerequisite of and not a substitute for the right of judicial review of the dispute.

G. Maintenance of Records

(1) Maintain a Project Database Program of all project right-of-way services.

(2) Develop and maintain permanent records and files regarding all right-of-way activities. All files will be retained and kept in a secure place in the project office of the Right-of-Way Consultant until such time as the parcel activities are completed. Upon completion of all parcel activities, the file(s) will be turned over to the City/NUA.

(3) All records and files shall be made available for inspection by authorized representatives of the City/NUA upon reasonable notice during regular office hours.

(4) Maintain project scheduling information of all right-of-way acquisition activities to show progress on each parcel and project segment against established Milestone Schedules.

(5) Develop and maintain detailed information of all costs associated with right-of-way acquisition and project management as necessary to support all billing statements.

(6) Upon completion of the project, the Right-of-Way Consultant shall provide all project-related documents in an ordered manner and broken down by parcel.

3. No Extra Work. No claims for extra work of any kind or nature or character shall be recognized by or be binding upon the City/NUA unless such work or service is first approved in writing by the City/NUA.

4. Compensation. Under the terms of this Contract, the Right-of-Way Consultant agrees to perform the work describe in the Basic Services scope of work, and the City/NUA agrees to pay the Right-of-Way Consultant as compensation for professional services described therein at the following hourly:

Position	$ Cost/Hr
Project Manager	96.15
Appraiser	100.00
Right-of-Way Acquisition Agent	70.00
Relocation Agent	75.00

Utility Coordinator	100.00
Document Clerk/Title Research Specialist	55.00
Survey Staking Crew	78.00
Clerical	42.22

5. Payments

A. Invoices not disputed or pending requested additional documentation shall be submitted monthly and paid by City/NUA within thirty days of receipt. Invoices shall state actual time expended on services performed by the Right-of-Way Consultant and shall meet the standards of quality as established under this Contract. The City/NUA agrees to pay the Right-of-Way Consultant, as compensation for such right-of-way acquisition services as listed herein in accordance with the hourly rate schedule outlined in the Compensation paragraph of this Contract. Invoices shall be prepared and submitted by the Right-of-Way Consultant and be accompanied by all supporting data required by the City/NUA. Payment of any invoice for any work or services may not be deemed to be recognition of satisfactory performance of said work or services or a waiver of any right of the City/NUA or any obligation of the Right-of-Way Consultant should it be determined later that said work or services were negligently performed or provided or were not performed or provided in accordance with the standards required by this Contract.

B. The Right-of-Way Consultant shall present two (2) copies of the invoice with two (2) properly executed claim vouchers to the City/NUA for compensation and payment. Claims over $25,000 require an Invoice Affidavit in accordance with state law. The City/NUA will review the invoice and claim voucher for payment. Should the City/NUA question or request additional documentation or disapprove all or a portion of any invoice, the Right-of-Way Consultant will be notified so that it may provide additional documentation sufficient to permit the invoice and claim to be paid, in whole or in part, provided that the City/NUA shall continue to pay all undisputed amounts as provided in Paragraph A above.

6. Indemnity. To the fullest extent permitted by law, the Right-of-Way Consultant agrees to indemnify and save harmless the City/NUA, their officers, agents and employees, from and against any and all loss of damage to property, injuries to or death of any person or persons and/or all claims, damages, suits, cost, expenses, liability, actions or proceedings of any kind or nature whatsoever, including, without limitation, Worker's Compensation claims of or by anyone whomever, in any way resulting from or arising out of the Right-of-Way Consultant's negligent acts, operations, errors and/or omissions under or in connection with this Contract, or the Right-of-Way Consultant's use and occupancy of any portion of the project site, including, without limitation, negligent acts, operations, errors and/or omissions of the Right-of-Way Consultant's officers, employees, representatives, suppliers, invitees, contractors, subcontractors or agents. The Right-of-Way Consultant shall promptly advise the City/NUA in writing, of any action, administrative or legal proceeding or investigation as to which this indemnification may apply. This section shall survive the expiration of the Contract. Provided, however, the Right-of-Way Consultant needs not release, defend, indemnify or save

harmless the City/NUA and or their officers, agents and employees, from damages or injuries resulting from the negligence of the City/NUA, their officers, agents or employees. It is understood that this indemnity and hold harmless provision is not limited by the insurance required under the provisions thereof.

CONSEQUENTIAL DAMAGES

LIMITATION OF DAMAGES: NOTWITHSATANDING ANY OTHER PROVISION OF THIS CONTRACT TO THE CONTRARY, THE PARTIES HERETO MUTUALLY AGREE THAT NEITHER PARTY SHALL BE LIABLE TO THE OTHER FOR ANY INDIRECT, INCIDENTAL, CONSEQUENTIAL, EXEMPLARY, PUNITIVE OR SPECIAL DAMAGES OR LOSS OF INCOME, PR0FIT OR SAVINGS OF ANY PARTY, INCLUDING THIRD PARTIES, ARISING DIRECTLY OR INDIRECTLY FROK THE PARTIES' RELATIONSHIP UNDER THIS CONTRACT OR APPLICABLE LAW, INCLUDING BUT NOT LIMITED TO CLAIMS BASED ON CONTRACT, EQUITY, NEGLIGENCE, INTENDED CONDUCT, TORT OR OTHERWISE (INCLUDING BREACH OF WARRANTY, NEGLIGENCE AND STRICT LIABILITY IN TORT).

7. Insurance. Required insurance shall be carried and maintained throughout the term of this Contract, and certificates of insurance shall contain a provision by the insurer(s) to the effect that the policy(s) may not be canceled, fail to be renewed, nor the limits decreased by endorsement without thirty (30) days prior written notice to the City/NUA and any participating public trust.

A. During the term of the Contract, the Right-of-Way Consultant shall provide, pay for, and maintain with companies satisfactory to the City/NUA and any participating public trust, the types of insurance described herein. All insurance shall be from responsible insurance companies eligible to do business in the State of Oklahoma. All liability policies (except Workers Compensation Insurance and professional liability policies) shall provide that the City/NUA and any participating public trust are named additional insured as to the operations of the Right-of-Way Consultant under this Contract and shall also provide the following Severability of Interest Provision.

With respect to claims involving any insured hereunder, except with respect to limits of insurance, each such interest shall be deemed separate from any and all other interest herein and coverage shall apply as though each such interest was separately insured.

Promptly after notice of award of this Contract, the insurance coverage and limits required must be evidenced by properly executed Certificates of Insurance on the forms acceptable to the City/NUA. The certificate must be signed by the authorized representative of the insurance company(s) shown in the certificate with proof that he/she is an authorized representative thereof. The required policies of insurance shall be performable in the Norman, Oklahoma, and shall be construed in accordance with the laws of Oklahoma.

No less than thirty (30) days prior written notice by registered or certified mail shall be given to the City/NUA of any cancellation, intent not to renew, or reduction in the policies' coverage except in the application of the aggregate limits provisions. In the event of a

reduction in any aggregate limit, the Right-of-Way Consultant shall immediately notify the City/NUA and shall make reasonable efforts to have the full amount of the limits appearing on the certificate reinstated. If at any time the City/NUA requests a written statement from the insurance company(s) as to any impairments to the aggregate limit, the Right-of-Way Consultant hereby agrees to promptly authorize and have delivered to the City/NUA such statement. The Right-of-Way Consultant authorizes the City/NUA such to confirm all information so furnished as to the Right-of-Way Consultant's compliance with its bonds and insurance requirements the Right-of-Way Consultant's insurance agents, brokers, surety and insurance carriers. All insurance coverage of the Right-of-Way Consultant shall be primary to any insurance or self-insurance program carried by the City/NUA.

B. No work or occupancy of the premises shall commence at the site unless and until the required certificates of insurance are provided and in effect and the written notice to proceed is issued to the Right-of-Way Consultant by the City/NUA.

C. The insurance coverage and limits required of the Right-of-Way Consultant under this Contract are designed to meet the minimum requirements of the City/NUA. Such coverage and limits are not designed as a recommended insurance program for the Right-of-Way Consultant. The Right-of-Way Consultant alone shall be responsible for the sufficiency of its own insurance program. Should the Right-of-Way Consultant have any question concerning its exposures to loss under this Contract or the possible insurance coverage needed therefore, the Right-of-Way Consultant should seek professional assistance.

D. The Right-of-Way Consultant shall provide the City/NUA the following insurance:

(1) Worker's compensation and employer's liability. The Right-of-Way Consultant shall maintain, during the term of the Contract, worker's compensation insurance as prescribed by the laws of the State of Oklahoma and employer's liability insurance in an amount not less than One Hundred Thousand Dollars ($100,000.00) each for all its employees employed at the site of the project, and in case any work is subcontracted, the Right-of-Way Consultant shall require the subcontractor similarly to provide worker's compensation and employer's liability insurance for all the subcontractor's employees, unless such employees are covered by the protection afforded by the Right-of-Way Consultant. In the event any class of employees engaged in work performed under the Contract or at the site of the project is not protected under such insurance heretofore mentioned, the Right-of-Way Consultant shall provide and shall cause each subcontractor to provide adequate insurance for the protection of the employees not otherwise protected.

(2) Commercial general liability insurance. The Right-of-Way Consultant shall maintain during the term of the Contract sufficient commercial general liability insurance to protect the Right-of-Way Consultant and any additional insured(s) from claims for bodily injury, including death, as well as from claims from property damages or loss, which may arise from activities, omissions and operations by the Right-of-Way Consultant or by any

subcontractor or by anyone directly or indirectly employed by or acting on behalf of or to the benefit of them. The amounts of such insurance shall be not less than the City/NUA's maximum liability under the Government Tort Claims Act, 51 O.S.§ 151 et seq., as amended from time to time and currently are:

a. Property damage liability in an amount not less than Twenty-Five Thousand Dollars ($25,000.00) per claimant for loss, damage to or destruction of property, including but not limited to consequential damages arising out of a single accident or occurrence.

b. All other liability in an amount of not less than One Hundred Twenty Five Thousand Dollars ($125,000.00) per claimant for claims including death, personal injury, and all other claims arising out of a single accident or occurrence.

c. Single occurrence or accident liability in an amount not less than One Million Dollars ($1,000,000.00) for any number of claims arising out of a single accident or occurrence.

Note: If commercial general liability coverage is written in a "claims-made" form, the Right-of-Way Consultant shall also provide tail coverage that extends a minimum of one year from the expiration of this Contract.

(3) Automobile liability insurance shall be maintained by the Right-of-Way Consultant as to the ownership, maintenance, and use of all owned, non-owned, leased or hired vehicles, with limits of not less than:

Bodily injury liability	$125,000.00	Limit each person
Property damage liability	$25,000.00 or	Limit each accident
Bodily injury and Property damage	$1,000,000.00	Combined single limit each accident

(4) Valuable paper insurance in an amount not less than $25,000.00 to assure the restoration, in the event of their loss or destruction, of any field notes, drawings, documents, summaries, estimates, reports, specifications, data, as-built drawings, renderings, calculations, tracings, computer files, models or plans (hereinafter collectively referred to as "documents") obtained or prepared as a part of this Contract and the delivery of said documents to the City/NUA upon completion, expiration, cancellation or termination of this Contract. The City/NUA is to be named as loss payee for its interest only.

(5) Professional liability insurance. Before this Contract may become effective, the Right-of-Way Consultant shall provide the City/NUA with a certificate of

insurance evidencing the Right-of-Way Consultant's coverage under a Professional Liability Insurance Policy in an amount not less than $100,000.00 aggregate annual limit of liability. Such insurance shall be maintained for a period of two (2) years after the completion of construction of any project where services are rendered under this contract. Any lapse of insurance coverage is declared a breach of this Contract. The City/NUA may, at its option, suspend this Contract until there is full compliance with this paragraph "Insurance" or terminate this Contract for nonperformance.

8. Termination for Convenience. The City/NUA may terminate this Contract, in whole or in part, for the City/NUA's convenience. The City/NUA may terminate by delivery or a notice to the Right-of-Way Consultant, pursuant to paragraph "Notices" herein.

Upon receipt of the notice of termination, the Right-of-Way Consultant shall (1) immediately discontinue all work and services affected (unless the notice directs otherwise, and (2) upon payment for work performed, deliver to the City/NUA all documents, data, drawings, specifications, reports, calculations, field notes, tracings, plans, models, computer files, estimates, summaries and other information and materials accumulated in performing this Contract, whether complete or incomplete unless the notice directs otherwise. In no event shall Right-of-Way Consultant be liable for any use of its incomplete work product by City/NUA or any other third Party.

Upon termination for the convenience by the City/NUA, the City/NUA shall pay the Right-of-Way Consultant for all undisputed work and services rendered and shall reimburse Right-of-Way Consultant for its reasonable costs incurred in effecting the termination, up to the time of the notice of termination, in accordance with the terms, limits and conditions of this Contract and as further limited by the not-to-exceed amounts set out in this Contract.

The rights and remedies of the City/NUA provided in this paragraph are in addition to any other rights and remedies provided by law or under this Contract.

Termination herein shall not terminate or suspend any of the required provisions of paragraph "Indemnity" or "Insurance" of this Contract

9. Notices. All notices given pursuant to this Contract shall be in writing, delivered or mailed by United States mail, postage prepaid or faxed (with hard copy follow up by mail or delivery) and addressed as follows:

To the City/NUA:

The City of Norman
The Norman Utilities Authority
201-A West Gray
Norman, Oklahoma

Address shall include specific Attn: to the Department and person representing the City/NUA as overseeing the specific City/NUA project for which services are being

rendered, telephone numbers and FAX number shall also be to the specific department and person for which services are being rendered.

To the Right-of-Way Consultant:
Pinnacle Consulting Mgmt. Group, Inc.
4516 N.W. 36th St., Ste. 100
Oklahoma City, OK 73122

The address of any person or party may be changed by notice to the other party, given in the manner described above. All such notices shall be deemed received when delivered.

10. Stop Work. Upon notice to the Right-of-Way Consultant, the City/NUA may issue a stop work order suspending the performance of work and/or services under this Contract. The stop work order shall not terminate or suspended any of the required provisions of paragraph "Indemnity" and/or "Insurance" of this Contract. In the event the City/NUA issues a stop work order to the Right-of-Way Consultant, the City/NUA will provide a copy of such stop work order to the contractor.

11. Compliance with Laws, Ordinances, Specifications and Regulations. The Right-of-Way Consultant shall comply with all existing federal, state and local laws, standards, codes, ordinances, administrative regulations and all amendments and additions thereto, pertaining in any manner to the work and/or services provided by this Contract.

12. Records and Accounts. During the term of this Contract and continuing for a period the longer of two (2) years after the final acceptance of the construction of the last project for which work was done under this contract, or until the final resolution of any outstanding disputes between the City/NUA and the Right-of-Way Consultant or the contractor(s) on the project, the Right-of-Way Consultant shall maintain: all documents, notes, drawings, specifications, reports, estimates, summaries, renderings, models, photograph, field notes, as-built drawings, information, survey results, plans, computer files and any other materials produced, created or accumulated in performing this Contract that have not been submitted to the City/NUA subsequent to final completion of the project and its internal accounting records, and other supporting documents pertaining to the claims and/or invoices for costs of work and/or services of this Contract.

The Right-of-Way Consultant must maintain its accounting records in accordance with generally accepted accounting principles applied on a consistent basis. The Right-of-Way Consultant shall permit periodic audits by the City/NUA and the City/NUA's authorized representative. The periodic audit of the records in support of claims and invoices for the Contract shall be performed at times and places mutually agreed upon by the City/NUA and Right-of-Way Consultant. Agreement as to the time and place for audits may not be unreasonable withheld.

ELECTRONIC MEDIA

A. Limit Use to Hard Copies. As a component of the Services provided under this Contract, Right-of-Way Consultant may deliver electronic copies of certain documents or data (the "Electronic Files") in addition to printed copies (the "Hard Copies") for the convenience

of the City/NUA. City/NUA and its consultants, contractors and subcontractors may only rely on the Hard Copies furnished by Right-of-Way Consultant to City/NUA. If there is any discrepancy between any Electronic File and the corresponding Hard Copy, the Hard Copy controls.

B. Acceptance Procedure. City/NUA acknowledges that Electronic Files can be altered or modified without Right-of-Way Consultant's authorization, came become corrupted and that errors can occur in the transmission of such Electronic Files. City/NUA agrees that it will institute procedures to preserve the integrity of the Electronic Files received from Right-of-Way Consultant until acceptance. **All project electronic files shall be maintained by the consultant for the same time frame in accordance with item 12 Records Accounts immediately preceding the paragraph above this section title Electronic Media. Subsequent to that the** City/NUA further agrees that it will review any Electronic Files received thereafter within a reasonable timeframe and conduct acceptance tests within one hundred and twenty (120) days, after which period City/NUA shall be deemed to have accepted the Electronic Files as received. Right-of-Way Consultant will undertake commercially reasonable efforts to correct any errors in the Electronic Files detected within said time frame. Right-of-Way Consultant shall not be responsible to maintain the Electronic Files after acceptance by City/NUA.

C. No Warranty of Compatibility. Right-of-Way Consultant does not warrant or represent that the Electronic Files will be compatible with or useable or readable by systems used by City/NUA or its consultants, contractors and subcontractors. Right-of-Way Consultant **is not** responsible for any problems in the interaction of the Electronic Files with other software used by City/UA or its consultants, contractors and subcontractors.

13. Reporting to the City/NUA. The Right-of-Way Consultant shall report to the City/NUA on a regular monthly basis and on an as needed basis.

14. Prohibition Against Collusion. The Right-of-Way Consultant warrants that it has not employed or retained any company or person other than a bona fide employee working solely for the Right-of-Way Consultant to solicit or secure this Contract. The Right-of-Way Consultant further warrants that it has not paid or agreed to pay any person, company, corporation, individual or firm, other than a bona fide employee working solely for the Right-of-Way Consultant, any fee, commission, percentage, gift, or any other consideration, contingent upon or resulting from the award or making of this Contract.

15. Work Order. A project-specific work order for each right-of-way acquisition project will be provided to the Right-of-Way Consultant by the City/NUA upon written receipt of the Right-of-Way Consultant's project proposal, time for completion, and estimate of cost for services to be performed. The City/NUA and the Right-of-Way Consultant will determine a mutually agreed upon number of calendar days for completion of each right-of-way acquisition project. The services of the Right-of-Way Consultant are to commence upon the date set out in the work order and be completed in the number of mutually agreed upon number of calendar days. If the Right-of-Way Consultant cannot perform the work and/or services within the time provided, and upon the submission by the Right-of-Way Consultant of a request in writing to the City/NUA, indicating the length of extension required to perform a task, the City/NUA may grant a reasonable extension time. The request from the Right-of-Way

Consultant shall state the reason for the extension request, along with evidence showing that the Right-of-Way Consultant is unable to complete this work in the time specified in the work order for reasons beyond its control. The Right-of-Way Consultant is prohibited from claiming damages for delays and extensions of time.

16. Ownership of Documents. All documents, notes, drawings, specifications, reports, estimates, summaries, computer files, renderings, models, photographs, field notes, as-built drawings, information, surveys results, plans and any other materials produced, created or accumulated in performing this Contract, are and shall remain the property of the City/NUA and may be reproduced, distributed and published in whole or part without permission or any additional payments or fees to the Right-of-Way Consultant. Reuse of said documents by the City/NUA shall be at the City/NUA's risk and responsibility and not that of the Right-of-Way Consultant. The parties may use any portions of said documents at their own risk and responsibility. During preparation of design documents, the Right-of-Way Consultant shall do weekly backups of CADD computer files and maintain said backups in a safe and secure off-site location. These backup CADD computer files are the property of the Right-of-Way Consultant.

17. References Not Incorporated The use of language or definitions from the Federal Acquisition Regulations, the ("FAR"), the American Institute of Architects ("AIA") or any other publication, is not intended to adopt by reference or otherwise any or all of the language, definitions, regulations or publications or any interpretation thereof.

18. Standard of Care. In providing the work and services herein, the Right-of-Way Consultant shall maintain during the course of this Contract the standard of reasonable care, skill, diligence and professional competency for such work and/or services. The Right-of-Way Consultant agrees to require all of its consultants, by the terms of its consultant's contracts, to provide services at the same standards of reasonable care, skill, diligence and professional competence required of the Right-of-Way Consultant.

19. Subconsultants. The Right-of-Way Consultant agrees to submit for approval by the City/NUA, prior to their engagement, a list of any sub consultants or subcontractors the Right-of-Way Consultant intends to engage to perform work and/or services related to this Contract. Such approval will not be unreasonable withheld. The Right-of-Way Consultant shall notify the City/NUA and seek pre-approval of any substitutions or changes in subconsultants or subcontractors.

20. Non-discrimination. In connection with the performance of work and/or services under this Contract the Right-of-Way Consultant agrees as follows:

A. The Right-of-Way Consultant shall not discriminate against any employee or applicant for employment because of age, race, creed, color, sex, national origin, ancestry or disability as defined by the Americans with Disabilities Act of 1990, Section 3(2). The Right-of-Way Consultant shall take affirmative action to ensure that employees or applicants for employment are treated without regard to their age, race, creed, color, national origin, sex, ancestry or disability as defined by the Americans with Disabilities Act of 1990, Section 3(2). Such action shall include, but not limited to the following: employment, upgrading, demotion or transfer, recruiting or recruitment, advertising, layoff, termination or

cancellation, rates of pay or other forms of compensation and selection for training, including apprenticeship. The nondiscrimination shall agree to post in conspicuous places, available to employees and applicants for employment, all notices applicable by law.

B. In the event of the Right-of-Way Consultant's noncompliance with this nondiscrimination clause, this Contract may be suspended, canceled or terminated by the City/NUA. The Right-of-Way Consultant may be declared by the City/NUA ineligible for further contracts or agreements until compliance, and/or satisfactory proof of intent to comply shall be made by the Right-of-Way Consultant.

C. The Right-of-Way Consultant agrees to include this nondiscrimination clause in any subcontracts connected with the performance of this Contract.

21. Assignment. Inasmuch as this Contract is a personal and professional service agreement which relies upon the personal and professional integrity, financial standing and unique ability and expertise of the Right-of-Way Consultant to provide professional and personal services to the City/NUA, the parties agree that the Right-of-Way Consultant may not assign its obligations, rights or interest in this Contract except as set forth in paragraph "Termination for Default" subparagraph B.

22. Termination for Default. The City/NUA may cancel this Contract in whole or in part, for failure of the Right-of-Way Consultant to fulfill or promptly fulfill its obligations under this Contract.

A. After due notice and thirty (30) days within which to correct the default, this Contract may be terminated by either party for default upon fourteen (14) days written notice should the other party fail substantially to perform in accordance with the Contract terms through no fault of the party initiating the termination.

B. If this Contract is terminated by reason of a default of the Right-of-Way Consultant prior to the completion of this project, regardless of the reason for said termination, the Right-of-Way Consultant shall immediately assign to the City/NUA any contracts and/or agreements relative to this project entered into between the Right-of-Way Consultant and its subcontractors and sub consultants, as the City/NUA may designate in writing and with the consent of the subcontractors and sub consultants so designated. With respect to those contracts and/or agreements assigned to and accepted by the City/NUA, the City/NUA shall only be required to compensate such subcontractors and sub consultants for compensation accruing to such parties under the terms of their agreements with the Right-of-Way Consultant from and after the date of such assignment to acceptance by the City/NUA. All sums claimed by such Right-of-Way Consultant to be due owing for services performed prior to such assignment and acceptance by the City/NUA shall constitute a debt between the Right-of-Way Consultant and affected subcontractors and sub consultants, and the City/NUA shall in no way be deemed liable for such sums. The Right-of-Way Consultant shall include this provision and the City/NUA's rights and obligations hereunder in all agreements or contract entered into with the Right-of-Way Consultant's subcontractors and sub consultants.

C. Termination herein shall not terminate or suspend any of the required provisions of the paragraph "Indemnity" or "Insurance" of this Contract.

23. Renewal. Unless written notification of termination or renegotiations of any or all portions of this contract, including unit costs, is given by the City of Norman/NUA or the Construction Right-of-Way/Utility Coordination Consultant at least sixty (60) days prior to the expiration date of this contract, the contract shall be renewed and provisions thereof shall continue in full force and effect for a twelve (12) month period, with automatic renewal to apply to each successive twelve month period thereafter, not to exceed a total of sixty (60) months for the duration of the entire contract. At each renewal, unit prices may be adjusted by Consumer Price Index for All Urban Consumers (CPI-U) for the South by the Bureau of Labor Statistics, U.S. Department of Labor for the preceding twelve (12) months.

To this end, no provision of this contract, or of any such aforementioned document shall be interpreted or given legal effect to create an obligation on the part of the City of Norman/NUA to third persons, including, by way of illustration, but not exclusion, sureties upon performance bond, payment bonds, or other bonds, assignees of the Construction Right-of-Way/Utility Coordination Consultant, subcontractors, and persons performing labor, furnishing material or in any way contributing or assisting in performance of obligations by the Construction Right-of-Way/Utility Coordination Consultant; nor shall any provisions be interpreted or given legal effect to afford a defense against any obligation owed or assumed by such third person to the City of Norman/NUA or in any way to restrict the freedom of the City of Norman/NUA to exercise full discretion in its dealings with the Construction Right-of-Way/Utility Coordination Consultant.

24. Time Is of the Essence. Both the City/NUA and the Right-of-Way Consultant expressly agree that time is of the essence with respect to this Contract, and the time for performance of each task established by the work orders shall be made a part of this Contract and shall be strictly

observed and enforced. Any failure on the part of the City/NUA to timely object to the time of performance shall not waive any right of the City/NUA to object at a later time.

25. No Damage for Delay. No payment, compensation or adjustment of any kind (other than an approved extension time) shall be made to the Right-of-Way Consultant for damages because of hindrances or delays from any cause in the progress of the work, whether such hindrances or delays be avoidable or unavoidable. The Right-of-Way Consultant agrees that it will make no claim for compensation or damages for any such delays and will accept as full satisfaction for such delays the extensions of time.

26. Local Business Utilization Report. The Right-of-Way Consultant agrees to submit a Local Business Utilization ("LBU") Report to the City/NUA upon request within fourteen (14) days from the date of this Contract, to include the following information:

A. A list identifying each of its subcontractors and sub-consultants;
B. The location of the principal of business of each sub-consultant or subcontractor;
C. The status of each sub consultant or subcontractor as local, small, disadvantaged, minority or otherwise;
D. The general scope of work to be performed by each sub-consultant or subcontractor; and
E. The dollar amount of each subcontract.

27. Severability. In the event that any provision, clause, portion or section of this Contract is unenforceable or invalid for any reason, such unenforceability or invalidity may not affect the enforceability or validity of any other paragraph or the remainder of this Contract.

28. Entire Agreement. This Contract, including its Exhibits and any other documents or certificates incorporated herein by reference, expresses the entire understanding of the City/NUA and the Right-of-Way Consultant concerning the Contract. Neither the City/NUA nor the Right-of-Way Consultant has made or shall be bound by any agreement or any representation to the other concerning this Contract which is not expressly set forth herein.

29. Amendment. This Contract may be modified only by a written amendment of subsequent date hereto approved by the City/NUA and the Right-of-Way Consultant's scope of work is increased or changed so as to materially increase the need for right-of-way acquisition services in excess of the not-to-exceed total compensation, the Right-of-Way Consultant may seek to amend this Contract.

30. Execution in Counterparts. This Contract may be simultaneously executed in several counterparts, each of which shall be an original and all of which shall constitute but one and the same instrument.

31. Descriptive Headings. The descriptive headings of the sections of this Contract are inserted or annexed for convenience of reference only and shall not affect the meaning, construction, interpretation or effect of this Contract.

32. Construction and Enforcement. This Contract shall be construed and enforced in accordance with the laws of the State of Oklahoma. In the event of ambiguity in any of the terms of this

Contract, it shall not be construed for or against any party on the basis that such party did or did not author the same.

33. Survival of Representations. All representations and covenants of the parties shall survive the expiration of the Contract.

34. Parties Bound. This Contract shall be binding upon and inure to the benefit of all parties. This Contract is solely for the benefit of the parties and their successors in interest, and none of the provisions hereof are intended to benefit third parties.

35. Venue of Actions. The parties agree that if any legal action is brought pursuant to this Contract, such action shall be instituted in the district court of the appropriate County.

36. Effective Date. The effective date of this Contract shall be the date of execution of this Contract by the City/NUA.

In Witness Whereof, this Contract was executed and approved by the City of Norman this 25th day of February, 2014

ATTEST:

Jennifer Harrison
Secretary

President/Principal

Approved as to form and legality this 18th day of February 2018.

City Attorney

In Witness Whereof, this Contract was approved and executed by the City of Norman and the Norman Utilities Authority this 25th day of February, 2014

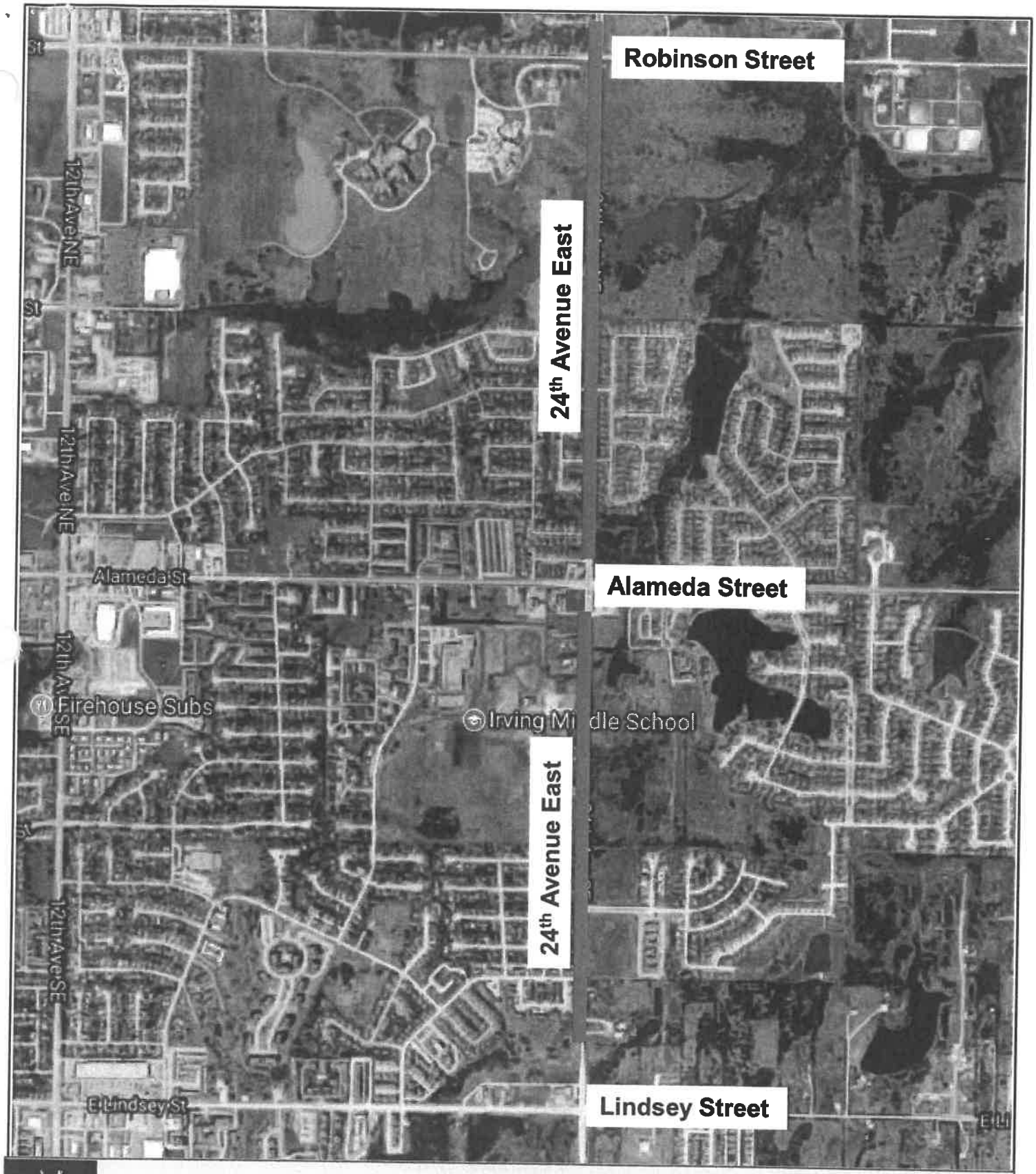
ATTEST:

Brenda Hall
City Clerk/Secretary

The City of Norman

Mayor/Chairman

K-1314-103



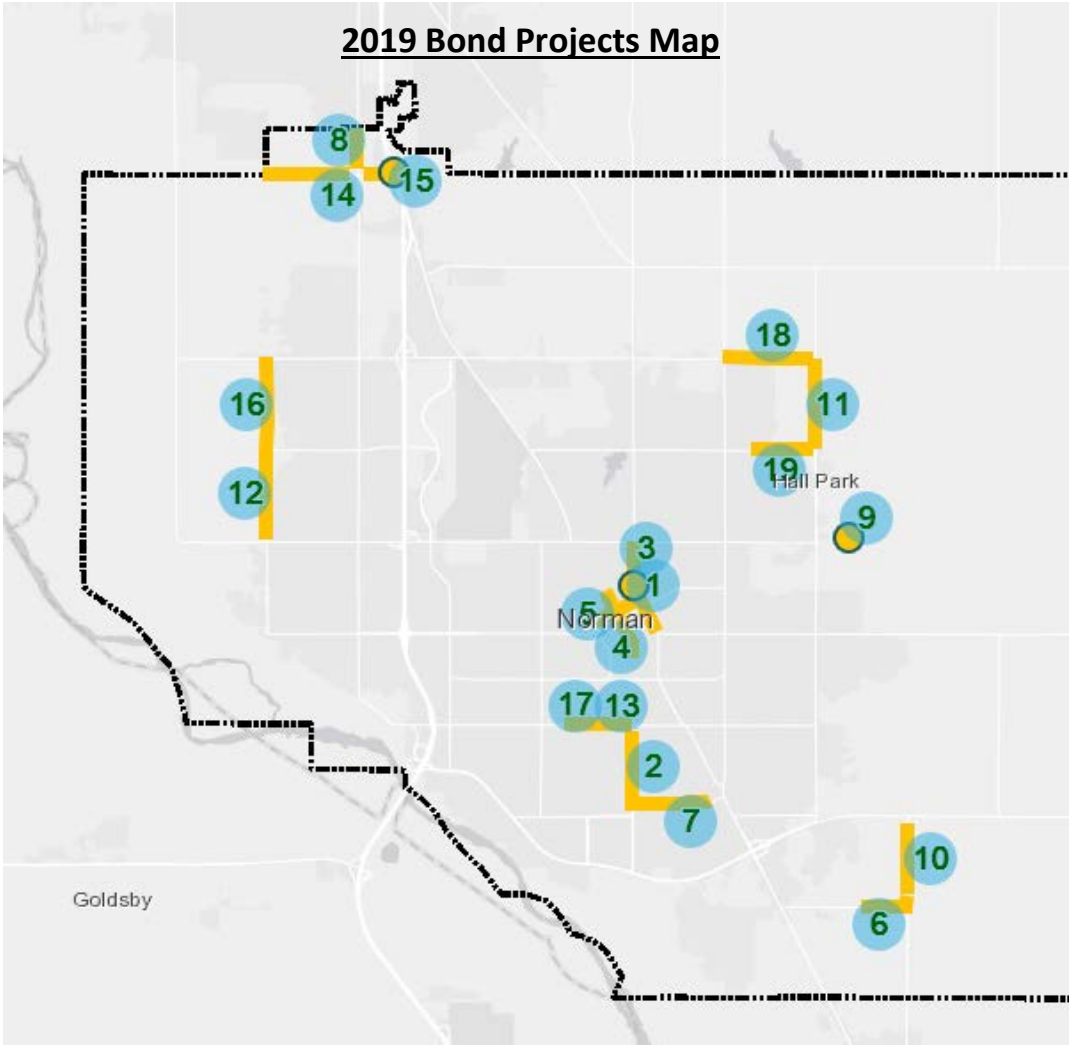
24th Avenue East Widening Project
Location Map

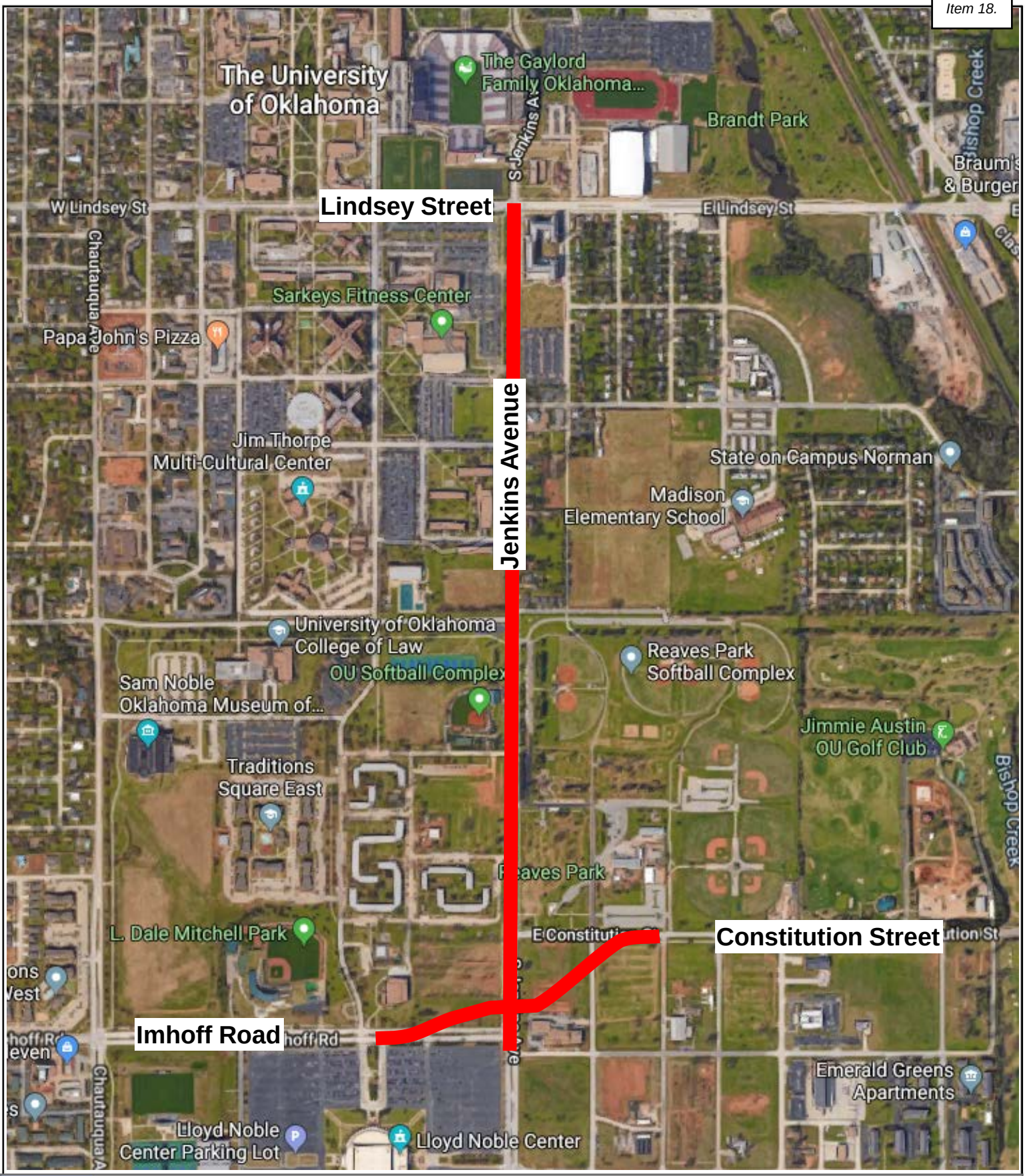
24th Avenue East- Acquisition Services Fee Summary

Services	# of Parcels	Fee per Parcel	Total
Title	14	$400.00	$5,600.00
R/W Staking	14	$500.00	$7,000.00
Appraisal	7	$3,000.00	$21,000.00
Appraisal Review	7	$800.00	$5,600.00
R/W Acquisition	14	$2,500.00	$35,000.00
		Total	**$74,200.00**

2019 Bond Projects List		
Construction Year	**Project No. on Map**	**Project Location**
2020	1	Porter Avenue and Acres Street
2021	2	Jenkins Avenue - Imhoff Road to Lindsey Street
2021	3	Porter Avenue Streetscape
2022	4	James Garner Avenue - Acres to Duffy
2022	5	Gray Street Two-Way Conversion
2023	6	Cedar Lane Road - East of 24th Avenue SE to 36th Avenue SE
2023	7	Constitution Street - Jenkins to Classen
2024	8	36th Avenue NW - North of Indian Hills Road to Moore City Limit
2024	9	Traffic Management Center
2025	10	36th Avenue SE - Cedar Lane Road to State Highway 9
2025	11	24th Avenue NE - Rock Creek Road to Tecumseh Road
2026	12	48th Avenue NW - Phase 1 - Robinson Street to Rock Creek Road
2027	13	Lindsey Street Special Corridor (Elm Avenue to Jenkins Avenue)
2028	14	Indian Hills Road - 48th Avenue NW to Interstate 35
2028	15	Indian Hills Road and I-35 Interchange Match Funds
2029	16	48th Avenue NW - Phase 2 - Rock Creek Road to Tecumseh Road
2029	17	Lindsey Street Special Corridor (Pickard Avenue to Elm Avenue)
2030	18	Tecumseh Road - 12th Ave NE to 24th Ave NE
2030	19	Rock Creek Road - Queenston to 24th Avenue NE

2019 Bond Projects Map





Jenkins Avenue Widening Project
Location Map

N

File Attachments for Item:

19. CONSIDERATION OF APPROVAL, ACCEPTANCE, REJECTION, AMENDMENT, AND/OR POSTPONEMENT OF CONTRACT K-2122-129: AN INTERAGENCY AGREEMENT BY AND BETWEEN THE CITY OF NORMAN, OKLAHOMA, AND THE OKLAHOMA CONSERVATION COMMISSION FOR REIMBURSEMENT TO THE CITY OF NORMAN IN AN AMOUNT UP TO $4,000 FOR EDUCATIONAL SIGNAGE PRODUCED AND INSTALLED BY THE CITY OF NORMAN AND BUDGET APPROPRIATION AS OUTLINED IN THE STAFF REPORT.

CITY OF NORMAN, OK

STAFF REPORT

MEETING DATE: 06/14/2022

REQUESTER: Jason Murphy, Stormwater Program Manager

PRESENTER: Shawn O'Leary, Director of Public Works

TITLE: CONSIDERATION OF APPROVAL, ACCEPTANCE, REJECTION, AMENDMENT, AND/OR POSTPONEMENT OF CONTRACT K-2122-129: AN INTERAGENCY AGREEMENT BY AND BETWEEN THE CITY OF NORMAN, OKLAHOMA, AND THE OKLAHOMA CONSERVATION COMMISSION FOR REIMBURSEMENT TO THE CITY OF NORMAN IN AN AMOUNT UP TO $4,000 FOR EDUCATIONAL SIGNAGE PRODUCED AND INSTALLED BY THE CITY OF NORMAN AND BUDGET APPROPRIATION AS OUTLINED IN THE STAFF REPORT.

BACKGROUND:

Several parks within the Brookhaven Creek watershed, including Rock Creek, Prairie Creek, and William Morgan Parks, contain signage highlighting various environmental topics ranging from stormwater, water quality, wildlife habitat, and the advantage of no mow practices. These signs were originally implemented through a partnership with the City of Norman and the Oklahoma Conservation Commission (OCC) to support the restoration and protection of Brookhaven Creek. Over time, these signs have become faded and difficult to read and need replacement.

DISCUSSION:

In a targeted effort to provide educational stormwater outreach to citizens in outdoor spaces, new pollinators and rain gardens were installed in Prairie Creek and William Morgan Parks in April 2022. This was a joint effort between the Stormwater Division of the Public Works Department and the Park Maintenance Division of the Parks Department. As a part of this effort, new signage was developed and installed in Rock Creek, Prairie Creek, and William Morgan Parks. As part of an Interagency Agreement, the OCC has agreed to reimburse the City of Norman up to four thousand dollars ($4,000) for the production of these signs. The Interagency Agreement specifies the City of Norman will be responsible for installing and maintaining the signs. The City of Norman has completed the design and production of the signs for installation. The new signs will replace the old, faded signs located in these parks. The current cost includes two invoices in the amount of $785 and $1,846.42. The total reimbursement requested at this time as part of the Interagency Agreement is $2,631.42. The funds used for the production of the signs came from Stormwater Quality (10550225 – 43199). The funds for reimbursement will be deposited into Refunds/Reimbursement (109 – 364251). Any remaining funds in this grant will be re-programmed by OCC.

RECOMMENDATION 1:

Staff recommends acceptance of the interagency agreement with the OCC for reimbursement to the City of Norman of up to four thousand dollars ($4,000) for the production of signage.

RECOMMENDATION 2:

Staff recommends that the reimbursed funds with an anticipated total of $2,631.42 be accepted and deposited into the Refunds/Reimbursement (109 – 364251) and be appropriated and distributed to the Stormwater Quality Other Misc. Supplies (10550225 – 43199).

INTERAGENCY AGREEMENT
Between
OKLAHOMA CONSERVATION COMMISSION (Commission) and
CITY OF NORMAN (City)

Section I. Background and Objectives.

WHEREAS, the Commission is responsible for the conservation of the renewable natural resources of this state, and for the control and prevention of soil erosion, and for the prevention of floodwater and sediment damages, and for furthering the conservation, development, utilization and disposal of water, and thereby to preserve and develop natural resources, conserve and develop water resources and water quality, preserve natural beauty, promote recreational development, protect the tax base, protect public lands and protect and promote the health, safety and general welfare of the people of this state; and

WHEREAS, the City as a municipality of the state has the authority to apply conservation practices and to educate its citizens and visitors about its conservation projects, as well as to encourage good conservation practices within its city limits; and

WHEREAS, the Commission is authorized to enter into this Agreement under the provisions of Title 27A O.S. §3-2-106, and Title 74 O.S § 1008.

WHEREAS, the City is authorized under the provisions of Title 74 O.S § 1008 to contract with the Commission for conservation education; and

WHEREAS, the parties desire to enter into this Interagency Agreement to facilitate the cooperation of the parties in the project and provide funds to attain this goal.

NOW, THEREFORE, for and in consideration of the foregoing premises and of the mutual promises set forth below, the Parties hereto agree, with the intention of being legally bound, to the following:

Section II: Project Description.

The City has requested assistance to cover the cost of producing educational signage that will support the restoration and protection of Brookhaven Creek. The Commission agrees to reimburse the City up to Four Thousand ($4,000.00) for the production of the signs.

Section III: In-Kind Match

The City agrees to install and maintain the signs. The signs will be installed in William Morgan, Prairie Creek and Rock Creek Parks in Norman, Oklahoma.

Section IV: Audit Clause

The Oklahoma State Auditor and Inspector or cognizant federal or state audit agency shall, under this Agreement, have access to and the right to examine during normal working hours any pertinent books, documents, papers, or records of the City, the Commission, or any of its sub-recipients engaged in the performance of or involving any transactions related to this Agreement.

Section V: Funding Default

The Commission controls the major portion of the funds of this Project. In the event funds become unavailable from the prime agency, notice will be given to the City and this Agreement shall automatically terminate. Reimbursement will then be made for work completed to the satisfaction of both parties to the Agreement upon the effective date of termination, including any non-cancelable obligations.

Section VI: Compliance

This Agreement is made expressly subject to, and the parties expressly agree to comply with and abide by, all of the laws of the United States and of the State of Oklahoma and any political subdivision where any portion of this Agreement is to be performed, including all rules and regulations now existing or that may be promulgated in accordance with the laws, as are applicable in any way to the performance of this agreement including but not limited to the Occupational Safety and Health Act and the Fair Labor Standards Act. The parties shall comply with all local, state, and federal laws regulating employment practices, including those prohibiting discrimination based on sex, race, religion, creed, color, ethnic background, age and disabilities. Acceptance of this Agreement constitutes awareness of and compliance with the requirements of the aforementioned laws and the Americans with Disabilities Act.

Section VII: Dispute Resolution

In the event of any dispute relating to this agreement the parties shall consult with each other in good faith and, recognizing their mutual interests, effectuate a just and equitable solution satisfactory to both sides.

Section VIII: Non-Collusion

No member or employee of the Commission or the City shall be allowed to financially profit from this Agreement.

Section IX: Amendment Clause

This Agreement may be modified by mutually acceptable written amendments, and must be duly executed by authorized officials of the Commission and the City.

Section X: Limitation of Liability

The City and the Commission mutually recognize that each party is a governmental entity subject to the provisions of the Governmental Tort Claims Act (51 O.S. § 151 et seq.). The City and the Commission hereby mutually agree that each is and may be held severally liable for any and all claims, demands, and suits in law or equity, of any nature whatsoever, paying for damages or otherwise, arising from any negligent act or omission of any of their respective employees, agents or officers which may occur during the prosecution or performance of this Agreement to the extent provided in the Governmental Tort Claims Act. Each party agrees to severally bear all costs of investigation and defense of claims arising under the Governmental Tort Claims Act and any judgments which may be rendered in such cause to the limits provided by law. Nothing in this section shall be interpreted or construed to waive any legal defense which may be available to a party or any exemption, limitation or exception which may be provided by the Governmental Tort Claims Act.

Section XI: Severability

If any provision of this Agreement is illegal, invalid, or unenforceable under present or future laws effective during the term of this Agreement or any renewal or extension of this Agreement, then it is the intention of the undersigned parties that the remainder of this Agreement shall not be affected. Additionally, for each

provision of this Agreement that is illegal, invalid, or unenforceable, the parties shall add as an amendment to this Agreement a valid and enforceable provision as similar as possible to the terms contained in the unenforceable provision.

IN WITNESS WHEREOF, the parties have executed this Agreement as of the last date written below.

OKLAHOMA CONSERVATION COMMISSION

By: _____ Date: _____
Trey Lam, Executive Director

CITY OF NORMAN

By: _____ Date: _____

BROOKHAVEN CREEK RIPARIAN AREA
Part of Nature's Water Filter
STORMWATER AND SURFACE WATER
ROCK CREEK PARK
PRAIRIE CREEK PARK
WILLIAM MORGAN PARK
WHY BROOKHAVEN CREEK?
TO CANADIAN RIVER
OKLAHOMA CONSERVATION COMMISSION
SCAN ME!

BROOKHAVEN CREEK RIPARIAN AREA
Part of Nature's Water Filter
WHAT IS A RIPARIAN AREA?
RIFFLES
WILDLIFE CORRIDORS
NO MOW ZONE
RIPARIAN VEGETATION
SPIKE RUSH
SYCAMORE
CATTAIL
BALD CYPRESS
RACCOON
RED FOX
OKLAHOMA CONSERVATION COMMISSION
SCAN ME!

BROOKHAVEN CREEK RIPARIAN AREA
Part of Nature's Water Filter
STORMWATER AND SURFACE WATER
ROCK CREEK PARK
PRAIRIE CREEK PARK
WILLIAM MORGAN PARK
WHY BROOKHAVEN CREEK?
SCAN ME!
TO CANADIAN RIVER

CATTAILS
A Vital Component of Healthy Ecosystems and Clean Water
Male red-winged blackbirds have red shoulder patches to impress the brown-streaked females. The females use old cattail stalks to make a nest and the young are fed insects found within the marsh and prairie.
Cattail moths are an important food source for birds, bats, frogs, and toads. The caterpillars use cattail seeds as a food source and use the fluff to stay warm in the winter. Birds also use the fluff to build nests.
Common yellowthroat warblers are frequently found in marshes and cattail patches, such as those found here in William Morgan Park. The male has a distinctive song, wichity-wichity-wichity.
Dense stands of cattails dampen wave actions, creating a stable nursery for the eggs of toads and frogs. Frogs and toads attract predators such as wading birds, like herons, as well as snakes and raccoons.
Cattails can absorb pollutants, like heavy metals and excess fertilizer, which protects water quality in Brookhaven Creek.
Submerged cattail stalks provide a surface on which aquatic insects, like diving beetles, lay their eggs. These insects are, in turn, food for fish, frogs, toads and birds.
Cattails serve as food pantries for muskrats. This water-loving rodent eats all parts of the plant and builds its haystack house out of cattail stalks. Muskrats use this house to stay warm in cold weather.
SCAN ME!
OKLAHOMA CONSERVATION COMMISSION

WILDLIFE YOU MAY SEE
Watching wildlife can be a lot of fun! Many wildlife creatures are elusive and wary so you will need to move slowly and quietly. Early morning and late afternoon are usually the best times to see wildlife. A pair of binoculars is helpful.
RED-WINGED BLACKBIRD
BLUE DASHER
GREAT BLUE HERON
RED-EARED SLIDER
LEOPARD FROG
BLUEGILL SUNFISH
SIGNS OF LIFE
Even if you do not see the animal, you may see signs of its presence, such as tracks, scat (droppings) or feathers. And listen... in nature you can hear a symphony of sounds.
RACCOON
RIPARIAN ZONES
William Morgan Park is located in the Brookhaven Creek watershed. Brookhaven Creek runs more than four miles through west Norman. This vital creek and surrounding natural riparian area provide wildlife habitat, protect water quality, and allow for critical habitat interconnectivity for migratory wildlife.
SCAN ME!
OKLAHOMA CONSERVATION COMMISSION
BEAVER VS MUSKRAT
Beavers and muskrats are both mammals that live in and around waterways. A great way to tell them apart is to check the tail: muskrats have a long, thin tail while beavers have a wide, flat tail. Muskrats are also much smaller weighing 2-4 lb. while beavers can weigh 30-40 lb.
BEAVER
MUSKRAT

File Attachments for Item:

20. CONSIDERATION OF ACCEPTANCE, APPROVAL, REJECTION, AMENDMENT, AND/OR POSTPONEMENT OF A FISCAL YEAR 2021 AND 2022 SURFACE TRANSPORTATION BLOCK GRANT (STBG) IN THE AMOUNT OF $959,855 FROM THE OKLAHOMA DEPARTMENT OF TRANSPORTATION TO BE USED TO PURCHASE TWO 35-FOOT LOW-FLOOR COMPRESSED NATURAL GAS (CNG) TRANSIT BUSES, APPROVAL OF CONTRACT K-2122-130, AND BUDGET APPROPRIATION AS OUTLINED IN THE STAFF REPORT.

CITY OF NORMAN, OK

STAFF REPORT

MEETING DATE: 6/14/2022

REQUESTER: Taylor Johnson, Transit and Parking Program Manager

PRESENTER: Shawn O'Leary, Director of Public Works

TITLE: CONSIDERATION OF ACCEPTANCE, APPROVAL, REJECTION, AMENDMENT, AND/OR POSTPONEMENT OF A FISCAL YEAR 2021 AND 2022 SURFACE TRANSPORTATION BLOCK GRANT (STBG) IN THE AMOUNT OF $959,855 FROM THE OKLAHOMA DEPARTMENT OF TRANSPORTATION TO BE USED TO PURCHASE TWO 35-FOOT LOW-FLOOR COMPRESSED NATURAL GAS (CNG) TRANSIT BUSES; APPROVAL OF CONTRACT K-2122-130; AND BUDGET APPROPRIATION AS OUTLINED IN THE STAFF REPORT.

BACKGROUND:

Fixing America's Surface Transportation (FAST) Act (P.L. 114-94), signed into law on December 4, 2015 authorized federal highway, highway safety, transit, and rail programs. The FAST Act amended the Surface Transportation Program (STP) contained in 23 U.S.C. 133, and changed the program name to the Surface Transportation Block Grant Program (STBG). The STBG promotes flexibility in State and local transportation decisions and provides flexible funding to best address State and local transportation needs.

The Association of Central Oklahoma Governments (ACOG), which serves as the Metropolitan Planning Organization (MPO) for the greater Oklahoma City Metropolitan Area, is responsible for coordinating with ODOT, area local governments, and transit providers, such as the City of Norman, to implement the applicable Transportation Improvement Plan (TIP).

The City of Norman took over the operations of the City public transportation system on June 1, 2019, from the University of Oklahoma. Since then, staff has worked diligently to pursue federal grant opportunities to maximize local funding to replace the aged vehicles that were inherited as a part of the transition of service. As of May 2022, eight (8) of thirteen (13) vehicles in the fixed-route fleet are already past their useful life according to FTA standards. While we are expecting to receive two new electric buses later this year, we will also have two additional buses in the fleet reach the end of their useful life around the same time.

On June 27, 2019, the City of Norman was recognized by the Federal Transit Administration (FTA) as an eligible recipient of federal transit funds for the Norman Urbanized Area. Transit capital projects are eligible for STBG funding under chapter 53 of title 49, of the United States Code, including vehicles and facilities that are used to provide intercity passenger bus service.

DISCUSSION:

The financing provided by the proposed contract is for eighty percent (80%) of total actual auditable costs for the STBG funds. This single contract would include $468,222 from FY2021 for the purchase of one 35ft low-floor CNG transit bus (TIP ID 11046), as well as $491,633 from FY2022 for the purchase of a second 35ft low-floor CNG transit bus (TIP ID 11220). Both of these new buses would be used to replace buses currently in use but that have reached the end of their useful life according to FTA standards. The overall total of the STBG funds for this procurement is $959,855. These funds would be available for reimbursement for three fiscal years after the fiscal year in which the grant is awarded.

Since the grant functions on a reimbursement basis, the grant portion ($959,855) will need to be appropriated from the Capital Fund Balance (account 50-29000) to Special Grants Fund Service Equipment – Bus (account 22550070-45007). Once reimbursement is received, the funds will be transferred back to the Capital Fund.

A twenty percent (20%) match will need to be funded through the City of Norman. If costs exceed the amount of funding allocated in the contract, then the difference will also be funded by the City of Norman. Funds for the 20% local match are estimated at $117,056 for the FY2021 funds and $122,909 for the FY2022 funds. The overall total estimate of required local matching funds for this procurement is $239,964. The entire local match amount ($239,964) is available in Fleet Repair Transit Service Equipment – Bus (account 27550276-45007). If these funds are accepted and the proposed contract approved, staff will begin working to bring back an authorization to purchase the two buses for Council's review and approval.

RECOMMENDATIONS:

1. Staff recommends that City Council accept the Surface Transportation Block Grant (STBG) from the Oklahoma Department of Transportation (ODOT) in the amount of $959,855 to be used for the procurement of two 35ft low-floor CNG transit buses;

2. Staff recommends that City Council approve contract K-2122-130 with the Oklahoma Department of Transportation;

3. Staff recommends that City Council approve an appropriation of $959,855 from Capital Fund Balance (50-59000) to Special Grants Fund Service Equipment – Bus (22550070-45007).

FY 2021 AND 2022 AGREEMENT

CITY OF NORMAN – TRANSIT ELEMENTS
SURFACE TRANSPORTATION BLOCK GRANT

FHWA STBG FUNDS: Proj No.: STP – 214E (123) AG, JP No.: 34755(06)
CFDA NUMBER: 20.205 (HIGHWAY PLANNING AND CONSTRUCTION)

I PARTIES AND PURPOSE

This AGREEMENT made and entered into this _____day of _____, 2022, by and between the Oklahoma Department of Transportation and the City of Norman. The above-cited parties to this AGREEMENT will hereinafter be referred to individually as the DEPARTMENT and CONTRACTOR respectively or, collectively as the PARTIES. Frequent reference will be made in this AGREEMENT to the Federal Highway Administration and the Federal Transit Administration, United States Department of Transportation, hereinafter referred to as FHWA and FTA respectively.

The purpose of this AGREEMENT is to provide for DEPARTMENT pass through funding of the Surface Transportation Block Grant (STBG) activities within the City of Norman Area. The intent of this AGREEMENT is to state the terms, conditions and mutual understanding of the parties as to the purchase and use replacement vehicles and associated equipment for the CONTRACTOR.

II EFFECTIVE DATE

The provisions of this AGREEMENT shall become effective for two years on the day this Federal-aid contract is executed by both parties. The parties hereto may, by supplemental Agreement, extend the contracted services for an additional one (1) year period. Any supplemental Agreement shall provide for such amendments to the terms of this Agreement as required and shall be executed with the same formality as this Agreement. This AGREEMENT may be terminated earlier upon thirty (30) days written notice by either party as provided for in Section XIII of this AGREEMENT.

III UNIFIED PLANNING WORK PROGRAM (UPWP)

The specific activities to be conducted and financed during the AGREEMENT period are prescribed in the Association of Central Oklahoma Governments (ACOG) FY 2021 and 2022 UPWP. The UPWP details the tasks, work responsibilities, costs and funding sources of each activity to be undertaken within the TMA (Transportation Management Area) . The purpose and product of the UPWP will be a viable up-to-date twenty-year comprehensive multi-modal transportation plan for the ACOG MPO TMA. Approval of the UPWP by the PARTIES, the ACOG MPO Policy Committee, and FHWA will constitute acceptance of the UPWP as a part of this AGREEMENT, subject to the financing provisions of Section IV herein.

IV FINANCING

The DEPARTMENT presently has funds available, allocated through FHWA, which may be used to facilitate Transit Procurement. Contingent upon the continued availability of such funds, the DEPARTMENT agrees to participate in the purchase and use of replacement vehicles to be conducted within the ACOG MPO TMA boundary as detailed in the UPWP. The PARTIES agree that the financing of the CONTRACTOR as set forth in this AGREEMENT is as follows:

FHWA STBG Funds for FY 2021*.....**$ 468,222.00**
*Includes procurement of 1 – 35’ Transit Bus

FHWA STBG Funds for FY 2022*.....**$ 491,633.00**
*Includes procurement of 1 – 35' Transit Bus

Such funds shall be on the basis of direct and indirect actual auditable cost as stated in 23 CFR Chapter 1, §420.113 and the provisions of the "Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards," 2 Code of Federal Regulations (CFR) 200 Subpart E. The direct costs shall be limited to the equipment rental, equipment purchase, authorized travel, office supplies, printing costs, personnel salaries, legal fees, personnel selection and placement, personnel relocation expenses, office rent and other necessary expenses directly associated with actual work performed under this AGREEMENT. Allowable indirect cost will be determined in accordance with 2 CFR 200.414.

The financing provided by this AGREEMENT is for eighty percent (80%) of total actual auditable costs for the FHWA STBG funds. A twenty percent (20%) match will be funded by the CONTRACTOR. If costs exceed the amount of funding allocated, then the difference will be funded by CONTACTOR.

V AUDIT

As part of this AGREEMENT, CONTRACTOR agrees to provide the DEPARTMENT with a Single Audit performed in accordance with the "Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards," 2 CFR 200 Subpart F to ensure compliance with federal and state laws, regulations and provisions of the AGREEMENT. The Single Audit will be performed by an independent auditor in accordance with generally accepted government auditing standards covering financial audits. If federal or state exceptions are found, the PARTIES will resolve the outstanding issues as provided under Section VI.

VI DISPUTES RELATED TO FINANCES

In the event of disagreement between the PARTIES relative to the eligibility of or the DEPARTMENT's financial participation in any work item or items contained in the UPWP, the details of such disagreement shall be forwarded to both the Chief Engineer/Deputy Director of the Department and the City Manager of the City of Norman who jointly shall make the final determination after consultation with FHWA.

VII PAYMENT

Payments for services described in the UPWP and this AGREEMENT shall be disbursed by the DEPARTMENT on the basis of documented payments from the CONTRACTOR showing the total actual costs incurred.

VIII PROGRAM EQUIPMENT PROCUREMENT

Unless provided and budgeted, equipment to be purchased, constructed or rented in excess of $1,000 dollars and purchased with DEPARTMENT funds, requires DEPARTMENT review and approval. The CONTRACTOR shall provide a detailed list identifying each piece of equipment and/or instrument being requested for purchase.

All PROGRAM equipment, materials and services financed in whole or in part pursuant to this agreement shall be purchased by, and in the name of, the CONTRACTOR in accordance with applicable State law and standards set forth in standards set forth in the U.S. DOT regulations, "Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards," 2 C.F.R. part 200 and (FTA Circular 4220.1F, as amended). PROGRAM equipment, materials and services shall be purchased in conformity with the latest approved PROGRAM budget, and stated within in the PROGRAM Application.

When one of the PARTIES has contracted out a portion of its federally funded operation, or has passed through funding to a subcontractor, competitive procurement requirements shall apply to the PARTY and/or subcontractor activities. In such circumstances, the procurement process of the PARTIES/subcontractor should meet all state and federal requirements. Furthermore, the DEPARTMENT will maintain complete oversight to ensure both PARTIES/subcontractor compliance. This requires written procurement procedures, overseeing selected procurement processes, and auditing the PARTIES/ subcontractor as the DEPARTMENT deems necessary.

The CONTRACTOR will be required, unless otherwise authorized in writing by the DEPARTMENT, to comply with all state and federal procurement requirements for procurement of vehicles and other equipment with the exception of "Start Up" costs for items such as vehicle signage, tax, title and miscellaneous items costing ONE HUNDRED DOLLARS ($100.00) or less. Unauthorized procurements **will not** be reimbursed by the DEPARTMENT. Bid specifications will be developed by the DEPARTMENT for various types of vehicles and other equipment as requested.

The CONTRACTOR must submit the following documents to the DEPARTMENT's Office of Mobility and Public Transit (OMPT):

1. City of Norman Board approved and FTA compliant Procurement Policy document
2. PTASP (for Bus Operations)
3. TAM Plan
4. Executed FFY 21 & 22 Certification of Assurances
5. Proof of Self-Insured Status for Transit Vehicles
6. Vehicle Maintenance Plan
7. Title VI Plan
8. EEO Plan (If applicable)
9. ADA Paratransit Plan (If applicable)
10. Disadvantaged Business Enterprise (DBE) Plan

Upon the procurement of the vehicles identified in the original agreement, the CONTRACTOR will contact the OMPT to provide the listed vehicle(s) information as follows:

1. Vendor Invoice
2. Vehicle Tag number
3. Agency Vehicle number (if applicable)
4. Vehicle Make & Model
5. Vehicle Identification Number
   Vehicle Seating Capacity

OMPT will make biannual visits to check vehicle status, preventive maintenance log, and review use of vehicle data until such time that the vehicle(s) reach its useful life and is disposed of by the Contractor.

IX USE AND DISPOSAL OF PROPERTY

PROGRAM vehicles shall be used for the provision of public transportation services. The CONTRACTOR and/or subcontractor must obtain written approval from the DEPARTMENT in any situation where the PROGRAM service is to be discontinued.

In the event that any program facility or equipment is used in an improper manner or is used for any unapproved activity, the CONTRACTOR and/or subcontractor shall be in default of this AGREEMENT and shall be subject to forfeiture of further financial assistance and may be required to reimburse Federal funds used to purchase said equipment and the Federal funds used for related expenses.

The disposal of all capital assets must be conducted through a public auction. The CONTRACTOR shall use the Department of Central Services Surplus Auction process, or a public auction.

Upon notification from the CONTRACTOR of the disposal of the vehicle(s), the DEPARTMENT's OMPT will remove the asset from its transit asset database and close out the agreement.

X VEHICLE REGISTRATION

The CONTRACTOR will, at the time of vehicle registration, name the Oklahoma Department of Transportation as first lien holder. A scanned copy of the title showing the DEPARTMENT as the lien holder shall be submitted to the OMPT within five (5) business days of receiving the title.

XI RECORDS

The CONTRACTOR hereby certifies that all records shall be maintained in accordance with generally accepted accounting principles and shall conform to the standards set forth in the, "Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards," 2 CFR 200. Such records will be made available for inspection by the DEPARTMENT, at all reasonable times at the respective offices during the contract period and for three years after the date of the final payment of Federal funds to the DEPARTMENT with respect to the study. Copies of such records shall be furnished at cost to the DEPARTMENT.

XII AMENDMENTS OR MODIFICATION OF AGREEMENT

No changes, revisions, amendments or alterations in the manner, scope or type of work or compensation to be paid by the DEPARTMENT shall be effective unless reduced to writing and executed by the PARTIES with same formalities as are observed in the execution of this AGREEMENT.

XIII TERMINATION OF AGREEMENT

This AGREEMENT was entered into by the PARTIES because of their mutual accord that the comprehensive, continuing, and cooperative transportation planning process provided herein was necessary. Either PARTY may terminate its interest and its obligation under this AGREEMENT by giving thirty (30) days notice in writing to the other PARTY, it being understood that such termination may be adverse to the interests of the other PARTY. In the event of such termination, CONTRACTOR shall deliver at cost to the DEPARTMENT all items mentioned in Section XI of this AGREEMENT within thirty (30) calendar days following the effective termination date.

XIV GOVERNMENT WIDE NONPROCUREMENT SUSPENSION AND DEBARMENT

The CONTRACTOR agrees to comply, and assures the compliance of each third party contractor and sub-recipient, with Executive Orders Nos. 12549 and 12689, "Debarment and Suspension," and in compliance of 2 CFR 200.

In order to protect the public interest, the "Federal-aid Eligibility Certification" (Exhibit A) shall be signed by the Chief Administrative Officer of the CONTRACTOR as to current history regarding suspension, debarment, ineligibility, voluntary exclusion, criminal convictions, or civil judgments involving fraud or official misconduct of himself/herself and any person associated in the administration and management of this federally funded project.

XV RESPONSIBILITY FOR CLAIMS AND LIABILITY

The CONTRACTOR and/or its consultants shall save harmless the DEPARTMENT, FHWA and FTA from all suits, actions, or claims brought on account of any injuries or damages sustained by any person or property in consequence of any negligent acts or misconduct by the City of Norman and/or its consultants or the negligent acts or misconduct of their subcontractors, agents, or employees arising from this AGREEMENT or on account of any claims or amount recovered for an infringement of patent, trademark, or copyright, or from any claim or amounts arising or recovered under the Workman's Compensation Laws or any other laws. The CONTRACTOR and/or its consultants shall not be released from such responsibility until all claims have been settled and suitable evidence to the effect furnished the DEPARTMENT.

XVI COVENANTS AGAINST CONTINGENT FEES

The CONTRACTOR warrants that it has not employed or retained any company or person specifically to solicit or secure this AGREEMENT, and that it has not paid or agreed to pay any fee, commission, percentage, brokerage fee, gifts, or any other consideration, contingent upon or resulting from the award or making of this AGREEMENT. For breach or violation of this warranty, the DEPARTMENT shall have the right to annul this AGREEMENT without liability, or at its discretion, to deduct from the AGREEMENT price or consideration, or otherwise recover, the full amount of such fee, commission, percentage brokerage fee, gift, or contingent fee.

XVII PRIOR UNDERSTANDING

This AGREEMENT incorporates and reduces to writing all prior understanding, promises, agreements, commitments, covenants or conditions, and constitutes the full and complete understanding and contractual relationship of the CONTRACTOR.

XVIII GOVERNING LAWS AND REGULATIONS

The CONTRACTOR and its subcontractors shall comply with all Federal, State and local laws, statutes, ordinances, rules and regulations, and the orders and decrees of any court or administrative bodies or tribunals in any nature affecting the performance of this AGREEMENT including workman's compensation laws, minimum and maximum salary and wage statutes and regulations. When required, the CONTRACTOR shall furnish the DEPARTMENT with satisfactory proof of its compliance therewith.

This AGREEMENT shall be governed and construed in accordance with the laws of the State of Oklahoma and the applicable rules, regulation, policies and procedures of the Oklahoma Transportation Commission.

XIX BINDING EFFECT

This AGREEMENT shall be binding upon and inure to the benefit of the DEPARTMENT and the CONTRACTOR and shall be binding upon their successors and subject to the limitation of Oklahoma Law.

XX NOTICES

All notices, demands, requests, or other communications, which may be or are required to be given, served or sent by either party to the other pursuant to the AGREEMENT shall be in writing and shall be deemed to have been properly given or sent:

(1) if intended for the DEPARTMENT, by electronic transmission, mailing by first class mail or, if sender prefers, by registered or certified mail, return receipt requested, with postage prepaid, addressed to the state at:

Department of Transportation
Strategic Asset & Performance Management Division
200 Northeast 21st Street
Oklahoma City, Oklahoma 73105-3204

(2) if intended for the CONTRACTOR, by mailing by first class mail or, if sender prefers, by registered or certified mail, return receipt requested, with postage prepaid, addressed to the City of Norman at:

Darrel Pyle, City Manager
City of Norman – Public Works Department
201 West Gray, Bldg. A
Norman, Oklahoma 73069

XXI SEVERABILITY

If any provision, clause or paragraph of this contract or any document incorporated by reference shall be determined invalid by a court of competent jurisdiction, such determination shall not affect the other provisions, clauses or paragraphs of this contract, which is not affected by the determination. The provisions, clauses or paragraphs and any documents incorporated by reference are declared severable and the invalidation of any such provision, clause, paragraph or document incorporated by reference shall not affect the remaining provisions, clauses, paragraphs and documents incorporated by reference which shall continue to be binding and of full legal efficacy.

IN WITNESS WHEREOF, the Mayor of the City of Norman City Council has set his/her hand and seal this day of _____, 2022 and the Deputy Director of the Oklahoma Department of Transportation has set his/her hand and seal this _____ day of _____ _____, 2022.

CITY OF NORMAN:

Reviewed and Approved
as to Legality and Form:

_____ _____
Attorney Date Mayor Date

Attest:

City of Norman – Public Works Department
201 West Gray, Bldg. A
Norman, Oklahoma 73069

Federal Tax ID Number: 73-6005350

_____
City Clerk Date

OKLAHOMA DEPARTMENT OF TRANSPORTATION:

Recommended:

_____ _____
Jared Schwennesen Date David Miley Date
Multimodal Division Manager General Counsel

Reviewed and Approved
as to Legality and Form:

_____
Dawn Sullivan Date
Deputy Director

EXHIBIT A

FEDERAL-AID ELIGIBILITY CERTIFICATION

The undersigned hereby certifies to the best of his or her knowledge and belief:

(1) That he or she is the fully authorized agent of the Prospective CONTRACTOR in this project which involves, Federal funding and has full knowledge and authority to make this certification.

(2) That, neither the Prospective CONTRACTOR nor any person associated therewith in the capacity of director, officer, manager, auditor or accountant, nor any person in a position involving the administration of federal funds:

a. Is currently under suspension, debarment, voluntary exclusion, or determination of ineligibility by any federal agency; and

b. Has been suspended, debarred, voluntarily excluded or determined ineligible by any federal agency within the past three (3) years; and

c. Has a proposed debarment pending; and

d. Has been indicted, convicted, or had a civil judgment rendered against any of the afore-mentioned by a court of competent jurisdiction in any matter involving fraud or official misconduct within the past three (3) years, except:

If none so state by entering the word none: _____

_____ _____

City Manager Date
City of Norman

STATUS VERIFICATION SYSTEM AFFIDAVIT

State of Oklahoma)
)
County of Cleveland)

Affiant, _____ , of lawful age, and having been first duly sworn, on oath states:

1. Affiant is the duly authorized agent of the City of Norman (contractor). Affiant is fully aware of the facts and circumstances surrounding the making of the contract to which this statement is attached and has been personally and directly involved in the procurement of this contract;

2. That the Contractor has registered and fully participates in the Status Verification System, as required by Title 25 O.S. §1313(B)(1), to verify the work eligibility status of all new employees of the Contractor.

FURTHER AFFIANT SAITH NOT.

_____	_____
Affiant	Date
_____	_____
Printed Name	Title

STATUTORY AFFIDAVIT

State of Oklahoma)
)
County of Cleveland)

Affiant, _____, of lawful age, and having been first duly sworn, on oath states:

1. That I am the duly authorized agent of the City of Norman (contractor) to submit the attached contract to the State of Oklahoma. I am fully aware of the facts and circumstances surrounding the making of the contract to which this statement is attached and have been personally and directly involved in the procurement of that contract, 74 OS §85.22.

2. That neither the Contractor nor anyone subject to the Contractors direction or control has paid, given, or donated or agreed to pay, give, or donate to any officer or employee of the State of Oklahoma any money or other thing of value, either directly or indirectly, in procuring this contract to which this statement is attached, 74 OS §85.22.

3. That no person who has been involved in any manner in the development of this Agreement while employed by the Oklahoma Department of Transportation shall be employed to fulfill any of the services provided for under this contract, 74 OS §85.42.

4. That, to the best of my knowledge and belief, the Contractor has not previously entered into a contract with the Oklahoma Department of Transportation or any other agency of the State of Oklahoma which would result in a substantial duplication of the services or final product acquired by this contract, 74 OS §85.41.

FURTHER AFFIANT SAITH NOT.

_____ _____
Affiant Date

_____ _____
Printed Name Title

File Attachments for Item:

21. CONSIDERATION OF APPROVAL, ACCEPTANCE, REJECTION, AMENDMENT, AND/OR POSTPONEMENT OF CONTRACT K-2122-135: A PROJECT AGREEMENT BY AND BETWEEN THE CITY OF NORMAN, OKLAHOMA, AND THE OKLAHOMA DEPARTMENT OF TRANSPORTATION FOR PROJECT STP-214D(125)AG, JOB 35323(04) FOR THE NORMAN FORWARD JAMES GARNER AVENUE PROJECT, PHASE II, ACRES STREET TO FLOOD AVENUE, AND RESOLUTION R-2122-129 .

CITY OF NORMAN, OK

STAFF REPORT

MEETING DATE: 06/14/2022

REQUESTER: Paul D'Andrea, Capital Projects Engineer

PRESENTER: Shawn O'Leary, Public Works Director

ITEM TITLE: CONSIDERATION OF APPROVAL, ACCEPTANCE, REJECTION, AMENDMENT, AND/OR POSTPONEMENT OF CONTRACT K-2122-135: A PROJECT AGREEMENT BY AND BETWEEN THE CITY OF NORMAN, OKLAHOMA, AND THE OKLAHOMA DEPARTMENT OF TRANSPORTATION FOR PROJECT STP-214D(125)AG, JOB 35323(04) FOR THE NORMAN FORWARD JAMES GARNER AVENUE PROJECT, PHASE II, ACRES STREET TO FLOOD AVENUE, AND RESOLUTION R-2122-129 .

BACKGROUND:

On November 8, 2016, the City Council approved programming Resolution R-1617-49 requesting federal funds to widen James Garner Avenue from Acres Street to Flood Avenue. This Resolution states the City's commitment to adhere to the terms and conditions of a federally funded project. Through the Association of Central Oklahoma Governments (ACOG), the Oklahoma Department of Transportation (ODOT) agrees to provide 80% of the cost of construction with a 20% matching share from the City of Norman. In order to receive the federal funding, the City of Norman is required to enter in an agreement with ODOT to complete the design, acquire all rights-of-way and relocate existing utilities/encroachments at City's cost.

This Norman Forward Street Improvement Project will create a new entry into downtown and will help alleviate traffic on both Flood Avenue and Porter Avenue. The scope of this project includes:

- Construction of a new two-lane extension of James Garner Avenue from Acres Street to Flood Avenue
- New roadway bridge over Robinson Street
- New two-lane modern roundabout intersection at Flood Avenue
- Landscaping and Low Impact Development measures in roadway medians
- Reconstruction and extension of a portion of the Legacy Trail to accommodate the new roadway.
- New lighting along the street and Legacy Trail.
- Reconstruction of local residential streets as necessary.

In March of 2017, the City Council approved the design contract (K-1617-105) with Cabbiness Engineering, in the amount of $427,000 for the James Garner Avenue Project from Acres Street to Flood Avenue, and Cabbiness began preliminary design for the project.

On August 27, 2019, City Council approved Amendment No. One for Contract K-1617-105 with Cabbiness Engineering, in the amount of $2,275 for the design of the James Garner Avenue Project from Acres Street to Flood Avenue.

On March 23, 2021, City Council approved Amendment No. Two for contract K-1617-105 with Garver, L.L.C., (formerly Cabbiness) in the amount of $5,675 for the design of the James Garner Avenue Project from Acres Street to Flood Avenue.

On November 9, 2021, the City of Norman purchased property North of Robinson Street from the Judith E. Drabek Foundation Trust in the amount of $81,936 for the construction of the James Garner Avenue Phase II from Acres Street to Flood Avenue Norman Forward Project.

Pursuant to Contract No. K-2021-94, an Exchange Agreement with the University of Oklahoma, and effective February 28, 2022, the City of Norman secured property North of Robinson Street, from the University of Oklahoma, for the construction of the James Garner Avenue Phase II from Acres Street to Flood Avenue Norman Forward Project.

On April 12, 2022, City Council approved Contract Amendment No. Three for Contract K-1617-105 with Garver, LLC, in the amount of $34,400 for the design of the James Garner Avenue Project from Acres Street to Flood Avenue.

On May 24, 2022, City Council accepted Easement E-2122-65 establishing a roadway, sidewalk, and utility easement across the lands purchased for construction of the James Garner Phase II-Acres Street to Flood Avenue Norman Forward Project.

DISCUSSION:

The next milestone for this project is for ODOT to place the project on their bid schedule. Prior to submitting for placement on the schedule, ODOT requires the City of Norman to enter into a project agreement and to adopt it by Resolution. ODOT has requested the City approve the attached agreement that addresses the responsibilities of the City of Norman and ODOT. Staff has reviewed and recommends approval of the project agreement and resolution.

In summary, the City's responsibilities are:

- Prepare plans for construction in conformance with ODOT 2019 Standard Specifications
- Provide necessary rights-of-way to construct the project and relocate any utilities
- Maintain the traffic signal equipment after construction
- Certify the project will comply with the Americans with Disabilities Act (ADA)
- Comply with environmental requirements
- Maintain the roadway and all drainage systems and facilities after construction
- Ensure permanent rights-of-way are free of any encroachments
- Maintain lighting and lighting systems

In summary, ODOT's responsibilities are:

- File jointly with the contractor the Notice of Intent (NOI) for a general construction storm water permit with the EPA which authorizes storm water discharges associated with construction activities
- Advertise and let the construction contract for this project
- Construct the project in accordance with the plans
- Provide competent supervision of the construction

The construction and construction management portion of the project is funded 80% by ODOT and 20% by local funds with a maximum cap for the ODOT federal funds.

Based on the latest engineer's estimate, the total construction and construction management cost for the James Garner Phase II Norman Forward project is estimated to be $6,490,330. ODOT's estimated share is capped at a maximum of $4,825,733, therefore, the local match would be $1,664,597. The City's share is funded by Norman Forward Funds available within the project account. ODOT will bill the City for the local matching share based on the final engineer's estimate and at the time of submission of the final plans and estimate for placement on the ODOT bid schedule. Should 80% of the total construction cost exceed the ODOT cap, the City will be responsible for the additional costs. If the final construction costs underrun the estimated amount, the City's share will be adjusted to 20% of the final cost and any excess funds paid by the City will be refunded.

The funds for this ODOT agreement will be paid from the James Garner Avenue Phase II Norman Forward Project NFP109, Construction (51594405-46101).

If this agreement is approved by Council, final plans, specifications, and estimate will be submitted to ODOT and a bid date will be set. The current target for bid opening is September 2022. If that target date is met, construction of the project will begin around November or December 2022. Construction should be completed by December 2022.

RECOMMENDATION No. 1:

Staff recommends approval of Contract K-2122-135 with the Oklahoma Department of Transportation.

RECOMMENDATION No. 2:

Staff further recommends approval of Resolution R-2122-129 adopting Contract K-2122-135, a Project Agreement with ODOT for Project STP-214D(125)AG, JOB 35323(04).

STATE OF OKLAHOMA
DEPARTMENT OF TRANSPORTATION
PROJECT MAINTENANCE, FINANCING, AND RIGHT-OF-WAY AGREEMENT

EXTENSION OF JAMES GARNER AVENUE, FROM ACRES STREET TO FLOOD AVENUE, WITH ROUND-A-BOUT AT THE INTERSECTION OF JAMES GARNER AVENUE AND FLOOD AVENUE

Project No.: STP-214D(125)AG

State Job No.: 35323(04)

This Agreement, made the day and year last written below, by and between the City of **Norman**, hereinafter referred to as the Sponsor, and the Department of Transportation of the State of Oklahoma, hereinafter referred to as the Department, for the following intents and purposes and subject to the following terms and conditions, to wit:

WITNESSETH

WHEREAS, The Sponsor requested that certain street improvements be approved by the Oklahoma Transportation Commission, as were previously programmed by the Sponsor and described as follows:

Project Type	Div.	County	JP No	Project No.	Work Type	Description
STBG-UZA	03	CLEVELAND	35323(04)	STP-214D(125)AG	GRADE, DRAIN & SURFACE	EXTENSION OF JAMES GARNER AVENUE, FROM ACRES STREET TO FLOOD AVENUE, WITH ROUND-A-BOUT AT THE INTERSECTION OF JAMES GARNER AVENUE AND FLOOD AVENUE

WHEREAS, the Department is charged under the laws of the State of Oklahoma with construction and maintenance of State Highways; and,

WHEREAS, the Department is, by terms of agreements with the Federal Highway Administration, responsible for the management and construction of certain federally funded projects within the corporate limits of cities within the State of Oklahoma; and,

WHEREAS, the Sponsor has been identified as the beneficiary and sub-recipient of such federally funded project; and,

WHEREAS, receipt of the benefits of this project will require that the Sponsor assume certain financial responsibilities; and,

WHEREAS, the Sponsor is a municipal corporation created and existing under the constitution and laws of the State of Oklahoma; and
WHEREAS, the laws and constitution of the State of Oklahoma impose financial restrictions on the Sponsor and its ability to ensure financial obligations; and,

WHEREAS, the Parties hereto recognize those financial limitations and agree that the financial obligations assumed by the Sponsor, by the terms of this Agreement, are enforceable only to the extent as may be allowed by law or as may be determined by a court of competent jurisdiction; and,

WHEREAS, it is understood that, by virtue of the Article 10, Section 26 of the Oklahoma Constitution, the payment of Sponsor funds in the future will be limited to appropriations and available funds in the then current Sponsor fiscal year.

NOW, THEREFORE: the Department and the Sponsor, in consideration of the mutual covenants and stipulations as set forth herein, do mutually promise and agree as follows:

SECTION 1: PROJECT AGREEMENT

1.1 If applicable, the Department will recommend approval of the project by the Federal Highway Administration.

1.2 The Sponsor agrees to comply with Title VI of the Civil Rights Act of 1964, 78 Stat. § 252, 42 U.S.C. § 2000d et seq., and all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Part 21 - “Nondiscrimination in federally assisted programs of the Department of Transportation - effectuation of Title VI of the Civil Rights Act 1964".

1.3 The DEPARTMENT and SPONSOR mutually recognize that each party is a governmental entity subject to the provisions of the Governmental Tort Claims Act (51 O.S. § 151 et seq.). The DEPARTMENT and SPONSOR hereby mutually agree that each is and may be held severally liable for any and all claims, demands, and suits in law or equity, of any nature whatsoever, paying for damages or otherwise, arising from any negligent act or omission of any of their respective employees, agents or contractors which may occur during the prosecution or performance of this Agreement to the extent provided in the Governmental Tort Claims Act. Each party agrees to severally bear all costs of investigation and defense of claims arising under the Governmental Tort Claims Act and any judgments which may be rendered in such cause to the limits provided by law. Nothing in this section shall be interpreted or construed to waive any legal defense which may be available to a party or any

exemption, limitation or exception which may be provided by the Governmental Tort Claims Act.

1.4 The Sponsor understands that should it fail to fulfill its responsibilities under this Agreement, such a failure will disqualify the Sponsor from future Federal-aid funding participation on any proposed project. Federal-aid funds are to be withheld until such a time as an engineering staff, satisfactory to the Department has been properly established and functioning, the deficiencies in regulations have been corrected or the improvements to be constructed under this Agreement are brought to a satisfactory condition of maintenance.

SECTION 2: ENGINEERING RESPONSIBILITIES

2.1 The Sponsor shall provide professional engineering services for the development of the Plans, Specifications and Estimates (PS&E) for this project. Design engineering for this project will be performed under the supervision of the Sponsor. Sponsor warrants to the Department that they will review the plans and will certify that the plans are acceptable to the Sponsor and are in full compliance with current standards and specifications.

2.2 Progress payments will be made to the consultant by the DEPARTMENT upon receipt of a properly executed claim form, approved by the SPONSOR, accompanied by suitable evidence of the completion of the work claimed, as detailed in the engineering contract.

2.3 The SPONSOR agrees to hold the Federal Government and the DEPARTMENT harmless from, and shall process and defend at its own expense, all claims, demands, or suits, whether at law or equity brought against the SPONSOR, the DEPARTMENT, or Federal Government, arising from the SPONSOR's execution, performance, or failure to perform any of the provisions of this Agreement, or arising by reason of the participation of the DEPARTMENT or Federal Government in the project, provided nothing herein shall require the SPONSOR to reimburse the DEPARTMENT or Federal Government for damages arising out of bodily injury to persons or damage to property caused by or resulting from the sole negligence of the Federal Government or the DEPARTMENT.

2.4 When any alleged act, omission, negligence, or misconduct may be subject to the limitations, exemptions, or defenses which may be raised under the Governmental Tort Claims Act, 51 0.S. Sec. 151, et seq., all such limitations, exemptions, and defenses shall be available to and may be asserted by the SPONSOR. No liability shall attach to the DEPARTMENT or Federal Government except as expressly provided herein.

2.5 The Sponsor agrees to the location of the subject project and agrees to adopt the final plans for said project as the official plans of the Sponsor for the streets, boulevards, arterial highways and/or other improvements contained therein; and further, the Sponsor affirmatively states that it has or shall fully and completely examine the plans and shall hereby warrant to the Department, the Sponsor's complete satisfaction with these plans and the fitness of the plans to construct aforesaid project.

2.6 The Sponsor certifies that the project design plans shall comply, and the project when completed will comply, with the requirements of the Americans with Disabilities Act (ADA) of 1990 (42 U.S.C. §§ 12101 – 12213), 49 CFR Parts 27, 37 and 38 and 28 CFR parts 35 and 36. The Sponsor shall be exclusively responsible for integrated ADA compliance planning for all Sponsor streets, sidewalks and other facilities provided for public administration, use and accommodation, which is required of recipients and sub-recipients by 49 CFR § 27.11. State highways continued through corporate limits of the Sponsor shall be included in the Sponsor's comprehensive compliance plans.

2.7 To the extent permitted by law, all data prepared under this Agreement shall be made available to the Department without restriction or limitation on their further use, with exception of any documents or information that would be considered attorney/client privileged by the Sponsor.

2.8 The Department will conduct the environmental studies and prepare the National Environmental Protection Act documents as required for federally funded projects.

2.9 The Department will forward the environmental documents to FHWA for approval if applicable.

SECTION 3: LAND ACQUISITION AND UTILITY RELOCATION

3.1 The Sponsor warrants to the Department that, they have or will acquire all land, property, or rights-of-way needed for complete implementation of said project, free and clear of all obstructions and encumbrances and in full accordance with the Department's guidelines for Right-of-Way Acquisition on Federal-Aid Projects, the Uniform Relocation Act, the National Environmental Protection Act and all other applicable local, state and federal regulations.

3.2 The Sponsor shall be responsible for ensuring all proper tax documentation is filed and issued to recipients of funds paid on behalf of the Sponsor for Right-of-Way acquisition for this project.

3.3 The Sponsor warrants to the Department that it is knowledgeable of and will comply with the provisions of 42 U.S.C.A., Section 4601-4655 and 23 U.S.C.A., Section 323 (as amended) and 49 C.F.R. Part 24 in the acquisition of all right-of-way and the relocation of any displacees.

3.4 The Sponsor shall remove, at its own expense, or cause the removal of, all encroachments on existing streets as shown on said plans, including all buildings, porches, fences, gasoline pumps, islands, and tanks, and any other such private installations and shall further remove or remediate any existing environmental contamination of soil and water from any source, known or unknown.

3.5 If the acquisition of right-of-way for this project causes the displacement of any person, business or non-profit organization, the Sponsor warrants it will provide and be responsible for the Relocation Assistance Program and all costs associated with the Relocation Assistance Program. The Department, upon request, will provide a list of service providers who have been prequalified to administer the Relocation Assistance Program. The Sponsor agrees to employ a service provider from the prequalified list provided by the Department. Prior to any relocation assistance payments to the Sponsor, all files with parcels requiring relocation assistance shall be submitted to the Department for audit and compliance review. The Sponsor shall notify the Department within seven (7) days of the date of an offer to acquire being provided to a property owner(s) on any parcel which will require relocation assistance. Written notifications regarding service providers, in-house personnel, appeals, offers to acquire or other related correspondence shall be properly addressed and remitted as follows:

Oklahoma Department of Transportation
Operations Division
200 N.E. 21st Street
Oklahoma City, Oklahoma 73105-3204

3.6 The Sponsor warrants that any procurement, using federal funds, of property, goods or professional and personal services required for this project will be acquired by the Sponsor in compliance with the federal procurement Regulations at 40 USC 1101-1104 (Brooks Act) and the Regulations for Administration of Engineering and Design Related Service Contracts at 23 C.F.R. Part 172, as well as provisions of State purchasing laws applicable to the Sponsor.

3.7 The Sponsor will certify to the Department prior to establishing a letting date that all existing utility facilities (if any) have been properly adjusted in full accordance with the Department's Right-of-Way and Utilities Division policies and procedures to accommodate the construction of said project; and will be solely responsible for

payment of any and all contractor expenses, claims, suits and/or judgments directly resultant from any actual utility relocation delays.

3.8 The Sponsor shall have the authority pursuant to 69 O.S. § 1001 and 69 O.S. § 1004 to sell any lands, or interest therein, which were acquired for highway purposes as long as such sale is conducted in accordance with the above cited statutes.

3.9 The Sponsor agrees that if any property acquired utilizing Federal funding is disposed of or is no longer used in the public interest the Sponsor shall reimburse the Department at the current fair market value.

3.10 The Sponsor agrees to;

- Transmit copies of the instruments, including all deeds and easements, to the Department prior to the advertisement of bids for construction.

- Comply with the provisions of 42 U.S.C.A. § 4601-4655 and 23 U.S.C.A. § 323 (as amended) and, further comply with 49 C.F.R. Part 24 in the acquisition of all necessary right-of-way and relocation of all displacees.

- Convey title to the State of Oklahoma on all tracts of land acquired in the name of the Sponsor if the project is located on the State Highway System.

SECTION 4: FUNDING SUMMARY

4.1 The Department and the Sponsor agree that the project will be financed at a ***not-to-exceed***, ACOG STBG-UZA total estimated cost of **$4,825,733**, as described below:

FUNDING SOURCE =>			STBG-UZA		Sponsor	
STATE JOB PIECE NO.	**DESCRIPTION**	**TOTAL *ESTIMATED* COST**	**SHARE (%)**	**AMOUNT**	**SHARE (%)**	**AMOUNT**
	Design -					
	Right-of-Way -					
	Utilities -					
35323(04)	Construction - (With 6% Inspection)	$6,490,330	80 up to a limit of	$4,825,733	Remainder	$1,664,597
Total		**$6,490,330**	**Total=>**	**$4,825,733**	**Total=>**	**$1,664,597**

4.2 Furthermore, the Department and the Sponsor agree that actual ACOG STBG-UZA costs incurred by project phase **JP 35323(04)** may exceed initial estimates. Costs

between these project phases will be administratively adjusted based on actual cost of each phase, within the total cost of this Agreement, without formal supplemental Agreement, in so far as the total project agreement is not exceeded.

4.3 It is understood by the Sponsor and the Department that the funding participation stipulated herein may be altered due to bid prices, actual construction supervision costs and non-participating costs incurred during construction. The Sponsor will be responsible for payment of any estimated local funding prior to advertising the project for bid. Upon final acceptance of this project, the total project cost will be determined, and the final amount of local funds (if any) will be determined by the Department's Comptroller per the terms of this Agreement. A refund will then be made by the Department to the Sponsor or additional funding will be requested. The Sponsor agrees to make arrangements for payment of any Department invoice within 45 days of receipt.

SECTION 5: CONSTRUCTION RESPONSIBILITIES

5.1 The Sponsor agrees to comply with all applicable laws and regulations necessary to meet the Oklahoma Department of Environmental Quality (ODEQ) requirements for pollution prevention including discharges from storm water runoff during the planning and design of this project. Further, the Sponsor agrees and stipulates as stated in the ODEQ's *General Permit OKR10*, dated September 13, 2017 or latest revision, to secure a storm water permit with the ODEQ for utility relocations, when required. It is also agreed that the storm water management plan for the project previously described in the document includes project plans and specifications, required schedules for accomplishing the temporary and permanent erosion control work, the site specific storm water pollution prevention plan and the appropriate location map contained in the utility relocation plans.

5.2 The Sponsor's responsibility for environmental cleanup will be a continuing responsibility to remediate any and all known and unknown environmental damage throughout the duration of this agreement with the Department in compliance with State and federal regulations.

5.3 The roadway improvements and all devices specified herein shall not be altered, removed, or cease to be operative without mutual written consent of the Department and the Sponsor.

5.4 Upon approval of this agreement and the plans, specifications, and estimates by the Sponsor, the Department, and the Federal Highway Administration (if applicable), the Department will advertise and let the construction contract for this project in the usual and customary legal manner. It is agreed that the projects herein contemplated

are proposed to be financed as previously described, and that this Agreement, all plans, specifications, estimate of costs, acceptance of work, payments, and procedure in general hereunder are subject in all things at all times to all local, state and federal laws, regulations, orders, approvals as may be applicable hereto.

5.5 The Department shall provide a copy of the executed construction contract to the Sponsor, upon receipt of a written request.

5.6 The Department will notify the Sponsor of pre-bid dates, bid opening dates, and Transportation Commission award dates in writing upon receipt of a written request.

5.7 The Sponsor agrees that prior to the Department's advertising of the project for bids (as to that part of the project lying within the present corporate limits) it will:

- Grant to the Department and its contractors, the right-of-entry to all existing streets, alleys, and Sponsor owned property when required, and other rights-of-way shown on said plans.

- Remove at its own expense, or cause the removal of, all encroachments on existing streets as shown on said plans, including all signs, buildings, porches, awnings, porticos, fences, gasoline pumps and islands, and any other such private installations.

- Prohibit parking on that portion of the project within the corporate limits of the Sponsor, except as may be indicated in the plans or hereafter approved by agreement with the Department. The Sponsor further agrees not to install, or permit to be installed, any signs, signals or markings not in conformance with the standards approved by the Federal Highway Administration and Manual on Uniform Traffic Control Devices (MUTCD).

- Comply with the Department's standards for construction of driveway entrances from private property to the highway, in accordance with the Department's manual entitled "Policy on Driveway Regulation for Oklahoma Highways", Rev. 5/96, 69 O.S. (2001) § 1210.

- Maintain all right-of-way acquired for the construction of this project, as shown on said plans, in a manner consistent with applicable statutes, codes, ordinances and regulations of the Department and the State of Oklahoma.

- Have the authority pursuant to 69 O.S. 2001 § 1001 and 69 O.S. 2001 § 1004 to sell any lands, or interest therein, which were acquired for highway purposes as

long as such sale is conducted in accordance with the above cited statutes. Prior written approval by the Chief, Right-of-Way Division for the Department shall be required before any sale is made.

5.8 The Sponsor further agrees and warrants to the Department that, subsequent to the construction of said project, the Sponsor will:

1) Erect, maintain and operate traffic control devices, including signals, signs and pavement markings only in accordance with 47 O.S. 2011 §§ 15-104- 15-106, and subject to agreement of the Department:

   a) In the event that any traffic signal installed hereunder is no longer needed for the purposes designated herein, then the traffic signal installed hereunder shall not be moved by the Sponsor to any other point other than that which is approved by the Department prior to such removal.

   b) In the event there is no mutually agreed location for the reinstallation, the Sponsor will assume complete ownership of the equipment following removal, if the installation is ten (10) years old or older. If the installation is less than ten (10) years old and:

      1) In the event the Sponsor desires total ownership of the equipment, the Sponsor shall reimburse the Department the original federal funding percentage share for the original equipment cost only, amortized for a ten(10) year service life, interest ignored, and assuming straight line depreciation.

      2) In the event the Sponsor does not desire total ownership of the equipment, the Sponsor shall sell the equipment at public auction to the highest bidder. The Sponsor shall reimburse the Department the original federal funding percentage share of the proceeds of such sale.

2) Subject to agreement with the Department, regulate and control traffic on said project, including but not limited to, the speed of vehicles, parking, stopping and turns only in accordance with 47 O.S. 2011 §§ 15-104- 15-106, and to make no changes in the provisions thereof without the approval of the Department. It shall be the responsibility of the Sponsor to notify the Department of any changes necessary to ensure safety to the traveling public.

3) Maintain all drainage systems and facilities constructed, installed, modified or repaired in conjunction with this project or as may be otherwise necessary to

ensure proper drainage for road surfaces constructed under the terms of this agreement.

4) Maintain all curbs and driveways abutting road surfaces constructed under the terms of this Agreement and all sidewalks adjacent thereto.

5) Maintain all right-of-way areas adjacent to road surfaces, including erosion control and periodic mowing of vegetation, in a manner consistent with applicable codes, ordinances and regulations.

6) For any portion of the project encompassed under this Agreement that is part of the State Highway System, the Sponsor shall maintain all that part of said project within the corporate limits of the Sponsor between the gutter lines and the right-of-way lines, and if no gutter exists, between the shoulder lines and the right-of-way lines, including storm sewers, all underground facilities, curbs and mowing, all in accordance with 69 O.S. Supp. 1994 §901 and all other applicable law.

7) On limited access highways where county roads or city streets extend over or under the highway or public roads are constructed on state rights-of-way but there is no immediate ingress and egress from the highway, responsibility shall be as follows:

    a. The public roads as defined in OAC 730:35-1-2 shall be maintained by the city or county and shall be included in their roadway mileage inventory.

    b. Where county roads or city streets extend over the highway, the roadway, approaches and bridge surfaces, including the deck, shall be maintained by the city or county. The approach guardrail, bridge structure, and highest clearance posting on the structure shall be maintained by the Department.

    c. Where county roads or city streets extend under the highway, the roadway approaches and advance signing shall be maintained by the city or county. The Department shall maintain the approach guardrail, bridge structure and surface, and the height clearance posting on the structure.

5.9 The Sponsor further agrees and warrants to the Department concerning any sign and highway facility lighting included as part of this project:

1) The Sponsor will, upon notice from the Department Engineer, provide at its own expense all required electrical energy necessary for all preliminary and operational tests of the highway lighting facilities.

2) Upon completion of the construction of said project, the Sponsor will be responsible for the maintenance and cost of operation of these highway lighting facilities, including all appurtenances thereto and including the sign lighting facilities.

3) It is specifically understood and agreed that the highway lighting and sign lighting facilities specified hereunder shall be continuously operated during the hours of darkness, between sunset and sunrise, and shall not be altered, removed or be allowed to cease operation without the mutual written consent of the Department and the Sponsor.

4) The Sponsor agrees to provide, on a periodic schedule, an inspection, cleaning and re-lamping maintenance program to assure the maximum efficiency of the highway lighting facilities.

5) In the event that the highway lighting facilities installed hereunder are no longer needed for the purposes designated herein, then the highway lighting facilities installed hereunder shall not be moved by the Sponsor to any point other than which is approved by the Department prior to such removal.

6) In the event there is no mutually agreed location for reinstallation, the Sponsor will assume complete ownership of the equipment following removal if the installation is twenty (20) years old or older. If the installation is less than twenty years old and:

   a) In the event the Sponsor desires total ownership of the equipment, the Sponsor shall reimburse the Department the original federal funding percentage share of the original equipment costs only, amortized for a twenty (20) year service life, interest ignored, and assuming straight line depreciation.

   b) In the event the Sponsor does not desire total ownership of the equipment, the Sponsor shall sell the equipment at public auction to the highest bidder. The Sponsor shall reimburse the Department the original federal funding percentage share of the proceeds of such sale.

5.10 The Department will appoint competent supervision and inspection of the construction work performed by the construction contractor and will provide such engineering, inspection and testing services as may be required to ensure that the construction of the project is accomplished in accordance with the approved Plans, Specifications and Estimates. The Department reserves the right to make such changes in said plans as may be necessary for the proper construction of said project.

1) The Sponsor agrees to provide such competent supervision as the Sponsor deems necessary during times that the work is in progress to ensure the completion of the project to the Sponsor's satisfaction and the Sponsor's representatives and the Department's representatives will cooperate fully to the end of obtaining work strictly in accordance with the plans and specifications.

2) The Sponsor will make ample provisions annually for the proper maintenance of said project, including the provision of competent personnel and adequate equipment, specifically, to provide all required maintenance of the project during the critical period immediately following construction and to keep the facility in good and safe condition for the benefit of the traveling public.

3) The Sponsor warrants to the Department that it will periodically review the adequacy of the aforesaid project to ensure the safety of the traveling public and should the Sponsor determine that further modifications or improvements be required, the Sponsor shall take such actions as are necessary to make such modifications or improvement. When operation modifications are required which in the opinion of the Department exceed the capability of the Sponsor's staff, the Sponsor agrees to retain, at the sole expense of the Sponsor, competent personnel for the purpose of bringing the improvement up to the proper standard of operation.

4) The Sponsor warrants and agrees that upon completion of the aforesaid project, the Sponsor assumes any and all financial obligations for the operation, use, and maintenance of the aforesaid project.

SECTION 6: NON-DISCRIMINATION CLAUSE

1. During the performance of this agreement, the Sponsor, for itself, its assignees and successors in interest, agrees as follows:

1) **Compliance with Regulations:**
The Sponsor shall comply with the regulations relative to nondiscrimination in federally-assisted programs of the Department of Transportation, Title 49, Code of Federal Regulations, Part 21, as they may be amended from time to time

(hereinafter referred to as the Regulations), which are herein incorporated by reference and made a part of this agreement.

2) **Nondiscrimination:**
The Sponsor, with regard to the work performed by it during the agreement, shall not discriminate on the grounds of race, color, sex, age, national origin, disability/handicap, or income status, in the selection and retention of contractors or subcontractors, including procurements of materials and leases of equipment. The Sponsor shall not participate either directly or indirectly, in the discrimination prohibited by Section 21.5 of the Regulations, including employment practices when the contract covers a program set forth in appendix B of the Regulations.

3) **Solicitations for Subcontracts, Including Procurement of Materials and Equipment:**
In all solicitations, either by competitive bidding or negotiation, made by the Sponsor for work to be performed under a contract or subcontract, including procurements of materials or leases of equipment, each potential contractor or subcontractor or supplier shall be notified by the Sponsor of the Sponsor's obligations under this agreement and the Regulations relative to nondiscrimination on the grounds of race, color, sex, age, national origin, disability/handicap, or income status.

4) **Information and Reports:**
The Sponsor shall provide all information and reports required by the Regulations, or directives issued pursuant thereto, and shall permit access to its books, records, accounts, other sources of information and its facilities as may be determined by the State Department of Transportation or the Federal Highway Administration to be pertinent to ascertain compliance with such Regulations or directives. Where any information required of a Sponsor is in the exclusive possession of another who fails or refuses to furnish this information, the Sponsor shall so certify to the State Department of Transportation, or the Federal Highway Administration, as appropriate, and shall set forth what efforts it has made to obtain the information.

5) **Sanctions for Noncompliance:**
In the event of the Sponsor's noncompliance with the nondiscrimination provisions of this agreement, the State Department of Transportation shall impose such contract sanctions as it or the Federal Highway Administration may determine to be appropriate, including but not limited to:

a. Withholding of payments to the Sponsor under the agreement until the Sponsor complies and/or
b. Cancellation, termination, or suspension of the agreement in whole or in part.

6) **Incorporation of Provisions:**
The Sponsor shall include the provisions of sub paragraphs 1) through 5) in every contract or subcontract, including procurements of materials and leases of equipment, unless exempt by the Regulations or directives issued pursuant thereto. The Sponsor shall take such action with respect to any contract or subcontract or procurement as the State Department of Transportation or the Federal Highway Administration may direct as a means of enforcing such provisions, including sanctions for noncompliance provided, however, that in the event a Sponsor becomes involved in, or is threatened with, litigation by a subcontractor or supplier as a result of such direction, the Sponsor may request the State Department of Transportation to enter into such litigation to protect the interests of the State; and, in addition, the Sponsor may request the United States to enter into such litigation to protect the interests of the United States.

SECTION 7: TERMINATION

7.1 This Agreement may be terminated by any of the following conditions:

a) By mutual agreement and consent, in writing of both parties.

b) By the Department by written notice to the Sponsor as a consequence of failure by the Sponsor to perform the services set forth herein in a satisfactory manner.

c) By either party, upon the failure of the other party to fulfill its obligations as set forth herein.

d) By the Department for reasons of its own and not subject to the mutual consent of the Sponsor upon five (5) days written notice to the Sponsor.

e) By satisfactory completion of all services and obligations described herein.

7.2 The termination of this Agreement shall extinguish all rights, duties, obligations and liabilities of the Department and the Sponsor under this agreement. If the potential termination of this Agreement is due to the failure of either the Department or the Sponsor to fulfill their obligation as set forth herein, the non-breaching party will notify the party alleged to be in breach that possible breach of agreement has

occurred. The party alleged to be in breach should make a good faith effort to remedy that breach as outlined by non-breaching party within a period mutually agreed by each party in writing.

SECTION 8: GOVERNING LAW AND VENUE

8.1 Any claims, disputes or litigation relating to the solicitation, execution, interpretation, performance, or enforcement of this Agreement shall be governed by the laws of the State of Oklahoma and the applicable rules, regulations, policies and procedures of the Oklahoma Transportation Commission. Venue for any action, claim, dispute or litigation, mediation or arbitration shall be in Oklahoma County, Oklahoma.

SECTION 9: DISPUTE RESOLUTION

9.1 The parties hereto have entered into this agreement in the State of Oklahoma and the laws of the State of Oklahoma shall apply. The parties agree to bargain in good faith in direct negotiation to achieve resolutions of any dispute and, if such efforts are unsuccessful, to retain a neutral mediation service to mediate the dispute prior to the filing of any court action. Mediation shall be conducted in the Oklahoma City area and the costs of such mediation shall be borne equally by the parties. If mediation is not successful, venue for any action brought to enforce the terms of this agreement shall be in Oklahoma County, State of Oklahoma. Each party shall bear any cost and attorney fees incurred by the party in such litigation.

SECTION 10: PRIOR UNDERSTANDINGS

10.1 This agreement incorporates and reduces to writing all prior understandings, promises, agreements, commitments, covenants or conditions and constitutes the full and complete understanding and contractual relationship of the parties.

SECTION 11: AMENDMENTS OR MODIFICATIONS OF AGREEMENT

11.1 No changes, revisions, amendments or alterations in the manner, scope of type of work or compensation to be paid by the DEPARTMENT shall be effective unless reduced to writing and executed by the parties with the same formalities as are observed in the execution of this Agreement.

SECTION 12: RECORDS

12.1 The Sponsor is to maintain all books, documents, papers, accounting records and other evidence pertaining to costs incurred and to make such materials available at its respective offices at all reasonable times, during the agreement period and for three (3) years from the date of final payment under the agreement for inspection by the DEPARTMENT and the State Auditor and Inspector, and copies thereof shall be furnished to the DEPARTMENT, if requested.

SECTION 13: HEADINGS

13.1 Article headings used in this Agreement are inserted for convenience of reference only and shall not be deemed a part of this agreement for any purpose.

SECTION 14: BINDING EFFECTS

14.1 This Agreement shall be binding upon and inure to the benefit of the ODOT and the Sponsor and shall be binding upon their successors and assigns subject to the limitations of Oklahoma law.

SECTION 15: SEVERABILITY

15.1 If any provision, clause or paragraph of this Agreement or any document incorporated by reference shall be determined invalid by a court of competent jurisdiction, such determination shall not affect the other provisions, clauses or paragraphs of this Agreement which are not affected by the determination. The provisions, clauses or paragraphs of this Agreement and any documents incorporated by reference are declared severable.

SECTION 16: EFFECTIVE DATE

16.1 This Agreement shall become effective on the date of execution by the Department's Director or his designee.

IN WITNESS WHEREOF, the Director of the Department of Transportation, pursuant to authority vested in him by the State Transportation Commission, has hereunto subscribed his name as Director of the Department of Transportation and the Sponsor has executed same pursuant to authority prescribed by law for the Sponsor.

The Sponsor, _____ on this _____ of _____, 20____, and the Department on the _____ day of _____, 20____.

THE CITY OF NORMAN

APPROVED AS TO FORM
AND LEGALITY

By _____ By _____
City Attorney Mayor

By _____
Attest: City Clerk (SEAL): Approved – THE CITY OF NORMAN

STATE OF OKLAHOMA
DEPARTMENT OF TRANSPORTATION

Recommended for Approval

_____ _____
Local Government Division Engineer Date Director of Project Delivery Date

APPROVED AS TO FORM
AND LEGALITY

APPROVED

_____ _____
General Counsel Date Deputy Director Date

RESOLUTION NO. R-2122-129

BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF NORMAN, OKLAHOMA:

THAT, WHEREAS it is in the best interest of the City of Norman, Oklahoma, to execute that certain Project Agreement for Federal-aid Project Number STP-214D(125)AG, State Job Number 35323(04), by and between the City of Norman and the Oklahoma Department of Transportation;

NOW, THEREFORE, it is hereby resolved that the Mayor is hereby authorized and directed to execute the above described agreement on behalf of the City of Norman, and duly signed by the Mayor on this _____ day of _____, _____.

CITY OF NORMAN

_____

Mayor

ATTEST:

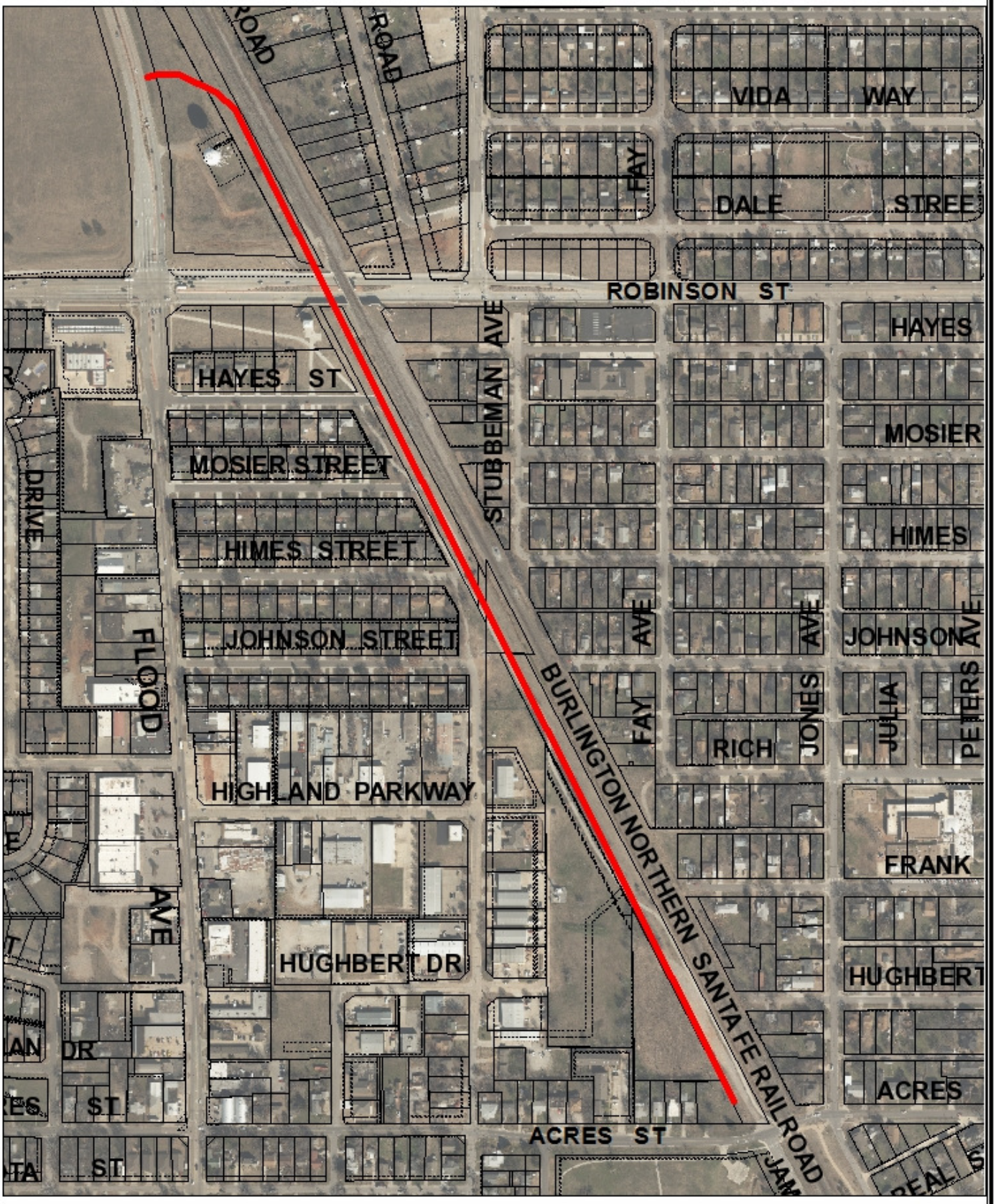
_____

City Clerk

Approved as to form and legality this _____ day of _____, _____

_____

City Attorney

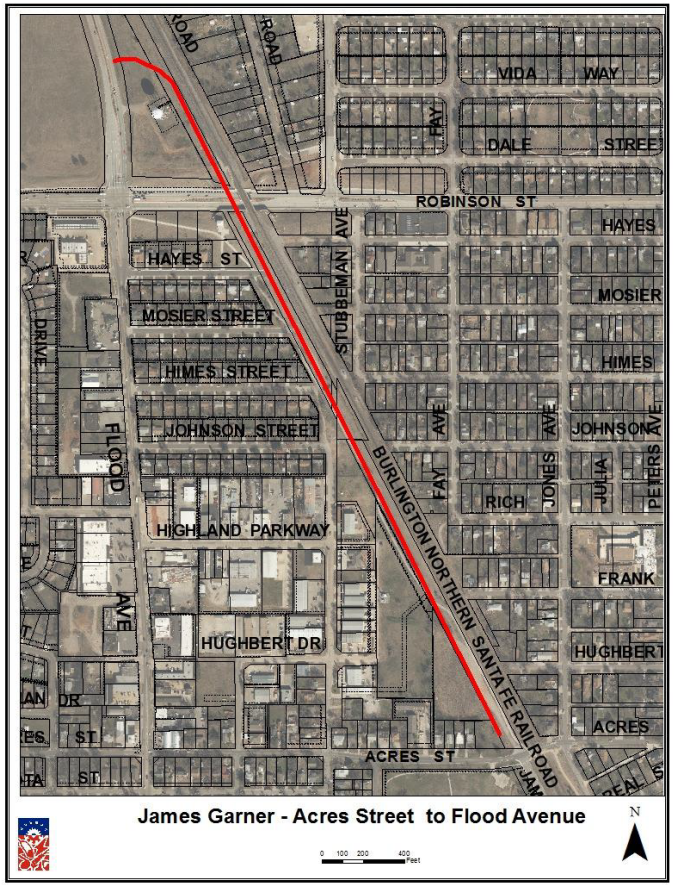


James Garner - Acres Street to Flood Avenue

N

0 100 200 400 Feet

James Garner Avenue: Phase 2 – Acres Street to Flood Avenue
Norman Forward Project



- Funding: Norman Forward & Federal Grant
- Decorative Lighting
- New Bridge over Robinson Street
- Extension of Legacy Trail
- Landscaped Median
- Limited Access Express Route to Downtown
- Begin Construction Fall 2022
- Complete Construction Fall 2023
- Total Estimated Cost = $6,639,760
- Federal Funds: $4,825,733

File Attachments for Item:

22. CONSIDERATION OF APPROVAL, ACCEPTANCE, REJECTION, AMENDMENT, AND/OR POSTPONEMENT OF CONTRACT K-2122-136: A PROJECT AGREEMENT BY AND BETWEEN THE CITY OF NORMAN, OKLAHOMA, AND THE OKLAHOMA DEPARTMENT OF TRANSPORTATION FOR PROJECT J3-5956(004)AG, JOB 35956(04), GRAY STREET TWO-WAY 2019 BOND PROJECT AND RESOLUTION R-2122-130

CITY OF NORMAN, OK

STAFF REPORT

MEETING DATE: 06/14/2022

REQUESTER: Paul D'Andrea, Capital Projects Engineer

PRESENTER: Shawn O'Leary, Public Works Director

ITEM TITLE: CONSIDERATION OF APPROVAL, ACCEPTANCE, REJECTION, AMENDMENT, AND/OR POSTPONEMENT OF CONTRACT K-2122-136: A PROJECT AGREEMENT BY AND BETWEEN THE CITY OF NORMAN, OKLAHOMA, AND THE OKLAHOMA DEPARTMENT OF TRANSPORTATION FOR PROJECT J3-5956(004)AG, JOB 35956(04), GRAY STREET TWO-WAY 2019 BOND PROJECT AND RESOLUTION R-2122-130

BACKGROUND:

On April 2, 2019, the citizens of Norman voted in favor of a $72 million transportation bond issue, which includes nineteen (19) projects. With the anticipated $67 million in federal transportation grant funds being leveraged for these projects, approximately $139 million is budgeted for the nineteen (19) projects.

The scope of this project, the Gray Street Two-Way 2019 Bond Project, includes:

- Conversion of Gray Street from one-way to two-way from University Boulevard to Porter Avenue
- Milling and resurfacing Gray street
- New traffic signals at signalized intersections to accommodate two-way traffic
- New improvements at the BNSF Railroad crossing on Gray to meet safety and railroad quiet zone requirements for two-way traffic
- Reconstruction of the intersection of Gray Street and James Garner Avenue to accommodate the upcoming James Garner Phase III project
- Conversion of on-street parking to reverse angle parking
- Miscellaneous sidewalk, landscaping, and streetscape improvements.

On August 19, 2019, City staff advertised Request for Proposal RFP 1920-16 to solicit Consulting Engineering Services for the fourteen (14) bond projects still requiring design. This RFP was written to select a group of consultants to complete the design on the remaining 2019 Transportation Bond Projects that will be completed over the next ten (10) years. Twenty-two (22) proposals were received by the 4:00 pm deadline on September 12, 2019. The selection committee consisting of three (3) City staff (Scott Sturtz- City Engineer, Tim Miles-Capital

Projects Engineer and Paul D'Andrea- Capital Projects Engineer) and two (2) citizens (Luis Malave- ODOT Purcell Resident Engineer and Brent Everett- OU Assistant Director of Architectural & Engineering Services) shortlisted nine (9) consultant teams for interviews held on October 2, 2019. Five (5) consultant teams were selected after interviews to complete the design on the first set of projects:

Garver Engineering, Norman
Cowan Group, Oklahoma City
Freese and Nichols, Oklahoma City
MacArthur Associated Consultants, Oklahoma City
Olsson Associates, Oklahoma City

These consultants were assigned the various projects by City staff based on capacity, performance on their current projects and capabilities of their firm to complete a specific project. An additional selection process for professional services may be needed in the future if these five firms are not able to complete the program to the City's expectations.

On April 28, 2020, the City Council approved Contract K-1920-124, with MacArthur Associated Consultants, LLC, in the amount of $287,000.00 for design of the Gray Street Two-Way 2019 Bond Project.

On October 12, 2021, the City Council approved Amendment No. 1 to Contract No. K-1920-124, with MacArthur Associated Consultants, LLC, in the amount of $15,000.00 for design of the Gray Street Two Way 2019 Bond Project.

DISCUSSION:

The next milestone for this project is for ODOT to place the project on their bid schedule. Prior to submitting for placement on the schedule, ODOT requires the City of Norman to enter into a project agreement and to adopt it by Resolution. ODOT has requested the City approve the attached agreement that addresses the responsibilities of the City of Norman and ODOT. Staff has reviewed and recommends approval of the project agreement and resolution.

In summary, the City's responsibilities are:

- Prepare plans for construction in conformance with ODOT 2019 Standard Specifications
- Provide necessary rights-of-way to construct the project and relocate any utilities
- Maintain the traffic signal equipment after construction
- Certify the project will comply with the Americans with Disabilities Act (ADA)
- Comply with environmental requirements
- Maintain the roadway and all drainage systems and facilities after construction
- Ensure permanent rights-of-way are free of any encroachments
- Maintain lighting and lighting systems

In summary, ODOT's responsibilities are:

- File jointly with the contractor the Notice of Intent (NOI) for a general construction storm water permit with the EPA which authorizes storm water discharges associated with construction activities
- Advertise and let the construction contract for this project
- Construct the project in accordance with the plans
- Provide competent supervision of the construction

The construction and construction management portion of the project is funded 80% by ODOT and 20% by local funds with a maximum cap for the ODOT federal funds.

Based on the latest engineer's estimate, the total construction and construction management cost for the Gray Street Two-Way 2019 Bond project is estimated to be $3,093,049. ODOT's estimated share is capped at a maximum of $1,765,853; therefore, the local match is estimated to be $1,327,196. The City's share is funded by 2019 Transportation Bond funds available within the project account. ODOT will bill the City for the local matching share based on the final engineer's estimate and at the time of submission of the final plans and estimate for placement on the ODOT bid schedule. Should 80% of the total construction cost exceed the ODOT cap, the City will be responsible for the additional costs. If the final construction costs underrun the estimated amount, the City's share will be adjusted to 20% of the final cost and any excess funds paid by the City will be refunded.

The funds for this ODOT agreement will be paid from the Gray Street Two-Way 2019 Bond Project No. BP0424, Construction Account No. 50594019-46101.

If this agreement is approved by Council, final plans, specifications, and estimate will be submitted to ODOT and a bid date will be set. The current target for bid opening is November 2022. If that target date is met, construction of the project will begin around February or March 2023. Construction should be completed by March 2024.

RECOMMENDATION No. 1:

Staff recommends approval of Contract K-2122-136 with the Oklahoma Department of Transportation.

RECOMMENDATION No. 2:

Staff further recommends approval of Resolution R-2122-130 adopting Contract K-2122-136, a Project Agreement with ODOT for Project J3-59569004)AG, JOB 35956(04).

STATE OF OKLAHOMA
DEPARTMENT OF TRANSPORTATION
PROJECT MAINTENANCE, FINANCING, AND RIGHT-OF-WAY AGREEMENT

RECONSTRUCTION AND CONVERSION OF GRAY ST FROM ONE WAY TO TWO WAY TRAVEL BETWEEN UNIVERSITY BLVD AND PORTER AVE IN NORMAN

Project No.: J3-5956(004)AG

State Job No.: 35956(04)

This Agreement, made the day and year last written below, by and between the City of **NORMAN**, hereinafter referred to as the Sponsor, and the Department of Transportation of the State of Oklahoma, hereinafter referred to as the Department, for the following intents and purposes and subject to the following terms and conditions, to wit:

WITNESSETH

WHEREAS, The Sponsor requested that certain street improvements be approved by the Oklahoma Transportation Commission, as were previously programmed by the Sponsor and described as follows:

Project Type	Div.	County	JP No	Project No.	Work Type	Description
STBG-UZA	03	CLEVELAND	3595604	J3-5956(004)AG	RECONSTRUCT - NO ADDED LANES	RECONSTRUCTION AND CONVERSION OF GRAY ST FROM ONE WAY TO TWO WAY TRAVEL BETWEEN UNIVERSITY BLVD AND PORTER AVE IN NORMAN

WHEREAS, the Department is charged under the laws of the State of Oklahoma with construction and maintenance of State Highways; and,

WHEREAS, the Department is, by terms of agreements with the Federal Highway Administration, responsible for the management and construction of certain federally funded projects within the corporate limits of cities within the State of Oklahoma; and,

WHEREAS, the Sponsor has been identified as the beneficiary and sub-recipient of such federally funded project; and,

WHEREAS, receipt of the benefits of this project will require that the Sponsor assume certain financial responsibilities; and,

WHEREAS, the Sponsor is a municipal corporation created and existing under the constitution and laws of the State of Oklahoma; and

WHEREAS, the laws and constitution of the State of Oklahoma impose financial restrictions on the Sponsor and its ability to ensure financial obligations; and,

WHEREAS, the Parties hereto recognize those financial limitations and agree that the financial obligations assumed by the Sponsor, by the terms of this Agreement, are enforceable only to the extent as may be allowed by law or as may be determined by a court of competent jurisdiction; and,

WHEREAS, it is understood that, by virtue of the Article 10, Section 26 of the Oklahoma Constitution, the payment of Sponsor funds in the future will be limited to appropriations and available funds in the then current Sponsor fiscal year.

NOW, THEREFORE: the Department and the Sponsor, in consideration of the mutual covenants and stipulations as set forth herein, do mutually promise and agree as follows:

SECTION 1: PROJECT AGREEMENT

1.1 If applicable, the Department will recommend approval of the project by the Federal Highway Administration.

1.2 The Sponsor agrees to comply with Title VI of the Civil Rights Act of 1964, 78 Stat. § 252, 42 U.S.C. § 2000d et seq., and all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Part 21 - “Nondiscrimination in federally assisted programs of the Department of Transportation - effectuation of Title VI of the Civil Rights Act 1964".

1.3 The DEPARTMENT and SPONSOR mutually recognize that each party is a governmental entity subject to the provisions of the Governmental Tort Claims Act (51 O.S. § 151 et seq.). The DEPARTMENT and SPONSOR hereby mutually agree that each is and may be held severally liable for any and all claims, demands, and suits in law or equity, of any nature whatsoever, paying for damages or otherwise, arising from any negligent act or omission of any of their respective employees, agents or contractors which may occur during the prosecution or performance of this Agreement to the extent provided in the Governmental Tort Claims Act. Each party agrees to severally bear all costs of investigation and defense of claims arising under the Governmental Tort Claims Act and any judgments which may be rendered in such cause to the limits provided by law. Nothing in this section shall be interpreted or construed to waive any legal defense which may be available to a party or any exemption, limitation or exception which may be provided by the Governmental Tort Claims Act.

1.4 The Sponsor understands that should it fail to fulfill its responsibilities under this Agreement, such a failure will disqualify the Sponsor from future Federal-aid funding participation on any proposed project. Federal-aid funds are to be withheld until such a time as an engineering staff, satisfactory to the Department has been properly established and functioning, the deficiencies in regulations have been corrected or the improvements to be constructed under this Agreement are brought to a satisfactory condition of maintenance.

SECTION 2: ENGINEERING RESPONSIBILITIES

2.1 The Sponsor shall provide professional engineering services for the development of the Plans, Specifications and Estimates (PS&E) for this project. Design engineering for this project will be performed under the supervision of the Sponsor. Sponsor warrants to the Department that they will review the plans and will certify that the plans are acceptable to the Sponsor and are in full compliance with current standards and specifications.

2.2 Progress payments will be made to the consultant by the DEPARTMENT upon receipt of a properly executed claim form, approved by the SPONSOR, accompanied by suitable evidence of the completion of the work claimed, as detailed in the engineering contract.

2.3 The SPONSOR agrees to hold the Federal Government and the DEPARTMENT harmless from, and shall process and defend at its own expense, all claims, demands, or suits, whether at law or equity brought against the SPONSOR, the DEPARTMENT, or Federal Government, arising from the SPONSOR's execution, performance, or failure to perform any of the provisions of this Agreement, or arising by reason of the participation of the DEPARTMENT or Federal Government in the project, provided nothing herein shall require the SPONSOR to reimburse the DEPARTMENT or Federal Government for damages arising out of bodily injury to persons or damage to property caused by or resulting from the sole negligence of the Federal Government or the DEPARTMENT.

2.4 When any alleged act, omission, negligence, or misconduct may be subject to the limitations, exemptions, or defenses which may be raised under the Governmental Tort Claims Act, 51 0.S. Sec. 151, et seq., all such limitations, exemptions, and defenses shall be available to and may be asserted by the SPONSOR. No liability shall attach to the DEPARTMENT or Federal Government except as expressly provided herein.

2.5 The Sponsor agrees to the location of the subject project and agrees to adopt the final plans for said project as the official plans of the Sponsor for the streets,

boulevards, arterial highways and/or other improvements contained therein; and further, the Sponsor affirmatively states that it has or shall fully and completely examine the plans and shall hereby warrant to the Department, the Sponsor's complete satisfaction with these plans and the fitness of the plans to construct aforesaid project.

2.6 The Sponsor certifies that the project design plans shall comply, and the project when completed will comply, with the requirements of the Americans with Disabilities Act (ADA) of 1990 (42 U.S.C. §§ 12101 – 12213), 49 CFR Parts 27, 37 and 38 and 28 CFR parts 35 and 36. The Sponsor shall be exclusively responsible for integrated ADA compliance planning for all Sponsor streets, sidewalks and other facilities provided for public administration, use and accommodation, which is required of recipients and sub-recipients by 49 CFR § 27.11. State highways continued through corporate limits of the Sponsor shall be included in the Sponsor's comprehensive compliance plans.

2.7 To the extent permitted by law, all data prepared under this Agreement shall be made available to the Department without restriction or limitation on their further use, with exception of any documents or information that would be considered attorney/client privileged by the Sponsor.

2.8 The Department will conduct the environmental studies and prepare the National Environmental Protection Act documents as required for federally funded projects.

2.9 The Department will forward the environmental documents to FHWA for approval if applicable.

SECTION 3: LAND ACQUISITION AND UTILITY RELOCATION

3.1 The Sponsor warrants to the Department that, they have or will acquire all land, property, or rights-of-way needed for complete implementation of said project, free and clear of all obstructions and encumbrances and in full accordance with the Department's guidelines for Right-of-Way Acquisition on Federal-Aid Projects, the Uniform Relocation Act, the National Environmental Protection Act and all other applicable local, state and federal regulations.

3.2 The Sponsor shall be responsible for ensuring all proper tax documentation is filed and issued to recipients of funds paid on behalf of the Sponsor for Right-of-Way acquisition for this project.

3.3 The Sponsor warrants to the Department that it is knowledgeable of and will comply with the provisions of 42 U.S.C.A., Section 4601-4655 and 23 U.S.C.A., Section 323 (as

amended) and 49 C.F.R. Part 24 in the acquisition of all right-of-way and the relocation of any displacees.

3.4 The Sponsor shall remove, at its own expense, or cause the removal of, all encroachments on existing streets as shown on said plans, including all buildings, porches, fences, gasoline pumps, islands, and tanks, and any other such private installations and shall further remove or remediate any existing environmental contamination of soil and water from any source, known or unknown.

3.5 If the acquisition of right-of-way for this project causes the displacement of any person, business or non-profit organization, the Sponsor warrants it will provide and be responsible for the Relocation Assistance Program and all costs associated with the Relocation Assistance Program. The Department, upon request, will provide a list of service providers who have been prequalified to administer the Relocation Assistance Program. The Sponsor agrees to employ a service provider from the prequalified list provided by the Department. Prior to any relocation assistance payments to the Sponsor, all files with parcels requiring relocation assistance shall be submitted to the Department for audit and compliance review. The Sponsor shall notify the Department within seven (7) days of the date of an offer to acquire being provided to a property owner(s) on any parcel which will require relocation assistance. Written notifications regarding service providers, in-house personnel, appeals, offers to acquire or other related correspondence shall be properly addressed and remitted as follows:

Oklahoma Department of Transportation
Operations Division
200 N.E. 21st Street
Oklahoma City, Oklahoma 73105-3204

3.6 The Sponsor warrants that any procurement, using federal funds, of property, goods or professional and personal services required for this project will be acquired by the Sponsor in compliance with the federal procurement Regulations at 40 USC 1101-1104 (Brooks Act) and the Regulations for Administration of Engineering and Design Related Service Contracts at 23 C.F.R. Part 172, as well as provisions of State purchasing laws applicable to the Sponsor.

3.7 The Sponsor will certify to the Department prior to establishing a letting date that all existing utility facilities (if any) have been properly adjusted in full accordance with the Department's Right-of-Way and Utilities Division policies and procedures to accommodate the construction of said project; and will be solely responsible for payment of any and all contractor expenses, claims, suits and/or judgments directly resultant from any actual utility relocation delays.

3.8 The Sponsor shall have the authority pursuant to 69 O.S. § 1001 and 69 O.S. § 1004 to sell any lands, or interest therein, which were acquired for highway purposes as long as such sale is conducted in accordance with the above cited statutes.

3.9 The Sponsor agrees that if any property acquired utilizing Federal funding is disposed of or is no longer used in the public interest the Sponsor shall reimburse the Department at the current fair market value.

3.10 The Sponsor agrees to;

- Transmit copies of the instruments, including all deeds and easements, to the Department prior to the advertisement of bids for construction.

- Comply with the provisions of 42 U.S.C.A. § 4601-4655 and 23 U.S.C.A. § 323 (as amended) and, further comply with 49 C.F.R. Part 24 in the acquisition of all necessary right-of-way and relocation of all displacees.

- Convey title to the State of Oklahoma on all tracts of land acquired in the name of the Sponsor if the project is located on the State Highway System.

SECTION 4: FUNDING SUMMARY

4.1 The Department and the Sponsor agree that the project will be financed at a ***not-to-exceed***, ACOG STBG-UZA total estimated cost of **$1,765,853**, as described below:

FUNDING SOURCE =>			STBG-UZA		Sponsor	
STATE JOB PIECE NO.	**DESCRIPTION**	**TOTAL *ESTIMATED* COST**	**SHARE (%)**	**AMOUNT**	**SHARE (%)**	**AMOUNT**
	Design -					
	Right-of-Way -					
	Utilities -					
35956(04)	Construction - (With 6% Inspection)	$3,093,049	80 up to a limit of	$1,765,853	Remainder	$1,327,196
Total		**$3,093,049**	**Total=>**	**$1,765,853**	**Total=>**	**$1,327,196**

4.2 Furthermore, the Department and the Sponsor agree that actual ACOG STBG-UZA costs incurred by project phase **JP 35956(04)** may exceed initial estimates. Costs between these project phases will be administratively adjusted based on actual cost of

each phase, within the total cost of this Agreement, without formal supplemental Agreement, in so far as the total project agreement is not exceeded.

4.3 It is understood by the Sponsor and the Department that the funding participation stipulated herein may be altered due to bid prices, actual construction supervision costs and non-participating costs incurred during construction. The Sponsor will be responsible for payment of any estimated local funding prior to advertising the project for bid. Upon final acceptance of this project, the total project cost will be determined, and the final amount of local funds (if any) will be determined by the Department's Comptroller per the terms of this Agreement. A refund will then be made by the Department to the Sponsor or additional funding will be requested. The Sponsor agrees to make arrangements for payment of any Department invoice within 45 days of receipt.

SECTION 5: CONSTRUCTION RESPONSIBILITIES

5.1 The Sponsor agrees to comply with all applicable laws and regulations necessary to meet the Oklahoma Department of Environmental Quality (ODEQ) requirements for pollution prevention including discharges from storm water runoff during the planning and design of this project. Further, the Sponsor agrees and stipulates as stated in the ODEQ's *General Permit OKR10*, dated September 13, 2017 or latest revision, to secure a storm water permit with the ODEQ for utility relocations, when required. It is also agreed that the storm water management plan for the project previously described in the document includes project plans and specifications, required schedules for accomplishing the temporary and permanent erosion control work, the site specific storm water pollution prevention plan and the appropriate location map contained in the utility relocation plans.

5.2 The Sponsor's responsibility for environmental cleanup will be a continuing responsibility to remediate any and all known and unknown environmental damage throughout the duration of this agreement with the Department in compliance with State and federal regulations.

5.3 The roadway improvements and all devices specified herein shall not be altered, removed, or cease to be operative without mutual written consent of the Department and the Sponsor.

5.4 Upon approval of this agreement and the plans, specifications, and estimates by the Sponsor, the Department, and the Federal Highway Administration (if applicable), the Department will advertise and let the construction contract for this project in the usual and customary legal manner. It is agreed that the projects herein contemplated are proposed to be financed as previously described, and that this Agreement, all plans,

specifications, estimate of costs, acceptance of work, payments, and procedure in general hereunder are subject in all things at all times to all local, state and federal laws, regulations, orders, approvals as may be applicable hereto.

5.5 The Department shall provide a copy of the executed construction contract to the Sponsor, upon receipt of a written request.

5.6 The Department will notify the Sponsor of pre-bid dates, bid opening dates, and Transportation Commission award dates in writing upon receipt of a written request.

5.7 The Sponsor agrees that prior to the Department's advertising of the project for bids (as to that part of the project lying within the present corporate limits) it will:

- Grant to the Department and its contractors, the right-of-entry to all existing streets, alleys, and Sponsor owned property when required, and other rights-of-way shown on said plans.

- Remove at its own expense, or cause the removal of, all encroachments on existing streets as shown on said plans, including all signs, buildings, porches, awnings, porticos, fences, gasoline pumps and islands, and any other such private installations.

- Prohibit parking on that portion of the project within the corporate limits of the Sponsor, except as may be indicated in the plans or hereafter approved by agreement with the Department. The Sponsor further agrees not to install, or permit to be installed, any signs, signals or markings not in conformance with the standards approved by the Federal Highway Administration and Manual on Uniform Traffic Control Devices (MUTCD).

- Comply with the Department's standards for construction of driveway entrances from private property to the highway, in accordance with the Department's manual entitled "Policy on Driveway Regulation for Oklahoma Highways", Rev. 5/96, 69 O.S. (2001) § 1210.

- Maintain all right-of-way acquired for the construction of this project, as shown on said plans, in a manner consistent with applicable statutes, codes, ordinances and regulations of the Department and the State of Oklahoma.

- Have the authority pursuant to 69 O.S. 2001 § 1001 and 69 O.S. 2001 § 1004 to sell any lands, or interest therein, which were acquired for highway purposes as long as such sale is conducted in accordance with the above cited statutes. Prior

written approval by the Chief, Right-of-Way Division for the Department shall be required before any sale is made.

5.8 The Sponsor further agrees and warrants to the Department that, subsequent to the construction of said project, the Sponsor will:

1) Erect, maintain and operate traffic control devices, including signals, signs and pavement markings only in accordance with 47 O.S. 2011 §§ 15-104- 15-106, and subject to agreement of the Department:

   a) In the event that any traffic signal installed hereunder is no longer needed for the purposes designated herein, then the traffic signal installed hereunder shall not be moved by the Sponsor to any other point other than that which is approved by the Department prior to such removal.

   b) In the event there is no mutually agreed location for the reinstallation, the Sponsor will assume complete ownership of the equipment following removal, if the installation is ten (10) years old or older. If the installation is less than ten (10) years old and:

      1) In the event the Sponsor desires total ownership of the equipment, the Sponsor shall reimburse the Department the original federal funding percentage share for the original equipment cost only, amortized for a ten(10) year service life, interest ignored, and assuming straight line depreciation.

      2) In the event the Sponsor does not desire total ownership of the equipment, the Sponsor shall sell the equipment at public auction to the highest bidder. The Sponsor shall reimburse the Department the original federal funding percentage share of the proceeds of such sale.

2) Subject to agreement with the Department, regulate and control traffic on said project, including but not limited to, the speed of vehicles, parking, stopping and turns only in accordance with 47 O.S. 2011 §§ 15-104- 15-106, and to make no changes in the provisions thereof without the approval of the Department. It shall be the responsibility of the Sponsor to notify the Department of any changes necessary to ensure safety to the traveling public.

3) Maintain all drainage systems and facilities constructed, installed, modified or repaired in conjunction with this project or as may be otherwise necessary to

ensure proper drainage for road surfaces constructed under the terms of this agreement.

4) Maintain all curbs and driveways abutting road surfaces constructed under the terms of this Agreement and all sidewalks adjacent thereto.

5) Maintain all right-of-way areas adjacent to road surfaces, including erosion control and periodic mowing of vegetation, in a manner consistent with applicable codes, ordinances and regulations.

6) For any portion of the project encompassed under this Agreement that is part of the State Highway System, the Sponsor shall maintain all that part of said project within the corporate limits of the Sponsor between the gutter lines and the right-of-way lines, and if no gutter exists, between the shoulder lines and the right-of-way lines, including storm sewers, all underground facilities, curbs and mowing, all in accordance with 69 O.S. Supp. 1994 §901 and all other applicable law.

7) On limited access highways where county roads or city streets extend over or under the highway or public roads are constructed on state rights-of-way but there is no immediate ingress and egress from the highway, responsibility shall be as follows:

    a. The public roads as defined in OAC 730:35-1-2 shall be maintained by the city or county and shall be included in their roadway mileage inventory.

    b. Where county roads or city streets extend over the highway, the roadway, approaches and bridge surfaces, including the deck, shall be maintained by the city or county. The approach guardrail, bridge structure, and highest clearance posting on the structure shall be maintained by the Department.

    c. Where county roads or city streets extend under the highway, the roadway approaches and advance signing shall be maintained by the city or county. The Department shall maintain the approach guardrail, bridge structure and surface, and the height clearance posting on the structure.

5.9 The Sponsor further agrees and warrants to the Department concerning any sign and highway facility lighting included as part of this project:

1) The Sponsor will, upon notice from the Department Engineer, provide at its own expense all required electrical energy necessary for all preliminary and operational tests of the highway lighting facilities.

2) Upon completion of the construction of said project, the Sponsor will be responsible for the maintenance and cost of operation of these highway lighting facilities, including all appurtenances thereto and including the sign lighting facilities.

3) It is specifically understood and agreed that the highway lighting and sign lighting facilities specified hereunder shall be continuously operated during the hours of darkness, between sunset and sunrise, and shall not be altered, removed or be allowed to cease operation without the mutual written consent of the Department and the Sponsor.

4) The Sponsor agrees to provide, on a periodic schedule, an inspection, cleaning and re-lamping maintenance program to assure the maximum efficiency of the highway lighting facilities.

5) In the event that the highway lighting facilities installed hereunder are no longer needed for the purposes designated herein, then the highway lighting facilities installed hereunder shall not be moved by the Sponsor to any point other than which is approved by the Department prior to such removal.

6) In the event there is no mutually agreed location for reinstallation, the Sponsor will assume complete ownership of the equipment following removal if the installation is twenty (20) years old or older. If the installation is less than twenty years old and:

   a) In the event the Sponsor desires total ownership of the equipment, the Sponsor shall reimburse the Department the original federal funding percentage share of the original equipment costs only, amortized for a twenty (20) year service life, interest ignored, and assuming straight line depreciation.

   b) In the event the Sponsor does not desire total ownership of the equipment, the Sponsor shall sell the equipment at public auction to the highest bidder. The Sponsor shall reimburse the Department the original federal funding percentage share of the proceeds of such sale.

5.10 The Department will appoint competent supervision and inspection of the construction work performed by the construction contractor and will provide such engineering, inspection and testing services as may be required to ensure that the construction of the project is accomplished in accordance with the approved Plans, Specifications and Estimates. The Department reserves the right to make such changes in said plans as may be necessary for the proper construction of said project.

1) The Sponsor agrees to provide such competent supervision as the Sponsor deems necessary during times that the work is in progress to ensure the completion of the project to the Sponsor's satisfaction and the Sponsor's representatives and the Department's representatives will cooperate fully to the end of obtaining work strictly in accordance with the plans and specifications.

2) The Sponsor will make ample provisions annually for the proper maintenance of said project, including the provision of competent personnel and adequate equipment, specifically, to provide all required maintenance of the project during the critical period immediately following construction and to keep the facility in good and safe condition for the benefit of the traveling public.

3) The Sponsor warrants to the Department that it will periodically review the adequacy of the aforesaid project to ensure the safety of the traveling public and should the Sponsor determine that further modifications or improvements be required, the Sponsor shall take such actions as are necessary to make such modifications or improvement. When operation modifications are required which in the opinion of the Department exceed the capability of the Sponsor's staff, the Sponsor agrees to retain, at the sole expense of the Sponsor, competent personnel for the purpose of bringing the improvement up to the proper standard of operation.

4) The Sponsor warrants and agrees that upon completion of the aforesaid project, the Sponsor assumes any and all financial obligations for the operation, use, and maintenance of the aforesaid project.

SECTION 6: NON-DISCRIMINATION CLAUSE

1. During the performance of this agreement, the Sponsor, for itself, its assignees and successors in interest, agrees as follows:

1) **Compliance with Regulations:**
The Sponsor shall comply with the regulations relative to nondiscrimination in federally-assisted programs of the Department of Transportation, Title 49, Code of Federal Regulations, Part 21, as they may be amended from time to time

(hereinafter referred to as the Regulations), which are herein incorporated by reference and made a part of this agreement.

2) **Nondiscrimination:**
The Sponsor, with regard to the work performed by it during the agreement, shall not discriminate on the grounds of race, color, sex, age, national origin, disability/handicap, or income status, in the selection and retention of contractors or subcontractors, including procurements of materials and leases of equipment. The Sponsor shall not participate either directly or indirectly, in the discrimination prohibited by Section 21.5 of the Regulations, including employment practices when the contract covers a program set forth in appendix B of the Regulations.

3) **Solicitations for Subcontracts, Including Procurement of Materials and Equipment:**
In all solicitations, either by competitive bidding or negotiation, made by the Sponsor for work to be performed under a contract or subcontract, including procurements of materials or leases of equipment, each potential contractor or subcontractor or supplier shall be notified by the Sponsor of the Sponsor's obligations under this agreement and the Regulations relative to nondiscrimination on the grounds of race, color, sex, age, national origin, disability/handicap, or income status.

4) **Information and Reports:**
The Sponsor shall provide all information and reports required by the Regulations, or directives issued pursuant thereto, and shall permit access to its books, records, accounts, other sources of information and its facilities as may be determined by the State Department of Transportation or the Federal Highway Administration to be pertinent to ascertain compliance with such Regulations or directives. Where any information required of a Sponsor is in the exclusive possession of another who fails or refuses to furnish this information, the Sponsor shall so certify to the State Department of Transportation, or the Federal Highway Administration, as appropriate, and shall set forth what efforts it has made to obtain the information.

5) **Sanctions for Noncompliance:**
In the event of the Sponsor's noncompliance with the nondiscrimination provisions of this agreement, the State Department of Transportation shall impose such contract sanctions as it or the Federal Highway Administration may determine to be appropriate, including but not limited to:

a. Withholding of payments to the Sponsor under the agreement until the Sponsor complies and/or
b. Cancellation, termination, or suspension of the agreement in whole or in part.

6) **Incorporation of Provisions:**
The Sponsor shall include the provisions of sub paragraphs 1) through 5) in every contract or subcontract, including procurements of materials and leases of equipment, unless exempt by the Regulations or directives issued pursuant thereto. The Sponsor shall take such action with respect to any contract or subcontract or procurement as the State Department of Transportation or the Federal Highway Administration may direct as a means of enforcing such provisions, including sanctions for noncompliance provided, however, that in the event a Sponsor becomes involved in, or is threatened with, litigation by a subcontractor or supplier as a result of such direction, the Sponsor may request the State Department of Transportation to enter into such litigation to protect the interests of the State; and, in addition, the Sponsor may request the United States to enter into such litigation to protect the interests of the United States.

SECTION 7: TERMINATION

7.1 This Agreement may be terminated by any of the following conditions:

a) By mutual agreement and consent, in writing of both parties.

b) By the Department by written notice to the Sponsor as a consequence of failure by the Sponsor to perform the services set forth herein in a satisfactory manner.

c) By either party, upon the failure of the other party to fulfill its obligations as set forth herein.

d) By the Department for reasons of its own and not subject to the mutual consent of the Sponsor upon five (5) days written notice to the Sponsor.

e) By satisfactory completion of all services and obligations described herein.

7.2 The termination of this Agreement shall extinguish all rights, duties, obligations and liabilities of the Department and the Sponsor under this agreement. If the potential termination of this Agreement is due to the failure of either the Department or the Sponsor to fulfill their obligation as set forth herein, the non-breaching party will notify the party alleged to be in breach that possible breach of agreement has

occurred. The party alleged to be in breach should make a good faith effort to remedy that breach as outlined by non-breaching party within a period mutually agreed by each party in writing.

SECTION 8: GOVERNING LAW AND VENUE

8.1 Any claims, disputes or litigation relating to the solicitation, execution, interpretation, performance, or enforcement of this Agreement shall be governed by the laws of the State of Oklahoma and the applicable rules, regulations, policies and procedures of the Oklahoma Transportation Commission. Venue for any action, claim, dispute or litigation, mediation or arbitration shall be in Oklahoma County, Oklahoma.

SECTION 9: DISPUTE RESOLUTION

9.1 The parties hereto have entered into this agreement in the State of Oklahoma and the laws of the State of Oklahoma shall apply. The parties agree to bargain in good faith in direct negotiation to achieve resolutions of any dispute and, if such efforts are unsuccessful, to retain a neutral mediation service to mediate the dispute prior to the filing of any court action. Mediation shall be conducted in the Oklahoma City area and the costs of such mediation shall be borne equally by the parties. If mediation is not successful, venue for any action brought to enforce the terms of this agreement shall be in Oklahoma County, State of Oklahoma. Each party shall bear any cost and attorney fees incurred by the party in such litigation.

SECTION 10: PRIOR UNDERSTANDINGS

10.1 This agreement incorporates and reduces to writing all prior understandings, promises, agreements, commitments, covenants or conditions and constitutes the full and complete understanding and contractual relationship of the parties.

SECTION 11: AMENDMENTS OR MODIFICATIONS OF AGREEMENT

11.1 No changes, revisions, amendments or alterations in the manner, scope of type of work or compensation to be paid by the DEPARTMENT shall be effective unless reduced to writing and executed by the parties with the same formalities as are observed in the execution of this Agreement.

SECTION 12: RECORDS

12.1 The Sponsor is to maintain all books, documents, papers, accounting records and other evidence pertaining to costs incurred and to make such materials available at its respective offices at all reasonable times, during the agreement period and for three (3) years from the date of final payment under the agreement for inspection by the DEPARTMENT and the State Auditor and Inspector, and copies thereof shall be furnished to the DEPARTMENT, if requested.

SECTION 13: HEADINGS

13.1 Article headings used in this Agreement are inserted for convenience of reference only and shall not be deemed a part of this agreement for any purpose.

SECTION 14: BINDING EFFECTS

14.1 This Agreement shall be binding upon and inure to the benefit of the ODOT and the Sponsor and shall be binding upon their successors and assigns subject to the limitations of Oklahoma law.

SECTION 15: SEVERABILITY

15.1 If any provision, clause or paragraph of this Agreement or any document incorporated by reference shall be determined invalid by a court of competent jurisdiction, such determination shall not affect the other provisions, clauses or paragraphs of this Agreement which are not affected by the determination. The provisions, clauses or paragraphs of this Agreement and any documents incorporated by reference are declared severable.

SECTION 16: EFFECTIVE DATE

16.1 This Agreement shall become effective on the date of execution by the Department's Director or his designee.

IN WITNESS WHEREOF, the Director of the Department of Transportation, pursuant to authority vested in him by the State Transportation Commission, has hereunto subscribed his name as Director of the Department of Transportation and the Sponsor has executed same pursuant to authority prescribed by law for the Sponsor.

The Sponsor, _____ on this _____ of _____, 20____, and the Department on the _____ day of _____, 20____.

THE CITY OF NORMAN

APPROVED AS TO FORM
AND LEGALITY

By _____ By _____
City Attorney Mayor

By _____
Attest: City Clerk (SEAL): Approved – THE CITY OF NORMAN

STATE OF OKLAHOMA
DEPARTMENT OF TRANSPORTATION

Recommended for Approval

_____ _____
Local Government Division Engineer Date Director of Project Delivery Date

APPROVED AS TO FORM
AND LEGALITY

APPROVED

_____ _____
General Counsel Date Deputy Director Date

RESOLUTION NO. R-2122-130

BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF NORMAN, OKLAHOMA:

THAT, WHEREAS it is in the best interest of the City of Norman, Oklahoma, to execute that certain Project Agreement for Federal-aid Project Number J3-5956(004)AG, State Job Number 35956(04), by and between the City of Norman and the Oklahoma Department of Transportation;

NOW, THEREFORE, it is hereby resolved that the Mayor is hereby authorized and directed to execute the above described agreement on behalf of the City of Norman, and duly signed by the Mayor on this _____ day of _____, _____.

CITY OF NORMAN

_____

Mayor

ATTEST:

_____

City Clerk

Approved as to form and legality this _____ day of _____, _____

_____

City Attorney

Gray Street Two-Way Conversion
Project Location Map

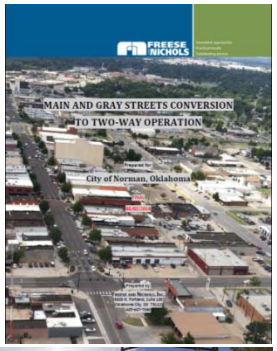
N

Project Details

Gray Street Two-Way Conversion

Scope

- ✓ Traffic Signal Modifications
- ✓ Intersection Widening
- ✓ Four-Quadrant Gate Systems at Railroad Crossing
- ✓ Restriping
- ✓ Signage



Key Issues:
Preservation of Railroad Quiet Zone and traffic impact of James Garner Avenue connection to Flood Avenue

Key Stakeholder BNSF RAILWAY

Construction Cost (Federal Share)	Construction Cost (Total)	Construction Cost (Bond Share)
$1,765,853	$3,093,049	$1,327,196

File Attachments for Item:

23. CONSIDERATION OF APPROVAL, ADOPTION, REJECTION, AMENDMENT, AND/OR POSTPONEMENT OF CONTRACT K-2122-137: A PROJECT AGREEMENT BY AND BETWEEN THE CITY OF NORMAN, OKLAHOMA, AND THE OKLAHOMA DEPARTMENT OF TRANSPORTATION FOR PROJECT J3-5321(004) AG, JOB 35321(04), PORTER AVENUE STREETSCAPE 2019 BOND PROJECT AND RESOLUTION R-2122-131.

CITY OF NORMAN, OK

STAFF REPORT

MEETING DATE: 06/14/2022

REQUESTER: Paul D'Andrea, Capital Projects Engineer

PRESENTER: Shawn O'Leary, Public Works Director

ITEM TITLE: CONSIDERATION OF APPROVAL, ADOPTION, REJECTION, AMENDMENT, AND/OR POSTPONEMENT OF CONTRACT K-2122-137: A PROJECT AGREEMENT BY AND BETWEEN THE CITY OF NORMAN, OKLAHOMA, AND THE OKLAHOMA DEPARTMENT OF TRANSPORTATION FOR PROJECT J3-5321(004) AG, JOB 35321(04), PORTER AVENUE STREETSCAPE 2019 BOND PROJECT AND RESOLUTION R-2122-131.

BACKGROUND:

The Porter Avenue Corridor from Robinson Street south to Alameda Street along with the intersection of Porter Avenue and Acres Street has been the subject of much discussion and study over the years, due to concerns over traffic and pedestrian safety.

In 2010, Ochsner Hare & Hare prepared a Porter Avenue Corridor Study, which sought to analyze the area and provide a vision for future improvements to the corridor.

An evaluation of traffic control needs revealed that traffic volumes had reached levels that justify the installation of a new traffic signal at Porter Avenue and Acres Street. Approximately 20,000 vehicles pass through the intersection every day. An aerial photograph of the two 2019 Bond projects within the Porter Avenue Corridor is included in the exhibits to this agenda item.

On April 2, 2019, the citizens of Norman voted in favor of a Bond Issue to finance the local share of nineteen transportation improvement projects. Two of the nineteen 2019 bond projects are the Porter Avenue and Acres Street Intersection Bond Project and the Porter Avenue Streetscape Bond Project. The Porter Avenue Streetscape Bond Project consists of design and construction of streetscape elements along the Porter Avenue corridor between Robinson Avenue on the north and Alameda Street on the south. Proposed improvements include:

- New sidewalks
- Driveway consolidation or elimination (access management)
- Decorative roadway and pedestrian lighting
- Landscaping
- New curb and gutter
- Street furniture (e.g., benches, trash receptacles, ash urns, etc.)

The Porter Avenue and Acres Street Intersection Project began construction in November of 2020 and was completed in January of 2022. The Porter Avenue Streetscape project has been approved to receive federal funds to aid in the construction costs and is anticipated to be out for bid in September of 2022 pending right of way and utility relocations and ODOT environmental review.

On September 10, 2019, the Norman City Council approved Amendment No. 2 to contract K-1213-165 with Garver Engineers, in the amount of $185,500 for a total contract amount of $400,800 for the design of the Porter Avenue Streetscape project including the portion of the project from Robinson Avenue to Hughbert Street, which coincides with the northern boundary of the Porter Avenue and Acres Street Intersection Project.

On April 28, 2020, the Norman City Council approved Amendment No. 3 to Contract K-1213-165 with Garver Engineers, in the amount of $175,000 for a total contract amount of $575,800 for the design of the Porter Avenue Streetscape project, which expands the design scope to encompass the full project, adding the section of Porter Avenue from the southern boundary of the Porter Avenue and Acres Street Intersection Bond Project to Alameda Street.

On July 13 2021, the Norman City Council approved Authorization for Expenditure No. Six under on-call Contract K-1314-102, with Smith-Roberts Land Services (SRLS), in the amount of $89,055, for right-of-way acquisition services.

On October 26, 2021, City Council approved Authorization for Expenditure No. Seven, under Contract K-1314-102 between the City of Norman, OK and Smith-Roberts Land Services, Inc., in an amount not-to-exceed $10,884 to provide acquisition services under an on–call contract utilizing funds from the Porter Avenue Streetscape Bond Project.

On March 8, 2022, City Council accepted easements for parcels 6, 9, 14, and 15, for the Porter Avenue Streetscape 2019 Bond Project, for a total cost of $45,425.

On March 22, 2022, City Council accepted easements for parcels 1, 2, 3, 5, 10, 11 and 16, for the Porter Avenue Streetscape 2019 Bond Project, for a total cost of $110,145.

On April 12, 2022, City Council accepted easements for parcels 7, 18, 19, and 21, for the Porter Avenue Streetscape 2019 Bond Project, for a total cost of $9,830.

On May 24, 2022, City Council accepted easements for parcel 4, for the Porter Avenue Streetscape 2019 Bond Project, for a total cost of $2,585.

DISCUSSION:

The next milestone for this project is for ODOT to place the project on their bid schedule. Prior to submitting for placement on the schedule, ODOT requires the City of Norman to enter into a project agreement and to adopt it by Resolution. ODOT has requested the City approve the attached agreement that addresses the responsibilities of the City of Norman and ODOT. Staff has reviewed and recommends approval of the project agreement and resolution.

In summary, the City's responsibilities are:

- Prepare plans for construction in conformance with ODOT 2019 Standard Specifications
- Provide necessary rights-of-way to construct the project and relocate any utilities
- Maintain the traffic signal equipment after construction
- Certify the project will comply with the Americans with Disabilities Act (ADA)
- Comply with environmental requirements
- Maintain the roadway and all drainage systems and facilities after construction
- Ensure permanent rights-of-way are free of any encroachments
- Maintain lighting and lighting systems

In summary, ODOT's responsibilities are:

- File jointly with the contractor the Notice of Intent (NOI) for a general construction storm water permit with the EPA which authorizes storm water discharges associated with construction activities
- Advertise and let the construction contract for this project
- Construct the project in accordance with the plans
- Provide competent supervision of the construction

The construction and construction management portion of the project is funded 80% by ODOT and 20% by local funds with a maximum cap for the ODOT federal funds.

Based on the latest engineer's estimate, the total construction and construction management cost for the Porter Avenue Streetscape 2019 Bond Project is estimated to be $3,600,000. ODOT's estimated share is capped at a maximum of $2,855,610; therefore, the local match is estimated to be $744,390. The City's share is funded by 2019 Transportation Bond funds available within the project account. ODOT will bill the City for the local matching share based on the final engineer's estimate and at the time of submission of the final plans and estimate for placement on the ODOT bid schedule. Should 80% of the total construction cost exceed the ODOT cap, the City will be responsible for the additional costs. If the final construction costs underrun the estimated amount, the City's share will be adjusted to 20% of the final cost and any excess funds paid by the City will be refunded.

The funds for this ODOT agreement will be paid from the Porter Avenue Streetscape 2019 Bond Project BP0418, Construction (50594019-46101).

If this agreement is approved by Council, final plans, specifications, and estimate will be submitted to ODOT and a bid date will be set. The current target for bid opening is September 2022. If that target date is met, construction of the project will begin around November or December 2022. Construction of the project should be completed by December 2023.

RECOMMENDATION No. 1:

Staff recommends approval of Contract K-2122-137 with the Oklahoma Department of Transportation.

RECOMMENDATION No. 2:

Staff further recommends approval of Resolution R-2122-131 adopting Contract K-2122-137, a Project Agreement with ODOT for Project J3-5321(004) AG, JOB 35321(04).

STATE OF OKLAHOMA
DEPARTMENT OF TRANSPORTATION
PROJECT MAINTENANCE, FINANCING, AND RIGHT-OF-WAY AGREEMENT

RESURFACE PORTER AVENUE, BETWEEN ROBINSON STREET AND ALAMEDA STREET STBG-UZA PAVEMENT OVERLAY, STORMWATER COLLECTION SYSTEM, LED DECORATIVE ROADWAY LIGHTING

Project No.: J3-5321(0004)

State Job No.: 35321(04)

This Agreement, made the day and year last written below, by and between the City of **NORMAN**, hereinafter referred to as the Sponsor, and the Department of Transportation of the State of Oklahoma, hereinafter referred to as the Department, for the following intents and purposes and subject to the following terms and conditions, to wit:

WITNESSETH

WHEREAS, The Sponsor requested that certain street improvements be approved by the Oklahoma Transportation Commission, as were previously programmed by the Sponsor and described as follows:

Project Type	Div.	County	JP No	Project No.	Work Type	Description
STBG - UZA	03	Cleveland	35321(04)	J3-5321(004)	RESURFACE	PORTER AVENUE, BETWEEN ROBINSON STREET AND ALAMEDA STREET STBG-UZA PAVEMENT OVERLAY, STORMWATER COLLECTION SYSTEM, LED DECORATIVE ROADWAY LIGHIGHTING

WHEREAS, the Department is charged under the laws of the State of Oklahoma with construction and maintenance of State Highways; and,

WHEREAS, the Department is, by terms of agreements with the Federal Highway Administration, responsible for the management and construction of certain federally funded projects within the corporate limits of cities within the State of Oklahoma; and,

WHEREAS, the Sponsor has been identified as the beneficiary and sub-recipient of such federally funded project; and,

WHEREAS, receipt of the benefits of this project will require that the Sponsor assume certain financial responsibilities; and,

WHEREAS, the Sponsor is a municipal corporation created and existing under the constitution and laws of the State of Oklahoma; and

WHEREAS, the laws and constitution of the State of Oklahoma impose financial restrictions on the Sponsor and its ability to ensure financial obligations; and,

WHEREAS, the Parties hereto recognize those financial limitations and agree that the financial obligations assumed by the Sponsor, by the terms of this Agreement, are enforceable only to the extent as may be allowed by law or as may be determined by a court of competent jurisdiction; and,

WHEREAS, it is understood that, by virtue of the Article 10, Section 26 of the Oklahoma Constitution, the payment of Sponsor funds in the future will be limited to appropriations and available funds in the then current Sponsor fiscal year.

NOW, THEREFORE: the Department and the Sponsor, in consideration of the mutual covenants and stipulations as set forth herein, do mutually promise and agree as follows:

SECTION 1: PROJECT AGREEMENT

1.1 If applicable, the Department will recommend approval of the project by the Federal Highway Administration.

1.2 The Sponsor agrees to comply with Title VI of the Civil Rights Act of 1964, 78 Stat. § 252, 42 U.S.C. § 2000d et seq., and all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Part 21 - “Nondiscrimination in federally assisted programs of the Department of Transportation - effectuation of Title VI of the Civil Rights Act 1964".

1.3 The DEPARTMENT and SPONSOR mutually recognize that each party is a governmental entity subject to the provisions of the Governmental Tort Claims Act (51 O.S. § 151 et seq.). The DEPARTMENT and SPONSOR hereby mutually agree that each is and may be held severally liable for any and all claims, demands, and suits in law or equity, of any nature whatsoever, paying for damages or otherwise, arising from any negligent act or omission of any of their respective employees, agents or contractors which may occur during the prosecution or performance of this Agreement to the extent provided in the Governmental Tort Claims Act. Each party agrees to severally bear all costs of investigation and defense of claims arising under the Governmental Tort Claims Act and any judgments which may be rendered in such cause to the limits provided by law. Nothing in this section shall be interpreted or construed to waive any legal defense which may be available to a party or any exemption, limitation or exception which may be provided by the Governmental Tort Claims Act.

1.4 The Sponsor understands that should it fail to fulfill its responsibilities under this Agreement, such a failure will disqualify the Sponsor from future Federal-aid funding participation on any proposed project. Federal-aid funds are to be withheld until such a time as an engineering staff, satisfactory to the Department has been properly established and functioning, the deficiencies in regulations have been corrected or the improvements to be constructed under this Agreement are brought to a satisfactory condition of maintenance.

SECTION 2: ENGINEERING RESPONSIBILITIES

2.1 The Sponsor shall provide professional engineering services for the development of the Plans, Specifications and Estimates (PS&E) for this project. Design engineering for this project will be performed under the supervision of the Sponsor. Sponsor warrants to the Department that they will review the plans and will certify that the plans are acceptable to the Sponsor and are in full compliance with current standards and specifications.

2.2 Progress payments will be made to the consultant by the DEPARTMENT upon receipt of a properly executed claim form, approved by the SPONSOR, accompanied by suitable evidence of the completion of the work claimed, as detailed in the engineering contract.

2.3 The SPONSOR agrees to hold the Federal Government and the DEPARTMENT harmless from, and shall process and defend at its own expense, all claims, demands, or suits, whether at law or equity brought against the SPONSOR, the DEPARTMENT, or Federal Government, arising from the SPONSOR's execution, performance, or failure to perform any of the provisions of this Agreement, or arising by reason of the participation of the DEPARTMENT or Federal Government in the project, provided nothing herein shall require the SPONSOR to reimburse the DEPARTMENT or Federal Government for damages arising out of bodily injury to persons or damage to property caused by or resulting from the sole negligence of the Federal Government or the DEPARTMENT.

2.4 When any alleged act, omission, negligence, or misconduct may be subject to the limitations, exemptions, or defenses which may be raised under the Governmental Tort Claims Act, 51 0.S. Sec. 151, et seq., all such limitations, exemptions, and defenses shall be available to and may be asserted by the SPONSOR. No liability shall attach to the DEPARTMENT or Federal Government except as expressly provided herein.

2.5 The Sponsor agrees to the location of the subject project and agrees to adopt the final plans for said project as the official plans of the Sponsor for the streets,

boulevards, arterial highways and/or other improvements contained therein; and further, the Sponsor affirmatively states that it has or shall fully and completely examine the plans and shall hereby warrant to the Department, the Sponsor's complete satisfaction with these plans and the fitness of the plans to construct aforesaid project.

2.6 The Sponsor certifies that the project design plans shall comply, and the project when completed will comply, with the requirements of the Americans with Disabilities Act (ADA) of 1990 (42 U.S.C. §§ 12101 – 12213), 49 CFR Parts 27, 37 and 38 and 28 CFR parts 35 and 36. The Sponsor shall be exclusively responsible for integrated ADA compliance planning for all Sponsor streets, sidewalks and other facilities provided for public administration, use and accommodation, which is required of recipients and sub-recipients by 49 CFR § 27.11. State highways continued through corporate limits of the Sponsor shall be included in the Sponsor's comprehensive compliance plans.

2.7 To the extent permitted by law, all data prepared under this Agreement shall be made available to the Department without restriction or limitation on their further use, with exception of any documents or information that would be considered attorney/client privileged by the Sponsor.

2.8 The Department will conduct the environmental studies and prepare the National Environmental Protection Act documents as required for federally funded projects.

2.9 The Department will forward the environmental documents to FHWA for approval if applicable.

SECTION 3: LAND ACQUISITION AND UTILITY RELOCATION

3.1 The Sponsor warrants to the Department that, they have or will acquire all land, property, or rights-of-way needed for complete implementation of said project, free and clear of all obstructions and encumbrances and in full accordance with the Department's guidelines for Right-of-Way Acquisition on Federal-Aid Projects, the Uniform Relocation Act, the National Environmental Protection Act and all other applicable local, state and federal regulations.

3.2 The Sponsor shall be responsible for ensuring all proper tax documentation is filed and issued to recipients of funds paid on behalf of the Sponsor for Right-of-Way acquisition for this project.

3.3 The Sponsor warrants to the Department that it is knowledgeable of and will comply with the provisions of 42 U.S.C.A., Section 4601-4655 and 23 U.S.C.A., Section 323 (as

amended) and 49 C.F.R. Part 24 in the acquisition of all right-of-way and the relocation of any displacees.

3.4 The Sponsor shall remove, at its own expense, or cause the removal of, all encroachments on existing streets as shown on said plans, including all buildings, porches, fences, gasoline pumps, islands, and tanks, and any other such private installations and shall further remove or remediate any existing environmental contamination of soil and water from any source, known or unknown.

3.5 If the acquisition of right-of-way for this project causes the displacement of any person, business or non-profit organization, the Sponsor warrants it will provide and be responsible for the Relocation Assistance Program and all costs associated with the Relocation Assistance Program. The Department, upon request, will provide a list of service providers who have been prequalified to administer the Relocation Assistance Program. The Sponsor agrees to employ a service provider from the prequalified list provided by the Department. Prior to any relocation assistance payments to the Sponsor, all files with parcels requiring relocation assistance shall be submitted to the Department for audit and compliance review. The Sponsor shall notify the Department within seven (7) days of the date of an offer to acquire being provided to a property owner(s) on any parcel which will require relocation assistance. Written notifications regarding service providers, in-house personnel, appeals, offers to acquire or other related correspondence shall be properly addressed and remitted as follows:

Oklahoma Department of Transportation
Operations Division
200 N.E. 21st Street
Oklahoma City, Oklahoma 73105-3204

3.6 The Sponsor warrants that any procurement, using federal funds, of property, goods or professional and personal services required for this project will be acquired by the Sponsor in compliance with the federal procurement Regulations at 40 USC 1101-1104 (Brooks Act) and the Regulations for Administration of Engineering and Design Related Service Contracts at 23 C.F.R. Part 172, as well as provisions of State purchasing laws applicable to the Sponsor.

3.7 The Sponsor will certify to the Department prior to establishing a letting date that all existing utility facilities (if any) have been properly adjusted in full accordance with the Department's Right-of-Way and Utilities Division policies and procedures to accommodate the construction of said project; and will be solely responsible for payment of any and all contractor expenses, claims, suits and/or judgments directly resultant from any actual utility relocation delays.

3.8 The Sponsor shall have the authority pursuant to 69 O.S. § 1001 and 69 O.S. § 1004 to sell any lands, or interest therein, which were acquired for highway purposes as long as such sale is conducted in accordance with the above cited statutes.

3.9 The Sponsor agrees that if any property acquired utilizing Federal funding is disposed of or is no longer used in the public interest the Sponsor shall reimburse the Department at the current fair market value.

3.10 The Sponsor agrees to;

- Transmit copies of the instruments, including all deeds and easements, to the Department prior to the advertisement of bids for construction.

- Comply with the provisions of 42 U.S.C.A. § 4601-4655 and 23 U.S.C.A. § 323 (as amended) and, further comply with 49 C.F.R. Part 24 in the acquisition of all necessary right-of-way and relocation of all displacees.

- Convey title to the State of Oklahoma on all tracts of land acquired in the name of the Sponsor if the project is located on the State Highway System.

SECTION 4: FUNDING SUMMARY

4.1 The Department and the Sponsor agree that the project will be financed at a ***not-to-exceed***, ACOG STBG-UZA total estimated cost of **$2,855,610.00**, as described below:

FUNDING SOURCE =>			STBG-UZA		Sponsor	
STATE JOB PIECE NO.	**DESCRIPTION**	**TOTAL *ESTIMATED* COST**	**SHARE (%)**	**AMOUNT**	**SHARE (%)**	**AMOUNT**
	Design -					
	Right-of-Way -					
	Utilities -					
35321(04)	Construction - (With 6% Inspection)	$3,600,000	80 up to a limit of	$2,855,610	Remainder	$744,390
Total		**$3,600,000**	**Total=>**	**$2,855,610**	**Total=>**	**$744,390**

4.2 Furthermore, the Department and the Sponsor agree that actual STBG-UZA costs incurred by project phase **JP 35321(04** may exceed initial estimates. Costs between these project phases will be administratively adjusted based on actual cost of each

phase, within the total cost of this Agreement, without formal supplemental Agreement, in so far as the total project agreement is not exceeded.

4.3 It is understood by the Sponsor and the Department that the funding participation stipulated herein may be altered due to bid prices, actual construction supervision costs and non-participating costs incurred during construction. The Sponsor will be responsible for payment of any estimated local funding prior to advertising the project for bid. Upon final acceptance of this project, the total project cost will be determined, and the final amount of local funds (if any) will be determined by the Department's Comptroller per the terms of this Agreement. A refund will then be made by the Department to the Sponsor or additional funding will be requested. The Sponsor agrees to make arrangements for payment of any Department invoice within 45 days of receipt.

SECTION 5: CONSTRUCTION RESPONSIBILITIES

5.1 The Sponsor agrees to comply with all applicable laws and regulations necessary to meet the Oklahoma Department of Environmental Quality (ODEQ) requirements for pollution prevention including discharges from storm water runoff during the planning and design of this project. Further, the Sponsor agrees and stipulates as stated in the ODEQ's *General Permit OKR10*, dated September 13, 2017 or latest revision, to secure a storm water permit with the ODEQ for utility relocations, when required. It is also agreed that the storm water management plan for the project previously described in the document includes project plans and specifications, required schedules for accomplishing the temporary and permanent erosion control work, the site specific storm water pollution prevention plan and the appropriate location map contained in the utility relocation plans.

5.2 The Sponsor's responsibility for environmental cleanup will be a continuing responsibility to remediate any and all known and unknown environmental damage throughout the duration of this agreement with the Department in compliance with State and federal regulations.

5.3 The roadway improvements and all devices specified herein shall not be altered, removed, or cease to be operative without mutual written consent of the Department and the Sponsor.

5.4 Upon approval of this agreement and the plans, specifications, and estimates by the Sponsor, the Department, and the Federal Highway Administration (if applicable), the Department will advertise and let the construction contract for this project in the usual and customary legal manner. It is agreed that the projects herein contemplated are proposed to be financed as previously described, and that this Agreement, all plans,

specifications, estimate of costs, acceptance of work, payments, and procedure in general hereunder are subject in all things at all times to all local, state and federal laws, regulations, orders, approvals as may be applicable hereto.

5.5 The Department shall provide a copy of the executed construction contract to the Sponsor, upon receipt of a written request.

5.6 The Department will notify the Sponsor of pre-bid dates, bid opening dates, and Transportation Commission award dates in writing upon receipt of a written request.

5.7 The Sponsor agrees that prior to the Department's advertising of the project for bids (as to that part of the project lying within the present corporate limits) it will:

- Grant to the Department and its contractors, the right-of-entry to all existing streets, alleys, and Sponsor owned property when required, and other rights-of-way shown on said plans.

- Remove at its own expense, or cause the removal of, all encroachments on existing streets as shown on said plans, including all signs, buildings, porches, awnings, porticos, fences, gasoline pumps and islands, and any other such private installations.

- Prohibit parking on that portion of the project within the corporate limits of the Sponsor, except as may be indicated in the plans or hereafter approved by agreement with the Department. The Sponsor further agrees not to install, or permit to be installed, any signs, signals or markings not in conformance with the standards approved by the Federal Highway Administration and Manual on Uniform Traffic Control Devices (MUTCD).

- Comply with the Department's standards for construction of driveway entrances from private property to the highway, in accordance with the Department's manual entitled "Policy on Driveway Regulation for Oklahoma Highways", Rev. 5/96, 69 O.S. (2001) § 1210.

- Maintain all right-of-way acquired for the construction of this project, as shown on said plans, in a manner consistent with applicable statutes, codes, ordinances and regulations of the Department and the State of Oklahoma.

- Have the authority pursuant to 69 O.S. 2001 § 1001 and 69 O.S. 2001 § 1004 to sell any lands, or interest therein, which were acquired for highway purposes as long as such sale is conducted in accordance with the above cited statutes. Prior

written approval by the Chief, Right-of-Way Division for the Department shall be required before any sale is made.

5.8 The Sponsor further agrees and warrants to the Department that, subsequent to the construction of said project, the Sponsor will:

1) Erect, maintain and operate traffic control devices, including signals, signs and pavement markings only in accordance with 47 O.S. 2011 §§ 15-104- 15-106, and subject to agreement of the Department:

   a) In the event that any traffic signal installed hereunder is no longer needed for the purposes designated herein, then the traffic signal installed hereunder shall not be moved by the Sponsor to any other point other than that which is approved by the Department prior to such removal.

   b) In the event there is no mutually agreed location for the reinstallation, the Sponsor will assume complete ownership of the equipment following removal, if the installation is ten (10) years old or older. If the installation is less than ten (10) years old and:

      1) In the event the Sponsor desires total ownership of the equipment, the Sponsor shall reimburse the Department the original federal funding percentage share for the original equipment cost only, amortized for a ten(10) year service life, interest ignored, and assuming straight line depreciation.

      2) In the event the Sponsor does not desire total ownership of the equipment, the Sponsor shall sell the equipment at public auction to the highest bidder. The Sponsor shall reimburse the Department the original federal funding percentage share of the proceeds of such sale.

2) Subject to agreement with the Department, regulate and control traffic on said project, including but not limited to, the speed of vehicles, parking, stopping and turns only in accordance with 47 O.S. 2011 §§ 15-104- 15-106, and to make no changes in the provisions thereof without the approval of the Department. It shall be the responsibility of the Sponsor to notify the Department of any changes necessary to ensure safety to the traveling public.

3) Maintain all drainage systems and facilities constructed, installed, modified or repaired in conjunction with this project or as may be otherwise necessary to

ensure proper drainage for road surfaces constructed under the terms of this agreement.

4) Maintain all curbs and driveways abutting road surfaces constructed under the terms of this Agreement and all sidewalks adjacent thereto.

5) Maintain all right-of-way areas adjacent to road surfaces, including erosion control and periodic mowing of vegetation, in a manner consistent with applicable codes, ordinances and regulations.

6) For any portion of the project encompassed under this Agreement that is part of the State Highway System, the Sponsor shall maintain all that part of said project within the corporate limits of the Sponsor between the gutter lines and the right-of-way lines, and if no gutter exists, between the shoulder lines and the right-of-way lines, including storm sewers, all underground facilities, curbs and mowing, all in accordance with 69 O.S. Supp. 1994 §901 and all other applicable law.

7) On limited access highways where county roads or city streets extend over or under the highway or public roads are constructed on state rights-of-way but there is no immediate ingress and egress from the highway, responsibility shall be as follows:

    a. The public roads as defined in OAC 730:35-1-2 shall be maintained by the city or county and shall be included in their roadway mileage inventory.

    b. Where county roads or city streets extend over the highway, the roadway, approaches and bridge surfaces, including the deck, shall be maintained by the city or county. The approach guardrail, bridge structure, and highest clearance posting on the structure shall be maintained by the Department.

    c. Where county roads or city streets extend under the highway, the roadway approaches and advance signing shall be maintained by the city or county. The Department shall maintain the approach guardrail, bridge structure and surface, and the height clearance posting on the structure.

5.9 The Sponsor further agrees and warrants to the Department concerning any sign and highway facility lighting included as part of this project:

1) The Sponsor will, upon notice from the Department Engineer, provide at its own expense all required electrical energy necessary for all preliminary and operational tests of the highway lighting facilities.

2) Upon completion of the construction of said project, the Sponsor will be responsible for the maintenance and cost of operation of these highway lighting facilities, including all appurtenances thereto and including the sign lighting facilities.

3) It is specifically understood and agreed that the highway lighting and sign lighting facilities specified hereunder shall be continuously operated during the hours of darkness, between sunset and sunrise, and shall not be altered, removed or be allowed to cease operation without the mutual written consent of the Department and the Sponsor.

4) The Sponsor agrees to provide, on a periodic schedule, an inspection, cleaning and re-lamping maintenance program to assure the maximum efficiency of the highway lighting facilities.

5) In the event that the highway lighting facilities installed hereunder are no longer needed for the purposes designated herein, then the highway lighting facilities installed hereunder shall not be moved by the Sponsor to any point other than which is approved by the Department prior to such removal.

6) In the event there is no mutually agreed location for reinstallation, the Sponsor will assume complete ownership of the equipment following removal if the installation is twenty (20) years old or older. If the installation is less than twenty years old and:

   a) In the event the Sponsor desires total ownership of the equipment, the Sponsor shall reimburse the Department the original federal funding percentage share of the original equipment costs only, amortized for a twenty (20) year service life, interest ignored, and assuming straight line depreciation.

   b) In the event the Sponsor does not desire total ownership of the equipment, the Sponsor shall sell the equipment at public auction to the highest bidder. The Sponsor shall reimburse the Department the original federal funding percentage share of the proceeds of such sale.

5.10 The Department will appoint competent supervision and inspection of the construction work performed by the construction contractor and will provide such engineering, inspection and testing services as may be required to ensure that the construction of the project is accomplished in accordance with the approved Plans, Specifications and Estimates. The Department reserves the right to make such changes in said plans as may be necessary for the proper construction of said project.

1) The Sponsor agrees to provide such competent supervision as the Sponsor deems necessary during times that the work is in progress to ensure the completion of the project to the Sponsor's satisfaction and the Sponsor's representatives and the Department's representatives will cooperate fully to the end of obtaining work strictly in accordance with the plans and specifications.

2) The Sponsor will make ample provisions annually for the proper maintenance of said project, including the provision of competent personnel and adequate equipment, specifically, to provide all required maintenance of the project during the critical period immediately following construction and to keep the facility in good and safe condition for the benefit of the traveling public.

3) The Sponsor warrants to the Department that it will periodically review the adequacy of the aforesaid project to ensure the safety of the traveling public and should the Sponsor determine that further modifications or improvements be required, the Sponsor shall take such actions as are necessary to make such modifications or improvement. When operation modifications are required which in the opinion of the Department exceed the capability of the Sponsor's staff, the Sponsor agrees to retain, at the sole expense of the Sponsor, competent personnel for the purpose of bringing the improvement up to the proper standard of operation.

4) The Sponsor warrants and agrees that upon completion of the aforesaid project, the Sponsor assumes any and all financial obligations for the operation, use, and maintenance of the aforesaid project.

SECTION 6: NON-DISCRIMINATION CLAUSE

1. During the performance of this agreement, the Sponsor, for itself, its assignees and successors in interest, agrees as follows:

1) **Compliance with Regulations:**
The Sponsor shall comply with the regulations relative to nondiscrimination in federally-assisted programs of the Department of Transportation, Title 49, Code of Federal Regulations, Part 21, as they may be amended from time to time

(hereinafter referred to as the Regulations), which are herein incorporated by reference and made a part of this agreement.

2) **Nondiscrimination:**
The Sponsor, with regard to the work performed by it during the agreement, shall not discriminate on the grounds of race, color, sex, age, national origin, disability/handicap, or income status, in the selection and retention of contractors or subcontractors, including procurements of materials and leases of equipment. The Sponsor shall not participate either directly or indirectly, in the discrimination prohibited by Section 21.5 of the Regulations, including employment practices when the contract covers a program set forth in appendix B of the Regulations.

3) **Solicitations for Subcontracts, Including Procurement of Materials and Equipment:**
In all solicitations, either by competitive bidding or negotiation, made by the Sponsor for work to be performed under a contract or subcontract, including procurements of materials or leases of equipment, each potential contractor or subcontractor or supplier shall be notified by the Sponsor of the Sponsor's obligations under this agreement and the Regulations relative to nondiscrimination on the grounds of race, color, sex, age, national origin, disability/handicap, or income status.

4) **Information and Reports:**
The Sponsor shall provide all information and reports required by the Regulations, or directives issued pursuant thereto, and shall permit access to its books, records, accounts, other sources of information and its facilities as may be determined by the State Department of Transportation or the Federal Highway Administration to be pertinent to ascertain compliance with such Regulations or directives. Where any information required of a Sponsor is in the exclusive possession of another who fails or refuses to furnish this information, the Sponsor shall so certify to the State Department of Transportation, or the Federal Highway Administration, as appropriate, and shall set forth what efforts it has made to obtain the information.

5) **Sanctions for Noncompliance:**
In the event of the Sponsor's noncompliance with the nondiscrimination provisions of this agreement, the State Department of Transportation shall impose such contract sanctions as it or the Federal Highway Administration may determine to be appropriate, including but not limited to:

a. Withholding of payments to the Sponsor under the agreement until the Sponsor complies and/or
b. Cancellation, termination, or suspension of the agreement in whole or in part.

6) **Incorporation of Provisions:**
The Sponsor shall include the provisions of sub paragraphs 1) through 5) in every contract or subcontract, including procurements of materials and leases of equipment, unless exempt by the Regulations or directives issued pursuant thereto. The Sponsor shall take such action with respect to any contract or subcontract or procurement as the State Department of Transportation or the Federal Highway Administration may direct as a means of enforcing such provisions, including sanctions for noncompliance provided, however, that in the event a Sponsor becomes involved in, or is threatened with, litigation by a subcontractor or supplier as a result of such direction, the Sponsor may request the State Department of Transportation to enter into such litigation to protect the interests of the State; and, in addition, the Sponsor may request the United States to enter into such litigation to protect the interests of the United States.

SECTION 7: TERMINATION

7.1 This Agreement may be terminated by any of the following conditions:

a) By mutual agreement and consent, in writing of both parties.

b) By the Department by written notice to the Sponsor as a consequence of failure by the Sponsor to perform the services set forth herein in a satisfactory manner.

c) By either party, upon the failure of the other party to fulfill its obligations as set forth herein.

d) By the Department for reasons of its own and not subject to the mutual consent of the Sponsor upon five (5) days written notice to the Sponsor.

e) By satisfactory completion of all services and obligations described herein.

7.2 The termination of this Agreement shall extinguish all rights, duties, obligations and liabilities of the Department and the Sponsor under this agreement. If the potential termination of this Agreement is due to the failure of either the Department or the Sponsor to fulfill their obligation as set forth herein, the non-breaching party will notify the party alleged to be in breach that possible breach of agreement has

occurred. The party alleged to be in breach should make a good faith effort to remedy that breach as outlined by non-breaching party within a period mutually agreed by each party in writing.

SECTION 8: GOVERNING LAW AND VENUE

8.1 Any claims, disputes or litigation relating to the solicitation, execution, interpretation, performance, or enforcement of this Agreement shall be governed by the laws of the State of Oklahoma and the applicable rules, regulations, policies and procedures of the Oklahoma Transportation Commission. Venue for any action, claim, dispute or litigation, mediation or arbitration shall be in Oklahoma County, Oklahoma.

SECTION 9: DISPUTE RESOLUTION

9.1 The parties hereto have entered into this agreement in the State of Oklahoma and the laws of the State of Oklahoma shall apply. The parties agree to bargain in good faith in direct negotiation to achieve resolutions of any dispute and, if such efforts are unsuccessful, to retain a neutral mediation service to mediate the dispute prior to the filing of any court action. Mediation shall be conducted in the Oklahoma City area and the costs of such mediation shall be borne equally by the parties. If mediation is not successful, venue for any action brought to enforce the terms of this agreement shall be in Oklahoma County, State of Oklahoma. Each party shall bear any cost and attorney fees incurred by the party in such litigation.

SECTION 10: PRIOR UNDERSTANDINGS

10.1 This agreement incorporates and reduces to writing all prior understandings, promises, agreements, commitments, covenants or conditions and constitutes the full and complete understanding and contractual relationship of the parties.

SECTION 11: AMENDMENTS OR MODIFICATIONS OF AGREEMENT

11.1 No changes, revisions, amendments or alterations in the manner, scope of type of work or compensation to be paid by the DEPARTMENT shall be effective unless reduced to writing and executed by the parties with the same formalities as are observed in the execution of this Agreement.

SECTION 12: RECORDS

12.1 The Sponsor is to maintain all books, documents, papers, accounting records and other evidence pertaining to costs incurred and to make such materials available at its respective offices at all reasonable times, during the agreement period and for three (3) years from the date of final payment under the agreement for inspection by the DEPARTMENT and the State Auditor and Inspector, and copies thereof shall be furnished to the DEPARTMENT, if requested.

SECTION 13: HEADINGS

13.1 Article headings used in this Agreement are inserted for convenience of reference only and shall not be deemed a part of this agreement for any purpose.

SECTION 14: BINDING EFFECTS

14.1 This Agreement shall be binding upon and inure to the benefit of the ODOT and the Sponsor and shall be binding upon their successors and assigns subject to the limitations of Oklahoma law.

SECTION 15: SEVERABILITY

15.1 If any provision, clause or paragraph of this Agreement or any document incorporated by reference shall be determined invalid by a court of competent jurisdiction, such determination shall not affect the other provisions, clauses or paragraphs of this Agreement which are not affected by the determination. The provisions, clauses or paragraphs of this Agreement and any documents incorporated by reference are declared severable.

SECTION 16: EFFECTIVE DATE

16.1 This Agreement shall become effective on the date of execution by the Department's Director or his designee.

IN WITNESS WHEREOF, the Director of the Department of Transportation, pursuant to authority vested in him by the State Transportation Commission, has hereunto subscribed his name as Director of the Department of Transportation and the Sponsor has executed same pursuant to authority prescribed by law for the Sponsor.

The Sponsor, _____ on this _____ of _____, 20____, and the Department on the _____ day of _____, 20____.

THE CITY OF NORMAN

APPROVED AS TO FORM
AND LEGALITY

By _____ By _____
City Attorney Mayor

By _____
Attest: City Clerk (SEAL): Approved – THE CITY OF NORMAN

STATE OF OKLAHOMA
DEPARTMENT OF TRANSPORTATION

Recommended for Approval

_____ _____
Local Government Division Engineer Date Director of Project Delivery Date

APPROVED AS TO FORM
AND LEGALITY

APPROVED

_____ _____
General Counsel Date Deputy Director Date

RESOLUTION NO. R-2122-131

BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF NORMAN, OKLAHOMA:

THAT, WHEREAS it is in the best interest of the City of Norman, Oklahoma, to execute that certain Project Agreement for Federal-aid Project Number J3-5321(004)AG, State Job Number 35321(04), by and between the City of Norman and the Oklahoma Department of Transportation;

NOW, THEREFORE, it is hereby resolved that the Mayor is hereby authorized and directed to execute the above described agreement on behalf of the City of Norman, and duly signed by the Mayor on this _____ day of _____, _____.

CITY OF NORMAN

_____

Mayor

ATTEST:

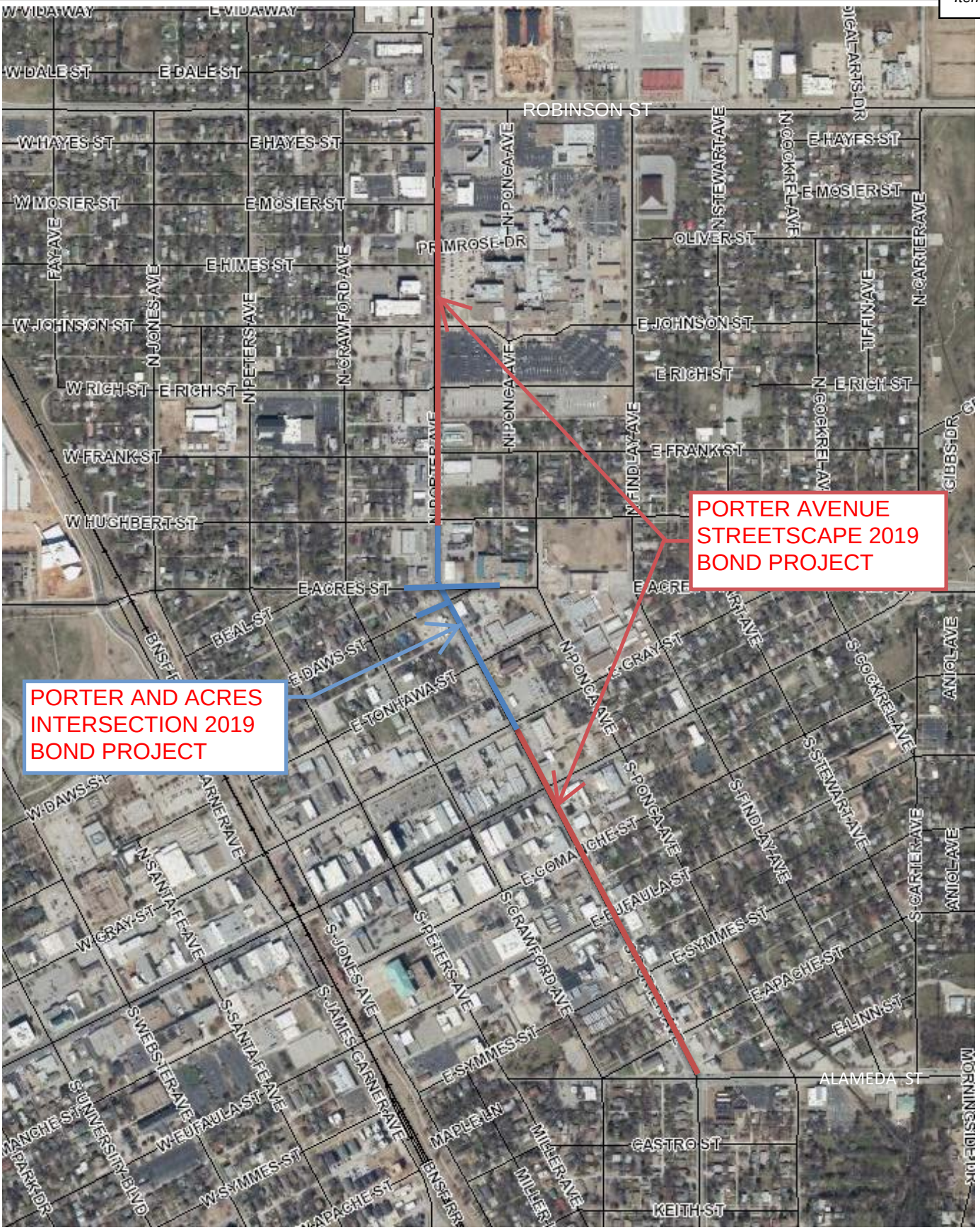
_____

City Clerk

Approved as to form and legality this _____ day of _____, _____

_____

City Attorney



Porter Avenue Streetscape Widening Project Location Map

Project Details

Porter Avenue Streetscape

Scope

- ✓ New Sidewalks
- ✓ Driveway consolidation / elimination (Access Management)
- ✓ Decorative Roadway & Pedestrian Way Lighting
- ✓ Landscaping
- ✓ New curb and gutter
- ✓ Street Furniture (e.g., benches, trash receptacles, ash urns, etc.)

Construction Cost (Federal Share)	Construction Cost (Total)	Construction Cost (Bond Share)
$2,855,610	$3,600,000	$744,390

Key Issues:
Access Management (elimination or consolidation of driveways), re-establishment of curbs and replacement of antiquated roadway lighting system

Key Stakeholders:
Porter Avenue merchants and property owners

File Attachments for Item:

24. CONSIDERATION OF ADOPTION, REJECTION, AMENDMENT, AND/OR POSTPONEMENT OF RESOLUTION R-2122-126: A RESOLUTION OF THE NORMAN UTILITIES AUTHORITY APPROPRIATING $40,000 FROM THE SEWER MAINTENANCE FUND TO BE USED TO REPLENISH ACCOUNTS FOR FLEET PARTS AND AUTO REPAIR ACCOUNTS AND TO COMPLETE INSTALLATIONS, REPAIRS, AND RESTORATIONS FOR THE REMAINDER OF FYE 2022.

CITY OF NORMAN, OK

STAFF REPORT

MEETING DATE: 06/14/2022

REQUESTER: Scott Aynes, Utilities Manager

PRESENTER: Scott Aynes, Utilities Manager

ITEM TITLE: CONSIDERATION OF ADOPTION, REJECTION, AMENDMENT, AND/OR POSTPONEMENT OF RESOLUTION R-2122-126: A RESOLUTION OF THE NORMAN UTILITIES AUTHORITY APPROPRIATING $40,000 FROM THE SEWER MAINTENANCE FUND TO BE USED TO REPLENISH ACCOUNTS FOR FLEET PARTS AND AUTO REPAIR ACCOUNTS AND TO COMPLETE INSTALLATIONS, REPAIRS, AND RESTORATIONS FOR THE REMAINDER OF FYE 2022.

BACKGROUND:

The Sewer Line Maintenance Division has 13 lift stations for sewer collection with over 500 miles of sewer collection lines to maintain and keep operational. Funds are used for installation and repair of sewer line breaks and ground restoration after the repair. Each year, funds are allocated in the amount of $25,000 for Internal Service Fleet Parts (32955252-43802) and $1,020 for Maintenance and Repair Auto Repair Outside (32955252-44201) to keep the equipment operational. However, in FYE22, a “0” was inadvertently left off and funds for the Internal Service Fleet Parts were budgeted at $2,500. With this error, the account balance is currently at -$24,695.24. In addition, the Maintenance and Repair account was budgeted at $1,020 but due to the hailstorm, several vehicles needed repair and the balance in this account is - $14,147.19. Funding from these two accounts was also used to pay for material and parts for installations, repairs, and restorations because the accounts for materials and parts are depleted.

DISCUSSION:

All funds appropriated for service parts have been expended for FYE22 and additional funds are needed for the rest of the fiscal year to purchase material for installs, repairs, and restorations.

In order to pay for the increase in installation and repairs, staff proposes to appropriate $40,000 from the Sewer Fund balance with $25,000 going into the Internal Service Fleet Parts (32955252-43802) and $15,000 into Maintenance and Repair Auto Repair Outside (32955252-44201).

RECOMMENDATION:

Staff recommends the adoption of Resolution R-2122-126 for $40,000 from the Sewer Fund Balance (32-29000), $25,000 to Internal Service Fleet Parts (32955252-43802) and $15,000 to Maintenance and Repair Auto Repair Outside (32955252-44201) to pay for the materials needed for installation, repair, and restorations.

R-2122-126

A RESOLUTION OF THE NORMAN UTILITIES AUTHORITY APPROPRIATING $40,000 FROM THE SEWER MAINTENANCE FUND TO BE USED TO REPLENISH ACCOUNTS FOR FLEET PARTS AND AUTO REPAIR ACCOUNTS AND TO COMPLETE INSTALLATIONS, REPAIRS, AND RESTORATIONS FOR THE REMAINDER OF FYE 2022.

§ 1. WHEREAS, the Sewer Line Maintenance Division has 13 lift stations for sewer collection with over 500 miles of sewer collection lines to maintain and keep operational; and

§ 2. WHEREAS, funds are also used for installation and repair of sewer line breaks and ground restoration after the repair as well as maintenance and repair of equipment and vehicles; and

§ 3. WHEREAS, the accounts used to purchase materials for installations, repairs, and restorations are depleted for FYE 2022; and

§ 4. WHEREAS, each year, $25,000 is budgeted for Fleet Parts and when the budget was approved for FYE 2022, a zero was inadvertently left off making the budget amount $2,500 and presently there is a negative -$24,695.24; and

§ 5. WHEREAS, $1,020 was budgeted for maintenance and repair but due to the hailstorm, several vehicles needed repair and the balance in this account is - $14,147.19; and

§ 6. WHEREAS, all funds appropriated for service parts have been expended for FYE 2022 and additional funds are needed for the rest of FYE 2022 to purchase materials for installs, repairs, and restorations.

NOW, THEREFORE, BE IT RESOLVED BY THE NORMAN UTILITIES AUTHORITY:

§ 7. That the following appropriations be made for reasons as stated above:

Account Name	Losing Account	Gaining Account	Amount
Internal Service Fleet Parts	32-29000	32955252-43802	$25,000
Maintenance and Repair Auto Repair Outside	32-29000	32955252-44201	$15,000

PASSED AND ADOPTED this 14th day of June, 2022.

_____
Chairman

ATTEST:

_____
Secretary

File Attachments for Item:

25. CONSIDERATION OF ADOPTION, REJECTION, AMENDMENT, AND/OR POSTPONEMENT OF RESOLUTION R-2122-127: A RESOLUTION OF THE NORMAN MUNICIPAL AUTHORITY APPROPRIATING $28,159.72 FROM THE WESTWOOD FUND BALANCE FOR A LEAK REPAIR AT THE WESTWOOD FAMILY AQUATIC CENTER.

CITY OF NORMAN, OK

STAFF REPORT

MEETING DATE: 06/14/2022

REQUESTER: Veronica Tracy, Recreation Manager

PRESENTER: Jason Olsen, Parks and Recreation Director

ITEM TITLE: CONSIDERATION OF ADOPTION, REJECTION, AMENDMENT, AND/OR POSTPONEMENT OF RESOLUTION R-2122-127: A RESOLUTION OF THE NORMAN MUNICIPAL AUTHORITY APPROPRIATING $28,159.72 FROM THE WESTWOOD FUND BALANCE FOR A LEAK REPAIR AT THE WESTWOOD FAMILY AQUATIC CENTER.

BACKGROUND:

The City of Norman/Norman Municipal Authority has been transferring $35,000 per year for the "Westwood Pool Maintenance Reserve" from the Norman Forward Fund to the Westwood Fund, and it has been placed into a reserve of the Westwood Fund Balance. At the end of this fiscal year, there will be $117,771 in the reserve.

DISCUSSION:

At this time, the staff is recommending an appropriation from the Westwood Fund balance for the Westwood Family Aquatic Center to pay for an emergency repair of a leak in a gutter pipe for the lap pool and slide pipe. This repair also included air pressure testing, backfill, and concrete repair. The leak was discovered in early April and was repaired immediately to ensure that the pool was in working order for lifeguard training and the opening of pool season on Memorial Day weekend. The Norman Forward program has always anticipated funding this reserve for significant repairs or ongoing pool maintenance.

RECOMMENDATION:

It is recommended that the City Council, acting as the Norman Municipal Authority approve Resolution R-2122-127 appropriating $28,159.72 from Westwood Fund Balance (29-29000) to Maintenance and Repair Other Miscellaneous (29970133-44299) and ratify the emergency repair action.

Resolution

R-2122-127

A RESOLUTION OF THE NORMAN MUNICIPAL AUTHORITY APPROPRIATING $28,159.72 FROM THE WESTWOOD FUND BALANCE FOR A LEAK REPAIR AT THE WESTWOOD FAMILY AQUATIC CENTER.

§ 1. WHEREAS, the Norman Municipal Authority has been transferring $35,000 per year from the NORMAN FORWARD Fund Balance to the Westwood Fund Balance to be used for the "Westwood Pool Maintenance Reserve" and at the end of FYE 2022, there will be $117,771 in the reserve; and

§ 2. WHEREAS, a leak was discovered in early April at the Westwood Family Aquatic Center in a gutter pipe for the lap pool and slide pipe which was repaired immediately to ensure that the pool was in working order for lifeguard training and the opening of the pool season on Memorial Day weekend; and

§ 3. WHEREAS, this repair also included air pressure testing, backfill, and concrete repair; and

NOW, THEREFORE, BE IT RESOLVED BY THE NORMAN MUNICIPAL AUTHORITY:

§ 4. That the following appropriation be made for the reason as stated above:

Account Name	Losing Account	Gaining Account	Amount
Maintenance and Repair, Other Miscellaneous	29-29000	29970133-44299	$28,159.72

PASSED AND ADOPTED this 14th day of June, 2022.

ATTEST: _____ Chairman

_____
Secretary

Invoice

PSI001585

SUNBELT POOLS

10555 Plano Rd. Dallas, TX 75238
214-343-1133

Customer Address	Ship-to Address	Salesperson
Norman Westwood Swimming Pool **Josh Holman** **201C West Gray** **Norman , OK 73069**	Norman Westwood Swimming Pool Josh Holman 201C West Gray Norman , OK 73069	GUY MAYO

Customer PO No.	Document Date	Payment Terms	Due Date
	May 24, 2022	Net 30 days	June 23, 2022

Repair of leak on lap pool gutter pipe and slide pipe. Includes pressure testing of all piping, pipe repair, backfill, and concrete repair.

No.	Description	Quantity	Unit Price		Line Amount
1027	Labor (March 7th - 18th)	481	50.00		24,050.00
1027	Travel	1	2,520.00		2,520.00
1027	Materials	1	1,589.72		1,589.72
				Subtotal	28,159.72
				Total Tax	0.00
				Total $	**28,159.72**

File Attachments for Item:

26. CONSIDERATION OF ADOPTION, REJECTION, AMENDMENT, AND/OR POSTPONEMENT OF RESOLUTION R-2122-132: A RESOLUTION OF THE NORMAN UTILITIES AUTHORITY APPROPRIATING $24,000 FROM THE WATER RECLAMATION FUND BALANCE TO BE USED TO PURCHASE POLYMER FOR DEWATERING FOR THE REMAINDER OF FYE 2022.

CITY OF NORMAN, OK

STAFF REPORT

MEETING DATE: 06/14/2022

REQUESTER: Scott Aynes, Utilities Manager

PRESENTER: Scott Aynes, Utilities Manager

ITEM TITLE: CONSIDERATION OF ADOPTION, REJECTION, AMENDMENT, AND/OR POSTPONEMENT OF RESOLUTION R-2122-132: A RESOLUTION OF THE NORMAN UTILITIES AUTHORITY APPROPRIATING $24,000 FROM THE WATER RECLAMATION FUND BALANCE TO BE USED TO PURCHASE POLYMER FOR DEWATERING FOR THE REMAINDER OF FYE 2022.

BACKGROUND:

The Norman Water Reclamation Facility (WRF) installed two sludge-dewatering centrifuges during the Sludge Handling Improvements Project (NUA Contract K-0607-38) in 2010. During the 2014 Phase 2 Construction Project, two additional centrifuges were installed to thicken waste-activated sludge. Polymer for all units is under contract with Polydyne Corporation until 2023. Polymer allows the dewatering units to more effectively dry sludge so it can be transported and land-applied with a “coffee grounds” consistency. This saves the Norman Utilities Authority (NUA) significant hauling costs versus hauling the sludge in a much heavier liquid state (i.e., six truckloads of liquid sludge are reduced to a single truckload of dried sludge by this process).

DISCUSSION:

The dewatering units have been in service for over twelve (12) years and are scheduled to be replaced in fiscal year 2022-2023 (FYE 23) with a project currently in design (WW0326). Because the two centrifuges are nearing the end of their useful life, their operation has become increasingly inefficient. As a result, increased quantities of polymer are required to dry the sludge to the necessary solids content. Polymer is budgeted in Operating Chemicals (32955145-43108). At this point in the FYE 22, we have depleted the funds in this account and are requesting an additional $24,000 to operate until the budget beginning of FYE23 (July 1, 2022).

RECOMMENDATION:

Staff recommends the adoption of Resolution R-2122-132 for the appropriation of $24,000 from the Water Reclamation Fund Balance (32-29000) into Operating Chemicals (32955145-43108).

Resolution

R-2122-132

A RESOLUTION OF THE TRUSTEES OF THE NORMAN UTILITIES AUTHORITY APPROPRIATING $24,000 FROM THE WATER RECLAMATION FACILITY FUND BALANCE TO BE USED TO PURCHASE POLYMER FOR DEWATERING FOR THE REMAINDER OF FYE 2022.

§ 1. WHEREAS, there are four sludge-dewatering centrifuges at the Water Reclamation Facility Facility; two of which are nearing the end of their useful life and scheduled to be replaced in FYE 2023; and

§ 2. WHEREAS, polymer allows the dewatering units to more effectively dry sludge so it can be transported and land-applied with a "coffee grounds" consistency; and

§ 3. WHEREAS, the Norman Utilities Authority is under contract with Polydyne Corporation for the purchase of polymer through FYE 23; and

§ 4. WHEREAS, because two of the centrifuges are near the end of their lives, their operation has become increasing inefficient and as a result, increased quantities of polymer are required to dry the sludge to the necessary solids content; and

§ 5. WHEREAS, the funds for polymer are depleted for FYE 2022 and it is necessary to appropriate funds to operate for the remainder of FYE 2022.

NOW, THEREFORE BE IT RESOLVED BY THE TRUSTEES OF THE NORMAN UTILITIES AUTHORITY:

§ 6. That the following appropriation be made for the reason as stated above:

Account Names	Losing Account	Gaining Account	Amount
Operating Chemical	032-29000	32955145-431208	$24,000

PASSED AND ADOPTED this 14th day of June, 2022.

ATTEST:

_____
Chairman

_____
Secretary

File Attachments for Item:

27. CONSIDERATION OF ADOPTION, REJECTION, AMENDMENT, AND/OR POSTPONEMENT OF RESOLUTION R-2122-133: A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AUTHORIZING JOINT PETITION SETTLEMENTS OF TWO CASES FILED BY CHRISTOPHER KOSCINSKI UNDER THE PROVISIONS OF THE WORKERS' COMPENSATION STATUTES OF THE STATE OF OKLAHOMA IN THE CASES OF *CHRISTOPHER KOSCINSKI V. THE CITY OF NORMAN,* WORKERS' COMPENSATION COMMISSION CASES 2020-06955 J AND 2021-04927 L; DIRECTING THE LEGAL DEPARTMENT TO THEN FILE SUCH SETTLEMENTS AND ALL ATTENDANT COSTS IN THE WORKERS' COMPENSATION COMMISSION, OKLAHOMA CITY, OKLAHOMA; AND AUTHORIZING AND DIRECTING THE FINANCE DIRECTOR TO SUBSEQUENTLY PURCHASE SUCH WORKERS' COMPENSATION COMMISSION JUDGMENT FROM THE RISK MANAGEMENT INSURANCE FUND.

CITY OF NORMAN, OK

STAFF REPORT

MEETING DATE: 6/14/2022

REQUESTER: Jeanne Snider

PRESENTER: Jeanne Snider, Assistant City Attorney

ITEM TITLE: CONSIDERATION OF ADOPTION, REJECTION, AMENDMENT, AND/OR POSTPONEMENT OF RESOLUTION R-2122-133: A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AUTHORIZING JOINT PETITION SETTLEMENTS OF TWO CASES FILED BY CHRISTOPHER KOSCINSKI UNDER THE PROVISIONS OF THE WORKERS' COMPENSATION STATUTES OF THE STATE OF OKLAHOMA IN THE CASES OF *CHRISTOPHER KOSCINSKI V. THE CITY OF NORMAN,* WORKERS' COMPENSATION COMMISSION CASES 2020-06955 J AND 2021-04927 L; DIRECTING THE LEGAL DEPARTMENT TO THEN FILE SUCH SETTLEMENTS AND ALL ATTENDANT COSTS IN THE WORKERS' COMPENSATION COMMISSION, OKLAHOMA CITY, OKLAHOMA; AND AUTHORIZING AND DIRECTING THE FINANCE DIRECTOR TO SUBSEQUENTLY PURCHASE SUCH WORKERS' COMPENSATION COMMISSION JUDGMENT FROM THE RISK MANAGEMENT INSURANCE FUND.

BACKGROUND:

Christopher Koscinski filed a workers compensation case with the Oklahoma Workers' Compensation Commission (CM-2020-06955J) on December 10, 2020, alleging a single incident injury to the right shoulder and right arm from lifting a medical bag on September 12, 2019. On August 20, 2021, he filed a second case (CM-2021-04927L) alleging a single incident injury to the back from lifting a patient on January 9, 2021. The City admitted both cases and they proceeded through the normal litigation process.

Prior to a trial being held, Mr. Koscinski has agreed to settle both cases in the total amount of $35,052.50, which represents 12% ($15,120) permanent partial impairment to the Body as a Whole regarding the right shoulder and 5% ($4,812.50) permanent partial impairment to the Arm regarding the right arm (2020-06955 J) and 12% ($15,120) permanent partial impairment to the Body as a Whole regarding the back less an overpayment of temporary total disability (TTD) of $8,311.77 (CM-2021-04927 L). The final settlement amount less the overpayment of TTD is $26,740.73. The settlement offers are being recommended and are being presented to the City Council for consideration.

DISCUSSION:
Mr. Koscinski is a former 21 year firefighter for the City of Norman Fire Department and medically retired August 2, 2021.

Medical Treatment.

CM-2020-06955 J (Right Shoulder/Right Arm) -

Mr. Koscinski was treated at an urgent care the day of the injury, September 12, 2019. He continued to follow-up at the urgent care until directed to Norman Regional Occupational Medicine for continued care on October 2, 2019. Mr. Koscinski was sent for a magnetic resonance imaging (MRI) of the right shoulder which revealed a tear of the right supraspinatus tendon and orthopedic referral was recommended. On October 23, 2019, he was seen by Dr. Moses and rotator cuff surgery recommended. Mr. Koscinski underwent right shoulder arthroscopy on November 21, 2019 and postoperative physical therapy. Dr. Moses ordered a second MRI following a reinjury that reportedly occurred while Mr. Koscinski was doing home exercises four weeks post-op. On January 3, 2020, the second MRI performed revealed a rupture or displacement of tenodesis site of the proximal biceps and Mr. Koscinski underwent additional physical therapy. On May 6, 2020, he was released by Dr. Moses at maximal medical improvement (MMI) without restrictions. Mr. Koscinski requested a change of physician. He was seen by Dr. Bond on April 28, 2021 and released with no further recommendations.

CM-2021-04927L (Back) -

On January 9, 2021, Mr. Koscinski was treated at an urgent care for his injury. He then followed up with Norman Regional Occupational Medicine on January 18, 2021 and was treated conservatively to include physical therapy. Due to continued symptomology, he was sent for a MRI of the lumbar spine and epidural steroid injections were recommended. Mr. Koscinski was then referred to Dr. Hume and was seen on March 29, 2021 and lumbar epidural steroid injections and physical therapy were recommended. Mr. Koscinski underwent bilateral transforaminal lumbar epidural steroid injections (TFESI) at L5-S1 on May 12, 2021 and June 17, 2021 by Dr. Stidham. Mr. Koscinski requested a change in pain management physician and underwent bilateral TFESI at L4 on August 6, 2021 and TFESI at L4-5 on September 21, 2021 by Dr. Miller. Mr. Koscinski was released by Dr. Hume on November 2, 2021 at MMI with permanent restrictions of no lifting over 40 lbs. and no pushing/pulling over 80 lbs.

Issues for Trial. Since there is no question that Mr. Koscinski's injuries occurred while in the course of his employment with the City, the primary issues to be tried in these cases before the Workers' Compensation Commission are the extent of his injuries and whether the injuries are permanent in nature. 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. Both parties have agreed to settle the cases prior to obtaining medical ratings and have agreed to stipulate that medical reports would support the settlements.

Trial. These cases proceeded through the normal litigation process; however, Mr. Koscinski has agreed to settlement of the cases as outlined below. If a trial was held in the cases, the Judge

could determine nature and extent to his injury and award permanent partial disability.

Proposed Settlements. The proposed settlements to close both cases on a "Joint Petition" basis is for a lump sum payment of $35,052.50 (less 20% attorney fee) representing the settlement amounts discussed above. Pursuant to 85A O.S. § 31(7), for injuries occurring on or after July 1, 2019, a Multiple Injury Trust Fund assessment in the total amount of $1,051.58, representing (3%) of the permanent partial disability awards shall be deducted and paid to the Oklahoma Tax Commission.

It is felt that the settlements to close both cases is fair and reasonable. The settlements are beneficial to the City in that it is a full, final and complete settlement of any and all cases and closes out any continued medical treatment. The settlements are beneficial to Mr. Koscinski in that it provides certainty for an award and would be paid in a lump sum rather than at a weekly rate over a period of time.

Furthermore, if both cases are settled in this manner, the City would incur additional costs and fees of:

CM-2020-06955J (Right Shoulder/Right Arm) -

Workers' Compensation Administration Fund Tax in the amount of $398.65; Special Occupational Health & Safety Tax in the amount of $149.49; and Workers Comp Commission Filing fee in the amount of $140.00.

CM-2021-04927L (Back) -

Workers' Compensation Administration Fund Tax in the amount of $302.40; Special Occupational Health & Safety Tax in the amount of $113.40; and Workers Comp Commission Filing fee in the amount of $140.00.

In addition, the City would incur an additional cost and fee for the Cleveland County Court Filing Fee in the amount of $154.14.

These additional costs and fees total $1,398.08, which brings the total cost of the settlements to the City to $28,138.81.

Adequate funds are available in the Order/Settlements Account (43330102-42131).

RECOMMENDATION:
For the reasons outlined above, it is believed the settlements are fair, reasonable, and in the best interest of the City. Acceptance of the settlements would require payments as outlined above. If approved, the settlement amount for both cases would be paid to Mr. Koscinski and his attorney in a lump sum. The settlements 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 85A O.S. § 107, 51 O.S. § 159, and 62 O.S. § 361, *et seq* and 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.

Resolution

R-2122-133

A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AUTHORIZING JOINT PETITION SETTLEMENTS OF TWO CASES FILED BY CHRISTOPHER KOSCINSKI UNDER THE PROVISIONS OF THE WORKERS' COMPENSATION STATUTES OF THE STATE OF OKLAHOMA IN THE CASES OF *CHRISTOPHER KOSCINSKI V. THE CITY OF NORMAN,* WORKERS' COMPENSATION COMMISSION CASES 2020-06955 J AND 2021-04927 L; DIRECTING THE LEGAL DEPARTMENT TO THEN FILE SUCH SETTLEMENTS AND ALL ATTENDANT COSTS IN THE WORKERS' COMPENSATION COMMISSION, OKLAHOMA CITY, OKLAHOMA; AND AUTHORIZING AND DIRECTING THE FINANCE DIRECTOR TO SUBSEQUENTLY PURCHASE SUCH WORKERS' COMPENSATION COMMISSION JUDGMENT FROM THE RISK MANAGEMENT INSURANCE FUND.

§1. WHEREAS, CHRISTOPHER KOSCINSKI, a former firefighter for the City of Norman Fire Department, alleged a single incident injury to the Right Shoulder and Right Arm on September 12, 2019, while lifting a medical bag and to the Back on January 9, 2021, while lifting a patient; and

§2. WHEREAS, the City of Norman has negotiated settlement for two (2) claims of CHRISTOPHER KOSCINSKI against the City of Norman, under the Workers' Compensation Statutes for a total of $35,052.50 which represents 12% ($15,120) permanent partial impairment to the Body as a Whole regarding the right Shoulder and 5% ($4,812.50) permanent partial impairment to the Arm regarding the Right Arm for Workers Compensation Commission Case 2020-06955 J and 12% ($15,120) permanent partial impairment to the Body as a Whole regarding the Back less an overpayment of temporary total disability of $8,311.77 for Workers' Compensation Commission Case 2021-04927 L in the final amount of $26,740.73 to be paid in a lump sum settlement to Mr. Koscinski and such settlement is believed to be fair and reasonable; and

§3. WHEREAS, the City shall incur additional costs for the settlement for payment for Workers Compensation Commission Case 2020-06955 J (Right Shoulder and Right Arm) to the Workers' Compensation Administration Fund in the amount of $398.65 and the Special Occupational Health and Safety Fund in the amount of $149.49; for the settlement for payment for Workers Compensation Commission Case 2021-04927 L (Back) to the Workers' Compensation Administration Fund in the amount of $302.40 and the Special Occupational Health and Safety Fund in the amount of $113.40; filing fees in the Workers' Compensation Court in the amount of $140 in each case; and a filing fee in the Cleveland County District Court in the amount of $154.14; and

§4. WHEREAS, the Risk Management Insurance Fund of the City of Norman has heretofore appropriated funds for the payment of Workers' Compensation settlements covering injuries to qualified persons employed by the City of Norman; and

§5. WHEREAS, the judgment and award should be transmitted and certified to the Workers' Compensation Commission, Oklahoma City, Oklahoma, which when filed will constitute judgment against the City of Norman, which it is entitled to purchase with funds out of the Risk Management Insurance Fund pursuant to Okla. Stat. tit. 85, § 107, Okla. Stat. tit. 51, § 159, and Okla. Stat. tit. 62, § 361, *et seq.*; and

§6. WHEREAS, the City Council finds it will be in the best interest of the City if the funds of the Risk Management Insurance Fund are invested in said judgment; and

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

§7. That the Legal Department is authorized to enter into settlement with one CHRISTOPHER KOSCINSKI for not more than $26,740.73 ($35,052.50 less the overpayment of TTD of $8,311.77) for any and all claims that he has or may have against the City of Norman under the Workers' Compensation Statutes for any and all injuries known or unknown which occurred while working for the City of Norman; and

§8. That the Legal Department is directed to hereinafter file such settlement in the Workers' Compensation Commission, Oklahoma City, Oklahoma, along with all attendant costs therefore, as provided by law; and

§9. That the Finance Director is authorized and directed to purchase such judgment of the Workers' Compensation Commission, Oklahoma City, Oklahoma, out of funds of the Risk Management Insurance Fund of the City of Norman.

PASSED AND ADOPTED this _____ day of June, 2022.

_____
Mayor

ATTEST:

_____
City Clerk

KOSCINSKI, Christopher
CM 2020-06955 J (R. Shldr/R. Arm)
SS# XXX-X4-8782
City Council Date 6/14/22
Atty:Jeffrey Cooper
Trial Date:N/A Order Date: N/A
DOH:10/18/1999 Separation (if applicable):8/02/2021
RTW: NA MMI: 4/28/21

Date of Injury: 9/12/2019 (SI)
PPD Wage: $350

Memo
Resolution R-2122-133
Purchase Requistions

Permanent Partial Disability Settlement	$15,120.00	12% Body as a Whole (R. Shldr)	
	$4,812.50	5% Arm (R. Arm)	
Amount Payable to Claimant & Attorney	$19,932.50		
Attorney Fees (20% of PPD)	$ (3,986.50)		
Net to Claimant	$15,946.00		
Total Settlement	$19,932.50		
Multiple Injury Trust Fund (3% of PPD-After 7/1/19)	($597.98)		43330102-42134
Net to Attorney & Claimant	**$19,334.53**		43330102-42131

City's Settlement Costs (953-092)		Vendor	
Workers Comp. Admn. Fund (2% of PPD)	$ 398.65	2267	43330102-42133
Occupational & Health Trust Fund (0.75%)	$ 149.49	1950	43330102-42135
Filing Fee - Workers Compensation Commission	$ 140.00	12122	43330102-44704
	$ 688.14		
Filing Fee - Cleveland County District Court	$ 154.14	434	43330102-44703
	$842.28		
Total Settlement Cost	$20,774.78		

Settlement forms:	**Copies**	Filed in WCC	Filed in Dist.Ct.
IF Compromise Settlement	11	x	
Affidavit of Foreign Judgment	4		x
Assignment of Judgment	4		x
Checks with case name on them	1		
Certificate of Mailing	3	x	

File Closing procedure	Completion Date
Send Tax Roll Memo to Finance (1st) w/Agenda Approval	
Send in Taxes to Tax Commission	
Send filing fee to Comp Court	
Mail Certified Copy of JP or CS - Maill to all providers	
File Affidavit & Assigment in District Court	
Send Tax Roll Memo to Finance (1nd) w/Aff & Assignment	
Final Letter to Attorney (Sending Aff/Assignment)	
Log onto Legal's tracking spreadsheet (Legal/WC/Audits)	
Index in file list & place in storage	
Send Closing Letter to Claimant's Attorney	

KOSCINSKI, Christopher
CM 2021-04927 L (Back)
SS# XXX-X4-8782
City Council Date 6/14/22
Atty:Jeffrey Cooper
Trial Date:N/A Order Date: N/A
DOH:10/18/1999 Separation (if applicable):8/02/2021
RTW: NA MMI: 11/02/21

Date of Injury: 1/09/21 (SI)
PPD Wage: $350

Memo
Resolution R-2122-133
Purchase Requistions

Permanent Partial Disability Settlement	$15,120.00	12% Body as a Whole (Back)	
	($8,311.77)	Less TTD Overpayment	
Amount Payable to Claimant & Attorney	$6,808.23		
Attorney Fees (20% of PPD)	$ (3,024.00)		
Net to Claimant	$3,784.23		
Total Settlement (PPD Less TTD)	$6,808.23		
Multiple Injury Trust Fund (3% of PPD-After 7/1/19)	($453.60)		43330102-42134
Net to Attorney & Claimant	**$6,354.63**		43330102-42131

City's Settlement Costs (953-092)		Vendor	
Workers Comp. Admn. Fund (2% of PPD)	$ 302.40	2267	43330102-42133
Occupational & Health Trust Fund (0.75%)	$ 113.40	1950	43330102-42135
Filing Fee - Workers Compensation Commission	$ 140.00	12122	43330102-44704
	$ 555.80		
Filing Fee - Cleveland County District Court	$ -	434	43330102-44703
	$555.80		
Total Settlement Cost	$7,364.03		

Settlement forms:	**Copies**	Filed in WCC	Filed in Dist.Ct.
IF Compromise Settlement	11	x	
Affidavit of Foreign Judgment	4		x
Assignment of Judgment	4		x
Checks with case name on them	1		
Certificate of Mailing	3	x	

File Closing procedure

	Completion Date
Send Tax Roll Memo to Finance (1st) w/Agenda Approval	
Send in Taxes to Tax Commission	
Send filing fee to Comp Court	
Mail Certified Copy of JP or CS - Maill to all providers	
File Affidavit & Assigment in District Court	
Send Tax Roll Memo to Finance (1nd) w/Aff & Assignment	
Final Letter to Attorney (Sending Aff/Assignment)	
Log onto Legal's tracking spreadsheet (Legal/WC/Audits)	
Index in file list & place in storage	
Send Closing Letter to Claimant's Attorney	

File Attachments for Item:

28. CONSIDERATION OF ADOPTION, REJECTION, AMENDMENT AND/OR POSTPONEMENT OF ORDINANCE O-2122-47 UPON SECOND AND FINAL READING: AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA IMPLEMENTING AMENDMENTS THROUGHOUT THE CENTER CITY FORM BASED CODE ("CCFBC") DOCUMENT, WHICH IS INCORPORATED BY REFERENCE IN CHAPTER 22 OF THE CITY CODE AT SECTION 429.7, TO AMEND, REPLACE, SUPPLEMENT, RENUMBER OR REORDER PROVISIONS, CORRECT LANGUAGE, AND PROVIDE DEFINITIONS FOR TERMS FOUND THROUGHOUT THE CCFBC DOCUMENT TO RESOLVE INCONSISTENCIES OR INACCURACIES AND PROVIDE CLARIFICATION TO THE PROVISIONS, INCLUDING "HOW TO USE THIS CODE", PART 1 ("GENERAL PROVISIONS"), PART 2 ("ADMINISTRATION, APPLICATION PROCESS & APPEALS"), PART 3 ("THE REGULATING PLAN"), PART 4 ("BUILDING FORM STANDARDS"), PART 5 ("URBAN SPACE STANDARDS"), PART 6 ("PARKING AND LOADING STANDARDS"), PART 7 ("BUILDING FUNCTIONS"), PART 8 ("SITE DEVELOPMENT REQUIREMENTS"), PART 9 ("DEFINITIONS") AND APPENDICES A THROUGH C; TO AMEND SECTIONS 204 AND 205 OF PART 2 ("ADMINISTRATION, APPLICATION PROCESS & APPEALS") TO ACCOMMODATE POTENTIAL PATTERN ZONING AND CLEARLY ESTABLISH CERTIFICATE OF COMPLIANCE ENFORCEMENT AS WELL AS SECTION 208 TO CLARIFY THE TREATMENT OF NON-CONFORMING STRUCTURES AND USES; TO AMEND SECTION 302 ("ILLUSTRATIVE FORM DISTRICT MAPS") OF PART 3 ("THE REGULATING PLAN"), TO ADD "CENTER CITY MAXIMUM BUILDING HEIGHT MAP" AND "CENTER CITY UNIT MINIMUM MAP" AND TO AMEND THE CENTER CITY REGULATING PLAN MAP; TO AMEND PART 4 ("BUILDING FORM STANDARDS") TO CONSOLIDATE CERTAIN BUILDING FORM STANDARDS AND EXPAND GEOGRAPHICAL APPLICATION OF THE URBAN RESIDENTIAL BUILDING FORM STANDARD, TO INCREASE CERTAIN BUILDING FORM STANDARD REQUIRED UNIT MINIMUMS, AND TO REVISE LIGHTING AND MECHANICAL EQUIPMENT REQUIREMENTS; TO AMEND SECTION 504 ("STREETSCAPE ELEMENTS") OF PART 5 ("URBAN SPACE STANDARDS") TO REMOVE STREETLIGHT PROVISIONS AND CLARIFY BICYCLE PARKING DESIGN REQUIREMENTS; TO AMEND VARIOUS ALLOWANCES AND REQUIREMENTS IN PART 6 ("PARKING AND LOADING STANDARDS"), INCLUDING MINIMUMS AND MAXIMUMS AND SPECIAL PARKING STANDARDS; TO AMEND PART 7 ("BUILDING FUNCTIONS"), TO CLARIFY AND DEFINE USES AND CATEGORIES, INCLUDING REVISIONS TO THE USE TABLE (SECTION 702) AND SPECIAL USES; TO RENUMBER AND AMEND PART 8 ("SITE DEVELOPMENT REQUIREMENTS"); TO RENUMBER, AMEND AND ADD DEFINITIONS TO PART 9 ("DEFINITIONS"), TO AMEND APPENDIX A TO REFERENCE POTENTIAL PATTERN ZONING, AND TO ADD APPENDIX C; AND TO MAKE OTHER LANGUAGE ALTERATIONS AS NECESSITATED BY OR

CONSISTENT WITH THESE AMENDMENTS, DECLARING AN EMERGENCY, AND PROVIDING FOR THE SEVERABILITY THEREOF.

CITY OF NORMAN, OK

STAFF REPORT

MEETING DATE: 06/07/2022

REQUESTER: Center City Administrative Delay Ad Hoc Committee

PRESENTER: Jane Hudson, Director of Planning & Community Development

ITEM TITLE: CONSIDERATION OF ADOPTION, REJECTION, AMENDMENT AND/OR POSTPONEMENT OF ORDINANCE O-2122-47 UPON SECOND AND FINAL READING: AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA IMPLEMENTING AMENDMENTS THROUGHOUT THE CENTER CITY FORM BASED CODE ("CCFBC") DOCUMENT, WHICH IS INCORPORATED BY REFERENCE IN CHAPTER 22 OF THE CITY CODE AT SECTION 429.7, TO AMEND, REPLACE, SUPPLEMENT, RENUMBER OR REORDER PROVISIONS, CORRECT LANGUAGE, AND PROVIDE DEFINITIONS FOR TERMS FOUND THROUGHOUT THE CCFBC DOCUMENT TO RESOLVE INCONSISTENCIES OR INACCURACIES AND PROVIDE CLARIFICATION TO THE PROVISIONS, INCLUDING "HOW TO USE THIS CODE", PART 1 ("GENERAL PROVISIONS"), PART 2 ("ADMINISTRATION, APPLICATION PROCESS & APPEALS"), PART 3 ("THE REGULATING PLAN"), PART 4 ("BUILDING FORM STANDARDS"), PART 5 ("URBAN SPACE STANDARDS"), PART 6 ("PARKING AND LOADING STANDARDS"), PART 7 ("BUILDING FUNCTIONS"), PART 8 ("SITE DEVELOPMENT REQUIREMENTS"), PART 9 ("DEFINITIONS") AND APPENDICES A THROUGH C; TO AMEND SECTIONS 204 AND 205 OF PART 2 ("ADMINISTRATION, APPLICATION PROCESS & APPEALS") TO ACCOMMODATE POTENTIAL PATTERN ZONING AND CLEARLY ESTABLISH CERTIFICATE OF COMPLIANCE ENFORCEMENT AS WELL AS SECTION 208 TO CLARIFY THE TREATMENT OF NON-CONFORMING STRUCTURES AND USES; TO AMEND SECTION 302 ("ILLUSTRATIVE FORM DISTRICT MAPS") OF PART 3 ("THE REGULATING PLAN"), TO ADD "CENTER CITY MAXIMUM BUILDING HEIGHT MAP" AND "CENTER CITY UNIT MINIMUM MAP" AND TO AMEND THE CENTER CITY REGULATING PLAN MAP; TO AMEND PART 4 ("BUILDING FORM STANDARDS") TO CONSOLIDATE CERTAIN BUILDING FORM STANDARDS AND EXPAND GEOGRAPHICAL APPLICATION OF THE URBAN RESIDENTIAL BUILDING FORM STANDARD, TO INCREASE CERTAIN BUILDING FORM STANDARD REQUIRED UNIT MINIMUMS, AND TO REVISE LIGHTING AND MECHANICAL EQUIPMENT REQUIREMENTS; TO AMEND SECTION 504 ("STREETSCAPE ELEMENTS") OF PART 5 ("URBAN SPACE STANDARDS") TO REMOVE STREETLIGHT PROVISIONS AND

CLARIFY BICYCLE PARKING DESIGN REQUIREMENTS; TO AMEND VARIOUS ALLOWANCES AND REQUIREMENTS IN PART 6 (“PARKING AND LOADING STANDARDS”), INCLUDING MINIMUMS AND MAXIMUMS AND SPECIAL PARKING STANDARDS; TO AMEND PART 7 (“BUILDING FUNCTIONS”), TO CLARIFY AND DEFINE USES AND CATEGORIES, INCLUDING REVISIONS TO THE USE TABLE (SECTION 702) AND SPECIAL USES; TO RENUMBER AND AMEND PART 8 (“SITE DEVELOPMENT REQUIREMENTS”); TO RENUMBER, AMEND AND ADD DEFINITIONS TO PART 9 (“DEFINITIONS”), TO AMEND APPENDIX A TO REFERENCE POTENTIAL PATTERN ZONING, AND TO ADD APPENDIX C; AND TO MAKE OTHER LANGUAGE ALTERATIONS AS NECESSITATED BY OR CONSISTENT WITH THESE AMENDMENTS, DECLARING AN EMERGENCY, AND PROVIDING FOR THE SEVERABILITY THEREOF.

BACKGROUND:

Since the adoption of the CCFBC on May 23, 2018, five-plus years ago, thirty-two (32) projects have proposed development in the Center City. Of the thirty-two projects, twenty-seven (27) applied for review to the Center City Design Review Team, (DRT) for a Certificate of Compliance (COC), a prerequisite to issuance of a building permit within the Center City. Of the twenty-seven projects, twenty-six are completed or under construction, one withdrew. Included in the thirty-two projects, five (5) Center City projects have been submitted as CCPUDs (Center City Planned Unit Developments) to be reviewed by City Council for adoption. Of those five CCPUD projects, four were adopted by City Council, one was not recommended for adoption. The breakdown of the submittals is as follows: 2017 – 6, 2018 – 7, 2019 – 10, 2020 - 4; and 2021 – 5.

DISCUSSION:

City staff presented information to City Council at their December 14, 2021, regularly scheduled meeting regarding a myriad of issues in administering the Center City Form Based Code (CCFBC) that prompted consideration of a possible Temporary Administrative Delay for acceptance of applications for demolition and construction, as well as rezoning applications from Center City Form Based Code (CCFBC) to Center City Planned Unit Development (CCPUD) for properties located in the Center City Study Area. City Council adopted Resolution R-2122-76 on December 14, 2021, which implemented a six-month administrative delay for the Center City Area; this six-month administrative delay will expire on June 14, 2022. An Ad Hoc Committee was recommended, and the Center City Administrative Delay Ad Hoc Committee first met on January 20, 2022.

AD HOC COMMITTEE:

On January 11, 2022, the City Council passed Resolution R-2122-83, which appointed the Center City Ad Hoc Committee for the length of the Administrative Delay, or until it had addressed all subjects enumerated within the committee's authority in R-2122-83, whichever occurred first. The Center City Administrative Delay Ad Hoc Committee met 11 times (the last meeting held on April 28) for the purpose of reviewing the existing CCFBC and discussing the scope of potential amendments. The Ad Hoc Committee discussed topics of concern expressed by many on the Committee as well as residents and neighbors in the community.

Staff's observations from the various projects submitted, as well as City Council and citizen input, uncovered the following concerns with implementation of CCFBC and the Center City Vision, which were enumerated in R-2122-83:

- Side yard setbacks – lot line to lot line for the first 12 feet;
- Possible consolidation in number of frontages;
- Clarify terms and definitions and address incompatible or conflicting language or provisions;
- Consolidate and simplify code format and provisions while clarifying inter-capability with other aspects of City Code and regulations (i.e. building codes - ground floor residential/commercial, Engineering Design Criteria);
- Structure elevation, 3' elevation/accessibility issues where applicable;
- Fully identify and define "triggers" to CCFBC applicability and better define the treatment of legacy-zoned properties (or otherwise legal nonconforming structures and uses) existing in CCFBC (as of adoption), adopting Section 208. Designed Deviations, previously removed;
- Discuss allowed signage – location, size and dimensions;
- Refine definition of "bedroom" to better respond to needs of code and to coordinate with other implicated definitions (such as Zoning Ordinance generally, CNZOD specifically, or other regulating bodies such as the County);
- The number of bedrooms allowed per unit before a Special Use is required – now at 4;
- Increase in and provision for application of architectural requirements to ensure quality structures/properties;
- Impervious lot coverage issues, and what should be allowed in terms of design and approach, coordinated with Public Works/Storm water division
- Setback inconsistencies, including corner lot design issues, explore opportunity for pattern zoning to benefit corner lot design, including amendment to the Regulating Plan;
- Pedestrian lighting;
- Alley improvements;
- On-street parking design guideline;
- Clarification dumpster/polycart provision and placement requirements;

- Reformulation of parking requirements:
  - To increase/decrease parking spaces required
  - Fix the “fee in-lieu of” sections of the code
- Amend, supplement and clarify Use Chart and relating provisions;
- Fix elements that prevent quality structures, address barriers to courtyard development;
- Potential Regulating Plan Amendment - reduce the size of CCFBC area;
- Creation of quality open space, including public spaces;
- Residential Block Face landscape requirements to promote a walkable neighborhood;
- Protection the downtown structures, including non-conforming one-story structures and existing signage.

All of these items were discussed at the Ad Hoc meetings; however, the Ad Hoc Committee was not able to make a recommendation on all items. Core Norman, and particularly the CCFBC area, will continue to grow and change over the years, as we have already witnessed. With this continued growth and development, it will be necessary for Council and staff to re-evaluate the direction of this area of Norman, and thus future continued work by the Ad Hoc Committee is anticipated, including discussion on subjects left unresolved by the current Administrative Delay.

The Center City Ad Hoc Committee Summary Report (attached) provides a review of the topics discussed at each meeting. Additionally, the attachment titled “CCFBC 2022 Presentation of Proposed Changes” provides an overview of all of the proposed changes.

COMMENTS:

The proposed revisions from the Ad Hoc Committee are shown in the attachment titled “CCFBC Track Changes Format”. All proposed changes are noted in blue and pink text for easier review of the document. This document is adopted by reference in the City’s zoning ordinance. Ordinance O-2122-47 updates the reference in the zoning ordinance and if adopted by Council, would adopt by reference the updated CCFBC with the annotated changes incorporated.

Staff forwards O-2122-47 for Council consideration on Second and Final Reading and if adopted, Staff recommends the emergency clause also be adopted to coincide with the expiration of the Administrative Delay.

Attachment – Center City Form Based Code – May 2022 Draft
Attachment – May 26, 2022 Pre-Development Meeting Summary

Ordinance No. O-2122-47

AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA IMPLEMENTING AMENDMENTS THROUGHOUT THE CENTER CITY FORM BASED CODE ("CCFBC") DOCUMENT, WHICH IS INCORPORATED BY REFERENCE IN CHAPTER 22 OF THE CITY CODE AT SECTION 429.7, TO AMEND, REPLACE, SUPPLEMENT, RENUMBER OR REORDER PROVISIONS, CORRECT LANGUAGE, AND PROVIDE DEFINITIONS FOR TERMS FOUND THROUGHOUT THE CCFBC DOCUMENT TO RESOLVE INCONSISTENCIES OR INACCURACIES AND PROVIDE CLARIFICATION TO THE PROVISIONS, INCLUDING "HOW TO USE THIS CODE", PART 1 ("GENERAL PROVISIONS"), PART 2 ("ADMINISTRATION, APPLICATION PROCESS & APPEALS"), PART 3 ("THE REGULATING PLAN"), PART 4 ("BUILDING FORM STANDARDS"), PART 5 ("URBAN SPACE STANDARDS"), PART 6 ("PARKING AND LOADING STANDARDS"), PART 7 ("BUILDING FUNCTIONS"), PART 8 ("SITE DEVELOPMENT REQUIREMENTS"), PART 9 ("DEFINITIONS") AND APPENDICES A THROUGH C; TO AMEND SECTIONS 204 AND 205 OF PART 2 ("ADMINISTRATION, APPLICATION PROCESS & APPEALS") TO ACCOMMODATE POTENTIAL PATTERN ZONING AND CLEARLY ESTABLISH CERTIFICATE OF COMPLIANCE ENFORCEMENT AS WELL AS SECTION 208 TO CLARIFY THE TREATMENT OF NON-CONFORMING STRUCTURES AND USES; TO AMEND SECTION 302 ("ILLUSTRATIVE FORM DISTRICT MAPS") OF PART 3 ("THE REGULATING PLAN"), TO ADD "CENTER CITY MAXIMUM BUILDING HEIGHT MAP" AND "CENTER CITY UNIT MINIMUM MAP" AND TO AMEND THE CENTER CITY REGULATING PLAN MAP; TO AMEND PART 4 ("BUILDING FORM STANDARDS") TO CONSOLIDATE CERTAIN BUILDING FORM STANDARDS AND EXPAND GEOGRAPHICAL APPLICATION OF THE URBAN RESIDENTIAL BUILDING FORM STANDARD, TO INCREASE CERTAIN BUILDING FORM STANDARD REQUIRED UNIT MINIMUMS, AND TO REVISE LIGHTING AND MECHANICAL EQUIPMENT REQUIREMENTS; TO AMEND SECTION 504 ("STREETSCAPE ELEMENTS") OF PART 5 ("URBAN SPACE STANDARDS") TO REMOVE STREETLIGHT PROVISIONS AND CLARIFY BICYCLE PARKING DESIGN REQUIREMENTS; TO AMEND VARIOUS ALLOWANCES AND REQUIREMENTS IN PART 6 ("PARKING AND LOADING STANDARDS"), INCLUDING MINIMUMS AND MAXIMUMS AND SPECIAL PARKING STANDARDS; TO AMEND PART 7 ("BUILDING FUNCTIONS"), TO CLARIFY AND DEFINE USES AND CATEGORIES, INCLUDING REVISIONS TO THE USE TABLE (SECTION 702) AND SPECIAL USES; TO RENUMBER AND AMEND PART 8 ("SITE DEVELOPMENT REQUIREMENTS"); TO RENUMBER, AMEND AND ADD DEFINITIONS TO PART 9 ("DEFINITIONS"), TO AMEND APPENDIX A TO REFERENCE POTENTIAL PATTERN ZONING, AND TO ADD APPENDIX C; AND TO MAKE OTHER LANGUAGE ALTERATIONS AS NECESSITATED BY OR CONSISTENT WITH THESE AMENDMENTS, DECLARING AN EMERGENCY, AND PROVIDING FOR THE SEVERABILITY THEREOF.

§ 1. WHEREAS, Ordinance O-1617-35, adopted by City Council on May 23, 2017, adopted in its entirety and incorporated by reference into the Zoning Ordinance the document entitled, "Center City Form-Based Code" dated April 2017 and consisting of a cover page, Pages iii-vi, Pages 1-70, and Center City Planned Unit Development – Appendix B, Pages 1-7; and

§ 2. WHEREAS, Council adopted Ordinance O-1718-47 on June 26, 2018 making limited amendments to the Center City Form Based Code to require two-family structures (duplexes) with four or more bedrooms to be sprinkled per applicable building code requirements; and

§ 3. WHEREAS, Council adopted Ordinance O-1718-51 on July 24, 2018 to allow for the sale of alcoholic beverages in theaters in compliance with State law; and

§ 4. WHEREAS, Council adopted Ordinance O-1920-3 on July 23, 2019, following a six (6) month administrative delay, implementing various amendments to address the issues giving rise to the need for the administrative delay.

§ 5. WHEREAS, on December 14, 2021, Council adopted Resolution R-2122-76, again declaring a temporary administrative delay for a period of six (6) months on the acceptance of all applications for Certificates of Compliance, demolition permits, or Center City Planned Unit Developments in order to allow Staff, in conjunction with the Center City Administrative Delay Ad Hoc Committee, to study and make recommendations for changes in the Center City Form-Based Code; and

§ 6. WHEREAS, the Center City Administrative Delay Ad Hoc Committee was created by Resolution R-2122-83 on January 18, 2022, which set forth the committee's subjects of discussion, and after eleven such meetings of the Committee, Staff has drafted and the Committee has recommended adoption of amendments throughout the Center City Form Based Code; and

§ 7. WHEREAS, Council desires to replace the Center City Form Based Code in its entirety with a revised Code inclusive of previous amendments and current amendments.

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

§ 8. That Section 429.7 of Chapter 22 of the Code of the City of Norman shall be amended to read as follows:

The Center City Form-Based Code originally dated April 2017 and thereafter amended in July 2019, is hereby replaced with the Center City Form-Based Code dated June 2022, consisting of a cover page, pages ii-iv, pages 1-84 (including Parts 1 through 9) and Appendices A through C.

The Center City Form-Based Code, dated June 2022 is incorporated by reference with the same force and effect as though fully set forth herein.

The Center City Form-Based Code is available on the City of Norman website: http://www.normanok.gov/planning/norman-center-city-vision

§ 9. EMERGENCY SECTION (requiring 2/3 majority for passage to be voted on separately). That in the judgment of the Council of the City of Norman, it is necessary for the immediate preservation of the peace, health, safety of the citizens of Norman that this Ordinance become effective prior to the time an ordinary ordinance will become effective, thereby declaring an emergency so that this Ordinance will become effective June 14, 2022.

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

ADOPTED this _____ day

of _____, 2022.

_____
(Mayor)

NOT ADOPTED this _____ day

of _____, 2022.

_____
(Mayor)

ATTEST:

_____
(City Clerk)

Ordinance No. O-2122-47

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§ 6. WHEREAS, the Center City Administrative Delay Ad Hoc Committee was created by Resolution R-2122-83 on January 18, 2022, which set forth the committee's subjects of discussion, and after eleven such meetings of the Committee, Staff has drafted and the Committee has recommended adoption of amendments throughout the Center City Form Based Code; and

§ 7. WHEREAS, Council desires to replace the Center City Form Based Code in its entirety with a revised Code inclusive of previous amendments and current amendments.

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

§ 8. That Section 429.7 of Chapter 22 of the Code of the City of Norman shall be amended to read as follows:

The Center City Form-Based Code originally dated April 2017 and thereafter amended in July 2019, ~~consisting of a cover page, pages iii-iv, Pages 1-70 and inclusive of Appendices A and B~~ is hereby replaced with the Center City Form-Based Code dated ~~July 2019~~June 2022, consisting of a cover page, pages ~~i~~iii-iv, pages 1-~~91~~84 (including Parts 1 through 9) and ~~inclusive of~~ Appendices A~~, and B,~~ through C ~~as well as previous amendments adopted by Ordinance (O-1718-47 and O-1718-51), and including additions and amendments to the following sections, all set forth more specifically and attached to this Ordinance:~~.

~~Part 2: Administration, Application Process & Appeals~~
~~Part 3: The Regulating Plan~~
~~Part 4: Building Form Standards~~
~~Part 5: Urban Space Standards~~
~~Part 7: Building Functions~~
~~Part 8: Definitions~~

~~Part 9: Site Development Requirements~~

The Center City Form-Based Code, dated ~~July 2019~~June 2022 is incorporated by reference with the same force and effect as though fully set forth herein.

The Center City Form-Based Code is available on the City of Norman website: http://www.normanok.gov/planning/norman-center-city-vision

§ 9. EMERGENCY SECTION (requiring 2/3 majority for passage to be voted on separately). That in the judgment of the Council of the City of Norman, it is necessary for the immediate preservation of the peace, health, safety of the citizens of Norman that this Ordinance become effective prior to the time an ordinary ordinance will become effective, thereby declaring an emergency so that this Ordinance will become effective June 14, 2022.

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ADOPTED this _____ day

of _____, 2022.

_____
(Mayor)

NOT ADOPTED this _____ day

of _____, 2022.

_____
(Mayor)

ATTEST:

_____
(City Clerk)

CENTER CITY FORM-BASED CODE

NORMAN, OKLAHOMA

June 2022 Draft

How to Use this Code

Why are some words shown in SMALL CAPITAL LETTERS?

The Norman Center City Form-Based Code (CCFBC) includes terms with special meanings and their definitions are included in *Part 9. Definitions*. Defined terms are shown throughout the document in SMALL CAPITAL LETTERS.

I want to know what is allowed for my property:

1. Look at the adopted REGULATING PLAN in *Part 3. The Regulating Plan* and determine if property in question is located within the Center City Form District. (CC Form District) If not, this Code is not applicable.
2. Find the specific property in question on the adopted REGULATING PLAN. Note the REQUIRED BUILDING LINE and the PARKING SETBACK LINE. Note the color of the fronting STREET-SPACE—this determines the applicable BUILDING FORM STANDARD (see the key located on the REGULATING PLAN).
3. Find the applicable BUILDING FORM STANDARD in *Part 4. Building Form Standards*. (Note the *General Standards* in *Section 402* that apply to all properties in the district.) The BUILDING FORM STANDARD will tell you the parameters for DEVELOPMENT on the site in terms of height, siting, elements, and use.
4. Additional regulations regarding streets and other public spaces surrounding the property, parking requirements, and permitted building functions are found in the following sections: *Part 5. Urban Space Standards; Part 6. Parking and Loading Standards;* and *Part 7. Building Functions.*
5. See *Part 2. Administration, Application Process & Appeals* for information on the DEVELOPMENT review process.

   NOTE: Where a NON-CONFORMING STRUCTURE or NON-CONFORMING USE may continue in compliance with *Part 2. Section 208. Non-Conforming Structures and Uses,* the allowances of a LEGACY ZONING DISTRICT may also control what is allowed for a particular property.

I want to modify an existing building:

1. If this code is applicable to your property, determine whether your intended changes would trigger a level of code compliance by looking at the *Part 2. Section 208. Non-Conforming Structures and Uses*.
2. If yes, follow the process delineated therein.

I want to establish a new use in an existing building:

1. Find the property on the REGULATING PLAN and determine the applicable BUILDING FORM STANDARD.
2. Determine whether the use is allowed by looking at *Part 7. Building Functions*. If the use is allowed within the applicable CCFBC BFS *Part 2. Section 208. Non-Conforming Structures and Uses* to determine whether the use may be carried on within a NON-CONFORMING STRUCTURE. If Section 208 does not permit the use to be carried on within a NON-CONFORMING STRUCTURE, refer to the specific performance standards set forth in the applicable BFS.

I want to change the Regulating Plan regarding my property:

See *Part 2. Section 207. Amendments to the Center City Form-Based Code*.

I want to subdivide my property:

1. Property can only be subdivided in accordance with the procedures of the Norman Municipal Code.
2. Any such subdivision of a property within the *Center City Form District* shall also meet the standards of this Code.

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Part 1. General Provisions

101. Title

This Code is known as the Norman Center City Form-Based Code (CCFBC).

102. Applicability

A. The CCFBC is in effect for that part of the City of Norman, Oklahoma, designated on the Regulating Plan in *Part 3. The Regulating Plan* as the Center City Form District (CC Form District), and as set forth in *Part 2. Section 208. Non-conforming Structures and Uses*.

B. The area generally known as Campus Corner that is geographically located within the larger CC Form District boundaries, as designated on the Regulating Plan in *Part 3*, is excluded from the CC Form District, but may be added to the district in the future, by determination of the City Council.

C. The process for development or redeveloping within the CC Form District is delineated in *Part 2. Administration* and *Appendix A* of this Code.

103. Purposes

A. The goal of *Norman Center City Vision Project and Plan* was to reset the conversation and provide guidance for future development and redevelopment in Center City.[1] This CCFBC is intended to implement the purpose and goals of that Plan by providing strong implementation tools for the Center City area.

B. The CCFBC shall be applied to new, infill development, and redevelopment within the district both in order to achieve the vision set forth for the Center City and 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

C. The creation of transit- and pedestrian-oriented development and redevelopment is dependent on three factors: density, diversity of uses, and design. This Code places greatest emphasis on design, or physical form, because of its importance in defining neighborhood and district character. All places evolve—density and uses can be expected to change over time as the area continues to grow and mature.

1 From the *Norman City Center Vision Summary Charrette Report*, May 2014.

104. Other Applicable Regulations

A. All DEVELOPMENT and REDEVELOPMENT must comply with relevant Federal, State and City regulations. Whenever any provision of this Code imposes a greater requirement or a higher standard than is required in any State or Federal statute or other City ordinance or regulation, the provisions of this Code shall govern unless preempted by State or Federal law.

B. Where apparent conflicts exist between the provisions of the CCFBC and other existing ordinances, regulations, or permits, or by easements, covenants, or agreements, the Director shall determine, based on which best meets the requirements of this Code and Vision plan, which provisions shall govern within the Center City Form District.

C. Within the Center City Form-Based Code Area of Norman exhibited in Norman Code 22-429.7, and contained within the Central Core Area of Norman (see map exhibit to Norman Code 22-431.7) 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.

105. Minimum Requirements

In interpreting and applying the provisions of the CCFBC, they are the minimum requirements for DEVELOPMENT under this Code.

106. Severability

Should any provision of the CCFBC be decided by the courts to be unconstitutional or invalid, that decision shall not affect the validity of the CCFBC other than the part decided to be unconstitutional or invalid.

107. Components of the Code

The CCFBC places a primary emphasis on physical form and placemaking, with a secondary focus on land uses. The principal regulatory sections of this Code are described below.

A. Administration

Administration covers application and review process for DEVELOPMENT project approval.

B. The Regulating Plan

The REGULATING PLAN is the application key for the CCFBC. It provides a public space master plan with specific information on DEVELOPMENT parameters for each parcel and shows how each lot relates to the STREETSPACE (streets, SQUARES/CIVIC GREENS, PLAZAS, PEDESTRIAN PATHWAYS, etc.) and the surrounding neighborhood. The REGULATING PLAN may identify additional regulations and/or opportunities for lots in specific locations.

C. The Building Form Standards

The BUILDING FORM STANDARDS establish basic parameters governing building form, including the buildable envelope (in three dimensions) and certain permitted and/or required elements—such as SHOPFRONTS, BALCONIES, and STREET WALLS. The BUILDING FORM STANDARDS establish both the boundaries within which things may be done and specific things that must be done.

The primary intent of the BUILDING FORM STANDARDS (BFS) is to shape the STREET-SPACE, or public realm, through placement and form controls on buildings. Their secondary intent is to ensure that the buildings cooperate to form a functioning, sustainable, BLOCK structure. The applicable standard for a building site is determined by the STREET FRONTAGE designated on the REGULATING PLAN.

D. The Urban-Space Standards

The purpose of the Urban-Space Standards is to ensure coherent STREET-SPACE and to assist builders and owners with understanding the relationship between the public realm and their own building. These standards set the parameters for the placement of STREET TREES, sidewalks, and other amenities or furnishings within the STREET-SPACE. They set recommended configurations for the vehicular part of the street as well as other public spaces such as greens, squares, and plazas.

E. Building Function Standards

The Building Function Standards define the uses allowed and/or required on ground floors and in upper floors, correlated with each BUILDING FORM STANDARD. Because the CCFBC emphasizes form more than use, it includes fewer, broader categories than those provided elsewhere in the Norman Zoning Ordinance.

F. Parking and Loading Standards

Parking and loading standards provide goals and requirements to promote a "park once" environment through shared parking and encourage a pedestrian-friendly, walkable CC Form District.

G. Definitions

Certain terms in the CCFBC are used in very specific ways, often excluding some of the meanings of common usage. Wherever a word is in SMALL CAPITALS format, consult *Part 9. Definitions* for its specific and limited meaning. Where there is an apparent contradiction between the definitions in the CCFBC and those in the Norman Zoning Ordinance, the definitions in this Code shall prevail. Words used in the CCFBC, but not defined by this Code, but that are defined in the Norman Zoning Ordinance, shall have the meanings set forth therein.

Part 2. Administration, Application Process & Appeals

201. Applicability

Development and redevelopment proposals within the Center City Form District shall be subject to the provisions of this *Part 2* and/or *Appendix A*.

202. Director

A. Authority

The Director of Planning and Community Development ("Director") and the Development Review Team (DRT) are authorized to review and approve applications for Certificates of Compliance and Administrative Adjustments.

B. Delegation of Authority

The Director may designate any member of the staff of the City's Planning and Community Development Department to represent the Director in any function assigned by the Center City Form-Based Code (CCFBC). The Director, however, shall remain responsible for any final action taken under this Section.

203. FBC Development Review Team

The existing Development Review Team (DRT) with an additional citizen member who is a resident of the Center City Form District will provide a coordinated and centralized technical review process to ensure compliance with the requirements of the CCFBC. The Development Review Team is comprised of personnel from the City departments that have an interest in the development review and approval process.

A. Powers and Duties

1. The Development Review Team shall be responsible for the review of Concept Plans, Site Plans and any other development related applications that may be required by the CCFBC.
2. The Development Review Team shall be responsible for making determinations on the application and interpretation of guidelines, standards, and requirements of the CCFBC.
3. The Development Review Team may require the applicant to submit additional information not otherwise specifically required by the CCFBC, which is reasonably necessary to review and determine whether the proposed development complies with the requirements of the CCFBC.
4. The Development Review Team shall not be authorized to waive or vary requirements of the CCFBC or any other applicable ordinance of the City of Norman unless specifically allowed in the CCFBC.

B. Operational Procedures

The Development Review Team shall meet on their regularly scheduled meeting dates to review development applications. It shall be the

responsibility of the Planning Director, or the Director's designee, to collect the comments of the DRT, prepare a written staff analysis of the outstanding issues related to each application, and provide it to the applicant in a timely manner.

204. Certificate of Compliance

An application for approval of a Certificate of Compliance, demonstrating compliance with the provisions contained in the CCFBC and the REGULATING PLAN shall be submitted to the Director. At the time an application is submitted for a Certificate of Compliance for a Center City Form District property, the property shall be posted by staff with a sign provided by the City of Norman identifying that such a request has been received. A fully refundable $20.00 sign deposit is required.

A. Pre-Application Conference

A pre-application conference with a member of the professional planning staff of the Department of Planning and Community Development is required prior to the submission of any application for a Certificate of Compliance. The applicant shall provide a concept site plan and conceptual drawings of the FACADES of any building at a scale of at least 1"=100' for consideration by the staff. The discussions and any conclusions based on the pre-application conference are not binding on any party thereto.

B. Certificate of Compliance Application Requirements

The application for a Certificate of Compliance shall include:

1. A brief narrative describing the Development Proposal;
2. Two (2) sets of completed plans for the Development Proposal at a scale sufficient to read [Site Plans at 1"= 50', Building Plans and Elevations at 1"= 20', Details as necessary to demonstrate form-based code ("FBC") compliance at 1"=4' to 1"=10'] as required by the City and including the following information, which shall be submitted on the following sheets:
    (i) Location and dimensions of all proposed buildings and other construction;
    (ii) Internal roadways, streets and/or STREET-SPACES, ALLEYS, common access easements, and access ways to adjacent public roadways;
    (iii) Utilities - Sanitation/polycarts and service courts
    a. Location and dimensions of all parking areas and striping plan,
    b. Utility Strategy,
    c. Architectural drawings of all proposed building FACADES,
    d. Floor plan,
    e. Landscape plan,
    f. Stormwater calculations;
3. A completed Form-Based District Review Checklist, the form of which shall be developed, maintained, and made available by the Director, demonstrating compliance with the provisions of the FBC; and

4. Any other documents and/or materials required by the Director to determine compliance with the FBC.

C. Certificate of Compliance Review

1. The Director of Planning and Community Development may administratively provide for submission and review deadlines for materials and studies required in support of any application for a Certificate of Compliance. The need for technical studies shall be at the Director's discretion or as required by City ordinances.

2. Applicants shall be notified at the Development Review Team meeting if additional materials, studies, and meetings will be required in order for review of their application to commence.

3. After the effective date of the CCFBC, no property which has been zoned under the CC Form District may be DEVELOPED or REDEVELOPED without: (a) approval of a Certificate of Compliance from the Director of Planning and Community Development, (b) approval of an application to voluntarily participate in any Pattern Zoning program or overlay adopted for applicable CC Form District properties, or (c) an approved rezoning to *Center City Planned Unit Development* (CCPUD) as established in *Appendix B*.

205. Effect of Certificate of Compliance Issuance

The Certificate of Compliance shall incorporate the approved site plan, elevation drawings and/or floor plan drawings, as determined by the Director, and shall be binding as to the elements demonstrated therein. Issuance of a Certificate of Compliance by the Director allows an applicant to apply for other necessary permits and approvals which include, but are not limited to, those permits and approvals required under the City Building Code. Certificate of Compliance site plan, elevation drawings and floor plans must be submitted with permit requests, and the Director may decline to issue a Certificate of Occupancy where construction is not completed in compliance with the Certificate of Compliance and its referenced attachments, in the absence of a valid material modification or Administrative Adjustment.

A. Certificate of Compliance Modification

After the Director has issued a Certificate of Compliance, any change in the Development Proposal from Certificate of Compliance and referenced attachments submitted to the Director, other than those permitted under Section 206 below, shall be considered a material modification and shall be subject to the following review procedure:

1. A complete application for a material modification shall be referred to the DRT at its next regularly scheduled meeting.

2. The Director may administratively provide for submission and review deadlines for materials and studies required in support of any application for a material modification.

3. The DRT shall determine if the proposed material modification is in compliance with the CCFBC Code.

B. Certificate of Compliance Expiration

1. A Certificate of Compliance shall lapse twenty-four (24) months from its issuance if an applicant does not secure a building permit.
2. Upon written communication by the applicant submitted at least thirty (30) days prior to the expiration of the Certificate of Compliance, and upon a showing of good cause, the Director may grant one extension not to exceed six (6) months. Upon an application for extension, the Certificate of Compliance shall be deemed extended until the Director has acted upon the request for extension.

C. Appeal

An appeal by a person aggrieved by the Director's decision on a Certificate of Compliance application, and situations where Administrative Adjustments are requested, will be to City Council.

206. Administrative Adjustments

A. Purpose and Intent

The purpose and intent of this section is to provide an administrative mechanism for allowing minor adjustments to limited and specific requirements of the Center City Form-Based Code, with the intent of providing relief where the application of a standard creates practical difficulties in allowing DEVELOPMENT to proceed. These adjustments are intended to provide relief for minor construction/survey issues; they are not intended for deviations from the CCFBC, like those governed by *Appendix A and B*. This optional process occurs only where an applicant requests an Administrative Adjustment to a standard specified below.

B. Administrative Adjustment Application and Review Procedure

1. An application for approval of an Administrative Adjustment shall include:
   a. A brief narrative describing the Administrative Adjustment sought;
   b. A completed Administrative Adjustment Checklist, the form of which shall be developed, maintained, and made available by the Director, demonstrating that the adjustment sought is limited to the standards set forth below; and
   c. Any other documents and/or materials required by the Director to determine that the adjustment sought is limited to the standards set forth below.
2. The Director may seek assistance from the DRT in making a determination under this Section.
3. Within ten (10) business days of receipt of a complete application, the Director shall review the application in accordance with the Administrative Adjustment Standards below, and take one of the following actions:
   a. Approve the application as submitted;

b. Approve the application with conditions; or

c. Deny the application.

C. Administrative Adjustment Standards

The Director is authorized to approve Administrative Adjustment applications in strict conformance with the following standards only:

1. Height

a. Minimum and maximum height - up to five percent (5%) for any cumulative increase or decrease in building height.

b. Street wall/fence requirements – up to ten percent (10%).

c. Finished floor elevation – up to five percent (5%).

2. Siting

a. Required building line – move forward up to six (6) inches.

b. Required building line – move backward up to three (3) feet. Applicant must submit landscaping or balcony plan.

c. Required building line minimum percentage built-to – reduction of up to five percent (5%) of required length.

d. Parking setback line – move forward up to six (6) feet.

e. Mezzanine floor area – up to ten percent (10%) additional area.

f. Street wall requirements – up to ten percent (10%) of the height/fenestration/access gate requirements.

g. Entrances (maximum average spacing) – up to ten percent (10%) increase in spacing.

3. Elements

a. Fenestration (minimum and maximum percent) – up to five percent (5%).

b. Elements (minimum and maximum projections) – up to five percent (5%).

4. Streets, Blocks and Alleys

Street center lines may be moved up to 50 feet in either direction, so long as:

a. the street connectivity is maintained (no cul-de-sacs);

b. no street intersection occurs within 125 feet of another street intersection; and

c. the block configuration meets the standards defined in *Section 301.D.*

D. Unlisted FBC Standards

Any request for relief from a required FBC standard other than those listed above shall be made through the CCPUD procedures set forth in *Appendices A and B. (See also Section 207 below.)*

E. Applicability

Any Administrative Adjustment approved under this Section shall run with the land and not be affected by a change in ownership.

207. Amendments to the Center City FBC

A. Text Amendments

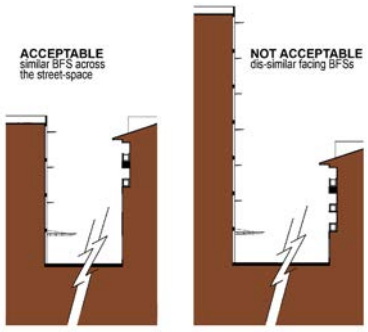
Any application for an amendment to the FBC text shall be considered an application for a zoning text amendment subject to *Section 22:442.1* of the Zoning Ordinance and any other regulations applicable to zoning text amendments.

B. Regulating Plan Amendments

Any application for an amendment to the Center City REGULATING PLAN shall be considered an application for a zoning map amendment subject to *Zoning Ordinance Sections 22:442.1 - Amendments* and any other regulations applicable to rezoning.

1. Changes to Streets, Blocks, Alleys

Any amended REGULATING PLAN shall conform to the standards defined in *Section 301*.



207.B.1 Illustrative intent

208. Non-Conforming Structures and Uses

A. Non-conforming structures. NON-CONFORMING STRUCTURES within the CC Form District may only be altered according to the following:

1. **Repair and Remodeling.** Repair and remodeling of the structures which do not affect the structure's footprint may be made in conformance with an applicable LEGACY ZONING DISTRICT.
2. **Additions.** An addition to a NON-CONFORMING STRUCTURE is permissible as long as:
   a. The structure occupying the original footprint of the structure is not demolished and remains occupied in substantially the same manner as prior to the addition; and
   b. The overall size of the structure does not increase by more than 50% of the square footage of the NON-CONFORMING STRUCTURE.
3. **Destruction and Replacement.**
   a. Destruction Generally Not Permitted. Destruction of a NON-CONFORMING STRUCTURE in a manner not specifically allowed by subpart (b) below will destroy the legal non-conforming status of the structure and any NON-CONFORMING USES carried on within the NON-CONFORMING STRUCTURE, thus initiating complete application of the CCFBC to the subject property(ies) going forward.
   b. Generally. NON-CONFORMING STRUCTURES destroyed by fire, explosion, act of God, or the public enemy may be:
      (i) replaced with a NON-CONFORMING STRUCTURE of comparable height and siting as set forth in subpart (c) below;
      (ii) REDEVELOPED following the CCFBC standards; or

(iii) follow the CCPUD process established in *Appendices A* and *B*.

c. Replacing a Non-Conforming Structure.

(i) All non-conforming structures destroyed as set out in subpart (b) above may be replaced in conformance with a legacy zoning district only by a non-conforming structure of comparable footprint, height and siting.

(ii) Additionally, single-family, duplex and residential accessory non-conforming structures destroyed by fire, explosion, act of God, or the public enemy may be replaced in conformance with a legacy zoning district so long as the non-conforming structure is not converted to another non-conforming use or expanded beyond the footprint of the destroyed non-conforming structure.

4. Non-Conforming Signage. Non-conforming structures may utilize existing non-conforming signage materials and framework, and may alter the content of such non-conforming signage in compliance with the legacy zoning district. However, where non-conforming signage materials or framework are substantially altered, replaced or substituted, or where additional signage is sought, all signage must then comply with the provisions of the CCFBC. A non-conforming structure may comply with CCFBC signage regulations, as required herein, without otherwise destroying its status as a non-conforming structure herein.

B. Non-Conforming Uses

1. Generally. Permitted uses and Development Standards in applicable legacy zoning districts may continue and be carried on in non-conforming structures, even where the CCFBC, see *Part 7, Section 702. Use Table*, would apply Additional Regulations that cannot be satisfied.

2. CCFBC Uses in Non-Conforming Structures. Uses permitted within the CCFBC, and which cannot be found in a property's applicable legacy zoning district, are permitted in non-conforming structures, and will not result in a destruction of legal non-conforming status.

3. Other Uses. Where a use is not permitted as a matter of right by a legacy zoning district, or otherwise allowed by CCFBC, an applicant may:

a. Redevelop following the CCFBC standards; or

b. Follow the CCPUD process established in *Appendices A* and *B*.

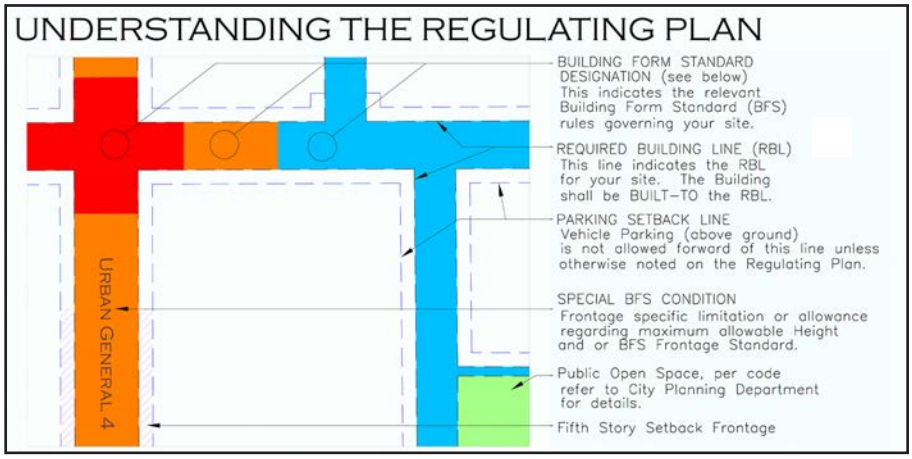
Part 3. The Regulating Plan

301. Rules for Regulating Plans

A. Purpose and Intent

1. The REGULATING PLAN is the controlling document and principal tool for implementing the Center City Form-Based Code (CCFBC).
2. The REGULATING PLAN makes the DEVELOPMENT standards place-specific, by designating the BUILDING FORM STANDARDS (BFS) and delineating the public spaces. The REGULATING PLAN identifies: the boundaries for the district; existing and proposed streets and ALLEYS; the REQUIRED BUILDING LINE and PARKING SETBACK LINE throughout the plan area.
3. The REGULATING PLAN may identify specific characteristics assigned to a lot or building site and may identify additional regulations (and opportunities) for lots in specific locations, as well as exceptions to the BFS or other standards.

B. Regulating Plan Key



C. Building Form Standards (BFS) on the Regulating Plan

a. BUILDING FORM STANDARDS are designated on the REGULATING PLAN by STREET FRONTAGE.

b. The allocation and distribution of BFS frontages—which define the form and character of the district—was based on the *Center City Vision Plan* and determined by the physical context (what goes next to what) and diversity of allowed/required uses.

D. Streets, Blocks & Alleys on the Regulating Plan

1. Streets

Recommended street configurations called out in *Part 5. Urban Space Standards* or on the REGULATING PLAN may or may not be immediately constructed. They should be placed into the system such that, when reasonable for the City's street maintenance/reconstruction plan, they can be rationally constructed.

a. Additional streets may be added to the REGULATING PLAN to create a smaller BLOCK pattern; however, no streets may be deleted without being replaced elsewhere within the district.

b. Where new ALLEYS or PEDESTRIAN PATHWAYS are designated on the REGULATING PLAN, they are critical to the working of the CC Form District and shall be considered mandatory. While the street infrastructure may not be constructed until some point in the future, the RBL, and other regulations of the REGULATING PLAN shall be respected.

c. New ALLEYS or PEDESTRIAN PATHWAYS shall be public or publicly accessible.

d. All lots shall share a frontage line with a STREET-SPACE.

2. Blocks

a. Maximum Size:

No BLOCK FACE shall have a length greater than 300 feet without an ALLEY, access easement, or PEDESTRIAN PATHWAY providing through-access to another STREET-SPACE, ALLEY or COMMON DRIVE. Individual lots with less than 100 feet of STREET FRONTAGE are exempt from the requirement to interrupt the BLOCK FACE; those with over 200 feet of STREET FRONTAGE shall meet the requirement within their lot, unless already satisfied within that BLOCK FACE.

b. Curb Cuts:

(i) Unless otherwise specified on the REGULATING PLAN, no new curb cuts are permitted.

(ii) For lots with ALLEY access, existing curb cuts shall be eliminated/vacated at the time of REDEVELOPMENT.

(iii) For lots without ALLEY access, existing curb cuts may be maintained or relocated.

(iv) Where a parking structure is being provided with at least 30% of its spaces publicly available, existing curb cuts may be relocated (even if the lot has ALLEY access.)

3. Alleys

a. Alleys or common drives must provide access to the rear of all lots, except where a lot has streets on three sides and the absence of an alley or common drive would not deprive an adjacent neighbor of rear lot access.

b. For new alleys (or common drives), public access, public utility, and drainage shall be dedicated via an easement.

c. Alleys may be incorporated into (rear) parking lots as standard drive aisles. Access to all properties adjacent shall be maintained.

d. Where an alley does not exist but is identified on the regulating plan and it is not feasible to construct at the time of redevelopment, no permanent structure shall be constructed within the proposed alley right-of-way. The applicant is required to dedicate the alley right-of-way within the rear setback to the City (for future construction) and maintain the area within the rear setback by, at a minimum:

(i) Providing routine landscape maintenance to the area.

(ii) Keeping the area clear of debris, stored materials, and stored or parked vehicles.

4. Changes to Regulating Plan

Any amendment or change to the regulating plan, beyond those specified in *Section 301.D.* above, will be a zoning map amendment of this Code. See *Section 207.B*.

E. Special Site Conditions in the Center City Form District

1. Some building height and parking requirements of this Code are not applicable to properties zoned C-3 at the time of CCFBC adoption. (See *Part 4. Building Form Standards, Sections 403 & 404*, and *Part 6. Parking, Section 603.A.* for specific exemptions, and *Section 302. Illustrative Form District Map*, below, for the applicable parcels.)

2. The following conditions are identified by numbered asterisks (*) on the regulating plan. They may require additional performance standards or provide additional development opportunities due to their unique context.

a. (*1) Located on Jenkins at the transition from the excluded Campus Corner area to Urban Residential frontage. Existing building form and use (at the time of CCFBC adoption) is that of strip commercial. Future redevelopment may continue the range of uses.

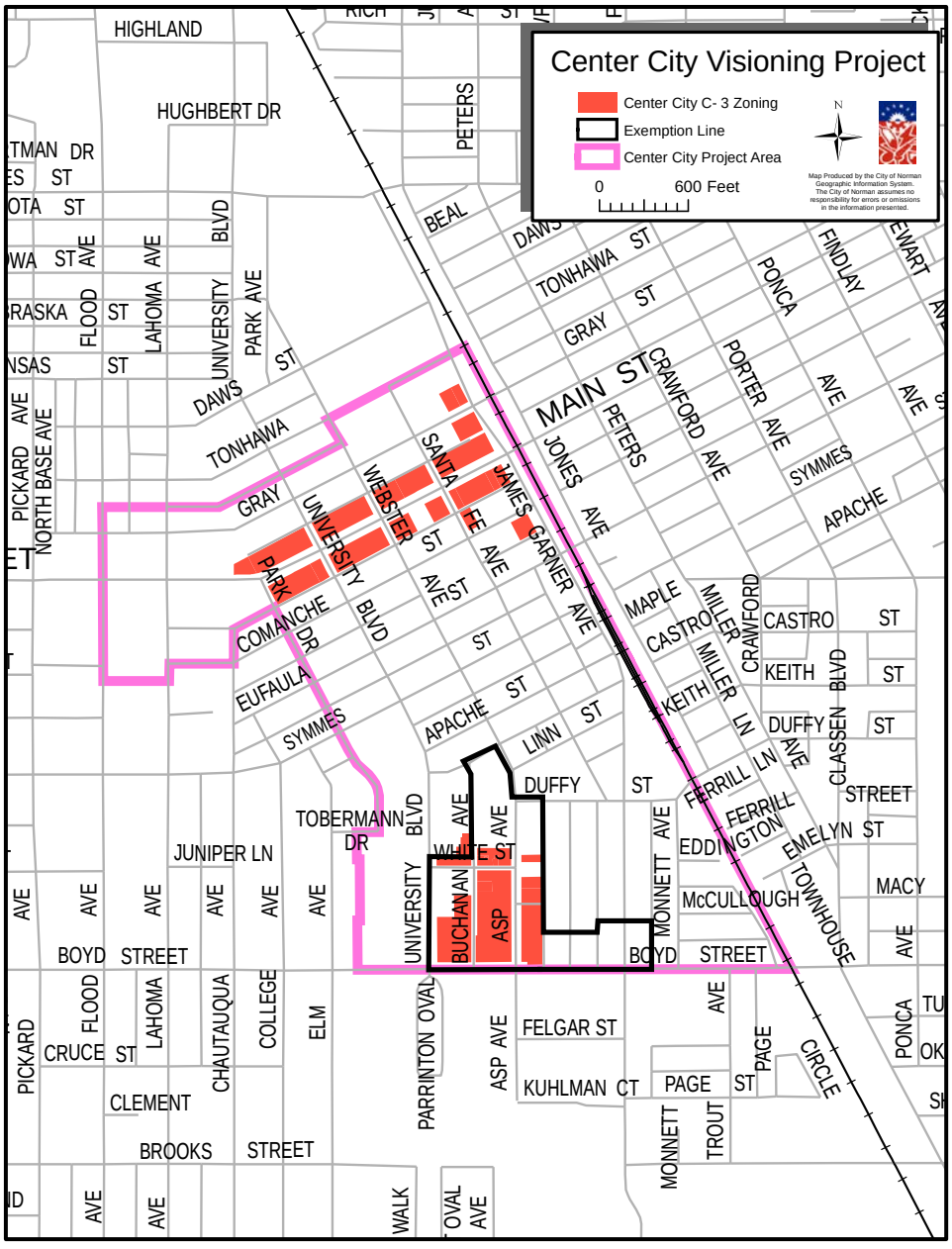
b. (*2) Located on Webster at Apache. Existing historic building form is that of neighborhood commercial. Future redevelopment may continue commercial use if existing buildings are maintained without expansion or new development remains within the limit of the existing building footprint and height at the time of CCFBC adoption.

c. (*3) Located on Park Drive. Required building line (rbl) is a "zone" as defined on the regulating plan. This is to accommodate the small lot/tightly curving Detached Frontage.)

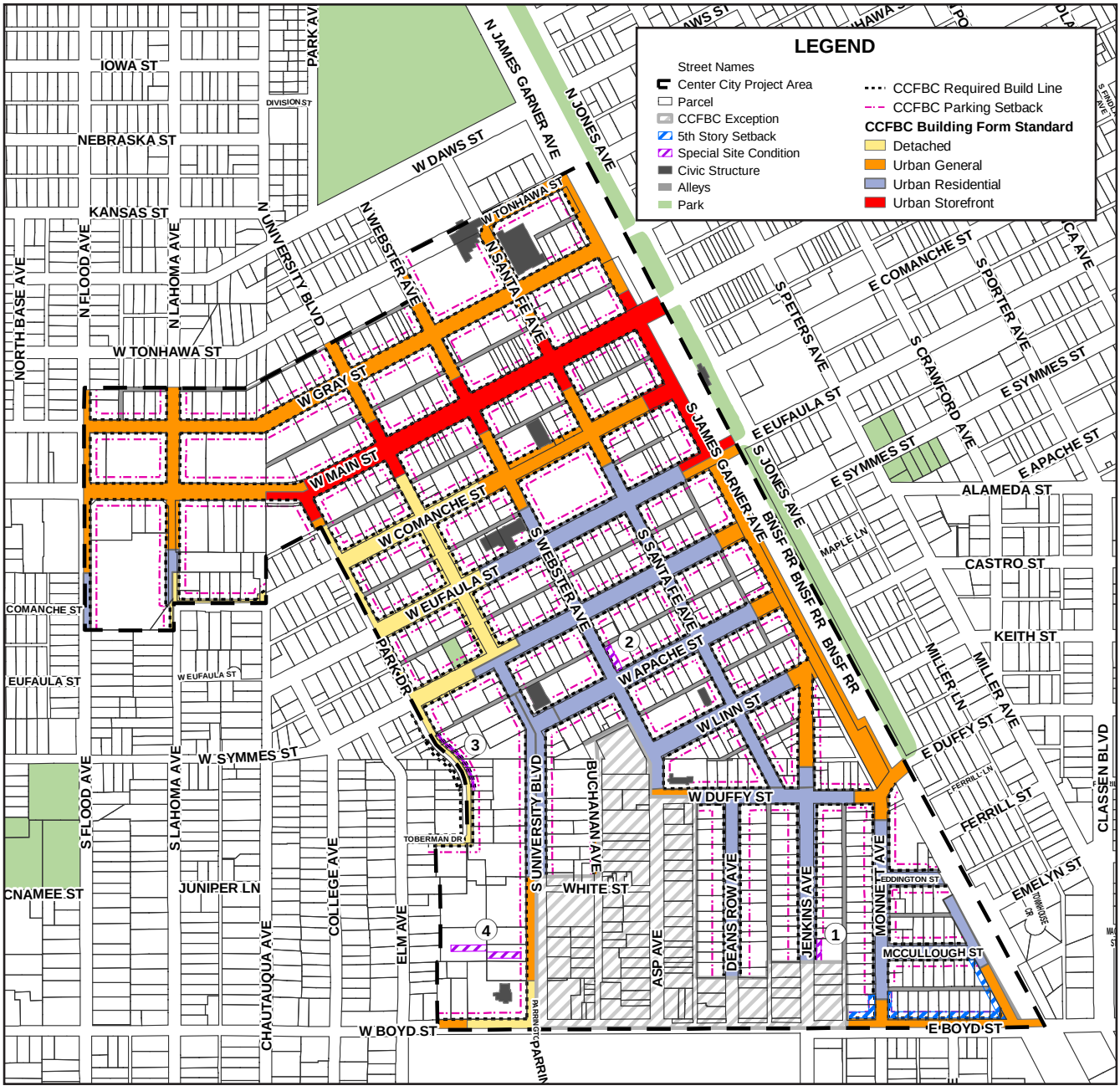
d. (*4) Located off University behind Boyd House. The lot building limit provides a 'no structures' area; an additional 30-foot deep zone designated with a cross-hatch on the regulating plan establishes an additional buffer area wherein the maximum height for any structure is 30 feet.

302. Illustrative Form District Maps

302.A. Center City Visioning Map



302.B. Center City Regulating Plan Map



Note: This version of the Regulating Plan is shown for illustrative purposes only. A large-scale version of REGULATING PLAN *can be found at: www.normanok.gov/planning/norman-center-city-vision. Contact the Planning and Community Development Department for further information about the Center City Form District and* REGULATING PLAN. *(Individual BFS may establish superceding RBL requirements.)*

302.C. Center City Maximum Building Height Map

Note: Properties with C-3 zoning at the time of CCFBC adoption are exempt from maximum building height limitations. (See Center City Visioning Map (Page 15) for applicable parcels.)

302.D. Center City Unit Minimum Map

Note: This version of the Center City Unit Minimum Map is shown for illustrative purposes only. There is no unit maximum requirement except for Detached Frontage.

Part 4. Building Form Standards

401. Intent

A. The goal of the BUILDING FORM STANDARDS (BFS) is the creation of a vital, and coherent public realm through the creation of good STREET-SPACE. The intent of these form standards is to shape the STREET-SPACE—the specific physical and functional character—of the Center City Form District. The form and function controls on building frontages work together to frame the STREET-SPACE while allowing the buildings greater latitude behind their FACADES. The BUILDING FORM STANDARDS aim for the minimum level of control necessary to meet this goal.

B. The BFS set the basic parameters governing building construction, including the building envelope (in three dimensions) and certain required or permitted functional elements.

C. The BFS establish the rules for DEVELOPMENT and REDEVELOPMENT on private lots, unless otherwise indicated on the REGULATING PLAN.

D. The REGULATING PLAN identifies the BUILDING FORM STANDARD for all private building sites within the CC Form District.

E. These BFS establish a range of DEVELOPMENT intensity and character within the CC Form District specific to each individual frontage, beginning in *Section 403*. The BFS frontages are:

1. Urban General Frontage, *Section 403*
2. Urban Storefront Frontage, *Section 404*
3. Urban Residential Frontage, *Section 404*
4. Detached Frontage, *Section 405*

402. General Provisions

The following apply to all BFS, unless expressly stated otherwise within an individual BFS or otherwise designated on the REGULATING PLAN.

A. Frontage Transitions

When the BFS designation shown on the REGULATING PLAN changes along a property's REQUIRED BUILDING LINE (RBL), that property owner has the option, for that property's STREET FRONTAGE only, of applying either BFS for a maximum additional distance of 50 feet, from the transition point shown on the REGULATING PLAN, in either direction along that RBL.

B. Façade Composition

1. "FAÇADE COMPOSITION" is the arrangement and proportion of FACADE materials and elements (windows, doors, columns, pilasters, bays).
    a. Each FAÇADE COMPOSITION shall include a functioning street entry door. (Only applies to STREET FRONTAGE that is the same as the street address.)

b. Individual infill projects on lots with STREET FRONTAGE of less than 100 feet on a BLOCK FACE are exempted from the overall FAÇADE COMPOSITION requirement for that BLOCK FACE, but shall still include a functioning street entry. This requirement may be satisfied for large footprint uses, such as large grocery stores, through the use of LINER SHOPS.

2. "COMPLETE AND DISCRETE" distinguishes one part of the FACADE from another to break down the perceived scale of large buildings and provide a better pedestrian experience.

   a. For each BLOCK FACE, FAÇADES along the RBL shall present A COMPLETE AND DISCRETE vertical FAÇADE COMPOSITION to maintain and/or create the pedestrian-scale for the STREET-SPACE, at no greater than the following average STREET FRONTAGE lengths:

      (i) 60 feet for Urban Storefront;

      (ii) 75 feet for Urban General and Urban Residential.

      (iii) A longer FAÇADE COMPOSITION may be presented, as long as smaller compositions appear within the same BLOCK FACE in order to achieve the above-stated average.

   b. To achieve a COMPLETE AND DISCRETE vertical FACADE COMPOSITION (*Item 2* above) within a STREET FRONTAGE requires, at a minimum, *Item i* and at least two additional *Items ii-v*, below:

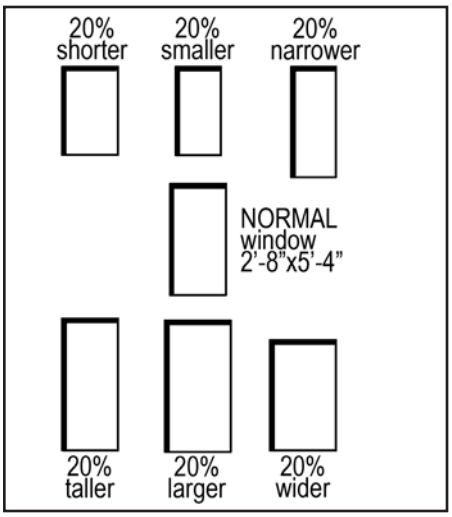
      (i) Clearly different GROUND STORY FAÇADE COMPOSITION (both framing materials and FENESTRATION proportions) from one bay to the next.

      (ii) FENESTRATION proportions differing at least 20 percent in height or width or height:width ratio. *(See figure 402.B.2.b.ii.)*

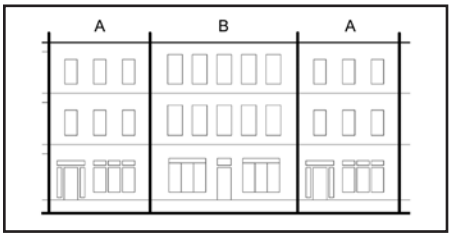
      (iii) At least two different bay configurations. *(See figure 402.B.2.b.iii.)*

      (iv) Change in wall material (changes in paint color are insufficient).

      (v) Change in total FENESTRATION percentage (minimum difference 12 percent; ground floor FAÇADES are not included).



402.B.2.b.ii. Facade composition illustrative intent



402.B.2.b.iii. Facade Composition illustrative intent

C. Building Size

The maximum footprint for a building is 25,000 gross square feet; for buildings beyond that limit, see *Appendices A and B.* This shall not limit parking structures built according to the standards of this Code.

D. Neighborhood Manners

For the Urban General, Urban Storefront, and Urban Residential BFS frontages, the following rules apply:

1. Where a site shares a COMMON LOT LINE with a DETACHED BFS frontage lot within the City Center Form District or an R-1 lot adjacent to the western boundary of the District:

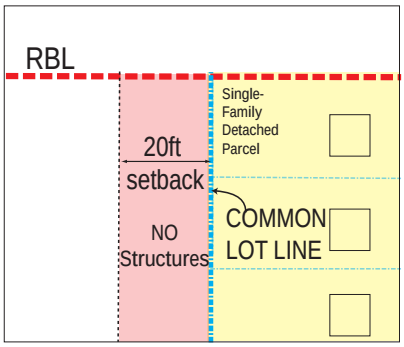
   a. There shall be at least a 20-foot setback from the COMMON LOT LINE. (See *figure 402.D.1.a.*)

   b. Within 50 feet of the COMMON LOT LINE, and within 80 feet of any RBL, any structures shall have a maximum height of 30 feet. This

requirement supersedes the minimum STORY requirement. (See *figure 402.D.1.b-c.*)

c. Farther than 80 feet from any RBL, there shall be an additional 30 foot setback (for a total of 50 feet) from the COMMON LOT LINE for all structures. Surface parking is allowed. (See *figure 402.D.1.b-c.*)

2. Where a site has a COMMON LOT LINE with a Detached BFS frontage lot within the City Center District or an R-1 lot adjacent to the District, a GARDEN WALL, 4 to 6 feet in height, shall be constructed within one (1) foot of the COMMON LOT LINE. Trees from the Street Tree List shall be planted, on maximum 30-foot centers, within 10 feet of this wall.



402.D.1.a. Neighborhood Manners -- Required setback

E. Height

1. The height of all buildings is measured in STORIES, with an ultimate limit in feet, measured from the average fronting public sidewalk elevation to the top of the wall plate, unless otherwise specified in the individual BFS.

2. The minimum FACADE height that is required at the RBL is shown on the individual BFS.

3. The ceiling of an ENGLISH BASEMENT is at least 3 feet above sidewalk grade with windows above grade. ENGLISH BASEMENT units do not count against the STORY height limit but do count against the ultimate height measurement.

4. An ATTIC STORY is not included in the building height measurement.

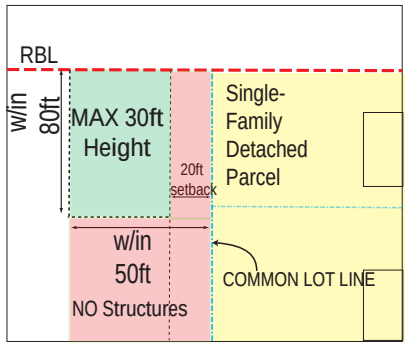
5. MEZZANINES that have a floor area greater than 1/3rd of the floor area of the STORY in which they are located shall count as an additional full STORY in the building height measurement.

6. At least 80% of each STORY shall meet the minimum CLEAR HEIGHT prescribed in the individual BFS.

7. The GROUND STORY finished floor elevation requirements shall be measured at two points:

   a. from the average exterior public sidewalk elevation at the RBL, and

   b. within 30 feet of any RBL.



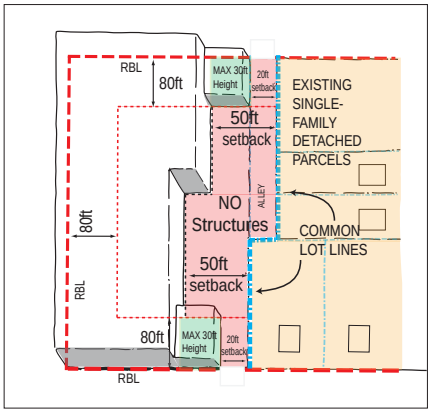
402.D.1.b. Neighborhood Manners -- Height limitations and required setbacks

F. Siting

1. Building FACADES shall be built to the RBL as prescribed in the BFS. Single parcels with varied RBLs may select a single RBL and build to that designation.

2. The building FAÇADE shall be built to the RBL within the first 30 feet of a BLOCK CORNER, unless otherwise specified in the BFS. *(See figure 402.F.2.)*

3. The RBL, designated on REGULATING PLAN as an absolute line, incorporates an offset area (or depth) of 24 inches behind that line (into the BUILDABLE AREA) allowing for jogs, FAÇADE articulation, etc. unless otherwise designated herein. Therefore, where the FAÇADE is placed within that 24-inch zone, it is considered to be "built to" the RBL.



402.D.1.c. Neighborhood Manners -- Limitations on buildable envelope

4. Where a STREET WALL is required, it shall be located along any RBL frontage that is not otherwise occupied by a building.

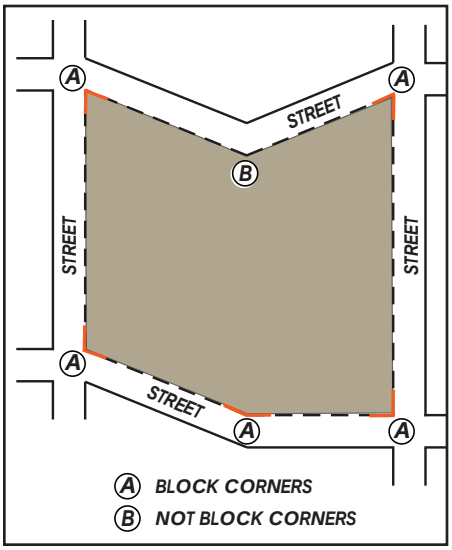
5. Buildings may only occupy that portion of the lot specified as the BUILDABLE AREA—the area behind the RBL as designated by the BFS.

6. No part of any building may be located outside of the BUILDABLE AREA except overhanging eaves, AWNINGS, BALCONIES, SHOPFRONTS, BAY WINDOWS, STOOPS, steps, or handicapped ramps approved by the Director. STOOPS, steps, and ramps shall not be located within the CLEAR WALKWAY. Where workable, for appropriate COMMERCE and RETAIL uses, temporary displays or cafe seating may be placed in the DOORYARD.

7. There is no required setback from ALLEYS (or COMMON DRIVES) except as otherwise indicated on the individual BFS. On lots without ALLEY access, there shall be a minimum 15-foot setback from the rear lot line.

8. The PARKING SETBACK LINE is generally 30 feet behind the RBL and extends, vertically from the first floor level, as a plane unless otherwise indicated on the REGULATING PLAN or in the individual BFS. Vehicle parking shall be located behind the PARKING SETBACK LINE, except where parking is provided below grade, on-street, or otherwise indicated on the REGULATING PLAN.

9. All lots, including CORNER LOTS and through lots, shall satisfy the build-to requirements for all their RBL frontages, and the DOORYARD and/or FRONT YARD requirements for each designated BFS, unless otherwise specified in this Code.



402.F.2. Block Corner diagram

G. Private Open Area

1. Any required PRIVATE OPEN AREA located on the ground shall have at least 1 tree per 800 square feet, of at least 2.5 inches in diameter at designated breast height (DBH) and at least 10 feet in overall height. Where new trees are planted to meet this requirement, they shall be no closer than five feet to any COMMON LOT LINE. Urban General, Urban Storefront, and Urban Residential lots that are reusing existing structures (without expansion) are exempt from this requirement.

2. Species must be selected from a list approved by the Director or their designee. Trees listed on the Norman Invasive Species list are prohibited from private open areas.

H. Garage and Parking

1. Curb cuts or driveways, except those along ALLEYS, shall be located at least 75 feet away from any BLOCK CORNER or parking structure entry on the same BLOCK FACE.

2. No portion of a parking structure (except for elevator penthouses) shall exceed the individual BFS ultimate building height in feet; however:
   a. a parking structure may include additional levels of parking in excess of the building height limit in STORIES, and
   b. parking on the open, roof level is permitted.

3. Any portion of a parking structure within 20 feet of a building constructed under this Code shall not exceed 40 feet or that building's primary ridge or parapet height, whichever is greater.

I. Elements

1. Fenestration is regulated as a percentage of the façade between floor levels. It is measured as glass area (including mullions and similar window frame elements with a dimension less than one inch) and/or as open area.
2. Fenestration shall be distributed such that no 30-foot square section of a facade violates the bfs percentage parameters.
3. Unless otherwise designated in the individual bfs, no window may be at an angle of less than 90 degrees from a common lot line within 3 feet, unless:
   a. That view is contained within the lot (e.g. by a privacy fence/ garden wall, opaque glass), or
   b. The sill is at least 6 feet above its finished floor level.
4. No part of any building may project forward of the rbl except overhanging eaves, awnings, shopfronts, bay windows, stoops, steps, balconies, or handicapped ramps approved by the Director.
5. Ground story awnings shall maintain a minimum horizontal clearance of 1 foot from any point where the tree lawn meets the clear walkway and shall maintain a clear height of at least 10 feet above the clear walkway.
6. Balconies may not project within 5 feet of a common lot line. Balconies may encroach within the public right-of-way, subject to the issuance of applicable permits and required permissions.
7. Where an individual bfs includes balconies as a method for achieving the required private open area, the balcony shall not otherwise be enclosed above a height of 42 inches, except with insect screening and/or columns/posts supporting a roof or connecting with another balcony above.
8. Bay windows shall have an interior clear width of between four and eight feet at the main wall. Bay windows shall project no more than 42 inches beyond the rbl.
9. Attic stories are permitted within all bfs frontages.
   a. On the rbl/facade side of the roof pitch (block interior elevations are not restricted) attic story windows may only be located in dormers and/or gable-ends.
   b. Attic story dormers are permitted so long as they do not break the primary eave line, are individually less than 15 feet wide, and their collective width is not more than 60 percent of the rbl facade length.
   c. An attic story may not occupy an area greater than 75% of the floor area of the story immediately below.
   d. Attic stories meeting the above standards do not count against the maximum building height in feet or stories.

10. At least one functioning entry door shall be provided along each GROUND STORY FAÇADE. No GROUND STORY FACADE may include a section of greater than 75 feet without a functioning entry door, unless otherwise specified in the BFS. (Only applies to STREET FRONTAGE that is the same as the street address.) A FACADE entry door is not required for any DWELLING UNIT with an entry door in a frontage-facing courtyard.

11. All required FRONT PORCHES shall be completely covered by a roof. FRONT PORCHES may be screened when all architectural elements (columns, railings, etc.) occur on the outside of the screen on the side facing the STREET-SPACE. The finished FRONT PORCH floor height shall be no more than 8 inches below the first interior finished floor level of the building to which it is attached. FRONT PORCHES shall not extend past the DOORYARD into the CLEAR WALKWAY.

12. The finished STOOP floor height shall be no more than 8 inches below the first interior finished floor level of the building to which it is attached. STOOPS shall not extend past the DOORYARD into the CLEAR WALKWAY.

13. PRIVACY FENCES may be constructed along COMMON LOT LINES behind the RBL, and along ALLEYS. PRIVACY FENCES shall have a maximum height of 8 feet.

J. Architectural Materials (exteriors)

The Center City is a compact, walkable, mixed-use urban district. Traditional, sustainable, durable materials appropriate to the central Oklahoma climate are encouraged. Innovative, energy-efficient materials detailed appropriate to a pedestrian-scaled urban environment are encouraged. The following materials are prohibited:

1. Any lap siding except natural wood or cementitious fiber board.
2. Composition roofing shingles used as a wall material
3. Exposed fastener metal panels
4. Artificial stucco or EIFS, except high impact quality

K. Roof Configurations

Where CLEARLY VISIBLE FROM THE STREET-SPACE, pitched roofs, exclusive of roofs behind parapet walls, shall be pitched between 4:12 and 12:12. Shed roofs, attached to the main structure, shall be pitched between 3:12 and 8:12. (See *Section 402.O.* for standards for screening mechanical equipment.)

L. Civic Use Buildings

When CIVIC USE BUILDINGS are designated on the REGULATING PLAN, they are exempt from the BFS provisions except those required under *Section 402.D. 1-2 Neighborhood Manner.*

M. Signage

The standards in this section, *M. Signage*, apply in the Urban General, Urban Storefront, and Urban Residential frontages and supersede *Chapter 18 (Sign Code)* of the *Norman Municipal Code* in the areas so designated.

1. Intent and Guiding Illustrations

Signs along commercial and mixed-use frontages should be clear, informative and should weather well. Signage is desirable for advertising shops and offices, and as decoration. Signs should be scaled to the District: mixed-use, pedestrian-oriented, with slow-moving automobile traffic. Signage that is glaring or too large creates distraction, intrudes into and lessens the district experience, and creates visual clutter. The photographs in this *Section 402.M. Signage* are advisory only.

Wall sign

Blade sign

Painted window sign

Masonry parapet sign

2. General Standards

a. Wall signs are permitted within the area between the second STORY floor line and the first floor ceiling with a horizontal band not to exceed 2 feet in height. In no case shall this band be higher than 20 feet or lower than 11 feet above the adjacent sidewalk.

b. Letters shall not exceed 18 inches in height or width. Signs shall not come closer than 2 feet to an adjacent COMMON LOT LINE.

c. Additionally company logos or names may be placed within this horizontal band or placed or painted within ground floor or second STORY windows.

d. A masonry or bronze plaque bearing an owner's or building's name may be placed in the building's cornice/parapet wall or under the eaves, and above the upper STORY windows. Any such plaque shall be no larger than a rectangle of 18 square feet.

e. Blade signs (perpendicular to the REQUIRED BUILDING LINE) not more than 5 feet wide containing a maximum of 25 square feet per side and minimum 9 feet clear height above the sidewalk may be hung from the FACADE, or from an overhang or awning. Vertically oriented blade signs less than 30 inches wide may contain up to 30 square feet per side. No blade sign shall extend above the FAÇADE at the RBL.

f. Neon signs are allowed within SHOPFRONT windows throughout the District.

g. No more than 25% of a shop or store window may be covered by signage.

h. Temporary sidewalk easel signs of up to 36" in height are permitted within the DOORYARD area. They may also be considered a permitted obstruction to the sidewalk or right-of-way, with prior approval from the City.

i. All illumination of signs and buildings shall be by constant light—flashing, traveling, animated, or intermittent lighting shall not be mounted on the exterior of any building, whether such lighting is temporary or permanent.

3. Prohibited Signs

Outdoor advertising signs, roof signs, free-standing pole signs, monument signs, any kind of animation, and signs painted on the exterior walls of buildings. No digital, flashing, scrolling, traveling, animated, or intermittent lighting shall be on the exterior of any building whether such lighting is of temporary or long-term duration. Portable or wheeled signs and advertising

located outside any building are not allowed except as specifically allowed for in Section M.2.h.

Neon sign within shopfront window

N. Lighting & Mechanical

1. Lighting Standards[1]

a. Street lights shall be located between 9 feet and 12 feet above grade with a maximum average spacing (per BLOCK face) of 60 feet on center on Storefront frontage sites, 75 feet on Urban General frontage sites, and 100 feet on other frontage streets along the street tree alignment line on each side of the street-space and travel lanes (unless otherwise indicated on the regulating plan). Full cut-off fixtures are required; design must be approved by City staff to meet a "uniform design" within the CCFBC District.

b. Direct light (i.e. the lighting element) shall be shielded from view from public spaces and adjoining properties.

c. Any lots with ALLEYS, except for the Detached Frontage, shall have full cut-off lighting fixtures. These fixtures shall illuminate the ALLEY, be between 9 and 16 feet in height, and not cause glare in adjacent lots.

d. Flood or up-lighting shall not be used to illuminate private building walls or features; except that flood or up-lighting may be permitted on public or private CIVIC BUILDINGS, historic buildings, or monuments to highlight architectural features (such as church steeples or courthouse domes).

e. Any accent lighting on private structures (except those identified in *Item d.,* above) shall be full cut-off.

f. Site lighting shall be of a design and height and be located so as to illuminate only the lot. An exterior lighting plan shall be approved as consistent with these standards by the Planning and Community Development Staff.

g. All illumination of signs and buildings shall be by constant light—flashing, traveling, animated, or intermittent lighting shall not be mounted on the exterior of any building, whether such lighting is temporary or permanent.

h. Lighting for parking garages shall consider general Crime Prevention Through Environmental Design (CPTED) standards and guidelines.

2. Mechanical Equipment Standards

Mechanical equipment is generally any Heating, Ventilation and Air Conditioning (HVAC) or electrical machinery but also includes air compressors, mechanical pumps, exterior water heaters, water softeners, utility and telephone company transformers, meters or boxes, garbage cans, storage tanks, and similar elements. These elements should not be located in any public areas or be CLEARLY VISIBLE FROM THE STREET-SPACE. Mechanical equipment should not detract or interfere with the pedestrian space or block the sight

1 *Note: Need to incorporate the preferred OG&E specifications for street light standards here.*

triangle. Water storage tanks above 100 gallons must be enclosed on at least two sides by the main structure.

a. Ground level equipment shall be placed behind and away from any REQUIRED BUILDING LINE, may not be stored or located within any STREET-SPACE, and shall be screened, i..e. not be CLEARLY VISIBLE FROM THE STREET-SPACE. Screening may be achieved by an approved STREET WALL or by placement behind the building or part thereof. These standards apply to: air compressors, mechanical pumps, exterior water heaters, water softeners, utility and telephone company transformers, meters or boxes, garbage cans, storage tanks, and similar equipment.

b. Roof mounted equipment shall be placed behind and away from any REQUIRED BUILDING LINE and be screened from view from the STREET-SPACE.

   (i) For pitched roofs, the equipment shall not be located on the roof pitch on the STREET-SPACE side.

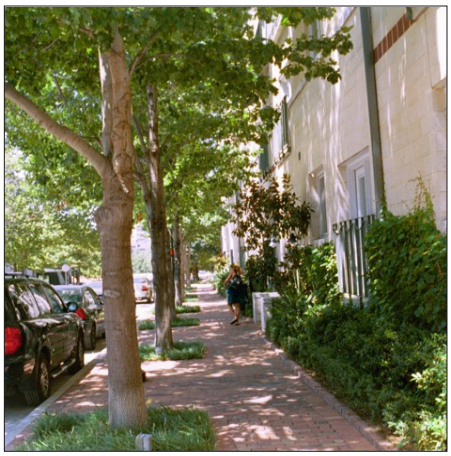
   (ii) For flat and/or parapet roofs, the screening shall be no more than 5 feet in height or the equipment shall be located farther than 20 feet from the REQUIRED BUILDING LINE.

403. Urban General Frontage

ILLUSTRATIONS AND INTENT

Note: These are provided as illustrations of intent. The illustrations and statements on this page are advisory only and do not have the power of law. Refer to the standards on the following pages for the specific prescriptions and restrictions of this Building Form Standard. Where these photos or statements may be inconsistent with the regulations, the regulations prevail.

Urban General is the basic urban STREET FRONTAGE, once common across the United States. The purpose of this frontage is to develop multi-story buildings with three or more DWELLING UNITS within a single structure or ATTACHED STRUCTURES and/or mixed-use placed directly at the sidewalk or behind small DOORYARDS, and with one or more entrances and windows across the FACADE. The uses range from commercial to residential, municipal to retail and restaurants— and combinations of all of the above. There could be several buildings lined up shoulder to shoulder, filling out a BLOCK, or on smaller BLOCKS, a single building might fill the BLOCK face. This frontage is designated in the most intense areas of the Center City District and it is anticipated that there will be significant pedestrian traffic along these BLOCKS.



HEIGHT

Building Height

1. The building shall be at least 2 STORIES in height at the REQUIRED BUILDING LINE (RBL)
2. Properties with C-3 zoning at the time of CCFBC adoption are exempt from maximum building height limitations. (See *Sec. 302.A. Center City Visioning Map* for applicable parcels.)
3. In all other locations, the maximum height of buildings shall conform with the maximum height requirements identified by the *302.C. Center City Maximum Building Height Map*.

Where designated on the REGULATING PLAN, the 5th STORY FACADE shall be stepped back at least 10 feet behind the RBL and no ATTIC STORY is permitted above it.

Ground Story Height

1. COMMERCE, RETAIL and CIVIC uses

(See also Urban Storefront Standards on page 32.)

   a. The GROUND STORY finished floor elevation shall be:
      i. no lower than the average fronting exterior sidewalk elevation;
      ii. no higher than 18 inches above the average fronting public sidewalk elevation.
   b. The GROUND STORY shall have a CLEAR HEIGHT of at least 12 feet along the RBL for a minimum depth of 25 feet.
2. Residential Units with RBL frontage
   a. The GROUND STORY shall have a CLEAR HEIGHT of at least 9 feet.

Upper Story Height

The minimum CLEAR HEIGHT for each upper STORY is 9 feet.

SITING

Façade

1. On each lot the building FAÇADE shall be built to the REQUIRED BUILDING LINE for100% of the RBL length.
2. Within 8 feet of the BLOCK CORNER, the GROUND STORY FAÇADE may be chamfered to form a corner entry.
3. On CORNER LOTS, the 100% RBL requirement shall only apply to the addressed STREET FRONTAGE, and the RBL requirement for the non-addressed STREET FRONTAGE shall be 65%.

Buildable Area

1. The BUILDABLE AREA is delineated as anywhere behind the RBL.
2. A PRIVATE OPEN AREA equal to at least 15% of the total BUILDABLE AREA shall be preserved on every lot. Up to 67% of the required PRIVATE OPEN AREA may be satisfied through the BALCONIES of individual units. At least 33% of the PRIVATE OPEN AREA shall comprise no more than two separate contiguous areas, as follows:
   a. Where located at grade, such PRIVATE OPEN AREA may be located anywhere behind the PARKING SETBACK LINE, but not within any required side or rear setbacks.
   b. Where provided above the GROUND STORY but below a building's highest roof level, the PRIVATE OPEN AREA may be located forward of the PARKING SETBACK LINE (such as in a raised courtyard configuration) and shall open onto no more than one STREET-SPACE and shall be set back at least 30 feet from any BLOCK CORNER or BUILDING CORNER.
   c. Where located on the building's highest roof level, the PRIVATE OPEN AREA may be located anywhere on the roof.
3. A fee in lieu of the 15% minimum Private Open Area may be paid subject to approval by the Parks Board on a square footage basis of $2.00 per square foot of the 15% Private Open Area. This fee shall be used for Public Open Space improvements within or adjacent to the City Center Area (such as Andrews Park or Legacy Trail)

Garage and Parking

Openings in any RBL for parking garage entries shall have a maximum CLEAR HEIGHT no greater than 16 feet and a clear width no greater than 22 feet.

ELEMENTS

Fenestration

1. Blank lengths of wall exceeding 20 linear feet are prohibited on all REQUIRED BUILDING LINES (RBL) and exterior walls provided they are not within 3 feet of the property line.
2. GROUND STORY FENESTRATION 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. GROUND STORY FENESTRATION shall comprise between 10% and 70% of the ground story exterior walls that are 3-5 feet from the property line.
3. Upper STORY FENESTRATION 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. UPPER STORY FENESTRATION shall comprise between 10% and 70% of the upper story exterior walls that are 3-5 feet from the property line.

Building Projections

1. AWNINGS shall project:
   a. a minimum of 4 feet from the FAÇADE
2. AWNINGS may have supporting posts at their outer edge provided that they:
   a. Have a minimum of 8 feet clear width between the FAÇADE and the AWNING support posts or columns, and
   b. Provide a continuous walking path at least 5 feet wide within that clear width, running parallel to the AWNING posts/columns.

Street Walls

1. One access gate no wider than 22 feet and one pedestrian entry gate no wider than 5 feet shall be permitted within any required STREET WALL.
2. A STREET WALL not less than 5 feet in height or greater than 12 feet in height shall be required along any RBL frontage that is not otherwise occupied by a building on the lot.

USE SPECIFICS

Ground Story

The GROUND STORY may house commerce, professional services, or residential uses. See height specifications above for specific requirements unique to each use.

Upper Stories

1. The upper STORIES may only house RESIDENTIAL or COMMERCE uses. *No restaurant or retail sales uses shall be allowed in upper STORIES unless they are second STORY extensions equal to or less than the area of the GROUND STORY use, except that restaurant uses are allowed on the roof level of Urban Storefront frontages.
2. No COMMERCE use, except for permitted rooftop restaurants, is permitted above a RESIDENTIAL use.
3. Additional habitable space is permitted within the roof where the roof is configured as an ATTIC STORY.

USE TABLE

The use table identifies the uses allowed in the Urban General BFS.

RESIDENTIAL DWELLING UNITS

Unit Minimums

No parcel containing a residential use shall contain less DWELLING UNITS than the number of stories allowed, as identified on the BFS Height Map minus one (1). Parcels without a building height limit containing a residential use shall have at least five (5) units. There is no maximum unit requirement. Ground story commercial units shall count toward the residential dwelling unit minimum. All DWELLING UNITS on a parcel shall be contained within a single structure or set of ATTACHED STRUCTURES.

BUILDING CONSTRUCTION

Construction Codes

1. All structures building in the Urban General BFS shall be constructed in compliance with construction codes as follows:
   a. The GROUND STORY shall be constructed to regulations of the Building Code as adopted in Section 5-201 of the Code of the City of Norman regardless of use.
   b. All GROUND STORY construction shall be built to meet the most restrictive requirements of the following Use and Occupancy Classifications described in the Building Code: Assembly Group A, Business Group B, and Mercantile Group M.
2. All functioning entry doors for structures built in the Urban General BFS, including corner entries, shall be recessed so that the exterior landing at the door required by the Building Code, would not extend past the RBL.

USE CATEGORY		Urban General		Additional Regulations
		Ground Story	Upper Story	
RESIDENTIAL	Household Living	✓	✓	Sec. 704.B.1-2; 704.H
	Group Living		✓	
COMMERCE	Office	✓	✓	Sec. 704.D.1-2
	Overnight Lodging	✓	✓	Sec. 704.E.1-3
	Recreation/Entertainment	✓	✓	Sec. 704.F.1-5
	Vehicle Sales	✓	✓	Sec. 704.F.2
	Passenger Terminal	✓		
	Child Care Center	✓	✓	See Part 9. Definitions
	Family Day Care Home	✓	✓	See Part 9. Definitions
	Retail Sales & Service	✓	✓	Sec. 704.F.2, 6, 7
	Restaurant/Bar/Lounge/Tavern	✓	✓	Sec. 704.F.1-5
	Art Studio/Artisinal Manufacturing	✓	✓	Sec. 704.F.7
	Research & Development	✓	✓	
	Self-service storage		✓	
	Auto Repair	✓		Sec. 704.G.
CIVIC	See *Part 8. Definitions*	✓		Sec. 704.C.

Key: ✓= Permitted Blank Cell = Not Permitted

URBAN RESIDENTIAL DISTINCTIONS

All requirements in the Urban General BFS shall apply to the Urban Residential BFS with exception to the following:

1. The finished floor elevation shall be no less than 14 inches and no more than 8 feet above the average exterior public sidewalk elevation at the RBL.
2. The PRIVATE OPEN AREA is permitted anywhere behind the RBL pursuant to applicable FACADE requirements.
3. On each lot, the FACADE shall be built to:
   a. the RBL for 100% for at least 12' in depth of the RBL length, or
   b. the RBL for at least 70% for at least 12' in depth of the RBL length, provided PRIVATE OPEN AREA fronts the RBL and is enclosed on all other sides by a structure in a courtyard configuration.
      i. Only one frontage-facing courtyard shall be allowed per every 50 feet of RBL frontage.
      ii. Each wing of the structure surrounding the courtyard shall have a minimum width of 30% of the RBL length.
4. A STREET WALL not less than 4 feet or greater than 8 feet in height shall be required along any RBL frontage that is not otherwise occupied by a FACADE or PRIVATE OPEN AREA.

Live-Work Option

Once LIVE-WORK is designated on the REGULATING PLAN, these Urban General BFS standards shall apply, except that the GROUND STORY may be configured at grade, as a SHOPFRONT. (See *404.Urban Storefront* for specific requirements and *Part 7. Building Functions* for restrictions on uses.)

RESIDENTIAL DWELLING UNITS

Unit Minimums

For parcels designated as Urban Residential south of Duffy Street, there shall be no residential DWELLING UNIT minimum. For all other parcels designated as Urban Residential, there shall be a residential DWELLING UNIT minimum of three (3) units. There is no maximum unit requirement. All DWELLING UNITS on a parcel shall be contained within a single structure or set of ATTACHED STRUCTURES. (See Center City Unit Minimum Map on page 18.)

USE TABLE

The use table identifies the uses allowed in the Urban Residential BFS.

USE CATEGORY		Urban Residential		Additional Regulations
		Ground Story	Upper Story	
RESIDENTIAL	Household Living	✓	✓	Sec. 704.B.1-2; 704.H
	Group Living	✓	✓	
COMMERCE	Office	✓		Sec. 704.D.1-2
	Overnight Lodging	✓	✓	Sec. 704.E.1-3
	Recreation/Entertainment			Sec. 704.F.1-5
	Vehicle Sales			Sec. 704.F.2
	Passenger Terminal			
	Child Care Center			See Part 9. Definitions
	Family Day Care Home	✓	✓	See Part 9. Definitions
	Retail Sales & Service	✓		Sec. 704.F.2, 6, 7
	Restaurant/Bar/Lounge/Tavern			Sec. 704.F.1-5
	Art Studio/Artisinal Manufacturing	✓		Sec. 704.F.7
	Research & Development			
	Self-service storage			
	Auto Repair			Sec. 704.G.
CIVIC	See *Part 8. Definitions*	✓		Sec. 704.C.

Key: ✓= Permitted Blank Cell = Not Permitted

404. Urban Storefront Frontage

ILLUSTRATIONS AND INTENT

The Urban Storefront represents the prototypical "main street" form with shopfronts along the sidewalk and a mix of uses above. A high level of pedestrian activity is anticipated. It is a subset of the Urban General Frontage, with more specific requirements at the street level.

These photos are provided as illustrations of intent. The are advisory only and do not have the power of law. Refer to the standards below and on the previous pages for the specific prescriptions and restrictions of this Building Form Standard. Where these photos or statements may be inconsistent with the regulations, the regulations prevail.

Where Urban Storefront BFS is designated on the REGULATING PLAN, the Urban General BFS standards (previous pages) shall apply, except that the GROUND STORY configuration shall be for RETAIL—that of a SHOPFRONT.

a. GROUND STORY uses are limited to RETAIL SALES or SERVICE, or PROFESSIONAL SERVICE within the first 20 feet behind the RBL.
b. The minimum GROUND STORY CLEAR HEIGHT is 15 feet.
c. The GROUND STORY FENESTRATION shall comprise between 50% and 90% of the GROUND STORY FACADE.
d. Single panes of glass shall not be permitted larger than 10 feet in height by 6 feet in width.
e. GROUND STORY windows may not be made opaque by window treatments or tinting (except operable sunscreen devices within the conditioned space). A minimum of 75% of the window surface shall allow a view into the building interior for a depth of at least 15 feet.
f. SHOPFRONTS may extend up to 24 inches beyond the FAÇADE or RBL into the DOORYARD, but may not project into the CLEAR WALKWAY.
g. For all parcels designated as Urban Storefront, there shall be a residential DWELLING UNIT minimum of three (3) units. GROUND STORY commercial units shall count toward the residential dwelling unit minimum.

405. Detached Frontage

ILLUSTRATIONS AND INTENT

Note: These photos and statements are provided as illustrations of intent and are advisory only. They do not have the power of law. Refer to the standards on the following pages for the specific prescriptions and restrictions of the Detached Building form standard. Where these photos or statements may be inconsistent with the regulations, the regulations prevail.

The Detached BFS Frontage is represented by the traditional one DWELLING UNIT structure with small front, side, and rear yards along a tree-lined street. Structures are 1 to 2 stories in height with pitched roofs and front porches. Its purpose is to protect the character of existing single family neighborhoods.

Detached

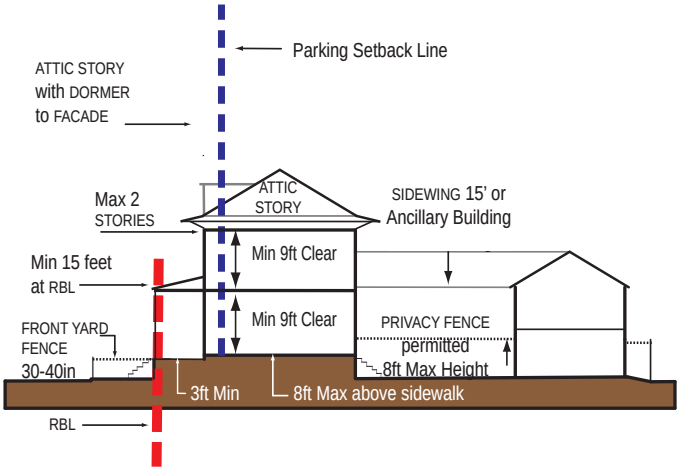


Diagram 405.a: Height

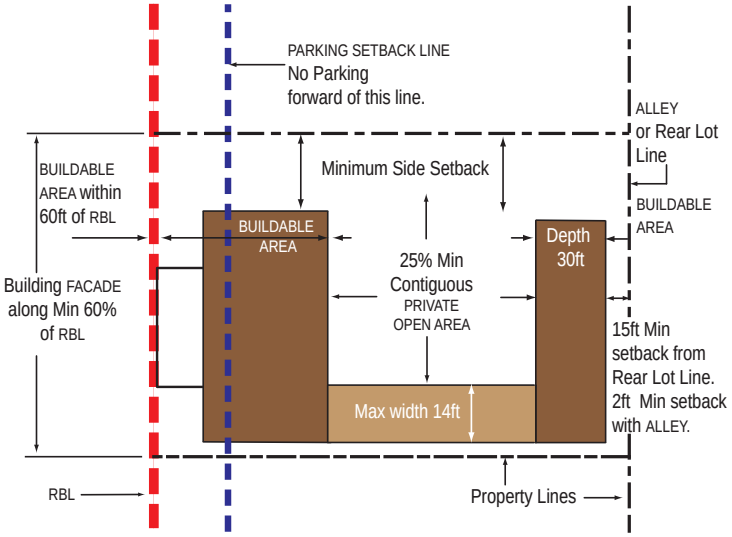


Diagram 405.b: Siting

HEIGHT

Building Height

1. Each building shall be at least 15 feet at the REQUIRED BUILDING LINE (RBL), but no greater than 2 STORIES or 27 feet in height.
2. A SIDEWING shall be no higher than 15 feet.
3. Any ancillary structure in the BUILDABLE AREA at the rear of the lot shall be no higher than the principal structure on the lot.

Ground Story Height

1. The finished floor elevation shall be no less than 3 feet and no more than 8 feet above the average exterior sidewalk elevation at the RBL.
2. The GROUND STORY shall have an interior CLEAR HEIGHT of at least 9 feet.

Upper Story Height

Each upper STORY shall have an interior CLEAR HEIGHT of at least 9 feet.

Front Yard Fence

Any FRONT YARD FENCE has a minimum height of 30 inches and a maximum height of 40 inches.

SITING

Façade

1. On each lot the FACADE shall be built parallel to the REQUIRED BUILDING LINE (RBL) for at least 60% of the building width. The FRONT PORCH shall be built-to the RBL.
2. For CORNER LOTS the minimum 60% build-to shall include the STREET FRONTAGE within 20 feet of the BLOCK CORNER.

Buildable Area

1. The BUILDABLE AREA is as defined in *Diagram 405.b.* above.
2. A contiguous PRIVATE OPEN AREA equal to at least 25% of the total BUILDABLE AREA shall be preserved on every lot. Such contiguous area shall be located at grade, anywhere behind the PARKING SETBACK LINE and not include any side or rear setbacks.

Lot Size and Setbacks

1. All lots of record are buildable under this code.
2. Newly subdivided lots shall have a minimum width at the RBL of 32 feet, a maximum width of 55 feet, and a minimum depth of 85 feet.
3. The minimum side lot setbacks are 5 feet or as otherwise designated on the REGULATING PLAN.
4. FRONT YARD setbacks: DEVELOPMENT and REDEVELOPMENT, may construct at the setback of the existing structure or follow an existing setback on an adjacent/neighboring property in the Detached Frontage BFS only.

Front Yard

The FRONT YARD/DOORYARD shall not be paved except for walkways.

Garages, Parking and Alleys

1. Garage doors shall not be located on the RBL/FAÇADE.
2. There is a 2 foot required setback from ALLEYS.

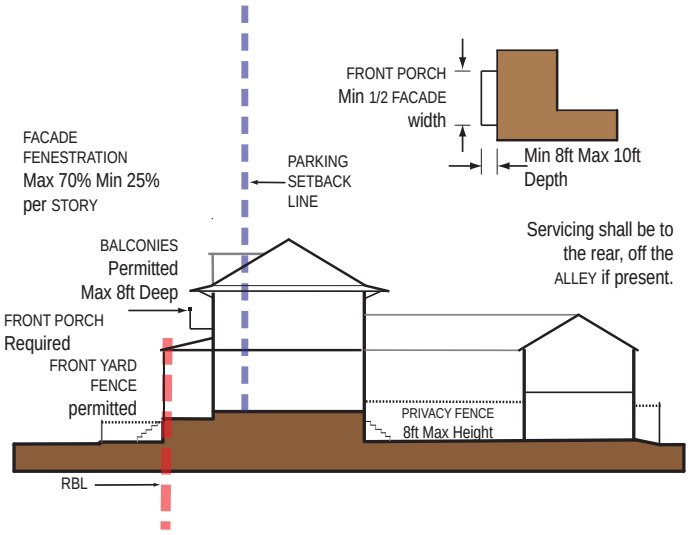


Diagram 405.c: Elements

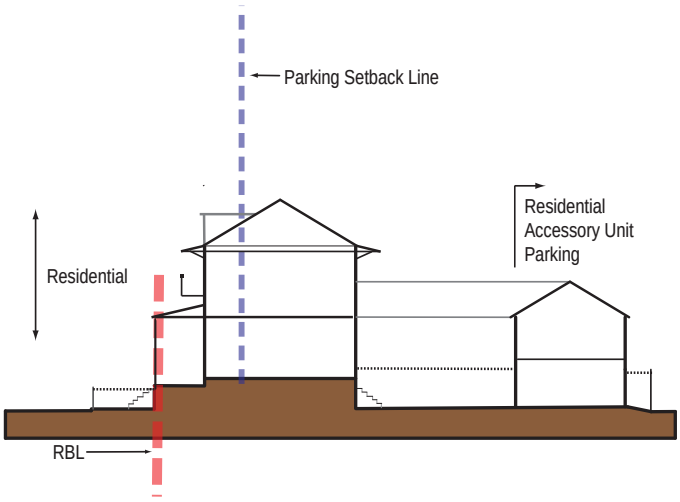


Diagram 405.d: Use

ELEMENTS

Fenestration

1. Blank lengths of wall exceeding 15 linear feet are prohibited on all FACADES.
2. FENESTRATION shall comprise at least 25%, but not more than 70%, of all FAÇADES.

Building Projections

1. Each building FACADE shall include a FRONT PORCH at the RBL, between 8 feet and 10 feet deep with a width not less than 1/2 of the FACADE width.
2. No part of any building except the FRONT PORCH roof (overhanging eaves) and steps may encroach beyond the RBL into the DOORYARD.

Doors/Entries

At least one functioning entry door shall be provided along the GROUND STORY FAÇADE. (Applies to STREET FRONTAGE, same as street address.)

Street Walls and Fences

1. There is no STREET WALL requirement.
2. Any FRONT YARD FENCE shall be within one foot of the CLEAR WALKWAY/DOORYARD line parallel to the RBL and along COMMON LOT LINES to a point at least even with the FACADE.
3. A PRIVACY FENCE may be constructed along a COMMON LOT LINE behind the FACADE.

USE

All Stories

1. Only RESIDENTIAL uses are permitted - one DWELLING UNIT or one DWELLING UNIT with an ACCESSORY UNIT allowed.
2. Additional habitable space is permitted within the roof where the roof is configured as an ATTIC STORY.

Accessory Uses

Parking and ACCESSORY UNIT (maximum 650 square feet) uses are permitted in the BUILDABLE AREA at the rear of the lot.

Part 5. Urban Space Standards

501. Applicability

A. The Urban Space Standards apply to new DEVELOPMENT and REDEVELOPMENT as well as the reconstruction of existing streets and other public (and publicly accessible) spaces.

B. The Urban Space Standards establish the rules and standards for the complete STREET-SPACE (especially streets and sidewalks).

502. Intent

A. Although commonly thought of as just parks or greens, the urban space (or public realm) is much more; it includes the complete STREET-SPACE—the public domain between the building FAÇADES; the travel lanes between the curbs as well as the sidewalks; public plazas as well as urban squares and CIVIC GREENS.

B. The Urban Space Standards have the following goals:

1. To establish an environment that encourages and facilitates pedestrian activity. "Walkable" streets are comfortable, efficient, safe, and interesting.

2. To ensure the coherence of the STREET-SPACE, serving to assist residents, building owners, and managers with understanding the relationship between the STREET-SPACE and their own properties.

3. To contribute to ultimate sustainability. Native (and non-native adapted) trees and plants contribute to privacy, the reduction of noise and air pollution, shade, maintenance of the natural habitat, conservation of water, and storm-water management.

C. Property frontages and building FAÇADES are part of the public realm, literally forming the walls of the public STREET-SPACE and are therefore subject to more regulation than the other portions of the private property.

D. The private, interior portions of the lots (toward the ALLEY or rear lot lines) are much less regulated to allow commercial operators to utilize these spaces as efficient working environments unseen by the public and allow residents to have private (semi-private for apartment and condominium dwellers) gardens and courtyards.

503. Street Type Specifications

The Street Type Specifications illustrate the recommended typical configurations for STREET-SPACES within the Center City Form District. The plans and sections specify ideal vehicular travel lane widths, curb radii, sidewalks, tree planting areas, and on-street parking configurations. They also provide a COMPARATIVE PEDESTRIAN CROSSING time as a gauge of relative pedestrian crossing-comfort between the various street types. The streets within the CC Form District must work in conjunction with the Building Form Standards to create the type of walkable, mixed-use place envisioned by the community.

A. Intent and Principles

1. General Intent

a. Streets are a community's first and foremost public spaces and should be just as carefully designed and planned as any park or public building. The character of the STREET-SPACE—both its scale and its details—determines the pedestrian quality of a given location.

b. Streets must balance the needs of all forms of traffic—auto, transit, bicycle and pedestrian—to maximize mobility and convenience for all residents and users. Their character will vary depending on their location: some streets will carry a large volume of traffic and provide a more active and intense urban pedestrian experience while others will provide a less active and more intimately scaled STREET-SPACE.

c. These are city streets—not highways or roads—and must be developed as such to create people-oriented places balancing all transportation modes. The neighborhood streets are designed primarily for walkability and pedestrian comfort, with automobile movement as a secondary focus. The Main, Gray and Boyd specifications grant more to the free movements of vehicles, while maintaining fair walkability.

2. Principles

a. The appropriate design of streets is one of the most important design elements for *Center City place-making.*

b. To design for continuous free-flowing vehicle traffic creates situations where vehicles will travel at speeds greater than desirable for pedestrians.

c. With appropriate design, drivers will choose slower speeds and less aggressive behavior, a feat typically not achieved through basic speed limit signage/postings.

d. Scale is a threshold design consideration for street design elements (from signage to crossing distances)—in a neighborhood, town or city it should be that of the pedestrian.

e. An interconnected street network allows traffic capacity to be diffused and maintained across numerous streets.

f. Emergency vehicle access must be maintained, but with an interconnected street network, there will always be at least two routes of access to any lot or parcel.

g. Differences between "requirements" and "preferences" can be significant—increased lane width and the accompanying increased vehicle speed more often than not decrease the overall safety for pedestrians.

h. On-street parking slows passing vehicular traffic and acts as a buffer between moving vehicles and pedestrians. City staff will review and approve on-street parking design on a case-by-case basis depending on the street classification.

i. Overall function, comfort, safety and aesthetics of a street are more important than automobile efficiency alone.

j. In a pedestrian-oriented area, non-vehicular traffic should be provided with every practical advantage so long as safety is not adversely affected.

k. Street design should take into consideration what is reasonably foreseeable, not every situation that is conceivably possible.

l. Designing a street to facilitate (rather than accommodate) infrequent users may actually result in the wrong design for the frequent users of the Street-Space.

m. When the street design creates a conflict between the vehicular and non-vehicular user, it should be resolved in favor of the non-vehicular user unless public safety will be truly jeopardized by the resolution.

B. Street Types

1. These are the proposed street types and ideal configurations within the CC Form District. The numbers refer to dimensions within the street-space. The first number[1] is the literal street-space (the distance between façades across the street) and the second is the distance to the back-of-curb (includes travel lanes, any on-street parking, and curb and gutter).
   a. Main Street: MS-98/43
   b. Boyd Street: ST-88/43
   c. Neighborhood Street: ST-80+/38
   d. Neighborhood Street: ST-66+/38
   e. Alley: A-24

   See *Diagrams 503.B.1.a.-e.* on the following pages.

2. On Main Street: MS - 98/43 specification, sharrows, clearly marked shared bicycle and automobile lanes are shown. On Boyd Street: ST - 88/43 specification, dedicated bike lanes are shown. The other street types are configured such that in-lane bicycle travel is encouraged and appropriate.

3. Dooryards and alleys are generally reserved for utility easements.

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1 Note: Due to the fact that the existing rights-of-way within the CC Form District vary dramatically, the first number for the Neighborhood Streets includes a plus (+) sign. The distance above the base number (either 80 or 66) is typically added to the front yard or dooryard space in the Neighborhood Street Type diagrams on the following pages.

Diagram 503.B.1.a: Main Street: MS-98/43

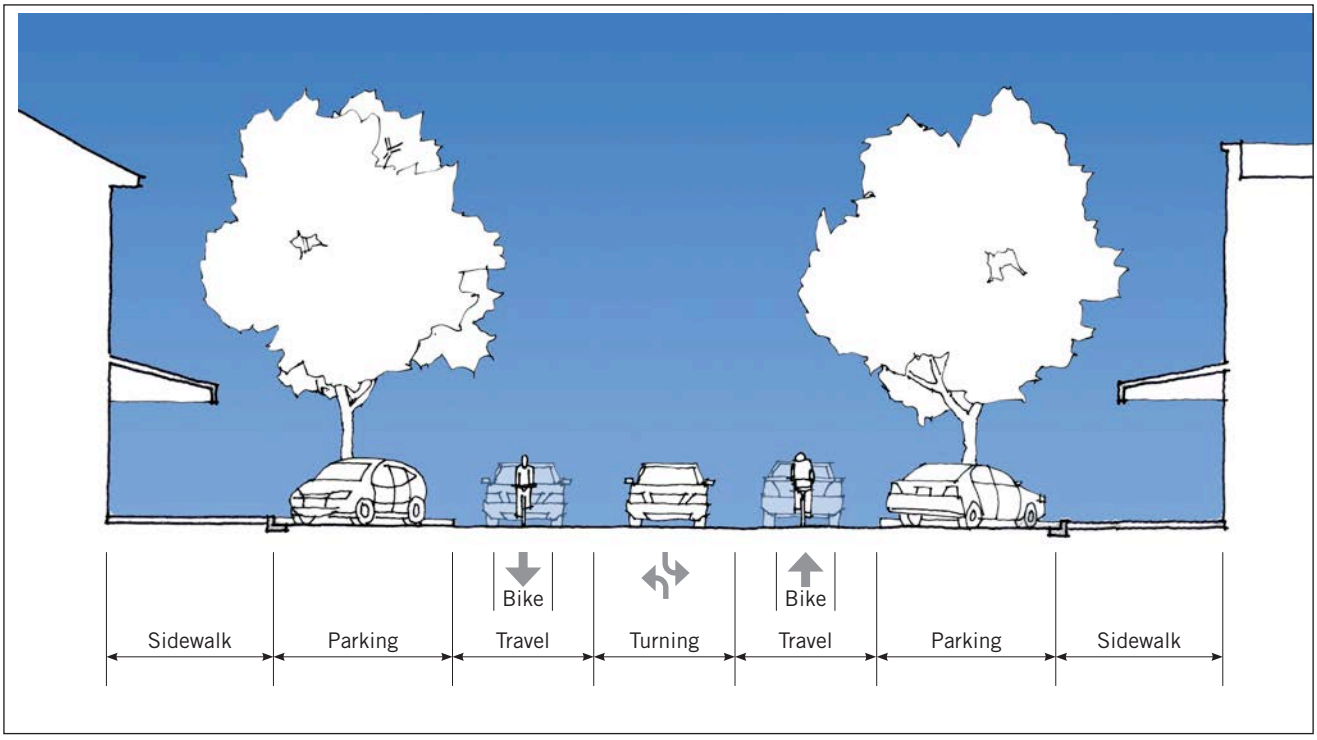


Diagram 503.B.1.b: Boyd Street: ST-88/43

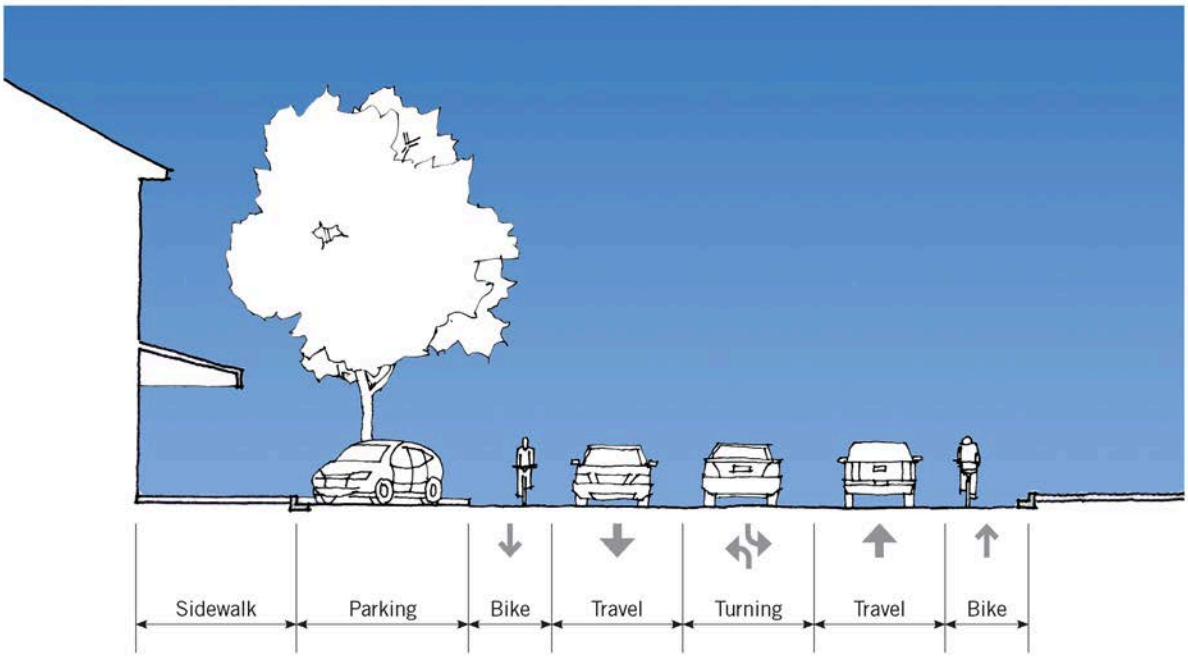
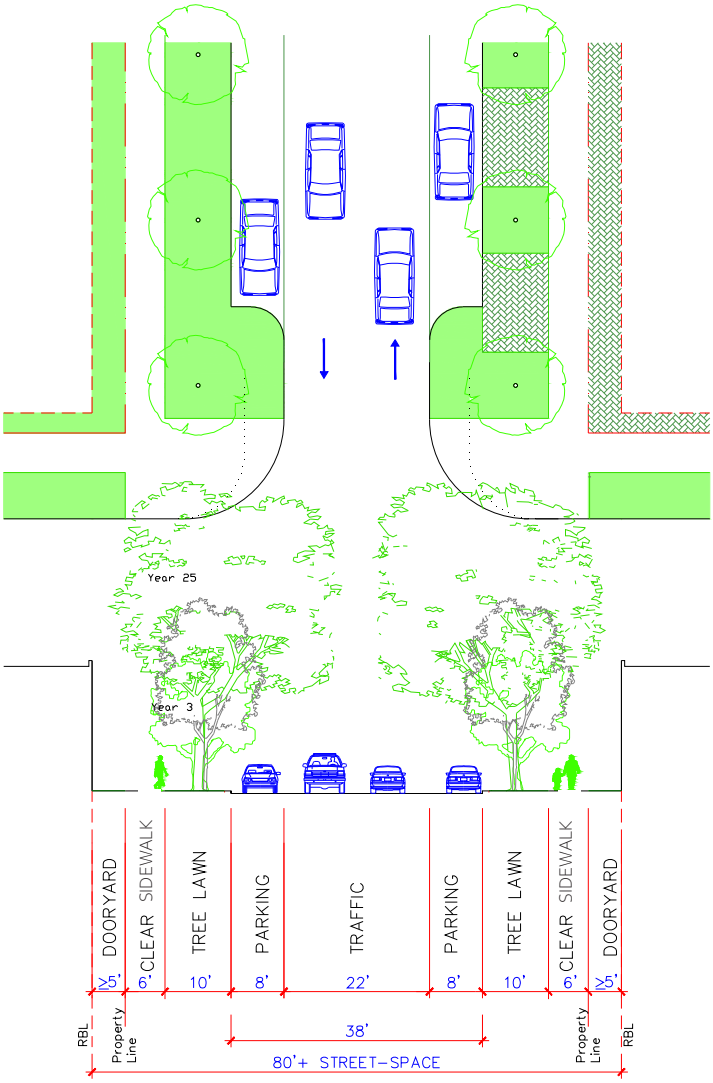


Diagram 503.B.1.c: Neighborhood Street: ST-80+/38

Neighborhood ST 80+/38

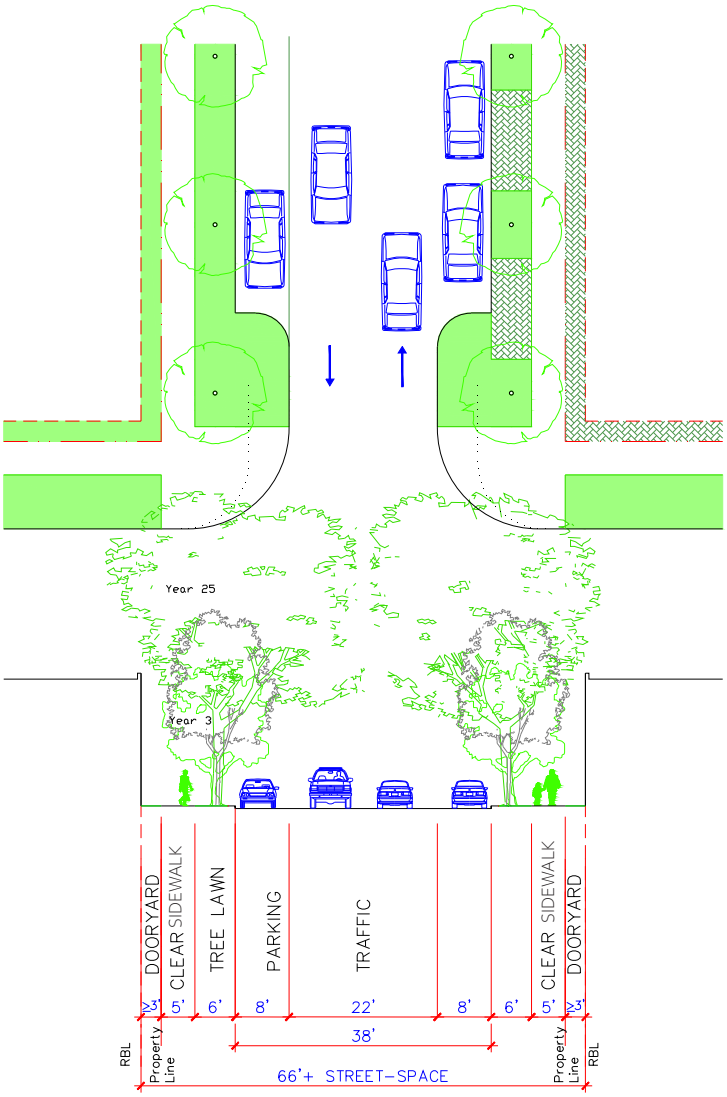


STREET-SPACE	80', per RBL
Traffic Lanes	11'
TREE LAWN	10'
Clear Sidewalk	6'
DOORYARD	see Regulating Plan, 5'typ.min.
type	street
movement	Free
design & posted speed	20-25 mph
	two way
on street parking	Both Sides, Striped
Right of Way	70' (varies)
pavement width	38'
curb type	vertical
curb radius	20' with curb extensions 10' w/o
planting	Street Trees Max Avg 30'ctc
comparative pedestrian crossing time	5.9 seconds w/curb extensions. 10.2 seconds without

Note: Illustration is advisory only

Diagram 503.B.1.d.: Neighborhood Street: ST-66+/38

Neighborhood ST 66+/38

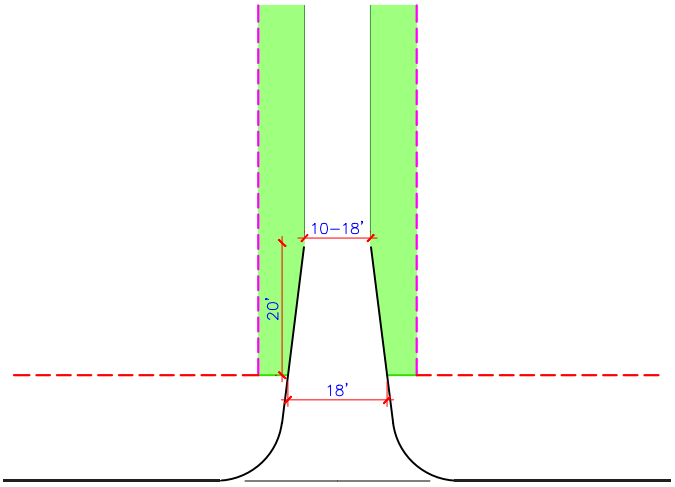


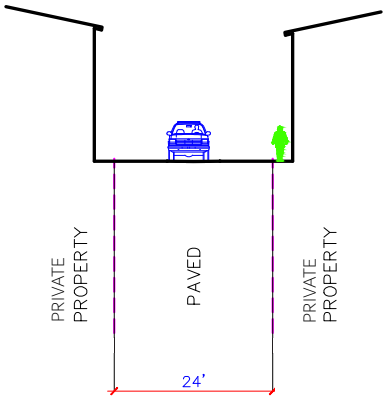
STREET-SPACE	66', per RBL
Traffic Lanes	11'
TREE LAWN	6'
Clear Sidewalk	5'
DOORYARD	see Regulating Plan, 3'typ.min.
type	street
movement	Free
design & posted speed	20-25 mph
traffic function	two way
on street parking	Both Sides, Striped
Right of Way	60' (varies)
pavement width	38'
curb type	vertical
curb radius	20' with curb extensions 10' w/o
planting	Street Trees Max Avg 30'ctc
comparative pedestrian crossing time	5.9 seconds w/curb extensions. 10.2 seconds without

Note: Illustration is advisory only

Diagram 503.B.1.e: Alley: A-24

Alley A-24





ROW or Easement	24'
type	alley
movement	Slow
design speed	5–10 mph
traffic function	two way– Yield Situation
pavement width	10'–18'
curb type	vertical, at Entry Only
curb radius	10–15"
comparative pedestrian crossing	4.3 seconds

Note: Illustration is advisory only

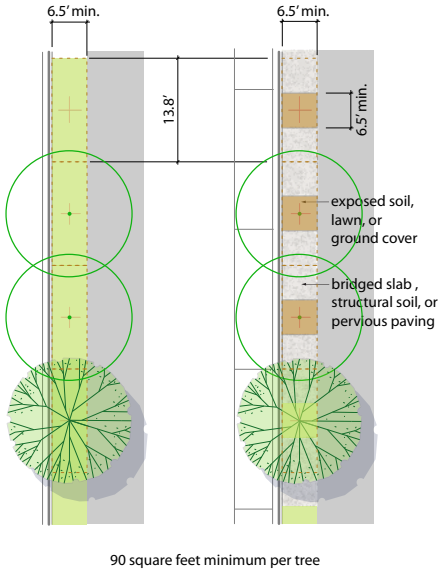
504. Streetscape Standards

A. General Provisions

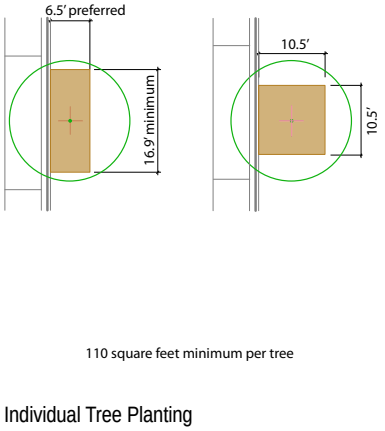
1. All plant material (including trees) shall pass any inspections required under State regulations.
2. All turf grass shall be solidly sodded at installation—not seeded, sprigged, or plugged. Vegetative groundcovers may be used in place of turf grass.
3. In addition to the lot, the owner must maintain the following areas:
   a. The portion of the STREET-SPACE between their RBL and the back of the curb.
   b. The portion of the ALLEY between the lot line and the edge of the ALLEY pavement.
4. Mechanical and electrical equipment including, but not limited to, air compressors, pumps, exterior water heaters, water softeners, private garbage cans (not including public sidewalk waste bins), and storage tanks may not be stored or located within any STREET-SPACE. (Water pumps for public fountains or irrigation not visible are not included in this prohibition. Temporary placement of private garbage cans within the STREET-SPACE may be allowed to accommodate scheduled pick-up.)

B. Street Trees

1. Each STREET-SPACE must have STREET TREES planted along the STREET TREE ALIGNMENT LINE (generally 3 to 3½ feet from the back of the curb unless otherwise specified in the REGULATING PLAN or Street Type Specification) at an average spacing not greater than 30 feet on center (calculated per BLOCK FACE). Where necessary, spacing allowances may be made to accommodate curb cuts, fire hydrants and other infrastructure elements; however, in no location may STREET TREE spacing exceed 45 feet on center except where necessary for transit stops or stations. Required STREET TREE planting area configurations are specified in the Street Type Specifications and below.
2. Required tree planting area minimum specifications are as follows:
   a. STREET TREE planting areas shall be at grade or not greater than six inches in height above or below the sidewalk
      (i) Soil surface area shall not be less than 110 square feet per isolated tree or 90 square feet per tree for connected (TREE LAWN) situations. (See *Illustrations 504.B.2(i) and (ii.)*)
      (ii) No dimension of the soil surface area may be less than 6 feet unless otherwise specified in this Code.
      (iii) The Street Type Specifications above are configured for street tree trenches. The above requirements may be met through the use of bridged slab, structural soil, or other techniques that clearly exceed these standards in the fostering of vital and long-lived STREET TREES.



504.B.2(i) Connected Situation



504.B.2(ii) Isolated Tree Situation

b. At planting, STREET TREES shall be at least 2.5 inches in diameter at designated breast height (DBH) and at least ten feet in overall height. Species must be selected from the STREET TREE LIST (see Tree Lists). Consult with the designated City staff for the designated tree species for a particular STREET-SPACE.

c. Any unpaved ground area shall be planted with groundcover, flowering vegetation, or climbing vines, not to exceed 12 inches in height. STREET TREES must be "limbed up" as they gain appropriate maturity so as to not interfere with pedestrian or truck travel (minimum 7 feet clear over the sidewalk and 14 feet over any travel lanes) and to maintain visibility.

C. Streetscape Elements

1. At the time of DEVELOPMENT, the developer is required to install sidewalks, as illustrated in Street Type Specifications, on the side of the STREET-SPACE being developed.

2. Sidewalks not otherwise designated in the REGULATING PLAN or Street Type Specifications shall be a minimum of six feet wide and be constructed to meet all City (and ADA) standards and specifications.

3. Street furniture is an element of the overall STREET-SPACE design—not an afterthought. Street furnishings should be simple, functional, and durable.

D. On-Street Parking

1. On-street parking spaces shall count towards parking requirements. (See *Part 6. Parking and Loading Standards*.)

2. The parking space/tree planting pattern may be interrupted by existing or new driveways designated in the REGULATING PLAN, streets, and ALLEYS, but the requirements in B.1 above shall be met, except where necessary for any transit stops or stations.

3. Parking spaces must be constructed in a manner that allows proper drainage (generally a "**w**" profile, having a gutter pan between the travel and parking lanes).

4. Where required, bicycle parking shall be provided on the same lot as the DEVELOPMENT. (See *Appendix C* for additional requirements.)

   a. For residential lots containing more than three DWELLING UNITS on the same lot, there shall be one bicycle parking space provided for the first eight (8) car parking spaces, and one bicycle space for each ten (10) car spaces provided thereafter. Single family, two-family, and three-family units on the same lot are exempt from the requirement to provide bicycle parking facilities.

   b. For other non-residential uses, there shall be one bicycle parking space provided for any parking area containing at least eight car spaces, and one additional bicycle space for each twenty (20) car spaces thereafter.

5. On-street parking shall comply with applicable ordinances regarding distance to intersections, stop signs, and other street elements.

505. Plazas, Squares and Civic Greens

A. Intent

1. These standards apply to those spaces that are either publicly owned or publicly accessible, as designated on the REGULATING PLAN.
2. SQUARES, CIVIC GREENS and plazas should be situated at prominent locations. The green plants and trees of SQUARES and CIVIC GREENS provide a landscape and civic architecture that complement the surrounding private building architecture.
3. SQUARES are active pedestrian centers. CIVIC GREENS are spaces intended for less intensive foot traffic. Surface treatment is regulated accordingly.
4. Pervious paving materials (to allow oxygen for tree roots and absorb stormwater run-off) are encouraged in both SQUARES and CIVIC GREENS, and the percentage of impervious paving material is limited. Pervious paving materials must be approved by the Public Works Department. (see *505.C. Materials and Configurations* below.)

B. Standards

SQUARES and CIVIC GREENS must be designed, planted and maintained according to the following requirements:

1. SQUARES and CIVIC GREENS shall have at least 60 percent of their perimeter fronting public rights-of-way. Both shall be surrounded by STREET TREES. Their dimensions shall be no narrower than a 1:5 ratio and no SQUARE or CIVIC GREEN width or breadth dimension shall be less than 25 feet.
2. Appropriate to their high (pedestrian) traffic level SQUARES must be designed with a higher percentage of paved surface area. (see C.2 below)
3. A clear view through the SQUARE or CIVIC GREEN (from two to seven feet in height) is required, both for safety and urban design purposes.
4. SQUARES and CIVIC GREENS shall not include active recreation structures such as ball fields and courts.

C. Materials and Configurations

1. General

a. STREET TREES shall be planted along the alignment shown in the street type specification, and in accordance with *Section. 504, B. Street Trees*. They may (generally will) be of a different species than the connecting streets.

b. The ground surface level elevation shall be between 0 and 18 inches above the top of the adjacent curb.

c. The maximum slope across any SQUARE or CIVIC GREEN shall not exceed ten percent.

d. Except for tree trunks, streetlights, CIVIC USE BUILDINGS, public art or monuments, there shall be a clear view between two and seven feet above grade. The foliage of newly planted trees may intrude into this area until the tree has sufficient growth to allow such a clear trunk height.

e. Trees within a SQUARE or CIVIC GREEN may also be selected from the public space tree lists (see *Section 506. Tree Lists*).

f. Asphalt is prohibited within a SQUARE or CIVIC GREEN tract.

2. Squares

Appropriate to their high (pedestrian) traffic level, SQUARES shall incorporate a higher percentage of paved surface area. Surface treatment and materials (within the back-of-curb to back-of-curb area, excluding any CIVIC USE BUILDING, public art or monument footprint) shall be between 20 percent and 35 percent unpaved pervious surface (turf, groundcover, gravel, soil or mulch).

3. Civic Greens

Appropriate to their less intensive character, CIVIC GREENS shall be designed with a lower percentage of paved surface area. Surface treatment and materials (within the area back-of-curb to back-of-curb area excluding any CIVIC USE BUILDING, public art or monument footprint) shall be a minimum 50 percent unpaved pervious surface area (such as turf, groundcover, gravel, soil or mulch).

4. Pedestrian Pathway

The area within a PEDESTRIAN PATHWAY shall be a public access easement or public right of way. The easement width for these pathways must not be less than 20 feet with a paved walkway not less than ten feet wide providing an unobstructed view straight through its entire length, except where otherwise specified on the REGULATING PLAN.

506. Tree Lists

A. General

1. The following lists contain all approved tree species for use in the CC Form District. The lists include native and acceptable adapted species. Other species may be used for planting within a private lot. These lists may be periodically reviewed for disease and climate appropriateness and amended by the City, as necessary.

2. Invasive exotic species may not be used anywhere on private lots or other areas.

B. Street Trees

1. Species in the Street Tree List are for placement as shown in Street Type Specifications, or as specified in the REGULATING PLAN for placement along the STREET TREE ALIGNMENT LINE. The use of alternate species may be permitted, but only if approved by the designated City staff.

2. Street trees are part of an overall street-space plan designed to provide both canopy and shade and to give special character and coherence to each street. The desired aesthetic must be achieved through the use of native and/or proven hardy adapted species. Appropriate street tree species may change over time and this list may be periodically amended by the designated City staff. Inclusion in this list shall be based on the following criteria:
    a. Structural – street trees shape and subdivide the street-space, increasing pedestrian comfort and adding (literal) value to the street/community. "Canopy Shade Tree" species grow to heights in excess of 60 feet and have a broad canopy—enabling them to clear auto traffic and pedestrians, form a ceiling-like enclosure, and open a clear view of the street-space, façades, and shopfronts at eye-level.
    b. Pragmatic – Life as a typically placed street tree is nasty, brutish, and short. Few species are tough enough to survive and grow. Appropriate species have special tolerance to salt and soil compaction. Street tree planting techniques and configurations provide a healthy environment in which the tree can thrive—this will ensure that the trees increase their value to the community as they grow.
    c. Design – Species are planted consistently along a given street-space to provide a special form and character. This provides species diversity at the same time it provides a specific street character by planting different street-spaces with different trees.

Street Tree List

(Large Canopy Trees – mature height 60 feet and above)

Celtis occidentalis	Common Hackberry
Ginkgo biloba	Ginkgo (male only)
Gleditsia triacanthos var. inermis	Thornless Honey Locust
Platanus acerifolia 'Yarwood'	Yarwood Plane tree
Platanus occidentalis 'Bloodgood'	London Plane tree
Quercus acutissima	Sawtooth Oak
Quercus alba	White Oak
Quercus coccinea	Scarlet Oak
Quercus muhlenbergii	Chinquapin Oak
Quercus palustris	Pin Oak
Quercus phellos	Willow Oak
Quercus buckleyi shumardii	Red Oak
Quercus velutina	Black Oak
Tilia Americana	Basswood/American Linden
Ulmus hollandica 'Groenveldt'	Groenveldt Elm
Ulmus americana "libertas"	Liberty Elm
Ulmus parvifolia	Chinese/Lacebark/Drake Elm

3. Public Space Trees

In addition to the above trees, the following trees may be placed within DOORYARDS, SQUARES OR CIVIC GREENS.

PUBLIC SPACE TREE LIST

Carya illinoinensis	Pecan
Cerus canadisis var. texensis	Texas Redbud
Cerus x texensis	Oklahoma Redbud
Juglans nigra	Black Walnut
Magnolia grandiflora	Magnolia
Quercus macrocarpa	Bur Oak
Quercus muhlenbergii	Chinquapin Oak
Taxodium ascendens	Pond Cypress
Taxodium distichum	Bald Cypress

4. Private Space Plantings

No trees or other plant species that have been identified as invasive may be planted in any outdoor location within the City Center District.

Part 6. Parking and Loading Standards

601. Intent

A. Promote a "park once" environment that will enable people to conveniently park and access a variety of commercial, residential, and civic enterprises in pedestrian friendly environments by encouraging shared parking.

B. Reduce fragmented, uncoordinated, inefficient, reserved single-purpose parking.

C. Avoid adverse parking impacts on neighborhoods adjacent to REDEVELOPMENT areas.

D. Maximize on-street parking.

E. Provide flexibility for REDEVELOPMENT of small sites and for the preservation or reuse of historic buildings.

F. Increase visibility and accessibility of public parking.

G. Support and encourage a multi-modal, bicycle and pedestrian-friendly environment.

602. Other Applicable Regulations

Pervious surfaces approved by the City Engineer are encouraged for surface parking lots.

603. Minimum Parking Requirements

A. Properties zoned C-3 at the time of CCFBC adoption are exempt from these minimum parking requirements. See *Part 3. Section 302. Illustrative Form District Map* for the applicable parcels. Properties zoned C-2 and located on Gray Street extending from Lahoma Avenue on the West to the railroad tracks on the East shall also be exempt from the minimum parking requirements of the CCFBC.

B. There is no minimum parking requirement for the re-use or renovation of an existing structure in which there is no gross floor area expansion.

C. An inset parking space located on a public street may be included in the calculation of parking requirements if it is adjacent to the building site (where more than 50% of the space is located within the street fronting the DEVELOPMENT parcel). On-street parking is subject to approval from the City of Norman's Transportation Engineer.

D. Each on-street parking space may only be counted once.

E. Minimum reserved parking: Reserved parking includes all parking that is not shared parking.

   1. COMMERCE/CIVIC uses: There is no minimum requirement for reserved parking.

2. Residential–minimum reserved parking spaces per unit:
   a. Studio unit .5 spaces/unit
   b. 1 bedroom unit .5 spaces/bedroom
   c. 2 bedroom unit .5 spaces/bedroom
   d. 3 bedroom unit or greater 1 space/bedroom

F. Minimum Shared Parking for Urban General, Urban Storefront, and Urban Residential Frontages:

1. Commerce: There are no minimum shared parking requirements where the non-residential Gross Floor Area (GFA) is under 10,000 square feet. Sites over 10,000 square feet in non-residential GFA shall have a minimum of 1 and 1/4 spaces per 1,000 square feet of non-residential GFA provided as shared parking.

2. Shared parking shall be designated by appropriate signage and markings (parking shall be clearly visible and accessible to the public) as determined by the Director.

G. Achieving parking requirements:

1. Parking shall be located and configured in compliance with the parking setback line or other regulations for the site on which it is located, as indicated on the regulating plan and/or building form standard.

2. Minimum parking requirements may be met either on-site or within a 1000-foot walking distance of the development.

3. Parking lot design is up to the discretion of the developer. A parking lot striping plan must be provided by the developer.

4. Parking spaces shall be at least 162 square feet in area with a minimum width of 8.5 feet.

5. Corner lots less than 12,900 total square feet shall only be required to comply with the parking setback line at the front of the property and not the side street. For the purposes of this paragraph, the frontage street is the same as the street address.

H. Bicycle Parking: sites and/or projects over 10,000 square feet in land area have the following requirements: (Appendix C)

1. For commerce, the developer must provide 1 employee bicycle parking rack (2-bike capacity) per 5,000 square feet of commercial floor area and 1 visitor/customer bicycle parking rack (2-bike capacity) per 10,000 square feet of commercial floor area. The employee and visitor racks may be co-located.

2. For residential, the developer must provide 1 tenant bicycle parking rack (2-bike capacity) per 4 units and 1 visitor bicycle parking rack (2-bike capacity) per 10 units. Projects under 4 units shall have no requirement.

3. Bicycle parking facilities shall be visible to intended users. The bicycle parking facilities shall not encroach on any area in the public right

603.H.4.Consolidated public bicycle parking

of way intended for use by pedestrians, nor shall they encroach on any required fire egress.

4. On-street bicycle parking spaces (typically along the STREET TREE ALIGNMENT LINE) may be counted toward the minimum customer/visitor bicycle parking requirement. (For areas with constrained STREET-SPACE, an optional approach is to consolidate public bicycle parking in a single dedicated on-street parking space per BLOCK. *See figure 603.H.4.*)

I. Permissive parking and loading facilities. Nothing in this ordinance shall be deemed to prevent the voluntary establishment of off-street parking or loading facilities to serve any existing use of land or buildings, in accordance with all regulations herein governing the location, design, and operation of such facilities.

J. Off-Site Parking

1. Off-site parking shall be located and configured in compliance with the PARKING SETBACK LINE or other regulations for the site on which it is located, as indicated on the REGULATING PLAN and/or BUILDING FORM STANDARD.

K. Tandem Parking

1. Tandem parking is only allowed for:
   a. Single-family residential projects; and
   b. Residential projects and the residential component of mixed-use projects.
2. Parking spaces shall be at least 162 square feet in area with a minimum width of 8.5 feet.
3. Tandem parking spaces shall follow normal parking space size requirements.

604. Special Parking Standards

L. Off-Site Parking

1. Off-site parking shall be located and configured in compliance with the PARKING SETBACK LINE or other regulations for the site on which it is located, as indicated on the REGULATING PLAN and/or BUILDING FORM STANDARD.

M. Tandem Parking

1. Tandem parking is only allowed for:
   a. Single-family residential projects; and
   b. Residential projects and the residential component of mixed-use projects.
2. Parking spaces shall be at least 162 square feet in area with a minimum width of 8.5 feet.
3. Tandem parking spaces shall follow normal parking space size requirements.

605. Parking Lot Plantings

A. For any surface parking lot not separated from the STREET-SPACE by a building, the space between the RBL and the PARKING SETBACK LINE shall be planted with canopy shade trees from the Tree Lists in *Part 5. Urban Space Standards*. Trees shall be planted at an average distance not to exceed 30 feet on center and aligned parallel 3 to 7 feet behind the RBL/STREET WALL.

B. The edge of any Urban General or Urban Storefront surface parking lot adjacent to a Detached or Urban Residential lot shall:

   1. Be planted with canopy shade trees from the Tree Lists in *Part 5. Urban Standards*, placed at an average distance not to exceed 40 feet on center and aligned parallel 3 to 7 feet behind the COMMON LOT LINE.

   2. Have a STREET WALL, GARDEN WALL or PRIVACY FENCE along the COMMON LOT LINE.

606. Loading Facilities

A. No loading facilities are required.

B. Where loading facilities are provided, they shall be located to the rear and/or ALLEY side of buildings.

Part 7. Building Functions

701. General Provisions

A. Permitted Uses

Permitted uses by BUILDING FORM STANDARD Frontage are shown in *Section 702* with additional regulations, as applicable. The categories in the use table are further listed and detailed in *Section 703 and 704*.

B. Use Determination

1. The Director is responsible for categorizing all uses, and applying the uses set forth in *Section 702, Use Table*. If a proposed use is not listed in a use category, but can be said to be reasonably similar in impact on the CC Form District to a listed use, the Director shall treat the proposed use as a use under that category. If a proposed use is not listed in a use category, and is fundamentally different from any other listed use, the use shall be prohibited. Also, the Director may make such decisions pursuant to *Section 104, Other Applicable Regulations, Subpart (B)*.
2. Uses Not Specifically Listed: When determining whether a proposed use is similar to a use listed in *Section 703*, the Director shall consider the following criteria:
    a. The actual or projected characteristics of the proposed activity in relationship to the stated characteristics of each use.
    b. Types of vehicles used and their parking and/or loading requirements.
    c. The likely impact on surrounding properties.
    d. The intent of the CC Form District.

C. Temporary Uses and Structures

Temporary structures such as shipping containers and other modular structures may be permitted to provide new business incubator space by housing retail and restaurant uses in the Urban General and Urban Storefront frontages for up to 24 months, with an optional annual renewal thereafter dependent on their performance and upkeep. Such temporary structures are not required to meet the Building Form Standards, but other performance standards may apply.

702. Use Table

The use table identifies the uses allowed in the respective BFS Frontages by STORY.

BUILDING FORM STANDARD (BFS)									
		Urban General		Urban Storefront		Urban Residential		Detached	
USE CATEGORY		Ground Story	Upper Story	Ground Story	Upper Story	Ground Story	Upper Story	All Stories	Additional Regulations
RESIDENTIAL	Household Living	✓	✓	✓	✓	✓	✓	✓	Sec. 704.B.1-2; 704.H
	Group Living		✓		✓	✓	✓	✓	
COMMERCE	Office	✓	✓	✓	✓	✓			Sec. 704.D.1-2
	Overnight Lodging	✓	✓	✓	✓	✓	✓	✓	Sec. 704.E.1-3
	Recreation/Entertainment	✓	✓	✓	✓				Sec. 704.F.1-5
	Vehicle Sales	✓	✓		✓				Sec. 704.F.2
	Passenger Terminal	✓							
	Child Care Center	✓	✓	✓	✓				See Part 9. Definitions
	Family Day Care Home	✓	✓	✓	✓	✓	✓	✓	See Part 9. Definitions
	Retail Sales & Service	✓	✓	✓	✓	✓			Sec. 704.F.2, 6, 7
	Restaurant/Bar/Lounge/Tavern	✓	✓	✓	✓				Sec. 704.F.1-5
	Art Studio/Artisinal Manufacturing	✓	✓	✓	✓	✓			Sec. 704.F.7
	Research & Development	✓	✓		✓				
	Self-service storage		✓		✓				
	Auto Repair	✓							Sec. 704.G.
CIVIC	See *Part 8. Definitions*	✓		✓		✓		✓	Sec. 704.C.

Key: ✓= Permitted Blank Cell = Not Permitted

Note: All nonresidential uses permitted in the Urban Residential BFS shall only be permitted where identified on the Regulating Plan.

703. Use Categories

A. Residential Uses

Residential Uses are allowed as set forth in *Part 9. Definitions*: Uses, Residential, and shall be sub-categorized as follows per the Use Chart:

1. Household Living

2. Group Living

B. Commerce Uses

1. **Use Classification.** The Commerce Uses permitted in each BFS have been classified by the sub-categories represented on the Use Table. As set forth therein, each sub-category's included specific uses, as each use is determined by the Planning Director as set forth in *Section 701*, are subject to the particular development and performance standards set forth in the Use Table and those additional standards set forth in *Part 7. Section 704. Development and Performance Standards*, if any.

2. **Permitted Uses.** Generally, any use categorized and sub-categorized on the Use Chart, and as thereafter amended, are permitted where a representative sub-category is shown, and subject to the Planning Director's determination as set forth in *Section 701*.

3. **Retail Sales and Services.** Any use permitted persuant to (B)(2), except that:
   a. Automobile surface parking lots are only permitted behind the parking setback line
   b. Outdoor athletic courts are only permitted as part of an adjacent fitness center

4. **Additional Uses, if not otherwise permitted.** In addition to those uses permitted pursuant to the Use Chart and (B)(2) above, the following are permitted as Commerce Uses, subject to the Planning Director's determination as set forth in *Section 701*:
   a. Hotels and Lodging
   b. Auditoriums and arenas
   c. Conference facilities and convention centers
   d. Communication antennas mounted on existing structures
   e. Bar, Lounge or Tavern and Live Entertainment subject to the requirements of *Section 704.F*.

C. Civic Uses

1. **Permitted Uses.** Permitted Civic Uses are determined according to the definition set forth in *Part 9. Definitions*: Civic Use.

2. **Additional Uses.** The following uses are expressly allowed as set forth in *Part 9. Definitions*: Civic Use or expressly as set forth herein:
   a. College, community college, university
   b. Museum, library, auditorium, arena
   c. Places of worship including church, mosque, synagogue, temple
   d. Police, fire, EMS station, substation
   e. Public or private (K-12) school

f. Neighborhood arts center, Community Center or similar community facility (public)

g. Farmers Market

704. Development and Performance Standards

A. General

1. All permitted uses shall meet the *Section 402. General Provisions* and those standards specified in the applicable individual BUILDING FORM STANDARD pages.
2. No CIVIC, COMMERCE or WORKSHOP use is permitted above a RESIDENTIAL use, except for rooftop restaurants where specifically designated in the Urban Storefront Frontage.
3. No drive-through services are permitted.
4. No smoke, radiation, vibration or concussion, heat or glare shall be produced that is perceptible outside a building, and no dust, fly ash or gas that is toxic, caustic or obviously injurious to humans or property shall be produced.
5. Communication antennas may be installed on any existing structure (such as a building, utility pole, water tower, etc., but excluding single-family residences and accessory uses) 3 STORIES in height or greater but no less than 45 feet provided that the additional antennas shall add no more than 20 feet to the height of said existing structure. Communication antennas which are architecturally compatible to the building architecture may locate on non-residential buildings less than 3 STORIES or 45 feet in height, subject to receiving a Certificate of Compliance. Associated equipment will be subject to final DEVELOPMENT plan approval. Associated equipment may be permitted on the roof so long as it is screened from view.

B. Residential

1. See the Urban General BFS for configuration requirements for GROUND STORY RESIDENTIAL uses.
2. A lobby serving an upper STORY RESIDENTIAL use is permitted on the GROUND STORY of an Urban Storefront BFS site.

C. Civic

Buildings that house CIVIC USES designated on the REGULATING PLAN are not subject to *Part 4. Building Form Standards* except for *Section 402.D. Neighborhood Manners.*

D. Office

1. Office uses are not permitted within the required minimum depth for the STOREFRONT space in an Urban Storefront site.
2. Office uses are permitted within the GROUND STORY of designated LIVE-WORK Urban Residential BFS Frontage units.

E. Overnight Lodging

1. GROUND STORY guest rooms shall meet the configuration standards for GROUND STORY residential uses as specified in the Urban General BFS.
2. A lobby serving an upper STORY overnight lodging use is permitted on the GROUND STORY of any Urban Storefront BFS site.
3. For the Urban Residential BFS Frontage, only BED AND BREAKFAST types are permitted.

F. Restaurant/Bar, Retail Sales

1. Outdoor eating areas for eating/drinking establishments shall be allowed on the public sidewalk in Urban General and/or Urban Storefront Frontages, subject to:
   a. the provision of a minimum clear width of five (5) feet within the CLEAR WALKWAY area; and
   b. subject to the issuance of applicable permits.
2. A restaurant or RETAIL use is permitted in the second STORY of an Urban Storefront or Urban General site provided it is an extension equal to or less than the area of the same GROUND STORY use.
3. An eating/drinking establishment is permitted on the rooftop of an Urban Storefront site.
4. The sale and consumption of alcoholic beverages shall be subject to all existing permitting provisions, as applicable.
5. Live entertainment and BAR/lounge/tavern are required to obtain a Special Use Permit if the walls of the facility are within 100 feet of a solely residential BFS within the CC Form District or a residential zoned property which is not included in the CC Form District.
6. No merchandise (including motorcycles, scooters, and automobiles) may be left within the STREET-SPACE when the business is not open.
7. Only merchandise or a commodity manufactured on premise may be sold in the GROUND STORY of a LIVE-WORK unit.

G. Auto Repair

Auto repair services may be permitted, subject to the following:

1. The property shall be at least 100 feet from any solely residential lot;
2. The use shall not include the display and rental of cargo trailers, trucks, or similar uses;
3. The storage or junking of wrecked motor vehicles (whether capable of movement or not) is prohibited;
4. Discarded parts resulting from any work shall be removed promptly from the premises. Automotive replacement parts and accessories shall be stored inside the main structure;
5. Upon the abandonment of the auto repair service, the use shall terminate and all structures exclusively used in the business (including underground storage tanks), except buildings, shall be removed by the

owner of the property. For the purpose of this Subsection, the term "abandonment" shall mean non-operation as an auto repair for a period of 14 months after the retail services cease.

H. Crematoriums

Crematoriums are required to obtain a Special Use Permit and are subject to the following:

a. Crematoriums will be located a minimum of 400 feet from any solely residential BFS or residential zoning district and 100 feet from all other zoning districts measured from the closest point of the building to the nearest residential 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.

e. Crematoriums shall have direct vehicle access to an arterial street.

I. Adult Entertainment Uses

Adult Entertainment Uses are required to obtain a Special Use Permit and are subject to the following:

a. No such zoning shall be granted for any proposed location which is within a one thousand foot (1000') radius of any other Adult Entertainment Use.

b. No Adult Entertainment Use shall be allowed to locate within a five hundred foot (500') radius of any church, public or private school (type which offers a compulsory education curriculum) or public or private park. Nor shall any Adult Entertainment Uses be allowed to locate within five hundred feet of any solely residential BFS or residential zoning district.

c. All distances required to be met pursuant to the terms of this section shall begin at the property line of the proposed use and are measured to the nearest property line of the public or private lot, school, park, church, residentially zoned lot, or adult entertainment use within the proscribed distance, if any.

J. Special Use for Dwelling Units with Four or More Bedrooms

In any BFS where residential use is permitted, dwelling unit(s) may contain four or more bedrooms upon approval of a Special Use Permit as follows:

1. This provision is applicable to new construction, including demolition and reconstruction, or an addition/alteration to existing construction adding at least one bedroom where the resulting structure is to contain four or more bedrooms in a residential dwelling unit(s);

2. This provision is not applicable to structures with four (4) or more bedrooms existing on or before the date O-1920-3 was enacted;

3. Where an existing structure already has four (4) or more BEDROOMS existing on or before the date O-1920-3 was enacted, but voluntarily seeks and is denied a Special Use Permit, denial alone will not render *Section 704 (J)* applicable unless an addition/alteration adding at least one more BEDROOM occurs per subpart (1) above.

K. Special Use Procedure

1. An Applicant seeking a Special Use Permit pursuant to *Section 704* shall follow, and is subject to, those procedures and regulations set forth in the Norman Zoning Ordinance regarding Special Uses, currently found at 22-434.1 and as thereafter amended, except that:
   a. The Planning Director may also require applicant submit information in addition to that required by the Zoning Ordinance where the Planning Director feels that said additional information is necessary to address particular aspects of the subject property's character, or to assist in evaluating and determining a project's adherence to the goals of this Code; and
   b. The Planning Commission and the City Council may also, in addition to those items identified in the Zoning Ordinance regarding Special Uses, take into account the underlying purposes and goals of the Center City Vision and this Code, in setting conditions (including occupancy conditions) recommending or approving any Special Use Permit application.
2. Any violation of a Special Use Permit constitutes a violation of the Norman City Code, as embodied in both the Norman Zoning Ordinance and this Code.

Part 8. Site Development Requirements

801. Intent

A. This part applies to the Urban Residential BFS and Detached Frontage BFS that are newly DEVELOPED or REDEVELOPED pursuant to the CCFBC. Impervious surface controls are necessary to balance the DEVELOPMENT and stormwater needs in the CCFBC area, in addition to anticipated infrastructure improvements.

802. Site Grading Plan

A. All site work and material storage must be completed within the property boundary. Any activities required in the public right of way or alley must be approved through application for a right of way permit through Public Works Engineering (405-366-5457) prior to commencing work. This includes the removal or construction of sidewalks, drives or alleys. Sidewalk removals must have a set plan for immediate replacement for public use.

B. A site grading plan must be submitted containing the following information at a minimum:

1. Lot/building layout with dimensions;
2. Existing and proposed impervious areas with dimensions and percentages;
3. Existing and proposed ground contours and elevations;
4. Proposed finished floor elevation of all structures using 1 foot or less contour intervals;
5. Drainage patterns indicated by flow arrows and locations where stormwater leaves the site;
6. Proposed drainage areas; and
7. Location of downspouts.
8. Explanation of how each drainage area will be collected by public stormwater infrastructure. Public stormwater infrastructure can include the public street or a stormwater inlet located within a public easement or right of way.

803. Drainage Calculations

A. Drainage calculations prepared by an Oklahoma licenced professional engineer per Section 5000 of the Engineering Design Criteria for the site must be provided including the following information at a minimum:

1. Calculations must apply and satisfy methodology set forth in Section 5000 of the Engineering Design Criteria.
2. Existing or historic runoff rate for each drainage area. If historic aerial photos indicate that structures or impervious areas had been demolished these areas can be used in the calculation of the historic runoff rate;

3. Permissible runoff rate based on time of concentration (t_c) for each drainage area shall be determined as follows:
    a. In no case shall t_c of less than 5 minutes be allowed.
    b. For sites less than or equal to 10,500 square feet a t_c of five minutes can be assumed.
    c. Or larger areas of REDEVELOPMENT t_c shall be calculated using the Section 5000 of the Engineering Design Criteria (EDC 5000).

B. Each lot shall be drained to an abutting STREET or ALLEY, and downspouts shall not be directed in such a manner as to adversely impact adjacent properties.

C. For REDEVELOPMENT where impervious cover is increasing to 65%, the difference in the runoff between existing and post–DEVELOPMENT must be accounted for through site engineering and/or engineering solutions as described in EDC 5000, the City of Wichita/Sedgwick County Stormwater Manual as adopted by City Council June 28, 2011, in Ordinance Number O-1011-52 Water Quality Protection Zone (Stormwater Manual) or the current adopted City of Norman green stormwater infrastructure (GSI) manual.

804. Impervious Area

A. Impervious coverage shall not exceed 65% unless incentive requirements as discussed in Section 805 below are satisfied.

805. Impervious Coverage Incentive

A. In order to exceed the maximum impervious coverage of 65% of each lot/parcel, all of the above conditions as well as the following conditions must be satisfied:

1. Total impervious coverage may not, in any case, exceed of 85%.
2. Owner/Applicant must submit a site grading plan and drainage calculations indicating no adverse affect per EDC 5000, to the side, adjacent, or down gradient properties will occur at proposed impervious area coverage.
3. Owner/Applicant must utilize low impact development (LID), engineered solutions, Green Stormwater Infrastructure (GI), Best Management Practices or other stormwater device or devices to capture the first 1.0 inch of rainfall; and
4. Owner/Applicant must submit an operations and maintenance manual for all engineered solutions. This manual must be filed at the Cleveland County Courthouse prior to occupancy being granted and a copy of the filed manual provided to Public Works Engineering. Deeded easements are required for any installed stormwater devices.
5. The owner of record will inspect all engineered solutions annually for compliance with the operations and maintenance manual. The inspection report must be submitted to the Public Works Engineering prior to June 30 each year.

B. The Stormwater Manual may be used to determine appropriate engineering solutions to meet the requirements of this section, with example requirements as follows:

   1. Overland Flow Vegetated Filtration Areas (Vol 2 Pages 2-8 of Wichita Manual)
   2. Maximum contributing flow path length <75 foot
   3. Downspouts located at least 10 feet away from nearest impervious surface.

C. Disconnected impervious areas shall drain continuously overland as sheet flow through a broad grassed area or vegetated filter strip to the property line or street.

D. Further guidance for DEVELOPMENT in the CCFBC area may also be provided, in an administratively developed manual for approved LID Techniques and Engineered Solutions to guide impervious surface areas increases to as much as 85% (City Manual). The City Manual will provide proposed designs for engineered solutions that may be utilized for a site. Possible engineering solutions include:

   1. Small detention ponds
   2. Underground detention ponds (if grades allow)
   3. Pervious pavers (if soil types allow)
   4. Enhanced dry swales and grass channels
   5. Infiltration and soakage trenches
   6. Filter Strips
   7. Bioretention Areas
   8. Rain Barrels/Storage Tanks (storage tanks must be screened to adhere to the architectural and landscape standards contained in the CCFBC)
   9. Tree wells

Part 9. Definitions

The following terms are defined for the purpose of the Center City Form-Based Code.

Accessory Unit. A building or addition for living purposes (maximum footprint of 650 square feet—or the footprint of the main structure for ENGLISH BASEMENT type ACCESSORY UNITS) that is not the primary structure or principal DWELLING UNIT on a lot, that can be used as additional residential or home occupation space.

Adult Amusement or Entertainment. Amusement or entertainment which is distinguished or characterized by an emphasis on acts or material depicting, describing or relating to SEXUAL CONDUCT or SPECIFIED ANATOMICAL AREAS, including but not limited to topless or bottomless dancers, exotic dancers, strippers, male or female impersonators or similar entertainment. This includes ADULT BOOKSTORES, ADULT MINI MOTION PICTURE THEATERS, ADULT MOTELS, ADULT MOTION PICTURE ARCADES, ADULT MOTION PICTURE THEATERS, MASSAGE PARLORS, and ADULT SEXUAL ENCOUNTER CENTERS.

Adult Bookstore. An establishment having as a significant portion of its stock in trade books, film, magazines and other periodicals which are distinguished or characterized by an emphasis on depicting or describing SEXUAL CONDUCT or SPECIFIED ANATOMICAL AREAS.

Adult Mini Motion Picture Theater. An enclosed building with a capacity of less than 50 persons used for presenting material distinguished or characterized by an emphasis on depicting or describing SEXUAL CONDUCT or SPECIFIED ANATOMICAL AREAS.

Adult Motel. A motel wherein material is presented, as part of the motel services, via closed circuit t.v. or otherwise, which is distinguished or characterized by an emphasis on depicting or describing SEXUAL CONDUCT or SPECIFIED ANATOMICAL AREAS.

Adult Motion Picture Arcade. Any place at which slug-operated or electronically, electrically or mechanically controlled, still or motion picture machines, projectors or other image-producing devices are maintained to show images to five or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by an emphasis on depicting or describing "Sexual Conduct" or "Specified Anatomical Areas."

Adult Motion Picture Theater. An enclosed building with a capacity of 50 or more persons used for presenting material distinguished or characterized by an emphasis or depicting or describing SEXUAL CONDUCT or SPECIFIED ANATOMICAL AREAS.

Alley/Alley Access Easement. The public right-of-way or easement for vehicles and pedestrians within a BLOCK that provides access to the rear or side of properties, vehicle parking (e.g., garages), utility meters, recycling containers, and garbage bins.

Attached Structures. A set of two or more structures connected by a common wall which separates climate-controlled rooms in all attached structures.

Attic Story. Habitable space situated within the structure of a pitched roof and above the uppermost STORY. They are permitted for all BFS sites and do not count against the maximum STORY height or ultimate height limits of their BFS.

Awning. A roof-like covering, projecting from a building FACADE, usually of canvas, metal, or similar material and often adjustable, placed over the sidewalk, windows, or doors to provide protection from sun and rain.

Balcony. An exterior platform attached to the upper floors of the building FAÇADE (along any STREET FRONTAGE, forward of the REQUIRED BUILDING LINE). *Note that other balcony-type structures oriented toward the lot interior are not regulated by the Center City FBC, but may be regulated by other building or fire code requirements.*

Bar/lounge/tavern. An establishment whose primary activity, measured by dollar volume of sales, involves the sale and the on-premise consumption of intoxicating or non-intoxicating beer, mixed beverages, wine, or other liquor, and where food service, if any, is a secondary activity.

Bay Window. Generally, a U-shaped enclosure extending the interior space of the building outward of the FACADE/REQUIRED BUILDING LINE (along its STREET-SPACE side).

Bed & Breakfast. A use in which the owner operator provides lodging which included meal service to transient guests for compensation. The use is subordinate to the principal use and appearance of the structure as a residence.

Bedroom. Any habitable room or space no less than 70 square feet and no greater than 144 square feet in floor area in a DWELLING UNIT which:

a. may be segregated by any means of closure or is otherwise capable of being used for sleeping quarters; and
b. has more than one means of egress (doorway or window); and
c. is not a kitchen, bathroom (lavatory) or utility room;

Less and except only one room or space meeting this definition that is specifically designated and utilized as general living space (but only where a general living space is not otherwise provided in the same DWELLING UNIT).

Any room or space which meets this definition and is greater than 144 square feet in floor area shall be counted as two bedrooms. Every additional 144 square feet of floor area shall be counted as an additional bedroom.

Block. An increment of land comprised of lots, ALLEYS and tracts circumscribed and not traversed by streets (PEDESTRIAN PATHWAYS excepted). BLOCKS shall be measured at the REQUIRED BUILDING LINE (RBL).

Block Corner. The outside corner of a BLOCK at the intersection of any two STREET-SPACES (the RBLS). Inside corners, where the resulting angle formed by the block face is less than 180 degrees (concave) are not considered BLOCK CORNERS for the purposes of this Code.

Block Face. The REQUIRED BUILDING LINE frontage between BLOCK CORNERS.

Buildable Area. The area of the lot that building(s) may occupy, which includes the area of the lot behind the REQUIRED BUILDING LINE as designated by the BUILDING FORM STANDARD. The BUILDABLE AREA sets the limits of the building footprint now and in the future—any additions shall be within the specified BUILDABLE AREA.

Building Corner. The outside corner of a building where the primary building mass is within an angle less than 180 degrees. Inside corners, where the exterior space of the building mass forms an angle of more than 180 degrees are not considered BUILDING CORNERS for the purposes of this Code.

Building Form Standards (BFS). The part of this Code that establishes basic parameters regulating building form, including the envelope (in three dimensions), placement and certain permitted/required building elements, such as SHOPFRONTS, BALCONIES, and STREET WALLS. The BUILDING FORM STANDARDS establish both the boundaries within which things may be done and specific things that must be done. The applicable BUILDING FORM STANDARD(S) for a site is determined by its STREET FRONTAGE as per the REGULATING PLAN. This produces a coherent STREET-SPACE and allows the building owner greater freedom behind the FAÇADE.

Building Face. See FAÇADE.

Child Care Center. Any place, home or institution which receives more than seven children under 18 years of age, who are not of common parentage, for care apart from their parents, legal guardians or custodians, when such care is received for regular periods of time for compensation; provided, however, this definition shall not include those public and private schools organized, operated or approved under the laws of Oklahoma and regulated by the State Department of Education, those where custody of the children has been fixed by a court of competent jurisdiction, those where children are related by blood or marriage within the third degree of the custodial person, or to those public or private institutions caring for children while the parents, legal guardians or custodians are attending services, meetings, classes, or otherwise engaging in that institution's activities, to the extent such care and custody does not exceed four hours at any one time.

Civic Green or Square. A public open space designated on the REGULATING PLAN. The term *square* is generally used to describe spaces that have more paved surface area. The term *civic green* is generally used to describe a formally configured small public lawn or park that is primarily unpaved. CIVIC GREENS and SQUARES do not include active recreation structures such as ballfields and courts. See *Part 5. Urban Space Standards* for the specific controls on SQUARES and CIVIC GREENS.

Civic Use Buildings. Those buildings that house strictly CIVIC USES or historically and urbanistically significant structures designated on the REGULATING PLAN. CIVIC USE BUILDINGS and publicly-owned public art are not subject to the BUILDING FORM STANDARD prescriptions of this Code. See also USE, CIVIC.

Clear Height. Within a structure, the distance between the floor and ceiling. For entrances and other external building features, the unobstructed distance from the ground to the bottom of the lowest element above.

Clear Walkway. The portion of the sidewalk within a STREET-SPACE that shall remain clear of obstructions and allow public passage. The CLEAR WALKWAY width is specified in the *Street Type Specifications*.

Clearly Visible from the Street-Space. Many requirements of this Code apply only where the subject is "CLEARLY VISIBLE FROM THE STREET-SPACE." (Note that the definition of STREET-SPACE includes SQUARES, CIVIC GREENS, PEDESTRIAN PATHWAYS, parks, and all public space except ALLEYS.) A building element more than 30 feet from a REQUIRED BUILDING LINE or STREET-SPACE is by definition not CLEARLY VISIBLE FROM THE STREET-SPACE (such as elements facing a COMMON LOT LINE). Also, common or party walls are by definition *not* CLEARLY VISIBLE FROM THE STREET-SPACE. This does not exempt vehicle parking lots or parking structures from any BUILDING FORM STANDARD requirements.

Commerce. See USE, COMMERCE.

Common Lot Lines. Lot lines shared by adjacent private lots.

Comparative Pedestrian Crossing. The measured distance, shown on the Street Type Specifications, that a pedestrian would be within an automobile travel lane (or turning movement) while crossing a street. A crossing time is calculated based on a pedestrian speed of 3.7 feet per second (a generally accepted urban average). This distance/time is calculated in order to provide a relative gauge of the comfort level for pedestrians crossing the street.

Complete and Discrete Facade Composition. The FACADE articulation that breaks down the apparent scale of a large building into smaller apparent pieces. The intent of such a FACADE COMPOSITION is to provide 'human scale' for the STREET-SPACE. The objective requirements of the COMPLETE AND DISCRETE FACADE COMPOSITION section of the BUILDING FORM STANDARDS regulate and ensure such scalar break-down.

Corner Lot. A lot in which one side lot line is adjacent to a street or STREET-SPACE. Special building placement, fencing and landscape requirements may apply.

Covered Sidewalk. A roofed or built structure attached to the FAÇADE and extending beyond the REQUIRED BUILDING LINE and over the sidewalk or SQUARE, open to the STREET-SPACE except for supporting columns, piers, or arches. (See BUILDING FORM STANDARDS for complete specifications.)

Crematorium. A facility for the incineration of corpses, human or animal, to ashes. Crematorium does not include any establishment where incinerators are used to dispose of toxic, hazardous, infectious, or narcotic materials.

Detached Frontage Building. Building form and functions resulting from/as determined by the Detached BUILDING FORM STANDARD as indicated on the REGULATING PLAN.

Developing or Development. As used in the CCFBC, these terms refer to construction or commencement of a use upon property(ies) where a NON-CONFORMING USE or NON-CONFORMING STRUCTURE did not previously exist.

Dooryard. The area within the STREET-SPACE between the FAÇADE of the building (generally the REQUIRED BUILDING LINE) and the CLEAR WALKWAY area of the sidewalk. The DOORYARD area is designated in the Street Type Specifications.

Dormers. Roofed ancillary structures with windows providing light and air to habitable space within the roof.

Dwelling Unit. A room or space or a suite of rooms or spaces used or intended to be used as an apartment and supporting general living conditions usually including a single cooking and dining space, single general living space, BEDROOM(s), bathroom(s) and utility room.

Eave Height. EAVE HEIGHT shall be measured at the bottom of the top layer of roofing material at its outermost point from the building wall.

English Basement. A habitable floor level below the first floor that is partially above and below grade, with direct STREET-SPACE access.

Façade (Building Face). The building elevation facing the STREET-SPACE or REQUIRED BUILDING LINE. Building walls facing private interior courts, COMMON LOT LINES, ALLEYS, and COMMON DRIVES are not FAÇADES.

Façade Composition. The arrangement and proportion of materials and building elements (windows, doors, columns, pilasters, bays, etc.) on a given FAÇADE.

Family Day Care Home. A structure used as a residence in which the resident receives seven or fewer children under the age of 18 years (including the caregiver's own resident preschool children under the age of five) for part-time care apart from their parents, legal guardians or custodians, when such care is received for regular periods of time for compensation.

Fenestration. Openings in the building wall, including windows and doors, allowing light and views between interior (private realm) and exterior (public realm).

First Floor. See GROUND STORY.

Front Porch. The ground floor platform attached to the FAÇADE or REQUIRED BUILDING LINE side of the main building.

Front Yard. An open (unpaved) space required by certain BUILDING FORM STANDARDS extending across the entire width of the lot between the FAÇADE and the CLEAR WALKWAY. This area is contiguous with the STREET-SPACE, and includes any FRONT PORCH.

Front Yard Fence. The wood (picket), wrought iron fence, or masonry wall located along and surrounding the FRONT YARD. (For placement, height and gate specifications, see the BUILDING FORM STANDARDS.)

Garden Wall. A masonry wall defining a property line or delineating a private area. (For placement, height and gate specifications, see the BUILDING FORM STANDARDS.) A GARDEN WALL may serve as a FRONT YARD FENCE.

General Living Space. The single room in a DWELLING UNIT designated or utilized for common social activities of the occupants.

Ground Story. The first habitable level of a building at or above grade. The next STORY above the GROUND STORY is the second floor or STORY.

Habitable Space. A space in a building for living, sleeping, eating or cooking. Bathrooms, toilet rooms, closets, halls or utility spaces are not considered habitable spaces.

Legacy Zoning District. A parcel's previous base zoning district existing immediately prior to the adoption of the CCFBC in July of 2017.

Liner Shops. Small shops (which can be as shallow as 15 to 20 feet) along the REQUIRED BUILDING LINE of a larger structure, with doors opening directly to the sidewalk. These small retail spaces break down the scale of large building FACADES. (Liner shops may or may not connect to the larger interior space.)

Live-Work. Where designated on the REGULATING PLAN, a townhouse is permitted to contain COMMERCE uses where it has its GROUND STORY configured as a SHOPFRONT.

Massage Parlor. Any place where for any form of consideration or gratuity, massage, alcohol rub, administration of fomentations, electric or magnetic treatments, or any other treatment or manipulation of the human body occurs as part of or in connection with SEXUAL CONDUCT or where any person providing such treatment, manipulation or service related thereto exposes SPECIFIED ANATOMICAL AREAS.

Mezzanine. An intermediate level between the GROUND STORY and the second STORY. It may be in the form of a platform, podium, or wide balcony. Its uses shall be limited to a continuation of the GROUND STORY uses.

Non-Conforming Structure. Any structure lawfully in compliance with its LEGACY ZONING DISTRICT at the time of CCFBC's adoption in July of 2017.

Non-Conforming Use. Any lawful use of land, building or structure existing on a subject property(ies) at the time of adoption of the CCFBC in July of 2017, which does not conform with the applicable use regulations of the CCFBC.

Open Area. See PRIVATE OPEN AREA.

Parapet Height. Where used to limit building height in this Code, PARAPET HEIGHT shall be measured at the top of the parapet, including any coping. An additional three feet in height by 12 feet in width or 15 percent of the FAÇADE, whichever is greater, is permitted for a section of the parapet to emphasize the building's primary street entry or a BLOCK CORNER.

Parking Setback Line. A line or plane indicated on the REGULATING PLAN which extends vertically up from the GROUND STORY floor level (unless otherwise noted on the REGULATING PLAN or BFS) and is generally parallel to the REQUIRED BUILDING LINE. The PARKING SETBACK LINE is a permissive minimum distance from the REQUIRED BUILDING LINE and parking may be placed anywhere within the lot behind this line, except where otherwise specified in this Code.

Pedestrian Pathway. An interconnecting paved way providing pedestrian and bicycle passage through BLOCKS running from a STREET-SPACE to another STREET-SPACE, an ALLEY or an interior block parking area. The area within a PEDESTRIAN PATHWAY shall be a public access easement or public right-of-way.

Plaza. See SQUARE.

Privacy Fence. An opaque fence made of wood or masonry (not chain link or any other type of rolled fence) along ALLEYS, COMMON DRIVES, COMMON LOT LINES and PEDESTRIAN PATHWAYS. See the BUILDING FORM STANDARDS for any height and placement specifications.

Private Open Area. An occupiable area within the BUILDABLE AREA and generally behind the PARKING SETBACK LINE, accessible only to occupants of the particular building or site, and (primarily) open to the sky. Additional specifications for the PRIVATE OPEN AREA may be included in each BUILDING FORM STANDARD. Private open area shall not be built-upon, used to satisfy minimum stormwater Best Management Practice area (if thereby excluding active tenant use), parked or driven upon (except for emergency access).

Redeveloping or Redevelopment. As used in the CCFBC, these terms refer to circumstances where alterations to a NON-CONFORMING USE or NON-CONFORMING STRUCTURE (pursuant to Part 2. Section 208 Non-Conforming Structures and Uses) result in destruction of non-conforming status and complete applicability of the CCFBC to a subject property(ies).

Regulating Plan. The implementing site plan for the DEVELOPMENT of the Center City Form District under this Code. REGULATING PLANS allocate the BUILDING FORM STANDARDS and street types and provide specific information for the disposition of each building site. The REGULATING PLAN also shows how each site relates to adjacent STREET-SPACES, the overall district, and the surrounding neighborhoods.

Required Building Line (RBL). A line or plane indicated on the REGULATING PLAN, defining the STREET FRONTAGE which extends vertically and generally parallel to the street, at which the building FACADE shall be placed. This is a requirement, not a permissive minimum. The minimum length and height of FAÇADE that is required at the RBL is shown on the appropriate BUILDING FORM STANDARD.

Sexual Conduct. The fondling or other touching of human genitals, pubic region, buttocks, or female breasts; ultimate sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, sodomy; masturbation, and; excretory functions as part of or in connection with any of the activities set forth above.

Sexual Encounter Center. Any building or structure which contains, or is used for commercial entertainment where the patron directly or indirectly is charged a fee to engage in personal contact with or to allow personal contact by, employees, devices or equipment or by personnel provided by the establishment which appeals to the prurient interest of the patron, to include, but not to be limited to bath houses, massage parlors, and related or similar activities.

Short Term Rental. The rental of an entire dwelling, or any portion thereof, for a period of not more than thirty (30) days, where the owner is engaged in a contract for the rental of that specific dwelling, or any portion thereof. An annual Short-Term Rental license may be issued to eligible Applicants by the City Clerk. A Short-Term Rental license is a privilege, not a right, and may be denied, suspended, revoked or not renewed.

Sidewing. The portion of a building extending along a COMMON LOT LINE toward the ALLEY or rear of the lot.

Specified Anatomical Areas. Human genitals, pubic region, buttocks, and female breast below a point immediately above the top of the areola and human male genitals in a discernibly turgid state, even if completely and opaquely covered.

Square. See Civic Green.

Stoop. An entry platform on the façade of a building. (See the building form standards for specifications.)

Shopfront (Storefront). That portion of the ground story façade fenestration intended for marketing or merchandising of commerce uses and allowing visibility between the sidewalk and the interior space.

Story (Story Height). That space within a building and above grade that is situated between one floor level and the floor level next above, or if there is no floor above, the ceiling or roof above. Story height parameters are as specified by the appropriate building form standard.

Street Frontage. That portion of the lot or building that is coincident with the required building line as required by this Code.

Streetlight. A luminaire installed on both sides of the street-space, along the street tree alignment line or median centerline, unless otherwise designated in this code, with the design criteria in the CC Form District giving equal weight to the lighting of the pedestrian areas and the automobile areas.

Street-Space. All space between fronting required building lines (streets, squares, plazas, pedestrian pathways, civic greens, sidewalks, parks)—including any transit service operator passenger platform—but not garage entries or alleys.

Street Tree. A tree required per this code and listed in the Street Tree List located in *Part 5. Urban Space Standards* that is of a proven hardy and drought tolerant species and large enough to form a canopy with sufficient clear trunk to allow traffic to pass under unimpeded.

Street Tree Alignment Line. A line along which street trees shall be planted and streetlights and other such infrastructure are to be placed. It is generally parallel with the street-space.

Street Wall. A masonry wall set on the required building line which assists in the definition of the street-space in the absence of a building. See the building form standards for height and gate specifications.

Tree Lawn (Tree Trench). A continuous strip of soil area—typically covered with grass, other vegetation, bridging pavement, or sometimes porous pavers—located between the back of curb and the clear walkway area, and used for planting street trees and configured to foster healthy street tree root systems. Tree lawn dimensions are specified in the Street Type Specifications.

Urban General Frontage Building. Building form and functions resulting from/as determined by the Urban General building form standard as indicated on the regulating plan.

Urban Residential Frontage Building. Building form and functions resulting from/ as determined by the Urban Residential BUILDING FORM STANDARD as indicated on the REGULATING PLAN.

Urban Storefront Frontage Building. Building form and functions resulting from/ as determined by the Urban Storefront BUILDING FORM STANDARD as indicated on the REGULATING PLAN.

Use, Art Studio. A place of work for an artist, artisan, or craftsperson, including persons engaged in the application, teaching, or performance of the fine arts. "Artist" shall include, but is not limited to, painters, sculptors, and photographers.

Use, Artisanal Manufacturing. An establishment or business where an artist, artisan, or craftsperson makes or fabricates crafts or products by hand or with minimal automation and may include direct sales to consumers.

Use, Auto Repair. An establishment primarily engaged in the repair or maintenance of motor vehicles, trailers, and similar large mechanical equipment, including paint, body and fender, major engine and engine part overhaul, brake, muffler, upholstery work, tire repair and change, lubrication, tune ups and transmission work, provided such work is conducted within a completely enclosed building.

Use, Civic. For the purpose of the Center City Form District, CIVIC USES include: meeting halls; libraries; schools; police and fire stations; post offices (retail operations only, no primary distribution facilities); places of worship; museums; cultural, visual and performing art centers; transit centers; government functions open for the public; and, other similar community uses. Public ownership alone does not constitute CIVIC USE.

Use, Commerce. For the purpose of the Center City Form District, COMMERCE USES shall be considered to generally encompass all of the Commerce categories and sub-categories represented on the CCFBC Use Table, and as thereafter amended, and as determined by the Planning Director pursuant to Sections 104 and 701 herein, except for any differences provided in Section 703 or Section 704 of this CCFBC; the additional uses permitted in sub-section 703(B)(4); and all of the CIVIC USES defined above, except transit centers.

Use, Office. For the purpose of the Center City Form District, OFFICES are occupations in the tertiary sector of the economy requiring special training in the arts or sciences. Some OFFICES require holding professional licenses such as architects, auditors, engineers, doctors and lawyers. Other OFFICES involve providing specialist business support to businesses of all sizes and in all sectors; this can include tax advice, supporting a company with accounting, or providing management advice.

Use, Overnight Lodging. Accommodation provided by an establishment (such as a hotel, bed and breakfast, or SHORT TERM RENTAL) where guests can sleep or spend the night.

Use, Passenger Terminal. A structure which services passengers boarding or leaving transportation vessels other than personal automobiles.

Use, Recreation/Entertainment. Recreation, amusement, or entertainment services being provided in an indoor or outdoor facility for the purpose of some leisure activity, including, but not limited to, arcades, computer arcades, escape rooms, gyms, laser tag, miniature golf, movie theaters, playgrounds or playhouses, pools, skating rinks, sports or athletic facilities, virtual reality rooms, and similar uses.

Use, Research and Development. An establishment or complex of structures located in a building whose dimensions are intended to foster physical, chemical and biological research and/or experimentation involving but not limited to controlled simulation of factors, development of prototypes, chemicals, commodities, pharmaceuticals, information technology, electronics and instrumentation for academic and industrial purposes.

Use, Residential. For the purpose of the Center City Form District, RESIDENTIAL USES shall be considered to encompass all of the Residential categories and sub-categories represented on the CCFBC Use Chart, and as thereafter amended, and as determined by the Planning Director pursuant to Sections 104 and 701 herein.

Use, Retail. For the purpose of the Center City Form District, RETAIL USES include the following:

Retail Service. Establishments providing services, as opposed to products, to the general public, including restaurants, hotels and motels, finance, real estate and insurance, travel agencies, health and educational services, and galleries; as well as personal services as defined in the City of Norman Zoning Ordinance.

Retail Sales. Establishments wherein the primary use is the sale of merchandise for use or consumption by the immediate purchaser.

Use, Self-Storage. A retail service establishment providing off site storage space to residents and businesses, offering convenience storage and limited warehousing services primarily for personal effects and household goods within enclosed structures having individual access, but excluding use as workshops, hobby shops, manufacturing or commercial activity.

Use, Vehicle Sales. Establishments where the primary activity taking place is the buying and selling of new or used vehicles.

Appendix A

A. Process

Upon adoption, the Center City Form Based Code (CCFBC) will be the Zoning District for all parcels within the identified Center City area except for the commercial area of Campus Corner as marked on the Illustrative Form District Map and Regulating Plan, found in *Part 3. Sections 302, 303 & 304*, respectively. The exclusion of the commercial area of Campus Corner may be reevaluated by City Council, with input from Campus Corner property owners and stakeholders, at such time that an adequately-sized parking structure that is open to the public is completed or an appropriate funding mechanism is approved. A property owner seeking to develop or redevelop a parcel within the CCFBC District can comply with CCFBC regulations or apply for rezoning to Center City Planned Unit Development (CCPUD).

1. A property owner and/or applicant must attend a Pre-Application Conference (as defined in *Part 2. Section 204.A.)* prior to choosing to comply with CCFBC, or to apply for voluntary participation in any Pattern Zoning program or overlay adopted for applicable CC Form District properties, or apply for rezoning to CCPUD.
2. If the CCFBC is chosen, the administrative process established in *Part 2. Administration* of the CCFBC will be used for site plan review, demolition permit and preliminary plat through the Development Review Committee after staff review. Final Plat will require City Council approval. Any parcel formerly designated as C-3 immediately prior to the adoption of the CCFBC shall not be subject to any maximum building height or parking restrictions contained within the CCFBC. Properties zones C-2 and located on Gray Street extending from Lahoma Aveune on the West to the railroad tracks on the East shall also be exempt from either the minimum parking requirements of the CCFBC or the C-2 parking requirements when redeveloped.
3. If CCPUD is chosen, the property owner and/or development applicant is required to comply with the rezoning process outlined within *Chapter 22, Section 442.1* of the City of Norman Code of Ordinances. The primary goal of the new CCPUD category is to provide flexibility (beyond that provided in *Section 206. Administrative Adjustments*) when a property owner seeks to comply with the intent and goals of the FBC but seeks relief regarding specific requirements of the FBC. Examples of development seeking relief might be, but are not limited to, construction of affordable housing, or housing that encourages aging in place, or other emerging trends in housing.
4. If voluntary participation in Pattern Zoning is chosen, the applicant must follow any procedures established therein, in conjunction with CC Form District requirements, as applicable.

B. Incentives

The following incentives will be provided to encourage property owners and/or applicants to use the CCFBC.

1. Administrative approval of DEVELOPMENTS conforming to the Center City Form Based Code.
2. Incentives identified by City Council under a properly adoped Project Plan for Tax Increment Financing.
3. Pattern Zoning program or overlay incentives that may be adopted for applicable CC Form District properties.

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.

B. Uses Permitted. The CCPUD regulations are designed to provide for any mix of uses. There are no specifically prescribed uses which are permitted within the boundaries of the Center City Area in order to increase creativity and flexibility in the Center City Area when DEVELOPMENT according to the CCFBC is not feasible. The owner/applicant will be responsible for the preparation of a list of permitted uses within the specific CCPUD. The development of the list shall take into account the nature and purpose of the CCPUD area, and such uses and locations shall be appropriate in order to protect and be in harmony with surrounding DEVELOPMENT.

C. Standards of Development.

1. Ownership control. Applicants submitting an application for approval of a CCPUD must be the owner of the property. The approved CCPUD shall be binding on all subsequent owners of the land until revised as authorized in this section.

2. Minimum District Area. Any legally existing lot in the Center City Area.

3. Parking and off street loading. All uses established within a Planned Unit Development shall comply with the off street parking and loading requirements as established in Part 6. Parking and Loading Standards of the CCFBC. Properties currently zoned C-3 in the Center City area as of the date of approval by City council of the CCFBC shall have no parking requirements.

4. Perimeter requirements. In order to assure compatibility with surrounding DEVELOPMENT, the developer shall submit specific information as to the setbacks, building height, coverage factors and other elements necessary for all perimeter lots that are adjacent to the boundary of the CCPUD District, or adjacent to any boundary or perimeter street right of way. While no specific setback requirements are herein established, the Planning Commission and City Council shall consider the nature, extent and character of the adjacent DEVELOPMENT and shall take into consideration the types of area regulations applicable to those adjacent properties.

5. Open Space requirements. Open space is an essential ingredient in a Planned Unit Development and is one of the most basic and important design elements. A minimum amount of open space must be provided consistent with the requirements of the CCFBC. A property owners' association shall be required if arrangements for improving, operating and maintaining all such common open space areas and other communally-owned facilities have not been completed in a manner satisfactory to the City of Norman.

6. Property Owners' Associations. The developer shall create such legal entities as appropriate to undertake and be responsible for the ownership, operation, construction and maintenance of common elements. All legal instruments setting forth a plan or manner of permanent care and maintenance of such common elements shall be approved by the City Attorney as to legal form and effect, and by City Council as to the suitability of the proposed use of the common elements.

7. Building Height. The height of structures on the west side of University Boulevard extending from Boyd Street to the alley north of Apache Street shall be a maximum of three stories. Properties currently zoned C-3 in the Center City area as of the date of approval by City Council of the CCFBC shall have no height requirements.

8. Central Core Area of Norman sprinkling requirements. Within the Center City Form-Based Code Area of Norman exhibited in Norman Code 22-429.7, and as that area is contained within the Central Core Area of Norman (see map exhibit to Norman Code 22-431.7) and 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.

9. A theater, including one that sells alcoholic beverages in compliance with state law, may be incorporated into appropriate CCPUD's.

D. Application Procedures. The Planned Unit Development application procedure shall consist of three phases.

1. Pre-application conference. Before submitting an application for any CCPUD, the landowner, or his authorized agent, shall schedule a Pre-application conference with City Staff. The intent of this conference is to provide guidance to the applicant prior to submitting a zoning application and to identify the information necessary for filing the application. The pre-application information shall include the following:
   a. Boundaries of the property involved;
   b. Existing zoning of the area and zoning of adjoining properties;
   c. Existing roadways, easements and waterways;
   d. A site development plan at a level of detail sufficient to indicate to the City the nature and scope of the project as to its magnitude in terms of approximate number and types of DWELLING UNITS, location and extent of non residential elements, proposed locations of open space areas, and major circulation facilities; and
   e. Proposed treatment of the perimeter of the CCPUD.

2. Zoning application. The application for the CCPUD shall consist of a simultaneous submission of a rezoning application, site development plan and subdivision plat, if applicable.

   The Rezoning Application/Site Development Plan and subdivision plat, if applicable, shall include at least the following information:

   a. Proposed title of the project and name of any engineer, architect, land planner, landscape architect, or company responsible for various elements of the plan.
   b. Site development plan of the property indicating the location of different land uses, dwellings by types and numbers, and areas proposed for open space and recreational use.
   c. All setback lines for all properties shall be shown.
   d. If the project is to be developed in more than one phase, the boundaries of each proposed phase shall be clearly indicated on the development plan.
   e. Calculations shall be submitted of the total number of gross acres in the project, and the acres and percentages thereof proposed to be devoted to the different dwelling types, commercial or other non residential uses, as well as streets, parks, schools, and other reservations.

f. Tabulation of the total number of DWELLING UNITS by various types in the project and if the project is to be developed in phases, by each phase within the project.

The CCPUD zoning application will be reviewed by Staff and their recommendation shall be forwarded to the Planning Commission for a public hearing and the public hearing shall be legally advertised as specified in Section 422.1 of the Zoning Ordinance.

At the public hearing before the Planning Commission, the applicant and interested citizens will have the opportunity to discuss the merits of the CCPUD proposal. The Planning Commission will assess the proposal in light of ordinance guidelines and will take action after weighing the recommendations of the Staff, the applicant's presentation, and the community's response. The Commission shall recommend approval; recommend approval conditioned on specified modifications; or recommend disapproval of the CCPUD application.

After the CCPUD application is reviewed by the Planning Commission, it will be forwarded to the City Council for their action. The City Council may grant; deny; defer for requested changes or information; or return the application to the Planning Commission for further study. The Council may direct the Planning Commission to reconsider specific aspects of the CCPUD application.

If the City Council approves the CCPUD application, it shall be in the form of an Ordinance which shall specify all conditions and schedules necessary to insure that the proposed CCPUD is accomplished. The applicant is permitted to construct the CCPUD in more than one phase or stage of construction. In such cases, the applicant shall clearly indicate on the Site Development Plan map the boundaries of each proposed phase and any common elements to be constructed with each phase.

E. Submission requirements. As part of the application process for a CCPUD the applicant shall be required to submit the following documents and information:

1. CCPUD zoning district narrative.
   a. A statement describing the general character of the total DEVELOPMENT and including the rationale behind the assumptions and choices represented in the application.
   b. Quantitative data including the following information:
      (i) Parcel size;
      (ii) Types and numbers of permitted uses and the square footage areas of each category of use;
      (iii) Proposed building coverage;
      (iv) Total square footage of common open space by type.
   c. A Site Development Plan meeting the following requirements:
      (i) Submitted on one or more sheets not to exceed 24 inches by 36 inches, including a small scale vicinity map;

(ii) To scale (scale indicated) and directionally oriented, such scale to be as large as possible in order to indicate as much detail as possible;

(iii) Lot lines;

(iv) Existing and proposed circulation system of all streets, including off street parking areas, service areas, loading areas, and major points of access to public rights of way (ingress and egress);

(v) Existing and proposed pedestrian circulation systems;

(vi) Proposed treatment of the perimeter of the property, including materials and techniques used such as screens, fences and walls, as well as description of uses, setbacks, and the relationship to surrounding uses;

(vii) General schematic landscape plan of the treatment of the area used for private and common open spaces;

(viii) Location and size of all areas to be conveyed, dedicated, or reserved as common open spaces, public parks, recreational areas, school sites, and similar public and semi public use;

(ix) Location, dimensions, nature of all existing and proposed easements and public improvements;

(x) Location of structures;

(xi) Indication of existing natural features of the property, including water courses, floodplains, unique natural features, and vegetation;

(xii) A legal description of the total site proposed for DEVELOPMENT;

(xiii) A DEVELOPMENT schedule indicating the approximate date when construction of the CCPUD, or phases of the CCPUD, can be expected to begin and be completed;

(xiv) A statement of the applicant's intentions with regard to the future selling or leasing of all, or portions, of the CCPUD, including land areas and DWELLING UNITS; and

(xv) A Preliminary Plat, if applicable, submitted in accordance with Chapter 19.

2. Final Plat. If a subdivision plat is required, the following additional information shall be provided with the Final Plat:
   a. A description of the maintenance provisions of the DEVELOPMENT;
   b. A final subdivision plat;
   c. A survey of the property;
   d. Any changes to the approved DEVELOPMENT schedule, including:
   e. Starting date;
   f. Dates when various phases are projected to be completed.
   g. An updated site development plan;

h. All legal instruments or covenants in a recordable form. Any such covenants shall stipulate that items of interest to the City of Norman, such as the DEVELOPMENT schedule, permitted uses, and disposition of any required open space, may not be altered by the developer or the property owners association without the specific approval of the City.

F. Administration. Applications for any building permit within an approved CCPUD, which vary from the standards and conditions set forth in the approved CCPUD, may be approved by the Planning Director within the following guidelines:

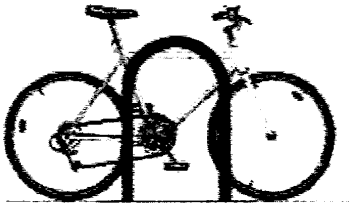
1. Does not increase the proposed floor area for non residential use by more than five percent (5%). Does not increase total number of DWELLING UNITS by more than five percent (5%) within a given phase.
2. Does not increase total building coverage by more than five percent (5%).
3. Does not increase building height by more than five percent (5%).
4. Provides for a decrease of up to ten percent (10%) in land coverage, height, or number of DWELLING UNITS.

Appendix C

Bicycle Parking Design Guidelines

1. The Rack Element

Definition: **the rack element is the part of the bike rack that supports one bicycle.**

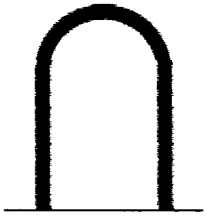


The rack element should:

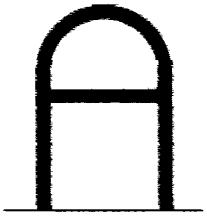
- Support the bicycle upright by its frame in two places
- Prevent the wheel of the bicycle from tipping over
- Enable the frame and one or both wheels to be secured
- Support bicycles without a diamond-shaped frame with a horizontal top tube (e.g. a mixte frame)
- Allow front-in parking: a U-lock should be able to lock the front wheel and the down tube of an upright bicycle
- Allow back-in parking: a U-lock should be able to lock the rear wheel and seat tube of the bicycle

Comb, toast, school-yard, and other wheel-bending racks that provide no support for the bicycle frame are NOT recommended.

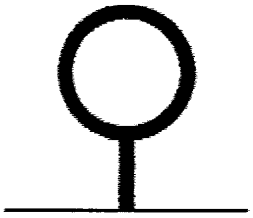
The rack element should resist being cut or detached using common hand tools, especially those that can be concealed in a backpack. Such tools include bolt cutters, pipe cutters, wrenches, and pry bars.



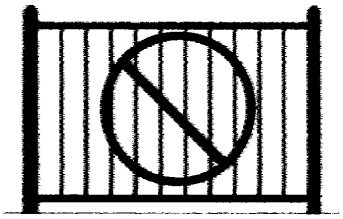
INVERTED "U"
One rack element supports two bikes.



"A"
One rack element supports two bikes.

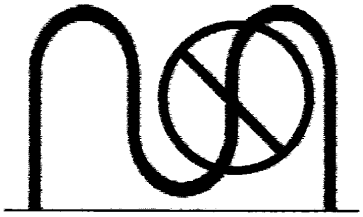


POST AND LOOP
One rack element supports two bikes.

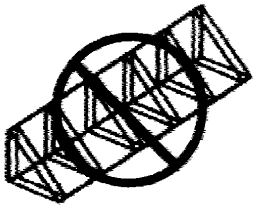


COMB
One rack element is a vertical segment of the rack.

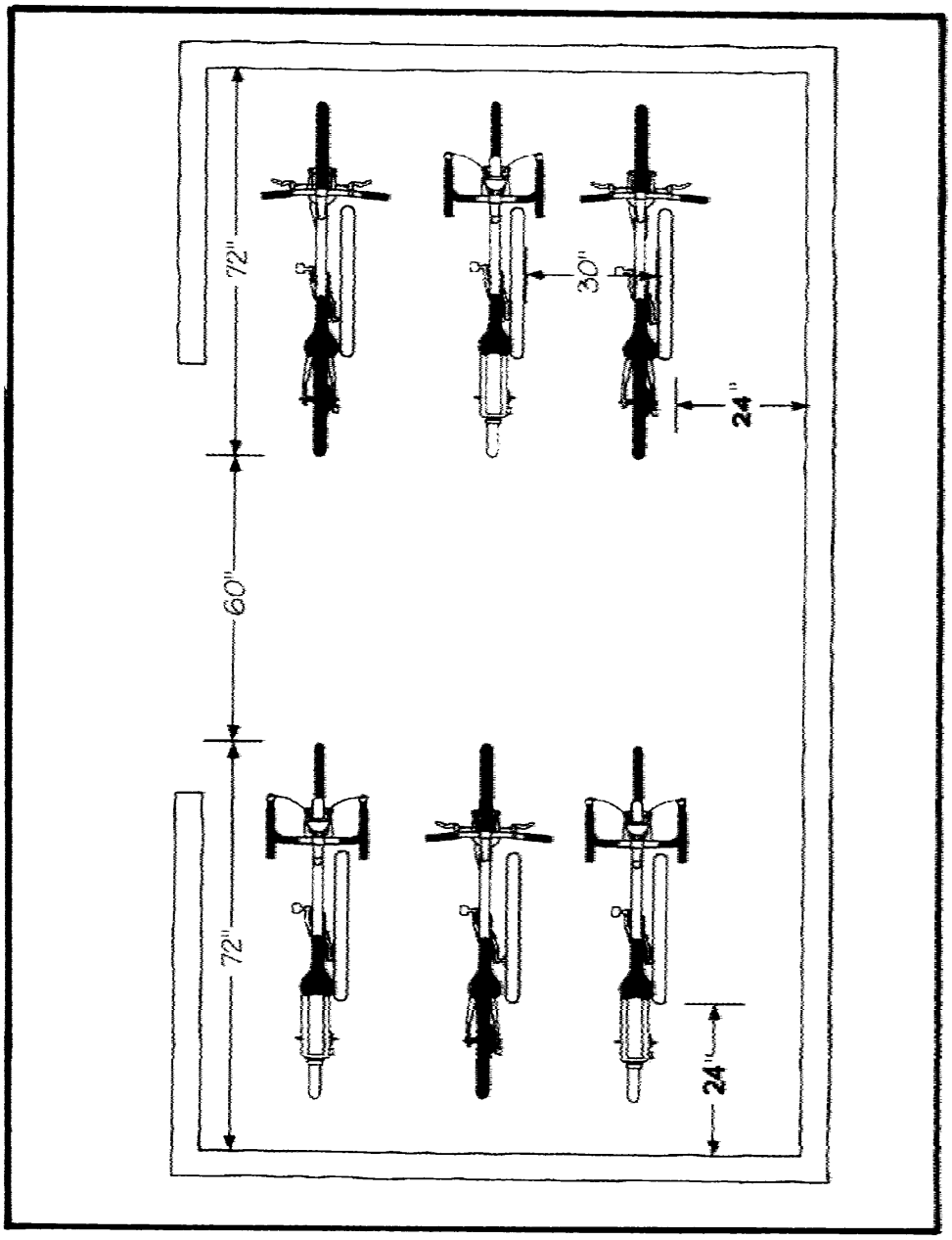
Not recommended



WAVE
One rack element is a vertical segment of the rack.
(see additional discussion on page 3)



TOAST
One rack element holds one wheel of a bike.


72"
30"
24"
60"
72"
24"

CENTER CITY FORM-BASED CODE

NORMAN, OKLAHOMA

June 2022 Draft

How to Use this Code

Why are some words shown in SMALL CAPITAL LETTERS?

The Norman Center City Form-Based Code (CCFBC) includes terms with special meanings and their definitions are included in *Part 9. Definitions*. Defined terms are shown throughout the document in SMALL CAPITAL LETTERS.

I want to know what is allowed for my property:

1. Look at the adopted REGULATING PLAN in *Part 3. The Regulating Plan* and determine if property in question is located within the Center City Form District. (CC Form District) If not, this Code is not applicable.
2. Find the specific property in question on the adopted REGULATING PLAN. Note the REQUIRED BUILDING LINE and the PARKING SETBACK LINE. Note the color of the fronting STREET-SPACE—this determines the applicable BUILDING FORM STANDARD (see the key located on the REGULATING PLAN).
3. Find the applicable BUILDING FORM STANDARD in *Part 4. Building Form Standards*. (Note the *General Standards* in *Section 402* that apply to all properties in the district.) The BUILDING FORM STANDARD will tell you the parameters for DEVELOPMENT on the site in terms of height, siting, elements, and use.
4. Additional regulations regarding streets and other public spaces surrounding the property, parking requirements, and permitted building functions are found in the following sections: *Part 5. Urban Space Standards; Part 6. Parking and Loading Standards;* and *Part 7. Building Functions.*
5. See *Part 2. Administration, Application Process & Appeals* for information on the DEVELOPMENT review process.

   NOTE: Where a NON-CONFORMING STRUCTURE or NON-CONFORMING USE may continue in compliance with *Part 2. Section 208. Non-Conforming Structures and Uses,* the allowances of a LEGACY ZONING DISTRICT may also control what is allowed for a particular property.

I want to modify an existing building:

1. If this code is applicable to your property, determine whether your intended changes would trigger a level of code compliance by looking at the *Part 2. Section 208. Non-Conforming Structures and Uses*.
2. If yes, follow the process delineated therein~~in *Part 2* (and the indicated portions of steps 2-4, above) or *Appendix A*~~.

I want to establish a new use in an existing building:

1. Find the property on the REGULATING PLAN and determine the applicable BUILDING FORM STANDARD.
2. Determine whether the use is allowed by looking at ~~the Permitted Use Table in~~ *Part 7. Building Functions*. If the use is allowed within the applicable CCFBC BFS~~is listed with a cross-reference in the right-hand column~~, refer to ~~those specific performance standards~~ *Part 2. Section 208. Non-Conforming Structures and Uses* to determine whether the use may be carried on within a NON-CONFORMING STRUCTURE. If Section 208 does not permit the use to be carried on within a NON-CONFORMING STRUCTURE, refer to the specific performance standards set forth in the applicable BFS.

I want to change the Regulating Plan regarding my property:

See *Part 2. Section 207. Amendments to the Center City Form-Based Code*.

I want to subdivide my property:

1. Property can only be subdivided in accordance with the procedures of the Norman Municipal Code.
2. Any such subdivision of a property within the *Center City Form District* shall also meet the standards of this Code.

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Part 1. General Provisions

101. Title

This Code is known as the Norman Center City Form-Based Code (CCFBC).

102. Applicability

A. The CCFBC is in effect for that part of the City of Norman, Oklahoma, designated on the REGULATING PLAN in *Part 3. The Regulating Plan* as the Center City Form District (CC Form District), and as set forth in *Part 2. Section 208. Non-conforming Structures and Uses*.

B. The area generally known as Campus Corner that is geographically located within the larger CC Form District boundaries, as designated on the REGULATING PLAN in *Part 3*, is excluded from the CC Form District, but may be added to the district in the future, by determination of the City Council.

C. The process for ~~developing~~DEVELOPING or REDEVELOPING~~redeveloping~~ within the CC Form District is delineated in *Part 2. Administration* and *Appendix A* of this Code.

103. Purposes

A. The goal of *Norman Center City Vision Project and Plan* was to reset the conversation and provide guidance for future DEVELOPMENT and REDEVELOPMENT in Center City.[1] This CCFBC is intended to implement the purpose and goals of that Plan by providing strong implementation tools for the Center City area.

B. The CCFBC shall be applied to new, infill DEVELOPMENT, and REDEVELOPMENT within the district both in order to achieve the vision set forth for the Center City and 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

C. The creation of transit- and pedestrian-oriented DEVELOPMENT and REDEVELOPMENT is dependent on three factors: density, diversity of uses, and *design*. This Code places greatest emphasis on design, or physical form, because of its importance in defining neighborhood and district character. All places evolve—density and uses can be expected to change over time as the area continues to grow and mature.

1 From the *Norman City Center Vision Summary Charrette Report*, May 2014.

104. Other Applicable Regulations

A. All ~~development~~ DEVELOPMENT and REDEVELOPMENT must comply with relevant Federal, State and City regulations. Whenever any provision of this Code imposes a greater requirement or a higher standard than is required in any State or Federal statute or other City ordinance or regulation, the provisions of this Code shall govern unless preempted by State or Federal law.

B. Where apparent conflicts exist between the provisions of the CCFBC and other existing ordinances, regulations, or permits, or by easements, covenants, or agreements, the Director shall determine, based on which best meets the requirements of this Code and Vision plan, which provisions shall govern within the Center City Form District.

C. Within the Center City Form-Based Code Area of Norman exhibited in Norman Code 22-429.7, and ~~is~~ contained within the Central Core Area of Norman (see map exhibit to Norman Code 22-431.7) 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.

105. Minimum Requirements

In interpreting and applying the provisions of the CCFBC, they are the minimum requirements for DEVELOPMENT under this Code.

106. Severability

Should any provision of the CCFBC be decided by the courts to be unconstitutional or invalid, that decision shall not affect the validity of the CCFBC other than the part decided to be unconstitutional or invalid.

107. Components of the Code

The CCFBC places a primary emphasis on physical form and placemaking, with a secondary focus on land uses. The principal regulatory sections of this Code are described below.

A. Administration

Administration covers application and review process for DEVELOPMENT project approval.

B. The Regulating Plan

The REGULATING PLAN is the application key for the CCFBC. It provides a public space master plan with specific information on DEVELOPMENT parameters for each parcel and shows how each lot relates to the STREET-SPACE (streets, SQUARES/CIVIC GREENS, PLAZAS, PEDESTRIAN PATHWAYS, etc.) and the surrounding neighborhood. The REGULATING PLAN may identify additional regulations and/or opportunities for lots in specific locations.

C. The Building Form Standards

The BUILDING FORM STANDARDS establish basic parameters governing building form, including the buildable envelope (in three dimensions) and certain permitted and/or required elements—such as SHOPFRONTS, BALCONIES, and STREET WALLS. The BUILDING FORM STANDARDS establish both the boundaries within which things may be done and specific things that must be done.

The primary intent of the BUILDING FORM STANDARDS (BFS) is to shape the STREET-SPACE, or public realm, through placement and form controls on buildings. Their secondary intent is to ensure that the buildings cooperate to form a functioning, sustainable, BLOCK structure. The applicable standard for a building site is determined by the STREET FRONTAGE designated on the REGULATING PLAN.

D. The Urban-Space Standards

The purpose of the Urban-Space Standards is to ensure coherent STREET-SPACE and to assist builders and owners with understanding the relationship between the public realm and their own building. These standards set the parameters for the placement of STREET TREES, sidewalks, and other amenities or furnishings within the STREET-SPACE. They set recommended configurations for the vehicular part of the street as well as other public spaces such as greens, squares, and plazas.

E. Building Function Standards

The Building Function Standards define the uses allowed and/or required on ground floors and in upper floors, correlated with each BUILDING FORM STANDARD. Because the CCFBC emphasizes form more than use, it includes fewer, broader categories than those provided elsewhere in the Norman Zoning Ordinance.

F. Parking and Loading Standards

Parking and loading standards provide goals and requirements to promote a "park once" environment through shared parking and encourage a pedestrian-friendly, walkable CC Form District.

G. Definitions

Certain terms in the CCFBC are used in very specific ways, often excluding some of the meanings of common usage. Wherever a word is in SMALL CAPITALS format, consult *Part 9. Definitions* for its specific and limited meaning. Where there is an apparent contradiction between the definitions in the CCFBC and those in the Norman Zoning Ordinance, the definitions in this Code shall prevail. Words used in the CCFBC, but not defined by this Code, but that are defined in the Norman Zoning Ordinance, shall have the meanings set forth therein.

Part 2. Administration, Application Process & Appeals

201. Applicability

Development and redevelopment proposals within the Center City Form District shall be subject to the provisions of this *Part 2* and/or *Appendix A*.

202. Director

A. Authority

The Director of Planning and Community Development ("Director") and the Development Review Team (DRT) are authorized to review and approve applications for Certificates of Compliance and Administrative Adjustments.

B. Delegation of Authority

The Director may designate any member of the staff of the City's Planning and Community Development Department to represent the Director in any function assigned by the Center City Form-Based Code (CCFBC). The Director, however, shall remain responsible for any final action taken under this Section.

203. FBC Development Review Team

The existing Development Review Team (DRT) with an additional citizen member who is a resident of the Center City Form District will provide a coordinated and centralized technical review process to ensure compliance with the requirements of the CCFBC. The Development Review Team is comprised of personnel from the City departments that have an interest in the development review and approval process.

A. Powers and Duties

1. The Development Review Team shall be responsible for the review of Concept Plans, Site Plans and any other development related applications that may be required by the CCFBC.
2. The Development Review Team shall be responsible for making determinations on the application and interpretation of guidelines, standards, and requirements of the CCFBC.
3. The Development Review Team may require the applicant to submit additional information not otherwise specifically required by the CCFBC, which is reasonably necessary to review and determine whether the proposed development complies with the requirements of the CCFBC.
4. The Development Review Team shall not be authorized to waive or vary requirements of the CCFBC or any other applicable ordinance of the City of Norman unless specifically allowed in the CCFBC.

B. Operational Procedures

The Development Review Team shall meet on their regularly scheduled meeting dates to review development applications. It shall be the

responsibility of the Planning Director, or the Director's designee, to collect the comments of the DRT, prepare a written staff analysis of the outstanding issues related to each application, and provide it to the applicant in a timely manner.

204. Certificate of Compliance

An application for approval of a Certificate of Compliance, demonstrating compliance with the provisions contained in the CCFBC and the REGULATING PLAN shall be submitted to the Director. At the time an application is submitted for a Certificate of Compliance for a Center City Form District property, the property shall be posted by staff with a sign provided by the City of Norman identifying that such a request has been received. A fully refundable $20.00 sign deposit is required.

A. Pre-Application Conference

A pre-application conference with a member of the professional planning staff of the Department of Planning and Community Development is required prior to the submission of any application for a Certificate of Compliance. The applicant shall provide a concept site plan and conceptual drawings of the FACADES of any building at a scale of at least 1"=100' for consideration by the staff. The discussions and any conclusions based ~~thereon at such a~~ on the pre-application conference are not binding on any party thereto.

B. Certificate of Compliance Application Requirements

The application for a Certificate of Compliance shall include:

1. A brief narrative describing the Development Proposal;
2. ~~Five (5)~~ Two (2) sets of completed plans for the Development Proposal at a scale sufficient to read [Site Plans at 1"= 50', Building Plans and Elevations at 1"= 20', Details as necessary to demonstrate form-based code ("FBC") compliance at 1"=4' to 1"=10'] as required by the City and including the following information, which shall be submitted on the following sheets:
    - (i) Location and dimensions of all proposed buildings and other construction;
    - (ii) Internal roadways, streets and/or STREET-SPACES, ALLEYS, common access easements, and access ways to adjacent public roadways;
    - (iii) Utilities - Sanitation/polycarts and service courts.
    - a. Location and dimensions of all parking areas and striping plan,
    - b. Utility Strategy,
    - c. Architectural drawings of all proposed building FACADES~~.~~,
    - d. Floor plan,
    - e. Landscape plan,
    - f. Stormwater calculations;
3. A completed Form-Based District Review Checklist, the form of which shall be developed, maintained, and made available by the Director, demonstrating compliance with the provisions of the FBC; and

4. Any other documents and/or materials required by the Director to determine compliance with the FBC.

C. Certificate of Compliance Review

1. The Director of Planning and Community Development may administratively provide for submission and review deadlines for materials and studies required in support of any application for a Certificate of Compliance. The need for technical studies shall be at the Director's discretion or as required by City ordinances.

2. Applicants shall be notified at the Development Review Team meeting if additional materials, ~~and~~ studies, and meetings will be required in order for review of their application to commence.

3. After the effective date of the CCFBC, no property which has been zoned under the CC Form District may be ~~developed~~DEVELOPED or ~~redeveloped~~ REDEVELOPED without: (a) approval of a Certificate of Compliance from the Director of Planning and Community Development, (b) approval of an application to voluntarily participate in any Pattern Zoning program or overlay adopted for applicable CC Form District properties, or (c) an approved rezoning to *Center City Planned Unit Development* (CCPUD) as established in *Appendix ~~A~~B*.

205. Effect of Certificate of Compliance Issuance

The Certificate of Compliance shall incorporate the approved site plan, elevation drawings and/or floor plan drawings, as determined by the Director, and shall be binding as to the elements demonstrated therein. Issuance of a Certificate of Compliance by the Director allows an applicant to apply for other necessary permits and approvals which include, but are not limited to, those permits and approvals required under the City Building Code. Certificate of Compliance site plan, elevation drawings and floor plans must be submitted with permit requests, and the Director may decline to issue a Certificate of Occupancy where construction is not completed in compliance with the Certificate of Compliance and its referenced attachments, in the absence of a valid material modification or Administrative Adjustment.

A. Certificate of Compliance Modification

After the Director has issued a Certificate of Compliance, any change in the Development Proposal from ~~the plans~~ Certificate of Compliance and referenced attachments submitted to the Director, other than those permitted under Section 206 below, shall be considered a material modification and shall be subject to the following review procedure:

1. ~~Material Modification requests shall be submitted to the Director for review and approval, and shall include sufficient information to determine compliance with the FBC.~~

2. A complete application for a material modification shall be referred to the DRT at its next regularly scheduled meeting.

3. The Director may administratively provide for submission and review deadlines for materials and studies required in support of any application for a material modification.

4. The DRT shall determine if the ~~proposal~~ proposed material modification is in compliance with the CCFBC Code.

B. Certificate of Compliance Expiration

1. A Certificate of Compliance shall lapse twenty-four (24) months from its issuance if an applicant does not secure a building permit.
2. Upon written communication by the applicant submitted at least thirty (30) days prior to the expiration of the Certificate of Compliance, and upon a showing of good cause, the Director may grant one extension not to exceed six (6) months. Upon an application for extension, the Certificate of Compliance shall be deemed extended until the Director has acted upon the request for extension.

C. Appeal

An appeal by a person aggrieved by the Director's decision on a Certificate of Compliance application, and situations where Administrative Adjustments are requested, will be to City Council.

206. Administrative Adjustments

A. Purpose and Intent

The purpose and intent of this section is to provide an administrative mechanism for allowing minor adjustments to limited and specific requirements of the Center City Form-Based Code, with the intent of providing relief where the application of a standard creates practical difficulties in allowing DEVELOPMENT to proceed. These adjustments are intended to provide relief for minor construction/survey issues; they are not intended for deviations from the CCFBC, like those governed by *Appendix A and B*. This optional process occurs only where an applicant requests an Administrative Adjustment to a standard specified below.

B. Administrative Adjustment Application and Review Procedure

1. An application for approval of an Administrative Adjustment shall include:
   a. A brief narrative describing the Administrative Adjustment sought;
   b. A completed Administrative Adjustment Checklist, the form of which shall be developed, maintained, and made available by the Director, demonstrating that the adjustment sought is limited to the standards set forth below; and
   c. Any other documents and/or materials required by the Director to determine that the adjustment sought is limited to the standards set forth below.
2. The Director may seek assistance from the DRT in making a determination under this Section.
3. Within ten (10) business days of receipt of a complete application, the Director shall review the application in accordance with the

Administrative Adjustment Standards below, and take one of the following actions:

a. Approve the application as submitted;

b. Approve the application with conditions; or

c. Deny the application.

C. Administrative Adjustment Standards

The Director is authorized to approve Administrative Adjustment applications in strict conformance with the following standards only:

1. Height

a. Minimum and maximum height - up to five percent (5%) for any cumulative increase or decrease in building height.

b. Street wall/fence requirements – up to ten percent (10%).

c. Finished floor elevation – up to five percent (5%).

2. Siting

a. Required building line – move forward up to six (6) inches.

b. Required building line – move backward up to three (3) feet. Applicant must submit landscaping or balcony plan.

c. Required building line minimum percentage built-to – reduction of up to five percent (5%) of required length.

d. Parking setback line – move forward up to six (6) feet.

e. Mezzanine floor area – up to ten percent (10%) additional area.

f. Street wall requirements – up to ten percent (10%) of the height/fenestration/access gate requirements.

g. Entrances (maximum average spacing) – up to ten percent (10%) increase in spacing.

3. Elements

a. Fenestration (minimum and maximum percent) – up to five percent (5%).

b. Elements (minimum and maximum projections) – up to five percent (5%).

4. Streets, Blocks and Alleys

Street center lines may be moved up to 50 feet in either direction, so long as:

a. the street connectivity is maintained (no cul-de-sacs);

b. no street intersection occurs within 125 feet of another street intersection; and

c. the block configuration meets the standards defined in *Section 301.D.*

D. Unlisted FBC Standards

Any request for relief from a required FBC standard other than those listed above shall be made through the CCPUD procedures set forth in ~~*Appendix*~~

~~A~~ *Appendices A and B. (See also Section 207 below.)*

E. Applicability

Any Administrative Adjustment approved under this Section shall run with the land and not be affected by a change in ownership.

207. Amendments to the Center City FBC

A. Text Amendments

Any application for an amendment to the FBC text shall be considered an application for a zoning text amendment subject to *Section 22:442.1* of the Zoning Ordinance and any other regulations applicable to zoning text amendments.

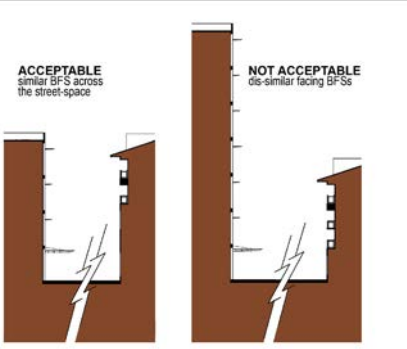
B. Regulating Plan Amendments

Any application for an amendment to the Center City REGULATING PLAN shall be considered an application for a zoning map amendment subject to *Zoning Ordinance Sections 22:442.1 - Amendments* and any other regulations applicable to rezoning.

~~In addition, any amendment to the REGULATING PLAN shall conform to the following requirements.~~

1. ~~Change of Building Form Standards (BFS)~~

~~In determining the allocation and, thereby, the form and mixed-use character of the district, attention must be paid to both the physical context (what goes next to what) and diversity of allowed/required uses. When amending the BFS on the REGULATING PLAN, the following standards apply when determining which BFS can share common or rear lot lines, be separated by an ALLEY, or face across the STREET-SPACE (see *Illustration 207.B.1* for the latter).~~



207.B.1 Illustrative intent

BFS Frontages	Urban Storefront	Urban General	Townhouse/ Small Apt	Neighborhood Middle	Detached
Urban Storefront	d	d	a,b,c	a,b,c	a
Urban General	d	d	d	d	a
Townhouse/Small Apt	a,b,c	d	d	d	d (Townhouse Form Only)
Neighborhood Middle	a,b,c	d	d	d	a,b,c
Detached			Townhouse Form Only)	a,b,c	d

REMOVE

BFS Frontages may be c ther as per the parameters below:

a. When separated by an ALLEY or rear lot line, or when fronting different streets (i.e. a corner lot and its adjacent lot).

b. When sharing a COMMON LOT LINE. Such changes must be consistent with both sides of the street and must not occur more than once per 150 linear feet of STREET FRONTAGE.

c. When facing across a SQUARE or CIVIC GREEN.

d. When facing and/or in any adjacency.

~~*207.B.1.b Chart of Permitted Adjacencies for the Building Form Standards*~~

a. ~~Civic use buildings (sites designated on the regulating plan) are not restricted by these standards.~~

b. ~~See *Chart 207.B.1 (below)* for the building form standard permitted adjacencies.~~

2. Changes to Streets, Blocks, Alleys

Any amended regulating plan shall conform to the standards defined in *Section 301*.

208. Non-Conforming Structures and Uses

A. Non-conforming structures. Non-Conforming Structures within the CC Form District may only be altered ~~or repaired~~ according to the following ~~schedule~~:

1. **Repair and Remodeling.** Repair~~s,~~ and remodeling~~, and additions to~~ of the structures which do not affect the structure's footprint may be made in conformance with an applicable Legacy Zoning District.~~the previous base zoning district (immediately prior to CCFBC adoption) so long as the addition is not greater than 50% of the square footage of a non-conforming structure.~~

2. **Additions.** An addition to a Non-Conforming Structure is permissible as long as:
   a. The structure occupying the original footprint of the structure is not demolished and remains occupied in substantially the same manner as prior to the addition; and
   b. The overall size of the structure does not increase by more than 50% of the square footage of the Non-Conforming Structure.

3. **Destruction and Replacement.**
   a. **Destruction Generally Not Permitted.** Destruction of a Non-Conforming Structure in a manner not specifically allowed by subpart (b) below will destroy the legal non-conforming status of the structure and any Non-Conforming Uses carried on within the Non-Conforming Structure, thus initiating complete application of the CCFBC to the subject property(ies) going forward.
   b. **Generally.** Non-Conforming Structures destroyed by fire, explosion, act of God, or the public enemy may be:
      (i) replaced with a Non-Conforming Structure of comparable height and siting as set forth in subpart (c) below;
      (ii) Redeveloped following the CCFBC standards; or
      (iii) follow the CCPUD process established in *Appendices A* and *B*.
   c. **Replacing a Non-Conforming Structure.**
      (i) All Non-Conforming Structures destroyed as set out in subpart (b) above may be replaced in conformance with a Legacy Zoning District only by a Non-Conforming Structure of comparable footprint, height and siting.

(ii) Additionally, single-family, duplex and residential accessory Non-Conforming Structures ~~structures~~ destroyed by fire, explosion, act of God, or the public enemy may be replaced in conformance with a Legacy Zoning District ~~the previous residential base zoning district (immediately prior to CCFBC adoption)~~ so long as the Non-Conforming Structure~~structure~~ is not converted to another ~~non-conforming use~~Non-Conforming Use or expanded beyond the footprint of the destroyed Non-Conforming Structure~~structure~~.

4. ~~Existing structures destroyed by fire, explosion, act of God, or the public enemy may be replaced with a structure of comparable height and siting; redeveloped following the CCFBC standards; or follow the process established in *Appendix A.*~~

5. **Non-Conforming Signage.** Non-Conforming Structures may utilize existing non-conforming signage materials and framework, and may alter the content of such non-conforming signage in compliance with the Legacy Zoning District. However, where non-conforming signage materials or framework are substantially altered, replaced or substituted, or where additional signage is sought, all signage must then comply with the provisions of the CCFBC. A Non-Conforming Structure may comply with CCFBC signage regulations, as required herein, without otherwise destroying its status as a Non-Conforming Structure herein.

B. Non-Conforming Uses

1. **Generally.** Permitted uses and Development Standards in applicable Legacy Zoning Districts may continue and be carried on in Non-Conforming Structures, even where the CCFBC, see *Part 7, Section 702. Use Table*, would apply Additional Regulations that cannot be satisfied.

2. **CCFBC Uses in Non-Conforming Structures.** Uses permitted within the CCFBC, and which cannot be found in a property's applicable Legacy Zoning District, are permitted in Non-Conforming Structures, and will not result in a destruction of legal non-conforming status.

3. **Other Uses.** Where a use is not permitted as a matter of right by a Legacy Zoning District, or otherwise allowed by CCFBC, an applicant may:

   a. Redevelop following the CCFBC standards; or

   b. Follow the CCPUD process established in *Appendices A* and *B*.

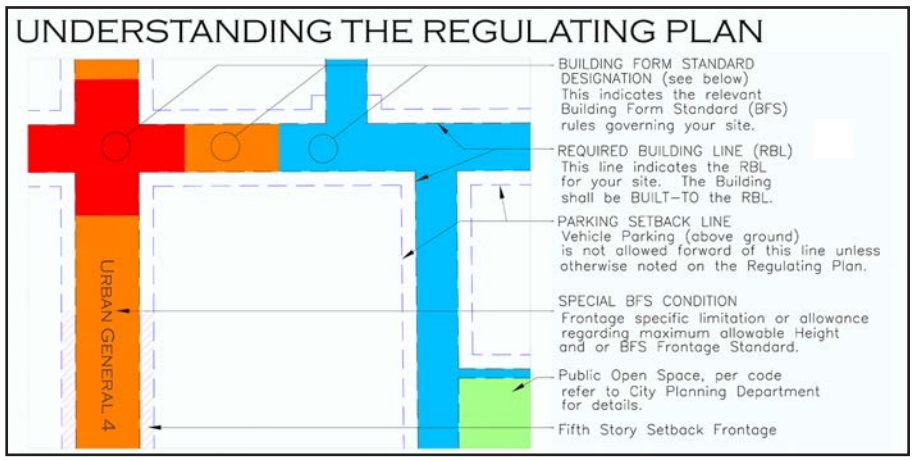
Part 3. The Regulating Plan

301. Rules for Regulating Plans

A. Purpose and Intent

1. The REGULATING PLAN is the controlling document and principal tool for implementing the Center City Form-Based Code (CCFBC).
2. The REGULATING PLAN makes the DEVELOPMENT standards place-specific, by designating the BUILDING FORM STANDARDS (BFS) and delineating the public spaces. The REGULATING PLAN identifies: the boundaries for the district; existing and proposed streets and ALLEYS; the REQUIRED BUILDING LINE and PARKING SETBACK LINE throughout the plan area.
3. The REGULATING PLAN may identify specific characteristics assigned to a lot or building site and may identify additional regulations (and opportunities) for lots in specific locations, as well as exceptions to the BFS or other standards.

B. Regulating Plan Key



C. Building Form Standards (BFS) on the Regulating Plan

a. BUILDING FORM STANDARDS are designated on the REGULATING PLAN by STREET FRONTAGE.

b. The allocation and distribution of BFS frontages—which define the form and character of the district—was based on the *Center City Vision Plan* and determined by the physical context (what goes next to what) and diversity of allowed/required uses.

D. Streets, Blocks & Alleys on the Regulating Plan

1. Streets

Recommended street configurations called out in *Part 5. Urban Space Standards* or on the REGULATING PLAN may or may not be immediately constructed. They should be placed into the system such that, when reasonable for the City's street maintenance/reconstruction plan, they can be rationally constructed.

a. Additional streets may be added to the REGULATING PLAN to create a smaller BLOCK pattern; however, no streets may be deleted without being replaced elsewhere within the district.

b. Where new ALLEYS or PEDESTRIAN PATHWAYS are designated on the REGULATING PLAN, they are critical to the working of the CC Form District and shall be considered mandatory. While the street infrastructure may not be constructed until some point in the future, the RBL, and other regulations of the REGULATING PLAN shall be respected.

c. New ALLEYS or PEDESTRIAN PATHWAYS shall be public or publicly accessible.

d. All lots shall share a frontage line with a STREET-SPACE.

2. Blocks

a. Maximum Size:

No BLOCK FACE shall have a length greater than 300 feet without an ALLEY, access easement, or PEDESTRIAN PATHWAY providing through-access to another STREET-SPACE, ALLEY or COMMON DRIVE. Individual lots with less than 100 feet of STREET FRONTAGE are exempt from the requirement to interrupt the BLOCK FACE; those with over 200 feet of STREET FRONTAGE shall meet the requirement within their lot, unless already satisfied within that BLOCK FACE.

b. Curb Cuts:

(i) Unless otherwise specified on the REGULATING PLAN, no new curb cuts are permitted.

(ii) For lots with ALLEY access, existing curb cuts shall be eliminated/vacated at the time of REDEVELOPMENT.

(iii) For lots without ALLEY access, existing curb cuts may be maintained or relocated.

(iv) Where a parking structure is being provided with at least 30% of its spaces publicly available, existing curb cuts may be relocated (even if the lot has ALLEY access.)

3. Alleys

a. Alleys or common drives must provide access to the rear of all lots, except where a lot has streets on three sides and the absence of an alley or common drive would not deprive an adjacent neighbor of rear lot access.

b. For new alleys (or common drives), public access, public utility, and drainage shall be dedicated via an easement.

c. Alleys may be incorporated into (rear) parking lots as standard drive aisles. Access to all properties adjacent shall be maintained.

d. Where an alley does not exist but is identified on the regulating plan and it is not feasible to construct at the time of redevelopment, no permanent structure shall be constructed within the proposed alley right-of-way. The applicant is required to dedicate the alley right-of-way within the rear setback to the City (for future construction) and maintain the area within the rear setback by, at a minimum:

(i) Providing routine landscape maintenance to the area.

(ii) Keeping the area clear of debris, stored materials, and stored or parked vehicles.

4. Changes to Regulating Plan

Any amendment or change to the regulating plan, beyond those specified in ~~this~~ *Section 301.D.* above, will be a zoning map amendment of this Code. See *Section 207.B.*

E. Special Site Conditions in the Center City Form District

1. Some building height and parking requirements of this Code are not applicable to properties zoned C-3 at the time of CCFBC adoption. (See *Part 4. Building Form Standards, Sections 403 & 404*, and *Part 6. Parking, Section 603.A.* for specific exemptions, and *Section 302. Illustrative Form District Map*, below, for the applicable parcels.)

2. The following conditions are identified by numbered asterisks (*) on the regulating plan. They may require additional performance standards or provide additional development opportunities due to their unique context.

a. (*1) Located on Jenkins at the transition from the excluded Campus Corner area to ~~Townhouse/Small Apartment~~ Urban Residential frontage. Existing building form and use (at the time of CCFBC adoption) is that of strip commercial. Future redevelopment may continue the range of uses.

b. (*2) Located on Webster at Apache. Existing historic building form is that of neighborhood commercial. Future redevelopment may continue commercial use if existing buildings are maintained without expansion or new development remains within the limit of the existing building footprint and height at the time of CCFBC adoption.

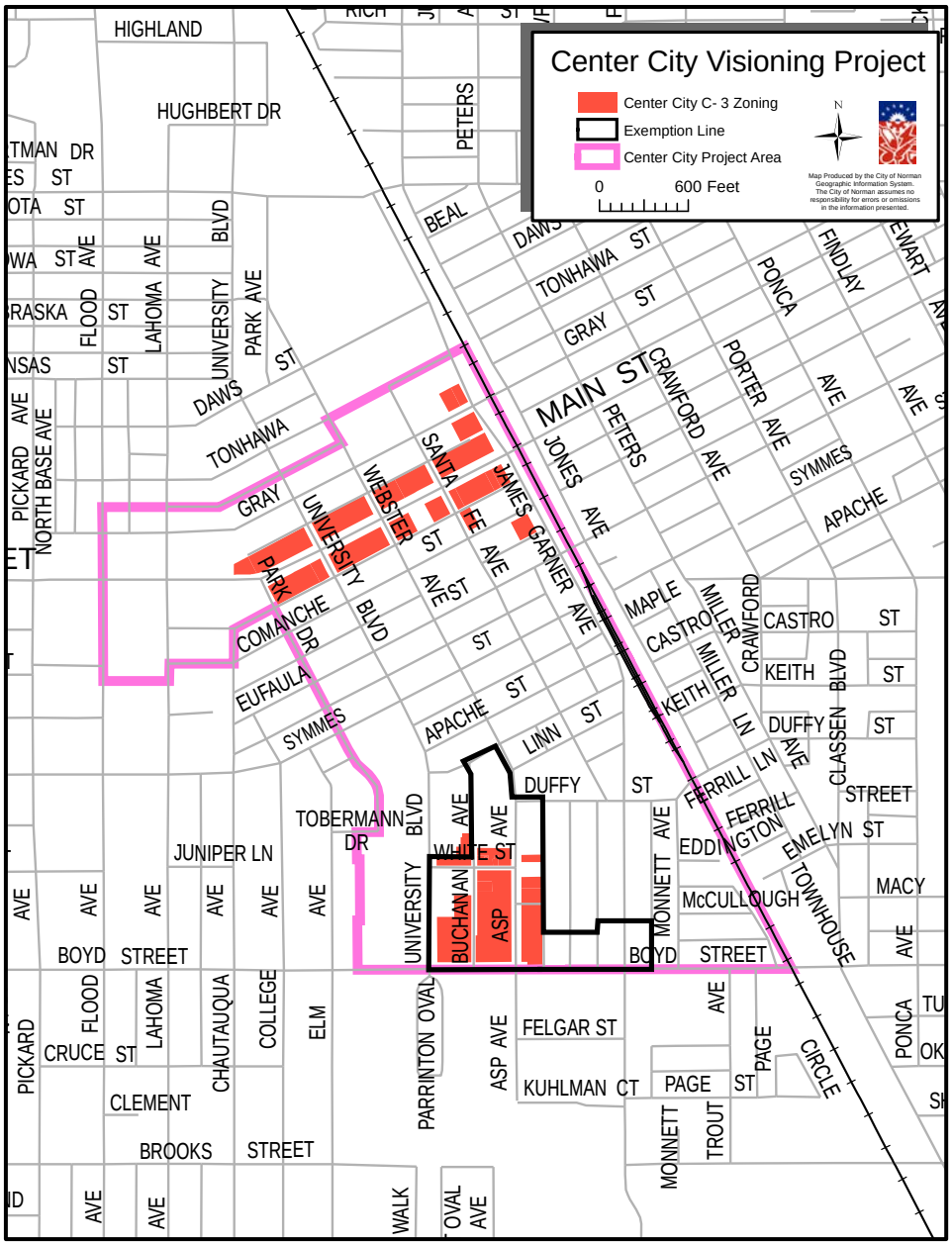
c. (*3) Located on Park Drive. Required building line (RBL) is a "zone" as defined on the regulating plan. This is to accommodate the small lot/tightly curving Detached Frontage.)

d. ~~(*4) Located on James Garner between Eufala and Symmes. This location was identified in the *Norman Center City Vision Plan* as a potential Farmers Market site. Market structures should be permitted forward of RBL to Parking Lane. Additional adjustments to RBL may be warranted.~~

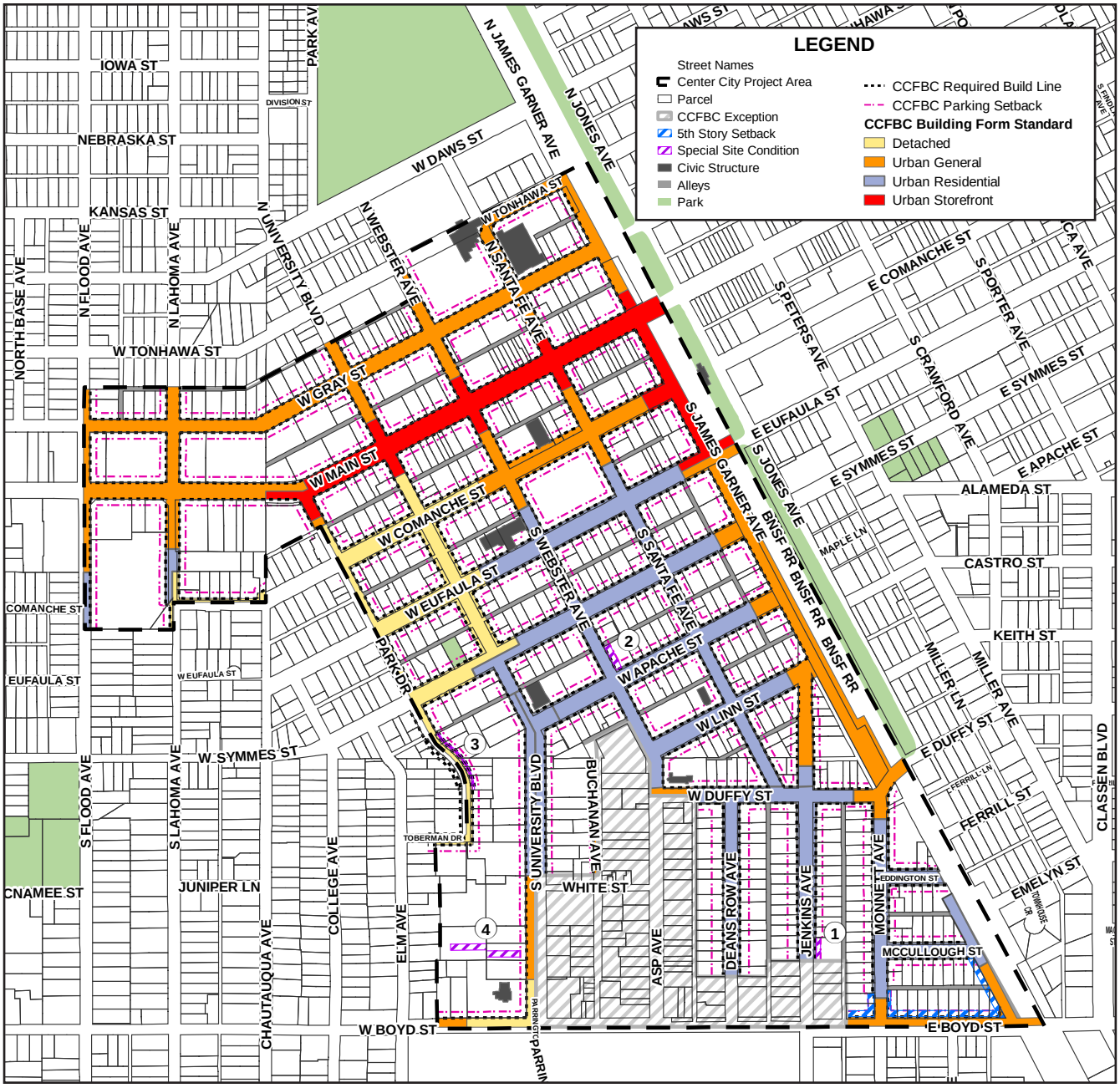
e. (*~~5~~4) Located off University behind Boyd House. The lot building limit provides a 'no structures' area; an additional 30-foot deep zone designated with a cross-hatch on the Regulating Plan establishes an additional buffer area wherein the maximum height for any structure is 30 feet.

302. Illustrative Form District Maps

302.A. Center City Visioning Map



302.B. Center City Regulating Plan Map



Note: ~~These~~ This version~~s~~ of the ~~Center City Form District Map and~~ Regulating Plan ~~are~~ is shown for illustrative purposes only. A large-scale version of the ~~adopted Map and~~ REGULATING PLAN can be found at: www.normanok.gov/planning/norman-center-city-vision. Contact the Planning and Community Development Department for further information about the Center City Form District and REGULATING PLAN. (Individual BFS may establish superceding RBL requirements.)

302.C. Center City Maximum Building Height Map

Note: Properties with C-3 zoning at the time of CCFBC adoption are exempt from maximum building height limitations. (See Center City Visioning Map (Page ~~16~~15) for applicable parcels.)

302.D. Center City Unit Minimum Map

Note: This version of the Center City Unit Minimum Map is shown for illustrative purposes only. There is no unit maximum requirement except for Detached Frontage.

Part 4. Building Form Standards

401. Intent

A. The goal of the BUILDING FORM STANDARDS (BFS) is the creation of a vital, and coherent public realm through the creation of good STREET-SPACE. The intent of these form standards is to shape the STREET-SPACE—the specific physical and functional character—of the Center City Form District. The form and function controls on building frontages work together to frame the STREET-SPACE while allowing the buildings greater latitude behind their FACADES. The BUILDING FORM STANDARDS aim for the minimum level of control necessary to meet this goal.

B. The BFS set the basic parameters governing building construction, including the building envelope (in three dimensions) and certain required or permitted functional elements~~., such as FENESTRATION (windows and doors), stoops, BALCONIES, FRONT PORCHES, and STREET WALLS.~~

C. The BFS establish the rules for DEVELOPMENT and REDEVELOPMENT on private lots, unless otherwise indicated on the REGULATING PLAN.

D. The REGULATING PLAN identifies the BUILDING FORM STANDARD for all private building sites within the CC Form District.

E. These BFS establish a range of DEVELOPMENT intensity and character within the CC Form District specific to each individual frontage, beginning in *Section 403*. The BFS frontages are:

1. Urban General Frontage, *Section 403*
2. Urban Storefront Frontage, *Section 404*
3. Urban Residential Frontage, *Section 404*
4. ~~Townhouse/Small Apartment~~
5. ~~Neighborhood Middle Frontage~~
6. Detached Frontage, *Section 405*

402. General Provisions

The following apply to all BFS, unless expressly stated otherwise within an individual BFS or otherwise designated on the REGULATING PLAN.

A. Frontage Transitions

When the BFS designation shown on the REGULATING PLAN changes along a property's REQUIRED BUILDING LINE (RBL), that property owner has the option, for that property's STREET FRONTAGE only, of applying either BFS for a maximum additional distance of 50 feet, from the transition point shown on the REGULATING PLAN, in either direction along that RBL.

B. Façade Composition

1. "FAÇADE COMPOSITION" is the arrangement and proportion of FACADE materials and elements (windows, doors, columns, pilasters, bays).

a. Each FACADE COMPOSITION shall include a functioning street entry door. (Only applies to STREET FRONTAGE that is the same as the street address.)

b. Individual infill projects on lots with STREET FRONTAGE of less than 100 feet on a BLOCK FACE are exempted from the overall FACADE composition requirement for that BLOCK FACE, but shall still include a functioning street entry. This requirement may be satisfied for large footprint uses, such as large grocery stores, through the use of LINER SHOPS.

2. "COMPLETE AND DISCRETE" distinguishes one part of the FACADE from another to break down the perceived scale of large buildings and provide a better pedestrian experience.

a. For each BLOCK FACE, FACADES along the RBL shall present A COMPLETE AND DISCRETE VERTICAL FACADE COMPOSITION to maintain and/or create the pedestrian-scale for the STREET-SPACE, at no greater than the following average STREET FRONTAGE lengths:

(i) 60 feet for Urban Storefront frontage sites;

(ii) 75 feet for Urban General and Urban Residential.

(iii) A longer FACADE COMPOSITION may be presented, as long as smaller compositions appear within the same BLOCK FACE in order to achieve the above-stated average.

b. To achieve a COMPLETE AND DISCRETE vertical FACADE composition (*Item 2* above) within a STREET FRONTAGE requires, at a minimum, *Item i* and at least two additional *Items ii-v*, below:

(i) Clearly different GROUND STORY FACADE composition (both framing materials and FENESTRATION proportions) from one bay to the next.

(ii) FENESTRATION proportions differing at least 20 percent in height or width or height:width ratio. *(See figure 402.B.2.b.ii.)*

(iii) At least two different bay configurations. *(See figure 402.B.2.b.iii.)*

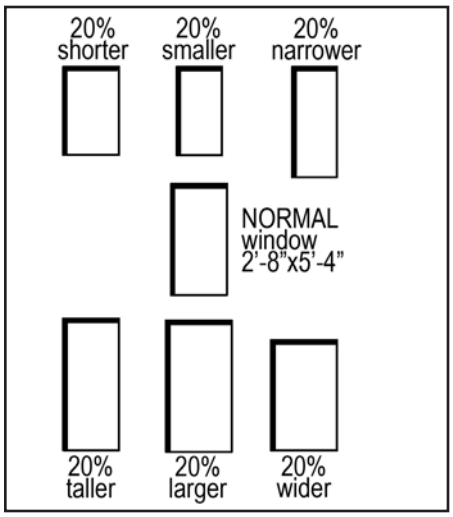
(iv) Change in wall material (changes in paint color are insufficient).

(v) Change in total FENESTRATION percentage (minimum difference 12 percent; ground floor FACADES are not included).

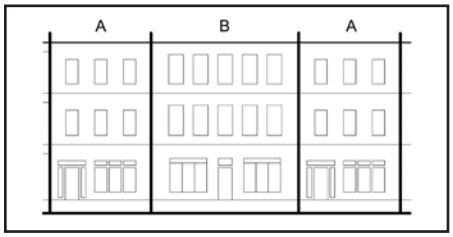
3. ~~Each FAÇADE COMPOSITION shall include a functioning street entry door. (Only applies to STREET FRONTAGE that is the same as the street address.)~~

4. ~~Individual infill projects on lots with STREET FRONTAGE of less than 100 feet on a BLOCK FACE are exempted from the overall FAÇADE composition requirement for that BLOCK FACE, but shall still include a functioning street entry. This requirement may be satisfied for large footprint uses, such as large grocery stores, through the use of LINER SHOPS.~~

5. ~~To achieve a COMPLETE AND DISCRETE vertical FACADE composition (*Item 2* above) within a STREET FRONTAGE requires, at a minimum, *Item a* and at least two additional *Items b-e*, below:~~



402.B.52.b.ii. Facade Composition illustrative intent



402.B.52.eb.iii. Facade composition illustrative intent

a. ~~Clearly different GROUND STORY FAÇADE composition (both framing materials and FENESTRATION proportions) from one bay to the next.~~

b. ~~FENESTRATION proportions differing at least 20 percent in height or width or height:width ratio. *(See figure 402.B.5.b.)*~~

c. ~~At least two different bay configurations. *(See figure 402.B.5.c.)*~~

d. ~~Change in wall material (changes in paint color are insufficient).~~

e. ~~Change in total FENESTRATION percentage (minimum difference 12 percent; ground floor FAÇADES are not included).~~

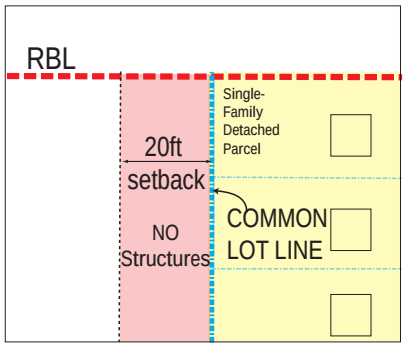
C. Building Size

The maximum footprint for a building is 25,000 gross square feet; for buildings beyond that limit, see ~~*Appendix*~~ *Appendices A and B*. This shall not limit parking structures built according to the standards of this Code.

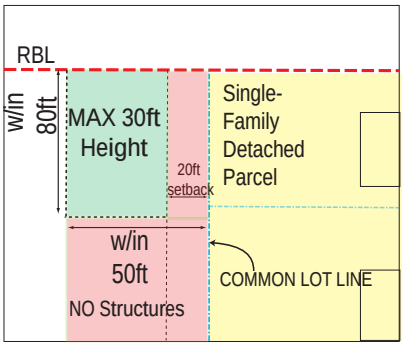
D. Neighborhood Manners

For the Urban General, Urban Storefront, and Urban Residential BFS frontages, the following rules apply:

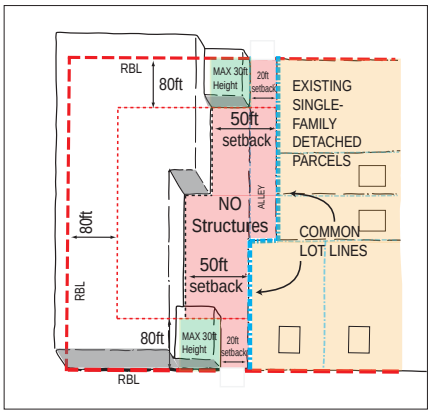
1. Where a site shares a COMMON LOT LINE with a Detached BFS frontage lot within the City Center Form District or an R-1 lot adjacent to the western boundary of the District:
   a. There shall be at least a 20 foot setback from the COMMON LOT LINE. (See *figure 402.D.1.a.*)
   b. Within 50 feet of the COMMON LOT LINE, and within 80 feet of any RBL, any structures shall have a maximum height of 30 feet. This requirement supersedes the minimum STORY requirement. (See *figure 402.D.1.b-c.*)
   c. Farther than 80 feet from any RBL, there shall be an additional 30 foot setback (for a total of 50 feet) from the COMMON LOT LINE for all structures. Surface parking is allowed. (See *figure 402.D.1.b-c.*)
2. Where a site has a COMMON LOT LINE with a Detached BFS frontage lot within the City Center District or an R-1 lot adjacent to the District, a GARDEN WALL, 4 to 6 feet in height, shall be constructed within one (1) foot of the COMMON LOT LINE. Trees from the Street Tree List shall be planted, on maximum 30-foot centers, within 10 feet of this wall.



402.D.1.a. Neighborhood Manners -- Required setback



402.D.1.b. Neighborhood Manners -- Height limitations and required setbacks



402.D.1.c. Neighborhood Manners -- Limitations on buildable envelope

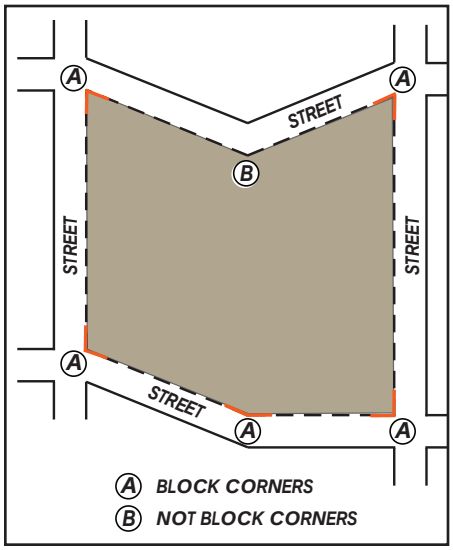
E. Height

1. The height of all buildings is measured in STORIES, with an ultimate limit in feet, measured from the average fronting public sidewalk elevation to the top of the wall plate, unless otherwise specified in the individual BFS.
2. The minimum FACADE height that is required at the RBL is shown on the individual BFS.
3. The ceiling of an ENGLISH BASEMENT is at least 3 feet above sidewalk grade with windows above grade. ENGLISH BASEMENT units do not count against the STORY height limit but do count against the ultimate height measurement.
4. An ATTIC STORY is not included in the building height measurement.

5. Mezzanines that have a floor area greater than 1/3rd of the floor area of the story in which they are located shall count as an additional full story in the building height measurement.
6. At least 80% of each story shall meet the minimum clear height prescribed in the individual BFs.
7. The ground story finished floor elevation requirements shall be measured at two points:
   a. from the average exterior public sidewalk elevation at the RBL, and
   b. within 30 feet of any RBL.

F. Siting

1. Building facades shall be built to the RBL as prescribed in the BFs. Single parcels with varied RBLs may select a single RBL and build to that designation.
2. The building façade shall be built to the RBL within the first 30 feet of a block corner, unless otherwise specified in the BFs. *(See figure 402.F.2.)*
3. The RBL, designated on regulating plan as an absolute line, incorporates an offset area (or depth) of 24 inches behind that line (into the buildable area) allowing for jogs, façade articulation, etc. unless otherwise designated herein. Therefore, where the façade is placed within that 24-inch zone, it is considered to be "built to" the RBL.
4. Where a street wall is required, it shall be located along any RBL frontage that is not otherwise occupied by a building.
5. Buildings may only occupy that portion of the lot specified as the buildable area—the area behind the RBL as designated by the BFs.
6. No part of any building may be located outside of the buildable area except overhanging eaves, awnings, balconies, shopfronts, bay windows, stoops, steps, or handicapped ramps approved by the Director. Stoops, steps, and ramps shall not be located within the clear walkway. Where workable, for appropriate commerce and retail uses, temporary displays or cafe seating may be placed in the dooryard.
7. There is no required setback from alleys (or common drives) except as otherwise indicated on the individual BFs. On lots without alley access, there shall be a minimum 15-foot setback from the rear lot line.
8. ~~There are no side lot setbacks, except as specified in *Section D. Neighborhood Manners* (above) or in the individual BFs. However, all structures are nonetheless subject to applicable building and fire codes. (See Section 104.)~~
9. The parking setback line is generally 30 feet behind the RBL and extends, vertically from the first floor level, as a plane unless otherwise indicated on the regulating plan or in the individual BFs. Vehicle parking shall be located behind the parking setback line, except where



402.F.2. Block Corner diagram

parking is provided below grade, on-street, or otherwise indicated on the REGULATING PLAN.

10. All lots, including CORNER LOTS and through lots, shall satisfy the build-to requirements for all their RBL frontages, and the DOORYARD and/or FRONT YARD requirements for each designated BFS, unless otherwise specified in this Code.

G. Private Open Area

1. Any required PRIVATE OPEN AREA located on the ground shall have at least 1 tree per 800 square feet, of at least 2.5 inches in diameter at designated breast height (DBH) and at least 10 feet in overall height. Where new trees are planted to meet this requirement, they shall be no closer than five feet to any COMMON LOT LINE. Urban General, Urban Storefront, and Urban Residential lots that are reusing existing structures (without expansion) are exempt from this requirement.

2. Species must be selected from a list approved by the Director or their designee. Trees listed on the Norman Invasive Species list are prohibited from private open areas.

H. Garage and Parking

1. Curb cuts or driveways, except those along ALLEYS, shall be located at least 75 feet away from any BLOCK CORNER or parking structure entry on the same BLOCK FACE.

2. No portion of a parking structure (except for elevator penthouses) shall exceed the individual BFS ultimate building height in feet; however:
   a. a parking structure may include additional levels of parking in excess of the building height limit in STORIES, and
   b. parking on the open, roof level is permitted.

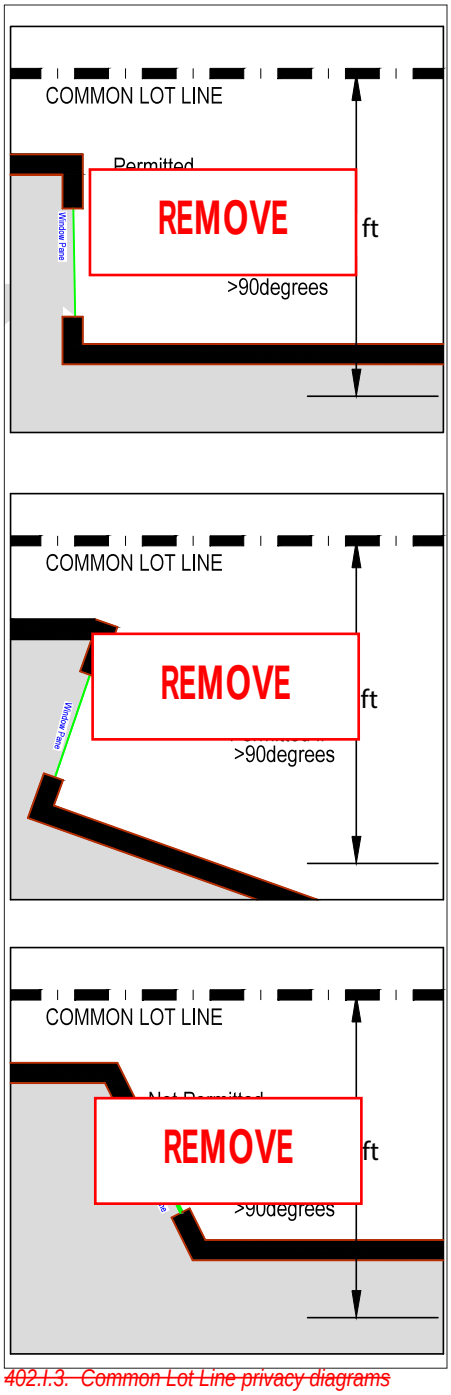
3. Any portion of a parking structure within 20 feet of a building constructed under this Code shall not exceed 40 feet or that building's primary ridge or parapet height, whichever is greater.

I. Elements

1. FENESTRATION is regulated as a percentage of the FAÇADE between floor levels. It is measured as glass area (including mullions and similar window frame elements with a dimension less than one inch) and/or as open area.

2. FENESTRATION shall be distributed such that no 30-foot square section of a FACADE violates the BFS percentage parameters.

3. Unless otherwise designated in the individual BFS, no window may be at an angle of less than 90 degrees from a COMMON LOT LINE within 3~~10~~ feet, unless:
   a. That view is contained within the lot (e.g. by a PRIVACY FENCE/GARDEN WALL, opaque glass), or
   b. The sill is at least 6 feet above its finished floor level.



~~402.I.3. Common Lot Line privacy diagrams~~

4. No part of any building may project forward of the RBL except overhanging eaves, AWNINGS, SHOPFRONTS, BAY WINDOWS, STOOPS, steps, BALCONIES, or handicapped ramps approved by the Director.

5. GROUND STORY AWNINGS shall maintain a minimum horizontal clearance of 1 foot from any point where the TREE LAWN meets the CLEAR WALKWAY and shall maintain a CLEAR HEIGHT of at least 10 feet above the CLEAR WALKWAY.

6. BALCONIES may not project within 5 feet of a COMMON LOT LINE. Balconies may encroach within the public right-of-way, subject to the issuance of applicable permits and required permissions.

7. Where an individual BFS includes BALCONIES as a method for achieving the required PRIVATE OPEN AREA, the BALCONY~~:~~ shall not otherwise be enclosed above a height of 42 inches, except with insect screening and/or columns/posts supporting a roof or connecting with another BALCONY above.
   a. ~~shall be enclosed by balustrades, railings, or other means that block at least 55 percent of the view through them;~~
   b. ~~shall not otherwise be enclosed above a height of 42 inches, except with insect screening and/or columns/posts supporting a roof or connecting with another BALCONY above; and~~
   c. ~~shall be roofed.~~

8. BAY WINDOWS shall have an interior clear width of between four and eight feet at the main wall. BAY WINDOWS shall project no more than 42 inches beyond the RBL.

9. ATTIC STORIES are permitted within all BFS frontages.
   a. On the RBL/FACADE side of the roof pitch (BLOCK interior elevations are not restricted) ATTIC STORY windows may only be located in DORMERS and/or gable-ends.
   b. ATTIC STORY DORMERS are permitted so long as they do not break the primary eave line, are individually less than 15 feet wide, and their collective width is not more than 60 percent of the RBL FACADE length.
   c. An ATTIC STORY may not occupy an area greater than 75% of the floor area of the STORY immediately below.
   d. ATTIC STORIES meeting the above standards do not count against the maximum building height in feet or STORIES.

10. At least one functioning entry door shall be provided along each GROUND STORY FAÇADE. No GROUND STORY FACADE may include a section of greater than 75 feet without a functioning entry door, unless otherwise specified in the BFS. (Only applies to STREET FRONTAGE that is the same as the street address.) A FACADE entry door is not required for any DWELLING UNIT with an entry door in a frontage-facing courtyard.

11. All required FRONT PORCHES shall be completely covered by a roof. FRONT PORCHES may be screened when all architectural elements (columns, railings, etc.) occur on the outside of the screen on the side facing the STREET-SPACE. The finished FRONT PORCH floor height shall be no more than 8 inches below the first interior finished floor level of the

building to which it is attached. FRONT PORCHES shall not extend past the DOORYARD into the CLEAR WALKWAY.

12. The finished STOOP floor height shall be no more than 8 inches below the first interior finished floor level of the building to which it is attached. STOOPS shall not extend past the DOORYARD into the CLEAR WALKWAY.

13. PRIVACY FENCES may be constructed along COMMON LOT LINES behind the RBL, and along ALLEYS. PRIVACY FENCES shall have a maximum height of 8 feet.

J. Architectural Materials (exteriors)

The Center City is a compact, walkable, mixed-use urban district. Traditional, sustainable, durable materials appropriate to the central Oklahoma climate are encouraged. Innovative, energy-efficient materials detailed appropriate to a pedestrian-scaled urban environment are encouraged. The following materials are prohibited:

1. Any lap siding except natural wood or cementitious fiber board.
2. Composition roofing shingles used as a wall material
3. Exposed fastener metal panels
4. Artificial stucco or EIFS, except high impact quality

K. Roof Configurations

Where CLEARLY VISIBLE FROM THE STREET-SPACE, pitched roofs, exclusive of roofs behind parapet walls, shall be pitched between 4:12 and 12:12. Shed roofs, attached to the main structure, shall be pitched between 3:12 and 8:12. (See *Section 402.O.* for standards for screening mechanical equipment.)

L. ~~Building Functions~~

~~Allowable uses for GROUND STORIES and upper STORIES are identified in each BFS. Additional use standards are provided in *Part. 7 Building Function Standards.*~~

M. Civic Use Buildings

When CIVIC USE BUILDINGS are designated on the REGULATING PLAN, they are exempt from the BFS provisions except those required under *Section 402.D. 1-2 Neighborhood Manners* ~~(above.)~~.

N. Signage

The standards in this section, ~~*N*~~*M. Signage*, apply in the Urban General, Urban Storefront, and Urban Residential frontages and supersede *Chapter 18 (Sign Code)* of the *Norman Municipal Code* in the areas so designated.

1. Intent and Guiding Illustrations

Signs along commercial and mixed-use frontages should be clear, informative and should weather well. Signage is desirable for advertising shops and offices, and as decoration. Signs should be scaled to the District: mixed-use, pedestrian-oriented, with slow-moving automobile traffic. Signage that is glaring or too large creates distraction, intrudes into and lessens the district experience, and creates visual clutter. The photographs in this *Section 402.* ~~*N*~~*M. Signage* are advisory only. ~~Refer to *Sections 402.N.2. General Standards* and *402.N.3. Prohibited Signs* (below) for the specific requirements.~~

Wall sign

~~*Hanging*~~*Blade sign*

Painted window sign

Masonry parapet sign

2. General Standards

a. Wall signs are permitted within the area between the second STORY floor line and the first floor ceiling with a horizontal band not to exceed 2 feet in height. In no case shall this band be higher than 20 feet or lower than 11 feet above the adjacent sidewalk.

b. Letters shall not exceed 18 inches in height or width. Signs shall not come closer than 2 feet to an adjacent COMMON LOT LINE.

c. Additionally company logos or names may be placed within this horizontal band or placed or painted within ground floor or second STORY windows.

d. A masonry or bronze plaque bearing an owner's or building's name may be placed in the building's cornice/parapet wall or under the eaves, and above the upper STORY windows. Any such plaque shall be no larger than a rectangle of 18 square feet.

e. Blade signs (perpendicular to the REQUIRED BUILDING LINE) not more than 5 feet wide containing a maximum of 25 square feet per side and minimum 9 feet clear height above the sidewalk may be hung from the FACADE, or from an overhang or AWNING. Vertically oriented blade signs less than 30 inches wide may contain up to 30 square feet per side. No blade sign shall extend above the FACADE at the RBL.

f. Neon signs are allowed within SHOPFRONT windows throughout the District.

g. No more than 25% of a shop or store window may be covered by signage.

h. Temporary sidewalk easel signs of up to 36" in height are permitted within the DOORYARD area. They may also be considered a permitted obstruction to the sidewalk or right-of-way, with prior approval from the City.

i. All illumination of signs and buildings shall be by constant light—flashing, traveling, animated, or intermittent lighting shall not be mounted on the exterior of any building, whether such lighting is temporary or permanent.

Neon sign within shopfront window

3. Prohibited Signs

Outdoor advertising signs, roof signs, free-standing pole signs, monument signs, any kind of animation, and signs painted on the exterior walls of buildings. No digital, flashing, scrolling, traveling, animated, or intermittent lighting shall be on the exterior of any building whether such lighting is of temporary or long-term duration. Portable or wheeled signs and advertising located outside any building are not allowed except as specifically allowed for in 2. h. of ~~N~~M. Signage.

O. Lighting & Mechanical

1. ~~Purpose and Intent~~

~~Appropriate lighting is desirable for nighttime visibility, crime deterrence, and decoration. However, lighting that is too bright or intense creates glare, hinders night vision, and creates light pollution. Every attempt should~~

be made to preserve the ambiance of the night, to conserve public funds through the use of energy-efficient lights, and to respect the privacy of neighboring properties by applying the appropriate fixtures in the correct locations. Street lights are pedestrian-scaled and should occur along all streets but "cobra-head" highway fixtures should only occur at intersections if absolutely necessary. All materials and equipment chosen for lighting fixtures should be durable to age well without demanding maintenance requirements.

Mechanical equipment is generally any Heating, Ventilation and Air Conditioning (HVAC) or electrical machinery but also includes air compressors, mechanical pumps, exterior water heaters, water softeners, utility and telephone company transformers, meters or boxes, garbage cans, storage tanks, and similar elements. These elements should not be located in any public areas or be CLEARLY VISIBLE FROM THE STREET-SPACE. Mechanical equipment should not detract or interfere with the pedestrian space or block the sight triangle.

2. Lighting Standards[1]

a. Street lights shall be located between 9 feet and 12 feet above grade with a maximum average spacing (per BLOCK FACE) of 60 feet on center on Storefront frontage sites, 75 feet on Urban General frontage sites, and 100 feet on other frontage streets along the street tree alignment line on each side of the street-space and travel lanes (unless otherwise indicated on the regulating plan). Full cut-off fixtures are required; design must be approved by City staff to meet a "uniform design" within the CCFBC District.

b. Direct light (i.e. the lighting element) shall be shielded from view from public spaces and adjoining properties.

c. AllAny lots with ALLEYS, except for the Detached Frontage, shall have full cut-off lighting fixtures within five feet of the ALLEY right-of-way. These fixtures shall illuminate the ALLEY, be between 9 and 16 feet in height, and not cause glare in adjacent lots.

d. Lighting elements shall be specified to proscribe those that cast an unnatural spectrum of light (such as low pressure sodium). LED, metal halide or halogen elements with a spectrum of light more perceptively natural are preferred. HID or fluorescent lights (excepting compact fluorescent bulbs that screw into standard sockets) shall not be used on the exterior of buildings. These standards may be updated by the Planning and Community Development Director as technologies advance and produce additional equivalent or better elements.

e. Directional lights (maximum 75-watt bulbs) may be used to illuminate, parking garages and working (maintenance) areas, but shall be shielded or aimed in such a way that they do not shine into other lots, the STREET-SPACE, or direct light out of any district. Any light used to illuminate an ALLEY shall be full cut-off.

1 *Note: Need to incorporate the preferred OG&E specifications for street light standards here.*

f. Flood or up-lighting shall not be used to illuminate private building walls or features; except that flood or up-lighting may be permitted on public or private CIVIC BUILDINGS, historic buildings, or monuments to highlight architectural features (such as church steeples or courthouse domes).

g. Any accent lighting on private structures (except those identified in *Item fd.,* above) shall be full cut-off.

h. Site lighting shall be of a design and height and be located so as to illuminate only the lot. An exterior lighting plan shall be approved as consistent with these standards by the Planning and Community Development Staff.

i. All illumination of signs and buildings shall be by constant light—flashing, traveling, animated, or intermittent lighting shall not be mounted on the exterior of any building, whether such lighting is temporary or permanent.

j. Lighting for parking garages shall consider general Crime Prevention Through Environmental Design (CPTED) standards and guidelines.

k. ~~Screening material and equipment does not count toward the ultimate building height limit.~~

3. Mechanical Equipment Standards

Mechanical equipment is generally any Heating, Ventilation and Air Conditioning (HVAC) or electrical machinery but also includes air compressors, mechanical pumps, exterior water heaters, water softeners, utility and telephone company transformers, meters or boxes, garbage cans, storage tanks, and similar elements. These elements should not be located in any public areas or be CLEARLY VISIBLE FROM THE STREET-SPACE. Mechanical equipment should not detract or interfere with the pedestrian space or block the sight triangle. Water storage tanks above 100 gallons must be enclosed on at least two sides by the main structure.

a. Ground level equipment shall be placed behind and away from any REQUIRED BUILDING LINE, may not be stored or located within any STREET-SPACE, and shall be screened, i..e. not be CLEARLY VISIBLE FROM THE STREET-SPACE. Screening may be achieved by an approved STREET WALL or by placement behind the building or part thereof. These standards apply to: air compressors, mechanical pumps, exterior water heaters, water softeners, utility and telephone company transformers, meters or boxes, garbage cans, storage tanks, and similar equipment.

b. Roof mounted equipment shall be placed behind and away from any REQUIRED BUILDING LINE and be screened from view from the STREET-SPACE.

(i) For pitched roofs, the equipment shall not be located on the roof pitch on the STREET-SPACE side.

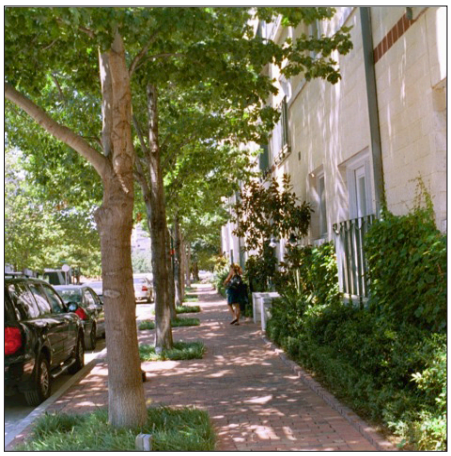
(ii) For flat and/or parapet roofs, the screening shall be no more than 5 feet in height or the equipment shall be located farther than 20 feet from the REQUIRED BUILDING LINE.

403. Urban General Frontage

ILLUSTRATIONS AND INTENT

Note: These are provided as illustrations of intent. The illustrations and statements on this page are advisory only and do not have the power of law. Refer to the standards on the following pages for the specific prescriptions and restrictions of this Building Form Standard. Where these photos or statements may be inconsistent with the regulations, the regulations prevail.

Urban General is the basic urban STREET FRONTAGE, once common across the United States. The purpose of this frontage is to develop multi-story buildings with three or more DWELLING UNITS within a single structure or ATTACHED STRUCTURES and/or mixed-use placed directly at the sidewalk or behind small DOORYARDS, and with one or more entrances and windows across the FACADE. The uses range from commercial to residential, municipal to retail and restaurants— and combinations of all of the above. There could be several buildings lined up shoulder to shoulder, filling out a BLOCK, or on smaller BLOCKS, a single building might fill the BLOCK face. This frontage is designated in the most intense areas of the Center City District and it is anticipated that there will be significant pedestrian traffic along these BLOCKS.



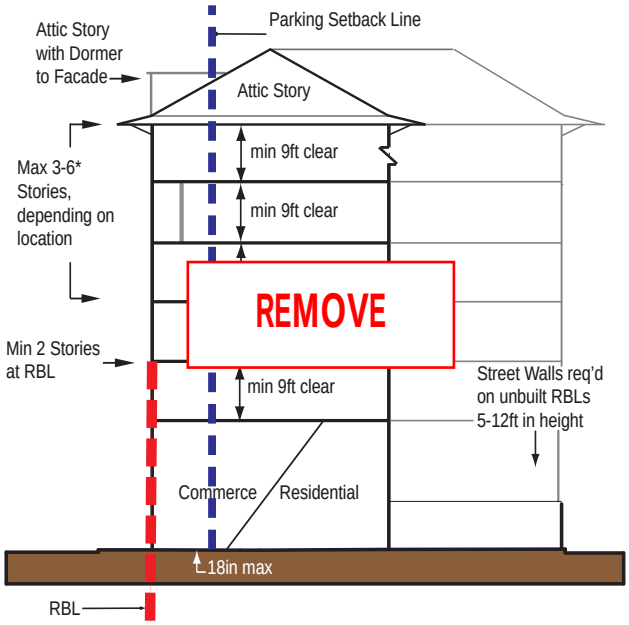


Diagram 403.a: Height

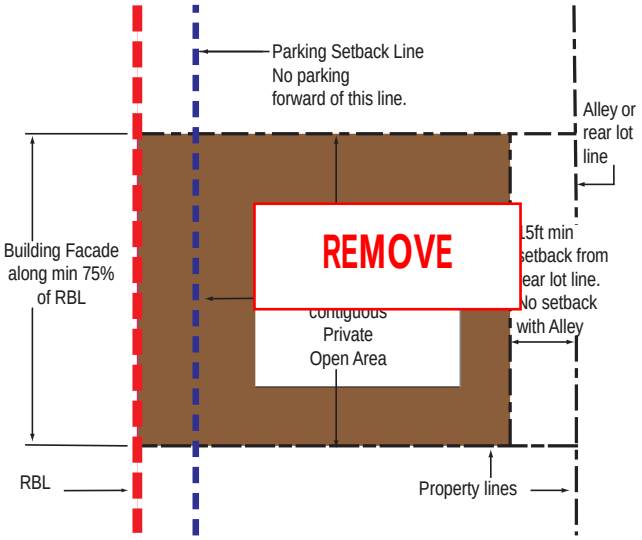


Diagram 403.b: Siting

HEIGHT

Building Height

1. The building shall be at least 2 STORIES in height at the REQUIRED BUILDING LINE (RBL)
2. Properties with C-3 zoning at the time of CCFBC adoption are exempt from maximum building height limitations. (See *Sec. 302. Illustrative Form District Map* for applicable parcels.)
3. In all other locations, the building shall be no greater than:
   a. 6 STORIES and 82 feet in height north of Eufaula Street;
   b. 5 STORIES* and 70 feet in height south of Eufaula Street);
   c. 4 STORIES and 58 feet along the east side of University Boulevard and west side of Buchanan Avenue, or 3 STORIES and 46 feet along the west side of University Boulevard (See *Sec. 303. Illustrative Regulating Plan*).

*Where designated on the REGULATING PLAN, the 5th STORY FACADE shall be stepped back at least 10 feet behind the RBL and no ATTIC STORY is permitted above it.

Ground Story Height

1. COMMERCE, RETAIL and CIVIC uses

(See also Urban Storefront Standards on page 30.)

   a. The GROUND STORY finished floor elevation shall be:
      i. no lower than the average fronting exterior sidewalk elevation;
      ii. no higher than 18 inches above the average fronting public sidewalk elevation.
   b. The GROUND STORY shall have a CLEAR HEIGHT of at least 12 feet along the RBL for a minimum depth of 25 feet.
2. Residential Units with RBL frontage
   a. The GROUND STORY shall have a CLEAR HEIGHT of at least 9 feet.

Upper Story Height

The minimum CLEAR HEIGHT for each upper STORY is 9 feet.

Street Wall Height

A STREET WALL not less than 5 feet in height or greater than 12 feet in height shall be required along any RBL frontage that is not otherwise occupied by a building on the lot.

SITING

Façade

1. On each lot the building FAÇADE shall be built to the REQUIRED BUILDING LINE for at least 100% of the RBL length.
2. Within 8 feet of the BLOCK CORNER, the GROUND STORY FAÇADE may be chamfered to form a corner entry.
3. On CORNER LOTS, the 100% RBL requirement shall only apply to the addressed FRONTAGE, and that the RBL requirement for the non-addressed FRONTAGE shall be 65%.

Buildable Area

1. The buildable area is delineated in the *Diagram 403.b* above.
2. A PRIVATE OPEN AREA equal to at least 15% of the total BUILDABLE AREA shall be preserved on every lot. Up to 33% of the required PRIVATE OPEN AREA may be satisfied through the BALCONIES of individual units. At least 67% of the PRIVATE OPEN AREA shall comprise no more than two separate contiguous areas, as follows:
   a. Where located at grade, such PRIVATE OPEN AREA may be located anywhere behind the PARKING SETBACK LINE, but not within any required side or rear setbacks.
   b. Where provided above the GROUND STORY but below a building's highest roof level, the PRIVATE OPEN AREA may be located forward of the PARKING SETBACK LINE (such as in a raised courtyard configuration) and shall open onto no more than one STREET-SPACE and shall be set back at least 30 feet from any BLOCK CORNER or BUILDING CORNER.
   c. Where located on the building's highest roof level, the PRIVATE OPEN AREA may be located anywhere on the roof.
3. A fee in lieu of the 15% minimum Private Open Area may be paid subject to approval by the Parks Board on a square footage

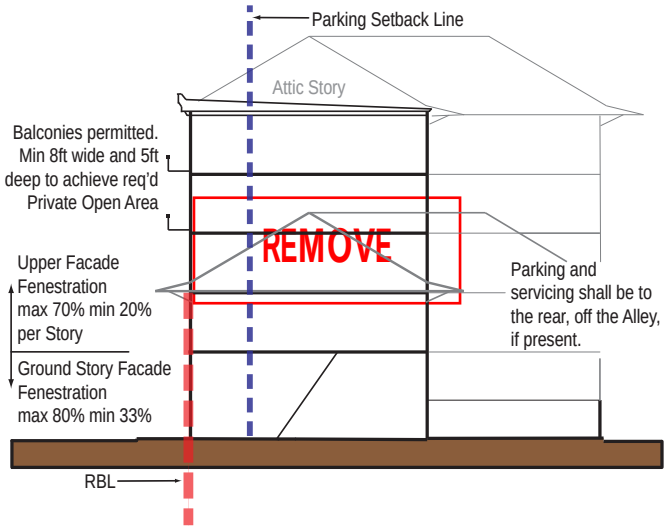


Diagram 403.c: Elements

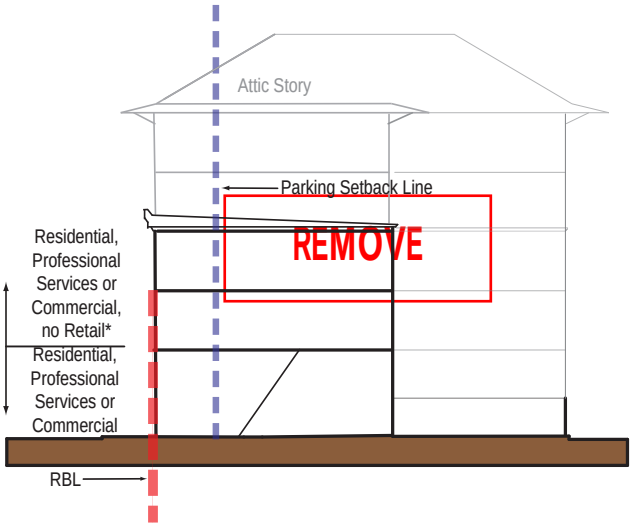


Diagram 403.d: Use

basis of $2.00 per square foot of the 15% Private Open Area. This fee shall be used for Public Open Space improvements within or adjacent to the City Center Area (such as Andrews Park or Legacy Trail

Garage and Parking

Openings in any RBL for parking garage entries shall have a maximum CLEAR HEIGHT no greater than 16 feet and a clear width no greater than 22 feet.

ELEMENTS

Fenestration

1. Blank lengths of wall exceeding 20 linear feet are prohibited on all REQUIRED BUILDING LINES (RBL).
2. GROUND STORY FENESTRATION shall comprise between 33% and 70% of the GROUND STORY FACADE.
3. Upper STORY FENESTRATION shall comprise between 20% and 70% of the FAÇADE area per STORY.

Building Projections

1. Awnings shall project:
   a. a minimum of 4 feet from the FAÇADE
2. Awnings may have supporting posts at their outer edge provided that they:
   a. Have a minimum of 8 feet clear width between the FAÇADE and the awning support posts or columns, and
   b. Provide a continuous walking path at least 5 feet wide within that clear width, running parallel to the awning posts/ columns.

Street Walls

One access gate no wider than 22 feet and one pedestrian entry gate no wider than 5 feet shall be permitted within any required STREET WALL.

USE

Ground Story

The GROUND STORY may only house COMMERCE, PROFESSIONAL SERVICES, or RESIDENTIAL uses. See height specifications above for specific requirements unique to each use.

Upper Stories

1. The upper STORIES may only house RESIDENTIAL or COMMERCE uses. *No restaurant or retail sales uses shall be allowed in upper STORIES unless they are second STORY extensions equal to or less than the area of the GROUND STORY use, except that restaurant uses are allowed on the roof level of Urban Storefront frontages.
2. No COMMERCE use, except for permitted rooftop restaurants, is permitted above a RESIDENTIAL use.
3. Additional habitable space is permitted within the roof where the roof is configured as an ATTIC STORY.

BUILDING CONSTRUCTION

Construction Codes

1. All structures building in URBAN GENERAL FRONTAGES BFS shall be constructed in compliance with construction codes as follows:
   a. The GROUND STORY shall be constructed to regulations of the Building Code as adopted in Section 5-201 of the Code of the City of Norman regardless of use.
   b. All GROUND STORY construction shall be built to meet the most restrictive requirements of the following Use and Occupancy Classifications described in the Building Code: Assembly Group A, Business Group B, and Mercantile Group M.
2. All Functioning entry doors for structures built in URBAN GENERAL FRONTAGE BFS, including corner entries, shall be recessed so that the exterior landing at the door required by the Building Code, would not extend past the RBL.

RESIDENTIAL DWELLING UNITS

No structure or set of attached structures shall contain less than three (3) DWELLING UNITS.

Urban Residential

Where Urban Residential is designated on the REGULATING PLAN, these Urban General BFS standards shall apply, except that:

1. The building height shall be in accordance with the regulations stated in this Section under Building Height, 3.c. and the REGULATING PLAN; and
2. the uses shall be limited to residential/overnight lodging and related support services, such as lobbies, leasing offices, resident exercise facilities, etc.

HEIGHT

Building Height

1. The building shall be at least 2 STORIES in height at the REQUIRED BUILDING LINE (RBL)
2. Properties with C-3 zoning at the time of CCFBC adoption are exempt from maximum building height limitations. (See *302.A. Center City Visioning Map* for applicable parcels.)
3. ~~In all other locations, the building shall be no greater than:~~
   a. ~~6 STORIES and 82 feet in height north of Eufaula Street;~~
   b. ~~5 STORIES* and 70 feet in height south of Eufaula Street);~~
   c. ~~4 STORIES and 58 feet along the east side of University Boulevard and west side of Buchanan Avenue, or 3 STORIES and 46 feet along the west side of University Boulevard (See *Sec. 303. Illustrative Regulating Plan*).~~
4. In all other locations, the maximum height of buildings shall conform with the maximum height requirements identified by the *302.C. Center City Maximum Building Height Map*.

Where designated on the REGULATING PLAN, the 5th STORY FACADE shall be stepped back at least 10 feet behind the RBL and no ATTIC STORY is permitted above it.

Ground Story Height

1. COMMERCE, RETAIL and CIVIC uses

(See also Urban Storefront Standards on page ~~30~~xx.)

   a. The GROUND STORY finished floor elevation shall be:
      i. no lower than the average fronting exterior sidewalk elevation;
      ii. no higher than 18 inches above the average fronting public sidewalk elevation.
   b. The GROUND STORY shall have a CLEAR HEIGHT of at least 12 feet along the RBL for a minimum depth of 25 feet.
2. Residential Units with RBL frontage
   a. The GROUND STORY shall have a CLEAR HEIGHT of at least 9 feet.

Upper Story Height

The minimum CLEAR HEIGHT for each upper STORY is 9 feet.

~~**Street Wall Height**~~

1. ~~A STREET WALL not less than 5 feet in height or greater than 12 feet in height shall be required along any RBL frontage that is not otherwise occupied by a building on the lot.~~

SITING

Façade

1. On each lot the building FAÇADE shall be built to the REQUIRED BUILDING LINE for ~~at least~~ 100% of the RBL length.
2. Within 8 feet of the BLOCK CORNER, the GROUND STORY FAÇADE may be chamfered to form a corner entry.
3. On CORNER LOTS, the 100% RBL requirement shall only apply to the addressed STREET FRONTAGE, and that the RBL requirement for the non-addressed STREET FRONTAGE shall be 65%.

Buildable Area

1. The BUILDABLE AREA is delineated ~~in the *Diagram 403.b*~~ ~~above~~as anywhere behind the RBL.
2. A PRIVATE OPEN AREA equal to at least 15% of the total BUILDABLE AREA shall be preserved on every lot. Up to ~~33%~~67% of the required PRIVATE OPEN AREA may be satisfied through the BALCONIES of individual units. At least ~~67%~~33% of the PRIVATE OPEN AREA shall comprise no more than two separate contiguous areas, as follows:
   a. Where located at grade, such PRIVATE OPEN AREA may be located anywhere behind the PARKING SETBACK LINE, but not within any required side or rear setbacks.
   b. Where provided above the GROUND STORY but below a building's highest roof level, the PRIVATE OPEN AREA may be located forward of the PARKING SETBACK LINE (such as in a raised courtyard configuration) and shall open onto no more than one STREET-SPACE and shall be set back at least 30 feet from any BLOCK CORNER or BUILDING CORNER.
   c. Where located on the building's highest roof level, the PRIVATE OPEN AREA may be located anywhere on the roof.
3. A fee in lieu of the 15% minimum Private Open Area may be paid subject to approval by the Parks Board on a square footage basis of $2.00 per square foot of the 15% Private Open Area. This fee shall be used for Public Open Space improvements within or adjacent to the City Center Area (such as Andrews Park or Legacy Trail)

Garage and Parking

Openings in any RBL for parking garage entries shall have a maximum CLEAR HEIGHT no greater than 16 feet and a clear width no greater than 22 feet.

ELEMENTS

Fenestration

1. Blank lengths of wall exceeding 20 linear feet are prohibited on all REQUIRED BUILDING LINES (RBL) and exterior walls provided they are not within 3 feet of the property line.
2. GROUND STORY FENESTRATION 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. GROUND STORY FENESTRATION shall comprise between 10% and 70% of the GROUND STORY exterior walls that are 3-5 feet from the property line.
3. Upper STORY FENESTRATION 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. UPPER STORY FENESTRATION shall comprise between 10% and 70% of the upper story exterior walls that are 3-5 feet from the property line.

Building Projections

1. AWNINGS shall project:
   a. a minimum of 4 feet from the FAÇADE
2. AWNINGS may have supporting posts at their outer edge provided that they:
   a. Have a minimum of 8 feet clear width between the FAÇADE and the AWNING support posts or columns, and
   b. Provide a continuous walking path at least 5 feet wide within

that clear width, running parallel to the AWNING posts/ columns.

Street Walls

1. One access gate no wider than 22 feet and one pedestrian entry gate no wider than 5 feet shall be permitted within any required STREET WALL.
2. A STREET WALL not less than 5 feet in height or greater than 12 feet in height shall be required along any RBL frontage that is not otherwise occupied by a building on the lot.

USE SPECIFICS

Ground Story

The GROUND STORY may ~~only~~ house commerce, professional services, or residential uses. See height specifications above for specific requirements unique to each use.

Upper Stories

1. The upper STORIES may only house RESIDENTIAL or COMMERCE uses. *No restaurant or retail sales uses shall be allowed in upper STORIES unless they are second STORY extensions equal to or less than the area of the GROUND STORY use, except that restaurant uses are allowed on the roof level of Urban Storefront frontages.
2. No COMMERCE use, except for permitted rooftop restaurants, is permitted above a RESIDENTIAL use.
3. Additional habitable space is permitted within the roof where the roof is configured as an ATTIC STORY.

USE TABLE

The use table identifies the uses allowed in the Urban General BFS.

USE CATEGORY		Urban General		Additional Regulations
		Ground Story	Upper Story	
RESIDENTIAL	Household Living	✓	✓	Sec. 704.B.1-2; 704.H
	Group Living		✓	
COMMERCE	Office	✓	✓	Sec. 704.D.1-2
	Overnight Lodging	✓	✓	Sec. 704.E.1-3
	Recreation/Entertainment	✓	✓	Sec. 704.F.1-5
	Vehicle Sales	✓	✓	Sec. 704.F.2
	Passenger Terminal	✓		
	Child Care Center	✓	✓	See Part 9. Definitions
	Family Day Care Home	✓	✓	See Part 9. Definitions
	Retail Sales & Service	✓	✓	Sec. 704.F.2, 6, 7
	Restaurant/Bar/Lounge/Tavern	✓	✓	Sec. 704.F.1-5
	Art Studio/Artisinal Manufacturing	✓	✓	Sec. 704.F.7
	Research & Development	✓	✓	
	Self-service storage		✓	
	Auto Repair	✓		Sec. 704.G.
CIVIC	See *Part 8. Definitions*	✓		Sec. 704.C.

Key: ✓= Permitted Blank Cell = Not Permitted

RESIDENTIAL DWELLING UNITS

Unit Minimums

No parcel containing a residential use shall contain less DWELLING UNITS than the number of stories allowed, as identified on the BFS Height Map minus one (1). Parcels without a building height limit containing a residential use shall have at least five (5) units. There is no maximum unit requirement. Ground story commercial units shall count toward the residential DWELLING UNIT minimum. All DWELLING UNITS on a parcel shall be contained within a single structure or set of ATTACHED STRUCTURES.

BUILDING CONSTRUCTION

Construction Codes

1. All structures building in the Urban General BFS shall be constructed in compliance with construction codes as follows:
   a. The GROUND STORY shall be constructed to regulations of the Building Code as adopted in Section 5-201 of the Code of the City of Norman regardless of use.
   b. All GROUND STORY construction shall be built to meet the most restrictive requirements of the following Use and Occupancy Classifications described in the Building Code: Assembly Group A, Business Group B, and Mercantile Group M.
2. All functioning entry doors for structures built in URBAN GENERAL FRONTAGE BFS, including corner entries, shall be recessed so that the exterior landing at the door required by the Building Code, would not extend past the RBL.

URBAN RESIDENTIAL DISTINCTIONS

All requirements in the Urban General BFS shall apply to the Urban Residential BFS with exception to the following:

1. The finished floor elevation shall be no less than 14 inches and no more than 8 feet above the average exterior public sidewalk elevation at the RBL.
2. The PRIVATE OPEN AREA is permitted anywhere behind the RBL pursuant to applicable FACADE requirements.
3. On each lot, the FACADE shall be built to:
   a. the RBL for 100% for at least 12' in depth of the RBL length, or
   b. the RBL for at least 70% for at least 12' in depth of the RBL length, provided PRIVATE OPEN AREA fronts the RBL and is enclosed on all other sides by a structure in a courtyard configuration.
      i. Only one frontage-facing courtyard shall be allowed per every 50 feet of RBL frontage.
      ii. Each wing of the structure surrounding the courtyard shall have a minimum width of 30% of the RBL length.
4. A STREET WALL not less than 4 feet or greater than 8 feet in height shall be required along any RBL frontage that is not otherwise occupied by a FACADE or PRIVATE OPEN AREA.

Live-Work Option

Once LIVE-WORK is designated on the REGULATING PLAN, these Urban General BFS standards shall apply, except that the GROUND STORY may be configured at grade, as a SHOPFRONT. (See *404.Urban Storefront* for specific requirements and *Part 7. Building Functions* for restrictions on uses.)

RESIDENTIAL DWELLING UNITS

Unit Minimums

For parcels designated as Urban Residential south of Duffy Street, there shall be no residential DWELLING UNIT minimum. For all other parcels designated as Urban Residential, there shall be a residential DWELLING UNIT minimum of three (3) units. There is no maximum unit requirement. All DWELLING UNITS on a parcel shall be contained within a single structure or set of ATTACHED STRUCTURES. (See Center City Unit Minimum Map on page 18.)

USE TABLE

The use table identifies the uses allowed in the Urban Residential BFS.

USE CATEGORY		Urban Residential		Additional Regulations
		Ground Story	Upper Story	
RESIDENTIAL	Household Living	✓	✓	Sec. 704.B.1-2; 704.H
	Group Living	✓	✓	
COMMERCE	Office	✓		Sec. 704.D.1-2
	Overnight Lodging	✓	✓	Sec. 704.E.1-3
	Recreation/Entertainment			Sec. 704.F.1-5
	Vehicle Sales			Sec. 704.F.2
	Passenger Terminal			
	Child Care Center			See Part 9. Definitions
	Family Day Care Home	✓	✓	See Part 9. Definitions
	Retail Sales & Service	✓		Sec. 704.F.2, 6, 7
	Restaurant/Bar/Lounge/Tavern			Sec. 704.F.1-5
	Art Studio/Artisinal Manufacturing	✓		Sec. 704.F.7
	Research & Development			
	Self-service storage			
	Auto Repair			Sec. 704.G.
CIVIC	See *Part 8. Definitions*	✓		Sec. 704.C.

Key: ✓= Permitted Blank Cell = Not Permitted

404. Urban Storefront Frontage

ILLUSTRATIONS AND INTENT

The Urban Storefront represents the prototypical "main street" form with shopfronts along the sidewalk and a mix of uses above. A high level of pedestrian activity is anticipated. It is a subset of the Urban General Frontage, with more specific requirements at the street level.

These photos are provided as illustrations of intent. The are advisory only and do not have the power of law. Refer to the standards below and on the previous pages for the specific prescriptions and restrictions of this Building Form Standard. Where these photos or statements may be inconsistent with the regulations, the regulations prevail.

Where Urban Storefront BFS is designated on the REGULATING PLAN, the Urban General BFS standards (previous pages) shall apply, except that the GROUND STORY configuration shall be for RETAIL—that of a SHOPFRONT.

a. GROUND STORY uses are limited to RETAIL SALES or SERVICE, or PROFESSIONAL SERVICE within the first 20 feet behind the RBL.
b. The minimum GROUND STORY CLEAR HEIGHT is 15 feet.
c. The GROUND STORY FENESTRATION shall comprise between 50% and 90% of the GROUND STORY FACADE.
d. Single panes of glass shall not be permitted larger than 10 feet in height by 6 feet in width.
e. GROUND STORY windows may not be made opaque by window treatments or tinting (except operable sunscreen devices within the conditioned space). A minimum of 75% of the window surface shall allow a view into the building interior for a depth of at least 15 feet.
f. SHOPFRONTS may extend up to 24 inches beyond the FAÇADE or RBL into the DOORYARD, but may not project into the CLEAR WALKWAY.
g. For all parcels designated as Urban Storefront, there shall be a residential DWELLING UNIT minimum of three (3) units. GROUND STORY commercial units shall count toward the residential DWELLING UNIT minimum.

405. Townhouse/Small Apartment Frontage

ILLUSTRATIONS AND INTENT

Note: These photos and statements are provided as illustrations of intent and are advisory only. They do not have the power of law. Refer to the standards on the following pages for the specific prescriptions and restrictions of the Townhouse/Small Apartment Building Form Standard. Where these photos or statements may be inconsistent with the regulations, the regulations prevail.

The Townhouse/Small Apartment frontage is of moderate intensity, often created by a series of smaller attached structures—configured as single-family residential or stacked flats with three or more DWELLING UNITS within a single structure or attached structures. This BUILDING FORM STANDARD has frequent STREET-SPACE entrances. The character and intensity of this frontage varies depending on the STREET-SPACE and the location of the REQUIRED BUILDING LINE—the buildings may be placed up to the sidewalk with STOOPS, or further back with small DOORYARD gardens and/or FRONT PORCHES.

Similar in scale to the townhouse and row house, a small apartment is of limited size and can also be used to transition from the more intense areas of the Center City Form District to adjacent single-family neighborhoods. It is anticipated that the pedestrian activity along these frontages will vary considerably based on the time of day and week.

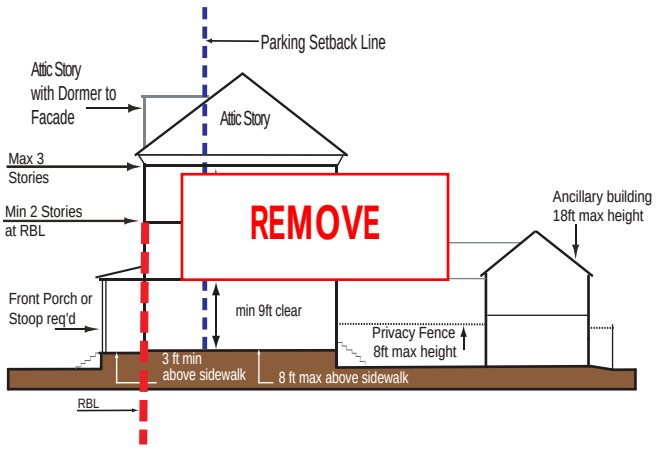


Diagram 405.a: Height

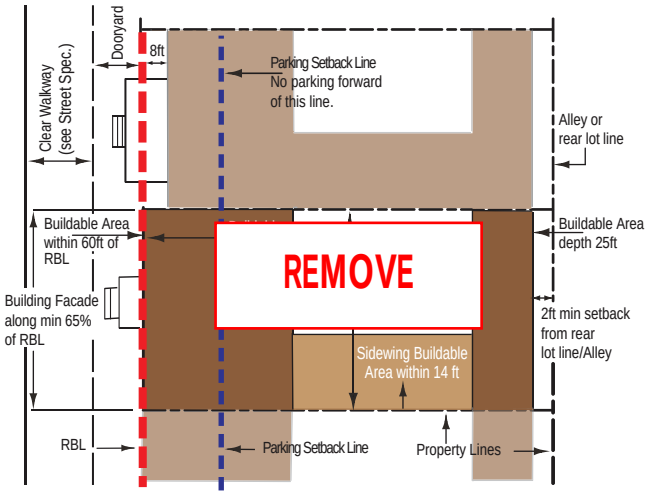


Diagram 405.b: Siting

HEIGHT

Building Height

1. Each building shall be at least 2 STORIES high at the REQUIRED BUILDING LINE (RBL), but no more than 3 STORIES and 44 feet in height from finished floor.
2. A SIDEWING shall be no higher than 15 feet.
3. An ancillary structure in the BUILDABLE AREA at the rear of the lot line shall be no higher than 18 feet.

Ground Story Height

1. The finished floor elevation shall be no less than 3 feet and no more than 8 feet above the average exterior public sidewalk elevation at the RBL.
2. The GROUND STORY shall have an interior CLEAR HEIGHT of at least 9 feet.
3. Main entrances may be at grade, with transitions to meet the minimum finished floor elevation within the building interior.

Upper Story Height

Each upper STORY shall have an interior CLEAR HEIGHT of at least 9 feet.

English Basements

The finished floor level of the ENGLISH BASEMENT shall be no greater than 4 feet below the average elevation of the fronting sidewalk.

Street Wall Height

A STREET WALL not less than 4 feet or greater than 8 feet in height shall be required along any RBL frontage that is not otherwise occupied by a FACADE.

SITING

Façade

1. On each lot, the FACADE shall be built to:
   a. the RBL for at least 100% for at least 12' in depth of the RBL length, or
   b. a line an additional 8 feet behind the RBL (only permitted to accommodate FRONT PORCH depth—see *Elements* on the next page for FRONT PORCH requirements) with a width not less than 100% of the RBL.
   c. on CORNER LOTS, the 100% RBL requirement shall only apply to the addressed FRONTAGE, and that the RBL requirement for the non-addressed FRONTAGE shall be 65%.

Buildable Area

1. The BUILDABLE AREA is as defined in *Diagram 405.b.*, above.
2. A PRIVATE OPEN AREA equal to at least 15% of the total BUILDABLE AREA shall be preserved on every lot.
   a. For lots deeper than 50 feet, up to 33% of the required PRIVATE OPEN AREA may be satisfied through roof decks or BALCONIES of individual units. The remaining required PRIVATE OPEN AREA shall be located at grade anywhere behind the PARKING SETBACK LINE and shall not include any required side or rear setback areas.
   b. For all other lots, 100% of the required PRIVATE OPEN AREA may be satisfied above grade, via BALCONIES or decks.

Garage and Parking

1. Garage doors/entries are not permitted on any RBL/FAÇADE.
2. At-grade parking may be forward of the PARKING SETBACK LINE only when it is within a garage on a CORNER LOT and the parking area's RBL frontage is less than 25 feet.

Frontage Widths

1. Newly subdivided TOWNHOUSE lots shall have a minimum width of 18 feet.
2. Although there are no individual side lot setbacks otherwise required by this BFS, and all structures are nonetheless subject to applicable building and fire codes. *See Section 104, Other Applicable Regulations.*

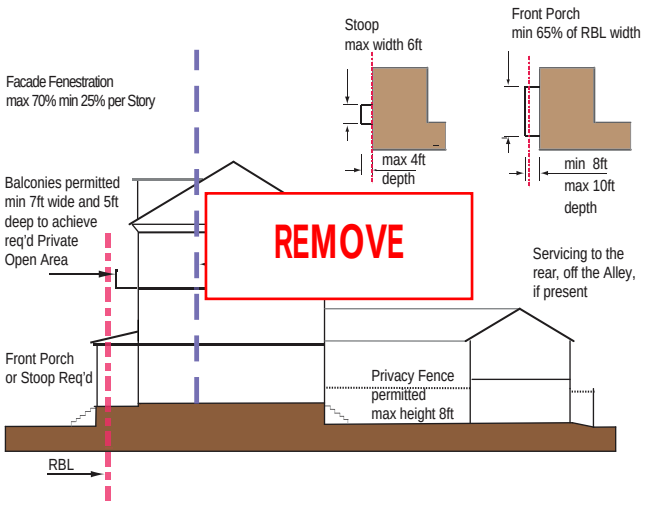


Diagram 405.c: Elements

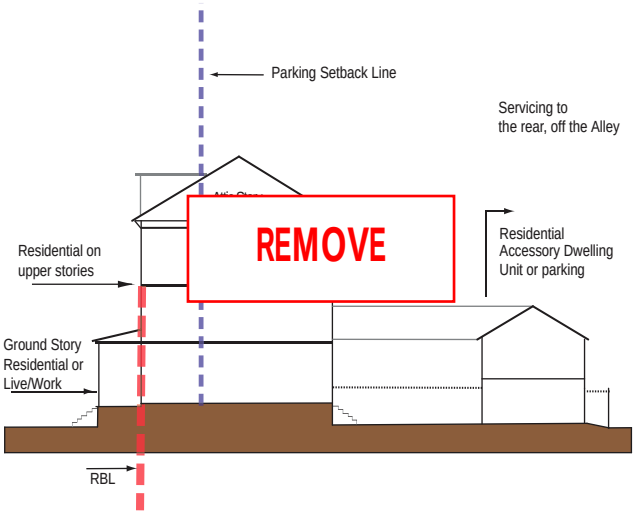


Diagram 405.d: Use

ELEMENTS

Fenestration

1. Blank lengths of wall exceeding 15 linear feet are prohibited on all FACADES.
2. FENESTRATION shall comprise between 25% and 70% of the FACADE.
3. Each TOWNHOUSE and/or SMALL APARTMENT BUILDING shall include a functioning STREET-SPACE entry. (Only applies to STREET FRONTAGE that is the same as the street address.)

Building Projections

1. Each TOWNHOUSE shall include either:
   a. a STOOP of not more than 4 feet deep and 6 feet wide (not including steps), or
   b. a FRONT PORCH, between 8 and 10 feet deep,
      - that projects no more than 4 feet forward of the RBL, and
      - with a width not less than 65% of the RBL
2. A SMALL APARTMENT (or LIVE-WORK TOWNHOUSE) may be configured with a STOOP or FRONT PORCH, as prescribed above, or with a main entrance at grade. (See *Live-Work Option* below.)

Street Walls

One access gate no wider than 16 feet and one pedestrian entry gate no wider than 5 feet shall be permitted within any required STREET WALL.

RESIDENTIAL DWELLING UNITS

No structure or set of attached structures shall contain less than three (3) DWELLING UNITS per lot.

USE

Ground Story

1. Only RESIDENTIAL uses are permitted in SMALL APARTMENTS.
2. LIVE-WORK uses are permitted in TOWNHOUSES. (See *Part 7. Building Functions* for specific standards.)

Upper Stories

1. Only RESIDENTIAL uses are permitted.
2. Individual TOWNHOUSES shall have no more than two residential units, including an ACCESSORY UNIT.
3. Additional habitable space is permitted within the roof where the roof is configured as an ATTIC STORY.

Accessory Units

1. ENGLISH BASEMENT ACCESSORY UNITS are only permitted in TOWNHOUSES.
2. Only one ACCESSORY UNIT is permitted per TOWNHOUSE.
3. On TOWNHOUSE lots, an ACCESSORY UNIT (maximum 650 square foot footprint) use is permitted in the BUILDABLE AREA at the rear lot line.

Live-Work Option

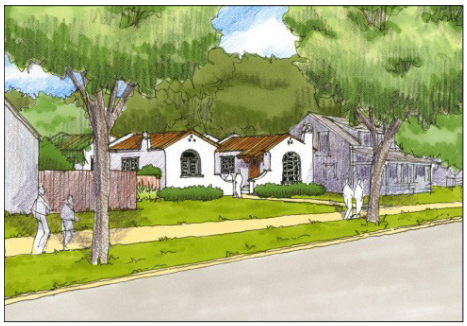
Once LIVE-WORK is designated on the REGULATING PLAN, these TOWNHOUSE/SMALL APARTMENT standards shall apply, except that the GROUND STORY may be configured at grade, as a SHOPFRONT. (See *404.Urban Storefront* for specific requirements and *Part 7. Building Functions* for restrictions on uses.)

406. Neighborhood Middle Frontage

ILLUSTRATIONS AND INTENT

Note: These photos and statements are provided as illustrations of intent and are advisory only. They do not have the power of law. Refer to the standards on the following pages for the specific prescriptions and restrictions of the NEighborhood Middle Building Form Standard. Where these photos or statements may be inconsistent with the regulations, the regulations prevail.

The Neighborhood Middle Frontage is represented by traditional one- two- or three DWELLING UNIT structures or set of attached structures with small front, side, and rear yards along a tree-lined street. Structures are 1 to 2 stories in height with pitched roofs and front porches. This frontage is intended to protect the character of existing neighborhoods while allowing more intense and compact infill development in a form that is compatible with the existing context.



Neighborhood Middle Frontage

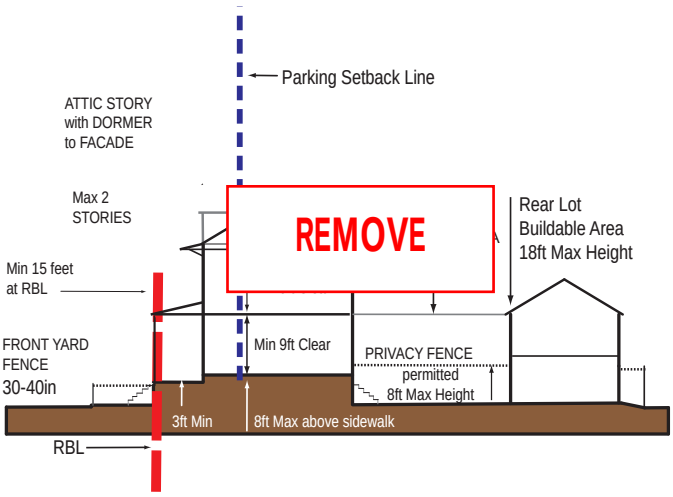


Diagram 406.a: Height

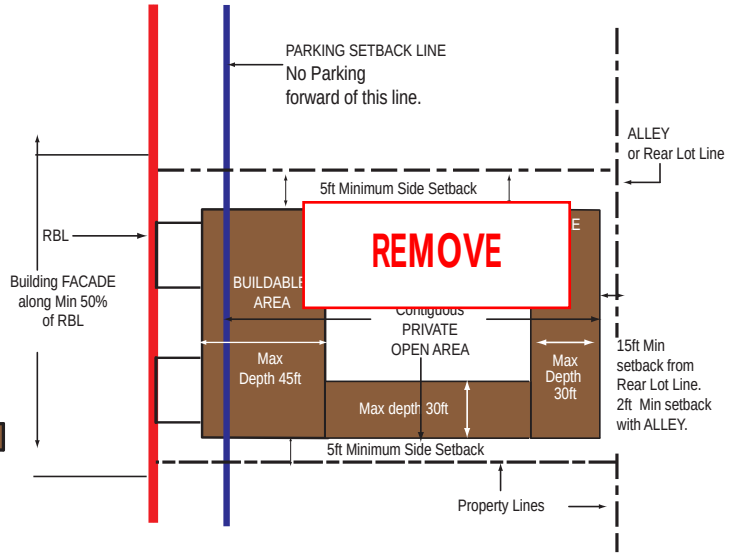


Diagram 406.b: Siting

HEIGHT

Building Height

1. Each building shall be at least 15 feet at the REQUIRED BUILDING LINE (RBL), but no greater than 2 STORIES with an ultimate building height of 42 feet from finished-floor.
2. A SIDEWING shall be no higher than 18 feet.
3. Any structure in the BUILDABLE AREA at the rear of the lot shall be no higher than 28 feet.

Ground Story Height

1. The finished floor elevation shall be no less than 3 feet and no more than 8 feet above the average exterior public sidewalk elevation at the RBL.
2. The GROUND STORY shall have an interior CLEAR HEIGHT of at least 9 feet.

Upper Story Height

Each upper STORY shall have an interior CLEAR HEIGHT of at least 9 feet.

Front Yard Fence

Any FRONT YARD FENCE has a minimum height of 30 inches and a maximum height of 40 inches.

SITING

Façade

1. On each lot, the FAÇADE shall be built to:
   a. the RBL for at least 50% of the RBL length, or
   b. a line an additional 8 feet behind the RBL (only permitted to accommodate FRONT PORCH depth—see *Elements* on the next page for FRONT PORCH requirements) for at least 50% of the RBL length.
2. For CORNER LOTS the minimum build-to shall include the frontage within 20 feet of the BLOCK CORNER.

Buildable Area

1. The BUILDABLE AREA is as defined in *Diagram 406.b.*, above.
2. A PRIVATE OPEN AREA equal to at least 25% of the total BUILDABLE AREA shall be preserved on every lot and shall not include any required side or rear setbacks. Not less than 60% of the required PRIVATE OPEN AREA shall be contingious and located at grade, behind the PARKING SETBACK LINE, with a minimum dimension of 20 feet. Not more than 40% may be located above grade on roof terraces/gardens, BALCONIES, or raised decks.

Lot Size and Setbacks

1. Lots shall be from 50 to 100 feet in width, and a minimum of 100 feet deep.
2. The minimum side lot setbacks are 5 feet or as otherwise designated in the REGULATING PLAN.
3. Front-yard setbacks shall be 10' - Some areas on the REGULATING PLAN may show a different RBL, however this allowance supersedes.

Front Yard

1. The Front Yard/Dooryard shall not be paved except for walkways.

Garages, Parking and Alleys

1. Garage doors shall not be located on the RBL/FAÇADE.
2. There is a 2 foot required setback from the ALLEYS.

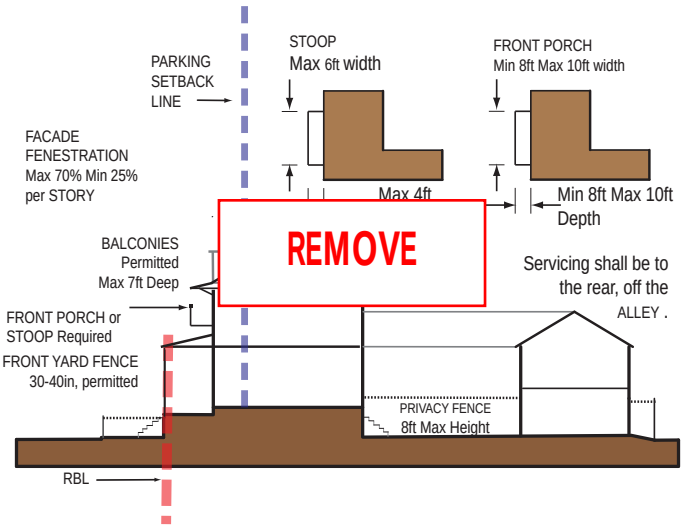


Diagram 406.c: Elements

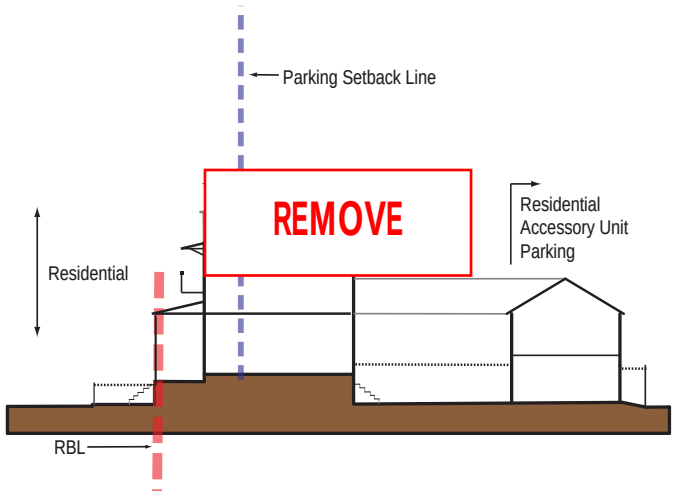


Diagram 406.d: Use

ELEMENTS

Fenestration

1. Blank lengths of wall exceeding 15 linear feet are prohibited on all façades.
2. Fenestration shall comprise between 25% and 70% of the façade.

Building Projections

Each building shall include either one or more:

1. STOOP(s) of not more than 4 feet deep and 6 feet wide (not including steps), or
2. FRONT PORCH(ES), between 8 and 10 feet deep
   a. that project(s) no more than 4 feet forward of the RBL, and
   b. with a width not less than 40% of the RBL

Doors/Entries

At least one functioning entry door shall be provided along the GROUND STORY FAÇADE of each building. (Applies to street frontage, same as street address.)

Street Walls and Fences

1. There is no street wall requirement.
2. Any front yard fence shall be within one foot of the clear walkway/dooryard line parallel to the RBL and along common lot lines to a point at least 10 feet behind the RBL.
3. A garden wall or street wall may be constructed parallel to the RBL to enclose a court configuration where there are multiple buildings fronting the street-space.

USE

All Stories

1. Only residential uses are permitted. One DWELLING UNIT, one DWELLING UNIT with an ACCESSORY DWELLING unit, two DWELLING UNITS (no more than 2 DWELLING UNITS per structure). On lots with 75' or more of frontage, three DWELLING UNITS in a single structure are allowed.
2. Additional habitable space is permitted within the roof where the roof is configured as an attic story.

4075. Detached Frontage

ILLUSTRATIONS AND INTENT

Note: These photos and statements are provided as illustrations of intent and are advisory only. They do not have the power of law. Refer to the standards on the following pages for the specific prescriptions and restrictions of the Detached Building form standard. Where these photos or statements may be inconsistent with the regulations, the regulations prevail.

The Detached BFS Frontage is represented by the traditional one DWELLING UNIT structure with small front, side, and rear yards along a tree-lined street. Structures are 1 to 2 stories in height with pitched roofs and front porches. Its purpose is to protect the character of existing single family neighborhoods.

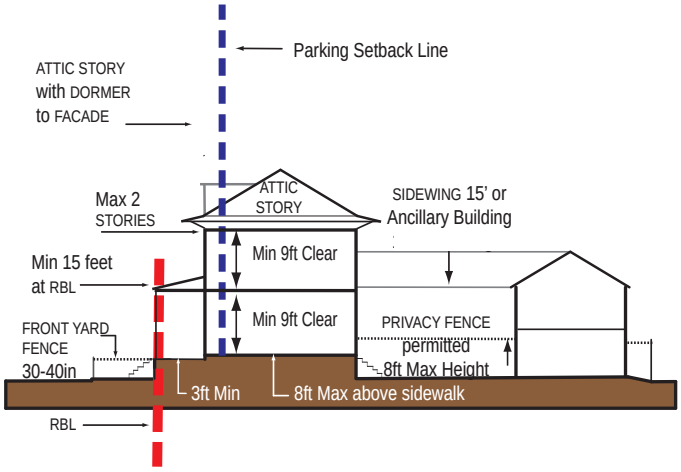


Diagram 40~~7~~5.a: Height

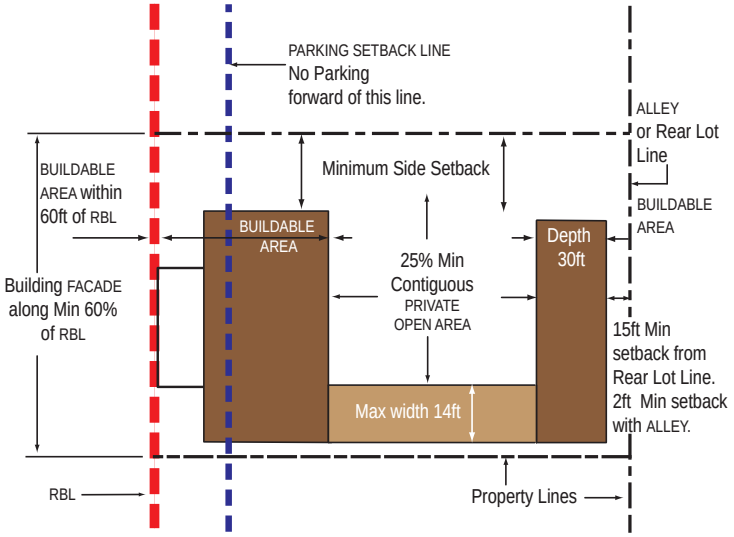


Diagram 40~~7~~5.b: Siting

HEIGHT

Building Height

1. Each building shall be at least 15 feet at the REQUIRED BUILDING LINE (RBL), but no greater than 2 STORIES or 27 feet in height.
2. A SIDEWING shall be no higher than 15 feet.
3. Any ancillary structure in the BUILDABLE AREA at the rear of the lot shall be no higher than ~~18 feet~~the principal structure on the lot.

Ground Story Height

1. The finished floor elevation shall be no less than 3 feet and no more than 8 feet above the average exterior sidewalk elevation at the RBL.
2. The GROUND STORY shall have an interior CLEAR HEIGHT of at least 9 feet.

Upper Story Height

Each upper STORY shall have an interior CLEAR HEIGHT of at least 9 feet.

Front Yard Fence

Any FRONT YARD FENCE has a minimum height of 30 inches and a maximum height of 40 inches.

SITING

Façade

1. On each lot the FACADE shall be built parallel to the REQUIRED BUILDING LINE (RBL) for at least 60% of the building width. The FRONT PORCH shall be built-to the RBL.
2. For CORNER LOTS the minimum 60% build-to shall include the STREET FRONTAGE ~~frontage~~ within 20 feet of the BLOCK CORNER.

Buildable Area

1. The BUILDABLE AREA is as defined in *Diagram 40~~7~~5.b.* above.
2. A contiguous PRIVATE OPEN AREA equal to at least 25% of the total BUILDABLE AREA shall be preserved on every lot. Such contiguous area shall be located at grade, anywhere behind the PARKING SETBACK LINE and not include any side or rear setbacks.

Lot Size and Setbacks

1. All lots of record are buildable under this code.
2. Newly subdivided lots shall have a minimum width at the RBL of 32 feet, a maximum width of 55 feet, and a minimum depth of 85 feet.
3. The minimum side lot setbacks are 5 feet or as otherwise designated on the REGULATING PLAN.
4. **FRONT YARD setbacks:** DEVELOPMENT and REDEVELOPMENT, may construct at the setback of the existing structure or follow an existing setback on an adjacent/neighboring property in the Detached Frontage BFS only.

Front Yard

The FRONT YARD/DOORYARD shall not be paved except for walkways.

Garages, Parking and Alleys

1. Garage doors shall not be located on the RBL/FAÇADE.

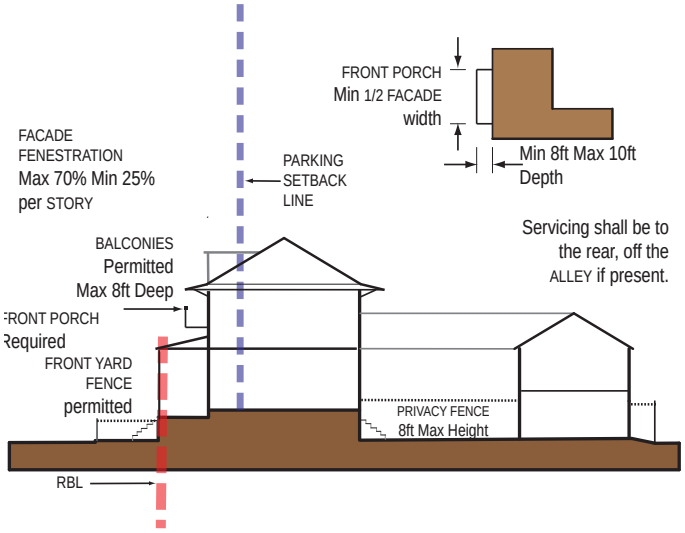


Diagram 4075.c: Elements

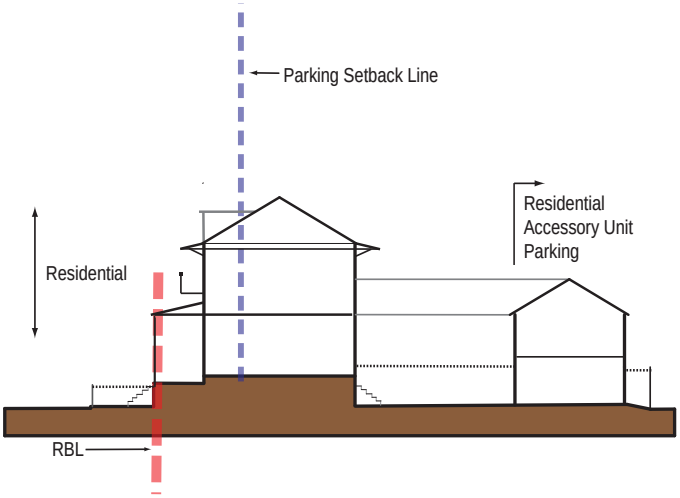


Diagram 4075.d: Use

ELEMENTS

Fenestration

1. Blank lengths of wall exceeding 15 linear feet are prohibited on all FACADES.
2. FENESTRATION shall comprise at least 25%, but not more than 70%, of all FAÇADES.

Building Projections

1. Each building FACADE shall include a FRONT PORCH at the RBL, between 8 feet and 10 feet deep with a width not less than 1/2 of the FACADE width.
2. No part of any building except the FRONT PORCH roof (overhanging eaves) and steps may encroach beyond the RBL into the DOORYARD.

Doors/Entries

At least one functioning entry door shall be provided along the GROUND STORY FAÇADE. (Applies to STREET FRONTAGE, same as street address.)

Street Walls and Fences

1. There is no STREET WALL requirement.
2. Any FRONT YARD FENCE shall be within one foot of the CLEAR WALKWAY/DOORYARD line parallel to the RBL and along COMMON LOT LINES to a point at least even with the FACADE.
3. A PRIVACY FENCE may be constructed along a COMMON LOT LINE behind the FACADE.

USE

All Stories

1. Only RESIDENTIAL uses are permitted - one DWELLING UNIT or one DWELLING UNIT with an ACCESSORY UNIT allowed.
2. Additional habitable space is permitted within the roof where the roof is configured as an ATTIC STORY.

Accessory Uses

Parking and ACCESSORY UNIT (maximum 650 square feet) uses are permitted in the BUILDABLE AREA at the rear of the lot.

Part 5. Urban Space Standards

501. Applicability

A. The Urban Space Standards apply to new DEVELOPMENT as well as the reconstruction of existing streets and other public (and publicly accessible) spaces.

B. The Urban Space Standards establish the rules and standards for the complete STREET-SPACE (especially streets and sidewalks).

502. Intent

A. Although commonly thought of as just parks or greens, the urban space (or public realm) is much more; it includes the complete STREET-SPACE—the public domain between the building FAÇADES; the travel lanes between the curbs as well as the sidewalks; public plazas as well as urban squares and CIVIC GREENS.

B. The Urban Space Standards have the following goals:

1. To establish an environment that encourages and facilitates pedestrian activity. "Walkable" streets are comfortable, efficient, safe, and interesting.

2. To ensure the coherence of the STREET-SPACE, serving to assist residents, building owners, and managers with understanding the relationship between the STREET-SPACE and their own properties.

3. To contribute to ultimate sustainability. Native (and non-native adapted) trees and plants contribute to privacy, the reduction of noise and air pollution, shade, maintenance of the natural habitat, conservation of water, and storm-water management.

C. Property frontages and building FAÇADES are part of the public realm, literally forming the walls of the public STREET-SPACE and are therefore subject to more regulation than the other portions of the private property.

D. The private, interior portions of the lots (toward the ALLEY or rear lot lines) are much less regulated to allow commercial operators to utilize these spaces as efficient working environments unseen by the public and allow residents to have private (semi-private for apartment and condominium dwellers) gardens and courtyards.

503. Street Type Specifications

The Street Type Specifications illustrate the recommended typical configurations for STREET-SPACES within the City Center Form District. The plans and sections specify ideal vehicular travel lane widths, curb radii, sidewalks, tree planting areas, and on-street parking configurations. They also provide a COMPARATIVE PEDESTRIAN CROSSING time as a gauge of relative pedestrian crossing-comfort between the various street types. The streets within the CC Form District must work in conjunction with the Building Form Standards to create the type of walkable, mixed-use place envisioned by the community.

A. Intent and Principles

1. General Intent

a. Streets are a community's first and foremost public spaces and should be just as carefully designed and planned as any park or public building. The character of the STREET-SPACE—both its scale and its details—determines the pedestrian quality of a given location.

b. Streets must balance the needs of all forms of traffic—auto, transit, bicycle and pedestrian—to maximize mobility and convenience for all residents and users. Their character will vary depending on their location: some streets will carry a large volume of traffic and provide a more active and intense urban pedestrian experience while others will provide a less active and more intimately scaled STREET-SPACE.

c. These are city streets—not highways or roads—and must be developed as such to create people-oriented places balancing all transportation modes. The neighborhood streets are designed primarily for walkability and pedestrian comfort, with automobile movement as a secondary focus. The Main, Gray and Boyd specifications grant more to the free movements of vehicles, while maintaining fair walkability.

2. Principles

a. The appropriate design of streets is one of the most important design elements for *Center City place-making.*

b. To design for continuous free-flowing vehicle traffic creates situations where vehicles will travel at speeds greater than desirable for pedestrians.

c. With appropriate design, drivers will choose slower speeds and less aggressive behavior, a feat typically not achieved through basic speed limit signage/postings.

d. Scale is a threshold design consideration for street design elements (from signage to crossing distances)—in a neighborhood, town or city it should be that of the pedestrian.

e. An interconnected street network allows traffic capacity to be diffused and maintained across numerous streets.

f. Emergency vehicle access must be maintained, but with an interconnected street network, there will always be at least two routes of access to any lot or parcel.

g. Differences between "requirements" and "preferences" can be significant—increased lane width and the accompanying increased vehicle speed more often than not decrease the overall safety for pedestrians.

h. On-street parking slows passing vehicular traffic and acts as a buffer between moving vehicles and pedestrians. City staff will review and approve on-street parking design on a case-by-case basis depending on the street classification.

i. Overall function, comfort, safety and aesthetics of a street are more important than automobile efficiency alone.

j. In a pedestrian-oriented area, non-vehicular traffic should be provided with every practical advantage so long as safety is not adversely affected.

k. Street design should take into consideration what is reasonably foreseeable, not every situation that is conceivably possible.

l. Designing a street to facilitate (rather than accommodate) infrequent users may actually result in the wrong design for the frequent users of the STREET-SPACE.

m. When the street design creates a conflict between the vehicular and non-vehicular user, it should be resolved in favor of the non-vehicular user unless public safety will be truly jeopardized by the resolution.

B. Street Types

1. These are the proposed street types and ideal configurations within the CC Form District. The numbers refer to dimensions within the STREET-SPACE. The first number[1] is the literal STREET-SPACE (the distance between FAÇADES across the street) and the second is the distance to the back-of-curb (includes travel lanes, any on-street parking, and curb and gutter).
   a. Main Street: MS-98/43
   b. Boyd Street: ST-88/43
   c. Neighborhood Street: ST-80+/38
   d. Neighborhood Street: ST-66+/38
   e. Alley: A-24

   See *Diagrams 503.B.1.a.-e.* on the following pages.

2. On ~~the~~ Main Street: MS - 98/43 specification, sharrows, clearly marked shared bicycle and automobile lanes are shown. On Boyd Street: ST - 88/43 specification, dedicated bike lanes are shown. The other street types are configured such that in-lane bicycle travel is encouraged and appropriate.

3. DOORYARDS and ALLEYS are generally reserved for utility easements.

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1 Note: Due to the fact that the existing rights-of-way within the CC Form District vary dramatically, the first number for the Neighborhood Streets includes a plus (+) sign. The distance above the base number (either 80 or 66) is typically added to the front yard or dooryard space in the Neighborhood Street Type diagrams on the following pages.

Diagram 503.B.1.a: Main Street: MS-98/43

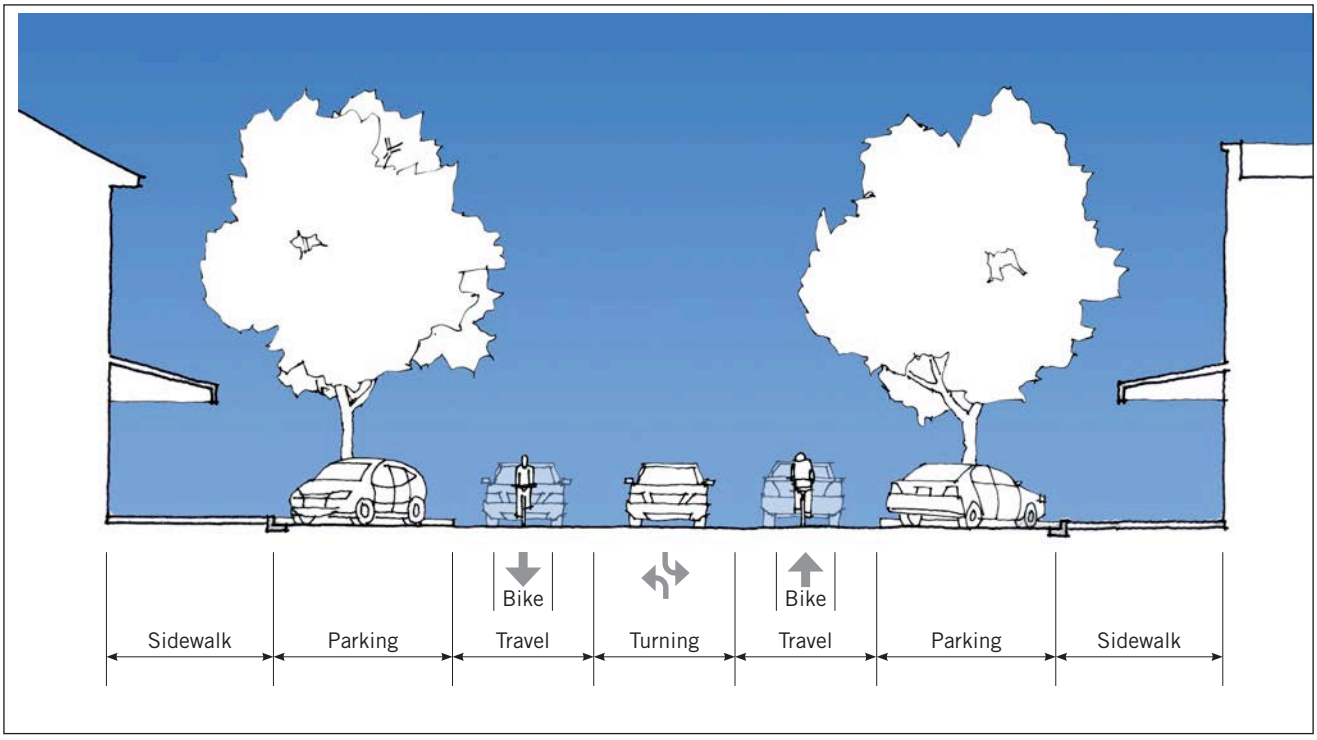


Diagram 503.B.1.b: Boyd Street: ST-88/43

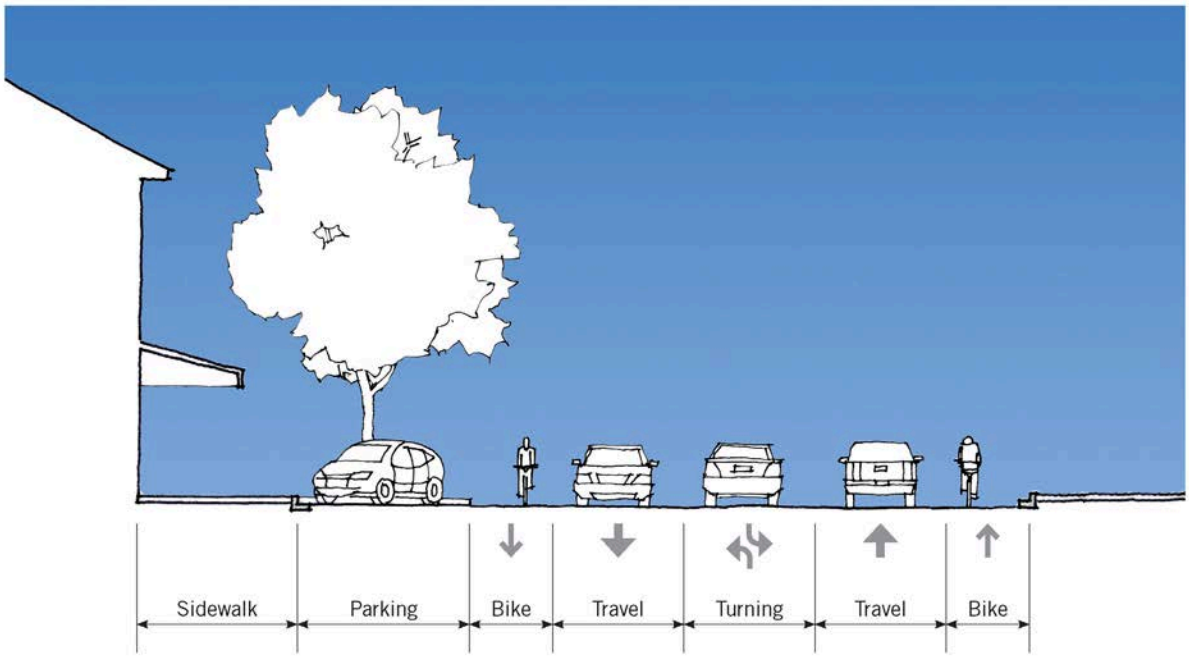
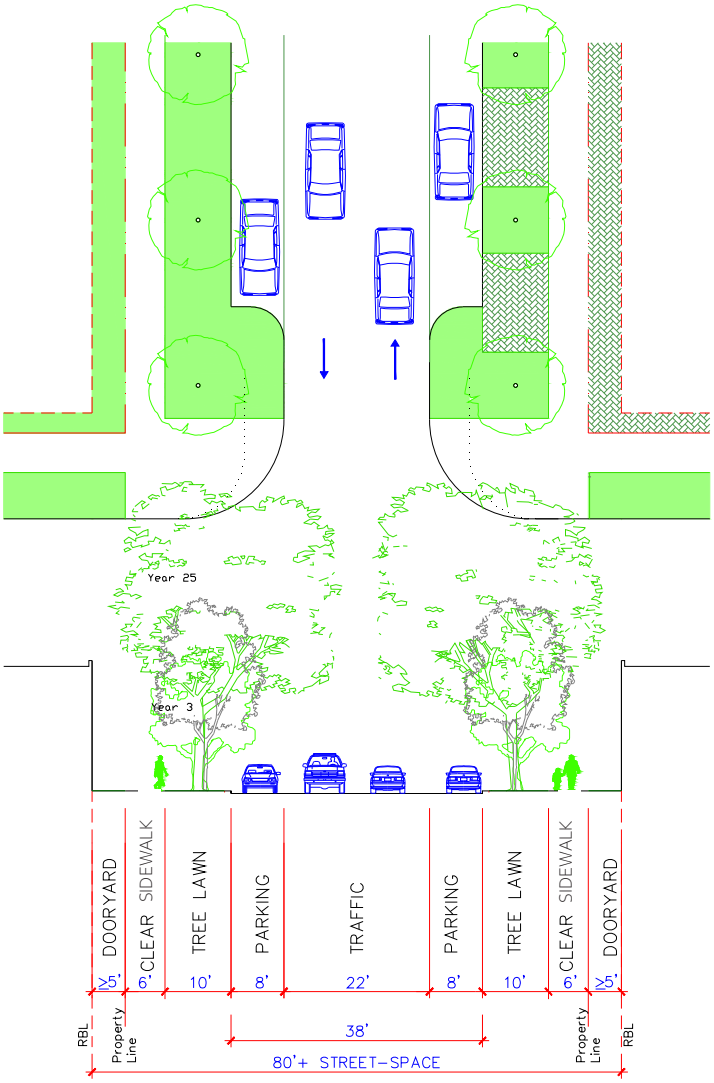


Diagram 503.B.1.c: Neighborhood Street: ST-80+/38

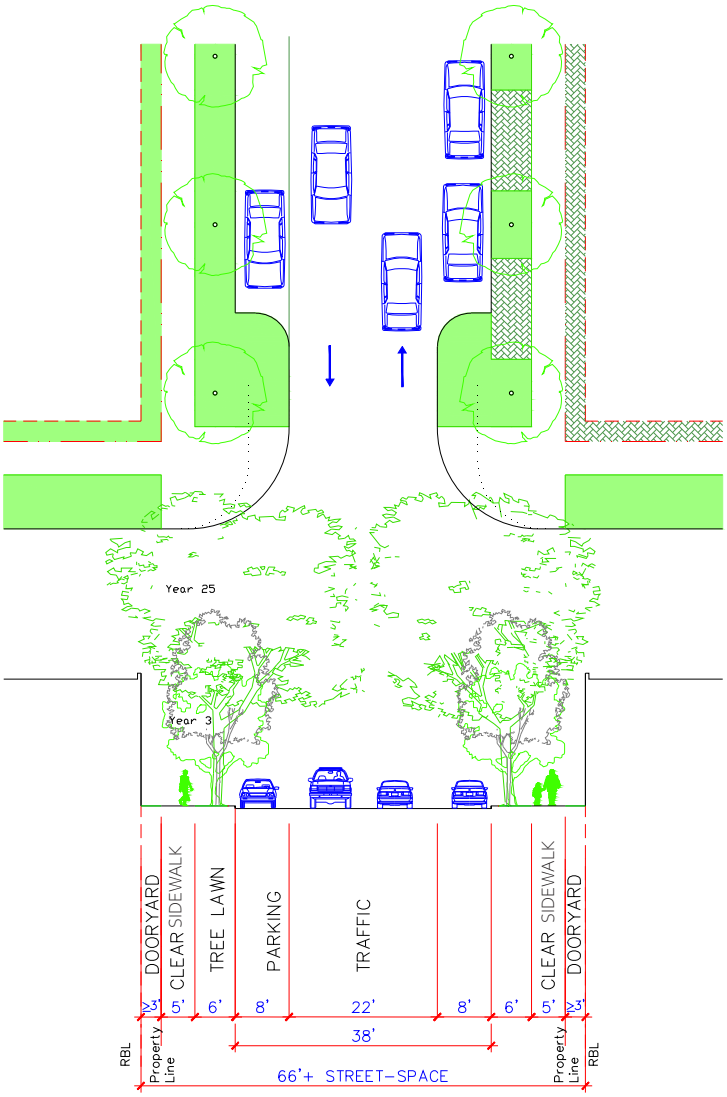
Neighborhood ST 80+/38



STREET-SPACE	80', per RBL
Traffic Lanes	11'
TREE LAWN	10'
Clear Sidewalk	6'
DOORYARD	see Regulating Plan, 5'typ.min.
type	street
movement	Free
design & posted speed	20-25 mph
	two way
on street parking	Both Sides, Striped
Right of Way	70' (varies)
pavement width	38'
curb type	vertical
curb radius	20' with curb extensions 10' w/o
planting	Street Trees Max Avg 30'ctc
comparative pedestrian crossing time	5.9 seconds w/curb extensions. 10.2 seconds without

Note: Illustration is advisory only

Neighborhood ST 66+/38

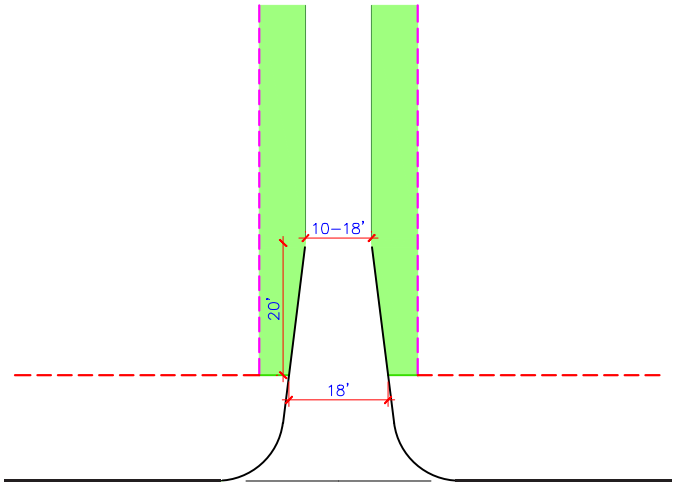


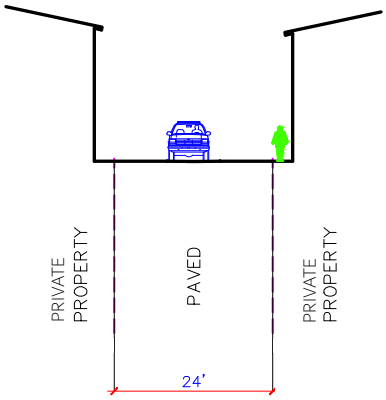
STREET-SPACE	66', per RBL
Traffic Lanes	11'
TREE LAWN	6'
Clear Sidewalk	5'
DOORYARD	see Regulating Plan, 3'typ.min.
type	street
movement	Free
design & posted speed	20-25 mph
traffic function	two way
on street parking	Both Sides, Striped
Right of Way	60' (varies)
pavement width	38'
curb type	vertical
curb radius	20' with curb extensions 10' w/o
planting	Street Trees Max Avg 30'ctc
comparative pedestrian crossing time	5.9 seconds w/curb extensions. 10.2 seconds without

Note: Illustration is advisory only

Diagram 503.B.1.e: Alley: A-24

Alley A-24





ROW or Easement	24'
type	alley
movement	Slow
design speed	5–10 mph
traffic function	two way– Yield Situation
pavement width	10'–18'
curb type	vertical, at Entry Only
curb radius	10–15"
comparative pedestrian crossing	4.3 seconds

Note: Illustration is advisory only

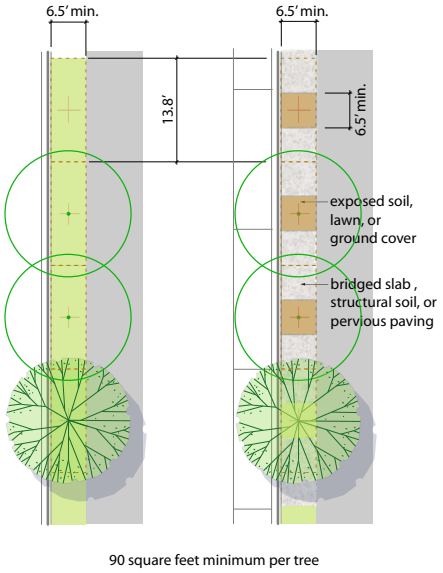
504. Streetscape Standards

A. General Provisions

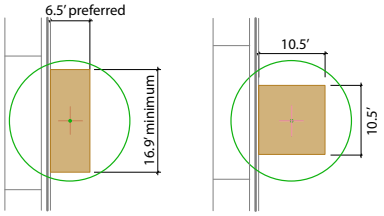
1. All plant material (including trees) shall pass any inspections required under State regulations.
2. All turf grass shall be solidly sodded at installation—not seeded, sprigged, or plugged. Vegetative groundcovers may be used in place of turf grass.
3. In addition to the lot, the owner must maintain the following areas:
   a. The portion of the STREET-SPACE between their RBL and the back of the curb.
   b. The portion of the ALLEY between the lot line and the edge of the ALLEY pavement.
4. Mechanical and electrical equipment including, but not limited to, air compressors, pumps, exterior water heaters, water softeners, private garbage cans (not including public sidewalk waste bins), and storage tanks may not be stored or located within any STREET-SPACE. (Water pumps for public fountains or irrigation not visible are not included in this prohibition. Temporary placement of private garbage cans within the STREET-SPACE may be allowed to accommodate scheduled pick-up.)

B. Street Trees

1. Each STREET-SPACE must have STREET TREES planted along the STREET TREE ALIGNMENT LINE (generally 3 to 3½ feet from the back of the curb unless otherwise specified in the REGULATING PLAN or Street Type Specification) at an average spacing not greater than 30 feet on center (calculated per BLOCK FACE). Where necessary, spacing allowances may be made to accommodate curb cuts, fire hydrants and other infrastructure elements; however, in no location may STREET TREE spacing exceed 45 feet on center except where necessary for transit stops or stations. Required STREET TREE planting area configurations are specified in the Street Type Specifications and below.
2. Required tree planting area minimum specifications are as follows:
   a. STREET TREE planting areas shall be at grade or not greater than six inches in height above or below the sidewalk
      (i) Soil surface area shall not be less than 110 square feet per isolated tree or 90 square feet per tree for connected (TREE LAWN) situations. (See *Illustrations 504.B.2(i) and (ii.)*)
      (ii) No dimension of the soil surface area may be less than 6 feet unless otherwise specified in this Code.
      (iii) The Street Type Specifications above are configured for street tree trenches. The above requirements may be met through the use of bridged slab, structural soil, or other techniques that clearly exceed these standards in the fostering of vital and long-lived STREET TREES.



504.B.2(i) Connected Situation



504.B.2(ii) Isolated Tree Situation

b. At planting, STREET TREES shall be at least 2.5 inches in diameter at designated breast height (DBH) and at least ten feet in overall height. Species must be selected from the STREET TREE LIST (see Tree Lists). Consult with the designated City staff for the designated tree species for a particular STREET-SPACE.

c. Any unpaved ground area shall be planted with groundcover, flowering vegetation, or climbing vines, not to exceed 12 inches in height. STREET TREES must be "limbed up" as they gain appropriate maturity so as to not interfere with pedestrian or truck travel (minimum 7 feet clear over the sidewalk and 14 feet over any travel lanes) and to maintain visibility.

C. Streetscape Elements

1. ~~STREETLIGHTS shall be installed on both sides of streets, aligned with the STREET TREES, and unless otherwise designated on the REGULATING PLAN, at intervals of not more than 80 feet, measured parallel to the STREET SPACE.~~

2. ~~STREETLIGHTS shall be between 9 and 16 feet above ground.~~

3. At the time of DEVELOPMENT, the developer is required to install ~~STREETLIGHTS and~~ sidewalks, as illustrated in Street Type Specifications, on the side of the STREET-SPACE being developed.

4. Sidewalks not otherwise designated in the REGULATING PLAN or Street Type Specifications shall be a minimum of six feet wide and be constructed to meet all City (and ADA) standards and specifications.

5. Street furniture is an element of the overall STREET-SPACE design—not an afterthought. Street furnishings should be simple, functional, and durable.

D. On-Street Parking

1. On-street parking spaces shall count towards parking requirements. (See *Part 6. Parking and Loading Standards*.)

2. The parking space/tree planting pattern may be interrupted by existing or new driveways designated in the REGULATING PLAN, streets, and ALLEYS, but the requirements in B.1 above shall be met, except where necessary for any transit stops or stations.

3. Parking spaces must be constructed in a manner that allows proper drainage (generally a "**w**" profile, having a gutter pan between the travel and parking lanes).

4. Where required, bicycle parking shall be provided on the same lot as the DEVELOPMENT. ~~(See *Zoning Ordinance Section 431.5.4* for permitted bicycle rack design.)~~ (See *Appendix C* for additional requirements.)

   a. For residential lots containing more than three DWELLING UNITS on the same lot, there shall be one bicycle parking space provided for the first eight (8) car parking spaces, and one bicycle space for each ten (10) car spaces provided thereafter. Single family, two-

family, and three-family units on the same lot are exempt from the requirement to provide bicycle parking facilities.

b. For other non-residential uses, there shall be one bicycle parking space provided for any parking area containing at least eight car spaces, and one additional bicycle space for each twenty (20) car spaces thereafter.

5. On-street parking shall comply with applicable ordinances regarding distance to intersections, stop signs, and other street elements.

505. Plazas, Squares and Civic Greens

A. Intent

1. These standards apply to those spaces that are either publicly owned or publicly accessible, as designated on the REGULATING PLAN.
2. SQUARES, CIVIC GREENS and plazas should be situated at prominent locations. The green plants and trees of SQUARES and CIVIC GREENS provide a landscape and civic architecture that complement the surrounding private building architecture.
3. SQUARES are active pedestrian centers. CIVIC GREENS are spaces intended for less intensive foot traffic. Surface treatment is regulated accordingly.
4. Pervious paving materials (to allow oxygen for tree roots and absorb stormwater run-off) are encouraged in both SQUARES and CIVIC GREENS, and the percentage of impervious paving material is limited. Pervious paving materials must be approved by the Public Works Department. (see 505.*C. Materials and Configurations* below.)

B. Standards

SQUARES and CIVIC GREENS must be designed, planted and maintained according to the following requirements:

1. SQUARES and CIVIC GREENS shall have at least 60 percent of their perimeter fronting public rights-of-way. Both shall be surrounded by STREET TREES. Their dimensions shall be no narrower than a 1:5 ratio and no SQUARE or CIVIC GREEN width or breadth dimension shall be less than 25 feet.
2. Appropriate to their high (pedestrian) traffic level SQUARES must be designed with a higher percentage of paved surface area. (see C.2 below)
3. A clear view through the SQUARE or CIVIC GREEN (from two to seven feet in height) is required, both for safety and urban design purposes.
4. SQUARES and CIVIC GREENS shall not include active recreation structures such as ball fields and courts.

C. Materials and Configurations

1. General

a. STREET TREES shall be planted along the alignment shown in the street type specification, and in accordance with *Section. 504, B. Street Trees*. They may (generally will) be of a different species than the connecting streets.

b. The ground surface level elevation shall be between 0 and 18 inches above the top of the adjacent curb.

c. The maximum slope across any SQUARE or CIVIC GREEN shall not exceed ten percent.

d. Except for tree trunks, streetlights, CIVIC USE BUILDINGS, public art or monuments, there shall be a clear view between two and seven feet above grade. The foliage of newly planted trees may intrude into this area until the tree has sufficient growth to allow such a clear trunk height.

e. Trees within a SQUARE or CIVIC GREEN may also be selected from the public space tree lists (see *Section 507~~7~~6. Tree Lists*).

f. Asphalt is prohibited within a SQUARE or CIVIC GREEN tract.

2. Squares

Appropriate to their high (pedestrian) traffic level, SQUARES shall incorporate a higher percentage of paved surface area. Surface treatment and materials (within the back-of-curb to back-of-curb area, excluding any CIVIC USE BUILDING, public art or monument footprint) shall be between 20 percent and 35 percent unpaved pervious surface (turf, groundcover, gravel, soil or mulch).

3. Civic Greens

Appropriate to their less intensive character, CIVIC GREENS shall be designed with a lower percentage of paved surface area. Surface treatment and materials (within the area back-of-curb to back-of-curb area excluding any CIVIC USE BUILDING, public art or monument footprint) shall be a minimum 50 percent unpaved pervious surface area (such as turf, groundcover, gravel, soil or mulch).

4. Pedestrian Pathway

The area within a PEDESTRIAN PATHWAY shall be a public access easement or public right of way. The easement width for these pathways must not be less than 20 feet with a paved walkway not less than ten feet wide providing an unobstructed view straight through its entire length, except where otherwise specified on the REGULATING PLAN.

506. Tree Lists

A. General

1. The following lists contain all approved tree species for use in the CC Form District. The lists include native and acceptable adapted species. Other species may be used for planting within a private lot. These lists

may be periodically reviewed for disease and climate appropriateness and amended by the City, as necessary.

2. Invasive exotic species may not be used anywhere on private lots or other areas.

B. Street Trees

1. Species in the Street Tree List are for placement as shown in Street Type Specifications, or as specified in the REGULATING PLAN for placement along the STREET TREE ALIGNMENT LINE. The use of alternate species may be permitted, but only if approved by the designated City staff.

2. STREET TREES are part of an overall STREET-SPACE plan designed to provide both canopy and shade and to give special character and coherence to each street. The desired aesthetic must be achieved through the use of native and/or proven hardy adapted species. Appropriate STREET TREE species may change over time and this list may be periodically amended by the designated City staff. Inclusion in this list shall be based on the following criteria:

   a. Structural – STREET TREES shape and subdivide the STREET-SPACE, increasing pedestrian comfort and adding (literal) value to the street/community. "Canopy Shade Tree" species grow to heights in excess of 60 feet and have a broad canopy—enabling them to clear auto traffic and pedestrians, form a ceiling-like enclosure, and open a clear view of the STREET-SPACE, FAÇADES, and SHOPFRONTS at eye-level.

   b. Pragmatic – Life as a typically placed street tree is nasty, brutish, and short. Few species are tough enough to survive and grow. Appropriate species have special tolerance to salt and soil compaction. STREET TREE planting techniques and configurations provide a healthy environment in which the tree can thrive—this will ensure that the trees increase their value to the community as they grow.

   c. Design – Species are planted consistently along a given STREET-SPACE to provide a special form and character. This provides species diversity at the same time it provides a specific street character by planting different STREET-SPACES with different trees.

Street Tree List

(Large Canopy Trees – mature height 60 feet and above)

Celtis occidentalis	Common Hackberry
Ginkgo biloba	Ginkgo (male only)
Gleditsia triacanthos var. inermis	Thornless Honey Locust
Platanus acerifolia 'Yarwood'	Yarwood Plane tree
Platanus occidentalis 'Bloodgood'	London Plane tree
Quercus acutissima	Sawtooth Oak
Quercus alba	White Oak
Quercus coccinea	Scarlet Oak
Quercus muhlenbergii	Chinquapin Oak
Quercus palustris	Pin Oak
Quercus phellos	Willow Oak
Quercus buckleyi shumardii	Red Oak
Quercus velutina	Black Oak
Tilia Americana	Basswood/American Linden
Ulmus hollandica 'Groenveldt'	Groenveldt Elm
Ulmus americana "libertas"	Liberty Elm
Ulmus parvifolia	Chinese/Lacebark/Drake Elm

3. Public Space Trees

In addition to the above trees, the following trees may be placed within DOORYARDS, SQUARES OR CIVIC GREENS.

PUBLIC SPACE TREE LIST

Carya illinoinensis	Pecan
Cerus canadisis var. texensis	Texas Redbud
Cerus x texensis	Oklahoma Redbud
Juglans nigra	Black Walnut
Magnolia grandiflora	Magnolia
Quercus macrocarpa	Bur Oak
Quercus muhlenbergii	Chinquapin Oak
Taxodium ascendens	Pond Cypress
Taxodium distichum	Bald Cypress

4. Private Space Plantings

No trees or other plant species that have been identified as invasive may be planted in any outdoor location within the City Center District.

Part 6. Parking and Loading Standards

601. Intent

A. Promote a "park once" environment that will enable people to conveniently park and access a variety of commercial, residential, and civic enterprises in pedestrian friendly environments by encouraging shared parking.

B. Reduce fragmented, uncoordinated, inefficient, reserved single-purpose parking.

C. Avoid adverse parking impacts on neighborhoods adjacent to REDEVELOPMENT areas.

D. Maximize on-street parking.

E. Provide flexibility for REDEVELOPMENT of small sites and for the preservation or reuse of historic buildings.

F. Increase visibility and accessibility of public parking.

G. Support and encourage a multi-modal, bicycle and pedestrian-friendly environment.

602. Other Applicable Regulations

Pervious surfaces approved by the City Engineer are encouraged for surface parking lots.

603. Minimum Parking Requirements

A. Properties zoned C-3 at the time of CCFBC adoption are exempt from these minimum parking requirements. See *Part 3. Section 30~~3~~x. Illustrative Form District Map* for the applicable parcels. Properties zoned C-2 and located on Gray Street extending from Lahoma Avenue on the West to the railroad tracks on the East shall also be exempt from ~~either~~ the minimum parking requirements of the CCFBC ~~or the C-2 parking requirements when redeveloped~~.

B. There is no minimum parking requirement for the re-use or renovation of an existing structure in which there is no gross floor area expansion.

C. ~~If more than 3 BEDROOMS per DWELLING UNIT, development must provide 1 parking space per BEDROOM on-site. (Excluding URBAN GENERAL/URBAN STOREFRONT BFS.)~~

D. An inset parking space located on a public street may be included in the calculation of parking requirements if it is adjacent to the building site (where more than 50% of the space is located within the street fronting the DEVELOPMENT parcel). On-street parking is subject to approval from the City of Norman's Transportation Engineer.

E. Each on-street parking space may only be counted once.

F. Minimum reserved parking: Reserved parking includes all parking that is not shared parking.

1. COMMERCE/CIVIC uses: There is no minimum requirement for reserved parking.

2. Residential–minimum reserved parking spaces per unit: ~~(Except as provided in 603. C. the following shall apply.)~~

a.	~~Up to 650 sf, regardless of BEDROOM count~~	~~.5 spaces/unit~~
b.	~~Between 650-1,000 sf~~	~~1 space/unit~~
c.	~~Above 1,000 sf~~	~~1.25 spaces/unit~~
d.	STUDIO unit	.5 spaces/unit
e.	1 BEDROOM unit	.5 spaces/BEDROOM
f.	2 BEDROOM unit	.5 spaces/BEDROOM
g.	3 BEDROOM unit or greater	1 space/BEDROOM

G. Minimum Shared Parking for Urban General, Urban Storefront, and Urban Residential Frontages:

1. COMMERCE: There are no minimum shared parking requirements where the non-residential Gross Floor Area (GFA) is under 10,000 square feet. Sites over 10,000 square feet in non-residential GFA shall have a minimum of 1 and 1/4 spaces per 1,000 square feet of non-residential GFA provided as shared parking.

2. ~~RESIDENTIAL: A minimum of 1/4 parking space per residential unit shall be provided as shared parking.~~

3. Shared parking shall be designated by appropriate signage and markings (parking shall be clearly visible and accessible to the public) as determined by the Director.

H. Achieving parking requirements:

1. Parking shall be located and configured in compliance with the PARKING SETBACK LINE or other regulations for the site on which it is located, as indicated on the REGULATING PLAN and/or BUILDING FORM STANDARD.

2. Minimum parking requirements may be met either on-site or within a 1000-foot walking distance of the DEVELOPMENT. ~~(See *Section 605.C. Off-Site Parking,* below, for additional standards.)~~ ~~(Exception 603. C.)~~

3. Parking lot design is up to the discretion of the developer. A parking lot striping plan must be provided by the developer.

4. Parking spaces shall be at least 162 square feet in area with a minimum width of 8.5 feet.

5. ~~In lieu of minimum parking requirements, the City may accept a one-time payment per each space of required shared parking. The City Council shall establish the amount of payment annually based on the approximate cost to build structured parking.~~

6. ~~Existing parking in all Center City Form District frontages may be used to achieve parking requirements in accordance with *Section 605.C. Off-Site Parking*.~~ ~~(Except as provided in 603. C.)~~

7. CORNER LOTS less than 12,900 total square feet shall only be required to comply with the parking setback line at the front of the property and

603.F.4.Consolidated public bicycle parking

not the side street. For the purposes of this paragraph, the frontage street is the same as the street address.

I. Bicycle Parking: sites and/or projects over 10,000 square feet in land area have the following requirements: (Appendix C)

1. For COMMERCE, the developer must provide 1 employee bicycle parking rack (2-bike capacity) per 5,000 square feet of commercial floor area and 1 visitor/customer bicycle parking rack (2-bike capacity) per 10,000 square feet of commercial floor area. The employee and visitor racks may be co-located.

2. For RESIDENTIAL, the developer must provide 1 tenant bicycle parking rack (2-bike capacity) per 4 units and 1 visitor bicycle parking rack (2-bike capacity) per 10 units. Projects under 4 units shall have no requirement.

3. Bicycle parking facilities shall be visible to intended users. The bicycle parking facilities shall not encroach on any area in the public right of way intended for use by pedestrians, nor shall they encroach on any required fire egress.

4. On-street bicycle parking spaces (typically along the STREET TREE ALIGNMENT LINE) may be counted toward the minimum customer/visitor bicycle parking requirement. (For areas with constrained STREET-SPACE, an optional approach is to consolidate public bicycle parking in a single dedicated on-street parking space per BLOCK. *See figure 603.F.4.*)

J. Permissive parking and loading facilities. Nothing in this ordinance shall be deemed to prevent the voluntary establishment of off-street parking or loading facilities to serve any existing use of land or buildings, in accordance with all regulations herein governing the location, design, and operation of such facilities.

~~604. Maximum Parking Standards~~

~~Except where one (1) parking space per bedroom is required by Section 603(c), the following shall apply:~~

A. ~~Reserved Parking for Urban General, Urban Storefront, and Urban Residential frontages:~~

1. ~~Surface and structured parking spaces may be reserved for a specific tenant or unit, provided that the following standards are not exceeded:~~

~~Use~~	~~Reserved (non-shared) Spaces (maximum)~~
~~Residential~~	~~1.0 per one-bedroom multifamily unit~~ ~~1.25 per two bedroom multifamily unit~~ ~~1.5 per three or more-bedroom multifamily unit~~
~~Nonresidential~~	~~2.0 per 1,000 non-residential GFA~~

2. ~~Reserved parking above the maximum may be provided upon payment to the City. The City Council shall establish the amount of payment annually based on the approximate cost to build structured parking.~~

B. ~~Shared Parking Limits~~

1. ~~Any time or hour of the day restrictions on shared parking shall be subject to approval by the Director. The Director may give approval based on a finding that: the parking is visible and accessible to the public, at least 12 hours of public parking are provided in any 24-hour period, and that at least 8 of those hours are provided during either business or nighttime hours depending on whether the Director determines that the primary use will be for COMMERCE or RESIDENTIAL uses.~~

2. ~~There are no maximum limits on the amount of shared parking.~~

C. ~~Maximum Surface Parking (Except as provided in 603. C. the following shall apply.)~~

1. ~~For any new development within Urban General, Urban Storefront, and Urban Residential frontages, the total surface parking, shared and reserved, shall not exceed 2.25 spaces per 1000 square feet of gross floor area.~~

2. ~~For any new development within Townhouse/Small Apartment, Neighborhood Middle and Detached frontages, the total surface parking, shared and reserved, shall not exceed 2.25 spaces per 1000 square feet of gross floor area, except that surface parking above the maximum may be provided:~~

   a. ~~upon payment to the City (the City Council shall establish the amount of payment annually); and~~

   b. ~~the parking is constructed using standard or approved pervious paving materials.~~

3. ~~Maximum surface parking standards do not apply to structured or underground parking.~~

6054. Special Parking Standards

A. ~~Joint Parking~~

~~Sites abutting one another shall physically connect their surface parking areas at the lot line to create connecting drive aisles. Where such surface parking areas lie within 50 feet of one another, a mutual access easement acceptable to the Director shall be executed. Site configurations existing prior to the adoption of the CCFBC are exempt from this requirement.~~

B. ~~On-Street Parking~~

1. ~~A parking space located on a public street may be included in the calculation of shared parking requirements if it is adjacent to the building site (where more than 50% of the space is located within the street fronting the development parcel).~~

2. ~~Each on-street parking space may only be counted once.~~

C. Off-Site Parking

1. Off-site parking shall be located and configured in compliance with the PARKING SETBACK LINE or other regulations for the site on which it is located, as indicated on the REGULATING PLAN and/or BUILDING FORM STANDARD.
2. ~~Off-site parking, shared or reserved, must be located within a walking distance of 1000 feet from the site it is serving.~~
3. ~~The off-site parking shall be located within the Center City Form District.~~
4. ~~The off-site parking must be the subject of a long-term lease approved as to form by the City Attorney, or permanently dedicated for off-site parking use.~~
5. ~~Where 603. C. applies off-site parking is not permitted.~~

D. Tandem Parking

1. Tandem parking is only allowed for:
   a. Single-family residential projects; and
   b. Residential projects and the residential component of mixed-use projects.
2. ~~Two parking spaces in tandem shall have a combined minimum dimension of 9 feet in width by 34 feet in length.~~
3. Parking spaces shall be at least 162 square feet in area with a minimum width of 8.5 feet.
4. Tandem parking spaces shall follow normal parking space size requirements.
5. ~~Up to 75 percent of the total required off-street parking spaces provided may incorporate tandem parking.~~
6. ~~Tandem spaces shall be assigned to the same dwelling unit. Tandem parking shall not be used to provide guest parking.~~

6065. Parking Lot Plantings

A. For any surface parking lot not separated from the STREET-SPACE by a building, the space between the RBL and the PARKING SETBACK LINE shall be planted with canopy shade trees from the Tree Lists in *Part 5. Urban Space Standards*. Trees shall be planted at an average distance not to exceed 30 feet on center and aligned parallel 3 to 7 feet behind the RBL/STREET WALL.

B. The edge of any Urban General~~,~~ or Urban Storefront~~, or Urban Residential~~ surface parking lot adjacent to a Detached or ~~Townhouse/Small Apartment~~ Urban Residential lot shall:

1. Be planted with canopy shade trees from the Tree Lists in *Part 5. Urban Standards*, placed at an average distance not to exceed 40 feet on center and aligned parallel 3 to 7 feet behind the COMMON LOT LINE.
2. Have a STREET WALL, GARDEN WALL or PRIVACY FENCE along the COMMON LOT LINE.

6076. Loading Facilities

A. No loading facilities are required.

B. Where loading facilities are provided, they shall be located to the rear and/or ALLEY side of buildings.

Part 7. Building Functions

701. General Provisions

A. Permitted Uses

Permitted uses by BUILDING FORM STANDARD Frontage are shown in *Section 702* with additional regulations, as applicable. The categories in the use table are further listed and detailed in *Section 703 and 704*.

B. Use Determination

1. The Director is responsible for categorizing all uses, and applying the uses set forth in *Section 702, Use Table*. If a proposed use is not listed in a use category, but can be said to be reasonably similar in impact on the CC Form District to a listed use, the Director shall treat the proposed use as a use under that category. If a proposed use is not listed in a use category, and is fundamentally different from any other listed use, the use shall be prohibited. Also, the Director may make such decisions pursuant to *Section 104, Other Applicable Regulations, Subpart (B).*
2. Uses Not Specifically Listed: When determining whether a proposed use is similar to a use listed in *Section 703*, the Director shall consider the following criteria:
    a. The actual or projected characteristics of the proposed activity in relationship to the stated characteristics of each use.
    b. Types of vehicles used and their parking and/or loading requirements.
    c. The likely impact on surrounding properties.
    d. The intent of the CC Form District.

C. Temporary Uses and Structures

Temporary structures such as shipping containers and other modular structures may be permitted to provide new business incubator space by housing retail and restaurant uses in the Urban General and Urban Storefront frontages for up to 24 months, with an optional annual renewal thereafter dependent on their performance and upkeep. Such temporary structures are not required to meet the Building Form Standards, but other performance standards may apply.

702. Use Table

The use table identifies the uses allowed in the respective BFS ~~(BUILDING FORM STANDARD)~~ fFrontages by STORY.

BUILDING FORM STANDARD (BFS)										
		Urban General		Urban Storefront		Urban Residential		Detached	
USE CATEGORY		Ground Story	Upper Story	Ground Story	Upper Story	Ground Story	Upper Story	All Stories	Additional Regulations
RESIDENTIAL	Household Living	✓	✓	✓	✓	✓	✓	✓	Sec. 704.B.1-2; 704.H
	Group Living		✓		✓	✓	✓	✓	
COMMERCE	Office	✓	✓	✓	✓	✓			Sec. 704.D.1-2
	Overnight Lodging	✓	✓	✓	✓	✓	✓	✓	Sec. 704.E.1-3
	Recreation/Entertainment	✓	✓	✓	✓				Sec. 704.F.1-5
	Vehicle Sales	✓	✓		✓				Sec. 704.F.2
	Passenger Terminal	✓							
	Child Care Center	✓	✓	✓	✓				See Part 9. Definitions
	Family Day Care Home	✓	✓	✓	✓	✓	✓	✓	See Part 9. Definitions
	Retail Sales & Service	✓	✓	✓	✓	✓			Sec. 704.F.2, 6, 7
	Restaurant/Bar/Lounge/Tavern	✓	✓	✓	✓				Sec. 704.F.1-5
	Art Studio/Artisinal Manufacturing	✓	✓	✓	✓	✓			Sec. 704.F.7
	Research & Development	✓	✓		✓				
	Self-service storage		✓		✓				
	Auto Repair	✓							Sec. 704.G.
CIVIC	See *Part 8. Definitions*	✓		✓		✓		✓	Sec. 704.C.

Key: ✓= Permitted Blank Cell = Not Permitted

Note: All nonresidential uses permitted in the Urban Residential BFS shall only be permitted where identified on the Regulating Plan.

703. Use Categories

A. Residential Uses

Residential Uses are allowed as set forth in *Part 9. Definitions*: Uses, Residential, and shall be sub-categorized as follows per the Use Chart:

1. Household Living

~~One, two-, or three-, or multi-dwelling unit structures or set of attached structures as applicable in each BFS~~
~~Elderly housing~~

2. Group Living

~~Assisted Living~~
~~Boarding house, rooming house, lodging house~~
~~Hospice~~
~~Dormitory~~
~~Fraternity and Sorority~~
~~Monastery/convent~~
~~Nursing home~~
~~Transitional home~~

B. Commerce Uses

1. **Use Classification.** The Commerce Uses permitted in each BFS have been classified by the sub-categories represented on the Use Table. As set forth therein, each sub-category's included specific uses, as each use is determined by the Planning Director as set forth in *Section 701*, are subject to the particular development and performance standards set forth in the Use Table and those additional standards set forth in *Part 7. Section 704. Development and Performance Standards*, if any.

2. **Permitted Uses.** Generally, any use ~~permitted in the C-1, C-2 and C-3 districts districts~~categorized and sub-categorized on the Use Chart, and as thereafter amended, are permitted where a representative sub-category is shown, and subject to the Planning Director's determination as set forth in *Section 701*~~subject to applicable development and performance standards, except for those differences listed below~~.

3. **Retail Sales and Services.** Any use permitted persuant to (B)(2)~~under the C-1, C-2 and C-3 districts subject to applicable development and performance standards~~, except that:
   a. Automobile surface parking lots are only permitted behind the parking setback line
   b. Outdoor athletic courts are only permitted as part of an adjacent fitness center

4. **Additional Uses, if not otherwise permitted.** In addition to those uses permitted pursuant to the Use Chart and (B)(2) above, the following are permitted as Commerce Uses, subject to the Planning Director's determination as set forth in *Section 701*:
   a. Hotels and Lodging
   b. Auditoriums and arenas
   c. Conference facilities and convention centers
   d. Communication antennas mounted on existing structures
   e. Bar, Lounge or Tavern and Live Entertainment subject to the requirements of *Section 704.F*.

C. Civic Uses

1. **Permitted Uses.** ~~See~~Permitted CIVIC USES are determined according to the definition set forth in *Part 9. Definitions*: CIVIC USE.

2. **Additional Uses.** The following uses are expressly allowed as set forth in *Part 9. Definitions*: CIVIC USE or expressly as set forth herein:

   a. College, community college, university

   b. Museum, library, auditorium, arena

   c. Places of worship including church, mosque, synagogue, temple

   d. Police, fire, EMS station, substation

   e. Public or private (K-12) school

   f. Neighborhood arts center, Community Center or similar community facility (public)

   g. Farmers Market

704. Development and Performance Standards

A. General

1. All permitted uses shall meet the *Section 402. General Provisions* and those standards specified in the applicable individual BUILDING FORM STANDARD pages.

2. No CIVIC, COMMERCE or WORKSHOP use is permitted above a RESIDENTIAL use, except for rooftop restaurants where specifically designated in the Urban Storefront Frontage.

3. No drive-through services are permitted.

4. No smoke, radiation, vibration or concussion, heat or glare shall be produced that is perceptible outside a building, and no dust, fly ash or gas that is toxic, caustic or obviously injurious to humans or property shall be produced.

5. Communication antennas may be installed on any existing structure (such as a building, utility pole, water tower, etc., but excluding single-family residences and accessory uses) 3 STORIES in height or greater but no less than 45 feet provided that the additional antennas shall add no more than 20 feet to the height of said existing structure. Communication antennas which are architecturally compatible to the building architecture may locate on non-residential buildings less than 3 STORIES or 45 feet in height, subject to receiving a Certificate of Compliance. Associated equipment will be subject to final DEVELOPMENT plan approval. Associated equipment may be permitted on the roof so long as it is screened from view.

B. Residential

1. See the Urban General BFS for configuration requirements for GROUND STORY RESIDENTIAL uses.

2. A lobby serving an upper STORY RESIDENTIAL use is permitted on the GROUND STORY of an Urban Storefront BFS~~site~~.

C. Civic

Buildings that house CIVIC USES ~~located on civic sites specifically~~ designated on the REGULATING PLAN are not subject to *Part 4. Building Form Standards* except for *Section 402.D. Neighborhood Manners.*

D. Office

1. Office uses are not permitted within the required minimum depth for the STOREFRONT space in an Urban Storefront Frontage site.
2. Office uses are permitted within the GROUND STORY of designated LIVE-WORK ~~Townhouse~~ Urban Residential Frontage units.

E. Overnight Lodging

1. GROUND STORY guest rooms shall meet the configuration standards for GROUND STORY residential uses as specified in the Urban General BFS.
2. A lobby serving an upper STORY overnight lodging use is permitted on the GROUND STORY of any Urban Storefront BFS site.
3. For ~~Detached and Townhouse/Small Apartment~~ the Urban Residential frontages, only ~~Bed & Breakfast~~ BED & BREAKFAST types are permitted.

F. Restaurant/Bar, Retail Sales

1. Outdoor eating areas for eating/drinking establishments shall be allowed on the public sidewalk in Urban General and/or Urban Storefront Frontages, subject to:
   a. the provision of a minimum clear width of five (5) feet within the CLEAR WALKWAY area; and
   b. subject to the issuance of applicable permits.
2. A restaurant or RETAIL use is permitted in the second STORY of an Urban Storefront or Urban General site provided it is an extension equal to or less than the area of the same GROUND STORY use.
3. An eating/drinking establishment is permitted on the rooftop of an Urban Storefront site.
4. The sale and consumption of ~~cereal malt~~ alcoholic beverages ~~and alcoholic liquor~~ shall be subject to all existing permitting provisions, as applicable.
5. Live entertainment and ~~drinking establishments~~BAR/lounge/tavern are required to obtain a Special Use Permit if the walls of the facility are within 100 feet of a solely residential BFS within the CC Form District or a residential zoned property which is not included in the CC Form District.
6. No merchandise (including motorcycles, scooters, and ~~automotives~~ automobiles) may be left within the STREET-SPACE when the business is not open.
7. Only merchandise or a commodity manufactured on premise may be sold in the GROUND STORY of a LIVE-WORK unit.

G. Auto Repair

Auto repair services may be permitted, subject to the following:

1. The property shall be at least 100 feet from any solely residential lot;
2. The use shall not include the display and rental of cargo trailers, trucks, or similar uses;
3. The storage or junking of wrecked motor vehicles (whether capable of movement or not) is prohibited;
4. Discarded parts resulting from any work shall be removed promptly from the premises. Automotive replacement parts and accessories shall be stored inside the main structure;
5. Upon the abandonment of the auto repair service, the use shall terminate and all structures exclusively used in the business (including underground storage tanks), except buildings, shall be removed by the owner of the property. For the purpose of this Subsection, the term "abandonment" shall mean non-operation as an auto repair for a period of 14 months after the retail services cease.

H. Crematoriums

Crematoriums are required to obtain a Special Use Permit and are subject to the following:

a. Crematoriums will be located a minimum of 400 feet from any solely residential BFS or residential zoning district and 100 feet from all other zoning districts measured from the closest point of the building to the nearest residential 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.

e. Crematoriums shall have direct vehicle access to an arterial street.

I. Adult Entertainment Uses

Adult Entertainment Uses are required to obtain a Special Use Permit and are subject to the following:

a. No such zoning shall be granted for any proposed location which is within a one thousand foot (1000') radius of any other Adult Entertainment Use.

b. No Adult Entertainment Use shall be allowed to locate within a five hundred foot (500') radius of any church, public or private school (type which offers a compulsory education curriculum) or public or private park. Nor shall any Adult Entertainment Uses be allowed to locate within five hundred feet of any solely residential BFS or residential zoning district.

c. All distances required to be met pursuant to the terms of this section shall begin at the property line of the proposed use and are measured to the nearest property line of the public or private lot, school, park, church, residentially zoned lot, or adult entertainment use within the proscribed distance, if any.

J. Special Use for Dwelling Units with Four or More Bedrooms

In any BFS where residential use is permitted, DWELLING UNIT(S) may contain four or more BEDROOMS upon approval of a Special Use Permit as follows:

1. This provision is applicable to new construction, including demolition and reconstruction, or an addition/alteration to existing construction adding at least one BEDROOM where the resulting structure is to contain four or more BEDROOMS in a residential DWELLING UNIT(S);
2. This provision is not applicable to structures with four (4) or more BEDROOMS existing on or before the date O-1920-3 was enacted.
3. Where an existing structure already has four (4) or more BEDROOMS esisting on or before the date O-1920-3 was enacted, but voluntarily seeks and is denied a Special Use Permit, denial alone will not render *Section 704 (J)* applicable unless an addition/alteration adding at least one more BEDROOM occurs per subpart (1) above.
4. ~~The requirement to obtain a Special Use Permit applies to new construction, including demolition and reconstruction, or an addition/alteration to existing construction adding at least one BEDROOM where the resulting structure is to contain four or more BEDROOMS in a residential DWELLING UNIT(S);~~
5. ~~An Applicant seeking a Special Use Permit pursuant to this subsection shall follow, and is subject to, those procedures and regulation set forth in the Norman Zoning Ordinance, at 22-434.1 *except that:*~~
   a. ~~The Planning Director may also require applicant submit information in addition to that listed in 22-434.1(a) where the Planning Director feels that said additional information is necessary to address particular aspects of the subject property's character, or to assist in evaluating and determining a project's adherence to the goals of this Code;~~
   b. ~~The Planning Commission and the City Council may also, in addition to those items identified in 22-434.1, take into account the underlying purposes and goals of the Center City Vision and this Code, in setting conditions (including occupancy conditions) reccomending or approving any Special Use Permit applicantion; and~~
   c. ~~Any violation of a Special Use Permit constitutes a violation of the Norman City Code, as embodied in both the Norman Zoning Ordinance and this Code.~~
   d. ~~This provision does not apply to structures with four (4) or more bedrooms existing at the time Section 704 (H) is enacted. Where an existing structure already has four (4) or more bedroom prior to enactment of Section 704 (H), but voluntarily seeks and is denied a Special Use Permit, denial alone will not render Section 704 (H) applicable unless an addition/alteration adding at least one more bedroom occurs per subpart (1) above.~~

K. Special Use Procedure

1. An Applicant seeking a Special Use Permit pursuant to *Section 704* shall follow, and is subject to, those procedures and regulations set forth in the Norman Zoning Ordinance regarding Special Uses, currently found at 22-434.1 and as thereafter amended, except that:
   a. The Planning Director may also require applicant submit information in addition to that required by the Zoning Ordinance where the Planning Director feels that said additional information is necessary to address particular aspects of the subject property's character, or to assist in evaluating and determining a project's adherence to the goals of this Code; and
   b. The Planning Commission and the City Council may also, in addition to those items identified in the Zoning Ordinance regarding Special Uses, take into account the underlying purposes and goals of the Center City Vision and this Code, in setting conditions (including occupancy conditions) recommending or approving any Special Use Permit application.
2. Any violation of a Special Use Permit constitutes a violation of the Norman City Code, as embodied in both the Norman Zoning Ordinance and this Code.

Part 8. Site Development Requirements

801. Intent

A. This part applies to the ~~TOWNHOUSE/SMALL APARTMENT~~ URBAN RESIDENTIAL ~~BFS, NEIGHBORHOOD MIDDLE~~ and DETACHED FRONTAGE BFS that are newly DEVELOPED or REDEVELOPED pursuant to the CCFBC. Impervious surface controls are necessary to balance the DEVELOPMENT and stormwater needs in the CCFBC area, in addition to anticipated infrastructure improvements.

802. Site Grading Plan

A. All site work and material storage must be completed within the property boundary. Any activities required in the public right of way or alley must be approved through application for a right of way permit through Public Works Engineering (405-366-5457) prior to commencing work. This includes the removal or construction of sidewalks, drives or alleys. Sidewalk removals must have a set plan for immediate replacement for public use.

B. A site grading plan must be submitted containing the following information at a minimum:

1. Lot/building layout with dimensions;
2. Existing and proposed impervious areas with dimensions and percentages;
3. Existing and proposed ground contours and elevations;
4. Proposed finished floor elevation of all structures using 1 foot or less contour intervals;
5. Drainage patterns indicated by flow arrows and locations where stormwater leaves the site;
6. Proposed drainage areas; and
7. Location of downspouts.
8. Explanation of how each drainage area will be collected by public stormwater infrastructure. Public stormwater infrastructure can include the public street or a stormwater inlet located within a public easement or right of way.

803. Drainage Calculations

A. Drainage calculations prepared by an Oklahoma licenced professional engineer per Section 5000 of the Engineering Design Criteria for the site must be provided including the following information at a minimum:

1. Calculations must apply and satisfy methodology set forth in Section 5000 of the Engineering Design Criteria.
2. Existing or historic runoff rate for each drainage area. If historic aerial photos indicate that structures or impervious areas had been demolished these areas can be used in the calculation of the historic runoff rate;

3. Permissible runoff rate based on time of concentration ($t_{c)}$ for each drainage area shall be determined as follows:
    a. In no case shall t_c of less than 5 minutes be allowed.
    b. For sites less than or equal to 10,500 square feet a t_c of five minutes can be assumed.
    c. Or larger areas of REDEVELOPMENT t_c shall be calculated using the Section 5000 of the Engineering Design Criteria (EDC 5000).

B. Each lot shall be drained to an abutting STREET or ALLEY, and downspouts shall not be directed in such a manner as to adversely impact adjacent properties.

C. For REDEVELOPMENT where impervious cover is increasing to 65%, the difference in the runoff between existing and post–DEVELOPMENT must be accounted for through site engineering and/or engineering solutions as described in EDC 5000, ~~or~~ the City of Wichita/Sedgwick County Stormwater Manual as adopted by City Council June 28, 2011, in Ordinance Number O-1011-52 Water Quality Protection Zone (Stormwater Manual) or the current adopted City of Norman green stormwater infrastructure (GSI) manual.

804. Impervious Area

A. Impervious coverage shall not exceed 65% unless incentive requirements as discussed in Section 9805 below are satisfied.

805. Impervious Coverage Incentive

A. In order to exceed the maximum impervious coverage of 65% of each lot/parcel, ~~the~~ all of the above conditions as well as the following conditions must be satisfied:

1. Total impervious coverage may not, in any case, exceed of 85%.
2. Owner/Applicant must submit a site grading plan and drainage calculations indicating no adverse affect per EDC 5000, to the side, adjacent, or down gradient properties will occur at proposed impervious area coverage.
3. Owner/Applicant must utilize low impact development (LID), engineered solutions, Green Stormwater Infrastructure (GI), Best Management Practices or other stormwater device or devices to capture the first 1.0 inch of rainfall; and
4. Owner/Applicant must ~~enter to~~ submit an operations and maintenance manual ~~agreement including detailed manual~~ for all engineered solutions. This manual must be filed at the Cleveland County Courthouse prior to occupancy being granted and a copy of the filed manual provided to Public Works Engineering. ~~and d~~Deeded easements are required for any installed stormwater devices.
5. The owner of record will inspect all engineered solutions annually for compliance with the operations and maintenance manual. The

inspection report must be submitted to the Public Works Engineering prior to June 30 each year.

B. The Stormwater Manual may be used to determine appropriate engineering solutions to meet the requirements of this section, with example requirements as follows:

1. Overland Flow Vegetated Filtration Areas (Vol 2 Pages 2-8 of Wichita Manual)
2. Maximum contributing flow path length <75 foot
3. Downspouts located at least 10 ~~foot~~~~feet~~ away from nearest impervious surface.

C. Disconnected impervious areas shall drain continuously overland as sheet flow through a broad grassed area or vegetated filter strip to the property line or street.

D. Further guidance for DEVELOPMENT in the CCFBC area may also be provided, in an administratively developed manual for approved LID Techniques and Engineered Solutions to guide impervious surface areas increases to as much as 85% (City Manual). The City Manual will provide proposed designs for engineered solutions that may be utilized for a site. ~~The proposed designs will have an equivalent impervious area that may be added to the site plan to reach the maximum increase in impervious area up to 85%.~~ Possible engineering solutions include:

1. Small detention ponds
2. Underground detention ponds (if grades allow)
3. Pervious pavers (if soil types allow)
4. Enhanced dry swales and grass channels
5. Infiltration and soakage trenches
6. Filter Strips
7. Bioretention Areas
8. Rain Barrels/Storage Tanks (storage tanks must be screened to adhere to the architectural and landscape standards contained in the CCFBC)
9. Tree wells

Part 9. Definitions

The following terms are defined for the purpose of the Center City Form-Based Code. ~~Terms not defined here may be defined elsewhere in the City of Norman Zoning Ordinance. In such case, the definition contained in the Zoning Ordinance shall be used. Certain terms in this Code are used in very specific ways, often excluding some of the meanings of common usage. Where there is an apparent conflict or contradiction, the definition herein shall prevail.~~

Accessory Unit. A building or addition for living purposes (maximum footprint of 650 square feet—or the footprint of the main structure for ENGLISH BASEMENT type ACCESSORY UNITS) that is not the primary structure or principal DWELLING UNIT on a lot, that can be used as additional residential or home occupation space.

Adult Amusement or Entertainment. Amusement or entertainment which is distinguished or characterized by an emphasis on acts or material depicting, describing or relating to SEXUAL CONDUCT or SPECIFIED ANATOMICAL AREAS, including but not limited to topless or bottomless dancers, exotic dancers, strippers, male or female impersonators or similar entertainment. This includes ADULT BOOKSTORES, ADULT MINI MOTION PICTURE THEATERS, ADULT MOTELS, ADULT MOTION PICTURE ARCADES, ADULT MOTION PICTURE THEATERS, MASSAGE PARLORS, and SEXUAL ENCOUNTER CENTERS.

Adult Bookstore. An establishment having as a significant portion of its stock in trade books, film, magazines and other periodicals which are distinguished or characterized by an emphasis on depicting or describing SEXUAL CONDUCT or SPECIFIED ANATOMICAL AREAS.

Adult Mini Motion Picture Theater. An enclosed building with a capacity of less than 50 persons used for presenting material distinguished or characterized by an emphasis on depicting or describing SEXUAL CONDUCT or SPECIFIED ANATOMICAL AREAS.

Adult Motel. A motel wherein material is presented, as part of the motel services, via closed circuit t.v. or otherwise, which is distinguished or characterized by an emphasis on depicting or describing SEXUAL CONDUCT or SPECIFIED ANATOMICAL AREAS.

Adult Motion Picture Arcade. Any place at which slug-operated or electronically, electrically or mechanically controlled, still or motion picture machines, projectors or other image-producing devices are maintained to show images to five or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by an emphasis on depicting or describing "Sexual Conduct" or "Specified Anatomical Areas."

Adult Motion Picture Theater. An enclosed building with a capacity of 50 or more persons used for presenting material distinguished or characterized by an emphasis or depicting or describing SEXUAL CONDUCT or SPECIFIED ANATOMICAL AREAS.

Alley/Alley Access Easement. The public right-of-way or easement for vehicles and pedestrians within a BLOCK that provides access to the rear or side of properties, vehicle parking (e.g., garages), utility meters, recycling containers, and garbage bins.

Attached Structures. A set of two or more structures connected by a common wall which separates climate-controlled rooms in all attached structures.

Attic Story. Habitable space situated within the structure of a pitched roof and above the uppermost STORY. They are permitted for all BFS sites and do not count against the maximum STORY height or ultimate height limits of their BFS.

Awning. A roof-like covering, projecting from a building FACADE, usually of canvas, metal, or similar material and often adjustable, placed over the sidewalk, windows, or doors to provide protection from sun and rain.

Balcony. An exterior platform attached to the upper floors of the building FAÇADE (along any STREET FRONTAGE, forward of the REQUIRED BUILDING LINE). *Note that other balcony-type structures oriented toward the lot interior are not regulated by the Center City FBC, but may be regulated by other building or fire code requirements.*

Bar/lounge/tavern. An establishment whose primary activity, measured by dollar volume of sales, involves the sale and the on-premise consumption of intoxicating or non-intoxicating beer, mixed beverages, wine, or other liquor, and where food service, if any, is a secondary activity.

Bay Window. Generally, a U-shaped enclosure extending the interior space of the building outward of the FACADE/REQUIRED BUILDING LINE (along its STREET-SPACE side).

Bed & Breakfast. A use in which the owner operator provides lodging which included meal service to transient guests for compensation. The use is subordinate to the principal use and appearance of the structure as a residence.

Bedroom. ~~An enclosed space within a DWELLING UNIT that is not a garage, foyer, kitchen, bathroom, dining area or living room, that has at least seventy square feet of floor area. Dens, studies or other rooms which are capable of being used for sleeping quarters that contain a closet, or to which a closet could be added, shall also be considered a BEDROOM.~~

Any habitable room or space no less than 70 square feet and no greater than 144 square feet in floor area in a DWELLING UNIT which:

a. may be segregated by any means of closure or is otherwise capable of being used for sleeping quarters; and

b. has more than one means of egress (doorway or window); and

c. is not a kitchen, bathroom (lavatory) or utility room;

Less and except only one room or space meeting this definition that is specifically designated and utilized as general living space (but only where a general living space is not otherwise provided in the same DWELLING UNIT).

Any room or space which meets this definition and is greater than 144 square feet in floor area shall be counted as two BEDROOMS. Every additional 144 square feet of floor area shall be counted as an additional BEDROOM.

Block. An increment of land comprised of lots, ALLEYS and tracts circumscribed and not traversed by streets (PEDESTRIAN PATHWAYS excepted). BLOCKS shall be measured at the REQUIRED BUILDING LINE (RBL).

Block Corner. The outside corner of a BLOCK at the intersection of any two STREET-SPACES (the RBLS). Inside corners, where the resulting angle formed by the BLOCK FACE is less than 180 degrees (concave) are not considered BLOCK CORNERS for the purposes of this Code.

Block Face. The REQUIRED BUILDING LINE frontage between BLOCK CORNERS.

Buildable Area. The area of the lot that building(s) may occupy, which includes the area of the lot behind the REQUIRED BUILDING LINE as designated by the BUILDING FORM STANDARD. The BUILDABLE AREA sets the limits of the building footprint now and in the future—any additions shall be within the specified BUILDABLE AREA.

Building Corner. The outside corner of a building where the primary building mass is within an angle less than 180 degrees. Inside corners, where the exterior space of the building mass forms an angle of more than 180 degrees are not considered BUILDING CORNERS for the purposes of this Code.

Building Form Standards (BFS). The part of this Code that establishes basic parameters regulating building form, including the envelope (in three dimensions), placement and certain permitted/required building elements, such as SHOPFRONTS, BALCONIES, and STREET WALLS. The BUILDING FORM STANDARDS establish both the boundaries within which things may be done and specific things that must be done. The applicable BUILDING FORM STANDARD(S) for a site is determined by its STREET FRONTAGE as per the REGULATING PLAN. This produces a coherent STREET-SPACE and allows the building owner greater freedom behind the FAÇADE.

Building Face. See FAÇADE.

Child Care Center. Any place, home or institution which receives more than seven children under 18 years of age, who are not of common parentage, for care apart from their parents, legal guardians or custodians, when such care is received for regular periods of time for compensation; provided, however, this definition shall not include those public and private schools organized, operated or approved under the laws of Oklahoma and regulated by the State Department of Education, those where custody of the children has been fixed by a court of competent jurisdiction, those where children are related by blood or marriage within the third degree of the custodial person, or to those public or private institutions caring for children while the parents, legal guardians or custodians are attending services, meetings, classes, or otherwise engaging in that institution's activities, to the extent such care and custody does not exceed four hours at any one time.

Civic Green or Square. A public open space designated on the REGULATING PLAN. The term *square* is generally used to describe spaces that have more paved surface area. The term *civic green* is generally used to describe a formally configured small public lawn or park that is primarily unpaved. CIVIC GREENS and SQUARES do not include active recreation structures such as ballfields and courts. See *Part 5. Urban Space Standards* for the specific controls on SQUARES and CIVIC GREENS.

Civic Use Buildings. Those buildings that house strictly CIVIC USES or historically and urbanistically significant structures designated on the REGULATING PLAN. CIVIC USE BUILDINGS and publicly-owned public art are not subject to the BUILDING FORM STANDARD prescriptions of this Code. See also USE, CIVIC.

Clear Height. Within a structure, the distance between the floor and ceiling. For entrances and other external building features, the unobstructed distance from the ground to the bottom of the lowest element above.

Clear Walkway. The portion of the sidewalk within a STREET-SPACE that shall remain clear of obstructions and allow public passage. The CLEAR WALKWAY width is specified in the *Street Type Specifications*.

Clearly Visible from the Street-Space. Many requirements of this Code apply only where the subject is "CLEARLY VISIBLE FROM THE STREET-SPACE." (Note that the definition of STREET-SPACE includes SQUARES, CIVIC GREENS, PEDESTRIAN PATHWAYS, parks, and all public space except ALLEYS.) A building element more than 30 feet from a REQUIRED BUILDING LINE or STREET-SPACE is by definition not CLEARLY VISIBLE FROM THE STREET-SPACE (such as elements facing a COMMON LOT LINE). Also, common or party walls are by definition *not* CLEARLY VISIBLE FROM THE STREET-SPACE. This does not exempt vehicle parking lots or parking structures from any BUILDING FORM STANDARD requirements.

Commerce. See USE, COMMERCE.

Common Lot Lines. Lot lines shared by adjacent private lots.

Comparative Pedestrian Crossing. The measured distance, shown on the Street Type Specifications, that a pedestrian would be within an automobile travel lane (or turning movement) while crossing a street. A crossing time is calculated based on a pedestrian speed of 3.7 feet per second (a generally accepted urban average). This distance/time is calculated in order to provide a relative gauge of the comfort level for pedestrians crossing the street.

Complete and Discrete Facade Composition. The FACADE articulation that breaks down the apparent scale of a large building into smaller apparent pieces. The intent of such a FACADE COMPOSITION is to provide 'human scale' for the STREET-SPACE. The objective requirements of the COMPLETE AND DISCRETE FACADE COMPOSITION section of the BUILDING FORM STANDARDS regulate and ensure such scalar break-down.

Corner Lot. A lot in which one side lot line is adjacent to a street or STREET-SPACE. Special building placement, fencing and landscape requirements may apply.

Covered Sidewalk. A roofed or built structure attached to the FAÇADE and extending beyond the REQUIRED BUILDING LINE and over the sidewalk or SQUARE, open to the STREET-SPACE except for supporting columns, piers, or arches. (See BUILDING FORM STANDARDS for complete specifications.)

Crematorium. A facility for the incineration of corpses, human or animal, to ashes. Crematorium does not include any establishment where incinerators are used to dispose of toxic, hazardous, infectious, or narcotic materials.

Detached Frontage Building. Building form and functions resulting from/as determined by the Detached BUILDING FORM STANDARD as indicated on the REGULATING PLAN.

Developing or Development. As used in the CCFBC, these terms refer to construction or commencement of a use upon property(ies) where a NON-CONFORMING USE or NON-CONFORMING STRUCTURE did not previously exist.

Dooryard. The area within the STREET-SPACE between the FAÇADE of the building (generally the REQUIRED BUILDING LINE) and the CLEAR WALKWAY area of the sidewalk. The DOORYARD area is designated in the Street Type Specifications.

Dormers. Roofed ancillary structures with windows providing light and air to habitable space within the roof.

Dwelling Unit. ~~A single habitable unit with facilities equipped for living, sleeping, cooking, and eating.~~ A room or space or a suite of rooms or spaces used or intended to be used as an apartment and supporting general living conditions usually including a single cooking and dining space, single general living space, BEDROOM(s), bathroom(s) and utility room.

Eave Height. EAVE HEIGHT shall be measured at the bottom of the top layer of roofing material at its outermost point from the building wall.

English Basement. A habitable floor level below the first floor that is partially above and below grade, with direct STREET-SPACE access.

~~**Equivalent or Better.** A building material or construction technique that has been determined, by the Director, to be at least equal to, in appearance, durability, etc., or surpassing those expressly permitted herein.~~

Façade (Building Face). The building elevation facing the STREET-SPACE or REQUIRED BUILDING LINE. Building walls facing private interior courts, COMMON LOT LINES, ALLEYS, and COMMON DRIVES are not FAÇADES.

Façade Composition. The arrangement and proportion of materials and building elements (windows, doors, columns, pilasters, bays, etc.) on a given FAÇADE.

Family Day Care Home. A structure used as a residence in which the resident receives seven or fewer children under the age of 18 years (including the caregiver's own resident preschool children under the age of five) for part-time care apart from their parents, legal guardians or custodians, when such care is received for regular periods of time for compensation.

Fenestration. Openings in the building wall, including windows and doors, allowing light and views between interior (private realm) and exterior (public realm).

First Floor. See GROUND STORY.

Front Porch. The ground floor platform attached to the FAÇADE or REQUIRED BUILDING LINE side of the main building.

Front Yard. An open (unpaved) space required by certain BUILDING FORM STANDARDS extending across the entire width of the lot between the FAÇADE and the CLEAR WALKWAY. This area is contiguous with the STREET-SPACE, and includes any FRONT PORCH.

Front Yard Fence. The wood (picket), wrought iron fence, or masonry wall located along and surrounding the FRONT YARD. (For placement, height and gate specifications, see the BUILDING FORM STANDARDS.)

Garden Wall. A masonry wall defining a property line or delineating a private area. (For placement, height and gate specifications, see the BUILDING FORM STANDARDS.) A GARDEN WALL may serve as a FRONT YARD FENCE.

General Living Space. The single room in a DWELLING UNIT designated or utilized for common social activities of the occupants.

Ground Story. The first habitable level of a building at or above grade. The next STORY above the GROUND STORY is the second floor or STORY.

Habitable Space. A space in a building for living, sleeping, eating or cooking. Bathrooms, toilet rooms, closets, halls or utility spaces are not considered habitable spaces.

Legacy Zoning District. A parcel's previous base zoning district existing immediately prior to the adoption of the CCFBC in July of 2017.

Liner Shops. Small shops (which can be as shallow as 15 to 20 feet) along the REQUIRED BUILDING LINE of a larger structure, with doors opening directly to the sidewalk. These small retail spaces break down the scale of large building FACADES. (Liner shops may or may not connect to the larger interior space.)

Live-Work. Where designated on the REGULATING PLAN, a townhouse is permitted to contain COMMERCE uses where it has its GROUND STORY configured as a SHOPFRONT.

Massage Parlor. Any place where for any form of consideration or gratuity, massage, alcohol rub, administration of fomentations, electric or magnetic treatments, or any other treatment or manipulation of the human body occurs as part of or in connection with SEXUAL CONDUCT or where any person providing such treatment, manipulation or service related thereto exposes SPECIFIED ANATOMICAL AREAS.

Mezzanine. An intermediate level between the GROUND STORY and the second STORY. It may be in the form of a platform, podium, or wide BALCONY. Its uses shall be limited to a continuation of the GROUND STORY uses.

Non-Conforming Structure. Any structure lawfully in compliance with its LEGACY ZONING DISTRICT at the time of CCFBC's adoption in July of 2017.

Non-Conforming Use. Any lawful use of land, building or structure existing on a subject property(ies) at the time of adoption of the CCFBC in July of 2017, which does not conform with the applicable use regulations of the CCFBC.

Open Area. See PRIVATE OPEN AREA.

Parapet Height. Where used to limit building height in this Code, PARAPET HEIGHT shall be measured at the top of the parapet, including any coping. An additional three feet in height by 12 feet in width or 15 percent of the FAÇADE, whichever is greater, is permitted for a section of the parapet to emphasize the building's primary street entry or a BLOCK CORNER.

Parking Setback Line. A line or plane indicated on the REGULATING PLAN which extends vertically up from the GROUND STORY floor level (unless otherwise noted on the REGULATING PLAN or BFS) and is generally parallel to the REQUIRED BUILDING LINE. The PARKING SETBACK LINE is a permissive minimum distance from the REQUIRED BUILDING LINE and parking may be placed anywhere within the lot behind this line, except where otherwise specified in this Code.

Pedestrian Pathway. An interconnecting paved way providing pedestrian and bicycle passage through BLOCKS running from a STREET-SPACE to another STREET-SPACE, an ALLEY or an interior block parking area. The area within a PEDESTRIAN PATHWAY shall be a public access easement or public right-of-way.

Plaza. See SQUARE.

Privacy Fence. An opaque fence made of wood or masonry (not chain link or any other type of rolled fence) along ALLEYS, COMMON DRIVES, COMMON LOT LINES and PEDESTRIAN PATHWAYS. See the BUILDING FORM STANDARDS for any height and placement specifications.

Private Open Area. An occupiable area within the BUILDABLE AREA and generally behind the PARKING SETBACK LINE, accessible only to occupants of the particular building or site, and (primarily) open to the sky. Additional specifications for the PRIVATE OPEN AREA may be included in each BUILDING FORM STANDARD. Private open area shall not be built-upon, used to satisfy minimum stormwater Best Management Practice area (if thereby excluding active tenant use), parked or driven upon (except for emergency access).

Redeveloping or Redevelopment. As used in the CCFBC, these terms refer to circumstances where alterations to a NON-CONFORMING STRUCTURE or NON-CONFORMING USE (pursuant to Part 2. Section 208 Non-Conforming Structures and Uses) result in destruction of non-conforming status and complete applicability of the CCFBC to a subject property(ies).

Regulating Plan. The implementing site plan for the DEVELOPMENT of the Center City Form District under this Code. REGULATING PLANS allocate the BUILDING FORM STANDARDS and street types and provide specific information for the disposition of each building site. The REGULATING PLAN also shows how each site relates to adjacent STREET-SPACES, the overall district, and the surrounding neighborhoods.

Required Building Line (RBL). A line or plane indicated on the REGULATING PLAN, defining the STREET FRONTAGE which extends vertically and generally parallel to the street, at which the building FACADE shall be placed. This is a requirement, not a permissive minimum. The minimum length and height of FAÇADE that is required at the RBL is shown on the appropriate BUILDING FORM STANDARD.

Sexual Conduct. The fondling or other touching of human genitals, pubic region, buttocks, or female breasts; ultimate sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, sodomy; masturbation, and; excretory functions as part of or in connection with any of the activities set forth above.

Sexual Encounter Center. Any building or structure which contains, or is used for commercial entertainment where the patron directly or indirectly is charged a fee to engage in personal contact with or to allow personal contact by, employees, devices or equipment or by personnel provided by the establishment which appeals to the prurient interest of the patron, to include, but not to be limited to bath houses, massage parlors, and related or similar activities.

Short Term Rental. The rental of an entire dwelling, or any portion thereof, for a period of not more than thirty (30) days, where the owner is engaged in a contract for the rental of that specific dwelling, or any portion thereof. An annual Short-Term Rental license may be issued to eligible Applicants by the City Clerk. A Short-Term Rental license is a privilege, not a right, and may be denied, suspended, revoked or not renewed.

Sidewing. The portion of a building extending along a COMMON LOT LINE toward the ALLEY or rear of the lot.

~~**Small Apartment Building.** See TOWNHOUSE/SMALL APARTMENT FRONTAGE BUILDING.~~

Specified Anatomical Areas. Human genitals, pubic region, buttocks, and female breast below a point immediately above the top of the areola and human male genitals in a discernibly turgid state, even if completely and opaquely covered.

Square. See CIVIC GREEN.

Stoop. An entry platform on the FAÇADE of a building. (See the BUILDING FORM STANDARDS for specifications.)

Shopfront (Storefront). That portion of the GROUND STORY FAÇADE FENESTRATION intended for marketing or merchandising of COMMERCE uses and allowing visibility between the sidewalk and the interior space.

Story (Story Height). That space within a building and above grade that is situated between one floor level and the floor level next above, or if there is no floor above, the ceiling or roof above. STORY HEIGHT parameters are as specified by the appropriate BUILDING FORM STANDARD.

Street Frontage. That portion of the lot or building that is coincident with the REQUIRED BUILDING LINE as required by this Code.

Streetlight. A luminaire installed on both sides of the STREET-SPACE, along the STREET TREE ALIGNMENT LINE or median centerline, unless otherwise designated in this code, with the design criteria in the CC Form District giving equal weight to the lighting of the pedestrian areas and the automobile areas.

Street-Space. All space between fronting REQUIRED BUILDING LINES (streets, SQUARES, PLAZAS, PEDESTRIAN PATHWAYS, CIVIC GREENS, sidewalks, parks)—including any transit service operator passenger platform—but not garage entries or ALLEYS.

Street Tree. A tree required per this code and listed in the Street Tree List located in *Part 5. Urban Space Standards* that is of a proven hardy and drought tolerant species and large enough to form a canopy with sufficient clear trunk to allow traffic to pass under unimpeded.

Street Tree Alignment Line. A line along which STREET TREES shall be planted and STREETLIGHTS and other such infrastructure are to be placed. It is generally parallel with the STREET-SPACE.

Street Wall. A masonry wall set on the REQUIRED BUILDING LINE which assists in the definition of the STREET-SPACE in the absence of a building. See the BUILDING FORM STANDARDS for height and gate specifications.

~~**Townhouse/Small Apartment Frontage Building.** Building form and functions resulting from/as determined by the Townhouse/Small Apartment BUILDING FORM STANDARD indicated on the REGULATING PLAN.~~

Tree Lawn (Tree Trench). A continuous strip of soil area—typically covered with grass, other vegetation, bridging pavement, or sometimes porous pavers—located between the back of curb and the CLEAR WALKWAY AREA, and used for planting STREET TREES and configured to foster healthy STREET TREE root systems. TREE LAWN dimensions are specified in the Street Type Specifications.

Urban General Frontage Building. Building form and functions resulting from/as determined by the Urban General BUILDING FORM STANDARD as indicated on the REGULATING PLAN.

Urban Residential Frontage Building. Building form and functions resulting from/as determined by the Urban Residential BUILDING FORM STANDARD as indicated on the REGULATING PLAN.

Urban Storefront Frontage Building. Building form and functions resulting from/as determined by the Urban Storefront BUILDING FORM STANDARD as indicated on the REGULATING PLAN.

Use, Art Studio. A place of work for an artist, artisan, or craftsperson, including persons engaged in the application, teaching, or performance of the fine arts. "Artist" shall include, but is not limited to, painters, sculptors, and photographers.

Use, Artisanal Manufacturing. An establishment or business where an artist, artisan, or craftsperson makes or fabricates crafts or products by hand or with minimal automation and may include direct sales to consumers.

Use, Auto Repair. An establishment primarily engaged in the repair or maintenance of motor vehicles, trailers, and similar large mechanical equipment, including paint, body and fender, major engine and engine part overhaul, brake, muffler, upholstery work, tire repair and change, lubrication, tune ups and transmission work, provided such work is conducted within a completely enclosed building.

Use, Civic. For the purpose of the Center City Form District, CIVIC USES include: meeting halls; libraries; schools; police and fire stations; post offices (retail operations only, no primary distribution facilities); places of worship; museums; cultural, visual and performing art centers; transit centers; government functions open for the public; and, other similar community uses. Public ownership alone does not constitute CIVIC USE.

Use, Commerce. ~~For the purpose of the Center City Form District, COMMERCE USES shall be considered to generally encompass all of the by-right uses included in the C-1, C-2, and C-3 zoning districts of the City of Norman Zoning Ordinance, except for any differences provided in *Section 703.B.* of this CCFBC; the additional uses permitted in the same section; and all of the CIVIC USES defined above, except transit centers.~~ For the purpose of the Center City Form District, COMMERCE USES shall be considered to general encompass all of the Commerce categories and sub-categories represented on the CCFBC Use Table, and as thereafter amended, and as determined by the Planning Director pursuant to Sections 104 and 701 herein, except for any differences provided in Section 703 or Section 704 of this CCFBC; the additional uses permitted in sub-section 703(B)(4); and all of the CIVIC USES defined above, except transit centers.

Use, Office. For the purpose of the Center City Form District, OFFICES are occupations in the tertiary sector of the economy requiring special training in the arts or sciences. Some OFFICES require holding professional licenses such as architects, auditors, engineers, doctors and lawyers. Other OFFICES involve providing specialist business support to businesses of all sizes and in all sectors; this can include tax advice, supporting a company with accounting, or providing management advice.

Use, Overnight Lodging. Accommodation provided by an establishment (such as a hotel, bed and breakfast, or SHORT TERM RENTAL) where guests can sleep or spend the night.

Use, Passenger Terminal. A structure which services passengers boarding or leaving transportation vessels other than personal automobiles.

Use, Recreation/Entertainment. Recreation, amusement, or entertainment services being provided in an indoor or outdoor facility for the purpose of some leisure activity, including, but not limited to, arcades, computer arcades, escape rooms, gyms, laser tag, miniature golf, movie theaters, playgrounds or playhouses, pools, skating rinks, sports or athletic facilities, virtual reality rooms, and similar uses.

~~**Use, Professional Services.** For the purpose of the Center City Form District, PROFESSIONAL SERVICES are occupations in the tertiary sector of the economy requiring special training in the arts or sciences. Some PROFESSIONAL SERVICES require holding professional licenses such as architects, auditors, engineers, doctors and lawyers. Other professional services involve providing specialist business support to businesses of all sizes and in all sectors; this can include tax advice, supporting a company with accounting, or providing management advice.~~

~~**Use, Residential.** For the purpose of the Center City Form District, RESIDENTIAL USES shall be considered to encompass all of the by-right uses in the residential zoning districts as defined in the City of Norman Zoning Ordinance.~~

Use, Research and Development. An establishment or complex of structures located in a building whose dimensions are intended to foster physical, chemical and biological research and/or experimentation involving but not limited to controlled simulation of factors, development of prototypes, chemicals, commodities, pharmaceuticals, information technology, electronics and instrumentation for academic and industrial purposes.

Use, Residential. For the purpose of the Center City Form District, RESIDENTIAL USES shall be considered to encompass all of the Residential categories and sub-categories represented on the CCFBC Use Chart, and as thereafter amended, and as determined by the Planning Director pursuant to Sections 104 and 701 herein.

Use, Retail. For the purpose of the Center City Form District, RETAIL USES include the following:

Retail Service. Establishments providing services, as opposed to products, to the general public, including restaurants, hotels and motels, finance, real estate and insurance, travel agencies, health and educational services, and galleries; as well as personal services as defined in the City of Norman Zoning Ordinance.

Retail Sales. Establishments wherein the primary use is the sale of merchandise for use or consumption by the immediate purchaser.

Use, Self-Storage. A retail service establishment providing off site storage space to residents and businesses, offering convenience storage and limited warehousing services primarily for personal effects and household goods within enclosed structures having individual access, but excluding use as workshops, hobby shops, manufacturing or commercial activity.

Use, Vehicle Sales. Establishments where the primary activity taking place is the buying and selling of new or used vehicles.

Appendix A

A. Process

Upon adoption, the Center City Form Based Code (CCFBC) will be the Zoning District for all parcels within the identified Center City area except for the commercial area of Campus Corner as marked on the Illustrative Form District Map and Regulating Plan, found in *Part 3. Sections 302, 303 & 304*, respectively. The exclusion of the commercial area of Campus Corner may be reevaluated by City Council, with input from Campus Corner property owners and stakeholders, at such time that an adequately-sized parking structure that is open to the public is completed or an appropriate funding mechanism is approved. A property owner seeking to develop or redevelop a parcel within the CCFBC District can comply with CCFBC regulations or apply for rezoning to Center City Planned Unit Development (CCPUD).

1. A property owner and/or applicant must attend a Pre-Application Conference (as defined in *Part 2. Section 204.A.)* prior to choosing to comply with CCFBC, or to apply for voluntary participation in any Pattern Zoning program or overlay adopted for applicable CC Form District properties, or apply for rezoning to CCPUD.
2. If the CCFBC is chosen, the administrative process established in *Part 2. Administration* of the CCFBC will be used for site plan review, demolition permit and preliminary plat through the Development Review Committee after staff review. Final Plat will require City Council approval. Any parcel formerly designated as C-3 immediately prior to the adoption of the CCFBC shall not be subject to any maximum building height or parking restrictions contained within the CCFBC. Properties zones C-2 and located on Gray Street extending from Lahoma Aveune on the West to the railroad tracks on the East shall also be exempt from either the minimum parking requirements of the CCFBC or the C-2 parking requirements when redeveloped.
3. If CCPUD is chosen, the property owner and/or development applicant is required to comply with the rezoning process outlined within *Chapter 22, Section 442.1* of the City of Norman Code of Ordinances. The primary goal of the new CCPUD category is to provide flexibility (beyond that provided in *Section 206. Administrative Adjustments*) when a property owner seeks to comply with the intent and goals of the FBC but seeks relief regarding specific requirements of the FBC. Examples of development seeking relief might be, but are not limited to, construction of affordable housing, or housing that encourages aging in place, or other emerging trends in housing.
4. If voluntary participation in Pattern Zoning is chosen, the applicant must follow any procedures established therein, in conjunction with CC Form District requirements, as applicable.

B. Incentives

The following incentives will be provided to encourage property owners and/or applicants to use the CCFBC.

1. Administrative approval of DEVELOPMENTS conforming to the Center City Form Based Code.
2. Incentives identified by City Council under a properly adoped Project Plan for Tax Increment Financing.
3. Pattern Zoning program or overlay incentives that may be adopted for applicable CC Form District properties.

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.

B. Uses Permitted. The CCPUD regulations are designed to provide for any mix of uses. There are no specifically prescribed uses which are permitted within the boundaries of the Center City Area in order to increase creativity and flexibility in the Center City Area when DEVELOPMENT according to the CCFBC is not feasible. The owner/applicant will be responsible for the preparation of a list of permitted uses within the specific CCPUD. The DEVELOPMENT of the list shall take into account the nature and purpose of the CCPUD area, and such uses and locations shall be appropriate in order to protect and be in harmony with surrounding DEVELOPMENT.

C. Standards of Development.

1. Ownership control. Applicants submitting an application for approval of a CCPUD must be the owner of the property. The approved CCPUD shall be binding on all subsequent owners of the land until revised as authorized in this section.

2. Minimum District Area. Any legally existing lot in the Center City Area.

3. Parking and off street loading. All uses established within a Planned Unit Development shall comply with the off street parking and loading requirements as established in Part 6. Parking and Loading Standards of the CCFBC. Properties currently zoned C-3 in the Center City area as of the date of approval by City council of the CCFBC shall have no parking requirements.

4. Perimeter requirements. In order to assure compatibility with surrounding DEVELOPMENT, the developer shall submit specific information as to the setbacks, building height, coverage factors and other elements necessary for all perimeter lots that are adjacent to the boundary of the CCPUD District, or adjacent to any boundary or perimeter street right of way. While no specific setback requirements are herein established, the Planning Commission and City Council shall consider the nature, extent and character of the adjacent DEVELOPMENT and shall take into consideration the types of area regulations applicable to those adjacent properties.

5. Open Space requirements. Open space is an essential ingredient in a Planned Unit Development and is one of the most basic and important design elements. A minimum amount of open space must be provided consistent with the requirements of the CCFBC. A property owners' association shall be required if arrangements for improving, operating and maintaining all such common open space areas and other communally-owned facilities have not been completed in a manner satisfactory to the City of Norman.

6. Property Owners' Associations. The developer shall create such legal entities as appropriate to undertake and be responsible for the ownership, operation, construction and maintenance of common elements. All legal instruments setting forth a plan or manner of permanent care and maintenance of such common elements shall be approved by the City Attorney as to legal form and effect, and by City Council as to the suitability of the proposed use of the common elements.

7. Building Height. The height of structures on the west side of University Boulevard extending from Boyd Street to the alley north of Apache Street shall be a maximum of three stories. Properties currently zoned C-3 in the Center City area as of the date of approval by City Council of the CCFBC shall have no height requirements.

8. Central Core Area of Norman sprinkling requirements. Within the Center City Form-Based Code Area of Norman exhibited in Norman Code 22-429.7, and as that area is contained within the Central Core Area of Norman (see map exhibit to Norman Code 22-431.7) and 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.

9. A theater, including one that sells alcoholic beverages in compliance with state law, may be incorporated into appropriate CCPUD's.

D. Application Procedures. The Planned Unit Development application procedure shall consist of three phases.

1. Pre-application conference. Before submitting an application for any CC PUD, the landowner, or his authorized agent, shall schedule a Pre-application conference with City Staff. The intent of this conference is to provide guidance to the applicant prior to submitting a zoning application and to identify the information necessary for filing the application. The pre-application information shall include the following:
   a. Boundaries of the property involved;
   b. Existing zoning of the area and zoning of adjoining properties;
   c. Existing roadways, easements and waterways;
   d. A site development plan at a level of detail sufficient to indicate to the City the nature and scope of the project as to its magnitude in terms of approximate number and types of DWELLING UNITS, location and extent of non residential elements, proposed locations of open space areas, and major circulation facilities; and
   e. Proposed treatment of the perimeter of the CCPUD.

2. Zoning application. The application for the CCPUD shall consist of a simultaneous submission of a rezoning application, site development plan and subdivision plat, if applicable.

   The Rezoning Application/Site Development Plan and subdivision plat, if applicable, shall include at least the following information:

   a. Proposed title of the project and name of any engineer, architect, land planner, landscape architect, or company responsible for various elements of the plan.
   b. Site development plan of the property indicating the location of different land uses, dwellings by types and numbers, and areas proposed for open space and recreational use.
   c. All setback lines for all properties shall be shown.
   d. If the project is to be developed in more than one phase, the boundaries of each proposed phase shall be clearly indicated on the development plan.
   e. Calculations shall be submitted of the total number of gross acres in the project, and the acres and percentages thereof proposed to be devoted to the different dwelling types, commercial or other non residential uses, as well as streets, parks, schools, and other reservations.

f. Tabulation of the total number of DWELLING UNITS by various types in the project and if the project is to be developed in phases, by each phase within the project.

The CCPUD zoning application will be reviewed by Staff and their recommendation shall be forwarded to the Planning Commission for a public hearing and the public hearing shall be legally advertised as specified in Section 422.1 of the Zoning Ordinance.

At the public hearing before the Planning Commission, the applicant and interested citizens will have the opportunity to discuss the merits of the CCPUD proposal. The Planning Commission will assess the proposal in light of ordinance guidelines and will take action after weighing the recommendations of the Staff, the applicant's presentation, and the community's response. The Commission shall recommend approval; recommend approval conditioned on specified modifications; or recommend disapproval of the CCPUD application.

After the CCPUD application is reviewed by the Planning Commission, it will be forwarded to the City Council for their action. The City Council may grant; deny; defer for requested changes or information; or return the application to the Planning Commission for further study. The Council may direct the Planning Commission to reconsider specific aspects of the CCPUD application.

If the City Council approves the CCPUD application, it shall be in the form of an Ordinance which shall specify all conditions and schedules necessary to insure that the proposed CCPUD is accomplished. The applicant is permitted to construct the CCPUD in more than one phase or stage of construction. In such cases, the applicant shall clearly indicate on the Site Development Plan map the boundaries of each proposed phase and any common elements to be constructed with each phase.

E. Submission requirements. As part of the application process for a CCPUD the applicant shall be required to submit the following documents and information:

1. CCPUD zoning district narrative.
   a. A statement describing the general character of the total DEVELOPMENT and including the rationale behind the assumptions and choices represented in the application.
   b. Quantitative data including the following information:
      (i) Parcel size;
      (ii) Types and numbers of permitted uses and the square footage areas of each category of use;
      (iii) Proposed building coverage;
      (iv) Total square footage of common open space by type.
   c. A Site Development Plan meeting the following requirements:
      (i) Submitted on one or more sheets not to exceed 24 inches by 36 inches, including a small scale vicinity map;

(ii) To scale (scale indicated) and directionally oriented, such scale to be as large as possible in order to indicate as much detail as possible;

(iii) Lot lines;

(iv) Existing and proposed circulation system of all streets, including off street parking areas, service areas, loading areas, and major points of access to public rights of way (ingress and egress);

(v) Existing and proposed pedestrian circulation systems;

(vi) Proposed treatment of the perimeter of the property, including materials and techniques used such as screens, fences and walls, as well as description of uses, setbacks, and the relationship to surrounding uses;

(vii) General schematic landscape plan of the treatment of the area used for private and common open spaces;

(viii) Location and size of all areas to be conveyed, dedicated, or reserved as common open spaces, public parks, recreational areas, school sites, and similar public and semi public use;

(ix) Location, dimensions, nature of all existing and proposed easements and public improvements;

(x) Location of structures;

(xi) Indication of existing natural features of the property, including water courses, floodplains, unique natural features, and vegetation;

(xii) A legal description of the total site proposed for DEVELOPMENT;

(xiii) A DEVELOPMENT schedule indicating the approximate date when construction of the CCPUD, or phases of the CCPUD, can be expected to begin and be completed;

(xiv) A statement of the applicant's intentions with regard to the future selling or leasing of all, or portions, of the CCPUD, including land areas and DWELLING UNITS; and

(xv) A Preliminary Plat, if applicable, submitted in accordance with Chapter 19.

2. Final Plat. If a subdivision plat is required, the following additional information shall be provided with the Final Plat:
   a. A description of the maintenance provisions of the DEVELOPMENT;
   b. A final subdivision plat;
   c. A survey of the property;
   d. Any changes to the approved DEVELOPMENT schedule, including:
   e. Starting date;
   f. Dates when various phases are projected to be completed.
   g. An updated site development plan;

h. All legal instruments or covenants in a recordable form. Any such covenants shall stipulate that items of interest to the City of Norman, such as the DEVELOPMENT schedule, permitted uses, and disposition of any required open space, may not be altered by the developer or the property owners association without the specific approval of the City.

F. Administration. Applications for any building permit within an approved CCPUD, which vary from the standards and conditions set forth in the approved CCPUD, may be approved by the Planning Director within the following guidelines:

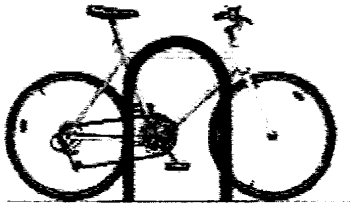
1. Does not increase the proposed floor area for non residential use by more than five percent (5%). Does not increase total number of DWELLING UNITS by more than five percent (5%) within a given phase.
2. Does not increase total building coverage by more than five percent (5%).
3. Does not increase building height by more than five percent (5%).
4. Provides for a decrease of up to ten percent (10%) in land coverage, height, or number of DWELLING UNITS.

Appendix C

Bicycle Parking Design Guidelines

1. The Rack Element

Definition: **the rack element is the part of the bike rack that supports one bicycle.**

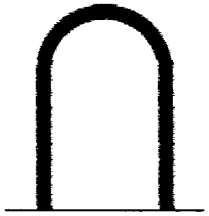


The rack element should:

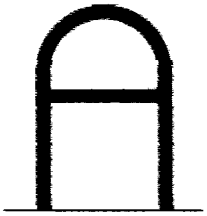
- Support the bicycle upright by its frame in two places
- Prevent the wheel of the bicycle from tipping over
- Enable the frame and one or both wheels to be secured
- Support bicycles without a diamond-shaped frame with a horizontal top tube (e.g. a mixte frame)
- Allow front-in parking: a U-lock should be able to lock the front wheel and the down tube of an upright bicycle
- Allow back-in parking: a U-lock should be able to lock the rear wheel and seat tube of the bicycle

Comb, toast, school-yard, and other wheel-bending racks that provide no support for the bicycle frame are NOT recommended.

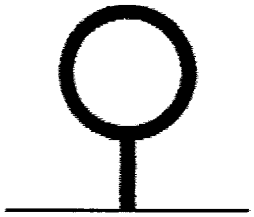
The rack element should resist being cut or detached using common hand tools, especially those that can be concealed in a backpack. Such tools include bolt cutters, pipe cutters, wrenches, and pry bars.



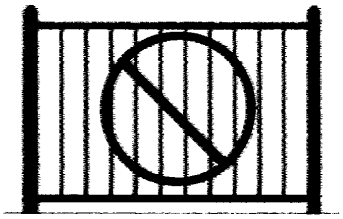
INVERTED "U"
One rack element supports two bikes.



"A"
One rack element supports two bikes.

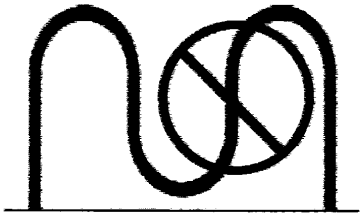


POST AND LOOP
One rack element supports two bikes.

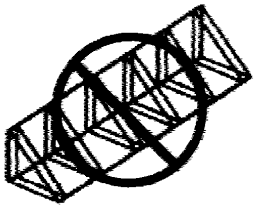


COMB
One rack element is a vertical segment of the rack.

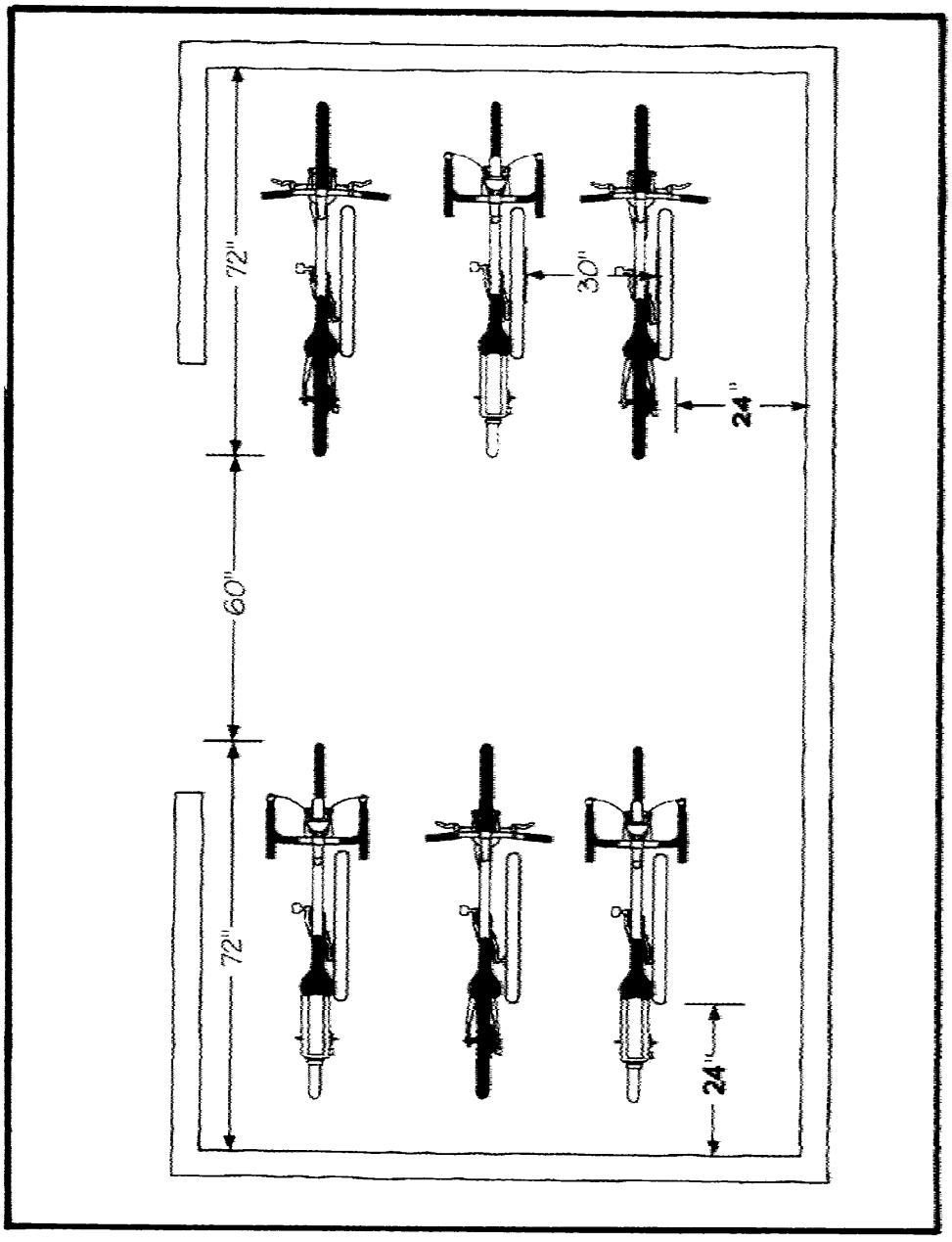
Not recommended



WAVE
One rack element is a vertical segment of the rack.
(see additional discussion on page 3)



TOAST
One rack element holds one wheel of a bike.


72"
30"
24"
60"
72"
24"

Applicant: City of Norman

Project Location: Center City Form-Based Code Area

Case Number: PD22-10

Time: 6:00 p.m.

Applicant/Representative
N/A

Attendees
Tony Gardner
Steve Jones
Judy Hatfield
Scott Lambert
Vince Brigham
Thad Decker
Robbie Ward
Bob Flexner
Birthe Flexner
Lee Hall
Helen Grant
Terry Smallwood
Renay Smallwood
Gunner Joyce
Szeming (Sam) Cheng

City Staff
Logan Hubble, Planner I
Anais Starr, Planner II
Jane Hudson, Planning Director
Colton Wayman, Planner I
Beth Muckala, Assistant City Attorney III

Application Summary
The applicant is requesting an update to the Center City Form-Based Code

Neighbor's Comments/Concerns/Responses
A gentleman asked "What does this mean" referencing notification letter he received and his rental property on Comanche. City staff explained that only development and redevelopment of the property would trigger the requirements of the CCFB Code.

Judy Hatfield asked if off-site parking was allowed. City staff indicated affirmative and explained the particular set of rules.

Following question if you are allowed to apply for a mixed use type structure. City staff indicated that it was allowed by right in some CCFBC Frontages but the CCPUD was always an option.

Bob and Birthe Flexner, asked if there had been in changes in the Detached Frontage. Staff explained that there had not been.

Scott Lambert asked if any changes were made to the Stormwater section. City staff discussed the minor changes to this section. Council Member Hall asked to elaborate on this question. She indicated that the Johnson and Associates Implementation Plan would be started soon. That plan would lay out the prioritization of infrastructure including alleyways.

The same gentleman wanted to know if he can add parking to his property. City staff explained the rules regarding the addition of parking.

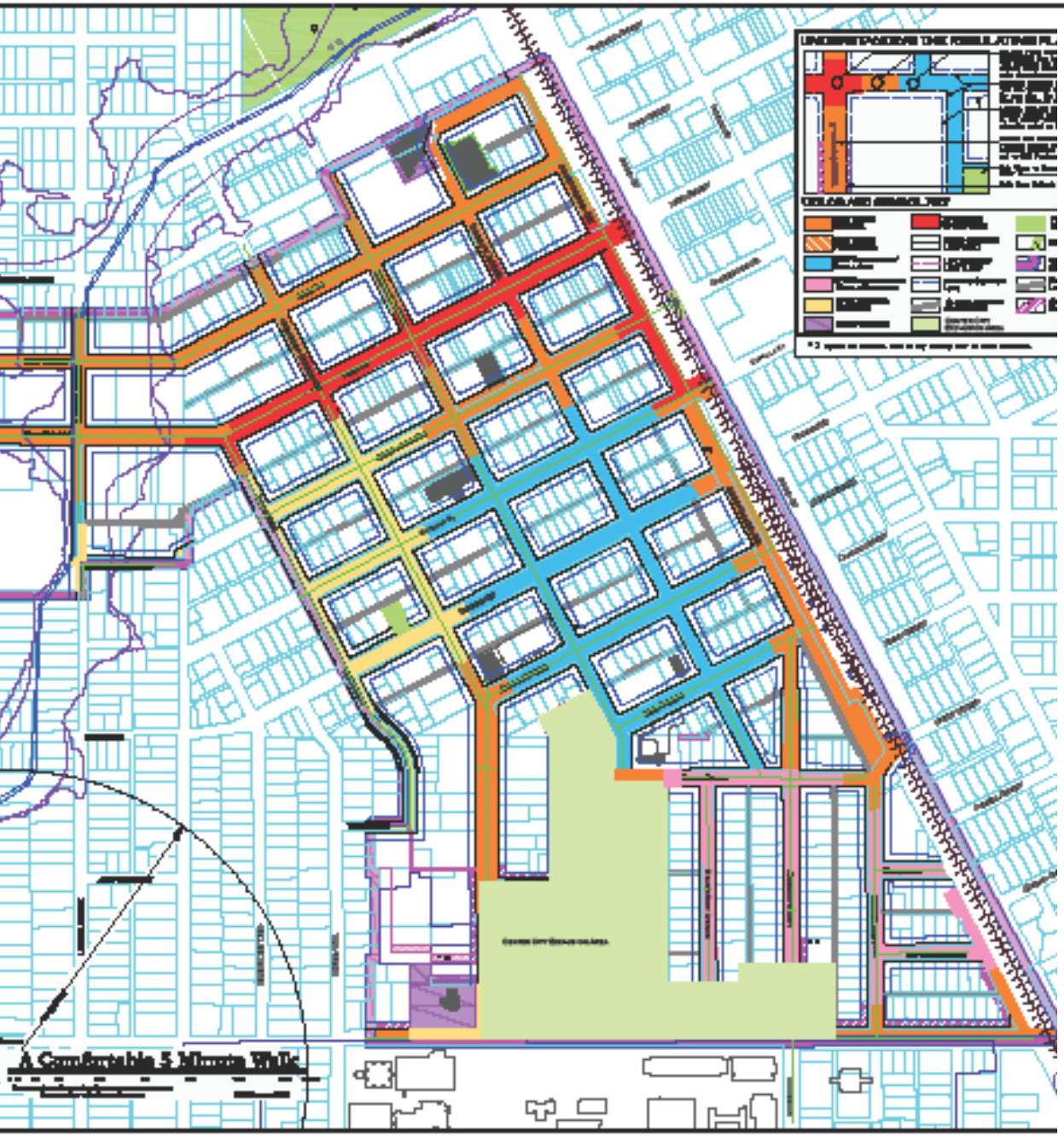
CITY OF NORMAN

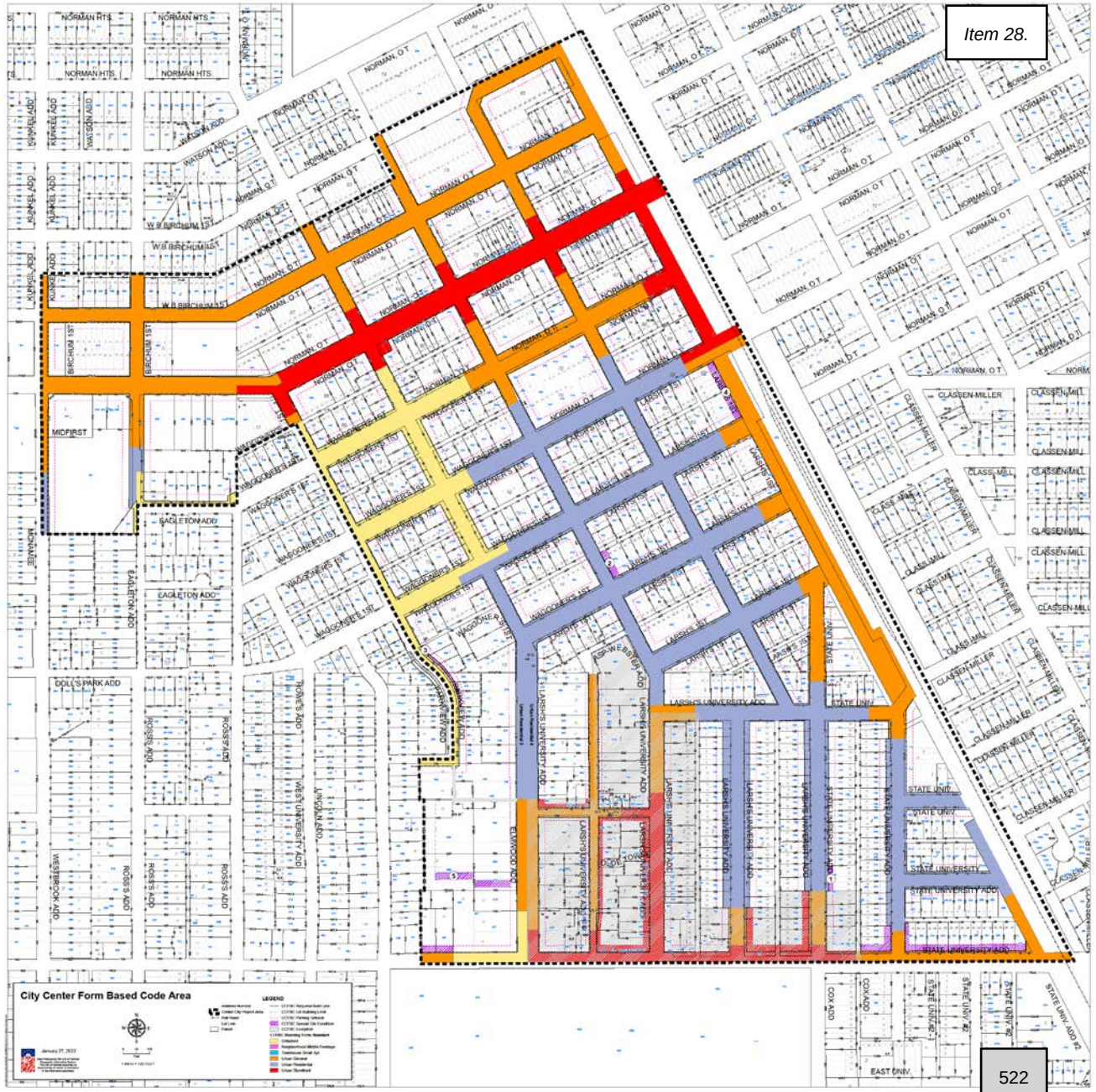
Pre-Development Meeting

May 26, 2022

Major Changes

- Townhouse/Small Apartment and Neighborhood Middle frontages become Urban Residential frontage
- Urban Residential frontage is more fleshed out
- New maximum height and unit minimum maps
- New unit minimums in Urban General frontage
- Removed unit maximum in former Neighborhood Middle frontage
- New parking requirements

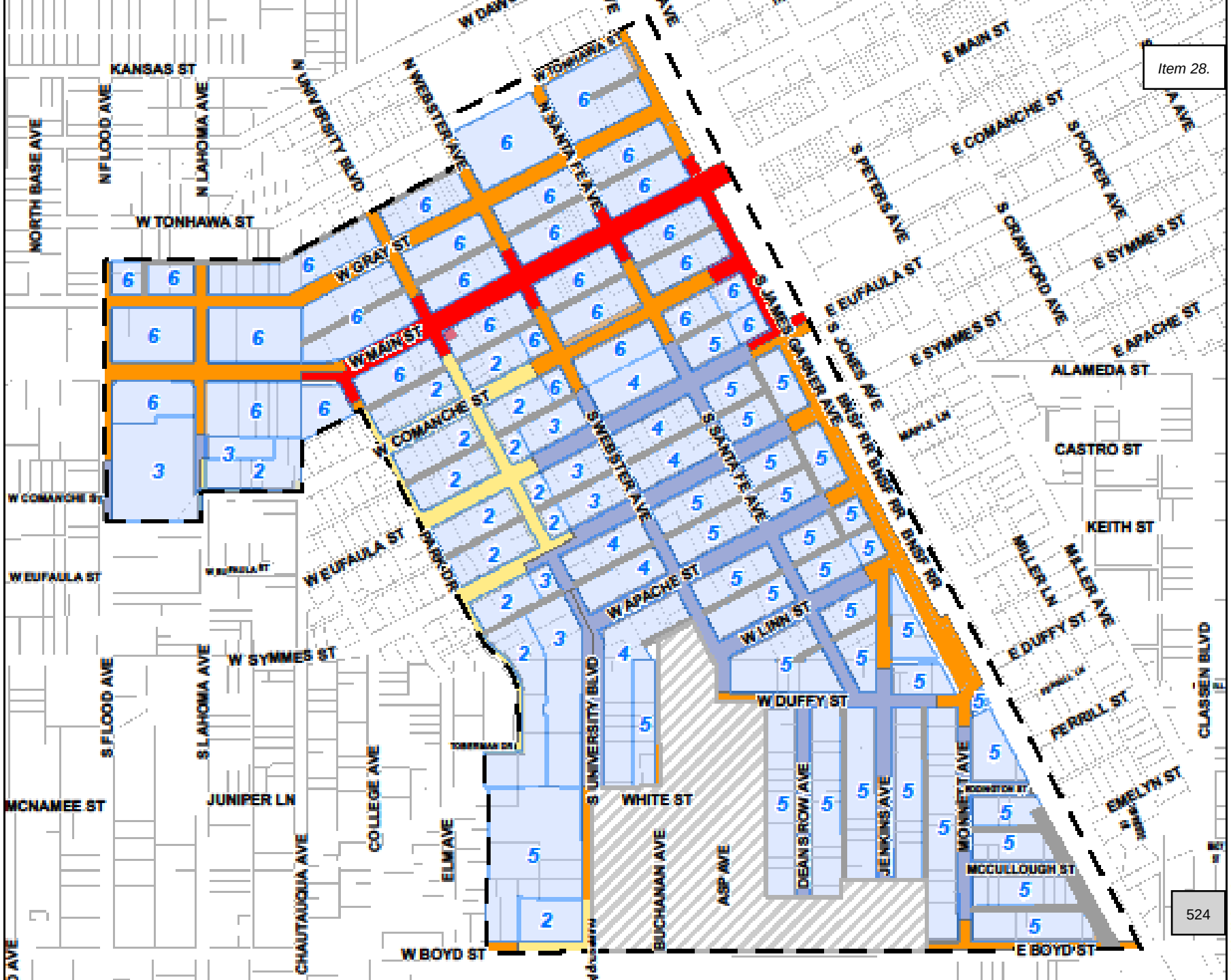

A Comfortable 5 Minute Walk


City Center Form Based Code Area
LEGEND
MIDFIRST
EAGLETON ADD
DOLL'S PARK ADD
LARSHS UNIVERSITY ADD
STATE UNIV
STATE UNIVERSITY ADD
EAST UNIV.
COX ADD
CLASSEN-MILLER

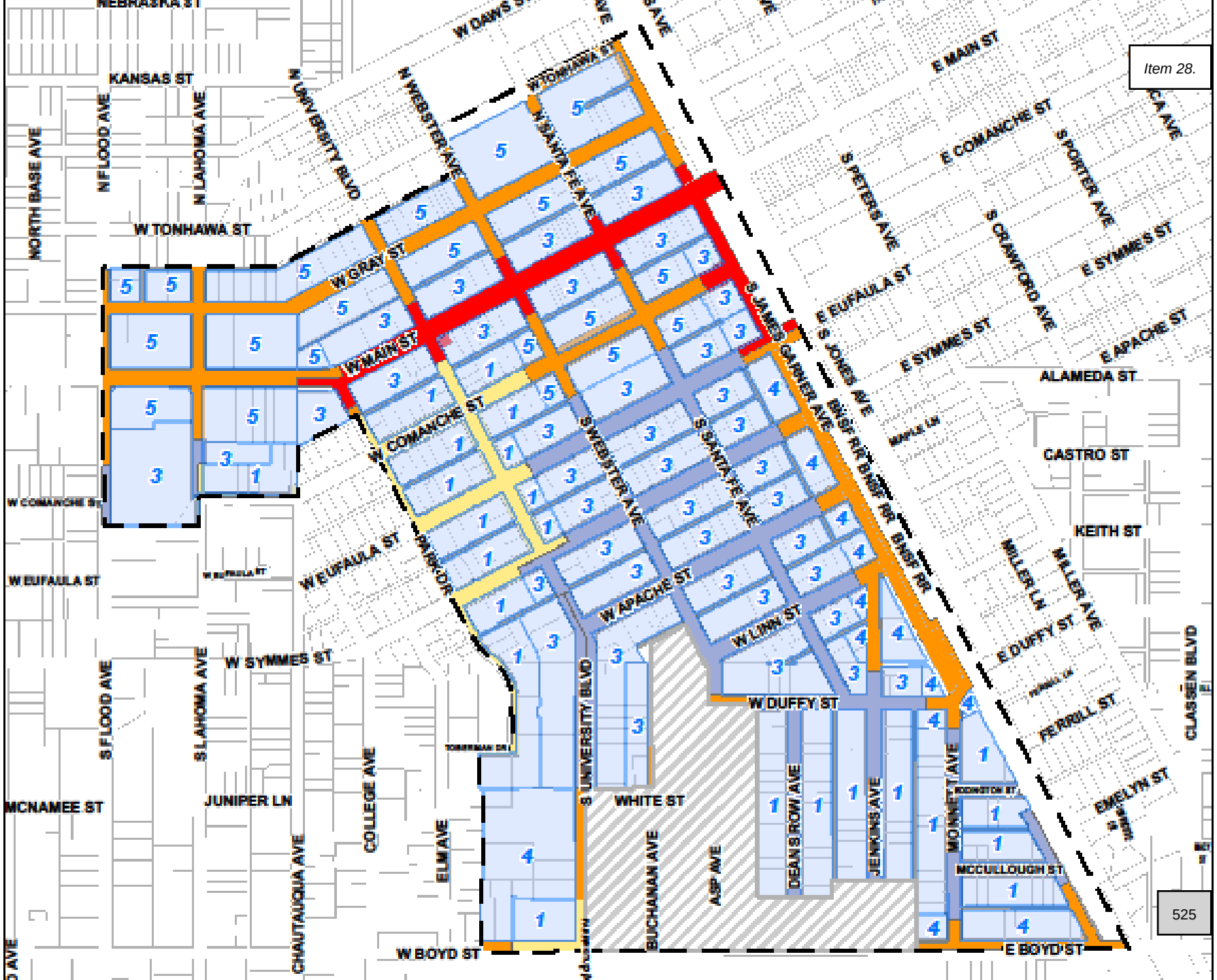
Urban Residential

- Urban General BFS, but only allows residential uses
- Finished floor elevation lowered to 14 inches (was three feet min. in Townhouse/Small Apartment and Neighborhood Middle)
- Allowance for courtyards (was allowed in Neighborhood Middle but not Townhouse/Small Apartment or Urban Residential)

New Maximum Height Map



New Unit Minimum Map



New Parking Requirements

Studio Unit	0.5 parking spaces per unit
1 Bedroom Unit	0.5 parking spaces per bedroom
2 Bedroom Unit	0.5 parking spaces per bedroom
3+ Bedroom Unit	1 parking space per bedroom

Other Changes

- Detached frontage – ancillary structure can be as tall as primary structure
- All exterior walls must meet fenestration requirements (as building code allows)
- Clarified non-conforming structures and uses
- Added or amended 37 definitions
- Use section is categorical, with no references to zoning code
- Parking lot design is up to the discretion of developer
- Storage tanks must be screened on at least 2 sides
- Sidewalk removals must have plans for immediate replacement

CITY OF NORMAN

Pre-Development Meeting

May 26, 2022

Date: June 7, 2022

To: Center City Form Based Code Ad Hoc Committee

RE: Summary Memo – Review of Ad Hoc Committee Discussion Items

The Center City Form Based Code (CCFBC) Ad Hoc Committee have been meeting since January 20, 2022. As we are all aware, there was a long list of discussion items needing to be addressed during this Administrative Delay.

Below is copy of the CCFBC Administrative Delay Resolution, R-2122-83.

That, the Center City Form Base Code Ad Hoc Review Committee ("CCFBC Ad Hoc Committee") shall be created on an ad hoc basis to provide guidance and recommendation regarding the following proposed areas of revision to the CCFBC:

Simplification of the code to make requirements clear for staff and developers, architects and designers, through (listed in no particular order, priority of Committee review to be determined by Chair):

- *Side yard setbacks – lot line to lot line for the first 12 feet;*
- *Possible consolidation in number of frontages;*
- *Clarify terms and definitions and address incompatible or conflicting language or provisions;*
- *Consolidate and simplify code format and provisions while clarifying inter-capability with other aspects of City Code and regulations (i.e. building codes - ground floor residential/commercial, Engineering Design Criteria);*
- *Structure elevation, 3' elevation/accessibility issues where applicable;*
- *Fully identify and define "triggers" to CCFBC applicability and better define the treatment of legacy-zoned properties (or otherwise legal nonconforming structures and uses) existing in CCFBC (as of adoption), adopting Section 208. Designed Deviations, previously removed;*
- *Discuss allowed signage – location, size and dimensions;*
- *Refine definition of "bedroom" to better respond to needs of code and to coordinate with other implicated definitions (such as Zoning Ordinance generally, CNZOD specifically, or other regulating bodies such as the County);*
- *The number of bedrooms allowed per unit before a Special Use is be required – now at 4;*
- *Increase in and provision for application of architectural requirements to ensure quality structures/properties;*
- *Impervious lot coverage issues, and what should be allowed in terms of design and approach, coordinated with Public Works/Storm water division;*

- *Setback inconsistencies, including corner lot design issues, explore opportunity for pattern zoning to benefit corner lot design, including amendment to the Regulating Plan;*
- *Pedestrian lighting;*
- *Alley improvements;*
- *On-street parking design guideline;*
- *Clarification of dumpster/polycart provision and placement requirements;*
- *Reformulation of parking requirements:*
  - *To increase/decrease parking spaces required,*
  - *Fix the "fee in-lieu of" sections of the code;*
- *Amend, supplement and clarify Use Chart and relating provisions;*
- *Fix elements that prevent quality structures, address barriers to courtyard development;*
- *Potential Regulating Plan Amendment - reduce the size of CCFBC area;*
- *Creation of quality open space, including public spaces;*
- *Residential Block Face landscape requirements to promote a walkable neighborhood;*
- *Protection of downtown structures, including non-conforming one-story structures and existing signage.*

The Committee has met nine times since January 20, 2022. The below summary details the hard work the Committee and staff have invested during this time. We have worked together on these items listed below and have addressed a vast majority of these issues. There will undoubtedly be additional items for discussion in the remaining two meetings – this is to be expected and staff will listen for additional input. As stated in the delivery email with the CCFBC DRAFT, it is just that, a draft, and we still need to discuss several items.

CCFBC Ad Hoc Committee Meeting Dates and Topics Covered

January 20, 2022

- Review of Center City Form Based Code (CCFBC) Ad Hoc Committee history
  - Review of Resolution creating Ad Hoc Committee
- General discussion of proposed changes to Center City Form Based Code (CCFBC)
  - Consolidation of Frontage Types
  - Proposed Changes to Regulating Map
  - Creation of Unit Minimum
- Proposed modifications to side yard setbacks

February 10, 2022

- Discussion of reformulation of parking requirements
  - One parking space per bedroom
  - Discussion of on-street parking counting toward parking requirements
- Discussion of quality structures and architectural requirements

- Building height
  - Height Map presented
- Number of units per lot
  - Unit minimum - 1 less than the max height

February 24, 2022

- Discussion of dumpster/polycart provision and placement requirements
- Discussion of definition of "bedroom" (revised definition presented)
- Discussion of reformulation of parking requirements
  - 1 parking space per bedroom
  - On-street parking
- Discussion of possible consolidation in number of frontages
  - Townhouse/Small Apartment & Neighborhood Middle Frontages become Urban Residential
    - Height Map revisited
    - Decrease FFE to 14 inches
- Discussion of quality structures and architectural requirements (on agenda but not discussed)

March 3, 2022

- Part 9 – site development requirements – impervious lot coverage, allowed for design & regulations
  - Sidewalk Removal Issues
  - Reduction of Impervious from 85% to 75%
  - Storage Tanks & Screening
- Continued discussion and report regarding on-street parking options
  - On-street options - Angled back-in, etc
- Continuation of items from 2/24/2022 (These items were not discussed)
  - General report back on discussion of dumpster/polycart provision/placement requirements/fines
  - Discussion of definition of bedroom
  - Discussion of quality structures and architectural requirements

March 10, 2022

- Discussion of definition of "bedroom"
  - Review of revised bedroom definition
- Discussion of consolidation of number of frontages and quality structures and architectural requirements
  - Height maximum requirement (map presented again)
  - Unit minimum requirement (3 unit minimum or 1 less than the height max, whichever is greater)
- Discussion of part 9
  - Reduction of impervious lot coverage
  - Rain storage tanks/barrels
  - Screening

- Discussion of service courts and screening

March 17, 2022

- Discussion of consolidation in number of frontages
  - Height Map presented
  - Review of Urban Residential
    - Unit minimum requirements
- Discussion of reformulation of parking requirements
  - review of 1 parking space per bedroom with reduction incentive to a ½ a parking spot for studio, one-bedroom, and two-bedroom
- Discussion of architectural requirements to ensure quality structures
  - Additional 3' for a possible total of 5' in setback from RBL

March 24, 2022

- Statement regarding Open Meetings Act and open records
- Discussion regarding identification and definition of "triggers" to CCFBC applicability and definition of treatment of legacy-zoned properties (or otherwise legal nonconforming structures)
- Statement regarding reformulation of parking requirements
  - On-street parking allowed to count toward required parking
    - # parking spaces per frontage and removal of bump outs
- Discussion regarding architectural requirements to ensure quality structures
  - Additional 3' for a possible total of 5' in setback from RBL
    - Landscape & Balcony plans required

April 7, 2022

- Statement regarding ethics policy for committees and boards
- Discussion regarding architectural requirements to ensure quality structures/properties
  - Permit for sidewalk removal
  - Screening of rain barrels/ storage tanks
  - Certificate of Compliance requirements
    - DRT approved plans vs construction
- Discussion regarding consolidation and simplification of code format and provisions
  - Part 4 – Building Form Standards (reviewed draft of document)

April 14, 2022

- Discussion regarding amending, supplementing, and clarifying the use chart and relating provisions
- Continued discussion regarding identification and definition of "triggers" to CCFBC applicability and definition of treatment of legacy-zoned properties (or otherwise legal nonconforming structures)

April 21, 2022

- Discussion regarding unit minimums

- Continued discussion regarding refinement of definition of bedroom/the bedroom count – Special Use requirements
- Review of CCFBC Draft

April 28, 2022 (Cont'd discussion from April 21, 2022 meeting to finalize)

- Discussion regarding unit minimums
- Continued discussion regarding refinement of definition of bedroom/the bedroom count – Special Use requirements
- Review of CCFBC Draft

NORMAN PLANNING COMMISSION
REGULAR SESSION MINUTES

JUNE 9, 2022

The Planning Commission of the City of Norman, Cleveland County, State of Oklahoma, met in Regular Session in Council Chambers of the Norman Municipal Building, 201 West Gray Street, on the 9th day of June, 2022.

Notice and agenda of the meeting were posted at the Norman Municipal Building and online at https://norman-ok.municodemeetings.com at least twenty-four hours prior to the beginning of the meeting.

Chair Erica Bird called the meeting to order at 6:31 p.m.

* * *

Item No. 1, being:
ROLL CALL

MEMBERS PRESENT	Kevan Parker Liz McKown Steven McDaniel Erica Bird Doug McClure
MEMBERS ABSENT	Dave Boeck Shaun Axton Michael Jablonski

A quorum was present.

STAFF MEMBERS PRESENT	Jane Hudson, Director, Planning & Community Development Logan Hubble, Planner I Anaïs Starr, Planner II Colton Wayman, Planner I Roné Tromble, Recording Secretary Bryce Holland, Multimedia Specialist Beth Muckala, Asst. City Attorney

* * *

Chair Bird welcomed the new members of the Planning Commission, Liz McKown and Doug McClure.

* * *

CONSENT DOCKET
Item No. 1, being:
CONSIDERATION OF APPROVAL, REJECTION, AMENDMENT, AND/OR POSTPONEMENT OF THE MINUTES OF THE MAY 12, 2022 REGULAR PLANNING COMMISSION MEETING.

DISCUSSION AND ACTION BY THE PLANNING COMMISSION:
Chair Bird asked if any member of the Commission wished to remove any item from the Consent Docket. There being none, she asked if any member of the audience wished to remove any item from the Consent Docket. There being none, she asked for a motion.

Steven McDaniel moved to approve Item 1 on the Consent Docket as presented. Kevan Parker seconded the motion.

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

YEAS	Kevan Parker, Liz McKown, Steven McDaniel, Erica Bird, Doug McClure
NAYES	None
MEMBERS ABSENT	Dave Boeck, Shaun Axton, Michael Jablonski

Ms. Tromble announced that the motion, to adopt Item 1 on the Consent Docket as presented, passed by a vote of 5-0.

* * *

Item No. 2, being:
O-2122-47 -- CONSIDERATION OF ADOPTION, REJECTION, AMENDMENT, AND/OR POSTPONEMENT OF ORDINANCE NO. O-2122-47: AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA IMPLEMENTING AMENDMENTS THROUGHOUT THE CENTER CITY FORM BASED CODE ("CCFBC") DOCUMENT, WHICH IS INCORPORATED BY REFERENCE IN CHAPTER 22 OF THE CITY CODE AT SECTION 429.7, TO AMEND, REPLACE, SUPPLEMENT, RENUMBER OR REORDER PROVISIONS, CORRECT LANGUAGE, AND PROVIDE DEFINITIONS FOR TERMS FOUND THROUGHOUT THE CCFBC DOCUMENT TO RESOLVE INCONSISTENCIES OR INACCURACIES AND PROVIDE CLARIFICATION TO THE PROVISIONS, INCLUDING "HOW TO USE THIS CODE", PART 1 ("GENERAL PROVISIONS"), PART 2 ("ADMINISTRATION, APPLICATION PROCESS & APPEALS"), PART 3 ("THE REGULATING PLAN"), PART 4 ("BUILDING FORM STANDARDS"), PART 5 ("URBAN SPACE STANDARDS"), PART 6 ("PARKING AND LOADING STANDARDS"), PART 7 ("BUILDING FUNCTIONS"), PART 8 ("SITE DEVELOPMENT REQUIREMENTS"), PART 9 ("DEFINITIONS") AND APPENDICES A THROUGH C; TO AMEND SECTIONS 204 AND 205 OF PART 2 ("ADMINISTRATION, APPLICATION PROCESS & APPEALS") TO ACCOMMODATE POTENTIAL PATTERN ZONING AND CLEARLY ESTABLISH CERTIFICATE OF COMPLIANCE ENFORCEMENT AS WELL AS SECTION 208 TO CLARIFY THE TREATMENT OF NON-CONFORMING STRUCTURES AND USES; TO AMEND SECTION 302 ("ILLUSTRATIVE FORM DISTRICT MAPS") OF PART 3 ("THE REGULATING PLAN"), TO ADD "CENTER CITY MAXIMUM BUILDING HEIGHT MAP" AND "CENTER CITY UNIT MINIMUM MAP" AND TO AMEND THE CENTER CITY REGULATING PLAN MAP; TO AMEND PART 4 ("BUILDING FORM STANDARDS") TO CONSOLIDATE CERTAIN BUILDING FORM STANDARDS AND EXPAND GEOGRAPHICAL APPLICATION OF THE URBAN RESIDENTIAL BUILDING FORM STANDARD, TO INCREASE CERTAIN BUILDING FORM STANDARD REQUIRED UNIT MINIMUMS, AND TO REVISE LIGHTING AND MECHANICALEQUIPMENT REQUIREMENTS; TO AMEND SECTION 504 ("STREETSCAPE ELEMENTS") OF PART 5 ("URBAN SPACE STANDARDS") TO REMOVE STREETLIGHT PROVISIONS AND CLARIFY BICYCLE PARKING DESIGN REQUIREMENTS; TO AMEND VARIOUS ALLOWANCES AND REQUIREMENTS IN PART 6 ("PARKING AND LOADING STANDARDS"), INCLUDING MINIMUMS AND MAXIMUMS AND SPECIAL PARKING STANDARDS; TO AMEND PART 7 ("BUILDING FUNCTIONS"), TO CLARIFY AND DEFINE USES AND CATEGORIES, INCLUDING REVISIONS TO THE USE TABLE (SECTION 702) AND SPECIAL USES; TO RENUMBER AND AMEND PART 8 ("SITE DEVELOPMENT REQUIREMENTS"); TO RENUMBER, AMEND AND ADD DEFINITIONS TO PART 9 ("DEFINITIONS"), TO AMEND APPENDIX A TO REFERENCE POTENTIAL PATTERN ZONING, AND TO ADD APPENDIX C; AND TO MAKE OTHER LANGUAGE ALTERATIONS AS NECESSITATED BY OR CONSISTENT WITH THESE AMENDMENTS, DECLARING AN EMERGENCY, AND PROVIDING FOR THE SEVERABILITY THEREOF.

ITEMS SUBMITTED FOR THE RECORD:
1. Staff Report
2. Ordinance No. O-2122-47 Annotated
3. Ordinance No. O-2122-47 Clean
4. Center City Form-Based Code – Track Changes
5. Pre-Development Summary

PRESENTATION BY STAFF:
1. Logan Hubble reviewed a PowerPoint, a copy of which is filed with the minutes.

2. Mr. McDaniel asked for more information on stormwater and whether that would require engineering. Mr. Hubble responded.
Mr. McDaniel asked questions about the bedroom provisions. Mr. Hubble responded.

3. Mr. McClure asked for clarification about the timeline for sidewalk removal and replacement. Mr. Hubble responded.

AUDIENCE PARTICIPATION:

1. Autumn McMahon, 416 W. Eufaula, spoke in support of the ordinance.

2. Mr. McDaniel asked about renovation of her house. Ms. McMahon responded.

DISCUSSION AND ACTION BY THE PLANNING COMMISSION:

Steven McDaniel moved to recommend adoption of Ordinance No. O-2122-47 to City Council. Kevan Parker seconded the motion.

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

YEAS	Kevan Parker, Liz McKown, Steven McDaniel, Erica Bird, Doug McClure
NAYES	None
MEMBERS ABSENT	Dave Boeck, Shaun Axton, Michael Jablonski

Ms. Tromble announced that the motion, to recommend adoption of Ordinance No. O-2122-47 to City Council, passed by a vote of 5-0.

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MISCELLANEOUS COMMENTS OF PLANNING COMMISSION AND STAFF

1. Ms. Tromble announced that Ms. Williford has resigned from the Planning Commission. Chair Bird thanked her for her service.

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ADJOURNMENT

There being no further comments from Commissioners or staff, and no further business, the meeting adjourned at 6:59 p.m.

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Norman Planning Commission

File Attachments for Item:

29. CONSIDERATION OF ADJOURNING INTO AN EXECUTIVE SESSION AS AUTHORIZED BY OKLAHOMA STATUTES, UNDER TITLE 25 § 307(B)(4) TO DISCUSS PENDING LITIGATION ASSOCIATED WITH CLEVELAND COUNTY COURT CASE CV-2022-1692, AMY CERATO, PIKE OFF OTA ET AL VS. OKLAHOMA TURNPIKE AUTHORITY AND AS AUTHORIZED UNDER TITLE 25 § 307(B)(3) TO DISCUSS THE POSSIBLE PURCHASE OF REAL PROPERTY LOCATED AT 3101 SILVERADO WAY.

CITY OF NORMAN, OK

STAFF REPORT

MEETING DATE: 06/14/2022

REQUESTER: Kathryn Walker

PRESENTER: Kathryn Walker, City Attorney

ITEM TITLE: CONSIDERATION OF ADJOURNING INTO AN EXECUTIVE SESSION AS AUTHORIZED BY OKLAHOMA STATUTES, UNDER TITLE 25 § 307(B)(4) TO DISCUSS PENDING LITIGATION ASSOCIATED WITH CLEVELAND COUNTY COURT CASE CV-2022-1692, AMY CERATO, PIKE OFF OTA ET AL VS. OKLAHOMA TURNPIKE AUTHORITY AND AS AUTHORIZED UNDER TITLE 25 § 307(B)(3) TO DISCUSS THE POSSIBLE PURCHASE OF REAL PROPERTY LOCATED AT 3101 SILVERADO WAY.