



## CITY OF NORMAN, OK STAFF REPORT

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**MEETING DATE:** 10/10/2024

**REQUESTER:** City of Norman

**PRESENTER:** Lora Hoggatt, Planning Services Manager

**ITEM TITLE:** CONSIDERATION OF ADOPTION, ACCEPTANCE, REJECTION, AMENDMENT, AND/OR POSTPONEMENT OF ORDINANCE O-2425-6: AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AMENDING CHAPTER 26 ("ZONING"), SECTIONS 36-101 ("DEFINITIONS"), 36-513 ("RE, RESIDENTIAL ESTATE DWELLING DISTRICT"), 36-518 ("RM-4, MOBILE HOME PARK DISTRICT") AND 36-564 ("HOME OCCUPATIONS") IN ORDER TO ALLOW HOME OCCUPATIONS TO BE CARRIED ON IN RE, RESIDENTIAL ESTATE DWELLING DISTRICT, AND RM-4, MOBILE HOME PARK DISTRICT, AND TO REDEFINE, TO MAKE LANGUAGE THROUGHOUT THE ZONING ORDINANCE CONSISTENT, AND ALLOW ADDITIONAL ACTIVITES AS HOME OCCUPATIONS WITH STATED RESTRICTIONS, AND PROVIDING FOR THE SEVERABILITY THEREOF.

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**BACKGROUND:** For several years, Planning staff has received numerous calls requesting information about home occupation opportunities which are prohibited by current Code, the most common being a request for personal services. In the wake of the COVID-19 pandemic, as many turned to home and remote work, City Council directed staff to review home occupation regulations.

On June 6, 2024 staff presented the proposed changes to Councilmembers at the Business & Community Affairs Committee, including:

- A proposal for allowing personal services as a home occupation,
- Provisions allowing home occupations within the RE, Residential Estate Dwelling District, and the RM-4, Mobile Home Park District, the only residential districts not allowing for home occupations, and
- Clarifying language permitting home occupations within residential dwellings, as opposed to "main buildings" on residential lots; allowing home occupations to be conducted from ADUs and other dwelling types expressly.

Councilmembers expressed interest in the changes but noted concerns for parking if personal services were permitted. It was agreed that, due to the nature of personal service operations, allowing a maximum of two cars, parked on the premises or within a reasonable distance of the home occupation would allow for client changeover without inhibiting the home occupation or

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disturbing the surrounding neighborhood. Councilmembers also instructed that language allowing residents, as opposed to only property owners, to operate home occupations should be reflected in the final iteration of the amendment.

Below are the proposed amendments, as refined:

### **Sec. 36-101 Definitions**

\* \* \*

Accessory means a use, building, structure, part of a building, or part of a structure which is clearly subordinate to, and the use of which is incidental to, that of the principal building, structure, or use on the same parcel. If a building otherwise qualified as an accessory building is attached to the principal building by a common wall or roof, such building shall be considered a part of the principal building. Accessory buildings include, but are not limited to, barns, sheds, guest houses without cooking facilities, and private garages. Where Accessory Dwelling Unit ("ADU") is specifically allowed as a listed use in a zoning district, "accessory" shall also include an ADU, as further defined herein. Accessory uses include customary ~~house~~home occupations, the keeping of pets, off-street parking and loading facilities. Live entertainment, when offered in conjunction with an otherwise unrelated legal commercial use, will be considered an accessory use when it constitutes no more than ten percent of the gross monthly revenue of the establishment. Uses accessory to apartment houses include prepackaged food and toiletries stores, subject to the provisions of NCC 36-515.

\* \* \*

*Home occupation* means an accessory use of a dwelling unit, conducted entirely enclosed within the dwelling unit, carried on by one or more persons, all of whom reside within the dwelling unit, and where no other persons are employed other than maintenance and domestic help. Home occupations may only be carried out by persons residing in the dwelling unit. Letting, leasing, renting or similar arrangement with non-residents for part or whole of the dwelling, or any fixture therein, is expressly prohibited with home occupation operations. The use is clearly incidental and secondary to the use of the dwelling for residential purposes and does not change the character thereof. There shall be no sale or display of merchandise nor outside storage of any kind. (See NCC 36-564.)

\* \* \*

*Parking space* means a permanently surfaced area, enclosed or unenclosed, sufficient in size to store one automobile together with a permanently surfaced driveway connecting the parking space with a street or alley and permitting ingress or egress of an automobile.

*Personal service salon or establishment* means a facility at which personal services are provided including: hair, nail and skin care services; cosmetology and makeup; massage; tanning; tattooing; and piercing.

*Planned unit development* means a land development project comprehensively planned as an entity utilizing a site development plan which permits flexibility in building siting, mixtures of all types of attached and detached housing, usable open spaces, and the preservation of significant natural features.

## **Sec. 36-513 RE, Residential Estate Dwelling District**

\* \* \*

- (a) *Purpose.* This district is established to provide for a low population density in the Suburban Residential Growth Area as reflected in the Comprehensive Plan. The principal use of land is for single-family detached dwellings and related recreational, religious, and educational facilities. These areas are intended to be defined and protected from encroachment by uses which are incompatible with a residential environment.
- (b) *Uses permitted.* Property and buildings in an RE, Residential Estate Dwelling District shall be used only for the following purposes:
- (1) Detached one-family dwelling.
  - (2) Family day care home.
  - (3) General purpose farm or garden.
  - (4) Type 1 Mobile Home.
  - (5) Accessory buildings, including barns, sheds and other farm buildings which are not a part of the main building.
  - (6) One accessory dwelling unit ("ADU").
  - (7) Short-term rentals.
  - (8) Home occupation.

## **36-518 RM-4, Mobile Home Park District**

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- (a) *Purposes.* The RM-4 district is designed to encourage the developing of properly planned mobile home parks in residential environments, as well as to protect existing mobile home parks.
- (b) *Uses permitted.* Property and buildings in the RM-4 district shall be used only for the following purposes:
- (1) Mobile home park, subject to those provisions in NCC 20.64 which relate to mobile home parks.
  - (2) Accessory buildings and uses customarily incidental to any of the above uses when located on the same lot.
  - (3) Mobile home subdivision.
  - (4) Short-term rentals.

(5) Home occupation.

**Sec. 36-564 Home Occupations**

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The standards for home occupations in this chapter are intended to ensure compatibility with other permitted uses and with the residential character of the neighborhood, plus a clearly secondary or incidental status in relation to the residential use of the dwelling unit main building as the criteria for determining whether a proposed accessory use qualifies as a home occupation. (Cross reference NCC 36-101.)

(a) Home occupations are permitted accessory uses in ~~residential~~ districts with residential uses, where allowed, only if all the following conditions are observed:

- (1) Such occupation shall be conducted solely by resident occupants in their dwelling unit ~~residence~~ and no employees shall be permitted;
- (2) No more than one room or 25 percent of the gross area of one floor of said dwelling unit ~~residence~~, whichever is less, shall be used for such purpose;
- (3) No mechanical equipment is used, or activity is conducted which creates any noise, dust, odor, or electrical disturbance beyond the confines of the lot on which said occupation is conducted;
- (4) There shall be no sale or display of merchandise;
- (5) There shall be no outside storage of any kind related to the home occupation;
- (6) The use may increase vehicular traffic flow and parking by no more than one additional vehicle at a time, except as otherwise specifically provided herein; ~~and~~
- (7) Only one sign may be allowed. The sign shall not exceed one square foot in area, shall be non-illuminated, and shall display only the name of the occupant and/or the name of the home occupation-; and
- (8) In the case of a beauty shop, barber shop, or other personal service salon or establishment, no more than two personal vehicles of customers may be parked within reasonable close proximity of the home occupation premises, or on the home occupation premises, at any one time.

(b) The following uses by the nature of the investment or operation have a tendency once started to rapidly increase beyond the limits permitted for home occupations and thereby impair the use and value of a residentially zoned area for residential purposes. Therefore, the uses specified below shall not be permitted as home occupations: auto repair, major or minor; ~~barber shop; beauty shop~~; carpentry work; dance instruction; medical or dental offices; painting of vehicles, trailers, or boats; private schools with organized classes; childcare establishment; radio or television repair; upholstering; restaurant; or rest home.

(c) Marijuana establishments shall not be permitted as home occupations.

**DISCUSSION:** This proposed amendment is intended to enhance clarity with the Home Occupation regulations and expand resident rights to personal services in an ever increasingly remote work environment. The proposed amendment also ensures consistency with language regarding the description of *residential* and operator status, as well as expands home occupations into all existing residential districts. The attached ordinance provides for clarification within the Zoning Code.

**RECOMMENDATION:** Staff forwards this possible amendment to Chapter 36, Zoning Ordinance, as Ordinance No. O-2425-6 to the Planning Commission for consideration and recommendation to City Council.