

Ordinance No. O-2324-40

AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AMENDING CHAPTER 36 ("ZONING"), SECTIONS 36-101 ("DEFINITIONS"), 36-511 ("A-1, GENERAL AGRICULTURAL DISTRICT"), 36-512 ("A-2, RURAL AGRICULTURAL DISTRICT"), 36-513 ("RE, RESIDENTIAL ESTATE DWELLING DISTRICT"), 36-514 ("R-1, SINGLE-FAMILY DWELLING DISTRICT") AND 36-570 ("BOARD OF ADJUSTMENT") IN ORDER TO DEFINE AND CREATE USES FOR ACCESSORY DWELLING UNITS, AND OTHER ZONING ORDINANCE AMENDMENTS FOR THE PURPOSES OF COMPATIBILITY THEREWITH; AND PROVIDING FOR THE SEVERABILITY THEREOF.

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

§ 1. That Section 36-101 ("Definitions") of the Code of the City of Norman shall be amended, and hereafter read, as follows:

36-101 Definitions

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

* * *

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 ~~main~~ principal building, structure, or use on the same parcel~~lot, including a private garage~~. If a building otherwise qualified as an accessory building is attached to the ~~main~~principal building by a common wall or roof, such building shall be considered a part of the ~~main~~principal building. Accessory buildings include, but are not limited to, barns, sheds, guest houses without cooking facilities ~~and~~ private garages, ~~and servant's quarters~~. 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 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.

Accessory dwelling unit or ADU means a dwelling unit that is:

(a) attached to the principal dwelling by a common wall or roof; or

(b) detached from a principal dwelling unit on the same parcel (notwithstanding other language within this chapter, where an ADU is detached, it must be located no further forward than the rear 25% of the principal structure's depth).

AND

(c) is clearly subordinate to the principal dwelling unit in size, including height; and

(d) is not a manufactured or mobile home; and

(e) is located on a legal conforming or legal nonconforming parcel (the burden to establish legal non-conforming status is on the parcel owner or applicant);

(f) complies the development standards of the applicable zoning district in which it is located (unless legal non-conforming status is otherwise established); and

(g) may be utilized only within the A-1, A-2, RE, R-1, and R-1-A Zoning Districts.

* * *

Cooking facilities means an installed oven and/or countertop cooking surface.

* * *

Dwelling means any building or portion thereof which is designed for use for residential purposes.

(a) *Dwelling, multiple*, means a building designed for occupancy by three or more families living independently of each other, exclusive of auto or trailer courts or camps, hotels or resort type hotels.

(b) *Dwelling, single-family*, means a building designed to be occupied by one family. (See NCC 36-101.)

(c) *Dwelling, two-family*, means a building designed to be occupied by not more than two families.

(d) *Dwelling unit* means any room or group of rooms located within a dwelling and forming a single habitable unit with facilities (including cooking facilities, as defined herein) which are used or intended to be used for living, sleeping, cooking, and eating. In quasi-unit quarters, accommodations for every three persons shall be counted as a dwelling unit.

* * *

Guest house means ~~an type of accessory dwelling unit building which is subordinate to, or smaller than, the principal residence on the same lot, in the same manner as other ADUs. It is intended to house occasional visitors or non-paying guests of the occupants of the principal residence on the same lot.~~

* * *

§ 2. That Section 36-511 (“A-1, General Agricultural District”) of the Code of the City of Norman shall be amended, and hereafter read, as follows:

36-511 A-1, General Agricultural District

* * *

(b) *Uses permitted.* Property and buildings in an A-1, General Agricultural District shall be used only for the following purposes:

* * *

(8) Accessory buildings including barns, sheds, and other farm buildings which are not part of the ~~main~~principal building. ~~One guest house may be utilized provided:~~

- ~~a. It is clearly secondary to the larger main dwelling;~~
- ~~b. The structure is not rented or leased, nor used as a permanent dwelling; and~~
- ~~c. Is not a mobile home.~~

(9) One accessory dwelling unit (“ADU”).

(109) Medical Marijuana commercial grower, as allowed by State law.

(110) Medical Marijuana education facility (cultivation activities only), as allowed by State law.

(124) Short-term rentals.

* * *

(d) *Area regulations.*

(1) *Front yard.* All buildings shall be set back from street or section line right-of-way lines to comply with the following front yard requirements:

- a. The minimum depth of the front yard shall be 25 feet.
- b. When a lot has double frontage the front yard requirements shall be provided on both streets.

(2) *Side yard.*

- a. For dwellings of one story located on interior lots there shall be a side yard on each side of the main building of not less than five feet and of not less than eight feet for

dwellings of more than one story, except as hereinafter provided in NCC 36-544. For unattached buildings of accessory use, including ADUs, there shall be a side yard of not less than five feet; provided, however, that unattached one-story buildings of accessory use shall not be required to set back more than three feet from an interior side lot line when all parts of the accessory building are located not less than 60 feet from the front property line.

- b. For dwellings and accessory buildings located on corner lots there shall be a side yard setback from the intersecting street property line of not less than 15 feet in case such lot is back-to-back with another corner lot, and 20 feet in every other case. The interior side yard shall be the same as for dwellings and accessory buildings on an interior lot.
- c. ~~Main-Principal~~ and accessory buildings, other than dwellings, shall set back from all exterior and interior side lot lines a distance of not less than 35 feet.

(3) *Rear yard.* There shall be a rear yard for a main building of not less than 20 feet or 20 percent of the depth of the lot, whichever amount is smaller. Unattached buildings of accessory use may be located in the rear yard of a main building.

(4) *Lot width.* For dwellings there shall be a minimum lot width of 50 feet at the front building line, and such lot shall abut on a street for a distance of not less than 35 feet.

(5) *Intensity of use.*

- a. For each principal dwelling and buildings accessory thereto, including ADUs, there shall be a lot area of not less than two acres.
- b. Where a lot has less area than herein required and all of the boundary lines of that lot touch lands under other ownership at the effective date of the ordinance from which this section is derived, July 13, 1954, that lot may be used for one single-family dwelling unit and one ADU or for the uses set forth in this subsection b, but not for the raising of animals.
- c. For churches, ~~main-principal~~ and accessory buildings other than dwellings, and buildings accessory to dwellings the lot area shall be adequate to provide the yard areas required by this section and the off-street parking areas recommended in NCC 36-548 through 36-552.

(6) *Coverage.* ~~Main-Principal~~ and accessory buildings shall not cover more than 25 percent of the lot area on interior lots, and 30 percent of the lot area on corner lots. Accessory buildings, including ADUs, shall not cover more than 20 percent of the rear yard.

§ 3. That Section 36-512 (“A-2, Rural Agricultural District”) of the Code of the City of Norman shall be amended, and hereafter read, as follows:

36-512 A-2, General Agricultural District

* * *

(b) *Uses permitted.* Property and buildings in an A-2, Rural Agricultural District shall be used only for the following purposes:

(7) Accessory buildings, including barns, sheds and other farm buildings which are not part of the ~~main~~ principal building. ~~One guest house may be utilized provided:~~

~~a. It is clearly secondary to the larger main dwelling;~~

~~b. The structure is not rented or leased, nor used as a permanent dwelling; and~~

~~c. Is not a mobile home.~~

(8) One accessory dwelling unit (“ADU”).

(9) Type 2 mobile home.

(10) Medical Marijuana commercial grower, as allowed by State law.

(11) Medical Marijuana educational facility (cultivation activities only), as allowed by State law.

(12) Short-term rentals.

* * *

(d) *Area regulations.*

* * *

(6) *Intensity of use.*

a. For each principal dwelling or other permitted use allowed within the district, and buildings accessory thereto, including ADUs, there shall be a lot area of not less than ten acres. Notwithstanding, only one principal dwelling and one ADU may be permitted on any legal A-2 parcel.

b. Where required by NCC 36-533(b)(7) in order to accomplish the transfer of density out of the floodplain areas, lots may be reduced to a minimum of two acres.

- c. However, in the area depicted as Ten Mile Flat Conservation Area (as delineated on the attached Ten Mile Flat Conservation Area map dated November 16, 2004, and made a part of this chapter hereto), the lot area shall be not less than 20 acres, except, as provided below.
- d. Where a lot has less area than herein required and all of the boundary lines of that lot touch lands under other ownership at the effective date of the ordinance from which this section is derived, July 13, 1954, of this section that lot may be used for the purpose authorized in this district.

(7) *Coverage.* ~~Main~~Principal and accessory buildings shall not cover more than 25 percent of the lot area on interior lots, and 30 percent of the lot area on corner lots. Accessory buildings, including ADUs, shall not cover more than 20 percent of the rear yard. In the Ten Mile Flat Conservation Area as depicted on the attached map, the ~~main~~principal and accessory buildings shall not cover more than 15 percent of the lot area and accessory buildings, including ADUs, shall not cover more than ten percent of the rear yard.

(8) *Building envelope.* In the Ten Mile Flat Conservation Area, the area required for any building envelope (as defined in NCC 36-533(c), as amended) for permissible principal and accessory buildings and on-site waste disposal systems shall be minimized to the maximum extent feasible. When applicable, all building envelopes and the location and extent of on-site waste disposal systems shall be subject to approval of the Floodplain Permit Committee.

§ 4. That Section 36-513 (“RE, Rural Estate Dwelling District”) of the Code of the City of Norman shall be amended, and hereafter read, as follows:

36-513 RE, Residential Estate Dwelling District

* * *

(b) *Uses permitted.* Property and buildings in an RE, Residential Estate Dwelling District shall be used only for the following purposes:

* * *

(5) Accessory buildings, including barns, sheds and other farm buildings which are not a part of the main building. ~~One guest house may be utilized provided:~~

- ~~a. It is clearly secondary to the larger main dwelling;~~
- ~~b. The structure is not rented or leased, nor used as a permanent dwelling;~~
- ~~c. Is not a mobile home.~~

(6) One accessory dwelling unit (“ADU”).

(76) Short-term rentals.

* * *

(d) *Area and setback regulations.*

(1) *Front yard.* All buildings shall be set back from street right-of-way lines to comply with the following front yard requirements:

- a. The minimum depth of the front yard shall be 50 feet.
- b. When a lot has double frontage the front yard requirements shall be provided on both streets.

(2) *Side yard.*

- a. The minimum width of side yard shall be 25 feet for the principal structure. Unattached one-story buildings of accessory use, including ADUs, shall be located at least ten feet from the side property line, or 15 feet if more than one-story, provided such structures are located within the rear half of the lot.
- b. On any corner lot a building shall set back from the right-of-way line of the intersecting street a distance of at least 40 feet.

(3) *Rear yard.* There shall be a rear yard having a depth of at least 30 feet. Unattached one-story buildings of accessory use, including ADUs, shall be set back at least ten feet from the rear property line or utility easement, or 15 feet if more than one story, provided such structures are located within the rear half of the lot.

(4) *Lot width.* There shall be a minimum lot width of 150 feet at the building line, and such lot shall abut on a street for a distance of not less than 65 feet except that on a cul-de-sac turn-around this may be reduced to 50 feet.

(5) *Lot depth.* The maximum depth of any lot shall be not more than four times the lot width or 640 feet, whichever be greater.

(6) *Intensity of use.* There shall be a lot area of not less than two acres, except that where a lot or parcel has less area than herein required and all boundary lines of that lot touch lands under other ownership on the effective date of the ordinance from which this article is derived, May 8, 1962, that lot may be used for any of the uses permitted by this section but may not be split or divided into smaller lots or parcels; provided, however, that the lot size may be reduced to one acre in those cases where the rear one acre portion of the lot is either being dedicated to the public for park or drainage purposes, or reserved by plat as common open space for recreation or drainage purposes.

(7) *Limit on buildings.* Not more than one ~~main-principal~~ building and one accessory dwelling unit shall be constructed on any one lot.

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

§ 5. That Section 36-514 (“R-1, Single-Family Dwelling District”) of the Code of the City of Norman shall be amended, and hereafter read, as follows:

36-514 R-1, Single-Family Dwelling District

* * *

(a) *Uses permitted.* Property and buildings in an R-1, Single-Family Dwelling District shall be used only for the following purposes:

* * *

(6) Accessory buildings.

(7) One accessory dwelling unit with a total area of no more than six hundred fifty square feet (650 SF) (“ADU”), except that this use shall not be adopted by reference into the uses allowed in R-2 (“Two-Family Dwelling District”), RM-2 (“Low-Density Apartment District”), and R-3 (“Multifamily Dwelling District”).

(8) Commercial parking only on days when the University of Oklahoma football team plays at home, subject to the following restrictions and conditions:

- a. On all sides of the parking area abutting other property a barrier shall be erected so as to prevent vehicles from damaging fences, trees, shrubs or other improvements on the adjoining property, such barrier to be at least two feet within the property line of the property used for parking. All vehicles shall be parked within the property line of such property.
- b. An attendant over 18 years of age shall be on duty at all times when vehicles are parked on the property.
- c. All papers, containers and other trash shall be removed from the premises immediately after the vehicles have been removed.
- d. No vehicle shall ever be parked between the property line and any adjoining street.
- e. Unless a driveway is provided, a wooden or metal incline shall be placed in the gutter next to the curb on any street where there is a concrete curb, and the same shall be removed immediately after the last parked vehicle has departed. Such incline shall not exceed 25 feet in length or 12 inches in width.

- f. Any violation of the foregoing restrictions, whether by the owner of the property, driver of a vehicle, or other person, shall constitute an offense, and in addition to the other penalties provided by law, the owner or operator of such property so used for parking, upon conviction of such offense, shall not use said property for such purpose for the remainder of the year during which such violation occurs.

(98) Model home, subject to an annual permit, as defined in NCC 36-101, for no more than four years.

(109) Short-term rentals.

* * *

(c) *Area regulations.*

(1) *Front yard.* All buildings shall be set back from street right-of-way lines to comply with the following front yard requirements:

- a. The minimum depth of the front yard shall be 25 feet.
- b. When a lot has double frontage, the front yard requirements shall be provided on both streets, unless a limits of no access has been established across the rear of the lot.

(2) *Side yard.*

- a. Except as hereinafter provided in NCC 36-515 and 36-544, there shall be a side yard on each side of a ~~main~~principal building which shall have a width of not less than five feet; unattached, one-story buildings of accessory use, including ADUs, shall be set back five feet from any side lot line; provided, however, that accessory buildings shall not be required to set back more than three feet from the interior side lot line when all parts of said building are located not more than 50 feet from the rear property line or rear utility easement line.
- b. On any corner lot a main building shall set back from the right-of-way line of the intersecting street a distance of 15 feet in case such lot is back-to-back with another corner lot, and 20 feet in every other case. Accessory buildings, including ADUs, shall be set back from the right-of-way line of the intersecting street ten feet in case such lot is back-to-back with another corner lot, and 20 feet in every other case.
- c. In no case shall a garage which faces a street be located closer than 20 feet to that street property line.

(3) *Rear yard.* There shall be a rear yard having a depth of not less than 20 feet or 20 percent of the depth of the lot, whichever amount is smaller; unattached one-story buildings of accessory use, including ADUs, shall set back one foot from the utility easement or alley line.

(4) *Lot width.* There shall be a minimum lot width of 50 feet at the building line, and such lot shall abut on a street for a distance of not less than 35 feet.

(5) *Intensity of use.* There shall be a lot area of not less than 6,000 square feet, except that where a lot has less area than herein required and all the boundary lines of that lot touch lands under other ownership on the effective date of the ordinance from which this article is derived, July 13, 1954 that lot may be used for any of the uses permitted by this section.

~~(6) *Building coverage.* Coverage allowed under this provision shall be no more than 40 percent of the total lot area.~~

~~(6)~~ *Impervious area.* The total amount of impervious area, including all buildings and permanently paved areas shall not cover more than 65 percent of a lot. Paving for parking as required in NCC 36-548, including other impervious surfaces, shall not cover more than 50 percent of the required 25-foot front yard, and comply with NCC 36-550(a)(3). Total impervious area of the front yard can be increased to 70 percent when one or more of the following circumstances occur:

- a. The driveway is needed to access a garage for three or more cars;
- b. The driveway is part of a circular driveway that includes a landscaped separation from the sidewalk; or
- c. The driveway is located on a cul-de-sac lot with lot frontage of less than 40 feet.

~~(7)~~ *Limit on buildings.* Not more than one ~~main~~principal dwelling and one ADU shall be constructed on any one lot.

(d) *Height regulations.*

(1) Except, as provided in NCC 36-546, no building shall exceed two stories in height. A three-story building may be constructed if the side yards are increased an additional five feet.

(2) Any accessory building, including an ADU, shall not exceed a wall height of ten feet unless the required side and rear yard setbacks are increased by one foot for each additional foot of wall height above ten feet; provided, however, that no accessory building shall exceed the height of the principal building to which it is accessory.

§ 6. That Section 36-570 (“Board of Adjustment”) of the Code of the City of Norman shall be amended, and hereafter read, as follows:

36-570 Board of Adjustment

* * *

(g) *Special exceptions defined and enumerated.*

* * *

(2) The Board of Adjustment is hereby empowered and authorized to grant the following exceptions, to wit:

* * *

f. Where an ADU is not already existing on a parcel, ~~t~~^o permit a mobile home to serve as a temporary second dwelling to relieve a medical hardship. The application must include a doctor's statement indicating that the patient is in need of the care of his or her family. The mobile home must meet all City of Norman Building Code requirements and State of Oklahoma requirements for septic systems. The Exception can be approved for up to three years on any lot that is five acres or greater in the A-2 zoning district. The Exception can be renewed every three years by filing an application for an administrative extension, including a new doctor's statement. Only two (2) administrative extensions may be granted. If a third extension is needed, a new application will be required for Board of Adjustment review. Once the need for the mobile home no longer exists, the mobile home must be removed. While an applicant utilizes this special exception, an ADU may not be added to the same parcel.

* * *

§ 7. 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 _____, 2024.

NOT ADOPTED this _____ day
of _____, 2024.

(Mayor)

(Mayor)

ATTEST:

(City Clerk)