

**CITY OF NORMAN
ORDINANCE O-2425-32**

AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AMENDING SECTIONS THROUGHOUT CHAPTER 36 (“ZONING”) OF THE CODE, IN ORDER TO UPDATE DEFINITIONS, TO UPDATE AND ADD REFERENCES TO THE CITY’S COMPREHENSIVE PLAN, TO UPDATE LANGUAGE TO ENSURE COMPATABILITY WITH THE AIM NORMAN COMPREHENSIVE PLAN AND ITS VARIOUS INCLUDED MASTER PLANS, AND TO CLARIFY OR CORRECT LANGUAGE, INCLUDING ERRORS; AND PROVIDING FOR THE SEVERABILITY THEREOF.

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

SECTION 1: **REPEAL** “36-538 Northern Community Separator Overlay District” of the City of Norman Municipal Code is hereby *repealed* as follows:

REPEAL

~~36-538 Northern Community Separator Overlay District~~ (*Repealed*)

- (a) *Purpose.* It is the purpose of this chapter to:
 - (1) Implement the Comprehensive Plan;
 - (2) Provide a visual separation and buffer between the City of Norman and the City of Oklahoma City and unincorporated Cleveland County;
 - (3) Maintain a rural, open space character in the area; and
 - (4) To protect the Little River watershed.
- (b) *Identification and establishment of district.* The Northern Community Separator District is hereby created within the City as depicted on the Northern Community Separator District Map, dated November 16, 2004, and attached hereto. The Northern Community Separator District includes lands lying between the City of Norman and the City of Oklahoma City and portions of unincorporated Cleveland County. It is situated between Broadway Avenue and 72nd Avenue NE, extending north of Franklin Road to Indian Hill Road. Currently, the area is generally undeveloped or in agricultural use, with some very low-density residential development. The area is designated Country Residential and Floodplain in the Comprehensive Plan. Because of its unusual physical and visual sensitivity, it is also designated as a Special Planning Area in the plan.
- (c) *Applicability.* The provisions of this NCC 36-536 shall apply to all properties and all development located within the Northern Community Separator District within the boundaries of the City. The use and area regulations of the underlying A-2, Rural Agricultural District (NCC 36-512) shall continue to apply as relevant to all properties except to the extent they conflict with the provisions of this NCC 36-536.
- (d) *Parcels and lots located partially or wholly within floodplain.* Transfer of Permitted Development Density. Any parcel or lot within the Northern Community Separator District, a portion of which is located wholly or partially within the floodplain of the Little River or its

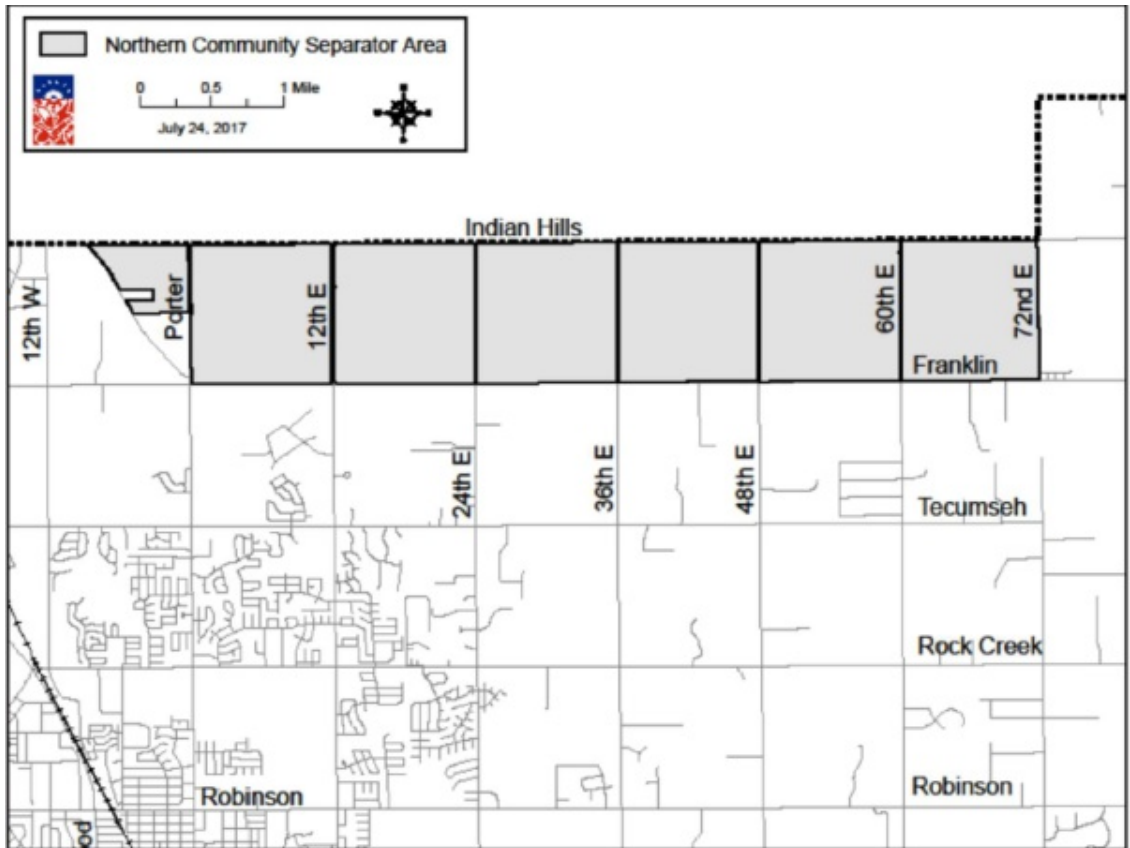
tributaries shall comply with the transfer of density and other requirements provided in NCC 36-533(d)(8) of the flood hazard district.

(e) *Building setbacks from Indian Hill Road.*

- (1) *Minimum setbacks.* All buildings or structures shall set back a minimum distance of 400 feet from the center line of Indian Hill Road. No development shall be allowed in this setback area except, as provided in this NCC 36-536. This setback area shall be subject to a platted building line or other protective mechanism in a form acceptable to the City to ensure that it remains undeveloped.
- (2) *Existing structures.* Existing legally conforming structures or buildings within the 400-foot setback may be expanded a total of 1,000 square feet or 25 percent in square footage, whichever is larger, notwithstanding any noncompliance with the provisions of this section.
- (3) *Administrative adjustments.* In cases in which the physical dimensions or configuration of a legal lot filed of record as of the date of this chapter (November 16, 2004) prevent compliance with the provisions of this section, or the application of the requirements of this section in combination with application with other regulations contained in NCC 36-533, FH, Flood Hazard District or other provisions of NCC ch. 36 may result in intrusion into the floodplain or other sensitive natural areas, the Director of Planning and Community Development shall have the authority to modify the setback requirements of this section by up to 20 percent.

- (f) *Access/driveway location standards.* For the purpose of reducing proliferation of visually intrusive driveways or access roads in the Indian Hill Road building setback area required above, to the maximum extent practicable, access to lots and parcels in the district shall be from roads running north and south (including Broadway, Porter Avenue, 12th Avenue NE, 24th Avenue NE, 36th Avenue NE, 48th Avenue NE, 60th Avenue NE, 72nd Avenue NE, and any north-south public road constructed in the future), not Indian Hill Road. Where access from Indian Hill Road is the only practicable alternative, common driveways shall be used to serve multiple lots. To facilitate the use of common driveways, the Director of Planning and Community Development shall have authority to modify the lot width and related regulations set forth in NCC 36-512(d)(4) of the A-2, Rural Agricultural District.

Northern Community Separator Area Map



(Ord. No. O-0405-24, 11-16-2004)

SECTION 2: AMENDMENT “36-101 Definitions” of the City of Norman Municipal Code is hereby *amended* as follows:

AMENDMENT

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:

Accent lighting means any lighting used as a decorative or design element, or to highlight architectural features, fascia, landscaping, flags, art, or other objects for architectural or landscape purposes.

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 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.

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 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.

Adult entertainment uses.

- (a) *Adult amusement or entertainment* means 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, as defined herein, including, but not limited to, topless or bottomless dancers, exotic dancers, strippers, male or female impersonators or similar entertainment.
- (b) *Adult bookstore* means 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.
- (c) *Adult mini motion picture theater* means 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.
- (d) *Adult motel* means a motel wherein material is presented, as part of the motel services, via closed circuit television or otherwise, which is distinguished or characterized by an emphasis on depicting or describing sexual conduct or specified anatomical areas.
- (e) *Adult motion picture arcade* means 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.

- (f) *Adult motion picture theater* means 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.
- (g) *Massage parlor* means 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.
- (h) *Sexual encounter center* means 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.

Alley means a minor right-of-way dedicated to public use, which gives a secondary means of vehicular access to the back or side of properties otherwise abutting a street, and which may be used for public utility purposes.

Apartment house means a single detached dwelling designed for and occupied exclusively by three or more families living independently of each other as separate housekeeping units, including apartment houses, apartment hotels and flats, but not including auto or trailer courts or camps, hotels, or resort-type hotels.

Bar means an establishment whose primary activity, measured by dollar volume of sales, involves the sale and the on-premises consumption of intoxicating or non-intoxicating beer, mixed beverages, wine, or other liquor, and where food service, if any, is a secondary activity.

Basement means a story having part but not more than one-half its height below grade. A basement is counted as a story for the purpose of height regulations, if subdivided and used for business or dwelling purposes by others than a janitor employed on the premises.

Bed and breakfast establishment, Type I, means a use, often referred to as a bed and breakfast homestay, which is clearly subordinate to the principal use and appearance of the structure as a residence, containing no more than four guest rooms, (none with individual cooking facilities) in which the owner operator (the conditional use permit holder), provides lodging which includes meal service to transient guests for compensation.

Bed and breakfast establishment, Type II, means a residential use, often referred to as a bed and breakfast inn, containing no more than eight guest rooms (none with individual cooking facilities) in which the owner operator (the conditional use permit holder) provides lodging which includes meal service to transient guests for compensation.

Bedroom means 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.

Boarding house means a residential building, other than a hotel, where, for compensation and by prearrangement for definite periods, on a monthly or longer basis, rooms and meals are provided to more than two persons who are not members of the resident manager's family.

Building means a manmade structure with a roof and walls standing more or less permanently in one place.

- (a) *Building area* means the total ground area covered by an enclosed building plus the total area of all covered open spaces at ground level, measured from the faces of exterior walls, at the mean grade level of each building.
- (b) *Building height* means the vertical distance from the average line of the highest and lowest points of that portion of the lot covered by the building to the highest point of coping of a flat roof, or the decline of a mansard roof, or to the average height of the highest gable of a pitch or hip roof.
- (c) *Building, main*, means a building in which is conducted the principal use of the lot on which it is situated. In any residential districts, any dwelling shall be deemed to be a main building on the lot on which it is situated.
- (d) *Building site* means a single parcel of land in one ownership, occupied or intended to be occupied by a building or structure.

Canopy means a multi-sided overhead structure, cantilevered or supported by columns, but not enclosed by walls.

Car space means open space area (covered and uncovered) used for car traffic and maneuvering and car parking. It includes the paved trafficways and parking areas of all streets within the land area.

Childcare center means 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, the term "childcare center" shall not include those public and private schools organized, operated or approved under State law 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.

Church, temple, means a building, together with its accessory buildings and uses, where persons regularly assemble for religious worship, and which building, together with its accessory buildings and uses, is maintained and controlled by a religious body organized to sustain public worship.

Commercial communications tower means a structure composed of a single spire erected and

maintained by a public service corporation that supports antennas and necessary attachments, including, but not limited to, microwave antennas used as part of a cellular mobile telephone communication system, and an accessory building not to exceed 400 square feet used to house equipment necessary for the operation of the cellular communication monopole and related facilities.

Commercial land use means any public or private use allowed within the CO, C-1, C-2, C-3, CR, or TC zoning districts of the City.

Comprehensive Plan means the comprehensive plan of the City of Norman, Oklahoma, which is currently the AIM (Area & Infrastructure Masterplan) Norman Comprehensive Plan adopted June 24, 2025. This Comprehensive Plan is comprised of seven distinct approved plans, or master plans, identified and defined as follows:

- (a) Land Use Plan means the AIM Norman Comprehensive Land Use Plan adopted June 24, 2025;*
- (b) Transportation Plan means the 2025 Comprehensive Transportation Plan Update adopted June 24, 2025, which updated "Moving Forward," the 2014 City of Norman Comprehensive Transportation Plan previously in effect;*
- (c) Wastewater Master Plan means the Wastewater Utility Master Plan adopted June 24, 2025;*
- (d) Water Utility Master Plan means the Water Utility Master Plan adopted June 24, 2025;*
- (e) Parks Master Plan means the Parks, Recreation & Culture Master Plan adopted June 24, 2025;*
- (f) Housing Plan means the Housing Strategy Plan adopted June 24, 2025; and*
- (g) Stormwater Master Plan means the Stormwater Master Plan Update adopted June 24, 2025, and which updated the 2009 Storm Water Master Plan previously in effect.*

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

Crematorium means a facility for the incineration of corpses, human or animal, to ashes. The term "crematorium" does not include any establishment where incinerators are used to dispose of toxic, hazardous, infectious, or narcotic materials.

Cut-off fixture means a luminaire light distribution is designated as cut-off when the intensity per 1,000 lamp lumens does not numerically exceed 25 (2.5 percent) at an angle of 90 percent above nadir (horizontal), and 100 (ten percent) at an angle 80 percent above nadir. This applies to all lateral angles around the luminaire.

Dance hall. See *Nightclub*.

District means any sections of the City for which regulations governing the use of buildings and premises or the height and area of buildings are uniform.

Driveway, regularly constructed, for determining parking spaces allowed on driveways in front and side yards, means parking spaces provided on a regularly constructed driveway must be immediately adjacent to the driving lane and parallel to the direction of traffic flow. Parking spaces oriented at any angle to the direction of traffic flow shall not be considered to be

provided on the driveway.

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.

Family means a single family comprised of one of the following:

- (a) An individual, or two or more persons related by blood, marriage, or legal adoption living together as a single housekeeping unit in a dwelling unit, including foster children, domestic servants, and not more than two roomers;
- (b) Three unrelated persons living together in a quasi-unit quarter; or
- (c) A group home as defined by 60 O.S. § 862.

Family day care home means 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.

Floor area (for computing floor area ratio, livability space ratio, open space ratio, and recreation space ratio) means the total area, in square feet, of floor space within the outside dimensions of a building, including each floor level, halls, lobbies, stairways, elevator shafts, basements, covered exterior balconies, and covered open space not eligible for inclusion in covered open space, but not including any garage or carport.

Floor area (for computing off-street parking area loading requirements) means the sum of the gross horizontal areas of the several floors of a building measured from the exterior faces of the walls or from the center line of the walls separating two buildings, but not including:

- (a) Attic or basement space providing headroom of less than seven feet unless such space is used for human habitation or for retailing purposes in the case of a commercial use;
- (b) Uncovered steps, fire escapes, and open porches;
- (c) Required accessory off-street parking and loading spaces, enclosed or open.

Floor area ratio, in the RM-6 district and with respect to the large lot option in the RO district, means the floor area on the lot divided by the land area. In all other cases, the floor area on the

lot divided by the lot area.

- (a) *Floor area ratio, residential*, means residential floor area on the lot divided by land area or lot area, as provided in the definition of the term "floor area ratio."
- (b) *Floor area, residential*, means floor area used for residential purposes, but not including area for common use of all occupants (in multifamily dwellings) or for commercial or other nonresidential purposes, such as garages or carports.

Footcandle means and is equal to the amount of light generated by one candle shining on a surface one foot away. Footcandles can be measured both horizontally and vertically by a footcandle meter or light meter. Minimum Property Standards for Multifamily Housing, Federal Housing Administration, Appendix B, November 1963, shall be used as a guide to the interpretation of this term. (Where the requirements in this definition differ from those set forth in the Minimum Property Standards, this definition shall apply.)

Full cut-off fixture means a luminaire light distribution where zero candela occurs at an angle of 90 percent above nadir (horizontal), and all greater angles from nadir. Additionally, the candela per 1,000 lamp lumens does not numerically exceed 100 (ten percent) at an angle 80 percent above nadir. This applies to all lateral angles around the luminaire.

Garage means a permanently roofed structure completely enclosed that is used primarily for automobile shelter and storage.

Garage apartment means a single dwelling unit co-located within a building where motor vehicles are normally and regularly stored and having a roof or wall in common. For the purposes of this Chapter, garage apartments shall be defined and treated separately as a use, distinct from Accessory Dwelling Units (ADUs), and shall be allowed in districts only as specifically listed and referenced.

Glare means the sensation produced by luminance directed or reflected within the visual field that is sufficiently greater than the luminance to which the eyes are adapted which causes annoyance, discomfort, or loss in visual performance and visibility to a reasonable person.

Ground area means the horizontal area of the ground covered by any structure.

Guest house means a type of accessory dwelling unit which is subordinate to the principal residence on the same lot in the same manner as other ADUs.

Hardscape means the sum total on an individual lot of the impervious, semi-impervious and landscaped areas required by this chapter, less any area devoted to buildings or structures, but does not include unimproved areas of the lot.

Home occupation means an accessory use of a dwelling unit, conducted entirely 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.)

Hotel means a building or group of buildings under one ownership containing six or more sleeping rooms occupied, intended or designed to be occupied as the more or less temporary abiding place of persons who are lodged with or without meals for compensation, but not including an auto or trailer court or camp, sanitariums, hospital, asylum, orphanage, or building where persons are housed under restraint.

Impoundment yard means a facility used for the temporary storage of abandoned or disabled vehicles which have been transported by a wrecker service having a State and City Impoundment Yard license. Such a facility shall not be operated as a junk yard, where vehicles are dismantled or parts sold.

Industrial land use means any public or private use allowed within the M-1, I-1, or I-2 zoning districts of the City.

Institution means a building occupied by a nonprofit corporation or nonprofit establishment for public use. Minimum Property Standards for Multifamily Housing, Federal Housing Administration, Appendix B, November 1963, shall be used as a guide to the interpretation of this term. (Where the requirements in this definition differ from those set forth in the Minimum Property Standards, this definition shall apply.)

Institutional, high impact, means a public, quasi-public or private residential facility for individuals who are in need of special care, supervision, treatment, punishment or rehabilitation and must be maintained in a secured environment. Residents may be assigned to such a facility by a court and may occupy the facility on a temporary or permanent basis. Typical uses include half-way houses for substance abuse patients, criminal pre-release centers, prisons, jails, and hospitals for mentally ill individuals.

Institutional land use means any public or private use allowed within the O-1 district of the City, or a public, quasi-public, religious, fraternal, or institutional use authorized as a special use within another zoning district.

Land area means (for determining livability space ratio, open space ratio) the area of the lot plus one-half of any beneficial open space plus one-half of any abutting street or alley right-of-way up to a maximum of 50 feet in an RM-6, Medium Density Apartment District, and up to a maximum of 60 feet in an RO, Residence-Office District.

Light spillover means light generated on one property that shines onto adjacent lots or the public right-of-way in excess of the standards established by NCC 36-549.

Livability space means open space minus open car space minus one-half of the ground area of any carports.

Livability space ratio means the minimum area (in square feet) of livability space which shall be provided for each square foot of residential floor area.

Live entertainment venue means an establishment where a major component of the business includes live or electronically amplified music, dancing, or other entertainment, and which may impose an admission charge or cover charge to observe that entertainment. Nightclubs, bars,

and dance halls are typical uses within this category. This category shall not include, in any manner, any adult entertainment establishment.

Lot means any plot of land occupied or intended to be occupied by one building, or a group of buildings, and its accessory buildings and uses, including such open spaces as required by this chapter and other laws or ordinances, and having its principal frontage on a street.

- (a) *Lot area* means the total horizontal area included within lot lines.
- (b) *Lot, corner*, means a lot of which at least two adjacent sides abut for their full lengths on a street, provided that the interior angle at the intersection of such two sides is less than 135 degrees.
- (c) *Lot depth* means the average distance from the street line of the lot to its rear line, measured in the general direction of the side lines of the lot.
- (d) *Lot, double frontage*, means a lot having a frontage on two non-intersection streets, as distinguished from a corner lot.
- (e) *Lot frontage* means that dimension of a lot or portion of a lot abutting on a street, except the side dimension of a corner lot.
- (f) *Lot interior* means a lot other than a corner lot.
- (g) *Lot lines* means the lines bounding a lot as defined herein.

Lounge. See *Bar*.

Lumen means a unit of measurement of light equal to one footcandle falling on one square foot of area.

Luminaire means the complete lighting system, including the lamp, reflector (mirror), refractor (lens), ballast, and the fixture.

Luminous tube means a glass tube filled with a gas or gas mixture (including neon, argon, mercury or other gasses), usually of small diameter (ten to 15 millimeters), caused to emit light by the passage of an electric current, and commonly bent into various forms for use as decoration or signs. A luminous tube does not include common fluorescent tubes or compact fluorescent lamps.

Marijuana definitions. Those definitions set forth in applicable Oklahoma law and regulation concerning medical marijuana, shall be incorporated and applicable within this chapter. Further, zoning uses shall be compatible with those licenses issued in Chapter 13 of the Norman Municipal Code. The following words, terms and phrases, when used in this article, shall have the meaning ascribed to them in this section, except where the context clearly indicates a different meaning:

- (a) *Marijuana concentrate*, subject to State law definitions, also generally means a product created by the extraction of constituent parts, including cannabinoids, terpenes and other biomolecules, from marijuana plants, and may include, but is not limited to, kief, hash, rosin, tinctures, oils, shatter, pull and snap, wax, budder/badder, crumble, distillate, and crystalline, and may result from extraction processes.
- (b) *Marijuana establishment* means those establishments listed in NCC 20-109(s), and including medical marijuana businesses, as defined by applicable State law and regulation.

- (c) *Medical marijuana storage facility* means a facility where medical marijuana is being stored only, as permitted by applicable State law and regulation, and which facility is at a location for which any other marijuana establishment license has not already been obtained, and is not open to the general public. Those with a state transporter license that seek to maintain stand-alone facilities for the storage of medical marijuana products transported shall be considered a medical marijuana storage facility for the purposes of this article.
- (d) *Tier I medical marijuana processor, prior to November 1, 2021*, referred to a facility located in the City defined and regulated by Oklahoma State law as a medical marijuana processor, and which engaged in only the following activities: the preparation (from medical marijuana grown off-site), including necessary grinding, of "prerolled" marijuana cigarettes, "joints" or "blunts" for sale on-site. On or after November 1, 2021, any applicant proposing a use that meets the definition of "Tier I medical marijuana processor" including on-site sales shall be considered and treated as a medical marijuana dispensary use, and Tier I medical marijuana processor licenses shall cease being issued pursuant to Chapter 13 of this Code on November 1, 2021. Nothing in this Code affects State law license categories for medical marijuana establishments. Local zoning and licensing applicants may be required to seek multiple state licenses in order to comply with State law.
- (e) *Tier II medical marijuana processor* means a facility defined and regulated by Oklahoma State law as a medical marijuana processor, and which engages in Tier I medical marijuana processor activities and/or the following activities: the use of marijuana concentrates (created off-site in compliance with State law and regulation), to make derivative infused products for sale on-site. Tier II medical marijuana processing does not include extraction processes of any kind. Examples of Tier II medical marijuana processing are the cooking, baking or preparation of medical marijuana edible products, or the addition of marijuana concentrate to products pre-manufactured off-site, such as lotions or soaps. Nothing in this Code affects State law license categories for medical marijuana establishments. Local zoning and licensing applicants may be required to seek multiple state licenses in order to comply with State law. Medical marijuana processors classified as a "hazardous medical marijuana processor" according to State law shall not be allowed as Tier II medical marijuana processors.
- (f) *Tier III medical marijuana processor* means a facility defined and regulated by Oklahoma State law as a medical marijuana processor, and which engages in any type(s) of medical marijuana processing, including all allowed extraction processes, except that on-site sales are not permitted. Nothing in this Code affects State law license categories for medical marijuana establishments. Medical marijuana processors classified as "nonhazardous medical marijuana processor" or "hazardous medical marijuana processor" according to State law are allowed as Tier III medical marijuana processors.

Maximum extent practicable means under the circumstances, reasonable efforts have been undertaken to comply with the regulations or requirement, the costs of compliance clearly outweigh the potential benefits to the public or would unreasonably burden the proposed project or development, and reasonable steps have been undertaken to minimize any potential harm or adverse impact resulting from noncompliance.

Mini-warehouse means a building or group of buildings in a controlled-access and enclosed compound that contains varying sizes of individual, compartmentalized, and controlled-access stalls or lockers for the dead storage of customers' goods or wares. A mini-warehouse provides storage space for the general public.

Mixed building means a building designed for or containing both residential and nonresidential uses.

Mobile home means a single-family dwelling of unitary or sectional construction, which is designed for transportation on streets and highways on its own self-contained chassis and which is towed to its destination on its own wheels or on flatbed or other trailers, both highway and rail, and which arrives at the site where it is to be occupied as a dwelling complete and ready for occupancy, except for minor and incidental unpacking and assembly operations, location on jacks or permanent foundations, connection to utilities, and similar operations.

Mobile home, freestanding, means any mobile home not located in a mobile home park or a mobile home subdivision.

Mobile home, Type 1, means a freestanding mobile home (as defined herein) that also meets the following criteria:

- (a) Was manufactured on or after June 15, 1976, and which bears a seal certifying that it is built in compliance with the Federal Manufactured Housing Construction and Safety Code.
- (b) Has more than 950 square feet of occupiable space in a double section, double wide, or larger multi-section unit, or a single-wide unit at least 14 feet in width.
- (c) Is set into an excavated area, is placed on a permanent foundation, with all foundations, footings and crawl spaces constructed in accordance with the building code.
- (d) Utilizes a permanent perimeter enclosure between the floor joists of the house and the excavated underfloor grade (except for required openings).
- (e) Is anchored to the foundation and/or the ground in accordance with the building code.
- (f) Has wheels, axles and hitch mechanism removed.
- (g) Has utilities connected in accordance with the building code and the manufacturer's specifications.
- (h) Has one or more of the following siding materials: stone, brick, wood, stucco, or vinyl lap siding.
- (i) Has one of the following roofing materials: Asbestos shingles, fiberglass shingles, shake shingles, asphalt shingles, or tile materials.
- (j) Has a pitched roof. The pitch of the roof shall be in accordance with the design specifications of the type of the roofing material used.

Mobile home, Type 2, means a freestanding mobile home (as defined herein) that also meets the following criteria:

- (a) Was manufactured on or after June 15, 1976, and which bears a seal certifying that it is built in compliance with the Federal Manufactured Housing Construction and Safety Standards Code.
- (b) Has more than 320 square feet of occupiable space.

- (c) Utilizes foundation siding/skirting in accordance with the manufacturer's specifications.
- (d) Is anchored to the foundation and/or the ground in accordance with the building code.
- (e) Has utilities connected in accordance with the building code and the manufacturer's specifications.
- (f) Has wheels and axles removed.
- (g) Has one or more of the following siding materials: stone, brick, wood, stucco, or vinyl lap siding.

Mobile home park means a unified development of mobile home spaces arranged on a single tract of land.

Mobile home subdivision means a unified development of mobile home lots which have been designed for the purpose of individual ownership.

Model home means a structure that is designed and built as a residence, with at least part of the dwelling in temporary use as a sales office and showcase or prototypical example of the kind of dwelling that its builder will construct within that subdivision. The dwelling may be used as a sales office for a period of not more than four years, subject to an annually renewable permit that is administratively issued. For the purposes of this chapter, a model home does not include a home owned and occupied as a personal residence but has been offered for sale and is simply being shown as an open house.

Multifamily land use means any public or private use allowed within the R-3, RM-2, RM-4, RM-6, or RO zoning districts of the City.

Night club means an establishment which regularly provides facilities for dancing and/or live entertainment, either alone or in conjunction with a restaurant or bar.

Nonconforming use means any lawful use of land, building or structure existing at the time of adoption of the zoning map, which does not conform with the regulations of the district in which it is situated.

Nonresidential use means a use which is not a residential use or accessory to a residential use.

Nursery (plant) means any land used to raise trees, shrubs, flowers, or other plants for sale or for transplanting. The term "nursery (plant)" also refers to a business which sells nursery stock and related garden supplies.

Open space (for determining livability space ratio, open space ratio and recreation space ratio) means total horizontal area of all uncovered open space, plus one-half the total horizontal area of all eligible covered open space, excluding eaves of buildings.

Open space, beneficial, means any public park, public playground, or other similar public open space which abuts a lot proposed for residential development and which is beneficial to the residential use of such lot. In determining the land area of a residential lot, such space may be counted up to one-half its depth, but not to exceed 50 feet in the case of a lot in the RM-6 district or 60 feet in the case of a lot in the RO district.

Open space, covered, means exterior space which is open on its sides to weather, but not open

above to the sky and weather.

Open space, covered, eligible, means the horizontal area of any covered open space, to the extent to which it is not more than twice the sum of the clear, open, and unobstructed portions of the open and partially open sides of the covered open space.

Open space, covered, ineligible, means any covered open space other than eligible covered open space.

Open space ratio means the minimum area (square feet) of open space which shall be provided for each square foot of residential floor area.

Open space, uncovered, means land area minus building area plus usable roof area.

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.

Principal use means the predominant or main use to which a property is or may be devoted and to which all other uses on the premises are accessory.

Private school means a school offering general education courses the same as ordinarily given in public schools and having no rooms regularly used for housing and sleeping.

Quasi-unit quarters means any building where the principal use involves the provision of two or more lodging units for non-transient occupancy which does not qualify as a dwelling unit such as is found in rooming houses and boarding houses, college dormitories, fraternity and sorority houses, monasteries and convents, and military barracks. For the purposes of computing intensity of use requirements, three unrelated individuals shall be considered the equivalent of a family.

Recreation space means that part of livability space which provides one or more major open spaces for recreational purposes in a residential development. If recreation space required for a residential development is 10,000 square feet or more, no space shall be countable unless it is at least 50 feet wide and at least 10,000 square feet in area. If total recreation space required for a residential development is less than 10,000 square feet, such space shall be provided as a single space at least 40 feet wide and at least 2,000 square feet in area. In either case, if the recreation space is usable roof area, the least dimension may be reduced to 30 feet. Permanent public recreation areas abutting the lot and available for use by the residents thereof shall be countable as recreation space in meeting the requirements of this chapter. Recreation space shall be appropriately developed for active or passive recreational use by the residents of the

lot.

Recreation space ratio means the recreation space divided by residential floor area.

Recreational camp means a building or a group of buildings with accessory recreational facilities operated on a non-profit basis and designed for the purpose of the temporary congregation of people for seminars, retreats, or educational sessions.

Residential district means an R-E, R-1, R-1-15, R-1-10, R-2, R-3, RM-2, RM-4, RM-6, or RO district.

Residential use means a dwelling, apartment house, apartment hotel, garage apartment, roominghouse, fraternity house, sorority house, convalescent home, rest home, or nursing home.

Restaurant means a facility which derives more than 35 percent of its total revenue from the sale of food, excluding alcoholic beverages, as well as other secondary sources of income, such as admissions, cover charges, or amusements.

Roof area, usable, means the total roof area of residential buildings, garages, and accessory buildings which has been suitably improved as residential open space for use of occupants, including roof areas used for car storage.

Rooming unit means a room rented as sleeping and living quarters, but without kitchen facilities and with or without an individual bathroom. In a suite of rooms without kitchen facilities, each room which provides sleeping accommodations shall be counted as one rooming unit for the purpose of this chapter.

Rooming house means a residential building other than a hotel, where for compensation and on a monthly or longer basis, rooms are provided to more than two persons who are not members of the resident manager's family.

Searchlight means a lighting installation designed to project a high-intensity beam of approximately parallel rays of light that is typically used to sweep the sky for promotional purposes.

Semi cut-off fixture means a luminaire light distribution is designated as semi cut-off when the intensity per 1,000 lamp lumens does not numerically exceed 50 (five percent) at an angle of 90 percent above nadir (horizontal), and 200 (20 percent) at an angle 80 percent above nadir. This applies to all lateral angles around the luminaire.

Sexual conduct means and includes the following:

- (a) The fondling or other touching of human genitals, pubic region, buttocks, or female breasts;
- (b) Ultimate sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, sodomy;
- (c) Masturbation; and
- (d) Excretory functions as part of or in connection with any of the activities set forth in subsections (a) through (c) of this definition.

No part of this chapter will be deemed to disenfranchise any member of the healing arts licensed by the State to perform manipulation of body parts as part of their profession or counseling of said persons by licensed practitioners.

Shielded light fixture means a light fixture with cutoff optics to generally prevent light from going upward. Any structural part of the light fixture which provides this cutoff angle must be permanently affixed.

Shopping center means one or more commercial buildings which are planned, developed, owned, or managed as a unit, which provide shared facilities, including parking. Although typically utilized for retail sales of goods and merchandise, offices, theaters, and food service tenants are authorized uses. Food service establishments are those which exclusively provide for on-premises consumption of prepared food.

Short-term rentals means the rental of an entire dwelling, or any portion thereof, for a period of not more than 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. (See NCC 20-XXVII.)

Sign, advertising (or structure) means any cloth, card, paper, metal, painted, glass, wooden, plastic, plaster, stone or other sign, device or structure of any character whatsoever, including statuary, placed for outdoor advertising purposes on the ground or on any tree, wall, bush, rock, post, fence, building or structure. The term "placed" includes erecting, constructing, posting, painting, printing, tacking, nailing, gluing, sticking, carving or otherwise fastening, affixing or making visible in any manner whatsoever. The area of an advertising structure other than a sign shall be determined as the area of the largest cross-section of such structure. Neither directional, warning nor other signs posted by public officials in the course of their public duties shall be construed as advertising signs for the purpose of this definition.

Single-family dwelling means a building designed to be occupied by one family.

Soffit means the underside of an architectural feature, such as a beam, arch, ceiling, vault, cornice, or roof overhang.

Specified anatomical areas means and includes the following:

- (a) Human genitals, pubic region, buttocks, and female breast below a point immediately above the top of the areola.
- (b) Human male genitals in a discernibly turgid State, even if completely and opaquely covered.

Storage warehouse means a building or group of buildings used for the storage of goods and wares by commercial clients and business organizations and not open to the general public.

Story means the portion of a building, other than a basement, included between the surface of any floor and the surface of the floor next above it, or if there be no floor above it, then the space between the floor and the ceiling next above it.

Story, half, means a space under a sloping roof which has the line of intersection of roof

decking and wall face not more than five feet above the top floor level, and in which space not more than two-thirds of the floor area is finished off for use. A half-story containing independent apartment or living quarters shall be counted as a full story.

Street means any public or private right-of-way, highway, road, land, square, court, or way set aside as a permanent right-of-way for street purposes, 30 feet or more in width if it existed at the time of the enactment of this chapter, and any public or private way 50 feet or more in width if created after the enactment of this chapter.

- (a) *Street, half*, means any street platted 25 feet or more in width, where at the time of the approval of the plat, it is the intent of the Board of Commissioners that said street dedication shall constitute only a part of the total street easement width.
- (b) *Street, intersecting*, means any street which joins another street at an angle, whether or not it crosses the other.

Structural alterations means any change in the supporting members of a building, such as bearing walls or partitions, columns, beams, or girders, or any substantial change in the roof or in the exterior walls.

Structure means any object constructed in or on the ground, except an inground swimming pool. The term "structure" includes buildings, decks, fences, towers, flag poles, signs, and other similar objects. The term "structure" does not include paved areas or vegetative landscaping materials.

Tavern. See Bar.

Tourist court means an area containing one or more structures designed or intended to be used as temporary living facilities of one or more families and intended primarily for automobile transients or providing spaces where two or more tents or auto trailers can be parked.

Trade school means a school offering specialized training or vocational skill.

Trailer court means land or property which is used or intended to be used or rented for occupancy by two or more trailers or movable dwellings, rooms, or sleeping quarters of any kind.

Travel trailer, motor home, means a vehicular, portable structure built on a chassis which may or may not be self-propelled, and which is designed to be used as a temporary dwelling for travel, recreational and vacation use.

Travel trailer park means a unified development which is designed primarily for transient service where travel trailers are parked or situated, and which is used for the purpose of supplying to the public a parking space for such vehicles for only short durations of stay.

Two-family dwelling means a building designed to be occupied by not more than two families.

Veterinary clinic/hospital means a facility for the medical or surgical treatment of diseases and injuries of domestic animals.

Wall-mounted lighting means any light fixture attached to the building wall excluding accent

lighting, canopy lighting, or exempt lights.

Wall sconce means a decorative or architectural building mounted luminaire installed to add to the design quality of the building improvements for the purpose of highlighting features of the building or property, but that also may serve the purpose of lighting the areas around it.

Yard means an open space at grade between a building and the adjoining lot lines, unoccupied and unobstructed by any portion of a structure from the ground upward. In measuring a yard for the purpose of determining the width of the side yard, the depth of a front yard or the depth of a rear yard, the least horizontal distance between the lot line and the main building shall be used.

- (a) *Yard, front*, means a yard extending across the front of a lot between the side yard lines and being the minimum horizontal distance between the street line and the main building or any projection thereof, other than steps.
- (b) *Yard, rear*, means a yard extending across the rear of a lot measured between lot lines and being the minimum horizontal distance between the rear lot line and the rear of the main building or any projections other than steps, unenclosed balconies or unenclosed porches. On corner lots the rear yard shall be considered as parallel to the street upon which the lot has its least dimension. On both corner lots and interior lots the rear yard shall in all cases be at the opposite end of the lot from the front yard.
- (c) *Yard, side*, means a yard between the building and the side line of the lot and extending from the front lot line to the rear lot line and being the minimum horizontal distance between a side lot line and the side of the main building or any projections other than steps.

(Ord. No. O-9495-28; Ord. No. O-9596-19, 12-12-1995; Ord. No. O-9697-6, 8-27-1996; Ord. No. O-9798-8, 9-23-1997; Ord. No. O-9798-25, 12-9-1997; Ord. No. O-0102-51, 6-25-2002; Ord. No. O-0405-24, 11-16-2004; Ord. No. O-0405-19, 11-23-2004; Ord. No. O-0708-36, 4-22-2008; Ord. No. O-0809-42, 5-26-2009; Ord. No. O-1011-44, 6-21-2011; Ord. No. O-1213-17, 11-27-2012; Ord. No. O-1213-38; Ord. No. O-1314-15, 4-22-2014; Ord. No. O-1718-47, 7-26-2018; Ord. No. O-1718-51, 8-23-2018; Ord. No. O-1819-17, 12-11-2018; Ord. No. O-1920-4, 8-29-2019; Ord. No. O-1920-39, 4-23-2020; Ord. No. 1961)

SECTION 3: AMENDMENT “36-301 Definitions” of the City of Norman Municipal Code is hereby *amended* as follows:

AMENDMENT

36-301 Definitions

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

Commercial district means any C-1, Local Commercial; C-2, General Commercial; and C-3,

Intensive Commercial District established under the provisions of NCC 36-V.

Industrial district means any I-1, Light Industrial; I-2, Heavy Industrial; or M-1, Restricted Industrial District established under the provisions of NCC 36-V.

Major arterial means any street so designated on the ~~official major street p~~Transportation Plan of the City.

Major street or highway means any street or highway so designated on the ~~official major street p~~Transportation Plan of the City.

Secondary thoroughfare means any street so designated on the ~~major street p~~Transportation Plan of the City.

(Code 1976, § 22-101; Ord. No. O-918)

SECTION 4: AMENDMENT “36-302 Major Streets And Highways Plan Adopted” of the City of Norman Municipal Code is hereby *amended* as follows:

AMENDMENT

36-302 Major Streets And Highways Plan Adopted

- (a) The ~~Norman Area Major Streets and Highways Plan 2025 Comprehensive Transportation Plan Update ("Transportation Plan")~~, adopted by the City Council ~~October 23, 1980~~June 24, 2025, (as part of the AIM Norman Comprehensive Plan Document), is hereby incorporated into the Code of the City, with the same force and effect as if fully set out in this subsection.
- (b) The ~~major streets and highways p~~Transportation Plan shall not become effective until at least three copies thereof have been filed in the office of the City Clerk for examination by the public.

(Code 1976, § 22-102; Ord. No. O-918; Ord. No. O-9394-19)

SECTION 5: AMENDMENT “36-501 Citation” of the City of Norman Municipal Code is hereby *amended* as follows:

AMENDMENT

36-501 Citation

This chapter is adopted in pursuance of the authority granted by the Charter of the City, article XIX, sections 1 through 4 and is in exercise of that authority. It is founded upon and implements the Comprehensive Plan and all incorporated master plans including but not limited to the Land Use Plan, and as amended, and shall be construed in connection therewith.

It shall be known as the zoning ordinance of the City and may be so cited.

SECTION 6: AMENDMENT “36-509 PUD, Planned Unit Developments”
of the City of Norman Municipal Code is hereby *amended* as follows:

AMENDMENT

36-509 PUD, Planned Unit Developments

(a) *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:

- (1) A maximum choice in the types of environment and living units available to the public.
- (2) 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.
- (3) Maximum enhancement and minimal disruption of existing natural features and amenities.
- (4) Comprehensive and innovative planning and design of diversified developments which are consistent with the ~~City's long-range plan~~ Comprehensive Plan, including the Land Use Plan, and remain compatible with surrounding developments.
- (5) More efficient and economic use of land resulting in smaller networks of utilities and streets, thereby lowering costs.
- (6) 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.

(b) *Uses permitted.*

- (1) In addition to zoning districts established elsewhere in this chapter, a planned unit development zoning district is established and shall be designated on the zoning district map, upon application of the landowner and approval by the City Council. In order to increase creativity and flexibility in the development of areas suitable for a planned unit development, there are no specifically prescribed uses which are permitted within the boundaries of a planned unit development. The developer shall be responsible for preparation of a list of permitted uses within the specific planned unit development requested. The development of the list shall take into account the nature and purpose of the planned unit development area, and such uses and locations shall be appropriate in order to protect and be in harmony with surrounding development. At the time of the pre-application plan and conference, the applicant shall generally describe the nature and types of land uses to be located within the boundaries of the PUD district. At the time of zoning application and consideration of the preliminary plat, a specific written list of uses to be permitted by right shall be submitted for review by the Planning Commission. Following approval by the Planning Commission and City Council, the list of specific uses permitted by right shall serve as the control list in issuance of building permits and certificates of occupancy.
- (2) In addition to the above-permitted uses that are established by right, certain other uses may be prescribed by the developer in accordance with the restrictions included herein and said uses are designated as conditional permit uses. These uses more intensely dominate the area in which they are located than do other uses which might be permitted in the PUD district and, as such, they require special considerations and restrictions. If the developer and/or Planning Commission agree that certain conditional permit uses should be included within the PUD district, the applicant shall precisely indicate the specific use, its location, area to be included, maximum building square footage, and such other information, as required by the Planning Commission, to properly and comprehensively evaluate the nature and impact of such conditional permit uses. When such conditional permit uses are approved at the time of rezoning, they shall not be subsequently changed to any other use until and unless they are changed to another use that is permitted by right, or the new proposed use if not permitted by right in a PUD district is resubmitted for rezoning approval.

(c) *Standards of development.*

- (1) *Ownership control.* Applicants eligible for preliminary plan review must be the landowners of record, holders of a lease for not less than 50 years, or their authorized agent and beneficiaries of all properties in question. The approved final development plan shall be binding on all subsequent owners of the land until revised or repealed as authorized in this section.
- (2) *Minimum district area.* Eligible properties must be five acres or larger in size (gross acreage).
- (3) *Parking and off-street loading.* All uses established within a planned unit development shall provide standards for off-street parking and loading and related landscaping provisions which generally follow the regulations found in

NCC 36-548, 36-550, and 36-551 and are found to provide adequate parking and landscaping for the uses proposed. However, the requirements for individual structures or lots may be met through either provision of adequate parking on the lot on which structure is so located, or upon adjacent property which is under the control of a property owners' association to which said lot is an automatic participant.

- (4) *Perimeter requirements.* In order to ensure 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 PUD district, or adjacent to any boundary or perimeter street right-of-way. While no specific setback requirements are herein established, the Planning Commission 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.* Common open space constitutes an essential ingredient in a planned unit development and is one of the most basic and important design elements. Open space should be distributed more or less equitably throughout the PUD district in relationship to the dwelling units and other use areas that are intended to be served by the common open space. Adequate guarantees must be, provided that the common open space areas are preserved and maintained for those purposes only. A property owners' association shall be required if other arrangements satisfactory to the City have not been made, for improving, operating and maintaining all such common open space areas, and other communally-owned facilities. Open space shall be evaluated utilizing the following general guidelines:
 - a. A minimum of ten to 15 percent of the gross acres of any residential planned unit development shall be designated as common open space;
 - b. No more than one-half of the common open space may be covered by water;
 - c. Recreation facilities or structures and their accessory uses located in common areas shall be considered as usable open space as long as the total impervious surfaces such as paving and roofs constitute no more than ten percent of the total open space; and
 - d. A minimum of ten percent of the gross area of the nonresidential components of any planned unit developments shall be designated as landscaped open space, not to be used for streets or parking.
- (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 private roads, parking areas, common usable open space, community facilities, recreation areas, buildings, lighting, security measures, and similar common elements in a planned unit development. All legal instruments setting forth a plan or manner of permanent care and maintenance of such open space, recreational areas, and communally-owned facilities shall be approved by the City Attorney as to legal form and affect, and by City Council as to the suitability of the proposed use of the open areas.
- (7) *Duplexes.* Within the Central Core Area of the City (see map exhibit to NCC 36-550), any two-family (duplex) structure with four or more bedrooms per

unit is required to be sprinkled per the requirement in section P2904 of the International Residential Code (IRC) or NFPA 13D, or as these documents are amended.

- (8) *Theaters*. A theater, including one that sells alcoholic beverages in compliance with State law, may be incorporated into appropriate planned unit developments.

(d) *Application procedures*. The planned unit development application procedure shall consist of three phases.

- (1) *Preapplication conference*. Before submitting an application for any planned unit development, the landowner, or his authorized agent, shall confer with City staff in order to become familiar with the planned unit development review process. The staff will inform the applicant of any perceived potential problems that might arise. A further purpose of the preapplication conference is to make sure that the applicant has, or will be able to submit, the necessary information for filing the application. The intent of this conference is to provide guidance to the applicant prior to incurring substantial expense in the preparation of detailed plans, surveys and other data required in a preliminary development plan. After the preapplication conference, the proposed development may be heard before the Planning Commission as an informational item. At the conference, the applicant shall submit a site plan and such other narrative or other graphic information the applicant deems pertinent to the City's initial review and evaluation of the potential of the planned unit development proposed. The preapplication plan 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 general plan of development 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 nonresidential elements, proposed locations of major open space areas, and major circulation facilities; and
- e. Proposed treatment of the perimeter of the planned unit development.

- (2) *Zoning application*. After receiving written comments following the preapplication conference, the applicant may proceed in preparing a formal application for a planned unit development. The application shall consist of a simultaneous submission of a rezoning application, preliminary plat, and proposed development plan. The preliminary plat shall conform to all requirements contained in NCC ch. 30, with the exception of certain design requirements regarding lot dimensions, setbacks, etc., that are specifically exempted or modified by provisions of this chapter. In addition to the required preliminary plat, the rezoning application/development plan 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. General development plan of the tract indicating the location of different land uses, dwellings by types and numbers, areas designated

for commercial, industrial and other nonresidential uses, and areas proposed for open space and recreational use. For all residential areas, the site plan shall clearly indicate the type and number of dwellings to be located per parcel, lot or block in accordance with the preliminary plat. For all commercial and other nonresidential uses, the areas shall clearly be indicated in accordance with lots, parcels or blocks; and each such parcel shall indicate the type of building proposed, the use of any proposed building, number of stories, and gross square footage to be included on each parcel. The boundaries of all open space areas shall be clearly indicated, along with the form of proposed ownership; that is, by property owners' association, public park, or other legal entity; and, in such case where more than one property owners' association is being created, documentation shall be clearly submitted as to which areas will have automatic membership into said associations. This requirement shall not be interpreted as requiring a detailed site development plan which includes the exact boundaries and locations of all structures proposed for construction.

- 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 several dwelling types, commercial or other nonresidential 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 or if the project is to be developed in phases, by each phase within the project.
 1. The preliminary development plan will be reviewed by staff and be forwarded to the Planning Commission. A public hearing for the preliminary plat and Development Plan shall be set not later than the second regular meeting after filing and shall be legally advertised as specified in this chapter.
 2. At the public hearing before the Planning Commission, the applicant and interested citizens will have the opportunity to discuss the merits of the planned unit development 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 approve, recommend approval conditioned on specified modifications, or recommend disapproval of the planned unit development proposal.
 3. After the preliminary development plan 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. Applicant-requested postponements shall be governed as set forth in Section 36-571. The Council may direct the Planning Commission to reconsider specific aspects of the preliminary development plan.

4. If the City Council approves the preliminary development plan, it shall be in the form of an ordinance which shall specify all conditions and schedules necessary to ensure that the proposed planned unit development is accomplished. The applicant is permitted to construct the planned unit development in more than one phase or stage of construction. In such cases, the applicant shall clearly indicate on the site plan map the boundaries of each proposed phase. If the sequence of construction of various portions of the development is to occur in phases or stages, then the open space and/or recreational facilities should be developed or committed thereto in proportion to the number of dwelling units intended to be developed during any given stage of construction. Additionally, the applicant shall submit a schedule of construction for the project or for each phase within the project indicating the sequence of development according to residential type and other nonresidential construction within the project.

- (3) *Final plat/development plan.* The applicant shall have three years from the date of the City Council approval to submit the final development plan/plat. In cases where a phased preliminary development plan is approved, an approved submission schedule for incremental final development plan/plat shall be followed. Requests for extensions of time shall be submitted in writing to the City Council which may grant one extension of not less than one year nor more than three years. Requests for time extensions must be made within three years of the date of the City Council approval. Failure to submit a final development plan, or ask for an extension, shall be sufficient cause for the City Council to revoke the ordinance and the approved preliminary development plan. The Planning Commission shall review the final development plan/final plat to determine that no substantial changes were made to those elements of the plan agreed upon in the preliminary development plan. If substantial changes are found to have been made to the agreed elements, then the application must be resubmitted for preliminary development plan review. The final development plan/plat shall be deemed to be in substantial compliance with the preliminary development plan, provided that the plan/plat does not:

- a. Increase proposed floor area for nonresidential use by more than five percent;
- b. Increase total building coverage by more than five percent;
- c. Increase building height by more than five percent;
- d. Increase total number of dwelling units by more than five percent within a given phase. Fluctuation greater than the above shall be permissible, provided overall density is maintained;

- e. Substantially change the location of any nonresidential areas as shown on the approved Preliminary Plan;
- f. Significantly modify the location or design of minor streets, cul-de-sacs, alleys, or facilities for water, stormwater, and sanitary sewer;
- g. Significantly change the phasing plan or the development schedule.
 - 1. All other changes in the planned unit development including changes in the list of permissible uses must be made under the procedures that are applicable to the initial approval of a planned unit development project. The burden shall be upon the landowner to demonstrate good cause for any variation between the preliminary plan previously approved and the final plan/plat submitted for approval.
 - 2. The final development plan and final plat shall be reviewed by staff and their recommendation shall be forwarded to the Planning Commission not later than the second regular meeting after filing. If the Planning Commission finds that only minor differences exist in the final development plan/plat, then it shall be forwarded to the City Council for their approval.

(e) *Submission requirements.* As part of the application process for a planned unit development, the applicant shall be required to submit the following documents and information:

(1) *Preliminary development plan submittal.*

- 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:
 - 1. Parcel size;
 - 2. Types and numbers of permitted uses and floor areas of each category of use;
 - 3. Proposed building coverage; and
 - 4. Total acreage of common open space by type.
- c. A site plan meeting the following requirements:
 - 1. Submitted on one or more sheets not to exceed 24 inches by 36 inches, including a small-scale vicinity map;
 - 2. To scale (scale indicated) and directionally oriented, such scale to be as large as possible in order to indicate as much detail as possible;
 - 3. Proposed lot lines;
 - 4. 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);
 - 5. Existing and proposed pedestrian circulation systems;
 - 6. 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;

7. General schematic landscape plan of the treatment of the area used for private and common open spaces;
8. 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;
9. Location, dimensions, nature of all existing and proposed easements and public improvements;
10. General location of structures other than single-family detached units;
11. Indication of existing natural features of the property, including watercourses, floodplains, unique natural features, and vegetation;
12. A legal description of the total site proposed for development;
13. A development schedule indicating the approximate date when construction of the planned unit development, or phases of the planned unit development, can be expected to begin and be completed;
14. A statement of the applicant's intentions with regard to the future selling or leasing of all, or portions, of the planned unit development, including land areas and dwelling units; and
15. A preliminary plat submitted in accordance with NCC ch. 30.

(2) *Final development plan/final plat.* In addition to the information previously submitted with the preliminary development plan, the final development plan/plat shall contain or include the following:

- 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:
 1. Starting date;
 2. Dates when various phases are projected to be completed.
- e. A site plan identical to that submitted with the preliminary development plan, including any amendments or changes;
- f. A landscaping and screening plan showing the location, size, and specific types of landscaping materials, fencing and other buffers; and
- g. All legal instruments or covenants in a recordable form. Any such covenants shall stipulate that items of interest to the City, such as the development schedule, permitted and conditional uses, and disposition of any required open space, may not be altered by the developer or the property owner's association without the specific approval of the City.

(f) *Revocation.*

(1) *Causes for revocation.* The Planning Commission shall recommend to the City Council that any previous planned unit development approval be revoked and all building permits be voided under the following circumstances:

- a. If the applicant has not submitted a final development plan to the City within three years from the date of the adoption of the ordinance by the City Council, except where a time extension has been granted by

the City Council.

- b. If the applicant does not adhere to the phased development schedule as approved by the City Council.

(2) *Procedures.*

- a. *Extensions.* In those cases where no final development plan has been submitted but the applicant is seeking an extension of time, such application shall be made to the Planning Commission. After their review, the item shall be forwarded to the City Council with a recommendation that an extension be granted or that the PUD be revoked. The City Council shall grant the requested extension or revoke the ordinance granting the planned unit development.
- b. *Revocation.* In those cases where no final development plan has been submitted or an extension applied for, notice by certified mail shall be sent to the landowner or his authorized agent notifying him of his alleged default and setting a time at which he shall appear before the Planning Commission to show cause why steps should not be taken to totally or partially revoke his planned unit development. The Planning Commission's recommendation shall be forwarded to the City Council for disposition, as in original approvals.
- c. *New application after revocation.* In the event any planned unit development is revoked by the City Council because any of the above defaults have occurred, no further development may occur without a new application for rezoning having first been filed with the Planning and Community Development Department.

- (3) *Effect.* In the event of revocation, any completed portions of the development, or those portions for which building permits have been issued, shall be treated to be a whole and effective planned unit development.

(g) *Administration.* Applications for any building permit within an approved, recorded final plat of a planned unit development which are at variance with the standards and conditions set forth in the approved PUD may be approved by the Planning Director within the following guidelines:

- (1) Does not increase the proposed floor area for nonresidential use by more than five percent. Does not increase total number of dwelling units by more than five percent within a given phase.
- (2) Does not increase total building coverage by more than five percent.
- (3) Does not increase building height by more than five percent.
- (4) Provides for a decrease of up to ten percent in either land coverage, height, or number of dwelling units.
- (5) The owner did not adjust the factors found in subsection (g)(1), (2), or (3) of this section at the time of submission of the final development plan as prescribed in subsection (d)(3) of this section. Upon adoption of the schedule of construction, the Planning Director shall be responsible for enforcing this schedule. If the Planning Director determines that the rate of construction of residential units or nonresidential structures differs from the construction schedule, he shall so notify the developer in writing. Thereafter, the Planning Director shall advise a developer as necessary to correct said schedule, and upon continued violation of this subsection may suspend the developer from further construction of dwelling units or nonresidential structures until

compliance is achieved. Any such suspension may be appealed to the Planning Commission and City Council following the procedures outlined above for revocation.

(Ord. No. O-9091-40, 7-23-1991; Ord. No. O-1718-51, 8-23-2017; Ord. No. O-1718-14, 12-28-2017; Ord. No. O-1718-47, 7-26-2018)

SECTION 7: AMENDMENT “36-510 SPUD, Simple Planned Unit Developments” of the City of Norman Municipal Code is hereby *amended* as follows:

AMENDMENT

36-510 SPUD, Simple Planned Unit Developments

- (a) *General description.* The SPUD, Simple Planned Unit Development is a special zoning district that provides an alternate approach to the conventional land use controls and to a PUD, Planned Unit Development to maximize the unique physical features of a particular site and produce unique, creative, progressive, or quality land developments.
- (1) The SPUD may be used for particular tracts or parcels of land that are to be developed, according to a SPUD narrative and a development plan map and ~~consist of~~ ~~trains~~ less than five acres.
 - (2) The SPUD is subject to review procedures by Planning Commission and adoption by City Council.
- (b) *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 ~~e~~the Comprehensive pPlan, including the Land Use Plan ~~of record~~. In addition, the SPUD provides for the following:
- (1) Encourage efficient, innovative use of land in the placement and/or clustering of buildings in a development and protect the health, safety and welfare of the community.
 - (2) Contribute to the revitalization and/or redevelopment of areas where decline of any type has occurred. Promote infill development that is compatible and harmonious with adjacent uses and would otherwise not be an area that could physically be redeveloped under conventional zoning.
 - (3) Maintain consistency with the City's zoning ordinance, and other applicable plans, policies, standards and regulations on record, including the Comprehensive Plan.
 - (4) Approval of a zone change to a SPUD adopts the master plan prepared by the applicant and reviewed as a part of the application. The SPUD establishes new and specific requirements for the amount and type of land use, residential densities, if appropriate, development regulations and location of specific elements of the development, such as open space and screening.
- (c) *Uses permitted.* In addition to zoning districts established elsewhere in this chapter, a

simple planned unit development zoning district is established and shall be designated on the zoning district map, upon application of the landowner and approval by the City Council. There are no specifically prescribed uses which are permitted within the boundaries of a simple planned unit development. The developer shall be responsible for preparation of a list of permitted uses within the specific simple planned unit development requested.

(d) *Master plan.*

- (1) The basis for review and approval of a SPUD application shall be the SPUD narrative and SPUD development plan map, which shall be adopted as a part of the ordinance for rezoning in conformance with the requirements described in the regulations.
- (2) The SPUD master plan shall consist of two elements:
 - a. SPUD narrative; and
 - b. The site development plan map.

The SPUD narrative and development plan map establishes residential densities, if appropriate, as well as the amount, type and general location of all land uses; the SPUD narrative and development plan map shall serve at the basis for review and approval of all subdivision plats and building permits within the SPUD.

(e) *Criteria for review and approval.*

- (1) The applicant should be prepared to provide amenities and services that may not be required or possible under the current conventional zoning. Review and approval of a SPUD is, therefore, a process of negotiation between the City government and the applicant to achieve the intent and purpose of the regulations of the ~~e~~Comprehensive ~~p~~Plan, including the Comprehensive Plan of record while maintaining/establishing compatible uses abutting one another.
- (2) The following factors should be specifically included as review criteria for the evaluation of a SPUD application. Other factors not listed herein may also be considered in the review process in order to respond to specific design and land use proposals.
 - a. The proposed SPUD shall be designed to provide for the unified development of the area in accordance with the spirit and purpose of the adopted ~~e~~Comprehensive ~~p~~Plan ~~of record~~ and the land uses and zoning districts adjacent to said proposal.
 - b. Density, land use, and intensity will be based on the SPUD narrative and development plan map and be in conformance with the ~~e~~Comprehensive ~~p~~Plan, including the Comprehensive Plan of record.
 - c. Location and type of housing shall be established in a general pattern and shown on the development plan map and outlined in the narrative as supporting documentation.
 - d. Minimum design and construction standards for streets and alleys shall meet the requirements adopted in the subdivision regulations or other policies on record.

(f) *Standards of development.*

- (1) The site development plan shall include the following: north arrow, all property lines, all adjacent street and alley rights-of-way, show the center line of each and any street names, the location of driveway approaches both on-

site and across the street.

- a. Identify the uses to be allowed in the district;
- b. Maximum height of all buildings;
- c. Maximum number of buildings;
- d. Designating on the development plan the front, side and rear of the lots, with setbacks (if any);
- e. Description of the sight-proof screening requirements;
- f. Description of all outdoor/exterior lighting to be regulated on site;
- g. Master sign plan for the site is required;
- h. The applicant must show how drainage/stormwater management methods will be addressed so as to not impact adjacent property owners;
- i. A description of the architecture of all buildings including exterior building materials;
- j. A statement indicating the percentage of open space for the site;
- k. A detail of the parking area must be shown on the site development plan.

- (2) Within the Central Core Area of the City (see map exhibit to NCC 36-550), any two-family (duplex) structure with four or more bedrooms per unit is required to be sprinkled per the requirement in section P2904 of the International Residential Code (IRC) or NFPA 13D, or as these documents are amended.
- (3) A theater, including one that sells alcoholic beverages in compliance with State law, may be incorporated into appropriate simple planned unit developments.

(g) *General design and development guidelines.*

- (1) *Amenities.* Amenities should be considered as an important justification for development and City approval of a SPUD. The applicant should be prepared to provide amenities and services that may not be required or possible in a conventional development such as additional landscaping, usable open space fencing, limiting curb cuts, limits of no access, sidewalks and pedestrian ways where it is necessary to provide for public safety, minimal signage to provide development compatible with adjacent developments and neighborhoods.
- (2) *Land area.* The land area allowed under a SPUD is less than five acres in size.
- (3) *Off-street parking, loading and access.* All uses should contain adequate parking on private property to provide parking, loading and maneuvering of vehicles in accordance with the regulations established in NCC 36-548. The applicant may request a parking variance within the SPUD narrative.
- (4) *Relationship to abutting uses.* The master development plan map should show graphically the treatment, what will be employed to separate the SPUD uses from abutting properties, including commitments to landscaping, screening, earthen berms or similar techniques.
 - a. It is appropriate to specifically establish areas with height limitations where a transition to more intense uses is proposed or where a higher intensity development is proposed to abut a lower intensive area.
 - b. The applicant may request a variance to the landscaping requirements established in NCC 36-551 within the SPUD narrative.
- (5) *Common access.* In office, commercial or industrial developments, the SPUD

development plan should establish specific standards and locations for common access driveways both within the development and abutting arterial streets.

- (h) *Application procedures.* The application procedures for the SPUD shall follow the procedures listed in NCC 36-509(bd).
- (i) *Submission requirements.* The submission requirements for the SPUD shall follow the requirements listed in NCC 36-509(ee).
- (j) *Revocation.* The revocation of a SPUD shall follow the procedure listed in NCC 36-509(df).
- (k) *Administration.* The Planning Director shall be permitted to approve minor amendments and adjustments to the SPUD narrative or site development plan map, provided the following conditions are satisfied:
 - (1) The project boundaries are not altered.
 - (2) Uses other than those specifically approved in the SPUD are not added. Percentage of area devoted to specific uses may not be increased or decreased by more than 20 percent of the area devoted to the specific use. Uses may be deleted, but not to the extent that the character of the project is substantially altered.
 - (3) The allocation of land to particular uses, or the relationship of uses within the project, is not substantially altered.
 - (4) The density of housing is not increased by more than 20 percent or decreased by more than 20 percent.
 - (5) The land area allocated to nonresidential uses is not increased or decreased by more than 20 percent.
 - (6) Floor area, if prescribed, is not increased or decreased by more than 20 percent.
 - (7) Floor area ratios, if prescribed, are not increased.
 - (8) Open space areas or ratios, if prescribed, are not decreased.
 - (9) Screening and fencing requirements, provided amendments shall not substantially alter the SPUD.
 - (10) Height restrictions, yard requirements, lot coverage restrictions, and other area, height and bulk requirements prescribed in the SPUD are not altered by more than 20 percent.
 - (11) The circulation system is not substantially altered in design, configuration or location, and has the approval of the Public Works Department.
 - (12) The design and location of access points to the project are not substantially altered, either in design or capacity and have the approval of the Public Works Department.
- (l) *Determination of the Director.* The Director shall determine if proposed amendments to an approved SPUD satisfy the above criteria. If the Director finds that these criteria are not satisfied, an amended SPUD shall be submitted for full review and approval by Planning Commission and City Council.

(Ord. No. O-1718-14, 12-28-2017; Ord. No. O-1718-47, 7-26-2018; Ord. No. O-1718-51, 8-23-2018)

SECTION 8: AMENDMENT “36-513 RE, Residential Estate Dwelling District” of the City of Norman Municipal Code is hereby *amended* as follows:

AMENDMENT

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~~Rural Character Area as reflected in the ~~Comprehensive Land Use~~ 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) Home occupation.
 - (7) One accessory dwelling unit ("ADU")
 - (8) Short-term rentals.
- (c) *Special use.* The following uses may be permitted, after review, in accordance with NCC 36-560, provided that structures incidental to these uses are located at least 50 feet from any property line.
- (1) Church, temple, or other place of worship.
 - (2) School offering general educational courses the same as ordinarily given in public schools and having no rooms regularly used for housing and sleeping.
 - (3) Publicly-operated recreation or water supply.
 - (4) Municipal use, public buildings and public utility.
 - (5) Private recreation operated on a non-profit basis for residents of the subdivision or immediate area.
 - (6) Type I bed and breakfast establishment.
 - (7) Tiny houses as regulated in NCC 36-561(b).
- (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 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.

(Ord. No. O-8182-32, 1-5-1982; Ord. No. O-8586-82, 6-24-1986; Ord. No. O-8687-49, 3-14-1987; Ord. No. O-8990-42, 7-24-1990; Ord. No. O-9091-9, 12-11-1990; Ord. No. O-9293-38, 8-24-1993; Ord. No. O-9596-19, 12-12-1995; Ord. No. O-9697-42, 5-27-1997; Ord. No. O-0607-6, 8-22-2006; Ord. No. O-1371, § 10; Ord. No. O-1617-31, 5-23-2017; Ord. No. O-1718-36, 3-27-2018; Ord. No. O-1920-45, 7-23-2020)

SECTION 9: **AMENDMENT** “36-531 M-1, Restricted Industrial District” of the City of Norman Municipal Code is hereby *amended* as follows:

AMENDMENT

36-531 M-1, Restricted Industrial District

- (a) *Description and purpose.* The M-1, Restricted Industrial District is intended to provide an environment exclusively for and conducive to the development and protection of modern administrative facilities, office buildings, research institutions, specialized manufacturing plants, warehouse and similar enterprises that are conducted so the noise, odor, smoke, dust, vibration, heat, and glare of each operation is completely

confined within an enclosed building. Buildings in this district should be architecturally attractive and surrounded by landscaped yards. Particular attention should be given to integrating uses and the design of buildings on the periphery of the district with uses in adjacent districts. Enterprises operating in this district may require direct access to rail, air, or street transportation facilities; however, the size and volume of raw materials, partially processed or finished products involved with each industrial activity should not produce the volume of freight generated by the uses of light or heavy industrial districts. Surface transportation routes servicing M-1, Restricted Industrial Districts should not bisect residential areas and should include only arterial streets and highways as designated ~~on the major street~~ in the Transportation Plan of the City.

(b) *Uses permitted.* The uses listed below shall be permitted subject to use conditions referenced in this section and as they may be regulated by other sections of the City ordinances.

- (1) Assembly without fabrication. The assembly of any light machinery, appliances, business machines, and similar equipment, from previously fabricated parts; vocational training.
- (2) Fabrication or processing of the following products:
 - a. Art and handicraft items.
 - b. Bakery goods.
 - c. Book binding and tooling.
 - d. Carpentry, custom woodworking, or custom furniture making.
 - e. Clothing and needlework from prepared material.
 - f. Dairy products.
 - g. Instruments; professional, scientific, controlling, musical, or similar precision.
 - h. Jewelry.
 - i. Optical goods.
 - j. Printing and publishing.
- (3) Laboratories; experimental, photo or motion picture, film, or testing. For the purposes of this section, the term "laboratories" includes medical marijuana testing laboratories, as allowed by State law, that fully comply with this provision.
- (4) Mail order house.
- (5) Medical marijuana commercial grower, as allowed by State law.
- (6) Medical marijuana education facility, as allowed by State law.
- (7) Medical marijuana processor (any Tier, except that Tier I and Tier II will not be allowed to have on-site sales), as allowed by State law.
- (8) Medical marijuana storage facility.
- (9) Market research.
- (10) Office buildings.
- (11) Systems development.
- (12) Trade schools and schools for vocational training.

(c) *Accessory uses permitted.* Any use, including, but not necessarily limited to the list below, which is customarily incidental and of secondary significance to the principal use, shall be permitted, as follows:

- (1) Employee cafeteria.
- (2) Employee recreation area.

- (3) Night watchman quarters.
 - (4) Parking lot.
 - (5) Sign.
 - (6) Employee day care facility.
- (d) *Special use.* The following uses may be permitted, after review, in accordance with NCC 36-560:
- (1) Electric substation.
 - (2) Food manufacture; packing and processing.
 - (3) Manufacture of toys, novelties, and rubber and metal stamps.
 - (4) Paper products manufacture.
 - (5) Sewage disposal plant or lift station.
 - (6) Schools, public and private.
 - (7) Municipal use, public buildings and public utility.
 - (8) Medical marijuana dispensary, as allowed by State law.
 - (9) Medical marijuana research facility, as allowed by State law.
 - (10) Tier I medical marijuana processor, as allowed by State law.
 - (11) Tier II medical marijuana processor, as allowed by State law.
- (e) *Use conditions.* All uses shall be governed by applicable provisions of the City Code, and the following uses are specifically identified as subject to the requirements of sections of this chapter as indicated.
- (1) All yard areas required under this section, and other yards and open spaces existing around buildings, shall be landscaped and maintained in a neat and orderly condition.
 - (2) All of the uses permitted under this section shall have their primary operations conducted entirely within enclosed buildings, and shall not emit glare, dust, smoke, or noxious odor or fumes outside of the building housing the operation or produce a noise level or vibration at the property line that is greater than the average noise or vibration level occurring on the adjacent street. Any article or material stored permanently or temporarily outside of an enclosed building as an incidental part of the operation shall be so screened by ornamental walls and fences or evergreen plantings that it cannot be seen from public streets or adjacent lots when viewed by a person standing at ground level.
 - (3) Whenever this industrial district is established so as to abut the side or rear line of a lot in a residential district, an opaque ornamental fence, wall, or dense evergreen hedge not less than five feet high and not more than six feet high, shall be constructed and maintained in good condition along said side or rear lot line up to, but not beyond, the abutting residential setback building line. In addition, the lighting, including any permitted illuminated sign, shall be arranged so that there will be no annoying glare directed or reflected toward residential buildings in a residential district.
 - (4) Signs are permitted, but they shall be in conformance with the following:
 - a. The only types of signs permitted are parking signs, directional signs, and signs which identify the name or type of business conducted within such structure.
 - b. All signs identifying the name or type of business shall be wall or ground signs which shall not be located more than 24 feet above the ground. No one sign may exceed 100 square feet in area (one face) and the sum total of the area of all signs measured in square feet shall

- not exceed 200 square feet measuring one face only.
 - c. The total number of all signs identifying the name or type of business shall not exceed four signs and not more than two for each street frontage.
 - d. Ground signs shall be located not less than 25 feet back from any public right-of-way.
 - e. Parking signs may be wall, ground, or projected signs.
 - f. All flashing, revolving, and intermittently lighted signs are expressly prohibited.
- (f) *Bulk and area regulations.* Uses shall conform to the following requirements.
- (1) In no instance shall a structure, parking lot, or anything other than a landscaped yard be located closer than 50 feet to any residential or agricultural district.
 - (2) All buildings shall be set back from the front, side, and rear lot lines a distance of not less than 25 feet.
 - (3) All yards adjacent to a street which are created by the setback requirements contained herein shall be maintained as open landscaped yards bisected only by access drives, and their use for any other purpose including off-street parking, is specifically prohibited.
 - (4) Each individual use shall be located on a lot having not less than 20,000 square feet in area.
- (g) *Lot coverage.*
- (1) Main and accessory buildings shall not cover more than 50 percent of the lot area.
 - (2) The coverage of main and accessory buildings plus the area used or designed for use by parking and loading facilities, plus any area of outside storage, shall not exceed 80 percent of the lot area. Not less than 20 percent of the lot area shall be maintained as open landscaped yard.
 - (3) The maximum floor area ratio of all buildings shall not exceed 1.0.
- (h) *Height limitation.* No building or structure shall exceed 45 feet in height, except that this height limitation may be exceeded if the required minimum depth of all yards is increased one foot for each foot by which the height of such structure exceeds 45 feet.

(Ord. No. 2329, 12-29-1970; Ord. No. O-8586-12, 10-8-1985; Ord. No. O-9596-19, 12-12-1995; Ord. No. O-1617-31, 5-23-2017; Ord. No. O-1819-17, 12-11-2018; Ord. No. O-1920-4, 8-29-2019; Ord. No. O-1920-39, 4-23-2020)

SECTION 10: **AMENDMENT** “36-545 Communication Facilities” of the City of Norman Municipal Code is hereby *amended* as follows:

AMENDMENT

36-545 Communication Facilities

- (a) *Purpose.* The intent of these provisions is to provide for the continued establishment of new wireless communication providers and the expansion of existing wireless

communication services within the City, while simultaneously protecting neighborhoods, all through minimizing adverse visual and operational effects of facilities through careful design, sighting, screening, camouflage, and co-location.

- (b) *Definitions.* The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Antenna means communications equipment that transmits or receives electromagnetic radio frequency signals used in the provision of wireless services.

Applicable codes means uniform building, fire, electrical, plumbing, or mechanical codes adopted by the City, a recognized national code organization, local amendments to those codes, and applicable federal regulations.

Applicant means a person or entity who submits an application pursuant to this section.

Application means a request submitted by an applicant:

- (1) For a permit to construct a commercial communication tower or antenna;
- (2) For a permit to co-locate an antenna or a small wireless facility; or
- (3) To approve the installation or modification of a commercial communication tower, antenna, utility pole or wireless support structure.

City-owned pole means

- (1) A utility pole owned or operated by the City in the right-of-way or easement, including light poles, traffic signals, and structures for signage; and
- (2) A pole or similar structure owned or operated by the City that supports only wireless facilities, but does not include a commercial communication tower.

Co-locate means to install, mount, maintain, modify, operate, or replace wireless facilities on or adjacent to a wireless support structure or utility pole. Co-locate has a corresponding meaning.

Commercial communications tower means a structure composed of a single spire erected and maintained by a public service corporation or a communications service provider that supports antennas used as part of a cellular mobile telephone communication system, and an accessory building not to exceed 400 square feet used to house equipment necessary for the operation of the cellular communication monopole and related facilities. The term "commercial communications tower" shall not include a utility pole or television and radio transmission towers.

Communications service provider means a cable operator, as defined in 47 USC 522(5), a provider of information service, as defined in 47 USC 153(24), a telecommunications carrier, as defined in 47 USC 153(51) or a wireless provider.

Day means calendar day.

Decorative pole means a pole specifically designed and placed for aesthetic purposes and on which no appurtenances or attachments, other than a small wireless facility, light fixtures, or specially designed informational or directional signage or temporary holiday or special event attachments, have been placed or are permitted to be placed

pursuant to City ordinances and policies.

Electric distribution pole means a pole used to support an electric distribution system.

Fee means a one-time charge.

Rate means a recurring charge.

Right-of-way means the area within the jurisdiction of the City that is on, below, or above a public roadway, highway, street, sidewalk, alley or similar property or a public easement that authorizes the deployment sought by the wireless provider but does not include a federal interstate highway.

Small communication tower means a tower, possibly guy-wired, and no more than 190 feet tall, where antennas and communications equipment are placed to serve residential properties with internet service.

Small wireless facility and *small cell facility* mean a wireless facility that meets both of the following criteria:

- (1) Each antenna of the wireless provider could fit within an enclosure of no more than six cubic feet in volume or, in the case of an antenna that has exposed elements, and all of its exposed elements could fit within an enclosure of no more than six cubic feet; and
- (2) All other wireless equipment associated with the facility is cumulatively no more than 28 cubic feet in volume. Ancillary equipment such as: electric meters, concealment elements, telecommunications demarcation box, ground-based enclosures, grounding equipment, power transfer switches, cut-off switches, and vertical cable runs for the connection of power and other services are not included in the equipment volume calculation.

Television and radio transmission tower means a structure set up for the purpose of transmitting and receiving radio and television signals.

Utility pole means a pole or similar structure that is used in whole or in part for the purpose of carrying electric distribution lines or cables or wires for telecommunications, cable or electric service, or for lighting, traffic-control, signage, or a similar function regardless of ownership, including a City-owned pole. The term "utility pole" shall not include structures supporting only wireless facilities.

Wireless facility means equipment at a fixed location that enables wireless communications between user equipment and a communications network, including:

- (1) Equipment associated with wireless communications; and
- (2) Radio transceivers, antennas, coaxial or fiber-optic cable, regular and backup power supplies, and comparable equipment, regardless of technological configuration.

The term "wireless facility" includes small wireless facilities. The term "wireless facility" does not include the structure or improvements on, under, or within which the equipment is co-located, or coaxial or fiber optic cable that is

between wireless support structures or utility poles or that is otherwise not immediately adjacent to or directly associated with a particular antenna.

Wireless infrastructure provider means any person or entity, including a person or entity authorized to provide telecommunications service in the State, that builds or installs wireless communication transmission equipment, wireless facilities or wireless support structures, but that is not a wireless services provider.

Wireless provider means a wireless infrastructure provider or a wireless services provider.

Wireless services means any services, whether at a fixed location or mobile, provided using wireless facilities.

Wireless services provider means a provider of wireless services.

Wireless support structure means a freestanding structure, such as a monopole; commercial communication tower, either guyed or self-supporting; billboard; or other existing or proposed structure designed to support or capable of supporting wireless facilities. The term "wireless support structure" shall not include a utility pole.

(c) *Commercial communications towers.*

- (1) *Zoning.* Commercial communications towers are prohibited within any public right-of-way or residential zoning district. Such towers are allowed by right within the PL, C-1, C-2, C-3, I-1, I-2, M-1, A-1 and A-2 zoning districts subject to the restrictions contained herein.
- (2) *Parcel size.* The parcel on which the commercial communications tower is proposed to be located should be of sufficient size to accommodate the tower and any support facilities, and also include access to a public street or accessible parking area. Ownership or lease of a separate parcel to accommodate the tower and support facilities may require platting and improvements before construction permits can be issued.
- (3) *Construction.* In order to minimize visual impacts that can result from the presence of such facilities, towers (including attached antennas) are limited to monopole construction and may not exceed 200 feet in height, except in the PL and C-1 zoning districts where height is limited 90 feet.
- (4) *Setbacks.* No commercial tower shall be located closer than 200 feet to the boundary line of any property zoned or used for any residential purpose or within 200 feet of any residential structure on the same lot. In the PL and C-1 districts, the tower or structure must observe a setback from any property line zoned or used for a residential purpose a distance equal to twice the height of the structure. All towers shall observe a minimum setback from any abutting street right-of-way equal to the height of the tower.
- (5) *Appearance.* No lights, signals, or illumination shall be permitted on any tower unless required by the Federal Communications Commission (FCC), Federal Aviation Administration (FAA), or City agency. No commercial advertising, signage, or flags shall be allowed on any tower. This shall not prevent the joint use of a legal existing sign structure as a support mechanism for antennas or microwave dishes. Towers and accessory facilities should be colored or painted in muted tones that minimize their visibility, unless

otherwise required by the FCC or FAA. Within the PL and C-1 district, only towers utilizing stealth technology will be allowed. The term "stealth tower" means a commercial communications tower that is incorporated into other equipment such that the facility is not readily recognizable as telecommunications equipment, and in fact may have a different primary function. Stealth towers may include, but are not limited to, sports lighting facilities at athletic fields, flagpoles which have fully enclosed antennas, shoe box or shielded parking lot lights with fully enclosed or shielded antennas, crosses, church steeples, or clock towers. Such facilities may replicate, duplicate, or simulate the construction of common structures that serve a dual purpose. Any rejection by staff of proposed stealth technology may be appealed to the Board of Adjustment.

- (6) *Site design.* The area containing the monopole and accessory structures and any immediate surrounding area utilized for servicing of the communication tower shall be secured by a seven-foot-tall chain link fence, and the area within the fence paved or graveled and kept weed-free. Other than the street side of the site, any side that faces any residential use shall include opaque fencing and six-foot-tall evergreen shrubs or trees spaced six feet on center that are sufficient to screen the site. If security lighting is installed, such light should be directed into the site and only triggered by motion detectors.
- (7) *Co-location.* To minimize tower proliferation, all reasonable efforts should be made to co-locate facilities on existing or new towers. If not possible, communication towers shall be located at least 1,000 feet apart. Antennas may be placed wholly within any building legally permitted in a commercial or industrial zoning district, or any publicly-owned building. A commercial antenna may be mounted flush to the exterior of such buildings if painted and integrated into the overall architectural design. Roof-mounted antennas may not extend more than 20 feet above the highest point of the roof structure, provided any supporting equipment is screened from nearby residential districts. Antennas may be attached to any utility structure (such as a water tower or electrical transmission tower) or public building not located in a street right-of-way, if the property is owned by a government or public agency, further, provided that the antennas do not extend more than 20 feet above the height of the structure.
- (8) *Application process.* Before any construction permit can be issued, an application for a pre-development meeting must be submitted which complies with the requirements of NCC 36-571 and demonstrates compliance with the provisions contained herein, as well as applicable building codes, including an engineer's structural certification of the tower structure.
- (9) *Maintenance, operation and removal.* The owner of the communication tower shall ensure that it is maintained in compliance with applicable codes and the applicable standards for commercial communication towers established by the Telecommunications Industries Association, as may be amended from time to time, in order to ensure the structural integrity of the tower. The failure to maintain structural integrity through compliance with these standards is hereby declared a public nuisance and the commercial communication tower may be abated, including the removal of the commercial communication tower under authority of and in compliance with the City Council's powers to declare and

abate public nuisances. No antenna may be used which, by design or by actual operation, causes interference on any frequency actually used by any police, fire, or public ambulance service having authority or jurisdiction over any portion of the City.

- (10) *Removal of abandoned towers.* Any commercial communication tower that is not actually used as an antenna support for a continuous period of 12 months shall be considered abandoned, and the permit owners for such antennas or commercial communication tower shall remove same at their expense within 90 days of receipt of notice from the City notifying the permit owner of said abandonment. In the event that such a commercial communication tower is not removed, notice of the intent by the City to remove shall be given to the applicant and to the owner of the real estate on which the commercial communication tower is located if different from the applicant. Abandoned commercial communication towers are hereby declared a public nuisance, removable by the City Council in accordance with nuisance abatement procedures or through the claims on a posted bond.
- (11) *Expiration of application.* An application for a commercial communication tower shall be valid for no more than six months, unless a valid building permit is issued, and construction proceeds diligently.

(d) *Television and radio transmission towers.*

- (1) *Zoning.* Television and radio transmission towers are permitted on private property only as a special use granted by the City Council in the A-2 zoning district and outside of the ~~current and future urban services~~ area contained between 48th Avenue West and 48th Avenue East as described on the most recent enactment of the City land use plan, in accordance with NCC 36-560. Because of the potential visual impact of all transmission towers, the notification area for the special use required by NCC 36-560 shall be increased to include all property owners within one-half mile from the applicant's property. Towers in excess of 200 feet in height must be located at least one mile from any subdivision filed of record and served by public water and sewer systems.
- (2) *Construction.* The FCC must authorize the height of any television or radio transmission tower. Towers up to 200 feet in height must be of a monopole design. Guyed structures are permitted if taller than 200 feet, provided engineering data is provided that shows a collapsed structure will be contained within the area of the guy wires, and the entire facility is located on the applicant's property.
- (3) *Setback.* The tower must observe a setback from any property line equal to 50 percent of the height of the tower, but not less than 200 feet. Guy wire anchors must be located at least 25 feet from any property line.
- (4) *Appearance.* No lights, signals, or illumination shall be permitted on any tower unless required by the FCC, the FAA, or any City agency. If lighting is required, only dual lighting shall be allowed (white lights during the day, red lights at night). All lighting shall be the least intrusive on nearby properties. No commercial advertising, signage, or flags shall be allowed on any tower. Towers and accessory facilities should be colored or painted in muted tones that minimize their visibility, unless otherwise required by the FCC or FAA.
- (5) *Co-location.* To minimize tower proliferation, all reasonable efforts should be

made to co-locate facilities on existing or new towers. Provision should be made on new transmission towers to allow antennas for personal wireless service or mobile radio service systems.

- (6) *Site design.* All proposed or contemplated structures, towers, parking, and fencing must be included on a proposed site plan and shall provide for adequate landscaping to mitigate any visually intrusive elements from nearby property owners.

(e) *Small communication towers.*

- (1) *Zoning.* Small communication towers are allowed on private property in the RE, A-1, A-2, C-2, C-3, I-1, I-2 and M-1 districts, provided they conform to the provisions contained herein. Small communication towers are not permitted within any public right-of-way.
- (2) *Construction.* Small communication towers must not exceed 190 feet in height and shall be constructed in compliance with all applicable codes. An engineer's structural certification of tower structure must be submitted with a building permit application.
- (3) *Setback.* Towers shall be set back from the property line a distance that protects adjacent property owners and/or habitable structure from damage if the tower collapses. The area of fall cannot be located on an adjacent property not owned by the applicant or on the public right-of-way. A certified engineer's report is required to verify adequate area of fall and guy wire installation. Towers shall observe a minimum setback from any abutting street right-of-way equal to the height of the tower.
- (4) *Appearance.* No lights, signals, or illumination shall be permitted on any tower unless required by the FCC, FAA, or City agency. No commercial advertising, signage, or flags shall be allowed on any tower. Towers and accessory facilities should be colored or painted in muted tones that minimize their visibility, unless otherwise required by the FCC or FAA.
- (5) *Removal.* If a small communication tower becomes inoperable and is not put back into service within six months, the owner of the tower shall remove the small communication tower and other related equipment.

(f) *Small cell facilities.*

- (1) *Permitted use.* Co-location of a small wireless facility or a new or modified utility pole or wireless support structure for the co-location of a small cell facility shall be a permitted use in all zoning categories subject to the provisions of this subsection (f). However, any wireless provider that seeks to construct or modify a utility pole, wireless support structure or wireless facility that exceeds the height or size limits contained in this subsection (f), shall be subject to applicable zoning requirements and applicable codes.
- (2) *Permit required.* No person or entity shall place a small wireless facility in the right-of-way without first filing a small wireless facility siting application and obtaining a building permit.
- (3) *Siting applications.*
 - a. The siting application shall be made by the wireless provider or its duly authorized representative and shall include the following:
 1. The applicant's name, address, telephone number, and email address;
 2. The names, addresses, telephone numbers, and e-mail

addresses of all consultants, if any, acting on behalf of the applicant with respect to the filing of the application;

3. A siting map depicting the location of proposed sites for small wireless facilities and related construction and engineering drawings for each location sufficient to demonstrate compliance with the provisions herein. Small cell facilities on existing poles, new poles, or modified poles shall not interfere with vehicular access to adjacent property; nor shall they be placed in a location that would interfere with an existing individual tree's canopy, nor block or encroach upon any sidewalk or walkway or placed unreasonably near another similar structure. For applications to co-locate on an existing pole, the applicant should provide an engineering analysis that demonstrates conformance with applicable codes, construction drawings stamped by a professional engineer licensed in Oklahoma, and a description of any make-ready work required, including any modification or replacement of the pole. Up to 25 proposed small cell facilities can be covered by one application.
4. If a small wireless facility is proposed to replace an existing pole, or be located on an existing pole, the application shall indicate the owner of said pole.
5. A statement of compliance with all applicable codes from a licensed engineer.
6. Siting applications to co-locate facilities. An application fee equal to \$200.00 each for the first five small wireless facilities on the same application and \$100.00 for each additional small wireless facility on the same application. An application fee equal to \$200.00 each for the first five small wireless facilities on the same application and \$100.00 for each additional small wireless facility on the same application.
7. Spacing Requirements. An application for a new wireless support structure within a 500-foot radius of an existing approved wireless support structure, utility pole, or other similar structure shall not be approved unless the applicant submits written documentation affirming that the new wireless support structure cannot be accommodated on such existing structure or pole due to one (1) or more of the following reasons: (a) The proposed small cell facility would exceed the structural capacity of existing or approved wireless support structures, utility pole, or other similar structures and that such existing structures or poles cannot be reinforced, modified, or replaced to accommodate the planned facility at a reasonable cost; or (b) The proposed small cell facility would cause interference impacting the usability of other existing telecommunications equipment at the site if placed on existing or approved wireless support structures, utility poles,

or other similar structures, and that such interference cannot be prevented at a reasonable cost; or (c) Existing or approved wireless support structures, utility poles, or other similar structures cannot accommodate the planned small cell facility at a height necessary to function reasonably; or (d) The applicant is unable to enter into reasonable lease terms with owners of existing or approved wireless support structures, utility poles, or other similar structures; or (e) For other good cause shown as determined by City staff.

8. Siting applications for installation, modification or replacement of a utility pole and associated co-location. An application fee equal to \$350.00 per pole on the same application.
 - b. Within 20 days of receiving an application, the City will determine and notify the applicant in writing whether the application is complete. If an application is incomplete, the City will specifically identify the missing information in its written communication to the applicant. The processing deadlines set forth herein will be tolled from the time the City sends the notice of incompleteness to the time the applicant provides the missing information. The processing deadline may also be tolled by agreement of the applicant and the City.
 - c. An application shall not be required for routine maintenance, or the replacement of a small wireless facility with another small wireless facility that is substantially similar or smaller in size, weight and height, or for installation, placement, maintenance, operation or replacement of micro-wireless facilities that are strung on cables between existing utility poles in compliance with the National Electric Safety Code.
 - d. Review time for applications to co-locate facilities. The City will issue a written decision in response to an application to co-locate small cell facilities within 60 days of receipt of the application. If the written decision is to deny the application, reasons for such denial shall be included in the written communication to the applicant. If the City does not issue a written decision within the prescribed time frame, the application will be deemed approved.
 - e. Review time for applications for installation, modification or replacement of a utility pole and association co-locate. The City will issue a written decision in response to an application to install, modify or replace a utility pole and any associated co-location within 75 days of receipt of the application. If the written decision is to deny the application, reasons for such denials shall be included in the written communication to the applicant. If the City does not issue a written decision within the prescribed time frame, the application will be deemed approved.
 - f. Appeals from the denial of a siting application. Upon receipt of a notice of the City's written decision to deny all or part of a siting application, the applicant may choose to cure the deficiencies in the application or may appeal the denial. If the applicant chooses to cure

the deficiencies identified by the City, the application must be resubmitted within 30 days of the denial and will not require payment of an additional application fee. Upon receipt of a revised application, the City shall have an additional 30 days to approve or deny the revised application. Applicants may appeal the decision of an Administrative Official regarding a submitted siting application in accordance with NCC 36-570(f).

(4) *Height of small wireless facilities and associated poles and support structures.*

- a. Small wireless facilities, and new or modified utility poles and wireless support structures for the co-location of small wireless facilities may be placed in the right-of-way as a permitted use subject to the following requirements:
 1. Each new or modified utility pole installed in the right-of-way shall not exceed the greater of ten feet above the tallest existing utility pole as of November 1, 2018, located within 500 feet of the new pole in the same right-of-way, or 50 feet above ground level.
 2. Each new small wireless facility in the right-of-way shall not exceed ten feet above an existing utility pole in place as of November 1, 2018, or for small wireless facilities on a new utility pole, above the height permitted for a new utility pole under subsection (f)(4)a.1 of this section.
- b. Small wireless facilities may be placed on property owned, leased, or otherwise controlled by the City only pursuant to a commercial lease approved by the City Council.

(5) *Small wireless facilities standards.*

- a. All small wireless facilities affixed to a utility pole which has exterior exposure shall be as close to the color of the utility pole as is commercially available to the wireless provider.
- b. The design and maintenance of all small wireless facilities, cables, wires, appurtenances, and utility poles, shall include the use of materials, colors, textures, screening and landscaping that will blend the small wireless facilities, appurtenances and utility poles to the natural setting or the built environment of the primary use.
- c. All small wireless facilities affixed to a decorative light pole must be installed in such a way that the cables, wires, appurtenances, and facilities are concealed within the pole to the maximum extent possible.

(6) *Relocation or modification of small cell facilities.* Within 60 days following written notice issued from the City, a wireless provider shall, at its own expense, protect, support temporarily or permanently disconnect, remove, relocate, change or alter the position of any small wireless facilities within the right-of-way whenever the City has determined that such removal, relocation, change, or alteration is reasonably necessary for the construction, repair, maintenance, or installation of any City improvement in or upon, or the operations of the City in or upon, the right-of-way, or if the City has determined that the facility's signal is interfering with other signals for traffic-control devices or emergency communications.

- (7) *Emergency removal or relocation of small cell facilities.* The City retains the right and privilege to cut or move any small wireless facility located within the rights-of-way of the City, as the City may determine to be necessary, appropriate or useful in response to any public health or safety emergency. If circumstances permit, the City shall notify the wireless provider and provide the wireless provider an opportunity to move its own facilities prior to cutting or removing a facility and shall notify the wireless provider after cutting or removing a small wireless facility.
- (8) *Abandonment of facilities.* A small wireless facility that is not operated for a continuous period of 12 months shall be considered abandoned, and the owner of the facility must remove the small wireless facility within 90 days after receipt of written notice from the City notifying the owner of the abandonment.
- (9) *Damage to the right-of-way.* A wireless provider shall repair all damage to the right-of-way directly caused by the activities of the wireless provider in the right-of-way and return the right-of-way to its functional equivalence before the damage. If the wireless provider fails to make the necessary repairs within two weeks of written notice, the City may make the repairs and charge the wireless provider the reasonable, documented cost of such affairs. A wireless provider shall be required to comply with right-of-way and vegetation management practices adopted by the City.
- (g) *Proprietary powers reserved.* Nothing in this section concerning the regulation of what is legally permissible or legally forbidden interferes with the proprietary right of the City Council to control the property held in the City's name or in the name of any of its trusts as either a corporate owner or as public trustee.

(Ord. No. O-9596-40, 5-28-1996; Ord. No. O-9899-33, 4-27-1999; Ord. No. O-0304-69, 5-25-2004; Ord. No. O-0809-14, 12-9-2008; Ord. No. O-1718-14, 12-28-2017; Ord. No. O-1819-18, 11-27-2018; Ord. No. O-2122-7)

SECTION 11: AMENDMENT “36-547 Exterior Appearance” of the City of Norman Municipal Code is hereby *amended* as follows:

AMENDMENT

36-547 Exterior Appearance

- (a) All new construction after October 28, 2005, must include masonry facades as outlined below. These requirements shall apply to all principal structures and accessory buildings larger than 108 square feet. For the purposes of this section, the term "masonry materials" means and includes brick, slump-faced or decorative concrete masonry unit (CMU), stucco, concrete (poured in place, pre-cast or tilt-wall) with aggregate, sandblasted or textured coating finish, stone, rock or other structural material of equal durability and architectural effect. Smooth-faced CMU, except as accent to approved finish material, shall not be installed on any commercial facade or the principal facade of any industrial building.

- (1) *Buildings requiring masonry on all sides.* All buildings constructed on property zoned O-1, CO, C-1, C-2, and C-3, according to the City's official zoning map, shall have all exterior walls constructed using masonry material covering at least 80 percent of said walls, exclusive of all windows, doors, roofs, glass, or sidewalk and walkway covers.
 - (2) *Buildings requiring masonry along street frontage only.* All buildings constructed on property zoned I-1, I-2, or M-1, according to the City's official zoning map, shall have all principal facades (which is any side of a building that faces or is oriented toward any abutting street) constructed using masonry material covering at least 80 percent of said walls, exclusive of all windows, doors, roofs, glass, or sidewalk and walkway covers. This provision shall apply only to those structures adjacent to any State highway or an urban arterial as identified on the Comprehensive Plan, [including the Transportation Plan](#), as amended or replaced with subsequent plans, and to any industrial lot abutting any zoning district other than industrial. This provision shall not apply to lots of record as of the date of adoption of the ordinance from which this chapter is derived if a building permit is obtained within one year after the effective date of the ordinance from which this article is derived, September 27, 2005.
 - (3) *Buildings within any PUD.* Any commercial or nonresidential use within a planned unit development shall have all exterior walls constructed using masonry material covering at least 80 percent of said walls, exclusive of all windows, doors, roofs, glass, or sidewalk and walkway covers, unless waived by the City Council when the PUD is approved.
 - (4) *Special uses.* Any institutional or nonresidential special use in any zoning district shall have all exterior walls constructed using masonry material covering at least 80 percent of said walls, exclusive of all windows, doors, roofs, glass, or sidewalk and walkway covers, unless waived by the City Council as part of the approval.
- (b) Outdoor storage or display of materials and goods is prohibited in the CO and C-1 districts and within any required setback area in the TC district, as well as all public rights-of-way. However, in all commercial districts, an exception is granted for items located within five feet of the primary structure for display of vending machines, newspaper racks, bagged ice storage, small-scale propane sales, and other such similar items, provided that no such items encroach onto a public right-of-way or easement. In all other commercial zoning districts after October 28, 2005, the following criteria must be observed:
- (1) In those zoning districts that allow outdoor storage or display of merchandise, such items may not be located immediately adjacent to any public right-of-way, but instead must be stored or displayed no closer than half the distance between the right-of-way and the principal building, or 25 feet, whichever is greater. However, display of living plant materials and ornamental statuary may occur at any location so long as it does not create a visual barrier to traffic and is not within ten feet of a public right-of-way. This exception does not include landscape timbers, blocks, stones, bags of wood chips or soil, fencing materials, or other similar items.
 - (2) In those districts that allow the sale or repair of vehicles, where the principal use of the premises involves the sale and display of finished vehicles, such as

automobiles, boats, recreational vehicles, construction vehicles and heavy equipment, no special setbacks are required other than landscaping that would be required for parking areas and buildings by other sections of this chapter. Vehicles or equipment may not be parking or displayed within any required landscape area.

- (3) In no instance shall outside display of merchandise be located within, nor encroach upon, a fire lane, maneuvering aisle, or a parking space necessary to meet the minimum parking requirements of all of the uses on the lot.
- (4) All existing outdoor storage areas must comply with the requirements of this subsection within two years of October 28, 2005, the effective date of the ordinance from which this article is derived, or seek approval by the City Council for a revised site plan that shows substantial compliance with these requirements. For all new or expanded areas of outside display or storage, such locations must be clearly identified on a site plan that has been approved by the City Council.

(Ord. No. O-0405-59, 9-27-2005)

SECTION 12: **AMENDMENT** “36-560 Special Uses” of the City of Norman Municipal Code is hereby *amended* as follows:

AMENDMENT

36-560 Special Uses

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

- (a) *Application and fee.* Application for a special use shall be filed with the Director of Planning and Community Development Department. The application shall include the following:
 - (1) Name and address of the owner, and also applicant if different from the owner. (The City may initiate the application.)
 - (2) Address and legal description of the property.
 - (3) If the applicant is not the legal owner of the property, a statement that the applicant is either the authorized agent for the owner of the property or has a lawful right to acquire use and possession of the property.
 - (4) A statement describing the nature and operating characteristics of the proposed special uses. For uses potentially generating high volumes of vehicular traffic, the Director may require specific information relative to the anticipated peak loads and peak use periods, the ability of the use to meet performance

standards, or substantiating the adequacy of proposed parking, loading, and circulation facilities.

- (5) A site plan, drawn to scale, showing the location and dimensions of boundary lines, with distances and bearings, easements, required yards and setbacks, and all existing and proposed buildings, parking and loading areas, ingress and egress, the location of existing and proposed landscaped areas, utility or service areas, fencing and screening, signs and lighting.
 - (6) Application for a special use and for rezoning for the same property may be made concurrently, subject to the fees applicable to both a special use and rezoning. The Planning Commission shall hold the public hearing on the rezoning and the special uses at the same meeting and may combine the two hearings. If the City Council modifies a recommendation of the Commission on a concurrent zoning reclassification, the special uses application may, if the City Council deems it necessary, be referred back to the Planning Commission in the same manner as a new application; provided, however, that no additional fee shall be required.
 - (7) A filing fee of \$400.00, plus \$10.00 per acre.
 - (8) In order to properly evaluate the proposed special uses, the Planning Director may require the following additional information:
 - a. Preliminary building elevations for all new or renovated structures, indicating height, bulk, and general appearance.
 - b. Preliminary improvement plans for any alteration of existing watercourses or drainage features, proposed streets and alleys, and the location of the 100-year floodplain.
 - c. The relationship of the site and the proposed use to surrounding uses, including pedestrian and vehicular circulation, current use of nearby parcels, and any proposed off-site improvements to be made.
- (b) *Review and evaluation criteria.* The Planning Commission shall review and evaluate any special use proposal and recommend to the City Council using the following criteria:
- (1) Conformance with applicable regulations and standards established by this article.
 - (2) Compatibility with existing or permitted uses on abutting sites, in terms of building height, bulk and scale, setbacks and open spaces, landscaping and site development, and access and circulation features.
 - (3) Compatibility (or lack thereof) with the applicable Comprehensive Plan, including the Land Use Plan.
 - (4) Potentially unfavorable effects or impacts on other existing or permitted uses on abutting sites, to the extent such impacts exceed those which reasonably may result from use of the site by a permitted use. (Note: Throughout this section, the term "permitted use" means any use authorized as a matter of right under the applicable zoning district.)
 - (5) 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.
 - (6) 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.

- (7) That any conditions applicable to approval are the minimum necessary to minimize potentially unfavorable impacts on nearby uses and to ensure compatibility of the proposed special use with existing or permitted uses in the surrounding area.
- (c) *Planning commission hearing and recommendation.* The Planning Commission shall hold a public hearing on each application for a special use. Public notification requirements shall be the same as a rezoning procedure. At the public hearing, the Commission shall review the application and shall receive public comments concerning the proposed use and the proposed conditions under which it would be operated or maintained. The Planning Commission may recommend that the City Council establish conditions of approval. Conditions may include, but shall not be limited to, requirements for special yards, open spaces, buffers, fences, walls, and screening; requirements for installation and maintenance of landscaping and erosion control measures; requirements for street improvements and dedications, regulation of vehicular ingress and egress, and traffic circulation, regulation of signs; regulation of hours or other characteristics of operation; and such other conditions as the Commission may deem necessary to ensure compatibility with surrounding uses, [this Zoning Ordinance, the Comprehensive Plan](#), and to preserve the public health, safety, and welfare.
 - (d) *City Council approval.* Granting a special use shall be considered a privilege bestowed by the City Council for a specific use at a specific location. Special uses may be granted by the City Council with such requirements and/or conditions, as the Council deems appropriate, [and as described in subpart \(c\)](#). Such requirements and/or conditions shall be continually complied with by the applicant and his successors and assigns. At the time of issuance of a certificate of occupancy for the initial operation of a special use, the City shall cause the property legal description and conditions of approval established by the City Council to be filed in the Tract Index of the County Clerk's office. Prior to such filing, the applicant shall be afforded an opportunity to review the instrument to be filed, for correctness.
 - (e) *Violations.* For any reason, if any requirement or condition specified in the authorizing special use ordinance is violated, said violation constitutes a violation of this chapter and subjects the violator to the fines and penalties contained herein. Further, such a violation constitutes grounds for the City Council to remove or amend, by ordinance, the previously authorized special use and any concurrent rezoning.
 - (1) If it is determined by the Planning Director or the City Manager that there is a violation of any applicable provision of this section, or a failure to comply with conditions imposed by any special use ordinance on the property, then the Planning Director or the City Manager may initiate any or all of the following actions to remedy the situation, including:
 - a. Specify the nature and extent of any such violations and specify reasonable time to correct such violations;
 - b. Report such violations to the Code Enforcement Official and initiate action in the same manner as any other violation of this chapter;
 - c. Schedule a public hearing before the City Council to review such matter and consider revocation, by ordinance, of the granting of a special use for said property.

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

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

SECTION 13:**AMENDMENT** “36-571 Amendments” of the City of Norman Municipal Code is hereby *amended* as follows:

AMENDMENT

36-571 Amendments

Not all requested zoning amendments are appropriate for the subject parcel or area of land. However, upon review, the City Council may determine that a zoning amendment or reclassification may be appropriate for a specific parcel or area of land. Such approval, by ordinance duly adopted by the City Council, may come after a public notice and a hearing by the Planning Commission. Any such approval shall take into account those facts and circumstances necessary to confirm consistency with applicable regulations and standards designed to protect the public health, safety, morals, and general welfare, including the Comprehensive Plan and the Land Use Plan.

- (a) *Pre-development meeting.* When a formal application is filed that would amend the ~~Comprehensive~~ Land Use Plan, rezone any parcel larger than 40 acres, or grant a special use on a tract, or allow for the issuance of a construction permit for a new commercial communication tower (cell tower), a pre-development informational meeting must be held before the item can be considered by the Planning Commission. Any applicant contemplating rezoning of any parcel containing less than 40 acres may voluntarily requests a pre-development meeting, subject to the same filing requirements. If an applicant has chosen not to schedule a pre-development information meeting and his application generates a filed protest comprising at least 20 percent of the required notification area, the item must be postponed until such a pre-development meeting can be held before the City Council considers the application.
- (b) *Purpose; items to include for meeting to occur.* The purpose of the meeting is to allow surrounding neighbors to meet with the applicant in an informal setting and gain information about the proposed application. In order for the meeting to occur, the following items must accompany your completed application to the Planning and Community Development Department:
 - (1) The written legal description of the property.
 - (2) A written description of the proposed project which provides details of the proposal, such as the proposed use and the number and type of buildings. The narrative should provide as much detail as practicable, without being lengthy or technical.
 - (3) A generalized site plan must accompany any request for commercial, industrial, multifamily, special use, or construction of a new commercial communication tower, showing proposed buildings, parking, driveway entrances, landscaping areas, and screening. A 24-inch by 36-inch full-sized drawing and an 8 1/2-inch by 11-inch reduction must be submitted.
 - (4) A certified ownership list for all property within a 350-foot-radius of the exterior boundary of the subject request, said radius to be extended by increments of 100 feet until the list of property owners includes not less than 15 separate parcels, or until a maximum radius of 1,000 feet has been reached.

(5) ~~A completed Greenbelt Enhancement Statement if required by and in accordance with NCC 2-331.~~ Procedure for Submittal of Application.

- a. A complete pre-development application packet must be filed in the Planning and Community Development Department by 4:00 p.m. 17 days before the regularly scheduled pre-development meeting. The Planning and Community Development Department will make available the pre-development packet to the City's website as soon as possible but no later than ten days before the regularly scheduled pre-development meeting. At that same time, an application packet may also be submitted for a plan amendment, rezoning, or special use permit. By submitting both application packets at the same time, the application will be scheduled for a pre-development meeting, and then a Planning Commission hearing in the month immediately subsequent to the pre-development meeting.
 - b. However, if the application for Planning Commission hearing is not received in the Planning and Community Development Department with the pre-development application according to the above deadline, the application will be scheduled for a Planning Commission hearing at the time that application is received in the Planning and Community Development Department.
 - c. Pre-development meetings will be held on an as-needed basis, and are anticipated to occur once a month. sStaff will notify all persons identified on the certified ownership list and will include a copy of the written description of the proposed project as well as any reduced drawings. If an applicant does not submit an application for Planning Commission within six months from the date of the pre-development meeting, a new pre-development meeting must be held prior to the Planning Commission hearing.
- (c) *Public hearing.* The City Council may, from time to time on its own motion or on petition, after public notice and hearing by the Planning Commission, amend the regulations and districts herein established. No change in regulations, restrictions, or district boundaries shall become effective until after a public hearing held in relation thereto, at which parties in interest and citizens shall have an opportunity to be heard. The parties in interest and citizens shall be notified of the public hearing in the following manner:
- (1) At least 20 days' notice of the time and place of such hearing shall be published in an official paper or paper of general circulation in the City; and
 - (2) In addition, 20 days' notice of public hearing of any change in zoning shall be given by mailing written notice by the secretary of the Planning Commission to all owners of property within a 350-foot-radius of the exterior boundary of the subject property, said radius to be extended by increments of 100 linear feet until the list of property owners includes not less than 15 individual property owners of separate parcels or until a maximum radius of 1,000 feet has been reached.
 - (3) Said notice shall contain:
 - a. Legal description of the property and the street address or approximate location in the City or town;

- b. Present zoning and classification of the property and the classification sought by the applicant; and
- c. Date, time, and place of the public hearing.

In addition to notice by mailing, notice may be given by posting notice of such hearing on the affected property at least ten days before the date of hearing.

(d) *Passage by the City Council.*

- (1) Every such proposed change in regulations, restrictions, and boundaries shall be referred to the City Planning Commission for public hearing, report, and recommendation. In case of a protest against such change, signed by the owners of 20 percent or more of the area of the lots included in such proposed change, such amendment shall not become effective except by the favorable vote of three-fourths of all the members of the City Council.
- (2) In case of a protest against such change, signed by the owners of 50 percent or more of the area within a 350-foot or larger radius of the exterior boundary of the subject property, such change shall not become effective except by the favorable vote of three-fourths of all the members of the City Council.
- (3) Whenever the owners of 51 percent of the land in any area shall present a petition duly signed and acknowledged requesting an amendment of the regulations prescribed for such area, it shall be the duty of the City Council to vote upon such amendment within 90 days of the filing of same by the petitioners with the City Clerk. If any area is hereafter transferred to another district by amendment of district boundaries, as provided in this section, buildings or premises existing at the time of passage of the ordinance from which this chapter is derived shall apply to buildings or premises existing in such transferred area at the time of passage of such amendment.
- (4) Absent unique or extenuating circumstances, an application pursuant to this Section may be postponed one (1) time as a matter of right, to a date certain, upon request of the applicant and approval by City Council. Any further requests for postponement will be reviewed by City Council and is entirely subject to its discretion in approving or disapproving any such request by applicant. Protests addressed by subpart (b) above shall not affect the threshold for City Council approval respecting postponements pursuant to this sub-section.

(e) *Filing fees.*

- (1) For each petition for amendment to this chapter or ~~Comprehensive~~ Land Use Plan, the applicant shall pay for the cost of publishing legal notice and the Planning and Community Development Department shall collect a fee as hereinafter set forth:
 - a. Agricultural and single-family (A-1, A-2, R-1, R-1-A, RE and PL): \$200.00, plus \$6.00 per acre or increment thereof.
 - b. Two-family, multifamily, and mobile home (R-2, R-3, RM-2, RM-4, RM-6, and RO): \$250.00, plus \$10.00 per acre or increment thereof.
 - c. Commercial (O-1, CO, C-1, C-2, C-3, TC, and C-R): \$300.00, plus \$10.00 per acre or increment thereof.
 - d. Industrial (M-1, I-1, and I-2): \$350.00, plus \$10.00 per acre or increment thereof.
 - e. Special use with no change in zoning district: \$400.00, plus \$10.00

- per acre.
- f. Planned unit developments: \$500.00, plus \$10.00 per acre or increment thereof.
 - g. Historic district: No filing fee.
 - h. Historic district, certificate of appropriateness: Applications for any building permit involving any exterior modifications for property located within a designated Historic District must first be granted a certificate of appropriateness by the Historic District Commission. Applications before the Historic District Commission are \$75.00 per application.
 - i. Any proposed amendment of the ~~Comprehensive~~ Land Use Plan whether or not accompanied by a rezoning request: \$150.00 flat fee.
 - j. Pre-development informational meeting: \$125.00 for each separate meeting that is requested.
- (2) The area of each request and/or subdivisions thereof shall be computed and certified by a registered engineer, architect, or qualified surveyor and submitted with each application.
 - (3) The applicant shall submit with each application a list of names and addresses of all record property owners within a 350-foot-radius of the exterior boundary of the subject property, said radius to be extended by increments of 100 linear feet until the list of property owners includes not less than 15 individual property owners of separate parcels or until a maximum radius of 1,000 feet has been reached. Said list shall be current and certified by a registered professional engineer, a registered land surveyor, an attorney, a bonded abstractor, or the County Assessor. Maps and forms to accomplish the above requirement are available at the City Planning and Community Development Department.
 - (4) Filing fees will be computed by the Planning and Community Development Department on each application before it is filed with the City Clerk.
- (f) *Automatic review of commercially zoned lands.* The Commission of the City shall review or cause to be reviewed by the Planning Commission of said City, which Planning Commission shall subsequently make recommendations to said City Commission, all tracts, parcels, lots, or other lands zoned for commercial purposes after said land has been zoned for such commercial purposes a period of five years. Such review shall determine whether or not development has commenced in pursuance of or because of such commercial zoning; the intent of the owner of such property or of the original applicant with respect to the development thereof, if no such development has occurred within the next preceding five-year period, and to determine any other or all factors with respect to such land which will aid the City Commission in determining whether or not to rezone such land to its original or prior zoning classification; provided, however, the City Commission shall not rezone any such land to any prior zoning classification until such time as all requirements of law with respect to notice and hearing have been satisfied.
- (g) *Plot plans required.* In order to protect the general health, peace, safety, and welfare of the City and its citizens and their property, the City Commission shall, require the submission of plot plans and/or affidavits or memorandums of intent with all

applications for the rezoning of land to any commercial or industrial classification, or to the RO, Residence-Office District. For the purpose of this chapter, such plot plans shall reflect, but shall not necessarily be limited to, the following:

- (1) The exterior property lines of the lot or piece of real property concerned; any existing structures on the lot or piece of land; the lines within which any contemplated structure is to be constructed;
 - (2) A statement or other evidence of the type of structure to be placed on said land; and
 - (3) All proposed setbacks, right-of-way or easement dedications, and parking, and further providing that any substantial divergence from the plot plans, affidavits or memorandum of intent on which such commercial zoning may have been based shall result in the immediate cancellation of such commercial zoning after notice and hearing thereof, unless said plot plan has theretofore been amended by the City Council.
- (h) *Reapplication for a change in zoning.* After an application to amend the regulations and districts herein established for a particular tract of land has been rejected by the City Council, no further application to amend the regulations and districts for the same tract of land shall be considered by the Planning Commission or the City Council for a period of one year from the date of the City Council's rejection, unless:
- (1) The application is for a different zoning district than the district for which the prior rezoning request was rejected; or
 - (2) A substantial change in the condition of the neighborhood has occurred since the prior rejection by the City Council. For the purposes of this section, a substantial change in the condition of the neighborhood shall mean:
 - a. The granting of rezoning for a more intensive use for a tract of land within 300 feet of the exterior boundary of the tract of land in question.
 - b. A change in the designation of a street on the City's major streets and highways plan which abuts the tract of land in question.

(Ord. No. O-2407, 6-8-1971; Ord. No. O-7374-71; Ord. No. O-8384-16, 10-11-1983; Ord. No. O-8990-43, 7-10-1990; Ord. No. O-9091-10, 12-11-1990; Ord. No. O-9394-19, 12-28-1993; Ord. No. O-0405-61, 9-27-2005; Ord. No. O-0506-35, 2-28-2006; Ord. No. O-0506-56, 6-27-2006; Ord. No. O-0809-14, 12-9-2008; Ord. No. O-1011-24, 12-28-2010; Ord. No. O-1213-31, 3-26-2013)

SECTION 14: **AMENDMENT** “36-533 FH, Flood Hazard District” of the City of Norman Municipal Code is hereby *amended* as follows:

AMENDMENT

36-533 FH, Flood Hazard District

- (a) *Statutory Authorization. Description and purpose.* The Legislature of the State of Oklahoma has in the Oklahoma Floodplain Management Act, Sections 1601 through

1620.1 of Title 82 of the Oklahoma Statutes, delegated the responsibility, and authorized local governments, to adopt and enforce regulations designed to minimize flood losses within this Flood Hazard District. The FH, Flood Hazard District includes special flood hazard areas which are subject to periodic or occasional flooding during a one-percent chance flood, and for which special regulations are applied in addition to or in combination with other zoning regulations applying to these areas to guide the type and manner of floodplain use so that it is consistent with the land use needs of the City. The City thus declares that it is the purpose of this Flood Hazard District to exercise this delegated authority, to promote the public health, safety and general welfare and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

- (1) Protect human life and health;
- (2) Minimize expenditure of public money for costly flood control projects;
- (3) Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- (4) Minimize prolonged business interruptions;
- (5) Minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in floodplains;
- (6) Help maintain a stable tax base by providing for the sound use and development of floodprone areas in such a manner as to minimize future flood blight areas;
- (7) Control in special flood hazard areas, uses such as fill dumping, storage of materials, structures, buildings and any other works which, acting alone or in combination with other existing or future uses, would cause damaging flood heights or erosive velocities by obstructing flows and reducing floodplain storage;
- (8) Ensure that potential buyers are notified that property is in a floodprone area;
- (9) Meet the needs of the streams to carry floodwaters and protect the creek channels and floodplains from encroachment so that flood heights and flood damage will not be increased;
- (10) Enhance existing protections for residents, structures, and public facilities from flood damage;
- (11) Preserve floodplain areas for their open space and natural habitat values; and
- (12) Establish provisions and procedures that will provide additional protections for floodplain areas with no net loss of allowable density on affected lots and parcels.

(b) *Methods.* In order to accomplish its purposes, this chapter uses the following methods:

- (1) Restrict or prohibit uses that are dangerous to health, safety or property in times of flood, or cause excessive increases in flood heights or velocities;
- (2) Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
- (3) Control the alteration of natural floodplains, stream channels, and natural protective barriers, which are involved in the accommodation of floodwaters;
- (4) Control filling, grading, dredging and other development which may increase flood damage;
- (5) Prevent or regulate the construction of flood barriers which will unnaturally divert floodwaters or which may increase flood hazards to other lands;
- (6) Require the transfer of structures and buildings from portions of the lot in the

floodplain to upland areas out of the floodplain;

- (7) Seek ways to reduce loss of natural floodplain areas and enhance natural and beneficial functions of floodplains in areas facing development.
- a. To secure this protection from flooding, the objectives of this section are to ensure the retention of sufficient floodway area to convey flood flows; to designate a minimum flood protection elevation; to reduce the height and violence of floods insofar as such are increased by any artificial obstruction; and to ensure the proper floodproofing of structures subject to flooding. The purpose of the FH, Flood Hazard District is to provide that designated special flood hazard areas are developed only in the interest of the community's general health, safety, and welfare. The FH, Flood Hazard District is not for the purpose of encouraging development in areas of special flood hazard.
 - b. To further the interest of the community's general health, safety and welfare, any violation of this section shall be deemed to constitute a public nuisance.
 - c. This chapter is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this chapter and another ordinance, easement, covenant, or deed restriction conflict or overlap, whichever imposed the more stringent restrictions shall prevail.

- (c) *Definitions.* The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

100-year flood. (See *One-percent chance flood.*)

100-year floodplain means the land area that is inundated by floodwaters during a 100-year flood. See Special flood hazard area.

500-year flood means the flood having a 0.2-percent chance of being equaled or exceeded in any given year.

Accessory structure. See *Appurtenant structure.*

Appeal means a request for a review of the Floodplain Permit Committee's interpretation of any provision of this section, FH, Flood Hazard District.

Appurtenant structure means a structure which is on the same parcel of property as the principal structure to be insured and the use of which is incidental to the use of the principal structure.

Area of shallow flooding means a designated AO or AH zone on the City's flood insurance rate map (FIRM) with a one-percent chance or greater annual chance of flooding to an average depth of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

Base flood. (See *One-percent chance flood.*)

Base flood elevation (BFE) means the elevation in feet above mean sea level of the one-percent chance flood or sometimes referred to as the 100-year flood, the regulatory flood or the base flood.

Base level engineering (BLE) means a automated riverine hydrologic and hydraulic modeling approach that builds on lessons learned to produce a base line understanding of flood risk to communities, produced to support the assessment and maintenance of the national flood hazard inventory.

Basement means any area of the building having its floor subgrade (below ground level) on all sides.

Breakaway fence means a fence that is designed to allow the passage of water and debris without impeding the flow. The panels or components shall be hinged or attached by other approved means to the fence rails and/or posts to prevent the panels or components from coming apart and becoming floodwater debris.

Building construction means the erection, construction, or alteration of buildings; or the erection or construction of any additions to existing buildings where outer walls are added or altered as to location, but not including alterations or remodeling of buildings where said outer walls are not added or altered as to location.

Building envelope means an area of land within a buildable parcel or lot within which all site structures, buildings, other hardscape elements, and on-site waste disposal systems shall be contained, except driveways. The building envelope also includes any building overhangs, eaves, protruding architectural features (e.g., chimneys), and similar elements. Gardens and landscaping may be located outside building envelopes. Staff shall have discretion as to whether to include lateral lines associated with on-site septic systems within the building envelope depending on site topography.

Channel means the geographical area within the natural or artificial banks of a watercourse having a drainage area of 40 acres or more which is required to convey continuously or intermittently flowing water.

Compensatory storage means stormwater storage that is built to replace storage volume that is lost due to development encroaching into the floodplain.

Cumulative Cost is the sum of the cost of repairs, construction, rehabilitation, addition, or other improvement of a structure divided by the assessed market value of a structure at the time that a cost is incurred and is calculated over the immediate past 10-year period.

Development means any manmade change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation, drilling, or storage of equipment or materials.

Dike means a manmade structure, usually an earthen embankment, designed and constructed in accordance with sound engineering practices to contain, control, or divert the flow of water so as to provide protection from flooding. (See *Levee*.)

Elevation means the height above mean sea level based on the North American Vertical Datum of 1988 (NAVD 88). (See *Water surface elevation*.)

Environmentally sensitive areas means portions of a parcel that contain high-value wetlands, wildlife habitat, or other natural resources identified on applicable local, State, and federal maps or surveys.

Existing manufactured home park or subdivision means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured home is to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the applicable effective date of the current floodplain management regulations adopted by the City.

Expansion to an existing manufactured home park or subdivision means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured home is to be affixed, including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads.

Flow line means the lowest point of a channel cross-section. When the point for multiple cross-sections are plotted on a map they appear as a line depicting where the deepest part of the stream is located.

Fill means any natural or manmade material originating from offsite and/or onsite that is placed on the ground as a permanent alteration of the surface of the floodplain.

Flood or flooding means a general and temporary condition of partial or complete inundation of normally dry land areas from:

- (1) The overflow of inland waters.
- (2) The unusual and rapid accumulation or runoff of surface waters from any natural source.

Flood insurance rate map (FIRM) means an official map of the City, on which the Federal Emergency Management Agency has delineated both the areas of special flood hazard areas and the risk premium zones applicable to the community.

Flood insurance study means the official report provided by the Federal Emergency Management Agency. The report contains flood profiles, the water surface elevation of the base flood, as well as the flood boundary-floodway map.

Flood protection elevation means the elevation to which buildings and other uses regulated by this chapter are required to be elevated or floodproofed, including freeboard.

Flood protection system means those physical structural works for which funds have been authorized, appropriated, and expended and which have been constructed specifically to modify flooding in order to reduce the extent of the areas within the City subject to a special flood hazard and the extent of the depths of associated flooding. Such a system typically includes hurricane tidal barriers, dams, reservoirs, levees or dikes. These specialized flood-modifying works are those constructed in conformance with sound engineering standards.

Floodplain or floodprone areas means any land area susceptible to being inundated by water from any natural source. (See *Flooding*.)

Floodplain administrator means a person accredited by the State Water Resources Board and designated by a floodplain board, to administer and implement laws and regulations relating to the management of the floodplains.

Floodplain management means the operation of an overall program of corrective and preventive measures for reducing flood damage, including, but not limited to, emergency preparedness plans, flood control works and floodplain management regulations.

Floodplain management regulations means zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as a floodplain ordinance, grading ordinance and erosion control ordinance) and other applications of police power. The term "floodplain management regulations" describes such State or local regulations, in any combination thereof, which provide standards for the purpose of flood damage prevention and reduction.

Floodproofing means any combination of structural and non-structural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

Floodway (regulatory floodway) means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

Freeboard means a factor of safety usually expressed in feet above a flood level for the purposes of floodplain management. Compensates for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, bridge openings, and the hydrological effect of urbanization of the watershed.

Highest adjacent grade means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

Historic structure means any structure that is:

- (1) Listed individually in the National Register of Historic Places in Oklahoma

- maintained by the Oklahoma Historical Society or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- (2) Certified or preliminarily determined by the Secretary of the Interior contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
 - (3) Individually listed on a State inventory of historic places in States with historic preservation programs which have been approved by the Secretary of the Interior; or
 - (4) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
 - a. By an approved State program as determined by the Secretary of the Interior; or
 - b. Directly by the Secretary of the Interior in States without approved programs.

Levee means a manmade structure, usually an earthen embankment, designed and constructed in accordance with sound engineering practices to contain, control, or divert the flow of water so as to provide protection from flooding. (See *Dike*.)

Locate means to construct, place, insert or excavate.

Lowest floor means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood-resistant enclosure, usable solely for parking or vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of section 60.3 of the National Flood Insurance Program Regulations.

Manufactured home means a structure transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. For floodplain management purposes the term "manufactured home" also includes park trailers, travel trailers, recreational vehicles and other similar vehicles placed on a site for greater than 18 consecutive days unless it meets the definition of a recreational vehicle. For insurance purposes, the term "manufactured home" does not include park trailers, travel trailers, and other similar vehicles.

Manufactured home park or subdivision means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

Market Value means, for the purposes of determining substantial improvement, the value of a structure and any attached improvements. The assessed value of a structure, as determined by the Cleveland County Assessor, shall be presumed to be the market value unless evidence of an alternative valuation is presented to and accepted by the Floodplain Permit Committee. The Floodplain Permit Committee is ultimately responsible for determining the market value of a structure, although an appeal can be

made to the Board of Adjustment.

Maximum extent feasible means no prudent, practical, and feasible alternative exists, and all possible planning to minimize potential harm has been undertaken. Economic considerations may be taken into account but shall not be the overriding factor in determining maximum extent feasible.

Mean sea level means for the purposes of the National Flood Insurance Program, the North American Vertical Datum (NAVD) of 1988 or other datum, to which base flood elevations shown on the City's flood insurance rate map are referenced.

New construction means for the purpose of determining insurance rates, structures for which the start of construction commenced on or after the effective date of an initial FIRM or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures. For floodplain management purposes, the term "new construction" means structures for which the start of construction commenced on or after the effective date of the current floodplain management regulation adopted by the City and includes any subsequent improvements to such structures.

Nonconforming structure means any legally existing building which fails to comply with the provisions of this chapter.

New manufactured home park or subdivision means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of the current floodplain management regulations adopted by the City.

Obstruction means an artificial obstruction, such as any dam, wall, wharf, embankment, levee, dike, pike, abutment, excavation, channel rectification, bridge, conduit, culvert, building, structure, wire, fence, rock, gravel, refuse, fill, or other analogous structure or matter in, along, across, or projecting into any floodway which may impede, retard, change the direction of the flow of water, or increase the flooding height, either in itself or by catching or collecting debris carried by such water, or that is placed where the natural flow of the water would carry the same downstream to the damage or detriment of either life or property.

One-percent chance flood means the flood having a one-percent chance of being equaled or exceeded in any given year. (See *100-year flood*, *Base flood*, and *Regulatory flood*.)

Regulatory flood. (See *One-percent chance flood*.)

Regulatory floodway means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

Recreational vehicle means a vehicle which is:

- (1) Built on a single chassis;
- (2) 400 square feet or less when measured at the largest horizontal projections;
- (3) Designed to be self-propelled or permanently towable by a light-duty truck;
and
- (4) Designed primarily not for use as a permanent dwelling, but as temporary living quarters for recreational, camping, travel, or seasonal use.

Special flood hazard area means the area of land that is subject to flooding from a one-percent chance. Sometimes known as the 100-year floodplain, the regulatory floodplain. The area may be designated as Zone A on the flood hazard boundary map (FHBM). After detailed rate making has been completed in preparation for publication of the FIRM, Zone A usually is refined into Zones A, AE, AH, AO, or A1-99.

Start of construction means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

Stream bank means the point where the incised bed of a stream intersects the adjacent plain.

Structure means a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home.

Substantial damage means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

Substantial improvement means any combination of repairs, reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before start of construction of the improvement. This includes structures which have incurred substantial damage, regardless of the actual repair work performed. The cost used in the substantial improvement determination shall be the cumulative costs of all previous improvements for a specific building or structure during the immediate past 10-year period. The term "substantial improvement" does not, however, include either:

- (1) Any project for improvement of a structure to correct existing violations of

State or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary conditions; or

- (2) Any alteration of an historic structure, provided that the alteration will not preclude the structure's continued designation as an historic structure.

Variance means grant of relief by the City from the terms of a floodplain management regulation.

Violation means the failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in section 60.3(b)(5), (c)(10), or (d)(3), of the National Flood Insurance Program regulations is presumed to be in violation until such time as that documentation is provided.

Water surface elevation means the height, in relation to the North American Vertical Datum (NAVD) of 1988 (or other datum, where specified), of floods of various magnitudes and frequencies in the floodplains of riverine areas. (See *Elevation*.)

(d) *Identification, establishment and amendment of the district.*

- (1) *Flood hazard lands governed by this section.* The areas of special flood hazard identified by the Federal Emergency Management Agency in a scientific and engineering report entitled, "The Flood Insurance Study for Cleveland County, Oklahoma and Incorporated areas" dated January 15, 2021, as may be updated time to time by letters of map change adopted by City Council, with accompanying flood insurance rate maps (FIRM) are hereby adopted by reference and declared to be a part of this chapter. This flood insurance study, with its accompanying FIRM, also known as the official flood hazard district maps, are hereby adopted by reference and declared to be part of this chapter and may be amended or revised from time to time by the City Council according to procedures established by FEMA. The official flood hazard district maps shall be placed on file with the City Clerk and copies shall be maintained in the Planning and Community Development Department and the Public Works Department for public review.
- (2) *Establishment of FH, Flood Hazard District as an overlay.* The mapped special flood hazard areas shall be designated as the FH, Flood Hazard District. This district overlays other zoning districts and the regulations of the FH, Flood Hazard District apply in addition to the district regulations of the underlying district. Whenever a conflict in requirements results, the most stringent requirements shall apply.
- (3) *Amendments to the district boundaries, letter of map revision (LOMR).* The boundaries of the Flood Hazard District may be amended from time to time when more current or precise technical flood hazard information becomes available and approved by FEMA. Based upon the technical analysis approved by FEMA the City Council shall formally amend the zoning district boundaries consistent with a letter of map revision from FEMA.
- (4) The degree of flood protection required by this chapter is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. On rare occasions, greater floods can and will occur and flood

heights may be increased by manmade or material causes.

- (5) This chapter does not imply that land outside the special flood hazard areas or uses permitted within such areas will be free from flooding or flood damages. This chapter shall not create liability on the part of the community or any official or employee thereof for any flood damages that result from reliance on this chapter or any administrative decision lawfully made thereunder.

(e) *Land uses.*

- (1) *Uses allowed without a floodplain permit.* The uses listed below having a low flood-damage potential and posing little obstruction to flood flows, if allowed in the underlying district, shall be allowed, provided they do not require structures, fill or storage of materials or equipment. In addition, no use shall adversely affect the efficiency or restrict the capacity of the channels or floodways of any tributary to the main stream, drainage ditch, or any other drainage facility or system.

- a. Agricultural uses such as general farming, pasture, grazing, outdoor plant nurseries, horticulture, viticulture, truck farming, forestry, sod farming, and wild crop harvesting;
- b. Private and public recreational uses such as golf courses, bikeways, tennis courts, driving ranges, archery ranges, picnic grounds, boat launching ramps, swimming areas, parks, wildlife and nature preserves, game farms, fish hatcheries, shooting preserves, target ranges, trap and skeet ranges, hunting and fishing areas, hiking and horseback riding trails;
- c. Accessory residential uses such as lawns, gardens and play areas.

- (2) *General standards.* In all special flood hazard areas, the following provisions are required for all new construction and substantial improvements and a floodplain permit is required:

- a. Modification of the floodplain, including, but not limited to, excavating, filling, dredging, channelizing and paving may be permitted under the following circumstances. Any permit granted for the modification of the floodplain hereunder shall be limited to the minimum amount of modification necessary to achieve the permitted outcome. Permits for such modifications shall be required from the Floodplain Permit Committee as outlined in subsection (f) of this section and may require a letter of map revision (LOMR) from FEMA. An application for a LOMR will be forwarded to FEMA by the Floodplain Administrator upon approval of the Floodplain Permit Committee except, as provided in subsection (e)(2)r of this section:
 1. The proposed modification is being done for the purpose of elevating individual residential and nonresidential structures, including driveways providing access to those structures;
 2. The proposed modification is for the purpose of constructing ponds less than five acres associated with farming and ranching activity;
 3. The proposed modification is part of a river or stream bank stabilization or reinforcement project;

4. The proposed modification is required to construct or repair public roads or bridges; or
 5. The proposed modification is proposed as part of a redevelopment or reclamation project outlined in section (e)(2)q of this section;
- b. All new construction or substantial improvements shall be designed (or modified) and adequately anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;
 - c. Any new construction or substantial improvement which would individually or when combined with all other existing and anticipated development expose additional upstream, downstream or adjacent properties to adverse flood effects that would otherwise not be exposed to such effects due to the regulatory flood shall not be permitted;
 - d. Any new construction or substantial improvement which would increase velocities or volumes of floodwaters to the extent that significant erosion of floodplain soils would occur either on the subject property or on some other property either upstream or downstream shall not be permitted;
 - e. Compensatory storage must be provided within the general location of any storage that is displaced by fill or other development activity and must serve the equivalent hydrologic function as the portion which is displaced with respect to the area and elevation of the floodplain;
 - f. All new construction, substantial improvements, or other development (including fill) shall not be permitted within the floodplain area, unless it is demonstrated that the effect of the proposed development will not increase the water surface elevation of the base flood by more than five hundredths (0.05) of a foot on any adjacent property;
 - g. Fill shall be protected against erosion and sedimentation by such measures as rip-rap, vegetative cover, bulkheading, or sedimentation basins as approved by the City Engineer;
 - h. All new construction or substantial improvements shall be constructed by methods and practices that minimize flood damage;
 - i. All new construction or substantial improvements shall be constructed with materials resistant to flood damage;
 - j. All new construction or substantial improvements shall be constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding. All public utilities and facilities shall be constructed so as to minimize flood damage;
 - k. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system;
 - l. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the system and discharge from the systems into floodwaters;

- m. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding;
 - n. The storage or processing of materials that are in time of flooding buoyant, flammable, explosive, or could be injurious to human, animal or plant life is prohibited except, as provided in subsection (e) (4) of this section.
 - o. Storage of material or equipment may be allowed if not subject to major damage by floods and firmly anchored to prevent flotation or if readily removable from the area within the time available after the issuance of flood warning by the National Weather Service.
 - p. Recreational vehicles placed on sites within Zones AE on the community's FIRM either:
 1. Be on the site for fewer than 180 consecutive days;
 2. Be fully licensed and ready for highway use; or
 3. Meet the permit requirements of subsection (e)(2)a of this section and the elevation and anchoring requirements for manufactured homes in subsection (e)(3)a of this section.
 - q. *Redevelopment or reclamation projects.* Projects that propose to reduce flood hazards through the removal of existing non-compliant development and which provide beneficial improvements to the function of the floodplain, including increased storage capacity, reduced velocities and erosion, restored natural functions of the floodplain, and improved discharge efficiency, through appropriate modifications to the existing character and topography of the floodplain.
 - r. The following floodplain modifications approved by the Floodplain Permit Committee shall also require approval by the City Council. A project report and the recommendations of the Floodplain Permit Committee's conditional approval will be provided to City Council at the time of Council's consideration of approval of such a floodplain permit. For projects that require platting, this information will be presented at the time Council considers the preliminary plat. For projects that do not require platting, the report will be made to Council prior to issuance of the floodplain permit.
 1. A modification of the floodplain that results in a change of ten percent or more in the width of the floodplain.
 2. The construction of a pond with a water surface area of five acres or more.
 3. Any modifications of the stream banks or flow line within the area that would be regulatory floodway, unless the work is being done by the City staff as part of a routine maintenance activity.
 4. Any redevelopment or reclamation project, as provided for in section (e)(2)q of this section.
- (3) *Specific standards that require floodplain permits (A, AE, AH, AO Zones).*
 Uses requiring a floodplain permit involving structures, fill, excavation, mining, or storage of materials or equipment may be permitted only upon

issuance of a special permit, as provided in subsection (f) of this section. Floodplain permit uses shall consist of any of the following uses which are permitted in the underlying district:

a. Residential structures.

1. Residential structures, including both site-built and manufactured homes, shall be constructed on fill so that the lowest floor including basement, ductwork, mechanical and electrical equipment including furnaces, water heaters, and air conditioners, etc. is at least two (2) feet above the base flood elevation. The fill shall be at a level no lower than one (1) foot above the base flood elevation for the particular area and shall extend at such elevation at least fifteen feet (15') beyond the limits of any structure or building erected including any attendant utility and sanitary facilities.
2. All manufactured homes to be placed within Zone A shall be installed using methods and practices which minimize flood damage. For the purpose of this requirement, manufactured homes must be elevated and anchored to resist flotation, collapse or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. Manufactured homes are to be placed or substantially improved on a permanent foundation such that the lowest floor including ductwork, mechanical and electrical equipment including furnaces, water heaters, and air conditioners, etc. of the manufactured home is elevated at least two feet above the base flood elevation for the particular area in which the home is to be located. In the A-2, Rural Agricultural District, each dwelling unit or manufactured home must be located on a lot containing at least ten acres, or a legal lot filed of record prior to February 25, 1997. In the Ten Mile Flat Conservation Area as described in NCC 36-512, for property within the A-2, Rural Agricultural District, as amended, each dwelling unit or manufactured home must be located on a lot containing at least 20 acres, or a legal lot filed of record prior to December 16, 2004.

b. A floodplain permit may be issued for the reconstruction, rehabilitation or restoration of historic structures.

- c. Nonresidential construction. New construction and substantial improvement of any commercial, industrial or other nonresidential structures shall be constructed on fill as in subsection (e)(3)a of this section, including any attendant utility and sanitary facilities, shall be designed so that the lowest floor including basement, ductwork, mechanical and electrical equipment including furnaces, water heaters, and air conditioners ect. is elevated at least two feet above base flood elevation and the fill shall be at a level no lower than one foot above the base flood elevation for the particular area and shall extend at such elevation at least 15 feet beyond the limits of any

- structure or building erected thereon. A registered professional engineer shall submit a certification to the Director of Public Works that the standards of this chapter, as proposed in subsection (e)(1) and (2) of this section, are satisfied.
- d. Agricultural buildings. New agricultural buildings not intended for human occupancy may be granted a variance by the Floodplain Permit Committee to the requirements of subsection (e)(3)c of this section, requiring fill and a finished floor elevated two feet above base flood elevation, provided that there is no off-site adverse impact on abutting properties, all utility services are floodproofed, and the requested variance is reasonably related to the principal agricultural use of the property.
 - e. Enclosures. New construction and substantial improvements, with fully enclosed areas below the lowest floor that are solely used for parking of vehicles, building access, or storage in an area other than a basement that are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or meet or exceed the following minimum criteria:
 - 1. A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided;
 - 2. The bottoms of all openings shall be no higher than one foot above grade;
 - 3. Openings may be equipped with screens, louvers, valves, or other coverings or devices, provided that they permit the automatic entry and exit of floodwaters.
 - f. Alteration, addition, or repair to a nonconforming structure.
 - g. Extraction of sand, gravel and other materials.
 - h. Stables and riding academies.
 - i. Industrial/commercial uses such as loading areas, parking areas, airport landing strips.
 - j. All new fences or replacement of existing fences in the SFHA require a floodplain permit. Approved fences shall be designed and installed to be breakaway or in some other manner so that flows will not be impeded.
- (4) *Special requirements for drilling oil and gas wells in a special flood hazard area (SFHA).*
- a. Base flood elevation determination. For areas designated as zone AE the flood insurance rate map (FIRM) base flood elevations (BFE) are provided and usually a floodway is mapped. For areas designated as zone A on the FIRM only a floodplain boundary is provided, and the applicant must provide a BFE based on an acceptable method of determination.
 - b. Floodways. If the drilling site is in the floodway portion of the

- floodplain, the developer (i.e., petroleum company) will have to demonstrate through an engineering study that there will be no increase in flood stages during the discharge of the one-percent chance caused by the development. No reserve pits will be allowed within the floodway, as Stated in the City Oil and Gas Ordinance.
- c. Buildings and other structures. Any buildings and other structures (including fuel storage tanks) in the floodplain will either have to be elevated to or above the BFE or floodproofed (made watertight) to that elevation. Any electrical and mechanical equipment must be elevated or floodproofed to the BFE. Any storage tanks and any equipment at the site that could be damaged by floodwaters will have to be elevated above the BFE or made watertight and anchored to resist floatation, collapse and lateral movement. A registered engineer will have to certify the design of the floodproofing measures. As this is nonresidential construction, the drill site and road to the well does not need to be elevated. The drilling operation shall comply with all other local, State and federal requirements prior to issuance of a floodplain development permit. All new or replacement flowlines, pipelines, etc., that will cross rivers, streams, creeks, and channels, shall be bored to be below the bed. The depth below the bed shall be a minimum of ten feet. The pipe used for the crossing shall be one pipe grade higher, or have a wall thickness twice the thickness of the standard pipe used for the flowline, pipeline, etc. If the flowline, pipeline, etc. becomes exposed, the crossing must be rebored. The ground surface shall not be disturbed within 50 feet of the river, stream, creek, or channel banks.

(5) *Prohibited uses.*

- a. Manufactured home parks shall not be constructed in any areas of the FH, Flood Hazard District;
- b. Any encroachments, including fill, new construction, substantial improvements, and other development, within any floodway of the designated FH, Flood Hazard District that would result in any increase in flood levels during the occurrence of the one-percent chance flood are prohibited.

(6) *Standards for subdivision proposals.*

- a. All subdivision proposals shall be consistent with subsection (e)(2) of this section;
- b. All proposals for the development of subdivisions shall meet all applicable permitting requirements of this chapter;
- c. Base flood elevation data shall be generated for any subdivision proposals and other proposed land development activity, if not otherwise provided pursuant to subsections (a) and (b) of this section;
- d. All subdivision proposals shall have adequate drainage provided to reduce exposure to flood hazards;
- e. All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize or eliminate infiltration or flood damage;

f. Whenever possible, a proposed subdivision which contains some land within the floodplain shall be developed using the planned unit development process, so that dwelling units could be located out of the floodplain and such areas left undeveloped or without residential structures.

(7) *Floodways*. Located within special flood hazard areas established in subsection (e)(1) of this section are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of floodwaters which carry debris, potential projectiles and erosion potential, encroachments are prohibited, including fill, new construction, substantial improvements and other development unless certification by a professional registered engineer is provided demonstrating that encroachments shall not result in any increase in flood levels within the community during the occurrence of the base flood discharge.

(8) *Special floodplain and building construction regulations applicable to Little River and its mapped tributaries*.

a. *Applicability*. The provisions of this subsection (e)(8) shall apply to all construction on all properties located within the floodplain of the Little River and its tributaries within the boundaries of the City as depicted on FEMA Map Panels 40027C0170J (January 15, 2021), 40027C0190K (January 15, 2021), 40027C0191J (February 20, 2013), 40027C0195J (February 20, 2013), 40027C0210H (September 26, 2008), 40027C0215H (September 26, 2008), 40027C0220H (September 26, 2008), 40027C0230H (September 26, 2008), 40027C0240H (September 26, 2008), 40027C0245H (September 26, 2008), 40027C0260J (January 15, 2021), 40027C0280H (September 26, 2008), 40027C0285H (September 26, 2008), 40027C0290H (September 26, 2008), 40027C0305H (September 26, 2008), 40027C0310H (September 26, 2008), 40027C0315H (September 26, 2008), 40027C0320H (September 26, 2008), 40027C0330H (September 26, 2008), 40027C0335H (September 26, 2008), 40027C0340H (September 26, 2008), and 40027C0345H (September 26, 2008), and shall supersede any conflicting regulations contained in this section.

b. *Building construction within floodplain prohibited*. No building construction shall be allowed within the floodplain of the Little River and its tributaries except, as provided in this subsection (e)(8).

c. *Parcels and lots located partially within the floodplain-transfer of permitted development density*. Any development resulting in the construction of buildings or other structures on a parcel partially located in the floodplain, shall be located wholly in upland areas of the parcel outside the floodplain. This procedure will not result in a change to the density permitted in underlying zoning district. Examples A and B of this procedure are located in the appendix at the end of this section.

d. *Reduction in minimum lot size*. To accommodate transfers of permissible residential density, as provided above, the minimum lot

- size in land zoned A-2, Rural Agricultural District, subject to this subsection (e)(8) may be reduced from ten acres to a minimum of two acres. The process that allows this transfer is through the City rural certificate of survey to ensure that proper restrictions are put in place at the time of development.
- e. Lot configuration and building envelopes. To the maximum extent feasible, lots subject to this subsection (e)(8) shall be configured so that they lie entirely out of the floodplain with any remainder parcel being preserved, as provided in subsection (e)(8)g of this section. As an alternative, lots may be configured so that portions are located within the floodplain. However, building envelopes of such lots shall be delineated to lie to the maximum extent feasible outside the floodplain. All building permits with building envelopes partially within the floodplain shall be subject to approval of the Floodplain Permit Committee in keeping with the purpose of this subsection (e)(8). If no other option for access is practicable, driveways may be located within the floodplain.
 - f. Exception for parcels and lots located entirely within the floodplain and/or lacking sufficient upland building area. For any legal parcel or lot existing as of the date of the ordinance from which this amendment is derived (November 16, 2004) that is located entirely within the floodplain and/or lacks sufficient upland building area to transfer allowable density, as required by this section, development may be allowed in the floodplain subject to the following requirements:
 - 1. Residential structures shall be constructed on fill so that the lowest floor (including the basement) is at least two feet above the base flood elevation. The fill shall be at a level no lower than one foot above the base flood elevation for the particular area and shall extend at such elevation at least 15 feet, beyond the limits of any structure or building erected thereon;
 - 2. The area required for any building envelope for permissible principal and accessory buildings and on-site waste disposal systems shall be minimized to the maximum extent feasible and shall be located as far as possible from the Little River or tributary channel and environmentally sensitive areas on the lot. All building envelopes and the location and extent of on-site waste disposal systems shall be subject to approval of the Floodplain Permit Committee in keeping with the purposes of this subsection (e)(8).
 - g. Floodplain land conservation. Any portion of a parcel or lot located in a floodplain and not part of an approved building envelope shall be permanently protected from development as private or public open space through a mechanism acceptable to and approved by the City. Such mechanism may include, but is not limited to, a conservation easement, permanent deed restriction, or transfer to a non-profit conservation organization or government entity.

(f) *Floodplain permit administration.*

- (1) The Director of Public Works is hereby appointed the Floodplain Administrator to administer and implement the provisions of this chapter and other appropriate sections of 44 CFR (National Flood Insurance Program Regulations) pertaining to floodplain management. Floodplain permits are required for uses which must receive special attention to prevent obstruction of floodways, threats to other lands from floating debris, and substantial damage to the uses themselves.
- (2) Uses listed above requiring a floodplain permit may be allowed only upon issuance of a special permit by a super majority vote of five or more of the Floodplain Permit Committee composed of the Director of Planning and Community Development, the Director of Public Works, City Engineer, the Subdivision Development Manager, the Planning Services Manager and two citizens appointed by the Mayor with advice and consent of the Council. The citizen members of the Floodplain Permit Committee shall serve staggered three-year terms. All members shall have successfully completed the basic floodplain training offered by the State Water Resource Board or equivalent training or education, and at least one member shall be a Certified Floodplain Manager. The Floodplain Permit Committee shall meet on an as-needed basis the first and third Monday of each month and shall post public notice accordingly. Floodplain permit application forms shall be furnished by the Department of Public Works. Upon receiving an application for the special permit involving the use of fill, construction of structures, or storage of materials, the Committee shall, prior to rendering a decision thereon, obtain and study essential information and request technical advice as appropriate. Such information and technical advice becomes a part of the application and is retained with the application.
- (3) The Committee may require the applicant to furnish any or all of the following information as it deems necessary for determining the suitability of the particular site for the proposed use, and the information becomes a part of the application and is retained with the application:
 - a. The following information will be required on every application submitted to the Floodplain Permit Committee:
 1. Plans drawn to scale showing the nature, location, dimensions, and elevation of the lot, existing or proposed structures, fill, storage of materials, floodproofing measures, and the relationship of the above to the location of the channel, floodway, and the flood protection elevation.
 2. A typical cross-section or more if required by the Floodplain Permit Committee showing the channel of the stream, elevation of land areas adjoining each side of the channel, cross-sectional areas to be occupied by the proposed development, and high water information.
 3. Plans (plan view) showing elevations or contours of the ground; pertinent structure, fill, or storage elevations; size, location, and spatial arrangement of all proposed and existing structures on the site; location and elevations of streets, water

supply, sanitary facilities; photographs showing existing land uses and vegetation upstream and downstream, soil types, and other pertinent information.

4. A profile showing the slope of the bottom of the channel or flow line of the stream.
 5. Elevation (in relation to mean sea level) of the floodplain and lowest floor (including basement) of all new construction and substantially improved structures.
 6. Description of the extent to which any watercourse or natural drainage will be altered or relocated as a result of proposed development.
 7. A certified list of names and addresses of all record property owners within a 350-foot-radius of the exterior boundary of the subject property not to exceed 100 feet laterally from the special flood hazard area. The radius to be extended by increments of 100 linear feet until the list of property owners includes not less than 15 individual property owners of separate parcels or until a maximum radius of 1,000 feet has been reached. A certified list of names and addresses of all record property owners within a 350-foot-radius of the exterior boundary of the subject property not to exceed 100 feet laterally from the special flood hazard area. The radius to be extended by increments of 100 linear feet until the list of property owners includes not less than 15 individual property owners of separate parcels or until a maximum radius of 1,000 feet has been reached. Public notification shall be provided in writing prior to the date of the Floodplain Permit Committee meeting to review the application and shall include the date, time and place of the meeting.
 8. For proposed development within any flood hazard area (except for those areas designated as regulatory floodways), certification that a rise of no more than five hundredths of a foot (0.05) will occur on any adjacent property in the base flood elevation as a result of the proposed work. For proposed development within a designated regulatory floodway, certification of no increase in flood levels within the community during the occurrence of the base flood discharge as a result of the proposed work. All certifications shall be signed and sealed by a registered professional engineer licensed to practice in the State.
- b. The following information may be required by the Floodplain Permit Committee if the committee believes that the information will improve the quality of the decision for the application:
1. Specifications for building construction and materials, floodproofing, filling, dredging, grading, channel improvement, storage of materials, water supply, and sanitary facilities.

2. Such other pertinent information as may be required to analyze the specific situation.
 3. Elevation in relation to mean sea level to which any nonresidential structure shall be floodproofed.
 4. A certificate from a registered professional engineer or architect that the nonresidential floodproofed structure shall meet the floodproofing criteria of this chapter.
- (4) *Expert technical assistance.* The Floodplain Permit Committee may transmit one copy of the information described in subsection (e)(1) of this section to a designated independent engineer or other expert person or agency for technical assistance, where necessary, in evaluating the proposed project in relation to flood heights and velocities, the seriousness of flood damage to the use; the adequacy of the plans for protection; and other technical matters, with any attendant costs to be assumed by the applicant. Based upon review of the technical information available, the Committee shall determine the specific flood hazard at the site, evaluate the suitability of the proposed use in relation to the flood hazard, and issue the requested floodplain permit or advise the applicant that his request was not approved. The Floodplain Permit Committee shall also be responsible for the following:
- a. Where interpretation is needed as to the exact location of the boundaries of the special flood hazard areas (for example, where there appears to be a conflict between a mapped boundary and actual field conditions) the Floodplain Permit Committee shall make the necessary interpretation.
 - b. The Floodplain Permit Committee shall ensure that the flood carrying capacity within the altered or relocated portion of any watercourse is maintained.
 - c. In A Zones, in the absence of FEMA BFE data and floodway data, the Floodplain Permit Committee shall obtain, review, and reasonably utilize other BFE, BFL, and floodway data as a basis for elevating residential structures above the base flood level, and for floodproofing or elevating nonresidential structures above the base flood level.
 - d. Where BFE data are utilized in Zone A, obtain and maintain records of the lowest floor and floodproofing elevations for new and substantially improved construction.
 - e. When a regulatory floodway has not been designated, the Floodplain Permit Committee shall not permit any new construction, substantial improvements, or other development (including fill) within Zones A, A1-30 and AE on the community's FIRM, unless it is demonstrated by the applicant that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than five hundredths of a foot (0.05) on any adjacent property.
- (5) *Approval or denial.* Approval or denial of a floodplain permit request, as required by subsection (e)(4)a and b of this section, by the Floodplain Permit Committee shall be based on all of the provisions of this chapter and the

following relevant factors:

- a. The danger to life and property due to flooding or erosion damage;
 - b. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
 - c. The danger that materials may be swept onto other lands to the injury of others;
 - d. The compatibility of the proposed use with existing and anticipated development;
 - e. The safety of access to the property in times of flood for ordinary and emergency vehicles;
 - f. The costs of providing governmental services during and after flood conditions including maintenance and repair of streets and bridges, and public utilities and facilities such as sewer, gas, electrical and water systems;
 - g. The expected heights, velocity, duration, rate of rise and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site;
 - h. The necessity to the facility of a waterfront location, where applicable;
 - i. The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;
 - j. The relationship of the proposed use to the City's adopted [Comprehensive Plan, including the Land Use Plan](#), for that area.
- (6) *Conditions attached to floodplain permits.* Upon consideration of the factors of the specific floodplain permit use and the purposes of this chapter, the Floodplain Permit Committee may attach such conditions to the granting of such permits as it deems necessary to further the purposes of this chapter. Among such conditions without limitation because of specific enumeration may be included:
- a. Modification of waste disposal and water supply facilities.
 - b. Limitations on periods of use and operation.
 - c. Imposition of operational controls, sureties, and deed restrictions.
 - d. Requirements for construction of channel modifications, dikes, levees, and other protective measures.
 - e. Floodproofing measures such as the following shall be designed consistent with the flood protection elevation for the particular area, flood velocities, durations, rate of rise, hydrostatic and hydrodynamic forces, and other factors associated with the base flood. The following floodproofing measures, among others, may be required:
 1. Anchorage to resist flotation and lateral movement;
 2. Installation of watertight doors, bulkheads, and shutters, or similar methods of construction;
 3. Reinforcement of walls to resist water pressures;
 4. Use of paints, membranes, or mortars to reduce seepage of water through walls;
 5. Addition of mass or weight to structures to resist flotation;
 6. Installation of pumps to lower water levels in structures;
 7. Construction of water supply and waste-treatment systems so

as to prevent the entrance of floodwaters;

8. Installation of pumping facilities or comparable practices for subsurface drainage systems for buildings to relieve external foundation wall and basement flood pressures;
9. Construction to resist rupture or collapse caused by water pressure or floating debris;
10. Installation of valves or controls on sanitary and storm drains which will permit the drains to be closed to prevent back-up of sewage and stormwaters into the buildings or structures. Gravity draining of basements may be eliminated by mechanical devices;
11. Location of all electrical equipment, circuits, and installed electrical appliances in a manner which will ensure they are not subject to flooding and to provide protection from inundation by the regulatory flood;
12. Location of any structural storage facilities for chemicals, explosives, buoyant materials, flammable liquids, or other toxic materials which could be hazardous to public health, safety, and welfare in a manner which will ensure that the facilities are situated at elevations above the height associated with the base flood elevation or are adequately floodproofed to prevent flotation of storage containers, or damage to storage containers which could result in the escape of toxic materials into floodwaters.

f. Requirements for reclamation actions following extraction operations.

g. All floodplain permits shall expire two years after approval by the Floodplain Permit Committee.

(7) *Appeals*. Appeals from any decision of the Floodplain Permit Committee may be taken by any person or persons, jointly or severally, aggrieved by any decision of the Committee, to the Board of Adjustment. The Board of Adjustment shall consider the appeal at a regular or special meeting as soon as practicable and make its decision on the suitability of the proposed use in relation to the flood hazard. Any persons aggrieved by the decision of the Board of Adjustment may appeal such decision to a court of competent jurisdiction. At least two members of the Board of Adjustment shall have successfully completed the eight-hour basic floodplain training offered by the State Water Resource Board or equivalent training or education.

(8) *Variances*. After proper application, a variance may be granted by the Board of Adjustment:

- a. New construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood elevation, providing the relevant factors in subsection (e)(3) of this section have been fully considered. As the lot size increases beyond the one-half acre, the technical justification required for issuing the variance increases.

- b. Reconstruction, rehabilitation, repair, or restoration of historic structures upon the determination that the proposed work shall not preclude the structure's continued designation as a historic structure and the exception is the minimum necessary to preserve the historic character and design of the structure.
- c. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.
- d. Prerequisites for granting variances:
 - 1. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
 - 2. Variances shall only be issued upon:
 - i. Showing a good and sufficient cause;
 - ii. A determination that failure to grant the variance would result in exceptional hardship to the applicant; and
 - iii. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.
 - 3. Any applicant that is issued a variance shall be given written notice that the cost of flood insurance will be commensurate with the increased risk resulting from the lowest floor elevation below the base flood elevation.

(9) *Implementation.* The Director of Public Works will administer and implement the provisions of this article and will:

- a. Maintain and hold open for public inspection all records pertaining to the provisions of this chapter, and shall report any actions involving appeals, Floodplain Permit Committee decisions, or other activities covered by this chapter to the Federal Emergency Management Agency upon request.
- b. Review permits for proposed development to ensure that all necessary permits have been obtained from those federal, State or local governmental agencies from which prior approval is required.
- c. Cause all construction activity permitted under the provisions of this Code to be inspected for compliance with the provisions of this Code and the design as approved.
- d. Notify adjacent property owners and the State Water Resources Board prior to any alteration or relocation of a watercourse and submit evidence of such notification to FEMA.

(10) *Special floodplain and development regulations applicable to Little River and its mapped tributaries.* Parcels and lots located partially within the floodplain-transfer of permitted development density.

- a. Example A: Smith owns a ten-acre lot adjacent to the Little River.

The underlying A-2, Rural Agricultural zoning allows one unit per ten acres. Seven acres of the parcel lie in the floodplain, and three acres on an upland portion outside the mapped floodplain. Smith would still be allowed to build on the lot, but it would have to be sited on the three acres outside the floodplain. Any septic system would also be located outside the floodplain to the maximum extent feasible.

- b. Example B: Farmer Brown owns a 40-acre parcel that could be divided into four ten-acre building sites under the applicable A-2 zoning. 30 acres of the parcel are located in the floodplain, and ten acres are outside. To subdivide the parcel, Brown would be required to cluster the building site (to a maximum of four lots) on the ten acres outside the floodplain. Each of the lots could be reduced in size to two acres, as provided below. As an alternative, up to four ten-acre lots could be created, all having some portion in the floodplain. However, Brown would work with staff to identify building envelopes located outside the floodplain within each lot.
- (11) *Compliance.* No structure or land shall hereafter be located, altered, or have its use changed without full compliance with the terms of this chapter and other applicable regulations.
- (12) *Interpretation.* In the interpretation and application of this chapter, all provisions shall be:
- a. Considered as minimum requirements;
 - b. Liberally construed in favor of the governing body; and
 - c. Deemed neither to limit nor repeal any other powers granted under State statutes.
- (13) *Boundary interpretation.* Where the district boundaries are indicated by elevation; the elevation at a particular point shall be determined and that point shall be the district boundary. The exact boundary of the floodplain shall be determined by elevation.
- (14) *Enforcement of violations.* The Planning and Community Development Department is authorized to issue citations as set forth below:
- a. Each day during which a violation exists shall constitute a separate offense.
 - b. For each offense cited, a penalty of not less than \$50.00 nor more than \$750.00 shall be assessed to:
 - 1. The owners of record; and/or
 - 2. Any person employed in connection therewith and who may have assisted in the commission of such violation.
 - i. In addition to the penalties provided in NCC 1-114, the City may institute appropriate actions or proceedings at law or equity for the enforcement of the provisions of this article or to correct the violations thereof. The conviction and punishment of any person hereunder shall not relieve such person from the responsibility to correct prohibited buildings, structures, obstructions, or improvements, nor prevent the enforcement, correction, or removal thereof.

- ii. The legally recorded owner of any property located in a special flood hazard area onto which fill material of any nature has been applied, with or without his knowledge and in violation of the provisions of this article, shall immediately, and at his expense, remove all such material upon written request to do so by the Director of Public Works. Upon failure of the property owner to complete this work in a timely manner, the City Council may order the work to be completed and expenses charged to the property owner or levied against the property.
- iii. Any and all apprehended persons depositing fill material of any nature in violation of this article shall be prosecuted to the fullest extent of the law.

(15) *Restriction of wastewater treatment facility service area.*

- a. There shall be no new development permitted within the special flood hazard, as defined on the latest publication of the National Flood Insurance Program's flood insurance rate map, which would generate wastewater to be transported to the City Wastewater Treatment Facilities. This restriction does not apply to any development, which in the opinion of the Floodplain Permit Committee by its nature must be located on or adjacent to water.
- b. A waiver of service area restrictions may be considered by the Floodplain Permit Committee upon written request by the applicant. Upon review of the request to waive the service area restriction, the Floodplain Permit Committee may submit, if it concurs with the waiver request, a formal application for a waiver to the Regional EPA Administrator. The Regional Administrator, after considering the Floodplain Permit Committee's application and all other relevant information on a proposed development's effects on the natural functions and values of the affected floodplain, may waive the service area restriction in individual cases.

(16) *Emergency authority.* The Floodplain Administrator shall have the emergency authority during times of flooding to approve any temporary measure that he, in his sole professional judgment, determines is necessary to protect life, property and/or the community from the eminent threat of any associated flood hazards. Upon cessation of the flooding event and at the earliest possible time, any approved temporary measure meeting the definition of the floodplain development and subject to this chapter shall be removed or shall be subject to review by the Floodplain Permit Committee under the requirement of this chapter for approval or disapproval as a permanent floodplain development.

(Ord. No. O-7475-48, 7-8-1975; Ord. No. O-7778-28, 5-2-1978; Ord. No. O-7778-34, 5-9-1978; Ord. No. O-7778-71, 6-27-1978; Ord. No. O-8081-25, 1-6-1981; Ord. No. O-8586-81, 6-3-1986; Ord. No. O-8687-57, 4-28-1987; Ord. No. O-8889-34, 2-28-1989; Ord. No. O-9697-38, 3-11-1997; Ord. No. O-0203-52, 6-24-2003; Ord. No. O-0405-22, 11-16-2004; Ord.

No. O-0405-23, 11-16-2004; Ord. No. O-0607-39, 5-22-2007; Ord. No. O-0607-55, 6-12-2007; Ord. No. O-0809-3, 8-12-2008; Ord. No. O-1213-25, 1-8-2013; Ord. No. O-1617-34, 5-23-2017; Ord. No. O-1617-38, 6-26-2017; Ord. No. O-2122-25, 1-18-2021; Ord. No. O-2223-1)

SECTION 15: AMENDMENT “36-538 Northern Community Separator Overlay District” of the City of Norman Municipal Code is hereby *amended* as follows:

AMENDMENT

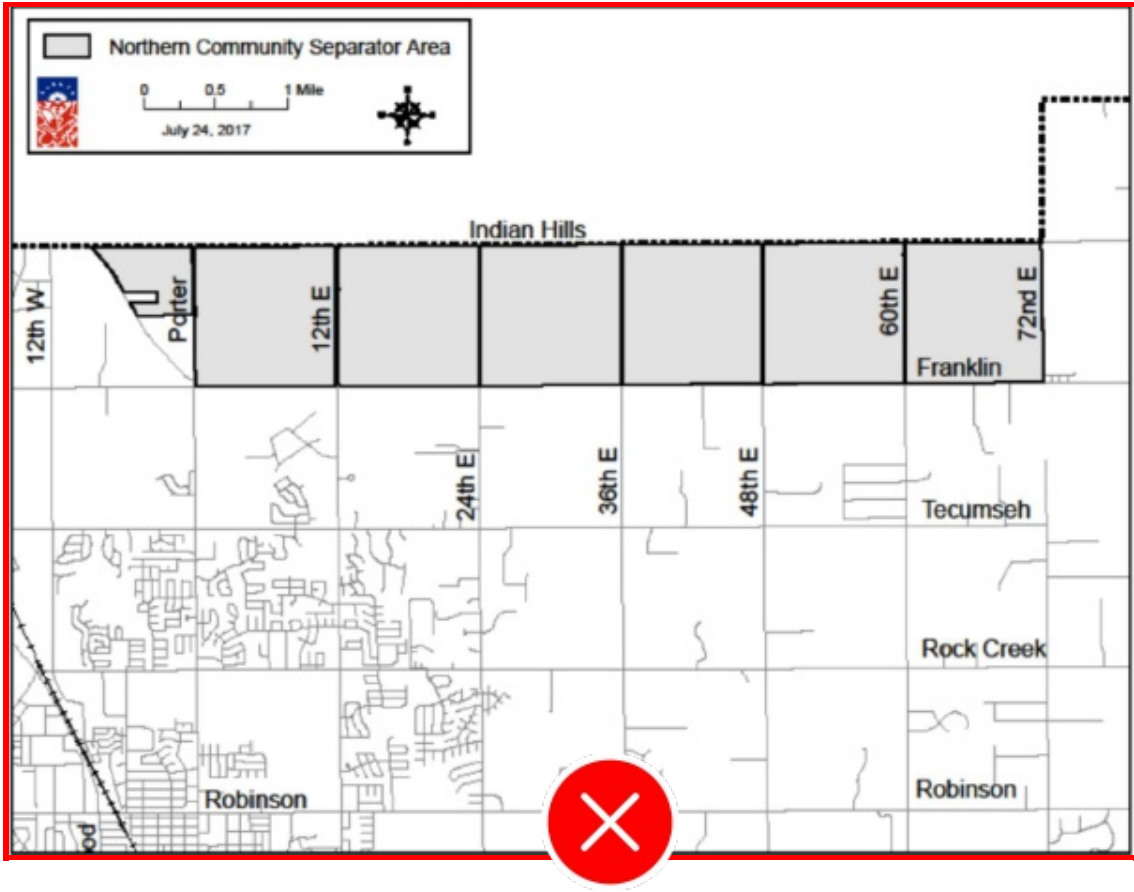
36-538 Northern Community Separator Overlay District

- (a) *Purpose.* ~~It is the purpose of this chapter to:~~
 - (1) ~~Implement the Comprehensive Plan; Provide a visual separation and buffer between the City of Norman and the City of Oklahoma City and unincorporated Cleveland County;~~
 - (2) ~~Maintain a rural, open space character in the area; and~~
 - (3) ~~To protect the Little River watershed.~~
- (b) *Identification and establishment of district.* ~~The Northern Community Separator District is hereby created within the City as depicted on the Northern Community Separator District Map, dated November 16, 2004, and attached hereto. The Northern Community Separator District includes lands lying between the City of Norman and the City of Oklahoma City and portions of unincorporated Cleveland County. It is situated between Broadway Avenue and 72nd Avenue NE, extending north of Franklin Road to Indian Hill Road. Currently, the area is generally undeveloped or in agricultural use, with some very low-density residential development. The area is designated Country Residential and Floodplain in the Comprehensive Plan. Because of its unusual physical and visual sensitivity, it is also designated as a Special Planning Area in the plan.~~
- (c) *Applicability.* ~~The provisions of this NCC 36-536 shall apply to all properties and all development located within the Northern Community Separator District within the boundaries of the City. The use and area regulations of the underlying A-2, Rural Agricultural District (NCC 36-512) shall continue to apply as relevant to all properties except to the extent they conflict with the provisions of this NCC 36-536.~~
- (d) *Pareels and lots located partially or wholly within floodplain.* ~~Transfer of Permitted Development Density. Any parcel or lot within the Northern Community Separator District, a portion of which is located wholly or partially within the floodplain of the Little River or its tributaries shall comply with the transfer of density and other requirements provided in NCC 36-533(d)(8) of the flood hazard district.~~
- (e) *Building setbacks from Indian Hill Road.*
 - (1) *Minimum setbacks.* ~~All buildings or structures shall set back a minimum distance of 400 feet from the center line of Indian Hill Road. No development shall be allowed in this setback area except, as provided in this NCC 36-536. This setback area shall be subject to a platted building line or other protective mechanism in a form acceptable to the City to ensure that it remains undeveloped.~~
 - (2) *Existing structures.* ~~Existing legally conforming structures or buildings within the 400-~~

foot setback may be expanded a total of 1,000 square feet or 25 percent in square footage, whichever is larger, notwithstanding any noncompliance with the provisions of this section:

- (3) *Administrative adjustments.* In cases in which the physical dimensions or configuration of a legal lot filed of record as of the date of this chapter (November 16, 2004) prevent compliance with the provisions of this section, or the application of the requirements of this section in combination with application with other regulations contained in NCC 36-533, FH, Flood Hazard District or other provisions of NCC ch. 36 may result in intrusion into the floodplain or other sensitive natural areas, the Director of Planning and Community Development shall have the authority to modify the setback requirements of this section by up to 20 percent.
- (f) *Access/driveway location standards.* For the purpose of reducing proliferation of visually intrusive driveways or access roads in the Indian Hill Road building setback area required above, to the maximum extent practicable, access to lots and parcels in the district shall be from roads running north and south (including Broadway, Porter Avenue, 12th Avenue NE, 24th Avenue NE, 36th Avenue NE, 48th Avenue NE, 60th Avenue NE, 72nd Avenue NE, and any north-south public road constructed in the future), not Indian Hill Road. Where access from Indian Hill Road is the only practicable alternative, common driveways shall be used to serve multiple lots. To facilitate the use of common driveways, the Director of Planning and Community Development shall have authority to modify the lot width and related regulations set forth in NCC 36-512(d)(4) of the A-2, Rural Agricultural District.

Northern Community Separator Area Map



(Ord. No. O-0405-24, 11-16-2004)

SECTION 16: SEVERABILITY CLAUSE Should any part or provision of this Ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the Ordinances a whole or any part thereof other than the part so declared to be unconstitutional or invalid.

PASSED AND ADOPTED BY THE CITY OF NORMAN CITY COUNCIL JUNE 24, 2025.

AYE

NAY

ABSENT

ABSTAIN

Presiding Officer

Attest



Larry Heikkila, Mayor, City of Norman



Brenda Hall, City Clerk, City of Norman

