

AN ORDINANCE OF THE CITY OF NORMAN, OKLAHOMA AMENDING SECTION 533 (“FH, FLOOD HAZARD DISTRICT”) OF THE ZONING ORDINANCE, TO REVISE AND ADD DEFINITIONS TO SUBPART (C) (“DEFINITIONS”), TO ALLOW FOR “CUMULATIVE COST” TO BE ACCOUNTED FOR IN DETERMINING “SUBSTANTIAL IMPROVEMENTS” AND TO DEFINE “MARKET VALUE”; AND PROVIDING FOR THE SEVERABILITY THEREOF.

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

§ 1. That, Section 533(c) of Chapter 36 of the Code of the City of Norman, shall be amended as follows:

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

\* \* \*

*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.

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*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 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.

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*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 that have incurred “substantial” damage”, regardless of the actual 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.

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§ 2. **SEVERABILITY**. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is, for any reason, held invalid or unconstitutional, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions of this Ordinance.

ADOPTED this \_\_\_\_\_ day  
of \_\_\_\_\_, 2023.

NOT ADOPTED this \_\_\_\_\_ day  
of \_\_\_\_\_, 2023.

\_\_\_\_\_  
(Mayor)

\_\_\_\_\_  
(Mayor)

ATTEST:

\_\_\_\_\_  
(City Clerk)