

**CITY OF NORMAN
ORDINANCE O-2425-14**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AMENDING ARTICLE 2-III, DIVISION 2-III-1, SECTION 2-301 OF THE CODE OF THE CITY OF NORMAN INCREASING THE NUMBER OF PERSONS FOR THE BOARD OF ADJUSTMENT FROM FIVE TO SEVEN, AMENDING CITY PLANNING COMMISSION MEMBERSHIP TO REQUIRE A PERSON FROM EACH WARD AND ONE AT-LARGE PERSON, DECREASING THE TERMS OF PERSONS ON THE BOARD OF APPEALS FROM FOUR TO THREE YEAR TERMS, AND ADDING NORMAN ELECTION COMMISSION: SEVEN PERSONS WITH THREE-YEAR TERMS; AMENDING DIVISION 2-III-6, SECTION 3-216, ADDING OVERSIGHT OVER TREE PROTECTION TO THE BOARD OF PARK COMMISSIONERS AUTHORITY; REPEALING DIVISION 2-III-9, GREENBELT COMMISSION IN ITS ENTIRETY; REPEALING DIVISION 2-III-16, TREE BOARD IN ITS ENTIRETY; AMENDING ARTICLE 10-II, SECTION 10-201, NORMAN ELECTION COMMISSION, TO CHANGE A FIVE MEMBER COMMITTEE TO SEVEN; AND AMENDING ARTICLE 36-V-4, SECTION 36-570(A)(2) TO INCREASE THE CONCURRING VOTE REQUIRED FOR THE BOARD OF ADJUSTMENT FROM THREE TO FOUR MEMBERS.

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

SECTION 1: **AMENDMENT** “2-301 Appointive Boards And Commissions; Appointments; Terms Of Office” of the City of Norman Municipal Code is hereby *amended* as follows:

AMENDMENT

2-301 Appointive Boards And Commissions; Appointments; Terms Of Office

The appointed members of the following boards and commissions shall first be nominated by the Mayor and then confirmed by a majority of the Council and the number of appointive members of each respective body and their overall respective terms of office shall be as listed below:

- (a) Board of Adjustment: ~~Five~~ seven persons for three-year terms.
- (b) Norman Regional Hospital Authority: Nine persons for three-year terms.
- (c) Board of Park Commissioners: Nine persons for three-year terms;
- (d) ~~r~~-Environmental Control Advisory Board: Nine persons for three-year terms.
- (e) Human Rights Commission: Nine persons for three-year terms.
- (f) Library Board: Nine persons for three-year terms.

- (g) City Planning Commission: Nine persons for three-year terms.
- (h) Public Housing Authority: Five persons for three-year terms.
- (i) Social and Voluntary Services Commission: Nine persons for three-year terms.
- (j) Board of Appeals: Five persons and one alternate for ~~four~~ three-year terms.
- (k) Historic District Commission: Nine persons for three-year terms. ~~Such commission shall consist of not less than nine citizens, all of whom shall reside in the City and who shall be nominated by the Mayor, and confirmed by the City Council, each for a term of three years; provided, however, that in the first instance, one-third shall be for three years, one-third for two years, and one-third for one year.~~
- (l) Economic Development Advisory Board: ~~Initially consisting of two members appointed for one-year terms, three members appointed for two-year terms and two members appointed for three-year terms. Thereafter, successor appointments shall serve~~ Seven persons for three-year terms.
- (m) Norman Election Commission: Seven persons for three-year terms.

(Code 1976, § 4-101; Ord. No. O-7475-31; Ord. No. O-7677-31; Ord. No. O-7879-20; Ord. No. O-8081-55; Ord. No. O-8081-69; Ord. No. O-8283-40; Ord. No. O-8384-136; Ord. No. O-8889-11; Ord. No. O-9091-23; Ord. No. O-9293-31; Ord. No. O-0001-39; Ord. No. O-1213-42, § 1)

SECTION 2: AMENDMENT “2-316 Duties And Powers Of The Board” of the City of Norman Municipal Code is hereby *amended* as follows:

AMENDMENT

2-316 Duties And Powers Of The Board

The Board of Park Commissioners shall advise the City Council on policies pertaining to the use of the park and recreational facilities of the City and, pursuant thereto:

- (a) Propose rules and regulations for the maintenance of order, safety, and decency in those parks and recreational facilities;
- (b) Consider and investigate any matter affecting the development and improvement of parks and recreational facilities and policies pertaining to the use of those facilities;
- (c) Make recommendations to improve the park and recreational facilities;
- (d) Make recommendations regarding systems of supervised recreation, and modifications in existing recreational programs;
- (e) Act as the presiding authority over the matters contained in NCC 16-IX, with review and oversight by the City Council;
- (f) Provide copies of the minutes of its meetings to the office of the City Clerk within ten days from the date of their approval; and
- (g) Provide an annual report of the Board's acts and affairs.

(Code 1976, § 4-501; Ord. No. O-7475-31)

SECTION 3: **REPEAL** “DIVISION 2-III-9 GREENBELT COMMISSION” of the City of Norman Municipal Code is hereby *repealed* as follows:

REPEAL

DIVISION 2-III-9 ~~GREENBELT COMMISSION~~RESERVED

SECTION 4: **REPEAL** “2-324 Purpose” of the City of Norman Municipal Code is hereby *repealed* as follows:

REPEAL

2-324 ~~Purpose~~(Reserved)

~~It is the purpose of this article to promote and protect the public health, safety and general welfare by creating a mechanism for providing a Greenbelt System, which will include preserved open spaces, protected natural areas and greenways/trails in a system of land parcels that together will work to help maintain and preserve the beauty and livability of the City.~~

(Code 1976, § 4-2021; Ord. No. O-0304-71)

SECTION 5: **REPEAL** “2-325 Authority” of the City of Norman Municipal Code is hereby *repealed* as follows:

REPEAL

2-325 ~~Authority~~(Reserved)

~~There is hereby created and established the Greenbelt Commission for the City. The City Greenbelt Commission shall consist of a total of nine members, one from each ward and one at-large. The members shall be appointed by the Mayor, with approval of the City Council, based upon their interests or expertise regarding open-space preservation. All members shall serve without compensation and may be removed by the City Council, as provided in the Code of Ordinances. City staff and administrative guidance shall be provided to the Greenbelt Commission by the Department of Planning and Community Development, with assistance from the City Forester and other Departments, as necessary. The implementation of the activities associated with this article shall be dependent upon the City Council's ability to provide funds on an annualized basis. *Term of office.* The term of the nine persons to be appointed by the Mayor shall be three years, except that the term of three of the members~~

~~appointed to the first Board shall be for only one year and the term of three members of the first Board shall be for two years. In the event that a vacancy shall occur during the term of any member, the successor shall be appointed by the Mayor with approval by the City Council for the unexpired portion of the term. *Quorum.* At any meeting of the Greenbelt Commission, a quorum shall consist of five of the appointed members. No action shall be taken in the absence of a quorum. Five affirmative votes shall be required to pass any measure. *Meeting.* The Greenbelt Commission shall meet as required in the furtherance of its duties set forth herein. *Commission officer.* The Greenbelt Commission shall elect a Chairman from its members and shall create and fill such other offices as deemed necessary. The term of the Chairman shall be one year with eligibility for reelection for no more than two consecutive terms. *Quorum and operation.* (Code 1976, § 4-2022; Ord. No. O-0304-71; Ord. No. O-1011-6, § 1)~~

SECTION 6: REPEAL “2-326 Duties And Powers Of The Greenbelt Commission” of the City of Norman Municipal Code is hereby *repealed* as follows:

REPEAL

~~2-326 Duties And Powers Of The Greenbelt Commission~~ (Reserved)

~~The Greenbelt Commission shall advise the City Council on policies pertaining to the promotion, acquisition, maintenance and improvement of the green spaces, greenways and trailway systems in the City and, pursuant thereto:~~

- ~~(a) Propose an ordinance defining the Greenbelt System of green spaces, greenways and trail systems, including, without limitation, the contents of the Greenbelt Enhancement Statement and the duties and responsibilities for submission of such Greenbelt Enhancement Statements, in accordance with the recommendations of the Greenbelt Task Force. Upon the adoption of an ordinance defining the Greenbelt System and the requirement for a Greenbelt Enhancement Statement, all applications for a land use plan amendment, a City rural certificate of survey or preliminary platting of land in the City shall include a Greenbelt Enhancement Statement that articulates how the goals and objectives of the City's Greenbelt System plan are met by the proposed development; provided, however, that nothing herein shall require dedication of private property for public access;~~
- ~~(b) Propose policy guidelines to determine the suitability of parcels for the Greenbelt System;~~
- ~~(c) Identify possible parcels for preservation and/or acquisition and incorporation into the Greenbelt System;~~
- ~~(d) Identify possible outside funding sources and matching funds for acquisition of development rights and preservation and/or acquisitions of parcels for the Greenbelt System;~~
- ~~(e) Make recommendations to the City Council regarding policies and other related~~

- matters;
- ~~(f) Provide advocaacy for the Greenbelt System in the City's planning process by reviewing Greenbelt Enhancement Statements and advising and making recommendations to the City Council thereon;~~
 - ~~(g) Solicit public opinion in planning for the Greenbelt System and facilitate citizen participation in the planning process so that the public's interest in the Greenbelt System is expressed;~~
 - ~~(h) Develop policieis regarding security and safety in the Greenbelt System;~~
 - ~~(i) Develop policieis and guidelines for use of the land and easements within the Greenbelt System;~~
 - ~~(j) Provide copies of the minutes of its meetings to the office of the City Clerk within ten days from the date of their approval;and~~
 - ~~(k) Provide an annual report of the Commission's acts and affairs.~~

(Code 1976, § 4-2023; Ord. No. O-0304-71; Ord. No. O-1011-6, § 2)

SECTION 7: AMENDMENT “2-327 Definitions” of the City of Norman Municipal Code is hereby *amended* as follows:

AMENDMENT

2-327 ~~Definitions~~(Reserved)

~~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:~~

~~*Bikeway* means a thoroughfare designated for bicycle travel by the Norman Bikeway Plan, as may be amended from time to time.~~

~~*Cluster development* means as defined by the City Code in NCC 30-101, as may be amended from time to time.~~

~~*Conservation easement* means a nonpossessory interest of a holder in real property imposing limitations or affirmative obligations the purpose of which include, but are not limited to, retaining or protecting natural, scenic, or open-space values of real property, ensuring its availability for agricultural, forest, recreational, or open-space use, protecting natural resources, maintaining or enhancing air or water quality, or preserving the historical, architectural, archaeological, or cultural aspects of real property.~~

~~*Floodplain* means as defined by NCC 36-533 as may be amended from time to time.~~

~~*Flowage easement* means an easement purchased by the U.S. Department of Interior, Bureau of Reclamation, Norman Project, which grants to the United States and its assigns the perpetual right, privilege and easement to intermittently and completely seep, flood, flow and~~

inundate, and the right to enter upon at any time for the purpose of making surveys, and investigations or for any other purpose incidental to the construction, operation, and maintenance of the Norman Reservoir Project and any feature thereof, any and all of the tracts or parcels of land lying below elevation 1,064.5 sea level datum.

Green space means any land area designated as open space by the City's Comprehensive land use plan; land determined to be open space or green space on an approved site development plan; or any land area in which the preservation in its present use would conserve and enhance natural or scenic resource, protect streams or water supply, promote conservation of soils, wetlands or marshlands, enhance the value to the public of abutting or neighboring parks, forest, wildlife preserves, nature reservations, sanctuaries or other open space or green space, enhance recreation opportunities, including parks, plazas and narrow corridors or pathways for walking or bicycling even though surrounded by developed areas, preserve visual quality along highway, road, and street corridors or scenic vistas, or retain in its natural state tracts of land not less than one acre situated in an urban area and open to public use on such conditions as may be reasonably required by the granting authority.

Greenbelt Enhancement Statement (GES) means a statement on a form provided to the applicant by the City Planning and Community Development Department that is to be included with all applications for a land use plan amendment, a City rural certificate of survey or preliminary platting of land and submitted for consideration by the Commission that articulates how the principles, purposes and goals of the Greenbelt System are met by the proposed development.

Greenbelt System means and includes the following spaces, regardless of whether they are open to the public:

- (a) A system of trails (both on- and off-road) intended to connect parks, green spaces, schools, retail, employment, and residential areas;
- (b) Areas of land within the City limits required to be open space by zoning; areas currently designated for open space, park, floodplain, and institutional use by the Comprehensive Plan and subsequently adopted land use plans; Lake Thunderbird, the Bureau of Reclamation (BOR) take-line and BOR flowage easements; any other areas of land which are designated by easement, by deed restriction, or otherwise required to remain free of structures; and areas designated as green space.

Greenway means:

- (a) A green open space, such as a linear open space established along or on either side of a natural or cultural corridor, such as a riverfront, a stream valley, a ridgeline, a railroad right-of-way, a channel, a scenic road or other route;
- (b) A trail; and/or
- (c) An open-space connector available to pedestrians intended to link parks, nature reserves, cultural features, historic sites, schools, residential or commercial areas with each other.

~~*Impervious surface* means one that does not permit penetration or passage of water, such as a roof or paved street or parking area.~~

~~*Riparian buffers* means the area between developed land and streams, rivers and shorelines that is managed to maintain the integrity of the waterway, to reduce pollution and to provide food, habitat, and thermal protection for fish and wildlife.~~

~~*Structure* means as defined by the City Code in NCC 36-101, as may be amended from time to time.~~

~~*Take line* means exterior boundary of the property acquired by the Bureau of Reclamation for construction of Lake Thunderbird.~~

~~*Trail* means any natural or landscaped course open to pedestrian or bicycle passage, including, but not limited to, sidewalks, but excluding roadways, streets, alleys and other passages primarily provided for general public motorized vehicular use. Types of trails include:~~

- ~~(a) *Community-wide (regional or arterial) trails* means trails between ten feet and 12 feet in width that provide access from one part of the City to another.~~
- ~~(b) *Natural trails* means trails at least eight feet to ten feet in width composed of compacted earth.~~
- ~~(c) *Neighborhood trails* means trails between six feet and ten feet in width that mimic the system of local neighborhood streets and ultimately connect to larger arterial trails.~~
- ~~(d) *Parkway trails* means trails between six feet and eight feet in width that are constructed with durable materials, and usually include amenities such as decorative light fixtures, landscaping, and ground cover and varying surface treatments at intersections and crosswalks.~~
- ~~(e) *Sidewalk trails* means sidewalks located alongside streets that are constructed in accordance with City design criteria and designated as trails.~~
- ~~(f) *Specialized trails* means water trails, equestrian trails, bikeways, or other trails dedicated to some specific use not otherwise listed herein.~~

(Code 1976, §
4-2023A; Ord.
No. O-1011-6,
§ 3)

SECTION 8: **REPEAL** “2-328 Expenditure Of City Funds, Compensation, Reimbursement Of Expenses” of the City of Norman Municipal Code is hereby *repealed* as follows:

REPEAL

2-328 ~~Expenditure Of City Funds, Compensation, Reimbursement Of Expenses~~ (Reserved)

- ~~(a) The Greenbelt Commission shall neither authorize nor incur the expenditure of any City funds for any purpose except as may be authorized and appropriated therefor by the City Council.~~
- ~~(b) Members of the Greenbelt Commission are entitled to reimbursement for their actual and necessary expenses, so long as those expenses were incurred in performance of their duty as Commission members.~~

(Code 1976, § 4-2024; Ord. No. O-0304-71)

SECTION 9: **REPEAL** “2-329 Review By The City Council” of the City of Norman Municipal Code is hereby *repealed* as follows:

R E P E A L

2-329 ~~Review By The City Council~~(Reserved)

~~The City Council shall have the right to review all acts and recommendations of the Greenbelt Commission.~~

(Code 1976, § 4-2025; Ord. No. O-0304-71; Ord. No. O-1011-6, § 4)

SECTION 10: **REPEAL** “2-330 Specific Principles, Purposes And Goals Of The Greenbelt System” of the City of Norman Municipal Code is hereby *repealed* as follows:

R E P E A L

2-330 ~~Specific Principles, Purposes And Goals Of The Greenbelt System~~(Reserved)

~~A Greenbelt System, as defined herein, serves the following principles, purposes and goals of the City.~~

- ~~(a) Proposed additions to the Greenbelt System should be guided by the following principles:
 - ~~(1) The ultimate goal is to create an interconnected system of trails that allow multiple connections across all of the City.~~
 - ~~(2) The Greenbelt System should preserve valuable green space, natural habitat and key areas with existing vegetation.~~
 - ~~(3) Trail segments should be designed so that they convey the physical and historical character of the City and relate to the neighborhoods through which the trail corridors pass.~~
 - ~~(4) Greenway corridors should provide unique opportunities to learn about the history, culture, and accomplishments of the City.~~~~

- ~~(5) Trails should promote smooth walkable corridors that are open and visible.~~
- ~~(6) The Greenbelt System should contribute to enhancing the physical appearance of the City, whether through new pedestrian features, landscaping added to trail corridors, or simply by revealing natural areas not previously visible to the general public.~~
- ~~(7) The Greenbelt System should encourage the creation of public and private partnerships that help build the entire system more quickly.~~
- ~~(8) Greenbelts should protect environmentally sensitive lands that are generally the least suitable for development, especially floodprone areas and riparian corridors, and provide connectivity between the elements of the Greenbelt System.~~
- ~~(b) The use of lot clustering should be encouraged as a means to develop the Greenbelt System.~~
- ~~(c) The Greenbelt System should be used to link together existing recreation areas.~~
- ~~(d) Multipurpose greenways should be created that:~~
 - ~~(1) Create a unique greenway character for the City;~~
 - ~~(2) Protect the environmentally sensitive areas of the City and serve as a wildlife habitat;~~
 - ~~(3) Serve as a stormwater management resource for urban runoff and regional detention needs;~~
 - ~~(4) Provide recreation opportunities for bicycling, walking, and jogging, as well as an alternate route to move through the City for commuting to work, schools, shopping, between neighborhoods, and/or other destinations by bicycling or walking;~~
 - ~~(5) Preserve agriculturally significant lands through conservation easements or other means; and~~
 - ~~(6) Provide suitable locations for sanitary sewer easements and facilities.~~
- ~~(e) Greenbelts should be used to provide green space areas adjacent to highways and major streets for sound buffer zones and protection from incompatible land uses.~~
- ~~(f) The Greenbelt System should continue to improve a natural landscape planting and maintenance program for City-owned properties and rights-of-way of major streets and highways.~~

(Code 1976, § 4-2026; Ord. No. O-1011-6, § 5)

SECTION 11: **REPEAL** “2-331 Greenbelt Enhancement Statements” of the City of Norman Municipal Code is hereby *repealed* as follows:

REPEAL

2-331 ~~Greenbelt Enhancement Statements~~(Reserved)

- ~~(a) *Submission.* All applications for a pre-development meeting regarding a proposed land~~

use plan amendment, a City rural certificate of survey or preliminary platting of land in the City shall include a Greenbelt Enhancement Statement.

(b) *Content.* Greenbelt Enhancement Statements shall articulate how the principles, purposes and goals of this division are met by the proposed development and its amenities. Applicants shall also provide supporting drawings, illustrations, and other documents designed to assist the Greenbelt Commission in determining how the goals, principles, and policies herein are met by the development.

(e) *Review.*

(1) *Staff review.* The Planning Director or designee shall perform an initial review of the Greenbelt Enhancement Statement. If the application indicates that an opportunity for greenbelt development does not exist and the details of the application support such a finding, then the Planning Director or designee may issue a finding of no greenbelt opportunity. Such a finding shall be based on factors unique to the subject parcel, such as when the application involves redevelopment of an already fully developed site, rezoning of property that does not involve new construction, or the existing plat requirements are such that development options are restricted. If a finding of no greenbelt opportunity is made, then the application shall be forwarded to the Greenbelt Commission for consideration as a consent docket item as outlined in subsection (e)(2)a of this section. If a request for a finding of no greenbelt opportunity is denied, a completed Greenbelt Enhancement Statement shall be forwarded to the Greenbelt Commission for consideration as set forth below.

(2) *Initial review by Greenbelt Commission.*

a. *Findings of no Greenbelt opportunity.* If such a finding is made by the Planning Director or designee, then the application shall be forwarded to the Greenbelt Commission for consideration as a consent docket item to allow the Commission to determine whether it agrees with staff's finding of no greenbelt opportunity. If a Commission member disagrees with staff's finding of no greenbelt opportunity, said member may request that the item be removed from the consent docket and the item will be reviewed in the same manner as other applications. If the Commission agrees with staff's finding of no greenbelt opportunity, the subject application will bypass further review by the Commission and be forwarded on to the Planning Commission, as provided for in the City Code.

b. *Other applications.* All other applications for which a Greenbelt Enhancement Statement is completed shall be considered by the Greenbelt Commission for an initial review when application is made for a pre-development meeting and upon due notice of its consideration to the applicant. Comments about applications shall be in writing and delivered to the applicant. Those comments shall also be provided to the Planning Commission and to the City Council upon each respective body's consideration of the application. The comments from the Greenbelt Commission will reflect how the proposed development does or does not meet the goals of the

~~Greenbelt System through reference to specific principles, purposes and goals set forth herein.~~

- ~~(3) *Subsequent review by Greenbelt Commission.* Should it be determined that a greenbelt opportunity exists for a particular application and if the application has substantially changed (as determined by Planning and Community Development staff) since it was originally considered by the Greenbelt Commission, the Greenbelt Enhancement Statement shall be reviewed by the Greenbelt Commission at one of its regularly scheduled meetings after application is made to the Planning Commission and upon due notice of its consideration to the applicant. Comments about applications shall be in writing and delivered to the applicant with the Planning Commission packet. Those comments shall also be provided to the Planning Commission and to the City Council upon each respective body's consideration of the application. The comments from the Greenbelt Commission will reflect how the proposed development does or does not meet the goals of the Greenbelt System through reference to specific principles, purposes and goals set forth herein.~~

(Code 1976, § 4-2027; Ord. No. O-1011-6, § 6)

SECTION 12: **AMENDMENT** “2-332 Guidelines For Evaluating Greenbelt Enhancement Statements” of the City of Norman Municipal Code is hereby *amended* as follows:

AMENDMENT

2-332 ~~Guidelines For Evaluating Greenbelt Enhancement Statements~~(Reserved)

~~In performing its duties, the Greenbelt Commission shall take into account the considerations listed below. Not all considerations will be applicable or feasible for each application.~~

- ~~(a) Portions of the Greenbelt System are accessible to the general public.~~
- ~~(b) Greenways are established and provide connections to other existing and future components of the Greenbelt System.~~
- ~~(c) Existing easements (e.g., utility, pipeline, oil lease right-of-way, etc.) may be used for greenways where appropriate and where expressly approved by the easement grantor and grantee.~~
- ~~(d) Greenways connect neighborhoods to each other and to industrial and commercial areas.~~
- ~~(e) Greenways provide alternative routes to move through the City for commuting to work, schools, shopping, between neighborhoods, and/or other destinations by bicycling or walking.~~
- ~~(f) Adverse impacts on existing topography, drainage patterns and natural vegetation are minimized.~~

- ~~(g) Developments between urbanized Norman and Lake Thunderbird include pedestrian and bike connectivity to adjacent parcels to allow for future connections to Lake Thunderbird.~~
- ~~(h) Landscaping required by the City has been planted in conformance with the City zoning regulations, including with local drought-resistant low maintenance plants, shrubs and trees.~~
- ~~(i) Vegetative buffers between neighborhoods and railway lines have been provided to enhance safety and reduce the effects of noise and air pollution.~~
- ~~(j) Permeable ground surfaces have been preserved to the extent possible.~~
- ~~(k) Ingress and egress to and from a development is designed to permit safe use by nonmotorized traffic in and out of the development and across the ingress and egress provisions of the development.~~
- ~~(l) Fences abutting components of the Greenbelt System, and particularly those abutting green spaces, are of designs and materials that minimize their visual impact to the extent such fences are allowable under this Code and not in conflict with applicable national standards for utility facilities. Examples of acceptable open fences include such types as wrought iron, split rail, low picket fence with every other picket removed, and metal pickets.~~
- ~~(m) Water retention and detention storage facilities are designed in accordance with bioengineering principles and built with bioengineering materials.~~
- ~~(n) Detention facilities are integrated into the surrounding neighborhood as part of the Greenbelt System in as ecologically sound a method as possible.~~
- ~~(o) Stormwater management design considers the potential for trail and green space preservation, enhancement and/or creation.~~
- ~~(p) The development layout is designed to preserve the health and diversity of wildlife affected by development in natural drainage corridor areas.~~
- ~~(q) The development layout is designed to minimize the intrusions of noise, trash and other things into the Greenbelt System that would negatively affect visitors' and users' experience of any impacted components of the Greenbelt System.~~
- ~~(r) To the extent possible, the development layout, as designed, does not impair the ability of riparian buffers from serving as corridors for wildlife movement.~~
- ~~(s) Riparian buffers are incorporated into the Greenbelt System.~~
- ~~(t) The commercial developments have provided for pedestrian access.~~
- ~~(u) Pavement is minimized when possible by, among other things, using shared parking areas and/or permeable parking surfaces where feasible and allowed under NCC ch. 36, the zoning ordinance of the City, and the City Engineering Design Criteria.~~
- ~~(v) Cluster development has been utilized as a means to develop the Greenbelt System.~~
- ~~(w) Structures, other than utility transmission poles or substations, were located to maximize greenbelt and trail opportunities.~~

(Code
1976, §
4-2028;
Ord. No.
O-1011-
6, § 7)

SECTION 13: **REPEAL** “2-333 Policy For Acquiring Greenways, Trails, And Other Green Space” of the City of Norman Municipal Code is hereby *repealed* as follows:

REPEAL

2-333 ~~Policy For Acquiring Greenways, Trails, And Other Green Space~~(Repealed)

~~Easements accepted, purchased, or otherwise acquired by the City for the purposes of expanding or enhancing the Greenbelt System shall be acquired in accordance with the guidelines and policies contained herein and in the City subdivision regulations as may be amended from time to time.~~

(Code 1976, § 4-2029; Ord. No. O-1011-6, § 8)

SECTION 14: **REPEAL** “DIVISION 2-III-16 TREE BOARD” of the City of Norman Municipal Code is hereby *repealed* as follows:

REPEAL

DIVISION 2-III-16 ~~TREE BOARD~~RESERVED

SECTION 15: **AMENDMENT** “2-346 Duties And Powers Of The Tree Board” of the City of Norman Municipal Code is hereby *amended* as follows:

AMENDMENT

2-346 ~~Duties And Powers Of The Tree Board~~(Reserved)

- ~~(a) *Purpose.* It is the purpose of this division to promote and protect the public health, safety and general welfare by providing for the development of a community forestry plan to address the planting, maintenance, and removal of public trees, street trees, and shrubs within the City in order to promote, maintain and improve the urban forest resource of the City. It is not the intent of this division for the City to assume responsibility for trees planted in the rights-of-way by adjacent property owners other than for removal as needed due to damage, hazard, or disease.~~
- ~~(b) *Applicability.* This division is applicable to trees and shrubs located within street rights-of-way, drainage easements, public parks and on other public property within the City. *Definitions.* The following words and phrases, when used in this division,~~

shall have the meanings ascribed to them in this subsection, except where the context otherwise requires:

Private trees mean all trees and shrubs other than public or street trees.

Public property means, and shall include any land owned by the City, any real property including parks, easements, and other lands which are owned by the City or held by it in trust for the benefit of the public.

Public trees and shrubs means all trees and shrubs for which any portion of the trunk is located on public property.

Street rights-of-way means a strip of land acquired by purchase, reservation, dedication, forced dedication, prescription or condemnation and intended to be occupied by a roadway or street.

Street trees means all trees and shrubs for which any portion of the trunk is located on street rights-of-way within the City.

- (e) *Authority.* There is hereby created and established a City Tree Board for the City. The City Tree Board shall consist of a total of nine members comprised of residents of the City. The members shall be appointed at-large by the Mayor, with approval of the City Council based on their interest or expertise regarding urban forestry. All members shall serve without compensation and may be removed by the City Council, as provided in this Code. City staff and administrative guidance shall be provided to the City Tree Board by the Parks and Recreation Department or by other City departments as necessary. The implementation of the activities associated with this division shall be dependent upon the City Council's ability to provide funds on an annualized basis.
- Term of office.* The term of the nine persons to be appointed by the Mayor shall be three years, except that the term of three of the members appointed to the first Board shall be for only one year and the term of three members of the first Board shall be for two years. In the event that a vacancy shall occur during the term of any member, the successor shall be appointed by the Mayor with approval by the City Council for the unexpired portion of the term.
- (d) *Quorum and operation. Quorum.* At any meeting of the City Tree Board, a quorum shall consist of five of the appointed members. No action shall be taken in the absence of a quorum. Five affirmative votes shall be required to pass any measure. *Meeting.* The City Tree Board shall meet as required in the furtherance of its duties set forth herein. *Board officers.* The City Tree Board shall elect a Chairman from its members and shall create and fill such other offices as deemed necessary. The term of the Chairman shall be one year with eligibility for reelection for no more than three consecutive terms. *Other operations.* The City Tree Board may develop bylaws or other rules of operation, establish subcommittees, develop and recommend to the City Council regulations, standards and specifications to be adopted separate from or as a part of this division as deemed necessary. *Community forestry plan.* It shall be the responsibility of the City Tree Board to study, investigate, counsel and develop and/or update periodically a written plan for the care, preservation, trimming, planting, replanting, removal or disposition of street trees, public trees and shrubs. Such plan shall incorporate an inventory of the existing street trees, public trees and shrubs. The Tree Board shall ensure that the plan will be in conformance with the goals and objectives of the current City land use and transportation plan by submittal to the

Planning Commission for review and approval. Upon approval and adoption of the recommended plan by the City Council, it shall constitute the official community forestry plan and become a part of the City land use and transportation plan.

- (e) ~~*Tree planting, maintenance and removal standards.* Standards for the planting, maintenance and removal of trees are to be located within the community forestry plan. These standards shall not amend, abridge or modify the prohibition against obstructing motor vehicle operators' line of sight at intersections and entry points along streets. *Tree species.* The City Forester, with the approval of the City Tree Board, shall develop and maintain a list of suitable trees for planting along streets in three size classes: Small, medium and large. A list of trees not suitable for planting shall also be created. *Review by the City Council.* The City Council shall have the right to review the acts and decisions of the City Tree Board. *Exemptions.* Property owned and used by the schools or any branch of the County, State or federal governments shall be exempt from the provisions of these regulations. Prior to any tree or shrub being planted in any street right-of-way or public property, as defined above, within the Downtown Revitalization Area or in the Project Area of the Campus Corner Revitalization Project Plan Area and Increment District, a permit must be obtained from the City Forester. The purpose of this permit is to ensure that any trees or shrubs planted within this designated area are consistent with the overall community forestry plan. The Forester shall determine the criteria for granting a permit based upon, but not limited to, the species of tree or shrub, the time of year of planting and a proposed watering plan. In the event a tree or shrub is planted without the proper permit, a ten-day notice shall be given to the property owner to either remove the tree or shrub or obtain a permit. In the event that no permit is obtained or the tree or shrub is not removed, then the City Forester shall remove the tree or shrub.~~

- (f) ~~*Permit required.*~~

- (1) ~~The project areas are described as: The Downtown Revitalization Area; and The Campus Corner Revitalization Project Plan Area and Increment District pursuant to each district's map on file in the office of the City Clerk. *Report.* In locations where a public hazard is created by a street tree, public tree or shrub the appropriate City department shall cause the abatement of the hazard and subsequently submit a report to the City Tree Board.~~

(Code
1976, §
4-1301;
Ord.
No. O-
0102-
44;
Ord.
No. O-
0304-
21;
Ord.
No. O-

1011-
27, § 1)

SECTION 16: **AMENDMENT** “10-201 Definitions” of the City of Norman Municipal Code is hereby *amended* as follows:

AMENDMENT

10-201 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:

Campaign committee means a committee which may be composed of one or more persons the purpose of which is to support the election of a specific candidate to municipal office, whose name as it will appear on the ballot shall appear in the name of the committee.

Candidate means any person who publicly seeks nomination or election to any elective municipal office in the City government.

Election means any municipal election, municipal runoff election, or special election held in the City at which candidates for public office are voted upon.

Municipal office means any elective municipal office for which declarations of candidacy are filed with the Secretary of the County Election Board as required by 11 O.S. §§ 16-109 and 16-110.

Municipal Political Committee means any committee composed of one or more persons whose purpose includes the election or defeat of one or more candidates for municipal office, but which is not required to register with the Ethics Commission or the Federal Election Commission.

Norman Election Commission means a ~~five~~seven-member committee, appointed by the Mayor and approved by a majority of the City Council to serve three-year staggered terms. The terms of initial appointments shall be adjusted so as to provide that no more than two terms shall expire in any one year; subsequent appointments shall be for three-year terms.

(Code 1976, § 7.5-21; Ord. No. O-1415-23, § 1)

SECTION 17: **AMENDMENT** “36-570 Board Of Adjustment” of the City of Norman Municipal Code is hereby *amended* as follows:

AMENDMENT

36-570 Board Of Adjustment

- (a) *Establishment of a Board of Adjustment and proceedings thereof.* A Board of Adjustment and rules for the conduct of proceedings are hereby established, as provided in NCC 2-III and 2-IV.
- (b) *Duties of an administrative official, Board of Adjustment, City Council, and courts on matters of appeal.*
 - (1) It is the intent of this chapter that all questions of interpretation and enforcement shall be first presented to an administrative official, and that such questions shall be presented to the Board of Adjustment only on appeal from the decision of an administrative official, and that recourse from the decision of the Board of Adjustment shall be by appeal to the District Court as herein provided.
 - (2) It is further intent of this chapter that the duties of the City Council, in connection with this chapter, shall not include hearing and deciding questions of interpretation and enforcement that may arise. The procedure for deciding such questions shall be as Stated in this section and this chapter. Under this chapter, the City Council shall have only the duties of:
 - a. Considering, adopting, or rejecting proposed amendments, or repealing this chapter, as provided by law; and
 - b. Establishing a schedule of fees for appeals hereunder for building permits and all other expenses connected with the enforcement of this chapter.
- (c) *Powers.* The Board of Adjustment shall have the following powers:
 - (1) Upon proper application, to hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by an administrative official, as well as the Historic District Commission, in the enforcement of this chapter or any other ordinance adopted pursuant thereto.
 - (2) Upon proper application to hear and decide special exceptions to the terms of this chapter as hereinafter enumerated in subsection (g) of this section and as enumerated in NCC ch. 28.
 - (3) Upon proper application, to hear and authorize in specific cases such variances from the terms of this chapter as are allowed under subsection (j) of this section.
- (d) *Decisions of the Board of Adjustment.*
 - (1) In exercising the above-mentioned powers, the Board of Adjustment shall reverse or affirm, wholly or in part, shall modify the order, requirement, decision, or determination appealed from, shall make such order, requirement, decision, or determination as ought to be made, so long as such action is in conformity with the terms of this chapter, and to that end shall have the powers of an administrative official from whom the appeal is taken.
 - (2) The concurring vote of ~~three~~four members of the Board shall be necessary to reverse any order, requirement, decision, or determination of the administrative

official, to decide in favor of the applicant on any matter upon which it is required to pass under this chapter, or to affect any variation in the application of this chapter.

(e) *Appeals from the Board of Adjustment.*

- (1) Any person, Board, taxpayer, department, or bureau of the City aggrieved by any decision of the Board of Adjustment may, within ten days after the meeting wherein such decision was reached, seek review by the District Court and also by filing a copy with the City Clerk and with the Chairman of the Board of Adjustment, a notice of appeal, which said notice shall specify in detail the grounds of such appeal. Upon filing of the notice of appeal, as herein provided, said Board shall forthwith cause to be transmitted to the Court Clerk of the District Court the original, or certified copies, of all the papers constituting the record in the case, together with the order, decision, or ruling of the Board. Said case shall be heard and tried de novo in the District Court as in all other civil actions. Failure to file an appeal shall mean the Board's action is considered final.
- (2) An appeal to the District Court from the Board of Adjustment stays all proceedings and the action appealed from unless the Chairman of the Board of Adjustment, from which the appeal is taken, certifies to the Court Clerk after the notice of appeal has been filed, that by reason of fact Stated in the certificate a stay would in his opinion cause imminent peril to life or property. In such case, proceedings shall not be stayed other than by a restraining order, which may be granted by the District Court upon application or notice to an administrative official in charge of the enforcement of the terms and provisions of this chapter, upon notice to the Chairman of the Board of Adjustment from which the appeal is taken, and upon due cause being shown the Court may reverse or affirm, wholly or partly, or modify, the decision brought up for review.

(f) *Procedure for appeal of the decision of an administrative official or Historic District Commission to the Board of Adjustment.* Appeals may be taken to the Board of Adjustment by any person aggrieved or by any officer or bureau of the governing body of said City affected by any decision of an administrative official concerning interpretation or administration of this chapter. Such appeals shall be taken within a reasonable time, not to exceed 30 days, by filing with an administrative official and with the Board of Adjustment, a notice of appeal specifying the grounds thereof. In addition, such person shall deposit with the Planning and Community Development Department a fee of \$150.00 to cover the cost and expense of appeal to the Board of Adjustment.

- (1) An administrative official shall forthwith transmit to the Board of Adjustment all papers constituting the record upon which the action appealed from was taken.
- (2) The Board of Adjustment shall fix a reasonable time for the hearing of an appeal give public notice thereof, as well as due notice to the parties in interest, and shall decide the same within a reasonable time. At the hearing, any party may appear in person or by agent or attorney.

- (3) An appeal stays all proceedings in furtherance of the action appealed from unless an administrative official from whom the appeal is taken certifies to the Board of Adjustment after the notice of appeal is filed with him, that by reason of fact Stated in the certificate a stay would, in his opinion, cause imminent peril to life and property. In such case, proceedings shall not be stayed other than by restraining order, which may be granted by the Board of Adjustment or by a court of competent jurisdiction upon application, upon notice to an administrative official from whom the appeal is taken, and upon due cause being shown.

(g) *Special exceptions defined and enumerated.*

- (1) The term "special exception" means a use that would not be appropriate generally or without restriction throughout the zoning district but which if controlled as to number, area, location, or relation to the neighborhood, would promote the public health, safety, welfare, morals, order, comfort, convenience, appearance, prosperity, or general welfare. Such uses may be permitted in such zoning districts as special exceptions if specific provision for such special exceptions is made hereafter.
- (2) The Board of Adjustment is hereby empowered and authorized to grant the following specific exceptions, to wit:
 - a. To permit the extension of a district where the boundary line of a district divides a lot in single ownership as shown of record.
 - b. To interpret the provisions of the ordinance where the street layout actually on the ground varies from the street layout as shown on the map fixing the several districts, which map is attached to and made a part of this ordinance.
 - c. To grant exceptions to the off-street parking requirements as set forth in Article 36, Section 548, when it is determined that the size and shape of the lot to be built on is such that off-street parking provisions could not be complied with, that the proposed use of land is similar in nature to adjacent land uses, and that the proposed use will not create undue traffic congestion in the adjacent streets.
 - d. To permit new structures and substantial improvements to be erected in the designated floodway of the Flood Hazard District on a lot of one-half acre or less in size contiguous to and surrounded by lots of existing structures constructed below the base flood level when (1) good and sufficient cause is shown (2) it is determined that the exception is the minimum necessary (considering the flood hazard) to afford relief, and (3) that the granting of the exception 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 ordinances.
 - e. To allow the continued use of a legal non-conforming gravel driveway and/or parking area within the Central Core Area (as defined) when it can be determined that both of the following conditions are met (1) the parking area has existed since July 1966,

and (2) the owner has agreed to install permanent or semi-permanent borders to aid in visually verifying the actual extent of usage.

- f. Where an ADU is not already existing on a parcel, to permit a mobile home to serve as a temporary second dwelling to relieve a medical hardship. The application must include a doctor's statement indicating that the patient is in need of the care of his or her family. The mobile home must meet all City of Norman Building Code requirements and State of Oklahoma requirements for septic systems. The Exception can be approved for up to three years on any lot that is five acres or greater in the A-2 zoning district. The Exception can be renewed every three years by filing an application for an administrative extension, including a new doctor's statement. Only two (2) administrative extensions may be granted. If a third extension is needed, a new application will be required for Board of Adjustment review. Once the need for the mobile home no longer exists, the mobile home must be removed. While an applicant utilizes this special exception, an ADU may not be added to the same parcel.
- (h) *Procedure for application for special exceptions.* Applications may be taken to the Board of Adjustment for special exceptions to this chapter, above-defined and enumerated in subsection (g) of this section, by any person aggrieved or by any officer or bureau of the governing body of said City. A special exception shall not be granted by the Board of Adjustment unless and until:
 - (1) An applicant shall submit to the Board of Adjustment a written application for said special exception indicating the section of this chapter under which the special exception is sought and stating the grounds upon which it is requested. An application for a special exception to the provisions of NCC ch. 28 shall include the following plans and information:
 - a. The name, address, and telephone number of the owner or person entitled to possession of the sign and of the sign contractor or erector;
 - b. The location by street address of the proposed sign structure;
 - c. A site plan, drawn to scale, showing the location of the proposed sign, the location of existing or proposed buildings or other structures on the lot, the location of existing signs and proposed signs on the premises, the location of public rights-of-way on or adjacent to the property, and the location of vehicular entrances or exits on the property;
 - d. Elevation drawings of the proposed sign, drawn to scale, showing major dimensions of the proposed sign, including height, clearance above sidewalks and distance of projection from the building, proposed sign copy, and pertinent architectural details and location of any landscaping to be provided in connection with the sign;
 - e. Type and location of proposed illumination;
 - f. Elevation or perspective drawings, or photographs, showing the architectural design and construction materials of existing or proposed

building on the lot, when such information is pertinent to the application;

g. Any additional information which the applicant feels may support the request.

- (2) A fee of \$200.00 shall be paid to the Planning and Community Development Department to cover the cost and expense of the appeal to the Board of Adjustment.
- (3) The applicant shall submit with each application a list of names and addresses of all record property owners within a 300-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 professional engineer, an attorney, a registered surveyor, a bonded abstractor, or the County Assessor. Maps and forms to accomplish the above requirement will be available at the City Planning and Community Development Department.
- (4) Upon receipt of said written application, fee, and list, notice of public hearing before the Board of Adjustment shall be given by publication in a newspaper of general circulation in the City not less than ten days before the meeting of the Board. In addition, notice by the Chairman of said Board to all owners of property within a 300-foot or larger radius of the exterior boundary of the subject property shall be mailed not less than ten days before the meeting of the Board. Said notice shall contain:
 - a. Legal description of the property and the street address or approximate location in the City;
 - b. Present zoning classification of the property and the nature of the exception requested;
 - c. Date, time, and place of hearing.

A copy of the published notice may be mailed in lieu of written notice. However, no notice of hearing shall be required on hearings involving minor exceptions, and the Board shall set forth in its statement of policy what constitutes minor exceptions. Such minor exceptions shall be approved by the City Council.

- (i) *Hearing of the Board of Adjustment on a special exception.* The public hearing shall be held in accordance with the following provisions:
 - (1) At said hearing, any party may appear in person or by agent or attorney;
 - (2) In those instances where a special exception is granted the Board of Adjustment shall make a finding that the granting of such special exception will not adversely affect the public interest;
 - (3) In granting any special exception, the Board of Adjustment shall prescribe the appropriate conditions and safeguards in conformity with this chapter. Violation of such conditions and safeguards, when made a part of the terms under which the special exception is granted, shall be deemed a violation of this chapter and punishable under the penalty sections of this chapter. The

Board of Adjustment shall prescribe a time limit within which the action for which the special exception is required shall be begun or completed, or both. Failure to begin or complete, or both, such action within the time limit set shall void the special exception.

- (j) *Variance defined.* The term "variance" means a relaxation of the terms of this chapter, when such variance will not be contrary to the public interest, and where, owing to the conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of the ordinance would result in unnecessary and undue hardship, as hereinafter defined. As in this chapter a variance is authorized for any development standard contained in NCC 36-III and 36-IV except where a special exception is defined and enumerated in NCC 36-570.
- (k) *Procedure for application for variances.* The Board of Adjustment shall have the power to authorize, upon appeal in specific cases, such variances from the terms of this chapter as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions would result in an unnecessary hardship. A variance from the terms of this chapter shall not be granted by the Board of Adjustment unless and until:
- (1) An applicant shall submit to the Board of Adjustment a written application indicating:
 - a. That special conditions and circumstances exist that are peculiar to the land, structure, or building involved and are not applicable to other lands, structures, or buildings in the same district;
 - b. That the literal interpretation of the provisions of this chapter would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this chapter;
 - c. That the special conditions and circumstances do not result from the actions of the applicant;
 - d. That granting the variances requested will not confer on the applicant any special privilege that is denied by this chapter to other lands, structure, or buildings in the same district;No nonconforming use of neighboring lands, structures, or buildings in the same district and no permitted use of lands, structures, or buildings in other districts shall be considered grounds for the issuance of a variance.
 - (2) A fee of \$200.00 shall be paid to the Planning and Community Development Department to cover the cost and expense of the appeal to the Board of Adjustment;
 - (3) The applicant shall submit with each application a list of names and addresses of all record property owners within a 300-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 professional engineer, an attorney, a registered surveyor, a bonded abstractor, or the County Assessor. Maps and forms to accomplish the above requirement will be available at the City Planning and Community Development

Department;

- (4) Upon receipt of said written application, fee, and list, notice of public hearing before the Board of Adjustment shall be given by publication in a newspaper of general circulation in the City not less than ten days before the meeting of the Board. In addition, notice of public hearing shall be given by mailing written notice by the Chairman of said Board to all owners of property within a 300-foot or larger radius of the exterior boundary of the subject property.

Said notice shall contain:

- a. Legal description of the property and the street address or approximate location in the City;
- b. Present zoning classification of the property and the nature of the variance requested;
- c. Date, time, and place of hearing.

Said written notice shall be mailed not less than 15 days before the meeting of the Board. A copy of the published notice may be mailed in lieu of written notice. However, no notice of hearing shall be required on hearings involving minor variances, and the Board shall set forth in its statement of policy what constitutes minor variances. Such minor variance shall be approved by the City Council.

- (5) A variance from the terms of NCC ch. 28 shall not be granted by the Board of Adjustment unless and until an applicant shall comply with all provisions of this section and also indicate by written application that:
- a. There are special circumstances or conditions such as the existence of buildings, topography, vegetation, sign structure or other matters on right-of-way, which would substantially restrict the effectiveness of the sign in question; provided, however, that such special circumstances or conditions must be peculiar to the particular business or enterprise to which the applicant desired to draw attention and do not apply generally to all business or enterprises.
 - b. The variance would be in general harmony with the purposes of this Code, and specifically would not be injurious to the neighborhood in which the business or enterprise to which the applicant desired to draw attention is located.
 - c. The variance is the minimum one necessary to permit the applicant to reasonably draw attention to his business or enterprise.
- (6) A minor variance may be granted by the Board of Adjustment for an encroachment upon any required building setback line when that encroachment represents approximately ten percent of the required yard or involves only a minor portion of the structure.
- a. A minor variance may be granted only upon a finding by the Board of Adjustment that the application of the ordinance to the particular property would create an unnecessary hardship, that there are peculiar conditions of the property which contributed to the encroachment, and relief, if granted, would not cause detriment to the surrounding properties or the public good, or impair the purposes and intent of the

ordinance.

- b. A fee of \$300.00 dollars shall be paid to the Planning and Community Development Department to cover the cost and expense of the appeal to the Board of Adjustment.
- c. The applicant shall submit with each application an accurate list of names and addresses of all record property owners adjacent to, or directly across the street, from the subject property. Notice, by certified mail, shall be mailed not less than ten days before the meeting of the Board, and shall contain the facts listed in subsection (l)(4) of this section.

(l) *Hearing of the Board of Adjustment on a variance.* The public hearing shall be held in accordance with the following provisions:

- (1) At said hearing, any party may appear in person or by agent or attorney;
- (2) The Board of Adjustment shall make a finding that the requirements of subsection (l)(1) of this section have been met by the applicant for variance;
- (3) The Board of Adjustment shall further make a finding that the reason set forth in the application justifies the granting of the variance and that the variance is the minimum variance that will make possible the reasonable use of the land, structure, or building;
- (4) The Board of Adjustment shall further make a finding that the granting of the variance will be in harmony with the purpose and intent of this chapter, will not be injurious to the neighborhood, or will not be otherwise detrimental to the public welfare;
- (5) The Board of Adjustment, in granting any variance, shall prescribe appropriate conditions and safeguards in conformity with this chapter. Violation of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of this chapter and shall be punishable under the penalty section of this chapter;
- (6) The Board of Adjustment shall under no circumstances grant a variance to allow a use not permissible under the applicable terms of this chapter or other general ordinance of said City with respect to the use district concerned, nor shall the Board of Adjustment hear or decide upon any matters that could be determined by regular zoning procedures before the Planning Commission and City Council of the City; nor grant any variance by reason of the existence of nonconforming uses in the district concerned or in adjoining districts;
- (7) For the purposes of this chapter, the term "hardship" means a hardship peculiar to the property of the applicant that is of such a degree of severity that its imposition is not necessary to carry out the spirit of this chapter and that would amount to substantial and unnecessary waste of the property;
- (8) The Board of Adjustment shall not have the authority to grant any variance which would increase the maximum permitted sign area on a single lot or building as specified in this code, or to allow any sign classified as a prohibited sign as specified in NCC 28-403.

(m) *Provisions of chapter declared to be minimum requirements.* The provisions of this chapter, in their interpretation and application, shall be held to be minimum requirements adopted for the promotion of public health, safety, morals, or general welfare. Wherever the requirements of this chapter are at variance with the requirements of any of the lawfully adopted rules, regulations, ordinances, deed restrictions, or covenants, the most restrictive or that imposing the higher standard shall govern.

(Ord. No. O-7778-70, 6-27-1978; Ord. No. O-7879-41, 3-27-1979; Ord. No. O-7879-41, 1-30-1979; Ord. No. O-8586-86, 5-27-1986; Ord. No. O-8788-48, 5-10-1988; Ord. No. O-8990-43, 7-10-1990; Ord. No. O-9091-10, 12-11-1990; Ord. No. O-9192-43, 4-28-1992; Ord. No. O-9192-48, 4-28-1992; Ord. No. O-9394-19, 12-28-1993; Ord. No. O-0405-30, 1-24-2006; Ord. No. O-0506-35, 2-28-2006; Ord. No. O-1314-15, 4-22-2014; Ord. No. O-1920-44, 7-23-2020; Ord. No. O-1920-51, 7-23-2020; Ord. No. O-2021-31; Ord. No. O-2223-20, 1-24-23)

SECTION 18: **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 Ordinance as 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

AYE	NAY	ABSENT	ABSTAIN
_____	_____	_____	_____
Presiding Officer		Attest	

Larry Heikkila, Mayor, City of Norman

Brenda Hall, City Clerk, City of Norman