

**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: 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) 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 three-year terms.
- (k) Historic District Commission: Nine persons for three-year terms
- (l) Economic Development Advisory Board: 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 RESERVED

SECTION 4: **REPEAL** “2-324 Purpose” of the City of Norman Municipal Code is hereby *repealed* as follows:

REPEAL

2-324 Purpose

(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

(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

(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

(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

(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:

REPEAL

2-329 Review By The City Council

(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:

REPEAL

2-330 Specific Principles, Purposes And Goals Of The Greenbelt System

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(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

(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

...

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

(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 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

(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 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 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 (1)(4) of this section.
- (1) *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 (1)(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

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AYE

NAY

ABSENT

ABSTAIN

Presiding Officer

Attest

Larry Heikkila, Mayor, City of
Norman

Brenda Hall, City Clerk, City of
Norman