AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA AMENDING CHAPTER 19 OF THE CODE OF THE CITY OF NORMAN TO PROVIDE FOR STANDARDS AND REQUIREMENTS FOR A DESIGNATED WATER QUALITY PROTECTION ZONE INCLUSIVE OF THE LAKE THUNDERBIRD WATERSHED; AND PROVIDING FOR THE SEVERABILITY THEREOF.

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

§ 1. That Section 19-210 of Chapter 19 of the Code of the City of Norman shall be amended to read as follows:

Sec. 19-210. Definitions.

The following words and phrases when used in this chapter, shall for the purposes of this chapter, have the meanings respectively ascribed to them in this article, except where the context otherwise requires:

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

B. *Best Management Practices (BMP):* An effective integration of storm water management systems, with appropriate combinations of non-structural controls and structural controls which provide an optimum way to convey, store and release runoff, so as to reduce peak discharge, reduce pollutants, enhance water quality, assist in stream and/or stream bank stabilization, prevent property damage due to flooding, and assist in sediment reduction. BMP's include, but are not limited to, the following:

1. Structural controls such as:
    a. Sediment forebay;
    b. Grassed swale;
    c. Enhanced bio-swale;
    d. Voluntary urban nutrient management;
    e. Statutory urban nutrient management;
    f. Wetlands;
    g. Extended detention-enhanced;
    h. Retention basins;

i. Bioretention, surface sand, organic, and similar filters;
j. Soaking trench;
k. Infiltration trench;
l. Storm water pond;
m. Dry extended detention pond; and
n. In-channel detention.

2. Non-structural controls such as:
a. Landscape conservation;
b. Reduction in impervious cover;
c. Schedule of maintenance activities;
d. Prohibition of practices;
e. Maintenance procedures.
f. Street sweeping;
g. Fertilizer restrictions.

C. *Bicycle lane:* That portion of a roadway set aside and appropriately designated for the use of bicycles.

D. *Bicycle path:* A paved facility physically separating the bicycle from motor vehicle traffic.

E. *Block:* A parcel of land, intended to be used for urban purposes, which is entirely surrounded by public streets, highways, railroad rights-of-way, public walks, parks or greenstrips, rural land or drainage channels or a combination thereof.

F. *Buffer:* A vegetated area, including trees, shrubs, and herbaceous vegetation that exists or is established to protect a stream system, lake or reservoir, reduce pollutants, enhance water quality, assist in stream and/or stream bank stabilization, and assist in sediment reduction.

G. *Building line:* A line parallel to the lot or property line beyond which a structure or building cannot extend, except as specifically provided under the zoning ordinance. It is equivalent to the setback or yard line.

H. *Cluster development:* cluster development is a method of subdividing land which allows the maximum density available within the zoning district while allowing smaller lots than those specified, provided that the land saved is reserved for permanent agricultural use or open space, ideally in common ownership for community use.

I. *Combustible structure:* That which is built or constructed, an edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner and consisting of any material that, in the form in which it is used and under the conditions anticipated, will ignite and burn or will add appreciable heat to an ambient fire.

J. *Degradation:* any condition caused by the activities of humans which result in the prolonged impairment of any constituent of the aquatic environment.

K. *Development:* The erection, construction, or change of use of buildings; or the erection or construction of any additions to existing buildings where outer walls are added or altered as to location, but not including alterations or remodeling of buildings where said outer walls are not added or altered as to location. As it relates to water quality protection, any man-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation, drilling, or storage of equipment or materials.

L. *Development committee:* The City of Norman Development Committee shall be comprised of the following staff members: The Director of Public Works (who shall be the chairman), the Director of Planning and Community Development, the Director of Utilities, the City Engineer, the Development Coordinator, and the Manager of Current Planning, or their designees.

M. *Director of Public Works:* The Director of Public Works of the City of Norman, including his or her designee.

N. *Easement:* A grant by the property owner to the public, a corporation, or persons, of the use of an area of land for specific purposes.

O. *Impervious Cover:* Roads, parking areas, buildings, pools, patios, sheds, driveways, private sidewalks, and other impermeable construction covering the natural land surface. This shall include, but not be limited to, all streets and pavement within a subdivision. Vegetated water quality basins, vegetated swales, other vegetated conveyances for overland drainage, areas with gravel placed over pervious surfaces that are used only for landscaping or by pedestrians, and public sidewalks shall not be calculated as impervious cover.

P. *Lot:* A subdivision of a block or other parcel intended as a unit for the transfer of ownership or for development.

Q. *Lot, corner:* A lot which abuts two (2) intersecting streets. The front of a lot is defined by the filed plat of the subdivision, and is addressed accordingly. Although the front door of the house should face the front yard, a house may be oriented towards the side street if the plat was designed to provide two (2) front and rear yards or if there is sufficient room to provide both a new front and rear setback.

R. *Lot, depth:* The average distance from the front property line of the lot adjacent to the street to its rear property line, measured in the general direction of side lines of the lot.

S. *Lot, double frontage:* A lot which runs through a block from street to street and which has frontage on two (2) or more streets, but not including a corner lot.

T. *Lot, reverse frontage:* A corner lot of such size and shape that a building erected on it might logically be designed to face on either adjoining street, thus causing the building to rear on the side line of any abutting lot.

U. *Lot, townhouse:* A lot shown on a townhouse plat and intended as the site of a single attached dwelling unit.

V. *Lot line adjustment:* A relocation of the lot lines of two (2) or more lots included in a plat which is filed of record, for the purpose of making necessary adjustments to building sites.

W. *Low Impact Development (LID):* a comprehensive land planning and engineering design approach to development that can be used to replicate or restore natural watershed functions and/or address targeted watershed goals and objectives.

X. *Non-degradation*: The proper use of BMP's and pollution prevention criteria in activity so as to prevent property damage due to flooding and degradation as defined herein.

Y. *Non-structural controls*: Pollution prevention measures that focus on the management of pollutants by practices and procedures which minimize exposure to runoff, as well as preserve open space and natural systems. Non-structural controls may include riparian buffers,

modified development practices, and regulations on pesticide, herbicide, and fertilizer use.

Z. *Norman 2025 Plan:* The comprehensive development plan for the City of Norman which has been officially adopted to provide long-range development policies for the City in the foreseeable future and which includes, among other things, the plan for land use, land subdivision, traffic circulation and community facilities, utilities, and drainage facilities.

AA. *Person:* Any natural person, corporation, partnership, joint venture, association (including homeowners or neighborhood associations), trust, or any other entity recognized by law.

BB. *Planning Commission:* The City Planning Commission of the City of Norman.

CC. *Plat, final:* A map of a land subdivision giving, in form suitable for filing in the office of the County Clerk, necessary affidavits, dedications, and acceptances, and delineating the layout of such subdivision as required herein.

DD. *Plat, preliminary:* A map of a proposed subdivision showing the character and proposed layout of the tract in sufficient detail to indicate the relationship of the proposed development to topography, existing streets, drainage facilities and utilities, existing easements of record, the Norman 2025 Plan, existing urban development and zoning, and to indicate the nature of the land planning design.

EE. *Pollution:* the contamination or other alteration of the physical, chemical or biological properties of any stream or other water source, or such discharge of any liquid, gaseous or solid substance into any stream or other water source as will or is likely to create a nuisance or render such waters harmful or detrimental or injurious to public health, safety or welfare, or to domestic, commercial, industrial, agricultural, recreational, or other legitimate beneficial uses, or to livestock, wild animals, birds, fish or other aquatic life.

FF. *Public improvements:* Any utility, structure, or modification of topography which is, or will be, located within, under, or over a right-of-way or easement of record and which is, or will be, owned and/or maintained by other than the individual owner(s) of developed real estate.

GG. *Raised mound septic system:* a soil absorption system that is elevated above the natural soil surface in a suitable fill material. It is a variation of the raised bed utilizing sandy fill material but not requiring a stabilization period prior to the construction of the absorption area.

HH. *Raised septic system:* a wastewater absorption trench system which has been constructed in soil fill material which has been placed on top of the natural soil on a building lot.

II. *Reserve strip:* A strip of land located adjacent to a public easement or right-of-way which has the effect of denying access to adjacent property owners to said public easement or right-of-way.

JJ. *Right-of-way:* Any street, avenue, parkway, highway, boulevard, road, alley, bicycle path or pedestrian walkway reserved and/or dedicated for public or private use chiefly by vehicular or pedestrian traffic. Its width shall be established as the shortest horizontal distance measured between lines delineating the right-of-way.

KK. *Rural and suburban area:* All that part of the incorporated area of the City of Norman which is not classified on the Norman 2025 Plan for urbanization.

LL. *Setback line:* See building line or yard line.

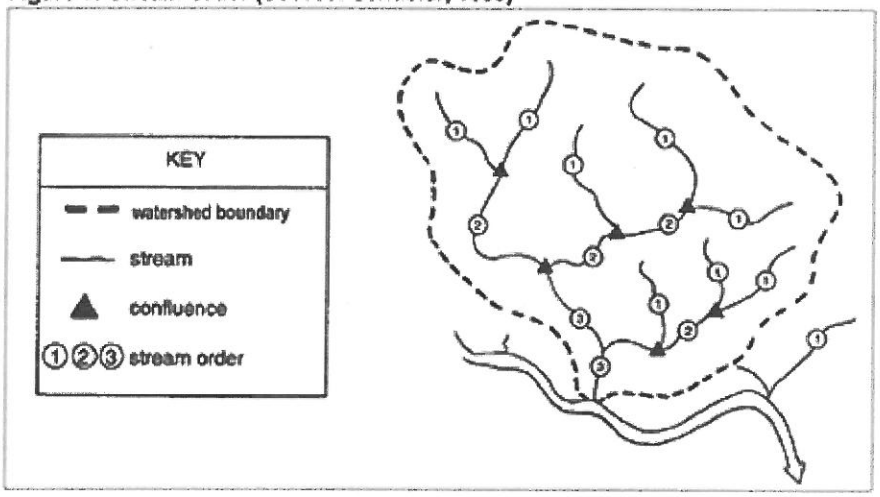
MM. *Site development plan:* A plan drawn at a scale of not less than fifty (50) feet equal one (1) inch which shows the topographic characteristics of the site not more than a one (1) foot contour interval in the urban areas and not more than two (2) feet contour intervals in the rural areas~~at a contour interval of not less than one (1) foot~~; the location and dimensions of buildings, yards, courts, landscape, pedestrian and vehicular circulation and parking, fences and screening; service areas and service courts, and other features; the use of each building and area; the height of buildings; adjacent street, alleys, utility, drainage and other easements; and the relationship of the development to adjacent areas which it may affect.

NN. *Streams:* Watercourses that are either identified through site inspection and/or notification by the United States Army Corp of Engineers or by the United States Geological Survey (USGS) 7.5 minute series (topographic) maps drawn at a scale of 1:24,000 or 1 inch = 2000 feet. Perennial streams are those which are depicted on a

USGS map with a solid blue line. Intermittent streams are those which are depicted on a USGS map with a dotted blue line.

OO. *Stream Order:* A method of numbering streams as part of a drainage basin network. Tributaries which have no branches are designated as of the first order, streams which receive two first-order tributaries are of the second order, larger branches which receive two second-order tributaries are designated third order, and so on, the main stream being always of the highest order. Designation of stream order shall be determined utilizing a USGS 7.5 minute series (topographic) map drawn at a scale of 1:24,000 or 1 inch = 2000 feet. See Figure 1 below.

Figure 1: Stream Order (Source: Schueler, 1995)



PP. *Stream Planning Corridor (SPC):* the areas of land designated as an SPC in Exhibit 4-4 to the PBS&J Storm Water Master Plan dated October 2009 along both sides of a stream or natural drainage corridor that encompasses the area projected to be inundated by the one-percent (1%) chance flood event (i.e. the 100-year floodplain) in any given year assuming full build-out watershed conditions (based upon the Norman 2025 Plan and subsequent updates) in those areas with 40 or more acres of drainage area in the Lake Thunderbird watershed.

QQ. *Street:* Any public or private right-of-way which affords the primary means of access to abutting property.

RR. *Street, collector:* A minor street collecting traffic from other minor streets and serving as the most direct route to a major street or community facility.

SS. *Street, cul-de-sac:* A local street having one (1) closed end terminated by a turn-around.

TT. *Street, estate type:* A local street in a Residential Estate (R-E) or Agricultural (A-1, A-2) zone or district.

UU. *Street, frontage or service:* A minor street located adjacent and parallel to a major street for land service to abutting properties and access to adjacent areas and for allowing control of access to the major street.

VV. *Street, local:* A minor street which collects and distributes traffic between parcels of land and collector or arterial streets, with the principal purpose to provide access to abutting property.

WW. *Street, major:* A freeway, principal arterial, or minor arterial designated on the adopted Transportation Plan of the City of Norman.

XX. *Street, minor:* Any street other than one (1) designated as a freeway, principal arterial, or minor arterial on the adopted Transportation Plan of the City of Norman, but not including alleys.

YY. *Street, public:* Any pre-existing county road heretofore annexed by the City of Norman and which forms a part of said City by reason of such annexation, or any street or road granted or dedicated to and accepted by the City of Norman.

ZZ. *Structural controls:* engineered solutions designed to reduce pollution in surface water runoff primarily through five basic mechanisms: infiltration, amelioration, treatment, filtration and detention. In effect, these systems attempt to counteract the opposite tendencies of decreased infiltration, filtration and detention which urbanization imposes upon the land.

AAA. *Subdivider (developer):* Any person, firm, partnership, corporation, or other entity acting as a unit, subdividing or proposing to subdivide or develop land as herein defined.

BBB. *Subdivision:* The division, re-division, or delineation of land by lots, tracts, sites or parcels for the purpose of transfer of ownership, or for urban development, or for the dedication or vacation of a public or private right-of-way or easement.

CCC. *Swale:* A natural depression or wide shallow ditch used to temporarily store, route, or filter runoff and encourage infiltration.

DDD. *Top of bank:* The point along a stream bank where abrupt change in slope is evident, and where the stream is generally able to overflow the banks and enter the adjacent floodplain. The top of bank may be identified from topography maps but must be verified through field inspection. Where no top of bank is discernable by the City Storm Water Engineer or his designee, measurements should be taken from the center line of the stream.

EEE. *Transportation Plan:* The arrangement, character, extent, and width of major streets within the City of Norman as designated on the most currently adopted Land Use and Transportation Plan document.

FFF. *Townhouse:* One (1) of a series of two (2) or more attached dwelling units, separated from one (1) another by continuous, vertical party walls without openings from basement floor to the roof deck and tight against same or through the roof and which are intended to have ownership transferred in conjunction with a platted lot.

GGG. *Urban area:* All that part of the incorporated area of the City of Norman which is designated on the Norman 2025 Plan for urbanization.

HHH. *Water Quality Protection Zone (WQPZ):* A vegetated strip of land that lies along a Stream or Lake Thunderbird and its adjacent wetlands, floodplains or slopes that is comprised of the stream bed and areas adjacent to the stream bed and the distance of which is determined by Section 19-411(B), (C) and (D) herein.

III. *Way:* Any street, avenue, parkway, highway, boulevard, road, alley, bicycle path or pedestrian walkway reserved and/or dedicated for public or private use chiefly be vehicular or pedestrian traffic. Its width shall be established as the shortest horizontal distance measured between lines delineating the right-of-way.

JJJ. *Wetland:* the term, as used herein, shall have the same meaning as set forth in 40 C.F.R. §230.3.

KKK. *Yard line:* An open space at grade between a building and the adjoining lot lines, unoccupied and unobstructed by any portion of a structure from the ground upward except as specifically provided in

Chapters 18 or 22. In measuring a yard for the purpose of determining the width of the side yard, the depth of a front yard, or the depth of a rear yard, the least horizontal distance between the lot line and the main building shall be used.

LLL. *Yard line, front.* A yard extending the full width of a lot between the side property lines and being the minimum horizontal distance between the street side property line and the main building or any projection thereof.

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

NNN. *Yard line, side:* A yard between the building and the side line of the lot and extending from the front yard line to the rear lot line and being the minimum horizontal distance between a side lot line and the side of the main building or any projections other than steps.

§ 2. That Section 19-303 of Chapter 19 of the Code of the City of Norman shall be amended to read as follows:

Sec. 19-303. Preliminary Plat: Contents.

The preliminary plat shall be drawn at a scale of not more than one hundred (100) feet to the inch, except where impractical and shall show:

A. The scale, north arrow, date and legend;

B. The proposed name of the subdivision;

C. The name and address of the owner of record, the subdivider, the owner's engineer, and the registered land surveyor preparing the plat;

D. Legal description of the proposed subdivision, including the acreage and the number of lots proposed in the subdivision, by type;

E. A key map showing the location of the proposed subdivision referenced to existing or proposed arterial streets or highways and to

government section lines, and including the boundaries and number of acres of the drainage area of which the proposed subdivision is a part;

F. The names, with locations of intersecting boundary lines, of adjoining subdivisions, and the location of the Norman City limits if falling within or immediately adjoining the tract;

G. The land contours with vertical intervals of one foot in the urban areas and two (2) feet in the rural areas referenced to a United States Geological Survey datum (1988) or Coast and Geodetic Survey bench mark or monument;

H. The location of dedicated streets at the point where they adjoin and/or are immediately adjacent; but actual measured distances shall not be required;

I. Important features such as existing permanent buildings; large trees (a minimum eight (8) inch caliber); streams; railway lines; oil and gas line or wells as shown on the records of the Oklahoma Corporation Commission (including abandoned gas or oil wells and dry holes which remain unplugged);

J. The location of all existing easements of record, sanitary and storm sewers, water mains, streets, culverts, power lines, and other surface or subsurface structures within the tract or immediately adjacent thereto, and the proposed location, layout, type, and size of the following structures and utilities:

1. Water mains;

2. Sanitary sewer mains, sub-mains and laterals;

3. Storm sewers; and,

4. Street improvements.

K. The location of all drainage channels and subsurface drainage structures, and the proposed method of disposing of all run-off from the proposed subdivision, and the location and size of all drainage easements relating thereto, whether they be located within or outside of the proposed plat;

L. The length of the boundaries of the tract, measured to the nearest foot, and the proposed location and width of streets, alleys, easements, and setback lines, and the approximate lot dimensions;

M. The existing zoning and proposed changes of zoning in the tract and of the property immediately adjacent thereto;

N. One hundred (100) year flood boundaries;

O. Water Quality Protection Zone boundaries;

P. Preliminary drawings showing compliance with the applicable requirements of this Chapter for structural controls on development;

Q. A topographic map, drawn to a scale of one hundred (100) feet to one inch, or in an appropriate scale. The map should display, according the best information available, topographic information and features (including, but not limited to, faults and fractures along waterways, wetlands, and sinkholes), and the WQPZ. Current limits of the FEMA floodplain and the SPC shall be displayed;

R. Location of all temporary and permanent runoff detention basins, constructed and altered waterways and other physical facilities to be installed to comply with the terms of this ordinance;

S. Location of all existing monitoring stations, sample points or other significant devices used in measuring or assuring water quality;

T. Any technical surveys or studies necessary to support a request for modification of WQPZ boundaries affecting the subject parcel;

U. In the instance where there is one (1) or more active oil and/or gas well(s), lease road(s), tank batteries, flow lines, gas sales lines, dead man anchors or any other related equipment, located within a proposed preliminary plat, any and all such items shall be shown on the submitted preliminary plat. Both existing conditions and any proposed changes to the existing conditions must be indicated on the preliminary plat. The information shall include, but not be limited to well access, size of the well location, including appurtenant equipment, any change in lay out or operations of the well site such as relocation of the lease road or moving of the tank batteries and flow lines, fencing, easements for flow lines, gas sales line, communication cables, and electric power lines. The information must also stipulate the parties responsible for constructing any lease road and approach and fencing. Easements necessary to provide for flow lines, gas sales lines, power

supply lines and communication cables must be designated in writing. All information required must be shown on a site plan that has been reviewed and approved for compliance with oil and gas ordinances. A copy of the site plan shall be provided to the oil and gas inspector to become part of the well records until such time of the plugging and restoration of well location(s) has been completed. Oil well operators shall be notified by the oil and gas inspector of any predevelopment informational meeting(s) as an interested part where a preliminary plat contains a well(s), lease road, tank battery, flow line, gas sales line, dead man anchors, or any other related equipment that they operate. Notice shall be given in the same format as property owners within the required notice area.

§ 3. That Section 19-308(E) of Chapter 19 of the Code of the City of Norman shall be amended to read as follows:

E. In the case of a plat proposing the reserving or dedicating of land or amenities to be used in common by owners of lots in a single-family residential subdivision, or in the case of a plat or Norman Rural Certificate of Survey that contains any portion of the WQPZ, the applicant shall submit evidence acceptable to the City Attorney that all necessary steps have been taken for:

1. The establishment of a mandatory Property Owner's Association ("POA") or establishment of another acceptable arrangement for adequate maintenance of the common elements and any designated non-structural controls for storm water management. All mandatory ~~single-family residential~~ POAs shall submit a Declaration of Covenants, Conditions and Restrictions (the "Declaration") which establishes a minimum framework that provides for the fair and effective administration of the POA and thereby assures the greater likelihood that the interests of the City and its citizens are secure and which include the following provisions:
    a. A list of all common property in the plat, by legal description. A specific description of all of the common elements within the subdivision including any abutting arterial roadways, the uses allowed for each common element and a description of the person responsible for initially constructing or installing each common element and the responsibility for maintaining the common element after initial installation;
    b. In those plats containing any portion of the WQPZ, a list of any non-structural controls located on the property.

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§ 4. That Section 19-411 of Chapter 19 of the Code of the City of Norman shall be added to read as follows:

Sec. 19-411. Water Quality Protection Zone Design Standards.

A. The Water Quality Protection Zone (WQPZ) for a stream system shall consist of a vegetated strip of land, preferably undisturbed and natural, extending along both sides of a stream and its adjacent wetlands, floodplains, or slopes. The width shall be adjusted to include contiguous sensitive areas, such as steep slopes, where development or disturbance may adversely affect water quality, streams, wetlands, or other water bodies.

B. The required base width for all WQPZ's shall be equal to:

1. The greater of the following:

a. 100 feet in width, measured from the top of the bank, on either side of the stream; OR

b. The designated Stream Planning Corridor as delineated on Exhibit 4-4 to the Storm Water Master Plan, dated October 2009 and accepted by City Council on November 10, 2009 and as available on the appropriate scale through the Public Works Department, or as indicated by the Applicant's independent engineering analysis ; OR

c. The FEMA Floodplain; OR

2. An alternative width equal to 25 feet in width, measured from the top of the bank, on either side of the stream when a reduction in nitrogen of at least 75% and a reduction in phosphorus of at least 58% is achieved through the use of an engineered process that is certified by a licensed Professional Engineer. A development plan using an alternative width less than the SPC shall also document protection against flooding and bank erosion that would be anticipated during the 1% chance flood event in an given year assuming full build-out watershed conditions in those areas with 40 or more acres of drainage area in the Lake Thunderbird watershed. For the purpose of determining the applicable reduction in the base width of the buffer, the table below may be utilized to determine pollutant removal for a particular structural control,

as long as such control is constructed in accordance with the specifications for said control contained in Wichita/Sedgwick County Stormwater Manual.

Table of Design Pollutant Removal Efficiencies for Storm Water Controls (%)				
Structural Control	Total Suspended Solids	Total Phosphorus	Total Nitrogen	Metals
Storm Water Pond	80	55	30	50
Dry Extended Detention Pond	60	35	25	25
Enhanced Dry Swales	90	50	50	40
Grass Channel	50	25	20	30
Infiltration Trench	90	60	60	90
Soaking Trench	90	60	60	90
Vegetative Filter Strips	50	20	20	40
Surface Sand Filters	80	50	30	50

C. For each portion of any 25 foot segment of the buffer, as set forth in Section 19-411(B), that has a slope over 20%, 25 feet shall be added to the width of the WQPZ. To determine the extent of steep slopes, a cross section of the topography every 100 feet shall be prepared and utilized by the Applicant.

D. In second-order streams with continuous water and higher streams, 25 feet shall be added to the base width outlined in Section 19-411 (B) above.

E. Drainage easements, of sufficient size to carry the runoff of a 1% chance flood event from all drainage areas on the Plat greater than forty (40) acres within the WQPZ must be shown on dotted lines on the Preliminary and Final Plats, along with a written legal description of any such easement, all certified by a licensed Professional Engineer. Such easement shall be granted to the City of Norman for the purpose of access for inspecting, repairing, and maintaining drainage channels.

F. For all developments, particularly those containing some portion of the WQPZ, utilization of low impact development strategies are encouraged. For plats or Norman Rural Certificates of Survey that include portions of the WQPZ, the current Engineering Design Criteria may be modified when Low Impact Development strategies are utilized in accordance with City of Wichita/Sedgwick County Stormwater Manual.

G. Water Pollution Hazards. The following land uses and/or activities are designated as potential water pollution hazards and must be set back from the top of the bank of any stream or waterbody by the distance indicated below:

1. Storage of hazardous substances—(300 feet)

2. Aboveground or underground petroleum storage facilities—(300 feet)

3. Drainfields from onsite sewage disposal and treatment systems (i.e., septic systems)—(200 feet)

4. Raised septic systems and raised mound septic systems—(500 feet)

5. Solid waste landfills or junkyards—(600 feet)

6. Subsurface discharges from a wastewater treatment plant—(200 feet)

7. Land application of biosolids—(200 feet)

H. WQPZ Design Restrictions. Except as required for initial construction, there shall be no clearing, grading, construction that disturbs vegetation on any portion of the WQPZ, the width of which is determined by Section 19-411(B), (C) and (D) herein. Any development containing a WQPZ shall not be designed to contain within that zone any permanent structures or portions of septic systems, except for structural controls or other enhancing design features that will further the objectives of this ordinance.

I. All applications for preliminary plats and Norman Rural Certificates of Survey that contain any portion of property within the WQPZ shall also submit a report outlining the Best Management Practices to be employed.

§ 5. That Section 19-514 of Chapter 19 of the Code of the City of Norman shall be added to read as follows:

Sec. 19-514. Water Quality Protection Zone Management and Maintenance.

A. All preliminary plats, final plats, and Norman Rural Certificates of Survey shall clearly:

1. Show the extent of any WQPZ on the subject property.

2. Label the WQPZ.

3. Provide a note to reference any WQPZ stating: "There shall be no clearing, grading, construction or disturbance of vegetation except as permitted by the Director of Public Works unless such disturbance is done in accordance with 19-514(E) of the Norman City Code.

4. Provide a note to reference any protective covenants governing all WQPZ areas stating: "Any WQPZ shown hereon is subject to protective covenants that may be found in the land records and that restrict disturbance and use of these areas."

5. All subdivisions containing a WQPZ area shall ensure maintenance of the non-structural controls/aspects in the WQPZ area by its Property Owners' Association through the filing of a protective covenant, which is required to be submitted to the City Attorney's office for approval. The covenant shall be recorded in the land records and shall run with the land and continue in perpetuity. Any changes to the covenants and restrictions shall be consistent with the provisions herein.

B. An offer of dedication of a WQPZ to the City of Norman does not convey to the general public the right of access to this area unless such a right is explicitly set forth in said dedication. Further, an offer of dedication of a WQPZ is not a mandate for a public trail system or any portion thereof.

C. The Public Works Department shall inspect the buffer annually and following severe storms for evidence of sediment deposition, erosion, or concentrated flow channels and corrective actions taken to ensure the integrity and functions of the WQPZ.

D. Any portion of the WQPZ that is within thirty (30) feet of a combustible structure shall be maintained (regardless of the underlying zoning designation) as provided in Section 10-209.

E. Portions of the WQPZ that are not within thirty (30) feet of a combustible structure may be left undisturbed and natural, and in no event, shall grassy vegetation in this area be mowed or otherwise cut down to less than six (6) inches tall.

§ 6. That Section 19-601 of Chapter 19 of the Code of the City of Norman shall be amended to read as follows:

Sec. 19-601. Variations.

A. Occasionally the tract to be subdivided is of such unusual size or shape or is surrounded by such development or unusual conditions that the strict application of the requirements contained in this chapter would result in substantial hardship or inequity. The City Council may vary or modify, except as otherwise indicated, such requirements of design, but not of procedure or public improvements, so that the subdivider may develop the subject property in a reasonable manner. At the same time, the public welfare and interests of the City must be protected and the general intent and spirit of this chapter are preserved by granting such variance. Such modification may be granted upon written request of the subdivider or the subdivider's engineer, stating the reason for each modification, and may be approved by vote of the regular membership of the City Council, with the recommendation of the Planning Commission, subject to the acceptance of the plat and the dedications thereon by the City Council; provided, however, that a variation based on unique condition(s) shall not be granted when the unique condition(s) was created or contributed to by the subdivider.

B. WQPZ Averaging. The width of the WQPZ may be reduced in some circumstances to accommodate unusual or historical development patterns, shallow lots, stream crossings, or storm water ponds. Any averaging of the WQPZ must be done in accordance with the following:

1. An overall average WQPZ width of at least the base width as determined in 19-411(B) must be achieved within the boundaries of the property to be developed. The WQPZ on adjoining properties cannot be included with buffer averaging on a separate property, even if owned by the same property owner.

2. The average width must be calculated based upon the entire length of stream bank that is located within the boundaries of the property to be developed. When calculating the WQPZ length, the natural stream channel should be followed.

3. WQPZ averaging shall be applied to each side of a stream independently. If the property being developed encompasses both sides of a stream, WQPZ averaging can be applied to both sides of the stream, but must be applied to both sides of the

stream independently, unless the natural topography of the stream makes one side of the stream not conducive to the establishment of a WQPZ and in that event, averaging using both sides may be utilized.

4. WQPZ averaging is prohibited in developments that have, or will have after development areas that have slopes greater than 15% that are located within fifty feet of the stream to be buffered.

5. Appeal from Decision of Public Works Director. If the applicant desires to appeal from the decision of the Public Works Director or his or her designee made in accordance with this subsection, the applicant may file such request, and any documentation supporting said appeal, with the City Clerk. The City Clerk will place the appeal on the agenda of the next available regular City Council meeting. The decision of the Public Works Director, or his or her designee, may be upheld or overturned by vote of the regular membership of the City Council.

C. Whenever infrastructure has been installed that will benefit the full build-out of a Preliminary Plat which was approved within five (5) years prior to the effective date of this ordinance, the Preliminary Plat shall not be deemed expired, for purposes only of the application of this ordinance, even after the passage of three (3) years from the date of approval of the Preliminary Plat, or five (5) years from the date of approval of the Preliminary Plat if a Final Plat has been filed on part of the land embraced in the Preliminary Plat.

§ 7. That Section 19-606 of Chapter 19 of the Code of the City of Norman shall be amended to read as follows:

Sec. 19-606 Exception to allow Norman Rural Certificates of Survey as plats in A-1 and A-2 Zoning Districts.

A. It is the purpose of this exception to allow lots of ten (10) acres or more to be developed and sold adjacent to public or private roadways in the A-1 and A-2 Agricultural Districts; however, private roadways should be constructed and maintained in such a manner that said roadways may be traversed and used by police, fire and other official vehicles of all municipal, county, state and federal agencies. Lots created under this process shall be designated as "Norman Rural Certificate of Survey Subdivisions" and may be permitted under the following procedures (Ord. No. O-0203-34):

* * * * *

2. An accurate survey of the lot, prepared by a land surveyor registered in the State of Oklahoma, and the proposed subdivision thereof shall be submitted to the Public Works Department and shall show the same information required for a preliminary plat as referenced in Section 19-5303~~, article V, Chapter 19~~ of this Code, except the ground contours may be drawn at five-foot intervals in such cases where the average ground slope is three (3) percent or greater.

* * * * *

§ 8. Severability. If any section, subsection, sentence, clause, phrase, or portion of this ordinance is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions of this ordinance, except that the effective date provision shall not be severable from the operative provisions of the ordinance.

ADOPTED this _____ day

of _____, 2011.

_____
Cindy Rosenthal, Mayor

NOT ADOPTED this _____ day

of _____, 2011.

_____
Cindy Rosenthal, Mayor

ATTEST:

_____
Brenda Hall, City Clerk