City of Norman

ZONING ORDINANCE

This document represents the original Zoning Ordinance No. 884 adopted July 13, 1954, as revised and amended through July 1, 2009. The Zoning Ordinance occupies Articles X through XV of Chapter 22 of the Code of the City of Norman.

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ORDINANCES AMENDING THE
ZONING ORDINANCE OF
THE CITY OF NORMAN

916	2165	O-7980-2	O-8485-62
1022	2244	O-7980-14	O-8485-65
1041	2329	O-7980-27	O-8485-89
1096	2407	O-7980-66	O-8485-91
1100	2432	O-8081-25	O-8586-12
1255	O-7172-28	O-8081-44	O-8586-16
1349	O-7374-71	O-8182-5	O-8586-81
1366	O-7475-4	O-8182-32	O-8586-82
1371	O-7475-48	O-8182-41	O-8687-9
1372	O-7576-24	O-8182-45	O-8687-48
1373	O-7576-29	O-8283-52	O-8687-49
1375	O-7576-60	O-8283-68	O-8687-57
1493	O-7677-10	O-8384-85	O-8687-58
1739	O-7677-23	O-8384-133	O-8687-53
1754	O-7677-47	O-8384-135	O-8788-8
1793	O-7778-22	O-8485-22	O-8788-27
1804	O-7778-28	O-8485-23	O-8788-36
1828	O-7778-60	O-8485-24	O-8788-38
1855	O-7778-68	O-8485-25	O-8788-48
1959	O-7778-70	O-8485-26	O-8788-57
1961	O-7778-72	O-8485-28	O-8990-41
2109	O-7879-42	O-8485-31	O-8889-34
2125	O-7879-66	O-8485-32	O-8889-41

ORDINANCES AMENDING THE
ZONING ORDINANCE OF
THE CITY OF NORMAN

O-8990-42	O-9596-19	O-0001-2	O-0405-30
O-8990-43	O-9596-28	O-0102-26	O-0405-61
O-9091-9	O-9596-33	O-0102-27	O-0405-62
O-9091-10	O-9596-40	O-0102-50	O-0506-29
O-9091-28	O-9697-6	O-0102-51	O-0506-30
O-9091-40	O-9697-7	O-0203-10	O-0506-35
O-9192-17	O-9697-37	O-0203-13	O-0506-56
O-9192-18	O-9798-38	O-0203-46	O-0506-62
O-9192-43	O-9697-42	O-0203-52	O-0607-6
O-9192-48	O-9697-51	O-0304-29	O-0607-39
O-9293-21	O-9798-8	O-0304-41	O-0708-35
O-9293-30	O-9798-16	O-0304-69	O-0708-36
O-9293-38	O-9798-25	O-0405-19	O-0809-3
O-9394-11	O-9899-7	O-0405-22	O-0809-14
O-9394-19	O-9899-21	O-0405-23	O-0809-21
O-9394-27	O-9899-26	O-0405-24	O-0809-29
O-9495-5	O-9899-36	O-0405-26	O-0809-42
O-9495-17	O-9899-49	O-0405-42	O-0809-44
O-9495-28	O-9900-11	O-0405-59	O-0910-12
O-9596-11	O-9900-12	O-0405-60	O-0910-26
O-9596-12	O-9900-21	O-0405-61	

ARTICLE I - BUILDING SETBACK LINES

Section Page

101 - Definitions 1

102 - Major Street Plan adopted.....1

103 - Setback lines 2

104 - Variations permitted 2

ARTICLE II - UTILITIES IN NEW ADDITIONS

Section Page

201 - Definitions.....3

202 - Easement dedications 3

203 - Fees charged by utility companies 4

204 - Location of certain utility structures 4

205 - Rules and Regulations.....4

206 - Underground utility facilities 5

207 - Violations 6

ARTICLE III - ZONING

Section Page

301 Zoning ordinance continued. 6

ARTICLE X - GENERAL PROVISIONS

Section		Page
411 -	Citation	7
412 -	Purpose and Necessity	7
413 -	Nature of Zoning Plan	7
414 -	Regulation of Use, Height, Area Yards and Open Spaces	7
415 -	Zones	8
416 -	Definitions	8
417 -	Interpretation of District Boundaries	9
418 -	Vacation of Public Easements	9
419 -	Non-conforming Uses	9

ARTICLE XI - SPECIFIC DISTRICT REGULATIONS

Section		Page
420 -	Planned Unit Developments	10
420.1 -	A-1, General Agricultural District	18
420.2 -	A-2, Rural Agricultural District	20
420.3 -	RE, Residential Estate Dwelling District	24
421.1 -	R-l, Single-Family Dwelling District (6,000 Square Foot Minimum)	26
421.3 -	R-1-A, Single Family Attached Dwelling District	29
421.5 -	R-2, Two-Family Dwelling District	31
422.1 -	RM-2, Low Density Apartment District	33

ARTICLE XI - SPECIFIC DISTRICT REGULATIONS (Continued)

Section		Page
422.2 -	RM-4, Mobile Home Park District	35
422.3 -	RM-6, Medium Density Apartment District	37
422.5 -	R-3, Multi-Family Dwelling District	40
422.7 -	RO, Residence-Office District	42
422.9 -	O-1, Office-Institutional District	46
423.1 -	CO, Suburban Office Commercial District	49
423.2 -	C-1, Local Commercial District	51
424.1 -	C-2, General Commercial District	54
424.2 -	TC, Tourist Commercial District	57
424.3 -	CR, Rural Commercial District	59
425.1 -	C-3, Intensive Commercial District	61
426.1 -	I-l, Light Industrial District	63
427.1 -	I-2, Heavy Industrial District	66
428.1 -	M-1, Restricted Industrial District	69
429 -	MUD, Mixed Use Development District	72
429.1 -	FH, Flood Hazard District	80
429.2 -	PL, Park Land District	104
429.3 -	HD, Historic District	105
429.4 -	Airport Height Overlay District	124
429.5-	Northern Community Separator Overlay District	132

ARTICLE XII - ADDITIONAL DISTRICT PROVISIONS

Section Page

430.1 - Applicability of Additional District Provisions 134

430.3 - Determination of Applicable Regulations 134

431.1 - Open Space 134

431.2 - Commercial Communication Towers 136

431.3 - Height.....139

431.4 - Exterior Appearance 140

431.5 - Off-street Parking Requirements 142

431.6 - Reserved.....150

431.7 - Off-street Parking, Development and Maintenance of 150

431.8 - Landscaping Requirements for Off-Street Parking Facilities 157

431.9- Fencing, Walls, and Screening 162

432.1 - Group Housing Project 163

432.2 - Townhouse Development 164

432.3 - Entrance to Dwelling Units in Apartment Houses and Group Dwellings 165

432.4 - Rooming or Boarding House 165

434.1 - Special Uses 166

435.1 - Portable Storage Containers and Roll-Off Trash Containers.....170

436.1 - Sales Prohibited from Residences or Garages 172

438.1 - Home Occupations 172

438.2 - Bed and Breakfast Establishments.....173

438.3 - Child Care Establishments.....175

ARTICLE XII - ADDITIONAL DISTRICT PROVISIONS

Section Page

439.1 - Adult Entertainment Uses 176

ARTICLE XIII - ADMINISTRATION

Section Page

440.1 - Building Permit.....177

440.3 - Violations and Penalties.....178

441 - Board of Adjustment.....179

442.1 - Amendments 188

442.3 - Classification of New Additions.....193

ARTICLE XIV - DEFINITIONS

Section Page

450 - Definitions 194

ARTICLE XV - DESCRIPTION OF DISTRICTS

Section Page

460 - Description of Zoning District Boundaries.....207

APPENDIX

Page

Appendix A: Application for Rezoning and Explanation 208
of Rezoning Procedure (Sample Copies)

Appendix B: F.H.A. - Minimum Property Standards for 219
Multifamily Housing

APPENDIX (Continued)

Section | Page

Appendix C: Parking on Driveways in Front and Side Yards 235

Appendix E: Sight Triangle Required at Intersections 237

Appendix F: Landscaping Requirements for Parking Lots 239

Chapter 22

ZONING[1]

Art. I Building Setback Lines, §§ 22-101 -- 22-104
Art. II Utilities in New Additions, §§ 22-201 -- 22-207
Art. III Zoning, § 22-301

ARTICLE I. BUILDING SETBACK LINES[2]

Sec. 22-101. Definitions.

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

(1) **Major street or highway**: Any street or highway so designated on the official Major Street Plan of the City.

(2) **Major arterial**: Any street so designated on the official Major Street Plan of the City.

(3) **Secondary thoroughfare**: Any street so designated on the Major Street Plan of the City.

(4) **Commercial district**: Any C-1 Local Commercial, C-2 General Commercial, and C-3 Intensive Commercial District established under the provisions of article III of this chapter.

(5) **Industrial district**: Any I-1 Light Industrial, I-2 Heavy Industrial, or M-1 Restricted Industrial District established under the provisions of article III of this chapter. (O-918)

Sec. 22-102. Major Streets and Highways Plan adopted.

(a) The Norman Area Major Streets and Highways Plan, adopted by the City Council October 23, 1980, (as part of the NORMAN 2025 LAND USE AND TRANSPORTATION PLAN Document), is hereby incorporated into the Code of the City of Norman, Oklahoma, with the same force and effect as if fully set out in this subsection.

(b) The Major Streets and Highways Plan shall not become effective until at least three (3) copies thereof have been filed in the office of the City Clerk for examination by the public. (O-918)

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[1] **Cross references** – Board of Adjustment, §4-301; Planning Commission, §4-1201 et seq.; animal control, Ch. 3; building construction, Ch. 5; fire prevention, Ch. 9; health and safety, Ch. 10; housing regulations, Ch. 11; licenses and occupations, Ch. 13; public improvements, Ch. 16; sign regulations; Ch. 18; subdivision regulations, Ch. 19; traffic regulations, Ch. 20; utility services, Ch. 21.

[2] **Cross references** – Setback requirements for carports, §5-804; setback requirements for keeping bees, §13-405; building lines in subdivisions, §19-305.

Sec. 22-103. Setback lines.

No permanent building or structure of any type shall be located within the following setback lines:

(1) **Major arterial**: Setback lines shall be on both sides parallel to and distant fifty (50) feet from the center line of all primary thoroughfares located partially or completely within any Commercial or Industrial District as set forth on the Zoning Map of the City.

(2) **Secondary thoroughfares**: Setback lines shall be on both sides parallel to and distant forty (40) feet from the center line of all secondary thoroughfares located partially or completely within any Commercial or Industrial District as set forth on the Zoning Map of the City.

(3) **Interstate Highway No. 35**: Setback lines shall be ninety (90) feet from the front property line where right-of-way has not been acquired for a frontage road and forty (40) feet in all other cases along Interstate Highway No. 35.

(4) **State Highway No. 77**: Setback lines along State Highway No. 77 shall be sixty-eight (68) feet westerly along a line perpendicular from the center line of the existing right-of-way and one hundred thirty-two (132) feet easterly along a line perpendicular from the center line of the existing right-of-way of said highway, and extending from that point at which said highway is intersected by 12th Avenue S.E. to that point at which said highway intersects the City limits to the south. However, signs of a temporary nature and which have no permanent foundations or footings, may be installed so long as the owner thereof agrees in writing in advance of installation that such signs will be removed, without cost to the City, upon written order of the Public Works Department.

(5) **Extended C and I Districts**: Whenever any Commercial or Industrial District is subsequently amended and extended under the terms of article III of this chapter, the setback lines of this section shall apply to all primary and secondary thoroughfares then located partially or completely within the amended and extended district. (O-918; O-2063)

Sec. 22-104. Variations permitted.

When, by reason of exceptional narrowness, shallowness, or shape of a specific property, or by reason of exceptional topographic conditions or other extraordinary or exceptional situations which are not generally prevalent in the area, the strict application of this article would result in exceptional or undue hardship upon the owner of the property, the Board of Adjustment may authorize a variation to relieve the hardship, under the provisions of article III of this chapter. (O-918)

ARTICLE II. UTILITIES IN NEW ADDITIONS[3]

Sec. 22-201. Definitions.

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

(1) **New additions or subdivisions**: Those additions or subdivisions to the City for which preliminary plats have not been approved by the Planning Commission prior to February 8, 1966, and which are restricted to residential uses in lots of not more than two (2) acres in size. Even though a preliminary plat had been filed prior to February 8, 1966, any part thereof on which a final plat had not been filed within two (2) years of that date, shall be considered a new addition or subdivision.

(2) **Utility**: Any person furnishing gas, sewer, water, electric, communication or television signal services.

(3) **Utility easements**: Those parcels, strips, areas or other portions of land available for the installation, maintenance, repair and operation of utility facilities.

(4) **Utility facilities**: All equipment and appurtenances located above or below ground in streets, alleys, utility easements, rights-of-way, properties and ways of the City used or useful in supplying gas, sewer, water, electric, communication or television signal services, and includes:

[a] **Distribution lines**: Conductors and equipment, above or below ground, operating at less than 15,000 volts for the purposes of delivering electricity to customers.

[b] **Feeder lines**: Above ground supporting structures, conductors and equipment operating from 2400 to 15,000 volts for the purpose of feeding power from substations to load area distribution lines, separated by one-half mile or more except in substation approaches.

[c] **Substation**: An above ground structure with transformers, regulators and switching equipment for the purpose of interconnecting transmission, feeder and distribution lines.

[d] **Switching station**: Similar to substation, except without transformers, for the purpose of interconnecting more than two (2) lines of the same type and voltage.

[e] **Transmission lines**: Above ground supporting structures, conductors and equipment operating at more than 15,000 volts for the purpose of transmitting electric power from generating plants to switching stations and substations. (O-1833)

Sec. 22-202. Easement dedications.

The Planning Commission shall not approve any plat for a new addition or subdivision, or any amendment thereto, unless that plat shall dedicate utility easements of at least twenty (20) feet in width contiguous to each lot in that addition or subdivision (O-1833)

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[3] **Cross references** – Subdivision regulations, Ch. 19; utility services, Ch. 21; cable television, Ch. 6.

Sec. 22-203. Fees charged by utility companies.

Nothing contained in this article shall be construed or operate to prohibit any utility company or other entity furnishing utility service from charging, collecting and receiving as a condition precedent to the installation of service facilities any charge, fee prepayment, or contribution in aid of construction which may be required or authorized by any order, rule, regulation or rate schedule promulgated or approved by the Corporation Commission of the State of Oklahoma or other regulatory agency having jurisdiction. (O-1833)

Sec. 22-204. Location of certain utility structures.

(a) No construction or installation of the following named utility structures shall commence without the Planning Commission and the City Council having first approved the location of the structure:

(1) electric substations;
(2) electric switching stations;
(3) natural gas line terminals, pressure reducing stations, regulating, odorizing, or metering stations;
(4) telephone exchange buildings.

(b) Prior to the issuance of a building permit and at the time of approval of the location, a plot plan shall be submitted showing:

(1) the outline of the structure;
(2) the height thereof;
(3) the type of construction;
(4) the set-back of the structure from property lines; and
(5) the nature and character of the surrounding property.

(c) Prior to the issuance of a building permit, and as a condition thereof, the screening of such structures with those materials which will cause the installation to blend most favorably with the surrounding property shall be required. (O-1833; O-1854)

Sec. 22-205. Rules and Regulations.

(a) The City Council shall adopt and prescribe rules and regulations pertaining to the installation of all utility facilities in dedicated utility easements, such rules and regulations to be consistent with any franchise or grant, contractual or statutory, of either the City or the State of Oklahoma.

(b) Should any conflict arise between the provisions of this article and the rules and regulations, rate schedules or orders of the Corporation Commission of the State of Oklahoma or other pertinent regulatory agency, the latter shall prevail so long as they do not infringe upon the police regulatory powers of the City. (O-1833)

Sec. 22-206. Underground utility facilities.

(a) All new utility facilities to be constructed within all new additions or subdivisions shall, to the extent practicable and feasible, be placed underground within dedicated utility easements so as to promote and preserve the health, peace and safety and general welfare of the public and to assure the orderly development of all such new additions and subdivisions.

(b) Any plat for a new addition or subdivision, or any amendment thereto, shall not be approved unless that plat provides that all new utility facilities shall, to the extent practicable and feasible, be placed underground.

(c) The provisions of the above subsections (a) and (b) shall not apply to above ground utility facilities within any addition or subdivision platted or on which a preliminary plat had been approved, or which existed prior to February 8, 1966, nor shall it apply to the maintenance, repair or replacement of such existing above ground utility facilities.

(d) The provisions of the above subsections (a) and (b) shall not apply to:

(1) Poles used exclusively for police or fire alarm boxes, traffic control facilities, or any similar City equipment installed under the supervision and to the satisfaction of the City Manager or his designated representative.

(2) Thoroughfare street lighting systems on arterial streets or highways designated by the City, and lighting units comprised of poles, standards, luminaries and appurtenant equipment for other street lighting systems and for area lighting. However, prior to the installation of any such street lighting system the plans therefore, describing the materials, structural characteristics and other details shall be submitted to the Public Works Director, who shall thereafter submit the same, with his recommendations, to the City Council for its approval.

(3) Radio antennae and associated equipment, including supporting structures. (This exception specifically does not include facilities extending to and from such equipment).

(4) Temporary utility facilities used for supplying services to new construction, or for maintaining services during periods of restoration or replacement.

(5) Electric transmission lines, feeder lines, substations and switching stations. However, the plans and routing of all feeder lines, except those to be installed on section lines or half section lines and which do not pierce any existing subdivision, shall be submitted to the Public Works Director, who shall thereafter submit the same, with his recommendations, to the City Council for its approval.

(6) Electric service terminals in pedestals; enclosed pad mounted distribution transformers; riser facilities for connecting distribution lines to feeder lines.

(7) Gas systems field line terminals, pressure reducing, regulating, odorizing and/or metering stations housed in surface masonry structures; serving meters and regulators one and one-half maximum size and eight (8) ounces maximum pressure where located in the rear of the properties served.

(8) Service equipment and connections mounted against walls of buildings being served, including gas risers, electric risers and meters, and communications or television risers and terminals.

(e) The City Council may approve additional exceptions to those set forth in the above subsection (d). However, in hearing and determining applications for exceptions, the City Council must be presented supporting evidence that one or more of the following conditions exist:

(1) There is no value in underground utility installations for purposes of esthetics or consistency because of the presence of existing overhead utility facilities in a substantial portion of the area within or surrounding the new addition or subdivision.

(2) Underground construction would not be practicable or feasible due to the nature of the services to be rendered or required, the soil or rock formations in the area, unusual rodent or animal infestation, the presence of existing impeding underground drainage ditches, open storm sewers and impediments of like nature, or because of some other unusual circumstances.

(3) The cost of the installation will be unduly burdensome or confiscatory when compared with the revenue which could reasonably be anticipated therefrom.

(f) It shall be the responsibility of the utility company to restore the grounds, soil, and ground cover to their condition existing prior to the installation of underground utilities. (O-1833; O-8485-15)

Sec. 22-207. Violations.

(a) Any person who erects, constructs, places, keeps, maintains, continues, employs, or operates any utility facilities in violation of the provisions of this article shall be subject to those penalties as provided in article III of this chapter.

(b) Any violation of the provisions of this article shall be public nuisances and may be abated or enjoined by proper restraining or injunctive action in a court of competent jurisdiction. (O-1833)

ARTICLE III. ZONING

Sec. 22-301. Zoning ordinance continued.

The Zoning Ordinance of the City of Norman, Oklahoma, Ordinance No. 884, adopted as Sections 411 to 449 of the Code of the city, as amended on or after October 1, 1962, is continued with the same force and effect as if fully set out in this section.[4] (O-2015; O-2236)

[4] **Cross references** – Zoning ordinances not affected by Code or ordinance adopting Code, §1-104; provisions of animal-control ordinance relative to keeping animals, other than dogs and cats, in zoning districts, §3-501; business must be in compliance with zoning regulations to be licensed, §13-114(a); permit required for garage and similar sales in certain zoning districts, §13-901; zoning districts in which oil, gas and mineral production permitted, §13-1509.

ARTICLE X. GENERAL PROVISIONS

Sec. 411 - CITATION

This Ordinance is adopted in pursuance of the authority granted by The Charter of the City of Norman, Article XIX, Sections 1, 2, 3, and 4 and is in exercise of that authority. It is founded upon and implements the NORMAN 2025 Land Use and Transportation Plan as amended and shall be construed in connection therewith. It shall be known as the Zoning Ordinance of Norman, and may be so cited.

Sec. 412 - PURPOSE AND NECESSITY

The regulations contained herein are necessary to encourage the most appropriate uses of land; to maintain and stabilize the value of property; to reduce fire hazards and improve public safety and safeguard the public health; to decrease traffic congestion and its accompanying hazards; to prevent undue concentration of population, and to create a comprehensive and stable pattern of land uses upon which to plan for transportation, water supply, sewerage, schools, parks, public utilities, and other facilities. (Ord. 884, Art. I, Sec. 2.)

SEC. 413 - NATURE OF ZONING PLAN

This Ordinance classifies and regulates the use of land, buildings, and structures within the city limits of the City of Norman, State of Oklahoma, as hereinafter set forth. The regulations contained herein are necessary to promote the health, safety, convenience, and welfare of the inhabitants by dividing the city into zones and regulating therein the use of the land as to height and number of stories of buildings, coverage of the land by buildings, size of yards and open spaces, density of population and location and use of buildings. (Ord. 884, Art. l, Sec. 3.)

SEC. 414 - REGULATION OF USE, HEIGHT, AREA, YARDS AND OPEN SPACES

Except as hereinafter otherwise provided, no land shall be used and no building, structure, or improvement shall be made, erected, constructed, moved, altered, enlarged, or rebuilt which is designed, arranged or intended to be used or maintained for any purpose or in any manner except in accordance with the use, height, area, yard and space requirements established in the district in which such land, building, structure, or improvement is located, and in accordance with the provisions of the articles contained herein relating to any or all districts. (Ord. 884, Art. l, Sec. 4)

SEC. 415 - ZONES

1. Zoning Map. The City of Norman is hereby divided into zones as shown on the Zoning Map (Map No. 1, dated July 13, 1954) filed with the City Clerk, and as recorded by description in Article XV hereinafter. The map and all explanatory material thereon is hereby made a part of this Ordinance.

2. Districts. Zones shall be designated as follows:

Planned Unit Development District (O-9091-40)
A-l, General Agricultural District (O-1225)
A-2, Rural Agricultural District (O-1255)
RE, Residential Estate Dwelling District (O-1371)
R-1, Single Family Dwelling District
R-1-A, Single Family Attached Dwelling District
R-2, Two Family Dwelling District
R-3, Multi-Family Dwelling District
RO, Residence-Office District
RM-2, Low Density Apartment District (O-1899)
RM-4, Mobile Home Park District (O-1899)
RM-6, Medium Density Apartment District (O-1899)
O-1, Office-Institutional District (O-8586-16)
CO, Suburban Office Commercial District (O-1022)
C-l, Local Commercial District
C-2, General Commercial District
TC, Tourist Commercial District (O-1855)
CR, Rural Commercial District
C-3, Intensive Commercial District
M-1, Restricted Industrial District (O-2329)
I-l, Light Industrial District
I-2, Heavy Industrial District
FH, Flood Hazard District (O-7475-48)
PL, Park Land District (O-7576-24)
HD, Historic District (O-9293-30)
Airport Height Overlay District (O-9899-36)

Specific district regulations are set forth in Article XI of this Code.
(Ord. 884, Art. I, Sec. 5; O-1022)

SEC. 416 - DEFINITIONS

For the purpose of these regulations certain terms and words are to be used and interpreted as defined in Article XIV. Words used in the present tense shall include the future tense; words in the singular number include the plural; and words in the plural number include the singular, except where the natural construction of the writing indicates otherwise. The word "shall" is mandatory and not directory. (Ord. 884, Art. l, Sec. 6)

SEC. 417 - INTERPRETATION OF DISTRICT BOUNDARIES

1. Determination of Boundaries. Where uncertainty exists with respect to the boundaries of any of the aforesaid districts as shown on the zoning map, the following rules shall apply:

(a) Where district boundaries are indicated as approximately following the center lines of streets or highways, street lines or highway right-of-way lines, such center lines, street lines, or highway right-of-way lines shall be construed to be such boundaries.

(b) Where district boundaries are so indicated that they approximately follow the lot lines, such lot lines shall be construed to be said boundaries.

(c) Where district boundaries are so indicated that they are approximately parallel to the center lines or street lines of streets, or the center lines or right-of-way lines of highways, such district boundaries shall be construed as being parallel thereto and at such scaled distance therefrom as indicated on the Zoning Map.

(d) Where the boundary of a district line follows a railroad line such boundary shall be deemed to be located on the easement line to which it is closest, which shall completely include or exclude the railroad easement unless otherwise designated. (Ord. 884, Art. I, Sec. 7.)

SEC. 418 - VACATION OF PUBLIC EASEMENTS

Whenever any street, alley or other public easement is vacated, the district classifications of the property to which the vacated portions of the land accrue shall become the classification of the vacated land. (Ord. 884, Art. l, Sec. 8.)

SEC. 419 - NON-CONFORMING USES

1. Continuation. Any use or structure existing at the time of enactment or subsequent amendment of this Ordinance, but not in conformity with its provisions, may be continued with the following limitations. Any use or building which does not conform to the provisions of this Ordinance may not be:

(a) Changed to another non-conforming use.

(b) Re-established after discontinuance for two years.

(c) Extended except in conformity to this Ordinance.

Provided, however, that all buildings and uses existing at the time of passage of this Ordinance which do not comply with the required off-street parking requirement, as specified in Article XII, Sec. 431.5 - 431.9, shall not be defined as non-conforming uses because of a lack of said off-street parking facilities under the terms of this Ordinance. (Ord. 884, Art. l, Sec. 9)

ARTICLE XI. SPECIFIC DISTRICT REGULATIONS

SEC. 420 - PLANNED UNIT DEVELOPMENTS

(Ord. No. O-9091-40 – July 23, 1991)

1. Statement of Purpose. It is the intent of this section to encourage developments with a superior built environment brought about through unified development and to provide for the application of design ingenuity in such developments while protecting existing and future surrounding areas in achieving the goals of the NORMAN 2025 Land Use and Transportation Plan of the City of Norman, Oklahoma. The "PUD" Planned Unit Development district herein established is intended to provide for greater flexibility in the design of buildings, yards, courts, circulation, and open space than would otherwise be possible through the strict application of other district regulations. In this way, applicants may be awarded certain premiums in return for assurances of overall planning and design quality, or which will be of exceptional community benefit and which are not now required by other regulations. By permitting and encouraging the use of such procedures, the Planning Commission and City Council will be able to make more informed land use decisions and thereby guide development more effectively in the best interest of the health, safety, and welfare of the City.

Specifically, the purposes of this section are to encourage:

(a) A maximum choice in the types of environment and living units available to the public.
(b) Provision of more usable and suitably located open space, recreation areas, or other common facilities than would otherwise be required under conventional land development regulations.
(c) Maximum enhancement and minimal disruption of existing natural features and amenities.
(d) Comprehensive and innovative planning and design of diversified developments which are consistent with the City's long range plan and remain compatible with surrounding developments.
(e) More efficient and economic use of land resulting in smaller networks of utilities and streets, thereby lowering costs.
(f) Preparation of more complete and useful information which will enable the Planning Commission and City Council to make more informed decisions on land use.

The PUD (Planned Unit Development) Regulations are designed to provide for small and large scale developments incorporating a single type or a variety of residential, commercial, industrial and related uses which are planned and developed as a unit. Such development may consist of individual lots, or it may have common building sites. Private or public common land and open space must be an essential, major element of the development which is related to, and affects, the long term value of the homes and other development. A Planned Unit Development shall be a separate entity with a distinct character that respects and harmonizes with surrounding development.

2. Uses Permitted. In addition to zoning districts established elsewhere in this chapter, a Planned Unit Development zoning district is established and shall be designated on the Zoning District Map, upon application of the landowner and approval by the City Council. In order to increase creativity and flexibility in the development of areas suitable for a Planned Unit Development, there are no specifically prescribed uses which are permitted within the boundaries of a Planned Unit Development. The developer shall be responsible for preparation of a list of permitted uses within the specific Planned Unit Development requested. The development of the list shall take into account the nature and purpose of the Planned Unit Development area, and such uses and locations shall be appropriate in order to protect and be in harmony with surrounding development. At the time of the Pre-Application plan and conference, the applicant shall generally describe the nature and types of land uses to be located within the boundaries of the PUD District. At the time of zoning application and consideration of the preliminary plat, a specific written list of uses to be "permitted by right" shall be submitted for review by the Planning Commission. Following approval by the Planning Commission and City Council, the list of specific uses permitted by right shall serve as the control list in issuance of building permits and certificates of occupancy.

In addition to the above permitted uses that are established by right, certain other uses may be prescribed by the developer in accordance with the restrictions included herein and said uses are designated as Conditional Permit Uses. These uses more intensely dominate the area in which they are located than do other uses which might be permitted in the PUD District and, as such, they require special considerations and restrictions. If the developer and/or Planning Commission agree that certain conditional permit uses should be included within the PUD District, the applicant shall precisely indicate the specific use, its location, area to be included, maximum building square footage, and such other information as required by the Planning Commission to properly and comprehensively evaluate the nature and impact of such conditional permit uses. When such conditional permit uses are approved at the time of rezoning, they shall not be subsequently changed to any other use until and unless they are changed to another use that is permitted by right, or the new proposed use if not permitted by right in a PUD District is resubmitted for rezoning approval.

3. Standards of Development.

(a) Ownership control. Applicants eligible for preliminary plan review must be the landowners of record, holders of a lease for not less than fifty (50) years, or their authorized agent and beneficiaries of all properties in question. The approved final development plan shall be binding on all subsequent owners of the land until revised or repealed as authorized in this section.

(b) Minimum District Area. Eligible properties must normally be two (2) acres or larger in size (gross acreage). Slightly smaller parcels may be eligible, provided the applicant can show that the proposed Planned Unit Development can meet the intent and regulations of this article without injury to the public health, safety and welfare.

(c) Parking and off-street loading. All uses established within a Planned Unit Development shall comply with the off-street parking and loading requirements as established in Sections 431.5 and 431.7, and related landscaping provisions contained in Section 431.8. However, the requirements for individual structures or lots may be met through either provision of adequate parking on the lot on which structure is so located, or upon adjacent property which is under the control of a property owners' association to which said lot is an automatic participant. In no case, however, shall the cumulative requirements for all parking and off-street loading requirements be less than if said uses were individually established and located in any other Zoning District within the City.

(d) Perimeter requirements. In order to assure compatibility with surrounding development, the developer shall submit specific information as to the setbacks, building height, coverage factors and other elements necessary for all perimeter lots that are adjacent to the boundary of the PUD District, or adjacent to any boundary or perimeter street right-of-way. While no specific setback requirements are herein established, the Planning Commission shall consider the nature, extent and character of the adjacent development and shall take into consideration the types of area regulations applicable to those adjacent properties.

(e) Open Space requirements. Common open space constitutes an essential ingredient in a Planned Unit Development and is one of the most basic and important design elements. Open space should be distributed more or less equitably throughout the PUD District in relationship to the dwelling units and other use areas that are intended to be served by the common open space. Adequate guarantees must be provided that the common open space areas are preserved and maintained for those purposes only. A property owners' association shall be required if other arrangements satisfactory to the City have not been made, for improving, operating and maintaining all such common open space areas, and other communally owned facilities. Open space shall be evaluated utilizing the following general guidelines:

(1) A minimum of ten to fifteen percent (10% to 15%) of the gross acres of any residential Planned Unit Development shall be designated as common open space;
(2) No more than one-half of the common open space may be covered by water;
(3) Recreation facilities or structures and their accessory uses located in common areas shall be considered as usable open space as long as the total impervious surfaces such as paving and roofs constitute no more than ten percent (10%) of the total open space; and
(4) A minimum of ten percent (10%) of the gross area of the non-residential components of any Planned Unit Developments shall be designated as landscaped open space, not to be used for streets or parking.

(f) Property Owners' Associations. The developer shall create such legal entities as appropriate to undertake and be responsible for the ownership, operation, construction and maintenance of private roads, parking areas, common usable open space, community facilities, recreation areas, buildings, lighting, security measures, and similar common elements in a Planned Unit Development. All legal instruments setting forth a plan or manner of permanent care and maintenance of such open space, recreational areas, and communally owned facilities shall be approved by the City Attorney as to legal form and affect, and by City Council as to the suitability of the proposed use of the open areas.

4. Application Procedures. The Planned Unit Development application procedure shall consist of three phases.

(a) Preapplication conference. Before submitting an application for any Planned Unit Development, the landowner, or his authorized agent, shall confer with City Staff in order to become familiar with the Planned Unit Development Review Process. The Staff will inform the applicant of any perceived potential problems that might arise. A further purpose of the preapplication conference is to make sure that the applicant has, or will be able to submit, the necessary information for filing the application. The intent of this conference is to provide guidance to the applicant prior to incurring substantial expense in the preparation of detailed plans, surveys and other data required in a preliminary development plan. After the preapplication conference, the proposed development may be heard before the Planning Commission as an informational item. At the conference, the applicant shall submit a site plan and such other narrative or other graphic information the applicant deems pertinent to the City's initial review and evaluation of the potential of the Planned Unit Development proposed. The preapplication plan shall include the following:

(1) Boundaries of the property involved;
(2) Existing zoning of the area and zoning of adjoining properties;
(3) Existing roadways, easements and waterways;
(4) A general plan of development at a level of detail sufficient to indicate to the City the nature and scope of the project as to its magnitude in terms of approximate number and types of dwelling units, location and extent of non-residential elements, proposed locations of major open space areas, and major circulation facilities; and
(5) Proposed treatment of the perimeter of the Planned Unit Development.

(b) Zoning application. After receiving written comments following the preapplication conference, the applicant may proceed in preparing a formal application for a Planned Unit Development. The application shall consist of a simultaneous submission of a rezoning application, Preliminary Plat, and proposed Development Plan. The Preliminary Plat shall conform to all requirements contained in Chapter 19 of the Norman City Code, with the exception of certain design requirements regarding lot dimensions, setbacks, etc., that are specifically exempted or modified by provisions of this ordinance.

In addition to the required Preliminary Plat, the Rezoning Application/Development Plan shall include at least the following information:

(1) Proposed title of the project and name of any engineer, architect, land planner, landscape architect, or company responsible for various elements of the plan.
(2) General development plan of the tract indicating the location of different land uses, dwellings by types and numbers, areas designated for commercial, industrial and other non-residential uses, and areas proposed for open space and recreational use. For all residential areas, the site plan shall clearly indicate the type and number of dwellings to be located per parcel, lot or block in accordance with the Preliminary Plat. For all commercial and other non-residential uses, the areas shall clearly be indicated in accordance with lots, parcels or blocks; and, each such parcel shall indicate the type of building proposed, the use of any proposed building, number of stories, and gross square footage to be included on each parcel. The boundaries of all open space areas shall be clearly indicated, along with the form of proposed ownership; that is, by property owners' association, public park, or other legal entity; and, in such case where more than one property owners' association is being created, documentation shall be clearly submitted as to which areas will have automatic membership into said associations. This requirement shall not be interpreted as requiring a detailed site development plan which includes the exact boundaries and locations of all structures proposed for construction.
(3) All setback lines for all properties shall be shown.
(4) If the project is to be developed in more than one phase, the boundaries of each proposed phase shall be clearly indicated on the development plan.
(5) Calculations shall be submitted of the total number of gross acres in the project, and the acres and percentages thereof proposed to be devoted to the several dwelling types, commercial or other non-residential uses, as well as streets, parks, schools, and other reservations.
(6) Tabulation of the total number of dwelling units by various types in the project or if the project is to be developed in phases, by each phase within the project.

The Preliminary Development Plan will be reviewed by Staff and their recommendation shall be forwarded to the Planning Commission. A public hearing for the Preliminary Plat and Development Plan shall be set not later than the second regular meeting after filing, and shall be legally advertised as specified in the Zoning Ordinance.

At the public hearing before the Planning Commission, the applicant and interested citizens will have the opportunity to discuss the merits of the Planned Unit Development proposal. The Planning Commission will assess the proposal in light of ordinance guidelines and will take action after weighing the recommendations of the Staff, the applicant's presentation, and the community's response. The Commission shall approve, recommend approval conditioned on specified modifications, or recommend disapproval of the Planned Unit Development proposal.

After the Preliminary Development Plan is reviewed by the Planning Commission, it will be forwarded to the City Council for their action. The City Council may grant, deny, defer for requested changes or information, or return the application to the Planning Commission for further study. The Council may direct the Planning Commission to reconsider specific aspects of the Preliminary Development Plan.

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

(c) Final Plat/Development Plan. The applicant shall have three (3) years from the date of the City Council approval to submit the Final Development Plan/Plat. In cases where a phased Preliminary Development Plan is approved, an approved submission schedule for incremental Final Development Plan/Plat shall be followed. Requests for extensions of time shall be submitted in writing to the City Council which may grant one (1) extension of not less than one (1) year nor more than three (3) years. Requests for time extensions must be made within three years of the date of the City Council approval. Failure to submit a Final Development Plan, or ask for an extension, shall be sufficient cause for the City Council to revoke the Ordinance and the approved Preliminary Development Plan. The Planning Commission shall review the Final Development Plan/Final Plat to determine that no substantial changes were made to those elements of the plan agreed upon in the Preliminary Development Plan. If substantial changes are found to have been made to the agreed elements, then the application must be resubmitted for Preliminary Development Plan review.

The Final Development Plan/Plat shall be deemed to be in substantial compliance with the Preliminary Development Plan provided that the Plan/Plat does not:

(1) Increase proposed floor area for non-residential use by more than five percent (5%);
(2) Increase total building coverage by more than five percent (5%);
(3) Increase building height by more than five percent (5%);
(4) Increase total number of dwelling units by more than five percent (5%) within a given phase. Fluctuation greater than the above shall be permissible, provided overall density is maintained.
(5) Substantially change the location of any non-residential areas as shown on the approved Preliminary Plan; and
(6) Significantly modify the location or design of minor streets, cul-de-sacs, alleys, or facilities for water, storm water, and sanitary sewer.
(7) Significantly change the phasing plan or the development schedule.

All other changes in the Planned Unit Development including changes in the list of permissible uses must be made under the procedures that are applicable to the initial approval of a Planned Unit Development project. The burden shall be upon the landowner to demonstrate good cause for any variation between the preliminary plan previously approved and the final plan/plat submitted for approval.

The Final Development Plan and Final Plat shall be reviewed by Staff and their recommendation shall be forwarded to the Planning Commission not later than the second regular meeting after filing. If the Planning Commission finds that only minor differences exist in the final development plan/plat, then it shall be forwarded to the City Council for their approval.

5. Submission requirements. As part of the application process for a Planned Unit Development, the applicant shall be required to submit the following documents and information:

(a) Preliminary Development Plan submittal.
- (1) A statement describing the general character of the total development and including the rationale behind the assumptions and choices represented in the application.
- (2) Quantitative data including the following information:
  - [a] Parcel size;
  - [b] Types and numbers of permitted uses and floor areas of each category of use;
  - [c] Proposed building coverage; and
  - [d] Total acreage of common open space by type.
- (3) A site plan meeting the following requirements:
  - [a] Submitted on one or more sheets not to exceed 24 inches by 36 inches, including a small scale vicinity map;
  - [b] To scale (scale indicated) and directionally oriented, such scale to be as large as possible in order to indicate as much detail as possible;
  - [c] Proposed lot lines;
  - [d] Existing and proposed circulation system of all streets, including off-street parking areas, service areas, loading areas, and major points of access to public rights-of-way (ingress and egress);
  - [e] Existing and proposed pedestrian circulation systems;
  - [f] Proposed treatment of the perimeter of the property, including materials and techniques used such as screens, fences and walls, as well as description of uses, setbacks, and the relationship to surrounding uses;
  - [g] General schematic landscape plan of the treatment of the area used for private and common open spaces;
  - [h] Location and size of all areas to be conveyed, dedicated, or reserved as common open spaces, public parks, recreational areas, school sites, and similar public and semi-public use;
  - [i] Location, dimensions, nature of all existing and proposed easements and public improvements;
  - [j] General location of structures other than single family detached units;
  - [k] Indication of existing natural features of the property, including water courses, floodplains, unique natural features, and vegetation;
  - [l] A legal description of the total site proposed for development;
  - [m] A development schedule indicating the approximate date when construction of the Planned Unit Development, or phases of the Planned Unit Development, can be expected to begin and be completed;
  - [n] A statement of the applicant's intentions with regard to the future selling or leasing of all, or portions, of the Planned Unit Development, including land areas and dwelling units; and
  - [o] A Preliminary Plat submitted in accordance with Chapter 19.

(b) Final Development Plan/Final Plat. In addition to the information previously submitted with the Preliminary Development Plan, the Final Development Plan/Plat shall contain or include the following:

(1) A description of the maintenance provisions of the development;
(2) A final subdivision plat;
(3) A survey of the property;
(4) Any changes to the approved development schedule, including:
[a] Starting date;
[b] Dates when various phases are projected to be completed.
(5) A site plan identical to that submitted with the Preliminary Development Plan, including any amendments or changes;
(6) A landscaping and screening plan showing the location, size, and specific types of landscaping materials, fencing and other buffers; and
(7) All legal instruments or covenants in a recordable form. Any such covenants shall stipulate that items of interest to the City of Norman, such as the development schedule, permitted and conditional uses, and disposition of any required open space, may not be altered by the developer or the property owners association without the specific approval of the City.

6. Revocation.

(a) Causes for revocation. The Planning Commission shall recommend to the City Council that any previous Planned Unit Development approval be revoked and all building permits be voided under the following circumstances:

(1) If the applicant has not submitted a Final Development Plan to the City of Norman within three (3) years from the date of the adoption of the Ordinance by the City Council, except where a time extension has been granted by the City Council.
(2) If the applicant does not adhere to the phased development schedule as approved by the City Council.

(b) Procedures.

(1) Extensions. In those cases where no Final Development Plan has been submitted but the applicant is seeking an extension of time, such application shall be made to the Planning Commission. After their review, the item shall be forwarded to the City Council with a recommendation that an extension be granted or that the P.U.D. be revoked. The City Council shall grant the requested extension, or revoke the Ordinance granting the Planned Unit Development.
(2) Revocation. In those cases where no Final Development Plan has been submitted or an extension applied for, notice by certified mail shall be sent to the landowner or his authorized agent notifying him of his alleged default and setting a time at which he shall appear before the Planning Commission to show cause why steps should not be taken to totally or partially revoke his Planned Unit Development. The Planning Commission's recommendation shall be forwarded to the City Council for disposition, as in original approvals.
(3) In the event any Planned Unit Development is revoked by the City Council because any of the above defaults have occurred, no further development may occur without a new application for rezoning having first been filed with the Planning Department.

(c) Effect. In the event of revocation, any completed portions of the development, or those portions for which building permits have been issued, shall be treated to be a whole and effective Planned Unit Development.

7. Administration. Applications for any building permit within an approved, recorded Final Plat of a Planned Unit Development which are at variance with the standards and conditions set forth in the approved PUD may be approved by the Planning Director within the following guidelines:

(a) Does not increase the proposed floor area for non-residential use by more than five percent (5%). Does not increase total number of dwelling units by more than five percent (5%) within a given phase.
(b) Does not increase total building coverage by more than five percent (5%).
(c) Does not increase building height by more than five percent (5%).
(d) Provides for a decrease of up to ten percent (10%) in either land coverage, height, or number of dwelling units.
(e) The owner did not adjust factors (a), (b), or (c) above at the time of submission of the Final Development Plan as prescribed in Section 4(c).

Upon adoption of the schedule of construction, the Planning Director shall be responsible for enforcing this schedule. If the Planning Director determines that the rate of construction of residential units or non-residential structures differs from the construction schedule, he/she shall so notify the developer in writing. Thereafter, the Planning Director shall advise a developer as necessary to correct said schedule, and upon continued violation of this subsection may suspend the developer from further construction of dwelling units or non-residential structures until compliance is achieved. Any such suspension may be appealed to the Planning Commission and City Council following the procedures outlined above for Revocation.

This ordinance is enacted to replace the current Planned Unit Development procedure, contained in Section 432.4. Those Planned Unit Developments for which a Final Plat has been approved by the City Council are considered legal, and will continue to be governed by the specific ordinance and site plan which was adopted by the City Council. Major amendments or revisions to previously adopted P.U.D.'s should comply with this ordinance.

SEC. 420.1 - A-l, GENERAL AGRICULTURAL DISTRICT
(Amended by Ord. No. O-8586-82 -- June 24, 1986; O-8687-49 -- March 14, 1987)

1. General description. This district is intended to provide a zoning classification for the land situated on the fringe of the urban area that is used for agricultural purposes, but will be undergoing urbanization in the future. Most of these areas will be in close proximity to residential and commercial uses. Therefore the agricultural activities conducted in this district should not be detrimental to urban land uses. It is not intended that this district provide a location for a lower standard of residential development than is authorized in other districts. The types of uses, area and intensity of use of land which is authorized in this district is designed to encourage and protect agricultural uses until urbanization is warranted and the appropriate change in district classification is made.

2. Uses permitted. Property and buildings in an A-l, General Agricultural District shall be used only for the following purposes:

(a) Detached one family dwelling.
(b) Church, temple or other place of worship.
(c) Public school or school offering general educational courses the same as ordinarily given in the public schools and having no rooms regularly used for housing or sleeping.
(d) Agricultural crops.
(e) The raising of farm animals in accordance with the ordinances of Norman, but not the operation of commercial feed pens for cattle or hogs. On all tracts of land less than 40 acres the raising of hogs shall be prohibited, and on all larger tracts the number of hogs shall not exceed 20 grain fed plus 3 grain fed hogs for each additional 40 acres. Hogs shall not be located closer than two hundred feet from the property line of the tract on which they are located.
(f) All of the following uses:
    Country Club.
    Family day care home.
    Golf Course (excluding miniature golf courses).
    Home occupation.
    Library, Municipal use.
    Park or playground.
    Farm or garden.
    Public service or utility use.
(g) Type 1 mobile home.
(h) Accessory buildings including barns, sheds, and other farm buildings which are not part of the main building. One guest house may be utilized provided (a) it is clearly secondary to the larger main dwelling; (b) the structure is not rented or leased, nor used as a permanent dwelling; and (c) is not a mobile home.

3. Area regulations.

(a) Front Yard: All buildings shall be set back from street or section line right-of-way lines to comply with the following front yard requirements.
    (1) The minimum depth of the front yard shall be twenty-five (25) feet.
    (2) When a lot has double frontage the front yard requirements shall be provided on both streets.

(b) Side Yard:

(1) For dwellings of one story located on interior lots there shall be a side yard on each side of the main building of not less than five (5) feet and of not less than eight (8) feet for dwellings of more than one story, except as hereinafter provided in Article XII, Section 431.1. For unattached buildings of accessory use there shall be a side yard of not less than five (5) feet; provided, however, that unattached one-story buildings of accessory use shall not be required to set back more than three (3) feet from an interior side lot line when all parts of the accessory building are located not less than sixty (60) feet from the front property line.

(2) For dwellings and accessory buildings located on corner lots there shall be a side yard setback from the intersecting street property line of not less than fifteen (15) feet in case such lot is back to back with another corner lot, and twenty (20) feet in every other case. The interior side yard shall be the same as for dwellings and accessory buildings on an interior lot.

(3) Main and accessory buildings, other than dwellings, shall set back from all exterior and interior side lot lines a distance of not less than thirty-five (35) feet.

(c) Rear Yard: There shall be a rear yard for a main building of not less than twenty (20) feet or twenty percent (20%) of the depth of the lot, whichever amount is smaller. Unattached buildings of accessory use may be located in the rear yard of a main building.

(d) Lot Width: For dwellings there shall be a minimum lot width of fifty (50) feet at the front building line, and such lot shall abut on a street for a distance of not less than thirty-five (35) feet.

(e) Intensity of Use:

(1) For each dwelling and buildings accessory thereto there shall be a lot area of not less than two (2) acres.

(2) Where a lot has less area than herein required and all of the boundary lines of that lot touch lands under other ownership at the effective date of this ordinance, that lot may be used for one single family dwelling unit or for the uses set forth in Sub Section 2 above, but not for the raising of animals.

(3) For churches, main and accessory buildings other than dwellings, and buildings accessory to dwellings the lot area shall be adequate to provide the yard areas required by this section and the off-street parking areas required in Sections 431.5-431.9 of this code.

(f) Coverage: Main and accessory buildings shall not cover more than twenty-five percent (25%) of the lot area on interior lots, and thirty percent (30%) of the lot area on corner lots. Accessory buildings shall not cover more than twenty percent (20%) of the rear yard. (O-1225, Sec. 1.)

SEC. 420.2 - A-2, RURAL AGRICULTURAL DISTRICT

(As amended by Ord. No. O-2432 – August 3, 1971; O-7475-4 – July 9, 1974; O-7879-42 – January 30, 1979; O-8182-5 – October 13, 1981; O-8182-32 – January 5, 1982; O-8384-135 – June 19, 1984; O-8485-65 – June 11, 1985; O-8687-9 – August 5, 1986; O-8687-49 – March 14, 1987; O-8990-42 – July 24, 1990; O-9293-38 – August 24, 1993; O-9495-28 – January 24, 1995; O-9596-19 – December 12, 1995; O-9697-37 – March 11, 1997; O-9697-42 – May 27, 1997; O-0405-23 – November 16, 2004)

1. General description. This district is intended to provide a zoning classification for land situated relatively remote from the urban area which is used for agricultural and related purposes and will not be undergoing urbanization in the immediate future. The types of uses, the area and the intensity of use of land which is authorized in this district is designed to encourage and protect all agricultural uses until urbanization is warranted and the appropriate change in district classification is made. Areas included within this district are considered to be sufficiently remote from developed urban areas that exploration for and production of oil and gas will not be hazardous or detrimental to persons and property within the developed portions of the city. Further, the purpose of the following regulations for properties within the Ten Mile Flat Conservation Area, is to:

(a) Address unique conditions in the area commonly known as Ten Mile Flat, much of which land lies within the historical floodplain of Ten Mile Creek and the South Canadian River;
(b) To protect exceptional and irreplaceable natural resources located in the Ten Mile Flat area; and,
(c) To protect against flood damage in the 100-year floodplain and other flood prone areas within the Ten Mile Flat area. (O-0405-23)

2. Uses permitted. Property and buildings in an A-2, Rural Agricultural District shall be used only for the following purposes:

(a) Detached one family dwelling.
(b) Church, temple or other place of worship.
(c) Public school or school offering general educational courses the same as ordinarily given in the public schools and having no rooms regularly used for housing or sleeping.
(d) Agricultural crops.
(e) The raising of farm animals.
(f) All of the following uses:
    Country club.
    Family day care home.
    Golf course (excluding miniature golf courses).
    Home occupation.
    Library, Municipal use.
    Park or playground.
    Plant nursery.
    Public service or utility use.
(g) Accessory buildings, including barns, sheds and other farm buildings which are not part of the main building. One guest house may be utilized provided (a) it is clearly secondary to the larger main dwelling; (b) the structure is not rented or leased, nor used as a permanent dwelling; and (c) is not a mobile home.
(h) Type 2 mobile home.

3. Special Use. The following uses may e permitted, after review, in accordance with Section 434.1:

(a) Skeet and trap shooting, public or private.
(b) Riding academy and public stable.
(c) Dry dock boat storage, but not including sales or service. (O-2165)
(d) A home-oriented retail fish bait establishment, with accessory retail sales, conforming with all of the following requirements:
  (1) Said establishment shall be operated solely by the owner-occupant and members of his immediate family, all of whom shall be permanent residents on the premises.
  (2) Said establishment shall be operated as a secondary function to the dwelling unit located on the premises.
  (3) The operation of said establishment, including vehicle parking, shall not encumber more than fifteen thousand (15,000) square feet of the land area owned by the owner-occupant of the dwelling unit existing on the premises.
  (4) Said establishment may be operated either in an existing structure or part thereof, or in a constructed accessory structure having a horizontal roof coverage of the ground below of not more than three hundred (300) square feet.
  (5) Retail sales of accessory retail merchandise associated with said establishment shall not encumber more than one hundred (100) square feet of floor area within the covered area permitted in Paragraph (4) above. (O-2432)
(e) University or College offering undergraduate and/or graduate degrees. (O-7475-4)
(f) Rodeo facilities and show barns. (O-7879-42)
(g) Recreational Camp. (O-8182-5)
(h) Slaughterhouse, conforming with all of the following requirements:
  (1) The business must be limited to custom slaughtering;
  (2) Employees must be limited to residents living on the site;
  (3) Offal and blood waste from processing must be removed and not be disposed of on site; and
  (4) The use and the disposal of the waste from the use shall not be permitted in the Little River Watershed.
(i) Commercial storage of liquified petroleum.
(j) Type I Bed and Breakfast Establishment. (O-8990-42; O-9293-38)
(k) One and only one of the specific uses permitted in the M-1, Restricted Industrial District, except Section 428.1(2)(a), for which application is made. (O-8990-42)
(l) Veterinary clinic/hospital. (O-9495-28)
(m) Zoological park, with limited auxiliary uses, currently licensed by the Federal government as an exhibitor with a Class ”C” license, as defined in the Animal Welfare Act, as amended by the Act of December 23, 1985. (O-9697-37)

4. Area Regulations. (O-1739 and O-1793)

(a) Front Yard: The minimum front yard shall be 50 feet or 100 feet from the center line of the public street or road, whichever distance shall be the greater.
(b) Side Yard: The minimum side yard shall be 25 feet.
(c) Rear Yard: The minimum rear yard shall be 50 feet.
(d) Lot Width: The minimum lot width shall be 330 feet measured at the front building line, and such lot or parcel on which a dwelling structure is or to be located shall abut on a single public street or road officially opened by action of the City Council a distance of not less than 250 feet. (O-8384-135; O-9697-42)

(e) Administrative Adjustments: In cases where the dimensions or configuration of proposed lots must be modified in order to comply with requirements pertaining to transfer of density out of flood plain areas, the Director of Planning and Community Development shall have the authority to modify the proposed area regulations in subsections (a) through (d) listed above by twenty percent (20%). (O-0405-23)

(f) Intensity of Use:

(1) For each dwelling or other permitted use allowed within the district, and buildings accessory thereto there shall be a lot area of not less than ten (10) acres. (O-9697-42)

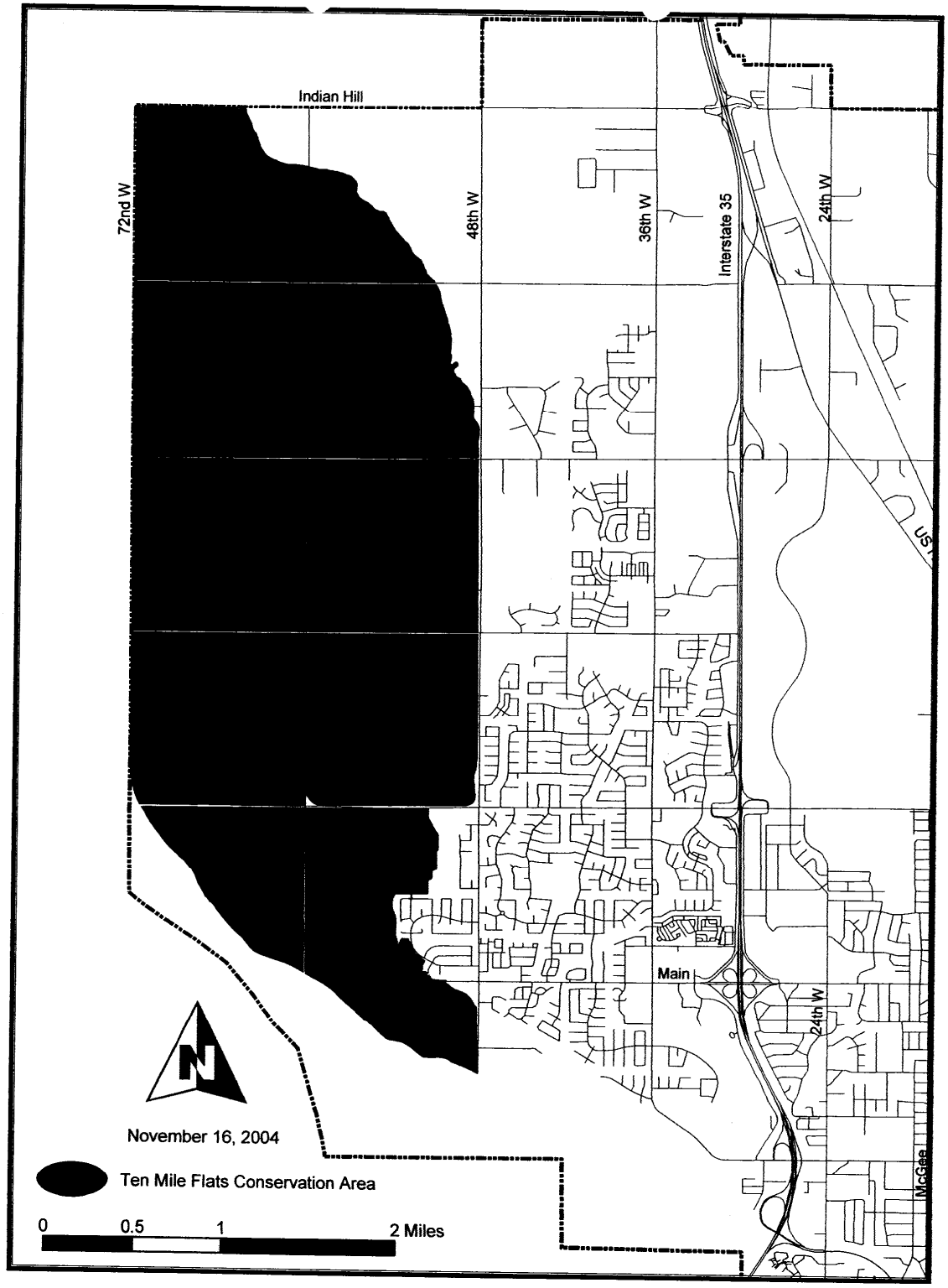
(2) Where required by Section 429.1.4(h)(4), in order to accomplish the transfer of density out of the flood plain areas, lots may be reduced to a minimum of two (2) acres.

(3) However, in the area depicted as Ten Mile Flat Conservation Area (as delineated on the attached Ten Mile Flat Conservation Area map dated November 16, 2004 and made a part of this Ordinance hereto), the lot area shall be not less than twenty (20) acres, except as provided below.

(4) Where a lot has less area than herein required and all of the boundary lines of that lot touch lands under other ownership at the effective date of this section that lot may be used for the purpose authorized in this district.

(g) Coverage: Main and accessory buildings shall not cover more than twenty-five percent (25%) of the lot area on interior lots, and thirty percent (30%) of the lot area on corner lots. Accessory buildings shall not cover more than twenty percent (20%) of the rear yard. In the Ten Mile Flat Conservation Area as depicted on the attached map, the main and accessory buildings shall not cover more than fifteen percent (15%) of the lot area and accessory buildings shall not cover more than ten percent (10%) of the rear yard. (O-1255, Sec. 1; O-1375, Sec. 1.)

(h) In the Ten Mile Flat Conservation Area, the area required for any building envelope (as defined in Section 429.1.2, as amended) for permissible principal and accessory buildings and on-site waste disposal systems shall be minimized to the maximum extent feasible. When applicable, all building envelopes and the location and extent of on-site waste disposal systems shall be subject to approval of the Flood Plain Permit Committee. (O-0405-23)


Indian Hill
72nd W
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November 16, 2004
Ten Mile Flats Conservation Area
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2 Miles

SEC. 420.3 - RE - RESIDENTIAL ESTATE DWELLING DISTRICT

(As amended by Ord. No. O-8182-32 – January 5, 1982; O-8586-82 – June 24, 1986; O-8687-49 – March 14, 1987; O-8990-42 – July 24, 1990; O-9091-9 – December 11, 1990; O-9293-38 – August 24, 1993; O-9596-19 – December 12, 1995; O-9697-42 – May 27, 1997; O-0607-6 – August 22, 2006)

1. Purpose. This district is established to provide for a low population density in the Suburban Residential Growth Area as reflected in the NORMAN 2025 Plan. The principal use of land is for single family detached dwellings and related recreational, religious, and educational facilities. These areas are intended to be defined and protected from encroachment by uses which are incompatible with a residential environment. (O-9697-42)

2. Uses permitted. Property and buildings in an RE, Residential Estate Dwelling District shall be used only for the following purposes:

(a) Detached one family dwelling.
(b) Family day care home.
(c) General purpose farm or garden.
(d) Type 1 Mobile Home.
(e) Accessory buildings, including barns, sheds and other farm buildings which are not a part of the main building. One guest house may be utilized provided (a) it is clearly secondary to the larger main dwelling; (b) the structure is not rented or leased, nor used as a permanent dwelling; (c) is not a mobile home.

3. Special Use. The following uses may be permitted, after review, in accordance with Section 434.1; provided that structures incidental to these uses are located at least fifty (50) feet from any property line.

(a) Church, temple, or other place of worship.
(b) School offering general educational courses the same as ordinarily given in public schools and having no rooms regularly used for housing and sleeping.
(c) Publicly operated recreation or water supply.
(d) Private recreation operated on a non-profit basis for residents of the subdivision or immediate area.
(e) Type I Bed and Breakfast Establishment. (O-8990-42; O-9293-38)
(f) One and only one of the specific uses permitted in the M-1, Restricted Industrial District, except Section 428.1(2)(a), for which application is made. (O-9091-9)

4. Area and Setback Regulations.

(a) Front Yard: All buildings shall be set back from street right-of-way lines to comply with the following front yard requirements:
    (1) The minimum depth of the front yard shall be fifty (50) feet.
    (2) When a lot has double frontage the front yard requirements shall be provided on both streets.
(b) Side Yard:
    (1) The minimum width of side yard shall be twenty-five (25) feet for the principal structure. Unattached one-story buildings of accessory use shall be located at least ten (10) feet from the side property line, or fifteen (15) feet if more than one-story, provided such structures are located within the rear half of the lot. (O-0607-6)
    (2) On any corner lot a building shall set back from the right-of-way line of the intersecting street a distance of at least forty (40) feet.

(c) Rear Yard: There shall be a rear yard having a depth of at least thirty (30) feet. Unattached one-story buildings of accessory use shall be set back at least ten (10) feet from the rear property line or utility easement, or fifteen (15) feet if more than one story, provided such structures are located within the rear half of the lot. (O-0607-6).

(d) Lot Width: There shall be a minimum lot width of one hundred and fifty (150) feet at the building line, and such lot shall abut on a street for a distance of not less than sixty-five (65) feet except that on a cul-de-sac turn around this may be reduced to fifty (50) feet.

(e) Lot Depth: The maximum depth of any lot shall be not more than four (4) times the lot width or six hundred and forty (640) feet, whichever be greater.

(f) Intensity of Use: There shall be a lot area of not less than two (2) acres, except that where a lot or parcel has less area than herein required and all boundary lines of that lot touch lands under other ownership on the effective date of this ordinance, that lot may be used for any of the uses permitted by this section but may not be split or divided into smaller lots or parcels; provided, however, that the lot size may be reduced to one (1) acre in those cases where the rear one (1) acre portion of the lot is either being dedicated to the public for park or drainage purposes, or reserved by plat as common open space for recreation or drainage purposes.

(g) Limit on Buildings: Not more than one (1) main building shall be constructed on any one (1) lot.

5. Height Regulations. Except as provided in Article XII, Section 431.3 of this code, no building shall exceed thirty-five (35) feet in height. (O-1371, Sec. 10.)

SEC. 421.1 - R-1, SINGLE FAMILY DWELLING DISTRICT

(As amended by Ord. No. O-7778-22 – November 1, 1977; Ord. O-7778-60 – May 2, 1978; Ord. O-7778-68 – October 3, 1978; Ord. O-7980-27 – February 5, 1980; Ord. O-8485-91 – July 9, 1985; Ord. O-8990-42 – July 24, 1990; O-9091-40 – July 23, 1991; O-9293-38 – August 24, 1993; O-9596-19 – December 12, 1995; O-9697-7 – August 27, 1996; O-9900-21 – January 11, 2000; O-0102-27 – March 26, 2002; O-0708-36 – April 22, 2008)

1. Uses Permitted. Property and buildings in an R-1, Single Family Dwelling District, shall be used only for the following purposes:

(a) Detached one family dwelling.
(b) Family day care home.
(c) General purpose farm or garden.
(d) Home occupation.
(e) Municipal recreation or water supply.
(f) Accessory buildings.
(g) Commercial parking only on days when the University of Oklahoma football team plays at home, subject to the following restrictions and conditions:
  (1) On all sides of the parking area abutting other property a barrier shall be erected so as to prevent vehicles from damaging fences, trees, shrubs or other improvements on the adjoining property, such barrier to be at least two (2) feet within the property line of the property used for parking. All vehicles shall be parked within the property line of such property.
  (2) An attendant over 18 years of age shall be on duty at all times when vehicles are parked on the property.
  (3) All papers, containers and other trash shall be removed from the premises immediately after the vehicles have been removed.
  (4) No vehicle shall ever be parked between the property line and any adjoining street.
  (5) Unless a driveway is provided, a wooden or metal incline shall be placed in the gutter next to the curb on any street where there is a concrete curb, and the same shall be removed immediately after the last parked vehicle has departed. Such incline shall not exceed 25 feet in length or 12 inches in width.
  (6) Any violation of the foregoing restrictions, whether by the owner of the property, driver of a vehicle, or other person, shall constitute an offense, and in addition to the other penalties provided by law, the owner or operator of such property so used for parking, upon conviction of such offense, shall not use said property for such purpose for the remainder of the year during which such violation occurs.
(h) Model Home, subject to a one hundred dollar ($100.00) annual permit, as provided in Sec. 22:450 (84) for no more than four (4) years. (O-0102-27)

2. Special Use. The following uses may be permitted, after review, in accordance with provisions contained in Section 434.1:

(a) Municipal use, public building and public utility.
(b) Public or private golf courses including any country clubs, club houses, or any accessory commercial enterprises. (O-7980-27; O-9596-19)
(c) Church, temple or other place of worship. (O-7778-22)
(d) School offering general educational courses the same as ordinarily given in public schools and having no rooms regularly used for housing and sleeping. (O-7778-22)
(e) Type I Bed and Breakfast Establishment. (O-8990-42; O-9293-38)

(f) Model home Accessory Parking Lot, with the following conditions:
   (1) The parking lot must be adjacent to a permitted model home. The parking lot must be completely removed when the model home reverts to residential use.
   (2) The lot must be designed and built to City standards, including surface material and drainage approved by the City Engineer, and striped or curbed (or bumper blocks installed) to safely allow its use.
   (3) The rear and side abutting other residences should be screened with a six foot (6') opaque fence, which may not extend beyond the front of the model home.
   (4) Sidewalks must be installed across both the model home and the parking lot.
   (5) A ten foot (10') landscape strip must be installed between the public sidewalk and parking area, and a five foot (5') strip along the side and rear of the lot. The lot should be landscaped with trees and shrubs.
   (6) No lighting is allowed other than low-voltage landscape fixtures. (O-0102-27)

3. Area regulations.
   (a) Front Yard: All buildings shall be set back from street right-of-way lines to comply with the following front yard requirements:
      (1) The minimum depth of the front yard shall be twenty-five (25) feet.
      (2) When a lot has double frontage the front yard requirements shall be provided on both streets, unless a Limits of No Access has been established across the rear of the lot. (O-0708-36)
   (b) Side Yard:
      (1) Except as hereinafter provided in the following paragraph and in Article XII, Section 431.1, there shall be a side yard on each side of a main building which shall have a width of not less than five (5) feet; unattached, one-story buildings of accessory use shall be set back five (5) feet from any side lot line, provided, however, that accessory buildings shall not be required to set back more than three (3) feet from the interior side lot line when all parts of said building are located not more than fifty (50) feet from the rear property line or rear utility easement line.
      (2) On any corner lot a main building shall set back from the right-of-way line of the intersecting street a distance of fifteen (15) feet in case such lot is back to back with another corner lot, and twenty (20) feet in every other case. Accessory buildings shall be set back from the right-of-way line of the intersecting street ten (10) feet in case such lot is back to back with another corner lot, and twenty (20) feet in every other case. (O-0708-36)
      (3) In no case shall a garage which faces a street be located closer than twenty (20) feet to that street property line.

   (c) Rear Yard: There shall be a rear yard having a depth of not less than twenty (20) feet or twenty percent (20%) of the depth of the lot, whichever amount is smaller; unattached one-story buildings of accessory use shall set back one (1) foot from the utility easement or alley line.
   (d) Lot Width: There shall be a minimum lot width of fifty (50) feet at the building line, and such lot shall abut on a street for a distance of not less than thirty-five (35) feet.
   (e) Intensity of Use: There shall be a lot area of not less than six thousand (6,000) square feet, except that where a lot has less area than herein required and all the boundary lines of that lot touch lands under other ownership on the effective date of this ordinance that lot may be used for any of the uses permitted by this section.

(f) Building Coverage: Coverage allowed under this provision shall be no more than forty percent (40%) of the total lot area. (O-9697-7; O-0708-36)

(g) Impervious Area: The total amount of impervious area, including all buildings and permanently paved areas shall not cover more than sixty-five (65) percent of a lot. Paving for parking as required in Section 431.5, including other impervious surfaces, shall not cover more than fifty percent (50%) of the required twenty-five (25) foot front yard, and comply with 431.7(1)(c). Total impervious area of the front yard can be increased to seventy percent (70%) when one or more of the following circumstances occur: (a) the driveway is needed to access a garage for three or more cars, (b) the driveway is part of a circular driveway that includes a landscaped separation from the sidewalk, or (c) the driveway is located on a cul-de-sac lot with lot frontage of less than forty (40) feet. (O-9900-21; O-0708-36)

(h) Limit on Buildings: Not more than one (1) main dwelling shall be constructed on any one lot.

4. Height Regulations

(a) Except as provided in Article XII, Section 431.3 of this Code, no building shall exceed two stories in height. A three story building may be constructed if the side yards are increased an additional five (5) feet. (O-0708-36)

(b) Any accessory building shall not exceed a wall height of ten (10) feet unless the required side and rear yard setbacks are increased by one (1) foot for each additional foot of wall height above ten (10) feet. Provided, however, that no accessory building shall exceed the height of the principal building to which it is accessory. (O-0708-36)

SEC. 421.3- R-1-A, SINGLE FAMILY ATTACHED DWELLING DISTRICT
(As amended by Ord. No. O-9697-7 – August 27, 1996; O-0708-36 – April 22, 2008)

1. Purposes. The R-1-A District is designed to allow single family residential development that utilizes common wall technology and zero lot line construction to provide an alternative housing form which is compatible with other types of low density residential development.

2. Uses permitted. Property and buildings in the R-1-A District shall be used only for the following purposes:

(a) Any use permitted in the R-1 District.
(b) Attached one family dwellings.
(c) Detached, zero-lot line, one family dwellings.

3. Special Use. The following uses may be permitted, after review, in accordance with the provisions contained in Section 434.1:

(a) Municipal use, public building and public utility.
(b) Public or private golf courses, including any country clubs, club houses, or any accessory commercial enterprises.
(c) Church, temple or other place of worship.
(d) School offering general educational courses the same as ordinarily given in public schools and having no rooms regularly used for housing and sleeping.

4. Area regulations. Property and buildings in the R-1-A District shall be subject to the following area regulations:

(a) All uses and buildings other than Single Family Dwellings shall be subject to the Area Regulations of the R-1 District.
(b) Single Family Dwellings.
  (1) Front Yards: The minimum depth of the Front yard shall be twenty (20) feet. (O-0708-36)
  (2) Side Yards:
    [a] For attached dwellings, a zero side yard is allowed along a common wall when both units are built at the same time, provided that the remaining side yard is ten (10) feet or greater.
    [b] For unattached dwellings, including garages, one side yard may be reduced to zero provided:
      [1] A ten (10) foot maintenance and open space easement is secured on the lot adjoining the reduced side yard.
      [2] The remaining side yard is not less than ten (10) feet and is perpetually maintained free and clear from any obstructions, other than a two (2) foot eave overhang, landscaping, and fencing.
      [3] The wall located at the zero side yard setback is constructed with maintenance-free masonry and has no window or door openings.
      [4] No portion of the dwelling or architectural features projects over any property line.
      [5] The zero side yard is not adjacent to a public or private right-of-way.

[c] For all other unattached dwellings, sideyard setbacks shall be five (5) feet. (O-0708-36)

[d] On any corner lot a building shall be set back from the right-of-way line of the intersecting street a distance of fifteen (15) feet in case such lot is back to back with another corner lot, and twenty (20) feet in every other case.

[e] In no case shall a garage which faces a street be located closer than twenty (20) feet to that street property line.

(3) Rear Yards: There shall be a rear yard of not less than twenty (20) feet. Unattached accessory buildings shall be set back one (1) foot from any utility easement, alley easement, or rear lot line.

(4) Lot Width: There shall be a minimum lot width of not less than forty-five (45) feet at the building line, and no lot shall abut a street for a distance of less than thirty-five (35) feet. (O-0708-36)

(c) Accessory Buildings: Except as hereinafter provided in Article XII, Section 431.1; unattached, one-story buildings of accessory use shall be set back five (5) feet from any interior side lot line, provided, however, that accessory buildings shall not be required to set back more than three (3) feet from the interior side lot line when all parts of said building are located not more than fifty (50) feet from the rear property line or rear utility easement line. Such structures may not be constructed within any required ten foot maintenance easement. (O-0708-36)

(d) Intensity of Use:

(1) Lot Area: There shall be a lot area of not less than 4,500 square feet per lot.

(2) Building Coverage: Main and accessory buildings shall not cover more than forty percent (40%) of the area of the lot. (O-9697-7; O-0708-36)

(3) Impervious Area: The total amount of impervious area, including all buildings and permanently paved areas shall not cover more than sixty-five (65) percent of a lot. Paving for parking as required in Section 431.5, including other impervious surfaces, shall not cover more than fifty percent (50%) of the required twenty (20) foot front yard and comply with 431.7(1)(c). Total impervious area of the front yard can be increased to seventy percent (70%) when one or more of the following circumstances occur: (a) the driveway is needed to access a garage for three or more cars, (b) the driveway is part of a circular driveway that includes a landscaped separation from the sidewalk, or (c) the driveway is located on a cul-de-sac lot with lot frontage of less than forty (40) feet. (O-0708-36)

5. Height Regulations.

(a) Except as provided in Articles XII, Section 431.3 of this Code, no building shall exceed twenty-seven (27) feet in height, unless side and rear setback lines are increased one foot for each additional foot of height above twenty-seven (27). However, the maximum height allowed shall be thirty-five (35) feet.

(b) Any accessory building exceeding twelve (12) feet in height shall have the required side and rear yard setbacks increased by one (1) foot for each additional foot of height above twelve (12). Provided, however, that no accessory building shall exceed the height of the principal building to which it is accessory.

SEC. 421.5 - R-2, TWO FAMILY DWELLING DISTRICT

(As amended by Ord. No. O-7778-60 – May 2, 1978; O-8990-42 – July 24, 1990; O-9293-38 – August 24, 1993; O-9596-19 – December 12, 1995; O-0708-36 – April 22, 2008)

1. Uses permitted. Property and buildings in an R-2, Two-Family Dwelling District, shall be used only for the following purposes:

(a) Any uses permitted in R-1, Single Family Dwelling District.
(b) One Single Family dwelling. (O-0708-36)
(c) One Two-family dwelling. (O-0708-36)
(d) One Single Family dwelling and a garage apartment. (O-0708-36)
(e) Accessory buildings and uses customarily incidental to any of the above uses when located on the same lot.

2. Special Use. The following uses may be permitted, after review, in accordance with Section 434.1 of this Code.

(a) Municipal use, public building and public utility. (O-9596-19)
(b) Public or private golf courses, including any country clubs, club houses, or any accessory commercial enterprises. (O-9596-19)
(c) Church, temple or other place of worship. (O-9596-19)
(d) School offering general educational courses the same as ordinarily given in public schools and having no rooms regularly used for housing and sleeping. (O-9596-19)
(e) Type I Bed and Breakfast Establishment. (O-8990-42; O-9293-38)
(f) Library/Museum. (O-8990-42)
(g) Off-street parking lot to be used as open space for vehicular parking, provided that such parking lot is adjacent to the land on which the principal use is located or separated therefrom only by a street or alley if the principal use is in the CO, C-1, C-2, C-3, I-1, I-2, R-1, R-2, or R-3 Districts. This shall not be construed as permitting separately operated commercial parking lots. (O-8990-42; O-0708-36)

3. Area regulations:

(a) Front Yard: The minimum depth of the front yard shall be twenty-five (25) feet. (O-0708-36)
(b) Side Yard: The minimum width of a side yard for a main building or garage apartment shall be five (5) feet. (O-0708-36)
(c) Rear Yard: There shall be a rear yard of not less than twenty (20) feet; one-story unattached buildings of accessory use shall set back one (1) foot from the utility easement or alley line and garage apartments shall be set back ten (10) feet from the rear lot line.
(d) Lot Width: There shall be a minimum lot width of fifty (50) feet at the building line for a single family dwelling or a two family dwelling; such lot shall abut on a street for a distance of not less than thirty-five (35) feet. (O-0708-36)
(e) Intensity of Use:
    (1) There shall be a lot area of not less than five thousand (5,000) square feet for a single family dwelling; seven thousand (7,000) square feet for a two family dwelling or a single family dwelling and a garage apartment on the same lot.
    (2) Where a lot has less area than herein required and all boundary lines of that lot touch lands under other ownership on the effective date of this ordinance, that lot may be used only for the uses permitted in R-1, Single Family District.

(f) Building Coverage: Main and accessory buildings shall not cover more than forty (40%) percent of the lot area; accessory buildings shall not cover more than twenty percent (20%) of the rear yard. (O-0708-36)

(g) Impervious Area: The total amount of impervious area, including all buildings and permanently paved areas shall not cover more than sixty-five (65) percent of a lot. Paving for parking as required in Section 431.5, and other impervious surfaces, shall not cover more than fifty percent (50%) of the front yard. Total impervious area of the front yard can be increased to seventy percent (70%) when one or more of the following circumstances occur: (a) the driveway is needed to access a garage for three or more cars, (b) the driveway is part of a circular driveway that includes a landscaped separation from the sidewalk, or (c) the driveway is located on a cul-de-sac lot with lot frontage of less than forty (40) feet. (O-0708-36)

(h) Limit on Buildings: No more than one main building shall be constructed on each lot containing five thousand (5,000) square feet of land used for single family purposes and seven thousand (7,000) square feet for two family purposes, or a single family dwelling and a garage apartment. (O-0708-36)

4. Height regulations. Except as provided in Article XII, Section 431.3 of this Code, no building shall exceed two stories in height. A two and one-half or three story building may be constructed if the side yards are increased an additional five (5) feet. (O-0708-36)

Any accessory building shall not exceed a wall height of ten (10) feet unless the required side and rear yard setbacks are increased by one (1) foot for each additional foot of wall height above ten (10) feet. Provided, however, that no accessory building shall exceed the height of the principal building to which it is accessory. (O-0708-36)

SEC. 422.1 - RM-2, LOW DENSITY APARTMENT DISTRICT

(As amended by Ord. No. O-7677-10 – November 2, 1976; Ord. O-7778-60 – May 2, 1978; O-7778-68 – October 3, 1978; O-8182-45 – March 9, 1982; O-8990-42 – July 24, 1990; O-9293-38 – August 24, 1993; O-9596-19 – December 12, 1995; Ord. O-9697-6 – August 27, 1996; O-0708-36 – April 22, 2008)

1. Purposes. The RM-2 District is designed to provide areas for low-density multifamily housing which will be compatible, in terms of limitations of bulk and the providing of open space, with adjoining single family and two-family development.

2. Uses permitted. Property and buildings in the RM-2 District shall be used only for the following purposes:

(a) Any uses permitted in the R-1 District.
(b) Attached single family dwellings or detached zero lot line single family dwellings, provided that such uses comply with the area regulations in Section 421.3.4 of this Code.
(c) Two-family dwelling, or a single family dwelling with a garage apartment. (O-0708-36)
(d) Apartment buildings, containing four or fewer units.
(e) Accessory buildings and uses customarily incidental to any of the above uses when located on the same lot.

3. Special Use. The following uses may be permitted, after review, in accordance with Section 434.1:

(a) Municipal use, public building and public utility. (O-9596-19)
(b) Public or private golf courses, including any country clubs, club houses, or any accessory commercial enterprises. (O-9596-19)
(c) Church, temple or other place of worship. (O-9596-19)
(d) School offering general educational courses the same as ordinarily given in public schools and having no rooms regularly used for housing and sleeping. (O-9596-19)
(e) Type I Bed and Breakfast Establishment. (O-8990-42; O-9293-38)
(f) Type II Bed and Breakfast Establishment. (O-9293-38)
(g) Child Care Center. (O-8990-42; O-9293-38)
(h) Library/Museum. (O-8990-42; O-9293-38)
(i) Off-street parking lot to be used as open space for vehicular parking, provided that such parking lot is adjacent to the land on which the principal use is located or separated therefrom only by a street or alley if the principal use is in the CO, C-1, C-2, C-3, I-1, I-2, R-1, R-2, or R-3 Districts. This shall not be construed as permitting separately operated commercial parking lots. (O-8990-42; O-9293-38; O-0708-36)
(j) Convalescent home, rest home, or nursing home; or, a fraternity or sorority house, provided that where any such use abuts another property in a residential district, the minimum yards along the common boundaries shall be at least twenty (20) feet. (O-9697-6)
(k) Rooming or Boarding House, subject to the requirements of Section 432.4. (O-9697-6)

4. Area regulations. Property and buildings in the RM-2 District shall be subject to the following area regulations:

(a) Front Yard: The minimum depth of the front yard shall be twenty-five (25) feet. (O-0708-36)
(b) Side Yards: The minimum width of the side yard for any use including a garage apartment shall be at least five (5) feet, except as provided in Article XII, Section 431.1 of this Code. (O-0708-36)

(c) Rear Yard: The minimum depth of the rear yard shall be twenty (20) feet; one story unattached buildings of accessory use shall be set back one (1) foot from the utility easement or alley line, and garage apartments shall be set back ten (10) feet from the rear lot line. (O-0708-36)

(d) Lot Width: There shall be a minimum lot width of fifty (50) feet at the building line for a single family dwelling or for a two-family dwelling, and ten (10) feet additional width for each additional family occupying the lot. Such lot shall abut on a street not less than thirty-five (35) feet.

(e) Intensity of use:

(1) The minimum area of a lot for residential use shall be five thousand (5,000) square feet, subject to the provisions of Article XII, Section 431.1, Paragraph (g) of this Code.

(2) There shall be not less than thirty-two hundred and fifty (3,250) square feet of lot area per family on any lot.

(3) The ratio of floor area to lot area shall not exceed 0.40. (O-0708-36)

(4) Impervious Area: The total amount of impervious area, including all buildings and permanently paved areas shall not cover more than sixty-five (65) percent of a lot. Paving for parking as required in Section 431.5, including other impervious surfaces, shall not cover more than fifty percent (50%) of the required twenty-five (25) foot front yard, and comply with 431.7(1)(c). Total impervious area of the front yard can be increased to seventy percent (70%) when one or more of the following circumstances occur: (a) the driveway is needed to access a garage for three or more cars, (b) the driveway is part of a circular driveway that includes a landscaped separation from the sidewalk, or (c) the driveway is located on a cul-de-sac lot with lot frontage of less than forty (40) feet. (O-0708-36)

5. Height Regulations.

(a) Except as provided in Article XII, Section 431.3 of this Code, no building shall exceed three stories in height. (O-0708-36)

(b) Any accessory building shall not exceed a wall height of ten (10) feet unless the required side and rear yard setbacks are increased by one (1) foot for each additional foot of wall height above ten (10) feet. Provided, however, than no accessory building shall exceed the height of the principal building to which it is accessory. (O-0708-36)

SEC. 422.2 - RM-4, MOBILE HOME PARK DISTRICT
(As amended by Ord. No. O-9596-19 – December 12, 1995; O-0708-36 – April 22, 2008)

1. Purposes. The RM-4 District is designed to encourage the developing of properly planned mobile home parks in residential environments, as well as to protect existing mobile home parks.

2. Uses permitted. Property and buildings in the RM-4 District shall be used only for the following purposes:

(a) Mobile home park, subject to those provisions in Chapter 13, Article XIV which relate to mobile home parks. (O-0708-36)
(b) Accessory buildings and uses customarily incidental to any of the above uses when located on the same lot.
(c) Mobile home subdivision.

3. Special Use. The following uses may be permitted, after review, in accordance with Section 434.1:

(a) Municipal use, public building and public utility. (O-9596-19)
(b) Public or private golf courses, including any country clubs, club houses, or any accessory commercial enterprises. (O-9596-19)
(c) Church, temple or other place of worship. (O-9596-19)
(d) School offering general educational courses the same as ordinarily given in public schools and having no rooms regularly used for housing and sleeping. (O-9596-19)
(e) Type I Bed and Breakfast Establishment. (O-9596-19)
(f) Type II Bed and Breakfast Establishment. (O-9596-19)
(g) Child Care Center, as specified in Section 438.3. (O-9596-19)
(h) Library/Museum. (O-9596-19)
(i) Off-street parking lot to be used as open space for vehicular parking, provided that such parking lot is adjacent to the land on which the principal use is located or separated therefrom only by a street or alley if the principal use is in the CO, C-1, C-2, C-3, I-1, I-2, R-1, R-2, or R-3 Districts. This shall not be constructed as permitting separately operated commercial parking lots. (O-9596-19; O-0708-36)

4. Area regulations.

(a) Mobile Home Subdivisions
  (1) Front yard: The minimum depth of the front yard shall be twenty-five (25) feet. (O-0708-36)
  (2) Side yard: The minimum width of the side yard shall be twenty (20) feet. One story unattached buildings of accessory use shall be set back one (1) foot from the utility easement or alley line. (O-0708-36)
  (3) Rear yard: The rear yard requirements shall be the same as those in the R-1 District.
  (4) Lot width: Side lot lines need not be at right angles to straight street lines or radial to curved street lines. Minimum effective lot widths shall be forty (40) feet measured at the front building line and such lot shall abut a public street for a distance of not less than twenty-five (25) feet. The minimum effective lot width of a mobile home lot shall be determined, for interior lots, by measuring the shortest distance at right angles across the lot from one diagonal to the other, and for corner lots, the measurement shall be made at right angles from the diagonal having the greatest divergence from perpendicular to the street, through the midpoint of the rear line of the required front yard, to the opposite lot line.

(5) Intensity of Use: There shall be a lot area of not less than four thousand (4000) square feet. The minimum size of a mobile home subdivision shall be ten (10) acres.

(6) All mobile home subdivisions shall have a greenbelt planting strip, not less than twenty (20) feet in width, along all subdivision boundaries. Such greenbelt shall be composed of one row of deciduous and/or evergreen trees, spaced not more than forty (40) feet apart, and not less than three (3) rows of shrubs, spaced not more than eight (8) feet apart and which grow to a height of five (5) feet or more after one full growing season and which shrubs will eventually grow to a height of not less than twelve (12) feet.

(7) Impervious Area: The total amount of impervious area, including all buildings and permanently paved areas shall not cover more than sixty-five (65) percent of a lot. (O-0708-36)

(b) Mobile Home Parks are regulated under Chapter 13, Article XIV.

(c) For all other uses, area regulations shall be the same as those in the RM-2 District.

5. Height regulations. Any accessory building shall not exceed a wall height of ten (10) feet unless the required side and rear yard setbacks are increased by one (1) foot for each additional foot of wall height above ten (10) feet. (O-0708-36)

SEC. 422.3 - RM-6, MEDIUM DENSITY APARTMENT DISTRICT

(As amended by Ord. No. O-7778-60 – May 2, 1978; O-7778-68 – October 3, 1978; O-8990-42 – July 24, 1990; O-9293-38 – August 24, 1993; O-9596-19 – December 12, 1995; O-9697-6 – August 27, 1996; O-0708-36 – April 22, 2008)

1. Purposes. The RM-6 District is designed to encourage the developing of neighborhoods having a variety of dwelling types, including townhouses, thus providing for the varying requirements of families. The regulations are intended to ensure compatibility with adjacent existing and proposed low density apartment development.

2. Uses permitted. Property and buildings in the RM-6 District shall be used only for the following purposes:

(a) Any uses permitted in the RM-2 District.
(b) Apartment buildings.
(c) Townhouse development, the plat of which meets the requirements of Article XII, Section 432.2 of this Code.
(d) Accessory buildings and uses customarily incidental to any of the above uses when located on the same lot.

3. Special Use. The following uses may be permitted, after review, in accordance with Section 434.1:

(a) Municipal Use, public building and public utility. (O-9596-19)
(b) Public or private golf courses, including any country clubs, club houses, or any accessory commercial enterprises. (O-9596-19)
(c) Church, temple or other place of worship. (O-9596-19)
(d) School offering general educational courses the same as ordinarily given in public schools and having no rooms regularly used for housing and sleeping. (O-9596-19)
(e) Type I Bed and Breakfast Establishment. (O-8990-42; O-9293-38)
(f) Type II Bed and Breakfast Establishment. (O-9293-38)
(g) Child Care Center, as specified in Section 438.3. (O-8990-42; O-9293-38; O-9596-19)
(h) Library/Museum. (O-8990-42; O-9293-38; O-9596-19)
(i) Off-street parking lot to be used as open space for vehicular parking, provided that such parking lot is adjacent to the land on which the principal use is located or separated therefrom only by a street or alley if the principal use is in the CO, C-1, C-2, C-3, I-1, I-2, R-1, R-2, or R-3 Districts. This shall not be construed as permitting separately operated commercial parking lots. (O-8990-42; O-9293-38; O-9596-19; O-0708-36)
(j) Fraternal service organization not conducted for profit.
(k) Office buildings for professional, business, administrative, and medical personnel, provided that:
    (1) No retailing, wholesaling, or servicing of merchandise shall be permitted on the premises;
    (2) No storage or display of merchandise to be serviced or offered for sale elsewhere be permitted on the premises.
(l) Funeral parlor, mortuary.

(m) Pre-packaged food store and toiletries within apartment buildings or complexes wherein there are a minimum of 150 family dwelling units, provided that:
  (1) Such store is limited to the main floor or below of the building in which it is located;
  (2) There is no direct entrance thereto from any public street, sidewalk or other public way;
  (3) No part of such store, or its entrance, is visible from any public way, street or sidewalk;
  (4) That such store shall not be advertised in any manner;
  (5) In reviewing any application for permission to establish and operate any such store in any apartment building or complex, the following matters shall be considered:
    [a] The proximity of other business or commercial districts, and whether or not the proposed store would constitute an independent commercial enterprise, as opposed to any "accessory" use to the tenants of the apartment complex;
    [b] Service entrances for delivery vehicles and adequate space for the parking of customers;
    [c] The size and character of the apartment building or complex, since the tenants thereof will be expected to furnish substantially all of the financial support of such store.
  (6) Any ordinance hereafter enacted granting permission for the establishment and operation of any pre-packaged food store after review, may set forth restrictions as to the space to be occupied, provisions for the automatic termination of permission for violations, and any other reasonable conditions which to the Commission may seem proper.

(n) Convalescent home, rest home, or nursing home; or, fraternity or sorority house, provided that where any such use abuts another property in a residential district, the minimum yards along the common boundaries shall be at least twenty (20) feet. (O-9697-6)

(o) Rooming or Boarding House, subject to the requirements of Section 432.4. (O-9697-6)

4. Area regulations. Property and buildings in the RM-6 District shall be subject to the following area regulations:

(a) Front Yard: The minimum depth of the front yard shall be twenty-five (25) feet. (O-0708-36)

(b) Side Yard: The minimum width of the side yard shall be five (5) feet, except as required for tall or accessory buildings by the provisions of Subsection 422.3.5 hereof. (O-0708-36)

(c) Rear Yard: The minimum depth of the rear yard shall be twenty (20) feet. One story unattached buildings of accessory use shall be set back one (1) foot from the utility easement or alley line. (O-0708-36)

(d) Intensity of Residential Use: One family and two-family dwellings.
  (1) Minimum Lot Area: The minimum area of a lot for single family use shall be five thousand (5,000) square feet, subject to the provisions of Article XII, Section 431.1 (g) of this Code, and the minimum area of a lot for two-family use shall be sixty-five hundred (6,500) square feet.
  (2) Building Coverage: Main buildings shall not cover more than forty percent (40%) of the lot area; accessory buildings shall not cover more than twenty percent (20%) of the rear yard. (O-0708-36)

(e) Intensity of Residential Use: Apartment houses and quasi-unit quarters.
  (1) Minimum Lot Area: The minimum area of a lot for apartment house use shall be nine thousand (9,000) square feet.
  (2) Floor Area Ratio: The ratio of floor area to the land area of the site shall not exceed four-tenths (0.4).

(3) Open Space Ratio: The ratio of open space to floor area shall be at least one and eight-tenths (1.8).

(4) Livability Space Ratio: The ratio of livability space to floor area shall be at least ninety-five hundredths (0.95). (O-1961)

(5) Recreation Space Ratio: The ratio of recreation space to floor area shall be at least thirteen hundredths (0.13).

(f) Intensity of Non-Residential Use: In any non-residential building, the ratio of floor area to lot area shall not exceed one-half (0.5).

(g) Impervious Area: The total amount of impervious area, including all buildings and permanently paved areas shall not cover more than sixty-five (65) percent of a lot. (O-0708-36)

5. Height regulations.

(a) Structures exceeding three stories in height shall be set back from side and rear lot lines abutting other property in residential districts at least five (5) feet for each story above three. (O-0708-36)

(b) Any accessory building shall not exceed a wall height of ten (10) feet unless the required side and rear yard setbacks are increased by one (1) foot for each additional foot of wall height above ten (10) feet. Provided, however, that no accessory building shall exceed the height of the principal building to which it is accessory. (O-0708-36)

SEC. 422.5 - R-3, MULTI-FAMILY DWELLING DISTRICT

(As amended by Ord. No. O-8990-42 – July 24, 1990; O-9293-38 – August 24, 1993; O-9596-19 – December 12, 1995; O-9697-6 -- August 27, 1996; O-0708-36 – April 22, 2008)

1. Uses permitted. Property and buildings in R-3, Multi-Family Dwelling District, shall be used only for the following purposes:

(a) Any use permitted in R-1.
(b) Two-family dwelling, or a single family dwelling and a garage apartment.
(c) Apartment house.
(d) Accessory buildings and uses customarily incidental to any of the above uses when located on the same lot.

2. Special Use. The following uses may be permitted, after review, in accordance with Section 434.1:

(a) Funeral parlor and mortuary.
(b) Convalescent home, rest home, or nursing home; or, fraternity or sorority house, provided that where any such use abuts another property in a residential district, the minimum yards along the common boundaries shall be at least thirty (30) feet.
(c) Municipal use, public building and public utility. (O-9596-19)
(d) Public or private golf courses, including any country clubs, club houses, or any accessory commercial enterprises. (O-9596-19)
(e) Church, temple or other place of worship. (O-9596-19)
(f) School offering general educational courses the same as ordinarily given in public schools and having no rooms regularly used for housing and sleeping. (O-9596-19)
(g) Type I Bed and Breakfast Establishment. (O-8990-42; O-9293-38; O-9596-19)
(h) Type II Bed and Breakfast Establishment. (O-9293-38; O-9596-19)
(i) Child Care Center, as specified in Section 438.3. (O-9899-42; O-9293-38; O-9596-19)
(j) Library/Museum. (O-8990-42; O-9293-38; O-9596-19)
(k) Off-street parking lot to be used as open space for vehicular parking, provided that such parking lot is adjacent to the land on which the principal use is located or separated therefrom by a street or alley if the principal use is in the CO, C-1, C-2, C-3, I-1, I-2, R-1, R-2, or R-3 Districts. (O-8990-42; O-9293-38; O-9596-19; O-0708-36)
(l) Office buildings for professional, business, administrative, and medical personnel, provided that:
    (1) No retailing, wholesaling, or servicing of merchandise shall be permitted on the premises;
    (2) No storage or display of merchandise to be serviced or offered for sale elsewhere be permitted on the premises. (O-8990-42; O-9293-38; O-9596-19)
(m) Rooming or Boarding House, subject to the requirements of Section 432.4. (O-9697-6)

3. Area regulations.

(a) Front Yard: The minimum depth of the front yard shall be twenty-five (25) feet. (O-0708-36)
(b) Side Yard: The minimum width of the side yard shall be five (5) feet. (O-0708-36)
(c) Rear Yard: The minimum depth of the rear yard shall be twenty (20) feet. One story unattached buildings of accessory use with a ten (10) foot wall height shall be set back one (1) foot from the utility easement or alley line. (O-0708-36)

(d) Lot Width: There shall be a minimum lot width of fifty (50) feet at the building line for single family and two family dwellings, and ten (10) feet additional width for each additional family occupying the structure; such lot shall abut on a street not less than thirty-five (35) feet.

(e) Intensity of Use:

(1) There shall be a lot area of not less than five thousand (5,000) square feet for a single family dwelling, and seven thousand (7,000) square feet for a two-family dwelling or a single family dwelling and a garage apartment. (O-0708-36)

(2) There shall be a lot area of not less than nine thousand (9,000) square feet for apartment houses, and three thousand (3,000) square feet additional area for each dwelling unit more than three (3) on the lot.

(3) When a lot of less area than herein required having all boundary lines touching lands under other ownership on the effective date of this ordinance, that lot may be used only for single family purposes.

(f) Building Coverage: Main and accessory buildings shall not cover more than forty percent (40%) of the lot area; accessory buildings shall not cover more than thirty percent (30%) of the rear yard. (O-0708-36)

(g) Impervious Area: The total amount of impervious area, including all buildings and permanently paved areas shall not cover more than sixty-five (65) percent of a lot. Paving for parking as required in Section 431.5, and other impervious surfaces, shall not cover more than fifty percent (50%) of the front yard and comply with 431.7(1)(c). Total impervious area of the front yard can be increased to seventy percent (70%) when one or more of the following circumstances occur: (a) the driveway is needed to access a garage for three or more cars, (b) the driveway is part of a circular driveway that includes a landscaped separation from the sidewalk, or (c) the driveway is located on a cul-de-sac lot with lot frontage of less than forty (40) feet. (O-0708-36)

4. Height regulations.

(a) Except as provided in Article XII, Section 431.3 of this Code, no buildings shall exceed three stories in height. (O-0708-36)

(b) Any accessory building exceeding twelve (12) feet in height shall have the required side and rear yard setbacks increased by one (1) foot for each additional foot of height above twelve (12). Provided, however, that no accessory building shall exceed the height of the principal building to which it is accessory.

SEC. 422.7 - RO, RESIDENCE-OFFICE DISTRICT

(As Amended by Ord. No. 2244 – January 27, 1970; O-7778-60 – May 2, 1978; O-7778-68 – October 3, 1978; O-8182-41 -- February 9, 1982; O-8485-22 – October 23, 1984; O-9596-19 – December 12, 1995; O-9697-6 – August 27, 1996; O-0708-36 – April 22, 2008)

1. Purposes. The RO District is designed to provide areas for high density residential development; limited offices, convenience goods stores, and personal service establishments in conjunction with residential uses; primarily in the vicinity of the campus business district.

2. Uses Permitted. Property and buildings in the RO District shall be used only for the following purposes:

(a) Any uses permitted in the RM-6 District, provided, however, that the minimum yards established for certain uses in Article XI, Section 422.1.2(e) of this Code, shall be twenty (20) feet.
(b) Any use permitted in the R-3 District.
(c) Artists' and photographers' studio, but not including the processing of film for others.
(d) Medical or dental clinic or laboratory.
(e) Office of non-profit association.
(f) Office of such professional person as accountant, architect, attorney, business or management consultant, court reporter, dentist or dental surgeon, engineer, geologist or geophysicists, linguist, landscape architect, optometrist without sales, osteopathic physician, planning consultant, psychologist, physician or surgeon, or registered nurse.
(g) Prescription pharmacy (only when provided in conjunction with (d) above).
(h) Accessory buildings and uses customarily incidental to any of the above uses when located on the same lot.
(i) Convenience goods and services as follows but only in conjunction with residential uses in a mixed building as qualified below:
    (1) Convenience goods stores, similar to the following uses: (O-0708-36)
        drugstore or proprietary store
        florist
        food store, including bakery (retail only)
        gift, novelty, or souvenir shop
        hardware store
        ice vending establishment
        limited price variety store
        liquor store
        newsstand
        paint, glass, or wallpaper store
        tobacco store
    (2) Personal service establishments, similar to the following uses: (O-0708-36)
        barber shop
        custom dressmaker, milliner, or tailor
        drycleaning pickup or self-service
        drycleaning plant limited to 7,000 sq. ft. of floor area
        hat cleaning or repair shop
        laundry pickup or self-service
        optician or optometrist
        pressing, alteration, or garment repair
        shoe shine or repair shop

In the case of a mixed building, the floor area devoted to non-residential uses shall not exceed one-third (1/3) of the floor area devoted to residential uses; in calculating such ratio, common areas serving both residential and non-residential areas shall be excluded.

3. Special Use. The following uses may be permitted, after review, in accordance with Section 434.1:

(a) Direct mail business. (O-8182-41)
(b) Municipal use, public building and public utility. (O-9596-19)
(c) Public or private golf courses, including any country clubs, club houses, or any accessory commercial enterprises. (O-9596-19)
(d) Church, temple or other place of worship. (O-9596-19)
(e) School offering general educational courses the same as ordinarily given in public schools and having no rooms regularly used for housing and sleeping. (O-9596-19)
(f) Type I Bed and Breakfast Establishment. (O-8990-42; O-9293-38)
(g) Type II Bed and Breakfast Establishment. (O-9293-38)
(h) Child Care Center, as specified in Section 438.3. (O-8990-42; O-9293-38; O-9596-19)
(i) Library/Museum. (O-8990-42; O-9293-38; O-9596-19)
(j) Off-street parking lot to be used as open space for vehicular parking, provided that such parking lot is adjacent to the land on which the principal use is located or separated therefrom only by a street or alley if the principal use is in the CO, C-1, C-2, C-3, I-1, I-2, R-1, R-2, or R-3 Districts. (O-8990-42; O-9293-38; O-9596-19; O-0708-36)
(k) Fraternal service organization not conducted for profit. (O-9596-19)
(l) Funeral parlor and mortuary. (O-9596-19)
(m) Pre-packaged food store and toiletries within apartment buildings or complexes wherein there are a minimum of 150 dwelling units, provided that: (O-0708-36)
    (1) Such store is limited to the main floor or below of the building in which it is located;
    (2) There is no direct entrance thereto from any public street, sidewalk or other public way;
    (3) No part of such store, or its entrance, is visible from any public way, street or sidewalk;
    (4) That such store shall not be advertised in any manner;
    (5) In reviewing any application for permission to establish and operate any such store in any apartment building or complex, the following matters shall be considered:
        [a] The proximity of other business or commercial districts, and whether or not the proposed store would constitute an independent commercial enterprise, as opposed to any "accessory" use to the tenants of the apartment complex;
        [b] Service entrances for delivery vehicles and adequate space for the parking of customers;
        [c] The size and character of the apartment building or complex, since the tenants thereof will be expected to furnish substantially all of the financial support of such store. (O-9596-19)
    (6) Any ordinance hereafter enacted granting permission for the establishment and operation of any pre-packaged food store after review, may set forth restrictions as to the space to be occupied, provisions for the automatic termination of permission for violations, and any other reasonable conditions which to the Commission may seem proper. (O-9596-19)

4. Area regulations. Property and buildings in the RO District shall be subject to the following area regulations:

(a) Front Yard: The minimum front yard shall be ten (10) feet. (O-1961; O-8485-22; O-0708-36)

(b) Side Yards: The minimum width of the side yard shall be five (5) feet, except as required for tall buildings by the provisions of Subsection 422.7.5 hereof. (O-0707-36)

(c) Rear Yard: There shall be a rear yard of not less than ten (10) feet; one-story unattached buildings of accessory use shall be set back one (1) foot from the utility easement or alley line, and garage apartments shall be set back ten (10) feet from the rear lot line.

(d) Lot Width: There shall be a minimum lot width of fifty (50) feet at the building line for a single family dwelling or for a two-family dwelling, and ten (1) feet additional width for each additional family occupying the lot. Such lot shall abut on a street not less than thirty-five (35) feet. (O-0708-36)

(e) Intensity of Residential Use: Options.

(1) Large Lots: In the case of a lot which is either at least 40,000 square feet in area or bounded on all sides by streets, alleys, railroads, public lands, or physical barriers, the provisions of either paragraph (f) or paragraph (g) hereof shall apply, at the option of the applicant for a building permit.

(2) Small Lots: In the case of all other lots, the provisions of paragraph (f) shall apply.

(f) Intensity of Residential Use: General Option.

(1) Minimum Lot Area: The minimum area of a lot for residential use shall be six thousand (6,000) square feet, subject to the provisions of Article XII, Section 431.1 (g) of this Code.

(2) Floor Area Ratio: The ratio of floor area to lot area shall not exceed six-tenths (0.6).

(3) Building Coverage: Main and accessory buildings shall not cover more than forty percent (40%) of the lot area; accessory buildings shall not cover more than thirty percent (30%) of the rear yard. (O-0708-36)

(g) Intensity of Residential Use: Large Lot Option.

(1) The ratio of floor area to the land area of the site shall not exceed eight-tenths (0.8).

(2) The ratio of open space to floor area shall be at least eight-five hundredths (0.85).

(3) The ratio of livability space to floor area shall be at least four tenths (0.4). (Ord. 1961)

(4) The ratio of recreation space to floor area shall be at least ninety-five thousandths (0.095).

(5) Building Coverage: Main and accessory buildings shall not cover more than forty percent (40%) of the lot area; accessory buildings shall not cover more than thirty percent (30%) of the rear yard. (O-0708-36)

(h) Intensity of Mixed Uses: The residential portion of a mixed building shall be subject to the intensity provisions of residential buildings. The ratio of the floor area of a mixed building to the area of the lot or the land area shall not exceed the following limits:

General Option: 0.80

Large Lot Option: 1.00

(i) Intensity of Non-Residential Uses:

(1) Floor Area Ratio: The ratio of the floor area of a non-residential building to the area of the lot or the land areas shall not exceed the following limits:

General Option: 1.00

Large Lot Option: 1.25.

(2) Building Coverage: In the case of the general option, main and accessory buildings shall not cover more than fifty percent (50%) of the lot area. (O-0708-36)

(j) Impervious Area: The total amount of impervious area, including all buildings and permanently paved areas shall not cover more than sixty-five (65) percent of a lot. Paving for parking as required in Section 431.5, including other impervious surfaces, shall not cover more than fifty percent (50%) of the required ten (10) foot front yard, and comply with 431.7(1)(c). Total impervious area of the front yard can be increased to seventy percent (70%) when one or more of the following circumstances occur: (a) the driveway is needed to access a garage for three or more cars, (b) the driveway is part of a circular driveway that includes a landscaped separation from the sidewalk, or (c) the driveway is located on a cul-de-sac lot with lot frontage of less than forty (40) feet. (O-0708-36)

5. Height regulations.

(a) In the RO District there shall be no limit on height of structures, provided that any portion of a structure exceeding thirty-five (35) feet in height is set back from side and rear lot lines abutting other property in residential districts at least one-third (1/3) foot for each additional foot of height.

(b) Any accessory building shall not exceed a wall height of ten (10) feet unless the required side and rear yard setbacks are increased by one (1) foot for each additional foot of wall height above ten (10) feet. Provided, however, that no accessory building shall exceed the height of the principal building to which it is accessory. (O-0708-36)

6. Plot Plans Required. From and after the effective date of this ordinance, a plot plan shall be submitted with each application of rezoning of land to the RO District. Such plot plans shall reflect as a minimum the information set forth in Section 442.1.5.

SEC. 422.9 - O-1, OFFICE-INSTITUTIONAL DISTRICT

(Amended by Ord. No. O-8687-54 – April 14, 1987; O-8990-42 – July 24, 1990; O-9293-38 – August 24, 1993; O-9596-19 -- December 12, 1995; O-9697-51 – June 10, 1997; O-9899-21 – January 12, 1999; O-9899-21 – January 12, 1998)

1. General Description. This District is intended to provide a place for those types of institutional and office activities that require separate buildings and building groups surrounded by landscaped yards and open area. Land, space and aesthetic requirements of these uses allow them to be located at the perimeter of residential neighborhoods. The district can be an effective buffer between less intensive residential areas and the retail, wholesale and industrial areas of the community.

2. Uses permitted. Property and buildings in O-1, Office-Institutional District, shall be used only for the following purposes:

(a) Any of the following uses:
- (1) Art Gallery.
- (2) Assembly Halls.
- (3) Laboratories for research and testing where all work is housed in buildings.
- (4) Libraries.
- (5) Museums.
- (6) Music Conservatories.
- (7) Office buildings and offices for such professional services as accountant, architect, attorney, business or management consultant, court reporter, dentist or dental surgeon, engineer, geologist or geophysicists, linguist, landscape architect, optometrist, optician, osteopathic physician, planning consultant, psychologist, physician or surgeon, or registered nurse; provided, however, that no retail sales nor stock of goods shall be permitted other than the incidental sale of merchandise within the above professional offices or a pharmacy which may be located only in a building providing space for medical offices. Funeral homes and mortuaries shall not be considered professional services permitted in this district.
- (8) Public and private schools and college with students in residence and dormitories associated therewith.
- (9) Trade schools and schools for vocational training.
- (10) Churches (O-2109), temples or other places of worship.
- (11) Fraternal Service Organization not conducted for profit.

(b) Recreation uses associated with any of the uses listed under (a) above and maintained primarily for the benefit and use of the occupants thereof.

(c) Shops and stores associated with and incidental to the uses listed under (a) above maintained for serving only the occupants thereof.

(d) Buildings and structures and uses customarily incidental to the above uses.

3. Special Use: The following uses may be permitted, after review, in accordance with Section 434.1:

(a) Hospital, provided that:
- (1) Proposed site shall have a minimum 500 foot frontage on a principal urban arterial;
- (2) No ingress or egress shall be allowed except from arterial streets

(3) Buffer strips shall be provided between adjoining residentially zoned properties:
  (a) No structure shall be closer than 200 feet from the residentially zoned properties;
  (b) A landscaped area 50 feet in width, or 20 feet with a six (6) foot brick, or decorative masonry wall, shall be provided along shared property lines; and,

(4) There shall be a minimum ten (10) acre site with an additional one (1) acre for each additional ten (10) beds or fraction thereof above one hundred (100) beds. (O-9697-51)

(b) Funeral parlor, Mortuary (O-7576-22).

(c) Mixed building in which one or more dwelling units may be located on the second floor provided that:
  (1) First floor use is a permitted use in the district;
  (2) Only two-story structures are involved;
  (3) The minimum area of a lot shall be 6,000 square feet;
  (4) The ratio of floor area to lot area shall not exceed six tenths (0.6).

(d) The following uses if contained within an office building of not less than 10,000 square feet of floor area and not located in a mixed residential/commercial use building:
  (1) Photo Studio
  (2) Barber Shop
  (3) Beauty Shop (O-7677-29).

(e) High Impact Institutional Use.

(f) Off-street parking lot to be used as open space for vehicular parking, provided that such parking lot is adjacent to the land on which the principal use is located, or separated therefrom only by a street or alley if the principal use is in the CO, C-1, C-2, C-3, I-1, or I-2 District. (O-8990-42; O-9293-38; O-9596-19)

(g) Child Care Center, as specified in Sec. 438.3. (O-9596-19)

4. Area requirements.

(a) Front Yard: The front yard regulations shall be the same as those in R-1, Single Family Dwelling District.

(b) Side Yard: The side yard requirements shall be the same as R-3, Multi-Family Dwelling District.

(c) Rear Yard: The rear yard requirements shall be the same as the R-1, Single Family Dwelling District.

(d) Lot Width: For all uses, there shall be a minimum lot width of fifty (50) feet at the building line.

(e) Coverage: Buildings and structures shall not cover more than fifty percent (50%) of the lot area, and in no case shall the gross floor area of the building exceed the total area of the lot.

(f) Limit on Buildings: The limit on the number of buildings shall be in accordance with the coverage requirements set forth in (e) immediately above.

(g) All yards adjacent to a street or residential district which are created by the setback requirements contained herein shall be maintained as open landscaped yards bisected only by access drives, and their use for any other purpose, including off-street parking, is specifically prohibited.

5. Height regulations.

(a) Except as provided in Articles XII, Section 431.3 of this Code, no building shall exceed twenty-seven (27) feet in height, unless side and rear setback lines are increased one foot for each additional foot of height above twenty-seven (27). However, the maximum height allowed shall be thirty-five (35) feet.

(b) Any accessory building exceeding twelve (12) feet in height shall have the required side and rear yard setbacks increased by one (1) foot for each additional foot of height above twelve (12). Provided, however, that no accessory building shall exceed the height of the principal building to which it is accessory.

6. Plot Plans Required. From and after the effective date of this ordinance, a plot plan shall be submitted with each application of rezoning of land to the O-I District. Such plot plans shall reflect as a minimum the information set forth in Section 442.1.5.

SEC. 423.1 - CO, SUBURBAN OFFICE COMMERCIAL DISTRICT

(As amended by Ord. No. O-7677-29 – February 8, 1977; O-9596-19 – December 12, 1995; O-0203-46 – May 27, 2003)

1. General Description. This commercial district is intended to provide a place for those types of institutional and commercial activities that require separate buildings and building groups surrounded by landscaped yards and open area. Land, space and aesthetic requirements of these uses make desirable a suburban location near residential neighborhoods or rural country side, and away from the concentration of people and traffic of the retail, wholesale and industrial areas of the community.

2. Uses permitted. Property and buildings in a CO, Suburban Office Commercial District, shall be used only for the following purposes:

(a) Any of the following uses:
- (1) Apartment Hotel.
- (2) Art Gallery.
- (3) Assembly Halls of non-profit corporations.
- (4) Laboratories for research and testing where all work is housed in buildings and no smoke, noise, odor, dust or other element of operation is more intense outside the confines of the building than that which normally prevails in an R-3, Multi-family Dwelling District.
- (5) Libraries.
- (6) Museums.
- (7) Music Conservatories.
- (8) Office buildings and offices for such professional services as accountant, architect, attorney, business or management consultant, court reporter, dentist or dental surgeon, engineer, geologist or geophysicist, linguist, landscape architect, optometrist, optician, osteopathic physician, planning consultant, psychologist, physician or surgeon, or registered nurse; provided, however, that no retail sales nor stock of goods shall be permitted other than the incidental sale of merchandise within the above professional offices or a pharmacy which may be located only in a building providing space for medical offices. Funeral homes and mortuaries shall not be considered professional services permitted in this district.
- (9) Public and private schools and college with students in residence and dormitories associated therewith.
- (10) Trade schools and schools for vocational training.
- (11) Churches (O-2109)
- (12) Child Care Center, as specified in Section 438.3. (O-9596-19)

Provided, however, that all of the above listed uses are designed to have only limited contact with the general public, and their operation does not involve the sale of merchandise at retail, except as an incidental operation; and further provided that no smoke, noise, odor, dust or other element of operation is more intense than that normally generated in an R-3, Multi-Family Dwelling District.

(b) Recreation uses associated with any of the uses listed under (a) above and maintained primarily for the benefit and use of the occupants thereof.

(c) Shops and stores associated with and incidental to the uses listed under (a) above maintained for serving only the occupants thereof.

(d) Buildings and structures and uses customarily incidental to the above uses.

(e) Name plate and signs relating only to the use of the premises and services provided therein.

3. Special Use: The following uses may be permitted, after review, in accordance with Section 434.1:

(a) Emergency Medical Transportation Services (O-0203-46)
(b) Funeral parlor, Mortuary (O-7576-22).
(c) Mixed building in which one or more dwelling units may be located on the second floor provided that:
  (1) First floor use is a permitted use in the district;
  (2) Only two-story structures are involved;
  (3) The minimum area of a lot shall be 6,000 square feet;
  (4) The ratio of floor area to lot area shall not exceed six tenths (0.6).
(d) The following uses if contained within an office building of not less than 10,000 square feet of floor area and not located in a mixed residential/commercial use building:
  (1) Photo Studio
  (2) Barber Shop
  (3) Beauty Shop. (O-7677-29)
(e) Off-street parking lot to be used as open space for vehicular parking, provided that such parking lot is adjacent to the land on which the principal use is located, or separated therefrom only by a street or alley if the principal use is in the CO, C-1, C-2, C-3, I-1, or I-2 District. (O-9596-19)

4. Area requirements.

(a) Front Yard: The front yard regulations shall be the same as those in R-1, Single Family Dwelling District.
(b) Side Yard: The side yard requirements shall be the same as R-3, Multi-Family Dwelling District.
(c) Rear Yard: The rear yard requirements shall be the same as the R-3, Multi-Family Dwelling District.
(d) Lot Width: For all uses, there shall be a minimum lot width of fifty (50) feet at the building line.
(e) Coverage: Buildings and structures shall not cover more than fifty percent (50%) of the lot area, and in no case shall the gross floor area of the building exceed the total area of the lot.
(f) Limit on Buildings: The limit on the number of buildings shall be in accordance with the coverage requirements set forth in (e) immediately above.

5. Height regulations. Except as provided in Article XII, Section 431.3 of this code, no buildings shall exceed three and one-half (3-1/2) stories or forty-five (45) feet in height.

6. Off-Street Parking. All off-street parking lots which are constructed to provide parking for vehicles associated with any of the uses permitted in Sub-Sections 2 and 3 hereof shall comply with the provisions of Article XII, Section 431.7 (2) and (3) of the Code of the City of Norman. (O-1022, Sec. l; O-1100, Sec. l; O-1349, Sec. 5).

SEC. 423.2 - C-1, LOCAL COMMERCIAL DISTRICT

(As amended by Ord. No. O-8485-62 – February 5, 1985; O-8485-89 – June 11, 1985; O-9192-17 – November 12, 1991; O-9192-18 – November 12, 1991; O-9596-19 – December 12, 1995; O-9697-51 – June 10, 1997; O-0102-26 – March 12, 2002; O-0102-51 – June 25, 2002; O-0203-46 – May 27, 2003; O-0304-29 – October 28, 2003; O-0405-60 – September 27, 2005)

1. General description. This commercial district is intended for the conduct of retail trade and to provide personal services to meet the regular needs and for the convenience of the people of adjacent residential areas. It is anticipated that this district will be the predominately used commercial district in the community. Because these shops and stores may be an integral part of the neighborhood closely associated with residential, religious, recreational, and educational elements, more restrictive requirements for light, air, open space, and off-street parking are made than are provided in other commercial districts.

2. Uses permitted. Property and buildings in a C-1, Local Commercial District, shall be used only for the following purposes:

(a) Any use permitted in CO.

(b) The following uses shall be permitted provided that no individual use shall exceed a Gross Floor Area of 35,000 square feet and that no outdoor storage or display of materials or goods is permitted:

Antique shop.
Appliance Store.
Artist materials supply, or studio.
Automobile parking lots.
Automobile supply store.
Baby shop.
Bakery goods store.
Bank.
Barber shop, or beauty parlor.
Book or stationery store.
Camera shop.
Candy store.
Catering establishment.
Child care establishment.
Clothing or apparel store.
Dairy products or ice cream store.
Delicatessen store.
Dress shop.
Drug store or fountain.
Dry Cleaning and Laundry Plant with no more than three (3) dry cleaning machines and/or Laundry Pick-up Station (O-0102-26)
Dry goods store.
Fabric or notion store.
Florist.
Furniture Store
Gift Shop.
Grocery or supermarket.
Hardware store.
Hotel or motel.
Interior decorating store.
Jewelry shop.
Key shop.

Leathergoods shop.
Messenger or telegraph service.
Office business.
Outdoor or indoor courts for handball, racquet ball, tennis, or sports activity of a similar nature (lighted outdoor courts shall not to be operated later in the evening than 10:00 p.m. and lighting must be arranged to direct light away from any adjoining property in a residential district).
Package liquor store.
Painting and decorating shop.
Pet shop.
Pharmacy.
Photographer's studio.
Radio and television sales and service.
Restaurant. A restaurant may include live entertainment and/or a dance floor, (all such activity fully within an enclosed building) provided the kitchen remains open with full food service whenever live entertainment is offered. (O-0102-51)
Self service laundry.
Sewing machine sales.
Sporting goods sales.
Shoe store or repair shop.
Short order food restaurant.
Tailor shop.
Theater (excluding drive-in theaters).
Toy store.

(c) Any other retail store, shop or establishment serving the neighborhood in the manner stated above which in the opinion of the Planning Commission is similar in character to those above enumerated and is not more obnoxious or detrimental to the area in which it is located, by reason of noise, offensive odor, smoke, dust, vibration, traffic congestion or danger to life and property.

(d) Name plate and sign relating only to the use of the store and premises or products sold on the premises.

(e) Accessory buildings used primarily for any of the above enumerated purposes may not have more than forty (40) percent of the floor area devoted to purposes incidental to such primary use.

NOTE: The following uses are specifically prohibited: Laundry and dry cleaning establishments where cleaning or laundering is done on premises, major auto repairs, and manufacturing. (O-1971)

3. Special Use. The following uses may be permitted, after review, in accordance with Section 434.1:

(a) Emergency Medical Transportation Services. (O-0203-46)

(b) Funeral parlor, Mortuary.

(c) Mixed building in which one or more dwelling units may be located on the second floor provided that:

(1) First floor use is a permitted use in the district;

(2) Only two-story structures are involved;

(3) The minimum area of a lot shall be 6,000 square feet;

(4) The ratio of floor area to lot area shall not exceed six tenths (0.6).

(d) Automobile Service Station.
(e) Any use listed in Section 423.2.2(b) which exceeds a Gross Floor Area of 35,000 square feet.
(f) Liquified Petroleum Gas sales and storage, when such use is clearly subordinate and accessory to the primary usage of the property.

4. Area requirements.

(a) Front Yard: A twenty-five (25) foot setback is required for all buildings. Across the entire front of all lots (and the street side of any corner lot) in plats filed after November 7, 2005 a minimum ten (10) foot landscape strip shall be installed, which may not be encroached upon by parking. One eight (8) foot tall shade (canopy) tree per each twenty (20) feet of lot frontage and one (1) three (3)-gallon shrub per five (5) feet of building frontage shall be installed within this landscape strip. Clustering of these required plantings may be allowed, if approved by the City Forester or his designee. Such planting should be covered by the three (3) year maintenance bond required when new landscaping is installed with the parking lot on the same tract. All species are to be approved by the City Forester. (O-0405-60)

(b) Side Yard:
  (1) For uses other than dwelling, no side yard shall be required except on the side of a lot adjoining a dwelling district in which case there shall be a side yard of not less than five (5) feet.
  (2) Whenever the rear lot line of a corner lot of a local business district abuts a dwelling district, the side yard setback adjacent to the street shall be fifteen (15) feet.

(c) Rear Yard:
  (1) Rear yard shall not be required for retail establishments; except where a rear lot line abuts upon a dwelling district and the commercial building is designed to be serviced from the rear, there shall be provided a rear yard of not less than thirty (30) feet for lots without alleys and twenty (20) feet for lots with alleys; and further provided that in no case where the rear lot lines abut a dwelling district shall the commercial building be erected closer than three (3) feet to the rear lot line.

5. Height regulations. Except as provided in Article XII, Section 431.3 of this Code, no building shall exceed two and one-half (2-1/2) stories or thirty-five (35) feet in height.

SEC. 424.1 - C-2, GENERAL COMMERCIAL DISTRICT

(As amended by Ord. No. O-7677-23 – Nov. 30, 1976; O-7980-66 – Aug. 5, 1980; O-8485-89 – June 11, 1985; O-8788-8 – Oct. 13, 1987; O-9192-17 – Nov. 12, 1991; O-9192-18 – Nov. 12, 1991; O-9596-19 – Dec. 12, 1995; O-9798-16 – Dec. 9, 1997; O-9899-7 – Sept. 22, 1998; O-0102-51 – June 25, 2002; O-0304-29 – Oct. 28, 2003; O-0405-60 – Sept. 27, 2005; O-0809-42 – May 26, 2009)

1. General description. This commercial district is intended for the conduct of personal and business services and the general retail business of the community. Persons living in the community and in the surrounding trade territory require direct and frequent access. Traffic generated by the uses will be primarily passenger vehicles and only those trucks and commercial vehicles required for stocking and delivery of retail goods.

2. Uses permitted. Property and buildings in a C-2, General Commercial District, shall be used only for the following purposes:

(a) Any use permitted in C-1, Local Commercial District.
(b) Any Special Use permissible in C-1, except for mixed buildings, is allowed in the C-2 District.
(c) Amusement enterprises.
(d) New automobile sales and services, new machinery sales and services, and public garage, provided no gas or gasoline is stored above ground; used automobile sales, automobile and machinery repairing if conducted wholly within a completely enclosed building, but not including automobile or machinery wrecking establishments or junk yards.
(e) Automobile, farm implement and machinery repair, sales and service, but not automobile wrecking yards or junk yards.
Automobile service station.
Bakery.
Bath.
Bus terminal.
Carpenter and cabinet shop.
Cleaning and dyeing works.
Drive-in movie theater.
Electric sales and service.
Electric transmission station.
Feed and fuel store.
Frozen food locker.
Glass shop.
Golf course, miniature or practice range.
Heating, ventilating or plumbing supplies, sales and service.
Ice plant or storage house for ice and food housing not more than ten (10) tons capacity.
Laundry.
Lodge hall.
Lumber and building materials sales yard.
Music, radio or television shop.
Outdoor advertising signs.
Pawn shop.
Printing plant.
Sign painting shop.
Small animal hospital.
Storage warehouse.
Trailer camp.
Used auto sales.
Wholesale distributing center.

(f) Buildings, structures, and uses accessory and customarily incidental to any of the above uses, provided:
   (1) There shall be no manufacture, processing or compounding of products other than such as are customarily incidental or essential to retail establishments.
   (2) The Planning Commission makes a determination that such operations are not objectionable due to noise, odor, dust, smoke, vibration, danger to life and property or other similar causes which are injurious to the health or safety of the neighborhood.

(g) Any other retail or wholesale store, shop or establishment which in the opinion of the Planning Commission is of similar character to those enumerated in this Section and is not more objectionable to the area in which located due to reasons specified in paragraph (f) (2) above.

3. Special Use. The following uses may be permitted, after review, in accordance with Section 434.1: (O-9596-19)

(a) Adult Entertainment Uses as provided in Section 439.1. (O-8788-8)

(b) Metal Casting Studio for works of art.
   (1) Only "works of art" may be produced at the facility.
   (2) The facility may not process more than 2,500 pounds of metal per week.
   (3) The casting process is limited to two days per week, and can only occur between 7:00 a.m. and 7:00 p.m.
   (4) Raw materials and unfinished artwork may be stored outdoors only if such material is completely screened by sight-proof fencing. (O-9899-7)

(c) Bait Shop.

(d) Bar, lounge or tavern. (O-9192-18)

(e) Mini-warehouse, provided that
   (1) A ten-foot (10') landscaped yard shall be maintained along all side or rear property boundaries. If the rear boundary abuts any residential zoning district, the landscape area must be increased to twenty feet. All such landscape areas must be installed outside of any required fencing, which must be opaque if the abutting property is zoned for any residential use, and
   (2) A twenty foot (20') landscape strip shall be maintained across the front of the property, which shall include a minimum six-foot (6') wall composed of masonry and/or wrought iron, and
   (3) All landscape areas shall contain at least one (1) tree per twenty (20) linear feet of perimeter, with evergreen specimens comprising fifty percent (50%) of the total number of trees, and
   (4) The front façade of all buildings abutting a street shall be constructed of brick, masonry, or stone, and
   (5) All remaining perimeter walls must be masonry, brick, or patterned tilt-up concrete designed to simulate their appearance and color. Metal wall siding can only be used on interior walls, and
   (6) All roofs shall be installed with a minimum 4 in 12 pitch, and constructed of composition shingles or standing-seam metal. No galvanized or corrugated metal roofs shall be used, and
   (7) Only fully shielded lighting may be used within the facility. No lighting may be installed on perimeter buildings that is oriented out to the perimeter, and
   (8) No new mini-storage facility may be approved that is not at least one-quarter mile away (measured along principal road frontages) from another such facility that is over one acre in size. (O-7980-66; O-0304-29)

(f) Live Entertainment Venue (O-0102-51)
(g) Residential unit for a night watchman or caretaker. (O-7980-14)
(h) Liquified Petroleum Gas sales and storage, when such use is clearly subordinate and accessory to the primary usage of the property.
(i) Mixed building in which one or more dwelling units may be located on the upper floor(s) provided that:
  (1) First floor use is a permitted use in the district;
  (2) The minimum area of a lot shall be 6,000 square feet. (O-9596-19)
(j) High Impact Institutional Use. (O-0809-42)

4. Area regulations.

(a) Front yard: All buildings shall be set back from any abutting street right-of-way at least ten (10) feet. Across the entire front of all lots (and the street side of any corner lot) in plats filed after November 7, 2005 a minimum ten (10) foot landscape strip shall be installed, which may not be encroached upon by parking. One eight (8) foot tall shade (canopy) tree per each twenty (20) feet of lot frontage and one (1) three (3)-gallon shrub per five (5) feet of building frontage shall be installed within this landscape strip. Clustering of these required plantings may be allowed, if approved by the City Forester or his designee. Such planting should be covered by the three (3) year maintenance bond required when new landscaping is installed with the parking lot on the same tract. All species are to be approved by the City Forester. (O-9798-16; O-0405-60)
(b) Side Yard: For uses other than dwelling, no side yard shall be required except on the side of a lot adjoining a residential zoning district in which case there shall be a side yard of not less than five (5) feet. (O-0405-60)
(c) Rear yard shall not be required for retail establishment; except where a rear lot line abuts upon a dwelling district and the commercial building is designed to be serviced from the rear, there shall be provided a rear yard of not less than thirty (30) feet for lots without alleys and twenty (20) feet for lots with alleys; and further provided that in no case where the rear lot line abuts a dwelling district shall the commercial building be erected closer than three (3) feet to the rear lot line.

5. Height regulations. There shall be no height limit for any building or structure in this District.

SEC. 424.2 - TC, TOURIST COMMERCIAL DISTRICT
(As amended by Ord. No. O-9192-17 – November 12, 1991; O-9596-19 – December 12, 1995)

1. General description. This district is intended to accommodate the grouping of those commercial activities necessary to supply the normal needs of tourists, and to protect these against other incompatible commercial uses. This district is intended to be located in defined areas, and will be permitted at the intersection of Primary Arterials or Highways and section line roads east of 72nd Avenue East which serve as the primary entrances of major public recreational areas. For the purpose of this ordinance only State Highway No. 9, Alameda Drive, and 120th Avenue North shall be designated as primary entrances to major public recreational areas.

2. Uses permitted.

(a) Any of the following uses:
- (1) Amusement enterprises.
- (2) Boat and marine sales and service.
- (3) Cafeteria or restaurant.
- (4) Drive-in restaurant.
- (5) Dry dock boat storage.
- (6) Gift, novelty or souvenir store.
- (7) Hotel, motel, tourist court.
- (8) Ice dispensing machine (and other outdoor-type automatic vending machines).
- (9) Miniature golf course.
- (10) Municipal use.
- (11) Offices accessory to main use.
- (12) Parks or playgrounds.
- (13) Parking lot or structure, non-commercial accessory to and within 200 feet.
- (14) Pre-packaged food store.
- (15) Service station.
- (16) Travel trailer court.
- (17) Sporting goods store, including sale of live bait. (O-9596-19)
- (18) Child Care Center, as specified in Section 438.3. (O-9596-19)

(b) Any use which, in the opinion of the Planning Commission, would be similar in character to those above enumerated and is not more obnoxious or detrimental to the area in which it is located, by reason of noise, offensive odor, smoke, dust, vibration, traffic congestion or danger to life and property than those uses enumerated above.

3. Special Use. The following uses may be permitted, after review, in accordance with Section 434.1: (O-9596-19)

(a) Any permitted use which exceeds thirty-five (35) feet in height.
(b) Live Entertainment Venue. (O-0102-51)
(c) Laundry, self service, in conjunction with travel trailer court.
(d) Nightclub or Tavern.
(e) Liquified Petroleum Gas sales and storage, when such use is clearly subordinate and accessory to the primary usage of the property.

4. Area Regulations.

(a) Front Yard: The minimum front yard shall be 50 feet or 100 feet from the centerline of the public street or road, whichever distance shall be the greater.
(b) Side Yard: The minimum side yard shall be 25 feet.
(c) Rear Yard: The minimum rear yard shall be 50 feet.
(d) Lot Width: The minimum lot width shall be 150 feet measured at the front building line.

5. Height regulations.

(a) Except as provided in Article XII, Section 431.3 of this Code, or Section 424.2.3, no building shall exceed thirty-five (35) feet in height.

6. Special provisions.

(a) There shall be no outdoor storage, display, or use within any required front, side or rear yard setback other than parking, loading and unloading, and landscaping.
(b) Off-street parking requirements shall be the standards prescribed in Section 431.5 of Chapter 22 of the Code of the City of Norman.

SEC. 424.3 - CR, RURAL COMMERCIAL DISTRICT
(Ord. No. O-8485-32; as amended by O-9192-17 – November 12, 1991; O-9596-19 – December 12, 1995)

1. General description. This commercial district is intended for the conduct of retail trade and to provide personal services to meet the regular needs and convenience of rural residents. It is anticipated that this district will be the predominately used commercial district in rural Norman. It is intended that this zoning district be located at the intersection of improved section line roads.

2. Uses permitted. Property and buildings in a CR, Rural Commercial District, shall be used only for the following purposes:

(a) No individual use shall exceed a Gross Floor Area of 35,000 square feet:
- (1) Artist material supply, studio or hobby shop.
- (2) Automobile service station.
- (3) Bank.
- (4) Barber shop, or beauty parlor.
- (5) Child care center.
- (6) Clothing and dry goods store.
- (7) Farm Feed store.
- (8) Firewood sales.
- (9) Florist.
- (10) Grocery or supermarket.
- (11) Hardware store.
- (12) Key shop.
- (13) Office building and offices for such professional services as accountant, architect, attorney, business or management consultant, court reporter, dentist or dental surgeon, engineer, geologist or geophysicist, linguist, landscape architect, optometrist, optician, osteopathic physician, planning consultant, psychologist, physician or surgeon, or registered nurse. Funeral homes and mortuaries shall not be considered professional services permitted in this district.
- (14) Package liquor store.
- (15) Pharmacy.
- (16) Plant nursery.
- (17) News stand and tobacco store.
- (18) Restaurant.
- (19) Shoe store or repair shop.

(b) Any uses which, in the opinion of the Planning Commission, would be similar in character to those above enumerated and is not more obnoxious or detrimental to the area in which it is located, by reason of noise, offensive odor, smoke, dust, vibration, traffic congestion, or danger to life and property than those uses enumerated above.

3. Special Use. The following uses may be permitted, after review, in accordance with Section 434.1: (O-9596-19)

(a) Any use listed in Section 424.3.2(a) which exceeds a Gross Floor Area of 35,000 square feet.
(b) Any use listed in 424.3.2(a) which exceeds thirty-five (35) feet in height.
(c) Automobile sales and service.
(d) Boat sales and services.
(e) Farm implement sales and service.
(f) Theater, indoor.
(g) Veterinary hospital.
(h) Liquified Petroleum Gas sales and storage, when such use is clearly subordinate and accessory to the primary usage of the property.

4. Area regulations.

(a) Front Yard: The minimum front yard shall be 50 feet or 100 feet from the centerline of the public street or road, whichever distance shall be the greater.
(b) Side Yard: The minimum side yard shall be 25 feet.
(c) Rear Yard: The minimum rear yard shall be 50 feet.
(d) Lot Width: The minimum lot width shall be 150 feet measured at the front building line.

5. Height regulations.

(a) Except as provided in Article XII, Section 431.3 of this Code, or Section 424.3.3, no building shall exceed thirty-five (35) feet in height.

SEC. 425.1 - C-3, INTENSIVE COMMERCIAL DISTRICT

(As amended by Ord. No. O-7677-47 – May 3, 1977; O-7980-66 – August 5, 1980; O-8485-25 – October 23, 1984; O-8788-8 – October 13, 1987; O-9192-17 – November 12, 1991; O-9192-18 – November 12, 19991; O-9596-19 – December 12, 1995; O-0102-50 - May 28, 2002; O-0102-51 – June 25, 2002; O-0304-29 – October 28, 2003)

1. General description. This commercial district is intended for the conduct of personal and business services and the general retail business of the community. It differs from other commercial districts in that off-street parking is not required. This district was created primarily for those commercial areas which already were so intensely developed that they could not comply with the provisions for other commercial districts in this ordinance.

2. Uses permitted. Property and buildings in a C-3, Intensive Commercial District, shall be used only for the following purposes:

(a) Any use permitted in the C-2, General Commercial District, except as enumerated below:
  (1) New or used automobile, farm implement, and machinery sales and services.
  (2) Automobile, farm implement, and machinery repair and service.
  (3) Drive-in movie theater.
  (4) Drive-in restaurant.
  (5) Golf course.
  (6) Heating, ventilating, or plumbing supplies, sales, and service; unless conducted entirely within a completely enclosed building.
  (7) Lumber and building materials sales yard.
  (8) Outdoor advertising signs.
  (9) Outdoor courts for handball, racquetball, tennis, or, sports activity of a similar nature.
  (10) Storage warehouse.
  (11) Trailer camp.
  (12) Wholesale distributing center.

(b) Buildings and structures and uses accessory and customarily incidental to any of the above uses, provided:
  (1) There shall be no manufacture, processing or compounding of products other than such as are customarily incidental or essential to retail establishments.
  (2) The Planning Commission makes a determination that such operations are not objectionable due to noise, odor, dust, smoke, vibration, danger to life and property or other similar causes which are injurious to the health or safety of the neighborhood.

(c) Any other retail or wholesale store, shop or establishment which in the opinion of the Planning Commission is of similar character to those enumerated in this Section and is not more objectionable to the area in which located due to reasons specified in paragraph (b)(2) above.

3. Special Use. The following uses may be permitted, after review, in accordance with Section 434.1: (O-9596-19; O-0304-29)

(a) Adult Entertainment Uses as provided in Section 439.1 (O-8788-8)
(b) Bar, lounge, or tavern (O-7677-47; O-9192-18)
(c) Drive-in restaurant.

(d) Light manufacturing or assembly operations, even though otherwise limited to I-1 District, meeting the following requirements:
   (1) Similar in character to operations normally associated with a retail business.
   (2) Conducted in conjunction with a retail business with one-fourth (1/4) of the building used for commercial purposes and completely separated from the manufacturing portion by a fixed wall with not more than one (1) door therein for use by employees.
   (3) Conducted entirely within an enclosed building, same to be a building already in existence, but this shall not be construed to prevent alterations to an existing building.
   (4) Not objectionable due to noise, odor, dust, smoke, vibration, danger to life and property or otherwise injurious to the health and safety of the neighborhood.

(e) Live Entertainment Venue. (O-0102-51)

(f) Mixed building in which one or more dwelling units may be located on the upper floor(s) provided that the First Floor use is a permitted use in the district. (O-0102-50)

(g) Liquified Petroleum Gas sales and storage, when such use is clearly subordinate and accessory to the primary usage of the property.

4. Area regulations.

(a) Rear yard shall not be required for retail establishments, except where a rear lot line abuts upon a dwelling district and the commercial building is designed to be serviced from the rear, there shall be provided a rear yard of not less than thirty (30) feet for lots without alleys and twenty (20) feet for the lots with alleys; and further provided that in no case where the rear lot line abuts a dwelling district shall the commercial building be erected closer than three (3) feet to the rear lot line.

5. Height regulations. There shall be no height limit for any building or structure in this District.

SEC. 426.1 - I-1, LIGHT INDUSTRIAL DISTRICT

(As amended by Ord. No. O-7172-28 – November 2, 1971; O-7879-66 – May 1, 1979; O-8384-95 – February 7, 1984; O-8586-12 -- October 8, 1985; O-8687-53 – September 29, 1987; O-8788-36 – April 26, 1988; O-9192-17 – November 12, 1991; O-9495-5 – August 23, 1994; O-9596-19 – December 12, 1995; O-0001-2 – August 8, 2000; O-0405-60 – September 27, 2005)

1. Uses Permitted. Property and buildings in an I-1, Light Industrial District, shall be used only for the following purposes:

(a) Any of the following uses:

(1) Automobile sales and service, but not including automobile or machinery wrecking establishments or junk yards.

(2) Boat sales and service.

(3) Building materials sales yard, including the sale of rock, sand, gravel, and cement and the like as an incidental part of the main business. This shall not be construed as permitting a cement batch plant or transit mix plant.

(4) Contractor's equipment storage yard or yard for rental equipment of a type commonly used by contractors.

(5) Farm machinery or contractor's machinery storage yard.

(6) Mobile home and camper sales.

(7) Office buildings and offices for such professional services as accountant, architect, attorney, business or management consultant, court reporter, dentist or dental surgeon, engineer, geologist or geophysicist, linguist, landscape architect, optometrist, optician, osteopathic physician, planning consultant, psychologist, physician or surgeon, or registered nurse; provided, however, that no retail sales nor stock of goods shall be permitted other than the incidental sale of merchandise within the above professional offices or a pharmacy which may be located only in a building providing space for medical offices. Funeral homes and mortuaries shall not be considered professional services permitted in this district.

(8) Public utility service company yard or electric receiving or transforming station.

(9) Truck and farm implement sales and service.

(10) Truck terminal.

(11) Veterinary hospital.

(12) Warehousing.

(13) Trade schools and schools for vocational training (O-8586-12)

(14) Impoundment yard, subject to the following conditions:

(a) the operator of the storage facility must obtain both a City License to operate an impoundment yard and a State Wrecker License;

(b) all areas used for the storage of impounded vehicles shall be completely screened by an eight foot tall opaque fence, and maintained in good condition;

(c) all public parking areas shall be paved in accordance with city standards. However, areas used for storage of disabled vehicles shall, at a minimum, be surfaced with at least six inches of crushed rock, preferably limestone with appropriate gradations, installed on a sub-base which has been cleared and grubbed, properly graded and compacted, and consists of a suitable soil (one with a low to moderate Plasticity Index).

(b) The following uses when conducted within a completely enclosed building:
  (1) The manufacture, compounding, processing or treatment of such products as bakery goods, candy, cosmetics, dairy products, drugs, perfumes, pharmaceuticals, toiletries, and food products.
  (2) The manufacture, compounding, assembling, or treatment of articles or merchandise from the following previously prepared materials: Bone, cellophane, canvas, cloth, cork, feathers, felt, fiber, fur, glass, hair, horn, leather, paper, plastics, precious or semi-precious metals or stone, shell, textiles, tobacco, wood, yarn, and paint not employing a boiling process.
  (3) The manufacture of pottery and figurines or other similar ceramic products, using only previously pulverized clay, and kilns fired only by electricity or gas.
  (4) The manufacture and maintenance of electric and neon signs, commercial advertising structures, light sheet metal products, including heating and ventilating ducts and equipment, cornices, eaves, and the like.
  (5) Manufacture of musical instruments, toys, novelties, and rubber and metal stamps.
  (6) Machine shop excluding punch presses over twenty (20) tons rated capacity, drop hammers, and automatic screw machines.
  (7) Assembly of electrical appliances, electronic instruments and devices, radios and phonographs, including the manufacture of small parts only, such as coils, condensers, transformers, crystal holders and the like.
  (8) Laboratories: Experimental, photo or motion picture, film or testing.
  (9) Poultry or rabbit killing incidental to a retail business on the same premises.
  (10) Foundry casting light weight non-ferrous metals.
  (11) Tire retreading and recapping, other than that permitted in Section 425.1.2(d) of this code.
  (12) Pipe storage yard.
  (13) Machinery or equipment storage yard.

(c) Buildings, structures and uses accessory and customarily incidental to any of the above uses.

(d) Any other light industrial use, building or structure which, in the opinion of the Planning Commission, is of similar character to those enumerated in this section and is not more objectionable due to noise, odor, dust, smoke, vibration, danger to life and property or other similar causes which are injurious to the health or safety of the neighborhood.

Provided, however, the uses permitted under this section shall be conducted in such a manner that no dust or noxious fumes or odors will be emitted beyond the property line of the lot on which the use is located and no material or equipment shall be kept, stored or displayed outside the confines of an enclosed building or operation conducted unless it is to be screened by ornamental fences, walls, or evergreen planting that it cannot be seen from a public street.

2. Special Use. The following uses may be permitted, after review, in accordance with Section 434.1: (O-9596-19)

(a) Pre-packaged food store located within industrial parks provided that:
  (1) Each industrial park be limited to one such use, and
  (2) Only industrial parks larger than fifty (50) acres in size shall qualify for consideration. (O-8384-85)

(b) Schools, public and private. (O-8586-12)

(c) Liquified Petroleum Gas sales and storage, when such use is clearly subordinate and accessory to the primary usage of the property.

(d) Church, temple or other place of worship. (O-0001-2)

3. Area Regulations.

(a) Front Yard: Within all plats filed after November 7, 2005, a twenty-five (25) foot front building setback line shall be established. Across the entire front of all new lots (and the street side of any corner lot) a minimum ten (10) foot landscape strip shall be installed, which may not be encroached upon by parking or outdoor storage. One eight (8) foot tall shade (canopy) tree per each twenty (20) feet of lot frontage and one (1) three (3)-gallon shrub per five (5) feet of building frontage shall be installed within this landscape strip. Clustering of these required plantings may be allowed, if approved by the City Forester or his designee. Such planting should be covered by the three (3) year maintenance bond required when new landscaping is installed with the parking lot on the same tract. All species are to be approved by the City Forester. Signs may be installed in any required landscape area. (O-0405-60)

(b) Side Yard:

(1) For uses other than dwelling, no side yard shall be required except on the side of a lot adjoining a residential zoning district in which case there shall be a side yard of not less than five (5) feet.

(2) Street side corner setback shall be fifteen (15) feet. (O-0405-60)

(c) Rear Yard: Whenever the rear yard adjoins a residential zoning district, the minimum building setback for principal and accessory buildings shall be thirty (30) feet, unless a rear alley is provided. (O-0405-60)

4. Height Regulations. Where a lot adjoins a dwelling district, the building shall not exceed three (3) stories or forty-five (45) feet in height, unless it is set back one (1) foot from all yard lines for each foot of additional height above forty-five (45) feet.

SEC. 427.1 - I-2, HEAVY INDUSTRIAL DISTRICT
(Ord. No. O-0405-60 – September 27, 2005)

1. Uses permitted. Property and buildings in an I-2, Heavy Industrial District, may be used for any use except as qualified below:

(a) All residential uses are prohibited except sleeping facilities required by night watchmen and caretakers employed upon the premises.

(b) All uses not complying with this ordinance, or any other county, state or federal regulation or law, are prohibited.

(c) All of the following uses are prohibited until they have received the express approval of the City Planning Commission. The Planning Commission may require approval of the County Health Department, the County Engineer, the State Fire Marshal and other State and County regulating agencies and may attach to the approval specific restrictions designed to protect the public welfare.
   (1) Acid manufacture.
   (2) Cement, lime, gypsum or plaster of paris manufacture.
   (3) Explosives manufacture or wholesale storage.
   (4) Gas manufacture.
   (5) Petroleum or its products, refining of.
   (6) Wholesale storage of gasoline, or liquefied petroleum products.

(d) All of the following uses are specifically prohibited in the I-2, Heavy Industrial District, to wit:
   (1) Automobile or equipment salvage or junk yard.
   (2) Building material salvage yard.
   (3) Junk or salvage yard of any kind.
   (4) Scrap metal storage yard.
   (5) Used building materials storage yard, and
   (6) Any other operation which in the opinion of the Planning Commission is similar in operation or appearance to the uses listed in Sub-section (d)(1) through (5) above.

(e) The uses listed under Sub-section (d) above are permitted in the I-2, Heavy Industrial District, when conducted in strict compliance with the following regulations and conditions:
   (1) All such uses shall be completely enclosed by an eight (8) foot high solid fence of redwood, fiberglass, plastic, aluminum, or masonry, provided, however, that a gate for ingress and egress shall be permitted; further provided that the height of the fence may be reduced to six (6) feet when the use is conducted at an elevation two (2) feet or more above the crown of the adjacent roadway; and further provided that a steel mesh fence may be substituted for a solid fence on the rear of the use and up to the rear three-fourths (3/4) of the side of the use when the use abuts either an I-2 or an A-2 zone and the portion may not be seen from a public street or road which shall be determined by the Building Inspector.
   (2) Said fence shall be set back ninety (90) feet from any highway, section line road, or arterial street or road; provided, however, that when said road is served by a frontage road or adequate right-of-way has been acquired by the public to provide for a frontage road the setback may be reduced to forty (40) feet; provided further that no temporary or permanent building shall be erected within the ninety (90) foot setback, when required, or the forty (40) foot setback in all other cases.

(3) Off-street parking for customers' and employees' cars must be provided on the lot; provided, however, that when a ninety (90) foot setback is required, no parking shall be permitted in the first fifty (50) feet adjacent to the street, highway or road; provided further that any area designated or used for parking outside the fenced area shall be surfaced to specifications provided by the City Engineer.

(4) When a setback of the fence is required, the forty (40) feet adjacent to the fence shall be landscaped, paved, or maintained in a good appearance by other means.

(5) The burning of wrecked or discarded automobiles or any parts thereof or junk or any waste materials shall be prohibited.

(6) Whenever a required fence is adjacent to a residential or commercial zone it shall be set back twenty-five (25) feet.

(7) No junk, parts, disabled automobiles, or salvage material of any kind shall be stored outside or above the fence.

(8) No advertising, display, or used or salvage materials of any kind shall be displayed outside or above the fence except that one sign with copy area not in excess of fifteen (15) by twenty-five (25) feet may be permitted adjacent to each public street provided it is located in the rear forty (40) feet of the required setback and does not exceed the maximum height limitations of the district; provided, however, that whenever three or more separate existing businesses in an area desire to designate the area a Salvage City, an advertising structure designating the name and location of the Salvage City may be permitted to a height not to exceed sixty (60) feet if it is not located within three thousand (3,000) feet of a residential district.

In no case shall any provisions of this ordinance be interpreted to permit the use of discarded, disabled, or wrecked automobiles, trucks, equipment, appliances, or parts to be used for advertising or identification purposes.

(9) Whenever an owner or representative of a non-conforming use under this section applies for and is granted I-2, Heavy Industrial District zoning, he shall have a period not to exceed three (3) months to bring the use into complete conformity with the provisions of this section.

2. Height regulations. Where a lot adjoins a dwelling district the building shall not exceed three (3) stories or forty-five (45) feet, unless it is set back one (1) foot from all yard lines for each foot of additional height above forty-five (45) feet.

3. Area regulations.

(a) Front Yard: Within all plats filed after November 7, 2005, a twenty-five (25) foot front building setback line shall be established. . Across the entire front of all new lots (and the street side of any corner lot) a minimum ten (10) foot landscape strip shall be installed, which may not be encroached upon by parking or outdoor storage. One eight (8) foot tall shade (canopy) tree per each twenty (20) feet of lot frontage and one (1) three (3)-gallon shrub per five (5) feet of building frontage shall be installed within this landscape strip. Clustering of these required plantings may be allowed, if approved by the City Forester or his designee. Such planting should be covered by the three (3) year maintenance bond required when new landscaping is installed with the parking lot on the same tract. All species are to be approved by the City Forester. Signs may be installed in any required landscape area. (O-0506-60)

(b) Side Yard:

(1) For uses other than dwelling, no side yard shall be required except on the side of a lot adjoining a residential zoning district in which case there shall be a side yard of not less than five (5) feet.

(2) Street side corner setback shall be fifteen (15) feet. (O-0405-60)

(c) Rear Yard: Whenever the rear yard adjoins a residential zoning district, the minimum building setback for principal and accessory buildings shall be thirty (30) feet. (O-0405-60)

(d) The location and setback of all required fences shall be governed by Section 427.1.1(e) above. (Ord. 884, Art. II, § 8; O-1041, § 2; O-1366, §§ 1 and 2)

SEC. 428.1 - M-1, RESTRICTED INDUSTRIAL DISTRICT

(Established by Ord. No. 2329 – December 29, 1970; amended by O-8586-12 – October 8, 1985; O-9596-19 – December 12, 1995)

1. Description and Purpose. The Restricted Industrial District is intended to provide an environment exclusively for and conducive to the development and protection of modern administrative facilities, office buildings, research institutions, specialized manufacturing plants, warehouse and similar enterprises that are conducted so the noise, odor, smoke, dust, vibration, heat, and glare of each operation is completely confined within an enclosed building. Buildings in this district should be architecturally attractive and surrounded by landscaped yards. Particular attention should be given to integrating uses and the design of buildings on the periphery of the district with uses in adjacent districts. Enterprises operating in this district may require direct access to rail, air, or street transportation facilities; however, the size and volume of raw materials, partially processed or finished products involved with each industrial activity should not produce the volume of freight generated by the uses of light or heavy industrial districts. Surface transportation routes servicing Restricted Industrial Districts should not bisect residential areas and should include only arterial streets and highways as designated on the Major Street Plan of the City of Norman.

2. Uses Permitted. The uses listed below shall be permitted subject to Use Conditions referenced in this section and as they may be regulated by other sections of the Norman City Ordinances.

(a) Assembly without fabrication: The assembly of any light machinery, appliances, business machines, and similar equipment, from previously fabricated parts; vocational training.
(b) Fabrication or processing of the following products:
    (1) Art and handicraft items
    (2) Bakery goods
    (3) Book binding and tooling
    (4) Carpentry, custom woodworking, or custom furniture making
    (5) Clothing and needlework from prepared material
    (6) Dairy products
    (7) Instruments; professional, scientific, controlling, musical, or similar precision
    (8) Jewelry
    (9) Optical goods
    (10) Printing and publishing
(c) Laboratories; experimental, photo or motion picture, film, or testing
(d) Mail order house
(e) Market research
(f) Office buildings
(g) Systems development
(h) Trade Schools and schools for vocational training. (O-8586-12)

3. Accessory Uses Permitted. Any use, including but not necessarily limited to the list below, which is customarily incidental and of secondary significance to the principal use, shall be permitted, viz:

(a) Employee cafeteria
(b) Employee recreation area
(c) Night watchman quarters
(d) Parking lot
(e) Sign
(f) Employee day care facility. (O-8586-12)

4. Special Use. The following uses may be permitted, after review, in accordance with Section 434.1: (O-9596-19)

(a) Electric substation
(b) Food manufacture; packing and processing
(c) Manufacture of toys, novelties, and rubber and metal stamps
(d) Paper products manufacture
(e) Sewage disposal plant or lift station
(f) Schools, public and private. (O-8586-12)

5. Use Conditions. All uses shall be governed by applicable provisions of the Norman Code, and the following uses are specifically identified as subject to the requirements of sections of this ordinance as indicated.

(a) All yard areas required under this section, and other yards and open spaces existing around buildings, shall be landscaped and maintained in a neat and orderly condition.
(b) All of the uses permitted under this Section shall have their primary operations conducted entirely within enclosed buildings, and shall not emit glare, dust, smoke, or noxious odor or fumes outside of the building housing the operation, or produce a noise level or vibration at the property line that is greater than the average noise or vibration level occurring on the adjacent street. Any article or material stored permanently or temporarily outside of an enclosed building as an incidental part of the operation shall be so screened by ornamental walls and fences or evergreen plantings that it cannot be seen from public streets or adjacent lots when viewed by a person standing at ground level.
(c) Whenever this industrial district is established so as to abut the side or rear line of a lot in a residential district, an opaque ornamental fence, wall, or dense evergreen hedge not less than five (5) feet high and not more than six (6) feet high, shall be constructed and maintained in good condition along said side or rear lot line up to, but not beyond, the abutting residential setback building line. In addition, the lighting, including any permitted illuminated sign, shall be arranged so that there will be no annoying glare directed or reflected toward residential buildings in a residential district.

(d) Signs are permitted, but they shall be in conformance with the following:
    (1) The only types of signs permitted are parking signs, directional signs, and signs which identify the name or type of business conducted within such structure.
    (2) All signs identifying the name or type of business shall be wall or ground signs which shall not be located more than twenty-four (24) feet above the ground. No one (1) sign may exceed one hundred (100) square feet in area (one face) and the sum total of the area of all signs measured in square feet shall not exceed two hundred (200) square feet measuring one (1) face only.
    (3) The total number of all signs identifying the name or type of business shall not exceed four (4) signs and not more than two (2) for each street frontage.
    (4) Ground signs shall be located not less than twenty-five (25) feet back from any public right-of-way.
    (5) Parking signs may be wall, ground, or projected signs.
    (6) All flashing, revolving, and intermittently lighted signs are expressly prohibited.

6. Bulk and Area Regulations. Uses shall conform to the following requirements.

(a) In no instance shall a structure, parking lot, or anything other than a landscaped yard be located closer than fifty (50) feet to any residential or agricultural district.

(b) All buildings shall be set back from the front, side, and rear lot lines a distance of not less than twenty-five (25) feet.

(c) All yards adjacent to a street which are created by the setback requirements contained herein shall be maintained as open landscaped yards bisected only by access drives, and their use for any other purpose including off-street parking, is specifically prohibited.

(d) Each individual use shall be located on a lot having not less than twenty thousand (20,000) square feet in area.

(e) Lot Coverage:

(1) Main and accessory buildings shall not cover more than fifty (50) percent of the lot area.

(2) The coverage of main and accessory buildings plus the area used or designed for use by parking and loading facilities, plus any area of outside storage, shall not exceed eighty (80) percent of the lot area. Not less than twenty (20) percent of the lot area shall be maintained as open landscaped yard.

(3) The maximum floor area ratio of all buildings shall not exceed 1.0.

(f) No building or structure shall exceed forty-five (45) feet in height, except that this height limitation may be exceeded if the required minimum depth of all yards is increased one (1) foot for each foot by which the height of such structure exceed forty-five (45) feet.

SEC. 429 – MUD, MIXED USE DEVELOPMENT DISTRICT
(Established by Ord. No. O-0910-26 – April 27, 2010)

1. Intent. The primary purpose of the Mixed Use Development District is to create an environment which permits a mix of housing types, commercial businesses, offices, and institutional buildings in a pedestrian-oriented neighborhood with a sense of community and place. Specifically, the Mixed Use Development District is intended to:

(a) Create a mixed use, pedestrian friendly character that combines modern urban design with the essence of an older downtown.
(b) Allow a range of small scale commercial and institutional uses within easy walking distance of adjoining neighborhoods.
(c) Accommodate a variety of housing types and discourage one housing type from dominating the streetscape.
(d) Ensure that commercial and institutional uses have a character that is compatible with residences within the development.
(e) Promote pedestrian orientation of streets and buildings.
(f) Develop businesses, institutions, streets, parks, and homes that facilitate social interaction as well as create a sense of privacy.
(g) Alleviate the perceived impact of high-intensity developments by requiring them to be of a pedestrian scale and orientation.
(h) Give priority to pedestrian movement, access to buildings, open spaces, and streets.
(i) Create a street circulation system that provides safe and convenient multi-modal access compatible with new and existing adjacent neighborhoods.
(j) Use scale, building orientation, landscaping and signage to establish community identity.
(k) Use open and recreational spaces as community focal points.
(l) Provide recreational opportunities where possible.
(m) Ensure that new development is compatible with adjacent neighborhoods.

2. Uses Permitted.

(a) Residential uses.
(b) Live/work units, where a single space is used jointly for a permitted non-residential use as well as a residence for the owner or operator of the non-residential use.
(c) General neighborhood oriented retail uses, including but not limited to the following:
    (1) Antique store
    (2) Art gallery
    (3) Bank (drive-through must be at side or rear of structure)
    (4) Book store, music store
    (5) Camera shop
    (6) Candy, ice cream, or confection shop
    (7) Catering business
    (8) Clothing and apparel store
    (9) Daycare facility (child or adult)
    (10) Design Offices, including but not limited to Interior Decorator (including sales)
    (11) Florist
    (12) Food or drug stores (bakery, delicatessen, grocery, pharmacy)
    (13) Health club or spa
    (14) Indoor arcade, including electronic amusement
    (15) Jewelry store
    (16) Key shop
    (17) Liquor store
    (18) Office use (including medical offices)
    (19) Personal services
    (20) Pet store

(21) Repair shop
(22) Shoe shop (including repair)
(23) Small electronic equipment (including sales and repair)
(24) Toy store

(d) Hotel.
(e) Municipal or public use.
(f) Outdoor temporary sales, such as a public market for the sale of produce, provided the operation does not completely obstruct any public sidewalk.
(g) Parking garage, with limited access to the principal street. Structured parking facilities located adjacent to a public street shall contain retail or office uses on the first floor fronting the street, or be wrapped with development of equal or greater height than the parking structure.
(h) Recreational facilities within a public or private park.
(i) Restaurants (including outside seating but not drive-through facilities).
(j) Schools (public or private).
(k) Self-service laundry.
(l) Studios and shops of artists and artisans (including sales).
(m) Any use which, in the opinion of the City Council, would be similar in character to those enumerated above and is not more obnoxious or detrimental to the area in which it is located by reason of noise, offensive odor, smoke, dust, vibration, traffic congestion, or danger to life and property.

3. Prohibited Uses.
(a) Adult entertainment businesses
(b) Auto-oriented uses
(c) Building material storage yards
(d) Gas stations
(e) Junk yards
(f) Kennels with outdoor runs
(g) Mini-storage facilities
(h) Outdoor display of merchandise shall not be permitted overnight
(i) Uses where the outdoor storage or display of products is the principal activity, such as new or used automobile sales lots.

4. Special Use. City Council may approve the following Special Uses after review and in accordance with Section 434.1:
(a) Bar, tavern, or night club
(b) Bed and Breakfast
(c) Place of worship
(d) Single or multi-story non-residential buildings for any permitted use listed above, without residential uses on the upper floor(s), provided other residential uses are included in the application which comprise fifty percent of the gross floor area of all buildings within the development
(e) Single or multi-story non-residential buildings for any permitted or special use listed in this section which contains more than twenty thousand (20,000) square feet
(f) Theater with no more than 500 seats

5. Density and Mix.
(a) Density. Maximum allowed density is thirty (30) dwelling units per gross acre. A mixture of residential types is required. A mixture of densities and house sizes is encouraged to provide a range of housing choices.

(b) Mixed Use Requirements. Residential uses shall comprise a minimum of fifty percent (50%) of the gross building area within the development, but no more than seventy-five percent (75%). Non-residential uses shall comprise a minimum of ten percent (10%) of the gross building area within the development, but no more than twenty-five percent (25%). Open space shall comprise a minimum twenty percent (20%) of the gross land area of the development, including any drainage area(s). Multi-story mixed use buildings are required as follows:

(1) If the ground floor use is an authorized retail use, office or residential uses must occur on the upper floor(s).
(2) If the ground floor use is an authorized office use, residential uses must occur on the upper floor(s).
(3) If the ground floor use is a live/work unit, there is no requirement for any upper-story use.

(c) Residential Mix. The development shall include a minimum of two different types of housing, such as single-family attached, duplex, townhouse, condominiums or apartments. To qualify as one of the two housing types, a housing type must comprise a minimum twenty-five percent (25%) of the total number of housing units in the development. On tracts larger than five (5) acres, three different housing types must be included, with the smallest qualifying type comprising a minimum fifteen percent (15%) of the total housing units in the development, and no single housing type shall exceed fifty percent (50%) of the total number of units. Residential use may occur in a single or multi-story building.

6. General Layout, Setbacks and Height.

(a) General Layout.

(1) In general, mixed use developments shall be laid out so the non-residential buildings are located close to the center of the development, close to major roads, close to bus stops, or close to the central open space.
(2) Non-residential buildings shall be grouped together along streets so it is a short walking distance from one building to the next.
(3) Non-residential buildings shall be located to make walking to the central open space or residential areas as short as possible.
(4) Single-family attached, duplex, townhouse, condominiums or multi-family apartments should be located near the non-residential uses and the central open space.
(5) Mixed residential neighborhoods should be designed so that different housing types are in close proximity to each other.
(6) Housing types shall be mixed along a street to create variety.
(7) Streets within this development shall be interconnected with each other and, if possible, should be connected with adjacent neighborhoods in a grid or modified grid pattern. The use of cul-de-sacs should be minimized or restricted to solutions that alleviate specific design issues.

(b) Setbacks.

(1) Side yard setbacks may be zero, except when buildings in this district abut property zoned for single-family detached dwellings. In that case, side yard setback must be a minimum of five feet (5') for two story buildings, plus an additional five feet (5') for each additional two stories, or portion thereof.
(2) Rear yard setback may be zero, except when buildings in this district abut property zoned for single-family detached dwellings. In that case, the rear yard setback must be a minimum of ten feet (10') for two story buildings, plus an additional ten feet (10') for each additional two stories, or portion thereof.

(c) Height.

(1) No buildings shall be over six stories, unless specifically approved by City Council.

7. Design Standards. All development within this district shall comply with the following design standards:

(a) Pedestrian Design Standards.

(1) Sidewalks must be installed to connect public walkways to all front building entrances, parking areas, central open space, and any other destination that generates pedestrian traffic.

(2) Sidewalks shall connect to existing sidewalks on abutting tracts and other nearby pedestrian destination points.

(3) Sidewalks abutting residential uses must be a minimum five feet (5') wide. Sidewalks abutting non-residential or mixed use buildings must be a minimum ten feet (10') wide. Outdoor seating for such uses as sidewalk cafes requires sidewalks that are a minimum sixteen feet (16') wide.

(b) Non-Residential Building Design Standards.

(1) No individual non-residential use within a mixed building may exceed 20,000 square feet (all floors included).

(2) Front facades of buildings shall be oriented toward commercial/main streets within the mixed use tract, and must include an unlocked public entrance within this façade.

(3) When buildings are located on corners, the entrance shall be located on the corner with appropriate building articulation, such as a chamfered corner, turret, canopy, or other similar building feature. If approved on the Site Plan by City Council, front facades may be allowed to face one street if the façade will extend an existing commercial district located on the same street.

(4) Blank unarticulated walls shall not be permitted along any exterior wall facing a street, parking area, or walking area. Such walls shall have architectural treatments that are the same as the front façade, including consistent style, materials, colors, windows, and details.

(5) The ground floor front façades of retail uses, personal service businesses, and restaurants shall consist of a minimum forty percent (40%) window area, with views provided through these windows into the business.

(6) For all other uses, ground floor walls facing a street or walking area shall contain a minimum fifteen percent (15%) window area, with views provided through these windows into the business.

(7) In no case may the principal façade contain more than seventy-five percent (75%) window area.

(8) Opaque, dark-tinted, or reflective glass is not allowed.

(9) Buildings must have a minimum five foot (5') off-set in all façades for every forty feet (40') of continuous façade. Such off-sets may be met through the use of bay windows, porches, porticos, building articulation, towers, and other architectural treatments.

(10) Buildings should generally be constructed at the front property line, but may be set back five feet (5') from the property line to accommodate architecturally required indentions or to allow for increased public sidewalk or plaza areas. Building step-backs are permitted above the second floor of any building. Awnings and balconies are encouraged as a pedestrian amenity, and may extend into the public right-of-way provided they comply with the 2006 International Building Code (IBC) Section 3202.

(11) Building materials, windows, doors, and architectural detailing should be compatible with adjoining residential buildings within the development.

(12) Façades of all buildings facing the street shall be two stories, or a minimum of twenty-two feet (22') in height if single story.

(c) Residential Building Design Standards.

(1) Dwellings must have a primary entrance in the front façade.

(2) Residential buildings without non-residential uses must be located no less than five feet (5') and no more than ten feet (10') from the front property line. Building step-backs are permitted above the second floor of any building.

(3) Residential uses other than multi-family apartments must have the first floor elevated a minimum of two feet (2') above grade.

(4) Architectural extensions such as porches, balconies, bay windows, and awnings may extend into any required setback, but not more than half the distance of the setback. Uncovered stairs may extend to the front property line.

(5) The front yard may contain fencing and retaining walls not more than four feet (4') in height above the sidewalk.

(d) Parking Standards.

(1) Off-street parking for residential uses must be accessed from a rear alley or shared driveway that accesses the rear of each lot.

(2) Off-street parking shall be located to the side or rear of non-residential buildings. Required parking for non-residential uses may be located in a common parking facility or garage, provided such facility is located within 200 feet (including rights-of-way) of the boundary line of the non-residential use.

(3) Driveways crossing public sidewalks may not exceed ten percent of a block face. No more than one two-way driveway shall be permitted in any one block face unless the block is longer than 400 feet.

(4) Parking areas shall be screened from adjacent residential uses, streets and walkways by means of opaque fences or walls, trees, and shrubs as per Section 22-431.7. Parking lots and pathways accessing those lots should be adequately illuminated, but only full cut-off fixtures may be used to minimize lighting impacts.

(5) The off-street parking requirements contained in Section 431.5 of the Zoning Ordinance, including accessory bicycle parking, shall be followed, except as authorized below in Table "X".

(6) Ten percent (10%) of the parking required by Section 431.5 may be met by counting new on-street parking spaces. The total amount of parking that is provided may not equal more than 110% of the amount required by Section 431.5.

(7) Except for on-street parking, all new parking areas shall be landscaped in compliance with Section 431.8.

(8) Shared parking is required for all uses in this district, except for on-site parking provided for single family attached or townhouse units. The utilization rates in the following table provide the basis for calculation of the number of parking spaces required with shared parking. The adjusted off-street parking requirement for the development is the largest of the five "time of day" column sums in the below table.

Table "X":
Shared Parking Table
(For calculating adjusted parking requirements)

Category	Morning	Noon	Afternoon	Late Afternoon	Evening
Residential	80%	60%	60%	70%	100%
Office	100%	80%	100%	85%	35%
Retail	60%	75%	70%	65%	70%
Restaurant/Bar	20%	100%	30%	30%	100%
All other uses	100%	100%	100%	100%	100%

8. Off-Street Loading Areas, Outdoor Storage, and Trash Disposal Areas.
   (a) All loading areas and loading docks shall be located to the side or rear of buildings. Loading docks shall not be visible from public streets. All loading areas and loading docks shall be set back a minimum twenty-five feet (25') from residential property lines, and shall be screened with a masonry wall (not included unpainted plain CMU block) to minimize the visual impact on abutting residences.
   (b) In developments where a dumpster is required, it shall be contained within a dumpster enclosure that completely hides the refuse area and is located to the side or rear of the building. All outdoor trash enclosure areas shall be set back a minimum twenty-five feet (25') from residential property lines, and shall be in compliance with the standards adopted by the Engineering Design Criteria (Standard 1009.1 Drawing GC3).

9. Sign Guidelines. Signage shall be permitted in accordance with the Sign Code, Chapter 18 of the Code of the City of Norman, except as follows:
   (a) Free-standing pole-mounted ground signs are not permitted.
   (b) One low monument sign on an individual lot is permitted as long as it is at the entrance to a parking area or a business square. Such sign shall have a maximum height of six feet, and shall not be larger than 24 square feet per face.
   (c) Projecting signs are encouraged, and must be mounted perpendicular to the building face.

10. Open Space Standards.
   (a) Open space is an important organizing element within a mixed use development, and must be integrated into the overall design of the project. Open space, both public and private, shall be distributed throughout the development and should provide not only aesthetic quality, but serve recreational and civic functions as well. A variety of types of open spaces should always be conveniently accessible to all residents and provide physical linkages throughout the neighborhood. It should also provide gathering places for residents and places for social interaction. In a neighborhood area with small lots or higher density buildings, public open spaces are critical components, and must be coordinated with the overall pedestrian system of sidewalks and pathways.
      (1) Various types of open space may be provided, but must include a central open space such as a park, square, or plaza.
      (2) Additional open spaces may include active recreation facilities as well as passive open spaces such as greenways, creeks, detention ponds, drainage areas, or other similar types of open space.

(3) No portion of any building lot or road right-of-way area may be used for meeting the minimum required amount of total open space.

(4) The dedication of public park land shall be regulated in accordance with Article VII of Chapter 19, and is based on the expected residential population of the proposed development.

(b) Total Open Space: The following quantities of open space shall be provided in all developments:

Type of Open Space	Minimum Amount to be Provided
Total Open Space	20% of gross tract area; total open space includes the central open space and drainage areas.
Central Open Space	7% of gross tract area.

(c) Central Open Space Requirements:

(1) Central Open Space Design Options. The central open space, typically a neighborhood park, square, or plaza, shall meet one of the following design options:

(a) Configured so that a circle with a radius of fifty feet (50') can fit within the confines of the open space, or

(b) Be surrounded along at least forty-five percent (45%) of its perimeter by roads with sidewalks. When an open space is directly fronted on at least two sides by non-residential or multi-family buildings with public doors facing the open space, the City Council may allow the percentage of street frontage to be reduced to twenty percent (20%) of the open space perimeter.

(2) Additional Central Open Space/Park Guidelines:

(a) Detention basins and other storm water impounding areas, except for permanent wet ponds, may not be counted toward satisfying the central open space area requirement.

(b) The central open space shall be located near the middle of the development and shall be easily and conveniently accessible by sidewalk or paved trail from all dwelling units and non-residential buildings in the development. Ninety percent (90%) of the lots within the development shall be located within a quarter mile of the central open space.

(c) In order to facilitate public interaction, the central open space shall be improved with a focal point such as a gazebo, public art or sculpture, pavilion, or paved patio area with a fountain to help identify the park as a primary gathering place for the development. The area of this focal point shall be a minimum of 300 square feet in size.

(d) The central open space in the development should be accessible by pedestrians, bicycles, and vehicles. Sidewalks shall be provided adjacent to all roadways and shall be a minimum of six feet (6') wide and not be adjacent to the curb.

(e) Display of public art in plaza areas is encouraged.

(f) The central open space is a key component of a mixed use development. It and all other common elements should be owned and maintained by a mandatory Property Owners' Association.

11. Landscape and Buffer Requirements for Mixed Use Developments.

(a) Within all mixed use developments, trees shall be planted along all streets, but are not required adjacent to public and private alleys.

(1) In front of residential buildings, street trees shall be located within a planting strip a minimum of six feet (6') wide within the street right-of-way.

(2) In front of non-residential or mixed use buildings, street trees may be planted in tree wells installed within the ten foot (10') (or wider) sidewalk. Tree wells shall be a minimum of four feet by four feet wide by three and a half feet deep (4'x4'x3.5'). Larger wells are recommended, and could be connected together as a continuous planting pit to facilitate an underground watering system. Tree wells shall be covered by tree grates, concrete unit pavers, or cobbles.

(3) Within any central open space, street trees are required adjacent to the perimeter sidewalk which surrounds the open space.

(4) Trees shall generally be spaced fifty feet (50') on center, but may vary to minimize conflicts with utilities such as street lights.

(b) A buffer between mixed use developments and any surrounding residential developments shall be established by a minimum ten foot (10') landscape area. The buffer shall be landscaped with a mixture of trees, shrubs, flowers or grasses, and include a six foot (6') masonry wall (not unpainted, plain CMU block). Landscape materials should include native species when appropriate.

SEC. 429.1 - FH, FLOOD HAZARD DISTRICT

(Established by Ord. No. O-7475-48 -- July 8, 1975; amended by O-7778-28 -- May 2, 1978; O-7778-34 -- May 9, 1978; O-7778-71 -- June 27, 1978; O-8081-25 -- January 6, 1981; O-8586-81 - June 3, 1986; O-8687-57 - April 28, 1987; O-8889-34 -- February 28, 1989; O-9697-38 – March 11, 1997; O-0203-52 – June 24, 2003; O-0405-22 – November 16, 2004; O-0405-23 – November 16, 2004; O-0607-39 – May 22, 2007; O-0607-55 – June 12, 2007; O-0809-3 – August 12, 2008)

1. Description and Purpose. The Flood Hazard District includes special flood hazard areas which are subject to periodic or occasional flooding during a one percent chance flood, and for which special regulations are applied in addition to or in combination with other zoning regulations applying to these areas to guide the type and manner of floodplain use so that it is consistent with the land use needs of the City of Norman.

It is the purpose of this ordinance to promote the public health, safety and general welfare and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

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

In order to accomplish its purposes, this ordinance uses the following methods:

(1) Restrict or prohibit uses that are dangerous to health, safety or property in times of flood, or cause excessive increases in flood heights or velocities;
(2) Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
(3) Control the alteration of natural floodplains, stream channels, and natural protective barriers, which are involved in the accommodation of flood waters;
(4) Control filling, grading, dredging and other development which may increase flood damage;

(5) Prevent or regulate the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards to other lands;
(6) Require the transfer of structures and buildings from portions of the lot in the floodplain to upland areas out of the floodplain;
(7) Seek ways to reduce loss of natural floodplain areas and enhance natural and beneficial functions of floodplains in areas facing development.

To secure this protection from flooding, the objectives of this section are to assure the retention of sufficient floodway area to convey flood flows; to designate a minimum flood protection elevation; to reduce the height and violence of floods insofar as such are increased by any artificial obstruction; and to assure the proper floodproofing of structures subject to flooding. The purpose of the Flood Hazard District is to provide that designated special flood hazard areas are developed only in the interest of the community's general health, safety, and welfare. The Flood Hazard District is not for the purpose of encouraging development in areas of special flood hazard.

To further the interest of the community's general health, safety and welfare, any violation of this section shall be deemed to constitute a public nuisance.

This ordinance is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this ordinance and another ordinance, easement, covenant, or deed restriction conflict or overlap, whichever imposed the more stringent restrictions shall prevail.

2. Definitions. As used in this chapter, unless the context otherwise requires, the following words or phrases have the meaning listed:

(a) 100-Year Flood -- See One Percent Chance Flood

(b) 100-Year Floodplain – The land area that is inundated by floodwaters during a 100-Year Flood. See special flood hazard area.

(c) Accessory Structure – (see Appurtenant Structure)

(d) Appeal -- A request for a review of the Floodplain Permit Committee's interpretation of any provision of Section 429.1 FH, Flood Hazard District.

(e) Appurtenant Structure – A structure which is on the same parcel of property as the principal structure to be insured and the use of which is incidental to the use of the principal structure.

(f) Area of Shallow Flooding -- A designated AO or AH zone on a community's Flood Insurance Rate Map (FIRM) with a one percent (1%) chance or greater annual chance of flooding to an average depth of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

(g) Base Flood -- See One Percent Chance Flood.

(h) Base Flood Elevation (BFE) – The elevation in feet above mean sea level of the one percent (1%) chance flood or sometimes referred to as the 100 year flood, the regulatory flood or the base flood.

(i) Basement -- Any area of the building having its floor subgrade (below ground level) on all sides.

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

(k) Breakaway Fence – A fence that is designed to allow the passage of water and debris without impeding the flow. The panels or components shall be hinged or attached by other approved means to the fence rails and/or posts to prevent the panels or components from coming apart and becoming flood water debris. (O-0809-3)

(l) Building Construction – The erection, construction, or alteration of (a) building(s); 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. (O-0809-3)

(m) Channel -- The geographical area within the natural or artificial banks of a watercourse having a drainage area of forty acres or more which is required to convey continuously or intermittently flowing water.

(n) Compensatory Storage -- Stormwater storage that is built to replace storage volume that is lost due to development encroaching into the floodplain.

(o) Development -- 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.

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

(q) Elevation -- The height above mean sea level based on the North American Vertical Datum of 1988 (NAVD 88) (See also Water Surface Elevation).

(r) Environmentally Sensitive Areas -- Portions of a parcel that contain high-value wetlands, wildlife habitat, or other natural resources identified on applicable local, state, and federal maps or surveys.

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

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

(u) Flow Line – The lowest point of a channel cross section. When the point for multiple cross sections are plotted on a map they appear as a line depicting where the deepest part of the stream is located.

(v) Fill **--** Any natural or manmade material originating from offsite and/or onsite that is placed on the ground as a permanent alteration of the surface of the floodplain.

(w) Five Hundred Year Flood – The flood having a (0.2%) two tenths of one percent chance of being equaled or exceeded in any given year.

(x) Flood or Flooding -- A general and temporary condition of partial or complete inundation of normally dry land areas from:

1. the overflow of inland waters.
2. the unusual and rapid accumulation or runoff of surface waters from any natural source.

(y) Flood Insurance Rate Map (FIRM) -- An official map of a community, on which the Federal Emergency Management Agency has delineated both the areas of special flood hazard areas and the risk premium zones applicable to the community.

(z) Flood Insurance Study -- The official report provided by the Federal Emergency Management Agency. The report contains flood profiles, the water surface elevation of the base flood, as well as the Flood Boundary-Floodway Map.

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

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

(cc) Flood Protection Elevation -- The elevation to which buildings and other uses regulated by this ordinance are required to be elevated or flood proofed, including free board.

(dd) Floodplain Administrator – A person accredited by the Oklahoma Water Resources Board and designated by a floodplain board, to administer and implement laws and regulations relating to the management of the floodplains.

(ee) Floodplain or Flood-Prone Areas **--** Any land area susceptible to being inundated by water from any natural source (see flooding).

(ff) Floodplain Management -- The operation of an overall program of corrective and preventive measures for reducing flood damage, including but not limited to emergency preparedness plans, flood control works and floodplain management regulations.

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

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

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

(jj) Highest Adjacent Grade -- The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

(kk) Historic Structure - Any structure that is:

(a) Listed individually in the National Register of Historic Places in Oklahoma maintained by the Oklahoma Historical Society or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;

(b) Certified or preliminarily determined by the Secretary of the Interior contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;

(c) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or

(d) Individually listed on a local inventory or historic places in communities with historic preservation programs that have been certified either;
   (1) By an approved state program as determined by the Secretary of the Interior, or;
   (2) Directly by the Secretary of the Interior in states without approved programs.

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

(mm) Locate -- To construct, place, insert or excavate.

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

(oo) Manufactured Home -- A structure transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. For floodplain management purposes the term "manufactured home" also includes park trailers, travel trailers, recreational vehicles and other similar vehicles placed on a site for greater than 100 consecutive days unless its meets the definition of a recreational vehicle. For insurance purposes the term "manufactured home" does not include park trailers, travel trailers, and other similar vehicles.

(pp) Manufactured Home Park or Subdivision – A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

(qq) Maximum Extent Feasible -- No prudent, practical, and feasible alternative exists, and all possible planning to minimize potential harm has been undertaken. Economic considerations may be taken into account, but shall not be the overriding factor in determining “maximum extent feasible.”

(rr) Mean Sea Level -- For purposes of the National Flood Insurance Program, the North American Vertical Datum (NAVD) of 1988 or other datum, to which base flood elevations shown on a community's Flood Insurance Rate Map are referenced.

(ss) New Construction -- For the purpose of determining insurance rates, structures for which the "start of construction" commenced on or after the effective date of an initial FIRM or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures. For floodplain management purposes, “new construction” means structures for which the “start of construction” commenced on or after the effective date of a floodplain management regulation adopted by a community and includes any subsequent improvements to such structures.

(tt) Nonconforming Structure -- Any legally existing building which fails to comply with the provisions of this ordinance.

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

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

(ww) One Percent Chance Flood – The flood having a one percent (1%) chance of being equaled or exceeded in any given year. (same as 100 Year Flood, Base Flood and Regulatory Flood)

(xx) Regulatory Flood – See One Percent Chance Flood.

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

(zz) Recreational Vehicle – A vehicle which is (i) built on a single chassis; (ii) 400 square feet or less when measured at the largest horizontal projections; (iii) designed to be self-propelled or permanently towable by a light duty truck; and (iv) designed primarily not for use as a permanent dwelling, but as temporary living quarters for recreational, camping, travel, or seasonal use. (O-0809-3)

(aaa) Special Flood Hazard Area – The area of land that is subject to flooding from a one percent (1%) chance. Sometimes known as the 100 year floodplain, the regulatory floodplain.. The area may be designated as Zone A on the Flood Hazard Boundary Map (FHBM). After detailed rate making has been completed in preparation for publication of the FIRM, Zone A usually is refined into Zones A, AE, AH, AO, or A1-99.

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

(ccc) Stream Bank – The point where the incised bed of a stream intersects the adjacent plain.

(ddd) Structure -- A walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as, a manufactured home.

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

(fff) Substantial Improvement -- Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before "start of construction" of the improvement. This includes structures which have incurred "substantial damage", regardless of the actual repair work performed. The term does not, however, include either: (1) any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary conditions, or (2) any alteration of a "historic structure", provided that the alteration will not preclude the structure's continued designation as a "historic structure."

(ggg) Variance – Grant of relief by a community from the terms of a floodplain management regulation.

(hhh) Violation -- The failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in Section 60.3(b)(5), (c)(10), or (d)(3), of the National Flood Insurance Program regulations is presumed to be in violation until such time as that documentation is provided. (O-0809-3)

(iii) Water Surface Elevation -- The height, in relation to the North American Vertical Datum (NAVD) of 1988 (or other datum, where specified), of floods of various magnitudes and frequencies in the floodplains of riverine areas. (see elevation above)

3. Identification, Establishment and Amendment of the District**.**

(a) Flood Hazard Lands Governed by this Section: The areas of special flood hazard identified by the Federal Emergency Management Agency in a scientific and engineering report entitled, "The Flood Insurance Study for Cleveland County, Oklahoma and Incorporated areas" dated September 26, 2008, with accompanying Flood Insurance Rate Map (FIRM) are hereby adopted by reference and declared to be a part of this ordinance. The Conditional Letter of Map Revision (CLOMR) for the Ten Mile Flat Creek Area dated December, 2005, shall also be considered a part of the Special Flood Hazard Area until such time it is adopted by FEMA. **However, the current existing flood hazard district ordinance for the City of Norman, Oklahoma shall remain in effect until September 26, 2008.** This "Flood Insurance Study" with its accompanying FIRM, also known as the Official Flood Hazard District Maps, are hereby adopted by reference and declared to be part of this ordinance and may be amended or revised from time to time by the City Council according to procedures established by FEMA. The Official Flood Hazard District Maps shall be placed on file with the City Clerk and copies shall be maintained in the Planning Department and the Public Works Department for public review. (O-0809-3)

(b) Establishment of Flood Hazard District as an Overlay: The mapped special flood hazard areas shall be designated as the Flood Hazard District. This district overlays other Zoning districts and the regulations of the Flood Hazard District apply in addition to the district regulations of the underlying district. Whenever a conflict in requirements results, the most stringent requirements shall apply.

(c) Amendments to the District Boundaries: The boundaries of the Flood Hazard District may be amended by ordinance by the City Council from time to time when later flood hazard information becomes available. The Planning Commission shall review such later information and recommend to the City Council any changes to the district boundaries.

An owner of land located in the Flood Hazard District may request a review of the location of the district boundaries affecting his land. He shall present such surveys and studies as he desires to the Planning Commission for the review. The Planning Commission shall obtain a technical analysis of the information from an appropriate agency. Where there is a fee required, the analysis and report shall be made at the expense of the applicant. Based upon the technical analysis the Planning Commission shall recommend to the City Council whether or not amendments to the zoning district boundaries should be effected and whether to request a letter of map revision from FEMA.

(d) The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. On are occasions greater floods can and will occur and flood heights may be increased by man-made or material causes.

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

4. Flood Hazard District Land Uses.

(a) Uses Allowed without a Flood Plain Permit: The uses listed below having a low flood-damage potential and posing little obstruction to flood flows, if allowed in the underlying district, shall be allowed provided they do not require structures, fill or storage of materials or equipment. In addition, no use shall adversely affect the efficiency or restrict the capacity of the channels or floodways of any tributary to the main stream, drainage ditch, or any other drainage facility or system. (O-0809-3)

(1) Agricultural uses such as general farming, pasture, grazing, outdoor plant nurseries, horticulture, viticulture, truck farming, forestry, sod farming, and wild crop harvesting;

(2) Private and public recreational uses such as golf courses, bikeways, tennis courts, driving ranges, archery ranges, picnic grounds, boat launching ramps, swimming areas, parks, wildlife and nature preserves, game farms, fish hatcheries, shooting preserves, target ranges, trap and skeet ranges, hunting and fishing areas, hiking and horseback riding trails;

(3) Accessory residential uses such as lawns, gardens and play areas.

(b) General Standards. In all special flood hazard areas the following provisions are required for all new construction and substantial improvements and a flood plain permit is required: (O-0809-3)

(1) Fill is restricted because storage capacity is removed from floodplains, natural drainage patterns are adversely altered and erosion problems can develop. The use of fill shall be limited to:

(a) the elevation of individual residential and non-residential structures, including driveways providing access to those structures,

(b) the construction or repair of public roads and bridges,

(c) the river or stream bank stabilization or reinforcement projects, and

in any case where fill is authorized, only the minimum amount necessary to accomplish the permitted floodplain development shall be used. (O-0809-3)

(2) All new construction or substantial improvements shall be designed (or modified) and adequately anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;

(3) Any new construction or substantial improvement which would individually or when combined with all other existing and anticipated development expose additional upstream, downstream or adjacent properties to adverse flood effects that would otherwise not be exposed to such effects due to the regulatory flood shall not be permitted;

(4) Any new construction or substantial improvement which would increase velocities or volumes of flood waters to the extent that significant erosion of floodplain soils would occur either on the subject property or on some other property either upstream or downstream shall not be permitted;

(5) Compensatory storage must be provided within the general location of any storage that is displaced by fill or other development activity and must serve the equivalent hydrologic function as the portion which is displaced with respect to the area and elevation of the floodplain;

(6) All new construction, substantial improvements, or other development (including fill) shall not be permitted within the floodplain area, unless it is demonstrated that the effect of the proposed development will not increase the water surface elevation of the base flood by more than .05 feet on any adjacent property;

(7) Fill shall be protected against erosion and sedimentation by such measures as rip-rap, vegetative cover, bulkheading, or sedimentation basins as approved by the City Engineer;

(8) All new construction or substantial improvements shall be constructed by methods and practices that minimize flood damage;

(9) All new construction or substantial improvements shall be constructed with materials resistant to flood damage;

(10) All new construction or substantial improvements shall be constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding. All Public Utilities and facilities shall be constructed so as to minimize flood damage;

(11) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;

(12) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the system and discharge from the systems into flood waters;

(13) On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding;

(14) The storage or processing of materials that are in time of flooding buoyant, flammable, explosive, or could be injurious to human, animal or plant life is prohibited except as provided in Section 4(d) herein. (O-0809-3)

(15) Storage of material or equipment may be allowed if not subject to major damage by floods and firmly anchored to prevent flotation or if readily removable from the area within the time available after the issuance of flood warning by The National Weather Service. (O-0809-3)

(16) Recreational vehicles placed on sites within Zones A1-30, AH, and AE on the community's FIRM either
- (i) Be on the site for fewer than 180 consecutive days,
- (ii) Be fully licensed and ready for highway use, or
- (iii) Meet the permit requirements of (b) (2) of this section and the elevation and anchoring requirements for "manufactured homes" in (c) (1) in this section.

(17) The following floodplain modifications require approval by the City Council:
- (i) A modification of the floodplain that results in a change of ten percent (10%) or more in the width of the floodplain.
- (ii) The construction of a pond with a water surface area of 5 acres or more.
- (iii) Any modifications of the stream banks or flow line within the area that would be regulatory floodway whether that channel has a regulatory floodplain, unless the work is being done by the City of Norman staff as part of a routine maintenance activity.

For projects that require platting, this information will be presented at the time Council considers the preliminary plat. For projects that do not require platting, the report will be made to Council prior to issuance of the floodplain permit.

(c) Specific Standards that Require Flood Plain Permits (A, AE, AH, AO Zones). Uses requiring a floodplain permit involving structures, fill, excavation, mining, or storage of materials or equipment may be permitted only upon issuance of a special permit as provided in the subsection below titled "Floodplain Permit Administration". Floodplain Permit uses shall consist of any of the following uses which are permitted in the underlying district: (O-0809-3)

(1) Residential Structures -- including both "site-built" and "manufactured homes," shall be constructed on fill so that the lowest floor (including basement) is at least two (2) feet above the base flood elevation. The fill shall be at a level no lower than one (1) foot above the base flood elevation for the particular area and shall extend at such elevation at least fifteen feet (15') beyond the limits of any structure or building erected including any attendant utility and sanitary facilities. All manufactured homes to be placed within Zone A shall be installed using methods and practices which minimize flood damage. For the purpose of this requirement, manufactured homes must be elevated and anchored to resist flotation, collapse or lateral movement. Methods of anchoring may include, but are not limited to use of over-the-top or frame ties to ground anchors. Manufactured homes are to be placed or substantially improved on a permanent foundation such that the lowest floor of the manufactured home is elevated at least two (2) feet above the base flood elevation for the particular area in which the home is to be located. In the A-2, Rural Agricultural District, each dwelling unit or manufactured home must be located on a lot containing at least ten (10) acres, or a legal lot filed of record prior to February 25, 1997. In the Ten Mile Flat Conservation Area as described in Section 420.2, for property within the A-2, Rural Agricultural District, as amended, each dwelling unit or manufactured home must be located on a lot containing at least twenty (20) acres, or a legal lot filed of record prior to the effective date of Ordinance O-0405-23, which is December 16, 2004. (O-0809-3)

(2) A Floodplain Permit may be issued for the reconstruction, rehabilitation or restoration of historic structures.

(3) Non-residential Construction – new construction and substantial improvement of any commercial, industrial or other non-residential structures shall be constructed on fill as above [Sec. 4(b)(1)] including any attendant utility and sanitary facilities, shall be designed so that the lowest floor (including basement) is elevated at least two feet above base flood elevation and the fill shall be at a level no lower than 1 foot above the base flood elevation for the particular area and shall extend at such elevation at least (15) fifteen feet beyond the limits of any structure or building erected thereon. A registered professional engineer shall submit a certification to the Director of Public Works that the standards of this Ordinance, as proposed in Section 5(a)(1- 2), are satisfied. (O-0809-3)

(4) Agricultural Buildings – new agricultural buildings not intended for human occupancy may be granted a variance by the Flood Plain Permit Committee to the requirements of 4 (c) (3) above, requiring fill and a finished floor elevated two feet above base flood elevation, provided that there is no off-site adverse impact on abutting properties, all utility services are flood- proofed, and the requested variance is reasonably related to the principal agricultural use of the property.

(5) Enclosures – New construction and substantial improvements, with fully enclosed areas below the lowest floor that are solely used for parking of vehicles, building access, or storage in an area other than a basement that are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of flood waters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or meet or exceed the following minimum criteria:

(i) A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided;
(ii) The bottoms of all openings shall be no higher than one foot above grade;
(iii) Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of flood waters.

(6) Alteration, addition, or repair to a non-conforming structure.

(7) Extraction of sand, gravel and other materials.

(8) Stables and riding academies.

(9) Industrial - commercial uses such as loading areas, parking areas, airport landing strips.

(10) All new fences or replacement of existing fences in the SFHA require a flood plain permit. Approved fences shall be designed and installed to be breakaway (see def.) or in some other manner so that flows will not be impeded. (O-0809-3)

(d) Special Requirements for Drilling Oil and Gas Wells in a Special Flood Hazard Area (SFHA)

(i) Base Flood Elevation Determination: For areas designated as zone AE the Flood Insurance Rate Map (FIRM) base flood elevations (BFE) are provided and usually a floodway is mapped. For areas designated as zone A on the FIRM only a floodplain boundary is provided and the applicant must provide a BFE based on an acceptable method of determination.

(ii) Floodways: If the drilling site is in the floodway portion of the floodplain, the developer (i.e. petroleum company) will have to demonstrate through an engineering study that there will be no increase in flood stages during the discharge of the one percent chance caused by the development. No reserve pits will be allowed within the floodway, as stated in the City of Norman's Oil and Gas Ordinance O-8283-69. (O-0809-3)

(iii) Buildings and other Structures: Any buildings and other structures (including fuel storage tanks) in the floodplain will either have to be elevated to or above the BFE or floodproofed (made watertight) to that elevation. Any electrical and mechanical equipment must be elevated or floodproofed to the BFE. Any storage tanks and any equipment at the site that could be damaged by floodwaters will have to be elevated above the BFE or made watertight and anchored to resist floatation, collapse and lateral movement**.** A registered engineer will have to certify the design of the floodproofing measures. As this is non-residential construction, the drill site and road to the well does not need to be elevated. The drilling operation shall comply with all other local, state and federal requirements prior to issuance of a floodplain development permit. All new or replacement flowlines, pipelines, etc., that will cross rivers, streams, creeks, and channels, shall be bored to be below the bed. The depth below the bed shall be a minimum of 10 feet. The pipe used for the crossing shall be 1 pipe grade higher, or have a wall thickness twice the thickness of the standard pipe used for the flowline, pipeline, etc. If the flowline, pipeline, etc. becomes exposed, the crossing must be rebored. The ground surface shall not be disturbed within 50 feet of the river, stream, creek, or channel banks. (O-0809-3)

(e) Prohibited Uses

(1) Manufactured Home Parks shall not be constructed in any areas of the Flood Hazard District;

(2) Any encroachments, including fill, new construction, substantial improvements, and other development, within any floodway of the designated Flood Hazard District that would result in any increase in flood levels during the occurrence of the 1 percent chance flood are prohibited. (O-0809-3)

(f) Standards for Subdivision Proposals:

(1) All subdivision proposals including manufactured home parks and subdivisions shall be consistent with Section 4(b) of this ordinance;

(2) All proposals for the development of subdivisions including manufactured home parks and subdivisions shall meet all applicable permitting requirements of this ordinance.

(3) Base flood elevation data shall be generated for any subdivision proposals and other proposed land development activity including manufactured home parks and subdivisions, if not otherwise provided pursuant to Sections 3 and 4 of this ordinance;

(4) All subdivision proposals, including manufactured home parks and subdivisions, shall have adequate drainage provided to reduce exposure to flood hazards;

(5) All subdivision proposals including manufactured home parks and subdivisions shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize or eliminate infiltration or flood damage;

(6) Whenever possible, a proposed subdivision which contains some land within the floodplain shall be developed using the Planned Unit Development process, so that dwelling units could be located out of the floodplain and such areas left undeveloped or without residential structures.

(g) Floodways -- Located within special flood hazard areas established in Section 3(a) are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of flood waters which carry debris, potential projectiles and erosion potential, encroachments are prohibited, including fill, new construction, substantial improvements and other development unless certification by a professional registered engineer is provided demonstrating that encroachments shall not result in any increase in flood levels within the community during the occurrence of the base flood discharge.

(h) Special Floodplain and Building Construction Regulations Applicable to Little River and Its Mapped Tributaries. (O-0809-3)

(1) Applicability -- The provisions of this Section 429.1.4(h) shall apply to all construction on all properties located within the floodplain of the Little River and its tributaries within the boundaries of the City of Norman as depicted on FEMA Map Panels 40027C0170H (9/26/08), 40027C0190H (9/26/08), 40027C0195H (9/26/08), 40027C0210H (9/26/08), 40027C0215H (9/26/08), 40027C0220H (9/26/08), 40027C0230H (9/26/08), 40027C0240H (9/26/08), 40027C0245H (9/26/08), 40027C0260H (9/26/08), 40027C0280H (9/26/08), 40027C0285H (9/26/08), 40027C0290H (9/26/08), 40027C0295H (9/26/08), 40027C0305H (9/26/08), 40027C0310H (9/26/08), 40027C0315H (9/26/08), 40027C0320H (9/26/08), 40027C0330H (9/26/08), 40027C0335H (9/26/08), 40027C0340H (9/26/08), and 40027C0345H (9/26/08), and shall supersede any conflicting regulations contained in Section 429.1 -- FH, Flood Hazard District. The Conditional Letter of Map Revision (CLOMR) for the Ten Mile Flat Creek Area dated December, 2005, shall also be considered a part of the Special Flood Hazard Area north of Rock Creek Road until such time it is adopted by FEMA. (O-0809-3)

(2) Building Construction Within Floodplain Prohibited -- No building construction shall be allowed within the floodplain of the Little River and its tributaries except as provided in this Section 429.1.4(h). (O-0809-3)

(3) Parcels And Lots Located Partially Within The Floodplain-Transfer Of Permitted Development Density -- Any development resulting in the construction of buildings or other structures on a parcel partially located in the floodplain, shall be located wholly in upland areas of the parcel outside the floodplain. This procedure will not result in a change to the density permitted in underlying zoning district. Examples A and B of this procedure are located in the appendix at the end of Section 429.1.

(4) Reduction In Minimum Lot Size -- To accommodate transfers of permissible residential density as provided above, the minimum lot size in land zoned A-2, Rural Agricultural District, subject to this Section 429.1.4(h) may be reduced from ten acres to a minimum of two acres. The process that allows this transfer is through the Norman Rural Certificate of Survey to ensure that proper restrictions are put in place at the time of development.

(5) Lot Configuration and Building Envelopes – To the maximum extent feasible, lots subject to this Section 429.1.4(h) shall be configured so that they lie entirely out of the floodplain with any remainder parcel being preserved as provided in Section 429.1.4(h)(7) below. As an alternative, lots may be configured so that portions are located within the floodplain. However, building envelopes of such lots shall be delineated to lie to the maximum extent feasible outside the flood-plain. All building permits with building envelopes partially within the flood-plain shall be subject to approval of the Floodplain Permit Committee in keeping with the purpose of this Section 429.1.4(h). If no other option for access is practicable, driveways may be located within the floodplain.

(6) Exception for Parcels and Lots Located Entirely Within The Floodplain And/Or Lacking Sufficient Upland Building Area - For any legal parcel or lot existing as of the date of this amendment (November 16, 2004) that is located entirely within the floodplain and/or lacks sufficient upland building area to transfer allowable density as required by this Section, development may be allowed in the floodplain subject to the following requirements:

(a) Residential structures shall be constructed on fill so that the lowest floor (including the basement) is at least two (2) feet above the base flood elevation. The fill shall be at a level no lower than one (1) foot above the base flood elevation for the particular area and shall extend at such elevation at least fifteen (15) feet, beyond the limits of any structure or building erected thereon;

(b) The area required for any building envelope for permissible principal and accessory buildings and on-site waste disposal systems shall be minimized to the maximum extent feasible and shall be located as far as possible from the Little River or tributary channel and environmentally sensitive areas on the lot. All building envelopes and the location and extent of on-site waste disposal systems shall be subject to approval of the Floodplain Permit Committee in keeping with the purposes of this Section 429.1.4(h).

(7) Floodplain Land Conservation -- Any portion of a parcel or lot located in a floodplain and not part of an approved building envelope shall be permanently protected from development as private or public open space through a mechanism acceptable to and approved by the City of Norman. Such mechanism may include, but is not limited to a conservation easement, permanent deed restriction, or transfer to a non-profit conservation organization or government entity.

5. Floodplain Permit Administration.

The Director of Public Works is hereby appointed the Floodplain Administrator to administer and implement the provisions of this ordinance and other appropriate sections of 44 CFR (National Flood Insurance Program Regulations) pertaining to floodplain management. Floodplain Permits are required for uses which must receive special attention to prevent obstruction of floodways, threats to other lands from floating debris, and substantial damage to the uses themselves.

Uses listed above requiring a Floodplain Permit may be allowed only upon issuance of a special permit by a super majority vote of five (5) or more of the Floodplain Permit Committee composed of the Director of Planning and Community Development, the Director of Public Works, City Engineer, the Development Coordinator, the Manager of the Current Planning Division and two citizens appointed by the Mayor with advice and consent of the Council. The citizen members of the Floodplain Permit Committee shall serve staggered three (3) year terms. All members shall have successfully completed the basic floodplain training offered by the Oklahoma Water Resource Board or equivalent training or education, and at least one member shall be a Certified Floodplain Manager. The floodplain Permit Committee shall meet on an as-needed basis the first and third Monday of each month and shall post public notice accordingly. Floodplain Permit application forms shall be furnished by the Department of Public Works. Upon receiving an application for the special permit involving the use of fill, construction of structures, or storage of materials, the Committee shall, prior to rendering a decision thereon, obtain and study essential information and request technical advice as appropriate. Such information and technical advice becomes a part of the application and is retained with the application. (O-8081-25; O-0203-52; O-0607-55).

(a) The Committee may require the applicant to furnish any or all of the following information as it deems necessary for determining the suitability of the particular site for the proposed use, and the information becomes a part of the application and is retained with the application:

(1) The following information will be required on every application submitted to the Floodplain Permit Committee

(i) Plans in duplicate drawn to scale showing the nature, location, dimensions, and elevation of the lot, existing or proposed structures, fill, storage of materials, flood proofing measures, and the relationship of the above to the location of the channel, floodway, and the flood-protection elevation.

(ii) A typical cross-section or more if required by the Floodplain Permit Committee showing the channel of the stream, elevation of land areas adjoining each side of the channel, cross-sectional areas to be occupied by the proposed development, and high-water information.

(iii) Plans (plan view) showing elevations or contours of the ground; pertinent structure, fill, or storage elevations; size, location, and spatial arrangement of all proposed and existing structures on the site; location and elevations of streets, water supply, sanitary facilities; photographs showing existing land uses and vegetation upstream and downstream, soil types, and other pertinent information.

(iv) A profile showing the slope of the bottom of the channel or flow line of the stream.

(v) Elevation (in relation to mean sea level) of the floodplain and lowest floor (including basement) of all new construction and substantially improved structures.

(vi) Description of the extent to which any watercourse or natural drainage will be altered or relocated as a result of proposed development.

(vii) A certified list of names and addresses of all record property owners within a three hundred fifty (350) foot radius of the exterior boundary of the subject property not to exceed 100 feet laterally from the Special Flood Hazard Area. The radius to be extended by increments of one hundred (100) linear feet until the list of property owners includes not less than fifteen (15) individual property owners of separate parcels or until a maximum radius of one thousand (1,000) feet has been reached. A certified list of names and addresses of all record property owners within a three hundred fifty (350) foot radius of the exterior boundary of the subject property not to exceed 100 feet laterally from the Special Flood Hazard Area. The radius to be extended by increments of one hundred (100) linear feet until the list of property owners includes not less than fifteen (15) individual property owners of separate parcels or until a maximum radius of one thousand (1,000) feet has been reached. Public notification shall be provided in writing prior to the date of the Floodplain Permit Committee meeting to review the application and shall include the date, time and place of the meeting.

(viii) For proposed development within any flood hazard area (except for those areas designated as regulatory floodways), certification that a rise of no more than five hundredths of a foot (0.05') will occur on any adjacent property in the base flood elevation as a result of the proposed work. For proposed development within a designated regulatory floodway, certification of no increase in flood levels within the community during the occurrence of the base flood discharge as a result of the proposed work. All certifications shall be signed and sealed by a Registered Professional Engineer licensed to practice in the State of Oklahoma.

(2) The following information may be required by the Floodplain Permit Committee if the committee believes that the information will improve the quality of the decision for the application.

(i) Specifications for building construction and materials, floodproofing, filling, dredging, grading, channel improvement, storage of materials, water supply, and sanitary facilities.

(ii) Such other pertinent information as may be required to analyze the specific situation.

(iii) Elevation in relation to mean sea level to which any nonresidential structure shall be floodproofed.

(iv) A certificate from a registered professional engineer or architect that the nonresidential floodproofed structure shall meet the floodproofing criteria of this ordinance.

(b) The Floodplain Permit Committee may transmit one copy of the information described in subsection (1) to a designated independent engineer or other expert person or agency for technical assistance, where necessary, in evaluating the proposed project in relation to flood heights and velocities, the seriousness of flood damage to the use; the adequacy of the plans for protection; and other technical matters, with any attendant costs to be assumed by the applicant. Based upon review of the technical information available, the Committee shall determine the specific flood hazard at the site, evaluate the suitability of the proposed use in relation to the flood hazard, and issue the requested Floodplain Permit or advise the applicant that his request was not approved. The Floodplain Permit Committee shall also be responsible for the following:

(1) Where interpretation is needed as to the exact location of the boundaries of the special flood hazard areas (for example, where there appears to be a conflict between a mapped boundary and actual field conditions) the Floodplain Permit Committee shall make the necessary interpretation.

(2) The Floodplain Permit Committee shall assure that the flood carrying capacity within the altered or relocated portion of any watercourse is maintained.

(3) In A Zones, in the absence of FEMA BFE data and floodway data, the Floodplain Permit Committee shall obtain, review, and reasonably utilize other BFE and floodway data as a basis for elevating residential structures above the base flood level, and for flood-proofing or elevating non-residential structures above the base flood level.

(4) Where BFE data are utilized in Zone A, obtain and maintain records of the lowest floor and floodproofing elevations for new and substantially improved construction.

(5) When a regulatory floodway has not been designated, the Floodplain Permit Committee shall not permit any new construction, substantial improvements, or other development (including fill) within Zones A, A1-30 and AE on the community's FIRM, unless it is demonstrated by the applicant that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than five hundredths of a foot (0.05') on any adjacent property.

(c) Approval or Denial of a Floodplain Permit request, as required by Subsection 5(a) and (b) above, by the Floodplain Permit Committee shall be based on all of the provisions of this ordinance and the following relevant factors:

(1) The danger to life and property due to flooding or erosion damage;

(2) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;

(3) The danger that materials may be swept onto other lands to the injury of others;

(4) The compatibility of the proposed use with existing and anticipated development;
(5) The safety of access to the property in times of flood for ordinary and emergency vehicles;
(6) The costs of providing governmental services during and after flood conditions including maintenance and repair of streets and bridges, and public utilities and facilities such as sewer, gas, electrical and water systems;
(7) The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site;
(8) The necessity to the facility of a waterfront location, where applicable;
(9) The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;
(10) The relationship of the proposed use to the City of Norman's adopted LAND USE PLAN for that area.

(d) Conditions Attached to Floodplain Permits: Upon consideration of the factors of the specific Floodplain Permit use and the purposes of this ordinance, the Floodplain Permit Committee may attach such conditions to the granting of such permits as it deems necessary to further the purposes of this ordinance. Among such conditions without limitation because of specific enumeration may be included:

(1) Modification of waste disposal and water supply facilities.
(2) Limitations on periods of use and operation.
(3) Imposition of operational controls, sureties, and deed restrictions.
(4) Requirements for construction of channel modifications, dikes, levees, and other protective measures.
(5) Floodproofing measures such as the following shall be designed consistent with the flood protection elevation for the particular area, flood velocities, durations, rate of rise, hydrostatic and hydrodynamic forces, and other factors associated with the base flood. The following floodproofing measures, among others, may be required:

(i) Anchorage to resist flotation and lateral movement;
(ii) Installation of watertight doors, bulkheads, and shutters, or similar methods of construction;
(iii) Reinforcement of walls to resist water pressures;
(iv) Use of paints, membranes, or mortars to reduce seepage of water through walls;
(v) Addition of mass or weight to structures to resist flotation;
(vi) Installation of pumps to lower water levels in structures;
(vii) Construction of water supply and waste-treatment systems so as to prevent the entrance of flood waters;
(viii) Installation of pumping facilities or comparable practices for subsurface drainage systems for buildings to relieve external foundation wall and basement flood pressures;
(ix) Construction to resist rupture or collapse caused by water pressure or floating debris;

(x) Installation of valves or controls on sanitary and storm drains which will permit the drains to be closed to prevent back-up of sewage and storm waters into the buildings or structures. Gravity draining of basements may be eliminated by mechanical devices;

(xi) Location of all electrical equipment, circuits, and installed electrical appliances in a manner which will assure they are not subject to flooding and to provide protection from inundation by the regulatory flood;

(xii) Location of any structural storage facilities for chemicals, explosives, buoyant materials, flammable liquids, or other toxic materials which could be hazardous to public health, safety, and welfare in a manner which will assure that the facilities are situated at elevations above the height associated with the base flood elevation or are adequately floodproofed to prevent flotation of storage containers, or damage to storage containers which could result in the escape of toxic materials into flood waters.

(6) Requirements for reclamation actions following extraction operations.

(7) All floodplain permits shall expire two years after approval by the Floodplain Permit Committee. (O-0203-52)

(e) Appeals from any decision of the Floodplain Permit Committee may be taken by any person or persons, jointly or severally, aggrieved by any decision of the Committee, to the Board of Adjustment. The Board of Adjustment shall consider the appeal at a regular or special meeting as soon as practicable and make its decision the suitability of the proposed use in relation to the flood hazard. Any person or persons aggrieved by the decision of the Board of Adjustment may appeal such decision to a court of competent jurisdiction. At least two members of the Board of Adjustment shall have successfully completed the (8) eight hour basic floodplain training offered by the Oklahoma Water Resource Board or equivalent training or education.

(f) Variances: After proper application, a Variance may be granted by the Board of Adjustment:

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

(2) Reconstruction, rehabilitation, repair, or restoration of historic structuresupon the determination that the proposed work shall not preclude the structure's continued designation as a historic structure and the exception is the minimum necessary to preserve the historic character and design of the structure.

(3) Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.

(4) Prerequisites for granting variances:

(a) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

(b) Variances shall only be issued upon:

(1) Showing a good and sufficient cause;

(2) A determination that failure to grant the variance would result in exceptional hardship to the applicant, and

(3) A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.

(c) Any applicant that is issued a variance shall be given written notice that the cost of flood insurance will be commensurate with the increased risk resulting from the lowest floor elevation below the base flood elevation.

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

(1) Maintain and hold open for public inspection all records pertaining to the provisions of this ordinance, and shall report any actions involving appeals, Floodplain Permit Committee decisions, or other activities covered by this ordinance to the Federal Emergency Management Agency upon request.

(2) Review permits for proposed development to assure that all necessary permits have been obtained from those Federal, State or Local governmental agencies from which prior approval is required.

(3) Cause all construction activity permitted under the provisions of this code to be inspected for compliance with the provisions of this code and the design as approved.

(4) Notify adjacent property owners and the Oklahoma Water Resources Board prior to any alteration or relocation of a watercourse, and submit evidence of such notification to FEMA.

(h) Special Floodplain and Development Regulations Applicable to Little River and Its Mapped Tributaries.

(1) Parcels and Lots Located Partially Within The Floodplain-Transfer of Permitted Development Density.

Example A: Smith owns a ten-acre lot adjacent to the Little River. The underlying A-2, Rural Agricultural zoning allows 1 unit/10 acres. Seven acres of the parcel lie in the floodplain, and 3 acres on an upland portion outside the mapped floodplain. Smith would still be allowed to build on the lot, but it would have to be sited on the 3 acres outside the floodplain. Any septic system would also be located outside the floodplain to the maximum extent feasible.

Example B: Farmer Brown owns a 40-acre parcel that could be divided into four ten-acre building sites under the applicable A-2 zoning. 30 acres of the parcel are located in the floodplain, and 10 acres are outside. To subdivide the parcel, Brown would be required to cluster the building site (to a maximum of 4 lots) on the 10 acres outside the floodplain. Each of the lots could be reduced in size to 2 acres as provided below. As an alternative, up to four ten-acre lots could be created, all having some portion in the floodplain. However, Brown would work with staff to identify building envelopes located outside the floodplain within each lot.

6. Compliance. No structure or land shall hereafter be located, altered, or have its use changed without full compliance with the terms of this ordinance and other applicable regulations.

7. Interpretation. In the interpretation and application of this ordinance, all provisions shall be; (1) considered as minimum requirements; (2) liberally construed in favor of the governing body; and (3) deemed neither to limit nor repeal any other powers granted under state statutes.

8. Boundary Interpretation. Where the district boundaries are indicated by elevation; the elevation at a particular point shall be determined and that point shall be the district boundary. The exact boundary of the floodplain shall be determined by elevation.

9. Enforcement of Violations. The Planning and Community Development Department is authorized to issue citations as set forth below:

(a) Each day during which a violation exists shall constitute a separate offense.
(b) For each offense cited, a penalty of not less than $50.00 nor more than $750.00 shall be assessed to
  (1) the owner(s) of record and/or
  (2) any person employed in connection therewith and who may have assisted in the commission of such violation.

In addition to the penalties provided in Section 1-18 of the Municipal Code, the City may institute appropriate actions or proceedings at law or equity for the enforcement of the provisions of this article or to correct the violations thereof. The conviction and punishment of any person hereunder shall not relieve such person from the responsibility to correct prohibited buildings, structures, obstructions, or improvements, nor prevent the enforcement, correction, or removal thereof.

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

Any and all apprehended persons depositing fill material of any nature in violation of this Article shall be prosecuted to the fullest extent of the law.

10. Restriction of Wastewater Treatment Facility Service Area.

(a) There shall be no new development permitted within the special flood hazard, as defined on the latest publication of the National Flood Insurance Program's "Flood Insurance Rate Map", which would generate wastewater to be transported to the City of Norman Wastewater Treatment Facilities. This restriction does not apply to any development, which in the opinion of the Floodplain Permit Committee by its nature must be located on or adjacent to water.

(b) A "Waiver of Service Area Restrictions" may be considered by the Floodplain Permit Committee upon written request by the applicant. Upon review of the request to waive the service area restriction, the Floodplain Permit Committee may submit, if it concurs with the waiver request, a formal application for a waiver to the Regional EPA Administrator. The Regional Administrator, after considering the Floodplain Permit Committee's application and all other relevant information on a proposed development's effects on the natural functions and values of the affected floodplain, may waive the service area restriction in individual cases.

11. Emergency Authority. The Floodplain Administrator shall have the emergency authority during times of flooding to approve any temporary measure that he or she, in his or her sole professional judgment, determines is necessary to protect life, property and/or the community from the eminent threat of any associated flood hazards. Upon cessation of the flooding event and at the earliest possible time, any approved temporary measure meeting the definition of the floodplain development and subject to this ordinance shall be removed or shall be subject to review by the Floodplain Permit Committee under the requirement of this ordinance for approval or disapproval as a permanent floodplain development. (O-0809-3)

SEC. 429.2 - PL, PARK LAND DISTRICT

(Established by Ord. No. O-7576-24 -- January 27, 1976; amended by O-9495-17 -- October 11, 1994)

1. Description and Purpose

The Park Land District is intended to provide a special zoning district to accomplish the reservation and later use of land for park and open space purposes.

2. Uses Permitted

Uses listed below shall be permitted in the District:

(a) Public parks, open space and recreational areas
(b) Agricultural crops
(c) Grazing of animals

3. Uses Prohibited

Uses listed below shall be prohibited in the District:

(a) Mineral exploration, including drilling for oil and gas.

SEC. 429.3 - HD, HISTORIC DISTRICT

(Established by Ord. No. O-9293-30 -- August 10, 1993; amended by O-9900-11 – October 12, 1999; O-0405-26 – November 23, 2004; O-0506-56 – June 27, 2006; O-0708-35 – April 22, 2008; O-0910-12 – December 12, 2009)

1. Description and Purpose. The Historic District Ordinance, hereinafter referred to as the "HDO", and its regulations may be applied to property located in any zoning district in accordance with the provisions of this Ordinance. The HDO is intended to be an overlay zoning district and the regulations imposed by such district shall be in addition to the regulations of the underlying zoning district applicable to the subject parcel.

The City of Norman hereby declares that the historical, architectural, cultural, and aesthetic features of the City represent some of the finest and most valuable resources of the City, and such resources are the embodiment of the heritage of the people of the City of Norman. Therefore, it is hereby declared that the purposes of this Ordinance, to be known as the Historic District Ordinance, shall be as follows:

(a) To promote the creation of historic districts for the educational, cultural, economic, and general welfare of the public through preservation, protection, and regulation of areas, buildings, and sites of historical interest throughout the city.

(b) To safeguard the heritage of the City by preserving and regulating historic landmarks and districts which reflect elements of its cultural, social, political, and architectural history.

(c) To preserve and enhance the environmental quality of neighborhoods.

(d) To strengthen the City's economic base by the stimulation of conservation and reuse.

(e) To ensure the harmonious, orderly, and efficient growth and development of the municipality.

(f) To enable preservation activities that preserve and enhance property values.

(g) To safeguard the heritage of the City by preserving and regulating historic district structures in such a way that maintains or restores their historic integrity while allowing modern day uses and conveniences for their residents. (O-0910-12)

2. Definitions. As used in this chapter, unless the context otherwise requires, the following words or phrases have the meaning listed:

(a) Addition – construction that increase the size of the original structure by building outside of the existing structure. Additions can be either horizontal or vertical.

(b) Alteration – an act that changes one or more of the exterior architectural features of a structure or its appurtenances, including but not limited to the erection, construction, reconstruction, or removal of any structure or appurtenance.

(c) Appropriate – typical of the historic architectural style, compatible with the character of the historic district, and consistent with the Preservation Guidelines of the City of Norman.

(d) Architectural Resources - districts, structures, buildings, monuments, sites, or landscaping which possess local interest or artistic merit or which are particularly representative of their class or period, or represent achievements in architecture, engineering, or design.

(e) Certificate of Appropriateness - the official document issued by the Historic District Commission approving any application affecting the exterior of any structure designated by the authority of this Ordinance for permission to construct, erect, demolish, remove, relocate, reconstruct, restore, or alter said structure.

(f) Commission – The Historic District Commission of the City of Norman.

(g) Compatible – means a design or use that does not conflict with the historical appearance of a building or district and does not require irreversible alteration.

(h) Conservation - the sustained use and appearance of a resource essentially in its existing state.

(i) Contributing Resource – means a resource—a building, site, or district—that retains its essential architectural integrity in design and whose architectural style is typical of or integral to a historic district.

(j) Elevation – an exterior wall of structure (O-0910-12)

1. *Front elevation* – the façade or face of a structure which is visible and prominent from a public right-of-way and which often has distinguishing architectural features. Structures on corner lots shall be considered to have two front elevations. No structure shall be considered to have more than two front elevations. (O-0910-12)

2. *Side elevation* – a wall adjacent to the front elevation that is usually visible from a public right-of-way. (O-0910-12)

3. *Rear elevation* – an elevation parallel to the front façade; the rear elevation usually includes the back door of the structure. (O-0910-12)

4. *Primary elevation* – the front or side elevation of a structure. (O-0910-12)

5. *Secondary elevation* – the rear elevation of a structure. (O-0910-12)

(k) Façade – the front wall or face of a building. (O-0910-12)

(l) Historic District - a geographically definable area with a concentration or linkage of significant sites, buildings, structures, or monuments; or, an individual structure, building, site or monument which contributes to the cultural, social, political, or architectural heritage of the City of Norman.

(m) Historic Preservation Officer – the chief staff person responsible for historic preservation in the City of Norman's Planning and Community Development Department.

(n) Historic Property - the term shall mean any individual structure, building, site or monument which contributes to the historic, architectural, archeological and/or cultural heritage of the City of Norman, Oklahoma as determined by the Historic District Commission.

(o) Historic Resources - sites, districts, structures, buildings, monuments, major landscape features that represent facets of history in the locality, state or nation; places where significant historical or unusual events occurred; places associated with a personality or group important to the past.

(p) Infill construction – construction on property between or adjacent to existing buildings.

(q) In kind – to replace existing materials or features with materials of identical appearance and/or composition. (see also: matching)

(r) Landmark – an individual structure, building, site, or monument that contributes to the historical, architectural, or archaeological heritage of the city.

(s) Matching – In historic rehabilitations, the use of replacement materials that are identical to the original in composition, size, shape, and profile. (see also: in kind)

(t) National Register of Historic Places - the term shall mean the national list of districts, sites, buildings, structures, and objects significant in American history, architecture, archeology, engineering and culture, maintained by the Secretary of the Interior under authority of Section 101(a)(1)(A) of the National Historic Preservation Act, as amended.

(u) Non-Contributing Resource – A building, structure, or site that does not add to the historic significance of a property or district, and which detracts from the visual integrity or interpretability of an historic district.

(v) Ordinary Maintenance and Repair – Work meant to remedy damage or deterioration of a structure or its appurtenances, and which will involve no change in materials, dimensions, design, configuration, color, texture or visual appearance to the exterior of an historic structure. Ordinary maintenance and repair shall include painting and reroofing.

(w) Preservation – shall mean the adaptive use, conservation, protection, reconstruction, rehabilitation, or stabilization of buildings, districts, monuments, sites, or structures significant to the heritage of the people of Norman. The following terms further define types of preservation activities: *Adaptive Use* – the restrained alteration of a historical or architectural resource to accommodate uses for which the resource was not originally constructed, but in such a way so as to maintain the historical and architectural character of the resource.

1. *Conservation* – the sustained use and appearance of a resource essentially in its existing state.
2. *Historic Rehabilitation* – the act or process of making a compatible use for a property through repair, alterations, and additions while preserving those portions or features which convey its historic, cultural or architectural values.

3. *Historic Reconstruction* – the act or process of duplicating the original structure, building form and materials by means of new construction based on documentation of the historic condition.
4. *Protection* – the security of a resource as it exists through the establishment of the mechanisms of this section.
5. *Restoration* – the process of accurately recovering all or a part of the form and details of a resource and its setting as it appeared at a particular period by means of the removal of later work and the replacement of missing earlier work.
6. *Stabilization* – the process of applying measures designated to halt deterioration and to establish the structural stability of an unsafe or deteriorated resource while maintaining the essential form as it presently exists without changing the exterior appearance of the resource.

(x) Significant Characteristics -those characteristics that are important to or expressive of the historic or architectural quality and integrity of the resources and its setting and which include, but are not limited to building material, detail, height, proportion, rhythm, scale, setback, setting, shape, street accessories, and workmanship.

1. *Building Mass* – describes the relationship of a building's height to its width and depth.
2. *Building Materials* - the physical characteristics which create the aesthetic and structural appearance of the resource, including but not limited to a consideration of the texture and style of the components and their combinations, such as brick, stone, shingle, wood, concrete, or stucco.
3. *Detail* - architectural aspects which, due to particular treatment, draw attention to certain parts or features of a structure.
4. *Height* - the vertical dimension of a given structure, building or monument.
5. *Proportion* - the relative physical sizes within and between buildings and building components.
6. *Rhythm* - a discernible pattern of shapes including, but not limited to, windows, doors, projections, and heights, within a building, structure or monument, or a group of same.
7. *Scale* - the proportion of parts of a building, structure, or monument to one another and to the human figure.
8. *Setting* - the surrounding structures, monuments, and landscaping which establish the visual, aesthetic, or auditory qualities of the historic or architectural resources.
9. *Shape* - the physical configuration of structures or landscaping and their component parts.
10. *Street Accessories* - those sidewalk or street fixtures which include, but are not limited to, trash receptacles, benches, signs, lights, hydrants, and landscaping.

(y) State Historic Preservation Officer (SHPO) - the term shall mean the official within the State of Oklahoma who has been delegated and appointed by the Governor to administer the Historic Preservation Program in the State.

(z) State Register of Historic Places - the term shall mean the State of Oklahoma list of districts, sites, buildings, structures and objects significant in state history, architecture, archeology, engineering and culture, maintained by the State Historic Preservation Officer, under the authority of 53 O.S., 1984 Supplement, Sections 351-355.

(aa) Streetscape - the view along a street from the perspective of a driver or pedestrian, of the natural and man-made elements in or near the street right of way, including buildings and their relationship to street trees, lawns, landscape buffers, signs, street lights, above-ground utilities, drainage structures, sidewalks, bus stop shelters and street furniture.

(bb) Structure - anything constructed or erected, the use of which requires permanent location on the ground or which is attached to something having a permanent location on the ground. These include, but are not limited to, buildings, fences, walls, driveways, sidewalks and parking areas.

3. District Regulations. The following regulations shall be applicable to the HD, Historic District, and shall control the use of all properties within such district:

(a) Any person responsible for a structure, building, landmark, or monument within a Historic District shall keep all of the exterior portions of such resources in good repair.

(b) The erection, moving, demolition, removal, rehabilitation, reconstruction, restoration, or alteration of the exterior of any structure is prohibited unless a Certificate of Appropriateness (COA) is granted by the Historic Commission of the City of Norman, unless such Certificate is not required by Subsection 8. (O-0910-12)

(c) Changes to rear elevations do require a COA; however the rear elevation of a historic structure is considered a secondary elevation and is therefore regulated to a lower standard to allow flexibility for additions or other modern day appurtenances. (O-0910-12)

4. Permitted Uses. Property located within the HD, Historic District, may be used for only those purposes permitted within the zoning district in which such property is located, subject to compliance with all regulations imposed by such zoning district and subject to compliance with all provisions of the Article.

5. Historic District Commission

(a) Creation. There is hereby created an Historic District Commission of the City of Norman, Oklahoma. The Commission shall be composed of nine members in accordance with the following requirements: (O-0910-12)

1. Five of the members shall be owners of property in existing historic districts. At least three of these five members shall also reside in historic districts. (O-0910-12)

2. Two of the members shall be persons with specialized technical expertise in structural engineering, law, real estate, building construction, or similar fields. (O-0910-12)

3. Two of the members shall be persons with specific professional backgrounds in areas such as history, architecture, planning, landscape architecture, archaeology, or related fields. (O-0910-12)

4. Provided that all of the above criteria for membership composition are met, remaining Commission appointments may be filled by at-large Norman residents who have some demonstrated knowledge, experience, expertise or interest in historic preservation. (O-0910-12)

(b) Duties of Historic District Commission. Unless otherwise specified in this article, the duties of the Historic District Commission shall be as follows:

1. Prepare or cause to be prepared a comprehensive inventory of historical, architectural and archaeological resources within the city, and to update same on a regular basis.

2. Prepare or cause to be prepared a general historic preservation plan to be incorporated within the Comprehensive Plan of the City of Norman.

3. Review, revise, or cause to be reviewed or revised the Preservation Guidelines (formerly known as the Design Guidelines) that govern the Historic District Commission's review of applications for Certificates of Appropriateness.

4. Prepare findings of fact relating to the recommendation for designation of historic, architectural, and archaeological resources.

5. Prepare findings of fact pursuant to action taken by the Historic District Commission relating to Certificates of Appropriateness.

6. Make recommendations to City Council concerning the development of historic preservation plans historical and historical easements.

7. Make recommendations to City Council concerning grants from federal, state, or private sources, and the utilization of budgetary appropriations to promote the preservation of historic, architectural, and archaeological resources; and when so directed by Council, the Historic District Commission may oversee historical projects or programs.

8. Develop rules governing the meetings of the Historic District Commission and the standards for materials presented to the Commission.

9. Make recommendations to Council, Planning Commission and/or other bodies regarding historic designations, certificates of appropriateness, and the amendment and enforcement of this article and other city ordinances.

10. Comment and make recommendations on actions undertaken by other City agencies or governmental units with respect to the effects of their actions upon historic, architectural, and archaeological resources.

11. Conduct a periodic review of the status of designated historic districts and individual landmarks and provide periodic reports on the findings of said, along with any resolutions for action, as considered appropriate.

12. Any other functions as imposed by this article or which may be specified by the City Council.

(c) Continuation in Office. Historic District Commission members shall be appointed to staggered, three-year terms. No member shall serve more than three consecutive terms. Members who have served more than three consecutive terms may be reappointed after having rotated off the Commission for at least one full year. Members shall continue in office during their term until such time that:

1. Their term expires and their successor has been appointed and approved;
2. They die;
3. They resign;
4. They are removed by a majority action of the Council;
5. They are no longer a Norman resident;
6. They are hired as a full-time City employee;
7. They absent themselves from three consecutive meetings, and such absences are shown by the official minutes of that board or commission.

(d) Meetings and Rules of Commission. The Commission shall be empowered to adopt rules for the conduct of its business. The Commission shall elect a Chairman who shall serve for one year or until his/her success takes office, and who shall be eligible for reelection. All meetings of the Commission shall be open to the public. Any person, or his duly appointed representative, shall be entitled to appear and be heard on any matter before the Commission. The Commission shall keep a record of its proceedings, a copy of which shall be filed for public view in the office of the City Clerk.

(e) Quorum. A quorum shall consist of five members.

(f) Historic Preservation Officer. The Historic Preservation Officer is the City's representative to the Historic District Commission. He/she shall act in an advisory capacity only and may participate in the Commission's discussions but may not have a vote in any Commission decisions.

6. Historic District Designation.

(a) Procedure for Designation of Historic District. Historic District designation is an overlay to the *Norman Zoning Ordinance*. Either the Norman City Council or individual property owners or their authorized agents may recommend tracts and sites for inclusion within an HD, Historic District, in the same manner prescribed for the designation of other zoning districts by this Code and subject to compliance with this section. Rezoning application fees in the case of Historic District designation shall be waived, though applicants for Historic District status are still responsible for all other associated costs of district designation.

(b) Commission Review. All recommendations of tracts and sites for inclusion within the Historic District shall first be reviewed and considered by the Historic District Commission. The Commission shall forward its recommendation regarding a proposed district designation to the Planning Commission for recommendation to the City Council. Any such application shall be made upon forms and pursuant to standards set by the Planning Commission for the purpose of rezoning.

(c) Required Documentation. After the Historic District Commission has reviewed and approved a proposal to designate a historic district, any individual or group seeking to designate or expand a historic district shall be responsible for providing the following:

1. A current historic survey of all structures in the proposed district
2. A certified ownership list of all property owners within the district as well as properties within the 350' notification boundary surrounding the district
3. A zoning application made on forms and pursuant to standards set by the Planning Commission for the purpose of rezoning
4. A legal notice published in the newspaper of record advertising the request for the formation of the Historic District
5. Copies of deeds for all properties to be rezoned

(d) Expansion of an Existing Historic District. Parcels may be added to an existing Historic District provided the following criteria are in place:

1. The parcels have been previously surveyed and deemed to be eligible for Historic District designation.
2. The parcels are contiguous with an existing district.
3. The parcels include at least one whole block, both sides of the street.
4. After these criteria are met, the procedure for expanding a district is the same as the designation of a new Historic District described above.

(e) Notice of Consideration. Notice of consideration of a district designation by the Historic District Commission shall be the same as is required for consideration of the adoption or amendment of zoning district boundaries by the City Council. As a part of such notice, the Historic Preservation Officer shall notify the owners of record of affected properties by mail of the proposed designation and include a letter outlining the basis for the designation.

(f) Expert Testimony. The Historic District Commission may solicit and present expert testimony or documentary evidence regarding the historic, architectural, archeological, or cultural importance of the property proposed for designation.

(g) Written Description. As part of every such designation, or amendment of a designation, the Historic District Commission shall describe in writing the attributes of the area or site designated as such attributes relate to and comply with the review criteria for district designation as provided in this section.

(h) Commission Notification of Designation. The Historic Preservation Officer shall officially notify the Historic District Commission of all approvals or disapprovals of designation ordinances at the next regular meeting of the Historic District Commission following Council action.

(i) Amendment or Repeal. Historic District designations may be amended or repealed in the same manner and according to the same procedure as provided herein for the original designation.

(j) No Alterations While Historic District Designation Pending. No application for a permit to construct, alter, demolish, remove, or relocate any characteristic of a designated site, building, structure, district, open space or monument filed subsequent to the day that an application has been filed or a resolution adopted to initiate designation of proposed Historic District status shall be approved by the City while proceedings are pending regarding such historic preservation district designation application, unless such work is determined by the Historic District Commission to be essential to the preservation or stabilization of the resources.

(k) Criteria for Historic District Designation: A concentration of significant sites, structures, buildings, including surrounding open space, may be designated for preservation and may be included within the historic district if such possesses at least one of the following attributes within the categories below:

1. Historical, Cultural Category:

[a] Has significant character, interest or value as part of the development, heritage or cultural characteristics of the locality, state, or nation; or is associated with the life of a personality significant to the past; or

[b] Is the site of a historic event with a significant effect upon the development, heritage, or cultural characteristics of the locality, state, or nation; or

[c] Exemplifies the cultural, political, economic, social, or historic heritage of the community; or

2. Architectural, Engineering Category:

[a] Portrays the environment in an era of history characterized by a distinctive architectural style; or

[b] Embodies those distinguishing characteristics of an architectural type engineering specimen; or

[c] Is the work of a designer or architect or contractor whose individual work has influenced the development of the community or of this nation, or

[d] Contains elements of design, detail, materials, or craftsmanship which represent a style unique to the past; or

[e] Is a part of or related to a square, park or other distinctive area and thus should be developed and preserved according to a plan based upon a historical, cultural, or architectural motif; or

[f] Represents an established and familiar visual feature of the neighborhood, community, or sky-line owing to its unique location or singular physical characteristic;

3. Archeological Category:

[a] Has yielded, or is likely to yield information important to history or prehistory based upon physical evidence.

[b] Is part of or related to a distinctive geographical area which should be developed or preserved according to a plan based on cultural, historic, or architectural motifs.

7. Certificates of Appropriateness.

(a) COA Required. A Certificate of Appropriateness shall be required in the following instances before the commencement of work upon any structure or site located within a HD, Historic District:

1. Whenever such work includes alteration to the exterior of any building, structure or site, including erection, moving, demolition, reconstruction, or restoration, *except* when such work satisfies all the requirements for "ordinary maintenance and repair" as defined in section 2(t) of this Ordinance.

2. Whenever such work requires a building permit issued by the City.

3. Whenever such work includes the construction or enlargement of a driveway or parking area.

(b) General Provisions and Procedures for Certificates of Appropriateness: No building permit shall be issued by the City of Norman for any structure or site located within the HD, Historic District, until the application for such permit has been reviewed by the Historic District Commission and a Certificate of Appropriateness approved by the Historic District Commission.

(c) Submitting COA Application Materials. When applying for a Certificate of Appropriateness, the applicant shall furnish copies of all detailed site and building plans, elevations, perspectives, material samples, and specifications, with sufficient detail to clearly illustrate the applicant's intent. Applicants are encouraged to meet with the Historic Preservation Officer before submitting an application and may also request a meeting with the Historic District Commission before submitting an application in order to get feedback from the Commission on a forthcoming application. Applicants may also consult with the Historic Preservation Officer as needed during the review of the Certificate of Appropriateness (COA) application. Incomplete applications will not be forwarded to the Commission for review. (O-0910-12)

(d) Historic District Commission Review. Upon receipt of the application for a Certificate of Appropriateness, the Historic District Commission shall determine whether the proposed work is of a nature which will adversely affect any historical or architectural resource and whether such work is appropriate and consistent with the spirit and intent of this Ordinance and the Preservation Guidelines. The Historic District Commission shall apply the criteria established by this Ordinance and the Preservation Guidelines and based thereon shall approve or disapprove requests for Certificates of Appropriateness. If the Historic District Commission denies a Certificate of Appropriateness, no permit shall be issued and the applicant shall not proceed with the proposed work. Article 10 establishes the process for appealing decisions of the Historic District Commission.

(e) Development of Preservation Guidelines. The Historic District Commission shall develop such guidelines as it may find necessary to supplement the provisions of this Ordinance and to inform owners, residents, and the general public of those techniques which are considered most appropriate for undertaking work relating to historical and architectural resources. The Historic District Commission shall have the opportunity to advise the City Council concerning provisions in the building, electrical, plumbing, heat and air and housing codes and other codes which affect preservation work.

(f) Infill Construction. In the case of new or infill construction in Historic Districts, it is not the intent of this Ordinance to limit new construction to any one period or architectural style, but to preserve the overall integrity of Historic Districts and architectural resources and to ensure that new construction is compatible with existing historic and architectural resources. In the case of denial of plans by the Historic District Commission, the Commission shall state in writing the reasons for such denial and may include suggestions of the Commission in regard to actions the applicant might take to secure the approval of the Commission.

(g) Archaeological Resources. With regard to the development of a property containing a designated archeological resource, a Certificate of Appropriateness shall be required prior to the issuance of the permit for which the applicant has applied; and further, the following requirements shall be satisfied:

1. Archeological resources shall be protected from inappropriate or improper digging by demonstration by the applicant that the appropriate permits and standards are met for study as set by the Oklahoma Archaeological Survey.

2. Any discovered materials shall be properly recorded, reported, stored, or exhibited according to the standards set by the Oklahoma Archaeological Survey.

3. All development affecting the designated archeological resource shall provide for the permanent preservation of the resources or provide for the completion of the necessary work as recommended by a qualified archeologist.

4. Prior to the hearing by the Historic District Commission for issuance of the Certificate of Appropriateness, the applicant or the Commission shall cause to have presented and shall review the comments and recommendations of a qualified archeologist with respect to the resource under consideration and the application which would affect it.

(h) Compliance with COA. The Historic District Commission may approve Certificates of Appropriateness subject to certain conditions to be stated in writing. Work performed pursuant to the issuance of a Certificate of Appropriateness shall conform to the conditions of such certificate, if any. It shall be the duty of the Historic Preservation Officer of the City of Norman to inspect from time to time any work performed pursuant to a Certificate of Appropriateness to assure such compliance. In the event that such work is not in compliance, the Historic Preservation Officer shall issue a stop work order. The Historic District Commission may request by resolution that the Historic Preservation Officer inspect work at a particular location and, if found to be non-compliant, issue a stop work order.

(i) COA Application Requirements and Procedures. Property owners, developers or agents applying for a Certificate of Appropriateness shall be required to submit the following as applicable:

1. Application. An application for a Certificate of Appropriateness shall be obtained from and filed with the Historic Preservation Officer. Applications for Certificates of Appropriateness shall be considered by the Historic District Commission at its next regular monthly meeting, provided that they have been filed, complete in form and content, at least 24 calendar days before the regularly scheduled monthly meeting of the Historic District Commission; otherwise consideration shall be deferred until the following meeting.

   Application packets shall include:

   [a] Standard COA application form as developed by the Historic Preservation Officer.

   [b] Plot plans drawn to scale, showing the location of existing structures, major trees, and property lines easements and rights-of-way.

   [c] Scaled drawings of any proposed building, including elevations. Proposals that include vertical additions, expansions of building footprint of more than 25% of original area, or new construction shall include elevation drawings depicting subject property and also primary structures on adjacent properties.

   [d] Architectural plans, including drawings and specifications.

   [e] Proposals from contractors, if any.

   [f] Color and material samples.

   [g] Photographs of subject property.

   [h] Copy of the property deed to demonstrate ownership.

[i] A certified list of adjacent property owners in any direction of the subject property.

2. Required Procedures for Certificate of Appropriateness:

[a] Notification of Historic District Commission: Upon receipt of an application for a Certificate of Appropriateness, the Historic Preservation Officer shall notify the Historic District Commission at least five (5)working days before the regularly scheduled monthly meeting.

[b] Notification of Affected Property Owners: All recorded property owners immediately adjacent to or directly across the street or alley in any direction from the subject property shall be notified of an application for a Certificate of Appropriateness. This notice, as provided by the Historic Preservation Officer, shall contain adequate information to notify adjacent property owners of the specific request of the applicant for a Certificate of Appropriateness, as well as the time, date, and place of the meeting of the Historic District Commission. In addition, the Historic Preservation Officer shall post a sign in the yard of the subject property at least seven (7) days before the hearing that shall include the specific request of the applicant for a Certificate of Appropriateness, as well as the time, date, and place of the meeting of the Historic District Commission. The sign shall be removed ten (10) days after the application is reviewed.

[c] Action Required: The Historic District Commission shall take official action upon any application for a Certificate of Appropriateness at the next regularly scheduled meeting based on established meeting times.

[d] Special Public Hearings: All regular meeting of the Historic District Commission are considered public hearings. If the Historic District Commission deems it necessary, a special public hearing may be held concerning any actions of the Commission in the discharge and conduct of its duties. Hearings shall be properly advertised and conducted as a public meeting.

[e] Issuance of Certificate of Appropriateness: If the Historic District Commission determines that the proposed construction, rehabilitation, reconstruction, alteration, restoration, moving, or demolition of a structure is appropriate, it shall approve and issue to the applicant a Certificate of Appropriateness.

[f] Denial of Certificate of Appropriateness: If the Historic District Commission determines that a Certificate of Appropriateness should not be issued, it shall place in its records the reason for the denial and shall notify the applicant of such determination, including a copy of its reasons, and its recommendations, if any, as they appear in the records of the Commission.

[g] Notification of Building Official: Upon the issuance or denial of a Certificate of Appropriateness, the Historic District Commission shall transmit a letter to the Building Official stating that a Certificate of Appropriateness has or has not been approved and issued to the property in question

[h] Resubmtting of an Application: If the Historic District Commission determines that a Certificate of Appropriateness should *not* be issued, a new application may be submitted on the proposed construction, rehabilitation, reconstruction, alteration, restoration, or moving, *only* if substantive change is made to the original plans for the proposed work. In such a case, applicants will be required to submit a new application with all supporting documentation, including the payment of another $75 application fee and a certified list of adjacent property owners. Reapplication fees may be waived when the Commission denies a request for COA due to incomplete application information.

[i] Amending a COA. A request to amend a Certificate of Appropriateness currently in effect does *not* require a new application, though proposed amendments shall be reviewed by the Historic District Commission at a regularly scheduled meeting.

[j] Time Limits of Certificate of Appropriateness: A Certificate of Appropriateness issued by the Historic District Commission shall become null and void if construction, reconstruction, alteration, restoration, moving or demolition is not commenced within six (6) months of the date of issuance. An extension of time for the Certificate of Appropriateness, not to exceed six (6) months, may be granted by the Historic District Commission upon review, provided application for such extension is submitted in writing prior to expiration of the Certificate of Appropriateness.

3. Review Criteria. The Historic District Commission shall have responsibility for reviewing requests for Building and Demolition permits for designated historic structures within any area designated as a historic district, and for issuing or denying Certificates of Appropriateness for such requests. The purpose of this Section to specify for Historic District Commission members policies and criteria that they shall follow in reaching decisions on matters relative to such changes.

Review criteria, procedural policies and consequences of decisions will extend beyond the tenure of any Historic District Commission members. It is essential that policies be based on consistency and basic preservation guidelines. Highest priority should go to the preservation and restoration of historically and architecturally significant structures and sites that express the unique characteristics of the particular periods in which they were built.

[a] Preservation Guidelines. In addition to the above-mentioned criteria, the Historic District Commission shall use specific Preservation Guidelines which shall be prepared by the Commission to outline and describe the evaluation criteria used in assessing the appropriateness of proposed project work within the designated Historic Districts. These Preservation Guidelines shall be prepared and periodically amended by Historic District Commission action as part of the regular duties of the Commission and shall be adopted by the Commission prior to their application in the review process.

[b] Secretary of the Interior Standards. The Historic District Commission shall utilize those criteria in "Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings (Revised 1983)." The Standards are as follows:

[i] Every reasonable effort shall be made to provide a compatible use for a property which requires minimal alteration of the building, structure or site and its environment, or to use a property for its originally intended purpose.

[ii] The distinguishing original qualities or character of a building, structure, or site and its environment should not be destroyed. The removal or alteration of any historic material or distinctive architectural features should be avoided when possible.

[iii] All buildings, structures and sites shall be recognized as products of their own time. Alterations that have no historical basis and which seek to create an earlier appearance shall be discouraged.

[iv] Changes which may have taken place in the course of time are evidence of the history and development of a building, structure or site and its environment. These changes may have acquired significance in their own right, and this significance shall be recognized and respected.

[v] Distinctive stylistic features or examples of skilled craftsmanship which characterize a building, structure or site shall be treated with sensitivity

[vii] Deteriorated architectural features shall be repaired rather than replaced, wherever possible. In the event replacement is necessary, the new material should match the material being replaced in composition, design, color, texture and other visual qualities. Repair or replacement of missing architectural features should be based on accurate duplications of features, substantiated by historic, physical or pictorial evidence rather than on conjectural designs or the availability of different architectural elements from other buildings or structures.

[viii] The surface cleaning of structures shall be undertaken with the gentlest means possible. Sandblasting and other cleaning methods that will damage the historic building materials shall not be undertaken.

[ix] Every reasonable effort shall be made to protect and preserve archeological resources affected by, or adjacent to, any project.

[x] Contemporary design for alterations and additions to existing properties shall not be discouraged when such alterations and additions do not destroy significant historical, architectural or cultural material, and such design is compatible with the size, scale, color, material and character of the property, neighborhood or environment.

[xi] Wherever possible, new additions or alterations to structures shall be done in such a manner that if such additions or alterations were to be removed in the future, the essential form and integrity of the structure would be unimpaired.

[c] Reviewing Non-Contributing Structures. Non-contributing structures should be controlled only to the degree necessary to make them compatible with the general atmosphere of any district with regard to exterior alteration, additions, signs, site work and related activities.

8. Demolitions.

(a) General Provisions. No structure or resource within any Historic District shall be demolished and/or removed unless such demolition has been reviewed by the Historic District Commission and a Certificate of Appropriateness for such demolition and/or removal has been granted.

(b) Procedure and Postponement Orders

1. The Historic District Commission shall hold a public hearing for the purpose of considering Certificates of Appropriateness for demolition or removal. After such hearing, the Historic District Commission may approve the Certificate of Appropriateness authorizing the demolition or may enter an order postponing demolition for up to ninety (90) days.

2. At the conclusion of such period of postponement as specified in the Historic District Commission's order, the Commission shall within forty-five (45) days thereafter hold a second public hearing to consider whether or not to recommend to the City Council that additional postponement of demolition be ordered.

3. In the event that the Historic District Commission recommends additional postponement to the City Council, the City Council shall hold a public hearing for the purpose of considering additional postponement of demolition.

4. After such public hearing, the City Council may enter an order approving the demolition or may enter an order postponing demolition for an additional period not to exceed sixty (60) days from the date of such order. At the conclusion of this final postponement period, the City Council shall hold a public hearing and may either approve the requested demolition or may disapprove such requested demolition. In the event demolition is not approved, no demolition shall occur. For purposes of this Ordinance, the word "demolition" shall include "removal."

(c) Criteria for Review of Demolitions. The Historic District Commission and City Council shall be guided by the following criteria in considering Certificates of Appropriateness and authorizations for demolition or removal of structures or sites within the Historic District:

1. The purposes and intent of this Ordinance.

2. The degree to which the proposed removal of the historical resource would damage or destroy the integrity and continuity of the Historic District of which it is a part.

3. The nature of the resource as a representative type of style of architecture, a socio-economic development, a historical association, or other element of the original designation criteria applicable to such structure or site.

4. The condition of the resource from the standpoint of structural integrity and the extent of work necessary to stabilize the structure.

5. The alternatives available to the demolition applicant, including:

   [a] Donation of the subject structure or site to a public or benevolent agency.

   [b] Donation of a part of the value of the subject structure or site to a public or benevolent agency, including the conveyance of historical easements.

   [c] The possibility of sale of the structure or site, or any part thereof, to a prospective purchaser capable of preserving such structure or site.

   [d] The potential of such structure or site for renovation and its potential for continuing same.

   [e] The potential of the subject structure or site for rezoning in an effort to render such property more compatible with the physical potential of the structure.

6. The ability of the subject structure or site to produce a reasonable economic return on investment to its owner; provided however, that it is specifically intended that this factor shall not have exclusive control and effect, but shall be considered along with all other criteria contained in this Section.

9. Exceptions.

A Certificate of Appropriateness shall not be required under the following conditions:

(a) No exterior changes. No COA is required for any work affecting the exterior of a structure that does not alter the character of the exterior appearance of the resource; or for any work for which a building permit or any other City permit or certificate is *not* required for any work where the purpose of such work is stabilization and/or ordinary maintenance and repair. The painting or repainting of any structure shall be considered ordinary maintenance and repair, regardless of color.

(b) Meets All Requirements for Ordinary Maintenance and Repair. See Section 2t for definition of ordinary maintenance and repair. Any work *not* satisfying *all* of the requirements for ordinary maintenance and repair as defined in Section 2t. shall *not* be considered ordinary maintenance and repair. The construction or enlargement of a driveway or parking area shall *not* be considered ordinary maintenance and repair.

(c) Interior Changes Only. Any work affecting the *interior* of a structure for which a building permit or any other City permit or certificate is required but which does *not* alter the exterior appearance of the structure does not require a Certificate of Appropriateness.

(d) Administrative Bypass for the Certificate of Appropriateness. A Certificate of Appropriateness may be granted by the Historic Preservation Officer or authorized designee for the following:

1. Installation of storm windows or storm doors

2. Roofing or reroofing of any structure with materials that are very similar in appearance and composition, regardless of color, provided the building is not structurally altered during the roofing or reroofing process.

3. The Historic Preservation Officer shall inform the Historic District Commission of Administrative Bypass actions at its next regular meeting. If a request for Administrative Bypass is denied by the Historic Preservation Officer, the applicant shall have the right to submit an application for a Certificate of Appropriateness to the Historic District Commission to be reviewed at its next regularly scheduled meeting time in order to request formal action regarding approval or denial of the Certificate of Appropriateness. All application fees and requirements shall apply.

10. Appeals.

(a) Any person aggrieved by a decision of the Historic District Commission, excluding postponements as defined in Section 8(b)(1-4), shall have such right of appeal to the City Council within ten (10) days from the decision of the Historic District Commission. Any appeal of a decision of the Historic District Commission shall be initiated by filing a "Notice of Appeal" in the Office of the City Clerk. Such "Notice of Appeal" shall be docketed for placement on the City Council Agenda within thirty (30) days of filing.

(b) Aggrieved persons must exhaust all administrative processes before any appeal is valid.

11. Penalty.

(a) Any person, firm or corporation who violates any provision of this Ordinance shall, upon conviction, be punished by a fine as provided for in Section 440.3(a) of this chapter. A violation exists whenever there is a performance of an act which is prohibited by the provisions of this Ordinance, or a failure to perform an act which is required by this Ordinance. Each day this Ordinance is violated shall be considered a separate offense. (O-9900-11; O-0405-26)

(b) In case any building or structure is erected, constructed, externally reconstructed, externally altered, added to or demolished in violation of this Ordinance, the City or any person may institute an appropriate action or proceeding in a court with competent jurisdiction to prevent such unlawful erection, construction, reconstruction, exterior alteration, addition or demolition, and the violating party shall pay all court costs and expenses, including reasonable attorney's fee, if the court should find in favor of the City or persons suing on behalf of the City to enforce this Ordinance.

12. City Council Approval of Revisions to Preservation Guidelines. (O-0708-35)

(a) Upon receiving or drafting a proposed revision of the Preservation Guidelines, the Historic District Commission shall submit said revisions to the City Council along with a recommendation for approval or disapproval. Said report shall outline efforts made to gather community input from residents of the Historic District as well as summarize such input. (O-0708-35)

(b) Upon City Council receiving said revisions, City Council shall have the duty to review proposed revisions and vote to either approve or disapprove the inclusion of the revisions in the Preservation Guidelines during the next available City Council meeting. The effective date of any approved revisions shall be thirty (30) days from the date the City Council vote on the proposed revisions is recorded. (O-0708-35)

SEC. 429.4 – MAX WESTHEIMER AIRPORT OVERLAY DISTRICT
(Ord. No. O-9899-36 – June 22, 1999)

1. Description and Purpose. This Ordinance is adopted pursuant to the authority conferred by Title 3, Oklahoma Statutes, Section 103. It is hereby found that an obstruction has the potential for endangering the lives and property of users of Max Westheimer Airport, and property or occupants of land in its vicinity; that an obstruction may affect existing and future instrument approach minimums of Max Westheimer Airport; and than an obstruction may reduce the size of areas available for the landing, takeoff, and maneuvering of aircraft, thus tending to destroy or impair the utility of Max Westheimer Airport and the public investment therein. Accordingly, it is declared:

   (a) that the creation or establishment of an obstruction has the potential of being a public nuisance and may injure the region served by Max Westheimer Airport;

   (b) that it is necessary in the interest of the public health, public safety, and general welfare that the creation or establishment of obstructions that are a hazard to air navigation be prevented; and,

   (c) that the prevention of these obstructions should be accomplished, to the extent legally possible, by the exercise of the police power without compensation.

   It is further declared that the prevention of the creation or establishment of hazards to air navigation, the elimination, navigation, or marking and lighting of obstructions are public purposes.

SECTION I: SHORT TITLE

This ordinance shall be known and may be cited as the Airport Height Zoning Ordinance.

SECTION II: DEFINITIONS

As used in this Ordinance, unless the context otherwise requires:

1. AIRPORT – Max Westheimer Airport

2. AIRPORT ELEVATION – 1,182 feet above mean sea level as shown on the Airport Layout Plan.

3. APPROACH SURFACE – A surface longitudinally centered on the extended runway centerline, extending outward and upward from the end of the primary surface and at the same slope as the approach zone height limitation slope set forth in Section IV of this ordinance. In plan the perimeter of the approach surface coincides with the perimeter of the approach zone.

4. APPROACH, TRANSITIONAL, HORIZONTAL, AND CONICAL ZONES – These zones are set forth in Section III of this Ordinance.

5. BOARD OF ADJUSTMENT – The City of Norman existing Zoning Board of Adjustment shall act as the Airport Zoning Board of Adjustment.

6. CONICAL SURFACE – A surface extending outward and upward from the periphery of the horizontal surface at a slope of 20 to 1 for a horizontal distance of 4,000 feet.

7. HAZARD TO AIR NAVIGATION – An obstruction determined to have a substantial adverse effect on the safe and efficient utilization of the navigable airspace.

8. HEIGHT – For the purpose of determining the height limits in all zones set forth in this Ordinance and shown on the zoning map, the datum shall be mean sea level elevation unless otherwise specified.

9. HORIZONTAL SURFACE – A horizontal plane 150 feet above the established airport elevation, the perimeter of which in plan coincides with the perimeter of the horizontal zones.

10. LARGER THAN UTILITY RUNWAY – A runway that is constructed for and intended to be used by propeller driven aircraft of greater than 12,500 pounds maximum gross weight and jet powered aircraft.

11. NONCONFORMING STRUCTURE – Any pre-existing structure or object of natural growth which is inconsistent with the provisions of this Ordinance or an amendment thereto.

12. NONPRECISION INSTRUMENT RUNWAY – A runway having an instrument approach procedure utilizing navigation facilities with only horizontal guidance, or area type navigation equipment, for which a straight-in nonprecision instrument approach procedure has been approved or planned.

13. OBSTRUCTION – Any structure, growth, or other object, including a mobile object, which exceeds a limiting height set forth in Section IV of this Ordinance.

14. PERSON – An individual, firm, partnership, corporation, company, association, joint stock association or government entity; includes a trustee, a receiver, an assignee, or a similar representative of any of them.

15. PRECISION INSTRUMENT RUNWAY – A runway having an existing instrument approach procedure utilizing an Instrument Landing System (ILS), Differential Global Positioning System (DPGS) or a Precision Approach Radar (PAR). It also means a runway for which a precision approach system is planned and is so indicated on an approved airport layout plan or any other planning document.

16. PRIMARY SURFACE – A surface longitudinally centered on a runway. When the runway has a specially prepared hard surface, the primary surface extends 200 feet beyond each end of that runway. The width of the primary surface is set forth in Section III of this ordinance. The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway centerline.

17. RUNWAY – A defined area on an airport prepared for landing and take-off of aircraft along its length.

18. STRUCTURE – An object, including a mobile object, constructed or installed by man, including but without limitation, buildings, towers, cranes, smokestacks, earth formation, oil/gas rigs, overhead transmission lines or objects of natural growth such as trees.

19. TRANSITIONAL SURFACES – These surfaces extend outward at ninety (90°) degree angles to the runway centerline and the runway centerline extended at a slope of seven (7') feet horizontally for each foot vertically from the sides of the primary and approach surfaces to where they intersect the horizontal and conical surfaces. Transitional surfaces for those portions of the precision approach surfaces, which project through and beyond the limits of the conical surface, extend a distance of 5,000 feet measured horizontally from the edge of the approach surface and at 90 degree angles to the extended runway centerline.

SECTION III: AIRPORT ZONES

In order to carry out the provision of this Ordinance, there are hereby created and established certain zones which include all of the land lying beneath the approach surfaces, transitional surfaces, horizontal surfaces, and conical surfaces as they apply to Max Westheimer Airport. Such zones are shown on Max Westheimer Airport Airspace Drawing consisting of one sheet, prepared by BARNARD DUNKELBERG & COMPANY, Inc. dated June 21, 1996, which is attached to this Ordinance and make a part hereof. An area located in more than one of the following zones is considered to be only in the zone with the more restrictive height limitation.

The various zones are hereby established and defined as follows and as defined in FAR Part 77, hereby incorporated by reference:

1. *Precision Instrument Runway Approach Zone*. The inner edge of this approach zone coincides with the width of the primary surface and is 1,000 feet wide. The approach zone expands outward uniformly to a width of 16,000 feet at a horizontal distance of 50,000 feet from the primary surface. Its centerline is the continuation of the centerline of the runway.

2. *Runway Larger than Utility with a Visibility Minimum as low as ¾ Mile Nonprecision Instrument Approach Zone*. The inner edge of this approach zone coincides with the width of the primary surface and is 1,000 feet wide. The approach zone expands outward uniformly to a width of 4,000 feet at a horizontal distance of 10,000 feet from the primary surface. Its centerline is the continuation of the centerline of the runway.

3. *Transition Zones* are hereby established adjacent to each instrument and non-instrument runway and approach zone as indicated on the zoning maps.

4. *Horizontal Zones* are hereby established by swinging arcs of 5,000 feet radii for all non-instrument runways and 10,000 feet for all instrument runways from the center of each end of the primary surface of each runway and connecting the adjacent arcs by drawing lines tangent to those arcs. The horizontal zone does not include the approach and transitional zones.

5. *Conical Zone for Instrument and Non-Instrument Runway* is hereby established as the area that commences at the periphery of the horizontal zone and extends outward therefrom a horizontal distance of 4,000 feet. The conical zone does not include the instrument and non-instrument approach zones and transition zones and horizontal zone.

SECTION IV: AIRPORT ZONE HEIGHT LIMITATIONS

Except as otherwise provided in this Ordinance, no structure shall be erected, altered, or maintained, and no tree shall be allowed to grow in any zone created by this Ordinance to a height in excess of the applicable height herein established for such zone. Such applicable height limitations are hereby established for each of the zones in question as follows and as defined in FAR Part 77, hereby incorporated by reference:

1. *Precision Instrument Runway Approach Zone*. Slopes fifty (50) feet outward for each foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of 10,000 feet along the extended runway centerline; thence slopes upward forty (40) feet horizontally for each foot vertically to an additional horizontal distance of 40,000 feet along the extended runway centerline.

2. *Runway Larger than Utility with a Visibility Minimum as low as ¾ Mile Non-Precision Instrument Approach Zone.* Slopes thirty-four (34) feet outward for each foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of 10,000 feet along the extended runway centerline.

3. *Transition Zone*. Slopes seven (7') feet outward for each foot upward beginning at the sides of and at the same elevation as the primary surface, and extending to a height of one hundred fifty (150') feet above the *airport elevation*. In addition to the foregoing, there are established height limits sloping seven (7') feet outward for each foot upward beginning at the sides of and at the same elevation as the approach surface, and extending to where they intersect the conical surface. Further, where the precision instrument runway approach zone projects through and beyond the conical zone, there are established height limits sloping seven (7') outward for each foot upward beginning at the sides of and at the same elevation as the approach surface, and extending a horizontal distance of five thousand (5,000') feet from the edge of the instrument approach zone measured at right angles to the extended runway centerline.

4. *Horizontal Zone*. Established at one hundred fifty (150') feet above the established airport elevation.

5. *Conical Zone*. Slopes twenty (20') feet outward for each foot upward beginning at the periphery of the horizontal and at one hundred fifty (150') feet above the airport elevation and extending to a height of three hundred fifty (350') feet above the airport elevation.

6. *Excepted Height Limitation*. Nothing in this Ordinance/Regulation shall be construed as prohibiting the construction or maintenance of any structure, or growth of any tree to a height up to fifty (50') feet above the surface of the land.

SECTION V: NONCONFORMING STRUCTURES

1. *Regulations Not Retroactive*. The regulations prescribed in this Ordinance shall not be construed to require the removal, lowering, or other change or alteration of any structure or tree not conforming to the regulations as of the effective date of this Ordinance, or otherwise interfere with the continuing use of a nonconforming structure.

   Nothing contained herein shall require any change in the construction or alteration of any structure, the construction or alteration of which was begun prior to the effective date of this Ordinance, and is diligently prosecuted.

2. *Marking and Lighting*. Nothwithstanding the preceding provision of this Section, the owner of any existing nonconforming structure may be notified of such nonconforming structure. Through such notification, such owner will be advised of the need for installation, operation, and maintenance thereon of such markers and lights as deemed advisable by the FAA to indicate to the operators of aircraft in the vicinity of the airport the presence of such airport obstruction. Such markers and lights, if installed would be installed, operated, and maintained at the expense of Max Westheimer Airport.

SECTION VI: PERMITS

1. *Future Structures*. Except as specifically provided in a, b, and c hereunder no structure shall be erected or otherwise established in any zone hereby created unless a permit therefor shall have been applied for and granted. Each application for a permit shall indicate the purpose for which the permit is desired, with sufficient particularity to permit it to be determined whether the resulting structure would conform to the regulations herein prescribed. If such determination is in the affirmative, the permit shall be granted. No permit for a structure inconsistent with the provisions of this ordinance shall be granted unless a variance has been approved in accordance with Section VI, 4.

   a. In the area lying within the limits of the horizontal zone and conical zone, no permit shall be required for any structure less than seventy-five feet of vertical height above the ground, except when, because of terrain, land contour, or topographic features, such structure would extend above the height limits prescribed for such zones.

   b. In areas lying within the limits of the approach zones but at a horizontal distance of not less than 4,200 feet from each end of the runway, no permit shall be required for any structure less than seventy-five of vertical height above the ground, except when such structure would extend above the height limit prescribed for such approach zones.

   c. In the areas lying within the limits of the transition zones beyond the perimeter of the horizontal, no permit shall be required for any structure less than seventy-five feet of vertical height above the ground, except when such structure, because of terrain, land contour, or topographic features, would extend above the height limit prescribed for such transition zones.

Nothing contained in any of the foregoing exceptions shall be constructed as permitting or intending to permit any construction, or alteration of any structure in excess of any of the height limits established by this Ordinance except as set forth in Section IV, 6.

2. *Existing Structures*. No permit shall be granted that would allow the establishment or creation of an obstruction or permit a nonconforming structure to become a greater hazard to air navigation, than it was on the effective date of this Ordinance or any amendments thereto or than it is when the application for a permit is made. Except as indicated, all applications for such a permit shall be granted.

3. *Nonconforming Structures Abandoned or Destroyed*. Whenever the Planning and Community Development Staff determines that a nonconforming structure has been abandoned or more than eight (80%) percent torn down, physically deteriorated, or decayed, no permit shall be granted that would allow such structure to exceed the applicable height limit or otherwise deviate from the zoning regulations.

4. *Variances*. Any person desiring to erect or increase the height of any structure, not in accordance with the regulations prescribed in this Ordinance, may apply to the Board of Adjustment for a variance. The application for a variance from such regulations shall be accompanied by a determination from the Federal Aviation Administration as to the effect of the proposal on the operation of air navigation facilities and the safe, efficient use of navigable airspace. If the FAA does not respond to the application within thirty (30) days after receipt, the Board of Adjustment may act on its own to grant or deny said application.

   The Board of Adjustment shall have the power to authorize, upon appeal in specific cases, such variances from the terms of this ordinance 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 ordinance shall not be granted by the Board of Adjustment unless and until:

   a. An applicant shall submit to the Board of Adjustment a written application indicating:

      (1) 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;

      (2) That the literal interpretation of the provisions of this ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this ordinance;

      (3) The process and fees charged shall comply with the requirements as delineated in the City of Norman, Chapter 22 – Zoning Ordinance, ARTICLE XII – ADMINISTRATION, Section 411.

5. *Obstruction Marking and Lighting*. Any permit or variance granted may, if such action is deemed advisable to effectuate the purpose of this Ordinance and be reasonable in the circumstances, be so conditioned as to require the owner of the structure in question to install, operate, and maintain, at the owner's expense, such markings and lights as may be necessary.

SECTION VII: ENFORCEMENT

It shall be the duty of the Director of Planning and Community Development, or his designee, to administer and enforce the regulations prescribed herein. Applications for permits and variances shall be made to the City upon a form published for that purpose. Applications required by this Ordinance to be submitted to the City shall be promptly considered and granted or denied. Application for action by the Board of Adjustment shall be forthwith transmitted by the Director of Planing and Community Development, or his designee.

SECTION VIII: APPEALS

1. Any person aggrieved, or any taxpayer affected by any decision of the City made in the administration of the Ordinance, may appeal to the Board of Adjustment.

2. All appeals hereunder must be taken within a reasonable time as provided by the rules of the Board of Adjustment, by filing with the Department of Planning and Community Development a notice of appeal specifying the grounds thereof. The Department of Planning and Community Development shall forthwith transmit to the Board of Adjustment all the papers constituting the record upon which the action appealed from was taken.

3. An appeal shall stay all proceedings in furtherance of the action appealed from unless the Department of Planning and Community Development certifies to the Board of Adjustment, after the notice of appeal has been filed with it, that by reason of the facts stated in the certificate a stay would in the opinion of the Department of Planning and Community Development cause imminent peril to life or property. In such case, proceedings shall not be stayed except by order of the Board of Adjustment on notice to the Department of Planning and Community Development and on due cause shown.

4. The Board of Adjustment shall fix a reasonable time for hearing appeals, give public notice and due notice to the parties in interest (the applicant and the airport administrator), and decide the same within a reasonable time. Upon the hearing, any part may appear in person or by agent or by attorney.

5. The Board of Adjustment may, in conforming with the provisions of the Ordinance, reverse or affirm in whole or in part, or modify the order, requirement, decision, or determination appealed from and may make such order, requirement, decision, or determination as may be appropriate under the circumstances.

SECTION IX: JUDICIAL REVIEW

Any person aggrieved, or any taxpayer affected, by any decision of the Board of Adjustment, may appeal to the District Court as provided in the Oklahoma Statutes.

SECTION X: PENALTIES

Each violation of this Ordinance or of any regulation, order, or ruling promulgated hereunder shall constitute a misdemeanor and upon conviction, be punishable as provided for in Section 440.3 (b) of this chapter.

SECTION XI: CONFLICTING REGULATIONS

1. Where there exists a conflict between any of the regulations or limitations prescribed in this Ordinance and any other regulations applicable to the same area, whether the conflict be with respect to the height of structures, or any other matter, the more stringent limitation or requirement shall govern and prevail.

2. No portion of this Ordinance is intended to negate the requirement of an Applicant for a building permit to file an FAA Form 7460-1 with the Federal Aviation Administration and present the form to the City prior to receiving a building permit. The City will provide such forms to the Applicant.

3. Applicants must provide the City with a legal description and height of all proposed structures above site elevation. The City may require site elevation and latitude/longitude of the proposed structure(s).

SEC. 429.5 – NORTHERN COMMUNITY SEPARATOR OVERLAY DISTRICT
(Created by Ord. No. O-0405-23 – November 16, 2004)

1. Purpose. It is the purpose of this ordinance to:

   a. Implement the NORMAN 2025 Land Use and Transportation Plan;
   b. Provide a visual separation and buffer between the City of Norman and the City of Oklahoma City and unincorporated Cleveland County;
   c. Maintain a rural, open space character in the area; and,
   d. To protect the Little River watershed.

2. Identification and Establishment of District. The Northern Community Separator District is hereby created within the City of Norman as depicted on the Northern Community Separator District Map, dated November 16, 2004, and attached hereto. The Northern Community Separator District includes lands lying between the City of Norman and the City of Oklahoma City and portions of unincorporated Cleveland County. It is situated between Broadway Avenue and 72nd Avenue NE, extending north of Franklin Road to Indian Hill Road. Currently, the area is generally undeveloped or in agricultural use, with some very low-density residential development. The area is designated Country Residential and Floodplain in the NORMAN 2025 Land Use and Transportation Plan. Because of its unusual physical and visual sensitivity, it is also designated as a Special Planning Area in the plan.

3. Applicability. The provisions of this Section 429.5 shall apply to all properties and all development located within the Northern Community Separator District within the boundaries of the City of Norman. The use and area regulations of the underlying A-2, Rural Agricultural District (Section 420.2) shall continue to apply as relevant to all properties except to the extent they conflict with the provisions of this Section 429.5.

4. Parcels and Lots Located Partially or Wholly Within Floodplain. Transfer Of Permitted Development Density. Any parcel or lot within the Northern Community Separator District, a portion of which is located wholly or partially within the floodplain of the Little River or its tributaries shall comply with the transfer of density and other requirements provided in Section 429.1.4(h) of the Flood Hazard District.

5. Building Setbacks From Indian Hill Road.

   (a) Minimum Setbacks -- All buildings or structures shall set back a minimum distance of four hundred (400) feet from the centerline of Indian Hill Road. No development shall be allowed in this setback area except as provided in this Section 429.5. This setback area shall be subject to a platted building line or other protective mechanism in a form acceptable to the City of Norman to ensure that it remains undeveloped.

   (b) Existing Structures -- Existing legally conforming structures or buildings within the four hundred foot setback may be expanded a total of one-thousand (1,000) square feet or twenty-five percent (25%) in square footage, whichever is larger, notwithstanding any noncompliance with the provisions of this section.

(c) Administrative Adjustments — In cases in which the physical dimensions or configuration of a legal lot filed of record as of the date of this ordinance (November 16, 2004) prevent compliance with the provisions of this Section 429.5, or the application of the requirements of this section in combination with application with other regulations contained in Section 429.1-FH, Flood Hazard District or other provisions of Chapter 22 may result in intrusion into the floodplain or other sensitive natural areas, the Director of Planning and Community Development shall have the authority to modify the setback requirements of this section by up to twenty percent (20%).

6. Access/Driveway Location Standards. For the purpose of reducing proliferation of visually intrusive driveways or access roads in the Indian Hill Road building setback area required above, to the maximum extent practicable, access to lots and parcels in the district shall be from roads running north and south (including Broadway, Porter Avenue, 12th Avenue NE, 24th Avenue NE, 36th Avenue NE, 48th Avenue NE, 60th Avenue NE, 72nd Avenue NE, and any north-south public road constructed in the future), not Indian Hill Road. Where access from Indian Hill Road is the only practicable alternative, common driveways shall be used to serve multiple lots. To facilitate the use of common driveways, the Director of Planning and Community Development shall have authority to modify the lot width and related regulations set forth in Section 420.2.4(d) of the A-2, Rural Agricultural District.

ARTICLE XII. ADDITIONAL DISTRICT PROVISIONS

SEC. 430.1 – APPLICABILITY OF ADDITIONAL DISTRICT PROVISIONS

The requirements set forth in Art. XII shall apply and govern in all districts, unless otherwise expressly provided in the district regulations.

SEC. 430.3 – DETERMINATION OF APPLICABLE REGULATIONS

(a) Conditions of a More Restricted District: Whenever the district regulations permit in one district a use also permitted in a more restrictive district, such use shall be subject to the conditions set forth in the regulations of the more restrictive district, unless otherwise provided herein.

(b) Conditions Applicable to Principal and Accessory Uses: In any district where a use is permitted as both a principal and an accessory use, the regulations applying to the principal use shall apply.

SEC. 431.1 – OPEN SPACE

(a) Eaves, cornices, window sills and belt courses may project into any required front, rear, or side yard not to exceed two (2) feet. No other part of a building shall project into any required side yard except that uncovered, open steps may project into a side yard not to exceed three (3) feet, six (6) inches. Uncovered, open porches may project into a required front yard not to exceed five (5) feet.

(b) Land set aside for off-street parking may be counted as a part of the required open space or yard in any district, except as provided herein with respect to livability space and recreation use in RM and RO districts.

(c) Where the dedicated street right-of-way is less than fifty (50) feet the depth of the front yard shall be measured from a point twenty-five (25) feet from the center line of the street to the front building line.

(d) No dwelling shall be erected on a lot which does not abut on at least one public street for at least thirty-five (35) feet and have a width of at least fifty (50) feet at the building lines; provided, however, that any lot, or portion thereof, which is set forth on a recorded plat shall not be divided or attached to another lot, or portion thereof, in a manner that will create a dwelling site which has less width at the front building line than the narrowest width lot, measured at the front building line, which fronts on the same street as said dwelling site and which is located within the same block, or is across the street from the same block, in which said dwelling site is located. (O-1983)

(e) Side yard width on corner lots shall be fifteen (15) feet where the lots are back to back or have double frontage, and twenty (20) feet in every other case.

(f) No minimum lot sizes and open space areas are prescribed for business and industrial districts. It is the intent of this ordinance that lots of sufficient size be used by any business or industry to provide adequate parking and loading and unloading space required for normal operation of the enterprise.

(g) If any lot is smaller than the minimum requirements herein contained, but all sides of said lot touch lands under other ownership at the time of the passage of this ordinance, the lot shall be used for no residential purposes other than a single family dwelling.

(h) On any corner lot no wall, fence, sign, structure, or any plant growth having a height in excess of three (3) feet above the elevation of the crown of the adjacent roadway surface shall be maintained within a triangle formed by drawing a line through the point of intersection of the required or created front and side building setback lines along the streets, said line forming the hypotenuse of an isosceles triangle. In no case shall the equal sides of the triangle so formed be required to be in excess of 30 feet. No automobile may be parked within or on the street side of the above described triangle; provided, however, that curb cuts may be permitted within this triangle at the intersection of Local Streets in a single family zoning district when, in the opinion of the City Engineer, such curb cuts will not create unsafe conditions. (See Appendix E)

(i) No open space or lot area required for a building or structure shall during its life be occupied by, or counted as open space for, any other building or structure.

SEC. 431.2 - COMMERCIAL COMMUNICATION TOWERS

(As amended by Ord. No. O-9596-40 – May 28, 1996; O-9899-33 – April 27, 1999; O-0304-69 – May 25, 2004; O-0809-14 – December 9, 2008)

(a) As defined herein, Commercial Communication Towers are prohibited within any public right-of-way or residential zoning district. Such uses are allowed by right within the PL and C-1 Districts, (with specific conditions) as well as the C-2, C-3, I-1, I-2, M-1, A-1, or A-2 zoning districts, subject to the following restrictions: (O-0304-69)

(1) Ownership. The lease area should be large enough to accommodate the communications tower and support facilities, and include access to a public street or accessible parking area. Purchase or ownership of a separate parcel may require platting and improvements before construction permits can be issued.

(2) Construction. In order to minimize visual impacts that can result from the presence of such facilities, towers (including attached antennae) are limited to monopole construction and may not exceed 200 feet in height. Within the PL and C-1 Districts, no tower or structure can exceed 90 feet in height. Compliance with all requirements of the Building Code, including an Engineer's structural certification of the tower structure, must be demonstrated before a construction permit can be issued. (O-0304-69)

(3) Setback. No commercial tower shall be located closer than 200 feet to the boundary line of any property zoned or used for any residential purpose or within 200 feet of any residential structure on the same lot. In the PL and C-1 Districts, the tower or structure must observe a setback from any property line zoned or used for a residential purpose a distance equal to twice the height of the structure. All towers shall observe a minimum setback from any abutting street right-of-way equal to the height of the tower. (O-0304-69; O-0809-14)

(4) Appearance. No lights, signals, or illumination shall be permitted on any tower unless required by the Federal Communication Commission (FCC), Federal Aviation Administration (FAA), or City agency. No commercial advertising, signage, or flags shall be allowed on any tower. This shall not prevent the joint use of a legal existing sign structure as a support mechanism for antennae or microwave dishes. Towers and accessory facilities should be colored or painted in muted tones that minimize their visibility, unless otherwise required by the FCC or FAA. Within the PL and C-1 Districts, only towers utilizing "stealth technology" will be allowed. A "stealth tower" is a communications tower that is designed in such a way that the facility is not readily recognizable as telecommunications equipment, and in fact functions as a different use. Stealth towers may include, but are not limited to: sports lighting facilities at athletic fields, flagpoles which have fully enclosed antennas, "shoe box" or shielded parking lot lights with fully enclosed or shielded antennas, crosses, church steeples, or clock towers. Such facilities must replicate, duplicate, or simulate the construction of common structures that serve a dual purpose. Any rejection by Staff of a proposed stealth technology may be appealed to the Board of Adjustment. (O-0304-69)

(5) Site Design. The area containing the monopole and accessory structures and any immediate surrounding area utilized for servicing of the communication tower shall be secured by a 7 foot chain link fence, and the area within the fence paved or graveled and kept weed-free. Other than the street side of the site, any side that faces any residential use shall include opaque fencing and six foot tall evergreen shrubs or trees spaced six feet on center that are sufficient to screen the site. If security lighting is installed, such light should be directed into the site and only triggered by motion detectors. (O-0809-14)

(6) Co-location. To minimize tower proliferation, all reasonable efforts should be made to co-locate facilities on existing or new towers. If not possible, communication towers shall be located at least 1,000 feet apart. Antennae may be placed wholly within any building legally permitted in a commercial or industrial zoning district, or any publicly-owned building. A commercial antenna may be mounted flush to the exterior of such buildings if painted and integrated into the overall architectural design. Roof-mounted antennae may not extend more than 20 feet above the highest point of the roof structure, provided any supporting equipment is screened from nearby residential districts. Antennae may be attached to any utility structure (such as a water tower or electrical transmission tower) or public building not located in a street right-of-way, if the property is owned by a government or public agency, further provided that the antennae do not extend more than 20 feet above the height of the structure.

(7) Process. Before any construction permit can be issued, an application for a Pre-Development meeting must be submitted which complies with the requirements of 22:442.1. (O-0809-14)

(8) Annual Inspection Report. At least once every five years, every owner of a cell tower must submit a copy of an inspection report certifying that the tower has been inspected and remains structurally sound. (O-0809-14)

(b) Television and Radio Broadcast Towers are allowed on private property as a Special Use granted by the City Council in the A-2 zoning district, in accordance with the provisions contained in Section 434.1. The following design standards are the minimum criteria that must be met: (O-9899-33)

(1) Construction. The Federal Communication Commission (FCC) must authorize the height of the TV or Radio tower. Towers up to 200 feet in height must be of a monopole design. Guyed structures are permitted if taller than 200 feet, provided engineering data is provided that shows a collapsed structure will be contained within the area of the guy wires, and the entire facility is located on the applicant's property.

(2) Setback. The tower must observe a setback from any property line equal to fifty percent (50%) of the height of the tower, but not less than two hundred feet. Guy wire anchors must be located at least twenty-five (25) feet from any common property line.

(3) Appearance. No lights, signals, or illumination shall be permitted on any tower unless required by the Federal Communication Commission (FCC), the Federal Aviation Administration (FAA), or any City Agency. If lighting is required, only "dual Lighting" shall be allowed (whited lights during the day, red at night). All lighting shall be the least intrusive on nearby properties. No commercial advertising, signage, or flags shall be allowed on any tower. Towers and accessory facilities should be colored or painted in muted tones that minimize their visibility, unless otherwise required by the FCC or FAA.

(4) Location. Any tower must be located outside of the Current and Future Urban Services area, as described on the most current Long Range Land Use Plan. Any tower in excess of 200 feet in height must be located at least one mile from any subdivision filed of record and served by public water and sewer systems.

(5) Co-location. To minimize tower proliferation, all reasonable efforts should be made to co-locate facilities on existing or new towers. Provision should be made on new TV or Radio towers to allow antennae for personal wireless service or mobile radio service systems.

(6) Site Design. All proposed or contemplated structures, towers, parking, and fencing must be included on a Proposed Site Plan, and particular attention should be paid to screening and landscaping which would mitigate any visually intrusive elements from nearby property owners.

(7) Notice. Because of the potential visual impact of all broadcast towers, the notification area for any tower needing Special Use approval shall include all property owners within one-half mile of the applicant's property.

(O-9899-33)

SEC. 431.3 - HEIGHT

The regulations herein set forth qualify or supplement, as the case may be, the specific district regulations appearing in Article XI.

(a) In measuring heights, a habitable basement or attic shall be counted as a story, provided that it is less than six feet above average grade for more than 50% of the total building perimeter. A story in a sloping roof, the area of which story at a height of five (5) feet above the floor does not exceed two-thirds (2/3) of the floor area of the story immediately below it and which does not contain an independent apartment, shall be counted as a half-story. (O-0708-36)

(b) Chimneys, elevators, flagpoles, spires, tanks, water towers, and other projections not used for human occupancy may extend above the height limit. This shall not be construed to allow a commercial communication tower.

(c) Churches, schools, hospitals, sanitariums, and other public and semi-public buildings may be built to a height of fifty-five (55) feet or four (4) stories if the minimum depth of front and rear yards and the minimum width of side yards required in the district are increased one (1) foot for each foot by which the height of such public or semi-public structure exceeds the height limit in feet prescribed for other structures in the district. (Ord. 884, Art. 111, § 3)

SEC. 431.4 – EXTERIOR APPEARANCE
(Ordinance No. O-0405-59 – September 27, 2005)

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

(a) Buildings requiring masonry on all sides: All buildings constructed on property zoned O-1, CO, C-1, C-2, and C-3, according to the City of Norman's official Zoning Map, shall have all exterior walls constructed using masonry material covering at least eighty (80) percent of said walls, exclusive of all windows, doors, roofs, glass, or sidewalk and walkway covers.

(b) Buildings requiring masonry along street frontage only: All buildings constructed on property zoned I-1, I-2, or M-1, according to the City of Norman's official Zoning Map, shall have all principal facades (which is any side of a building that faces or is oriented toward any abutting street) constructed using masonry material covering at least eighty percent (80%) of said walls, exclusive of all windows, doors, roofs, glass, or sidewalk and walkway covers. This provision shall apply only to those structures adjacent to any State of Oklahoma highway or an Urban Arterial as identified on the NORMAN 2025 Land Use and Transportation Plan, as amended or replaced with subsequent Plans, and to any industrial lot abutting any zoning district other than industrial. This provision shall not apply to lots of record as of the date of adoption of this ordinance IF a building permit is obtained within one year after the effective date of this ordinance.

(c) Buildings within any P.U.D. Any commercial or non-residential use within a Planned Unit Development shall have all exterior walls constructed using masonry material covering at least eighty percent (80%) of said walls, exclusive of all windows, doors, roofs, glass, or sidewalk and walkway covers, unless waived by the City Council when the PUD is approved.

(d) Special Uses. Any institutional or non-residential Special Use in any zoning district shall have all exterior walls constructed using masonry material covering at least eighty percent (80%) of said walls, exclusive of all windows, doors, roofs, glass, or sidewalk and walkway covers, unless waived by the City Council as part of the approval.

(2) Outdoor storage or display of materials and goods is prohibited in the CO and C-1 Districts and within any required setback area in the TC District, as well as all public rights-of-way. However, in all commercial districts, an exception is granted for items located within five (5) feet of the primary structure for display of vending machines, newspaper racks, bagged ice storage, small-scale propane sales, and other such similar items, provided that no such items encroach onto a public right-of-way or easement. In all other commercial zoning districts after October 28, 2005, the following criteria must be observed:

(a) In those zoning districts that allow outdoor storage or display of merchandise, such items may not be located immediately adjacent to any public right-of-way, but instead must be stored or displayed no closer than half the distance between the right-of-way and the principal building, or twenty-five (25) feet, whichever is greater. However, display of living plant materials and ornamental statuaries may occur at any location so long as it does not create a visual barrier to traffic and is not within ten (10) feet of a public right-of-way. This exception does not include landscape timbers, blocks, stones, bags of wood chips or soil, fencing materials, or other similar items.

(b) In those districts that allow the sale or repair of vehicles, where the principal use of the premises involves the sale and display of finished vehicles, such as automobiles, boats, recreational vehicles, construction vehicles and heavy equipment, no special setbacks are required other than landscaping that would be required for parking areas and buildings by other sections of this chapter. Vehicles or equipment may not be parking or displayed within any required landscape area.

(c) In no instance shall outside display of merchandise be located within, nor encroach upon, a fire lane, maneuvering aisle, or a parking space necessary to meet the minimum parking requirements of all of the uses on the lot.

(d) All existing outdoor storage areas must comply with the requirements of this subsection within two (2) years of the effective date of this ordinance (October 28, 2005), or seek approval by the City Council for a revised Site Plan that shows substantial compliance with these requirements. For all new or expanded areas of outside display or storage, such locations must be clearly identified on a Site Plan that has been approved by the City Council.

SEC. 431.5 - OFF-STREET PARKING REQUIREMENTS

(As amended by Ord. No. O-7576-60 -- March 1, 1977; O-8687-48 -- March 24, 1987; O-9596-28 – March 26, 1996; O-9697-51 – June 10, 1997; O-0405-30 –January 24, 2006)

1. Duty to Provide and Maintain Off-Street Parking. The duty to provide and maintain the off-street parking spaces herein required shall be the joint and several responsibility of the operator and owner of the use and the operator and owner of the land on which, or the structure or structures in which, is located the use or uses for which off-street parking space is required to be provided and maintained. Each parking space shall have minimum dimensions of eight and one-half (8-1/2) feet by nineteen (19) feet plus adequate space for ingress and egress. No land shall be used or occupied, no structure shall be designed, erected, altered, used, or occupied, and no use shall be operated unless the off-street parking space herein required is provided in at least the amount specified, and maintained in the manner herein set forth; provided, however, that where off-street parking space is not provided or maintained for land, structures, or uses actually used, occupied, and operated as of July, 1966 it shall not be required under this ordinance. (O-0506-30)

2. Number of Off-Street Parking Spaces Required. Except for lots in the C-3, Intensive Commercial District, off-street parking spaces for motor vehicles shall be provided in at least the amount shown in the following list:

USE	SPACES REQUIRED
DWELLINGS & LODGINGS	
Single & two-family dwellings	2 per dwelling unit (du)
Apartments & apartment hotels	1.8 per du
Boarding or rooming houses	1.8 per boarding or rooming unit
Fraternity or sorority houses	1 for each accommodation
Hotels or motels	1.2 each room in addition to spaces required for restaurant facilities
Mobile homes (park/subdivision)	2 per mobile home

USE	SPACES REQUIRED
RETAIL TRADE	
Department & variety stores	1 per 200 sq. ft. customer service area (CSA)[5]
Food & drug stores	6 + 1 per 200 sq. ft. CSA over 1,000 sq. ft.
Furniture store, motor vehicle sales	1 per 500 sq. ft. gross floor area (GFA)
Liquor stores	3 + 1 per 300 sq. ft. GFA over 500 sq. ft.
Night club or tavern	1 per 50 sq. ft. CSA
Radio & television sales and/or repair	1 per 200 sq. ft. CSA or 1 per 175 sq. ft. GFA, whichever is greater
Restaurants, drive-in & fast-food takeout	1 per 100 sq. ft. GFA
Restaurants (except above)	1 per 50 sq. ft. CSA
Shopping Centers: (including up to 10% office use)	
(a) 25,000 - 400,000 Gross Leasable Area (GLA)	4 spaces per 1,000 sq. ft. GLA
(b) 400,000 - 600,000 GLA	4.5 spaces per 1,000 sq. ft. GLA
(c) over 600,000 GLA	5.0 spaces per 1,000 sq. ft. GLA
In addition to the base ratio, for Theaters - when in conjunction with a shopping center:	
(a) Less than 100,000 GLA	3 per 100 seats
(b) 100,000 - 200,000 GLA	3 per 100 seats (over 450)
(c) over 200,000 GLA	3 per 100 seats (over 750)

[5] NOTE: CSA is the total area available for regular customer service both inside and outside commercial establishments. Storage & kitchen areas and toilet facilities are not included.

In addition to the basic ratio, for Food Services when in conjunction with a shopping center (but not more than 10% of GLA). Food Services does not include grocery stores:

(a)	25,000 - 100,000	10 per 1,000 sq. ft. of food service tenant
(b)	100,000 - 200,000	6 per 1,000 gross sq. ft. of food service tenant
(c)	200,000 - 600,000	no additional parking (other than basic index)
(d)	over 600,000	reduction of 4 spaces per 11,000 gross sq. ft. of food service tenant

Various Specialty shops (camera, gifts, jewelry, etc.	3 + 1 per 200 sq. ft. CSA over 500, or 1 per 275 sq. ft. GFA over 400, whichever is greater.

<u>SERVICES</u>

Amusement establishments	1 per ea. 4 patrons (capacity)
Automobile service stations	2 per service bay and 1 each service vehicle and 1 each 2 employees
Banks or savings & loan companies	1 per 150 sq. ft. CSA
Barber shops	1.5 per chair and 1 per each 2 employees
Beauty parlor	2 per operator station & 1 per each 2 employees
Bowling alleys	5 per lane and spaces required for affiliated uses
Churches	1 per 4 seats in sanctuary
Clubs or lodges (private, nonprofit)	1 per 50 sq. ft. of assembly area
Funeral parlors or mortuaries	5 and 1 per 5 seats in largest chapel
Hospitals and Sanitariums	1 per 1 bed, 1 per hospital or staff doctor, and 1 per each employee at maximum shift (O-9697-51)

**NOTE: CSA is the total area available for regular customer service both inside and outside commercial establishments. Storage & kitchen areas and toilet facilities are not included.*

USE	SPACES REQUIRED
SERVICES	
Medical or dental clinics or offices	3 per treatment room and 1 each doctor or dentist
Nursing, convalescent, or rest homes	1 per 4 beds and 1 per each 2 employees
Offices, business or professional	1 per 300 sq. ft. GFA
Private Schools:	
Nursery school, day care center, or elementary school	1 per employee and adequate off-street area for pick-up and delivery of children
Nonboarding Junior & Senior high schools	1 per employee and 1 per each 8 students
Self-service laundries, dry cleaning	.5 per machine
Theaters, auditoriums	1 per 4 seats
MANUFACTURING, STORAGE, & WHOLESALE	
Manufacturing	2 + 1 per 3 employees and 1 per company vehicle*
Printing & publishing	1 per 2 employees
Warehousing (mini-storage)	1 per 8 rental units
Warehousing (general)	10% GFA
Wholesale establishments	2 + 1 per 3 employees and 1 per company vehicle

**NOTE: Spaces required for company vehicles shall vary as to size so as to adequately accommodate the vehicle usually occupying the spaces.*

FOR USES NOT COVERED ABOVE, THE REQUIREMENTS LISTED BELOW ARE APPLICABLE:

USE	SPACES REQUIRED
Retail stores and service establishments	1 per 200 sq. ft. CSA or 1 per 275 sq. ft. GFA, whichever is greater
Other commercial and industrial	.75 x maximum number of employees on premises at any one time.

**NOTE: CSA is the total area available for regular customer service both inside and outside commercial establishments. Storage & kitchen areas and toilet facilities are not included.*

3. Other Factors Determining Off-Street Parking Requirements.
   (a) Fractional Spaces. When determination of the number of spaces required by this ordinance results in a requirement of a fractional space, any fraction less than 1/2 shall be disregarded and any fraction of 1/2 or more shall require one space.
   (b) Enlarged/Changed Use.
      (1) Residential Uses: Whenever there occurs a change in residential use, by either an increase or a decrease in the number of units or by a change in the type of residential use, all the required off-street parking, including the parking provided for the existing use, shall conform to the requirements herein established.
      (2) Non-residential Use: Whenever non-residential land, structures, or uses are enlarged, expanded, or changed there shall be provided for the increment only of such land, structures, and uses enlarged, expanded or changed and maintained as herein required, at least the amount of off-street parking space that would be required hereunder if the increment were a separate land, structure, or use. However, where a lot with an existing structure is cleared and a new structure is erected thereon, there shall be provided and maintained off-street parking space as required herein.
   (c) Joint Use. When an off-street parking space is used jointly by two or more uses with different requirements, or two or more uses having the same requirements, an area shall be provided equal to the total of requirements of all uses.
   (d) Landscaping of Existing Parking Lots. A ten (10) percent reduction in the number of spaces required by this ordinance is permitted when landscaping as required by Section 22-431.8 is provided for existing parking lots that are not subject to landscaping requirements. Landscaping improvements must be acceptable to the Director of Planning.

4. Bicycle Parking Facilities
(Ord. No. O-0809-44 – June 23, 2009)

(a) For all buildings and structures erected and all uses of land established after the effective date of this ordinance (July 23, 2009), accessory bicycle parking shall be provided as required by these regulations. Where a building permit has been issued prior to the effective date of this ordinance, and provided that construction is begun within one hundred eighty (180) days of such effective date, bicycle parking facilities in the amounts required for the issuance of said building permit are not required.

(b) Whenever the existing use of a building or structure is enlarged or expanded, or additional parking installed for such expansion, bicycle parking facilities shall be provided for the new increment only of such enlarged or expanded building or parking area in at least the amount that would be required if the enlarged use or expanded parking area was a separate use or parking area.

(c) Residential Use. For residential lots containing more than three dwelling units on the same lot, there shall be one bicycle parking space provided for the first eight (8) car parking spaces, and one bicycle space for each ten (10) car spaces provided thereafter. Single-family, two-family, and three-family units on the same lot are exempt from the requirement to provide bicycle parking facilities.

(d) Commercial, Industrial, Office, and Institutional Uses. For other non-residential uses, there shall be one bicycle parking space provided for any parking area containing at least eight car spaces, and one additional bicycle space for each twenty (20) car spaces thereafter.

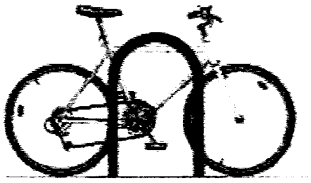
(e) Design. Each bicycle parking space shall be sufficient to accommodate a bicycle at least six (6) feet in length and two (2) feet wide, and shall be provided with some form of stable frame permanently anchored to the ground or the building structure to which a bicycle frame and both wheels may be conveniently secured, with at least two points of contact with the bicycle, using a chain and padlock and/or U-shaped locking device. Figure 1 shows the types of racks that are recommended and those that may not be used. The separation of the bicycle parking spaces and the amount of corridor space shall be adequate for convenient access to every space when the parking facility is full. Figure 2 shows the minimum dimensions for bicycle racks in open or enclosed areas.

(f) Location. All bicycle parking spaces required by this ordinance shall be located on the same zoning lot as the use served and shall be located in a clearly designated, safe and convenient location near the entrance of the use being served and within view of pedestrian traffic, if possible, to reasonably reduce the likelihood of bicycle theft. In multi-family areas, bicycle parking should be distributed throughout the complex near the entrance to each major building, preferably in a well-lighted area that is weather-protected.

(g) Surface. Bicycle parking facilities shall be designed and maintained to be mud and dust free. A durable hard surface is required, but alternative paving material may be used, including gravel or stone, provided that edging materials such as landscape timbers, are used so that the bicycle parking area is clearly demarcated and the rock material is contained.

1. THE RACK ELEMENT

Definition: **the rack element is the part of the bike rack that supports one bicycle.**

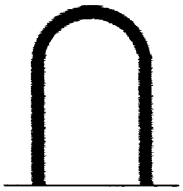


The rack element should:

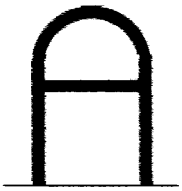
- Support the bicycle upright by its frame in two places
- Prevent the wheel of the bicycle from tipping over
- Enable the frame and one or both wheels to be secured
- Support bicycles without a diamond-shaped frame with a horizontal top tube (e.g. a mixte frame)
- Allow front-in parking: a U-lock should be able to lock the front wheel and the down tube of an upright bicycle
- Allow back-in parking: a U-lock should be able to lock the rear wheel and seat tube of the bicycle

Comb, toast, school-yard, and other wheel-bending racks that provide no support for the bicycle frame are NOT recommended.

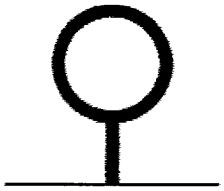
The rack element should resist being cut or detached using common hand tools, especially those that can be concealed in a backpack. Such tools include bolt cutters, pipe cutters, wrenches, and pry bars.



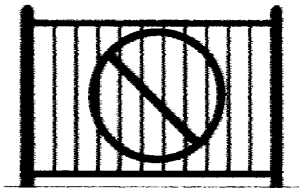
INVERTED "U"
One rack element supports two bikes.



"A"
One rack element supports two bikes.

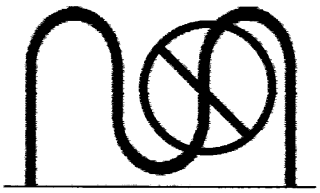


POST AND LOOP
One rack element supports two bikes.

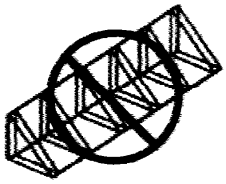


COMB
One rack element is a vertical segment of the rack.

Not recommended



WAVE
One rack element is a vertical segment of the rack.
(see additional discussion on page 3)



TOAST
One rack element holds one wheel of a bike.

FIGURE 1

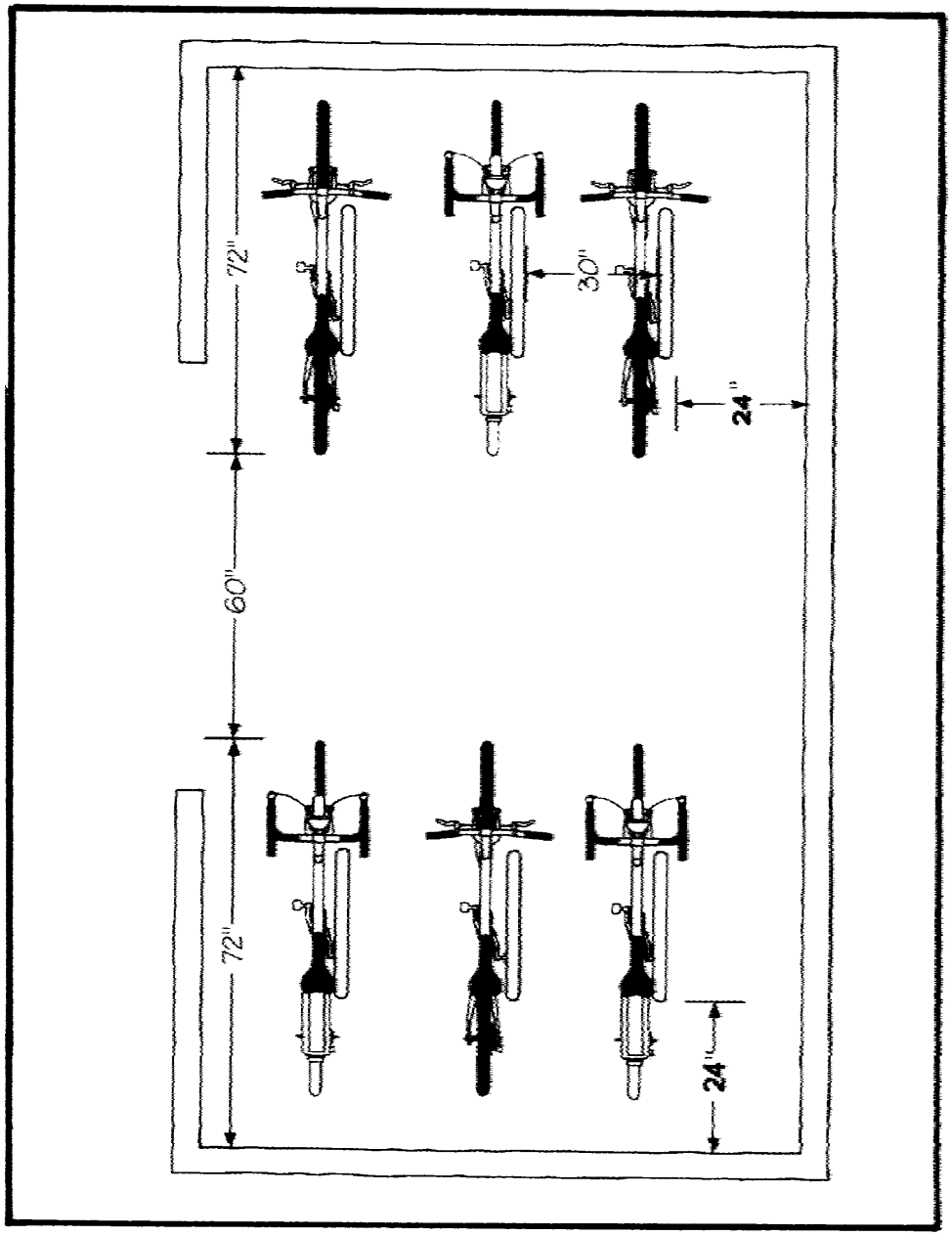


FIGURE 2

SEC. 431.6 – RESERVED.

SEC. 431.7 -- DEVELOPMENT AND MAINTENANCE OF OFF STREET PARKING FACILITIES

(As Amended by Ord. No. O-8788-27 -- January 12, 1988; O-8788-57 – June 28, 1988; O-8889-41 -- April 11, 1989; O-9091-28 -- April 23, 1991; O-9899-26 – March 23, 1999; O-0405-30 – January 24, 2006; O-0506-62 – July 25, 2006)

1. Location of Off-Street Parking Spaces.

(a) Front, Side, and Rear Yards. In a residential district, no part of a front yard or of a side yard abutting a public street, an interior side yard, or a rear yard shall be used as a parking space for a motor vehicle, boat, trailer, or other vehicle of equivalent or larger size, except upon an approved pavement surface which meets the requirements of this section. (O-0405-30)

(1) Citations for illegal parking.

[a] Issuance. Whenever any vehicle without a driver is found parked or stopped in violation of the restriction imposed by this section, the inspector finding the vehicle shall take its registration number and may take any other information displayed on the vehicle which may identify its user, and shall conspicuously affix to the vehicle a citation in writing on a form provided by the City for the owner of the vehicle to answer the charge against him/her within ten (10) days at the time and place specified in the citation. The inspector shall deliver copies of the citation to the Traffic Division of the Municipal Court.

[b] Administrative payment of citation. Any person may elect to pay a fine to the Court Clerk in lieu of appearing before the Municipal Court for formal arraignment.

[1] Persons electing to so administratively pay their fines, shall first file with the Court Clerk an appearance form, a guilty plea form, and a court appearance waiver form.

[2] Persons electing to so administratively pay their fines shall pay twenty dollars ($20.00) per each violation.

[c] Formal arraignment. Any person electing to appear before the Municipal Court for formal arraignment, shall be subject, upon conviction, to a fine of not less than twenty dollars ($20.00) nor more than two hundred dollars ($200.00) per each violation.

[d] Failure to comply with citation. If the owner of the vehicle does not respond in obedience to a citation affixed to the vehicle within a period of ten (10) days, the citation shall be deemed to be delinquent and a warrant shall be issued.
In the event that the citation is thereafter prosecuted in the Court, the citation shall substantially conform to the requirements of Section 14-307 of this Code.

(2) Presumption in reference to illegal parking.

[a] In any prosecution charging a violation of this section, proof that the vehicle described in the citation was parked in violation of this section, together with proof that the defendant named in the citation was at the time the citation was issued the registered owner of the vehicle, shall constitute in evidence a prima facie presumption that the registered owner of the vehicle was the person who parked or placed the vehicle at the point where, and for the time during which, the violation occurred.

[b] The provisions of Subsection (2)(a) shall apply only when the procedure prescribed in this section has been followed.

(b) Relation to Premises. Such off-street parking space may occupy part of any required yard, but may not occupy any required livability space. For any new commercial or industrial use, required off-street parking, which because of the size or location of the parcel cannot be provided on the same zoning lot with the principal use, may be provided on other property not more than 200 feet distant from the building site subject to guarantees acceptable to the Director of Planning and Community Development, but the applicant may appeal such guarantees to the City Manager. Such parking space shall be deemed to be required parking associated with permitted principal use and shall not thereafter be reduced or encroached upon in any manner. For any new residential use off-street parking shall be provided on the same tract, adjacent to said tract, or essentially in line with same tract across the alley or street right-of-way therefrom but not more than 200 feet distant from the building site.

(c) Parking in the Central Core Area.

[1] The Central Core Area, as defined by City council per the attached map exhibit, is generally defined as that area south of Robinson Street, west of 12th Avenue (East), north of Imhoff Road, and east of Berry Road.

[2] Within the Central Core Area, residential uses shall mean single-family dwellings, duplexes, triplexes, apartments, rooming and boarding houses, and fraternities and sororities, but not any commercial, industrial, or institutional use.

[3] All new or expanded open parking areas for any residential use shall first be installed adjacent to any existing alley. Before new parking can be added in the front or side yard of the structure, parking must be installed in the rear yard to the maximum extent possible. New or expanded driveways within the front yard shall only be allowed when they are used to provide access to new parking areas in the rear yard. New or expanded parking areas within the front yard will only be approved after a review and determination by the Planning Department that no other reasonable option exists. Such determination may be appealed to the Board of Adjustment.

[4] For any residential use, the total amount of impervious area, including, but not limited to, parking areas, patios, swimming pools, tennis courts, sidewalks and other similar permanent improvements, together with the ground floor surface area of all principal and accessory structures, may not exceed 65% of the total lot area. This percentage shall not apply when existing pavement is repaired or replaced (but not expanded), although a permit for such work shall still be obtained.

[5] When parking areas for residential uses are proposed on lots that are adjacent to or across the street from the principal residential use, the above limitations shall apply. (O-0405-30)

(d) Vision Clearance at Intersections. Off-street parking shall observe the provisions of Section 431.1 (h) of this Code. Also, when a driveway intersects a public right-of-way, an unobstructed cross-visibility at a level between two (2) and eight (8) feet shall be allowed in the triangular areas on both sides of the driveway; two sides of each triangle being ten (10) feet in length from the point of intersection of the driveway and public right-of-way and the third side being a line connecting the ends of the other two sides. No parking shall be permitted in these triangular areas. (O-7980-2; O-0405-30)

2. Development and Maintenance of Off-Street Parking Facilities.

(a) Plans and Permits. The construction, expansion, or modification of any driveway or parking area requires that a permit be issued by the Public works Department and Planning Department. An applicant for a building permit must submit plans showing the off-street parking required by this ordinance. These plans must show location, arrangement, and dimensions of the off-street parking, turning spaces, drives, aisles, and ingress and egress in a matter satisfactory for the safety and convenience of pedestrian, as well as vehicular, traffic. The plans must also show landscaping materials and screening. A title block will accompany the plan showing: scale date, north arrow, name and address of property owner, and person drawing parking and landscaping plan. (O-0405-30)

(b) Size. Each space shall be at least eight and one-half (8-1/2) feet wide and nineteen (19) feet long.

(c) Access. Adequate access drive shall be provided for all parking spaces not abutting a public street or alley. Ingress and egress driveways shall be no wider than thirty (30) feet for residential uses, and thirty-five (35) feet for commercial/industrial uses, exclusive of curb returns. The minimum driveway width shall be ten (10) feet, except in the HD (Historic District) where the minimum width shall be eight (8) feet, and the maximum width shall be ten (10) feet unless the driveway was historically wider. Within the HD area only, two driveway ribbons of eighteen (18) inches in width are allowed. (O-0506-62)

(d) Screening. All commercial, industrial, and multi-family uses and all open off-street parking areas with more than five spaces that are located within twenty (20) feet of a common property line shall be screened from any adjoining residentially zoned lot by a solid and opaque ornamental fence, wall, dense evergreen hedge, berm, or effective equivalent or combination, having a height of not less than six (6) feet. Such fence, wall, hedge, or effective equivalent shall be maintained in good condition. Parking for all residential uses that is added in the rear yard must be screened from all abutting properties zoned or used for residential purposes, except that new parking which directly abuts an alley need not be screened from the alley. Whenever parking is installed in a front or side yard that is not perpendicular to the abutting street, those spaces must be set back from the front (or side) property line and sidewalk a minimum distance of ten (10) feet. Within that ten (10) foot area, low-growing shrubs must be planted three (3) feet on center and maintained in good order to screen the parking vehicle from the street. Shrubs must be at least twelve (12) inches tall when planted, and be a species that will grow to approximately three (3) feet in height at maturity. A three-foot tall stone or masonry wall may be constructed as an alternative. (O-0405-30)

(e) Impervious Area. For any residential use, the total amount of pavement, including, but not limited to, parking areas, patios, swimming pools, tennis courts, sidewalks and other similar permanent improvements, together with the ground floor surface area of all principal and accessory structures, may not exceed 65% of the total lot area. This percentage shall not apply when existing pavement is repaired or replaced (but not expanded), although a permit for such work shall still be obtained. (O-0405-30)

(f) Improvement.

(1) Surfacing, Marking, and Drainage. All off-street parking spaces and their access roads shall be paved with an all-weather surface of asphaltic concrete, portland cement concrete or any equivalent material acceptable to the City Engineer, and maintained such that no dust will result from continued use. Spaces shall be arranged and marked so as to provide for orderly and safe parking. Drainage shall be provided to dispose of all surface water without crossing sidewalks. For lots in the A-2, A-1, or RE Districts which do not touch or face land zoned an urban residential designation (R-1, R-1-A, R-2, RM-2, RM-4, RM-6, R-3, or RO) the access driveway for a single family dwelling may be paved with gravel or stone. (O-0405-30)

(2) Existing Non-conforming Parking. Gravel, crushed stone, or rock may no longer be used for paring in the urban area, except for parking areas which were established before July, 1966, and are continuously maintained in accordance with the maintenance requirements of the currently adopted International Property Maintenance Code, which is adopted in Section 10:601-602 of the City Code. If the owner of a non-conforming gravel parking area fails to maintain such area in an orderly and weed-free condition, a notice violation can be issued. Failure to correct any deficiency within the prescribed time frame shall result in the property losing its legal, non-conforming status, and require the improvement of the lot to the then-current requirements of this code (section). (O-0405-30)

(3) Barriers/Bumpers. Except for parking areas provided for single-family and two-family units, suitable barriers or curbs shall be provided to protect public sidewalks. Wheel or bumper guards shall be located so that no part of any vehicle shall extend beyond the parking area, intrude on pedestrian ways, or come in contact with walls, fences or plantings. (O-0405-30)

(4) Lighting. Lighting for off-street parking shall be adequate and so arranged as to direct the light away from any adjoining property in a residential district. (O-0405-30)

(5) Landscaping. From the effective date of this ordinance, all new off-street parking areas with six (6) or more spaces shall be landscaped as per the requirements of Section 22-431.8. For enlarged parking areas, only the increment of expansion shall be subject to landscaping requirements. (O-0405-30)

(6) Waiver of Surfacing Requirements for those who are disabled. The Planning Director may, upon written request, consider a waiver of surfacing requirements which would permit persons with a disability to park their vehicles on unimproved front or side yard surfaces in order to allow access to a walkway suitable for safe transport to their dwelling unit. Consideration will be given only to individuals that qualify for Emergency Access Grant funds as administered by the City of Norman and to owners of vehicles currently displaying a handicapped person decal. The applicant shall, in writing, describe why he/she is unable to comply with the parking ordinance and what special needs will be met through a waiver. After review of the letter of application, the Planning Director shall either approve or deny the request. The Director's decision may be appealed to the Board of Adjustment. (O-8889-41; O-0405-30)

3. Additional requirements for Parking Lots Permitted as a Special Use and for Parking Lots for Uses Adjacent to a Residential Use or District. In any case where (1) Special Use is granted for the use of property for off-street parking in a residential district, or (2) when parking is provided for a commercial, industrial or church use and abuts or faces a residential district, or (3) when parking is provided for a multi-family use abutting or facing a single-family use or district, the following restrictions shall apply:

   (a) The sides and rear of any such lot shall be screened from the residential district by a solid and opaque ornamental fence, wall, dense evergreen hedge, berm, or effective equivalent, having a height of not less than six (6) feet. Such fence, wall, hedge, or effective equivalent, shall be maintained in good condition and observe the setback requirement of Paragraph (b) below.

   (b) No parking shall be permitted within a front yard setback line established twenty (20) feet back of the property line of interior and corner lots wherever the parking lot immediately abuts or is directly across the street from the front yard of a residential unit, except as amended by Section 431.8(b)(2). On a corner lot the requirements regarding sight triangles set forth in Section 431.1 (h) must be met.

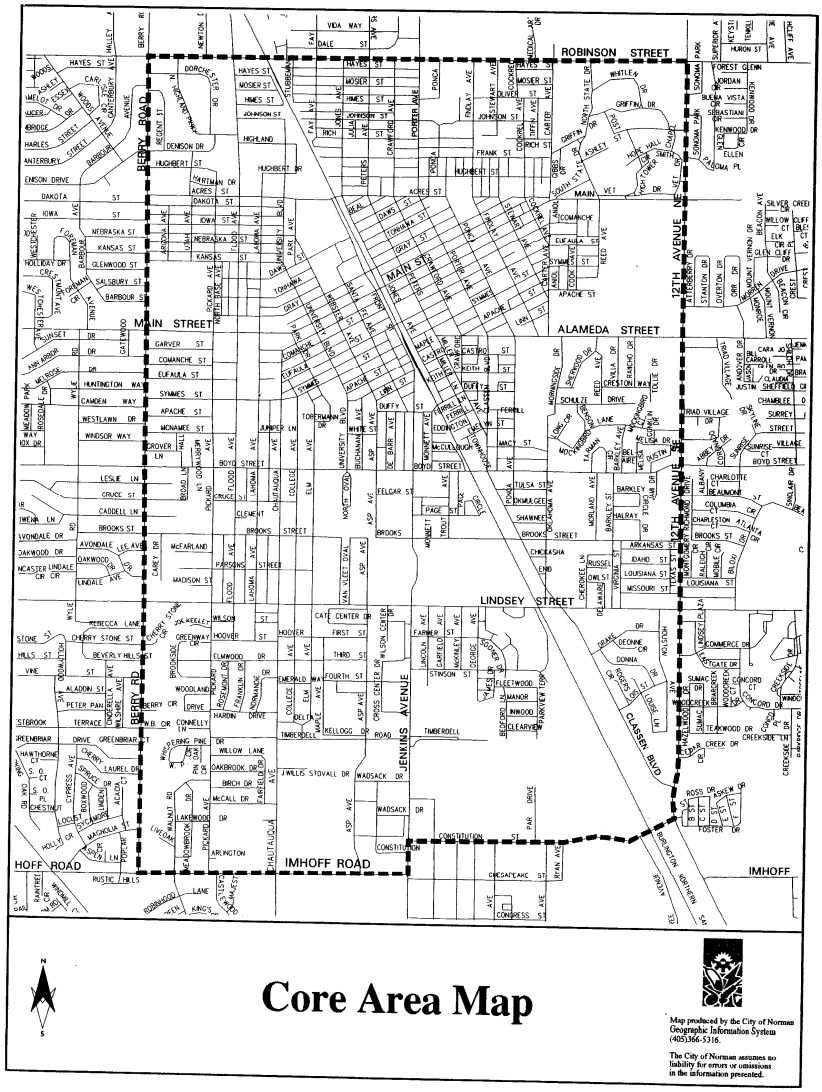
   (c) All yards shall be landscaped with grass, shrubs, or evergreen ground cover and maintained in good condition the year around.

   (d) Any lighting that is installed shall have minimal impact on abutting properties. All lights must be shielded or oriented so that the light source does not shine onto nor is visible from any abutting property or right-of-way.

4. No person shall park, stop or stand any motor vehicle in the space between the curb line of the street and the private property line on any street unless there be an approved cutback especially provided for such purpose. This section shall not be construed to prevent parking of vehicles outside of the front property line of residential property where commercial parking is allowed as a use permissible on certain days or as Special Use. (O-0405-30)

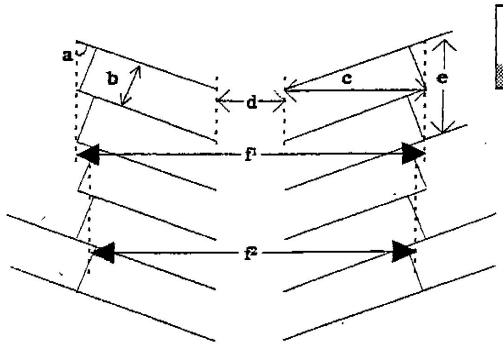
In the event the owner of any land lying between the right-of-way lines of the street and setback lines of his tract desires to surface with concrete or asphalt he shall first submit the plans and specifications of the proposed cut, paving, drainage, and lot design to the City Engineer for said Engineer's approval. In no case shall parking be permitted or any cutback for ingress and egress be constructed with the sight triangle specified in Section 431.1 (h) of this Code. In addition, whenever a new curb or parking area is installed, it shall be so designed and used that parked vehicles will not protrude into the traffic lane portion of the street.

5. Space Requirements at Various Parking Angles. The table provided below furnishes the aisle width, curb length and center-to-center widths required at various parking angles. The space requirements applicable for 8'6" stall width shall be met or exceeded.



a	b	c	d	e	f¹	f²
Parking Angle (Degrees)	Stall Width	Stall to Curb 19' stall	Aisle Width	Curb Length	Center-to-Center Width of Two-Row Bin with Access Road Between	
					Curb-to-Curb	Overlap C-C
0°						
	8'6"	8.5	12	23	29	---
	9'0"	9	12	23	30	---
	9'6"	9.5	12	23	31	---
	10'0"	10	12	23	32	---
20°						
	8'6"	14.5	11	24.9	40	32
	9'0"	15	11	26.3	41	32.5
	9'6"	15.5	11	27.8	42	33.1
	10'0"	15.9	11	29.2	42.8	33.4
30°						
	8'6"	16.9	11	17	44.8	37.4
	9'0"	17.3	11	18	45.6	37.8
	9'6"	17.8	11	19	46.6	38.4
	10'0"	18.2	11	20	47.4	38.7
40°						
	8'6"	18.7	12	13.2	49.4	42.9
	9'0"	19.1	12	14	50.2	43.3
	9'6"	19.5	12	14.8	51	43.7
	10'0"	19.9	12	15.6	51.8	44.1
45°						
	8'6"	19.4	13.5	12	52.3	46.3
	9'0"	19.8	13	12.7	52.6	46.2
	9'6"	20.1	13	13.4	53.2	46.5
	10'0"	20.5	13	14.1	54	46.9

a	b	c	d	e	f¹	f²
Parking Angle (Degrees)	Stall Width	Stall to Curb 19' stall	Aisle Width	Curb Length	Center-to-Center Width of Two-Row Bin with Access Road Between	
					Curb-to-Curb	Overlap C-C
50°						
	8'6"	20	12.5	11.1	52.5	47
	9'0"	20.4	12	11.7	52.8	47
	9'6"	20.7	12	12.4	53.4	47.3
	10'0"	21	12	13.1	54	47.6
60°						
	8'6"	20.7	18.5	9.8	59.9	55.6
	9'0"	21	18	10.4	60	55.5
	9'6"	21.2	18	11	60.4	55.6
	10'0"	21.5	18	11.5	61	56
70°						
	8'6"	20.8	19.5	9	61.1	58.2
	9'0"	21	19	9.6	61	57.9
	9'6"	21.2	18.5	10.1	60.9	57.7
	10'0"	21.2	18	10.6	60.4	57
80°						
	8'6"	20.2	24*	8.6	64.4	62.9
	9'0"	20.3	24*	9.1	64.3	62.7
	9'6"	20.4	24*	9.6	64.4	62.7
	10'0"	20.5	24*	10.2	65	63.3
90°						
	8'6"	19	25*	8.5	63	---
	9'0"	19	24*	9	62	---
	9'6"	19	24*	9.5	62	---
	10'0"	19	24*	10	62	---
90° back-in**						
	8'6"	18.5	21*	8.5	58	---
	9'0"	18.5	20*	9	57	---



Legend:
*Two-way circulation
**For attendant parking only; two-way traffic in aisles possible, but not desirable.

Note:
In accordance with SEC 431.5(1): Minimum parking space dimensions are 8'6" x 19'0"

SECTION 431.8 - LANDSCAPING REQUIREMENTS FOR OFF-STREET PARKING FACILITIES

(As amended by Ord. No. O-9091-28 -- April 23, 1991; O-9394-27 -- February 8, 1994; O-9899-26 – March 23, 1999; O-0203-10 – October 22, 2002; O-0809-29 – January 27, 2009)

1. Intent of Landscaping Requirements. The intent of this section is to protect and promote the public health, safety and welfare by requiring the landscaping of parking lots which will serve to reduce wind and air turbulence, heat and noise, and the glare of automobile lights; to prevent soil erosion; to reduce the level of carbon dioxide and return pure oxygen to the atmosphere; to provide shade; to visually enhance the appearance of parking lots; and to generally promote a healthful and pleasant environment. All areas used for the display, parking, or storage of any and all types of vehicles, boats, or construction equipment are subject to provisions herein.

2. Landscaping Requirements for Off-Street Parking and Other Vehicular Use Areas Having At Least Six (6) Parking Spaces. The owners shall provide peripheral landscaping and street landscaping as indicated below.

   (a) Peripheral Landscaping Requirements.

      [1] Peripheral Landscaping shall be required along any side of a parking area that abuts adjoining property that is not a street or alley right-of-way.

      [2] A landscaping strip no less than five (5) feet in width shall be located between the parking area and the abutting property lines.

      [3] At least one tree for each forty (40) linear feet or fraction thereof shall be planted in each landscaping strip. The required trees may be evenly spaced or grouped. The remaining area must be covered with solid sod or live ground cover.

      [4] In addition to the required trees, a wall, fence, hedge, berm, or other durable landscape barrier shall be planted or installed. The height of any such hedge or barrier shall be no less than six (6) feet. Such barrier shall not extend beyond the front setback line established on the adjoining lot, except as necessary to completely screen any parking.

      [5] At least one shrub or vine for each ten (10) feet of non- living durable barrier (such as a wall or fence) shall be planted between the parking lot and the barrier.

      [6] Peripheral Landscaping Requirements shall not be applicable in the following situations:

         [a] To those portions of the property that are opposite a building located on the abutting property line.

         [b] Where the abutting property is zoned for non-residential uses or is used for another parking area, only the tree provision and the landscape strip, planted with grass or ground cover, shall be required.

      [7] Twenty (20) percent of the trees for Peripheral Landscaping Requirements can be evergreens that normally grow to an overall height of a minimum of fifteen (15) feet.

(b) Street Landscaping Requirements.

[1] Street landscaping shall be required along any side of a parking lot that abuts the right-of-way of any street, road or highway.

[2] A landscaping strip ten (10) feet in depth shall be located between the abutting right-of-way and the parking lot. For parking lots which are zoned residentially, or lie adjacent to or directly across the street from residentially zoned land, a landscaping strip twenty (20) feet in depth shall be provided. If a three (3) - four (4) foot masonry or rock wall is installed adjacent to the parking area, the required landscaping strip may be reduced to ten (10) feet in depth.

[3] At least one tree for each forty (40) linear feet or fraction thereof shall be planted in the landscaping strip. The required trees may be evenly spaced or grouped. The remaining area must be planted with solid sod or live ground cover.

[4] A hedge, landscaped berm, or other living durable plant barrier shall extend the entire length of the landscaping strip. The height of any such barrier or hedge shall be no more than three (3) feet. The first ten (10) feet on both sides of any driveway pavement is excluded from this requirement, but shall be planted with grass or ground cover.

[5] In lieu of the requirements of subparagraphs (3) and (4) of this section, at least one tree for each twenty (20) linear feet or fraction thereof shall be planted in the landscaping strip. The required trees may be evenly spaced or grouped.

3. Landscaping Requirements for Off-Street Parking and Other Vehicular Use Areas Having More Than Thirty (30) Parking Spaces. The owners shall provide Peripheral Landscaping and Street Landscaping as indicated above and Interior Landscaping as indicated below.

(a) Automatic irrigation shall be provided to all required landscape areas.

(b) Interior Landscaping Requirements.

(1) Off-street parking areas shall have at least fifteen (15) square feet of interior landscaping for each parking space excluding those spaces abutting a perimeter for which landscaping is required by other sections hereof and excluding all parking spaces which are directly served by an aisle abutting and running parallel to such a perimeter.

(2) Each separate landscaped area shall contain a minimum of two hundred (200) square feet, shall have a minimum dimension of at least five (5) feet, and shall include at least two (2) trees. The remaining area shall be landscaping material not to exceed three (3) feet in height, except for incidental pathways or sidewalks.

(3) The total number of trees shall not be less than one (1) for each one hundred (100) square feet or fraction thereof of required interior landscaped area.

(4) Landscaping and islands shall be reasonably dispersed throughout the interior of the parking lot. Each row of parking which terminates within the interior of the lot shall be terminated with a landscaped island. No parking space shall be located more than eighty-five (85) feet from a portion of landscaped open space required by this section.

4. Plant Material. Species of plant material shall be acceptable to the Director of Planning (see Appendix F for a list of acceptable plant materials).
   (a) Trees.
      (1) For the purposes of this ordinance, trees are defined as any self-supporting woody plants which usually produce one main trunk and normally grow to an overall height of a minimum of fifteen (15) feet in Cleveland County. No one species may constitute more than fifty percent of the tree species that are planted, unless the number of trees to be installed is less than three.

      (2) Trees having an average natural spread of crown less than fifteen (15) feet may be substituted by grouping the same so as to create the equivalent of a 15-foot crown spread. Trunks must be maintained in a clean condition over five (5) feet of clear wood.

      (3) Deciduous tree species shall be a minimum of eight (8) feet overall height, with a minimum caliper of 1 ½" immediately after planting. Evergreen trees shall be a minimum of six (6) feet in height.

      (4) Trees of species whose roots are known to cause damage to public roadways or other public works shall not be planted closer than twelve (12) feet to such public works, unless the tree root system is completely contained within a barrier acceptable to the Director of Planning.

   (b) Shrubs and Hedges.
      (1) For the purposes of this ordinance, shrubs are defined as any woody plant that usually remains low and produces shoots or trunks from the base.

      (2) Hedges, where required shall be a minimum of two feet in height when measured immediately after planting and shall be maintained so as to form a continuous, unbroken, solid, visual screen within a maximum of one (1) year after planting.

   (c) Vines. For the purposes of this ordinance, vines are defined as plants which normally require support to reach mature form.

5. Alternative Landscaping Method – Xeriscape Design. In order to conserve water, the City of Norman does encourage the application of xeriscape design principles when meeting the landscaping requirements of this section. The term xeriscape is derived from a Greek word meaning "dry." The desired effect is not the creation of a desert environment, but the use of appropriate materials and methods to create a green environment with a lower demand for water. The following principles guide this philosophy.
   (a) Planning and design: Consider the use of the landscape areas as well as the type of soil and exposure to the sun. On-site detention is often required in new developments. It should be incorporated into the overall landscape design.
   (b) Limited turn area: Ground cover must be installed to prevent soil erosion. Limit turf areas, which have a high demand for water, to locations that will be subject to heavy foot traffic. Consider the use of native grasses that are more drought tolerant, such as Buffalo Grass.

(c) Efficient irrigation: Group plants with similar water needs so that the appropriate amount of water can be applied at the right time. Plan to irrigate turf areas separately from other plants. Trees and shrubs should be watered deeply to encourage good root development. Use different types of sprinkler heads for different purposes, and consider drip irrigation for certain plant groups. Timers and water-sensing devices that respond to rain and soil moisture are recommended for all new installations.

(d) Soil improvement: Protect existing topsoil by stockpiling it during construction, and control erosion using good construction practices. Test and analyze the soil, and add organic matter to loosen soil. Gypsum should be added to heavy clay soils to lower its pH and loosen the soil.

(e) Appropriate plant selection: Many varieties of drought tolerant plants are available that have a lower demand for water, once established. Native species are better adapted to this climatic zone, and should be used.

(f) Mulch: Mulch should be used around all newly planted trees and shrubs, as it saves moisture, reduces weed growth, and adds interest, while reducing the need for turf. Mulch should be three (3) inches deep, over soil that is covered with a breathable fabric. Avoid the use of solid plastic sheeting.

(g) Maintenance: Turf areas should not be kept too short. Mowing height should be raised during hot summer months. Turf areas should be mowed using a mulching mower, and clippings left on the lawn to decompose and add nutrients back into the soil. Trees should be pruned to enhance their appearance, improve their health, and allow good vision throughout the parking area.

6. Other Requirements for Landscaped Areas.

(a) Installation.

(1) All landscaping shall be installed according to accepted planting procedures and landscaped areas must be protected from vehicular encroachment by installing curbs, bumper blocks, or other permanent barriers.

(2) A Certificate of Occupancy is required for all parking areas having six (6) or more spaces and no certificate will be issued unless the landscaping meets the requirements herein provided. Due to weather, season, or climatic conditions unsuitable for planting, the installation of landscaping may be deferred by providing a Performance Agreement in the form of cash or a certificate of deposit equal to one hundred twenty-five (125) percent of the cost of providing and installing all required plant materials, including any required irrigation system. The estimate shall be prepared by a registered Landscape Architect or licensed Nurseryman. The installation will be deferred until the next growing season, but no longer than nine months.

(b) Maintenance.

(1) The owners shall be responsible for providing, protecting, and maintaining all landscaping in growing and healthy condition; shall replace it when necessary; and shall keep it reasonably free from debris. Maintenance and replacement shall be assured by providing a Maintenance and Replacement Guarantee in the form of cash, a certificate of deposit, a letter of credit, or surety bond equal to fifty (50) percent of the cost of all plant materials including installation before a Certificate of Occupancy is issued. Said deposit will be held for a period of three years after the initial installation is completed, and will be returned to the owner after reinspection of the property to verify the viability of all required plant materials. (O-0203-10; O-0809-29)

(2) Should the owner not maintain the property as provided in paragraph (1) of this subsection, the City of Norman has the authority to enter the premises upon written notice and perform the necessary maintenance. The cost of performing said maintenance shall be certified by the Director of Planning and transmitted to the owner. Should the owner fail to pay the cost of maintenance within thirty (30) days of receipt of said notice, the cost shall become a lien on the property.

(3) Permanent automatic irrigation is required for all interior islands in parking areas with more than thirty (30) spaces. Automatic irrigation is not required for smaller lots, although provision for watering all plant material must be addressed. At a minimum hose bibs must be installed throughout the lot so that no landscape area is more than one hundred (100) feet from a water source.

7. Landscape Plan - submittal requirements.

Four copies of a detailed Landscape Plan must be submitted in conjunction with any application for a building permit that includes six or more parking spaces, and shall include the following:

(a) The location of existing property lines and dimensions of the tract, accurately drawn to scale.
(b) The location of existing and proposed utilities and all easements on or adjacent to the lot.
(c) The location of all existing and proposed buildings and parking areas, including the exact number of parking spaces.
(d) The location and dimensions of all required landscape areas, including the approximate square footage of each interior island.
(e) Detailed sprinkler diagram,
(f) A tabulation of all plant materials, by Latin name, common name, size, type, and number of species.
(g) The Plan shall clearly indicate the location of all plant material that is included in the tabulation.
(h) The location, height, and type of screening or fencing that will be installed.

SEC. NO. 431.9 FENCING, WALLS, AND SCREENING
(As established by Ord. No. O-9899-26 – March 23, 1999)

1. In a Residential District zoned or used for one or two-family dwellings, fencing or screening may not project into any required front setback line, unless such fencing is less than four feet in height. Fencing along the side or rear property lines:

   (a) May be erected within any utility easement, but is subject to removal by any franchised utility company whenever installation or repair of their facilities is required.
   (b) May not exceed eight feet in height, unless the written consent of the abutting property owner is secured, or the Board of Adjustment approves the height, location, and materials as a Special Exception.
   (c) May not be constructed of corrugated fiberglass, corrugated metal, or unpainted sheet metal, nor contain any barbed wire.
   (d) Walls of brick or masonry material, which require a permanent foundation, may not be constructed within any designated utility easement without the written consent of all affected utility franchise holders.

2. The side and rear property boundaries of all lots used for commercial, industrial, and multi-family uses shall be screened from any abutting lot zones or used for single-family or two-family purposes by a solid opaque fence at least six feet in height.

   (a) Such fence shall be constructed of any material except for corrugated fiberglass, corrugated metal, or unpainted sheet metal, nor contain any barbed wire.
   (b) No screening may exceed eight feet in height, unless approved by the City Council as part of a specific Site Plan, or granted as a Special Exception by the Board of Adjustment.
   (c) Any fence requiring a permanent foundation may not be constructed within a utility easement unless written approval has been granted by all affected utility franchise holders.
   (d) Whenever the proposed use abuts a public alley that is shared with one or two-family dwellings, opaque screening shall be installed on the commercial, industrial, or multi-family property, and shall be solid and continuous except for requiring openings or access drives.
   (e) Such screening must be continuously maintained in good condition, and repaired or replaced within a reasonable time period.

Sec. 432.1 - GROUP HOUSING PROJECT

In the case of a housing project consisting of a group of two (2) or more buildings to be constructed on a plot of ground of at least three (3) acres not subdivided into the customary streets and lots, and which will not be so subdivided, or where the existing or contemplated street and lot layout make it impracticable to apply the requirements of this Ordinance to the individual buildings in such housing project, the application of such requirements to such housing project shall be done by the Planning Commission in a manner that will be in harmony with the character of the neighborhood, will insure a density of land use no higher and a standard of open space at least as high as required by this Ordinance in the district in which the proposed project is to be located. In no case shall the project be authorized if it includes a use or building height prohibited in the district in which the housing project is to be located. (Ord. 884, Art. III, § 5)

Sec. 432.2 – TOWNHOUSE DEVELOPMENT

(a) Townhouses shall be subject to the following area regulations:

Table I

Bulk and Area Requirements For Townhouse Developments

	Areas in Square Feet. Distances in Linear Feet.	
Type of Regulation	**RM-6 District**	**RO District**
Lot area, minimum:		
Townhouse development	24,000	24,000
Individual townhouse lot	1,500	1,500
Townhouse development lot area		
Per townhouse lot	2,400	2,400
Lot width, minimum:		
Interior lots	20	20
End lots:		
Abutting a side street	35	30
Not abutting a side street	30	30
Yards, minimum:		
Front yards	25	10
Rear yards:		
Backing on a street	25	10
Not backing on a street	15	15
Side yards:		
Interior lots	--	--
End lots:		
Interior side	--	--
Side abutting a street	15	10
Side abutting other property	10	10
Floor area ratio, maximum:		
Ratio of total floor area to land area of townhouse development	0.4	0.8
Ratio of townhouse floor area to area of individual townhouse lot	0.6	1.2
Coverage, maximum, in percent:		
Of townhouse individual lot	50	50
Of required rear yard	20	30

(b) In each townhouse development there shall be common livability space in the amount of at least 350 square feet per dwelling unit. Each common livability space which is provided to meet this requirement shall be at least 3,500 square feet in area and shall have a least dimension of not less than sixty (60) feet.

(c) Townhouses shall be permitted only in recorded townhouse plats, prepared in accordance with the townhouse plat provisions (O-1900) of the Subdivision Regulations of the City of Norman.

SEC. 432.3 - ENTRANCE TO DWELLING UNITS IN APARTMENT HOUSES AND GROUP DWELLINGS

Each dwelling unit in an apartment house, group dwelling, or mixed building shall front either on a street or other permanent open space at least thirty (30) feet wide or on an outer court. The least width of such court if flanked by buildings on one side only, shall be:

1 to 1.5 stories	30 feet
2 to 2.5 stories	35 feet
3 to 3.5 stories	40 feet
4 stories or more	45 feet

If flanked by buildings on both sides, the least width of such court shall be:

1 to 1.5 stories	30 feet
2 to 2.5 stories	50 feet
3 to 3.5 stories	60 feet
4 stories or more	70 feet

Such court shall extend clear and unobstructed to the sky and shall extend clear and unobstructed of the same width to a public street or to another court of equal or greater width which extends to a public street. Where there are buildings on both sides and they are of different numbers of stories, the average number of stories shall determine the width of the required court.

SEC. 432.4 -- ROOMING OR BOARDING HOUSE

(As amended by Ord. No. O-9697-6 – August 27, 1996)

A Rooming House or Boarding House can only be established as a Special Use granted by the City Council, after review by the Planning Commission. Section 434.1 outlines the procedural requirements which govern all Special Use applications. The following use restrictions govern the operation of a rooming or boarding house.

1. No individual cooking facilities may be installed in any rooming unit.
2. Meal service that is provided within a boarding house is limited to residents only. Sale of food and beverages to other than residents is prohibited.
3. An on-site resident-manager shall be designated by the owner/operator, who shall be in charge of the facility.
4. To the extent feasible, parking should be located to the side or rear of the structure. When front yard parking is used, no more than 40% of the required front yard may be hard-surfaced for parking.
5. Five thousand square feet (5,000 sq. ft.) Of lot area is required for the first rooming unit (or resident manager) plus two thousand square feet of lot area for each additional rooming unit.
6. Each rooming or boarding house must obtain and maintain a current Rooming or Boarding House Permit. Failure to renew such a permit shall constitute grounds for revocation of the City Council's approval of a Special Use, after public hearing.

SEC. 433.1 - USES PERMISSIBLE ON REVIEW (Deleted as part of the action creating Special Use, Section 434.1 - Ordinance No. O-9596-11, October 24, 1995)

SEC. 434.1 - SPECIAL USES
(As established by Ord. No. O-9596-11 – October 24, 1995)

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

(a) Application and Fee: Application for a "Special Use" shall be filed with the Director of Planning and Community Development. The application shall include the following:

(1) Name and address of the owner, and also applicant if different from the owner. (The City of Norman may initiate the application.)

(2) Address and legal description of the property.

(3) If the applicant is not the legal owner of the property, a statement that the applicant is either the authorized agent for the owner of the property or has a lawful right to acquire use and possession of the property.

(4) A statement describing the nature and operating characteristics of the proposed "Special Use(s)". For uses potentially generating high volumes of vehicular traffic, the Director may require specific information relative to the anticipated peak loads and peak use periods, the ability of the use to meet performance standards, or substantiating the adequacy of proposed parking, loading, and circulation facilities.

(5) A site plan, drawn to scale, showing the location and dimensions of boundary lines, with distances and bearings, easements, required yards and setbacks, and all existing and proposed buildings, parking and loading areas, ingress and egress, the location of existing and proposed landscaped areas, utility or service areas, fencing and screening, signs and lighting.

(6) Application for a "Special Use" and for Rezoning for the same property may be made concurrently, subject to the fees applicable to both a "Special Use" and a Rezoning. The Planning Commission shall hold the public hearing on the Rezoning and the "Special Use" at the same meeting and may combine the two hearings. If the City Council modifies a recommendation of the Commission on a concurrent zoning reclassification, the "Special Use" application may, if the City Council deems it necessary, be referred back to the Planning Commission in the same manner as a new application; provided, however, that no additional fee shall be required.

(7) A filing fee of $400.00 plus $10.00 per acre.

(8) In order to properly evaluate the proposed "Special Use", the Planning Director may require the following additional information:

[a] Preliminary building elevations for all new or renovated structures, indicating height, bulk, and general appearance.

[b] Preliminary improvement plans for any alteration of existing water courses or drainage features, proposed streets and alleys, and the location of the 100 year floodplain.

[c] The relationship of the site and the proposed use to surrounding uses, including pedestrian and vehicular circulation, current use of nearby parcels, and any proposed off-site improvements to be made.

(b) Review and Evaluation Criteria: The Planning Commission shall review and evaluate any "Special Use" proposal and recommend to the City Council using the following criteria:

(1) Conformance with applicable regulations and standards established by the Zoning Regulations.

(2) Compatibility with existing or permitted uses on abutting sites, in terms of building height, bulk and scale, setbacks and open spaces, landscaping and site development, and access and circulation features.

(3) Potentially unfavorable effects or impacts on other existing or permitted uses on abutting sites, to the extent such impacts exceed those which reasonably may result from use of the site by a permitted use. (NOTE: Throughout this Section, "Permitted Use" means any use authorized as a matter of right under the applicable zoning district.)

(4) Modifications to the site plan which would result in increased compatibility, or would mitigate potentially unfavorable impacts, or would be necessary to conform to applicable regulations and standards and to protect the public health, safety, morals, and general welfare.

(5) Safety and convenience of vehicular and pedestrian circulation in the vicinity, including traffic reasonably expected to be generated by the proposed "Special Use" and other uses authorized and anticipated in the area, considering existing zoning and land uses in the area.

(6) That any conditions applicable to approval are the minimum necessary to minimize potentially unfavorable impacts on nearby uses and to ensure compatibility of the proposed "Special Use" with existing or permitted uses in the surrounding area.

(c) Planning Commission Hearing and Recommendation: The Planning Commission shall hold a public hearing on each application for a "Special Use". Public notification requirements shall be the same as a rezoning procedure. At the public hearing, the Commission shall review the application and shall receive public comments concerning the proposed use and the proposed conditions under which it would be operated or maintained. The Planning Commission may recommend that the City Council establish conditions of approval. Conditions may include, but shall not be limited to, requirements for special yards, open spaces, buffers, fences, walls, and screening; requirements for installation and maintenance of landscaping and erosion control measures; requirements for street improvements and dedications, regulation of vehicular ingress and egress, and traffic circulation, regulation of signs; regulation of hours or other characteristics of operation; and such other conditions as the Commission may deem necessary to insure compatibility with surrounding uses, and to preserve the public health, safety, and welfare.

(d) City Council Approval: Granting a "Special Use" shall be considered a privilege bestowed by the City Council for a specific use at a specific location. "Special Uses" may be granted by the City Council with such requirements and/or conditions, as the Council deems appropriate. Such requirements and/or conditions shall be continually complied with by the applicant and his successors and assigns. At the time of issuance of a Certificate of Occupancy for the initial operation of a "Special Use", the City shall cause the property legal description and "Conditions of Approval" established by the City Council to be filed in the Tract Index of the Cleveland County Clerk's office. Prior to such filing, the Applicant shall be afforded an opportunity to review the instrument to be filed, for correctness.

(e) Violations: For any reason, if any requirement or condition specified in the authorizing "Special Use" ordinance is violated, said violation constitutes a violation of the Zoning Ordinance and subjects the violator to the fines and penalties contained herein. Further, such a violation constitutes grounds for the City Council to remove or amend, by ordinance, the previously authorized "Special Use" and any concurrent rezoning.

(1) If it is determined by the Planning Director or the City Manager that there is a violation of any applicable provision of this Section, or a failure to comply with conditions imposed by any "Special Use" ordinance on the property, then the Planning Director or the City Manager may initiate any or all of the following actions to remedy the situation, including:

[a] Specify the nature and extent of any such violations and specify reasonable time to correct such violations;

[b] Report such violations to the Code Enforcement Official and initiate action in the same manner as any other violation of the Zoning Ordinance;

[c] Schedule a Public Hearing before the City Council to review such matter and consider revocation, by ordinance, of the granting of a "Special Use" for said property.

(2) Whenever any one or more of the foregoing actions is initiated, notice shall be given to the property owner of record by any means then authorized by the Oklahoma Pleading Code for service of summons in a civil action. Further, if the property is occupied, such notice shall also be given, by first-class mail or hand-delivery, addressed to "Tenant, Owner, or Manager" at the property address.

(f) Expiration for Non-Use: The authority to issue initial construction or initial occupancy permits pursuant to the granting of a "Special Use" shall expire two (2) years after the City Council approves the "Special Use", unless the City Council includes a different time limit as a specific condition of approval. This time period to initially establish a "Special Use" may be extended for a maximum of an additional two years by action of the City Council, upon receipt of a timely request from the owner of said property, when it determines that conditions have not substantially changed since the time of original approval.

In any case where the "Special Use" is not activated in accordance with the times specified in the preceding paragraph, or where the "Special Use" has been discontinued for two continuous years, then authority for such a "Special Use" ceases to exist and the owner must reapply in order to establish or re-establish said "Special Use."

(g) Change of Ownership: A "Special Use" may be transferred to a new owner provided: (1) written notification is sent to the Planning Director indicating date of transfer, name and address of new owner, and a statement acknowledging any conditions attached to the "Special Use" and the intent to continuously comply; (2) a $100.00 Transfer Fee is paid; and (3) an inspection of the property reveals continued compliance with all original conditions.

(h) "Special Uses" which were formerly described as Uses Permitted on Review or Conditional Use Permits:

(1) A use legally established pursuant to a Conditional Use Permit or Permissive Use Rezoning prior to the date of adoption of these Zoning Regulations shall be deemed pre-existing and, shall be permitted to continue, provided that it is operated and maintained in accord with any conditions prescribed at the time of its establishment. If such a structure is destroyed by fire, explosions, or act of God, it may be rebuilt, if compliance with all conditions stipulated in its enabling ordinance are complied with.

(2) Expansion of a pre-existing Permissive Use or Conditional Use Permit shall be permitted only upon the granting of a "Special Use" as prescribed in these regulations.

SEC. 435.1 -- PORTABLE STORAGE CONTAINERS AND ROLL-OFF TRASH CONTAINERS
(As established by Ord. No. O-0809-21 – December 23, 2008)

1. Applicability
The provisions of this section shall apply to the location and duration of use of portable storage containers and roll-off trash containers on any property within the City of Norman.

2. Definitions
The following words, terms, and phrases, when used in this section, shall have the meanings ascribed to them in this section. Where terms are not defined in this section, and are defined in other adopted ordinances, such terms shall have the meaning as ascribed to them as in those ordinances. Where terms are not defined through the methods authorized by this section, such terms shall have ordinarily accepted meanings as the context implies.
(a) Portable storage container means any self-supporting metal container, usually metal or metal-framed, designed and used for the storage of personal or business property of a non-hazardous nature which is typically rented or leased to owners or occupants of property for their temporary use and which is typically delivered and removed by truck.
(b) Roll-off trash container means a large metal container designed and used for the temporary storage of refuse, rubbish, trash, garbage, junk, debris, offal, or any material rejected as useless and fit only to be thrown away. Such container is typically rented or leased to owners or occupants of property for their temporary use and which is typically delivered and removed by truck. This term shall not be interpreted to refer to a "trash container" or "dumpster" that is stored in a more permanent manner on the property, and is referenced or regulated by the Engineering Design Criteria, and further is required to be screened from public view. This term shall not be interpreted to include recycling facilities.

3. Condition and Maintenance
All portable storage containers and roll-off trash containers shall be delivered and maintained in good condition, free from rodents, insects, graffiti, vulgar and/or pornographic words or pictures. It shall be the responsibility of the property owner or occupant and the supplying company to maintain the portable storage containers or roll-off trash containers in accordance with the provisions of this section.

4. Placement and Duration of Use
(a) TEMPORARY On all property zoned or used for residential, commercial, or industrial purposes, storage containers or roll-off trash containers may remain in use only so long as a valid building or trade permit is in place for the property on which the container is placed. No separate permit is required so long as the use is indicated on the approved site plan or building permit for the project. When no building permit is in effect, a roll-off container may not be placed on a lot for more than thirty (30) days unless authorized in writing by the Director of Planning or his designee. In residentially zoned areas, the container must be placed on the driveway or other approved pavement, and may not extend into the public right-of-way. Should existing site conditions not allow for the placement of a portable storage container in full compliance with these provisions, exceptions may be considered and written approval granted on a case by case basis by the Director of Planning or his designee, after consultation with the Public Works Director and the Fire Marshall.

(b) SEASONAL Metal storage containers may be temporarily located on property that is zoned for commercial or industrial use for no more than three (3) months within the same calendar year, provided that a building permit is issued for each such container. Containers cannot be vertically stacked, and should not be placed in front of the principle structure, but must be located at the side or rear of the structure to minimize any visual impact from abutting streets. As a temporary use, they may occupy no more than ten percent of the required parking for the on-site principal use.

(c) PERMANENT Storage containers may be permanently located on property zoned or used for industrial purposes provided that a building permit is issued for the container, which must be properly anchored or tied down to resist lateral movement or overturning. If over 400 square feet, containers must be placed on a permanent foundation. Containers may not be permanently located in areas that are zoned commercial. Containers may not be placed in front of the principle structure, must observe all required setbacks, and may not be placed within any right-of-way, utility easement, or required landscape area. In industrial areas, such containers are exempt from the requirement to be clad in masonry material, but must be located at the side or rear of the lot, and painted in a muted color that complements the principle structure on the lot. If the lot is not already screened from abutting residential uses, opaque screening must be installed to at least screen the container from abutting residential use. Signs relating to the on-site business may not be permanently or temporarily attached to any container that will be permanently located on a site.

(d) RESIDENTIAL In areas which are residentially zoned, when no building or trade permit is in effect for the property, a portable storage container may be placed on the driveway or other approved pavement for a period not to exceed 14 days, provided that the container is not located within any public right-of-way and does not block any public sidewalk. The Planning Director, or his designee, may grant one 14 day extension, for good cause, when requested in writing. A container may not be placed on the same property more than three non-consecutive times in a one-year period. Failure to remove a container after the initial 14 day period, unless extended, may result in charges filed by the city for failure to comply with this section. Such containers may not be permanently located in areas that are residentially zoned.

(e) NON-CONFORMING USES Any portable on demand storage unit in existence as of the effective date of this ordinance which is in violation hereof shall be deemed a non-conforming use. Such non-conforming uses shall not in any manner be enlarged, extended, or altered except that such uses may be changed so as to comply with the provisions of this ordinance. Such uses as are deemed non-conforming uses pursuant to the terms of this ordinance shall be permitted to continue for five (5) years after the adoption of this ordinance, unless such use is terminated for any reason whatsoever prior thereto for a period of thirty (30) days or more, thereafter such non-conforming use shall terminate or come into compliance with the terms of this Section.

SEC. 436.1 - SALES PROHIBITED FROM RESIDENCES OR GARAGES

It shall be unlawful to sell, offer for sale, or otherwise place up for sale to the public any goods, wares or merchandise from any residence or garage appurtenant thereto except as might otherwise be permitted by this ordinance. Provided, however, owners and possessors of the property from which said sales might be conducted shall be permitted to sell, offer for sale and to place up for sale goods, wares and merchandise owned by them for a period of no less than six (6) months, provided further, however, that in no event shall any goods, wares or merchandise purchased by the owners, or possessor of said premises, or by others, for resale to the public be sold, offered for sale or otherwise placed up for sale from said premises. (O-2085, § 1)

SEC. 438.1 - HOME OCCUPATIONS

The standards for home occupations in this chapter are intended to insure compatibility with other permitted uses and with the residential character of the neighborhood, plus a clearly secondary or incidental status in relation to the residential use of the main building as the criteria for determining whether a proposed accessory use qualifies as a home occupation. (Cross reference Section 22:450, Subparagraph 54)

(a) Home occupations are permitted accessory uses in residential districts only if all the following conditions are observed:
   (1) Such occupation shall be conducted solely by resident occupants in their residence and no employees shall be permitted;
   (2) No more than one room or twenty-five (25) per cent of the gross area of one floor of said residence, whichever is less, shall be used for such purpose;
   (3) No mechanical equipment is used or activity is conducted which creates any noise, dust, odor, or electrical disturbance beyond the confines of the lot on which said occupation is conducted;
   (4) There shall be no sale or display of merchandise.
   (5) There shall be no outside storage of any kind related to the home occupation;
   (6) The use may increase vehicular traffic flow and parking by no more than one additional vehicle at a time; and
   (7) Only one sign may be allowed. The sign shall not exceed one (1) square foot in area, shall be non-illuminated, and shall display only the name of the occupant and/or the name of the home occupation.

(b) The following uses by the nature of the investment or operation have a tendency once started to rapidly increase beyond the limits permitted for home occupations and thereby impair the use and value of a residentially zoned area for residential purposes. Therefore, the uses specified below shall not be permitted as home occupations: auto repair, major or minor; barber shop; beauty shop; carpentry work; dance instruction; medical or dental offices; painting of vehicles, trailers, or boats; private schools with organized classes; child care establishment; radio or television repair; upholstering; restaurant; or rest home.

SEC. 438.2 - BED AND BREAKFAST ESTABLISHMENTS
(Established by Ord. No. O-9293-38 -- August 24, 1993; amended by O-0203-13 – November 26, 2002)

All Bed and Breakfast establishments are considered accessory residential uses, and can only be established by the issuance of a Conditional Use Permit. Section 434.1 outlines the procedural requirements which govern all such applications.

There are two basic categories of Bed and Breakfast establishments, distinguished primarily by size.

TYPE I - is principally used as a single-family dwelling, with the provision of guest lodging a secondary feature, and must conform to all the following conditions:

(1) May be permitted in any residential or agricultural zoning district.
(2) No more than four guest bedrooms may be provided.
(3) No individual cooking facilities may be installed in any guest room.
(4) Meal service is limited to resident guests only. Sale of food and beverages to other than overnight guests is strictly prohibited.
(5) The owner shall reside on-premise.
(6) One parking space shall be provided for the owner, plus two spaces for each three rooms, or fraction thereof, that serve as guests bedrooms. If overflow parking cannot be accommodated on-street, additional on-site parking may be considered. (O-0203-13)
(7) To the extent feasible, parking should be located to the side or rear of the structure. When front yard parking is used, no more than 40% of the required front yard be hard surfaced for parking. All new parking areas are required to provide full retention of storm water.
(8) Any proposed additions must be compatible with the architectural style and building materials of the dwelling. Additions which do not comply with the applicable setback requirements may not be submitted to the Board of Adjustment as a request for a Variance.
(9) A landscaping and screening plan must be submitted which enhances the appearance of the site by reducing or screening all parking areas to minimize their visual intrusion on abutting properties. No lighting or signage may be installed which has not been reviewed as part of the proposed development plan. Low wattage or low intensity light fixtures are preferred.

TYPE II - also serves as a residence, but because of the increased number of guest rooms and additional parking this category of use is not appropriate in all residential districts. The following conditions must be observed:

(1) May only be permitted in multi-family dwelling districts, specifically RM-2, RM-6, R-3, or RO.
(2) One guest room may be permitted for each 2,000 square feet of lot area, up to a maximum of eight guest rooms.
(3) No individual cooking facilities may be installed in any guest room.
(4) Meal service is limited to resident guests only. Sale of food and beverages to other than overnight guests is strictly prohibited.
(5) The owner shall reside on-premise.
(6) One parking space shall be provided for the owner, plus two spaces for each three rooms, or fraction thereof, that serve as guests bedrooms. If overflow parking cannot be accommodated on-street, additional on-site parking may be considered. (O-0203-13)

(7) To the extent feasible, parking should be located to the side or rear of the structure. When front yard parking is used, no more than 40% of the required front yard be hard surfaced for parking. All new parking areas are required to provide full retention of storm water.

(8) Any proposed additions must be compatible with the architectural style and building materials of the dwelling. Additions which do not comply with the applicable setback requirements may not be submitted to the Board of Adjustment as a request for a Variance.

(9) A landscaping and screening plan must be submitted which enhances the appearance of the site by reducing or screening all parking areas to minimize their visual intrusion on abutting properties. No lighting or signage may be installed which has not been reviewed as part of the proposed development plan. Low wattage or low intensity light fixtures are preferred.

SEC 438.3. CHILD CARE ESTABLISHMENTS.
(As amended by Ord. No. O-9596-19 – December 12, 1995)

(a) A Family Day Care Home is an accessory use allowed by right in any agricultural or residential zoning district. A maximum of seven children is allowed, which includes the resident caregiver's own preschool children under five years of age. Employees other than resident family members are not allowed. Such uses must be operated so as not to be intrusive to their neighbors. The play yard should be completely enclosed by a six foot tall, opaque, fence. While hours of operation are not prescribed, the use is intended to provide part-time care for children. Such uses must maintain a license issued by the Department of Human Services. (O-9596-19)

(b) Child Care Centers are allowed as a Special Use that may be granted in any of the multi-family zoning districts. They must be operated as an accessory use in the operator's home, and may contain a maximum of twelve (12) children. As a Special Use, the City may impose conditions on the amount of parking, the hours of operation, the number of employees, the type of fencing and screening, or any other aspect that could impact the surrounding neighborhood. (O-9596-19)

(c) A Child Care Center of any size could be granted as a Special Use if operated as an accessory use in conjunction with an institutional use, such as a church or school. (O-9596-19)

(d) Larger Child Care Centers that are not operated in conjunction with an institutional use are allowed by right in any of the commercial zoning districts. A State license is required for any Child Care Center. (O-9596-19)

SEC. 439.1 - ADULT ENTERTAINMENT USES
(As established by Ord. No. O-8788-8 -- October 13, 1987)

In order for any of the following uses to locate, relocate, remodel, alter or rebuild, it shall be necessary to first obtain zoning as a use permitted only upon review of the Planning Commission and City Council.

(a) Purpose: It has become apparent that the concentration of "adult entertainment uses" in the City of Norman tends to result in the blighting and deterioration of those areas subject to such concentration. Accordingly, it is deemed necessary to regulate such uses in a manner reasonably calculated to prevent the occurrence of such deleterious effects upon surrounding properties.

(b) Development Regulations for Adult Entertainment Uses. Any person applying for rezoning as a Use Permissible on Review in order to locate, remodel, alter, rebuild, or relocate any of the above referenced uses within The City of Norman must show that said use will comply with the following developmental criteria as well as all others contained within this Article generally:

1. Adult Entertainment Uses as specified hereinabove shall be permitted to locate only in the "C-2" and the "C-3" zoning districts, as Uses Permitted upon Review.
2. No such zoning shall be granted for any proposed location which is within a one thousand foot (1000') radius of any other Adult Entertainment Use as specified hereinabove.
3. No Adult Entertainment Use shall be allowed to locate within a five hundred foot (500') radius of any church, public or private school (type which offers a compulsory education curriculum) or public or private park. Nor shall any Adult Entertainment Uses be allowed to locate within five hundred feet of any area zoned for residential use.
4. All distances required to be met pursuant to the terms of this section shall begin at the property line of the proposed use and are measured to the nearest property line of the public or private lot, school, park, church, residentially zoned lot, or adult entertainment use within the proscribed distance, if any.

(c) Non-Conforming Uses. Any business in existence as of the effective date of this ordinance which is in violation hereof shall be deemed a non-conforming use. Such non-conforming uses shall not in any manner be enlarged, extended, altered or rebuilt except that such uses may be changed so as to comply with the provisions of this ordinance.

Such uses as are deemed non-conforming uses pursuant to the terms of this ordinance shall be permitted to continue for three (3) years after the adoption of this ordinance, unless such use is terminated for any reason whatsoever prior thereto for a period of thirty (30) days or more, thereafter such non-conforming use shall terminate or come into compliance with the terms of this section.

(d) First Use Deemed Complying. In the event that any two or more "Adult Entertainment Uses" are located within one thousand feet (1000') of each other as of the effective date of this ordinance, that "Adult Entertainment Use" which shall have first been licensed or continually operated shall be deemed to be the complying use. The person, firm, corporation or other entity responsible for the operation or management of the "Adult Entertainment Use" in such cases shall have the responsibility of proving to the Director of the Planning Department or his designated representative by documented evidence the date on which such "Adult Entertainment Use" was first licensed or began continuous operation.

ARTICLE XIII. ADMINISTRATION

SEC. 440.1 - BUILDING PERMIT

(Amended by Ord. No. O-0405-30 – January 24, 2006; O-0506-35 – February 28, 2006)

This Ordinance shall be enforced by a building inspector appointed by the City Manager. It shall be unlawful for an owner to permit or do the following: Change the use of land or structure; erect, alter or move any structure; install or modify any impervious area, such as a driveway, drive approach, patio, tennis court, sidewalk, or similar permanent improvement until the building inspector has issued a building permit certifying that the plans and intended use of land, buildings, and structures are in conformity with this Ordinance. Provided, however, that non-structural alteration or repair of a building not to exceed $500.00 in total cost may be made without obtaining a building permit; and further provided that no building permit shall be required for the replacement or repair of conforming uses destroyed by fire or an Act of God if the replacement is identical in use and coverage with that part of the structure destroyed. (O-0405-30)

1. Application: The building inspector may require every applicant for a building permit to furnish the following information:

   (a) A plat drawn to scale, showing the actual size and location on the lot of existing buildings and structures and the lines within which the proposed building or structure shall be erected or altered.
   (b) A declaration of the existing and intended use of each building or part of a building, the number of families and the house-keeping units the building is designed to accommodate.
   (c) A plot plan drawn to scale showing all existing and proposed impervious pavement, including any existing gravel areas, with a calculation of the percentage of existing and proposed impervious surfaces, including buildings.
   (d) Such other information with regard to the lot and neighboring lots and their use as may be necessary to determine and provide for the enforcement of these regulations. (Ord. 884, Art. IV, § 1)

SEC. 440.3 - VIOLATIONS AND PENALTIES

(As amended by Ord. No. 0-8081-44 -- April 7, 1981; O-8283-05 -- August 31, 1982; O-9596-45 – May 14, 1996; O-9900-11 – October 12, 1999)

(a) Except as otherwise provided, any person convicted of violating the provisions of this Chapter or failing to comply with the provisions of this Chapter, shall be punished by a fine of not less than fifty dollars ($50.00), nor more than five hundred dollars ($500.00) for each such violation or failure to comply. Each day that a violation or failure to comply exists shall constitute a separate and district offense, and any one or more of such offences may be set out in any complaint of information filed. (O-0405-26)

(b) Any person convicted of violating the provisions of the following ordinances, upon a conviction, shall be punished by a fine of not less than fifty dollars ($50.00) nor more than five hundred dollars ($500.00) and up to 60 days in jail

Each day that a violation or failure to comply exists shall constitute a separate and distinct offense, and any one or more of such offenses may be set out in any complaint or information filed. (O-0405-26)

(c) The provisions of this ordinance shall apply to, cover and affect any person, firm, corporation or group of persons acting individually or in concert, who violate or refuse to comply with any of the provisions, sections, rules or regulations of this Chapter.

(d) Multiple offenses shall be treated as described in Chapter Two, Article 2, Section 2-202, of the Code of The City of Norman.

SEC. 441 - THE BOARD OF ADJUSTMENT

(As amended by Ord. No. 0-7879-41 -- March 27, 1979; O-7778-70 -- June 27, 1978; O-7879-41 -- January 30, 1979; O-8586-86 -- May 27, 1986; O-8788-48 -- May 10, 1988; O-8990-43 -- July 10, 1990; O-9091-10 -- December 11, 1990; O-9192-43 -- April 28, 1992; O-9192-48 -- April 28, 1992; O-9394-19 -- December 28, 1993; O-0405-30 – January 24, 2006; O-0506-35 – February 28, 2006)

1. 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 Chapter 4 of this Code.

2. Duties of an Administrative Official, Board of Adjustment, City Council, and Courts on Matters of Appeal. It is the intent of this ordinance 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.

   It is further intent of this ordinance that the duties of the City Council in connection with this ordinance 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 ordinance. Under this ordinance, the City Council shall have only the duties of: (1) Considering, adopting, or rejecting proposed amendments, or repealing this ordinance, as provided by law, and (2) establishing a schedule of fees for appeals hereunder for building permits and all other expenses connected with the enforcement of this ordinance.

3. Powers. The Board of Adjustment shall have the following powers:

   (a) 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 in the enforcement of this ordinance or any other ordinance adopted pursuant thereto.
   (b) Upon proper application to hear and decide special exceptions to the terms of this ordinance as hereinafter enumerated in sub-section 7 of this section and as enumerated in Chapter 18 of the Code.
   (c) Upon proper application, to hear and authorize in specific cases such variances from the terms of this ordinance as are allowed under sub-section 10 of this section.

4. Decisions of the Board of Adjustment. 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 ordinance, and to that end shall have the powers of an administrative official from whom the appeal is taken.

   The concurring vote of three (3) 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 ordinance, or to effect any variation in the application of this ordinance.

5. Appeals from the Board of Adjustment. Any person or persons, board, taxpayer, department, or bureau of the city aggrieved by any decision of the Board of Adjustment may within ten (10) 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. (O-9192-48; O-0506-35)

   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 ordinance, 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.

6. Procedure for Appeal of the Decision of an Administrative Official 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 ordinance. Such appeals shall be taken within a reasonable time, not to exceed thirty (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 Department a fee of one hundred fifty dollars ($150.00) to cover the cost and expense of appeal to the Board of Adjustment. (O-0506-35)

   An administrative official shall forthwith transmit to the Board of Adjustment all papers constituting the record upon which the action appealed from was taken.

   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. (O-9394-19)

   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.

7. Special Exceptions Defined and Enumerated. A special exception is defined as follows: "A special exception is 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."

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 permit the reconstruction of a non-conforming building that has been destroyed, or partially destroyed by fire or act of God, where the board shall find some compelling public necessity requiring a continuance of the non-conforming use, but in no case shall such a permit be issued if its primary function is to continue a monopoly;

(c) 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;

(d) To grant exceptions to the off-street parking requirements as set forth in Article XII, Section 431.5-431.7, 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;

(e) 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 with 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.

(f) 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. (O-0405-30)

8. Procedure for Application for Special Exceptions. Applications may be taken to the Board of Adjustment for special exceptions to this ordinance, above-defined and enumerated in sub-section 7, 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:

(a) An applicant shall submit to the Board of Adjustment a written application for said special exception indicating the section of this ordinance 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 Chapter 18 of the code shall include the following plans and information:

(1) The name, address, and telephone number of the owner or person entitled to possession of the sign and of the sign contractor or erector;

(2) The location by street address of the proposed sign structure;

(3) 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;

(4) 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;

(5) Type and location of proposed illumination;

(6) 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;

(7) Any additional information which the applicant feels may support the request.

(b) A fee of two hundred dollars ($200.00) shall be paid to the Planning Department to cover the cost and expense of the appeal to the Board of Adjustment. (O-0506-35)

(c) The applicant shall submit with each application a list of names and addresses of all record property owners within a three hundred (300) foot radius of the exterior boundary of the subject property, said radius to be extended by increments of one hundred (100) linear feet until the list of property owners includes not less than fifteen (15) individual property owners of separate parcels or until a maximum radius of one thousand (1000) 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 of Norman Planning Department. (O-8990-43; O-9091-10)

(d) 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 of Norman not less than ten (10) days before the meeting of the board. In addition, notice by the Chairman of said board to all owners of property within a three hundred (300) foot or larger radius of the exterior boundary of the subject property shall be mailed not less than ten (10) days before the meeting of the board. Said notice shall contain: (O-9091-10; O-9394-19)

(1) Legal description of the property and the street address or approximate location in the City of Norman;

(2) Present zoning classification of the property and the nature of the exception requested;

(3) 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.

9. Hearing of the Board of Adjustment on a Special Exception. The public hearing shall be held in accordance with the following provisions:

(a) At said hearing, any party may appear in person or by agent or attorney;

(b) 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;

(c) In granting any special exception, the Board of Adjustment shall prescribe the appropriate conditions and safeguards in conformity with this ordinance. 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 ordinance and punishable under the penalty sections of this ordinance. 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.

10. Variance Defined. A variance is defined as follows: "A variance is a relaxation of the terms of the zoning ordinance, 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 ordinance a variance is authorized only for height, area, and the size of yards and open spaces except that in the A-2, Rural Agricultural District, the frontage requirement may also be varied when justified."

11. 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 ordinance 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 ordinance shall not be granted by the Board of Adjustment unless and until:

(a) An applicant shall submit to the Board of Adjustment a written application indicating:

(1) 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;

(2) That the literal interpretation of the provisions of this ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this ordinance;

(3) That the special conditions and circumstances do not result from the actions of the applicant;

(4) That granting the variances requested will not confer on the applicant any special privilege that is denied by this ordinance to other lands, structure, or buildings in the same district;

No non-conforming 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.

(b) A fee of two hundred dollars ($200.00) shall be paid to the City Clerk to cover the cost and expense of the appeal to the Board of Adjustment; (Ord. No. O-0506-35)

(c) The applicant shall submit with each application a list of names and addresses of all record property owners within a three hundred (300) foot radius of the exterior boundary of the subject property, said radius to be extended by increments of one hundred (100) linear feet until the list of property owners includes not less than fifteen (15) individual property owners of separate parcels or until a maximum radius of one thousand (1000) 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 of Norman Planning Department; (O-8990-43; O-9091-10)

(d) 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 of Norman not less than ten (10) 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 three hundred (300) foot or larger radius of the exterior boundary of the subject property. Said notice shall contain:

(1) Legal description of the property and the street address or approximate location in the City of Norman;

(2) Present zoning classification of the property and the nature of the variance requested;

(3) Date, time, and place of hearing.

Said written notice shall be mailed not less than fifteen (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.

(e) A variance from the terms of Chapter 18 of this code 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:

(1) 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.

(2) 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;

(3) The variance is the minimum one necessary to permit the applicant to reasonably draw attention to his business or enterprise.

(f) 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 (10) percent of the required yard, or involves only a minor portion of the structure.

(1) 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.

(2) A fee of three hundred ($300) dollars shall be paid to the Planning Department to cover the cost and expense of the appeal to the Board of Adjustment. (O-0506-35)

(3) 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 (10) days before the meeting of the Board, and shall contain the facts listed in subsection 11(d) of this section. (O-9192-48)

12. Hearing of the Board of Adjustment on a Variance. The public hearing shall be held in accordance with the following provisions:

(a) At said hearing, any party may appear in person or by agent or attorney;

(b) The Board of Adjustment shall make a finding that the requirements of sub-section 11(a) hereinabove have been met by the applicant for variance;

(c) 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;

(d) 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 ordinance, will not be injurious to the neighborhood, or will not be otherwise detrimental to the public welfare;

(e) The Board of Adjustment, in granting any variance, shall prescribe appropriate conditions and safeguards in conformity with this ordinance. 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 ordinance and shall be punishable under the penalty section of this ordinance;

(f) The Board of Adjustment shall under no circumstances grant a variance to allow a use not permissible under the applicable terms of this ordinance 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 of Norman; nor grant any variance by reason of the existence of non-conforming uses in the district concerned or in adjoining districts;

(g) For the purposes of this ordinance the term "hardship" shall be interpreted to mean 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 the zoning ordinance and that would amount to substantial and unnecessary waste of the property;

(h) 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 Section 18-402 of the code.

13. Provisions of Ordinance Declared to be Minimum Requirements. The provisions of this ordinance, 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 ordinance 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.

SEC. 442.1 - AMENDMENTS

(As amended by Ord. No. O-2407 -- June 8, 1971; O-8384-16 -- October 11, 1983; O-8990-43 -- July 10, 1990; O-9091-10 -- December 11, 1990; O-9394-19 -- December 28, 1993; O-0405-61 – September 27, 2005; O-0506-35 – February 28, 2006; O-0506-56 – June 27, 2006; O-0809-14 – December 9, 2008)

1. Before a formal application can be filed that would amend the NORMAN 2025 Land Use and Transportation Plan, rezone any parcel larger than forty (40) acres, or grant a Special Use on a tract, or allow for the issuance of a construction permit for a new Commercial Communication Tower (cell tower), a Pre-development Informational Meeting must be held. Any applicant contemplating rezoning of any parcel containing less than forty (40) acres may voluntarily requests a pre-development meeting, subject to the same filing requirements. If an applicant has chosen not to schedule a Pre-Development Information Meeting and his application generates a filed protest comprising at least twenty (20) percent of the required notification area, either the Planning Commission or City Council shall require that the item be postponed until such meeting can be held. (O-0809-14)

2. The purpose of the meeting is to allow surrounding neighbors to meet with the applicant in an informal setting and gain information about the proposed application. In order for the meeting to occur, the following items must accompany your completed application to the Planning Department:
   (a) a copy of the deed to the property.
   (b) a written description of the proposed rezoning (or Plan amendment, Special Use or construction of a new Commercial Communication Tower) which provides details of the proposal, such as the proposed use and the number and type of buildings. The narrative should provide as much detail as practicable, without being lengthy or technical. (O-0809-14)
   (c) A generalized site plan must accompany any request for commercial, industrial, multi-family, Special Use, or construction of a new Commercial Communication Tower, showing proposed buildings, parking, driveway entrances, landscaping areas, and screening. In addition to three full-sized drawings, an 8 ½" by 11" reduction must be submitted. (O-0809-14)
   (d) A certified ownership list for all property within a three hundred fifty (350) foot radius of the exterior boundary of the subject request, said radius to be extended by increments of one hundred (100) feet until the list of property owners includes not less than fifteen (15) separate parcels, or until a maximum radius of one thousand (1,000) feet has been reached.

   A complete application packet must be received in the Planning Department by 4:00 p.m. seventeen (17) days before the regularly scheduled Pre-Development meeting. Such meetings will be held on an as-needed basis, and are anticipated to occur at least once a month. Staff will notify all persons identified on the certified ownership list, and will include a copy of the written description of the proposed project as well as any reduced drawings. This meeting must be completed before any formal zoning or Plan application can be filed with the City, but may not occur more than six (6) months before said filing.

3. Public Hearing. The City Council may, from time to time on its own motion or on petition, after public notice and hearing by the Planning Commission, amend the regulations and districts herein established. No change in regulations, restrictions, or district boundaries shall become effective until after a public hearing held in relation thereto, at which parties in interest and citizens shall have an opportunity to be heard. The parties in interest and citizens shall be notified of the public hearing in the following manner:

(a) At least twenty (20) days notice of the time and place of such hearing shall be published in an official paper or paper of general circulation in the City of Norman; and

(b) In addition, twenty (20) days notice of public hearing of any change in zoning shall be given by mailing written notice by the secretary of the Planning Commission to all owners of property within a three-hundred fifty (350) foot radius of the exterior boundary of the subject property, said radius to be extended by increments of one hundred (100) linear feet until the list of property owners includes not less than fifteen (15) individual property owners of separate parcels or until a maximum radius of one thousand (1000) feet has been reached. (O-9091-10; O-9394-19; O-0405-61)

Said notice shall contain:

(1) Legal description of the property and the street address or approximate location in the city or town;

(2) Present zoning and classification of the property and the classification sought by the applicant; and

(3) Date, time, and place of the public hearing.

In addition to notice by mailing, notice may be given by posting notice of such hearing on the affected property at least ten (10) days before the date of hearing. (O-9394-19)

4. <u>Passage by the City Council</u>.

(a) Every such proposed change in regulations, restrictions, and boundaries shall be referred to the City Planning Commission for public hearing, report, and recommendation. In case of a protest against such change, signed by the owners of twenty percent (20%) or more of the area of the lots included in such proposed change, such amendment shall not become effective except by the favorable vote of three-fourths (3/4) of all the members of the City Council; or (O-9394-19)

(b) In case of a protest against such change, signed by the owners of fifty percent (50%) or more of the area within a three hundred fifty (350) or larger foot radius of the exterior boundary of the subject property, such change shall not become effective except by the favorable vote of three-fourths (3/4) of all the members of the City Council. (O-9091-10; O-9394-19; O-0405-61)

(c) Whenever the owners of fifty-one percent (51%) of the land in any area shall present a petition duly signed and acknowledged requesting an amendment of the regulations prescribed for such area, it shall be the duty of the City Council to vote upon such amendment within ninety (90) days of the filing of same by the petitioners with the City Clerk. If any area is hereafter transferred to another district by amendment of district boundaries as provided in this section, buildings or premises existing at the time of passage of this Ordinance shall apply to buildings or premises existing in such transferred area at the time of passage of such amendment.

5. Filing Fees.
(Amended by Ord. No. O-0506-35 – February 28, 2006; O-0506-56 – June 27, 2006)

(a) For each petition for amendment to the Zoning Ordinance or NORMAN 2025 Land Use and Transportation Plan, the applicant shall pay for the cost of publishing legal notice and the Planning Department shall collect a fee as hereinafter set forth:

(1) Agricultural and Single Family (A-1, A-2, R-1, R-1-A, RE and PL): $200.00 plus $6.00 per acre or increment thereof.

(2) Two-Family, Multi-Family, and Mobile Home (R-2, R-3, RM-2, RM-4, RM-6, and RO): $250.00 plus $10.00 per acre or increment thereof.

(3) Commercial (O-1, CO, C-1, C-2, C-3, TC, and C-R): $300.00 plus $10.00 per acre or increment thereof.

(4) Industrial (M-1, I-1, and I-2): $350.00 plus $10.00 per acre or increment thereof.

(5) Special Use with no change in zoning district: $400.00 plus $10.00 per acre.

(6) Planned Unit Developments: $500.00 plus $10.00 per acre or increment thereof.

(7) Historic District: No filing fee. (O-0506-56)

(8) Historic District – Certificate of Appropriateness: Applications for any building permit involving any exterior modifications for property located within a designated Historic District must first be granted a Certificate of Appropriateness by the Historic District Commission. Applications before the Historic District Commission are $75.00 per application.

(9) Any proposed amendment of the NORMAN 2025 Land Use and Transportation Plan whether or not accompanied by a rezoning request: $150.00 flat fee.

(10) Pre-Development Informational Meeting: $125.00 for each separate meeting that is requested.

(b) The area of each request and/or subdivisions thereof shall be computed and certified by a registered engineer, architect, or qualified surveyor and submitted with each application.

(c) The applicant shall submit with each application a list of names and addresses of all record property owners within a three hundred (350) foot radius of the exterior boundary of the subject property, said radius to be extended by increments of one hundred (100) linear feet until the list of property owners includes not less than fifteen (15) individual property owners of separate parcels or until a maximum radius of one thousand (1000) feet has been reached. Said list shall be current and certified by a registered professional engineer, a registered land surveyor, an attorney, a bonded abstractor, or the County Assessor. Maps and forms to accomplish the above requirement are available at the City of Norman Planning Department. (O-8990-43; O-9091-10; O-9394-19; O-0506-35)

(d) Filing fees will be computed by the Planning Department on each application before it is filed with the City Clerk.

6. Automatic Review of Commercially Zoned Lands.

(a) The Commission of the City of Norman, Oklahoma, shall review or cause to be reviewed by the Planning Commission of said City, which Planning Commission shall subsequently make recommendations to said City Commission, all tracts, parcels, lots, or other lands zoned for commercial purposes after said land has been zoned for such commercial purposes a period of five years. Such review shall determine whether or not development has commenced in pursuance of or because of such commercial zoning; the intent of the owner of such property or of the original applicant with respect to the development thereof, if no such development has occurred within the next preceding five year period, and to determine any other or all factors with respect to such land which will aid the City Commission in determining whether or not to rezone such land to its original or prior zoning classification, provided however, the City Commission shall not rezone any such land to any prior zoning classification until such time as all requirements of law with respect to notice and hearing have been satisfied.

7. Plot Plans Required. In order to protect the general health, peace, safety, and welfare of the City and its citizens and their property, the City Commission shall, from and after the effective date of this ordinance, require the submission of plot plans and/or affidavits or memorandums of intent with all applications for the rezoning of land to any commercial or industrial classification, or to the RO, Residence-Office District. For the purpose of this ordinance, such plot plans shall reflect, but shall not necessarily be limited to, the following: (1) the exterior property lines of the lot or piece of real property concerned; any existing structures on the lot or piece of land; the lines within which any contemplated structure is to be constructed, (2) a statement or other evidence of the type of structure to be placed on said land, and (3) all proposed setbacks, right-of-way or easement dedications, and parking, and further providing that any substantial divergence from the plot plans, affidavits or memorandum of intent on which such commercial zoning may have been based shall result in the immediate cancellation of such commercial zoning after notice and hearing thereof, unless said plot plan has theretofore been amended by the Governing Body.

8. Reapplication for a Change in Zoning. After an application to amend the regulations and districts herein established for a particular tract of land has been rejected by the City Council, no further application to amend the regulations and districts for the same tract of land shall be considered by the Planning Commission or the City Council for a period of one (1) year from the date of the City Council's rejection, unless:

(a) The application is for a different zoning district than the district for which the prior rezoning request was rejected; or,

(b) A substantial change in the condition of the neighborhood has occurred since the prior rejection by the City Council. For the purposes of this section, a substantial change in the condition of the neighborhood shall mean:

(1) The granting of rezoning for a more intensive use for a tract of land within 300 feet of the exterior boundary of the tract of land in question.

(2) A change in the designation of a street on the Norman Major Streets and Highways Plan which abuts the tract of land in question. (O-7374-71)

SEC. 442.3 - CLASSIFICATION OF NEW ADDITIONS

(a) The zoning classification of all land areas annexed to the City of Norman should be made a part of the annexing ordinance or passed by separate ordinance at the time of passage of the annexing ordinance.

(b) In the event no zoning classification is made of any annexed territory then that area shall be and is classified as R-1, Single Family Residential District; provided, however, that within a period of time not to exceed four (4) months after the date of passage of the annexing ordinance by the City Commission the Planning Commission shall study said area and recommend to the City Commission the zoning classification of said annexed area. Thereupon, the City Commission shall, after public hearing classify all of said annexed area by placing it in one or more zones as established by this ordinance. (Ord. 884, Art. IV, § 5)

ARTICLE XIV. DEFINITIONS

SEC. 450 - DEFINITIONS

(As amended by Ord. No. O-9596-19 – December 12, 1995; O-9697-6 – August 27, 1996; O-9798-8 – September 23, 1997; O-9798-25 – December 9, 1997; O-0102-51 – June 25, 2002; O-0405-24 – November 16, 2004; O-0405-19 – November 23, 2004; O-0708-36 – April 22, 2008; O-0809-42 – May 26, 2009)

(2) ACCESSORY. A use, building, structure, part of a building, or part of a structure which is subordinate to, and the use of which is incidental to, that of the main building, structure, or use on the same lot, including a private garage. If a building otherwise qualified as an accessory building is attached to the main building by a common wall or roof, such building shall be considered a part of the main building. Accessory buildings include, but are not limited to, barns, sheds, guest houses without cooking, private garages, and servant's quarters. Accessory uses include customary house occupations, the keeping of pets, off-street parking and loading facilities. Live entertainment, when offered in conjunction with an otherwise unrelated legal commercial use, will be considered an accessory use when it constitutes no more than ten (10) percent of the gross monthly revenue of the establishment. Uses accessory to apartment houses include prepackaged food and toiletries stores, subject to the provisions of Section 421.1.3(d) of this Code. (O-0102-51)

(3) ADULT ENTERTAINMENT USES.

For the purpose of this Section, "adult entertainment use" shall mean the following:

1. Adult Amusement or Entertainment: amusement or entertainment which is distinguished or characterized by an emphasis on acts or material depicting, describing or relating to "Sexual Conduct" or "Specified Anatomical Areas," as defined herein, including but not limited to topless or bottomless dancers, exotic dancers, strippers, male or female impersonators or similar entertainment.
2. Adult Bookstore: an establishment having as a significant portion of its stock in trade books, film, magazines and other periodicals which are distinguished or characterized by an emphasis on depicting or describing "Sexual Conduct" or "Specified Anatomical Areas."
3. Adult Mini Motion Picture Theater: an enclosed building with a capacity of less than 50 persons used for presenting material distinguished or characterized by an emphasis on depicting or describing "Sexual Conduct" or "Specified Anatomical Areas."
4. Adult Motel: a motel wherein material is presented, as part of the motel services, via closed circuit t.v. or otherwise, which is distinguished or characterized by an emphasis on depicting or describing "Sexual Conduct" or "Specified Anatomical Areas."
5. Adult Motion Picture Arcade: any place at which slug-operated or electronically, electrically or mechanically controlled, still or motion picture machines, projectors or other image-producing devices are maintained to show images to five or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by an emphasis on depicting or describing "Sexual Conduct" or "Specified Anatomical Areas."
6. Adult Motion Picture Theater: an enclosed building with a capacity of 50 or more persons used for presenting material distinguished or characterized by an emphasis or depicting or describing "Sexual Conduct" or "Specified Anatomical Areas."

7. Massage Parlor: Any place where for any form of consideration or gratuity, massage, alcohol rub, administration of fomentations, electric or magnetic treatments, or any other treatment or manipulation of the human body occurs as part of or in connection with "sexual conduct" or where any person providing such treatment, manipulation or service related thereto exposes "Specified Anatomical Areas."
8. Sexual Encounter Center: any building or structure which contains, or is used for commercial entertainment where the patron directly or indirectly is charged a fee to engage in personal contact with or to allow personal contact by, employees, devices or equipment or by personnel provided by the establishment which appeals to the prurient interest of the patron, to include, but not to be limited to bath houses, massage parlors, and related or similar activities.

   For the purposes of this section, the terms "Sexual Conduct" and "Specified Anatomical Areas" shall be defined as follows:

   1. "Sexual Conduct" includes the following:
      a. The fondling or other touching of human genitals, pubic region, buttocks, or female breasts;
      b. Ultimate sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, sodomy;
      c. Masturbation, and;
      d. Excretory functions as part of or in connection with any of the activities set forth in (a) through (c) above.
   2. "Specified Anatomical Areas" includes the following:
      a. Human genitals, pubic region, buttocks, and female breast below a point immediately above the top of the areola.
      b. Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

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

(4) ALLEY. A street less than thirty (30) feet wide if it existed prior to the enactment of this Ordinance, and less than fifty (50) feet wide if created after the enactment of this Ordinance. This definition shall not apply to a half-street, as hereinafter defined, and shall not restrict the development of property adjacent to a half-street, said property being only that for which the half-street was dedicated.

(6) APARTMENT HOUSE. A single detached dwelling designed for and occupied exclusively by three (3) or more families living independently of each other as separate housekeeping units, including apartment houses, apartment hotels and flats, but not including auto or trailer courts or camps, hotels, or resort type hotels.

(7) BAR. An establishment whose primary activity, measured by dollar volume of sales, involves the sale and the on-premise consumption of intoxicating or non-intoxicating beer, mixed beverages, wine, or other liquor, and where food service, if any, is a secondary activity.

(8) BASEMENT. A story having part but not more than one-half (1/2) its height below grade. A basement is counted as a story for the purpose of height regulations, if subdivided and used for business or dwelling purposes by others than a janitor employed on the premises.

(9) BED AND BREAKFAST ESTABLISHMENT, TYPE I. A use, often referred to as a Bed and Breakfast Homestay, which is clearly subordinate to the principal use and appearance of the structure as a residence, containing no more than four guest rooms, (none with individual cooking facilities) in which the owner operator (the Conditional Use Permit Holder), provides lodging which includes meal service to transient guests for compensation.

(9.2) BED AND BREAKFAST ESTABLISHMENT, TYPE II. A residential use, often referred to as a Bed and Breakfast Inn, containing no more than eight (8) guest rooms (none with individual cooking facilities) in which the owner operator (the Conditional Use Permit Holder) provides lodging which includes meal service to transient guests for compensation.

(10) BOARDING HOUSE. A residential building, other than a hotel, where, for compensation and by prearrangement for definite periods, on a monthly or longer basis, rooms and meals are provided to more than two (2) persons who are not members of the resident manager's family. (O-9697-6)

(12) BUILDING. Any structure. When separated by dividing walls without openings, each portion of such structure so separated, shall be deemed a separate structure.

(14) BUILDING AREA.* The total ground area covered by an enclosed building plus the total area of all covered open spaces at ground level, measured from the faces of exterior walls, at the mean grade level of each building.

(16) BUILDING HEIGHT. The vertical distance from the average line of the highest and lowest points of that portion of the lot covered by the building to the highest point of coping of a flat roof, or the deckline of a mansard roof, or to the average height of the highest gable of a pitch or hip roof.

(18) BUILDING, MAIN. A building in which is conducted the principal use of the lot on which it is situated. In any residential districts any dwelling shall be deemed to be a main building on the lot on which it is situated.

(20) BUILDING SITE. A single parcel of land in one ownership, occupied or intended to be occupied by a building or structure.

(22) CAR SPACE.* Open space area (covered and uncovered) used for car traffic and maneuvering and car parking. It includes the paved trafficways and parking areas of all streets within the land area.

* *Minimum Property Standards for Multifamily Housing, Federal Housing Administration, November, 1963, shall be used as a guide to the interpretation of this term. (Appendix B) (Where the requirements in the above definition differ from those set forth in the Minimum Property Standards, the above definition shall apply.)*

(24) CHILD CARE CENTER. Any place, home or institution which receives more than seven children under 18 years of age, who are not of common parentage, for care apart from their parents, legal guardians or custodians, when such care is received for regular periods of time for compensation; provided, however, this definition shall not include those public and private schools organized, operated or approved under the laws of Oklahoma and regulated by the State Department of Education, those where custody of the children has been fixed by a court of competent jurisdiction, those where children are related by blood or marriage within the third degree of the custodial person, or to those public or private institutions caring for children while the parents, legal guardians or custodians are attending services, meetings, classes, or otherwise engaging in that institution's activities, to the extent such care and custody does not exceed four hours at any one time. (Sec. 9-501 of the Code of the City of Norman, Oklahoma) (Ord. No. O-9596-19)

(25) CHURCH, TEMPLE. A building, together with its accessory buildings and uses, where persons regularly assemble for religious worship, and which building, together with its accessory buildings and uses, is maintained and controlled by a religious body organized to sustain public worship.

(25.1) COMMERCIAL COMMUNICATIONS TOWER. A structure composed of a single spire erected and maintained by a public service corporation that supports antennae and necessary attachments including, but not limited to, microwave antennae used as part of a cellular mobile telephone communication system, and an accessory building not to exceed four hundred (400) square feet used to house equipment necessary for the operation of the cellular communication monopole and related facilities.

(25.2) DANCE HALL. See NIGHTCLUB.

(26) DISTRICT. Any section or sections of Norman for which regulations governing the use of buildings and premises or the height and area of buildings are uniform.

(27) DRIVEWAY, REGULARLY CONSTRUCTED (For determining parking spaces allowed on driveways in front and side yards). Parking spaces provided on a regularly constructed driveway must be immediately adjacent to the driving lane and parallel to the direction of traffic flow. Parking spaces oriented at any angle to the direction of traffic flow shall not be considered to be provided on the driveway.

(28) DWELLING. Any building or portion thereof which is designed for use for residential purposes.

(30) DWELLING, MULTIPLE. A building designed for occupancy by three (3) or more families living independently of each other, exclusive of auto or trailer courts or camps, hotels or resort type hotels.

(32) DWELLING, SINGLE FAMILY. A building designed to be occupied by one (1) family.

(34) DWELLING, TWO FAMILY. A building designed to be occupied by not more than two (2) families.

(36) DWELLING UNIT. Any room or group of rooms located within a dwelling and forming a single habitable unit with facilities which are used or intended to be used for living, sleeping, cooking, and eating. In quasi-unit quarters, accommodations for every three (3) persons shall be counted as a dwelling unit.

(38) FAMILY. A single family shall be comprised of one of the following:

1. An individual, or two or more persons related by blood, marriage, or legal adoption living together as a single housekeeping unit in a dwelling unit, including foster children, domestic servants, and not more than two roomers; or
2. Three (3) unrelated persons living together in a quasi-unit quarter; or
3. A group home as defined by Section 862, Title 60 of Oklahoma Statutes. (O-9798-8)

(39) FAMILY DAY CARE HOME. A structure used as a residence in which the resident receives seven or fewer children under the age of 18 years (including the caregiver's own resident preschool children under the age of five) for part-time care apart from their parents, legal guardians or custodians, when such care is received for regular periods of time for compensation. (O-9596-19)

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

(42) FLOOR AREA. (For computing off-street parking area loading requirements). The sum of the gross horizontal areas of the several floors of a building measured from the exterior faces of the walls or from the centerline of the walls separating two (2) buildings, but not including:

(a) Attic or basement space providing headroom of less than seven (7) feet unless such space is used for human habitation or for retailing purposes in the case of a commercial use;
(b) Uncovered steps, fire escapes, and open porches;
(c) Required accessory off-street parking and loading spaces, enclosed or open.

(44) FLOOR AREA RATIO. In the RM-6 District and with respect to the large lot option in the RO District: The floor area on the lot divided by the land area.* In all other cases: The floor area on the lot divided by the lot area.

(46) FLOOR AREA RATIO, RESIDENTIAL.* Residential floor area on the lot divided by land area or lot area, as provided in the definition of floor area ratio.

(48) FLOOR AREA, RESIDENTIAL. Floor area used for residential purposes but not including area for common use of all occupants (in multi-family dwellings) or for commercial or other non-residential purposes such as garages or carports.

(50) GARAGE APARTMENT. A single dwelling unit co-located within a building where motor vehicles are normally and regularly stored and having a roof or wall in common. (O-0708-36)

(52) GROUND AREA.* The horizontal area of the ground covered by any structure.

* *<u>Minimum Property Standards for Multifamily Housing</u>, Federal Housing Administration, November, 1963, shall be used as a guide to the interpretation of this term. (Appendix B) (Where the requirements in the above definition differ from those set forth in the <u>Minimum Property Standards</u>, the above definition shall apply.)*

(53) GUEST HOUSE. An accessory building which is subordinate to, or smaller than, the principal residence on the same lot. It is intended to house occasional visitors or non-paying guests of the occupants of the principal residence on the same lot.

(54) HOME OCCUPATION. An accessory use of a dwelling unit, conducted entirely within the dwelling unit, carried on by one or more persons, all of whom reside within the dwelling unit, and where no other persons are employed other than maintenance and domestic help. The use is clearly incidental and secondary to the use of the dwelling for residential purposes and does not change the character thereof. There shall be no sale or display of merchandise nor outside storage of any kind (Cross-reference Section 22:438.1)

(56) HOTEL. A building or group of buildings under one (1) ownership containing six (6) or more sleeping rooms occupied, intended or designed to be occupied as the more or less temporary abiding place of persons who are lodged with or without meals for compensation, but not including an auto or trailer court or camp, sanitariums, hospital, asylum, orphanage, or building where persons are housed under restraint.

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

(58) INSTITUTION. A building occupied by a nonprofit corporation or nonprofit establishment for public use.

(59) INSTITUTIONAL, HIGH IMPACT. A public, quasi-public or private residential facility for individuals who are in need of special care, supervision, treatment, punishment or rehabilitation and must be maintained in a secured environment. Residents may be assigned to such a facility by a court, and may occupy the facility on a temporary or permanent basis. Typical uses include half-way houses for substance abuse patients, criminal pre-release centers, prisons, jails, and hospitals for mentally ill. (O-0809-42)

(60) LAND AREA. (For determining livability space ratio, open space ratio). The area of the lot plus one-half (1/2) of any beneficial open space plus one-half (1/2) of any abutting street or alley right-of-way up to a maximum of fifty (50) feet in an RM-6, Medium Density Apartment District, and up to a maximum of sixty (60) feet in an RO, Residence-Office District. (Ord. 1961)

(62) LIVABILITY SPACE.* Open space minus open car space minus one-half (1/2) the ground area of any carports.

(64) LIVABILITY SPACE RATIO.* The minimum area (in square feet) of livability space which shall be provided for each square foot of residential floor area.

(66) LOT. Any plot of land occupied or intended to be occupied by one (1) building, or a group of buildings, and its accessory buildings and uses, including such open spaces as required by this Ordinance and other laws or ordinances, and having its principal frontage on a street.

* *<u>Minimum Property Standards for Multifamily Housing</u>, Federal Housing Administration, November, 1963, shall be used as a guide to the interpretation of this term. (Appendix B) (Where the requirements in the above definition differ from those set forth in the <u>Minimum Property Standards</u>, the above definition shall apply.)*

(68) LOT, CORNER. A lot of which at least two (2) adjacent sides abut for their full lengths on a street, provided that the interior angle at the intersection of such two (2) sides is less than one hundred thirty-five degrees (135°).

(70) LOT AREA. The total horizontal area included within lot lines.

(72) LOT DEPTH. The average distance from the street line of the lot to its rear line, measured in the general direction of the side lines of the lot.

(74) LOT, DOUBLE FRONTAGE. A lot having a frontage on two (2) non-intersection streets, as distinguished from a corner lot.

(76) LOT FRONTAGE. That dimension of a lot or portion of a lot abutting on a street, except the side dimension of a corner lot.

(78) LOT INTERIOR. A lot other than a corner lot.

(80) LOT LINES. The lines bounding a lot as defined herein.

(80.1) LOUNGE. See BAR.

(80.2) MAXIMUM EXTENT PRACTICABLE**.** Under the circumstances, reasonable efforts have been undertaken to comply with the regulations or requirement, the costs of compliance clearly outweigh the potential benefits to the public or would unreasonably burden the proposed project or development, and reasonable steps have been undertaken to minimize any potential harm or adverse impact resulting from noncompliance. (O-0405-24)

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

(82) MIXED BUILDING. A building designed for or containing both residential and non-residential uses.

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

(82.4) MOBILE HOME, FREE-STANDING. Any mobile home not located in a mobile home park or a mobile home subdivision.

(82.5) MOBILE HOME, TYPE 1. A free-standing mobile home (as defined herein) that also meets the following criteria:

(a) Was manufactured on or after June 15, 1976, and which bears a seal certifying that it is built in compliance with the federal Manufactured Housing Construction and Safety Code.

(b) Has more than 950 square feet of occupiable space in a double section, double wide, or larger multi-section unit, or a single-wide unit at least fourteen feet (14') in width. (O-9798-25)

(c) Is set into an excavated area, is placed on a permanent foundation, with all foundations, footings and crawl spaces constructed in accordance with the Building Code.

(d) Utilizes a permanent perimeter enclosure between the floor joists of the house and the excavated underfloor grade (except for required openings).

(e) Is anchored to the foundation and/or the ground in accordance with the Building Code.

(f) Has wheels, axles and hitch mechanism removed.

(g) Has utilities connected in accordance with the Building Code and the manufacturer's specifications.

(h) Has one or more of the following siding materials: stone, brick, wood, stucco, or vinyl lap siding.

(i) Has one of the following roofing materials: Asbestos shingles, fiberglass shingles, shake shingles, asphalt shingles, or tile materials.

(j) Has a pitched roof. The pitch of the roof shall be in accordance with the design specifications of the type of the roofing material used.

(82.5.1) MOBILE HOME, TYPE 2. A free-standing mobile home (as defined herein) that also meets the following criteria:

(a) Was manufactured on or after June 15, 1976, and which bears a seal certifying that it is built in compliance with the federal Manufactured Housing Construction and Safety Standards Code.

(b) Has more than 320 square feet of occupiable space.

(c) Utilizes foundation siding/skirting in accordance with the manufacturer's specifications.

(d) Is anchored to the foundation and/or the ground in accordance with the Building Code.

(e) Has utilities connected in accordance with the Building Code and the manufacturer's specifications.

(f) Has wheels and axles removed.

(g) Has one or more of the following siding materials: stone, brick, wood, stucco, or vinyl lap siding.

(82.6) MOBILE HOME PARK. A unified development of mobile home spaces arranged on a single tract of land.

(82.7) MOBILE HOME SUBDIVISION. A unified development of mobile home lots which have been designed for the purpose of individual ownership.

(83) LIVE ENTERTAINMENT VENUE. An establishment where a major component of the business includes live or electronically amplified music, dancing, or other entertainment, and which may impose an admission charge or cover charge to observe that entertainment. Nightclubs, bars, and dance halls are typical uses within this category. This category shall not include, in any manner, any Adult Entertainment Establishment.

(84) MODEL HOME. A structure that is designed and built as a residence, with at least part of the dwelling in temporary use as a sales office and showcase or prototypical example of the kind of dwelling that its builder will construct within that subdivision. The dwelling may be used as a sales office for a period of not more than four (4) years, subject to an annually renewable permit that is administratively issued. For purposes of this ordinance, a model home does not include a home owned and occupied as a personal residence, but has been offered for sale and is simply being shown as an "open house."

(85) NIGHT CLUB. An establishment which regularly provides facilities for dancing and/or live entertainment, either alone or in conjunction with a restaurant or bar.

(86) NON-CONFORMING USE. Any lawful use of land, building or structure existing at the time of adoption of the Zoning Map, which does not conform with the regulations of the district in which it is situated.

(87) NON-RESIDENTIAL USE. A use which is not a residential use or accessory to a residential use.

(88) NURSERY (Plant). Any land used to raise trees, shrubs, flowers, or other plants for sale or for transplanting. Also refers to a business which sells nursery stock and related garden supplies.

(89) OPEN SPACE (For determining livability space ratio, open space ratio and recreation space ratio).* Total horizontal area of all uncovered open space plus one-half (1/2) the total horizontal area of all eligible covered open space, excluding eaves of buildings.

(90) OPEN SPACE, BENEFICIAL. Any public park, public playground, or other similar public open space which abuts a lot proposed for residential development and which is beneficial to the residential use of such lot. In determining the land area of a residential lot, such space may be counted up to one-half (1/2) its depth, but not to exceed fifty (50) feet in the case of a lot in the RM-6 District or sixty (60) feet in the case of a lot in the RO District.

(92) OPEN SPACE, COVERED.* Exterior space which is open on its sides to weather, but not open above to the sky and weather.

(94) OPEN SPACE, COVERED, ELIGIBLE.* The horizontal area of any covered open space, to the extent to which it is not more than twice the sum of the clear, open, and unobstructed portions of the open and partially open sides of the covered open space.

* *<u>Minimum Property Standards for Multifamily Housing</u>, Federal Housing Administration, November, 1963, shall be used as a guide to the interpretation of this term. (Appendix B) (Where the requirements in the above definition differ from those set forth in the <u>Minimum Property Standards</u>, the above definition shall apply.)*

(96) OPEN SPACE, COVERED, INELIGIBLE.* Any covered open space other than eligible covered open space.

(98) OPEN SPACE RATIO.* The minimum area (square feet) of open space which shall be provided for each square foot of residential floor area.

(100) OPEN SPACE, UNCOVERED.* Land area minus building area plus usable roof area.

(102) PARKING SPACE. A permanently surfaced area, enclosed or unenclosed, sufficient in size to store one (1) automobile together with a permanently surfaced driveway connecting the parking space with a street or alley and permitting ingress or egress of an automobile.

(103) PLANNED UNIT DEVELOPMENT. A land development project comprehensively planned as an entity utilizing a site development plan which permits flexibility in building siting, mixtures of all types of attached and detached housing, usable open spaces, and the preservation of significant natural features.

(104) PRINCIPAL USE. The predominant or main use to which a property is or may be devoted and to which all other uses on the premises are accessory.

(105) PRIVATE SCHOOL. A school offering general education courses the same as ordinarily given in public schools and having no rooms regularly used for housing and sleeping.

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

(108) RECREATION SPACE.* That part of livability space which provides one or more major open spaces for recreational purposes in a residential development. If recreation space required for a residential development is 10,000 square feet or more, no space shall be countable unless it is at least fifty (50) feet wide and at least ten thousand (10,000) square feet in area. If total recreation space required for a residential development is less than 10,000 square feet, such space shall be provided as a single space at least forty (40) feet wide and at least 2,000 square feet in area. In either case, if the recreation space is usable roof area, the least dimension may be reduced to thirty (30) feet.

Permanent public recreation areas abutting the lot and available for use by the residents thereof shall be countable as recreation space in meeting the requirements of this Ordinance. Recreation space shall be appropriately developed for active or passive recreational use by the residents of the lot.

(110) RECREATION SPACE RATIO.* The recreation space divided by residential floor area.

* *<u>Minimum Property Standards for Multifamily Housing</u>, Federal Housing Administration, November, 1963, shall be used as a guide to the interpretation of this term. (Appendix B) (Where the requirements in the above definition differ from those set forth in the <u>Minimum Property Standards</u>, the above definition shall apply.)*

(111) RECREATIONAL CAMP. A building or a group of buildings with accessory recreational facilities operated on a non-profit basis and designed for the purpose of the temporary congregation of people for seminars, retreats, or educational sessions.

(112) RESIDENTIAL DISTRICT. An R-E, R-1, R-1-15, R-1-10, R-2, R-3, RM-2, RM-4, RM-6, or RO District.

(114) RESIDENTIAL USE. A dwelling, apartment house, apartment hotel, garage apartment, rooming house, fraternity house, sorority house, convalescent home, rest home, or nursing home.

(115) RESTAURANT. A facility which derives more than 50% of its total revenue from the sale of food, excluding low point beer and other alcoholic beverages, as well as other secondary sources of income, such as admissions, cover charges, or amusements. (O-0405-19)

(115.1) RESTAURANT, SHORT ORDER FOOD. An establishment dispensing "short order food", which shall mean food other than full meals. For the purpose of this section, "full meals" means foods commonly ordered at breakfast, lunch, or dinner and at least part of which is cooked on the licensed premises and requires the use of dining implements for consumption; provided, that the services of only food such as appetizers, sandwiches, salads or desserts shall not be considered "meals." Alcoholic beverages (intoxicating or nonintoxicating) may not be served at a short order food restaurant.

(116) ROOF AREA, USABLE.* The total roof area of residential buildings, garages, and accessory buildings which has been suitably improved as residential open space for use of occupants, including roof areas used for car storage.

(118) ROOMING HOUSE. A residential building other than a hotel, where for compensation and on a monthly or longer basis, rooms are provided to more than two persons who are not members of the resident manager's family. (O-9697-6)

(120) ROOMING UNIT. A room rented as sleeping and living quarters, but without kitchen facilities and with or without an individual bathroom. In a suite of rooms without kitchen facilities, each room which provides sleeping accommodations shall be counted as one rooming unit for the purpose of this ordinance.

(121) SHOPPING CENTER. One or more commercial buildings which are planned, developed, owned, or managed as a unit, which provide shared facilities, including parking. Although typically utilized for retail sales of goods and merchandise, offices, theaters, and food service tenants are authorized uses. Food service establishments are those which exclusively provide for on-premise consumption of prepared food.

* *Minimum Property Standards for Multifamily Housing, Federal Housing Administration, November, 1963, shall be used as a guide to the interpretation of this term. (Appendix B) (Where the requirements in the above definition differ from those set forth in the Minimum Property Standards, the above definition shall apply.)*

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

(123) STORAGE WAREHOUSE. A building or group of buildings used for the storage of goods and wares by commercial clients and business organizations and not open to the general public.

(124) STORY. The portion of a building, other than a basement, included between the surface of any floor and the surface of the floor next above it, or if there be no floor above it, then the space between the floor and the ceiling next above it.

(126) STORY, HALF. A space under a sloping roof which has the line of intersection of roof decking and wall face not more than five (5) feet above the top floor level, and in which space not more than two-thirds (2/3) of the floor area is finished off for use. A half-story containing independent apartment or living quarters shall be counted as a full story. (O-0708-36)

(128) STREET. Any public or private right-of-way, highway, road, land, square, court, or way set aside as a permanent right-of-way for street purposes, thirty (30) feet or more in width if it existed at the time of the enactment of this Ordinance, and any public or private way fifty (50) feet or more in width if created after the enactment of this Ordinance.

(130) STREET, HALF. Any street platted twenty-five (25) feet or more in width, where at the time of the approval of the plat, it is the intent of the Board of City Commissioners that said street dedication shall constitute only a part of the total street easement width.

(132) STREET, INTERSECTING. Any street which joins another street at an angle, whether or not it crosses the other.

(134) STRUCTURE. Anything constructed or erected, the use of which requires permanent location on the ground or attached to something having a permanent location on the ground, including, but without limiting the generality of the foregoing, advertising signs, billboards and poster panels.

(136) STRUCTURAL ALTERATIONS. Any change in the supporting members of a building, such as bearing walls or partitions, columns, beams, or girders, or any substantial change in the roof or in the exterior walls.

(137) TAVERN. See BAR.

(138) TOURIST COURT. An area containing one (1) or more structures designed or intended to be used as temporary living facilities of one (1) or more families and intended primarily for automobile transients or providing spaces where two (2) or more tents or auto trailers can be parked.

(139) TRADE SCHOOL. A school offering specialized training or vocational skill.

(140) TRAILER COURT. Land or property which is used or intended to be used or rented for occupancy by two (2) or more trailers or movable dwellings, rooms, or sleeping quarters of any kind.

(141) TRAVEL TRAILER, MOTOR HOME. A vehicular, portable structure built on a chassis which may or may not be self-propelled, and which is designed to be used as a temporary dwelling for travel, recreational and vacation use.

(141.5) TRAVEL TRAILER PARK. A unified development which is designed primarily for transient service where travel trailers are parked or situated and which is used for the purpose of supplying to the public a parking space for such vehicles for only short durations of stay.

(141.7) VETERINARY CLINIC/HOSPITAL. A facility for the medical or surgical treatment of diseases and injuries of domestic animals. (Ord. No. O-9495-28)

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

(144) YARD, FRONT. A yard extending across the front of a lot between the side yard lines and being the minimum horizontal distance between the street line and the main building or any projection thereof, other than steps.

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

(148) YARD, SIDE. A yard between the building and the side line of the lot and extending from the front lot line to the rear lot line and being the minimum horizontal distance between a side lot line and the side of the main building or any projections other than steps.

ARTICLE XV. DESCRIPTION OF DISTRICTS

SEC. 460 - DESCRIPTION OF ZONING DISTRICT BOUNDARIES

Ordinance 884, adopted on July 13, 1954 by the City Commission of the City of Norman, Oklahoma, described in Article IV each zoning district within the City of Norman, Oklahoma. These district descriptions and all subsequent amendments thereto are hereby adopted by reference as Article XV of this Ordinance the same as if set out in full herein.

APPENDIX A

Explanation of Procedures for

REZONING PROCEDURES

If you desire to make application to have your property rezoned, the procedure is as follows:

1. Check with the Planning Department to see what your present zoning is, the designation of the zone you desire, and whether or not your request must be accompanied by an amendment of the NORMAN 2025 Land Use and Transportation Plan. The Planning Department Staff will be happy to help you with this.

2. The Norman Zoning Ordinance requires applicants for rezoning, or amendment to the NORMAN 2025 Land Use and Transportation Plan Document, to submit with their application a list of the names and addresses of all property owners of record within three hundred fifty (350) feet of their request. That radius should be increased in one hundred (100) foot increments until fifteen (15) separate ownerships are notified, or 1,000 feet, whichever comes first. That list must be certified as current and accurate by a registered professional engineer, an attorney, a bonded abstractor, or a registered land surveyor. This information should be submitted on the attached forms. A map delineating the three hundred fifty (350) foot notice area will be furnished by the Planning Department to be used to complete the ownership list. The Norman Zoning Ordinance also requires that the area of each request and/or subdivisions thereof must be computed and certified by a registered engineer, architect, or qualified surveyor and submitted with the application.

SAMPLE

3. If your request involves an amendment to the NORMAN 2025 Land Use and Transportation Plan, a separate application must be completed and submitted requesting the amendment and explaining why and to what extent the NORMAN 2025 Land Use and Transportation Plan should be changed. Major NORMAN 2025 Land Use and Transportation Plan Amendments (involving TIER Amendments, changes in Major Streets, more than one land use change, a request of more than forty acres, or where a new Neighborhood Master Plan is required) will be considered at the second monthly Planning Commission meeting after the application has been filed. Other NORMAN 2025 Land Use and Transportation Plan Amendments can be considered at any Planning Commission meeting. Amendments to the NORMAN 2025 Land Use and Transportation Plan will be considered as a separate item on the Agenda before and apart from your rezoning request.

4. Complete both copies of the rezoning application, and bring them and the above required material to the Planning Department at 201-A West Gray. The Planning Staff will make sure your application is complete, and will calculate the filing fee according to the following schedule.

   Agricultural and Single Family (A-1, A-2, R-1, R-1-A, RE, and PL): $200.00 plus $6.00 per acre or increment thereof.

   Two-Family, Multi-Family, and Mobile Home (R-2, R-3, RM-2, RM-4, RM-6, RO): $250.00 plus $10.00 per acre or increment thereof.

   Commercial (O-1, CO, C-1, C-2, C-3, TC, and CR): $300.00 plus $10.00 per acre or increment thereof.

   Industrial (M-1, I-1, and I-2): $350.00 plus $10.00 per acre or increment thereof.

   Special Use with no change in zoning district: $400.00 plus $10.00 per acre.

   Planned Unit Developments: $500.00 plus $10.00 per acre or increment thereof.

Historic District: $150.00 plus $5.00 per acre or increment thereof plus $5.00 per individual ownership within the notification area.

Historic District: Certificate of Appropriateness: Applications for any building permit involving any exterior modifications for property located within a designated Historic District must first be granted a Certificate of Appropriateness by the Historic District commission. Applications before the Historic District Commission are $75.00 per application.

Any proposed amendment of the NORMAN 2025 Land Use and Transportation Plan whether or not accompanied by a rezoning request: $150.00 flat fee.

Pre-Development Informational Meeting: $125.00 for each separate meeting that is requested.

5. Your application, along with the filing fee, must be filed at the Planning Department (201-A West Gray) before 1:30 p.m., Monday, thirty-one (31) days prior to the next Planning Commission meeting.

6. After your application and required materials are filed, legal notice of the request will be published in the **Norman Transcript**, as required by State Law. You are responsible for the cost of publication. Also at this time, every property owner within three hundred (300) feet or more of the exterior boundaries of your rezoning request (excluding streets and alleys less than three hundred (300) feet in width) is notified by letter of your request. These owners, and any other citizen, may protest if they so desire. Should the owners of fifty percent (50%) of the land within the notice area protest your request, it will take an affirmative vote of six (6) of the nine (9) members of the City Council to rezone your property.

7. The Planning Staff will research and analyze your request and prepare a staff report with recommendation, which will be mailed to each Planning Commission member. These staff reports will also be mailed to each applicant or to his representative.

8. At the next scheduled Planning Commission meeting (the second Thursday of each month), your request will be considered at a public hearing. You will be sent notice of this meeting and you or your representative must be present. The Planning Staff will introduce your request, and you and any interested citizens will have the opportunity to speak to the Commission concerning your request.

9. At the conclusion of this public hearing the Planning Commission, by majority vote, will recommend that the ordinance to accomplish your requested rezoning either be approved or denied. This recommendation, along with your application and rezoning ordinance, will be transmitted to the City Council.

10. After final Planning Commission action, your request will be forwarded to the City Council for First Reading approximately three (3) weeks later. Normally, you need not be present at this meeting.

11. At the following meeting (two weeks later), the City Council will vote either to adopt or reject the proposed rezoning ordinance. You or your representative must be present at this meeting. At that time the City Council will have reviewed the Planning Commission minutes and recommendation. If the ordinance is approved by the City Council, it will become effective thirty (30) days from the date of its approval.

The Planning Commission and City Council meetings are held in the Council Chambers of the Norman Municipal Building, 201 West Gray Street. If you have any further questions, please call the Planning Department at 366-5433.

APPLICATION FOR AMENDMENT OF
THE NORMAN 2025 PLAN

APPLICANT(S): _____

TYPE OF AMENDMENT(S):

Growth Area Designation	[ ]
Land Use Plan	[ ]
Transportation Plan	[ ]

LOCATION AND EXTENT OF AMENDMENT(S): _____

_____

_____

PRESENT DESIGNATION: Growth Area: _____

Land Use: _____

Streets: _____

Other: _____

REQUEST TO BE CHANGED TO: _____

_____

JUSTIFICATION FOR AMENDMENT (Include any change of conditions, appropriate NORMAN 2025 PLAN Policy Statements, and any other evidence which would support the change): _____

_____

_____

_____

EXPECTED AFFECTS ON SURROUNDING PROPERTIES: _____

_____

_____

(attach additional sheets, maps, etc. if necessary)

APPLICANT'S SIGNATURE: _____

ADDRESS: _____

TELEPHONE NO.: _____

DATE SUBMITTED: _____

APPLICATION FOR
REZONING

We, the undersigned, being the owners or legal agents for the owners of more than fifty-one percent (51%) of the following described property, do hereby respectfully make application and petition the City Council to amend the Zoning Ordinance of the City of Norman as hereinafter requested.

1. Applicant(s): _____

2. Request rezoning from: _____

   To: _____

3. Proposed Use (including all buildings to be constructed): _____

   _____

4. Street Address or Location: _____

5. Legal Description and Area: _____

   _____

6. In order that your application can be heard and considered at the next Planning Commission meeting, you must submit this completed application form and the following required information to the Planning Department for review. You must then file this information at the Planning Department (201-A West Gray) before 1:30 p.m. the day of the deadline.

   (a) Two copies of the complete application, including ownership list.
   (b) Copy of deed to land, or executed certificate of ownership.
   (c) Certified list of names and addresses of all property owners within three hundred fifty (350) feet of the request exclusive of streets and alleys which are less than three hundred (300) feet in width. (A map showing the three hundred fifty foot (350') notice area will be provided by the Planning Department and a form for the ownership list is attached).
   (d) Certified area of the request (This may be in the form of a letter referencing this application and the area shown hereon).
   (e) A filing fee, as computed by the Planning Department and indicated in the lower right-hand corner of this application.
   (f) A plot plan is required in the case of a request for commercial or industrial zoning.
   (g) Pursuant to Section 19-104 of the Subdivision Regulations, a Preliminary Plat may be required to be filed with the Engineering Department.

SIGNATURE OF APPLICANTS:	ADDRESS AND TELEPHONE:
_____	_____
_____	_____
_____	_____

FOR OFFICE USE ONLY

Application	[ ]	Certified area	[ ]
Plot Plan	[ ]	Supporting Data	[ ]
350' Notice Area List	[ ]	Checked by: _____	
Proof of Ownership	[ ]	Filing Fee: _____	

DATE SUBMITTED:

CERTIFICATION OF OWNERSHIP

DATE: _____

I, _____, hereby certify and attest that I am the owner , or that I have an option to purchase the following described property in the City of Norman:

AND, I further certify and attest that this legal description describes accurately the property requested for rezoning.

AND, I accept billing for the cost of publishing legal notice in The NORMAN TRANSCRIPT.

Owner's Signature: _____
Address: _____
Agent's Signature: _____
Address: _____

NOTARY

Before me, the undersigned, a Notary Public, in and for the State of Oklahoma, on this

day of _____, 20__, personally appeared _____,

to me known to be the identical persons who executed the within and foregoing instrument and

acknowledged to me that they executed the same as their free and voluntary act and deed for the

uses and purposes therein set forth.

(SEAL)

My commission expires: _____
Notary Public

I hereby accept this Certification of Ownership in lieu of a deed or other legal document showing proof of ownership.

Signature: _____

Title: _____
CITY OF NORMAN

Explanation of Procedures for

SPECIAL USE

If you desire to make application for a Special Use, the procedure is as follows:

1. Check with the Planning Department to see what your present zoning is, in order to determine whether your proposed Special Use is allowed in that zoning district. The Planning Department Staff will be happy to help you with this.

2. The Norman Zoning Ordinance requires applicants for every Special Use to submit with their application a list of the names and addresses of all property owners of record within three hundred fifty (350) feet of their request. That radius should be increased in one hundred (100) foot increments until fifteen (15) separate ownerships are notified, or 1,000 feet, whichever comes first. This list must be certified as current and accurate by a registered professional engineer, an attorney, a bonded abstractor, or a registered land surveyor. This information should be submitted on the attached forms. A map delineating the three hundred fifty (350) foot notice area will be furnished by the Planning Department to be used to complete the ownership list. A copy of the deed must be submitted in order for Staff to prepare the map. The Norman Zoning Ordinance also requires that the total land area for each request and/or subdivision thereof must be computed and certified by a registered engineer, architect, or qualified surveyor and submitted with the application. This statement may be in the form of a letter attesting to the square feet or acres contained in the request.

3. In addition to the completed application, a statement describing the nature and operating characteristics of the proposed Special Use is required. For uses potentially generating high volumes of vehicular traffic, the Planning Director may require specific information relative to the anticipated peak loads and peak use periods, the ability of the use to meet performance standards, or substantiating the adequacy of proposed parking, loading, and circulation facilities.

4. A complete site plan, drawn to scale, showing the location and dimensions of boundary lines with distances and bearings, easements, required yards and setbacks, and all existing and proposed buildings.

5. In order to properly evaluate the proposed Special Use, the Planning Director may require the following additional information:

   (a) Location and intended use of existing and proposed buildings on the site, and the approximate location of existing buildings on abutting sites within 50 feet.

   (b) Preliminary building elevations for all new or renovated structures, indicating height, bulk, and general appearance.

   (c) Preliminary improvement plans for any alteration of existing water courses or drainage features, proposed streets and alleys, and the location of the 100 year floodplain.

   (d) The location of existing and proposed site improvements including parking and loading areas, pedestrian and vehicular access, landscaped areas, utility or service areas, fencing and screening, signs, and lighting.

   (e) The number of existing and proposed off-street parking and loading spaces.

   (f) The relationship of the site and the proposed use to surrounding uses, including pedestrian and vehicular circulation, current use of nearby parcels, and any proposed off-site improvements to be made.

6. Your application, along with the filing fee of $400.00 plus $10.00 per acre, must be filed at the Planning Department, 201-A West Gray, before 1:30 p.m., Monday, 31 days prior to the next Planning Commission meeting.

7. After your application and required materials are filed, legal notice of the request will be published in the **NORMAN TRANSCRIPT**, in a form as required by State law. The Planning Department staff will prepare the legal notice for your application; however, you will be responsible for picking it up and submitting it to the **NORMAN TRANSCRIPT**. You are responsible for the cost of publication. Also that this time, every property owner within three hundred fifty (350) feet of the exterior boundaries of your property will be notified by letter from the Planning Department of your request. These owners, and any other citizen, may protest if they so desire.

8. The Planning Staff will research and analyze your request and prepare a staff report with recommendation, which will be mailed to each Planing Commission member. These staff reports will also be mailed to each applicant or to his representative.

9. At the next scheduled Planning Commission meeting (the second Thursday of each month), your request will be considered at a public hearing. You will be sent notice of this meeting and you or your representative **must** be present. The Planning Staff will introduce your request, and you and any interested citizens will have the opportunity to speak to the Commission concerning your request.

10. At the conclusion of this public hearing the Planning Commission, by majority vote, will recommend that the ordinance to accomplish your requested Special Use either be approved or denied. The Planning Commission may recommend that the City Council establish conditions of approval. Conditions may include requirements for special yards; open spaces; buffers; fences; walls and screening; requirements for installation and maintenance of landscaping and erosion control measures; requirements for street improvements and dedications regulation of vehicular ingress and egress, and traffic circulation; regulation of signs; regulations of hours or other characteristics of operation; and such other conditions as may be necessary to insure compatibility with surrounding uses, and preservation of the public health, safety and welfare. This recommendation, along with your application and Special Use ordinance, will be transmitted to the City Council. (The City Council meets on the second and fourth Tuesday of each month.)

11. After final Planning Commission action, your request will be forwarded to the City Council for First Reading approximately three (3) weeks later. Your attendance at this meeting is optional.

12. At the following meeting (two weeks later), the City Council will vote either to adopt or reject the proposed Special Use ordinance. You or your representative **must** be present at this meeting. At that time the City Council will have reviewed the Planning Commission minutes and recommendation. If the ordinance is approved by the City Council, it will become effective thirty (30) days from the date of its approval.

The Planning Commission and City Council meetings are held in the Council Chambers of the Norman Municipal Building, 201 West Gray Street. If you have any further questions, please call the Planning Department at 366-5433.

APPLICATION FOR **SPECIAL USE**

We, the undersigned, being the owners or legal agents for the owners of more than fifty-one percent (51%) of the following described property, do hereby respectfully make application and petition the City Council to grant a Special Use.

1. Applicant(s): _____

2. Existing zoning: _____

3. Proposed Special Use (including all buildings to be constructed): _____

_____

_____

4. Street Address or Location: _____

5. Legal Description and Area: _____

_____

_____

6. In order that your application can be heard and considered at the next Planning Commission meeting, you must submit this completed application form and the following required information to the Planning Department for review. You must then file this information at the Planning Department (201-A West Gray) before 1:30 p.m. the day of the deadline.

   (a) Two copies of the complete application, including ownership list.
   (b) Copy of deed to land, or executed certificate of ownership.
   (c) Certified list of names and addresses of all property owners within three hundred fifty (350) feet of the request. (A map showing the three hundred fifty foot (350') notice area will be provided by the Planning Department and a form for the ownership list is attached).
   (d) A statement indicating the area of the request in square feet or acres. (This may be in the form of a letter referencing this application and the area shown hereon, and must be certified by an architect, engineer or qualified surveyor).
   (e) A filing fee of $400.00 plus $10.00 per acre.
   (f) A site plan is required.
   (g) Pursuant to Section 19-104 of the Subdivision Regulations, a Preliminary or Final Plat may be required to be filed with the Engineering Department.
   (h) A statement describing the nature and operating characteristics of the proposed "Special Use(s)".

SIGNATURE OF APPLICANTS:	ADDRESS AND TELEPHONE:
_____	_____
_____	_____
_____	_____

FOR OFFICE USE ONLY

Application	[ ]	Certified area	[ ]
Plot Plan	[ ]	Supporting Data	[ ]
350' Notice Area List	[ ]	Checked by: _____	
Proof of Ownership	[ ]	Filing Fee: _____	

DATE SUBMITTED:_____

CERTIFICATION OF OWNERSHIP

DATE: _____

I, _____, hereby certify and attest that I am the owner , or that I have an option to purchase the following described property in the City of Norman:

AND, I further certify and attest that this legal description describes accurately the property requested for rezoning.

AND, I accept billing for the cost of publishing legal notice in The NORMAN TRANSCRIPT.

Owner's Signature: _____
Address: _____
Agent's Signature: _____
Address: _____

NOTARY

Before me, the undersigned, a Notary Public, in and for the State of Oklahoma, on this day of _____, 20___, personally appeared _____, to me known to be the identical persons who executed the within and foregoing instrument and acknowledged to me that they executed the same as their fee and voluntary act and deed for the uses and purposes therein set forth.

(SEAL)

My commission expires: _____
Notary Public

I hereby accept this Certification of Ownership in lieu of a deed or other legal document showing proof of ownership.

Signature: _____
Title: _____
CITY OF NORMAN

Symbol This Ownership	Block (or Twn. & Range	Lot (or Section)	CERTIFIED OWNERSHIP LIST			
			Addition (or brief legal)	Property Address (including ZIP CODE)	Owner(s) of Record	Mailing Address (Including ZIP CODE) Check Box if same as property address
						☐
						☐
						☐
						☐
						☐
						☐
						☐
						☐

NOTES

A map should be attached (base maps will be furnished b the Planning Department) showing by letter or number designation each of the ownerships listed.

If the spaces provided above are not adequate, use more than one line.

If more than one sheet is required, use the spaces below to indicate how many total sheets constitute this list. One certification is all that is required per list.

CERTIFICATION OF OWNERSHIP LIST

Re: Application of _____

It is hereby certified that the names and addresses shown hereon represent a full, true, complete, correct, and current list of the property owners' names and addresses within three hundred (300) feet, exclusive of streets and alleys which are less than three hundred (300) feet in width, of the above-referenced rezoning application as the same appears of record in the County Offices of Cleveland County, State of Oklahoma.

Dated this _____ day of _____ 20_____ at Norman, Oklahoma, at

APPENDIX B

APPENDIX B

SELECTED EXCERPTS FROM

MINIMUM PROPERTY STANDARDS

FOR

MULTIFAMILY HOUSING

to aid in the definition of certain terms and
words as noted in the Definitions
Section of the Zoning Ordinance

NOTE:
The inclusion of the following pages from F.H.A. Minimum Property Standards for Multifamily Housing does not exclude the use of the remainder of those standards for the interpretation of terms or words in the Zoning Ordinance. These excerpts are merely provided as a convenience and as a guide to the reader.

FEDERAL HOUSING ADMINISTRATION
WASHINGTON, D. C.

NOVEMBER 1963

For sale by the Superintendent of Documents, Government Printing Office
Washington, D.C., 20402 - Price $2.50

M301-3 Land-use Standards for the Site

M301-3.1 The Land-use Intensity Rating of the site ascribes to the site the land-use standards shown for that intensity number in Fig. 3.01. The standards for the site are shown where the vertical line of the site's intensity rating intersects with the several ratio lines. The standards are the following:

a. The Maximum Floor Area Ratio (FAR): the maximum square foot amount of total floor area (all stories) permitted for each square foot of land area. See M302 and Fig. 3.02.

b. The Minimum Open Space Ratio (OSR): the minimum square foot amount of open space which shall be provided for each square foot of floor area. See M303.

c. The Minimum Livability Space Ratio (LSR): the minimum square foot amount of livability (non-vehicular) outdoor space which shall be provided for each square foot of floor area. See M304.

d. The Minimum Recreation Space Ratio (RSR): the minimum square foot amount of recreation space required for each square foot of floor area. See M315.

e. The Minimum Occupant Car Ratio (OCR): the number of parking and garage spaces without time limits required for each living unit. See M305.

f. The Minimum Total Car Ratio (TCR): the total number of parking and garage spaces required for each living unit, including spaces without time limits (primarily for occupants) and spaces available for limited time periods (primarily for guests). See M305.

M301-3.2 Illustrative Site Planning Designs. To illustrate these standards and ratios, four examples of project designs at various Land-use Intensity Ratings are shown in Appendix C. The examples use various building types over a very wide range of land-use intensity from 3.6 to 7.7. Additionally, they show how good design can achieve not only the full floor area permitted at a given intensity rating, but also greater open space, livability space, recreation space and car storage than the standards require.

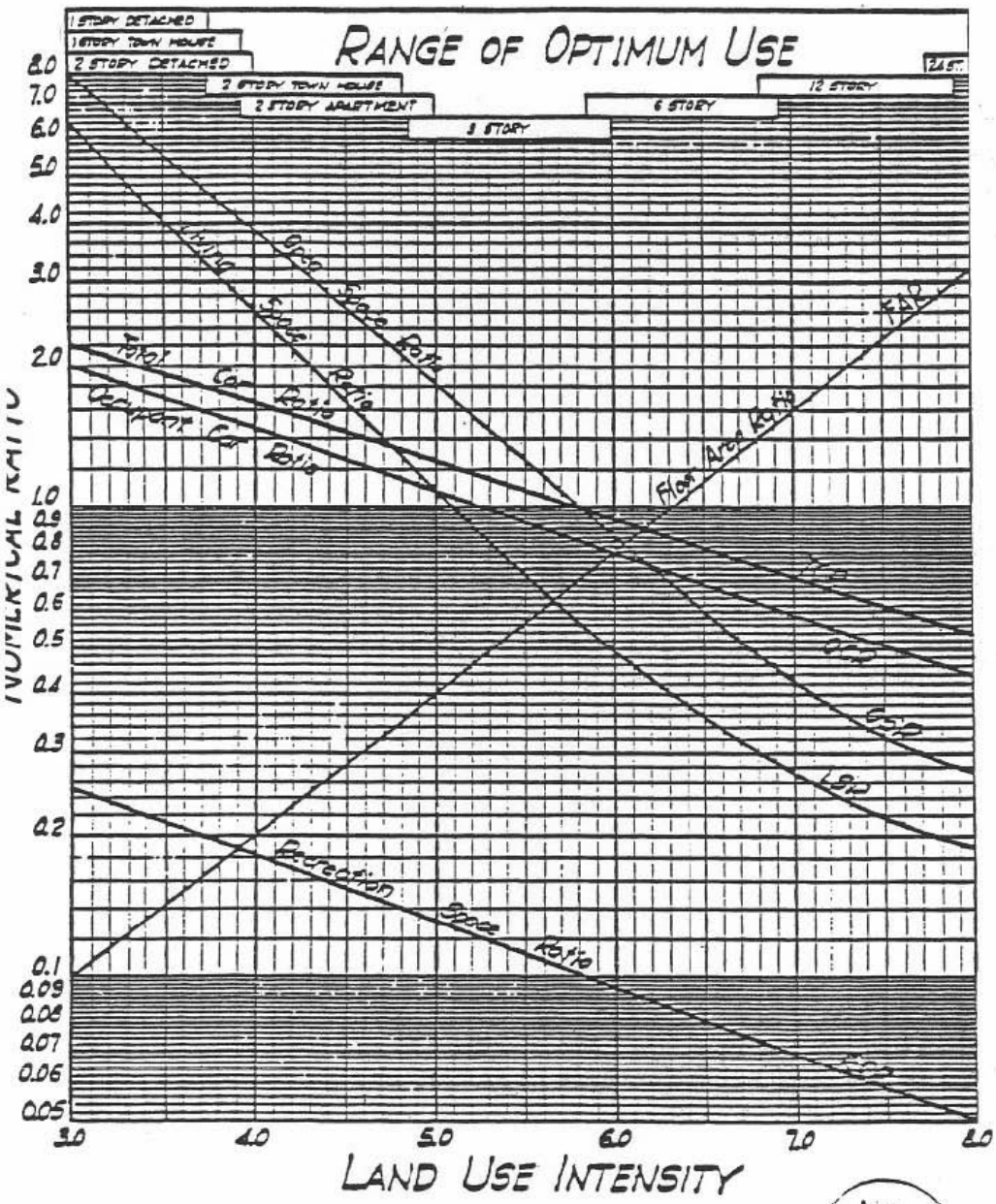

RANGE OF OPTIMUM USE
1 STORY DETACHED
1 STORY TOWN HOUSE
2 STORY DETACHED
2 STORY TOWN HOUSE
2 STORY APARTMENT
3 STORY
6 STORY
12 STORY
Open Space Ratio
Living Floor Ratio
Total Car Ratio
Dwelling Car Ratio
FAR
Floor Area Ratio
Recreation Space Ratio
INTENSITY RATIO
LAND USE INTENSITY
3.0
4.0
5.0
6.0
7.0
8.0

fig. 3.01

205

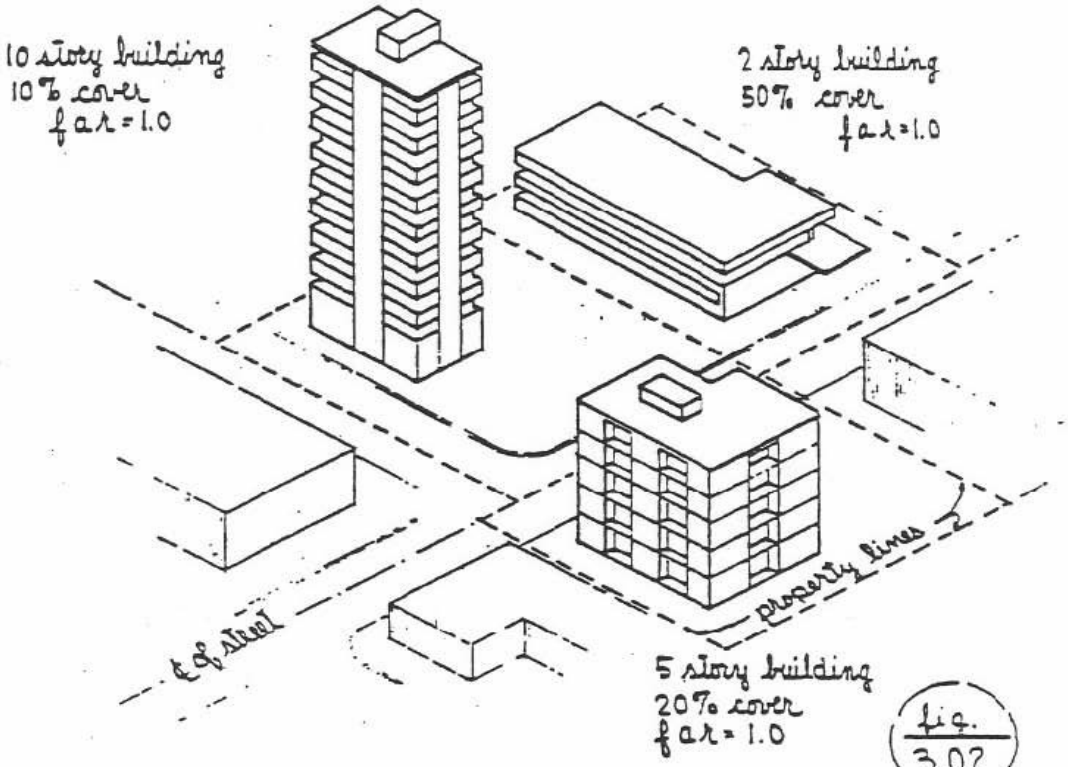


fig. 3.02

example: determination of floor area ratio - m 302-2

The Land-use Intensity Standards in Figure 3.01 (opposite page) show the ratios for Floor Area, Open Space, Livability Space and Car Storage, which apply at various levels of Land-use Intensity. Also shown for each of several common building types, is the optimum range of land-use intensity which is characteristic of that building type when used alone on a site area. The ranges shown for high rise apartments reflect building design in which countable open space and livability space are provided in part through (a) exterior balconies, (b) suitably improved roof areas, or (c) covered open space at ground level with portions of the building raised on columns.

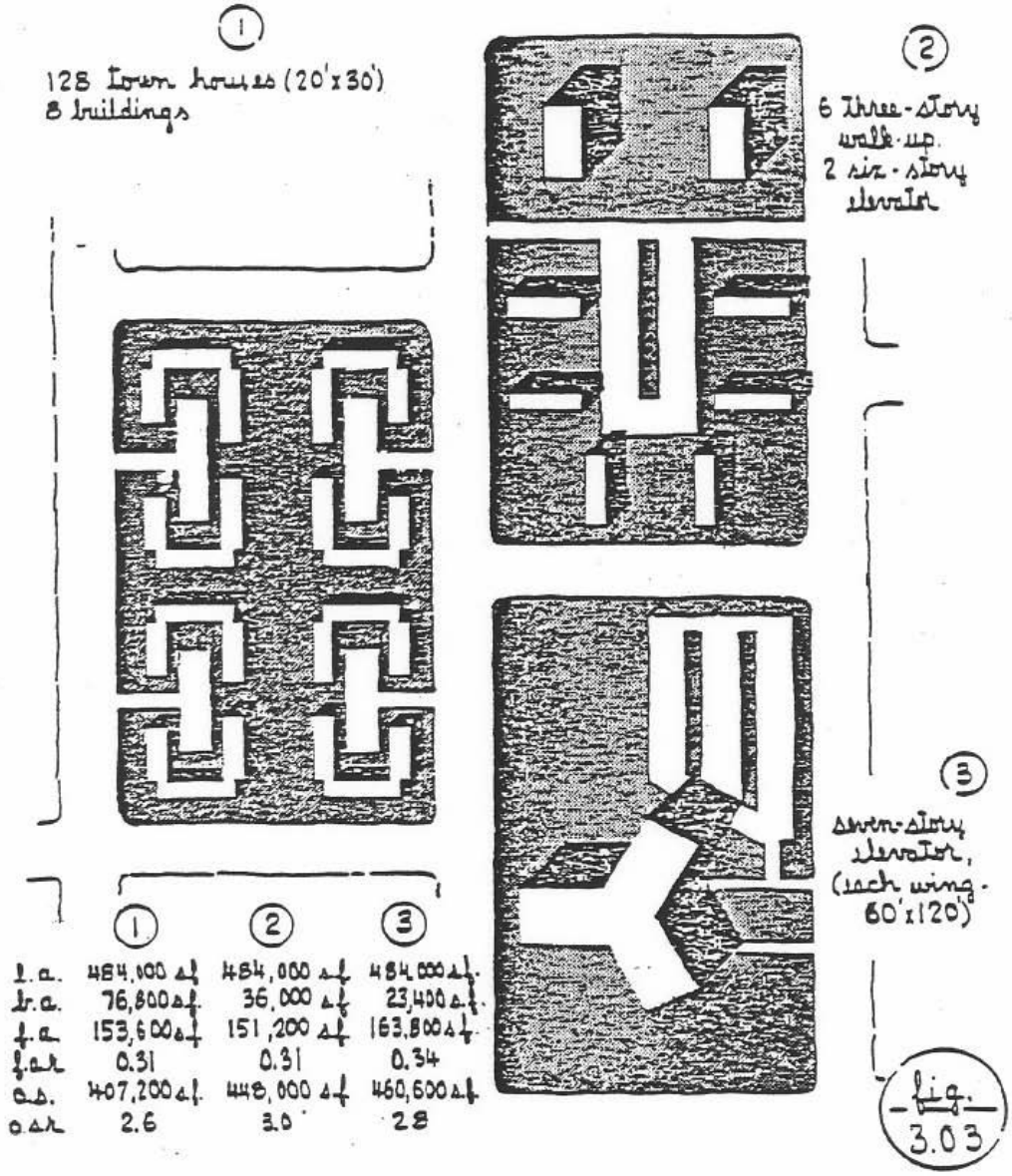


fig. 3.03

example: variations in building type and arrangement M301-4.2

M301-4 Building Types

M301-4.1 For each of several common building types, Fig. 3.01 shows the optimum range of land-use intensity which is characteristic of the building type where used along on all or a part of a site. To determine the building type or types usually most suitable to a site, follow on Fig. 3.01 the vertical line representing the FHA-determined Intensity Rating of the site until it intersects with one or more of the horizontal range bars representing building types at the top of the chart; for example, intensity 4.5 suggests 2-story townhouses and 2-story apartments.

M301-4.2 Any single building type (common or special) or any group of varied types are acceptable on a site provided the requirements below in M301-4.3 are met. Fig. 3.03 illustrates some of the many building arrangements that can be designed on a given site without a major change in the land-use intensity.

M301-4.3 The site shall be planned for building types in such variety of types, of such characteristics and so arranged on the site that:

a. The sizes and types of living units meet long-term needs,

b. The property has adequate visual appeal,

c. The property can be operated and maintained at cost reasonably related to income,

d. The land-use and other site planning standards of this chapter are met, and

e. Zoning and other local regulations are complied with.

M301-5 Residential Uses and Non-residential Uses

For these land-use standards, the measurements for FAR, OSR, LSR, RSR, OCR, TCR etc., include only such land area, floor area, open space and car storage as are allocated for residential use and for uses incidental to, and compatible with the residential use, such as recreation facilities serving the occupants, or a coffee shop in a recreation building. Areas and spaces for general commercial or other uses not incidental to and compatible with the residential use are not included in the measurements for determining compliance with the standard ratios.

M301-6 How to Develop a Planning Program for a site after FHA determines the Land-use Intensity Rating is illustrated in Fig. 3.04.

M301-7 How to Check a Proposed Plan for compliance with the Land-use Intensity Standards ascribed to the site by the FHA's Land-use Intensity Rating is illustrated in Fig. 3.05.

M302 FLOOR AREA RATIO

M302-1 General

The relationship of the building bulk (total mass of one or more buildings) to the land area shall be consistent with the character of the site and its location in the anticipated community pattern, and shall not exceed the maximum Floor Area Ratio (FAR) shown in Fig. 3.01 for the Land-use Intensity Rating determined for the site by the FHA.

M302-2 Floor Area Ratio (FAR)

Floor Area Ratio (FAR) is the total floor area of all stories divided by the land area. It shows the square foot amount of floor area present for each square foot of land area. FAR = FA ÷ LA. FAR x LA = FA. Fig. 3.02 illustrates how the arrangement of building bulk can be varied on a site with the Floor Area Ratio held constant.

M302-3 Floor Area (FA)

M302-3.1 Floor Area (FA) is the sum of the areas for residential use on the several floors of a building or buildings, measured from the faces of the exterior walls.

M302-3.2 The floor area includes:

a. halls, lobbies, stairways and elevator shafts,

b. basement or lowest story to extent used for residential purposes and for access to residential use, and

c. relatively-closed exterior balconies and other covered open spaces which are ineligible for inclusion in covered open space (COS: M303-7) and therefore are counted as floor area, unless exempted in the next paragraph below.

Fig. 3.05 How to Check a Proposed Plan

1. Property: Mountain View Manor	Date Analyzed: 8-12-63
2. Location: Bluefield, W. Va.	Analyzed by: E.W.P.
3. Plans Analyzed: Plot Plan & Floor Plan (Rev. of 5-1-63)	

4. Land Use Intensity Rating Assigned by FHA	6.4 MPS Ratios	Ratios Computed Below
a. Floor Area Ratio . . . . . FAR	1.1	1.04
b. Open Space Ratio . . . . . OSR	0.64	0.88
c. Livability Space Ratio . . . . . LSR	0.38	0.59
d. Recreation Space Ratio . . . . . RSR	0.08	0.42
e. Occupant Car Ratio . . . . . OCR	0.71	1.43
f. Total Car Ratio . . . . . TCR	0.84	1.62

What to Determine	How to Determine It		Determination
5. Floor Area	From plans	M302-3	FA 88,657
6. Land Area	From plans	M302-4	LA 85,151
7. Floor Area Ratio	FA ÷ LA	Line 5 ÷ Line 6	FAR 1.04
8. Building Area	From plans	M303-5	BA 12,533
9. Usable Roof Areas	From plans	M303-6	URA NONE
10. Uncovered Open Space	LA - BA + URA	L.6 - L.8 + L.9	UOS 72,558
11. Covered Open Space	From plans	M303-7	COS 10,813
12. Open Space	UOS + ½COS	L.10 + ½ L.11	OS 77,965
13. Open Space Ratio	OS ÷ FA	L.12 ÷ L.5	OSR 0.88
14. Uncovered Car Area	From plans	M304-4	UCA 18,812
15. Covered Car Area	From plans	M304-4	CCA 13,242
16. Livability Space	OS - UCA - ½CCA	L.12-L.14-½L.15	LS 52,532
17. Livability Space Ratio	LS ÷ FA	L.16 ÷ L.5	LSR 0.59
18. Recreation Space	From plans	M315-4	RS 37,200
19. Recreation Space Ratio	RS ÷ FA	L.18 ÷ L.5	RSR 0.42
20. Occupant Car Spaces	No time limits; from plans 1105		OC 86
21. No. of Living Units	From Plans		LU 60
22. Occupant Car Ratio	OC ÷ LU	L.20 ÷ L.21	OCR 1.43
23. Guest Car Spaces	Time limited; from plans M305		GC 11
24. Total Car Ratio	(OC+GC) ÷ LU	(L.20+L.23) ÷ L.21	TCR 1.62
25. Gross Density	LU ÷ LA	L.21 ÷ (L.6 ÷ 43,560)	GD 30.7

Rev. 11/63

M302-3.3 The floor area does not include:

a. relatively-open exterior balconies and other covered open spaces which are eligible for inclusion in covered open space (M303-7);

b. any terrace, patio, atrium, porch or balcony which is not covered;

c. any area for special purpose for common use of all occupants, such as recreation, library or infirmary;

d. any garage or carport;

e. any area used for major mechanical equipment; or

f. any area used for commercial or other non-residential purposes, as stated in M301-5.

M302-4 Land Area (LA)

M302-4.1 Land Area is:

a. the site area for residential use within the property lines;

b. plus half of any abutting alley or street right-of-way;

c. plus half of any abutting beneficial open space with reasonable expectance of perpetuity (such as a river or public park);

except that the width of any abutting open space included in Land Area shall not exceed an amount in linear feet equal to 10 times the Land-use Intensity Rating of the site.

M302-4.2 Land Area, however, shall not include:

a. area not beneficial to the residential use due to its location or character, or

b. area used predominately for commercial or other non-residential uses (M301-5).

M303 OPEN SPACE RATIO

M303-1 The relation of open space to the floor area shall be:

a. consistent with the character of the site and its location in the anticipated community pattern;

b. adequate for the needs of the occupants for livability open space and for traffic and parking space; and

c. not less than the minimum open space ratio (OSR) shown in Fig. 3.01 for the Land-use Intensity Rating determined for the site by FHA.

M303-2 Open Space Ratio (OSR) is the open space divided by the floor area. It shows the square foot amount of open space present for each square foot of floor area. OSR = OS ÷ FA. OSR x FA = OS.

M303-3 Open Space (OS) is the total horizontal area of all uncovered open space plus 1/2 of the total horizontal area of all covered open spaces. OS = UOS + 1/2 COS.

M303-4 Uncovered Open Space (UOS) is the land area, minus the building area, plus the usable roof area. UOS = LA - BA + URA.

M303-5 Building Area (BA) is the total ground area covered by enclosed building space plus the total area of all covered open spaces at ground level, both eligible and ineligible as defined in M303-7. It is measured from the faces of exterior walls (or the exterior line of omitted walls) at the mean grade level of each building, garage, carport and other accessory building. For roof overhang, see M303-7.5.

M303-6 Usable Roof Area (URA) is the total roof area of residential buildings, garages and accessory buildings which has been suitably improved as residential open space for use of occupants. Roof areas used for car storage are included.

M303-7 Covered Open Spaces (COS)

M303-7.1 Nature. Covered open space is exterior space which is open on its sides to weather, but not open above to the sky and weather. It includes:

a. roofed porches;

b. roofed carports;

c. covered exterior balconies;

d. exterior spaces covered by portions of buildings supported on columns or cantilevers, such as a porch, portico, loggia, arcade, breezeway, gallery, or pavilion which is at ground level, open on the sides (partially or wholly), and closed to the sky.

M303-7.2 Eligible Area. The horizontal area of any covered open space is eligible as covered open space (COS) to the extent to which it is not more than twice the sum of the clear, open and unobstructed portions of the open and partially open sides of the covered open space.

M303-7.3 Ineligible Area. Any remaining horizontal area of the covered open space is not eligible as covered open space (COS) in determining open space (OS; M303-3). It is counted as floor area (FA; M302-3) unless exempted under M302-3.3. Together with eligible covered open space, it is considered in determining building area (BA; M303-5).

M303-7.4 How to Determine Eligible and Ineligible Area of a Covered Open Space. This is illustrated in Fig. 3.06 for a 25 feet by 40 feet covered open space at ground level; 20 feet of the depth of the space is recessed behind the general plane of the building wall; the other 5 feet of the depth projects beyond the building wall and is covered by the projection of an exterior balcony on the floor above.

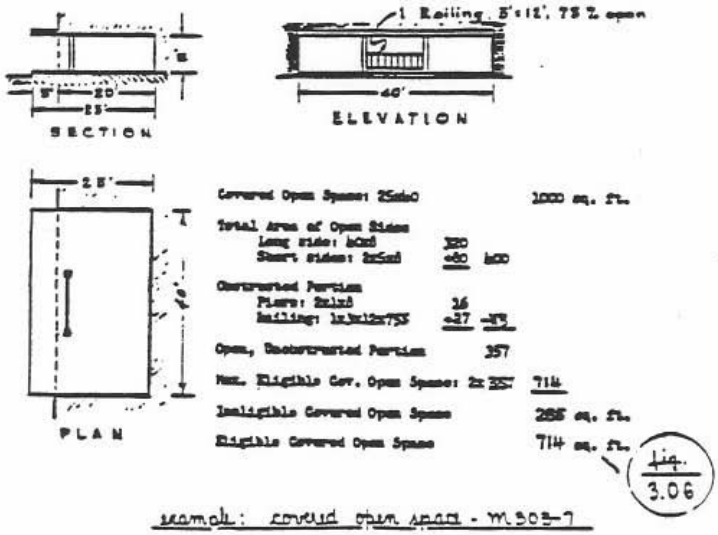


Fig. 3.06

example: covered open space - M303-7

I303-7.5 Roof Overhang. Eaves and normal overhang of roofs beyond the exterior faces of walls (or beyond the exterior line of omitted walls) are disregarded in all measurements for open space (UOS and COS) and building area (BA).

I304 LIVABILITY (NON-VEHICULAR) SPACE RATIO

I304-1 The open space used for people, planting and visual appeal shall be so related to the floor area that the relationship shall be:

a. consistent with character of the site and its location in the anticipated community pattern,

b. adequate for exterior property attractiveness needed for long-term marketability;

c. adequate for outdoor living space for the occupants; and

d. not less than the minimum Livability Space Ratio (LSR) shown in Fig. 3.01 for the Land-use Intensity Rating determined for the site by FHA.

M304-2 Livability Space Ratio (LSR) is the livability open space divided by the floor area. It shows the square foot amount of livability open space present for each square foot of floor area. LSR = LS ÷ FA. LSR x FA = LS.

M304-3 Livability Open Space (LOS) is the open space, minus the car area within the uncovered open space, minus 1/2 any car area in that covered open space which was eligible and credited 50 percent to open space (M303-3 and M303-7). LSR = OS - UCA - 1/2 CCA.

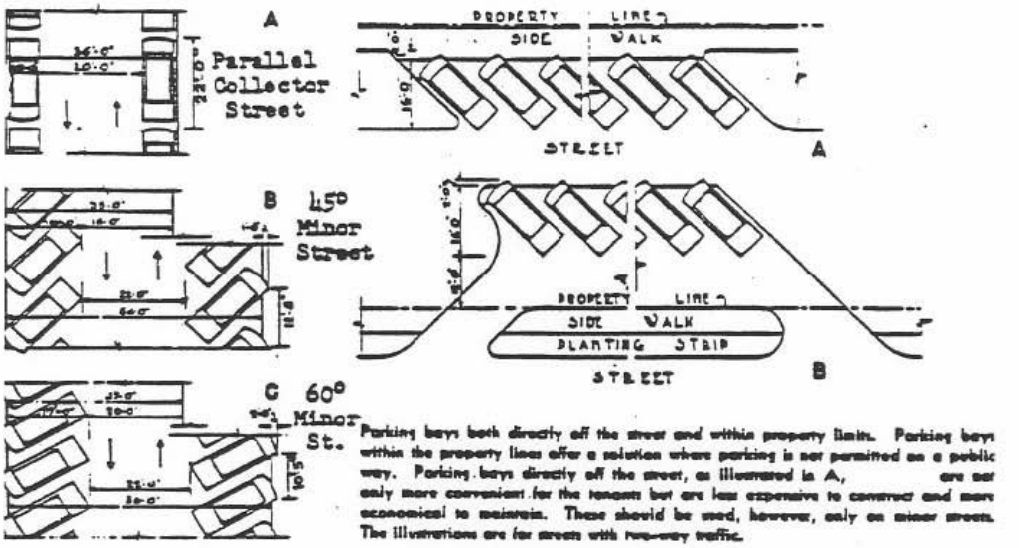
M304-4 Car Area (UCA and CCA) is open space area (uncovered and covered) used for car traffic and maneuvering and for car parking. Included are the paved trafficways and parking areas of all streets within the land area (LA), including the subject half of streets abutting the property.

M305 CAR RATIOS

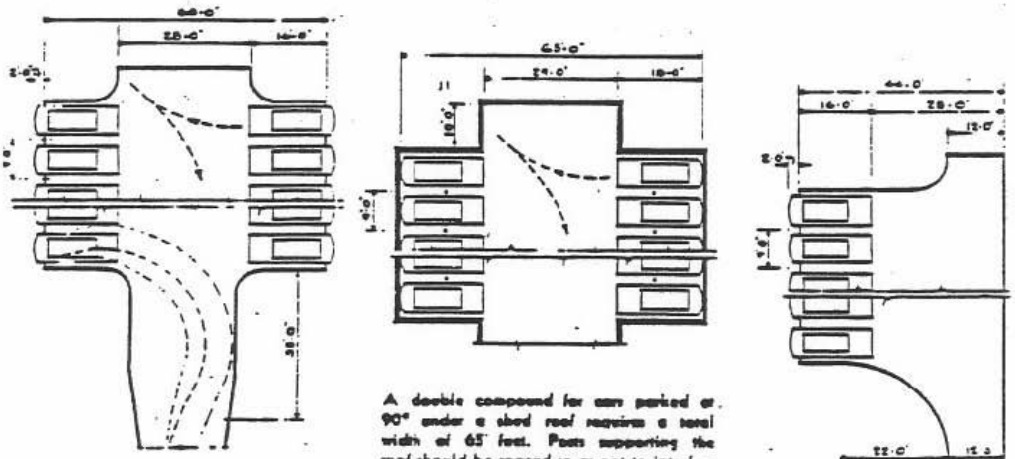
M305-1 General

Residential garages and car parking spaces for the property shall be so related to the number of living units that the relationship shall be:

a. consistent with the character of the site and its location in the anticipated community pattern;



Parking bays both directly off the street and within property limits. Parking bays within the property lines offer a solution where parking is not permitted on a public way. Parking bays directly off the street, as illustrated in A, are not only more convenient for the tenants but are less expensive to construct and more economical to maintain. These should be used, however, only on minor streets. The illustrations are for streets with two-way traffic.



An on-site parking area with single entrance and double 90° open parking. In order to enter the end spaces nearest the entrance in one motion, extra width must be maintained for a distance of 35 feet as indicated.

A double compound for cars parked at 90° under a shed roof requires a total width of 65 feet. Posts supporting the roof should be spaced so as not to interfere with maneuvering. It must be assumed that amateur drivers will park in this type of compound, therefore, generous maneuvering space should be provided to allow for backing out in one motion.

An on-site parking area with single-entrance and single-90° parking without enclosing walls.

example: dimensions of parking areas and courts- m 312-2

fig. 3.11

M313-3 Construction. See Chapter X.

I314 STEPS AND STEPPED RAMPS

M314-1 Steps and stepped ramps shall be avoided if possible in order to facilitate servicing with wheeled vehicles.

M314-2 Steps and stepped ramps shall be provided, if necessary, to obtain suitable gradients for walks. They shall be convenient, safe and well lighted for use both by pedestrians and service carts.

M314-3 Single risers and long flights of steps shall be avoided.

M314-4 For details and construction, see Chapter X.

M315 RECREATION AREAS

M315-1 General

Adequate recreation facilities for the residents shall be provided in locations easily accessible to the living units and where they do not impair the view and privacy of living units.

M315-2 Passive Recreation

M315-2.1 Attractive outdoor sitting areas shall be provided, appropriate in size, type and number to the needs of the residents.

M315-2.2 The design and location of sitting areas may vary according to the type of projects, from a sun deck, balcony or roof garden to a paved area overlooking a pleasant view, or a shaded area along a walk.

M315-3 Active Recreation

M315-3.1 Active recreation areas shall be provided which are appropriate for the needs of the residents. Activities may vary from horseshoe pitching, shuffleboard, swimming or tennis to golf, horseback riding or boating in large projects.

M315-3.2 Well-equipped playgrounds of adequate size and number shall be provided, where it is anticipated that children will occupy the premises.

M315-4 Required Recreation Space

M315-4.1 The recreation space required by the Land-use Intensity Standards (301-3.1d) is that part to the Livability Space which provides one or more major open spaces in a development.

M315-4.2 Recreation Space Ratio (RSR) is the total recreation space of countable size divided by the total floor area.
RSR = RS ÷ FA RSR x FA = RS

M315-4.3 The relation of total countable recreation space to the total floor area (FS: M302-3) shall not be less than shown in Fig. 3.01 for Land-use Intensity Rating determined for the site by FHA.

M315-4.4 As part of the required recreation space (RS) permanent recreation space abutting the property and available for use by the residents may be considered.

M315-5 Countable as Required Recreation Space

M315-5.1 The smallest countable recreation area is 10,000 square feet. Small playgrounds or sitting areas less than 10,000 square feet count as livability space but do not count as required recreation space. Where several areas are to be counted as required recreation space, each must be at least 10,000 square feet. The least dimension of a countable recreation area shall average not less than 100 feet and be not less than 50 feet at any point. That part of a recreation area having a dimension less than 50 feet shall not be included as countable recreation space.

M315-5.2 All recreation area counted in RSR shall be at least 20 feet away from any residential wall containing a window on the ground floor.

M315-5.3 The following are acceptable modifications of the above dimension and area requirements:

a. A lesser area if the total required recreation space is less than 10,000 square feet.

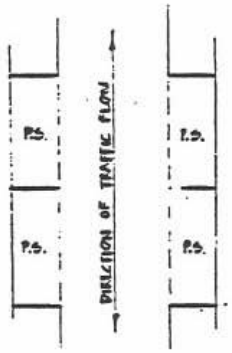
b. A smaller least dimension if the shape or topography of the site prevents compliance with the 100 feet least dimension.

c. A smaller least dimension if the recreation area is usable roof area.

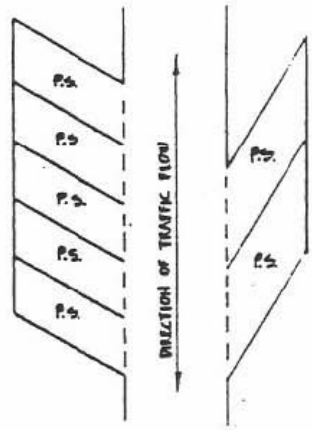
evised June 1964

APPENDIX C

PARKING IN FRONT AND SIDE YARDS ALLOWED ONLY
UPON A REGULARLY-CONSTRUCTED DRIVEWAY



ALLOWED
Parking spaces parallel to the direction of traffic flow.



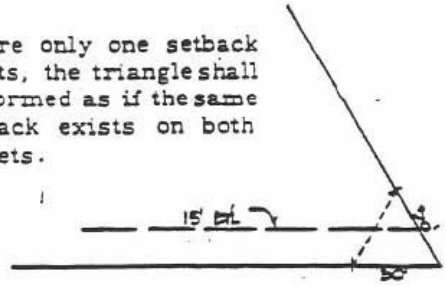
NOT ALLOWED
Parking spaces at any angle to the direction of traffic flow.

Section 431.9(b)(1): "Front and Side Yards: In a residential district, no part of a front yard or of a side yard abutting a public street shall be used as a parking space for a motor vehicle, boat, trailer, or other vehicle of equivalent or larger size, except upon a regularle-constructed driveway."

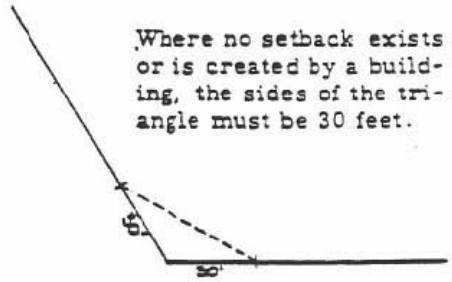
Section 450(27) Definition: "Driveway, Regularly-Constructed(For determining parking spaces allowed on driveways in front and side yards). Parking spaces provided on a regularly constructed driveway must be immediately adjacent to the driving lane and parallel to the direction of traffic flow. Parking spaces oriented at any angle to the direction of traffic flow shall not be considered to be provided on the driveway."

APPENDIX E

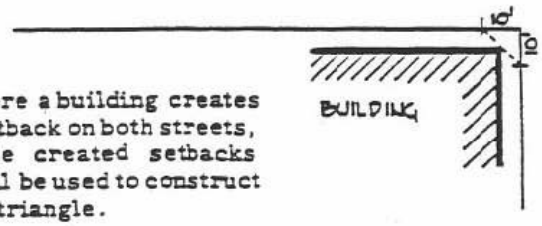
Where only one setback exists, the triangle shall be formed as if the same setback exists on both streets.

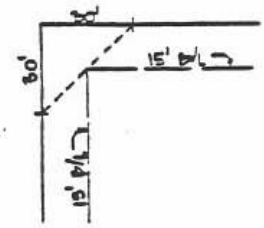


Where no setback exists or is created by a building, the sides of the triangle must be 30 feet.



Where a building creates a setback on both streets, these created setbacks shall be used to construct the triangle.





SECTION 431.1

(h) On any corner lot no wall, fence, sign, structure, or any plant growth having a height in excess of three (3) feet above the elevation of the crown of the adjacent roadway surface shall be maintained within a triangle formed by drawing a line through the point of intersection of the required or created front and side building setback lines along the streets, said line forming the hypotenuse of an isosceles triangle. In no case shall the equal sides of the triangle so formed be required to be in excess of 30 feet. No automobile may be parked within or on the street side of the above described triangle; provided, however, that curb cuts may be permitted within this triangle at the intersection of Local Streets in a single family zoning district when, in the opinion of the City Engineer, such curb cuts will not create unsafe conditions.

APPENDIX E

APPENDIX F

TO BE USED IN CONJUNCTION WITH
LANDSCAPING REQUIREMENTS OF SECTION 22-431.8

This section enumerates plant species that are recommended for use in parking areas and species that are prohibited. Species other than are listed here may be acceptable for use in parking areas and will be considered if their placement is documented on the plot plan. It is recommended that a variety of plant species, rather than just one or two species, be utilized in parking areas. In addition to the contrast of appearances, planting problems and diseases affecting the entire plant population may be avoided.

Due to the characteristics of the following species, their use will not meet the landscaping requirements of parking lots:

(1) Prunus laurocerasus
Common Laurelcherry

(2) Prunus serotina
Black Cherry

(3) Quercus Falcata
Southern Red Oak

(4) Gleditsi triacanthos
Thornless Honeylocust

(5) Acer saccharinum
Silver Maple

(6) Ailanthus altissima
Tree-of-Heaven

(7) Albizzia julibrissin
Mimosa

(8) Broussonetia papyrifera
Paper Mulberry

(9) Lirondendron tulipfera
Tulip Tree

(10) Quercus palustris
Pin Oak

(11) Ulmus americana
American Elm

(12) Ulmus pumila
Siberian/Chinese Elm

(13) Populus deltoides
Cottonwood

(14) Populus alba
White/Balleana Poplar

Appendix F

(15) Eleagnus angustifolia
Russian Olive

(16) Pyrus calleryana
Callery Pear, esp. Bradford

(17) Acer rubrum
Red Maple

(18) Betula nigra
River Birch

(19) Fraxinus Pennsylvanica
Green Ash (except Urbanite)

The following tree species are recommended for use in parking lots:

	SPECIES	APPROXIMATE HEIGHT	SPACE
(1)	Quercus nigrea Water Oak	40-90’	20-40’
(2)	Sapindus drummondi Western Soapberry	25-40’	15-25’
(3)	Pistache chinensis Chinese Pistache	30-50’	15-25’
(4)	Cercis canadensis Eastern Redbud	15-30’	10-15’
(5)	Ginkgo biloba Chinese Maidenhair	20-40’	15-25’
(6)	Chilopsis linearis Desert Willow	15-20’	10-15’
(7)	Quercus shumardii Shumard Oak	40-90’	20-40’
(8)	Acer saccharum Caddo Canyon Sugar Maple (Not Eastern Sugar Maple)	50-75’	30-50’
(9)	Fraxinus pennsylvanica lanceolata Urbanite Green Ash	40-70’	20-30’

(10)	Platanus acerifollia London Planetree	65-90’	25-50’
(11)	Phellodendron amurense Amur Corktree	40-70’	20-40’
(12)	Ulmus Parvifolia Lacebark Elm	40-60’	30-40’
(13)	Acer ginnala Amur Maple	15-25’	15-20’
(14)	Koelreuteria paniculata Goldenrain tree	40-60’	30-40’
(15)	Quercus rubra Northern Red Oak	60-80’	25-30’

The following shrubs are recommended for use as peripheral and streetscape vegetation:

	DECIDUOUS		
(1)	Lagerstroemia indica Crapemyrtle	8-15’	4-6’
(2)	Euonymus atropurpureus Eastern Wahoo	10-25’	6-8’
(3)	Serberis thunbergi Japanese Barberry	3-5’	3-4’
(4)	Chaenomeles laginaria Common Quince	4-6’	3-4’
(5)	Chaenomeles japonica Japanese Quince	2-4’	2-3’
(6)	Hibiscus syriacus Althea	6-10’	4-5’
(7)	Lonicera fragrantissima Winter Honeysuckle	6-8’	4-6’
(8)	Forsythia intermedia Border Forsythia	4-7’	4-5’

	SPECIES	APPROXIMATE HEIGHT	SPACE
EVERGREENS			
(1)	Ilex cornuta Chinese Holly	6-8’	4-5’
(2)	Ilex opaca American Holly	12-25’	6-8’
(3)	Euonymus kiautschovicus Spreading Euonymus	4-7’	3-4’
(4)	Euonymus Japonicus Japanese Euonymus	6-8’	2-4’
(5)	Hesperaloe parviflora Red Yucca	2-3’	2-3’
(6)	Ligustrum lucidum Wax Leaf Privet	5-6’	3-4’
(7)	Pyracantha coccinea Scarlet Firethorn	7-10’	5-8’
(8)	Yucca filamentosa Adamsneedle Yucca	2-4’	2-3’

The following narrow-leaf evergreens are recommended for use as Peripheral Landscaping Requirements as per Section 22-341.8, subparagraph 2, subparagraph a, subparagraph (7):

(1)	Cedrus atlantica Atlas Cedar	15-25’	12-15’
(2)	Cupressus arizonica Arizona cypress	20-40’	6-8’
(3)	Juniperus virginiana Eastern Red Cedar	20-40’	5-10’

SPECIES		APPROXIMATE HEIGHT	SPACE
(4)	Pinus ponderosa Ponderosa Pine	20-25’	6-10’

The following species are recommended to serve as a “durable landscape barrier” as per street landscaping requirements:

		SPACE
(1)	Juniperus chinensis Pfitzer Juniper	4-6’
(2)	Juniperus sabina Savin Juniper	3-5’
(3)	Berberis thunbergii Barberry	3-5’
(4)	Euonymus alatus Dwarf Winged Burning Bush	4-5’
(5)	Lonicera fragantissima Winter Honeysuckle	6’
(6)	Lonicera xylosteum Dwarf Honeysuckle	4-6’
(7)	Spiraea arguta Garland Spiraea	5-6’
(8)	Spiraea thunbergi Thunberg Spirea	4-5’
(9)	Ligustrum lucidum Wax Leaf Privet	5-6’