

AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AMENDING CHAPTER 22 (ZONING ORDINANCE), SECTION 429.3(10)(a) DIRECTING HISTORIC DISTRICT APPEALS TO THE BOARD OF ADJUSTMENT; AMENDING ARTICLE XIII ADMINISTRATION, SECTIONS 441(3)(A) AND 441(6) TO INCLUDE HISTORIC DISTRICT COMMISSION; AND PROVIDING FOR THE SEVERABILITY THEREOF.

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

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§ 1. THAT Section 429.3(10)(a) of Chapter 22 Zoning of the Code of the City of Norman shall be amended to read as follows:

**Sec. 22-429.3. HD. HISTORIC DISTRICT.**

\* \* \*

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 Board of Adjustment ~~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.

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§ 2. THAT Sections 441(3)(a) and 441(6) of Chapter 22 Zoning of the Code of the City of Norman shall be amended to read as follows:

**Sec. 22-441. THE BOARD OF ADJUSTMENT.**

\* \* \*

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, as well as the Historic District Commission, in the enforcement of this ordinance or any other ordinance adopted pursuant thereto.

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6. Procedure for Appeal of the Decision of an Administrative Official or Historic District Commission to the Board of Adjustment.

Appeals may be taken to the Board of Adjustment by any person aggrieved or by any officer or bureau of the governing body of said city affected by any decision of an administrative official, as well as the Historic District Commission, concerning interpretation or administration of this ordinance. Such appeals shall be taken within 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.

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.

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.

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

§ 4. Effective date. The effective date of the Ordinance shall be \_\_\_\_\_, 2021.

ADOPTED this \_\_\_\_\_ day

NOT ADOPTED this \_\_\_\_\_ day

of \_\_\_\_\_, 2021.

of \_\_\_\_\_, 2021.

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Breea Clark, Mayor

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Breea Clark, Mayor

ATTEST:

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Brenda Hall, City Clerk