

PART 12

PLANNING, ZONING AND DEVELOPMENT

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CHAPTER 1

PLANNING COMMISSION

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§ 12-101 CITY PLANNING COMMISSION CREATED; MEMBERSHIP.

A. A city planning commission may be created for the city. The planning commission shall consist of five (5) appointed members, each of whom shall be a resident of the city, or, if not a resident of the city, shall own or operate a business in the city. The mayor and the city engineer (if any) shall act as ex officio members of the city planning commission. All members of the city planning commission shall serve without compensation.

B. The appointed members of the city planning commission shall be nominated by the Mayor and appointed by the city council. Each appointment shall be for a term of three (3) years, except as otherwise provided in this code.

C. Of the original appointed members of the city planning commission, one shall serve for a term of one (1) year; two (2) shall serve for terms of two (2) years; and two (2) shall serve terms of three (3) years.

D. Members of the city planning commission may be removed by a majority vote of the city council. Should a vacancy on the city planning commission occur, for any reason, the vacancy shall be filled for the unexpired portion of the term of membership. (Amended 12-9-2004 by Ord. No. 2004-5)

State Law Reference: Municipal planning commissions, 11 O.S. Sections 45-101 to 45-105.

Cross Reference: Building regulations, permits, Sections 5-101 et seq.

§ 12-102 ORGANIZATION; MEETINGS; OFFICERS AND EMPLOYEES.

The city planning commission shall elect a chairman, a vice chairman, and secretary, who shall serve until the first Monday of the next May after their election. The secretary need not be a member of the commission. The commission shall determine the time and place of its regular meetings; and the chairman or any three (3) members may call special meetings of the commission. The commission may employ engineers, attorneys, clerks, and other help deemed necessary, subject to the approval of the city council. Their salaries and compensation shall be fixed by the board, and shall be paid out of the city treasury as other salaries and compensation are paid. The necessary legal expenses shall be paid out of the city treasury as other legal expenses of the city government are paid.

§ 12-103 **POWERS AND DUTIES.**

The city planning commission shall have all the powers and duties prescribed for it by state law and all other powers and duties now or hereafter prescribed for it by any other provision of ordinance or law.

§ 12-104 **TO HAVE POWER OF A ZONING COMMISSION.**

A. The city planning commission is hereby appointed the zoning commission of the city, and the city planning commission shall have the powers of a zoning commission as provided by state law. Whether exercising the powers of a planning commission or the powers of a zoning commission, it shall be legally one board known as the city planning commission.

B. Exercising the powers of a zoning commission, the city planning commission shall recommend the boundaries of the various zones and appropriate zoning regulations to be enforced therein. It shall have all the powers conferred upon a zoning commission by state law and all powers which now or in the future may be granted by applicable state law to such authorities.

CHAPTER 2

ZONING REGULATIONS

- § 12-201 Zoning regulations.
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- § 12-203 Mobile home requirements.
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§ 12-201 ZONING REGULATIONS.

For the purpose of lessening traffic congestion, to secure safety from fire and other dangers, to promote health and the general welfare of the public, to provide adequate light and air, to prevent overcrowding of land, to avoid undue concentration of population and to facilitate the adequate provision of public utilities and facilities and to provide for the administration, enforcement and amendment of a uniform system of zoning with the city limits, the city, hereby adopts a zoning ordinance for the city.

Ed. Note: Ord. No. 1981-7, adopted August 1981, contains original Zoning Ordinance.

Cross Reference: See also Part 5 of this code on building regulations.

§ 12-202 PUBLICATION AND COPIES.

Pursuant to the authority of state law, the title and brief gist or summary of the provisions of the zoning ordinance are hereby ordered published. A copy of the zoning regulations and map are on file in the office of the city clerk.

§ 12-203 MOBILE HOME REQUIREMENTS.

A. Mobile homes located within the city limits shall be subject to minimum area regulations as follows:

1. Front yard. The minimum setback of the front yard from the street right-of-way or lot lines shall be twenty-five (25) feet;
2. Side yard. Any mobile home shall be subject to a minimum side yard setback of ten (10) feet;
3. For mobile homes located on corner lots, there shall be a side yard setback from the street of not less than twenty-five (25) feet;
4. Rear yard. There shall be a rear yard for any mobile home of not less than fifteen (15) feet;

5. Lot width. There shall be a minimum lot of fifty (50) feet by one-hundred forty (140) feet for any lot upon which a mobile home is to be located; or

6. Intensity of use. There shall be not more than one mobile home located on any lot.

B. Freestanding mobile homes shall be placed only within the appropriate zoning districts which permit such freestanding mobile home locations.

C. Each freestanding mobile home offered for sale must be clearly marked as such by the owner who is living on the property; this excludes mobile homes with commercial mobile home sales lots.

D. No travel trailer or recreational vehicle shall be permitted within the corporate limits of the city of Geary, Oklahoma, unless it is parked for storage not encroaching on any established setback or being offered for sale at a commercial sales lot or located in a permitted mobile home park or subdivision or campground or recreation vehicle park.

E. A property owner shall not store, nor permit to be stored, more than one travel trailer or recreational vehicle on a residential lot; such travel trailer shall not be stored in any required front or side yard or setback or public utility easement, nor shall such travel trailer project beyond the front of any building.

F. In the situation of the property owner living in a travel trailer or recreational vehicle during the construction of a house on the same property, this temporary use will be reviewed and permitted by the planning commission.

G. Any freestanding mobile home which is in place on a property which is currently zoned for such use but is not located within a mobile home park or mobile home subdivision and is occupied by at least one resident or maintained by the property owner on the date of passage of this ordinance shall be authorized to remain in place.

H. Any freestanding mobile home meeting the above requirements may be replaced for the purpose of improvement or updating the model of the mobile home. At such time, a recommendation will be required from the planning commission and a permit from the town or the Geary city council.

I. Any areas in which freestanding mobile homes have been permitted due to "grandfathered" usage, vested rights or "history of use" will only continue to be permitted to the original grandfathered property owner or occupant. Upon sale of such property or death of the original owner/owners or occupant, the use will reflect the zoning district established for that area.

J. Any freestanding mobile home that is damaged or in disrepair to such an extent that it is no longer suitable for human occupation shall be removed. The mobile home shall not be repaired but must be removed from the location. Whether the mobile home is damaged or in disrepair to such an extent that it is no longer suitable for human occupation shall be determined by the Geary city council, upon the advice of the code enforcement officer.

K. Further restrictions regarding placement of freestanding mobile homes will be outlined in the zoning ordinances, making such changes known to property owners in those areas and allowing for the intent and improvements projected by the city of Geary.

L. All freestanding mobile homes shall have a hard-surface driveway of asphalt, concrete or gravel. (Amended 6-11-2009 by Ord. No. 2009-05)

§ 12-204 **LOCATION OF MOBILE HOMES.**

A. A mobile home shall be allowed as a permitted use, in accordance with the applicable zoning regulations, in all zoning districts of the city except in districts zoned as commercial 1 (C-1) and districts zoned as commercial 1/residential 1 (C-1 /R-1).

B. Mobile homes located within the city limits outside mobile home districts shall be subject to the same minimum area regulations as are required in the mobile home district. (Amended 10-9-2003 by Ord. No. 2003-5)

§ 12-205 **PENALTY.**

Any person, firm, association, corporation or co-partnership, who shall violate any of the provisions of this chapter or the zoning regulations, as amended, shall be deemed guilty of an offense and upon conviction thereof, shall be punishable as provided in Section 1-108 of this code. A separate offense shall be deemed committed upon each day during or on which a violation occurs or continues.

CHAPTER 3

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§ 12-319 **Standards for subdivision proposals.**

ARTICLE VI

PENALTY

§ 12-320 **Penalty clause; penalties for noncompliance.**

ARTICLE I

STATUTORY AUTHORIZATION, FINDINGS OF FACT, PURPOSE AND METHODS

§ 12-301 **Statutory authorization.**

§ 12-302 **Findings of fact.**

§ 12-303 **Statement of purpose.**

§ 12-304 **Methods of reducing flood losses.**

§ 12-301 STATUTORY AUTHORIZATION.

The Legislature of the State of Oklahoma has in Title 82, Section 1601-1619, delegated the responsibility of local governmental units to adopt regulations designed to minimize flood losses. Therefore, the Geary city council of Geary, Oklahoma, does ordain as follows:

§ 12-302 FINDINGS OF FACT.

A. The flood hazard areas of city of Geary are subject to periodic inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, and extraordinary public expenditures for flood protection and relief, all of which adversely affect the public health, safety and general welfare.

B. These flood losses are created by the cumulative effect of obstructions in floodplains which cause an increase in flood heights and velocities, and by the occupancy of flood hazards areas by uses vulnerable to floods and hazardous to other lands because they are inadequately elevated, floodproofed or otherwise protected from flood damage.

§ 12-303 STATEMENT OF PURPOSE.

It is the purpose of this chapter 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:

- A. Protect human life and health;
- B. Minimize expenditure of public money for costly flood control projects;
- C. Minimize the need for rescue and relief efforts associated with flooding and

generally undertaken at the expense of the general public;

D. Minimize prolonged business interruptions;

E. Minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in floodplains;

F. 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; and

G. Insure that potential buyers are notified that property is in a flood area.

§ 12-304 METHODS OF REDUCING FLOOD LOSSES.

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

A. 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;

B. Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;

C. Control the alteration of natural floodplains, stream channels and natural protective barriers, which are involved in the accommodation of floodwaters;

D. Control filling, grading, dredging and other development which may increase flood damage;

E. Prevent or regulate the construction of flood bathers which will unnaturally divert floodwaters or which may increase flood hazards to other lands.

ARTICLE II

DEFINITIONS

§ 12-305 Definitions.

§ 12-305 DEFINITIONS.

Unless specifically defined below, words or phrases used in this chapter shall be interpreted to give them the meaning they have in common usage and to give this chapter its most reasonable application.

1. "Alluvial fan flooding" means flooding occurring on the surface of an alluvial fan or similar landform which originates at the apex and is characterized by high-velocity flows; active processes of erosion, sediment transport and deposition; and unpredictable flow paths.

2. "Apex" means a point on an alluvial fan or similar landform below which the flow path of the major stream that formed the fan becomes unpredictable and alluvial fan flooding can occur.

3. "Area of shallow flooding" means a designated AO, AH or VO 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 (1) to three (3) 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.

4. "Area of special flood hazard" is the land in the floodplain within a community subject to a one percent (1 %) or greater chance of flooding in any given year. The area may be designated as Zone A on the Flood Hazard Boundary Map (FHBM). After detailed ratemaking has been completed in preparation for publication of the FIRM, Zone A usually is refined into Zones A, AE, AH, AO, A1-99, VO, V1-30, VE or V.

5. "Base flood" means the flood having a one percent (1 %) chance of being equaled or exceeded in any given year.

6. "Basement" means any area of the building having its floor subgrade (below ground level) on all sides.

7. "Critical feature" means an integral and readily identifiable part of a flood protection system, without which the flood protection provided by the entire system would be compromised.

8. "Development" means any man-made change in improved and unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.

9. "Elevated building" means a non basement building (i) built, in the case of a building in Zones A 1-30, AE, A, A99, AO, AH, B, C, X and D, to have the top of the elevated floor, or in the case of a building in Zones V1-30, VE or V, to have the bottom of the lowest horizontal structure member of the elevated floor elevated above the ground level by means of pilings, columns (posts and piers) or shear walls parallel to the floor of the water and (ii) adequately anchored so as not to impair the structural integrity of the building during a flood of up to the magnitude of the base flood. In the case of Zones A 1-30, AE, A, A99, AO, AH, B, C, X and D, elevated building also includes a building elevated by means of fill or solid foundation perimeter walls with openings sufficient to facilitate the unimpeded movement of floodwaters. In the case of Zones V1-30, VE or V, "elevated building" also includes a building otherwise meeting the definition of "elevated building," even though the lower area is enclosed by means of breakaway walls if the breakaway walls met the standards of Section 60.3(e)(5) of the National Flood Insurance Program regulations.

10. "Existing construction" means, for the purposes of determining rates, structures for which the start of construction commenced before the effective date of the FIRM or before

January 1, 1975, for FIRMs effective before that date. "Existing construction" may also be referred to as "existing structures."

11. "Existing manufactured home park or subdivision" -means 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 before the effective date of the floodplain management regulations adopted by a community.

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

13. "Flood or flooding" means a general and temporary condition of partial or complete inundation of normally dry land areas from:

- a. The overflow of inland or tidal waters.
- b. The unusual and rapid accumulation or runoff of surface waters from any source.

14. "Flood Hazard Boundary Map (FHBM)" means an official map of a community, issued by the Administrator, where the boundaries of the flood, mudslide (i.e., mudflow) related erosion areas having special hazards have been designated as Zones A, M and/or E.

15. "Flood Insurance Rate Map (FIRM)" means an official map of a community, on which the Federal Emergency Management Agency has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

16. "Flood insurance study" is the official report provided by the Federal Emergency Management Agency. The report contains flood profiles, water surface elevation of the base flood, as well as the Flood Boundary-Floodway Map.

17. "Floodplain or flood-prone area" means any land area susceptible to being inundated by water from any source (see definition of flooding).

18. "Floodplain management" means 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.

19. "Floodplain management regulations" means 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.

20. "Flood protection system" means 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.

21. "Floodproofing" means any combination of structural and nonstructural 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.

22. "Floodway (regulatory floodway)" means 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.

23. "Functionally dependent use" means a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers and ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities.

24. "Highest adjacent grade" means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

25. "Historic structure" means any structure that is:

- a. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) 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 as 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 Interior; or
- d. Individually listed on a local inventory of 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.

26. "Levee" means 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 temporary flooding.

27. "Levee system" means a flood protection system which consists of a levee, or levees, and associated structures, such as closure and drainage devices, which are constructed and operated in accordance with sound engineering practices.

28. "Lowest floor" means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood-resistant enclosure, usable solely for parking of 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 nonelevation design requirement of Section 60.3 of the National Flood insurance Program regulations.

29. "Manufactured home" means 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. The term "manufactured home" does not include a recreational vehicle.

30. "Manufactured home park or subdivision" means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

31. "Mean sea level" means, for purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929, or other datum, to which base flood elevations shown on a community's Flood Insurance Rate Map are referenced.

32. "New construction" means, 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.

33. "New manufactured home park or subdivision" means 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.

34. "Recreational vehicle" means a vehicle which is:

- a. Built on a single chassis;

- b. Four hundred (400) square feet or less when measured at the largest horizontal projections;
- c. Designed to be self-propelled or permanently towable by a light duty truck; and
- d. Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel or seasonal use.

35. "Start of construction" [(for other than new construction or substantial improvements under the Coastal Barrier Resources Act (Pub. L. 97-348)], includes substantial improvement and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within one hundred eighty (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.

36. "Structure" means a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home.

37. "Substantial damage" means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed fifty percent (50%) of the market value of the structure before the damage occurred.

38. "Substantial improvement" means any reconstruction, rehabilitation, addition or other improvement of a structure, the cost of which equals or exceeds fifty percent (50%) 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:

- a. 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
- b. Any alteration of a historic structure, provided that the alteration will not preclude the structure's continued designation as a historic structure.

39. "Variance" is a grant of relief to a person from the requirement of this chapter when specific enforcement would result in unnecessary hardship. A variance, therefore, permits construction or development in a manner otherwise prohibited by this chapter. (For full requirements, see Section 60.6 of the National Flood Insurance Program regulations.)

40. "Violation" means 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)(4), (c)(10), (d)(3), (e)(2), (e)(4) or (e)(5) is presumed to be in violation until such time as that documentation is provided.

41. "Water surface elevation" means the height in relation to the National Geodetic Vertical Datum (NGVD) of 1929 (or other datum, where specified), of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

ARTICLE III

GENERAL PROVISIONS

- § 12-306 **Lands to which this ordinance applies.**
- § 12-307 **Basis for establishing the areas of special flood hazard.**
- § 12-308 **Establishment of development permit.**
- § 12-309 **Compliance.**
- § 12-310 **Abrogation and greater restrictions.**
- § 12-311 **Interpretation.**
- § 12-312 **Warning and disclaimer or liability.**

§ 12-306 LANDS TO WHICH THIS CHAPTER APPLIES.

The ordinance shall apply to all areas of special flood hazard within the jurisdiction of city of Geary.

§ 12-307 BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD.

The areas of special flood hazard identified by the Department of Housing and Urban Development, Federal Insurance Administration, on the city of Geary's, Blaine and Canadian County's Flood Hazard Boundary Map (FHBM), Community Number 400381, dated October 29, 1976, is hereby adopted by reference and declared to be a part of this chapter.

§ 12-308 ESTABLISHMENT OF DEVELOPMENT PERMIT.

A development permit shall be required to ensure conformance with the provisions of this chapter.

§ 12-309 COMPLIANCE.

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

§ 12-310 ABROGATION AND GREATER RESTRICTIONS.

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

§ 12-311 INTERPRETATION.

In the interpretation and application of this chapter, all provisions shall be:

- A. Considered as minimum requirements;
- B. Liberally construed in favor of the governing body; and
- C. Deemed neither to limit nor repeal any other powers granted under state statutes.

§ 12-312 WARNING AND DISCLAIMER OR LIABILITY.

The degree of flood protection required by this chapter is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. On rare occasions greater floods can and will occur and flood heights may be increased by manmade or natural causes. This chapter does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This chapter 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 chapter or any administrative decision lawfully made thereunder.

ARTICLE IV

ADMINISTRATION

- § 12-313 Designation of the floodplain administrator.**
- § 12-314 Duties and responsibilities of the floodplain administration.**
- § 12-315 Permit procedures.**
- § 12-316 Variance procedures.**

§ 12-313 DESIGNATION OF THE FLOODPLAIN ADMINISTRATOR.

Matthew Cox is hereby appointed the Floodplain Administrator to administer and implement the provisions of this chapter and other appropriate sections of 44 CFR (National

Flood Insurance Program Regulations) pertaining to floodplain management.

§ 12-314 **DUTIES AND RESPONSIBILITIES OF THE FLOODPLAIN ADMINISTRATOR.**

Duties and responsibilities of the Floodplain Administrator shall include, but not be limited to, the following:

A. Maintain and hold open for public inspection all records pertaining to the provisions of this chapter.

B. Review permit application to determine whether proposed building site, including the placement of manufactured homes, will be reasonably safe from flooding.

C. Review, approve or deny all applications for development permits required by adoption of this chapter.

D. Review permits for proposed development to assure that all necessary permits have been obtained from those federal, state or local governmental agencies (including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 USC. 1334) from which prior approval is required.

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

F. Notify, in riverine situations, adjacent communities and the State Coordinating Agency, which is Oklahoma Water Resource Board, prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency.

G. Assure that the flood-carrying capacity within the altered or relocated portion of any watercourse is maintained.

H. When base flood elevation data has not been provided in accordance with Article III, Section 12-307, the Floodplain Administrator shall obtain, review and reasonably utilize any base flood elevation data and floodway data available from a federal, state or other source, in order to administer the provisions of Article V.

§ 12-315 **PERMIT PROCEDURES.**

A. Application for a development permit shall be presented to the Floodplain Administrator on forms furnished by him/her and may include, but not be limited to, plans in duplicate drawn to scale showing the location, dimensions and elevation of proposed landscape alterations, existing and proposed structures, including the placement of manufactured homes,

and the location of the foregoing in relation to areas of special flood hazard. Additionally, the following information is required:

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

2. Elevation in relation to mean sea level to which any nonresidential structure shall be floodproofed.

3. A certificate from a registered professional engineer or architect that the nonresidential flood proofed structure shall meet the floodproofing criteria of Article V, Section 12-318B.

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

5. Maintain a record of all such information in accordance with Article IV, Section 12-314A.

B. Approval or denial of a development permit by the Floodplain Administrator shall be based on all of the provisions of this chapter 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 floodwaters 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 comprehensive plan for that area.

§ 12-316 **VARIANCE PROCEDURES.**

A. The Appeal Board as established by the community shall hear and render judgement on requests for variances from the requirements of this chapter.

B. The Appeal Board shall hear and render judgement on an appeal only when it is alleged there is an error in any requirement, decision or determination made by the Floodplain Administrator in the enforcement or administration of this chapter.

C. Any person or persons aggrieved by the decision of the Appeal Board may appeal such decision in the courts of competent jurisdiction.

D. The Floodplain Administrator shall maintain a record of all actions involving an appeal and shall report variances to the Federal Emergency Management Agency upon request.

E. Variances may be issued for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places or the State Inventory of Historic Places, without regard to the procedures set forth in the remainder of this chapter.

F. Variances may be issued for new construction and substantial improvements to be erected on a lot of one-half (1/2) acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing the relevant factors in 12-315(B)(2) of this article have been fully considered. As the lot size increases beyond the one-half (1/2) acre, the technical justification required for issuing the variance Increases.

G. Upon consideration of the factors noted above and the intent of this chapter, the Appeal Board may attach such conditions to the granting of variances as it deems necessary to further the purpose and objectives of this chapter (Article I, Section 12-303).

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

I. Variances may be issued for the repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.

J. Prerequisites for granting variances:

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

2. Variances shall only be issued upon:

- a. Showing a good and sufficient cause;
- b. A determination that failure to grant the variance would result in exceptional hardship to the applicant; and
- c. 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.

3. Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with the lowest floor elevation below the base flood elevation, and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.

K. Variances may be issued by a community for new construction and substantial improvements and for other development necessary for the conduct of a functionally dependent use, provided that:

- 1. The criteria outlined in Article IV, Section 12-316(A) through (I) are met; and
- 2. The structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threats to public safety.

ARTICLE V

PROVISIONS FOR FLOOD HAZARD REDUCTION

- § 12-317 General Standards.**
- § 12-318 Specific standards.**
- § 12-319 Standards for subdivision proposals.**

§ 12-317 GENERAL STANDARDS.

In all areas of special flood hazards, the following provisions are required for all new construction and substantial improvements:

A. 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;

B. All new construction or substantial improvements shall be constructed by methods and practices that minimize flood damage;

C. All new construction or substantial improvements shall be constructed with materials resistant to flood damage;

D. 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;

E. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system;

F. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the system and discharge from the systems into floodwaters; and

G. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

§ 12-318 **SPECIFIC STANDARDS.**

In all areas of special flood hazards where base flood elevation data has been provided as set forth in (i) Article III, Section 12-307, (ii) Article IV, Section 12-314H, or (iii) Article V, Section 12-391 (C), the following provisions are required:

A. Residential construction. New construction and substantial improvement of any residential structure shall have the lowest floor (including basement) elevated to or above the base flood elevation. A registered professional engineer, architect or land surveyor shall submit a certification to the Floodplain Administrator that the standard of this subsection as proposed in Article IV, Section 12-315, is satisfied.

B. Nonresidential construction. New construction and substantial improvements of any commercial, industrial or other nonresidential structure shall either have the lowest floor (including basement) elevated to or above the base flood level or, together with attendant utility and sanitary facilities, be designed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. A registered professional engineer or architect shall develop and/or review structural design, specifications, and plans for the construction and shall certify that the design and methods of construction are in accordance with accepted standards of practice as outlined in this subsection. A record of such certification which includes the specific elevation (in relation to mean sea level) to which such structures are floodproofed shall be maintained by the Floodplain Administrator.

C. Manufactured homes. Require that all manufactured homes to be placed within Zone A on a community's FHBM or FIRM shall be installed using methods and practices which minimize flood damage. For the purposes 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. This requirement is in addition to applicable state and local anchoring requirements for resisting wind forces.

§ 12-319 STANDARDS FOR SUBDIVISION PROPOSALS.

A. All subdivision proposals, including the placement of manufactured home parks and subdivisions, shall be consistent with Article I, Sections 12-302, 12-303 and 12-304 of this chapter.

B. All proposals for the development of subdivisions, including the placement of manufactured home parks and subdivisions, shall meet development permit requirements of Article III, Section 12-308; Article IV, Section 12-315; and the provisions of Article V of this chapter.

C. Base flood elevation data shall be generated for subdivision proposals and other proposed development, including the placement of manufactured home parks and subdivisions, which is greater than fifty (50) lots or five (5) acres, whichever is lesser, if not otherwise provided pursuant to Article III, Section 12-307 or Article IV, Section 12-314H of this chapter.

D. All subdivision proposals, including the placement of manufactured home parks and subdivisions, shall have adequate drainage provided to reduce exposure to flood hazards.

E. All subdivision proposals, including the placement of 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 flood damage.

ARTICLE VI

PENALTY

§ 12-320 Penalty clause; penalties for noncompliance.

§ 12-320 PENALTY CLAUSE: PENALTIES FOR NONCOMPLIANCE.

A. Penalty clause. In accordance with Section 59.2(b) of CFR 44, Chapter 1, of the National Flood Insurance Program (NFIP) regulation, to qualify for the sale of federally-subsidized flood insurance, a community must adopt floodplain management regulations that meet or exceed the minimum standards of Section 60. "These regulations must include effective enforcement provisions." In accordance with Section 60.1 (b) of CFR 44, Chapter 1, of the NFIP regulations, "These regulations must be legally-enforceable, applied uniformly throughout the community to all privately and publicly owned land within floodprone (i.e. mudflow) or flood-related erosion areas, and the community must provide that the regulations take precedence over less restrictive conflicting local laws, ordinances or codes."; therefore:

B. Penalties for noncompliance. No structure or land shall hereafter be constructed, located, extended, converted or altered without full compliance with the terms of this chapter and other applicable regulations. Violation of the provisions of this chapter by failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with conditions) shall constitute a misdemeanor. Any person who violates this

chapter or falls to comply with any of its requirements shall, upon conviction thereof, be fined not more than fifty dollars (\$50.) to one hundred dollars (\$100.) per day or imprisoned for not more than ninety (90) days, or both, for each violation, and in addition shall pay all costs and expenses involved in the case. Nothing herein contained shall prevent the City of Geary from taking such other lawful action as is necessary to prevent or remedy any violation.

Ed. Note: Ordinance No. 2004-4 superseded former Ch. 3, Flood Plain Regulations.

CHAPTER 4

LOCAL CAPITAL IMPROVEMENTS PLANNING COMMITTEE

- § 12-401 **Committee established.**
- § 12-402 **Membership; appointment; residency; salary.**
- § 12-403 **Terms; removal.**
- § 12-404 **General responsibility.**
- § 12-405 **Duties and responsibilities.**

§ 12-401 COMMITTEE ESTABLISHED.

There is hereby created a Local Capital Improvements Planning Committee for the City of Geary, Oklahoma, in compliance with the provisions of the Oklahoma Capital Improvements Planning Act (62 O.S., 1992 Supplement, Section 901 et seq.).

§ 12-402 MEMBERSHIP: APPOINTMENT: RESIDENCY: SALARY.

The Local Capital Improvements Planning Committee shall consist of at least three (3) but not more than ten (10) voting members, to be appointed by the mayor, subject to the confirmation of the city board of trustees. All members must be residents of the City of Geary, Oklahoma, and shall serve without salary.

§ 12-403 TERMS: REMOVAL.

Terms of the members shall be established in the same manner as for those for a municipal planning commission, and removal procedures for the committee shall also be the same as for a municipal planning commission.

§ 12-404 GENERAL RESPONSIBILITY.

The Local Capital Improvements Planning Committee has the general responsibility to assist the city of Geary in planning for the future development, growth and improvements of the city of Geary, Oklahoma, and in preparing, adopting, implementing and annually amending the Local Capital Improvements Plan and its related programs, consistent with the goals, guidelines and other provisions of the Oklahoma Capital Improvements Planning Act.

§ 12-405 DUTIES AND RESPONSIBILITIES.

The Committee shall also:

- A. Prepare the city's Capital Improvements Plan;
- B. Make recommendations to the city board of trustees regarding the adoption of the plan;

C. Serve in an ongoing advisory capacity to the city board of trustees regarding implementation of the plan, particularly in the annual update phase of the planning process;

D. Conduct public hearings and solicit and encourage participation, as required by, and in accordance with, applicable provisions of the Oklahoma Capital Improvements Planning Act;

E. Take such other actions as may be necessary to carry out the city's capital improvements planning process, consistent with local ordinances and policy, and state law requirements, including the capacity to recommend agreements with other area jurisdictions, in order to carry out the purposes of the capital improvements planning process; and

F. Maintain a working relationship with the appropriate regional planning council (the Northern Oklahoma Development Authority), in order to ensure that the statutory requirements for integrating the city's plan into the NODA Regional Capital Improvements Plan, each year, are fully met, to the benefit of the city of Geary and the state of Oklahoma.