

ARTICLE 8

ADMINISTRATION

SECTION 1

ZONING CLEARANCE PERMIT REQUIRED

1.1 PURPOSE

The Zoning Clearance Permit is a permit issued by the Zoning Administrator which states that, a particular development meets all of the requirements of the Zoning Ordinance. It is not a building permit and does not authorize construction, it simply clears the land and structure in terms of Zoning and authorizes the Building Inspector to issue the Building permit. This permit also provides a good check for the applicant in that any irregularities can be eliminated before the detailed plans are prepared.

1.2 EXISTING BUILDINGS

Any building, structure or use lawfully existing at the time of enactment of this Ordinance may be continued even though such building, structure or use does not conform with the provisions of this Ordinance. However, no building or other structure shall be erected, constructed, enlarged, altered, or repaired, in such a manner as to prolong the life of the building; nor shall the use of any land or building or other structure be changed without a Zoning Clearance Permit issued authorizing such construction, alteration, repair, or use changes as being in compliance with the provisions of this Ordinance.

1.3 APPLICATION

An application for a Zoning Clearance Permit shall be made to the Zoning Administrator by the owner or proposed occupant of the building or land to be occupied or used, and said application shall state the location and legal description of said property and set out in detail the character and nature of the use to be conducted thereon. Within three days, the Zoning Administrator shall grant or deny said Zoning Clearance Permit in accordance with the terms of this Ordinance.

1.4 ACCOMPANYING MATERIAL

All applications for Zoning Clearance Permits shall be accompanied by a plat plan, drawn to scale on suitable paper, showing the actual dimensions of the lot to be built upon, and the size and location of the building to be erected and such other information as may be necessary to satisfy the requirements of these regulations.

1.5 FEES

Zoning Clearance Permits shall not be issued until a fee of five dollars (\$5.00) shall have been paid.

1.6 PENALTIES

Any persons, firm or corporation violating any provisions of this Ordinance is guilty of a misdemeanor and shall be fined not less than five dollars (\$5.00) nor more than twenty dollars (\$20.00) each day the violation exists. Each day constitutes a separate offense.

SECTION 2

BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY REQUIRED

This Ordinance shall be enforced by a Building Inspector, acting at the direction of the chief Administrative Officer. It shall be a violation of this Ordinance for any person to change or permit the change in the use of the land or buildings or structures or to erect, alter, move, improve any building or structure until a building permit has been obtained under the following conditions:

2.1 BUILDING PERMITS

Every application for a building permit shall be accompanied by:

- A. A plat drawn to scale, showing the plot, showing the exact size, shape and dimensions of the lot to be built upon, the exact size and location on the lot of all existing buildings and structures, and the exact size and location on the lot of the structure or building proposed to be built, repaired, altered, erected, or moved, and the size, arrangement, number of parking stalls, movement of vehicles and ingress and egress drives for all off-street parking and loading facilities, if such be for a business, commercial and industrial building.
- B. A declaration of the existing or intended use of each existing and proposed building or structure on the lot and the number of families and housekeeping units which each existing building accommodates and which each existing and proposed building is designed to accommodate.
- C. Additional information relating to the proposed improvement needed to determine compliance with these regulations.
- D. A survey, prepared by a competent surveyor in the State of Oklahoma, of the boundaries of the lot on which the improvement is proposed to be located shall be required by the Building Inspector where the boundaries of the lot are not clearly defined by the survey pins and monuments.
- E. The Building Inspector shall be a person who, in the judgement and opinion of the City Manager, is competent by reason of building experience to properly cause inspections to be made and to determine whether permits should be granted. The Inspector shall serve by appointment of the City Manager and the term shall begin upon the passage of this Ordinance and one year thereafter and shall continue to serve unless removed by the City Manager who may remove without cause.
- F. All applications shall be considered filed with the Building Inspector by the filing of the same with the City Clerk who shall deliver such applications to the Building Inspector.

2.2 FEES

The cost of building permits shall be as provided in the building code.

2.3 CERTIFICATE OF OCCUPANCY

No change shall be made in the use of any land or building or structure after the passage of this Ordinance until a certificate of occupancy is obtained from the City Clerk certifying that all of the provisions of this Ordinance are complied with. Whenever a Building Permit is issued for the erection of a new building or structure, an Occupancy Permit shall not be required, except where the use of the building or structure is changed from that for which the Permit is issued or where the intended use is not clearly stated on the Building Permit.

SECTION 3

VIOLATIONS AND PENALTIES

A violation of this Ordinance shall be deemed a misdemeanor and shall be punishable by fine. Any person, firm, or corporation who violates or refuses to comply with any of the provisions of this Ordinance shall be fined not less than five dollars (\$5.00) nor more than twenty dollars (\$20.00) for each offense. Each day that a violation is permitted to exist shall constitute a separate offense.

SECTION 4

AMENDMENTS

4.1 AMENDMENTS OR CHANGES OR REGULATIONS, RESTRICTION AND BOUNDARIES - PROTEST

Regulations, restrictions and district boundaries of the City of Guymon may be created, amended, supplemented, changed, modified or repealed.

Parties in interest and citizens shall have an opportunity to be heard at a public hearing by the Planning Commission before any district regulation, restriction, or boundary shall become effective. At least fifteen (15) days notice of the date, time, and place of the hearing shall be published in a newspaper of general circulation in the City of Guymon. Said notice shall include a map of the area to be affected which indicates street names or numbers, streams, or other significant landmarks in said area.

Protests against proposed changes shall be filed with the City Clerk at least three (3) days before the date of the public hearing. If protests are filed by:

- A. the owners of twenty percent (20%) or more of the area of the lots or territory included in a proposed change, or
- B. the owners of fifty percent (50%) or more of the area of the lots or territory within a three hundred (300) foot radius of the exterior boundary of the territory included in a proposed change;

then the proposed change or amendment shall not become effective except by the favorable vote of three-fifths (3/5th) of all of the members of the Guymon City Council.

4.2 ADDITIONAL NOTICE REQUIREMENTS FOR PROPOSED ZONING CHANGES AND RECLASSIFICATION

Except as authorized in subsection B of this section, in addition to the notice requirements provided for in Section 4.1 B. of this Article, notice of a public hearing by the Planning Commission on any proposed zoning change, except pursuant to subsection B of this section, shall be given twenty (20) days prior to the hearing by mailing written notice by the City Clerk to all the owners of real property as provided for in Section 4.1 of this Article. The notice shall contain the following:

- A. legal description of the property and the street address or approximate location in the City of Guymon; and
- B. present zoning of the property and the zoning sought by the applicant; and
- C. date, time, and place of the public hearing.

In addition to written notice requirements, notice may also be given by posting notice of said hearing, by the Planning Commission, on the affected property at least twenty (20) days before the date of the hearing.

If the City of Guymon proposes zoning reclassification in order to revise its comprehensive plan or official map or to identify areas which require specific land use development due to topography, geography, or other distinguishing features, including but not limited to flood plain, drainage, historic preservation, and blighted areas, the City Council may require, in addition to the notice requirements provided for in Section 4.1 B. of this Article, a sign to be posted on designated properties within the area affected by the proposed zoning reclassification. The sign and the lettering thereon shall be of sufficient size so as to be clearly visible and legible from the public street or streets toward which it faces. The notice shall state:

- A. the date, time, and place of the public hearing; and
- B. who will conduct the public hearing; and
- C. the desired zoning classification; and
- D. the proposed use of the property; and
- E. other information as may be necessary to provide adequate and timely public notice.

4.3 PETITION FOR AMENDMENT

Petition for amendment to the Zoning Ordinance and Zoning Map shall henceforth be filed with the Planning Commission by filing with the City Clerk by the owner of the property concerned or duly authorized representative thereof, on a standard form furnished by the Commission. All petitions for amendment proposing a change in zoning district classification shall be accompanied by sketch plan of the area proposed to be rezoned, drawn to approximate scale and showing the boundaries and dimensions of the tract, the outline of existing and proposed buildings and structures, the size and location of off-street parking lots, the type of surfacing proposed for said lots, and the plan of structures and the drives proposed for ingress and egress. An area map showing land of all abutting property owners shall also be submitted unless such is shown on tract sketch.

4.4 FEES AND EXPENSES

Upon the filing of a petition for amendment of these regulations, the property owner or his duly authorized representative shall pay a filing fee to the City Clerk. The filing fee shall be set by resolution of the City Council. All fees shall be credited to the general fund of the City of Guymon.

- A. The fees or expenses for all public notices herein required pursuant to petition for amendment shall be paid by the owner of the property or his duly authorized representative. The form for such notice shall be established by the City Council.
- B. If pursuant to a petition for amendment the City Council votes to rezone a lot, parcel, or tract of land, the owner of such land shall pay the cost of the Ordinance publication. Such payment shall be submitted to the City Clerk and the City Clerk shall not cause the Ordinance to be published prior to such payment.

4.5 APPEAL

In the event, the Planning Commission fails to schedule a petition for amendment for public hearing within twenty (20) days after its proper filing with the City Clerk; or if after public hearing, the Planning Commission fails to recommend that this Ordinance be amended in accordance with such petition for amendment, such failure shall be deemed the final determination and decision of the Planning Commission. The final determination of the Planning Commission may be appealed to the City Council provided a written request for a hearing before the City Council is served on the Chairman of the Planning Commission by filing with the City Clerk within fifteen (15) days after the final determination of the Planning Commission.

4.6 ZONING MAP

The Planning Commission shall supervise the official Zoning Map and shall keep same up to date with all changes and amendments. (Amended by Ordinance 547, May 25, 1994)

SECTION 5

VACATION OF PUBLIC EASEMENTS

Whenever any street, alley or other public easement is vacated, the portion vacated shall have the same district classification as the land to which the vacated portion accrues.

SECTION 6

INVALIDITY OF A PART

In case any portion of this Ordinance shall be held to be invalid or unconstitutional, the remainder of the Ordinance shall not thereby be invalid, but shall remain in full force and effect.

SECTION 7

REPEAL OF CONFLICTING ORDINANCES

Any ordinance now in effect that conflicts with any provisions of this Ordinance is hereby repealed.

SECTION 8

EMERGENCY CLAUSE

It being immediately necessary for the preservation of the public peace, health, and safety, an emergency is hereby declared to exist by reason whereof this Ordinance shall be in full force and effect from and after its passage and approval.

Passed and Adopted this 18th day of October, 1967