

**ORDINANCE NO. 714**

**AN ORDINANCE OF THE CITY OF BLANCHARD, OKLAHOMA AMENDING SECTION 21-921 IN ARTICLE 9, OF CHAPTER 21 OF THE BLANCHARD MUNICIPAL CODE PERTAINING TO CONDITIONAL USE PERMITS; DECLARING REPEALER; PROVIDING FOR SEVERABILITY; AND DECLARING AN EMERGENCY.**

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

**SECTION 1.** That Chapter 21, Article 9, Section 21-921 "PROCEDURE FOR AUTHORIZING CONDITIONAL USES" of the Code of Ordinances of the City of Blanchard, Oklahoma, is hereby amended to read as follows:

**§ 21-921 PROCEDURE FOR AUTHORIZING CONDITIONAL USES.**

Where the letter "p" appears for certain uses in the tables of permitted uses or established under other provisions of this code; their use is permitted subject to acquiring a conditional use permit. The uses designated under the various districts herein as "conditional uses" are so classified because they may more intensely dominate the area in which they are located and their effects on the general public are broader in scope than other uses permitted in the district. The following procedures and criteria guidelines shall be used by the governing body for due process and avoiding arbitrary decisions in the decision making process. These uses shall be reviewed and authorized or rejected by the City Council in conjunction with a recommendation by the Planning Commission after a Public Hearing under the following procedure:

A. Application Requirements. Application for a "conditional use" shall be filed with the City Planner. The application should include the following:

1. Name and address of the owner, and also applicant if different from the owner.
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 "Conditional Use". For uses potentially generating high volumes of vehicular traffic, the City Planner 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, all existing and proposed buildings, parking and loading areas, ingress and egress, the location of utility or service areas, fencing and screening, signs and lighting.

6. A report detailing the relationship of the site and the proposed use to surrounding uses, including pedestrian and vehicular circulation, current use of nearby parcels, hours of operation of the business or use, and any proposed off-site improvements to be made.

7. Application for a "Conditional Use" and for Rezoning for the same property may be made concurrently, subject to the fees applicable to both a "Conditional Use" and a Rezoning. The Planning Commission shall hold the public hearing on the Rezoning and the "Conditional 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 "Conditional Use" application may, if the 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.

8. The names of all property owners within three-hundred (300) feet of the property verified by the County Clerk's office or a certified abstract company.

B. Review and Evaluation Criteria. The Planning Commission shall review and evaluate any "Conditional Use" proposal and recommend to the City Council using the following criteria:

1. Conformance with the 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, 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.

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 "Conditional 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 "Conditional 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 "Conditional 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 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; regulations 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 "Conditional Use" shall be considered a privilege bestowed by the City Council for a specific use at a specific location. "Conditional 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 "Conditional Use", the City Council shall cause the property legal description and "Conditions of Approval" established by the City Council to be filed in the records of the McClain or Grady County Clerk's office.

E. Violations: For any reason, if any requirement or condition specified in the authorizing "Conditional 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 "Conditional Use" and any concurrent rezoning.

1. If it is determined by the City Manager or City Planner that there is a violation of any applicable provision of this Section, or a failure to comply with

conditions imposed by any "Conditional Use" ordinance on the property, then the City Manager or the City Planner 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 "Conditional 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. Such notice shall be given by first-class mail or hand-delivery, address to "Tenant, Owner, or Manager" at the property address.

F. Expiration for Non-Use: The authority to issue initial construction or occupancy permits pursuant to the granting of a "Conditional Use" shall expire two (2) years after the City Council approves the "Conditional Use", unless the City Council includes a different time limit as a specific condition of approval. This time period to initially establish a "Conditional Use" may be extended for a maximum of an additional year 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 "Conditional Use" is not activated in accordance with the times specified in the preceding paragraph, or where the "Conditional Use" has been discontinued for two continuous years, then the authority for such a "Conditional Use" ceases to exist and the owner must reapply in order to establish or re-establish said "Conditional Use".

G. Change of Ownership: A "Conditional Use" may be transferred to a new owner provided: (1) written notification is sent to the City Manager or City Planner indicating the date of transfer, name and address of new owner, and a statement acknowledging any conditions attached to the "Conditional Use" and the intent to continuously comply; (2) an inspection of the property reveals continued compliance with all original conditions.

H. Existing Uses:

1. A use legally established pursuant to a 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 within one (1) year, if compliance with all conditions stipulated in its enabling ordinance are complied with.

2. Expansion of a pre-existing permissive use shall be permitted only upon the granting of a "Conditional Use" as prescribed in these regulations.

**SECTION 2. REPEALER.** All former ordinances or parts of ordinances conflicting or inconsistent with the provisions of this ordinance are hereby repealed.

**SECTION 3. SEVERABILITY.** In the event any word or sentence in this ordinance, or provision or portion of this ordinance, or rules adopted by this ordinance is invalidated by any court of competent jurisdiction, the remaining words and/or sentences, provisions, or portions thereof shall not be affected and shall continue in full force and effect.

**SECTION 4. EMERGENCY.** Whereas, it being immediately necessary for the preservation of the public health, peace and safety of the City of Blanchard and the inhabitants thereof, 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, as provided by law.

**PASSED** and **APPROVED** and the Emergency Clause voted upon separately by the City Council of the City of Blanchard, Oklahoma on this 28<sup>th</sup> day of January, 2020.

*Eddie Odeh*

\_\_\_\_\_  
Mayor

**ATTEST:**

*Brenda M. Baird*  
\_\_\_\_\_  
City Clerk



**APPROVED AS TO FORM** on this 28 day of January, 2020.

*Ad L P.*  
\_\_\_\_\_  
City Attorney