

Zoning Regulations



City of Blanchard Oklahoma

Acknowledgements

Blanchard City Council

Eddie Odle, Mayor, At Large
Jim Cloud, Councilman, Ward One
Michael Scalf, Councilman, Ward Two
Albert Ryans, Councilman, Ward Three
Steve Misenheimer, Vice-Mayor, Ward Four

Blanchard Planning Commission

Jeff Tompkins, Chairman
Steve Gee, Commissioner
Audie Ward, Commissioner
D Smith, Vice-Chairman
Lesley Franklin, Commissioner

Blanchard Planning Staff

Robert L. Floyd, City Manager
David L. Perryman, City Attorney
Brenda Baird, City Clerk
Ryan Conner, City Planner
Kenny Sullivan, City Engineer

Amended

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ZONING REGULATIONS

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ARTICLE 1

PLANNING & ZONING COMMISSION

- § 21-101 Planning and zoning commission; created.
- § 21-102 Quorum; voting.
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§ 21-101 PLANNING AND ZONING COMMISSION; CREATED.

There is hereby created a planning and zoning commission of the city of Blanchard, Oklahoma. Said commission shall be composed of five (5) appointive members, all of whom shall be residents of the city of Blanchard, nominated by the mayor and appointed by the city council. The city manager and city engineer shall be ex officio members of the commission without vote. Each appointed member shall hold office for a term of three (3) years ending at 7:30 o'clock p.m. on the first Tuesday in July, or until his successor takes office, except that in the first instance three (3) shall be appointed to serve until 7:30 o'clock p.m. on the first Tuesday in July 1996, two (2) to serve until that time in 1997. The appointed members of said commission shall be nominated and appointed solely with reference to their fitness and without reference to party affiliation, and shall serve without compensation. Members may be removed by the mayor with approval of the city council, but only for the good of the service. Vacancies occurring otherwise than through the expiration of term shall be filled only for the unexpired term. The city manager or his/her designate shall be the zoning officer.

§ 21-102 QUORUM; VOTING.

Three (3) members of the planning and zoning commission shall constitute a quorum for the transaction of business. No action shall be taken which is binding upon said planning and zoning commission unless concurred in by not less than a majority of the authorized membership of the planning and zoning commission.

§ 21-103 ORGANIZATION AND RULES.

The commission shall elect a chairperson, and a vice chairperson, and may create and fill such other offices as it may deem necessary. The city clerk shall

be the recording secretary of the planning commission. The term of the chairperson and vice chairperson shall be one year ending at 7:30 o' clock p.m. on the first Tuesday in July, with eligibility for reelection. The planning and zoning commission shall hold at least one regular meeting each month. The chairperson or any three (3) members may call special meetings of the commission. The planning and zoning commission shall adopt rules for the transaction of business, and shall keep a record of its regulations, transactions, findings, and determinations, which record shall be a public record.

§ 21-104 POWER TO EMPLOY STAFF.

The planning and zoning commission shall have the power and authority to employ planners, engineers, attorneys, clerks, and other help deemed necessary within the limits of the appropriation fixed by the city council. The salary and compensation of such employees shall be fixed by the planning and zoning commission, and shall be paid out of the city treasury as is the salary or compensation of other officers and employees. In no event, shall the planning and zoning commission be authorized to create a deficiency.

§ 21-105 POWERS AND DUTIES.

The planning and zoning commission shall have the power and the duty to prepare and recommend to the city council for adoption a comprehensive plan for the physical development of the city of Blanchard, Oklahoma. In conducting its work, the planning and zoning commission may consider and investigate any subject matter tending to the development and betterment of the municipality, and may make recommendations as it may deem advisable concerning the adoption thereof to the city council. The planning and zoning commission may make or cause to be made surveys, studies, maps, and plans in the conduct of its activities. Before final action is taken by the city council on the location or design of any public building, statue, memorial, park, boulevard, street, or alley, playground, public grounds, bridge, or change in any location of any street or alley, such question shall be submitted to the planning and zoning commission for investigation and report. In the preparation of the comprehensive plan, the planning and zoning commission may from time to time prepare and recommend to the city council for adoption a part or parts thereof, which parts shall cover one or more major geographical divisions of the city or one or more major elements of the comprehensive plan. The planning and zoning commission may from time to time recommend extending, amending, or changing any portion of the comprehensive plan. The planning and zoning commission shall also have all other powers conferred upon a city planning commission by 11 O.S. §45-103 and other state law.

§ 21-106 PURPOSES OF PLAN.

In the preparation of such plan, the planning and zoning commission shall make careful and comprehensive surveys and studies of present conditions and future growth of the city of Blanchard, Oklahoma, with due regard to its relation to neighboring territory. The plan shall be made with the general purpose of guiding and accomplishing a coordinated, adjusted, and harmonious development of the city and its environs which will, in accordance with present and future needs, best promote health, safety, morals, order, convenience, prosperity, and general welfare, as well as efficiency and economy in the process of development; including, among other things, adequate provisions for traffic, the promotion of safety from fire, and other dangers, adequate provision for light and air, the promotion of healthful and convenient distribution of population, the promotion of good civic design and arrangement, and wise and efficient expenditure of public funds.

§ 21-107 SUBDIVISION OF LAND.

The planning and zoning commission may prepare and recommend to the city council for adoption rules and regulations governing the subdivision of land within the corporate limits of the city of Blanchard, Oklahoma. All plans, plats, or replats of land laid out in two or more lots, plats, or parcels, streets, alleys, or other ways, intended to be dedicated to public use within the corporate limits of the city, shall first be submitted to the planning and zoning commission for its recommendations. The planning and zoning commission shall, with the help of appropriate municipal officials, check the proposed dedications or subdivision of land to insure compliance with the rules and regulations governing subdivisions of land and with other elements of the comprehensive plan for the city of Blanchard, Oklahoma. The disapproval of any such plan, plat, or replat by the city council shall be deemed a refusal of the dedications shown thereon. No plat or replat of subdivision of land, or dedication of street or alley or other easement shall be entitled to record unless it bears the signature of the mayor, attested by the city clerk, certifying the approval and acceptance thereof by the city council.

§ 21-108 TO HAVE POWERS OF A ZONING COMMISSION.

The planning and zoning commission shall have the power to prepare and to recommend to the city council for adoption a zoning ordinance to regulate and restrict the height, number of stories, and size of buildings and other structures, the percentage of lot that may be occupied, the size of yards, courts, and other open spaces, the density of population, the location and use of buildings, structures, and land for trade, industry, residences, and other purposes. The planning and zoning commission shall also have all other powers conferred upon zoning commissions by 11 O.S. §43-109 and other state law.

§ 21-109 UNIFORMITY OF REGULATIONS.

The planning and zoning commission may recommend the division of the municipality into districts of such number, size, and area as may be deemed best suited to carry out the zoning ordinance. All such regulations shall be uniform for each class or kind of buildings throughout each district, but the regulations in one district may differ from those in other districts.

§ 21-110 COMPREHENSIVE PLAN.

Zoning regulations shall be made in accordance with a comprehensive plan and designed to lessen congestion in the streets; to secure safety from fire, panic, and other dangers; to promote health and the general welfare; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; to facilitate adequate provisions of transportation, water, sewerage, schools, parks, and other public requirements. Such regulations shall be made with reasonable consideration among other things, as to the character of the district and its peculiar suitability for particular uses, and with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the city.

ARTICLE 2

**TITLE, PURPOSE, INTERPRETATION AND APPLICATION,
JURISDICTION, SEVERABILITY, AND REPEAL
OF CONFLICTING ORDINANCES**

- § 21-201 Title.
- § 21-202 Purpose.
- § 21-203 Interpretation and application.
- § 21-204 Jurisdiction.
- § 21-205 Severability clause.
- § 21-206 Repeal of conflicting ordinances

§ 21-201 TITLE.

This ordinance shall be known as and may be cited and referred to as the “Zoning Ordinance of the city of Blanchard, Oklahoma”.

§ 21-202 PURPOSE.

This ordinance is enacted for the purposes of promoting the health, safety, morals, and general welfare of the community; lessening congestion in the streets, securing safety from fire, panic, and other dangers; providing adequate light and air; preventing the overcrowding of land; avoiding undue concentration of population; facilitating the adequate provision of transportation, water,

sewerage, schools, parks, and other public requirements; conserving the value of buildings and encouraging the most appropriate use of land throughout the community; and promoting the development of the community in accordance with a comprehensive plan.

§ 21-203 INTERPRETATION AND APPLICATION.

As concerns interpretation and application, the provisions of this ordinance shall be held to be minimum requirements. Where this ordinance imposes a greater restriction than is imposed or required by other provisions of law or by other rules or regulations or ordinance, the provisions of this ordinance shall control. Terms and words are to be used and interpreted as defined in Article 4 of this ordinance. Words used in the present tense include the future; the singular shall include the plural, and the plural the singular; the word “building” shall mean as well the word “structure”; the word “used” shall include “arranged”, “designed”, “constructed”, “altered”, “converted”, “rented”, “leased”, or “intended to be used”, and the word “shall” is mandatory and not directory, except where the natural construction of the writing indicates otherwise.

§ 21-204 JURISDICTION.

This ordinance shall be in full force and effect in the corporate limits of the city of Blanchard, Oklahoma. Territory annexed to the corporate limits of the city of Blanchard, Oklahoma, subsequent to the effective date of this ordinance shall immediately be subject to the provisions of this ordinance. The city council of the city of Blanchard shall assign zoning classifications at the time of its annexation. Said assignment of zoning classification may be made with or without input from the planning commission of the city of Blanchard and may be made with or without input from the property owners. No public hearings of any kind shall be required prior to the assignment of zoning classifications made at the time of annexation of property. Said annexed territory will retain such assigned zoning classification until such time said territory may be otherwise rezoned in the manner provided by law. The city council of the city of Blanchard may approve a planned unit development master plan and design statement prior to or at the time of annexation. No public hearings of any kind shall be required prior to the approval of said master plan and design statement if the master plan and design statement is approved by the city council prior to or concurrently with the annexation of the property subject thereto. [Ord. No. 2002-11, 1-10-03]

§ 21-205 SEVERABILITY CLAUSE.

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.

§ 21-206 REPEAL OF CONFLICTING ORDINANCES.

Any code of the city of Blanchard, Oklahoma, and particularly Ordinance No. 1991-04 as amended January 1991 and July 1992, and any other ordinance now in effect that conflicts with any provisions of this ordinance is hereby repealed.

ARTICLE 3

ESTABLISHMENT OF DISTRICTS

- § 21-301 Zoning districts; established.
- § 21-302 Zoning map incorporated.
- § 21-303 District boundaries established.
- § 21-304 Maintenance of official zoning map.

§ 21-301 ZONING DISTRICTS; ESTABLISHED.

For the purpose of this ordinance and the promotion of public health, safety, and general welfare of the community, the following districts are hereby established for the city of Blanchard, Oklahoma:

1. S-1, Suburban District.
2. A-1, Agricultural District.
3. R-1, Single-Family Residential District.
4. R-2, Combined Residential District.
5. R-3, Multi-Family Residential District.
6. R-E, Residential Estates District.
7. C-1, Office District.
8. C-2, Convenience Commercial District.
9. C-3, Planned Shopping Center District.
10. C-4, Restricted Commercial District.
11. C-5, Automotive & Commercial Recreation District.
12. C-6, General Commercial District.

13. I-1, Light Industrial District.
14. I-2, Heavy Industrial District.
15. PUD, Planned Unit Development Supplemental District.
16. FD, Flood Plain Supplemental District. [Amended by Ord. No. 615, 7/28/15]

§ 21-302 ZONING MAP INCORPORATED.

The locations and boundaries of the zoning districts shall be established by ordinance and shall be delineated and shown on a map entitled “Zoning Map of the city of Blanchard, Oklahoma”, and the zoning map is hereby incorporated as a part of this ordinance.

§ 21-303 DISTRICT BOUNDARIES ESTABLISHED.

The boundaries of a zoning district shall extend to a center line of abutting streets, regardless of the legal description used in establishing such districts. In the event of uncertainty in the exact boundaries of any of the districts as shown on the “Official city of Blanchard Zoning Map” the planning and zoning commission, upon written application or upon its own motion, shall recommend the location of such boundaries to the board of adjustment, and the board of adjustment shall make the final determination.

§ 21-304 MAINTENANCE OF OFFICIAL ZONING MAP.

It shall be the duty of the zoning administrator to maintain an up-to-date official “Zoning Map of the city of Blanchard, Oklahoma” including all amendments directly adopted by the city council.

ARTICLE 4

DEFINITIONS

§ 21-401 Interpretation of words and terms.

§ 21-401 INTERPRETATION OF WORDS AND TERMS.

1. ACCESSORY SIGN: A sign secondary to the permanent wall sign, ground sign, or other permanent signage allowed at a commercial or industrial location which involves only a poster, or a banner, or a business company flag advertising a commercial message which may be changeable.

2. ACCESSORY USE OR STRUCTURE: A use or structure customarily incidental, appropriate, and subordinate to the principal use of a building or to the principal use of land and which is located upon the same lot therewith.

3. AGRICULTURE: The use of land for agricultural purposes including farming, dairying, pasturage, horticulture, animal and poultry husbandry and the necessary accessory uses for packing, treating, or storing the produce; provided, however, that the operation of any such accessory shall be secondary to that of normal agricultural activities, and provided further that the above uses shall not include the commercial feeding of swine or other animals, stockyards or commercial feed lots for cattle.

4. ALLEY: A minor right-of-way dedicated to public use not more than thirty (30) feet wide affording a secondary means of access to abutting property and not intended for general traffic circulation.

5. AUTOMOBILE OR TRAILER SALES AREA: An open area, other than a street, used for the display, sales or rental of new or used motor vehicles or trailers in operable condition and where no repair work is done.

6. AUTOMOBILE REPAIR: General repair, rebuilding or reconditioning of engines, motor vehicles or trailers; collision services including body, frame, or fender straightening or repair; overall painting or paint shop; vehicle detailing or steam cleaning. Storage of vehicles for parts or salvage operations is not permitted. Vehicles remaining on the premises of an automobile repair facility more than thirty (30) consecutive days shall be considered as auto storage and shall not be permitted.

7. AUTOMOBILE SERVICE STATION OR FILLING STATION: Any area used for retail sale of gasoline or oil fuels or automobile accessories, and incidental services including facilities for lubricating, and washing and cleaning, but not including painting, major repair, or the sale of butane or propane fuels.

8. AUTOMOBILE WASH OR AUTOMATIC CAR WASH: A building or structure or chain conveyor, blowers, steam cleaners and other mechanical devices used primarily for the purpose of washing motor vehicles.

9. AWNING: A movable shelter supported entirely from the exterior wall of a building and of a type which can be retracted, folded or collapsed against the face of the supporting building.

10. BANNER SIGN: A sign constructed of cloth or plastic material attached to the wall of a building or secured between two supporting members that are anchored to the ground.

11. BENCH SIGN: A sign containing advertising matter which is displayed on any bench or seat placed at any location for the convenience of the public.

12. BLOCK: In describing the boundaries of a district, the word “block” refers to the legal description. In all other cases, the word “block” refers to the property abutting on one side of the street between two (2) intersecting streets or between an intersecting street and a railroad right-of-way or between an intersecting street and a watercourse.

13. BOARDING HOUSE AND ROOMING HOUSE: Where meals or lodging are provided for persons other than the family or their relatives and excluding facilities for transient persons such as hotels, motels, inns and other such facilities.

14. BOARD OF ADJUSTMENT: The board of adjustment of the city of Blanchard, Oklahoma; also referred to as the “board”.

15. BUILDING: Any structure having a roof supported by columns or walls that is used or intended to be used for the shelter or enclosure of persons, animals, or property.

16. BUILDING ACCESSORY: See “accessory use or structure”.

17. 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 decking of a mansard roof or the average height of the highest gable of a pitch or hip roof.

18. BUILDING LINE: A line established beyond which no part of a building shall project, except as otherwise provided by this ordinance.

19. BUILDING, PRINCIPAL: A building or buildings in which the principal use of the building site is conducted. In any residential district, any dwelling shall be deemed to be the principal building on the building site.

20. BULLETIN BOARD: A permanent sign, of any type, used for the purpose of notification to the public of an event or occurrence of public interest, such as church service, political rally, civic meeting or other similar event or occurrences.

21. CANOPY: A permanently roofed shelter covering a sidewalk, driveway or other similar area, which is supported by the building to which it is attached.

22. CANOPY SIGN: Any sign constructed in or on a canopy.

23. CEMETERY: Land used or intended to be used for the burial of the dead and dedicated for cemetery purposes.

24. CHILD CARE CENTER: Any place, home or institution which receives eight (8) or more children under the age of sixteen (16) years for care apart from their natural parents, legal guardians or custodians, and received for regular periods of time for compensation; provided, however, this definition shall not include public and private schools organized, operated or approved under the laws of this state, custody of children fixed by a court, children related by blood or marriage within the third degree to the custodial person, or to churches or other religious or public institutions, caring for children within their institutional building while their parents or legal guardians are attending services or meetings or classes and other church activities.

25. CHILD CARE HOME: Homes licensed to keep no more than seven (7) children under the law approved by the state of Oklahoma.

26. CITY (COUNCIL) (COMMISSION) (BOARD OF TRUSTEES): The official governing body of the city of Blanchard.

27. CITY PLANNING COMMISSION: The Blanchard city planning and zoning commission, as established by the statutes herein before cited, also referred to as "planning commission". The city planning commission shall also be the zoning commission for the city of Blanchard.

28. CLINIC: A place used for the care, diagnosis and treatment of sick, ailing, infirm and injured persons and those in need of surgical or medical attention but who are not customarily provided with board and room or kept overnight on the premises.

29. CLUB: A non-profit association of persons who are bona fide members, paying regular dues, and organized for some common purpose, but not including a group organized solely or primarily to render a service customarily carried on as a commercial enterprise.

30. COMMERCIAL SIGNS: Any sign which advertises services or products or the availability of services or products at a specified location.

31. COMPREHENSIVE PLAN: The official city plan of the city of Blanchard, Oklahoma.

32. CONSTRUCTION SIGNS: Signs advertising site development, structure construction or other improvements of the property on which the sign is located. Must be removed thirty (30) days after completion of the project.

33. CONVALESCENT HOME: Also, a nursing home, a rest home; a home for the aged, recuperating, chronically ill, or incurable persons, in which two (2) or more persons not of the immediate family are received, kept, or provided with food and shelter or care for compensation, but not including hospitals, clinics, or similar institutions devoted primarily to the diagnosis and treatment of disease or injury.

34. COVERAGE: The lot area covered by all buildings located thereon, including the area covered by all overhanging roofs.

35. DIRECTIONAL SIGN: A sign guiding or directing vehicular or pedestrian traffic onto or off a lot or within a lot.

36. DIRECTORY SIGNS: Directory signs are used to guide pedestrians and drivers to individual businesses within a multiple-tenant commercial development. Directory signs shall not be deemed to be ground or wall signs.

37. DWELLING: Any building or portion thereof designed or used as a residence of one or more persons, but not including a tent, cabin, trailer coach, boarding or rooming house, hotel or motel.

38. DWELLING, SINGLE-FAMILY: A building containing one dwelling unit and designed for or used exclusively by one (1) family.

39. DWELLING, TWO-FAMILY: A building containing two dwelling units and designed for or used exclusively by two (2) families; also includes the word "duplex".

40. DWELLING, MODULAR: A relocatable living unit manufactured offsite and transported on an independent carrier unit to a permanent site which has been constructed in accordance with an "engineering bulletin" issued by the Office of Technical Standards, Department of Housing and Urban Development, Washington, D.C

41. DWELLING, MULTI-FAMILY: A building or portion thereof containing three or more dwelling units and designed for or used by three (3) or more families; also includes the word "apartments".

42. DWELLING UNIT: A room or group of rooms arranged, intended or designed as a habitable unit, containing kitchen, bath and sleeping facilities for not more than one family living independently of any other family.

43. ESSENTIAL SERVICES: The erection, construction, alteration or maintenance by public utilities or municipal or other governmental agencies of underground or overhead gas, electrical, steam or water transmission or distribution systems, collection, communication, supply or disposal systems,

including poles, wires, mains, drains, sewer, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, and other similar equipment and accessories thereof, reasonably necessary for the furnishing of adequate services by such public utilities or municipal or other governmental agencies or for the public health or safety or general welfare, but not including buildings.

44. FAMILY: A person living alone or two or more persons related by blood or marriage, living together as a single housekeeping unit, using a single facility in a dwelling unit, for culinary purposes, as distinguished from a group occupying a boarding house, lodging house, hotel, motel, fraternity house, or sorority house.

45. FENCE SIGN: A sign displayed on any structure used as a fence.

46. FLOOD (One-Hundred (100) Year Frequency): A flood having an average frequency of occurrence once in one-hundred (100) years although the flood may occur in any year, based on statistical analyses of stream flow records available for the watershed and analyses of rainfall and run-off characteristics in the general region of the watershed, as determined by the city engineer, or as determined by the U.S. Corps of Engineers and confirmed by the city engineer or as determined by a registered professional engineer and certified by the city engineer.

47. FLOODWAY: The channel of a watercourse or drainage way and those portions of the adjoining lands which are reasonably required to carry and discharge the floodwater of the one-hundred (100) year frequency flood.

48. FLOOD HAZARD AREA: The land area adjoining a floodway which is not reasonably required to carry and discharge the floodwater of the one-hundred (100) year frequency flood but which would be inundated by the floodwater of the one-hundred (100) year frequency flood based on full urbanization of the watershed.

49. FLOOR AREA: The sum of the gross horizontal areas of the several floors of a building or buildings, measured from the exterior faces of the exterior walls or from the center lines of walls separating two buildings.

50. FRONTAGE: The lineal measurement of a lot boundary which is abutting a street.

51. GARAGE APARTMENT: A dwelling for one (1) family erected as a part of a private garage.

52. GARAGE, PARKING: Any building or portion thereof used for the storage of four or more automobiles in which any servicing which may be

provided is incidental to the primary use for storage purposes, and where repair facilities are not provided.

53. GARAGE, PUBLIC: The structure or portion thereof, other than a private garage, used for the storage, sale, hire, care, repairing or refinishing of any vehicles.

54. GARAGE, PRIVATE: A detached accessory building or portion of the principal building used or intended for use by the occupants of the premises for storage of passenger vehicles or trailers.

55. GARAGE, REPAIR: A building in which are provided facilities for the care, servicing, repair, or equipping of vehicles.

56. GRAND OPENING SIGN: Any temporary sign which calls attention to a new business.

57. GROUND SIGN: A sign which is supported by one or more columns, uprights, poles or braces extended from the ground or from an object on the ground, or a sign which is erected on the ground; providing that no part of the sign is attached to any part of any building structure or other sign.

58. HEIGHT: The vertical measurement of any structure on any parcel of land measured from the average elevation of the lot or parcel to the uppermost point of the structure.

59. HOME OCCUPATION: Any occupation or profession carried on by a member of a family residing on the premises, subject to the regulations of the Zoning Code, Blanchard Code of Ordinances, and other applicable regulations.

Cross Reference: Section 21-511

60. HOSPITAL: See “medical facilities”.

61. HOTEL: A building or group of buildings under one ownership containing six or more sleeping rooms occupied or 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 trailer parks, or camp, hospital, asylum, orphanage, or building where persons are housed under restraint.

62. IDENTIFICATION SIGNS: Signs which identify churches, schools, hospitals, governmental facilities, streets, parks, historical landmarks or any structure or site either of a private or public nature that does not advertise services or products and is primarily for informational purposes.

63. INDUSTRY: Storage, repair, manufacture, preparation or treatment of any article, substance, or any commodity for commercial use.

64. INSTITUTIONAL USES: Those uses organized, established, used or intended to be used for the promotion of a public, religious, educational, charitable, cultural, social, or philanthropic activity and normally operated on a non-profit basis.

65. JUNK OR SALVAGE YARD: A place where waste, discarded or salvage materials are bought, sold, exchanged, bailed, packed, disassembled or handled, including all wrecking yards, house wrecking yards, used lumber yards and places or yards for storage of salvaged house wrecking and structural steel materials and equipment; but not including such places where such uses are conducted entirely within a completely enclosed building, and not including pawnshops and establishments for the sale, purchase, or storage of used furniture and household equipment, used cars in operable condition, or salvage material incidental to manufacturing operations.

66. KENNEL: Any structure or premises on which three (3) or more dogs over four (4) months of age are kept.

67. LIVABILITY SPACE: The open space of a lot which is not allocated to or used for off-street parking or loading areas or for paved access to the off-street parking or loading area.

68. LOADING SPACE: A space on the same lot as the principal use of at least ten (10) feet in width and thirty (30) feet in length and having a vertical clearance of at least fourteen (14) feet, designated for the temporary parking of commercial vehicles while loading or unloading merchandise or materials.

69. LOT: A piece or parcel of land occupied or intended to be occupied by a principal building or a group of such buildings and accessory buildings or utilized for a principal use and uses accessory thereto, together with such open spaces as required by this ordinance, and having access on a public street.

70. LOT, CORNER: A lot which has at least two (2) adjacent sides abutting on a street, provided that the interior angle at the intersection of such two sides is less than one-hundred thirty-five (135) degrees.

71. LOT, DEPTH: The mean horizontal distance between the front and rear lot lines.

72. LOT, DOUBLE FRONTAGE: A lot having frontage of two (2) non-intersecting streets, as distinguished from a corner lot.

73. LOT, INTERIOR: A lot other than a corner lot.

74. LOT LINE: Any boundary of a lot.
75. LOT LINE, FRONT: The boundary of a lot, which abuts a public street. Where the lot abuts more than one street, the front lot line will be considered to be on the same street as the front lot line of the adjacent interior lot.
76. LOT LINE, REAR: The boundary of a lot which is most distant from and most nearly parallel to the front lot line.
77. LOT LINE, SIDE: Any boundary of a lot which is not a front lot line or a rear lot line.
78. LOT, WEDGE SHAPED: A lot situated so that the front is either wider or narrower than the rear of the lot.
79. LOTS OF RECORD: A separate and distinct parcel designated on a legally recorded subdivision plat or a legally recorded deed filed in the records of McClain County, state of Oklahoma.
80. MANUFACTURED HOUSING UNIT: A dwelling which is manufactured off-site and transported to the lot in one or more sections and is situated on a foundation and anchored and otherwise conforming to the Manufactured Housing Construction and Safety Standards Code as administered by the U.S. Department of Housing and Urban Development; complete and ready for occupancy except for minor and incidental unpacking and assembly operations, connection to utilities, and taxable on the basis of conventional structures which conform to the city's codes such as building, housing, fire prevention, electrical, plumbing and mechanical.
81. MARQUEE SIGN: A sign attached to a structure that is attached to, and projects from, a building.
82. MEAN LOT ELEVATION: The average elevation of a lot.
83. MEDICAL FACILITIES:
- a. Nursing home, rest or convalescent homes: see "*convalescent home*".
 - b. Dental or medical clinic: A building used for the examination and treatment of the physically ill, provided that no facilities are provided for patients remaining overnight except under emergency conditions except as provided for in §21-505(B).
 - c. Dental or doctor's office: The same as dental or medical clinic, including the various dental and medical specialties.

- d. Hospital: An institution providing physical and mental health services primarily for human in-patient laboratories, out-patient departments, training facilities, central service facilities, and staff offices which are an integral part of the facilities.
- e. Public health center: A facility primarily utilized by a health unit for providing public health services, including related facilities.

84. MOBILE HOME: A detached residential dwelling unit having a maximum width of sixteen feet, designed for long term occupancy and containing sleeping accommodations and designed for transportation, after fabrication, on its own wheels with the carriage frame for transportation being an integral part of the construction of the unit including axles, wheels and hitch, and arriving 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 other temporary or permanent foundations, and connection to utilities, and not taxable on the basis of conventional structures which are taxed according to ad valorem tax criteria, whether or not its wheels, rollers, skids, or other rolling equipment have been removed, and whether or not any addition thereto has been built on the ground, and which does not conform to the city's codes such as building, housing, fire prevention, electrical, plumbing and mechanical.

85. MOBILE HOME PARK: A parcel of land under single ownership which has been planned and improved for placement of mobile homes to be occupied as residences.

86. MOBILE HOME LOT: A portion of a mobile home park allocated to the exclusive use of the occupants of a single mobile home.

87. MODEL HOME SIGN: Any temporary sign which calls attention to a model home for sale or rent in a subdivision.

88. MOTEL: An area containing one (1) or more buildings designed or intended to be used as temporary sleeping facilities of one (1) or more transient persons.

89. OFF-PREMISE SIGN: Any sign which advertises or directs attention to a business, commodity, service or activity conducted, sold or offered at a different site than the premises where the sign is erected.

90. OPEN HOUSE SIGN: Any temporary sign which calls attention to a home for sale or rent which is temporarily open to the public and staffed during the "open house" event.

91. OPEN SPACE: Area included in any side, rear, or front yard, or any other unoccupied space on a lot that is open and unobstructed to the sky except for the ordinary projection of cornices and eaves of porches.

92. PARCEL: A lot as defined herein.

93. PARKING SPACE: A permanently surfaced area of not less than two-hundred (200) square feet, either within a structure or in the open, exclusive of driveways or access drives, for the parking of motor vehicles.

94. PLANNING COMMISSION: see “*city planning commission*”.

95. PORTABLE BUILDING: A storage or accessory building no larger than one-hundred and fifty (150) square feet, built offsite and constructed on skids.

96. POLITICAL SIGN: Any signs concerning the candidacy of an individual or individuals for public office or concerning support or opposition to any public issue.

97. PORTABLE SIGN: A temporary sign which is removable from one location to another and not permanently attached to the ground or to any immobile structure, whose primary function during a limited time period, is to provide information about a business or special community activity.

98. PROJECTING SIGN: A sign extending in whole or in part fifteen (15) inches or more horizontally beyond the surface of the building to which the sign is attached, but not including a “marquee sign.”

99. REAL ESTATE SIGN: A sign indicating the availability for sale, rent, or lease of the specific lot or parcel of land, building or portion of a building upon which the sign is erected or displayed.

100. ROOF SIGN: A sign painted on the roof of a building; supported by poles, uprights or braces extending from the roof of a building; or projecting above the roof line of a building, but not including a sign projecting from or attached to a wall.

101. ROOMING HOUSE: see “*boarding house*”.

102. SIGN: Any word, lettering, part of letters, figures, numerals, phrases, sentences, emblems, devices, designs, pictures, trade names or trademarks by which anything is made known, such as are used to designate an individual, a firm, an association, a corporation, a profession, a business, a service, a commodity or product, which are visible from any public street or right-of-way and designed to attract attention. “*For sale*” and “*for rent*” shall be deemed

signs within the meaning of this definition, but the term “*sign*” shall not include the flag, pennant, or insignia of any nation, state, city, or other political, educational, charitable, philanthropic, civic, professional, religious, or like campaign, drive, movement, or event used for a public purpose in the public interest.

103. SIGN, DISPLAY SURFACE AREA: The net geometric area of the surface of the sign upon, against or through which the message is displayed or illustrated, including the outward extremities of all letters, figures, characters and delineations, provided that only one face of a double-faced sign shall be included in the computation of display surface area.

104. SIGN, ILLUMINATED: A sign designed to give forth any artificial light, or designated to reflect light from one or more sources, natural or artificial.

105. SIGN, PROJECTING: A sign erected on the face or outside wall of a building which projects out at any angle therefrom.

106. SIGN, TEMPORARY: Signs of temporary nature used to advertise the premises for sale, rent, or lease.

107. STORY: That portion of a building 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.

108. STREET: A public right-of-way more than thirty (30) feet in width which provides the primary public means of access to abutting property and used primarily for vehicular circulation.

109. STREET, ARTERIAL: Any street designated by the city council and/or as may be designated on the thoroughfare plan as an arterial, primary arterial, secondary arterial, major street, etc.

110. STREET, COLLECTOR: A street collecting traffic from minor streets and serving as the most direct route to an arterial street or a community facility. Any street may be designated by the city council as a collector street when it serves, or when extended, may serve more than fifty (50) dwelling units.

111. STREET, MINOR: Any street not designated on the thoroughfare plan as an arterial.

112. STRUCTURAL ALTERATION: Any change in the structural members of a building, such as walls, columns, beams or girders.

113. STRUCTURE: Anything constructed, the use of which requires permanent location on the ground or attachment to something having a

permanent location on the ground (not including sidewalks, driveways and similar improvement areas).

114. SUSPENDED SIGN: A sign suspended from the ceiling of an arcade, marquee, canopy, or other architectural projection from a building.

115. THOROUGHFARE PLAN: The part of the comprehensive plan referring to transportation development goals, principles, and standards; also includes use of the words “major street plan” and “trafficways plan”.

116. TIME-TEMPERATURE-DATE SIGN: A sign which displays the time, outdoor temperature and/or date of the month.

117. TRAILER: A portable or mobile unit, other than a mobile home, used or designed to carry or transport material or animals.

118. VEHICLE MOUNTED SIGN: Any sign displayed on a trailer, van, truck, automobile, bus, railroad car, tractor, semi-trailer, or other vehicle, which is not used in the normal activities of the enterprise to which the sign refers and is not designed to be removed from the site on a frequent basis.

119. WALL SIGN: A sign painted on or attached to the wall or surface of a building.

120. WIND SIGN: Any object whose purpose is to draw attention to the site upon which it is located. This type of display is intended as a promotional activity, which is not to exceed thirty (30) days in duration. It may consist of one or more balloons, flags, pennants, ribbons, spinners or streamers, or other objects or material fastened in such a manner as to move upon being subjected to pressure by wind or breeze. A banner anchored securely, so as to restrict movement to a minimum, is not a wind sign.

121. WINDOW SIGN: A sign which is painted on, applied or attached to or located within three (3) feet of the interior of a window, which can be seen through the window from the exterior of the structure. Merchandise which is included in a window display shall not be included as part of a window sign.

122. YARD: A required space on a lot unobstructed except as expressly permitted.

123. YARD, FRONT: A yard extending across the full width of a lot from side lot line to side lot line abutting on a street, into which a building may not protrude.

124. YARD, REAR: A yard extending across the rear of a lot measured from side lot line to side lot line.

125. YARD, SIDE: A yard extending from front yard to the rear yard abutting the side lot line, into which no building may protrude. [Ord. No. 2004-07, 4/14/2004; Ord. No. 2004-18, 10/26/2004; Ord. No. 713, 1/28/20]

ARTICLE 5

GENERAL PROVISIONS APPLYING TO ALL OR TO SEVERAL DISTRICTS

- § 21-501 Limitations on use.
- § 21-502 Division of lots.
- § 21-503 Use of yards.
- § 21-504 Street access.
- § 21-505 Trailers and commercial vehicles.
- § 21-506 Off-street parking.
- § 21-507 Screening wall or fence.
- § 21-508 Sewage service.
- § 21-509 Group housing projects.
- § 21-510 Repealed.
- § 21-511 Home occupations.

§ 21-501 LIMITATION ON USE.

A. Application of regulations in districts authorized. No land, building, structure, or improvement 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, coverage, yard, space, and other requirements established in the district in which such land, building, structure, or improvement is located, and such use is authorized, except as provided by Article 6 "Nonconformities."

B. Application of regulations to the uses of a more restricted district. Whenever the specific district regulations pertaining to one district permit the uses of a more restricted district, such uses shall be subject to the conditions set forth in the regulations of the more restricted district, unless otherwise specified.

C. Residential uses restricted to residential lots. It is intended that these regulations be interpreted as not permitting a dwelling unit to be located on the same lot with or within a structure used or intended to be used primarily for nonresidential purposes except that one accessory residential unit may be provided for a night watchman, motel manager, or similar purpose where essential to the main use of the lot.

§ 21-502 DIVISION OF LOTS.

An improved lot shall not hereafter be divided into two or more lots unless all lots resulting from such division comply with all the applicable yard, space, area, parking and loading regulations of the zoning district in which located.

§ 21-503 USE OF YARDS.

No building, structure, or improvement shall be permitted to encroach upon required yard spaces set forth in the provisions of this ordinance; provided, however, that surfaced parking facilities, signs, fences, and gasoline pumping service units may be permitted to occupy required yard space unless otherwise prohibited in those districts permitting such improvements and provided that no inoperative vehicle may be stored in the front yard of a lot in a residential district.

§ 21-504 STREET ACCESS.

No principal building shall hereafter be constructed on a lot which does not abut a public dedicated street unless such construction is permitted under the terms of a PUD.

§ 21-505 TRAILERS AND COMMERCIAL VEHICLES.

A. Storage and parking in residential districts. Commercial vehicles and trailers of all types, including travel, camping and hauling, and mobile homes shall not be parked or stored on any lot occupied by a dwelling or on any lot in any residential district except in accordance with the following provisions:

1. No more than one (1) commercial vehicle, which does not exceed one and one-half (1½) tons rated capacity, per family living on the premises shall be permitted; and in no case shall a commercial vehicle used for hauling explosives, gasoline, or liquefied petroleum products be permitted.

2. No more than one (1) camping or travel trailer or hauling trailer per family living on the premises shall be permitted, and said trailer shall not exceed thirty-six (36) feet in length or eight (8) feet in width; and further provided that said trailer shall not be parked or stored for more than forty-eight (48) hours unless it is located behind the front yard building line. A camping or travel trailer shall not be occupied either temporarily or permanently while it is parked or stored in any area within the incorporated limits except in a mobile home park authorized under the ordinances of the city of Blanchard, Oklahoma, except as provided for in.

3. Except as allowed in the A-1, Agricultural Zoning District, mobile homes shall be parked or stored only in a mobile home park which is in conformity with ordinances of the city of Blanchard, Oklahoma.

B. Display in commercial and industrial districts. Commercial vehicles and trailers of all types may be displayed in such commercial districts allowing sales of said vehicles or in such industrial districts allowing their manufacture; provided, however, said vehicles may not be used for dwelling purposes either temporarily or permanently except in a mobile home park authorized under the ordinances of the city of Blanchard, Oklahoma.

§ 21-506 OFF-STREET PARKING.

A. Purpose and application. It is the intent of these requirements that adequate parking and loading facilities be provided on off-the-street areas for each use of land within the city of Blanchard. Requirements are intended to be based on the demand created by each use. These requirements shall apply to all uses in all districts.

B. Required open space. Off-street parking space may be a part of the required open space associated with the permitted use, unless otherwise prohibited; provided, however, the off-street parking requirements shall not be reduced or encroached upon in any manner.

C. Location. The off-street parking lot shall be located within two-hundred (200) feet, exclusive of street and alley widths, of the principal use and shall have direct access to a street or alley.

D. Joint parking and off-site parking facilities. Whenever two or more uses are located together in a common building, shopping center or other integrated building complex, the parking requirements may be complied with by providing a permanent common parking facility, cooperatively established and operated, which contains the requisite number of spaces, for each use. Owners jointly provide for their individual parking needs through a joint facility and/or facilities, provided that the total number of spaces so provided shall not be less than the sum of the individual requirements and that each business and/or other use is within two-hundred (200) feet of the parking facility.

E. Size of off-street parking space. The size of a parking space for one vehicle shall consist of a rectangular area having dimensions of not less than ten (10) feet by twenty (20) feet plus adequate area for ingress and egress.

F. Amount of off-street parking and loading required. Off-street parking and loading facilities shall be provided in all districts in accordance with the following schedule:

1. Dwelling, single-family or duplex: Two (2) parking spaces for each separate dwelling unit within the structure.

2. Dwelling, multi-family: The number of spaces provided shall not be less than two (2) parking spaces for each of the first fifty (50) dwelling units and one and one-half (1½) spaces for each dwelling unit above fifty (50) units.
3. Boarding or rooming house or hotel/motel: One (1) parking space for each sleeping room.
4. Hospitals: One (1) space for each four patient beds, exclusive of bassinets, plus one (1) space for each staff or visiting doctor, plus one (1) space for each three (3) employees including nurses, plus adequate area for the parking of emergency vehicles.
5. Medical or dental clinics or offices: Six (6) spaces per doctor plus one (1) space for each two (2) employees or one (1) space per each two hundred and fifty (250) square feet of floor area, whichever is greater.
6. Convalescent or nursing homes: One (1) space for each six (6) patient beds plus one (1) space for each staff or visiting doctor plus one (1) space for each two (2) employees including nurses.
7. Community center, theater, auditorium, church sanctuary: One (1) parking space for each four (4) permanent seats, based on maximum seating capacity, or each fifty (50) square feet of floor area in rooms without permanent seating but intended to be used for assembly purposes.
8. Convention hall, lodge, club, library, museum, place of amusement or recreation: One (1) parking space for each fifty (50) square feet of floor area used for assembly or recreation in the building.
9. Eating places: One (1) off-street parking space for each two-hundred and twenty-five (225) square feet of gross floor area.
10. Office building: One (1) parking space for each three-hundred (300) square feet of gross floor area in the building, exclusive of the area used for storage, utilities and building service.
11. Commercial establishments not otherwise classified: One (1) parking space for each one-hundred fifty (150) square feet of floor space used for retail trade in the building and including all areas used by the public.
12. Industrial establishments: One (1) off-street parking space for each five-hundred (500) square feet of gross floor area or one (1) off-street parking space for each two (2) employees, whichever is greater, and one (1) loading or unloading berth for each twenty-five thousand (25,000) square feet or fraction thereof of gross floor area.

G. Paved surface required. All parking spaces shall be paved with a sealed surface permanent pavement and maintained in a manner that no dust will result from continued use.

H. Off-street parking lots located with or adjacent to a residential district. Whenever off-street parking lots for more than six (6) vehicles are to be located within or adjacent to a residential district, the following provisions shall apply:

1. All sides of the lot within or abutting the residential district shall be enclosed with a screening wall or fence as specified under §21-507.

2. No parking shall be permitted within a front yard when the parking lot is located in a residential district.

3. Driveways used for ingress and egress shall be confined to and shall not exceed twenty-five (25) feet in width, exclusive of curb returns.

4. All of the lot used for parking and driveway purposes shall be paved with a sealed surface pavement and maintained in such a manner that no dust will be produced by continued use.

5. Whenever lighting is provided, it shall be arranged so that all light is deflected from adjoining residential uses.

6. No sign of any kind shall be erected except information signs used to guide traffic and to state the condition and terms of the use of the lots. Only non-intermittent white lighting of signs shall be permitted.

§ 21-507 SCREENING WALL OR FENCE.

A. Specifications. When the provisions of this ordinance require the construction of a screening wall or fence as a condition for the initiation and subsequent continuance of a use, the screening wall or fence:

1. Shall be constructed, designed, and arranged to provide visual separation of uses, irrespective of vegetation;

2. Shall not be less than six (6) feet nor more than eight (8) feet in height, and

3. Shall be constructed with all braces and supports on the interior.

B. Maintenance. The screening wall or fence shall be maintained by the owner of the zoning lot containing the use requiring the construction of the

screening. Failure to maintain after notice by the zoning administrator shall constitute an offense hereunder.

§ 21-508 SEWAGE SERVICE.

No structure or use in any district shall be erected or commenced which does not have a connection to the public sewerage system, unless and until the county public health officer certifies that a septic tank or any substitute disposal system can be installed and operated effectively. As a basis for making his decision, the public health officer may require such percolation tests as he deems to be necessary. Such tests are to be made at the expense of the property owner.

21-509 GROUP HOUSING PROJECTS.

In the case of a housing project consisting of a group of two or more buildings to be constructed on a plot of ground of at least two (2) acres not subdivided into the customary streets and lots, and which will not be so subdivided, 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 may be changed by the board of adjustment, 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 a use or building height or density of population be permitted which is less than the requirement of the district in which the housing project is to be located.

§ 21-510 REPEALED.

§ 21-511 HOME OCCUPATIONS.

A. A home occupation is any occupation or profession carried on in a residence which is clearly incidental and secondary to the residential use of the premises; does not change the residential character or physically alter the appearance of the property; and is subject to all city ordinances, including but not limited to:

1. The parking of a commercial vehicle assigned or owned by a person who resides on the premises and otherwise does not conduct business on the premises shall be regulated by § 21-505 "Trailers and Commercial Vehicles."

2. The conducting of occasional "host" parties where goods, such as cosmetic supplies, are sampled or displayed is not considered a home occupation.

3. Home occupation regulations shall not apply to those who telecommunicate or operate a home office when no additional traffic is generated.

B. Conditions for home occupations.

1. Location. The home occupation must be entirely located within the dwelling or an associated accessory building on the same lot of the primary dwelling size that is compatible to the design and size of other accessory buildings in the area. Outside storage of any kind related to the home occupation shall generally not be visible from the public right-of-way and surrounding residentially-zoned properties;

2. Employees and residency. The principle person or persons providing the business or service shall reside in the dwelling on the premises. The home occupation shall employ no more than one (1) person who does not reside on the premises.

C. Neighborhood compatibility.

1. All vehicles used in connection with the home occupation shall be of a size, and located on the premises in such a manner, so as not to disrupt the quiet nature and visual quality of the neighborhood. All vehicles and trailers must comply with §21-505 "Trailers and Commercial Vehicles."

2. There shall be sufficient off-street parking for patrons of the home occupation, with the number of off-street parking spaces required for the home occupation to be provided and maintained in addition to the space or spaces required for the dwelling itself pursuant to §21-506 "Off-Street Parking."

3. There shall be no advertising devices on the property, or other signs of the home occupation, which are visible from outside the dwelling or accessory building except that one (1) non-illuminated nameplate, not more than two (2) square feet in area attached to the main or accessory building or located in a window, may be permitted.

4. The property shall contain no outdoor display or storage of goods or services that are associated with the home occupation.

5. Wholesale or retail sales of goods, open to the public, shall not occur on the premises.

6. The home occupation shall not create traffic or parking congestion, noise, vibration, odor, glare, fumes, sewerage or water use in excess of what is normal in the residential neighborhood, or electrical communications interference than can be detected by the normal senses off the premises,

including visual or audible interference with radio or television reception. The home occupation shall not create a nuisance.

7. No deliveries by commercial vehicles outside of the typical parcel courier service (i.e. USPS, UPS, FedEx, etc). Home occupations requiring any deliveries or exports utilizing a freight hauler are prohibited.

D. Home occupations requiring a conditional use permit. The following uses, because of their potential impacts on the surrounding residential area, may be permitted only after receiving a conditional use permit following the procedures established in §21-921 "Procedure for Authorizing Conditional Uses". The planning commission and city council shall take into account the potential impact on the surrounding residential area, impact on traffic, potential to create a nuisance, and other criteria specified in this section. Any conditional use permits granted shall expire when the applicant no longer resides at the approved site or thirty (30) days after the resident ceases the home occupation, whichever occurs first; and is not transferable to any other location or person.

1. Base or office for an employer where up to four (4) employees assemble to go to job sites provided ample parking is available for the employees.

2. Welding, plumbing, electrical or shop, or similar shops.

3. Carpentry, cabinet making, metal work, fabrication or assembly of products for transport to a site off premises.

4. Medical marijuana commercial growing and processing facilities.

5. Clinic, doctor's office, or dentist's office.

6. Barber shop or beauty parlor.

7. Child care home.

8. Bed & breakfast.

9. Lawn mower repair.

10. Auto repair or motorized implement repair (other than minor service of personal vehicles owned by person living on the premises or their friends and relatives). [Ord. No. 2004-07, 4/14/2004; Ord. No. 650, 2/28/17; Ord. No. 713, 1/28/20]

ARTICLE 6

NONCONFORMITIES

- § 21-601 Intent.
- § 21-602 Nonconforming lots of records.
- § 21-603 Nonconforming structures.
- § 21-604 Nonconforming uses of structures.
- § 21-605 Nonconforming uses of land.
- § 21-606 Changes in nonconformity.
- § 21-607 Future zoning district designation of permitted use.

§ 21-601 INTENT.

A. Within the districts established by this ordinance or amendments that may later be adopted, there exists lots, structures, and uses of land and structures which were lawful before this ordinance was passed or amended but which would be prohibited, regulated, or restricted under the terms of this ordinance or future amendment. It is the intent of this ordinance to permit these nonconformities to continue until they are removed, but not to encourage their survival. Such uses are declared by this ordinance to be incompatible with permitted uses in the districts involved. It is further the intent of this ordinance that nonconformities shall not be enlarged upon, expanded or extended, nor be used as grounds for adding other structures or uses prohibited elsewhere in the same district. A nonconforming use of a structure, a nonconforming use of land, or a nonconforming use of a structure and land shall not be extended or enlarged after passage of this ordinance.

B. Within the districts established by prior ordinances and by this ordinance or amendments that may later be adopted, there exist lots, structures, and uses of land which were not in compliance or not in conformity with the prior ordinances, or this ordinance or amendments that may later be adopted. It is the intent of this ordinance to continue the prohibition and unlawful nature of those lots, structures and uses that existed as unlawful lots, structures and uses under the prior ordinances that are being replaced by this ordinance. Nothing in this ordinance shall be construed to legitimize any nonconforming lot, structure, or use that existed as an unlawful nonconforming lot, structure or use prior to the effective date of this ordinance.

§ 21-602 NONCONFORMING LOTS OF RECORD.

In any district in which a lot exists of record at the effective date of adoption or amendment of this ordinance which does not conform in size or area to the provisions of this ordinance, buildings for the uses permitted in such district may be erected on such lot, notwithstanding limitations imposed by other provisions of this ordinance.

§ 21-603 NONCONFORMING STRUCTURES.

Where a lawful structure exists at the effective date of adoption or amendment of this ordinance that could not be built under the terms of this ordinance by reason of restrictions on area, lot coverage, height, yards, or other characteristics of the structure or its location on the lot, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:

1. No such structure may be enlarged or altered in a way which increases its nonconformity.
2. Should such structure be destroyed by any means to an extent of more than fifty (50) percent of its replacement cost at time of destruction except in the floodway supplementary district as provided in §21-765, it shall not be reconstructed except in conformity with the provisions of this ordinance.
3. Should such structure be moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the district in which it is located after it is moved.

§ 21-604 NONCONFORMING USES OF STRUCTURES.

If a lawful use of a structure, or of structure and premises in combination, exists at the effective date of adoption or amendment of this ordinance that would not be allowed in the district under the terms of this ordinance, the lawful use may be continued so long as it remains otherwise lawful, subject to the following provisions:

1. No existing structure devoted to a use not permitted by this ordinance in the district in which it is located shall be enlarged, extended, constructed, reconstructed, moved, or structurally altered except in changing the use of the structure to a use permitted in the district in which it is located.
2. Any nonconforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use at the time of adoption or amendment of this ordinance, but no such use shall be extended to occupy any land outside such building.
3. Any structure, or structure and land in combination, in or on which a nonconforming use is superseded by a permitted use shall thereafter conform to the regulations for the district in which such structure is located, and the nonconforming use may not thereafter be resumed.
4. When a nonconforming use of a structure, or structure and premises in combination, is discontinued or abandoned for six (6) consecutive

months, the structure, or structure and premises in combination, shall not thereafter be used except in conformance with the regulations of the district in which it is located.

5. Where nonconforming use status applies to a structure and premises in combination, removal or destruction of the structure shall eliminate the nonconforming status of the land.

§ 21-605 NONCONFORMING USES OF LAND.

Where, at the effective date of adoption or amendment of this ordinance, lawful uses of land exist that are no longer permissible under the terms of this ordinance as enacted or amended, such uses may be continued so long as they remain otherwise lawful subject to the following provisions:

1. No such conforming use shall be moved in whole or in part to any other portion of the lot or parcel occupied by such use at the effective date of adoption or amendment of this ordinance.

2. No such nonconforming use shall be enlarged or increased or extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this ordinance.

3. If any such nonconforming use of land ceases for any reason for a period of more than thirty (30) days, any subsequent use of such land shall conform to the regulations specified by this ordinance for the district in which such land is located.

§ 21-606 CHANGES IN NONCONFORMITY.

A nonconforming use of a structure, or of a structure and land in combination, shall not be changed unless changed to a use permitted in the district in which located; except that the board of adjustment may permit a change to a more restricted nonconforming use and such change shall be construed as an abandonment of the former permitted nonconforming use.

§ 21-607 FUTURE ZONING DISTRICT DESIGNATION OF PERMITTED USE.

It is the intent of the zoning ordinance to designate an appropriate zoning district location for all permitted use of land, whether residential, commercial, or industrial. If application is received for the location of a particular use which is not listed in a specific zoning district, the application must be submitted to the planning commission for a zoning amendment. If approved, the zoning amendment would add the permitted use to the table of permitted uses in the appropriate zoning district.

ARTICLE 7

SPECIFIC DISTRICT REGULATIONS

DIVISION I

S-1 "SUBURBAN DISTRICT"

- § 21-701 General description.
- § 21-702 Uses permitted.
- § 21-703 Area and height regulations.
- § 21-704 Exceptions from ordinances.
- § 21-705 Repealed.

§ 21-701 GENERAL DESCRIPTION.

This district is established to provide for the low-density use of land for agricultural and residential purposes in rural areas. It is also the purpose of this district to provide a zoning classification that will provide property owners and residents the least restrictive means by which they can be residents of the city of Blanchard and simultaneously not be burdened with certain rules and regulations that are imposed upon areas that are subject to other zoning classifications. It is intended that future utilization of land for purposes other than agriculture or very low density residential be reclassified to the proper zoning district at the time of need. [Ord. No. 2002-09, 11/20/2002]

§ 21-702 USES PERMITTED.

Those uses in place on the date of the assignment of this zoning classification will be permitted to continue on lands within this district. Otherwise, no building or use shall be established or enlarged with this district, except a building or use devoted to one of the following purposes:

1. Agriculture, as defined in this ordinance
2. Improvements to single-family dwellings constructed and occupied prior to the assignment of this zoning classification
3. New single-family dwellings located on tracts of twenty (20) or more acres.
4. Churches constructed and occupied prior to the assignment of this zoning classification.
5. Public or private schools constructed and occupied prior to the assignment of this zoning classification.

6. Parks and forest preserves.
7. Temporary buildings or uses for constructed purposes only and not for dwelling purposes, nor for a period that exceeds the period of construction.
8. Accessory buildings or uses incidental to the foregoing principal uses, including home occupations as defined in this ordinance, private garages, guest houses, tool houses, private greenhouses, private dog kennels, stables, roadside stands and quarters for persons employed in connection with the principal use of the premises.
9. Public utility and service uses, including electric substations, gas regulator stations, electric, gas, telegraph, telephone and water transmission metering and distribution equipment and structures, communication towers, microwave relay towers, cellular towers, water reservoirs, water towers, pumping stations and similar facilities. [Ord. No. 2002-09, 11/20/2002]

§ 21-703 AREA AND HEIGHT REGULATIONS.

Minimum Lot Area	Minimum Lot Frontage	Maximum % Coverage	Maximum Height	Minimum Front Yard Setback	Minimum Side Yard Setback	Minimum Rear Yard Setback
20 Acres	200 Feet (1)	--	35 Feet (2)	50 Feet (3)	50 Feet (4)	50 Feet (5)

1. If the lot sides upon a section line, the minimum lot frontage will be two-hundred and fifty (250) feet.
2. Except for structures utilized by public utilities.
3. If the lot fronts upon a section line, the minimum front yard setback will be one-hundred (100) feet.
4. If the lot fronts upon a section line, the minimum side yard setback will be one-hundred (100) feet.
5. If the lot fronts upon a section line, the minimum rear yard setback will be one-hundred (100) feet. [Ord. No. 2002-09, 11/20/2002]

§ 21-704 EXCEPTIONS FROM ORDINANCES.

Property located within this zoning classification shall be exempt from the following ordinances and rules and regulations of the city of Blanchard.

1. Building permits will be required for the construction of accessory buildings used in connection with the principal use of the premises for a nominal fee of twenty-five dollars (\$25.00) plus state fees and associated trade fees (ie: electrical, plumbing, mechanical, etc.).

2. The provisions of §7-304 of the city code with regard to storing of hay shall not be enforced within this zoning district.

3. The discharge of firearms within this district shall not be prohibited, provided the bullet or projectile does not pass, or is not likely to pass, through or fall within, a populated area or place of habitation or property belonging to an individual who has not consent to the discharge of firearms on, over or across their property and/or within one-thousand (1,000) feet of a school zone or school property. [Ord. No. 2002-09, 11/20/2002; Ord. No. 2005-12, 6/14/2005; Ord. No. 615, 7/28/15]

§ 21-705 **REPEALED.** [Ord. No. 2005-12, 6/14/2005; Ord. No. 650, 2/28/17]

DIVISION II

A-1, AGRICULTURAL DISTRICT

- § 21-711 General description.
§ 21-712 Uses permitted.
§ 21-713 Area and height regulations.
§ 21-714 Repealed.

§ 21-711 **GENERAL DESCRIPTION.**

The regulations for the agricultural zoning district are designed to protect undeveloped areas from intensive uses until a use pattern is approved.

§ 21-712 **USES PERMITTED.**

The permitted uses in the agricultural district are set forth in the table below. Where the letter "x" appears on the line of a permitted use and in the proper column of a district, the listed use is permitted in that district subject to the general provisions of the zoning ordinance as set forth in the preceding sections. Where the letter "p" appears instead of the letter "x", this use is permitted subject to acquiring a conditional use permit as set forth in §21-921 et seq.

TABLE OF PERMITTED USES IN A-1 DISTRICT

<u>PERMITTED USES</u>	
Airway beacon or marker	x

Animal hospital (with or without outside runs)	x
Apiary	x
Arboretum or botanical garden	x
Boarding or training animals	x
Carnival, circus, tent revival or similar temporary open-air enterprise	x
Cemetery	x
Child Care Center	x
Child Care Home	x
Church, synagogue or temple, including Sunday School facilities	x
Civil defense and related activities facility	x
College, junior college, professional school, or university: public or equivalent private: Stadium or field house: other facilities	x
Convalescent, maternity or nursing home	x
Dairy farm; egg farm	x
Farm for raising dogs, cattle, goats, horses, sheep, rabbits, or poultry	x
Field crop farm	x
Fire protection and related activities facility	x
Fishery	x
Flood control works	x
Fruit, tree nut, or vegetable farm	x
Gas pipeline right-of-way	x
Gas pressure control station	x
Golf course: public or private	x
Growing and harvesting of trees	x
Home Occupation	x
Horticultural specialty farm, including greenhouse	x
Library: private, nonprofit and public other than branch	x
Medical Marijuana Growing Facility	p
Medical Marijuana Processing Facility	p
Mining, quarrying and earth extractions	x
Mobile Home (free standing)	x
Monastery, convent or novitiate	x
Nursery (trees and shrubs)	x
Park, playground or tot lot: public	x
Parish house, parsonage or rectory	x
Petroleum pipeline or pressure control station	x
Pipeline right-of-way or pressure control station	x
Police protection and related activities facility	x
Postal services facility	x
Public stable	x
Radio transmitting station or tower, other than amateur	x
Railroad right-of-way (excluding switching and marshaling yards)	x
Religious retreat facility	x
Retail sale of farm products sold on premises	x
School, elementary: public or equivalent private	x
School, secondary: public or equivalent private	x
Sewage pressure control station	x

Sewage treatment plant or sludge drying bed	x
Single-family detached dwelling	x
Skating rink: public	x
Solid waste disposal facility	x
Swimming pool: public	x
Telegraph transmitting or receiving station or right-of-way	x
Telephone exchange station, relay tower or right-of-way	x
Television transmitting station or relay tower	x
Tennis courts: public	x
Veterinarian treating animals on premises	x
Water pipeline right-of-way, treatment plant, storage facility or pressure control station	x
Wildlife area (public)	x
Zoological garden: public	x

[Ord. No. 715, 1/28/20]

§ 21-713 AREA AND HEIGHT REGULATIONS.

Minimum Lot Area	Minimum Lot Frontage	Maximum % Coverage	Maximum Height	Minimum Front Yard Setback	Minimum Side Yard Setback	Minimum Rear Yard Setback
2.5 Acres	100 Feet	20%	35 Feet	50 Feet	30 Feet	50 Feet

All lots and improvements within the A-1 District shall meet the following requirements:

1. All lots shall have not less than two-and-one-half (2½) acres of land including street dedications, and not more than one (1) principal dwelling shall be placed on any one (1) lot.

2. Each lot shall have a frontage of not less than one-hundred (100) feet provided, however, that right-of-way dedications may be included in calculating lot frontage. On wedge-shaped lots, the minimum frontage requirement shall be fifty (50) feet.

3. Not more than twenty percent (20%) of the lot area shall be covered with improvements. Paved areas are not considered improvements within the meaning of this provision.

4. No improvement or structure shall exceed thirty-five (35) feet in height above the mean elevation of the lot except for transmission towers and antennas.

5. All structures shall have not less than a fifty (50) foot front yard setback.

6. All principal structures shall have not less than a thirty (30) foot side yard setback. Accessory buildings may have side yards of not less than ten (10) feet.

7. All structures shall have not less than a fifty (50) foot rear yard setback.

8. No permit shall be issued for the location of a mobile home or manufactured housing on a lot of less than ten (10) acres. [Ord. No. 2006-06, 2/14/2006]

§ 21-714 **REPEALED.** [Ord. No. 2004-07, 4/14/2004; Ord. No. 650, 2/28/17]

DIVISION III

RESIDENTIAL DISTRICTS

- § 21-721 General description.
- § 21-722 Uses permitted.
- § 21-723 Lot, yard and height regulations.
- § 21-724 Area and height regulations for R-1, single family districts.
- § 21-725 Area and height regulations for R-2, combined residential districts.
- § 21-726 Area and height regulations for R-3, multi-family districts.
- § 21-727 Lot, yard and height regulations for the R-E, residential estates districts.
- § 21-728 Accessory uses.
- § 21-729 Repealed.

§ 21-721 **GENERAL DESCRIPTION.**

The regulations for the residential zoning districts are designed to: (1) protect the residential character of areas so designed from the noise, congestion and heavy traffic of commercial and industrial activities; (2) encourage a suitable environment for family life by providing for openness of living areas and permitting appropriate neighborhood facilities and compatible community facilities.

A. R-1, Single-Family Residential District:

The R-1 districts are designed to provide quiet, low-density areas for single family living with related recreational, religious and educational facilities protected from all commercial and industrial activity.

B. R-2, Combined-Residential District:

The R-2 district encourage similar basic restrictions of the R-1 districts and permit a quiet, slightly higher population density area for family living protected from all commercial and industrial activity.

C. R-3, Multi-Family Residential Districts:

The R-3 districts provide low and medium population density zone areas, containing a mixture of duplex, town house and multi-family dwellings along with a limited home occupations and limited private and public community uses where lots are large enough for family living, but small enough to afford low developments costs, economy of streets and utilities, and proximity to schools, churches and shopping.

D. R-E, Residential Estates Districts

The R-E district is designed to provide single family residential housing on large lots that are serviced by an improved interior access street. [Ord. No. 2005-09, 5/10/2005; Ord. No. 615, 7/28/15]

§ 21-722 USES PERMITTED.

The permitted uses in the residential districts are set forth in the table below. Where the letter “x” appears on the line of a permitted use and in the column of a district, the listed use is permitted in that district subject to the general provisions of the zoning ordinance as set forth in the preceding sections. Where the letter “p” appears instead of the letter “x” this use is permitted subject to acquiring a conditional use permit as set forth in §21-921.

TABLE OF PERMITTED USES IN RESIDENTIAL DISTRICTS

PERMITTED USES	ZONING DISTRICT			
	<u>R-E</u>	<u>R-1</u>	<u>R-2</u>	<u>R-3</u>
Apartment house				x
Apartment hotel				x
Arboretum or botanical garden				x
Boarding or rooming house				x
Child Care Home				x
Church, synagogue or temple, including Sunday School facilities				x
Dormitories				x
Fire protection and related activities facility (Not a fire training facility)	x	x	x	x
Fraternity or sorority house				x
Greenhouses: (no products sold on premises)				x

Home Occupation	x	x	x	x
Library: private, nonprofit and public				x
Manufactured Housing Unit	x			x
Mobile home parks (See Blanchard Mobile Home Ordinance.)				x
Multiple-family dwelling				x
Parish house, parsonage or rectory	x	x	x	x
Park, playground or tot lot: public	x	x	x	x
Sewage pressure control station	x	x	x	x
Single-family detached dwelling	x	x	x	x
Tennis courts: public				x
Town house				x
Two-family dwelling			x	x
Utility Rights of Way	x	x	x	x
Water storage facility or pressure control station	x	x	x	x

§ 21-723 LOT, YARD AND HEIGHT REGULATIONS.

No lot or yard shall be established or reduced in dimension or area in any residential district that does not meet the minimum requirements set forth in the following sections. No building or structure shall be erected or enlarged that will cause maximum lot coverage or maximum height regulations to be exceeded for such district as set forth in the following sections.

§ 21-724 AREA AND HEIGHT REGULATIONS FOR R-1, SINGLE-FAMILY DISTRICTS.

Minimum Lot Area	Minimum Lot Frontage	Maximum % Coverage	Maximum Height	Minimum Front Yard Setback	Minimum Side Yard Setback	Minimum Rear Yard Setback
9,000 SF	70 Feet	30%	35 Feet	25 Feet	5 ft interior lots	20% Depth of lot
					20 ft street side of corner lots	

All lots and improvements within the R-1 District shall meet the following requirements:

1. Maximum Density – No more than one (1) principal building shall be placed on any one (1) lot.

2. Minimum Lot Area – Nine-thousand (9,000) square feet for all single-family uses and twelve-thousand (12,000) square feet for all non-single family uses.

3. Minimum Frontage – Seventy (70) feet, except an irregularly shaped or wedged shaped lot may be used for single family construction with a minimum frontage of thirty-five (35) feet so long as the lot has a minimum area of nine-thousand (9,000) square feet and the front building line on the lot shall be a minimum of seventy (70) linear feet measured at an equal distance parallel to and from the front lot line.

4. Maximum Lot Coverage - Not more than thirty percent (30%) of the lot area shall be covered with improvements. Uncovered paved areas including patios and driveways are not considered improvements within the meaning of this provision.

5. Maximum Height - No improvement or structure shall exceed thirty-five (35) feet in height above the mean elevation of the lot.

6. Minimum Front Yard Setback – twenty-five (25) feet.

7. Minimum Side Yard Setback from Interior Lot Lines on Single-Family, One Story Construction– five (5) feet.

8. Minimum Side Yard Setback from Interior Lot Lines on Single-Family, Multi-Story Construction – fifteen (15) feet.

9. Minimum Side Yard Setback from Interior Lot Lines on Non-Single Family Construction – The greater of either fifteen (15) feet or the height of the structure.

10. Minimum Side Yard Setback from Street side Lot Lines on Corner Lots – twenty (20) feet.

11. Minimum Rear Yard Setback – twenty-five (25) feet for the principal structure and all attached structures and ten (10) feet for an unattached accessory building. [Ord. No. 2004-18, 10/26/2004].

§ 21-725 AREA & HEIGHT REGULATIONS FOR R-2, COMBINED-RESIDENTIAL DISTRICT.

Single-Family Dwelling:

Minimum Lot Area	Minimum Lot Frontage	Maximum % Coverage	Maximum Height	Front Yard Setback	Interior Side Yard Setback	Street- side Side	Rear Yard Setback
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						Yard Setback	
6,000 SF	50 Feet	35%	35 Feet	25 Feet	5 Ft for single story structures and 10 Ft for two-story structures	20 Ft	25 ft

Two-Family Dwellings:

Minimum Lot Area	Minimum Lot Frontage	Maximum % Coverage	Maximum Height	Front Yard Setback	Interior Side Yard Setback	Street-side Side Yard Setback	Rear Yard Setback
10,750 SF	75 Feet	35%	35 Feet	25 Feet	5 ft for single story structures and 10 ft for two-story structures	20 ft	The lesser of either 25 feet or 20% of the lot depth

All lots and improvements within the R-2 Combined-Residential District shall meet the following requirements:

1. All lots shall have not less than six-thousand (6,000) square feet for single-family dwellings and not less than ten-thousand seven-hundred and fifty (10,750) square feet for two-family dwellings and other uses, and not more than one (1) principal building shall be placed on any one (1) lot except as otherwise specified.

2. Each lot shall have a frontage of not less than fifty (50) feet for single-family dwellings and seventy-five (75) feet for two-family dwellings and all other uses. The frontage of any wedged shaped lot may be a minimum of thirty-five (35) feet provided the width of the lot at the front building line shall not be less than specified above.

3. Not more than thirty-five percent (35%) of the lot area shall be covered with improvements. Paved areas are not considered improvements within the meaning of this provision.

4. No improvement or structure shall exceed thirty-five (35) feet in height above the mean elevation of the lot without the approval of the board of adjustment.

5. All structures shall have not less than a twenty-five (25) foot front yard setback.

6. For a single- or two-family dwelling of one (1) story, the minimum width of the side yard shall be five (5) feet for interior lot lines and twenty (20) feet for the side yard abutting the side street on a corner lot (same as front yard setback). For two (2) story buildings, the minimum width of the side yard on interior lot lines shall be not less than ten (10) feet. For a principal building other than a single- or two-family dwelling, and for all single- or two-family dwellings exceeding two (2) stories, the minimum width of the side yard on the interior lot lines shall be not less than the height of the building, but in no case less than fifteen (15) feet.

7. All structures shall have not less than a twenty-five (25) foot rear yard setback.

8. Unattached buildings of accessory use may be located in the rear yard of a main building; provided, however, that no accessory building shall be located closer than ten (10) feet to the rear lot line.

9. Multiple adjacent and contiguous lots may be combined to meet the minimum area requirements or minimum frontage requirements for dwellings so long as not frontage or portion of the property used to qualify the location of one (1) dwelling structure is used to qualify the lot or lots for the location of additional dwelling structures.

10. Single lots may contain multiple two-family dwellings so long as each separate two-family dwelling meets all minimum lot area, lot frontage, and setback requirements without utilizing area or frontage assigned to another two-family dwelling.

11. Nothing herein shall be construed to authorize any property to be used in any manner that would otherwise be prohibited or restricted by private restrictive covenants. [Ord. No. 2004-14, 7/13/2004; Ord. No. 2004-18, 10/26/2004; Ord. No. 2005-09, 5/10/2005; Ord. No. 2005-11, 6/14/2005; Ord. No. 2005-17, 9/27/2005]

§ 21-726 AREA & HEIGHT REGULATIONS FOR R-3, MULTI-FAMILY DISTRICTS.

	Minimum Lot Area	Minimum Lot Frontage	Maximum % Coverage	Maximum Height	Minimum Front Yard Setback	Minimum Side Yard Setback	Minimum Rear Yard Setback
Duplex	10,500 SF	75 Feet	35%	35 Feet	25 Feet	5 Feet	25 Feet
Multi-Family	10,000 SF + 2,000 SF each unit over two	100 Feet	50%	35 Feet	1 Foot/1 15 Feet minimu m	1 Foot/1 15 Feet minimu m	25 Feet
Mobile Home Park	See Mobile Home Park Ordinance						

All lots and improvements within the R-3 Multi-Family Residential Districts shall meet the following requirements:

1. All lots shall have a frontage of not less than seventy-five (75) feet for two-family dwelling, and one-hundred (100) feet for multi-family dwelling and all other uses. The frontage of any wedge-shaped lot may be a minimum of thirty-five (35) feet provided the width of the lot at the front building line shall be not less than that specified above.

2. Not more than fifty percent (50%) of the lot area shall be covered with improvements, except that duplex shall not exceed thirty-five percent (35%) coverage. Paved areas are not considered improvements within the meaning of this provision.

3. No improvement or structure shall exceed thirty-five (35) feet in height above the mean elevation of the lot.

4. A minimum front yard setback of twenty-five (25) feet shall be provided on all duplex dwellings. One (1) foot of setback for each one (1) foot of height shall be provided for all uses other than single-family and duplex, but not less than a fifteen (15) foot front yard shall be provided.

5. For dwellings and accessory buildings located on corner lots, there shall be a side yard setback from the intersecting street of not less than fifteen (15) feet. One (1) foot of setback for each one (1) foot of height for all uses other than duplex shall be provided.

6. A rear yard of twenty-five (25) feet shall be provided for the principal building. Unattached buildings of accessory use may be located in the rear yard

of a main building; provided, however, that no accessory building shall be located closer than ten (10) feet to the rear lot line.

7. All lots will be serviced by the city water system. [Ord. No. 2006-25, 8/8/2006]

§ 21-727 LOT, YARD AND HEIGHT REGULATIONS FOR THE R-E, RESIDENTIAL ESTATES DISTRICTS.

Minimum Lot Area	Minimum Lot Frontage	Maximum % Coverage	Maximum Height	Minimum Front Yard Setback	Minimum Side Yard Setback	Minimum Rear Yard Setback
43,560 SF	100 Feet	25%	35 Feet	40 Feet	25 Feet	40 Feet

All lots within the R-E District shall meet the following requirements:

1. All lots shall have not less than one (1) acre of land and not more than one (1) principal dwelling shall be placed on any one lot.

2. Each lot shall have a frontage of not less than one-hundred (100) feet, except that “wedge-shaped” lots shall have not less than a fifty (50) foot frontage.

3. Not more than twenty-five (25%) percent of the lot area shall be covered with improvements.

4. No structure shall exceed thirty-five (35) feet in height.

5. No structure shall be constructed within ninety (90) feet of the center of the section line and shall have not less than a forty (40) foot front yard setback.

6. The minimum side yard for any structure shall be twenty-five (25) feet.

7. There shall be a minimum rear yard setback of forty (40) feet for any structure, except that unattached accessory buildings may be located in the rear yard within not less than ten (10) feet of the rear lot line.

8. Direct access by a private driveway serving one lot from a section line road shall be permitted.

9. Properties within the R-E district will be permitted to have one (1) camping or travel trailer and one (1) hauling trailer per family living on the premises; however, said trailers shall not exceed thirty-six (36) feet in length or eight (8) feet in width; and further provided that said trailer shall not be parked

or stored for more than forty-eight (48) hours unless it is located behind the front yard building line. A camping or travel trailer shall not be occupied either temporarily or permanently while it is parked or stored in any area within the incorporated limits except in a mobile home park authorized under the ordinances of the city of Blanchard, Oklahoma, except as provided for herein.

10. The keeping of animals shall be consistent with the requirements of the Blanchard code of ordinances and the following provisions: Livestock, including but not limited to horses, cattle, sheep, goats, ostriches, emus, llamas, and poultry shall not be permitted in the R-E, Residential Estates Zoning District. [Ord. No. 2006-09, 2/28/2006; Ord. No. 615, 7/28/15]

§ 21-728 ACCESSORY USES.

Accessory uses that are incidental to permitted uses in the residential districts are not detrimental to the adjacent property or character of the zone including guest houses, employee's quarters, private garages, barns and sheds are permitted subject to the area and height regulations above. Accessory uses may include the following accessory signs, subject to provisions of §21-729: bulletin boards, identification signs, nameplates, real estate signs and subdivision signs.

§ 21-729 REPEALED. [Ord. No. 2004-07, 4/14/2004; Ord. No. 650, 2/28/17]

DIVISION IV

COMMERCIAL DISTRICTS

- 21-731 General description.
- 21-732 Uses permitted.
- 21-733 Lot, yard and height regulations.
- 21-734 Repealed.
- 21-735 Canopies and awnings.
- 21-736 Exterior walls.

§ 21-731 GENERAL DESCRIPTION.

The regulations for the commercial districts are designed to: (1) encourage stable and efficient commercial areas to meet the needs for commercial goods and services of the trade area; (2) minimize the adverse effects of commercial uses on other land uses and (3) provide opportunities for investment with development of residential areas and thoroughfares.

A. C-1, Office District. This commercial district is for the conduct of general and professional office and related activity to meet the needs of the

community in such a manner as to not be offensive to a general neighborhood containing residential, religious, recreational and educational elements. It is intended that this district be located so as not to introduce traffic onto solely residential streets or become an intrusion into a residential district, but to serve as a buffer between residential and more intensive commercial activities.

B. C-2, Convenience Commercial District. This commercial district is intended for a unified grouping in one or more buildings of retail shops and stores and personal services of limited size and service area that provide for the regular needs and are for the convenience of the people residing in the adjacent residential neighborhoods where retail shops and personal services are not otherwise readily available. It is intended that the suburban convenience center be developed as a unit with adequate off-street parking space for customers and employees, and with appropriate landscaping and screening.

C. C-3, Planned Shopping Center District. This commercial district is intended for a unified grouping, in one or more buildings, of retail shops and stores that provide for the regular needs and are for the convenience of the people residing in the community. It is intended that the planned shopping center be developed as a unit, with adequate off-street parking space for customers and employees, and with appropriate landscaping and screening materials.

D. C-4, Restricted Commercial District. This commercial district is established for major retail and service activity removed from the central business district with major thoroughfare access and provided with adequate open space and parking.

E. C-5. Automotive and Commercial Recreation District. This commercial district is established as a district in which the principal use of land is for establishments offering accommodations, supplies or services to motorists, and for certain specialized uses such as retail outlets, extensive commercial amusement and service establishments which serve the entire community but do not and should not necessarily locate in more restrictive commercial districts.

F. C-6, General Commercial District. This commercial district is designed for the conduct of personal and business services and the general retail trade of the community. It is designed to accommodate a wide variety of commercial uses in the central business district or areas of mixed business enterprises restricted to the Blanchard Original Town Plat, all of Blocks 67, 68, 77, 78, 87, 88, 97 and 98. It will not be applied in the case of new commercial areas. All properties abutting said district may petition the city through the planning commission for expansion of the zoning district to include their property. Required parking in the central business district may be reduced by fifty (50) percent of the current parking requirements as they exist or may be amended, as recommended by the planning commission and approved by the city council.

§ 21-732 USES PERMITTED.

A. The permitted uses in the commercial districts are set forth in the table below. Where the letter “x” appears on the line of a permitted use and in the column of a district, the listed use is permitted in that district, subject to the general provisions of the zoning ordinance as set forth in the preceding sections. Where the letter “p” appears instead of the letter “x”, this use is permitted subject to acquiring a “conditional use permit” as set forth in §21-921 et seq.

TABLE OF PERMITTED USES IN COMMERCIAL DISTRICTS

PERMITTED USES	ZONING DISTRICT					
	<u>C-1</u>	<u>C-2</u>	<u>C-3</u>	<u>C-4</u>	<u>C-5</u>	<u>C-6</u>
Advertising agency	x	x	x	x	x	x
Addressing, duplicating, mailing, mailing list, stenographic, telephone messages and similar office services	x	x	x	x	x	x
Aircraft parts, other than air-frames or engines; sales, service, rental or repair					x	x
Amusement park, commercial					x	x
Animal hospital serving household pets and similar small animals					x	x
Antique store			x	x	x	x
Apparel and accessories store		x	x	x	x	x
Armature rewinding shop					x	x
Artists or photographers studio not including the processing of film for others	x	x	x	x	x	x
Auctioneer office	x	x	x	x	x	x
Auditorium or arena			x	x	x	x
Automobile parking or storage, as a principal use			x	x	x	x
Automobile wash service including self service			x	x	x	x
Automobile accessory and supply store		x	x	x	x	x
Automobile and truck rental			x	x	x	x
Automobile and truck sales (new and used) service and repair			x	x	x	x
Automobile body shop					x	x
Automotive service station, not including body or motor repair or painting		x	x	x	x	x
Armored car service					x	x
Bait shop				x	x	x
Bank	x	x	x	x	x	x
Bar			x	x	x	x
Barber or beauty shop	x	x	x	x	x	x
Bicycle store		x	x	x	x	x
Billiard or pool parlor			x	x	x	x
Blueprinting, photocopying and similar reproductive services	x	x	x	x	x	x

Boarding or rooming house	x	x		
Boat and marine rental, repair, sales				x
Bookstore		x	x	x
Bowling alley			x	x
Broadcasting or recording studio	x	x	x	x
Building supplies, including sale of lumber				x
Bus station				x
Cabinet Trim Shop				x
Carnival, circus or similar temporary amusement enterprise			x	x
Camera and photographic supply store		x	x	x
Child Care Center	x	x	x	x
Church, synagogue or temple, including Sunday School facilities	x	x	x	x
City or county jail				
City, county, school district, state or federal facilities	x	x	x	x
Civil defense and related activities Facilities	x	x	x	x
Clinic, dental, medical or osteopathic, chiropodist, pharmacy	x	x	x	x
Clothing: custom dressmaking or altering for retail, including tailoring and millinery			x	x
Clothing, secondhand			x	x
College, junior college, professional school: public or equivalent private	x		x	x
Community center: public	x	x	x	x
Computing, data processing or similar Service	x		x	x
Convalescent, maternity or nursing home	x	x	x	x
Custom ceramic products				x
Dance hall			x	x
Delivery service			x	x
Department store			x	x
Detective or protective service				x
Diaper service			x	x
Direct selling organization			x	x
Disinfecting, deodorizing or exterminating service				x
Drafting service	x		x	x
Drive-in restaurant not serving beer			x	x
Driving school , private				x
Drugstore or proprietary store			x	x
Dry cleaning and dyeing plant				x
Dry cleaning, pickup or self service		x	x	x
Dry goods store			x	x
Eating place other than drive-in, not serving beer or providing dancing or entertainment		x	x	x
Electric regulating substation	x	x	x	x
Electrical supplies			x	x
Employment service	x		x	x
Farm equipment sales, service, rental, repair				x
Feed and fertilizer sales				x

Financial institution, other than pawnshop	x	x	x	x
Fire protection and related activities Facility	x	x	x	x
Fire extinguisher service				x
Fitness Centers using only Exercise Equipment	x	x	x	x
Florist shop		x	x	x
Food locker plant				
Food store, including bakery (retail only)		x	x	x
Fraternal Organization	x		x	x
Freight forwarding service				
Funeral home, mortuary or undertaking establishment	x			x
Fur repair and storage				x
Furniture and home furnishings, sales and repair			x	x
Garage or parking for commercial or public utility vehicles				x
Garden supply store		x	x	x
Gas pressure control station				
Gasoline service station	x	x	x	x
General store: general merchandise store		x	x	x
Gift, novelty or souvenir shop		x	x	x
Golf course, including commercially operated driving range or miniature golf course				
Golf driving range, commercial				
Gunsmith shop		x	x	x
Hardware store		x	x	x
Hat cleaning or repair shop		x	x	x
Heating equipment				x
Highway or street maintenance garage, yard or similar facility				
Hospital, health center			x	x
Hospital restricted to mental, narcotics or alcoholic patients, sanitarium				x
Hotel or motel				x
Household appliance store		x	x	x
Ice vending establishment		x	x	x
Interior decorating shop	x	x	x	x
Jewelry sales and repair		x	x	x
Laboratory: research, development or testing	x		x	x
Laundry, pickup station only		x	x	x
Laundry plant				
Laundry, self service		x	x	x
Leather goods or luggage store		x	x	x
Library: private, nonprofit and public, other than branch	x	x	x	x
Limited price variety store		x	x	x
Linen supply or industrial laundry				x
Liquor store		x	x	x
Locksmith, key shop		x	x	x
Lumber				
Mail order house: catalog office or retail store			x	x
Medical or dental clinic	x	x	x	x
Medical or dental laboratory		x	x	x

Medical Marijuana Dispensary		x	x	x
Medical Marijuana Growing Facility				x
Medical Marijuana Processing Facility				p
Mobile homes or travel trailers, sales and service			x	x
Monument sales				x
Motion picture distribution and services				
Motion picture theater			x	x
Motion picture theater, drive-in				
Museum or art gallery		x	x	x
Music, musical instruments or phonograph record store	x	x	x	x
Multipurpose Recreational Complexes			x	x
Newspaper offices, print shop				x
News stand		x	x	x
Office equipment and supplies, retail sales, service, rental or repair			x	x
Office: general, nonprofit membership association, professional and governmental	x	x	x	x
Oil field or oil well supplies				
Optician or optometrist	x	x	x	x
Outdoor advertising plant				
Paint, glass or wallpaper store			x	x
Parish house, parsonage or rectory	x	x	x	x
Pawnshop			x	x
Pet shop			x	x
Photofinishing service		x	x	x
Picture framing		x	x	x
Pipeline pressure control station	x	x	x	x
Plumbing fixtures, sales and service			x	x
Postal service facilities	x	x	x	x
Printing or publishing, including engraving or photo-engraving			x	x
Police protection and related activities facilities	x	x	x	x
Radio, television, phonograph or other household electronics equipment store		x	x	x
Radio transmitting station or tower, other than amateur			x	x
Railroad passenger terminal				
Religious goods store		x	x	x
Sales, service, repair or rental of business machines			x	x
Sales of Swimming Pools and Accessories				x
School, elementary: public or equivalent private	x	x	x	x
School, private: barber, beauty, business, commercial art, correspondence, stenographic, trade or vocational	x	x	x	x
School, secondary: public or equivalent Private	x	x	x	x
Sewage pressure control station	x	x	x	x
Sewing machine store		x	x	x
Shoe sales and repair		x	x	x
Short term parking for recreational vehicles [for periods of 30 days or less]				x

Sign painting				x
Skating rink				
Sporting goods sales		x	x	x
Stadium, arena or similar facility			x	x
Stationery store		x	x	x
Store selling architects', artists', or engineers' supplies and equipment or dental, medical or office supplies or equipment		x	x	x
Studio, photographic, musical, fine arts		x	x	x
Swimming pool, public	x	x	x	x
Taxicab garaging and maintenance				
Taxicab stand or dispatching station	x	x	x	x
Taxidermist			x	x
Telegraph transmitting or receiving station			x	x
Telephone exchange, including garage, shop or service facilities				
Tennis courts: public	x	x	x	x
Television transmitting station or relay tower			x	x
Tobacco store		x	x	x
Towing Service (No Impound Yard)			x	x
Toy store		x	x	x
Transportation ticket service	x	x	x	x
Travel arranging service	x	x	x	x
Truck sales			x	x
Variety store		x	x	x
Vending machines: sales, service, rental or repair				
Venetian blind cleaning				x
Veterinarian, office only	x	x	x	x
Veterinarian hospital with inside runs only			x	
Veterinarian hospital with outside runs				
Warehousing, inside storage only (including mini-storage)				x
Warehousing, inside and/or outside storage				
Water filtration plant, pump station, elevated storage or reservoir	x	x	x	x
Wholesale establishment, stock limited to floor samples			x	x
Wholesale establishment with stocks not limited to floor samples				x
Window cleaning service				
Wrecker Service Impound Yard				

B. Any other commercial use deemed by the Board of Adjustment to be of a similar nature to those listed above. [Ord. No. 1999-15, 11/9/1999; Ord. No. 2003-03, 1/14/2003; Ord. No. 2004-01, 1/13/2004; Ord. No. 689, 12/18/18; Ord. No. 712, 1/28/20; Ord. No. 715, 1/28/20]

§ 21-733 LOT, YARD AND HEIGHT REGULATIONS.

No lot or yard shall be established or reduced in dimension or area in any commercial district that does not meet the minimum requirements set forth below. No building or structure shall be erected or enlarged that will cause the maximum lot coverage or maximum height regulations to be exceeded for such districts as set forth in the following table.

ZONING DISTRICTS							
LOT REGULATIONS		C-1	C-2	C-3	C-4	C-5	C-6
Min. Lot Area (SF)	A	12,000	24,000 to 48,000	200,000	12,000	15,000	--
Minimum lot width at Building Line (feet)	B	100	100	300	100	150	--
Max. Lot Coverage	C	30%	40%	20%	50%	30%	--
Min. front yard	D	50 Ft	50 Ft	50 Ft	50 Ft	50 Ft	--
Min. rear yard	E	10 Ft	10 Ft	30 Ft	10 Ft	10 Ft	10 Ft
Min. side yard	F	--	--	--	--	--	--
Min. side yard (corner)	G	25 Ft	25 Ft	25 Ft	25 Ft	25 Ft	--
Height	H	35 Ft	35 Ft	35 Ft	35 Ft	35 Ft	35 Ft

1. The lot area of lots in the commercial districts shall be not less than that as set forth above, provided that the area of any lot in a C-2 District shall not exceed forty-eight thousand (48,000) square feet. There are no lot area requirements in a C-6 District.

2. The width of lots in the commercial districts shall not be less than that set forth above. There are no minimum lot requirements in the C-6 District.

3. The total building coverage of any lot shall not exceed that specified above provided, however, that paving, landscaping, lighting fixtures, and similar improvements shall not be considered as a part of the total building coverage. There are no coverage requirements in the C-6 District.

4. The front yard of any lot in the commercial districts shall be not less than that specified in the table above provided, however, that gasoline pump islands may be permitted within the front yard as herein required. There are no front yard requirements in the C-6 District.

5. The rear yard of any lot in the commercial districts shall be not less than that specified above, provided however that the rear yard of any lot adjoining a residential district on the rear shall have a rear yard setback of two

(2) feet for each one (1) foot of building height, plus a screening wall or fence as provided in §2-407 of this ordinance.

6. There are no side yard requirements on lots within the commercial districts except where such lot abuts a residential district, in which case there shall be a side yard setback of two (2) feet, for each one (1) foot of building height, plus a screening wall or fence as provided in §21-507 of this ordinance.

7. No building or structure in any commercial district except for antennas, transmission towers, and public water towers, shall exceed a height of thirty-five (35) feet except upon the approval of the board of adjustment.

8. Vehicle impound yards associated with wrecker services shall be required to erect a screening fence completely surrounding the impound yard in accordance with §21-507 of the zoning ordinance. The gate of the impound yard shall also be required to meet screening requirements as to height and shielded public visibility. [Ord. No. 2000-12, 11/14/00]

§ 21-734 REPEALED. [Ord. No. 2004-07, 4/14/2004; Ord. No. 2006-05, 2/14/06; Ord. No. 650, 2/28/17]

§ 21-735 CANOPIES AND AWNINGS.

Canopies and awnings in all commercial districts except General Commercial District (C-6) shall be constructed entirely on private property. In the General Commercial District (C-6) canopies and awnings may project over the walkway area provided they are a minimum of eight (8) feet above established sidewalk elevation and are a minimum of two (2) feet from the curb or edge of the normal traveled way or curb parking area.

§ 21-736 EXTERIOR WALLS.

To provide for attractive, compatible and aesthetic structures within the commercial districts, the use of exposed metal, untreated concrete blocks, including painted concrete blocks, and unfinished or untreated concrete panels shall be prohibited in any wall(s) facing a street. [Ord. No. 2003-05, 2/11/03]

DIVISION V

INDUSTRIAL DISTRICTS

- § 21-741 General description.
- § 21-742 Uses permitted.
- § 21-743 Lot, yard and height regulations.
- § 21-744 Repealed.

§ 21-741 GENERAL DESCRIPTION.

The regulations for the industrial districts are designed to: (1) make available a range of suitable sites for all types of manufacturing and related activities and (2) protect residences by separating them from manufacturing activities and by prohibiting the use of such space for new residential or commercial development.

A. I-1 Light Industrial District

The purpose of the I-1, Light Industrial District, is to provide a location for industries, which do not by their nature, create nuisances. The intent is to preserve this land for industry in a location beneficial to industries and to prohibit non-industrial uses. Any use constructed, established, altered, or enlarged in the I-1, Light Industrial District, after the effective date of this ordinance shall be so operated as to comply with the following standards:

1. No building shall be used for residential purposes, except that a watchman may reside on the premises.
2. No retail sales or services shall be permitted except as incidental to or accessory to a permitted use.
3. No noise, either continuous or intermittent, from any operation conducted on the premises, other than that emanating from vehicular traffic, shall be detectable at any boundary line of the lot.
4. No toxic matter, noxious matter, smoke, gas, or odorous or particulate matter shall be emitted that is detectable beyond the lot lines of the lot on which the use is located.
5. No vibrations shall be detectable beyond the lot lines of the lot on which the use is located.
6. Exterior lighting fixtures shall be shaded wherever necessary to avoid casting direct light upon property located in any residential district.
7. The manufacture of flammable materials, which produce explosive vapors or gases, is prohibited.
8. No outside storage of equipment and/or material, except equipment in daily use, shall be permitted in such a location where it can be viewed from any public street.

9. Any operation that produces intense glare or heat shall be performed within a completely enclosed building, and exposed sources of light shall be screened so as not to be detectable beyond the lot lines.

B. I-2, Heavy Industrial District

The purpose of the I-2, Heavy Industrial District, is to provide a location for industries which may by their nature create some nuisance. The intent is to preserve this land especially for such industry in locations with access to arterial streets as designated on the "Thoroughfare Plan," as well as locations generally accessible to railroad transportation. Any use constructed, established, altered, or enlarged in the I-2, Heavy Industrial District, after the effective date of this ordinance shall be so operated as to comply with the following standards. No use already established on the effective date of this ordinance shall be so altered or modified as to conflict with, or further conflict with, the following standards:

1. No building shall be used for residential purposes, except that a watchman may reside on the premises.

2. No retail sales or services shall be permitted except as incidental to or accessory to a permitted use.

3. No storage, manufacture, or assembly of goods shall be conducted out of a building unless the nearest point of said activity is more than three-hundred (300) feet from the boundary of any zoning district.

4. Exterior lighting fixtures shall be shaded wherever necessary to avoid casting direct light upon property located in any residential district.

5. All manufacturing, fabricating, assembly, disassembly, repairing, storing, cleaning, servicing, and testing of goods, wares, and merchandise shall be carried on in such a manner as not to be injurious or offensive by reason of the emission or creation of excessive noise, vibration, smoke, dust, or other particulate matter, toxic or noxious matter, odors, glare, heat, fire or explosive hazards.

6. No activities involving storage, utilization, or manufacture of materials or products, which decompose by detonation, shall be permitted.

§ 21-742 USES PERMITTED.

The permitted uses in industrial districts are set forth below. Where the letter "x" appears on the line of a permitted use and in the column of a district, the listed use is permitted in that district subject to conformance to special conditions applying to the districts as set forth in §21-741 above.

TABLE OF PERMITTED USES IN INDUSTRIAL DISTRICTS

PERMITTED USES	ZONING DISTRICT	
	I-1	I-2
Accessories for vehicles or equipment whose sale is Permitted, but not including the rebuilding or recapping of tires		
Advertising agency	x	x
Aerosol containers: filling on contract basis	x	x
Agricultural services	x	x
Air conditioning and heating equipment		x
Aircraft parts: sales, service, rental or repair, including airframes and engines		x
Aircraft transportation	x	x
Airway beacon or marker		x
Animal bones, offal or waste: assembly, incinerator, processing or utilization	x	x
Animal hospital	x	x
Animal and marine fats and oils: manufacturing or Processing		x
Animal and poultry slaughter and processing facilities		x
Apiary		x
Apparel and other textile products	x	x
Armature rewinding shop	x	x
Armored car service		x
Auditorium or arena: public	x	x
Auctioneer (non-animal)	x	x
Automatic merchandising manufacture	x	x
Automobile, bus, truck dismantling, salvaging or Wrecking		x
Batching or mixing plant, asphaltic or Portland cement, concrete, mortar or plaster		x
Blueprinting, photocopying and similar reproduction services	x	x
Book bindery	x	x
Bottling plant	x	x
Brick, tile or clay manufacturing		x
Broadcasting or recording studio	x	x
Brooms and brushes	x	x
Building materials or lumber: wholesale sales	x	x
Bus garaging and equipment maintenance		x
Cabinet maker	x	x
Canvas or canvas products	x	x
Carpentry, woodworking or furniture working	x	x
Ceramic or clay products	x	x
Cesspool cleaning establishment		x
Chemicals, compounding or packaging		x
City, county, school district, state or federal facilities	x	x
City or county jail	x	x
Civil defense and related activities facilities	x	x
Coal preparation		x
Cold storage plant	x	x

Compounding of cosmetics, toiletries, drugs and pharmaceutical products	x	x
Construction equipment repair, or storage		x
Contract sorting, grading and packing of fruits and vegetables for grower		x
Contractor (general or heavy construction) facilities other than office		x
Contractor (special trade) facilities other than office		x
Cotton ginning and compressing		x
Creosoting or similar process		x
Dairy farm: products, egg farm		x
Delivery service	x	x
Disinfecting, deodorizing or exterminator service		x
Dry cleaning and dyeing plant	x	x
Electric generating plant		x
Electric regulating substation		x
Electric utility maintenance facility	x	x
Electrical equipment manufacture	x	x
Electronic equipment assembly and manufacture	x	x
Exploration for minerals		x
Extraction of sand, gravel, clay, quarrying of rock and storage		x
Facilities of ad hoc governmental agencies	x	x
Fairgrounds	x	x
Farm equipment: service, rental and repair	x	x
Farm products, wholesaling or public warehousing		x
Fertilizer		x
Fire extinguisher service	x	x
Fire protection and related activities facility	x	x
Food products, including bakery products, candy, fruit and vegetable processing and canning, packing and processing of meats and poultry, but not including slaughtering of animals or poultry	x	x
Food products, including slaughtering of animals and poultry		x
Forestry services		x
Foundries		x
Freight depot, railroad or truck	x	x
Freight forwarding service	x	x
Furnace cleaning		x
Furniture manufacturing	x	x
Gas pressure control station		x
Gas utility maintenance facility	x	x
Garbage or trash: assembly incineration or processing		x
Gases or liquids, flammable, storage		x
Glass or glass products		x
Grain milling or processing		x
Hair, felt, feather or leather products		x
Highway garage or similar public maintenance facility		x
Ice plants, dry or natural	x	x

Incinerators		x
Instrument and meter manufacturing	x	x
Jewelry manufacturing	x	x
Laboratory: research, development or testing	x	x
Laundry (except self-service) and laundry services	x	x
Leather goods fabrication	x	x
Linen supply or industrial laundry	x	x
Livestock assembly, feeding, sales, shipment		x
Livestock auction sales barn and pens		x
Lumberyards	x	x
Mattresses: rebuilding or renovating	x	x
Medical or dental laboratory	x	x
Medical Marijuana Growing Facility	x	x
Medical Marijuana Processing Facility	x	x
Metals or minerals (except petroleum products or scrap) sales	x	x
Mining of coal, metal ores and non-metallic minerals other than fuels		x
Mini-storage with outside storage	x	x
Mobile homes or travel trailers - manufacturing and service		x
Monument works		x
Motion picture distribution and services	x	x
Nonmetallic mineral preparation		x
Oil field equipment and supplies: service, rental or repair		x
Optical goods manufacturing	x	x
Ore dressing and beneficiating		x
Outdoor advertising plant	x	x
Packing and crating service	x	x
Paint, enamel, lacquer, turpentine, varnish manufacturing		x
Paper manufacturing or processing		x
Paper products including envelopes, stationery, wallpaper manufacturing	x	x
Petroleum pipeline or pressure control station		x
Petroleum products, storage		x
Photofinishing service		x
Pipeline pressure control station	x	x
Plastic products including luggage, tableware or similar products		x
Police protection and related activities facility	x	x
Postal services facilities	x	x
Printing and publishing including engraving or photoengraving	x	x
Production of crude petroleum, natural gas and natural gas liquids		x
Public stable		x
Quarrying of stone		x
Radio transmitting station or tower	x	x
Railroad equipment storage or maintenance		x
Railroad freight terminal		x
Repair, renting and servicing of commodities		x

Rubber products, natural or synthetic manufacturing		x
Rug cleaning or repairing	x	x
School, commercial or trade	x	x
Scrap and waste materials handling, including building and vehicle wrecking establishments and junkyards		x
Scrap steel cutting on contract basis		x
Secondhand automotive parts, accessories, battery and tire dealer		x
Sewage pressure control station	x	x
Sewage treatment plant or sludge drying bed		x
Signs (Off premises)	p	p
Slaughter house		x
Sporting or athletic equipment manufacturing	x	x
Steel products, fabrication and assembly		x
Tar or tar products		x
Taxicab garaging and maintenance		x
Telegraph transmitting or receiving station	x	x
Telephone exchange station, relay tower	x	x
Television transmitting tower or receiving station	x	x
Tire recapping		x
Truck, bus, train terminals	x	x
Truck service, rental, repair	x	x
Vending machines: service, rental or repair, manufacturing	x	x
Venetian blind, window shades, awnings	x	x
Warehousing, other than warehousing accessory to another permitted use	x	x
Water treatment plant, storage facility or pressure control station	x	x
Wholesaling	x	x
Wholesaling or public warehousing of farm products , food , grain, hides, skins, raw furs, livestock, petroleum products (bulk station or terminal), scrap or waste materials		x
Window cleaning service	x	x
Wood distillation		x
Wood or lumber processing		x
Wrecker Service Impound Yard		x

[Ord. No. 715, 1/28/20]

§ 21-743 LOT, YARD AND HEIGHT REGULATIONS.

No lot or yard shall be established or reduced in dimension or area in any industrial district that does not meet the minimum requirements set forth in the following tables. No building or structure shall be erected or enlarged that will cause the maximum lot coverage or maximum height regulations to be exceeded for such district as set forth below.

LOT REGULATIONS		I-1	I-2
Min. Lot coverage (percent)	A	30%	50%
Minimum front yard	B	50 Ft	50 Ft
Minimum rear yard	C	20 Ft	20 Ft
Minimum side yard	D	--	--
Height	E	50 Ft	50 Ft

1. The total building coverage of any lot shall not exceed that specified above, provided, however, that paving, landscaping, outside storage (where permitted), lighting fixtures and similar improvements shall not be considered as part of the total building coverage.

2. The front yard of any lot in the industrial district shall be not less than that specified in the table above.

3. The rear yard of any lot in the industrial districts shall be not less than that specified above, provided, however, that the rear yard of any lot adjoining a residential district on the rear, shall have a rear yard setback of two (2) feet for each one (1) foot of building height, plus a screening wall or fence as provided in §21-507 of this ordinance.

4. There are no side yard requirements on lots within the Industrial Districts except where such lot abuts a residential district in which case there shall be a side yard setback of two (2) feet for each one (1) foot of height, plus a screening wall or fence as provided in §21-507 of this ordinance.

5. No building or structure in any industrial district shall exceed fifty (50) feet in height above the mean elevation of the lot except for transmission towers and antennas. [Ord. No. 2000-12, 11/14/00]

§ 21-744 **REPEALED.** [Ord. No. 2004-07, 4/14/04; Ord. No. 650, 2/28/17]

DIVISION VI

PLANNED UNIT DEVELOPMENT SUPPLEMENTAL DISTRICT

- § 21-751 General description.
- § 21-752 General provisions.
- § 21-753 Permitted uses.
- § 21-754 Application.
- § 21-755 Approval process.
- § 21-756 Planned unit development review procedures.
- § 21-757 Amendments to the master plan.

§ 21-751 GENERAL DESCRIPTION.

Planned unit development, herein referred to as PUD, is a zoning classification that provides an alternate approach to conventional land use controls. The PUD is designed to provide for developments incorporating a single type or a variety of residential, commercial and related uses, which are components of a master development plan (hereinafter referred to as the PUD master plan) for the area to be developed. Such development may consist of both individual and common lots. Private or public open space must be an essential major element of the development, which is related to, and affects, the long-term value of the total development. The PUD is subject to special review procedures and, once approved by the city council, it becomes a distinct zoning district for the property it represents. [Ord. No. 2003-02, 1/14/03; Ord. No. 660, 6/27/17]

§ 21-752 GENERAL PROVISIONS.

A. Applicants for a planned unit development must be the landowners of record, or their authorized agent. 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. The site for a planned unit development (PUD) shall be no smaller than necessary to accomplish the intent and regulations of this article, without injury to the health, safety, and general welfare of the citizens of the city of Blanchard.

C. Residential development may include multiple family units.

D. There are no specific lot, area or height regulations for a PUD district. The applicant shall submit specific information as to the setbacks, building height and coverage factors that are proposed to be incorporated into the PUD at the time of application.

E. All uses established within a PUD shall comply with the off-street parking requirements as provided in §21-506 of the zoning code. If the applicant can prove that vehicular traffic for the combined uses will not require the minimum parking, as specified in section 21-506, the planning commission and the developer may negotiate minimum parking requirements.

F. 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 PUD. 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 the city council as to the suitability of the proposed use of the open areas. [Ord. No. 2003-02, 1/14/03; Ord. No. 660, 6/27/17]

§ 21-753 PERMITTED USES.

There are no specifically prescribed uses that are permitted within the boundaries of a PUD. The developer shall be responsible for preparation of a list of permitted uses within the specific PUD requested. The developer, when creating the list, shall take into account the nature and purpose of the PUD area and protect the nature and compatibility of surrounding developments. Following approval of this list of uses by the city council, the list shall serve as the control list in issuance of building permits and certificates of occupancy. The developer shall adhere to the following guidelines:

1. Facilities and areas designated for recreational activities shall be encouraged.
2. Where a mix of uses is proposed, the PUD master plan shall ensure the compatibility of said uses.
3. Signage shall be regulated, at minimum, by article three (3) of chapter four (4) of the code of ordinances. Additional regulations may be negotiated by the planning commission and the developer, as appropriate. [Ord. No. 2003-02, 1/14/03; Ord. No. 660, 6/27/17]

§ 21-754 APPLICATION.

When an applicant desires to request approval for a PUD district, they shall first submit to the planning commission an application requesting the creation of a PUD. The application shall include:

1. The applicant's names, mailing address and telephone numbers.
2. The street address or general location of the site.
3. The legal description of the entire area requesting to be rezoned as a PUD.
4. The existing zoning of the property.
5. The present use of the property.
6. The type and number of existing structures on the property.
7. The proposed use of the property.

8. Generally, the type of structures proposed.

9. A verified list of property owners of record with addresses located within three-hundred (300) feet of the proposed rezoning site.

10. The application shall be accompanied by the payment of a fee. The fee will be a minimum of one-hundred forty-five (\$145.00) dollars plus an additional two (\$2.00) dollars for each acre within the PUD, but not to exceed a total of one-thousand (\$1,000.00) dollars. [Ord. No. 2003-02, 1/14/03; Ord. No. 660, 6/27/17]

§ 21-755 APPROVAL PROCESS; PLANNED UNIT DEVELOPMENT SUBMISSION PROCEDURES; EXPIRATION.

A. The developer of a PUD shall follow a four (4) step application and review procedure:

1. Pre-application review.

2. Application for rezoning, submission of PUD master plan, including the design statement and master development plan map.

3. Submission of preliminary plat.

4. Submission of final plat.

B. Each step shall be completed and approved before the following step is reviewed.

C. Public hearings shall be held prior to the approval of steps 2, 3, and 4.

1. Public hearings shall be held on the application for rezoning and the PUD master plan in accordance with regular procedures for zoning applications as established in the Blanchard Zoning Code.

2. Public hearings on plats shall be held in accordance with regular procedures established in the Blanchard subdivision regulations.

D. EXPIRATION AND REVERSION. If, no final Plat has been approved by the Council within two (2) years from the date of approval of a PUD Master Development Plan, then the PUD Master Development Plan shall expire unless prior to the expiration of the PUD Master Development Plan, the planning commission grants an extension to the PUD Master Development Plan pursuant to the developer's written request for such extension. In the event an extension is granted by the planning commission, the planning commission shall state the

new expiration date, which date shall not be more than two (2) years from the date of written request for extension. In the event a PUD Master Development Plan expires and no written request for extension had been filed prior to the date of the expiration, the property will revert to the current underlying zoning district in place prior to the PUD application. A developer wishing to develop the property at this point must submit a new PUD Master Development Plan according to the procedures set forth in Section 21-756 of this code of ordinances. [Ord. No. 2003-02, 1/14/03; Ord. No. 700, 5/28/19]

§ 21-756 PLANNED UNIT DEVELOPMENT REVIEW PROCEDURES.

A. Step 1. Pre-application review. After submission of the PUD application, the applicant will appear before the planning commission to discuss the general nature of the development and the rationale for requesting the designation of a PUD. The planning commission should discuss, with the applicant, the procedures for adopting a PUD. The intent of the pre-application review is to expedite the mandatory design review process and to facilitate the approval of a PUD master plan.

B. Step 2. Application for rezoning and submission of PUD Master Plan.

1. The PUD application for rezoning shall be filed in accordance with regular procedures and on application forms of the city. The PUD master plan, which is submitted with the application for rezoning, shall consist of a design statement and a master development plan map. Because the PUD provides the opportunity for higher densities, greater design flexibility, mixed land uses and improved marketability, the applicant should be prepared to provide amenities and services that might not be required or possible in a conventional development. Review and approval of a PUD is, therefore, a process of negotiation between the city and the applicant to achieve the intents and purposes of city regulations and the comprehensive plan.

- a. The PUD design statement shall be a written report submitted as part of the PUD master plan containing a minimum of the following elements:
 - i. Title of the PUD.
 - ii. List of the owners and/or developers.
 - iii. Statement on the general location and relationship to adjoining land uses, both existing and proposed.
 - iv. Description of the PUD concept, including an acreage or square foot breakdown of building use types, proposed restrictions and typical site layouts.

- v. The existing zoning.
- vi. A list of all the permitted uses that the developer intends for the PUD.
- vii. Specific details of setbacks, structural coverages and building heights proposed for the various types of lots within the PUD.
- viii. Details as to size, location, and surface materials for all areas intended for vehicular parking within the PUD.
- ix. A statement on the existing and proposed streets, including right-of-way standards and street design concepts.
- x. The following physical characteristics: elevation, slope analysis, soil characteristics, tree cover and drainage information.
- xi. Drainage information, including number of acres in the drainage area and delineation of applicable flood levels.
- xii. A statement of utility lines and services to be installed, including which lines will be dedicated to the city and which will remain private.
- xiii. The proposed densities and the use types and sizes of structures.
- xiv. A statement of the improvements to be made to the open spaces and recreation areas.
- xv. A description of the proposed sequence of development.

C. The master development plan map shall be a graphic representation of the development plan for the area, prepared at a scale appropriate for the size of the PUD and acceptable to the planning commission. The purpose of the map is to conceptually portray the development commitments described in the PUD design statement. The complexity of the map information will depend upon the number and extent of varied land uses in the PUD. The map shall show the following:

- 1. Location of proposed land uses and residential densities.
- 2. A topographic map with minimum ten (10) foot contour intervals.

3. Location of collector streets within the PUD and adjacent arterial streets.

4. Sufficient surrounding area to demonstrate the relationship of the PUD to adjoining uses, both existing and proposed.

5. Location and approximate size of proposed open space and recreation areas.

6. Areas where access to streets will be limited and location of driveways where appropriate.

7. Any other pertinent information necessary for review, approval and administration of the PUD.

D. Step 3. Preliminary plat. Upon approval of the PUD master plan and the ordinance of rezoning, the developer shall prepare a preliminary plat for the area of the entire PUD according to the procedures outlined in the subdivision regulations of the city of Blanchard.

E. Step 4. Final plat. The developer shall prepare a final plat for review, approval and filing of record according to procedures outlined in the subdivision regulations of the city of Blanchard. In addition to these procedures the final plat shall include:

1. Provisions for the ownership and maintenance of common open space as will reasonably insure its continuity and conservation. Open space may be dedicated to a private association or to the public, provided that a dedication to the public shall not be accepted without the approval of the city council.

2. A homeowners or property owners association shall be created if other satisfactory arrangements have not been made for improving, operating and maintaining common facilities, including private streets, service and parking areas and recreation areas.

3. Covenants shall be submitted to reasonably insure the continued compliance with the approved PUD master plan. In order that the public interest may be protected, the city shall be made a beneficiary of the covenants pertaining to such matters as locations of users, height of structures, setbacks, screening, maintenance of common facilities and access. Such covenants shall provide that city may enforce compliance therewith.

F. Upon approval of the final plat, the city council will adopt an ordinance officially authorizing a PUD for the area stipulated in the application. The ordinance of rezoning shall adopt the PUD master plan by reference and it

shall be attached to said ordinance and become a part of the official records of the city.

G. The PUD master plan shall control the use and development of the property and all building permits and development requests shall be in accord with said plan until it is otherwise amended by the city council. The developer shall furnish a reproducible copy of the approved master development plan map for signature by the chairman of the planning commission, the mayor, and acknowledgement by the city clerk. The PUD master plan, including the signed map and all supporting data, shall be made a part of the permanent file and maintained by the city clerk. [Ord. No. 2003-02, 1/14/03; Ord. No. 700, 5/28/19]

§ 21-757 AMENDMENTS TO THE MASTER PLAN.

A. The planning commission shall be permitted to approve minor changes and adjustments to the PUD master plan provided the following conditions are satisfied:

1. The project boundaries are not altered.
2. Uses other than those specifically approved in the PUD master plan are not added. Uses may be deleted but not to the extent that the character of the project is substantially altered.
3. The allocation of land to particular uses or the relationship of uses within the project is not substantially altered.
4. The density of housing is not increased more than ten (10%) percent or decreased by more than thirty (30%) percent.
5. The land area allocated to nonresidential uses is not increased or decreased by more than ten (10%) percent.
6. Open space areas are not decreased.
7. Height restrictions, yard requirements, lot coverage restrictions and other area, height and bulk requirements prescribed in the PUD master plan are not substantially altered.
8. The circulation system of all streets, including off-street parking areas, service areas, lading areas and points of access to public rights-of-way, is not substantially altered in design, configuration or location.
9. The design and location of access points to the project are not substantially altered either in design or capacity.

10. The planning commission shall determine if the proposed amendments to an approved master development plan satisfy the above criteria. If the planning commission finds that these criteria are not satisfied, they may requires than an amended PUD master plan shall be submitted for full review and approval according to the procedures set forth in these regulations. [Ord. No. 2003-02, 1/14/03]

DIVISION VII

FLOODWAY SUPPLEMENTAL DISTRICT

- § 21-761 Purposes of the floodway supplemental district.
- § 21-762 District boundaries.
- § 21-763 General floodway regulations.
- § 21-764 Permitted uses.
- § 21-765 Nonconformities.
- § 21-766 Responsibility for flooding.

§ 21-761 PURPOSES OF THE FLOODWAY SUPPLEMENTAL DISTRICT.

The Floodway Supplemental District is designed to:

1. Protect life;
2. Reduce and prevent flood damage;
3. Reduce public expenditures in areas subject to flooding;
4. Permit reasonable use of land in areas subject to flooding;
5. Promote the general welfare of the community; and
6. Prevent or reduce flood damage by keeping floodways free of manmade obstructions to permit the free flow and discharge of floodwaters.

§ 21-762 DISTRICT BOUNDARIES.

The initial boundaries of the Floodway Supplemental District shall be established only after notice and public hearing before the planning and zoning commission and by approval of the city council. Amendments to the floodway districts shall be established in the same manner as amendments to any other zoning district as set forth in Article 9 including provisions for fees and public notice. Lands within the Floodway Supplemental District shall be identified on the Official Zoning Map by the suffix “FD” following the general zoning district designation. The boundaries of the Floodway Supplemental District may be

amended so as to maintain uniformity with the purposes of this ordinance upon a finding that:

1. A flood control project of the federal, state, county or city government, or a private person, has substantially altered the boundaries of the floodway;

2. Flood data compiled subsequent to the enactment of the district indicates that the boundaries of the district should be adjusted; or,

3. Proposed improvements, such as berms, dikes, channel improvements, or flood retention reservoirs, which will substantially alter the boundaries of the floodway and the actual construction of said improvements has been assured by the submission and acceptance of bond.

§ 21-763 GENERAL FLOODWAY REGULATIONS.

The following general regulations apply to the use of land located within an FD Floodway Supplemental District:

1. Structures shall be designed and constructed to withstand flood conditions.

2. Materials, which in time of flood might float away and lodge against bridge abutments or otherwise serve to restrict the flood discharge capacity of the water channel, are prohibited.

§ 21-764 PERMITTED USES.

A. Within an FD-Floodway Supplemental District the following uses are permitted as a right:

1. Passive agricultural uses such as: cultivation, forestry, grazing, planting.

2. Open land uses such as: arboretum, flood management project, reservoir, wildlife preserve.

3. Public uses such as: fire alarm, historical marker, street sign, thoroughfare, utility line.

4. Open air recreational uses such as: golf courses, driving ranges, parks, picnic grounds, etc.

B. Certain uses (listed below) may be permitted by the board of adjustment, after adherence to the procedural requirements for a special exception, and upon the board's finding that:

1. The use will not substantially affect or be affected by the flow of waters during times of flood;

2. The use will not impair the appropriate use, present or future, of neighboring property and that the use will be in keeping with the spirit and intent of this ordinance.

C. The uses which may be permitted by the board of adjustment are:

1. Parking;

2. Temporary outside storage of materials;

3. Temporary amusement enterprises;

4. Other open air uses not requiring the erection of permanent principal structures, but which may require the erection of accessory structures.

D. All other uses are prohibited within an "FD" Floodway Supplemental District.

E. Uses approved by the board which are not permitted within the applicable general use district, shall abate within one (1) year from the date of amendment to the official zoning map removing the Floodway Supplemental District designation from the land upon which the use is located.

§ 21-765 NONCONFORMITIES.

A. A structure lawfully existing in a Floodway Supplemental District at the effective date of said Floodway Supplemental Zoning and which would be prohibited in said Floodway Supplemental District shall be deemed nonconforming and may continue subject to the following provisions:

1. No such nonconforming structure may be enlarged.

2. Should such structure be damaged or partially destroyed by any means to the extent of seventy-five (75%) percent of its current replacement cost at time of damage, said structure shall not be restored.

3. Ordinary repairs may be made on any nonconforming structure provided said structure is not enlarged. If a nonconforming structure becomes physically unsafe or unlawful due to lack of repairs and maintenance and a final

order of vacation or demolition is entered by a duly authorized official by reason of physical condition it shall not thereafter be used, restored, repaired or rebuilt.

B. No construction of a permanent principal structure shall be allowed on any lot located within a Floodway Supplemental District even though said lot was filed of record or was within a subdivision approved by the city council prior to the effective date of the Floodway Supplemental Zoning in said district.

§ 21-766 RESPONSIBILITY FOR FLOODING.

The fact that land or property is not included within a Floodway or Flood Hazard Area as authorized by §21-762 of this ordinance shall not constitute assurance that such land or property is not subject to flooding and shall not be so interpreted.

ARTICLE 8

BOARD OF ADJUSTMENT

DIVISION I

CREATION AND PROCEDURES

- § 21-801 Board of adjustment established.
- § 21-802 Organization and procedures.
- § 21-803 Appeals to board of adjustment.
- § 21-804 Public hearing required.
- § 21-805 Fees.
- § 21-806 Powers.
- § 21-807 Four (4) votes required.

§ 21-801 BOARD OF ADJUSTMENT ESTABLISHED.

There is hereby created a zoning board of adjustment consisting of five (5) members, all of whom shall be residents of the city of Blanchard, nominated by the mayor and appointed by the city council. Each appointed member shall hold office for a term of three (3) years ending at 7:30 p.m. on the first Tuesday in July, or until his successor takes office. Upon the initial appointment of members to the board of adjustment, the mayor shall designate staggered terms according to Oklahoma state law. The appointed members of said board shall be nominated and appointed solely with reference to their fitness and without reference to party affiliation, and shall serve without compensation. Members may be removed by the mayor with approval of the city council, for the good of the service. Vacancies occurring other than through the expiration of term shall be filled only for the unexpired term.

§ 21-802 ORGANIZATION AND PROCEDURES.

The zoning board of adjustment shall elect one (1) of its members as chairperson. The board shall adopt rules in accordance with the provisions of this ordinance. Meetings of the board shall be held at the call of the chairperson and at such other times as the board may determine. The chairperson, or, in his/her absence, the acting chairman, may administer oaths and compel the attendance of witnesses by subpoena. The board shall keep the minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the board and shall be a public record. All meetings of the board shall be open to the public.

§ 21-803 APPEALS TO BOARD OF ADJUSTMENT.

Appeals to the board of adjustment may be taken by any person aggrieved or by any officer of the municipality affected by any administrative decision based on this zoning ordinance. Such appeal shall be taken within thirty (30) days of such decision by filing with the city clerk and the board of adjustment a notice of appeal specifying the grounds thereof. The city clerk shall forthwith transmit to the board all the papers constituting the record of the action from which the appeal is taken.

§ 21-804 PUBLIC HEARING REQUIRED.

A. The zoning board of adjustment shall fix a reasonable time for the hearing of the appeal or other matters referred to it, give public notice thereof, as well as due notice to the parties in interest, and decide the same within a reasonable time. Any party may appear and be heard in person or by agent or by attorney at said hearing.

B. Notice of public hearing before the board of adjustment shall be given by publication in a newspaper of general circulation in the city of Blanchard and by mailing written notice by the clerk of the board to all owners of property within a three-hundred (300) foot 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 or town;
2. Present zoning classification of the property and the nature of the variance or exception requested;
3. Date, time and place of hearing.

C. A copy of the published notice may be mailed in lieu of written notice; however, the notice by publication and written notice shall be published and mailed at least ten (10) days prior to the hearing.

§ 21-805 FEES.

The zoning board of adjustment shall charge a fee of one-hundred (\$100.00) dollars for the hearing of appeals, to defray the cost of publishing the notice of public hearing and any other costs associated with the hearing; the appellant shall pay such fee upon filing the appeal.

§ 21-806 POWERS.

A. The zoning board of adjustment shall have the following powers:

1. Administrative review. To hear and decide appeals where it is alleged there is an error in any order, requirement, decision, or determination made by the zoning administrator, building inspector, or other administrative officer in the enforcement of this ordinance.

2. 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 of this ordinance will, in any individual case, result in unnecessary hardship, so that the spirit of this ordinance shall be observed, public safety and welfare secured, and substantial justice done. Such variances may be granted in such individual case of unnecessary hardship upon a finding by the board of adjustment that:

- a. There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape, or topography.
- b. The application of this ordinance to this particular piece of property would create an unnecessary hardship, not self-imposed by the owner or developer.
- c. Such conditions are peculiar only to the particular piece of property involved.
- d. Relief, if granted, would not cause substantial detriment to the public good or impair the purposes and intent of this zoning ordinance or the comprehensive plan; provided, however, that no variance may be granted for a use of land or building or structure that is prohibited by this ordinance.

§ 21-807 THREE (3) VOTES REQUIRED.

In exercising the above powers, the board of adjustment shall have the concurring vote of at least three (3) of its members in order that it may reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination, and to that end, shall have all the powers of the administrative officer for directing the issuance of a permit and may make such order, requirement, decision, or determination as ought to be made.

DIVISION II

APPEAL TO DISTRICT COURT

§ 21-811 Notice of appeal.

§ 21-812 Appeal stays proceedings.

§ 21-811 NOTICE OF APPEAL.

An appeal from any action, decision, ruling, judgment or order of the board of adjustment may be taken by any person or persons, jointly or severally, or any taxpayer, or any officer, department, board or bureau of the city of Blanchard to the district court by filing a notice of appeal with the city clerk and with the board of adjustment within sixty (60) days from the filing of the decision of the board, which notice shall specify the grounds of such appeal. Upon filing of the notice of appeal as herein provided, the said board shall transmit forthwith to the court clerk of McClain County the original or certified copy of all the papers constituting the record in the case, together with the order, decision or ruling of the board.

§ 21-812 APPEAL STAYS PROCEEDINGS.

An appeal to the district court from the board of adjustment stays all proceedings in furtherance of the action appealed from, unless the chairperson of the board of adjustment or the administrative office from which the appeal is taken certifies to the court clerk, after the notice of appeal shall have been filed, that, by reason of the facts stated in the certificate, a stay, in his opinion, would cause imminent peril to life or property. In such case, proceedings shall not be stayed otherwise than by a restraining order which may be granted by the district court upon application or notice to the administrative officer in charge of the enforcement of the terms and provisions of the ordinance; and upon notice to the chairperson 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.

ARTICLE 9

ADMINISTRATION

DIVISION I

RESPONSIBILITY FOR ENFORCEMENT

§ 21-901 Duty of zoning administrator.

§ 21-901 DUTY OF ZONING ADMINISTRATOR.

It shall be the duty of the building inspector to enforce this ordinance. If the zoning administrator shall find that any of the provisions of this ordinance are being violated, he shall notify in writing the persons responsible for such violations, indicating the nature of the violation and ordering the action necessary to correct it, and shall take such other action as is authorized by law to ensure compliance with or to prevent violation of its provisions.

DIVISION II

ZONING CLEARANCE PERMIT REQUIRED

§ 21-911 Purpose.
§ 21-912 New construction.
§ 21-913 Change in use of land or building.
§ 21-914 Application.
§ 21-915 Accompanying material.
§ 21-916 Fees.

§ 21-911 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 certifies that the land and/or structure are in conformance with the terms of this zoning ordinance.

§ 21-912 NEW CONSTRUCTION.

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 being issued authorizing such construction, alteration, repair, or use changes as being in compliance with the provisions of this

ordinance. No building permit shall be issued for any construction not conforming to a valid zoning clearance permit.

§ 21-913 CHANGE IN USE OF LAND OR BUILDING.

No change shall be made in the use of any land or building or structure after the passage of this ordinance until a zoning clearance permit has been obtained, certifying that all the provisions of this ordinance have been complied with.

§ 21-914 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 (3) days, the zoning administrator shall grant or deny said zoning clearance permit in accordance with the terms of this ordinance.

§ 21-915 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, 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.

§ 21-916 FEES.

Fees for the zoning clearance permit shall be included with the building permit fee.

DIVISION III

CONDITIONAL USE PERMIT

- § 21-921 Procedures for authorizing conditional uses.
- § 21-922 Fees.

§ 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. [Ord. No. 714, 1/28/20]

§ 21-922 FEES.

In accordance with §21-921(A) above, a fee of one-hundred (\$100.00) dollars shall be paid at the time of submission of the application.

DIVISION IV

PLATTING REQUIREMENT

§ 21-931 Procedure.

§ 21-931 PROCEDURE.

A. For the purposes of providing a proper arrangement of streets and assuring the adequacy of open spaces for traffic, utilities, and access of emergency vehicles, commensurate with the intensification of land use customarily incident to a change of zoning, a platting requirement is established as follows:

B. For any land which has been rezoned upon application of a private party, no building permit or zoning clearance permit shall be issued until that portion of the tract on which the permit is sought has been included within a subdivision plat or replat, as the case may be, submitted to and approved by the city council upon the recommendation of the planning commission, and filed of record in the office of the county clerk where the property is situated. Provided that the city council, upon the recommendation of the planning commission, may remove the platting requirement upon a determination that the above stated purpose has been achieved by previous platting or could not be achieved by a plat or replat.

DIVISION V

VIOLATIONS AND PENALTIES

§ 21-941 Fines.

§ 21-941 FINES.

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 more than two-hundred (\$200.00) dollars for each offense. Each day that a violation is permitted to exist shall constitute a separate offense.

ARTICLE 10

AMENDMENTS

DIVISION I

§ 21-1001 Planning commission recommendation required.

§ 21-1002 Application for amendment.

§ 21-1003 Notice and public hearing of proposed regulations.

§ 21-1001 PLANNING COMMISSION RECOMMENDATION REQUIRED.

The rules, regulations, and provisions set forth in the Blanchard zoning ordinance may, from time to time, be amended, supplemented, changed, modified or repealed by ordinance, but no change shall be made until the proposed change has been referred to the Blanchard planning commission and the Blanchard planning commission has filed with the city council a report and recommendation on the proposed change. If the Blanchard planning commission does not submit its report and recommendation to the city council within forty-five (45) days after the referral of the proposed change, the city council may proceed to consider the proposal in the absence of a report and recommendation from the Blanchard planning commission. No public hearing shall be required prior to changes, amendments, or modifications to the Blanchard zoning ordinance that do not alter district regulations, district restrictions, permitted uses, uses on review or district boundaries. (Ord. No. 2003-01, 1/14/03)

§ 21-1002 APPLICATION FOR AMENDMENT.

An owner or his duly authorized agent or representative may make application for the amendment of the zoning restrictions applicable to his property by filing with the planning commission a written application in such form and content as the planning commission may by resolution establish. All applications, except those seeking an amendment from S-1 zoning, shall be accompanied by the payment of a fee of one-hundred (\$100.00) dollars to cover the costs of notice and posting and administrative review. There shall be no application fee assessed for the rezoning of property from S-1 district. [Ord. No. 2003-01, 1/14/03; Ord. No. 2006-21, 6/1/06]

§ 21-1003 NOTICE AND PUBLIC HEARING OF PROPOSED REGULATIONS.

Amendments to the Blanchard zoning ordinance that amend or repeal existing zoning districts or existing district regulations or district restrictions shall not be effective unless interested persons and citizens shall have an opportunity to be heard at a public hearing before the Blanchard planning commission. At least fifteen (15) day notice of the date, time, and place of the hearing shall be published in a newspaper of general circulation in the municipality. [Ord. No. 2003-01, 1/14/03]

DIVISION II

REZONING APPLICATIONS AND CHANGES IN ZONING DISTRICT BOUNDARIES

- § 21-1011 Application for amendment.
- § 21-1012 Notice and public hearing.
- § 21-1013 Planning commission action.

§ 21-1014 City action.

§ 21-1015 Protest to amendment.

§ 21-1011 APPLICATION FOR AMENDMENT.

An owner or his duly authorized agent or representative may make application for the rezoning or for a change in the zoning district boundaries applicable to his property by filing with the planning commission a written application in such form and content as the planning commission may by resolution establish. An application for amendment shall be accompanied by the payment of a fee of one-hundred (\$100) dollars to cover the costs of notice and posting and administrative review.

§ 21-1012 NOTICE AND PUBLIC HEARING.

A. Upon receipt of an application for rezoning or for a change in a zoning district boundary, pursuant to §21-1011 of these regulations, the planning commission shall set a date for public hearing not less than twenty (20) days nor more than sixty (60) days from the date of filing.

B. Notice of the public hearing shall include the date, time and place of the public hearing, the legal description of the property, the street address or approximate location of the property, the street address or approximate location of the property, the present zoning classification of the property, the zoning classification sought by the applicant, proximate location and a map of the area to be affected which indicates street names or numbers, streams, or other significant landmarks in the area and shall be given by:

1. Mailing a complete copy of said notice to all property owners within a three-hundred (300) foot radius of the exterior boundary of the territory described in the application at least twenty (20) days prior to the hearing;

2. Posting a complete copy of said notice on the territory described in the application at least twenty (20) days prior to the hearing;

3. Publishing a complete copy of said notice one (1) time at least fifteen (15) days prior to the hearing in a newspaper of general circulation in the municipality.

C. In addition to the notice required in subsection (B) of this section, if the zoning change requested permits the use of treatment facilities, multiple family facilities, transitional living facilities, halfway houses and any housing or facility that may be used for medical or nonmedical detoxification as these terms are defined pursuant to §3-403 of Title 43A of the Oklahoma Statutes, the entity proposing the change in district regulation shall mail a complete copy of said notice to all real property owners within one-quarter ($\frac{1}{4}$) of a mile where the area

to be affected is located as required by §§43-104 and 43-106 of Title 11 of the Oklahoma Statutes and shall be responsible for all costs incurred in mailing said notice. [Ord. No. 2003-01, 1/14/03; Ord. No. 620, 10/27/15]

§ 21-1013 PLANNING COMMISSION ACTION.

A. After notice and public hearing, pursuant to §21-1012, the planning commission shall vote to:

1. Recommend to the city council that the application be approved as submitted, or as amended, or be approved subject to modification, or
2. Recommend to the city council that the application be denied.

B. An application recommended for approval, or approval subject to modification, shall be transmitted to the city with the report and recommendation of the planning commission within fifteen (15) days from the date of planning commission action.

C. An application recommended for denial shall not be considered further; however, should the applicant, within fifteen (15) days from the date of the planning commission action, appeal in writing to the city council for a hearing, the matter shall be placed on the next regular city council meeting for consideration.

D. Upon notice of an appeal to the city council, the planning commission shall forthwith transmit the application and its report and recommendation to the city council. The city clerk shall notify all interested parties of record before the planning commission, as to the proceedings and of the time and place where the city council will consider the appeal herein provided for. (Ord. No. 2003-01, 1/14/2003)

§ 21-1014 CITY ACTION.

The city council shall place on the next regular agenda each zoning application transmitted by the planning commission. The consideration of this matter by the city council shall not be construed to be an advertised public hearing (in addition to the public hearing conducted by the planning commission). The city council shall approve the application as submitted and recommended by the planning commission, or approve the application subject to modification, or deny the application, or return the application to the city planning commission for further study. [Ord. No. 2003-01, 1/14/2003]

§ 21-1015 PROTEST TO AMENDMENT.

If a written protest against a zoning application is presented, duly signed and acknowledged more than three (3) days prior to said public hearing, by the owners of twenty (20%) percent or more of the area of the lots included in such proposed change, or by the owners of fifty (50%) percent or more of the area of the lots 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 (3/5) of all the members of the city council. [Ord. No. 2003-01, 1/14/03]