

ORDINANCE NO. 2018-16

AN EMERGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BLACKWELL, OKLAHOMA, AMENDING PART II, CHAPTER 2, ARTICLE V, DIVISION 2 OF THE BLACKWELL MUNICIPAL CODE 2008 BY THE ADDITION OF NEW SECTION 2-213 ENTITLED “ZONING ORDINANCE RE-ADOPTED AND CODIFIED”; PROVIDING FOR THE ADDITION OF A PERMITTED USE OF WHOLESALE, AND IF PERMITTED UNDER STATE LAW, RETAIL HORTICULTURAL OPERATIONS, (GROW ONLY AND NOT PROCESSING FACILITIES) CONDUCTED ENTIRELY WITHIN ENCLOSED BUILDINGS AND NOT EMITTING NOT EMITTING ANY DUST, SMOKE OR NOXIOUS ODOR OR FUMES OUTSIDE THE BUILDING IN C-C, CONVENIENCE COMMERCIAL DISTRICT, C-A/R, AUTOMOTIVE AND COMMERCIAL RECREATIONAL DISTRICT AND THE C-G, GENERAL COMMERCIAL DISTRICT; PROVIDING FOR THE ADDITION OF A PERMITTED USE OF WHOLESALE AND RETAIL (IF PERMITTED UNDER STATE LAW) HORTICULTURAL OPERATIONS (GROW AND/OR PROCESSING FACILITIES) CONDUCTED ENTIRELY WITHIN ENCLOSED BUILDINGS IN THE I-R, RESTRICTED LIGHT INDUSTRIAL DISTRICT, I-L, LIGHT INDUSTRIAL DISTRICT, I-H, HEAVY INDUSTRIAL DISTRICT AND DELETE THE SENTENCE FOUND IN 11.B.2 OF THE I-H, HEAVY INDUSTRIAL DISTRICT; PROVIDING FOR REPEALER; SAVINGS; CODIFICATION; SEVERABILITY; PENALTY; AND DECLARING AN EMERGENCY.

EMERGENCY ORDINANCE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BLACKWELL, OKLAHOMA:

Section I: Part II, Chapter 2, Article V, Division 2 of the Blackwell Municipal Code 2008 is hereby amended to by a new Section 2-213 which shall read as follows:

SECTION 2-213 ZONING ORDINANCE RE-ADOPTED AND CODIFIED.

The Zoning Ordinance of the City of Blackwell, Oklahoma, dated March 5, 1974 (“Zoning Ordinance”), as amended, three (3) copies of which are on file in the Office of the City Clerk, is hereby re-adopted and codified into the Blackwell Municipal Code 2008, and incorporated herein by reference, as if set out in full.

Section II: The Zoning Ordinance, which is adopted by reference by Section 2-213 of the Blackwell Municipal Code 2008, is amended as specifically provided in this ordinance:

Add the following permitted use to Section 6.B in the C-C, Convenience Commercial

District:

Wholesale and retail (if permitted under state law) horticultural operations (grow only not processing facilities) conducted entirely within enclosed buildings and not emitting any dust, smoke or noxious odor or fumes outside the building.

Add the following permitted use to Section 7.B in the C-A/R, Automotive and Commercial Recreational District:

Wholesale and retail (if permitted under state law) horticultural operations (grow only not processing facilities) conducted entirely within enclosed buildings and not emitting any dust, smoke or noxious odor or fumes outside the building.

Add the following permitted use to Section 8.B in the C-G, General Commercial District:

Wholesale and retail (if permitted under state law) horticultural operations (grow only not processing facilities) conducted entirely within enclosed buildings and not emitting any dust, smoke or noxious odor or fumes outside the building.

Add the following permitted use to Section 10.B in the I-R, Restricted Light Industrial District:

Wholesale and retail (if permitted under state law) horticultural operations (grow and/or processing facilities) conducted entirely within enclosed buildings.

Add the following permitted use to Section 10.B in the I-L, Light Industrial District:

Wholesale and retail (if permitted under state law) horticultural operations (grow and/or processing facilities) conducted entirely within enclosed buildings.

Add the following permitted use to Section 11.B in the I-H, Heavy Industrial District:

Wholesale and retail (if permitted under state law) horticultural operations (grow and/or processing facilities) conducted entirely within enclosed buildings.

Delete the following sentence found in 11.B.2 in the I-H, Heavy Industrial District:

~~2. All uses not complying with this Ordinance, or any other county, state or federal regulation of law.~~

Section II. REPEALER. All ordinances or parts thereof which are inconsistent with this ordinance are hereby repealed.

Section III. SAVINGS CLAUSE. Nothing in this ordinance hereby adopted shall be construed to affect any suit or proceeding now pending in any court, or any rights acquired or liability incurred nor any cause or causes of action accrued or existing, under any act or ordinance repealed hereby. Nor shall any right or remedy of any character be lost, impaired or affected by this ordinance.

Section IV. CODIFICATION. This ordinance shall be codified as herein provided.

Section V. SEVERABILITY. If any one or more of the sections, sentences, clauses or parts of this ordinance, chapter or section shall for any reason be held invalid, the invalidity of such section, clause or part shall not affect or prejudice in any way the applicability and validity of any other provision of this ordinance. It is hereby declared to be the intention of the City Council of the City of Blackwell that this section of the Blackwell Municipal Code would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included herein.

Section VI. PENALTY. Any person who shall violate the terms and conditions of this ordinance by act or omission shall be guilty of an offense and if convicted shall be as provided by Section 1-4 of this code.

Section VII. EMERGENCY. WHEREAS, it being immediately necessary for the preservation of the peace, health, safety and public good of the City and the inhabitants thereof that the provisions of this Ordinance be put into full force and effect in order to immediately provide for these new zoning regulations; reason whereof, this Ordinance shall take effect and be in full force and effect after its passage, as provided by law.

Approved and executed this 15th day of November, 2018.

THE CITY OF BLACKWELL, OKLAHOMA

T. J. Greenfield, Mayor

(Seal)
ATTEST:

Approved as to Form and Legality:

Merry Whitham, City Clerk

Bryce S. Kennedy, Jr., City Attorney