

ORDINANCE NO. 2017-__

AN ORDINANCE AMENDING CHAPTER 5 OF THE BLACKWELL MUNICIPAL CODE 2008, BY THE ADOPTION OF A NEW ARTICLE III ENTITLED "SITE PLAN REVIEW"; PROVIDING FOR ADOPTION OF A NEW SECTION 8-187 ENTITLED "SITE PLAN REVIEW", WHICH SECTION PROVIDES FOR A SITE PLAN REVIEW PROCESS, INCLUDING NOTICE AND PUBLIC HEARING PRIOR TO THE ISSUANCE OF A BUILDING PERMIT WHENEVER THE DEVELOPMENT OR ESTABLISHMENT OF ANY COMMERCIAL OR PUBLIC USE OR THE DEVELOPMENT OR ESTABLISHMENT OR CHANGE IN ANY MANNER OR KIND OF ANY INDUSTRIAL USE MAY OCCUR; PROVIDING FOR SITE PLAN REVIEW REGARDING THE FOLLOWING ISSUES: ACCESS, DRAINAGE, LANDSCAPING, LIGHTING, PARKING, RELATIONSHIP OF STRUCTURES, SCREENING, SPECIAL FEATURES, WASTE DISPOSAL, PUBLIC RIGHTS-OF-WAY, STREETS AND EASEMENTS; PROVIDING FOR PRE-APPLICATION REVIEW, SITE PLAN PREPARATION, CONTENTS OF THE PLAN, SITE PLAN SUBMISSION AND REVIEW, PUBLIC NOTICE, AMENDMENTS, OCCUPANCY PERMIT, EXCEPTIONS AND ADMINISTRATIVE SITE PLAN REVIEW; 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: Chapter 8 of the Blackwell Municipal Code 2008 is hereby amended by the adoption of a new Article III which shall read as follows:

ARTICLE III

SITE PLAN REVIEW

Section 8-187 SITE PLAN REVIEW.

A. PURPOSE. By reason of potential adverse effect on public service, community appearance, environment, welfare, and to neighboring land uses, Site Plan Review and approval shall be required of development. For the purpose of assuring proper accessibility, circulation, functional relationships of use, and compatibility with adjoining and nearby development, no Building or Occupancy Permit shall be issued, nor use commenced, except in accordance with a Site Plan submitted and approved by the City.

B. INTENT. The Site Plan Review process recognizes that the developments to which it is made applicable, even though generally suitable for location in a particular district or on a particular site, are, because of their nature, size, complexity, or other indicators of probable impact, capable of adversely affecting the purposes for which these regulations are established, unless careful consideration has been given to critical design elements. Therefore, it is the intent of this process to ensure that all elements are reviewed for compatibility with the provisions of these regulations. A Site Plan, much like a preliminary plat of subdivision, is intended to serve as a working document for the developer and the City. It shall provide sufficiently detailed information to allow an informed decision concerning the overall acceptability of the proposed development.

C. APPLICABILITY. Site Plan Review shall be required, as a precondition to the issuance of a Building or Occupancy Permit, in the following instance:

The development or establishment of any commercial or public use and the development or establishment or change in any manner or kind of any industrial use.

D. RESERVED.

E. DESIGN STANDARDS. The following design standards shall apply to any development requiring a Site Plan Review:

1. Access. All developments requiring Site Plan Review shall have adequate and safe vehicular access to adjacent streets. All entrance and exit driveways to public streets shall be located with due consideration for traffic flow so as to afford minimum conflict to traffic on public streets. All such entrances and exits shall be so located and designed so as to comply with the Traffic Control Policies of the City and in the case of State or United States Highways, with the Oklahoma State Highway Commission's Driveway Regulations for Oklahoma Highways or other federal regulations as may be applicable. Increased traffic, noise, dust and activity adjacent or near residential uses shall be considered as well as and the type of adjoining uses and districts to the requested site plan. The condition of the streets and any effect of the use proposed by the site plan on the streets shall be considered, together with issues such whether adequate turning radiuses are provided and all other considerations regarding access and streets shall be analyzed and reviewed.

2. Drainage. Proper surface drainage shall be provided so that removal of surface waters will not adversely affect neighboring properties or the public storm drainage system and will, so far as practicable, avoid flooding, erosion, and detrimental depositing of silt, gravel or stone. Surface water shall be removed from all roofs, canopies and paved areas and disposed of in an appropriate drainage system. Surface water in all paved areas shall be disposed of in a manner as provided by the Site Plan.

3. Landscaping. Landscaping shall be included as an integral part of the development to provide a quality of life and amenities in keeping with the natural physical surroundings of the City. All developments shall be landscaped with trees, ornamental shrubs and green areas according to the following standards:

- a. No less than five percent (5%) of the total land area of the development shall be landscaped with trees, ornamental shrubs, walkways, and green areas. At least seventy-five percent of this area shall be in the front or side yards.
- b. All Site Plans shall include a detailed landscaping plan indicating the type and number of plants to be provided.
- b. Artificial grass or any form of synthetic plant shall not be permitted as landscaping.
- d. The use of gravel as ground cover shall not be considered as meeting the minimum requirements of this Division.

- e. The plan shall not interfere with sight triangles at intersections.
- f. A Certificate of Occupancy shall not be issued until landscaping has been installed in accordance with the approved Site Plan. If the season of the year will not permit planting, a temporary Certificate of Occupancy shall be issued until growing season. Failure to plant landscaping shall be a violation of these regulations and shall be an offense.
- g. All landscaping improvements shall at all times be maintained in a live and healthy manner.
- h. The Planning Commission and the City Council may require that existing landscaping and vegetation on the site be retained in order to satisfy the requirements of this Division and may require that sprinkling systems are established to ensure the viability of the landscaping provided.
- i. The Zoning Officer, with approval from the City Manager, can exempt any industrial development from compliance with any or all of these landscaping provisions but shall provide the reasons therefore in a written memorandum, containing appropriate zoning and planning considerations, and provided to the Planning Commission and City Council at the time of the consideration of the Site Plan Review.

4. Lighting. All lighting in parking areas, as part of signs and advertising or special lighting, shall be so arranged to avoid unreasonable reflection, glare, or radiation onto operators of motor vehicles, pedestrians, and neighboring land uses or properties. Outdoor lighting, when provided, shall have an arrangement of reflectors and an intensity which will not interfere with adjacent land uses or the use of adjacent streets. No flickering, moving or flashing lights shall be permitted.

5. Parking. The location, width and layout of interior drives shall be appropriate for the proposed interior circulation. The location and layout of accessory off-street parking and loading spaces shall provide for efficient circulation and the safety of pedestrians and vehicles. The location of parking areas shall not detract from the design of proposed buildings and structures or from the appearance of the existing neighboring buildings, structures and landscape. Provisions shall be made for access by police, fire and emergency vehicles.

- a. All parking lots containing more than 10 spaces must have a minimum five (5) foot landscaped strip adjacent to their perimeters with shade trees planted in the amount equivalent to one shade tree for every thirty-five (35) feet of the perimeter lineal footage. On parking lot perimeters adjacent to residentially zoned or developed land, the landscaped strip shall contain 75% opaque screening which shall include a solid wall, fence or compact evergreen hedge not less than five (5) feet in height. In addition, unenclosed parking lots with more than twenty (20) spaces shall have a minimum of two percent (2%) of the interior surface area landscaped and shall have a permanent underground watering system. The interior landscaping shall be in planting islands at aisle ends or strips between aisles. Where

planting will be susceptible to injury by pedestrians or motor traffic, they shall be protected by appropriate curbs, tree guards, or other devices.

- b. Surfacing. All property used for parking of vehicles, storage and display of merchandise, and all driveways used for vehicle ingress and egress shall be paved with a permanent hard surface.

The Zoning Officer, with approval from the City Manager, can exempt any industrial development from compliance with any or all of these parking provisions but shall provide the reasons therefore in a written memorandum, containing appropriate zoning and planning considerations, and provided to the Planning Commission and City Council at the time of the consideration of the Site Plan Review.

6. Relation of proposed structures to environment. Proposed structures on the site shall be related in style and design and shall also relate visually to the terrain and existing buildings and roads in the vicinity. The achievement of such harmonious relationship may include the enclosure of space in conjunction with other existing buildings or other proposed buildings and the creation of focal points with respect to avenues of approach, terrain features or other buildings. Proposed structures shall be so cited as to minimize any adverse impact upon the surrounding area, and particularly upon nearby residences, by reason of:

- a. Building location, height, bulk and shadows;
- b. Location, intensity, direction and time usage of outdoor lighting;
- c. Likelihood of nuisances;
- d. Other similar considerations.

Appropriate screening shall be required to minimize any such adverse impact.

7. Screening. Development and maintenance of plantings, fences, and walls shall be provided as an aesthetic barrier against traffic, noise, heat, glare, and dust for the protection and conservation of property. Whenever any lot located in any commercial or industrial zone is to be developed or occupied by commercial or industrial uses(s) and it abuts a lot located in any residential zone or a lot developed residentially, the lot shall be screened by the development with a minimum 75% opaque barrier not less than 5 feet in height along the entire abutting lot line. Said screening or barrier shall be dense landscaping, earthen berm, solid lumber or masonry fence, wall, or combination thereof. Solid lumber fencing shall be treated or painted in earth tone colors. More extensive screening may be required by the Planning Commission and City Council in instances where the above described screening does not adequately protect adjacent properties from unsightly or distractive activity. The screening shall be maintained in good condition. Prescribed screening need not be provided along a lot line if a building, fence, wall or dense landscaping of at least equivalent height, capacity, and maintenance exists immediately abutting on the opposite side of said lot line. In addition, the Planning Commission and the City Council may require that existing landscaping and vegetation on the site which serves a partial or full screening be retained in order to satisfy the requirements of this Division. The Zoning Officer, with approval from the City Manager, can exempt any industrial development from compliance with any or all of these screening provisions but shall provide the reasons therefore in a written memorandum,

containing appropriate zoning and planning considerations, and provided to the Planning Commission and City Council at the time of the consideration of the Site Plan Review.

8. Special Features. Outside storage areas, service and machinery installations, service areas, truck loading areas, utility buildings, and structures, and similar accessory areas and structures shall be subject to such setbacks, screen plantings or other screening methods as shall reasonably be required to prevent any adverse effect upon the environment or nearby property.

9. Waste disposal. All containers for the disposal of wastes can be required to be located on a concrete pad and shall be screened to the extent that the container cannot be viewed by the public.

10. Public Rights-of-Way, Streets and Easements. Each Site Plan shall provide for the appropriate dedication and improvement of needed rights-of-way and easements as are necessary to adequately serve the proposed development and occupancy, and the minimum design standards of the City.

F. PRE-APPLICATION REVIEW. Prior to submission of a Site Plan, the applicant should discuss with the City's engineer the procedure and the requirements of the general layout of the site, utilities, access to arterials, general design and narrative, the availability of existing services, and similar matters. The intent of the pre-application review is to expedite the Site Plan Review process and to facilitate the approval of the development.

G. SITE PLAN PREPARATION.

1. Site Plans or any portion thereof involving public engineering improvements shall be certified by a Professional Engineer registered in the State of Oklahoma.

2. Every Site Plan shall include a boundary survey completed and certified by a land surveyor licensed by the State of Oklahoma.

3. Site Plans shall be prepared to a scale of one inch equals thirty feet or larger.

4. A Site Plan shall be prepared on one or more sheets to show clearly the information required by these regulations and to facilitate the review and approval of the plan. If appropriate, match lines shall clearly indicate where sheets join.

5. Site Plans shall be submitted in three (3) clearly legible blue or black line copies and shall also include any supportive maps or data as may be required.

6. The Site Plan must, at the time of submittal, be accompanied by the completed application form. The filing fee for Site Plan Review shall be One Hundred Dollars (\$100.00) plus the actual cost of publication. An application for the approval of a Site Plan may be processed simultaneously with and contingent upon, the approval of an application for a zoning amendment.

H. CONTENTS OF THE SITE PLAN.

1. All Site Plans shall contain the following information:

- a. Location of the tract, with references to names of adjoining streets, railroads, subdivisions, or other landmarks sufficient to clearly identify the location of the property.
- b. The name, address, telephone numbers and e-mail of the owner or developer, north arrow, date, scale of drawing, and number of sheets.
- c. Boundary dimensions and references as indicated by survey.
- d. Existing topography, with a maximum contour interval of two (2) feet, if required by the City's engineer.
- e. All existing and proposed streets, pedestrian circulation systems, utilities and easements, indicating their name, type and dimensions and the location of all private utility service lines and connections to public utilities.
- f. Zoning of all adjacent properties.
- g. The delineation of any flood hazard areas and drainage features as defined by the Federal Insurance Administration.
- h. Location, type and dimensions of vehicular entrances to the site.
- i. All off-street parking and loading areas in accordance with off-street parking regulations as specified in this Code.
- j. The proposed location, use, number of floors, height and gross floor area for each building; any outside display areas; signs and lighting. Elevation drawings shall be submitted for all signs and buildings.
- k. Location, type, size and height of fencing, retaining walls, screening, plantings, or landscaping. Elevation drawings shall be submitted for all screen planting and fencing.
- l. Provisions for the adequate disposition of natural storm water in accordance with the adopted design criteria, standards, and ordinances of the City indicating the location, size, type and grade of ditches, catch basins and dips, and connections to existing drainage systems and on-site storm water detention systems.
- m. Proposed finished grading by contours of two (2) feet supplemented where necessary by spot elevation if required by the City's engineer.

I. SITE PLAN SUBMISSION AND REVIEW. Plans for Development on Property.

1. All Site Plans shall be reviewed and approved by the Planning Commission prior to the issuance of any Building Permit or Occupancy Permit for the property.

2. The Site Plan shall be submitted to the City Clerk no later than twenty (20) days prior to the Planning Commission meeting date at which it is to be considered.

3. The City's engineer shall review the Site Plan for completeness and compliance with the provisions of these regulations. Any necessary modifications shall be forwarded to the applicant for resubmittal.

4. After review, the City's engineer shall provide to the Planning Commission, a written report recommending and listing reasons for the approval or denial of the Site Plan.

5. The Planning Commission shall conduct a public hearing regarding the proposed Site Plan and shall consider:

- a. Whether the proposed Site Plan is consistent with the Land Use Plan.
- b. Whether the proposed Site Plan harmonizes with the existing and expected development of surrounding areas.
- c. Whether provisions have been made for proper accessibility, circulation and functional relationships of land uses.
- d. Whether the proposed Site Plan is consistent with the purposes and standards of these regulations.

6. The Planning Commission may take the following actions:

- a. Approval. If the Site Plan is recommended for approval, the developer may make application for permits in compliance with the approved Site Plan.
- c. Conditional approval. The Planning Commission may recommend conditional approval of the Site Plan subject to any necessary amendments.
- d. Denial. If the Site Plan is recommended for denial, the reasons for such shall be recorded in the minutes of the Planning Commission meeting. The reasons for denial shall refer to specific provisions of these regulations which the Site Plan does not conform.

7. The recommendation of the Planning Commission shall be referred to the City Council for final action.

8. The City Council shall approve, conditionally approve or deny the Site Plan. In the case of any action other than approval, the City Council shall state the reasons for its action. As a condition of approval, the City Council may require certain on-site and off-site improvements be installed and/or dedication of easements or rights-of-way made.

J. PUBLIC NOTICE.

1. After the City Clerk receives an application for Site Plan Review, the subject property shall be posted with a notice or notices which shall describe the development being proposed and the time and place in which the application may be viewed by any interested person.

2. Said Notice shall be posted no later than ten (10) days prior to the hearing before the Planning Commission. The subject property shall remain posted until a final decision has been made concerning the application.

Upon approval of the Site Plan, building and/or occupancy permits may be issued in accordance with the provisions of the approved Site Plan.

K. AMENDMENTS. Minor changes to the Site Plan may be accomplished administratively through the City's engineer so long as substantial compliance is maintained with the approved Site Plan. Proposed changes which could represent a significant departure from the Site Plan, as approved by the Planning Commission or City Council, shall require resubmittal. Major changes to an approved Site Plan which would require resubmittal shall include but not be limited to, an increase in the bulk of any building by more than ten percent (10%), an increase in residential density, or an increase in total ground area covered by buildings by more than ten percent (10%).

L. OCCUPANCY PERMIT. Prior to the issuance of any Certificate of Occupancy, the applicant shall complete in a manner satisfactory to the City's engineer, all improvements required by these regulations and as required by the City Council.

M. EXCEPTIONS: The foregoing Site Plan Procedure shall not apply to:

1. New occupancies of existing structures in commercial districts that do not require the issuance of a building permit shall not be subject to the site plan review ordinance.

2. Any use permitted on a temporary basis for a period of not to exceed six (6) months.

3. Attached or unattached additions to existing non-residential buildings or uses; provided however, such additions must not change the character of the use or cause or extend a nuisance or nonconformity and must otherwise conform to the appropriate City ordinances.

N. ADMINISTRATIVE SITE PLAN REVIEW: The following Administrative Site Plan Review procedures shall apply to additions to existing non-residential buildings or uses, when such additions do not change the character of the use, cause or extend a nuisance or nonconformity and otherwise conform to the appropriate City ordinances.

1. There is hereby created an Administrative Site Plan Review Board (hereinafter the "Board") to review applications for Administrative Site Plan Review (hereinafter the "review"). The Board shall be composed of the City's Engineer, the Chairman of the Planning Commission or his designee and the City Manager.

2. Any Administrative Site Plan Review Applicant (hereinafter the "Applicant") shall request a Pre-Application Review with the City Manager as provided by subsection F. Prior to the

administrative hearing, the City Manager may choose, in his sole discretion, to send the Application for consideration and review by the Planning Commission and the City Council.

3. The City Manager shall determine which design standards (as provided in subsection E, what site plan preparation (as provided in subsection G) and which site plan contents are applicable for this type of Application, together with any such other related matters to expedite the Application. Upon submission of such applicable items in the Application by the Applicant to the City Clerk, the affected property shall be immediately posted with a notice which describes the development being proposed and the time and place of the administrative hearing before the Board. The property shall be posted for at least five (5) days prior to the date of the administrative hearing. At the hearing, the Board shall consider:

- a. Whether the proposed Site Plan is consistent with the Land Use Plan;
- b. Whether the proposed Site Plan harmonizes with the existing and expected development of surrounding areas;
- c. Whether provisions have been made for the proper accessibility, circulation and functional relationships of land uses;
- d. Whether the proposed Site Plan is consistent with the purposes and standards of these regulations; and
- e. Whether, as a condition of approval, certain on-site and off-site improvements should be installed at the Applicant's sole cost.

The decision of any two members of the Board shall be binding on the Applicant. All Board decisions shall be reduced to writing and forwarded to the Planning Commission for their records. Any person may appear at the administrative hearing and be heard. If no appeal to the decision of the Board is filed with the City Clerk within three (3) business days of the Board's decision, such decision shall be binding. Any decision appealed shall be heard and decided by the City Council.

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 of 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 doing anything forbidden or failing to perform any act required shall be guilty of an offense and if convicted shall be fined in an amount not to exceed Two Hundred and Fifty Dollars (\$250.00) plus the payment of court costs, fees and penalty assessments as provided by law. Each day the violation shall continue shall be considered a subsequent violation.

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 provide certain amendment to the site plan review process, including making industrial uses subject to site plan review; by reason of whereof, this Ordinance shall take effect and be in full force and effect after its passage, as provided by law.

Approved and executed this ____ day of _____ 2017.

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