

AN ORDINANCE AMENDING THE ZONING OF REAL PROPERTY LOCATED IN THE CITY OF MARIETTA; REPEALING ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT; AND PROVIDING FOR SEVERABILITY;

WHEREAS, the owner of the real property hereinafter described has made application with the City of Marietta requesting the zoning of said real property be amended from C-3 (Highway Commercial and Commercial Recreation District) to I-2 (Medium Industrial District); and

WHEREAS, notice of a public hearing was published in the Marietta Monitor on March 29, 2019, and mailed to the owners of property located within 300 feet of the real property on March 26, 2019; and

WHEREAS, a public hearing regarding the application for zoning amendment of the real property was held before the Planning Commission on April 23, 2019, and the Planning Commission has recommended amendment to the zoning of the real property as provided by Resolution P19-01; and

WHEREAS, a public hearing regarding the application for zoning amendment of the real property was held before the City Council on May 14, 2019, and the City Council has determined that the amendment of the zoning district of the real property, located within the corporate limits of the City of Marietta, is in the best interest of the City and the general public.

THEREFORE, BE IT ORDAINED BY THE MAYOR AND THE CITY COUNCIL OF THE CITY OF MARIETTA, OKLAHOMA:

SECTION 1. The zoning of the following real property is hereby amended from C-7 (Conditional Commercial) zoning district to I-2 (Medium Industrial) zoning district to wit:

A parcel of land located in the East Half of the Northeast Quarter of the Northeast Quarter (E/2 NE/4 NE/4) of Section Nineteen (19), Township Seven (7) South, Range Two (2) East, of the Indian Base and Meridian, Love County, Oklahoma, being more particularly described as follows: Commencing at the Northeast corner of said E/2 NE/4 NE/4; Thence S89°56'04"W, along the North line of said E/2 NE/4 NE/4, a distance of 272.20 feet to the Point of Beginning; Thence S05°52'35"E, a distance of 57.27 feet; Thence S00°28'39"E, a distance of 138.03 feet; Thence N89°56'04"E, a distance of 101.39 feet; Thence S00°03'56"E, a distance of 155.00 feet; Thence S89°56'04"W, a distance of 82.00 feet; Thence S00°03'56"E, a distance of 75.00 feet; Thence S89°56'04"W, a distance of 42.00 feet; Thence S00°03'56"E, a distance of 336.00 feet; Thence S89°56'04"W, a distance of 365.00 feet; Thence N00°03'56"W, a distance of 761.00 feet to a point in the North line of said E/2 NE/4 NE/4; Thence N89°56'04"E, along said North line, a distance of 380.80 feet to the True Point of Beginning, having an area of 6.98 Acres more or less. Basis of Bearings are Geodetic North. Said being described by Robby L. Johnson, RPLS No. 1539 on April 11, 2018.

1. Prior to engaging in any industrial use, occupation, trade or business on the property, the following conditions shall be met:

A. There shall be established and maintained a twenty-five-foot (25') buffer along the south property line of the real property. The buffer shall extend from the southwest corner of the property, running east to a point of intersection with the west side of the existing east access drive, and shall consist of a greenbelt with trees planted on 10' centers within this greenbelt. At the time of planting, said trees shall be at least eight feet (8') in height, with a minimum one-inch (1") caliper. No building development or outdoor storage shall be permitted within said buffer.

B. An eight-foot (8') sight proof screening fence shall be erected along the said south property line; and along the west property line, running from the south building line of the main brick building, south to a point of intersection with the south property line; and along the west side of the existing east access drive, running from a point on the southern side of the communication tower, south/southwest to a point of intersection with the south property line.

C. A site-plan reflecting these conditions shall be submitted prior to the issuance of any final occupancy permits for any uses on the subject site.

SECTION 2. All ordinances or parts of ordinances in conflict herewith are, to the extent of such conflict, repealed.

SECTION 3. If any section, sub-section, sentence, clause, phrase, or portion of this Ordinance is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portion of this Ordinance.

PASSED by the City Council and **SIGNED** by the Mayor of the City of Marietta, Oklahoma on this 11th day July 2019.

ATTEST:


DOTTIE GWIN, CITY CLERK



CITY OF MARIETTA

BY: 
KIMBERLY FRAIRE, MAYOR