

AMENDED ORDINANCE NO. 698

**AN ORDINANCE ADDING CHAPTER 8 TO PART 12 OF THE CODE OF ORDINANCES OF THE CITY OF COWETA, ESTABLISHING A SPECIFIC USE PERMIT PROCESS FOR CERTAIN LAND USES AND PROVIDING FOR AN EMERGENCY**

WHEREAS, effective November 1, 2003, the Legislature of the State of Oklahoma approved Title 11, Section 43-113 of the Oklahoma Statutes, allowing municipalities the authority to regulate land use by the issuance of "Specific Use Permits," and established guidelines for the issuance of said permits;

WHEREAS, the Oklahoma legislature has amended the statutory guideline to allow additional bonding and insurance requirements, as well as allowing a City to limit the reapplication process for similar applications that have been denied;

WHEREAS, adoption of the amended ordinance will provide greater protection to the residents of the City of Coweta;

THEREFORE, be it ordained by the City Council of the City of Coweta that the Ordinances of the City of Coweta are hereby amended as follows:

Section 1. Chapter 8, Specific Use Permits, is hereby added to Part 12 of the Code of Ordinances and from this point forward shall provide as follows:

**PART 12  
PLANNING, ZONING AND DEVELOPMENT**

**Chapter 8  
SPECIFIC USE PERMITS**

- 12-801 Purposes
- 12-802 Conditions for Approval
- 12-803 Specific Use List
- 12-804 Use Conditions
- 12-805 Administration

**SECTION 12-801 PURPOSES**

The City Council may, after a public hearing and recommendation by the Planning Commission and after conducting a public hearing as is required in accordance with the provisions of this section, authorize for specific parcels of land, the issuance of a Specific Use Permit.

The uses listed in the Specific Use list are so clarified because of the size of the land they require or the specialized nature of the use, or they may more intensely dominate the area in which they are located or their effects on the general public are broader in scope than other types of uses permitted in the district.

The designation of a Specific Use Permit as possible on the Specific Use List does not constitute an authorization or an assurance that such use will be permitted. Rather, each Specific Use Permit application shall be valued as to its probable effect on the adjacent property and community welfare and may be approved or denied as the findings indicate appropriate.

## **SECTION 12-802 CONDITIONS FOR APPROVAL**

### **A. Plans and Data to be Submitted**

Prior to submission of a request for a Specific Use Permit, the City Planner may require one or more pre-application conferences with the potential applicant. In considering and determining its recommendation to the City Council relative to any application for a Specific Use Permit, the Planning Commission **will establish the requirements necessary for consideration of the application. The Commission shall also set a deposit amount from the applicant sufficient for payment of the application and permit expenses. The requirements and amount of deposit may be adjusted by the Planning Commission as necessary during the application process. The Planning Commission** may require that the applicant furnish preliminary site plans and data concerning the operation, location, function and characteristics of any use of land or building proposed. For uses in which the land use has possible environmental impact, the Commission may require those engineering and/or environmental impact studies necessary for evaluation of the proposed use.

### **B. Planning Commission Requirements**

The Planning Commission may recommend to the City Council that certain safeguards and conditions concerning **bonding, insurance**, setbacks, ingress and egress, off-street parking and loading arrangements and location or construction of buildings and uses and operation be required. If the Planning Commission fails to review and make a recommendation within 45 days from the date the application is accepted for processing, the City Council can take action on the application.

### **C. City Council Requirements**

The City Council may, in the interest of the public welfare and to assure compliance with the intent of this ordinance and the Coweta Comprehensive Plan, require such development standards and operational conditions and safeguards as are indicated to be important to the welfare and protection of adjacent property and the community as a whole

and be compatible with the natural environment and the planned capacities of public services and facilities affected by the land use. This may include the requirement of having the property platted and/or the requirement of the dedication of sufficient right-of-way or easement as necessary to further the public good. The City Council may impose conditions including, but not limited to, **bonding, insurance**, permitted uses, lot sizes, setbacks, height limits, required facilities, buffers, open space areas, lighting, noise levels, signage, landscaping, parking and loading, compatibility, and land use density as may be indicated depending upon the proposed use and its potential effect on adjacent areas or the community.

D. Site Plans

A site Plan (plot plan) setting forth the conditions specified may be required of the applicant and such plan when accepted shall be made a part of the permit issued for the specific use.

E. Designation of Zoning Map

A Specific Use Permit approved under the provisions of this ordinance shall not be considered as an amendment to the zoning ordinance; however, the Specific Use Permit shall be noted on the zoning map as follows: SUP - (the number of the request for a Specific Use Permit). Any of the conditions contained in a Specific Use Permit approval shall be considered as conditions precedent to the granting of a building permit for the specific use provided for.

F. Time Limits for Implementation

If for any reason the approved specific use ceases operation for a period of two years, then the approval of said specific use shall be considered void and will require another public hearing review by the Planning Commission and City Council. This shall also apply to any approved specific use that does not begin operation within two years of approval. This voiding of approval shall not apply if orderly progress toward completion of construction is taking place. Uses existing before the adoption of the Specific Use Permit ordinance, including non-conforming uses and their incidental and accessory uses, must receive a Specific Use Permit before any expansion of the use is permitted.

**SECTION 12-803                      SPECIFIC USE LIST**

The following uses are allowed in all zoning districts by Specific Use permit as granted by the City Council:

- |                                    |                             |
|------------------------------------|-----------------------------|
| Adult Entertainment Establishments | Airport - Heliport          |
| Bus Station                        | Cemetery                    |
| Convict Pre-Release Center         | Crematory                   |
| Governmental Services              | Juvenile Delinquency Center |

Detention Center Juvenile-Adult	Electric Generation Plant &/or Sub-Station
Mausoleum	Post Office
Rifle and Skeet Range	Gun Club
Sanitary Landfill	Sewer Disposal Facility
Halfway House	Commercial Theme Parks
Refuse Transfer Station	Recycling Center
Golf Course	Golf Driving Range
Kennel	Mini-Storage
Fire Protection Facility	Fire Station
Churches	College or University Hospital
Library	Nursing Homes
Convalescent Homes	Public Schools
Trade Schools	Museum
Bed and Breakfast	Inn
Cultural or Heritage Centers	Public or Private Attractions
Transmitting Tower (excluding amateur radio tower)	
Water Treatment Facility and/or Water Storage Facility	
Private Schools with comprehensive education curriculum	
Offices use when located on a 40-acre or larger tract	
Industrial Uses requiring a minimum acreage requirement of 40 acres	
Mining and Mineral Processing	
Commercial Resort Facilities (Minimum acreage requirement of 40 acres)	
Mixed Use	

**SECTION 12-804                      USE CONDITIONS**

Compliance with District and Use Unit Requirements

Specific uses permitted shall comply with the most restrictive yard and height requirements of the district in which located and in addition shall comply with the requirements, especially for parking and loading, as required per the related use unit in the Coweta Zoning Code, except as may be modified by City Council as provided in Section 1704.022.

**SECTION 12-805                      ADMINISTRATION**

A.        Filing of a Petition for Specific Use Permit

A petition for a Specific Use Permit may be filed with the Planning Commission by the owner(s) of the property concerned, by the duly authorized representative thereof, by the holder of an option to purchase the affected real estate or by the purchaser in a contract to purchase realty. Such petition shall be on a standard form furnished by the Planning Department of the City. All petitions for a Specific Use Permit shall be accompanied by a site plan of the proposed area showing the location of buildings, parking, and other

pertinent data concerning the operation of the proposed use.

B. Fee for Petition

A one-hundred dollar (\$100.00) fee shall be required with the Specific Use Permit application, and such other fee as the City Council may from time to time specify by resolution.

C. Notice of Hearing

Notice of the public hearing to consider a Specific Use Permit shall be mailed at least twenty (20) days before the public hearing held by the Planning Commission by mailing written notice by the secretary of the Planning Commission to all owners of property within a three hundred (300') radius of the exterior boundary of the subject property, or such additional notice deemed necessary by the Planning Commission.

The notice shall contain:

1. The date, time and place of the public hearing.
2. The present zoning classification of the property and the nature of the Specific Use Permit.
3. The legal description of the property and street address or approximate location in the municipality.

D. Appeals and Confirmation by City Council

**An applicant, or any adversely affected person, may appeal a recommendation of denial by the Planning Commission to the City Council, within 10 days of the Planning Commission decision, by (a) completing a Notice of Appeal form that shall be available from the City Planner; and (b) paying an appeal fee in the amount of \$100.00, or such fee as set by council resolution.**

**If an appeal is not timely filed, the recommendation of the Planning Commission shall be included on a council consent agenda for consideration, and may be removed from the consent agenda by council pursuant to council rules, whereupon the council may either accept the recommendation of the Planning Commission, reverse the recommendation of the Planning Commission, modify the decision of the Planning Commission, or remand the matter for further consideration by the Planning Commission.**

**If an appeal is timely filed, the City Council shall establish a date specific for its decision and may affirm, reverse or remand the decision of the Planning Commission.**

E. Reapplication or Reconsideration of Mining and Quarrying, Mineral Products

**Processing**

**The City is not required to reconsider requests denied by the municipality related to mining and quarrying, or mineral products processing for the same site unless the municipality determines there has been a material change in the application. A mining application for any portion of a site previously denied by the City Council will be reviewed by the City Planner first to determine if there has been a material change in the application. A material change is a substantial change in the application as compared with prior applications such that it warrants consideration as a new application. The City Planner will establish the requirements necessary for consideration of the application. The City Planner shall also set a deposit amount from the applicant sufficient for payment of the application and permit expenses. The requirements and amount of deposit may be adjusted by the City Planner as necessary during the application process. The City Planner will notify the applicant of the decision. The determination of the City Planner may be appealed to the City Manager within fifteen (15) days of the rendering of the decision.**

Section 2. All ordinances in conflict with this ordinance are hereby repealed.

Section 3. An emergency exists for the preservation of the public health, peace and safety, and therefore, this Ordinance shall become effective from and after the time of its passage and approval.

PASSED AND APPROVED, with the emergency clause voted upon separately, at a regular meeting of the City Council of Coweta, Oklahoma, held the \_\_\_ day of \_\_\_\_\_, 2008.

\_\_\_\_\_  
Robert Morton, Mayor

ATTEST:

\_\_\_\_\_  
Joyce Terry, City Clerk

APPROVED:

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David L. Weatherford, City Attorney