

**ORDINANCE NO. 100  
PART 13**

**ZONING REGULATIONS**

**CHAPTER 1**

**ARTICLE 1**

**SPECIFIC USE PERMITS**

- § 13-113.1 Purposes for specific use permits
- § 13-113.2 Conditions for Approval
- § 13-113.3 Specific Use List
- § 13-113.4 Use Conditions
- § 13-113.5 Administration

§ 13-113.1 PURPOSES OF SPECIFIC USE PERMITS.

The town board may, after a public hearing and recommendation by the planning and zoning commission and after conducting public hearing 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 properties and the community welfare and may be approved or denied as the findings indicate appropriate. (*Title 11 O.S. §43-113*)

§ 13-113.2 CONDITIONS FOR APPROVAL.

A. Plans and Data to be Submitted. Prior to submission of a request for a Specific Use Permit, the planning and development administrator may require one or more pre-application conferences with the potential applicant. In considering and determining its recommendation to the town board of trustees relative to any application for a Specific Use Permit, the planning and zoning 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. "Site plan" means the documents and plans which are needed to ensure that a proposed land use or activity is in compliance with the ordinances and applicable state and federal regulations, if any. For uses in which the land use has possible environmental impact, the planning and zoning commission may require those engineering and/or environmental impact studies necessary for evaluation of the

proposed use.

A site plan must be submitted and provide the following information:

1. The site plan must be submitted in writing detailing which state and federal agencies regulate the proposed use, if any;
2. The site plan shall specify how the facility will comply with all the town's ordinances;
3. The site plan will provide all the plans, data and information concerning the operation, location, function and characteristics of land or building use;
4. The site plan shall show the location of buildings, parking, and other pertinent data concerning the operation of the proposed use; and
5. For uses in which the land use has possible environmental impact, the planning and development administrator may require those engineering and/or environmental impact studies necessary for evaluation of the proposed use.

B. The planning and development administrator shall submit to the Slaughterville Planning and Zoning Commission, at the first available meeting following receipt and review, the following recommendations:

1. The names of outside consultants, if any, needed to review and evaluate the application;
2. The types of studies, engineering reports, environmental studies, appraisals or other reports needed to fully evaluate the application;
3. A proposed timetable for evaluation of the application;
4. The performance standards that should be considered in approval or denial of the application.

C. The Slaughterville Planning and Zoning Commission, upon receipt of the above recommendations, shall:

1. Adopt a timetable for the processing of the application;
2. Determine the dates of any and all public hearings that may be needed for the application;
3. Schedule a date in which a hearing shall be held to consider the application and the proposed site plan; and

4. Establish the amount of notice, if any, beyond the 300 feet radius of the exterior boundary of the subject property;

D. At the hearing to consider the application and the site plan, the Slaughterville Planning and Zoning Commission shall proceed as follows:

1. The chairman shall preside over the hearing;

2. At the hearing, the applicant for the proposed use shall be allowed the opportunity to appear and present evidence, personally or by representative, and to otherwise provide argument in support of the proposed use, including the right to respond to opposing evidence or argument through cross examination of opposing witnesses or otherwise;

3. At the conclusion of the applicant's evidence, other witnesses who are unconnected with the applicant may appear to present evidence or argument to the positions asserted by other witnesses. To expedite this process, the planning and zoning commission shall provide an opportunity for the persons or entities desiring to participate in the hearing process to be identified at the start of this hearing. The planning and zoning commissioners shall serve as hearing officers and shall not be subject to examination or cross examination by the applicant, counsel, witnesses or individuals submitting evidence at the hearing;

4. The proceedings may be electronically recorded in accordance with the Oklahoma Open Meetings Act and made available in accordance with the requirements of the Oklahoma Open Records Act. Should the applicant, the protestant or other participant require transcription, either through clerical transcription or by licensed court reporter, the cost of such transcription shall be paid by the requesting party;

5. Copies of documentary evidence proposed to be used by the applicant, by town staff or by protestants and which evidence is in the possession of the town, shall be exchanged with the applicant and protestants who identify themselves at least ten (10) business days prior to the hearing. In the event additional documentary evidence is offered at the hearing, or changes have been made to the proposed site plan, and in the interest of justice requires admission of such evidence, the planning and zoning commission may grant a recess or otherwise continue the hearing to a date certain in order to allow a response, subject to the right of the opponent of such evidence to waive this right of delay;

6. At the conclusion of the evidence, the planning and zoning commissioners shall deliberate in open session and announce its findings of fact and conclusions of law, upon motion and second, as determined by a majority vote of the total membership. If additional information is deemed necessary, the planning and zoning commission shall continue the hearing to a date certain to obtain additional information or for additional deliberation. The town staff shall prepare a written determination of all findings of fact and conclusions of law, which will thereafter be formally submitted for consideration by the planning and zoning commission. In reaching its decision, the commissioners shall consider the following factors, as required by state law and ordinance:

- A. The probable effect of the proposed use on the adjacent properties;
- B. The community welfare as affected by the proposed use;
- C. The impact of the proposed use on public facilities, including but not limited to parks, roads and utilities;
- D. The impact of the proposed use on private water wells or sewage disposal systems;
- E. The safeguards that can be imposed, if any, to diminish the effect on the adjacent properties, community welfare or public services; and
- F. Any other factors that affect the community welfare and the resources of the community.

7. Any party affected by the decision of the planning and zoning commission, upon payment of a filing fee in an amount set by resolution and the filing of the appeal within the time limits specified by ordinance, may appeal to the town board the decision of the planning and zoning commission;

8. The town board of trustees shall review the findings of fact, conclusions of law, evidence presented to the planning and zoning commission, and such other materials it deems necessary, and vote to: (a) uphold the planning and zoning commission decision; (b) reverse the planning and zoning commission decision; or (c) remand to the planning and zoning commission for reconsideration.

9. Any approved site plan shall set forth the conditions specified by the approval process and which may be required of the applicant and such plan when accepted shall be made a part of the permit issued for the specific use.

B. **Planning and Zoning Commission Requirements.** The planning and zoning commission shall be the reviewing board and shall make recommendation to the town board of trustees who are the approval board for all Specific Use Permits. In the approval process, the planning and zoning commission may recommend to the town board of trustees that certain safeguards and conditions concerning permitted uses, lot sizes, setbacks, height limits, ingress and egress, off-street parking, loading arrangements, required facilities, buffers, open space areas, lighting, signage, landscaping, parking and loading, location or construction of buildings, uses and operation required, compatibility, land use density, bonding, insurance, and other such safeguards deemed necessary for protection and welfare of adjacent properties and the community as a whole.

The planning and zoning commission may, in the interest of the public welfare and to assure compliance with the intent of this ordinance and the Slaughterville Comprehensive Plan, require such development standards and operational conditions and safeguards as are indicated to be important to the welfare and protection of adjacent properties and the community as a whole and be compatible with the natural environment and the planned capacities of public services and facilities,

private water wells, sewage disposal systems, and any other factors that may be affected by the proposed 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 town may impose conditions including, but not limited to, 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.

C. The conditions imposed with respect to the approval of a specific use permit shall be stated in the record of the approval actions and shall not be changed or amended except as authorized by the zoning ordinance with notice as specified thereby. The board of trustees shall maintain a record of conditions which are changed.

D. Persons and Agencies Involved. The planning and zoning commission may request the involvement of any applicable persons and agencies, who may have specialized knowledge regarding the proposed Special Use. These may include but are not limited to: the Environmental Protection Agency, the Health Department or any other applicable agency or person.

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 requested.

F. Reasonable Conditions for Approval. The planning and zoning commission may impose reasonable conditions in conjunction with the recommendation of approval of a specific use permit. The conditions imposed shall meet the following requirements:

1. Be designed to take into consideration natural environment, the health, safety, and welfare of the residents and landowners immediately adjacent to the proposed land use or activity, and the community as a whole;
2. Be related to the valid exercise of the police power, and to the proposed use or activity;
3. Be necessary to meet the intent and purpose of the zoning requirements;
4. Be related to the standards established in the ordinance for the land use or activity under consideration; and
5. Be necessary to ensure compliance with those standards.

6. The conditions imposed with respect to the approval of a specific use permit shall be stated in the record of the approval actions and shall not be changed or amended except as authorized by the zoning ordinance with notice as specified thereby. The planning and zoning commission shall

maintain a record of all conditions which are changed.

G. 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 and zoning commission and Town board of trustees. 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.

H. Existing Non-Conforming Uses. 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 will be permitted.

§ 13-113.3    SPECIFIC USE LIST.

The following uses are allowed in all zoning districts by Specific Use permit as granted by the Town Board of Trustees:

- Adult Entertainment Establishments
- Airport - Heliport
- Ammunition manufacturing
- Assembly plants
- Automotive assembly, or other assembly plants
- Blacksmith shops
- Bottling works
- Bus Station
- Cemetery
- Commercial poultry raising, hog raising, or other commercial raising facilities
- Commercial Theme Parks
- Commercial Resort Facilities (Minimum acreage requirement of 10 acres)
- Concrete Plants
- Contractor's equipment storage yard, or rental facility
- Convalescent Homes
- Convict Pre-Release Center
- Crematory
- Cultural Heritage Centers
- Detention Center Juvenile or Adult
- Electric Generation Plant &/or Sub-Station
- Explosive or acid Manufacturing plants
- Foundry casting facilities
- Freight yards
- Gas manufacturing
- Golf Course
- Golf Driving Range
- Gun Club
- Hazardous waste disposal facilities

Hospital  
Industrial Uses requiring a minimum acreage requirement of 10 acres  
Junk yards  
Juvenile Delinquency Center  
Kennel  
Landfill  
Liquor manufacturing  
Liquor wholesale facilities  
Machine Shops  
Manufacturing pottery  
Manufacturing, processing, compounding or packaging products  
Manufacturing, processing, or assembling products  
Mausoleum  
Medical Marijuana Disposal Facility  
Medical Marijuana Educational Facilities  
Medical Marijuana Grow Facilities to accommodate 5,000 plants per planting cycle or more  
Medical Marijuana Processing Facilities  
Medical Marijuana Research Facilities  
Medical Marijuana Testing Facilities  
Mining, Mineral, Sand or other types of Processing  
Mini-Storage  
Museum  
Nursing Homes  
Oil field equipment yards  
Office use when located on a 10-acre or larger tract  
Petroleum refineries  
Public or Private Attractions  
Public Schools  
Refuse Transfer Station  
Recycling Center  
Rifle and Skeet Range  
Salvage Yards  
Sanitary Landfill  
Schools  
Sewer Disposal Facility  
Stockyards, loading pens, rendering plants, slaughterhouses, meat processing plants  
Trade Schools  
Transfer stations  
Trucking facilities  
Utility yards  
Waste Disposal Facilities  
Water Treatment Facility and/or Water Storage Facility  
Welding shops

§ 13-113.4 USE CONDITIONS.

If any proposed use on the Special Use List is regulated by the zoning ordinance, then all conditions set forth in the zoning ordinance shall be met. Specific uses permitted shall comply with the most restrictive yard and height requirements of the district in which the special use is located and in addition shall comply with all the requirements of the Slaughterville Code.

The conditions imposed upon the special use need not be uniform with regard to each type of land use so long as equitable procedures recognizing due process principles and avoiding arbitrary decisions have been followed in making the regulatory decisions.

§ 13-113.5 ADMINISTRATION.

A. Filing a Petition for Specific Use Permit. A petition for a Specific Use Permit may be filed with the planning and zoning 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 and development department of the town. 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 fee, as set forth by resolution shall be required and paid with the Specific Use Permit application before the application will be considered.

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 and zoning commission by mailing written notice to all owners of property within a three hundred (300') radius of the exterior boundary of the subject property, and such additional notice deemed necessary by the planning and zoning 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. An applicant may appeal a decision of denial by the planning and zoning commission to the town board of trustees by providing written notice of its intent to appeal with the town clerk within fifteen (15) days of the date of recommended denial by the planning and zoning commission. The town board of trustees may reverse the recommendation of the planning and zoning commission by a two-thirds vote of the members of the town board of trustees.

E. All ordinances in conflict with this ordinance are hereby repealed.

F. 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.