



# City of Tuttle

A SMALL COMMUNITY, WELL CONNECTED.

## COMMUNITY DEVELOPMENT

### EXPLANATION OF SPECIFIC USE PERMIT PROCESS

This is a quick explanation of the City of Tuttle Specific Use Permit procedures. Please read carefully.

The Community Development staff is available to assist you in determining the existing zoning district and whether or not your proposed use requires a Specific Use Permit. If there is a need to obtain a Specific Use Permit, you will need to submit the required materials and documents to the Community Development Department to begin the process. Depending on the specific use and/or location, additional materials and documents may also be required.

#### **Required Materials and Documents**

- A completed and signed Specific Use Permit Application
- A copy of the current deed to the property if filed prior to 1992 (staff only has electronic access to County Clerk records from about 1992 to today)
- Written property owner consent if the applicant is not the property owner
- A certified property ownership list of property owners that are within 300 feet of the property to be rezoned (this is usually obtained from a local abstract company for a fee). If 10 property owners are not located within a 300-foot radius of the property, then the radius will be increased by increments of 100 feet until 10 property owners are in the radius.
- A legal description of the property where the proposed use will occur (the legal description used by the abstract company will usually work for simple Specific Use Permit cases).
- A check addressed to the City of Tuttle in the amount of \$200.
- A site plan or plot plan of the property, drawn to scale, showing proposed and existing structures, driveways, parking areas, landscaping areas, fences, floodplains, utility lines, and other pertinent topographical features. Depending on the proposed use and location on the property, it may be necessary to include structures and features located on adjacent properties.
- A copy of any covenants on the land, if applicable.
- A written description of the proposed use, including the hours of operation, number of employees, number of guests/patrons, possible delivery times, and other pertinent information needed by the Planning Commission (look at the Criteria of Consideration listed in this document).
- Other documents that may assist the Planning Commission during the review of your request. Depending on the proposed use, this may include sketches, renderings, building plans, a copy of required permits and licenses from other regulating agencies, etc.

#### **Criteria for Consideration**

The Planning Commission is required to consider, at a minimum, the following criteria in reviewing a request for a Specific Use Permit:

1. Whether the proposed use shall be in harmony with the policies of the comprehensive plan.
2. Whether the proposed use shall be in harmony with the general purpose and intent of the applicable zoning district regulations.

3. Whether the proposed use shall not adversely affect the use of neighboring properties.
4. Whether the proposed use shall not generate pedestrian and vehicular traffic that is hazardous or in conflict with the existing and anticipated traffic in the neighborhood.
5. Whether utility, drainage, parking, loading, signs, lighting access and other necessary public facilities to serve the proposed use shall meet the adopted codes of the city.

Depending on the particular use or location, The Tuttle Zoning Code may require the Planning Commission to consider additional criteria. The Planning Commission may also request additional information depending on the specific circumstances unique to each Specific Use Permit request.

### **Approval Process**

After all required materials and documents have been received by the Community Development Department, staff will begin reviewing them. The City of Tuttle is not responsible for the accuracy of submitted documents. Once the submitted application and required documents have been reviewed by staff, they will then assign a PC Petition # and will begin preparing your Specific Use Permit request for processing.

Title 11 of the Oklahoma Statutes primarily controls the process for granting Specific Use Permits. First, a public hearing must be conducted by the Planning Commission. The Planning Commission typically meets on the 1<sup>st</sup> Monday of each month at 6:30 PM. 11 OS (2011) §43-106 requires notice to be mailed to all property owners within 300 feet of the proposed use (the entire property) to be notified by letter at least 20 days prior to a public hearing. For this reason, complete Specific Use Permit applications not received at least 28 days prior to the next Planning Commission will placed on the agenda for the following meeting. 11 OS (2011) §43-104 also requires the public hearing to be published in the newspaper at least 15 days prior to the public hearing.

At the public hearing conducted by the Planning Commission, you will have an opportunity to address the Planning Commission, along with surrounding residents and any other interested party. It is highly recommended that you or someone else who is authorized to speak on your behalf and is knowledgeable about your request and future plans for the property to be present. The Planning Commission may postpone making a decision if they are not comfortable they have all of the information they need to make an informed decision. You and/or your representative MUST be present.

After the public hearing, the Planning Commission will then discuss and deliberate your request in open meeting. They will review and possibly amend the language of a draft resolution detailing the conditions of your requested land use. Afterwards, the Planning Commission will hold a public vote to approve or deny your Specific Use Permit along with the recommended conditions. Occasionally, the Planning Commission will postpone making a decision until the next meeting so more information can be gathered.

When the Planning Commission approves or denies your Specific Use Permit, it will then be forwarded on the City Council for consideration at their next meeting. The City Council meets on the 2<sup>nd</sup> Monday of each month. The City Council is the final decision-making authority regarding Specific Use Permits. At this meeting, they will vote to either approve or deny the Specific Use Permit by resolution. You and/or your representative MUST be present. If they have concerns or want more information, they may also either postpone making a decision or send the Specific Use Permit request back to the Planning Commission for more review.

After the Specific Use Permit has been approved by the City Council, you can then legally operate in accordance with the approved Specific Use Permit Resolution. Any deviation from the resolution will require an amendment to the Specific Use Permit, following these same procedures. Violating the approved Specific Use Permit may result in the issuance of citations, revocation of the Specific Use Permit and/or business permit, and other legal remedies available to the City of Tuttle.

After you receive a Specific Use Permit, you are still required to apply for all required building permits and comply with all applicable building codes, rules, and regulations of the City of Tuttle and other regulating agencies.

### **Additional Criteria for Consideration**

Depending on the use and where the use will be located, the Tuttle Zoning Code may require additional criteria to be examined before issuing a Specific Use Permit.

#### **Industrial Uses in Commercial Districts**

1. *General Nuisances.* All applicable federal, state and municipal standards for any airborne emissions, noise, glare, odor, vibrations, smoke or dust associated with the industrial operation will not cause adverse impacts to adjacent properties.
2. *Compliance with Commercial Development Regulations.* Use of existing structures and the site, along with any new proposed structures and improvements, will comply with all commercial and other applicable development regulations (façade, residential adjacency standards, landscaping, parking, paving, fencing, stormwater, etc.).
3. *Compatibility with Current and Future Development.* The current and/or proposed physical appearance of the structures and site will not detract from the existing and future development in the area creating a harmonious environment in accordance with the Comprehensive Plan and other applicable area plans.
4. *Truck Impact on Existing and Future Traffic.* Truck traffic will not have a negative impact on the safe and efficient flow of traffic.

#### **Transportation-Focused Uses**

1. *General Nuisances.* All applicable federal, state and municipal standards for any airborne emissions, noise, glare, odor, vibrations, smoke or dust associated with the operation will not cause adverse impacts to adjacent properties.
2. *Compliance with Commercial Development Regulations.* Use of existing structures and the site, along with any new proposed structures and improvements, will comply with all commercial and other applicable development regulations (façade, residential adjacency standards, landscaping, parking, paving, fencing, stormwater, etc.).
3. *Compatibility with Current and Future Development.* The current and/or proposed physical appearance of the structures and site will not detract from the existing and future development in the area creating a harmonious environment in accordance with the Comprehensive Plan and other applicable area plans.
4. *Parking.* All parking and isles necessary for the display of automobile and trucks shall be paved meeting all applicable paving, landscaping, stormwater, and residential adjacency regulations.