

ORDINANCE NO. 3543

AN ORDINANCE AMENDING THE MIDWEST CITY MUNICIPAL CODE, APPENDIX A, ZONING REGULATIONS; SECTION 7, DEVELOPMENT REVIEW PROCEDURES; PART 7.6, SPECIAL USE PERMIT; SUBPART 7.6.3, CRITERIA FOR SPECIAL PERMIT APPROVAL; AND PROVIDING FOR REPEALER AND SEVERABILITY.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MIDWEST CITY, OKLAHOMA:

ORDINANCE

**Section 1.** That the Midwest City Municipal Code, Appendix A, Zoning Regulations; Section 7, Development Review Procedures; Part 7.6, Special Use Permit; Subpart 7.6.3, Criteria for Special Permit Approval; is hereby amended to read as follows:

7.6.1. *General Description and Authorization.* The uses listed under the various districts as special use permits are so classified because they more intensely dominate the area in which they are located than do other uses permitted in the district.

(A) *Consideration for compatibility.* With consideration given to setting, physical features, compatibility with surrounding land uses, traffic, and aesthetics, certain uses may locate in an area where they will be compatible with existing or planned land uses.

(B) *Review and approval.* The Planning Commission shall review each case on its own merit, apply the criteria established herein, and recommend either approval or denial of the special use permit to the City Council.

Following the Planning Commission's recommendation, the City Council shall review each case on its own merit, apply the criteria established herein, and, if appropriate, authorize said use by granting a special use permit.

(C) *Use identified by individual zoning district.* If a special use permit is granted it shall be for all the uses permitted in the specified district plus the special use permit requested.

7.6.2. *Application.* Application and public hearing procedures for a special permit shall be completed in the same manner as an application for rezoning. A site plan shall be included with the application as outlined in 7.5 Site Plan (Page 183).

7.6.3. *Criteria for Special Permit Approval.*

(A) *Special use permit criteria.* The City Council shall use the following criteria to evaluate a special 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.

1 (4) Whether the proposed use shall not generate pedestrian and vehicular traffic that is  
2 hazardous or in conflict with the existing and anticipated traffic in the neighborhood.

3 (5) Whether utility, drainage, parking, loading, signs, lighting access and other necessary  
4 public facilities to serve the proposed use shall meet the adopted codes of the city.

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6 (B) *Specific conditions.* The City Council may impose specific conditions on any special use  
7 permit regarding:

8 (1) the duration of the permit,

9 (2) the location, design, operation, and screening to assure safety,

10 (3) to prevent a nuisance, and

11 (4) to control the noxious effects of excessive sound, light, odor, dust or similar  
12 conditions.

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14 7.6.4. *Status of Special Use Permits.* Once a special use permit has been granted for a lot,  
15 said special use permit may not be expanded to another lot without application for a new special  
16 use permit.

17 Provided, however, churches may expand if the property on which said church will be  
18 located is owned, as reflected by official records kept by the Registrar of Deeds for Oklahoma  
19 County, Oklahoma, on or prior to June 22, 1982.

20 7.6.5. *Expiration of Special Use Permits.* All special use permits shall expire by default:

21 (A) *Non-establishment.*

22 (1) If the use is not established within twelve (12) months and no extension is approved.

23 (2) When a building permit has not been issued for construction within twelve (12)  
24 months of City Council approval the applicant or owner may request a hearing for an  
25 extension of the initial special use permit approval.

26 (3) Good cause for an extension shall mean that the owner shows evidence that he has  
27 contractors or applications for continual development within the next year following  
28 the original approval.

29 (B) *Discontinuance.* If the use once established has been discontinued for a period of  
30 twelve (12) months or abandoned.

31 (C) *Lack of substantial compliance.* Whenever the Community Development Director  
32 finds that any proposed construction or occupancy will not, in his opinion,  
33 substantially comply with the special use permit, he shall refer the question to the City  
34 Council for its review.

35 (D) *Amendment.* When the holder of a special use permit determines that an extension of  
36 time or modification of the use is necessary, he may apply for amendment in the same  
37 manner as the original application. The amendment shall be processed in the same  
38 manner as an original application.

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41 **Section 2.** REPEALER. All ordinances or parts of ordinances in conflict herewith are hereby  
42 repealed.

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2 **Section 3.** SEVERABILITY. If any section, sentence, clause, or portion of this ordinance is for  
3 any reason held to be invalid, such decision shall not affect the validity of the remaining provisions  
4 of the ordinance.

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6 PASSED AND APPROVED by the Mayor and the Council of the City of Midwest City,  
7 Oklahoma, this 14 day of November, 2023.



**THE CITY OF MIDWEST CITY, OKLAHOMA**

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MATTHEW D. DUKES, II, Mayor

ATTEST:

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SARA HANCOCK, City Clerk

Approved as to form and legality this 14 day of November, 2023.

DONALD D. MAISCH, City Attorney