

ORDINANCE NO. 557

AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF PIEDMONT, OKLAHOMA, BY ADDING A NEW SECTION 7-4.1 PERTAINING TO SPECIAL PERMIT USES PERMITTED ON REVIEW, ESTABLISHING STANDARDS AND SPECIFICATIONS AND REQUIREMENTS; REQUIRING SPECIAL USE PERMITS FOR APPROVED TREATMENT FACILITY (DRUG AND ALCOHOL); TRANSITIONAL LIVING FACILITY (DRUG AND ALCOHOL); HALFWAY HOUSE (DRUG AND ALCOHOL); INMATE WORK CENTERS AND CAMPS; INMATE HALFWAY HOUSES; INMATE TRANSITIONAL LIVING CENTERS; PRISONS; INMATE PRE-RELEASE CENTERS; CREMATORY; AND TRACKS FOR RACING MOTOR VEHICLES INCLUDING BUT NOT LIMITED TO AUTOMOBILES, TRUCKS, MOTORCYCLES, MOTOR BIKES, SCOOTERS, LAWN MOWERS, GO-CARTS, ALL TERRAIN VEHICLES, AND SIMILAR VEHICLES. BODY PIERCING AND TATOO ESTABLISHMENTS; SALVAGE YARDS, JUNK YARDS, MOTOR VEHICLE RECYCLING CENTERS AND SIMILAR USES; ADULT ENTERTAINMENT BUSINESS, SALES AND PERFORMANCES. PROVIDING FOR REPEALER AND SEVERABILITY; AND DECLARING AN EMERGENCY.

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

Section 1. A new Section 7-4.1 of the Zoning Ordinance of the City of Piedmont is hereby adopted as follows:

7-4.1 SPECIAL PERMIT USES PERMITTED ON REVIEW

(A) *Definitions.* For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning:

ADULT ENTERTAINMENT BUSINESS:

(a) **Adult Book Store** is a person, establishment or business having more than a minimal portion of its stock in trade, such as recordings, books, magazines, periodical films, video tapes/cassettes or other reading or viewing materials for sale or viewing at the premises, materials which are distinguished or characterized by their emphasis on matters depicting, describing or relating to specific or general sexual activities or anatomical areas; or an establishment with a section

devoted to the sale or display or viewing of such materials.

(b) **Adult Motion Picture Theater** is a structure--either indoors or outdoors used for showing, displaying or presenting to patrons therein or thereat materials distinguished and characterized by emphasis on depicting, anatomical areas.

(c) **Adult Motion Picture Arcade** is a place to which the public is permitted or invited, wherein coin or slug-operated or electronically, electrically, mechanically or otherwise controlled still or motion picture machines, projectors or other image-producing devices are maintained to show images to any one person, at any machine, at any time so displayed as to distinguish or characterize by emphasis on depicting or describing specific sexual activities or specific anatomical areas.

(d) **Massage Establishment** is a place of business where any person, firm, association, or corporation engages in, carries on, or permits to be engaged in or carried on, any of the following activities:

Any method of pressure on or friction against or stroking, kneading, rubbing, tapping, pounding, vibrating, or stimulating of the external soft parts of the human body with the hands or with the aid of any mechanical or electrical apparatus or device, with or without supplementary aids such as rubbing alcohol, liniments, antiseptics, oils, powders, creams, lotions, ointments, or others similar preparations. The term "Massage Establishment" shall not apply to hospitals, nursing homes, or medical clinics or to persons possessing a license to practice massage therapy under the laws of the State of Oklahoma.

APPROVED TREATMENT FACILITY, TRANSITIONAL LIVING FACILITY, HALFWAY HOUSE and INPATIENT TREATMENT. Shall have the meaning as defined in 43A O.S. pertaining to the Alcohol and Drug Abuse Services Act.

INMATE WORK CENTERS, INMATE HALFWAY HOUSES and INMATE PRE-RELEASE CENTERS. Shall have the same meanings as used in 57 O.S. or as defined by the Oklahoma Department of Corrections.

TRACKS FOR RACING/RIDING MOTOR VEHICLES. An area used for the recurrent and frequent racing/riding of motor vehicles whether a specially constructed closed track or open track across natural terrain and including both commercial tracks and tracks solely for the use of the owner/lessee/occupier of the land where the track is located.

(B) SPECIAL USES PERMITTED.

(1) The following uses may be authorized only as a special permit use in the industrial zoning districts of the city:

- (a) Approved treatment facility (drug and alcohol);
- (b) Transitional living facility (drug and alcohol);
- (c) Halfway house (drug and alcohol);
- (d) Inmate work centers and camps;
- (e) Inmate halfway houses;
- (f) Inmate transitional living centers;
- (g) Prisons;
- (h) Inmate pre-release centers;
- (i) Crematory; and
- (j) Tracks for racing motor vehicles including but not limited to automobiles, trucks, motorcycles, motor bikes, scooters, lawn mowers, go- carts, all terrain vehicles, and similar vehicles.
- (k) Salvage yards, junk yards, motor vehicle recycling centers and similar uses
- (l) Adult entertainment business, sales and performances.

(1) No person shall cause or permit the establishment of any of the above specific Adult Entertainment Businesses within 1000 feet of any church, school, park, playground, library or day care center.

(2) For the purpose of this Ordinance, measurements shall be made in a straight line, without regard to the intervening structures or objects, from the nearest portion of the building or structure used as a part of the premises for an Adult Entertainment Business to the nearest property line of a church, school, library, day care center or to the nearest boundary of a park or playground.

(C) Procedures, descriptions and criteria.

(1) **General description and authorization.** The uses listed above 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, and because these uses present unique security and safety issues which are not shared by other uses in the district. 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. The Planning Commission and City Council shall review each case on its own merits, apply the criteria established herein, and, if appropriate, authorize said use by granting a special use permit for it.

(2) **Application.** Application and public hearing procedures for a special use 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 the zoning

ordinance.

(3) **Criteria for special permit approval.** The City Council shall use the following criteria to evaluate a special use permit:

(a) Whether the proposed use shall be in harmony with the policies of the comprehensive plan...

(b) Whether the proposed use shall be in harmony with the general purpose and intent of the applicable zoning district regulations;

(c) Whether the proposed use shall adversely affect the use of neighboring property;

(d) Whether the proposed use shall generate pedestrian and vehicular traffic that is hazardous or in conflict with the existing and anticipated traffic in the neighborhood;

(e) Whether the facility presents a health or safety hazard to neighboring properties or the community at large;

(f) Whether the facility is to be located in proximity to residential structures, elementary or secondary public and/or private schools, or other incompatible uses.

(g) 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;

(h) Whether the facility has obtained all necessary permits to operate under the laws of the State of Oklahoma.

(i) The City Council may impose specific conditions regarding location, design, operation, screening, and security to assure safety, to prevent a nuisance, and to control the noxious effects of excessive sound, light, odor, dust or similar conditions.

(4) **Status of special use permits.** Once a special use permit has been granted for a lot, said special use permit may not be expanded to another lot without application for a new special use permit. The special use permit will only authorize the specific use approved by the City Council. No additional use(s) shall be allowed on the premises of the special use except as specifically authorized in the special use permit. For example, a special use permit for an approved treatment facility would not allow a change of use or adding of additional uses such as inmate halfway house. All special use permits shall expire by default:

(a) If the use is not established within 12 months following approval by the City Council and no extension is approved. When a building permit has not been issued for construction within 12 months of City Council approval, the applicant or owner may request a hearing for an extension of the initial special use permit approval. Good cause for an extension shall mean that the owner shows evidence that he has contractors or applications for continual development within the next year following the original approval;

(b) If the use once established has been discontinued for a period of 12 months or abandoned;

(c) Whenever the City Manager finds that any proposed construction

or occupancy will not, in his or her opinion, substantially comply with the special use permit, he or she shall refer the question to the City Council for review.

Section 2. Repealer. All ordinances in conflict herewith are hereby repealed.

Section 3. Severability. If any part, article, section of this ordinance shall be held invalid or unconstitutional for any reason, such holding shall not be construed to impair or invalidate the remainder of said ordinance, notwithstanding such holding.

Section 4. Emergency. It being immediately necessary for the preservation of the public peace, health, safety, and welfare of the City of Piedmont and the inhabitants thereof that this ordinance be put into full force and effect, an emergency is hereby declared to exist by reason whereof this ordinance shall be in full force and effect from and its passage and approval.

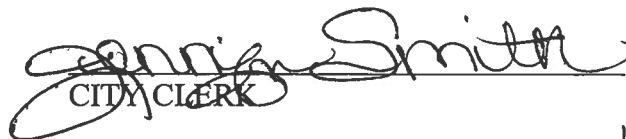
END

The foregoing ordinance was introduced before the Piedmont City Council on the 24th day of May, 2010, and was duly adopted and approved by the Mayor and City Council on the 28th day of June, 2010, after compliance with notice requirements of the Open Meeting Law (25 OSA, Sections 301, et seq.).


ATTEST:



MAYOR


CITY CLERK

Approved as to form and legality on June 28, 2010.


CITY ATTORNEY