

# SPECIAL USE PERMIT PROCEDURE

1. Check with the Community Development Department to verify the present zoning of the property.
2. Submit a written application to the Bethany Planning and Zoning Commission, setting forth the legal description of the property, the street address or approximate location, the names and addresses of the owners thereof. (Application Form attached).
3. The application shall also be accompanied by a list of the names and addresses of the property owners of record within a three hundred (300) foot radius of the exterior boundaries of subject property, current and certified by bonded abstractor, a registered professional engineer, a registered surveyor, or an attorney.
4. A site plan shall be included with the application.
5. The Planning Staff will make sure your application is complete. The fee for public hearing is **\$63.00**. The application fee for a Special Use Permit is **\$875.00** for commercial and **\$344.00** for residential.
6. Return your application, the required accompanying data and the filing fee to the Community Development Department. Once the application has been received and reviewed for completeness, the Community Development Director will schedule your application on the next available Planning & Zoning Commission Agenda.
7. Legal notice of the request will be published in a newspaper of general circulation in the City of Bethany, as required by State Law. At the same time, every property owner within three hundred (300) feet of the exterior boundaries of your property is notified by letter of your request. These owners and any other citizen may protest if they so desire. Should the owners of fifty percent (50%) of the land within the 300 foot notice area protest your request, an affirmative vote of three-fourths of the members of the City Council is required to approve the special use permit request for your property.
8. The Planning Staff will research and analyze your request and prepare a staff report with recommendation, which will be mailed to each member of the Planning and Zoning Commission and to each member of the City Council.

9. At the next scheduled Planning and Zoning Commission meeting, your request will be considered at a public hearing. You will be sent notice of this meeting and you or your representative must be present. The Planning Staff will introduce your request, and you and any interested citizens will have the opportunity to speak to the Commission concerning your request.
10. At the conclusion of this public hearing the Planning Commission, by majority vote, will recommend that the ordinance to accomplish your requested special use permit either be approved or denied. This recommendation will be transmitted to the City Council.
11. When the Planning Commission has acted upon an application for special use permit, an ordinance shall be prepared and introduced before the City Council at a public hearing on the same date as set forth in the notice to property owners provided in the preceding section. The City Council may continue that hearing from time to time, prior to final action thereon.
12. At the public hearing, the City Council will vote either to adopt or reject the proposed special use permit ordinance. You or your representative must be present at this meeting.
13. Both the Planning Commission and the City Council meetings are held in the Council Room (East Wing), Bethany City Hall, 6700 N.W. 36<sup>th</sup> St. The Planning Commission meetings begin at **7:00 P.M.** and the City Council meetings begin at **7:30 P.M.** The average special use permit case takes about 50 days from the time we receive the application until final approval.

**Guidelines for Special Use Permit for Accessory Building's Greater than 240' in Size**

Projects that most closely follow the conditions listed below will have the most success in gaining City Council approval. The City Council will consider each project on a case by case basis.

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. The City Council may also impose specific design requirements for accessory buildings to assure that such buildings are aesthetically compatible with the surrounding neighborhood. For accessory buildings greater than 240 square feet in size the following additional conditions and restrictions shall apply:

1. The height of the Accessory Building measured at its highest point shall not exceed the height of the primary building measured at its highest point;
2. The Accessory Building shall not be used as a dwelling unit;
3. Roof pitch of the Accessory Building should be the same as the predominant roof pitch of the primary structure;
4. An Accessory Building shall not be located on a lot not occupied by a primary building, except on lots larger than two acres in size.
5. If the primary building on a residential lot is destroyed or removed and not rebuilt within a two year period from time of destruction or removal of the primary building then the Accessory Building shall be removed.
6. Accessory Building(s) approved as a special permit use under this section should not exceed in size the greater of 50% of the gross floor area of the primary building or 10% of the total recorded lot area of the lot on which the primary building is located.

**Project Assessment for Accessory Building's Greater than 240' in Size**

	<b><i>Accessory Building</i></b>	<b><i>Primary Building</i></b>
Use		residence
Square footage		
Height		
Roof Pitch		
Roof material		
Exterior wall covering		
<b><i>Total Lot Size</i></b>		

**SPECIAL USE PERMIT APPLICATIONS FOR ACCESSORY BUILDINGS  
SUPPLEMENTAL QUESTIONNAIRE**

1. Have you been advised that an accessory building **cannot** be used for a home-based business? Please circle: YES or NO
  
2. Have you located utility lines at the site? Please circle: YES or NO
  
3. If not, please call OKIE AT 1-800-522-OKIE.
  
4. Will the building have a garage door? Please circle: YES or NO  
If so, what direction will it face?
  
5. Will you be paving a driveway to the building? Please circle: YES or NO  
If yes, please add the driveway location and dimensions to the site plan.
  
6. Will you be installing a privacy fence or any other type of screening?  
Please circle: YES or NO Please describe:
  
7. Will you run electricity to the building? Please circle: YES or NO
  
8. Will the building have plumbing? Please circle: YES or NO
  
9. How tall will the walls of the building be?
  
10. Will the color of the building match the house? Please circle: YES or NO

## **APPLICATION FOR SPECIAL USE PERMIT**

We, the undersigned, being the owners or legal agents for the owners of more than fifty-one percent of the following described property, do hereby make application and petition the City Council to approve the special use permit as hereinafter requested.

Name of Applicant: \_\_\_\_\_ Phone #: \_\_\_\_\_  
\_\_\_\_\_

Address:  
\_\_\_\_\_

Record Property Owner(s): \_\_\_\_\_ Phone #: \_\_\_\_\_  
\_\_\_\_\_

Address:  
\_\_\_\_\_

Address of Property:  
\_\_\_\_\_

Legal Description of Property:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_.

Proposed Special Permit use:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Present use of property:  
\_\_\_\_\_

Size of property (in acres and/or feet):

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The City Council shall use the following criteria to evaluate your special use permit. You are requested to provide a statement after each of the following criteria statements indicating how your request meets each criteria. Use additional pages if necessary.

1. Will the proposed use be in harmony with the policies of the comprehensive plan?

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2. Will the proposed use be in harmony with the general purpose and intent of the applicable Zoning district regulations?

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3. Will the proposed use adversely affect the use of the neighboring property?

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4. Will the proposed use generate pedestrian and vehicular traffic that is hazardous or in conflict with the existing and anticipated traffic in the neighborhood? \_\_\_\_\_

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5. Will the facility present a health or safety hazard to neighboring properties or the community at large?

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6. Will the facility be located in proximity to elementary or secondary public and/or private schools, or other incompatible uses?

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7. Will the utility, drainage, parking, loading, signs, lighting access, and other necessary public facilities to serve the proposed use meet the adopted codes of the City?

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8. Has the facility obtained all necessary permits to operate under the laws of the State of Oklahoma?

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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. (City of Bethany Ordinance - Section 159.044)

The application shall be accompanied by the following:

- a. Filing Fee.
- b. One (1) copy of the legal description of the property sought for Special Use Permit if not described above.
- c. One (1) copy of site plan.
- d. One (1) copy of the deed(s) of the property.
- e. Certified list of names and addresses of all property owners of record within three hundred (300) feet of the exterior boundaries of subject property.

In order that your application can be heard at the next Planning Commission meeting, the completed application, accompanying information, and filing fees must be submitted before 12:00 noon the day of the deadline.

Signature  
of Applicant: \_\_\_\_\_ Phone #: \_\_\_\_\_ Date:

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Signature  
of Property Owner: \_\_\_\_\_ Phone #: \_\_\_\_\_ Date:

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