



## ORDINANCE NO 1377

### **AN ORDINANCE AMENDING CHAPTER 13 OF THE ZONING CODE AS ADOPTED IN TITLE 17 – ZONING, ADDING SPACING REQUIREMENTS TO USE UNIT CATEGORIES (2, 13, & 25), REPLACING ALL PRIOR CONFLICTING ORDINANCES, AND APPROVING AN EMERGENCY CLAUSE**

WHEREAS, effective November 1, 2003, the Legislature of the State of Oklahoma approved Title 11, Section 43-113 of the Oklahoma Statutes, allowing municipalities the authority to regulate land use by the issuance of "Specific Use Permits," and established guidelines for the issuance of said permits;

WHEREAS, the Specific Use Permit statutes allow a determination of whether certain uses have a detrimental impact on the community as a whole. The elected officials of the City of Sand Springs determine that based on the impact of the uses regulated herein, spacing requirements are essential to maintaining the community welfare, as said uses can intensely dominate an area. The regulation of density, as established by these spacing requirements, is essential to allowing the use, and is established to provide clear guidance for any requested permit.

WHEREAS, the City of Sand Springs incorporated the state statute into the City's Code of Ordinances at Ordinance No. 1067, and thereafter approved an updated Zoning Code with Ordinance No. 1067 incorporated into the Zoning Code as Chapter 25;

WHEREAS, Title 11 of Oklahoma Statutes provides for a municipal governing body to create, amend or change Building and Zoning Regulations for the purpose of promoting health, safety, morals, or the general welfare of the community

WHEREAS, the Planning Commission has reviewed proposed changes to the zoning code, regarding Chapter 13, and has recommended approval;

THEREFORE, be it ordained by the City Council of the City of Sand Springs that the Zoning Code of the City of Sand Springs is hereby amended as follows:

Section 1: The Zoning Code is hereby amended, at Chapter 13, to add the following uses to designated use unit categories:

#### **SECTION 13.02. USE UNIT 2. AREA-WIDE SPECIAL EXCEPTION USES\***

##### **C. Use Conditions**

##### **3. Spacing Requirement:**

- a. To avoid clustering, detention/correctional facilities, emergency and protective shelters, homeless centers, residential treatment centers and transitional living centers shall not be located on a lot within 1/4 mile (1,320 feet) from any other lot containing such facilities. The City Council, however, may upon

approval of a Specific Use Permit, permit the clustering of such uses if it is determined by the City Council that the location of such uses will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

- b. An SUP for a Marijuana Growing Facility will not be granted to any applicant where the proposed location would be located within 1,000 feet of any public/private school or preschool. The distance specified shall be measured in accordance with approved OMMA procedures and practices for spacing verification.
- c. An SUP for a Marijuana Growing Facility will not be granted to any applicant where the proposed location would be located within 1,000 feet from any other Marijuana Growing Facility. The distance specified shall be measured from any entrance of a current facility to the nearest leased or owned medical Marijuana Growing Facility public entrance.
- d. An SUP for a Marijuana Growing Facility will not be granted to any applicant where the proposed location is not allowed by the Sand Springs zoning ordinance.
- e. Spacing Requirements as mentioned in Section 13.02.C.3.b and 13.02.C.3.c are implemented as a result of a finding by the elected officials that minimum distances between these uses is necessary, and that allowing uses within the distances established would be detrimental to the community as a whole, and shall not be subject to review by an application to the Board of Adjustment by Variance.

## **SECTION 13.13. USE UNIT 13. CONVENIENCE GOODS AND SERVICES**

### **C. Use Conditions**

#### **3. Spacing Requirement:**

- a. An SUP for a Medical Marijuana Retailer will not be granted to any applicant where the proposed location would be located within 1,000 feet of any public/private school or preschool. The distance specified shall be measured in accordance with approved OMMA procedures and practices for spacing verification.
- b. An SUP for a Medical Marijuana Retailer will not be granted to any applicant where the proposed location would be located within 1,000 feet from any other Marijuana Retailer. The distance specified shall be measured from any entrance of a current facility to the nearest leased or owned Medical Marijuana Retail facility public entrance.
- c. An SUP for a Medical Marijuana Retailer will not be granted to any applicant where the proposed location is not allowed by the Sand Springs zoning ordinance.
- d. Spacing Requirements as mentioned in Section 13.13.C.3.a and 13.13.C.3.b are implemented as a result of a finding by the elected officials that minimum distances between these uses is necessary, and that allowing uses within the distances established would be detrimental to the community as a whole, and shall not be subject to review by an application to the Board of Adjustment by Variance.

## SECTION 13.25. USE UNIT 25. LIGHT MANUFACTURING AND INDUSTRY

### C. Use Conditions

#### 4. Spacing Requirement:

- a. An SUP for a Marijuana Processing Facility will not be granted to any applicant where the proposed location would be located within 1,000 feet of any public/private school or preschool. The distance specified shall be measured in accordance with approved OMMA procedures and practices for spacing verification.
- b. An SUP for a Marijuana Processing Facility will not be granted to any applicant where the proposed location would be located within 1,000 feet from any other Marijuana Processing Facility. The distance specified shall be measured from any entrance of a current facility to the nearest leased or owned Marijuana Processing Facility public entrance.
- c. An SUP for a Marijuana Processing Facility will not be granted to any applicant where the proposed location is not allowed by the Sand Springs zoning ordinance.
- d. Spacing Requirements as mentioned in Section 13.25.C.4.a and 13.25.C.4.b are implemented as a result of a finding by the elected officials that minimum distances between these uses is necessary, and that allowing uses within the distances established would be detrimental to the community as a whole, and shall not be subject to review by an application to the Board of Adjustment by Variance.

Section 2: All ordinances in conflict with this ordinance are hereby repealed. Staff is directed to make those changes necessary within the Zoning Code necessary to implement this ordinance change. If any provision of this ordinance or the application thereof, to any person or circumstance, is held invalid by a court of competent jurisdiction, the invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application, and to this end, the provisions of this ordinance are severable.

Section 3: By reason of the timely need for adoption to protect the public's health, safety and welfare, an emergency is hereby declared to exist for which the ordinance shall become effective upon publication as provided by law.

Approved the 27th day of September, 2021, with a separate vote on the emergency clause.

CITY OF SAND SPRINGS, OKLAHOMA



James O. Spoon, Mayor

ATTEST:

Janice L. Almy  
Janice Almy, City Clerk



APPROVED AS TO FORM:

David L. Weatherford  
David L. Weatherford, City Attorney

City of Sand Springs  
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