

ORDINANCE NO. XXXX

An ordinance amending Section 3.1.F (Table 3.1-1) Table of Allowed Uses, Section 3.2.C, Commercial Uses, Section 3.3.D, Additional Standards for Specific Accessory Uses, Section 5.4.D (Table 5.4.1), Off-Street Parking Schedule A, and Section 10.3.D.11a, Definitions of the City of Broken Arrow Zoning Ordinance; repealing all ordinances or parts of ordinances in conflict herewith; and declaring an emergency.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF BROKEN ARROW:

SECTION I. Section 3.1.F (Table 3.1-1), Table of Allowed Uses, of the Broken Arrow Zoning Code (No. 2931) is hereby amended to read as follows:

F. Table of Allowed Uses

[illegible]

TABLE 3.1-1 TABLE OF ALLOWED USES

P= Permitted; S=Specific Use

USE CATEGORY					USE TYPE	AG	RESIDENTIAL							DROD AREAS***							MIXED USE				COMMERCIAL/ OFFICE				IND'L		SPECIFIC USE PERMIT STANDARDS		
							RS1 / R1 RS2 / R2 RS3 / R3/RS4	R D	R M	R M H	1	2	3	4	5	6	7	N M	C M	D M	D F	O N	C N	C G	C H	I L	I H						
Group Living					Boarding, dormitory, and rooming house					P																							
					Group home	P	P	P	P	P	P	P	P	P																			
					Convalescent home, nursing home, or assisted living facility	S	S	S	P	P		S	S	S	S	P	P	P	P	P	P	P	P								3.2.A.2.		
							PUBLIC/INSTITUTIONAL USES																										
Community Service					Cemetery	S																							3.2.B.3.				
					Crematorium, without funeral parlor or public area	S																							P	P	3.2.B.4.		
					Government administration and civic buildings	S	S	S	S	S	S	S	S	S	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P			
					Municipal or community recreation center	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	S								
					Places of assembly	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	P	S	S	S							3.2.B.6.		
					Public safety facility	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P			
Cultural Facility					Art gallery or museum, public	S	S	S	S		S	S	S	S	P	P	P	P		P	P	P					3.2.B.2.						
					Library, public	S	S	S	S	S		S	S	S	S	P	P	P	P	P	P	P	P							3.2.B.5.			

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		A1		RS1 / R1 RS2 / R2 RS3 / R3/RS4	R D	R M	R M H	1	2	3	4	5	6	7	N M	C M	D M	D F	O N	C N	C G	C H	I L	I H	
Child Care Facility	Child care center	S	S	S	S	S	S	S	S	S	S	S	S	S			S	S	P	P	S				
	Day care center / nursery school	S	S	S	S	S	S	S	S	S	S	S	S	S			S	S	P	P	S				
	Home day care	P	P	P	P	P	P	P	P	P	P														
Education	College or university	S	S													S	S	S		S	P	P			3.2.B.7.
	Elementary	S	S	S	S	S	S	S	S	S	S	P	P	P	P	P	P	P							3.2.B.7.
	Middle school or high school	S	S	S	S	S	S	S	S	S	S	P	P	P	P	P	P	P							3.2.B.7.
	Trade school	S	S	S	S	S	S	S	S	S	S	P	P	P	P	P	P	P	S	S	P	P	P		3.2.B.7
Health Care Facility	Medical office or clinic											P	P	P	P	P	P	P	P	P	P	P			
	Hospital	S	S	S	S	S	S										S				P	P			
Parks and Open Space	Arboretum or botanical garden	P	S	S																					3.2.B.1.
	Campground	S																							
	Community playfields and parks	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Telecom- munication Facility	Tower (including any facility with tower)			S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	P	P	P	P	5.9
	Broadcasting or recording studio, (no tower)											P	P	P	P	P	P	P	P	P	P	P	P	P	
	Transmitting station (no tower)																		P	P	P	P	P	P	
Transportation Facility	Airport	S																				S	S	S	
	Bus and passenger train											S	S	P		P	S	S	S	P	P	P	P		

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		A1	RE	RS1 / R1 RS2 / R2 RS3 / R3/RS4	R D	R M	R M H	1	2	3	4	5	6	7	N M	C M	D M	D F	O N	C N	C G	C H	I L	I H	
Office	Office, business or professional												P	P	P	P	P	P	P	P	P	P			
	Research laboratory																				P	P			
Recreation and Entertainment, Outdoor	General outdoor recreation	S																			P	S		3.2.C.4.	
	Golf course or driving range, unlighted	P	P	P	P	P	P																	3.2.C.4.	
	Golf course or driving range, lighted	S																			P			3.2.C.4	
	Major entertainment facility	S																			P	S		3.2.C.4	
	Race track (auto, dog, or horse)	S																			S			3.2.C.4	
	RV campground/ park																				S			3.2.C.3.	
	Shooting range	S																						3.2.C.4	
	Zoo	S																						3.2.C.4	
	Recreation And Entertainment Indoor	Art gallery or museum, private												P	P	P		P	P	P	P	P			
Fitness and recreational sports center		S											P	P	P	S	P	P	P	S	S	P	S		
General indoor recreation													S	S	P		P	S			P	P	S		
Major entertainment facility													S	S	S			S	S		S	P	P		
Movie theatre													S	S	P		P	S	S			P	P		

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		A1	RE	RS1 / R1 RS2 / R2 RS3 / R3/RS4	R D	R M	R M H	1	2	3	4	5	6	7	N M	C M	D M	D F	O N	C N	C G	C H	I L		I H	
Personal Services	Dry cleaning and laundry service													P		P					P	P	P			
	Funeral services													P		P				P	P	P				
	General personal services												P	P	P	P	P		P	P	P					
	Instructional services												P	P	P		P		S	P	P	P				
Retail (Sales)	Alcoholic beverages, retail sale													P	P		P			P	P	P				
	Convenience store with gas sales														P					P	P	P				
	Horticulture nursery sales	S																			P	P				
	Open-air market or flea market													S	S		S			S	S					
	Retail, general												P	P	P	P	P		P	P	P					
	Retail, large																				P	P				
	Sexually oriented business																					P				
Vehicles and Equipment	Boat and/or RV storage																				S	P	P			
	Car wash																					P	P			
	Gasoline sales														P						P	P	P			
	Parking structure													P	P	P	P				P	P	P	P		
	Vehicle sales and rental																					S			3.2.C.5.	
	Vehicle service and repair, major																						P	P		
	Vehicle service and repair, minor															P					P	P	P	P		

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		A1	RE	RS1 / R1 RS2 / R2 RS3 / R3/RS4	R D	R M	R M H	1	2	3	4	5	6	7	N M	C M	D M	D F	O N	C N	C G	C H	I L	I H
Waste and Salvage	Auto salvage yard																						S	3.2.D.4.
	Scrap operations																						S	
	Recycling center (outdoor or indoor)																				S	P	P	
	Solid waste disposal	S																					S	3.2.D.2.

*Ordinance No. 3436, Adopted 06-06-2016

**Ordinance No. 3465, Adopted 12-20-2016

***Ordinance No. 3506, Adopted 01-02-2018

SECTION II. Section 3.2.C, Commercial Uses, of the Broken Arrow Zoning Code (No. 2931) is hereby amended to read as follows:

C. Commercial Uses

1. Animal Hospitals, Animal Training School, Kennel, and Veterinary Clinic

All such uses shall have their principal entrance and exit on an arterial street and if serving large animals shall be located on land no less than five (5) acres.

2. Micro Food and Beverage Production

Applications for micro food and beverage production shall provide information regarding building square footage, site development, hours of operation, odor expectations, truck deliveries and pick ups, production quantities, distribution expectations, and number of employee projections. **(Ord. No. 3436, Adopted 06-06-2016)**

3. Recreational Vehicle Campground/Park

Applications for recreational vehicle campgrounds/parks shall comply with and show the method of complying with the following standards:

a. *No trailer, RV, or other similar vehicle shall be allowed for more than fourteen (14) days.*

b. No trailer, RV, or other similar vehicle will be parked for sale or display.

c. Only hard-surfaced roads shall be used throughout the grounds

d. Each campground shall provide facilities for the appropriate disposal of waste water, trash, and related items.

e. The following items shall be graphically shown on the application:

i. All RV pad locations.

ii. Pathways,

iii. Provisions for utility hookups.

iv. Parking facilities.

v. Restroom facilities

vi. Water/wastewater treatment facilities.

vii. Dumpster locations and provisions for other trash receptacles.

viii. Playground facilities.

ix. Compliance with ADA guidelines.

x. Landscaping.

xi. Lighting.

xii. Signage.

xiii. Storm water detention.

4. Recreation and Entertainment, Outdoor

All uses of this type requiring a specific use permit shall abut an arterial or collector street.

5. Vehicle Sales and Rental

Applications for vehicle sales and rental shall comply with the following standards:

- a. ***The minimum lot size shall be 2.5 acres, and the site shall have a minimum of 200 feet street frontage.***
- b. Landscaping shall meet or be upgraded to meet the landscape requirements of Section 5.2. Particular attention shall be given to installing landscape material that does not attract birds. No parking of vehicles shall be allowed within landscape areas.
- c. Such uses shall be located a minimum of 200 feet from any residential district, school, hospital, park, government office, or place of public assembly.
- d. No outdoor speakers shall be allowed within 500 feet of a residential area.
- e. Colored metal or wrought iron gates designed to enhance the appearance of the facility are encouraged. The use of chain link or barbed wire within 200 feet of a public street right-of-way is prohibited.
- f. Vehicle sales and rental are discouraged in multi-tenant commercial areas.
- g. The exterior of all buildings shall meet the requirements of Section 5.8.G.

6. Visitor Accommodations

Applications for Bed & Breakfast and other such transient lodging (excluding hotels or motels) shall comply with the following standards:

- a. **Type 1:** permitted in AG/A-1, RE, RS-1, R1, RS-2, R-2, RS-3, R-3, or RS-4 Zoning Districts and permitted in in the Downtown Residential Overlay District in Areas 1,2,3,4, and 5.
 - i. The owner shall reside on premise within the primary structure.
 - ii. Up to two individuals or (One (1) Family) persons are permissible to stay up to thirty (30) days.
 - iii. No more than two guest bedrooms and must be located within the primary residential structure.
 - iv. No individual cooking facilities may be installed in any guest room.
 - v. Meal service is limited to residential guests only. Sale of food and beverage to other than overnight guests is strictly prohibited.
 - vi. Parking: See Table 5.4.1
 - vii. Any proposed additions must be compatible with the architectural style and building materials for the dwelling and compliant with city codes.
 - viii. No lighting or signage may be installed for the business.

ix. A permit shall be required each year of operation.

b. Type 2: permitted by specific use permit in A-1, RE, RS-1, R-1, RD, and RM Zoning Districts and by specific use permit in the Downtown Residential Overlay District in Areas 1, 2, 3, 4 and 5. It is permitted in the Downtown Residential Overlay District in Areas 6.

- i. Allows three to six individuals or up to Two (2) Families are permissible to stay up to thirty (30) days.
- ii. One guest room may be permitted for each 3,000 feet of lot area, up to a maximum of four guest rooms.
- iii. No individual cooking facilities may be installed in any guest room.
- iv. Meal service is limited to residential guests only. Sale of food and beverage to other than overnight guests is strictly prohibited.
- v. Parking: See Table 5.4.1
- vi. Any proposed additions must be compatible with the architectural style and building materials for the dwelling and compliant with city codes.
- vii. No lighting or signage may be installed for the business.
- viii. A permit is required each year of operation.

c. Type 3: permitted by specific use permit in NM, CM, and DF Zoning Districts and permitted in AG / A-1, DM, CG, and CH zoning districts. It is permitted in the Downtown Residential Overlay District in Areas 6.

- i. Up to eight (8) sleeping rooms.
- ii. Persons are permissible to stay up to thirty (30) days.
- iii. No individual cooking facilities may be installed in any guest room.
- iv. Parking: See Table 5.4.1
- v. Must collect hotel/motel tax and remit to the City of Broken Arrow.

SECTION III. Section 3.3.D, Additional Standards for Specific Accessory Uses and Structures, of the Broken Arrow Zoning Code (No. 2931) is hereby amended to read as follows:

D. Additional Standards for Specific Accessory Uses and Structures

1. Home Occupations

A home occupation may be permitted as an accessory use to a principal dwelling unit in any of the residential districts, provided that:

a. *Size/Area*

The business or service is located within the dwelling or an associated accessory building, and does not exceed twenty percent (20%) of the combined floor area of the structures or five hundred square feet (500 sq.ft.), whichever is less.

b. *Employees and Residency*

The principal person or persons providing the business or service shall reside in the dwelling on the premises. The home occupation shall employ no more than one (1) person who does not reside on the premises.

c. *Neighborhood Compatibility*

- i. All vehicles used in connection with the home occupation shall be of a size, and located on the premises in such a manner, so as to not disrupt the quiet nature and visual quality of the neighborhood, and there shall be no more than two (2) vehicles per home occupation.
- ii. There shall be sufficient off-street parking for patrons of the home occupation, with the number of off-street parking spaces required for the home occupation to be provided and maintained in addition to the space or spaces required for the dwelling itself pursuant to Section 5.5, *Off-Street Parking and Loading*.
- iii. No additional parking areas other than driveways shall be located in the required front setback.
- iv. There shall be no advertising devices on the property, or other signs of the home occupation, which are visible from outside the dwelling or accessory building.
- v. The property shall contain no outdoor display or storage of goods or services that are associated with the home occupation.
- vi. Wholesale or retail sales of goods shall not occur on the premises.
- vii. The home occupation shall not create traffic or parking congestion, noise, vibration, odor, glare, fumes, or electrical or communications interference that can be detected by the normal senses off the premises, including visual or audible interference with radio or television reception.

d. *Prohibited Home Occupations*

The following uses, because of their impacts on the surrounding residential area, shall not be permitted as home occupations: auto repair or motorized implement repair; dance, music or other types of instruction (if more than four students are being instructed at one time); dental offices; medical offices; the painting of vehicles, trailers or boats; private schools with organized classes; motor vehicle towing operation; barber shops having more than one chair, beauty shops having more than one chair; welding shops; and nursing homes.; ~~bed and breakfast and other such transient lodging.~~

SECTION IV. Section 5.4.D (Table 5.4.1), Off-Street Parking Schedule A, of the Broken Arrow Zoning Code (No. 2931) is hereby amended to read as follows:

TABLE 5.4.1: OFF-STREET PARKING SCHEDULE A

Use Category	Use Type	Minimum Parking Spaces Required
RESIDENTIAL USES		
Household Living	Dwelling, duplex	2 per unit
	Dwelling, multi-family	2 per unit
	Dwelling, single-family attached	2 per unit
	Dwelling, single-family detached	2 per unit
	Dwelling, mobile home	2 per unit
	Dwelling, zero lot line	2 per unit
	Mobile home park	2 per unit (include visitor parking – 2 spaces per 3 mobile homes)
	Mobile home subdivision	2 per unit (include visitor parking – 2 spaces per 3 mobile homes)
Group Living	Boarding, dormitory, and rooming house	1 per bed
	Group home	1 per 2 beds, plus 1 per 100 square feet of assembly area
	Convalescent home, nursing home, or assisted living facility	1 per 2 beds/rooms (whichever is greater), plus 1 space per 2 employees on largest shift
PUBLIC/INSTITUTIONAL USES		
Community Service	Cemetery	See Schedule C
	Crematorium, without funeral parlor or public area	1 space per 400 square feet of office area
	Government administration and civic buildings	1 per 300 square feet
	Municipal or community recreation center	1 per 300 square feet
	Place of assembly	1 per 4 seats in meeting area or 1 per 100 square feet in meeting area without seats
	Public safety facility	1 per 300 square feet
	Public safety facility	1 per 300 square feet
Cultural Facility	Art gallery or museum, public	1 per 400 square feet
	Library, public	1 per 300 square feet
Child Care Facility	Child care center	1 per 400 square feet plus 1 additional space for pick-up and delivery of children
	Day care center / nursery school	1 per 400 square feet plus 1 additional space for pick-up and delivery of children
	Home day care	2 per dwelling unit plus 1 space for day care patrons
Education	College or university	1 per 400 square feet
	Elementary school	1 per 800 square feet
	Middle school or high school	1 per 400 square feet
	Trade school	1 per each 2 students, based on design capacity
Health Care Facility	Medical office or clinic	1 per 250 square feet
	Hospital	1 per 2 beds plus 1 space per 300 square feet of office area
	Hospital	1 per 2 beds plus 1 space per 300 square feet of office area
Parks and Open Space	Arboretum or botanical garden	1 per 300 square feet
	Campground	1 per tent site plus 1 per employee on largest shift
	Community playfields and parks	See Schedule C
Telecommunication Facility	Tower (including any facility with tower)	No parking requirement
	Broadcasting or recording studio (no tower)	1 per 300 square feet
	Transmitting station (no tower)	1 per 200 square feet
	Transmitting station (no tower)	1 per 200 square feet
Transportation Facility	Airport	See Schedule C
	Bus and passenger train terminal	See Schedule C
	Heliport	See Schedule C
Utility	Utility facility, major	See Schedule C
	Utility facility, minor	See Schedule C

TABLE 5.4.1: OFF-STREET PARKING SCHEDULE A

Use Category	Use Type	Minimum Parking Spaces Required
COMMERCIAL USES		
Agriculture	Agriculture	See Schedule C
Animal Sales and Services	Animal pet shop, retail	1 per 300 square feet
	Animal training school	See Schedule C
	Kennel	1 per 200 square feet
	Veterinary clinic/animal hospital	1 per 200 square feet
	Veterinary clinic, large animal	1 per 200 square feet
Financial Service	Financial institution, with drive-thru	1 per 300 square feet, plus stacking spaces per Section 5.4.E. (Ord No. 3057, adopted 10-06-09)
	Financial institution, without drive-thru	1 per 300 square feet
Food and Beverage Service	Bar/Nightclub	1 per 100 square feet (including outdoor serving/seating areas)
	Catering service	1 per 300 square feet
	Fruit and vegetable market	1 per 300 square feet
	Restaurant, drive-in	1 per 100 square feet (including outdoor serving/seating areas)
	Restaurant, without drive-thru	1 per 100 square feet (including outdoor serving/seating areas)
	Restaurant, with drive-thru	1 per 100 square feet (including outdoor serving/seating areas) plus stacking requirements per Section 5.4.E (Ord No. 3057, adopted 10-06-09)
	Micro food and beverage production	See Schedule B
Office	Office, business or professional	1 per 300 square feet
	Research laboratory	1 per 500 square feet
Recreation and Entertainment, Outdoor	General outdoor recreation	See Schedule C
	Golf course or driving range, unlighted or lighted	Golf course: 6 per hole Driving range: 1.5 spaces per tee Buildings: Additional 1 per 400 square feet
	Major entertainment facility	1 per each four seats provided in the main seating area(s)
	Race track (auto, dog, or horse)	1 per each four seats provided in the main seating area(s)
	RV campground/park	See Schedule C
	Shooting range	1 per bay
	Zoo	See Schedule C
Recreation And Entertainment Indoor	Art gallery or museum, private	1 per 400 square feet
	Fitness and recreational sports center	1 per 250 square feet
	General indoor recreation,	1 per 250 square feet
	Major entertainment facility	See Schedule C
	Movie theatre	1 per each 4 seats provided
Retail (Personal Service)	Dry cleaning and laundry service	1 per 300 square feet
	Funeral services	1 per 4 seats of main assembly room
	General personal services	Under 2,000 square feet (gross floor area): 1 per 250 square feet
		2,000 square feet or more (gross floor area): 1 per 300 square feet
	Instructional services	See Schedule C
Retail (Sales)	Alcoholic beverages, retail sale	1 per 300 square feet
	Convenience store with gas sales	1 per dispensing station plus 1 space per 200 square feet of retail space
	Horticulture nursery sales	1 per 300 square feet
	Open-air market or flea market	See Schedule B
	Retail, general	1 per 300 square feet
	Retail, large	1 space per 300 square feet
	Sexually oriented business	Bar, restaurant, or entertainment space: 1 space per 100 square feet; Retail sales/rental space: 1 space per 300 square feet

TABLE 5.4.1: OFF-STREET PARKING SCHEDULE A		
Use Category	Use Type	Minimum Parking Spaces Required
Vehicles and Equipment	Boat and/or RV storage	1 per 50 vehicles stored
	Car wash	1 per 500 square feet of building area
	Gasoline sales	1 per dispensing station plus 1 space per 200 square feet of retail space
	Parking structure	No requirement
	Vehicle sales and rental	1 per 400 square feet of office sales area, plus 1 space per 1,000 square feet outdoor display area
	Vehicle service and repair, major	1 per 400 square feet
	Vehicle service and repair, minor	1 per 400 square feet
Visitor Accommodation	Bed and breakfast Type 1	One parking space shall be provided for the owner-operator, plus one space for each room (calculation can include garage parking space)
	Bed and breakfast Type 2	One parking space shall be provided for the owner-operator, plus one space for each room (calculation can include garage parking space)
	Bed and breakfast Type 3	One parking space shall be provided for the owner-operator, plus one space for each room (calculation can include garage parking space)
	Hotel or motel	1 per room, plus 1 space per employee on largest shift, plus 1 space per 300 square feet of meeting or restaurant and bar area
INDUSTRIAL USES		
Industrial Service	Fossil fuel storage	1 per employee on largest shift
	General industrial service	See Schedule C
Manufacturing and Production	Assembly, light	1 per 1,500 square feet
	Manufacturing, light	1 per 1,500 square feet
	Manufacturing, heavy	1 per 1,500 square feet
Mining and Processing	Minerals and raw materials	See Schedule C
	Oil and gas	See Schedule C
Warehouse and Freight Movement	Mini-storage	1 per 3,000 square feet
	Motor freight terminal	See Schedule B
	Office warehouse	See Schedule B
	Storage yard	See Schedule B
	Warehouse	See Schedule B
	Wholesale establishment	See Schedule B
Waste and Salvage	Auto Salvage Yard	See Schedule C
	Scrap Operations	See Schedule C
	Recycling center (outdoor or indoor)	See Schedule C
	Solid waste disposal	See Schedule C

SECTION V. Section 10.3.D.11.a, Definitions, of the Broken Arrow Zoning Code (No. 2931) is hereby amended to read as follows:

11. Visitor Accommodation

For-profit facilities where lodging is provided to transient visitors and guests for a defined period. Specific use types include, but are not limited to:

a. Bed and Breakfast:

Type 1: One building containing in the aggregate no more than two (2) sleeping rooms that are occupied or intended or designed to be occupied as the temporary abiding place of person who are lodged within or without meals, for compensation per Section 3.2.C requirements.

Type 2: One building containing in the aggregate no more than four (4) sleeping rooms that are occupied or intended or designed to be occupied as the temporary abiding place of person who are lodged within or without meals, for compensation per Section 3.2.C requirements.

Type 3: One or more buildings containing in the aggregate no more than eight (8) sleeping rooms that are occupied or intended or designed to be occupied as the temporary abiding place of persons who are lodged with or without meals, for compensation per Section 3.2.C requirements.

SECTION VI. Any ordinance or parts of ordinances found to be in conflict herewith are hereby repealed.

SECTION VII. An emergency exists for the preservation of the public health, peace, and safety, and therefore this ordinance shall become effective from and after the time of its passage and approval.

PASSED AND APPROVED and the emergency clause ruled upon separately this ____th day of _____, 2019.

MAYOR

ATTEST:

(Seal) CITY CLERK

APPROVED:

CITY ATTORNEY