

## ORDINANCE NO. 3906

### AN ORDINANCE AMENDING CHAPTER 3.5, AIRPORTS, HELIPORTS, TAKEOFFS, AND LANDINGS OF THE BROKEN ARROW CODE OF ORDINANCES PROVIDING FOR SPECIAL USE PERMITS FOR COMMERCIAL AIR TOUR OPERATIONS; AMENDING SECTION 3.5-2.1; PROVIDING FOR SEVERABILITY; REPEALING CONFLICTING ORDINANCES; AND DECLARING AN EMERGENCY

**SECTION I.** Section 3.5-2.1 is hereby amended to read as follows:

#### **Sec. 3.5-2.1. Special use permit for commercial air tour operations.**

- (a) Purpose. The special use permit is established to allow limited commercial air tour operations within the city limits, subject to conditions that minimize impacts on surrounding properties and ensure compatibility with community standards.
- (b) Eligibility. A special use permit may be issued only to a property owner of land within the city limits of Broken Arrow who seeks to authorize commercial air tour operations on their property. The permit shall not be issued to non-property owners or operators directly.
- (c) Application Requirements. An application for a special use permit shall be submitted to the ~~city clerk~~ **Director of Community Development** and include:
  - (1) The name, address, and contact information of the property owner;
  - (2) A detailed description of the proposed landing site, including a site plan showing the landing zone and its distance from adjacent property lines;
  - (3) The proposed hours of operation, which shall be limited to between 10:00 a.m. and 6:00 p.m. unless otherwise approved by the city;
  - (4) The anticipated number of takeoffs and landings during the permit period;
  - (5) The specific date(s) for which the permit is requested, not to exceed a single calendar day per permit;
  - (6) Evidence that the landing zone is at least 300 feet from the property line of any adjacent land not owned by the applicant;
  - (7) A noise mitigation plan to minimize disturbance to surrounding properties; and
  - (8) Any additional information required by the ~~city clerk~~ **Director of Community Development**.
- (d) Notice and Posting. The applicant shall:
  - (1) Post a sign on the proposed landing site at least ten days prior to the issuance of the permit, with dimensions and lettering comparable to signs used in zoning applications within Broken Arrow, indicating the proposed use, date(s), and hours of operation;
  - (2) Provide written notice to all property owners within 300 feet of the landing site at least ten days prior to the issuance of the permit, including the same information as the posted sign.

(e) Review and Issuance.

- (1) The ~~city clerk~~ **Director of Community Development**, or their designee, shall review the application for completeness and compliance with this section.
- (2) The ~~city clerk~~ **Director of Community Development** may refer the application to the special events committee for a recommendation.
- (3) The ~~city clerk~~ **Director of Community Development** shall issue the permit if all requirements are met, subject to any additional conditions deemed necessary to protect public health, safety, and welfare.
- (4) The permit shall specify the authorized location, date(s), hours of operation, and any additional conditions.

(f) Operational Restrictions.

- (1) Operations under a special use permit shall be limited to the hours of 10:00 a.m. to 6:00 p.m., unless otherwise specified in the permit.
- (2) The landing zone shall remain at least 300 feet from the property line of any adjacent land not owned by the permit holder.
- (3) The permit holder and operator shall comply with all applicable federal, state, and local laws, including Federal Aviation Administration regulations.
- (4) The city may revoke the permit for noncompliance with its terms or if operations pose a threat to public safety or welfare.

(g) Permit Limitations.

- (1) A special use permit shall be valid only for the specific date(s) and location specified.
- (2) No property owner may be issued more than six special use permits in any semiannual period unless approved by the city council.

**SECTION II.** Severability.

If any section, subsection, sentence, clause, or phrase of this ordinance is for any reason held to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance.

**SECTION III.** Repealed.

All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict.

**SECTION IV.** Effective Date.

This ordinance shall take effect immediately upon its passage and publication as required by law.

**PASSED AND APPROVED** by the City Council of the City of Broken Arrow, Oklahoma, this \_\_\_\_\_ day of \_\_\_\_\_, 2026.

ATTEST:

\_\_\_\_\_  
MAYOR

\_\_\_\_\_  
(Seal) CITY CLERK

APPROVED:

\_\_\_\_\_  
CITY ATTORNEY