

ORDINANCE NO. XXXX

An ordinance amending Section 3.1.E (Uses Permitted in a Planned Unit Development); Section 3.1.F (Table 3.1-1) Table of Allowed Uses; Section 5.7.C General Sign Standards in All Nonresidential Zoning Districts; Section 10.1 General Rules of Construction; and Section 10.3 Definitions of General Use Categories and Specific Use Types. of the Broken Arrow Zoning Ordinance (No. 2931); 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.E Uses Permitted in a Planned Unit Development, of the Broken Arrow Zoning Code (No. 2931) is hereby amended to read as follows:

Uses Permitted in a Planned Unit Development

A PUD may include one or more of the uses permitted by right or Specific Use Permit within the general zoning district or districts within which the PUD is located; provided however:

1. When located in whole or in part within any of the residential districts (except RMH), the PUD may include one or more of the dwelling types permitted within the RM district;
2. When located in whole or in part within an RMH district the development may consist of one or more of the dwelling types permitted in the RM district and/or an RMH district; and
3. The permitted uses, whether principal or accessory uses, may be reallocated within the PUD irrespective of the general zoning district boundaries pursuant to an outline development plan or amendment thereof approved as provided in Section 6.4.
4. In any PUD prior to November 3, 2020, Medical Marijuana Commercial Growing / Cultivation and Medical Marijuana, retail sale are permissible by right so long as the PUD has the corresponding underlying zoning district per Section 3.1.F and has not been specifically forbidden by the PUD.

SECTION II. 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

USE CATEGORY	USE TYPE	A G	RESIDENTIAL		DROD AREAS							MIXED USE			COMMERCIAL /OFFICE			IND'L		SPECIFIC USE PERMIT STANDARDS
			RS1 /R1	RS2	1	2	3	4	5	6	7	N	C	D	D	O	C	C	C	I
		A 1	R E	R /R2	R S3	R D	R M	R M	R H	M	M	M	F	N	N	G	H	L	H	
RESIDENTIAL USES																				
Household Living	Dwelling, duplex				P	P		P	P											
	Dwelling, multi- family				P			P	P	P	P	P	P	P	P					

TABLE 3.1-1 TABLE OF ALLOWED USES

USE CATEGORY	USE TYPE	A G	RESIDENTIAL				DROD AREAS							MIXED USE			COMMERCIAL /OFFICE				IND'L		SPECIFIC USE PERMIT STANDARDS						
			A 1	R E	R S2 /R2	R S3 / R3/R S4	R	R	R	R	1	2	3	4	5	6	7	N	C	D	D	O	C	C	C	I	I		
							D	M	H									M	M	M	F	N	N	G	H	L	H		
	Dwelling, single-family attached						P	P		P	P						P	P	P	P									
	Dwelling, single-family detached	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P			P										
	Dwelling, mobile home	S						P																				3.2.A.1.	
	Dwelling, zero lot line					P												P		P									
	Mobile home park							P																					
	Mobile home subdivision							P																					
Group Living	Boarding, dormitory, and rooming house						P																						
	Group home	P	P	P	P	P	P	P	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	P	P						3.2.A.2.		

COMMERCIAL USES																			
Food and Beverage	Bar/Nightclub								P	P		P	P		P	P			
	Catering service								P	P	P	P	P		P	P	P		
	Fruit and vegetable market								P	P	P		P	P	P	P	P		
	Restaurant, drive-in									P					P	P			
	Restaurant, without drive-thru								P	P	P	P	P	P	P	P	P		
	Restaurant, with drive-thru									P					S	P	P		
	Micro food and beverage production*								S	S	S	S	S	S	S	S	P	P	3.2.C.2
Office	Office, business or professional								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	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	P	S

COMMERCIAL USES

Recreation And Entertainment Indoor Cont..	Major entertainment facility							S S S		S S		S P P		
	Movie theatre							S S P		P S S		P P		
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 P P		
	Instructional services							P P P	P	P S P P P				
Retail (Sales)	Alcoholic beverages, retail sale							P P	P P			P P P		
	Medical Marijuana, retail sale							P P	P P			P P P		
	Convenience store with gas sales							P	P			P P P		
	Horticulture nursery sales	S						P				P P		
	Open-air market or flea market							S S	S			S S		
	Retail, general							P P 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 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 P		
Visitor Accommodation	Bed and breakfast	P		S S				S P P	S S P S			P P		
	Hotel or motel							S P P	P P S			P P		

INDUSTRIAL USES

Industrial Service	Fossil fuel storage													S P	

INDUSTRIAL USES

Industrial Service Cont...	General industrial service													P	P	
Manufacturing and Production	Assembly, light							S		S				P	P	3.2.D.1
	Manufacturing, light													P	P	
	Manufacturing, heavy													P		
Mining and Processing	Minerals and raw materials	S												S		
	Oil and gas	S												S		
Warehouse and Freight Movement	Mini-storage												S	P	P	3.2.D.3.
	Motor freight terminal												P	P		
	Office warehouse												S	P	P	
	Storage yard												P	P		
	Warehouse												P	P		
	Wholesale establishment												P	P		
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.

SECTION III. Section 5.7.C General Sign Standards in All Nonresidential Zoning Districts, of the Broken Arrow Zoning Code (No. 2931) is hereby amended to read as follows:

7. Forbidden Lights and Representations

- a. No sign containing facsimiles of traffic control devices of any sort shall be located within one hundred feet (100') of the point of intersection of two (2) or more public streets. No revolving red or blue lights shall be allowed. No sign containing light shall exceed an illumination of seventy-foot candles (70 fc) as measured at a two-foot (2') distance from the source of the illumination.
- b. **Medical Marijuana:**
 - i. Per Title 63 Section 427.21 of the Oklahoma State Statues; Advertising for medical marijuana and medical marijuana

products shall not contain any statements, illustrations, or other material that:

- (1) Is deceptive, false, or misleading;
- (2) Promotes overconsumption;
- (3) Represents that the use of marijuana has curative or therapeutic effects;
- (4) Depicts a child or other person under legal age consuming marijuana;
- (5) Depicts objects such as toys, cartoons, cartoon characters, or similar images, which suggest the presence of a child, or any other depiction designed in any manner to be especially appealing to children or other persons under legal age to consume marijuana; or
- (6) Has any manner or design that would be especially appealing to children or other persons under eighteen (18) years of age.

SECTION IV. Section 8.3 Nonconforming Uses of Structures and Land of the Broken Arrow Zoning Ordinance (No. 2931) is hereby amended to read as follows:

No Changes

SECTION V. Section 10.1 General Rules of Construction of the Broken Arrow Zoning Ordinance (No. 2931) is hereby amended to read as follows:

No Changes

SECTION VI. Section 10.3.D.9 Definitions of General Use Categories and Specific Use Types of the Broken Arrow Zoning Ordinance (No. 2931) is hereby amended to read as follows:

9. Retail (Sales)

Establishments engaged in the sale, lease, or rent of new or used products to the public. No outdoor display of merchandise is permitted unless specifically authorized by this Ordinance. Accessory uses may include offices, parking, storage of goods, and assembly, repackaging, or repair of goods for on-site sale. Specific use types include, but are not limited to:

a. Alcoholic Beverages, Retail Sales

A retail establishment, such as a liquor store, licensed to sell alcoholic beverages such as beer, wine, and liquor. No on-site consumption is allowed.

b. Medical Marijuana, Retail Sales

A retail establishment, like a Medical Marijuana Dispensary, licensed to sell Medical Marijuana as established by Title 63 O.S. § 421A State of Oklahoma.

- i. A Medical Marijuana Dispensary license will not be granted to any applicant where the proposed location would be located within one thousand (1,000) feet from any other Medical Marijuana Dispensary. The distance specified shall be measured from any entrance of a current facility to the nearest entrance to the facility dispensary.
- ii. A Medical Marijuana Dispensary license permit will not be granted to any applicant where the proposed location would be located within one thousand (1,000) feet from any public or private school entrance. The distance specified shall be measured from any entrance of the school to the nearest property line point of the dispensary.
- iii. A Medical Marijuana Dispensary license will not be granted to any applicant where the proposed location would be located within one thousand (1,000) feet from any pre-school. The distance specified shall be measured from any entrance of the school to the nearest property line point of the dispensary.
- iv. A Medical Marijuana Dispensary license will not be granted to any applicant where the proposed location would be located within one thousand (1,000) feet from any state licensed child care facility. The distance specified shall be measured from any entrance of the daycare to the nearest property line point of the dispensary.
- v. Drive-through windows and drive-through lanes are prohibited for Medical Marijuana Dispensaries.

c. ***Convenience Store with Gas Sales (Amended 4-5-11)***

An establishment engaged in the sale of convenience goods, such as but not limited to pre-packaged food items, tobacco, over-the-counter drugs, periodicals, and other household goods; and which also provides the retail sale of petroleum products that are dispensed through gasoline pumps and other supplies for motor vehicles. (Ord No. 3155 adopted 4-5-11)

d. ***Horticulture Nursery Sales***

Land or buildings used to raise flowers, shrubs, trees, and other plants for retail sale.

e. ***Open Air Market or Flea Market***

Premises intended for individual vendors who display and sale merchandise in small quantities including but not limited to household goods, appliances, tools, food, and arts and crafts. The display and sale of merchandise may be indoor or outdoor in facilities including but not limited to building, open air, or partially enclosed booths or stalls. This definition does not include retail sidewalk sales or garage sales.

f. ***Retail, General***

Retail establishments not elsewhere classified that provide goods directly to the consumer, including but are not limited to: apparel shops, appliance sales, auto parts store, bait shop, bakeries, bookstores, camera shops, clothing stores, convenience stores without gas pumps, department stores, electronic stores, factory outlet stores, florists, grocery stores, furniture stores, hardware and building material sales, pet shops, pawn shops, pharmacies, shoe stores, and toy stores.

g. ***Retail, Large***

A building that meets the definition of "general retail" and is 75,000 square feet or greater.

h. *Sexually Oriented Business*

- i. Amusement or entertainment businesses which are distinguished or characterized by an emphasis on acts or on materials depicting, describing or relating to Sexual Conduct or Specified Anatomical Areas as defined in this Ordinance, including but not limited to topless or bottomless dancers, strippers, male or female impersonators, or similar entertainment;
- ii. An establishment having as a significant portion of its stock in trade books, film, tape, photographs, magazines, or other periodicals which are distinguished or characterized by an emphasis on depicting or describing Sexual Conduct or Specified Anatomical Areas;
- iii. An enclosed building used for presenting material in a theater, or theater formats, which is distinguished or characterized by an emphasis on depicting or describing Sexual Conduct or Specified Anatomical Areas;
- iv. A motel wherein material is presented, as a part of the motel services, via closed circuit T.V. or otherwise, which is distinguished or characterized by an emphasis on depicting or describing Sexual Conduct or Specified Anatomical Areas;
- v. Any arcade or similar facility to which the public is permitted or invited to make use of coin-operated or slug operated or electronically, electrically or mechanically controlled, still or motion picture machines, projectors, or other image-producing devices which are maintained to show images to five (5) or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by an emphasis or depicting or describing Sexual Conduct or Specified Anatomical Areas;
- vi. Any place where for any form of consideration or gratuity, massage, alcohol rub, administration of fomentations, electric or magnetic treatments, or any other treatment of manipulation of the human body occurs as part of or in connection with Sexual Conduct; also, any place where any person providing any such treatment, manipulation or service related thereto, exposes Specified Anatomical Areas;
- vii. Any place, other than a university or college art class, where, for any form of consideration or gratuity, figure models who display Specified Anatomical Areas are provided to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by persons paying such consideration or gratuity;
- viii. Any building or structure which contains or is used for commercial entertainment where the patron directly or indirectly is charged a fee to engage in personal contact with or to allow personal contact by, employees, devices, or equipment or by personnel provided by the establishment which appeals to the prurient interest of the patron in Sexual Conduct.

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

SECTION VIII. 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 _____ day of _____, 2020.

MAYOR

ATTEST:

(Seal) CITY CLERK

APPROVED:

ACTING CITY ATTORNEY