



**City of Broken Arrow**  
**Meeting Agenda**  
**Planning Commission**

City of Broken Arrow  
Council Chambers  
220 S 1st Street  
Broken Arrow OK  
74012

*Chairperson Ricky Jones*  
*Vice Chair Lee Whelpley*  
*Member Fred Dorrell*  
*Member Mark Jones*  
*Member Pablo Aguirre*

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**Thursday, August 30, 2018**

**5:00 PM**

**Council Chambers**

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**Special Meeting**

**1. Call To Order**

**2. Roll Call**

**3. Old Business**

**4. Consideration of Consent Agenda**

- A. [18-1056](#) Approval of BAL-2037, Sound Mind, approximately 19.50 acres, CG/PUD-279, located one-half mile north of Tucson Street, west of Aspen Avenue, north of the Creek Turnpike

**Attachments:** [2-CASE MAP](#)

[3-Aerial](#)

[4-Survey](#)

**5. Consideration of Items Removed from Consent Agenda**

**6. Public Hearings**

- A. [18-1020](#) Public hearing, consideration, and possible action regarding the proposed changes to Section 3.1.F (Table 3.1-1) Table of Allowed Uses; and Section 5.4 (Table 4.4.1) Off-Street Parking Schedule A; and Section 10.3.D.1 Definitions of General Use Categories and Specific Use Types; and Section 10.3.D.9 Definitions of General Use Categories and Specific Use Types of the Broken Arrow Zoning Ordinance

**Attachments:** [2-Modifications to the Zoning Ordinance](#)

[3-Map of Possible Locations](#)

**7. Appeals**

**8. General Commission Business**

**9. Remarks, Inquiries and Comments by Planning Commission and Staff (No Action)**

**10. Adjournment**

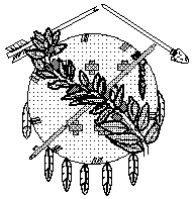
**NOTICE:**

- 1. ALL MATTERS UNDER “CONSENT” ARE CONSIDERED BY THE PLANNING COMMISSION TO BE ROUTINE AND WILL BE ENACTED BY ONE MOTION. HOWEVER, ANY CONSENT ITEM CAN BE REMOVED FOR DISCUSSION, UPON REQUEST.**
- 2. IF YOU HAVE A DISABILITY AND NEED ACCOMMODATION IN ORDER TO PARTICIPATE IN THE MEETING, PLEASE CONTACT THE DEVELOPMENT SERVICES DEPARTMENT AT 918-259-8412, TO MAKE ARRANGEMENTS.**
- 3. EXHIBITS, PETITIONS, PICTURES, ETC. PRESENTED TO THE PLANNING COMMISSION MAY BE RECEIVED AND DEPOSITED IN CASE FILES TO BE MAINTAINED AT BROKEN ARROW CITY HALL.**
- 4. RINGING/SOUND ON ALL CELL PHONES AND PAGERS MUST BE TURNED OFF DURING THE PLANNING COMMISSION MEETING.**

**POSTED on \_\_\_\_\_, \_\_\_\_\_ at \_\_\_\_\_ am/pm.**

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**City Clerk**



# City of Broken Arrow

## Request for Action

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**File #:** 18-1056, **Version:** 1

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**Broken Arrow Planning Commission**  
**08-30-2018**

**To:** Chairman and Commission Members  
**From:** Development Services Department

**Title:** Approval of BAL-2037, Sound Mind, approximately 19.50 acres, CG/PUD-279, located one-half mile north of Tucson Street, west of Aspen Avenue, north of the Creek Turnpike

**Background:**

**Applicant:** Broken Arrow Economic Development Authority  
**Owner:** Broken Arrow Economic Development Authority  
**Developer:** SoundMind Behavior Health Hospital, LLC  
**Surveyor:** Geodeca Land Survey Company  
**Location:** One-half mile north of Tucson Street, west of Aspen Avenue, north of the Creek Turnpike  
**Size of Tract:** 14.1569 total acres  
**Number of Lots:** 2  
**Present Zoning:** CG/PUD-279  
**Comp Plan:** Level 6

Lot split request BAL-2037 involves one tract of land approximately totaling 19.5-acres one-half mile north of Tucson Street, west of Aspen Avenue, north of the Creek Turnpike. The applicant proposes to split off from the property two tracts creating a total of two lots. The first tract totals 14.1569 acres, the second tract contains approximately 5.34 acres.

The property is currently unplatted and undeveloped. BAZ-1848, a request to change the zoning from A-1 (Agricultural) to CG (Commercial General) was approved on this, and adjacent, property by City Council on July 20, 2010. BAZ-1848 was approved subject to the property being platted. With the exception of the area platted as Aspen Creek Towne Center I, to the northeast, the remainder of the property remains unplatted.

SoundMind is a proposed health care facility and commercial development. As part of the development of the property, West Norfolk Drive will be extended to the edge of the Sound Mind Development. The remaining right-of-way for the western part of Norfolk Drive will be dedicated during the platting process. The first phase of this development will be the SoundMind Behavioral Health Hospital, with the commercial developments to the east to begin at a later date.

On August 7, 2018, the City Council conditionally approved PUD-279, a request to change the zoning for a health care facility.

According to the FEMA maps, the smaller tract will be located within a 100-year floodplain area.

Oklahoma Natural Gas (ONG), Public Service Company of Oklahoma (PSO), Cox Communications, and Windstream have indicated that they do not have any problems with the proposed lot split and lot consolidation.

**Attachments:** Case map  
Aerial  
Survey

**Recommendation:**

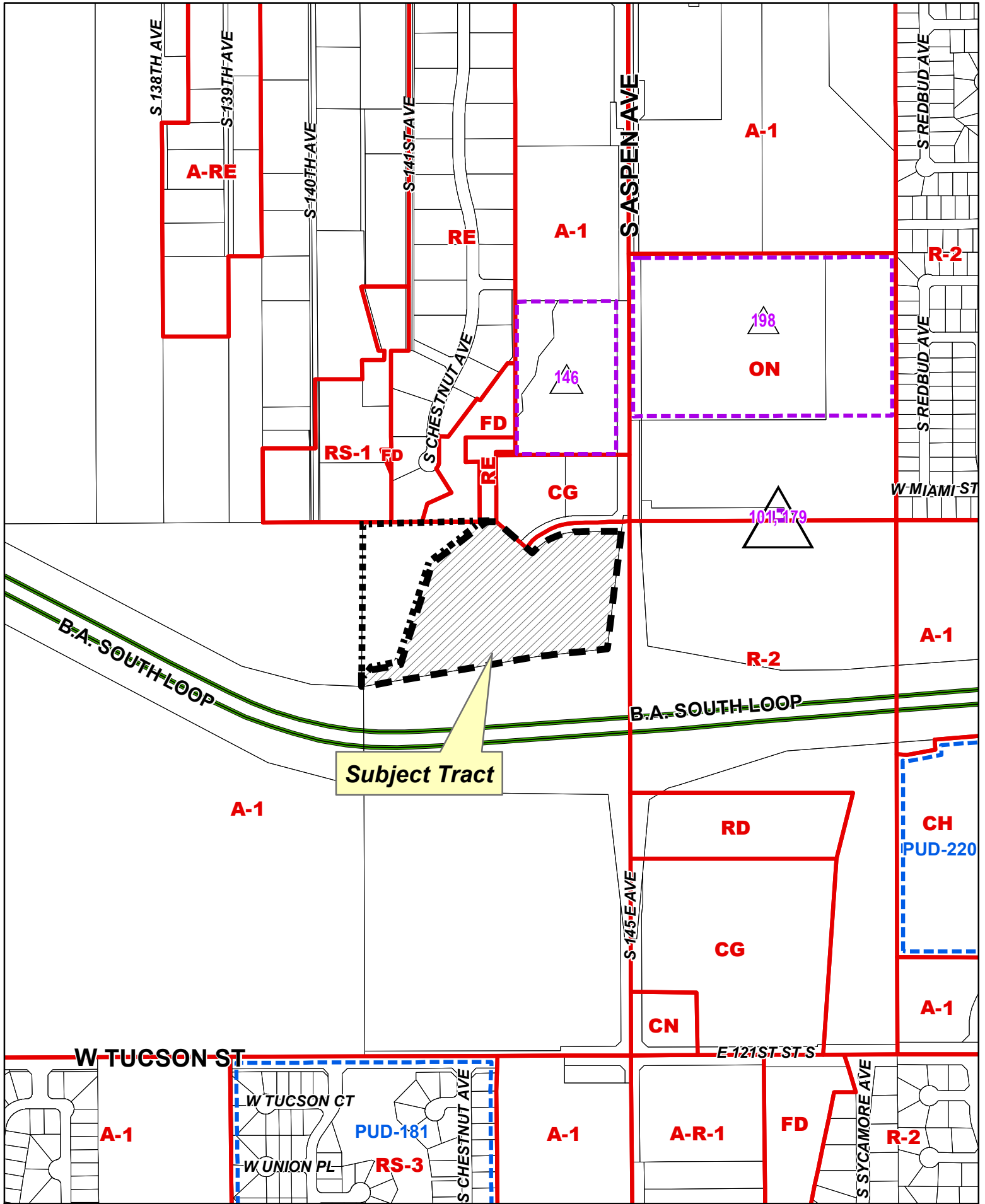
Staff recommends BAL-2037 be approved, subject to the following:

1. A Quit Claim Deed or other Deed or Instrument shall be executed to accomplish the transfer of the property that is the subject of BAL-2037. Warranty deeds with adjusted legal descriptions for all parcels involved shall be brought to the Plan Development Division to be stamped prior to being recorded in Tulsa County.
2. That during the platting process Right-of-Way will be dedicated for access to the smaller tract of land.

**Reviewed By:** Larry R. Curtis

**Approved By:** Michael W. Skates

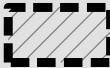
LRC



**Subject Tract**



300' Radius



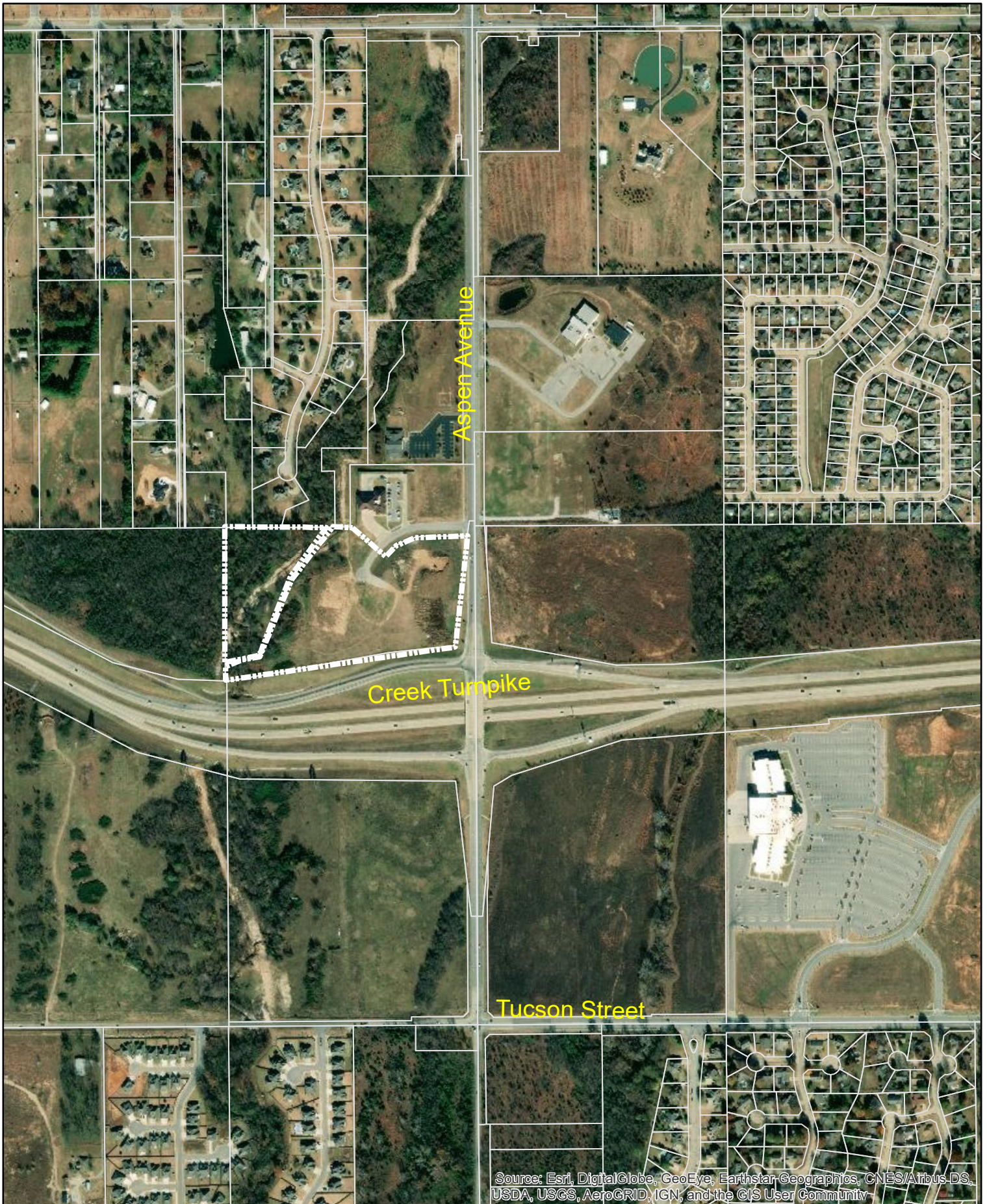
Subject Tract

**BAL-2037**

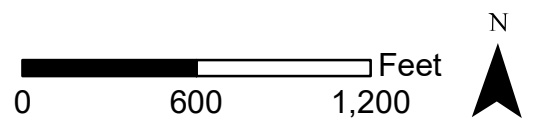


33 18-14





BAL-2037  
Sound Mind Lot Split



**SCHEDULE B, PART I Requirements**

I Russell M. Muzika, being a licensed surveyor, in the state of Oklahoma, #1603 and by this survey do certify to the following requirements 10 and 11:

- 10. There is access to the property by a publicly maintained street or road being West Norfolk Drive a 80th Public Right of Way dedicated by the plat "ASPEN CREEK TOWNE CENTRE I" filed as Plat #6475 at the office of the Tulsa County Clerk and South Aspen Avenue ( S. 145th E. Ave.) as allowed by Report of Commissioners, Case No. CJ-99-44 in Book 6305 at Page 1920, as shown on this survey.
- 11. The subject legal description is wholly contained within the legal description as shown on Correction General Warranty Deed in favor of Broken Arrow Economic Development Authority, a public trust, dated June 24, 2009, filed June 29, 2009, and recorded in the office of the Tulsa County Clerk as Document No. 2009066088.

**SCHEDULE B, PART II Exceptions**

- 10. Statutory section line roads to the extent they affect the subject property. **Does not affect subject property.**
- 11. Right of Way Agreement in favor of Oklahoma Natural Gas Company, a corporation, dated January 10, 1979, filed January 22, 1979, and recorded in the office of the Tulsa County Clerk in Book 4378 at Page 581. **Affects subject property as shown.**
- 12. Easement of Right-of-Way, Underground Conduit/Buried Cable in favor of GTE Southwest Incorporated, a Delaware corporation, dated May 1, 1990, filed May 1, 1990, and recorded in the office of the Tulsa County Clerk in Book 5250 at Page 569; assigned by Special Warranty Deed and Assignment and Assumption Agreement in favor of Valor Telecommunications of Oklahoma, LLC, a Delaware limited liability company, dated June 20, 2000, filed July 19, 2000, and recorded in Book 6391 at Page 1004. **Does not affect subject property.**
- 13. Report of Commissioners, Case No. CJ-93-3998 in the District Court of Tulsa County, dated December 16, 1993, filed January 31, 1994, and recorded in the office of the Tulsa County Clerk in Book 5590 at Page 619. **Does not affect subject property.**
- 14. Report of Commissioners, Case No. CJ-99-44 in the District Court of Tulsa County, dated March 5, 1999, filed December 15, 1999, and recorded in the office of the Tulsa County Clerk in Book 6305 at Page 1920. **Affects subject property limits of access to South Aspen Avenue as shown.**

**Notes:**

Commitment Date: February 5, 2018 at 7:59 a.m. File No. 18-8036B

No address known

Basis of Bearing and Horizontal Datum NAD83 Oklahoma State Plane North (OK3501N) Grid. US Survey Feet. Scaled to Ground  
 Combined scale factor, 1.00007696930229 Grid to Ground.  
 Scale Origin Point N369629.6894, E2612083.1636  
 Bearings shown are measured unless otherwise noted.

Benchmark East Quarter Corner Section 33, Mag Nail with Washer stamped "GEODECA CA 5524" N 369694.29 E 2614726.36 Elev 686.51 NAVD88

Topographic survey is a true representation of the conditions at the time of the survey.

Utilities shown are from observed evidence, or utility provided atlas not all Underground utilities may be shown. Call Oklahoma One Call "OKIE" (1-800-522-6543) before digging.

Overhead electric shown per centerline does not include cross members. Overhead electric line crosses subject property at the Northeast corner of property.

No document known establishing an easement for possible waterline running Northeast to Southwest through subject property as shown near northerly property corner along Norfolk Drive.

No document known establishing an easement for Sanitary Sewer running Northeast to Southwest through subject property as shown near northerly property corner.

No document known establishing an easement for Public Storm Sewer running Southeast to Northwest through subject property as shown near northerly property corner.

No document known establishing an easement for possible gas line running Southeast to Northwest through subject property as shown near northerly property corner.

Physical road way for Norfolk Drive extends onto property and is not restricted from public access.

Dirt Piles and dump area within the easterly portion of subject property indicates property was used for dirt spillage and possible old pavement debris storage. Debris and dump area appears to be only dirt and old pavement in nature no drums or containers observed.

Other than the area clouded on this survey there is no other evidence of recent earth moving work, building construction, or building additions observed in the process of conducting the fieldwork. Onsite Survey date April 6, 2018. May indicate clean up of area in progress.

Monuments set are either a 3/8" or a 5/8" rebar with plastic cap stamped "GEODECA CA5524" Unless noted otherwise.

Subject Property wholly within Flood Zone "X" (unshaded) and Zone "A" as shown on Tulsa County and Incorporated areas, per FIRRM Map Panel No. 40143C0452L, Revised October 16, 2012. Shown on survey from overlay, not per field survey.

Legal Description for the plat of "GREYOAKS ADDITION" Overlaps South Line of the Northeast quarter of Section 33 Boundary ±4.4 to ±4.6 feet. The North line of subject property as shown.

Legal Description as recorded in 1999 for the "Amended Report of Commissioners", Book 6181, Page 1615 for Oklahoma Transportation Authority right of way condemnation Overlaps West line of the subject property Boundary ±9.8 to ±7.4 feet as shown. It is apparent that the legal description(s) written for the condemnation used a monument 30' east of the generally accepted and recorded monument for the South Quarter Corner of Section 33.

Legal Access to the 5.32 Acre remainder tract is expected by a proposed dedicated right of way that will be an extension of West Norfolk Drive. Future right of way shown in approximate location. See note regarding resolution no 644 below.

Property is subject to and affected by "Resolution no. 644", a resolution by the Broken Arrow City Council amending section 3.7.2, policies-transportation issues, pertaining to frontage roads along limited access highways and section 6.7, future transportation needs, of the comprehensive plan for the City of Broken Arrow, Oklahoma. Dated April 6th, 2010 and signed by the Mayor of Broken Arrow

**ALTA/NSPS Land Title Survey with Topography**

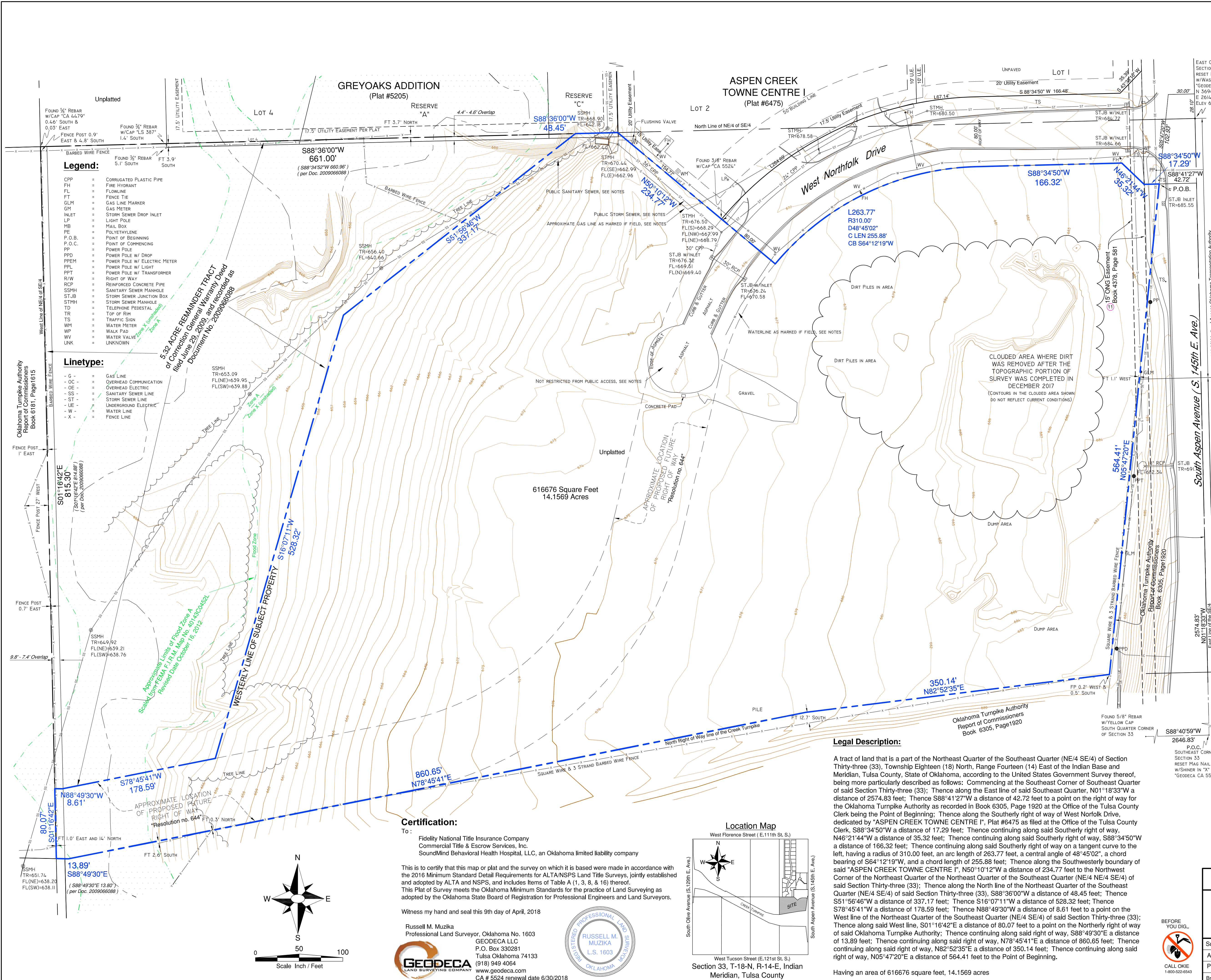
**A Part of the NE/4, of the SE/4 of Section 33, T-18-N, R-14-E, Indian Meridian, Tulsa County**

Survey Dates : November 2, 2017 through April 6, 2018 Scale: 1" = 50'

ALTA Issue Date: April 9, 2017 Drafter: TJT/RMM Sheet: 1 of 1

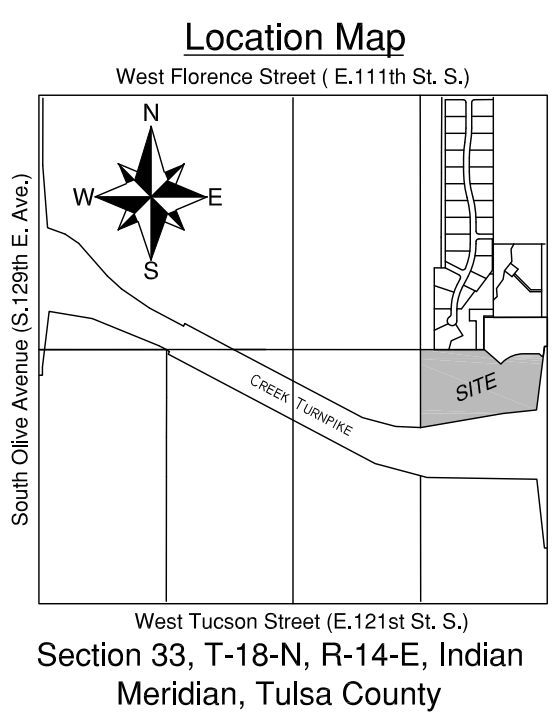
Project: # 1710073 Approved: RMM File No. 18-8036B

Broken Arrow Economic Development Authority/SoundMind Behavioral Health Hospital



**Legal Description:**

A tract of land that is a part of the Northeast Quarter of the Southeast Quarter (NE/4 SE/4) of Section Thirty-three (33), Township Eighteen (18) North, Range Fourteen (14) East of the Indian Base and Meridian, Tulsa County, State of Oklahoma, according to the United States Government Survey thereof, being more particularly described as follows: Commencing at the Southeast Corner of Southeast Quarter of said Section Thirty-three (33); Thence along the East line of said Southeast Quarter, N01°18'33\"/>



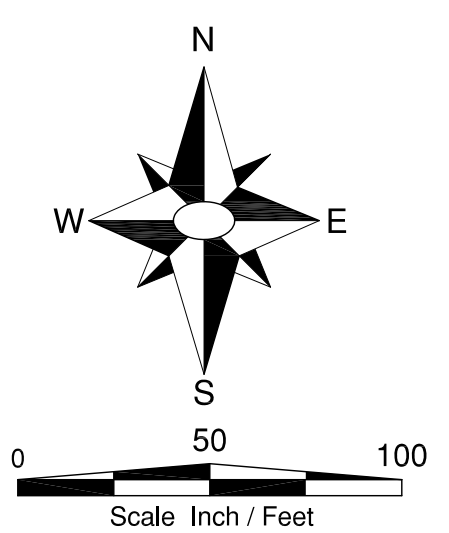
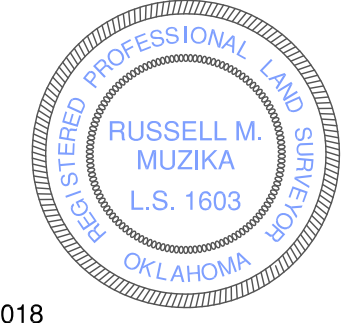
**Certification:**

To: Fidelity National Title Insurance Company  
 Commercial Title & Escrow Services, Inc.  
 SoundMind Behavioral Health Hospital, LLC, an Oklahoma limited liability company

This is to certify that this map or plat and the survey on which it is based were made in accordance with the 2016 Minimum Standard Detail Requirements for ALTA/NSPS Land Title Surveys, jointly established and adopted by ALTA and NSPS, and includes Items of Table A (1, 3, 8, & 16) thereof.  
 This Plat of Survey meets the Oklahoma Minimum Standards for the practice of Land Surveying as adopted by the Oklahoma State Board of Registration for Professional Engineers and Land Surveyors.

Witness my hand and seal this 9th day of April, 2018

Russell M. Muzika  
 Professional Land Surveyor, Oklahoma No. 1603  
 GEODECA LLC  
 P.O. Box 330281  
 Tulsa Oklahoma 74133  
 (918) 949 4064  
 www.geodeca.com  
 CA # 5524 renewal date 6/30/2018



**Legend:**

- CPP = CORRUGATED PLASTIC PIPE
- FH = FIRE HYDRANT
- FL = FLOWLINE
- FT = FENCE TIE
- GLM = GAS LINE MARKER
- GM = GAS METER
- INLET = STORM SEWER DROP INLET
- LP = LIGHT POLE
- MB = MAIL BOX
- PE = POLYETHYLENE
- P.O.B. = POINT OF BEGINNING
- P.O.C. = POINT OF COMMENCING
- PP = POWER POLE
- PPDM = POWER POLE W/ DROP
- PPEM = POWER POLE W/ ELECTRIC METER
- PPL = POWER POLE W/ LIGHT
- PFT = POWER POLE W/ TRANSFORMER
- R/W = RIGHT OF WAY
- RCP = REINFORCED CONCRETE PIPE
- SSMH = SANITARY SEWER MANHOLE
- STJB = STORM SEWER JUNCTION BOX
- STMH = STORM SEWER MANHOLE
- TD = TELEPHONE PEDESTAL
- TR = TOP OF RIM
- TS = TRAFFIC SIGN
- WM = WATER METER
- WP = WALK PAD
- WV = WATER VALVE
- UNK = UNKNOWN

**Linetype:**

- G - GAS LINE
- OC - OVERHEAD COMMUNICATION
- OE - OVERHEAD ELECTRIC
- OS - SANITARY SEWER LINE
- ST - STORM SEWER LINE
- UE - UNDERGROUND ELECTRIC
- W - WATER LINE
- X - FENCE LINE

5.32 ACRE REMAINDER TRACT of Correction General Warranty Deed filed June 29, 2009, and recorded as Document No. 2009066088

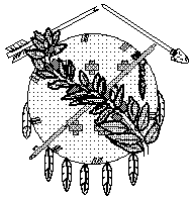
Approximate Limits of Flood Zone A (Special Flood Hazard Area) as shown on Flood Insurance Rate Map No. 18020A32A, Revised Date October 16, 2012

APPROXIMATE LOCATION OF PROPOSED FUTURE RIGHT OF WAY Resolution no. 644

CLOUDED AREA WHERE DIRT WAS REMOVED AFTER THE TOPOGRAPHIC PORTION OF SURVEY WAS COMPLETED IN DECEMBER 2017 (CONTOURS IN THE CLOUDED AREA SHOWN DO NOT REFLECT CURRENT CONDITIONS)

616676 Square Feet 14.1569 Acres

Having an area of 616676 square feet, 14.1569 acres



# City of Broken Arrow

## Request for Action

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**File #: 18-1020, Version: 1**

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**Broken Arrow Planning Commission  
08-30-2018**

**To: Chairman and Board Members  
From: Development Services Department  
Title:**

**Public hearing, consideration, and possible action regarding the proposed changes to Section 3.1.F (Table 3.1-1) Table of Allowed Uses; and Section 5.4 (Table 4.4.1) Off-Street Parking Schedule A; and Section 10.3.D.1 Definitions of General Use Categories and Specific Use Types; and Section 10.3.D.9 Definitions of General Use Categories and Specific Use Types of the Broken Arrow Zoning Ordinance**

Modifications to the Broken Arrow Zoning Ordinance are being proposed that will establish regulations for Retail Medical Marijuana Dispensaries and Medical Marijuana Commercial Growing/Cultivating facilities. The reason for this update is in regards to the recent passage of State Question 788 and the subsequent change to Title 63 O.S.

As these particular use types were not something that was envisioned with the 2008 City of Broken Arrow Zoning Ordinance, it is necessary to adjust the zoning code to new uses that have become legal by Oklahoma law. Through many meetings, staff has drafted the proposed modifications to Section 3.1.F (Table 3.1-1) Table of Allowed Uses; and Section 5.4 (Table 4.4.1) Off-Street Parking Schedule A; and Section 10.3.D.1 Definitions of General Use Categories and Specific Use Types; and Section 10.3.D.9 Definitions of General Use Categories and Specific Use Types of the Broken Arrow Zoning Ordinance.

It is proposed to add two subcategories to Section 3.1.F (Table 3.1-1) *Table of Allowed Uses*. These subcategory uses being *Medical Marijuana Commercial Growing/Cultivation* and *Medical Marijuana Retail Sales*.

Through research staff has determined most medical marijuana growth is conducted in an enclosed facility. Staff has determined that this type of environment would best be established in IL (Industrial Light) or IH (Industrial Heavy) zoning districts. This use must be done within a building.

Staff looked closely to related uses for Medical Marijuana Dispensary. Title 63 O.S. § 420A states that all applicants (for a medical marijuana license) must be eighteen (18) years or older. A special exception is granted to an applicant under the age of eighteen (18), however these applications must be signed by two (2) physicians and the applicant's parent or legal guardian, but a caregiver who is 18 years or older must make the purchase. In addition it states that a Medical Marijuana Dispensary cannot be located within one thousand (1,000) feet from any public or private school entrance. The zoning code defines schools as public or private facilities for College & Universities, Elementary, Middle, or High School, and Trade Schools. The zoning code does specifically state that Child Care Facilities do not include public or private schools.



When beginning their analyses, staff first thought of classifying the Medical Marijuana Dispensary/Retail Sales use similar to pharmacies. Pharmacies are a permitted use in the use group of General Retail. But when comparing a pharmacy type use, staff looked at companies like Walgreens and CVS. These types of facilities are not restricted by law on all sales by age nor by location to a school or other facility. As most general retail does not have such limitations, it was determined that the general retail use was not the best category to define a Medical Marijuana Dispensary/Retail Sales. Staff concluded that such a use most closely related to Alcoholic beverage Retail Sales as the purchase of Medical Marijuana is strictly regulated by age and by distance to schools (public or private). By doing so, this use would be permissible in the CM (Commercial Mixed Use), DM (Downtown Mixed Use), CN (Commercial Neighborhood), CG (Commercial Neighborhood), and CH (Commercial Heavy) zoning districts while also being permissible within Area 6 and 7 of the Downtown Residential Overlay District.

The proposed modification of Section 5.4 (Table 4.4.1) *Off-Street Parking Schedule A* is to add a subcategory to the parking requirements for Medical Marijuana Commercial Growing / Cultivation. The proposed parking requirement is the same standard as other industrially zoned developments.

The proposed modification to Section 10.3.D.1 *Definitions of General Use Categories and Specific Use Types* is to add a definition for Medical Marijuana Commercial Growing/Cultivation. It is defined as Indoor commercial medical marijuana growing /cultivation as established by Title 63 OS. §422A State of Oklahoma.

The proposed modification to Section 10.3.D.1 *Definitions of General Use Categories and Specific Use Types* is to add a definition for Medical Marijuana, Retail Sales. It is defined as a retail establishment, like a Medical Marijuana Dispensary, licensed to sell Medical Marijuana as established by Title 63 O.S. § 421A State of Oklahoma.

In addition, the ordinance proposes to reinforce the state requirement that a Medical Marijuana Dispensary 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.

Medical Marijuana Processing (creation of product) will be interpreted by staff to be a permissible use under the subcategory of Manufacturing Light which is only permissible in the IL (Industrial Light) or IH (Industrial Heavy) zoning districts. This use must be done within a building.

The Planning Commission has the ability to revise these recommendations. They can add additional requirements or reduce requirements.

**Attachments:**

Modifications to Section 3.1.F (Table 3.1-1) Table of Allowed Uses; and Section 5.4 (Table 4.4.1) Off-Street Parking Schedule A; and Section 10.3.D.1 Definitions of General Use Categories and Specific Use Types; and Section 10.3.D.9 Definitions of General Use Categories and Specific Use Types of the Broken Arrow Zoning Ordinance

Map of possible locations of Medical Marijuana Dispensary/Retail Sales within the City of Broken Arrow

**Recommendation:**

Recommend approval of modifications to Section 3.1.F (Table 3.1-1) Table of Allowed Uses; and Section 5.4 (Table 4.4.1) Off-Street Parking Schedule A; and Section 10.3.D.1 Definitions of General Use Categories and Specific Use Types; and Section 10.3.D.9 Definitions of General Use Categories and Specific Use Types of the Broken Arrow Zoning Ordinance, as presented, and an Ordinance be drafted for City Council approval.

**Prepared By: Larry R. Curtis**

**Approved By: Michael W. Skates**

LRC



USE CATEGORY	USE TYPE	A G  A 1	TABLE 3.1-1 TABLE OF ALLOWED USES																		SPECIFIC USE PERMIT STANDARDS		
			RESIDENTIAL				DROD AREAS							MIXED USE				COMMERCIAL /OFFICE				IND'L	
			RS1 /R1 RS2 /R2 RS3 / R3/R S4	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
<b>PUBLIC/INSTITUTIONAL USES</b>																							
<b>Community Service</b>	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	S	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	
<b>Cultural Facility</b>	Art gallery or museum, public	S	S	S	S	S		S	S	S	S	P	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.	
<b>Child Care Facility</b>	Child care center	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	P	P	S			
	Home day care	P	P	P	P	P	P	P	P	P													
<b>Education</b>	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	P	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	P	P	P	P	P	P	P					3.2.B.7.	
	Trade school	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
<b>Health Care Facility</b>	Medical office or clinic											P	P	P	P	P	P	P	P	P	P		
	Hospital	S	S	S	S	S	S									S			P	P			
<b>PUBLIC/INSTITUTIONAL USES</b>																							



COMMERCIAL USES																				
<b>Food and Beverage</b>	Bar/Nightclub																			
	Catering service																			
	Fruit and vegetable market																			
	Restaurant, drive-in																			
	Restaurant, without drive-thru																			
	Restaurant, with drive-thru																			
	Micro food and beverage production*																			
<b>Office</b>	Office, business or professional																			
	Research laboratory																			
<b>Recreation and Entertainment, Outdoor</b>	General outdoor recreation	S																		
	Golf course or driving range, unlighted	P	P	P	P	P	P													
	Golf course or driving range, lighted	S																		
	Major entertainment facility	S																		
	Race track (auto, dog, or horse)	S																		
	RV campground/park																			
	Shooting range	S																		
	Zoo	S																		
<b>Recreation And Entertainment Indoor</b>	Art gallery or museum, private																			
	Fitness and recreational sports center	S																		
	General indoor recreation																			
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 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		
	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
	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	
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		
<b>INDUSTRIAL USES</b>																									
Industrial Service	Fossil fuel storage																							S	P
<b>INDUSTRIAL USES</b>																									

<b>Industrial Service Cont...</b>	General industrial service																				P	P		
<b>Manufacturing and Production</b>	Assembly, light								S													P	P	3.2.D.1
	Manufacturing, light																					P	P	
	Manufacturing, heavy																						P	
<b>Mining and Processing</b>	Minerals and raw materials	S																					S	
	Oil and gas	S																					S	
<b>Warehouse and Freight Movement</b>	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	
<b>Waste and Salvage</b>	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 II.** Section 5.4 (Table 4.4.1) Off-Street Parking Schedule A, of the Broken Arrow Zoning Code (No. 2931) is hereby amended to read as follows:



<b>TABLE 5.4.1: OFF-STREET PARKING SCHEDULE A</b>		
<b>Use Category</b>	<b>Use Type</b>	<b>Minimum Parking Spaces Required</b>
<b>RESIDENTIAL USES</b>		
<b>Household Living</b>	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)
<b>Group Living</b>	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
<b>PUBLIC INSTITUTIONAL USES</b>		
<b>Community Service</b>	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
<b>Cultural Facility</b>	Art gallery or museum, public	1 per 400 square feet
	Library, public	1 per 300 square feet
<b>Child Care Facility</b>	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
<b>Education</b>	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
<b>Health Care Facility</b>	Medical office or clinic	1 per 250 square feet
	Hospital	1 per 2 beds plus 1 space per 300 square feet of office area
<b>Parks and Open Space</b>	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
<b>Telecommunication Facility</b>	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
<b>Transportation Facility</b>	Airport	See Schedule C
	Bus and passenger train terminal	See Schedule C
	Helicopter	See Schedule C
<b>Utility</b>	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
<b>COMMERCIAL USES</b>		
<b>Agriculture</b>	Agriculture	See Schedule C
	Medical Marijuana Commercial Growing /Cultivation	1 per 1,500 square feet
<b>Animal Sales and Services</b>	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
<b>Financial Service</b>	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
<b>Food and Beverage Service</b>	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
<b>Office</b>	Office, business or professional	1 per 300 square feet
	Research laboratory	1 per 500 square feet
<b>Recreation and Entertainment, Outdoor</b>	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
<b>Recreation And Entertainment Indoor</b>	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
<b>Retail (Personal Service)</b>	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
<b>Retail (Sales)</b>	Alcoholic beverages, retail sale Medical Marijuana, 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

TABLE 5.4.1: OFF-STREET PARKING SCHEDULE A		
Use Category	Use Type	Minimum Parking Spaces Required
	Sexually oriented business	Bar, restaurant, or entertainment space: 1 space per 100 square feet; Retail sales/rental space: 1 space per 300 square feet
<b>Vehicles and Equipment</b>	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
<b>Visitor Accommodation</b>	Bed and breakfast	1 per bedroom, plus 2 spaces for primary residence
	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
<b>INDUSTRIAL USES</b>		
<b>Industrial Service</b>	Fossil fuel storage	1 per employee on largest shift
	General industrial service	See Schedule C
<b>Manufacturing and Production</b>	Assembly, light	1 per 1,500 square feet
	Manufacturing, light	1 per 1,500 square feet
	Manufacturing, heavy	1 per 1,500 square feet
<b>Mining and Processing</b>	Minerals and raw materials	See Schedule C
	Oil and gas	See Schedule C
<b>Warehouse and Freight Movement</b>	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
<b>Waste and Salvage</b>	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 III.** Section 10.3.D.1 Definitions of General Use Categories and Specific Use Types of the Broken Arrow Zoning Ordinance (No. 2931) is hereby amended to read as follows:

**1. Agriculture**

The use of land for purposes including farming, ranching, dairying, pasturage, horticulture, animal and poultry husbandry, and accessory uses.

**a. *Medical Marijuana Commercial Growing /Cultivation***

*Indoor commercial medical marijuana growing/cultivation as established by Title 63 O.S. § 422A State of Oklahoma. Must be contained within a building per the Building Code adopted by the City of Broken Arrow.*

**SECTION IV.** 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 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.

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

**SECTION VI.** 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 \_\_\_\_\_, 2018.

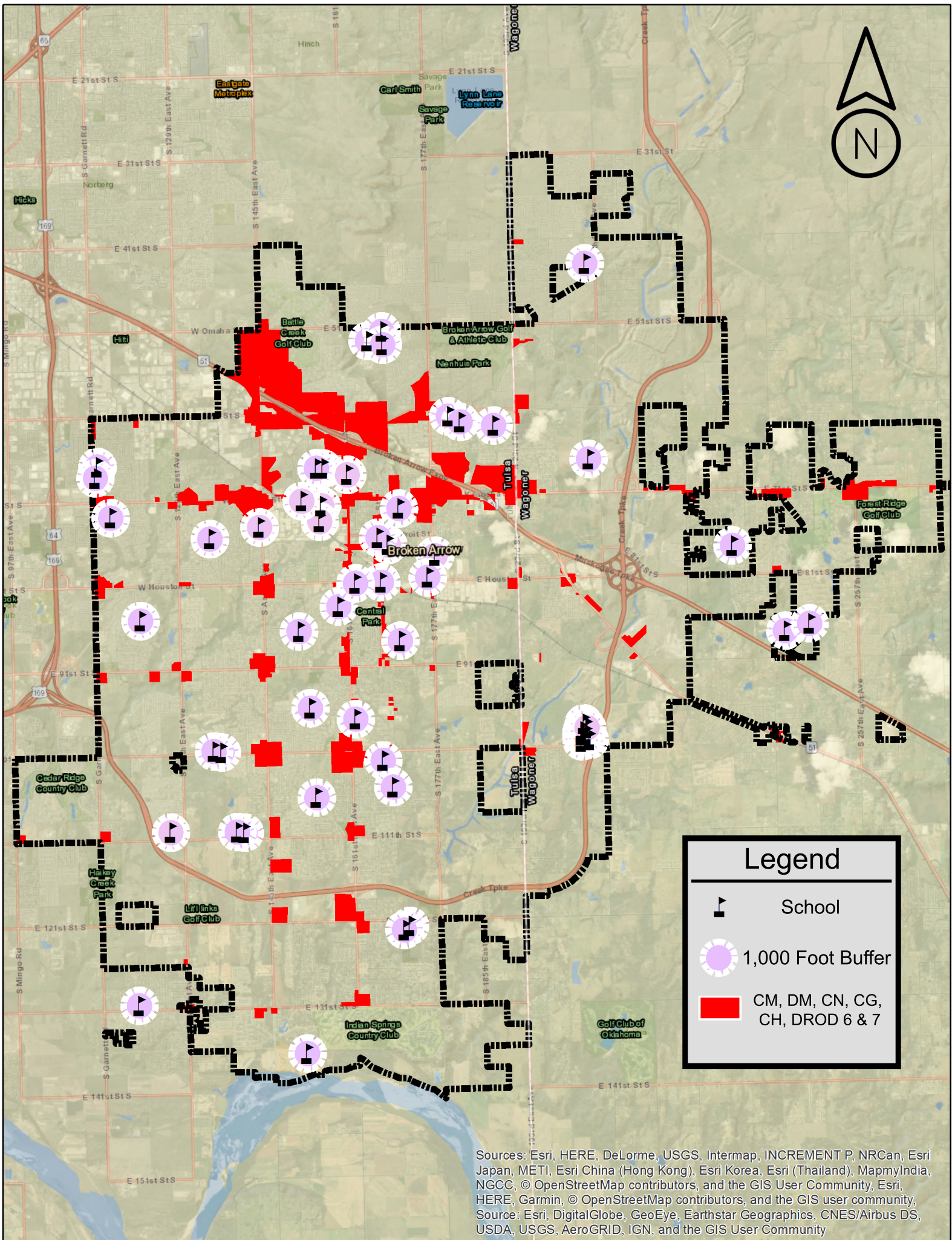
\_\_\_\_\_  
MAYOR

ATTEST:




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

APPROVED:

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



**Legend**

-  School
-  1,000 Foot Buffer
-  CM, DM, CN, CG, CH, DROD 6 & 7

Sources: Esri, HERE, DeLorme, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand), MapmyIndia, NGCC, © OpenStreetMap contributors, and the GIS User Community, Esri, HERE, Garmin, © OpenStreetMap contributors, and the GIS user community, Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community