

ORDINANCE NO. 3540

An ordinance amending 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 (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.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	TABLE 3.1-1 TABLE OF ALLOWED USES																							
		A G	RESIDENTIAL						DROD AREAS							MIXED USE				COMMERCIAL /OFFICE			IND'L		SPECIFIC USE PERMIT STANDARDS
		A 1	R E	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	I H	
RESIDENTIAL USES																									
Household Living	Dwelling, duplex				P	P		P	P																
	Dwelling, multi-family					P		P				P	P	P	P	P	P	P							
	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							
	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														
	Convalescent home, nursing home, or assisted living facility	S	S	S	P	P		S	S	S	S	P	P	P	P	P	P	P						3.2.A.2.	

USE CATEGORY	USE TYPE	A G	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	I H				
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	S	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	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		
Cultural Facility	Art gallery or museum, public	S	S	S	S	S		S	S	S	S	P	P	P	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		P	P	P				3.2.B.5.
Child Care Facility	Child care center	S	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	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	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	P								3.2.B.7.
	Trade school	S	S	S	S	S	S	S	S	S	S	P	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	P				
	Hospital	S	S	S	S	S	S											S				P	P				
PUBLIC/INSTITUTIONAL USES																											

[illegible]

COMMERCIAL USES

INDUSTRIAL USES

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:

SECTION II.

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
	Art gallery or museum, public	1 per 400 square feet
Cultural Facility	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
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
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
	Medical Marijuana Commercial Growing /Cultivation	1 per 1,500 square feet
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 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
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	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
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 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:

ACTING CITY ATTORNEY