

## ORDINANCE NO. 3311

**An ordinance amending the zoning ordinance of the City of Broken Arrow, Oklahoma, approving BAZ 1799, granting PUD 188 and Downtown Fringe zoning classification be placed upon the tracts, repealing all ordinances or parts of ordinances in conflict herewith, and declaring an emergency.**

WHEREAS, the State of Oklahoma has granted cities, as governmental entities, the duty and power to enact zoning ordinances for the protection of persons and property residing within the City limits, and for securing the benefits of orderly development as a whole; and

WHEREAS, a series of governmental administrative hearings have been conducted at which time it was determined that the land in question would be proper for an Downtown Fringe District, along with PUD 188; and

WHEREAS, on May 6, 2008, BAZ 1799 and PUD 188 were approved by the City; and

WHEREAS, the City Council waived the platting requirement;

WHEREAS, on March 17, 2009, the City Council adopted Ordinance No. 3015 that changed the zoning on the property from R-3 to DF, however, the request for PUD 188 was omitted from the requested ordinance; and

WHEREAS, the 0.64 acre tract is located on the southeast corner of Date Avenue and Elgin Street at 411 West Elgin Street, Broken Arrow, Oklahoma; and

WHEREAS, the proposed zoning is compatible with the comprehensive plan and surrounding uses; and

WHEREAS, the granting of the application will not have an adverse effect on the other property in the area or in the community; and

WHEREAS, for these reasons, the City Council finds this request should be granted.

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

SECTION I. The zoning classification of the following described real estate situated in Tulsa County, State of Oklahoma, being more particularly described as follows:

**Legal Description for PUD 188:**

Lots Five (5), Six (6), Seven (7), Eight (8), Nine (9), Ten (10), Eleven (11), and Twelve (12), Block Twenty-two (22), Original Town of Broken Arrow, Tulsa County, State of Oklahoma, according to the recorded plat thereof.

be and the same is hereby changed from the zoning classification of R-3 to DF and PUD 188.

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 Any ordinance or parts of ordinances found to be in conflict herewith are hereby repealed.

SECTION III. 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 6<sup>th</sup> day of October, 2015.

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MAYOR

ATTEST:

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(Seal) CITY CLERK

APPROVED:

*Lesli Myers*  
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Asst. CITY ATTORNEY