

ORDINANCE NO.

Amendment to the City of Broken Arrow Zoning Ordinance (Ordinance No. 3176) amending Chapter 3, Use Regulations, Section 3.4 Temporary Uses and Structures and specifically providing for the use of temporary storage containers (POD-type containers)

BE IT ORDNAINED BY THE COUNCIL OF THE CITY OF BROKEN ARROW:

SECTION I. That Chapter 3, Use Regulations, Section 3.4 Temporary Uses and Structures of the Zoning Ordinance of the City of Broken Arrow, Oklahoma, shall hereby be amended to read as follows:

3.4 Temporary Uses and Structures

A. *Purpose.*

This section allows for the establishment of certain temporary uses of limited duration, provided that a temporary use permit, if required, is properly obtained pursuant to Section 6.7 of this Ordinance and provided that the temporary use complies with the standards of this section and that the applicant pays the required fee.

B. *Temporary uses allowed.*

The following temporary uses are allowed provided they comply with the general standards of subsection 3.4.D.

1. Retail sales of products, including but not limited to Christmas trees, nursery products, agricultural produce or fireworks, in any nonresidential district for a period not to exceed the number of days specified in the temporary use permit. Display of products need not comply with the yard and setback requirements of this Ordinance provided that no display shall be located within an area restricted by the vision clearance area requirements of Chapter 4.
2. Temporary office space and equipment storage when accessory to an approved construction project. Such uses shall be located on the site no more than 30 days prior to the start of construction and removed no more than 30 days after completion of such project.
3. Sales offices on residential development sites in any zoning district until all lots or houses are sold or leased. Use of the sales office for sites outside of the project is prohibited.
4. Expansion or replacement facilities, consisting of transportable buildings that are preconstructed and arrive at the site ready for occupancy and are readily removed and installed at other sites. Such facilities may include, but are not limited to, the following:

- a. Expansion of existing religious assembly facilities, health care facilities, and government offices following the approval of filed plans and application for the permanent alteration/expansion of these facilities.
 - b. Temporary classroom space for existing schools.
 - c. Temporary office space for construction and security personnel during the construction of an approved development for which a grading or building permit has been issued.
 - d. Temporary space for recreational uses provided in connection with an approved residential development under construction.
 - e. Temporary space for a nonresidential use following the destruction of a building by fire or other catastrophic event and/or during remodel/rehabilitation construction.
 - f. Temporary office space (one (1) per site) for hiring, membership solicitation, apartment office/leasing, and general office use following the issuance of a building permit for the construction of a permanent office building.
5. Temporary space for residential accessory use following the destruction of a building by fire, catastrophic event and/or remodel/rehabilitation efforts. This includes, but is not limited to storage containers (ie: POD type containers) or trash containers (ie: dumpsters) where such container:
- a. Is stored outside, along street-rights-of-ways and utility easements.
 - b. Such container may be onsite no more than 10 days prior to the start of reconstruction and no more than 10 days after reconstruction is completed.
 - c. The container may be permitted no longer than ~~180 days, or for the life of a valid building permit, whichever ends first.~~ ninety (90) days, or for the life of a valid building permit, whichever ends first. The time period herein may be extended for an additional ninety (90) days by obtaining the express written consent of the Director of Development Services.
 - d. In no case will said container be placed in any sight-triangle or interfere with traffic visibility, or block any sidewalk area.
 - e. Exception: Where conditions preclude placement out of the right-of-way, these types of containers may be placed at the curb-edge with the written approval from development Services Department.

- f. Storage containers or trash receptacles shall not exceed eight feet in width, nor 20 feet in length, nor eight feet in height.
6. Temporary storage space for residential accessory use, when a residence is being vacated or being prepared for occupancy. The owner may apply for a temporary use permit for one storage container (ie: POD type container or one trash enclosure, ie: dumpster) as follows:
 - a. Temporary storage use shall not exceed thirty (30) days.
 - b. Storage unit (POD) shall be located on private property or driveway only.
 - c. Storage unit shall be located on paved surface only. In no case shall this unit be placed in a landscape or grass area.
 - d. In no case shall the storage unit be placed within any sight-triangle or interfere with traffic or driveway visibility, or block any sidewalk.
 - e. Storage containers or trash receptacles shall not exceed eight feet in width, nor 20 feet in length, nor eight feet in height.
7. The director may approve other temporary uses or structures using the process established in subsection 3.1.D, classification of new and unlisted uses.
- 8.

C. Temporary use permits.

1. *Permit required*

All temporary uses and structures shall obtain a temporary use permit pursuant to the procedures set forth in Section 6.7. A temporary use permit shall be reviewed, approved, or revoked only in accordance with the regulations of Section 6.7 and this section.

2. *Permit exemptions*

Notwithstanding paragraph 1 above, the following temporary uses are deemed approved in any district and do not have to obtain a temporary use permit, provided that the proposed temporary use complies with the general requirements in subsection D. below:

- a. Events utilizing city property, public streets, or public rights-of-way, provided the applicant shall coordinate the event with the special events coordinator and comply with any conditions required by the police and fire departments;

- b. Up to seven, one-day garage or yard sales per year per dwelling unit;
- c. Temporary car washes lasting no more than seven days per year;
- d. Gatherings of less than 100 people, such as block parties, nonprofit bazaars, and fund raisers; and
- e. Temporary uses that occur wholly within an enclosed permanent building.

D. *General requirements for all temporary uses and structures*

All temporary uses or structures shall meet the following general requirements, unless otherwise specified in this Ordinance:

1. Permanent alterations to the site are prohibited.
2. Unless otherwise stated in this Ordinance or in all the terms of the temporary use permit, the temporary use shall expire thirty (30) days after approval of the temporary use permit.
3. All temporary signs associated with the temporary use or structure shall be removed when the activity ends.
4. The temporary use or structure shall not violate any applicable conditions of approval that apply to a principal use on the site.
5. The temporary use standards of this section do not exempt the applicant or operator from any other required permits, such as health department permits.
6. If the property is undeveloped, it shall contain sufficient land area to allow the temporary use or structure to occur, as well as any parking and traffic movement that may be associated with the temporary use.
7. If the property is developed, the temporary use shall be located in an area that is not actively used by an existing approved principal use, and that would support the proposed temporary use without encroaching or creating a negative impact on existing buffers, open space, landscaping, traffic movements, pedestrian circulation, or parking space availability.
8. Tents and other temporary structures shall be located not to interfere with the normal operations of any permanent use located on the property.

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 the time of its passage and approval.

PASSED AND APPROVED this ____ day of August, 2016.

MAYOR

ATTEST:

(Seal) CITY CLERK

CITY ATTORNEY