

ORDINANCE NO. 3410

An Ordinance temporarily establishing an alternative process for the review and issuance of building permits for buildings or structures designed for residential uses and proposed for location in downtown Broken Arrow, in an area more specifically described as the one-half square mile south of Kenosha Street, north of Houston Street, east of Elm Place and west of First Street; providing for an appeal process; providing effective and repeal dates; providing severability; and declaring an emergency.

WHEREAS, downtown Broken Arrow has reinvented itself several times with the adoption of the 2005 Downtown Master Plan, establishment of the Rose District, and ongoing beautification and infrastructure projects; and

WHEREAS, establishing an Arts and Entertainment District has resulted in the attraction of new mixed use developments, including restaurants, retail stores, residential lots and offices along Main Street and within the Rose District; and

WHEREAS, the current downtown maintains a core of museums, a farmers market, churches, city offices, long established banks, restaurants, clothing retail, furniture specialty stores, manufacturing, aviation simulation and many other businesses; and

WHEREAS, over 100 businesses, churches and services are located in the corridor around downtown and within the Rose District; and

WHEREAS, downtown includes more than twelve (12) different residentially platted sub-divisions that were recorded in the early part of the Twentieth Century and are in varying conditions; and

WHEREAS, residential development and growth in the Rose District must be managed in order to provide lasting benefits to the land area within the immediate vicinity of downtown, and to the community as a whole; and

WHEREAS, the City is actively studying the feasibility of maintaining and improving existing infrastructure and establishing new infrastructure within the Rose District; and

WHEREAS, the City Manager has formed a steering committee known as the “Coordinating Committee” that will make recommendations for updates to the overlay zoning district in downtown, and to recommend residential development standards for the Rose District, including limitation of uses, and design and location standards; and

WHEREAS, the Coordinating Committee will seek proposals for updated residential development standards and it is anticipated that an ordinance establishing the overlay district will be proposed for consideration by the Council on or before September 16, 2016; and

WHEREAS, in order that the purposes contemplated by updates to the residential overlay zoning district not be frustrated and to allow the Coordinating Committee the necessary time to complete development of the proposed district and to hold public hearings, to allow the Planning Commission to make its recommendations regarding the proposed overlay zoning district and related development standards, and to allow for the City Council to adopt any related ordinances, it is advisable to temporarily establish an alternate process for the review and issuance of building permits; and

WHEREAS, to promote the public peace, health and safety, it is necessary and advisable to adopt a temporary, alternate process for the review and issuance of building permits for residential buildings or structures within the proposed zoning overlay district.

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

Section 1. There is hereby established an alternative process for the review and issuance of building permits for buildings or structures designed for residential uses and proposed for location in downtown Broken Arrow, in an area more specifically described as the one-half square mile south of Kenosha Street, north of Houston Street, east of Elm Place and west of First Street (the “Subject Area”), and as shown on the attached map identified as Exhibit “A.”

Section 2. Any application for a residential building permit within the Subject Area and all supporting documentation shall be submitted to the Coordinating Committee for review. Following its review, the Coordinating Committee shall make a recommendation to City Staff for approval or denial of the building permit.

Section 3. Any applicant for a residential building permit within the Subject Area may appeal denial of building permit or terms and conditions of an approved building permit to the Broken Arrow City Council. The Council, for good cause shown, may approve the building permit and alter or amend the conditions of the building permit.

Section 4. This alternative process shall become effective immediately upon its adoption, approval and publication, and shall remain in full force and effect through September 16, 2016, after which it shall automatically be null and void, and repealed, provided that the alternative process may be modified by the enactment of a subsequent ordinance of the City of Broken Arrow.

Section 5. If any section, sentence, clause or phrase of this ordinance or any part thereof is for any reason found to be invalid by a court of competent jurisdiction, such decision shall not affect the validity of the remainder of this ordinance or any part thereof.

Section 6. That an emergency is hereby declared to exist for the preservation of the public peace, health and safety, by reason whereof this Ordinance shall take effect immediately upon its adoption, approval and publication.

ADOPTED, by the Council on this 16th day of February, 2016.

ADOPTED, as an emergency measure, on this 16th day of February, 2016.

MAYOR

ATTEST:

Acting City Clerk

APPROVED:

City Attorney