

ORDINANCE NO. _____

**AN ORDINANCE AMENDING THE BROKEN ARROW CODE OF ORDINANCES,
APPENDIX A – ZONING ORDINANCE, CHAPTER 6, REVIEW AND APPROVAL
PROCEDURES, SECTION 6.3, AMENDMENTS, SECTION 6.4, PLANNED UNITS
DEVELOPMENT, SECTION 6.6, SITE PLAN REVIEW, SECTION 6.11, BUILDING
PERMITS; REPEALING ALL ORDINANCES TO THE CONTRARY; AND
DECLARING AN EMERGENCY**

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

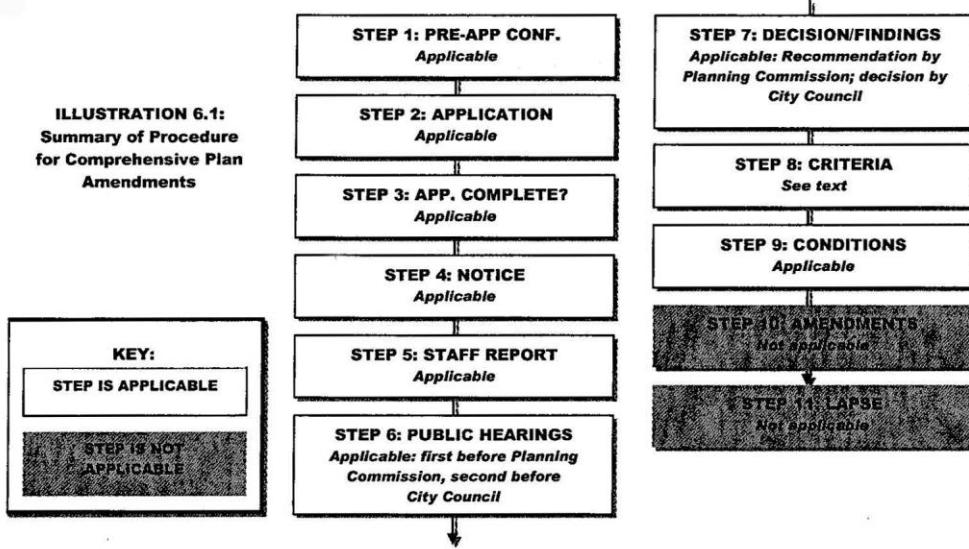
SECTION I. That Chapter 6-Review and Approval Procedures, Appendix A-Zoning Ordinance, 6.3-Amendments shall be amended as follows:

6.3 - Amendments.

- A. *Applicability.* This section covers applications to amend the comprehensive plan, the text of this Ordinance, and the zoning map.
- B. *Amendments to the comprehensive plan.*
 - 1. *Levels of plan review.* The comprehensive plan should be reviewed and reassessed regularly in order to evaluate its effectiveness and adequacy in guiding the growth of the city and to determine whether or not the plan continues to meet the long-term planning needs of the city. Because this review need not necessarily result in the complete revision of the plan, several levels of review are contemplated in this section.
 - a. *Complete plan revision (15-year intervals).* The director shall initiate a full review and complete revision of the comprehensive plan at least once every 15 years, preferably following the decennial census. As part of this review, the director shall provide the planning commission with an overall assessment of the adequacy and effectiveness of the existing plan, including identification of new issues not adequately addressed, issues which require further study and investigation, and suggested improvements. The planning commission shall consider the staff assessment and shall recommend amendments or issues that the commission feels should be pursued or investigated. Any amendments shall follow the procedures of subsection 2. below.
 - b. *Targeted plan review (five-year intervals).* The director shall initiate a targeted review of the plan at least once every five years, or at the time of an area-wide rezoning, in order to make it consistent with economic and demographic trends, recent and proposed land use decisions, and adopted studies and plans. Any amendments shall follow the procedures of subsection 2. below.
 - c. *Other plan amendments.* In addition to the regularly scheduled reviews described above, any review or decision-making body or the director of any city department may propose a plan amendment at any time to reflect changing circumstances. Citizen proposals to change the comprehensive plan shall be heard in conformance

with adopted plan policy. All such proposals shall be processed in accordance with the procedures in subsection 2. below.

2. *Procedure.* The common development review procedures of Section 6.2 shall apply, with modifications as noted below. (See Illustration 6.1.)
 - a. *Step 1: Pre-application conference.* Applicable.
 - b. *Step 2: Development application submittal.* Applicable.
 - c. *Step 3: Determination of application completeness.* Applicable.
 - d. *Step 4: Notice.* Applicable. Published notice required.
 - e. *Step 5: Staff report.* Applicable.
 - f. *Step 6: Public hearings.* Applicable. The first hearing shall be held by the planning commission, and the second hearing shall be held by the city council.
 - g. *Step 7: Decision and findings.* Applicable. The following additional procedures shall apply:
 - i. Review and recommendation by planning commission. The planning commission shall hold a public hearing on the proposed plan amendment and, based on the approval criteria in Step 8 below, vote to recommend that the city council approve, approve with modifications, or deny the plan amendment. The director shall forward the commission's recommendation to the city council.
 - ii. Action by city council. The city council shall hold a public hearing on the proposed plan amendment and within 90 days of the conclusion of the hearing, based upon the recommendations of the director and planning commission, approve or deny the amendment, or refer the application back to the planning commission or to a committee of the city council for further consideration.
 - h. *Step 8: Approval criteria.* There are no approval criteria. Instead, proposals for amendments to the comprehensive plan shall be evaluated based upon whether the amendment is necessary in order to address the following:
 - i. A change in projections or assumptions from those on which the comprehensive plan is based;
 - ii. Identification of new issues, needs, or opportunities that are not adequately addressed in the comprehensive plan;
 - iii. A change in the policies, objectives, principles, or standards governing the physical development of the city; or
 - iv. Identification of errors or omissions in the comprehensive plan.
 - i. *Step 9: Conditions of approval.* Applicable.
 - j. *Step 10: Amendments.* Not applicable.
 - k. *Step 11: Lapse.* Not applicable.



C. *Applications to amend the text of this Ordinance.*

1. *Purpose.* The purpose of text amendments is not to relieve particular hardships, nor to confer special privileges or rights on any person, but rather to make adjustments to the text of this Ordinance that are necessary in light of changed conditions or changes in public policy, or that are necessary to advance the general welfare of the city.
2. *Applicability.* Any amendments to the text of this Ordinance shall be processed in accordance with this section. Only the city council may, after recommendation of the planning commission, adopt an ordinance amending the text of this Ordinance in accordance with the requirements of this section.
3. *Procedure.* The common development review procedures of Section 6.2 shall apply, with modifications as noted below. (See Illustration 6.2.)
 - a. *Step 1: Pre-application conference.* Not applicable.
 - b. *Step 2: Development application submittal.* Applicable.
 - c. *Step 3: Determination of application completeness.* Applicable.
 - d. *Step 4: Notice.* Applicable. Published notice required.
 - e. *Step 5: Staff report.* Applicable.
 - f. *Step 6: Public hearing.* Applicable. If desired, text amendments can be considered at a scheduled joint public hearing of the planning commission and the city council.
 - g. *Step 7: Decision and findings.* Applicable. The following additional procedures shall apply:
 - i. Planning commission review and recommendation.
 - (A) After the conducting the public hearing, the planning commission shall make a recommendation to the city council to approve or deny the text amendment based on the applicable standards of this Section.

(B) If no recommendation is made within 30 days of the public hearing, then the planning commission may request an extension of time from the city council. If no recommendation is made and no extension is granted, then the city council may act on the proposed amendment without a recommendation from the planning commission.

- ii. City council action. After reviewing the reports and recommendations of the director and the planning commission, the city council shall vote to approve, approve with amendments, or deny the proposed amendment, based on the applicable standards of this Section. The city council also may refer the proposed amendment back to the planning commission for further consideration. Amendments to the text of this Ordinance shall be approved in the form of ordinances.
- iii. Alternative review procedure. Notwithstanding the procedure set forth above, where the city council determines by a majority vote that the public health, safety, or welfare necessitates, text amendments may be considered at any regularly scheduled meeting of the city council. In such cases, the council shall hold a public hearing on the proposed amendment, and shall request a recommendation from the planning commission prior to making a decision on the amendment.
- iv. Protests. Any owner of property affected by a proposed amendment may protest the amendment pursuant to the statutory requirements of § 43-105 [11 O.S. § 43-105].
- v. Records of amendments. A record of amendments to the text of this Ordinance in a form convenient for the use of the public shall be maintained in the office of the city clerk.
- vi. Subsequent applications. Following denial of a text amendment request, the city council shall not decide on applications for the same or substantially the same amendment within one (1) year of the date of denial. The waiting period required by this section may be waived in an individual case, for good cause shown, by the affirmative vote of three-fourths of the members of the city council.

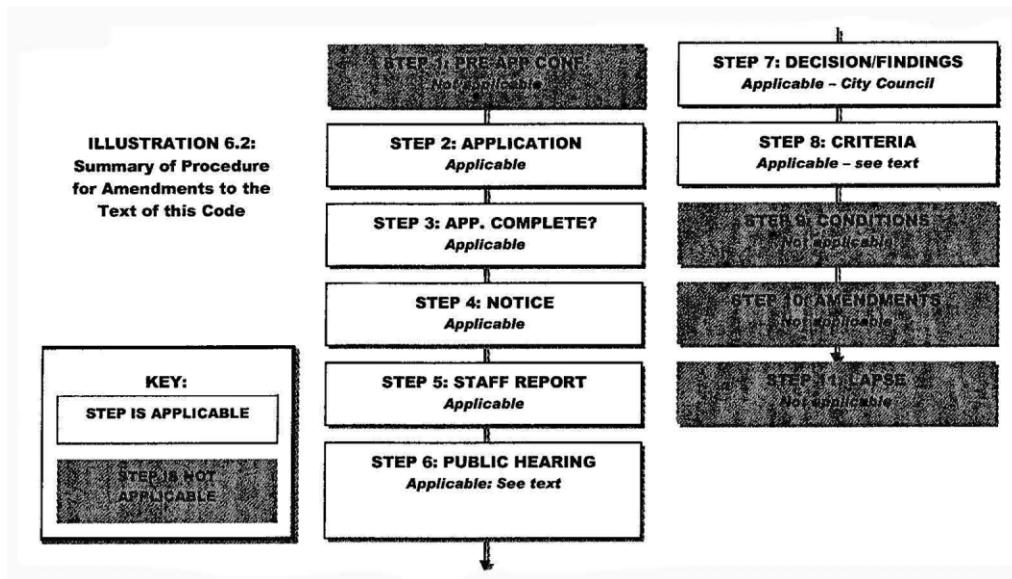
h. *Step 8: Approval criteria.* Applicable, as follows: Recommendations and decisions on text amendments may be approved if the city council finds that all of the following approval criteria have been met:

- i. The proposed amendment will promote the public health, safety, and general welfare;
- ii. The proposed amendment is consistent with the comprehensive plan and the stated purposes of this Ordinance; and
- iii. The proposed amendment is necessary or desirable because of changing conditions, new planning concepts, or other social or economic conditions.

i. *Step 9: Conditions of approval.* Not applicable.

j. *Step 10: Amendments.* Not applicable.

k. *Step 11: Lapse.* Not applicable.



D. *Applications to amend the zoning map (rezonings).*

1. *Purpose.* The boundaries of any zone district may be changed, or the zone classification of any parcel of land may be changed, pursuant to this section. Upon approval of a rezoning by the city council, the zoning map will be updated to reflect the approval.
2. *Procedure.* The common development review procedures of Section 6.2 shall apply, with modifications as noted below. (See Illustration 6.3.)
 - a. *Step 1: Pre-application conference.* Pre-application conferences are required for applications that are inconsistent with the comprehensive plan, and recommended for other rezoning applications. The applicant may determine consistency with the comprehensive plan by contacting the planning staff.
 - b. *Step 2: Development application submittal.* Applicable. The planning commission or the city council also may initiate a rezoning. However, the city council may not initiate a rezoning without first allowing study and hearing by the planning commission.
 - c. *Step 3: Determination of application completeness.* Applicable.
 - d. *Step 4: Notice.* Published, written, and posted notice required.
 - e. *Step 5: Staff report.* Applicable.
 - f. *Step 6: Public hearings.* Applicable. The first hearing shall be held by the planning commission, and the second hearing shall be held by the city council.
 - g. *Step 7: Decision and findings.* Applicable. The following additional procedures shall apply:
 - i. Review and recommendation by planning commission.
 - (A) The planning commission shall hold a public hearing on the proposed rezoning and, based on the approval criteria in Step 9 below, vote to

recommend that the city council approve, approve with modifications, or deny the rezoning.

- (B) The director shall forward the commission's recommendation to the city council. The case shall be heard at the second council meeting following the planning commission hearing.
- (C) If the planning commission recommends that the city council deny a rezoning, that action is final unless, within 15 days of the commission's action, the applicant files a written request with the department of community development for a hearing by the city council.

- ii. *Action by city council.* The city council shall hold a public hearing on the proposed rezoning and within 90 days after the conclusion of the hearing, based upon the recommendations of the director and planning commission, approve or deny the rezoning, or refer the application back to the planning commission or to a committee of the city council for further consideration.
- iii. *Protests.* Any owner of property affected by a proposed amendment may protest the amendment pursuant to the statutory requirements of 11 O.S. § 43-105.
- iv. *Form of amending ordinance.* If a rezoning application is approved, an ordinance shall be drafted effectuating the rezoning. An ordinance amending the zoning map shall contain the following:
 - (A) The name of each use district which the ordinance applies; and
 - (B) The legal description of the land within each zoning district applied by the ordinance.
- v. *Successive applications.* Following denial of an amendment proposal, no new application for the same or substantially the same action shall be accepted by the city within one year of the date of city council denial, unless denial is made without prejudice.
- vi. *Platting requirements.*
 - (A) All land that has been rezoned shall be platted in accordance with the requirements of the Broken Arrow Subdivision Ordinance in order to provide for the proper arrangement of streets, assure the adequacy of open space for traffic, provide for utilities, and allow access of emergency vehicles. No map amendment for a zoning change, nor the ordinance proclaiming this change, may be approved by the city council until the property has been platted in accordance with the subdivision ordinance. However, the city council may waive the platting requirement in those instances in which nothing would be accomplished through enforcement of the platting requirement, such as in those instances in which the land is included within the existing plat of record that adequately provides for the necessary public features, or where these public features have been previously provided by other instruments.

(B) A building permit shall not be granted upon any land that has been rezoned, but which land has not been platted following the rezoning in accordance with the subdivision ordinance. However, the city manager may authorize the issuance of a building permit in those instances in which the public meets have already been met, such as lands that have been previously platted in a manner adequate in providing the necessary public features.

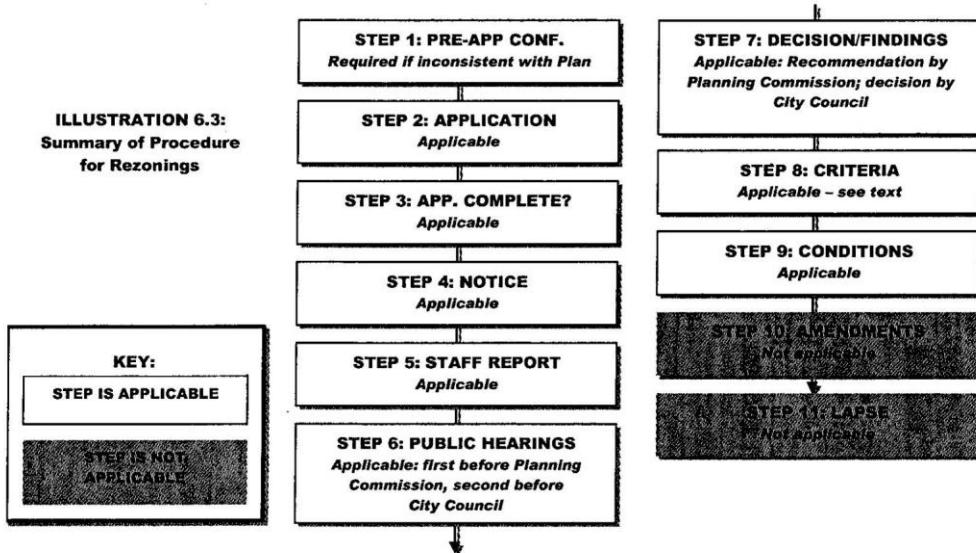
h. *Step 8: Approval criteria.* Applicable, as follows: The city council may approve rezonings, and the planning commission may recommend approval, if the rezoning meets all of the following criteria:

- The rezoning will promote the public health, safety, and general welfare;
- The rezoning is consistent with the comprehensive plan and the purposes of this Ordinance;
- The rezoning is consistent with the stated purpose of the proposed zoning district;
- The rezoning is not likely to result in significant adverse impacts upon other property in the vicinity of the subject tract; and
- Future uses on the subject tract will be compatible in scale with uses on other properties in the vicinity of the subject tract.

i. *Step 9: Conditions of approval.* Applicable.

j. *Step 10: Amendments.* Not applicable.

k. *Step 11: Lapse.* Not applicable.



SECTION II. That Chapter 6- Review and Approval Procedures, Appendix A- Zoning Ordinance, Section 6.4- Planned units development shall be amended as follows:

6.4 - Planned unit developments.

A. *Purpose.* Planned unit development (PUD) is established as an overlay zoning district and is intended as an alternative to conventional development. Approval of a PUD requires the submission to the planning commission and the city council of a proposed outline development plan and accompanying development standards applicable to a particular tract, for discretionary review. The PUD provisions are established for one (1) or more of the following purposes:

1. To permit and encourage innovative land development while maintaining appropriate limitation on the character and intensity of use and assuring compatibility with adjoining and proximate properties.
2. To permit greater flexibility within the development to best utilize the physical features of the particular site in exchange for greater public benefits than would otherwise be achieved through development under this Ordinance.
3. To encourage the provision and preservation of meaningful open space.
4. To encourage integrated and unified design and function of the various uses comprising the planned unit development.
5. To encourage a more productive use of land consistent with the public objectives and standards of accessibility, safety, infra structure and land use compatibility.

B. *Applicability.*

1. A PUD may be submitted for land located within any general zoning district or combination of general zoning districts. In every instance, the PUD is to be reviewed as to the proposed location and character of the uses and the unified treatment of the development of the tract. The regulations of the general zoning district or districts remain applicable except as specifically modified pursuant to the provisions of this section.
2. Approval of both outline and final outline development plans is required prior to development in a PUD overlay district. Outline development plans are subject to recommendation by the planning commission and approval by the city council.
3. An outline development plan may be submitted concurrently with a petition for annexation or a request for rezoning.
4. The planned development ordinances or parts of ordinances approved prior to the effective date of this Ordinance shall be carried forth in full force and effect and are the conditions, restrictions, regulations, and requirements that apply to the respective planned development districts shown on the Zoning Map at the date of adoption.

C. *Effect of approval.* Upon approval of a PUD, no modification of use or bulk and area requirements of the applicable general use district or districts shall be effectuated by issuance of any building or zoning clearance permit until a subdivision plat incorporating the provisions and requirements of this section and subsection 4.1.E. is submitted to and

approved by the planning commission and the city council and duly filed of record in the office of the county clerk of the county in which the PUD is located.

D. *Procedure.* The common development review procedures of Section 6.2 shall apply, with modifications as noted below. (See Illustration 6.4.)

1. *Step 1: Pre-application conference.* During the required pre-application meeting with development services staff, a determination will be made as to whether or not a draft PUD submittal is required. If it is determined that a draft PUD submittal is needed, it shall be submitted for staff review at least two weeks prior to the application being submitted.
2. *Step 2: Development application submittal.* Applicable as follows: The application for PUD shall include an outline development plan. The director shall require sufficient detail in the outline development plan to provide an opportunity for the reviewing bodies to make informed decisions and evaluate compliance with the applicable approval criteria. The plan shall include, at a minimum, maps drawn to scale and text, which identify:
 - a. The existing topographic character of the land including flood plains and treed areas.
 - b. Sufficient surrounding area to demonstrate the relationship of the PUD to adjoining uses, both existing and proposed.
 - c. An explanation of the character and concepts of the proposed planned unit development.
 - d. A delineation of one or more proposed development areas and the specification of the size of each development area and the identification of the land uses proposed therein, and the intensity of land use proposed therein. The intensity of residential uses shall be expressed in number of dwelling units. The intensity of nonresidential uses shall be expressed in gross floor area of buildings.
 - e. The proposed maximum building heights and minimum building setbacks.
 - f. The approximate location of proposed streets and access points and delineation of any proposed private streets.
 - g. The proposed number of off-street parking spaces.
 - h. An explanation of proposed open space areas, landscaped areas and screening features including specification of the size of the open space and landscaped areas and statistical particulars of perimeter screening, landscaping and setbacks.
 - i. An explanation of the intended ownership of the common areas and the entity or entities responsible for the maintenance of the common areas.
 - j. The expected schedule of development including phasing.
 - k. Location of public and private open space.
 - l. Existing or proposed utilities and public services.
 - m. A statement that development on the site will meet applicable standards of the underlying zoning district and this Ordinance, or a statement specifying the

standards of the underlying district and this Ordinance to which modifications are proposed and the justification for such modifications.

- n. A statement specifying the public benefit(s) to be contained in or associated with the PUD.
- 3. *Step 3: Determination of application completeness.* Applicable.
- 4. *Step 4: Notice.* Applicable. Written, published, and posted notice required.
- 5. *Step 5: Staff report.* Applicable.
- 6. *Step 6: Public hearings.* Applicable, as follows: Two public hearings are required. The first hearing shall be held by the planning commission, and the second hearing shall be held by the city council.
- 7. *Step 7: Decision and findings.* Applicable. The following additional procedures shall apply:
 - a. *Review and recommendation by planning commission.*
 - i. The planning commission shall hold a public hearing on the outline development plan. Within 60 days from the filing of a complete application (unless an applicant has requested and been granted a continuance), the planning commission shall conduct a public hearing. The commission shall recommend that the city council approve the plan as submitted, approve the plan with modifications, or deny the plan and shall forward the recommendation to the city council.
 - ii. An application recommended for denial shall not be considered further unless the applicant, within 15 days from the date of the planning commission action, files a written request with the department of community development for a hearing by the city council.
 - b. *Action by city council.* The city council shall hold a public hearing on the outline development plan not sooner than ten days subsequent to the date of the planning commission action. At the close of the hearing, the council shall approve, approve with modifications, or deny, or return the application to the planning commission for further consideration. Approval of the outline development plan shall vest no rights to the applicant other than the right to submit a final outline development plan.
 - c. *Submission of final outline development plan as approved.* For the purposes of achieving a reasonably accessible and accurate record of each approved PUD, a final outline development plan, as approved by the city council, shall be filed as follows:
 - i. Within ten days after planning commission recommendation of approval of a proposed PUD, the applicant shall file with the department of community development five paper copies and one (1) electronic copy in a PDF format of a revised outline development plan that incorporates any modifications to the outline development plan recommended by the planning commission and accepted by the applicant.

- ii. Within ten days after city council approval of a proposed PUD, the applicant shall submit to the department of community development five paper copies and one (1) electronic copy in a PDF format of a revised outline development plan that incorporates any city council modifications to the outline development plan, if any, as last submitted by the applicant.
- iii. Within ten days after city council approval of a proposed PUD and receipt from the applicant of five copies of an outline development plan that incorporates all modifications made by the city council, if any, or if a previously submitted outline development plan fully is consistent with the approval action of the city council, the department of community development shall date and endorse five copies as the approved final outline development plan and shall provide an endorsed copy to the applicant.
- iv. Notation on zoning map. Upon approval of an application for PUD, the zoning map shall be amended to set forth the supplemental zoning district designation "PUD" and a reference file number.
- v. Issuance of building permits. Upon the amendment of the zoning map designating a property as a PUD, no building permit shall issue except in accordance with the approved outline development plan and the approved development standards and conditions, including but not limited to the recording of the required subdivision plat and the approval of required site plans.

8. *Step 8: Criteria for approval.* Applicable, as follows: The city council may approve outline development plans, and the planning commission may recommend approval, if the rezoning to the PUD overlay district and the associated outline development plan meets all of the following criteria:

- a. The PUD addresses a unique situation, confers a substantial benefit to the city, or incorporates creative site design such that it achieves the purposes of this Ordinance and represents an improvement in quality over what could have been accomplished through strict application of the otherwise applicable district or development standards. Such improvements in quality may include, but are not limited to: improvements in open space provision and access; environmental protection; tree/vegetation preservation; efficient provision of streets, roads, and other utilities and services; or increased choice of living and housing environments.
- b. The PUD is consistent with the land use intensity classification system of the comprehensive plan and the purposes of this Ordinance; and
- c. The PUD is consistent with the PUD standards in subsection 4.1.E.

9. *Step 9: Conditions of approval.* The following shall be standard conditions of the approval of a PUD:

- a. The development standards set forth within the applicant's submitted outline development plan shall be deemed to be incorporated within the action of the city council in its approval of the application for PUD except as modified therein.

- b. The requirements of the general zoning districts in which the property is located shall remain applicable except as modified within the approved outline development plan and as may be further modified by the city council in its approval of the application for PUD.
- c. A PUD shall be platted or replatted in accordance with the requirements of subsection 6.4.E. below, coordination with subdivision approval.
- d. A detailed site plan shall be submitted for proposed buildings and improvements within the PUD in accordance with the requirements of subsection 6.4.F. below, coordination with site plan approval.
- e. The development of an approved PUD shall be subject to the planned unit development provisions of this Ordinance, as the provisions existed on the date of approval of the PUD by the city council, provided however:
 - i. The procedural provisions of the zoning ordinance as existing on the date of the filing of an application for amendment to an approved plan unit development, including but not limited to required notice, shall be applicable to such amendment.
 - ii. The substantive provisions of the zoning ordinance pertaining to PUD as amended subsequent to the date of approval by the city council of a PUD, including but not limited to changes in the permitted use or intensity of use of the underlying general zoning districts, may be incorporated within the previously approved PUD upon the approval of the city council of an application for amendment.

10. *Step 10: Amendments.* Applicable as follows:

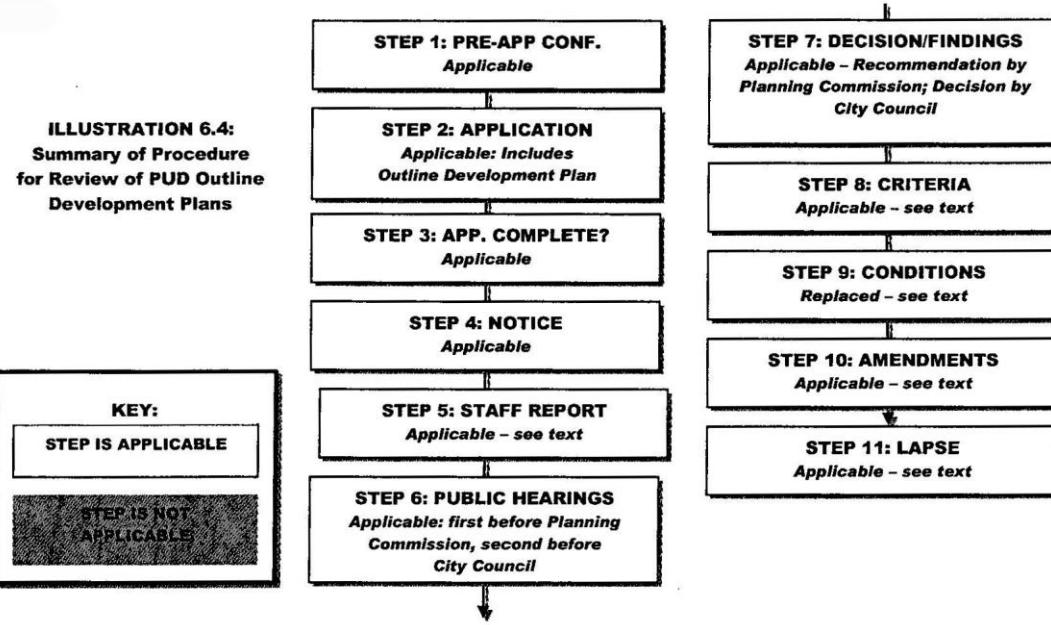
- a. *Major amendments.* Amendments to an approved PUD that would constitute a significant departure from the approved outline development plan are called "major amendments," and shall require compliance with the notice and procedural requirements of an original PUD; provided, however, notice by mailing may be limited to the owners of property within 300 feet of the area of the PUD to which the amendment is applicable, and notice by posting may be limited to the area of the PUD to which the amendment is applicable.
- b. *Minor amendments.*
 - i. Amendments to an approved PUD that do not constitute a significant departure from the approved outline development plan are called "minor amendments" and shall require notice to be given, by certificate of mailing, only to the record title owners of the properties that are within the PUD and are immediately adjacent to the lot(s) or property(ies) that are the subject of the amendment to the approved PUD. Minor amendments may be approved by the planning commission.
 - ii. In instances where, in the initial consideration of an application for PUD, the city council has imposed a condition of approval that is more restrictive than the recommendation of the planning commission, amendment of that condition shall require city council approval.

- iii. Minor changes in the location, siting, and height of structures, streets, driveways, and open spaces generally may be approved as minor amendments to approved PUDs. However, nothing in this section shall preclude the planning commission from determining that, in a particular instance, the requested amendment should be deemed a major amendment.
- iv. In no case may the minor amendment process be used to cause any of the following:
 - (A) A change in the use or character of the development;
 - (B) An increase by more than one (1) per cent in the overall coverage of structures;
 - (C) An increase in the density or intensity of use;
 - (D) An increase in the problems of traffic circulation and public utilities;
 - (E) A reduction of not more than one (1) per cent in approved common open space;
 - (F) A reduction in off-street parking and loading spaces;
 - (G) A reduction in required pavement widths.
- v. An appeal to the city council from a decision of the planning commission approving or denying a minor amendment may be taken by any person aggrieved by the filing of a notice of appeal with the department of community development within 15 days from the date of the planning commission decision.

11. *Step 11: Lapse.* Applicable, as follows:

- a. If a plat has not been recorded on any portion of the PUD within two years after its approval by the city council, the PUD shall expire. The property owner may request an extension of the PUD for 12 months by submitting a written explanation and demonstration that no code changes are affected by this extension. Two, one-year extensions may be considered and approved by staff. If a plat has not been recorded on any portion of the PUD within four years after its initial approval, it shall expire and zoning shall revert to its pre-PUD status. Once a plat is recorded on any portion of the PUD, the entire PUD is validated.
- b. Abandonment of a PUD shall require the approval of the city council, after recommendation by the planning commission, of an application for amendment of the zoning map repealing the PUD overlay designation. Upon filing of an application for abandonment of a PUD, the planning commission shall forthwith advise the city council of the application and the city council may thereupon direct the planning commission to initiate an application to amend the underlying general zoning district or districts within which the PUD is located. In each instance where an application for amendment to the underlying general zoning district or districts was approved concurrently with the approval of a PUD, the city council may direct that the applicant for abandonment forthwith file an application to amend the underlying general zoning district or districts to the district or districts existing

prior to the approval of the PUD. Alternatively, upon the hearing by the city council of an application for abandonment of a PUD, the city council may approve the abandonment upon condition that the underlying general zoning district or districts be amended as determined by the city council to be appropriate.



E. *Coordination with subdivision approval.* Following submission of the final outline development plan, as approved, a planned unit development subdivision plat shall be filed with the planning commission and shall be processed in accordance with the subdivision regulations, and in addition to the requirements of the subdivision regulations, shall include within the plat and/or the deed of dedication:

1. The location of permitted uses and the intensity of permitted uses.
2. The designation of any private streets, the right-of-way width and improvement specifications thereof, and the entity responsible for maintenance of the private streets.
3. Provisions for the ownership and maintenance of any common open space as will reasonably insure its continuity and conservation. Open space may be conveyed to a property owners association or dedicated to the public, provided that a dedication to the public shall require the approval of the city council.
4. Covenants reasonably assuring the continued compliance with the approved outline development plan, which shall include, but without limitation, covenants pertaining to such matters as permitted uses, intensity of uses, location of uses, height of structures, setbacks, screening, access and applicable conditions of approval. In order that the public interest may be protected, the City of Broken Arrow shall be made beneficiary of the required covenants pertaining to the PUD and shall provide that the City of Broken Arrow may enforce compliance therewith and shall further provide that amendment of the covenants shall require the approval of the planning commission and city council and shall be implemented by a written instrument of amendment, duly recorded and bearing the approval of the planning commission and city council.

F. *Coordination with site plan approval.*

1. A detailed site plan of each area within an approved PUD proposed for construction of improvements shall be submitted to the director for approval upon determination that the proposed improvements are in accordance with the development standards of the final outline development plan and the conditions of approval imposed. The site plan shall be submitted and processed pursuant to Section 6.6.
2. As applied to the area of the PUD approved for single-family detached dwellings or duplex dwellings, the required subdivision plat shall be deemed to be the required detail site plan, provided, however, the city council, as a condition of the approval of an outline development plan, may require that a detail site plan of any proposed gating of private streets and related entry features be submitted to the director for review and approval.

G. *Transfer of allocated intensity.* Provision for the transfer of permitted intensity (dwelling units or nonresidential floor area) as initially allocated to a development area may be included within the outline development plan and, if such provision has been approved by the city council, the transfer of intensity shall be made in accordance with such provisions. In instances where no provision for transfer has been included within an approved outline development plan, the transfer of allocated intensity shall be made as follows:

1. The transfer of allocated intensity shall require the written concurrence of 75 percent of the then-owners of the development area from which the allocated intensity is to be transferred and, if the transfer of allocated intensity does not increase the intensity of the development area to which the transfer is to be made by more than 15 percent, the transfer shall require the approval of the planning commission of a minor amendment to the PUD as set forth within Step 10 above.
2. The transfer of allocated intensity shall require the written concurrence of 75 percent of the then-owners of the development area from which the allocated intensity is to be transferred and if the transfer of allocated intensity increases the intensity of the development area to which the transfer is to be made by more than 15 percent, the transfer shall require the approval of the city council of a major amendment to the PUD as set forth within Step 10 above.

H. *Allocation of intensity not initially allocated.* Provision for the allocation of intensity (dwelling units or nonresidential floor area) permitted by the underlying zoning of the PUD which was not initially allocated to a development area may be included within the outline development plan and if such provision has been approved by the city council, the allocation of intensity shall be made in accordance with such provisions. In instances where no provision for allocation of intensity (not initially allocated) has been included within an approved outline development plan, the allocation of such intensity shall be made as follows:

1. If the underlying zoning of the particular development area permits the proposed allocation of intensity within the development area and such allocation does not increase the intensity of the development area by more than 15 percent, the allocation shall require the approval of the planning commission as a minor amendment to the PUD as set forth within Step 10 above.

2. If the underlying zoning of the particular development area permits the proposed allocation of intensity within the development area and such allocation increases the intensity of the development area by more than 15 percent, the allocation shall require the approval of the city council as a major amendment to the PUD as set forth within Step 10 above.
3. If the underlying zoning of the particular development area does not permit the proposed allocation of intensity within the development area and such allocation does not increase the intensity of the development area by more than 15 percent, the allocation shall require written concurrence of 75 percent of the then-owners of the area within the underlying zoning from which an allocation is to be made and shall require the approval of the planning commission of a minor amendment to the PUD as set forth within Step 10 above.

(Ord. No. 3067, § I, 12-1-2009; Ord. No. 3107, § I, 4-20-2010)

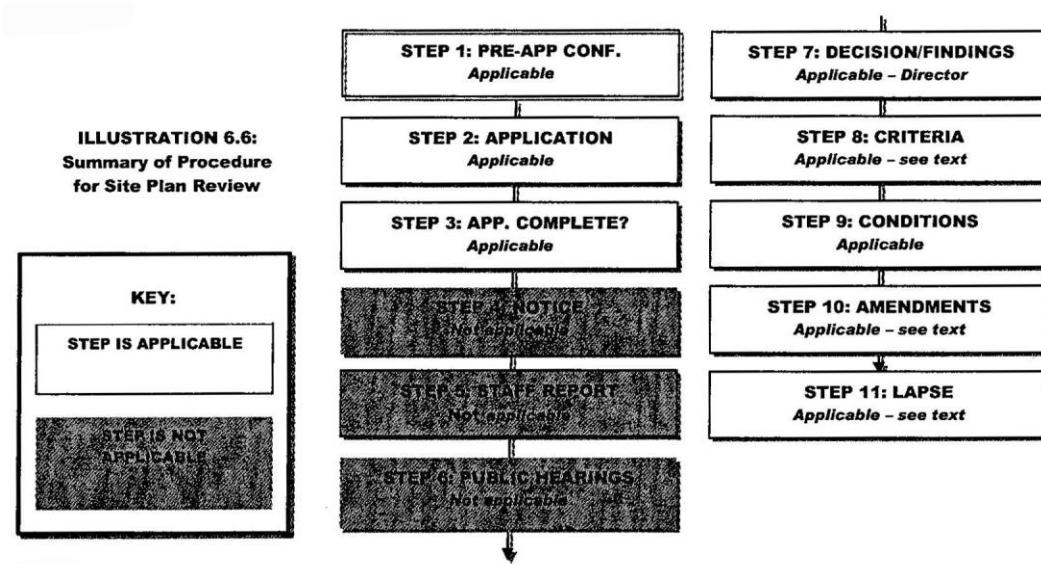
SECTION V. That Chapter 6- Review and Approval Procedures, Appendix A- Zoning Ordinance, Section 6.6- Site plan review shall be amended as follows:

6.6 - Site plan review.

- A. *Purpose.* The purpose of the site plan review process is to ensure compliance with the development and design standards and provisions of this Ordinance and to encourage quality development reflective of the goals, policies, and objectives of the comprehensive plan. Prior to for any building being constructed in a RM, NM, CM, DM, DF, ON, CN, CG, CH, IL, or IH district, a site plan shall be submitted that shows a unified and organized arrangement of the building and/or buildings, off-street parking, points of ingress and egress, internal traffic circulation, property lines, building setback distances, freestanding signs, service facilities, utility locations, light poles, solid waste collection facilities, screening fences, curb lines, neighboring curb cuts, and utility poles (if any). The plan must contain information showing compliance with requirements of this section and all other applicable city codes and ordinances.
- B. *Procedure for site plan review.* The common development review procedures of Section 6.2 shall apply, with modifications as noted below. (See Illustration 6.6.)
 1. *Step 1: Pre-application conference.* Applicable.
 2. *Step 2: Development application submittal.* Applicable.
 3. *Step 3: Determination of application completeness.* Applicable.
 4. *Step 4: Notice.* Not applicable.
 5. *Step 5: Staff report.* Not applicable.
 6. *Step 6: Public hearings.* Not applicable.
 7. *Step 7: Decision and findings.* Applicable. The following additional procedures shall apply:

- a. *Action by director.* The director shall review each site plan application and distribute the application to other reviewers. Based on the results of those reviews, the director shall take final action on the application and approve, approve with conditions, deny or defer decision on the application based on the applicable approval criteria below. The director's review and decision, including referral to other agencies and bodies, shall be completed within 30 days of receipt of a complete application.
 - b. *Referral to planning commission.* The director may refer any application to the planning commission that in the director's discretion presents issues that require planning commission attention.
 - c. *Appeals to the planning commission.* Appeals of decisions made by the director under this section shall be made to the planning commission upon written request to the department of community development within ten days subsequent to the decision of the director.
 - d. *Appeal to the board of adjustment.* Appeals of decisions made by the planning commission under this section shall be made to the board of adjustment.
8. *Step 8: Approval criteria.* Applicable, as follows: A site plan may be approved upon a finding that the application meets all of the following criteria:
 - a. The site plan is consistent with any previously approved subdivision plat, planned development, or any other precedent plan or land use approval as applicable;
 - b. The site plan complies with all applicable development and design standards set forth in this Ordinance, including but not limited to the provisions in chapter 2, zoning districts, chapter 3, use regulations, chapter 4, dimensional standards, and chapter 5, development standards.
9. *Step 9: Conditions of approval.* Applicable.
10. *Step 10: Amendments.* Applicable, with the following modification: The following amendments are offered as examples of amendments to approved site plans that the director may reasonably determine to be "minor":
 - a. Changes in street alignment if such changes further the intent of the plan and this Ordinance.
 - b. Changes in building envelope, setback, and similar provisions of ten per cent or less.
 - c. Changes in landscaping, sign placement, lighting fixtures, etc. to further the intent of the plan and this Ordinance.
11. *Step 11: Lapse.* Applicable, as follows:
 - a. The site plan shall be effective for a period of three years from the date of approval, unless stated otherwise in such approval. Building permits shall not be issued based on site plans that have an approval date more than three years old. For multiphased plans, building permits shall not be issued based on an approval date more than three years from the date of Phase I approval.

b. The director may grant a one-time extension, of not more than six months, upon a written request by the applicant, prior to the expiration of the site plan. Failure by the applicant to request a time extension prior to the expiration of the plan shall render the unbuilt portion of the plan null and void. The submittal of a revised site plan and fees shall be required to obtain a building permit for further site improvements.



SECTION VI. That Chapter 6-Review and Approval Procedures, Appendix A- Zoning Ordinance, Section 6-11- Building permits shall be amended as follows:

6.11 - Building permits.

No building or other structure shall be erected, constructed, enlarged or altered in such manner as to prolong the life of the building, nor shall the use of any land or building or other structure be changed, without a building permit issued by the department of community development of the city of broken arrow, authorizing such construction, alteration or use changes as being in compliance with provisions of this Ordinance.

- An application for building permit shall be made to the department of community development of the City of Broken Arrow by the owner, or proposed occupant of the building or land to be occupied or used, and said application shall state the location and legal description of said property and set out in detail the character and nature of the use to be conducted thereon. The department of community development of the City of Broken Arrow shall grant or deny the building permit in accordance with the terms of this Ordinance.
- All applications for building permits shall be accompanied by a plat or drawing drawn to scale, showing the dimensions of the lot to be built upon, the size and location of the building to be erected, and such other information as may be necessary to provide for the enforcement of city regulations.

- C. A building permit fee will be charged in accordance with the schedule set forth in the building code of the City of Broken Arrow, as adopted on the date the application is made.
- D. A building permit shall be issued only when a subdivision plat (as required by the subdivision ordinance) and a site plan, if required, have been approved. However, with the approval of the director, an applicant may submit a building permit application to the building official concurrent with the site plan application, which permit may be issued upon site plan approval by the director. Building permits shall not be issued for any development that is not in conformance with the approved site plan.

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

SECTION V. 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 _____, 2019.

ATTEST:

MAYOR

(Seal) CITY CLERK

APPROVED AS TO FORM

Deputy City Attorney