CITY OF
BROKEN ARROW
Where opportunity lives

ZONING ORDINANCE

FEBRUARY 1, 2008

AMENDED 10-06-09
AMENDED 12-01-09
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Acknowledgements
2006-2007

City Council
J. Wade McCaleb, Sr., Mayor
Mike Lester, Vice-Mayor
Richard Carter
Craig Thurmond
Phillip Tucker

Planning Commission
Johnnie Parks, Chairman
Fred Dorrell, Vice Chairman
Ricky Jones
Renate Caldwell
Mickie Taylor

Steering Committee
Archer Honea
Beth Anne Wilkening
Brent Murphy
Craig Thurmond
Dave Wooden
Doug Shrout
Farhad Daroga
Jack Keeling
Jack Taber
Jerry Ledford, Jr.
Jim Twombly
Johnnie Parks
Lesli Myers
Michael Skates
O.C. Walker
Ricky Jones
J. Wade McCaleb, Sr.

Consultant – Clarion Associates
Chris Duerksen
Matt Goebel

ORDINANCE NO. 2931

An ordinance to regulate and restrict land use, building use and the location of buildings designed for specific uses; to regulate the limit of height of buildings hereafter erected or altered; to regulate and determine the size and area of yards and other open spaces; to regulate the density of land use; to establish zoning districts based upon a Comprehensive Plan and to delimit such districts by reference to a map; to provide for off-street parking and loading; to provide for the application of zoning clearance permits and the issuance thereof by the City Manager or his authorized representative; to provide for amendments to this Ordinance; to provide for enforcement and prescribing penalties for the violation of the provisions; to provide for the Board of Adjustment to define its powers; to provide for severity; to provide for procedure before the Council and the Planning Commission; to provide for amendments, codification of this ordinance and repeal of conflicting ordinances, declaring an emergency, and to become effective February 1, 2008.

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 previous Zoning Ordinance No. 1560 should be amended as provided in the attached Ordinance No. 2931; and

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

That the Zoning Ordinance of the City of Broken Arrow, Oklahoma, shall hereby read as follows:

ORDINANCE NO. 2931 – Approved by the City Council January 7, 2008
Effective: February 1, 2008
First Printing – January 2008
Amended – October 6, 2009 by Ordinance No. 3057
Amended – December 1, 2009 by Ordinance Nos. 3066, 3067, 3068
Amended – April 20, 2010 by Ordinance No. 3107
Amended – April 5, 2011 by Ordinance Nos. 3154 and 3155
Amended _September 20, 2011 by Ordinance Nos. 3175 and 3176
Amended_ October 16, 2012 by Ordinance No. 3215

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CHAPTER 1: GENERAL PROVISIONS

1.1 TITLE AND EFFECTIVE DATE

This document shall be officially known as the Zoning Ordinance of the City of Broken Arrow, Oklahoma. It is referred to throughout this document as “this Ordinance.” This Ordinance shall become effective on February 1, 2008.

1.2 AUTHORITY

This Ordinance is enacted pursuant to the provisions of Title 11, Oklahoma Statutes, sections 11-43-101 *et. seq.*

1.3 PURPOSE OF THIS ORDINANCE

The provisions of this Ordinance are enacted to protect the public health, safety, and general welfare, and to implement the policies of the Broken Arrow Comprehensive Plan. The provisions are specifically intended to:

A. Promote a healthful and convenient distribution of population by regulating and limiting the density of development;

B. Ensure greater public safety, convenience, and accessibility through the physical design and location of land use activities;

C. Encourage the efficient use of the available land supply in the City, including redevelopment of underutilized land in central areas;

D. Preserve the character and quality of residential neighborhoods;

E. Promote a balanced supply of commercial, industrial, institutional, and transportation land uses that is compatible with adjacent land uses and has good access to transportation networks;

F. Ensure the provision of adequate open space for light, air, and fire safety; and

G. Conserve the value of buildings and land.

1.4 APPLICABILITY AND JURISDICTION

A. General Applicability

The provisions of this Ordinance shall apply to all land, buildings, structures, and uses thereof located within the City of Broken Arrow, unless an exemption is provided by the terms of this Ordinance.

B. Annexed Territory

1. Whenever any vacant lot, parcel, or tract of land is annexed into the City of Broken Arrow, said territory shall be classified as "A-1,” Agricultural District; provided that any portion of such lot, parcel, or tract of land designated as 100-year floodplain shall be classified as "FD,” Floodplain District.

2. Whenever any individual lot or parcel, or any unplatted tract of land that is occupied by a lawful existing use and a viable structure is annexed into the City of

Broken Arrow, said territory may be assigned a zoning classification by the City Council which zoning classification most closely corresponds to the actual primary use of said tract of land. This zoning classification shall be joined with the prefix "A" to indicate the transitional nature of the assigned zoning.

3. Whenever any platted subdivision of land is annexed into the City of Broken Arrow, and (a) any lot or block thereof is occupied by a lawful existing use and viable structure, and (b) said use is in conformity with the City's adopted comprehensive plan, then said subdivision may be assigned a zoning classification by the City Council which zoning classification most closely corresponds to the actual primary use of the occupied portion of the subdivision. No transitional prefix "A" need be used. Any vacant lots may be built upon thereafter under the applicable Building Codes, setback and other requirements associated with that zoning and without the requirement to apply for the same zoning category without the transitional prefix.

4. The Development Services Department shall investigate and recommend the most appropriate zoning classification for consideration by the City Council. The determination of the most appropriate recommendation shall be that classification having the least density, but allowing the primary use to be a lawful and conforming use by right. In the event more than one recommendation would meet this requirement, the determination of the appropriate recommendation will be made in accordance with the zoning classification that would have the fewest significant, non-conforming physical requirements. Provided that the City Council retains the right to annex occupied land and assign an "A-1" Agricultural District as the transitional zoning category.

5. All such property, regardless of the transitional zoning classification, shall be subject to all provisions of this ordinance. Annexed territory shall remain within the transitional zoning classification assigned at the time of annexation until rezoned to another classification in the manner prescribed by law.

6. The use of any land or structures given transitional zoning under paragraph 2 may not be physically expanded, or any new structure constructed, without site plan review and compliance with all applicable zoning requirements. Any unplatted land given transitional zoning under paragraph 2, on which the primary use is discontinued or proposed to be altered, must a) be platted, b) undergo site plan review and c) comply with all applicable zoning requirements prior to the new or expanded use of the land or any structures.

7. **(This section amended 10-06-09)** No new use may be commenced on unplatted property with transitional zoning under paragraph two (2) which is not located within a 100-year floodplain, without obtaining appropriate conventional zoning. New uses can be commenced on platted land, which is not within a 100-year floodplain, with transitional zoning, provided the plat contains all the necessary public features, such as right-of-way and utility easements. Zoning assigned under paragraph 3 shall not be considered transitional zoning for this purpose, but may be changed upon a proper application. **(Ord No. 3057, adopted 10-06-09)**

8. Any land that was once annexed to the City of Broken Arrow and that was later de-annexed shall be assigned to A-1, Agricultural District, upon any subsequent annexation.

C. Application to Governmental Agencies

To the extent allowed by law, the provisions of this Ordinance shall apply to all land, buildings, structures, and uses owned by government agencies in the City of Broken Arrow. Where the provisions of this Ordinance do not legally control such land, buildings, structures, and uses owned by government agencies, such agencies are encouraged to meet the provisions of this Ordinance.

D. Compliance Required

No building or structure shall be erected, converted, enlarged, reconstructed, or altered for use, nor shall any land, building, or structure be used or changed, except in accordance with all of the applicable regulations established by this Ordinance. No lot of record that did not exist on the effective date of this Ordinance shall be created, by subdivision or otherwise, that does not conform to the applicable requirements of this Ordinance.

1.5 CONFLICTING PROVISIONS

A. Minimum Requirements

The provisions of this Ordinance shall be held to be minimum requirements adopted for the promotion of the public health, safety, and welfare.

B. Conflict with Other Public Laws, Ordinances, Regulations, or Permits

This Ordinance is intended to complement other City, State, and Federal regulations that affect land use. This Ordinance is not intended to revoke or repeal any other public law, ordinance, regulation, or permit. However, where conditions, standards, or requirements imposed by any provision of this Ordinance are either more restrictive or less restrictive than comparable standards imposed by any other public law, ordinance, or regulation, the provisions that are more restrictive or that impose higher standards or requirements, as determined by the Director, shall govern.

C. Conflict with Private Agreements

This Ordinance is not intended to revoke or repeal any easement, covenant, or other private agreement. However, where the regulations of this Ordinance are more restrictive or impose higher standards or requirements than such easement, covenant, or other private agreement, then the requirements of this Ordinance shall govern. Nothing in this Ordinance shall modify or repeal any private covenant or deed restriction, but such covenant or restriction shall not excuse any failure to comply with this Ordinance. In no case shall the City be obligated to enforce the provisions of any easements, covenants, or agreements between private parties.

1.6 TRANSITIONAL REGULATIONS

A. Purpose

The purpose of transitional regulations is to clarify the status of properties with pending applications or recent approvals, as those terms are used below, and properties with outstanding violations, at the time of the adoption of this Ordinance.

B. Violations Continue

Any violation of the previous Zoning Ordinance shall continue to be a violation under this Ordinance and shall be subject to the penalties and enforcement set forth in Chapter 9, *Enforcement*, unless the use, development, construction, or other activity complies with the provisions of this Ordinance. Payment shall be required for any civil penalty assessed under the previous ordinance, even if the original violation is no longer considered a violation under this Ordinance.

C. Uses, Structures, and Lots Rendered Conforming

A use, structure, or lot not lawfully existing at the time of the adoption of this Ordinance is deemed lawful and conforming as of the effective date of this Ordinance, provided it conforms to all of the requirements of this Ordinance.

D. Uses, Structures, and Lots Rendered Nonconforming

1. When a building, structure, or lot is used for a purpose that was a lawful use before the effective date of this Ordinance, and this Ordinance no longer classifies such use as an allowed use in the zoning district in which it is located, such use shall be considered nonconforming and shall be controlled by Chapter 8, *Nonconformities*.

2. Where any building, structure, or lot that legally existed on the effective date of this Ordinance does not meet all standards set forth in this Ordinance, such building, structure, or lot shall be considered nonconforming and shall be controlled by Chapter 8, *Nonconformities*.

E. Processing of Applications Commenced or Approved Under Previous Ordinances

1. Pending Applications

a. Any complete application that has been submitted for approval, but upon which no final action has been taken by the appropriate decision-making body prior to the effective date of this Ordinance, shall be reviewed in accordance with the ordinance in effect on the date the application was deemed complete. If the applicant fails to comply with any applicable required period for submittal or other procedural requirements, the application shall expire and subsequent applications shall be subject to the requirements of this Ordinance. Any re-application for an expired project approval shall meet the standards in effect at the time of reapplication.

b. An applicant with a complete application that has been submitted for approval, but upon which no final action has been taken prior to the effective date of this Ordinance, may request review under this Ordinance by a written letter to the Director.

2. Preliminary PUD Approvals

An application for which preliminary approval of a planned unit development (PUD) was granted prior to the effective date of this Ordinance may be processed for a final decision in accordance with the preliminary approval, and applicable terms of the ordinance in place at the time of preliminary approval, even if the application does not comply with one or more requirements set forth

in this Ordinance. Preliminary approvals granted under the previous Zoning Ordinance may be extended no more than once, and for no longer than six months.

3. Approved Projects

a. Specific use permits, site plan approvals, building permits, and variances that are valid on February 1, 2008, shall remain valid until their expiration date. Projects with valid approvals or permits may be completed with the development standards in effect at the time of approval.

b. Any building or development for which a building permit was granted prior to the effective date of this Ordinance may be permitted to proceed to construction.

c. If the development for which the building permit is issued prior to the effective date of this Ordinance fails to comply with the time frames for development established for the building permit, the building permit shall expire and future development shall comply with the requirements of this Ordinance.

1.7 SEVERABILITY

A. If any court of competent jurisdiction invalidates any provision of this Ordinance, then such judgment shall not affect the validity and continued enforcement of any other provision of this Ordinance.

B. If any court of competent jurisdiction invalidates the application of any provision of this Ordinance, then such judgment shall not affect the application of that provision to any other building, structure, or use not specifically included in that judgment.

C. If any court of competent jurisdiction judges invalid any condition attached to the approval of an application for development approval, then such judgment shall not affect any other conditions or requirements attached to the same approval that are not specifically included in that judgment.

CHAPTER 2: ZONING DISTRICTS

2.1 DISTRICTS ESTABLISHED; ZONING MAP

Chapter 2 establishes the City's zoning districts and contains statements of purpose for each of the districts. Chapter 3, *Use Regulations,* and Chapter 4, *Dimensional Standards,* identify the uses allowed within the districts and the dimensional standards applying to development in the districts, respectively.

A. Zoning Districts Established

The following zoning districts are established:

TABLE 2.1-1: ZONING DISTRICTS ESTABLISHED

District Type	*Abbreviation*	*District Name*
Agricultural	A-1	Agricultural
Active Residential	RE	Residential Estate
	RS-1	Single-Family Residential – 1
	R-2	Single-Family Residential – 2
	RS-2	Single-Family Residential – 2
	RS-3	Single-Family Residential – 3
	RD	Residential Duplex
	RM	Residential Multi-Family
	RMH	Residential Mobile Home Park
Inactive Residential	R-1	Single-Family Residential – 1
	R-3	Single-Family Residential – 3
Mixed-Use	NM	Neighborhood Mixed-Use
	CM	Community Mixed-Use
	DM	Downtown Mixed-Use Core
	DF	Downtown Fringe
Commercial and Industrial	ON	Office Neighborhood
	CN	Commercial Neighborhood
	CG	Commercial General
	CH	Commercial Heavy
	II	Industrial Light
	IH	Industrial Heavy
Special Purpose and Overlays	PUD	Planned Unit Development
	FD	Floodplain
	DRO	Downtown Residential Overlay
	HDO	Highway Design Overlay
NOTE: On the Zoning Map, the prefix "A" will be added to one of the abbreviations above for transitional properties being annexed.		

B. Zoning Map

1. The zoning districts are shown on the "City of Broken Arrow Zoning Map" (Zoning Map). The boundaries of zoning districts established in this Ordinance are delineated upon the Zoning Map and adopted as part of this Ordinance. Procedures for amending the Zoning Map are in Section 6.3.D., *Applications to Amend the Zoning Map (Rezonings*).

2. In the event of uncertainty in the exact boundaries of any of the districts as shown on the Zoning Map, the Planning Commission, upon written application or upon its own motion, shall recommend the location of such boundaries to the Board of Adjustment and the Board of Adjustment shall make the final determination.

C. Relationship to Overlay Districts

All lands within the City shall be designated as one of the base zoning districts listed in Sections 2.2 through 2.5. In addition, some lands may be designated as one or more of the overlay districts listed in Section 2.6. Where the property is designated as an overlay district as well as a base zoning district, the regulations governing development in the overlay district shall apply in addition to the regulations governing development in the underlying base district. In the event of an express conflict between the two sets of standards, the standards for the overlay district shall control.

D. Zoning District Name Changes

The zoning district names in effect prior to the effective date of this Ordinance are hereby converted as shown on the following table:

PREVIOUS DISTRICT		NEW DISTRICT	
AGRICULTURAL DISTRICT			
A-1	Agricultural	A-1	Agricultural
RESIDENTIAL DISTRICTS			
RE	Residential Estate	RE	Residential Estate
R1-S	Single-Family Residential – 1	RS-1	Single-Family Residential – 1
R-2	Single-Family Residential – 2	R-2	Single-Family Residential – 2
R2-S	Single-Family Residential – 2	RS-2	Single-Family Residential – 2
R3-S	Single-Family Residential – 3	RS-3	Single-Family Residential – 3
R-1	Single-Family Residential – 1	R-1	R-1 [Inactive]
R-3	Single-Family Residential – 3	R-3	R-3 [Inactive]
R-4	Two-Family Residential	RD	Residential Duplex
R-5	Multi-Family Residential	RM	Residential Multi-Family
R-6	Multi-Family Residential	RM	Residential Multi-Family
RMH	Residential Mobile Home Park	RMH	Residential Mobile Home Park
NONRESIDENTIAL DISTRICTS			
C-1	Central Business District	DM	Downtown Mixed-Use Core
C-1P	Central Business District (Parking)	DM	Downtown Mixed-Use Core
O-1	Central Office District	DF	Downtown Fringe
O-1P	Central Office District (Parking)	DF	Downtown Fringe
O-3	Neighborhood Office	ON	Office Neighborhood
C-3	Neighborhood Commercial	CN	Commercial Neighborhood
C-2	Planned Shopping Center	CG	Commercial General
O-2	Planned Office Park	CG	Commercial General
C-4	Automotive Sales and Service	CH	Commercial Heavy
C-5	Highway and Recreational Commercial	CH	Commercial Heavy
IS	Industrial Service	IL	Industrial Light
I-1	Light Industrial	IL	Industrial Light
I-2	Heavy Industrial	IH	Industrial Heavy

2.2 AGRICULTURAL DISTRICT

A. Agricultural District (A-1)

1. The A-1 district is established for the following purposes:

a. To provide for the continued use of land for predominately agricultural purposes;

b. To preserve undeveloped areas until they can feasibly be developed at urban standards and with adequate public safeguards of health, safety, and welfare; and

c. To provide a base (or holding) zoning classification for all newly annexed property.

2.3 RESIDENTIAL DISTRICTS

A. General Purposes of Residential Districts

The residential zoning districts contained in this section are intended to:

1. Provide appropriately located areas for residential development that are consistent with the Comprehensive Plan and with standards for public health, safety, and general welfare;

2. Allow for a variety of housing types that meet the diverse economic and social needs of residents;

3. Protect the scale and character of existing residential neighborhoods and community character;

4. Discourage any use that would generate traffic or create congestion on neighborhood streets other than the normal traffic that serves the residents of the district; and

5. Discourage any use that, because of its character or size, would create additional requirements and costs for public services that are in excess of such requirements and costs if the district were developed solely for the intended type of residential uses.

B. Residential Estate (RE)

The RE district is intended to promote and encourage a suitable environment for residential development on large parcels of land at a low rate of urban population density. It is the intent of this district to encourage the construction of and the continued use of the land for single-family dwellings, and to prohibit commercial and industrial use or any other use that would substantially interfere with development or continuation of single-family dwellings or any use not performing a neighborhood function. The district also is intended to encourage low to moderate density neighborhoods to help manage the floodplain and encourage low density near and around flood-prone and low-lying areas. On-site sewage disposal may be used in this district; future rezonings to the RE district should be consistent with the City's plans for sanitary sewer line extension.

C. Single-Family Residential District (RS-1)

The RS-1 district is intended to promote and encourage the construction of and continued use of land for single-family dwellings with a greater density than the RE district but a lesser density than the RS-2 district. The district prohibits commercial, office, and industrial uses or any other use that would substantially interfere with the development or continuation of single-family dwellings in the district.

D. Single-Family Residential District (R-2)

The R-2 district is intended as a district in which the predominant use of land is for single-family dwellings. It is the purpose of this district to promote the construction of and the continued use of the land for single-family dwellings. The intent of this district further prohibits commercial and industrial use or any other use that would substantially interfere with the development or continuation of single-family dwellings in this district.

E. Single-Family Residential District (RS-2)

The RS-2 district is intended to promote the construction of and the continued use of the land for single-family dwellings with a greater density of land use allowed than in the RS-1 district. The district prohibits commercial and industrial use or any other use that would substantially interfere with the development or continuation of single-family dwellings in this district.

F. Single-Family Residential District (RS-3)

The RS-3 district is intended for single-family dwellings at a higher density than allowed in the RS-1 and RS-2 districts. The district prohibits commercial and industrial use or any other use that would substantially interfere with the development or continuation of single-family dwellings in this district.

G. Residential Duplex (RD)

The RD district is intended for the construction of and the continued use of the land for single-family and two-family dwellings. The district prohibits commercial and industrial use or any other use that would substantially interfere with the development or continuation of single-family or two-family dwellings in this district.

H. Residential Multi-Family (RM)

The RM district is intended to accommodate the development of multi-family units, including apartments and condominiums, in neighborhoods with medium to high residential densities. It is the intent of this district, through proper site planning and design, to provide compatibility of uses in zoning, assure privacy and individuality by adequate screening techniques, protect adjacent property values, and make provisions for usable open space (exclusive of parking areas and streets).

I. Residential Mobile Home Park District (RMH)

The RMH district is intended to encourage the development of properly planned mobile home parks and subdivisions in residential environments and to establish standards for the size, design, and quality of mobile home parks.

J. Inactive Residential Districts

The following districts are carried forward from the prior version of the Broken Arrow Zoning Ordinance. All existing lots and uses in these districts are legal and conforming, provided they conform to the applicable standards of the prior ordinance. However, these districts are considered "inactive," in that no more zonings or rezonings may be approved to these districts following the effective date of this Ordinance. Development in an inactive residential district is subject to all applicable requirements of this Ordinance, including the use regulations of Chapter 3, the dimensional requirements of Chapter 4, and the development and design standards of Chapter 5, that are not governed by the zone district standards of an inactive district.

1. Single-Family Residential District (R-1) [Inactive]

The R-1 district is intended to promote and encourage a suitable environment for family life on parcels of land large enough to accommodate the long ranch-type home and allow adequate open space for circulation of air and the landscaping of yards. It is the intent of this district to encourage the construction of and the continued use of the land for single-family dwellings, and to prohibit commercial and industrial use or any other use that would substantially interfere with development or continuation of single-family dwellings in this district or any use not performing a neighborhood function.

2. Single-Family Residential District (R-3) [Inactive]

The R-3 district is intended to provide an area for single-family housing at a higher density than permitted in the "R-1" and "R-2" districts. The construction and continued use of this land for single-family dwellings is encouraged and the encroachment of commercial and industrial use or any other use that would substantially interfere with the development and continuation of this district as single-family dwellings is prohibited.

2.4 MIXED-USE DISTRICTS

A. General Purposes of Mixed-Use Districts

Mixed-use districts define the uses of land and the siting and character of the improvements and structures to promote compatibility between residential and nonresidential uses. The districts also are intended to encourage redevelopment of underutilized parcels and infill development of vacant parcels. The mixed-use districts specifically are intended to:

1. Concentrate higher-density residential development and commercial and office employment efficiently in and around the downtown, major employment centers, and other designated centers of community activity;

2. Encourage mixed-use and higher-density redevelopment, conversion, and reuse of aging and underutilized areas, and increase the efficient use of available land in the City;

3. Create compact and pedestrian-oriented environments that encourage transit use and pedestrian access; and

4. Ensure that development in mixed-use areas is of high quality and provides pedestrian scale and interest through use of varied forms, materials, details, and colors, especially at the ground floor and second story.

B. Neighborhood Mixed-Use District (NM)

The NM district is intended to provide for small, compact commercial centers within or surrounded by residential areas, compatible in scale and character with surrounding residential uses, to serve the convenience needs of the immediately surrounding neighborhood. NM centers are between one-half to five acres in size. Ground-floor small-scale retail is required and upper-story residential and office uses are encouraged. Continuous retail frontages, largely uninterrupted by driveways and parking, are encouraged.

C. Community Mixed-Use District (CM)

The CM district is intended to provide for community-serving mixed-use development at a higher scale than is appropriate for neighborhood locations. The CM district is intended for use along selected corridors and at important nodes in the City on sites of five acres or larger. The CM district is intended to include commercial, institutional, recreational, and service facilities needed to support surrounding neighborhoods and the community at-large. Medium- to higher-density housing should be incorporated within or located around the district. Development should facilitate pedestrian connections between residential and nonresidential uses.

D. Downtown Mixed-Use Core District (DM)

The DM district is intended to provide for and encourage development and redevelopment that preserves and enhances the unique character and vitality of the Broken Arrow downtown. Small-scale offices, retail, and upper-story residential uses are allowed. Design standards focus on creating a human-scaled, pedestrian-oriented and walkable downtown that invites commercial development and complementary residential opportunities. Continuous retail frontages, largely uninterrupted by driveways and parking, are encouraged.

E. Downtown Fringe District (DF)

The DF district is intended to apply to those areas within the Downtown Core Area but outside the DM district. DF district uses may have a similar form, density, and height as DM areas, but typically generate a lower intensity of activity, both vehicular and pedestrian. Commercial, office, and residential uses are allowed on all floors in the DF district. Uses within the DF district are subject to additional design considerations, since they abut residential neighborhoods in many cases.

2.5 COMMERCIAL AND INDUSTRIAL DISTRICTS

A. General Purposes of Commercial and Industrial Districts

The commercial and industrial zoning districts contained in this section generally are intended to:

1. Provide appropriately located areas consistent with the Comprehensive Plan for retail, service, office, and industrial uses;

2. Strengthen the City's economic base and provide employment opportunities close to home for residents of the City and surrounding communities; and

3. Minimize any negative impact of nonresidential development on adjacent residential districts.

B. Office Neighborhood (ON)

The ON district is intended to provide locations for offices that serve and are compatible with residential uses.

C. Commercial Neighborhood District (CN)

The CN district is intended for small, compact commercial uses within or surrounded by residential areas, compatible in scale and character with surrounding residential uses, to serve the convenience needs of the immediately surrounding neighborhood.

D. Commercial General District (CG)

The CG district is intended to provide for a full range of community-oriented retail and service commercial uses.

E. Commercial Heavy District (CH)

This district is intended primarily for uses that provide commercial goods and services to residents of the community in areas that are dependent on automobile access and exposed to heavy automobile traffic. These commercial uses are subject to frequent view by the public and visitors to Broken Arrow, and they should provide an attractive appearance with landscaping, sufficient parking, and controlled traffic movement.

F. Industrial Light District (IL)

The IL district is intended to provide for light manufacturing, processing, service, storage, wholesale, and distribution operations with all operations contained within an enclosed building. The intent is to preserve this land for light industrial and service-oriented commercial uses.

G. Industrial Heavy District (IH)

The IH district is intended to provide for heavy industrial development of a potentially noxious nature, including heavy manufacturing, storage, major freight terminals, waste and salvage, resource extraction, processing, and other related uses. The intent is to preserve this land especially for industry in locations with access to major streets as designated on the Comprehensive Plan Map, as well as locations generally accessible to railroad transportation. Because of the objectionable influences that may be created in this district, a buffer or additional setback strip is necessary around this district to protect other zoning districts, except the IL Light Industrial district.

2.6 SPECIAL PURPOSE AND OVERLAY DISTRICTS

A. Planned Unit Development Overlay District (PUD)

Planned Unit Development (PUD) is established as a supplemental zoning district that provides an alternative to conventional development, and requires approval under the procedure in Section 6.4 of this Ordinance. The PUD provisions are established for one 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;

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; and

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. Floodplain District (FD)

The floodplain district is designed to:

1. Protect life;

2. Reduce and prevent flood damage;

3. Reduce public expenditures in the areas subject to flooding;

4. Permit reasonable use of land in areas subject to flooding;

5. Promote the general welfare of the community; and

6. Prevent or reduce flood damage by keeping floodways free of man-made obstructions to permit the free flow and discharge of floodwater,

C. Downtown Residential Overlay (DRO)

The DRO district is intended to ensure that development in residential areas in the central part of the City complies with the Broken Arrow Downtown Master Plan by adhering to a high level of development quality.

D. Highway Design Overlay (HDO)

The HDO district is intended to ensure that development along designated highways within Broken Arrow present an attractive image of the community to City residents and highway drivers, thus contributing to the overall quality of life and economic development in the City.

CHAPTER 3: USE REGULATIONS

3.1 TABLE OF ALLOWED USES

Table 3.1-1 lists the principal uses allowed within all base zoning districts. Each of the listed uses is defined in Chapter 10, *Definitions*.

A. Explanation of Table Abbreviations

1. Permitted Uses

"P" in a cell indicates that the use is allowed by right, without special conditions other than those imposed upon other uses by right in the district. Permitted uses are subject to all other applicable regulations of this Ordinance, including the Specific Use Permit standards in this chapter and the standards in Chapter 5, *Development Standards*.

2. Specific Review Uses

a. "S" in a cell indicates that, in the respective zoning district, the use is allowed only if reviewed and approved in accordance with the procedures of Section 6.5, *Specific Use Permits*. Specific review uses are subject to all other applicable regulations of this Ordinance, including the Specific Use Permit standards in this chapter and the requirements of Chapter 5, *Development Standards*. Specific use permit standards are noted through a cross-reference in the last column of the table.

b. The "S" designation in Table 3.1-1 in a given district does not constitute an authorization or an assurance that such use will be permitted. Rather, each specific use permit application shall be evaluated as to its probable effect on adjacent properties and surrounding areas, and may be approved or denied as the findings indicate appropriate.

3. Prohibited Uses

A blank cell indicates that the use is prohibited in the respective zoning district.

B. Table Organization

In Table 3.1-1, land uses and activities are classified into general "use categories" and specific "use types" based on common functional, product, or physical characteristics, such as the type and amount of activity, the type of customers or residents, how goods or services are sold or delivered, and site conditions. This classification provides a systematic basis for assigning present and future land uses into appropriate zoning districts. This classification does not list every use or activity that may appropriately exist within the categories, and specific uses may be listed in one category when they may reasonably have been listed in one or more other categories. The use categories are intended merely as an indexing tool and are not regulatory.

C. Use for Other Purposes Prohibited

Approval of a use listed in Table 3.1-1 and compliance with the applicable Specific Use Permit standards for that use authorizes that use only. Development or use of a property for any other use not specifically allowed in Table 3.1-1 and approved under the appropriate process is prohibited.

D. Classification of New and Unlisted Uses

It is recognized that new types of land use will develop and forms of land use not anticipated may seek to locate in the City. In order to provide for such situations, a determination as to the appropriate classification of any new or unlisted form of land use shall be made. When application is made for a use category or use type that is not specifically listed in Table 3.1-1, the procedure below shall be followed.

1. The Director shall provide an interpretation as to the zoning classification into which such use should be placed. In making such interpretation, the Director shall consider its potential impacts, including but not limited to: the nature of the use and whether it involves dwelling activity; sales; processing; type of product, storage and amount, and nature thereof; enclosed or open storage; anticipated employment; transportation requirements; the amount of noise, odor, fumes, dust, toxic material, and vibration likely to be generated; and the general requirements for public utilities such as water and sanitary sewer.

2. Appeal of the Director's decision shall be made to the Board of Adjustment following procedures under Section 6.10.A, *Appeals of Administrative Decisions*.

E. Uses Permitted in a Planned Unit Development

A PUD may include one or more of the uses permitted by right or Specific Use Permit within the general zoning district or districts within which the PUD is located; provided however:

1. When located in whole or in part within any of the residential districts (except RMH), the PUD may include one or more of the dwelling types permitted within the RM district;

2. When located in whole or in part within an RMH district the development may consist of one or more of the dwelling types permitted in the RM district and/or an RMH district; and

3. The permitted uses, whether principal or accessory uses, may be reallocated within the PUD irrespective of the general zoning district boundaries pursuant to an outline development plan or amendment thereof approved as provided in Section 6.4.

F. Table of Allowed Uses

TABLE 3.1-1 TABLE OF ALLOWED USES

P= Permitted; S=Specific Use

USE CATEGORY	USE TYPE	AG	RESIDENTIAL					MIXED USE				COMMERCIAL/ OFFICE				IND'L		
		A1	RE	RS1 / R1 RS2 / R2 RS3 / R3	RD	RM	RMH	NM	CM	DM	DF	ON	CN	CG	CH	IL	IH	SPECIFIC USE PERMIT STANDARDS
RESIDENTIAL USES																		
Household Living	Dwelling, duplex				P	P												
	Dwelling, multi-family					P		P	P	P	P							
	Dwelling, single-family attached				P	P		P	P	P	P							
	Dwelling, single-family detached	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											
	Convalescent home, nursing home, or assisted living facility	S	S	S	P	P		P	P	P	P							3.2.A.2.
PUBLIIC/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	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	S		
	Places of assembly	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	
Cultural Facility	Art gallery or museum, public	S	S	S	S	S		P	P	P	P		P	P	P			3.2.B.2.
	Library, public	S	S	S	S	S		P	P	P	P		P	P	P			3.2.B.5.

TABLE 3.1-1 TABLE OF ALLOWED USES

P= Permitted; S=Specific Use

USE CATEGORY	USE TYPE	AG	RESIDENTIAL					MIXED USE				COMMERCIAL/ OFFICE				IND'L		SPECIFIC USE PERMIT STANDARDS
		A1	RE	RS1 / R1 RS2 / R2 RS3 / R3	RD	RM	RMH	NM	CM	DM	DF	ON	CN	CG	CH	IL	IH	
Child Care Facility	Child care center	S	S	S	S	S	S			S	S	P	P	S				
	Day care center / nursery school	S	S	S	S	S	S			S	S	P	P	S				
	Home day care	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	P	P	P	P							3.2.B.7.
	Middle school or high school	S	S	S	S	S	S	P	P	P	P							3.2.B.7.
	Trade school	S	S	S	S	S	S	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			
	Hospital	S	S	S	S	S	S				S			P	P			
Parks and Open Space	Arboretum or botanical garden	P	S	S														3.2.B.1.
	Campground	S																
	Community playfields and parks	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Telecom-munication Facility	Tower (including any facility with tower)			S	S	S	S	S	S	S	S	S	S	P	P	P	P	5.9
	Broadcasting or recording studio, (no tower)							P	P	P	P	P	P	P	P	P	P	
	Transmitting station (no tower)												P	P	P	P	P	
Transportation Facility	Airport	S													S	S	S	
	Bus and passenger train terminal								P	S	S	S	P	P	P	P		
	Heliport	S												S	S	S	S	
Utility	Utility facility, major	S												S	S	S	P	
	Utility facility, minor	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	

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USE CATEGORY	USE TYPE	AG	RESIDENTIAL					MIXED USE				COMMERCIAL/ OFFICE				IND'L		SPECIFIC USE PERMIT STANDARDS
		A1	RE	RS1 / R1 RS2 / R2 RS3 / R3	RD	RM	RMH	NM	CM	DM	DF	ON	CN	CG	CH	IL	IH	
COMMERCIAL USES																		
Agriculture	Agriculture	P																
Animal Sales and Services	Animal pet shop, retail								S					P	P	P		
	Animal training school	S													S	P		3.2.C.1.
	Kennel	S													S	P		3.2.C.1.
	Veterinary clinic/animal hospital	S							S					S	P	P		3.2.C.1.
	Veterinary clinic, large animal	S																3.2.C.1.
Financial Service	Financial institution, with drive-thru							S	P	P	S	S	P	P	P			
	Financial institution, without drive-thru							P	P	P	P	P	P	P	P			
Food and Beverage Service	Bar/Nightclub								P	P				P	P			
	Catering service							P	P		P		P	P	P			
	Fruit and vegetable market									P	P		P	P	P			
	Restaurant, drive-in													P	P			
	Restaurant, without drive-thru							P	P	P	P		P	P	P			
	Restaurant, with drive-thru												S	P	P			
Office	Office, business or professional							P	P	P	P	P	P	P	P	P		
	Research laboratory														P	P		
Recreation and Entertainment, Outdoor	General outdoor recreation	S													P	S		3.2.C.3.
	Golf course or driving range, unlighted	P	P	P	P	P	P											3.2.C.3.
	Golf course or driving range, lighted	S													P			3.2.C.3
	Major entertainment facility	S													P	S		3.2.C.3
	Race track (auto, dog, or horse)	S													S			3.2.C.3
	RV campground/ park														S			3.2.C.2.

TABLE 3.1-1 TABLE OF ALLOWED USES

P= Permitted; S=Specific Use

USE CATEGORY	USE TYPE	AG	RESIDENTIAL					MIXED USE				COMMERCIAL/ OFFICE				IND'L		
		A1	RE	RS1 / R1 RS2 / R2 RS3 / R3	RD	RM	RMH	NM	CM	DM	DF	ON	CN	CG	CH	IL	IH	SPECIFIC USE PERMIT STANDARDS
	Shooting range	S																3.2.C.3
	Zoo	S																3.2.C.3
Recreation And Entertainment Indoor	Art gallery or museum, private								P	P	P	P	P	P	P			
	Fitness and recreational sports center	S						S	P	P	P	S	S	P	P	S		
	General indoor recreation								P	S			P	P	P	S		
	Major entertainment facility									S	S			S	P	P		
	Movie theatre								P	S	S			P	P			
Personal Services	Dry cleaning and laundry service								P					P	P	P		
	Funeral services								P				P	P	P			
	General personal services							P	P	P	P		P	P	P			
	Instructional services								P		P	S	P	P	P			
Retail (Sales)	Alcoholic beverages, retail sale								P	P			P	P	P			
	Convenience store with gas sales								P				P	P	P			
	Horticulture nursery sales	S												P	P			
	Open-air market or flea market									S				S	S			
	Retail, general							P	P	P	P		P	P	P			
	Retail, large													P	P			
	Sexually oriented business														P			
Vehicles and Equipment	Boat and/or RV storage														S	P	P	
	Car wash														P	P		
	Gasoline sales													P	P	P		
	Parking structure							P	P	P	P			P	P	P	P	
	Vehicle sales and rental														S			3.2.C.4.
	Vehicle service and repair, major															P	P	
	Vehicle service and repair, minor								P					P	P	P	P	

TABLE 3.1-1 TABLE OF ALLOWED USES

P= Permitted; S=Specific Use

USE CATEGORY	USE TYPE	AG	RESIDENTIAL					MIXED USE				COMMERCIAL/ OFFICE				IND'L		SPECIFIC USE PERMIT STANDARDS
		A1	RE	RS1 / R1 RS2 / R2 RS3 / R3	RD	RM	RMH	NM	CM	DM	DF	ON	CN	CG	CH	IL	IH	
Visitor Accom-modation	Bed and breakfast	P			S	S		S	S	P	S			P	P			
	Hotel or motel								P	P	S			P	P			
INDUSTRIAL USES																		
Industrial Service	Fossil fuel storage															S	P	
	General industrial service															P	P	
Manufacturing and Production	Assembly, light									S						P	P	3.2.D.1
	Manufacturing, light															P	P	
	Manufacturing, heavy																P	
Mining and Processing	Minerals and raw materials	S															S	
	Oil and gas	S															S	
Warehouse and Freight Movement	Mini-storage														S	P	P	3.2.D.3.
	Motor freight terminal															P	P	
	Office warehouse														S	P	P	
	Storage yard															P	P	
	Warehouse															P	P	
	Wholesale establishment															P	P	
Waste and Salvage	Auto salvage yard																S	3.2.D.4.
	Scrap operations																S	
	Recycling center (outdoor or indoor)														S	P	P	
	Solid waste disposal	S															S	3.2.D.2.

3.2 SPECIFIC USE PERMIT STANDARDS

When reviewing requests for specific use permits, the Planning Commission may require that the applicant furnish plans and data concerning the operation, location, function, and characteristics of any use of land or building proposed.

The Planning Commission may recommend to the City Council that certain safeguards and conditions concerning setbacks, ingress and egress, off-street parking and loading arrangements, and location or construction of buildings and uses and operation be required. The foregoing standards are considered to be minimal. The Planning Commission may recommend additional standards and conditions.

The City Council may, in the interest of the public welfare and to assure compliance with the intent of this ordinance, require such development standards and operational conditions and safeguards as are indicated to be important to the welfare and protection of adjacent property and the community as a whole.

A. Residential Uses

1. Dwelling, Mobile Home

a. Access to the mobile home shall be from an arterial street.

b. Mobile home shall setback at least 50 feet from all property lines.

2. Convalescent Home, Nursing Home, Or Assisted Living Facility

In the A-1, RE, RS-1, RS-2, RS-3, R-1, R-2, and R-3 districts, the use shall abut an arterial street.

B. Public and Institutional Uses

1. Arboretum or Botanical Garden

a. In the RE, RS-1, RS-2, RS-3, R-1, R-2, and R-3 districts, the use shall abut an arterial street.

b. No sales are allowed with this use, except through gift shops that are approved accessory uses.

2. Art Gallery or Museum

In the A-1, RE, RS-1, RS-2, RS-3, R-1, R-2, R-3, RD, and RM districts, the use shall abut an arterial street.

3. Cemetery

a. Cemeteries shall have a minimum net area of forty (40) acres.

b. All principle vehicular entrances and exits shall be on arterial streets. Access lanes (i.e., acceleration and deceleration lanes) shall be provided on all principle entrances.

c. Cemeteries may be permitted to have funeral homes or crematories as accessory uses.

d. Structure or building line setbacks shall be one hundred feet (100') from arterial streets and fifty feet (50') from non-arterial streets.

e. No gravesite shall be located within twenty-five feet (25') of a future street right-of-way.

4. Crematorium, without funeral parlor or public area

a. All vehicular access shall be from an arterial street.

b. All buildings shall setback at least 50 feet from all property lines.

5. Library

In the A-1, RE, RS-1, RS-2, RS-3, R-1, R-2, R-3, RD, and RM districts, the use shall abut an arterial street.

6. Place of Assembly

Any place of assembly use shall meet the following standards:

a. Where an assembly use is originally approved by specific use or PUD, any subsequent associated development that increases the intensity of the use on the site by more than what has been approved shall require an amendment to the specific use or PUD. For the purposes of this section, an increase in intensity shall be measured as (1) an increase in vehicular trips generated and/or (2) an increase in impervious surface by five percent or more.

b. Developments designed to accommodate more than one gathering, ceremony, or meeting within any two-hour window shall be required to provide overflow parking spaces: one (1) space for every 2.5 persons of maximum fire-rated occupancy in addition to the standard parking requirements listed in Section 5.5.

c. Places of assembly shall be located on a parcel with a minimum net lot area of two (2) acres if on sanitary sewer and five (5) acres if on a septic system. No parking shall be permitted within a required front yard or building line setback, within agriculture (A-1) or any residential (R) zoning district.

d. Landscaping and lighting shall meet the standards for commercial uses contained in Chapter 5.

7. Schools

a. All colleges, universities, high schools and trade schools shall have their principal vehicular entrance and exit on an arterial street and shall be located on land no less than two (2) acres in size if on sanitary sewer, or five (5) acres if on septic system. Ingress and egress to local streets shall be prohibited. Elementary and middle schools may have ingress and egress to local streets if it will not cause adverse impacts on surrounding properties.

b. Landscaping and lighting shall meet the standards for commercial uses contained in Chapter 5.

C. Commercial Uses

1. Animal Hospitals, Animal Training School, Kennel, and Veterinary Clinic

All such uses shall have their principal entrance and exit on an arterial street and if serving large animals shall be located on land no less than five (5) acres.

2. Recreational Vehicle Campground/Park

Applications for recreational vehicle campgrounds/parks shall comply with and show the method of complying with the following standards:

a. No trailer, RV, or other similar vehicle shall be allowed for more than fourteen (14) days.

b. No trailer, RV, or other similar vehicle will be parked for sale or display.

c. Only hard-surfaced roads shall be used throughout the grounds

d. Each campground shall provide facilities for the appropriate disposal of waste water, trash, and related items.

e. The following items shall be graphically shown on the application:

i. All RV pad locations.

ii. Pathways,

iii. Provisions for utility hookups.

iv. Parking facilities.

v. Restroom facilities

vi. Water/wastewater treatment facilities.

vii. Dumpster locations and provisions for other trash receptacles.

viii. Playground facilities.

ix. Compliance with ADA guidelines.

x. Landscaping.

xi. Lighting.

xii. Signage.

xiii. Storm water detention.

3. Recreation and Entertainment, Outdoor

All uses of this type requiring a specific use permit shall abut an arterial or collector street.

4. Vehicle Sales and Rental

Applications for vehicle sales and rental shall comply with the following standards:

a. The minimum lot size shall be 2.5 acres, and the site shall have a minimum of 200 feet street frontage.

b. Landscaping shall meet or be upgraded to meet the landscape requirements of Section 5.2. Particular attention shall be given to installing landscape material that does not attract birds. No parking of vehicles shall be allowed within landscape areas.

c. Such uses shall be located a minimum of 200 feet from any residential district, school, hospital, park, government office, or place of public assembly.

d. No outdoor speakers shall be allowed within 500 feet of a residential area.

e. Colored metal or wrought iron gates designed to enhance the appearance of the facility are encouraged. The use of chain link or barbed wire within 200 feet of a public street right-of-way is prohibited.

f. Vehicle sales and rental are discouraged in multi-tenant commercial areas.

g. The exterior of all buildings shall meet the requirements of Section 5.8.G.

D. Industrial Uses

1. Assembly, Light

No outdoor storage or assembly is allowed.

2. Solid Waste Disposal

This use shall be approved in accordance to state and federal regulations and guidelines and shall be situated on land no less than forty (40) acres.

3. Mini-storage

a. ***Buffering/Screening***

i. Other than points of access, the mini-storage facility shall be completely enclosed with a brick or other masonry perimeter wall of no less than six feet in height. Additional or alternative buffering such as increased wall height, berming, or intensive landscaping may be required by the City to achieve the following purposes: to buffer or enhance views; create or enhance entry ways and public street appearance; and/or enhance the overall appearance of the mini-storage facility.

ii. Colored metal or wrought iron gates designed to enhance the appearance of the facility are encouraged.

iii. The use of chain link or barbed wire within the facility is prohibited.

b. ***Building and Equipment Setbacks***

i. A mini-storage facility shall be set back a minimum of 150 feet from any arterial street or limited access highway right-of-way.

ii. Mini-storage facilities shall meet the side and rear setbacks required by the underlying zone district or development plan, as applicable.

c. ***Operational Requirements***

i. The mini-storage facility shall have a security system requiring the use of cards, keypads, keys or similar security devices limiting access to tenants and to fire, police, and emergency service officials when required.

ii. Self-storage units shall be used solely for the purpose of storage of goods and possessions and shall not be used for conducting or operating a business, hobby, or any type of activity not related to the storage of personal property.

iii. No mini-storage unit shall be used for the storage of explosives, ammunition or hazardous or flammable materials and the operator/owner of a mini-storage facility shall include such requirement in its written agreement with each tenant.

iv. No outdoor storage is permitted on the site of the mini-storage facility.

d. ***Land Area***

The portion of the specific use permit that is devoted to mini-storage use shall not exceed 20% of the area of the specific use permit, regardless of the number of lots contained within the specific use permit.

4. Auto Salvage Yard

a. Such uses shall be located a minimum of 200 feet from any residential district, school, hospital, park, government office, or place of public assembly.

b. All such uses shall be so screened by ornamental walls or opaque fences that are at least eight feet in height.

c. A 30-foot wide planting area composed of screening landscaping is required around the perimeter of the site when adjacent to residential districts, 15-foot wide planting area when adjacent to all other zone districts or streets.

d. Provision shall be made to prevent any contamination of the domestic water supply or excessive surface runoff from the property into adjoining lands or streams. The drainage plan that carries water off the site shall be subject to the approval of the Director.

3.3 ACCESSORY USES AND STRUCTURES

A. Purpose

This section authorizes the establishment of accessory uses that are incidental and customarily subordinate to principal uses. An accessory use is "incidental and customarily subordinate" to a principal use if it complies with the standards set forth in this section.

B. Approval of Accessory Uses and Structures

All principal uses allowed in a zoning district shall be deemed to include those accessory uses, structures, and activities typically associated with the use, unless specifically prohibited in this Ordinance. All accessory uses shall be subject to the standards in this Section 3.3, as well as any Specific Use Permit standards applicable to the associated principal use as set forth in Section 3.2 above.

C. General Standards

All accessory uses and structures shall comply with the general standards in this Section 3.3.C.

1. Compliance with this Ordinance

a. All accessory uses and structures shall be subject to the dimensional requirements of Chapter 4 unless otherwise specified in this Ordinance.

b. Accessory uses shall comply with all standards of this Ordinance applicable to the principal use with which they are associated. Parking requirements shall be met for both the principal use and any accessory use.

2. Dimensional Standards for Accessory Buildings and Structures

a. ***Same Lot***

The accessory use or structure shall be conducted and/or located on the same lot(s) as the principal use.

b. ***Size***

i. In the R-2, R-2S, R-3, RS-3, and RD districts, the maximum size of any accessory building shall be one thousand square feet (1,000 sq.ft.) unless otherwise approved by specific use permit. No accessory building shall be constructed until the construction of the main building has been actually commenced, and no accessory building shall be used unless the main building is also being used.

ii. In commercial and industrial districts, an accessory use shall not occupy more than 50% of the building square footage associated with the principal use.

3. Same Ownership Required

The principal use and the accessory use shall be under the same ownership.

4. Same Utility Meter Required

The principal use and the accessory use shall utilize the same utility meter with the exception of an approved accessory dwelling unit.

5. Temporary Accessory Uses and Structures

Temporary accessory uses and structures shall be governed by the temporary use permit procedures and standards set forth in Sections 6.7 and 3.4 of this Ordinance.

D. Additional Standards for Specific Accessory Uses and Structures

1. Home Occupations

A home occupation may be permitted as an accessory use to a principal dwelling unit in any of the residential districts, provided that:

a. ***Size/Area***

The business or service is located within the dwelling or an associated accessory building, and does not exceed twenty percent (20%) of the combined floor area of the structures or five hundred square feet (500 sq.ft.), whichever is less.

b. ***Employees and Residency***

The principal person or persons providing the business or service shall reside in the dwelling on the premises. The home occupation shall employ no more than one (1) person who does not reside on the premises.

c. ***Neighborhood Compatibility***

i. All vehicles used in connection with the home occupation shall be of a size, and located on the premises in such a manner, so as to not disrupt the quiet nature and visual quality of the neighborhood, and there shall be no more than two (2) vehicles per home occupation.

ii. There shall be sufficient off-street parking for patrons of the home occupation, with the number of off-street parking spaces required for the home occupation to be provided and maintained in addition to the space or spaces required for the dwelling itself pursuant to Section 5.5, *Off-Street Parking and Loading*.

iii. No additional parking areas other than driveways shall be located in the required front setback.

iv. There shall be no advertising devices on the property, or other signs of the home occupation, which are visible from outside the dwelling or accessory building.

v. The property shall contain no outdoor display or storage of goods or services that are associated with the home occupation.

vi. Wholesale or retail sales of goods shall not occur on the premises.

vii. The home occupation shall not create traffic or parking congestion, noise, vibration, odor, glare, fumes, or electrical or communications interference that can be detected by the normal senses off the premises, including visual or audible interference with radio or television reception.

d. ***Prohibited Home Occupations***

The following uses, because of their impacts on the surrounding residential area, shall not be permitted as home occupations: auto repair or motorized implement repair; dance, music or other types of instruction (if more than four students are being instructed at one time); dental offices; medical offices; the painting of vehicles, trailers or boats; private schools with organized classes; motor vehicle towing operation; barber shops having more than one chair, beauty shops having more than one chair; welding shops; nursing homes; bed and breakfast and other such transient lodging.

2. Swimming Pools and Associated Equipment

Swimming pools may be placed in rear yards and rear building line areas upon approval and issuance of a building permit in any A-1 or R districts. No swimming pool, nor any part of it, inclusive of decks and equipment, shall be placed in any utility easement, or drainage easement. No swimming pool, nor any part of it, shall be closer than five (5) feet of any property line. All above ground swimming pools shall be at least twenty-five (25) feet from any arterial street.

3. Storage Buildings

Storage buildings containing no more than 200 square feet may be placed in rear yards in any A-1 or R districts, but shall be located at least five (5) feet from the rear and side property lines. No part of the building, however, shall be located within a utility easement

4. Outdoor Display and Sales

Outdoor display and/or sale may be allowed as an accessory use for all commercial uses. It is the intent of this Ordinance to allow the display of merchandise for sale, but not where the display of such items impedes the flow of pedestrian or vehicular traffic, or creates an unsafe condition. The display of goods shall meet all of the following requirements:

a. ***Procedural Requirements***

Outdoor display and/or sale shall require approval of the Director. All new site plans must show the location of such areas in accordance with this section. Existing nonresidential uses must submit a plan showing the location of the outdoor display or sales areas and how the requirements of this section are to be met. Approval may be subject to appropriate conditions by the Director.

b. ***Where Permitted***

i. All outdoor display of goods shall be located immediately adjacent to the storefront and not in drive aisles, loading zones, fire lanes, or parking lots.

ii. The area used for outdoor display or sales shall not occur on the sides and rear of buildings and shall be limited to no more than one-half (1/2) of the length of the storefront, unless increased by the Director after taking into account aesthetic and safety concerns or other relevant factors. In the case of a shopping center, the "storefront" shall include the entire frontage of the shopping center, meaning that the total amount of display for all the in-line tenants combined shall not exceed fifty percent (50%) of the aggregate storefront of the overall shopping center.

iii. The area of outdoor display or sales shall not encompass the width of the entrance doors to the facility as projected straight out from the facility. For example, if the width of the entrance doors is ten feet (10'), then there shall be at least a ten-foot (10') clearance from the doors as projected straight out and away from the facility.

iv. No goods shall be attached to a building's wall surface.

v. The height of the outdoor display shall not exceed six feet (6'), unless an exception to this provision has been granted by the Director.

vi. The outdoor display area shall take place on an improved surface such as the sidewalk or pavement, and be clearly marked by a contrasting paint color.

vii. No outdoor displays shall be allowed in required landscape areas.

c. ***No Pedestrian Obstruction***
At least five feet (5') along the parking lot side of the display shall be maintained free of obstruction to allow for pedestrian and handicap movement, such that handicapped pedestrians and others do not have to enter the parking lot or drive aisle to walk around the display.

5. Outdoor Storage

Outdoor storage may be allowed as an accessory use through the site plan review process and subject to compliance with the following requirements:

a. Each outdoor storage area shall be incorporated into the overall design of the primary structure on the site and shall be located at the rear of the primary structure.

b. Goods stored in an approved outdoor storage area shall be limited to those sold on the premises as part of an associated primary use.

c. Each outdoor storage area shall be screened from view from all property lines and adjacent rights-of-way by an opaque fence or wall between six feet (6') and eight feet (8') in height that incorporates at least one (1) of the predominant materials and one of the predominant colors used in the primary structure. The fence may exceed eight feet (8') in height where the difference in grade between the right-of-way and the outdoor storage area

makes a taller fence necessary to effectively screen the area. Materials may not be stored higher than the height of the primary structure. The perimeter of the fence or wall must be landscaped with a seven-foot (7') wide strip containing a minimum of one (1) tree for every one hundred fifty square feet (150 sq.ft.) of lot area.

d. A landscaped earthen berm may be used instead of or in combination with a required fence or wall.

e. If the outdoor storage area is covered, then the covering shall include at least one (1) of the predominant exposed roofing colors on the primary structure.

f. No materials may be stored in areas intended for vehicular or pedestrian circulation.

g. If installed, exterior lighting shall meet the functional needs of the facility without adversely affecting adjacent properties or the neighborhood.

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 applicant pays the required fee.

B. Temporary Uses Allowed

The following temporary uses are allowed provided they comply with the general standards of Section 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 thirty (30) days prior to the start of construction and removed no more than thirty (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 pre-constructed 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 applications 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.

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.

(Amended by Ord No. 3176 adopted 9-20-11)

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 (i.e. POD type containers) or trash containers (i.e. 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.
   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 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 (i.e. POD type container or one trash enclosure, i.e. dumpster), as follows:

   a. Temporary storage use shall not exceed 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**(End of Ord 3176 amendment 9-20-11)**

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7. The Director may approve other temporary uses or structures using the process established in Section 3.1(D), *Classification of New and Unlisted Uses*.

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 that 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 (7), one (1)-day garage or yard sales per year per dwelling unit;

c. Temporary car washes lasting no more than seven (7) days per year;

d. Gatherings of less than one hundred (100) people, such as block parties, nonprofit bazaars, and fundraisers; 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 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.

CHAPTER 4: DIMENSIONAL STANDARDS

4.1 TABLE OF DIMENSIONAL STANDARDS

This section contains tables that list the requirements for lot dimensions and building bulk, density, location, and height for all types of development. All primary and accessory structures are subject to the dimensional standards set forth in the following tables. These general standards may be further limited or modified by other applicable sections of this Ordinance. General rules for measurement and exceptions are in Section 4.2.

A. Agricultural District Standards

TABLE 4.1-1: DIMENSIONAL AND DENSITY STANDARDS – AGRICUTURAL DISTRICT

District	Lot Dimensions			Minimum setbacks (ft) [Note 2]					Max. Height (ft)
	Lot Area	Min Lot Frontage	Max Lot Coverage (%)	Front (ft)	Rear (ft)	Side abutting property in same district	Side abutting property in non-res district	Side abutting property in residential or A-1 district	
A-1	*Min:* 5 acres	330	30	50	50 feet, or 20% of lot depth, whichever is less	*Side yards, both:* 60 *Side yards, one:* 25 *Exterior abutting public street or alley:* 50			*Dwellings:* 50; *Other uses*: 30 *[Note 1]*

NOTES: [1]: The maximum height of all uses other than dwellings may be increased by one foot for every additional foot in setback provided beyond the minimum front setback requirement.
[2]: A required building setback from an abutting street shall be measured from the planned right of way as designated by the Transportation Plan as set forth in the Comprehensive Plan.

B. Residential District Standards

TABLE 4.1-2: DIMENSIONAL AND DENSITY STANDARDS – RESIDENTIAL DISTRICTS

[Bracketed numbers refer to notes at the bottom of the table.]

District	Use	Lot Dimensions			Minimum Setback Requirements [Note 6]					Max. Height (ft)
		Min. Lot Area (sq ft)	Min Lot Frontage (ft) *[NOTE 1]*	Max Lot Coverage (%)	Front (ft)	Side (ft)	Rear (ft.)	Adjacent to Arterial (ft)	Corner or Adjacent to Public Street/Alley (ft)	
RE	Single-family detached	24,000	175	Interior Lot: 50 Corner Lot: 60	35 *[Note 2]*	Both: 30 One: 15	25	35	35	50
	Other uses	24,000	200		50	Both: 40 One: 20	35	35	50	35 *[Note 4]*
RS-1	Single-family detached	10,000	85	Interior Lot: 50 Corner Lot: 60	30	Both: 25 One: 15	25	35	35	50
	Other uses	12,000	200		50	Both: 40 One: 20	35	50	50	35 *[Note 4]*
R-1 (**Inactive)**	Single-family detached	12,000	100	Interior Lot: 50 Corner Lot: 60	35	Both: 30 One: 15	20% of lot depth	35	35	50
	Other uses	12,000	200		50	Both: 40 One: 20	20% of lot depth, min 35 ft	50	50	Higher of 35 feet or 125% of setback

TABLE 4.1-2: DIMENSIONAL AND DENSITY STANDARDS – RESIDENTIAL DISTRICTS

[Bracketed numbers refer to notes at the bottom of the table.]

District	Use	Lot Dimensions			Minimum Setback Requirements [Note 6]					Max. Height (ft)
		Min. Lot Area (sq ft)	Min Lot Frontage (ft) *[NOTE 1]*	Max Lot Coverage (%)	Front (ft)	Side (ft)	Rear (ft.)	Adjacent to Arterial (ft)	Corner or Adjacent to Public Street/Alley (ft)	
RS-2	Single-family detached	8,000	70	Interior: 50 Corner: 60	25	Both: 10 One: 5	20	35	25	50
	Other uses	12,000	200		40	Both: 40 One: 20	35	40	40	35 *[Note 4]*
R-2	Single-family detached	8,000	70	Interior: 50 Corner: 60	25	Both: 15 One: 10	20	35	25	50
	Other uses	12,000	200		40	Both: 40 One: 20	35	40	40	35 *[Note 4]*
RS-3	Single-family detached	7,000	60	Interior: 50 Corner: 60	25 *[Note 3]*	Both: 10 One: 5	20 ft	35	25	35 or 2.5 stories
	Other uses	12,000	200		40 *[Note 3]*	Both: 40 One: 20	35	40	40	35 *[Note 4]*
R-3 (**Inactive**)	Single-family detached	7,000	60	Interior: 50 Corner: 60	25 *[Note 3]*	Both: 15 One: 10	20% of lot depth	35	25	35 or 2.5 stories
	Other uses	12,000	200		40 *[Note 3]*	Both: 40 One: 20		40	40	35 *[Note 4]*

TABLE 4.1-2: DIMENSIONAL AND DENSITY STANDARDS – RESIDENTIAL DISTRICTS

[Bracketed numbers refer to notes at the bottom of the table.]

District	Use	Lot Dimensions			Minimum Setback Requirements [Note 6]					Max. Height (ft)
		Min. Lot Area (sq ft)	Min Lot Frontage (ft) *[NOTE 1]*	Max Lot Coverage (%)	Front (ft)	Side (ft)	Rear (ft.)	Adjacent to Arterial (ft)	Corner or Adjacent to Public Street/Alley (ft)	
RD	Single-family detached	7000	60	Interior: 50 Corner: 60	25 *[Note 3]*	Both: 10 One: 5	20	35	25	35, or 2.5 stories
	Single-family attached	4000	40		25 *[Note 3]*	Both: 15 One: 10	20			
	Duplex	8000	70		25 *[Note 3]*	Both: 20 One: 10	20			
	Other uses	12,000	200		40 *[Note 3]*	Both: 40 One: 20	35			

TABLE 4.1-2: DIMENSIONAL AND DENSITY STANDARDS – RESIDENTIAL DISTRICTS

[Bracketed numbers refer to notes at the bottom of the table.]

District	Use	Lot Dimensions			Minimum Setback Requirements [Note 6]					Max. Height (ft)
		Min. Lot Area (sq ft)	Min Lot Frontage (ft) *[NOTE 1]*	Max Lot Coverage (%)	Front (ft)	Side (ft)	Rear (ft.)	Adjacent to Arterial (ft)	Corner or Adjacent to Public Street/Alley (ft)	
RM	Single-family attached	4500 (4000 per DU)	Lot: 30; Building: 100	50	25	10 on unattached side	20	35	25	*[Note 5]*
	Duplex	8000 (4000 per DU)	70	50	25	10 on unattached side	20	35	25	
	Multi-family	22,000 (2300 per DU)	200	50	35 unpaved; 75 with parking	Both: 70 unpaved; 150 feet with parking One: 35 unpaved; 75	35 unpaved; 75 with parking	35 unpaved; 75 with parking	35 unpaved; 75 with parking	
	Other uses	22,000	200	50	40	Both: 30 One: 20	20%	40	40	

NOTES:
[1]: The frontage of any wedge-shaped lot that meets the requirements of minimum lot size may be less than the minimum lot frontage requirements of this table, so long as the applicable minimum lot frontage requirement is met at the front building line. Lot must have at least 30 feet of frontage at the front property line.
[2]: Plus five feet for every ten-foot reduction in the minimum lot width requirement of 175 feet, not to exceed 50 feet.
[3]: For lots in the RS-3, R3, and RD districts with more than two sides abutting a public way (not including arterials), the front yard may be reduced to 15 feet along those rights of way that have no vehicular access. In such instances, there shall be no obstruction in a 15-foot front yard (such as buildings, fences, parked vehicles, etc.) and vehicular access should be from the street with the lowest design speed and capacity and lowest traffic volume. The jog in the front yard between the two lots shall not exceed five feet.
[4]: Maximum height for other uses may be increased by one foot for every additional foot in setback provided beyond the minimum required setback.
[5]: No height restriction unless abutting single-family detached residential. When abutting single-family detached residential, building shall be set back two feet for every foot in height above 35 feet.
[6]: A required building setback from an abutting street shall be measured from the planned right of way as designated by the Transportation Plan as set forth in the Comprehensive Plan.

C. Mobile Home Park District Standards

TABLE 4.1-3: DIMENSIONAL AND DENSITY STANDARDS – MOBILE HOME PARK DISTRICT										
	Minimum Tract Requirements						Minimum Lot Requirements			
			Width		Building Setback [Note 1]				Separation	
District	Total Area	Area per Mobile Home	Principal entrance	Elsewhere	from Public Thorough-fare	from side and rear boundary lines	Area	Setback from internal street or drive	between Mobile Homes	from boundary of mobile home lot
RMH	5 acres	4,000 sf	50 ft	100 ft	35 ft	25 ft	2,000 sf	20 ft	15 ft	10 ft

NOTES:
[1]: A required building setback from an abutting street shall be measured from the planned right of way as designated by the Transportation Plan as set forth in the Comprehensive Plan.

D. Nonresidential District Standards

TABLE 4.1-4: DIMENSIONAL AND DENSITY STANDARDS – NONRESIDENTIAL DISTRICTS									
	Lot Dimensions			Minimum Setbacks (ft) [Note 1]					
District	Lot Area	Min Lot Frontage (ft)	Building Coverage (%)	Front	Rear	Side abutting property in same district	Side abutting property in non-res district	Side or rear abutting property in residential or A-1 district	Max Height (ft)
NM	*Max:* 5 acres	None; Building shall occupy min. 35% of frontage line	*Min:* 50	*Min:* 0 *Max:* 10	None				35, or 2.5 stories

TABLE 4.1-4: DIMENSIONAL AND DENSITY STANDARDS – NONRESIDENTIAL DISTRICTS

District	Lot Dimensions			Minimum Setbacks (ft) [Note 1]					Max Height (ft)
	Lot Area	Min Lot Frontage (ft)	Building Coverage (%)	Front	Rear	Side abutting property in same district	Side abutting property in non-res district	Side or rear abutting property in residential or A-1 district	
CM	*Min:* 5 acres	None; Building shall occupy min. 35% of frontage line	*Min:* 50	*Min:* 0 *Max:* 25	None				35, or 2.5 stories
DM	None	None; Building shall occupy min. 70% of frontage line	*Min:* 50	*Min:* 0 *Max:* 10	None				*Min:* 2 stories *Max:* none
DF	*Min:* 7000 sq ft	None	*Min:* 50	20	20	0	0	10	50, or 3 stories
ON	*Min:* 12,000 sq	100	None	50	30	0	30	*Bldg or structure up to 35 feet:* 30 *Bldg or structure 35 feet or more:* 50	50, or 3 stories
CN	*Min:* 12,000 sq ft *Max:* 2.49	100	None	50	30	0	30	30	50, or 3 stories
CG	None	200	None	50	50	0 (**Ord No. 3057 Adopted 10-06-09**)	30	*1-story:* 50 *Greater than one story less than 75 feet*: 75 *75 ft:* min distance equal to bldg height	None

TABLE 4.1-4: DIMENSIONAL AND DENSITY STANDARDS – NONRESIDENTIAL DISTRICTS

District	Lot Dimensions			Minimum Setbacks (ft) [Note 1]					Max Height (ft)
	Lot Area	Min Lot Frontage (ft)	Building Coverage (%)	Front	Rear	Side abutting property in same district	Side abutting property in non-res district	Side or rear abutting property in residential or A-1 district	
CH	None	100	None	50	30	0	30	*- 1-story:* 50 *- Greater than one story less than 75 feet*: 75 *- 75 ft+:* min distance equal to bldg height	None
IL	*Min:* 12,000 sq ft	50 (100 if lot fronts arterial)	None	30 (50 if abut arterial)	30	0	30	50	**[2]**50, or 4 stories
IH	No min lot area; district must exceed 2.5 acres	50 (100 if lot fronts arterial)	None	- 30 front minimum - No side and rear minimum - Front, side, and/or rear requirement is 50 when abutting an arterial street or another district					**[2]**50, or 4 stories

NOTE:
[1]: A required building setback from an abutting street shall be measured from the planned right of way as designated by the Transportation Plan as set forth in the Comprehensive Plan.
[2] No height restriction unless abutting agriculture or residential zoning classifications, and arterial streets and highways. When abutting any agricultural or residential zoning district, or any arterial street or highway, building shall be set back an additional two feet for every foot in height above 50 feet. **(Ord #3215 adopted 10-16-12)**

E. Planned Unit Development District Standards

1. Bulk and Area Requirements for Planned Unit Developments

a. ***Intensity of Use***

Within a PUD, the permitted intensity, calculated as set forth in this subsection, may be reallocated irrespective of the general zoning district boundaries.

b. ***Residential Intensity***

i. The maximum number of permitted dwelling units within a PUD shall be computed as follows:

$$\text{Permitted dwelling units} = \frac{\text{Gross land area of the property located within a residential district divided by}}{\text{Minimum gross land area per dwelling unit permitted in the applicable use district}}$$

ii. The gross land area for the purposes of the above-described computation shall be the gross area of the PUD less the lot area or areas designated for any use other than dwellings, quasi-dwellings, residential open space, and recreation areas. For the purpose of intensity computations, "gross land area" shall mean the lot area plus one half (1/2) of the right-of-way of any abutting street to which the lot has access.

iii. The minimum gross land area per dwelling unit for the purposes of the above described computation shall be as follows:

TABLE 4.1-5: Minimum Land Area Per Dwelling Unit for PUDs

District	Minimum Gross Land Area Per Dwelling Unit (s.f)
R-1	14,500
RS-1	12,125
R-2	9,750
RS-2	9,750
R-3	8,500
RS-3	8,500
RD	5,750
RM	2,200
RMH	4,000

iv. Each six hundred square feet (600 sq.ft) of a quasi-dwelling, such as a care home, shall constitute a dwelling unit. If the PUD is within two (2) or more districts, the permitted density shall be the sum of the permitted dwelling units computed separately for the residential area within each district.

c. ***Nonresidential Intensity***

i. The nonresidential intensity shall not exceed a maximum permitted floor area computed as follows:

Maximum permitted floor area	=	Gross land area of the property located within a nonresidential district	X	Maximum floor area ratio permitted in the applicable use district

ii. If a floor area ratio is not specified within the applicable use district, a floor area ratio of 0.75) shall apply. The nonresidential intensity of use of a PUD located within two (2) or more general zoning districts shall be calculated separately for each district and allocated within the PUD with delineation of permitted floor area of specified permitted uses.

iii. For the purpose of intensity computations, "gross land area" shall mean the lot area plus one-half (1/2) of the right-of-way of any abutting street to which the lot has access.

d. ***Livability Open Space***

Within a residential development area of a PUD, livability open space (open space not utilized for parking or drives) shall be provided in an aggregate amount equal to the sum of the livability open space required for each dwelling unit calculated separately for each of the underlying use districts from which the permitted dwelling unit allocation is derived as follows:

TABLE 4.1-6: Minimum Livability Open Space per Dwelling Unit

District	Minimum Livability Open Space per dwelling unit (s.f.)
R-1	6,800
RS-1	5,400
R-2	3,700
RS-2	3,700
R-3	3,000
RS-3	3,000
RD	1,600
RM	1,200
RMH	1,600

Required livability open space may be provided on the lot containing the dwelling unit or units on which computed, or in common areas, common livability open space should be designed and located to be accessible to the dwelling units it is intended to serve.

e. ***Building Height***

Within a PUD, the building height limitations shall be prescribed and set forth as development standards of the approved planned unit

development and shall be incorporated within the required subdivision plat.

f. ***Yards and Building Setbacks***
Within a PUD the minimum yards and building setback requirements shall be prescribed and set forth as development standards of the approved planned unit development and shall be incorporated within the required subdivision plat.

g. ***Parking Standards***
[RESERVED]

2. Perimeter Requirements
Within a PUD, perimeter requirements for screening, landscaping, and setbacks necessary to assure compatibility with adjoining and proximate properties, shall be prescribed and set forth as development standards of the approved planned unit development and shall be incorporated within the required subdivision plat.

4.2 MEASUREMENTS AND EXCEPTIONS

A. Lot Coverage

1. Lot Coverage Requirement Generally
Unless otherwise provided in this Ordinance, no building, structure, or lot shall be developed, used, or occupied unless it meets the lot coverage requirements set forth in Section 4.1 for the zoning district in which it is located.

2. Structures Not Considered in Measuring Lot Coverage
Unless otherwise provided in this Ordinance, all structures shall be considered in determining lot coverage except the following:

a. Windowsills, bay windows, fireplace chases, belt courses, cornices, eaves, and similar incidental architectural features;

b. Fences, trellises, poles, posts, ornaments, lawn furniture, and similar and customary yard accessories; and

c. Other structures listed in subsection B.1.b. below that may project into allowed setbacks.

B. Setbacks

1. General Setback Requirements

a. ***Required Setbacks***

i. Setbacks shall be unoccupied and unobstructed by any structure or portion of a structure from thirty inches (30”) above grade upward; provided, however, that fences, walls, trellises, poles, posts, ornaments, furniture and other customary yard accessories may be permitted in any setback subject to height limitations and requirements limiting obstruction of visibility.

ii. A building, structure, or lot shall not be developed, used, or occupied unless it meets the minimum setback requirements set

forth in Section 4.1 for the zoning district in which it is located, except as otherwise established in this Ordinance or unless a variance has been granted.

iii. A setback or other open space required by this Ordinance shall not be included as part of a setback or other open space required by this Ordinance for another building or structure or lot.

b. ***Projections into Required Setbacks, General***

The following structures may project into required front, side or rear setbacks as specified in this subsection, and shall not be considered in determining lot coverage:

i. *Paved Terraces*

Paved terraces may project into any required setback, provided that no structures placed there shall violate other requirements of this Ordinance and are at least five feet (5') from the lot line.

ii. *Unroofed Landings, Decks, Bay Windows, Stairs and Balconies*

Unroofed landings, decks, bay windows, and stairs may project into required setbacks, provided that no portion other than a handrail shall extend higher than thirty inches (30") above the finished grade level. Unroofed balconies may project into a required side or rear yard provided these projections are at least five feet (5') from the lot line.

iii. *Incidental Architectural Features*

Cornices, awnings, eaves, canopies, sunshades, gutters and downspouts, flues, belt courses, headers, sills, lintels, ornamental features, and other similar architectural features may project not more than two feet (2') into any required yard.

iv. *Roofs Over Porches and Other Exterior Approaches*

Roofs over porches, stairways, landings, terraces, or other exterior approaches to pedestrian doorways may encroach up to five feet into a front setback, provided that, where such roof projections encroach within the setback, the roof projections shall comprise no more than fifty percent (50%) of the total length of the building's facade. The covered porch or entrance area encroaching into the setback shall remain exterior to the building and enclosed by no more than a railing.

v. *Projections Into Easements and Rights of Ways Prohibited*

Projections shall not extend or encroach into any easement(s) or right(s)-of-way except through license agreements.

vi. *Handicap Ramps*

The Director may allow the installation of handicap access ramps in required front, side, and rear setbacks.

vii. *Private Garages and Carports*
A private garage or carport may project into a required setback abutting a public alley, in accordance with other requirements of this Ordinance.

c. ***Contextual Front Setbacks***
The following exceptions to the front setback requirements for dwellings abutting local streets, not collector or arterial streets, are authorized for a lot in any district. (See Illustration 4.1 below.)

i. If there are dwellings on both abutting lots with front setbacks of less than the required depth for the district, the front setback of the lot need not exceed the average front setback of the abutting dwellings.

ii. If there is a dwelling on one abutting lot with a front setback of less than the required depth for the district, the front setback for the lot need not exceed a depth one-half way between the setback of the abutting lot and the required front setback depth.

Illustration 4.1: Contextual Front Setbacks. *(The required front district setback in the illustration is 25 feet, shown by the dotted line. There are existing houses on sites A, C, and E. A house built on site B may have a front setback of just 15 feet, which is the average of the front setbacks of the two abutting lots. A house built on site D may have a front setback of 20 feet, which is half-way between the front setback on the abutting lot that is lower than the district requirement (lot C) and the required front setback.)*

d. ***Double-Frontage Lots***
In the case of double-frontage lots, front setbacks shall be provided on all frontages, unless the prevailing front setback pattern on adjoining lots allows for an exception under the contextual front setback provision above.

e. ***Corner Sight Distance (a.k.a. Sight or Vision Clearance Triangle)***
On any corner lot on which a front and side yard are required, no wall, fence, structure, sign, or any plant growth that obstructs sight lines at elevations between two and one-half feet (2.5') and six feet (6') above any portion of the crown of the adjacent roadway shall be maintained in a triangle formed by measuring from the point of intersection of the front

and exterior side lot lines a distance of twenty-five feet (25') along the front and side lot lines and connecting the points so established to form a right triangle on the area of the lot adjacent to the street intersection.

C. Height

1. Height Requirements Generally

No building shall be erected or altered that will exceed the height limit for the respective zoning district, unless otherwise provided in subsection 2. below or elsewhere in this Ordinance.

2. Fire Protection and Suppression Systems

a. No building or structure shall be erected or altered in any district, not including the industrial districts, which will exceed two (2) stories or thirty-five feet (35') in vertical height above the mean lot elevation, without the installation of an approved fire protection and suppression system as established in the current, adopted Codes of the City of Broken Arrow, Oklahoma.

b. No building or structure shall hereafter be erected or altered in any industrial zoning district that will exceed three (3) stories or fifty feet (50') above the mean lot elevation without the installation of an approved fire protection and suppression system as established in the current, adopted Codes of the City of Broken Arrow, Oklahoma.

3. Height Exceptions for Appurtenances

Except as specifically provided elsewhere in this Ordinance, the height limitations contained in this Ordinance do not apply to cupolas, flagpoles, chimneys, heating and ventilation equipment, elevator housings, stairwell towers or similar appurtenances; provided, however, the following:

a. The appurtenance does not interfere with Federal Aviation Regulations;

b. The appurtenance does not extend more than twenty-five feet (25') above the maximum permitted building height, except for flagpoles, and church belfries that must be of greater height in order to function;

c. The appurtenance is not constructed for the purpose of providing additional floor area in the building;

d. The appurtenance complies with the screening requirements for mechanical equipment and appurtenances in Section 5.2.D., *Screening*.

4. Height Exceptions for Religious Assembly Uses

The steeple, bell tower, minaret, spire or comparable structure associated with a particular religious assembly shall not be prohibited by the height restrictions of Section 4.1, provided that:

a. The identified structure is structurally attached as part of the primary building;

b. The identified structure is not habitable higher than the permitted zoning height requirement for the rest of the structure;

c. The identified structure is of the type commonly associated either with the call to worship or the identity of the congregation;

d. The identified structure contains no symbols or words or similar items on its outer surface that are not associated with worship;

e. The construction plans for the identified structure shall be structurally engineered and the plans signed and sealed by a licensed structural engineer; and

f. The apex of the identified structure does not exceed one hundred feet (100') above the finished grade elevation at the base of the structure.

The City Council expressly finds this provision is an accommodation that is reasonably necessary by virtue of state and federal legislation (commonly called RLUIPA) intended to balance religious liberties with government regulations such as zoning and building codes.

CHAPTER 5: DEVELOPMENT STANDARDS

5.1 GENERAL PROVISIONS

A. Purpose

The standards in this Chapter 5 apply to the physical layout and design of development in Broken Arrow. These provisions address the physical relationship between development and adjacent properties, public streets, neighborhoods, and the natural environment, in order to implement the Comprehensive Plan vision for a more attractive, efficient, and livable community. The specific purposes of this Chapter include:

1. To strengthen and protect the image, identity, and unique character of Broken Arrow and thereby to enhance its business economy;

2. To protect and enhance residential neighborhoods, commercial districts, and other areas by encouraging physical development that is of high quality and is compatible with the character, scale, and function of its surrounding area;

3. To preserve the quality of life by creating meaningful open space and providing buffers between incompatible uses and along roadways; and

4. To provide appropriate standards to ensure a high quality appearance for Broken Arrow and promote good design while also allowing flexibility, individuality, creativity, and artistic expression.

B. Applicability

The standards of this Chapter 5 apply to all development within the jurisdiction of this Ordinance, unless specifically exempted by the terms of this Chapter.

5.2 LANDSCAPING, TREES, SCREENING, AND FENCING

A. General Provisions

1. Purpose

This Section 5.2 is intended to ensure that new landscaping and the retention of existing vegetation is an integral part of all development, and that it contributes added high quality to development, retains and increases property values, conserves water, and improves the environmental and aesthetic character of the community. It is also the intent of this Section to provide flexible requirements that encourage and allow for creativity in landscape design.

2. Applicability

a. ***New Development***

This Section 5.2 shall apply to all new development, unless specifically exempted by Subsection 5.2.d. below.

b. ***Enlargement of Existing Development***

This Section 5.2 shall apply to all applications for building permits for projects that involve one or more of the following:

i. An increase in the number of stories in an existing building on the lot;

ii. An increase in the nonpermeable lot coverage by more than two thousand square feet (2,000 sq.ft.); or

iii. An increase of thirty percent (30%) or more in the square footage of building area or parking lot.

Where an existing parking area is altered or expanded to increase the number of spaces to a total of more than twenty (20), interior landscaping shall be provided on the new portion of the lot in accordance with Subsection 5.2.B.1.c. below.

c. ***Landscaping Plans Approved Under Previous Ordinances***
All landscape plans approved under prior Ordinances of the City shall remain in effect and subject to fulfillment of all terms of such plans previously filed and approved.

d. ***Exemptions***
The following development types and areas are exempted from the requirements of this Section 5.2:

i. Individual single-family and two-family dwellings on separate lots, where such residential use is the primary use on the lot;

ii. New single-family detached and two-family subdivisions with four or fewer lots and four or fewer dwellings; and

iii. Temporary uses approved pursuant to this Ordinance.

3. Landscaping Plan

a. ***Landscaping Plan Approval***
Landscape plans shall be reviewed and approved by the Director. For multifamily, commercial, and industrial developments, a landscaping plan may either be submitted with the required site plan or at later date following site plan approval. If the detailed landscape plan is to be submitted following site plan approval, the site plan shall at least show where landscape development is to occur. For single family, two-family, and mobile home developments, the location of proposed landscape development shall be shown on the preliminary plat followed by a landscape plan submitted with the final plat. Upon receipt of a landscape plan, the Director shall:

i. Approve the landscape plan as complying with the requirements of this Ordinance; or

ii. Approve the landscape plan with conditions that bring it into compliance with the requirements of this Ordinance; or

iii. Reject the landscape plan as failing to comply with the requirements of this Ordinance; or

iv. Waive the landscape requirement if it is determined that a suitable location for landscape development is not available.

b. ***Landscape Plan***

The required landscaping plan shall contain the following:

i. The date, scale, north arrow, project name and the name of the owner and designer.

ii. The location of property lines and dimensions of the tract;

iii. The approximate center line of existing water courses, the approximate location of significant drainage features, the location and size of existing and proposed streets and alleys, existing and proposed utility easements and overhead utility lines on or adjacent to the lot, existing and proposed fire hydrants on or adjacent to the lot, and existing and proposed sidewalks on or adjacent to the lot;

iv. The location, size, and type (tree, shrub, ground cover, berms, or grass) of proposed landscaping and the location and size of the proposed landscaped areas;

v. Planting details and/or specifications;

vi. The location, size (caliper and height), condition, and common name of any existing tree for which credit is requested shall be indicated. The method of protecting the existing trees which are to be retained from damage during construction shall be described;

vii. A description of the type of irrigation system to be used and, if necessary, drawings of such system; and

viii. The schedule of installation of required landscaping and appurtenances, which shall specify installation of all required landscaping and appurtenances, except trees, prior to the issuance of a certificate of occupancy (for multifamily, commercial, and industrial developments) or first building permit (for single family and two family developments) and further specify installation of required trees within the landscape plan within one hundred twenty (120) days after issuance of such occupancy permit or first building permit. No manufactured housing units shall be allowed to be installed until all required landscaping is completed.

4. Certification of Installation

a. ***Installation of All Landscaping Except Trees***

Prior to the issuance of a certificate of occupancy (for multifamily, commercial, and industrial developments) or issuance of final inspection (for single-family and two-family developments), written certification shall be submitted to the City's Development Services Department by an architect, landscape architect, or engineer authorized to do business in the State of Oklahoma, or the owner of the property, stating that the installation of the landscaping, except trees, is in accordance with the approved landscaping plan.

b. ***Installation of Trees***

Prior to or within one hundred twenty (120) days following the issuance of the occupancy permit (for multifamily, commercial, and industrial developments) or final building permit (for single family and two family developments), written certification of an architect, landscape architect, or engineer authorized for business in the State of Oklahoma or the owner of the property that all trees have been installed in accordance with the approved landscaping plan shall be submitted to the City's Development Services Department.

c. ***Temporary Certificate of Occupancy***

A temporary certificate of occupancy may be issued for up to one hundred twenty (120) days to allow landscape material to be installed in accordance with the approved landscape plan.

B. Landscaping Requirements

1. Standards in Nonresidential, Multi-Family, and Mixed-Use Districts

a. ***Landscaped Edge***

Except in the DM, DF, and NM districts (which are addressed in Subsection b. below), all development in the nonresidential, multi-family, and mixed-use districts shall provide a landscaped edge adjacent to all highways, frontage roads, arterial and collector streets, and entrances through nonresidential districts to residential subdivisions. The landscaped edge shall comply with the following standards:

i. *Width*

The landscaped edge shall be a minimum width of thirty-five feet (35') for multi-family development, and ten feet (10') for all other development subject to this Section, exclusive of street right-of-way and sidewalk. However, the Director may reduce the width of the required landscaped edge during site plan review if the reduction is required for public improvements.

ii. *Tree Requirements*

Within the landscaped edge, one tree shall be planted for every fifty lineal feet (50') of landscaped edge. The number of required trees shall be calculated based on the linear frontage of the required landscaped edge and shall be rounded to the nearest whole number. Trees may be grouped together or evenly spaced. Trees shall be two-inch (2") caliper minimum and shall be on the City's approved tree list.

iii. *Additional Requirement for Parking Lots and Drives Abutting Landscaped Edge*

(A) Where parking lots and drives abut the landscaped edge, and the landscape edge is less than thirty feet (30') in width, all developments shall provide ten (10) shrubs (three (3) gallon minimum) for every fifty lineal feet (50') of abutment to the landscaped edge. These shrubs shall be placed within the landscaped edge and are in addition to the required number of trees. The number of required shrubs shall be calculated based on the linear frontage of parking lot/drive abutment to the required landscaped edge and shall be rounded to the nearest whole number.

(B) As an alternative to Subsection (1), a berm or masonry wall may be placed within the landscaped edge in lieu of the required shrubs. The berm or masonry wall must be at least three (3) but no more than five feet (5') in height.

iv. *Additional Tree Requirement per Housing Unit in RM District*

In the RM district, in addition to the tree and shrub requirements above, at least two (2) trees and five (5) shrubs (three (3) gallon minimum) shall be planted per multi-family housing unit. This landscape material shall not be included in the landscaped edge along the street frontage. However, it may be included in the other open space areas required by this Ordinance.

b. ***Requirements for Downtown and NM Districts***

In the DM, DF, and NM districts, the landscaped edge of Subsection a. above is not required, but all development shall comply with this Subsection. Where a surface parking lot abuts the street right-of-way, the development shall provide a sidewalk built to City specifications within the right-of-way and one of the following options:

i. Option 1: A perimeter landscaped strip of between three feet (3') and five feet (5') in width, built to the street right-of-way, with either ornamental fencing or masonry walls, and wheel stops or curbing in the parking lot to prevent any vehicle overhang into the landscaped area (See Illustration 5.1 below); or

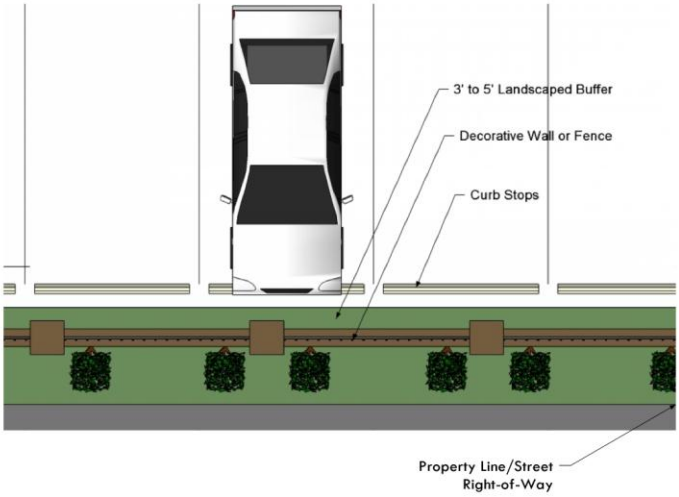


Illustration 5.1: Parking Lot Buffer in Downtown and NM (Option 1)

ii. Option 2: An ornamental fence or masonry wall without landscaping, built to the street right-of-way, provided that a planting strip with street trees is provided between the sidewalk and the adjacent public street. (See Illustration 5.2 below.)

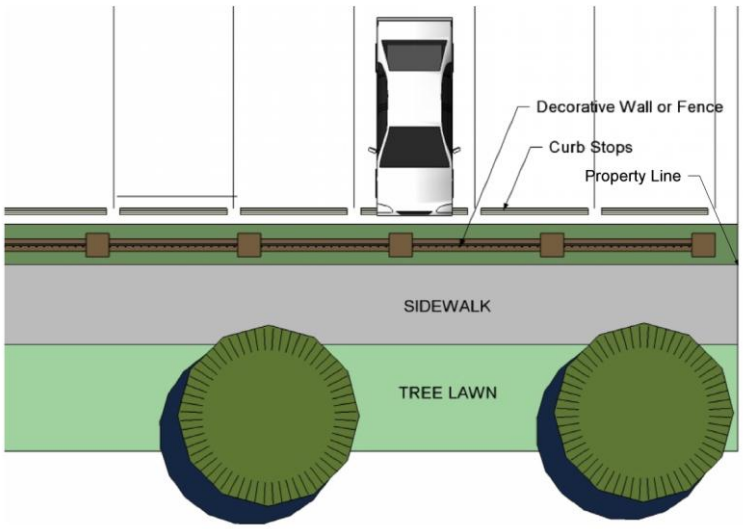


Illustration 5.2: Parking Lot Buffer in Downtown and NM (Option 2)

c. ***Interior Parking Lot Landscaping***

i. *Nonresidential, Multi-Family, and Mixed-Use Districts*

In all nonresidential, multi-family, and mixed-use districts, landscaped areas shall be established and maintained in off-street parking areas as follows:

(A) In nonresidential and mixed use districts, at least one tree shall be planted for every fifteen (15) parking spaces. In multi-family districts, at least one tree shall be planted for every ten (10) parking spaces. The number of required trees shall be rounded to the nearest whole number. These trees shall be planted inside or within fifteen feet (15') of the parking lot, but shall not be placed in the landscaped edge required in Subsection a. above. Trees shall be two-inch (2") caliper minimum and shall be on the City's approved tree list.

(B) A landscape island with a planting area (measured back of curb to back of curb) at least ten feet (10') in width and eighteen feet (18') in length shall be provided on each side of all drives that provide access from the street to the property.

(C) All parking lot landscaped areas shall be protected by a raised six-inch (6") concrete curb. Pavement shall not be placed closer than four and one-half feet (4.5') from the trunk of a tree.

(D) For site plans of two and one-half (2.5) acres or less in size:

(1) No parking space shall be located more than fifty feet (50') from a landscaped area; and

(2) Landscape islands shall contain at least one hundred square feet (100 sq.ft.), with a minimum width of ten feet (10').

(E) For site plans greater than two and one-half (2.5) acres in size:

(1) No parking space shall be located more than seventy-five feet (75') from a landscaped area; and

(2) Landscape islands shall contain at least one hundred eighty square feet (180 sq.ft.), with a minimum width of ten feet (10').

Landscape areas from which parking spaces can be measured shall include the following:

(1) Landscape islands meeting the applicable size requirements of Subsections iv. or v. above. However, the landscaped edge, as identified in Section 5.2.B.1.A, cannot be an area from which to measure.

(2) Landscape areas next to buildings that are at least three feet (3') in width and contain at least one hundred (100') square feet.

ii. *Residential Multi-Family Districts*
In all residential multi-family districts, landscaped areas shall be established and maintained in off-street parking areas as follows:

(A) Parking spaces in an uncovered parking area shall extend no more than ten (10) parking spaces without an intervening interior landscaped island no less than ten feet (10') in width and eighteen feet (18') in length. Landscaped islands shall be planted with a combination of trees, and ground cover, or sod. Trees shall be two-inch (2") caliper minimum and shall be on the City's approved tree list.

(B) A landscaped area no less than ten feet (10') in width and eighteen feet (18') in length shall separate detached garages or carport structures sited in a row (end-to-end). Such area shall be planted with a minimum one (1) tree from the City's approved tree list and ground cover or sod.

(C) Lighting for parking lots may be contained within an interior parking lot landscaped area provided the landscaped area is a minimum of 200 square feet (200 sq. ft.) in area and provided the landscaping and trees, at maturity and as maintained, shall not obstruct the illumination path.

d. ***Buffering of Adjacent Residential Zones and Uses***
Whenever a nonresidential use is proposed adjacent to a property with residential zoning or in residential use, the nonresidential use shall provide a landscaped buffer of at least ten feet (10') in width within the nonresidential property, planted with either a minimum of one (1) medium to large evergreen tree and ten (10) shrubs for each thirty linear feet (30') or portion thereof of adjacent exposure or one (1) medium to large evergreen for every twenty linear feet (20') or portion thereof of adjacent exposure. A berm or masonry wall may be placed within the landscaped edge in lieu of the required shrubs.

2. Standards in the RS, RD, and RMH Districts
Development in the RS, RD, and RMH districts shall comply with the following standards:

a. ***Street Trees***

i. At least one (1) tree per fifty lineal feet (50') of frontage along an arterial street shall be planted along the arterial street. The number of required trees shall be calculated solely on the linear footage and shall be rounded to the nearest whole number. The trees may be grouped together or evenly spaced.

ii. Any nonresidential use allowed in a residential zoning district by Special Use Permit shall meet the landscaping requirements set forth in Section 5.2.B.1.

iii. All required landscape material shall be located either outside the arterial street right-of-way or if in arterial street right-of-way, placed within five (5') feet of the street right-of-way. If landscape material is located five feet (5') into the arterial street right-of-way, the sidewalk may be serpentine to allow landscape material to be placed in pocket areas as long as the tree-to-pavement distance of at least four feet (4') is maintained.

iv. For landscape material that is to be installed along an arterial street, a fence and landscape easement of at least five feet (5') in width shall be provided.

b. ***Landscape Reserve***

If a "landscape reserve" is designated on the plat next to an arterial street, the building setback line for lots adjacent to the landscape reserve can be from the ultimate right-of-way boundary as shown in the Comprehensive Plan.

c. ***Fence Plan***

In all residential developments, the landscaping plan shall include a fence plan demonstrating compliance with the fencing standards of this Ordinance in Section 5.2.E.

3. Landscaped Area Requirements in PUDs

A minimum landscaped area in Planned Unit Developments shall be required as follows:

a.	Office Use:	Fifteen percent (15%) of net developable area
b.	Commercial Use:	Ten percent (10%) of net developable area
c.	Industrial Use:	Ten percent (10%) of net developable area

4. General Landscaping Requirements and Standards

These standards shall apply to all areas where landscaping is required by this Ordinance.

a. ***Approved Tree List for Landscape Requirements***

Trees shall be selected from the following Approved Tree List. Materials not on the list may be approved by the Director if it is determined that they are equally suitable for local soil conditions and climate and would

provide the same level of visual benefits. Required landscaping shall not include artificial plants, trees, or other artificial vegetation.

APPROVED TREE LIST			
Common Name	**Note**	**Botanical Name**	**Recommendations & Cultivars**
Large Trees: Trees that mature over sixty feet (60') in height. These trees need spacing of at least thirty-five feet (35').			
Cypress, Bald	**	Taxodium disticum	
Ginko (male)	**	Ginko biloba	Priceton Gold, Autumn Gold, Pendula
Hackberry, Common		Celtis occidentalis	Chicagoland, Dleta, Windy City
Oak, Black		Quercus veluntina	
Oak, Bur		Quercus macrocarpa	
Oak, Northern Red		Quercus rubra	
Oak, Pin		Quercus palustris	Plant only in Bottomlands
Oak, Shumard	**	Quercus shumardi	
Oak, Southern Red		Quercus falcate	
Oak, Swamp White		Quercus bicolor	
Oak, Water		Quercus nigra	
Oak, White		Quercus alba	
Oak, Willow		Quercus phellos	
Pine, Limber		flexilis	
Pine, Loblolly		Pinus taeda	
Pine, Shortleaf		Pinus echinata	
Planetree, London		Platanus x acerifolia	Bloodgood, Columbia, Liberty, Yarwood
Tulip Tree		Liriodendron tulipfera	
Medium Trees: Trees with a mature size from thirty feet (30') to sixty feet (60'). These trees need a spacing of at least twenty-five feet (25').			
Ash, Green* (improved cultivars)	**	Fraxinus pennslyvanica	"Urbanite"
Cedar, Atlas		Cedrus atlantica	
Cedar, Western Red		Thuja plicata	
Chittamwood		Bumelia lanuginosa	
Coffeetree, Kentucky (male)		Gymnocladus dioica	Espresso, Prairie Titan, Stately Manor
Cypress, Arizona		Cupressus arizonica	
Cypress, Leyland		Cupressocyparis leylandii	
Birch, River		Betula nigra	
Dogwood, Kouse		Cornus kousa	
Elm, Lacebark	**	Ulmus parvifoila	Allee, Athena, True Green and many more
Elm, Cedar		Ulmus crassifolia	

APPROVED TREE LIST			
Common Name	**Note**	**Botanical Name**	**Recommendations & Cultivars**
Goldenrain Tree* (improved Cultivars)	**	Koelreuteria paniculata	Fastigiata, September, Stadher's Hill, Panicled
Hackberry, Sugar		Celtis, laevigata	
Hophornbeam, Eastern		Ostrya virginiana	
Hornbeam, European		Carpinus betulus	
Japanese Pagoda Tree		Sophora japonica	
Juniper, Rocky Mountain		Juniperus scopulorum	
Linden, Greenspire* (improved cultivars)	**	Tilia cordata "Greenspire"	Bicentennial, Bhjlje, Shamrock, Turesi
Magnolia, Sweetbay		Magnolia virginiana	
Maple, Norway * (improved cultivars)		Acer platanoides	
Maple, Red* (improved cultivars)		Acer rubrum	
Maple, Shantung		Acer truncatum	Norwegian Sunset, Pacific Sunset
Maple, Sugar		Acer saccharum	Caddo, Legacy, Green Mountain
Maple, October Glory			
Mulberry, White (male)		Morus alba ‘Fruitless’	
Oak, Blackjack		Quercus marilandica	
Oak, Chinquapin	**	Quercus muehlenbergi	
Oak, English	**	Quercus robur	
Oak, Live		Quercus virginiana	
Oak, Post		Quercus stellata	
Oak, Sawtooth	**	Quercus acutissima	
Pear, Callary* (improved cultivars)	**	Pyrus calleryana var.	Aristocrat, Autumn Blaze, Callary, Cleveland Select, Chanticleer, Trinity, Capitol
Pine, Austrian		Pinus nigra	
Pine, Japanese Black		Pinus thunbergiana	
Pistache, Chinese	**	Pistacia chinensis	
Western Soapberry		Sapindus drummondi	
Zelkova, Japanese		Zelkova serrata	Aurea, Autumn Glow, Spring Grove, etc.
Small Trees: Trees with a mature size of less than thirty feet (30’). These trees need a spacing of at least fifteen feet (15’)			
Cherry, Japanese		Prunus serrulata	
Chokecherry		Prunus virginiana	
Crabapple, Flowering* (improved cultivars)	**	Malus spp.	20 - 30 Crabapple Species
Crapemyrtle* (improved cultivars)	***	Lagerstromia indica	Many Various Species
Hawthorn, Washington* (improved cultivar)		Crataegus phaenopyrum	

APPROVED TREE LIST			
Common Name	**Note**	**Botanical Name**	**Recommendations & Cultivars**
Holly, Deciduous	***	Ilex deciduas	Warren's Red
Foster Holly	***	Ilex x attenuata	
Holly, American		Llex opaca	
Holly, Yaupon	***	Ilex vomitoria	
Hornbeam, American		Carpinus caroliniana	
Lilac, Japanese		Syringa reticulate	
Magolia, Saucer		Magnolia soulangiana	
Maple, Amur		Acer ginnala	
Mockorange, Sweet		Philadelphis coronaries	
Ninebark, Purple "Diabolo"		Physocarpus opulifolius	
Redbud, Eastern	**	Cercis canadensis	
Redbud, Oklahoma* (improved cultivar)	**	Cercis reniformus	
Russian Olive	**	Elaeagnus angustifolia	
Serviceberry, Downy		Amelanchier arborea	
Smoketree	**	Cotinus coggygria	
Whitebud, Eastern		Cercis canadensis, alba	
NOTES:	*	Improved Cultivars available	
	**	Best trees for Parking Lot Application	
	***	Requires 1 plant per 25' of Required Landscape Edge	

b. ***Irrigation***

Required new landscaping shall be irrigated by one of the following methods:

i. An underground sprinkling system;

ii. A drip system; or

iii. In industrial areas with non-arterial street or highway frontage, a hose attachment, with such attachment within one hundred feet (100') of all landscaped areas.

The irrigation system requires a permit and shall be installed to City of Broken Arrow Codes.

c. ***Visibility***

Landscaping, including berms, shall not obstruct pedestrian and/or vehicular traffic visibility at street intersections or at access points to streets.

d. ***Maintenance***

Every property owner and any tenants shall keep their landscaped areas in a well-maintained, safe, clean, and attractive condition at all times. Such maintenance shall include, but is not limited to, the following:

i. Landscaped areas shall be kept free of trash, litter, weeds, and other such materials or plants not a part of the landscape.

ii. All plant material shall be maintained in a healthy and growing condition. If any required tree fails, it shall be replaced in accordance with the guidelines contained in Section 5.2.C.4. Other required landscaping that is diseased, damaged, destroyed, or removed must be replaced with plant material of similar variety and size (size not to be smaller than the minimum required by this Ordinance at the time of replacement).

iii. Lawn mowing on a regular basis.

iv. Proper pruning.

v. Watering on a regular basis.

vi. Maintenance of landscape lighting in working order.

vii. Maintenance of underground irrigation systems in working order.

viii. Cleaning of abutting waterways and landscaped areas lying between public right-of-way lines and the property, unless such streets, waterways, or landscaped areas are expressly designated to be maintained by a designated governmental authority.

e. ***Landscaping on Public Property***

i. The City shall have the power to plant, preserve, spray, trim, or remove any tree, shrub, or plant on any parkway, alley, or public ground belonging to the City.

ii. It shall be unlawful for any person to cut or break any branch of any tree or shrub or injure in any way the bark of such tree or shrub growing on public property.

iii. Trees shall not be planted in arterial street right-of-ways without prior written permission from the City.

C. Tree Protection and Replacement

The purpose of this Section is to establish incentives for the preservation of existing trees within Broken Arrow and to provide guidelines for the protection of trees during construction, development, or redevelopment.

1. Grading Permit

No clear-cutting of land is allowed without a grading permit from the Development Services Department.

2. Tree Preservation Credits

a. For every existing tree that is preserved in an area where landscaping is required by this Ordinance, the developer shall be given credit in accordance with the following table. Only trees in good condition having been protected in accordance with Subsection 5.2.C.3. below shall be considered for credit.

Caliper of Tree:	Tree Credit:
Less than 2 inches	No credit
2 to 3 inches	1 tree
4 to 16 inches	2 trees
17 to 30 inches	3 trees
Larger than 30 inches	4 trees

b. An applicant requesting credit for protecting existing trees pursuant to this Section shall include on the landscaping plan the approximate location, size (caliper and height), condition, and common name of each tree to be preserved for which the applicant is requesting tree credits.

3. Guidelines for Tree Protection During Construction

All developers are encouraged to adhere to the following tree protection measures on all construction sites as applicable. Only trees protected in accordance with these guidelines shall be eligible for credit against required landscaping.

a. Prior to grading, construction, or land development, the developer shall clearly mark all trees to be preserved.

b. The developer shall erect a plastic mesh fence a minimum of four feet (4') in height at the drip line around each tree or group of trees to prevent the placement of debris or fill within the drip line of any tree and the disturbance of soil below the canopy.

c. During the construction stage of development, the developer shall prohibit cleaning, parking, or storage of equipment or materials under the canopy of any tree or group of trees. No disposal of any waste material such as, but not limited to, paint, oil, solvents, asphalt, concrete, mortar, etc., under the canopy of any tree or groups of trees shall be permitted to occur.

d. No attachments or wires of any kind, other than those of a protective nature, should be attached to any tree. No twine shall be left on the tree such that it would girdle the trunk causing premature death.

e. No fill or excavation may occur within the drip line of a tree to be preserved unless there is a specific approved plan. Major changes of grade (six inches (6") or greater) will require additional measures to maintain proper oxygen and water exchange with the roots. With major grade changes, a retaining wall or tree well of rock or brick should be constructed around the tree no closer than the drip line. The retaining

wall should be constructed so as to maintain the existing grades around a tree or group of trees.

f. No utility, plumbing or irrigation trenches shall be dug within the drip line.

g. At no time shall a wall, pavement, or porous pavement be placed closer than four and one-half feet (4.5') or one foot (1') for every two inches (2") in caliper, whichever is greater, to the trunk of the tree.

4. Replacement of Trees

a. ***When Required***

Replacement trees are required when any required tree or any tree that was shown on a landscape plan and that was granted landscaping credit under this Section is removed. Acceptable types of replacement trees are listed in the City's approved tree list.

b. ***Tree Replacement Rates***

Any required tree or credited tree that fails shall be replaced at the following rates:

Caliper of Tree Removed:	Tree Shall be Replaced By:
Less than 4 inches	Tree of same caliper
4 to 16 inches	2 trees with minimum caliper of 3 inches. Larger trees may be used as long as at least 6 caliper inches is replaced.
17 to 30 inches	3 trees with minimum caliper of 3 inches. Larger trees may be used as long as at least 9 caliper inches is replaced.
Larger than 30 inches	4 trees with minimum caliper of 3 inches. Larger trees may be used as long as at least 12 caliper inches is replaced.

c. ***Off-Site Placement of Replacement Trees***

If the physical limitations of the subject property are such that all of the replacement trees cannot be properly located on site, the applicant may locate the extra trees on public park land with the approval of the Parks Director, or in an adjoining or nearby reserve area with the approval of the property owner.

5. Tree Location and Sight Distances

a. No tree shall be planted within an arterial street right-of-way, except as noted in 5.2.B.2.a.iii.

b. At the intersection of any arterial street with any other street or driveway, no property owner shall allow any vegetation to exceed a height of thirty inches (30") above street grade within the sight triangle.

c. No tree shall be planted within ten feet (10') of any fire hydrant so as to obstruct the fire hydrant when viewed from the street

d. No trees, other than those species listed as small trees in Section 5.2.B.4.a., shall be planted under or within twenty lateral feet (20') of any

overhead utility wire, or over or within five lateral feet (5') of any underground public utility line.

e. Prior to any landscaping being installed on freeways and expressways, a letter from the appropriate state transportation agency (i.e., Oklahoma Department of Transportation or Oklahoma Turnpike Authority) approving of such landscaping shall be provided to the City of Broken Arrow.

D. Screening

1. Applicability

All multi-family residential and all nonresidential uses shall be required to provide screening as specified in this Section to block the views of the specified features (e.g., refuse collection, service areas) from any adjacent street or public open space or any adjacent property or public areas of a site. For purposes of this Section, public areas of a site include public parking areas, sales areas, outside eating areas, or other areas to which customers, clients, and guests are given regular access.

2. Refuse Collection

In order to reduce the visual impacts of multi-family and nonresidential development, and to avoid problems with blown trash and pests, all refuse collection receptacles shall adhere to the standards that follow. For purposes of this Section, the term "refuse collection receptacles" includes dumpsters, garbage cans, debris piles, or grease containers, but does not include trash or recycling receptacles for pedestrians or for temporary construction sites. This Section also does not apply to refuse collection receptacles such as garbage cans that are normally stored indoors and brought outdoors on garbage pickup days.

a. ***Location***

Outdoor refuse collection receptacles shall not be located in a required front setback, and should, depending on the size of the site and need for access by refuse collection vehicles, be set back from the front plane of the principal structure. Refuse collection receptacles for nonresidential uses shall not be located in any setback area or required landscaping area that abuts an adjacent residential use. Refuse collection receptacles shall not be located within any area used to meet the minimum landscaping or parking and loading area requirements of this Chapter, or be located in a manner that obstructs or interferes with any designated vehicular or pedestrian circulation routes onsite.

b. ***Screening Enclosure***

Each refuse collection receptacle shall be screened from view on all sides by a durable sight-obscuring enclosure consisting of an opaque fence or wall of between six feet (6') and eight feet (8') in height. (See Illustration 5.3 below.) Where the access to the enclosure is visible from adjacent streets or residential properties, the access shall be screened with an opaque gate. The enclosure shall be maintained in working order, and remain closed except during trash deposits and pick-ups.

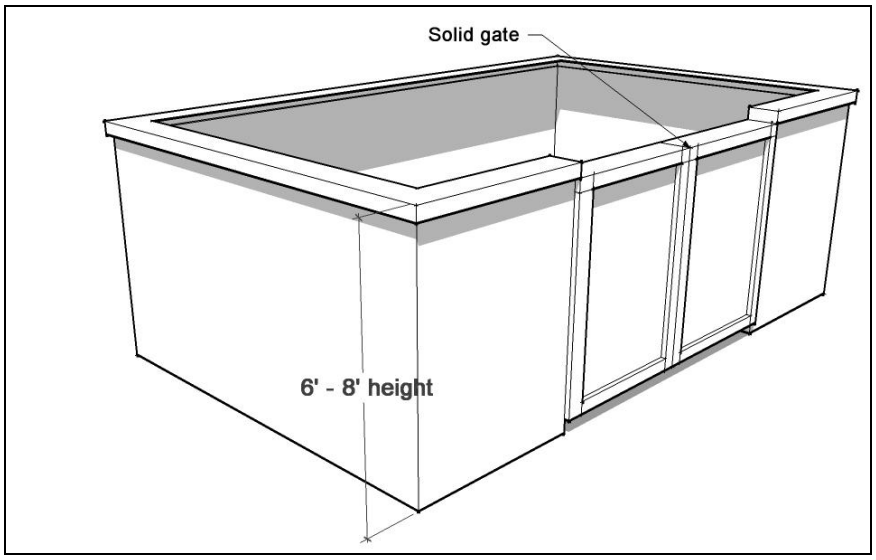
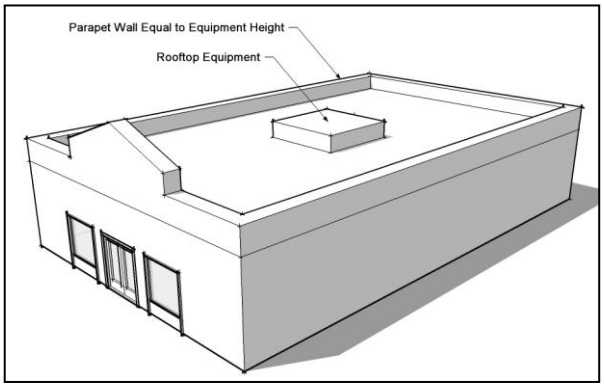


Illustration 5.3: Screening Enclosure

c. ***Maintenance of Refuse Collection Receptacle***
The lids of receptacles in screening enclosures without roof structures shall remain closed between pick-ups, and shall be maintained in working order.

3. Service, Storage, and Off-Street Loading Areas
Service, storage, and off-street loading areas shall be designed and located to reduce the visual and acoustic impacts of these functions on adjacent properties and public streets. Non-enclosed service, storage, and off-street loading areas shall be screened with durable, sight-obscuring walls and/or fences of between six feet (6') and eight feet (8') in height. Screening materials shall be the same as, or of equal quality to, the materials used for the primary building and landscaping.

4. Rooftop Mechanical Equipment
Rooftop mechanical equipment, including HVAC equipment and utility equipment that serves the structure, shall be screened. Screening shall be accomplished through the use of parapet walls or a sight-obscuring enclosure around the equipment constructed of one of the primary materials used on the primary facades of the structure, and that is an integral part of the building's architectural design. (See Illustration 5.4.)



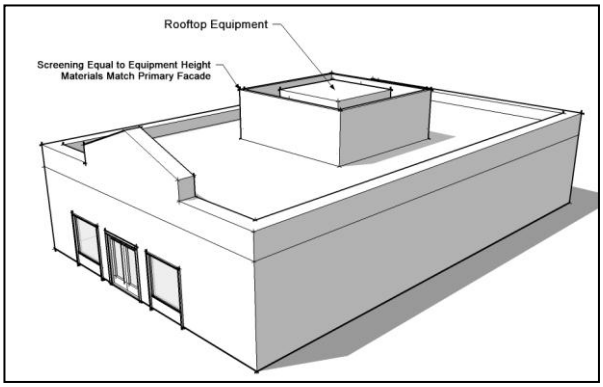


Illustration 5.4: Rooftop Equipment Screening

5. Wall-Mounted Mechanical Equipment and Meters

Wall-mounted mechanical equipment, including air conditioning or HVAC equipment and groups of multiple utility meters, that extends six inches (6”) or more from the outer building wall shall be screened through the use of (a) sight-obscuring enclosures constructed of one of the primary materials used on the primary façade of the structure, (b) sight-obscuring fences, or (c) trees or shrubs that form an opaque visual screen. Wall-mounted mechanical equipment that extends six inches (6”) or less from the outer building wall shall be designed to blend in with the color and architectural design of the subject building.

6. Ground-Mounted Mechanical Equipment and Utility Fixtures

Ground-mounted above-grade mechanical equipment shall be screened through the use of ornamental fences or screening enclosures, or through the use of trees or shrubs that form an opaque visual screen. Above-grade ground-mounted utilities are prohibited on sidewalks in the downtown.

7. Pitched Roofs

All roof jacks and penetrations shall be painted to match the adjacent roof color.

E. Fencing and Walls

1. Purpose

These standards are intended to permit the construction and maintenance of high-quality fences and walls, while preventing the monotonous appearance of uninterrupted fences and walls from dominating the City’s streetscapes.

2. General Fence Requirements

a. *Screening of Residential Uses that Abut Collector and Arterial Streets and Highways*

All residential uses that abut any arterial or collector street or highway shall install and maintain fences that comply with this Section on the side(s) of the property that abut such street or highway. These fences shall be at least six (6) feet in height, and a maximum of eight feet (8’) in height if adjoining a highway. A fence plan showing compliance with the requirements of this Section shall be submitted with the landscape plan. For all platted single family and two family residential subdivisions, a mandatory home owners association shall be established for the perpetual ownership and maintenance of the required screening fence or wall.

b. ***Screening of Higher-Density Residential Districts***

All development in the RD, RM, and RMH districts shall install and maintain fences that comply with this Section where such development abuts any agricultural, RE, or RS district. These fences shall be at least six feet (6') and no more than ten feet (10') in height.

c. ***Nonresidential and Mixed-Use Districts***

All development in the nonresidential and mixed-use districts shall install and maintain fences that comply with this Section where such development abuts any agricultural or residential district. The need for screening fences where industrial districts abut arterial streets and limited access highways will be reviewed as part of the site plan. These fences shall screen all yards and shall be at least eight feet (8') and no more than ten feet (10') in height. Outside storage shall be fully screened with a solid material wall or a combination of earthen berms, fences, walls, and/or evergreen plant materials.

3. Design Standards for Fences and Walls

All fencing or walls provided pursuant to this Section shall comply with the following standards:

a. ***Location***

i. *Outside the Right-of-way*

Fences shall not be constructed in the street right-of-way, whether such right-of-way is held as an easement or in fee. All required fences and walls shall be located within a minimum three foot (3') wide fence easement adjoining the property boundary. This easement may be part of a wider or larger landscape easement or reserve.

ii. *Fence Location in Residential Districts*

Fences in residential districts may be constructed on property lines, in side yards, and rear yards. However, no fences higher than thirty inches (30") may be constructed in any front yard.

iii. *Fences on Corner Lots*

If the owner of a corner lot constructs a fence within a side yard and rear yard in accordance with this Section, and if the rear portion of these yards abut the side yard of a neighboring lot, then any such fence built between the building setback line and the property line must be so constructed as to allow the driver of a vehicle on the neighboring lot to have a clear view of the street and all traffic thereon, for a distance of seventy-five feet (75') in each direction from the point of entrance into the street right-of-way from the neighboring lot. For purposes of this Subsection, the rear portion of the corner lot will be deemed to abut a neighboring side yard only if the two (2) yards form a common boundary along the majority of their length.

iv. *Fences in Flood and Drainage Areas*

No fences, other than an open split rail fence or barbed wire fence, shall be constructed in any one-hundred-year (100 year) floodplain area. No fences other than open split rail or barbed

wire shall be constructed in drainage easements that are outside the 100-year floodplain area unless the owner obtains the written approval of the City's Engineering and Construction Department following their investigation of the proposed fence's impacts on drainage.

b. ***Support Posts***

i. All new fences, including replacements for existing fences, that are required by this Ordinance shall have vertical support posts constructed of permanent building materials that may include, but are not limited to, a minimum of schedule-40 galvanized steel posts with an outside diameter equal to or larger than two and three-eighths-inch (2 3/8"), masonry columns at least one square foot (1 sq.ft.), or PVC fencing using dual-extruded PVC posts. The Director may permit alternative support posts as part of any site/landscape plan review, as long as the materials used meet or exceed the wind load capabilities of the materials listed above. Footings shall be constructed of concrete or equivalent materials.

ii. Any existing fence otherwise lawful at the time of construction and thereafter maintained may continue throughout its useful life; however, the replacement of such fence or other repair of more than thirty (30) consecutive linear feet shall require the replacement or repair to conform to the standards listed in Subsection i. above.

c. ***Uniform Height***

Unless otherwise approved by the Planning Commission, all fencing shall be uniform in height. Replacement fencing/screening, excluding support posts, shall retain its original height and material and the top elevation shall match the adjoining elevation.

d. ***Materials*** **(This section amended 10-06-09)**

Where fencing is required by this ordinance, such fencing and walls shall be opaque and shall be constructed of durable, easily maintained materials such as, but not limited to, masonry, vinyl, or treated, stained or painted wood sections. Chain link, wire mesh, or other similar products shall be prohibited. **(Ord No. 3057, adopted 10-06-09)**

e. ***Finished Side***

The "finished" side of the fence or wall shall face outward, away from the development installing the fence or wall, with all braces and supports on the interior side of the fence. Fence Design

i. The length of continuous, unbroken, and uninterrupted fence plane shall be no more than eighty feet (80'). Breaks shall be provided through the use of columns, landscaping pockets, transparent sections, and/or a change to different materials.

ii. A variety of landscaping shall be provided in combination with any of the above visual breaks to incorporate seasonal color and plant variety and break up the visual mass of walls and fences.

iii. Landscaped berms may be used in combination with any of the above visual breaks and shall meet the following standards:

(A) Berms shall be between thirty inches (30”) and forty-eight inches (48”) in height; and

(B) Berms shall provide additional separation and screening by incorporating a variety of plantings, consisting of dense stands of evergreen trees, canopy shade trees, ornamental trees, tall grasses, or shrubs.

5.3 TRANSPORTATION AND ACCESS

A. Purpose

The purpose of this Section is to support the creation of a highly connected transportation system within the City in order to provide choices for drivers, bicyclists, and pedestrians; increase effectiveness of municipal service delivery; promote walking and bicycling; connect neighborhoods to each other and to local destinations such as employment, schools, parks, and shopping centers; reduce vehicle miles of travel and travel times; improve air quality; reduce emergency response times; mitigate the traffic impacts of new development; and free up arterial capacity to better serve regional long-distance travel needs.

B. Streets and On-Site Vehicular Circulation

1. Street Standards

All streets shall meet the standards and requirements of the Broken Arrow Land Subdivision Code.

2. Street Connectivity

a. ***Purpose***

Street and block patterns should include a clear hierarchy of well-connected streets that distribute traffic over multiple streets in order to avoid traffic congestion on principal routes. Within each residential development, the access and circulation system should accommodate the safe, efficient, and convenient movement of vehicles, bicycles, and pedestrians through the development and provide ample opportunities for linking adjacent neighborhoods, properties, and land uses. Local neighborhood street systems are intended to provide multiple direct connections to and between local destinations such as parks, schools, and shopping. These connections should knit separate developments together rather than form barriers between them.

b. ***Connections to Vacant Land***

Where new development is adjacent to vacant land, all streets, bicycle paths, and access ways in the development’s proposed street system shall continue through to the boundary lines of the area to provide for the orderly subdivision of such adjacent land or the transportation and access needs of the community. At least two (2) points of access shall be provided per half mile. (See Illustration 5.5.)

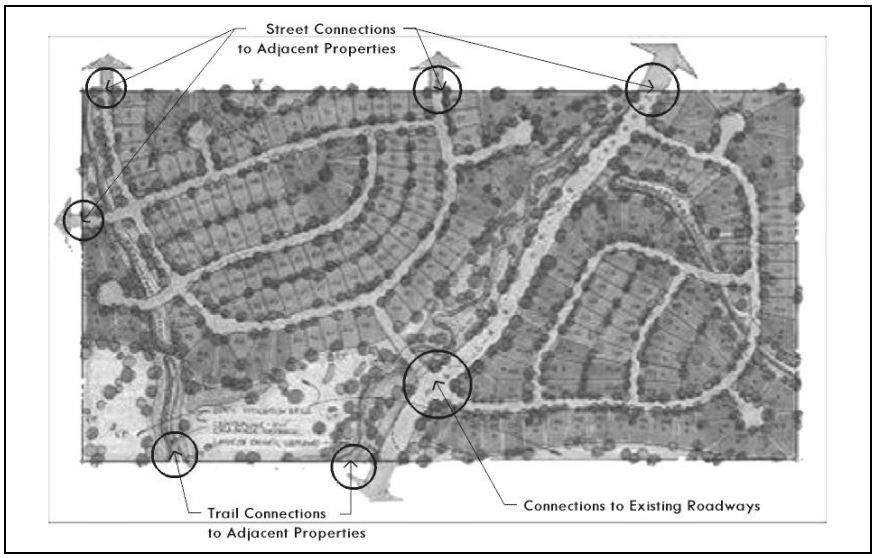


Illustration 5.5: Connections to Adjacent Properties

c. ***Street Access***

No principal building or a residence shall be constructed on a lot that does not abut a public street, except in a PUD or other development in which a property owner's or homeowner's corporation is chartered with responsibility for maintenance and other concerns related to private access ways. The frontage of such a lot in which the principal building or residence is constructed shall not be less than that required for that district.

d. ***Cross-Access Onto Adjacent Properties***

All nonresidential development shall be designed to allow for cross-access to adjacent properties to encourage shared parking and shared access points on public or private streets. When cross-access is deemed impractical by the Director on the basis of topography, the presence of natural features, or vehicular safety factors, this requirement may be waived provided that appropriate bicycle and pedestrian connections are provided between adjacent developments or land uses. A cross access easement must be recorded prior to issuance of a building permit. (See Illustration 5.6.)

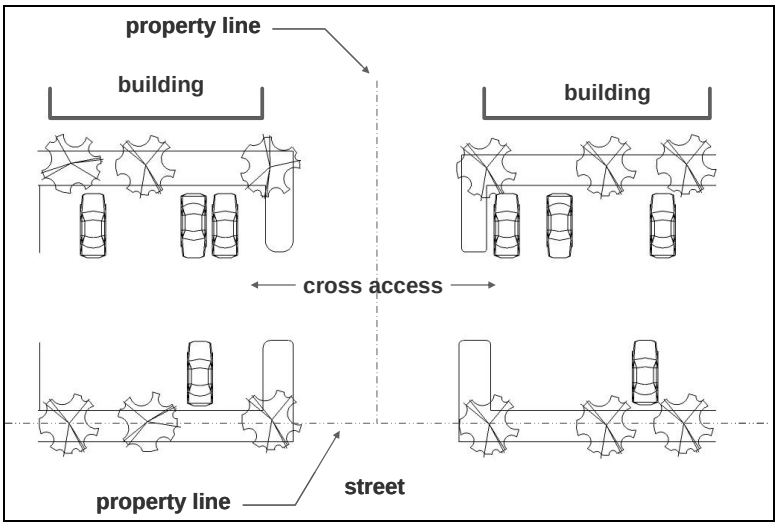


Illustration 5.6: Shared parking and cross-access between properties

3. Access onto Arterial and Collector Streets

a. The centerline of driveways on an arterial street or collector street shall be located as far as the lot width permits from street intersections, and at least two hundred fifty feet (250') away from the centerline of the intersecting street.

b. For nonresidential and multi-family developments, the number of driveways per lot along arterial frontage shall be not more than one (1) per three hundred feet (300') of lot width. All curb cuts shall be spaced at least two hundred fifty feet (250') apart, centerline-to-centerline. In addition, the centerline of the access point shall either align with or be offset at least two hundred feet (200') from any access points on the opposite side of the arterial street when a raised center median within the arterial is not present. The number of driveways along collector frontage shall be limited to one (1) per one hundred fifty feet (150') of lot width.

c. Platted single-family or two-family residential lots shall not have direct access to an arterial street. Ingress or egress from any single-family or two-family residential lots to any collector street shall be in accordance with the Subdivision Code. Whenever feasible, all single-family residential lots shall have direct thoroughfare access only from minor residential streets.

d. Access points shall be located at the time of site plan submittal for each tract or lot.

4. Residential Streets

Minor residential streets shall be so laid out that their use by through traffic will be discouraged. Traffic calming techniques such as curvilinear alignments, "T"

intersections, traffic circles, and street offsets are encouraged to reduce speeds and cut-through traffic.

5. Residential Connectivity

Residential developments with more than twenty (20) dwelling units shall include a minimum of two (2) separate points of access that lead to two separate locations on an arterial street(s).

C. Standards for Pedestrian Facilities

1. Sidewalks

a. All sidewalks shall comply with the requirements of the Broken Arrow Subdivision Code.

b. Sidewalks shall be installed on both sides of all arterials, collector streets, and local streets (including loop streets and cul-de-sacs), and within and along the frontage of all new development or redevelopment. The sidewalk shall be constructed before the final building inspection by the City. The Director may waive the sidewalk requirement on local streets in industrial districts during the site plan review

2. On-site Pedestrian Walkways

Site plans shall orient to pedestrian site access points and connections to surrounding street and trails networks, to destinations such as schools or shopping within one-quarter (1/4) mile of the site, and to pedestrian linkage points on adjacent parcels, including building entrances, transit stops, walkway easements, and signalized street crossings. On-site pedestrian walkways shall connect (a) building entrances to one another and (b) from building entrances to public sidewalk connections and existing or planned transit stops. If buildings are not placed directly adjacent to the public sidewalk, then pedestrian walkways shall link the principal pedestrian site access to building entrances. All developments that contain more than one (1) building shall provide walkways between the principal entrances of the buildings.

5.4 OFF-STREET PARKING AND LOADING

A. Purpose

This Section is intended to provide for the location and design of off-street parking areas to accommodate motor vehicles, while balancing the needs of pedestrians, bicyclists, and transit users. Parking areas are secondary and supportive to the primary land uses on the site, and parking lot design should emphasize the primary facade and orient pedestrians toward the principal entranceways and walkways.

B. Applicability

1. Generally

a. The off-street parking and loading standards of this Section shall apply to all parking lots and parking structures accessory to any new building constructed and to any new use established in every district.

b. The requirements of this Section shall apply to all temporary parking lots and parking lots that are the principal use on a site.

2. Expansions and Enlargements

Where an existing parking area is altered or expanded to increase the number of spaces to a total of more than twenty (20), the standards of this Section shall apply.

3. Downtown Mixed-Use District Exempted

Off-street parking is not required for uses in the DM district.

C. Computation of Parking and Loading Requirements

1. Fractions

When measurements of the number of required spaces result in a fractional number, any fraction shall be rounded up to the next higher whole number.

2. Multiple Uses

Lots containing more than one (1) use shall provide parking and loading in an amount equal to the total of the requirements for all uses, unless otherwise modified by the parking alternatives in Section 5.5.G.

3. Area Measurements

Unless otherwise specified, all square footage-based parking and loading standards shall be computed on the basis of gross floor area of the use in question. Structured parking within a building shall not be counted in such measurement.

4. Computation of Off-Street Parking

Required off-street loading spaces shall not be included as off-street parking spaces in computation of required off-street parking spaces.

5. Parking for Unlisted Uses

Parking requirements for uses not specifically listed in Table 5.4.1 below shall be determined by the Director based on the requirements for the closest comparable use, as well as on the particular parking demand and trip generation characteristics of the proposed use. The Director may alternately require the submittal of a parking demand study that justifies estimates of parking demand based on the recommendations of the Institute of Transportation Engineers, and includes relevant data collected from uses or combinations of uses that are the same or comparable to the proposed use in terms of density, scale, bulk, area, type of activity, and location.

D. Off-Street Parking Requirements

1. Schedule A

Unless otherwise expressly stated in this Ordinance, off-street parking spaces shall be provided in accordance with the following Table 5.4.1.

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
PUBLICINSTITUTIONAL 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
Cultural Facility	Art gallery or museum, public	1 per 400 square feet
	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
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 Serv ice	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)**
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	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
	Sexually oriented business	Bar, restaurant, or entertainment space: 1 space per

TABLE 5.4.1: OFF-STREET PARKING SCHEDULE A		
Use Category	**Use Type**	**Minimum Parking Spaces Required**
		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

2. Schedule B

Uses that reference "Schedule B" in Table 5.4.1 shall provide the following minimum number of off-street parking spaces listed in Table 5.4.2: *Off-Street Parking Schedule B,* below. Most uses subject to this schedule will engage in more than one type of activity. Unless otherwise approved, lots containing more than one (1) activity shall provide parking and loading in an amount equal to the total of the requirements for all activities.

TABLE 5.4.2: OFF-STREET PARKING SCHEDULE B	
Activity	**Number of Spaces Required**
Offices	1 per 300 square feet
Indoor sales area	1 per 250 square feet
Outdoor sales or display area (3,000 square feet or less)	1 per 750 square feet
Outdoor sales or display area (over 3,000 square feet)	1 per 2,000 square feet
Indoor storage/warehousing/vehicle service/manufacturing area	
1–3,000 square feet	1 per 300 square feet
3,001–5,000 square feet	1 per 650 square feet
5,001–10,000 square feet	1 per 750 square feet
10,001–50,000 square feet	1 per 1,250 square feet
50,001 square feet+	1 per 1,500 square feet

3. Schedule C

Uses that reference "Schedule C" in Table 5.4.1 have widely varying parking and loading demand characteristics, making it impossible to specify a single off-street parking or loading standard. Upon receiving a development application for a use subject to Schedule C standards, the Director shall apply the off-street parking and loading standard specified for the listed use that is deemed most similar to the proposed use or establish minimum off-street parking requirements on the basis of a parking and loading study prepared by the applicant. Such a study shall include estimates of parking demand based on recommendations of the Institute of Transportation Engineers (ITE), or other acceptable estimates as approved by the Director, and should include other reliable data collected from uses or combinations of uses that are the same as or comparable with the proposed use. Comparability will be determined by density, scale, bulk, area, type of activity, and location. The study shall document the source of data used to develop the recommendations.

4. Maximum Number of Spaces Permitted

a. *General Maximum Requirement*

Any use categorized as a "commercial" or "industrial" use in Chapter 3, *Use Regulations*, may provide no more than one hundred twenty-five percent (125%) of the minimum number of off–street vehicle parking spaces established in Table 5.4.1 *Off-Street Parking Schedule A*, unless an exception is approved under Subsection (b) below.

b. *Exceptions*

i. If application of the maximum parking standard would result in fewer than six (6) parking spaces, the development shall be allowed six (6) parking spaces.

ii. Exceptions to the maximum parking requirement may be allowed in situations that meet all of the following criteria:

(A) The proposed development has a restaurant, unique or unusual characteristics such as high sales volume per floor area or low parking turnover, which create a parking demand that exceeds the maximum ratio and which typically does not apply to comparable uses; and,

(B) The parking demand cannot be accommodated by on-street parking, shared parking with nearby uses, or by increasing the supply of spaces that are exempt from the maximum ratio; and,

(C) The request is the minimum necessary variation from the standards; and,

iii. If located in a mixed-use district, the uses in the proposed development and the site design are highly supportive of the mixed-use concept and support high levels of existing or planned transit and pedestrian activity.

c. ***Calculation of Maximum Parking Requirements***
For the purpose of calculating parking requirements, the following types of parking spaces shall not count against the maximum parking requirement, but shall count toward the minimum requirement:

i. Handicapped parking;

ii. Vanpool and carpool parking; and

iii. Structured parking, underground parking, and parking within, above, or beneath the building(s) it serves.

5. Sites in Mixed-use and Downtown Fringe Districts
In the mixed-use and downtown fringe districts (NM, CM, and DF), the total requirement for off-street parking facilities shall be the sum of the requirements for the various uses computed separately, subject to the modifications set forth below. The modifications are available cumulatively, but overall they may not reduce the minimum requirements by more than twenty percent (20%).

a. All uses within the mixed-use and DF districts shall be eligible for an automatic five percent (5%) parking reduction to reflect the reduced automobile use associated with mixed-use and central city developments.

b. A ten percent (10%) parking reduction for multi-family residential dwellings in the mixed-use or DF districts may be allowed if the proposed use is located within three hundred feet (300') of a transit stop with regularly scheduled daily service.

c. For nonresidential uses in the mixed-use or DF districts, the minimum parking requirement may be reduced ten percent (10%) if the use incorporates a transit stop that meets minimum design standards established by the City to ensure ready access to users and is

compatible with the design and materials of the nonresidential use with which it is associated.

E. Stacking Spaces for Drive-Through Uses

In addition to meeting the off-street parking requirements of this Section 5.4, drive-through facilities specified in Table 5.4.1 shall comply with the following minimum stacking space standards:

TABLE 5.4.3: SCHEDULE OF STACKING SPACES

Type of Use	Minimum Stacking Spaces	Measured From
Financial institution, with drive-thru	4	Teller window
Restaurant, with drive thru	8	Pick up window
Car Wash, automatic	6	Bay entrance
Car Wash, self-service	3	Bay entrance
Car Wash, full service	4	Bay entrance
Gasoline sales gas pump island	30 feet from each end of island	

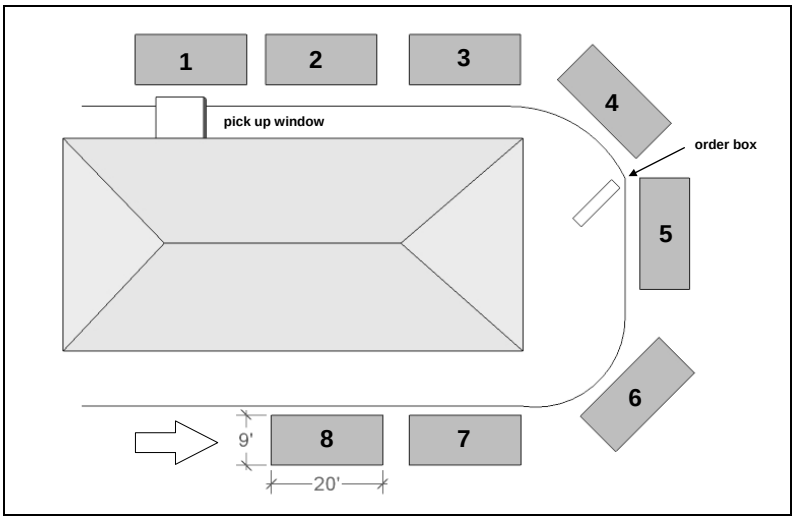


Illustration 5.7: Restaurant Drive-Through
A minimum of eight (8) stacking spaces nine feet by twenty feet (9' by 20') must be provided for a restaurant drive-through. A minimum of four (4) of the spaces must be located between the street and the order box. A minimum of four (4) additional spaces must be located between the order box and the pick-up window.

F. Handicapped Parking Requirements

1. Residential Uses

Handicapped-accessible parking for residential uses shall be provided at the rate of one (1) space per each dwelling unit that is designed for occupancy by the handicapped.

2. Nonresidential Uses

Handicapped-accessible parking spaces shall be provided for uses other than residential at the rate shown in Table 5.4.4 below:

TABLE 5.4.4: HANDICAPPED PARKING FOR NONRESIDENTIAL USES	
Total Number of Required Parking Spaces	**Number of Required Handicapped Spaces**
1-25	1
26-50	2
51-75	3
76-100	4
101-150	5
151-200	6
201-300	7
301-400	8
401-500	9
501-1,000	2 percent of total spaces
Above 1,000	20 spaces, plus one space for each 100 over 1,000 spaces or fraction thereof.

G. Parking Alternatives

The Director may approve alternatives to providing the minimum number of off-street parking spaces in accordance with the following standards.

1. Shared Parking

Off-street parking shall be provided in accordance with the requirements in Table 5.4.1; provided, however, required parking spaces may be provided on the lot containing the uses the required parking is intended to serve or may be provided in common off-street parking facilities. The Director may approve such shared parking facilities for developments or uses if the shared parking spaces will be located within six hundred feet (600') of an entrance to the building the parking is intended to serve (measured along the shortest legal pedestrian route).

2. Off-Site Parking

The Director may approve the location of required off-street parking spaces on a separate lot from the lot on which the principal use is located if the off-site parking complies with all of the following standards:

a. ***Location***

No off-site parking space may be located more than six hundred feet (600') from an entrance (measured along the shortest legal pedestrian route) of the use it is intended to serve. Off-site parking spaces may not be separated from the use served by a street right-of-way with a width of more than eighty feet (80'), unless a grade-separated pedestrian walkway, a traffic signal, a shuttle bus, or other traffic control is provided or remote parking shuttle bus service is provided.

b. ***Control of Site***

Required parking spaces for residential uses must be located on the site of the use or within a tract owned in common by all the owners of the properties that will use the tract.

c. ***Ineligible Activities***

Required parking spaces for persons with disabilities may not be located off-site.

3. Other Eligible Alternatives

At the City's discretion, the Director may approve any other alternative to providing off-street parking spaces on the site of the subject development if the applicant demonstrates to the satisfaction of the Director that the proposed plan will protect surrounding neighborhoods, maintain traffic circulation patterns, and promote quality urban design to at least the same extent as would strict compliance with otherwise applicable off-street parking standards.

H. Parking Lot Dimensions and Design Standards

1. Location and Setbacks

a. *Off-street Parking Lots*

i. *All Districts*

Unless otherwise approved under the parking alternatives Subsection above, the off-street parking lot shall be located within two hundred feet (200'), exclusive of street and alley widths, of an entrance of the principal use it is intended to serve, and shall have direct access to a street or alley.

ii. *Residential or Adjacent to Residential Districts*

No parking area accessory to a nonresidential use shall be permitted within a front yard setback if the use is located in a residential district or immediately abutting the front yard of a residential use.

iii. *Downtown Districts*

In the DM and DF districts, no parking shall be permitted within a front yard setback.

iv. *Property Lines*

Vehicles shall not hang over property lines. This shall be accomplished by one of the following:

(A) Pavement shall setback at least three feet (3') from the property line.

(B) A fence or other form of barrier shall be installed that prevents vehicles from overhanging the property line.

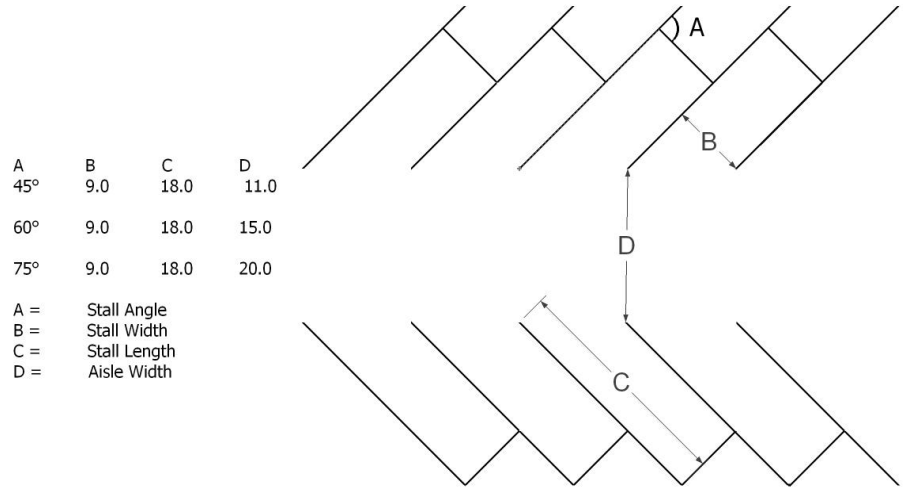
(C) A mutual access easement is provided that allows cross access between the properties.

b. *Parking Structures*

In downtown districts (DM and DF), the maximum frontage of parking structures along any one block shall be two hundred feet (200').

2. Dimensions of Parking Spaces

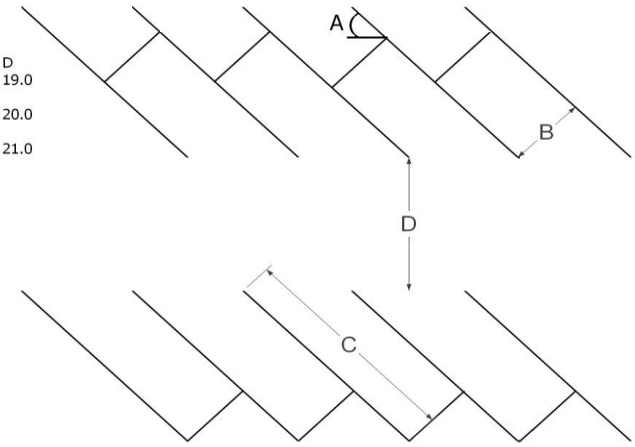
Parking layout dimensions for required off-street parking spaces and aisles shall be in accordance with or in proportion to the standards set forth in Illustrations 5.8 through 5.11 below.



A	B	C	D
45°	9.0	18.0	11.0
60°	9.0	18.0	15.0
75°	9.0	18.0	20.0

A = Stall Angle
B = Stall Width
C = Stall Length
D = Aisle Width

Illustration: 5.8: Parking layout dimensions for 9.0' stall widths at various angles with one-way aisles (minimum standards)



A	B	C	D
45°	9.0	18.0	19.0
60°	9.0	18.0	20.0
75°	9.0	18.0	21.0

A = Stall Angle
B = Stall Width
C = Stall Length
D = Aisle Width

Illustration: 5.9: Parking layout dimensions for 9.0' stall widths at various angles with two-way aisles (minimum standards)

A	B	C	D
0°	9.0	24.0	14.0 (20.0)*
	9.0	24.0	14.0 (20.0)*

A = Stall Angle
B = Stall Width
C = Stall Length
D = Aisle Width

* For aisles with two way traffic

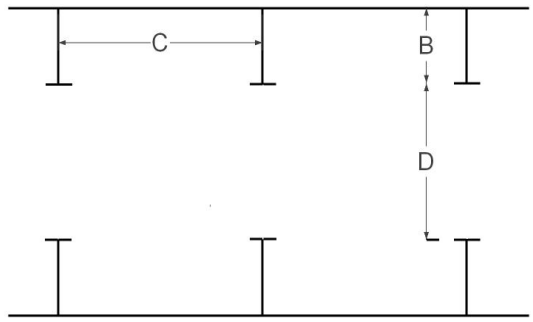


Illustration 5.10: Parking layout dimensions at 0 degree angles (minimum standards)

A	B	C	D
90°	9.0	18.0	24.0
	10.0	18.0	24.0

A = Stall Angle
B = Stall Width
C = Stall Length
D = Aisle Width

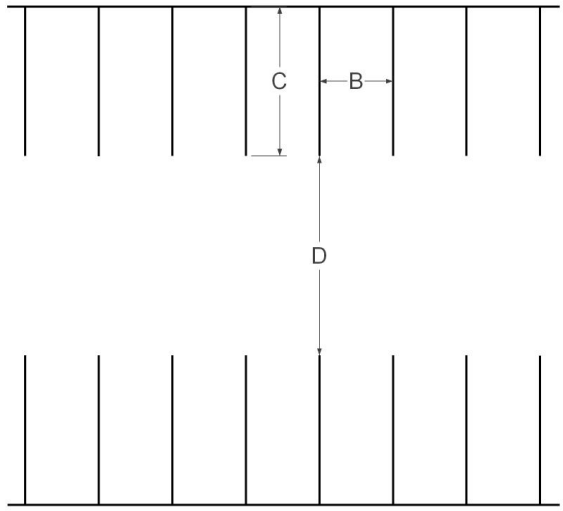


Illustration 5.11: Parking layout dimensions at 90 degree angles (minimum standards)

3. Recreational Vehicle Spaces

Parking spaces for recreational vehicles, if provided, shall be a maximum of ten feet (10') by forty feet (40').

4. Construction and Drainage

All parking areas shall be constructed and drained in accordance with City ordinances and regulations.

5. Maintenance

Parking facilities shall be continually maintained in compliance with the approved site and/or subdivision plan and shall be free of litter and debris at all times.

6. Surface Requirement

All parking spaces required by this Section shall be paved with a sealed, all-weather surface pavement of asphalt or concrete. For purposes of this Section, an area used for secured storage of vehicles that is anticipated to last for more than four (4) months without interruption is exempt from this paving requirement.

7. Vehicular Circulation

All parking areas shall be located and designed so as to avoid undue interference with the use of public streets and alleys. Parking areas shall provide suitable maneuvering room so that all vehicles may enter an abutting street in a forward direction. The backing of a motor vehicle onto a public street from a parking area is prohibited, except from a residential parking area that does not exceed two (2) spaces per dwelling unit. Parking spaces must be directly accessible to a parking aisle.

8. Parking Lot Landscaping, Buffering and Screening

All parking lot landscaping, buffering, and screening shall comply with the applicable requirements in Section 5.2.

9. Driveways

Driveways for single-family residences shall not exceed twenty-five feet (25') in width, exclusive of curb returns.

I. Off-Street Loading Requirements

Development of any nonresidential or public/institutional use shall require provision of off-street loading spaces in conformance with the following minimum requirements:

1. Types of Loading Berths

Required off-street loading space shall be provided in berths that conform to the following minimum specifications:

a. Type A berths shall be at least sixty feet (60') long by ten feet (10') wide by fourteen feet six inches (14' 6") high, inside dimensions.

b. Type B berths shall be at least thirty feet (30') long by ten feet (10') wide by fourteen feet six inches (14' 6") high, inside dimensions.

c. Type C berths shall be located in the rear of a lot and may utilize part of an adjacent alley. The building setback shall be a minimum of five feet (5') from the property line along the alley for the entire width of the lot.

2. Number of Spaces

The following numbers and types of berths shall be provided for the specified uses in Table 5.4.5.: *Off-Street Loading Berths*; provided. The uses specified in this Subsection shall include all structures designed, intended, or arranged for such use.

TABLE 5.4.5: OFF-STREET LOADING BERTHS

Use	Aggregate Gross Floor Area (square feet)	Berths Required	Type
Public/Institutional Uses			
Cultural facilities	7,000--24,000	1	B
	24,000--50,000	2	B
	50,000--100,000	3	B
	Over 100,000, each additional 50,000 or major fraction thereof	1 additional	B
Educational facilities	Over 14,000	1	B
Human health care facilities	10,000--100,000	1	B
	Over 100,000	2	B
Railroad freight terminals and other transportation facilities	12,000--36,000	1	A
	36,000--60,000	2	A
	60,000--100,000	3	A
	Each additional 50,000 or fraction thereof	1 additional	A
Commercial Uses			
All commercial establishments not otherwise specified	7,000--24,000	1	B
	24,000--50,000	2	B
	50,000--100,000	3	B
	Over 100,000, each additional 50,000 or major fraction thereof	1 additional	B
Visitor accommodations and office uses	25,000--40,000	1	B
	40,000--100,000	2	B
	Each additional 100,000 or major fraction thereof	1 additional	B
Industrial Uses			
All industrial uses	12,000--36,000	1	A
	36,000--60,000	2	A
	60,000--100,000	3	A
	Each additional 50,000 or major fraction thereof	1 additional	A

3. Uses Not Specifically Mentioned

In the case of a use not specifically mentioned in this Section, the requirements for off-street loading facilities shall be the same as the use mentioned in this Section that, in the opinion of the Director, has most similar parking characteristics to the use mentioned in terms of loading classification.

4. Concurrent Different Uses

When any proposed structure will be used concurrently for different purposes, final determination of loading requirements shall be made by the Director, but in

no event shall the loading requirements be less than the total requirements for each use based upon its aggregate gross floor area.

5. Location of Off-Street Loading Facilities

Off-street loading facilities required under this Section shall be in all cases on the same lot or parcel of land as the structure they are intended to serve. The required off-street loading space shall not be part of the area used to satisfy the off-street parking requirements unless approved by the Director based on the adequacy of the site to accommodate both simultaneously. The placement of proposed off-street loading facilities adjacent to residential areas or in an area with a residential zoning classification shall be considered for noise and glare impacts. Mitigation techniques, including appropriate site design measures, may be required by the Director.

6. Manner of Using Loading Areas

No space for loading or unloading of vehicles shall be so located that a vehicle using such loading space projects into any public street. Loading spaces shall be provided with access to an alley, or, if no alley adjoins the lot, with access to a street. Any required front, side, or rear yard may be used for loading unless otherwise prohibited by this Ordinance. Design and location of entrances and exits for required off-street loading areas shall be subject to the approval of the Director based on consideration of the traffic flow and traffic safety. Service and off-street loading areas shall comply with the screening requirements for such areas in Section 5.2.D.

7. Loading Area Location

To the maximum extent feasible, loading areas shall be located to the rear of a site and/or away from adjacent residential areas.

8. Signs

The owners of the property shall provide, locate, and maintain loading signs as specified by the Director. Such signs shall not be counted against allowed advertising sign area.

J. Prohibited Occupation of Parking Spaces

1. Except for infrequent, special, temporary events approved under Section 3.4, *Temporary Uses*, of this Ordinance, required parking spaces shall be available for the parking of operable passenger vehicles of residents, customers, patrons, and employees only, and shall not be used for the storage of vehicles or materials or for the parking of trucks used in conducting the business or use, or for the purpose of advertising.

2. Parking for which a fee or other payment is paid or received shall be a principal use, not an accessory use unless approved as part of a Specific Use Permit or Planned Unit Development application.

K. Parking in Residential and Agricultural zoned Districts (Ord 3175, adopted 9-20-11)

1. Surface Requirement

All parking spaces or areas where any vehicle is stored or parked shall be paved with a solid, all-weather surface pavement of asphalt or concrete.

2. Driveways and Parking Spaces

a. Platted subdivisions:

i. All parking spaces or areas where any vehicle is stored or parked shall be paved with a solid, all-weather pavement of asphalt or concrete.
ii. Driveway from edge of the street to parking space shall be paved with a solid all-weather pavement of asphalt or concrete.
iii. Driveway ingress (approach) width shall be no greater than 25 feet exclusive of curb returns at the street curb or pavement edge for two-car garages and no more than 27 feet for three-car garages.

b. Unplatted Areas:

Unplatted properties that contain one (1) acre or more where a residential use exists.

i. All parking spaces or areas where any vehicle is stored or parked shall be paved with solid, all-weather pavement of asphalt or concrete and shall be at least 25 feet in length.
ii. Driveways from the edge of the street shall be paved with a solid, all-weather pavement of asphalt or concrete from the curb or pavement edge and extending twenty (25) feet past the ultimate right-of-way.
iii. Driveway ingress (approach) width shall be no greater than 25 feet exclusive of curb returns at the curb or pavement edge for two-car garages and no more than 27 feet for three-car garages except in cases where agricultural use and residential use occur together, the Director or designee may grant an exception to the maximum width of the driveway ingress (approach) to accommodate typical agricultural-related equipment needs.
iv. After 25 feet beyond the ultimate right-of-way pavement to the parking spaces may be paved with an all-weather type paved surface, ecologically friendly materials such as concrete pavers, or washed gravel, if this distance is fifty (50) feet or greater. If this distance is less than fifty (50) feet, this area shall meet the requirements of K.2.b.
v. Unplatted residentially zoned and/or used properties that are less than one (1) acre will comply with the standards of platted subdivisions for all parking spaces and driveway/ingress surfaces.
(**End of Ord #3175 amendment, 9-20-11)**

3. Commercial Vehicle Parking

No more than one (1) commercial vehicle, which does not exceed one and one-half (1- 1/2) tons rated capacity; per family living on the premises, shall be permitted; and in no case shall a commercial vehicle used for hauling explosives, gasoline, or liquefied petroleum products be permitted.

4. Recreational Vehicle (RV) and Boat Parking

No more than one (1) camping, or travel trailer, or hauling trailer, or recreational vehicle per household shall be permitted on any residential lot, and no more than one (1) boat and its associated trailer, per household shall be parked or stored on any residential lot exclusive of those vehicles entirely stored within a fully enclosed structure. Provided that no trailer, boat, or recreational vehicle shall be parked or stored on the premises for more than a single period not to exceed

twenty-four (24) hours in length during any week unless such is located behind the front building line. On corner lots burdened by building lines from two streets, no such vehicle shall be parked or stored unless such is located behind both building lines. The Director or a designee may authorize the parking of Recreational Vehicles in front of building lines for periods of up to three (3) days plus extensions not to exceed ten (10) days cumulative, where temporary special circumstances would justify such a nonrecurring use for visitors to the household, and all streets, sidewalks, and sight triangles remain clear. For the purposes of this section, a week shall be defined as a period of time commencing at 12:00 a.m. Sunday morning, and ending at 11:59 p.m. Saturday evening.

5. Unlicensed, Untagged and Inoperable Vehicles

No person shall park, store, leave or permit the parking, storing or leaving of any abandoned, partially dismantled, non-operating, wrecked or junked vehicle in the open, upon public or private property on a public street, for a period exceeding forty-eight hours (48 hours), unless such vehicle or the parts thereof are stored within a fully enclosed building or are stored on property lawfully designated under the Zoning Ordinances as a place where such vehicles may be stored

6. Vehicles in Side or Back Yards

No vehicles, other than Recreation Vehicles (as described in Section 4, above), shall be parked, stored or kept in any side or rear yards.

5.5 MULTI-FAMILY RESIDENTIAL BUILDING DESIGN STANDARDS

A. Purpose

The standards of this Section 5.5 are intended to promote high-quality multi-family residential development and construction; protect property values; and encourage visual variety and architectural compatibility.

B. Applicability

This Section applies to development of all multi-family residential uses, unless otherwise indicated.

C. Multi-Family Building Design Standards

1. Building Location and Orientation

a. In multi-building developments, the buildings are encouraged to be arranged to enclose and frame common areas. Common areas and courtyards should be convenient to a majority of units.

b. When more than one (1) multi-family building is constructed:

i. No side, end, or rear wall of a multi-family structure shall be located within twenty feet (20') of a side, end, or rear wall of any other multi-family structure;

ii. No side, end, or rear wall of a multi-family structure shall be located within thirty feet (30') of the front wall of any other multi-family structure; and

iii. No front wall of a multi-family structure shall be located within forty feet (40') of the front wall of any other multi-family structure.

iv. No more than three (3) structures shall be located continuously on the same building line, or within thirty feet (30') of such building line established. Buildings shall be arranged so that the fronts of the buildings are set to the front or back of each adjacent front building line by at least thirty feet (30') or more.

v. Parking lots shall be no more than five hundred feet (500') in length without an offset change in direction of thirty feet (30') or more, centerline to centerline.

2. Building Mass and Articulation

a. The maximum length of any multi-family building shall be one hundred sixty feet (160').

b. Each facade greater than fifty feet (50') in length, measured horizontally, shall incorporate wall plane projections or recesses having a depth of at least ten percent (10%) of the length of the facade, and extending at least twenty percent (20%) of the length of the facade. No uninterrupted length of any facade shall exceed fifty horizontal feet (50').

c. Blocky, uniform facades are prohibited. The facades of all multi-family buildings shall be articulated through the incorporation of two (2) or more of the following:

i. Balconies;

ii. Bay or box windows;

iii. Porches;

iv. Dormers;

v. Variations in materials; or

vi. Variations in roof forms.

d. The height of each multi-family building taller than thirty-five feet (35') shall be stepped down from its highest roofline at least one (1) full story on any end of the building located within fifty feet (50') of a street-right-of-way or an adjacent area with single-family or two-family residential development.

e. On multi-family buildings of eight (8) units or less, the massing and use of exterior materials should be arranged to give each building the appearance of a large single-family home (See Illustration 5.12.).

Illustration 5.12: Multi-family Units Designed to Give Appearance of a Large Single-Family Home

3. Roof Design

a. The incorporation of a variety of roof forms is strongly encouraged. Upper-level residential floors may be incorporated into the roof form to reduce the apparent height and mass of buildings.

b. Multi-family residential buildings shall be designed to avoid any continuous roofline longer than fifty feet (50'). Rooflines longer than fifty feet (50') shall include at least one (1) vertical elevation change of at least two feet (2').

c. All roof jack and penetrations shall be painted to match adjacent roof color.

4. Facades and Detail Elements

a. ***Windows***

All elevations on multi-family buildings shall contain windows. Primary facades and street-facing elevations shall contain at least ten percent (10%) windows.

b. ***Four-sided Design***

A multi-family building's architectural features and treatments shall not be restricted to a single elevation. All sides of a building open to view by the public shall display a similar level of quality and architectural interest.

c. ***Exterior Building Material***

At least sixty percent (60%) of the exterior of the building, excluding doors and windows, shall be constructed of but not limited to masonry, concrete panels, Exterior Insulated Finished Systems, and/or stucco. In addition, twenty percent (20%) of the street facing facade shall be constructed of natural brick or masonry rock.

d. ***Entrances and Porches***

i. Entrances should be prominent and visible from the street and from parking areas.

ii. The front entry of any structure with no porch shall be emphasized by the use of at least two (2) of the following:

(A) An elevation at least one foot (1') above the grade of the nearest sidewalk;

(B) Double doors;

(C) A roofed structure such as a portico, awning, or marquee; or

(D) The inclusion of side-lights (glazed openings to the side of the door), and transom-lights (glazed opening above the door) in the entry design.

5. Storage for Accessory Elements

A multi-family project shall provide covered, enclosed, and secure storage areas for bicycles and other belongings that typically cannot be accommodated within individual dwelling units. Storage and other accessory buildings shall be designed with materials and/or architectural elements that are related to the principal building(s).

6. Garages

a. ***Attached or Detached Garages***

To the maximum extent feasible, detached garages and carports shall not be located between a principal multi-family building and a street, but shall instead be internalized in building groups so that they are not visible from adjacent streets.

b. ***Size***

Detached garages and carports shall be limited to six (6) spaces per structure to avoid a continuous row of garages. No more than six (6) garage doors may appear on any multi-family building elevation containing front doors, and the plane of each garage door shall be offset at least two feet (2') from the plane of the garage door adjacent to it.

c. ***Design***

Detached garages and carports shall be integrated in design with the principal building architecture, and shall incorporate similar and compatible forms, scale, materials, color, and details. Side- or rear-facing garages shall have windows or other architectural details that mimic the

features of the living portion of the structures on the side of the garage facing a street.

5.6 EXTERIOR LIGHTING

A. Purpose

The purpose of this Section 5.6 is to establish standards for the use of outdoor lighting facilities that serve private developments; provide adequate lighting for customer, pedestrian, and driver use; provide for the efficient use of energy; and mitigate nuisance, and glare to adjacent properties.

B. Applicability

1. General

All exterior lighting for any type of residential or nonresidential development shall comply with the standards of this Section 5.6, unless exempted in Subsection 2 below.

2. Exemptions

The following types of lighting are exempt from the requirements of this Section 5.6:

a. Outdoor lighting associated with single-family residential dwellings or duplex development projects;

b. Outdoor lighting used for public streets and right-of-way lighting;

c. Public utility companies when working on public utility lighting for public utility purposes in utility easements;

d. Outdoor lighting used for public or private recreational activities, sporting events at stadiums and ball fields, concerts, plays, or other outdoor events that are public or private, and

e. Outdoor lighting used for temporary decorative seasonal lighting or other temporary events.

C. Lighting Plan Requirement

In order to ensure safety and compliance with the standards in Subsection D. below, outdoor lighting plans demonstrating compliance with the standards of this Section 5.6 shall be required with the submittal of a site plan. If no outdoor lighting is proposed, a note shall be placed upon the face of the site plan indicating that outdoor lighting is not required.

D. General Lighting Standards

An applicant may use either the “Fixture Height Standard” or the “Photometric Standard,” as detailed below in Subsection E. Regardless of the method chosen, outdoor lighting must be in compliance with the following standards:

1. Safety

Either method used shall provide sufficient and safe illumination for vehicle movement and pedestrian safety.

2. Light Poles

Light poles shall not be placed in street rights-of-way or utility easements adjacent to street rights-of-way, except by franchised utility companies or by the City of Broken Arrow, as a part of a street lighting project. Light poles may be placed in other utility easements with the approval of the Director; and if light poles are allowed to be placed in utility easements, a note shall be placed on the face of the site plan stating the following: "Property owner(s) assumes all liability and replacement responsibilities for any damage to light poles placed in utility easements."

3. Site Perimeter Illumination

Illumination of the perimeter of the site shall be reduced in intensity when adjacent to lesser intensive uses or public rights-of-way measured in foot-candles (fc) at three feet (3') above grade as follows for either the fixture height or the photometric standard:

a. Site adjoining another nonresidential zoning district – 3.0 fc

b. Site adjoining agricultural/residential zoning districts – 0.5 fc

c. Site adjoining public rights-of-way – 3.0 fc

4. Shielding

Light sources shall be concealed or shielded with luminaries with cut-offs with an angle not exceeding ninety degrees (90°) to minimize the potential for glare and unnecessary diffusion on adjacent property. For purposes of this standard, "cut-off angle" is defined as the angle formed by a line drawn from the direction of light rays at the light source and a line perpendicular to the ground from the light source above from which no light is emitted. (See Illustration 5.13.)

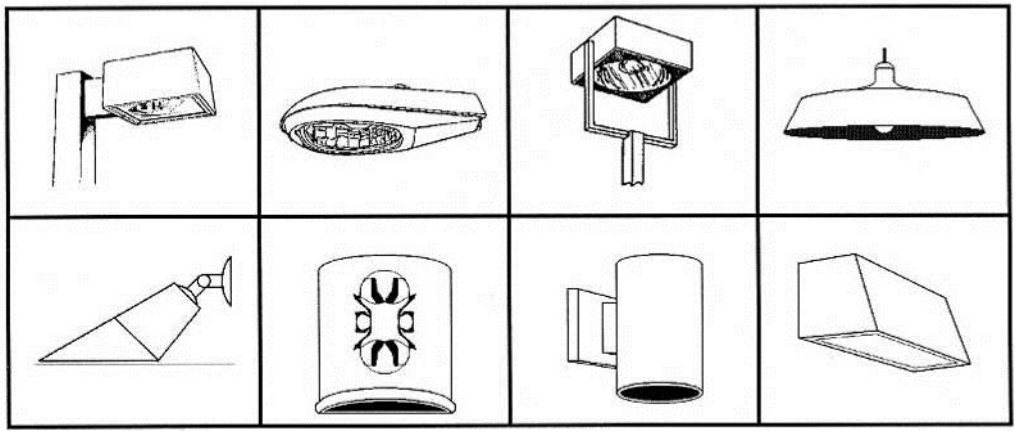


Illustration 5.13: Examples of Full Cut-off Light Fixtures

E. Methods of Compliance

1. Method 1: Fixture Height Standards

All outdoor lighting shall be by shielded fixtures. Light fixtures shall be parallel to the final grade and installed so that no direct light will shine beyond the subject property. The height of light poles and fixtures shall be approved through the site plan process.

a. ***Fixture Height Standard Lighting Plan***

The submitted lighting plan shall include the following:

i. A scale drawing of the site with all outdoor lighting locations shown;

ii. Fixture specifications, including catalog cut-sheets or generic standards;

iii. Pole type and height of fixture from base of the pole;

iv. Lamp type and size; and

v. Fixture mounting, and orientation.

b. ***Allowable Heights***

Allowable heights of light fixtures shall be measured from the light-emitting surface to the base of the pole location as follows:

i. Maximum height of sixteen feet (16'), within fifty feet (50') of agricultural/ residential zoned districts, or public right-of-way;

ii. Maximum height of twenty feet (20'), within fifty-one feet (51') to two-hundred fifty feet (250') of agricultural/residential zoned districts, or public right-of-way;

iii. Maximum height of thirty-five feet (35'), if located a minimum two-hundred fifty-one feet (251') from agricultural/residential zoned districts, or public right-of-way;

iv. Maximum fixture height shall not exceed thirty-five feet (35'); and

v. Canopy lighting shall be by recessed fixtures with diffusers that do not extend below the canopy surface.

2. Method 2: Photometric Standard

A photometric plan is required to be submitted unless the "fixture height standard" is utilized. If the "photometric standard" is desired to increase pole heights, the applicant shall submit a photometric plan in sufficient detail to evaluate its conformance with the general lighting standards in Subsection E. above. The photometric plan shall include the following:

a. A scale drawing of the site with all outdoor lighting locations shown;

b. Fixture specifications, including catalog cut-sheets or generic standards;

c. Lamp type and size;

d. Fixture mounting heights, mounting orientation, and tilt angles if applicable;

e. A representative point-by-point illumination array for the site showing property lines and off-site lighting impacts;

f. The maximum fixture height shall not exceed thirty-five feet (35') as measured from the base of the fixture to the base of the pole;

g. Canopy lighting shall use recessed fixtures with diffusers that do not extend below the canopy surface.

F. Lighting Level Measurements

Light levels shall be measured with a direct-reading, portable light meter, calibrated within the last year by an independent laboratory regularly engaged in the calibration of such instruments. The meter's sensor shall be located at the top of the visual screening fence on the property line (or at a height of three feet (3') above the surrounding local grade if there is no fence), aimed towards the subject property in horizontal position. Readings shall be recorded after the value has stabilized. Measurements are made after establishment of darkness with the light sources to be measured illuminated, and then with those light sources extinguished. The difference between these two (2) readings will then be compared to the maximum allowed illumination at the property line. In this way, contributions to light levels by the moon and other ambient light sources are eliminated and the light intensity from the sources in question can be determined.

5.7 SIGNS

A. Purpose

The intent of this Section 5.7 is to define the types of signs that are permitted and prohibited in the various zoning districts, the manner in which sign size will be measured, and to exempt certain types of signs from regulation.

B. Permits and Registration

1. Issuance

Sign permits and registrations shall be issued by the Development Services Department.

2. Sign Permit Requirements

No sign, except those that are registered under Subsection 3. below and temporary election signs and temporary real estate signs having six (6) square feet or less of display surface, may be constructed or erected within the City without first receiving a sign permit from the Building Inspection Office. The permitted use of a sign by a business, on its own premises, shall not be altered to any other use without first applying for and receiving a permit for such sign use. Applications for sign permits must include:

a. Proof of ownership or written permission of the owner of the lot upon which the proposed sign will be constructed.

b. A scaled drawing (site plan) of the property showing with dimensions the distance of the proposed sign location from property lines, structures, easements, and driveways.

c. The proposed dimensions of the sign and a description of the method of supporting the sign.

d. The measurement of distance from the proposed signs to the limited access highway, turnpike right-of-way, collector street, arterial street, property line or other boundary set out within the different zoning districts, however if the distance is greater than one thousand five hundred feet (1,500'), then no such measured distance is required to be reported, except that the applicant shall so state that the distance is greater than one thousand five hundred feet (1,500').

e. The name and business address of the licensed contractor and the licensed electrical contractor if the sign is electrically powered.

f. The name and contact information of the sign owner.

3. Sign Permit Requirements (Applicable to Banner, Temporary, Promotional Business, and Mobile Signs)

a. The lot owner shall acquire a permit from the Development Services Department for all banner, temporary, promotional business, or mobile signs at least ten (10) business days prior to displaying such banner or sign. Permits under this ordinance are not transferable. See Subsection 5.7.D. below for further regulations.

b. The lot owner requesting a permit for a banner, temporary, promotional business, or mobile sign shall be notified in writing by the Development Services Department when the registration is denied. The written notification will be given within a reasonable time after the denial.

4. Sign Contractors

Any contractor desiring to construct signs for others within the Broken Arrow city limits shall register their business name, business owner, address, phone number or other contact information, with the Development Services Department. Contractors who fail to register, or who fail to use licensed electricians, shall be subject to the penalties as described in Chapter 9.

C. General Sign Standards in All Nonresidential Zoning Districts

1. Setbacks

a. ***From Public Right-of-Way***

No sign shall be erected, constructed, placed, or projected into or over any public right-of-way, except that in the DM and DF zone districts, projecting signs may extend into the right-of-way provided there is a vertical clearance of at least eight feet (8') above the sidewalk and the sign does not extend past the sidewalk.

i. For locations adjacent to arterial streets, the right-of-way shall be defined as the ultimate right-of-way planned for the area as shown by the most recently adopted Comprehensive Plan for

Broken Arrow. (Within five hundred feet (500') of all arterial street intersections, the ultimate right-of-way is seventy feet (70') from the section line. Beyond five hundred feet (500') of the arterial street intersection, the ultimate right-of-way for primary arterial streets is sixty feet (60') from the section line, and for secondary arterial streets the ultimate right-of-way is fifty feet (50') from the section line.)

ii. For locations adjacent only to non-arterial streets, the right-of-way shall be defined as the actual area that is publicly owned, designated, or dedicated as right-of-way or as easement for one or more streets.

b. ***From Residential Districts***

i. Except for directional signs, no permanent freestanding signs, projecting signs, on-premises advertising signs, or wall signs shall be located within fifty feet (50') of any residentially zoned district. Residentially zoned districts that are used solely for streets, railroads, or highways are excluded from this Subsection 5.7.C.1.b.

ii. Any sign located within fifty feet (50') to one hundred feet (100') of a residentially zoned district shall be limited to a maximum height of eight feet (8') and shall not exceed sixty-four square feet (64 sq.ft.) of display area, regardless of setback.

iii. No flashing, twinkling, or animated sign shall be located within twenty feet (20') of the proposed street right-of-way line as shown in the Comprehensive Plan, or within two hundred feet (200') of a designated residential development district.

iv. Any sign located within two hundred feet (200') of a residential district shall not exceed three hundred square feet (300 sq.ft.) in display surface area.

c. ***From Highway***

Freestanding signs shall be set back a minimum distance of ten feet (10') from any limited access highway or turnpike right-of-way, notwithstanding the setback requirements as set out in Subsection 5.a. below.

d. ***Site Triangle Clearance***

Except for standard public signs, no signs shall be located within twenty-five feet (25') of the point of intersection of the ultimate right-of-way of two or more public streets, nor within twenty-five feet (25') of the intersection of a public street right-of-way and a private street or driveway, nor within the median of a divided driveway for a distance of twenty-five feet (25') from the entrance to the public street right-of-way.

e. ***Pre-Existing Freestanding Signs***

In cases where there is a preexisting freestanding sign, any subsequent sign placement or land use shall also meet the above setback requirements.

2. Sign Illumination

No sign shall exceed an illumination of seventy foot candles (70 fc) as measured at a two-foot (2') distance from the source of the illumination. Further, electric message centers making use of incandescent light (as opposed to light emitting diodes) for purposes of illumination, must be set back an additional twenty feet (20') from the minimum setback otherwise applicable. Incandescent lamp message centers shall not be programmed to function as a strobe in an on-and-off display mode. Incandescent lamp message centers must utilize a dimming feature that will dim the lights during dark hours to no more than eighty percent (80%) of the normal watts used during daylight hours.

3. Separation of Signs

All freestanding signs or projecting signs shall maintain a minimum separation of thirty feet (30') from any other freestanding sign or projecting sign. However, in cases where there is a preexisting off-premises advertising sign, except for those allowed in Section 5.7.D, any subsequent placement of a freestanding sign shall be separated by at least one-thousand, five-hundred linear feet (1,500') along the street frontage from the pre-existing off-premises advertising sign. Further, wall signs or projecting signs shall not exceed the height of the parapet of the building to which they are attached. Provided, where architectural features of the building will not permit a wall sign of at least three feet (3') in height, a wall sign may be extended above the parapet of the building wall a distance sufficient to permit a sign of three feet (3') in height.

4. Off-Premises Advertising Signs

Off-premises advertising signs shall not be permitted, except as provided in Section 5.7.D.

5. Height

a. The height of freestanding signs shall be measured from the grade where the sign is located and shall not exceed twenty feet (20') in height except as modified by the following: additional height may be granted for additional setbacks, measured from the ultimate right-of-way line on a one foot (1') vertical to a two foot (2') horizontal basis, to a maximum of thirty feet (30').

b. On lots that are adjacent to a designated turnpike right-of-way or limited access highway, the height of the sign may be increased to fifty feet (50') using the formula herein stated measured from the right-of-way line provided the sign is located within one-hundred feet (100') of the turnpike or limited access highway right-of-way line. However, a sign that is adjacent to a designated turnpike right-of-way or limited access highway, which sign's set back is located at the minimum distance allowed of ten feet (10'), shall have a maximum height of twenty-five feet (25').

c. Any sign that projects over a pedestrian walkway shall have a minimum of eight feet (8') of clearance.

d. Any sign that projects over a vehicular access area shall have a minimum of fourteen feet (14') of clearance.

6. Size

a. ***Display Surface Area***

No sign shall exceed five hundred square feet (500 sq.ft.) of display surface area if being used by multiple users, nor three hundred square feet (300 sq.ft.) if used by a single user. Multiple users shall mean four (4) or more users on the sign. The identification plaque, decal, or other device that identifies the owner of the sign shall not be considered in the calculation of the multiple users.

b. ***Adjacent to Turnpike or Highway***

i. A single sign per lot with turnpike right-of-way or limited access highway frontage shall not exceed an aggregate display surface area of three square feet (3 sq.ft.) per each linear foot of limited access highway or turnpike frontage.

ii. Multiple signs per lot with turnpike right-of-way or limited access highway frontage shall not exceed an aggregate display surface area of two square feet (2 sq.ft.) per each linear foot of limited access highway or turnpike frontage.

c. ***All Other Signs***

All other signs per lot shall comply with the following standards except as otherwise provided within this Section 5.7:

i. Lots with one (1) freestanding sign shall not exceed an aggregate display area of two square feet (2 sq.ft.) per lot frontage.

ii. Lots with multiple freestanding signs shall not exceed an aggregate display area of one square foot (1 sq.ft.) per lot frontage.

iii. Wall signs and projecting signs may utilize an aggregate display surface area of three square feet (3 sq.ft.) per linear foot of the wall on which it will be placed.

d. ***Sign Area Measurement***

In computing the permitted display surface area for signs, the linear footage of an abutting secondary residential street shall not be combined with the linear footage of any collector street, arterial street, limited access highway or turnpike that is being used to calculate the permitted display surface area. Only one (1) side of a double-sided sign shall be included in the computation of display service area. Double-sided signs may be separated, as long as the separation of the two (2) display surfaces shall not exceed ten feet (10').

7. Forbidden Lights and Representations

No sign containing facsimiles of traffic control devices of any sort shall be located within one hundred feet (100') of the point of intersection of two (2) or more public streets. No revolving red or blue lights shall be allowed. No sign containing light shall exceed an illumination of seventy-foot candles (70 fc) as measured at a two-foot (2') distance from the source of the illumination.

8. Public Easements

Signs may be erected within public utility easements and the unused portions of platted alleys under the following conditions:

a. Sign structural poles/footings shall not be located immediately over City-owned utilities, (i.e., waterlines, sanitary sewer lines, storm water lines, or facilities owned by the City) that are located in public utility easements or the facilities of franchised utility providers. Freestanding Signs may be placed in public drainage easements upon prior written approval by the City Engineer.

b. The construction of the sign must be lawful.

c. Site plans that show a sign placed in a utility easement shall have the following note placed on the face of the site plan: "Sign owner(s) assume all liability and replacement responsibilities for any damage to signs placed in utility easements."

d. Sign placement within the public utility easement or alley should be done at the sign owner's own risk, and with the express knowledge that the needs for the construction, reconstruction, maintenance and repair of the existing or future publicly owned or franchised utilities are a priority and dominant over the servient estate of the sign placement.

e. The sign placed in a public utility easement must meet the setback requirements of this Article. The sign shall be constructed so that no portion thereof projects over the street right-of-way, or blocks the site triangle at intersections or blocks the sidewalks to normal pedestrian or bicycle traffic.

f. No sign, nor any portion or support thereof shall be placed within a drainage easement or drainage area without the written approval of the City Engineer, regardless of how the drainage easement or drainage area may have been created, obtained or conveyed and regardless of how the drainage easement or drainage area is designated, whether it is an easement, right-of-way, or any other type of designation.

g. As a precondition to a permit being issued for a sign constructed within public easements, the sign owner shall submit a written statement, which is either made a part of the plat or is recorded in the County land records that states to the effect that:

i. The sign owner acknowledges the prior rights and status of the public, its trustees, and franchised utility owners;

ii. The sign owner assumes all liability and replacement responsibilities for any damage to its signs located within utility easements, as well as for any damage to subsurface or overhead facilities located within the easement, which may be damaged during the construction, installation, maintenance or repair of the signs; and

iii. Acknowledgement that the sign is subject to removal at the sign owner's expense in the event that the City or a utility company has a need to construct, reconstruct, repair or maintain its facilities at that location.

9. Certain Signs Not Prohibited

The following types of signs shall be allowed by this Ordinance if located outside the right-of-way, and further, these types of signs will not be included in the computation of aggregate display surface area for other permitted signs:

a. One (1) nameplate attached to the face of the wall of a building, not exceeding four square feet (4 sq.ft.) in surface area.

b. Temporary real estate signs placed upon property that indicates said property is for sale or rent, not exceeding six square feet (6 sq.ft.) of surface area in residential zoned areas and not exceeding thirty-two square feet (32 sq.ft.) of surface area in agricultural, office, commercial, and industrial zoned areas.

c. Temporary construction signs, which are displayed along arterial street frontages that do not exceed one-half (1/2) of the square foot per each linear foot of arterial street frontage; however, such Temporary Construction Signs shall never be restricted to less than thirty-two square feet (32 sq.ft.), but shall not exceed more than two hundred square feet (200 sq.ft.) of display surface area, regardless of the amount of arterial frontage.

d. Signs which are not visible from a public street.

e. Tablets built into the wall of a building or other structure utilized for inscriptions, memorials or similar historic or dedicatory purposes.

f. Signs of a warning, directive or instructional in nature erected by any unit of government or any franchised utility.

g. Legal notices required by law to be posted.

h. Temporary election Signs dealing with political campaigning, if erected not more than forty-five (45) days prior to an election and removed within seven (7) days following the election and does not exceed sixteen square feet (16 sq.ft.) of display surface area.

i. Signs painted or posted on the surface of any window, when the display surface area of the sign does not cover more than twenty-five percent (25%) of the window.

j. Signs located inside a building and either oriented to be primarily visible from inside the building only, or located more than fifteen inches (15") from the window. Signs erected by private parties of a warning, directive or instructional nature and not exceeding three square feet (3 sq.ft.) of display surface area, including entrance, exit and restroom signs.

k. Signs attached by the manufacturer and function as labels of commodities.

l. Signs located on accessory equipment or structures, which identify the manufacturer, make or model, and which are limited to fifteen square inches (15 sq. inch) or less for each piece of equipment or structure. By way of example and not by limitation, equipment may include satellite dishes, air conditioners, fence components and similar items.

m. Street address numbers painted on the curb at the property owner's discretion.

n. Directional (i.e. entrance/exit) signs that are less than four square feet (4 sq.ft.).

10. Special Exemptions from Regulations

a. Except as specified in Subsection 9. above, *Certain Signs Not Prohibited*, signs that have not been issued a sign permit shall not be located in any zoning district of the City. Provided, that signs that were permitted by the City under previous sign regulations prior to the adoption of this Ordinance, or signs that were permitted by the County under previous regulations prior to annexation, may continue to exist and receive ordinary maintenance unless and until the use of the sign is discontinued for a period of six (6) months, or the structure of the sign is damaged or destroyed in excess of fifty percent (50%) of its value, at which time such sign must be relocated in full conformity with the requirements of this ordinance.

b. Individuals exercising their First Amendment rights, under the U.S. Constitution or their free speech rights under the Oklahoma Constitution, shall not be required to obtain permits for any sign so long as the sign is not an advertisement for any type of commerce and such sign is physically located on the lot of that individual's actual residence, or is being physically carried by that individual while exercising their First Amendment right of free speech. In addition such individual may not, while exercising their First Amendment rights, block any public way, whether right-of-way, exclusive easement, general utility easement or the associated sight triangles required for traffic safety. The sign located on the residential property must either be attached physically to the wall of the house or placed in the yard and shall not exceed sixteen square feet (16 sq.ft.), nor shall it exceed six feet (6') in height.

c. Exemption for Governmental Public Signs: Standard public signs are exempt from the regulations of this Ordinance when placed by any governmental entity.

11. Sign Owner Identified

Each sign shall have a plaque, decal, be readable to a person of ordinary height and vision at a distance of two feet (2') from the base of the sign, and the information must be printed in English block print. This device must be readily accessible to an inspector employed by the City, but does not have to be generally observable to the public.

12. Installation of Signs

All signs, which are permitted under this Section or any future amendments thereto, shall be installed by licensed sign contractors in accordance with the locations and plans submitted at the time of the application and subsequently approved by the City.

13. Additional District-Specific Sign Regulations

a. Wall signs in the DM and DF districts shall have an aggregate display area not to exceed three square feet (3 sq.ft.) for each linear foot at the front building wall of the building. Wall signs in the mixed-use, office, and commercial districts shall have an aggregate display area not to exceed one square foot (1') for each linear foot of the wall on which it will be placed.

b. In mixed-use, commercial, and industrial districts, no more than one (1) sign per one hundred, fifty feet (150') of limited access highway frontage, arterial street frontage, collector street frontage or a fraction thereof. On lots with multiple street frontages (i.e., corner lots, double frontage lots), the street frontage is not cumulative. In office districts, no more than one sign per one hundred feet (100'), or fraction thereof, of turnpike right-of-way, limited access highway frontage, arterial street frontage, collector street frontage.

14. Sign Regulations for Planned Unit Developments (PUD)

Signs in a PUD shall be governed by this Ordinance, but may be modified by the express terms of the PUD.

D. Integrated Development Identification

A commercial and/or industrial development containing not less than 15 acres within a defined area (hereinafter referred to as "Development Area") under common ownership or control may provide Integrated Development Identification ("hereinafter "IDI") in accordance with the following requirements:

1. An application for IDI shall be submitted as a Specific Use Permit in compliance with the hearing and notice requirements set forth within Section 6.5.

2. A legal description of the Development Area (containing not less than 15 acres), an abstractor's certification of ownership of the Development Area, the owners' written authorization to proceed and a graphic depiction of the location, size, and height of the Integrated Development Sign as hereinafter defined, shall accompany the filing of the application.

3. The permitted signage within the Development Area shall be limited as follows:

a. One sign identifying the development and/or a tenant or tenants located within the Development Area shall be permitted (hereinafter the "Integrated Development Sign") for each 15 acres (rounded to the nearest multiple of 15) not exceeding 35 in height nor 300 square feet of display surface area.

b. In addition to the Integrated Development Sign, a free standing sign for an individual tenant within a platted lot shall be permitted not exceeding

10 feet in height nor 100 square feet of display surface area (hereinafter the "Tenant Sign") and each Tenant Sign shall have a monument base of substantially the same material as the exterior of the principal building on the lot.

c. Except as above modified, signs within the Development Area shall meet the requirements of Section 5.7.

4. Upon approval of a Specific Use Permit and prior to the issuance of a permit for any sign to be located within the Development Area, a declaration setting forth the following:

a. The legal description and a graphic depiction of the land area comprising the Development Area.

b. A recitation of the ownership of the Development Area.

c. A statement of the applicability of the provisions of this chapter.

d. A grant of any required easement sufficient to permit the location of a permitted sign not constituting an on premise sign.

e. Provision for maintenance of each integrated development sign.

f. Provision for the enforcement of the provisions of this chapter and the conditions of the Specific Use Permit by each owner of any parcel of land located within the Development Area.

g. Provision for the enforcement of the provisions of this chapter and the conditions of the Specific Use Permit by the City of Broken Arrow Oklahoma shall be submitted to and approved by the Broken Arrow Planning Commission and thereafter duly filed of record in the office of the County Clerk of the applicable County within which the Development Area is located.

E. Agricultural and Residential Zoning Districts

1. No sign in an agricultural or residential zoning district shall exceed thirty-two square feet (32 sq.ft.) or eight feet (8') in height, unless further limited by this Section. Signs advertising a Home Occupation are not allowed in any residential neighborhood.

2. Permanent freestanding signs, which function as on-premises advertising signs and are located on lots used for institutional uses such as educational, religious or charitable institutions, may be constructed and maintained as long as such signs do not exceed thirty-two square feet (32 sq.ft.) of display surface area nor eight feet (8') in height. However, for the purposes of this Subsection 5.7.E.2. only, the maximum display surface area and height may be increased to the standards contained in Section 5.7.C. of this Article, through a PUD or by the Specific Use Permit process, which shall be based upon the total linear foot of lot frontage. Illumination may be provided as long as it is made by constant light, does not exceed seventy foot candles (70 fc) as measured as a distance of two feet (2') from the source of light.

3. Wall Signs and Freestanding Signs shall be allowed on each side of a subdivision entrance where the subdivision entrance intersects an adjacent arterial street or another subdivision. Signs shall not exceed thirty-two square feet (32 sq.ft.) of display surface nor eight feet (8') in height. Illumination may be provided as long as it is made by constant light, does not exceed seventy foot candles (70 fc) as measured as a distance of two feet (2') from the source of light. Where the entrance of a subdivision is by way of a boulevard with a divided median, the identification sign may be placed within the traffic island, as long as the sign is located at least twenty-five feet (25') from the point of intersection of the arterial street right-of-way.

4. During the period of construction of a new subdivision, a Temporary Construction Sign may be erected on each perimeter street leading to the interior development, as long as the sign does not exceed eight feet (8') in height and illumination may be provided as long as it is made by constant light, does not exceed seventy foot candles (70 fc) as measured as a distance of two feet (2'). Temporary Construction Signs shall be removed upon completion of construction on seventy-five percent (75%) of the available lots within the development.

5. A Temporary Construction Sign not exceeding six square feet (6 sq.ft.) of display surface area may be erected by the owner or occupier of each residence. However, the sign may not be placed within the boundaries of any public street, nor any utility easement, or within the site triangle of the intersection of two streets or the intersection of a street and driveway. Such signs may not be used for commercial purposes within the residential zoning district.

F. Banner, Temporary, Mobile, Inflatable, or Promotional Business Signs

1. Duration, Height and Location

a. A Banner, Temporary, Mobile, Inflatable or Promotional Business sign shall be permitted only as provided herein, and such permits should be limited to no more than four (4) per year for any single Lot owner. Such Banner, Temporary, Mobile, Inflatable or Promotional Business Sign may be used for a period of no more than forty-five (45) days on any one occasion, provided that the applicant may at the time of application request that all or any of the four (4) permitted time periods run consecutively. However, the permitted time periods may not exceed one hundred twenty (120) days total during a one-year period from the date of the first application. All Banner, Temporary, Mobile Business, Inflatable or Promotional Signs must have the Sign owner's name, address and phone number affixed to the Banner, Temporary, Mobile, Inflatable or Promotional Business Sign at a location where it can be seen by inspectors, although it may be concealed from the public while on display in its ordinary manner.

b. The height of Banner, Temporary, Mobile, Inflatable, or Promotional Business Sign shall not exceed the height specified in Section 5.7.C.5. All Banner, Temporary, Mobile, Inflatable or Promotional Business Sign shall be set back from the property line by a distance of one foot (1') horizontal for every one foot (1') vertical of the sign as measured from the base of the sign.

c. No Banner, Temporary, Mobile, Inflatable or Promotional Business Sign shall be placed in a manner, which will interfere with the flow of vehicular and/or pedestrian traffic, or create traffic visibility hazards such as being placed in the sight triangles of the intersection of two (2) streets or the intersection of streets and driveways. Banner, Temporary, Mobile, Inflatable or Promotional Business Signs must be anchored to the selected location sufficient to keep them from being moved by wind or storm.

d. No Banner, Temporary, Mobile, Inflatable or Promotional Business Sign shall be permitted to be located upon or within any required parking spaces or loading berths, nor shall it otherwise be located in such a manner to obstruct vehicular and/or pedestrian access or circulation.

e. Except for Standard Public Signs, no Banner, Temporary, Mobile, Inflatable or Promotional Business Signs shall be located within twenty-five feet (25') of the point of intersection of the right-of-way of two (2) or more public streets, nor within twenty-five feet (25') of the intersection of a public street right-of-way and a private street or driveway, nor within the median of a divided driveway for a distance of twenty-five feet (25') from the entrance to the public street right-of-way.

f. Regardless of any other provisions to the contrary, all Banner, Temporary, Mobile, Inflatable or Promotional Signs shall be designed and constructed to withstand a wind pressure of not less than forty (40) pounds per square foot of area, or of materials which are unlikely to become dangerous projectiles when propelled by windstorms.

g. Except for Standard Public Signs, Banner, Temporary, Mobile, Inflatable or Promotional Business Signs shall not exceed forty square feet (40 square feet) of display surface area.

2. Mobile Sign Anchorage

No Mobile Sign shall be placed unless such sign is anchored at each support by a steel rod driven at least eighteen inches (18") into the ground, or unless said sign is attached by a steel chain having at least three-quarters inch (3/4") links or by a steel cable of at least one-half inch (1/2") diameter to a building or to a permanent Freestanding Sign, or similar upright supporting structure.

3. Zoning

Banner, Temporary, Mobile, Inflatable, or Promotional Business Signs as set out in this Section E. may be permitted in any commercial, office or industrial zoning district.

4. Number of Signs

Banner, Temporary, Mobile, Inflatable, or Promotional Business Signs as set out in this Section E. shall not exceed more than one (1) sign at any given time per lot of record.

5. *Convenience Store, On-Site Perimeter Light Pole Mounted Signs.* (This section added 12-01-09) One sign, not to exceed 15 square feet, mounted to one on-site light pole with permanent type bracket, between the range of 3 feet and 10

feet from the ground, shall be permitted along each direction of store frontage along an arterial**. (Ord #3066 adopted 12-1-09)**

6. ***Exceptions.*** **(This section added 10-06-09)** Signs, temporary or permanent, mounted to Convenience Store fuel island pumps, fuel island canopy columns (mounted with permanent type mounting bracket and not to exceed 3 square feet), placed on pallets of displayed product at the base of the fuel island canopy columns or on the entry sidewalk at the store front shall be permitted, but exempt from fees. **(Ord #3066 adopted 12-1-09)**

5.8 DISTRICT-SPECIFIC STANDARDS

A. Residential Mobile Home Park District (RMH)

1. Common Recreation Space

There shall be at least three hundred square feet (300 sq.ft.) of common recreation space per mobile home lot; the minimum area of any common recreation area shall be eight thousand square feet (8,000 sq.ft.), and the minimum width of any such area shall be sixty feet (60'). Each required common recreation area shall be within three hundred feet (300') of each of the mobile homes it is intended to serve, measured along a route of pedestrian access. Such recreation area shall be no nearer than twenty-five feet (25') to any property line. Each required common recreation area shall be graded and drained so as to dispose of all surface waters accumulated within the recreation area and shall be surfaced with turf or other dustless surface.

2. Off-Street Parking Areas

Off street parking space may be provided on common areas improved in accordance with provision for common recreation areas and shall be located within two hundred feet (200') of each lot so served, measured along a route of pedestrian access. If parking space is provided with each lot, the minimum lot area shall be increased by three hundred seventy-five square feet (375 sq.ft.).

3. Interior Driveways

Interior driveways shall be improved and maintained in accordance with the specifications in the Broken Arrow Land Subdivision Code.

4. Accessory Commercial Uses

In a mobile home park containing at least one hundred (100) improved mobile home spaces, there may be provided accessory commercial uses for the convenience of the residents of the development, provided that:

a. All such uses are operated within an enclosed structure;

b. The gross floor area of such accessory uses shall not exceed twenty-five square feet (25 sq.ft.) for each mobile home space in the park; and

c. No such structure shall be closer than fifty feet (50') to any property in an agricultural or residential district outside the development.

B. Downtown Fringe (DF) District

1. Purpose

These standards are intended to ensure that new infill development in the areas surrounding the Downtown Mixed-Use Core provides an appropriate transition between the more intense Mixed-Use Core uses and the surrounding neighborhoods and to achieve downtown community goals as stated in the Broken Arrow Downtown Plan.

2. Location of Parking

On-site parking shall be located to the rear or side of all buildings. No on-site parking shall be located between the primary building entrance and the street.

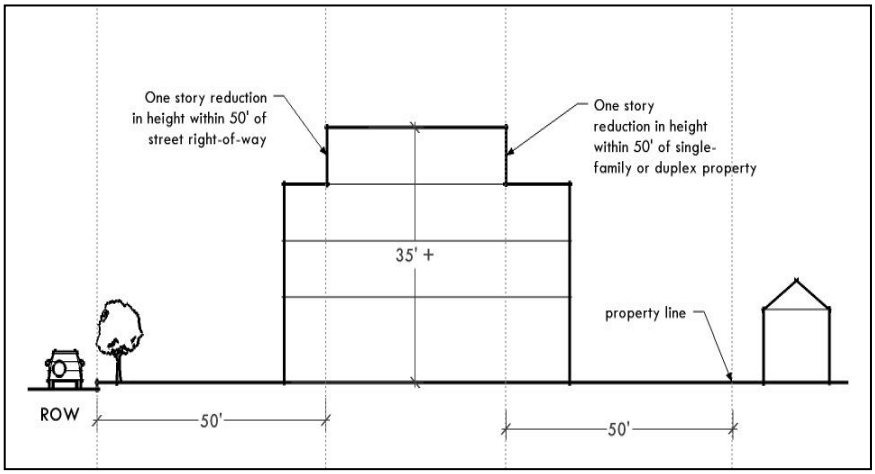


Illustration 5.14: Transitional Building Height

3. Transitional Building Height

The height of each building taller than thirty-five feet (35') shall be stepped down from its highest roofline at least one full story on any portion of the building located within fifty feet (50') of a street-right-of-way or an adjacent area with single-family or two-family residential development. (See Illustration 5.14.)

4. Parking

Where on-site parking is provided, it shall be screened with a masonry wall no more than three feet (3') in height and/or a landscape buffer meeting the requirements of Section 5.2.B.1.b., in order to maintain an attractive pedestrian environment at the street edge. Interior parking lots shall meet the landscape requirements contained in Section 5.2.B.1.c.

C. Downtown Mixed-Use Core (DM) District

1. Purpose

These standards are intended to ensure that new development respects the historic small-town scale, architectural variety, and pedestrian friendliness of the downtown. These standards are intended to implement the Downtown Master Plan, which contains images of encouraged development that should be consulted as a reference to interpret the standards in this Section. The standards contained herein are intended to protect the health, safety, and welfare of the citizens of Broken Arrow who utilize the downtown area, which includes a pedestrian place of commerce, and to ensure the livability of the existing physical environment so that it is not compromised by land uses deemed incompatible with the Comprehensive Plan and Downtown Master Plan.

2. Applicability

This Section applies to all new construction (excluding single-family detached and duplexes) located within the Downtown Master Plan Planning Area. Prior to any such construction occurring, a site plan shall be submitted to the Downtown Advisory Board.

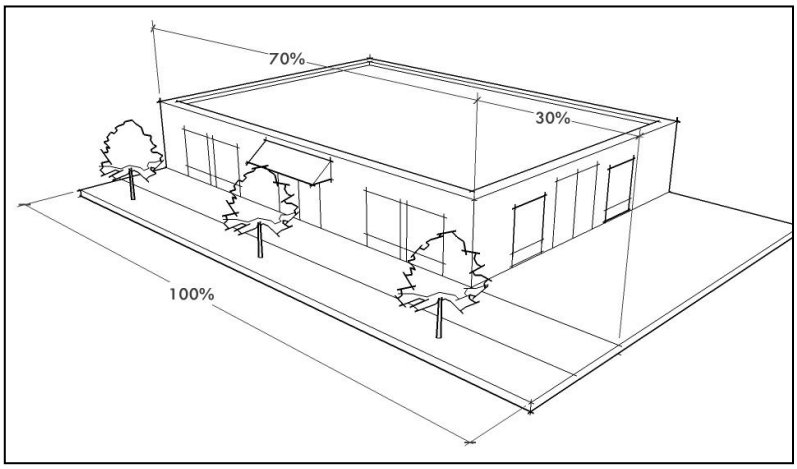
3. Site Layout

a. ***Parallel to Lot Lines***

New construction shall be built parallel to lot lines to reflect the historical orientation of nonresidential structures in the downtown. Structures shall not be oriented at an angle to lot lines.

b. ***Building to Sidewalk Edge***

A minimum seventy percent (70%) of each building façade along the street edge shall be built to the sidewalk. (See Illustration 5.15.)



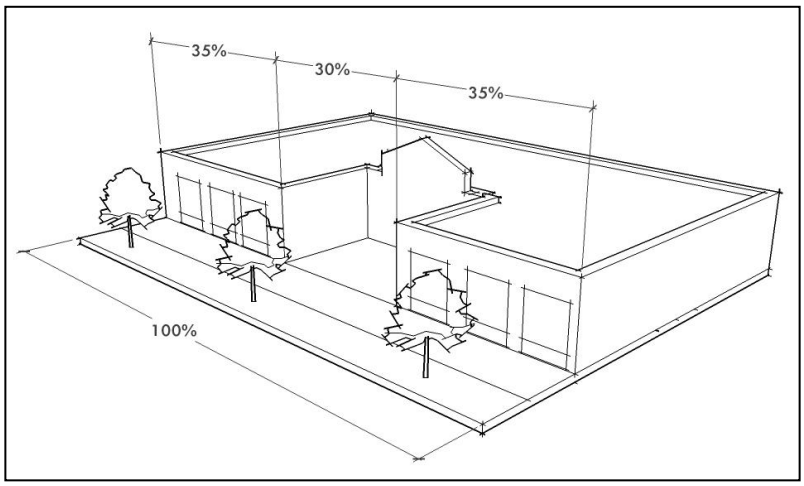


Illustration 5.15: Examples of buildings that bring a minimum of 70% of the building to the sidewalk edge.

c. ***Location of Parking***

On-site parking shall be located to the rear or side of all buildings. No on-site parking shall be located between the primary building entrance and the street.

d. ***Orientation of Primary Facade***

The primary facade of a structure shall be oriented to the street, not to a side of the building, the lot, or to an interior court.

4. Building Design

a. ***General Intent of Building Design Standards***

New buildings in the Downtown Mixed-Use Core should draw upon the common elements of historic buildings in downtown Broken Arrow, without copying them. Examples of common elements include similar fenestration, cornice lines, building widths, masonry construction, shade awnings, and storefront facades open to the sidewalk. This will allow new structures to be seen as products of their own time, yet compatible with their historic neighbors. Examples of development that are encouraged in the downtown are presented in the Downtown Master Plan.

b. ***Exterior Building Materials***

i. Brick shall be the primary building material, along with masonry accents as traditionally found in the downtown.

ii. Exterior Finishing Systems (EIFS) and metal shall not be used as a primary exterior building material.

c. ***Ground-Floor Pedestrian Interest***

i. The ground floor of a building shall encourage pedestrian activity by maintaining a high window-to-wall ratio. On the facade facing the street, at least forty percent (40%) of the wall area that is between three and ten feet (10') above grade shall consist of glazing.

ii. Reflective tinted windows are prohibited on the ground floor.

d. ***Upper-Floor Distinction***

The distinction between the street level and upper levels should be expressed through detailing, changes in materials, and fenestration. (See Illustration 5.16.)

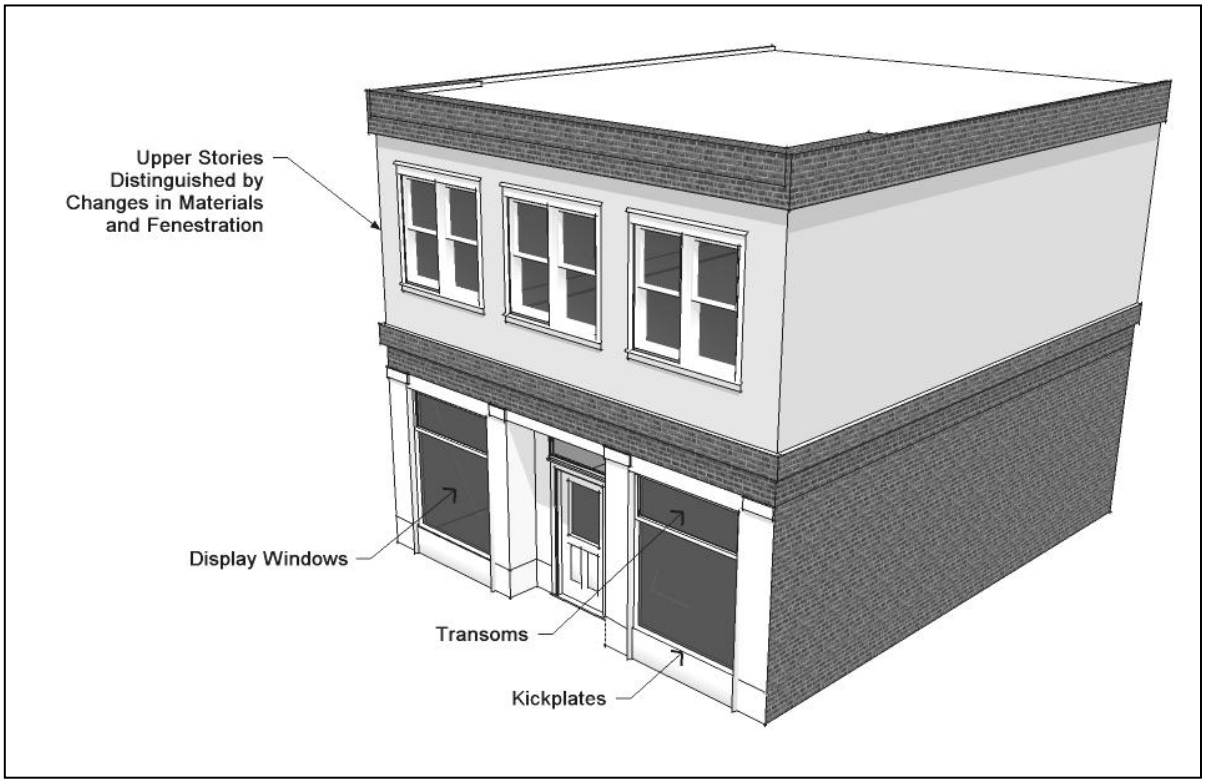


Illustration 5.16: Upper Floor Distinction

5. Parking

Where surface parking is provided, it shall be screened with a masonry wall no more than three feet (3') in height and/or a landscape buffer meeting the requirements of Section 5.2.B.1.b., in order to maintain an attractive pedestrian environment at the street edge. Interior parking lots shall meet the landscape requirements contained in Section 5.2.B.1.c.

D. Downtown Residential Overlay (DRO) District

1. Purpose

The Downtown Residential Overlay District is intended to implement the Downtown Master Plan by protecting and promoting residential neighborhood stability around the downtown while allowing appropriate infill development.

2. Building Design

a. *Orientation of Dwellings to the Street*

Each residence shall have at least one primary pedestrian doorway for access to the dwelling located on the elevation facing the front lot line of the property, on or within eight feet (8') of the most forward plane of the house, and clearly visible from the street or public area adjacent to the front lot line. On corner lots, the pedestrian doorway may be located facing any adjacent street. Unless prohibited by terrain or other site constraints, the orientation of new lots shall repeat the predominant relationship of buildings to buildings and buildings to street along the same block face or the facing block face.

b. ***Compatibility***

i. The following standard shall apply to development of a new residential use, or substantial expansion or alteration of an existing residential use, on a site that is adjacent to or across a street from two (2) or more lots with existing structures. For purposes of this subsection only, "substantial expansion or alteration" shall mean construction that is equal to or greater than twenty-five percent (25%) of the principal dwelling structure's original gross floor area (including attached garages, but not including detached garages).

ii. New development subject to this Section shall be generally compatible in appearance with other existing structures on the block that comply with this Ordinance. This shall be satisfied by constructing the proposed building so that at least three (3) of the following features are substantially similar to the majority of other buildings on the same and facing block:

(A) Roof material;

(B) Roof overhang;

(C) Exterior building material;

(D) Shape, size, and alignment of windows and doors;

(E) Front porches or porticos; or

(F) Exterior building color.

3. Garages

a. Garage doors facing the street shall comprise no more than fifty percent (50%) of the total length of a dwelling's façade. (See Illustration 5.17.)

Illustration 5.17: Maximum Percentage of Front Facade Comprised of Garage Doors

b. Garage doors that face the street and comprise more than forty percent (40%) of the façade shall be recessed a minimum of four feet behind either:

i. The front wall plane of the house; or

ii. The front wall plane of a porch that extends horizontally across at least twenty-five percent (25%) of the house.

c. The minimum front building setback may be reduced by five feet (5') when there is a detached garage located behind the principal dwelling structure in the rear of the lot, or a rear garage attached to the principal dwelling if the front wall of the garage is located at least twenty feet (20') behind the façade of the house.

4. Location of Parking

Parking is prohibited within the front yard setback, except on paved permitted driveways. Paved parking in the street right-of-way may be allowed with site plan review.

E. Neighborhood Mixed-Use (NM)

1. Ground-Floor

The ground-floor level of all buildings in the NM district shall be limited to retail uses, with the exception of small lobbies to allow access to residential and office uses on upper floors.

2. Drive-Throughs Prohibited

No drive-throughs shall be allowed in the NM district.

F. Floodplain District (FD)

1. District and Designation Boundaries

a. The initial boundaries of the floodplain district shall be certified by the City Engineer at the time of annexation, or shall be established on previously annexed land only after notice and public hearing before the Planning Commission and approval of the City Council. Amendments to the Floodplain District shall be established in the same manner as amendments to any other zoning district or supplemental designation as set forth in Section 6.3 of this Ordinance, and such proposed amendments shall be transmitted in writing to the City Engineer for review and recommendation. Lands within the floodplain district shall be identified on the official zoning map by the district symbol "FD." No improvements of any type, including realignment of the old channel, construction of berms, dikes, or land filling, shall occur prior to approval and certification of engineering plans by the City Engineer, as hereinafter provided.

b. The boundaries of the floodplain district may be amended so as to maintain uniformity with the purpose of this Ordinance upon a finding that:

i. A flood control project of the Federal, State, County, or City government or a private person has substantially altered the boundaries of the floodplain;

ii. Flood data compiled subsequent to the enactment of the designation indicates that the boundaries should be adjusted; or,

iii. Proposed improvement, such as landfill, channel improvements, or flood retention reservoirs and/or combination thereof, has received the approval of the City Engineer.

c. Upon a finding by the City Engineer that a proposed amendment meets one (1) of the three (3) conditions listed above, the City Engineer shall certify approval of the amendment and file a written recommendation with the Planning Commission. If the proposed amendment does not meet one (1) or more of the conditions listed above, the City Engineer shall deny the proposal in writing and furnish the Planning Commission a copy of the City Engineer's findings.

2. General Regulations

The following general regulations apply to the use of land located within an FD:

a. All structures shall be designed and constructed to withstand flood conditions.

b. Materials that in time of flood might float away and lodge against bridge abutments or otherwise serve to restrict the free flow and flood discharge capacity of water channel are prohibited.

3. Uses Allowed

a. Within an FD, certain public uses, agricultural uses, open land uses, and similar uses that are either subject to other public controls or that do not have adverse effects on other land uses are permitted by right. These uses shall be allowed as long as the free flow of the floodwater is not hindered. The uses that are permitted by right are:

Agriculture;	Arboretum;
Common areas open space	Horticultural cultivation
Fire alarm;	Flood management project;
Forestry;	Golf course;
Grazing;	Historical marker;
Natural areas;	Parks;
Ponds;	Roadway bridges;
Street signs;	Utility line; and
	Wildlife Preserve

b. Certain uses (listed below) may be permitted by the Director with required findings

i. Parking

ii. Temporary outside storage of materials, so long as the materials will not float away and obstruct the flow of the floodwater;

iii. Temporary amusement enterprises;

iv. Open air recreational uses such as golf course, driving range, picnic grounds, etc;

v. Other open air uses not requiring the erection of permanent principal structures, but which may require the erection of accessory structures.

c. All other uses are prohibited within an FD District.

4. FD: Floodplain District Regulation

Within a FD Floodplain District, no structures of any type and no uses of any type may be allowed that in any way will increase the volume of water, or the velocity of water, or the areas subject to inundation within the FD district, or adjacent to the FD district. Nor shall any uses or structures be allowed that detrimentally

affect (no matter how slight) the flood on any lands upstream from or downstream from the Floodplain District.

5. Nonconformities

a. A structure lawfully existing within the Floodplain District at the effective date of said zoning and that would be prohibited in said FD shall be deemed nonconforming and may continue subject to the following provisions:

i. No such nonconforming structure may be enlarged through area or time.

ii. Should such structure be damaged or partially destroyed by any means to the extent of fifty percent (50%) of its current replacement cost at time of damage, said structure shall not be restored.

iii. Ordinary repairs may be made on any nonconforming structure provided said structure is not enlarged in area or through time. If a nonconforming structure becomes physically unsafe or unlawful due to lack of repairs and maintenance and a final order of abatement, vacation or demolition is entered by a duly authorized official by reason of this physical condition; it shall not thereafter be used, restored, repaired, or rebuilt.

b. No construction of a permanent principal structure shall be allowed on any lot located within a Floodplain District even though said lot was filed of record or was within a subdivision approved by the Planning Commission or its legal predecessor prior to the effective date of the Floodplain District.

6. Responsibility for Flooding

The fact that land or property is not included within a Floodplain District as authorized by this Ordinance shall not constitute assurance that such land or property is not subject to flooding and shall not be so interpreted.

G. Office and Commercial Districts (ON, CN, CG, and CH)

1. Building Facades

All new construction or renovation of existing structures in these districts shall have those vertical exteriors that are facing a public or private street constructed of, but not limited to: masonry, concrete panels, glass block, glass curtain walls, Exterior Insulated Finished Systems (EIFS), or stucco. EIFS, however, shall not be used as the primary exterior building material. Metal finishes, wood, plastic, and other masonry material may be considered and approved by the Planning Commission through the site plan review process. These approved materials are not required on exteriors facing rear alleys, or on portions of the building not facing a public or private street. All facade designs and materials shall be approved through the site plan process. Metal, canvas, wood, glass, plastics, or other similar materials may be used only in doors, windows, signs, canopies and awnings.

H. Industrial Districts (IL and IH)

1. Building Facades

All new construction or renovation of existing structures in these districts that are located on a lot adjacent to an arterial street or highway shall have those vertical exteriors that are facing the arterial street or highway constructed of but not limited to: masonry, concrete panels, glass block, glass curtain walls, Exterior Insulated Finished Systems (EIFS), or stucco. EIFS, however, shall not be used as the primary exterior building material. Metal finishes, wood, plastic, and other masonry material may be considered and approved by the Planning Commission through the site plan review process. These approved materials are not required on exteriors facing rear alleys, or on portions of the building not facing a public or private street. All facade designs and materials shall be approved through the site plan process. Metal, canvas, wood, glass, plastics, or other similar materials may be used only in doors, windows, signs, canopies and awnings.

I. Highway Design Overlay (HDO) District

1. Purpose

This Section is intended to promote high-quality nonresidential building design along Broken Arrow's highways and project a positive image to encourage economic development in the City. The standards contained herein are intended to protect the health, safety, and welfare of the citizens by preventing or reducing traffic congestion and reducing distracting visual clutter associated with highway development. The standards of the HDO strive to achieve the stated purpose by addressing the physical characteristics of development such as building design, building entrances, wall articulation, and fencing. These standards encourage land assembly and development in accordance with the Broken Arrow Comprehensive Plan.

2. District Boundaries

The Highway Design Overlay District includes all properties within five hundred feet (500') feet of a limited access highway.

3. Applicability

The standards of this Section apply to all nonresidential development within the Highway Design Overlay District.

4. Building Design

a. ***Building Orientation***

All primary buildings on lots or tracts with frontage on the highway shall be oriented towards the highway. If any such building is on a lot or tract with a second frontage, it shall have equally detailed and prominent facades, constructed of equally high quality materials, facing both the highway and the secondary street.

b. ***Wall Articulation***

Primary structures having single walls exceeding fifty feet (50') in length shall incorporate two or more of the following features at least every fifty feet (50') in length (See Illustrations 5.18 and 5.19.):

i. Changes in color, graphical patterning, changes in texture, or changes in material;

ii. Projections, recesses, and reveals, expressing structural bays or other aspects of the architecture with a minimum change of plane of twelve inches (12”);

iii. Windows and fenestration;

iv. Gable projections;

v. Horizontal/vertical breaks; or

vi. Other similar techniques.

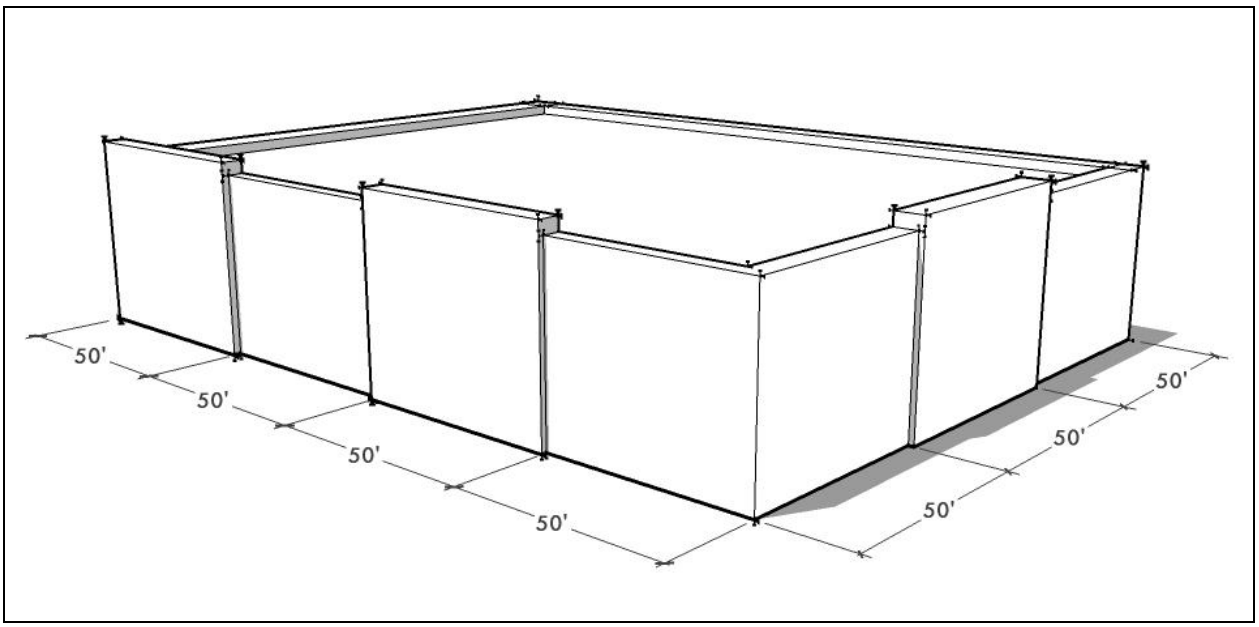


Illustration 5.18: Example of facade articulation with projections and changes in building height.

Illustration 5.19: Examples of building facade articulation

c. ***Entrances***

Each primary structure shall have a clearly defined main pedestrian entrance featuring at least three of the following elements:

i. Canopies or porticos,

ii. Overhangs,

iii. Recesses or projections,

iv. Arcades,

v. Arches,

vi. Peaked roof forms,

vii. Outdoor patios,

viii. Display windows,

ix. Architectural tile work or moldings integrated into the building design, or

x. Integrated planters or wing walls that incorporate landscaped areas or seating areas.

d. ***Multiple Buildings in Commercial Centers***
In order to achieve unity between all buildings in a commercial development consisting of more than one building, all buildings in such a development, including pad site buildings, shall employ a consistent architectural style or theme, be constructed of similar exterior materials, and feature similar colors.

5. Outdoor Display and Sales
Outdoor display and/or sales may be allowed subject to compliance with Section 3.3.D.2. In addition, no outdoor display and/or sales shall be visible from the limited access highway.

6. Screening of Loading and Refuse Collection
All loading and refuse collection facilities shall be screened pursuant to Section 5.2.D., *Screening*.

7. Utilities
Unless a waiver is authorized by the City Council, all electrical and telephone lines and wires including, but not limited to, street lighting, shall be placed underground. Feeder and other major transmission lines may remain overhead. All utility installation shall conform to the City's adopted Technical Standards and Specifications.

5.9 TELECOMMUNICATION TOWERS

A. Purpose

The City Council finds that towers and other supporting structures present land use concerns that should be dealt with by protecting residential uses, encouraging co-location, minimizing the number of towers in a manner that does not discourage market access or competition, and preventing or limiting adverse effects on off-site premises. The intent of these provisions is to provide for the continued establishment of new wireless communication providers and the expansion of existing wireless telecommunication services within the City, while simultaneously protecting neighborhoods, all through minimizing adverse visual and operational effects of facilities through careful design, sighting, screening, camouflage, and collocation requirements encouraging creative design and camouflage measures.

B. Towers Fifty Feet or Greater are Prohibited Without a Permit

No person or entity shall hereafter construct, own, or operate any communication tower in excess of fifty feet (50') in height above the mean elevation of the ground on which it is built, unless said person has obtained a building permit to construct from the City of Broken Arrow.

C. Towers on Government Land

Towers located on property owned, leased, or otherwise controlled by the governing authority of any city, county, public school district, state, or by any agency of the United States of America, will be exempt from the remaining requirements of this Section if in compliance with Sections 5.9. E through J inclusive and no more than one hundred

twenty feet (120') in height; provided that such exemption will only be available if a commercial lease or license authorizing such antenna or tower has been approved by the applicable governing body. The tower owner shall file a permit application with the City of Broken Arrow for purposes of keeping a complete record of towers within the City; the permit shall be issued administratively. The City Council expressly finds that governmental controls through proprietary devices such as a commercial lease are an adequate substitute for governmental control through regulatory devices.

D. Towers of Limited Height on Residential Land

1. No tower shall be constructed in excess of fifty feet (50') in height above mean ground elevation on any property actually used for a single-family residential purpose, or any vacant land that is intended for residential use on the Comprehensive Plan (Level 1 and Level 2), or that actually has any "R" district classification and use.

2. Any tower constructed as an accessory use on residentially zoned land that is developed and utilized for institutional purposes shall not be constructed in the front yard or within the minimum side yard requirements for the applicable zoning district. However, a camouflaged tower that does not exceed one hundred feet (100') may be placed in the front yard if concealment of both the tower and the equipment structures are accomplished (e.g., a tower disguised as steeple or comparable building element at a site for a place of worship, or a flagpole design at a public school, or an obelisk at other institutions).

E. Application Requirements

1. Each applicant for a permit to build a tower shall provide to the Development Services Department an inventory of all the existing and approved towers or permits for other locations that are within one-half mile of the site applied for. The inventory shall include specific information about the location, height, and design of each tower.

2. If the towers within the applicant's inventory have been designed for co-location, a description of the facilities and heights for the possibility of co-location shall be included within the inventory. Copies of the standard co-location lease shall also be provided, with appropriate blanks for physical dimensions and price, but including all standard terms and conditions. Said inventories and form contracts may be shared with other applicants applying for any approvals under this Ordinance; provided that the City does not warrant the accuracy of any such information shared with other applicants.

3. The applicant for a permit shall also provide the description, identity, and contact for the backhaul network provider who will serve that site.

4. Applicants for permits involving collocation shall specify in the application the features of the tower that adapt it for collocation, such as the number and location of portholes for cables, the proposed ground footprint of multiple equipment sheds and cabinets, and related items.

5. The application shall also include elevations of all proposed shielding, screening, and the details of materials and color for the facility.

6. A nonrefundable fee shall accompany each application.

F. Construction Standards

1. The tower shall either maintain a galvanized steel finish, or be painted a uniform neutral color (unless color is governed by applicable standards of Federal Aviation Administration), so as to reduce visual intrusiveness. Cabling shall be contained interior to the structure of the tower, or wrapped in a cover with a matching color scheme to the tower. The use of camouflage technology so that the tower appears to be a part of the primary building on site is also acceptable. The design and maintenance of the equipment, buildings, cabinets, or related structures shall use materials, colors, textures, screening, and landscaping that will blend the tower facilities to the natural setting or the built environment of the primary use.

2. If an antenna or series of antennas are installed on a structure other than a tower, the antenna and supporting electrical and mechanical equipment must be of a neutral color that is identical to or closely compatible with the color of the supporting structure so as to make the antenna and related equipment visually unobtrusive.

3. Towers shall not be artificially lighted, unless such lighting is required by the Federal Aviation Administration or other applicable authority.

4. All towers, antenna, and related equipment shall meet or exceed current standards and regulations of the Federal Aviation Administration and the Federal Communications Commission, together with the regulations of any other agency of the federal government with the authority to regulate towers and antennas.

5. Antennas and associated supports, cables, brackets, and related equipment shall not be mounted on any tower or other supporting structure by any method of punching, drilling, or other means that may weaken the tower or supporting structure.

6. All tower sites shall be served by a driveway from a public street and said driveway shall be paved with an all-weather surface. However, sites in areas of restricted street access may be served by driveways from paved public or private parking lots. The Engineering Department must approve the size of “tin horns” or other drainage structures prior to the start of construction.

7. All towers and all antenna support structures that are between fifty-one feet (51’) and one hundred feet (100’) in height (inclusive) shall be constructed to support a minimum of two (2) antenna arrays with the cabling interior to or otherwise concealed within the structure. All towers that are in excess of one hundred feet (100’) in height shall be constructed to support a minimum of four (4) antenna arrays with the cabling interior to or otherwise concealed within the structure.

8. Construction must otherwise comply with the current requirements of the Broken Arrow Building Code.

9. Any information of an engineering nature that the applicant submits to the City, whether civil, electrical, structural or mechanical, shall be certified in writing, by an Oklahoma licensed, professional engineer. Such information shall include (but not be limited to) anticipated tower height, tower type, construction materials, declared

wind speed in mph, ice load in inches, anticipated antennae loading for the design, and engineered appurtenance loading.

G. Maintenance, Operation, and Removal

The owner of the tower shall ensure that it is maintained in compliance with the standards contained in the applicable local building codes and the applicable standards for towers established by the electronic industries association, as amended from time to time, in order to ensure the structural integrity of the tower. The failure to maintain structural integrity through compliance with these standards is hereby declared a public nuisance and the towers may be abated, including the removal of the tower under authority of and in compliance with the City Council's powers to declare and abate public nuisances. No antenna may be used which, by design or by actual operation, causes interference on any frequency actually used by any police, fire, or public ambulance services having authority or jurisdiction over any portion of the City of Broken Arrow. Each tower owner shall provide a maintenance bond to assure the maintenance of the equipment building(s) and the support or tower structure, including the costs of removal in the event the facility is abandoned for more than one (1) year.

H. Site Plan

Each applicant requesting a permit under this Section shall submit a scaled site plan, lighting plan, and scaled elevation view together with other supporting drawings, calculations, and documentation, all signed and sealed by appropriate licensed engineers or other appropriate professionals, showing the location and dimensions of all improvements proposed for the site. This information shall include existing and proposed topographical and planimetric drawings and all significant features that support collocation (e.g. provisions for interior cabling, portholes, the footprint for multiple equipment sheds and cabinets, etc.).

I. Administrative Approval of Permits

The Director may administratively approve the installing of antenna on:

1. CG, CH, and Industrial Districts

a. Towers are lawful uses permitted administratively when located as accessory uses on any land in industrial zoning districts, or any developed land in CG zoning districts or CH zoning districts that are equal to or larger than two and one-half (2½) acres.

b. Such towers shall be set back from any existing adjacent residential lot boundary equal to two hundred percent (200%) of the total height of the tower or other supporting structure, shall not exceed two hundred feet (200') in height as to industrial property or one hundred twenty feet (120') in commercial property, and shall comply with the terms of this Ordinance and any future amendment thereto. Such towers on commercial property must also use camouflage technology such as flagpoles, obelisks or other approved "stealth" coverings. Such towers on industrial property must meet the front and side yard setback requirements for the subdivisions.

2. All Commercial and Industrial Districts: Existing Structures 60 Feet or Greater

Antennas may be installed on existing structures other than a tower (such as commercial or industrial buildings, billboard sign, power transmission tower, water tower, or other free standing nonresidential structure,) that is sixty feet (60') in height or greater, if and only if the additional antennas or supports create a new structure with a cumulative height not to exceed one hundred twenty feet (120') from the mean ground elevation.

3. All Commercial and Industrial Districts: Existing Structures Less than 60 Feet

Antennas may be installed on an existing structure other than a tower (such as a building, sign, light pole, water tower, or other free standing, nonresidential structure) that is less than sixty feet (60') in height so long as such addition does not add more than twenty feet (20') to the height of the existing structure

4. Existing Towers and Poles

Antennas may be installed on any existing communication tower or light pole of any height, so long as the addition of said antennas add no more than twenty feet (20') cumulative to the height of the existing tower or light pole. Any associated equipment building must be located in conformity with the generally applicable setback requirements of the zoning district and appropriately screened or landscaped. Said installation adding twenty feet (20') of height may occur no more than one (1) occurrence per tower or light pole. For equipment compounds that are served by a dirt road or drive, the new equipment owner shall pave at least the first twenty feet (20') of the dirt road or drive that is adjacent to the street.

5. Non-commercial or Non-industrial Land

Antennas may be installed on existing structures on agricultural, residential, or office land through an administrative permit under the following conditions:

a. On an existing structure other than a communications tower (such as a building, sign, light pole, water tower, or other free standing, nonresidential structure that is less than sixty feet (60') in height, so long as such addition does not add more than twenty feet (20') to the height of the existing structure;

b. On an existing tower of any height, and further including the placement of additional buildings or other supporting equipment used in connection with said antenna, so long as the addition of said antenna cumulatively adds no more than twenty feet (20') to the height of the existing tower and the tower remains set back from any existing adjacent residential lot boundary equal to one hundred twenty percent (120%) of the total new height of the tower;

c. On certain developed public properties, including but not limited to water towers, water treatment plants, sewer treatment facilities, police stations, fire stations, ambulance stations, equipment maintenance facilities, and lighted and enclosed sports facilities such as football stadiums, baseball and softball parks, but not practice facilities at unlighted or unsecured locations that may be temporarily used for sporting events, nor in any open parks or greenbelts;

d. On the roofs of public high schools, intermediate high schools, middle schools, elementary schools, and office buildings, so long as such addition does not add more than thirty feet (30') to the height of the existing structure; or

e. On an existing billboard located within the limited access highway corridors so long as the total height does not exceed one hundred twenty feet (120'); provided that if the support for the billboard lacks sufficient strength for the new height, then the billboard may be removed and adequate support for both structures may be made, and a billboard of the same or smaller size be reinstalled at the former height. Existing billboards that are outside of the limited access highway corridor may be used, so long as the addition adds no more than twenty feet (20') to the height of the billboard; for purposes of this section, the limited access highway corridors shall be defined as the Broken Arrow Expressway within Tulsa County, the Creek Turnpike, the Muskogee Turnpike and any land within one hundred fifty feet (150') on either side, but said definition shall exclude State Highway 51 in Wagoner County and all spurs or older routings.

6. Other Industrial Land

The Director may also approve tower construction if: the new tower to be constructed is within an industrially zoned area, the industrial district is at least ten acres in size, the tower location is no closer than three hundred fifty feet (350') feet to a residential structure, and the tower is no greater than one hundred feet (100') in height; or, on an existing tower or supporting structure as a co-location.

7. Temporary Antennas

Temporary antennas shall only be allowed in the following instances:

a. In conjunction with a festival, carnival, or other activity requiring a special event permit from the City; and the antennas shall only be allowed commencing from one week prior to the event and be removed one week after the event; or

b. In conjunction with a natural calamity such as a storm or other emergency as declared by the City's Police or Fire Departments, which calamity has damaged or destroyed the regular facilities, and the temporary facilities are needed to restore service until the damage can be repaired or replaced. The facility owner or the service provider shall notify the City within twenty-four (24) hours of the outage, and must receive an Administrative Permit if the temporary facility will be required for more than seven (7) days. Further, any temporary facilities that remain in place for in excess of six months must receive a permit from the City Council for the period in excess of six (6) months.

8. Screening and Landscaping

Landscaping and fencing requirements on existing towers and equipment facilities must be properly maintained prior to the administrative permit being issued by the Director, but new or additional requirements shall not be added for purposes of collocation.

J. Council Permits for Towers

If the tower or antenna may not be permitted administratively as described above in subsection i., then no tower may be constructed without securing a permit from the Broken Arrow City Council.

1. Applications for a tower permit from the City Council shall first obtain a specific use permit from the Planning Commission pursuant to Section 6.5 of this Ordinance.

2. The City Council may impose conditions that it, in good faith, believes is reasonably necessary to minimize any adverse effect of the proposed tower on adjoining properties, and that foster competition by encouraging multiple uses on co-location structures. For purposes of evaluation of the application, the use of a billboard as a basis for a tower shall be considered co-location, even if only one (1) antenna array is to be placed thereon.

3. The City Council may require particular evidence or special conditions in the event the Council determines the proposal may potentially contaminate water supplies, contaminate surface waters or soil, interfere with drainage, or interfere with the primary use of the public property.

4. All sized freestanding towers are prohibited in A-1 and RE zoning districts, including areas that are in fact used as agricultural or residential estate areas even though zoned at more intense levels. Towers in excess of 100 feet are prohibited in R1, RS-1, R2, RS-2, R3, and RS-3 zoning districts. Applicants in such areas shall be required to establish the necessity of the tower and all elements of the application by clear and convincing evidence.

5. When an applicant for a tower permit works with a developer of residential land, and designs a subdivision that uses a flagpole and guard house (or comparable camouflage) as elements within the design of the subdivision entrance or private park reserve, the approval of the final plat shall include the permit for the tower at a height not to exceed eighty feet (80') and used as the flagpole, and an equipment cabinet within the guardhouse.

K. Factors Considered for City Council Approval

The City Council shall consider the following factors in determining whether or not to issue a permit for a tower, although Council may modify one or more of these criteria if, in the particular circumstances of the application, Council concludes that the goals and intent of this Ordinance are better served by such modification. Factors to be considered are:

1. Height of the proposed tower;

2. Proximity of the tower to residential structures and adjacent residential lot boundaries;

3. Nature of uses on adjacent and nearby properties;

4. Surrounding topography;

5. Surrounding tree coverage and foliage;

6. Design of the tower, with particular reference to those design characteristics, which have the effect of reducing or eliminating visual obtrusiveness, or providing camouflage;

7. Proposed routes of ingress and egress;

8. Whether or not the tower is constructed so as to be available for co-location in the future; and

9. Whether or not there are suitable, existing towers or other supporting structures capable of meeting the technological needs of the applicant.

L. Evidence of Capacity

All evidence relating in any manner that in essence indicates that the application location is needed to improve the capacity of the system and is to address a specific and local geographic problem must be submitted in writing, and signed and sealed by an engineer, licensed in the State of Oklahoma.

M. Warning Sirens

All applications for new towers shall include an examination of the City's Emergency Warning Siren Location Map. If the new tower site is in a location where the Emergency Warning Siren Location Map indicates that a siren is proposed, then the permit may be conditioned on the granting of permission for the City of Broken Arrow to place and operate a storm siren warning system on the completed tower, at a height to be mutually agreed, but typically between twenty feet (20') and thirty feet (30') above the mean lot elevation, unless such location would create a technical problem for the applicant's system. Costs of the installation and operation of the warning siren shall be solely the responsibility of the City. Applicant shall advise at the time of the application what costs, rental, or other fees will be required for the placement of the warning siren.

N. Radius Report

If the application is for a tower in excess of two hundred feet (200') in industrial areas or if in excess of one hundred twenty (120') in any other zoning district, and Council action is required, then the applicant must provide a list of property owners within a three hundred foot (300') radius of the perimeter of the lot on which the tower is proposed, and the City shall notify the persons on the list by mailing notice of the hearing, all at applicant's expense.

O. Collocation Contracts

Any applicant who claims that a proposed tower will be used for collocation shall provide a form contract, which will be used for collocation for at least five years after construction. The contract shall only have blanks for the name of the lessee, date, location and size of the equipment shed, height of the antenna array and final price.

P. Effect of Existing Tower Availability

No new towers should be permitted by the Council unless the applicant demonstrates to the City Council's reasonable satisfaction that no existing tower or other structure can

accommodate the applicant's proposed antenna. Evidence of this unavailability may consist of any of the following:

1. No existing towers or structures are located within the geographic area required to meet applicant's engineering, capacity, or technical requirements;

2. Existing towers or structures are not of sufficient height or structural strength to meet the applicant's engineering, capacity, or technical requirements;

3. Applicant's proposed antenna would cause electromagnetic interference with existing antenna on existing towers or structures, or the existing antennas on the existing towers or structures would cause electromagnetic interference with applicant's proposed antenna;

4. The fees, costs, or contractual provisions required by the owner of the existing tower in order to share said tower structure are unreasonable. (In this regard, eight-year rental costs exceeding the costs of site acquisition and tower construction including engineering and design fees, are presumptively unreasonable); and

5. The applicant demonstrates that there are other limiting factors that render existing towers and structures unsuitable.

Q. Setbacks and Security

All towers must be set back a minimum distance of one hundred twenty percent (120%) of the total height of the tower and structure from any adjacent residential lot boundaries unless a greater setback is required by other provisions of this Ordinance. The location of towers, guy wires, and accessory facilities shall meet the minimum zoning district setback requirements and shall not be in the front yard of the principal use. Towers shall be enclosed by security fencing not less than eight feet (8') in height together with such appropriate anti-climbing devices as may be best utilized by the type of tower involved; provided the Council may waive security fencing requirement if other features of the site provide adequate substitute security. Camouflage technology may be used to justify a reduction or elimination of front yard setbacks as to the tower.

R. Screening and Landscaping

1. Screening

Tower facilities shall be visually buffered by a hedge of low-maintenance evergreen plant materials and approved opaque screening materials, which effectively screen the view of the tower compound and accessory facilities.

2. Landscaping

Existing trees and natural landscape and elevations around the site shall be preserved to the maximum extent possible. Shrub planting materials that are used for screening must be a minimum five (5) gallon evergreen; the evergreens must be capable of reaching the full height of the fencing materials at full growth. Trees shall be at least two inches (2") in caliper. Plant materials that die or do not effectively buffer the fencing materials shall be replaced. The landscaping plans shall include provisions for irrigation of all new materials proposed to be planted, or the landscape maintenance shall be bonded by insurance or other

surety company licensed to do business in Oklahoma; provided that a single bond in an adequate amount may be used for multiple sites.

3. Fencing

The privacy fencing or similar approved opaque screening materials shall be a minimum of eight feet (8') in height; a greater height of fencing shall used as necessary to screen taller equipment sheds within the compound. Provided that equipment sheds which are adjacent to and camouflaged to resemble a structural element of the primary building on site do not have to be fenced.

4. A landscaping plan shall be included with the application and shall include operational information on how the planting materials will be maintained, irrigated, and fertilized.

5. Where a new application is made for an existing site at which the landscaping and screening has not been maintained, the issuance of the permit may be conditioned on the completion of the needed corrective action.

S. Billboards

No billboards may be added to communication towers except under 5.9(I()(5).

T. Written Decision

Any decisions to deny an application for the placement, construction, modification of towers for cellular or personal communication service, or specialized radio mobile service shall be conveyed to the applicant in writing, together with the summary of the evidence which supports a denial of the application. A copy of the minutes of the meeting, which contains some of the evidence, may be used in place of or in addition to other summaries. The decision shall further contain the date at which the public body denied the application. The applicant has thirty (30) days after the denial of the application, within which to seek judicial review. Therefore, the City will attempt to give notice in writing within five (5) business days of the denial of the application, unless the applicant or applicant's representative was present in the meeting at which the denial was announced.

U. Five Year Permits, Notice of Use; Removal of Abandoned Towers

1. Any tower that is not actually used as an antenna support for a continuous period of twelve (12) months shall be considered abandoned, and the permit owner(s) for such antenna(s) or tower shall remove same at their expense within ninety (90) days of receipt of notice from the City of Broken Arrow notifying the permit owner of said abandonment. Antennas that do not have electrical power shall not be considered in use.

2. In the event that such a tower is not removed, notice of the intent by the City to remove shall be given to the applicant and to the owner of the real estate on which the tower is located if different from the applicant. Abandoned antennas and towers are hereby declared a public nuisance, removable by the City Council in accordance with nuisance abatement procedures or through the claims on a posted bond.

3. Permits shall be renewed at the end of each five-year term, provided the permit owner delivers to the City, within thirty (30) days prior to the expiration of the five (5)-year term, a certification which displays that the tower is in use, the identity of the owners of the antennas located thereon, whether the tower is suitable for additional collocation, whether the standard lease contract has been changed (together with a copy of such changes), evidence that all conditions to the issuance of the permit are being satisfied, and evidence that all property taxes that are due on the tower and related facilities have been paid. Should the permit owner fail to satisfy these conditions then the permit shall automatically terminate at the end of the five-year period. Any permit for such tower and facilities that is terminated may only be reissued by following and satisfying the standards applicable at the time required for a new application.

V. Driveway for Towers

Any existing tower site that lawfully uses an unpaved driveway to access a public street, and which driveway allows the deposit of dirt, gravel or similar material to be deposited on the public streets during rain conditions, shall be considered a public nuisance, and may be abated in accordance with the general ordinances dealing with nuisance abatement.

W. Permits Limited if Not Built

A permit for a tower shall be valid for no more than one year, unless a valid building permit is issued and construction proceeds diligently.

X. Proprietary Powers Reserved

Nothing in this Section concerning the regulation of what is legally permissible or legally forbidden interferes with the proprietary right of the City Council to control the property held in the City's name or in the name of any of its trusts as either a corporate owner or as public trustee.

CHAPTER 6: REVIEW AND APPROVAL PROCEDURES

6.1 SUMMARY AND ORGANIZATION OF THIS CHAPTER

A. This Chapter 6 describes the procedures for review and approval of all applications for development activity in the City of Broken Arrow. Common procedures, which are applicable to all or most types of development applications, are in Section 6.2. Subsequent sections set forth additional provisions that are unique to each type of application, including staff and review board assignments and approval criteria.

B. Table 6.1-1 summarizes the review and decision-making responsibilities for the procedures described in this chapter. The table is a summary tool and does not describe all possible types of decisions made under this Ordinance. Other duties and responsibilities are described in Chapter 7, *Review and Decision-Making Entities*.

C. In addition to the reviews summarized in Table 6.1-1, the Director may also refer applications to other boards, commissions, government agencies, and non-governmental agencies not referenced in this chapter.

TABLE 6.1-1
REVIEW AND DECISION-MAKING BODIES

R = Review (Responsible for Review and/or Recommendation) **H = Hearing (Public Hearing Required)**
D = Decision (Responsible for Final Decision) **A = Appeal (Authority to Hear/Decide Appeals**

PROCEDURE	Section	Pre-App Conf?	City Council	Plann Comm.	Bd. of Adjust.	City Staff
Amendments: Plan	6.3.B.	Yes	D-H	R-H		R
Amendments: Text	6.3.C.		D-H	R-H		R
Amendments: Rezonings	6.3.D.	Yes [1]	D-H	R-H		R
Planned Unit Developments	6.4	Yes	D-H	R-H		R
Specific Use Permit	6.5	Yes	D-H	R-H		R
Site Plan Review	6.6.	Yes		A	A-H	D
Temporary Use Permit	6.7				A-H	D
Variance	6.8	Yes			D-H	R
Building Permit	6.11				A-H	D
Annexation	6.12	Yes	D-H	R-H		R

NOTES: [1]: Pre-application conferences are required only for rezonings that are inconsistent with the Comprehensive Plan.

6.2 COMMON DEVELOPMENT REVIEW PROCEDURES

The common development review procedures in this Section 6.2 shall apply to all types of development applications under this chapter, unless an exception to the common procedures is expressly noted in subsequent sections of this chapter.

A. Step 1: Pre-Application Conference

1. Purpose

The purpose of a pre-application conference is to provide an opportunity for an informal evaluation of the applicant's proposal and to familiarize the applicant and the City staff with the applicable provisions of this Ordinance, the Comprehensive Plan, infrastructure requirements, and any other issues that may affect the applicant's proposal.

2. Applicability

a. *Required for New Applications*

A pre-application conference is required prior to the following types of applications:

i. Plan Amendments;

ii. Amendments to the Zoning Map (Rezonings) that are inconsistent with the Comprehensive Plan;

iii. Planned Unit Developments;

iv. Specific Use Permits;

v. Site Plans;

vi. Variances; and

vii. Annexations.

Applications for these types of approvals shall not be accepted until after the pre-application conference is completed. The conference should take place prior to any substantial investment, such as land acquisition for a proposed development, site and engineering design, or the preparation of other data.

b. *Optional for All Other Applications*

A pre-application conference is optional prior to submission of any other application under this Ordinance not listed above.

3. Initiation of Pre-Application Conference

The potential applicant shall request a pre-application conference with the Director. With the request for a pre-application conference, the applicant shall provide to the Director a description of the character, location, and magnitude of the proposed development and any other available supporting materials, such as maps, drawings, models, and the type of application. It is the applicant's responsibility to provide sufficiently detailed plans and descriptions of the proposal for staff to make the informal recommendations discussed below. The

materials should be submitted at least five (5) business days before the conference.

4. Pre-Application Conference Content

The Director shall schedule a pre-application conference after receipt of a proper request. At the conference, the applicant, the Director or designee, and any other persons the Director deems appropriate to attend shall discuss the proposed development. Based upon the information provided by the applicant and the provisions of this Ordinance, the parties should discuss in general the proposed development and the applicable requirements and standards of this Ordinance.

5. Record of Pre-Application Conference

The applicant shall be responsible for recording a summary of topics discussed at the pre-application conference. The record shall be submitted as part of the formal application.

6. Informal Evaluation Not Binding

The informal evaluations of the Director and staff provided at the conference are not binding upon the applicant or the City, but are intended to serve as a guide to the applicant in making the application and advising the applicant in advance of the formal application of issues that may be presented to the appropriate decision-making body.

7. Waiver

The Director may waive the pre-application conference requirement for applications where he or she finds that the projected size, complexity, anticipated impacts, or other factors associated with the proposed development clearly, in his or her opinion, support such waiver.

8. Application Required Within Six Months

After a pre-application conference has been completed, an application must be completed within six (6) months or sooner if required by the Director due to changing conditions. If an application is not filed within such timeframe, a new pre-application conference shall be required prior to filing an application.

B. Step 2: Development Application Submittal

1. Form of Application

Applications required under this chapter shall be submitted in a form and in such number as required by the Director.

2. Consolidated Development Applications and Review

Multiple development applications for the same development proposal may be consolidated for submittal and review, if authorized by the Director.

3. Authority to File Applications

a. Unless otherwise specified in this Ordinance, applications for review and approval may be initiated by:

i. The owner of the property that is the subject of the application;

ii. Any person authorized by the owner; or

iii. The Planning Commission or the City Council.

b. When an authorized person files an application under this Ordinance, written documentation of the authority shall be submitted with the application.

4. Development Review Fees

a. ***Recovery of Costs***

Development review fees are established to recover the costs incurred by the City in processing, reviewing, and recording applications pertaining to development applications or activity within the City's boundaries. The applicable development review fees shall be paid at the time of submittal of any development application.

b. ***Development Review Fee Schedule***

The amount of the City's development review fees shall be established by the City Council. The schedule of fees shall be reviewed annually and shall be adjusted, if necessary, by the City Manager on the basis of actual expenses incurred by the City.

5. Waivers

The Director may waive certain submittal requirements in order to reduce the burden on the applicant and to tailor the requirements to the information necessary to review a particular application. The Director may waive such requirements where he or she finds that the projected size, complexity, anticipated impacts, or other factors associated with the proposed development clearly, in his or her opinion, support such waiver.

6. Additional Information

Additional application-specific information may be required by the Director, Planning Commission, and/or City Council, as necessary and appropriate to evaluate fully whether an application complies with the requirements of this Ordinance.

7. Inactive Files

If an applicant fails to submit required information or request a hearing date for a period of more than six (6) months, his or her file shall become void and the re-submittal of a new application and fees shall be required. The Director may grant no more than two (2) extensions of time to this provision, of no more than six (6) months each, upon a written request by the applicant.

C. Step 3: Determination of Application Completeness

After receipt of the development application, the Director shall determine whether the application is complete and ready for review.

1. If the application is determined to be complete, the application shall then be processed according to the procedures set forth in this Ordinance. An application will be considered complete if it is submitted in the required form, includes all mandatory information and supporting materials specified in the User's Guide, and is accompanied by the applicable fee. A pre-application conference shall have been held, if required by this Ordinance. The determination of completeness shall not be based upon the perceived merits of the application.

2. If an application is determined to be incomplete, the Director shall provide written notice to the applicant along with an explanation of the application's deficiencies. No further processing of an incomplete application shall occur until the deficiencies are corrected in a future re-submittal.

3. If any false or misleading information is submitted or supplied by an applicant on an application, that application will be deemed incomplete.

D. Step 4: Notice

1. Content of Notices

Notice of all public hearings required under this chapter shall, unless otherwise specified in this Ordinance: (1) identify the date, time, and place of the public hearing, (2) if applicable, describe the property involved in the application by street address and/or by legal description and nearest cross street; (3) describe the nature, scope, and purpose of the proposed action; (4) indicate that interested parties may appear at the hearing and speak on the matter; and (5) indicate where additional information on the matter may be obtained.

2. Summary of Notice Requirements

The following Table 6.2-1 summarizes the notice requirements of the procedures in this chapter.

TABLE 6.2-1: NOTICE REQUIREMENTS

		Notice Required		
Type of Application or Procedure	**Section**	**Mailed**	**Published**	**Posted**
Amendments: Land Use Intensity System		✓	✓	✓
Amendments: Comprehensive Plan	6.3.B.	-	✓	-
Amendments: Text of this Ordinance	6.3.C.	-	✓	-
Amendments: Rezonings	6.3.D.	✓	✓	✓
Planned Unit Developments	6.4	✓	✓	✓
Specific Use Permits	6.5	✓	✓	✓
Site Plan Review	6.6	-	-	-
Temporary Uses	6.7	-	-	-
Variances	6.8	✓	✓	-
Appeals of Administrative Decisions	6.10.A.	✓	✓	-

3. Mailed Notice

When Table 6.2-1 requires that mailed notice be provided, the applicant shall provide the Director with a current list of applicable property owners and organizations as listed below, prepared and certified by a title insurance

company or abstract company licensed by the State of Oklahoma, along with addressed adhesive envelope labels for each owner. The Director shall deposit such notice into first class mail at least twenty (20) days prior to the scheduled date of the hearing. In computing such period, the day of mailing shall not be counted, but the day of the hearing shall be counted. Written notice shall be provided to the following persons or groups:

a. ***Property Owners***
All persons listed on the records of the County Assessor as owners of land subject to the application or as owners of the parcels within three hundred feet (300') of the outer boundary of the land subject to the application.

b. ***Notice to property owners for the following land uses:*** **(This section added 12-01-09)** Within rezoning category RM, including planned unit developments and specific user permits for such uses. All persons or corporations listed on the records of the county assessor as owners of land subject to the application or as owners of parcels within one-quarter mile, or 1,320 feet, of the outer boundary of the land subject to the application. **(Ord #3068 adopted 12-1-09)**

4. Published Notice

If published notice is required by Table 6.2-1, the Director shall publish notice in a newspaper of general circulation in the area. The notice shall be published at least twenty (20) days before the scheduled hearing date. In computing such period, the day of posting shall not be counted, but the day of the hearing shall be counted.

5. Posted Notice

Posted notice, if required by Table 6.2-1 above, shall be provided in the following manner: There shall be posting of at least one (1) sign on the lot, parcel, or tract of land, and such sign shall remain on the property for a period of at least ten (10) days prior to the public hearing. The sign shall be posted in a prominent place, clearly visible from a major artery if the property abuts such an artery, or clearly visible from a collector street if the property abuts a collector street or clearly visible to the most heavily traveled street or public way if the property does not abut an arterial or collector street. In particular, a tract of land abutting an arterial street and that also abuts a residential subdivision having stubbed streets that cannot be served by the same arterial street serving the tract being rezoned, shall post at least one additional sign clearly visible from at least one street in the residential subdivision which is stubbed to the tract for which the rezoning is being requested.

6. Constructive Notice

a. Minor defects in any notice shall not impair the notice or invalidate proceedings pursuant to the notice if a bona fide attempt has been made to comply with applicable notice requirements. Minor defects in notice shall be limited to errors in a legal description or typographical or grammatical errors that do not impede communication of the notice to affected parties. If questions arise at the hearing regarding the adequacy of notice, the decision-making body shall make a formal finding as to whether there was substantial compliance with the notice

requirements of this Ordinance. Failure of a party to receive written notice wherein delivery was attempted shall not invalidate subsequent action.

b. When the records of the City document the publication, mailing, and posting of notices as required by this section, it shall be presumed that notice of a public hearing was given as required by this section.

E. Step 5: Staff Report

Within a reasonable time after determining that a development application is complete, the Director shall refer the development application to the appropriate review agencies, review the development application, and prepare a staff report. The staff report shall be made available for inspection and copying by the applicant and the public prior to the scheduled public hearing for the development application. The staff report shall indicate whether, in the opinion of the staff, the development application complies with all applicable standards of this Ordinance. Conditions for approval may also be recommended to eliminate any areas of non-compliance or mitigate any adverse effects of the development proposal.

F. Step 6: Public Hearing

A public hearing, if required under this Ordinance, shall be conducted in accordance with the rules adopted by the City of Broken Arrow.

G. Step 7: Decision and Findings

1. Decision

After consideration of the development application, the staff report, comments received from other reviewers (if applicable), and the evidence from the public hearing (if applicable), the decision-maker shall approve, approve with conditions, or deny the application based on its compliance with the applicable approval criteria, as described in Step 9 of the common development review procedures. Written notification of the decision shall be provided by the Director to the applicant within ten (10) days after the decision.

2. Findings

All decisions shall include at the least the following elements:

a. A clear statement of approval, approval with conditions, or denial, whichever is appropriate; and

b. A clear statement of the basis upon which the decision was made, including specific, written findings of fact with reference to the relevant standards of this Ordinance.

3. Effect of Inaction on Applications

When a review or decision-making body fails to take action on an application within the time required (which varies by type of application), such inaction shall be deemed a denial of the application, unless the decision-making body agrees to an extension of the time frame in writing.

4. Record of Proceedings

a. ***Recording of Public Hearing***

The decision-maker conducting the public hearing shall record the public hearing by any appropriate means. A copy of the public hearing record may be acquired by any person upon application to the Director, and payment of a fee to cover the cost of duplication of the record.

b. ***The Record***

The record shall consist of the following:

i. All exhibits including, without limitation, all writings, drawings, maps, charts, graphs, photographs and other tangible items received or viewed by the decision maker at the proceedings.

ii. All minutes of the proceedings.

iii. If appealed, a verbatim transcript of the proceedings before the decision maker. The cost of the transcript shall be borne by the applicant.

iv. If available, a videotape recording of the proceedings before the decision maker.

5. Recording of Decisions

Once approved, and after the appeal period has expired, the decision of the decision maker shall be filed with the City Clerk.

H. Step 8: Approval Criteria

To approve a development application, the decision-maker shall find that the development application has satisfied and followed the applicable requirements of this chapter and meets all of the approval criteria required for the applicable development application, which are set forth in subsequent sections of this chapter under “Step 9.”

I. Step 9: Conditions of Approval

The decision-maker may impose such conditions on the approval of the application as may be necessary to reduce or minimize any potential adverse impact upon other property in the area, or to carry out the general purpose and intent of the comprehensive plan and this Ordinance. In such cases, any conditions attached to approvals shall be directly related to the impacts of the proposed use or development and shall be roughly proportional in both nature and extent to the anticipated impacts of the proposed use or development. No conditions of approval, except for those attached to variance or minor modification approvals, shall be less restrictive than the requirements of this Ordinance.

J. Step 10: Amendments to Permits or Other Forms of Approval

1. Minor Amendments

Unless otherwise specified in this chapter, minor amendments to any permit or other form of approval issued by the Director or the Planning Commission under this chapter may be approved, approved with conditions, or denied administratively by the Director and may be authorized without additional public hearings. Such minor amendments may be authorized by the Director as long as

the development approval, as so amended, continues to comply with the standards of this Ordinance, at least to the extent of its original compliance (so as to preclude any greater deviation from the standards of this Ordinance by reason of such amendments). Minor amendments shall only consist of any or all of the following:

a. Any change to any permit or other form of approval that was originally subject only to administrative review and was approved by the Director, provided such change would not have disqualified the original application from administrative review had it been requested at that time; and provided that the minor amendment does not result in an increase of more than ten percent (10%) in the amount of square footage of a land use or structure and does not result in a change in the types of uses in the project.

b. Any change to any permit or other form of approval that was originally subject to final review by the Planning Commission and was approved by the Planning Commission, provided that:

i. The minor amendment does not result in an increase in the approved number of dwelling units;

ii. The minor amendment does not result in an increase in the amount of square footage of a nonresidential land use or structure;

iii. The minor amendment does not result in a change in the housing mix or use mix ratio; and

iv. The minor amendment does not result in a change in the character of the development.

c. In either a. or b. above, the Director may refer the amendment to the Planning Commission and, if so referred, the decision of the Planning Commission shall constitute a final decision, subject only to appeal as provided for in Section 6.10.

2. Major Amendments

Amendments to any permit or other form of approval that are not determined by the Director to be minor amendments under the criteria in subsection 1. above shall be deemed major amendments. Major amendments shall be reviewed and processed in the same manner as required for the original application for which amendment is sought. Any major amendments shall be recorded as amendments in accordance with the procedures established for the filing and recording of such initially approved permit or other form of approval.

K. Step 11: Lapse

If applicable, the lapse of approval time frames established by the procedures of this Ordinance may be extended only when all of the following conditions exist:

1. The provisions of this Ordinance must expressly allow the extension;

2. An extension request must be filed prior to the applicable lapse-of-approval deadline;

3. The extension request must be in writing and include justification; and

4. Unless otherwise noted, authority to grant extensions of time shall rest with the decision-making body that granted the original approval (the one being extended).

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 fifteen (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 (5-year Intervals)***
The Director shall initiate a targeted review of the plan at least once every five (5) 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.

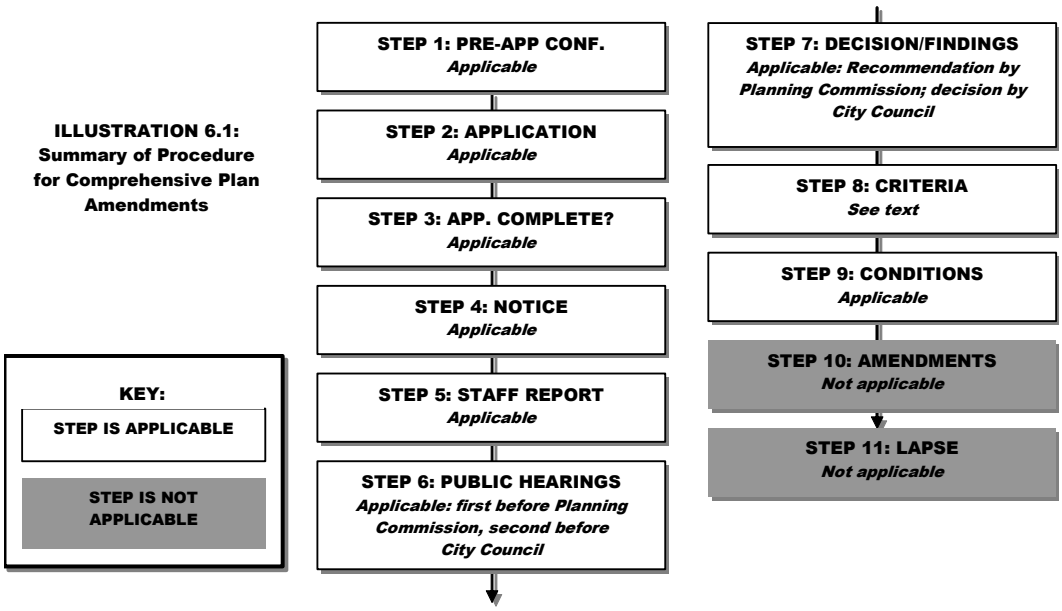
c. ***Other Plan Amendments***
In addition to the regularly scheduled reviews described above, any review or decision-making body or the director of any City department may propose a plan amendment at any time to reflect changing circumstances. Citizen proposals to change the comprehensive plan shall 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 ninety (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.

3. 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:

a. A change in projections or assumptions from those on which the Comprehensive Plan is based;

b. Identification of new issues, needs, or opportunities that are not adequately addressed in the Comprehensive Plan;

c. A change in the policies, objectives, principles, or standards governing the physical development of the City; or

d. Identification of errors or omissions in the Comprehensive Plan.

4. Step 9 (Conditions of Approval)

Applicable.

5. Step 10 (Amendments)

Not applicable.

6. 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.

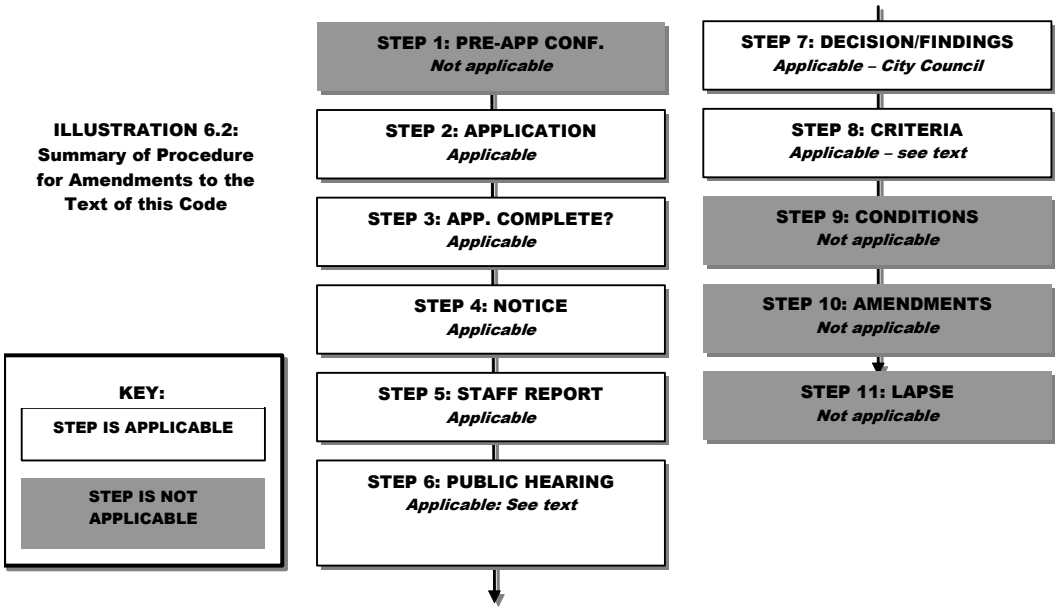
b. ***Step 2 (Development Application Submittal)***

Applicable.

c. ***Step 3 (Determination of Application Completeness)***

Applicable.

ILLUSTRATION 6.2: Summary of Procedure for Amendments to the Text of this Code



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 thirty (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 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 (3/4) 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.

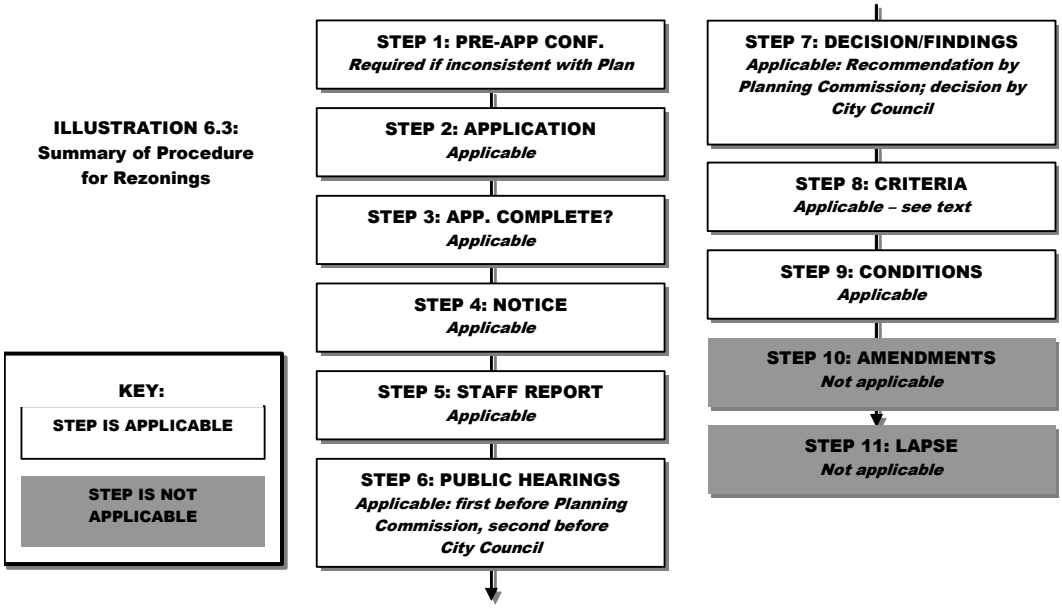
c. ***Step 3 (Determination of Application Completeness)***
Applicable.

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.

ILLUSTRATION 6.3: Summary of Procedure for Rezonings



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 fifteen (15) days of the Commission's action, the applicant files a written request with the Development Services Department 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 ninety (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. **(Ord No. 3154 adopted 4-5-11)**

iii. *Protests*
Any owner of property affected by a proposed amendment may protest the amendment pursuant to the statutory requirements of 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 (1) 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.

3. **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:

   a. The rezoning will promote the public health, safety, and general welfare;

   b. The rezoning is consistent with the comprehensive plan and the purposes of this Ordinance;

   c. The rezoning is consistent with the stated purpose of the proposed zoning district;

   d. The rezoning is not likely to result in significant adverse impacts upon other property in the vicinity of the subject tract; and

   e. Future uses on the subject tract will be compatible in scale with uses on other properties in the vicinity of the subject tract.

4. **Step 9 (Conditions of Approval)**
   Applicable.

5. **Step 10 (Amendments)**
   Not applicable.

6. **Step 11 (Lapse)**
   Not applicable.

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.

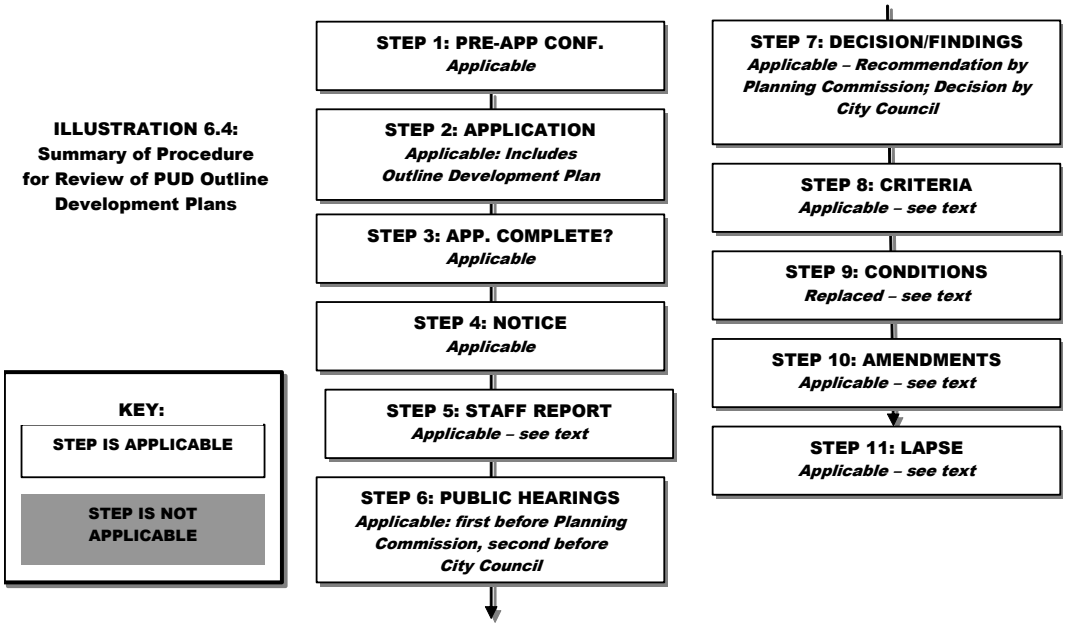
3. An Outline Development Plan may be submitted concurrently with a petition for annexation or a request for rezoning.

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 Section 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.

ILLUSTRATION 6.4: Summary of Procedure for Review of PUD Outline Development Plans



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)

Applicable: **This section was added 4-20-10)** 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.**(Ord #3107 adopted 4-20-10)**

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 sixty (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 fifteen (15) days from the date of the Planning Commission action, files a written request with the Development Services Department 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 (10) 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 (10) days after Planning Commission recommendation of approval of a proposed PUD, the applicant shall file with the Development Services Department five (5) paper copies and one 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 (10) days after City Council approval of a proposed PUD, the applicant shall submit to the Development Services Department five (5) paper copies and one 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 (10) days after City Council approval of a proposed PUD and receipt from the applicant of five (5) 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 Development Services Department shall date and endorse five (5) 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 Section 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 three hundred feet (300’) 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 percent (1%) 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 percent (1%) 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 Development Services Department within fifteen (15) days from the date of the Planning Commission decision.

11. Step 11 (Lapse)
Applicable, as follows:

a. **(This section amended 12-01-09)** If a plat has not been recorded or 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. **(Ord #3067 adopted 12-1-09)**

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 required 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 seventy-five percent (75%) 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 fifteen percent (15%), 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 seventy-five percent (75%) 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 fifteen percent (15%), 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%, 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 fifteen percent (15%), 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 fifteen percent (15%), the allocation shall require written concurrence of seventy-five percent (75%) 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.

6.5 SPECIFIC USE PERMITS

A. Purpose

This section provides a discretionary approval process for Specific Use Permits, which are required for uses that have unique or widely varying operating characteristics or unusual site development features. The uses classified as specific uses tend to more intensely dominate the area in which they are located than do other permitted uses in the district. Care should be taken to integrate specific land uses with other uses in the area and to prevent adverse impacts on the community at-large. The procedure encourages public review and evaluation of a use's operating characteristics and site development features. This review process is intended to provide assurance to the community that such uses will be compatible with their locations and surrounding land uses and will further the purposes of this Ordinance.

B. Relationship to Site Plan Requirements

A conceptual site plan shall be submitted with specific use permit application. The formal site plan that is submitted later shall be in substantial compliance with the conceptual site plan approved by the City Council.

C. Procedure

The common development review procedures of Section 6.2 shall apply, with modifications as noted below. (See Illustration 6.5.)

1. Step 1 (Pre-Application Conference)
Applicable.

2. Step 2 (Development Application Submittal)
Applicable.

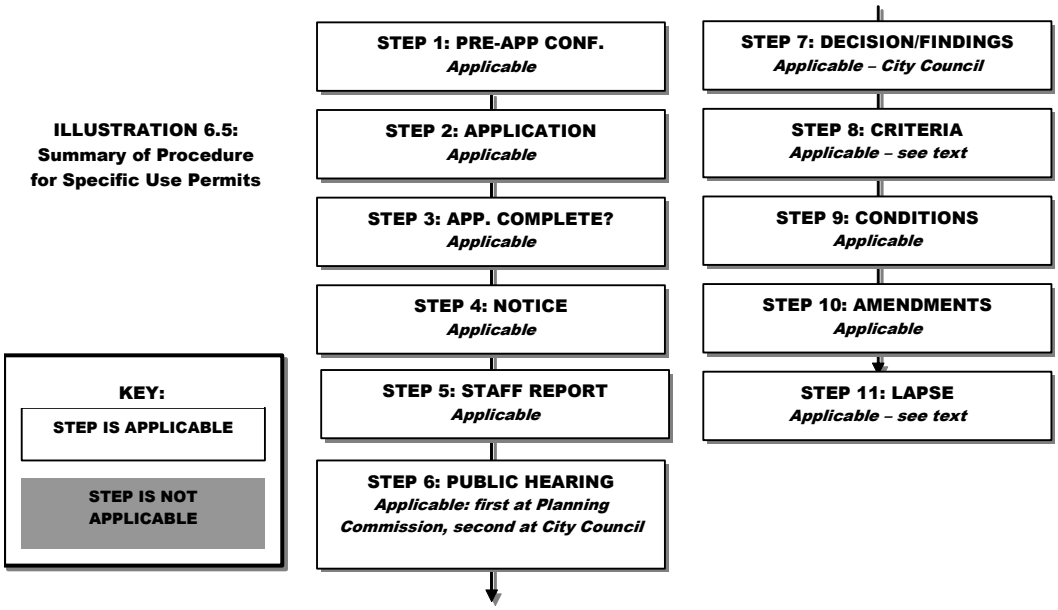
3. Step 3 (Determination of Application Completeness)
Applicable.

4. Step 4 (Notice)
Published, written and posted notice applicable.

5. Step 5 (Staff Report)
Applicable.

6. Step 6 (Public Hearing)
Applicable.

ILLUSTRATION 6.5: Summary of Procedure for Specific Use Permits



7. Step 7 (Decision and Findings)

Applicable. The following additional procedures shall apply:

a. ***Planning Commission's Review and Recommendation***

The Planning Commission shall hold a public hearing on the proposed application and, within thirty (30) days from the date of receipt of the complete application, recommend approval, approval with modifications and/or conditions, or denial of the application based on the applicable approval criteria below. The Commission may continue the hearing on the decision for a maximum of sixty (60) days. The recommendation shall be referred to the City Council for final action.

b. ***City Council Review and Action***

Upon receipt of the Planning Commission's recommendation, the City Council shall approve, approve with modifications and/or conditions, or deny the application, or request that the application be further reviewed by the Planning Commission.

c. ***Indication on Zoning Map Required***

A zoning change is not required for Specific Use Permits; however, the location of each approved Specific Use Permit shall be indicated on the zoning map as follows: "SP___(the number of the request for a specific use permit)".

8. Step 8 (Approval Criteria)

Applicable, as follows: A Specific Use Permit may be approved only if the City Council finds that all of the following criteria have been met:

a. The proposed use is consistent with the comprehensive plan and all applicable provisions of this Ordinance and applicable state and federal regulations;

b. The proposed use is consistent with the purpose and intent of the zoning district in which it is located;

c. The proposed use is consistent with any applicable Specific Use Permit standards set forth in Section 3.2, *Specific Use Permit Standards*;

d. The proposed use is compatible with adjacent uses in terms of scale, site design, and operating characteristics (hours of operation, traffic generation, lighting, noise, odor, dust, and other external impacts);

e. Any significant adverse impacts anticipated to result from the use will be mitigated or offset to the maximum extent practicable;

f. Facilities and services (including sewage and waste disposal, water, gas, electricity, police and fire protection, and roads and transportation, as applicable) will be available to serve the subject property while maintaining adequate levels of service for existing development;

g. Adequate assurances of continuing maintenance have been provided; and

9. Step 9 (Conditions of Approval)

Applicable, with the following additions:

a. Any of the conditions imposed by the permit shall be considered as conditions precedent to the granting of a building permit for the specific use allowed.

b. Following approval, a site plan meeting the conditions specified in the Specific Use Permit shall be required of the applicant and shall be submitted and processed pursuant to Section 6.6.

10. Step 10 (Amendments)

Applicable, with the following addition: No approved Specific Use Permit may be modified, physically expanded, hours of operation extended, or otherwise altered unless amended in accordance with the procedures applicable to initial approval of a Specific Use Permit as set out in this Ordinance.

11. Step 11 (Lapse)

Applicable, as follows:

a. In the event of noncompliance by the applicant with the Specific Use Permit or any conditions of approval, or if the specific use is not in operation within one year after the date of its approval, the Specific Use Permit shall expire. An applicant may file an application to renew the Specific Use Permit. Such renewal shall occur in the same manner as for original approval as provided in this section.

b. Should the Specific Use cease operation for a period longer than one (1) year, then the permit shall be considered void and shall require a new application.

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.

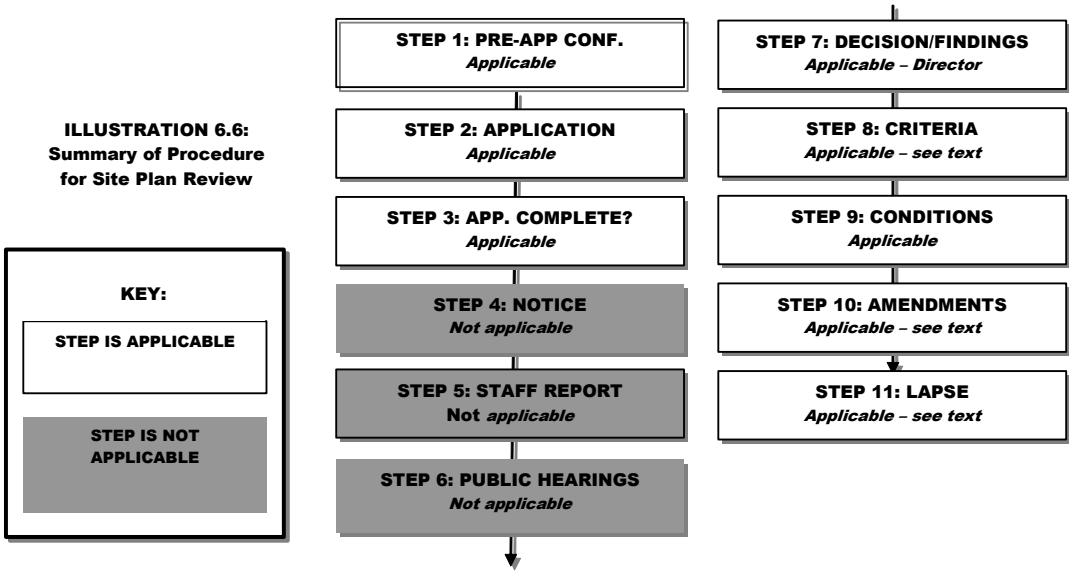
5. **Step 5 (Staff Report)**
   Not applicable.

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 thirty (30) days of receipt of a complete application.

ILLUSTRATION 6.6: Summary of Procedure for Site Plan Review



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 Development Services Department within 10 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 percent (10%) 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 (3) 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 (3) years old. For multi-phased plans, building permits shall not be issued based on an approval date more than three (3) years from the date of Phase I approval.

b. The Director may grant a one-time extension, of not more than six (6) 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.

6.7 TEMPORARY USES

A. Applicability

No use that is classified as a temporary use in the zoning district in which it is to be located shall be placed or established on the property without first receiving a temporary use permit, unless exempted from the permit requirements by Section 3.4.C.

B. Procedure

The common development review procedures of Section 6.2 shall apply, with modifications as noted below. (See Illustration 6.7.)

1. Step 1 (Pre-Application Conference)

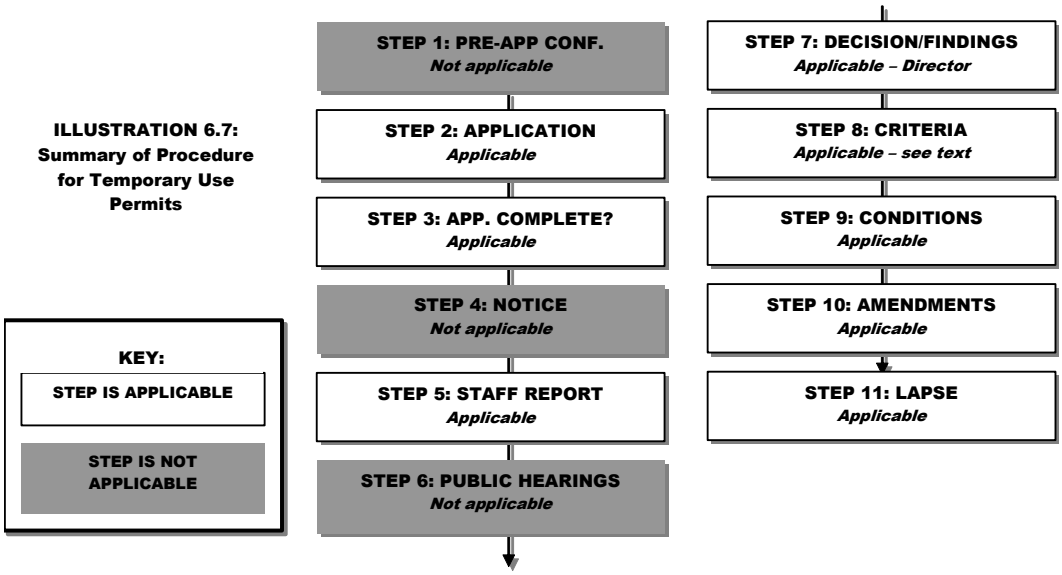
Not applicable.

2. Step 2 (Development Application Submittal)

Applicable, with the following modification:

a. ***Filing Deadline***

All applications for temporary use permits shall be filed at least four (4) weeks prior to the date the temporary use will commence, or at least six



(6) weeks prior to the date the temporary use will commence if public safety support is requested from the City. The Director may waive this filing deadline requirement in an individual case, for good cause shown.

3. Step 3 (Determination of Application Completeness)
Applicable.

4. Step 4 (Notice)
Not applicable.

5. Step 5 (Staff Report)
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 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, or deny the application based on the applicable approval criteria below.

b. *Duration of Permit*
A temporary use permit shall be valid only for the time period stated on the permit, unless otherwise authorized in this Ordinance.

8. Step 8 (Approval Criteria)

Applicable, as follows: The Director shall issue a temporary use permit only upon finding that the proposed temporary use satisfies the requirements set forth in Section 3.4., *Temporary Uses and Structures*.

9. Step 9 (Conditions of Approval)

Applicable.

10. Step 10 (Amendments)

Applicable.

11. Step 11 (Lapse)

Applicable, as follows: The temporary use permit shall lapse and be null and void upon expiration of the time limit specified in the permit.

6.8 VARIANCES

A. Purpose and Scope

The variance process is intended to provide limited relief from the requirements of this Ordinance in those cases where strict application of a particular requirement will create a practical difficulty or unnecessary hardship prohibiting the use of land in a manner otherwise allowed under this Ordinance. It is not intended that variances be granted to (1) allow a use in a zone district where it is not permitted by this Ordinance; or (2) merely remove inconveniences or financial burdens that the requirements of this Ordinance may impose on property owners in general. Rather, it is intended to provide limited relief where the requirements of this Ordinance render the land difficult or impossible to use because of some unique physical attribute of the property itself or some other factor unique to the property for which the variance is requested. State and/or federal laws or requirements may not be varied by the City.

B. Procedure

The common development review procedures of Section 6.2 shall apply, with modifications as noted below. (See Illustration 6.8.)

1. **Step 1 (Pre-Application Conference)**
   Applicable.

2. **Step 2 (Development Application Submittal)**
   Applicable. An applicant may file a variance application with the Director.

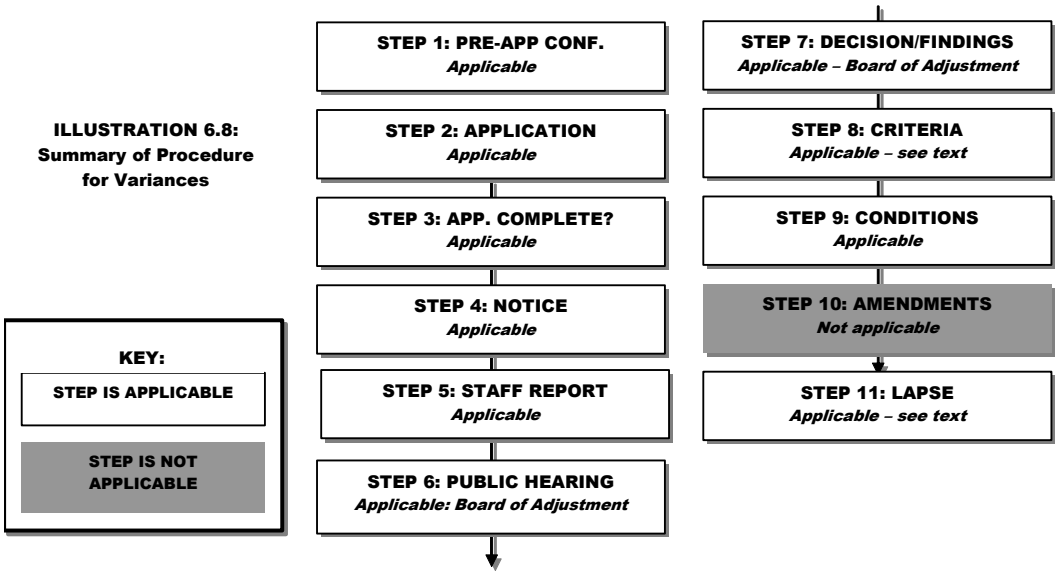
3. **Step 3 (Determination of Application Completeness)**
   Applicable, with the following modification: A request for variance may be initiated only by the property owner or his authorized representative. The application must state with particularity the relief sought and must specify the facts or circumstances that are alleged to show that the application meets the approval criteria of Step 8 below.

4. **Step 4 (Notice)**
   Applicable. Written and posted notice required.

5. **Step 5 (Staff Report)**
   Applicable.

6. **Step 6 (Public Hearing)**
   Applicable. One public hearing is required before the Board of Adjustment.

ILLUSTRATION 6.8: Summary of Procedure for Variances



7. Step 7 (Decision and Findings)

Applicable. The following additional procedures shall apply:

a. ***Action by the Board of Adjustment***

i. Upon receiving the application materials from the Director, the Board of Adjustment shall hold a public hearing on the proposed variance.

ii. In considering the application, the Board of Adjustment shall review the application materials, the applicable approval criteria below, and all testimony and evidence received at the public hearing.

iii. After conducting the public hearing, the Board of Adjustment may: deny the application; continue the hearing on the application; or grant the requested variance. Any approval or denial of the request shall be by resolution, accompanied by written findings of fact that the variance meets or does not meet each of the criteria set forth in below, stating the reasons for such findings. A concurring vote of at least three members of the Board shall be required to grant a variance.

iv. In granting any variance, the Board may attach such reasonable conditions and safeguards as it deems necessary to implement the purposes of this Ordinance.

8. Step 8 (Approval Criteria)

Applicable, as follows:

a. The Board of Adjustment may approve a variance only if it finds that all of the criteria below have been met:

i. There are unique physical circumstances or conditions, such as irregularity, narrowness or shallowness of lot, or exceptional topographical or other physical conditions peculiar to the affected property;

ii. The unusual circumstances or conditions do not exist throughout the neighborhood or district in which the property is located;

iii. Such physical circumstances or conditions were not created by the applicant;

iv. Because of such physical circumstances or conditions, the property cannot reasonably be developed in conformity with the provisions of this Ordinance;

v. The variance, if granted, will not alter the essential character of the neighborhood or district in which the property is located, nor substantially or permanently impair the appropriate use or development of adjacent property; and

vi. The variance, if granted, is the minimum variance that will afford relief and is the least modification possible of the provisions of this Ordinance that are in question.

b. No variance shall be granted that violates the intent of this Ordinance or its amendments.

c. No variance shall be granted from any written conditions attached by another decision-making body to the approval of a Specific Use Permit or subdivision plat or site plan.

d. No variance shall be granted if the conditions or circumstances affecting the applicant's property are of so general or recurrent a nature as to make reasonably practicable the formulation of a general regulation for such conditions or situations.

e. No variance may authorize a use other than those permitted in the district for which the variance is sought; also, an application or request for a variance shall not be heard or granted with regard to any parcel of property or portion thereof upon which zoning request for any parcel of property or portion thereof has not been finally acted upon by both the Planning Commission and by the City Council.

9. Step 9 (Conditions of Approval)
Applicable.

10. Step 10 (Amendments)
Not applicable.

11. Step 11 (Lapse)
Applicable, as follows: A variance that has not been utilized within two years from the date of the order granting the variance shall thereafter be void. No time extensions of an approval can be granted. However, if a lesser time limit than

two years has been placed on the variance, then the lesser time limit shall apply. For the purposes of this provision, utilization shall mean actual use or the issuance of a building permit, when applicable, provided construction is diligently carried to completion.

6.9 MINOR MODIFICATIONS

[RESERVED] **(Ord No. 3507, adopted 10-06-09)**

6.10 APPEALS

A. Appeals of Administrative Decisions

1. Purpose and Scope

The Board of Adjustment is empowered by this Ordinance and Oklahoma law to hear appeals of administrative decisions made in the interpretation and enforcement of this Ordinance. It is intended that all questions arising in connection with the interpretation and enforcement of this Ordinance shall be presented first to the Director or any agency acting in administrative capacity; and presented to the Board of Adjustment on appeal from that administrative decision. It is further intended that the duties of the City Council in connection with this Ordinance shall not include the hearing or passing upon such appeals.

2. Decisions That May Be Appealed

An asserted error in any order, requirement, permit, decision, determination, refusal, or interpretation made by the Director or any agency acting in an administrative capacity in interpreting and/or enforcing the provisions of this Ordinance may be appealed to the Board of Adjustment, unless otherwise provided in this Ordinance.

3. Filing of Appeal; Effect of Filing

a. An appeal to the Board of Adjustment may be brought by any person, firm, corporation, office, department, board, bureau, or commission aggrieved by the order, requirement, permit, decision, or determination that is the subject of the appeal, or by the Director on behalf of the City.

b. An application for an appeal shall be filed with the Director. Once the application is complete, the Director shall schedule the appeal for consideration at a public hearing before the Board of Adjustment. The Director shall transmit to the Board of Adjustment all applications and other records pertaining to such appeal. The application shall be filed no later than thirty (30) days after the date of the contested action.

c. The filing of an appeal shall stay all proceedings in furtherance of the contested action, unless the Director certifies to the Board of Adjustment that, in his or her opinion by reason of facts stated in the certification, such a stay would cause imminent peril to life and property. In such case, proceedings shall not be stayed except by a restraining order granted by the Board of Adjustment or by a court of law on notice to the administrative official from whom the appeal is taken, with due cause shown.

4. Action by the Board of Adjustment

a. Upon receiving the application materials from the Director, the Board of Adjustment shall hold a hearing on the appeal.

b. Either at the hearing or a subsequent meeting, the Board of Adjustment shall adopt a resolution reversing, affirming, or modifying the contested action. In reversing, affirming, or modifying the contested action, the Board of Adjustment shall have all relevant powers of the administrative officer from whom the appeal is taken.

c. The Board of Adjustment shall not reverse or modify the contested action unless it finds that the administrative officer erred in the application or interpretation of the terms of this Ordinance or related policies adopted by the City.

d. The Board of Adjustment shall not reverse or modify the contested action unless there is a concurring vote of at least three members.

5. Effect of Reversal or Modification

In the event that the Board of Adjustment reverses or modifies the contested action, all subsequent actions taken by administrative officers with regard to the subject matter shall be in accordance with the reversal or modification granted by the Board of Adjustment.

B. Appeals from Planning Commission

Appeals from decisions by the Planning Commission based upon this Ordinance shall be to the City Council, unless otherwise provided in this Ordinance.

C. Appeal from Board of Adjustment or City Council

Appeals from decisions made by the Board of Adjustment or the City Council based upon this Ordinance shall be to the courts.

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 Development Services Department of the City of Broken Arrow, authorizing such construction, alteration or use changes as being in compliance with provisions of this Ordinance.

A. An application for building permit shall be made to the Development Services Department 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 Development Services Department of the City of Broken Arrow shall grant or deny the building permit in accordance with the terms of this Ordinance.

B. 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.

6.12 ANNEXATIONS

[RESERVED]

CHAPTER 7: REVIEW AND DECISION-MAKING ENTITIES

7.1 PURPOSE

This chapter identifies the roles, duties, and responsibilities of various appointed and elected boards, commissions, referral agencies, consultants acting in the role of staff, and City staff in the administration of this Ordinance.

7.2 BOARDS AND COMMISSIONS GENERALLY

A. Board and Commission Appointment and Confirmation

Appointments to boards and commissions within the scope of this Ordinance shall be made and confirmed by the City Council in accordance with the rules adopted by the City Council.

B. Conduct of Boards and Commissions

This section contains procedures that are common to all appointed boards and commissions under this chapter, including the Planning Commission and the Board of Adjustment.

1. Absence of Member

Any member of an appointed board of commission under this chapter anticipating an absence from a meeting of their board of commission shall so advise the chair or secretary prior to the meeting.

2. Agenda

The agenda for each regular meeting of an appointed board or commission under this chapter shall be prepared by the secretary and shall be distributed to each member at least twenty-four (24) hours prior to the meeting.

3. Ordinance of Ethics

The Planning Commission and the Board of Adjustment members shall, in the performance of their quasi-judicial, adjudicatory responsibilities in all matters before them, including all matters that their members should reasonably know or expect to come before them, shall:

a. Make their decisions solely on the applicable law and the evidence in the record presented to the panel through the clerk or secretary of the board or commission or, when permitted, submitted to the panel in an open hearing on the record;

b. Be impartial in fact and in appearance in the performance of their functions, which means that the panel and its members shall make their decisions without any actual or seemingly apparent personal or financial bias, prejudice, prejudgment or partiality with respect to any person, party, or principle of law; and

c. Conduct their proceedings according to the applicable procedures provided by law.

4. Conflict of Interest

a. No member of an appointed board or commission under this chapter shall participate in any decision in which the board or commission determines either that such member has a conflict of interest, as defined in the Broken Arrow Municipal Code; or that such member has a personal interest or involvement in the case that would prevent that member from fairly evaluating the case; or that, based on all surrounding circumstances, participation by such member would create the appearance of impropriety in the proceedings.

b. The determination shall take into consideration the interest of the public in boards and commissions that have familiarity with the community and its past and future development. No member shall be excused from participation solely on the basis of personal familiarity with the case or the parties involved.

c. Any member who has a possible conflict of interest in a pending matter shall bring this information to the attention of the chair before the staff begins its presentation or as soon thereafter as the member recognizes his or her possible conflict. It shall be the responsibility of each member to fully disclose facts showing any known conflict of interest or other personal interest or involvement. Where appropriate, the conflict may be discussed in executive session.

d. Immediately upon discovering the existence of any conflict of interest prohibited by this section, the Municipal Ordinance, or any state law applicable to local government officials, the board or commission member shall fully disclose on the record in open session of the board or commission the nature of and the facts creating the conflict and shall be disqualified from any participation in or communications with other members of the board or commission on the matter with which a conflict exists.

e. A member who has a possible conflict of interest in a matter for decision may participate in that decision only upon the affirmative vote of a majority of all remaining commission members present. Such vote shall be recorded on the public record.

f. Any member found by the board or commission to have a conflict of interest with regard to a particular matter shall not participate in any manner in that matter.

5. Ex Parte Contacts Prohibited

a. For the purposes of this subsection, ex parte contacts and communications are defined as the receipt, either directly or indirectly, of verbal, visual, or written communications outside a duly noticed, open hearing on the record at which all parties and all board or commission members have an opportunity to be present.

b. Members of adjudicatory or quasi-judicial boards and commissions shall refrain from permitting ex parte contacts or communications with any person regarding any matter pending before or which may be reasonably expected to be pending before them.

c. Ex parte contacts shall not influence quasi-judicial proceedings. If a member of an adjudicatory or quasi-judicial board or commission, as identified in this section, obtains information outside of the public hearing process, whether through inadvertent ex parte communications with interested parties or through specific personal knowledge of a case, they shall fully disclose the information or knowledge to the board or commission during the public hearing, along with the source of that information.

d. Such ex parte communications or personal knowledge of a case shall not constitute a conflict of interest or other basis for excuse from participation in any case. Ex parte contacts shall be also prohibited for matters under reconsideration by the board.

e. The prohibition against ex parte contacts remains in effect as long as a matter may reasonably be expected to come before the board or commission until after all appeal and remands for further consideration and reconsideration have concluded or the time for such proceedings has expired.

6. Consent Agenda

Any appointed board or commission under this chapter may establish a consent agenda. The consent agenda shall consist of all matters brought before the board or commission for action that do not require a public hearing. All items on the consent agenda shall be approved by motion without debate. An item may be removed from the consent agenda prior to the approval at the request of any member of the board or commission present at the meeting or by City staff if requested by the applicant. Items removed from the consent agenda shall be considered on the regular agenda.

7. Quorum – Official Action

a. A majority of the full membership of the board or commission shall constitute a quorum for the transaction of business.

b. Action by the Planning Commission shall require the favorable vote of a majority of the members present. Action by the Board of Adjustment shall require the favorable vote of the majority of members of the fully constituted board, which shall include all appointed members not excused for conflict of interest in the board or commission action.

8. Meetings Open to Public

All meetings of the appointed boards and commissions under this chapter shall be open to the public. Except when voice votes are authorized, the vote shall be conducted in such a manner that the public may know the vote of each person entitled to vote. This section does not apply to any votes required to be taken to organize a board or commission.

9. Reconsideration or Rehearing of Decisions

Reconsideration or rehearing of decisions of any appointed board or commission are to be discouraged and shall be held only upon the request of a board or commission member on the prevailing side of the original vote (prevailing member) for the following reasons:

a. The original decision was based upon a substantial procedural or jurisdictional error; or

b. New relevant information that was not available at the time of the original hearing has been discovered; or

c. The original decision was based upon fraud or misrepresentation.

Any person seeking reconsideration or a rehearing must file a request with the City Clerk, together with materials supporting one or more of the grounds stated in this subsection, within five (5) working days of the original decision. A prevailing member may then consider the request based upon the above criteria. When a hearing is held upon a reconsideration or rehearing request, the board or commission, by a majority vote, may schedule a rehearing only if it finds the allegations to be correct. A rehearing shall be conducted in the same manner as the original proceedings before the board or commission.

10. Removal of Member

A member of any appointed board or commission under this chapter may be removed from office in the following circumstances:

a. For cause; provided, that any individual whose removal is being considered by the Council shall be entitled to notice and an opportunity to be heard prior to the decision to remove said individual.

b. Applicable to all boards, commissions, trust, or other agencies of the City whose membership is appointed or confirmed by the City Council and who meet at least monthly, whenever any member is absent from more than one-half of all meetings of the board, commission, trust, or other agency, held within any period of four consecutive months, the member shall thereupon cease to hold the appointive office.

c. Applicable to all boards, commissions, trust, or other agencies of the City whose membership is appointed or confirmed by the City Council, and who meet less often than monthly, whenever any member is absent for more than one-half of any four consecutive meetings, the member shall thereupon cease to hold the appointive office. Provided that emergency meetings may not be counted in the calculation, all at the City Council's sole option and the Council may excuse other absences.

11. Representatives

Persons appearing before an appointed board or commission under this chapter may appear in person or through a representative, agent, or attorney. The representative shall provide satisfactory proof of his or her authority upon the request of the board or commission.

12. Secretary

The Director shall be the secretary of each appointed board and commission in this chapter. In the Director's absence, another member of the planning staff as determined by the Director shall act as secretary. The secretary shall cause to have a record kept of all meetings of each board or commission and shall keep such files as may be required.

13. Applicability of Other Provisions

The provisions of this chapter shall not be a limitation on more restrictive rules regarding the conduct of boards and commissions set forth elsewhere in the Broken Arrow Municipal Code.

7.3 PLANNING COMMISSION

A. Review and Decision-Making Responsibilities

There shall be a Planning Commission, which shall have the powers and duties set forth in Table 6.1-1, to be carried out in accordance with the terms of this Ordinance.

B. Other Powers and Duties

In addition, the Planning Commission shall have the following powers and duties, to be carried out in accordance with the terms of this Ordinance:

1. Develop, review, and make recommendations to the City Council regarding policies, plans, and ordinances to implement the municipal function of planning for the economic, social, and land use needs of the community; and

2. Exercise such other powers, and perform such other duties, as are provided by law and directed by the City Council.

C. Appointments, Membership, and Rules

1. Requirements for appointments to the Planning Commission and operating rules are in Chapter 2, Article VIII, of the Broken Arrow Municipal Ordinance.

7.4 BOARD OF ADJUSTMENT

A. Established

The Board of Adjustment is hereby established.

B. Review and Decision-Making Responsibilities

The Board of Adjustment shall have the review and decision-making responsibilities set forth in Table 6.1-1.

C. Appointments, Membership, and Rules

1. Members and Appointment of Members

The Board of Adjustment shall consist of five members who shall be appointed by the City Council.

2. Terms

Appointments to the Board of Adjustment shall be for staggered three (3)-year terms.

3. Chairman and Secretary

a. The Board of Adjustment shall annually elect one (1) of its members as Chairperson.

b. The Board shall appoint a Secretary who may be an officer of the municipality.

c. The Chairperson, or in his or her absence the Acting Chairperson, may administer oaths and compel the attendance of witnesses by subpoena.

4. Removal from Office/Vacancies

a. The City Council shall have the power to remove any member of the Board of Adjustment for just cause.

b. Vacancies shall be filled by the City Council, for the unexpired term of any member whose term becomes vacant.

5. Quorum

A quorum of the Board of Adjustment shall be three (3) members.

6. Rules of Conduct

The Board shall adopt rules in accordance with the provisions of this Ordinance. Meetings of the Board shall be held at the call of the Chairperson and at such other times as the Board may determine. All meetings shall be open to the public.

7. Records

The Board shall keep the minutes of its proceedings, showing the attendance and vote of each member upon each question, and shall keep records of its proceedings and the reason for all official actions, all of which shall be immediately filed in the office of the Board and shall be a public record. .

7.5 CITY STAFF

A. Review and Decision-Making Responsibilities

Municipal departments shall have the review and decision-making responsibilities set forth in Table 6.1-1, to be carried out in accordance with the terms of this Ordinance. The departments also shall have such additional powers and duties as may be set forth elsewhere in this Ordinance and other ordinances of the City. The following departments have the general responsibilities set forth below.

B. Planning Division

The Planning Division shall act in an advisory and support capacity to the City Council and boards and commissions listed in this chapter or as otherwise directed by the City Council or City Manager. The Planning Division shall review or coordinate the review of all applications under this Ordinance.

CHAPTER 8: NONCONFORMITIES

8.1 GENERAL PROVISIONS

A. Purpose

The purpose of this chapter is to regulate and restrict uses, structures, lots, and signs that were established legally prior to the effective date of this Ordinance, that no longer conform to the requirements of this Ordinance or future Ordinance amendments. All such situations are collectively referred to in this chapter as "nonconformities." While nonconformities may continue, this chapter is intended to achieve their eventual elimination, in order to preserve the integrity of this Ordinance and the character of the City.

B. Authority to Continue

1. Generally

Any nonconformity that lawfully existed as of the effective date of this Ordinance and that remains nonconforming, and any nonconformity that is created as a result of any subsequent rezoning or amendment to the text of this Ordinance, may be continued or maintained as a nonconformity only in accordance with the terms of this chapter.

2. Exception Due to Variances, Minor Modifications, or Specific Use Permit

Notwithstanding subsection 1. above, this chapter shall not apply to any development standard or feature that is the subject of a variance or minor modification granted under this Ordinance. Where a variance, specific use permit, or minor modification has been granted that results in a development standard or feature that does not otherwise conform to the requirements of this Ordinance, that development standard or feature shall be deemed conforming.

C. Determination of Nonconformity Status

In all cases, the burden of establishing the existence of a legal nonconformity shall be solely upon the owner of the nonconformity, not the City.

D. Nonconformities Created Through Government Action

If a structure, use of land, use of structure, or characteristic of use does not comply with the requirements of this Ordinance solely as a result of an acquisition of land or other action by a government agency for a public purpose, then such structure, use of land, use of structure, or characteristic of use on land not acquired by the government shall be deemed conforming.

E. Change of Ownership or Tenancy

Changes of ownership, tenancy, or management of property with an existing nonconformity are permitted, but such nonconformities shall continue to be subject to the provisions of this chapter.

F. Maintenance and Minor Repair

Minor repairs or maintenance of nonconformities that are required to keep structures or sites in a safe condition are permitted, provided that the minor repair or maintenance

does not increase the extent of nonconformity. For purposes of this section, "maintenance or minor repair" shall mean:

1. Repairs that are necessary to maintain and to correct any damage or deterioration to the structural soundness or interior appearance of a building or structure without expanding or altering the building or structure;

2. Maintenance of land areas to protect against health and environmental hazards and promote the safety of surrounding land uses; and

3. Repairs that are required to remedy unsafe conditions that cause a threat to public safety.

8.2 NONCONFORMING STRUCTURES

Where a lawful structure exists at the effective date of adoption or amendment of this Ordinance that could not be built under the terms of this Ordinance by reason of restrictions on area, lot coverage, height, yards or other characteristics of the structure or its location on the lot, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:

A. Enlargement, Alteration, or Movement

1. No such structure may be enlarged or altered in a way that increases its nonconformity.

2. Should such structure be moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the district in which it is located after it is moved.

B. Damage or Destruction

1. If a nonconforming structure is damaged or destroyed by any means to an extent greater than fifty percent (50%) of its replacement cost at the time of damage or destruction, then such structure shall not be reestablished unless it is made to conform to the requirements of this Ordinance.

2. Where a nonconforming building is damaged by less than fifty percent (50%) of its replacement cost at the time of damage, it may be repaired or restored, provided any such repair or restoration is started within twelve (12) months and is completed within eighteen (18) months from the date of partial destruction.

3. Reconstruction costs shall be prepared by the applicant and submitted to the Chief Building Official for review. The cost of land or any factors other than the cost of the structure are excluded in the determination of cost of restoration for any building or activity devoted to a nonconforming use.

8.3 NONCONFORMING USES OF STRUCTURES AND LAND

A. Nonconforming Use of Structure

If a lawful use of a structure, or of structure and premises in combination, exists at the effective date of adoption or amendment of this Ordinance, the lawful use may be continued so long as it remains otherwise lawful, subject to the following provisions:

1. No existing structure devoted to a use not permitted by this Ordinance in the district in which it is located shall be enlarged, extended, constructed, reconstructed, moved, or structurally altered except in changing the use of the structure to a use permitted in the district in which it is located.

2. Any nonconforming use may be extended throughout parts of a building that were manifestly arranged or designed for such use at the time of adoption or amendment of this Ordinance, but no such use shall be extended to occupy any land outside such building.

3. Any structure, or structure and land in combination, in or on which a nonconforming use is superseded by a permitted use, shall thereafter conform to the regulations for the district in which such structure is located, and the nonconforming use may not thereafter be resumed.

4. When a nonconforming use of a structure or structure and premises in combination is discontinued or abandoned for six (6) consecutive months, the structure, or structure and premises in combination, shall not thereafter be used except in conformance with the regulations of the district in which it is located.

5. Where nonconforming use status applies to a structure and premises in combination, removal or destruction of the structure shall eliminate the nonconforming status of the land.

B. Nonconforming Use of Land

Where, at the effective date of adoption or amendment of this Ordinance, lawful uses of land exist that are no longer permissible under the terms of this Ordinance as enacted or amended, such uses may be continued, so long as they remain otherwise lawful, subject to the following provision:

1. No such nonconforming use shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this ordinance.

2. No such nonconforming use shall be moved in whole or in part of any other portion of the lot or parcel occupied by such use at the effective date of adoption or amendment of this ordinance.

3. If any such nonconforming use of land ceases for any reason for a period of more than thirty (30) days, any subsequent use of such land shall conform to the regulations specified by this ordinance for the district in which such land is located.

C. Specific Uses and Special Exceptions

A specific use or special exception use existing prior to the effective date of this Ordinance that is permitted in its entirety as a principal use in the district in which it is located under this Ordinance shall remain applicable.

8.4 NONCONFORMING LOTS OF RECORD

In any district in which single-family dwellings are permitted, notwithstanding limitations imposed by other provisions of this Ordinance, a single-family dwelling and customary accessory buildings

may be erected on any lot which is of official record on the effective date of this Ordinance, subject to the following restrictions:

A. There must be provided a minimum lot width of fifty feet (50').

B. There must be provided a minimum of fifteen feet (15') in side yards with ten feet (10') on any one side.

C. The front and rear yards must comply with the requirements set forth in this Ordinance for the zoning districts within which the lot of record is located.

Further, the lot of record lot must be in separate ownership and not of continuous frontage other lots in the same ownership. Variance of area, width, and yard requirements shall be obtained only through action of the Board of Adjustment.

8.5 NONCONFORMING SIGNS

A. Termination

A nonconforming sign shall immediately lose its legal nonconforming status, and therefore shall be brought into conformance with this Ordinance or removed, when any of the following occur:

1. The size or shape of the sign is changed; or

2. The sign structure is altered. Alteration does not include repairs and/or maintenance; or

3. The nonconforming sign is accessory to a nonconforming use that has lost its nonconforming status; or

4. The primary structure on the property at which the sign is located is the subject of an application for a building permit for reconstruction, remodeling, expansion, or other improvements to the primary structure on such property, and the value of the proposed improvements total more than twenty-five percent (25%) of its replacement cost of such primary structure.

B. Maintenance of Nonconforming Signs

Nonconforming signs shall continue to be maintained in safe condition pursuant to the building regulations of the City.

C. Alteration, Relocation, or Replacement of Nonconforming Signs

A nonconforming sign shall not be structurally altered, relocated, or replaced unless it is brought into compliance with the provisions of this section.

D. Reconstruction of Damaged Sign

If a sign and/or its support are damaged to the extent where the repair costs exceed fifty percent (50%) of the replacement cost of the sign, the sign shall be removed or brought into compliance.

CHAPTER 9: ENFORCEMENT

9.1 GENERAL PROVISIONS

A. Purpose

This chapter establishes procedures through which the City seeks to ensure compliance with the provisions of this Ordinance and obtain corrections for violations of this Ordinance. The chapter also sets forth the remedies and penalties that apply to violations of this Ordinance.

B. Compliance Required

No person shall develop or use any land, building, or structure within the City in violation of this Ordinance, regulations authorized under this Ordinance, or the terms and conditions of permits or other approvals or entitlements issued under this Ordinance.

C. Permits and Approvals

No permit or approval may be issued under this Ordinance unless all structures and uses of land and structures permitted under the permit or approval conform to this Ordinance, regulations promulgated under this Ordinance, and the terms and conditions of other applicable permits and approvals issued under this Ordinance. A permit or approval issued in violation of this Ordinance is void.

D. Continuation of Prior Enforcement Actions

Nothing in this Ordinance shall prohibit the continuation of previous enforcement actions undertaken by the City pursuant to previous regulations.

E. Continuing Violations

Each day that a violation occurs or remains uncorrected shall constitute a separate and distinct violation of this Ordinance.

9.2 RESPONSIBILITIES FOR ENFORCEMENT

The provisions of this Ordinance shall be administered and enforced by the Director or such other person as may be designated by the Director.

9.3 VIOLATIONS

Each of the following activities shall constitute a violation of this Ordinance:

A. Activity Inconsistent with Ordinance

Any erection, construction, reconstruction, remodeling, alteration, maintenance, expansion, movement, or use of any land, building, structure, or sign, in contravention of any provision of this Ordinance.

B. Activity Inconsistent with Permit or Approval

Any development, use, construction, remodeling, or other activity inconsistent with the terms or conditions of any permit or approval required to engage in such activity, whether issued under or required by this Ordinance.

C. Illustrative Examples

Examples of activities inconsistent with this Ordinance or with any permit or approval issued under this Ordinance include, but are not limited to, the following:

1. Increasing the density or intensity of any use of any land or structure except in accordance with the requirements of this Ordinance;

2. Reduction or diminishment of lot area, setbacks, vegetative buffers, or open space below the minimum requirements set forth in this Ordinance;

3. Damage to or removal of required vegetation inconsistent with this Ordinance;

4. Creation, expansion, replacement, or change of a nonconformity inconsistent with this Ordinance;

5. Failure to remove any sign installed, created, erected, or maintained in violation of this Ordinance, or for which the sign permit has lapsed;

6. Failure to remove a temporary use once authorization for the temporary use under this Ordinance; and

7. Failure of a property owner to construct, improve, or maintain any amenity, landscaping, buffers, fencing, or other improvements required by the terms of any permit or approval.

9.4 REMEDIES AND PENALTIES

The Director shall have the following remedies and powers to enforce this Ordinance:

A. Civil Remedies and Enforcement Powers

1. Deny/Withhold Authorizations

The Director may deny or withhold any form of authorization, including certificates of occupancy, or other forms of authorization to use or develop any land, structure, or improvements, until any violations of this ordinance or other ordinances of the City of Broken Arrow are corrected. This provision shall apply whether or not the current owner or applicant for the permit or other approval is responsible for the violation.

2. Revoke Authorizations

Any entitlement or other form of authorization issued under this Ordinance may be revoked when the Director determines that:

a. There is a departure from the approved plans, specifications, limitations, or conditions as required under the authorization;

b. The authorization was procured by false representation;

c. The authorization was issued in error; or

d. There is a violation of any provision of this Ordinance.

Written notice of revocation shall be served upon the property owner, agent, applicant, or other person to whom the authorization was issued, or such notice may be posted in a prominent location at the place of violation. No work or construction shall proceed after service of the revocation notice.

3. Stop-Work Orders

a. Whenever any building or structure or site or part thereof is being demolished, constructed, reconstructed, altered, or repaired in a hazardous manner, in substantial violation of any state law or any ordinance of the City of Broken Arrow, the Director has the authority to issue a stop-work order for the specific part of the work that is in violation or presents the hazard.

b. With or without revoking permits, the Director may issue an order to stop work on any property on which there is an uncorrected violation of either a provision of this Ordinance or a provision of any authorization issued under this Ordinance.

c. The stop-work order shall be in writing directed to the person doing the work, and shall specify the provisions of this Ordinance or other law that has been violated. After any such order has been served, no work shall proceed on any building, other structure, or tract of land covered by such order, except to correct such violation or comply with the order.

d. Once conditions for resumption of the work have been met, the Director shall rescind the stop-work order.

B. Criminal Remedies and Enforcement Powers

1. Misdemeanor

A person shall be guilty of a misdemeanor (Class B offense) upon conviction in any case where a violation of this Ordinance exists, where notice of violation, including any stop-work, enforcement, or compliance order has been properly served, and where such person fails to comply with such notice stop-work, enforcement, or compliance order.

2. Penalty

Persons found guilty of a misdemeanor pursuant to this section shall be punishable by a fine of not more than one thousand dollars ($1,000.00) or by imprisonment for not more than ten (10) days, or by both such fine or imprisonment, for each violation. Each day a violation is allowed to exist is a separate violation.

C. Remedies Cumulative

The remedies provided for violations of this Ordinance, whether civil or criminal, shall be cumulative and in addition to any other remedy provided by law, and may be exercised in any order.

CHAPTER 10: DEFINITIONS

10.1 GENERAL RULES OF CONSTRUCTION

The following rules shall apply for construing or interpreting the terms and provisions of this Ordinance.

A. Meanings and Intent

All provisions, terms, phrases, and expressions contained in this Ordinance shall be construed according to the general purposes set forth in Section 1.3 and the specific purpose statements set forth throughout this Ordinance. When, in a specific section of this Ordinance, a different meaning is given for a term defined for general purposes in this Chapter, the specific section's meaning and application of the term shall control.

B. Headings, Illustrations, and Text

In the event of a conflict or inconsistency between the text of this Ordinance and any heading, caption, figure, illustration, table, or map, the text shall control.

C. Lists and Examples

Unless otherwise specifically indicated, lists of items or examples that use terms such as "for example," "including," and "such as," or similar language are intended to provide examples and are not exhaustive lists of all possibilities.

D. Computation of Time

The time in which an act is to be done shall be computed by excluding the first day and including the last day. If a deadline or required date of action falls on a Saturday, Sunday, or holiday observed by the City, the deadline or required date of action shall be the next day that is not a Saturday, Sunday, or holiday observed by the City. References to days are calendar days.

E. References to Other Regulations/Publications

Whenever reference is made to a resolution, ordinance, statute, regulation, or document, it shall be construed as a reference to the most recent edition of such regulation, resolution, ordinance, statute, regulation, or document, unless otherwise specifically stated.

F. Delegation of Authority

Any act authorized by this Ordinance to be carried out by a specific official of the City may be carried out by a designee of such official.

G. Technical and Non-Technical Terms

Words and phrases shall be construed according to the common usage of the language, but technical words and phrases that may have acquired a peculiar and appropriate meaning in law shall be construed and understood according to such meaning.

H. Public Officials and Agencies

All public officials, bodies, and agencies to which references are made are those of the City of Broken Arrow unless otherwise indicated.

I. Mandatory and Discretionary Terms

The words “shall,” “must,” and “will” are mandatory in nature, establishing an obligation or duty to comply with the particular provision. The words “may” and “should” are permissive in nature.

J. Conjunctions

Unless the context clearly suggests the contrary, conjunctions shall be interpreted as follows:

“And” indicates that all connected items, conditions, provisions or events apply; and

“Or” indicates that one or more of the connected items, conditions, provisions or events apply.

K. Tenses, Plurals, and Gender

Words used in the present tense include the future tense. Words used in the singular number include the plural number and the plural number includes the singular number, unless the context of the particular usage clearly indicates otherwise. Words used in the masculine gender include the feminine gender, and vice versa.

10.2 INTERPRETATIONS

The Director has final administrative authority to determine the interpretation or usage of terms used in this Ordinance. Any person may request an interpretation of any term by submitting a written request to the Director who shall respond in writing within thirty (30) days.

10.3 DEFINITIONS OF GENERAL USE CATEGORIES AND SPECIFIC USE TYPES

This section defines the general use categories and specific use types listed in Table 3.1-1, *Table of Allowed Uses,* and Table 3.1-2, *Table of Accessory Uses*.

A. Residential Use Definitions

1. Household Living

This use category is characterized by residential occupancy of a dwelling unit by a household. Specific use types include, but are not limited to:

a. ***Dwelling, Duplex***
A building containing two dwelling units located on one lot.

b. ***Dwelling, Multi-Family***
A building containing three or more dwelling units located on one lot.

c. ***Dwelling, Single-Family Attached***
A building containing more than one dwelling unit, each of which is located on a separate lot, and having any portion of one or more walls in common with adjoining dwellings.

d. ***Dwelling, Single-Family Detached***
A building containing one dwelling unit located on one lot and having no walls in common with adjoining dwellings.

e. ***Dwelling, Mobile Home***
A structure, transportable in one or more sections, that is at least eight feet (8') in width and thirty-two feet (32') in length and that is built on a permanent chassis and designed to be used as a dwelling unit, with or without a permanent foundation.

f. ***Dwelling, Zero Lot Line***
A detached dwelling that has only one (1) side yard.

g. ***Mobile Home Park***
A site with required improvements and utilities for the long-term parking of mobile homes, which may include services and facilities for the residents.

h. ***Mobile Home Subdivision***
A subdivision with required improvements and utilities for the long-term parking of mobile homes on individual home lots, which may include services and facilities for the residents.

2. Group Living
This category is characterized by residential occupancy of a structure by a group of people who do not meet the definition of "Household Living." Generally, Group Living structures have a common eating area for residents. The residents may receive care, training, or treatment, and caregivers may or may not also reside at the site. Accessory uses commonly include recreational facilities and vehicle parking for occupants and staff. Specific use types include, but are not limited to:

a. ***Boarding, Dormitory, And Rooming House***
A building arranged or used for lodging, with or without meals, for compensation and not occupied as a single-family unit.

b. ***Group Home***
A community-based residential facility that (1) admits not more than six (6) persons with developmental or physical disabilities who require specialized living arrangements, and (2) provides for such persons a home that is subject to the care and supervision of a responsible adult and (3) home is licensed by or has a contract with the Department of Human Services.

c. ***Convalescent Home, Nursing Home, Or Assisted Living Facility***
A health facility used for or customarily occupied by persons recovering from or suffering from infirmities of age, that may provide meals, lodging, and continuing nursing care for compensation.

B. Public/Institutional Uses

1. Community Service

Uses including buildings, structures, or facilities owned, operated, or occupied by a governmental entity or private organization to provide a service to the public. Specific use types include, but are not limited to:

a. ***Cemetery***
Land used or dedicated to the interment of human or animal remains, including columbaria, mausoleums, mortuaries, and associated maintenance facilities when operated in conjunction with, and within the boundaries of, such cemetery.

b. ***Crematorium***
A location containing properly installed, certified apparatus intended for use in the act of cremation. This use does not include a funeral parlor or public area.

c. ***Government Administration and Civic Buildings***
An office of a governmental agency that provides administrative and/or direct services to the public, such as, but not limited to: post offices, employment offices, public assistance offices, or motor vehicle licensing and registration services.

d. ***Municipal or Community Recreation Center***
A facility providing recreation/pool facilities and/or meeting rooms, and typically oriented to the recreational needs of the residents of the surrounding area.

e. ***Place of Assembly***
A building or structure, or group of buildings or structures, intended primarily for the conducting of organized assembly. May include, but are not limited to religious facilities, assembly halls, and fraternal/social clubs. Accessory uses may include meeting rooms and childcare provided for persons while they are attending assembly functions.

f. ***Public Safety Facility***
The conduct of publicly owned safety and emergency services, such as, but not limited to, fire stations, police stations, and emergency medical and ambulance service.

C. Cultural Facility

A Cultural Facility displays or preserves objects of interest or provides facilities for one (1) or more of the arts or sciences. Accessory uses may include parking, storage areas, offices, and gift shops. Specific use types include, but are not limited to, the following:

a. ***Art Gallery or Museum, Public***
Any permanent institution for the collection and display of objects of art or science, sponsored by a public or quasi-public agency and open and available to the public.

b. ***Library, Public***
A permanent facility for storing and loaning books, periodicals, reference materials, audio and videotapes, and other similar media for use by the public.

2. Child Care Facility

Child Care uses include facilities that provide care for children on a regular basis away from their primary residence. This category does not include public or private schools or facilities operated in connection with an employment use, shopping center, or other principal use, where children are cared for while parents or guardians are occupied on the premises or in the immediate vicinity. Accessory uses include offices, recreation areas, and parking.

a. ***Child Care Center***
Any place or institution that receives six or more children under the age of sixteen (16) years for regular periods of time for compensation; provided, however, this definition shall not include public and private schools, organized, operated or approved under the laws of the State, custody of children fixed by a court, children related by blood, marriage, or adoption within the third degree to the custodial person, or to churches or other religious or public institutional buildings while their parents or legal guardians are attending services, meetings, or classes and other institutional activities.

b. ***Day Care Center/Nursery School***
A private establishment enrolling five or more children between two (2) and five (5) years of age and where tuition, fees, or other forms of compensation for the care of the children is charged and having a license or approval to operate as a child care center, under the provisions of the State of Oklahoma.

c. ***Home Day Care***
State-licensed day care for children that takes place in the provider's home, which does not employ anyone other than the resident provider.

3. Education

Education uses are public, private, and parochial institutions at the primary, elementary, middle, high school, or post-secondary level, or trade or business schools, which provide educational instruction to students. Accessory uses include play areas, cafeterias, recreational and sport facilities, auditoriums, and before- or after-school day care. Specific use types include, but are not limited to:

a. ***College or University***
A degree-granting institution, other than a trade school, that provides education beyond the high school level. The use includes, but is not limited to, classroom buildings, offices, laboratories, lecture halls, athletic facilities, and dormitories.

b. ***Elementary School***
An educational institution that satisfies the compulsory education laws of the State of Oklahoma for students in elementary grades. This definition includes both public schools and private schools that have a curriculum similar to public schools.

c. ***Middle School or High School***
An educational institution that satisfies the compulsory education laws of the State of Oklahoma for students in secondary education. This definition includes both public schools and private non-boarding schools that have a curriculum similar to that in the permitted public schools.

d. ***Trade School***
A secondary or higher education facility primarily teaching usable skills that prepares students for jobs in a trade or in industry, construction, or commerce, and meeting all applicable state requirements for a facility of its type.

4. Health Care Facility

Health Care uses are characterized by activities focusing on medical services, particularly licensed public or private institutions that provide primary health services and medical or surgical care to persons suffering from illness, disease, injury, deformity, or other physical or mental conditions. Accessory uses may include but are not limited to laboratories, outpatient, or training facilities, and parking. Specific use types include, but are not limited to:

a. ***Medical Office or Clinic***
An establishment primarily engaged in furnishing, on an outpatient basis, chiropractic, dental, medical, surgical, medical imaging, or other services to individuals, including the offices of chiropractors, physicians, dentists, and other health practitioners, medical and dental laboratories, outpatient care and outpatient care facilities. Patients are not kept overnight except under emergency conditions.

b. ***Hospital***
A building or portion thereof for the accommodation of sick, injured, or infirm persons. Services regularly include the keeping of patients overnight.

5. Parks and Open Space

Park and Open Space uses focus on natural areas, consisting mostly of vegetative landscaping or outdoor recreation, community gardens, or public squares. Lands tend to have few structures. Accessory uses may include but are not limited to clubhouses, playgrounds, maintenance facilities, concessions, caretaker's quarters, and parking. Specific use types include, but are not limited to:

a. ***Arboretum or Botanical Garden***
A public or private facility for the demonstration and observation of the cultivation of flowers, fruits, vegetables, or ornamental plants.

b. ***Campground***
A parcel of ground upon which two or more campsites are located, established, or maintained for occupancy by camping units of the public as temporary living quarters for recreation, education, or vacation purposes.

c. ***Community Playfields and Parks***
A tract of land owned by a governmental or quasi-governmental entity and available to the public for recreational purposes. This definition

includes indoor recreational facilities, swimming pools, playgrounds, and athletic fields.

6. Telecommunication Facility

Telecommunications facilities transmit analog or digital voice or communications information between or among points using electromagnetic signals via antennas, microwave dishes, and similar structures. Supporting equipment includes buildings, shelters, cabinets, towers, electrical equipment, parking areas, and other accessory development. Specific use types include:

a. ***Tower (Including any facility with tower)***

A structure in a fixed location used as an antenna or to support antennas for the primary purpose of transmitting and/or receiving electronic signals. This definition includes nonresidential broadcast, communication, transmission, and similar towers, either freestanding or attached to an adjacent broadcasting or transmitting facility.

b. ***Broadcasting or Recording Studio (no tower)***

A building or portion of a building used as a place for radio or television broadcasting or recording but without a transmission tower.

c. ***Transmitting Station (no tower)***

Any facility utilized for the transmission of broadcast information but without a transmission tower.

7. Transportation Facility

This category includes facilities that receive and discharge passengers and freight. Accessory uses include but are not limited to freight handling areas, concessions, offices, parking, and maintenance and fueling facilities. Specific use types include but are not limited to:

a. ***Airport***

A place where aircraft can land and depart, usually equipped with landing field facilities for refueling and repair, and various accommodations for passengers.

b. ***Bus and Passenger Train Terminal***

Any premises for the transient housing or parking of motor-driven buses or trains and the loading and unloading of passengers.

c. ***Heliport***

An area designed to be used for the landing or takeoff of helicopters, which may include all necessary passenger and cargo facilities, fueling, and emergency service facilities.

8. Utility

This category includes both major utilities, which are infrastructure services providing regional or community-wide service, and minor utilities, which are infrastructure services that need to be located in or near the neighborhood where the service is provided. Services may be publicly or privately provided. Accessory uses may include, but are not limited to control, monitoring, data, or transmission equipment.

a. ***Utility Facility, Major***
A service of a regional nature that normally entails the construction of new buildings or structures, and that typically has employees on the site on an ongoing basis. Examples include, but are not limited to, water works, reservoirs, power or heating plants, or steam generating plants.

b. ***Utility Facility, Minor***
A service that is necessary to support development within the immediate vicinity and that involves only minor structures. Employees typically are not located at the site on an ongoing basis. Examples include, but are not limited to utility lines, electric transformer stations; gas regulator stations; telephone exchange buildings; and well, water, and sewer pumping stations.

D. Commercial Use

1. Agriculture
The use of land for purposes including farming, ranching, dairying, pasturage, horticulture, animal and poultry husbandry, and accessory uses.

2. Animal Sales and Services
Animal Sales and Services uses, not incidental to agricultural uses, that involve the selling, boarding, or care of animals on a commercial basis. Accessory uses may include confinement facilities for animals, parking, and storage areas. Specific use types include, but are not limited to:

a. ***Animal Pet Shop, Retail***
A retail establishment offering small animals, fish, or birds for sale as pets and where all such creatures are housed within the building.

b. ***Animal Training School***
A facility that specializes in the training of household animals.

c. ***Kennel***
Any structure or premise on which five or more domestic animals over five months of age are kept. Also, any structure or premises on which five or more domestic animals, the majority of which are under five months of age are kept, which such animals are of the same species but are not related within three (3) degrees. Among the domestic animals counted for this purpose shall be dogs, cats, miniature pigs, or any combination thereof**.**

d. ***Veterinary Clinic/Animal Hospital***
An office or a clinic of a veterinarian where small animals or household pets are given medical, surgical, or health maintenance treatment. The boarding of animals is limited to short-term care incidental to the treatment clinic and must be a secondary use of the property.

e. ***Veterinary Clinic, Large Animal***
An office or clinic of a veterinarian where small animals or household pets, as well as large animals, are given medical, surgical or health maintenance treatment. The boarding of large animals is limited to clinics of at least five (5) acres and is limited to short-term care incidental to the treatment clinic and must be a secondary use of the property.

3. Financial Service

Establishments that provide retail banking services, mortgage lending, and similar financial services to individuals and businesses. This classification includes those institutions engaged in the on-site circulation of cash money and check-cashing facilities, but does not include bail bond brokers. Accessory uses may include automatic teller machines, offices, and parking. Specific use types include, but are not limited to:

a. ***Financial Institution, with drive-thru***

An establishment that provides banking services, lending, or similar financial services to individuals and businesses. This definition includes those institutions engaged in the on-site circulation of cash money and check-cashing facilities, but shall not include bail bond brokers. The establishment has a drive-through facility.

b. ***Financial Institution, without drive-thru***

Same as the above use, but with no drive-through facility.

4. Food and Beverage Service

Food and Beverage Service businesses serve prepared food or beverages for consumption on or off the premises. Accessory uses may include food preparation areas, offices, and parking. Specific use types include, but are not limited to:

a. ***Bar/Nightclub***

A structure or part of a structure used primarily for the sale or dispensing of alcoholic beverages or liquor by the drink. Dancing and musical entertainment are permitted.

b. ***Catering Service***

An establishment that prepares food for service at a remote site.

c. ***Fruit and Vegetable Market***

A building, structure, or tract of land which may include open air stands that is used for the primary purpose of retail sales of fresh fruits, vegetables, flowers, herbs, or plants. This definition may also include the accessory sales of other unprocessed foodstuffs, home processed food products, baked goods, and homemade handicrafts.

d. ***Restaurant, Drive-In***

A restaurant where customers purchase and consume prepared food on the premises in their automobiles.

e. ***Restaurant (without Drive-Through)***

An area or structure in which the principal use is the preparation and sale of food and beverages. Operations may or may not include outdoor seating areas or outdoor food service, but the operation does not include a drive-through or drive-in facility.

f. ***Restaurant (with Drive-Through)***

An eating/drinking establishment in which the principal business is the sale of foods or beverages to the customer in a ready-to-consume state and in which the design or method of operation of all or any portion of the business allows food or beverages to be served directly to the customer

in a motor vehicle without the need for the customer to exit the motor vehicle.

5. Office

Office uses are characterized by activities generally focusing on business or professional services. Accessory uses may include cafeterias, health facilities, parking, or other amenities primarily for the use of employees in the firm or building. Specific use types include, but are not limited to:

a. *Office, Business or Professional*

An establishment that provides executive, management, administrative, or professional services, but not involving the sale of merchandise except as incidental to a permitted use. Typical examples include but are not limited to real estate, insurance, property management, investment, employment, travel, advertising, law, architecture, design, engineering, accounting, call centers, and similar offices.

b. *Research Laboratory*

A facility for conducting medical or scientific research, investigation, testing, or experimentation; however, this does not include facilities for the manufacture or sale of products, except as incidental to the main purpose of the laboratory. This definition includes electronic and telecommunications laboratories, including assembly.

6. Recreation and Entertainment, Outdoor

Outdoor Recreation and Entertainment uses provide recreation or entertainment activities outside of an enclosed environment. Accessory uses may include but are not limited to concessions, snack bars, parking, and maintenance facilities. Specific use types include, but are not limited to:

a. *General Outdoor Recreation*

Intensely developed recreational uses such as amusement parks, miniature golf courses, commercial tennis courts, batting cages, skateboard or skate parks or courses, bicycle motocross courses, water parks or slides, drive-in movie theaters, courses for paramilitary games, and archery facilities.

b. *Golf Course or Driving Range*

A tract of land laid out with a course having nine (9) or more holes for playing the game of golf, including any accessory clubhouse, driving range, office, restaurant, concession stand, picnic tables, pro shop, maintenance building, restroom facility, or similar accessory use or structure. This term shall not include miniature golf courses as a principal or accessory use, nor shall it include driving ranges that are not accessory to a golf course, nor shall it include lighted golf courses. Depending on the district in which the course is located, the course may be either lighted or unlighted.

c. Major Entertainment Facility

A large open or partially enclosed space used for games or major events, and partly or completely surrounded by tiers of seats for spectators.

d. ***Race Track (Auto, Dog, or Horse)***
A measured course where animals or machines are entered in competition against one another or against time, including tracks used only in the training of animals.

e. ***RV Campground/Park***
Any plot or parcel of real estate upon which two (2) or more recreational vehicles sites are located, established, maintained, or occupied for dwelling or sleeping purposes for the public as temporary (not to exceed fourteen (14) consecutive days) living quarters for recreation or vacation purposes regardless of whether a charge is made for such accommodation.

f. ***Shooting Range***
An outdoor facility wherein firearms are shot at targets under strict rules of conduct and safety.

g. ***Zoo***
An area, building, or structures that contain wild animals on exhibition for viewing by the public.

7. Recreation and Entertainment, Indoor
Indoor Recreation and Entertainment uses provide recreation or entertainment activities within an enclosed environment. Accessory uses may include concessions, snack bars, parking, and maintenance facilities. Specific use types include, but are not limited to:

a. ***Art Gallery or Museum, Private***
Any permanent institution for the collection and display of objects of art or science, not operated by a public or quasi-public agency.

b. ***Fitness and Recreational Sports Center***
A facility primarily featuring equipment for exercise and other active physical fitness and/or recreational sports activities, such as swimming, skating, racquet sports, aerobic dance, gymnasium facilities, indoor soccer, yoga, and other kinds of sports and fitness facilities.

c. ***General Indoor Recreation***
An establishment offering entertainment, game playing, or similar amusements to the public within an enclosed building. This shall include but are not limited to arcades, bowling alleys, billiard parlors, bingo parlors, laser tag parlors, and indoor shooting ranges.

d. ***Major Entertainment Facility***
A use designed to accommodate activities that generally draw one thousand (1,000) persons or more to specific indoor events or shows. Activities are generally of a spectator nature. Examples include auditoriums, performing arts centers, arenas, and coliseums. Accessory uses may include restaurants, bars, concessions, parking, and maintenance facilities.

e. ***Movie Theatre***
An indoor theater for the showing of motion pictures.

8. Personal Services

Establishments that provide individual services related to personal needs directly to customers at the site of the business, or that receives goods from or returns goods to the customer, which have been treated or processed at that location or another location. Specific use types include, but are not limited to:

a. ***Dry Cleaning and Laundry Service***

An establishment where laundry or dry cleaning is dropped off by customers or picked up by customers and that also includes on-site laundry and/or cleaning activities, including related operation of equipment and machinery. Establishments that do not include on-site cleaning activities are classified as "general personal services."

b. ***Funeral Services***

An establishment for the preparation of the deceased for burial and rituals connected with, and conducted before, burial or cremation. This definition may include a facility for the permanent storage of cremated remains of the dead.

c. ***General Personal Services***

An establishment that provides care, advice, aid, maintenance, repair, treatment, or similar semi-technical, technical, or experienced assistance, other than the practice of a profession and wholesale or retail sale of goods. Examples included, but are not limited to, shoe repair, beauty and barber shops, massage therapy, tanning salons; and dry cleaning pick-up and drop-off shops that do not conduct dry cleaning on the premises.

d. ***Instructional Services***

A specialized instructional establishment that provides on-site training of business, artistic, or commercial skills. Examples include, but are not limited to, fine arts schools, computer instructional services, and driving schools. This use does not include establishments that teach skills that prepare students for jobs in a trade (e.g., carpentry), which are classified under "trade schools."

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. ***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)**

c. ***Horticulture Nursery Sales***
Land or buildings used to raise flowers, shrubs, trees, and other plants for retail sale.

d. ***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.

e. ***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.

f. ***Retail, Large***
A building that meets the definition of “general retail” and is 75,000 square feet or greater.

g. ***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.

10. Vehicles and Equipment

Vehicles and Equipment uses include a broad range of uses for the maintenance, sale, or rental of motor vehicles and related equipment. Accessory uses may include incidental repair and storage, offices, and sales of parts. Specific use types include, but are not limited to:

a. ***Boat and/or RV Storage***

A facility where boats and/or recreational vehicles are stored outside for seventy-two (72) hours or more.

b. ***Car Wash***

A facility for the cleaning of automobiles, providing either self-serve facilities or employees to perform washing operations.

c. ***Gasoline Sales***

Any area used for retail sale of gasoline or oil fuels, or automobile accessories and incidental services. The use may only include facilities allowed under either “major or minor vehicle service and repair” if such use is allowed in the zoning district.

d. ***Parking Structure***

A structure designed with one (1) or more levels partially or fully enclosed, used for the parking of motor vehicles. The facility may be

above, below, or partially below ground. This use does not include private carports or garages.

e. ***Vehicle Sales and Rental***
An establishment engaged in the display, sale, leasing, or rental of new or used motor vehicles. Vehicles included, but are not limited to, automobiles, light trucks, vans, trailers, recreational vehicles, motorcycles, boats, personal watercraft, utility trailers, all-terrain vehicles, and mobile homes.

f. ***Vehicle Service and Repair, Major***
An establishment engaged in the major repair and maintenance of automobiles, motorcycles, trucks, vans, trailers, recreational vehicles, boats, mobile homes, or snowmobiles. Services include engine, transmission, or differential repair or replacement; body, fender, or upholstery work; and painting.

g. ***Vehicle Service and Repair, Minor***
An establishment engaged in light maintenance activities such as engine tune-ups; oil change or lubrication; carburetor cleaning; muffler replacement; brake repair; tire shops; and detailing and polishing. Vehicle parts are sold and are ordinarily installed on the premises. Major automotive repairs are prohibited except where specifically permitted by terms of a specific use approval.

11. Visitor Accommodation
For-profit facilities where lodging is provided to transient visitors and guests for a defined period. Specific use types include, but are not limited to:

a. ***Bed and Breakfast***
One or more buildings containing in the aggregate no more than eight (8) sleeping rooms that are occupied or intended or designed to be occupied as the temporary abiding place of persons who are lodged with or without meals, for compensation.

b. ***Hotel or Motel***
A building or group of buildings containing nine (9) or more sleeping rooms that are occupied or intended or designed to be occupied as the temporary abiding place of persons who are lodged with or without meals, for compensation.

E. Industrial Uses

1. Industrial Service
An establishment engaged in the repair or servicing of agricultural, industrial, business, or consumer machinery, equipment, or products. Specific use types include, but are not limited to:

a. ***Fossil Fuel Storage***
A permanent facility for the storage of fossil fuels and fossil fuel byproducts including, but not limited to, gasoline, diesel fuel, and motor oil. Uses include those that store such products for transportation. Storage of gaseous products such as liquefied natural gas (LNG),

compressed natural gas (CNG), butane, and propane for immediate use by the final consumer are included in this definition.

b. ***General Industrial Service***
Establishments engaged in the storage, repair, or servicing of agricultural, industrial, business, or consumer machinery, equipment, products, or by-products. Examples include but are not limited to: construction materials storage; welding shops, machine shops; tool repair; electric motor repair; repair of scientific or professional instruments; repair or storage of heavy machinery; heavy truck servicing and repair; aircraft servicing and repair; tire retreading or recapping. Accessory activities may include retail sales, offices, parking, and storage.

2. Manufacturing and Production
An establishment engaged in the manufacturing, processing, fabrication, packaging, or assembly of goods. Natural, constructed, raw, secondary, or partially completed materials may be used. Products may be finished or semi-finished and are generally made for the wholesale market, for transfer to other plants, or to order for firms or consumers. Custom industry is included (i.e., establishments primarily engaged in the on-site production of goods by hand manufacturing involving the use of hand tools and small-scale equipment). Goods are generally not displayed or sold on site, but if so, such activity is a subordinate part of sales. Accessory activities may include retail sales, offices, cafeterias, parking, employee recreational facilities, warehouses, storage yards, repair facilities, truck fleets, and caretaker's quarters. Specific use types include, but are not limited to:

a. ***Assembly, Light***
An establishment engaged only in the assembly of goods. No manufacturing of parts occurs. Goods are shipped to the establishment, assembled, packaged, and reshipped.

b. ***Manufacturing, Light***
An establishment engaged in the manufacture, predominantly from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment, and packaging of such products, and incidental storage, sales, and distribution of such products, but excluding basic industrial processing. The manufacture, assembly, research, or processing of products and goods occurs entirely within an enclosed structure requiring no outdoor industrial wastewater treatment system, and producing no airborne emissions, objectionable noise, glare, odor, vibrations, smoke or dust associated with the industrial operation. Outdoor storage of raw materials and products is permitted with proper screening. Examples include, but are not limited to: airplane, automobile, or truck assembly, remodeling, or repair; bottling works; boat building, computer chip manufacturing; machine or blacksmith shops; metalworking or welding shops; paint shops; and printing and publishing shops.

c. ***Manufacturing, Heavy***
Uses that do not meet the light manufacturing criteria set forth above. These uses have the potential to produce noise, vibrations, smoke, dust, and odor that have the potential to cause adverse impacts. Examples

include, but are not limited to: refining or initial processing of raw materials; rolling, drawing, or extruding of metals; asphalt batching plants; sawmills; meat slaughtering or packing house; and manufacture or packaging of cement products, concrete batch plants, feed, fertilizer, flour, glue, paint, petroleum products, soap, turpentine, varnish, charcoal, or distilled products.

3. Mining and Processing

Involves extractive operations, certain mineral processing operations, and manufacturing operations, which directly utilize minerals, at or near the source.

a. *Mining and Processing: Minerals and Raw Materials*

Places primarily devoted to surface or subsurface mining, excavation, or extraction of metallic and non-metallic materials with essential on-site processing of such products. Typical uses are a borrow pit, sandpit, quarry, or mine.

b. *Mining and Processing: Oil and Gas*

Places primarily devoted to sub-surface mining of oil and gas. Typical uses are oil and gas drilling operations.

4. Warehouse and Freight Movement

Establishments engaged in the storage or delivery of goods. Accessory uses may include offices, truck fleet parking, and maintenance areas. Specific use types include, but are not limited to:

a. *Mini-Storage*

A building or group of buildings in a controlled access compound that contains varying sizes of individual, compartmentalized, and controlled access stalls or lockers for the storage of customers' goods or wares.

b. *Motor Freight Terminal*

A facility for freight pick-up, distribution, and storage. This may include intermodal distribution facilities for truck or shipping transport.

c. *Office Warehouse*

A structure containing both offices and a warehouse for storing products associated with the business. The office component of this use shall be at least fifty percent (50%) of the overall floor area of the structure.

d. *Storage Yard*

Any lot or portion of a lot that is used for the sole purposes of the outdoor storage of fully operable motor vehicles, construction equipment, construction materials, or other tangible materials and equipment.

e. *Warehouse*

A structure used for storing materials, goods, or property.

f. *Wholesale Establishment*

An establishment primarily engaged in the sale or distribution of goods and materials in large quantity to retailers or other businesses for resale to individual or business customers. Manufacturing, resource extraction, bulk storage of hazardous materials, or scrap or salvage operations are excluded.

5. Waste and Salvage

Waste and Salvage firms receive solid or liquid wastes from others for disposal on the site or for transfer to another location. The category includes uses that collect sanitary wastes, or uses that manufacture or produce goods or energy from the composting of organic material or processing of scrap or waste material. Waste and Salvage uses also include uses that receive hazardous wastes from others. Accessory uses may include recycling of materials, offices, and repackaging and shipment of by-products. Specific use types include, but are not limited to:

a. ***Auto Salvage Yard***

Any lot upon which two (2) or more motor vehicles of any kind, which are incapable of being operated due to condition or lack of license or registration, have been placed for the purpose of obtaining parts for recycling or resale.

b. ***Scrap Operations***

Places of business primarily engaged in the storage, sale, dismantling or processing of used or waste materials that are not intended for reuse in their original form. Typical uses include but are not limited to junk yards or salvage yards.

c. ***Recycling Center (Outdoor/Indoor)***

A facility in which recoverable resources such as newspapers, glassware, plastics, and metal cans are recycled, reprocessed, and treated to return such products to a condition in which they can again be used for production. This facility is not a junkyard or salvage yard.

d. ***Solid Waste Disposal***

A method or system of solid waste disposal in which the waste is disposed or buried in layers, compacted by earth or disposed by incineration.

10.4 OTHER TERMS DEFINED

Accessory
Subordinate, customary, or incidental to, and on the same lot or on a contiguous lot in the same ownership and zone as the building or use being identified or advertised

Agriculture
The use of land for agricultural purposes, including farming, dairying, pasturage, horticulture, floriculture, viticulture, and animal and poultry husbandry, excluding commercial feed lots and the raising of hogs, pigs or other livestock fed from garbage or offal.

Alley
A public or private way providing a secondary means of access to abutting property.

Berm
A mound or bank of earth covered with either grass or other plant material.

Block
A parcel of land bounded by a street or any combination of streets and public land, rights-of-way, waterways, or other barriers to the contiguity of development.

Building
Any structure having a roof, supported by columns or wall, used or intended to be used for the shelter of or enclosure of persons, animals, or property.

Building Coverage
The area of a lot that is covered by buildings.

Building Frontage
The horizontal, linear dimension of that side of a building, which abuts a street, a parking area, a mall, or other circulation area open to the public and has either a main window display or a public entrance to the building. In industrial districts a building side with an entrance open to industrial employees shall also qualify as a building frontage. Where more than one use occupies a building, each such use having a public entrance or main window display for its exclusive use shall be considered to have its own building frontage, which shall be the front width of the portion of the building occupied by that use.

Building Height
The vertical distance of a building measured from the average elevation for the finished grade, within six (6) feet of the structure, to the highest point of the roof.

Caliper
The diameter of the tree trunk measured at six (6) inches above ground level for a tree trunk having a diameter of four (4) inches or less and the diameter of the tree trunk measured at twelve (12) inches above ground level for a tree trunk having a diameter exceeding four (4) inches.

Comprehensive Plan
The Comprehensive Plan for the City that has been officially adopted to provide long-range development policies for the City and which includes, among other things, the plan for land use, land subdivision, transportation, and public facilities.

Condominium
A unit of ownership estate as set forth within Title 60 of the Oklahoma Statutes Annotated.

Courts and Court Yards
Open, unoccupied spaces that are wholly or partially enclosed.

Deck
An uncovered platform constructed of wood or similar synthetic material.

Dedication
A grant of land or the right to use land, by the owner of that land, to the public and acceptance of the dedicated land or right to use the land by the applicable public governing authority.

Density
The total number of dwelling units theoretically allowed on a particular parcel based upon its size and zoning designation.

Directional Sign
Any sign that is designed and erected for the purpose of providing direction and/or orientation for pedestrian and vehicular traffic.

Director
The City Manager of the City of Broken Arrow, Oklahoma, or his or her duly designated representative.

Drip Line
The periphery of the area underneath a tree, which would be encompassed by perpendicular lines extending from the exterior edges of the crown of the tree. The area under or around the tree containing the fragile feeder roots of the tree.

Double-Sided Sign
A structure with two (2) parallel and directly opposite signs with their faces oriented in opposite directions.

Dwelling Unit
One room or rooms connected together constituting a separate, independent living unit for owner occupancy or for rental or lease on a monthly or longer basis, physically separated from any other dwelling units, which may be in the same building.

Family
An individual or two or more persons related by blood or marriage, or a group of not more than three persons who need not be related by blood or marriage, living together as a single housekeeping unit in dwelling unit. In addition, “family” shall also include a community-based residential facility that admits no more than six (6) persons with developmental or physical disabilities who require specialized living arrangements and that provides for such persons as a single housekeeping unit that is subject to the care and supervision of a responsible adult, and which facility is licensed by or contracting with the State Department of Human Services.

Flag Lot
A lot that has limited street frontage and an extended driveway accessing the principal building area of the lot.

Flood
A general and temporary condition of partial or complete inundation of normally dry land area from the overflow of inland waters, or the unusual and rapid accumulation of surface waters from any source.

Floodplain
Any land area susceptible to being inundated by water from any source (see Flood).

Floor Area
The total square feet of floor space within the outside dimensions of a building, including each floor level, but excluding carports, garages, breezeways, porches, verandas, and balconies.

Floor Area Ratio
The floor area of the buildings on a lot, divided by the lot area.

Freestanding Sign
A sign that is principally supported by a structure affixed to the ground, not supported by a building, including signs supported by one or more columns, poles or braces placed in or upon the ground.

Frontage
That dimension of a lot or portion of a lot abutting on a street, excluding the side dimension of a corner lot, and excluding limited access highways.

Hardscape
Non-deleterious materials used to augment the beauty of a landscaped area. "Hardscape" may include brick, stone or rock walls, fountains, ponds, pools, planter or retaining walls, but it excludes artificial plants, trees, or other artificial vegetation.

Height
See Building Height.

Junk or Salvage
Used machinery, scrap, iron, steel, other ferrous and nonferrous metals, tools, implements or portions thereof, glass, plastic, cordage, building materials, or other waste that has been abandoned from it original use and may be used again in its present or in a new form.

Landscaped Area
The unpaved area that contains grass, shrubs, flowers, ground cover, trees, or native plant materials of any kind and that may include decorative fixtures or accouterments such as rock, pools, and planters. Does not include artificial plants, trees, or vegetation.

Landscaped Edge
Landscape area required to be provided adjacent to a street or highway in multifamily and non-residential areas.

Landscape Island
Unpaved area located within or protruding into a parking lot or the center of an entry into a development's drive or street. The area of a landscaped island is measured from back of inside curb to the back of inside curb.

Light Source
The source of illumination and includes neon, fluorescent or similar tube lighting, the incandescent bulb (including the light producing elements therein) and any reflecting surface that, because of its construction and/or placement, becomes in effect the source of illumination.

Lot
A designated parcel, tract, or area of land established by a plat or other means as permitted by law, which is to be used, developed, or built upon.

Lot, Corner
A lot bound by two streets which intersect, with possible access to either or both streets.

Lot, Interior
A lot other than a corner lot.

Lot, Double Frontage
A lot in which both the front lot line and rear lot line abut a street right-of-way.

Lot Area
The total area of a lot, measured on a horizontal plane, included within the lot lines.

Lot Coverage
The amount (percent) of impervious coverage, including the surface parking, drives, and the building footprint, but excluding customary patios and pools.

Lot Depth
The average horizontal distance between front and rear lot lines.

Lot Line, Front
The property line dividing a lot from the right-of-way of the street. For a corner lot, the shortest street right-of-way line shall be considered as the front line.

Lot Line, Rear
The property line most distant to and parallel to the front lot line.

Lot Line, Side
Any lot line other than a front or rear lot line.

Lot of Record
A lot that is part of a subdivision, the plat of which has been recorded in the office of the County Recorder of Tulsa or Wagoner County, or a parcel of land the deed of which was of record as of the effective date of this ordinance.

Lot Width
The distance on a horizontal plane between the side lot lines of a lot, measured at right angles to the line establishing the lot depth at the established building setback line.

Mobile Sign
A sign, which is not permanently attached to the ground, a structure, or any other sign and which is mounted or designed for mounting on wheels, or which is mounted or designed for mounting on a self-propelled or towed vehicle. Such signs shall include, but not be limited to benches, mobile advertising signs attached to a truck, chassis, detachable vehicle trailer, or other such mobile signs, but shall not include signs painted or otherwise inscribed on a self-propelled or towed vehicle.

Off-Premises Advertising Sign
A freestanding sign erected, maintained or used in the outdoor environment for the purposes of the display of commercial or noncommercial messages not appurtenant to the use of, products sold on, or the sales or lease of, the property on which it is displayed.

On-Premises Advertising Sign
A sign erected, maintained or used in the outdoor environment for the purposes of the display of messages appurtenant to the use of, products sold on, or the sale or lease of, the property on which it is displayed.

Off-Street Loading Space
A space on a lot directly accessible to the building it serves for bulk pickups and deliveries by delivery vehicles.

Open Space
Land which is free of structures or impervious surfaces which are not directly related to the use of the open space.

Permitted Use
A use allowed by right within the applicable zoning district, subject to all applicable requirements of this Ordinance.

Planning Commission
The City of Broken Arrow Planning Commission.

Principal Use
The primary use of land or of a structure as distinguished from a subordinate or accessory use.

Projecting Sign
A display sign that is attached directly to a building wall that extends more than fifteen (15) inches from the face of the wall.

Property Line
The boundary of any lot, parcel, or tract.

Public Hearing
A meeting called by a public body for which public notice has been given and which is held in a place at which the public may attend to hear issues and to express their opinions.

Public Meeting
A meeting called by a public body, which is held in a place at which the public may attend to hear issues and express their opinions.

Recreational Vehicle
A vehicular unit other than a mobile home, which is designed as a temporary dwelling for travel, recreational and vacation use, and which is either self-propelled, mounted on or pulled by another vehicle. Examples include, but are not limited to, travel trailer, camping trailer, truck camper, motor home, fifth-wheel trailer or van.

Screening
The method by which a view of one site from another adjacent site is shielded, concealed, or hidden. Screening techniques include fences, walls, hedges, berms, or other features.

Setback
A required open area on a lot measured from the property line. A setback shall be unoccupied and unobstructed by any portion of a structure from the ground upward, except as otherwise provided in this Code. The depth of a setback is measured at right angles to the relevant property line.

Setback, Front
A required setback that extends across the full frontage of a lot or tract on a public or private street. The front setback is defined by the front property line.

- **a.** In the case of rounded property corners at street intersections, the front setback is measured as if the corner is not rounded and the front property lines are extrapolated to intersect.
- **b.** In the case of corner or double frontage lots, a front setback extends across all frontages.
- **c.** For cul-de-sac lots and lots abutting a curved street, the front setback follows the curve of the front property line.
  - **i.** The minimum lot width requirement shall be met at the front setback line.
  - **ii.** In no event shall the front lot line be less than 30 feet.
- **d.** In the case of flag lots, a front setback extends across the entire flag portion of the lot and includes the flagpole portion of the lot.
- **e.** In the case of corner, double frontage, and three-sided lots, there will be no rear setbacks, but only front and side setbacks.

Setback, Rear
A setback that extends along the full rear lot line. Double-sided lots and three-sided lots do not have rear setbacks.

Setback, Side
Any setback that is not a front or rear setback. Generally, side setbacks extend from the inner boundary of the front setback (or from the front property line of the lot or tract where no front setback is required) to the inner boundary of the rear setback (or to the rear property line of the lot or tract where no rear setback is required.) For corner and double frontage lots, setbacks remaining after front setbacks have been established shall be considered side yards.

Sight Triangle
The area required to be clear of obstructions at the intersections of streets, highways, railroads, alleys and driveways.

Sign
Any object or device or part thereof situated outdoors or indoors which is used to advertise or identify an object, person, institution, organization, business, product, service, event, or location by any means including words, letters, figures, designs, symbols, fixtures, colors, motion, illumination, or projected images. Signs do not include:

a. Flags of nations, or organizations of nations, or states and cities, or fraternal, religious, or civic organizations.

b. Merchandise, pictures or models of products or services incorporated in a window display.

c. Time and temperature devices not related to a product.

d. National, state, religious, fraternal, professional and civic symbols or crests.

e. Works of art that in no way identify a product.

Sign Area
The "sign area" is the total of all sign faces on a sign. When the sign copy is mounted or painted on a panel or area distinctively painted, textured, or constructed as a background for the sign copy, the "sign area" is measured by the height and width of the area contained within the outside dimensions of the background panel or surface.

Sign Maintenance
The replacing, repairing or repainting of part of a sign structure; periodic changing of bulletin board panels; or renewing of copy made unusable by ordinary wear and tear, weather, or accident.

Site Plan
A plot of a lot, drawn to scale, showing the actual measurements of the lot, the size and location of any existing or proposed buildings or other improvements, and the location of the lot in relation to abutting streets.

Specific Use Permit
A permit approved and issued for use or development, which must be acquired before a specific use can be constructed or started.

Standard Public Sign
Any sign erected by the federal highway department, state highway department, Turnpike Authority, County, or the City of Broken Arrow.

Street, Public
Any street, avenue, boulevard, road, lane, parkway, viaduct, alley, or other way for the movement of vehicular traffic which is an existing state, county or municipal roadway, or a street or way shown upon a plat, heretofore or hereafter dedicated and which includes the land between right-of-way lines, whether improved or unimproved, and may be comprised of pavement, shoulders, gutters, sidewalks, parking areas and other areas within the right-of-way.

Street, Private
A right-of-way or easement of private ownership, not dedicated or maintained as a public street, which affords the principal means of access to two or more sites.

Temporary Sign
A sign that is not permanently affixed to the ground or to a building where it is located and can be removed from the premises. These signs are usually constructed of materials that are intended to last for at least thirty (30) days. A Temporary Sign shall be located upon the property of the business, product, service or activity it is advertising.

Temporary Construction Sign
A construction sign that is not permanently affixed to the ground or to a building where it is located and can be removed from the premises. These signs are usually constructed of materials that are intended to last for at least thirty (30) days. A Temporary Construction Sign shall be located upon the property where the construction work is taking place.

Temporary Election Sign
A political election sign that is not permanently affixed to the ground or to a building where it is located and can be removed from the premises. These signs are usually constructed of materials that are intended to last for at least thirty (30) days. A Temporary Election Sign shall be located upon private properties only and shall not be placed in the Rights-of-Way.

Temporary Real Estate Sign
A real estate sign that is not permanently affixed to the ground or to a building where it is located and can be removed from the premises. These signs are usually constructed of materials that are intended to last for at least thirty (30) days. A Temporary Real Estate Sign shall be located on the property for which it is advertising for sale or lease.

Turf
A surface layer of earth containing mowed grass with its roots.

Use
The purpose for which land or a structure is designed, arranged, intended, occupied or maintained.

Variance
A modification of applicable zoning district provisions granted by the Board of Adjustment after notice and hearing.

Wall Sign
A sign that is painted on or attached directly to the surface of masonry, concrete, frame or other approved building walls, and which extends not more that fifteen (15) inches from the face of the wall.

Yard
An open space on the same lot with a building, unoccupied and unobstructed by any portion of a structure from the ground upward, except as otherwise provided herein. In measuring a yard for the purpose of determining the width of side yard, the depth of a front yard or the depth of a rear yard, the minimum horizontal distance between the lot line and the main building shall be used.

Yard, Front
A yard extending across the front lot line between the side lot lines, and being the minimum horizontal distance between the front lot line and the front wall of any building.

Yard, Rear
A yard extending across the rear lot line between the side lot lines, and being the minimum horizontal distance between the rear lot line and the rear of the main building.

Yard, Side
A yard between the main building and the side-line of the lot, and being the minimum horizontal distance between the building and the side lot line and extending from the front lot line to the rear lot line.

ORDINANCE NO.	DATE ADOPTED	SECTION NO.	PAGE NO.	SUBJECT
3057	10-6-09	1.4.B.7.	2	New uses can be commenced with transitional zoning.
3057	10-6-09	Table 4.1.4	41	Minimum side yard setback in CG is 0.
3057	10-6-09	5.2.E.3.d.	69	Chain link, wire mesh fencing prohibited where fencing is required.
3057	10-6-09	Table 5.4.1	76	Reference to Section 6.5.E changed to Section 5.4.E.
3066	12-1-09	5.7.F.5&6	107	Signs permitted on poles at convenience stores.
3067	12-1-09	6.4.D.a Step 11	158	PUD expiration and extension.
3068	12-1-09	6.2.D.3 & 4	138	RM Notification requirement.
3107	04-20-10	6.4.D.1	153	PUD Pre-application conference When required
3154	04-05-11	6.3.D Sec g.ii	149	Scrivener's error correction.
3155	04-05-11	10. Sec D.9.b	201	Convenience store, deletion of maximum square feet
3175	09-20-11	5.4.K	88	Parking in residential zoned districts, paved or unpaved
3176	09-20-11	3.4.B	31	Temporary uses & structures
3215	10-16-12	Sec 4.14	43	Bldg heights at arterials

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 on February 1, 2008.

PASSED AND APPROVED this 7th day of January, 2008.

MAYOR

ATTEST:

(Seal) CITY CLERK

APPROVED:

Asst. CITY ATTORNEY