



City of Broken Arrow

Request for Action

File #: 17-1989, Version: 1

**Broken Arrow City Council
Meeting of: 03-21-2017**

**To: Mayor and City Council
From: Office of the City Attorney**

Title:
Consideration, discussion, and possible preview of an ordinance amending Chapter 5, Development Standards, Section 5.9, Telecommunication Towers, of the Broken Arrow Zoning Code, to update this Ordinance in accordance with current law, clarify the process for approval, and to include provisions for small cell facilities; repealing all ordinances to the contrary; and declaring an emergency

Background:

There have been several revisions to the Telecommunications Act since the City's codes and ordinances on telecommunications towers and antennas were approved. Staff has obviously been administering the Zoning Code provisions in accordance with state and federal law, but it seemed like an opportune time to review current code provisions with outside counsel who is a recognized specialist in telecommunications. The draft revisions have been forwarded to outside counsel for review. It is anticipated that there will be additional revisions prior to final adoption.

The proposed revisions also categorize antennas separately from towers. Existing provisions address both, but separating into different sections should alleviate any confusion regarding permitting and the approval process.

The remaining revisions relate to small cell facilities. Technology is advancing at a very rapid pace in the telecommunications field. The proposed revisions will allow for permitting and approval of small cell facilities within the City. The proposed revisions are the result of a model ordinance. It is likely, however, that outside counsel will be making revisions to these provisions as well.

Prior to final adoption, the Planning Commission must conduct a public hearing on this provision. The Legal Department is working with Development Services to handle the notification. Staff believed, however, that it was important to bring these proposed revisions to the Council in advance of review by the Planning Commission.

Cost: \$0
Prepared By: Beth Anne Wilkening, City Attorney
Reviewed By: Assistant City Manager-Operations

Development Services

Approved By: **Michael L. Spurgeon, City Manager**

Attachments: **Ordinance No.**

Recommendation:

Preview the Ordinance and set for adoption