



City of Broken Arrow

Request for Action

File #: 17-2141, Version: 1

**Broken Arrow City Council
Meeting of: 05-02-2017**

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

Title:
Consideration, discussion, and possible adoption of Ordinance No. 3482, an amendment to the City of Broken Arrow Zoning Ordinance, Chapter 5, Development Standards, Section 5.9, Telecommunication Facilities, adding a section for definitions, separating the provisions for telecommunication towers and antennas, and creating new provisions for the requirements, placement, maintenance, zoning, relocation, removal and abandonment of 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. Outside counsel has reviewed the proposed ordinance and has deemed it in compliance with state and federal law and municipal best practices.

The Planning Commission has conducted a public hearing on this provision. All feedback regarding the proposed ordinance revisions was positive. Staff recommends that the Council adopt the ordinance and approve the Emergency Clause.

Cost: Publication Costs

Prepared By: Beth Anne Childs, City Attorney

Reviewed By: **Assistant City Manager-Operations
Development Services**

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

Attachments: **Ordinance No. 3482**

Recommendation:

Adopt Ordinance No. 3482 and approve the emergency clause