

PROPOSED SUBSTITUTE ORDINANCE O-2122-7 (Clean)

AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AMENDING SECTION 22:431.2("COMMUNICATIONS FACILITIES") OF ARTICLE XII OF CHAPTER 22 ("ZONING ORDINANCE"); TO ESTABLISH STANDARDS FOR SMALL CELL APPLICATIONS; AND PROVIDING FOR THE SEVERABILITY THEREOF.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA:

§ 1. That, Section 22:431.2(6) of the Code of the City of Norman shall be amended to read as follows:

6. Small Cell Facilities

(a) Permitted Use. Collocation of a small wireless facility or a new or modified utility pole or wireless support structure for the collocation of a small cell facility shall be a permitted use in all zoning categories subject to the provisions of this Section 6. However, any wireless provider that seeks to construct or modify a utility pole, wireless support structure or wireless facility that exceeds the height or size limits contained in this Section 6, shall be subject to applicable zoning requirements and Applicable Codes.

(b) Permit Required. No person or entity shall place a small wireless facility in the right-of-way without first filing a small wireless facility siting application and obtaining a building permit.

(c) Siting Applications.

i. The siting application shall be made by the wireless provider or its duly authorized representative and shall include the following:

1. The applicant's name, address, telephone number, and email address;
2. The names, addresses, telephone numbers, and e-mail addresses of all consultants, if any, acting on behalf of the applicant with respect to the filing of the application;
3. A siting map depicting the location of proposed sites for small wireless facilities and related construction and engineering drawings for each location sufficient to demonstrate compliance with the provisions herein. Small cell facilities on existing poles, new poles, or modified poles shall not interfere with vehicular access to adjacent property; nor shall they be placed in a location that would interfere with an existing individual tree's canopy, nor block or

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encroach upon any sidewalk or walkway or placed unreasonably near another similar structure. For applications to collocate on an existing pole, the applicant should provide an engineering analysis that demonstrates conformance with Applicable Codes, construction drawings stamped by a professional engineer licensed in Oklahoma, and a description of any make-ready work required, including any modification or replacement of the pole. Up to 25 proposed small cell facilities can be covered by one application.

4. If a small wireless facility is proposed to replace an existing pole, or be located on an existing pole, the application shall indicate the owner of said pole.
5. A statement of compliance with all Applicable Codes from a licensed engineer.
6. Siting Applications to Collocate Facilities: An application fee equal to \$200 each for the first five small wireless facilities on the same application and \$100 for each additional small wireless facility on the same application.
7. Spacing Requirements. An application for a new wireless support structure within a 500-foot radius of an existing approved wireless support structure, utility pole, or other similar structure shall not be approved unless the applicant submits written documentation affirming that the new wireless support structure cannot be accommodated on such existing structure or pole due to one (1) or more of the following reasons:
 - a) The proposed small cell facility would exceed the structural capacity of existing or approved wireless support structures, utility pole, or other similar structures and that such existing structures or poles cannot be reinforced, modified, or replaced to accommodate the planned facility at a reasonable cost; or
 - b) The proposed small cell facility would cause interference impacting the usability of other existing telecommunications equipment at the site if placed on existing or approved wireless support structures, utility poles, or other similar structures, and that such interference cannot be prevented at a reasonable cost; or
 - c) Existing or approved wireless support structures, utility poles, or other similar structures cannot accommodate the planned small cell facility at a height necessary to function reasonably; or

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- d) The applicant is unable to enter into reasonable lease terms with owners of existing or approved wireless support structures, utility poles, or other similar structures; or
 - e) For other good cause shown as determined by City staff.
- 8. Siting Applications for Installation, Modification or Replacement of a Utility Pole and Associated Collocation: An application fee equal to \$350 per pole on the same application.
- ii. Within twenty (20) days of receiving an application, the City will determine and notify the applicant in writing whether the application is complete. If an application is incomplete, the City will specifically identify the missing information in its written communication to the applicant. The processing deadlines set forth herein will be tolled from the time the City sends the notice of incompleteness to the time the applicant provides the missing information. The processing deadline may also be tolled by agreement of the Applicant and the City.
- iii. An application shall not be required for routine maintenance, or the replacement of a small wireless facility with another small wireless facility that is substantially similar or smaller in size, weight and height, or for installation, placement, maintenance, operation or replacement of micro-wireless facilities that are strung on cables between existing utility poles in compliance with the National Electric Safety Code.
- iv. Review Time for Applications to Collocate Facilities: The City will issue a written decision in response to an application to collocate small cell facilities within 60 days of receipt of the application. If the written decision is to deny the application, reasons for such denial shall be included in the written communication to the applicant. If the City does not issue a written decision within the prescribed timeframe, the application will be deemed approved.
- v. Review Time for Applications for Installation, Modification or Replacement of a Utility Pole and Association Collocation: The City will issue a written decision in response to an application to install, modify or replace a utility pole and any associated collocation within 75 days of receipt of the application. If the written decision is to deny the application, reasons for such denials shall be included in the written communication to the applicant. If the City does not issue a written decision within the prescribed timeframe, the application will be deemed approved.
- vi. Appeals from the Denial of a Siting Application. Upon receipt of a notice of the City's written decision to deny all or part of a Siting Application, the applicant may choose to cure the deficiencies in the application or may

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appeal the denial. If the applicant chooses to cure the deficiencies identified by the City, the application must be resubmitted within 30 days of the denial and will not require payment of an additional application fee. Upon receipt of a revised application, the City shall have an additional 30 days to approve or deny the revised application. Applicants may appeal the decision of an Administrative Official regarding a submitted Siting Application in accordance with Section 441(6) of the City of Norman Zoning Ordinance.

(d) Height of Small Wireless Facilities and Associated Poles and Support Structures.

- i. Small wireless facilities, and new or modified utility poles and wireless support structures for the co-location of small wireless facilities may be placed in the right-of-way as a permitted use subject to the following requirements:
 1. Each new or modified utility pole installed in the right-of-way shall not exceed the greater of ten (10) feet above the tallest existing utility pole as of November 1, 2018 located within 500 feet of the new pole in the same right-of-way, or 50 feet above ground level.
 2. Each new small wireless facility in the right-of-way shall not exceed ten (10) feet above an existing utility pole in place as of November 1, 2018, or for small wireless facilities on a new utility pole, above the height permitted for a new utility pole under Section (d)(i)(1). m
- ii. Small wireless facilities may be placed on property owned, leased, or otherwise controlled by the City of Norman only pursuant to a commercial lease approved by the Norman City Council.

(e) Small Wireless Facilities Standards.

- i. All small wireless facilities affixed to a utility pole which has exterior exposure shall be as close to the color of the utility pole as is commercially available to the wireless provider.
- ii. The design and maintenance of all small wireless facilities, cables, wires, appurtenances, and utility poles, shall include the use of materials, colors, textures, screening and landscaping that will blend the small wireless facilities, appurtenances and utility poles to the natural setting or the built environment of the primary use.
- iii. All small wireless facilities affixed to a decorative light pole must be installed in such a way that the cables, wires, appurtenances, and facilities are concealed within the pole to the maximum extent possible.

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

ADOPTED this ____ day of
_____, 2021.

Breea Clark, Mayor

ATTEST:

Brenda Hall, City Clerk

NOT ADOPTED this ____ day of
_____, 2021.

Breea Clark, Mayor