



City of Enid
401 W. Owen K. Garriott Road
Enid, Oklahoma 73701
580-234-0400

BOARD OF COMMISSIONERS

NOTICE OF STUDY SESSION

Mayor and Board of Commissioners of the City of Enid, Oklahoma, the Trustees of the Enid Municipal Authority, a Public Trust, the Trustees of the Enid Economic Development Authority, a Public Trust, and the Trustees of the Enid Public Transportation Authority, a Public Trust.

Notice is hereby given that the Mayor and Board of Commissioners of the City of Enid, Oklahoma, the Trustees of the Enid Municipal Authority, a Public Trust, the Trustees of the Enid Economic Development Authority, a Public Trust, and the Enid Public Transportation Authority, a Public Trust will meet in regular session at 5:00 p.m. on the 15th day of January, 2019 in the Lower Level Conference Room of the City Administration Building, located at 401 W. Owen K. Garriott Road in said city, and the agenda for said meeting is as follows:

- AGENDA -

REGULAR STUDY SESSION AGENDA

1. **CALL TO ORDER/ROLL CALL.**
2. **AT THE COMMISSIONERS' REQUEST, DISCUSS ANY ITEM OF CONCERN ON THE REGULAR SESSION AGENDA OF JANUARY 15, 2019.**
3. **DISCUSS VANCE JOINT LAND USE STUDY FINAL REPORT.**
4. **DISCUSS PROPOSED ORDINANCE CHANGE ADDRESSING COMMUNICATION TOWERS.**
5. **ADJOURN.**

City Commission Study Session

4.

Meeting Date: 01/15/2019

SUBJECT:

DISCUSS PROPOSED ORDINANCE CHANGE ADDRESSING COMMUNICATION TOWERS.

Attachments

Revision

ORDINANCE NO. 2019-

AN ORDINANCE AMENDING THE ENID MUNICIPAL CODE 2014, TITLE 11 “ZONING”, CHAPTER 3 “BOARD OF ADJUSTMENT”, SECTION 11-3-6 “SPECIAL ASSESSMENTS” TO ADD A SPECIAL ASSESSMENT FOR TELECOMMUNICATION FACILITIES PROVIDING FOR REPEALER, SAVINGS CLAUSE, SEVERABILITY, AND CODIFICATION.

ORDINANCE

BE IT ORDAINED BY THE MAYOR AND BOARD OF COMMISSIONERS OF THE CITY OF ENID, OKLAHOMA:

Section I: That Title 11, Chapter 3, Section 11-3-6 is hereby amends as follows:

11-3-6: SPECIAL EXCEPTIONS:

A. Authority: The board of adjustment is authorized to make special exceptions to specific uses allowed within each zoning category according to this title in appropriate cases only in accordance with general or specific provisions contained in this title and subject to appropriate conditions and safeguards in harmony with its general purpose and intent.

B. Powers Relative To Special Exceptions: The board of adjustment is authorized to hear and decide appeals for special exceptions to the terms of this title in accordance with the following provisions:

1. To permit the extension of a zoning district where the boundary line of a district divides a lot in single ownership or shown of record.
2. To interpret the provisions of this title where the actual street layout varies from the street layout as shown on the city zoning map.
3. To permit the reconstruction of an owner occupied single-family residence, located in I-2 light industrial and I-3 heavy industrial zoning districts, which have been damaged by fire or other causes to the extent of more than fifty percent (50%) of its replacement value.
4. To grant exceptions to the off street parking requirements set forth in chapter 12 of this title, if it is determined:
 - a. The size and shape of the lot to be built on is such that off street parking provisions could not be complied with.
 - b. The proposed use will not create undue traffic congestion on adjacent streets.
5. To permit the location of owner occupied mobile homes within the agricultural and R-1 residential estate zoning districts in accordance with the following provisions:

a. Minimum Area Regulations:

(1) Lot area - five (5) acres.

(2) Frontage of lot - three hundred feet (300').

(3) Setbacks:

Front yard - fifty feet (50').

Side yard - one hundred feet (100').

Rear yard - one hundred feet (100').

(4) Accessory buildings - same as A agricultural or R-1 residential estate.

b. Conformance With City Standards: The installation of any mobile home shall be in conformance with all city standards and regulations.

c. Affect On Surrounding Area: The board of adjustment shall determine that the location of a mobile home at the proposed site will not adversely impact the value and qualities of the surrounding area.

6. To permit telecommunications facilities within the agricultural, residential, commercial (C-1 through C-3), industrial (I-1 through I-2), and special use zoning districts¹ in accordance with the following provisions:

a. such use shall comply with all rules, regulations, and licensing requirements adopted by the Federal Communications Commission and the Federal Aviation Administration for telecommunications facilities;

b. the location and height has been approved by Vance Air Force Base and Woodring Airport;

c. if based upon the character of the neighborhood, the zoning and uses of the property nearby, it is determined that the detrimental effect, if any, to nearby property is outweighed by the applicant's need for the facility; and

d. the applicant has demonstrated that there is a significant gap in the applicant's service coverage and that the proposed facility serves as the least intrusive means necessary to alleviate the gap.

1 There are no height restrictions for C-4 and I-3 zoning districts and the placement of telecommunications facilities are permitted uses in these districts.

If the special exception is denied, the denial shall include specific factual findings that evidence that the site is not appropriate and would adversely impact the surrounding area pursuant to 47 U.S.C. §332(c)(7)(B)(iii).

C. Board Consideration; Actions: When considering the appeal, the board may weigh evidence as presented by the applicant and adjoining property owners, as well as city staff. The board may include additional conditions as it considers necessary for the granting of the special exception. (Ord. 80-29, 12-16-1980 as amended)

Section II: Repealer. All ordinances or parts thereof, which are inconsistent with this ordinance, are hereby repealed.

Section III: Savings Clause. Nothing in this ordinance hereby adopted shall be construed to affect any suit or proceedings now pending in any court, or any rights acquired or liability incurred, nor any cause or causes of action accrued or existing, under any act or ordinance repealed hereby. Nor shall any right or remedy of any character be lost, impaired or affected by this ordinance.

Section IV: Severability. If any one or more of the sections, sentences, clauses or parts of this ordinance, chapter or section shall, for any reason, be held invalid, the invalidity of such section, clause or part shall not affect or prejudice in any way the applicability and validity of any other provision of this ordinance. It is hereby declared to be the intention of the City Commission of the City of Enid that this section of the Enid Municipal Code would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part not been included.

Section V: Codification. This ordinance shall be codified as Title 11, Chapter 3, Section 11-3-6 of the Enid Municipal Code, 2014.

PASSED AND APPROVED by the Mayor and Board of Commissioners of the City of Enid, Oklahoma, on this ___ day of March, 2019.

CITY OF ENID, OKLAHOMA

William E. Shewey, Mayor

(SEAL)

ATTEST

Alissa Lack, City Clerk

Approved as to Form and Legality:

Carol Lahman, City Attorney