

ORDINANCE NO. 3472

AN ORDINANCE AMENDING THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF NORTH RICHLAND HILLS BY AMENDING SECTIONS 118-631 AND 118-633 OF CHAPTER 118 OF THE NORTH RICHLAND HILLS CODE OF ORDINANCES AS THEY PERTAIN TO NETWORK NODES AND SMALL CELL ANTENNA WIRELESS FACILITIES; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Planning and Zoning Commission has after conducting a public hearing has made its recommendation for the following amendment to the zoning ordinance; and,

WHEREAS, after appropriate notice and public hearing, the Planning and Zoning Commission of the City of North Richland Hills, Texas has forwarded a recommendation to the City Council for amendment of the City's zoning ordinance as set forth herein; and,

WHEREAS, notice has been given and public hearings held as required for amendments to the zoning ordinance;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF NORTH RICHLAND HILLS, TEXAS:

Section 1: THAT the Comprehensive Zoning Ordinance and Code of Ordinances of the City of North Richland Hills be amended by adding the "Network nodes, Small cell antennas" land uses in Section 118-631(a) Table of Permitted Uses of Chapter 118 of the North Richland Hills Code of Ordinances to read as follows:

" ...

[#] = Conditions. Reference Section 118-633 for specific conditions to listed uses.		SECTION 118-631: TABLE OF PERMITTED USES
	nditi ion	RESIDENTIAL DISTRICTS

P = Permitted by Right S = Special Use Permit Required [Blank] = Not Permitted NP = Not Permitted B = Defers to Base Zoning District A = Ancillary									
		R-1-S	R-1	R-2	R-3	R-4-D	R-6-T	R-7-MF	MH
	B. UTILITY, ACCESSORY & INCIDENTAL USES								
	Network nodes, Small cell antennas	27	P	P	P	P	P	P	

[#] = Conditions. Reference Section 118-633 for specific conditions to listed uses. P = Permitted by Right S = Special Use Permit Required [Blank] = Not Permitted NP = Not Permitted B = Defers to Base Zoning District A = Ancillary		SECTION 118-631: TABLE OF PERMITTED USES														
	Conditions	NON-RESIDENTIAL DISTRICTS								TOWN CENTER				Freeway		
		O-1	LR	C-1	C-2	OC	I-1	I-2	U	AG	Edge	General	Center		Core	
B. UTILITY, ACCESSORY & INCIDENTAL USES																
Network nodes, Small cell antennas	27	P	P	P	P	P	P	P	P	P	P	P	P	P	P	B

...

Section 2: THAT the Comprehensive Zoning Ordinance and Code of Ordinances of the City of North Richland Hills be amended by adding the following to Section 118-633 “Legend for section 118-631; special land use regulations” of Chapter 118 of the North Richland Hills Code of Ordinances:

“ ...

(27) Refer to Chapter 70 of the Code of Ordinances for special requirements for network nodes and small cell antennas.

...”

Section 3: This Ordinance shall be cumulative of all provisions of ordinances and of the Code of Ordinances of the City of North Richland Hills, Texas, as amended, except when the provisions of this Ordinance are in direct

conflict with the provisions of such ordinances and such code, in which event the conflicting provisions of such ordinances and such code are hereby repealed.

Section 4: It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses and phrases of this ordinance are severable and, if any phrase, clause, sentence, paragraph or section of this ordinance shall be declared unconstitutional or otherwise invalid by the final judgment or decree of any court of competent jurisdiction, such invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this ordinance, since the same would have been enacted by the city council without the incorporation in this ordinance of any such invalid phrase, clause, sentence, paragraph or section.

Section 5: All rights and remedies of the City of North Richland Hills are expressly saved as to any and all violations of the provisions of any ordinances governing zoning that have accrued at the time of the effective date of this Ordinance; and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such ordinances, same shall not be affected by this Ordinance but may be prosecuted until final disposition by the courts.

Section 6: The City Secretary is hereby authorized and directed to cause the publication of this ordinance as provided by law.

Section 7: This ordinance shall be effective September 1, 2017.

AND IT IS SO ORDAINED.

Passed on this 28th day of August, 2017.

CITY OF NORTH RICHLAND HILLS

By: _____
Oscar Trevino, Mayor

ATTEST:

Alicia Richardson, City Secretary

Approved as to form and legality:

Maleshia Farmer, City Attorney