



CITY COUNCIL MEMORANDUM

FROM: The Office of the City Manager **DATE:** August 28, 2017

SUBJECT: Consider Ordinance No. 3473 amending Code of Ordinances Chapter 70 to add Article VIII, Small Cell Wireless Facilities.

PRESENTER: Clayton Husband, Principal Planner

SUMMARY:

The attached ordinance would amend Code of Ordinances Chapter 70 to add a new section regarding small cell wireless facilities to comply with certain provisions of the new Chapter 284 of the Texas Local Government Code.

GENERAL DESCRIPTION:

The Texas Legislature recently passed Senate Bill 1004, which becomes effective September 1, 2017. Chapter 284 mandates that wireless infrastructure and service providers have access to the public right-of-way to locate their wireless facilities, including network nodes, support poles, and transfer facilities.

Placing wireless facilities in a right-of-way is standard practice for many utility companies, but Chapter 284 standardizes the practice and caps the fees that the City of North Richland Hills can charge for the use of the public rights-of-way, which is intended to expedite the process on reasonable and nondiscriminatory terms. Chapter 284 also limits the City's police power but allows additional restrictions on the placement and characteristics of network nodes and node support poles when they are proposed to be located in municipal parks, residential areas, historic districts, design districts, and underground utility districts. The ordinance also designates HomeTown (Town Center zoning), Iron Horse TOD, Smithfield TOD and City Point as design districts for purposes of Chapter 284.

Chapter 284 also permits the City to adopt a design manual governing the installation and construction of network nodes and new node support poles in the public rights-of-way that includes additional installation and construction details that do not conflict with Chapter 284, provided that the design manual must be in place at the time the permit applications are first submitted on September 1, 2017.

Exhibit "A" attached to the ordinance is the Design Manual and is intended to fulfill the requirements of Chapter 284. The Design Manual lays out in detailed fashion the rules and regulations for installing and constructing wireless facilities in the public rights-of-way. The intent of the design manual is to give assistance and guidance to network



providers and staff for the timely, efficient, safe, and aesthetically pleasing installation of wireless facilities in the public right-of-way. It outlines prohibited areas, most preferable locations, and least preferable locations for wireless facilities. In addition, the design manual lists an order of preference for wireless facilities installation on City assets, i.e., on existing utility poles, then municipal service poles, and lastly on new support poles. It provides standards and guidelines for location, separation, and how related equipment including electric meters, cabling, and signage are attached.

RECOMMENDATION:

Approve Ordinance No. 3473.