

ORDINANCE NO. 12-3016

AN ORDINANCE OF THE CITY OF BEDFORD, TEXAS, AMENDING THE CITY OF BEDFORD ZONING ORDINANCE, ORDINANCE NO. 2216, AS HERETOFORE AMENDED BY AMENDING SECTION 5.11.D – COMMERCIAL ANTENNAS IN RESIDENTIAL DISTRICTS; AMENDING SECTION 5.11.E – COMMERCIAL OR INDUSTRIAL ZONED DISTRICTS; AMENDING SECTION 5.11.J – SPECIAL EXCEPTION; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND DECLARING AN EFFECTIVE DATE. (A-028)

WHEREAS, the City is authorized by Section 211.005, “Districts” of the Texas Local Government Code to zone property into districts in accordance with a Comprehensive Plan; and,

WHEREAS, the City Council of Bedford, Texas deems it necessary in order to lessen the congestion on streets, to secure safety from fire, panic, and other dangers; to promote health and the general welfare; to provide adequate light and air; to prevent overcrowding of land; and avoid undue concentration of population; to facilitate the adequate provisions of transportation, water, sewers, schools, parks and other public requirements; to conserve the value of property and encourage the most appropriate use of land throughout the City, that the hereinafter contained provisions of this ordinance should be passed, promulgated and enforced; and,

WHEREAS, the Planning and Zoning Commission of the City of Bedford initiated proposed changes to the City of Bedford Zoning Ordinance; and,

WHEREAS, the Planning and Zoning Commission and the City Council of Bedford, Texas have advertised and mailed notices of public hearings to receive comments on the proposed Zoning Ordinance amendments; and,

WHEREAS, the Planning and Zoning Commission and the City Council of Bedford, Texas have, after thoughtful deliberation, voted to approve these Zoning Ordinance amendments.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BEDFORD, TEXAS:

SECTION 1. That *Section 5.11.D--Commercial Antennas in Residential Districts*--shall be amended to replace the existing Item (1) and Item (2) as follows:

- (1) Stand alone commercial antenna facilities, which are not co-located on existing structures, shall not be permitted. The proposed commercial antenna must be attached to or enclosed in an existing structure currently or last occupied by a non-residential use as listed in *Section 3.1, Schedule of Permitted Uses*, or attached to a power or telephone pole, water-storage tower, or other utility structure.
- (2) A Special Exception for additional height for antennas which are attached to existing power poles, stadium lights, elevated water tanks, or transmission towers, may be approved administratively. The administrative officer may elect to defer approval to the Zoning Board of Adjustment upon his/her discretion.

SECTION 2. That *Section 5.11.E—Commercial or Industrial Zoned Districts*--shall be amended to add a new Item (4) as follows, with subsequent items renumbered as appropriate:

- (4) A Special Exception for additional height for antennas which are attached to existing power poles, stadium lights, elevated water tanks, or transmission towers, may be approved administratively. The administrative officer may elect to defer approval to the Zoning Board of Adjustment upon his/her discretion.

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SECTION 3. That *Section 5.11.J Special Exceptions*, shall be amended as follows:

5.11.J SPECIAL EXCEPTION

Unless otherwise provided for in these regulations, A Special Exception must be obtained from the Zoning Board of Adjustment for any satellite receive-only antenna which does not comply with the regulations specified in Section 5.11.A through 5.11.H herein above. In considering whether to grant a Special Exception from the regulations specified above, the Zoning Board of Adjustment shall consider the following:

SECTION 4. That this Ordinance shall be cumulative of all other Ordinances and shall not repeal any of the provisions of such Ordinances except for those instances where there are direct conflicts with the provisions of this Ordinance. Ordinances or parts thereof in force at the time this Ordinance shall take effect and that are inconsistent with this Ordinance are hereby repealed to the extent that they are inconsistent with this Ordinance.

SECTION 5. If any section, article, paragraph, sentence, clause, phrase or word in this Ordinance, or application thereof to any person or circumstance, is held invalid or unconstitutional by a Court of competent jurisdiction, such holding shall not affect the validity of the remaining portions of the Ordinance, and the City Council hereby declares it would have passed such remaining portion of the Ordinance despite such invalidity, which remaining portions shall remain in full force and effect.

SECTION 6. That this ordinance shall become effective upon passage in accordance with laws of the State of Texas and the Charter of the City of Bedford.

PRESENTED AND PASSED this 10th day of January, 2012, by a vote of 7 ayes, 0 nays and 0 abstentions, at a regular meeting of the City Council of the City of Bedford, Texas.

Jim Story, Mayor

ATTEST:

Michael Wells, City Secretary

APPROVED AS TO FORM:

Stan Lowry, City Attorney