

AN ORDINANCE AMENDING CHAPTER 23, "PLANNING AND COMMUNITY DEVELOPMENT," SUBPART E, "ZONING," OF THE ABILENE MUNICIPAL CODE, BY AMENDING CERTAIN SECTIONS AS SET OUT BELOW; PROVIDING A SEVERABILITY CLAUSE; DECLARING A PENALTY AND CALLING A PUBLIC HEARING.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS:

PART 1: That Chapter 23, Subpart E, "Zoning," of the Abilene Municipal Code be amended as set out in Exhibit "A," attached hereto and made a part of this ordinance for all purposes.

PART 2: That if any provision or any section of this ordinance shall be held to be void or unconstitutional, such holding shall in no way affect the validity of the remaining provisions or sections of this ordinance, which shall remain in full force and effect.

PART 3: That any person, firm or corporation violating any of the provisions of this chapter shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine of not more than Two Hundred Dollars (\$200.00). Each day such violation shall continue or be permitted to continue, shall be deemed a separate offense.

PASSED ON FIRST READING this 14th day of July, 1983, A.D.

A notice of the time and place, where and when said ordinance would be given a public hearing and considered for final passage, was published in the Abilene Reporter-News, a daily newspaper of general circulation in the City of Abilene, said publication being on the 3rd day of July, 1983, the same being more than fifteen (15) days prior to a public hearing to be held in the Council Chamber of the City Hall in Abilene, Texas, at 9:00 a.m., on the 28th day of July, 1983, to permit the public to be heard prior to final consideration of this ordinance. Said ordinance, being a penal ordinance, becomes effective ten (10) days after its publication in the newspaper, as provided by Section 19 of the Charter of the City of Abilene.

PASSED ON SECOND AND FINAL READING this 28th day of July, 1983, A.D.

ATTEST:  
*Patricia Patton*  
CITY SECRETARY

*Dale Hill*  
MAYOR

APPROVED:

*Harry Layzell*  
CITY ATTORNEY

ORDINANCE NO. 87-1983

EXHIBIT "A"

AMEND:

Section 32-9.2 Permitted Use Chart  
Transportation, Communication & Utilities as follows:

PART 1 ADD: To the chart under Microwave Communication facilities, attached (including small stub towers) to an existing structure (usually a building) "C" as a conditional right of use under AO, CB, CU, HC, LI, HI, PDD & MU (Agricultural Open Space, Central Business, College-University, Heavy Commercial, Light Industrial, Heavy Industrial, Planned Development & Medical Use) District subject to special conditions as outlined in Section 32-9.3.

PART 2 ADD: To the chart under Microwave Communication Towers "C" as a conditional right of use under AO, HC, LI & HI (Agricultural Open Space, Heavy Commercial, Light Industrial & Heavy Industrial) District subject to special conditions as outlined in Section 32-9.3.

AMEND:

Section 32-9.3 Conditional Use  
Transportation, Communication & Utilities as follows:

PART 3 ADD: Paragraph 8 to Section 32-9.3.9

Stub towers shall not exceed a height of 20' above the maximum height of the structure upon which the stub tower is to be erected.

PART 4 ADD: Paragraph 7 to Section 32-9.3.9

All towers where said property abuts or is directly across a dedicated public street from any property being used for legal residential purposes, the tower shall set back from the boundary property line abutting or across the roadway a distance equal to the height of subject tower.