

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 One Thousand Dollars (\$1,000.00). Each day such violation shall continue or be permitted to continue, shall be deemed a separate offense.

PASSED ON FIRST READING this 16 day of October, A.D. 19 86.

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 5 day of October, 19 86, 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 23 day of October, 19 86, 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 23 day of October, A.D. 19 86.

ATTEST:

Patricia Patta
CITY SECRETARY

David Stubbeman
MAYOR

APPROVED:

Harvey Cayell
CITY ATTORNEY

EXHIBIT "A"

ADD the following:

Section 23-363 Definitions

Satellite Dish Antenna. A device incorporating a reflective surface that is solid, open mesh, or bar configured and is in the shape of a shallow dish, cone, horn or cornucopia. Such device, and appurtenances, shall be used to transmit, and/or receive radio or electromagnetic waves between terrestrially and/or orbitally based uses. This definition is meant to include, but not be limited to what are commonly referred to as satellite earth stations and satellite microwave antennas.

Any satellite dish with words, numbers, figures, devices, designs, trademarks, other than manufacturers and/or installers trademarks, or other symbols which attract attention to or make known such things as an individual, firm, profession, business, commodity or service and which are visible from any public street is a sign and is subject to the provisions and restrictions of Chapter 23, Subpart C "Signs and Billboards" of the Municipal Code of the City of Abilene.

Section 23-306 Conditional Use Provisions

12 (a) Satellite Dish Antenna (accessory to residential use)

Satellite dish antennas may be allowed in RS, RM and Mobile Home districts when the following conditions are met:

1. Only two antennas shall be allowed per dwelling unit or structure housing a permitted nonresidential use, and may be either ground or roof-mounted. An antenna shall be considered ground mounted whenever it is not entirely supported by the roof.
2. Satellite dish antennas shall not be permitted nearer the front yard of a lot or tract than the plane formed by that portion of the structure most recessed or removed from the front yard. In the case of attached dwellings or permitted nonresidential structures, the front of the unit that is most recessed or removed from the front yard shall form the limiting plane for all units or structures.

A satellite dish antenna may be erected and maintained in an interior side yard that is less than 20 feet wide only if the entire dish is elevated at least 8 feet above the ground. However, if the interior side yard is 20 feet or greater in width, the antenna does not have to be elevated.

A satellite dish antenna may be erected and maintained in an exterior side yard of a corner lot, or the required side yard of a lot located on the turnaround portion of a cul-de-sac where the size of the side yard exceeds that of the rear yard. If so located, the dish must be

screened by a solid, opaque screening wall, fence or hedge between 5 and 7 feet in height, unless the dish is elevated such that no portion is less than 8 feet above the ground.

3. Roof-mounted antennas shall not extend beyond the maximum height of structures permitted in the district in which they are located, except that when mounted to a two-story structure, no portion of the dish or appurtenances shall extend more than 10 feet beyond the roof line.
4. Satellite antenna array shall not extend into the front yard.
5. Satellite antennas shall, to the extent possible, be compatible in character, color and appearance with the surrounding neighborhood.
6. Antennas shall be accessory to the primary use of the lot or tract upon which it is located.

Section 23-306.4 Permitted Uses
Accessory and Incidental Uses

ADD: New category, "Satellite Dish Antenna", a "C" indicating such activity is permitted conditionally in RS (Residential Single Family), RM (Residential Multi-Family) and MH (Mobile Home); and "X" indicating such activity is permitted as a right-of-use in AO, CU, O, LC, SC, CB, GC, HC, LI, HI, PDD, PI and MU zoning districts.