

ORDINANCE O-82-19

AN ORDINANCE OF THE CITY OF ATHENS, TEXAS,
AMENDING COMMUNICATIONS ANTENNA AND
SUPPORT STRUCTURE REGULATIONS FOUND IN
SECTION 32.4 AND SECTION 37.6 OF THE OF THE CITY OF
ATHENS ZONING CODE

WHEREAS, heretofore, on the 1st day of July 2019 the Planning Commission of the City of Athens, Texas after due notice and hearing did hereby recommend approval of the amendments below;

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

That the use of “Antenna (Commercial)” found in Section 32.4 of the City of Athens Zoning Code is amended as shown below. For clarity, text to be removed is struck through and new text is in italics. All changes are highlighted.

Section 32.4 UTILITY, SERVICE AND OTHER USES	SEE APPENDIX A-3 FOR DEFINITIONS	AGRICULTURE	SINGLE - FAMILY RESIDENTIAL 15,000 S.F. LOTS	SINGLE - FAMILY RESIDENTIAL 10,000 S.F. LOTS	SINGLE - FAMILY RESIDENTIAL 7,000 S.F. LOTS	SINGLE - FAMILY RESIDENTIAL 5,000 S.F. LOTS	SINGLE - FAMILY RESIDENTIAL PATIO HOME (ZERO-LOT-LINE)	TWO-FAMILY RESIDENTIAL (DUPLICATE)	SINGLE - FAMILY RESIDENTIAL (ATTACHED)	MULTI-FAMILY RESIDENTIAL-4 (TRIPLEX/QUADRIPLEX)	MULTI-FAMILY RESIDENTIAL-5 (APARTMENTS)	MANUFACTURED HOME	OFFICE	RETAIL	CENTRAL BUSINESS DISTRICT	COMMERCIAL	INDUSTRIAL	SINGLE - FAMILY RESIDENTIAL COTTAGE HOUSING 55+
	*	A	SF-15	SF-10	SF-7	SF-5	SF-PH	MF-2	SFA	MF-4	MF-5	MH	O	R	CBD	C	I	SF-CH 55+
Animal Pound (Public)		●														●	●	
Antenna (Commercial) <i>(Also See Section 41-5)</i>	*	S - SEE SECTION 37.6																

(Remainder of chart to be left as is)

And that Section 37.6 of the City of Athens Zoning Code is amended as shown below. For clarity, text to be removed is struck through and new text is in italics. All changes are highlighted.

37.6 COMMUNICATIONS ANTENNAS AND SUPPORT STRUCTURES/TOWERS:

- A. In all residential zoning districts (A, SF-15, SF-10, SF-7, SF-5, SF-PH, MF-2, SFA, MF-4, MF-5 and MH), commercial antennas and antenna support structures are prohibited, except as specified within this Section *with a Specific Use Permit*.
1. A commercial antenna may be attached to a utility structure (e.g., electrical transmission/distribution tower, elevated water storage tank, etc.) exceeding 50 feet in height, provided that the antenna does not extend more than ten feet above the height of the utility structure (see Section 37.6.C below).
 2. A commercial antenna may be placed wholly within any building permitted in the zoning district (see Section 37.6.C below). A commercial antenna may be mounted flush to the exterior of a building/structure if it is painted and/or disguised to integrate into the overall architectural design and is not readily visible/identifiable as an antenna from public roadways or neighboring residential properties.
- B. In nonresidential zoning districts (O, R, CBD, C and I), commercial antennas and antenna support structures are allowed as follows *with a Specific Use Permit*:
1. Commercial antenna support structures *may be freestanding* ~~are allowed by right if they do not exceed the maximum building height allowed for the zoning district in which they are located. Structures in excess of the height allowed in the zoning district may be allowed by Specific Use Provision (SUP).~~ In all nonresidential zoning districts, antenna support structures must meet the setback requirements from ~~residential districts~~ *all adjacent property lines and as specified in this section*.
 2. A commercial antenna may be attached to a utility structure (e.g., electrical transmission/distribution tower, elevated water storage tank, etc.) exceeding 50 feet in height, provided that the antenna does not extend more than ten feet above the height of the utility structure (see Section 37.6.C below).
 3. A commercial antenna may be placed wholly within any building permitted in the zoning district (see Section 37.6.C below). A commercial antenna may also be mounted flush to the exterior of a building/structure if it is painted and/or disguised to integrate into the overall architectural design and is not readily visible/identifiable as an antenna from public roadways or neighboring residential properties.
- C. No commercial antenna support structure shall be closer to any ~~residential district boundary~~ *property* line or residential dwelling than a distance *greater than or equal to twice the height* ~~one time the radius of the collapse zone~~ of the support structure *as designed by a registered engineer in the State of Texas*. Such setback/distance shall be measured as the shortest possible distance in a straight line from the structure to the closest point of a ~~residential district boundary~~ *property* line or residential dwelling. Setbacks from ~~residentially zoned~~ *property lines* do not apply to antennae attached to

utility structures exceeding 50 feet in height, or to antennae placed wholly within or mounted upon a building.

- D. No amateur or commercial antenna, antenna support structure, microwave reflector/antenna, or associated foundations or support wires or appurtenances shall be located within any required setback area for the front, side or rear yards.
- E. Antennae (amateur or commercial) shall not interfere with radio or television reception of adjoining property owners, and shall comply with all regulations of the Federal Communications Commission (FCC), the Federal Aviation Administration (FAA), and/or all other applicable Federal, State and local authorities. In no manner shall the use of such equipment infringe upon adjoining property owners.
- F. Satellite dishes and other similar antennas shall be permitted on the roof of a building, as long as satellite dishes do not exceed three feet in diameter and antennas do not extend over 12 feet above the roof of the building. Any parabolic or satellite dish antenna over three feet in diameter may not be mounted on the roof of a building. Roof-mounted antennae that comply with the above do not require additional yard setbacks or setbacks from residential areas or dwellings.
- G. Only one satellite dish shall be permitted per residential lot or primary structure, except that a maximum of two dishes shall be allowed if both units are three feet or less in diameter. Satellite dishes in any residential district shall not exceed 12 feet in diameter.
- H. All commercial signs, flags, lights and attachments other than those required for communications operations, structural stability, or as required for flight visibility by the FAA and FCC shall be prohibited on any antenna or antenna support structure.
- I. All publicly owned antennae or antenna support structures shall be permitted in any district *by Specific Use Permit* (e.g., public safety communications, etc.).

First reading this the 8th day of July 2019.

PASSED, APPROVED and ADOPTED this the **22nd** day of **July, 2019** at a regular meeting of the City Council of the City of Athens, Texas, with the following record vote:

Monte Montgomery, Mayor	Aye
Aaron Smith, Councilmember	Aye
Toni Clay, Councilmember	Aye

3 voted in favor of the motion and
0 voted against the motion.

Motion carried 3-0

Monte Montgomery, Mayor

ATTEST:

Bonnie Hambrick, City Secretary