

ORDINANCE NO. 095-003

AN ORDINANCE OF THE TOWN OF ADDISON, TEXAS AMENDING CHAPTER 5 ("BUILDINGS AND BUILDING REGULATIONS") OF THE CODE OF ORDINANCES BY ADDING A NEW ARTICLE XII REGULATING SATELLITE EARTH STATIONS; FINDING THAT A PUBLIC PURPOSE EXISTS FOR REGULATING SATELLITE EARTH STATIONS; PROVIDING DEFINITIONS; PROVIDING FOR CERTAIN SIZE, LOCATION AND COLOR REQUIREMENTS; PROVIDING THAT NO MORE THAN ONE (1) SATELLITE EARTH STATION MAY BE PLACED ON ANY LOT OR PARCEL OF LAND; PROVIDING CERTAIN EXEMPTIONS FOR THE INSTALLATION OF SATELLITE EARTH STATIONS WHICH ARE LESS THAN TWO (2) FEET IN DIAMETER; PROVIDING FOR AN APPEAL WHERE CITY REGULATIONS PROHIBIT OR UNREASONABLY LIMIT THE RECEPTION OF SATELLITE SIGNALS TO A SATELLITE EARTH STATION; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Town Council of the Town of Addison, Texas (the "City") recognizes and finds that the maintenance and integrity of neighborhood beauty is important to all citizens; and

WHEREAS, the City Council has further determined that the uncontrolled proliferation of receive-only satellite television earth stations is likely and that such proliferation will adversely affect the health, safety and general welfare of the City; and

WHEREAS, the City Council hereby finds that receive-only satellite television earth stations are distinct from conventional television and/or radio antennas in that satellite television earth stations:

- are less likely to blend in with their surroundings, thereby creating visual blight and potentially reducing the economic value of adjacent properties; and
- create safety concerns as a result of their size (e.g. such earth stations may be subject to a high amount of wind force as a result of the shape of the earth station; therefore, both the satellite dish and the supporting structure must be constructed in a manner that will allow for great amounts of wind force); and

WHEREAS, the technology relating to receive-only satellite television earth stations has significantly changed in recent years such that, for example, there is currently available a satellite dish antenna which is 18 inches in diameter (see Exhibit "A" attached hereto and incorporated herein); and

WHEREAS, such advancing technology coincides with the City's goals and objectives of reducing visual blight and protecting the health, safety and welfare of the citizens of the City.

Now, therefore,

BE IT ORDAINED BY THE CITY COUNCIL OF THE TOWN OF ADDISON, TEXAS:

Section 1. Incorporation of Premises. The above and foregoing premises are true and correct and are incorporated herein and made a part hereof for all purposes.

Section 2. Amendment. Chapter 5 ("Buildings and Building Regulations") of the Code of Ordinances of the Town of Addison, Texas is hereby amended in the following particulars, and all other chapters, articles, sections, paragraphs, sentences, phrases and words of the said Code are not amended but are hereby ratified, verified, approved and affirmed:

A. A new Article XII relating to the regulation of satellite earth stations is hereby added to Chapter 5 to read as follows:

"ARTICLE XII. SATELLITE EARTH STATIONS

Sec. 5-283. Purpose. The City Council finds that the maintenance and integrity of neighborhood beauty is important to all citizens. The uncontrolled proliferation of receive-only satellite television antennas is likely and such proliferation will adversely affect the health, safety and general welfare of the citizens of the City. Receive-only satellite earth stations are distinct from conventional television and/or radio antennas in that satellite television earth stations:

- (i) are less likely to blend in with their surroundings, thereby creating visual blight and potentially reducing the economic value of adjacent properties; and
- (ii) create safety concerns as a result of their size (e.g. such earth stations may be subject to a high amount of wind force as a result of the shape of the earth station; therefore, both the satellite dish and the supporting structure must be constructed in a manner that will allow for great amounts of wind force).

This Article XII is adopted for these reasons and based upon these findings.

Sec. 5-284. Definitions. As used in this article the following words shall have the respective meaning ascribed to them:

'Satellite earth station' means an accessory structure for the principal use of receiving communications from a transmitter or transmitter relay located in planetary orbit.

Sec. 5-285. Installation - Permit Required.

No person shall install, construct, or place a satellite earth station on any property within the City without first obtaining a building permit from the City.

Sec. 5-286. Size, Location, etc.

- (a) Satellite earth stations shall:
- (1) Not exceed 10 feet in height from the ground to the highest point of the station;
 - (2) Not exceed 10 feet in diameter;
 - (3) Be installed, constructed or placed in the back 1/2 of the lot;
 - (4) Be screened from view on all sides by a solid fence, wall or landscaping to a minimum height that shall be equal to the tallest point of the structure at its operating height; provided, however, that no fence or wall used as a screening device shall exceed the height permitted by the City's fence regulations, and to the extent that the maximum operating height of the satellite dish exceeds the permitted maximum height of a fence or wall, landscaping shall be used as a screening device. Screening shall be of a material that is compatible with the building materials or landscaping, as appropriate, used in the area;
 - (5) Conform to all building and electrical codes, including proper grounding;
 - (6) Shall not be portable or moveable; and
 - (7) Shall be of a forest green, black, brown or grey color or other neutral color designed to blend in with the surroundings.
- (b) A satellite earth station which is two (2) feet or less in diameter:
- (i) which is to be located or placed on property which is zoned for residential use shall not be required to comply with paragraphs (a)(1) or (a)(4) of this Section; provided, however, that no such satellite earth station shall be located or placed on or within property so that the satellite earth station is visible from a public street or other public right-of-way (exclusive of public alleys); or
 - (ii) which is to be located or placed on property zoned for commercial or industrial use shall be exempt from the terms of this Article.

(c) No lot or any parcel of land in any district shall have, at any one time, more than one satellite earth station.

Sec. 5-287. Appeals. Any person aggrieved by the application of this Article XII may appeal its effect to the Building Code Board of Appeals created in Section 5-18 of this Code. Upon a clear and convincing showing by an appellant that the regulations set forth in this Article either prohibit or unreasonably limit reception by the satellite earth station of satellite delivered signals, the Board of Appeals may grant an exception from the terms of this Article and authorize the issuance of a building permit so as to avoid unnecessary hardship and so that the spirit of this Article shall be observed and substantial justice done."

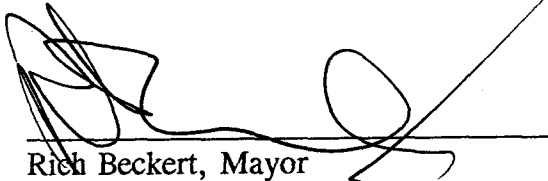
Section 2. Savings. This Ordinance shall be cumulative of all other ordinances of the City affecting zoning and satellite earth stations and shall not repeal any of the provisions of those ordinances except in those instances where the provisions of those Ordinances are in direct conflict with the provisions of this Ordinance.

Section 3. Severability. The sections, paragraphs, sentences, phrases, clauses and words of this Ordinance are severable, and if any section, paragraph, sentence, phrase, clause 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 this Ordinance, and the City Council hereby declares that it would have passed such remaining portions of this Ordinance despite such invalidity, which remaining portions shall remain in full force and effect.

Section 4. Penalty. It shall be unlawful for any person to violate any provision of this Ordinance, and any person violating or failing to comply with any provision hereof shall be fined, upon conviction, in an amount not more than Five Hundred Dollars (\$500.00), and a separate offense shall be deemed committed each day during or on which a violation occurs or continues.

Section 5. Effective date. This Ordinance shall become effective from and after its date of passage and publication as provided by law.

PASSED AND APPROVED by the City Council of the Town of Addison, Texas this the 10th day of January, 199 5



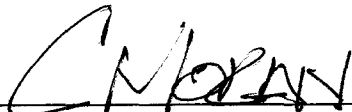
Rich Beckert, Mayor

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Published
2/2/95



ATTEST:



Carmen Moran, City Secretary

[SEAL]

APPROVED AS TO FORM:



Ken Dippel, City Attorney