

**TOWN OF ADDISON, TEXAS
ORDINANCE NO. 008-046**

AN ORDINANCE OF THE TOWN OF ADDISON, TEXAS, AMENDING THE CODE OF ORDINANCES, APPENDIX A, ZONING, BY AMENDING ARTICLE XX, SPECIAL USES, IN ORDER TO ADD A NEW PARAGRAPH, PARAGRAPH (38), IN ORDER TO REQUIRE A SPECIAL USE PERMIT FOR A WIND ENERGY SYSTEM, AND AMENDING ARTICLE XXX, DEFINITIONS, BY ADDING A DEFINITION FOR A WIND ENERGY SYSTEM IN ANY DISTRICT, PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING FOR A PENALTY CLAUSE.

WHEREAS, the City Council, in accordance with a comprehensive plan, heretofore adopted Appendix A, the same being the Comprehensive Zoning Ordinance (the "Comprehensive Zoning Ordinance"); and

WHEREAS, the City Council is authorized, pursuant to Chapter 211, Tex. Loc. Gov. Code (Vernon), as amended, to amend the Comprehensive Zoning Ordinance; and

WHEREAS, after public notices were given in compliance with State law and public hearings were conducted, and after considering the evidence and information submitted at the said public hearing and all other relevant information and materials, the Planning and Zoning Commission of the City has recommended to the City Council the adoption of the amendments to the Comprehensive Zoning Ordinance as set forth in this Ordinance; and

WHEREAS, after due deliberations and consideration of the recommendation of the Planning and Zoning Commission and the evidence, information and other materials submitted and received at the public hearing and in connection therewith, the City Council has concluded that the adoption of this

Ordinance is in the best interests of the City and of the public health, safety and welfare.

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. The Code of Ordinances of the Town of Addison, Texas is hereby amended in the following particulars, and all other articles, sections, paragraphs, sentences, phrases and words are not amended but are hereby ratified, verified, approved and affirmed:

A. Article XX ("Special Uses") is hereby amended by adding a new paragraph, paragraph (38) Wind Energy System in any district.

B. Article XXX (Definitions) is hereby amended by adding a definition for a Wind Energy System, which shall be as follow:

Wind Energy System – A wind energy conversion system consisting of a wind turbine, a tower, and associated control or conversion electronics, which has a rated capacity of not more than 10kW and is intended to reduce on-site consumption of electricity.

Section 3. Savings. This Ordinance shall be cumulative of all other ordinances of the City affecting massage and myotherapy establishments 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 4. Severability. The sections, paragraphs, sentences, phrases, clauses and words of this Ordinance are severable, and if any section, paragraph, sentence, phrase, clause or work 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 5. Penalty. That any person, firm, or corporation violating any of the provisions or terms of this ordinance shall be subject to the same penalty as provided for in the Comprehensive Zoning Ordinance of the city, as heretofore amended, and upon conviction shall be punished by a fine set in accordance with Chapter 1, General Provisions, Section 1.10, General penalty for violations of Code; continuing violations, of the Code of Ordinances for the Town of Addison.

**DULY PASSED BY THE CITY COUNCIL OF THE TOWN OF ADDISON,
TEXAS** this the 14th day of October, 2008.


MAYOR-Joe Chow

ATTEST:


CITY SECRETARY-Mario Canizares

CASE NO: 1568/Z-Town of Addison

APPROVED AS TO FORM:


DIRECTOR OF DEVELOPMENT SERVICES-
Carmen Moran

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