

TOWN OF ADDISON, TEXAS

ORDINANCE NO. 011-047

AN ORDINANCE OF THE TOWN OF ADDISON, TEXAS AMENDING THE CODE OF ORDINANCES BY AMENDING APPENDIX A – ZONING THEREOF, THE SAME BEING THE COMPREHENSIVE ZONING ORDINANCE OF THE TOWN, BY AMENDING ARTICLE XX, SPECIAL USES, SECTION 1 THEREOF TO ADD “BEVERAGE CONTAINER RECYCLING AND PROCESSING FACILITY” AS A USE THAT MAY BE AUTHORIZED IN ANY DISTRICT UPON THE ADOPTION OF ORDINANCE FOR THE SAME; AMENDING ARTICLE XXX, DEFINITIONS, OF APPENDIX A – ZONING BY ADDING THERETO A DEFINITION OF “BEVERAGE CONTAINER RECYCLING AND PROCESING FACILTY” AND RELATED DEFINITIONS; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY NOT TO EXCEED THE SUM OF TWO THOUSAND AND NO/100 DOLLARS (\$2,000.00) AND A SEPARATE OFFENSE SHALL BE DEEMED COMMITTED EACH DAY DURING OR ON WHICH A VIOLATION OCCURS OR CONTINUES; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Town of Addison, Texas (the “City”) recognizes that its citizens and the general public has dramatically increased their use of personal beverage containers over the last decade;

WHERAS, the City recognizes that personal beverage containers create a burden on the environment, trash collection, and landfills;

WHEREAS, the majority of beverage containers are made of aluminum and plastic and are recyclable, and the collection and recycling of those beverage containers will benefit the community and the environment.

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

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

Section 2. The Code of Ordinances of the Town of Addison, Texas is hereby amended by amending Appendix A – Zoning, the same being the City’s comprehensive Zoning Ordinance, in part as follows (additions are underlined; deletions are ~~struck through~~; where asterisks (***) are used, the same represents text that is not included herein and is not amended or modified by this Ordinance):

A. Article XX, Special Uses, of the said Appendix A – Zoning is amended by amending Section 1 (Special uses in specified districts) thereof adding a new subsection (8) thereto to read as follows:

Section 1. Special uses in specified districts.

A. The city council may, after public hearing and proper notice to all parties affected, and, after recommendation from the planning and zoning commission containing such requirements and safeguards as are necessary to protect adjoining property, authorize by ordinance the location of any of the following in the following specified districts:

- (1) Any public building to be erected or used by the town, county, state or federal government in any district.
- (2) Private schools, kindergartens and nurseries teaching the same subjects as public elementary and high schools in any district, provided the building or buildings are set back from all required yard lines in the district in which they are to be located two feet for each foot of building height and provided off-street parking facilities are provided. For schools and kindergartens, a minimum building area of 30 square feet per pupil and minimum site area of 200 square feet per pupil shall be provided, in any district.
- (3) Institutions of a religious, educational or philanthropic nature in any district.
- (4) Portable school buildings in the R-1, R-2 and R-3 districts.*
- (5) Airport or landing field or airport facilities in any district.
- (6) Day nurseries keeping more than four children in any district.
- (7) Dog kennels and veterinarian hospitals in the commercial district or on sites of five acres or more, in any district.
- (8) Beverage container recycling and processing facility in any district.~~Reserved.~~
- (9) Riding academy or public stable on sites of five acres or more in any district.
- (10) Hotel and motel.
- (11) Any installation of public utility, either privately or publicly owned, fire stations, public museums, public libraries, water supply reservoir, water pumping plant, water tower, artisan wells, or sewage lift stations in any district.
- (12) Gas and electrical public utility regulating stations in any district.
- (13) Hospitals, children's homes, convalescent homes, old people's homes, maternity homes, in any district.

- (14) Homes for the insane, alcoholics, feeble-minded, and narcotics in the commercial-1 and commercial-2 district or in any district where a site of 20 acres or more is provided.
- (15) Lodges, fraternity and sorority houses, boardinghouses, roominghouses in the "A" district.
- (16) Private clubs and community buildings in an apartment district or on a site of three acres or more in any district.
- (17) Drive-in theaters in the local retail district or on sites of ten acres or more in any district.
- (18) Greenhouses and nurseries in any district.
- (18a) Lots and/or business operating the sale of Christmas trees between the dates of November 15 and December 26 in any district.
- (19) Dance halls, when located in the commercial-1 and commercial-2 district or on sites of ten acres or more in any district.
- (20) Trailer parks in the commercial-1 and commercial-2 district or on sites of 20 acres or more in any district.
- (21) Rock quarries, sand, gravel, and earth excavations in any district.
- (22) Dental and medical offices and clinics in the apartment district.
- (23) Railway right-of-way and tracks, railway passenger station but not including railroad yards, team tracks or storage yards in any district.
- (24) Golf course, but not including miniature golf course, driving range or any forms of commercial amusement in any district.
- (25) Farm, truck garden, orchard or nursery and greenhouse for the growing of plants, shrubs and trees, provided no retail or wholesale business is maintained on the premises and provided further that no poultry or livestock, other than normal household pets, shall be housed within 100 feet of any property line in any district.
- (26) Sale of alcoholic beverages for off-premises consumption only in any local retail district.
- (27) Sale of beer and wine for off-premises consumption only in any local retail district.

- (28) Sale of alcoholic beverages for on-premises consumption only in any local retail district or in any planned development district wherein the sale of alcoholic beverages for on-premises consumption is specifically allowed in the ordinance establishing such planned development.
- (29) Private clubs where alcoholic beverages may be served in any local retail district.
- (30) Restaurants without drive-in service (service to be entirely within the building); and restaurants with drive-in facilities, provided that no food or drink may be served to vehicles parked on the public street in any district.
- (31) Arcade, billiard parlor, or bowling alley, which shall be permitted only in a local retail district or in a planned development district where such use is specifically allowed in the article establishing the planned development.
- (32) Self-service storage facilities, only in commercial-1, commercial-2, industrial-1, industrial-2 and industrial-3 districts.
- (33) Gasoline service stations and/or convenience stores in any district.
- (34) Movie picture theater in any district.
- (35) Reserved.
- (36) Brewpub, to be permitted only in local retail districts and in any planned development district wherein the use is specifically allowed in the article establishing such planned development.
- (37) Retail, wholesale, or retail and wholesale businesses in excess of 50,000 square feet in floor area.
- (38) Wind energy systems in any district.

*If authorized, a special use permit for a portable school building and any ordinance authorizing the same shall be subject to review and reconsideration at least every 18 months following the date of such authorization.

B. Article XXX, Definitions, of the said Appendix A – Zoning is amended by amending Section 1 (Terms defined) thereof by adding a new subsection 10.1 to read as follows:

Article XXX. Definitions

Section 1. Terms defined.

Certain words in this appendix are defined for the purpose hereof as follows:

* * * * *

10.1 *Beverage container recycling and processing facility* means a facility or structure, for use by the public, for the deposit and processing of beverage containers only and that promotes and facilitates beverage container recycling. A beverage container recycling facility includes primarily a mechanized process that allows members of the public to deposit beverage containers therein, and automatically (i) conveys and recognizes the types of beverage containers (e.g., plastic bottles, aluminum cans) deposited, (ii) separates plastic bottles and aluminum cans from all other beverage containers, (iii) distributes plastic bottles and aluminum cans to a compactor that immediately reduces them, (iv) stores the reduced plastic bottles and aluminum cans in a storage bin for later retrieval, and (v) distributes other beverage containers to a storage bin for later retrieval and proper handling in accordance with law. A beverage container recycling and processing facility may not exceed the following dimensions: 40 feet in length, 15 feet in width, and 15 feet in height.

For purposes of this definition: (i) *beverage container* means any individual bottle, can, jar, carton or similar receptacle used to contain a beverage, including potable water, and (ii) *plastic bottles* means plastic bottles made from polyethylene terephthalate (#1 PET).

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Section 3. Purpose. The amendment to zoning herein made has been made in accordance with the comprehensive plan of the City for the purpose of promoting the health, safety and welfare of the community, and with consideration of the reasonable suitability for the particular use and with a view of conserving the value of the buildings and encouraging the most appropriate use of land within the community.

Section 4. No Other Amendment; Savings. Except for the amendment and change made herein, Appendix A - Zoning of the City's Code of Ordinances is not otherwise amended hereby, and all other provisions thereof shall remain in full force and effect. This Ordinance shall be cumulative of all other ordinances of the City 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.

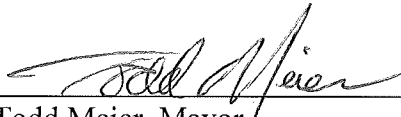
Section 5. Penalty. It shall be unlawful for any person to violate any provision of this Ordinance, and any person violating or failing to comply with any provision hereof shall be fined, upon conviction, in an amount not more than Two Thousand Dollars (\$2,000.00), and a separate offense shall be deemed committed each day during or on which a violation occurs or continues.

Section 6. 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, void, unlawful or unconstitutional by a Court of competent jurisdiction, such holding shall not affect

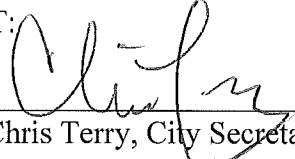
the validity of the remaining portions of this Ordinance, and the City Council hereby declares that it would have passed such remaining portions of this Ordinance despite such invalidity, voidness, unlawfulness or unconstitutionality, which remaining portions shall remain in full force and effect.

Section 7. Effective date. This Ordinance shall become effective from and after its passage and approval and after publication as provided by law.


PASSED AND APPROVED by the City Council of the Town of Addison, Texas this **9th** day of August, 2011.



Todd Meier, Mayor

ATTEST:
By: 

Chris Terry, City Secretary

APPROVED AS TO FORM:
By: 

John Hill, City Attorney