

ORDINANCE NO. 2022.08.09.____

AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF GLEN ROSE, TEXAS, BY PROVIDING FOR THE DEFINITION (SECTION 14.02.005 *ZONING; DEFINITIONS*) AND LOCATION (APPENDIX A *SCHEDULE OF USES*); PROVIDING FOR REPEALING, SEVERABILITY AND PROPER NOTICE, MEETING AND QUORUM CLAUSES; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Glen Rose, Texas (City) is a Type A general-law municipality located in Somervell County, created in accordance with the provisions of Chapter 6 of the Texas Local Government Code and operating pursuant to the enabling legislation of the State of Texas; and

WHEREAS, the City heretofore adopted the Zoning Regulations, which regulate and restrict the location and use of buildings, structures, and land for trade, industry, residence and other purposes, and provide for the establishment of zoning districts of such number, shape, and area as may be best suited to carry out these regulations; and

WHEREAS, on November 2, 2021, a Special Local Option Election was held for the legal sale of all alcoholic beverages including mixed drinks was held in the City of Glen Rose with said measure being approved and results canvassed in Resolution No. 2021-27; and

WHEREAS, the City's Planning and Zoning Commission held a public hearing on June 13, 2022, and the City Council held a public hearing on June 14, 2022 with respect to the amendments described herein; and

WHEREAS, the City has complied with all requirements of Chapter 211 of the Texas Local Government Code, and all other laws dealing with notice, publication and procedural requirements for the adoption of these zoning regulations; and,

WHEREAS, the City Council has determined for the good government, peace, and order of the municipality, to amend the City's Zoning Ordinance to provide for the reasonable definition of and location for Alcohol Sales to Include Mixed Beverages within the City.

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

**SECTION 1
INCORPORATION OF RECITALS**

All of the above recitals are found to be true and correct and are incorporated into the body of this Ordinance as if copied in their entirety.

**SECTION 2
AMENDING SECTION 14.02.005 DEFINITIONS**

- A. The City of Glen Rose Code of Ordinance, Section 14.02.005 *Definitions* is hereby amended by the addition of the following definitions:

Alcohol Sales – Manufacturing – Brewer. Manufacture, import, transport, or transfer of malt beverages as allowed by the Texas Alcoholic Beverage Commission.

Alcohol Sales – Manufacturing – Winery. Manufacture of wine as allowed by the Texas Alcoholic Beverage Commission.

Alcohol Sales – Manufacturing – Distiller and Rectifier. Manufacture of distilled spirits and rectify, purify, refine, or mix distilled spirits and wine as allowed by the Texas Alcoholic Beverage Commission.

Alcohol Sales – Distribution – General Distributor. Distribution of malt beverages as allowed by the Texas Alcoholic Beverage Commission.

Alcohol Sales – Distribution – Wholesaler. Distribution of distilled spirits and wine as allowed by the Texas Alcoholic Beverage Commission.

Alcohol Sales – Distribution – General Class B Wholesaler. The distribution of wine as allowed by the Texas Alcoholic Beverage Commission.

Alcohol Sales – Retail – Mixed Beverage – On Premise. The sale of distilled spirits, wine, and malt beverages for on-premise consumption as allowed by the Texas Alcoholic Beverage Commission.

Alcohol Sales – Retail – Wine and Malt Beverage Retailer – On and Off Premise. The sale of wine and malt beverages for on- and off-premise consumption as allowed by the Texas Alcoholic Beverage Commission.

Alcohol Sales – Retail – Wine and Malt Beverage Retailer – Off Premise Only. The sale of wine and malt beverages for off-premise consumption as allowed by the Texas Alcoholic Beverage Commission.

Alcohol Sales – Retail – Retail Dealer's On Premise. The sale of malt beverages for on-premise consumption as allowed by the Texas Alcoholic Beverage Commission.

Alcohol Sales – Retail – Retail Dealer's Off Premise. The sale of malt beverages for off-premise consumption as allowed by the Texas Alcoholic Beverage Commission.

Alcohol Sales – Retail – Package Store. The sale of distilled spirits, wine, and malt beverages to consumers for off-premise consumption as allowed by the Texas Alcoholic Beverage Commission.

Alcohol Sales – Retail – Wine Only Package Store. The sale of malt beverages and wine to consumers for off-premise consumption as allowed by the Texas Alcoholic Beverage Commission.

Alcohol Sales – Other – Bonded Warehouse. The storage of distilled spirits and wine for producers and wholesalers as allowed by the Texas Alcoholic Beverage Commission.

Alcohol Sales – Other – Manufacturer's Agent's Warehousing. The storage of malt beverages imported from Mexico for export out of Texas as allowed by the Texas Alcoholic Beverage Commission.

Alcohol Sales – Other – Brewpub. The brewing, bottling, canning, packaging, and labeling of malt beverages, as well as the sale of produced malt beverages to consumers at the brewpub for on or off premise consumption as allowed by the Texas Alcoholic Beverage Commission.

Alcohol Sales – Private Club. The storage and service of distilled spirits, wine and malt beverages for club members’ on-premise consumption, even in dry areas; authority to transport alcoholic beverages from the place of purchase to the private club’s licensed premises and to hold events at a temporary location away from the primary premises with approval.

Alcohol Sales – Private Club – Malt Beverage and Wine. The storage and service of malt beverages and wine for club members’ on-premise consumption, even in dry areas; authority to transport alcoholic beverages from the place of purchase to the private club’s licensed premises and to hold events at a temporary location away from the primary premises with approval.

Alcohol Sales - Private Club – Exemption Certificate: The storage and service of malt beverages and wine for club members’ on-premise consumption, even in dry areas; authority to transport alcoholic beverages from the place of purchase to the private club’s licensed premises and to hold events at a temporary location away from the primary premises with approval.

- B. The City of Glen Rose Code of Ordinance, Section 14.02.005 *Definitions* is hereby amended by removing the following definition:

Alcohol Sales (Retail). Retail outlets where alcohol is the primary product for sale. Alcoholic beverages include beer, wine and liquor for the purpose of this definition. Alcoholic beverages may only be sold in accordance with the Texas Alcoholic Beverage Commission requirements and local laws.

SECTION 3 AMENDING APPENDIX A SCHEDULE OF USES

- A. Chapter 14, Appendix A *Zoning; Schedule of Uses* is hereby amended as outlined in Exhibit “A,” which is attached hereto.
- B. Chapter 14, Appendix A, Section (g) *Notes to schedule of uses* is hereby amended by the addition of the following:
- (8) Shall not be located within 150 feet of another Package Store or Wine Only Package Store (Chapter 4.02)
 - (9) Shall not be located within 150 feet of a residential property (Chapter 4.02)

SECTION 4 SAVINGS/REPEALING CLAUSE

Chapter 14 of the City’s Code of Ordinances shall remain in full force and effect, save and except as amended by this or any other ordinance. All provisions of any ordinance in conflict with this Ordinance are hereby repealed to the extent they are in conflict. Any remaining portions of said ordinances shall remain in full force and effect.

SECTION 5 SEVERABILITY CLAUSE

It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses, and phrases of this Ordinance are severable, and if any section, paragraph, sentence, clause, or phrase of this Ordinance shall be declared unconstitutional by the valid judgment of decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining sections, paragraphs, sentences, clauses, and phrases of this Ordinance, since the same would have been enacted by the City Council without the incorporation in this Ordinance of any such unconstitutional section, paragraph, sentence.

**SECTION 6
PROPER NOTICE, MEETING, AND QUORUM CLAUSE**

It is hereby officially found and determined that the meeting at which this Ordinance was adopted by majority vote of the City Council of the City of Glen Rose, Texas was open to the public; that public notice of the time, place, and purpose of the meeting was given as required by the Open Meetings Act, Chapter 551 of the Texas Government Code; and, that a quorum was present pursuant to Section 22.039 of the Texas Local Government Code.

**SECTION 7
EFFECTIVE DATE**

This Ordinance shall be in full force and effect from and after the date of its passage.

PASSED AND APPROVED this 28th day of June, 2022.

APPROVED:

Julia Douglas, Mayor

ATTEST:

Staci L. King, City Secretary