

**TOWN OF ADDISON, TEXAS**

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE OF THE TOWN OF ADDISON, TEXAS AMENDING THE CODE OF ORDINANCES OF THE TOWN BY AMENDING ARTICLE XX (SPECIAL USES) PROVIDING A REVISION TO ITEM (39) “MICROBREWERY,” AND ARTICLE XXX, DEFINITIONS, PROVIDING A REVISED DEFINITION OF “MICROBREWERY;” PROVIDING A SAVINGS 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 A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS,** the Town of Addison, Texas (the “City”) is a home rule municipality having full power of local self-government pursuant to Article 11, Section 5 of the Texas Constitution and its Home Rule Charter; and

**WHEREAS,** currently, Special Use Permits for the sale of beer and wine for off-premises consumption only may be approved for properties zoned Local Retail, Urban Center or in certain Planned Development Districts; and

**WHEREAS,** after due deliberations and consideration of the recommendation of the Planning and Zoning Commission, the information received at a public hearing, and other relevant information and materials, the City Council of the Town of Addison, Texas finds that this ordinance promotes the general welfare and safety of this community.

**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.  
Code of Ordinance

**Section 2.**     Amendment. The Code of Ordinances of the Town of Addison, Texas is hereby amended by amending Appendix A – Zoning, in part as follows:

A. Article XX - Special Uses, Section 1 (Special Uses in Specified Districts), subsection A (39) Microbrewery, which shall read in its entirety as follows:

(39) Microbrewery with sale of beer for off premises consumption in any district other than a planned development district; in a planned development district, a microbrewery may be authorized if such use is specifically allowed in the ordinance establishing the planned development district.

- B. Article XXX – Definitions, Section 1 (Terms defined), Subsection 72.1 which shall read in its entirety as follows:

Microbrewery - an establishment:

(a) located at premises and that holds at those premises:

- (i) both a valid brewer's self-distribution permit and a valid manufacturer's self-distribution license issued by the State of Texas, or a brewpub permit, and whose annual production of beer and ale, combined, at the premises does not exceed 125,000 barrels, and whose sales of beer and ale, combined at the same premises does not exceed 40,000 barrels annually; and/or
- (ii) both a valid brewer's permit and a valid manufacturer's license, or a brewpub permit, and whose annual production of beer and ale, combined at the premises does not exceed a total of 225,000 barrels, and whose total combined sales of beer and ale produced on the same premises under the said permit and license to ultimate consumers on the premises for responsible consumption on the premises does not exceed 5000 barrels annually, and whose sale to such ultimate consumers takes place only between 8:a.m. and midnight on any day except Sunday and between 10 a.m. and midnight on Sunday; and

(b) that is in compliance at all times with the applicable permits and licenses described in subsection (a) and with all applicable laws, rules and regulations of the State and with the Charter and ordinances of the town and that promptly provides to the town information requested, and in form and format determined, by the town to determine such compliance.

**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.

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**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 13<sup>th</sup> day of November, 2018.

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Joe Chow, Mayor

ATTEST:

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Irma Parker, City Secretary

CASE NO: 1785-Z/Town of Addison

APPROVED AS TO FORM:

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Brenda N. McDonald, City Attorney

PUBLISHED ON: \_\_\_\_\_