

MEMORANDUM

DATE: April 13, 2022

TO: Mayor and City Council

FROM: David Madsen

SUBJECT: **Meeting Agenda Item:** Public Hearing to add Brewpub to the alcoholic beverage regulations.

Background Information: The City's alcoholic beverage ordinance currently allows for the sale of beer in restaurants. This is based on our election that permitted us to sell alcohol within the city limits. Periodically, the TABC adds licenses that can be allowed in our city based on that election. A Brewpub is allowed but the city has no regulation for this type of business.

A Brewpub is "*An establishment permitting the license holder to manufacture, brew, bottle, can, package and label malt beverages, ale and beer. It also authorizes the license holder to sell the beverages to ultimate customers at the brewpub for on or off-premise consumption.*"

We can allow them in the same areas as other permitted establishments which is C-1, C-2 and Industrial.

Jason Herring, the owner of Cow Burners, is interested in operating a brewpub in Mineola but the city needs to establish regulations allowing them.

We will need to amend the zoning regulations by adding Brewpubs to Section 3-1 (Use of Land and Buildings) and Section 6-19 (Alcoholic Beverage Regulations).

Recommendation: Planning and Zoning recommend approval of the amendment.

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF MINEOLA, TEXAS AMENDING THE CITY ZONING ORDINANCE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A SAVINGS CLAUSE; PROVIDING FOR A PENALTY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Mineola, as an incorporated municipality in the State of Texas, has been given the authority by Chapter 211 of the Local Government Code to establish zoning and amend zoning in accordance with Chapter 211; and

WHEREAS, the City Council of the City of Mineola has heretofore adopted zoning ordinances for the City of Mineola, Texas, which regulates and restricts the location and use of buildings, structures, and land for trade, industry, residence, and other purposes, and provides for the establishment of zoning districts of such number, shape, and area as may be best suited to carry out these regulations; and

WHEREAS, all requirements of Chapter 211 of the Local Government Code, and all other laws dealing with notice, publication, and procedural requirements for zoning of property have been complied with; and

WHEREAS, a public hearing was held by the City Council of the City of Mineola on April 25, 2022 and a recommendation has been received from the Planning and Zoning Commission with respect to the amendments described herein; and

WHEREAS, the City Council of the City of Mineola does hereby deem it advisable and in the public interest to amend the Zoning Ordinances of the City of Mineola, Texas, so that henceforth and hereafter the Zoning Ordinance is amended;

THEREFORE, BE IT ORDAINED by the City Council of the City of Mineola, Texas, as follows:

Section 1

That Section 6-19 Alcoholic Beverage Regulations, shall be amended by adding Brewpub to the regulations and shall read as follows:

“Brewpub is an establishment permitting the license holder to manufacture, brew, bottle, can, package and label malt beverages, ale and beer. It also authorizes the license holder to sell the beverages to ultimate customers at the brewpub for on or off-premise consumption.”

And that Section 3-1 Use of Land and Buildings, shall be amended by allowing a Brewpub to be permitted in C-1, C-2 and Industrial zoning districts with Special Conditions 21 and 22 and follow all regulations as set forth in these districts.

Section 2

This ordinance shall be and is hereby declared to be cumulative of all other ordinances of the City of Mineola, and this ordinance shall not operate to repeal or affect the Code of Ordinances of the City of Mineola or any other ordinances except insofar as the provisions thereof might be inconsistent or in conflict with the provisions of this ordinance, in which event such conflicting provisions, if any, in such Code of Ordinances or any other ordinances are hereby repealed.

Section 3

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

Section 4

Any person, firm, association of persons, corporation, or other organization violating the provisions of this ordinance shall be deemed to be guilty of a misdemeanor and, upon conviction, shall be fined an amount not to exceed \$2000.00 per offense. Each day that a violation occurs shall be deemed a separate offense.

Section 5

This ordinance shall take effect immediately from and after its passage and publication in accordance with the provisions of the laws of the State of Texas.

Passed and approved by the Mineola City Council on the 25th day of April, 2022 and effective upon passage.

Mayor, Jayne Lankford.

Cindy Karch, City Secretary / Finance Director