

**ORDINANCE No. 2014-17**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BASTROP, TEXAS AMENDING CHAPTER 14 EXHIBIT "A" SECTION 36.11 REGARDING THE ADDITION OF WINERIES AND BREWERIES AND DISTILLERIES AS COMMERCIAL USES ALLOWED IN THE CENTRAL BUSINESS DISTRICT (CBD), COMMERCIAL DISTRICT HEAVY (C-2) AND LIGHT INDUSTRIAL (LI) WITH/UNDER THE TERMS OF A CONDITIONAL USE PERMIT; AMENDING APPENDIX A-3 ENTITLED "DEFINITIONS" TO INCLUDE DEFINITIONS FOR THE TERMS WINERY, BREWERY, AND DISTILLERIES; REPEALING CONFLICTING PROVISIONS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.**

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**WHEREAS**, the City of Bastrop adopted the Zoning Ordinance September 14, 1999 to provide for standards that is in keeping with the character of the community; and

**WHEREAS**, pursuant to Section 10.4 of the City's Zoning Ordinance, a Public Hearing notice was published in the newspaper notifying the public of the scheduled public hearing dates for the Planning and Zoning Commission and City Council to hear and discuss the proposed amendment; and

**WHEREAS**, to include wineries, breweries and distilleries as commercial uses to be allowed in the Central Business District (CBD), Commercial District Heavy (C-2) and Light Industrial (LI) with and under the terms of a Conditional Use Permit(s), issued by the City; and

**WHEREAS**, after notice and public hearing at their regular meeting August 28, 2014 the Planning and Zoning Commission recommended to the City Council that it amend the Code to add definitions in the Zoning Code, Appendix A-3, to define the terms 'wineries', 'breweries' and 'distilleries'; and

**WHEREAS**, the Planning and Zoning Commission further recommended the City Council approve an amendment to Chapter 14 Exhibit "A" Section 36.11 of the City Code of Ordinances to include wineries, breweries and distilleries as commercial uses to be allowed in the Central Business District (CBD), Commercial District Heavy (C-2) and Light Industrial (LI), with and under the terms of a Conditional Use Permit(s), issued by the City.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BASTROP, TEXAS:**

**PART 1:** That Chapter 14, Exhibit A, Appendix A-3 of the Code of Ordinances of the City of Bastrop, shall be, and is hereby, amended to include the following definitions:

# BREWERY – a business that produces craft beers and which business holds a current, valid Texas Alcohol Beverage Commission (TCAB") type B permit", including operations related to the manufacture and sale of craft beer for both on-site and off-site consumption.

# WINERY – a business that produces wine and which business holds a current, valid Texas Alcohol Beverage Commission (“TABC”) type “G permit,” including operations related to the production and sale of wine for both on-site and off-site consumption.

# DISTILLERY – a business that produces distilled spirits and which business holds a current, valid Texas Alcoholic Beverage Commission (“TACB”) type D permit,” including operations related to the production and sale of distilled spirits, for only off-site consumption. [TABC definition: “Distilled spirits” means alcohol, spirits of wine, whiskey, rum, brandy, gin, or any liquor produced in whole or in part by the process of distillation, including all dilutions or mixtures of them, and includes spirit coolers that may have an alcoholic content as low as four percent alcohol by volume and that contain plain, sparkling, or carbonated water and may also contain one or more natural or artificial blending or flavoring ingredients.]

**PART 2:** That Chapter 14 Exhibit “A” of the Code of Ordinances of the City of Bastrop, Section 36.11, shall be, and is hereby, amended so that Section 36.11 shall hereafter read as follows:

SECTION 36.11 COMMERCIAL USES

Commercial Type Uses	CBD	C-2	LI
Breweries	C	C	C
Wineries	C	C	C
Distilleries	C	C	C

**PART 3:** That if any provision of this Ordinance or application thereof to any person or circumstance shall be held invalid, such invalidity shall not affect the other provisions, or application thereof, of this ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are hereby declared to be severable.

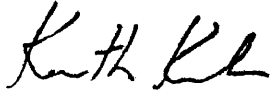
**PART 4:** That any provisions of the Bastrop City Code and any ordinances in conflict with this ordinance are, to the extent of any such conflict, hereby repealed.

**PART 5:** That this Ordinance shall take effect upon the date of final passage noted below, or when all applicable hearing and publication requirements, if any, are satisfied in accordance with the City’s Charter, Code of Ordinances, and the laws of State of Texas.

READ and ACKNOWLEDGED on First Reading on the 9th day of September, 2014.

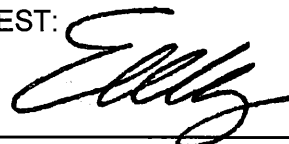
PASSED and ADOPTED on Second Reading on the 23<sup>rd</sup> day of September, 2014.

APPROVED:



Ken Kesselus  
Mayor

ATTEST:



Elizabeth Lopez  
City Secretary