

ORDINANCE NO. O-18.1202

AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF AURORA, BY AMENDING THE APPENDIX 1 – APPROVED ZONING USE TABLE, ADDING DEFINITIONS AND REGULATIONS FOR BREWERIES, DISTILLERIES, HOSPITALS, LIQUOR STORES AND WINERIES; PROVIDING THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY FOR VIOLATIONS HEREOF; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR PUBLICATION IN THE OFFICIAL NEWSPAPER; AND PROVIDING AN EFFECTIVE DATE.

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

WHEREAS, the Zoning Ordinance of the City of Aurora 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, the passage of the Local Option Election which permits the sale and consumption of all alcoholic beverages, including mixed drinks was approved by the registered voters of the City of Aurora at the November 6, 2018 Special Election; and

WHEREAS, the terms Medical Clinic and Medical Treatment Facility are hereby removed and consolidated under the term Hospital, and defined herein; and

WHEREAS, the correction of certain typographical errors in the code are warranted; and

WHEREAS, the Planning and Zoning Commission of the City of Aurora, Texas held a public hearing on December 4, 2018, at 5:30 p.m., and the City Council of the City of Aurora, Texas, held a public hearing on December 4, 2018, at 7:30 p.m., with respect to the zoning classification changes and amendments described herein; and

WHEREAS, the City has complied with all requirements of Chapter 211 of the Local Government Code, the Zoning Ordinance of the City of Aurora, and all other laws dealing with notice, publication; and

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AURORA, TEXAS, THAT:

SECTION 1.

The Zoning Ordinance of the City of Aurora is hereby amended by the addition of the following definitions of uses:

BREWERY – A business that produces craft beers and which business hold a current, valid Texas Alcoholic Beverage Commission (TABC) Type B Permit, including operations related to the manufacture and sale of craft beer 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 (TABC) Type D Permit, including operations related to the production and sale of distilled spirits. (TABC definition – “Distilled Spirits” means alcohol, sprits 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 (4%) percent by alcohol volume and that contain plain, sparkling or carbonated water and may also contain one or more natural or artificial blending or flavoring ingredients.)

HOSPITAL – a licensed institution providing primary health care services and medial or surgical care to persons, primarily inpatients, suffering from physical or mental conditions and which may include related facilities as an integral part of the institution.

LIQUOR STORE – a business that is engaged in the retail sale of alcoholic beverages for off-site consumption.

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

SECTION 2.

Amendments to Appendix 1 – The Zoning Approved Use and Classification Table are hereto attached as Exhibit A of this Ordinance.

SECTION 3.

This Ordinance shall be cumulative of all provisions of ordinances of the City of Aurora, Texas, as amended, except when the provisions of this Ordinance are in direct conflict with the provisions of such ordinances, in which event the conflicting provisions of such ordinances and such code are hereby repealed.

SECTION 4.

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 or 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, clause or phrase.

SECTION 5.

Any person, firm or corporation who violates, disobeys, omits, neglects or refuses to comply with or who resists the enforcement of any of the provisions of this Ordinance shall be fined not more than Two Thousand Dollars (\$2,000.00). Each day that a violation is permitted to exist shall constitute a separate offense

SECTION 6.

All rights and remedies of the City of Aurora are expressly saved as to any and all violations of the provisions of the Zoning Ordinance that have accrued at the time of the effective date of this Ordinance; and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such ordinances, same shall not be affected by this Ordinance but may be prosecuted until final disposition by the courts.

SECTION 7.

The City Secretary of the City of Aurora is hereby directed to publish the caption, penalty clause, and effective date of this ordinance one time in the official newspaper of the City, as authorized by Section 52.011 of the Local Government Code.

SECTION 8.

This Ordinance shall be in full force and effect from and after the date of its passage and publication as required by law, and it is so ordained.

PASSED AND APPROVED on this 4th day of December 2018.

Terry Solomon, Mayor

ATTEST:

Dr. Toni Wheeler, Ph.D., MPA, PMP, ICPM,
Texas CPM Candidate
City Administrator/City Secretary

EXHIBIT A
Zoning Appendix 1 – Approved Use and Classification Table

*** This table may be viewed on the City website at:

<http://www.auroratexas.gov/wp-content/uploads/2018/11/Zoning.-Usage-Table.-Appendix.Index1 -1.pdf>