

Zoning Ordinance for Winery in Downtown Forney

Vintage Cork 917 is a unique winery that carries a G permit with TABC. With the G permit we are required to make our own wine but also gives us the ability to buy and sell wine from local Texas wineries. We are permitted to sell wine by the glass and by the bottle as well. Vintage Cork 917 wine is not ready at this time but we are selling wine from 9 local wineries. We rotate our wines to give our customers a chance to experience wines from other Texas wineries. Our location will have a bar with seating and other sitting/lounge areas for customers to relax and enjoy a glass of wine. Other products that will be sold in the location will be meat and cheese trays, wine accessories, t-shirts with our logo, and locally made candles. Other locally made items may rotate in the shop as well.

The wine will be displayed openly, stored under the bar and in other enclosed areas within the location. All food products will be stored in the refrigerator or shelving in the kitchen which will be enclosed.

The plan is for us to have a long-term location downtown Forney and be open Wednesday – Sunday each week. As for employment, we expect to hire two to three employees to serve wine, help in kitchen, social media and other duties. This, of course, can change due to the amount of business we have.

We will have a few wineries deliver to our location but will not require additional parking or blocking of any streets. Delivery vehicles are no larger than a full-size SUV or small passenger van. No large commercial trucks or box trucks will be making deliveries. At this time, we work with the wineries directly for deliveries not through distributors.

As stated above, we will make wine on the premises. This is a very quiet, non-toxic process. Making the wine does not let off any harmful fumes, harsh smells or dust. We will have a designated area for the wine making process. We do not anticipate loud customer noise. The atmosphere of a winery/wine bar is more relaxed and calm. Occasionally we would like to have live music – especially if there is a special event going on downtown.

When it comes to the use of public utilities, we will have a three component sink, a dishwasher in the kitchen, possibly a sink at the bar area, mop sink area, and restroom for customers. There will not be any “special” public services needed. As long as the water and sewage works properly in the location we will be able to run our business without an issue.

I am not sure how trash services works within the downtown area but I am going to assume we will be responsible for our own trash service. We will not have an abundance of “dirty” trash due to the fact we will do not have a lot of food products (salami, cheese, fruit and crackers). Other garbage would be from restroom, empty wine bottles (which we clean), and other “clean” garbage.

Please feel free to contact me if you have any further questions or concerns. I am happy to be of any help.

Look forward to working with Forney.

Staci Webb

Owner

Vintage Cork 917

[REDACTED]

Vintagecork917@gmail.com

CITY OF FORNEY, TEXAS

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF FORNEY, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE, ORDINANCE NO. 1085, AS AMENDED, BY AMENDING ARTICLE IV, "USE REGULATIONS," SECTION 37, "USE REGULATIONS (CHARTS)," BY ADDING WINERY; BY AMENDING ARTICLE V, "DEVELOPMENT STANDARDS," SECTION 49, "DEFINITIONS," ADDING A DEFINITION FOR WINERY; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING A REPEALER CLAUSE; PROVIDING A PENALTY CLAUSE; AND PROVIDING FOR PUBLICATION AND AN EFFECTIVE DATE.

WHEREAS, the City of Forney, Texas ("City") is a home-rule city possessing the full power of local self-government pursuant to Article 11, Section 5 of the Texas Constitution, Section 51.072 of the Texas Local Government Code, and the Home Rule Charter for the City of Forney, Texas; and

WHEREAS, a public hearing was held before the Planning & Zoning Commission and a public hearing was held before the City Council, after due notice thereof was had in accordance with the Comprehensive Zoning Ordinance of the City of Forney, Texas ("Zoning Ordinance"); and

WHEREAS, at such public hearings all persons having any interest in doing so were afforded an opportunity to be heard concerning the proposed zoning text amendments; and

WHEREAS, the City Council further finds and determines that the proposed amendments to the Zoning Ordinance are in the best interest of the health, safety, morals, and general welfare of the City of Forney, Texas.

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

Section 1. FINDINGS INCORPORATED

The above recitals are hereby found to be true and correct legislative determinations and are hereby incorporated into the body of this Ordinance as if fully set forth herein.

Section 2. AMENDMENT OF ARTICLE IV, "USE REGULATIONS," SECTION 37, "USE CHARTS," OF THE ZONING ORDINANCE TO ADD WINERY

From and after the effective date of this Ordinance, Article IV, "Use Regulations," Section 37, "Use Regulations (Charts)," Section 37.2, "Use Charts," of the Zoning Ordinance is hereby amended to read in pertinent part as follows:

Types of Land Uses	AG	SF-20	SF-15	SF-11	SF-8	SF-6	SF-PH	2F	SFA	MF-15	MH	O	NS	GR	CBD	C	MU	LI
Winery														C	C	C	C	P

Section 3. AMENDMENT OF ARTICLE V, “DEVELOPMENT STANDARDS,” SECTION 49, “DEFINITIONS,” OF THE ZONING ORDINANCE BY ADDING A DEFINITION FOR WINERY

From and after the effective date of this Ordinance, Article V, “Development Standards,” Section 49, “Definitions,” Section 49.1 of the Zoning Ordinance is hereby amended to assign the appropriate numbering of definitions caused by the addition of the new definitions and to add definitions to read in pertinent part as follows:

“**WINERY** – The manufacturing, bottling, labeling and packaging of wine containing not more than 24 percent alcohol by volume from grapes, fruits and berries grown on premise or imported, and to include the manufacturing and importation of fruit brandy for fortifying purposes only. Wine sales may be to holders of wholesaler’s permits, winery permits, or wine bottlers permits. Retail sales to ultimate consumers in unbroken packages for off-premise consumption may not exceed an amount of 35,000 gallons annually. A winery may include the following accessory uses: a tasting room to dispense wine for on-premise consumption, restaurants and retail sales area of wine for off-premise consumption. A winery permit must be obtained from TABC and all TABC regulations must be adhered to at all times.”

Section 4. SEVERABILITY CLAUSE

It is hereby declared to be the intention of the City Council that the words, phrases, clauses, sentences, paragraphs and sections of this Ordinance are severable, and if any word, phrase, clause, sentence, paragraph or section 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 words, phrases, clauses, sentences, paragraphs and sections of this Ordinance, since the same would have been enacted by the City Council without the incorporation of any such unconstitutional word, phrase, clause, sentence, paragraph or section.

Section 5. SAVINGS CLAUSE

The Comprehensive Zoning Ordinance of the City of Forney, Texas, Ordinance No. 1085, as amended, shall be and remain in full force and effect save and except as amended by this Ordinance.

Section 6. REPEALER CLAUSE

Any provision of any prior ordinance of the City, whether codified or uncoded, which is in conflict with any provision of this Ordinance, is hereby repealed to the extent of the conflict, but all other provisions of the ordinances of the City, whether codified or uncoded, which are not in conflict with the provisions of this Ordinance shall remain in full force and effect.

Section 7. PENALTY CLAUSE

Any person, firm, or corporation violating any of the provisions or terms of this Ordinance shall be guilty of a misdemeanor and upon conviction, shall be fined a sum not to exceed \$2,000.00 for each offense, and each and every violation or day such violation shall continue or exist, shall be deemed a separate offense.

Section 8. EFFECTIVE DATE

This Ordinance shall take effect immediately from and after its passage and the publication of the caption, as the law and Charter in such cases provide.

PASSED, APPROVED AND ADOPTED by the City Council of the City of Forney, Texas, on this the ____ day of _____, 2019.

Mary Penn, Mayor

ATTEST:

Dorothy Brooks, TRMC, CMC, City Secretary

APPROVED AS TO FORM AND LEGALITY:

Jon Thatcher City Attorney