

EXISTING ORDINANCE

Section 2.16 Variance for onsite consumption of alcohol

2.16.1 Application of Requirements

This section applies in the following areas:

Property within City of Seguin City Limits	Property within City of Seguin ETJ
YES	No

2.16.2 Applicability

To be eligible for a variance from the distance requirements set forth in the Seguin Code of Ordinances the applicant business must meet all of the following:

- A. Bars and package stores are not eligible for this variance;
- B. The business seeking the variance is a restaurant that agrees to limit its operation characteristics such that the restaurant will maintain its business in a manner to insure that its gross revenue from the sale of alcohol will be less than 50% of the total gross revenue of the business;
- C. The business seeking the variance shall comply with all aspects of any additional conditions required by the Planning and Zoning Commission as a result of this process.

2.16.3 Procedure for Requesting Variance

Any business selling alcoholic beverages for on-premises consumption that seeks to locate the business at a location that is closer to a school or church than permissible under this code, or State law, must seek a variance. Variances shall only be considered upon completion of a written application that complies with this section and the payment of the application fee set forth in the Seguin Code of Ordinances, Exhibit C, and Fee Schedule. For each neighboring church or school that is within the distances of the proposed restaurant, as described in Chapter 3- Limited Uses and as measured in accordance with Texas Local Government Code,

A. Application

1. Present a letter describing the operation characteristics of the restaurant and shall obtain a statement signed by the governing officer of board of any such church or school stating that the church or school does not oppose the granting of the distance variance based on the operation characteristics stated in the letter.
2. The business must agree, in writing, to restrict its operation characteristics as set forth in the request to the church or school, as may have been set forth in the request to the church or school. These operating characteristics shall be included in the variance.
3. It shall be unlawful for any business granted a variance containing additional conditions to violate the stated conditions. Such violations shall constitute a misdemeanor and upon conviction may be fined in accordance with the Seguin Code of Ordinances.

B. Hearing

1. The Planning and Zoning Commission shall hold a hearing to consider the applicant's variance.
2. All public and private schools, churches, and hospitals within 300 feet measured from front door to front door along front property lines and in a direct line across intersections of streets shall be notified.
3. At the conclusion of the hearing on the application for a variance the Commission may either grant or deny the request. If the Commission recommends denial of the applicant's request for a variance, they shall include findings of fact to show that the location or the restaurant:
 - a) Is not in the best interest of the public;
 - b) Would constitute waste or inefficient use of land or other resources;
 - c) Creates an undue hardship on the applicant;
 - d) Does not serve its intended purpose;
 - e) Is not effective or necessary; or
 - f) Any other reason the Commission finds after consideration of the health, safety, and welfare of the public and the equities of the situation.
4. An applicant may appeal an adverse decision by the Planning and Zoning Commission to the Seguin City Council. The City Council shall conduct a public hearing prior to deciding the appeal.