

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SEGUIN, TEXAS AMENDING THE UNIFIED DEVELOPMENT CODE (UDC), IN APPENDIX A OF THE SEGUIN CODE OF ORDINANCES, SECTION 2.16; PROVIDING A SEVERABILITY CLAUSE; AUTHORIZING CITY STAFF TO PREPARE THIS ORDINANCE FOR SUBMISSION AS A SUPPLEMENT TO THE CODE OF ORDINANCES; PROVIDING FOR PUBLICATION; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, the City of Seguin regulates the sale of alcohol near churches, schools, and hospitals as permitted by Section 109.33 of the Texas Alcoholic Beverage Code; and

WHEREAS, pursuant to Section 109.33 of the Texas Alcoholic Beverage Code, the City of Seguin also allows variances through a process adopted in Section 2.16 of the Seguin Unified Development Code that allows the Planning & Zoning Commission to approve variances for certain businesses; and

WHEREAS, the City of Seguin desires to amend the current variance process to allow package stores to apply for the variance; and

WHEREAS, the City of Seguin also desires to amend the current variance process to remove the requirement for letters of non-opposition from the boards of churches and schools as it delays the process significantly; and

WHEREAS, on December 10, 2024, after conducting a public hearing, the Planning and Zoning Commission voted to recommend to City Council that the amendments to the UDC be adopted as described herein.

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

PART ONE. Section 2.16 of the Seguin Unified Development Code, in Appendix A of the Seguin Code of Ordinances, is hereby repealed in its entirety.

PART TWO. Section 2.16 of the Seguin Unified Development Code, in Appendix A of the Seguin Code of Ordinances, is amended by replacing Section 2.16 (repealed above), to read as follows:

Section 2.16 Variance to distance requirements for businesses selling alcoholic beverages

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

A business that sells alcoholic beverages is eligible to apply for a variance from the distance requirements set forth in Section 6-2 of the Seguin Code of Ordinances if the business is not a bar, tavern, nightclub, restaurant, or similar business that derives 51% or more of its income from the sale of alcoholic beverages for on-premise consumption.

2.16.3 Procedure for Requesting Variance

A business that sells alcoholic beverages that proposes to locate the business at a location that is closer to a church, school, or public hospital than is permissible under Section 6.2 of the Seguin Code of Ordinances, and that is eligible to apply for a variance under this section, shall submit an application to the City of Seguin and make payment of the application fee as set forth in the Fee Schedule as adopted in Exhibit C of the Seguin Code of Ordinances.

2.16.4 General Process

The Planning and Zoning Commission shall hold a public hearing to consider the applicant's request for a variance. All churches, public and private schools, and public hospitals within 300 feet of the proposed business, as measured in accordance with Section 6.2 of the Seguin Code of Ordinances, shall be notified of the public hearing by certified mail.

2.16.5 Criteria for Approval

Following the public hearing, the Commission may approve the request, approve the request with conditions, or deny the request. The Commission shall consider the health, safety, and welfare of the public and the equities of the situation to determine if it is in the best interest of the community to grant the variance, and shall only prescribe conditions that it deems necessary or desirable to the public interest. Furthermore, in granting a variance, the Commission shall consider if the enforcement of the distance requirements in a particular instance:

- Is not in the best interest of the public;
- Constitutes waste or inefficient use of land or other resources;
- Creates an undue hardship on an applicant for a license or permit;
- Is not effective or necessary; or
- Does not serve its intended purpose.

2.16.6 Appeal

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 making a decision on the appeal.

PART THREE. All ordinances and resolutions or parts of ordinances or resolutions in conflict with this ordinance are repealed.

PART FOUR. City staff is authorized to prepare this Ordinance for submission as a supplement to the Seguin Code of Ordinances.

PART FIVE. This ordinance shall be published in a newspaper of general circulation.

PART SIX. This ordinance shall be effective upon ten (10) days following passage on second reading.

PASSED AND APPROVED on the first reading this 7th day of January 2025.

PASSED AND APPROVED AND ADOPTED on the second reading this 21st day of January 2025.

Donna Dodgen, Mayor

ATTEST:

Kristin Mueller, City Secretary