

MEMORANDUM

To: City of Seguin Mayor, Council Members, and City Manager
From: Pamela Centeno, Director of Planning & Codes
Through: Rick Cortes, Deputy City Manager
Subject: **Amendments to Section 2.16 of the Unified Development Code**
Date: December 31, 2024

Historical Background

As permitted in Section 109.33 of the Texas Alcoholic Beverage Code, the City of Seguin sets distance requirements between businesses that sell alcoholic beverages and nearby churches, schools, and public hospitals. The City’s current ordinance, adopted in Section 6.2 of the Code of Ordinances, requires updates to reflect the State’s present regulations identifying how the distance is to be measured between the business and nearby facilities. State regulations originally established a measurement from front door to front door, which remains the same for churches and hospitals. The distance between businesses and schools, however, are to be measured from property line to property line. City staff currently measures the distance in accordance with the Texas Alcoholic Beverage Code, as required, but is updating the Code of Ordinances to reflect the same methods.

While the distance requirements are adopted in the Code of Ordinances, the variance process for the distance requirements are adopted in Section 2.16 of the Unified Development Code (UDC). Requested variances are taken to the Planning & Zoning Commission for consideration and action. Staff is proposing the following amendments to Section 2.16 of the UDC as follows:

<u>Current UDC Regulations</u>	<u>Proposed Amendments</u>
Bars and package stores are not eligible for a variance.	Amend the ordinance to allow package stores, including liquor stores, to apply for a variance. Bars, taverns, restaurants, and similar businesses with 51% or more of their total income would not be eligible for a variance.
Restaurants with over 50% in alcohol sales are not eligible for a variance.	
Letters stating no opposition are required from the boards of the schools, churches, and hospitals.	Amend the ordinance to remove the requirement for letters, but continue to send notices to affected schools, churches, and hospitals to allow for written comment responses and/or input at the public hearing.
Measurements are made from door to door for all establishments.	Update the ordinance to reflect the current measurement requirements for schools- from property line to property line.

Action Requested

Staff is requesting action on the adoption of an ordinance to amend Section 2.16 of the Unified Development Code (UDC).

Recommendation

Staff presented the proposed UDC amendments to the Planning and Zoning Commission on December 10, 2024. Following a public hearing the Commission voted to recommend approval of the amendments.

Attachments

- Final Report of the Planning & Zoning Commission
- Draft Ordinance proposing amendments to Section 2.16 of the UDC
- Copy of Section 2.16 of the UDC as adopted presently