

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SEGUIN, TEXAS AMENDING SECTION 2.16.2 VARIANCE FOR ONSITE CONSUMPTION OF ALCOHOL- APPLICABILITY AND SECTION 2.16.3.B(2) PROCEDURE FOR REQUESTING VARIANCE- HEARING, OF THE SEGUIN UNIFIED DEVELOPMENT CODE AS DESCRIBED HEREIN; PROVIDING FOR PUBLICATION; PROVIDING FOR AN EFFECTIVE DATE; PROVIDING A SEVERABILITY CLAUSE; AND AUTHORIZING CITY STAFF TO PREPARE THIS ORDINANCE FOR SUBMISSION AS A SUPPLEMENT TO THE CODE OF ORDINANCES

WHEREAS, the Seguin City Council adopted the Unified Development Code (UDC) that will encourage better planning and development throughout the city; and

WHEREAS, the Seguin City Council desires to promote the health, safety, morals and general welfare of the citizens of the city, by regulating the land uses within the Seguin City Limits and subdivision development within the Seguin City Limits and Extraterritorial Jurisdiction; and

WHEREAS, Section 6.2 of the Seguin Code of Ordinances prohibits the sale of alcoholic beverages within 300 feet of any church; public, private or parochial school; or public hospital measured in accordance with Section 109.33 of the Texas Alcoholic Beverage Code; and

WHEREAS, the Texas Alcoholic Beverage Code authorizes a city to allow variances to the distance requirements if the governing body determines that enforcement in a particular instance is not in the best interest of the public; and

WHEREAS, on September 13, 2016, after conducting a public hearing, the Planning and Zoning Commission voted to recommend to City Council that amendments to the variance requirements as described herein be adopted.

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

PART ONE. Section 2.16.2, Variance for onsite consumption of alcohol- Applicability, of the Unified Development Code is hereby amended as follows (underlining indicates added text, ~~strike through~~ indicates deleted text):

2.16.2 Applicability

To be eligible for a variance from the distance requirements set forth ~~above~~ 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 characteristic 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. ~~There is a distance of at least 200 feet from the primary entrance of the applicant business to the primary entrance of the church or school measured using a straight line;~~
- D. 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.

PART TWO. Section 2.16.3.B(2), Variance for onsite consumption of alcohol- Procedure for Requesting Variance- Hearing, of the Unified Development Code is hereby amended as follows (underlining indicates added text, ~~strikethrough~~ indicates deleted text):

2.16.3 Procedure for Requesting Variance

B. Hearing

2. All ~~property owners within 200 feet shall be notified and, in addition,~~ All public and private schools and, 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.

PART THREE. If any word, phrase, clause, sentence, or paragraph of this ordinance or the Unified Development Code is held to be unconstitutional or invalid by a court of competent jurisdiction, the other provisions of this ordinance or the Unified Development Code will continue in force if they can be given effect without the invalid portion.

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

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

PART SIX. This ordinance shall be effective upon ten (10) days following passage on second reading and shall be published in a newspaper of general circulation.

PASSED AND APPROVED on the first reading this 4th day of October, 2016.

PASSED AND APPROVED AND ADOPTED on the second reading this 18th day of October, 2016.

DON KEIL
Mayor

ATTEST:

Thalia Stautzenberger
City Secretary