

AN ORDINANCE AMENDING CHAPTER 23, "PLANNING AND COMMUNITY DEVELOPMENT," SUBPART E, "ZONING," OF THE ABILENE MUNICIPAL CODE, BY AMENDING CERTAIN SECTIONS AS SET OUT BELOW; PROVIDING A SEVERABILITY CLAUSE; DECLARING A PENALTY AND CALLING A PUBLIC HEARING.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS:

PART 1: That Chapter 23, Subpart E, "Zoning," of the Abilene Municipal Code be amended as set out in Exhibit "A," attached hereto and made a part of this ordinance for all purposes.

PART 2: That if any provision or any section of this ordinance shall be held to be void or unconstitutional, such holding shall in no way affect the validity of the remaining provisions or sections of this ordinance, which shall remain in full force and effect.

PART 3: That any person, firm or corporation violating any of the provisions of this chapter shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine of not more than Two Thousand Dollars (\$2,000.00). Each day such violation shall continue or be permitted to continue, shall be deemed a separate offense.

PASSED ON FIRST READING this 9th day of September A.D. 2004.


A notice of the time and place, where and when said ordinance would be given a public hearing and considered for final passage, was published in the Abilene Reporter-News, a daily newspaper of general circulation in the City of Abilene, said publication being on the 21st day of August, 2004, the same being more than fifteen (15) days prior to a public hearing to be held in the Council Chamber of the City Hall in Abilene, Texas, at 8:30 a.m., on the 23rd day of September, 2004, to permit the public to be heard prior to final consideration of this ordinance. Said ordinance, being a penal ordinance, becomes effective ten (10) days after its publication in the newspaper, as provided by Section 19 of the Charter of the City of Abilene.


PASSED ON SECOND AND FINAL READING THIS 23rd day of September, A.D. 2004.

ATTEST:



CITY SECRETARY



MAYOR
APPROVED:


CITY ATTORNEY

ORDINANCE NO. 29-2004

EXHIBIT "A"

- AMEND: Section 23-306.4 Permitted Uses Trade-Retail
- DELETE: Liquor Store Off-premise Consumption (unrestricted) in its entirety
Liquor Store Off-premise Consumption (Beer/Wine) in its entirety
- ADD: "Liquor Store Off-premise Consumption" with "C" in the LC, SC, CB, GC, HC, LI, HI, PDD districts
- AMEND: Section 23-306.5.H Conditional Uses Trade-Retail
- DELETE: (14) Liquor Store Off-Premise Consumption Unrestricted (LS-OffU)
All structures housing a liquor store off-premise consumption beer and/or wine shall meet all of the requirements prescribed for a liquor store on-premise consumption except that it need not be separated from a lot in a residential district.
- (15) Liquor Store Off-Premise Consumption Beer and/or Wine (LS-OffBW)
All structures housing a liquor store off-premise consumption beer and/or wine shall meet all of the requirements prescribed for a liquor store off-premise consumption unrestricted except that it need not be separated from a lot used for hospital purposes.
- ADD: (14) Liquor Store Off-Premise Consumption (LS-Off)
All structures housing a liquor store off-premise consumption shall meet all of the requirements prescribed for a liquor store on-premise consumption except that it need not be separated from a lot in a residential district or a lot used primarily for hospital purposes.
- AMEND: Section 23-363 Definitions Liquor Stores
- DELETE: (3) *Liquor Store Off-Premise Consumption Beer and/or Wine* means an establishment conducting or having a license permitting retail sales of all types of alcohol to beer and/or wine but prohibiting any consumption of alcohol on or at the premises.
- RENUMBER: (3) *Liquor Store Off-Premise Consumption Manufacturer* means an establishment conducting or having a license allowing the manufacture of alcohol.