

AN ORDINANCE OF THE CITY OF ABILENE, TEXAS, AMENDING CHAPTER 23, SUBPART E, "ZONING," OF THE ABILENE MUNICIPAL CODE, BY CHANGING THE ZONING DISTRICT BOUNDARIES AFFECTING CERTAIN PROPERTIES; CALLING A PUBLIC HEARING; PROVIDING A PENALTY AND AN EFFECTIVE DATE.

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

PART 1: That Chapter 23, Subpart E, known as the Zoning Ordinance of the City of Abilene, is hereby amended by changing the zoning district boundaries as set out in Exhibit "A," attached hereto and made a part of this ordinance for all purposes.

PART 2: 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 Five Hundred Dollars (\$500.00). Each day such violation shall continue or be permitted to continue, shall be deemed a separate offense.

PART 3: That the Planning Director be, and is hereby authorized and directed to change the official Zoning Map of the City of Abilene to correctly reflect the amendments thereto.

PASSED ON FIRST READING this 4th day of December A.D. 2008.

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 13th day of November, 2008, 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 18th day of December, 2008, 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 18th day of December, A.D. 2008.

ATTEST:


CITY SECRETARY


MAYOR

APPROVED:


CITY ATTORNEY

EXHIBIT "A"

AMEND Section 23-306.4 Permitted Uses Chart

CHANGE: Liquor Store On-Premise Consumption

Permitted Uses Trade -- Retail Uses	Parking Require- ments	AO	RR	RS	RM	MH	CU	O	LC	SC	CB	GC	HC	LI	HI	PDD	PI	MU
		Agricultural Open Space	Rural Residential District	Single Family Dwelling District	Multi-family Dwelling District	Mobile Home District	College/ University District	Office District	Limited Commercial	Shopping Center District	Central Business District	General Commercial District	Heavy Commercial District	Light Industrial District	Heavy Industrial District	Planned Development District	Park Industrial District	Medical Use District
Liquor Store On-Premises Consumption	1/100 sq. ft. floor area	C								C	C	C	C	C	C	C		

AMEND Section 23-306.5 Conditional Use Provisions

CHANGE: Conditions for Liquor Store On-Premise Consumption

23.306.5.H (13) Liquor Store On-Premise Consumption (LS-On) (Ord. 17-2001, 7-26-01)

- (a) All structures housing a liquor store on-premise consumption must be located at least three hundred (300) feet from any lot in a residential district or in a College-University district or any lot used primarily for church, school or hospital purposes. Except as provided in paragraphs (b), (c) and (e), said distance shall be measured in a straight line in all directions from the structure housing the liquor store to the nearest point of any lot described above. Measurements shall be taken from the furthest point that a structure extends in any direction, including overhanging roofs and all other projections or portions of said structure.
- (b) Should the liquor store be located in conjunction with other buildings in a manner where said liquor store is clearly separated from other portions of the structure (for example, a liquor store in a shopping center or motel) the measurement shall be taken from the boundaries of the space in which the liquor store is housed or confined (not the entire shopping center, motel, or structure).
- (c) Should the liquor store be located in conjunction with other buildings in a manner where said liquor store is situated above the ground level of a multi-story structure and is clearly separate from other activities within the structure (for example, a liquor store on an upper level of an office tower or hotel), the measurement shall be taken from the nearest entry of the liquor store, thence to the nearest point of egress (elevator or stairs), thence to the nearest ground floor exit, thence in a straight line to the nearest point of any lot described above.

- (d) Each applicant for a liquor store must submit a site plan setting out the dimensions and locations for such liquor store. The applicant shall sign a certified and notarized statement attached to the site plan that the proposed liquor store complies with the requirements set forth herein above. It shall be the duty of the applicant to prepare the site plan and to assure compliance with the distance requirements.
- (e) A liquor store on-premise consumption that but for the sale of alcohol may be classified as a standard restaurant shall not be subject to the separation requirements of this subsection pertaining to residential or College-University districts, churches or hospitals if it meets the following conditions:
 - (1) The restaurant shall hold a valid Food and Beverage Certificate from the Texas Alcoholic Beverage Commission and said certificate is prominently displayed. If a requirement for obtaining said certificate shall differ from any other condition of this paragraph (e), then the more restrictive requirement or condition shall apply;
 - (2) Alcohol sales constitute no more than fifty percent (50%) of the gross receipts of the premises;
 - (3) The restaurant shall include a full-service kitchen offering a minimum of eight entrees;
 - (4) The restaurant shall offer the entrees for sale at all times that alcohol is offered for sale;
 - (5) The restaurant shall not display in a manner visible from outside the structure any signage depicting the name of any alcohol beverage manufacturer or brand name, nor any reference to a type of alcoholic beverage, including but not limited to beer, wine, spirits, alcohol, liquor and whiskey. Provided, that any such name or reference that is integral to a food specialty prepared at the restaurant may be depicted;
 - (6) The restaurant shall meet the performance standards enumerated in Section 23-316; and
 - (7) The restaurant meets all other provisions of this ordinance.
- (f) A liquor store shall be allowed within the AO zoning district accessory to the following uses only:
 - (1) Amusement Facility (Temporary);
 - (2) Drag Strip or Commercial Racing;
 - (3) Fairgrounds;
 - (4) Motorcycle Track;
 - (5) Rodeo Grounds; and
 - (6) Stadium.

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