

ORDINANCE NO. 45-2017

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, AMENDING CITY OF ABILENE LAND DEVELOPMENT CODE, CHAPTER 2, "ZONING REGULATIONS," ARTICLE 4, "USE REGULATIONS," DIVISION 3, "REQUIREMENTS APPLICABLE TO SPECIFIC LAND USES," SECTION 2.4.3.3, "ALL OTHER USES WITH SPECIFIC REQUIREMENTS," SUBSECTION (a)(33), "LIQUOR STORE (ON PREMISE CONSUMPTION)," BY AMENDING CERTAIN SECTIONS AS SET OUT BELOW

WHEREAS, The Texas Alcoholic Beverage Code allows the governing body of a municipality to prohibit the sale of alcohol within 300 feet of a church, public or private school, or public;

WHEREAS, The City of Abilene has adopted such a regulation but measures distance by a method that is not prescribed the Texas Alcoholic Beverage Code;

WHEREAS, it is in the best interest of the citizens of the City of Abilene to amend the pertinent ordinance so that measurement of distances conforms to what is prescribed by the Texas Alcoholic Beverage Code; and

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

PART 1: That Article 4, Division 3, Section 2.4.3.3, Subsection (a)(33) of the Abilene land Development 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 provisions of any section of this ordinance shall be held to be void or unconstitutional, such holding shall in no way effect the validity of the remaining provisions or sections of this ordinance, which shall remain in full force or effect.

PART 3: That any persons, firm, or corporation violating any of the provisions of this Ordinance shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punishable by a fine in accordance with Chapter 1 (Section 1-9) of this Code.

PART 4: Each day such violation shall continue or be permitted to continue, shall be deemed a separate offense. 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 FIRST READING this 26th day of October, 2017.

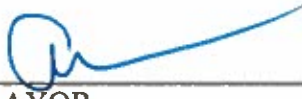
A notice of the time and place, where and when said ordinance would be given a public hearing and considered for final passage was published in the Abilene Reporter-News, a daily newspaper of general circulation in the City of Abilene, said publication being on 31st day of October, 2017, the same being more than 24 hours prior to a public hearing being held in the Council Chamber of City Hall in Abilene, Texas, at 8:30 a.m. on the 16th day of November, 2017, to permit the public to be heard.

PASSED ON SECOND AND FINAL READING this 16th day of November 2017.

ATTEST:



CITY SECRETARY



MAYOR

APPROVED:



CITY ATTORNEY

Exhibit A

City of Abilene Land Development Code

Chapter 2. Zoning Regulations

Article 4. Use Regulations

Division 3. Requirements Applicable to Specific Land Uses

Section 2.4.3.3. All Other Uses With Specific Requirements

(33) LIQUOR STORE (on-premises consumption):

a. Distances Required. All structures housing a liquor store on-premise consumption use must be located at least three hundred feet (300') 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 subsections (b), (c) and (e) of this-Subsection (33), said distance between the liquor store and:

(i) a residential district or a College-University district 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, and measurements shall be taken from the furthest point that a structure extends in any direction, including overhanging roofs and all other projections for portions of said structure; and

(ii) a church or public hospital shall be measured along the property lines of the street fronts and from front door to front door, and in direct lines across intersections; and

(iii) a public or private school shall be measured in a direct line from the property line of the public or private school to the property line of the liquor store, and in a direct line across intersections.