

ORDINANCE NO. 62-2018

AN ORDINANCE OF THE CITY OF ABILENE, TEXAS, AMENDING THE, "LAND DEVELOPMENT CODE" OF THE ABILENE CITY CODE, BY INCLUDING A CATEGORY OF USE IDENTIFIED AS A "RESTAURANT, BREWPUB" WHICH IS SEPARATE AND DISTINCT FROM OTHER MANUFACTURE OF ALCOHOLIC BEVERAGES AND WHICH IS ALLOWED AT ALL LOCATIONS (AND SUBJECT TO MOST CONDITIONS) AS THOSE GENERALLY ALLOWING A "RESTAURANT, STANDARD"; 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 Section 5.1.1.3(a) of Land Use Definitions in the City of Abilene's Land Development Code is hereby amended by adding a definition for the term "Restaurant, Brewpub" in alphabetical order and which reads specifically as follows:

RESTAURANT, BREWPUB: {x} Any establishment defined by all the following characteristics:

- a. a principal business is selling food and beverages to customers in a ready-to-consume state, and where customers (normally provided with an individual menu) are served food and beverages by a restaurant employee at same table or counter where said items are consumed, or in a cafeteria-type operation where food and beverages generally are consumed within the restaurant building; and
- b. where the holder of a brewpub license from the Texas Alcoholic Beverage Commission and specifically for those premises may manufacture, brew, bottle, can, package and label malt liquor, ale or beer; and
- c. where the holder of that brewpub license may sell or offer without charge, on the premises of the brewpub and to ultimate consumers for consumption on or off those premises, malt liquor, ale or beer produced by the holder, in or from a lawful container, to the extent the sales or offers are allowed under the holder's other permits or licenses from the Texas Alcoholic Beverage Commission.

PART 2: That Section 5.1.1.3(a)(100)d of Land Use Definitions in the City of Abilene's Land Development Code is hereby amended by deleting the present definition of Liquor Store Off-Premises Consumption Manufacturer and inserting the following new definition thereof:

- d. Liquor Store Off-Premises Consumption Manufacturer means an establishment conducting or having a license allowing the manufacturing of alcohol, except as may be allowed by the holder of a brewpub license (from the Texas Alcoholic Beverage Commission) and at a Restaurant, Brewpub as defined herein this code.

PART 3: That Section 2.4.2.1(a) being The Land Use Matrix of the City of Abilene's Land Development Code is hereby amended by an adding a new category of PERMITTED USE identified as "RESTAURANT, BREWPUB" alphabetically underneath the subheading of Trade-Retail Use and which furthermore is identified as Permitted (P) only in the following zoning classifications: GR, CB, GC and HC Districts; and identified as requiring a Conditional Use Permit (C) in following zoning classifications: NR and MX Districts.

PART 4: That Section 2.4.3.3(a)(33) of the City of Abilene's Land Development Code, which addresses specific requirements for LIQUOR STORES (on-premises consumption), is hereby amended by deleting existing paragraph e therein and inserting the following new paragraph e:

- e. Use in Conjunction with a Standard or Brewpub Restaurant. A liquor store on premise consumption use that, but for the sale of alcohol, may be classified as a standard restaurant or a brewpub restaurant shall not be subject to separation requirements ordinarily required thereof and pertaining to residential or College-University districts, churches, or hospitals, if such restaurant meets the following requirements:
 1. Valid Food and Beverage Certificate. 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 Percentage. Alcohol sales constitute no more than fifty percent (50%) of the gross receipts of the premises.
 3. Kitchen and Entrees. The restaurant shall include a full-service kitchen offering a minimum of eight entrees.
 4. Entrees and Alcohol for Sale. The restaurant shall offer the entrees for sale at all times that alcohol is offered for sale.
 5. Performance Standards. The restaurant shall meet the performance standards enumerated in Chapter 4, Article 2, Division 9; and
 6. Other Provisions. The restaurant meets all other provisions of this LDC.

PART 4: 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.

PASSED ON FIRST READING the 27th day of September, A.D. 2018.

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 17th day of August, 2018, 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 9th day of October, 2018 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 FINAL READING THIS 9th day of October, A.D. 2018.

ATTEST:



CITY SECRETARY



MAYOR

APPROVED:



CITY ATTORNEY

