

ORDINANCE NUMBER 2005-235.66

AN ORDINANCE OF THE CITY OF BROWNSVILLE AMENDING CODE OF ORDINANCES, CHAPTER 348, ZONING, BY: REVISING REGULATIONS GOVERNING BARS, RESTAURANTS WITH ALCOHOL SALES, STORES THAT SELL ALCOHOL FOR OFF PREMISE CONSUMPTION AND LIQUOR STORES; AND DEALING WITH RELATED MATTERS.

WHEREAS, the Planning and Zoning Commission has reviewed and recommended approval of the proposed amendments; and,

WEREAS, the amendment will provide more flexibility for the operation of businesses with special impacts on neighborhoods; and

WHEREAS, this will provide for orderly development of the community; and,

WHEREAS, this will help protect the health, welfare and morals of the community; now,

Be it ordained by the City of Brownsville:

Chapter 348, Zoning, Article VII. Supplementary District Regulations, of the Code of Ordinances is hereby amended by:

1. Sec. 348-1383. Regulation of Alcohol Sales by Restaurants, Liquor Stores, Sale of Alcohol for Off Premise Consumption, Bars.
 - a. Table of Permitted Locations for Alcohol Related Land Use & Spacing Requirements.

PERMITTED LAND USE	ZONING DISTRICT						
	1C	2C	3C	4C	5C	6C	7C
Restaurant with Alcohol Sales	Prohibited	Yes	Yes	Yes	Yes	Yes	Yes
Liquor Store	Prohibited	Yes	Yes	Yes	Yes	Yes	Yes
Sale of Alcohol, Off Premise Consumption	Prohibited	Yes	Yes	Yes	Yes	Yes	Yes
Bars	Prohibited	Prohibited	Prohibited	Yes	Yes	Yes	Yes

Land Use Spacing Requirements

Permitted Land Use	Zoning Districts	School	Church	Park	Dwelling	Dwelling District	Downtown Entertainment District
Bar	4C,5C, 6C, 7C	1000	1000	750	1000	1000	CUP
Liquor Store	4C, 5C	1000	1000	750	500	500	CUP
Restaurant/alcohol	2C,3C	200	200	200	200	200	CUP
Alcohol Sales Off Premise Consumption	2C,3C	300	200	None	None	None	CUP

* spacing shall be measured, nearest property line to nearest property line

b. Existing Wet Routes and Bar Routes (Nonconforming Rights)

Permitted bars, restaurants with alcoholic beverage sales, stores with alcoholic beverage sales for off premise consumption and liquor stores, that are located within an existing wet route or bar route, upon adoption of this ordinance, shall be legally non-conforming and shall be entitled to all rights provided under this ordinance. All properties located in wet routes or bar routes, not permitted and used for bars, restaurants with alcoholic beverage sales, stores with alcoholic beverage sales for off premise consumption or liquor stores, upon the adoption of this ordinance are governed by the provisions of this ordinance.

c. Non-Alcohol Zoning

The City Commission may designate any property that meets the conditions established in subsection (a)., of this ordinance as Non-Alcohol. The property will maintain the existing base zoning, however, the Zoning Atlas will be annotated as Non-Alcohol (NA), and uses that include alcohol sales will be prohibited on that property.

d. Downtown Entertainment District

Bars, liquor stores, restaurants with alcohol sales, retailers of off premise consumed alcohol are permitted land uses within the Downtown Entertainment District. The boundary of the Downtown Entertainment District is established in the Conditional Use Permit section of the Zoning Ordinance. The owner of the bar, liquor stores, restaurants with alcohol sales, retailers of off premise consumed alcohol, within the Downtown Entertainment District must secure a Conditional Use Permit from the City Commission.

e. Restaurants with alcohol sales.

Restaurants with alcohol sales that exceed 50% of gross revenues, derived from alcohol sales, are in fact a bar and will constitute a violation of the zoning. The owner must submit certified financial statements, upon request by the city, as evidence the restaurant has not exceeded the 50% of gross revenue from alcohol sales restriction .

2. Repealing the following: Division 6. Light Retail Use District 2C, Section 348-283. Conditional Uses. (10) Wet store, subject to the additional conditions set forth in section 348-343(4); Division 7. Medium Retail Use District (3C), Section 348-313. Conditional Uses, (9) Wet store, subject to the additional conditions set forth in Section 348-343(5) (11) Wet Restaurant, subject to the additional conditions set forth in Section 348-343(5); Division 8. General Retail Use District 4C, Section 348-343., Conditional Uses., (4) Wet Store, subject to the following conditions., (a) The premise shall front on an existing arterial or collector, and (b) the premises shall nowhere be within a radius of 200 feet from public school property; (5) Wet restaurant, (a)(b)1-26; (6) Bar subject to the following conditions:, (a)(b)1-12., Section 300-103., Class W Permit., (c) Application for Wet Restaurant.

Introduced at a public hearing on **October 18, 2005**. Passed at First Reading on **October 18, 2005**. Passed at ~~Second~~ and Final Reading and Adopted, Approved, and Enacted on **November 01, 2005**.

(SEAL)



Attest: Estela Von Hatten
Estela Von-Hatten
INTERIM CITY SECRETARY

By:

Eddie Treviño, Jr.
EDDIE TREVIÑO, JR.
MAYOR