

ORDINANCE NO. 2021.05.11A

AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF GLEN ROSE, TEXAS, BY PROVIDING FOR THE DEFINITION (SECTION 14.02.005 "DEFINITIONS OF CHAPTER 14 "ZONING" OF THE CODE OF ORDINANCES) AND LOCATION (APPENDIX A "SCHEDULE OF USES" OF CHAPTER 14 "ZONING" OF THE CODE OF ORDINANCES) OF ALCOHOL SALES (RETAIL); PROVIDING FOR REPEALING, SEVERABILITY AND PROPER NOTICE, MEETING AND QUORUM CLAUSES; AND, PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Glen Rose, Texas (City) is a Type A general-law municipality located in Somervell County, created in accordance with the provisions of Chapter 6 of the Texas Local Government Code and operating pursuant to the enabling legislation of the State of Texas; and

WHEREAS, the City heretofore adopted the Zoning Regulations, which regulate and restrict the location and use of buildings, structures, and land for trade, industry, residence and other purposes, and provide for the establishment of zoning districts of such number, shape, and area as may be best suited to carry out these regulations; and

WHEREAS, in recent years businesses have begun offering retail alcohol sales exclusively and independently from other products or services;

WHEREAS, businesses offering alcohol-specific retail sales are not currently defined;

WHEREAS, the City has determined to follow the lead of many other municipalities which have made a distinction between businesses offering the sale of alcohol without offering other products or services and have allowed alcohol sales (retail) to be offered within the B-2, General Commercial, zoning district;

WHEREAS, the City's Planning and Zoning Commission held a public hearing on April 30, 2021, and the City Council held a public hearing on May 11, 2021, with respect to the amendments described herein; and

WHEREAS, the City has complied with all requirements of Chapter 211 of the Texas Local Government Code, and all other laws dealing with notice, publication and procedural requirements for the adoption of these zoning regulations; and,

WHEREAS, the City Council has determined for the good government, peace, and order of the municipality, to amend the City's Zoning Ordinance to provide for the reasonable definition of and location for Alcohol Sales (Retail) within the City;

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

**SECTION 1 (OF 7)
INCORPORATION OF RECITALS**

All of the above recitals are found to be true and correct and are incorporated into the body of this Ordinance as if copied in their entirety.

**SECTION 2 (OF 7)
AMENDING SECTION 14.02.005 DEFINITIONS**

Section 14.02.005 "Definitions" of Chapter 14 "Zoning" of the City's Code of Ordinances (CCO) is hereby amended by amending subsection (b) by adding the following definition:

Alcohol Sales (Retail). Retail outlets where alcohol is the primary product for sale. Alcoholic beverages include beer, wine and liquor for the purpose of this definition. Alcoholic beverages may only be sold in accordance with the Texas Alcoholic Beverage Commission requirements and local laws.

**SECTION 3 (OF 7)
AMENDING APPENDIX A SCHEDULE OF USES (e)**

Appendix A "Schedule of Uses" of Chapter 14 "Zoning" of the Code of Ordinances of the City of Glen Rose, Texas, is hereby amended by adding the use "Alcohol Sales" under Section (e) Commercial Uses, to read as follows:

(e) Commercial uses.

Commercial Uses:	R-1	R-2	R-3	R-2m	R-4	MH	B-1	B-2	B-3	I	Parking
Alcohol Sales (Retail)								X			1/200 g.f.a. with a minimum of 4

**SECTION 4 (OF 7)
SAVINGS/REPEALING CLAUSE**

Chapter 14 of the CCO shall remain in full force and effect, save and except as amended by this or any other ordinance. All provisions of any ordinance in conflict with this Ordinance are hereby repealed to the extent they are in conflict. Any remaining portions of said ordinances shall remain in full force and effect.

SECTION 5 (OF 7)
SEVERABILITY CLAUSE

It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses, and phrases of this Ordinance are severable, and if any section, paragraph, sentence, clause, or phrase of this Ordinance shall be declared unconstitutional by the valid judgment of decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining sections, paragraphs, sentences, clauses, and phrases of this Ordinance, since the same would have been enacted by the City Council without the incorporation in this Ordinance of any such unconstitutional section, paragraph, sentence.

SECTION 6 (OF 7)
PROPER NOTICE, MEETING, AND QUORUM CLAUSE

It is hereby officially found and determined that the meeting at which this Ordinance was adopted by majority vote of the City Council of the City of Glen Rose, Texas was open to the public; that public notice of the time, place, and purpose of the meeting was given as required by the Open Meetings Act, Chapter 551 of the Texas Government Code; and, that a quorum was present pursuant to Section 22.039 of the Texas Local Government Code.

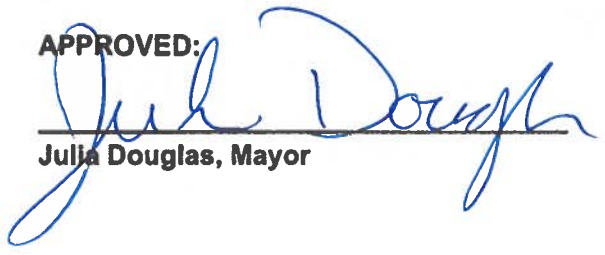
SECTION 7 (OF 7)
PUBLICATION AND EFFECTIVE DATE

This Ordinance shall be in full force and effect from and after the date of its passage.

PASSED AND APPROVED ON THIS 11th DAY OF May, 2021.



APPROVED:


Julia Douglas, Mayor

ATTEST:


Stephanie Ritchie, City Secretary