



**City of El Paso – City Plan Commission
Ordinance to Amend Title 20 Zoning, Chapter 20.10
(Supplemental Use Regulations) Section 20.10.060
(Alcohol Beverages) Subsection B. (Restrictions)**

- The sale, storage or handling of alcoholic beverages for the purpose of sale is not permitted in any zoning district where the place of business is located within three hundred feet of a church, public or private school, or public hospital and would require a waiver from City Council to allow the use per Section 20.10.060 of the El Paso City code.
- The amendment proposes to simplify and streamline the administrative process by allowing applicants to submit concurrence from the affected church, public or private school, or public hospital and not require a public hearing to request a waiver unless the affected entity described would not provide concurrence and; therefore, warrant an appeal to the City Council.

Attachments:

Attachment 1: Proposed Ordinance

ORDINANCE NO. _____

AN ORDINANCE AMENDING TITLE 20 (ZONING), CHAPTER 20.10 (SUPPLEMENTAL USE REGULATIONS) SECTION 20.10.060 (ALCOHOLIC BEVERAGES), SUBSECTION B. (RESTRICTIONS), TO REVISE THE ALCOHOL SALES PROHIBITION WITHIN 300 FEET OF A CHURCH, SCHOOL, COMMERCIAL DAY CARE OR PUBLIC HOSPITAL. THE PENALTY IS AS PROVIDED FOR IN CHAPTER 20.24 OF THE EL PASO CITY CODE.

WHEREAS, Title 20 (Zoning) of the El Paso City Code was adopted to promote the health, safety, morals and general welfare of the community; and

WHEREAS, pursuant to the Texas Alcoholic Beverage Code Sections 109.33(a) and 109.0331, the City Council of the City of El Paso has enacted regulations prohibiting the sale of alcoholic beverages by a dealer whose place of business is within 300 feet of a church, school, commercial day care or public hospital; and

WHEREAS, pursuant to the Texas Alcoholic Beverage Code the City Council wishes to amend the current regulations in order to simplify and streamline the administrative process; and

WHEREAS, a public hearing regarding the proposed amendment was held before the City Plan Commission, and the Commission recommended approval of the amendment; and,

WHEREAS, the El Paso City Council has determined that this amendment is in the best interest of the public and will promote the public health, safety and welfare of the City;

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

SECTION 1.: That Title 20 Zoning, Chapter 20.10 (Supplemental Use Regulations), Section 20.10.060 (Alcoholic Beverages), Subsection B. (Restrictions) No.1. of the El Paso City Code be amended as follows:

The sale, storage or handling of alcoholic beverages for the purpose of sale is not permitted in any zoning district where the place of business is located within three hundred feet of a church, public or private school, or public hospital; however, this section shall not apply where the applicant has approval from the affected church, public or private school, or public hospital in writing.

SECTION 2.: That Title 20 Zoning, Chapter 20.10 (Supplemental Use Regulations), Section 20.10.060 (Alcoholic Beverages), Subsection B. (Restrictions) No.2. of the El Paso City Code be amended as follows:

The sale, storage or handling of alcoholic beverages for the purpose of sale is not permitted in any zoning district where the place of business is located within three hundred feet of a day-care center or a child-care facility as defined in the Texas Human Resources Code § 42.002 and the permit or license holder does not hold a food and beverage certificate issued

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by the Texas Alcoholic Beverage Commission, unless expressly varied pursuant to the requirements of this section, except that this provision shall not apply:

- a. If the permit or license holder and the day-care center or child-care facility are located on different stories of a multistory building; or
- b. If the permit or license holder and the day-care center or child-care facility are located in separate buildings and either the permit or license holder or the day-care center or child-care facility is located on the second story or higher of a multistory building; or
- c. Neither section a. or b. within this subsection, is applicable if the applicant has approval from the affected day-care center or child-care facility in writing.

SECTION 3.: Except as expressly herein amended, Title 20, Zoning, of the El Paso City Code shall remain in full force and effect.

ADOPTED this _____ day of _____ 2015.

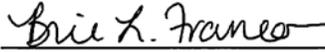
CITY OF EL PASO:

ATTEST:

Oscar Leeser
Mayor

Richarda Duffy Momsen
City Clerk

APPROVED AS TO CONTENT:



Brie L. Franco
Assistant City Attorney

APPROVED AS TO FORM:

Larry F. Nichols, Director
Planning & Inspections Department

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