



AGENDA ITEM SUMMARY FORM

PROPOSED MEETING DATE: May 3, 2023
PREPARED BY: Scott Dunlop, Director
DEPARTMENT: Development Services

AGENDA ITEM DESCRIPTION:

Consideration, discussion, and possible action on an ordinance amending Manor Code of Ordinances, Chapter 4, Article 4.02 Alcoholic Beverages.

BACKGROUND/SUMMARY:

This amendment coincides with the Zoning Ordinance Amendment also on this agenda. That ordinance requires 2 readings for approval so this Ordinance related to our Alcoholic Beverage code is for discussion purposes and would be approved with the second reading of the Zoning Ordinance.

The amendment to Article 4.02 adds the distance requirements for alcohol sales to be a minimum of 300 feet from a church, public or private school, or public hospital.

The measurement of the distance between the place of business where alcoholic beverages are sold and the church or public hospital shall be along the property lines of the street fronts and from front door to front door, and in direct line across intersections. The measurement of the distance between the place of business where alcoholic beverages are sold and the public or private school shall be:

(1) in a direct line from the property line of the public or private school to the property line of the place of business, and in a direct line across intersections; or

(2) if the permit or license holder is located on or above the fifth story of a multistory building, in a direct line from the property line of the public or private school to the property line of the place of business, in a direct line across intersections, and vertically up the building at the property line to the base of the floor on which the permit or license holder is located.

As shown in the attached map, this Ordinance would impact 22 of the 32 TABC licensed businesses in the city limits and cover approximately 20% of our city limits. Without a variance, these businesses would not be permitted to sell alcohol if this ordinance is approved. Our legal team is currently reviewing case law to provide options should the City Council want to approve a modified version of this ordinance, those include:

- Grandfathering existing permits from the effective date of this ordinance
- Only applying the distance requirements to schools
- If a variance is granted, having it be perpetual for that license holder rather than them having to come back every 2 years to request a new variance when they renew their license
- If a business opens in a lawful location, but a school or other facility locates within 300 feet, the business as having been first established is grandfathered and able to remain without a variance

LEGAL REVIEW: YES
FISCAL IMPACT: No
PRESENTATION: No
ATTACHMENTS: Yes

- Ordinance
- TABC license holder map with church, hospital, school, and daycare locations
- TABC Administrative Violations Report

STAFF RECOMMENDATION:

It is the city staff's recommendation that the City Council discuss an amendment to Manor Code of Ordinances, Chapter 4, Article 4.02 Alcoholic Beverages.

PLANNING & ZONING COMMISSION: **Recommend Approval** **Disapproval** **None**
