

ORDINANCE NO. 09-021

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GREENVILLE, TEXAS, CORRECTING ORDINANCE 09-012 BY CHANGING REFERENCES OF “BEER AND WINE RETAIL SALES” TO “PRE-PACKAGED BEVERAGE SALES”; PROVIDING FOR A REPEALING AND SEVERABILITY CLAUSE; PROVIDING THAT THIS ORDINANCE SHALL BE EFFECTIVE FROM AND AFTER MARCH 24, 2009.

WHEREAS, City Staff is recommending the correction of Ordinance 09-012, providing amendments to Chapter 28, of the Code of Ordinances of the City of Greenville, relating to the sale of pre-packaged beverages; and

WHEREAS, notice of a hearing for Ordinance 09-012 was published in a newspaper of general circulation in the City, which stated the time and place of hearing, which time was not fewer than fifteen (15) days after first day of such publication; and

WHEREAS, a public hearing was held by the City Council prior to approval of Ordinance 09-012; and

WHEREAS, the City Council hereby finds that correcting Ordinance 09-012 relating to the sale of pre-packaged beverages, is in the best interest of the citizens of Greenville;

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

SECTION 1. The recitals set forth above are hereby found by the Council to be true and correct, and are incorporated by reference herein and expressly made a part hereof as if copied verbatim.

SECTION 2. The City Council of the City of Greenville hereby amends Chapter 28 to read as follows:

Article II. DEFINITIONS & INTERPRETATIONS

Section 2-2 Definitions

PRE-PACKAGED BEVERAGE RETAIL SALES (NO DRIVE THROUGH): Business whose primary activity is the sale of pre-packaged beverages, for off-premise consumption, with no drive-through facility.

PRE-PACKAGED BEVERAGE RETAIL SALES (DRIVE THROUGH): Business whose primary activity is the sale of pre-packaged beverages, for off-premise consumption, with a drive-through facility including a drive-up window, drive-

through building or any other means of conducting sales without requiring customers to exit their vehicles.

ARTICLE IV. PERMITTED USES

Section 4-1 Permitted Use Schedule

“Pre-Packaged Beverage Retail Sales (No Drive Through)” as a permitted use in the “GR” General Retail District, “C” Commercial District and “I-1” Light Industrial District. These uses should be listed under the “Retail and Wholesale Trade” category.

“Pre-packaged Beverage Retail Sales (with Drive Through)” are not permitted.

USE TYPE	A	SF E	SF -1	SF -2	SF -3	SF -4	P P	SF A	2 F	M H P	MF -1	O	N S	G R	H R	C	C A	I-1	I-2
<i>Pre-Packaged Beverage Retail Sales (No Drive Through)</i>														<u>P</u>		<u>P</u>		<u>P</u>	
<i>Pre-Packaged Beverage Retail Sales (with Drive Thru)</i>																			

ARTICLE V. SITE DEVELOPMENT STANDARDS

Section 5-2: Supplementary Regulations

5-2.24 Beer and Wine Retail Sales

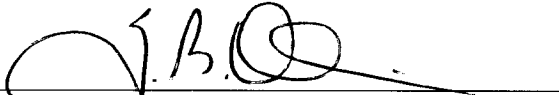
- a. Businesses that engage in beer and wine sales must satisfy all distance requirements of Article 6.08 of the City of Greenville Code of Ordinances.

SECTION 3. All Ordinances or parts of Ordinances in conflict herewith are repealed to the extent of conflict only.

SECTION 4. That if any section, provision, subsection, paragraph, sentence, clause, phrase, or word in this Ordinance or application thereof to any person or circumstance is held invalid by any court of competent jurisdiction, such holdings shall not affect the validity of the remaining portions of this Ordinance, and the City Council of the City of Greenville, Texas hereby declares it would have enacted such remaining portions, despite such invalidity.

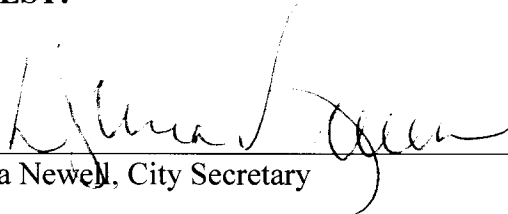
SECTION 5. This Ordinance shall be in full force and effect from and after February 20, 2009.

PASSED AND APPROVED, this the 24th day of March, 2009.



Thomas B. Oliver, Mayor

ATTEST:



Debra Newell, City Secretary

APPROVED AS TO FORM:



Brent A. Money, City Attorney