

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GREENVILLE, TEXAS, AMENDING CHAPTER 28, SECTION 2-2, SECTION 4-1, AND SECTION 5-2, PROVIDING REGULATIONS RELATED TO THE SALE OF ALCOHOL OF THE CODE OF ORDINANCES OF THE CITY OF GREENVILLE; PROVIDING FOR A REPEALING, SEVERABILITY, AND PENALTY CLAUSE AND PROVIDING THAT THIS ORDINANCE SHALL BE EFFECTIVE FROM AND AFTER FEBRUARY 20, 2009.

WHEREAS, Staff is recommending the approval of several amendments to Chapter 28, of the Code of Ordinances of the City of Greenville, relating to the sale of alcohol; and

WHEREAS, notice of a hearing 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, on January 12, 2009, the Planning and Zoning Commission, and, after the public hearing, recommended approval of this request; and

WHEREAS, a public hearing was held by the City Council prior to approval of the proposed amendment; and

WHEREAS, the City Council hereby finds that amending Chapter 28 of the Code of Ordinances of the City of Greenville, relating to the sale of alcohol, 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

BEER AND WINE RETAIL SALES (NO DRIVE THROUGH): Business whose primary activity is the sale of beer, wine and/or malt liquors containing alcohol in excess of one-half of one percent by volume but not more than 17% by volume, for off-premise consumption only, with no drive-through facility.

BEER AND WINE RETAIL SALES (DRIVE THROUGH): Business whose primary activity is the sale of beer, wine and/or malt liquors containing alcohol in excess of one-half of one percent by volume but not more than 17% by volume, for off-premise consumption only, 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

“Beer and Wine 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.

“Beer and Wine 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>Beer and Wine Retail Sales (No Drive Through)</i>																				
<i>Beer and Wine Retail Sales (with Drive Thru)</i>																				

ARTICLE V. SITE DEVELOPMENT STANDARDS

Section 5-2: Supplementary Regulations

5-2.24 Beer and Wine Retail Sales

Businesses that engage in Beer and Wine Retail Sales for off-premise consumption as its primary use 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.

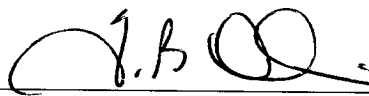
SECTION 4. A person who violates this Ordinance is guilty of a separate offense for each day or part of day the violation is committed, continued, or permitted. Each offense, upon conviction, is punishable by a fine not to exceed \$2,000.00.

SECTION 5. 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.

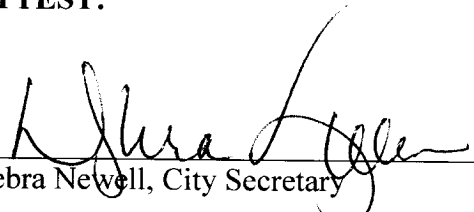
SECTION 6. This Ordinance shall be in full force and effect from and after February 20, 2009.

PASSED AND APPROVED, this the 10th day of February, 2009.



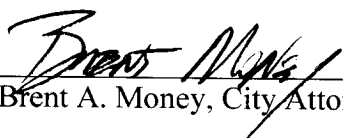
Thomas B. Oliver, Mayor

ATTEST:



Debra Newell, City Secretary

APPROVED AS TO FORM:



Brent A. Money, City Attorney