

ORDINANCE No. 2014-18

AN ORDINANCE AMENDING THE BASTROP CITY CODE, CHAPTER 4, TITLED "BUSINESS AND COMMERCE", ARTICLE 4.02 ET SEQ., RELATED TO THE SALE AND CONSUMPTION OF ALCOHOLIC BEVERAGES IN THE CENTRAL BUSINESS DISTRICT; PROVIDING A SAVINGS CLAUSE; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the City Council has developed and approved written policies and procedures that provide for and allow for the sale and consumption of alcoholic beverages in various locations in the City of Bastrop, and

WHEREAS, the City Council desires to amend the existing valid City Code in a manner that reflects and supports the Council's approval of and adoption of the Culinary District in the City of Bastrop to permit the on and off-site sale and consumption of beer and wine, only, in the Central Business District, when done in accordance with approved polices and procedures and in compliance with State permitting and licensing laws and regulations.

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

PART 1: Sec. 4.02.008 -- "Permitted Locations " shall be amended, as follows:

Sec. 4.02.008 Permitted locations

(a) Establishments for the sale and consumption of beer and/or wine may be located in the following areas and none other (except as noted in section 4.02.004):

(1) Sale for consumption of beer and wine, on-premises, in food service establishments that derive less than fifty (50) percent of their gross revenue from on-premises sale and consumption of alcoholic beverages may be located in areas within the municipal limits with the following zoning designations:

- (A) The central business district;
- (B) The commercial tourism district;
- (C) The commercial-1 district (light);
- (D) The commercial-2 district (heavy).

(2) Notwithstanding the provisions noted above in subsection (1) of this section, sale for consumption of beer and wine, on-premises, is allowed in the following areas:

(A) Property fronting on State Highway 95 from the northern city limits line to the intersection of State Highway 71, which is zoned commercial-1, commercial-2, commercial tourist, industrial park or light industrial.

(B) Property fronting on State Highway 71 and property fronting on parallel frontage roads to State Highway 71 from the western city limits line to the eastern city limits line, which is zoned commercial-1, commercial-2, commercial tourist, industrial park or light industrial.

(C) Property fronting on Loop 150 from the western bank of the Colorado River to the intersection of Loop 150 and State Highway 71, which is zoned commercial-1, commercial-2, commercial tourist, industrial park or light industrial.

(D) Property fronting on Loop 150 from the intersection of Water Street and Loop 150 east to the intersection of Loop 150 and State Highway 71, which is zoned commercial-1, commercial-2, commercial tourist, industrial park or light industrial.

(E) Property fronting on State Highway 21 from the intersection of Loop 150 and State Highway 21 to the eastern city limits line, which is zoned commercial-1, commercial-2, commercial tourist, industrial park or light industrial.

(F) Property zoned central business district.

(3) Sale for consumption of beer and wine, off-premises. Any establishment within the city limits that is located in an area that is zoned:

(a) commercial-1, commercial-2, commercial tourist, industrial park or light industrial, and

(b) central business district so long as the beer and wine products sold in the central business district are "Texas-made" products and the display of such alcoholic products occupies less than 20 % of the retail sales floor space of the establishment.

(b) Pursuant to a special option election held on February 5, 2005, the sale of mixed beverages on-premises is permitted in any establishment that has acquired a valid food and beverage certificate from the state alcoholic beverage commission, or successor agency, and that is located within the city limits in an area appropriately zoned for restaurant use.

[All provisions of Sec. 4.02 not specifically amended herein remain as stated in the City Code of Ordinances.]

PART 2: Severability: If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions of this order.

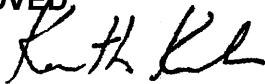
PART 3: Disclaimer: This ordinance shall not create liability on the part of the community or any official or employee thereof for any damages that result from reliance on this order or any administrative decision lawfully made thereunder.

PART 4: Effective Date: The provisions of this Ordinance shall take effect immediately after passage and in accordance with applicable law.

READ and Approved on First Reading on the 9th day of September, 2014.

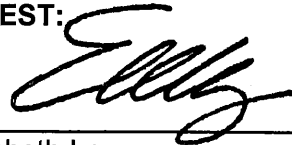
READ and Adopted on Second Reading on the 23rd day of September, 2014.

APPROVED:



Ken Kesselus
Mayor

ATTEST:



Elizabeth Lopez
City Secretary

APPROVED AS TO FORM:

Law Offices of Jo-Christy Brown, PC
Jo-Christy Brown
City Attorney