

**CITY OF ROYSE CITY, TEXAS**

**ORDINANCE NO. 17-01-1192**

**AN ORDINANCE OF THE CITY OF ROYSE CITY, TEXAS, AMENDING SECTION 3-1 OF EXHIBIT "A" OF SECTION 14.02.001 OF THE CITY OF ROYSE CITY CODE OF ORDINANCES CITY OF ROYSE CITY LAND USE TABLE BY SPECIFYING THE DISTRICTS WHERE LIQUOR STORE, PACKAGING SALES ARE ALLOWED AND THE SPECIAL CONDITIONS FOR SUCH USE; AMENDING SECTION 3-2 TO ADD SPECIAL CONDITION #28; AMENDING SECTION 3-4 TO ADD A DEFINITION OF LIQUOR STORE, PACKAGING SALES; AMENDING SECTION 5-2(G)(2) TO ADD LIQUOR STORE, PACKAGING SALES AS A PROHIBITED USE; PROVIDING FOR REPEALING, SAVINGS AND SEVERABILITY CLAUSES; PROVIDING FOR AN EFFECTIVE DATE OF THIS ORDINANCE; AND PROVIDING FOR THE PUBLICATION OF THE CAPTION HEREOF.**

**WHEREAS** the City of Royse City, Texas, is a home rule municipality acting under its home rule charter and authority vested by state law;

**WHEREAS** the City is authorized by Section 211.005, "Districts" of the Texas Local Government Code to zone property into districts in accordance with a Comprehensive Plan;

**WHEREAS** the City Council of the City of Royse City deems it necessary in order to lessen congestion on streets, to secure safety from fire, panic, and other dangers; to promote health and the general welfare; to provide adequate light and air; to prevent overcrowding of land; to avoid undue concentration of population; to facilitate the adequate provisions of transportation, water, sewers, schools, parks and other public requirements; to conserve the value of property and encourage the most appropriate use of land throughout the City, that the hereinafter contained provisions of this ordinance should be passed, promulgated and enforced;

**WHEREAS** the Planning and Zoning Commission recommended approval of the this amendment on January 12, 2017, which is attached as Exhibit "A";

**WHEREAS** the City Council finds that due to the small number of liquor stores in the vicinity, there is a high likelihood of extensive traffic to be associated with liquor stores

**WHEREAS** the City Council finds that modern liquor stores with extensive selections, including large selections of local/craft brands of distilled spirits, wine, and beer, and corresponding tasting and educational events, are better suited to provide leisure and economic opportunities for the community; and

**WHEREAS** the City Council has given published notice and held public hearings with respect to the adoption of this Zoning Ordinance and Zoning Map, as required by law.

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

**SECTION 1**

That the findings set forth above are incorporated into the body of this Ordinance as if fully set forth herein.

**SECTION 2**

That the definition of Liquor Store, Packaging Sales is added to section 3-4 of Exhibit “A” of section 14.02.001 of the City of Royse City Code of Ordinances – Land Use Definitions and Explanations in the City of Royse City Zoning Ordinance to read as follows:

**Liquor Store, Packaging Sales is:**

An establishment falling within the definition of and permitted under the provisions of that portion of Title 3, Chapter 22, VTCA, Alcoholic Beverage Code, as hereafter amended and as it pertains to the operation of package stores permitted under such chapter.

**SECTION 3**

That the following special conditions are added to Section 3-2(A) of Exhibit “A” of section 14.02.001 of the City of Royse City Code of Ordinances – Special Conditions for Listed Uses to read as follows:

- 28. Minimum 15,000 square feet of retail space, and 1,000 feet of separation from other businesses with the same Land Use Designation.

**SECTION 4**

That the *Land Use Designation of “Liquor Store, Packaging Sales”* located in *Section 3-1(A), City of Royse City Land Use Table*, of Exhibit “A” of Section 14.02.001 of the City of Royse City Code of Ordinances, is hereby amended to require a Specific Use Permit for a Liquor Store, Packaging Sales in C1, C2 and I districts. That the *Land Use Designation of “Liquor Store, Packaging Sales”* located in *Section 3-1(A), City of Royse City Land Use Table*, of Exhibit “A” of Section 14.02.001 of the City of Royse City Code of Ordinances, is hereby amended to add special conditions 26 and 27. The Liquor Store, Packaging Sales entry on the Land Use Table is amended to read as follows:

Land Use Designations	Residential Uses						Nonresidential			Special Conditions
	A	SF-1	SF-2	MH	MF-1	MF-2	C1	C2	I	
										(See Sec. 3-2)
<b>Commercial, Retail, Personal Services</b>										
<b>Liquor Store, Packaging Sales</b>							<b>X</b>	<b>XS</b>	<b>XS</b>	1, 3, 6, 12, 17, 28

**SECTION 5**

That the following Land Use Designation is added to Section 5-2(G)(2) of Exhibit "A" of section 14.02.001 of the City of Royse City Code of Ordinances – Prohibited Uses in the Historic Preservation Overlay District to read as follows:

Liquor Store, Packaging Sales

**SECTION 6**

That all provisions of any ordinance in conflict with this Ordinance are hereby repealed to the extent they are in conflict; but such repeal shall not abate any pending prosecution for violation of the repealed ordinance, nor shall the repeal prevent a prosecution from being commenced for any violation if occurring prior to the repeal of the ordinance. Any remaining portions of said ordinances shall remain in full force and effect.

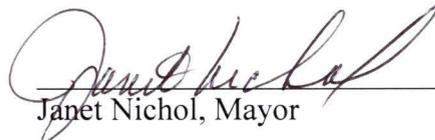
**SECTION 7**

Should any section, subsection, sentence, clause or phrase of this Ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, it is expressly provided that any and all remaining portions of this Ordinance shall remain in full force and effect. Royse City hereby declares that it would have passed this Ordinance, and each section, subsection, clause or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional or invalid.

**SECTION 8**

This Ordinance shall be effective upon its passage and publication as required by law.

**DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROYSE CITY, TEXAS on this 13<sup>th</sup> day of January, 2017.**

  
Janet Nichol, Mayor

APPROVED AS TO FORM:

  
Jason Day, City Attorney



ATTEST:

  
Deborah Sorensen, TRMC, City Secretary

Dates of Publication: 1<sup>st</sup> 1/25/17 2<sup>nd</sup> 2/1/17 *Royse City Herald Banner*

**PLANNING AND ZONING COMMISSION  
OF THE  
CITY OF ROYSE CITY**

§  
§  
§  
§  
§  
§

**REGULAR MEETING**  
  
**January 12, 2017**

**A RESOLUTION OF THE PLANNING AND ZONING COMMISSION OF THE CITY OF ROYSE CITY, TEXAS, RECOMMENDING APPROVAL OF AN ORDINANCE OF THE CITY OF ROYSE CITY, TEXAS, AMENDING SECTION 3-4 OF EXHIBIT “A” OF SECTION 14.02.001 OF THE CITY OF ROYSE CITY CODE OF ORDINANCES LAND USE DEFINITIONS AND EXPLANATIONS BY ADDING A DEFINITION AND EXPLANATION FOR LIQUOR STORE; AMENDING SECTION 3-1 OF EXHIBIT “A” OF SECTION 14.02.001 OF THE CITY OF ROYSE CITY CODE OF ORDINANCES CITY OF ROYSE CITY LAND USE TABLE BY AMENDING LIQUOR STORE, PACKAGING SALES, USE DISTRICTS; ADDING NUMBER 28 TO SECTION 3-2 OF EXHIBIT “A” OF SECTION 14.02.001 OF THE CITY OF ROYSE CITY CODE OF ORDINANCES SPECIAL CONDITIONS FOR LISTED USES; ADDING SUBSECTION TO SECTION 5-2 PROHIBITING LIQUOR STORE, PACKAGING SALES IN THE HERITAGE PRESERVATION OVERLAY DISTRICT**

Before the Planning and Zoning Commission of the City of Royse City, Texas, the above-entitled matter was called for hearing on the 12th day of January, 2017. The Commission having announced ready, all evidence of concerned parties having been submitted to the Commission in accordance with the law and the Commission having made such inquiry as seemed desirable and necessary to it and after the matter having been publicly deliberated as required by law the following recommendations were made and entered:

**FINDINGS OF FACT**

The Commission finds that:

- (1) Notice of the proceedings in this matter have been published in accordance with law;
- (2) A public hearing on the above-entitled matter was held on January 12, 2017.
- (3) Due to the small number of liquor stores in the vicinity, there is a high likelihood of extensive traffic to be associated with liquor stores.
- (4) Modern liquor stores with extensive selections, including large selections local/craft brands of distilled spirits, wine, and beer, and corresponding tasting and educational events, are better suited to provide leisure and economic opportunities for the community.

**RECOMMENDATION**

Based on the above, the Commission:

**RECOMMENDS** approval of an ordinance of the City of Royse City, Texas, Amending Section 3-4 of Exhibit “A” of section 14.02.001 of the City of Royse City Code of Ordinances – Land Use Definitions and Explanations in the City of Royse City Zoning Ordinance. Such recommendation includes that a “Liquor Store, Packaging Sales” be added and defined as “An establishment falling within the definition of and permitted under the provisions of that portion of Title 3,

Chapter 22, VTCA, Alcoholic Beverage Code, as hereafter amended and as it pertains to the operation of packages stores permitted under such chapter.”

**RECOMMENDS** approval of an ordinance of the City of Royse City, Texas, Amending Section 3-1 of Exhibit “A” of section 14.02.001 of the City of Royse City Code of Ordinances – Land Use Table in the City of Royse City Zoning Ordinance. Such recommendation includes that a Liquor Store, Packaging Sales, use be permitted in C2, and I zoning districts with a Specific Use Permit being required in such districts; adding Special Condition numbers 1, 17, and 28, to Liquor Store, Packaging Sales.

**RECOMMENDS** approval of an ordinance of the City of Royse City, Texas, Amending Section 3-2 of Exhibit “A” of section 14.02.001 of the City of Royse City Code of Ordinances – Special Conditions for Listed Uses by adding special condition number 28 to read as “Minimum 15,000 square feet of retail space, and 1,000 feet of separation from other businesses with the same Land Use Designation.”

**RECOMMENDS** approval of an ordinance of the City of Royse City, Texas, Amending Section 5-2(G)(2) of Exhibit “A” of section 14.02.001 of the City of Royse City Code of Ordinances – Heritage Preservation Overlay District Prohibited Uses by adding item (dd) to read as “(dd) Liquor Stores, Packaging Sales”.

EFFECTIVE this 12 day of Jan., 2017

  
Chairperson