

AN ORDINANCE OF THE CITY OF LOWRY CROSSING, TEXAS

ORDINANCE NO. ____129____

AN ORDINANCE OF THE CITY OF LOWRY CROSSING, TEXAS, AMENDING SECTION 18-4 OF THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY, ORDINANCE 110, TO ADD TWO NEW USES PERMITTED UPON GRANT OF A SPECIAL USE PERMIT, TO WIT: (1) LEGAL SALE OF ALCOHOLIC BEVERAGES FOR OFF PREMISES CONSUMPTION, ONLY IN THE (HC) HIGHWAY COMMERCIAL DISTRICT AND (2) HUD-CODE MANUFACTURED HOMES, ONLY IN THE RESIDENTIAL DISTRICTS; PROVIDING A REPEALING CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; PROVIDING HOWEVER, WHERE A DIFFERENT PENALTY HAS BEEN ESTABLISHED BY STATE LAW FOR SUCH OFFENSE THE PENALTY SHALL BE THAT FIXED BY STATE LAW AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Planning and Zoning Commission and the Governing Body of the City of Lowry Crossing, Texas, in compliance with the laws of the State of Texas, with reference to amending the Comprehensive Zoning Ordinance of the City of Lowry Crossing, have given requisite notices by publication and otherwise, and after holding due hearings and affording a full and fair hearing to all property owners generally, and to all persons interested and situated in the affected areas and in the vicinity thereof, the said Governing Body is of the opinion that the Comprehensive Zoning Ordinance No. 110, should be amended in the exercise of its legislative discretion.

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

SECTION 1. That the Comprehensive Zoning Ordinance of the City of Lowry Crossing, Texas, be and the same is hereby amended by adding two new uses to Section 18-4 that lists the uses that are permitted only on the grant of a special use permit zoning district classification, to wit:

(1) Legal Sale Of Alcoholic Beverages For Off Premises Consumption Only, only in the "HC" Highway Commercial District; and

(2) Hud-Code Manufactured Home, only in the residential zoning districts.

SECTION 2. That the Comprehensive Zoning Ordinance of the City of Lowry Crossing, Texas, be and the same is hereby amended by amending Section 14-2(4) to read as follows:

14-2-----

"(4) Store for the legal sale of alcoholic beverages for off premises consumption, but only with a special use permit zoning district classification granted pursuant to Section 18-4.

Each ordinance granting a Special Use Permit Zoning Classification pursuant to this subsection shall be subject to the conditions of any general ordinance of the city, enacted pursuant to state law, or amendment thereto, regulating the sale of beer and prescribing the hours when it may be sold, even though such condition is not specifically stated in the ordinance granting the Special Use Permit.

Other special conditions necessary to protect health and safety, that would be applicable to any business activity at that location such as but not limited to parking facilities, the location of drives from the highway to property, and outside lighting, may be addressed and made conditions of the Special Use Permit. Provided, however, such conditions may not impose stricter standards on a premises or business required to have a license or permit under the Texas Alcoholic Beverage Code than would be imposed on similar premises or businesses that are not required to have such a license or permit."

SECTION 3. That the Comprehensive Zoning Ordinance of the City of Lowry Crossing, Texas, be and the same is hereby amended by Section 7-1 to read as follows:

"7-1 CONFORMANCE WITH THE ZONING REGULATIONS

(1) All land, buildings, structures or appurtenances thereon located within the city which are hereafter occupied, used, erected, altered, removed, placed, demolished or converted, shall be occupied, used erected, altered, removed, placed, demolished or converted in conformance with the zoning regulations

prescribed for the zoning district in which such land or building is located as herein provided. (Ord. 110)

- (2) In addition to the conformance requirement as stated in subsection (1) above (that limits use by affirmatively citing only those uses that are permitted within a specific zoning district) it is ordained:
 - a. That the sale of liquor is prohibited in all of the residential sections of the city.
 - b. That the sale of beer is prohibited in any residential area. of the city.
 - c. That the sale of wine is prohibited in any residential area of the city.”

SECTION 4. That all provisions of the Comprehensive Zoning Ordinance of the City of Lowry Crossing, Texas, in conflict with the provisions of this ordinance be, and the same are hereby, repealed, and all other provisions not in conflict with the provisions of this ordinance shall remain in full force and effect.

SECTION 5. That should any sentence, word, paragraph, subdivision, clause, phrase or section of this ordinance be adjudged or held to be unconstitutional, illegal or invalid, the same shall not affect the validity of this ordinance as a whole, or any part or provision thereof other than the part so decided to be unconstitutional, illegal or invalid, and shall not affect the validity of the Comprehensive Zoning Ordinance as a whole.

SECTION 6. An offense committed before the effective date of this ordinance is governed by prior law and the provisions of the Comprehensive Zoning Ordinance, as amended, in effect when the offense was committed and the former law is continued in effect for this purpose.

SECTION 7. That any person, firm or corporation violating any of the provisions or terms of this ordinance shall be subject to the same penalty as provided for in the Comprehensive Zoning Ordinance of the City of Lowry Crossing, as heretofore amended, and

upon conviction shall be punished by a fine not to exceed the sum of Two Thousand Dollars (\$2,000.00) for each offense; and each and every day such violation shall continue shall be deemed to constitute a separate offense. Provided however, where a different penalty has been established by state law for such offense the penalty shall be that fixed by state law.

SECTION 6. That this ordinance shall take effect immediately from and after its passage and the publication of its caption, as the law and charter in such cases provide.

DULY PASSED by the City Council of the City of Lowry Crossing, Texas, this the 24 day of APRIL, 2001.

APPROVED:



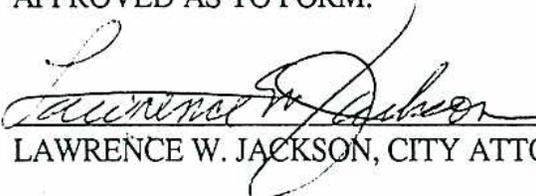
TOM DILLARD, MAYOR

ATTEST:



PATRICIA FRANCCEN, CITY SECRETARY

APPROVED AS TO FORM:



LAWRENCE W. JACKSON, CITY ATTORNEY