

**ORDINANCE NO. 2024-11**

**AN ORDINANCE OF THE CITY OF GONZALES, TEXAS, AUTHORIZING A VARIANCE TO SECTION 8.603 SALE OF ALCOHOLIC BEVERAGES WITHIN 300 FEET OF CERTAIN PLACES FOR 510 ST. PAUL STREET; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, as per Section 109.33 of the Texas Alcoholic Beverage Code (TABC) may enact regulations applicable in the city or town, prohibiting the sale of alcoholic beverages by a dealer whose place of business within: (1) 300 feet of a church, public or private school, or public hospital; and

**WHEREAS**, on April 13, 1993 the City Council adopted Ordinance 93-6 regulating the sale of alcoholic beverages within 300 feet of certain places as authorized by section 109.33 of the Texas Alcoholic Beverage Code (TABC); and

**WHEREAS**, a request from the Lynn Theater, Group was received on March 27, 2024 to request a variance to the distance requirements for 510 St. Paul Street (the Lynn Theater); and

**WHEREAS**, the City Council finds that enforcement of the regulation in this particular instance is not in the best interest of the public, constitutes waste or inefficient use of land or other resources, creates an undue hardship on the applicant for a license or permit, does not serve its intended purpose, and is not effective or necessary; and

**WHEREAS**, the City Council has considered the health, safety and welfare of the public and the equities of the situation, and has determined the variance is in the best interest of the community and will not have an adverse effect on surrounding properties; and

**WHEREAS**, the City Council has determined that it is in the best interest of the City of Gonzales to authorize a variance to Section 8.603 Sale of Alcoholic Beverages within 300 feet of certain places for 510 St. Paul.

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

Section 1. The City Council of the City of Gonzales, Texas hereby authorizes a variance to Section 8.603 Sale of Alcoholic Beverages within 300 Feet of Certain Places for 510 St. Paul Street.

Section 2. The recitals contained in the preamble hereof are hereby found to be true, and such recitals are hereby made a part of this Ordinance for all purposes and are adopted as a part of the judgment and findings of the Council.

Section 3. All ordinances and codes, or parts thereof, which are in conflict or inconsistent with any provision of this Ordinance are hereby repealed to the extent of such conflict, and the provisions of this Ordinance shall be and remain controlling as to the matters resolved herein.

Section 4. If any provision of this Ordinance or the application thereof to any person or circumstance shall be held to be invalid, the remainder of this Ordinance and the application of such provision to other persons and circumstances shall nevertheless be valid, and the City hereby declares that this Ordinance would have been enacted without such invalid provision.

Section 5. This Ordinance shall be construed and enforced in accordance with the laws of the State of Texas and the United States of America.

Section 6. It is officially found, determined, and declared that the meeting at which this Ordinance is adopted was open to the public and public notice of the time, place, and subject matter of the public business to be considered at such meeting, including this Ordinance, was given, all as required by Chapter 551, as amended, Texas Government Code.

Section 7. This Ordinance shall become in force and effect from and after its final passage and it is so resolved.

**PASSED, ADOPTED, AND APPROVED** this 11<sup>th</sup> day of April, 2024.



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Mayor, S. H. Sucher

ATTEST:



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Kristina Vega, City Secretary