

ORDINANCE NO. 2141

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SUGAR LAND, TEXAS, GRANTING A ONE-TIME VARIANCE FROM CHAPTER 3, SECTION 3-91 OF THE CITY OF SUGAR LAND CODE OF ORDINANCES TO ALLOW FOR THE SALE OF ALCOHOLIC BEVERAGES AT LONNIE GREEN PARK DURING RECEPTIONS RELATED TO THE CITY-PARTNERED EVENT KNOWN AS UMBRIA IN SUGAR LAND.

WHEREAS, section 109.33(a) of the Texas Alcoholic Beverage Code authorizes the governing board of an incorporated city to enact regulations prohibiting the sale of alcoholic beverages by a dealer whose place of business is within three hundred (300) feet of any church, public or private school, or hospital; and

WHEREAS, Section 3-91(a) of the City of Sugar Land Code of Ordinances prohibits the sale of alcoholic beverage within the corporate limits of the city where the place of business of a dealer is within 300 feet of any church, public school, or public hospital; and

WHEREAS, section 109.33(e) of the Texas Alcoholic Beverage Code authorizes the governing board of a city that has enacted a regulation under section 109.33(a) to allow variances to the regulation if the governing body determines that enforcement of the regulation in a 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 an applicant for a license or permit, does not serve its intended purpose, is not effective or necessary, or any other reason the City Council, after consideration of the health, safety, and welfare of the public and the equities of the situation, determines is in the best interest of the community; and

WHEREAS, Chapter 3, Section 3-91(e) of the City of Sugar Land Code of Ordinances allows the City Council to allow a variance to the prohibition on the sale of alcohol within 300 feet of any church, public school, or public hospital; and

WHEREAS, the City of Sugar Land, the Sugar Land Cultural Arts Foundation, the Fort Bend Chamber of Commerce, the Festival del Cinema Città di Spello ed I Borghi Umbria, the City of Spello and the Region of Umbria are partnering together to put on a multi-day film festival event known as *Umbria in Sugar Land* (the “Event”), to be held in the City of Sugar Land from Thursday, October 25, 2018 to Sunday, October 28, 2018; and

WHEREAS, the Sugar Land Auditorium will be the primary location for the Event; and

WHEREAS, receptions related to the Event will be held at nearby Lonnie Green Park (“Park”); and

WHEREAS, the public school Lakeview Elementary and the church International Christian Network Church are located within 300 feet of the Park; and

WHEREAS, the sale of alcohol in the Park for Event-related receptions will contribute to the overall appeal of the Event and enhance the economic impact of the Event, and

WHEREAS, allowing the sale of alcohol at the Park for Event-related receptions is in the best interest of the community; and

WHEREAS, the City Council wishes to create a one-time variance from the prohibition on the sale of alcoholic beverages by a dealer whose place of business is within 300 feet of any church, public or private school, or hospital for the Event-related receptions in the Park; NOW, THEREFORE;

**BE IT ORDAINED BY THE CITY COUNCIL
OF THE CITY OF SUGAR LAND, TEXAS:**

Section 1. That the City Council adopts the findings and recitals set forth in the preamble of this Ordinance.

Section 2. That the prohibition against the sale of alcoholic beverages within three hundred (300) feet of any church, public or private school, or hospital contained in Chapter 3, Section 3-91(e) of the City of Sugar Land Code of Ordinances does not apply to Lonnie Green Park during receptions related to the event *Umbria in Sugar Land*:

- (a) that are held at Lonnie Green Park; and
- (b) that take place on Thursday, October 25, 2018 to Sunday, October 28, 2018;
- (c) that are held between the hours of 2:00 p.m. and 7:30 p.m.; and
- (d) that are directly related to the event *Umbria in Sugar Land*.

Section 3. To the extent not in conflict with this Ordinance, all other City ordinances and regulations apply to the Park.

Section 4. That the provisions of this ordinance are severable and the invalidity of any part of this ordinance will not affect the validity of the remainder of the ordinance.

APPROVED on first consideration on _____, 2018.

ADOPTED upon second consideration on _____, 2018.

Joe R. Zimmerman, Mayor

ATTEST:

Thomas Harris, Assistant City Secretary

APPROVED AS TO FORM:

DAnn Shea Smith