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**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SANSOM PARK, TEXAS APPROVING A SPECIFIC USE PERMIT FOR BAR, LOUNGE OR TAVERN LOCATED AT 5704 JACKSBORO HWY, SANSOM PARK, TEXAS; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY CLAUSE; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the property owner of 5704 Jacksboro Hwy has submitted an application requesting a Specific Use Permit for a Bar, Tavern or Lounge, which has been reviewed; and

**WHEREAS**, the property located at 5704 Jacksboro Hwy, Sansom Park, Texas is currently zoned Commercial; and

**WHEREAS**, Section 4.9, Commercial, of the City of Sansom Park's Zoning Ordinance, Ordinance No. 480-14, as amended, (Zoning Ordinance) allows for a Specific Use Permit in a Commercial District for Bar, Lounge or Tavern, which is defined as follows:

*Bar, Lounge or Tavern, an establishment principally for the sale and consumption of alcoholic beverages on the premises that derives 75 percent or more of its gross revenue on an annual basis from the sale or service of alcoholic beverages, as defined in the Texas Alcoholic Beverage Code, for on-premises consumption.; and*

**WHEREAS**, pursuant to Section 4.9.3 of the Zoning Ordinance, the Specific Use Permit for Bar, Lounge or Tavern requires a detailed site plan; and

**WHEREAS**, the City Council of the City of Sansom Park provided notice as required by law and conducted a public hearing on August 17, 2017, in accordance with Texas Local Government Code 211.007 and finds and determines that a Specific Use Permit should be granted subject to an approved site plan and any conditions placed on the approval to protect the public health, safety and welfare of the citizens of Sansom Park.

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

**SECTION I  
FINDINGS OF FACT**

The foregoing recitals are hereby found to be true and correct and are hereby adopted by the City Council and made a part hereof for all purposes as findings of fact.

## SECTION II SPECIFIC USE PERMIT

In accordance with the Zoning Ordinance of the City of Sansom Park, a Specific Use Permit is hereby approved for Bar, Lounge or Tavern, located at 5704 Jacksboro Hwy, Sansom Park, Texas and zoned Commercial with the site plan, attached hereto as Exhibit "A", contains all of the information required by Section 5.3 of the Zoning Ordinance; and that the City Council has found that:

1. The proposed use at the specified location is consistent with the goals, objectives, and policies contained in the adopted Comprehensive Plan;
2. The proposed use is consistent with the general purpose and intent of the applicable zoning regulations;
3. The proposed use is compatible with and preserves the character and integrity of adjacent development and neighborhoods and, as required by the particular circumstances, includes improvements or modifications either on-site or within the public rights-of-way to mitigate development-related adverse impacts, including but not limited to:
  - a. Adequate ingress and egress to property and proposed structures thereon with particular reference to vehicular and pedestrian safety and convenience, and access in case of fire;
  - b. Off-street parking and loading areas;
  - c. Refuse and service areas;
  - d. Utilities with reference to location, availability, and compatibility;
  - e. Screening and buffering features to minimize visual impacts, and/or setbacks from adjacent uses;
  - f. Control of signs, if any, and proposed exterior lighting with reference to glare, traffic safety, economic effect, and compatibility and harmony with properties in the district;
  - g. Required yards and open space;
  - h. Height and bulk of structures;
  - i. Hours of operation;
  - j. Exterior construction material and building design; and
  - k. Roadway adjustments, traffic-control devices or mechanisms, and access restrictions to control traffic flow or divert traffic as may be needed to reduce or eliminate development-generated traffic on neighborhood streets.
4. The proposed use is not materially detrimental to the public health, safety, convenience and welfare, or results in material damage or prejudice to other property in the vicinity.
5. Conditions: In approving the application the City Council places the following conditions as reasonably necessary to assure compliance with these standards and the purpose and intent of this Section and in accordance with the procedures in Section 5.1 of the Zoning Ordinance:
  - a. (add any conditions per Council action here)
  - b. The City Manager or his/her designee shall verify that the plan incorporates all conditions set forth in the ordinance authorizing the special use, and shall sign the plan to indicate final approval. The City shall maintain a record of such approved special uses and the site plans and conditions attached thereto.
6. The development of this property shall conform to the Specific Use Permit and site plan requirements per Section 5.2.4, attached as Exhibit "A" and no Building Permit or Certificate of Occupancy shall be issued except in conformance with this Ordinance.

**SECTION III  
APPLICABILITY**

Except as otherwise provided in this Specific Use Permit and site plan, the property shall be governed by the ordinances of the City of Sansom Park (the "City Code"). In the event of a conflict between the Specific Use Permit, the site plan and the base zoning districts found in the City Code, the Specific Use Permit and approved site plan shall control.

**SECTION IV  
SEVERABILITY CLAUSE**

Should any phrase, sentence, section, or paragraph of this Ordinance shall be declared unconstitutional or otherwise invalid by final judgment of a court of competent jurisdiction such unconstitutionality or invalidity shall not affect any of the remainder of this Ordinance since the same would have been enacted by the City Council without the incorporation of the unconstitutional or invalid phrase, sentence, section or paragraph.

**SECTION V  
OPEN MEETINGS**

That it is hereby officially found and determined that the meeting at which this ordinance is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act, Chapt. 551, Loc. Gov't. Code.

**SECTION VI  
PENALTY CLAUSE**

Any person, firm, association or persons, company, corporations or their agents or employees violating or failing to comply with any of the provisions of this Ordinance shall be find, upon conviction, not more than Two Thousand Dollars (\$2,000.00) and each day any violation of noncompliance continues shall constitute a separate and distinct offense. The penalty provided herein shall be cumulative of other remedies provided by State law, and the power on injunction as provided by V.T.C.A. Local Government Code 54.012 and as may be amended, may be exercised in enforcing this Ordinance whether or not there has been a complaint filed.

**SECTION VII  
MAP ADJUSTMENT**

The City Council directs the City Secretary to record this zoning classification, SUP for Bar, Lounge or Tavern, on the City's official zoning map with the official notation as prescribed by the City's Zoning Ordinance.

**SECTION VIII  
PUBLICATION**

The City Secretary for the City of Sansom Park, Texas is hereby directed to publish caption, penalty clause and effective date clause in the official newspaper after the passage of this Ordinance.

**SECTION IX  
EFFECTIVE DATE**

This Ordinance shall take effect immediately from and after its passage and publication as provided by law, and it is so ordained.

**PASSED AND APPROVED** by the City Council of the City of Sansom Park, Texas, this 17th day of August, 2017.

**APPROVED:**

\_\_\_\_\_  
Jim Barnett, Jr.  
Mayor

**ATTEST:**

\_\_\_\_\_  
Wendy Blocker  
City Secretary