



**CITY OF PLANO
COUNCIL AGENDA ITEM**

CITY SECRETARY'S USE ONLY				
<input type="checkbox"/> Consent <input type="checkbox"/> Regular <input type="checkbox"/> Statutory				
Council Meeting Date:		06/27/11		
Department:		Planning		
Department Head		Phyllis Jarrell		
Agenda Coordinator (include phone #): Doris Carter, ext. 5350				
CAPTION				
Consideration of an Ordinance of the City of Plano, Texas, amending Section 3-3 of Chapter 3 Alcoholic Beverages, of the Code of Ordinances of the City of Plano providing an exception for a winery where authorized by the City of Plano Zoning Ordinance to the prohibition against manufacturing, distilling, brewing, transporting, storing for purposes of sale, distributing or selling alcoholic beverages in any residentially zoned district; providing a repealer clause, a savings clause, a severability clause, a penalty clause, a publication clause and an effective date.				
FINANCIAL SUMMARY				
<input checked="" type="checkbox"/> NOT APPLICABLE <input type="checkbox"/> OPERATING EXPENSE <input type="checkbox"/> REVENUE <input type="checkbox"/> CIP				
FISCAL YEAR:	Prior Year (CIP Only)	Current Year	Future Years	TOTALS
Budget	0	0	0	0
Encumbered/Expended Amount	0	0	0	0
This Item	0	0	0	0
BALANCE	0	0	0	0
FUND(S):				
COMMENTS: This item has no fiscal impact.				
STRATEGIC PLAN GOAL: Code of Ordinance Amendment relates to the City's goal of Financially Strong City with Service Excellence.				
SUMMARY OF ITEM				
An Ordinance amending Section 3-3 of Chapter 3 Alcoholic Beverages of the Code of Ordinances. This ordinance is a companion agenda item to an item on the City Council's Preliminary Open Meeting, regarding the Code of Ordinances amendment pertaining to the sale of alcohol.				
List of Supporting Documents: Ordinance		Other Departments, Boards, Commissions or Agencies N/A		

An Ordinance of the City of Plano, Texas, amending Section 3-3 of Chapter 3 Alcoholic Beverages, of the Code of Ordinances of the City of Plano providing an exception for a winery where authorized by the City of Plano Zoning Ordinance to the prohibition against manufacturing, distilling, brewing, transporting, storing for purposes of sale, distributing or selling alcoholic beverages in any residentially zoned district; providing a repealer clause, a savings clause, a severability clause, a penalty clause, a publication clause and an effective date.

WHEREAS, Section 3-3 of the City of Plano Code of Ordinances prohibits manufacturing, distilling, brewing, importing, transporting, storing for purposes of sale, distributing or selling any alcoholic beverages in any residentially zoned district within the City of Plano; and

WHEREAS, the City Council deems it necessary to amend its Code of Ordinances at Section 3-3 in order to provide an exception for a winery where authorized by the City of Plano Zoning Ordinance.

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

Section I. Section 3-3 of Chapter 3 Alcoholic Beverages of the Code of Ordinances of the City of Plano is hereby amended to read in its entirety as follows:

**“Sec. 3-3. Manufacturing, importing, transporting, selling, etc.-
Unlawful in districts zoned residential.**

It shall be unlawful for any person to manufacture, distill, brew, import, transport, store for purpose of sale, distribute or sell any alcoholic beverages in any residentially zoned district within the City of Plano except for a winery where authorized by the City of Plano Zoning Ordinance.”

Section II. All provisions of the Ordinances of the City of Plano codified or uncoded, in conflict with the provisions of this Ordinance are hereby repealed, and all other provisions of the Ordinances of the City of Plano, codified or uncoded, not in conflict with the provisions of this Ordinance shall remain in full force and effect.

Section III. The repeal of any Ordinance or part of Ordinances effectuated by the enactment of this Ordinance shall not be construed as abandoning any action now pending under or by virtue of such Ordinance or as discontinuing, abating, modifying or altering any penalty accruing or to accrue, or as affecting any rights of the municipality under any section or provision of any Ordinances at the time of passage of this Ordinance.

Section IV. It is the intention of the City Council that this Ordinance, and every provision hereof, shall be considered severable, and the invalidity or unconstitutionality of any section, clause, provision or portion of this Ordinance shall not affect the validity or unconstitutionality of any other portion of this Ordinance.

Section V. A violation of any provision of this ordinance shall be deemed a misdemeanor punishable as provided by Section 1-4(a) of the Code of Ordinances of the City of Plano, Texas.

Section VI. This Ordinance shall become effective immediately upon its passage and publication as required by law.

DULY PASSED AND APPROVED this the **27th** day of **June, 2011**.

Phil Dyer, MAYOR

ATTEST:

Diane Zucco, City Secretary

APPROVED AS TO FORM:

Diane C. Wetherbee, CITY ATTORNEY