

SEC. 51-4.209.

BAR AND RESTAURANT USES.

Bar and restaurant uses are subject to the following regulations:

(1) Alcoholic beverage establishments.

(A) Definitions:

(i) **BAR, LOUNGE, OR TAVERN** means 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 a quarterly (three-month) basis from the sale or service of alcoholic beverages, as defined in the Texas Alcoholic Beverage Code, for on-premise consumption.

(ii) **PRIVATE-CLUB BAR** means an establishment holding a private club permit under Chapter 32 or 33 of the Texas Alcoholic Beverage Code that derives 35 percent or more of its gross revenue from the sale or service of alcoholic beverages for on-premise consumption and that is located within a dry area as defined in Title 6 (Local Option Elections) of the Texas Alcoholic Beverage Code. **PRIVATE -CLUB BAR** does not include a fraternal or veterans organization, as defined in the Texas Alcoholic Beverage Code, holding a private club permit under Chapter 32 or 33 of the Texas Alcoholic Beverage Code. **PRIVATE-CLUB BAR** does not include the holder of a food and beverage certificate, as defined in the Texas Alcoholic Beverage Code.

(B) Districts permitted: By SUP only in SC, GR, LC, HC, central area, industrial, GO, MO, MF-3, and MF-4 districts.

(C) Required off-street parking:

(i) Except as otherwise provided, one space per 100 square feet of floor area.

(ii) One space per 500 square feet of floor area used for the manufacture of alcoholic beverages as an accessory use to the bar, lounge, or tavern use.

(D) Required off-street loading:

<u>SQUARE FEET OF FLOOR AREA IN STRUCTURE</u>	<u>TOTAL REQUIRED SPACES OR BERTHS</u>
0 to 5,000	NONE
5,000 to 25,000	1
25,000 to 50,000	2
Each additional 50,000 or fraction thereof	1 additional

(E) Additional provisions:

(i) Food may be prepared and served under this use.

(ii) Music, entertainment, or facilities for dancing may be provided under this use.

(iii) The person owning or operating the use shall, upon request, supply the building official with any records needed to document the percentage of gross revenue for the previous 12-month period derived from the sale or service of alcoholic beverages for on-premise consumption.

(iv) Unless the person owning or operating the use supplies the building official with records to prove otherwise, an establishment holding a private club permit under Chapter 32 or 33 of the Texas Alcoholic Beverage Code is presumed to derive 35 percent or more of its gross revenue from the sale or service of alcoholic beverages for on-premise consumption.

(2) Drive-in restaurant.

(A) Definition:

(i) An establishment principally for the sale and consumption of food where food service is provided to customers in motor vehicles for consumption on the premises.

(ii) An establishment principally for the sale and consumption of food which has direct window service allowing customers in motor vehicles to pick up food for off-premise consumption.

(B) Districts permitted: LC, HC, central area, and industrial districts.

(C) Required off-street parking: One space for each 50 square feet of floor area; a minimum of 12 spaces is required. See additional provisions [Subparagraph (E)] for off-street stacking requirements. See Section 51-4.304 for more information regarding off-street stacking spaces generally.

(D) Required off-street loading:

<u>SQUARE FEET OF FLOOR AREA IN STRUCTURE</u>	<u>TOTAL REQUIRED SPACES OR BERTHS</u>
0 to 5,000	NONE
5,000 to 25,000	1
25,000 to 50,000	2
Each additional 50,000 or fraction thereof	1 additional

(E) Additional provisions:

(i) The total number of stacking spaces required for this use is as follows:

<u>NO. OF DRIVE-THROUGH WINDOWS</u>	<u>TOTAL NUMBER OF STACKING SPACES REQUIRED</u>
1	6
2	4
Each additional drive-through window	4 additional

(ii) A remote order station, if any, must be set back at least 27 feet from all streets that allow direct access to the station.

(3) Restaurant without drive-in service.

(A) Definition: An establishment for the sale and service of food to customers on the premises, but not in automobiles.

(B) Districts permitted:

(i) In general: Commercial, central area, and industrial districts; limited use in MF-3, MF-4, O-2, LO*, MO, and GO districts; *specific use permit required for a limited use in LO districts if:

(aa) the LO district is contiguous to a residential district; and

(bb) the limited use is open past 9 p.m.

(ii) As a retail-related use: GO districts; specific use permit required in MO districts.

(C) Required off-street parking:

(i) Except as otherwise provided, one space for each 100 square feet of floor area.

(ii) One space per 500 square feet of floor area used for the manufacture of alcoholic beverages as an accessory use to the restaurant without drive-in or drive-through service use.

<u>SQUARE FEET OF FLOOR AREA IN STRUCTURE</u>	<u>TOTAL REQUIRED SPACES OR BERTHS</u>
0 to 5,000	NONE
5,000 to 25,000	1
25,000 to 50,000	2
Each additional 50,000 or fraction thereof	1 additional

(4) Reserved.

(5) Private club.

(A) Definition: An establishment for the association of a group of people for common purpose, interest, or pleasure.

(B) Districts permitted:

(i) In general: SC, GR, HC, central area, and industrial districts; limited use in MF-3, MF-4, O-2, LO*, MO, and GO districts; *specific use permit required for a limited use in LO districts if:

(aa) the LO district is contiguous to a residential district; and

(bb) the limited use is open past 9 p.m.

(ii) As a retail-related use: GO districts; specific use permit required in MO districts.

(C) Required off-street parking: One space for each guest room, plus one space for each 100 square feet of floor area exclusive of guest rooms; a minimum of 10 parking spaces is required.

(D) Required off-street loading:

<u>SQUARE FEET OF FLOOR AREA IN STRUCTURE</u>	<u>TOTAL REQUIRED SPACES OR BERTHS</u>
0 to 5,000	NONE
5,000 to 25,000	1
25,000 to 50,000	2
Each additional 50,000 or fraction thereof	1 additional

(E) Additional provisions:

(i) Private club facilities must be available only to members and their guests.

(ii) The private club may include a restaurant or bar, and tennis courts, swimming pool, or similar recreational facilities.

(iii) An establishment that derives 75 percent or more of its gross revenue on an annual basis from the sale of alcoholic beverages for on-premise consumption may not be classified as a private club.

(6) Catering service.

(A) Definition: An establishment that serves and supplies food to be consumed off premises.

(B) Districts permitted: SC, GR, LC, HC, central area, and industrial districts.

(C) Required off-street parking: One space for each 200 square feet of floor area.

(D) Required off-street loading:

<u>SQUARE FEET OF FLOOR AREA IN STRUCTURE</u>	<u>TOTAL REQUIRED SPACES OR BERTHS</u>
0 to 5,000	NONE
5,000 to 25,000	1
25,000 to 50,000	2
Each additional 50,000 or fraction thereof	1 additional

(Ord. Nos. 16802; 18849; 21735; 22204; 22531; 22995; 26160; 27404)

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