

### **19. Restaurant with Drive-in or Drive-through Service**

- a. **Definition:** Restaurant with drive-in or drive through service means
  - (1) A restaurant with drive-in service is 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.
  - (2) A restaurant with drive-through service is 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-premises consumption. This use applies for the pick-up of delivery service and / or customer pre-orders of food for off-premises consumption.
- b. **Additional Provisions:**
  - (1) The minimum stacking space for the first vehicle stop for a commercial drive-through shall be a minimum of 100-feet, and a minimum of 40-feet thereafter, for any other stops.
  - (2) CR District: Drive through and stacking area shall not be located adjacent to residential uses.
  - (3) The General Provisions listed in Section 7.10 shall apply.

### **20. Restaurant without Drive-in or Drive-through Service**

- a. **Definition:** Restaurant without drive-in or drive through service means an establishment principally for the sale and consumption of food on the premises.
- b. **Additional Provisions:** The General Provisions listed in Section 7.10 shall apply

### **23. Beer & Wine Package Sales.**

- a. **Definition:** An establishment, including but not limited to General Merchandise or Food Store of any size or Motor Vehicle Fueling Station, engaged in the selling of beer and/or wine to the general public for off-site personal or household consumption and rendering services incidental to the sale of such goods.
- b. **Additional Provisions:** The General Provisions listed in Section 7.10 shall apply.

## **SECTION 7.10     ALCOHOL PROVISIONS**

**A. General Provisions:** The sale of alcohol shall be subject to compliance with the Texas Alcoholic Beverage Code, as it exists or may be amended, and to the following development criteria:

- 1. Establishments are only permitted to sell alcohol by right if the subject property was located within the City limits as of May 13, 2006. For property annexed into the City after

May 13, 2006, an establishment that sells alcohol must obtain a permit for a Private Club from the Texas Alcoholic Beverage Commission for the ability to sell alcohol.

2. An establishment that sells alcohol shall not be located closer than 300 feet to a church and/or public hospital measured along the property lines of the street fronts from front door to front door, and in direct lines across intersections.
3. An establishment that sells alcohol shall not be located closer than 300 feet to a public or private school measured in a direct line from property line to property line, and in direct lines across intersections.
4. The distance between an establishment that sells alcohol and a private school can be increased to 1,000 feet if the City Council receives a request from the governing body of the private school to do so.
5. Establishments that derive more than 75% of their revenue from the sale of alcohol are only permitted by specific use permit.
6. In the BG District restaurant Use must be incorporated into the Civic Center facility and owned, managed, operated, or contracted through, in whole or in part by a governmental agency.

**B. Appeal of distance requirements:** As allowed under Chapter 109 of the Texas Alcoholic Beverage Code the City Council may allow variances to the regulation if it is determined 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 for 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.

1. The property owner shall request the variance, in writing, to the City Planner and provide any additional information that may be required.
2. A fee shall be required equal to the fee of a commercial request for a variance to the Zoning Board of Adjustments.
3. The City Planner shall notify the owner of the property subject to the distance requirement, according to current year County tax rolls, and cause notification to be published in the newspaper of record a time and place of the City Council meeting in which the request for the distance variance will be considered. The notifications shall occur at least 10 days prior to the City Council meeting.