

ORDINANCE NO. 302

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TIOGA, TEXAS AMENDING ORDINANCE NUMBER 259, SECTION 21 USE OF LAND AND BUILDINGS AND SECTION 22, DEFINITIONS OF USES.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF TIOGA, TEXAS:

Section 1. Ordinance 259, Section 21, Use of Land and Buildings "Restaurants, Bakeries, Food and Beverage Sales" is hereby deleted and replaced with the following:

Type of Use	A	R-1	R-2	MH-1	MH-2	C-1	C-2	C-3	I-1	I-2
Restaurants, Bakeries, Food and Beverage Sales										
Alcoholic Beverage Establishment - On Premise Consumption						S	S	S	S	S
Bakery, commercial						S	S	S	Y	Y
Bakery or Confectionary Shop (Retail)						Y	Y	Y	Y	Y
Bakery, Wholesale							Y		Y	Y
Beer Sales - Off Premise Consumption						S	Y	S	S	S
Convenience Store						S	Y	S	S	S
Food and Beverage Store Sales (Grocery Stores)		S	S	S	S	Y	Y	Y	Y	Y
Package Sales (liquor) - Off Premise Consumption						S	Y	S	S	S
Package Sales (wine only) - Off Premise Consumption						S	Y	S	S	S
Restaurant or Eating Establishment (Drive-in)						S	Y	S	Y	Y
Restaurant or Eating Establishment (No Drive-in)						Y	Y	Y	Y	Y
Restaurant/Private Club with alcoholic beverage sale- On Premise Consumption						S	S	S	S	S
Restaurant with alcoholic beverage sales- On Premise Consumption						S	S	S	S	S
Truck Stop							S		Y	Y

Legend for interpreting Schedule of Uses:

Y	Designates use permitted in district indicated
	Designates use prohibited in district indicated
S	Designates use which may be approved as Specific Use Permit

Section 2. Ordinance 259, Section 22, Descriptions/Definitions of Uses is hereby amended by adding the following:

Sec. 22.5.27a. Alcoholic Beverage Establishment—On Premise Consumption. Any establishment that derives seventy-five percent (75%) or more of its gross revenue on a quarterly basis from the sale or service of alcoholic beverages for on-premise consumption, as defined in the Texas Alcoholic Beverage Code, as amended. *Alcoholic Beverage Establishments shall be subject to compliance with the Texas Alcoholic Beverage Code, as amended, and any local option elections and local ordinances.*

Sec. 22.5.27b. Beer Sales – Off Premise Consumption. Sale of factory-sealed Malt beverages with more than a half percent alcohol by volume, but NOT more that 4% alcohol by weight (5% alcohol by volume) for off-premise consumption. *Beer Sales are subject to the rules and regulations of the Texas Alcoholic Beverage Code, as amended, and any local option elections and local ordinances.*

Sec. 22.5.27c. Package Sales (liquor) – Off Premise Consumption. Sale of Liquor for off-premise consumption. *Liquor sales are subject to the rules and regulations of the Texas Alcoholic Beverage Code, as amended, and any local option elections and local ordinances.*

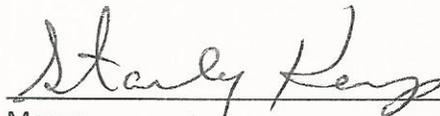
Sec. 22.5.27d. Package Sales (wine only) – Off Premise Consumption. Sale of Wine, an alcoholic beverage made by fermenting juice from fruit, grapes, berries or honey for off-premise consumption. *Wine sales are subject to the rules and regulations of the Texas Alcoholic Beverage Code and any local option elections and local ordinances.*

Sec. 22.4.40e. Restaurant/Private Club with alcoholic beverage sale. An establishment holding a Private Club permit under Chapter 32 or 33 of the Texas Alcoholic Beverage Code, as amended, that derives thirty-five percent (35%) or more of its gross revenue from the sale or service of alcoholic beverages for on-premise consumption that is located in a dry area as defined in Title 6 (Local Option Elections) of the Texas Alcoholic Beverage Code, as amended. Private Club does not include a fraternal or veteran's organization, as defined in the Texas Alcoholic Beverage Code, as amended, holding a private club permit under Chapter 32 or 33 of the Texas Alcoholic Beverage Code. A Private Club does not include the holder of a food and beverage certificate, as defined in the Texas Alcoholic Beverage Code, as amended. 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, as amended, is presumed to derive thirty-five percent (35%) or more of its gross revenue from the sale or service of alcoholic beverages for on-premise consumption.

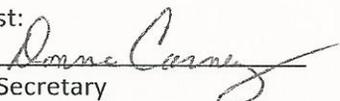
Sec. 22.4.40f. Restaurants with alcoholic beverage sales. An eating establishment where food or drink is primarily served to customers at tables and not providing facilities for the consumption of food in automobiles on or near the restaurant premises. *Restaurants that sell alcohol shall be subject to compliance with the Texas Alcoholic Beverage Code as amended and any applicable local option elections and local ordinances.* If a restaurant receives seventy-five percent (75%) or more of its gross quarterly revenue from the sale or service of alcoholic beverages for on premise consumption, the use will no longer qualify as a Restaurant and will be classified and regulated by the City as an alcoholic beverage establishment.

Section 3. Effective Date. The provisions of this ordinance shall be in full force and effect upon passage.

PASSED AND APPROVED THIS THE 9th day of April, 2012.



Mayor

Attest:


City Secretary