

SECTION 12 - REQUIREMENTS FOR ON-PREMISE SALE AND CONSUMPTION OF ALCOHOLIC BEVERAGES

11.12.1 Standards

Alcoholic beverages, as defined in the Alcoholic Beverage Code of the State of Texas, may be sold or for on-premise consumption in restaurants facilities, certain facilities owned by the City of Grand Prairie or hotels, motels, and theaters only in accordance with the following standards. On-premise consumption of alcoholic beverages shall be:

- A. Allowed for full service restaurants (as defined in **Article 30 “Restaurant – Full Service”**) with a gross floor area of 5,000 square feet or more; provided that at least ten percent (10%) of the total floor area shall be used as a kitchen, that not more than twenty percent (20%) of the total floor area shall be used as a bar/holding area, and that at least seventy (70%) percent of gross restaurant revenues shall be from the sale of food prepared on-premise (reference **Article 4, Section 4.8.5** for proximity requirements).
- B. Allowed for full service restaurants (as defined in **Article 30 “Restaurant – Full Service”**) with a gross floor area of less than 5,000 square feet, but exceeding 2,499 square feet; provided that at least ten percent (10%) of the total floor area shall be used as a kitchen, that not more than ten percent (10%) of the total floor area shall be used as a bar/holding area, and that at least seventy percent (70%) of gross restaurant revenues shall be from the sale of food prepared on-premise (reference **Article 4, Section 4.8.5** for proximity requirements).
 - 1. A bar/holding area, and the sale of mixed alcoholic beverages, shall be prohibited for restaurants containing less than 2,500 square feet. At least seventy percent (70%) of gross restaurant revenues shall be from the sale of food prepared on-premise (reference **Article 4, Section 4.8.5** for proximity requirements).
- C. Allowed for walk-up service only restaurants (as defined in **Article 30 “Restaurant – Walk-Up Service Only”**) with a gross floor area of 5,000 square feet or more; provided that at least ten percent (10%) of the total floor area shall be used as a kitchen, that not more than twenty percent (20%) of the total floor area shall be used as a bar/holding area, and that at least seventy percent (70%) of gross restaurant revenues shall be from the sale of food prepared on-premise (reference **Article 4, Section 4.8.5** for proximity requirements).
- D. Allowed for walk-up service only restaurants (as defined in **Article 30 “Restaurant – Walk-Up Service Only”**) with a gross floor area of less than 5,000 square feet, but exceeding 2,499 square feet; provided that at least ten percent (10%) of the total floor area shall be used as a kitchen, that not more than ten percent (10%) of the total floor area shall be used as a bar/holding area, and that at least seventy percent (70%) of gross restaurant revenues shall be from the sale of food prepared on-premise (reference **Article 4, Section 4.8.5** for proximity requirements).

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- A. Allowed as an incidental use in hotels, resort casino hotels and motels equipped with meeting and conference facilities and a full-service, on-site restaurant (as defined in [Article 30 "Restaurant – Full Service"](#)), which meets the requirements of [Article 11.12.1.A or B](#) above. Delivery and/or service of alcoholic beverages by hotel, motel or restaurant employees to individual rooms or meeting areas or outdoor reception areas designated as such on the interior design plan required in [Article 11.12.3.A](#) below for on-premise consumption only shall be allowed. Delivery of alcoholic beverages to individual rooms or meeting areas by an off-premise provider is not allowed. For purposes of this Section, employees of a hotel, motel or restaurant shall include persons paid directly by the hotel, motel or restaurant, and persons paid directly by a company or firm under contract to hotel, motel or restaurant to provide food-catering services.
 - B. Alcoholic beverage service at no charge to guests of a hotel or motel with a minimum of 70 rooms shall be allowed as an incidental use in hotels and motels not equipped with a full-service, on-site restaurant (as defined in [Article 30 "Restaurant – Full Service"](#)) for no more than 4 hours in a 24-hour period in a designated common area such as a lobby or pool area. Delivery of alcoholic beverages to individual rooms or meeting areas by an off-premise provider is not allowed. Alcohol sales on the premise shall be prohibited.
 - C. Allowed as an incidental use in a Class 1 Horse Race Track facility, a performance hall, an exhibition hall or a convention center with a maximum design capacity of over 3,000 patrons when equipped with a full-service kitchen and restaurant. Sales of alcoholic beverages for on-premise consumption only may be conducted from the restaurant or from food and beverage concession areas designated as such on the interior design plan required in [Article 11.12.3.A](#) below. For the purpose of this Section, "*Horse Race Track Facility*" shall mean all the property and structures for which a license has been granted to operate a Class 1 horse race track by the Texas Racing Commission and for which an alcoholic beverage license has been issued by the State of Texas and the City of Grand Prairie pursuant to Chapter 3 of the Code of Ordinances. The sale of alcoholic beverages shall not be allowed in the non-public-access areas of the racetrack, as defined in the Texas Racing Commission Rules of Racing.
 - D. Allowed as an incidental use within a golf course (SIC codes 7992 and 7997) equipped with a clubhouse which includes a full-service, on-site restaurant meeting the requirements of [Article 11.12.1.A or B](#) above, except that the 70% food sales ratio described in [Article 11.12.1.B](#) above and the auditing requirements of [Article 11.12.2](#), below shall not apply.
 - E. Allowed as an incidental use at the following City of Grand Prairie parks, recreation, entertainment and conference center facilities except that the 70% food sales ratio described in [Article 11.12.1.B](#) above and the auditing requirements of [Article 11.12.2](#) below shall not apply:
 1. The Uptown Theater complex, 120 E. Main Street
 2. The Farmers Market in downtown Grand Prairie's Market Square, 120 W. Main Street
 3. The Ruthie Jackson Center, 3113 S. Carrier Parkway.
 4. Minor league baseball stadium, 1600 Lone Star Parkway.

5. Lynn Creek Park, 5700 Lakeridge Parkway. (All grounds and facilities)
6. Loyd Park, 3401 Ragland Road. (All grounds and facilities)
7. Mike Lewis Park, 2600 block of North Carrier Parkway. (All grounds and facilities)
8. Turner Park, 600 N. Belt Line Road. (All grounds and facilities)
9. Waggoner Park, 2122 N. Carrier Parkway. (All grounds and facilities)
10. The Summit at Central Park, 2975 Esplanade.
11. Central Park, 2955 Esplanade. (All grounds and facilities)

J. Allowed as an incidental use within a theater, except there shall be no bar holding area allowed.

11.12.1 Auditing Requirements

Full service restaurants with a gross floor area of less than 5,000 square feet, but exceeding 2,499 square feet that serve alcoholic beverages and full service restaurants with 75% or more alcoholic beverage sales as a percentage of gross revenues shall be subject to the following auditing requirements:

- A. No later than on the last day of the month following each quarter, the operator shall file an affidavit on an officially approved form with the City Secretary that reflects gross sales for the preceding three (3) month and twelve (12) month periods, or since the restaurant began operation, whichever is shorter, breaking down sales between food and alcoholic beverages or, if requested, sales between on-site service and take-out service.
- B. The operator must also file, at the same time as the gross sales report, a copy of the filings supplied to the State of Texas for Sales Tax and Mixed Beverages Tax purposes. The operator shall be required to submit an annual audit of gross sales broken down between food and alcoholic beverage sales at the operator's expense. All filings shall remain confidential.
- C. The operator shall permit the City Finance Director or designee to view the books, records and receipts relative to the sale of food and alcoholic beverages at any time after four (4) hour's notice. The City Manager, City Attorney or City Secretary may also examine said records. Said records may be introduced in court for the purpose of showing the operator is in violation of this Ordinance.

11.12.2 Additional Requirements

In addition to the above, all applications for building permits, certificates of occupancy, or Specific Use Permits (if required) which include the on-premise consumption of alcoholic beverages shall be subject to the following:

- A. An interior design plan shall be submitted showing the amount and arrangement of floor space and tables within the structure and any outdoor covered or uncovered deck, porch or other area with all areas clearly labeled as to their usage. Such plan shall become a part of and a condition of the building permit and/or Certificate of Occupancy.
- B. No indecent exposure, as defined in Section 42.01 of the Texas Penal Code, shall be permitted nor shall the exposure of any portion of the male or female breast below the top of the nipple be permitted.

- C. All required off-street parking spaces shall be illuminated with a minimum of 2.5 foot-candles per square foot. Such lighting shall be installed in conformance with applicable City Codes.
- D. All structures shall comply with all applicable City Codes and ordinances, including the building, plumbing, electrical and fire codes.
- E. All rules and regulations of the Texas Alcoholic Beverage Commission shall be complied with.
- F. Operators of establishments selling alcoholic beverages shall notify the City immediately upon the establishment ceasing operations.

11.12.3 Enforcement

Should any business establishment fail to meet the minimum guidelines set forth hereinabove, it shall be subject to a fine of \$2,000 per offense, with each day constituting a separate offense.

11.12.4 Compliance

In any event, all persons, firms and corporations presently engaging in the sale and distribution and on-premise consumption of alcoholic beverages shall comply with all the requirements of this Ordinance and any amendments thereto and all applicable City Codes. Any premise utilized for the sale or distribution and on-premise consumption of alcoholic beverages not in compliance with the Ordinance after passage thereof shall be subject to abatement under proceedings before the Zoning Board of Adjustments and Appeals. The City, the property owner, or any interested property owner in the area may initiate abatement proceedings before the Zoning Board of Adjustments and Appeals. The City may elect to discontinue any licenses concerning the sale, distribution or consumption of alcoholic beverages required by law, or may impose the criminal penalties set forth herein against the property owner. Each business establishment, whether tenant or landowner, shall obtain a Certificate of Occupancy for the particular business establishment. Succeeding similar establishments must obtain an occupancy permit in accordance with applicable City Codes and must at all times conform with the minimum guidelines set forth herein.