

Sec. 6.03. - Private clubs and businesses with alcoholic beverage sales.

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Sec. 6.03.2. - Private clubs—Operational regulations.

1. A private club that holds a private club registration permit and a food and beverage certificate pursuant to Chapter 32 of the Texas Alcoholic Beverage Code may ~~only~~ provide service of alcoholic beverages from a drive-in window, curb service, or drive-through service for off-premise consumption of any kind only in accordance with Section 32.155 of the Texas Alcoholic Beverage Code.
2. Except as provided in paragraph 3, below, a private club shall only provide inside service of alcoholic beverages for on-premise consumption.
3. A private club may serve alcoholic beverages on the exterior of a restaurant provided such service occurs in an attached patio or garden area accessible by customers only from the main dining area of the restaurant.
4. The private club operator shall maintain a valid state license for the sale of alcoholic beverages.

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Sec. 6.03.5. - Restaurants with food and beverage certificates—Geographic locations.

1. Restaurants may serve alcohol for on-site consumption by right if they are located on property that was within the city limits as of May 15, 2004. For restaurants located on property that was annexed after May 15, 2004, a private club specific use permit (SUP) must be obtained for the ability to serve alcohol.
2. Restaurants holding a mixed beverage permit with a food and beverage certificate pursuant to Chapter 28 of the Texas Alcoholic Beverage Code may provide service of alcoholic beverages from a drive-in window, curb service, or drive-through service for off-premise consumption only in accordance with Section 28.1001 of the Texas Alcoholic Beverage Code.
- ~~2.3.~~ Restaurants are permitted by right as indicated in section 4.20.2.
- ~~3.4.~~ Restaurant/private clubs will be allowed to continue operation as before May 15, 2004, with the same rules in effect at that time.
- ~~4.5.~~ The following distance separation criteria are effective for restaurants serving alcoholic beverages holding a food and beverage certificate:
 - a. Cannot locate closer than 300 feet to a church or hospital. The measurement of the distance between the place of business where alcoholic beverages are sold and the church or public hospital shall be along the property lines of the street fronts and from front door to front door, and in direct line across intersections.
 - b. Cannot locate closer than 300 feet to a school (public or private). The measurement of the distance between the place of business where alcoholic beverages are sold and the public or private school shall be:
 - i. In a direct line from the property line of the public or private school to the property line of the place of business, and in a direct line across intersections; or
 - ii. If the permit or license holder is located on or above the fifth story of a multistory building, in a direct line from the property line of the public or private school to the property line of the place of business, in a direct line across intersections, and vertically up the building at the property line to the base of the floor on which the permit or license holder is located.
- ~~5.6.~~ The distance separation criteria set forth in section 6.03.5.4-5 shall not apply to a restaurant located on property within the prohibited areas described in section 6.03.5.4-5 if:

- a. The restaurant is classified as a "restaurant (no drive-in or through)" or "restaurant (with drive-through)" as defined in appendix A;
- b. The applicant for a permit or license from the Texas Alcoholic Beverage Commission to serve alcoholic beverages on such property obtains and delivers to the city a letter signed by an officer of the school (whether public or private), church, or hospital located within the prohibited distance consenting to the location of a restaurant serving alcoholic beverages with a food and beverage certificate on the property identified, said letter including identifying the property to which the exception is to apply and containing a representation that the officer signing the letter is fully authorized to act on behalf of the school, church, or hospital and its governing body when signing and delivering said letter of consent to the city; and
- c. The applicant who obtained the letter required by paragraph b. of this section 6.03.5.5-6 obtains a license or permit to sell alcoholic beverages on the property on or before the 180th day after the date said letter was signed.

Subject to the provisions of V.T.C.A., Alcoholic Beverage Code § 109.59, as amended, the exception granted in accordance with this section 6.03.5.5-6 shall terminate if the license or permit from the Texas Alcoholic Beverage Commission to serve alcoholic beverages in the establishment on the property to which the exception applied expires or is terminated. Nothing in this section 6.03.5.5-6 shall be construed as prohibiting the city council from exercising its discretion to grant a variance to the provisions of section 6.03.5.4-5 as authorized by V.T.C.A., Alcoholic Beverage Code § 109.33(e).

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Sec. 6.06.11. - Solar panels.

An applicant's submittal for a building permit, and electrical permit, for locating a solar panel within the city must demonstrate compliance with the following standards.

a. Location and design requirements:

- ~~i. Solar panel systems shall be allowed as an accessory use in all zoning districts.~~
- ~~ii. Rooftop installations of solar panels shall be subject to the following:~~
 - ~~(a) Solar panels may be installed on the roof of any primary structure or permitted accessory structure (such as a patio cover or storage building), subject to verification of structural load requirements;~~
 - ~~(b) Solar panel systems shall not be located on a front-facing roof that directly faces a public street regardless of screening;~~
 - ~~(c) Solar panels shall be permitted on a side-facing roof that faces a public street;~~
 - ~~(d) Roof-mounted solar panel systems shall not extend past the roofline and shall be mounted parallel with the existing slope of the roof system;~~
 - ~~(e) On a flat roof, solar panels shall not exceed the height requirement for the zoning district in which the property is located and shall be screened from the public right way in the same manner required by this Code for screening rooftop mechanical equipment; and~~

~~(f) Solar panels shall be forest green, black, brown, gray, or other neutral color designed to be complementary to the structure on which the solar panels are installed.~~

~~iii. Ground-mounted installations shall be subject to the following:~~

~~(a) Solar panel systems shall be located behind the front building line and comply with all applicable building setback provisions for accessory structures; and~~

~~(b) Panels and equipment shall be separated from public view on all sides by a solid fence or wall.~~

~~b. Additional requirements.~~

a. *Permit requirements.* All solar panel systems shall comply with the current adopted International Building Code and International Fire Code, as amended.

~~b. Glare. A solar panel shall be designed and located to avoid glare or reflection onto adjacent properties and adjacent roadways and shall not interfere with traffic or create a safety hazard. A solar panel system, or any component thereof, that creates glare or reflection onto adjacent properties or roadways is determined to constitute a nuisance. If a solar panel system or any component thereof is deemed to constitute a nuisance or a safety hazard, the city has the authority to require the owner to remove, redesign or screen the solar panels to the extent necessary to eliminate the glare onto the adjacent property or roadway.~~

~~e.b. Maintenance.~~ The owner of the property with a solar panel system shall maintain the system so that it does not create a safety issue for surrounding property owners. Solar panels that are not in use shall be disengaged so as to prevent accidental electrical charges to property or persons.