

Zoning Code Administrative Interpretation Decision No. 2024-001

Issued: November 6, 2024

Question. Is the sale of beer and wine allowed in a Light Commercial “C-1” zoning without being classified as a restaurant.

Code section(s): Subsection 118-45(a) reads: “*Permitted uses. Restaurant, café or cafeteria, drive-in eating establishment with alcoholic beverage sales, winery and brewery.*”

Application. This question was raised in conjunction with a Certificate of Occupancy which the applicant is requesting to sale beer and wine to customers without a commercial kitchen.

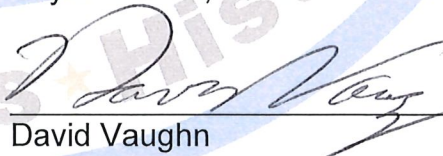
Interpretation: On first read, it would appear that alcoholic beverage sales must be associated with a restaurant, café or cafeteria, or drive-in eating establishment. However, a comma offsets winery and brewery, making it a distinctly different and separate use. Therefore, since a winery or brewer would sell beer or wine, it is logical to allow a business that sells beer and/or wine to be an authorized use without being associated with a restaurant, café or cafeteria, or drive-in eating establishment in a C-1 Zone.

Filing. Pursuant to Section 118-73 of the Zoning Code, this decision shall be retained in the official records of the Director of Development Services until rescinded by action of City Council, amendment to Chapter 118 or reversed by action of the Zoning Board of Adjustment.

Appeal. Pursuant to Texas Local Government Code Section 211.01 this decision is appealable to the City of Burnet, Board of Adjustment. Notice of appeal must be filed in the office of the City Secretary **not later than 20 days** from the date this decision was issued. The notice must include a written narrative specifying the grounds for the appeal.

To be effective as of the date first stated above.

City of Burnet, Texas



David Vaughn
City Manager