

Affidavit of Measurements in Support of the TABC Prequalification Packet

State of Texas §
 §
County of _____ §

BEFORE ME, the undersigned authority, the affiant personally appeared and, who, being duly sworn, deposes and says:

“My name is _____. I am the applicant on a Texas Alcohol and Beverage Commission (“TABC”) Prequalification Packet for the following business:

Name of business: _____
Address: _____
Type of TABC permit or license: _____.”

“I understand and acknowledge that Dallas City Code Section 6-4 prohibits the sale of alcoholic beverages near certain protected uses (“protected use” means a church, public or private school, public hospital, day-care center, or child-care facility as defined in Article IV of the Dallas Development Code or Chapter 42 of the Texas Human Resources Code).”

“I swear and affirm that I have conducted (or caused to be conducted) a physical inspection of the area and a diligent search of public records to determine if the place of business is located near any protected uses.”

“I have attached to this affidavit a signed and sealed survey map: (a) showing the place of business where alcoholic beverages will be sold and the measured distance from protected uses using the appropriate measurement in Dallas City Code Section 6-4; and (b) prepared by a state of Texas licensed surveyor or engineer within ten days of submitting a complete alcohol-measurement certification application.”

“I swear and affirm that the attached signed and sealed survey map shows that the place of business where alcoholic beverages will be sold meets the location requirements in Dallas City Code Section 6-4.”

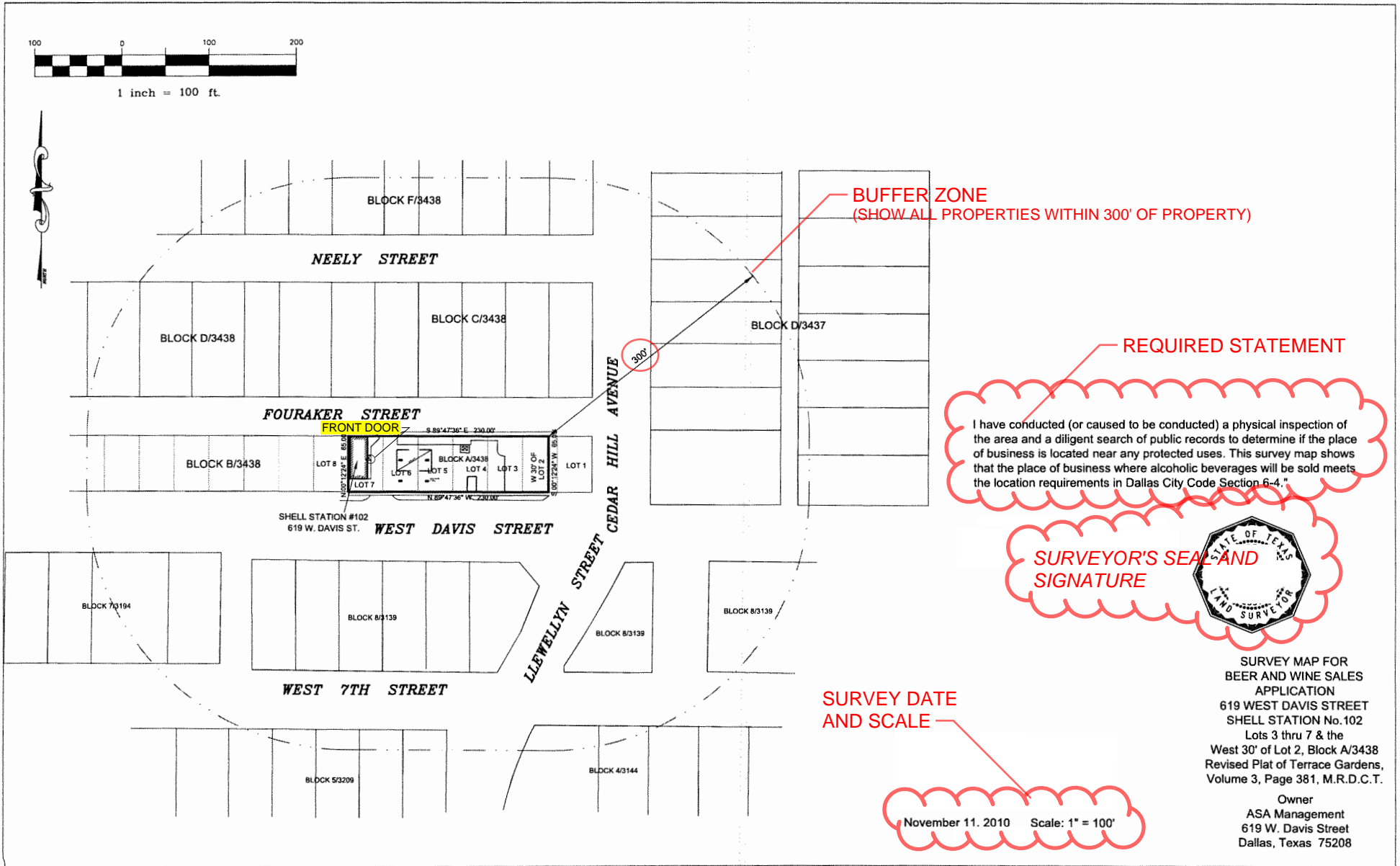
“I understand and agree that the TABC shall revoke the permit or license and the city of Dallas shall revoke the certificate of occupancy if they were issued on the basis of false, incomplete, or incorrect information supplied.”

Signature: _____ Date: _____
Title: _____

This affidavit was acknowledged before me on _____ by _____ on behalf of _____.

NOTARY PUBLIC

EXAMPLE SURVEY





CITY OF DALLAS

AFFIDAVIT OF REVENUE FROM THE SALE OR SERVICE OF ALCOHOLIC BEVERAGES

THE STATE OF TEXAS)
)
COUNTY OF _____)

BEFORE ME, the undersigned authority personally appeared the affiant, who, being by my duly sworn, deposes as follows:

"My name is _____. I am an applicant for a certificate of occupancy for a _____ establishment located at _____ that will sell or serve alcoholic beverages as defined in the Texas Alcoholic Beverage Code (TABC). I swear and affirm that the establishment does or will derive the following percentage of the establishment's gross quarterly (three-month) revenue from the sale or service of alcoholic beverages (check only one):

OFF-PREMISE CONSUMPTION

- Less than 50 percent
- 50 percent or more

ON-PREMISE CONSUMPTION

Wet Area

- Less than 75 percent
- 75 percent or more

Mixed Beverage Area

- less than 35 percent
- 35 percent or more without a TABC food or beverage certificate
- any amount of sales or service with a TABC food or beverage certificate
- any amount of sales or service by a fraternal or veterans organization with a TABC private club permit

"I understand and agree, upon request, to supply the building official within 30 days with all records needed to document the percentage of gross revenue derived from the sale or service of alcoholic beverages, including all sales tax returns filed with the Texas Comptroller of Public Accounts and all reports or applications filed with the Texas Alcoholic Beverage Commission. If the requested records are not supplied, I understand that the certificate of occupancy will be revoked.

"I understand and agree that the City of Dallas may revoke the certificate of occupancy if at any time this establishment derives more of its gross quarterly (three-month) revenue from the sale or service of alcoholic beverages than indicated above.

"I understand and agree that I will provide the City of Dallas a new affidavit of revenue from the sale or service of alcoholic beverages if the information in this affidavit changes."

Signature: _____

Printed name: _____

Title: _____
(if applicable)

Business entity: _____
(if applicable)

This affidavit was acknowledged before me on _____ by _____ on behalf of _____

NOTARY PUBLIC

DRY OVERLAYS

SEC. 51A-4.503. D AND D-1 LIQUOR CONTROL OVERLAY DISTRICTS.

General provisions. Note: These provisions apply only to D and D-1 Liquor Control Overlay Districts enacted before June 11, 1987.

(1) A D or D-1 liquor control overlay district is designated as "dry" by the suffix "D" or "D-1" on the zoning district map.

(2) In a "D" liquor control overlay district, a person shall not sell or serve alcoholic beverages or setups for alcoholic beverages for consumption on or off the premises.

(3) In a "D-1" liquor control overlay district, a person shall not sell or serve alcoholic beverages, or setups for alcoholic beverages, for consumption on or off the premises, unless the sale or service is part of the operation of a use for which a specific use permit has been granted by the city council.

(4) It is a defense to prosecution under Paragraphs (2) and (3) of this section that the alcoholic beverage or setup for alcoholic beverage is served, but not sold, at a private residence for consumption at the residence. For purposes of this subsection, a private residence must be a permitted residential or lodging use listed in the use regulations of this article. If the use is a lodging use, the term "private residence" means the guest room only. (Ord. Nos. 19455; 21735)

To determine if a property lies within a Dry Overlay, please visit <http://gis.dallascityhall.com/zoningweb>. The "Website User Guide (PDF) 3.5 MB" at the top of the webpage gives directions to use the zoning map. D and D-1 Liquor Control Overlay Districts are listed within the zoning group of map features.

The City Council has the authority to remove a D or D-1 overlay and to change from a D to a D-1 overlay with a Specific Use Permit (SUP).

The process is to apply for an SUP, which is the same as a zoning change. You will apply at Current Planning in City Hall, Room 5BN.

This link will give you the SUP application at the bottom of the page: http://www.dallascityhall.org/development_services/zoning.html

For questions about the application process, please call 214-670-4209.