

Ordinance amending the Unified Development Code by revising subsections 1.11.3 – Defined Terms, subsection, 6.13.1 Streetscape Zone and Pedestrian Amenities; establishing a new subsection 6.13.1 – Permission to Use City Sidewalks; amending the City of Corpus Christi, Texas, Code of Ordinances, by revising Section 49-2 – Obstructions Generally, and Section 49-6 – Gates opening across sidewalks; and providing for severance, penalties, and publication.

WHEREAS, the Planning Commission has forwarded to the City Council its final report and recommendation regarding this amendment of the City's Unified Development Code ("UDC") and Corpus Christi, Texas, Code of Ordinances;

WHEREAS, with proper notice to the public, public hearings were held on Wednesday, July 17, 2013, during a meeting of the Planning Commission, and on Tuesday, July 30, 2013, during a meeting of the City Council, during which all interested persons were allowed to appear and be heard; and

WHEREAS, the City Council has determined that this amendment to the UDC would best serve the public's health, necessity, and convenience and the general welfare of the City and its citizens.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CORPUS CHRISTI, TEXAS:

SECTION 1. Article 1, Section 1.1, subsection 1.11.3 of the Unified Development Code ("UDC"), entitled "Defined Terms," is amended by revising the text to read as follows:

"Article 1. General Provisions

"1.11 Definitions

"1.11.3 Defined Terms

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Sidewalk Café: Sidewalk café shall mean that portion of the public right-of-way kept, used, maintained, and held out to the public as a place where food and/or drink are served for consumption on the premises. The sidewalk café shall be adjacent to, or in front of an establishment that sells food and/or drinks and shall not reduce the public sidewalk width to less than five feet or obstruct the required Clear Zone.

SECTION 2. Article 6, Section 6.13, subsection 6.13.1 of the UDC, entitled "Streetscape Zone and Pedestrian Amenities," is amended by revising the text to read as follows:

"Article 6. Special Zoning Districts

"6.13 Streetscape Zone Standards.

6.13.1 Permission to Use City Sidewalks.

The Assistant City Manager of Development Services is authorized to approve Use Privilege Agreements for streetscape zone and pedestrian amenities such as sidewalk cafes, awnings, outdoor displays and sales, street furniture, landscaping, art, planters, lighting, and any other uses or installations that the Assistant City Manager deems appropriate for the Streetscape Zone.

"6.13.42 Streetscape Zone and Pedestrian Amenities

"6.13.42.A * * *

"6.13.42.B * * *

"6.13.42.C * * *

"6.13.42.D * * *

"6.13.42.E * * *

"6.13.42.F Outdoor Dining Areas Sidewalk Cafés

1. ~~Outdoor dining Sidewalk cafes on public sidewalks are permitted through a Use Privilege Agreement with the City and an associated fee, when adjacent to, and directly abutting a restaurant located in a building,~~ provided that the ~~outdoor dining area sidewalk café~~ may shall not reduce the public sidewalk width to less than five feet or obstruct the required Clear Zone (Fig. 6.13.1.F.1.).

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SECTION 3. Part III, Chapter 49 – Streets and Sidewalks, Article I. – In General, Division 1. – Generally, Section 49, of the Corpus Christi, Texas, Code of Ordinances, entitled "Obstructions Generally," is amended by revising the text to read as follows:

Sec. 49-2. - Obstructions generally.

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Nothing in this section shall apply to the operation of a sidewalk café or to the placing of any container upon any sidewalk that contains rubbish or trash for the purpose of being hauled off by the sanitation division.

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SECTION 4. Part III, Chapter 49 – Streets and Sidewalks, Article I. – In General, Division 1. – Generally, Section 49, of the Corpus Christi, Texas, Code of Ordinances, entitled “Gates opening across sidewalks,” is amended by revising the text to read as follows:

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Sec. 49-6. Gates opening across sidewalks

It shall be unlawful for any person to build or have built any gates which open across the adjoining sidewalk, unless such gate is authorized by a Use Privilege Agreement for a sidewalk café.

SECTION 5. If, for any reason, any section, paragraph, subdivision, clause, phrase, word, or provision of this ordinance is held invalid or unconstitutional by final judgment of a court of competent jurisdiction, it may not affect any other section, paragraph, subdivision, clause, phrase, word, or provision of this ordinance, for it is the definite intent of this City Council that every section, paragraph, subdivision, clause, phrase, word, or provision of this ordinance be given full force and effect for its purpose.

SECTION 6. A violation of this ordinance, or requirements implemented under this ordinance, constitutes an offense punishable as provided in Article 1, Section 1.10.1, and Article 10 of the UDC.

SECTION 7. Publication shall be made in the official publication of the City of Corpus Christi as required by the City Charter of the City of Corpus Christi.

The foregoing ordinance was read for the first time and passed to its second reading on this the 30th day of July, 2013 by the following vote:

Nelda Martinez	<u>Aye</u>	Chad Magill	<u>Aye</u>
Kelley Allen	<u>Aye</u>	Colleen McIntyre	<u>Aye</u>
Rudy Garza	<u>Aye</u>	Lillian Riojas	<u>Aye</u>
Priscilla Leal	<u>Aye</u>	Mark Scott	<u>Aye</u>
David Loeb	<u>Aye</u>		

The foregoing ordinance was read for the second time and passed finally on this the 20th day of August, 2013, by the following vote:

Nelda Martinez	<u>Aye</u>	Chad Magill	<u>Aye</u>
Kelley Allen	<u>Aye</u>	Colleen McIntyre	<u>Aye</u>
Rudy Garza	<u>Aye</u>	Lillian Riojas	<u>Aye</u>
Priscilla Leal	<u>Aye</u>	Mark Scott	<u>Aye</u>
David Loeb	<u>Aye</u>		

PASSED AND APPROVED this the 20th day of August, 2013.

ATTEST:

Armando Chapa
Armando Chapa
City Secretary

Nelda Martinez
Nelda Martinez
Mayor

<p>EFFECTIVE DATE</p> <p><u>8/26/13</u></p>
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