

Ordinance amending the Unified Development Code for limitations on restaurants in the neighborhood commercial and office zoning districts by revising subsection 5.2.11 – Restaurant; 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;

WHEREAS, with proper notice to the public, public hearings were held on Wednesday, September 11, 2013, during a meeting of the Planning Commission, and on Tuesday, September 24, 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 5, Section 5.2.11 entitled "Restaurant," of the UDC, is amended by revising the text to read as follows:

"5.2.11 Restaurant

A Restaurant Use shall be permitted in accordance with the use tables in **Article 4** subject to the following standards:

- A.** Eating establishments permitted in the "CN-1" Neighborhood Commercial zoning ~~d~~District shall not exceed ~~2,500~~5,000 square feet in gross floor area.
- B.** Eating establishments permitted in the "CN-2" Neighborhood Commercial District shall not exceed 3,000 square feet in gross floor area.
- BC.** For eating establishments permitted in the ~~Neighborhood~~–Office zoning district:
 - 1. The gross floor area shall not exceed ~~2,500~~3,000 square feet;
 - 2. The eating establishment shall clearly be a secondary, support use for the regular operation of the office; and
 - 3. The eating establishment may not be located in a building where no other uses exist.

"5.2.12 * * * * "

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SECTION 3. 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 4. 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 5. Publication shall be made in the City's official publication as required by the City's Charter.

The foregoing ordinance was read for the first time and passed to its second reading on this the 24th day of September, 2013, by the following vote:

Nelda Martinez	<u>Aye</u>	Chad Magill	<u>Aye</u>
Kelley Allen	<u>Absent</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 8th day of October, 2013, by the following vote:

Nelda Martinez	<u>Absent</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>Absent</u>
David Loeb	<u>Aye</u>		

PASSED AND APPROVED this the 8th day of October, 2013.

ATTEST:

Rebecca Hernandez for
Armando Chapa
City Secretary

Nelda Martinez
Nelda Martinez
Mayor

EFFECTIVE DATE
10/14/13