

Ordinance

Amending the Unified Development Code by revising subsections 5.2.7 to enhance enforcement of bar, taverns, or pub zoning; amending the Unified Development Code by revising subsections 5.1.4.F to correct an error in the text for restaurant accessory use; and providing for severance, penalty, publication, and effective date.

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

WHEREAS, with proper notice to the public, public hearings were held on Wednesday, November 19, 2014, during a meeting of the Planning Commission, and on Tuesday, January 13, 2015, 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. That UDC subsection 5.2.7. **Bar, Tavern, or Pub** is amended by revising the text to read as follows:

5.2.7. Bar, Tavern, or Pub

A bar, tavern or pub shall be permitted in accordance with the use tables in Article 4 provided that the bar, tavern or pub shall not be located any closer than 1,000 feet from a place of worship, or elementary, middle or high school and 300 feet from a Day Care use.

To ensure compliance with this subsection, any establishment engaged in the retail sale of alcoholic beverages for on-premise consumption shall provide upon request by a City Code Enforcement Official verified copies of either, 1) the previous quarterly or the previous three monthly sales tax reports and the gross receipts tax reports for the same periods, if the establishment pays the gross receipt tax or 2) the previous three months alcohol sales and sales tax information and other information or documents sufficient to determine the percentage of alcohol sales, if the establishment does not pay the gross receipts tax. Failure to provide the documentation requested or accurately maintain required records is prima facie evidence that the establishment is a bar, tavern or pub.

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SECTION 2. That UDC subsection **5.1.4.F** is amended by revising the text to read as follows:

5.1.4.F. Restaurant

Characteristics: Establishments that prepare and sell food for on- or off-premise consumption.		
Principal Uses	Accessory Uses	Uses Not Included
Catering establishment, small-scale	Bar	Bar, tavern or club (see Indoor Recreation)
Fast-food restaurant	Decks and patios for outdoor seating	Catering establishment, large-scale (see Light Industrial Service)
Outdoor vendors with permanent facility	Drive-through or drive-in facility	Membership club or lodge (see Indoor Recreation)
Pizza delivery establishment	Off-street customer and employee parking	
Restaurant	Satellite dish antenna under 3.2 feet*	
Yogurt or ice cream shop	Valet parking facility	

SECTION 3. If for any reason any section, paragraph, subdivision, sentence, clause, phrase, word, or provision of this Ordinance shall be held to be invalid or unconstitutional by final judgment of a court of competent jurisdiction, such judgment shall not affect any other section, paragraph, subdivision, sentence, clause, phrase, word, or provision of this Ordinance, for it is the definite intent of this City Council that every section, paragraph, subdivision, sentence, clause, phrase, word, or provision of this Ordinance be given full force and effect for its purpose. The City Council hereby declares that it would have passed this Ordinance, and each section, paragraph, subdivision, sentence, clause, phrase, word, or provision thereof, irrespective of the fact that any one or more sections, paragraphs, subdivisions, sentences, clauses, phrases, words, or provisions be declared invalid or unconstitutional.

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.

SECTION 6. This ordinance is effective immediately upon passage.

That the foregoing ordinance was read for the first time and passed to its second reading on this the 13th day of January, 2015 by the following vote:

Nelda Martinez	<u>Aye</u>	Brian Rosas	<u>Aye</u>
Rudy Garza	<u>Aye</u>	Lucy Rubio	<u>Aye</u>
Chad Magill	<u>Aye</u>	Mark Scott	<u>Aye</u>
Colleen McIntyre	<u>Aye</u>	Carolyn Vaughn	<u>Aye</u>
Lillian Riojas	<u>Aye</u>		

That the foregoing ordinance was read for the second time and passed finally on this the 20th day of January, 2015, by the following vote:

Nelda Martinez	<u>Aye</u>	Brian Rosas	<u>Aye</u>
Rudy Garza	<u>Aye</u>	Lucy Rubio	<u>Aye</u>
Chad Magill	<u>Aye</u>	Mark Scott	<u>Aye</u>
Colleen McIntyre	<u>Aye</u>	Carolyn Vaughn	<u>Aye</u>
Lillian Riojas	<u>Aye</u>		

PASSED AND APPROVED, this the 20th day of January, 2015.

ATTEST:

Rebecca Huerta
Rebecca Huerta
City Secretary

Nelda Martinez
Nelda Martinez
Mayor

EFFECTIVE DATE
1/20/15

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