

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.

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 Decks and patios for outdoor seating	Bar, tavern or club (see Indoor Recreation)
Fast-food restaurant	Drive-through or drive-in facility	Catering establishment, large-scale (see Light Industrial Service)
Outdoor vendors with permanent facility	Off-street customer and employee parking	Membership club or lodge (see Indoor Recreation)
Pizza delivery establishment	Satellite dish antenna under 3.2 feet*	
Restaurant	Valet parking facility	
Yogurt or ice cream shop		

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 _____ day of _____, _____, by the following vote:

Nelda Martinez	_____	Brian Rosas	_____
Rudy Garza	_____	Lucy Rubio	_____
Chad Magill	_____	Mark Scott	_____
Colleen McIntyre	_____	Carolyn Vaughn	_____
Lillian Riojas	_____		

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

Nelda Martinez	_____	Brian Rosas	_____
Rudy Garza	_____	Lucy Rubio	_____
Chad Magill	_____	Mark Scott	_____
Colleen McIntyre	_____	Carolyn Vaughn	_____
Lillian Riojas	_____		

PASSED AND APPROVED, this the _____th day of _____, _____.

ATTEST:

Rebecca Huerta
City Secretary

Nelda Martinez
Mayor