

Ordinance amending Chapter 49 of the Corpus Christi Code to add Article IX, Sidewalk Cafes, Parklets and Pedlets in City right of way in the Downtown Area to authorize the closure and use of portions of public right-of-way to facilitate the use of public sidewalks and parking areas for the sale or provision of food and beverages outdoors; and providing for a penalty.

Whereas, during the recent Covid-19 pandemic many restaurants and bars around the country looked to add or expand outdoor dining areas to comply with social distancing requirements and to accommodate customers who preferred dining and drinking outdoors; and

Whereas, sidewalk cafes have been allowed in Corpus Christi since 2013, applications to use a portion of the public right-of-way (public street) to build a Parklet to provide additional outdoor dining and seating area in the downtown district has been under a pilot program since March 22, 2022;

Whereas, many of the restaurants and bars located in the downtown area of Corpus Christi were built on smaller lots without much outdoor area or public right-of-way to accommodate the development of a sidewalk café;

Whereas, on March 22, 2022, the City Council enacted Ordinance No. 032702 authorizing a temporary pilot program for parklets in the downtown area, specifically for a parklet to be located in front of Lucy's Snackbar at 312 N. Chapparral, Corpus Christi, Texas;

Whereas, a parklet is an urban space for sitting, dining or enjoying nature, typically established where the sidewalk meets the street, often repurposing on-street parking spaces to provide a place for restaurant or bar owners to add additional seating and tables for their guests in an outdoor setting;

Whereas, during the temporary pilot program for the one authorized parklet in the downtown area, city staff has been developing a process for handling new applications for sidewalk cafes and parklets in the downtown area along with more detailed technical specifications, rules and regulations for operating a sidewalk café or parklet in the downtown area.

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

Section 1. That Chapter 49, Streets and Sidewalks, of the Code of Ordinances of Corpus Christi is hereby amended to add Article IX, Sidewalk Cafes, Parklets and Pedlets in the City Right-of-Way in the Downtown Area, to read as follows:

Article IX. SIDEWALK CAFES, PARKLETS AND PEDLETS IN CITY RIGHT-OF-WAY IN THE DOWNTOWN AREA.

Sec. 49-136. – Purpose

The purpose of this article is to protect public safety, to maintain safe and ready availability of City rights-of-way to the general public, and to permit local establishments to provide additional seating for their customers and others on the sidewalk adjacent to the building façade (a “Sidewalk Café”) or by way of the construction of platforms in one or more on-street parking spaces, where appropriate, which extend to the sidewalk (a “Parklet”) to provide additional space for tables, seats and other public amenities. The utilization of a sidewalk café, or parklet will offer residents and visitors to Corpus Christi the opportunity to stop, sit and enjoy the surrounding neighborhood street life, thereby contributing to a vibrant, active and walkable City as well as to encourage economic development. This article is hereby implemented to allow the use of both public and private sidewalk cafés and parklets while setting policies and requirements, providing safeguards, and a procedure for the issuance of permits and licenses by staff. Further, the city manager or designee may authorize a pilot program for other shared outdoor parklet installations not intended for sale or provision of food and beverages outdoors.

Sec. 49-137. – Delegation of authority to grant permits and licenses for the installation of sidewalk cafés and parklets.

The City Council hereby delegates authority to the Department of Public Works to issue permits for sidewalk cafés and parklets to be constructed, installed, used and maintained within a public right-of-way so long as the proposed sidewalk café or parklet conform to the policies and safeguards established by this chapter, and does not unreasonably interfere with the public's use of the public right-of-way. If the request meets the criteria set out this section, then an approved permit and license may be issued. Any permit and license issued pursuant to the shall be revocable by the City at will.

Sec. 49-138. - Definitions.

The following words and phrases when used in this Article shall have the meanings respectively ascribed to them in this section:

Alcoholic beverage shall mean an alcoholic beverage as defined by the Texas Alcoholic Beverage Code.

Applicant shall mean any person, firm, corporation, or other legal entity who is requesting formal approval to construct, install, use, and maintain a sidewalk café, parklet or pedlet.

Downtown Area shall mean the area located within the boundary of Tax Increment Reinvestment Zone #3.

Owner shall mean the owner of the real property which is adjacent to the location of the proposed sidewalk café or parklet.

Outdoor dining area shall mean the space described in an approved site plan that provides seating for the sale or provision of food and beverages outdoors. The outdoor dining area is delineated by structures within the portion of public right-of-way adjacent to the owner of the real property and may not extend beyond the façade of the restaurant, business, or organization identified in the revocable license. These areas shall be

constructed, operated, and maintained for the purpose of accommodating the patrons of licensee and shall be ADA accessible.

Pedlet means a small platform that extends into a public parking space or spaces pursuant to a revocable license authorized by the city. A pedlet is intended for pedestrian use only when the sidewalk is rendered unusable to provide outdoor dining for a sidewalk café. It must be designed to meet ADA regulations and be stamped, signed and sealed by a licensed and bonded architect/engineering firm or engineer in the State of Texas to ensure the structure does not obstruct drainage and was built to support anticipated live loads and wind loads.

Private Parklet is an outdoor dining area that extends into a public parking space or spaces pursuant to a revocable license authorized by the city. A private parklet is solely utilized by the adjacent business during its operation hours and a license allows the holder to provide table service of food, non-alcoholic beverages, and alcoholic beverages as permitted by ordinance, state law and the regulations of the Texas Alcoholic Beverage Commission (TABC). Cooking and preparation of food or beverages within a private parklet is not permitted. Private parklet shall be created by building a platform on the pavement to extend the sidewalk space, and retrofitting it with elements such as benches, planters, tables and chairs, umbrellas or bike racks. A private parklet must be designed to meet ADA regulations and be stamped, signed and sealed by a licensed and bonded architect/engineering firm or engineer in the State of Texas to ensure the structure does not obstruct drainage and was built to support anticipated live loads and wind loads.

Public Parklet is a seating area that extends into a public parking space or spaces pursuant to a revocable license authorized by the city. A public parklet is a public space at all times and cannot be utilized by any business to provide table service of food or beverage. The public parklet may have hours that it is open and closed as directed by the City or by the owner or operator of the public parklet. The structure shall be created by building a platform on the pavement to extend the sidewalk space, and retrofitting it with elements such as benches, planters, tables and chairs, umbrellas, or bike racks. The public parklet must be designed to meet ADA regulations and be stamped, signed and sealed by a licensed and bonded architect/engineering firm or engineer in the State of Texas to ensure the structure does not obstruct drainage and was built to support anticipated live loads and wind loads.

Public right-of-way means a strip of land over which the city has authority used or intended to be used, wholly or in part by the city, as a public street or sidewalk, or for utility purposes.

Sidewalk means that portion of a public right-of-way, not including the street, that is paved for pedestrian traffic.

Sidewalk café means that portion of the operation of a restaurant or business where table service will be provided and extends into the public sidewalk or pedestrian way pursuant to a license authorized by the city.

Sidewalk café or Parklet elements means all tables, chairs, umbrellas, partitions and all other physical items associated with the sidewalk café or parklet.

Temporary Parklet means an outdoor dining area that extends into a public parking space or spaces pursuant to a revocable license authorized by the city on a short-term basis. Temporary parklet permits and licenses shall not be issued for more than a 120-day period, only one temporary parklet may be issued to an applicant. If a platform is required, then it

must be designed to meet ADA regulations and be stamped, signed and sealed by a licensed and bonded architect/engineering firm or engineer in the State of Texas to ensure the structure does not obstruct drainage and was built to support anticipated live loads and wind loads. In the event the Mayor declares a civil emergency that impacts the ability of a business to remain viable, the City Council may waive or extend the time restriction only for the duration of the civil emergency declaration.

Sec. 49-139. - Permit and License Required.

No person shall close and use portions of public right-of-way to facilitate the use of public sidewalks and parking areas to construct, install, operate or maintain a parklet, sidewalk café or pedlet within the City of Corpus Christi without first obtaining a permit and license agreement therefor in accordance with the terms and provisions of this article.

- (a) Each applicant must first submit an application for review and approval to the Department of Public Works. Every application for a permit required by this article shall contain the following:
- (1) The applicant's name, address, email address, and telephone number.
 - (2) The applicant's business address and phone number.
 - (3) The name, address, email address and telephone number of any individual or company for which the applicant is acting as an agent.
 - (4) The name of the TABC License Holder and TABC license No. for the business seeking the application.
 - (5) The legal business name, address, email address and telephone number of the business adjacent to the applicant.
 - (6) Days and hours of operation of the proposed use.
 - (7) Sidewalk café and parklet items requested to be permitted for use.
 - (8) Location of the proposed parklet, sidewalk café, or pedlet.
 - (9) Description, photographs, and construction drawings of the proposed use designed by a licensed and bonded architect/engineering firm or Engineer licensed in the State of Texas.
 - (10) Proof of a general comprehensive business liability insurance policy, issued by an insurance company authorized to do business in the State of Texas, protecting and indemnifying the applicant and the city from all claims for damages to property and for bodily injury, including death, which may arise from operations under or in connection with the requested permit. Such insurance shall name the city as an additional insured, shall provide that no termination or cancellation will be effective without prior written notice to the city, and shall provide liability protection in the following minimum amounts: One million dollars (\$1,000,000.00) per person per occurrence, two million dollars (\$2,000,000) aggregate for bodily injury and for property damage.
 - (11) For purposes of this article, every individual who conducts business for an applicant is a representative of such applicant whether acting as employee, agent, independent contractor, franchisee or otherwise for other business

purposes, and the applicant shall for all purposes under this article be responsible for compliance with this article by every such individual representative.

- (12) Any other information the city manager, or designee, determines necessary to the enforcement and administration of this article.
- (b) A revocable license shall be issued by the City attorney or designee upon review and approval of the permit application. Both the permit and revocable license will only be issued to a fixed-site food and beverage establishment located in the downtown area.
- (c) The parklet, pedlet or sidewalk café shall be wholly located within public rights-of-way.
- (d) Possession of open containers of alcoholic beverages may be permitted within licensed areas provided the applicant holds the appropriate license from TABC for the licensed area. Licensed areas must be delineated.
- (e) A permit and revocable license for a pedlet will be issued for pedestrian use only when the sidewalk is rendered unusable to provide outdoor dining for a sidewalk café.
- (f) The issuance of a license is a privilege granted by the city. The license is for a temporary and interruptible use of a public sidewalk or parking space(s). It does not and shall not be construed to convey any legal or equitable interest whatsoever to any part of the parking space or public right-of-way.
- (g) The City's Traffic Engineer shall examine the application and determine whether all the requirements stated in this article for the issuance of a license have been satisfied. If all such requirements have been satisfied, then the City's Traffic Engineer shall coordinate with the City's Legal Department to prepare the license agreement. If the license is denied, the applicant shall be provided with the reasons therefor in writing, and the license application fee shall not be refunded.

Sec. 49-140. - Sidewalk Café Requirements.

A license shall not be issued to an applicant seeking to construct, install, operate and maintain a sidewalk café unless the application is complete, and the following requirements are met:

- (a) General location criteria:
 - (1) Sidewalk café licenses will only be issued for restaurants or businesses located in the downtown area located near or adjacent to public parking spaces. Possession of open containers of alcoholic beverages shall be permitted within areas of a licensed sidewalk café provided that appropriate TABC licenses are maintained.
 - (2) The sidewalk café must share the same management and same food preparation facilities as the restaurant or business to which it is associated. The restaurant or business seeking to operate a sidewalk café must front on and open onto the sidewalk or pedestrian way proposed for such sidewalk café.

- (3) The placement of sidewalk café elements may not extend beyond the sidewalk or pedestrian way frontage of the associated restaurant or business. Sidewalk café right-of-way space shall be contiguous with the property of the restaurant or business.
- (4) A minimum of 5-feet of unobstructed space (as measured from the street-side edge of the sidewalk to the sidewalk café partition) from the edge of the sidewalk, pedestrian way or obstruction (planter, trash can, etc.) for the passage of pedestrians, or comply with the Americans with Disabilities Act (ADA) requirements, whichever is greater, is provided.
- (5) The minimum setback from the business doors or adjacent business door shall be a minimum of 3 feet clear and shall meet building code requirements for doors and doorways.
- (6) If permitted curbside, the setback to the front face of the curb shall be 2 feet.

(b) Utilities:

- (1) Fire Hydrants and Fire Department Connections (FDC's) shall not be blocked. A 15-foot clearance from the hydrant (7.5-foot each side) along the curb shall be maintained. A 3-foot buffer around the hydrant on all sides should also be maintained.
- (2) Sidewalk cafes may not be constructed over, obstruct, or interfere with public utilities, access panels, storm drains, fire hydrants, utility poles, bus stops, or driveways, signs, parking meters, mailboxes or benches, or other utility located on the sidewalk or public right-of-way.

(c) Boundary and clearance:

- (1) The placement of the sidewalk café and elements shall not interfere with ingress/egress from buildings, alleys, fire exits or lanes and wheelchair ramps. The clear path of travel shall be generally straight with no abrupt turns that impair pedestrian circulation.
- (2) The clear path of travel is measured from the outside edge of the licensed sidewalk café area to the nearest obstruction, or if no obstruction exists, to the back face of the curb. A clear path of travel shall be generally straight with no abrupt turns, planter areas, or other obstructions that impair pedestrian circulation.
- (3) A boundary must enclose the sidewalk café from the remainder of the public way and be maintained to provide a minimum 5 feet of unobstructed space for the passage of pedestrians and comply with the Americans with Disabilities Act (ADA) requirements. The boundary shall be between 30 and 42 inches in height and must include cane detectable elements spaced no more than 24 inches horizontally. If alcohol is served the boundary shall be 42 inches in height.
- (4) The boundary must be durable so that it will not collapse or fall over due to wind or incidental contact with patrons or pedestrians. The boundary may

have movable sections to aid the in public access to seating as long as the boundary complies with the approved site plan. The boundary must be maintained in place during operating hours. No boundary may be stabilized by bolting it to the sidewalk without written approval from the Department of Public Works.

- (5) A sidewalk café located along the curb must allow a minimum clearance of 18 inches from the sidewalk café boundary to the face of the curb.
- (6) The sidewalk café boundary and elements may be placed on the public way once the license is issued and must be removed on the expiration date noted in the license. Any sidewalk café in operation or that continues to keep the boundaries and/or furniture on the public way after the license expires is subject to removal and citation.
- (7) Non-permissible enclosure of City property within the boundaries of the sidewalk café includes, but is not limited to, parking meters, fire hydrants, signs, mailboxes, access panels, manholes, or vaults. These types of items can be identified as items that must be accessible to the public or to the City for emergency services.
- (8) No portion of an umbrella or other shade canopy shall be less than seven feet above the sidewalk.

(d) Storage:

- (1) All tables, chairs, plants, planters, and any other items of the sidewalk café, hereinafter defined as sidewalk café elements, shall be approved as part of the permit approval process. Sidewalk café elements shall be promptly stacked/set aside immediately after the sidewalk café discontinues its daily operation and must be removed immediately afterward. discontinues its daily operations. Stacking or storing of chairs, tables, heaters, or any other sidewalk café element in the public right-of-way at any other time is prohibited.

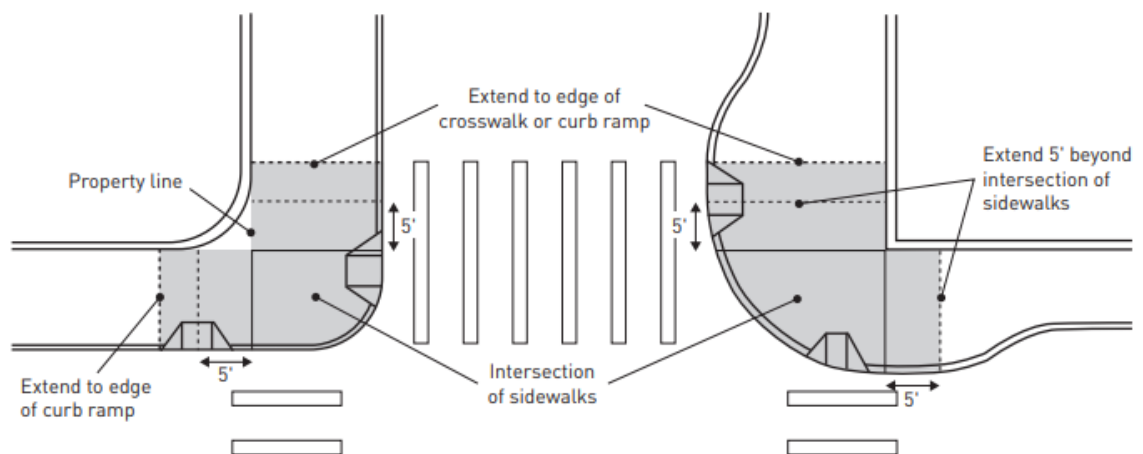
(e) Maintenance and operation.

- (1) Moveable elements, including tables and chairs, must be removed at the end of the business day, at business closure, or in the event of inclement weather, unless arrangements for assembly and storage of such items on a part of the sidewalk café are approved in the license. The sidewalk café elements used in the sidewalk café must be capable of being removed within twenty-24 hours of notice from the city.
- (2) The operation or furnishing of the sidewalk café shall not involve any permanent alteration to or encroachment upon any sidewalk or pedestrian way. The restaurant or business operator of the sidewalk café shall be responsible for repairing any incidental damage to public improvements resulting from its operation.
- (3) Sidewalk cafés must provide for adequate lighting in and around the public clearance way to ensure that all obstructions may be easily seen. The illumination shall not have adverse impact on the flow of vehicular traffic
- (4) There shall be no live entertainment or speakers placed in the license area unless approved and properly permitted by the city.

- (5) Tables, chairs, umbrellas, and other sidewalk café elements shall be maintained with a clean appearance and shall be in good repair at all times. Debris shall be removed as required during the day and again at the close of each business day.
- (6) No tables, chairs, or any other parts of sidewalk cafés shall be attached, chained or in any manner affixed to any tree, post, sign or other fixture, curb, or sidewalk in or near the permitted area.
- (7) Umbrellas and other decorative material shall be treated wood, canvas, cloth, or similar material that is manufactured to be fire-resistant.
- (8) No cooking apparatus shall be allowed in the sidewalk café area.
- (9) Only the sidewalk café equipment specifically shown on the approved application shall be allowed in the licensed area. No permanent storage of sidewalk café equipment shall be allowed in the permit area, in any portion of the public right- of-way or outside the structural confines of the building in which the restaurant or business is located.
- (10) A copy of the site plan, as approved in conjunction with the license, shall be maintained on the premise and shall be always available for inspection by city personnel.

(f) Corner and intersection locations:

- (1) A sidewalk café must not interfere with visibility of drivers turning at street corners. In general, sidewalk café's must be located away from an intersection or street corner and shall maintain a minimum corner clearance zone of five (5) feet. The corner clearance zone is the area that includes the intersection of two sidewalks and the five (5) foot setback is measured from whichever is further of the following:
 - a. Five (5) feet from the far edge of a marked crosswalk,
 - b. Five (5) feet from the curb ramp landing pad,
 - c. Five Feet from the intersection of two sidewalks.



(g) Emergency conditions.

- (1) Upon the issuance of a severe storm, hurricane or tornado warning by the city or the county, the licensee shall move all tables, chairs and other equipment located in the sidewalk café indoors. The issuance of such a warning shall constitute an emergency situation as referenced in this ordinance.
 - (2) The city may order the immediate removal or relocation of all, or parts of, a sidewalk café in emergency situations or for safety consideration, without notice. The city shall have the right to remove any and all such items immediately in an emergency situation. The city shall not be responsible for damage to sidewalk café elements under any circumstances.
- (h) Issuance of License.
- (1) The issuance of a sidewalk café license is a privilege granted by the city. The license is for a temporary and interruptible use of a public sidewalk or public right-of-way area. It does not and shall not be construed to convey any legal or equitable interest whatsoever to any part of the sidewalk or public right-of-way.
 - (2) The City's Traffic Engineer shall examine the sidewalk café application and determine whether all of the requirements stated in this article for the issuance of a permit have been satisfied. If all such requirements have been satisfied, and the applicant has provided an appropriate certificate of insurance holding the City and its officers, agents and employees harmless from any injury, damage or claims related to the sidewalk café then the City's Traffic Engineer may issue the license. If the license is denied, the applicant shall be provided with the reasons therefor in writing, and the license application fee shall not be refunded.
- (i) License revocation. The City's Traffic Engineer may revoke a license issued pursuant to this article if it is determined that the restaurant or business operator has:
- (1) Misrepresented or provided false information in the permit or license application.
 - (2) Operated the sidewalk café in a manner not consistent with the details provided in the permit and license application and not in compliance with City rules and requirements for sidewalk cafés.
 - (3) Failure to pay renewal fees.
 - (4) Violated any provision of this article.
 - (5) Violated any law, regulation or ordinance regarding the possession, sale, transportation or consumption of intoxicating beverages or controlled substances.
 - (6) Operated the sidewalk café in such manner as to create a public nuisance or to constitute a hazard to the public health, safety, or welfare; specifically including failure to keep the sidewalk café area clean and free of refuse at end of each business day or for violation of the Applicant's TABC license.
 - (7) Failure to maintain any health, business or other permit or license required by law for the operation of the restaurant or business associated with the sidewalk café.
 - (8) Failure to maintain the physical integrity of sidewalk café elements.

- (9) Operated the sidewalk café in violation of any city, county or state law, ordinance or regulation. Before the revocation of a license, the City's Traffic Engineer shall notify the license holder of its intent to revoke the license and the reasons therefor.
 - (10) Any and all landscaping and public improvements that are damaged as a result of the construction and installation of the sidewalk cafe shall be replaced utilizing the same quality of materials and workmanship as approved by the city.
 - (11) If the license is revoked, sidewalk café elements used in the operation of the sidewalk café must be removed within 48 hours of notice from the city, and if not so removed, the city shall have the right to remove and dispose of these items and may assess the property owner for the cost of such removal and disposal. The city shall not be responsible for damage to sidewalk café elements under any circumstances.
- (j) Notice. The licensee shall be given notice in writing of the reasons for revocation of the license.
- (k) Reservation of rights. The city reserves the right to require any sidewalk café established pursuant to this article to cease part or all of its operation in order to allow for construction, maintenance or repair of any street, sidewalk, utility, street or public building by the city, its agents or employees, or by any other governmental entity or public utility. The City may also require Licensee to temporarily close the sidewalk café during holiday or memorial parades, civic festivals and other events of a temporary nature as permitted by the city. The City also reserves the right to suspend or revoke the sidewalk café license to prevent or remedy a public nuisance or to protect the public health, safety, or general welfare of the citizens of Corpus Christi.
- (l) Insurance Requirement. Each licensee shall provide and maintain a policy of Commercial General Liability insurance with the minimum insurance coverage of one million dollars per occurrence.
- (m) Indemnity. Each licensee, as a condition of the City's consent given in this article, shall fully indemnify and save and hold harmless the City, its officers, employees and agents against any and all liability, damage, loss, claims, demands and actions of any nature whatsoever on account of personal injuries (including, without limitation on the foregoing, workers' compensation and death claims), or property loss or damage of any kind whatsoever, which arise out of or are in any manner connected with, or are claimed to arise out of or be in any manner connected with the use of the right-of-way or construction, installation, existence, operation, use, maintenance, repair, restoration, or removal of the license, including any injury, loss or damage caused by the sole or contributory negligence of the indemnitees or any of them. Licensee must, at its own expense, investigate all those claims and demands, attend to their settlement or other disposition, defend all actions based on any claims or demands, with counsel satisfactory to indemnitees, and pay all charges of attorneys and all other cost and expenses of any kind arising from any of said liability, damage, loss, claims, demands, or actions. This provision is not intended to create liability for the benefit of third parties but is solely for the benefit of the City.

(n) Term, transfer, renewal, etc. Licenses issued in accordance with the provisions of this article shall:

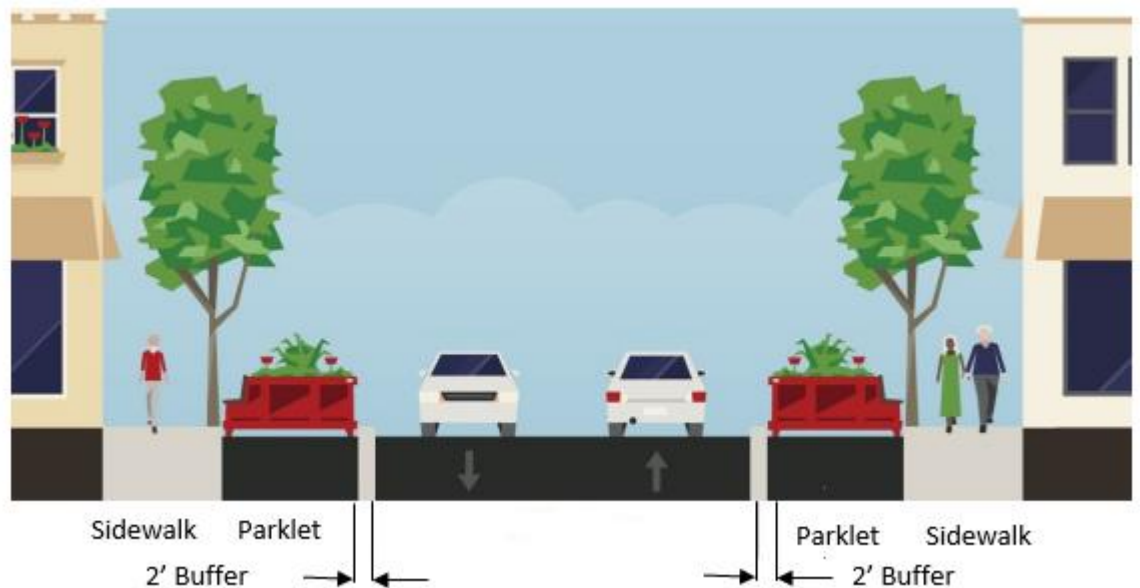
- (1) Be issued for a period of one (1) year. If a restaurant or business operator discontinues the restaurant or business operation or the sidewalk café within the year, no refund of the license fee shall be made.
- (2) Any restaurant or business holding a valid license for a particular sidewalk café shall be deemed to have reapplied for permission to use the same space for a succeeding license term. Restaurant or business operators not wishing to renew their license term must notify the City's Traffic Engineer in writing prior to the expiration of the license.
- (3) Restaurant and business owners wishing to extend their sidewalk café licenses must submit their current certificate of insurance and license renewal fee to the City's Traffic Engineer by January 31 of each year.
- (4) Restaurant and business owners must apply for a new license in the event of changes to approved sidewalk café elements.
- (5) Licenses shall not be transferable or assignable.

Sec. 49-141. - Parklet Requirements. A license shall not be issued to an applicant seeking to construct, install, operate and maintain a parklet unless the application is complete, and the following requirements are met:

(a) General location criteria:

- (1) Parklet licenses will only be issued for restaurants or businesses located in the downtown area located near or adjacent to public parking spaces. Possession of open containers of alcoholic beverages shall be permitted within areas of licensed parklets.
- (2) Parklets will only be considered for permanent fixed-site food and beverage establishments on a street with a speed limit of no more than 30 MPH and where on-street parking areas are available. Evaluation of parklets on streets with speed limits above 30 MPH shall be considered on a case-by-case basis.
- (3) A fixed-site food and beverage establishment is eligible for only one parklet. Approval for a sidewalk café and parklet will require site review and approval.
- (4) Parklets are prohibited in bus lanes, in front of fire hydrants, at utility access points (like manholes), and at high turnover parking spots (like banks, post office, and reserved take out/ delivery service parking).
- (5) The parklet shall only be located within parking stalls in right-of-way space that is contiguous with the property of the restaurant or business filing the license application. The restaurant or business seeking to operate a parklet must front on and open onto the sidewalk or pedestrian way proposed for such parklet. The placement of parklet elements may not extend beyond the sidewalk or pedestrian way frontage of the associated restaurant or business.
- (6) In general, parklets cannot be installed in locations where traffic congestion is an issue or where congestion could be an issue in the short term.

- (7) Parklets must not interfere with visibility for drivers turning at street corners. In general, parklets must be located at least one parking space away from an intersection or street corner and a minimum of twenty-two feet (22') feet from a marked crosswalk.
- (8) In general, parklets are prohibited in front of active driveways. Parklets may be installed in front of a driveway if the applicant owns the property served by the driveway or obtains written permission from the property owner. If the driveway has been abandoned or no longer provides access to off-street parking, the driveway may be levelled as part of the conditions for the parklet project.
- (9) Parklets may not be located on street curves or hills where horizontal or vertical sight-distance is an issue.
- (10) Parklets are generally permitted on streets with a running slope (grade) of five percent or less.
- (11) Parklet design should maintain a visual connection to the street and not block the view of conflicting movements of traffic, including pedestrian traffic, nor block the view of traffic control devices such as traffic signs, traffic signals, and other traffic warning devices. Continuous opaque walls above 42" that block views into the parklet from the surrounding streetscape are prohibited. You are allowed to include columns and other vertical elements. A windstorm certificate will be required for any design that includes a roof, trellis, or other overhead roof structure. A building permit may also be required based on the design.



(b) Setbacks:

- (1) Parklets located next to driveways must be set back two feet from the outside edge of the driveway.
- (2) All parklets are required to include 4-foot minimum side setbacks to the nearest parking space, on either side, to buffer the parklet from adjacent on-street parking spaces.

- (3) The outer edge of the parklet must have 2- foot setback from the adjacent travel lane. With standard setbacks on an 8'x22' perpendicular parking stall, the dimensions of a parklet in one space would be 6' x 14'.
- (4) A three-foot long wheel stop must be installed three-feet from the curb at the edge of the front and back parking spaces. Wheel stops should be setback four feet from the parklet structure. For angled parking spaces, appropriate locations for wheel stops will be determined by the city Traffic Engineer.
- (5) Vertical elements such as flexible posts and bollards shall be placed 2-feet from the edge of the parklet on both sides of the parklet not adjacent to the travel lane.

(c) Buffer:

- (1) The parklet shall have a continuous edge and physical barrier along the travel lane. Only the sidewalk-facing side of the parklet can be open to pedestrians. This can take the form of planters, railing, cabling, wall with built-in seating or some other appropriate buffer. If cable railing is used, spacing between cables cannot exceed six inches.

(d) Size and Number:

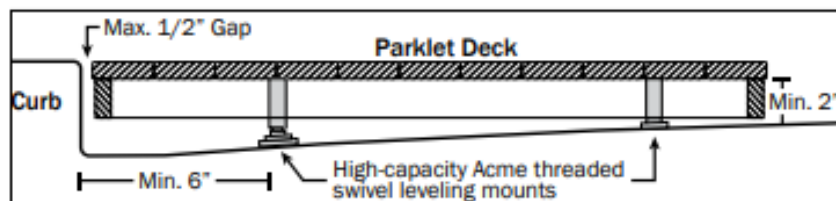
- (1) No more than one parklet area per business. If a business wants to collaborate on sharing a larger space with a neighboring business, you will need to contact the City to work through the details of the application process. A shared area may prohibit serving alcohol.
- (2) A maximum of two parallel parking spaces or four perpendicular or angled parking spaces shall be used for each parklet.
- (3) The curbside parking lane must be at least eight feet wide from curb to the adjacent bicycle or vehicular travel lane. Sites with a parking lane less than eight feet wide will be considered on a case-by-case basis.
- (4) Only one parklet will be permitted on each side of a city block.
- (5) Parklets located in parallel parking spaces can be the length of one or two parallel parking spaces.
- (6) A 4-foot inner buffer is required when adjacent to another parallel parking space. A 2-foot buffer is required when adjacent to a driveway, motorcycle parking, or a bicycle corral.
- (7) Parklets located in perpendicular or angled parking spaces can utilize a maximum of two to four combined parking spaces.
- (8) Parklets must stay within the designated parking stall area.
- (9) The height of the railing should not exceed 36 inches from the parklet platform floor to the top of the railing.
- (10) If you wish to install wind barriers taller than 36 inches, the use of transparent materials like acrylic, plexiglass, plastic films, etc. is required and the height of the railing, including the transparent materials, should not extend more than 42 inches from the floor platform.

(e) Utilities:

- (1) Fire Hydrants shall not be blocked. A 15-foot clearance from the hydrant (7.5-foot each side) along the curb shall be maintained. A 3-foot buffer around the hydrant on all sides should also be maintained.
- (2) Utilities. Parklets may not be constructed over, obstruct, or interfere with public utilities, access panels, storm drains, fire hydrants, bus stops, or driveways, utility poles, signs, parking meters, mailboxes or benches, or other utility located on the sidewalk or public right-of-way.

(f) Platform and Drainage:

- (1) The parklet platform should allow for proper curbside drainage flow, drainage flow under the deck (for stormwater runoff) and create a level deck surface that aligns with the adjacent sidewalk and allows for removal when required.
- (2) The parklet deck must be flush with the curb, such that the parklet becomes an extension of the sidewalk. If the top of the deck is higher than the curb to meet the minimum vertical clearance requirement, an ADA accessible ramp is required. This can be done with foundation pedestals to support the platform abutting the curb or with a ramp of no more than 1/4" for users to access the platform.
- (3) The space underneath the platform surface must be accessible for maintenance through access panels, removable pavers, etc.
- (4) Parklets should be finished with quality materials and must support 100 pound per square foot live load. All rails must be capable of withstanding a 200-pound horizontal force. Applicants interested in utilizing fabric sails or other architectural features which may "catch" wind, must provide proof of wind loads.
- (5) Where a platform is installed, the top of the parklet platform must be flush with the sidewalk with a maximum gap of one-half inch and vertical separation of one-quarter inch.
- (6) There must be a horizontal gap between the curb and the base of the frame of at least 6 inches in width to provide clear gutter space along the entire length of the proposed platform. A minimum 2-inch vertical gap between the street surface and the bottom of the parklet decking is required.



- (7) Designs for the sub-structure of a parklet vary and depend on the slope of the street and overall design for the structure. The sub-structure must accommodate the crown of the road and provide a level surface for the parklet. "Bison pedestals" spaced under the surface and of different heights are a common application. Another method is to provide steel sub-structure and angled beams.

(g) Americans With Disabilities Act (ADA) Requirements Compliance:

- (1) If tables, counters, benches or other furniture is provided, at least one of each type must be ADA accessible.
- (2) A minimum 36-inch ADA accessible entryway to the parklet must be maintained. The accessible path of travel must connect the sidewalk to the accessible entry, platform surface, wheelchair turning space and wheelchair resting place. The wheelchair turning space shall be 60-inches in diameter and located entirely within the platform; a 12-inch maximum overlap on the curb and sidewalk is acceptable.
- (3) A 30- by 48-inch clear floor area wheelchair landing area is required. This landing area is permitted to overlap with the wheelchair turning space by 24 inches maximum in any orientation.
- (4) Parklet platforms cannot exceed a 2% cross slope.
- (5) The placement of the parklet and parklet elements, shall not interfere with ingress/egress from buildings, alleys, fire exits or lanes and wheelchair ramps.
- (6) A minimum five (5) feet of unobstructed space (as measured from the street-side edge of the sidewalk to the parklet partition) shall be maintained from the edge of the sidewalk, pedestrian way or obstruction (planter, trash can, etc.) for the passage of pedestrians, and comply with the Americans with Disabilities Act (ADA) requirements.

(h) Safety:

- (1) Wheel stops are required and should be made of recycled rubber. Concrete wheel stops are discouraged. Structural bollards may be required if deemed necessary by the City.
- (2) Parklets shall have vertical elements at the outside corners that make them visible to traffic, such as flexible posts or bollards both with retroreflective tape. They must align with the end of the platform and not encroach on the travel lane.
- (3) Parklet areas must be designated and separated from pedestrian pathways by non-permanent dividers.
- (4) At no time may structures be bolted or affixed in any way to the roadway or any structure (including but not limited to: buildings, fire hydrants, street trees, streetlight, parking meters, or traffic poles, etc.) without prior approval from the Director of Public Works. A windstorm certification will be required for any structure bolted or affixed in any way to the roadway. An exception to this is that wheel stops for traffic protection must be bolted to the roadway in accordance with city requirements. Applicants are required to repair any damages to the roadway caused by the installation of the wheel stops if later removed by revocation or termination of the license or by a separate permit.

(i) Maintenance and Alterations:

- (1) The operation or furnishing of the parklet shall not involve any permanent alteration to or encroachment upon any sidewalk or pedestrian way. The restaurant or business operator of the parklet shall be responsible for repairing any incidental damage to public improvements resulting from its operation.

- (2) Moveable elements, including tables and chairs, must be removed at the end of the business day, at business closure, or in the event of inclement weather, unless arrangements for assembly and storage of such items on a part of the parklet are approved in the license.

(j) Furnishings and Fixtures:

- (1) Integrated bicycle parking is allowed. Bike racks integrated into the sidewalk or adjoining street area may be considered as part of the review process.
- (2) The parklet elements used in the parklet shall be of types that are easily removed from the public right-of-way within 48 hours of notice from the city.
- (3) Umbrellas, overhead weather protection and other decorative material shall be treated wood, canvas, cloth, or similar material that is manufactured to be fire-resistant and fire-retardant.
- (4) No portion of an umbrella or overhead protection shall extend into a travel lane.
- (5) A minimum overhead clearance of 96" (8 ft) above the parklet platform, as measured from the sidewalk, for people walking.
- (6) Portable heaters may be permitted if they are an outdoor approved type, located in accordance with the manufacturer's recommendations, located a minimum of two (2) feet from any flammable material, and are prohibited under an umbrella.
- (7) Signs are allowed provided the sign area does not exceed 6 square feet (24 inches by 36 inches). Signage is limited to displaying business identification, hours of operation, and if the parklet is private and limited to patrons of the business or meant to serve the public. If the parklet is meant to serve as restaurant seating, signage should correlate in design with the signage on the primary building. Illuminated signage is not allowed.
- (8) Lighting is encouraged and may be provided through electrical connections to the building. Solar powered lighting is strongly encouraged. Lighting shall not be directed towards the roadway to unintentionally cause glare for vehicles. Light strings must be hung to allow for a minimum clearance of 10 feet above the sidewalk and the platform of the parklet.

(k) Operation:

- (1) The parklet must share the same management and same food preparation facilities as the restaurant or business to which it is associated. Use of a parklet shall only be permitted during the hours of operation for the operating business, but in no event shall use be permitted between 2:00 am and 6:00 am. The business shall secure the parklet in such a manner that the parklet cannot be used during hours of closure.

(l) Emergency conditions.

- (1) Upon the issuance of a severe storm, hurricane or tornado warning by the city or the county, the licensee shall forthwith place indoors all tables, chairs and other equipment located in the parklet. The issuance of such a warning shall constitute an emergency situation as referenced in this ordinance.

- (2) The city may order the immediate removal or relocation of all, or parts of, a parklet in emergency situations or for safety consideration, without notice. The city shall have the right to remove any and all such items immediately in an emergency situation. The city shall not be responsible for damage to parklet elements under any circumstances.

(m) Design Requirements.

- (1) Parklet must be professionally designed by a licensed and bonded architect/engineering firm or Engineer licensed in the State of Texas. The structure shall be built to support anticipated live loads and wind loads. Drawings and calculations shall be signed and sealed.
- (2) Parklet that provides table service or used for outdoor dining from the adjacent business will be required to have a platform and must be compliant with ADA rules and regulations.
- (3) Parklet must provide for adequate lighting in and around the public clearance way to ensure that all obstructions may be easily seen. The illumination shall not have adverse impact on the flow of vehicular traffic
- (4) Parklet shall be designed to prohibit people from sitting on railing.
- (5) There shall be no live entertainment or speakers placed in the license area unless approved and properly permitted by the city.
- (6) Parklet elements shall be maintained with a clean appearance and shall be in good repair at all times. Debris shall be removed as required during the day and again at the close of each business day.
- (7) No cooking apparatus shall be allowed in the parklet area.
- (8) A copy of the site plan, as approved in conjunction with the license, shall be maintained on the premise and shall be always available for inspection by city personnel.
- (9) Any and all landscaping and public improvements that are damaged as a result of the construction and installation of the parklet shall be replaced utilizing the same quality of materials and workmanship as approved by the city.
- (10) A parklet must be constructed and installed such that it can be easily removed when needed. In rare circumstances, the City may require that you temporarily or permanently remove your structure so that repairs or other work may be done in the public right-of-way. The owner of the Parklet must be able to remove the parklet from the City right-of-way within 30 days of the notice. Faster removal may be required for emergency work. The licensee is responsible for all costs and labor associated with the disassembly and removal.

(n) Maintenance.

- (1) Furnishings shall not extend or overhang outside of the permitted or licensed area, constitute a danger to the health and safety of a patron or the public, violate any other ordinance that governs the use of public right-of-way, or obstructs the public right-of-way.

- (2) The improvements within affected right-of-way may not be altered from what is approved and must be maintained in good condition.
- (3) Licensee is responsible for maintaining sidewalk adjacent to the parklet free of obstructions of any kind.
- (4) Licensee is responsible for maintaining the parklet in accordance with normal and customary standards for sanitation, landscaping, and other general maintenance, including, but not limited to:
- (5) Licensee shall remove graffiti tagging to the parklet, within 48 hours;
- (6) Licensee shall clean the parklet platform, seating, and other parklet elements and surrounding area daily;
- (7) Licensee shall remove any debris, litter, grime, or trash from the parklet daily;
- (8) Licensee shall power wash the Parklet annually or more often as needed;
- (9) Licensee shall rinse out the area underneath the parklet platform on a weekly basis;
- (10) Licensee shall remove any debris that is impeding drainage flow along the curb and gutter underneath the parklet platform at least on a weekly basis;
- (11) Licensee shall perform pest abatement as needed;;
- (12) Licensee shall maintain all plants, equipment and furnishings in the parklet;
- (13) Licensee shall remove trash from the Parklet daily;
- (14) Licensee shall maintain the parklet at all times in accordance with this Article and all other applicable city ordinances and Licensee shall promptly repair or replace any broken improvements or property associated with the parklet immediately.

Sec. 49-142 Sidewalk Café and Parklet Application Process.

- (a) A pre-application meeting with the Department of Public Works and designated representatives is required to review the request and provide initial guidance through the process.
- (b) The official application request shall be filed with the Department of Public Works containing the required application, fees, proof of insurance, initial site plan showing existing street and sidewalk environment, and supporting documents. Applications shall be evaluated based on the quality and completeness of the initial application, site conditions, compliance with location requirements, and documentation of community support.
 - (1) For parking lane or curb lane use, the applicant is required to obtain consent from the adjacent business owner if the parklet or pedlet extends into a neighboring storefront, occupying an unmarked space.
 - (2) For parking lane or curb lane use, the applicant is required to obtain consent from the adjacent business owner if the parklet or pedlet extends at least halfway into a marked parking space.

- (3) Consent for a parklet or pedlet is not required if the marked space is fully within the applicant's storefront.
- (4) A sidewalk café will not be permitted to extend beyond the applicant's frontage to the adjacent sidewalk.
- (c) The Department of Public Works shall provide notification to the applicant on whether the initial application is accepted. The applicant shall only begin design of the plans of the sidewalk café, parklet, or pedlet upon approval of the initial application. All applicants are required to obtain sealed and stamped drawings and plans from a licensed architect/engineer to demonstrate compliance with all technical requirements.
- (d) City staff shall issue a permit for the sidewalk café, parklet or pedlet following review and approval of the completed application.
- (e) After a permit has been issued and Applicant submits the appropriate proof of insurance to the City and all other requirements of the permitting process have been completed, the Public Works Department will coordinate with the City Legal Department to prepare and issue a Revocable License Agreement.
- (f) After permit and license issuance, City staff will coordinate with the licensee to schedule the installation and inspection.
- (g) City staff shall visit the parklet within 60 days of installation, and as required, to ensure the parklet conforms to approved plans.

Sec. 49-143 Fees.

- (a) The license fees for a sidewalk café and parklet shall be as follows:

Fee Schedule	
Application and Review	\$100.00
Subsequent Resubmission or Amendments (Each)	\$25.00
Inspection (Each)	\$75.00
Annual Parklet License (Each Space)	\$600.00
Annual Sidewalk Café License	\$150.00

Sec. 49-144. - Permit and License Conditions and Revocation.

The city reserves the right to require any parklet, pedlet or sidewalk café established pursuant to this article to cease part or all of its operation in order to allow for construction, maintenance or repair of any street, sidewalk, utility, or public building by the city, its agents or employees, or by any other governmental entity or public utility; to allow for use of the street or sidewalk in connection with parades, civic festivals and other events of a temporary nature as permitted by the city; and to remedy a public nuisance or to protect the public health, safety, or welfare.

- (a) The City's Traffic Engineer may revoke a license issued pursuant to this article if it is determined that the restaurant or business operator has:
- (1) Misrepresented or provided false information in the license application.
 - (2) Operated the parklet in a manner not consistent with the details provided in the license application.
 - (3) Failure to pay permit application or permit renewal fees.
 - (4) Violated any provision of this article.
 - (5) Violated any of the regulations or guidelines set out in the City's Community Space program.
 - (6) Violated any law, regulation or ordinance regarding the possession, sale, transportation or consumption of intoxicating beverages or controlled substances.
 - (7) Operated the parklet in such manner as to create a public nuisance or to constitute a hazard to the public health, safety, or welfare; specifically including failure to keep the parklet area clean and free of refuse at end of each business day or disruption(s) related to alcohol consumption.
 - (8) Failure to maintain any health, business or other permit or license required by law for the operation of the restaurant or business associated with the parklet.
 - (9) Failure to maintain the physical integrity of parklet elements.
 - (10) Operated the parklet in violation of any city, county or state law, ordinance or regulation. Before the revocation of a license, the City's Traffic Engineer shall notify the license holder of its intent to revoke the license and the reasons therefor.
 - (11) If the license is revoked, parklet elements used in the operation of the parklet must be removed within 30 days of notice from the city, and if not so removed, the city shall have the right to remove and dispose of these items and may assess the property owner for the cost of such removal and disposal. The city shall not be responsible for damage to parklet elements under any circumstances.
- (b) The licensee shall be given notice in writing of the reasons for revocation of the license.
- (c) Each licensee shall provide and maintain a policy of Commercial General Liability insurance with the minimum insurance coverage of one million dollars per occurrence, two million aggregate. This policy or policy endorsement shall name the City of Corpus Christi, its elected officials, officers and employees as an additional insured under the commercial liability policy.
- (d) Each licensee, as a condition of the City's consent given in this article, shall fully indemnify-and save and hold harmless the City, its elected officials, officers, employees and agents against any and all liability, damage, loss, claims, demands and actions of any nature whatsoever on account of personal injuries (including, without limitation on the foregoing, workers' compensation and death claims), or property loss or damage of any kind whatsoever, which arise out of or are in any manner connected with, or are claimed to arise out of or be in any manner connected

with the use of the City's right-of-way or construction, installation, existence, operation, use, maintenance, repair, restoration, or removal of the license area, including any injury, loss or damage caused by the sole or contributory negligence of the indemnitees or any of them. Licensee must, at its own expense, investigate all those claims and demands, attend to their settlement or other disposition, defend all actions based on any claims or demands, with counsel satisfactory to indemnitees, and pay all charges of attorneys and all other cost and expenses of any kind arising from any of said liability, damage, loss, claims, demands, or actions. This provision is not intended to create liability for the benefit of third parties but is solely for the benefit of the City.

- (e) **Term, transfer, renewal, etc.** Licenses issued in accordance with the provisions of this article shall:
- (1) Be issued for a period of one (1) year. If a restaurant or business operator discontinues the restaurant or business operation within the timeframe, no refund of the license fee shall be made.
 - (2) Any restaurant or business holding a valid license shall be deemed to have reapplied for permission to use the same space for a succeeding license term. Restaurant or business operators not wishing to renew their license term must notify the City's Traffic Engineer in writing prior to the expiration of the license.
 - (3) Restaurant and business owners wishing to extend their licenses must submit their current proof of insurance and license renewal fee to the City's Traffic Engineer by January 31 of each year.
 - (4) Restaurant and business owners must apply for a new license in the event of any changes to approved use and location.
- (f) Permit and Licenses are not transferable or assignable except by written authorization by the City Manager or his authorized designee.
- (g) A licensed parklet location shall have first opportunity to renew a license for the same city block if a license was held in the previous calendar year and renewed within 30 days of expiration.
- (h) A fixed-site food and beverage establishment is eligible for only one parklet. Approval for a both a sidewalk café and private parklet will require site specific review and approval.
- (i) Applicants must be able to demonstrate that alternate ADA-compliant outdoor dining is provided if a Temporary Parklet does not meet ADA regulations.
- (j) The restaurant or business seeking to operate a parklet, pedlet or sidewalk café must front on and open onto the sidewalk or pedestrian way proposed for such use. The placement of parklet, pedlet or sidewalk café elements may not extend beyond the sidewalk or pedestrian way frontage of the associated restaurant or business.

Section 2. If for any reason any section, paragraph, subdivision, clause, phrase, word or provision of this ordinance shall be held invalid or unconstitutional by final judgment of a court of competent jurisdiction, it shall 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 this purpose..

Section 3. 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.

Section 4. Penalties are as provided in Section 1-6 of the Corpus Christi Code of Ordinances.

Section 5. This ordinance shall take effect immediately upon publication.

That the foregoing ordinance was read for the first time and passed to its second reading on this the _____ day of _____, 2022, by the following vote:

Paulette Guajardo _____

John Martinez _____

Roland Barrera _____

Ben Molina _____

Gil Hernandez _____

Mike Pusley _____

Michael Hunter _____

Greg Smith _____

Billy Lerma _____

That the foregoing ordinance was read for the second time and passed finally on this the _____ day of _____ 2022, by the following vote:

Paulette Guajardo _____

John Martinez _____

Roland Barrera _____

Ben Molina _____

Gil Hernandez _____

Mike Pusley _____

Michael Hunter _____

Greg Smith _____

Billy Lerma _____

PASSED AND APPROVED on this the _____ day of _____, 2022.

ATTEST:

Rebecca Huerta
City Secretary

Paulette Guajardo
Mayor