

**Ordinance amending the Unified Development Code to add a definition for smoking lounges and the appropriate zoning district; and providing for penalties**

**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");

**WHEREAS**, with proper notice to the public, public hearings were held on Wednesday, July 25, 2018, during a meeting of the Planning Commission when the Planning Commission recommended approval of the proposed UDC amendments, and on Tuesday, September 11, 2018, 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, 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.** UDC Article 1 "General Provisions", section 1.11 "Definitions", Subsection 1.11.3 "Defined Terms" is amended by adding the following language that is underlined (added) and deleting the language that is stricken (deleted) as delineated below:

**1.11.3. Defined Terms**

Smoking Lounge: A use engaged in the sale of tobacco product for on-premise consumption. Smoking lounge includes but is not limited to establishments known variously as cigar lounges, hookah lounges, vape lounges, tobacco clubs, tobacco bars, etc.

**SECTION 2.** UDC Article 4 "Base Zoning Districts", Section 4.5 "Commercial Districts", Table 4.5.2 "Permitted Uses (Commercial Zoning Districts)" is amended by adding the following language that is underlined (added) and deleting the language that is stricken (deleted) as delineated below:

P = Permitted Use Limitations SUE = Special Use Exception SP = Special Permit [blank cell] = Not Permitted	CN-1	CN-2	ON	CR-1	CR-2	CR-3	CG-1	CG-2	CI	CBD	BP	Standards
Commercial Uses												
Commercial Parking Uses [5.1.4.A]	P	P	P	P	P	P	P	P	P	P	P	
Indoor Recreation Uses [5.1.4.B]	P	P	SP	P	P	P	P	P	P	P	P	
Bar, tavern or pub				L	L	L	L	L	L	L	L	5.2.7
<u>Smoking Lounge</u>				<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	

**SECTION 3.** UDC Article 5 "Use Regulations", Section 5.1 "Use Categories", Subsection 5.1.4 "Indoor Recreation" is amended by adding the following language that is underlined (added) and deleting the language that is stricken (deleted) as delineated below.

<b>Characteristics:</b> General commercial uses, varying in size, providing daily or regularly scheduled recreation-oriented activities in an indoor setting.		
<b>Principal Uses</b>	<b>Accessory Uses</b>	<b>Uses Not Included</b>
Auditorium Bar, tavern or club Exposition building Indoor entertainment activities such as billiard halls, bowling alleys, pool halls, dance halls, indoor firing ranges, movie or other theaters, and skating rinks Membership club or lodge Natatorium Smoking Lounge Sexually oriented business	Associated offices Concessions Food preparation and dining areas Off-street parking Satellite dish antenna under 3.2 feet*	Aquarium (see Community Service) Art gallery (see Community Service) Athletic or health club (see Retail Sales and Service) Library (see Community Service) Museum (see Community Service) Senior centers (see Community Service) Youth club facilities (see Community Service)

**SECTION 4.** 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 5.** 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 Unified Development Code (UDC).

**SECTION 6.** 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.

That the foregoing ordinance was read for the first time and passed to its second reading on this the \_\_\_\_\_ day of \_\_\_\_\_, 2018, by the following vote:

Joe McComb	_____	Ben Molina	_____
Rudy Garza	_____	Everett Roy	_____
Paulette Guajardo	_____	Lucy Rubio	_____
Michael Hunter	_____	Greg Smith	_____
Debbie Lindsey-Opel	_____		

That the foregoing ordinance was read for the second time and passed finally on this the \_\_\_\_\_ day of \_\_\_\_\_, 2018, by the following vote:

Joe McComb	_____	Ben Molina	_____
Rudy Garza	_____	Everett Roy	_____
Paulette Guajardo	_____	Lucy Rubio	_____
Michael Hunter	_____	Greg Smith	_____
Debbie Lindsey-Opel	_____		

PASSED AND APPROVED on this the \_\_\_\_\_ day of \_\_\_\_\_, 2018.

ATTEST:

\_\_\_\_\_  
Rebecca Huerta  
City Secretary

\_\_\_\_\_  
Joe McComb  
Mayor