

AN ORDINANCE

2009-05-07-0354

AMENDING CHAPTER 32 OF THE CITY CODE OF SAN ANTONIO, TEXAS, ENTITLED "TOURIST AND TRADE CENTER AREAS", TO ALLOW ANNUAL PERMITS BE ISSUED FOR THE USE OF DOWNTOWN, STREET-LEVEL SIDEWALK SPACE BY ADJACENT RESTAURANTS.

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WHEREAS, the Texas Transportation Code, Section 316 authorizes municipalities to make use of public sidewalks for sidewalk cafes; and

WHEREAS, in addition, the City of San Antonio ("City") has required that sidewalk cafes not intrude upon portions of the sidewalk necessary for pedestrian use so that a minimum 6' clearance be maintained; and

WHEREAS, further, all exterior improvements including tables, chairs, and fencing are subject to review by the Historic Design & Review Commission; and

WHEREAS, since 1987, the City has authorized the use of sidewalks for patio cafes; and

WHEREAS, the process for leasing such spaces includes the execution of a license agreement which includes the term, rental rates based upon square foot rates, insurance and indemnity, as well as other requirements; **NOW THEREFORE:**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAN ANTONIO:

SECTION 1. Chapter 32 of the City Code of the City of San Antonio is hereby amended by the addition of a new Article IV which shall read as follows:

Chapter 32, ARTICLE IV – Sidewalk Café Permit

Sec. 32-177 Definitions.

For purposes of this Article, the following definitions shall apply:

Sidewalk Café means any street level portion of public right-of-way use in which tables and chairs are placed for the sole purpose of patrons consuming food and/or beverages (alcoholic or non-alcoholic beverages) served by a food establishment adjacent to property. This Sidewalk Café Permit will not include the Market Square or Riverwalk Areas.

Downtown business district has the same meaning as in the Unified Development Code of San Antonio Texas.

Pedestrian Accessible Route means a continuous unobstructed path of travel with minimum clear width of 72 inches that connects public transportation stops, accessible parking, passenger loading zones and public streets or sidewalks.

Hawk means offering goods, merchandise, or services by calling or crying out.

Inhibit means to cause any person walking or otherwise proceeding to swerve, dodge, change direction, or come to a complete stop.

Public property means any real property owned or controlled by the City.

Sec. 32-178. Downtown Business District Sidewalk Café Permits

(1) *Permits.* Downtown Business District Sidewalk Café permits for the operation of a sidewalk cafe shall be issued annually by the Downtown Operations Department in accordance with procedures adopted by the City Manager or the City Manager's designee and such policies shall include, but not be limited to, standard amount of space necessary for the issuance of a permit, insurance and indemnity requirements and such other operational rules, regulations and requirements as deemed necessary by the City Manager or the City Managers designee. The City Manager or the City Manager's designee shall evaluate each proposed Sidewalk Café Permit application and shall only be authorized to issue permits for those locations which the City Manager or the City Manager's designee has determined are large enough that a sidewalk cafe in those locations would have no effect on adjacent public property. The Director of the Downtown Operations Department shall have authority to immediately suspend any such permits in the event that the permit holder does not comply with the policies and procedures adopted by City Manager or the City Managers designee or is in violation of this chapter.

(2) *Fees.*

Sidewalk cafe permit fee shall be paid to the City and the permit fee shall be determined according to the following table:

Square Footage of Sidewalk Cafe	Fee
Less than 250 square feet	\$250.00
250 square feet to 500 square feet	\$500.00
More than 500 square feet	\$750.00

Sec. 32-179. Hawking and Vending in the Downtown Business District.

Use of public property shall at all times, be in compliance with vending policies for the Downtown Business District as detailed in Sec. 16-236 and any other applicable sections of the City Code of the City of San Antonio.

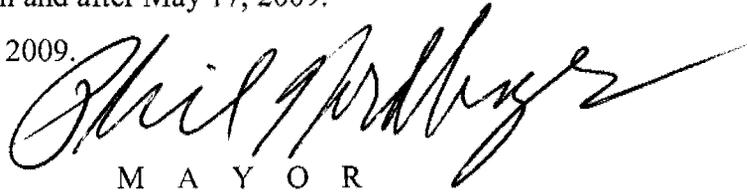
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Item #18

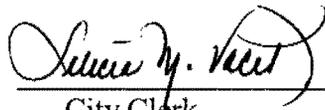
Sec. 32-180. Right reserved to refuse a Permit.

The Director of the Downtown Operations Department shall have the right to refuse to issue a permit to any person guilty of willful violations of the rules and regulations promulgated under this division.

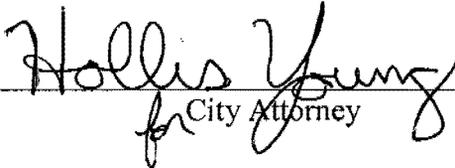
SECTION 2. This ordinance shall be effective on and after May 17, 2009.

PASSED AND APPROVED this 7th day of May, 2009.


M A Y O R

ATTEST: 

City Clerk

APPROVED AS TO FORM: 

for City Attorney

Agenda Item:	18 (in consent vote: 8, 9, 13, 14, 18, 20, 21, 23)						
Date:	05/07/2009						
Time:	05:08:13 PM						
Vote Type:	Motion to Approve						
Description:	An Ordinance amending Chapter 32 of the City Code of San Antonio, Texas, entitled "Tourist and Trade Center Areas", to allow annual permits be issued for the use of downtown, street-level sidewalk space by adjacent restaurants. [Pat DiGiovanni, Deputy City Manager; Paula Stallcup, Director, Downtown Operations]						
Result:	Passed						
Voter	Group	Not Present	Yea	Nay	Abstain	Motion	Second
Phil Hardberger	Mayor	x					
Mary Alice P. Cisneros	District 1		x				
Sheila D. McNeil	District 2		x				
Jennifer V. Ramos	District 3		x				x
Philip A. Cortez	District 4		x				
Lourdes Galvan	District 5	x					
Delicia Herrera	District 6		x			x	
Justin Rodriguez	District 7		x				
Diane G. Cibrian	District 8		x				
Louis E. Rowe	District 9		x				
John G. Clamp	District 10		x				

AFFIDAVIT OF PUBLICATION

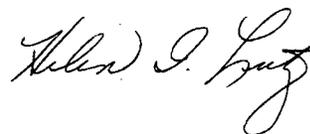
Before me, the undersigned authority, on this day personally appeared Helen I. Lutz, who being by me duly sworn, deposes and says that she is the Publisher of ***The Hart Beat***; that said newspaper is generally circulated in San Antonio, Bexar County, Texas; that the attached notice was published in said newspaper on the following date(s):

May 13, 2009

Subscribed and sworn to before me this 13th day of May, 2009, to certify which witness my hand and seal of office.

PUBLIC NOTICE

AN ORDINANCE
2009-05-07-0354



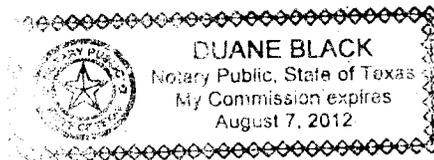
Helen I. Lutz, Publisher

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PASSED AND APPROVED this 7th day of May, 2009.

/S/ PHIL HARDBERGER
MAYOR

ATTEST: LETICIA VACEK
CITY CLERK
5/13



Notary Public in and for the State of Texas

Duane Black

Name of Notary

My commission expires August 7, 2012