

AN ORDINANCE TEMPORARILY ALLOWING OUTDOOR DINING AND TEMPORARILY WAIVING ONSITE PARKING REGULATIONS, PERMIT FEES AND ALCOHOL CONSUMPTION IN PUBLIC PLACES, ALL TO FACILITATE SUCH OUTDOOR USE DURING THE COVID-19 STATE OF EMERGENCY AND DECLARING THE ORDINANCE TO BE AN EMERGENCY MEASURE TO TAKE EFFECT IMMEDIATELY UPON ADOPTION.

WHEREAS, an outbreak of the disease COVID-19, which is caused by the novel Coronavirus, has been confirmed in 184 countries, including the United States; and

WHEREAS, COVID-19 has been confirmed in 207 counties in Texas, including Hidalgo County; and

WHEREAS, the slow spread of COVID-19 the White House issued guidance and orders affecting many of our local businesses; and

WHEREAS, the economy of the City of Pharr has been directly affected in response to the mitigation efforts to slow and stop the spread of COVID-19; and

WHEREAS, the Board of Commissioners desires to provide additional opportunities for Pharr restaurants with limited capacity to serve patrons in outdoor spaces in order to follow social distancing guidelines and in order to stimulate the recovery of the restaurant business in the City.

NOW, THEREFORE, BE IT ORDAINED, BY THE BOARD OF COMMISSIONERS OF THE CITY OF PHARR, TEXAS, THAT:

SECTION 1. IMPLEMENTATION OF TEMPORARY OUTDOOR DINING SERVICES. The following provisions apply to new or additional areas sought to be utilized for temporary outdoor dining services:

1. The City Commission hereby authorizes the City Manager or designee to issue temporary permits for use of private/public property for outdoor dining at restaurants during those phases of reopening wherein the Governor has limited indoor serving of patrons in restaurants. For purposes of this ordinance, the term “restaurant” shall mean an existing business with a business license to operate as a restaurant. The permitted areas for outdoor dining shall be adjacent to, or in close proximity to, the restaurant or as deemed appropriate by the City Manager or designee.
2. Restaurants may convert up to 50% of the business’s dedicated parking spaces into temporary outdoor dining.
3. The City Commission hereby adopts and approves to temporarily suspend zoning regulations related to parking requirements, temporary signage and zoning permits (such as variances or conditional use permits) for outdoor dining areas, subject to the terms of this ordinance, and have administrative regulations when the City finds necessary for the protection of public health, safety, and welfare.

4. The City Commission authorizes the City Manager or designee to promulgate regulations for applications, permitting, and operational requirements related to temporary outdoor dining areas authorized under this ordinance, to include but not limited to:
 - a. Regulations that address alterations to the use of subject properties, including the use of private parking spaces, green spaces, or other potential use areas, and the provision of support facilities that may appropriate under the temporary conditions applying to the property.
 - b. Regulations that account for potential use of public spaces for Temporary Outdoor Dining Permits, include the sidewalk within public right-of-way, and open spaces, if deemed reasonable and appropriate. Final determination shall be made by the City Manager or designee.
 - c. Regulations that take into account other applicable codes and public health and safety considerations, including alcohol licensing, fire codes and protections, and other related building and zoning regulations.
5. Any business in receipt of an approved Temporary Outdoor Dining permit under this ordinance shall be responsible for obtaining any other permits or licenses necessary to legally operate said business as proposed, including alcohol licensing, health division approvals, or any other approvals. The City Manager or designee may administratively approve temporary modifications to the applicant's alcohol on-premise consumption permit, consistent with the limits and terms of this ordinance.
6. No fee shall be assessed for the processing of permit applications.
7. Any authorization provided by this ordinance or permit issued pursuant to this ordinance shall automatically expire thirty (30) days after the end of the Declaration of Public Health Emergency, unless sooner terminated by the City. A permit may be revoked for the noncompliance with any requirement of the permit, or any other applicable regulations or laws, and the continued occupancy of City property after revocation may be remedied in the same manner as authorized for unlawful encroachments.

SECTION 2. SAVINGS CLAUSE

Except as hereby amended, any provisions of the code of ordinances or directives of the City of Pharr, Texas, not in conflict with this Ordinance shall remain in full force and effect, unimpaired hereby.

SECTION 3. EMERGENCY CLAUSE

The importance of the subject matter hereof creates an emergency and an imperative public necessity requiring suspension of the rule that ordinances be read on three separate days, and such rule is hereby suspended and said requirement is dispensed with by a vote of not less than a majority of all the members of the Board of Commissioners.

SECTION 4. SEVERABILITY CLAUSE

If any part of this Ordinance is found to be invalid or unconstitutional by a court having competent jurisdiction, then that invalidity or unconstitutionality shall not affect the remaining parts, and those remaining parts shall continue to be in full force and effect, and to that extent this ordinance is considered severable.

SECTION 5. EFFECTIVE DATE; PUBLICATION

The requirement that this Ordinance is to be read on three (3) separate meetings is hereby waived and dispensed with and this Ordinance shall take effect and be in full force immediately after approval and passage. This ordinance shall automatically expire thirty (30) days after the end of the Declaration of Public Health Emergency, unless sooner terminated by the City.

SECTION 6. PROPER NOTICE AND MEETING

It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551 of the Texas Government Code.

PASSED AND APPROVED BY THE BOARD OF CITY COMMISSIONERS OF THE CITY OF PHARR, TEXAS, on this the _____ day of _____, 2020.

CITY OF PHARR

AMBROSIO "AMOS" HERNANDEZ, MAYOR

ATTEST:

HILDA PEDRAZA, CITY CLERK