

Ordinance amending the Corpus Christi Unified Development Code by adding a new Section 6.7 entitled, “Clustered Development Overlay District”, relating to the use, regulations, and review standards for clustered development; Amending conflicting provisions of the City’s Comprehensive Plan; Repealing conflicting ordinances; Providing for severance, penalties, publication and an effective date.

WHEREAS, the Corpus Christi Comprehensive Plan supports a range of densities to improve the affordability of housing, increase the cost effectiveness of services, and offer citizens a desired quality of life;

WHEREAS, the Corpus Christi Comprehensive Plan directs the City to promote infill development on vacant lots and improve the economic viability of infill development through incentives that will attract private investors;

WHEREAS, the Corpus Christi Comprehensive Plan encourages a contiguous, compact growth pattern in areas where services already exist or can be economically provided, thereby requiring minimal improvements to the existing utility system;

WHEREAS, with proper notice to the public, public hearings were held on Wednesday, August 3, 2011, during meetings of the Planning Commission, and on Tuesdays, October 11, 2011 and December 13, 2011, during meetings of the City Council, in the Council Chambers, at City Hall, in the City of Corpus Christi, during which all interested persons were allowed to appear and be heard;

WHEREAS, the City Council has determined that this amendment to the Unified Development Code (UDC), would best serve the general welfare of the City and its citizens by providing a regulatory base for more sustainable communities by ensuring compatibility in development; maintaining consistency and character; and ensuring growth in an orderly and desirable manner that will preserve the public health and safety;

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

SECTION 1. That the Corpus Christi Unified Development Code is amended by adding a new Section 6.7 entitled “Clustered Development Overlay District” to read as follows:

§ 6.7. Clustered Development Overlay District.

6.7.1 Purpose.

It is the purpose of this ordinance to permit residential compact or clustered development in order to:

- A. Encourage creative and flexible site design.**

- B.** Promote cost savings in infrastructure installation and maintenance by such techniques as reducing the distance over which utilities, such as water and sewer lines, need to be extended or by reducing the width or length of streets.
- C.** Decrease or minimize nonpoint source pollution impacts by reducing the amount of impervious surfaces in site development.
- D.** Protect environmentally sensitive areas of a development site and preserve open space, natural features, and prime agricultural lands on a permanent basis.
- E.** Provide opportunities for social interaction, walking, and hiking in open space areas.

6.7.2 Allowances.

- A.** The clustered development standards under this ordinance are applied as an “overlay zone” and subject to the rules of the underlying Zoning District, in addition to the rules of the Overlay District standards established under this Ordinance.
 - 1.** Development under this Ordinance applies to new development and requires platting of individual lots within the development.
 - 2.** Where a conflict exists between the standards of the underlying Zoning District and the Clustered Development Overlay District, the standards established under the Clustered Development Overlay District Ordinance shall take precedence.
 - 3.** The standards provided under this Ordinance may only be applied to a clustered development platted, developed, and constructed in accordance with this Ordinance.
 - 4.** Commercial use of dwelling units in a clustered development for commercial leasing purposes (i.e. leased for a period of under 30 days) must comply with the International Building Codes (IBC) and the City’s Fire Department Codes, and is only permitted in the “RM-AT”, “CR-2”, and “CR-3” Zoning Districts.

B. Permitted Districts.

- 1.** A clustered development consisting of multiple single-family attached, single-family detached or two-family dwelling units shall be a permitted use (not requiring rezoning) in the RS-6, RS-4.5, RS-TF, RM-1, RM-2, RM-3, RM-AT, ON, CN-1, CR-2, CR-3, and CG-2, when platted, developed, and constructed in accordance with this Ordinance.
- 2.** All principal uses authorized in the applicable residential zoning district(s) shall be allowed in the clustered development.

C. Minimum Acreage. A residential clustered development consisting of 1 acre or greater shall be permitted in any zoning district allowing for residential uses pursuant to the standards outlined under this ordinance.**D. Density.**

- 1.** When platted under the standards of this Ordinance, a clustered development may not exceed the maximum density permitted within the underlying zoning district.
- 2.** When platted under the standards of this Ordinance, a clustered development may not exceed a maximum density of 9.68 dwelling units per acre in any zoning district.
- 3.** The minimum density permitted within a clustered development is 4 dwelling units per acre.
- 4.** The maximum density permitted under Section 6.7.2(D)(1) and (2) above may be exceeded if the developer agrees to implement one or more of the density bonus techniques outlined under Section 6.7.6 below.
- 5.** A Clustered Development may not exceed 139 acres without including a transitioning mixed-use, commercial, neighborhood/town center consisting of 3 to 5 acres located within the development boundaries, and in accordance with Traditional Neighborhood Development Ordinance.

6. Multiple clustered developments located within 500 feet of each other and consisting of more than 139 acres shall include a transitioning mixed-use, commercial, neighborhood/town center consisting of 3 to 5 acres, and shall be developed as part of a Master Planned Community and approved through the Planning Commission and City Council public hearing process.

E. **Impervious Coverage Allowance.**

The maximum impervious coverage of the entire clustered development cannot exceed 65% of the development boundaries, which includes parking areas, unless the parking areas consist of pervious surfaces.

F. **Infrastructure.**

Clustered developments are only permitted in areas served by public sewer and water, except when the proposed development is part of a comprehensive development plan providing for adequate infrastructure through phased development.

- 1.** The developer must provide evidence that adequate infrastructure facilities and capacity exist to sustain the higher densities of a proposed clustered development.
- 2.** If adequate infrastructure and capacity does not exist on the proposed development site, the developer must provide a plan of action indicating what services will be provided to meet the densities of the development.

G. **Stormwater Management.**

- 1.** To compensate for higher densities and increased impervious surfaces within a clustered development project, the project design must include onsite stormwater management techniques acceptable under the Best Management Practices (BMP) Manual.
- 2.** Onsite stormwater management techniques may be included in the required common open space calculations to the extent outlined under Section 6.7.4(F)(4).

6.7.3 **Platting Restrictions.**

New development of sites consisting of 1 acre or greater can be platted, or replatted, as small lot clustered developments for single-family attached, detached, or two-family dwelling units as follows:

- A.** All lots within the proposed cluster development must be platted.

- B.** Each clustered development must have a Home Owner's Association or another designated managing entity approved by the City for the maintenance of common facilities, drives, alleys, pedestrian paths, open space, parking areas, and stormwater maintenance onsite.
- C.** Proposed deed restrictions must be submitted with the plat and must state that individually platted lots and common open spaces within the clustered development will not be further divided into smaller tracts. The deed restrictions must be noted on the plat and recorded, and are enforceable through the Home Owner's Association or another assigned managing entity approved by the City.
- D.** Where a Home Owner's Association, or other assigned managing entity approved by the City, is assigned as the managing entity of the development, the covenants, conditions, and restrictions of the development will be automatically renewable at the end of the established term unless 51% of the members agree to dissolve the association and the dissolution of the association is approved by the City.
- E.** Platting or replatting of lots must not create flag lots or inaccessible lots within the development. The portion of the common open space that is inaccessible by a street or lane shall be permitted, provided that the common open space portion of the lot is shown and labeled on the plat, and noted that the common area shall not be developed for anything other than a community building or common recreational use.

6.7.4 **Required Common Open Space.**

- A.** Not less than 35% of the site shall be conveyed as common open space and shall be applied to the entire development site rather than to any individual lot:
- B.** Forty percent of the total square footage or acreage required for common open space may consist of active recreational features (i.e. swimming pools, tennis courts, playgrounds), while the remaining 60% must consist of pervious surfaces for passive recreational use (Fig. 6.7.4.B).

Figure 6.7.4.B. Passive Recreational Use.

- C.** Common open space may include undevelopable areas such as wetlands, creeks, and onsite vegetated stormwater dry detention basins planned for the site, as outlined under Section (F) below.
- D.** The required common open space must be continuous, shaped for passive or active recreation, and must not measure less than 5 feet for a maximum distance of 20 linear feet, with exception of extraordinary circumstances such as the use of a walking bridge to cross a stormwater ditch or other unusual topographical situations onsite, in which case the minimum width/maximum distance requirement may be extended.
- E.** Parking areas, impervious surfaces, impervious right-of-ways, impervious driveways, right-of-way yard setbacks, individual lot yard setbacks, and spaces between buildings of 10 feet or less in width do not qualify as common open space.
- F.** **Alternative Compliance Options.** Compliance with the common open space requirement can be met by implementing one or more of the following options:
- 1.** **Exclusive Use by Residents.** The required common open space onsite (e.g., private trails, passive and active recreational areas) can be dedicated to a Home Owner's Association who will be responsible for the maintenance of the common grounds.

- 2. Public Recreational Use.** The common open space provided within the development boundaries may be contributed toward the Community Enrichment Fund land dedication and fees required by the City for new development, provided that the common open space provides at least one recreational element (i.e. green space/small park, jogging or walking trails, etc.) that is available to the public and maintained by the Home Owners' Association or other designated managing entity.

- 3. Wetlands as Open Space.**
 - a. Non-jurisdictional wetlands, i.e. those for which impacts would not require a USACE permitting process, may be counted in a 2:1 ratio (i.e. 2 acres of open space credit for every 1 acre of wetland preserved) up to 50% of the total open space requirement if incorporated into the design of the clustered development property boundaries.**

 - b. Preservation of jurisdictional wetlands (those for which impacts would require USACE permitting) can be used in a 1:1 ratio to offset up to 50% of the total open space requirement if incorporated into the design of the development property boundaries.**

- 4. Stormwater and Wastewater Management Techniques.**
 - a. Vegetated stormwater bioswales, rain gardens, (or other preferable infiltration-based or retention-based systems, designed and sized in accordance with, and acceptable under, the Best Management Practices Manual) planned onsite may be counted towards the common open space requirement using a 1:1 ratio to offset up to 50% of the total open space requirement, if incorporated into the design of the clustered development property boundaries.**

 - b. Construction plans detailing the construction of the Best Management practices proposed onsite, including target side slopes, depths, retention time, proposed plant species, and a long-term maintenance plan must be pre-approved by the Development Services Department ACM or their designee.**

5. Plazas & Courtyards.

Where pedestrian (non-vehicular) plazas or courtyards are incorporated into the design of the project, the square footage of plaza or courtyard areas that incorporate at least three of the features listed below may be contributed toward up to 100% of the common open space required onsite:

- a.** Special interest planting with a wide range of plant materials including perennials and drought tolerant flowering shrubs. A minimum of 50% of the plant material used shall provide seasonal flower and/or foliage color.
- b.** Pedestrian scale, bollard, or other accent lighting in accordance with the Illuminating Engineering Society of North America's (IESNA) "Guideline for Security Lighting for People, Property, and Public Spaces".
- c.** Special porous paving, such as colored/stained pervious concrete, pervious brick, or elevated decks constructed over earthen ground (not over slab), and utilizing methods that allow rainwater to reach and infiltrate into the ground below (Fig. 6.7.4.F).

Figure 6.7.4.F. Common Courtyard.



- d.** Seating, such as benches, tables, or low seating walls.

G. Maximum Common Open Space Alternative Compliance.

- 1.** Where the common open space in a residential cluster development is conveyed by one, or through a combination of the methods above, no more than 50% of the common open space can be achieved utilizing these methods (excluding the plazas and courtyards listed above, or buffers required between two zoning districts, which can contribute up to 100% of the requirement).
- 2.** A deed restriction enforceable by the Homeowner's Association or another designated managing entity, shall be recorded that provides that the common open space shall be kept in the authorized condition(s), and not be developed for principal uses, accessory uses, parking or roadways. Failure to keep the common open space in its authorized condition shall be considered to be in violation of the City's Unified Development Code.

6.7.5**Residential Development Standards.**

The following provisions shall apply to any residential lot within a clustered development, regardless of the general requirements of the applicable residential zoning district:

- A.** The single-family and two-family dwelling units listed under Section 6.14 shall be permitted units when developed in accordance with the development standards listed under that section for each unit.
- B.** No minimum width or depth of a lot shall apply.
- C.** A minimum separation of 8 feet shall be provided between all principal buildings and structures, separation footage shall increase by 1 foot for each additional story added.
- D.** There must be a minimum eave separation of 6 feet, with an additional 1 foot separation between eaves added for each additional story.
- E.** Front and rear yard setbacks for individual unit lots must equal a minimum of 15 feet combined, and must not be less than 5 feet for either yard.

- F.** Buildings located along a public street at the entrance to a clustered development shall not be located within 10 feet from the front property line of the project site along the public street (i.e. street yard). This standard does not apply to the individual dwelling units within the project site located on private alleys or local collector streets.

6.7.6 Density Bonuses.

- A.** The City's Development Services Department may approve an increase in the maximum number of dwelling units allowed within a compact or clustered development (based on the maximum impervious coverage allowance onsite) through one of the following options:
- 1.** For each dwelling unit constructed as a fully accessible unit in accordance with the Texas Accessibility Standards, one additional dwelling unit shall be permitted, up to a maximum of 15 % increase (above the underlying Zoning District allowance) in the number of dwelling units.
 - 2.** For each affordable housing unit (i.e. affordable to families earning 80% of the Area Median Income) provided within the development boundary, one additional dwelling unit shall be permitted, up to a maximum of 15% increase (above the underlying Zoning District allowance) in the number of dwelling units.
 - a.** Affordable housing must be made available on approximately the same schedule as the balance of housing in the proposed development and may not be deferred until the final phases.
 - b.** The bedroom mix of affordable housing units must be roughly proportional to the bedroom mix of the market rate homes in each proposed development.
 - c.** Affordable housing units are expected to vary from the market rate offerings in each development due to smaller sizes and fewer interior amenities; however, these variations must not adversely affect the energy efficiency of the affordable housing units.

- d.** Affordable housing units must be complimentary in exterior design and materials and must be dispersed throughout each development when planned.
 - e.** Affordable housing units must be sold or rented only to qualified households as defined by the City of Corpus Christi.
 - f.** Affordable housing units used as the basis for approving a density bonus shall be subject to a deed restriction and a mortgage lien to ensure that newly constructed low- and moderate-income sales and rental units remain affordable to low- and moderate-income households for a period of not less than 30 years, which period may be renewed.
- B.** Where any of the above methods are approved by the City's Development Services Department, the approved density bonus may not be applied to more than 15% of the gross area designated as the common open space area onsite.
- C.** Where pervious paving techniques (i.e. the use of pervious concrete, porous pavers, pervious asphalt, etc.) is utilized in the design of clustered development, the pervious areas will not count towards the 65% maximum impervious cover allowance on a site. The impervious surface area from which runoff is collected can be deducted from the maximum allowable impervious surface allowance, provided that the applicant is able to demonstrate the assimilation capacity and the runoff from the impervious surface areas being directed into vegetated green space within the site, on the site plan.

6.7.7

Sidewalks.

Access and connectivity of sidewalks provided for each residential dwelling, office, or commercial building must be developed in accordance with the City's Building Code and the Texas Accessibilities Standards.

6.7.8

Fences.

All fences proposed within a clustered development shall comply with the following guidelines:


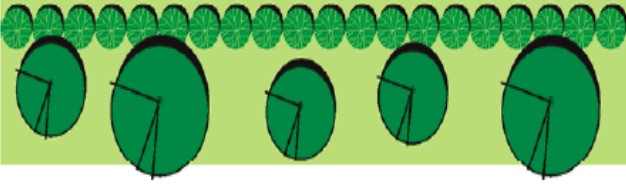





- A.** **Lot Interior front and side yard fencing.** All fencing on individual unit lots located in any front or side yard forward of the front wall of the dwelling unit façade, may not be more than 48 inches in height.

1. Front fencing must be picket, split rail, iron, or any decorative fencing that provides a minimum of 50% transparency.
 2. Wire, chain-link, or solid fencing is prohibited along the side or front property lines forward of the front wall façade of the dwelling unit, with the exception of low stone walls no higher than three feet, if a part of the Developers design scheme for the project.
 3. Fencing shall not be placed in a right-of-way, shall not be located closer than 1 foot from an existing sidewalk, or not closer than 6 feet from the right-of-way where a sidewalk does not currently exist.
- B.** **Lot Rear yard fencing.** Provided that fencing is not constructed any closer to the front of a dwelling unit lot than the rear façade or back wall of the dwelling unit, fencing may be constructed along the rear and rear side yard property line of a dwelling unit lot as follows:
1. The height of the fencing constructed along a rear or rear-side property line may not exceed 6 feet in height.
 2. Wire or chain-link fencing along the rear or rear-side yard property line, and rearward of the front dwelling unit wall is prohibited.
- C.** **Development Site Fencing.** When a clustered development is located adjacent to a single-family development, a screening fence of up to 6 feet in height must be provided along the property lines of the development as a visual buffer, and is not required to be solid; the fence may be an alternating picket or decorative iron design, provided that the fence does not provide more than 30-40% transparency.
1. Fencing is not required when the clustered development site that is located 100 yards or greater from the property line of neighboring single-family, multiple-family, or commercial uses.
 2. Fencing as a visual buffer between clustered developments and adjacent undeveloped, vacant lots is not required.
 3. Fencing is required when the clustered development is located adjacent to oil and gas wells or telecommunication facilities or structures.

6.7.9 Buffers.

- A.** Where a proposed clustered development developed under this Ordinance is located adjacent to an RE or RS Zoning District, the applicant is required to provide a minimum buffer between the two differing densities in accordance with the standards of Section 7.9.5.
- B.** Where the buffer includes walkways, pathways, seating areas, pedestrian or other passive recreation amenities (i.e. those activities that do not include development or alteration of the site other than the creation of hiking, biking, and horseback riding trails, picnic areas, etc.), the square footage of the landscaped area providing the amenities may be contributed towards the common open space requirement onsite.
- C. Street Buffers.**
- 1.** All development located along a street designated as a Freeway, Arterial, or Collector Street on the Urban Transportation Plan Map or Text shall be required to provide one of the following buffers (listed under Table 6.7.9.C below) along the entire street frontage abutting the right-of-way, and no vegetation shall interfere with a required clear sight triangle at a driveway or intersection.
 - 2.** Parking visible from any public street shall include a continuous evergreen hedge or wall for the entire linear extent of the vehicular use area visible from the right-of-way.
 - a.** The height of the hedge or wall shall be a minimum of 18 inches and a maximum of 36 inches as measured from the elevation of the vehicular use area or the street curb, whichever is higher.
 - b.** Such hedge or wall may be substituted for any individual shrubs that may be required in the street buffer.
- D. Utility Lines.** No trees under utility lines shall have a natural height over 25 feet.

Table 6.7.9.C.

Street Buffer Width	Plant Material Illustration	Plants/100 Ln. Ft.
Freeway Buffer		
20 ft		1 four-foot continuous evergreen hedge 3 canopy trees
20 ft		1 four-foot continuous evergreen hedge 2 canopy trees 3 understory trees
Arterial or Collector Street Buffer		
10 ft		3 canopy trees
10 ft		2 canopy trees 2 understory trees
10 ft	<p style="text-align: center;">Utility Line Option</p> 	4 understory trees
Local Access Street Buffer		
6 ft		1 canopy tree 1 understory tree 7 shrubs
6 ft		1 canopy tree 2 understory tree 3 shrubs

6.7.10 Site Plan.

The preliminary and final site plan for a residential clustered development shall include, but shall not be limited to, the following information:

- A.** The maximum number and type of dwelling units proposed.

- B.** The areas of the site on which the dwelling units are to be constructed or are currently located and their size (this may take the form of the footprint of the dwelling unit or a building envelope showing the general area in which the dwelling unit is to be located) and the lot setbacks.
- C.** Illustrations showing the areas of the site designated for common open space and buffers and their dimensions and square footage/acreage.
- D.** The areas of the site designated for parking and the dimensions of individual spaces.
- E.** The number and percentage of dwelling units, if any, that are proposed to be accessible and/or affordable housing units.
- F.** The location of sidewalks, trails, and bike paths.
- G.** Locations and dimensions of planned right-of-ways, alleys, and onsite stormwater and wastewater features.
- H.** Landscaping and Lighting Plans required or proposed for all vehicular, common open space, buffer, street yards, and right-of-way areas.

SECTION 2. That the UDC and corresponding Zoning Map of the City of Corpus Christi, Texas, effective July 1, 2011, as amended from time to time, except as changed by this ordinance and any other ordinances adopted on this date, remain in full force and effect.

SECTION 3. That to the extent that this amendment to the UDC represents a deviation from the Comprehensive Plan, the Comprehensive Plan is amended to conform to the UDC, as amended by this ordinance.

SECTION 4. That all ordinances or parts of ordinances in conflict with this ordinance are hereby expressly repealed.

SECTION 5. 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 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 hereof be given full force and effect for its purpose.

SECTION 6. A violation of this ordinance or requirements implemented under this ordinance constitutes an offense punishable as provided in Section 1.10.1 and/or Article 10 of the UDC.

SECTION 7. That 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 8. This Ordinance shall take effect upon and after publication of this Ordinance.

That the foregoing ordinance was read for the first time and passed to its second reading on this the 11th day of October, 2011, by the following vote:

Joe Adame	<u>Aye</u>	David Loeb	<u>Aye</u>
Chris Adler	<u>Aye</u>	John E. Marez	<u>Aye</u>
Larry Elizondo, Sr.	<u>Aye</u>	Nelda Martinez	<u>Aye</u>
Kevin Kieschnick	<u>Aye</u>	Mark Scott	<u>Aye</u>
Priscilla Leal	<u>Absent</u>		

That the foregoing ordinance was read for the second time and passed finally on this the 13th day of December, 2011, by the following vote:

Joe Adame	<u>Aye</u>	David Loeb	<u>Aye</u>
Chris Adler	<u>Aye</u>	John E. Marez	<u>Aye</u>
Larry Elizondo, Sr.	<u>Aye</u>	Nelda Martinez	<u>Aye</u>
Kevin Kieschnick	<u>Aye</u>	Mark Scott	<u>Aye</u>
Priscilla Leal	<u>Aye</u>		

PASSED AND APPROVED this the 13th day of December, 2011.

ATTEST:

Armando Chapa
Armando Chapa
City Secretary

Joe Adame
Joe Adame
Mayor

APPROVED as to form only: this the 30th day of November, 2011.

For Carlos Valdez, City Attorney

By: Deborah Walther Brown
Deborah Walther Brown
Assistant City Attorney

EFFECTIVE DATE
<u>12/19/11</u>

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