

Ordinance amending the Corpus Christi Unified Development Code by adding a new Section 7.12 entitled, “Adaptive Reuse Development Standards”, relating to the use, regulations and review standards for Adaptive Reuse and redevelopment of existing and historical structures; 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 promotes the rehabilitation of deteriorating housing which will promote better quality living environments and enable older neighborhoods to remain viable;

WHEREAS, the Corpus Christi Comprehensive Plan promotes infill development of vacant lots to improve economic viability through incentives to attract private investors;

WHEREAS, the Corpus Christi Comprehensive Plan recognizes that although some City business districts have declined due to decentralization or relocation of business, some still have a strong market potential to compete effectively if renovated or rehabilitated;

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 7.12 entitled “Adaptive Reuse Development Standards” to read as follows:

§ 7.12 Adaptive Reuse Development Standards.

7.12.1 Purpose.

The purpose of the Adaptive Reuse Development Standards is to revitalize areas of the City’s downtown areas (and any other pre-determined or targeted area) by facilitating the conversion of older, economically distressed, or historically significant buildings consisting of residential or tourist uses mixed with Commercial,

Professional Office, Civic uses, including apartments, Live-Work units, multiple-family residences, and tourist-based facilities. This will help to reduce vacant space as well as encourage the development of a residential community downtown and other blighted areas of the City, thus creating a more balanced ratio between housing and jobs in the region's primary employment centers.

7.12.2

Application of Standards.

The standards under this Ordinance shall be applied as follows:

- A.** Where a conflict exists between the standards of the underlying zoning district and the Adaptive Reuse development standards, the standards established under the Adaptive Reuse Standards Ordinance shall apply.
- B.** The standards provided under this Ordinance may only be applied to Adaptive Reuse development that is platted, developed, and constructed in accordance with this Ordinance.
- C.** When an adaptive reuse project is approved as an eligible building and proposed within the Uptown-Downtown Mixed Use Special Overlay District, 50% of any Zoning fees required shall be waived.
- D.** The standards of this Ordinance do not apply to remodeling or reconstruction of a single-family or two-family home, or an addition to a structure for any use when the building is currently in use, but shall be applied in the adaptive re-use of an existing vacant structure for the development of a multiple-family structure, or single-family Live-Work mixed-use structure.
- E.** Historical buildings are not required to include residential uses in an Adaptive Reuse development.

7.12.3

Applicable Zoning Districts.

For the purpose of this Ordinance, the standards of this Ordinance shall apply to proposed adaptive reuse of a vacant building to a mixed residential or mixed tourist use, and located in the RM-1, RM-2, RM-3, RM-AT, CN-1, CN-2, ON, CR-1, CR-2, CR-3, CG-1, CG-2, CI, CBD, and BP Zoning Districts. Light Industrial (IL) Zoning Districts may be included as an adaptive reuse project under this Ordinance if rezoned to one of the districts listed under this Section.

7.12.4

Permitted Uses.

- A.** An adaptive reuse project is the conversion and change of use within all or a portion of a vacant eligible building, to

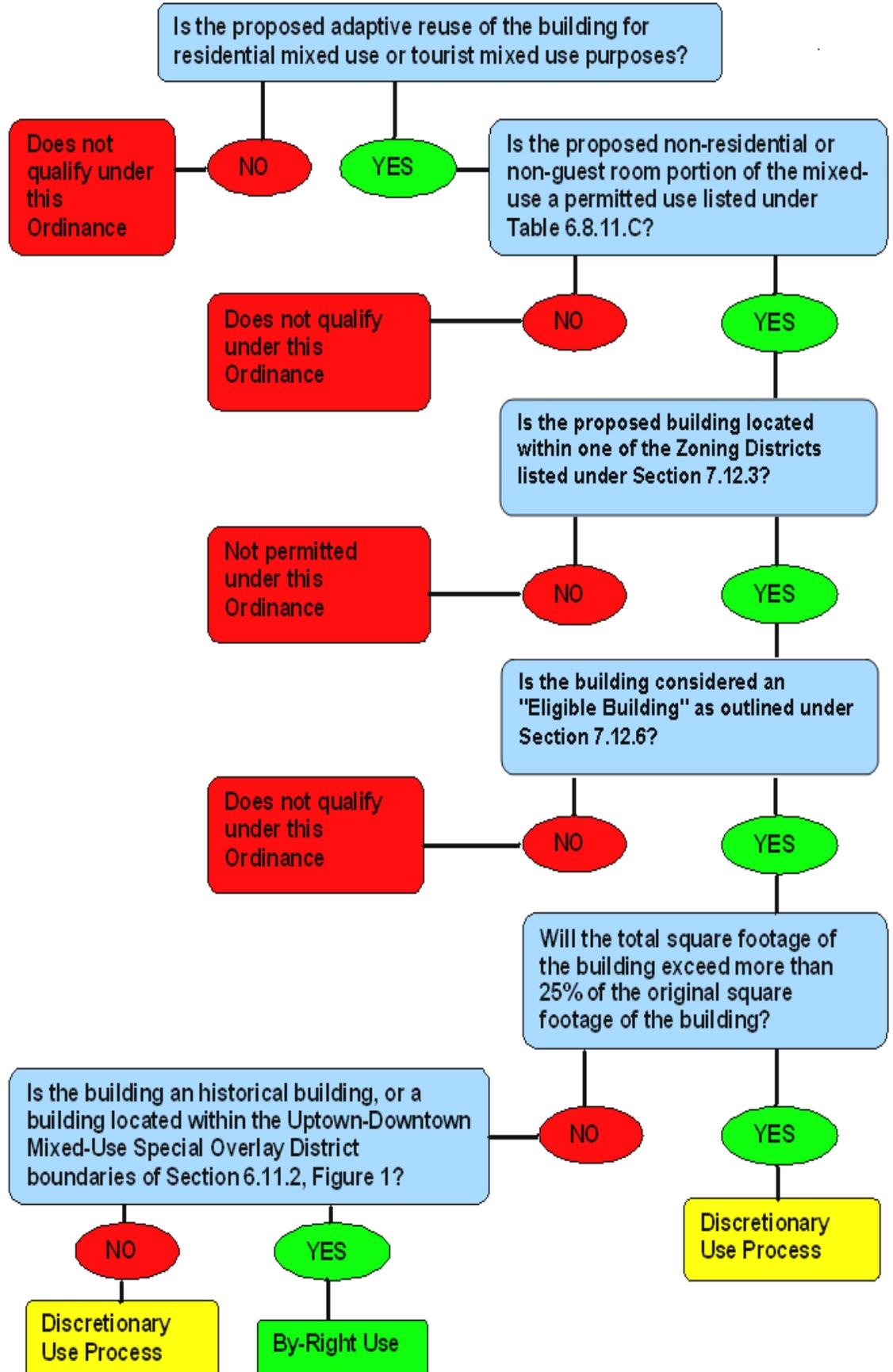
include one or more, or any combination of the following new residential uses:

1. Dwelling units (apartments, condos, lofts, single and two-family dwelling units, see Section 7.12.2.D).
 2. Joint living and work quarters (Live-Work units mixed with a restricted mix of small Commercial, Professional Office, or Civic uses) in accordance with the development standards of Section 6.14.7.
 3. Mixed Uses (as constructed in accordance with Section 6.8 or 7.11, but eligible for the exceptions and provisions under this Ordinance).
 4. Guest rooms (in hotels, including a toilet and bathing facilities).
 5. Bed and breakfast lodging establishments where permitted under a development concept or special overlay district ordinance.
 6. As part of a Traditional Neighborhood or Transit-Oriented development in accordance with Sections 6.9 or 6.10.
- B.** Commercial, Professional Office, Civic or Institutional uses may be used in combination with the residential uses stated above when developed as, and in accordance with, the Mixed-Use Development Ordinance Standards of Section 6.8.

7.12.5 Review Process.

An abbreviated version of the review process of a proposed adaptive reuse building under this Ordinance is provided in the following flowchart (Fig. 7.12.5), the detailed review process follows the flowchart:

Figure 7.12.5. Adaptive Reuse Review Process



7.12.6**Eligible Buildings.**

Eligible buildings are defined as those structures that have been vacant for a period of at least 5 years, and the building was constructed in accordance with building and zoning codes in effect 5 years prior to the date that an application is made. A Certificate of Occupancy, building permit, utility bill, or other suitable documentation may be submitted as evidence to verify the date of occupancy. Eligible buildings for adaptive reuse reconstruction shall either be considered a By-Right Use or Discretionary Use, as determined by the following:

A. By-Right Use.

1. To be considered as a By-Right use, the existing structure may not increase the building footprint greater than 25% of the original square footage of the structure being re-used.
2. As a By-Right use, any non-conforming and existing floor area, lot area, lot line setbacks, and heights, are “grandfathered in” and a variance, special permit, or public hearing is not required.
3. **Historical Buildings.** Historically significant buildings (i.e. buildings listed on the National Register of Historic Places, Texas Historical Commission, or any locally established register of historic sites or buildings) are always considered eligible buildings under this Ordinance, and adaptive reuse of the historical structure shall be a By-Right/permitted use. Although the historical structure may not require review through a public hearing process, it may require review by the City’s Landmark Commission prior to approval.
4. Structures in the Uptown-Downtown Special Mixed Use Overlay District: A structure located within the boundaries shown on the map provided under the Uptown-Downtown Special Mixed Use District Ordinance, (Section 6.11.2, Figure 1) shall be considered an eligible By-Right building.

B. Discretionary Use. Any other proposed adaptive reuse of a vacant structure in which new floor area or height is proposed to be added that **exceeds** 25% of the original floor area, or a change has occurred in the yard setbacks 5 years prior to the date that an application is made, or not classified as an Eligible Building under Section 7.12.6(A) above, may be considered as a Discretionary Use. In order to be classified as a Discretionary Use and qualify for the

exceptions and provisions of this Ordinance, the proposed building for reuse must meet the following requirements:

1. The building must have been continuously vacant for at least 5 years (as evidenced by a valid Certificate of Occupancy); and
2. The Development Services Department ACM or designee must determine that the building is no longer economically viable in its current use. In making this finding, the Development Services Department ACM or designee shall consider the building's past and current vacancy rate, existing and previous uses, and real estate market information, and any adverse relationship with adjacent uses.
3. The Development Services Department ACM or designee has the following options in reviewing a proposed adaptive reuse as a Discretionary Use:
 - a. Approve the application;
 - b. Approve the application with conditions;
 - c. Deny the application;
 - d. Require the project to go through a public noticing period (for which the applicant will be required to pay for the advertisement fee). Following the required noticing and advertisement period, if no opposition to the project has been received, the ACM or designee may approve the application administratively. If the proposed development does receive opposition during the noticing period, the applicant shall be required to attend a public hearing before the Planning Commission and City Council for review and approval.

7.12.7 Construction Standards.

All structures proposed for adaptive reuse require a Building Permit Application, applicable building permits and inspections, and are required to meet the City's current adopted Building Codes. Approved By-Right and Discretionary Use Adaptive Reuse projects are entitled to construct the project without having to apply for a variance, special permit, or further participation in a public hearing process if the project is constructed as follows:

A. Density.

1. Uptown-Downtown MUS Special Overlay District. There is no limit to the number of apartments, live/work units, or guest rooms permitted in an adaptive reuse project, provided that no more than 25% of the existing floor area is added as new floor area (New floor area

shall be defined and refers to any change in use to an existing eligible building proposed for adaptive reuse, located within the confines of the existing interior portion of the exterior walls and roof).

2. All Other Areas.

a. Existing floor area which exceeds that permitted by the current Zoning District or any other land use regulation shall be permitted, provided no additional floor area is added.

b. Where increased density is proposed and does not currently exceed the maximum limits for the Zoning District, the proposed increase in density must not exceed the density limits established by the Zoning District for which it is located.

B. Minimum Lot Area and Lot Width.

1. The minimum lot area and lot width required shall not be less than the limits established by the underlying zoning district for which the proposed development is located.

2. The minimum lot area and width of a lot and structure proposed within the Uptown and Downtown Mixed Use Boundary area for adaptive reuse shall not be limited, provided any yards required for the underlying district are met, where required.

C. Height. Existing heights which exceed that permitted by the current Zoning District or any other land use regulation shall be permitted to remain, provided no additional height is added above the maximum heights permitted by the zoning district in which the development is located.

D. Yards. Existing observed yards which do not meet the yards required by the current Zoning District or any other land use regulation shall be permitted, provided that the proposed floor area of the adaptive reuse does not further encroach into the existing yards.

E. Mezzanines. New construction to accommodate loft spaces in an existing story is permitted, provided that the new loft area may not exceed 33% of the floor area of the room or space on lower floors. New mezzanines constructed of one-third the floor area of the floor below or less shall not be counted as floor area (Figs. 7.12.7.E).

Figures 7.12.7.E. Mezzanine Lofts.**F. Off-Street Parking.**

- 1.** New parking spaces shall not be required for an adaptive-reuse project, provided that all existing on-site spaces are maintained and not reduced in the adaptive reuse of the site (unless the proposed use requires less parking for the proposed use or by the City's Unified Development Code). The existing parking may be used for any onsite or off-site use (For example, the parking may be reserved exclusively for onsite residential tenants, or it may be utilized for public parking).
- 2.** The adaptive reuse of a structure located within the boundaries of the Uptown-Downtown Mixed Use Special Overlay District shall not require any additional parking.
- 3.** The location and construction of new parking areas for an adaptive reuse project must be designed and located in accordance with the requirements of Section 6.8.17.
- 4.** Parking may be located between a pedestrian-oriented street and the primary building if the parking area already exists and the project proposes to renovate only the interior of an existing building where adequate parking for the use currently exists. Redevelopment of a parking lot in connection with the adaptive reuse of a structure shall provide the needed parking behind the adaptive reuse structure.
- 5. Commercial Parking.** The adaptive reuse of a lot for the purposes of creating a commercial or public parking lot is permitted, provided that the proposed parking lot is located in compliance with standards of Section 6.8.17.
 - a. Exception to Strict Application of Section 6.8.17.** Where it can be proven that a proposed commercial or public parking site is currently and

actively being used for commercial or public parking uses, and not located in accordance with the standards of Section 6.8.17, the proposed commercial or public parking use shall be permitted to remain, provided that the total square footage of the original parking area is not increased and the landscape and vehicular screening requirements of Section 6.8.17 and the City's Landscaping Ordinance are applied.

6. Where off-street surface parking areas are constructed or located behind, under, or above the principal building which screens the parking area from the direct view of the right-of-way, the vehicular screening requirements shall be waived.

7. Vehicular Screening Exceptions. In order to encourage infill and adaptive reuse on constrained sites containing no more than 1 acre and bordered by developed land along the entire perimeter (excluding intervening public streets), the following exceptions to the City's Landscaping Ordinance vehicular screening requirements are available to infill and adaptive reuse projects occurring within an older/established area:

a. The Development Services Department ACM or designee may waive up to 50% of the parking lot/vehicular screening landscaping requirements of the City's Landscaping Ordinance, provided that tree canopy planted along the site perimeter also serves to screen and shade the interior of the parking lot within 10 years of planting; or

b. The Development Services Department ACM or designee may waive up to 50% of the parking lot/vehicular screening landscaping requirements if a low decorative wall or fence of a minimum height of not less than 42 inches is installed along the parking area perimeter that also serves to screen the parking area from public view. Where fencing is utilized, fencing shall not be solid or chain-linked, and must provide a minimum of 50% transparency.

c. The vehicular screening exceptions under this Section do not apply to the screening requirements for commercial or public parking lots not associated with the adaptive reuse of a building.

- G. Loading Spaces.** Where an existing loading space is provided, the loading space shall be required to remain, but may also be used as additional parking space when deliveries are not scheduled. Adequate signage shall be provided listing the hours of deliveries and designating when the spaces cannot be used for public or private parking. If no loading spaces exist, then a loading space shall not be required in conjunction with the development of an adaptive reuse project.
- H. Access and Driveways.** Existing access and driveways shall be permitted to remain, provided that the proposed development site is not located within a City-planned or funded Capitol Improvement Project or Texas Department of Transportation (TXDOT) proposed project area that may require altering the location of the existing access or drive.

7.12.8 Additional Adaptive Reuse Development Requirements.

- A. Open Space.** An adaptive reuse project must provide open space equaling a minimum of 10% of the combined floor area of all residential or tourist lodging units. The open space requirement can be met through, but is not limited to, the following methods:
- 1. The square footage of common plazas and courtyards, swimming pools, or recreational amenities provided onsite may be counted towards the open space requirement on the site (Figs. 7.12.8.A.1).**

Figures 7.12.8.A.1 . Courtyards & Adaptive Reuse with Courtyard.





- 2.** The Development Services Department ACM or their designee may approve a reduction in the amount of open space required for the residential component of an adaptive reuse building when it finds that all reasonable attempts to fulfill the requirements have been exhausted and the open space is not able to be accommodated due to the urban infill characteristic of the development site.
- 3.** The adaptive reuse of a historical structure for purposes other than residential uses shall be exempt from the open space requirement.

B. Building Orientation and Design Standards.

- 1.** When an adaptive reuse project includes the alteration, reconstruction or remodeling of the exterior walls or facades of a building, the building orientation and design standards of Section 6.8.13 and 6.8.14 shall apply to the greatest extent possible. Deviation from the strict application of one or more of the orientation and design standards may be considered and approved by the Development Services ACM or designee when it is determined that strict application of the standard(s) would not be feasible.
- 2.** **Historical Structures.** Strict application of the building orientation and design standards shall not be required in the adaptive reuse of historical structures; however, the renovation and remodeling of a historical structure must not destroy or obscure essential architectural features, and to the greatest extent possible, enhance the architectural features of the structure.

C. Sidewalks and Streetscape Zones.

- 1.** The applicant of the adaptive reuse project shall have the option of providing either a Streetscape Zone in accordance with the standards of Section 6.13, or provide the landscaping requirements of the City's Landscaping Ordinance.
- 2.** Sidewalks shall be provided for all adaptive reuse projects that are located adjacent to an Arterial or Collector Street, and constructed in accordance with the Americans with Disabilities Act construction standards, and the sidewalk widths proposed under the Urban Transportation Plan.
- 3.** Where the interior renovation and adaptive reuse of an existing building is situated on an existing sidewalk that does not meet the minimum 10 foot width requirement, the minimum sidewalk width and Streetscape Zone width may be reduced to the actual width of the existing sidewalk, but must not be less than 5 feet in width, unless the proposed project is located within a City planned streetscape design area, in which case the requirements of the planned streetscape design shall be required.

D. Fencing.

- 1.** Prominent facades on street-facing units may not be concealed behind high walls, solid fencing, or privacy fences that provide less than 50% transparency, forward of the front façade of the building.
- 2.** Residential units consisting of courtyards and entrances located rearward of the "build-to" line may not be concealed behind high walls, solid fencing, or privacy fences that provide less than 50% transparency (Figs. 7.12.8.D.2)

Figures 7.12.8.D.2.

3. Lower solid fencing, solid landscaping, and walls not exceeding 4 feet in height, or decorative iron fences no greater than 7 feet in height are acceptable.

E. Adaptive reuse development must also comply with the following additional standards listed under the following Sections:

6.8.19 Servicing and Solid Waste Collection.

6.8.21 Accessory Structures.

6.13.1(D) Awnings.

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.

Signatures on following page.

That the foregoing ordinance was read for the first time and passed to its second reading on this the 11th 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>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> |