

Ordinance amending the Corpus Christi Unified Development Code by revising an abbreviation term at Subsection 1.11.2; by adding three definitions to Subsection 1.11.3; by revising Table 3.1.7.A and Subsection 3.1.7.C.4.a, and adding Subsection 3.1.7.C.1.c relating to notice requirements; by revising Subsection 4.2.8.C, and adding 4.2.8.D.4, 4.2.10 and 4.2.11, and revising Tables 4.3.3, 4.4.3.B and 4.4.4 relating to lot measurements; by revising Table 4.6.2 relating to permitted uses in industrial districts; by revising 5.3.2.B and 5.3.2.C, and deleting 5.3.2.D relating to accessory uses and structure; by revising Subsection 7.2.4.G relating to tandem parking; by revising Subsection 7.5.13.E relating to institutional signs; by adding Subsection 8.2.1.G.7 relating to cul-de-sacs; by adding Subsection 8.2.9 relating to dead end mains; and by revising 8.5.1.B and 8.5.2.B relating to the payment of fees; Amending conflicting provisions of the City's Comprehensive Plan; Repealing conflicting ordinances; Providing for severance, penalties, publication and an effective date.

WHEREAS, the Planning Commission has forwarded to the City Council its reports and recommendations concerning the amendment of the Corpus Christi Zoning Ordinance;

WHEREAS, with proper notice to the public, public hearings were held on Wednesday, November 9, 2011, and Wednesday, January 18, 2012, during meetings of the Planning Commission, and on Tuesday, February 21, 2012, during a meeting 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; and

WHEREAS, the City Council has determined that this amendment would best serve public health, necessity, and convenience and the general welfare of the City of Corpus Christi and its citizens.

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

SECTION 1. That Subsection 1.11.2, entitled "Abbreviations", is amended by revising the term for the abbreviation "ON" to read as follows:

1.11.2. Abbreviations

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| | |
|----|------------------------------|
| ON | Neighborhood-Office District |
|----|------------------------------|

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SECTION 2. That Subsection 1.11.3 entitled "Defined Terms" is amended by adding three definitions, to read as follows:

1.11.3 Defined Terms

* * * * *

Gross Floor Area: The square feet of floor space measured from the exterior faces of the exterior walls and including the total of all floors of a building. It does not include porches, garages, or space in an attic or basement not used for dwelling purposes.

Water Surcharge: A fee to be charged in addition to tap fees for single-family or duplex utility connections to be paid when the tap fee is paid. The current surcharge is published in the Development Services fee schedule, Article XII, Chapter 14, Code of Ordinances.

Wastewater Surcharge: A fee to be charged in addition to sanitary sewer tap fees to be paid when the sanitary sewer tap fee is paid. The current surcharge is published in the Development Services fee schedule, Article XII, Chapter 14, Code of Ordinances.

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SECTION 3. That Subsection 3.1.7 entitled "Public Notice Requirements" is amended by revising Table 3.1.7.A, entitled "Summary of Public Notice Required" and Subsection 3.1.7.C.4a., entitled "Content of Notice" and by adding to Subsection 3.1.7.C.1 entitled "Published Notice", to read as follows:

3.1.7 Public Notice Requirements

A. Summary of Public Notice Required Notice shall be required as shown in the table below.

| Procedure | Published | Posted | Mailed |
|--|-----------|--------|--------|
| UDC Text Amendment | ✓ | | |
| Zoning Map Amendment (Rezoning) | ✓ | ✓ | ✓ |
| Area-wide Zoning Map Amendment (Rezoning) | ✓ | | |
| Historic Overlay District Designation | ✓ | ✓ | ✓ |
| Planned Unit Development | ✓ | ✓ | ✓ |
| Special Permit | ✓ | ✓ | ✓ |
| Special Use Exception | ✓ | ✓ | ✓ |
| Dune Protection Permit | | | ✓ |
| Beachfront Construction Certificate | | | ✓ |
| Certificate of Appropriateness for Demolition (For Historic Districts) | ✓ | ✓ | ✓ |
| Variance (For Zoning Board of Adjustments) | ✓ | ✓ | ✓ |
| Replat Without Vacation | ✓ | | ✓ |

✓ = Public notice required

* * * * *

C. All Other Procedures Notice for all procedures identified in the chart in **paragraph 3.1.7.A** above, excluding a replat without vacation, shall comply with the following:

1. Published Notice

- a. For review procedures requiring published notice, such notice shall be printed at least once in a local newspaper of general circulation within the City prior to the public hearing. The notice shall contain the time and place of the hearing and a brief description of the agenda items to be considered or reviewed.
- b. The notice shall be published before the 15th day before the date of the public hearing.

- c. The notice for the Board of Adjustment shall be published before the 7th day of the public hearing as in accordance with the established by-laws of the board.

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4. Content of Notice

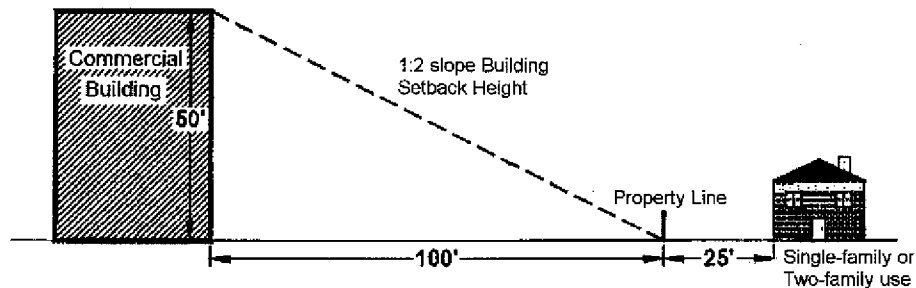
- a. **Published or Mailed Notice**
Published or Mailed notices shall contain at least the following information:

* * * * *

SECTION 4. That Section 4.2 entitled "Measurements" is amended by revising Subsection 4.2.8.C, entitled "Modification of Height Regulations" and adding Subsection 4.2.8.D.4, Subsection 4.2.10 entitled, "Back-to-Back", and Subsection 4.2.11 entitled, "Water Oriented Subdivisions", to read as follows:

* * * * *

- C. No multifamily or nonresidential structure shall be located nearer any property line adjacent to a single-family use or two-family use than a horizontal distance of twice the vertical height of the structure as illustrated below. The height shall be measured from the existing ground level to the plate.



- D. Unless otherwise stated in this Unified Development Code, the horizontal distance ratio of 1:2 shall not apply to any of the following:
 1. Utility structures such as elevated water storage tanks, and electrical transmission lines;
 2. Architectural elements such as flagpoles, belfries, cupolas, spires, domes, monuments, chimneys, bulkheads, elevators or chimney flues; or any similar structure extending above the roof of any building

where such structure does not occupy more than 33% of the area of the roof; or

3. Residential radio/television receiving antennas.
4. Shall not apply to the first 12 feet in height of the building.

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4.2.10 Back-to-Back

A side yard on the side of a corner lot abutting the street shall be a minimum of not less than ten (10) feet back of the street right-of-way when such a lot is back to back with another corner lot and not less than the required minimum front yard in every other instance.

4.2.11 Water Oriented Subdivisions

a. Front Yards:

For lots within a water oriented subdivision due to the openness created by the various waterways within the subdivision the front yard may be reduced to not less than 10 feet, provided this reduced front building line is indicated on the face of the recorded plat of the subdivision. Private garages, which open onto the street, detached or attached to the main building shall maintain a yard of 20 feet from such garage entrance to the street right-of-way. A water oriented subdivision is a subdivision along any bay, gulf, cove, canal, lagoon, or pass and shall be a marina type development which shall include canals, channels and waterways adjacent to at least 20 percent of the lots within the subdivision.

b. Side Yards:

For multiple-family structures and accessory structures located within a water oriented subdivision, due to the openness created by the permanent waterways abutting the lots, the required side yard may be modified to deviate from the requirements of the Unified Development Code.

SECTION 5. That Section 4.3 entitled "Single-Family Residential Districts" is amended by revising table 4.3.3 entitled, "Residential Development (single-family districts)", to read as follows:

Residential Development Standards

Table 4.3.3. Residential Development (single-family districts)

| SINGLE-FAMILY DISTRICTS | FR | RE | RS-15 | RS-10 | RS-6 | RS-4.5 |
|--------------------------------|-----------|-----------|-------------------|-----------------|------------------|-----------------|
| Min Lot Area | 5 ac. | 1 ac. | 15,000 | 10,000 | 6,000 | 4,500 |
| Min. Lot Width (Ft.) | 150 | 150 | 50 | 85 | 50 | 45 |
| Min. Yards (ft.) | | | | | | |
| Street | 50 | 50 | 25 | 25 | 20 25 | 20 |
| Street (corner) | 25 | 25 | <u>See 4.2.10</u> | | | |
| Side (single) | 25 | 25 | 5 | 5 | 5 | 5 |
| Rear | 25 | 15 | 15 5 | 15 5 | 15 5 | 15 5 |
| Min. Open Space | | | 30% | 30% | 30% | 30% |
| Max. Height (ft.) | 45 | 35 | 35 | 35 | 35 | 35 |

SECTION 6. That Section 4.4 entitled, "Multifamily Residential Districts", is amended by revising Table 4.4.3.B. entitled, " Multifamily Zoning Districts", and Table 4.4.4 entitled, "Multi-Family Housing Types," to read as follows:

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Table 4.4.3.B Multifamily Zoning Districts

| Multifamily Districts | RM-1 | RM-2 | RM-3 | RM-AT | | |
|--------------------------------|-------|-------|-------|-------------------------------------|---------|--------|
| | | | | PI/MI* Corpus Christi Beach (1 Fam) | 1-2 Fam | 3+ Fam |
| Max. Density (units/acre) | 22 | 30 | 36 | 8.72 | 43.56 | 43.56 |
| Min. Open Space (% site area) | 35% | 30% | 30% | 25% | 25% | 10% |
| Min. Lot Area (sq. ft.) | 6,000 | 6,000 | 6,000 | 5,000 | 10,000 | 10,000 |
| Min. Lot Width (ft.) | 50 | 50 | 50 | 50 | 85 | 85 |
| Min. Yards (ft.) | | | | | | |
| Street | 20 | 20 | 20 | 20 | 20 | 20 |
| Street (corner) | 15 | 15 | 15 | 15-10 | 15 | 15 |
| Side (1 fam & 2 fam)) | 10 | 10 | 10 | 5 | 10 | |
| Side (3+ fam) | 20 | 20 | 20 | | | 20 |
| Rear | 15 | 15 | 15 | 15-10 | 15 | 15 |
| Min. Building Separation (ft.) | 10 | 10 | 10 | | | 10 |
| Max. Height (ft.) | 45 | 60 | 60 | .. | .. | .. |

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Table 4.4.4 Multi-Family Housing Types

| | |
|---|--|
| <p>Two-Family House Two attached dwelling units under single ownership, in a single structure and on a single lot (often called a duplex). The two units may be located on separate floors or side-by-side.</p> | |
| <p>Townhouse Two or more attached single-family units located on separately owned lots where the units are lined up in a row and share side walls, individual units may be mixed vertically.</p> | |
| <p>Townhouse Two or more attached single-family units located on separately owned lots where the units are lined up in a row and share side walls, individual units may be mixed vertically.</p> | |
| <p>Apartment One or more structures with four <u>three</u> or more units in a single structure on a single lot. An apartment can vary in height from two to five stories, individual units can be mixed vertically.</p> | |

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SECTION 7. That Section 4.6 entitled, "Industrial Districts," is amended by revising Table 4.6.2 entitled, "Permitted Uses (Industrial districts)," to read as follows:

Table 4.6.2 Permitted Uses (Industrial districts)

| INDUSTRIAL DISTRICTS | | | | |
|--|----------------------------|-----------|-----------|------------------|
| P = Permitted Use | L = Subject to Limitations | IL | IH | Standards |
| Residential Uses | | | | |
| Caretakers quarters | P | P | | |
| Upper-story residential unit within commercial business structures. | L | | | 5.2.1 |
| Public and Civic Uses | | | | |
| Commercial child care | SP | SP | | 5.2.4 |
| Government Facility Uses [5.1.3.O] | P | P | | |
| Medical Facility Uses [5.1.3.E] | P | | | |
| Parks and Open Area Uses [5.1.3.F] except for: | P | P | | |
| Cemetery, columbaria, mausoleum, memorial park | See Section 4.3.2 | | | |
| Golf course | See Section 4.3.2 | | | |
| Passenger Terminal Uses [5.1.3.G] except for: | P | P | | |
| Airport, helipad, heliport or landing field | L | L | | 5.2.2 |
| <u>Retail Sales and Service Uses, sales- and service- oriented [5.1.4.G]</u> Includes personal service uses | P | P | | <u>5.2.12</u> |
| <u>Retail Sales and Service Uses, repair-oriented [5.1.4.G]</u> | P | P | | <u>5.2.13</u> |
| Social Service Uses [5.1.3.I] | P | | | |
| Utilities, major [5.1.3.J], except for: | P | P | | |
| Wind energy units | L | L | | 5.6.4 |
| Utilities, minor [5.1.3.I] | P | P | | |
| Wireless telecommunication facility | See Section 5.5 | | | |

| Commercial Uses | | | |
|--|-----|-----|-------------------------|
| Commercial Parking Uses [5.1.4.A] | P | | |
| Crematorium (animal) | P | P | |
| Fairgrounds | P | | |
| Office Uses [5.1.4.C] | P | | |
| Restaurant Uses [5.1.4.F] | L | | 5.2.11 |
| Self-Service Storage Uses [5.1.4.H] | P | P | |
| Sexually-oriented business | | P | See Muni Code Ch. 48 |
| Truck stop with overnight accommodations | P | P | |
| Vehicle Sales and Service Uses [5.1.4.I] except for: | P | | |
| Vehicle service, heavy | P | P | |
| Veterinarian or animal hospital without outdoor runs and kennels | P | | |
| Vocational, trade or business school | P | | |
| Industrial Uses | | | |
| Light Industrial Service Uses [5.1.5.A] | P | P | |
| Warehouse and Freight Movement Uses [5.1.5.B] | P | P | |
| Waste-Related Service Uses [5.1.5.C] | P | P | |
| Wholesale Trade Uses [5.1.5.D] | P | P | |
| Heavy Industrial Uses [5.1.5.E] except for: | SP | P | |
| Tannery | | SP | |
| Stockyard | | SP | |
| Storage of explosives or other hazardous materials | L | L | 5.2.22 |
| Above ground fuel tanks | SUE | SUE | |
| Other Uses | | | |
| Kennel or animal shelter, indoor or outdoor | L | L | 5.2.18 |
| Stable, public or private | L | L | 5.2.19 |
| Resource Extraction Uses [5.1.6.B] | SP | P | |

SECTION 8. That Section 5.3 entitled, "Accessory Uses and Structures," is amended by revising subsections 5.3.2.B entitled, "Animal Pens and Fenced Pasture," 5.3.2.C entitled, "Fuel Storage," and by deleting 5.3.2.D entitled, "Garages, Private" to read as follows:

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5.3.2.B Animal Pens and Fenced Pasture

1. An animal pen or fenced pasture (excluding chickens) only shall be permitted in the Farm-Rural district or as an accessory use to an agricultural use as defined in **Subsection 5.1.6.A**.

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5.3.2.C Fuel Storage

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2. Above-Ground Fuel Storage

- a. Above-ground fuel storage tanks shall be a maximum of 10,000 gallons in CN and CR districts.
- ~~b. Above-ground fuel storage tanks shall be located a minimum of 100 feet from adjacent property lines.~~
- bc.** Specifications and location of any above-ground fuel storage tank is subject to Fire Marshall and Board of Adjustment review and approval pursuant to **Section 3.12**.
- cd.** Fuel storage incidental to marina use is permitted at all marinas in all zoning districts in the City. Above-ground fuel storage is not allowed at boat docks and piers that do not perform all of the activities in the marina definition (**Article 1.11**).

~~5.3.2.D Garages, Private~~

- ~~1. A private garage that faces a public right-of-way, not including an alley, shall occupy a maximum of 40% of the width of the dwelling, or 20 feet, whichever or is less.~~

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SECTION 9. That Section 7.2 entitled, "Off-Street Parking, Loading and Stacking," is amended by revising subsection 7.2.4.G entitled, "Tandem Parking," to read as follows:

7.2.4.G Tandem Parking

Tandem parking shall be allowed for single-family ~~affordable dwellings on substandard zoning lots that is supported by an affordable housing program, sponsored by a public or non-profit organization.~~ Each public and nonprofit organization must be certified by the ~~City Neighborhood Improvement Director as eligible to receive incentives to provide affordable housing in the City.~~

SECTION 10. That Section 7.5, Signs, is amended by revising subsection 7.5.13.E, Institutional Signs, to read as follows:

7.5.13.E Institutional Signs

1. Any school, house of worship, recreation center or other institutional use permitted in the zoning district and fronts upon a designated arterial street or expressway, may have one freestanding sign, not to exceed ~~40~~ 64 square feet in area. and 20 feet in height. However, if the use fronts upon a designated local or collector street, the sign shall not exceed 40 square feet in area and 20 feet in height.
 - a. This may include changeable copy signs, not to exceed 30% of the sign area.
 - b. Institutional signs may be illuminated.
 - c. Such use may also be allowed one wall sign for each public entrance to a building.
 - d. Institutional wall signs may not exceed 4 square feet each and may not be illuminated.

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SECTION 11. That Section 8.2 entitled, "Design Standards," is amended by adding subsection 8.2.1.G.7 to read as follows:

8.2.1.G.7 Cul-de-sacs

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7. In the case of residential properties involving cul-de-sacs, the front building line around the circular portion of a cul-de-sac or the circular portion of a knuckle where a street makes a turn may be reduced to no less than fifteen (15) feet.

SECTION 12. That Section 8.2 entitled, "Design Standards," is amended by adding subsection 8.2.9 entitled, "Dead End Mains," to read as follows:

8.2.9 Dead End Mains

A. Definition.

Any water main, whether fire, distribution, grid, arterial, or transmission main that terminates as a point other than a connection to another line or main which provides for Distribution System Looping.

B. Water Circulation.

Installation of permanent mains in the distribution system that do not provide for Distribution System Looping required to ensure water circulation and quality shall be prohibited, except as otherwise permitted herein. Dead end water supply mains and distribution mains may be temporarily permitted when an existing line is extended, and the further extension of the line is already programmed to begin construction within three years. All permitted dead end lines shall conform to TCEQ requirements and standards, as well as city standards. No other dead end lines are permitted, whether they are privately owned or publicly owned.

C. Water Main Extension.

Water main extensions associated with phased construction that do not fully provide for Distribution System Looping shall not be activated for service beyond the point where looping requirements were met, except as otherwise permitted herein. All permitted dead end lines shall conform to TCEQ requirements and standards, as well as city standards. No other dead end lines are permitted whether they are privately owned or publicly owned.

D. Distribution System Looping

Where a proposed development includes areas currently served by Dead End Mains, required infrastructure improvements that provide for establishing Distribution System Looping and elimination of the Dead End Mains shall be defined. If these improvements qualify as arterial, grid, or distribution mains extensions, they will be administered in accordance with the requirements of Article 8 of the Unified Development Code.

SECTION 13. That Section 8.5 entitled, "Trust Fund Policy", is amended by revising subsections 8.5.1.B entitled, "Payment of Fees", and 8.5.2.B entitled, "Payment of Fees", to read as follows:

8.5.1.B Payment of Fees

1. Before any unit of a subdivision or single lot is completed and the final plat recorded, the developer will be required to pay to the City a lot fee or acreage fee, whichever is greater. A surcharge will apply to all property, new or existing, when a service tap application is made. All lot or acreage fees, and pro-rata fees and

surecharges will be paid to the developer Trust Fund prior to recordation of the subdivision plat. Tap fees shall be paid to the City concurrently with the tap application for water service on individually-platted properties. These fees shall be applicable regardless of whether the properties are located inside or outside the City limits. Water service for outside the City limits only will be provided in accordance with the Municipal Code, Sections 55-110 through 55-119.

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8.5.2.B Payment of Fees

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3. The surcharge will apply to all property, new or existing, when an application for a wastewater service tap is made. All lot or acreage fees, and pro-rata fees and surecharges will be paid to the City prior to the subdivision plat being recorded.

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SECTION 14. 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 15. 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 16. That any ordinance or part of any ordinance in conflict with this ordinance is hereby expressly repealed by this ordinance.

SECTION 17. 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 18. 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 19. 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 20. This Ordinance shall take effect upon and after publication of this Ordinance.

Signatures page follows.

That the foregoing ordinance was read for the first time and passed to its second reading on this the 14th day of February, 2012, by the following votes:

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

That the foregoing ordinance was read for the second time and passed finally on this the 21st day of February, 2012, 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> |
| Kelley Allen | <u>Aye</u> | Nelda Martinez | <u>Aye</u> |
| Larry Elizondo, Sr. | <u>Aye</u> | Mark Scott | <u>Aye</u> |
| Priscilla Leal | <u>Absent</u> | | |

PASSED AND APPROVED this the 21st day of February, 2012.

ATTEST:

Armando Chapa
Armando Chapa
City Secretary

Joe Adame
Joe Adame
Mayor

APPROVED as to form only: this the 2nd day of February, 2012.
For Carlos Valdez, City Attorney

By: Deborah Walther Brown
Deborah Walther Brown
Assistant City Attorney

EFFECTIVE DATE
2/27/12