

Ordinance amending the Unified Development Code by revising subsections 3.3.3.C and 3.4.2.D regarding City Council final action on Zoning Map amendments (rezonings), historic overlay districts or landmark designations; and providing for severance, penalties, and publication.

WHEREAS, the Planning Commission has forwarded to the City Council its final report and recommendation regarding this amendment of the City of Corpus Christi, Texas ("City") Unified Development Code ("UDC");

WHEREAS, with proper notice to the public, public hearings were held on Wednesday, March 12, 2014, during a meeting of the Planning Commission, and on Tuesday, March 25, 2014, during a meeting of the City Council, during which all interested persons were allowed to appear and be heard; and

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

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CORPUS CHRISTI, TEXAS:

SECTION 1. That UDC subsection 3.3.3.C is amended by revising the text to read as follows:

"3.3.3 Review Process

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"C. City Council Final Action

"1. Following notice in accordance with **Subsection 3.1.7**, the City Council shall hold a public hearing and approve, approve with conditions, or deny the Zoning Map amendment. If a proposed amendment has been recommended for disapproval by the Planning Commission or when the action taken by the City Council regarding a special permit is less restrictive as to use or density than the recommendation of the Planning Commission, then the amendment shall not become effective except by a favorable vote of at least three-fourths of all members of the City Council ~~members whether or not all members are present and voting.~~

"2. The City Council shall take final action on the Zoning Map amendment within 45 days six months from the date ~~the request for Council action and the final report~~ recommendation of the Planning Commission is made. In the event the City Council

shall fail to act within ~~45 days~~ six months, such proposed the Zoning Map amendment, ~~supplement~~, shall be deemed in all things denied.”

SECTION 2. That UDC subsection 3.4.2.D is amended by revising the text to read as follows:

“3.4.2 Review Process

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“D. City Council Final Action

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“2. The City Council shall take final action on the historic overlay zoning district or landmark designation within ~~45 days~~ six months from the date the recommendation of the Landmark Commission is made. In the event the City Council shall fail to act within ~~45 days~~ six months, designation shall be denied.

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SECTION 3. If for any reason any section, paragraph, subdivision, sentence, clause, phrase, word, or provision of this Ordinance shall be held to be invalid or unconstitutional by final judgment of a court of competent jurisdiction, such judgment shall not affect any other section, paragraph, subdivision, sentence, clause, phrase, word, or provision of this Ordinance, for it is the definite intent of this City Council that every section, paragraph, subdivision, sentence, clause, phrase, word, or provision of this Ordinance be given full force and effect for its purpose. The City Council hereby declares that it would have passed this Ordinance, and each section, paragraph, subdivision, sentence, clause, phrase, word, or provision thereof, irrespective of the fact that any one or more sections, paragraphs, subdivisions, sentences, clauses, phrases, words, or provisions be declared invalid or unconstitutional.

SECTION 4. A violation of this ordinance, or requirements implemented under this ordinance, constitutes an offense punishable as provided in Article 1, Section 1.10.1, and Article 10 of the UDC

SECTION 5. Publication shall be made in the City’s official publication as required by the City’s Charter.

SECTION 6. This ordinance is effective immediately and applies to any rezoning that is in the process of or has taken effect.

The foregoing ordinance was read for the first time and passed to its second reading on this the 25th day of March, 2014, by the following vote:

| | | | |
|----------------|---------------|------------------|---------------|
| Nelda Martinez | <u>Aye</u> | Chad Magill | <u>Absent</u> |
| Kelley Allen | <u>Aye</u> | Colleen McIntyre | <u>Aye</u> |
| Rudy Garza | <u>Aye</u> | Lillian Riojas | <u>Aye</u> |
| Priscilla Leal | <u>Absent</u> | Mark Scott | <u>Aye</u> |
| David Loeb | <u>Aye</u> | | |

The foregoing ordinance was read for the second time and passed finally on this the 8th day of April, 2014, by the following vote:

| | | | |
|----------------|---------------|------------------|------------|
| Nelda Martinez | <u>Aye</u> | Chad Magill | <u>Aye</u> |
| Kelley Allen | <u>Aye</u> | Colleen McIntyre | <u>Aye</u> |
| Rudy Garza | <u>Aye</u> | Lillian Riojas | <u>Aye</u> |
| Priscilla Leal | <u>Absent</u> | Mark Scott | <u>Aye</u> |
| David Loeb | <u>Aye</u> | | |

PASSED AND APPROVED this the 8th day of April, 2014.

ATTEST:

Rebecca Huerta
Rebecca Huerta
City Secretary

Nelda Martinez
Nelda Martinez
Mayor

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| <p>EFFECTIVE DATE</p> <p><u>4/14/14</u></p> |
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