



AGENDA MEMORANDUM

Public Hearing & First Reading Ordinance for the City Council Meeting 02/9/21
Second Reading Ordinance for the City Council Meeting 2/16/21

DATE: December 10, 2020
TO: Peter Zaroni, City Manager
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2020 Code Cycle Unified Development Code Amendments

CAPTION:

Ordinance amending the Unified Development Code amending defined terms, administrative exemptions, design standards, fees, appeals, stays of demolition, financial guarantees, zero lot line development, residential development standards, place of worship use, clustered development overlay district, mixed-use overlay district, streetscape zone standards, neighborhood mixed-use development standards, trust fund policy, nonconforming structures, driveway spacing, visibility and mid-block obstructions, development incentives, combine uses, reducing setbacks, increasing allowable accessory dwelling units, and adding and removing language to ensure consistency with adopted local, State and Federal codes. Amendments are to promote public safety and facilitate development and re-development.

SUMMARY:

The purpose of this item is to modify current requirements & restrictions to improve overall functionality and efficiency of the Unified Development Code "UDC" through various amendments.

BACKGROUND AND FINDINGS:

Pursuant to Section 3.2.1 of the UDC, amendments to the UDC may come be made from time to time in order to establish and maintain sound, stable and desirable development; correct errors in the text; or, adjust the text of the UDC to changing conditions in a particular area in the City. As part of the amendment process, public outreach occurred with the Development Services Technical Advisory Group, Coastal Bend Home Builders Association and Associated General Contractors South Texas Chapter. The proposed amendments were presented to the Planning Commission and received a recommendation of approval. The proposed text amendments are summarized below.

Editing/Clarifying Amendments

Editing/Clarifying Amendments are changes that remove redundant and conflicting language or provide additional clarification for an adopted standard without requiring a change in current policy, which include removing conflicting language, specific code citations to reduce the number of future amendments, and combining uses to remove redundancy and streamline the Code.

- Remove conflicting language between the UDC and Code of Ordinances, State or Federal Law for:
 - **Air Installation and Compatible Use**
 - **Farmers Market**
 - **Outdoor Displays**
 - **Animal Pens**
- Change language to ensure State Law and Standards are met for:
 - Changing “**Mentally retarded**” to “**Intellectual disability**” to be consistent with Rosa’s Law
 - **Remove quasi-judicial** and legislative decisions that are dictated by State Law for Planning Commission, Landmark Commission and Zoning Board of Adjustments.
- Remove specific reference to local, State and Federal Code citations for:
 - **Final plat** review criteria
- Change “**Director of Planning**” to “**Director of Development Services**”
- Amend signs table to align with adopted **Billboard** text

Minor Amendments

Minor amendments are changes that change the Code's intent without a policy change, which include consolidating uses, promoting rehabilitation, and revising and clarifying definitions.

- Allow for appeals to be considered by the Assistant City Manager of Development Services prior to City Council consideration for Proportionality of Municipal Infrastructure cost.
- Incentivizing development of distressed historic buildings:
 - **Adaptive Reuse** Encourage the development of a diverse community downtown for both residential and commercial and define rehabilitation (Historic).
 - **Certificate of Appropriateness** Established a timeframe that begins upon a certificate of appropriateness application being deemed complete.
- Combine “**community service**” and “**Places of Worship**” uses to be consistent with the Religious Land Use And Institutionalized Persons Act of 2000 (RLUIPA) 42 U.S.C §§2000cc, et seg. RLUIPA provisions protect individuals, houses of worship, and other religious institutions from discrimination in zoning and landmarking laws.
- Consolidate **mixed-use** options into a single mixed-use
- Revised and add clarifying definitions

Policy Change

Policy change amendments are changes that change the intent of the Code and require a policy change, which include the appeal process, administrative exemptions allowances, reducing lot sizes, reducing side yard setbacks for accessory dwelling units, promoting public safety, and responsible development and facilitating development and redevelopment.

- Administrative Exemptions
 - Allow for administrative exemptions for **sidewalks** in an already developed residential area that does not have existing sidewalks.

- Promoting Public Safety
 - Revise current language to be consistent with the International Residential Code to disallow **eaves in easements**.
 - Require proper **driveway spacing, visibility triangle** and limit **mid-block obstructions**
 - Require canopy trees with a minimum caliper of 2.5 inches every 30 linear feet of frontage on an arterial or collector street right-of-way for off-street surface parking areas constructed and located behind the principal building which are screened from the view of the Arterial or Collector right-of-way in mixed use development pattern.
- Accessory/Lots
 - Reduce **side yard setbacks** for non-habitable accessory
 - 5-feet for detached non-habitable structures without residential use in RE
 - Increase the allowable detached **accessory dwelling** units in:
 - 1000 maximum total square footage of habitable space for FR, RE and RS-22
 - 800 maximum total square footage for RS-15 and RS-10
 - 500 maximum total square footage for RS-6 and RS-4.5 with the exception that lots over 10,000 square feet may allow for a maximum of 800 total square footage.
 - Reduce **lot size/setbacks** in:
 - Minimum lot width
 - RE from 150 to 100
 - RS-22 from 100 to 75
 - RS-10 from 80 to 50
 - Side yard setback
 - RE (single) from 25 to 15
 - RE (total) from 50 to 30
- Trust Funds/Developer Guarantees
 - Add language to **Water** and **Wastewater trust** funds to be consistent with the Texas Local Government Code and simplify the reimbursement equations.
 - Remove **Stormwater trust fund**
- Facilitating development and redevelopment
 - Provide an exemption for existing **non-conforming** lots to remain non-conforming after a natural disaster or when utilizing local, State or Federal funding for the reconstruction or rehabilitation.
 - Remove **zero lot line development** from the UDC.
 - Provide density bonuses in mixed use development for **low impact development and improved parking**
 - Reduce parking requirements for utilizing low impact development features
 - Allow for a reduction in parking by utilizing cross access agreements or easements and short-term bike parking spaces (bike racks) and/or long-term bike parking spaces (bike storage lockers).

- Encourage alternatives to demolition for Historic properties by extending the maximum allowed days for:
 - **Stay of demolition** from 120 to 365 days
 - **Driveway approaches** from 60 to 365 days
 - **“Removal or Amendment of Historic Designation”** a Stay on a commercial parking use or a driveway approach may be considered for a period up to 365 days after recommendation of the Landmark Commission and City Council final action to remove a historic layer.

Public Outreach

Public Outreach was conducted throughout the 2020 Code Cycle with active engagement with the following stakeholders:

Development Services Technical Advisory Group (DSTAG) -created to assist City Staff with vetting all proposed amendments to ensure that language brought forward for consideration is well rounded and incorporated and addressed concerns from a diverse group of stakeholders.

DSTAG Members:

- 2 Planning Commissioners
- 1 Representative from the Coastal Bend Home Builders Association
- 1 Representative from Associated General Contractors Commercial
- 1 Insurance Agent
- 1 Realtor
- 1 Property Owners Association/Homeowners Association
- 1 Engineer
- 1 Architect

DSTAG Meetings:

- 03/02/2020
- 06/08/2020
- 06/29/2020
- 08/03/2020
- 08/24/2020
- 09/14/2020

Additional Stakeholder Outreach included posting the proposed amendments and summary table for public comment on the City website for comment the first week of November. Additionally, staff provided the summary table and amendments to the **Coastal Bend Home Builders Association, Associated General Contractors** and a previously established **UDC stakeholder group**. Staff met with representatives from the Coastal Bend Homeowner Association on December 4, 2020 to further discuss the amendments prior to consideration.

ALTERNATIVES:

1. Adjustment of the proposed text amendment language.
2. Denial of the proposed text amendments.

FISCAL IMPACT:

There is no fiscal impact associated with this item.

RECOMMENDATION:

City Staff and the Planning Commission recommend approval. The Planning Commission recommended approval during a public hearing on December 9, 2020.

LIST OF SUPPORTING DOCUMENTS:

Ordinance
Presentation