

Ordinance amending the Unified Development Code pursuant to the annual review process to allow automated carwashes in Neighborhood Commercial zones with limitations, allow heavy vehicles service as accessory use for vehicle sales with limitations, allow aggregate storage at plant retail with limitations, allow crematorium at funeral homes with limitations, apply above ground fuel storage maximum for water-oriented accessory use to all commercial districts except neighborhood commercial and office neighborhood zones, require a minimum side yard of not less than 10 feet, or less than adjacent lot's front or rear yard for corner lots, allow townhomes in Multifamily 3 Districts, remove minimum site area requirement for townhome district, clarify accessory building structures total square footage limitation of 50% of the main principal structure total square footage, and allow administrative adjustment for minimum setback under certain conditions; and providing for penalty.

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

WHEREAS, with proper notice to the public, public hearings were held on Wednesday, August 7, 2019, during a meeting of the Planning Commission when the Planning Commission recommended approval of the proposed UDC amendments, and on September 17, 2019, 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, 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. UDC Article 4 "Base Zoning Districts", Section 4.5 "Commercial Districts", Table 4.5.2 "Permitted Uses (Commercial Zoning Districts)" is amended by adding the following language that is underlined (**added**) and deleting the language that is stricken (**deleted**) as delineated below:

P = Permitted Use L = Subject to Limitations SUE = Special Use Exception SP = Special Permit [blank cell] = Not Permitted		CN-1	CN-2	ON	CR-1	CR-2	CR-3	CG-1	CG-2	CI	CBD	BP	Standards
Commercial Uses													
Vehicle Sales and Uses except:								P	P	P	P	P	
Car Wash, hand operated or automated				L	L	L	P	P	P	L	P		5.2.21
<u>Car Wash, Automated</u>	<u>L</u>	<u>L</u>		<u>L</u>	<u>L</u>	<u>L</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>L</u>	<u>P</u>		5.2.21

SECTION 2. UDC Article 5 "Use Regulations", Section 5.2 "Specific Standards", Subsection 5.2.21 "Car Wash, Hand-Operated or Automated" is amended by adding the following language that is underlined (**added**) and deleting the language that is stricken (**deleted**) as delineated below:

5.2.21 Car Wash, Hand-Operated or Automated

A. A hand-operated or automated car wash shall be permitted in accordance with the use tables in **Article 4** provided that-The car wash is not visible from Ocean Drive, Shoreline Drive or the Interstate 37 gateway into the downtown area.

B. An automated car wash shall be permitted in the Neighborhood Commercial Districts subject to the following standards:

1. Outdoor lighting of the automated car wash use must abide by all requirements of Section 7.6 Outdoor Lighting.
2. Noise generated by the automated car wash use must be compliant with Section 31-3 of the Corpus Christi Code of Ordinances.
3. The hours of operation of the automated car wash use shall be limited to between the hours of 7:00 am to 9:00 pm.

SECTION 3. UDC Article 5 “Use Regulations”, Section 5.3 “Accessory Uses and Structures”, Subsection 5.3.2 “Specific Accessory Uses and Structures” is adding the following language that is underlined (**added**) and deleting the language that is stricken (**deleted**) as delineated below:

5.3.2.H Vehicle Service, Heavy

A heavy vehicle service use is allowed by-right as an accessory use to the Vehicle Sales or Leasing Facility use subject to the following standards:

1. Noise generated by the heavy vehicle service accessory use must be compliant with Section 31-3 of the Corpus Christi Code of Ordinances.
2. Outdoor paging, speakers, telephone bells, or similar devices are prohibited.
3. The hours of operation of the heavy vehicle service accessory use shall be limited to between the hours of 7:00 am to 7:00 pm Monday through Saturday.
4. All work must be conducted within an enclosed building.

SECTION 4. UDC Article 5 “Use Regulations”, Section 5.1 “Use Categories”, Subsection 5.1.4 “Indoor Recreation” is amended by adding the following language that is underlined (**added**) and deleting the language that is stricken (**deleted**) as delineated below.

5.1.4.I Vehicle Sales and Service

Characteristics: Direct sales of and service to passenger vehicles, light and medium trucks, and other consumer motor vehicles such as motorcycles, boats, and recreational vehicles. Uses classified as Vehicle Service, General involve services provided while the customer waits, same day pick-up of the vehicle or customers leaving a vehicle on-site for less than 24 consecutive hours.		
Principal Uses	Accessory Uses	Uses Not Included
Alignment shop Auto detailing Auto rental Auto upholstery shop Bicycle and watercraft rental Boat and recreational vehicle sales Camper shell sales and service Car wash, hand-operated or automated Fuel sales Manufactured home sales Repair and service of RVs, boats, and light and medium trucks Tire sales and service Towing service Vehicle sales or leasing facilities (including passenger vehicles, motorcycles and light and medium trucks) Vehicle service, heavy Vehicle service, limited	Ancillary indoor storage Associated office Fuel pump and island* Sale of parts Satellite dish antenna under 3.2 feet* Single-bay, automatic car wash Towing <u>Vehicle service, heavy (accessory to a Vehicle Sales or Leasing Facility)</u> Vehicle storage	Bus barn (see Warehouse and Freight Movement) Junk, wrecking or salvage yard (see Waste-Related Service) Farm equipment and machinery sales and repair (see Wholesale Trade) Earth moving and heavy construction equipment sales and repair (see Wholesale Trade) Truck sales and repair (heavy load vehicles) (see Wholesale Trade) Vehicle and equipment maintenance facility (see Light Industrial Service) Vehicle parts sales as principal use (see Retail Sales and Service)

*See additional standards in Subsection 5.3.2

SECTION 5. UDC Article 5 “Use Regulations”, Section 5.3 “Accessory Uses and Structures”, Subsection 5.3.2 “Specific Accessory Uses and Structures” is adding the following language that is underlined (added) and deleting the language that is stricken (~~deleted~~) as delineated below:

5.3.2.1 Stockpiling of sand, gravel, or other aggregate materials

A stockpiling of sand, gravel, or other aggregate materials use is allowed by-right as an accessory use to a Retail Sales and Service, Sales-Oriented “Plants” use as classified in Section 5.1.4.G subject to the following standards:

1. The use of outdoor paging, speakers, telephone bells, or similar devices is prohibited.
2. The hours of operation of the stockpiling accessory use shall be limited to between the hours of 6:00 am to 9:00 pm.
3. A solid screening fence at minimum of six (6) feet shall be installed and maintained to provide a visual barrier around the perimeter of the property.
4. Piles of loose aggregate materials shall be no taller than 6-feet in height.
5. All loose aggregate materials shall be secured and managed sufficiently to prevent the materials or dust from becoming airborne. An example is watering the materials.
6. The total area used for storage of loose aggregate materials shall not exceed 25% of the total lot area.

SECTION 6. UDC Article 5 “Use Regulations”, Section 5.1 “Use Categories”, Subsection 5.1.4 “Retail Sales and Service” is amended by adding the following language that is underlined (added) and deleting the language that is stricken (~~deleted~~) as delineated below.

5.1.4.G Retail Sales and Service

Characteristics: Companies or individuals involved in the sale, lease, or rental of new or used products, or providing personal services or repair services to the general public.		
Principal Uses	Accessory Uses	Uses Not Included
<p><u>Sales-Oriented:</u> Stores selling, leasing, or renting consumer, home, and business goods including alcoholic beverages, antiques, appliances, art, art supplies, baked goods, bicycles, books, cameras, candy, carpet and floor coverings, crafts, clothing, computers, convenience goods, dry goods, electronic equipment, fabric, flowers, furniture, garden supplies, gifts, groceries, hardware, handicrafts, home improvement products, household products, jewelry, medical supplies, musical instruments, pet food and/or pets, pharmaceuticals, photo finishing, picture frames, plants, printed material, produce, sporting goods, stationery, tobacco and related products, vehicle parts, and videos Automotive parts sales with no service bays Farmers market Mailing and stenographic service Photo-finishing facility Shopping center Wholesale club</p>	<p>Associated offices Caretakers quarters Crematorium (animal) Food preparation and dining area Manufacture or repackaging of goods for on-site sale Off-street parking Parking lot/sidewalk sales Satellite dish antenna under 3.2 feet* <u>Stockpiling of sand, gravel, or other aggregate materials (accessory to a “Plants” Retail Sales and Service use)</u> Storage of goods</p>	<p>Building materials storage and sales (see Wholesale Trade) Car wash, hand operated or automated (see Vehicle Sales and Service) Catering service, large- scale (see Light Industrial Service) Catering service, small- scale (see Restaurant) Greenhouse, wholesale (see Wholesale Trade) Farm stand with retail sale of products produced or harvested on-site (see Agriculture Uses) Laundry, dry-cleaning, and carpet cleaning plant (see Light Industrial Service) Lumber yard or other building material establishment that sells primarily to contractors and does not have a retail orientation (see Warehouse and Freight Movement) Restaurant (see Restaurants)</p>

SECTION 7. UDC Article 5 “Use Regulations”, Section 5.1 “Use Categories”, Subsection 5.1.4 “Retail Sales and Service” is amended by adding the following language that is underlined **(added)** and deleting the language that is stricken **(deleted)** as delineated below.

5.1.4.G Retail Sales and Service

Characteristics: Companies or individuals involved in the sale, lease, or rental of new or used products, or providing personal services or repair services to the general public.		
Principal Uses	Accessory Uses	Uses Not Included
<i>Personal Service-Oriented:</i> Animal grooming Animal hospital Athletic or health club Bank or loan establishment Barbershop Beauty shop Business, driving, martial arts, trade and other commercial schools Cleaning shop not involving bulk or commercial type plants Dance, art, gymnastic or music studios or classes Dry cleaning and laundry drop-off establishments Funeral home	Associated offices Caretakers quarters Crematorium (animal) <u>Crematorium (human)</u> <u>(accessory to a Funeral home use)</u> Food preparation and dining area Manufacture or repackaging of goods for on-site sale Off-street parking Parking lot/sidewalk sales Satellite dish antenna under 3.2 feet* Storage of goods	Sexually oriented business (see Indoor Recreation) Truck sales and repair (heavy load vehicles) (see Wholesale Trade) Vehicle sales or leasing facilities (including passenger vehicles, motorcycles, light and medium trucks, RVs and boats) (see Vehicle Sales and Service) Vehicle service (see Vehicle Sales and Service)

SECTION 8. UDC Article 5 “Use Regulations”, Section 5.3 “Accessory Uses and Structures”, Subsection 5.3.2 “Specific Accessory Uses and Structures” is adding the following language that is underlined **(added)** and deleting the language that is stricken **(deleted)** as delineated below:

5.3.2.J Crematorium (human)

A Crematorium (human) use is allowed by-right as an accessory use to a Retail Sales and Service, Personal Service-Oriented “Funeral Home” use as classified in Section 5.1.4.G subject to the following standards:

1. The hours of operation shall be limited to between the hours of 7:00 am to 10:00 pm.

SECTION 9. UDC Article 5 “Use Regulations”, Section 5.3 “Accessory Uses and Structures”, Subsection 5.3.2 “Specific Accessory Uses and Structures”, Subsection 5.3.2.C “Fuel Storage”, Subsection 5.3.2.C.2 “Above-Ground Fuel Storage” is amended by adding the following language that is underlined **(added)** and deleting the language that is stricken **(deleted)** as delineated below:

2. Above-Ground Fuel Storage

- Above-ground fuel storage tanks shall be a maximum of 10,000 gallons ~~in CN and CR districts for water-oriented uses.~~
- 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.~~

SECTION 10. UDC Article 4 “Base Zoning Districts”, Section 4.2 “Measurements”, Subsection 4.2.10 “Back-to-Back” is amended by adding the following language that is underlined **(added)**

and deleting the language that is stricken (~~deleted~~) as delineated below:

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.~~

- ~~A. For corner lots backing to an adjacent lot’s rear yard, the corner lot street side yard requirement shall be not less than the adjacent lot’s rear yard, but in no case less than 10 feet and no greater than the required front yard setback of the subject lot.~~
- ~~B. For corner lots backing to an adjacent lot’s front yard, the corner lot street side yard requirement shall be not less than the adjacent lot’s front yard, but in no case less than 10 feet and no greater than the required front yard setback of the subject lot.~~
- ~~C. If a corner lot backs up to a parcel that is (i) unplatted, (ii) zoned Farm Rural or is outside city limits, and (iii) is at least 10 acres in size, then the corner lot street side yard shall be a minimum of not less than ten (10) feet, but in no case less than 10 feet and no greater than the required front yard setback of the subject lot.~~

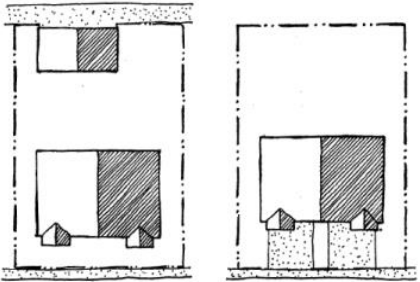
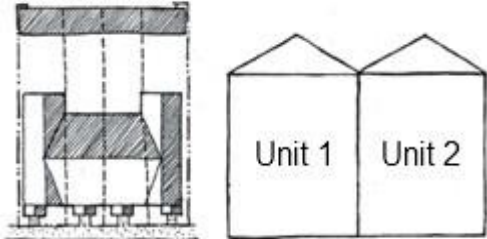
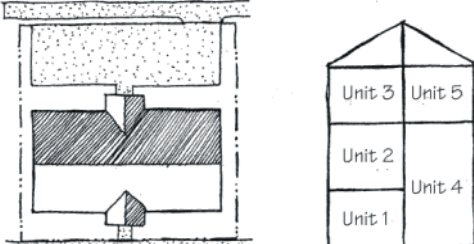
SECTION 11. UDC Article 4 “Base Zoning Districts”, Section 4.4 “Multifamily Residential Districts”, Subsection 4.4.3 “Residential Development Standards” is amended by adding the following language that is underlined (added) and deleting the language that is stricken (~~deleted~~) as delineated below:

Table 4.4.3.A. Residential Development (Two-Family and Townhouse districts)

Townhouse DISTRICT	Townhouse
Min. Site Area (sq. ft.)	20,000
Min. Lot Area Per Dwelling Unit (sq. Front Access	2,600
Rear Access	2,200
Shared Parking	1,600
Min. Dwelling Unit Lot Width (ft) Front Access	26
Rear Access	22
Shared Parking	16
Min. Yards (ft.) Street	10
Street (corner)	10
Side (single)	0
Side (total)	0
Rear	5
Min. Building Separation (ft.)	10
Min. Open Space	30%
Max. Height (ft.)	45

- C. Townhouses are permitted in the Multifamily 1, and Multifamily 2, and Multifamily 3 zoning districts and shall be developed in accordance with the standards for townhouses in the Townhouse zoning district.

Table 4.4.4 Multi-family Housing Types

DESCRIPTION	ILLUSTRATION
<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 where the units are lined up in a row and have abutting side walls, individual units may not be mixed vertically. A townhouse development may be platted on a separately owned lots and lots may be sold fee simple or as condominiums or the development may occupy a single lot parcel with the units being leased or sold <u>as condominiums</u>.</p>	
<p>Apartment One or more structures with three or more units in a single structure on a single lot. An apartment can vary in height and individual units can be mixed vertically.</p>	

SECTION 12. UDC Article 5 “Use Regulations”, Section 5.3 “Accessory Uses and Structures”, Subsection 5.3.1 “General” is amended by adding the following language that is underlined (added) and deleting the language that is stricken (~~deleted~~) as delineated below:

- J. A Detached accessory buildings shall be located behind the front face of the main principal structure and the total square footage of all accessory buildings shall not exceed 50% of the main principal structure total square footage.

SECTION 13. UDC Article 3 “Development Review Procedures”, Section 3.24 “Administrative Adjustment” is amended by adding the following language that is underlined (added) and deleting the language that is stricken (~~deleted~~) as delineated below:

3.24.1 Applicability

- A. Administrative adjustments are minor, specified deviations from otherwise applicable development standards as authorized by this Section.

- B.** An adjustment of the minimum street, side or rear yard may extend beyond 10% of the requirement with concurrent modification of the easement, vacation of the easement or a change in the recorded plat regarding the easement to accommodate the administrative adjustment, or a permit to allow the use of the easement obtained from the City.
- C.** ~~B.~~ Except as provided in Subsection 3.24.4., the Assistant City Manager shall have the authority to authorize an adjustment of up to 10% of any numerical standard set forth in this UDC.
- D.** ~~C.~~ Developments receiving an administrative adjustment shall comply with all other elements of this UDC not specifically relieved by the administrative adjustment.
- E.** ~~D.~~ Any adjustment greater than what is permitted in this Section shall be reviewed by the Board of Adjustment in accordance with Section 3.25, Variances.
- F.** ~~E.~~ All administrative adjustments shall be made in writing in a form approved by the Assistant City Manager of Development Services. Verbal adjustments shall be invalid.

SECTION 14. If for any reason, any section, paragraph, subdivision, clause, phrase, word, or provision of this ordinance is 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 of this ordinance be given full force and effect for its purpose.

SECTION 15. A violation of this ordinance, or requirements implemented under this ordinance, constitutes an offense punishable as provided in Article 10 of the UDC and Section 1-6 of the Corpus Christi Code of Ordinances.

SECTION 16. Publication shall be made in the City's official publication as required by the City's Charter.

SECTION 17. This ordinance takes effect upon publication.

That the foregoing ordinance was read for the first time and passed to its second reading on this the _____ day of _____, 2019, by the following vote:

Joe McComb	_____	Michael Hunter	_____
Roland Barrera	_____	Ben Molina	_____
Rudy Garza	_____	Everett Roy	_____
Paulette M. Guajardo	_____	Greg Smith	_____
Gil Hernandez	_____		

That the foregoing ordinance was read for the second time and passed finally on this the _____ day of _____ 2019, by the following vote:

Joe McComb	_____	Michael Hunter	_____
Roland Barrera	_____	Ben Molina	_____
Rudy Garza	_____	Everett Roy	_____
Paulette M. Guajardo	_____	Greg Smith	_____
Gil Hernandez	_____		

PASSED AND APPROVED on this the _____ day of _____, 2019.

ATTEST:

Rebecca Huerta
City Secretary

Joe McComb
Mayor