



AGENDA MEMORANDUM

Public Hearing/First Reading Ordinance for the City Council Meeting of
March 19, 2013
Second Reading for the City Council Meeting of March 26, 2013

DATE: January 30, 2013
TO: Ronald L. Olson, City Manager
FROM: Mark Van Vleck, Director
MarkVV@cctexas.com
361.826.3246

Amendment to the Unified Development Code (“UDC”) by revising
Article 8, Section 8.1, subsection 8.1.1, related to Authority
regarding subdivisions located in the extraterritorial jurisdiction of the City

CAPTION:

Ordinance amending the Unified Development Code (“UDC”) by revising Article 8, Section 8.1, subsection 8.1.1, related to Authority regarding subdivisions located in the extraterritorial jurisdiction of the City by adding language to incorporate Chapter II of the December 13, 2006 Nueces County Subdivision Regulations and Platting Requirements, which incorporate the Model Subdivision Rules as authorized by Chapter 364 of Title 31 of the Texas Administrative Code; providing for severance, penalties, and publication.

PURPOSE:

To amend the Unified Development Code to add the requirements and enforcement of the Model Subdivision Rules to plats and subdivision of land within the Extraterritorial jurisdiction of the City of Corpus Christi.

BACKGROUND AND FINDINGS:

On May 28, 2003, the City of Corpus Christi and Nueces County executed an interlocal agreement relating to the approval of plats within the extraterritorial jurisdiction (ETJ) of the City of Corpus Christi. The agreement delegated the authority to administer the provisions of Chapter 232 of the Texas Administrative Code within the City of Corpus Christi’s ETJ located with Nueces County. The agreement required the preparation of an Appendix A that identified the most stringent requirements required by either jurisdiction.

On October 19, 2004, the agreement was amended by revising Appendix A. The only substantive changes that were made dealt with the procedures to be followed when processing plats.

On December 13, 2006, Nueces County Subdivision Regulations and Platting Requirements became effective. Chapter II of the regulation includes Model Subdivision rules that comply with Section 16.350, Texas Water Code. The purpose of this chapter is to ensure that adequate water and wastewater facilities are provided to subdivisions within the jurisdiction of Nueces County. Key elements include:

1. Minimum standards to water and wastewater facilities.
2. The requirement for the facilities to be constructed or for the developer to provide a financial guarantee for the improvements.
3. It allows the Attorney General, the District Attorney, or County attorney to enforce the provisions.

Section V., B. of the interlocal agreement states that if the municipal regulation or the county regulation relating to plats and the subdivision of land conflict, the more stringent regulation applies. In this case, Chapter II of Nueces County's Subdivision Regulations and Platting Requirements is more stringent than the Unified Development Code and is enforceable under the interlocal agreement; however, it is the opinion of the Attorney General's office that the City of Corpus Christi needs to specifically adopt these provisions in order to enforce the provisions within the ETJ. The ordinance provided addresses this issue.

ALTERNATIVES:

Disapproval of the proposed text amendment

OTHER CONSIDERATIONS:

Not applicable

CONFORMITY TO CITY POLICY:

Amendments to the UDC to ensure compliance improve the quality and effectiveness of the code.

EMERGENCY / NON-EMERGENCY:

Non-emergency

DEPARTMENTAL CLEARANCES:

Legal
Nueces County Judge and staff

FINANCIAL IMPACT:

- Operating Revenue Capital Not applicable

Fiscal Year: 2011-2012	Project to Date Expenditures (CIP only)	Current Year	Future Years	TOTALS
Line Item Budget				
Encumbered / Expended Amount				
This item				
BALANCE				

Fund(s):

Comments:

RECOMMENDATION:

The Planning Commission and staff recommend approval of the ordinance.

LIST OF SUPPORTING DOCUMENTS:

Ordinance