



## AGENDA MEMORANDUM

Public Hearing and First Reading Ordinance for the City Council Meeting 9/21/21  
Second Reading Ordinance for the City Council Meeting 10/12/21

**DATE:** September 1, 2021

**TO:** Peter Zaroni, City Manager

**FROM:** Al Raymond, AIA, Director  
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UDC Text Amendment to Articles One, Four and Seven that are relative to  
Landscaping and Tree Planting in single- and two-family residential zoning districts

### **CAPTION:**

Ordinance amending the Unified Development Code to establish tree requirements in residential street yards for new construction within the City and its extraterritorial jurisdiction, reducing impermeable surface allowed in residential street yards, increasing open space requirements for residential street yards, modifying landscaping requirements for residential districts; modifying alternative compliance for landscaping; and providing penalty for violations.

### **SUMMARY:**

At the August 10, 2021, public meeting, the Mayor and City Council directed Development Services staff to draft text amendments to the Unified Development Code, or UDC, to require the planting of trees on single-family and two-family residential lots. In order to carry out this task, amendments to the following portions of the UDC appear to be necessary:

- Article One – General Provisions;
- Article Four – Base Zoning Districts; and
- Article Seven – General Development Standards

Penalties for violations of the UDC include the denial of Certificate of Occupancy, as well as a fine of up to \$2,000.00 per day per violation for any Code Enforcement issues after the fact.

### **BACKGROUND:**

The City Council adopted the UDC on May 10, 2011, via Ordinance number 029048. Article Seven of the UDC addresses universal minimum development standards such as, but not limited to, off-street parking, landscaping, signage and site lighting. While Article Seven addresses streetscape and vegetative treatments for buffers and parking lots, it is largely concentrated on commercial and industrial development, all the while imposing little to no regulation for single-family or duplex residential development. Article One (General Provisions) provides a number of definitions to support the landscape regulations of Article Seven. Article Four (Base Zoning

Districts), specifically §4.2.5.E, references mandatory open space requirements for single- and two-family off-street parking provisions.

According to §3.2.1 of the UDC, text amendments may be made from time to time in order to: (a) establish and maintain sound, stable and desirable development within the City or its ETJ; (b) correct textual errors; or (c) adjust the text of the UDC in response to changes in conditions either in a particular area or in the city in general. The effect of these proposed text amendments will be city-wide. This round of amendments was driven by the Mayor and City Council. Since the original Planning Commission hearing on August 18<sup>th</sup>, Staff has met with the Costal Bend Home Builders Association and found consensus on the proposed text amendments. Additionally, the City is conducting an ongoing survey of the community on their opinions of trees in residential areas.

### **ANALYSIS AND FINDINGS:**

Per §3.2.3 of the UDC, in determining whether to approve, approve with modifications, or deny a proposed Unified Development Code text amendment, the applicable review bodies shall consider the following criteria:

1. *The amendment promotes the purpose of this Unified Development Code as established in Section 1.2.* The UDC was established to reflect the City's Comprehensive Plan and its goal to improve and protect public health, safety and welfare. The proposed text amendments appear to further the following goals outlined in Section 1.2:
  - Subsection A – ensuring that all growth and development which occurs is consistent with this Unified Development Code and with the City's Comprehensive Plan and its adopted components;
  - Subsection I – minimizing the adverse environmental impacts of development;
  - Subsection J -- improving the design, quality and character of new development; and
  - Subsection M – ensuring that development proposals are sensitive to the character of existing neighborhoods.
  
2. *The amendment is consistent with the Comprehensive Plan.* The proposed text amendments further the following goals, objectives and policies of the adopted Comprehensive Plan:
  - Natural Systems, Parks and Recreation Goal 6.1 – Promote tree preservation and tree planting on public spaces and major corridor.
  - Resilience and Resource-Efficiency Goal 5.2 – Support passive design strategies, such as site designs that take advantage of prevailing winds, sunlight, shade trees, etc. to reduce energy consumption.
  - Housing and Neighborhoods Goal 3.2 – Quality housing meets the diverse needs of households at all income levels and all stages of the life cycle.
  - Housing and Neighborhoods Goal 3.5 – New and redeveloped housing is resource-efficient.
  - Housing and Neighborhoods Goal 3.9 – The design of new developments promotes a broader sense of neighborhood and community rather than creating isolated

subdivisions or apartment complexes developments with a lack of interconnection.

3. *The amendments are consistent with other codes and ordinances adopted by the City and are otherwise internally consistent with other provisions of this Unified Development Code, or that any provisions with which the amendments are or may be inconsistent also are proposed to be modified. The effects of all such modifications shall meet the above criteria, promote the public health, safety, and welfare, and be consistent with any applicable federal and state requirements.* Parallel amendments to other sections of the UDC are also proposed to maintain consistency throughout.
4. *The fiscal impact on the City and the effect on taxpayers and ratepayers of the proposed amendment.* There are no fiscal impacts anticipated with the adoption of these text amendments, save for nominal adjustments in permitting, review, and existing compliance inspection processes and procedures, as well as enforcement.

**ALTERNATIVES:**

1. Approval of an Ordinance of the City of Corpus Christi, Texas adopting text amendments to the Unified Development Code, or UDC, a component of the City's Code of Ordinances, involving the addition and removal of certain language contained in Articles One, Four, and Seven that are relative to Landscaping and Tree Planting in single- and two-family residential zoning districts; providing for severability; and establishing an effective date; OR
2. Approval of an amended Ordinance of the City of Corpus Christi, Texas adopting text amendments to the Unified Development Code, or UDC, a component of the City's Code of Ordinances, involving the addition and removal of certain language contained in Articles One, Four, and Seven that are relative to Landscaping and Tree Planting in single- and two-family residential zoning districts; providing for severability; and establishing an effective date; OR
3. Denial of an Ordinance of the City of Corpus Christi, Texas adopting text amendments to the Unified Development Code, or UDC, a component of the City's Code of Ordinances, involving the addition and removal of certain language contained in Articles One, Four, and Seven that are relative to Landscaping and Tree Planting in single- and two-family residential zoning districts; providing for severability; and establishing an effective date.

**FISCAL IMPACT:**

There are no fiscal impacts associated with this item.

**RECOMMENDATION:**

Planning Commission recommended approval of the proposed UDC text amendments on September 1, 2021.

*Vote Count:*

For: 6  
Opposed: 2  
Absent: 1  
Abstained: 0

Staff recommends approval of the UDC text amendments.

**LIST OF SUPPORTING DOCUMENTS:**

Ordinance  
Presentation