

Ordinance amending the Unified Development Code amending defined terms, administrative exemptions, design standards, fees, appeals, stays of demolition, zero lot line development, residential development standards, place of worship use, 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, signs in commercial districts and adding and removing language to ensure consistency with adopted local, State and Federal codes; 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, December 9, 2020, during a meeting of the Planning Commission when the Planning Commission recommended approval of the proposed UDC amendments, and on Tuesday, January 12, 2021, during a meeting of the City Council, during which all interested persons were allowed to appear and be heard;

WHEREAS, amendments are to promote public safety and facilitate development and re-development; 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 1 "General Provisions", Section 1.11 Definitions, Subsection 1.11.3 Defined Terms is amended by adding the following language that is underlined (added) and deleting the language that is stricken (~~deleted~~) as delineated below:

§ 1.11 Definitions

1.11.3 Defined Terms

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Block: A group of lots surrounded by public or private streets or roads.

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Collection Line: A wastewater line of less than 15" diameter ~~and smaller~~ that conveys wastewater.

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Cross access agreement or easements an area intended to promote better vehicular access and circulation to and from the parcel with a dedicated drive aisle.

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Distribution Mains: Water Mmains ~~of less than~~ 12 inches ~~inside~~ diameter, ~~or smaller~~, connected to the supply mains that provide fire protection and domestic service.

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Farmers Market: A use in an unenclosed, ~~permanently-roofed~~ structure engaged in the retail sale of fresh fruit, vegetables and other items as permitted by this Code.

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Grid Mains: Water M~~ains~~ of 12 inches ~~inside~~ diameter, or larger, that serve as distribution supply mains and are not to exceed 6,000 feet in length between ~~cross~~ connection mains.

Grid Loop: That portion of the water grid system where the grid main is completely closed around an approximate square mile area, or as permitted by the distribution system standards up to a maximum of an approximate square mile area.

Grid System: The transmission and distribution system created to deliver the supply and demand of ~~electricity~~ water for provisions of fire protection and domestic service ~~consumers~~.

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Low Impact Development (LID) strategies are structural stormwater Best Management Practices and planning techniques that are intended to reproduce predevelopment hydrologic conditions by reducing impervious surfaces and infiltrating, evaporating, and storing stormwater runoff using native or improved soils, vegetation, and bioengineering. LID practices include, but are not limited to, bioretention, bioswales, permeable sidewalks, planter boxes, sand filter, vegetated filter strips, green roofs, constructed wetlands, rainwater collection devices such as cisterns, and rain gardens.

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Open Space: Property under public or private ownership which is unoccupied or predominately unoccupied by buildings or other impervious surfaces (excluding impervious surfaces used for amenities, i.e. sidewalks, trails, basketball courts, swimming pools, etc.) and is used for parks, recreation, agriculture, conservation, preservation of native habitat and other natural resources, surface water impoundment, historic, or scenic purposes.

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Semi-attached: Single family house that shares one common wall with the next house.

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Trunk Line: A wastewater line of 18.5" or greater diameter and larger which conveys wastewater.

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Visibility Obstruction: An object which blocks the view of a motorist either at a private driveway with an intersecting street or at two intersecting streets.

Visibility Triangle: An imaginary triangle located at the intersection of two public streets or at the intersection of a street and private driveway. ~~At the intersection of two streets, the dimensions of the visibility triangle shall be as per the dimensions specified in Subsection 4.9.2. At the intersection of a street with a private driveway, the visibility triangle shall be formed by the intersection of the street boundary line and the pavement line of the driveway, with the hypotenuse (or third side of the triangle) connecting the street pavement line and the pavement line of the driveway at distances from their intersection equal to 20 feet along the driveway and 30 feet along the street pavement line.~~

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SECTION 2. UDC Article 2 “Unified Development Code Organizations and Officers”, Section 2.10 Assistant Director for Planning, Subsection 2.10.1 Powers and Duties is amended by adding the following language that is underlined (added) and deleting the language that is stricken (~~deleted~~) as delineated below:

§2.10 Assistant Director for Planning Development Services

§ 2.10. Assistant Director for Planning Development Services

2.10.1. Powers and Duties

The following powers and duties may be assigned to the ~~Assistant~~-Director for Planning Development Services under this Unified Development Code. Additional powers and duties may be assigned under other portions of the Municipal Code and non-codified ordinances or by the Assistant City Manager of Development Services.

A. Review and Recommendations

The ~~Assistant~~-Director for Planning Development Services, upon assignment by the Assistant City Manager of Development Services, shall review and make a recommendation on the comprehensive plan, zoning and rezoning requests, text amendments, landscape plans and permits, and on such other items as may be assigned.

SECTION 3. UDC Article 3 “Development Review Process”, Section 3.1 Common Review Procedures, Subsections 3.1.6.C Fees and Subsection 3.1.10 Appeals; Section 3.4 Historic Overlay District or Landmark Designation, Subsection 3.4.2 Review Process; Section 3.8 Subdivision Plat Review, Subsection 3.8.5 Final Plat; Section 3.9 Proportionality of Municipal Infrastructure Costs, Subsections 3.9.3, 3.9.4 and 3.9.6; Section 3.16 Certificate of Appropriateness for Demolition, Subsections 3.16.2 Review Process and 3.16.3 Stay of Demolition is amended by adding the following language that is underlined (added) and deleting the language that is stricken (~~deleted~~) as delineated below:

§3.1 Common Review Procedures

3.1.6 Application Requirements

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3.1.6.C Fees

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5. An applicant who has paid the appropriate fee pursuant to the submission of an application, but who chooses to withdraw such application prior to its determination of completeness, shall be entitled to a refund, less the refund fee as published in the Development Services fee schedule, Chapter 14 of the Municipal Code, of the total amount paid upon written request to the Assistant City Manager of Development Services.

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3.1.10 Appeals

A. Administrative Decisions

With the exception of decisions on building permits, certificates of occupancy and floodplain permits, any person aggrieved by the decision of an administrative official regarding the provisions of this Unified Development Code may appeal to the Board of Adjustment in accordance with Section 3.27. Any applicant who disagrees with any final agency determinations in the form of written interpretations of this Code by a duly authorized administrative official is required to appeal the interpretation to the appropriate board designated to hear such appeals before seeking other relief. Any party who disagrees with any staff interpretation of this Code ~~or of the Building and Technical Construction Codes~~ is required to obtain a written interpretation from the administrative official authorized to interpret the code in question prior to taking any other action. Absent a ruling on an appeal that overturns the staff interpretation, the staff interpretation shall stand in force until such time as it is amended by formal written determination of an official authorized to interpret the applicable Code provision or by a Code amendment. The process for making formal written determinations and the requirement for properly and timely filing appeals by aggrieved parties shall be vigorously enforced and supported within the City government.

~~B. Quasi-Judicial and Legislative Decisions~~

~~Any party aggrieved by a decision of the Landmark Commission, Board of Adjustment, Building Code Board of Appeals, Planning Commission, or City Council may appeal per applicable state law to a court of competent jurisdiction.~~

BC. Construction

Any Party aggrieved by a decision on matters regulated in one of the criteria manuals found in an Appendix of this Unified Development Code by a decision related to construction plans as provided in Subsection 3.8.4, may appeal to the Building Code Board of Appeals in accordance with Sec. 14- 226 of the Municipal Code as it may be amended from time to time.

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§ 3.4 Historic Overlay District or Landmark Designation

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3.4.2 Review Process

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3.4.2.E Removal or Amendment of Designation

The designation of an historic overlay zoning district or landmark may be amended or removed using the same procedure provided by this Section for its designation. Whenever a designated landmark or a contributing structure in a historic overlay zoning district has been demolished,

removed, or altered in whole or in part, the Landmark Commission shall recommend to the City Council whether the designation should be retained or removed.

Furthermore, a maximum of 365-day stay of demolition may be imposed by the City Council upon the recommendation of Landmark Commission and final action to remove a historic layer.

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§ 3.8 Subdivision Review

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3.8.5 Final Plat

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3.8.5.D. Review Criteria

A final plat with a previously approved preliminary plat shall be approved if it meets all of the criteria:

1. The final plat is consistent with an approved preliminary plat and the approved master preliminary plat.
2. The final plat is consistent with any required rights-of-way and easements.
3. The final plat is in compliance with any subdivision design and improvement standards adopted by the City pursuant to Texas Local Government Code ~~§212.002 or Texas Local Government Code §212.044~~ governing plats and subdivision of land within the City's jurisdiction to promote the health, safety or general welfare of the City and the safe, orderly and healthful development of the City.

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§3.9 Proportionality of Municipal Infrastructure Cost

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3.9.3

An applicant who disputes the determination made in Section 3.9.2 above may appeal first to the Assistant City Manager of Development Services and then if warranted City Council. At the time of appeal, the applicant may present evidence and testimony under the procedures adopted by the City Council. After hearing any testimony and reviewing the evidence, the Assistant Director of Development Services or City Council shall make the applicable determination within 30 days following the final submission of any testimony or evidence by the applicant.

3.9.4

An applicant may appeal the determination of the City Council to a county court at law or district court in Nueces County within 30 days of the final determination by the City Council.

An applicant who prevails in an appeal under this Subsection is entitled to applicable costs and to reasonable attorney's fees, including expert witness fees.

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3.9.6

~~An applicant who prevails in an appeal under this Subsection is entitled to applicable costs and to reasonable attorney's fees, including expert witness fees.~~

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§3.16 Certificate of Appropriateness for Demolition

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3.16.2 Review Process

B. Landmark Commission Final Action

1. Following notice in accordance with Subsection 3.1.7, the Landmark Commission shall hold a public hearing and approve, approve with conditions, or deny the certificate of appropriateness for demolition. Any action taken by the Landmark Commission to demolish, change the exterior of or remove property on the preservation plan shall require a favorable vote of at least a majority of the Landmark Commission members.
2. The Landmark Commission shall hold a public hearing on a certificate of appropriateness for demolition within 60 days from the date the certificate of appropriateness for demolition application is deemed complete.

3.16.3. Stay of Demolition

- A. The Building Official shall automatically impose a 60-day stay of demolition or removal at the time a permit is requested unless public health, safety and welfare are threatened.
- B. If the Landmark Commission denies the certificate of appropriateness for demolition, a maximum of ~~420~~365-day stay of demolition from the initial date of the application may be imposed by the Landmark Commission and any interested parties may explore alternatives to demolition. During the stay of demolition period, no demolition or removal permit shall be granted.

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SECTION 4. UDC Article 4 “Base Zoning Districts Table of Contents”, Section 4.2 Measurements, Subsections 4.2.2 Lot Area, 4.2.5 Yards, 4.2.9 Visibility Triangle and 4.2.10 Back to Back; Section 4.3 Single Family Residential Districts, Subsections 4.3.2 Permitted Uses, 4.3.3 Residential Design Standards and 4.3.5 Zero Lot Line Development; Section 4.4 Multifamily Residential District, Subsection 4.4.2 Permitted Uses, Subsection 4.4.3 Residential Development Standards; Section 4.5 Commercial Districts, Subsection 4.5.2 Permitted Uses is amended by adding the following language that is underlined (added) and deleting the language that is stricken ~~(deleted)~~ as delineated below:

§ 4.2 Measurements

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4.2.2 Lot Area

- A. Lot area shall be measured as the area contained within the property lines of a lot, excluding any street, easement for street purposes, street right-of-way and all lands seaward of the state-owned water boundary.
- B. There shall be one single-family dwelling per lot or as otherwise stated in this Code.
- C. Individual lots in new developments or a replat with more than five lots may deviate up to 10% from the minimum lot area, provided that the average lot area in the project shall equal or exceed the minimum lot area for the zoning district. In no case shall the maximum density for the zoning district be exceeded due to such reduced lot size.
- D. A lot may consist of one or more portions of adjacent lots under single ownership so long as the lot area per dwelling unit, lot width, yard and lot coverage requirements, and other requirements of this Article are maintained. This requirement shall not be construed to prevent the purchase or condemnation of narrow strips of land for public utilities or street right-of-way purposes.
- E. Except for ~~semi-attached and zero lot line houses described in Subsection 4.3.5 and~~ townhouses described in Subsection 4.4.4, no building shall be permitted to be placed upon a lot line.

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4.2.5 Yards

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4.2.5.D Features Allowed Within Required Yards

The following features may be located within a required yard subject to visibility triangle and Section 4.2.9 :

1. Landscape features and irrigation;
2. Open, unobstructed, unenclosed porches, decks or patios that do not extend above the level of the first floor of the building and that do not extend or project into the front or side yard more than 6 feet;
3. Sidewalks, ~~fences and walls~~;
4. Fences and walls;
- ~~45.~~ Minor utilities as described in Subsection 5.1.3.J;
- ~~56.~~ Mechanical equipment such as air conditioning units, pool pumps and similar equipment, ~~provided that no such equipment shall be permitted in a required street yard and provided that such equipment shall be set back a minimum of 3 feet from a street~~ or, side or rear yard ~~or 1 foot from a side or rear lot line~~;
- ~~67.~~ Sills, belt courses, cornices, buttresses, chimneys, flues, eaves and other architectural features that do not extend more than 24 inches into any required yard must comply with the International Residential Code. ~~;~~

~~If any of the above features extend into a public utility or drainage easement (with the exception of eaves), replacement costs shall be the responsibility of the owner.~~

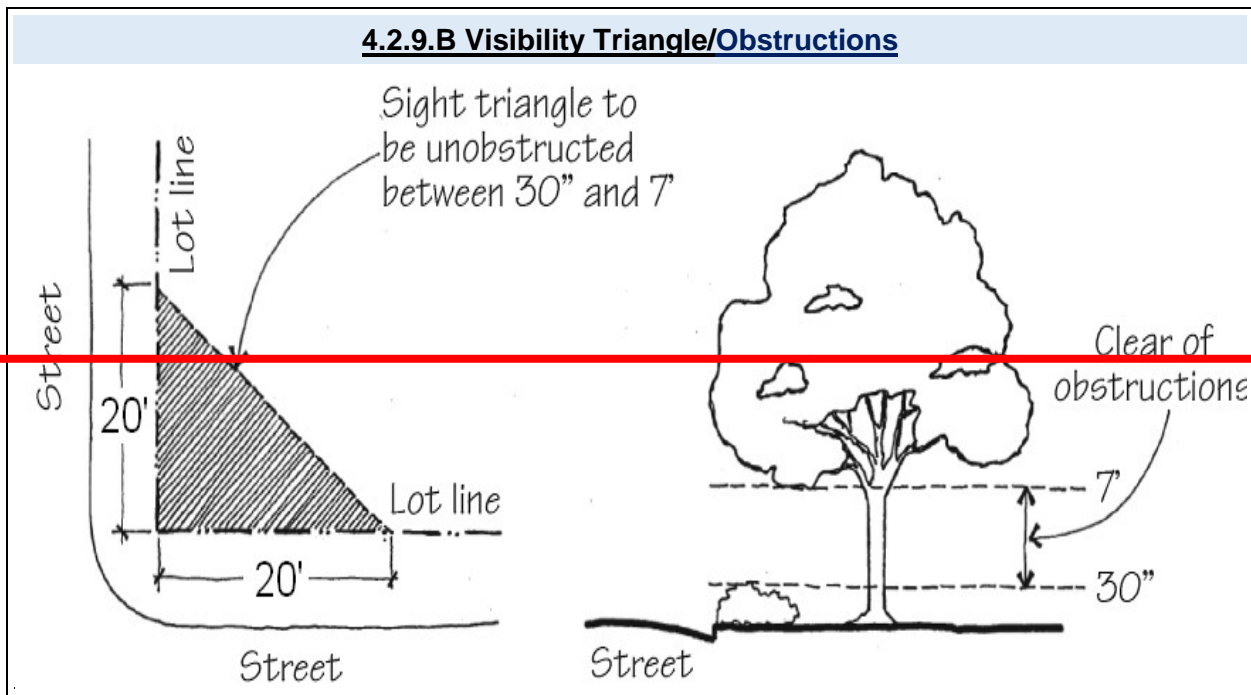
4.2.5.E Single and Two-family Residential Driveways Parking

1. The parking of vehicles shall be prohibited in any required street yard except on a paved surface.
2. The cumulative area of any ~~driveway, plus any~~ impermeable surface area located in the required street yard, shall not exceed 70% of the area of the required street yard.
3. Residential parking shall be made of an all-weather dust-proof surface, such as asphalt, ~~caliche~~, concrete or brick.
4. Exceptions: Lots of 15 acres or greater with a minimum driveway apron depth of 50 feet from the edge of street made of an all-weather dust-proof surface are exempt from residential parking driveway requirements.

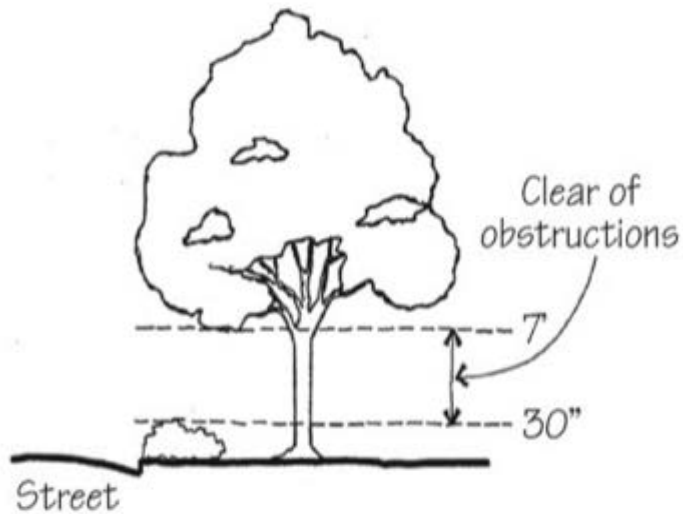
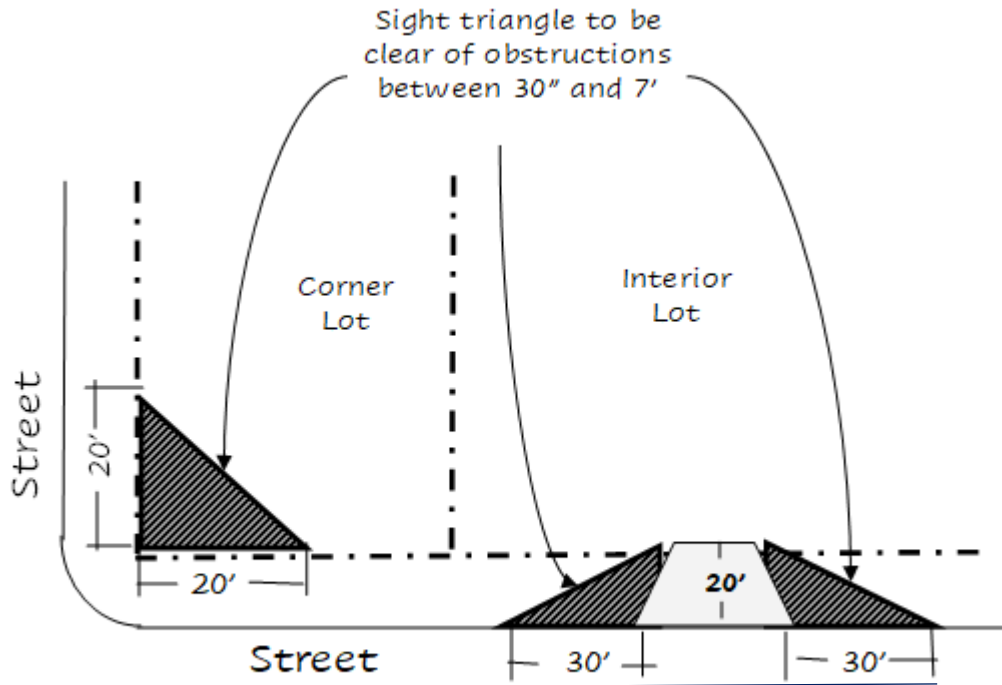
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4.2.9. Visibility Triangle Obstructions

- A. On any corner lot, a visibility triangle shall be established. The visibility triangle shall be formed by extending lines from the intersection of two streets to points 20 feet from the corner of the intersecting streets and then connecting the two points to form a triangle.
- B. No construction, ~~planting~~ or ~~grading~~ visibility obstruction shall be permitted to interfere with the sight visibility triangle between the heights of 30 inches and 7 feet as measured from the crowns of the adjacent streets.
- C. No visibility obstructions shall be permitted in the area where a private driveway intersects with a street boundary line and the pavement line of the driveway, with the hypotenuse (or third side of the triangle) connecting the street pavement line and the pavement line of the driveway at distances from their intersection equal to 20 feet along the driveway and 30 feet along the street pavement line.



4.2.9.B Visibility Triangle/Obstructions



4.2.10 ~~Back-to-Back~~ Adjacent Lots

~~A street 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. A street 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 to with another corner lot.
- B. For corner lots abutting a lot, where there is not a back to back, the street yard shall in no case be less than the average of the two adjoining street yards.
- C. If a corner lot is abutting a parcel that is (i) unplatted, (ii) not identified on a preliminary plat (iii) zoned Farm Rural or is outside city limits, then the corner lot street yard on the same street as the abutting parcel shall be a minimum street yard ten (10) feet.

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§ 4.3 Single-Family Residential Districts

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4.3.2 Permitted Uses

The following principal uses are permitted by right, permitted subject to limitations, or require a special use exception or special permit in the single-family residential zoning districts. Uses may be subject to additional limitations specified in Section 6.5 when located inside a Navy Air Installation Compatible use Zone (AICUZ) (including Clear and Accident Potential Zones 1 2).

Table 4.3.2 Permitted Uses (Single-family districts)								
SINGLE-FAMILY DISTRICTS								
P = Permitted Use; SP = Special Permit; L = Subject to Limitations; [blank cell] = Not Permitted; SUE = Special Use Exception	FR	RE	RS- 22	RS- 15	RS -	RS- 6	RS- 4.5	Standards
Residential Uses								
Single-family detached house except:	P	P	P	P	P	P	P	
--- Industrialized / Modular Housing	L	L	L	L	L	L	L	4.3.7
--- Manufactured Housing								6.1.1
Zero lot line house [RE provides for 1 acre lots whereby zero lot line configurations are not necessary.]		L	L	L	L	L	L	4.3.5
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4.3.3. Residential Development Standards

Table 4.3.3 Residential Development (single-family districts)							
SINGLE-FAMILY DISTRICTS	FR	RE	RS-22	RS-15	RS-10	RS-6	RS-4.5
Min Lot Area	5 ac.	1 ac.	22,000	15,000	10,000	6,000	4,500
Min. Lot Width (Ft.)	150	150	100 75	50	85 0	50	45
Min. Yards (ft.)			25			25	20
Street	50	25 0		25	25		
Street (corner)	25	25	See 4.2.10				
Side (single)	25	2 15 ¹	10	5	5	5	5
Side (total)	50	5 30 ¹	20	10	10	10	10
Rear	25	15	10	5	5	5	5
Min. Open Space			30%	30%	30%	30%	30%
Max. Height (ft.)	45	35	35	35	35	35	35

¹ Reduced side yard setback to 5- feet for detached non-habitable structures without residential use only.

All developments shall be required to comply with this Section and all other requirements of this Code. In the event of a conflict between those requirements and this Section, the requirements of this Section shall prevail.

Minimum lot sizes and widths

Minimum lot sizes and widths shall be the same as prescribed for single family homes in the zoning district in which development is proposed.

1. Dwelling Unit Setback

a. Front Yard Setback

All structures shall be set back from the front property line the minimum distance required for the front yard by the zoning district regulations applicable to the zoning district in which the proposed development is located.

b. Rear Yard Setback

All structures shall be setback from the rear property line the minimum distance required for the rear yard by the zoning district regulations applicable to the zoning district in which the proposed development is located. Accessory pools, sheds, and other permitted accessory buildings shall only be permitted to encroach within the required rear yard up to 5 feet from any property line, but not in any easement.

c. **Street Corner Setback**

The minimum street corner setback shall be the same as the zoning district in which the development is proposed.

2. **Accessory Buildings and Structures**

Accessory Uses and Structures shall comply with Section 5.3

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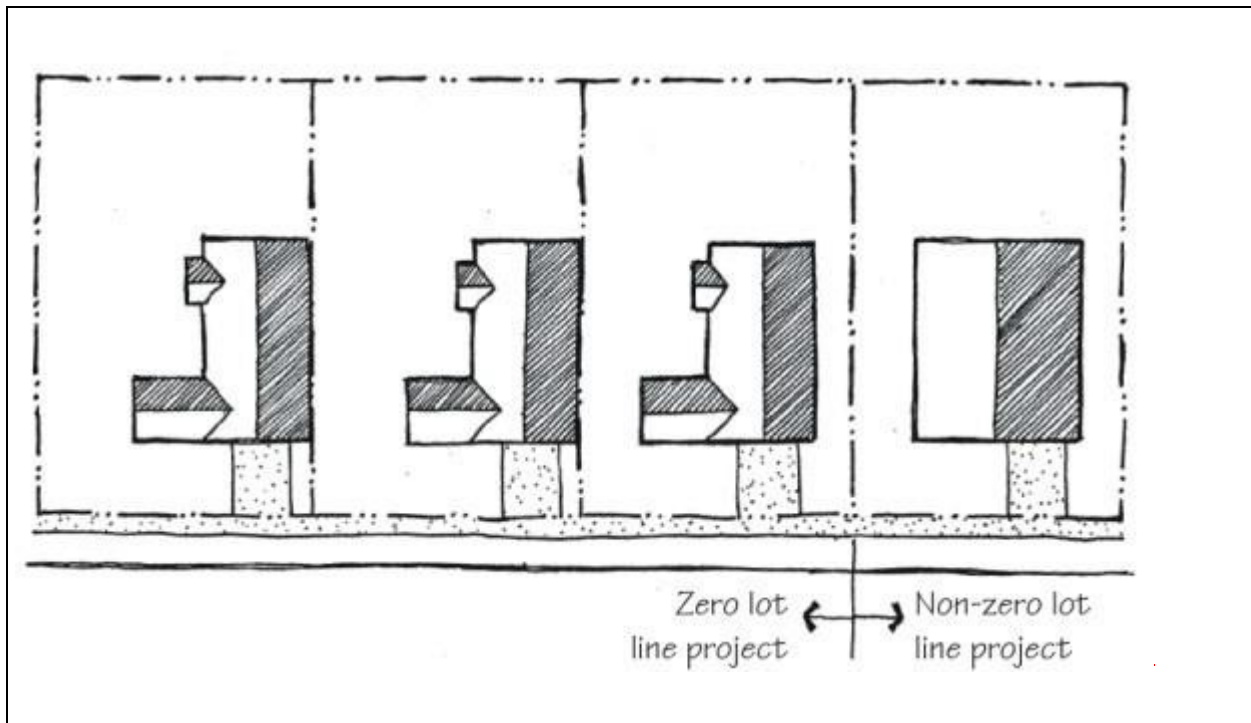
4.3.5 Zero Lot Line Residential Development

4.3.5 Zero Lot Line Residential Development

4.3.5.A Purpose

The zero line form of residential development:

- ~~1. Provides for the more efficient use of land, as compared with the typical single-family development, making available needed housing at a more affordable cost.~~
- ~~2. Provides for the design of dwellings that integrate and relate internal and external living areas resulting in more pleasant and enjoyable living facilities; and~~
- ~~3. Provides for outdoor space to be grouped and utilized to its maximum benefit by placing the dwelling against one of the property lines.~~



4.3.5.B Permitted Zoning Districts

- ~~1. A zero lot line development, with a maximum gross density that does not exceed the limitations for the zoning district in which the zero lot line development occurs, may be permitted in the districts identified in Subsections 4.3.2, 4.4.2, and 4.5.2 following approval of a subdivision plat and development site plan by the Planning Commission after a public hearing.~~
- ~~2. The Planning Commission public hearing shall be scheduled following approval of the site plan(s) and subdivision application(s) by the Department of Development Services.~~
- ~~3. The review shall involve other City departments for compliance with all relevant City codes and standards and this Article.~~
- ~~4. No building permit for such development shall be issued until the subdivision plat is recorded.~~
- ~~5. Where the regulations included herein conflict with regulations included in the individual districts or other sections of this Code, the regulations for zero lot line development in this Section shall apply.~~
- ~~6. If this Section is silent regarding a requirement found elsewhere in this Code applicable to a proposed development, the more restrictive requirement shall apply.~~

4.3.5.C Land Uses and Structures Permitted

- ~~1. Detached one-family dwellings on individually-platted lots, including those customary accessory uses not inconsistent therewith, shall be permitted.~~
- ~~2. Fencing, walls, trellises, and other similar structures can be used as connecting elements between one-family dwellings on adjacent lots subject to site plan review and Building Code/Fire Code compliance.~~
- ~~3. Garages, carports and utility storage structures shall be permitted accessory uses. However, said structures shall not be used as connecting elements, and their spacing from principal structures shall not be inconsistent with any applicable building or fire code requirements for the type of construction and occupancy proposed in each case.~~

4.3.5.D Development Parameters

~~All zero lot line developments shall be required to comply with this Section and all other requirements of this Code. In the event of a conflict between those requirements and this Section, the requirements of this Section shall prevail. All applications for a zero lot line development additionally shall comply with the following development parameters:~~

3. Minimum lot sizes and widths

~~Minimum lot sizes and widths shall be the same as prescribed for single family homes in the zoning district in which the zero lot line development is proposed.~~

4. Dwelling Unit Setback

a. Interior Side Yard

~~The dwelling unit or a portion thereof shall be placed on one interior side property line with a~~

~~zero setback and the dwelling unit setback on the other interior side property line shall be a minimum of 10 feet excluding the connecting elements such as fences, walls and trellises. Units are not required to be placed on the zero lot line property line, however, when said units fall at the end of a sequential row of units and where said units cannot be placed on a separate zero lot line without attaching the unit to an adjacent unit. In that event, a minimum spacing of 10 feet shall be provided from the dwelling on the adjacent zero lot line lot. Patios, pools, garden features and other similar elements shall be permitted within the 10 foot setback area; provided, however, no structure, with the exception of fences or walls, shall be placed within easements required by subparagraph 4.3.5.D.6.~~

~~b. Front Yard Setback~~

~~All structures shall be set back from the front property line the minimum distance required for the front yard by the zoning district regulations applicable to the zoning district in which the proposed development is located.~~

~~c. Rear Yard Setback~~

~~All structures shall be setback from the rear property line the minimum distance required for the rear yard by the zoning district regulations applicable to the zoning district in which the proposed development is located. Accessory pools, sheds, and other permitted accessory buildings shall only be permitted to encroach within the required rear yard up to 5 feet from any property line, but not in any easement.~~

~~d. Street Corner Setback~~

~~The minimum street corner setback shall be the same as the zoning district in which the zero lot line development is proposed or 15 feet from the street corner property line, whichever is greater.~~

5. Accessory Buildings and Structures

~~Accessory buildings and structures shall be permitted in accordance with the zoning district regulations in which the zero lot line development is located, except that any more restrictive requirements herein shall apply. No accessory building shall be placed closer than 5 feet from the nearest point of a building on an adjacent lot, and no closer than 4 feet from the nearest point of the roof overhang from the building on an adjacent lot. No accessory fire pit, bar-b-que pit or structure intended for such purposes may be located closer than 6 feet from any part of any building. Accessory structures other than buildings, fire pits and bar-b-que pits may be closer than 5 feet from a building on an adjacent lot, but not within any platted easement, except as otherwise provided herein. Accessory buildings and structures shall comply with the following minimum setback requirements in the table below.~~

Table 4.3.5.D Accessory Buildings and Structures Setbacks
Pool, spa, gazebo and shed setbacks:

Table 4.3.5.D Accessory Buildings and Structures Setbacks	
Front	35'
Rear	5'
Interior sides	5'
Street Corner	10% of lot width but not less than 15 feet
Spacing from house for pools or spas	2'
Spacing from house for structures	10'
Screen enclosure and trellis setbacks:	
Front	20'
Rear	5'
Interior side	4'
ZLL side	0'
Street Corner	10'
Accessory structures of 4 feet high or less:	
Front	35'
Rear	5'
Side(s)	5'

4. ~~Rain Guttering Required~~

~~Each building or structure constructed on the zero lot line with an overhang encroaching onto the adjoining property shall be constructed and maintained with rain guttering that prevents rain water run-off onto the adjoining property.~~

5. ~~Prohibited Openings on the Zero Lot Line Side~~

- ~~a. Openings shall be prohibited on the zero lot line side except as provided herein, and permitted by the applicable Building Code and Fire Code requirements.~~
- ~~b. The wall of the dwelling unit located on the lot line shall have no windows, doors, air-conditioning units, or any other type of openings except as provided in this subparagraph.~~
- ~~c. Atriums or courts shall be permitted on the zero lot line side when the court or atrium is enclosed by three walls of the dwelling unit, and a solid wall of at least 6 feet in height is provided on the zero lot line. Said wall shall be constructed of the same material as exterior walls of the unit.~~
- ~~d. Windows shall not be permitted on the zero lot line.~~
- ~~e. Windows shall be permitted on a building wall which is located perpendicular to the zero lot line property line or where said windows are located at least 10 feet from the property line.~~
- ~~f. Windows shall be permitted on a building wall on the side of the building adjacent to the interior yard opposite the zero lot line side of the building.~~

~~6. Maintenance and Drainage Easements~~

~~A perpetual 5 foot wall-maintenance easement shall be provided on the lot adjacent to the zero lot line property line, which, with the exception of walls and fences, shall be kept clear of structures. This easement shall be shown on the plat and incorporated into each deed transferring title to the property. The wall shall be maintained in its original color and treatment unless otherwise agreed to in writing by the two affected lot owners. Roof overhangs may penetrate the easement on the adjacent lot a maximum of 24 inches but the roof shall be so designed that water runoff from the dwelling placed on the lot line is limited to the easement area. Building footings may penetrate the easement on the adjacent lot a maximum of 8 inches.~~

~~4.3.5.E Site Plan Review~~

~~1. Purpose~~

~~The purpose of the site plan review is to encourage logic, imagination, innovation and variety in the design process and ensure the congruity of the proposed development and its compatibility with the surrounding area. The Department shall review plans for compliance with zoning regulations and for compliance with the site plan review criteria.~~

~~2. Required Exhibits~~

~~The following exhibits shall be prepared by design professionals, such as architects, engineers, and landscape architects, and submitted to the Department of Development Services:~~

- ~~a. A location map indicating existing zoning on the site and adjacent areas.~~
- ~~b. Site plan at no less than 1 inch equals 100 feet, including the following information:
 - ~~i. Lot lines and setbacks;~~
 - ~~ii. Location, shape, size and height of existing and proposed buildings, decorative walls and elements and entrance features;~~
 - ~~iii. Landscaping in accordance with this Code;~~
 - ~~iv. Recreation facilities (if applicable);~~
 - ~~v. Stages or phases of development, if any;~~
 - ~~vi. Location of off-street parking; and~~
 - ~~vii. Location of on-street parking, if any.~~~~
- ~~c. Indication of exterior graphics.~~
- ~~d. Indication of design methods used to conserve energy.~~
- ~~e. Floor plans and elevations of all typical units and any other structures such as recreation buildings. The total amount of lineal exterior wall area and that portion which has visual and physical access to outside patio/court areas shall be indicated for each typical unit.~~
- ~~f. Information indicating the following:
 - ~~i. Gross and net acreage;~~~~

- ~~ii.— Lot sizes (dimensions and square footage);~~
- ~~iii.— Building heights and stories;~~
- ~~iv.— Building coverage for each lot;~~
- ~~v.— Amount of common open space in square feet (if applicable); and~~
- ~~vi.— Total trees provided and total trees required in accordance with this Code.~~
- ~~g.— Parking required and provided including the amount and location of on-street parking, if any, that is proposed to meet minimum parking requirements.~~
- ~~h.— Such other architectural and engineering data as may be required by the City staff to evaluate the project. The Department of Development Services may from time to time publish submission requirements for Zero Lot Line development applications. The submission requirements shall reasonably relate to information that the staff finds is needed to determine compliance with applicable laws, codes, and such policies and standards as may be adopted by the City Council.~~

~~3.— Plan Review Standards~~

~~The following criteria shall be utilized in the plan review process:~~

~~a.— Planning studies~~

~~Planning studies and policies approved by the City Council that include development patterns or environmental and other design criteria shall be utilized in the plan review process.~~

~~b.— Definition of private outdoor living spaces~~

~~The zero lot line units shall be designed to integrate interior and exterior living areas. The configuration of the exterior walls of the unit shall define and enclose and/or partially enclose outdoor living areas.~~

~~c.— Block length~~

~~Visual monotony created by excessive block lengths shall be avoided. Block lengths in new subdivisions shall not exceed 660 feet. Block widths in new subdivisions shall not exceed 320 feet. Midblock pedestrian and vehicular access to alleys and through blocks shall be permitted; such access ways shall not exceed 40 feet in total width. In existing subdivisions being replatted to create a subdivision pursuant to these standards, it is recognized that block lengths and widths may need to correspond to the existing public street system. In replats of existing subdivisions where streets are already built, longer and wider blocks may be permitted. However in such replats when the standards of this Section limiting maximum block length and width can be met, these standards shall be met. When the existing street and infrastructure prevent meeting the block length and width maximum standards in this Section, mid-block vehicular and pedestrian, or pedestrian and bicycle, or pedestrian connections shall be required with the intent of maximizing the opportunities for vehicular and pedestrian access on a grid system. In addition, alleyway connections to streets in such~~

~~replats shall meet the standards of this Code for separation from other such connections, driveways, and street intersections.~~

~~d.—Landscape~~

~~Landscape materials shall minimize the necessity for irrigation. Landscape shall be used to shade and cool, direct wind movements, enhance architectural features, relate structure design to the site, visually screen incompatible uses from one another and ameliorate the impact of noise.~~

~~e.—Buffers~~

~~Architectural and/or landscape elements that provide a logical transition to adjoining, existing, or permitted uses shall be provided.~~

~~f.—Energy conservation~~

~~Design methods to reduce energy consumption are encouraged. At least two of the following energy conservation methods shall be used: natural ventilation of structures and enhanced attic temperature control; site subdivision and orientation of structures in relation to prevailing breezes and sun angles; insulation of structures including but not limited to the use of insulating glass; and use of landscape materials for shade, transpiration, enhancing the cooling effects of summer breezes, and protecting against the chilling effects of winter winds.~~

~~g.—Graphics~~

~~Outdoor graphics shall be designed as an integral part of the overall design of the project.~~

~~h.—Visual access~~

~~Visual access shall be provided for the driver of an automobile backing out of the individual lot into the adjacent roadway.~~

~~Dwelling units on corner lots shall be situated and set back so as to provide unobstructed visual clearance at a roadway intersection.~~

~~i.—Private open space~~

~~Open space intended for the private use of each individual dwelling unit shall be so located and designed so as to maximize its utility to the dwelling unit it serves and maximize its privacy, especially in relation to adjacent dwelling units.~~

~~j.—Trash containers~~

~~Trash containers shall be screened and designed to be conveniently accessible to their users and collectors.~~

~~k.—Visual screening with decorative walls~~

~~In an effort to prevent graffiti vandalism, a decorative wall with landscaping may be utilized for walls abutting planned or dedicated rights-of-way. The wall shall be setback 3 feet from~~

~~the right-of-way line and the resulting setback area shall contain a continuous extensively landscaped buffer which must be maintained in a good, healthy condition by the property owner, or where applicable, by the condominium, homeowners or similar association. The landscape buffer shall contain one or more of the following planting materials:~~

~~i. **Shrubs**~~

~~Shrubs shall be a minimum of 3 feet in height when measured immediately after planting and shall be planted and maintained to form a continuous, unbroken, solid, visual screen within one year after time of planting.~~

~~ii. **Hedges**~~

~~Hedges shall be a minimum of 3 feet in height when measured immediately after planting and shall be planted and maintained to form a continuous, unbroken, solid, visual screen within one year after time of planting.~~

~~iii. **Vines**~~

~~Climbing vines shall be a minimum of 36 inches in height immediately after planting.~~

~~i. **Optional Metal Picket Fence**~~

~~A metal picket fence abutting a zoned or dedicated right-of-way may be constructed in lieu of a decorative wall, and landscaping shall not be required.~~

4.3.5.F Nonconforming zero lot line development

~~1. Any request for a change to a zero lot line plan, previously or hereafter approved, shall be reviewed and approved by the City Council following a public hearing and recommendation by the Planning Commission. Minor changes in order to adjust engineering construction plans needed to address conditions found on the site or in the existing infrastructure shall be approved by the Assistant City Manager of Development Services, and shall not require approval of the Planning Commission or the City Council.~~

~~2. Any zero lot line projects which were approved prior to the effective date of this Code shall remain in effect as approved unless modified or rescinded. Zero lot line projects approved prior to the effective date~~

~~of this Code that have provisions for maintenance and drainage easements in home owners association documents or in subdivision plats of at least 4 feet in width along the zero setback lot line, and that provide for a minimum separation between principal buildings of not less than 10 feet, shall be permitted to have roof overhang encroachments across the common lot line of no more than 2 feet. Accessory structures permitted after the effective date of this Code shall comply with the requirements of this Code.~~

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§ 4.4 Multifamily Residential Districts

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4.4.2 Permitted Uses

Table 4.4.2 Permitted Uses (multifamily districts)							
MULTIFAMILY DISTRICTS							
P = Permitted Use; L = Subject to Limitations; SUE = Special Use Exception; SP = Special Permit; [blank cell] = Not Permitted	RS-TF	RS-TH	RM-1	RM-2	RM-3	RM-AT	Standards
Residential Uses							
Single-family detached house	P		P	P	P	P	
Zero-lot-line house	L		L	L	L	L	4-3.5
Traditional house	P		P	P	P	P	
Semi-attached house	P		P	P	P	P	
Two-family house	P		P	P	P	P	
Townhouse	P	P	P	P	P	P	
Apartment			P	P	P	P	
Cottage Housing Development	P	P	P	P	P	P	4.7
Group Living Uses except for:			P	P	P	P	
Nursing or convalescent home					P	P	
Group Home (6 or fewer residents)	P	P	P	P	P	P	
Community Home	P	P	P	P	P	P	5.2.26

Table 4.4.2 Permitted Uses (multifamily districts)							
MULTIFAMILY DISTRICTS							
P = Permitted Use; L = Subject to Limitations; SUE = Special Use Exception; SP = Special Permit; [blank cell] = Not Permitted	RS-TF	RS-TH	RM-1	RM-2	RM-3	RM-AT	Standards
Public and Civic Uses							
Community Service Uses [5.1.3.A]	L	L	L	L	L	L	5.2.3
Day care center	L	L	L	L	L	L	5.2.4
Day care home	L	L	L	L	L	L	5.2.4
Educational Facility Uses [5.1.3.C]	P	P	P	P	P	P	
Parks and Open Area Uses [5.1.3.F] except for:	P	P	P	P	P	P	
Cemetery, columbaria, mausoleum, memorial park	SP for existing facilities expanding on same or adjacent properties						
Crematorium (human or animal)							
Passenger Terminal Uses [5.1.3.G] except for:	P	P	P	P	P	P	
Airport, helipad, heliport or landing field	See Section 4.5.2 or						
Place of Worship Uses [5.1.3.H]	P	P	P	P	P	P	

Table 4.4.2 Permitted Uses (multifamily districts)							
MULTIFAMILY DISTRICTS							
P = Permitted Use; L = Subject to Limitations; SUE = Special Use Exception; SP = Special Permit; [blank cell] = Not Permitted	RS-TF	RS-TH	RM-1	RM-2	RM-3	RM-AT	Standards
Utilities, major [5.1.3J] except for:	L	L	L	L	L	L	5.2.6
Wind energy units	L	L	L	L	L	L	5.6.4
Utilities, minor [5.1.3J]	P	P	P	P	P	P	
Wireless telecommunication facility	See Section 5.5						
Commercial Uses							
Apartment hotel						P	
Bed and breakfast home	SP	SP	L	L	L	L	5.2.8
Bed and breakfast inn						P	
Extended-stay facilities						P	
Hotel						P	
Motel						P	
Industrial Uses							
Storage of explosives or other hazardous materials	SUE	SUE	SUE	SUE	SUE	SUE	
Other Uses							
No uses in this category permitted							

§ 4.4.3 Residential Development Standards

- A. Development standards for the Two-Family and Townhouse zoning districts shall be based on housing type in accordance with the tables below.

Table 4.4.3.A. Residential Development (Two-Family and Townhouse districts)				
RS-TF DISTRICT	SF Detached	Zero-Lot-Line	Attached	Two- Family
Min. Lot Area (sq. ft.)	6,000	6,000		
Min. Lot Width (ft.)	50	50		
Min. Site Area (sq. ft.)				
Per Site			6,000	6,000
Per Dwelling Unit			3,000	3,000
Min. Site Width (ft)			50	50
Min. Yards (ft.)				
Street	20	20	20	20
Street (corner)	10	10	10	10
Side (single) Side (total)	5	0	0	5
	5	10	5	5

Table 4.4.3.A. Residential Development (Two-Family and Townhouse districts)				
RS-TF DISTRICT	SF Detached	Zero Lot Line	Attached	Two- Family
Rear	5	5	5	5
Min. Open Space	30%	30%	30%	40%
Max. Height (ft.)	35	35	35	45

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§ 4.5 Commercial Districts

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4.5.2 Permitted Uses

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Table 4.5.2 Permitted Uses (Commercial zoning districts)												
COMMERCIAL DISTRICTS												
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
Residential Uses												
Care takers quarters	L	L	L	L	L	L	L	L	L	L	P	5.2.20
Townhouse	P	P	P	P	P	P		P		P		
Zero Lot Line	ⓧ	ⓧ	ⓧ	ⓧ	ⓧ	ⓧ	-	ⓧ	-	ⓧ	-	4.3.5
Multi family dwelling	P	P	P	P	P	P		P	P	P		
Cottage Housing Development	P	P	P	P	P	P		P				4.7
Upper-story residential unit within commercial business structures	L	L	L	L	L	L	L	L	L	P	L	5.2.1
Group Living Uses [5.1.2.B]	P	P	P	P	P	P		P		P		
* * * * *												

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SECTION 5. UDC Article 5 “Use Regulations”, Section 5.1 Use Categories, Subsections 5.1.3 Public and Civic Use Categories and 5.1.4 Commercial Use Categories; Section 5.2 Specific Standards, Subsection 5.2.9 Farmers Market; Section 5.3 Accessory Uses and Structures, Subsections 5.3.1 General and 5.3.2 Specific Accessory Uses and Structures is amended by adding the following language that is underlined (added) and deleting the language that is stricken (~~deleted~~) as delineated below:

§ 5.1 Use Categories

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5.1.3 Public and Civic Use Categories

5.1.3.A Community Service

Public and Civic Use – Community Service		
Characteristics: Uses of a public, nonprofit, or charitable nature providing ongoing education, training, Social Counseling, <u>or assembly for religious practice</u> to the general public on a regular basis, without a residential component.		
Principal Uses	Accessory Uses	Uses Not Included
<ul style="list-style-type: none"> • Aquarium • Art gallery • <u>Church</u> • Community center • Library • <u>Mosque</u> • Museum • Philanthropic institution • Senior centers • <u>Synagogue</u> • <u>Temple</u> • Youth club facilities • Zoo 	<ul style="list-style-type: none"> • Associated office <u>Fellowship or parish hall</u> • Food preparation and dining facility • <u>Gymnasium</u> • Health, arts and crafts, day care, and therapy area • Indoor or outdoor recreation and athletic facility • Limited retail sale • Meeting area/<u>classroom for meeting or classes</u> • <u>Off-street parking</u> • <u>On-site day care, school or facilities.</u> • Satellite <u>dish antenna</u> under 3.2 feet* • <u>Staff residences located on-site</u> • <u>Stealth cell antennae</u> 	<ul style="list-style-type: none"> • Alternative or post-incarceration facility (see Social Service) • Athletic or health club (see Retail Sales and Service) • Church, mosque, synagogue or temple (see Place of Worship) • Counseling in an office setting (see Office) • Exclusive care and treatment for psychiatric, alcohol, or drug problems, where patients are residents (see Social Service) • Group home for the physically disabled, mentally retarded <u>Intellectual Disability</u>, or emotionally disturbed that are not considered single-family residences (7 or more residents) (see Social Service) • Group home for drug and alcohol treatment (see Social Service) • Membership club or lodge (see Indoor Recreation) • <u>Social Service use (see Social Service)</u> • Transient lodging or shelter for the homeless (see Social Service) Soup kitchen (see Social Service) • Treatment center (see Social Service)

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5.1.3.H Place or Worship

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5.1.3.IH Social Service

Characteristics: Uses that primarily provide treatment of those with psychiatric, alcohol, or drug problems, and transient housing related to social service programs.		
Principal Uses	Accessory Uses	Uses Not Included
<ul style="list-style-type: none"> • Alternative or post-incarceration facility • Exclusive care and treatment for psychiatric, alcohol, or drug problems, where patients are residents • Group home for the physically disabled, mentally-retarded <u>Intellectual Disability</u>, or emotionally disturbed that are not considered single-family residences (7 or more residents) • Group home for drug and alcohol treatment • Soup kitchen • Transient lodging or shelter for the homeless • Treatment center 	<ul style="list-style-type: none"> • Adult educational facility • Day care • Food services and dining area • Meeting room • Off-street parking • Satellite dish antenna under 3.2 feet* • Staff residences located on-site • Stealth cell antennae • Storage 	<ul style="list-style-type: none"> • Aquarium (see Community Service) • Art gallery (see Community Service) • Assisted living facility (see Group Living) • Cemeteries, columbaria, mausoleum, & memorial parks (see Parks and Open Areas) • Community center (see Community Service) • Community college (see Educational Facilities) • College, seminary or university (see Educational Facilities) • Elementary, middle or high school (see Educational Facilities) • Library (see Community Service) • Museum (see Community Service) • Philanthropic institution (see Community Service) • Senior centers (see Community Service) • Youth club facilities (see Community Service)

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5.1.3.J Utility

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5.1.4.E. Overnight Accommodation

Characteristics: Residential units arranged for short term stays of less than 30 days for rent or lease.		
Principal Uses	Accessory Uses	Uses Not Included
<ul style="list-style-type: none"> • Apartment hotel • Bed and breakfast home • Bed and breakfast inn • Extended-stay facilities • Hotel • Motel • Recreational vehicle park • Truck stop with overnight accommodations 	<ul style="list-style-type: none"> • Associated office • Food preparation and dining facility • Laundry facility • Limited storage • Meeting facility • Off-street parking • Satellite dish antenna under 3.2 feet* • Stealth cell antennae • Swimming pools and other recreational facilities 	<ul style="list-style-type: none"> • Campground (see Outdoor Recreation) • Group home for the physically disabled, mentally-retarded <u>Intellectual Disability</u>, or emotionally disturbed that are not considered single-family residences (7 or more residents) (see Social Service) • Group home for drug and alcohol treatment (see Social Service) • Transient lodging or shelter for the homeless (see Social Service)
*See additional standards in Subsection 5.3.2		

* * * * *

§ 5.2 Specific Standards

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5.2.9 Farmers Market

A farmers market shall be permitted in accordance with the [Municipal Code](#). ~~use tables in Article 4 subject to the following standards:~~

~~A. The farmers market shall be certified by the Texas Department of Agriculture and shall comply with all local, state and federal laws and regulations.~~

~~B. Items sold in the farmers market shall include: fresh fruits, vegetables, dairy products, herbs, eggs, poultry, pork, seafood, fish, shrimp, beef, flowers, baked goods, homemade preserves, candies, soaps, honey, tea, coffee, prepared foods, and similar items approved by the Assistant City Manager of Development Services.~~

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§ 5.3 Accessory Uses and Structures

5.3.1 General

Any accessory use may be permitted provided that it is customarily associated with a principal use that may be permitted by right consistent with Section 5.1 of this Unified Development Code.

The establishment of such accessory uses shall be consistent with the following standards:

- A. The accessory use shall be subordinate to and serve a principal use or principal structure.
- B. The accessory use shall be subordinate in area, extent or purpose to the principal use served.
- C. The accessory use shall be located within the same zoning district as the principal use.
- D. An accessory structure located on waterfront property shall be set back a minimum of 20 feet from the mean high water line except for the landward portion of:
 1. A permitted dock; or
 2. A boat house that is accessory to a permitted boat dock or marina.
 3. Pool and pool equipment
 4. Outdoor kitchen that does not require utility connection
- E. Except as herein provided no accessory building or structure shall project beyond a required yard line ~~along any street.~~
- F. No accessory structure shall be permitted in an easement ~~without approval of a building permit in accordance with Section 3.18~~ in accordance with the Municipal Code.
- G. ~~A special use exception shall be required in accordance with Section 3.12 for an accessory structure with a gross floor area greater than one-half the gross floor area of the principal structure.~~
- H. Accessory uses located in residential districts shall not be used for commercial purposes other than authorized home occupations.
- I. No accessory building or structure shall be constructed until the construction of the principal structure has commenced. No accessory building or structure shall be used unless the principal structure also is being used.
- J. 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 with exception of accessory structures in the FR district which may not exceed 75%.
- K. In water-oriented subdivisions, in-ground pools may be located in front of the main principal structure.
- L. Separate meters are ~~permitted except as noted~~ prohibited except for irrigation purposes.

5.3.2. Specific Accessory Uses and Structures

5.3.2.A . Detached Accessory Dwelling Units

1. A detached accessory dwelling unit may be permitted in any residential zoning district. The unit may include a full kitchen.
2. Only one accessory dwelling unit shall be permitted per lot or parcel.
3. The property owner shall occupy either the principal dwelling or the accessory dwelling unit.
4. The total floor area of accessory dwelling unit shall not exceed the lesser of either the total gross floor area of the principal residential dwelling unit, or as follows:

Only one accessory dwelling unit shall be permitted per lot or parcel.

A. 1000 maximum total square footage of habitable space for FR, RE, and RS-22 Zoning Districts

B. 800 maximum total square footage for RS-15 and RS-10 Zoning Districts

C. 500 maximum total square footage for RS-6 and RS-4.5 Zoning Districts, with the exception that lots over 10,000 square feet may allow for a maximum of 800 total square footage.

D. An existing garage built prior to 1980 may convert to one accessory dwelling unit with no maximum on floor area if the garage is a legally conforming structure. The conversion can include an upper story Accessory Dwelling Unit over the garage.

5. The principal residential and accessory dwelling unit together shall not exceed the maximum zoning district building coverage.
6. ~~The accessory dwelling unit may be part of or attached to the principal structure or may be a separate structure.~~ All principal structure yard requirements shall be met.
7. The accessory dwelling unit shall not exceed the maximum zoning district height.
8. Separate meters are prohibited except for irrigation purposes.

5.3.2.B. Animal Pens and Fenced Pasture

Shall be permitted in accordance with the Municipal Code.

~~An animal pen or fenced pasture (excluding chickens) only shall be permitted in the Farm-Rural district or as an accessory use to an agricultural use as defined in Subsection 5.1.6.A.~~

~~2. Any building or structure used to house animals including, but not limited to, cattle, horses, donkeys, llamas, swine, emus and other domesticated animals not conventionally kept for companionship shall be set back a minimum of 100 feet from all property lines abutting a residential zoning district other than the Farm-Rural zoning district.~~

~~3. No setbacks shall be required for fenced pastures a minimum of 1 acre in area used to hold~~

~~livestock, such as cattle and horses.~~

* * * * *

SECTION 6. UDC Article 6 “Special Zoning Districts”, 6.3 Historic Overlay, Subsection 6.3.10 Deterioration, 6.5 Air Installation Compatible Use Zones (AICUZ), Subsection 6.5.4 Accidental Potential Zones (APZ) Compatible Land Use Guidelines; Section 6.8 Mixed-Use Overlay, Subsections 6.8.1 Purpose, 6.8.3 Allowance, 6.8.4 Application of Standard, 6.8.5 Development Overview, 6.8.6 Lot Area and Density Requirements, 6.8.9 Setbacks, 6.8.11 Permitted Non-Residential Uses, 6.8.12 Required Open Space, 6.8.13 Building Orientation, Massing, and Façade Appearance, 6.8.16 Access and Driveways and 6.8.17 Parking ; Section 6.13 Streetscape Zone Standards, Subsection 6.13.2 Streetscape Zone Pedestrian Amenities; and Section 6.14 Alternative Housing Options, Subsection 6.14.10 Zero Lot Line Development is amended by adding the following language that is underlined (added) and deleting the language that is stricken ~~(deleted)~~ as delineated below:

§ 6.3 -H, Historic Overlay

* * * * *

§6.3.10 Deterioration

If an owner allows a structure within a Historic Overlay zoning district or a designated landmark to deteriorate to the extent that the Building Standards Review Board determines that the structure or landmark shall be demolished as a public safety hazard, after all proper notifications have been presented to the owner by the City, no application for a permit for a project, nor for a driveway approach ~~curb cut~~ needed for the operation of a surfaced or unsurfaced parking area may be considered for a period of up to 365 days ~~two months~~ from the date of demolition of the landmark as determined by the Director of Development Services.

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§6.5 Air Installation Compatible Use Zone (AICUZ)

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6.5.4 Accident Potential Zones (APZ) Compatible Land Use Guidelines

Recommended land use compatibility guidelines for clear zones and Accident Potential Zones are shown in the following table. In the event of a zone change request within the Air Installation Compatible Use Zones, the Air Installation Compatible Use Zones Program Office or Chief of Naval Operations shall be consulted for a recommendation on the proposed zone change.

Table 6.5.4 Land Use Compatibility in Accident Potential Zone
Suggested Land Use Compatibility In Accident Potential Zone

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Notes

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12. Controlled hunting and fishing may be permitted for the purpose of wildlife management unless disallowed by Municipal Code.

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§ 6.8 Mixed-Use ~~Overlay District~~ Development Pattern

§ 6.8 Mixed-Use ~~Overlay District~~ Development Pattern

6.8.1 Purpose.

The purpose of the Mixed-Use ~~Overlay District~~ Development Pattern is to provide standards for mixed-use development that includes residential uses to promote compatibility between new and existing development and ensure that mixed-uses compatibly co-exist, and foster a variety of small, entrepreneurial, and flexible home-based businesses. Mixed residential uses encourage live, work, shop, and recreational environments, and more pedestrian-oriented social and economic neighborhood centers, which are conducive to transit use and can reduce dependence on automobiles for single-purpose trips, by locating residents, jobs, hotels, and transit services near each other.

This Ordinance section hereby recognizes Mixed-Use as an independent land use designation to be included within the City’s Future Land Use Map. The use patterns established in this section are not zoning districts or overlay zoning districts. Instead, they are forms of development that may be permitted in various zoning districts by this section.

* * * * *

6.8.3 Allowances.

A mixed-use development consisting of a single building on a single lot, or multiple buildings and lots, and incorporating residential uses, shall be a permitted use in the ~~RM-AT~~, ON, CR-3, CN-1, CN-2, CR-1, CR-2, CG-1, CG-2, CI, and CBD Zoning Districts, when constructed in accordance with the standards of this Ordinance section. Proposed residential mixed-use development may not be appropriate within areas designated as a Naval Air Installation Compatibility Use Zone (AICUZ), Overlay Districts, and are not assured approval upon development review.

6.8.4 Application of Standards.

The standards under this Ordinance section shall be applied to all mixed-use development within

the City limits that includes a residential use or uses as follows:

- A. Where a conflict exists between the standards of the underlying district or the UDC and the Mixed-Use ~~Overlay District~~ standards, the standards established under the Mixed-Use ~~Overlay District~~ Standards ~~Ordinance~~ shall prevail.
- B. The standards provided under this ~~Ordinance~~section may only be applied to mixed- use development that is platted, developed, and constructed in accordance with this ~~Ordinance~~section.
- ~~C. Mixed use development that does not include a residential use or uses shall not be bound by the standards of this ordinance~~
- CD. Where a mixed-use development is constructed under the standards of this ~~Ordinance~~section, the City’s Land Use Maps shall be changed to designate the property as being utilized for mixed-uses.

* * * * *

6.8.5 Development Overview.

Mixed-use developments for the purpose of this ~~ordinance~~section, consist of two or more different uses which include a residential use, and occupy the same or adjacent buildings that are planned together, and shall be combined in the following manner;

- A. Vertically in the same building where separate uses are on different floors (for instance, retail on the ground floor and office and/or residential uses on the second and/or third floors); or
- B. Horizontally in multiple buildings where separate uses are placed next to each other, planned as a unit, (e.g. an apartment, single or two-family, or multiple-family residential dwelling building that is adjacent to a neighborhood commercial business or professional office building) ~~planned together; or~~ within the same development.
- ~~C. Through a combination of the two (Fig. 6.8.5.C).~~ Example of a Mixed-Use Development:

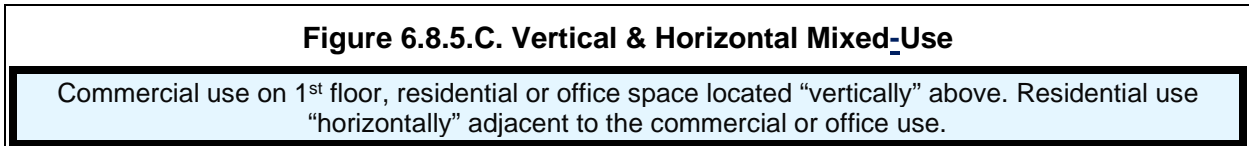
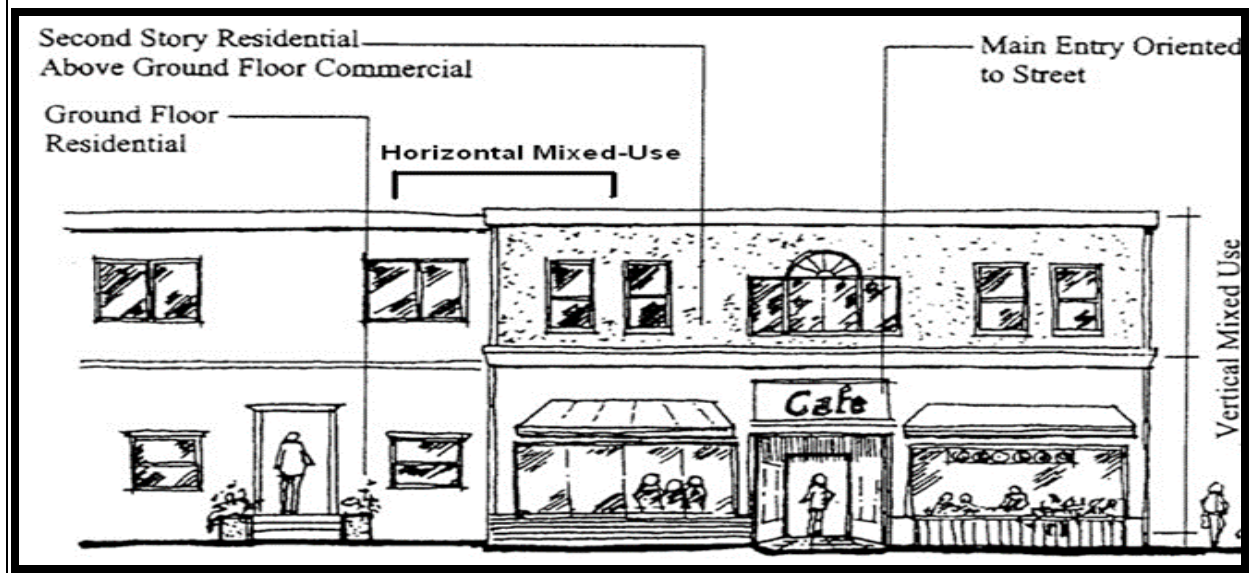


Figure 6.8.5.C. Vertical & Horizontal Mixed-Use



- D. All floors and uses within a mixed-use development must be constructed in accordance with the City's current Building and Fire Department Codes.
- ~~E. At least 20% of the total land area within the residential mixed-use project boundaries must be vertical mixed uses, and whether within a single building or multiple buildings on a development site, a minimum of 10% of the building or development shall be non-residential and a minimum of 20% of the development shall be residential. This percentage shall be calculated by determining the percent of net acres devoted to each type of use.~~
- F. The maximum total square footage of a non-residential use in a non-residential/residential mixed-use building may not exceed 50% of the mixed-use building, to ensure an appropriate scale.
- ~~G. Within a vertical mixed-use building, the use on the ground floor shall be a commercial, professional office, civic, tourist, or religious use, and must be different from a use on an upper floor or floors; at least one of the floors within a vertical mixed-use building shall contain residential dwelling unit(s).~~
- ~~H. Within horizontal mixed-use buildings the non-residential use may not occupy more than 50% of the total ground floor area or frontage of the mixed-use building, and at least one of the uses must be for residential purposes. The division of lots cannot be used to subvert the 50% residential requirement for horizontal mixed-use.~~
- ~~I. Commercial/office strip malls consisting of contiguous single-use, single-story structures are not considered a mixed-use development for the purposes of this Ordinance.~~
- ~~J. Stand-alone big box commercial or warehouse stores are not permitted within a mixed-use development, unless planned and constructed as a Planned Unit Development (PUD) that includes residential uses.~~

6.8.6 Lot Area and Density Requirements.

The minimum lot area shall be based on the requirements of the zoning district in which the proposed ~~and maximum density permitted within a~~ mixed-use development is located. For properties that are designated with the Mixed-Use development pattern there will be no maximum density set, except for properties located within a defined AICUZ boundary. ~~shall be based on the requirements of the zoning district in which the proposed mixed use development is locate, unless otherwise stated under a Development Concept or Special Overlay District Ordinance.~~

* * * * *

6.8.9 Setbacks.

* * * * *

C. Side Setbacks:

1. **Multiple Contiguous Attached Buildings.** No interior side yards shall be required, when attached buildings are constructed in accordance with the adopted City Building Codes.
2. Setbacks shall follow the base zoning district. ~~Multiple, individual, non-contiguous buildings or detached structures without a constructed firewall shall require the following:~~
 - a. ~~A minimum 4-foot side yard for single-story structures, with one additional foot added to each side yard for each additional story.~~
 - b. ~~A 6-foot minimum eave separation.~~
 - c. ~~A minimum 8-foot separation between building walls.~~
3. ~~Side yards abutting a side street shall require a minimum side yard of 10 feet, which can include the 5 or 10-foot sidewalk where required.~~

~~D. Rear Setbacks: Minimum of 5 feet.~~

* * * * *

6.8.11 Permitted Non-Residential Uses.

A. Bars, Taverns, Clubs, and Alcoholic Beverage Sales.

1. The proposed development of a mixed-use structure incorporating a bar, tavern, nightclub, or liquor store in conjunction with a non- transient (i.e. over 30 days of residency) residential use shall be permitted in the zoning districts allowing for their use.

2. The proposed development of a mixed-use structure incorporating a restaurant with alcoholic beverage sales in conjunction with a residential use is permitted in the zoning districts where a restaurant with alcoholic beverage service is permitted.
 3. The proposed development of a mixed-use structure incorporating alcoholic beverage sales or service in conjunction with a Live-Work unit shall be prohibited in all zoning districts.
- B. Drive-through windows for any purpose are not permitted within a mixed use development, unless located behind the principle structure with access to and from the drive-through area provided from the rear of the lot.
- C. The non-residential uses permitted in **each** mixed-use development pattern category are limited to the **following** uses in CG-2 District as described in Table 4.5.2 Permitted Uses.:

Table 6.8.11.C. Permitted Non-Residential Mixed-Uses.
Adult Day-Care Centers
Art Studios, Artists and Artisans
Bakeries, Patisseries, Chocolates, are allowed when the primary use is Retail Sales
Banks (drive-throughs see Section 6.8.11(B) above)
Beautician Salons & Barbers (excluding nail care)
Bed & Breakfast Homes (no allowance for special events)
Bicycle Rentals
Boarding, Rooming, Lodge Houses
Cafes and Bistros
Child Care Centers
Civic/Government Office Uses
Community Gardens-Limited Agricultural Uses
Computer Software and Multimedia Related Professionals
Convention or Special Events Centers
Drycleaners (drop-off, pick-up only)
Farmers Market Retail Stand
Fashion, Graphic, Interior and Other Designers
Florist
Funeral Home or Parlor (no crematorium)
Health Spas, Fitness Centers
Home Occupations
Ice Cream Parlors
Laundromats
Liquor Store (except in AT District)
Mail & Packaging Centers

Table 6.8.11.C. Permitted Non-Residential Mixed-Uses.
Marina
Medical Offices & Clinics
Museums
Neighborhood Market (groceries only)
Neighborhood Pharmacy
Non-Medical Offices
Nutritional Sales
Physical Fitness Gyms, Dance, Martial Arts Studios
Printing, Publishing, Engraving
Professional Services (including, attorneys, accountants, insurance sales, barbers, travel agency, consultant firms, engineers, architectural firms, and similar uses)
Real Estate Offices
Recreational Centers (Indoors, including arcades)
Recreational Centers (Outdoors, miniature golf, sports fields, amusement piers)
Repair & Sales/Services, conducted entirely within a building; (television, computer, plumbing, locksmith, shoe repair, but not including auto repair, detailing, tire service, auto body painting, home appliance repair, or similar uses)
Restaurants, Food & Beverage Service, (sit-down or take-out services permitted, without alcohol service)
Restaurants, Food & Beverage Service, (sit-down or take-out services with alcohol service permitted in districts allowing for the use)
Retail Sales (including Boutiques, Delicatessens, Video/Game Rentals, Musical Instrument Sales/Repair, Fruits & Vegetables Sales, Automotive Parts (no service of vehicles or bays onsite), Crafts, Hardware, Home Décor, News & Books, Jewelry/Repair & Sales, Paint, Sporting Goods, Optical, Office Supplies, Greeting Cards, Antiques)
Schools
School Tutoring Services
Senior Activity Centers
Senior Assisted Living
Tailor/Seamstress/Dressmaking
Utility Offices (no outdoor storage)
Veterinary Clinics (no outside runs)

6.8.12 Required Open Space.

Mixed-use projects located in the ~~RS-6, RS-4.5, RS-TH, RS-TF, RM-1, RM-2, RM-3~~, RM-AT, ON, CN-1, CN-2, CR-1, CR-2, CG-1, CG-2, CI, and CBD Zoning Districts must provide open space equaling a minimum of 10% of the combined floor area of all residential units. Open space shall be provided as passive or active recreation open space (plaza, courtyard, balconies, porches, patio, swimming pools, or a green). Indoor recreational spaces such a

gyms, pools, or recreational rooms that are half of the open space requirement, may count towards ~~the up to 5% of~~ the open space requirement.

The adaptive reuse of an existing building may not be required to meet the 10% open space requirement

~~A. **Outdoor Open Space.** Half of the open space required shall be provided as passive or active recreation outdoor open space (plaza, courtyard, roof-top terrace, or similar space (Figs. 6.8.12.A).~~



- ~~1. The square footage of balconies, porches and patios, or terraced and landscaped rooftops, may count toward half of the outdoor open space requirement, provided that:
 - ~~a. The space provided is oriented to the household use.~~
 - ~~b. The space provided is sufficient space for the enjoyment of the occupants.~~
 - ~~c. The space provided is either useable by all the residents of the building or is provided for each residential unit in the structure.~~~~
- ~~2. Outdoor pedestrian-oriented open space for projects must include:
 - ~~a. Visual and pedestrian access (including barrier-free access) to the abutting structures from the public right-of-way or a non-vehicular courtyard.~~
 - ~~b. On-site or building mounted lighting, providing at least 0.6 foot-candles (average) on the ground in accordance with the lighting standards of the Illuminating Engineering Society~~~~

~~of North America's (IESNA) "Guideline for Security Lighting for People, Property, and Public Spaces".~~

- ~~c. Outdoor pedestrian-oriented space shall not include asphalt or gravel pavement, adjacent unscreened parking lots or chain link fences, adjacent "blank walls", adjacent dumpsters, outdoor storage or retail sales that do not contribute to the pedestrian environment.~~
- ~~d. The adaptive reuse of an existing building may not be required to meet the 10% open space requirement, see Section 7.12.7 of the Adaptive Reuse Ordinance.~~
- ~~e. Paved walking surfaces provided shall consist of either concrete, pervious concrete or asphalt, porous pavers, or other approved unit of paving, in areas intended for foot traffic, made fully accessible under the requirements of the Americans with Disability Act (ADA) standards.~~
- ~~f. Seating provided shall measure at least 3 feet in length (bench, ledge, planter walls, fixed or individual street furniture, etc.), or one individual seat per 60 square feet of plaza area or open space.~~
- ~~g. Roof-top terrace areas provided as open space may not include service areas, outdoor storage or retail sales areas.~~
- ~~h. Landscaping provided to enhance the area shall provide at least 30% of a plaza or courtyard shaded by a structure or tree canopy coverage (at 10 years after planting), the shade landscaping points provided may be doubled when counted toward the required landscaping points onsite.~~
- ~~i. Half of the 10% open space requirement may be met for the mixed-use development where the development is connected to an improved public park located within 1,300 feet of the mixed-use building, by a continuous sidewalk.~~

~~B. **Indoor Open Space.** Half of the 10% open space required must be provided inside the mixed use project and may include the following:~~

- ~~1. Indoor swimming pools.~~
- ~~2. Gymnasiums or fitness rooms.~~
- ~~3. Landscaped indoor atriums or courtyard areas with seating (e.g. as seen in many Omni Hotels).~~
- ~~4. Community recreational space.~~

~~C. Within the downtown and uptown CR-1, CI, and CBD Districts, the square footage of outdoor swimming pools may be counted toward the outdoor open space requirement.~~

6.8.13 Building Orientation, Massing, and Façade Appearance.

* * * * *

E. No permanently installed burglar bars shall be visible from any public street. The ground floor portion of a mixed use building may install fully retractable ~~metal~~-security screening or storm shutters that secure windows and doors when the nonresidential portion of the mixed use building is not open for business, and must not be visible during business hours. (See Section 6.13.1(E)(5), Figs. 8-11).

* * * * *

6.8.16 Access and Driveways.

A. Access to parking areas shall be provided from the rear or side of the mixed- use building, unless the mixed-use building is part of an Adaptive Re-use project in which case the standards of Section 7.12 shall apply.

B. All other access drive dimensions for the lot or development must be in compliance with the City of Corpus Christi's Manual of Driveway Design and Construction Standards.

C. ~~Mid-Block~~ Pedestrian Pass-throughs.

1. Where a proposed large-scale Mixed Use Special Overlay development project includes pedestrian pass-through or galleria shall be provided (Figs. 6.8.16.C.1).



Figures 6.8.16.C.1. Pedestrian Pass-Throughs



* * * * *

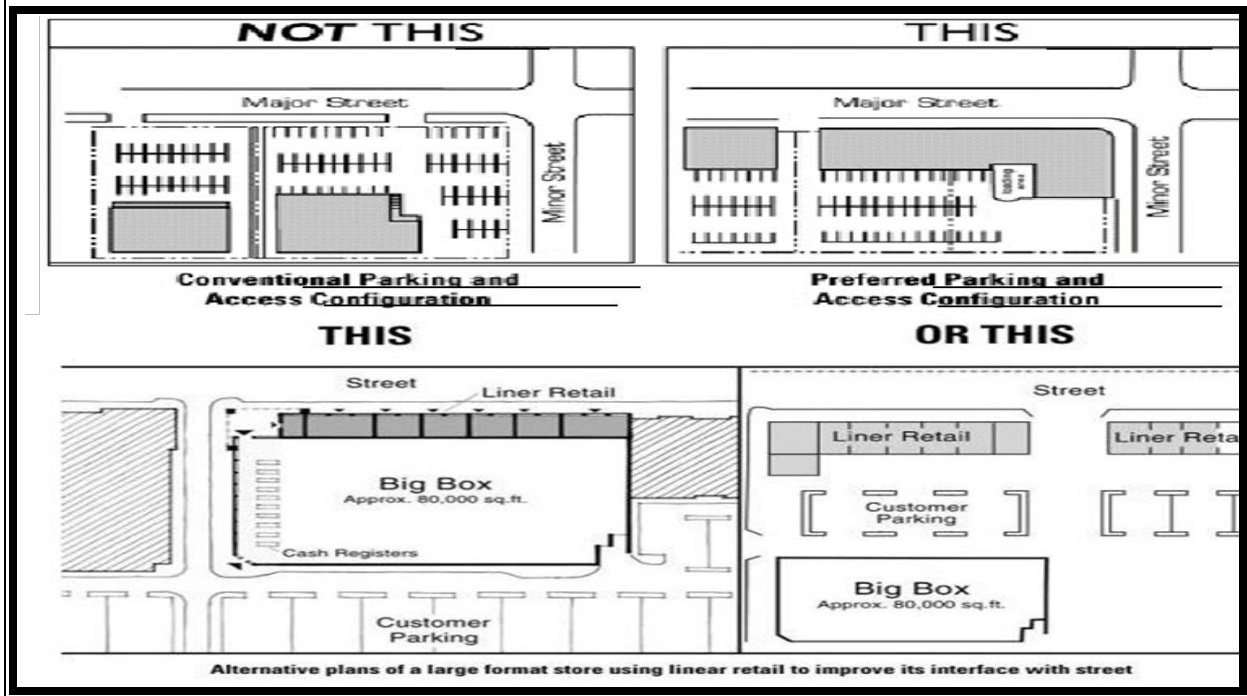
6.8.17 Parking.

The requirements of this Section supersede the parking requirements of Section 7.2 “Off-Street Parking, Loading and Stacking” regulations of the City’s Unified Development Code; however, all other requirements of Section 7.2 shall apply.

* * * * *

F. Rear Parking Allowance. Parking for non-residential uses fronting a Freeway, or Arterial right-of-way shall make every attempt to locate the new required parking spaces behind the rear façade of the principal building (Figs.6.8.17.F).

Figures 6.8.17.F.



1. Off-street surface parking areas constructed and located behind the principal buildings which are screened from the view of the ~~Freeway or Arterial Street, or Collector right-of-way~~ by the principal building shall be consistent with Section 7.3.11 and shall be required to install canopy trees with a minimum caliper of 2.5 inches every 30 linear feet of applicable street frontage. ~~exempt from the parking lot landscape screening requirements of the City's Landscaping Ordinance, except along the rear property line when a residential development is located across a street or abuts the rear parking lot.~~
2. For every parking space provided behind a principal building fronting an ~~Freeway or Arterial Street, or Collector~~ right-of-way, one parking space may be deducted from the total minimum number of parking spaces required onsite for the use (1:2 ratio, one rear parking space provided for every two spaces required onsite).
3. Where parking is provided behind the principal structure on ~~Freeway or Arterial Street, or Collector right-of-way~~, the front yard setback for the business or office may be reduced to a minimum of 10 feet, regardless of the requirements for the district in which it is located, provided that the front 10-foot yard of the business or office is supplied with a 10-foot pedestrian-friendly sidewalk.
4. All parking areas provided behind the principal use must be provided with safety lighting, in accordance with the lighting standards of the Illuminating Engineering Society of North America's (IESNA) "Guideline for Security Lighting for People, Property, and Public Spaces" and shall be shielded.

G. Parking Reduction: Parking relief may be granted by each or all of the following subsections Administratively by staff. Bicycle parking shall not account for more than 25% of the off-street parking requirements.

1. Low Impact Development features may be built and would reduce parking requirements in a 1 to 1 ratio measured by the typical square footage of a parking stall.
2. Cross access agreement or easements may be installed in the side or rear of the development and could result in a maximum reduction of 10 spaces.
3. Bicycle parking spaces may be installed to alleviate parking spaces if the development is located adjacent to a bicycle lane or off road bike path required in the bicycle mobility plan or adjacent to a street with an existing bike lane or existing off road bike path. The provision of the bicycle parking spaces can be used to reduce required parking up to 10% as follows:
 - a. Six short term bicycle parking spaces (bike racks) for every one vehicle space; and/or
 - b. Two long term bicycle parking spaces (bike storage lockers) for every one vehicle space.

G.H. At a minimum, the following parking shall be provided for a mixed use development:

1. Parking for medical, non-medical, retail, commercial, or professional office space shall be in accordance with the parking requirements of **Section 7.2.2.D**
2. Townhomes, brownstones, duplexes, live/work units and each apartment within a mixed-use building shall require a minimum of one off-street parking space per dwelling unit, with a maximum of two off- street parking spaces per unit, unless other requirements are provided under a Special Overlay District or other Development Concept Overlay District.

H.I. Parking Garage Structures. Where off-street parking facilities in above- grade structures are proposed within a Mixed Use Special Overlay development, the above grade structures shall comply with the following standards:

1. Where above-ground parking structures must front on an Arterial or Collector retail or commercial street, a continuous street-fronting ground level commercial, office, or institutional spaces and uses shall be provided, except at ingress and egress points into the structure and any required ventilation (Fig. 6.8.17.H.1).

* * * * *

§ 6.13 Streetscape Zone Standards

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6.13.2 Streetscape Zone and Pedestrian Amenities

* * * * *

G. Displays and Equipment.

1. Outdoor displays, sales, and service shall be permitted in accordance with the Municipal Code.

~~1. Outdoor displays, sales, and services (in connection with a vegetable stand, news stand, a permitted vendor, farmers market, café, or restaurant) may take place on an outdoor patio or sidewalk, provided that no display or sales shall be allowed to block the required 5-foot Clear Zone of the sidewalk.~~

~~2. The outdoor displays, sales, and service outlined under (G)(1) above shall require a Use Privilege Agreement with the City.~~

~~3. All booths, stalls, carts, outdoor display items or other equipment utilized for outdoor display, sales, or food and beverage service at the close of business each day shall be removed or immobilized and secured so as to prevent it from becoming a public safety hazard, nuisance or security risk.~~

~~4. **Roof-mounted equipment.** Roof-mounted equipment shall be completely screened from public views from the ground elevation.~~

* * * * *

§ 6.14.10 Zero Lot Line Development

6.14.10 Zero Lot Line Development

~~A. Zero lot line development is permitted within the Development Concept or Special Overlays, and with the exceptions provided under this Section, shall be developed in accordance with Section 4.3.5:~~

~~1. The setbacks required and where provided for under a Development Concept Overlay or a Special Overlays shall take precedence over the requirements of Section 4.3.5. Where setback requirements are not provided for, the setback requirements of Section 4.3.5 shall prevail.~~

~~2. Windows shall be permitted on the zero line side of dwelling units under a Development Concept Overlay or a Special Overlay, provided that the windows are not capable of being opened, and provided that the placement supports the privacy of the neighboring occupants on the abutting lot. The privacy standard must be met by through one or more of the following techniques:~~

~~a. Through strategic placement and spacing of the windows on the zero lot line side of the structure/building, by placing ground floor windows along zero setback property lines above sight lines, or placed where the windows face a wall of the neighboring building, without direct views into adjacent dwelling units and windows.~~

- b. ~~Window panes must be designed to provide semi- or complete opaqueness (block glass, stained glass, frosted glass), in order to provide some privacy from direct views into neighboring buildings through the spacing of windows (Figs. 6.14.10.A.2.b).~~
- c. ~~All windows located along the zero lot line wall must meet the City's Building and Fire Department Codes.~~

Figures 6.14.10.A.2.b. Block Glass & Stained Glass Windows



- B. Fences. ~~Fencing for Zero Lot Line Development shall be accordance with requirements of Section 9.5.9.~~

SECTION 7. UDC Article 7 “General Provisions”, Section 7.1 Access and Circulation, Subsection 7.1.7 Driveway Design Standards; Section 7.5 Signs, Subsection 7.5.15 Permanent Signs Allowed in the Business and Industrial Districts, Section 7.11 Neighborhood Mixed-Use (NMU) Development Standards; and Section 7.12 Adaptive Reuse Development Standards, Subsection 7.12.1 Purpose is amended by adding the following language that is underlined (added) and deleting the language that is stricken (deleted) as delineated below:

§ 7.1 Access and Circulation

* * * * *

7.1.7.A. Driveway Spacing

* * * * *

Note 3. Notwithstanding the spacing requirements listed, any property having 300 feet of frontage shall be allowed two driveways. The driveways shall be located in such a manner as to maximize the spacing between the driveways and driveways on adjacent properties.

a. Driveway Frequency. The number of non-residential driveway approaches for a given frontage shall comply with the design standards adopted herein and shall not exceed the following frequency:

<u>DRIVEWAY FREQUENCY</u>	<u>LOT FRONTAGE (per Roadway)</u>
<u>One Driveway</u>	<u>Up to 94’ of lot frontage</u>
<u>Two Driveways</u>	<u>95’ to 300’ of lot frontage</u>

b. Minimum Spacing. Minimum spacing between driveway approaches within the same property lines shall be as follows:

<u>TYPE OF DRIVEWAY</u>	<u>MINIMUM SPACING</u>
<u>Residential</u> <u>(on a Collector and Arterial Roadways)</u>	<u>25’</u>
<u>Non-Residential</u>	<u>25’</u>

The minimum spacing between driveway approaches shall be measured as the tangent curb length. Figure 1.

* * * * *

§7.5 Signs

* * * * *

7.5.15 Permanent Signs Allowed in the Business and Industrial Districts

The following freestanding and wall signs may be allowed in the business, professional office and industrial districts, including the overlay districts, except to the extent specifically modified by the rules in a particular district. Where the rules for a specific district deviate from these general rules, the specific deviation may be effective in that district, subject to its terms, but the remainder of the general rules in this Section may apply in that district.

* * * * *

C. Table of Sign Types

A sign type listed below is allowed as a permanent sign in any district which contains a “P” in the cell where the district intersects that sign type and prohibited in any district which contains an “NP” in the cell where the district intersects that sign type. Sign types allowed are further limited by height, size and other restrictions included elsewhere in this Section.

Table of Sign Types																	
	RM -AT	ON	CN -1	CN -2	CR -3	CR -1	CR -2	CG -1	CG -2	CI	CBD	BP	IL	IH	RV	CC	IC
Permanent Sign Types																	
Billboard (4)	NP	NP	NP	NP	NP	NP	NP	NP	NP	P	<u>NP</u>	<u>NP</u>	P	P	NP	NP	NP
Canopy or Marquee Sign (2)	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Monument Sign	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Pole Sign	NP	P	P	P	NP	NP	NP	P	P	P	P	P	P	P	P	P	P
Roof Sign	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	N	NP	NP	NP
Wall Sign (1)	P	P	P	P	P	P	P	P	P	P	NP	P	P	P	P	P	P
Other Characteristics																	
Manual Changeable Copy	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Automatic Changeable Copy (3)	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Whirling, Revolving	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	N	NP	NP	NP

Noise Producing

NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP
----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----

"P" in a cell means that the sign type or characteristic is allowed in that district, subject to additional dimensional and other standards set forth for individual districts;

"NP" in a cell means that the sign type or characteristic is not allowed in that district.

NOTES TO TABLE:

A.

1. For design standards for wall signs, see Subsection 7.5.3.
2. For design standards for canopy or marquee signs, see Subsection 7.5.9.
3. For design and operating standards for automatic changeable copy signs, see Subsection 7.5.12.
4. For standards for the size, location and replacement of billboards, see Subsection

* * * * *

§7.11 Neighborhood Mixed-Use (NMU) Development Standards

§ 7.11 Neighborhood Mixed-Use (NMU) Development Standards

7.11.1. Purpose and Intent.

~~The purpose of the standards for this Section is to provide for a mix of small to medium scale residential uses, with an emphasis on smaller commercial uses, within a multi-modal environment. The intent of these standards is to:~~

- ~~A. Allow for different types of compatible land uses close together in appropriate locations to shorten transportation trips and facilitate multi-modal development.~~
- ~~B. Encourage infill and redevelopment utilizing commercial, professional office, and residential mixed-use development within surrounding neighborhood uses.~~
- ~~C. Allow flexibility in development standards for residential mixed-use buildings that are similar in scale to surrounding residential development while providing storefront-style shopping streets.~~
- ~~D. Limit the size of any one commercial retail use to keep the scale of commercial activity appropriate to the surrounding area while providing services to local residential communities.~~

7.11.2. District Allowances.

~~A Neighborhood Mixed-Use building shall be a permitted use when constructed in the RS-6, RS-4.5, RS-TH, RS-TF, RM-1, RM-2, RM-3, ON, CN-1, CN-2, CR-2, and CR-3 Zoning Districts in accordance with the standards of this Ordinance.~~

7.11.3. General Standards.

- ~~A. Neighborhood Mixed-Use (NMU) development shall be defined for the purpose of this Ordinance as a small scale residential mixed-use development (e.g., a small market, dry~~

cleaner, small retail shop, etc., professional office, in combination with a single-family dwelling unit located above the non-residential use).

- B. ~~Neighborhood Mixed-Use building must be located on a corner lot and must have frontage and access onto a Arterial or Collector Street, as designated by the City's Urban Transportation Plan.~~
- C. ~~Lots contiguous to corner lots and fronting on an Arterial Street may also be developed for residential mixed uses where the underlying zoning district allows for non-residential uses, and when developed in accordance with this Ordinance (Figs. 7.11.3.C).~~



- D. ~~Only one Neighborhood Mixed-Use building is permitted per block. Two Residential Mixed-Use buildings per the same residential block may be permitted, only if the second mixed-use proposed offers a non-residential service that is not already present within the same block, and the same nonresidential use is not located within 1/3 mile from the proposed site and use (e.g. only one restaurant, one office, one gift shop, one barber shop per block).~~
- E. ~~Residential uses must be located above the nonresidential use, unless the entire unit is constructed as an accessible unit, in which case the residential area of the unit may be constructed behind, and attached to, the non-residential use area with adequate accessible access and parking provided behind the unit (Figs. 7.11.3.E).~~





F. The nonresidential portion of the Neighborhood Mixed Use building may not be divided from the residential area of the building through sale, rent, or leasing. The Neighborhood Mixed Use building shall be considered one unit.

G. The non-residential portion of a Neighborhood Mixed Use building may not exceed 50% of the building's total floor area.

H. The minimum size for each residential space in a Neighborhood Mixed Use building shall be 800 square feet. The maximum residential space within the structure must not exceed 1,500 square feet. The maximum floor area of the entire mixed use structure may not exceed 3,000 square feet.

- ~~I. The mixture of uses shall occur in the same building. The residential use shall not exceed the maximum number of dwelling units which would otherwise be permitted in the zoning district.~~
- ~~J. The conversion of any accessory structure to commercial use shall be prohibited.~~
- ~~K. Each residential portion of the Neighborhood Mixed Use building shall contain at least one owner, or family member of the owner, or an employee that works onsite for the owner, that resides onsite and operates a business within that unit.~~
- ~~L. The entire unit may be leased as one unit, only if the tenant operates the business portion of the building, and lives within the residential portion of the building.~~
- ~~M. No more than two additional employees (other than the onsite residents) residing outside of mixed-use building may be employed within the business portion of the building per shift.~~
- ~~N. Existing residential buildings may be redeveloped as a Neighborhood Mixed Use Building, provided that non-residential portion of the mixed use building is a permitted use listed under Section 7.11.6, and the structure meets the location requirements of this Section, and subject to the remaining standards of this Ordinance.~~
- ~~O. Neighborhood mixed-use structures shall be required to meet the City's Building Codes.~~
- ~~P. The non-residential portion of the mixed use building may not be used purely for storage. Storage of supplies may not occupy more than 10% of the non-residential space in the mixed use building.~~
- ~~Q. Properties located within an area or subdivision that fall under a Homeowner's Association or other managing entity must provide a written statement from the managing entity stating that they approve of the proposed Neighborhood Mixed Use development on the proposed site concurrently with the building application.~~

~~7.11.4. Minimum and Maximum Requirements.~~

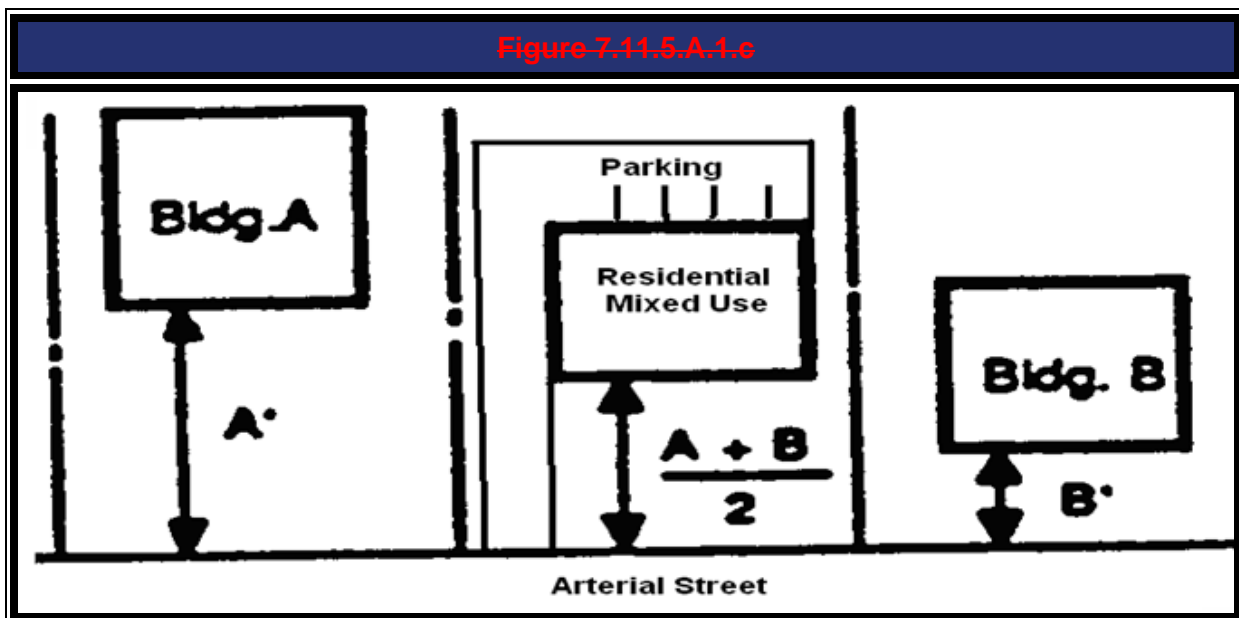
- ~~A. **Lot Area, Density, and Heights.** The minimum lot area, maximum density, and maximum height for a Neighborhood Mixed Use building shall be the same as permitted by the underlying Zoning District.~~
- ~~B. **Lot Width.** The minimum lot width for a Neighborhood Mixed Use development shall be the same width required by the Zoning District in which the proposed mixed-use development is located.~~
- ~~C. A Live-Work unit may be constructed on a nonconforming lot having a minimum width of 24 feet, when constructed in accordance with the Live-Work standards outlined under Section 6.14.7.~~
- ~~D. **Maximum Impervious Surface Allowance.** The entire Neighborhood Mixed Use building footprint may not exceed more than 70% of the entire lot, excluding parking areas.~~

~~7.11.5. Setbacks.~~

~~A. **Front Setbacks.**~~

~~1. **New Construction.**~~

- a. ~~Where a 5 to 10-foot sidewalk is present along an Arterial or Collector Street for a proposed Neighborhood Mixed Use development, the proposed building may have a 0-10-foot build-to line/front setback measured from the property line.~~
- b. ~~Where a sidewalk is not present along an Arterial or Collector Street, a sidewalk must be provided and designed in accordance with the dimensions proposed within the City's Urban Transportation Plan for the proposed development site and the standards of the American's with Disabilities Act Standards. The minimum front building ("build-to" line) setback shall then be measured from the property line for a distance of 0 to 10 feet.~~
- c. ~~The front yard setback of a proposed residential mixed use building on an interior lot where the district allows for a non-residential use, shall be the average of the setbacks of structures on abutting lots (Fig. 7.11.5.A.1.c).~~



~~A.~~

~~A.~~

- 2. ~~**Existing Structure Remodel.** The existing setback of an existing building shall be permitted to remain. The sides of existing porches and stoops may be enclosed only by screens.~~

~~**B. Side and Rear Yards Setbacks.**~~

- 1. ~~The street side yard shall measure a width of within 1 to 5 feet of the existing depth of the adjacent front yard fronting on the Collector or side street (lot or structure located behind the proposed mixed-use building).~~
- 2. ~~The non-street side yard must be a minimum of 5 feet, with exception of Neighborhood Mixed Use development proposed within the CN-2 Zoning District, in which case a 10-foot side yard shall be required if a mixed-use development is proposed within or adjacent to a residential district.~~

7.11.6. Permitted Commercial, Professional Office, and Civic Uses.

A. The following non-residential uses shall be permitted within a Neighborhood Mixed-Use development:

Table 7.11.6.A
Neighborhood Mixed Use (NMU) Non-Residential Permitted Uses
Adult Day-Care Centers
Art Studios, Artists and Artisans, Associated retail sales (excluding tattoo parlors)
Bakeries, Patisseries, Chocolates, are allowed when the primary use is Retail Sales and Services
Beautician Salons & Barbers (excluding nail care)
Bed & Breakfast Home (no allowance for special events)
Bicycle Sales and Rentals
Cafes and Bistros (no alcohol sales, unless permitted by district)
Child Day Care Centers
Civic/Government Office Uses
Computer Software and Multimedia Related Professionals
Drycleaners (drop-off, pick-up only, no drive-thru)
Farmers Market Retail Stand
Fashion, Graphic, Interior and Other Designers
Florist
Home Occupations
Ice Cream Parlors
Laundromats
Mail & Packaging Centers
Neighborhood Market (no fueling sales)
Neighborhood Pharmacy
Non-Medical Offices
Nutritional Sales
Physical Fitness Gyms, Dance, Martial Arts Studios
Professional Services (including, attorneys, accountants, insurance sales, barbers, travel agency, consultant firms, engineers, architectural firms, and similar uses)
Real Estate Offices
Repair & Sales/Services, conducted entirely within a building; (computer, plumbing, locksmith, shoe repair, but not including auto repair, detailing, tire service, auto body painting, or similar automotive or truck uses)
Restaurants, Food & Beverage Service, (sit-down or take-out services permitted, alcohol service only where district permits, no drive-throughs)

Table 7.11.6.A

Neighborhood Mixed Use (NMU) Non-Residential Permitted Uses

~~Retail Sales, including Boutiques, Delicatessens, Video/Game Rentals, Cell Phone Sales, Musical Instrument Sales/Repair, Fruit & Vegetable Sales, Automotive Parts (no service of vehicles or bays onsite), Crafts, Hardware, Home Décor, News &~~

~~Books, Jewelry/Repair & Sales, Sporting Goods, Optical, Office Supplies, Greeting Cards, Antiques~~

~~School Tutoring Services~~

~~Tailor/Seamstress/Dressmaking~~

~~Senior Activity Centers~~

7.11.7. Design Standards.

- ~~A. Ground level non-residential uses shall provide large display windows along a minimum of 40% of their horizontal length (black, mirrored, or other opaque surfaces cannot be used). Display windows shall be transparent to the extent that the window allows views into and out of the interior.~~
- ~~B. Display windows and doors should be framed/trimmed.~~
- ~~C. At no time shall building windows fronting or within view of a public street be boarded up, except in cases of weather emergency preparation.~~
- ~~D. No permanently installed burglar bars shall be visible from any public street. The ground floor nonresidential portion of a Neighborhood Mixed Use building may install fully retractable metal security screening or storm shutters that secure windows and doors when the nonresidential portion of the mixed use building is not open for business, and must not be visible during business hours (Figs. 7.11.7.D).~~

Figures 7.11.7.D. Permitted Security Screening.



Figures 7.11.7.D. Permitted Security Screening.



- ~~E. All buildings with a flat roof should have a decorative cornice at the top of the building; or eaves when the building is designed with a pitched roof.~~
- ~~F. The principal entrance of the Neighborhood Mixed Use building shall be oriented toward the street.~~
- ~~G. The nonresidential and residential uses within the same structure shall be permitted to share a common principal entrance within a Neighborhood Mixed Use.~~
- ~~H. There shall be no outside display of goods and/or services unless a 10-foot sidewalk width is provided, and any display or service does not encroach upon the required 5-foot pedestrian Clear Zone of the sidewalk. (A Use Privilege Agreement and fee may be required by the City).~~

7.11.8. Sidewalks.

- ~~A. Sidewalks must be provided along all Arterial and Collector Streets for all Neighborhood Mixed Use buildings, and constructed in accordance with the American's with Disabilities Act Standards.~~
- ~~B. If an existing structure located along an Arterial or Collector Street is being remodeled as a Neighborhood Mixed Use, an accessible sidewalk must be present or constructed along the street front.~~
- ~~C. The sidewalk width must be constructed in accordance with the width dimensions proposed within the City's Urban Transportation Plan for the site.~~

7.11.9. Access.

- ~~A. Where access is currently available to a proposed Neighborhood Mixed Use development site the access shall be permitted to remain, provided that the parking location requirements of **Section 7.11.10** below are met.~~

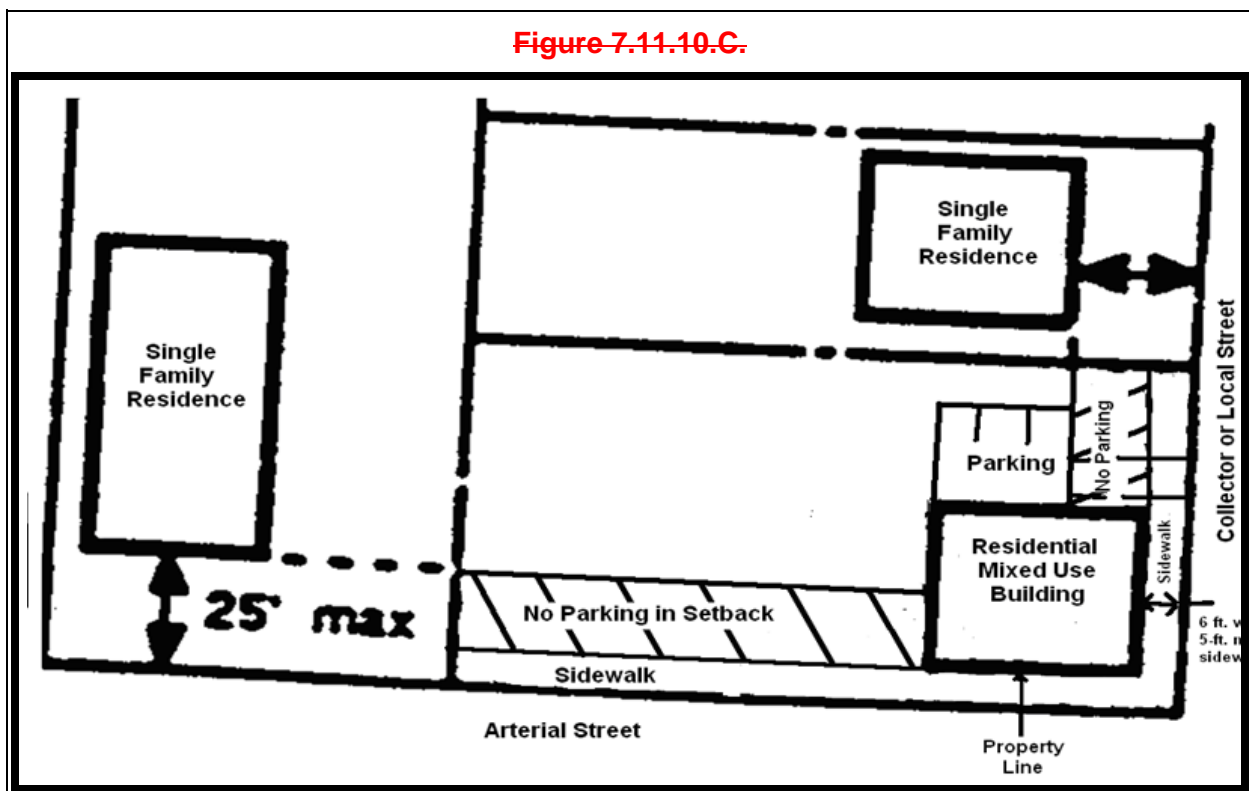
~~B. Drive-in/through facilities shall be prohibited within a Neighborhood Mixed Use development.~~

7.11.10. Parking

~~A. Parking for a residential mixed-use project is only permitted in the non-street yard side or rear yard of the mixed-use structure.~~

~~B. Although the Neighborhood Mixed Use building requires direct pedestrian access from the principal entrance to the public sidewalk and parking area in accordance with the American's with Disabilities Act Standards, may be provided in the rear or non-street yard side of the building.~~

~~C. On corner lots, parking shall not be allowed in the area extending from the property line to a line which is parallel to the front facade of the principal structures on the abutting lots, not to exceed 25 feet in depth (Fig. 7.11.10.C)~~



~~D. There shall be a minimum of two and a maximum of three parking spaces for the non-residential portion of the mixed-use building, plus a minimum of one off-street parking space, with a maximum of two off-street parking spaces for the residential portion of the mixed-use building.~~

7.11.11. Streetscape Zone

~~A. A full Streetscape Zone shall not be required for a Neighborhood Mixed Use building; however, flower planters or window boxes must be provided to promote an inviting pedestrian atmosphere (Figs 7.11.11.A).~~

Figures 7.11.11.A



~~B. **Fencing and Screening.** It is the intent of this Ordinance that the non-residential use within the Neighborhood Mixed Use is compatible with the existing and adjacent residential neighborhoods, therefore a solid screening fence shall not be required between a residential mixed use building and adjacent residential structures and districts; however, vehicular screening shall be provided utilizing one of the following methods for each parking location:~~

~~1. **Rear Yard.** Vehicular screening shall not be required for parking areas located behind the structure, but must be provided along the rear property line where a residential home exists adjacent to the proposed mixed use building. Screening shall be provided through one of the following methods:~~

~~a. Dense landscaping shrubs or hedges (minimum 3 gallon container) that shall be maintained to a height of from 5 feet to 6 feet, as measured from the elevation of the vehicular use area~~

~~b. A solid fence measuring no less than 5 feet and no greater than 7 feet in height.~~

~~2. **Non-Street Side Yard.** Parking located within the non-street side yard must be screened from the public right-of-way through one or more of the following methods:~~

~~a. Hedges (minimum 3 gallon container) that shall be maintained to a height of from 24 to 36 inches as measured from the elevation of the vehicular use area~~

~~b. A solid decorative wall not less than 3 feet in height, and not exceeding 4 feet in height.~~

~~3. Fencing of any type shall not be permitted along the front property line or along an Arterial or Collector Street; however, decorative iron fences no greater than 5 feet in height and providing 50% or more transparency are acceptable, excluding chain-link fencing.~~

~~4. Fencing may not intrude upon, or open onto, any portion of the pedestrian sidewalk.~~

~~C. Awnings are permitted and encouraged in accordance with Section 6.13.1.D.~~

~~D. **Signs.** Signs for a neighborhood mixed use shall be permitted and limited to the following options:~~

- ~~1. Attached, commercially-prepared painted wall signs not exceeding 32 square feet in area may be mounted on a building wall, only one sign shall be permitted per building wall/façade. All wall signs must be attached flat against the wall of the building.~~
- ~~2. Address signs not exceeding 2 square feet in area.~~



~~3. Non-illuminated sandwich board signs or A-frame signs, provided they are not located within the 5-foot Pedestrian Clear Zone along a sidewalk.~~



~~4. Hanging and wall-mounted blade signs not exceeding 4 square feet in area, provided that the signs shall not project more than 4 feet from the building or one-third of the sidewalk width, whichever is less.~~



~~5.—All signs shall meet a minimum vertical clearance of 7 feet.~~

~~E.— **Lighting.** Lighting provided for the structure shall not be directed at the neighboring residential uses and shall be shielded from spillover.~~

~~F.— **Solid Waste Disposal.** All solid waste materials shall be kept in residential waste containers behind the mixed use building. Dumpsters are not permitted onsite.~~

~~G.— Accessory structures onsite are not permitted to be used for commercial purposes.~~

~~H.— Outdoor displays and storage other than vegetation planters shall not be permitted onsite.~~

~~**7.11.12. Hours of Operation.**~~

~~Businesses within a mixed use must provide reasonable hours of operation that are compatible with the neighboring residential uses. Hours of operation are limited to 7:00 a.m. to 9:00 p.m. daily.~~

§7.12 Adaptive Reuse Development Standards

7.12.1 Purpose.

The purpose of the Adaptive Reuse Development Standards is to revitalize areas of the City's downtown ~~areas~~districts (and any other pre-determined or targeted area) by facilitating the conversion of older, economically distressed, or historically significant buildings ~~consisting of residential or tourist uses mixed with Commercial, Professional Office, Civic uses, including apartments, Live-Work units, multiple-family residences, and tourist-based facilities.~~ This will help to reduce vacant space as well as encourage the development of a ~~diverse~~residential community downtown and rehabilitate buildings within once thriving culturally significant areas of the City ~~other blighted areas of the City, thus creating a more balanced ratio between housing and jobs in the region's primary employment centers.~~ Rehabilitation (Historic) is defined as encompassing all construction work classified by the US

census as “alterations”, such as façade construction, major roof repair, or room alterations.

* * * * *

SECTION 8. UDC Article 8 “General Provisions”, Section 8.2 Design Standards, Subsections 8.2.1 Streets and 8.2.2 Sidewalks; Section 8.4 City Participation in Streets and Drainage Crossings, Subsection 8.4.1 Streets; and Section 8.5 Trust Fund Policy, Subsections 8.5.1 Water Trust Fund, 8.5.2 Wastewater Trust Fund and 8.5.3 Stormwater Trust Fund is amended by adding the following language that is underlined (added) and deleting the language that is stricken ~~(deleted)~~ as delineated below:

§8.2 Design Standards

* * * * *

8.2.1. Streets

All streets shall, at a minimum, be designed and installed in accordance with the Comprehensive Plan, applicable area development and master plans, the approved Mobility Plan, and the Design Standards.

1. Streets shall be designed for a 30-year life in accordance with the American Association of State Highway Transportation Officials (AASHTO) Guide for Design of Pavement Structures (“the AASHTO Design Guide”) 1993 Edition and supplements, unless a later edition of the AASHTO Design Guide is required by the Design Standards under the latest edition of the Infrastructure Design Manual and supplements.
2. Streets shall be designed and installed in accordance with the approved Mobility Plan.
3. Streets shall be designed and installed to meet the requirements of the Design Standards.
4. In the event of any conflicts between the Design Standards and any edition or supplement to the AASHTO Design Guide, the Design Standards prevail.
5. Where the required street improvements are encompassed entirely within the proposed development, the developer will be considered responsible for the entire width of street improvements, up to and including that of a residential collector.

* * * * *

8.2.1.K. Off-site Improvements

1. Where any street forms part of the boundary of a subdivision and some part of the width of said street has been dedicated or committed to dedication, the developer shall be required to dedicate such additional land necessary to provide one-half of the street width required in the Urban Transportation Plan.
2. Where the required street improvements are not encompassed entirely within the proposed development, the developer will be considered responsible for one-half of the width of street improvements, up to and including those required for a residential collector.

8.2.2. Sidewalks

* * * * *

B. Waivers ~~Exceptions~~ for Required Sidewalk Improvements

1. A waiver may be granted by the Planning Commission to the standard in paragraph 8.2.2.A in accordance with paragraph 3.8.3.D. ~~and only when the following conditions are satisfied:~~

- ~~1. Sidewalks shall not be required along each side of a street right-of-way where such street is a permanent dead-end street and where there is pedestrian access from the permanent dead-end street to a paved hike and bike trail. In such instance, a sidewalk only shall be required on one side of the street right-of-way.~~
- ~~2. Sidewalks shall not be required along street rights-of-way where each lot fronting on such street has direct access from the side or rear to a paved hike and bike trail.~~
- ~~3. Sidewalks shall not be required for residential subdivisions in the Farm Rural and Residential Estate zoning districts.~~
- ~~4. Sidewalks adjacent to private streets may be allowed to be placed on only one side of the street if the sidewalk width is 6 feet or greater and approved by the Assistant City Manager of Development Services.~~

C. Administrative Exceptions for Sidewalk Improvements

An administrative exception may be granted to the standard in paragraph 8.2.2.A only when the following conditions are met:

1. Sidewalks shall not be required along each side of a street right-of-way where such street is a permanent dead-end street and where there is pedestrian access from the permanent dead-end street to a paved hike and bike trail. In such instance, a sidewalk only shall be required on one side of the street right-of-way, or
2. Sidewalks shall not be required along street rights-of-way where each lot fronting on such street has direct access from the side or rear to a paved hike and bike trail, or
3. The lot is a minimum of 22,000 square feet and zoned Farm Rural or, Residential Estate, or
4. Sidewalks adjacent to private streets may be allowed to be placed on only one side of the street if the sidewalk width is 6 feet or greater, or
5. Sidewalk construction is not required if all the following conditions are met:
 - a. The lot does not front on, and is not adjacent to, a right-of-way, street, alignment, or corridor that is designated on:
 - i. The Urban Transportation Plan (UTP) of Thoroughfare Plan, or has a right-of-way width greater than 50 feet, or
 - ii. the MobilityCCPlan, including the Trails Master Plan (HikeBikeCC) and the ADA Master Plan, or-

- iii. the Corpus Christi Metropolitan Planning Organization's (MPO) Strategic Plan for Active Mobility, or
- iv. any other plan that designates sidewalks or active transportation improvements;
- b. The lot is zoned Farm Rural, Residential Estate or Single-Family Residential RS-4.5, RS-6, RS-10, RS-15, RS-22, or Single Family Residential Two Family (RS-TF);
- c. There are no existing or planned sidewalks on adjacent lots;
- d. At least 75% of the block face (lots fronting on the same side of the street as the subject plat) is improved, as measured by the number of lots, or, by the linear footage of the block face, and does not have sidewalks.

* * * * *

§8.4 City Participation in Streets and Drainage Crossings

8.4.1. Streets

A. All Streets

1. City participation funds may be used to fund street projects and ROW or other improvements. City participation will be limited to a 30 percent reimbursement rate for the construction of improvements. The oversizing of improvements, at the request of the City, may be eligible for a reimbursement rate not exceed 100 percent of the cost for the required oversizing as outlined in this section.

~~Where the Urban Transportation Plan or project specific traffic analyses indicate the need to construct new streets or reconstruct existing streets to a level higher than that of a residential collector, the City may pay additional construction costs with regard to right of way dedication, pavement thickness and street width greater than those of a minor residential collector street cross-section, provided that all of the following conditions are satisfied:~~

- ~~2.~~ Participation shall comply with Texas Local Government Code §212.071 et seq.
3. The developer shall submit the Public Improvement Package to Development Services for review and acceptance.
- ~~24.~~ The developer shall submit a ~~reimbursement~~ infrastructure participation application, including all cost-supporting documentation, to ~~the Assistant City Manager of~~ Development Services ~~before approval of the construction plans;~~
- ~~35.~~ ~~No reimbursement shall be made unless, before any construction begins, the reimbursement application and an~~ The infrastructure participation agreement must be have been approved by the City Council after certification that the necessary reimbursement money is fully available as required by Texas Constitution, Article 11, § 5 and City Charter, Article IV, § 7; before any construction begins;
6. The Developer/Owner shall, before the agreement is executed by the City, furnish a

performance bond if the contract is in excess of \$100,000 and a payment bond if the contract is in excess of \$50,000. Bonds furnished must meet the requirements of Texas Insurance Code 3503, Texas Government Code 2253, and all other applicable laws and regulations.

- ~~1. The reimbursement shall be made available after the City Council approves the reimbursement;~~
- ~~2. No construction shall begin until the Assistant City Manager of Development Services has approved the construction plans in accordance with Subsection 3.8.4; and~~
- ~~3. Where the required street improvements are encompassed entirely within the proposed development, the developer will be considered responsible for the entire width of street improvements, up to and including that of a residential collector.~~

~~B. Off-Site Improvements~~

- ~~1. Where any street forms part of the boundary of a subdivision and some part of the width of said street has been dedicated or committed to dedication, the developer shall be required to dedicate such additional land necessary to provide one-half of the street width required in the Urban Transportation Plan.~~
- ~~2. Where the required street improvements are not encompassed entirely within the proposed development, the developer will be considered responsible for one-half of the width of street improvements, up to and including those required for a residential collector.~~

C.B. Drainage Crossings

Where crossings over drainage ways are necessary, the developer shall be required to construct the crossings at its expense if the ultimate bottom width of the drainage way does not exceed 15 feet. If two or more developers own property adjacent to the drainage way, they shall deposit an equal share of the estimated cost of the bridge or crossing. The crossing shall be constructed when all developers involved have deposited their share of the money for the construction. The City shall participate in the cost of construction of any drainage way crossing if the ultimate bottom width of the drainage way exceeds 15 feet, the side slope is approved by the Assistant City Manager of Development Services and the following conditions are satisfied:

1. Before construction begins, available funds shall be appropriated and certified and the City Council shall authorize an infrastructure participation agreement.
2. Participation shall comply with Texas Local Government Code §212.071 et seq. The participation shall be an amount determined by multiplying a fraction comprised of the ultimate bottom width less 15 feet divided by the ultimate bottom width and the applicable construction costs. The City shall not under any condition participate in the cost of construction of any drainage way crossing if the ultimate bottom width of the drainage way is 15 feet or less; nor will the City participate in an amount greater than the amount determined by the above formula if the property on one side is an existing street or any other public property; nor will the City participate if the bridge is located outside the City limits. In estimating the total cost of construction for bridge crossings, the plans shall include the structure, headwalls, retaining walls, embankments, roadways, pavement, curbs and gutter,

sidewalk, railing and related drainage structures, testing and engineering and related project expenses within the drainage right-of-way excluding 10 feet of improvements on each outside edge of the right-of-way.

3. All engineering work shall be performed by the developer's Texas licensed professional engineer and approved by the Assistant City Manager of Development Services. Participation by the City shall be limited to the total costs (inclusive of engineering fees) for the improvements required by the City. Anything in excess or more elaborate than the City's requirements will be at the developer's sole expense.

C. Other Public Improvements

Other public improvements may be considered for funding if they are consistent with the comprehensive plan or utility master plans and implement city initiatives including but not limited to incentivizing affordable or work force housing, walkable communities, mixed use projects in an area development plan designated for mixed use development, redevelopment of vacant buildings; streetscape enhancements along UTP streets, and rehabilitation of buildings with local, state or national historic designations.

§8.5 Trust Fund Policy

8.5.1 Water Trust Fund

8.5.1.A. Purpose

The purposes of the Water Trust Fund are:

1. To encourage the orderly development of subdivisions within and surrounding the City;
2. To establish an equitable system of spreading the cost of water line extensions required for development pursuant to the Water Master Plan;
3. To establish an equitable system that can be effected by the establishment of trust funds to be administered by the City for the purpose of carrying out orderly water line extensions; and
4. To establish a system of credits and reimbursements for developer- installed water line extensions meeting the Water Master Plan when the developer is a non-taxing entity that is contributing acreage or lot fees under this Unified Development Code. Water infrastructure funded by Tax Increment Financing, Special Assessment District, or other public financing is ineligible for water trust fund reimbursement, unless approved by City Council.
5. The Developer/Owner shall, before the agreement is executed by the City, furnish a performance bond if the contract is in excess of \$100,000 and a payment bond if the contract is in excess of \$50,000. Bonds furnished must meet the requirements of Texas

Insurance Code 3503, Texas Government Code 2253, and all other applicable laws and regulations.

6. In order to request funds for reimbursement from the Trust Funds a reimbursement agreement application shall be submitted and include the following: planning commission approved plat, public improvement plans, cost estimate, application fee, and must be deemed complete before a date for City Council consideration will be scheduled.
7. City Council may, after a public hearing, transfer monies from one trust fund to the other in order to better carry out the purposes of this Unified Development Code. Water trust funds may be transferred to water or wastewater trust funds.
8. Once every two years, City Council shall review the adequacy of all fees and charges established herein and the sufficiency of the trust funds, and may, after a public hearing, adopt a new schedule of fees and charges.
9. Once every two years or as requested, City staff shall brief City Council on the fiscal status of the Trust Funds.

* * * * *

8.5.1.C. Credits and Reimbursements

* * * * *

2. Distribution Main Extensions

When a subdivision, single lot, or tract is developed within an existing grid or in the adjacent grid area, but is not adjacent to the grid main, the extension of a water line may be made to serve the property either by the City or the developer if such extension is necessary to meet the Water Distribution System Standards. The maximum extension shall be limited to one-half mile (2,640 feet). ~~or, if~~ if the fee value of the property does not equal 50% of the off-site extension cost, the extension will not be made unless the developer provides the difference between the fee value and up to 50% of the off-site extension cost, which difference shall be non-reimbursable.

* * * * *

~~4. Review of Funds~~

~~The City Council may, after a public hearing, transfer monies from one trust fund to the other in order to better carry out the purposes of this Unified Development Code. Water trust funds may be transferred to water trust funds or wastewater trust funds.~~

~~Once every two years, the City Council shall review the adequacy of all fees and charges established herein and the sufficiency of the trust fund and may, after a public hearing, adopt a new schedule of fees and charges.~~

45. Exemptions

* * * * *

56. Exemption for Certain Padre Island Properties

* * * * *

8.5.2 Wastewater Trust Fund

8.5.2.A. Purpose

The purposes of the Wastewater Trust Fund are:

1. To encourage the orderly development of subdivisions within and surrounding the City;
2. To establish an equitable system of spreading the cost of wastewater line extensions required for development pursuant to the Wastewater Master Plan;
3. To establish an equitable system that can be effected by the establishment of trust funds to be administered by the City for the purpose of carrying out orderly wastewater line extensions; and
4. To establish a system of credits and reimbursements for developer- installed wastewater line extensions meeting the Wastewater Master Plan when the developer is a non-taxing entity that is contributing acreage or lot fees under this Unified Development Code. Wastewater infrastructure funded by Tax Increment Financing, Special Assessment District, or other public financing is ineligible for wastewater trust fund reimbursement, unless approved by City Council.
5. The Developer/Owner shall, before the agreement is executed by the City, furnish a performance bond if the contract is in excess of \$100,000 and a payment bond if the contract is in excess of \$50,000. Bonds furnished must meet the requirements of Texas Insurance Code 3503, Texas Government Code 2253, and all other applicable laws and regulations.
6. In order to request funds for reimbursement from the Trust Funds a reimbursement agreement application shall be submitted and include the following: planning commission approved plat, public improvement plans, cost estimate, application fee, and must be deemed complete before a date for City Council consideration will be scheduled.
7. City Council may, after a public hearing, transfer, monies from one trust fund to the other in order to better carry out the purposes of this Unified Development Code. Wastewater trust funds may be transferred to water or wastewater trust funds.
8. Once every two years, City Council shall review the adequacy of all fees and charges established herein and the sufficiency of the trust funds, and may, after a public hearing, adopt a new schedule of fees and charges.
9. Once every two years or as requested, City staff shall brief City Council on the fiscal status of the Trust Funds.

* * * * *

8.5.2.E. Credits and Reimbursements

1. Wastewater Trunk Line Extensions

In the event the trunk line system is not in place when required for development, the developer may install that portion of the trunk line system necessary to meet the established design standards.

* * * * *

e. Deferred Reimbursement

If the developer is owed funds from the Wastewater Trunk System Trust Fund reimbursement shall be made as funds are deposited into the trust fund from other development and/or, the developer will be given credit for lot or acreage fees that are due on subsequent final plats filed with the County Clerk. The amounts credited will be deducted from the outstanding amounts owed to the developer by the Wastewater Trunk System Trust Fund until the total amount owed has been paid, provided that the lands being platted are within or contiguous to the boundaries of the preliminary plat of the originally developed property, the land will be served by the wastewater trunk line for which the credit was given, and an extension of the trunk line was not required to serve the land.

* * * * *

2. Collection Line Extensions

When a subdivision, single lot, or tract is developed within an area where the Assistant City Manager of Development Services has determined that a collection line will serve such area, the extension of a collection line may be made to serve such property either by the City or the developer. Maximum developer reimbursement will be limited ~~for such off-site extensions~~ to 50% ~~of the mathematical product obtained by multiplying the off-site average pipe diameter in inches by the acreage or lot fee value of the property~~ of the off-site extension cost.

* * * * *

e. Deferred Reimbursements

If developer is owed funds from the Collection Line Trust Fund reimbursement shall be made as funds are deposited into the trust fund from other development and/or, subsequent lot or acreage fee credits from subsequent final plats filed with the County Clerk, which lands are within or contiguous to the boundaries of the preliminary plat of the originally developed property and which will be served by the wastewater collection line for which the original credit was given but will not be served by any trunk or collection line extension, may be credited to the outstanding amounts owed to the developer by the Collection Line Trust Fund until the total amount owed has been paid regardless of the order reimbursement.

* * * * *

3. Wastewater Trunk Force Main Extensions

If a trunk force main system is not in place when required for development, the developer may install that portion of the trunk force main system necessary to meet currently adopted Wastewater standards and shall comply with the current adopted Wastewater Master Plan

* * * * *

e. Deferred Reimbursement

If the developer is owed funds from the Wastewater Trunk System Trust Fund reimbursement shall be made as funds are deposited into the trust fund from other development and/or, the developer will be given credit for lot or acreage fees that are due on subsequent final plats filed with the County Clerk. The amounts credited will be deducted from the outstanding amounts owed to the developer by the Wastewater Trunk System Trust Fund until the total amount owed has been paid, provided that the lands being platted are within or contiguous to the boundaries of the preliminary plat of the originally developed property, the land will be served by the trunk force main for which the credit was given, and an extension of the trunk force main was not required to serve the land.

* * * * *

4. Wastewater Lift Station Installations

If a wastewater lift station is not in place or one that is in place is inadequate when required for development, the developer may install or upgrade the lift station to meet adopted City wastewater standards.

* * * * *

e. Deferred Reimbursement

If the developer is owed funds from the Wastewater Trunk System Trust Fund reimbursement shall be made as funds are deposited into the trust fund from other development and/or, the developer will be given credit for lot or acreage fees that are due on subsequent final plats filed with the County Clerk. The amounts credited will be deducted from the outstanding amounts owed to the developer by the Wastewater Trunk System Trust Fund until the total amount owed has been paid, provided that the lands being platted are within or contiguous to the boundaries of the preliminary plat of the originally developed property, the land is served by the lift station for which the credit was given, a new lift station additional trunk line extension was not required to serve the land, and the new development

did not require the modification or expansion of the lift station serving the land.

* * * * *

8.5.2.I. Review of Funds

~~The City Council may, after a public hearing, transfer monies from one trust fund to the other in order to better carry out the purposes of this Unified Development Code. Wastewater trust funds may be transferred to wastewater trust funds or water trust funds. Once every two years, the City Council shall review the adequacy of all fees and charges established herein and the sufficiency of the trust funds, and may, after a public hearing, adopt a new schedule of fees and charges.~~

8.5.3 Stormwater Trust Fund

8.5.3.A. Purpose

~~The purposes of the Storm Water Trust Fund are:~~

- ~~1.To encourage the orderly development of subdivisions within and surrounding the City;~~
- ~~2.To establish an equitable system of spreading the cost of storm water collector extensions required for development pursuant to the Storm Water Master Plan;~~
- ~~3.To establish an equitable system that can be effected by the establishment of trust funds to be administered by the City for the purpose of carrying out orderly storm water collector extensions; and~~
- ~~4.To establish a system of credits and reimbursements for developer installed storm water collector extensions meeting the Storm Water Master Plan when the developer is a non-taxing entity that is contributing acreage or lot fees under this Unified Development Code.~~

8.5.3.B. Payment of Fees

- ~~1.Before any unit of a subdivision, or single lot, or tract is completed and the final plat recorded, the lot or acreage fee, whichever is greater, shall be paid prior to the subdivision plat being recorded.~~
- ~~2.Lot, acreage, and surcharge fees will be deposited into the Storm Water Collector Trust Fund for use in over-sizing and constructing storm water collectors, and reimbursing developers for constructing storm water collectors.~~
- ~~3.All fees and charges will be indexed to the August Construction Index published in the Engineering News Record and adjusted September 1 each year.~~

8.5.3.C. Credits and Reimbursements

1. Storm Water Collector Extensions

~~In the event the storm water collector is not in place when required for development, prior to final plat recordation the developer shall install that portion of the storm water collector necessary to meet the Storm Water Master Plan.~~

~~2.Credits~~

~~If the developer installs the storm water collector, the developer shall be credited for the actual installation cost up to the amount of his lot or acreage fee, provided an application for credit, including~~

~~all cost supporting documentation, has been submitted to the Assistant City Manager of Development Services prior to the installation of such collection main and is approved.~~

~~3.Reimbursement~~

~~If the developer installs the storm water collector and the developer's cost for installation is greater than the lot or acreage fee, the developer shall be reimbursed (less any lot or acreage fee credits) from funds available from the Storm Water Collector Trust Fund for that portion of the storm water collector installed by the developer.~~

~~Provided, however, in order to be reimbursed as set forth in this subsection:~~

~~a.The developer shall submit an application before developer starts construction.~~

~~b.If the location or size of the developer's proposed storm water collector is not consistent with the City's Storm Water Master Plan for the drainage basin, the developer's application for reimbursement may not be considered until an amendment to the Storm Water Master Plan has been approved by the City Council. The developer shall prepare and submit a draft amendment to the Storm Water Master Plan to the Assistant City Manager of Development Services if such is required. If the Assistant City Manager of Development Services approves the proposed amendment, the amendment shall be submitted to the Planning Commission for its recommendation and to the City Council for consideration.~~

~~4.Plan Amendments and Submission Requirements~~

~~The submissions for draft amendments to the Storm Water Master Plan shall address the current availability of related infrastructure (including water and wastewater service and roads constructed to the standards in the Urban Transportation Plan) at the site of the proposed development and all tracts of land that will be served by the proposed storm water collector. The draft amendment to the applicable Storm Water Master Plan should contain a recommended sequencing of construction of related storm water major drainage channels and storm water collector systems.~~

~~5.Payment and Priority of Reimbursement~~

~~A storm water collector construction and reimbursement agreement must be approved by the City Council before the developer starts construction. The reimbursement only shall be made when monies are available in and appropriated from the Storm Water Collector Trust Fund. The order of reimbursement will be determined according to the date the storm water collector system construction and reimbursement agreement is approved by the City Council.~~

~~6. Deferred Reimbursement~~

~~If an developer is owed funds from the Storm Water Collector Trust Fund, the developer will be given credit for lot or acreage fees that are due on subsequent final plats filed with the County Clerk, and the amounts credited will be deducted from the outstanding amounts owed to the developer by the Storm Water Collector Trust Fund until the total amount owed has been paid, if the following conditions are met:~~

~~a. The lands being platted are within or contiguous to the boundaries of the preliminary plat of the originally developed property;~~

~~8.5.3.D. The land will be served by the storm water collector for which the credit was given; and c. An extension of the storm water collector was not required to serve the land.~~

~~Review of Funds~~

~~Once every two years, the City Council shall review the adequacy of all fees and charges established in Subsection 8.5.3.B and the sufficiency of the Storm Water Collector Trust Fund and may, after a public hearing, adopt a new schedule of fees and charges.~~

~~8.5.3.E. Exemptions~~

~~The following categories of property are exempt from the lot or acreage fees of this Section:~~

~~1. When the lot or acreage fees have been paid through platting for property and such property for which fees have been paid is replatted, an additional lot or acreage fee will not be paid except that, if at the time of replatting, the land use has changed to where the higher lot or acreage fee applies, the developer will then pay the City the difference in such higher and lower fee rate.~~

~~2. Government subdivisions, being defined as federal, state, county, or municipal entities and their subsidiary or affiliate corporations, whose operation is funded by collection of taxes, including sales tax, property tax, income tax, and other forms of taxes as may be established and accessed by such government subdivisions, shall be exempt from payment of acreage fees and surcharge fees described herein. Entities exempt from payment of said fees shall be prohibited from receiving reimbursement from any fund established as a depository of such fees.~~

~~8.5.34. Replatted Property~~

~~* * * * *~~

SECTION 9. UDC Article 9 “General Provisions”, Section 9.2 Nonconforming Uses, Subsection 9.2.1 Compliance for Nonconforming Uses; Section 9.4 Nonconforming Improvements or Structures, Subsection 9.4.2 Government Acquisition is amended by adding the following language that is underlined (added) and deleting the language that is stricken ~~(deleted)~~ as delineated below:

§9.2 Nonconforming Uses

A nonconforming use is a land use that, at the effective date of this Unified Development Code or as a result of amendments to this Code, does not meet the standards of this Code. In addition, a use requiring a special permit but lacking such permit shall be deemed a nonconforming use.

9.2.1. Compliance for Nonconforming Uses

Except as otherwise provided herein, a nonconforming use may be continued subsequent to the effective date of this Unified Development Code provided that such continuation is in accordance with the provisions of this Article and all other applicable codes of the City necessary to ensure adequate protection and safety of adjacent property and the users and occupants of the nonconforming use. The right to operate a nonconforming use, however, shall cease and such use shall conform to the provisions of this Unified Development Code under any of the following circumstances:

* * * * *

E. Exceptions for single- or two-family residential uses:

1. Structures that are receiving Disaster Federal grant funding for repair or reconstruction shall maintain nonconforming use.
2. After a declared natural disaster, projects utilizing private funding may be considered administratively after submission and proof of damage from natural disaster may be required.
3. Structures utilizing grant funding through the City of Corpus Christi, Housing and Community Development, may be eligible for an administrative decision.

* * * * *

§9.4 Nonconforming Improvements or Structures

* * * * *

9.4.2. Government Acquisition

Where a lot is occupied by a lawful structure, and where government acquisition of right-of-way, by eminent domain, dedication or purchase creates noncompliance of the structure regarding the development standards in Article 4, the structure shall be deemed a conforming structure. In the event a nonconforming structure, regardless of ownership or acquisition, ~~that such structure~~ is partially or totally destroyed by natural or accidental causes, the structure may be rebuilt in its original location upon issuance of a building permit in accordance with Section 3.18.

This does not waive, relieve, or alter the Owners responsibility to comply with the Flood Hazard Prevention Code or International Code Council (ICC) construction codes adopted by the City of Corpus Christi at the time of permitting.

* * * * *

SECTION 10. 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 11. 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 and Section 1-6 of the Corpus Christi Code of Ordinances

SECTION 12. Publication shall be made in the official publication of the City of Corpus Christi as required by the City Charter of the City of Corpus Christi.

SECTION 13. This ordinance shall become effective upon publication.

That the foregoing ordinance was read for the first time and passed to its second reading on this the ____ day of _____, 2021, by the following vote:

Paulette M. Guajardo _____

John Martinez _____

Roland Barrera _____

Ben Molina _____

Gil Hernandez _____

Mike Pusley _____

Michael Hunter _____

Greg Smith _____

Billy Lerma _____

That the foregoing ordinance was read for the second time and passed finally on this the ____ day of _____ 2021, by the following vote:

Paulette M. Guajardo _____

John Martinez _____

Roland Barrera _____

Ben Molina _____

Gil Hernandez _____

Mike Pusley _____

Michael Hunter _____

Greg Smith _____

Billy Lerma _____

PASSED AND APPROVED on this the ____ day of _____, 2021.

ATTEST:

Rebecca Huerta
City Secretary

Paulette M. Guajardo
Mayor