



AGENDA MEMORANDUM

Public Hearing & Ordinance for the Planning Commission Meeting 1/24/2024
1st/Public Hearing & Ordinance for the City Council Meeting 2/27/2024

DATE: February 27, 2024

TO: Peter Zaroni, City Manager

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Text amendments to the Unified Development Code (UDC) to conform to bills passed by the 88th Texas Legislature for platting regulations regarding land subdivision applications and public notifications.

CAPTION:

Ordinance of the City of Corpus Christi, Texas adopting text amendments to the Unified Development Code (UDC) to conform to bills passed by the 88th Texas Legislature to adjust requirements for platting regulations regarding land subdivision applications and public notifications.

SUMMARY:

As part of the 88th Texas Legislature, bills were passed into laws that became effective on September 1, 2023. Such new laws are related to municipalities establishing platting regulations regarding land subdivision applications and public notifications due to changes to the Texas Local Government Code, the following amendments to the UDC are recommended.

BACKGROUND:

Senate Bill 929: Amendment to Chapter 211 of the Texas Local Government Code relating to the notice and compensation by municipality required before revoking right to use property for a use that was allowed before the adoption of or change to a zoning regulation or boundary. Additionally, if a municipality imposes a requirement to stop a non-conforming use that includes the action by governing body, board or commission, or official, or determines that the non-conforming use has an adverse effect, the owner is entitled to compensation based on market value, or continued nonconforming use of the property until the owner recovers the amount determined through business activities.

Proposed amendment to UDC Section 3.7.3: Will establish the conditions of mailed public notices including public notifications in the case of the creation of a nonconforming use via either a rezoning or change to the UDC to property owners and tenants.

House Bill 3699: Amendment to Chapter 212 of the Texas Local Government Code relating to the establishment of requirements by a municipality for the application for land subdivision (platting) and the criteria for determining completeness of a land subdivision application. Additionally, each municipality shall adopt and make available to the public a complete, written list of all documentation and other information that the municipality requires to be submitted with a plat application. Municipality shall continuously maintain the list on the Internet not later than the 30th day after the date the municipality adopts or amends the list.

Proposed amendment to UDC Section 3.1.6: Will establish the requirements for submittal of land subdivision applications (platting). Additionally, this subsection will incorporate into the UDC a formalized list of application requirements to determine the completeness of a land subdivision (platting) application.

ANALYSIS AND FINDINGS:

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

1. The amendment promotes the purpose of this Unified Development Code as established in Section 1.2. The UDC was established to reflect the City's Comprehensive Plan and its goal to improve and protect public health, safety and welfare.
2. The amendment is consistent with the Comprehensive Plan.
3. The amendments are consistent with other codes and ordinances adopted by the City and are otherwise internally consistent with other provisions of this Unified Development Code, or that any provisions with which the amendments are or may be inconsistent also are proposed to be modified. The effects of all such modifications shall meet the above criteria, promote the public health, safety, and welfare, and be consistent with any applicable federal and state requirements.
4. The fiscal impact on the City and the effect on taxpayers and ratepayers of the proposed amendment.

The proposed text amendments do not conflict with existing language in the UDC nor the Municipal Code. Additionally, the adoption of new state statues is directly linked to the third condition of the review criteria listed above.

ALTERNATIVES:

Denial of an Ordinance of the City of Corpus Christi, Texas adopting text amendments to the Unified Development Code (UDC).

FISCAL IMPACT:

There are no fiscal impacts associated with this item.

RECOMMENDATION:

Planning Commission and Staff recommend Approval of the text amendments to the UDC.

LIST OF SUPPORTING DOCUMENTS:

Draft Ordinance
Presentation