



## AGENDA MEMORANDUM

Public Hearing & First Reading Ordinance for the City Council Meeting 9/17/19  
Second Reading Ordinance for the City Council Meeting 9/24/19

**DATE:** August 23, 2019

**TO:** Peter Zaroni, City Manager

**FROM:** Nina Nixon-Mendez, FAICP, Director,  
Development Services Department  
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### State Initiated Unified Development Code Amendments

#### **CAPTION:**

Ordinance amending the Unified Development Code in response to Texas Legislative changes to modify definition of industrial housing, modify historic landmark or Historic Overlay District designation regulations including consent and notice requirements, modify zoning board of adjustment regulations including reducing the time to appeal, and eliminate building material requirements for cottage housing, facades, roofs, and island overlay; and providing for penalty.

#### **SUMMARY:**

To comply with legislative requirements signed by Governor Greg Abbott after the 86<sup>th</sup> Texas legislative session pertaining to House Bill 1385 – Industrialized Housing, House Bill 2496 – Landmark Designations, House Bill 2497 – Zoning Board of Adjustment (ZBA) and House Bill 2439 – Building Materials.

#### **BACKGROUND AND FINDINGS:**

On a continual basis, Development Services reviews the requirements and effectiveness of the standards set by the UDC. During the 2019 Texas Legislative session, several bills were passed and subsequently signed into law. These newly adopted laws will go into effect September 1, 2019. As part of the amendment process, public outreach occurred with the UDC stakeholder committee and the Island Strategic Action Committee (ISAC). The proposed amendments were presented to the Planning Commission and received a recommendation of approval. The proposed text amendments adjusting the UDC for the newly adopted laws are summarized below.

- **“Industrialized Housing”:** This proposed text amendment will remove any height limitation in the definition of industrialized housing (i.e. Modular, Shipping Container Homes, etc.). Currently, any height limitations are based on the zoning district of the property rather than the building type. The new state law was introduced by House Bill 1385 and will become effective September 1<sup>st</sup>.
- **“Landmark Designations”:** This proposed text amendment will amend the process of placing a local landmark designation upon a property. Such amendments will include the securing of consent of the property owner to have the property receive a local landmark designation, the supermajority of all voting bodies to designate the property without the

property owner's consent, and the requirement that staff must provide the property owner with a statement including the impact of receiving a local landmark designation. Currently, consent of the property owner is optional and a letter outlining the effects of a local historic designation is not required. The new state law was introduced by House Bill 2496 and was effective immediately.

- **“Zoning Board of Adjustment (ZBA)”**: This proposed text amendment will require that the City Council approve the rules of the Zoning Board of Adjustment (ZBA). Additionally, the proposed text amendment will reduce the time limit of appealing an administrative decision to 20 days and list the persons eligible to initiate such an appeal. Currently, any person can initiate an appeal of an administrative decision and the specified time limit to file an appeal is 30 days. The new state law was introduced by House Bill 2497 and will become effective September 1<sup>st</sup>.
- **“Building Materials”**: This proposed text amendment will remove any requirement relating to the UDC requiring the use of a specific a building material for residential or commercial buildings. Currently, the use of specific building materials occurs within the (- IO) Island Overlay District and Cottage Housing District. Additionally, Section 7.7 of the UDC specifies the design and use of specific materials for commercial buildings over 60,000 square feet in size. The new state law was introduced by House Bill 2439 and will become effective September 1<sup>st</sup>.

**ALTERNATIVES:**

None

**FISCAL IMPACT:**

There is no financial impact associated with this item

**Funding Detail:**

Fund:

Organization/Activity:

Mission Element:

Project # **(CIP Only)**:

Account:

**RECOMMENDATION:**

City Staff and the Planning Commission recommend approval.

The Planning Commission recommended approval during a public hearing on August 7, 2019.

**LIST OF SUPPORTING DOCUMENTS:**

Ordinance