

UDC EVALUATION



CORPUS CHRISTI CITY COUNCIL
BRET KEAST, AICP, CEO & OWNER

JUNE 25, 2019

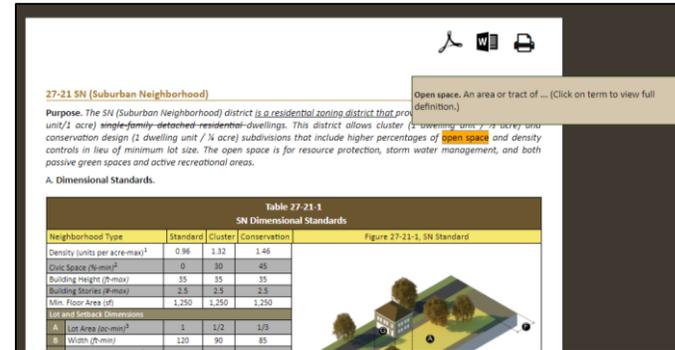
OVERVIEW



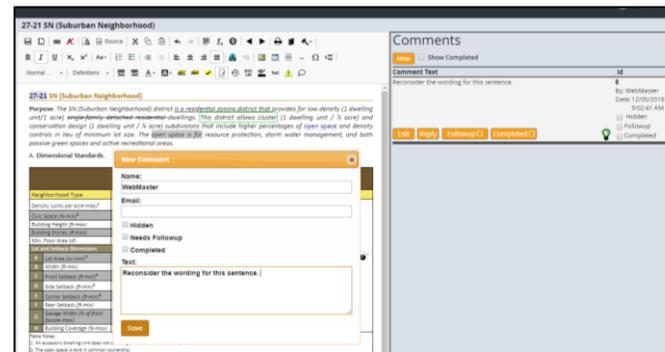
- Background & Public Engagement
 - Why Do This?
 - Public Input
- Evaluation
 - This is only an evaluation
 - No UDC amendments to take place immediately
- Next Steps
 - Scope, Timeline, and Budget
- Comments / Q&A

BACKGROUND | KNOWN ISSUES FROM RFP

- Digital ease of use - enCodePlus™
- Reorganization / consolidation of tables
- Efficiency of overlay / special purpose districts
- Clarification of Trust Fund
- Best practices for incentivizing:
 - Appropriate increased density
 - Affordable / work force housing
 - Low-impact development



- ✓ Online Drafting in Word-like format
- ✓ Collaborative drafting and editing
- ✓ Hyperlinks of definitions and cross-references



- ✓ Password-protected commenting
- ✓ Documentation via track-changes
- ✓ Personalized tracking



- ✓ Comment management system
- ✓ Searchable comment/response record
- ✓ Denote required follow-ups

BACKGROUND | KNOWN ISSUES

- Digital ease of use - enCodePlus™

- Reorganization / consolidation of tables

- Efficiency of overlay / special purpose districts

- Clarification of Trust Fund

- Best practices for incentivizing:

- Appropriate increased density
- Affordable / work force housing
- Low-impact development

Procedure	Floodplain Administrator	Building Official	Assistant Director for Planning	Assistant City Manager of Development Services	Landmark Commission	Building Code Board of Appeals	Board of Adjustment	Planning Commission	City Council	Section
Floodplain Administrator Action										
Floodplain permit	D									3.22
Building Official Action										
Building Permit	R	D								3.18
Certificate of Occupancy	D	D								
Sign Permit for Construction Only	D	D								3.20
Temporary Use Permit	D	D								3.21
Assistant Director for Planning										
Annually Renewable Sign Permit		D								
Assistant City Manager of Development Services Action										
Beachfront Construction Certificate				D/R						3.14
Site Plan			D							3.17
Written Interpretation			D							3.23
Administrative Adjustment			D							3.24
Landmark Commission Action										
Certificate of Appropriateness			R	D						3.15
Certificate of Appropriateness for Demolition			R	D/P						3.10
Building Code Board of Adjustment Action										
Floodplain Variance	R				D/P					3.26
Board of Adjustment Action										
Special Use Exception				R		D/P				3.12
Variance						D/P				3.26
Appeal of Administrative Decision						D/P				3.27
Planning Commission Action										
Final Plat							D			3.8

Procedure	Published	Posted	Mailed
UDC Text Amendment	✓		
Zoning Map Amendment (Rezoning)	✓	✓	✓
Area-wide Zoning Map Amendment (Rezoning)	✓		
Historic Overlay District Designation	✓	✓	✓
Planned Unit Development	✓	✓	✓
Special Permit	✓	✓	✓
Special Use Exception	✓	✓	✓
Dune Protection Permit	✓	✓	✓
Beachfront Construction Certificate	✓	✓	✓
Certificate of Appropriateness for Demolition (For Historic Districts)	✓	✓	✓
Variance (For Zoning Board of Adjustments)	✓	✓	✓
Replat Without Vacation	✓	✓	✓

✓ = Public notice required

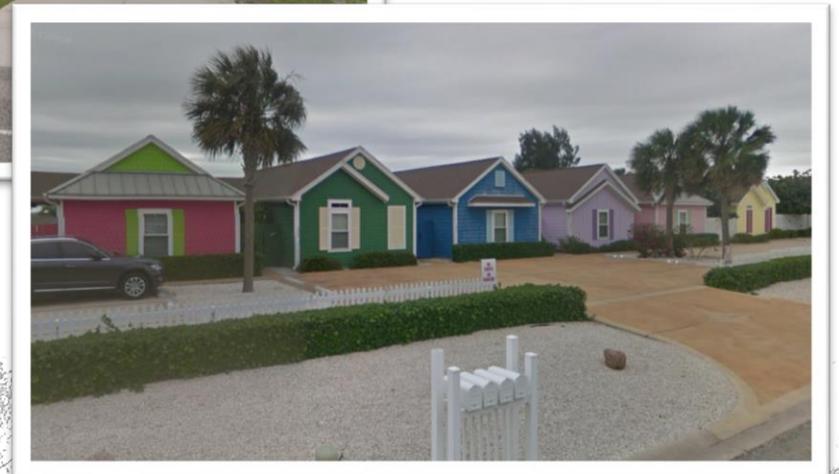
Procedure	Landmark Comm.	Building Code Board of Appeals	Board of Adjustment	Planning Commission	City Council
UDC Text Amendment				✓	✓
Zoning Map Amendment (Rezoning)				✓	✓
Area-wide Zoning Map Amendment (Rezoning)				✓	✓
Historic Overlay District Designation	✓			✓	✓
Planned Unit Development				✓	✓
Special Permit				✓	✓
Special Use Exception			✓		
Dune Protection Permit (Kleberg County)				✓	
Beachfront Construction Certificate				✓	
Certificate of Appropriateness for Demolition	✓				
Variance			✓		
Floodplain Variance		✓			
Appeal of Administrative Decision			✓		

✓ = Hearing required
* Requires joint hearing

Development Application (Reference)	Submittal Timing	Expiration ¹	Review Responsibilities		Public Notice ²	Applicable Common Review Procedures	Applicable Standards ³
			Recommendation	Final Decision			
ADMINISTRATIVE APPLICATIONS: Require final decisions in which City staff apply the standards in this UDC. Administrative applications typically require objective analysis by City staff and may involve the exercise of very limited discretion.							
Excavation and Land Clearing Permit (Sec. 14.603.1)	Prior to: 1) Any site grading, excavating, removal, or stockpiling of soil, or land disturbing activity involving a volume of earthwork greater than 100 cubic yards; or 2) Removing three or more trees with greater than six inch diameter at breast height (DBH)	180 days	Building Official		No		Sec. 14.302.2
Site Development Plan (Sec. 14.603.2)	Prior to a Building Permit for new development, redevelopment, or expansion of development		DRC	Director of Planning	No		Article 14.200
Deed Consolidation (Sec. 14.603.3)	Prior to combining two or more adjoining parcels under the same ownership for purposes of development or redevelopment	180 days; None after recordation	Director of Planning		No		--
Minor or Amending Plat (Sec. 14.603.4)	Prior to developing a minor subdivision or making a minor modification to a recorded plat		DRC	Director of Planning	No	Sec. 14.602.2 - Sec. 14.602.4 and Sec. 14.602.7 - Sec. 14.602.8	Article 14.300 Engineering Design Standards and Specifications
Construction Plans (Sec. 14.603.5)	Concurrent with a Preliminary Plat		City Engineer		No		
Building Permit (Sec. 14.603.6)	Prior to erecting, altering, replacing, relocating, rebuilding, repairing, or restoring a principal or accessory building or structure		Building Official		No		--
Floodplain Development Permit (Sec. 14.603.7)	Prior to initiating or continuing any development or substantial improvement within a regulatory floodplain as shown on a Flood Insurance Rate Map (FIRM)		Floodplain Administrator		No		Article 14.400

BACKGROUND | KNOWN ISSUES

- Digital ease of use - enCodePlus™
- Reorganization / consolidation of tables
- Efficiency of overlay / special purpose districts
- Clarification of Trust Fund
- Best practices for incentivizing:
 - Appropriate increased density
 - Affordable / work force housing
 - Low-impact development



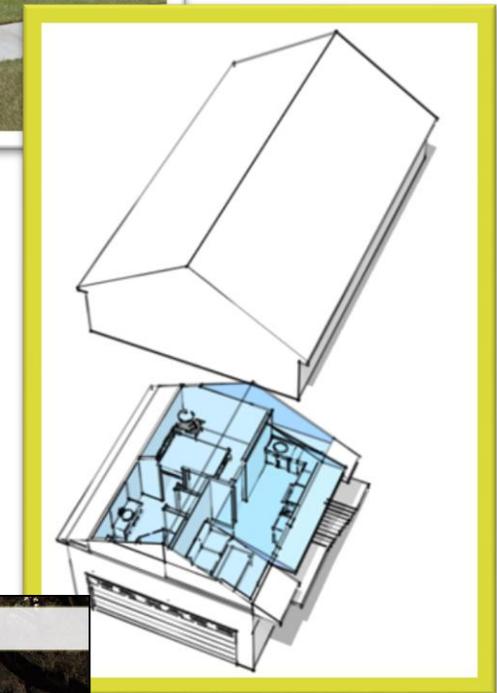
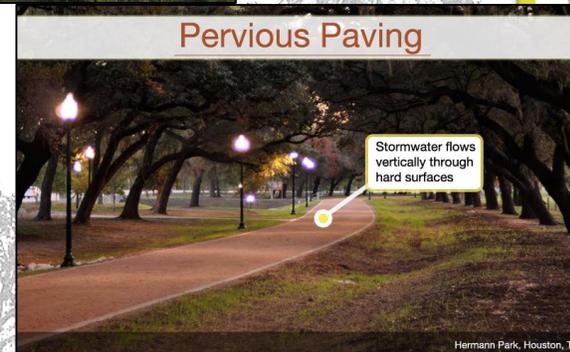
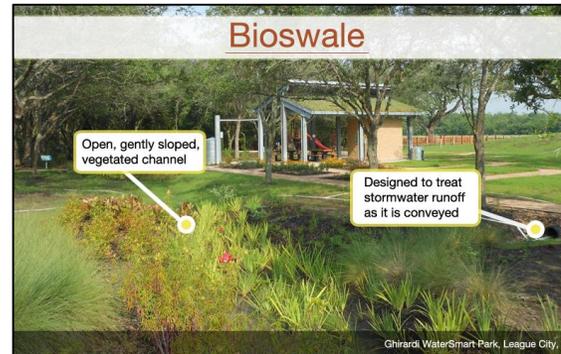
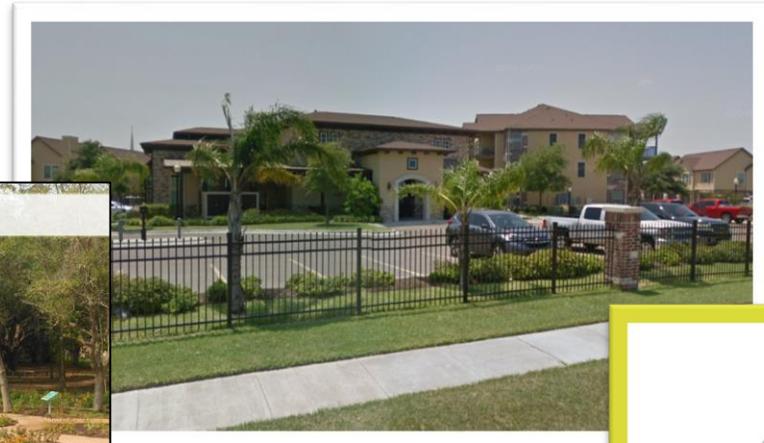
BACKGROUND | KNOWN ISSUES

- Digital ease of use - enCodePlus™
- Reorganization / consolidation of tables
- Efficiency of overlay / special purpose districts
- Clarification of Trust Fund
- Best practices for incentivizing:
 - Appropriate increased density
 - Affordable / work force housing
 - Low-impact development



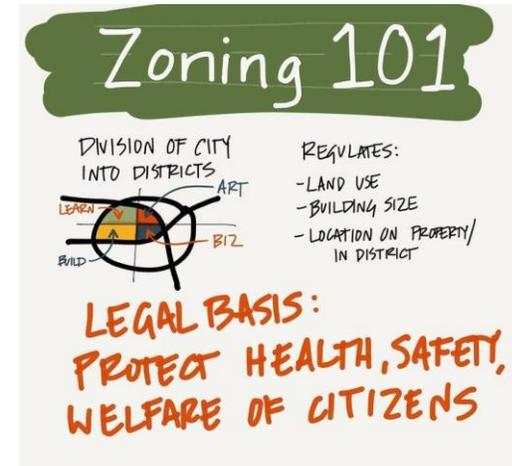
BACKGROUND | KNOWN ISSUES

- Digital ease of use - enCodePlus™
- Reorganization / consolidation of tables
- Efficiency of overlay / special purpose districts
- Clarification of Trust Fund
- Best practices for incentivizing:
 - Appropriate increased density
 - Affordable / work force housing
 - Low-impact development

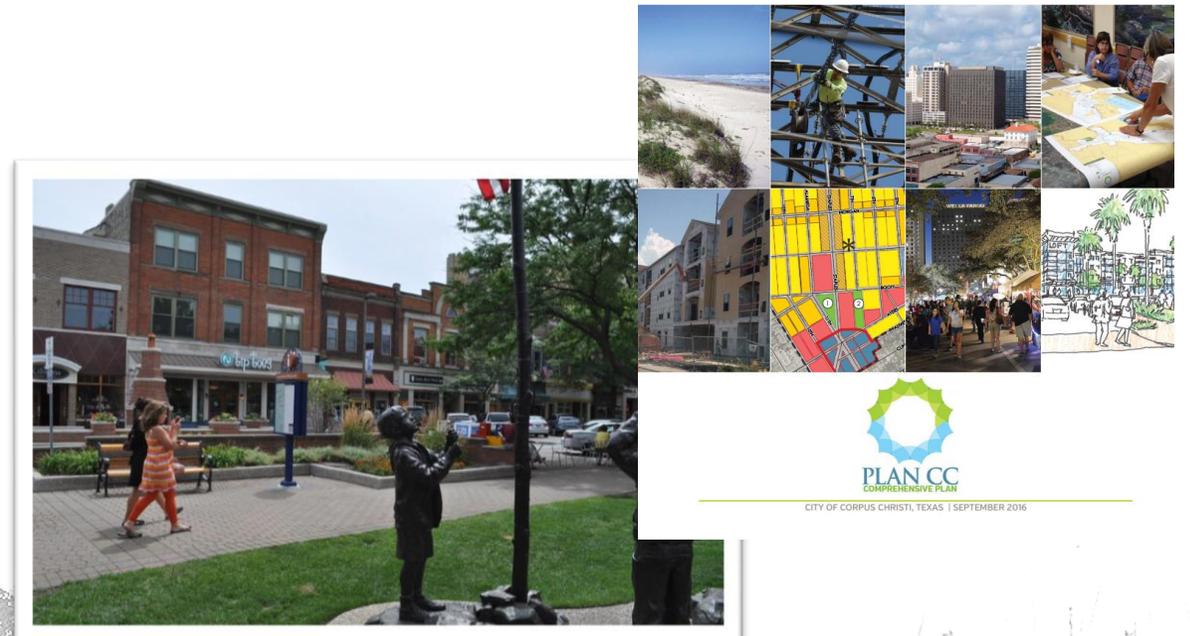


BACKGROUND | KNOWN ISSUES

- Ideally, a UDC should:
 - Assure the **protection** of the public's health, safety, and welfare
 - **Implement** the land use policies Plan CC, the Area Development Plans, and City master plans
 - Be flexible enough to allow property owners the **freedom to create** lasting, valued, and affordable communities without unreasonable regulatory barriers that may delay a project or stifle creativity



Plan CC
Comprehensive Plan



BACKGROUND | PUBLIC ENGAGEMENT

■ Stakeholder Interviews

- City Staff
- Appointed Officials
- Engineers, Contractors, and Designers
- Builders
- Environmental Organizations
- Architects and Planners
- U.S. Navy Air Station Representatives
- Downtown Advocates
- Realtors and Property Owners Association Representatives

■ Two Open Door Meetings

■ Presentations to PC and CC

■ Comment Highlights

- Complications in UDC and Staff turnover leads to **enforcement problems**
- Combine **incentives and streamlining** to promote affordable housing
- Fix **inconsistencies** within UDC and between UDC and City Code
- More **administrative decision-making** especially for waivers
- Lots of room for **infill** development
- City no longer accepts park dedication – only **fees in place of dedication**
- Problem with large preliminary plats never finaling out **perimeter streets**

- Executive Summary
- Section 1. Planning, Zoning, and Platting Basics
- Section 2. Plan Conformance
- Section 3. UDC Best Practices
- Section 4. Zoning Districts and Land Uses
- Section 5. Development Standards
- Section 6. Development Review and Administrative Improvements
- Appendix A. Stakeholder Interview Summary
- Appendix B. Key Terms
- Appendix C. Additional Comments

Principle 2. Adopt Regulations that are Legally Defensible

RLUIPA. Aside from a few incidental uses of the term "church," the UDC appears to comply with the Religious Land Use and Institutionalized Persons Act of 2000 (RLUIPA), which requires that in most cases, places of worship should be treated in the same manner as other places of public assembly, and that various types of places of worship (e.g., churches, mosques, and temples) be regulated evenly among one another. The Places of Worship Use Category is currently prohibited in all single-family and industrial zoning districts and permitted by-right in all multifamily

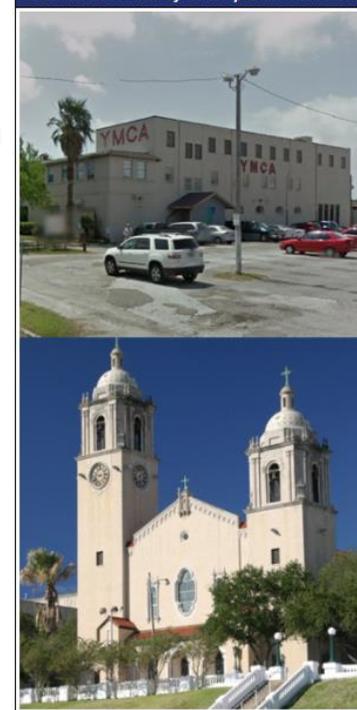
and commercial districts. On the other hand, the Community Service Use Category, which includes community center, library, museum, philanthropic institution, senior center, youth club facilities, and zoo, are permitted with limitations and prohibited in the same sets of zoning districts. Combining the Community Service and Places of Worship Use Categories into one would facilitate treating all RLUIPA-related uses the same.

Group Homes and Definition of "Family". The UDC correctly permits group homes with six or fewer residents by-right in the same manner as it permits single-family detached residences. The UDC's definition of "family" could be modified to take into account protected classes, such as the physically and mentally handicapped. As such, the City could consider modifying the definition to take into account unrelated persons making up a household, plus necessary staff, living together in a state-licensed group home. In addition, it is advisable to make it more clear that, in the definition of "family," a boarder is a single person with a rental contract, and that a family of boarders does not equate to one boarder.

Content-Neutral Sign Regulations. The City Council amended the Signs section of the UDC in August 2018 in order to eliminate provisions that were not content-neutral. This was in an effort to bring the UDC in compliance with the U.S. Supreme Court's 2015 decision in *Reed v. Town of Gilbert*, which said that local governments must only regulate the height, number, placement, timing of images, and face area of a sign. The wording, specific images, and purpose for a sign do not come into play in terms of how to regulate it. The following are terms that remain in § 7.5 Signs, that regulate signs based on content and thus, warrant revision:

- Address Sign
- Construction Sign
- Home Occupation Sign
- Institutional Sign
- On- and Off-Premises Directional Sign
- Real Estate Sign
- Subdivision Development Sign

Figure P2.1. The UDC Should Treat Community Service and Places of Worship Uses the Same



EVALUATION | SUMMARY OF RECOMMENDATIONS

Table ES.1, Summary of Recommendations			
Recommendation	Priority ¹	Source ²	Responsibility
Section 2. Plan Conformance			
All Plan CC Recommendations except as follows:	S	P	Consultant
- Give preference to energy-efficient designs, materials and equipment in public facilities and in infrastructure.	M	P	Consultant
- Support passive design strategies, such as site designs that take advantage of prevailing winds, sunlight, shade trees, etc. to reduce energy consumption.	M	P	Consultant
- Promote resource-efficiency in all new housing through financial or non-financial incentives, such as permit streamlining.	M	P	Consultant
- Promote compact and walkable mixed-use urban villages where they could support improved public transportation service. Bus stations and future stops for bus rapid transit, creating “transit-ready” locations.	L	P	Consultant
All North Beach ADP Recommendations except as follows:	S	P	Consultant
- Remove the uses allowed in CR-3 that are not particularly pedestrian oriented, including Commercial Parking Use Category, Game processing, and auto rental.	S	P	Staff
- Incorporate a maximum setback in CR-3 to force buildings closer to the street.	S	P	Staff
- Allow off-site parking for a nonresidential use to be located in a residential zoning			

TABLE NOTES:

¹S = Shorter (1-2 years); M = Medium (3-5 years); L = Longer (5+ years)

²SH = Stakeholders; P = Plan CC or ADP; BP = Best Practices; DS = Development Services Staff

EVALUATION | SUMMARY OF RECOMMENDATIONS

- Implement many of the **land use-related recommendations** of Plan CC, Strategic Plan for Active Mobility, and the North Beach, Downtown, and Mustang –Padre Island ADPs
- Remove UDC provisions that **conflict** with the City Code
- Combine the **Special Permit and Special Use Exception** into one procedure
- **Reduce Variances** including flexibility in placement of pools and landscaping
- Incorporate existing Staff's **written interpretations** into the UDC
- Allow Staff to approve **Waiver** requests under certain criteria
- Increase **accessory dwelling unit** maximum square footage to make them more useful
- Improve the **content-neutrality** of the Signs Section
- **Reduce** required parking minimums based on national practices
- Lessen landscaping requirements for **industrial** uses in industrial districts
- Rework **half-street and perimeter street** provisions so that new subdivisions are better served

NEXT STEPS | SCOPE AND SCHEDULE

- Shorter-Term updates in 3 Modules
- Option to do Medium- and Longer-Term Updates later or under same contract
- Staff-Led and Consultant-Led amendments
- Staff Technical Committee for practicality
- Policy Advisory Committee to oversee project
- Process for each module
 - Module submittal to STC
 - 3 weeks of review for STC
 - Video conference with Staff
 - KKC revises module
 - Revised module forwarded to PAC
 - 3 weeks of review for PAC
 - Consultant presentation to PAC

Module	Topics
1	Zoning Districts and Land Uses
2	General Development Standards and Subdivision Standards
3	Development Review Procedures, Nonconformities, Enforcement, Definitions

- Consolidated Draft
 - One more opportunity for STC and PAC to review and comment
- Public Review Draft
 - Incorporate comments from Consolidated Draft
- Public Hearings and Adoption
 - Planning Commission recommendation
 - City Council final action

NEXT STEPS | SCOPE AND SCHEDULE

- Approximately 20 months from notice to proceed to adoption
- 10 additional months to do medium- and longer-term priorities under separate contract

Activity	Trip #	Purpose	Meeting Time ¹
PHASE 2-1: MODULE DRAFTING			
Staff Video Conference		-	Month #1
Deliverable: Detailed Project Schedule			Month #1
Deliverable: Draft Module 1			Month #3
<i>Staff Deliverable: Module 1 comments</i>			Month #4
Staff Video Conference			Month #4
Deliverable: Revised Draft Module 1			Month #5
Staff Leadership Meeting	Trip #1 (2 nights / 1 day)	Presentation / Discussion on Module 1 – Zoning Districts & Land Uses	Month #5
Policy Advisory Committee (PAC) Meeting			
Staff Technical Committee (STC) Meeting			
Open Door Meeting			
Deliverable: Draft Module 2			Month #7
<i>Staff Deliverable: Module 2 comments</i>			Month #8
Staff Video Conference			Month #8
Deliverable: Revised Draft Module 2			Month #9

NEXT STEPS | COST ESTIMATE

Phase 2-1: Module Drafting (Shorter-Term Priorities)..... \$86,927

Phase 2-2: Consolidated Draft.....\$33,600

Phase 2-3: Public Review, Hearings, and Adoption.....\$27,962

TOTAL for Phases 2-1 through 2-3..... \$148,489

**TOTAL for Phases 2-1 through 2-3 with
Phase 2-4 (Medium- and Longer-Term Priority Updates)
under Separate Contract.....\$219,451**

**TOTAL for Phases 2-1 through 2-4
completed consecutively..... \$199,842**

Thank You!

Comments / Q&A

