



AGENDA MEMORANDUM

Public Hearing/First Reading Ordinance for the City Council Meeting of
February 26, 2013
Second Reading for the City Council Meeting of March 19, 2013

DATE: February 6, 2013

TO: Ronald L. Olson, City Manager

FROM: Mark E. Van Vleck, P.E., Director, Development Services Department
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Public Hearing – Unified Development Code Text Amendment
Regarding Public Notices, Special Permits and Setbacks

CAPTION:

Ordinance amending the Unified Development Code by revising subsections 3.1.7.C.1 and 3.1.7.C.4 - public notice requirements, subsection 3.3.3.C - City Council final action on rezonings, section 3.6 - special permits, subsection 3.18.4 - building permit expiration, subsection 3.24.1 – applicability of administrative adjustments, table 4.4.3.A - setbacks in two-family and townhouse zoning districts, table 4.4.3.B - setbacks in multifamily zoning districts, table 4.5.2 - permitted uses in commercial zoning districts, table 5.1.4.I - vehicle sales and service uses, subsection 5.3.1.J - accessory uses and structures, subsection 5.4.3.G - banners for temporary promotional events, subsection 7.5.13.E - institutional signs, and subsection 7.5.20.D - temporary and portable signs allowed in nonresidential districts; and providing for severance, penalties, and publication.

PURPOSE:

The purpose of this item is to update the regulations of the Unified Development Code (UDC) to improve the UDC's effectiveness.

BACKGROUND AND FINDINGS:

The Unified Development Code (UDC) became effective July 1, 2011. As part of the continued improvement of the UDC and to address the city's development needs, Staff has presented several text amendments that have been approved by the Planning Commission and City Council since the adoption of the UDC. Today, Staff is proposing the following new text amendments:

1. Subsection 3.1.7.C.1.a – Require notice to be published in newspaper prior to an item's final public hearing. For example, the first hearing for a rezoning case is at a Planning Commission meeting and the final hearing is at a City Council meeting. A published notice would only be required prior to the City Council hearing and not

prior to the Planning Commission hearing. This amendment will make the UDC conform to State law regarding public notice requirements for rezonings.

2. Subsection 3.1.7.C.4.a.i – Remove the requirement that published notices for rezonings shall include a location map. Including a location map in the published notice would significantly increase publication costs and is not necessary as the location of the rezoning is described in the notice. A location map is, however, provided in the mailed notice.
3. Subsection 3.3.3.C.1 – In accordance with State law, require three-fourths of all Council members to overrule a Planning Commission recommendation of denial for a rezoning or when the Council's vote is less restrictive as to use or density than the Planning Commission's recommendation on a Special Permit.
4. Section 3.6 – Reestablish the ability and procedures for the City Council to grant special permits in lieu of granting a rezoning to a higher zoning district. Special Permits allow the Council to approve a specific proposed use or development while stipulating conditions that will make the development more compatible with the surrounding properties.
5. Subsection 3.18.4 – Make the UDC's expiration date for building permits correspond with the Building Code's expiration date so that the two will never conflict.
6. Subsection 3.24.1.B – Allow administrative adjustments of up to 10% for any numerical standard in the UDC with some exceptions rather than limits the adjustments to standards of only Article 4 entitled "Base Zoning Districts." Required parking is one of the standards that this text amendment would make eligible for administrative adjustments.
7. Table 4.4.3.A – In the "RS-TF" Two-Family zoning district, reduce the side yard setback from 10 feet to 5 feet and the rear yard setback from 15 feet to 5 feet for single-family uses and reduce the rear yard from 20 feet to 5 feet for two-family uses. For the "RS-TH" Townhouse District, reduce the rear yard from 15 feet to 5 feet. In some cases, developers may have to adjust the widths of yards to meet the open space requirement.
8. Table 4.4.3.B – For multifamily uses in multifamily districts, reduce the side yard setback from 20 feet to 10 feet and rear yard setback from 15 feet to 10 feet while providing for an increase in the setbacks based on the height of the buildings. Cap the setback based on building height at 30 feet for the higher density "RM-3" Multifamily 3 and "RM-AT" Multifamily Apartment-Tourist Districts, unless the property is adjacent to a single- or two-family use. For single- and two-family uses in the "RM-AT" District, reduce the side yard setback from 10 feet to 5 feet and rear yard setback from 15 feet to 5 feet.

The proposed setback widths allow for increased flexibility in site design and were the minimum required in the former Zoning Ordinance.

9. Table 4.5.2 – Prohibit heavy vehicle service uses in the commercial zoning districts. This use is better suited for the industrial zoning districts. Heavy vehicle

service is differentiated from “limited” vehicle service, which includes routine maintenance of average size vehicles and is allowed in the commercial zoning districts.

10. Table 5.1.4.I – Add the heavy vehicle service use, which is defined in the UDC, to the list of types of “vehicle sales and service” uses and remove auto body shop from the list as body work is included in the definition of “vehicle service, heavy.” Remove “auto service facilities” from the list as it conflicts with the “vehicle service, heavy” use. This amendment will help protect residential areas abutting commercial districts from intrusive commercial uses.
11. Subsection 5.3.1.J – Allow detached accessory buildings to be placed in line with the front face of the principal structure rather than completely behind the principal structure. The minimum front yard setback will not be compromised.
12. Subsection 5.4.3.G.6 – Allow banners for promotional events to be placed in the required yard setbacks but not in a visibility triangle blocking a driver’s line of sight. This amendment will fix a conflict in the code and provide added safety to motor vehicle drivers.
13. Subsection 7.5.13.E – Allow the typical temporary banner, subject to time limitations, for schools, churches and other institutional uses allowed in the low-density residential zoning districts and increase non-illuminated wall signage from four square feet to 40 square feet.
14. Subsection 7.5.20.D – Provide the same square footage allowance and locational requirements for general temporary banners as is allowed for banners permitted in conjunction with a temporary promotional event. This amendment creates consistency in the UDC.

ALTERNATIVES:

Denial or alteration of the proposed text amendments.

OTHER CONSIDERATIONS:

Not applicable

CONFORMITY TO CITY POLICY:

The proposed text amendments conform to City policy and will help implement the City’s Comprehensive Plan.

EMERGENCY / NON-EMERGENCY:

Non-Emergency

DEPARTMENTAL CLEARANCES:

Planning/Environmental Services, Legal, and Planning Commission

FINANCIAL IMPACT:

Operating Revenue Capital Not applicable

Fiscal Year: 2012-2013	Project to Date Expenditures (CIP only)	Current Year	Future Years	TOTALS
Line Item Budget				
Encumbered / Expended Amount				
This item				
BALANCE				

Fund(s):

Comments: None

RECOMMENDATION:

The Planning Commission and Staff recommend approval of the amendments.

LIST OF SUPPORTING DOCUMENTS:

Ordinance