

Ordinance amending the Unified Development Code to establish tree requirements in residential street yards for new construction within the City and its extraterritorial jurisdiction, reducing impermeable surface allowed in residential street yards, increasing open space requirements for residential street yards, modifying landscaping requirements for residential districts; modifying alternative compliance for landscaping; 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, a public hearing was held on Wednesday, September 1, 2021, during a meeting of the Planning Commission when said Commission recommended approval of the proposed UDC amendments, and with proper notice to the public, an additional public hearing was conducted on Tuesday, September 21, 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, enhance quality of life through visual relief and facilitate development and redevelopment; 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. The recitals contained in the preamble of this Ordinance are determined to true and correct and are hereby adopted as a part of this Ordinance.

SECTION 2. 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:

ARTICLE 1. GENERAL PROVISIONS

§1.11. Definitions

1.11.3 Defined Terms

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Canopy Tree: see "Tree, Canopy"

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Tree, Canopy: Also referred to as a shade tree, is a A tree species designated as such in the Tree List found in ~~the Appendix to Section 7.3~~ §7.3, Appendix A of this UDC

Tree, Understory: May also be referred to as an ornamental tree, is a A tree species designated as such in the Tree List found in ~~the Appendix~~ §7.3, Appendix A of this UDC.

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Xeriscape: The conservation of water through common sense and creative landscaping including good design, soil improvements, limiting lawn areas, use of mulch, use of low- water use drought-tolerant plants, efficient use of water, and good maintenance techniques. More detailed information of Xeriscape techniques and recommended plant material shall be included in ~~the Landscape Handbook~~ [§7.3, Appendix A of the UDC.](#)

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SECTION 3. UDC Article 4 “Base Zoning Districts”, Section 4.2 Measurements, Subsection 4.2.5.E Single and Two-family Residential Parking, is amended by adding the following language that is underlined ([added](#)) and deleting the language that is stricken (~~deleted~~) as delineated below:

ARTICLE 4. BASE ZONING DISTRICTS

§4.2. Measurements

4.2.5. Yards

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4.2.5.E Single and Two-family Residential 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 impermeable surface area located in the required street yard, shall not exceed ~~70%~~ [50%](#) of the area of the required street yard.

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SECTION 4. UDC Article 7 “General Development Standards”, Section 7.3 Landscaping, Subsections 7.3.3 (Application), 7.3.5 (Landscape Handbook), 7.3.6 (Requirements for All Street Yards), 7.3.12 (Measured Compliance) and 7.3.13 (Interior of Vehicular Use Areas), is amended by adding the following language that is underlined ([added](#)) and deleting the language that is stricken (~~deleted~~) as delineated below:

ARTICLE 7. GENERAL DEVELOPMENT STANDARDS

§7.3 Landscaping

7.3.3. Application

The landscaping requirements of this Section shall apply to building permits for the following:

A. New Development

1. New construction on property in all zoning districts, ~~except RV, R-MH or construction of single and two-family dwellings in any zoning district used solely for residential purposes~~ [except for properties located in either the RV or R-MH districts, both of which are subject to separate and distinct design criteria in the UDC;](#)
2. Landscape plans submitted as part of the ~~site plan~~ [commercial building permit](#) application shall be signed and sealed by a Texas Registered Landscape Architect or certified nursery ~~man~~ [professional](#). ~~Landscape requirements within this Section are~~

~~effective for a building permit application and certificate of occupancy submitted on or after, as amended, shall be effective as of July 31, 2011.~~

~~a. Pursuant to Chapter 245 of the Local Government Code, this Section shall not be applicable to a valid building permit application or valid certificate of occupancy application submitted prior to July 31, 2011.~~

~~b. A valid building permit application and/or certificate of occupancy submitted prior to July 31, 2011, shall be subject to the prior Landscape Requirements—Ord. 20986, 9/14/1990; Ord. 21767 9/28/1993; Ord. 23905, 1/11/2000; Ord. 23939, 2/8/2000; Ord. 25454, 8/26/2003; Ord. 4/22/2008.~~

~~e. a. For one- and two-family residential building permit applications, proposed site landscaping and supporting information may be indicated on a site plan in lieu of providing a full landscape plan. Content and information to be provided on the site plan shall be at the discretion of the Director of Development Services or designee.~~

B. Existing Development

~~All property with existing development on July 31, 2011 which is not in compliance with the provisions of this Section shall be considered nonconforming, and allowed to continue until such time as a building permit is granted whereby:—~~

1. Construction, or alteration within the street yard results in either of the following:
 - a. Any increase in ground level area by 1,000 square feet or more of existing structures up to 10,000 square feet, or any increase in the floor area by 10% or more of existing structures greater than 10,000 square feet. However, destruction of more than 50% of an existing nonconforming structure as defined by Section 9.4, whose reconstruction does not qualify for an exception under §9.2.1.E of this UDC, shall comply with all landscape requirements and be treated as new development. If destruction is less than 50%, compliance shall not be required unless the ground level floor area is increased beyond the 1,000 square feet or 10% area set forth; or
 - b. Any buildings subsequently added within the street yard.
 - c. Any demolitions and subsequent one- or two-family redevelopment of a residential property that is exempted under §9.2.1.E and/or §9.5.2 of this UDC may be eligible for a reduced tree planting requirement up to 50% of the requirement.

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7.3.4 Alternative Compliance

The ~~Board of Adjustment~~ Assistant City Manager of Development Services or designee may approve alternative compliance with Section 7.3 in special cases where there are practical difficulties with the development of a site to strictly comply with the requirements of this Section. Pursuant to Section 3.27 of this UDC, the determination of the Assistant City Manager of

Development Services or designee may be appealed with the Board of Adjustment. The following guidelines shall be used by the ~~Board of Adjustment~~ Assistant City Manager of Development Services or designee to determine if alternative compliance may be approved:

- A. That satisfying the requirements of this Section would prohibit an owner of property from using land for a use that this Unified Development Code expressly permits;
- B. That the practical difficulties of meeting the requirements of this Section are unique to that property, and not general in character;
- C. That the alternative compliance will not adversely affect: the adjoining property; the health, safety and welfare of the general public; the purpose and intent of this Section; or the Comprehensive Plan; and the alternative compliance is done in the public interest.
- D. Financial hardship due to meeting the requirements of this Section is not sufficient for alternative compliance.

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7.3.5. ~~Landscape Handbook~~ Reserved

~~The Development Services Department shall maintain and revise the Landscape Handbook every five years or earlier and make the same available to the public. The Handbook shall provide an illustrative interpretation of the standards, recommended plant material and suggested guides for landscaping in accordance with the provisions of this Code.~~

7.3.6. Requirements for ~~All~~ Street Yards

The following landscape requirements shall be ~~achieved for~~ applied to each respective zoning category, ~~except for single and two-family residential uses and Manufactured Home and Recreational Vehicle Park districts.~~

- A. Farm-Rural (FR), Residential Estate (RE), ~~Single Family 1, 2, 3, 4, Townhouse, Two-Family, Multifamily 1, 2, 3~~ Single-family (RS-4.5, RS-6, RS-10, RS-15 and RS-22), Two-family (RS-TF), and Townhouse (RS-TH) Zoning Districts.

~~Except as noted elsewhere, the minimum required landscaped area is 30% of the total street yard. The street yard shall be landscaped with plant material to achieve a minimum of 0.06 points per square foot of total street yard area. Multi-family residential uses within commercial zones shall provide minimum required landscaped area and points as required by this subsection. For FR, RE, all RS, Townhouse and Two-family zoning districts, except as noted elsewhere, the minimum required open space shall be 50% of the total street yard. Open space shall consist of ground cover and free of any impervious material.~~

- 1. For new single- and two-family residential construction, the following minimum number of street yard trees shall be installed prior to the issuance of a Certificate of Occupancy/Completion:
 - a. RS-4.5 and 6 zones and RS-TH zones, two canopy trees or one canopy tree and one understory tree;
 - b. RS-10 and 15 zones and RS-TF zones, two canopy trees;

- c. RS-22 zones, three canopy trees;
 - d. RE zones, four canopy trees;
 - e. FR zones, five canopy trees;
 - f. Within the City's Extra-territorial Jurisdiction (ETJ), residential properties that are not intended for multi-family housing shall abide by the following schedule:
 - (1) Properties 0.50-acre to one acre in size, three canopy trees;
 - (2) Properties greater than one acre in size, four canopy trees;
2. Required street yard trees shall be planted outside of any recorded or prescriptive easement and in a manner that maintains a minimum 5-foot diameter clear space ring that is centered on the tree planting to ensure that on-premise utility lines or building foundations are not compromised due to root spread.
 3. All required street yard trees shall be in accordance with the approved plant list outlined in Appendix A.
 4. All residential sites shall abide by section 7.3.6.A.1 except if the predominant soil is sandy loam. In this scenario, a palm tree with a minimum trunk height of five feet may be planted to meet the requirements of this section.

B. ~~Neighborhood Office, Neighborhood Commercial, General Commercial, Intensive Commercial, Downtown Commercial Zoning Districts.~~

~~The minimum required landscaped area is 15% of the total street yard. The street yard shall be landscaped with plant material to achieve a minimum of 0.02 points per square foot of total street yard area.~~ For RM-1, RM-2 and RM-3 Multifamily Districts and the RM-AT Multifamily AT District, except as noted elsewhere, the minimum required landscaped area shall be 30% of the total street yard. Open space shall consist of ground cover and free of any impervious material. The street yard shall be landscaped with plant material to achieve a minimum of 0.06 points per square foot of total street yard area. Multi-family residential uses within commercial zones shall provide the minimum required landscape area and points as required in this subsection.

C. ~~Resort Commercial Zoning District~~ Neighborhood Office, Neighborhood Commercial, General Commercial, Intensive Commercial, Central Business Zoning Districts.

The minimum required landscaped area is 15% of the total street yard. The street yard shall be landscaped with plant material to achieve a minimum of 0.02 points per square foot of total street yard area.

D. **Districts** Resort Commercial Zoning District

1. In a Resort Commercial District, the minimum required landscaped area is either 80% of the entire area within the required street yard setback or 100% of the street yard setback area exclusive of driveway approaches, whichever is the less. The area shall be landscaped with plant material to achieve a minimum of 0.15 points per square foot of the area within the required street yard setback. The area within the remaining street yard is required to have a minimum of 15% landscaped area

and shall achieve a minimum of 0.02 points per square foot of the remaining street yard. Each of these landscape areas and point requirements shall be calculated and complied with separately.

2. In a Resort Commercial District for any use other than a single-family or two-family residential use, if the lot or parcel does not abut a local street, the minimum required landscaped area is either 80% of the entire area within the required street yard setback or 100% of the street yard setback area exclusive of driveway approaches, whichever is the less.

3. In a Resort Commercial District, any use other than a single-family or two-family residential use, if the lot or parcel abuts a local street, shall include a 20-foot landscaped setback area with a 6 foot stucco-type fence, required by Section 6.4.7, behind the landscaped setback area. The minimum required landscaped area is 100% of the entire area between the right-of-way line and the required stucco-type fence. The area shall be landscaped with plant material to achieve a minimum of 0.20 points per square foot of the area between the side yard property lines, the fence, and the local street right-of-way. A canopy tree listed in the Plant List shall be planted in the designated landscape areas every 30 feet on center.

E. Business Park, Light Industrial, Heavy Industrial Zoning Districts

The minimum required landscaped area is 15% of the total street yard. The street yard shall be landscaped with plant material to achieve a minimum of 0.02 points per square foot of total street yard area. When a building site is used for uses permitted only in the Heavy Industrial District, the site may alternatively have a continuous screen of trees and shrubs planted adjacent to property lines abutting non-industrial zoning districts and street frontages so that such site is totally screened from all such zones and streets. The trees and/or shrubs shall be of a variety that will mature to at least 8 feet in height. This planting shall not be provided within the visibility triangles of driveways or streets.

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7.3.12. Measured Compliance

The following point schedule and requirements apply in all zones to ground planted with established perennial plants in landscaped areas. New or existing plants which are larger than the maximum size listed shall not be credited with additional points. See the **Landscape Handbook** Appendix A for the Plant List.

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D. Existing Trees

Healthy existing trees **2** 1.5 inches in caliper or greater and healthy existing palms of a minimum **2** 5 feet trunk height achieve the same amount of points as indicated in point schedules.

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7.3.13. ~~Interior of Vehicular Use Areas~~ Required Tree and Shrub Plantings

- A. ~~All trees in the interior of vehicular use areas shall be 2 2/12' caliper size or greater.~~ All trees within the vehicular use areas of either non-residential or multi-family properties shall be 2.5-inches caliper in size or greater.
- B. ~~All palms in the interior of vehicular use areas shall be a minimum of 7 foot trunk height.~~ All trees within one- and two-family residential street yards shall be 1.5-inches caliper in size or greater.
- C. All palms within one- and two-family residential street yards shall be a minimum of 5-foot trunk height, while all palms within ~~in the interior of the~~ vehicular use areas of either non-residential or multi-family properties shall be a minimum of 7-foot trunk height
- D. Minimum three-gallon container size shrubs are required for all required effective visual screens for vehicular use areas.

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7.3.17. Maintenance and Inspection

- B. The installation of Landscape material, as shown on the approved landscape plan, shall be certified by the property owner's Landscape Architect, Certified Nursery Professional, or registered professional engineer, and shall be inspected and approved by the Assistant City Manager of Development Services prior to the issuance of a certificate of occupancy. Landscape installation may be delayed for up to six months during a declared natural disaster or demonstration of supply chain interruption. Any extension beyond six months requires approval by the Board of Adjustment.
- F. All residential structures constructed after October 1, 2022, in single-family, two-family, and townhouse districts are required to have the required landscaping per Section 7.3.6, A. of this UDC.

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7.3.18 Enforcement

- A. The Assistant City Manager of Development Services or designee shall review each landscape plan submitted to determine if it complies with the requirements of this Code and other applicable sections of the Municipal Code. All landscape plans must comply with the mandatory requirements for the site. However, effective October 1, 2021, all new single and two-family residential building permits may be subject to abbreviated landscaping requirement of one canopy tree or one understory tree within the street yard at a minimum size of a one inch caliper until October 1, 2022.

- C. If the required landscaping is not submitted, the landscape inspector may, when demonstrated extenuating circumstances prevent the installation of landscape improvements, issue a temporary certificate of occupancy. The owner of the property will have a period of 90 days to provide the necessary landscaping to meet the requirements of this Code [for commercial building permits](#), as shown on the approved landscape plan or a revised landscape plan shall be submitted for review and approval.

SECTION 6. 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 6. 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 7. 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 day, the _____ day of _____, 2021, by the following vote:

Paulette 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 day, the _____ day of _____, 2021, by the following vote:

Paulette Guajardo _____	John Martinez _____
Roland Barrera _____	Ben Molina _____
Gil Hernandez _____	Mike Pusley _____
Michael Hunter _____	Greg Smith _____
Billy Lerma _____	

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

ATTEST:

Rebecca Huerta
City Secretary

Paulette Guajardo
Mayor