



## 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,  
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### Staff Initiated Unified Development Code Amendments

#### **CAPTION:**

Ordinance amending the Unified Development Code pursuant to the annual review process to allow automated carwashes in Neighborhood Commercial zones with limitations, allow heavy vehicles service as accessory use for vehicle sales with limitations, allow aggregate storage at plant retail with limitations, allow crematorium at funeral homes with limitations, apply above ground fuel storage maximum for water-oriented accessory use to all commercial districts except neighborhood commercial and office neighborhood zones, require a minimum side yard of not less than 10 feet, or less than adjacent lot's front or rear yard for corner lots, allow townhomes in Multifamily 3 Districts, remove minimum site area requirement for townhome district, clarify accessory building structures total square footage limitation of 50% of the main principal structure total square footage, and allow administrative adjustment for minimum setback under certain conditions; and providing for penalty.

#### **SUMMARY:**

The purpose of this item is to modify current zoning district requirements & restrictions to improve overall functionality and efficiency of the UDC through various amendments.

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

On a continual basis, Development Services reviews the requirements and effectiveness of the standards set by the UDC. 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 are summarized below.

- **“Automatic Car Washes”:** This proposed text amendment will allow the “Car Wash, Automated” use by-right within the “CN” Neighborhood Commercial Districts with limitations. Currently, any type of car wash is regulated to the Resort Commercial, General Commercial, Intensive Commercial, Central Business, and Light Industrial Districts.
  - The limitations that will be imposed are based on the multiple special permits that have been adopted over the past years. The limitations will entail restrictions on noise, lighting, and hours of operation.

- **“Paint and Body Shops”**: This proposed text amendment will allow the “Vehicle Service, Heavy” use by-right when the use is an accessory use to a vehicle sales establishment with limitations. Currently, a “Vehicle Service, Heavy” use is regulated to the Industrial Districts as a primary use.
  - The limitations that will be imposed are based on the multiple special permits that have been adopted over the past years. The limitations will entail restrictions on noise, lighting, and hours of operation.
  
- **“Aggregate Storage”**: This proposed text amendment will allow the “Stockpiling of Sand, Gravel, or other aggregate materials” use by-right when the use is an accessory use to a “plants” retail sales establishment with limitations. Currently, a “Stockpiling of Sand, Gravel, or other aggregate materials” use is regulated to the Industrial Districts by-right and via Special Permit in the “CI” Intensive Commercial and “BP” Business Park Districts.
  - The limitations that will be imposed are based on a special permit that has been previously adopted. The limitations will entail restrictions on noise, lighting, screening, and hours of operation.
  
- **“Crematoriums”**: This proposed text amendment will allow the “Crematorium (Human)” use by-right when the use is an accessory use to a “Funeral Home” retail (Personal Service-Oriented) establishment with limitations. Currently, a “Crematorium (Human)” use is regulated to the Industrial Districts.
  - The limitations that will be imposed are based on the multiple special permits that have been adopted over the past years. The limitations will entail restrictions on hours of operation.
  
- **“Above Ground Fuel Tanks”**: This proposed text amendment will allow the “Above Ground Fuel Tanks” use by-right when the use is an accessory use with limitations. Currently, an “Above Ground Fuel Tanks” use is regulated to the Industrial Districts by-right as a primary use.
  - Above ground fuel tanks are typically an accessory use and many times are temporary uses. As the tank stores an explosive material, the UDC requires a Special Use Exception (SUEs) to granted by the Zoning Board of Adjustment (ZBA). Ten SUEs have been granted by the ZBA since 2015. The limitation will still require the approval of the Fire Marshall to allow the installation and operation of the above ground fuel tank.
  
- **“Side Yard Requirements”**: This proposed text amendment will adjust the requirements regarding the setback for corner side yards (aka 2<sup>nd</sup> Street Yards). Currently, the UDC states that the corner side yard may only be reduced to 10 feet if the lot is “back-to-back” with another corner lot. The proposed amendment provides for the following:
  - Adjacent to another lot’s rear yard, but not less than 10 feet and no greater than the required front yard setback of the subject lot.
  - Adjacent to another lot’s front yard, but in no case less than 10 feet and no greater than the required front yard setback of the subject lot.
  - Adjacent to a property that is unplatted, zoned Farm Rural or is outside city limits, and is at least 10 acres in size, then the requirement is not less than 10 feet, but in no case less than 10 feet and no greater than the required front yard setback of the subject lot.

- **“Townhomes”**: This proposed text amendment will allow townhomes by-right in the “RM-3” Multifamily 3 District and will remove the minimum site area requirement for a townhouse district. An additional text amendment will amend the definition of a Townhouse to clarify the difference between fee simple lots and condominiums.
- **“Accessory Buildings”**: This proposed text amendment will amend the definition of an accessory building to clarify that the total square footage of all accessory buildings combined must be at or below 50% of the total square footage of the principal structure.
- **“Administrative Adjustments”**: This proposed amendment provides staff the ability to adjust the minimum street, side, or rear yard beyond 10% of the requirement with concurrent modification of the easement, vacation of the easement or a change in the recorded plat regarding the easement to accommodate the administrative adjustment, or a permit to allow the use of the easement obtained from the City. Currently, the UDC requires that a property may have to seek relief from the Zoning Board of Adjustment (ZBA) to reduce a setback that is tied to an easement closure.

**ALTERNATIVES:**

1. Adjustment of the proposed text amendment language.
2. Denial of the proposed text amendments.

**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

Presentation