

Ordinance amending Articles 1 and 8 of the Unified Development Code relating to design standards, criteria, and requirements for street design; requiring compliance with design standards issued by the City Engineer; requiring street design for a 30-year life level of service; and providing for severance, penalties, and publication.

WHEREAS, the Planning Commission has forwarded to the City Council its reports and recommendations regarding this amendment of the Unified Development Code (“UDC”);

WHEREAS, with proper notice to the public, public hearings were held on Wednesday, February 13, 2013, during a meeting of the Planning Commission, and on Tuesday, February 26, 2013, during a meeting of the City Council, during which all interested persons were allowed to appear and be heard; and

WHEREAS, the City Council has determined that this amendment to the UDC would best serve the public’s health, necessity, and 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. Article 1, General Provisions, Subsections 1.11.2 - “Abbreviations”; and Subsection 1.11.3 - “Defined Terms” of the UDC are amended by adding an abbreviation and term for “AASHTO” and “MUTCD”; and by adding definitions for “AASHTO,” “AASHTO Design Guide,” “City Engineer,” “Design Standards,” and “Manual of Uniform Traffic Control Devices (MUTCD),” as shown:

Article 1. General Provisions

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1.11.2 Abbreviations

Abbreviation	Term
<u>AASHTO</u>	<u>American Association of State Highway Transportation Officials</u>
ANSI	American National Standards Institute
BP	Business Park District
CBD	Downtown Commercial District

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Abbreviation	Term
Min.	Minimum
<u>MUTCD</u>	<u>Manual of Uniform Traffic Control Devices, latest edition</u>
ON	Neighborhood Office District
P	Use Permitted By Right

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“1.11.3 Defined Terms

AASHTO: The American Association of State Highway Transportation Officials.

AASHTO Design Guide: The American Association of State Highway Transportation Officials (AASHTO) Guide for Design of Pavement Structures.

Abutting: Having a common border with, or being separated from such a common border by a right-of-way or easement.”

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“City: The City of Corpus Christi, Texas.

City Engineer: The person who holds the position of Director of Engineering Services for the City of Corpus Christi.

Cladding: The building materials covering the exterior of a structure.”

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“Demolition or Demolish: The razing or destruction, whether entirely or partially, of a structure, including the removal or destruction of the facade, surface, or interior of a Landmark classified as “HC”.

Design Standards: The required standards for the design and installation of infrastructure and public improvements as determined and issued by the City Engineer.

Detention Facility: Publicly or privately operated facilities housing persons awaiting trial or persons serving a sentence after being found guilty of a criminal offense.”

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“Lowest Floor: The lowest floor of the lowest enclosed area, including a basement; provided. . . Section 60.3 of the National Flood Insurance Program regulations.

Manual on Uniform Traffic Control Devices (MUTCD): The Manual on Uniform Traffic Control Devices or MUTCD, latest edition, defines the required standards to install and maintain traffic control devices on all streets, highways, bikeways, and roads, published by the Federal Highway Administration (FHWA) under 23 Code of Federal Regulations (CFR), Part 655, Subpart F.

Manufactured Home: A structure, constructed on or after June 15, 1976, according to the rules of the United States Department of Housing and Urban Development . . . recreational vehicles.”

SECTION 2. Article 8 - “Subdivision Design and Improvements,” Section 8.1, “General Provisions,” Subsections 8.1.3(A) – “Requirements for Improvements”; 8.1.4 – “Type of Improvements Required”; 8.1.9 – “Alternative Compliance”; and 8.1.10 – “Requirements for Plat Recordation Prior to Final Acceptance of Infrastructure Improvements Based on Financial Security” of the UDC are amended as shown:

Article 8. Subdivision Design and Improvements

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8.1 General Provisions

“8.1.3 Requirements for Improvements

A. All infrastructure and public improvements shall be designed and installed in accordance with the Comprehensive Plan and applicable area development and master plans. In the event of any conflicts between the master plan for particular infrastructure and an area development plan, the master plan for the infrastructure will prevail. Design and installation shall, ~~at a the~~ minimum, meet the requirements established by this Unified Development Code, ~~the Design Standards,~~ the City's standards for roads, streets, structures and utilities, and any other ~~adopted City~~ design or technical criteria issued by the City Engineer. In the event of any conflicts between this Unified Development Code, the City's standards for roads, streets, structures and utilities, the Design Standards, and any other design standards, requirements or criteria, the Design Standards prevail.”

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“8.1.4 Type of Improvements Required

In the absence of any provision to the contrary, the developer shall provide the following improvements, as approved in the construction plans, in conformity with the standards, specifications and requirements of this Unified Development Code, ~~the Design Standards,~~ utility master plans and any state or federal requirements. Improvements eligible for participation shall be in compliance with Section 8.4:”

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“8.1.9 Alternative Compliance

- A. The subdivision improvement requirements, including exceptions to existing utility master plans, may be modified by the Technical Review Committee upon a finding that a modification ~~would~~ will meet the requirements of the Design Standards; that such modification will be consistent with the purpose of this Unified Development Code, this Article and the Comprehensive Plan; that such modification would not adversely affect the land use compatibility or public interest, and that the subject parcel complies with one or more of the following criteria:
 - 1. The assumptions upon which the existing utility master plan are based do not match existing conditions or current engineering best practices; or
 - 2. The adopted standards of another regulatory agency cannot be met while complying with the standards of this Article.”
- B. Financial hardship due to meeting the requirements of this Article shall not be sufficient justification for alternative compliance.
- C. Any modification must meet the requirements of the Design Standards. This Article does not authorize the Technical Review Committee to modify a requirement, standard or criteria that will not comply with the Design Standards.
- ~~C~~D. The requirement of improvements and payment of fees not specifically contained in this Unified Development Code shall be subject to appeal and review by the Planning Commission in accordance with Subsection 3.8.3.”

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8.1.10 Requirements for Plat Recordation Prior to Final Acceptance of Infrastructure Improvements Based on Financial Security

- “8.1.10. B. 3. The developer has executed an agreement with the City that provides at a minimum the following:
 - a. The developer shall construct the improvements in accordance with the ~~engineering standards~~ Design Standards in effect at the time of construction;

- b. All other subdivision requirements, park dedications, park deferment agreements, maintenance agreements, or special covenants have been completed; . . . “

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SECTION 3. Article 8 - “Subdivision Design and Improvements,” Section 8.2, Design Standards, Subsections 8.2.1 - “Streets”; and 8.2.1.J - “Private Streets” of the UDC are amended as shown:

Article 8. Subdivision Design and Improvements

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“8.2 Design Standards

If another regulatory agency has authority within the City limits or ETJ, the more stringent design standards shall apply.

A. City Engineer Authority. The City Engineer is authorized to determine and issue the required design standards and design and installation criteria for public infrastructure and improvements, referred to herein as the “Design Standards.”

B. Incorporation by Reference. The most current version of the Design Standards is incorporated by reference into this Article. Copies of the Design Standards will be kept on file at the Department of Engineering Services, on file at the Department of Development Services, and online on the City’s website.”

8.2.1 Streets

All streets shall, at a minimum, be designed and installed in accordance with the Comprehensive Plan, applicable area development and master plans, the approved Mobility Plan, and the Design Standards.

1. Streets shall be designed for a 30-year life in accordance with the American Association of State Highway Transportation Officials (AASHTO) Guide for Design of Pavement Structures (“the AASHTO Design Guide”) 1993 Edition and supplements, unless a later edition of the AASHTO Design Guide is required under the latest edition of the Design Standards.
2. Streets shall be designed and installed in accordance with the approved Mobility Plan.
3. Streets shall be designed and installed to meet the requirements of the Design Standards.

4. In the event of any conflicts between the Design Standards and any edition or supplement to the AASHTO Design Guide, the Design Standards prevail.

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“8.2.1.J Private Streets

Private streets not included in a planned unit development shall be allowed in a residential subdivision subject to meeting the requirements of this Unified Development Code, the Urban Transportation Plan and the following conditions:

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“5. Design Standards

a. The design standards for private streets, including construction standards, widths, geometric standards, grades and alignments shall be the same as required for public streets as set out in this Article, and the Urban Transportation Plan, the approved Mobility Plan, and the Design Standards. The width of the easement for a private street can be less than the right-of-way of a public street of a similar projected carrying capacity so long as sufficient easement area is provided for the required pavement and sidewalk. Concrete street sections are permissible for private streets.”

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“10. Future Dedication

If the lot owners abutting private streets or the home owners association request the City to accept dedication of the private street as a public right-of-way for purposes of maintenance, a condition of such dedication shall require that the design and installation of the private street meet all of the same City standards and requirements for streets set out in this Unified Development Code, Section 8.2.1 above, the Design Standards, and the approved Mobility Plan; and that the private street be in satisfactory condition for the safe use of such street by the general public upon acceptance by the City.”

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“12. Street Lighting

Street lighting shall be in compliance with City design requirements- the Design Standards and the MUTCD, and shall be installed on all private streets. The City shall not

accept operation and maintenance of any street lighting not conforming to the Design Standards and the MUTCD (i.e., style, spacing, and illumination intensity). Restrictive Covenants must indicate that the developer or electrical provider is responsible for the maintenance and operation of street lights.

13. Traffic Control Devices

Traffic on all private streets shall be controlled, guided and warned by traffic control devices (signs, markings, signals, etc.) in conformity with City the Design Standards, the MUTCD, and with any other of the City's and State standards; provided that, the developer may include subdivision logos on such signs and alternative displays as approved by the Assistant City Manager of Development Services.

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SECTION 4. Article 8 of the UDC is amended by deleting, in its entirety, “Appendix 8,” titled “Corpus Christi Urban Transportation Plan Design Criteria Manual.”

SECTION 5. 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. A violation of this ordinance, or requirements implemented under this ordinance, constitutes an offense punishable as provided in Article 1, Section 1.10.1, and Article 10 of the UDC.

SECTION 7. 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.

The foregoing ordinance was read for the first time and passed to its second reading on this the _____ day of _____, 2013, by the following votes:

Nelda Martinez	_____	Chad Magill	_____
Kelley Allen	_____	Colleen McIntyre	_____
Rudy Garza	_____	Lillian Riojas	_____
Priscilla Leal	_____	Mark Scott	_____
David Loeb	_____		

The foregoing ordinance was read for the second time and passed finally on this the _____ day of _____, 2013, by the following votes:

Nelda Martinez	_____	Chad Magill	_____
Kelley Allen	_____	Colleen McIntyre	_____
Rudy Garza	_____	Lillian Riojas	_____
Priscilla Leal	_____	Mark Scott	_____
David Loeb	_____		

PASSED AND APPROVED this the _____ day of _____, 2013.

ATTEST:

Armando Chapa
City Secretary

Nelda Martinez
Mayor