

Ordinance amending the Unified Development Code (“UDC”) by establishing new section 4.8 “Compatible Districts” in Article 4 “Base Zoning Districts” and revising related provisions of the UDC to include the “Table of Contents” and subsections 1.11.2 “Abbreviations,” 1.11.3 “Defined Terms,” 7.4.3 “Allowed Outside Display, Sales and Storage,” 7.5.3.A “Single Tenant Freestanding Sign,” 7.5.3.C “Multi-Tenant (3 or more Tenants) Freestanding Sign,” and 7.9.5 “Zoning District Buffer Yard—New Development;” amending the Comprehensive Plan to account for any deviations; and providing for a repealer clause, severance, penalties, publication, and an effective date.

WHEREAS, the Planning Commission has forwarded to the City Council its reports and recommendations regarding an amendment to the UDC for creation of two new zoning districts, the Commercial Compatible District and the Industrial Compatible District:

WHEREAS, the City Council has determined that certain uses which may congregate large groups of people, such as schools, churches, and commercial and industrial uses, may not be appropriate under airport flight zones or near hazardous public or private industrial facilities;

WHEREAS, the City Council has determined that this amendment to the UDC to establish two new commercial and industrial compatible use districts is necessary to protect the public health, safety, and general welfare of the City of Corpus Christi and its citizens; and

WHEREAS, with proper notice to the public, public hearings were held on Wednesday, September 26, 2012, during a meeting of the Planning Commission, and on Tuesday, December 11, 2012, during a meeting of the City Council, during which all interested persons were allowed to appear and be heard; and

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CORPUS CHRISTI, TEXAS:

SECTION 1. The Unified Development Code (“UDC”) is amended by establishing new section 4.8 “Compatible Districts,” including its subparts and Tables 4.8.2 and 4.8.3, under Article 4 “Base Zoning Districts” to read as follows:

“§ 4.8 Compatible Districts

“4.8.1 Purpose Statements

“A. Commercial Compatible District

“The Commercial Compatible (“CC”) District provides for a wide range of business uses in appropriate locations, which can provide a buffer between residential uses and intensive public facilities, private businesses and manufacturing uses which could present a threat to public health, safety and welfare. District uses are not characterized by uses that congregate large groups of people, unscreened outdoor storage, or uses that create nuisance factors of dust, odor and noise associated with certain business and manufacturing uses.

“B. Industrial Compatible District

“The Industrial Compatible (“IC”) District provides for a wide range of industrial uses in appropriate locations, which can provide a buffer between residential uses and intensive public facilities, private businesses and manufacturing uses which could present a threat to public health, safety and welfare. District uses are not characterized by uses that congregate large groups of people, unscreened outdoor storage, or uses that create nuisance factors of dust, odor and noise associated with certain business and manufacturing uses.

“4.8.2. Permitted Uses

“The following principal uses are permitted by right, permitted subject to limitations, or require a special use exception or special permit in the “CC” Commercial Compatible and “IC” Industrial Compatible zoning districts. Uses may be subject to additional limitations as specified in **Section 6.5** when located inside a Navy Air Installation Compatible Use Zone (“AICUZ”) (which includes Clear and Accident Potential Zones 1 and 2).

“Table 4.8.2. Permitted Uses

<u>COMMERCIAL AND INDUSTRIAL COMPATIBLE DISTRICTS¹</u>				
P = Permitted Use L = Subject to Limitations SUE = Special Use Exception SP = Special Permit [blank cell] = Not Permitted				
	<u>CC</u>	<u>IC</u>	<u>Maximum Floor Area</u>	<u>Standards</u>
	<u>Public and Civic Uses</u>			
<u>Government Facility Uses [5.1.3.D] except for:</u>	<u>P</u>	<u>P</u>	<u>0.11</u>	

<u>Detention facility; auditorium; cafeteria; fuel storage, above ground; helipad, heliport or landing field.</u>				
<u>Parks and Open Area Uses [5.1.3.F] except for:</u>	<u>P</u>	<u>P</u>	<u>0.11</u>	
<u>Clubhouse; Concessions; Reservoir.</u>				
<u>Social Service Uses – Treatment Centers only, provided, there are no residents</u>	<u>P</u>	<u>P</u>	<u>0.11</u>	
<u>Utilities, minor [5.1.3J] except for:</u>	<u>P</u>	<u>P</u>		<u>5.2.6</u>
<u>Storm water retention facilities</u>				
<u>Commercial Uses</u>				
<u>Commercial Parking Uses [5.1.4.A]</u>	<u>P</u>	<u>P</u>		
<u>Office Uses [5.1.4.C] except for:</u>	<u>P</u>	<u>P</u>	<u>0.11</u>	
<u>TV and radio studio.</u>				
<u>Truck stop provided no-overnight accommodations</u>		<u>P</u>	<u>0.11</u>	<u>4.6.2</u>
<u>Retail Sales and Service Uses, sales- and service-oriented [5.1.4.G] Includes personal service uses</u>	<u>P</u>	<u>P</u>	<u>0.11</u>	<u>5.2.12</u>
<u>Retail Sales and Service Uses, repair-oriented [5.1.4.G] except for:</u>	<u>P</u>	<u>P</u>	<u>0.11</u>	<u>5.2.13</u>
<u>Vocational trade or business school</u>				
<u>Farmers market</u>	<u>P</u>	<u>P</u>	<u>0.11</u>	<u>5.2.9</u>
<u>Self-Service Storage Uses [5.1.4.H]</u>	<u>P</u>	<u>P</u>	<u>1.00</u>	<u>5.2.14</u>
<u>Crematorium (animal)</u>		<u>P</u>	<u>0.11</u>	
<u>Vehicle Sales and Service Uses [5.1.4.I]</u>	<u>P</u>	<u>P</u>	<u>0.11</u>	
<u>Water-Oriented Uses [5.1.4.J] except for:</u>	<u>P</u>	<u>P</u>	<u>0.11</u>	
<u>Restaurants; Ferry/water taxi, Fuel storage above ground</u>				

<u>Industrial Uses</u>				
<u>Light Industrial Service Uses [5.1.5.A], except for:</u>		<u>P</u>	<u>0.14</u>	<u>5.2.17</u>
<u>Fuel storage above ground; cafeterias;</u>				
<u>Laboratory, research or experimental</u>		<u>P</u>	<u>0.14</u>	
<u>Warehouse and Freight Movement Uses [5.1.5.B] except for :</u>		<u>P</u>	<u>1.0</u>	
<u>Stockpiling of sand, gravel, or other aggregate materials; Fuel Storage above ground</u>				
<u>Waste-Related Service, only including Recycling Center and Solid or liquid waste transfer (no composting)</u>		<u>P</u>	<u>0.14</u>	
<u>Land Fill; Fuel Storage above ground</u>				<u>5.2.23</u>
<u>Wholesales Trade Uses [5.1.5.D] except for:</u>	<u>P</u>	<u>P</u>	<u>0.28</u>	<u>5.2.16</u>
<u>Cafeteria</u>				
<u>Other Uses</u>				
<u>Kennel or animal shelter, indoor</u>		<u>P</u>		<u>5.2.18</u>
<u>Kennel or animal shelter, indoor or outdoor</u>		<u>P</u>		<u>5.2.18</u>
<u>Pasturage</u>	<u>P</u>	<u>P</u>		
<u>Grazing</u>	<u>P</u>	<u>P</u>		

¹The uses in Table 4.8.2 shall not allow a density greater than 50 occupants per acre.

“Table 4.8.3. Nonresidential Use

	<u>CC</u>	<u>IC</u>
<u>Min Lot Area (sq. ft.)</u>		
<u>Min. Lot Width (ft.)</u>		

	<u>CC</u>	<u>IC</u>
<u>Min. Yards (ft.)</u>		
<u>Street</u>	<u>20</u>	<u>20</u>
<u>Street (corner)</u>	<u>20</u>	<u>20</u>
<u>Side (single)</u>	<u>5</u>	<u>5</u>
<u>Side (total)</u>	<u>10</u>	<u>10</u>
<u>Rear</u>	<u>10</u>	<u>10</u>
<u>Side and rear, abutting res. district</u>	<u>See Section 4.2.8.C</u>	
<u>Max Height (ft.)</u>	<u>25</u>	<u>25</u>

SECTION 2. The “Table of Contents” page of the UDC is amended by revising the table to include a reference to new section 4.8, to be titled “Compatible Districts,” which section will follow existing page 195, use pagination beginning with page 195-1 and numbered sequentially to include the content contained in Section 1 of this ordinance, and end prior to page 196, at which point an introductory table begins for section 5.1 of the UDC.

SECTION 3. Subsection 1.11.2 of the UDC, entitled “Abbreviations,” is amended by revising the subsection to include the terms for the Commercial Compatible District and Industrial Compatible District, denoted as “CC” and “IC” respectively, to read as follows:

“§ 1.11.2 Abbreviations

<u>Abbreviation</u>	<u>Term</u>
<u>CC</u>	<u>Commercial Compatible District</u>
<u>IC</u>	<u>Industrial Compatible District</u>

SECTION 4. Subsection 1.11.3 of the UDC, entitled “Defined Terms,” is amended by revising the subsection to include a new term “Floor Area Ratio,” defined to read as follows:

“Floor Area Ratio (FAR): The area of a building or buildings on a lot divided by the lot area.”

SECTION 5. Subsection 7.4.3 of the UDC and its corresponding Table 7.4.3 are amended by revising the table to read as follows:

“7.4.3 Allowed Outside Display, Sales and Storage

“Three types of storage shall be allowed in the zoning districts designated in the table. Outside retail display may be allowed in nonresidential zoning districts not designated in the table in accordance with the procedures for obtaining a special permit in **Section 3.6**.

“**Table 7.4.3 Allowable Storage (per zoning district)**

Category	CN, CR	CG	CI, <u>CC</u>	IL, IH, <u>IC</u>
Outside Retail Display	✓	✓	✓	
Outside Retail Sales		✓	✓	✓
Outside Storage			✓	✓

SECTION 6. Subsection 7.5.3.A of the UDC, entitled “Single Tenant Freestanding Sign,” is amended by revising the subsection to read as follows:

“**7.5.3.A Single Tenant Freestanding Sign**

“One freestanding sign shall be permitted per street frontage or per lot and shall pertain only to the uses conducted within the buildings located on the premise. Changeable copy signs, including automatic changeable copy signs are allowed as provided in **Subsection 7.5.12**.

- “1. Freestanding signs placed within this minimum front yard depth as specified in **Article 4** are not to exceed 64 feet in area or 20 feet in height. Such sign located within the front yard shall not overhang or project into the public right-of-way nor utilize or incorporate flashing illumination. In the event two front yards overlap at a corner, the area of overlap shall be designated as only one front yard.

- “2. Freestanding signs located beyond the front yard requirement in the “ON” Neighborhood Office District, “CN-1” Neighborhood Commercial District, “CN-2” Commercial Business District, “CG-1” General Commercial District, “CG-2” General Commercial District, “CI” Intensive Commercial District, “CBD” Downtown Commercial District, “IL” Light Industrial District ~~and~~ “IH” Heavy Industrial District, “CC” Commercial Compatible District and “IC” Industrial Compatible District are regulated per street type as classified in the Urban Transportation Plan and as listed below and per **Subsection 7.5.4** Arterial Street Sections Regulated as Collector Street Sections:

“a. * * *

* * *

“3. * * * * *

SECTION 7. Subsection 7.5.3.C of the UDC, entitled “Multi-Tenant (3 or more Tenants) Freestanding Sign,” is amended by revising the subsection to read as follows:

“7.5.3.C Multi-Tenant (3 or more Tenants) Freestanding Sign

“One freestanding sign for building/same project/development of 25,000 square feet or less or two freestanding signs for building/same project development greater than 25,000 square feet shall be permitted, per street frontage, per lot or individual primary building and shall pertain only to the uses conducted within the buildings located on the premise. Signs for building/same project/development shall be separated by a minimum of 150 feet. Changeable copy signs, including automatic changeable copy signs are allowed as provided in **Subsection 7.5.12.**

“1. Freestanding signs placed within the minimum front yard depth as specified in **Article 4** are not to exceed 64 feet in area or 20 feet in height. Such sign located within the front yard shall not overhang or project into the public right-of-way nor utilize or incorporate flashing illumination. In the event of two front yards overlap at a corner, the area of overlap shall be designated as only one front yard.

“2. Freestanding signs located beyond the front yard requirement in the “ON” Neighborhood Office District, “CN-1” Neighborhood Commercial District, “CN-2” Commercial Business District, “CG-1” General Commercial District, “CG-2” General Commercial District, “CI” Intensive Commercial District, “CBD” Downtown Commercial District, “IL” Light Industrial District and, “IH” Heavy Industrial, “CC” Commercial Compatible District and “IC” Industrial Compatible District are regulated per street type as classified in the Urban Transportation Plan and as listed below and per **Subsection 7.5.4** Arterial Street Sections Regulated as Collector Street Sections:

“a. * * *

* * *

“3. * * * * *”

SECTION 8. Subsection 7.5.15 of the UDC, entitled “Multi-Tenant (3 or more Tenants) Freestanding Sign,” is amended by revising the subsection to read as follows:

“7.5.15 Permanent Signs Allowed in the Business and Industrial Districts.

“The following freestanding and wall signs may be allowed in the business, professional office and industrial districts, including the overlay districts, except to the extent specifically modified by the rules in a particular district. Where the rules for a specific district deviate from these general rules, the specific deviation may be effective in that district, subject to its terms, but the remainder of the general rules in this Section may apply in that district.

“A. Applicability

“1. The provisions of this Section may apply to the following districts: ON, Office; CN, Neighborhood Commercial; CR, Resort Commercial; CG, General Commercial; CI, Intensive Commercial; CBD Downtown Commercial; BP, Business Park; I-2; and IH, Heavy Industrial; CC, Commercial Compatible; and IC, Industrial Compatible.

“2. * * *

“B. * * *

“C. Table of Sign Types

“A sign type listed below is allowed as a permanent sign in any district which contains a “P” in the cell where the district intersects that sign type and prohibited in any district which contains an “NP” in the cell where the district intersects that sign type. Sign types allowed are further limited by height, size and other restrictions included elsewhere in this Section.

	RM-AT	ON	CN-1	CN-2	CR-3	CR-1	CR-2	CG-1	CG-2	CI	CBD	BP	IL	IH	RV	CC	IC
Permanent Sign Types																	
Billboard(4)	NP	NP	NP	NP	NP	NP	NP	NP	NP	P	P	P	P	P	NP	<u>NP</u>	<u>NP</u>
Canopy or Marquee Sign(2)	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	<u>P</u>	<u>P</u>
Monument Sign	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	<u>P</u>	<u>P</u>
Pole Sign	NP	P	P	P	NP	NP	NP	P	P	P	P	P	P	P	P	<u>P</u>	<u>P</u>
Roof Sign	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	<u>NP</u>	<u>NP</u>
Wall Sign(1)	P	P	P	P	P	P	P	P	P	P	NP	P	P	P	P	<u>P</u>	<u>P</u>
Other Characteristics																	
Manual Changeable Copy	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	<u>P</u>	<u>P</u>
Automatic Changeable Copy(3)	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	<u>P</u>	<u>P</u>
Whirling, Revolving	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	<u>NP</u>	<u>NP</u>
Noise Producing	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	<u>NP</u>	<u>NP</u>

“P in a cell means that the sign type or characteristic is allowed in that district, subject to additional dimensional and other standards set forth for individual districts.

“NP in a cell means that the sign type or characteristic is not allowed in that district.

“NOTES TO TABLE:

“1. For design standards for wall signs, see Subsection 7.5.3.

- “2. For design standards for canopy or marquee signs, see **Subsection 7.5.9.**
- “3. For design and operating standards for automatic changeable copy signs, see **Subsection 7.5.12.**
- “4. For standards for the size, location and replacement of billboards, see **Subsection 7.5.21.**”

SECTION 9. Subsection 7.5.20 of the UDC, entitled “Temporary and Portable Signs Allowed in the Nonresidential Districts,” is amended by revising the subsection to read as follows:

“7.5.20. Temporary and Portable Signs Allowed in the Nonresidential Districts

“A. Applicability

“The provisions of this Section may apply to the following districts: RM-3, Multi-family 3; ON, Office; CN, Neighborhood Commercial; CR, Resort Commercial; CG, General Commercial; CI, Intensive Commercial; CBD, Downtown Commercial; IO, Island Overlay; BP, Business Park; IL, Light Industrial; ~~and IH, Heavy Industrial;~~ CC, Commercial Compatible; and IC, Industrial Compatible.

“B. * * *

“C. Portable Signs Generally

“Portable signs are allowed in the following districts: IO, Island Overlay; CR-1 District; BP District. Portable signs are not allowed in the following districts: ON District; CN Districts; CR-2 District; CR-3 District; CG Districts; IL District; IH District; CC District; and IC District.

“D. * * * ”

SECTION 10. Subsection 7.9.5 of the UDC, entitled “Zoning District Buffer Yard—New Development,” is amended by revising the subsection to read as follows:

“7.9.5 Zoning District Buffer Yard – New Development

“A. Requirements – New Development

“The following table shall be used to determine the type of zoning district buffer yard required between adjacent zoning districts.

“Table 7.9.5.A Required Zoning District Buffer yard (New Development)”

Subject Property Zoning District	← Adjacent Property Zoning District →									
	FR ³	RE, RS	RS-TH, RS-TF	RM, R-MH, RV,	CN ¹ , ON CR	CN ² ,CG, CI,BP, CBD	IL	IH	CC	IC
FR	--	--	--	A	A	A	A	A	<u>A</u>	<u>A</u>
RE, RS	--	--	--	B	B	C	D	E	<u>C</u>	<u>D</u>
RS-TH, RS-TF	--	--	--	B	B	C	D	E	<u>C</u>	<u>D</u>
RM, R-MH, RV	A	B	B	--	A	A	C	E	<u>A</u>	<u>C</u>
CN ¹ , ON, CR	A	B	B	A	--	--	B	D	--	<u>B</u>
CN ² ,CG, CI, BP,CBD, CC	A	C	C	A	--	--	A	C	--	<u>A</u>
IL, IC	A	D	D	C	B	A	--	A	<u>A</u>	--
IH	A	E	E	E	C	C	A	--	<u>C</u>	<u>A</u>

¹-- Nonresidential development with a single user of 25,000 sf or less.

²-- Nonresidential development with a single user of more than 25,000 sf.

³-- When an abutting parcel is vacant and zoned Farm Rural, the parcel developed second is responsible for the installation of a zoning district buffer yard.”

SECTION 11. To the extent this amendment to the UDC represents a deviation from the City’s Comprehensive Plan, the Comprehensive Plan is amended to conform to the UDC, as it is amended by this ordinance.

SECTION 12. All ordinances or parts of ordinances in conflict with this ordinance are expressly repealed.

SECTION 13. If, for any reason, any section, paragraph, subdivision, sentence, clause, phrase, word, or provision of this ordinance is held to be invalid or unconstitutional by final judgment of a court of competent jurisdiction, such judgment shall not affect any other section, paragraph, subdivision, sentence, clause, phrase, word, or provision of this ordinance, for it is the definite intent of this City Council that every section, paragraph, subdivision, sentence, clause, phrase, word, or provision of this ordinance be given full force and effect for its purpose.

SECTION 14. 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. Unless otherwise specifically stated within the provisions of this ordinance or the Code of Ordinances, City of Corpus Christi, any violation of this ordinance or the requirements implemented under this ordinance that is punishable by a fine that exceeds the amount authorized by Section 12.23 of the Texas Penal Code shall require a culpable mental state of “criminal negligence.”

SECTION 15. 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 16. This ordinance takes effect on the day following the date of publication.

The foregoing ordinance was read for the first time and passed to its second reading on this the _____ day of _____, 2012, by the following votes:

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

The foregoing ordinance was read for the second time and passed finally on this the _____ day of _____, 2012, by the following votes:

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

PASSED AND APPROVED this the _____ day of _____, 2012.

ATTEST:

Armando Chapa
City Secretary

Nelda Martinez
Mayor