



AGENDA MEMORANDUM

Public Hearing for the Planning Commission Meeting of August 7, 2019

DATE: July 23, 2019

TO: The Corpus Christi Planning Commission

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Ordinance amending the Unified Development Code regarding side yard setbacks, definitions, sidewalks, administrative adjustments, and the following land uses: Car Washes, Vehicle Sales and Services, Aggregate Storage, Crematoriums, Above Ground Fuel Storage Tanks, Townhomes, and Accessory Buildings.

CAPTION:

Ordinance amending the Unified Development Code regarding side yard setbacks, definitions, sidewalks, administrative adjustments, and the following land uses: car washes, vehicle sales and services, aggregate storage, crematoriums, above ground fuel storage tanks, townhomes, and accessory buildings.

PURPOSE:

The purpose of this item is to amend various requirements for side yard setbacks, definitions, sidewalks, administrative adjustments, and the following land uses: car washes, vehicle sales and services, aggregate storage, crematoriums, above ground fuel storage tanks, townhomes, and accessory buildings within multiple sections of the Unified Development Code (UDC).

BACKGROUND AND FINDINGS:

On a continual basis, Development Services reviews the requirements and effectiveness of the standards set by the UDC. The proposed text amendments will improve the effectiveness and efficiency of the UDC and 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.
 - o 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.

- o 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.
 - o 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.
 - o 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.
 - o 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 2nd 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 language states that the corner lot street side yard shall not be less than the adjacent street yard setback. Exceptions to allow the reduction of the corner lot street yard are:
 - o 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.
 - o 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.
 - o 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 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.
- **“Sidewalks”:** This proposed amendment provides exceptions to the requirement for sidewalk construction without a plat waiver and that an Alternative Pedestrian Plan may be approved administratively. Currently, the UDC requires that a land owner shall construct sidewalks as a public improvement during the platting process. The UDC provides for exceptions to this requirement, but as requests via plat waiver to the Planning Commission and only under certain conditions.
- **“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.

RECOMMENDATION:

Staff recommends approval of the UDC text amendments.

LIST OF SUPPORTING DOCUMENTS:

Draft ordinance