



AGENDA MEMORANDUM

Public Hearing and First Reading Ordinance for the City Council Meeting 12/14/21
Second Reading Ordinance for the City Council Meeting 1/11/22

DATE: November 1, 2021

TO: Peter Zaroni, City Manager

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<p>Text amendments to the Unified Development Code (UDC) concerning Historic Designations and the Board of Adjustment</p>
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CAPTION:

Ordinance of the City of Corpus Christi, Texas adopting text amendments to the Unified Development Code (UDC) to remove the Planning Commission from historic designation review process and to identify grounds for undue hardship the Board of Adjustment may consider for a variance.

SUMMARY:

As part of the 87th Texas Legislature, bills were passed into laws that became effective on September 1, 2021. Such new laws are related to the boards of municipalities that determine historic designations and the required findings involving variances of structures by the Board of Adjustment. The statute speeds up the designation process as Council would designate the Landmark Commission as the sole board/commission that will be required to recommend the designation of landmarks straight to Council. Currently, any designation must go through Landmark Commission, Planning Commission, and City Council.

BACKGROUND:

Senate Bill 1585: Relating to requirements for the designation of a property as a historic landmark and the inclusion of a property in a historic district by a municipality.

UDC Amendment: The City Council must elect whether to appoint the Landmark Commission or the Planning Commission regarding the recommendation of designating historic designations and/or districts. The amendment language recommends that the Landmark Commission will provide a recommendation of a historic designation. Additionally, if a property owner does not consent to their property receiving a designation or inclusion into a historic district, a $\frac{3}{4}$ vote of both the Landmark Commission and City Council will be required to overrule the property owners wishes.

House Bill 1475: Relating to municipal board of adjustment zoning variances based on unnecessary hardship.

UDC Amendment: Language will be added to the UDC to provide additional clarity to the Board of Adjustment regarding the required findings in the event of deliberating a potential variance to a structure.

According to §3.2.1 of the UDC, text amendments may be made from time to time in order to: (a) establish and maintain sound, stable and desirable development within the City or its ETJ; (b) correct textual errors; or (c) adjust the text of the UDC in response to changes in conditions either in a particular area or in the city in general. The effect of these proposed text amendments will be city-wide.

ANALYSIS AND FINDINGS:

Per §3.2.3 of the UDC, in determining whether to approve, approve with modifications, or deny a proposed Unified Development Code text amendment, the applicable review bodies shall consider the following criteria:

1. The amendment promotes the purpose of this Unified Development Code as established in Section 1.2. The UDC was established to reflect the City's Comprehensive Plan and its goal to improve and protect public health, safety, and welfare.
2. The amendment is consistent with the Comprehensive Plan.
3. The amendments are consistent with other codes and ordinances adopted by the City and are otherwise internally consistent with other provisions of this Unified Development Code, or that any provisions with which the amendments are or may be inconsistent also are proposed to be modified. The effects of all such modifications shall meet the above criteria, promote the public health, safety, and welfare, and be consistent with any applicable federal and state requirements.
4. The fiscal impact on the City and the effect on taxpayers and ratepayers of the proposed amendment.

The proposed text amendments do not conflict with existing language in the UDC nor the Municipal Code. Additionally, the adoption of new state statutes is directly linked to the third condition of the review criteria listed above.

ALTERNATIVES:

1. Denial of an Ordinance of the City of Corpus Christi, Texas adopting text amendments to the Unified Development Code (UDC).

FISCAL IMPACT: There are no fiscal impacts associated with this item.

RECOMMENDATION:

Planning Commission recommended approval of the proposed UDC text amendments on September 1, 2021.

Vote Count:

For:	8
Opposed:	0
Absent:	1
Abstained:	0

Staff recommends approval of the UDC text amendments.

LIST OF SUPPORTING DOCUMENTS:

Ordinance and Presentation