



AGENDA MEMORANDUM

Public Hearing for Planning Commission Meeting of July 27, 2016

DATE: July 27, 2016

TO: Daniel McGinn, AICP, CFM, Interim Director, Development Services

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Public Hearing – Various Amendments to the Unified Development Code

CAPTION:

Ordinance amending the Unified Development Code by revising subsection 4.2.5.B "Types of Yards", table 4.6.2 "Permitted Uses (Industrial Districts)", table 4.6.3 "Nonresidential Use (Industrial Districts)", subsection 5.3.2.D "Garages, Private", subsection 7.9.5 "Zoning District Buffer Yard- New Development", subsection 7.9.6 "Zoning District Buffer Yard- Redevelopment", subsection 9.5.2. "Authority to Utilize for Single-Family Residence", subsection 9.5.3 "Regulations for Single-Family Use of Nonconforming Lots" and subsection 3.25.2 "Review Process"; providing for severance; providing for penalties; and providing for publication.

PURPOSE:

The purpose of this item is to update the regulations of the Unified Development Code (UDC) to improve its function and implementation.

BACKGROUND AND FINDINGS:

The Unified Development Code (UDC) became effective July 1, 2011. As part of the continued improvement to address the city's development needs staff has presented several text amendments that have been approved by the Planning Commission and City Council since the adoption of the UDC. Today, staff is proposing the following new text amendments:

PERMITTED USES:

1. **Table 4.6.2: Permitted Uses (Industrial districts)** The Restaurant use is being amended from 'subject to limitations' to 'permitted' in the IL(Light Industrial) district and in the IH (Heavy Industrial) district, it is being amended from 'not permitted' to 'permitted'. Both changes will facilitate development in those districts.

SETBACK REGULATIONS

2. **4.2.5.B: Types of Yards** is being amended to comply with 5.3.2.D.3 which states a private garage facing only a public right of way, not including an alley, shall conform to the required street yards for the zoning district.
3. **Table 4.6.3: Non-Residential Uses (Industrial Districts)** is being amended by reducing the five foot side yard setback and ten foot rear yard setback to zero, to allow maximum use of lot when **not** abutting a residential use.
4. **5.3.2.D: Garages, Private** is being amended to eliminate sections no longer needed after a previous UDC amendment passed in 2/21/2012 (Ord. # 029376). The amendment also helps code users by reiterating a requirement for garage setbacks.

BUFFER YARDS

5. **7.9.5: Zoning District Buffer Yards for New Development** and **7.9.6: Zoning District Buffer Yards for Re-Development** are being amended to allow a commercially-zoned property not to install a buffer yard when abutting a public or civic use, such as a postal office, thereby allowing for maximum use of the lot. Public or civic uses are allowed in residential zoning districts. Since they are a nonresidential use, there is no need to protect them from other commercial or office uses.

NON-CONFORMING LOTS OF RECORD

6. **9.5.2: Authority to Utilize for Single-Family Residence** and **9.5.3: Regulations for Single-Family Use of Nonconforming Lots** are being amended to provide an increased opportunity for infill on lots that do not conform with current development standards.

BOARD OF ADJUSTMENT

7. **3.25.2 Review Process** for variances is being amended to give staff the flexibility to make a recommendation or not on zoning variance requests that are heard by the Board of Adjustment.

ALTERNATIVES:

Denial or alteration of the proposed text amendments.

OTHER CONSIDERATIONS:

Not Applicable

CONFORMITY TO POLICY:

The proposed text amendments conform to City policy.

EMERGENCY /NON-EMERGENCY:

Non-emergency

DEPARTMENTAL CLEARANCES:

Legal and Planning Commission

FINANCIAL IMPACT:

☐ Operating ☐ Revenue ☐ Capital ☒ Not applicable

Fiscal Year: 2015-2016	Project to Date Expenditures (CIP only)	Current Year	Future Years	TOTALS
Line Item Budget				
Encumbered / Expended Amount				
This item				
BALANCE				

Fund(s):

Comments: None

RECOMMENDATION:

Staff recommends approval of the amendments.

LIST OF SUPPORTING DOCUMENTS:

Ordinance