

Ordinance
amending the Unified Development Code to codify Community
Home use in residential districts; providing for severance;
providing for penalty; providing for publication; and effective
date.

WHEREAS, use of a Community Home in a residential district may not be restricted pursuant to Texas Human Resource Code §123.003 (a) as follows:

“(a) The use and operation of a community home that meets the qualifications imposed under this chapter is a use by right that is authorized in any district zoned as residential.”

WHEREAS, the Planning Commission has recommended the City Council approve this amendment of the City of Corpus Christi, Texas ("City") Unified Development Code ("UDC");

WHEREAS, with proper notice to the public, public hearings were held on Wednesday, June 14, 2017, during a meeting of the Planning Commission, and on Tuesday, July 25, 2017, 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, Section 1.11, subsection 1.11.3 entitled "Defined Terms" of the UDC is amended by adding the following language that is underlined (added) and deleting the language that is stricken (deleted) as delineated below:

Community Home: A place where food, shelter, personal guidance, care, habilitation services and supervision are provided to not more than six persons with a disability and meets the requirements and limitations of the Community Homes for Disabled Persons Location Act, Chapter 123, Texas Human Resources Code.

SECTION 2. Article 4, Section 4.3, subsection 4.3.2, Table 4.3.2 entitled "Permitted Uses (single-family district)"; Section 4.4, subsection 4.4.2, Table 4.4.2 entitled "Permitted Uses (Multifamily)"; and Section 4.5, subsection 4.5.2, Table 4.5.2 entitled "Permitted Uses (commercial zoning districts)" are being amended by adding the following language that is underlined (added) and deleting the language that is stricken (deleted) as delineated below:

Table 4.3.2 Permitted Uses (Single-family districts)

SINGLE-FAMILY DISTRICTS									
P = Permitted Use	SP = Special Permit	FR	RE	RS-22	RS-15	RS-10	RS-6	RS-4.5	Standards
L = Subject to Limitations	[blank cell] =								
SUE = Special Use Exception	Not Permitted								
Residential Uses									
Single-family detached house except:		P	P	P	P	P	P	P	
Industrialized / Modular Housing		L	L	L	L	L	L	L	4.3.7
Manufactured Housing									6.1.1
Zero lot line house (RE: provides for 1 acre lots whereby zero lot line configurations are not			L	L	L	L	L	L	4.3.5
Traditional house				L	L	L	L	L	4.3.5
Semi-attached house						L	L		4.3.5
Group home (6 or fewer residents)		P	P	P	P	P	P	P	
Community Home		P	P	P	P	P	P	P	5.2.26

Table 4.4.2 Permitted Uses (multifamily districts)

MULTIFAMILY DISTRICTS								
P = Permitted Use L = Subject to Limitations SUE = Special Use Exception SP = Special Permit [blank cell] = Not Permitted		RS-	RS-TH	RM-1	RM-2	RM-3	RM-AT	Standards
Residential Uses								
Single-family detached house	P		P	P	P	P		
Zero lot line house	L		L	L	L	L	4.3.5	
Traditional house	P		P	P	P	P		
Semi-attached house	P		P	P	P	P		
Two-family house	P		P	P	P	P		
Townhouse	P	P	P	P	P	P		
Apartment			P	P	P	P		
Cottage Housing Development	P	P	P	P	P	P	4.7	
Group home (6 or fewer residents)	P	P	P	P	P	P		
Group Living Uses except for:			P	P	P	P		
Nursing or convalescent home					P	P		
Group home (6 or fewer residents)	P	P	P	P	P	P		
Community Home	P	P	P	P	P	P	5.2.26	

SECTION 3. Article 5, Section 5.1, subsection 5.1.2.B entitled “Group Living”; Section 5.2 entitled “Specific Standards” by adding subsection 5.2.26 entitled “Community Homes” of the UDC are amended by the following language that is underlined (added) and deleting the language that is stricken (deleted) as delineated below:

5.1.2.B. Group Living

Characteristics: Residential occupancy of a structure by a group of people that does not meet the definition of Household Living. Tenancy is usually arranged on a monthly or longer basis. Generally, Group Living structures have a common eating area for residents, and the residents may receive care or training.		
Principal Uses	Accessory Uses	Uses Not Included
Assisted living facility Boarding, rooming or lodging house <u>Community Home</u> Dormitory Group home (6 or fewer residents) Hospice Fraternity or sorority Monastery or convent Nursing home Orphanage	Associated office Food preparation and dining facility Off-street parking of vehicles for occupants and staff Recreational facility Satellite dish antenna under 3.2 feet*	Alternative or post-incarceration facility (see Social Service) Bed and breakfast home or inn, hotel, motel, inn, extended-stay facility (see Overnight Accommodations) Group home for the physically, , mentally and emotionally challenged that are not considered single-family residences (7 or more residents) (see Social Service) Group home for drug and alcohol treatment (see Social Service) Hotel or motel (see Overnight Accommodations) Transient lodging or shelter for the homeless (see Social Service) Treatment center (see Social Service)

*See additional standards in Subsection 5.3.2

(Ordinance 030769, 02/16/2016)

5.2.26 Community Home

A. Use

The use and operation of a Community Home for Disabled Persons that meets the requirements of the Community Homes for Disabled Persons Location Act, Chapter 123 Texas Human Resources Code is authorized in any residential zoning district.

B. Limitation on Number of Residents

Not more than six persons with disabilities and two supervisors may reside in a Community Home at the same time. The limitation on the number of persons with disabilities applies regardless of the legal relationship of those persons to one another.

C. Licensing requirement

A Community Home must meet all applicable licensing requirements of the Community Homes for Disabled Persons Location Act, Chapter 123, Texas Human Resources Code.

D. Location requirement

Within a residential zoning district, a Community Home may not be established within one-half mile of an existing community home.

E. Limitation on the Number of Motor Vehicles

Residents of a Community Home may not keep, on the premises of a Community Home or on the public rights-of-way adjacent to the Community Home, more than one motor vehicle per bedroom for the use of residents of the home.

SECTION 4. If for any reason any section, paragraph, subdivision, sentence, clause, phrase, word, or provision of this Ordinance shall be 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. The City Council hereby declares that it would have passed this Ordinance, and each section, paragraph, subdivision, sentence, clause, phrase, word, or provision thereof, irrespective of the fact that any one or more sections, paragraphs, subdivisions, sentences, clauses, phrases, words, or provisions be declared invalid or unconstitutional.

SECTION 5. A violation of this ordinance, or requirements implemented under this ordinance, constitutes an offense punishable as provided in Article 1, Section 1.10.1 of the UDC, Article 10 of the UDC, and Section 1-6 of the Corpus Christi Code of Ordinances.

SECTION 6. Publication shall be made in the City's official publication as required by the City's Charter.

SECTION 7. This ordinance is effective immediately upon passage.

That the foregoing ordinance was read for the first time and passed to its second reading on this the _____ day of _____, 2017, by the following vote:

Joe McComb	_____	Ben Molina	_____
Rudy Garza	_____	Lucy Rubio	_____
Paulette Guajardo	_____	Greg Smith	_____
Michael Hunter	_____	Carolyn Vaughn	_____
Debbie Lindsey-Opel	_____		

That the foregoing ordinance was read for the second time and passed finally on this the _____ day of _____, 2017, by the following vote:

Joe McComb	_____	Ben Molina	_____
Rudy Garza	_____	Lucy Rubio	_____
Paulette Guajardo	_____	Greg Smith	_____
Michael Hunter	_____	Carolyn Vaughn	_____
Debbie Lindsey-Opel	_____		

PASSED AND APPROVED on this the _____ day of _____, 2017.

ATTEST:

Rebecca Huerta
City Secretary

Joe McComb
Mayor