

Ordinance amending the Unified Development Code to add a platting exception; codify a written interpretation of the term, minor plat; change certain distance requirements for a bar, tavern or pub; add a requirement for certain landowners to enter into sanitary sewer connection agreements; eliminate the 5.5 percent interest paid with wastewater lot/acreage fee refunds; and categorize smoking lounges as a permitted principal use in certain zoning districts

**WHEREAS**, the Planning Commission has forwarded to the City Council its final report and recommendation regarding this amendment of the City's Unified Development Code ("UDC");

**WHEREAS**, with proper notice to the public, public hearings were held on Wednesday, July 25, 2018, during a meeting of the Planning Commission when the Planning Commission recommended approval of the proposed UDC amendments, and on Tuesday, \_\_\_\_\_, 2018, 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, 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.** UDC Article 3 "Development Review Procedures", Section 3.8 Subdivision Plat Review, Subsection 3.8.2 Exceptions From Platting Requirements are amended by adding the following language that is underlined (added) as delineated below:

3.8.2. Exceptions From Platting Requirements

\* \* \*

J. Land, including submerged lands, owned by the State of Texas and administered by the Texas General Land Office.

**SECTION 2.** UDC Article 3 "Development Review Procedures", Section 3.10. Minor, Amending or Vacating Plat Review, Subsection 3.10.1 Applicability, Subsection 3.10.1.A. Minor Plat are amended by adding the following language that is underlined (added) and deleting the language that is stricken (~~deleted~~) as delineated below:

**3.10.1. Applicability**

Minor, amending or vacating plats may be approved by the Assistant City Manager of Development Services in accordance with this Section.

**A. Minor Plat**

1. A minor plat is ~~any plat~~ a replat for the combining or consolidating of any number of existing, platted lots, if the replat results in four or fewer lots fronting on an existing street, does not increase the number of lots, and does not require ~~ing~~ the creation of any new street or the creation or extension of municipal facilities or improvements. (Ordinance 030832, 05/02/2016) (Ordinance XXXXXX \_\_/\_\_/201\_\_)
2. Any plat that requires a waiver from subdivision design and improvement standards of this UDC shall not be processed as a minor plat. (Ordinance 030832, 05/02/2016)

**SECTION 3.** UDC Article 5 “Use Regulations”, Section 5.2 Specific Standards, Subsection 5.2.7 Bar, Tavern or Pub is amended by adding the following language that is underlined (added) and deleting the language that is stricken (deleted) as delineated below:

**5.2.7 Bar, Tavern or Pub**

A bar, tavern or pub shall be permitted in accordance with the use tables in Article 4 provided that the bar, tavern or pub shall not be located any closer than 1,000 300 feet from a place of worship, or elementary, middle or high school, ~~and 300 feet from a Day Care use,~~ or public hospital.”

[remainder of Section 5.2.7 to remain]

**SECTION 4.** UDC Article 8 “Subdivision Design and Improvements”, Section 8.2. Design Standards, Subsection 8.2.7 Wastewater, and Section 8.5 Trust Fund Policy, Subsection 8.5.2. Wastewater Trust Fund, Subsection 8.5.2.G. Exemptions is amended by adding the following language that is underlined (added) and deleting the language that is stricken (deleted) as delineated below:

**8.2.7. Wastewater**

\* \* \*

B. Requests for a waiver from these requirements shall be submitted to the Assistant City Manager of Development Services and administered in accordance with paragraph 3.8.3.D waivers. Such a waiver shall only be granted on the condition that the land owner agrees:

- (i) to connect to City sewer at such time as a wastewater manhole is located at the frontage of the property, or a wastewater line extends along the frontage of the property;
- (ii) to pay wastewater lot or acreage fees (whichever is greater) at the rate in effect at the time of connection if wastewater services are available within fifteen (15) years from the recording date of the plat; and
- (iii) to pay tap fees and pro rata fees at the time of connection to City wastewater.

Such agreement shall run with the land and shall be enforceable against the current owner land owner and its successors, transferees, and assigns.

\* \* \*

**“8.5.2.G. Exemptions**

\* \* \*

3. Such exemption or refund shall only be granted on the condition that the land owner agrees:

- (i) to connect to City sewer at such time as a wastewater manhole is located at the frontage of the property, or a

wastewater line extends along the frontage of the property;

- (ii) to pay wastewater lot or acreage fees (whichever is greater) at the rate in effect at the time of connection if wastewater services are available within fifteen (15) years from the recording date of the plat; and
- (iii) to pay tap fees and pro rata fees at the time of connection to City wastewater.

Such agreement shall run with the land and shall be enforceable against the current owner land owner and its successors, transferees, and assigns.

**SECTION 5.** UDC Article 8 “Subdivision Design and Improvements, Section 8.5 Trust Fund Policy, Subsection 8.5.1 Water Trust Fund, Subsection 8.5.1.D Main Not Within One Mile of Property, and Subsection 8.5.1.D.2, is amended by adding the following language that is underlined (added) and deleting the language that is stricken (deleted) as delineated below:

c. The property is not likely to be served with such water lines within five years.

- i. Any refunds shall only be made when monies are fully available in, and appropriated from the Water Arterial Transmission and Grid Main Trust Fund. The order of reimbursement will be determined according to the date the application for refund is approved by the City Council. ~~Refunds shall include 5.5% interest per annum from the date of the filing of the final plat....~~
- ii. Governmental entities, water control districts, or authorities, other than the City, which have provided for the furnishing of an approved water supply to a tract of land for which a lot or acreage fee has been paid to the City may apply to the City for a reimbursement of the lot or acreage fee paid on such tract if such fee has not already been refunded to the lot owners. ~~Such refund shall include 5.5% interest per annum from the date of the filing of the final plat. ....~~

**SECTION 6.** UDC Article 8 “Subdivision Design and Improvements, Section 8.5 Trust Fund Policy, Subsection 8.5.2. Wastewater Trust Fund, Subsection 8.5.2.G Exemptions, Subsection 8.5.2.G.1.c is amended by adding the following language that is underlined (added) and deleting the language that is stricken (deleted) as delineated below:

c. The property is not likely to be served with such wastewater lines within five years.

- i. Any refunds shall only be made when monies are fully available in, and appropriated from the Wastewater Trunk Line Trust Fund. The order of reimbursement will be determined according to the date the application for refund is approved by the City Council. ~~Refunds shall include 5.5% interest per annum from the date of the filing of the final plat.~~

- ii. Governmental entities, wastewater control districts, or authorities, other than the City which have provided for the collection or treatment of sanitary sewage to a tract of land for which a lot or acreage fee has been paid to the City may apply to the City for a reimbursement of the lot or acreage fee paid on such tract if such fee has not already been refunded to the lot owners. ~~Such refund shall include 5.5% interest per annum from the date of the filing of the final plat. ....~~

**SECTION 7.** UDC Article 1 “General Provisions”, Section 1.11 “Definitions”, Subsection 1.11.3 “Defined Terms” is amended by adding the following language that is underlined (added) and deleting the language that is stricken (~~deleted~~) as delineated below:

**1.11.3. Defined Terms**

Smoking Lounge: a business establishment that is dedicated, in whole or in part, to the smoking of tobacco products, electronic cigarettes, or other substances, including but not limited to establishments known variously as cigar lounges, hookah lounges, tobacco clubs, tobacco bars, etc.

**SECTION 8.** UDC Article 4 “Base Zoning Districts”, Section 4.5 “Commercial Districts”, Table 4.5.2 “Permitted Uses (Commercial Zoning Districts)” is amended by adding the following language that is underlined (added) and deleting the language that is stricken (~~deleted~~) as delineated below:

| P = Permitted Use      L =<br>Subject to Limitations   SUE =<br>Special Use Exception<br>SP = Special Permit<br>[blank cell] = Not Permitted | CN-1 | CN-2 | ON | CR-1     | CR-2     | CR-3     | CG-1     | CG-2     | CL       | CBD      | BP       | Standards |
|--|------|------|----|----------|----------|----------|----------|----------|----------|----------|----------|-----------|
| Commercial Uses  |      |      |    |          |          |          |          |          |          |          |          |           |
| Commercial Parking Uses [5.1.4.A]  | P    | P    | P  | P        | P        | P        | P        | P        | P        | P        | P        |           |
| Indoor Recreation Uses [5.1.4.B]   | P    | P    | S  | P        | P        | P        | P        | P        | P        | P        | P        |           |
| Bar, tavern or pub   |      |      |    | L        | L        | L        | L        | L        | L        | L        | L        | 5.2.7     |
| <u>Smoking Lounge</u>  |      |      |    | <u>P</u> | <u>P</u> | <u>P</u> | <u>P</u> | <u>P</u> | <u>P</u> | <u>P</u> | <u>P</u> |           |

**SECTION 9.** UDC Article 5 “Use Regulations”, Section 5.1 “Use Categories”, Subsection 5.1.4 “Indoor Recreation” is amended by adding the following language that is underlined (added) and deleting the language that is stricken (~~deleted~~) as delineated below.

**Characteristics:** General commercial uses, varying in size, providing daily or regularly scheduled recreation-oriented activities in an indoor setting.

| Principal Uses   | Accessory Uses   | Uses Not Included   |
|--|--|---|
| Auditorium<br>Bar, tavern or club<br>Exposition building<br>Indoor entertainment activities such as billiard halls, bowling alleys, pool halls, dance halls, indoor firing ranges, movie or other theaters, and skating rinks<br>Membership club or lodge<br>Natatorium<br><u>Smoking Lounge</u><br>Sexually oriented business | Associated offices<br>Concessions<br>Food preparation and dining areas<br>Off-street parking<br>Satellite dish antenna under 3.2 feet* | Aquarium (see Community Service)<br>Art gallery (see Community Service)<br>Athletic or health club (see Retail Sales and Service)<br>Library (see Community Service)<br>Museum (see Community Service)<br>Senior centers (see Community Service)<br>Youth club facilities (see Community Service) |

**SECTION 10.** If for any reason, any section, paragraph, subdivision, clause, phrase, word, or provision of this ordinance is held invalid or unconstitutional by final judgment of a court of competent jurisdiction, it may not affect any other section, paragraph, subdivision, clause, phrase, word, or provision of this ordinance, for it is the definite intent of this City Council that every section, paragraph, subdivision, clause, phrase, word, or provision of this ordinance be given full force and effect for its purpose.

**SECTION 11.** 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.

**SECTION 12.** 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.

That the foregoing ordinance was read for the first time and passed to its second reading on this the \_\_\_\_\_ day of \_\_\_\_\_, 2018, by the following vote:

|                     |       |             |       |
|---------------------|-------|-------------|-------|
| Joe McComb          | _____ | Ben Molina  | _____ |
| Rudy Garza          | _____ | Everett Roy | _____ |
| Paulette Guajardo   | _____ | Lucy Rubio  | _____ |
| Michael Hunter      | _____ | Greg Smith  | _____ |
| Debbie Lindsey-Opel | _____ |             |       |

That the foregoing ordinance was read for the second time and passed finally on this the \_\_\_\_\_ day of \_\_\_\_\_, 2018, by the following vote:

|                     |       |             |       |
|---------------------|-------|-------------|-------|
| Joe McComb          | _____ | Ben Molina  | _____ |
| Rudy Garza          | _____ | Everett Roy | _____ |
| Paulette Guajardo   | _____ | Lucy Rubio  | _____ |
| Michael Hunter      | _____ | Greg Smith  | _____ |
| Debbie Lindsey-Opel | _____ |             |       |

PASSED AND APPROVED on this the \_\_\_\_\_ day of \_\_\_\_\_, 2018.

ATTEST:

\_\_\_\_\_  
Rebecca Huerta  
City Secretary

\_\_\_\_\_  
Joe McComb  
Mayor