



## **AGENDA MEMORANDUM**

Public Hearing and First Reading Ordinance for the City Council Meeting of September 11, 2018  
Second Reading for the City Council Meeting of September 18, 2018

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**DATE:** August 17, 2018  
**TO:** Keith Selman, Interim City Manager  
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<b>Ordinance amending the Unified Development Code</b>
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### **CAPTION:**

Ordinance amending the Unified Development Code regarding defined terms, exceptions from platting requirements, minor, amending or vacating plat review applicability, commercial districts permitted uses, commercial use categories, specific standards, water trust fund, and wastewater trust fund.

### **PURPOSE:**

The purpose of this item is to report to the City Council on Staff's Written Interpretations of the Unified Development Code (UDC), and Planning Commission and Staff's recommendations to amend the UDC to codify the written interpretations, and make additional amendments based on recent cases at Development Services.

### **BACKGROUND AND FINDINGS:**

Section 3.23.3.B of the Unified Development Code (UDC) states that on an annual basis, written interpretations of the UDC shall be summarized in a report to the Planning Commission, Board of Adjustment and City Council. Based on the report, City Council shall authorize such UDC text amendments as it deems appropriate, to be processed in accordance with Section 3.2 of the UDC. Staff has drafted a text amendment to the UDC to codify a written interpretation of the UDC clarifying what is considered a "Minor Plat." Staff has also drafted four additional text amendments based on recent cases and circumstances that Staff believes warrant attention. At its July 25, 2018 meeting, Planning Commission recommended approval of these text amendments. The text amendments are summarized below.

- **Exception from Platting Requirement for State-Owned Properties on Beaches, Bays, and Submerged Lands, administered by the Texas General Land Office.** Because the Texas General Land Office (GLO) does not permit the

platting of state-owned lands administered by the GLO, Staff recommends an amendment adding such lands to the list of exceptions from platting requirements.

- **Clarifying “Minor Plats.”** This amendment codifies a written staff interpretation, *Informal Staff Report* dated June 16, 2015, from Dan Grimsbo, P.E., then-Director of Development Services, to Development Services Staff. The amendment also aligns the UDC with state law. The amendment clarifies that a “Minor Plat” refers only to the combination or consolidation of already-platted lots, and not the splitting or creation of new lots. Regarding the cap of “four or fewer lots,” to qualify as a minor plat, this amendment also clarifies that it is the number of lots *at the end of the consolidation process*, not at the beginning, that determines whether the replat is minor.
- **Distance from a Bar, Tavern, or Pub, to Churches, Schools, Daycare centers and Public Hospitals.** To make the UDC consistent with the Municipal Code, this amendment reduces the distance required between a bar, tavern or pub, and a place of worship or school, from 1,000 feet, to 300 feet. It uses the more general term, “public or private school” as used in the Municipal Code. It also adds “public hospital” as a category of use that must also be buffered from a bar, tavern or pub, to make the UDC consistent with the Municipal Code. Staff also recommends, as an amendment from the floor, that the text be changed from “Day Care use” to “daycare center,” again, so that the UDC is consistent with the Municipal Code.
- **Eliminating the 5.5 percent interest payment with water and wastewater lot/acreage fee refunds.** In response to a recommendation of the Audit Report of April 9, 2018 on Development Services Funding for Developer Agreements, this amendment eliminates the 5.5 percent interest payment required with all refunds of water and wastewater lot/acreage fees previously paid during the platting process, for those plat applicants who are not required to construct a water or wastewater line during the platting process, but who nevertheless pay the lot/acreage fee during the platting process, and where a water or wastewater line ultimately does not serve the property within a 10 to 20 year time frame after the plat is filed.
- **Smoking Lounges.** Because of recent interest, this amendment creates a new zoning principal use, smoking lounges, within the Indoor Recreation Use Category. Because the expected late evening operating hours of such an establishment would have a similar impact on an area as bars, pubs, or taverns, this use would not be allowed in Neighborhood Commercial or Office districts, but rather, it would be allowed in Commercial Resort, Commercial General, Commercial Intensive, Central Business District, and Business Park zoning districts.

### **ALTERNATIVES:**

Denial or alteration of proposed text amendments.

### **OTHER CONSIDERATIONS:**

The draft ordinance is posted on Development Services website for comment. Notice of a public hearing was published in the Corpus Christi Caller Times on Monday, August

27, 2018.

**CONFORMITY TO CITY POLICY:**

The proposed text amendment conforms to City policy.

**EMERGENCY / NON-EMERGENCY:**

Non-Emergency

**DEPARTMENTAL CLEARANCES:**

Legal and Planning Commission

**FINANCIAL IMPACT:**

☐ Operating      ☐ Revenue      ☐ Capital      X Not applicable

<b>Fiscal Year: 2017-2018</b>	<b>Current Year</b>	<b>Future Years</b>	<b>TOTALS</b>
Line Item Budget			
Encumbered / Expended Amount			
This item			
BALANCE			

Fund(s):

**Comments:** None

**RECOMMENDATION:**

A public hearing was held on Wednesday, July 25, 2018 and Planning Commission recommended approval. Staff recommends approval of the amendments.

**LIST OF SUPPORTING DOCUMENTS:**

Ordinance