

Ordinance amending the Unified Development Code sections regarding Industrialized Housing, Landmark Designations, Zoning Board of Adjustment Board Rules, and Building Material Requirements; and providing for penalty

WHEREAS, effective September 1, 2019, H.B. 1385 removes the height limit for a structure to be classified as industrialized housing and buildings.

WHEREAS, effective May 25, 2019, H.B. 2496 (1) prohibits a city that has established a process for designating places or areas of historical, culture, or architectural significance through zoning regulations from designating a property as a local historic landmark unless: (a) the owner of the property consents to the designation; or (b) the designation is approved by three-fourths vote of the city council and the zoning, planning, or historical commission, if any; (2) allows a city to designate a property owned by a qualified religious organization as a local historic landmark only if the organization consents to the designation; (3) requires a city to provide a property owner a statement describing certain impacts that a local historic landmark designation may have on the owner and the owner's property no later than the 15th day before the date of the initial hearing on the designation; and (4) requires a city to allow the owner of a property to withdraw consent at any time during the local historic landmark designation process.

WHEREAS, effective September 1, 2019, H.B. 2497 (1) requires the city council to approve rules adopted by the board of adjustment; (2) allows the following persons to appeal to the board of adjustment a decision made by an administrative official that is not related to a specific application, address, or project: (a) a person aggrieved by the decision; or (b) an officer, department, board, or bureau of the city affected by the decision; (3) allows the following persons to appeal to the board of adjustment a decision by an administrative official that is related to a specific application, address, or project: (a) a person who files an application that is the subject of the decision; (b) a person who is the owner of property or representative of the owner that is the subject of the decision; (c) a person who is aggrieved by the decision and is the owner of real property within 200 feet of the property that is the subject of the decision; or (d) any officer, department, board, or bureau of the city affected by the decision; (4) requires that a decision made by an administrative official be appealed to the board of adjustment not later than the 20th day after the date the decision is made; and (5) requires the board of adjustment to decide an appeal described in (4) at the next meeting for which notice can be provided following the hearing and not later than the 60th day after the date the appeal is filed.

WHEREAS, effective September 1, 2019, H.B. 2439 provides that: (1) "national model code" means a publication that is developed, promulgated, and periodically updated at a national level by organizations consisting of industry and government fire and building safety officials through a legislative or consensus process and that is intended for consideration by units of government as local law, including the International Residential Code, the National Electrical Code, and the International Building Code; (2) a governmental entity, including a city, may not adopt or enforce a rule, charter provision, ordinance, order, building code, or other regulation that: (a) prohibits or limits, directly or indirectly, the use or installation of a building product or material in the construction, renovation, maintenance, or other alteration of a residential or commercial building if the building product or material is approved for use by a national model code published within the last three code cycles that applies to the construction, renovation, maintenance, or other alteration of the building; or (b) establishes a standard for a building product, material, or aesthetic method in construction, renovation, maintenance, or other alteration of a residential or commercial building if the standard is more stringent than a standard for the product, material, or aesthetic method under a national model code published within the last three code cycles that applies to the construction, renovation, maintenance, or other alteration of the building; (3) a governmental entity that adopts a building code governing the construction, renovation, maintenance, or other alteration of a residential or commercial building may amend a provision of the building code to conform to local concerns if the amendment does not conflict with the prohibition in (2), above. (4) the prohibition in (2), above,

does not apply to: (a) a program established by a state agency that requires particular standards, incentives, or financing arrangements in order to comply with requirements of a state or federal funding source or housing program; (b) a requirement for a building necessary to consider the building eligible for windstorm and hail insurance coverage; (c) an ordinance or other regulation that: (i) regulates outdoor lighting for the purpose of reducing light pollution; and (ii) is adopted by a governmental entity that is certified as a Dark Sky Community by the International Dark-Sky Association as part of the International Dark Sky Places Program; (d) an ordinance or order that: (i) regulates outdoor lighting; and (ii) is adopted under the authority of state law; or (e) a building located in a place or area designated for its historical, cultural, or architectural importance and significance that a city may regulate through zoning, if the city: (i) is a certified local government under the National Historic Preservation Act; or (ii) has an applicable landmark ordinance that meets the requirements under the certified local government program as determined by the Texas Historical Commission; (f) a building located in a place or area designated for its historical, cultural, or architectural importance and significance by a governmental entity, if designated before April 1, 2019; (g) a building located in an area designated as a historic district on the National Register of Historic Places; (h) a building designated as a Recorded Texas Historic Landmark; (i) a building designated as a State Archeological Landmark or State Antiquities Landmark; (j) a building listed on the National Register of Historic Places or designated as a landmark by a governmental entity; (k) a building located in a World Heritage Buffer Zone; (l) a building located in an area designated for development, restoration, or preservation in a main street city under the main street program; or (m) the installation of a fire sprinkler protection system; (5) a city that is not described by (4)(c)(i) and (ii)(e.g., a city that is not “dark skies” certified) may adopt or enforce a regulation described by (2), above, that applies to a building located in a place or area designated on or after April 1, 2019, by the city for its historical, cultural, or architectural importance and significance, if the city has the voluntary consent from the building owner; (6) a rule, charter provision, ordinance, order, building code, or other regulation adopted by a governmental entity that conflicts with the bill is void; (7) the attorney general or an aggrieved party may file an action in district court to enjoin a violation or threatened violation of the bill; and (8) the attorney general may recover reasonable attorney’s fees and costs incurred in bringing an action under the bill, and sovereign and governmental immunity to suit is waived and abolished to the extent necessary to enforce the bill.

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, August 7, 2019, during a meeting of the Planning Commission when the Planning Commission recommended approval of the proposed UDC amendments, and on August 20, 2019, 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 4 “Base Zoning Districts”, Section 4.3 “Single-Family Residential Districts”, Subsection 4.3.7.A. “Definition” is amended by adding the following language that is underlined (added) and deleting the language that is stricken (~~deleted~~) as delineated below:

4.3.7. Industrialized Housing
4.3.7.A Definition

1. Industrialized housing is a residential structure that is:
 - a. Designed for the occupancy of one or more families;
 - b. Constructed in one or more modules or constructed using one or more modular components built at a location other than the permanent site; and
 - c. Designed to be used as a permanent residential structure when the module or the modular component is transported to the permanent site and erected or installed on a permanent foundation system.
2. Industrialized housing includes the structure's plumbing, heating, air conditioning, and electrical system.
3. Industrialized housing does not include:
 - ~~a. A residential structure that exceeds three stories or 49 feet in height as measured from the finished grade elevation at the building entrance to the peak of the roof;~~
 - ~~b~~ a. Housing constructed of a sectional or panelized system that does not use a modular component; or
 - ~~c~~ b. A ready-built home constructed in a manner in which the entire living area is contained in a single unit or section at a temporary location for the purpose of selling and moving the home to another location.

SECTION 2. UDC Article 3 “Development Review Procedures”, Section 3.4 “Historic Overlay District or Landmark Designation”, Subsection 3.4.2.A. “Staff Review” is amended by adding the following language that is underlined (added) and deleting the language that is stricken (~~deleted~~) as delineated below:

3.4.2.A Staff Review

1. The Assistant City Manager of Development Services shall notify the owner of such property of the proposed designation and shall secure an affidavit from the owner ~~if required~~, stating ~~his or her~~ their consent to the proposed designation. ~~If the property is owned by an organization that qualifies as a religious organization, the City may only designate the property as a historic landmark or apply the Historic Overlay District if the religious organization consents. The property owner may withdraw consent at any time during the designation process.~~
2. ~~If the property owner does not consent to the proposed designation, a three-fourths vote of approval is required by the Landmark Commission, Planning Commission, and the City Council.~~
3. The Assistant City Manager of Development Services shall review the application and, considering the review criteria in Subsection 3.4.3, make a recommendation to the Landmark Commission and City Council.
4. The City must provide the property owner a statement that describes the impact that a historic designation of the owner's property may have on the owner and the owner's property. The City must provide the statement to the owner not later than the 15th day before the date of the initial hearing on the proposed designation of the property by the City Council
5. The historic designation impact statement must include lists of the:
 - a. regulations that may be applied to any structure on the property after the designation;
 - b. procedures for the designation;
 - c. tax benefits that may be applied to the property after the designation; and
 - d. rehabilitation or repair programs that the municipality offers for a property designated as historic.

SECTION 3. UDC Article 3 “Organizations and Officers”, Section 2.4 “Board of Adjustment”, Subsection 2.4.4.D “Rules of Proceeding” is amended by adding the following language that is underlined (added) and deleting the language that is stricken (~~deleted~~) as delineated below:

2.4.4.D Rules of Proceeding

The Board shall adopt its own rules of procedure with the approval of the City Council, provided that such rules shall not conflict with laws applicable to the Board ~~of or~~ any provisions of the City Charter.

SECTION 4. UDC Article 3 “Development Review Procedures”, Section 3.27 “Appeal of Administrative Decision”, Subsection 3.27.2.A. “Initiation” is amended by adding the following language that is underlined (added) and deleting the language that is stricken (~~deleted~~) as delineated below:

3.27.2.A Initiation

Within ~~30~~ 20 days after the date of administrative decision, an appeal of an administrative decision may be initiated by ~~any person aggrieved by the administrative decision~~ the person who filed the application that is the subject of the decision, the owner or representative of the owner of the property that is the subject of the decision, a person who is aggrieved by the decision and is the owner of real property within 200 feet of the property that is the subject of the decision, or any ~~official or~~ officer, department, board, or bureau of the City affected by the decision.

SECTION 5. UDC Article 4 “Base Zoning Districts”, Section 4.7 “Cottage Housing District Regulations”, Subsection 4.7.9.F. “Exterior Siding” and Subsection 4.7.9.G. “Alternate Architectural Styles” is amended by adding the following language that is underlined (added) and deleting the language that is stricken (~~deleted~~) as delineated below:

4.7.9.F Exterior Siding

Cottage unit siding must be a minimum of 6 inches in width and may be either horizontal or vertical plank siding, ~~constructed of wood, fiber cement, or vinyl, provided that the Cottage Housing Development is not located in the Island Overlay District and the requirements of Subsection 6.4.11.C. for vinyl material usage.~~

4.7.9.G. Alternate Architectural Styles

1. Proposed alternate architectural design style for a Cottage Housing Development must be consistent and compatible with the ~~materials~~, appearance, concept, and the remaining standards of this Section.

SECTION 6. UDC Article 6 “Special Zoning Districts”, Section 6.4 “-IO, Island Overlay”, Subsection 6.4.11.C “General Standards, Treatments, and Materials” is amended by adding the following language that is underlined (added) and deleting the language that is stricken (~~deleted~~) as delineated below:

6.4.11.C General Standards, Treatments, and Materials

1. Building Design

All architectural building styles shall be described and controlled by the following design characteristics. The listed provisions within this subsection regarding exterior walls, finishes, siding, and roof materials are design guidelines and are solely recommendations.

a. General Massing

“General massing” is the predominate shape of the structure with regard to the specific building style. Shopping centers and other large buildings shall be designed to reduce their apparent bulk by dividing the building mass into several smaller-scaled components, including the use of low-scale planters, site walls, variations in roof forms and heights and the lowering of parapets when not needed to screen mechanical equipment.

b. Exterior Wall Materials & Finishes

Exterior wall materials & finishes visible from public right-of way ~~shall~~ should be consistent with the specific building style. High quality synthetic materials that simulate the original material of a particular building style ~~shall~~ should be considered. Walls ~~should~~ ~~shall~~ be constructed of one or a combination of the following materials with no 4-foot by 8-foot sheets of siding allowed. Suggested materials include:

- i. Stucco;
- ii. Masonry, brick or stone;
- iii. Fiber cement siding; or
- iv. Wood.

c. Vinyl Siding

Vinyl siding ~~shall~~ should not be used for new construction on properties with street frontage on Park Road 22 or properties located in the Lake Padre Area as indicated on the Vinyl Boundary Map in Appendix C of this Section. In addition, existing development originally constructed with vinyl siding wall material may replace vinyl within the areas designated “vinyl not allowed” on the Vinyl Boundary Map. Where vinyl is allowed for new construction or as a new wall covering to replace existing vinyl siding, the vinyl ~~should~~ ~~shall~~ have the following characteristics:

- i. Nominal 0.42 mil thickness;
- ii. 5/8” profile height;
- iii. Reinforced nail hem; and
- iv. Designed for 160 MPH wind-load when attached on 16”centers.

d. Storefront Glass

Storefront glass shall be limited to 15% of a building façade and shall be consistent with the chosen design theme.

e. Roof Form and Materials

The shape and pitch of the roof shall be specific to the building style. ~~and limited to the following:~~ The following materials are recommended.

Table 6.4.11.A Roof Form and Materials

Roof Type	Materials
Metal	Standing Seam, 5-V crimp, or corrugated. Unpainted Galvalume finish is preferred.
Tile	Slate, terra cotta, clay, or concrete tile.
Shingles	Architectural dimensional composition shingle (the use of 3-tab shingles is prohibited), or metal.
Roof screening	All roof top equipment shall be screened from view when viewed from the ground.

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SECTION 7. UDC Article 7 “General Development Standards”, Section 7.7 “Building Design”, Subsection 7.7.1 “Purpose” and 7.7.3 “Facades” is amended by adding the following language that is underlined (added) and deleting the language that is stricken (~~deleted~~) as delineated below:

§ 7.7 Building Design

7.7.1 Purpose

The purpose of this Section is to provide interest in design, articulation and human scale to the façade of a building. The listed provisions within this subsection regarding exterior walls, finishes, siding, and roof materials are design guidelines and are solely recommendations.

7.7.3 Facades

A. All nonresidential street facades ~~shall~~ should be constructed of the following materials:

1. Masonry including brick, stucco, architectural concrete, fiber-cement siding or stone;
2. Wood;
3. Non-corrugated Metal (for beams, lintels, trim elements and ornaments);
4. Corrugated metal (a maximum of 40% of a primary façade); or
5. Glass

~~**B.** Asbestos shall be prohibited on all primary facades and mansard roofs.~~

~~**B.**~~ **C.** Any side or rear wall facing a street, residential zoning district or public or semipublic area shall consist of the same facing materials as the building front.

SECTION 8. 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 9. 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 or Section 1-6 of the Corpus Christi Code of Ordinances.

SECTION 10. Publication shall be made in the City's official publication as required by the City's Charter.

That the foregoing ordinance was read for the first time and passed to its second reading on this the _____ day of _____, 2019, by the following vote:

Joe McComb	_____	Michael Hunter	_____
Roland Barrera	_____	Ben Molina	_____
Rudy Garza	_____	Everett Roy	_____
Paulette M. Guajardo	_____	Greg Smith	_____
Gil Hernandez	_____		

That the foregoing ordinance was read for the second time and passed finally on this the _____ day of _____ 2019, by the following vote:

Joe McComb	_____	Michael Hunter	_____
Roland Barrera	_____	Ben Molina	_____
Rudy Garza	_____	Everett Roy	_____
Paulette M. Guajardo	_____	Greg Smith	_____
Gil Hernandez	_____		

PASSED AND APPROVED on this the _____ day of _____, 2019.

ATTEST:

Rebecca Huerta
City Secretary

Joe McComb
Mayor