



## UDC EVALUATION

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### EXECUTIVE SUMMARY

#### PURPOSE

The purpose of this evaluation is to provide a review of the Corpus Christi's [Unified Development Code](#) (UDC) together with other relevant provisions of the City Code. These recommendations will propose future amendments to the UDC to be undertaken in a separate project. These recommendations are made in light of the Comprehensive Plan, stakeholder feedback, and best practices garnered from the consultant, Kendig Keast Collaborative (KKC), and its 37 years of experience critiquing, amending, and writing over 150 sets of development regulations like Corpus Christi's UDC.

Going into this project, the City knew of several problems related to the UDC and directed KKC to investigate them, in addition to providing their own professional insights. These issues include:

- **Digital Ease of Use.** The UDC should be easy to use for the general public, applicants, and administrators. Information should be logically arranged, easy to find, and with language and graphics that are attractive and clear. The UDC should take full advantage of the capabilities of enCodePlus™ to edit, display, codify, and manage the document.
- **Reorganization / Consolidation of Provisions.** An efficient UDC consolidates similar provisions together, so that the chances of errors in text, and in interpretation, are minimized. Revisions to the UDC should take every opportunity to consolidate like information into a single location.
- **Efficiency of Overlay and Special Purpose Zoning Districts.** The UDC has 11 overlay and special purpose zoning districts. Generally, KKC looks for opportunities to evenly distribute throughout the City as a whole good and reasonable development standards frequently found in special purpose or overlay districts. This is opposed to adding regulatory layers in some parts of the City while other parts of the City are without such a benefit (or burden). The more functional the base zoning districts are (e.g. RS-4.5, CN-1, or IL) the less need there is for specialized zoning districts.
- **Improvement and Clarification of the Trust Fund.** The Trust Fund is an entity that is rather unique to Corpus Christi. One thing that many can agree on is that it is complicated and needs modification after serving the City for decades.
- **A Staff "Wish List" of Items.** City staff has maintained a running tally of desired rather minor changes to the UDC that would fix problems that have occurred in administering, interpreting, and enforcing the UDC.
- **Incentives for achieving better development.** These concerns include, but are not limited to:
  - Appropriate increased density;
  - Affordable housing; and
  - Low-impact development.

In order to provide solutions for these and other concerns, this Evaluation is presented in the following Sections:

- **Section 1., Planning and Zoning Basics.** Although many people have at least a cursory familiarity with terms like "zoning" or "planning," this Section provides a brief education on the essential aspects of city planning and zoning geared toward a lay person.
- **Section 2., Plan Implementation.** The primary duty of a UDC is to put into law the selected broad policies of the Comprehensive Plan. This Section assesses how well the current UDC implements the land development-related policies of [Plan CC](#), selected [Area Development Plans](#), and the [Strategic Plan for Active Mobility](#).



- **Section 3., UDC Best Practices.** Without regard to the policies of Plan CC, there are a number of characteristics that generally make for a good UDC. This Section provides those characteristics and shows how the UDC stacks up.
- **Section 4., Zoning Districts and Land Uses.** Established zoning districts and regulated uses of land comprise the heart of most UDCs, and Corpus Christi's is no exception. Indeed, the zoning and land use Articles of the UDC comprise over 30 percent of the bulk of the document. This Section provides recommendations on how the UDC could make more efficient use of its zoning district and land use regulatory system.
- **Section 5., General Development and Subdivision Standards.** Development characteristics resulting from the site and subdivision design standards of the UDC tend to be the most noticeable to the general public. This Section critiques the UDC provisions that impact community character in terms of the design of parking, landscaping, signs, outdoor display and lighting, and building design. This Section also provides an assessment of the Trust Fund.
- **Section 6., Development Review and Administrative Improvements.** This Section provides recommendations related to the processing, review, and decision making on development review applications (such as Rezoning, Variances, etc.) from two angles: 1) Improvements to the written text of the UDC; and 2) Improvement to the administrative practices of the Development Services department, which may not necessarily be written into the UDC.
- **Appendix A. Stakeholder Interview Summary.** This Appendix provides a listing of comments received at stakeholder interviews and an Open Door Meeting held in Corpus Christi from December 12th to the 14th.
- **Appendix B. Key Terms.** This Appendix lists technical terms that are used in this Evaluation and provides definitions.
- **Appendix C., Additional Comments.** On March 21st, KKC and the City held a second Open Door Meeting to present a draft of this Evaluation, with attendees invited to submit comments. This Appendix shows the comments received over a five-week window after the presentation.

## BACKGROUND

In September 2016, the City Council adopted Plan CC, the Comprehensive Plan for the City. In addition, several Area Development Plans (ADPs) remain in effect for various parts of town. These ADPs provide a finer grain of recommendations than Plan CC for specific areas of the City. Some ADPs, such as those for [North Beach](#), [Mustang-Padre Island](#), and [Downtown](#), have been recently adopted or amended. The ADPs that remain, including those for London and the Southside which the City has begun to update, are not part of the focus of this Evaluation.

The Council adopted the UDC in 2011 after involvement from another consultant and several years of City staff shepherding the document through the public input, review, and hearing process. The UDC combined the City's Zoning Ordinance, Platting Ordinance, and other development-related regulations into a single document with the intent to minimize inconsistencies and needless duplications. While having a single source for most development regulations has surely been an asset to the community, the content and administration of the UDC could use improvement. In fact, since adoption, the Council has amended the document almost 40 times in a piecemeal fashion.

### *Stakeholder Interview Take-Away*

During interviews with the consultant for this project, stakeholders commented that a lot of time was spent in the previous UDC effort and we should not waste all of that effort and start from the beginning again with a brand new UDC. We should fix what is not working and make what works well work even better.

It is a good idea to periodically maintain a UDC with an annual set of amendments; however, so many amendments over an eight-year period is a signal that more global changes may be needed. For this reason, the Council is now interested in a more comprehensive update to the UDC.

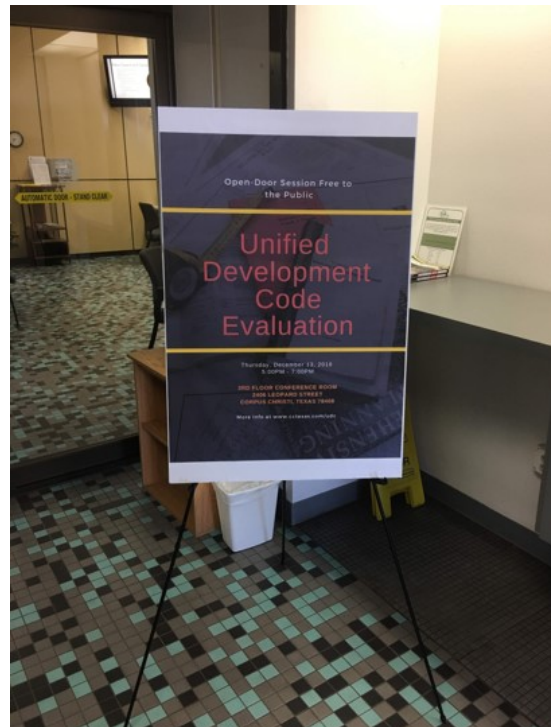


There is a big difference between the level of detail of a 15+ year vision document (Plan CC) and the day-to-day rules that apply to the use and development of land (the UDC). Accordingly, a “bridge” must be built between the Plan and the UDC in order to recommend specific regulatory changes that address either the policies set out in the Plan or the concepts brought forward by local stakeholders and City staff. The purpose of this Evaluation is to establish such a “bridge,” by, among other things, setting out recommended strategic approaches and priorities for a comprehensive revision of the UDC.

To obtain background information, the consultant team conducted stakeholder interviews with people who may be directly impacted by changes to the UDC, as well as those who regularly administer the existing regulations. In December 2018, KKC interviewed groups representing diverse areas of local knowledge and interest. They also went on an extensive guided tour of the City with several members of City staff.

Members of the general public were also invited to participate directly in the project. The KKC team held an "Open Door" kick-off meeting at the Development Services Building. The purpose of these gatherings was to introduce the project, and most importantly to hear comments and input about development-related issues. A wide variety of issues were discussed, concerns raised, and questions asked. The notes from these sessions are in [Appendix A, Stakeholder Interview Summary](#), of this Evaluation.

In March 2019, KKC held another public "Open Door" meeting to present a draft of this Evaluation and to provide the public a chance to comment on anything that may have been missed. After the meeting, there was a five-week comment period. The Coastal Bend Home Builders Association was the only entity to submit comments, as shown in [Appendix C, Additional Comments](#). They looked favorably on 11 recommendations and disagreed with 20 of the recommendations. They liked the recommendations related to increased administrative approval and increased flexibility without the additional time and uncertainty of applying for a Planned Unit Development. Their primary concerns were related to: (1) ensuring that there is a clear appeal process if there is greater administrative decision-making authority; (2) certain enhanced design requirements related to subdivisions; and (3) preventing the cost of development from increasing. These topics will certainly require dialogue during the amendment drafting process.



**Stakeholder Interview Participants**

- City Staff
- Appointed Officials
- Engineers, Contractors, and Designers
- Builders
- Environmental Organizations
- Architects and Planners
- U.S. Navy Air Station Representatives
- Downtown Advocates
- Realtors and Property Owners Association Representatives
- The general public



**SUMMARY OF RECOMMENDATIONS**

Table ES.1, Summary of Recommendations, below, lists the recommendations contained in this Evaluation, their priority (short-, medium-, or long-term), the source of the recommendation (Plan, Public Input, Best Practice, or Other) and whether City staff or a consultant should undertake the change. Some sensitive items may require consultant involvement; however, basic reorganization, definitions, and minor amendments can be tackled by City staff. These changes to the UDC may be proposed, considered by the Planning Commission and City Council, and adopted into the UDC as part of a separate project or may be phased into the UDC over several years. Recommendations with a (S)horter term priority and a Consultant responsibility are proposed to be part of a near-term update to the UDC to be managed by a consultant.

<b>Table ES.1, Summary of Recommendations</b>			
<b>Recommendation</b>	<b>Priority<sup>1</sup></b>	<b>Source<sup>2</sup></b>	<b>Responsibility</b>
<b>Section 2. Plan Conformance</b>			
All <b>Plan CC Recommendations</b> except as follows:	S	P	Consultant
- Give preference to energy-efficient designs, materials and equipment in public facilities and in infrastructure.	M	P	Consultant
- Support passive design strategies, such as site designs that take advantage of prevailing winds, sunlight, shade trees, etc. to reduce energy consumption.	M	P	Consultant
- Promote resource-efficiency in all new housing through financial or non-financial incentives, such as permit streamlining.	M	P	Consultant
- Promote compact and walkable mixed-use urban villages where they could support improved public transportation service. Bus stations and future stops for bus rapid transit, creating “transit-ready” locations.	L	P	Consultant
All <b>North Beach ADP Recommendations</b> except as follows:	S	P	Consultant
- Remove the uses allowed in CR-3 that are not particularly pedestrian oriented, including Commercial Parking Use Category, Game processing, and auto rental.	S	P	Staff
- Incorporate a maximum setback in CR-3 to force buildings closer to the street.	S	P	Staff
- Allow off-site parking for a nonresidential use to be located in a residential zoning district with a Special Permit, rather than prohibiting it.	M	P	Staff
All <b>Downtown ADP Recommendations</b>	S	P	Consultant
All <b>Mustang-Padre Island ADP Recommendations</b> except as follows:	S	P	Consultant
- Modify 6.4.4, <i>Use Regulations</i> , to prohibit the Waste-Related Service Use Category.	S	P	Staff
- Modify 6.4.4 to prohibit the Industrial Use Categories, sexually-oriented business, and manufactured home in the Overlay regardless of the underlying zoning district.	S	P	Staff
All <b>Strategic Plan for Active Mobility (Bicycle Plan) Recommendations</b> except as follows:	S	P	Consultant
- Revise land use/development codes to define a mechanism by which developers' contributions in lieu of land dedication may be used to build out the bicycle infrastructure network.	L	P	Staff
<b>Section 3. UDC Best Practices</b>			
Bring relevant portions of the City Code into the UDC. (See Table P1.1)	S	BP	Consultant
Remove conflict provisions in the City Code and UDC (See Table P1.2)	S	BP	Staff
Combine the Community Service and Places of Worship Use Categories into one to facilitate treating all RLUIPA-related uses the same.	S	BP	Consultant



**Table ES.1, Summary of Recommendations**

Recommendation	Priority <sup>1</sup>	Source <sup>2</sup>	Responsibility
Modify the definition of family to include necessary staff in a community home setting and remove the duplicative use "community home (6 or fewer residents) from Table 4.3.2.	M	BP	Staff
Improve on the content-neutrality of § 7.5 Signs.	S	BP	Consultant
Extend provisions from Article 7, General Development Standards, to areas of the ETJ.	L	BP	Staff
Update § 5.5 Wireless Telecommunication Facilities to address small cell towers.	S	BP	Consultant
Combine the Special Permit and Special Use Exception into one procedure	S	BP	Consultant
Allow more flexibility in placement of residential pools.	S	DS	Consultant
Allow the Assistant City Manager of Development Services (ACMDS) to make the final decision on Alternative Compliance in Section 7.3.4 for landscaping provisions.	M	BP	Staff
"Promote" the Waiver procedure up to the Section level so it is more visible to users.	S	SH	Staff
Build in more provisions so that certain Waiver requests could be administratively approved.	S	SH	Consultant
Modify § 2.12 Summary of Review Authority to include timing, expiration, review steps, and associated standards.	S	BP	Consultant
Make the Planning Commission the final decision maker for Special Permits.	L	BP	Staff
Modify § 3.23 Written Interpretation to include more guidance for the ACMDS to make interpretations of the UDC.	S	BP	Consultant
Incorporate the written interpretations in Table P4.2 into the UDC.	S	SH	Consultant
Incorporate Low-Impact Development incentives into the UDC.	M	BP	Consultant
Create an Established Neighborhood zoning district(s) to facilitate infill and reinvestment	M	BP	Consultant
Adopt contiguous infill lot bonus provisions to make infill more attractive to developers	S	BP	Consultant
Amend Section 7.2.4 Alternative Parking Plan Options, to remove some of the parking-related cost burden from redevelopment projects.	M	BP	Consultant
Make the Cottage Housing Overlay a housing type, rather than an overlay district.	S	BP	Consultant
Integrate the cluster overlay provisions into the base districts as a development type that is either permitted by-right or permitted subject to limitations.	S	BP	Consultant
Build more housing types into the residential zoning districts.	S	BP	Consultant
Grant a density bonus by-right for market rate subdivisions or multifamily development that integrate committed affordable units.	S	BP	Consultant
Allow reductions in fees-in-lieu of park land dedication and other incentives for developments that incorporate committed affordable units	S	BP	Consultant
<b>Section 4. Zoning Districts and Land Uses</b>			
Make changes recommended in Section 4. except as follows:	S	Varies	Consultant
- Clarify whether encroachment of eaves into easements.	M	DS	Staff
- Relocate the standards related to the percentage of lots that must be adjacent to a body of water in 4.2.11. Water-Oriented Subdivisions. The language could be relocated to § 8.3 Public Open Space.	M	DS	Staff
- Relocate submittal requirements to a document outside of the UDC.	M	BP	Staff
- In Table 4.5.4 Nonresidential Development, rename minimum lot area for the BP	S	BP	Staff



**Table ES.1, Summary of Recommendations**

Recommendation	Priority <sup>1</sup>	Source <sup>2</sup>	Responsibility
district as minimum site area.			
- Remove more intense Waste-Related Uses from the LI district.	S	DS	Staff
- In 5.1.4.I. <i>Vehicle Sales and Service</i> , add "vehicle service, heavy" and "vehicle service, limited" as accessory uses in the Vehicle Sales and Service use category.	S	DS	Staff
- In 5.1.5.A. <i>Light Industrial Service</i> , shift above-ground fuel storage to the accessory uses column.	S	DS	Staff
- Add townhouses to 6.4.11.B. <i>Applicability</i> .	S	DS	Staff
<b>Section 5. Development Standards</b>			
Make changes recommended in Section 5. except as follows:	S	Varies	Consultant
- Allow "ribbons" for driveways in order to reduce impervious coverage.	M	DS	Staff
- In Table 7.1.7.D <i>Corner Clearance</i> , Change "N/A" to "0".	M	DS	Staff
- In § 7.2 <i>Off-Street Parking, Loading and Stacking</i> , specify that parking, loading, and stacking spaces cannot be used interchangeably.	M	BP	Staff
- In 8.2.1.G <i>Cul-de-Sacs</i> , allow a mountable curb to surround the cul-de-sac island, require maintenance by an HOA or POA, and require a visibility triangle in 4.2.9.	M	BP	Staff
- Provide an arrangement for underground utilities in utility easement.	L	DS	Staff
- Re-assess the \$62,500 cap on fair market value per acre.	S	DS	Staff
- In 8.5.1.B <i>Payment of Fees</i> , specify that tap fees shall be made exclusively to the city.	M	DS	Staff
- Implement the Storm Water Trust Fund program or remove from the UDC.	L	DS	Staff
<b>Section 6. Development Review and Administrative Improvements</b>			
Make changes recommended in Section 6. except as follows:	S	Varies	Consultant
- Examine the defined terms and add or remove definitions as needed.	S	BP	Staff
- Specify that the Technical Review Committee may consist of local school district representatives.	S	SH	Staff
- Clarify that incomplete or rejected applications are not considered "filed" or "submitted" for the purposes of the Texas Local Government Code.	M	BP	Staff
- Clarify that an appeal to the City Council is to take place at a public meeting, not a public hearing with notification required.	M	BP	Staff
- Use the term "court of competent jurisdiction" rather than specifying the court that would hear the appeal. (Applies throughout the UDC)	M	BP	Staff
- Modify the way gable, hip, or gambrel roofs are measured so that they are either measured to the eaves or ridge, rather than the median between the two.	S	DS	Staff
- Consider setting aside a portion of each TRC meeting (or a portion of a TRC meeting each month) as an "Open Door" that future applicants may attend to show conceptual plans for new projects.	L	BP	Staff
- Take full advantage of 2.7.3.A <i>Chair</i> , which states that the Development Review Manager is responsible for final actions of the TRC	S	BP	Staff
- Address stakeholder concerns about "too many bites at the apple" in application review by taking full advantage of the provision in 3.7.2.A.2 <i>Technical Review Committee Review</i> , that states, "The absence of and resulting lack of comment from a Technical Review Committee member during the review of the application plat shall	S	BP	Staff



Table ES.1, Summary of Recommendations

Recommendation	Priority <sup>1</sup>	Source <sup>2</sup>	Responsibility
preclude that member or that member’s organization from commenting on or requiring additional materials for the application at a later date."			
- Invite applicants to the TRC meetings as an application is being reviewed. Hold an internal work session prior to the actual meetings so that Staff may discuss any application issues internally.	M	BP	Staff
- Make use of the Notes / Interpretation function of the UDC host, enCodePlus™ as depicted in Figure 6.1, enCodePlus Document Attributes. These interpretations would be viewable by any Staff member with an enCodePlus login.	S	BP	Staff

TABLE NOTES:

<sup>1</sup>S = Shorter (1-2 years); M = Medium (3-5 years); L = Longer (5+ years)

<sup>2</sup>SH = Stakeholders; P = Plan CC or ADP; BP = Best Practices; DS = Development Services Staff





## SECTION 1. PLANNING, ZONING, AND PLATTING BASICS

What is essential to this Section is the understanding that Plan CC sets the broad policy directions for the City's future growth and economic development, while a UDC is the set of laws, in the form of regulations, standards, and requirements, that implements the Plan's policies. While closely interrelated, the plan and UDC have different functions.

### The Difference Between Plans and the UDC

#### The Comprehensive Plan

In September 2016, the Corpus Christi City Council approved a new Comprehensive Plan, known as Plan CC. Plan CC contains:

- An overall vision statement for what Corpus Christi will be like in 2035;
- A collection of targeted vision statements related to seven elements, such as Housing and Neighborhoods and Future Land Use, Zoning, and Urban Design; and
- Broad goals and more focused strategies for each of the seven elements.

In Corpus Christi, the City Charter requires the City to develop and implement a Comprehensive Plan containing policies for growth, development, and aesthetics in the city limits and extraterritorial jurisdiction (ETJ). The Charter further states that the Plan shall include policies for its implementation and shall be implemented, in part, by the adoption and enforcement of appropriate land development regulations (the UDC). Indeed, Plan CC provides recommendations on new and revised Area Development Plans, zoning districts applied throughout the City to specific properties via the Future Land Use Map, and, most relevant for this Evaluation, the regulatory language of the UDC.

The policies set out in Plan CC affect public and private investments in land, programs, and infrastructure, with the aim of ensuring that such investments work together to achieve a common vision for the future of the City. Table 1.1, *Example Comprehensive Plan Policies*, shows examples of each type of Plan policy. The UDC is mostly concerned with development of private property and, to a secondary extent, with the provision of public and private infrastructure.

**Table 1.1, Example Comprehensive Plan Policies**

Policy Type	Public Property or Public Investments	Private Property
<b>Land</b>	Consider a systematic method to fairly evaluate existing police and fire stations and the need for new stations.	Truck loading facilities, which often produce traffic congestion, noise, and road wear, should be properly located and designed to prevent conflicts with other land use activities.
<b>Program</b>	Explore the creation of a City redevelopment authority or similar agency.	Support an orderly and prioritized annexation program to insure an adequate supply of developable land.
<b>Infrastructure</b>	Support the utilization of road improvements to stimulate redevelopment and orderly growth.	Give priority to natural, green drainage systems for storm water management.





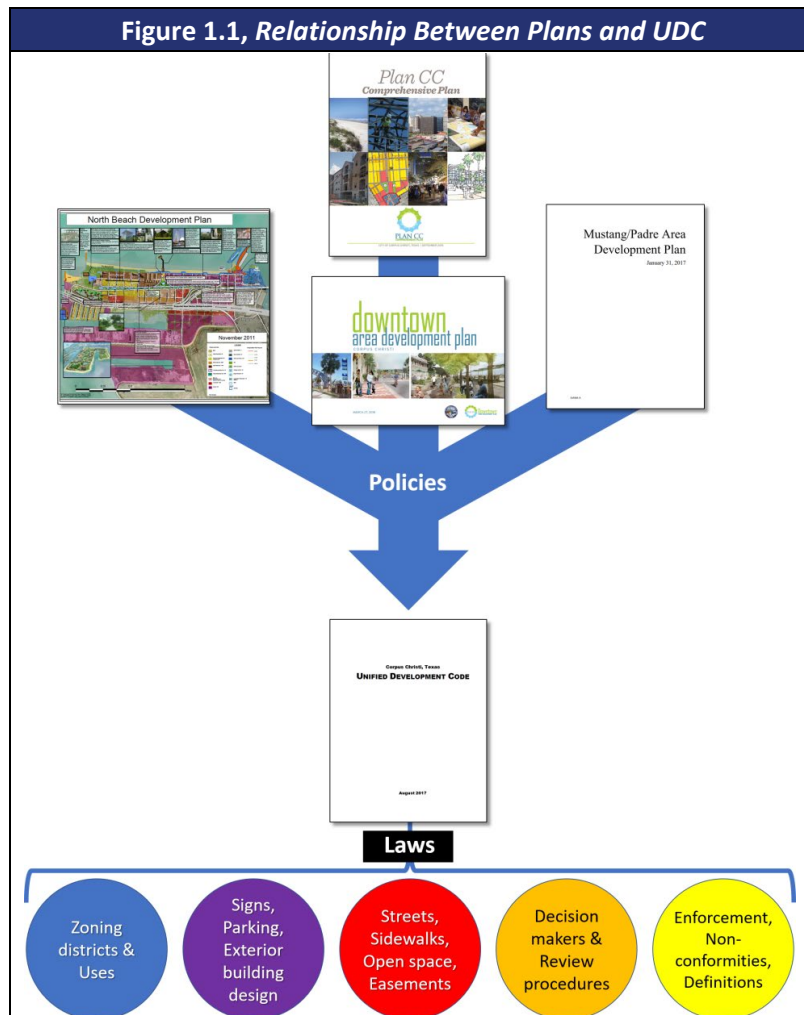
### The Unified Development Code (UDC)

Even though the City Council adopted Plan CC by Ordinance, the Plan is not a set of laws. The UDC, however, does have the force of law. It is where the "rubber meets the road" and selected recommendations of the Plan related to land use are given legal "teeth."

For example, for a property owner who wants to open a bakery on a specific lot at the edge of a specific neighborhood, the Comprehensive Plan broad recommendation, "Encourage the protection and enhancement of residential neighborhoods" offers little in the way of guidance. Indeed, some may believe the use is compatible and others may not. Fortunately, the property owner does not have to rely on the Comprehensive Plan to understand whether the bakery will be allowed. The UDC provides the specific rules that implement the Comprehensive Plan policy. As such, the owner would look to the UDC to determine:

1. whether coffee shops are allowed on the property in question, based on the Zoning Map and the list of permitted uses for the property's specific zoning district; and
2. if so, what requirements are in place to ensure compatibility with the neighboring residential uses.

Any of the following standards from Corpus Christi's UDC give the force of law to the broad policy that residential neighborhoods should be protected:





- *Screening requirements* (e.g., “Where a commercial or industrial use is ...adjacent to a lot or parcel zoned for or occupied by residential uses, then the owner of the...commercial or industrial use shall...construct a solid screening fence 6 feet in height.”).
- *Scale limitations* (e.g., “Eating establishments permitted in the ‘CN-1’ Neighborhood Commercial District, shall not exceed 5,000 square feet in gross floor area.”)
- *Setback limitations* (e.g., “No part of any building or accessory structure shall be closer than 100 feet to any residential district boundary.”).
- *Building design standards* (e.g., “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.”).
- *Operational limitations* (e.g., “When a loading dock abuts a single-family residential zoning district... Loading docks shall be signed to indicate ‘no idling.’”).

Table 1.2, *The Links from Plan to Regulation*, below, visualizes the relationship between the broad goals and polices of Plan CC, specific legal provisions of the UDC, and the various other documents that link the two together.

The table reflects the applicable documents (Comprehensive Plan, Area Development Plans, together with this UDC Evaluation, the Annotated Outline, and the UDC Draft). In addition, the intent of each document is outlined as to its role in future planning and development, along with the typical scope of each document, its purpose, and how it's used by City staff in administering the Comprehensive Plan and UDC. Lastly, example documents are referenced to better understand how all these are interrelated, their individual and collective purposes, and to enhance the public understanding of plan policies and how they're implemented.

**THE ROLE OF A UDC IN CREATING  
“GOOD NEIGHBORS”**

Essentially, a UDC is a set of laws regarding what it means to be a “good neighbor” in terms of the use and development of land. Of course, if everyone always agreed about what it means to be a “good neighbor” — and if everyone acted accordingly — then there would be little need for a UDC. In a perfect world:

- Good neighbors do not interfere with the use, enjoyment, privacy, and value of each others’ property.
- Good neighbors do not take more than their fair share of community resources.
- Good neighbors support community-wide objectives with respect to planning and development.
- Good neighbors’ actions do not endanger the health and safety of each other.

Of course, in a perfect world, the theory always works. In the real world, things are more complicated. The drafting, interpretation, and enforcement of a UDC constantly works between the tensions of:  
*“You can’t tell me what I can do with my land!”*  
 And the equally emphatic belief:  
*“You should not let my neighbor do that!”*  
 The balance that is ultimately struck between the two points of view varies greatly.

**Table 1.2, *The Links from Plan to Regulations***

Document	Intent	Typical Scope	Example(s)
<b>Comprehensive Plan</b>	Establish Vision, Goals, and Objectives for Future Development of the City	Establish broad goals and recommendations, such as: <ul style="list-style-type: none"> <li>• Promote residential and mixed-use downtown</li> <li>• Encourage residential infill</li> <li>• Support the improvement and aesthetics of city entrances</li> </ul>	Plan CC



**Table 1.2, The Links from Plan to Regulations**

Document	Intent	Typical Scope	Example(s)
<b>Area Development Plans</b>		<p>Focus on particular subjects or areas for more specific goals and recommendations, in order to:</p> <ul style="list-style-type: none"> <li>• Identify projects and strategies to promote planning objectives</li> <li>• Prioritize areas for annexation or public investment</li> <li>• Identify design features or styles for specific areas</li> </ul>	<p>Downtown ADP Mustang-Padre Island ADP North Shore ADP</p>
<b>UDC Evaluation</b>	<p>Assess the Current UDC based on Plan Recommendations, Stakeholder Input, and Best Practices</p>	<p>Establish the broad strategies for developing a new UDC by:</p> <ul style="list-style-type: none"> <li>• Framing plan objectives that can be implemented through the UDC</li> <li>• Identifying subject areas where trade-offs among plan policies are not resolved in the plans</li> <li>• Identifying potential regulatory tools / strategies at a broad scale</li> </ul>	<p>This document</p>
<b>Annotated Outline</b>	<p>Provide a Structural Scheme for a new UDC with Notes Regarding Retained and New Provisions</p>	<p>Make recommendations about the structure of the new UDC</p>	<p>Annotated Outline that could be part of a second phase of this overall project of updating UDC</p>
<b>UDC Draft</b>	<p>Plan Implementation / Regulation of Private Property</p>	<p>Detailed standards and procedures for development of land. Tasks in a UDC update may include (among many other matters covered by the UDC):</p> <ul style="list-style-type: none"> <li>• Overhaul of zoning districts</li> <li>• Streamlining of development review process</li> <li>• Implementation of multifamily and nonresidential design guidelines</li> <li>• Refining of dimensional and development standards</li> <li>• Improvement of subdivision design standards</li> </ul>	<p>Corpus Christi UDC</p>



## The Purpose of Zoning

Historically, at its essence, zoning functioned as a legally enforceable way to separate potentially conflicting land uses before they had a chance to be established near one another and to cause a nuisance. Cities traditionally used zoning to prevent the worst combinations of adjacent land uses from occurring (e.g., industrial next to a residential neighborhood as depicted in Figure 2, *Mix of Industrial and Residential Uses*). Over the decades, zoning has evolved to accomplish other purposes that promote the public health, safety, and general welfare. The following are some of the improvements in the public interest that a city may use zoning to promote:

- Enhancing community character;
- Proving incentives for affordable housing;
- Bolstering city beautification;
- Reducing the heat island effect of paved areas, such as parking lots;
- Encouraging the preservation of natural resources and historic assets;
- Spurring economic development;
- Bringing residential elements back to downtown;
- Protecting agricultural resources from sprawl; and
- Promoting low-impact development.

Even as zoning offers basic protections and public enhancements that promote quality of life, its absence, historically, allowed land owners to flexibly develop communities that are valued to this day for their human-scale, pedestrian orientation, and mix of uses. See Figure 1.3, *Pre-Zoning Streetscape*, as an example of a block-face in Bryan, Texas developed prior to the implementation of zoning and that has the above valued characteristics.

Ideally, an updated UDC will:

- Assure the protection of the public's health, safety, and welfare;
- Implement the land use policies of Plan CC, each of the Area Development Plans, and of City master plans; and
- Be flexible enough to allow developers and builders the freedom to create lasting, valued, and affordable communities without unreasonable regulatory barriers that may delay a project or stifle creativity.

Figure 1.2, *Mix of Industrial and Residential Uses*



Figure 1.3, *Pre-Zoning Streetscape*





## Zoning Map and Zoning Regulations

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There are two aspects to zoning regulations in a UDC: text and official zoning map. Both are equally important, and fulfill different roles.

### The Text

A large portion of a typical UDC, including Corpus Christi's, is devoted to zoning regulations (laws that essentially regulate how private property is used and built upon). [Article 4, Base Zoning Districts](#), through [Article 7, General Development Standards](#), of the UDC contain provisions directly related to zoning, including:

- Establishment of zoning districts that are shown on the zoning map;
- Purpose statements for each zoning district;
- Bulk, density, intensity, and height standards;
- Listing of permitted, special, and prohibited uses;
- Specific use standards for special, accessory, and temporary uses;
- Establishment of special purpose and overlay zoning districts that add additional use or design standards to certain areas of the City;
- Regulations related to: driveway placement; landscaping, buffering, and screening; parking, loading, and stacking (the spaces where vehicles line up at, for instance, a car wash); signs; outdoor lighting; exterior design of buildings; and floodplains; and
- Limitations placed on the expansion or changing of nonconformities (uses, structures, and other improvements that were legally established or built, but that do not meet the current standards of the UDC).

However, these regulations are almost meaningless without a zoning map that shows how and where the regulations apply in the City.

### The Official Zoning Map

Districts on a zoning map determine the zoning classification and written regulations that apply to any particular piece of property. See [Figure 1.4, Zoning Map Excerpt](#), for a view of the zoning configuration along a portion of South Padre Island Drive. Note the typical arrangement of commercial (CG-1 and CG-2) zoning along the SPID with residential (RS-6) to the rear, with a view from the ground shown in [Figure 1.5, Commercial Properties Along SPID](#), and [1.6, Residential Properties to the Rear](#).



Figure 1.4, Zoning Map Excerpt

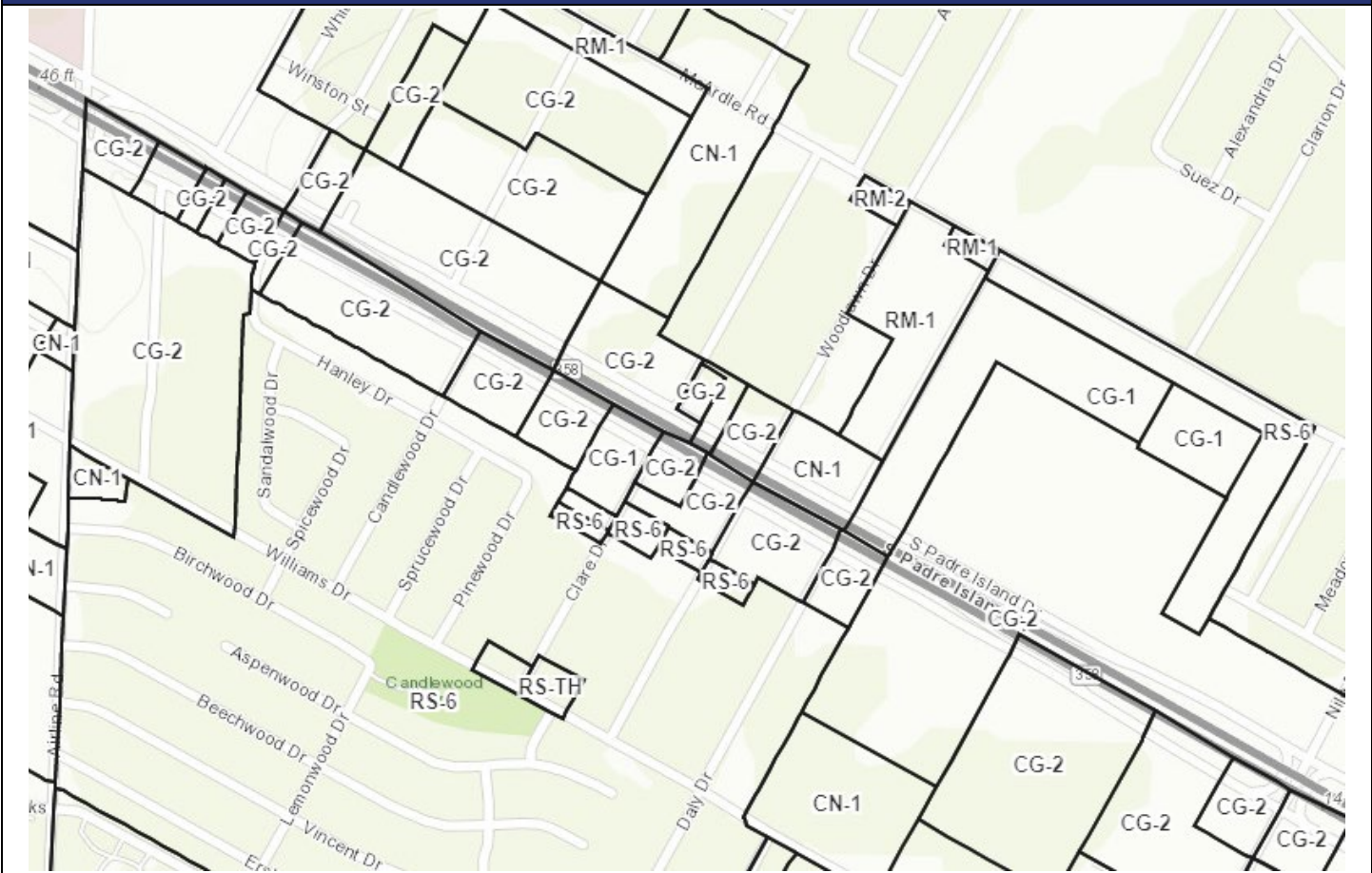


Figure 1.5, Commercial Properties Along SPID

Figure 1.6, Residential Properties to the Rear



Corpus Christi's updated UDC should be thoroughly integrated digitally with its zoning map so that citizens can select a given property and clearly see which zoning regulations apply. Critiquing or recommending changes to the zoning map is not part of this project, but elected and appointed officials should always be aware that the written words of the UDC impact specific properties in various ways via the zoning map.



## Types of Zoning

There are several different approaches to zoning commonly used by communities throughout the United States. Table 1.3, *Types of Zoning*, summarizes these approaches. Corpus Christi's UDC could be characterized as a hybrid of several of the zoning types below, namely: Conventional, Community Character, Overlay, Planned Unit Development, Composite, Form-Based, and Design Guidelines. An update of the UDC should seek to improve these existing strategies, rather than either wholly replacing them with something new or adding yet another zoning type into the mix.

Type of Zoning	Description	Advantages	Limitations	Applicability
<b>Conventional Zoning</b>	Division of the City into districts that establish uniform use and development standards (min. lot area, min. lot width, max. height. etc.)	<ul style="list-style-type: none"> <li>Familiarity to staff and applicants.</li> <li>In use nation-wide for over 100 years; easy to research and compare regulations with other cities.</li> <li>Tight control of uses and scale.</li> </ul>	<ul style="list-style-type: none"> <li>Does not comprehensively regulate design.</li> <li>Segregating uses and requiring excessive building setbacks or height limits can pose barriers to goals of mixing of uses, pedestrian orientation, and sustainable development.</li> </ul>	Stakeholders are familiar with this approach, and Plan CC recommends use compatibility. Conventional zoning techniques that work well should be retained to form the cornerstone of the zoning regulations in the UDC.
<b>Community Character</b>	Uses the character rather than the broad use of development to establish the districts, stretching from rural to suburban and urban contexts. Each district is guided by a maximum density and minimum open space, which provides reasonable flexibility in lot areas and widths provided the density is not exceeded. In certain districts, more than one housing type is permitted. For nonresidential development, the controlling standards are parking, landscape surface ratio and where applicable, building or impervious cover and a floor area	<ul style="list-style-type: none"> <li>The use of character-based districts is a hybrid of conventional, performance, and form-based zoning in that it provides for type, density, and scale of land use, enables ample flexibility to develop in concert with land features, and includes design parameters to achieved the desired outcome.</li> <li>Provides for reasonable variety in lot</li> </ul>	<ul style="list-style-type: none"> <li>More sophisticated than conventional zoning but less so than planned unit development and form-based coding.</li> <li>Is a new system that is much different than conventional zoning. It includes by-right development options within individual districts making them a bit more involved to administer.</li> </ul>	<ul style="list-style-type: none"> <li>In its purest form, it is most effective where there are persistent environmental or topographical issues, such as floodplains, riparian corridors, or steep slopes, in order to ensure preservation of these characteristics without penalizing the developer.</li> <li>It also provides flexibility, less process with fewer districts and more by-right development options, and better control of</li> </ul>



**Table 1.3, Types of Zoning**

Type of Zoning	Description	Advantages	Limitations	Applicability
	<p>ratio. Together with site and building design standards, the desired character is achieved yet retains flexibility to reach market and sustainability objectives.</p>	<p>areas and widths, housing types, and mixed use.</p> <ul style="list-style-type: none"> <li>Inherent to the approach is the protection of environmental resources and preservation of sensitive lands, without requiring a zone change.</li> <li>Provides for sustainable development.</li> </ul>		<p>environmental sensitivities and sustainable development measures.</p>
<p><b>Overlay Zoning</b></p>	<p>The use of zoning districts that overlap the base residential, commercial, and industrial conventional zoning districts to establish additional standards, procedures, or requirements.</p>	<ul style="list-style-type: none"> <li>Allows the City to supplement existing districts with additional controls on land use or the application of design standards.</li> <li>Very common and familiar to UDC users.</li> </ul>	<ul style="list-style-type: none"> <li>Adds unnecessary complication to the layers of standards applicable to properties within them.</li> <li>Property owners may be unaware of an overlay's existence on their property at purchase.</li> <li>Often leads to conflicts or inconsistencies between the base and overlay districts, particularly if there is more than one overlay that overlaps and base district.</li> </ul>	<p>Improvement to the base zoning districts and general development standards could reduce the need for overlay districts. Some, such as the Historic Overlay, are sure to remain.</p>
<p><b>Planned Unit Development</b></p>	<p>Allows for modification of certain development standards for mixed housing or mixed use projects that are intended</p>	<ul style="list-style-type: none"> <li>As with conventional zoning, this is a common approach and is</li> </ul>	<ul style="list-style-type: none"> <li>Frequently misused to avoid meeting basic requirements without providing</li> </ul>	<ul style="list-style-type: none"> <li>The City already uses this approach. However, the updated UDC should contain</li> </ul>





**Table 1.3, Types of Zoning**

Type of Zoning	Description	Advantages	Limitations	Applicability
	<p>to enhance the standards of development. PUDs are commonly applied to a minimum land area or for larger-scale projects.</p>	<p>familiar to code users.</p> <ul style="list-style-type: none"> <li>It is flexible, and allows standards to be negotiated on a case-by-case basis.</li> </ul>	<p>enhanced design or added amenities.</p> <ul style="list-style-type: none"> <li>Requires extra records management for City staff.</li> <li>Essentially adds a separate ordinance to the administration of zoning, which can be burdensome with multiple PUDs.</li> <li>Neither applicant nor adjacent property owners are certain of the outcomes of this negotiated process.</li> </ul>	<p>provisions that codify the conditions that are typically negotiated through PUD approval.</p> <ul style="list-style-type: none"> <li>Coupled with by-right standards, a modified planned development approach would streamline the process and allow developers to devote more of their budget to improving design rather than processing a master site plan and permitting time / costs.</li> </ul>
<p><b>Composite Zoning</b></p>	<p>Instead of having inflexible conventional zoning districts each with a uniform combination of requirements related to use, dimensions, and design, composite districts provide separate and independent zoning components related to site design, building design, and use. For example, a site could have a general commercial use component, a suburban site design component, and a building design component that emphasizes residential compatibility (pitched roofs, single-story, etc.)</p>	<p>Provides flexible site-specific development requirements depending on context of the property.</p>	<p>This approach is effectively a series of overlay districts, and so it has similar limitations of the overlay approach, except that these disadvantages are spread over the entire city, as opposed to certain corridors or areas.</p>	<p>This approach could apply to multi-family and mixed use zoning districts. The zoning map would need to designate areas for use, building, and site design classifications. Leander is a Texas city with one of the first and well-known composite zoning ordinances.</p>



**Table 1.3, Types of Zoning**

Type of Zoning	Description	Advantages	Limitations	Applicability
<p><b>Form-Based Zoning</b></p>	<p>Divides city into transect zones where the regulations vary by physical design characteristics, rather than by use.</p>	<ul style="list-style-type: none"> <li>• Directly addresses design and gives landowners greater flexibility as to permitted uses.</li> <li>• Applies well to urban situations, such as downtown, urban districts, and corridors that are intended for intensive development and improved walkability.</li> </ul>	<ul style="list-style-type: none"> <li>• Tends to be complex and unfamiliar to existing UDC users.</li> <li>• Neighborhood interests and property owners might still want to control uses (for example, nonresidential uses in residential neighborhoods and residential uses in nonresidential).</li> <li>• Principally applicable for urban places and less so for suburban and rural places.</li> <li>• Limited in scope - does not address issues such as the typical land use types or environmental protection.</li> <li>• Frequently a mismatch between the ideals of a form-based code and the realities of existing infrastructure in auto-dependent areas.</li> </ul>	<p>Plan CC has policy recommendations that could be accomplished with form-based elements in the UDC. The MU, Mixed Use overlay zoning district has form-based requirements; however, it appears to be unused on the zoning map. The Cinnamon Shore development in Port Aransas is an example of a project designed with form-based concepts in mind.</p>



**Table 1.3, Types of Zoning**

Type of Zoning	Description	Advantages	Limitations	Applicability
<b>Design Guidelines</b>	Use of separate documents that contain flexibly written, and typically nonbinding, considerations for site and building design. The guidelines are usually administered by a general or specialized review body, such as the Planning Commission, Landmark Commission, or a Design Review Board.	<ul style="list-style-type: none"> <li>Flexibility - the City and applicants retain more discretion in negotiating design solutions, and can better customize design objectives to specific projects than through deliberate standards.</li> <li>Can be amended more readily than the zoning regulations.</li> </ul>	<ul style="list-style-type: none"> <li>Scatters design considerations among separate documents, which can lead to confusion and complexity. Sometimes unclear to applicants and administrators whether or not a guideline is binding. Compliance negotiation can lead to delays in development approval or unpredictable results.</li> <li>Often criticized for being subjective or overly discretionary.</li> </ul>	Design guidelines could be applied for specific areas of the City where PUDs have been misused and where they are expected to continue to be applied. The guidelines could be integrated into each PUD or, at minimum, serve as a starting point for negotiation.

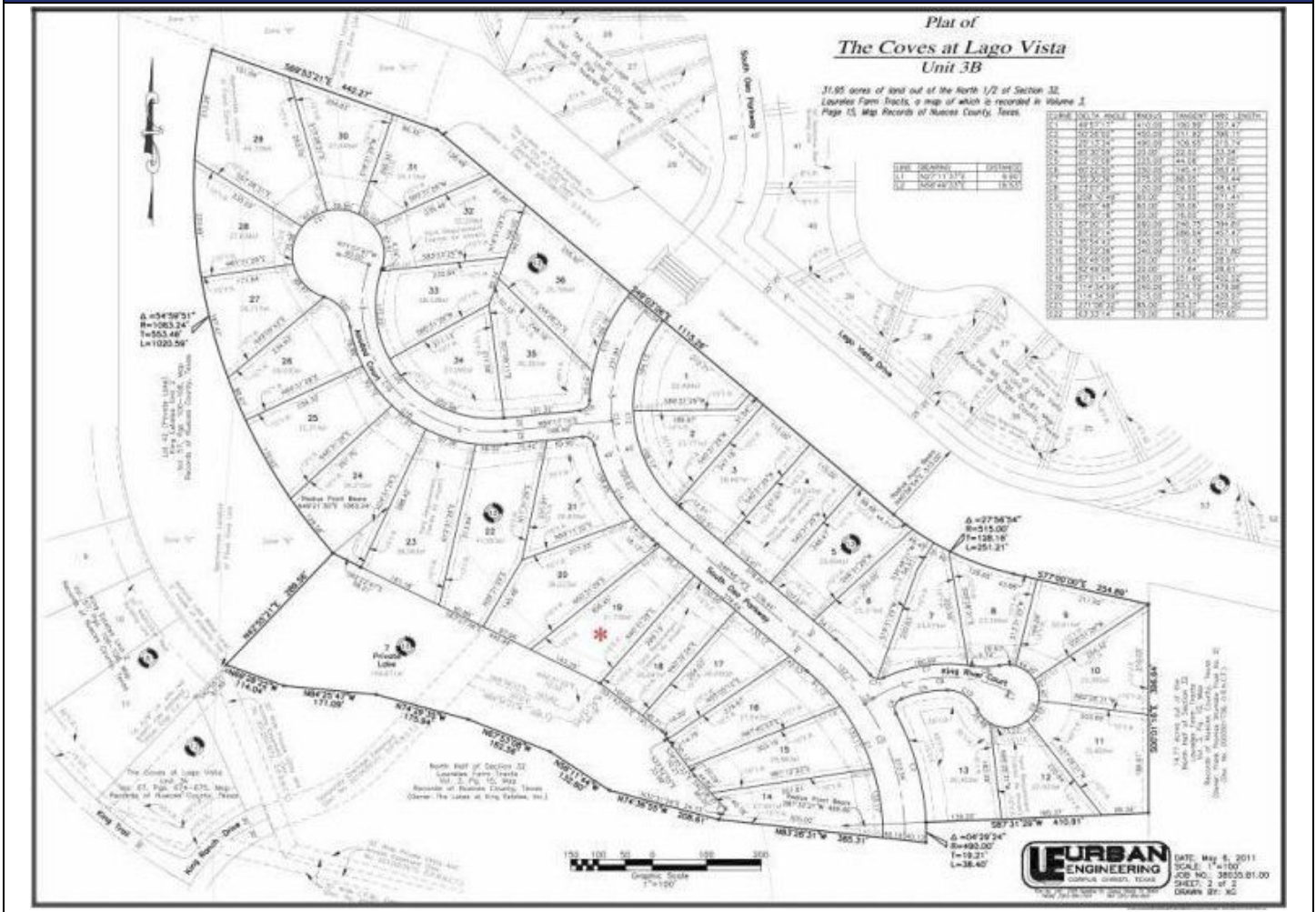
## The Purpose of Platting

Platting procedures and standards promote the public's health, safety, and well-being by making sure that future homes and businesses are properly laid out and have access to adequate infrastructure (streets, drainage, utilities, fire flows, parks, and other public facilities). The term "platting" refers to the legal process of dividing land into two or more parcels that may be sold or developed for residential, nonresidential, or public and institutional purposes. The document that accomplishes this, a plat, shows the layout of the subdivision and is recorded with the County Clerk after approval by the Planning Commission, installation or bonding of infrastructure, and acceptance of the infrastructure by the City.

Since the early 20<sup>th</sup> Century, cities and counties have adopted subdivision (platting) regulations to resolve the problems resulting from the division of land driven by growth pressure. Local governments adopted these regulations to ensure that adequate infrastructure accommodates the lots created by the subdivision. Corpus Christi first adopted a Platting Ordinance in 1939. The document had a major update in 1955, and it was integrated into the UDC upon adoption in 2011. Figure 1.7, *Sample Plat*, shows a typical plat in Corpus Christi with lot layout, public right-of-way, easements, and surrounding properties.



Figure 1.7, Sample Plat



In addition to making sure adequate facilities exist, subdivision regulations address the maintenance of infrastructure. Typically, infrastructure is dedicated (or given) to the City by the developer for use by the general public, which means that the City is responsible for maintenance. If the City assumes the responsibility of long-term maintenance, the installed infrastructure should be constructed to meet certain minimum standards to ensure quality and longevity, thereby avoiding undue hardship on taxpayers in the future. This is why Corpus Christi has adopted [Standard Construction Specifications](#) for public facilities. Lots in a subdivision cannot be sold to individual owners, or generally built upon, until the infrastructure has been either:

- Built, inspected, and accepted for maintenance by the City; or
- Guaranteed by the developer with a financial instrument (including, but not limited to, a certified check, escrow account, or letter of credit) that the City may redeem if the developer fails to build the improvements.

Subdivision authority is allowed to be extended to the extraterritorial jurisdiction (ETJ), which Corpus Christi has done through its UDC. However, the City is limited in the ETJ from regulating:

- the use of any building or property for business, industrial, residential, or other purposes;
- the bulk, height, or number of buildings constructed on a particular tract of land;
- the size of a building that can be constructed on a particular tract of land, including without limitation any restriction on the ratio of building floor space to the land square footage;



- the number of residential units that can be built per acre of land; or
- the size, type, or method of construction of a water or wastewater facility that can be constructed to serve a developed tract of land.

As is common with other cities, Corpus Christi has some of the following typical subdivisions types:

Administrative Final Action

- *Minor Plat.* A plat for four or fewer lots that does not require the extension of City facilities. In Corpus Christi, a Minor Plat must take place on already-platted property, or else it is treated as a Preliminary and Final Plat.
- *Amending Plat.* A plat to correct minor errors on a recorded plat.
- *Development Plat.* Although Corpus Christi currently does not have this procedure in the UDC, this is a unique provision of state law that allows for administrative plat approval where no subdivision of land is occurring. This would allow for issuance of a Building Permit after plat approval (in conformance with the City Charter), even if no subdivision of land is proposed to take place. Typical sites that could benefit from this procedure include manufactured home parks, apartment complexes, or billboard sites.

Planning Commission Final Action

- *Preliminary Plat.* A plat that provide sufficient information to evaluate and review the general design of a proposed subdivision to ensure compliance with the Master Development Plat, if applicable, and the requirements of the UDC prior to submittal of a Final Plat
- *Final Plat.* A plat that acts as the official recorded map of the property to be subdivided and is suitable for recordation with the County Clerk. It shows the subdivision boundaries, lots, streets, easements, and other significant facilities and features that are necessary to serve the development. The Final Plat has to conform to the approved Preliminary Plat.
- *Replat Without Vacation.* A plat to allow a property owner to add additional lots or public rights-of-way to a recorded plat without prior vacation. This is the only plat for which state law mandates a public hearing with notification to surrounding property owners.
- *Vacating Plat.* A request that eliminates the subdivision of property reflected by a prior recorded plat, the approval of which returns the subdivision to a single unit of unsubdivided property.

Slightly less common, but still a good idea, is the inclusion of a *Master Preliminary Plat* in the UDC. The purpose of this type of plat is to delineate the sequence and timing of development within a proposed subdivision, where the tract to be developed is part of a larger parcel. An approved Master Preliminary Plat should:

1. provide the City with assurance that the overall subdivision will, upon build-out, comply with City requirements; and
2. assure the subdivider that the City has capacity in its public facilities to serve the subdivision.

**Stakeholder Interview Take-Away**

During interviews with the consultant for this project, stakeholders posed the idea that Master Preliminary Plats should become administratively approved, rather than being required to go to the Planning Commission.

Although it exists as a process in the UDC, the Master Preliminary Plat has not been enforced. The City could consider combining the phasing in the Master Preliminary Plat with the Preliminary Plat provisions.



## SECTION 2. PLAN CONFORMANCE

### Plan CC Recommendations

Plan CC and the North Beach, Downtown, and Padre-Mustang Island Area Development Plans together with the Strategic Plan for Active Mobility (commonly known as the Bicycle Plan) include a number of goals and recommendations that may be implemented through the regulations contained in the UDC. The following tables highlight those recommendations and summarize if the UDC's regulations are providing the regulatory framework to achieve these goals. Recommendations that are partially incorporated or not incorporated at all into the UDC merit consideration for implementation in a future update of the UDC.

Plan CC, Corpus Christi's Comprehensive Plan, sets out recommendations for how the City plans to grow in the future in terms of the natural environment, housing, economic development, transportation, and land use.

**Table 2.1, Plan CC Natural Systems Recommendations Summary**

Plan Recommendation	Incorporated Into UDC	Sec. Number(s)	Comments
Promote the preservation of land around creeks and drainage corridors to achieve a green network of interconnected parks, multi-use paths, passive and active recreational spaces, and conservation land.	Yes	<ul style="list-style-type: none"> <li>§ 8.3 Public Open Space</li> <li>6.7.4 Required Common Open Space (Cluster Development)</li> </ul>	The UDC contains specific requirements to help achieve this recommendation.
Coordinate stormwater management with trails and green network projects.	Not Incorporated	Not applicable	No standards specifically to ensure the integration of stormwater management and trails in the UDC.
Support continued enforcement of regulations that protect barrier beaches.	Yes	<ul style="list-style-type: none"> <li>§ 3.13 Dune Protection Permit</li> <li>§ 3.14 Beachfront Construction Certificate</li> </ul>	Supportive through references to other sections of the City Code.
Support policies to reduce airborne dust.	Not Incorporated	Not applicable	The only reference to dust is in the off-street parking section.
Encourage industrial areas to eliminate industrial odors.	Partially	4.6.1 Purpose Statements (Industrial Districts)	Limits odor, smoke, and noxious uses to Heavy Industrial District but does not have standards/incentives to encourage the elimination of odors.
Promote tree preservation and tree planting in public spaces and major corridors.	Yes	§ 7.3 Landscaping	The landscaping chapter of the UDC has multiple regulations to help achieve this recommendation.



**Table 2.2, Plan CC Resilience & Resource Efficiency Recommendations Summary**

Plan Recommendation	Incorporated Into UDC	Sec. Number(s)	Comments
Promote implementation of regulations that protect barrier beaches, dunes, and natural or storm-made passes to lessen the erosional impact of tidal surges.	Partially	<ul style="list-style-type: none"> <li>§ 3.13 <i>Dune Protection Permit</i></li> <li>§ 3.14 <i>Beachfront Construction Certificate</i></li> </ul>	A process has been created to review permits in sensitive areas, not necessarily protect these areas.
Give preference to energy-efficient designs, materials and equipment in public facilities and in infrastructure.	Not Incorporated	Not applicable	The UDC does not contain density or intensity bonuses for LEED certifications or <a href="#">Low-Impact Development</a> features (See <a href="#">Section 3.</a> ).
Support passive design strategies, such as site designs that take advantage of prevailing winds, sunlight, shade trees, etc. to reduce energy consumption.	Not Incorporated	Not applicable	The UDC does not require or encourage these features.
Encourage and promote urban farming and community gardens to promote access to local food.	Partially	<a href="#">4.7.7.A Common Open Space</a>	Permits a flat roof on community buildings adjacent to a common open space area for the specific purpose of supporting a rooftop community garden or roof-top deck. (Specific to Cottage House Districts)

**Table 2.3, Plan CC Housing and Neighborhoods Recommendations Summary**

Plan Recommendation	Incorporated Into UDC	Sec. Number(s)	Comments
Encourage and promote urban farming and community gardens to promote access to local food.	Partially	<a href="#">4.7.7.A Common Open Space</a>	Permits a flat roof on community buildings adjacent to a common open space area for the specific purpose of supporting a rooftop community garden or roof-top deck. (Specific to Cottage Housing District)
Promote resource-efficiency in all new housing through financial or non-financial incentives, such as permit streamlining.	Not Incorporated	Not applicable	The UDC does not contain density or intensity bonuses for, as an example, LEED certifications or <a href="#">Low-Impact Development</a> features (See <a href="#">Section</a>



**Table 2.3, Plan CC Housing and Neighborhoods Recommendations Summary**

Plan Recommendation	Incorporated Into UDC	Sec. Number(s)	Comments
<p>Support programs to encourage infill development and rehabilitate housing stock in established neighborhoods.</p>	<p>Yes</p>	<ul style="list-style-type: none"> <li>• § 6.12.4 Target Area Redevelopment</li> <li>• § 6.14 Alternative Housing Options</li> </ul>	<p>3.). Both sections create density bonus provisions and increase the types of housing permitted in certain districts.</p>
<p>Support preservation and reuse of historically significant buildings, areas, and sites.</p>	<p>Yes</p>	<ul style="list-style-type: none"> <li>• § 3.4 Historic Overlay District or Landmark Designation</li> <li>• 6.12.4 Target Area Redevelopment</li> <li>• § 6.14 Alternative Housing Options</li> <li>• § 7.12 Adaptive Reuse Development Standards</li> </ul>	<p>§ 3.4 of the UDC supports the review and preservation of historically significant structures through regulations. Sections 6.12.4, § 6.14, and § 7.12 supports the adaptive reuse of downtown building through an abbreviated review process.</p>
<p>Support programs and regulations that help create livable communities for the aging population.</p>	<p>Partially</p>	<p>6.7.6 Density Bonuses</p>	<p>This Section creates a density bonus for the creation of fully accessible units up to a maximum of 15% for the total development. However, these accessibility standards are not targeted for just the aging population but for all groups needing accessible housing options.</p>
<p>Give consideration to regulations, projects, incentives, and guidelines that promote interconnected development, such as developments with a well-connected street network or appropriate connections to neighboring subdivisions, destinations or bicycle/pedestrian facilities.</p>	<p>Yes</p>	<ul style="list-style-type: none"> <li>• § 7.9 Required Zoning District Buffer Yards</li> <li>• 7.9.7 Means for Obtaining Points</li> <li>• Article 8 Subdivision Regulations</li> <li>• 8.2.1.D External Connectivity</li> </ul>	<p>Section 7.9.7, establishes a points system for creating features in buffer yards. Hike &amp; Bike facilities created in conjunction with the Open Space Master Plan are worth 10 points. Requires that streets between subdivisions are connected at logical locations</p>





**Table 2.4, Plan CC Transportation and Mobility Recommendations Summary**

Plan Recommendation	Incorporated Into UDC	Sec. Number(s)	Comments
Truck loading facilities, which often produce traffic congestion, noise, and road wear, should be properly located and designed to prevent conflicts with other land use activities.	Partially	7.2.7 <i>Off-Street Loading</i>	There are time limit restrictions for loading docks that abut single-family districts and landscaping and screening requirements. They don't mention specifically preventing conflicts or use activities.
Support the improvement and aesthetics of major thoroughfares and city entrances.	Not Incorporated	Not applicable	While the UDC requires higher design standards in certain areas of town (The Island), it does not do so along certain corridors or at City entrances.

**Table 2.5, Plan CC Infrastructure, Facilities & Public Services Recommendations Summary**

Plan Recommendation	Incorporated	Sec. Number(s)	Comments
Promote natural drainage approaches ("green infrastructure") and other alternative non-structural and structural best practices for managing and treating stormwater.	Partially	<ul style="list-style-type: none"> <li>4.7.7.A.10</li> <li>6.7.2.G, 6.7.4</li> </ul>	There are two true examples of this in practice: Cottage House Units and parking areas must be situated to maximize natural drainage. The Cluster Overlay District states that onsite stormwater management "may" be included in required common open space areas and permits bio-swales, infiltration trenches, etc. to count as required open space.

**Table 2.6, Plan CC Future Land Use, Zoning, & Urban Design Recommendations Summary**

Plan Recommendation	Incorporated Into UDC	Sec. Number(s)	Comments
Encourage the protection and enhancement of residential neighborhoods.	Yes	§ 6.12 <i>Target Area Redevelopment Special Overlay District</i>	This Section and subsections have numerous provisions aimed at accomplishing this recommendation.
Promote the stabilization, revitalization and redevelopment of older neighborhoods.	Yes	§ 6.12 <i>Target Area Redevelopment Special Overlay District</i>	This Section provides a framework for designation of areas



**Table 2.6, Plan CC Future Land Use, Zoning, & Urban Design Recommendations Summary**

Plan Recommendation	Incorporated Into UDC	Sec. Number(s)	Comments
Promote residential and mixed-use development downtown.	Yes	<ul style="list-style-type: none"> <li>• § 6.8 Mixed-Use Overlay District</li> <li>• § 6.11 Uptown-Downtown Mixed-Use (MUS) Special Overlay District</li> <li>• § 6.12 Target Area Redevelopment Special Overlay District</li> <li>• § 6.14 Alternative Housing Options</li> </ul>	<p>These special districts create opportunities through overlay districts that support the redevelopment of properties into mixed-use developments.</p> <p>Some of these standards are specific to downtown neighborhoods others can be utilized in the downtown in additional zoning districts.</p>
Promote compact and walkable mixed-use urban villages that concentrate retail and services within walking distance of neighborhood residences and where they could support improved public transportation service, such as expected major.	Yes	<ul style="list-style-type: none"> <li>• § 4.7 Cottage Housing District Regulations</li> <li>• § 6.8 Mixed-Use Overlay District</li> <li>• § 6.11 Uptown-Downtown Mixed-Use (MUS) Special Overlay District</li> <li>• § 6.14 Alternative Housing Options</li> </ul>	<p>These sections provide regulations to create compact walkable neighborhoods and incorporate design standards to enhance sidewalks and neighborhood design.</p>
Promote compact and walkable mixed-use urban villages where they could support improved public transportation service.	Partially	<ul style="list-style-type: none"> <li>• § 4.7 Cottage Housing District Regulations</li> <li>• § 6.8 Mixed-Use Overlay District</li> <li>• § 6.11 Uptown-Downtown Mixed-Use (MUS) Special Overlay District</li> <li>• § 6.14 Alternative Housing Options</li> </ul>	<p>These sections provide the framework that could create densities supportive of mass transit; however, there are no direct requirements or provisions for creating transit stops or Transit Oriented Developments (TODs) specifically.</p>
Encourage and incentivize, with both financial and non-financial incentives, design standards that result in high quality built environments.	Not Incorporated	Not applicable	<p>There are no specific incentives for design standards to support this recommendation in the UDC</p>
Encourage residential infill development on vacant lots within or adjacent to existing neighborhoods.	Yes	<ul style="list-style-type: none"> <li>• § 6.11 Uptown-Downtown Mixed-Use (MUS) Special Overlay District</li> </ul>	<p>This Section has numerous provisions aimed at accomplishing this recommendation.</p>



**Table 2.6, Plan CC Future Land Use, Zoning, & Urban Design Recommendations Summary**

Plan Recommendation	Incorporated Into UDC	Sec. Number(s)	Comments
		<ul style="list-style-type: none"> <li>§ 6.12 Target Area Redevelopment Special Overlay District</li> </ul>	
Encourage direct arterial access for high-density apartments or interior access from a street designed specifically to collect the apartment traffic and distribute it directly to an arterial without passing through a lower density residential area.	Not Incorporated	Not applicable	There are no specific incentives for design standards to support this recommendation in the UDC
Encourage the design of commercial centers in a manner that minimizes the impacts of automobile intrusion, noise and visual blight on surrounding areas.	Partially	§ 7.3 Landscaping	Contains buffer yard requirements for incompatible uses and to soften the appearance of vehicle areas/loading docks.
Screening fences, open space or landscaping can provide an essential buffer between shopping and residential areas.	Yes	§ 7.3 Landscaping	There are buffer yard requirements for incompatible uses and methods to create these buffers including fences and landscaped areas.
Support policies and regulations that ensure orderly development in annexed areas, as rapid un-orderly growth can cause numerous urban problems that include traffic congestion and the inability to meet infrastructure needs.	Partially	4.1.5 Newly annexed Territory	The UDC includes annexation provisions; however, there are not very strict guidelines that require a development plan approval upon annexation.

### North Beach ADP Recommendations

**Table 2.7, North Beach ADP Recommendations Summary**

Plan Recommendation	Incorporated Into UDC	Sec. Number(s)	Comments
Beachside Neighborhood - Cozy walkable residential neighborhood to include single/multi-family, cottages, townhomes, row houses and bed / breakfast businesses. Architectural and design incentives to create an intimate, resort-inspired, tourist/residential community. (Property surrounded by Gulf Spray Ave., Gulf Breeze Blvd., Gulden St., and Surfside Blvd.)	Partially	Table 4.4.2 Permitted Uses (multifamily districts)	The desired land uses are permitted in RM-AT, but the architectural and design incentives or standards are not in place.
A unique opportunity for birding trails and	Yes	Table 4.4.2 Permitted	Parks and Open Areas Use



**Table 2.7, North Beach ADP Recommendations Summary**

Plan Recommendation	Incorporated Into UDC	Sec. Number(s)	Comments
wetlands enhancement. (Wetlands area on north side)		<i>Uses (multifamily districts)</i>	Category is permitted in RM-AT.
Policy Statement 2: Promote and develop a host of community and tourist destinations for North Beach. ...Proposed destinations could include: Water features; Public plazas; Exhibitions of public art	Not incorporated	Not applicable	The UDC does not have substantial building design requirements, nor does it have requirements or incentives for hosting of public art, plazas, and other outdoor amenities for larger developments.
Policy Statement 5(a): Require new development to follow common coastal architectural themes: balconies, cupolas, or widow’s walks, etc. Commercial requirements should provide incentives for creation of plazas, outdoor seating areas, fountains, public art, shade structures or other features that build on the coastal design theme.	Not incorporated	Not applicable	
Policy Statement 5(b): Pedestrian oriented uses should be emphasized.	Not incorporated	Not applicable	Remove the uses allowed in CR-3 (the zoning district geared for North Beach) that are not particularly pedestrian oriented, including Commercial Parking Use Category, Game processing, and auto rental. Development regulations in Table 4.5.4 have a shorter minimum setback than other districts but could incorporate a maximum setback to force buildings closer to the street.
Policy Statement 5(c): Parking requirements should be altered to encourage development of buildings / destinations on beachfront property.	Not incorporated	Not applicable	Consider allowing off-site parking for a nonresidential use to be located in a residential zoning district with a Special Permit, rather than prohibiting it.



**Downtown ADP Recommendations**

**Table 2.8, Downtown ADP Recommendations Summary**

Plan Recommendation	Incorporated Into UDC	Sec. Number(s)	Comments
Utilize additional resources to help make possible the development, renovation and preservation of affordable/ workforce housing serving a broad spectrum of incomes.	Partially	<ul style="list-style-type: none"> <li>• Sec. 4.3.4 Zero Lot Line</li> <li>• § 4.7 Cottage Housing District Regulations</li> <li>• § 6.7 Clustered Development Overlay District</li> </ul>	The UDC contains provisions attempting to make housing more affordable, but none targeted to the CBD zoning district. The provisions for zero lot line, cottages, and clustered housing are more geared toward suburban and semi-urban character.
Encourage reinvestment in privately-owned vacant buildings or lots in prominent areas.	Yes	§ 7.12 Adaptive Reuse Development Standards	The purpose of this Section is to encourage the re-use of existing buildings downtown and in other areas.
Where extended vacancy is anticipated, seek opportunity for temporary “pop-up” programming of vacant lots and storefronts, by arts or recreation organizations or other entities.	Yes	<ul style="list-style-type: none"> <li>• § 3.21 Temporary Use Permit</li> <li>• § 5.4 Temporary Use Standards</li> </ul>	"Temporary Retail Sales" could be added to 5.4.2. Temporary Use Permit Required, with an allowance of occurring more than 4 times per year if taking place in an existing building downtown. The City could also reduce the permit fee for temporary retail sales Downtown in an existing building.
Create safe walking and biking conditions.	Partially	<ul style="list-style-type: none"> <li>• 6.11.3 Uptown-Downtown (MUS) Special Overlay District Standards</li> <li>• § 6.13 Streetscape Zone Standards</li> </ul>	Consider widening the sidewalk requirements for local streets downtown and requiring modest bicycle parking requirements.



## Mustang-Padre Island ADP Recommendations

**Table 2.9, Mustang-Padre Island ADP Recommendations Summary**

Plan Recommendation	Incorporated Into UDC	Sec. Number(s)	Comments
An interdisciplinary site plan review process should occur for all commercial and multi-family residential development on the Islands.	Partially	§ 2.7. <i>Technical Review Committee</i>	The TRC makes recommendation on several applications, but this Section could specify that it reviews all nonresidential and multifamily applications on the Island.
Mustang and Padre Islands will not be considered for sanitary landfills or other solid waste disposal, except for dredge materials.	No	Not applicable	Modify 6.4.4, <i>Use Regulations</i> , to prohibit the Waste-Related Service Use Category.
Encourage the protection of the Islands' environment by considering innovative design techniques, implementation of incentives for developers, and allowing higher than typical development density in uplands where practical.	No	Not applicable	There are no incentives for increased density or clustering for the Island Overlay. An additional overlay would have to be added to do clustering on the Island.
Develop a revision to the landscape requirements in the (UDC) to create an indigenous species and wetlands allowance for landscaping on the barrier islands	No	Not applicable	Neither the general landscape provisions, nor those specific to the Island contain such allowances.
Encourage use of native coastal plant species and discourage the use of invasive species.	Partially	Appendix A to § 7.3 <i>Landscaping</i>	The UDC has no prohibitions for exotic plants but does have a xeriscape list.
Development that is visible from designated arterial thoroughfares must have a well-planned urban design theme creating a sense of place.	Yes	§ 6.4 – IO, <i>Island Overlay</i>	The provisions of this Section implement this recommendation.
The Islands' landscape requirements for street yards adjacent to SPID and SH 361 will be of a higher standard than is typically required elsewhere in the City. Variances to reduce the landscaping requirements for development in this Plan Area will be discouraged.	No	Not applicable	The Island Overlay does not have special requirements for these thoroughfares, nor does § 3.25 Variance contain limitations on landscape variances or heightened review criteria for The Island.
Signage requirements should promote a coordinated and cohesive design and reinforce a desirable identity of the Islands.	Yes	6.4.9. <i>Sign Requirements</i>	The provisions of this Section implement this recommendation.
Encourage placement of public art on roadway medians and other public or private properties.	Partially	6.4.5. <i>Off-Street Parking and Loading Regulations</i>	This Section allows fewer off-street parking spaces in exchange for public art. Other incentives could be offered in a similar manner.



**Table 2.9, Mustang-Padre Island ADP Recommendations Summary**

Plan Recommendation	Incorporated Into UDC	Sec. Number(s)	Comments
A "Mixed Use" area should be developed using a PUD zoning district or other equivalent zoning category.	No	Not applicable	The Island Overlay does not contain provisions encouraging or requiring mixed use. An additional overlay would have to be added do mixed use on the Island.
Require nonresidential uses to mitigate any negative effects on adjacent neighborhoods.	Yes	§ 5.2 <i>Specific Standards</i>	The provisions of this Section implement this recommendation.
Industrial uses and sexually oriented uses are incompatible with and may threaten residential land uses, the natural environment and the family tourist orientation of the Islands. And Manufactured homes are prohibited on the island.	Partially	6.4.4 <i>Use Regulations</i>	There appear to be no IL, IH, or R-MH zoning districts on the Island. Modify 6.4.4 to prohibit the Industrial Use Categories, sexually-oriented business, and manufactured home in the Overlay regardless of the underlying zoning district.
Utility lines will be placed underground, where practical, and will minimize disturbance of wetlands, dunes, or other sensitive habitats and wildlife	No	Not applicable	The UDC does not require or encourage the placement of utility lines underground in any setting.
Develop design compatibility guidelines and require new oil and gas producers to conform to these standards.	No	Not applicable	The UDC does not have compatibility standards for oil and gas producers.

### Strategic Plan for Active Mobility (Bicycle Plan) Recommendations

**Table 2.10, Strategic Plan for Active Mobility Recommendations Summary**

Plan Recommendation	Incorporated Into UDC	Sec. Number(s)	Comments
Revise land use/development codes to require bicycle parking minimums, possibly as a ratio to vehicle parking, to ensure that bike parking facilities are included in new development/redevelopment projects as well as streetscape elements in public rights-of-way for roadway corridor projects.	No	Not applicable	Bicycle parking is allowed but not required.
Incentivize provision of supplemental bicycle parking and other trip-end amenities through reduced vehicle parking requirements.	Yes	7.2.4.F. <i>Bicycle Parking</i>	Assistant City Manager of Development Services may reduce parking requirements where bike parking is present



**Table 2.10, Strategic Plan for Active Mobility Recommendations Summary**

Plan Recommendation	Incorporated Into UDC	Sec. Number(s)	Comments
			on a case-by-case basis.
Revise land use/development codes to define vehicle parking maximums rather than minimums.	No	Not applicable	The required parking ratios are currently based on minimums only.
Revise land use development codes by replacing reference to a "Bicycle Parking Manual" with an adopted Bicycle Parking Ordinance.	No	Not applicable	The Bicycle Parking Manual is referenced in the UDC, but it currently does not exist.
Revise land use/development codes to define a mechanism by which developers' contributions in lieu of land dedication may be used to build out the bicycle infrastructure network.	No	Not applicable	Bike facilities could be incorporated into the Fee in Lieu of Land provisions.
Appendix K: Model Bicycle Parking Ordinance	No	Not applicable	Incorporate selected provisions from these model regulations.





## SECTION 3. UDC BEST PRACTICES

This Section measures Corpus Christi's UDC against seven principles found to make development codes work well, regardless of the Plan policies the Code is meant to implement.

SEVEN UNIFIED DEVELOPMENT CODE PRINCIPLES
1. Organize development regulations in an intuitive order in the form of a Unified Code.
2. Adopt regulations that comply with the Constitution, state statutes, and case law.
3. Adopt standards that allow more staff approval rather than Special Permit or Special Use Exception approval.
4. Standardize and streamline development review procedures and reward applicants who satisfy all Code requirements with a predictable and timely procedural outcome.
5. Provide opportunities for mixed-use and low-impact developments that do not require Planned Unit Development review and approval.
6. Facilitate infill and redevelopment.
7. Encourage affordable housing.





## Principle 1. Organize Regulations into a Unified Code

Corpus Christi had the foresight eight years ago to adopt a UDC within which most development regulations reside. As part of a revision to the UDC, the City should consider bringing relevant portions of the City Code into the UDC, as shown in Table P1.1, *Development Related City Code Provisions*.

<i>Stakeholder Interview Take-Away</i>
Stakeholders commented that conflicts between the UDC and the City Code put the City staff in a difficult position, resulting in differing staff responses to various land use proposals.

<b>Table P1.1, Development-Related City Code Provisions</b>	
City Code Citation	Potential UDC Location
Chapter 2, Article IV, Division 11, Airport Zoning Commission, and Division 18, Landmarks Commission	Article 2 UDC Organizations and Officers
Chapter 4, Sec. 4-5., Prohibited Location of On-Premises Alcoholic Beverage Establishments	§ 5.2 Specific Standards
Chapter 6, Article VI, Sec. 6-154., Keeping of Any Livestock or Fowl	§ 5.2 Specific Standards
Chapter 6, Article VII, Beekeeping	§ 5.2 Specific Standards
Chapter 10, Beachfront Management and Construction	§ 1.11 Definitions; Article 3 Development Review Procedures; Article 7 General Development Standards
Chapter 14, Article XII, Industrialized Housing	§ 4.3 Single-Family Residential Districts
Chapter 48, Sexually Oriented Businesses	§ 1.11 Definitions; § 7.5 Signs; Article 9 Nonconformities; Article 10 Enforcement
Chapter 51, Tourist Courts	§ 5.2 Specific Standards

At minimum, if the City does not want to transfer the above City Code provisions to the UDC, an update of the UDC should reconcile or remove any conflicting provisions with the City Code. Table P1.2, *Conflicting Provisions in City Code and UDC*, delineates such conflicts in the two documents.

<b>Table P1.2, Conflicting Provisions in City Code and UDC</b>			
Term or Standard	UDC Citation	Conflicting City Code Citation	Notes
<b>Powers and Duties of the Planning Commission</b>	§ 2.3 Planning Commission	City Charter, Chapter 1, Article V, Planning	Overlapping repetitive provisions regarding powers and duties
<b>Location of Bar, Tavern, Pub</b>	5.2.7 Bar, Tavern Pub	Chapter 4, Sec. 4-5., Prohibited Location of On-Premises Alcoholic Beverage Establishments	Conflict between separation provisions between alcohol sales and protected uses (schools, places of worship, etc).
<b>Visibility Triangle</b>	4.2.9 Visibility Triangle	Sec. 53-261 Visual Obstructions at Street Intersections	Conflict between dimensions of triangle and where it applies.
<b>Live stock pens, stalls, etc.</b>	5.3.2.B Animal Pens and Fenced Pasture	Chapter 6, Article VI, Care and Keeping of Animals	Conflict between setback requirements for pens



**Table P1.2, Conflicting Provisions in City Code and UDC**

Term or Standard	UDC Citation	Conflicting City Code Citation	Notes
<b>Controlled Hunting and Fishing</b>	§ 6.5 <i>Air Installation Compatible Use Zones (AICUZ)</i> ; Table 6.5.4	Chapter 6, Article VII, <i>Wildlife and Bird Sanctuaries</i>	Potential conflict between where UDC permits limited hunting and fishing in APZ which may overlap with sanctuaries identified in City Code where any hunting and fishing is prohibited.
<b>Beachfront Dune Development</b>	§ 3.7 <i>Master Preliminary Plat</i> ; § 3.13 <i>Dune Protection Permit</i>	Chapter 10, <i>Beachfront Management and construction</i>	Repeated and overlapping standards and review provisions in the UDC and City Code for master planned developments related to beach/dune development.
<b>Industrialized Housing</b>	4.3.7.B <i>Construction or Installation of Industrialized Housing</i>	Chapter 14 , Article XII <i>Industrialized Housing</i>	Conflict over usage of "two-family" and duplex and several overlapping and similar requirements
<b>Definition of Farmer's Market</b>	§ 1.11 <i>Definitions</i>	Sec. 19-1 <i>Definitions</i>	Conflict between items allowed to be sold at a farmer's market
<b>Sidewalk or Street Displays of Food</b>	6.13.2.G <i>Displays and Equipment</i>	Sec. 19-9 <i>Sidewalk or Street displays</i>	Conflict between whether or not outdoor dining is allowed in something like a sidewalk cafe
<b>Food Establishments</b>	5.2.11 <i>Restaurant</i>	Sec. 19-15 <i>Animal and fowl prohibited; exception</i>	Discrepancy between separation of food establishments and animal-related establishments
<b>Outdoor Lighting</b>	7.6.3 <i>Light Trespasses</i>	Sec. 23-59 <i>Lights and lighted signs; annoying glare, etc.</i>	Conflict over light trespass onto residential property (any trespass at all versus 1.0 footcandle trespass) and lighted separation from residential property (200 feet versus shorter distances)
<b>Mobile Food Vending</b>	§ 3.21 <i>Temporary Use Permit</i> and § 5.4 <i>Temporary Use Standards</i>	Chapter 38 <i>Peddlers, Vendors, Mobile Food Vendors, Itinerant Merchants And Solicitors</i>	Conflicts, overlaps, and discrepancies for vendors and mobile food vendors on private property (as opposed to door-to-door sales or sales taking place in the public ROW)
<b>Sidewalk Width</b>	Tables 8.2.1B and 8.2.1C	Sec. 49-35, <i>Detailed Specifications</i>	Conflict over required sidewalk width
<b>Recreational Vehicle Parks/ Automobile Tourist Courts</b>	6.1.2 <i>RV Park District</i>	Sec. 51-1 <i>Definitions</i> ; Sec. 51-9 <i>Water supply generally</i> ; and 51-11 <i>Collection and removal of garbage and waste</i>	If RV Parks and automobile tourist courts are equated, conflict over minimum lot area and width

Making the UDC and City Code more consistent with one another will result in greater consistency in Staff responses and less frustration from the development community.



## Principle 2. Adopt Regulations that are Legally Defensible

**RLUIPA.** Aside from a few incidental uses of the term "church," the UDC appears to comply with the Religious Land Use and Institutionalized Persons Act of 2000 (RLUIPA), which requires that in most cases, places of worship should be treated in the same manner as other places of public assembly, and that various types of places of worship (e.g., churches, mosques, and temples) be regulated evenly among one another. The Places of Worship Use Category is currently prohibited in all single-family and industrial zoning districts and permitted by-right in all multifamily and commercial districts. On the other hand, the Community Service Use Category, which includes community center, library, museum, philanthropic institution, senior center, youth club facilities, and zoo, are permitted with limitations and prohibited in the same sets of zoning districts. Combining the Community Service and Places of Worship Use Categories into one would facilitate treating all RLUIPA-related uses the same.

**Group Homes and Definition of "Family".** The UDC correctly permits group homes with six or fewer residents by-right in the same manner as it permits single-family detached residences. The UDC's definition of "family" could be modified to take into account protected classes, such as the physically and mentally handicapped. As such, the City could consider modifying the definition to take into account unrelated persons making up a household, as it already does, plus necessary staff, living together in a state-licensed group home. In addition, it is advisable to make it more clear that, in the definition of "family," a boarder is a single person with a rental contract, and that a family of boarders does not equate to one boarder. Finally, the City should remove the term "community home (6 or fewer residents) from Table 4.3.2 as the defined term Community Home just below it is adequate.

**Content-Neutral Sign Regulations.** The City Council amended the Signs section of the UDC in August 2018 in order to eliminate provisions that were not content-neutral. This was in an effort to bring the UDC in compliance with the U.S. Supreme Court's 2015 decision in *Reed v. Town of Gilbert*, which said that local

Figure P2.1, *The UDC Should Treat Community Service and Places of Worship Uses the Same*



Figure P2.2, *The UDC Should not Distinguish Between Real Estate and Directional Signs*



governments must only regulate the height, number, placement, timing of images, and face area of a sign. The wording, specific images, and purpose for a sign do not come into play in terms of how to regulate it. The following are terms that remain in § 7.5 Signs, that regulate signs based on content and thus, warrant revision:

- Address Sign
- Construction Sign
- Home Occupation Sign
- Institutional Sign
- On- and Off-Premises Directional Sign
- Real Estate Sign
- Subdivision Development Sign

In addition, the amendments from August 2018 contain language that do not pass content neutrality in that they tie the allowance of banners in certain situations to the banner having a commercial message.



**UDC Jurisdiction.** The entire UDC currently applies in the City limits. In the ETJ, only matters related to signs and platting apply. The City could extend other provisions from [Article 7, General Development Standards](#), such as landscaping, to areas of the extraterritorial jurisdiction or to selected corridors outside of the City limits, such as:

- State Highway 44;
- The westbound side of Northwest Boulevard; and
- Segments of Up River Road.

**Network Nodes in the ROW.** In 2017, the State of Texas created [Texas Local Government Code Chapter 284](#) to require local jurisdictions to allow "network nodes" (including wireless facilities) access to public rights-of-way. These nodes are commonly in the form of small cell towers, as show in Figure P2.3, *Small Cell Tower in Another Community*.

In addition, the Federal Communications Commission (FCC) issued a Declaratory Ruling in September 2018 generally prohibiting cities from outright denying the location of these facilities in public rights-of-way. The FCC stated, however, that cities can adopt reasonable standards regarding location, applications, fees, aesthetics, and height as long as they are not overly burdensome. The City adopted a stand-alone ordinance that addressed this outside of UDC in 2018. [§ 5.5 Wireless Telecommunication Facilities](#) could be updated to codify this ordinance.

**Figure P2.3 Small Cell Tower in Another Community**





### Principle 3. Allow More Administrative Decisions

Any developer will rightly make the claim that "time is money". The longer it takes for a development project to be reviewed, processed, approved, and permitted, the greater its effective costs. Another day without a homeowner in place or final user of a shopping center open for business is another day without the property being sold or leased and put to use. One day of unnecessary delay for one property may be negligible, but several days' delay for multiple properties throughout the year eventually has an impact on the local economy. Further, such cumulative delays hamper economic development and add to development costs, which are passed on to the end user. In this way, not only are procedural delays inconvenient, but they also lead to increased lot and housing costs, commercial rents, and higher percentages of household incomes.

For City staff, more public hearings equates to more paper work and more time devoted to preparing it. Public notifications, staff reports, PowerPoint and spoken presentations for requests that everyone (except for maybe the applicant) knows are routinely approved can make a staff planner's work life less than fulfilling.

For these reasons, it makes sense to look for opportunities in the UDC to shift approval authority from a public review body (such as the Planning Commission or Board of Adjustment) to the Development Services staff, where the law allows. Of course, such administrative approvals warrant clear, articulate, and objective standards for use in making such decisions. Some procedures, such as rezonings, variances, or special permits, will always involve public hearings, especially those required by state law. In these cases, the key is to find opportunities to reduce the need for such requests in the first place.

**Special Permit and Special Use Exception.** The UDC has two separate, but very similar, procedures for certain uses: a Special Permit and a Special Use Exception. Table 3.1, *Special Permit And Special Use Exception*, compares these two procedures.

<b>Characteristics</b>	<b>Special Permit</b>	<b>Special Use Exception</b>
<b>Review and Recommendation Bodies</b>	Technical Review Committee, Planning Commission	Technical Review Committee
<b>Final Action Body</b>	City Council	Board of Adjustment
<b>Uses</b>	Airport, Bed and Breakfast, Cemetery, Commercial Amphitheater, Commercial Child Care, Detention Facility, Farmers Market, Heavy Industrial Use Category, Indoor Recreation Use Category, Outdoor Recreation Use Category, Resource Extraction Use Category, Social Service Use Category, Waste-Related Use Category, Warehouse and Freight Movement Use Category, Wholesale Trade Use Category	<ul style="list-style-type: none"> <li>Storage of explosives or other hazardous materials</li> <li>Above ground fuel tanks</li> </ul>
<b>Review Criteria</b>	<ul style="list-style-type: none"> <li>Consistent with Comprehensive Plan</li> <li>Compatible with surroundings</li> <li>Minimized impact on public infrastructure</li> <li>Welfare of adjacent properties</li> <li>No adverse impact on adjacent uses</li> <li>Conformance with remainder of</li> </ul>	<ul style="list-style-type: none"> <li>Conformance with remainder of UDC</li> <li>Minimized impact on public infrastructure</li> <li>No excessive nuisances for residential area</li> <li>Measures to control nuisances</li> </ul>



	UDC <ul style="list-style-type: none"> <li>• No excessive nuisances for residential area</li> <li>• Ample parking and loading</li> </ul>	
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Rather than have a separate review procedure (Special Use Exception) for only two land uses, the UDC should deem storage of explosives or other hazardous materials as prohibited in residential zoning districts and Permitted with Limitations (i.e. administratively approved) in most nonresidential districts. Likewise, above-ground fuel tanks should be prohibited in single-family zoning districts and Permitted with Limitations in most nonresidential districts.

<i>Stakeholder Interview Take-Away</i>
One of the clearest takeaways from the stakeholder interviews was that, generally, the development community and decision-makers (such as members of the Planning Commission) are very much in favor of delegating approval authority to staff, as opposed to requiring a public hearing or meeting to take action on a given application.

The limitations tied to the two uses would reflect the current review criteria for a Special Use Exception and would allow the uses to be approved under administrative review, rather than requiring a public hearing for the Board of Adjustment to decide. See [Principle 4. Standardize and Streamline Review Procedures](#), for a recommendation on changing the review process for Special Permits.

In addition, an update of the UDC should seek opportunities to streamline the current process where an applicant must apply for a Special Permit for a potentially inappropriate zoning district and receive a denial recommendation from the Planning Commission, which then enables the applicant to seek a Special Permit for a single use in that zoning district.

**Variations.** The Board of Adjustment saw just under 20 variances from 2016 to 2018. This is not a very significant number of cases, considering the population of Corpus Christi (by way of reference, comparably-sized Lubbock recently had 14 variances on a single agenda). Two of the more common requests included encroachment of swimming pools into required setbacks and reduction or elimination of landscaping and bufferyards.

Residential swimming pools are counted as accessory structures and so according to [§ 5.3 Accessory Uses and Structures](#), must meet all setbacks required for a principal building. Section [5.3.2, Specific Accessory Uses and Structures](#), could be amended to allow more flexibility in placement of pools, especially on corner lots where the typical setbacks consume a great deal of lot area. Alternatively, in-ground pools could be allowed to encroach a specified distance into any residential setback, as appears to be the current Staff practice.

In order to potentially remove some of the need for a public hearing and Board of Adjustment decision on reduced landscaping, the UDC's provisions on Alternative Compliance in Section [7.3.4](#) could be amended to allow the Assistant City Manager of Development Services (ACMDS) to make the final decision, similar to how, in Section [7.9.2.](#), the ACMDS makes the final decision for bufferyard alternative compliance. These two Sections could be merged to cover all landscaping situations, with the ability of the ACMDS to refer the request to the Board of Adjustment.



**Waivers.** Subsection 3.8.3.D, *Waivers*, allows for an applicant to design a subdivision that does not comply with the standards of Article 8, *Subdivision Design and Improvements*. These standards include:

- Streets
- Sidewalks
- Easements
- Blocks
- Lot Grading
- Water
- Wastewater

The Planning Commission takes final action on a waiver request and may approve, approve with conditions, or deny the application. A key difference between a Waiver and a Variance is that a Variance: 1) requires a hardship while a Waiver does not; 2) is only related to zoning-related standards such as building or sign height or setback; and 3) is acted upon by the Board of Adjustment after a public hearing.

A simple change that would promote user-friendliness of the UDC would be to "promote" the Waiver procedure up to the Section level. A more substantial change would be to build in more provisions so that a Waiver request could be administratively approved. Below are recommendations for allowing greater administrative discretion for sidewalk, water and wastewater, and other public facilities.

### Sidewalks

Stakeholders noted that sidewalk Waiver requests are very common and routinely approved by the Planning Commission. They requested that the City consider an administratively approved Waiver for sidewalks. The Waiver provisions could be amended to provide review criteria, in addition to those that already exist in the UDC, that would allow for administrative approval of the request pending affirmative findings for applicable criteria from the Assistant City Manager of Development Services (ACMDS). Such amendments could include the following review criteria in relation to sidewalk Waivers:

- For a residential subdivision, all lots are greater than one acre in area (sidewalks are already not required in the F-R, Farm-Rural, and RE, Residential Estate zoning districts).
- For a situation such as a residential replat, a minimum of 50 percent of the improved lots within 500 feet of the replatted lots and located on the same side of the street as the replat, are without sidewalks.
- The Waiver does not preclude the City from installing sidewalks at some later date and assessing the abutting owners for the cost of the installation.
- Pedestrian traffic will be accommodated internally on the property with trails or a walkway outside of the public right-of-way, or a striped pedestrian zone on the edge of the street.
- The subdivider has committed to paying a fee-in-lieu of construction of sidewalks, payable prior to recordation of the subdivision plat.

### Waiver Review Criteria

1. The granting of the Waiver shall not be detrimental to the public health, safety or general welfare, or be injurious to other property in the area, or to the City in administering this Unified Development Code;
2. The conditions that create the need for the Waiver shall not generally apply to other property in the vicinity;
3. Application of a provision of this Unified Development Code will render subdivision of land unfeasible; or
4. The granting of the Waiver would not substantially conflict with the Comprehensive Plan and the purposes of this Unified Development Code.

### Stakeholder Take-Away

During interviews with the consultant for this project, stakeholders had the following comments about Waivers.

- UDC should allow a sidewalk Waiver administratively if the subject property meets certain characteristics.
- The Waivers section is "hidden" within the Preliminary Plat provisions.
- A property more than 1,000 feet from sewer is eligible for a Waiver from the requirement to connect.
- Wastewater Waivers have pretty well spelled out criteria but the Planning Commission still has to take action. Make this action administrative.





If the ACMDS cannot make affirmative findings on the administrative approval criteria, then the request would still be eligible for final decision by the Planning Commission. The City should also make clear the contexts that are not eligible for a Waiver, such as Downtown, in the Island Overlay, or within a certain proximity, such as 1,000 feet, from a school, park, bus stop, or other similar public amenity.

For the fee-in-lieu of sidewalk construction listed above, the fee would be based on the cost of construction of a required sidewalk in the subdivision. In order to pay the fee-in-lieu, the subdivider would still have to dedicate the required right-of-way for the sidewalk. The fee would need to go into a dedicated account and be applied in a rational manner, in districts that would be set up throughout the city. This would ensure that residents in the vicinity of the development would receive the benefit of the fee in the form of coordinated sidewalk construction undertaken by the City.

#### *Water and Wastewater*

As with sidewalks, the UDC could contain review criteria that would allow the ACMDS to approve Waivers related to water and wastewater, pending affirmative findings on relevant review criteria such as likelihood of annexation over the next 15 years and distance from existing water and wastewater (more than 1,000 feet).

#### *Other Public Facilities*

It is common practice that a City cannot deny a subdivision plat if the plat complies with the standards for subdivisions in the UDC. However, the existence of a Waiver request, on its face, indicates that the subdivision does not comply. Therefore, the City has an advantage, when an applicant requests a Waiver, to require enhancements to the subdivision that it might not have ordinarily been able to get.

The UDC could be updated to include Design Principles that contain characteristics to which all subdivisions should aspire, but that are not mandatory if the subdivision does not need a Waiver. If the subdivision needs a Waiver, then these enhanced characteristics should be "on the table" and subject to inclusion in the design of the subdivision in order to mitigate the request. Design Principles may include the following:

- **Compatibility.** Designed in a way that provides space for appropriate buffering and transitions between land uses or changes in density or intensity;
- **Environment.** Preserves and protects environmental resources to the benefit of the property to be subdivided and abutting properties;
- **Connectivity.** Provides context-sensitive vehicular and pedestrian linkages (where not already required), providing access while protecting neighborhood integrity and individual property values;
- **Level of Service.** Does not reduce the level of service of public infrastructure provided to the subdivision and surrounding developments;
- **Tree Preservation.** Where not already required for preservation, large individual trees, tree masses, and plant materials are preserved where practicable.
- **Visual Qualities.** The system of roadways and sidewalks and the lot layout are designed to take advantage of the visual and environmental qualities of the area; and
- **Renewable Resources.** The blocks, lots, and buildable areas of a subdivision are designed to take full advantage of sun and shade, where appropriate, wind, and other sources of renewable energy.



## Principle 4. Standardize and Streamline Review Procedures

An effective UDC must have efficient development review processes. This goes hand-in-hand with Principle 3, which recommends increased administrative approvals, as opposed to more applications that require public hearings. Efficient development review is achieved when the framework for permitting is not redundant (and therefore less open to inconsistencies), the procedures and review standards result in a reasonable degree of certainty in the outcome

for the applicant, and the review process for each application is streamlined to the greatest degree possible. Streamlining of review procedures is accomplished in a number of ways, including:

- Consolidation of permit processes;
- Reduction of review steps;
- Increased administrative review, rather than discretionary review, as discussed in Principle 3; and
- Indirectly, through the consolidation of zoning districts with variable development options (conventional, cluster, and planned, as discussed in [Section 4. Zoning Districts and Land Uses](#)).

**Development Review Tables.** § 2.12 *Summary of Review Authority*, makes a good start at consolidating most of the essential review procedures related to each application into one table. An advantage of such consolidation is that contradictions and inconsistencies between review procedures become more apparent and avoidable when the need arises to amend the UDC. However, the table could be modified to become a "master table" for [Article 2](#) and [Article 3](#) of the UDC, in the manner shown in Figure P4.2, *Comparison of Development Review Tables*, below.

**Figure P4.2, Comparison of Development Review Tables**

Procedure	Floodplain Administrator	Building Official	Assistant Director for Planning	Assistant City Manager of Dev. Services	Landmark Commission	Building Code Board of Appeals	Board of Adjustment	Planning Commission	City Council	Section	Table 14.602.10-1, Development Review Summary Table												
											Development Application (Reference)	Submital Timing	Expiration <sup>1</sup>	Review Responsibilities		Public Notice <sup>2</sup>	Applicable Common Review Procedures	Applicable Standards <sup>3</sup>					
<b>Floodplain Administrator Action</b>																							
Floodplain permit	D																				3.22		
<b>Building Official Action</b>																							
Building Permit		R	D																			3.18	
Certificate of Occupancy			D																				
Sign Permit for Construction Only			D																			3.20	
Temporary Use Permit			D																			3.21	
<b>Assistant Director for Planning</b>																							
Annually Renewable Sign Permit			D																				
<b>Assistant City Manager of Development Services Action</b>																							
Beachfront Construction Certificate																							3.14
Site Plan																							3.17
Written Interpretation																							3.23
Administrative Adjustment																							3.24
<b>Landmark Commission Action</b>																							
Certificate of Appropriateness																							3.15
Certificate of Appropriateness for Demolition																							3.16
<b>Building Code Board of Adjustment Action</b>																							
Floodplain Variance	R																						3.26
<b>Board of Adjustment Action</b>																							
Special Use Exception																							3.12
Variance																							3.25
Appeal of Administrative Decision																							3.27
<b>Planning Commission Action</b>																							
Preliminary Plat																							3.8
Final Plat																							3.8
Replat Without Vacation																							3.11
Dune Protection Permit**																							3.13
Beachfront Construction Certificate**																							3.14
<b>City Council Action</b>																							

Table 14.602.10-1, Development Review Summary Table									
Development Application (Reference)	Submital Timing	Expiration <sup>1</sup>	Review Responsibilities		Public Notice <sup>2</sup>	Applicable Common Review Procedures	Applicable Standards <sup>3</sup>	Administrative Applications	
			Recommendation	Final Decision				Require final decisions in which City staff apply the standards in this UDC.	Administrative applications typically require objective analysis by City staff and may involve the exercise of very limited discretion.
Excavation and Land Clearing Permit (Sec. 14.603.1)		180 days		Building Official	No		Sec. 14.302.2		
Site Development Plan (Sec. 14.603.2)			DRC	Director	No		Article 14.200		
Deed Consolidation (Sec. 14.603.3)		180 days; None after recordation		Director	No		--		
Minor or Amending Plat (Sec. 14.603.4)			DRC	Director	No	Sec. 14.602.2 - Sec. 14.602.4 and Sec. 14.602.7 - Sec. 14.602.9	Article 14.300		
Construction Plans (Sec. 14.603.5)				City Engineer	No		Engineering Design Standards and Specifications		
Building Permit (Sec. 14.603.6)				Building Official	No		--		
Floodplain Development Permit (Sec. 14.603.7)				Floodplain Administrator	No		Article 14.400		
Driveway Permit (Sec. 14.603.8)		180 days		City Engineer	No		Sec. 14.203.7		
On-Site Water or Wastewater Permit (Sec. 14.603.9)				Director	No		Sec. 14.302.13		



The UDC's existing Development Review Summary table on the left, above, shows:

- Each development review procedure;
- Which development review bodies make a recommendation or final decision;
- Whether a public hearing is required; and
- A link to the detailed steps of the procedure in Article 3.

The Development Review Summary table could be amended to look more like the sample table on the right. The sample table shows the same information as the existing one, but also includes:

- The timing of when an applicant would need to submit (before or after certain other approvals);
- When the approval expires if no progress is made toward the next required approval;
- Links to standardized review steps for each application (e.g., Pre-Application, Completeness Review, Staff Review and Referral, etc.); and
- Links to associated standards for each application (e.g., a reference to the Temporary Use Standards for the Temporary Use Permit).

The benefit of such a "master table" is that the bulk of the development review provisions in the UDC are consolidated in one location. This approach reduces the likelihood of conflicts when drafting revisions to the UDC because all of the relevant information is on one page and potential inconsistencies become more obvious. In addition, it allows applicants to see, in one place, which applications they will need to prepare and submit in order to develop a piece of property.

***Stakeholder Interview Take-Away***

During interviews with the consultant for this project, and in the Customer Services Performance Assessment, stakeholders consistently commented that the City could improve in the area of making more consistent interpretations. In addition, Staff stakeholders asserted inconsistencies in the text are a main weakness. The result is that customers sometimes get differing answers when they pose similar questions to varying Staff members.



**Special Permits.** Table P4..1, *Special Permit Uses and their Districts*, shows the uses that require a Special Permit in the UDC. Special Permits cannot be administratively approved in the UDC. They require a public hearing. Special Permit uses have a greater potential for a nuisance effect on surrounding properties than do uses that are Subject to Limitations in the UDC. Therefore, Special Permit requests currently require review by the Technical Review Committee and public hearings before both the Planning Commission and City Council. Along with the elimination of Special Use Exceptions, as recommended in [Principle 3. Allow More Administrative Decisions](#), the City could update the UDC to change the final decision-maker for Special Permits from the City Council to the Planning Commission. Eliminating the City Council's hearing would typically shorten the review process by two months.

Another option would be for the Board of Adjustment to make the final decision on Special Permits, as the following Texas cities have done.

- Kennedale
- Lindale
- Lubbock
- Pearland
- San Benito
- Stephenville

**Written Interpretations.** [§ 3.23 Written Interpretation](#) empowers the Assistant City Manager of Development Services (ACMDS) to make interpretations of the UDC when questions arise. The guidance for making an interpretation is minimal. In order to have a more standardized process, based on a consistent set of review criteria, this Section could contain criteria like the following:

- The materials or scenario posed by the applicant;
- The plain and ordinary meaning of the terms that are subject to the application for an interpretation as set out in a dictionary of common usage;
- The provisions of [§ 1.11. Definitions](#);
- The purpose statement for the UDC section that is subject to interpretation;
- Any provision of this UDC, Plan CC, Texas State law, or Federal law that are related to the same subject matter;
- Any technical meanings of words used in the provision subject to interpretation;
- Other interpretations rendered by the ACMDS associated with the same or related provisions of this UDC;

Use	Districts
Airport or landing field	CN-1, -2, ON, CR-1, -2, -3, CG-1, -2, CI, CBD, BP
Bed and breakfast home	FR, RE, RS-22, -15, -10, -6, R-TF, R-TH
Cemetery, columbaria, mausoleum, memorial park (expansions)	IL, IH
Commercial amphitheater	CR-1, -2, -3, CG-1, -2, CI, CBD, BP
Commercial child care	IL, IH
Detention facility	CG-1, CI, CBD
Farmers market	CN-1, -2
Heavy Industrial Uses (most)	IL
Indoor Recreation Uses (most)	ON
Outdoor Recreation Uses (most)	CN-1, -2
Resource Extraction Uses	IL
Social Service Uses	CG-1, CI
Stockyard	IH
Tannery	IH
Telecommunication tower (monopole)	All residential
Telecommunication tower (monopole, greater than 85' and all others greater than 50')	All nonresidential
Warehouse and Freight Movement Uses	CI, BP
Waste-Related Uses (most)	CI, BP
Wholesale Trade Uses	CI

<b>Stakeholder Interview Take-Away</b>
<p>During interviews with the consultant for this project, stakeholders had the following comments about staff Interpretations of the UDC.</p> <ul style="list-style-type: none"> <li>• There are inconsistencies in Staff interpretation.</li> <li>• Applicants have had suspicion of how other developments were approved. A clearer</li> </ul>



- The legislative history of the provision subject to interpretation; or
- Sources outside of the UDC that provide additional information on the provision in question, such as technical or professional literature.

- UDC would fix that.
- Staff practice should be incorporated into the UDC.
  - New staff members may read the UDC in black and white and enforce it accordingly. Older staff members may not, based on institutional knowledge.

More significantly, there are a number of written interpretations on file with Development Services that should be codified into the UDC so that everyone is on notice that they apply. Otherwise, a designer or subdivider is oblivious to their existence until he or she runs afoul of the requirement. Table P4.2, *Uncodified Written Interpretations*, shows those interpretations and how they can be addressed in the UDC.

<b>Table P4.2, Uncodified Written Interpretations</b>		
<b>Subject of Written Interpretation</b>	<b>Applicable UDC Section(s)</b>	<b>Comments</b>
<b>Microbreweries and Brewpubs</b>	§ 1.11. Definitions, § 4.5 Commercial Districts, § 4.6 Industrial Districts	Would provide definitions, describe what districts would allow them, and establish specific use standards.
<b>Cart-Away Concrete</b>	§ 1.11. Definitions, 5.1.5.D. Wholesale Trade	Add "cart-away concrete mixing" to the Wholesale Trade Use Category so that it is clearly allowed in the IL, Light Industrial zoning district.
<b>Outdoor Display, Sales, and Storage of Light Agricultural Equipment</b>	§ 1.11. Definitions, 7.4.5 Exceptions	Define "light agricultural equipment" and allow it to be exempt from the outdoor display requirements, along with portable buildings, automobiles, boats, boat trailers, motorcycles, Manufactured Homes, or Recreational Vehicles.
<b>Replatting a Duplex into Single-Family Attached</b>	§ 3.11 Replat Without Vacation	Codify the Staff determination that replatting a duplex lot into a two-family attached lot causes problems with existing utilities and is generally not permitted.
<b>Site Plan Preparation by Engineer</b>	§ 3.17 Site Plan Review	Clarify that site plans shall be prepared, signed, and sealed by a state licensed Engineer when a private commercial development project exceeds the engagement thresholds established by the Texas Engineering Practice Act. Emphasize that the City reserves the right to require any site plan be prepared, signed and sealed by a state licensed Engineer, if unusual or complex site conditions exist.
<b>Changes to Street Names After Plat Approval</b>	3.1.9. Corrected Applications	State that changes to street names are not permitted after a plat is approved, but prior to recordation.
<b>Houses Across Lot Lines</b>	4.2.2. Lot Area	For single-family dwellings that already cross a lot line, would allow additions to the house or detached accessory structures without consolidating the lots.
<b>Deck and Staircase Encroachments into Setbacks</b>	4.2.5.D Features Allowed Within Required Yards	Add staircases, under certain parameters, to the list of features allowed to encroach into a side yard. In addition, define "unenclosed" as allowing a roof but no side walls.



**Table P4.2, Uncodified Written Interpretations**

Subject of Written Interpretation	Applicable UDC Section(s)	Comments
<b>Encroachments into Utility Easements</b>		Clarify that encroachments are not permitted in utility easements with water, wastewater, or drainage facilities.
<b>Water-Oriented Subdivision Setbacks</b>	<i>4.3.3. Residential Development Standards</i>	Add that residences in water-oriented subdivisions may have a reduced "front" setback since the front of the houses are typically oriented toward the water rather than the street.
<b>Outdoor Recreation in Light Industrial</b>	<i>4.6.2. Permitted Uses</i>	Add the Outdoor Recreation and the Indoor Recreation Use Categories as a whole, or selected uses, as permitted by right or by Special Permit in the IL, Light Industrial zoning district.
<b>Indoor Recreation in Light Industrial</b>		
<b>Nonconforming Above-Ground Fuel Storage Tanks</b>	<i>5.3.2.C Fuel Storage</i>	Clarify that a nonconforming above-ground fuel storage tank may be replaced with a tank with equal or lesser capacity without requiring a rezoning.
<b>Accessory Uses on Same Lot as Primary</b>	<i>5.1.1.F. Accessory Uses</i>	Clarify that an accessory use or structure has to be on the same lot as the principal use or structure.
<b>Online Fire Arms Sales as Home Occupations</b>	<i>5.3.2.F Home Occupation</i>	Allow fire arms sales as home occupations provided that they are entirely online with no in-person retail traffic.
<b>Right-In / Right-Out Driveway Spacing</b>	<i>7.1.7.A. Driveway Spacing</i>	Allow right-in / right-out driveways to have a narrower separation than two-way driveways. In addition, allow the City Engineer to administratively approve arrangements that meet generally accepted engineering practices.
<b>Shared Parking in Differing Zoning Districts</b>	<i>7.2.4.E Shared Access and Parking</i>	Allow more flexibility in sharing parking spaces when the shared lot is in a less intense (but still nonresidential) zoning district.
<b>Shared Parking with Public and Civic Uses</b>		Allow more flexibility for a commercial use to share parking with a nonresidential use that is permitted in a residential district (such as a place of worship).
<b>Screening Credit for Residential Fences</b>	<i>7.3.10. Requirements for Buffering Incompatible Uses</i>	State that a nonresidential development cannot receive screening credit by relying on an adjacent residential fence.
<b>Modifications to Nonconforming Signs</b>	<i>7.5.22. Existing Signs</i>	Allow structural modifications to nonconforming signs if certified as eminently necessary for public safety by a licensed engineer.
<b>Photometric Surveys</b>	<i>§ 7.6 Outdoor Lighting</i>	Add that a photometric survey is required for nonresidential projects to show compliance with the Outdoor Lighting standards.
<b>Where Bufferyards are Required</b>	<i>7.9.3. When Required</i>	Remove "...adjacent to any one- or two-family districts and between industrial districts adjacent to commercial districts," and let the Tables 7.9.5.A and 7.9.5.B control where buffers are required.



## Principle 5. Provide for Mixed-Use and Low-Impact Developments by Right

### Mixed-Use Development

Ideally, good developments that contain a mix of uses and housing types, retention of natural resources, centers of activity, and human-scaled amenities should be procedurally as easy, if not easier, to accomplish than those with inverse characteristics: a single housing type, that ignores the original natural resources on the site, and relies completely on motor vehicles for transportation into, around, and out of the development. Approval should be as certain and as quick as possible (in other words, by-right), rather than uncertain and time consuming as one would expect with a Planned Unit Development (PUD) or other overlay districts found in the UDC.

In the early use of PUDs, they were an “escape hatch” for the rigidity of standard zoning districts and their dimensional requirements. The intent was to allow mixing of uses or to save a little additional open space or natural features by allowing modification of dimensions (minimum lot size or width, for example). As zoning techniques providing flexibility are formulated, this tool becomes less important. However, the ability to apply for a PUD is often retained in UDCs to, ideally, enable development of difficult, resource-constrained sites.

Too often, applicants resort to PUDs and submit themselves to the extra scrutiny that goes along with it, in hopes of increased likelihood of discretionary approval by the City Council or, contrary to the purpose of a PUD, to circumvent the standard requirements of the UDC. Allowing developments such as those described above by-right, rather than by public hearing, creates win-win scenarios for the public and the developer.

How do we know that the developments described above should be the norm for Corpus Christi, and therefore, the most easily approved? Plan CC has the following as a guiding principle that informs many of the recommendations that follow in the plan:

**High-quality, safe, connected, and diverse neighborhoods provide a variety of living choices.**

*Corpus Christi’s growth has promoted a connected sense of place; revitalized downtown and older parts of the city; created mixed-use centers in key commercial districts resulting in live-work-play neighborhoods; and established new neighborhoods in the south side and northwest areas. Neighborhoods provide housing affordable at every income level for diverse households, the workforce, young and old—singles, couples, families with children, empty nesters, and retirees. People can get around the city by multiple modes of transportation—connected networks of good streets and sidewalks, safe bicycle routes, and excellent public transportation.*

The UDC has several avenues for developing mixed-use projects, such as the PUD shown in Figure P5.1, *Barisi Village Concept*, below. Such avenues include the: Mixed Use Overlay District, Uptown-Downtown Mixed-Use Special Overlay District, and Neighborhood Mixed-Use Development Standards. However, they do not appear to be used very frequently. In order to make the mixing of uses in an engaging, walkable environment more likely to happen, the City could consider the following changes.

- Consolidate the confusing, multiple mixed-use options in the UDC into a single mixed-use zoning district.

### Stakeholder Interview Take-Away

During interviews with the consultant for this project, stakeholders had the following comments about PUDs.

- PUDs are not used the way they are supposed to be in the UDC. They are used to fix little things like street width reductions or to restrict uses, rather than to enable creative development that otherwise would not be allowed.
- Applicants have done a PUD to get around the requirements of the Island Overlay, with the PUD lowering the design standards.
- City staff believes they provide too many concessions without getting any public benefits back in the PUD.

No comments were made on the Mixed Use Overlay, nor does the district appear on the Zoning Map.



- Make the mixed-use zoning district a special purpose, or even base, zoning district so that it does not have the perception of adding regulations to a property that it affects. In a City with unutilized mixed-use options, a mixed-use district should be an attractive option, rather than one that is seen as unrealistic or overly regulated.
- In order to make the district more attractive and usable to a developer, do not require vertical mixed-use buildings as a percentage of the development. If this district were widely popular in the City, then requiring vertical mixed-use would be a good next step. However, for this currently unused or underutilized option, this requirement appears to be an overreach.
- In order to incentivize their use, allow the following bonuses for vertical mixed-use buildings:
  - Increase their residential density or nonresidential intensity;
  - Reduce their parking requirements in terms of number of spaces;
  - Reduce their associated required outdoor open space;
  - Reduce or eliminate their indoor open space requirement; and/or
  - Allow a greater percentage of the building to be devoted to nonresidential use (as opposed to 50% maximum).
- As a base or special purpose zoning district, provide increased overall residential density or nonresidential intensity than what can currently be obtained through its use as an overlay. The density and intensity of the current overlay is based solely on that of the underlying district.

Figure P5.1, Barisi Village Concept



## Low-Impact Development

### Why LID?

Stormwater runoff occurs during rainstorms when precipitation that would normally absorb into the ground collects and moves over impervious surfaces. Under natural conditions, most stormwater is infiltrated into the ground, evaporated into the air, or soaked up by vegetation little stormwater becomes runoff. The natural water cycle depends on vegetation and infiltration to manage and cleanse stormwater. Impervious surfaces interrupt this cycle by preventing the absorption of runoff. Fast-moving runoff flows over impervious surfaces, carrying loads of pollutants into waterways. Downstream waters are impacted by contaminated stormwater runoff.

Conventional stormwater mitigation efforts/requirements also do not address water quality issues created by traditional stormwater management practices such as removing pollutants that are contained in stormwater.





Low-Impact Development (LID) is a system of stormwater management techniques with the goal of reducing development impact on the watershed by applying the following:

**LID Goals:**

- Preserve natural resources and the hydrology of the watershed;
- Create a system of distributed LID implementation throughout a development site;
- Control stormwater at the source of rainfall;
- Create a multi-functional landscape;
- Increase groundwater penetration and recharge
- Reduce potential flood impacts;
- Reduce the size of required retention ponds(local stormwater ordinances permitting); and
- Increase the aesthetic value of developments /properties.

**LID and the Current UDC.**

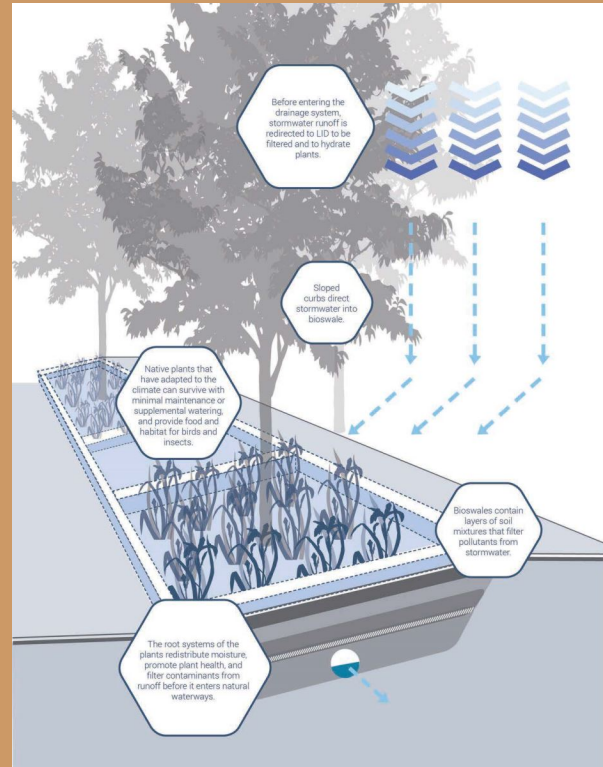
Chapter 7.3 Landscaping of the UDC states that one of the City's goals is *"to provide an optimal quality of life for all citizens of Corpus Christi by improving the appearance of the City through increased public and private landscaping, reducing City litter, and promoting efficient water conservation techniques and practices in the application of these landscape requirements."* The UDC also states that Promoting water conservation and other environmentally friendly practices through Xeriscape design is desirable with:

- Good design;
- Soil Improvements;
- Limiting lawn areas;
- Use of mulch;
- Use of low water use drought-tolerant plants;
- Efficient use of water; and
- Good maintenance techniques.

In addition to these goals, the UDC has a number of requirements for new developments and existing development that require a combination of trees, bushes, and ground covers along public/private streets, in and around commercial parking lots, and to create buffer yards between different land use types (i.e. commercial next residential).

*LID Standards*

Figure 7.1 LID Diagram



Source: Houston-Galveston Area Council (H-GAC)  
*Designing for Impact - A Regional Guide to Low Impact Development*

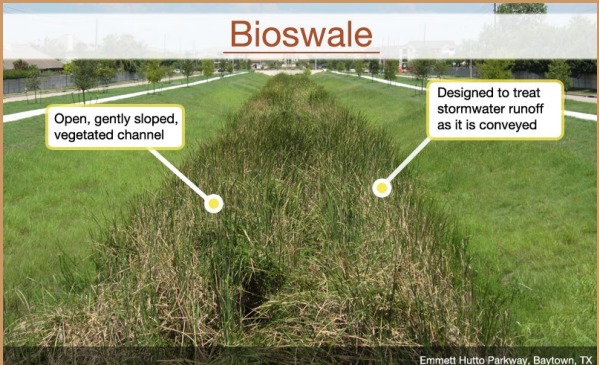


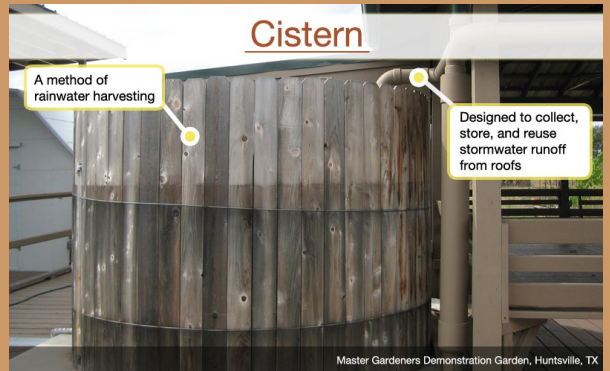
While the UDC incorporates goals that are supportive of LID, there are limited standards that implement these practices. As stated in Section 2 - [Plan CC Recommendations](#) Table 2.5 of this Evaluation, one of the goals of the City's Comprehensive Plan is to "Promote natural drainage approaches ("green infrastructure") and other alternative non-structural and structural best practices for managing and treating stormwater." However, there are only a few standards for cottage house and cluster overlay development that support the installation of LIDs (Sections 4.7.7.A.10, 6.7.2.G, and 6.7.4).

*Incorporation of LID Design Practices into the UDC*

LID practices may be incorporated into the UDC to help achieve the goals stated in Plan CC. It may be possible to create incentives in the UDC for the installation of LIDs such as reducing the number of parking lot islands and trees required in a new development parking lot in exchange for incorporating a system of parking lot infiltration trenches (see Table 7.1) within this new parking lot.

The following table highlights examples of LIDs that can be incorporated into the UDC to help encourage LID.

Table 7.1 LID Examples	
<p><u>Bio Swale</u> - wide, shallow channel with vegetation covering the sides and bottom. Swales are designed to convey and treat stormwater, promote infiltration, remove pollutants, and reduce runoff velocity. Vegetated swales mimic natural systems better than traditional drainage ditches.</p>	<div style="text-align: center;">  </div> <p style="text-align: center;">Source: <a href="http://www.h-gac.com/community/low-impact-development/gallery.aspx">http://www.h-gac.com/community/low-impact-development/gallery.aspx</a></p>

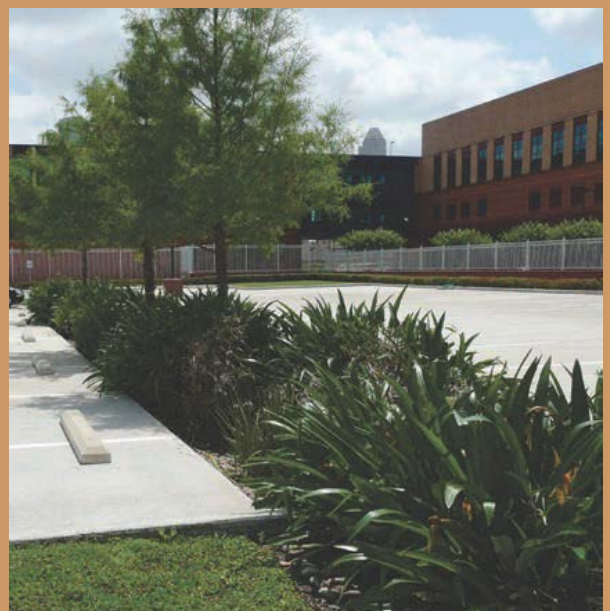


Source: <http://www.h-gac.com/community/low-impact-development/gallery.aspx>



Source: Houston-Galveston Area Council (H-GAC)  
*Designing for Impact - A Regional Guide to Low Impact Development*

Cistern - Cisterns are large rainwater systems installed above or below ground with a much larger capacity than rain barrels. They can store water from multiple downspouts and pavement areas.



Parking Lot Infiltration Trench - linear elements that can also be used for conveyance and storage in addition to their biofiltration function. They can be used anywhere and are best used on small sites, in urbanized and suburban commercial areas, residential areas, and parking lots.



*Source: Houston-Galveston Area Council (H-GAC)  
Designing for Impact - A Regional Guide to Low  
Impact Development*

Stormwater Planter Box - a bioretention system enclosed in a concrete container that contains porous soil media and vegetation to capture, detain, and filter stormwater runoff. Stormwater planter boxes are lined, contain an underdrain, have various small to medium plantings, and are installed below or at grade level to a street, parking lot, or sidewalk.



*Source: Houston-Galveston Area Council (H-GAC)  
Designing for Impact - A Regional Guide to Low  
Impact Development*



## Principle 6. Facilitate Infill and Redevelopment

Infill and redevelopment makes more efficient use of land. Filling in unoccupied lots or reusing existing structures with occupied homes and functioning business builds the tax base, does not overly burden infrastructure, mitigates suburban sprawl, and can promote more affordable housing - if a City's UDC has the appropriate mix of incentives, neighborhood protections, and removal of regulatory barriers.

In the UDC, § 6.12 *Target Area Redevelopment Special Overlay District*, provides a framework for the designation of areas targeted for redevelopment. The City Council must designate areas subject to the overlay. Once part of the overlay, development may then take place according to the following provisions:

- Mixed-Use Overlay District Development (§ 6.8);
- Neighborhood Mixed-Use Development (§ 7.11);
- Adaptive Re-Use Development (§ 7.12);
- Clustered Development Overlay District (§ 6.7);
- Traditional Neighborhood Development Overlay District (§ 6.9);
- Transit-Oriented Development Overlay District (§ 6.10); and
- Cottage Housing District Development (§ 4.7).

The result, if such a measure has even been actualized in Corpus Christi, would frequently become an overlay within an overlay, which leads to confusion and extra administrative work. The following recommendations would make infill and redevelopment more feasible in Corpus Christi.

### *Stakeholder Interview Take-Away*

During interviews with the consultant for this project, stakeholders had the following selected comments about infill and redevelopment.

- Within the City limits, only about one-half of it is developed.
- If the value of an improvement is 50% greater than the value of property, then the current Building Code has to be utilized and can cause problems.
- Downtown TIRZ requires a Certificate of Occupancy (CO) to get funds. A CO requires inspection. Inspection finds improvements that might not have needed a permit a long time ago but do now. So now there are more expenses.
- Incentiving zoning for infill could equate to more density or height for infill development compared to a greenfield.



**Established Neighborhood Zoning District.** Consider creating an Established Neighborhood zoning district that would apply to established neighborhoods that are largely built-out and stable, and where no significant change in development type or pattern is expected or desired. Essentially, this would “lock in” the standards at the time of adoption and thus, prevent unnecessary nonconformities and the need for variances for infill lots. The standards for the district would reinforce the existing, prevailing character (e.g., lot sizes, building setbacks, building heights and roof pitch, driveway location and design, garage placement relative to the street and principal structure if separate, etc.) and allow for building additions and site improvements. This approach ensures that:

- Existing neighborhood character is maintained in case of any redevelopment or infill activity; and
- Small-scale additions or improvements, to structures that would otherwise be nonconforming, do not require a variance or public hearing in order to take place (because relatively permissive setbacks are "baked in" to the district)

In order to put the property to better use in Figure P6.1, *Typical Residential Infill Site*, it is likely that the property owner would need several variances related to setbacks or impervious surface. Correctly calibrated Established Neighborhood zoning district provisions would facilitate infill, and further affordable housing, by cutting out the need for a public hearing and making permitting on the project take place more readily.

**Contiguous Infill Lot Bonus.** In order to even more effectively leverage redevelopment and infill, and its associated economic and environmental benefits, the City could adopt provisions that reward the redevelopment of several contiguous lots. As a result, the developer gains more sellable lots than he or she would otherwise have and the public gains increased numbers of affordable housing units. In the Established Neighborhood zoning district described above, the UDC could incentivize infill and redevelopment by allowing increased density (and, potentially, additional housing types such as small multifamily and townhouses that would not normally be permitted) where a developer purchases, replats, and redevelops an expanse of contiguous lots (200 linear feet, for example). Figure P6.2, *Contiguous Infill Example*, shows a 600-foot block in Corpus Christi with 50-foot wide lots that is zoned Single-Family, RS-6. The block is near neighborhood necessities, such as a school, corner store, and park; has adequate streets; and could be redeveloped with increased density by-right (aside from the public hearing for a Replat Without Vacation that is required by state law).

**Figure P6.1, Typical Residential Infill Site**





Figure P6.2, *Contiguous Infill Example*



In order to incentivize redevelopment of blocks such as those shown in Figure P6.2, the UDC could be modified to allow the lots to:

- Be 20% narrower than typically required;
- Be 20% smaller in lot area than typically required; and
- Accommodate townhouses (groups of single-family units on individual lots) duplexes, and possibly tri-plexes, which would otherwise not be allowed in the R-6 district.

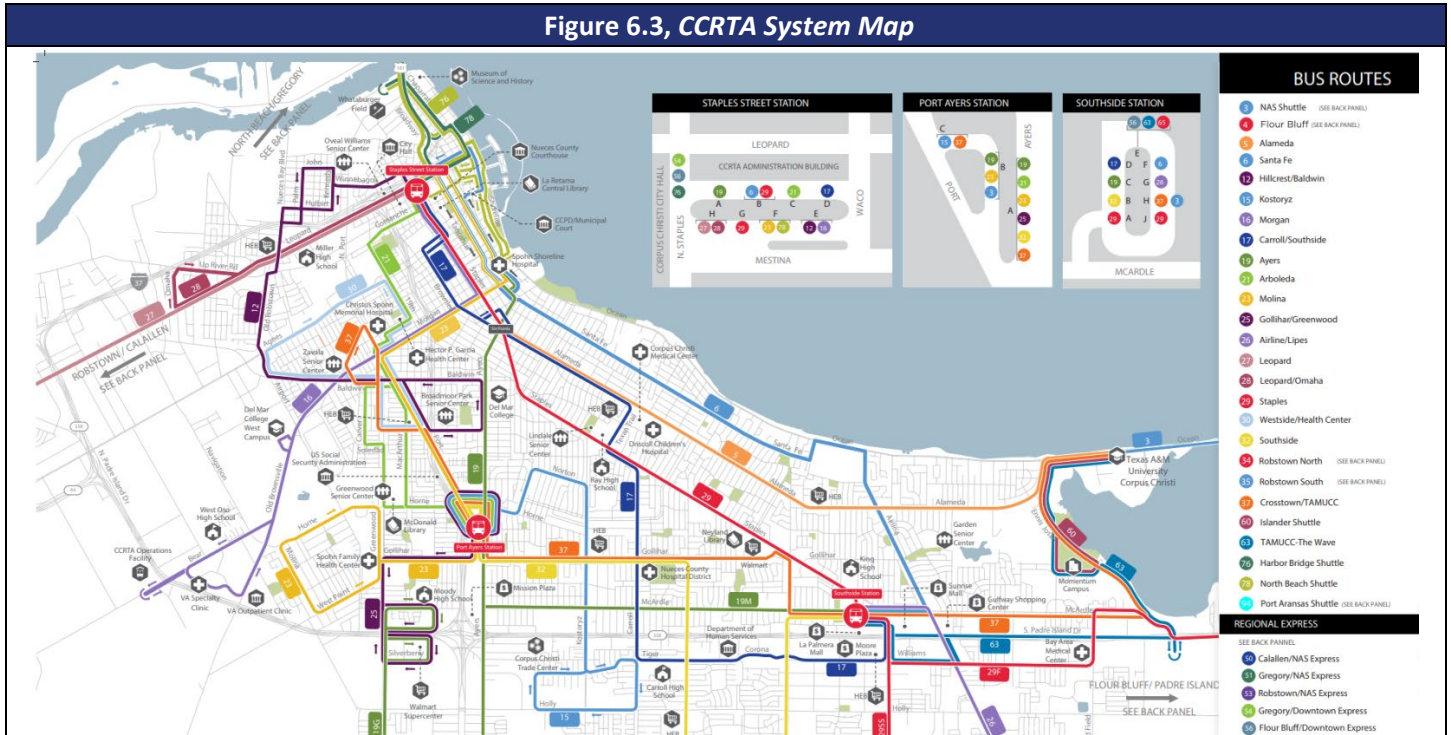
In the scenario above, the block in Figure P6.2 could accommodate up to 15 dwelling units, rather than 12 units under the existing standards. These three additional units would help the developer recoup the costs associated with purchasing and assembling the lots, demolishing existing structures, and replatting the property. This example is just one block, whose redevelopment would not make a significant difference to the City overall. However, if this type of redevelopment were to take place city-wide, the difference would be impactful.

**Parking.** Parking requirements tend to be a hindrance to infill and redevelopment projects. The City's parking standards admirably contain provisions for administrative off-street parking reductions. The following proposed additional changes to Section 7.2.4 *Alternative Parking Plan Options*, could take some of the parking-related cost burden off of redevelopment projects. The reduction percentages below (which are intended to be cumulative) could vary by five to 10 percent, depending on the City's comfort level with the reductions.

- Apply a 10 percent reduction in the minimum required number of parking spaces for any redeveloped property (or new development) within 200 feet of a designated transit (bus) route, as depicted in Figure P6.3, *CCRTA System Map*.
- Apply a 10 percent reduction to any redevelopment project that rehabilitates a structure that is eligible for or currently listed on the National Register for Historic Places in accordance with the Secretary of the Interior Standards for Historic Preservation.
- Apply a 10 percent reduction to any redevelopment project that incorporates a minimum of two environmentally-friendly features, including, but not limited to:



- Provision of bicycler parking;
- LEED certification;
- Low-Impact Development features, including pervious pavement;
- Location of the subject property within one-half mile of at least five basic services, such as a bank, community center, convenience store, day care, laundromat, library, medical or dental office, post office, restaurant, or school.



**Target Area Infill and Redevelopment.** Section § 6.12, *Target Area Redevelopment Special Overlay District*, of the UDC is intended to facilitate infill and redevelopment within City Council designated target areas, target zones, or destination nodes. While these targeted areas identify where new investment or reinvestment is warranted and desired, an overlay district is unnecessary. Instead, the type, scale, and density or intensity of development in these specific areas should be in accordance with the future land use plan (which may require special study if areas are outside of an Area Development Plan or Destination Node Plan), and the zoning of these tracts. If the current zoning is an impediment to infill or redevelopment, it warrants change either by the landowner or through a City-initiated process. The land use plan and zoning for these targeted areas will identify the use and form of development that is appropriate in the context of its surroundings.

The UDC includes a series of overlay districts for different land uses, such as mixed-use and cottage housing, and different development types, such as cluster, traditional neighborhood, or transit-oriented development. An overlay district for each was established so that it may be applied in concert with a base district and located generally anywhere within the City where its deemed appropriate. In lieu of overlay districts, the following is recommended:

- **Mixed-Use and Cottage Housing.** These are land use and housing types that are more appropriately designated in applicable districts, with reference to design standards. Neighborhood mixed use simply refers to the scale and form of development and the appropriate use types.
- **Adaptive Reuse.** These standards may continue to stand on their own or may be combined with infill and redevelopment standards designed to better accommodate redevelopment or reuse given the typical regulatory





constraints that do not lend to reinvestment. These commonly include rigid lot dimensions, setbacks, and building coverage; transitioning a nonconforming use or site improvements; and restrictive use types.

- **Cluster Development.** This type of development usually occurs in the suburban or rural areas and on a larger tract of land necessary to make clustering feasible. In certain instances, it is feasible on an infill development tract. Cluster development may be better integrated into the applicable districts as a development type that is either permitted by-right or permitted subject to limitations.
- **Transit-Oriented Development (TOD).** Development that occurs around a central transit hub, adjacent to or on the fringe of other nonresidential development, or along a high ridership transit route is most commonly mixed-use development, which is recommended as a use type more so than an overlay district.
- **Traditional Neighborhood Development (TND).** Most commonly, a planned unit development is used for a traditional neighborhood development given its unique use, lot, and street patterns and warrant for standards that are not provided for in the UDC. The alternatives include continued use of PUD without (not recommended) or with (recommended) TND standards or establishment of a TND district. The latter is likely not warranted given the rarity of this development type.



## Principle 7. Encourage Affordable Housing

According to the [Texas Real Estate Center](#), for the 4th quarter of 2018, Corpus Christi rates a 1.58 on the Texas Housing Affordability Index (THAI) for homebuyers making a 3.5 percent down payment (see Figure 7.1, *THAI for Corpus Christi*). The THAI improves as a buyer's down payment increases. The city's THAI for all of 2018 was 1.61.

A higher THAI indicates relatively greater affordability. A THAI 1.00 means that the median family income (MFI) is exactly sufficient to purchase the median-priced home in the local market. A THAI above 1.00 means the MFI exceeds the required income to purchase a median-priced home. Conversely, a THAI below 1.00 indicates that the MFI is not sufficient to purchase the median priced home. For example, Corpus Christi's THAI of 1.58 means that the MFI is 58 percent more than the required income to purchase the median-priced home. Corpus Christi's THAI changes to 1.24 when considering first-time home buyers. The locale with the highest THAI is Wichita Falls at 1.93 for first time buyers. The lowest THAI is associated with Kerr County (Kerrville), with a THAI of .85.

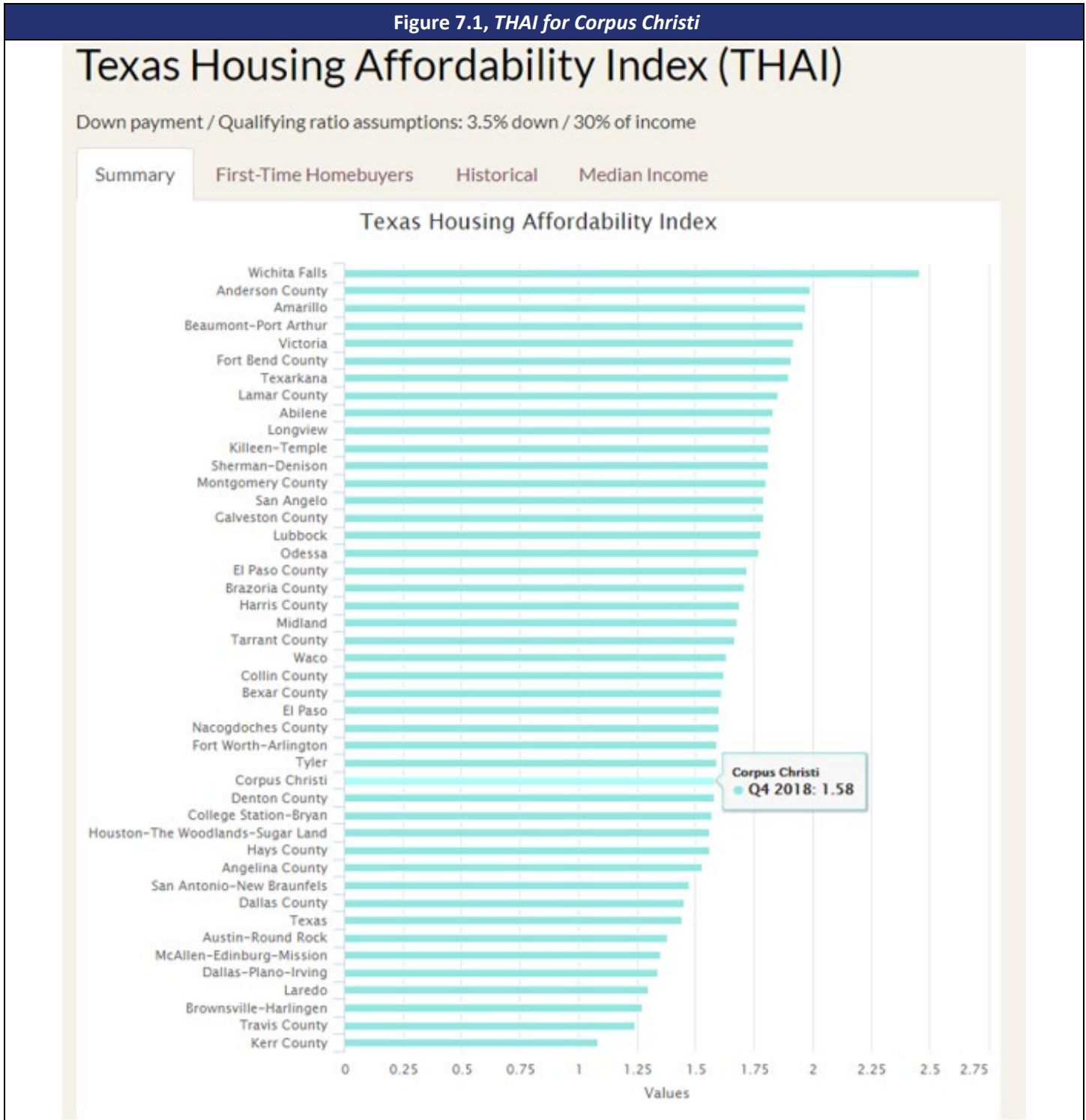
### *Stakeholder Interview Take-Away*

During interviews with the consultant for this project, stakeholders had the following selected comments about affordable housing.

- Single-family districts do not allow for the “missing middle” of housing types that promote affordability. It will be important to figure out how to fill the demand for the missing middle without the negative impacts on traffic, parking, and noise.
- For housing affordability, the only way to get there is additional density.
- A \$150,000 house has same amount of regulatory work and fees (Approx. \$5,000) as a \$500,000 house.
- A developer needs 50-100 lots to accomplish affordability and make economies of scale work.
- Developers don't necessarily need incentives in cash. They need incentives in process and time.
- Accessory dwelling units help with affordability.



Figure 7.1, THAI for Corpus Christi



As Figure 7.1 shows, Corpus Christi is clearly on the bottom half of the ranking and almost in the bottom 1/3rd. While Corpus Christi's affordable housing situation could be much worse, it is important that a UDC promote affordable housing and, importantly, not act as a barrier to achieving even more affordable housing.

Several measures in this evaluation directly or indirectly promote affordable housing. Among those are:



- Greater administrative approval authority so that projects go through the review process quicker ([Principle 3. Allow More Administrative Decisions](#));
- Clearer provisions and measures to make Staff interpretations more consistent so that time is not wasted trying to determine an answer to unclear requirements ([Principle 4. Standardize and Streamline Review Procedures](#));
- Reducing parking requirements for infill and redevelopment projects, which, in turn reduce costs for the developer ([Principle 6. Facilitate Infill and Redevelopment](#));
- More housing types (such as the "missing middle" of single-family attached, two-family and multiplexes) built into the residential zoning district so that a developer does not have to rezone property, and ride through the process of hearings and public notice, when the market changes ([Section 4. Zoning Districts and Land Uses](#)); and
- Incentivizing infill, redevelopment, and mixed use so that a homeowner or renter can live closer to needed services, jobs, and stores, without the expense of maintaining a vehicle. ([Principle 5. Provide for Mixed-Use and Low-Impact Developments by Right](#))

The City could provide additional incentives to affordable housing production by:

- Reducing or eliminating permitting fees for developments with committed long-term affordable housing units.
- Allowing two-family, multiplexes, and potentially multifamily uses (with considerable design and compatibility standards) by Special Permit (with only one public hearing required rather than two that would be required for a rezoning) in districts where they are currently not permitted. Two-family dwellings could be allowed by Special Permit in RS-4.5 and multiplexes in apartments could be allowed by the same in RS-TF. One of the standards related to the Special Permit could be a requirement to incorporate affordable units.
- Granting a density bonus by-right for market rate subdivisions or multifamily development that integrate committed affordable units.
- Allowing reductions in fees-in-lieu of park land dedication and "skinnier" street and site improvements that are less costly than the typical designs for developments that incorporate committed affordable units.

It is important to understand that none of these measures are silver bullets. No single one of them is a cure-all, but taken together they can make a difference in housing affordability.



## SECTION 4. ZONING DISTRICTS AND LAND USES

Previous Sections of this Evaluation have been based on improvements to the UDC related to broader concepts such as Implementation of [Plan CC](#) and legal defensibility. Sections 4 through 6 examine all 10 Articles of the UDC on a more micro-level. For the most part, proposed amendments that are addressed in previous Sections of this evaluation are not repeated here.

This Section assesses [Article 4, Base Zoning Districts](#), [Article 5, Use Regulations](#), and [Article 6, Special Zoning Districts](#), of the UDC, related to zoning districts and land uses.

**Table 4.1, Zoning District and Land Uses Assessment**

Citation	Comment
<a href="#">4.1.1. Establishment of Zoning Districts</a>	Include interpretation of "mixed-use zoning district."
Table 4.1.1 Zoning Districts	Seek opportunities for zoning district simplification / consolidation based on development options within the broader zoning district. See Figure 4.1, <i>Potential Zoning District Consolidation Sample</i> , below.
	Tie each zoning district to an associated future land use category in Plan CC, or, vice-versa with an amendment to Plan CC.
<a href="#">4.1.5. Newly Annexed Territory</a>	Consider allowing newly annexed territory to come into the City under the zoning district associated with the property's future land use category, rather than only as FR, provided adequate infrastructure exists and/or the submittal of a Traffic Impact Analysis by the applicant.
<a href="#">4.1.6. Use Tables</a>	Eliminate Special Use Exceptions in favor of Uses Permitted Subject to Limitations and/or Special Permits. (See <a href="#">Principle 3</a> . for elaboration)
<a href="#">4.2.1. Open Space</a>	Reconcile how open space is currently being exacted from new subdivision (1 acre per 100 dwelling units based on <a href="#">8.3.5.</a> , <i>Land Dedication</i> ) with the minimum open space requirement found in most residential zoning districts.
<a href="#">4.2.2. Lot Area</a>	Build upon the optional lot averaging allowance by considering mandating some fluctuations in lot area as a means to prevent monotony and to promote affordability (slightly smaller houses on slightly smaller lots).
<a href="#">4.2.4. Site Area and Width</a>	Consider setting a minimum site area or zoning district area for types of development that should not take place on a small lot-by-lot basis, such as a mixed-use base zoning district or a business park district.
<a href="#">4.2.5.D Features Allowed Within Required Yards</a>	Clarify whether eaves cannot encroach into an easement or if they are damaged whose responsibility it is to repair.
<a href="#">4.2.6. Building Separation</a>	Specify that, except for permitted encroachments, building separation requirements apply to the exterior wall of the buildings in question.
<a href="#">4.2.8.C. Modification of Height Regulations</a>	Modify to show that a nonresidential building can encroach closer to a residence, provided it is underneath the height limit line. Show that it cannot encroach past the required setback.
<a href="#">4.2.10. Back-to-Back</a>	Provide an illustration to clarify the meaning of this provision. Address the situation where the side of a corner lot is back to back with a rear yard. The front setback should align with the adjacent lot's street side yard. In addition, remove the redundant "...a minimum of not less than..."



**Table 4.1, Zoning District and Land Uses Assessment**

Citation	Comment
4.2.11. <i>Water-Oriented Subdivisions</i>	Relocate the standards related to the percentage of lots that must be adjacent to a body of water. The language could be relocated to <a href="#">§ 8.3 Public Open Space</a> .
4.3.5. Zero Lot Line Residential Development	Overall, this Section reads more legalistically than the remainder of the UDC (use of terms such as ""herein" and "therewith"). An update to the UDC should work to make the language consistent and understandable to a lay person, yet legally defensible.
4.3.5.A <i>Purpose (Zero Lot Line)</i>	The illustration associated with this paragraph does not match the text. The illustration goes with paragraph 4.3.5.D.2.a.
4.3.5.B. <i>Permitted Zoning Districts</i>	The content of this Subsection is mostly unrelated to the Subsection title. In addition, much of this Subsection is redundant with material covered in other Articles.
4.3.5.D.1 <i>Minimum Lot Sizes and Widths</i>	Zero lot line dwellings are typically allowed on smaller lots than a conventional single-family attached dwelling. Each housing type could have customized lot sizes for each zoning district, where smaller lot sizes could incentivize affordable housing.
Table 4.4.3.A. Residential Development (Two-Family and Townhouse districts)	
4.3.5.E.2 <i>Required Exhibits</i>	Relocate these (and any other) submittal requirements to a document outside of the UDC that can be more easily and readily administratively amended.
Table 4.4.2 <i>Permitted Uses (multifamily districts)</i>	Consider adding a selected set of Commercial Uses to the multi-family use table. Such uses could require a Special Permit and be limited in scale and location with required buffering. This would promote a moderate level of mixing of uses with some essential services closer to where higher densities of people live. This mixing of uses would be subject to mixed use design standards and may be limited to a certain percentage of land area of the development.
Table 4.4.3.A. <i>Residential Development (Two-Family and Townhouse districts)</i>	Specify the maximum number of units / lots in a set of townhouses.
4.4.3 <i>Residential Development Standards</i>	Illustrate the various configurations townhouses could have: e.g. front access, rear access, and shared parking.
Table 4.4.4 <i>Multi-Family Housing Types</i>	Integrate a new housing type known as a multiplex, which has three units, but is typically not part of an apartment complex. A multiplex would have its own standards that could be calibrated to be advantageous to integrate into duplex and / or single-family developments. See Figure 4.2, <i>Multiplex Samples</i> , below.
	Remove references to condominiums, as these are forms of ownership and are largely not regulated by zoning.



**Table 4.1, Zoning District and Land Uses Assessment**

Citation	Comment
<p>Table 4.5.2 Permitted Uses (Commercial zoning districts)</p>	<p>Consider consolidating the CN-1 and CN-2 zoning districts, as their permitted and special permit uses are identical and dimensional standards are very similar. Alternatively, convert the CN-2 as a neighborhood mixed-use district with better guidance on mixing residential and nonresidential uses both horizontally and vertically.</p>
	<p>Consider allowing car washes in CN by Special Permit or even as a Limited Use with substantial use standards.</p>
	<p>Consider consolidating the CR-1, CR-2, and CR-3 zoning districts, as their permitted and special permit uses are almost identical. Alternatively, keep CR-3 and combine CR-1 and CR-2.</p>
	<p>Better distinguish between NC and GC zoning districts in terms of uses and development standards. Some distinguishing characteristics could be a gross floor area limitation on NC buildings, a prohibition on certain uses if the lot abuts a residential property, or a parking reduction specifically for the district. Often, NC districts also include a higher standard of design, which could be more residential in appearance.</p>
	<p>Consider allowing single-family detached and duplexes in CN-1, CN-2, and/or ON if they are part of a coordinated development with mixed uses.</p>
	<p>Require enhanced design for mini-warehouses in CR-2, and, along with the enhanced design, consider allowing in the ON district. See Figure 4.3, <i>Mini-Warehouse Design</i>.</p>
<p>Table 4.5.3 Residential Development (Commercial Zoning Districts)</p>	<p>Provide maximum density requirements for CR-1 and CR-3 if those districts are retained and for CBD.</p>
<p>Table 4.5.4 Nonresidential Development (Commercial Zoning Districts)</p>	<p>Remove minimum open space requirements for CN-1 and CN-2, as nonresidential uses are typically not required to dedicate open space per se. If this is meant to be a landscaped area requirement, then relabel it as such.</p>
	<p>Minimum lot area for BP may more appropriately be called minimum site area.</p>
<p>Table 4.6.2 Permitted Uses (Industrial districts)</p>	<p>Some Waste-Related Uses (see 5.1.5.C) may not be appropriate for Light Industrial zoning.</p>
<p>§ 4.7 Cottage Housing District Regulations</p>	<p>See <a href="#">Principle 7. Encourage Affordable Housing</a>.</p>
<p>§ 5.1 Use Categories</p>	<p>Add new uses to appropriate use categories as technology and land uses have evolved since the UDC was adopted. Considerations include: tiny homes, scooter-charging home occupations, or solar panels.</p>
<p>5.1.4.I. Vehicle Sales and Service</p>	<p>Add "vehicle service, heavy" and "vehicle service, limited" as accessory uses associated with a use in the Vehicle Sales and Service use category. This could have a limitation in § 5.3 Accessory Uses and Structures, that it is to only be associated with vehicles sales or leasing facilities and that it is only an allowed activity on larger parcels with setbacks from residential uses or districts.</p>
<p>5.1.5.A. Light Industrial Service</p>	<p>Shift above-ground fuel storage to the accessory uses column.</p>



**Table 4.1, Zoning District and Land Uses Assessment**

Citation	Comment
5.1.6.A. Agriculture Uses	Add aggregate storage as an accessory use associated with the Agricultural use category. This could have a limitation in § 5.3 <i>Accessory Uses and Structures</i> , that it is to only be associated with nurseries and other appropriate agricultural uses and must be limited in scale.
§ 5.3 Accessory Uses and Structures	Add fence requirements as part of this Section. It is unclear where fence requirements are located; however, Staff reports that razor wire and electric fences have been constructed in residential areas. Also, there is no height limit for fences in the street setback. Commonly fences are limited to 3 to 4 feet in this location and must be at least 50% opaque.
5.3.1.J Accessory Uses and Structures	Exempt certain uses, such as bona-fide agricultural uses, from the requirement that accessory building square footage must be a maximum of 50% of the main principal structure total square footage.
5.3.2.A. Accessory Dwelling Units	Facilitate accessory dwelling units by not requiring the owner to live on-site. Or at least allow on-site ADUs by-right and allow off-site ownership with a Special Permit. In addition, make them easier to do by lowering the maximum floor area from 500 square feet to 800.
5.3.2.D. Garages, Private	Clarify so that it does not read as if the square footage of the garage is factored into how large the garage may be (thus creating an endless loop).
§ 6.2 – PUD, Planned Unit Development Overlay	To help prevent abuse of the PUD process, whereby applicants use the PUD as a tool to circumvent requirements of the UDC, require that the applicant provide a narrative for how the development proposal fulfills the Purpose statements of the PUD Overlay found in Section 6.2.1. <i>Purpose</i> .
6.4.1. Declaration of Public Policy and Purpose (Island Overlay)	Rather than encouraging the use of Planned Unit Developments (and the extra time and uncertainty that goes along with them) in the written provisions of the Island Overlay (which would amount to two overlays on a single property), the Overlay should instead include better objective, predictable standards that reflect / accommodate new development types and thus reduce the need for a PUD.
	Minimize the ability to have outdoor retail display, which, under the base zoning provisions, could occupy as much as 30% of the linear distance along the principal structure wall.
6.4.4.C. Boat or Recreational Vehicle Storage or Sales	Address the screening conflict between this Section and 6.4.7. <i>Screening Requirements</i> , by removing the screening provisions in this Section and relying on 6.4.7.
6.4.5.A.1 Off-Street Parking and Loading Regulations	Increase the parking credit to 15% to encourage more rear parking, as opposed to the layout in Figure 4.4, <i>Island Development with Parking in the Front</i> . Alternatively, mandate that one-half of the required parking must be to the side or rear of the building in the Island Overlay.





**Table 4.1, Zoning District and Land Uses Assessment**

Citation	Comment
6.4.8. Landscaping Requirements	<p>Provide incentives for drought-tolerant planting and the use of reclaimed "grey water". Such incentives may include reduced sprinkler system or hose attachment requirements.</p> <p>The preamble to the Section requires "extensive landscaping;" however, this Section hardly raises the bar compared to the basic citywide landscaping standards. Increase the landscaping requirements of this Section or remove the reference to extensive landscaping.</p>
6.4.9.C. Prohibited Signs	Clarify if pole signs are permitted or prohibited in the Island Overlay.
6.4.11.B. Applicability	Add townhouses to applicability.
§ 6.5. Air Installation Compatible Use Zones (AICUZ)	Increase the glare provisions in and around the AICUZ related to outdoor lighting and solar panels. In addition, consider adoption of a military hazard and lighting overlay district or development standards near airport and military installations. Lighting and hazards (height restrictions, cranes, bird strike, etc.) concerns extend beyond the AICUZ area.
§ 6.6. Development Concept and Special Overlay Zoning Districts	This Section seems duplicative with the PUD provisions and should be removed.
§ 6.7. Clustered Development Overlay District	The ability to cluster dwellings, thereby increasing protected public open space, should be a by-right option in some residential zoning districts (excluding RE and other larger-lot districts), rather than requiring the approval of an Overlay. In addition, In 6.7.2.D appears to contain a conflict in maximum density allowed. Paragraph 1 implies no density bonus, while paragraph 2 does imply a density bonus. It could remain an overlay or Special Permit option in larger lot districts.
6.7.4. Required Common Open Space	Allow more or less common open space dedication with a commensurate density bonus.
6.7.6. Density Bonuses	Although density bonuses for accessible and affordable housing units are good ideas, and should be considered to apply city-wide, clustering should merit a predictable, structured density bonus by-right, as a development option within the base residential zoning districts.
§ 6.8. Mixed Use Overlay District	Eliminate this overlay district, add "mixed-use" as a Special Permit or Limited Use in each of the identified zoning districts within this overlay, and incorporate the standards of this overlay district in Section 5.2, <i>Specific Standards</i> . Among the requirements for mixed-use should be site plan review and approval.
§ 6.11. Uptown-Downtown Mixed-Use (MUS) Special Overlay District	Eliminate this special overlay district, add "mixed-use" as a Special Permit (SP) in the applicable zoning districts within the boundaries of the overlay, incorporate the standards of this overlay district in Section 5.2, <i>Specific Standards</i> , applicable to the area described within the text. In lieu of established the boundaries of this overlay district, establish performance standards relating to the location, scale, proximity, and compatibility of mixed-use projects with adjacent uses and districts.
§ 6.12. Target Area Redevelopment Special Overlay District	See <a href="#">Principal 6, Facilitate Infill and Redevelopment</a> .



**Figure 4.1, Potential District Consolidation Sample**

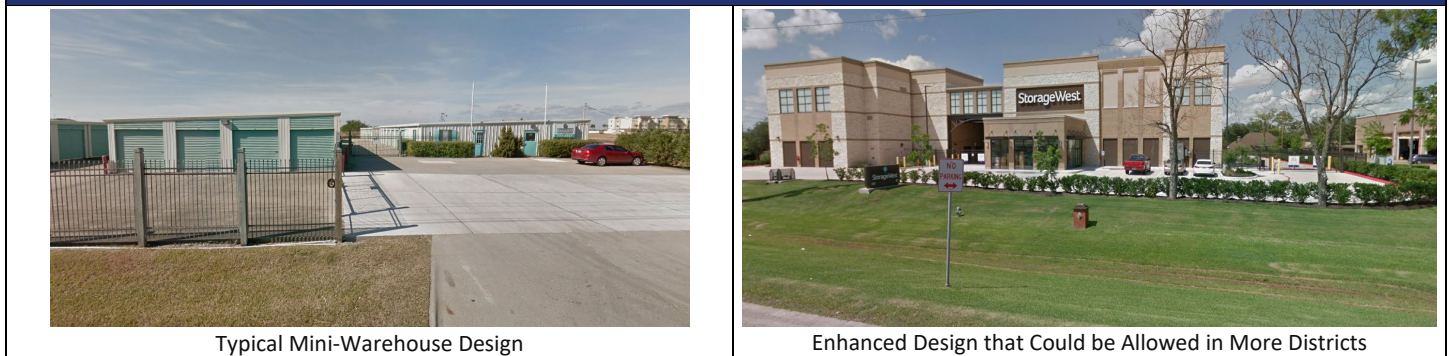
Plan CC Density Level	Current Zoning District	Potential Zoning District	Potential Development Options	Potential Public Open Space Ratio	Potential Housing Types
Medium Density Residential	RS-15 Single-Family	Semi-Urban (SU)	Standard	3% <sup>1</sup>	Single-Family Detached
	RS-10 Single-Family		Cluster	20%	Same as Standard Option + Attached
	RS-6 Single-Family		Village	35%	Same as Cluster + Townhouse
<b>Standard</b>		<b>Cluster</b>		<b>Village</b>	

<sup>1</sup>Based roughly on the requirement in Article 8, Subdivision Design and Improvements, that requires one acre of open space per 100 dwelling units.

**Figure 4.2, Multiplex Samples**



**Figure 4.2, Mini-Warehouse Design**



Typical Mini-Warehouse Design

Enhanced Design that Could be Allowed in More Districts



Figure 4., *Island Development with Parking in the Front*





## SECTION 5. DEVELOPMENT STANDARDS

This Section assesses [Article 7, General Development Standards](#), and [Article 8, Subdivision Design and Improvements](#), as they apply to private property and land subdivision.

**Table 5.1, Development Standards Assessment**

Citation	Comment
<a href="#">§ 7.1. Access and Circulation</a>	Provide an applicability statement that shows the street types for which these standards apply, such as: public rights-of-way maintained by the City within the City limits; public rights-of-way maintained by the County within the extraterritorial jurisdiction; and private streets within either the City limits or ETJ.
<a href="#">7.1.4.B. Driveway Permit Required</a>	Relocate these (and any other) submittal requirements to a document outside of the UDC that can administratively amended.
<a href="#">7.1.7. Driveway Design Standards</a>	Allow "ribbons" for driveways in order to reduce impervious coverage.
<a href="#">7.1.7.A. Driveway Spacing</a>	Increase mobility for arterials and higher classified streets by prohibiting direct residential access to them rather than establishing conditions for when such access may occur. Consider the same for Primary Collectors.
<a href="#">Table 7.1.7.D Corner Clearance</a>	Change "N/A" to "0".
<a href="#">7.1.8. Shared and Cross Access Driveways</a>	Require, rather than allow or encourage, cross access driveways for multi-family, nonresidential, and mixed-use developments. See Figure 5.1, Cross Access Example, below.
	Allow individual driveways if the subdivider can demonstrate: the adjacent landowner refused a reasonable offer with regard to cross-access; the proposed temporary access will not impact safe and efficient flow of traffic; and the subdivider records a covenant to ensure that the connection will be provided and access will be consolidated upon development or redevelopment of the adjacent property as a condition of approval.
<a href="#">§ 7.2 Off-Street Parking, Loading and Stacking</a>	Except for single- or two-family uses and except for the presence of a cross access easement between properties, prohibit a vehicle use area (parking, loading, and stacking) from being designed to require a vehicle to maneuver into a public right-of-way or encroach an adjacent property in order to park, load, unload, or stack.
	Specify that parking, loading, and stacking spaces cannot be used interchangeably.
<a href="#">7.2.2.A. Rules for Computing Required Parking and Loading Spaces</a>	Reconcile the exemption of parking requirements in the CBD zoning district that is repeated in <a href="#">7.2.3. Districts Exempt from Parking Ratios</a> , which can lead to inconsistencies and misinterpretations.



**Table 5.1, Development Standards Assessment**

Citation	Comment
Table 7.2.2.B <i>Parking Ratios</i>	<p>Consider adjusting the following parking ratios to reduce development costs, the heat island effect, and impervious surface:</p> <ul style="list-style-type: none"> <li>• 1 bedroom apartments - reduce from 1-1/2 spaces per unit to 1 space per unit.</li> <li>• 2 or more bedroom apartments - reduce from 2 spaces per unit to 1-1/2 per unit.</li> <li>• Daycare - change "children" to "enrolled persons" or similar terminology to account for non-child clients.</li> <li>• Parks and Open Area - consider reducing from 1 space per 10,000 SF of outdoor area to 1 space per one-half acre (~22,000 SF)</li> <li>• Indoor Recreation - reduce bowling from 5.6 spaces per lane to 2 spaces per lane and 1 per 200 SF for all other Indoor Recreation.</li> <li>• Office - Clarify what constitutes urban versus suburban.</li> <li>• Bed and breakfast home or inn - Reduce from 2 to 1 space per room</li> <li>• Restaurant - base the parking requirement on the number of seats (such as 4) rather than on square footage, which may also include spaces for the number of staff persons.</li> </ul>
7.2.4.E. <i>Shared Access and Parking</i>	Allow an administrative option for shared parking that does not require a shared parking analysis. Such requirement may be requested beyond a certain reduction threshold.
7.2.5. <i>Off-Street Parking Design Standards</i>	<p>Include standards and incentives for the use of pervious pavement. Standards include weight-bearing capacity, required use if the parking area functions as overflow or exceeds a maximum threshold of spaces, and maintenance. Incentives could include a reasonable reduction in the number of required spaces.</p> <p>Consider incorporating a maximum aisle length to allow for better vehicle circulation.</p>
7.2.5.C. <i>Safe and Convenient Access</i>	Except for single- or two-family uses and except for the presence of a cross access easement between properties, prohibit a vehicle use area (not just parking but loading and stacking as well) from being designed to require a vehicle to maneuver into a public right-of-way or encroach an adjacent property in order to park, load, unload, or stack.
7.2.6.A. <i>Minimum Number of Spaces (Vehicle Stacking Areas)</i>	Consider adding additional use activities that require stacking spaces, such as fuel pump islands and limited vehicle service.
7.2.6.B. <i>Design and Layout (Vehicle Stacking Areas)</i>	Require stacking facilities have a bypass lane.
7.2.7.A. <i>Design and Layout (Off-Street Loading)</i>	Allow for reducing loading spaces (12' x 18' instead of 12' x 35') in nonresidential zoning districts other than BP, IL, and IH to accommodate smaller delivery trucks.
7.3.3. <i>Application</i>	Consider lessening landscaping requirements for industrial uses in the IL and IH zoning districts.
7.3.3.A <i>New Development (Landscaping)</i>	Consider moving to § 1.10. <i>Transitional Provisions</i> , and apply to other Development Standards.



**Table 5.1, Development Standards Assessment**

Citation	Comment
7.3.4. Alternative Compliance	Enable the Assistant City Manager of Development Services (ACMDS) to take action on Alternative Compliance landscape plans, or include alternative compliance standards in the UDC.
7.3.5. <i>Landscape Handbook</i>	Remove as a regulatory form.
7.3.6. <i>Requirements for All Street Yards</i>	<p>As opposed to a points system, which is flexible but potentially unpredictable, consider using a calibrated street buffer between the building and street. A street buffer would maintain the flexibility of points, by providing options for plantings and screening devices per 100' segment, but would also have more predictability for what will be planted or installed. The existing requirements in § 7.9 <i>Required Zoning District Buffer Yards</i>, lays the foundation for this change. Under the points system, a street yard consisting of 100 lateral feet and 50 feet of width (from street to building) would require 750 square feet of landscaped area. A total of 100 points would be required within the 750 square-foot area. Two, 2-1/2-caliper trees along with 10, three-gallon shrubs would fulfill this requirement. Street buffers could be incorporated into the UDC with similar levels of flexibility, but with more predictable outcomes that are easier for a designer to calculate, especially with the use of a landscaping and bufferyard calculation via <b>enCodePlus™</b>.</p> <p>Require a simpler area landscaping requirement based on the gross area of property, rather than the area within the street yard and a percentage of the remaining area of the street yard that is required to have a different number of points.</p> <p>Require more than one species of trees in the required landscape areas.</p> <p>Reconcile conflicting definitions of street yard.</p>
7.3.10. <i>Requirements for Buffering Incompatible Uses</i>	Fold into § 7.9 <i>Required Zoning District Buffer Yards</i> , which should be integrated with the Landscaping Section.
7.3.11. <i>Landscaping Specification for all Applicable Zones</i>	Simplify these requirements, similar to what is recommended for street yards, above, so it remains flexible but is more predictable.
7.3.16. <i>Landscape Plan Submittal Requirements</i>	Relocate these (and any other) submittal requirements to a document outside of the UDC that can administratively amended.
Table 7.4.3 <i>Allowable Storage (per zoning district)</i>	Allow some outside storage (perhaps with a CUP) in the CG zoning district to prevent recent rezonings to IL for the purpose of allowing more storage.
§ 7.5 <i>Signs</i>	<p>Accommodate murals while maintaining content neutrality. See <i>Principle 2. Adopt Regulations that are Legally Defensible</i>, for warranted additional changes to address content neutrality.</p> <p>Clarify the requirements of temporary signs. Real estate signs are the only sign types currently identified as temporary. Provide standards for newer technologies such as adhesive signs or building wraps. In addition, make allowances for removal of illegal or outdated temporary signs.</p> <p>Consider requirements and limitations on vehicle signs (signs on prominently displayed parked vehicles). Limitations could include: the vehicle must be operable and must have current registration; the vehicle must be legally parked within a parking space; and the display of the sign is incidental to the vehicle use.</p>



**Table 5.1, Development Standards Assessment**

Citation	Comment
7.7.2 <i>Applicability (Building Design)</i>	Include multi-family developments and have a sliding scale of requirements based on building size. In addition, lower the threshold from 30,000 to 45,000 square feet, with smaller buildings having less rigorous requirements. Larger buildings would, in turn, require enhanced entrances, articulation, and/or building materials.
7.7.3 <i>Facades</i>	Have provisions for primary and secondary facade materials with varying proportions of each facade based on street frontage and residential proximity. Primary materials could include brick, stone, pre-cast concrete panel that is textured or patterned to appear like brick or stone, and architectural masonry units including split face, weathered face, sandblasted face, and ground face blocks. Secondary materials could include embossed or pre-finished architectural metal panel that has an appearance of masonry or stucco, masonry or cement fiberboard siding, glass, tile, wood, or smooth-faced, finished concrete masonry units.
§ 7.9 <i>Required Zoning District Buffer Yards</i>	Integrate this Section with § 7.3 <i>Landscaping</i> .
7.10.3.E <i>Dumpsters</i>	Consider prohibiting dumpsters from being located in the street yard and clarify their screening requirements.
7.11.3.H <i>General Standards (Neighborhood Mixed-Use (NMU) Development Standards)</i>	Consider lowering the residential minimum square footage from 800 to 600 square feet to make it more usable.
7.11.7.H <i>Design Standards</i>	Include outdoor dining with this allowance.
7.11.10 <i>Parking</i>	Clarify that on-street parking credits are permitted together with other parking reductions.
8.1.8. <i>Homeowners' Associations</i>	Include Property Owners Association (POA) with the provisions for Homeowners Associations (HOA). POAs are for nonresidential or mixed-use developments.
8.1.12.F. <i>Administrative acceptance requirements</i>	Relocate as-built and certificate of completeness to 8.1.11. <i>Requirements for Plat Recordation Prior to Final Acceptance of Infrastructure Improvements Based on Technical Compliance</i> .
8.1.13. <i>Cash In Lieu of Construction of Half Streets:</i>	Better define how cash in lieu of a half street can be used with either developer participation projects or city initiated/funded projects.
Table 8.2.1.C <i>Non-Local Street Standards Table</i>	Add the second Minor Residential Collector to this table.
	Rework street L-1D so that a sidewalk is feasible.
	Provide standards and incentives for wider sidewalks along one or both sides of local streets. If sidewalk permitted on just one side, it should be wider than typical.
	Provide illustrative street cross sections for this table.
	Define "Bump-Out" as used in this table.
	Reconcile the requirements of this table with the Fire Code, e.g., minimum 20 feet of unimpeded access. A 32-foot street with parking on both sides does not allow for this unimpeded access.



**Table 5.1, Development Standards Assessment**

Citation	Comment
Table 8.2.1.E <i>Subdivision External Access Points</i>	Change "Lots" to "Dwelling Units" to more accurately capture the density of a subdivision, which could include duplexes.
	Reconcile the external access point requirements with those in the Fire Code, which require a secondary point of access for 30 or more dwelling units.
8.2.1.F <i>Half Streets</i>	Require a subdivision with a perimeter half-street or other substandard perimeter street to build the street to full requirements. If half streets continue to be allowed to be built, then provide minimum requirements for the features of a half street.
8.2.1.G <i>Cul-de-Sacs</i>	Allow a mountable curb to surround the cul-de-sac island, require maintenance by an HOA or POA, and require a visibility triangle in 4.2.9.
8.2.1.J.3 <i>Lots (Private Streets)</i>	Align the text of this paragraph with the graphic so that a non-access easement is required along the public right-of-way where a through-lot abuts both a private street and public right-of-way.
8.2.3.A <i>Utility Easements</i>	Consider providing a mandatory or recommended arrangement for underground utilities in the utility easement.
8.2.2. <i>Sidewalks</i>	Provide incentives for bike lanes, bikeways, and/or multi-use paths, where appropriate and useful, in lieu of sidewalks.
8.2.3.C <i>Access Easements and Other Easements</i>	Provide for pedestrian access easements at the end of cul-de-sac bulbs, particularly where cul-de-sac abuts a trail or is within two tiers of lots from a sidewalk, as depicted in Figure 5.2, <i>Pedestrian Access Example</i> , below.
8.2.4. <i>Blocks</i>	Reduce the maximum block length from 1,600 feet to 1,000 feet in all residential subdivisions except within the FR and RE zoning districts.
	Require a mid-block pedestrian easement for blocks that exceed 1,000 feet.
	Consider adopting a connectivity index that requires continuity of the street patterns within a new subdivision.
	Provide a definition of "Block" in § 1.11. <i>Definitions</i> .
	Account for "corner clips" on blocks and lots that the City routinely requires. These are a 10-foot radius for local streets; 15 feet for collectors; 20 feet for arterials; and 25 feet for freeways.
8.3.5. <i>Land Dedication</i>	Reconcile how open space is currently being exacted from new subdivision (1 acre per 100 dwelling units) with the minimum "open space" requirement found in most residential zoning districts. It appears that what is being regulated in the districts is pervious surface, rather than public open space.
	Mandate land dedication (via conservation easement held by an HOA, land trust, or conservation organization) rather than a fee in-lieu of land for cluster or planned subdivisions described in Section 4. <i>Zoning Districts and Land Uses</i> .
	Consider allowing credit for HOA owned and maintained parks, with provision that the park must be open to public, and if the HOA should dissolve, the land reverts to the city. In addition, provide criteria for what park types and land characteristics would be permitted.





**Table 5.1, Development Standards Assessment**

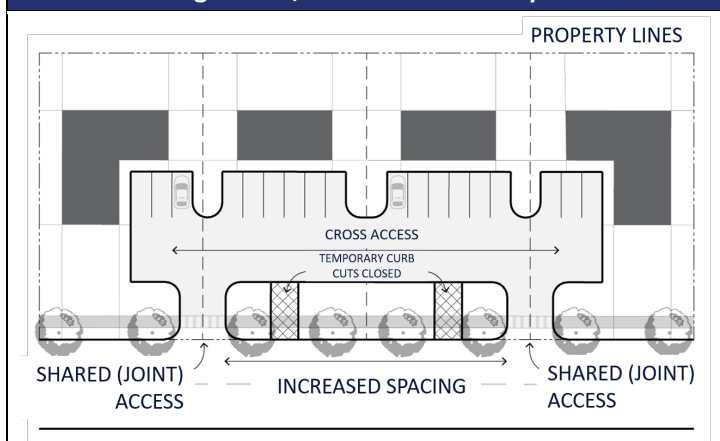
Citation	Comment
8.3.6. Fee In-Lieu of Land	If this is the City's "default" position on open space dedication, then put this Section before 8.3.5 and call it an Open Space Fee and retitle 8.3.5, <i>Land Dedication In Lieu of Fee</i> .
	Re-assess the \$62,500 cap on fair market value per acre. Often, language is included to allow for reassessment on a bi-annual basis.
8.3.7. Park Development Fee	Clarify the difference between this fee and the Fee In-Lieu of Land.
8.3.10. Prior Dedication	Place a time limit on this exemption. In addition, clarify the definition of a "Renewal Community".
8.4.1. Streets (City Participation in Street and Drainage Crossings)	Require a subdivider to incur the cost of building a street up to a minor arterial where the Urban Transportation Plan recommends that level of street or higher. For infill projects and for housing with guaranteed affordability measures require the subdivider to incur up to only the cost of a residential collector street, even if a minor arterial or higher is required by the Urban Transportation Plan.
	Modify based on how the City decides to address half streets and the current requirement to build only up to a residential collector.
8.5.1.B Payment of Fees (Trust Fund Policy)	Specify that tap fees shall be made exclusively to the city.
§ 8.5 Trust Fund Policy	Consolidate repetitive language to make this Section more concise.
	Amend this Section so the trust fund fees are applied in the immediate area.
	Overall, this Section should be significantly simplified so its purpose and allocation of fees is more clear.
8.5.1.C.1 & 2 Arterial Transmission and Grid Main Extensions & Distribution Main Extensions	Clarify that the installation of arterial transmission and grid mains must take place as part of the platting process, after preliminary plat approval and prior to recordation of the plat.
	Limit reimbursable engineering and inspection costs to 12 percent of the overall project cost and allow City staff to review probable costs for reasonableness and against market prices.
	Allow major updates to the Master Plans to be funded through the Trust Fund.
	Reword the reimbursement provisions for extensions of distribution mains so that it is clear that reimbursements are 100% up to a one-half mile extension. If an extension is over one-half mile, then it is 100% reimbursable if the lot / acreage fee is greater than one-half the cost of the extension. Otherwise, it is 50% reimbursable.
	Add looped and off-site criteria.
8.5.1.C.3 Residential Subdivisions	Move the requirements related to water system design (and repeated paragraphs on the topic for wastewater) to 8.2.6. <i>Water</i> .
8.5.1.D.1 Main not Within One Mile of Property	
8.5.1.D.2 Main not Within One Mile of Property	Under a separate project, the City Council should adopt a map showing areas not likely to be served over the next 15 years, with the time horizon periodically updated.
8.5.2.C Properties Within City Limits	Move the requirements related to wastewater connections to 8.2.7. <i>Wastewater</i> .



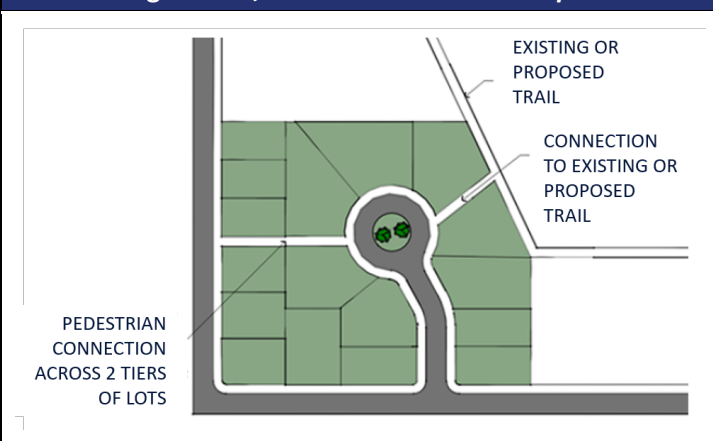
**Table 5.1, Development Standards Assessment**

Citation	Comment
8.5.2.E.1.e <i>Deferred Reimbursement</i>	Consider removing this (and repeated paragraphs on the topic for collection lines, trunk force mains, and other facilities) so as not to encumber money that is not available.
8.5.2.E.2 <i>Collection Line Extensions</i>	Consider capping the length of the line.
8.5.2.E.5 <i>Payment and Priority of Reimbursement (Wastewater Lift Station Installations)</i>	Amend to allow the City to withhold 20% of reimbursement until plat is recorded.
8.5.2.F <i>Property Outside City Limits</i>	Amend to take into account development agreements, in addition to annexation.
8.5.3 <i>Storm Water Trust Fund</i>	Implement this program or remove from the UDC.

**Figure 5.1, Cross Access Example**



**Figure 5.2, Pedestrian Access Example**





## SECTION 6. DEVELOPMENT REVIEW AND ADMINISTRATIVE IMPROVEMENTS

This Section examines [Article 1, General Provisions](#), through [Article 3, Development Review Procedures](#), and [Article 9, Nonconformities](#), and [Article 10, Enforcement](#), related to administrative bodies and review procedures. In addition, to address the concerns expressed by stakeholders, this Section makes recommendations on functional improvements to internal processes and Development Services staffing.

**Table 6.1, Development Standards Assessment**

Citation	Comment
<a href="#">1.5.1. Public Provisions</a>	Address the internal conflicts between text, graphics, and tables throughout the UDC.
<a href="#">1.5.2. Private Provisions</a>	Note that the UDC is not intended to nullify or repeal any public or private laws, easements, or deed restrictions.
<a href="#">§ 1.8. Severability</a>	Distinguish severability generally and as applied to specific property.
<a href="#">1.11.3 Defined Terms</a>	Examine the defined terms and add or remove definitions as needed.
<a href="#">2.7.3. Membership</a>	Specify that the Technical Review Committee (TRC) may consist of local school district representatives.
<a href="#">§ 2.10. Assistant Director for Planning</a>	Remove from this Section and from <a href="#">§ 2.12. Summary of Review Authority</a> , and align the duties under the Assistant City Manager of Development Services (ACMDS).
<a href="#">§ 3.1 Common Review Procedures</a>	Add review criteria that are used in all or most development applications. These include: the request is consistent with the Comprehensive Plan; the request does not have a negative impact on the surrounding neighborhood; and others as applicable. Each specific application section should include its own review criteria.
	Add post-approval provisions that describe conditional approval or modification of applications at public meetings or hearings; modifications of approved applications; and others.
<a href="#">3.1.6.D. Application Check-In Conference</a>	Evaluate the effectiveness of this provision. It is good in theory but too often applications are delivered by courier or another person who has no decision authority on behalf of the applicant. If his provision is not working well, then modify or remove it. If it is working well, then retain. With a move toward electronic submittals, this provision will be obsolete. Consider requiring the applicant that has decision-making authority to call a staff Planner if he or she cannot submit in person.
	Consider requiring the engineer of record (if applicable) to sign the submittal check list
<a href="#">3.1.6.E. Application Completeness Review</a>	Clarify that incomplete or rejected applications are not considered "filed" or "submitted" for the purposes of the Texas Local Government Code.
<a href="#">3.3.2 Change in Application</a>	Integrate the provision that prohibits an applicant from making changes to a rezoning application after public notice into <a href="#">§ 3.1 Common Review Procedures</a> , and apply it to all applications requiring a public hearing.
<a href="#">3.6.3.A. Review Criteria</a>	The site plan contents do not belong with "Review Criteria".
<a href="#">3.7.2.A.2 Technical Review Committee Review</a>	Relocate the requirement of TRC members commenting on applications to <a href="#">§ 2.7. Technical Review Committee</a> , so it applies to any application reviewed by the TRC.



**Table 6.1, Development Standards Assessment**

Citation	Comment
§ 3.8 Subdivision Plat Review	Include Development Plat review, allowed by TLGC Section 212.045. <b>Development Plat Required.</b> This procedure allows for basic platting of certain properties without requiring a Preliminary or Final Plat.
3.8.1.D Applicability (Subdivision Plat Review)	Allow a building permit to be issued after Development Plat approval and in-lieu of final plat approval, as applicable.
3.8.3.E. Expiration (Preliminary Plat)	Place a limit on the number of extensions that may be approved for a single preliminary plat before the plat requires resubmission.
3.9.3. Proportionality of Municipal Infrastructure Costs	Clarify that an appeal to the City Council is to take place at a public meeting, not a public hearing with notification required.
3.9.4. Proportionality of Municipal Infrastructure Costs	Use the term "court of competent jurisdiction" rather than specifying the court that would hear the appeal. (Applies throughout the UDC)
3.10.1.A Minor Plat	Consider allowing Minor Plats to occur on previously unplatted property, rather than classifying them as a type of replat. Otherwise, what would normally be a Minor Plat must be processed as a Preliminary and Final Plat.
3.10.2. Review Process (Minor, Amending or Vacating Plat Review)	Reconsider whether both the Director of Planning and ACMDS are necessary to review a Minor Plat prior to the TRC. As with the recommendation above for § 2.10. Assistant Director for Planning, consolidate this responsibility under the umbrella of the Assistant City Manager of Development Services.
3.15.1. Applicability (Certificate of Appropriateness)	Define "contributing structure."
	Enable the ACMDS to require correction of defects or repairs to any landmark or contributing structure without need for the Landmark Commission .
3.15.2.C.2 Negotiation After Denial	This Subsection reads as if the denial of a Certificate of Appropriateness by the Landmark Commission results in a 90-day waiting period, after which, the Certificate is automatically <i>approved</i> if no agreement is reached between the City and the applicant. This should be clarified. In addition, this Paragraph reads as if it should be located in § 3.16 Certificate of Appropriateness for Demolition.



**Table 6.1, Development Standards Assessment**

Citation	Comment
<p>§ 3.29 Traffic Impact Analysis</p>	<p>The purpose statement should make clear that the City may require any and all public improvements (or proportionate share) recommended by the Traffic Impact Analysis (TIA). In addition, the purpose should clarify that the results of the analysis will: 1) compare the traffic generated to thoroughfare system capacity; 2) address the City’s requirements; 3) establish proportionate mitigation measures for the identified impacts; and 4) recommend the safest and most efficient transportation system in conjunction with the development process.</p>
	<p>Add an applicability statement to clearly specify when a TIA is required. For instance, it may also be required with a Development Plat, Site Plan, Special Permit, Planned Unit Development, or a proposed amendment to the Urban Transportation Plan. In addition, reevaluate the threshold of 501 or more weekday peak hour trips to a lower number, which would be more consistent with peer cities. For example, Tyler's threshold is 200. San Antonio's is 76. College Station's is 150.</p>
	<p>A TIA should be required whether or not a rezoning is consistent with the Comprehensive Plan.</p>
	<p>Consider updating the study area requirements to also include 100 acres or more of development.</p>
	<p>Update "Traffic Impact Analysis Content for Zoning Matters" to include the above recommended plans and permits.</p>
	<p>Clarify that the Peak House Traffic (PHT) form is to be filled out using the latest edition of the ITE Trip Generation Manuals. If the use is not listed, a letter should be required by a licensed traffic engineer.</p>
	<p>In a scenario where the type of use is not yet known, require: 1) the type of land uses allowed by the current or proposed zoning for the site; 2) the maximum amount of developable land; 3) logical assumptions by the developer; and adjacent land uses.</p>
<p>4.2.8. Modification of Height Regulations</p>	<p>Based on Staff input, modify the way gable, hip, or gambrel roofs are measured so that they are either measured to the eaves or ridge, rather than the median between the two.</p>
<p>§ 9.2. Nonconforming Uses</p>	<p>To make financing and insuring easier for the owner, set up two tiers of nonconforming uses, minor and major, with minor nonconforming uses being determined to have no nuisance impact, no incompatibility with adjacent properties and no inconsistency with Plan CC. Minor nonconformities may then be granted a Special Permit that makes them conforming for purposes of the UDC.</p>
<p>9.5.2 Authority to Utilize for Single-Family Residence</p>	<p>Enable use of nonconforming lots of record for single-family residences by reducing the burden of the applicant to prove separate ownership since 2006.</p>
<p>Article 10. Enforcement</p>	<p>No comments at this time.</p>



## Outside the UDC

The following recommendations involve changes to staff practice that are not necessarily mandated by the UDC, but instead, require change for Development Services at the day-to-day operational level.

### *Pre-Application Conferences.*

- Stakeholders reported that Pre-Application Conferences / Early Assistance Meetings rarely happen. On the other hand, Staff reports that 518 such meetings happened in 2018. Work should be done to fix this disconnect.
- Consider setting aside a portion of each TRC meeting (or a portion of a TRC meeting each month) as an "Open Door" that future applicants may attend to show conceptual plans for new projects. The potential applicant should be required to sign a waiver relinquishing any vested rights that may have otherwise accrued under the Texas Local Government Code for such meetings.

### *Technical Review Committee (TRC)*

- To partially address stakeholder comments about the lack of staff decision-making ability, take full advantage of [2.7.3.A Chair](#), which states that the Development Review Manager is responsible for final actions of the TRC.
- Address stakeholder concerns about "too many bites at the apple" in application review by taking full advantage of the provision in [3.7.2.A.2 Technical Review Committee Review](#), that states, "The absence of and resulting lack of comment from a Technical Review Committee member during the review of the application plat shall preclude that member or that member's organization from commenting on or requiring additional materials for the application at a later date." This provision is repeated for several different applications.
- Invite applicants to the TRC meetings as an application is being reviewed. Hold an internal work session prior to the actual meetings so that Staff may discuss any application issues internally. It would be important to avoid this meeting becoming a forum for negotiation of what is required. Applicants would be there to address questions only when asked.

### *Inconsistencies in Interpretation*

- To help address stakeholder concerns about inconsistencies in City staff interpretation, make use of the Notes / Interpretation function of the UDC host, **enCodePlus™** as depicted in Figure 6.1, *enCodePlus Document Attributes*. These interpretations would be viewable by any Staff member with an **enCodePlus** login.

#### **Stakeholder Interview Take-Away**

During interviews with the consultant for this project, stakeholders had several comments on inconsistencies in UDC interpretation.



Figure 6.1, enCodePlus Document Attributes

The screenshot shows a web form titled "3.1.3. Categories of Decision". The form includes the following fields and options:

- Sequence: 344,000
- Level: 4
- Effective Date: (empty)
- Publish:  Favorite:  Available for Comment:  Hidden:  Definition:
- Heading: |. Categories of Decision
- Section #: 3.1.3 (with an "Auto-Numbered" checkbox)
- Division: (empty)
- Modifier: (empty)
- Keywords: (empty)
- GIS Link: Not licensed for GIS Integration
- Notes / Interpretations: (large empty text area)
- Status: Published
- Date Created: 1/9/2017
- Last Changed: 1/12/2017
- Changed By: WebMaster

Below the form is a "Document Library" section with a toolbar and a table header:

Files and Folders in: secid-345

Name	Ordinance #	Adoption Date	Keywords	Size	Create Date	Modified Date
Folder is empty						

- Furthermore, follow through better with the provision in 3.23.3. *Official Record (Written Interpretations)*, that states that written interpretations should be presented to the Planning Commission, Board of Adjustment, and City Council as a business item. Based on the report, the City Council may then direct City staff to initiate text amendment to the UDC in accordance with § 3.2 *Unified Development Code Text Amendments*, based on the interpretations. This could be streamlined by empowering the Assistant City Manager of Development Services to initiate the amendments without the direction of the Planning Commission or City Council.



## APPENDIX A. STAKEHOLDER INTERVIEW SUMMARY

From December 12th through the 14th, the Kendig Keast Collaborative (KKC) consultant team, with assistance from City staff, held a series of stakeholder interviews to invite face-to-face discussion in order to identify the key land use, platting, and regulatory issues currently facing the City. KKC interviewed representatives of the following groups.

- City Staff (non-TRC Members)
- City Staff Technical Review Committee
- Appointed Officials from the:
  - Planning Commission
  - Zoning Board of Adjustment
  - Transportation Advisory Committee
  - Island Strategic Action Committee
- Engineers, Contractors, and Designers
- Coastal Bend Home Builders Association and a Business Association
- Environmental Organizations
- American Institute of Architects, American Planning Association, and the U.S. Navy Air Station Corpus Christi
- Downtown Management District
- Corpus Christi Association of Realtors and Padre Isles Property Owners Association

In addition, KKC and City Staff facilitated the first of two Open Door meetings for this project, at which time members of the general public could express their thoughts on the Unified Development Code.

The purpose of these interviews was to hear firsthand what various stakeholders view as being the greatest issues and highest priorities to be addressed in a revised UDC. This process must begin with an essential understanding of the existing regulations, how they've been applied, and their outcomes and implications. In addition, these interviews provide the consultants with an essential barometer for where the community lies on the spectrum of regulatory tolerance. That is, what one community believes to be overregulation may be considered too lax in another. These comments, together with an analytic review of the UDC, will inform the final deliverable of this project, a UDC Evaluation Report. KKC will present the report in a second Open Door meeting in March 2019, to the Planning Commission in April, and to the City Council in May.

Below is an abbreviated recordation of the issues and themes that emerged through these conversations.

### Administration and Interpretation

- There are inconsistencies in Staff interpretation.
- Applicants have had suspicion of how other developments were approved. A clearer UDC would fix that.
- Even when the UDC is clear, enforcement from the City may be lacking.
- City of Lubbock could be a model of the one-stop shop concept. Nothing in the UDC speaks to the one stop shop function.
- Staff practice should be incorporated into the UDC.
- There needs to be a final decision maker for Staff to prevent conflicting reviews from Staff.
- There is frustration at several bites of the apple from Staff. However Staff is in the position of dealing with inconsistencies in the UDC or inconsistencies between UDC and other documents.





- Development Services (DS) is one of several departments at the same level. DS doesn't have authority to require outside agencies or departments to review.
- Staff timelines are lacking in UDC.
- New staff members may read the UDC in black and white and enforce it accordingly. Older staff members may not, based on institutional knowledge.
- A lot of interpretation problems are the result of the individual inspector and may not be followed by other inspectors.
- Written rules can cut both ways. A builder wants to know the rules but it can be hard to be bound by them.
- Some discretion is written into the UDC intentionally. It can't cover all situations.
- The developer is not invited to TRC meetings.
- Acting City Manager is the Assistant City Manager for Development Services.
- Private sector pushes decision making down the chain as far as possible. Government should consider a similar model.
- Evaluation document could prioritize changes and/or designate changes appropriate for staff to make versus a consultant.
- Too much turn over with city staff makes it hard for national developers to maintain relationships.
- Building Code and UDC need to be connected.
- Staff should facilitate within parameters to get things done rather than "enforcing."
- Boat and RV parking in the front of houses is a problem on The Island.
- Enforcement of Temporary Signs is difficult.
- There are 18 code enforcement officers with 6,300 calls pending.
- As with most cities, Code Enforcement is reactive and complaint-driven.
- The Case Manager collects comments from the Technical Review Committee (TRC) via email and the comments are sent to the applicant.
- Higher fines for violations would be good.
- Consider using commentary in the updated UDC to explain provisions without using legally binding language.
- In the old days the rules were more like guides and that was good thing.
- A lot of time was spent in the previous UDC effort. We do not want to waste all of that effort and start from the beginning again.

### Affordable Housing

- The single-family districts do not allow for the "missing middle" of housing types that promote affordability. "Missing Middle" includes single-family attached, two-family, and tri-plexes.
- It will be important to figure out how to fill the demand for the missing middle without the negative impacts on traffic, parking, and noise.
- There is a modular home at 199 N. 19th Street.
- For housing affordability, the only way to get there is additional density.
- There is a relatively small group of builders in Corpus, and are all local.
- It is easier to absorb the construction cost of streets on high cost lots. Harder to absorb the cost for affordable lots.



- Items related to affordable housing are spread around the UDC.
- The Community Development Department has only given 24 loans in 6 years to affordable housing customers.
- Things that would reduce costs and help produce more affordability:
  - Example of San Antonio, which found properties in arrears and sold at cost of back taxes.
  - Consolidation of lots would allow for economies of scale.
  - City fees should be waived – rather than reimbursed – for affordable housing projects.
  - Affordable housing developments should not have to do 2” asphalt.
  - Valley gutters should be allowed.
- A \$150,000 house has same amount of regulatory work and fees (Approx. \$5,000) as a \$500,000 house.
- Housing authority has modular homes to put down. But they don’t have a way to get the lots, so only 20 have been provided.
- San Antonio had an Assistant City Manager for affordable housing.
- A developer needs 50-100 lots to accomplish affordability and make economies of scale work.
- Developers don’t necessarily need incentives in cash. They need incentives in process and time.
- Homelessness is a problem along with a lack of affordable housing.
- Accessory dwelling units help with affordability.

### **Building and Site Design and Urban Design**

- Political sign provisions have been removed from the UDC.
- The island overlay does not cover the entire island.
- Impervious coverage limit is too high.
- There is a Low Impact Development handbook that was never adopted. Some of its provisions could be codified in exchange for increased density or intensity.
- Fences over 7 feet in height require windstorm certification.
- There is only one certified Landscape Architect in Corpus.
- The Island Property Owners Association has to approve plans before they go to the City.
- Landscaping in overlay – most people want to fill yard with rock.
- Dollar General on PR 22 is landscaped nicely. One of best-looking buildings there, other than Frost Bank.
- Consistency in the allowed plant list is lacking. UDC has a good xeriscape plant list.
- The plant list leads to a monoculture of plants. Sites need more diversity.
- Loading areas should prohibit or reduce idling.
- There is currently a 350’ dune setback. That may need increasing as water levels rise.
- More Low Impact Development would be good.
- A little more restrictions in building materials, entrances, and articulation would improve appearance.
- Add murals provisions to sign standards.
- Compatibility and sign regulations are important on The Island.
- No overhead electric on island. That is partly because of storms but also for aesthetics.



- Some have concerns about the Island's required color palate. "The Shark" caused the color palate to change. Living things cannot be more than 1 ½ times its real size Color palate didn't come up until coffee shop went up. 7 spots for whole place. Now cars are in street. Prevents new business across the street.
- Director has some authority to allow deviations from the Island color palate.
- Downtown has a parking study with 12 items. They are currently working on meters. There are no parking minimums downtown.
- Downtown TIRZ has their own sign requirements.
- Maximum block length is 1,600'. Too long.

### Comprehensive Plan and Area Development Plans

- South Side and London Area Development Plans are outdated.
- Plan CC had major pushback from developers.
- Flour Bluff has a very old ADP. Why update UDC if the base document (ADP) is so old?

### Conflicts in UDC

- Temporary Use Permit provisions conflict with themselves and with those of Chapter 38, Peddlers, Vendors, Mobile Food Vendors, Itinerant Merchants and Solicitors.
- There is a conflict as to whether or not sidewalks are required or not required in Industrial.
- Correct the discrepancy between the Fire Code's external connectivity requirement and that of the UDC.
- There are no street cross section illustrations in the Appendix to Article 8. They were pulled because they were going to be tied to the City Engineering Design Standards, but that never happened either.
- Fire Code requires 20' clearance. 32-foot wide local streets with parking on both sides do not meet this requirement and can cause fire trucks to have to travel slowly or even back up.
- There is a 1,000' minimum distance between bars and churches and schools. 300' in City Code.
- Access clearance that says "N/A" should say "0" instead.
- Access management provisions should be updated to coincide with those of TXDOT.
- Park dedication – UDC Section 4.3 says 30% dedication for RS-22 through RS-4.5. UDC Section 8.3 says 1 acre per 100 units for single- and two-family and 1 acre per 200 units for multifamily.

### Development Review Procedures

- The Department needs the greatest level of administrative authority possible. Too many procedures still require a hearing or meeting.
- Some applicants would say that it takes too long for an application to go through review.
- UDC should allow a sidewalk waiver administratively if the subject property meets certain characteristics.
- PUDs are not used the way they are supposed to be in the UDC. They are used to fix little things like street width reduction or to restrict uses, rather than to enable creative development that otherwise would not be allowed.
- Applicants have done a PUD to get around the requirements of the Island Overlay, with the PUD lowering the design standards.
- City staff believes they provide too many concessions without getting any public benefits back in the PUD.
- Airport would like to see heights on plan submittals and an airport hazard district .



- BZA sees Special Use Exceptions for above ground fuel tanks. These should be Permitted subject to Limitations instead.
- Elected and appointed officials are generally all for giving staff more authority. “If it doesn’t have to come to us, I don’t want to see it.”
- Streamlining procedures so that everyone knows what to expect would allow developers to live with increased standards.
- Consider requiring the engineer of record to sign the submittal check list.
- Plan reviews, reimbursement agreements, deferment agreements (performance bonds), slow the development process.
- You used to be able to get applications through in 30 days. Now it takes 6 months. Legal is involved now. Many application pages required for rezonings.
- City will not review plans until you get asbestos report. Better to review and then not release permit until asbestos report is provided.
- Claim that setbacks aren’t eligible for an Administrative Adjustment (They are if it is for the purpose of preserving trees, wetlands, or other environmental resources, or to overcome unusual site topography or other obstacles to construction).
- Some engineers used to do construction plans without an approved plat because they were confident that the plat would be approved.
- Preapplication conferences (Early Assistance) do not happen very often.
- Not everyone is attending that should be attending the Pre-Application / Early Assistance conference.
- Utilities, Fire, and Traffic Engineering should be at Pre-App because their opinions can have significant impacts. Applicant often leaves thinking things were accomplished but the right person wasn’t at the pre-app and so, at formal review, the Staff doesn’t like the submittal.
- Biggest problem expense is time: Time for review; Plan approval by multiple submissions; Sketchy plans that the City has to redline extensively over and over.
- Staff should be empowered and willing to make administrative decisions.
- No City permits required in ETJ unless on City water.
- The Waivers section is “hidden” within the Preliminary Plat provisions.

## Growth

- ETJ generally has higher end homes than the City. People move to the ETJ:
  - For lower land costs; to avoid taxes;
  - For the school districts;
  - Because arterials get them from the periphery to downtown faster than smaller streets in more internal areas.
- Many lots in the ETJ are conventional lot size – 4,500 square feet.
- Infrastructure is not moving to support residential development.
- Flour Bluff isn’t seeing results / benefits of fees that are being collected from development.
- It is expensive to maintain infrastructure in developments in far flung areas.
- More sprawl – more growth on SW side. Downtown is growing too, though.



## Infill and Redevelopment

- Within the City limits, only about ½ of it is developed.
- Development is good that doesn't require people to drive everywhere. Walkability is good.
- Del Mar or A&M should establish a campus downtown.
- Downtown needs a grocery store.
- Incremental Development Alliance has a good program. It teaches people how to do small developments.
- If the value of an improvement is 50% greater than value of property, then current Building Code has to be utilized and can cause problems.
- Downtown TIRZ requires a C of O to get funds. C of O requires inspection. Inspection finds improvements that might not have needed a permit a long time ago but do now. So now there are more expenses.
- Unplatted property on Slough road. No one wants it. It is completely undeveloped. There is a paper road running through it. No one wants it because they don't want to pay for the road.
- Incentive zoning for infill could equate to more density or height for infill development compared to greenfield.

## Parks, Open Space, and Environment

- The City is no longer accepting open space dedication. It only accepts fees in lieu of dedication. The formula is acreage of the dedication that would have been required multiplied by fair market value of the property, up to a maximum of \$62,500 an acre, or up to \$625 per single-family unit.
- Park fees can go to a regional park within a 5-mile radius of the property being subdivided. It used to be a mile and a ½ but there was not enough development to improve a park. There are no park zones.
- Park fees are paid up front for single- and two-family at the time of platting by subdivider. For multifamily, they are paid at the time of building permit by builder.
- The City is selling parks due to inability to maintain them.
- There is confusion about where Community Enrichment Fund goes.
- People don't know if they have a refund coming back to them from the Community Enrichment Fund.
- Refunds go to current owners, rather than developers.
- There is support for residential wind and solar installations.
- It is difficult to install wind turbines in UDC.
- UDC should consider runoff from construction sites and encourage vegetative strips to filter out pollutants.
- Access to natural resources is an asset for Corpus Christi.
- Linked together open space is good. There should be pedestrian access easements in subdivisions with lots of cul-de-sacs.
- Residential developments should be required to reduce / slow down stormwater discharge.
- Parks Board has no funds to maintain parks and is not really aware of new developments.
- Beach is a valuable asset to Corpus Christi.
- Example of a bar under JFK bridge. When bar was finished, the floodplain zone was changed and it became nonconforming in terms of floodplain.
- Lack of parks in new subdivisions is problematic.

## Platting



- The City has had problems with applicants doing a large Preliminary Plat, Final Platting the lots, and never Final Platting adjacent improved streets.
- Consider making the Master Preliminary Plat administratively approvable, rather than by Planning Commission and consider combining with Preliminary Plat.
- If an amendment to a Master Plan is needed, it has to be Scheduled out 6 weeks in advance. This will hold up a Plat.
- Platting now requires more paperwork for submittal than previous. An example is a document that authorizes a person to sign for a company, which is State Form 1295 (Certificate of Interested Parties).
- A Preliminary Plat may comply overall with the external connectivity requirement but sometimes there are attempts to submit a Final Plat that does not comply.
- UDC recently extended the performance bond to 2 years.

### Public Improvements and Utilities

- New developments have inadequate infrastructure that serves them.
- City put a water line in the London area and then didn't annex it.
- A property more than 1,000 feet from sewer is eligible for a waiver from the requirement to connect.
- Slough Road is rough. It has several subdivisions emptying out on it but there was no requirement to improve it from the developers of the subdivisions.
- Reconsider the requirement to provide a 15' public utility easement along all locally maintained arterial streets.
- Gas utilities are usually at the rear of lots.
- Provide standard location of utility lines in easements.
- Wastewater waivers have pretty well spelled out criteria but the Planning Commission still has to take action. Make administrative.
- City requires the extension of public water to site before construction, which has not previously been the case.
- Detention is not required for greenfield development, but is required for infill.
- Use of valley gutters can save a manhole and therefore save maintenance.

### Transportation

- Consider adding a street connectivity ratio for new subdivisions.
- GIS does a link / node analysis for new plats.
- Staff has interpreted that the 46' ROW with sidewalks on one side is not applicable.
- Schedule 3 Streets in City Code Sec. 53-252 prohibit parking on both sides. Schedule 4 prohibits parking during certain hours.
- Traffic Impact Analysis threshold is high at 501 trips. 100 trips is normal.
- There are half-way drafted street design standards on the back of the Urban Transportation Plan.
- There are no bike lanes in the street design table in Article 8.
- Solid Waste has had problems with townhouse developments and crowded trash receptacles.
- The UDC needs better guidance on how to measure the length of cul-de-sacs.
- Residential streets are built to a 30-year life cycle if no maintenance is done.



- There are no design standards for arterials. Collectors and locals only.
- A subdivider has to dedicate ROW, but does not have to construct ultimate improvements if adjacent to an arterial, only has to build up to, or pay for, ½ of a Residential Collector. City has recently asked for ½ of an Arterial.
- Biking is dangerous on North Padre Island. Bike lanes would be helpful.

### Trust Fund

- Trust fund fees need to stay in immediate area.
- Fees are not spent in areas generating the fees.
- Purpose and how allocated is not clear to many.

### Zoning and Land Uses

- Boarding houses are being illegally established in Single- and Two-family zoning districts.
- Definition of “family” allows up to 4 boarders or roomers. Add a definition for boarders and roomers.
- UDC should have flexibility for technological changes in home occupations.
- Home occupation requirements say “no retail sales.” Instead, they could say “no in-person purchases.”
- There is very little difference between CN-1 and CN-2.
- The main difference between CG-1 and CG-2 is that CG-2 does not allow housing or overnight accommodations.
- AICUZ standards are recommendations rather than requirements.
- Consider whether Byrd scooter charging should be considered a home occupation.
- Much new residential rezoning is to R-4.5. Applicants are requesting that, even if they want to build larger lots, so that they can get the 20’ front setback, rather than the 25’ front setback.
- Navy is constantly concerned about encroachments of incompatible uses. However, City does a good job keeping incompatible uses out of AICUZ.
- The City should extend air protection beyond the AICUZ.
- Builders are required to file tall buildings, cranes, and obstructions with the FAA. UDC should make sure builders are aware of that.
- Incorporate glare analysis for lighting and solar panels in or near the AICUZ.
- When parks are being sold there is uncertainty about if the zoning will be able to be changed.
- CBD has no southern boundary. Boundaries are unclear.
- There are many layers over base and overlay districts downtown. UDC should clarify what applies downtown.
- The Island is a residential community. Residents do not want another troubled water park.
- The Island has nuisances like noise, sand blowing from construction. In addition, there is a junk yard with spoils from constriction of water park, on Aquarius Street.



## APPENDIX B. KEY TERMS

### Affordable Housing

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Dwellings consisting of rental or for-sale units that have a rent (including utilities) or mortgage payment typically no more than 30% of the income of families earning no more than 80% of area median income. For Corpus Christi, this equates to rent or mortgage payment of approximately \$1,087 per month.

### Extraterritorial Jurisdiction

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The unincorporated area that is contiguous to, and extends five miles from, the Corpus Christi city limits that allows the City to extend some regulatory provisions (e.g., signs, the subdivision of property) as a means to protect the general health, safety, and welfare of those residing in and adjacent to the City, and as a means to define future growth and service boundaries.

### Heat Island Effect

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An urban or metropolitan area that is significantly warmer than its surrounding rural areas due to a lack of shade and an overabundance of paved surface. The temperature difference usually is larger at night than during the day, and is most apparent when winds are weak.

### Horizontal Mixed Use

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A grouping of single-use buildings, both residential and nonresidential, within one cohesive, interconnected development.

### Infill

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Development on a vacant or substantially vacant tract of land surrounded by existing development.

### Low-Impact Development

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LID is a system of decentralized stormwater techniques distributed throughout a site to capture and filter stormwater runoff at the source, reducing the total volume and the amount of pollutants entering waterways.

### Network Node

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A connection point that can receive, create, store, or send data along distributed network routes.

### Platting

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The subdivision of land into smaller lots that may be sold and built upon.

### Redevelopment

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Any of the following:

- The complete demolition of a principal building, followed by the construction of a new building which occupies a different footprint than the original principal building;





- The destruction of a principal building to an extent that is equal to or greater than half of its assessed value, followed by reconstruction and repurposing of the building for a type of use for which the original building was not designed; or
- Expansion of a principal building by more than half of its gross floor area.

## Sprawl

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The unrestricted growth in suburban or rural areas of housing, commercial development, and roads over large expanses of land, with little concern for the conservation of natural resources, efficiency in infrastructure, or the cost of providing public services.

## Vertical Mixed Use

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A building that combines residential and nonresidential uses in the same building with residential uses only located above the first floor.

## Zoning

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A police power measure, enacted by a local government, in which the community is divided into districts or zones within which permitted, limited, and special uses are established, as are regulations governing lot size, building height, bulk, placement, and other development standards. Requirements vary from district to district, but they must be uniform within districts.



## APPENDIX C. ADDITIONAL COMMENTS

The City received the following comments during the review period after the Open Door Meeting held on March 21, 2019.



April 29, 2019

Nina Nixon-Menendez  
Director of Development Services  
City of Corpus Christi

RE: Requested Changes to the UDC

Nina:

After reading the report and discussing it thoroughly, we have come up with a list of items we support, and a list of items that we cannot support or would like changed.

Changes that we support:

Page no.	Location on Page	Comments
22	1 <sup>st</sup> paragraph	Including the Master Preliminary Plat in the UDC. The process is there in the UDC, and we should use it.
37	1 <sup>st</sup> paragraph	City code must match the UDC. This gives everyone the same expectation about how things must be done.
44	Last paragraph	Promoting the waiver procedure up to the section level is good, but building in more provisions so that a waiver could be administered by Development Services, not the Planning Commission, would be best.
47	1 <sup>st</sup> paragraph	Anything that reduces the number of review steps helps to streamline the process. Giving Development Services the authority to make consistent decisions streamlines the process.
49	1 <sup>st</sup> paragraph	We agree that the city should update the UDC to change the final decision maker for special permits from Council to Planning Commission.
53	3 <sup>rd</sup> paragraph	Allow for mixed use development, without the arduous process of a PUD, is a "win-win" for the public and the developers.
63	2 <sup>nd</sup> paragraph	We like the "Cluster Development" idea.
66	3 <sup>rd</sup> paragraph	More housing types built into the residential zoning district so the developer does not have to go through the rezoning process.
66	Paragraph 5-8	Eliminating permitting fees for affordable housing; Allowing duplex & Multifamily use by special permit (with 1 hearing); Granting a density bonus by-right for market rate subdivisions; Waiving fees-in-lieu of park land dedication & "skinnier" streets for developments that incorporate committed affordable units
85	Pre-app conferences	Why do we need early assistance meeting AND a TRC meeting? While these meetings may have happened 518 times, there is never any resolution at these meetings because the decision-making players are not required to be in attendance. The "open door" TRC meeting is a good start.



85	TRC	Enforce the existing statutes that are designed to keep the work flowing. 3.7.2.A.2
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Changes we cannot support or would like to see changed:

Page	Location on Page	Comments
41	UDC Jurisdiction	We disagree with the idea of extending Article 7 into the ETJ due to costs. We cannot afford to landscape South Texas.
42	3 <sup>rd</sup> paragraph	Shifting approve authority from P&Z to Development services is great, but an appeal process must be included if there is a disagreement between developer and staff.
44	2 <sup>nd</sup> paragraph	Allowing the ACMDS to make a decision on landscaping is fine, but there must be an appeal process for when there is a disagreement between builder and staff.
49	3 <sup>rd</sup> paragraph	Allowing the ACMDS to interpret the UDC is fine, but the ruling must be consistent and include an appeal process if there is disagreement between builder and staff.
56	4 <sup>th</sup> paragraph	An incentive for including LIDs into developments should include a park credit for the developer. LIDs take up lots of space and that should be of-set with a parks credit.
67	4.1.5	We disagree with this suggestion
69	4.5.2	We should not consider allowing single-family detached and duplexes in CN-1, etc. as this is by-right currently and should not change.
70	6.2	We disagree with requiring developer to provide a narrative for how the development fulfills the "Purpose statements" of the PUD overlay.
74	7.1.7.A	We disagree with the suggestion of prohibiting direct residential access on driveways from primary collectors.
77	7.7.3	We disagree with the suggestion regarding facades.
78	8.2.1.F	We disagree with the suggestion to build half-streets to full-street requirements. It is a disincentive to developers.
78	8.2.1.G	We disagree with the suggestion to put a curb around the cul-de-sac island. Most neighborhoods do not have a HOA or POA and therefore this would become an eyesore.
79	8.2.4	We disagree with the suggestions to reduce the maximum block length and adopting a connectivity index that requires continuity of the street patterns within a new subdivision.
79	8.4.1	We strongly disagree with the suggested requirement developers to incur the cost of building a street up to a minor arterial street. The costs would be prohibitive and drive up the cost of the homes with no added value to the home owner.
80	8.5.1.C	We disagree with the suggestion to allow major updates to the master plan to be funded by the trust funds. These funds are voluntarily put in by builders to fund actual construction, not up date the master plan. Also, we disagree with the suggested reimbursement plan for



		engineering and inspections and reimbursement percentages suggested.
80	8.5.2.E	We strongly disagree with the City withholding any funds until plat is recorded.
84	3.29	We disagree with lowering the TIA threshold and requiring a TIA when the rezoning land consistent with the Comprehensive plan. We also disagree with updating the study area requirements to include 100 acres or more development.
86	3.23.3	We would like to add a notification to developer in this section
96	Affordable Housing	We disagree with the definition of Affordable Housing. It is too low and is not feasible.
97	Sprawl	We disagree with the definition of Sprawl. We build houses based on the wants of our customers. We must take into consideration the desires of the home buyers before casually tossing this term around.

Please let me know if you have any questions or concerns. Your allowance for our input into such an important document is greatly appreciated.

Sincerely,

*Wendy Herman*

Executive Director