The City Council adopted the Corpus Christi, Texas Unified Development Code on May 10, 2011, by passage of Ordinance No. 029048. The Unified Development Code repealed and replaced in their entireties the Corpus Christi Zoning Ordinance, passed on March 29, 1961, by Ordinance No. 6106; the Corpus Christi Platting Ordinance, passed on March 23, 1955, by Ordinance No. 4168; the Corpus Christi Manual of Driveway Design and Construction Standards, passed on December 6, 1985, by Ordinance No. 019105; and the Corpus Christi Highway Beautification Ordinance, passed on June 28, 1994, by Ordinance No. 021973. The Unified Development Code has been amended by the following Ordinance Nos.:

029125 (July 12, 2011); 029329 (December 13, 2011); 029330 (December 13, 2011); 029331 (December 13, 2011); 029332 (December 13, 2011); 029333 (December 13, 2011); 029334 (December 13, 2011); 029335 (December 13, 2011); 029336 (December 13, 2011); 029337 (December 13, 2011); 029376 (February 21, 2012); 029552 (July 10, 2012); 029698 (December 18, 2012); 029727 (January 22, 2013); 029761 (March 19, 2013); 029765 (March 19, 2013); 029770 (March 19, 2013); 029783 (March 26, 2013); 029840 (May 28, 2013); 029929 (August 27, 2013); 029923 (August 20, 2013); 029929 (August 27, 2013); 029959 (October 8, 2013); 030023 (December 10, 2013); 030147 (April 8, 2014); 030183 (May 20, 2014); 030369 (December 16, 2014); 030183 (May 20, 2014); 030369 (December 16, 2014); 030400 (January 20, 2015); 030450 (March 24, 2015).
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# Article 1 General Provisions

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§ 1.1. Title
This Ordinance shall be known as the Corpus Christi, Texas Unified Development Code. References to this “Code” or this “Unified Development Code” shall be interpreted as references to this Unified Development Code.

§ 1.2. Purpose

1.2.1. This Unified Development Code is established in accordance with the City’s Comprehensive Plan to improve and protect the public health, safety, and welfare by:

A. ensuring that all growth and development which occurs is consistent with this Unified Development Code and with the City’s Comprehensive Plan and its adopted components;

B. encouraging the economic development and prosperity of the community and its citizens and fostering innovations in land development and renewal;

C. fostering the safe, efficient and economic use of the land, the City’s transportation infrastructure, and other public facilities and services by preventing overcrowding of land, overtaxing of public facilities and services, unregulated growth, poor quality development, waste and inefficient use of land, danger and congestion in travel and transportation, and any other use or development that might be detrimental to the stability of the City;

D. facilitating and ensuring the provision of adequate public facilities and services such as transportation (streets, bicycle routes, sidewalks and mass transit), water, wastewater, storm drainage, fire and emergency services, police, electricity, open space, recreation, and public parks;

E. avoiding the inappropriate development of lands and providing for adequate drainage, reduction of flood damage, and maintenance of the quality of receiving waters;

F. encouraging patterns of land use which decrease trip length of automobile travel and encourage trip consolidation;

G. increasing public access to mass transit, sidewalks, trails, bicycle routes and other alternative modes of transportation;

H. providing a reasonable balance between the right of a business or an individual to identify itself and to convey its message through signage and the right of the public to be protected against the visual discord that results from the unrestricted proliferation of signs;

I. minimizing the adverse environmental impacts of development;
J. improving the design, quality and character of new development;

K. fostering a more rational pattern of relationships among residential, business and industrial uses for the mutual benefit of all;

L. encouraging the development of vacant properties within established areas;

M. ensuring that development proposals are sensitive to the character of existing neighborhoods; and

N. ensuring that development proposals are sensitive to natural areas and features.

1.2.2 This Unified Development Code is adopted with reasonable consideration, among other things, to each character of the zoning districts and its peculiar suitability for particular uses, and with a view to conserving the value and encouraging the most appropriate use of buildings and land throughout the City.

§ 1.3. Authority

1.3.1. This Unified Development Code is adopted under authority of the constitution and laws of the State of Texas, including particularly Chapters 211, 212, 216 and 242, Texas Local Government Code; Chapter 61, Texas Natural Resources Code; Chapter 63, Texas Natural Resources Code; Subchapter I of Chapter 16, Texas Water Code; and pursuant to the provisions of the Charter, the Comprehensive Plan, the Municipal Code, and the non-codified ordinances of the City.

1.3.2. Whenever a local code or ordinance, or a state or federal statute cited by this Unified Development Code is later amended or superseded, the citation shall be deemed to refer to the amended statute or the statute that most closely corresponds to the superseded statute.

§ 1.4. Jurisdiction

1.4.1. Within City Limits
All provisions of this Unified Development Code shall apply to all land within the City Limits of the City.

1.4.2. Within the City’s ETJ
As authorized by Chapters 242 and 216 of the Texas Local Government Code, the City shall apply the subdivision and sign provisions of this Unified Development Code to the City’s ETJ.
§ 1.5. Conflicts Between Public and Private Provisions

1.5.1. Public Provisions

A. This Unified Development Code shall supplement and facilitate the enforcement of the provisions, standards and specifications contained in the building, technical construction and housing codes. This Unified Development Code shall supplement, implement, and be applied in a manner consistent with Comprehensive Plan, including but not limited to: Area Development Plans; Utility Master Plans; Urban Transportation Plan; and other adopted plans of the City.

B. Where any provision of the Unified Development Code is in conflict with any other local, state or federal provision of law, whichever provisions are more restrictive or impose higher standards as determined by the Assistant City Manager of Development Services shall control.

C. No development application showing a violation of a City ordinance, rule or regulation shall be approved.

1.5.2. Private Provisions

A. Where any provisions of this Unified Development Code are more restrictive or impose higher standards than any private easement, covenant, agreement or restriction as determined by the Assistant City Manager of Development Services, then the requirements of this Unified Development Code shall control.

B. Where the provisions of any private easement, covenant, agreement or restriction impose duties and obligations more restrictive or set forth higher standards than the requirements of this Unified Development Code, then such private provisions shall be operative and supplemental to this Unified Development Code.

C. The City is responsible for enforcing this Unified Development Code. The City does not enforce private easements, covenants, agreements or restrictions.

§ 1.6. Effective Date

This Unified Development Code shall be become effective and be in full force on July 1, 2011.
§ 1.7. Minimum Requirements

1.7.1. The provisions of this Unified Development Code shall be held to be the minimum requirements for the promotion of the public health, safety or general welfare.

1.7.2. Except as otherwise provided in this Unified Development Code:

A. No land may be used except for a purpose permitted in the zoning district in which it is located;

B. No structure shall be erected, converted, enlarged, reconstructed, moved or structurally altered, nor shall any structure or part of a structure be used, except for a use permitted in the zoning district in which the structure is located;

C. No structure shall be erected, converted, enlarged, reconstructed or structurally altered to be in violation of the development standards established for the zoning district in which the structure is located; and

D. No structure shall be erected and no structure existing at the time of passage of this Unified Development Code shall be enlarged or structurally altered except in conformity with the standards established in Subsection 3.17.1 and with the General Development Standards in Article 7.

1.7.3. Except as otherwise provided in this Unified Development Code, the minimum yards, off-street parking, parking, loading and stacking spaces, and open spaces required by this Unified Development Code for any use or structure shall not be encroached upon or considered as required minimum yard, parking, loading and stacking spaces or open space for any other use or structure, nor shall any lot area be reduced below the requirements of this Unified Development Code.

1.7.4. Every structure hereafter erected or structurally altered shall be located on a lot defined in Article 1 and, except as provided in this Unified Development Code, in no case shall there be more than one principal structure on one single-family or two-family residential lot.

1.7.5. The approval of any development application in accordance with the requirements of this Unified Development Code shall not relieve the recipient from the responsibility of complying with all other applicable requirements of any other local state or federal agency having jurisdiction over the structures or land uses for which the approval was issued.

§ 1.8. Severability

If any provision of this Unified Development Code shall be judged invalid or held unconstitutional, such judgment shall not affect the validity of the entirety or any provision of this Unified Development Code other than the part judged to be invalid or unconstitutional.
§ 1.9. Rules of Statutory Construction

1.9.1. The following general rules of statutory construction shall be applied when interpreting this Unified Development Code.

A. The text material of this Unified Development Code shall prevail over captions or other illustrative material.

B. The words “shall” and “must” are mandatory while the word “may” is permissive.

C. Unless the context clearly requires otherwise, words used in the present tense shall include the future; words used in the singular shall include the plural and the plural shall include the singular.

D. Unless the context clearly requires otherwise, the use of terms such as “including,” “such as,” or similar language are intended to provide examples and not an exhaustive lists of all possibilities.

E. Whenever a reference is made to a Federal or State law, rule or regulation and such law, rule or regulation is renumbered, recodified or amended, the reference shall be to the successor law, rule or regulation to the extent permitted by law.

F. All references to “days” are to be deemed calendar days unless otherwise expressly stated. The time in which an act is to be completed shall be computed by excluding the first day and including the last day. If the last day is Saturday, Sunday or holiday observed by the City, that day shall be excluded.

G. Whenever a provision appears requiring the head of a department or another official or employee of the City to perform an act of duty, that provision shall be construed as authorizing the department head or official to delegate that responsibility to a designee.

H. The provisions of this Unified Development Code represent the minimum standards required to protect the interests of the public and shall be liberally construed to effectively carry out its purposes in the interests of the public’s health, safety and general welfare.

1.9.2. In constructing this Unified Development Code, all provisions shall be given equal weight, unless the context clearly demands otherwise.
§ 1.10. Transitional Provisions

1.10.1 Existing Violations Continue

Any violation of the previous zoning and platting ordinances and other previously existing development regulations shall continue to be a violation under this Unified Development Code and shall be subject to penalties and enforcement under Article 10, unless the use, development, construction or other activity is consistent with the express terms of this Unified Development Code, in which case enforcement action shall cease, except to the extent of collecting penalties for violations that occurred before the effective date of this Unified Development Code.

1.10.2. Development Approval

A. Approved preliminary plats shall remain valid until the approved expiration date. Preliminary plat approval shall remain valid in accordance with the terms and provisions and the regulations in effect at the time of such approval, provided that submittal for further approval (final plat, plans, etc.) occurs within said period and in full accordance with regulations in effect at the time of preliminary plat approval.

B. All other approvals (final plat, plans, etc.) shall remain valid in accordance with the terms and provisions and to the regulations in effect at the time of such approvals for a period not to exceed 180 days from the date of passage of this Unified Development Code, unless actual construction shall have commenced and continued pursuant to the terms of the approval.

C. Development that does not meet the requirements of paragraphs 1.10.2.A and 1.10.2.B above shall be subject to the provisions of and any amendments to this Unified Development Code.

1.10.3. Dormant Projects

1.10.3.A. For the purpose of this Section “initial permit” shall mean any of the following types of approvals granted under the predecessor zoning or platting ordinances, whether or not such approvals were issued in conjunction with or as a condition of approval of any other permits:

1. Appeal of administrative decision;
2. Beachfront construction certificate;
3. Building permit;
4. Certificate of appropriateness;
5. Certificate of occupancy;
6. Conditional sign permit;
7. Demolition of landmark or landscaping;
8. Dune protection permit;
9. Emergency demolition of landmark;
10. Fence exception;
11. Landmark or potential landmark;
12. Landscape plan;
13. Landscaping alternative compliance;
14. Nonconforming use, designation of;
15. Objectionable use permit;
16. Planned unit development;
17. Plat for single lot in developed area;
18. Removal or amendment of historic designation;
19. Rezoning;
20. Site plan review;
21. Special use exception;
22. Special permit;
23. Temporary conditional building permit;
24. Use not listed in FR zoning district;
25. Variance;
26. Water-oriented variance; and
27. Zoning ordinance amendment.

1.10.3.B. For the purpose of this Section “final permit” shall mean a final plat, building permit or certificate of occupancy granted under the predecessor zoning or platting ordinances.

1.10.3.C. Any application of an initial permit that was not subject to an expiration date and that was approved or filed before July 1, 2009, under the predecessor zoning or platting ordinances, shall expire on the effective date of this Unified Development Code.
1.10.3.D. The owner of the land subject to an initial permit that expires under paragraph 1.10.3.C above may petition the Planning Commission to reinstate such initial permit by filing a written petition within 180 days of the effective date of this Unified Development Code. The petition shall clearly state the grounds for reinstatement, and shall be accompanied by documentation of one of the following events had occurred by July 1, 2009:

1. A final permit for all or part of the land subject to the approved initial permit was approved or was filed and was subsequently approved;

2. An application for a final permit was submitted for all or part of the land subject to the expired initial permit, but such application was rejected on grounds of incompleteness;

3. Costs for development of the land subject to the initial permit, including but not limited to costs associated with roadway, utility and other infrastructure facilities designed to serve the land in whole or in part, but exclusive of land acquisition costs, were incurred in the aggregate amount of 5% of the most recent appraised market value of the land;

4. Fiscal security was posted to ensure performance of an obligation required for all or a part of the land subject to the approved initial permit;

5. Utility connection fees or acreage fees for all or part of the land subject to the approved initial permit were paid;

6. A final permit was approved for all or part of the land subject to the approved zoning permit and remained in effect for such land on such expiration date; or

7. A complete application for approval of a final permit for all or part of the land subject to the approved initial permit was pending.

1.10.3.E. The Planning Commission may take one of the following actions:

1. Reinstate the initial permit for all or part of the land subject thereto if it finds that the petitioner has met any one of the criteria listed in paragraph 1.10.3.D above subject to such expiration dates or other conditions that assure the remaining land that is not subject to an approved or pending final permit application will be developed in a timely fashion. In granting relief under this provision, the Planning Commission may require that development of such remaining land is subject to standards enacted after approval of the initial permit;

2. Deny the petition if it finds that the petitioner has failed to meet any of the criteria in paragraph 1.10.3.D; or
3. Reinstate the initial permit for only that part of the land subject to a pending final permit application if it finds that the petitioner has met the criteria in subparagraph 1.10.3.D above and the pending application subsequently was approved, and deny the petition of the remaining land subject to the expired initial permit.

1.10.4. Members of Commissions
Members of the boards and commissions on the effective date of this Unified Development Code shall continue to serve as members of said boards and commissions until their respective terms expire.

1.10.5 Zoning District Name and Standards Changes
Zoning districts in the City are renamed as shown in Table 1.10.5. The new standards set forth in this Unified Development Code for the renamed zoning districts shall apply to all properties within such zoning districts.

<table>
<thead>
<tr>
<th>Existing Zoning District Name</th>
<th>New Zoning District Name</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Residential Districts</strong></td>
<td></td>
</tr>
<tr>
<td>FR Farm-Rural</td>
<td>FR Farm Rural</td>
</tr>
<tr>
<td>RE Residential Estate</td>
<td>RE Residential Estate</td>
</tr>
<tr>
<td>RA One-Family Dwelling</td>
<td>RS-15 Single-Family 15</td>
</tr>
<tr>
<td>R-1A One-Family Dwelling</td>
<td>RS-10 Single-Family 10</td>
</tr>
<tr>
<td>R-1B One-Family Dwelling</td>
<td>RS-6 Single-Family 6</td>
</tr>
<tr>
<td>R-1C One-Family Dwelling</td>
<td>RS-4.5 Single-Family 4.5</td>
</tr>
<tr>
<td>R-TH Townhouse Dwelling</td>
<td>RS-TH Townhouse</td>
</tr>
<tr>
<td>R-2 Multiple Dwelling</td>
<td>RS-TF Two-Family</td>
</tr>
<tr>
<td>A-1 Apartment House</td>
<td>RM-1 Multifamily 1</td>
</tr>
<tr>
<td>A-1A Apartment House</td>
<td>RM-2 Multifamily 2</td>
</tr>
<tr>
<td>A-2 Apartment House</td>
<td>RM-3 Multifamily 3</td>
</tr>
<tr>
<td>AT Apartment Tourist</td>
<td>RM-AT Multifamily AT</td>
</tr>
<tr>
<td>T-1B Manufactured Home Park</td>
<td></td>
</tr>
<tr>
<td>T-1C Manufactured Home Subdivision</td>
<td>RMH Manufactured Home</td>
</tr>
<tr>
<td><strong>Nonresidential Districts</strong></td>
<td></td>
</tr>
<tr>
<td>AB Professional Office</td>
<td>ON Office</td>
</tr>
<tr>
<td>B-1 Neighborhood Business</td>
<td>CN-1 Neighborhood Commercial</td>
</tr>
<tr>
<td>B-1A Neighborhood Business</td>
<td>CN-2 Neighborhood Commercial</td>
</tr>
<tr>
<td>B-2 Bayfront Business</td>
<td>CR-1 Resort Commercial</td>
</tr>
<tr>
<td>B-2A Barrier Island Business</td>
<td>CR-2 Resort Commercial</td>
</tr>
<tr>
<td>BD Corpus Christi Beach Design</td>
<td>CR-3 Resort Commercial</td>
</tr>
<tr>
<td>B-3 Business &amp; General Business</td>
<td>CG-1 General Commercial</td>
</tr>
<tr>
<td>B-4 Business &amp; General Business</td>
<td>CG-2 General Commercial</td>
</tr>
<tr>
<td>B-5 Primary Business</td>
<td>CI Intensive Commercial</td>
</tr>
<tr>
<td>B-6 Primary Business Core</td>
<td>CBD Downtown Commercial</td>
</tr>
<tr>
<td>I-1 Limited Industrial</td>
<td>BP Business Park</td>
</tr>
<tr>
<td>I-2 Light Industrial</td>
<td>IL Light Industrial</td>
</tr>
</tbody>
</table>
### Article 1: General Provisions

#### 1.10.6 Vested Rights Appeal

Refer to Section 3.27 for the procedure to file an appeal asserting vested rights.

#### § 1.11. Definitions

**1.11.1 General**

Undefined words in this UDC shall have their normal dictionary definition. Other terms shall be defined as set forth below, except where the context clearly indicates a different meaning.

**1.11.2 Abbreviations**

<table>
<thead>
<tr>
<th>Abbreviation</th>
<th>Term</th>
</tr>
</thead>
<tbody>
<tr>
<td>AASHTO</td>
<td>American Association of State Highway Transportation Officials (Ordinance 029765, 03/19/2013)</td>
</tr>
<tr>
<td>ANSI</td>
<td>American National Standards Institute</td>
</tr>
<tr>
<td>BP</td>
<td>Business Park District</td>
</tr>
<tr>
<td>CBD</td>
<td>Downtown Commercial District</td>
</tr>
<tr>
<td>CC</td>
<td>Commercial Compatible District</td>
</tr>
<tr>
<td>CG-1</td>
<td>General Commercial District</td>
</tr>
<tr>
<td>CG-2</td>
<td>General Commercial District</td>
</tr>
<tr>
<td>CI</td>
<td>Intensive Commercial District</td>
</tr>
<tr>
<td>CN-1</td>
<td>Neighborhood Commercial District</td>
</tr>
<tr>
<td>CN-2</td>
<td>Neighborhood Commercial District</td>
</tr>
<tr>
<td>CR-1</td>
<td>Resort Commercial District - Bayfront Business</td>
</tr>
<tr>
<td>CR-2</td>
<td>Resort Commercial District - Barrier Island Business</td>
</tr>
<tr>
<td>CR-3</td>
<td>Resort Commercial District - Corpus Christi Beach</td>
</tr>
<tr>
<td>EIA</td>
<td>Electronics Industries Association</td>
</tr>
<tr>
<td>ETJ</td>
<td>Extraterritorial Jurisdiction</td>
</tr>
<tr>
<td>GFA</td>
<td>Gross floor area</td>
</tr>
<tr>
<td>FEMA</td>
<td>Flood Emergency Management Agency</td>
</tr>
<tr>
<td>FHBM</td>
<td>Flood Hazard Boundary Map</td>
</tr>
</tbody>
</table>

(Ordinance 029125, 07/12/2011)
<table>
<thead>
<tr>
<th>Abbreviation</th>
<th>Term</th>
</tr>
</thead>
<tbody>
<tr>
<td>FIRM</td>
<td>Flood Insurance Rate Map</td>
</tr>
<tr>
<td>FR</td>
<td>Farm-Rural District</td>
</tr>
<tr>
<td>Ft.</td>
<td>Feet</td>
</tr>
<tr>
<td>-H</td>
<td>Historic Overlay District</td>
</tr>
<tr>
<td>HCM</td>
<td>Highway Capacity Manual (Ordinance 030023, 12/10/2013)</td>
</tr>
<tr>
<td>HUD</td>
<td>Department of Housing and Urban Development</td>
</tr>
<tr>
<td>IC</td>
<td>Industrial Compatible District</td>
</tr>
<tr>
<td>IDM</td>
<td>Infrastructure Design Manual (Ordinance 030023, 12/10/2013)</td>
</tr>
<tr>
<td>IL</td>
<td>Light Industrial</td>
</tr>
<tr>
<td>IH</td>
<td>Heavy Industrial</td>
</tr>
<tr>
<td>-IO</td>
<td>Island Overlay District</td>
</tr>
<tr>
<td>L</td>
<td>Use Permitted Subject to Limitations</td>
</tr>
<tr>
<td>Max.</td>
<td>Maximum</td>
</tr>
<tr>
<td>MHP</td>
<td>Manufactured home park</td>
</tr>
<tr>
<td>MHS</td>
<td>Manufactured home subdivision</td>
</tr>
<tr>
<td>Min.</td>
<td>Minimum</td>
</tr>
<tr>
<td>MUTCD</td>
<td>Manual of Uniform Traffic Control Devices, latest edition (Ordinance 029765, 03/19/2013)</td>
</tr>
<tr>
<td>ON</td>
<td>Office District (Ordinance 029376, 02/21/12)</td>
</tr>
<tr>
<td>P</td>
<td>Use Permitted By Right</td>
</tr>
<tr>
<td>PIIC</td>
<td>Padre Island Investment Corporation</td>
</tr>
<tr>
<td>PUD</td>
<td>Planned Unit Development</td>
</tr>
<tr>
<td>-PUD</td>
<td>Planned Unit Development Overlay District</td>
</tr>
<tr>
<td>ROW</td>
<td>Right-of-way</td>
</tr>
<tr>
<td>RE</td>
<td>Residential Estate District</td>
</tr>
<tr>
<td>RM-1</td>
<td>Multifamily 1</td>
</tr>
<tr>
<td>RM-2</td>
<td>Multifamily 2</td>
</tr>
<tr>
<td>RM-3</td>
<td>Multifamily 3</td>
</tr>
<tr>
<td>RM-AT</td>
<td>Multifamily Apartment Tourist</td>
</tr>
<tr>
<td>R-MH</td>
<td>Manufactured Home District</td>
</tr>
<tr>
<td>RS-22</td>
<td>Single-Family 22 District (Ordinance 029929, 08/27/13)</td>
</tr>
<tr>
<td>RS-15</td>
<td>Single-Family 15 District</td>
</tr>
<tr>
<td>RS-10</td>
<td>Single-Family 10 District</td>
</tr>
<tr>
<td>RS-6</td>
<td>Single-Family 6 District</td>
</tr>
<tr>
<td>RS-4.5</td>
<td>Single-Family 4.5 District</td>
</tr>
<tr>
<td>RS-TH</td>
<td>Townhouse District</td>
</tr>
<tr>
<td>RS-TF</td>
<td>Two-Family District</td>
</tr>
<tr>
<td>RV</td>
<td>Recreational Vehicle Park District</td>
</tr>
<tr>
<td>SUE</td>
<td>Special Use Exception</td>
</tr>
<tr>
<td>SP</td>
<td>Special Permit</td>
</tr>
<tr>
<td>Sq. ft.</td>
<td>Square Feet</td>
</tr>
<tr>
<td>TAC</td>
<td>Texas Administrative Code</td>
</tr>
</tbody>
</table>

1.11.3 **Defined Terms**

**AASHTO**: The American Association of State Highway Transportation Officials
**AASHTO Design Guide:** The American Association of State Highway Transportation Officials (AASHTO) Guide for Design of Pavement Structures

**Abutting:** Having a common border with, or being separated from such a common border by a right-of-way or easement.

**Accessory Structure:** A structure devoted to an accessory use that is separate from the principal structure and located on the same lot.

**Accessory Use:** A use that is clearly incidental, subordinate to or customarily found in connection with, the principal use of the premises.

**Acreage Fee:** The fee required to be paid by the applicant based on the acreage in the development, including parks, streets, and drainage dedications. The current acreage fee is published in the Development Services fee schedule contained in Chapter 14, Municipal Code.

**Adult Day Care Facility:** A nonresidential, state-licensed facility that provides care or supervision for five or more persons 18 years of age or older who are not related by blood, marriage, or adoption to the owner or operator of the facility, whether or not the facility is operated for profit or charges for the services it offers.

**Airport, Helipad, Heliport or Landing Field:** Any area of land or water used for the landing and take-off of aircraft, including all necessary facilities for the housing and maintenance of aircraft.

**Alley:** A public or private way which is to be used only as a secondary means of access to or solid waste collection from abutting property.

**Alteration or Alter:** Any construction or material change in the architectural or natural features of a structure, including but not limited to erection of signs, installation or removal of trees or shrubs, a change or removal of roofing, siding materials, doors, windows, shutters, fences, signs, other ornamentation, porches, balconies, or paint color. This does not include ordinary repair and maintenance, removal, demolition, or new construction.

**Amenity:** A landscaped area that is available to the general public that is outdoors and adjacent to and integral to a residential or nonresidential structure, including, but is not limited to, seating, shade, artwork, a water feature and sanitary facilities.

**Animal Shelter:** A facility used to house stray, abandoned or unwanted animals and that is owned, operated or maintained by a public body, an established humane society or other nonprofit organization devoted to the welfare, protection and humane treatment of animals.

**Antenna:** A structure or device used to collect or radiate electromagnetic waves, including directional antennas, such as panels, wireless cable and satellite dishes, and omni-directional antennas, such as whips, but not including satellite earth stations.
Antenna, Amateur Radio: An antenna used by an amateur radio operator that is less than 50 feet in height and whip antennas less than 4 inches in diameter and less than 10 feet in height.

Antenna Array: An arrangement of antennas and their supporting structure.

Antenna, Dish: A parabolic or bowl shaped device that receives and/or transmits signals in a specific directional pattern.

Antenna, Panel: An antenna which receives or transmits signals in a directional pattern.

Antenna, Stealth: A telecommunications antenna that is camouflaged or concealed.

Antenna, Telecommunications: An antenna used to provide a telecommunications service. This excludes lightning rods, private mobile radio systems, amateur radio antennas less than 50 feet in height, whip antennas less than 4 inches in diameter and less than 10 feet in height, and radio and television broadcast antennas.

Antenna, Whip: An omni-directional dipole antenna of cylindrical shape which is no more than 6 inches in diameter.

Appeal: A request for a review of the floodplain administrator's or development review body's interpretation of any provision of this Code or a request for a variance.

Applicant: A person who applies for a development review procedure as described in Article 3.

Archeological Site: The physical site, location, or context in which the material remains of past life or activities of cultural or historical significance are found.

Architectural Screen: A durable, wood fence or masonry wall which screens the view from the street to off-street parking and or other areas.

Area Development Plan: An element of the Comprehensive Plan that addresses planning for multiple services including but not limited to future land use, transportation, water, wastewater or parks for an area of the City.

Areas Of Shallow Flooding: A designated AO, AH, or VO zone on the City's flood insurance rate map (FIRM) with a 1% or greater annual chance of flooding to an average depth of 1 to 3 feet where a clearly-defined channel does not exist, where the path of flooding is unpredictable and where velocity flow may be evident.

Area Of Special Flood Hazard: The land in the floodplain within a community subject to a 1% or greater chance of flooding in any given year. The area may be designated as zone A on the flood hazard boundary map (FHBM). After detailed ratemaking has been completed in preparation for publication of the FIRM, zone A usually is refined into zones A, AE, AH, AO, A1-99, VO, V1-30, VE or V.

Arterial Transmission Main: That portion of a transmission main, or its branches, lying within a distribution area used to supply the grid system within that particular area.
**Assistant City Manager of Development Services:** The Assistant City Manager of Development Services for the City or a designee.

**Auto Rental:** A use engaged in the leasing or rental of automobiles, motorcycles or other light vehicles.

**Awning or Marquee:** A permanent, roof-like structure that projects from the wall of a building or structure and overhangs a private or public way.

**Bar, Taverns, or Pub:** A use engaged in the retail sale of alcoholic beverage, for on-premise consumption in which the establishment derives more than 75% of the establishment’s gross revenue from the on-premise sale of alcoholic beverages. A bar, tavern, or pub may include entertainment providing such entertainment is enclosed within the building.

**Basement:** That portion of a building between floor and ceiling which is wholly or partly below grade, having more than one-half of its height below grade.

**Base Flood:** The flood having a 1% chance of being equaled or exceeded in any given year.

**Beach/Dune Committee:** The Planning Commission serves as the Beach/Dune Committee for areas of the City located within Kleberg County as provided in Subsection 2.3.1 of this Unified Development Code. For all other areas of the City, the Nueces County Beach Management Advisory Committee serves as the Beach/Dune Committee.

**Bed and breakfast home:** A private, owner-occupied residence that offers sleeping accommodations to not more than 10 lodgers. A bed and breakfast home is not a single-family house.

**Berm:** Raised earthen mound. Soil must be stabilized by using terracing, soil stabilizing mats with ground cover or solid turf.

**Bicycle or Watercraft Rental:** A use engaged in the leasing or rental of bicycles or watercraft.

**Boat Storage:** A use where boats are kept for more than 24 consecutive hours.

**Breakaway Wall:** A wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces without causing damage to the elevated portion of the building or supporting foundation.

**Bridge:** Any structure usually referred to as a concrete box culvert or clear span bridge excluding culvert crossings or other crossings utilizing reinforced concrete or corrugated metal pipe.

**Buffer:** A specified land area, located parallel to and within the outer perimeter of a lot and extending to the lot line, together with the planting and landscaping required on the land.
Building: Any structure having a roof supported by columns or walls for the housing or enclosure of persons or property of any kind.

Building Frontage: The linear measurement from outer wall to outer wall of the side of the building which fronts on a street. Generally the building frontage contains the primary entrance of the building.

Building/Structurally-Mounted Wind Energy Unit: A small wind energy unit for permanent mounting and operating on a building or other structure. Building or structurally-mounted units may not exceed 10 kW in manufacturer rated power.

Business Day: any work day that the City’s Development Services offices are open.

Caliper: Diameter of the tree trunk except for palms, measured 6 inches above the ground for trees up to and including 4 inch caliper size. For trees greater than 4” caliper and less than 12” caliper the trunk is measured at 12” above the ground and for trees greater than 12” caliper the trunk is measured at 5’ above the ground. To determine the caliper of a multiple-trunked tree: 1) square the diameters of each trunk; 2) multiply each of the numbers from step 1 by 0.7854; 3) add all the products determined by step 2; and 4) take the square root of the total from step 3.

Car Wash: A use engaged in the washing and cleaning of passenger vehicles, recreational vehicles or other light vehicles.

Caretakers Quarters: A primary or accessory dwelling unit occupied only by a caretaker or guard employed on the premises.

Cemetery, Columbaria, Crematorium, Mausoleum or Memorial Park: Land used for burial or cremation of the dead, whether human or animal.

Certificate of Appropriateness: The official Landmark Commission stamp that is placed upon approved construction plans and required permits. Such stamp shall include the signature of the Chair or a designated Commission member and the date action was taken.

Certified Nursery Professional: One who is identified as having a high level of professional ability and knowledge of plant pathology, plant culture, merchandising, landscape design, and plant identification in the nursery business as recognized by the Texas Association of Nursery Professionals.

City: The City of Corpus Christi, Texas.

City Engineer: The person the City Manager designates as City Engineer or the person who holds the position of Director of Engineering Services for the City of Corpus Christi.

(Ordinance 030023, 12/10/2013)

Cladding: The building materials covering the exterior of a structure.
Coastal High Hazard Area: An area of special flood hazard extending from offshore to the inland limit of a primary frontal dune along an open coast and any other area subject to high-velocity wave action from storms or seismic sources.

Co-location: A single telecommunications tower and/or site used by more than one telecommunications service provider.

Collection Line: A wastewater line of 15" diameter and smaller that conveys wastewater.

Commercial Vehicle: A vehicle licensed as commercial, has a Texas Department of Licensing and Regulations number, or has a permanently-affixed commercial logo.

Condominium: A form of property ownership providing for individual ownership of residential, industrial, commercial, or office space in a structure on such real property, together with an undivided interest in the land or other parts of the structure in common (e.g. common open space, common areas or facilities) with other owners.

Construction, New: For the purpose of determining insurance rates, structures for which the start of construction commenced on or after the effective date of an initial FIRM or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures. For floodplain management purposes, new construction means structures for which the start of construction commenced on or after the effective date of a floodplain management regulation adopted by a community and includes any subsequent improvements to such structures.

Contractor: Any person, association or corporation engaged in the business of installing or altering walks, driveway approaches, curbs, gutters or pavements or appurtenances on public property. This term shall also include those who represent themselves to be engaged in the business whether or not actually doing the work.

Curb: A vertical or sloping structure located along the edge of the roadway, normally constructed integrally with the gutter, which strengthens and protects the pavement edge and clearly defines the pavement edge to vehicle operators.

Curb Return Radii: The curvature or corner radius that facilitates vehicular turning movements between the driveway and the edge of the roadway pavement.

Day Care Center: A building where seven or more children, under 14 years of age, other than members of the family occupying such building, are cared for compensation.

Day Care Home: A single-family residence where six or less children under 14 years of age, other than members for the family occupying such residence, are taken care of for compensation.

Demolition or Demolish: The razing or destruction, whether entirely or partially, of a structure, including the removal or destruction of the facade, surface, or interior of a Landmark classified as “HC”.

Design Standards: The required standards for the design and installation of infrastructure and public improvements as determined and issued by the City Engineer.
**Detention Facility:** Publicly or privately operated facilities housing persons awaiting trial or persons serving a sentence after being found guilty of a criminal offense.

**Developer:** Any non-taxing agency, person, partnership, firm, association, corporation, or entity who does or participates in platting a tract into improved properties within the intent, scope, and purview of this Code that will ultimately have the ability to obtain building permits for new construction. Any officer, agent, employee, servant or trustee acting on behalf of a developer shall be subject to the same requirements to the extent the person is acting in a representative capacity. The singular shall include the plural, and the plural shall include the singular.

**Development Activity:** Any man-made change in improved and unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials requiring approval or approval with conditions from an official or agency of the City before the activity may be commenced.

**Development Approval:** Any authorized action by an official or agency of the City approving or approving with conditions a development activity.

**Development Plan:** The proposal for development of a PUD including such drawings, documents and other information necessary to illustrate completely the proposed development.

**Discontinue:** To stop the use of a property intentionally. Discontinuance of the use will be presumed unless the owner can show that a diligent effort has been made to sell, rent or use the property for a permissible use. The term also shall mean that the use has changed from the use that was in place on the effective date of this UDC.

**Distribution Mains:** Mains of 12 inches inside diameter, or smaller, connected to the supply mains that provide fire protection and domestic service.

**Dripline:** An imaginary vertical line that extends from the outermost branches of a tree canopy to the ground.

**Driveway Approach:** A facility between the edge of the roadway and the property line intended to provide vehicular access from the roadway to private property.

**Driveway, Commercial:** A driveway providing access to an office, retail, commercial or institutional building or to three or more dwelling units. Such buildings are customarily serviced by trucks on an incidental rather than a primary basis. Industrial plant driveways, whose principal function is to serve administrative or employee parking lots, are considered commercial driveways.

**Driveway, Residential:** A driveway providing access to single- or two-family dwelling units.

**Driveway, Industrial:** A driveway directly serving substantial numbers of truck movements to and from an industrial facility, warehouse or truck terminal. A regional
shopping center may have one or more driveways specially designed, signed and located to provide access for large trucks. These are classified as Industrial Driveways.

**Dwelling:** A building designed or used for residential occupancy, including a single-family, detached house, zero lot line house, traditional house, semi-attached house, manufactured home, two-family house, townhouse and apartment. Overnight accommodations as described in **Subsection 5.1.4** shall not be considered dwelling units. Single-family residential dwelling units shall only have one meter per utility; an additional meter shall be allowed only for agricultural/irrigation uses.  
(Ordinance 029125, 07/12/2011)

**Dwelling Unit:** A room or group of rooms occupied or intended to be occupied as separate living quarters by a single family or other group of persons living together as a household or by a person living alone.

**Easement:** A grant for the use of land by the public, a corporation or persons for such specific purposes as the construction of utilities, drainage ways and roadways.

**Emergency Securing Measures:** The boarding, fencing, structural modification, demolition, or other protecting method designed to protect or secure a structure in its present condition.

**Existing Manufactured Home Park Or Subdivision:** A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management plan.

**Existing Structure:** For the purposes of determining rates, structures for which the start of construction commenced before the effective date of the Flood Insurance Rate Map (FIRM) or before January 1, 1975, for FIRMs effective before that date. Existing construction also may be referred to as existing structures.

**Expansions To An Existing Manufactured Home Park Or Subdivision:** The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

**Facade:** The principal exterior of a structure viewed from a private or public street.

**Fall Radius:** The fall area for a wind energy unit is measured by using the total height of the tower as the radius around the center point of the base of the tower.

**Family:** A person or persons, occupying a dwelling, living together and maintaining a common household, which may include up to four boarders or roomers if each has a rental contract to occupy the dwelling for at least 30 consecutive days. This definition does not include lodgers in a bed and breakfast home.

**Farmers Market:** A use in an unenclosed, permanently-roofed structure engaged in the retail sale of fresh fruit, vegetables and other items as permitted by this Code.
**Fee Value:** The value of the fees that property would be charged including lot/acreage fees and surcharges.

**Fence:** Any enclosing barrier, constructed of wood, metal or any other material, regardless of its use or purpose.

**Fire Lane:** An all-weather approach or opening through which a fire-fighting vehicle may pass with a minimum of interference.

**Fire Suppression Rating Schedule:** A publication published by ISO, Properties, Inc., which has been adopted by the Texas Department of Insurance that is used to develop a public protection classification for property based on a City’s fire suppression system, which includes the needed fire flow for water available at a site.

**Flare:** A triangular shaped section of the driveway used in lieu of the curb return radius to facilitate vehicular turning movements between the driveway and the edge of the roadway pavement. The Flare length is equal to the curb return radius.

**Flood Or Flooding:** A general and temporary condition of partial or complete inundation of normally dry land areas from:

1. The overflow of inland or tidal waters; or
2. The unusual and rapid accumulation or runoff of surface waters from any source.

**Flood Hazard Boundary Map (FHBM):** An official map of a community on which FEMA has delineated both the areas of special flood hazards.

**Flood Insurance Rate Map (FIRM):** An official map of a community on which FEMA has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

**Floodplain or Flood-Prone Area:** Any land area susceptible to being inundated by water from any source (see definition of Flooding).

**Floodplain Management Regulations:** Zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as a floodplain ordinance, grading ordinance and erosion control ordinance) and other applications of police power. The term describes such state or local regulations, and any combination thereof, which provide standards for the purpose of flood damage prevention and reduction.

**Floodway (or Regulatory Floodway):** The channel of a river or other watercourse and the adjacent land areas that must be preserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

**Floor Area Ratio (FAR):** The area of a building or buildings on a lot divided by the lot area.
**Force Main:** A line designed to convey wastewater as a pressure system.

**Frontage:** The distance between the property lines bordering a single roadway.

**Fuel Sales:** Any use equipped for the dispensing of automotive fuels.

**Garage:** A detached accessory or portion of a principal structure designed or used for the storage of vehicles of the occupants of the premises.

**Golf Course:** A tract of land with at least nine holes for playing a game of golf and improved with tees, greens, fairways and hazards. A golf course includes a clubhouse and shelters as accessory uses. A driving range shall not be considered a golf course.

**Grade:** The average level of the finished surface of the ground for buildings more than 5 feet from a street line. For buildings closer than 5 feet to a street, the grade is the sidewalk elevation at the center of the building. If there is more than one street, an average sidewalk elevation is used. If there is no sidewalk, the Assistant City Manager of Development Services shall establish the sidewalk grade.

**Grid Mains:** Mains of 12 inches inside diameter, or larger, that serve as distribution supply mains and are not to exceed 6,000 feet in length between cross connection mains.

**Grid Loop:** That portion of the grid system where the grid main is completely closed around an approximate square mile area, or as permitted by the distribution system standards up to a maximum of an approximate square mile area.

**Grid System:** The transmission and distribution system created to deliver the supply and demand of electricity for consumers.

**Gross Floor Area:** The square feet of floor space measured from the exterior faces of the exterior walls and including the total of all floors of a building. It does not include porches, garages, or space in an attic or basement not used for dwelling purposes.  
(Ordinance 029376, 02/21/2012)

**Ground Cover:** Plant material of a species which normally attains a height of less than 3 feet at maturity or can be maintained at that height, installed in such a manner to provide continuous cover over the ground.

**Gutter:** A generally shallow waterway adjacent to a curb suitable for drainage of water.

**Heavy Load Vehicle:** Tractor trailers, commercial dump trucks, or transit vehicles.

**Highest Adjacent Grade:** The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

**Highway Capacity Manual (HCM):** A publication of the Transportation Research Board of the National Academies of Science containing concepts, guidelines, and computational procedures for computing the capacity and quality of service of various highway facilities, including freeways, highways, arterial roads, roundabouts, signalized and unsignalized intersections, and rural highways.  
(Ordinance 030023, 12/10/2013)
Historic Structure: Any structure that is:

1. Listed individually in the National Register of Historic Places maintained by the National Park Service;

2. Certified or preliminarily determined by the National Park Service as contributing to the historical significance of a registered historic district or a district preliminarily determined to qualify as a registered historic district;

3. Individually listed on a state inventory of historic places in an approved preservation program; or

4. Individually listed on the local inventory of historic places by the Landmark Commission.

Home Occupation: Any occupation or activity which is clearly incidental and secondary to the use of the premises for dwelling purposes, but is intended to include only those personal services which are subordinate to the use of the premises as a dwelling. See Subsection 5.3.2.F.

Homeowners Association: A nonprofit organization operating under recorded land agreements through which:

1. Each lot owner is automatically a member; and

2. Each lot is automatically subject to a proportionate share of the expenses for the organization’s activities, such as maintaining common property.

Horizontal Axis Wind Energy Unit: A wind energy unit that utilizes a generator shaft that is horizontal (parallel) to the ground.

HUD-Code Manufactured Home: See “Manufactured Home.”

Impervious Surface: Any hard-surfaced, man-made area that does not readily absorb or retain water, including but not limited to building roofs, parking and driveway areas, gravelled areas, sidewalks and other paved areas.

Infrastructure Design Manual (IDM): The document issued and published by the City Engineer that describes the Design Standards required for infrastructure and public improvements. (Ordinance 030023, 12/10/2013)

Intersection: The common area embraced between the projected lines of the right of way of two or more roadways, which join at any angle whether or not one such roadway cross each other.

Kennel: A commercial facility where four or more dogs, cats or other domestic animals over three months of age are kept, raised, sold, boarded, bred, shown, treated, groomed (exclusive of animals used for agricultural purposes).
**Laboratory, Research or Experimental:** A facility for scientific research in technologically-intensive fields. Examples include, but are not limited to, biotechnology, pharmaceuticals and genetics.

**Landowner:** The record holder of title in fee simple of real property or any improvements and appurtenances.

**Landmark:** Any site, place, building, structure, or work of art located on a single lot under common ownership which has special character or aesthetic value as part of the development, heritage, archaeological or cultural characteristics of the City, State, or the United States that has been designated by the City Council.

**Landmark Commission:** The Landmark Commission, or its successor, charged with the responsibilities of designating, classifying and protecting – H, Historic Overlay zoning districts and landmarks.

**Landscape Architect:** A person who holds a license to practice landscape architecture in the State of Texas.

**Landscape Handbook:** The handbook maintained by the City pursuant to Section 7.3.5 of this Code.

**Landscape Area:** An area not subject to vehicular traffic, which consists of living or non-living permeable landscape material, or combination of both, which allows water to penetrate into the ground, such as plant material, mulch, brick, stone or interlocking pavers on sand and planting pavers. If a weed fabric is used, it must be woven to permit water to penetrate into the ground.

**Lift Station:** A structure designed for collection and pumping or lifting wastewater conveyed to it by trunk or collection lines.

**Loading Space:** A space within a structure or on a lot providing for the standing, loading, or unloading of trucks.

**Lodger:** A person who rents a room in an overnight accommodation for fewer than 30 consecutive days.

**Lot:** An undivided tract or parcel of land which is, or in future may be, offered for sale, conveyance, transfer, or improvement, which is designated as a distinct and separate tract or parcel, and which is or will be identified by a number or symbol on a plat which has or may be filed for record.

**Lot, Corner:** A lot abutting two or more streets at their intersection.

**Lot, Interior:** A lot whose side line or lines do not abut any street.

**Lot, Through:** An interior lot having frontage on two streets.

**Lot Area:** See Subsection 4.2.2.
Lot Fee: The fee required to be paid by the applicant based on the number of lots in the development. The current lot fee is published in the Development Services fee schedule contained in Chapter 14, Municipal Code.

Lot Width: See Subsection 4.2.3.

Lowest Floor: The lowest floor of the lowest enclosed area, including a basement; provided that, an unfinished or flood-resistant enclosure usable solely for parking of vehicles, building access, or storage in an area other than a basement is not considered a building’s lowest floor if it is not built so as to render the structure in violation of the applicable non-elevation design requirements of Section 60.3 of the National Flood Insurance Program regulations.

Manual on Uniform Traffic Control Devices (MUTCD): The Manual on Uniform Traffic Control Devices or MUTCD published by the Federal Highway Administration (FHWA) under 23 Code of Federal Regulations (CFR), Part 655, Subpart F, which defines the required standards to install and maintain traffic control devices on all streets, highways, bikeways, and roads. (Ordinance 030023, 12/10/2013)

Manufactured Home: A structure, constructed on or after June 15, 1976, according to the rules of the United States Department of Housing and Urban Development, transportable in one or more sections, which, in the traveling mode, are 8 feet or more in width or 40 feet or more in length, or, when erected on site, are 320 or more square feet, and which are built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities for plumbing, heating, air-conditioning, and electrical systems. The term does not include recreational vehicles.

Manufactured Home Subdivision: A subdivision designed and intended for residential use where residence is permitted in manufactured homes, each being located on a separate lot. Such a subdivision may retain a central management and may be operated as a condominium with common ownership of streets and open spaces.

Manufactured Home Park: An area of land on which two or more manufactured homes being used for living purposes occupy rental spaces.

Manufactured Home Park Or Subdivision, New: A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of floodplain management regulations adopted by the City.

Marina: A boat basin or pier with facilities for berthing and securing all types of recreational watercraft, as well as providing adequate supplies, provisions and recreational, service and fueling facilities.

Master Plan, Utility: See Utility Master Plan.

Mean Sea Level: For purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929 or other datum to which base flood elevations shown on the City’s flood insurance rate maps are referenced.
Medium Wind Energy Unit: A wind energy conversion unit consisting of one wind turbine and designed to supplement other electricity sources for existing buildings or facilities, from which the power generated is used for on-site consumption. A medium wind energy conversion unit has a total rated capacity of 20 kW to 100 kW.

Mobile Home: See Manufactured Home.

Municipal Code: The Code of Ordinances adopted by the City, as amended from time to time.

Nonconforming Sign: A sign permitted to remain in place as a nonconforming sign which was erected in conformity with all local ordinances, laws or regulations applicable at the time the sign was erected. A nonconforming sign shall not include a sign erected in violation of applicable regulations providing for registration, securing building permits, and compliance with all other applicable license and permit requirements required by local ordinances, laws or regulations.

Nonconforming Use: See Section 9.2.

Nursing or Convalescent Home: A residential use providing bed care and in-patient services for persons requiring regular medical attention, but excluding a medical facility as described in Subsection 5.1.3.E or social service as described in Subsection 5.1.3.I.

Off-Street Parking: See Parking, Off-Street.

Official: An employee of the City authorized by the Municipal Code to administer or enforce the provisions of this Code. Official includes, but is not limited to, the Building Official or the Assistant City Manager of Development Services.

Open Space: Property under public or private ownership which is unoccupied or predominately unoccupied by buildings or other impervious surfaces and is used for parks, recreation, agriculture, conservation, preservation of native habitat and other natural resources, surface water impoundment, historic, or scenic purposes.

Ordinary Maintenance and Repair: Actions that do not involve changes in architectural and historical style or value, general design structural arrangement, type of building material, primary color or basic texture. Examples of ordinary repairs and maintenance are: repainting, restoration of damaged windows in same style and dimension, replacement of rotted or broken exterior material of the same style and dimension or trimming of trees and shrubs.

Outside Retail Display: The display of retail items for sale in an area not enclosed by four walls and a roof.

Outside Retail Sales Area: An area for the sale of individually-packaged retail items not enclosed by four walls and a roof that accommodates customers and contains items for sale beyond the allowable outside retail display area.
Outside Storage: Forms of outside display and storage not classified as outside retail display or outside retail sales, including items stored in shipping containers, convexes and semi-trailers not attached to a truck.

Parent Parcel: The entire original parcel of land from which a subdivision or other development was created; provided that, when new streets are created by the platting of a new subdivision, the parent parcel for future development is the area between the streets within or abutting the subdivision. When no streets abut the external property lines of the original parent parcel, then those property lines shall define the external boundary of that portion of the parent parcel.

Parking Area: All off-street parking spaces and related vehicular use areas serving those parking spaces, whether full-time or on an intermittent basis.

Parking, Off-street: An all-weather, surfaced area not in a street or alley permanently reserved for the temporary storage of one automobile and connected with a street or alley by an all-weather surfaced driveway which affords satisfactory ingress and egress for automobiles.

Parking, On-Street: An all-weather, surfaced area that is located in the street right-of-way permanently reserved for the temporary storage of one automobile.

Permanent Foundation: Grillages of steel, masonry, reinforced concrete or timber designed in accordance with accepted engineering practice to provide adequate support and anchorage for a structure or manufactured home. For floodplain management purposes guidelines and methods for manufactured homes are contained in the FEMA 85/September 1985 publication entitled Manufactured Home Installation in Flood Hazard Areas.

Pervious: Open to the passage, infiltration or percolation of water into the ground.

Planned Unit Development: An area of land controlled by a landowner, or landowners acting in concert, to be developed as a single unit, in one continuous, ascertainable phase or in a programmed series of phases, the plan for which does not correspond directly to the regulations in any one zoning district established by this UDC. A development plan shall prescribe the provision, operation and maintenance of such areas, structures, improvements, facilities and services for use in common by some or all of the occupants, tenants and owners. Development plans shall include not only streets, utilities, lots, building sites and the like, but also site plans and elevations for all buildings as intended to be located on the land. A development may include, but does not require, individual ownership of units, structures or property.

Planning Commission: The Planning Commission of the City. The term is synonymous with the “Zoning Commission” authorized in Texas Local Government Code Chapter 211.

Plant Material: Any living tree, palm, shrub, vine, herbaceous perennial groundcover or grass.

Plant, Perennial: Plants which live more than two years.
**Premises:** A lot, together with all structures on a lot.

**Preservation Plan:** The Historic Preservation Plan, as prepared and amended by the Landmark Commission, reviewed by the Planning Commission and approved by the City Council as an element of the City’s Comprehensive Plan.

**Primary Frontal Dune:** A continuous or nearly continuous mound or ridge of sand with relatively steep seaward and landward slopes immediately landward and adjacent to the beach and subject to erosion and overtopping from high tides and waves during major coastal storms. The inland limit of the primary frontal dune occurs at the point where there is a distinct change from a relatively steep slope to a relatively mild slope.

**Principal Structure:** The structure or structures on a lot that are occupied by a principal use.

**Principal Use:** The main use to which the premises are devoted and the primary purpose for which the premises exist.

**Pro-Rata Fee:** A fee required to be paid by the applicant as a front foot charge for the use of a wastewater facility which serves property being platted or developed, but which was not installed by the applicant. The current pro-rata fee is published in the Development Services fee schedule contained in Chapter 14, Municipal Code.

**Promotional Event:** An event including but not limited to a carnival, circus or similar temporary amusement enterprise produced for a nonresidential use.

**Rated Capacity:** The maximum rated output of electric power production equipment. This output is typically specified by the manufacturer with a nameplate on the equipment.

**Recreational Vehicle:** A vehicle which is:

1. Built on a single chassis;
2. 400 square feet or less when measured at the largest horizontal projections;
3. Designed to be self-propelled or permanently towable by a light duty truck; and
4. Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

**Recreational Vehicle Park:** Any parcel of land used for the accommodation of two or more recreational vehicles for transient dwelling purposes.

**Recreational Vehicle Storage:** A use where unoccupied recreational vehicles are kept for more than 24 consecutive hours.

**Repair or Maintenance, Ordinary:** See “Ordinary Maintenance or Repair.”
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**Right-of-way:** A strip of land owned or held by the City or other public agency and used for the purpose of a public way, roadway, or to accommodate public utilities.

**Roofline:** The height above the finished grade of the upper beam, rafter, ridge or purlin of any building. A purlin is a horizontal timber or beam that supports the roof such as the deck of the roof.

**Roof Sign:** Any sign constructed, erected or placed above the eave of a sloped roof but not exceeding the highest point of the roofline.

**Sand Dunes:** Naturally-occurring accumulations of sand in ridges or mounds landward of the beach.

**Screening:** Planting screens, brick, stone, reinforced concrete or other similar masonry materials, redwood, cedar, preservative pressure treated wood, or other similar materials provided for the purpose of protecting adjacent uses and public rights-of-way from the view of mechanical equipment, refuse areas, and loading docks.

**Sexually-Oriented Business:** A sex parlor, nude studio, modeling studio, love parlor, adult bookstore, adult movie theater, adult video arcade, adult movie arcade, adult video store, adult motel, or other commercial enterprise the primary business of which is the offering of a service or the selling, renting or exhibiting of devices or any other items intended to provide sexual stimulation or sexual gratification to the customer.

**Shopping Center:** A group of four or more commercial establishments, planned, developed and managed as a unit.

**Shrub:** A woody perennial plant that is characterized by branching beginning at the base of the stem and generally maintaining a smaller stature than trees.

**Sidewalk:** That portion of the roadway primarily constructed for the use of pedestrians and constructed of concrete or other durable materials.

**Sidewalk Café:** Sidewalk café shall mean that portion of the public right-of-way kept, used, maintained, and held out to the public as a place where food and/or drink are served for consumption on the premises. The sidewalk café shall be adjacent to, or in front of an establishment that sells food and/or drinks and shall not reduce the public sidewalk width to less than five feet or obstruct the required Clear Zone.

(Ordinance 029923, 8/20/2013)

**Sign:** Is defined in [Subsection 7.5.27.D.](#)

**Small Wind Energy Unit:** A wind energy conversion unit designed to supplement other electricity sources for existing building or facilities, from which the power generated is used for on-site consumption. A small wind energy conversion has a total rated capacity of up to 20 kW.

**Special Event:** An event including, but not limited to a baptism, bridal tea, charity fundraiser, corporate banquet, family reunion, graduation party, office party, private dinner party, photo shoot, political fundraiser, quinceañera, reception, wedding, wedding...
reception, or similar type of function held on the premises by a person who has provided compensation for the use of all or a portion of the premises.

**Stable, Private:** An accessory use for the keeping of horses, ponies, or mules owned by the occupants of the premises, and not kept for hire, rental, or for the sale of more than 6 animals per year. Such operations must conform to the Texas Commission on Environmental Quality regulations pertaining to waste water management and odor control, if applicable.

**Stable, Public:** An establishment for boarding, breeding or raising of more than 6 horses, ponies or mules not owned by the occupants of the premises, or the rental of any number of horses, ponies or mules for riding by other than the occupants of the premises or their non-paying guests.

**Stockyard:** An enclosure with pens, sheds and other buildings or structures for the temporary keeping of livestock.

**Storage of Explosives or Other Hazardous Materials:** Storage of:

1. Any chemical compound or device, the primary purpose of which is to simultaneously release gas and heat, the resulting pressure being capable of producing destructive effects; or

2. Any substances or materials that by reason of their toxic, caustic, corrosive, abrasive or otherwise injurious properties, may be detrimental to the health of anyone coming into contact with such substances or materials.

**Storm Water Collector:** An underground storm water conveyance that connects to a major drainage ditch or storm water collector drainage ditch.

**Story:** That portion of a building, other than a basement, included between the surface of any floor and the surface of the floor next above it; or if there be no floor above it then the space between such floor and the ceiling next above it.

**Street:** A public or private thoroughfare which affords the principal means of access to abutting property.

**Street Frontage:** The length of a lot or tract of land that is adjacent to a public or private street.

**Street Line:** A dividing line between a lot, tract, or parcel of land and a contiguous street.

**Street Yard:** The area of a lot or parcel which lies between the property line abutting a street and the wall of the rearmost building. Properties zoned “RMH” or “RV” or single and two-family residential uses are exempt. If no building exists on a lot or parcel or if total building coverage is less than 10% of the gross site area or 5,000 square feet, whichever is less, the entire lot or parcel excluding the building area shall be considered street yard. On corner lots or parcels, the street yard shall consist of all the area of such lot or parcel between the property line abutting the street and the corresponding building wall lines. Such lines are extended in the manner provided above. When there are
multiple buildings on a lot or parcel, the street yard shall consist of all the area of the lot or parcel between the property line abutting a street and the outermost points of each building's wall facing a street.

**Structure:** Anything, other than a fence, constructed or erected, which requires location on the ground, or attachment to something having a location on the ground, including, but not limited to, advertising signs, billboards, poster boards, buildings, dwellings, gas or liquid storage tanks, poles, water towers, cranes, smokestacks, earth formations and overhead transmission lines.

**Subdivision:** The division of a tract of land by plat into two or more parts for the purpose of sale, rental, lease or division of ownership.

**Substantial Damage:** Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50% of the market value of the structure before the damage occurred.

**Substantial Improvement:** Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50% of the market value of the structure before start of construction of the improvement. This includes structures which have incurred substantial damage, regardless of the actual repair work performed. The term does not, however, include either:

1. Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary conditions; or
2. Any alteration of an historic structure if the alteration will not preclude the structure's continued designation as an historic structure.

**Surcharge:** A fee to be charged in addition to wastewater tap fees to be paid when the wastewater tap fee is paid. The current surcharge is published in the Development Services fee schedule contained in Chapter 14, Municipal Code.

**Survival Wind Speed:** A maximum wind speed, as designated by the wind energy unit manufacturer, at which a unit, in unattended operation (not necessarily producing power) is designed to survive, without damage to any structural equipment or components of the system, or less of the ability to function normally.

**Tannery:** An establishment where animal skins and hides are tanned.

**Tap Fee:** The fee to be paid that provides a utility tap or service connection to City-owned facilities.

**Telecommunications:** The transmission, between or among points specified by the user, of audio or visual information of the users choosing, without change in the form or content of the information as sent and received.

**Telecommunications Service:** The offering of telecommunications for a fee directly to the public, or to such classes of users as to be effectively available directly to the public, regardless of the facilities used.
Temporary Use: A use of land that lasts, or is permitted to last, for a time period equal to or less than 30 calendar days.

Total Unit Height: The distance from the grade to the highest point on the unit or tower, including the vertical length of any extensions, such as the rotor blade:

1. For horizontal axis wind energy units, the distance between the ground and the highest point of the rotor blade in its vertical, upright positions;

2. For vertical axis wind energy units, the distance between the ground and the highest point of the shaft.

Tower Height: The distance measured from grade to the highest point of any and all components of the structure, including antennas, hazard lighting, and other appurtenances, excluding lightning rods.

Tower, Electric Transmission: A self-supporting structure in excess of 50 feet in height designed to support high voltage electric lines. This does not include local utility or distribution poles (with or without transformers) designed to provide electric service to individual customers.

Tower, Guyed: Any telecommunications tower supported in whole or in part by cables anchored to the ground.

Tower, Monopole: A self-supporting telecommunications tower which consists of a single, vertical pole fixed into the ground or attached to a foundation.

Tower, Self-supporting Lattice: A telecommunications tower which consists of an open network of metal braces forming a tower usually triangular or square in cross section.

Tower, Telecommunications: A self-supporting lattice, monopole, or guyed structure more than 20 feet in height built primarily to support one or more telecommunications antennas.

Transmission Mains: Mains of large diameter used to transport water from treatment facilities to distribution areas.

Tree: A self-supporting woody plant having at least one well-defined trunk and normally attaining a mature height and spread of at least 12 feet and having a trunk that may, at maturity, be kept clear of leaves and branches to at least 7 feet above grade.

Tree, Canopy: A tree species designated as such in the Tree List in the Appendix to Section 7.3 of this UDC.

Tree, Understory: A tree species designated as such in the Tree List in the Appendix of this UDC.

Truck Stop With Overnight Accommodations: Any premise used for fueling, servicing, repairs, and storage of heavy load vehicles such as tractor-trailers, commercial dump trucks, and transit vehicles which may include facilities such as
restaurants, restrooms, coffee and gift shops, weighing facilities, and overnight accommodations.

**Trunk Force Main:** A wastewater line that is at least 8-inch diameter which conveys wastewater under pressure.

**Trunk Height:** For measuring palms, the distance from ground level to the beginning of the leaf stalk.

**Trunk Line:** A wastewater line of 18" diameter and larger which conveys wastewater.

**Trust Fund:** Funds held in trust by the City for developers to provide for a fair and equitable expansion of water, wastewater, and storm water infrastructure for new development.

**Utility:** See subparagraph 5.1.3.J and Subsection 5.2.6.

**Utility Master Plan:** An element of the Comprehensive Plan that addresses a specific service or City system, including but not limited to the water system, wastewater system or the Airport. Master Plans address the technical planning issues associated with service delivery.

**Variance:** A grant of relief to a person from the requirement of this Code when specific enforcement would result in unnecessary hardship. A variance, therefore, permits construction or development in a manner otherwise prohibited by this Code.

**Vehicle Service, Limited:** Minor repair or replacement of parts, tires, tubes, or batteries, diagnostic services; minor motor services such as grease, oil, spark plug, or filter changing; tune-ups; emergency road services; replacement of starters, alternators, hoses, belts, and points; brake or muffler repair, wheel alignment, automobile washing, automobile upholstery, window-tinting, state inspections and associated minor repairs; routine servicing of air-conditioning systems, or other similar minor repair services. Minor repairs do not include uses listed under “vehicle service, heavy.”

**Vehicle Service, Heavy:** General repair or overhaul of engines, air-conditioning systems, transmissions, or radiators for motor vehicles; repair of bodies, frames, or fenders, painting, undercoating, or rust-proofing; repair of heavy load vehicles such as, tractor trailers, commercial dump trucks, or transit vehicles; customizing; vehicle steam cleaning; and other similar uses. Major repairs do not include uses listed under “vehicle service, limited.”

**Vehicular Use Area:** All areas, regardless of surfacing, in which vehicles are parked, serviced, stored or through which they are driven, including drives, paved pads for vehicular or equipment storage, used and new car display areas, and service drives for gas stations.

**Vertical Axis Wind Energy Unit:** A wind energy unit that utilizes a generator and shaft that is positioned vertical (perpendicular) to the ground.

**Violation:** The failure of a structure or other development to be fully compliant with this Code, including the City’s floodplain management regulations. A structure or other
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development without the elevation certificate, other certifications, or other evidence of compliance required in section 60.3(b)(5), (c)(4), (c)(10), (d)(3), (e)(2), or (e)(5) of the National Flood Insurance Program regulations is presumed to be in violation until such time as that documentation is provided.

Visibility Triangle: An imaginary triangle located at the intersection of two public streets or at the intersection of a street and private driveway. At the intersection of two streets, the dimensions of the visibility triangle shall be as per the dimensions specified in Subsection 4.9.2. At the intersection of a street with a private driveway, the visibility triangle shall be formed by the intersection of the street boundary line and the pavement line of the driveway, with the hypotenuse (or third side of the triangle) connecting the street pavement line and the pavement line of the driveway at distances from their intersection equal to 20 feet along the driveway and 30 feet along the street pavement line.

Wastewater Trunk System Construction and Reimbursement Agreement: A trunk line construction and reimbursement agreement, trunk force main construction and reimbursement agreement or lift station construction and reimbursement agreement.

Wastewater Surcharge: A fee to be charged in addition to sanitary sewer tap fees to be paid when the sanitary sewer tap fee is paid. The current surcharge is published in the Development Services fee schedule, Article XII, Chapter 14, Code of Ordinances. (Ordinance 029376, 02/21/2012)

Water Surcharge: A fee to be charged in addition to tap fees for single-family or duplex utility connections to be paid when the tap fee is paid. The current surcharge is published in the Development Services fee schedule, Article XII, Chapter 14, Code of Ordinances. (Ordinance 029376, 02/21/2012)

Water Surface Elevation: The height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929 (or other datum, where specified), of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

Watercraft: A boat, hydrofoil, hovercraft, jet ski or similar vessel.

Wind Energy System: A wind energy conversion system or similar product consisting of a wind turbine, tower, and associated control or conversion electronics which will be used primarily to reduce on-site consumption of utility power.

Wind Energy Unit: A shaft, gearing belt, or coupling utilized to convert a rotating force into a form suitable for driving a generator, alternator, or other electricity-producing device, and the associated tower, pylon, or other supporting structure, and rotor blades or other devices. Wind energy units may consist of several units forming a wind energy system.

Wireless Telecommunications Facility: A telecommunication tower, antennas, and related equipment buildings, but the term also includes antennas and related equipment installed on roof tops.
**Xeriscape:** The conservation of water through common sense and creative landscaping including 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. More detailed information of Xeriscape techniques and recommended plant material shall be included in the Landscape Handbook.

**Yard:** An open space, other than a court, on a lot, unoccupied and unobstructed from the ground upward, except as otherwise provided in this Code.

**Yard, Rear:** A yard extending the full width of the lot between a principal building and the rear lot line, and measured perpendicular from the building to the closest point of the rear lot line. Where an alley exists, the depth of the rear yard may be considered to extend to the centerline of the alley.

**Yard, Side:** A yard extending from the street yard line to the rear yard line and measured from the principal structure to the closest point of the adjacent side lot line.

**Yard, Street:** A yard located between the front lot line and the existing or proposed building façade extending by imaginary lines from the outer corners of the building and parallel to the front lot line.

**Zoning District:** Any section of the City within which the zoning regulations are uniform.

**Zoning District Buffer Yard:** A specified land area, located parallel to and within the outer perimeter of a lot and extending to the lot line, together with the planting and landscaping required on the land. A zoning district buffer yard may also contain a barrier such as a berm or wall where additional screening is necessary to achieve the desired level of buffering between land use activities as identified in Section 7.9. A zoning district buffer yard is not intended to be identical to with the term "yard" or “setback” however a buffer yard and setback may overlap.
Article 2 Organizations and Officers

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Article 2. Unified Development Code Organizations and Officers

§ 2.1. General

2.1.1. This Article establishes permitting and review authority under the Unified Development Code. Specific requirements for each type of application or permit are described in Article 3.

2.1.2. Final actions made by the Assistant City Manager of Development Services shall be eligible for appeal to the Board of Adjustment in accordance with Section 3.27.

2.1.3. Final actions made by the Floodplain Administrator shall be eligible for appeal to the Building Code Board of Appeals in accordance with Section 3.26.

§ 2.2. City Council

2.2.1. Final Action

A. The following final action authority shall be assigned to the City Council under this Unified Development Code. Additional powers and duties may be assigned under other portions of the Municipal Code or by other non-codified ordinances as they may be amended from time to time.

B. The City Council shall hear and take final action on the following:

1. Unified Development Code text amendments;

2. Zoning Map amendments (Rezoning);

3. Historic Overlay zoning district or Landmark designations;

4. Planned Unit Developments;

5. Special Permits; and


2.2.2. Establishment, Membership and Procedure

Information regarding the establishment, membership and rules of procedure of the City Council is available in the City Charter and the Municipal Code.
§ 2.3. Planning Commission

2.3.1. Powers and Duties
The following powers and duties shall be assigned to the Planning Commission under this Unified Development Code. Additional powers and duties may be assigned under the City Charter and portions of the Municipal Code.

A. Review and Recommendation
The Planning Commission shall review and make a recommendation on the following development review procedures:

1. Unified Development Code text amendments;
2. Zoning Map amendments (Rezoning);
3. Planned Unit Developments;
4. Special Permits;
5. Capital Improvements Plan or Programs;
6. Proposed bond programs; and

B. Final Action
The Planning Commission shall take final action on the following development review procedures:

1. Master plats;
2. Preliminary plats;
3. Final plats;
4. Replat without vacations;
5. Dune protection permits in Kleberg County; and

C. Act As The Beach/Dune Committee
The Planning Commission shall act as the Beach/Dune Committee for dune protection permits in Kleberg County.
2.3.2. Establishment, Membership and Procedure

A. Information regarding the establishment, membership and rules of procedure of the Planning Commission is available in the City Charter and the Municipal Code.

B. Each member of the Planning Commission shall be required to undergo training provided by the City prior to serving on the Commission or at the beginning of service on the Commission. In addition, the entire Commission shall undergo training every two years.

C. All recommendations by the Planning Commission shall require an affirmative vote by a majority of the members present and voting, except as otherwise required in this Unified Development Code or by Texas law.

§ 2.4. Board of Adjustment

2.4.1. Establishment

A Board of Adjustment is established in accordance with and controlled by the provisions of Chapter 211 of the Texas Local Government Code. The Board of Adjustment may authorize in specific cases a variance from the terms of zoning provisions of this Code if the variance is not contrary to the public interest and, due to special conditions, literal enforcement would result in unnecessary hardship.

2.4.2. Final Action

The Board of Adjustment shall take final action on the following development review procedures:

A. Special Use Exceptions;

B. Variances; and

C. Appeals of administrative decision.

2.4.3. Membership

A. Number Appointed

The Board of Adjustment shall consist of five regular members and two alternate members.

B. Eligibility

Appointment of members shall be made by the City Council. Members shall be residents of the City for a minimum of 12 months and shall be eligible voters. Members shall not be permitted to be elected officials, and a member shall resign from office on the Board of Adjustment upon filing as a candidate.
for election to office. City and county employees shall not be members of the Board of Adjustment.

C. Terms
Terms of the Board of Adjustment shall be for two years. Members shall continue to serve until their successors are appointed. Vacancies in an unexpired term shall be filled by the City Council for the remainder of the term.

D. Training
Each member of the Board of Adjustment shall be required to undergo training provided by the City prior to serving on the Board. In addition, the entire Board shall undergo such training every two years.

2.4.4. Proceedings

A. Chair and Vice-Chair
The Chair of the Board of Adjustment shall be elected from the membership of the Board by a majority of the members. A Vice-Chair to serve in the Chair’s absence also shall be elected.

B. Meetings
Regular meetings of the Board shall be held the fourth Wednesday of each month unless otherwise stated. Meetings may be called upon request of the Chair, upon written request of three members or upon notice from the Assistant City Manager of Development Services that a matter requires the consideration of the Board. The Chair, or in his or her absence the Vice-Chair, may administer oaths and compel the attendance of witnesses. All meetings of the Board shall be open to the public.

C. Quorum and Vote Required
Four members shall constitute a quorum for the transaction of business and no decision shall be rendered without a concurring vote of a minimum of four members. Of the seven members, there shall be no more than five voting members. The two alternate members shall not be permitted to vote except when serving in the seat of an absent regular member.

D. Rules of Proceeding
The Board shall adopt its own rules of procedure, provided that such rules shall not conflict with laws applicable to the Board of any provisions of the City Charter.

E. Minutes
The Board shall keep minutes of its proceedings and records of its examinations and other official actions. All such meetings and records shall be immediately filed in the office of the Assistant City Manager of Development Services and shall be a public record.
§ 2.5. Building Code Board of Appeals

2.5.1. Establishment, Membership and Proceedings
Information on the establishment, membership and proceedings of the Building Code Board of appeals is contained in Sec. 14-226 of the Municipal Code.

2.5.2. Final Action
The Building Code Board of Appeals shall take final action on floodplain variances that are authorized in this Unified Development Code. The respective Technical Construction Code Boards shall hear requests to allow deviations from the Technical Construction Codes in designated flood hazard areas.

§ 2.6. Landmark Commission

2.6.1. Powers and Duties
The following powers and duties shall be assigned to the Landmark Commission under this Unified Development Code. Additional powers and duties may be assigned under other portions of the Municipal Code.

A. Review and Recommendation
The Landmark Commission shall review and make a recommendation on the following development review procedures:

1. Zoning Map Amendments involving property with a current or proposed Historic Overlay zoning district or Landmark designation; and

2. Historic Overlay zoning districts or Landmark designations.

B. Final Action
The Landmark Commission shall take final action on the following development review procedures:

1. Certificates of appropriateness; and

2. Certificates of appropriateness for demolition.

2.6.2. Establishment, Membership and Procedure
Information regarding the establishment, membership and rules of procedure of the Landmark Commission is available in the Municipal Code.

2.6.3. Training
Each member of the Landmark Commission shall be required to undergo training provided by the City prior to serving on the Landmark Commission. In addition, the entire Commission shall undergo such training every two years.
§ 2.7. Technical Review Committee

2.7.1. Establishment
A Technical Review Committee is established to provide necessary interdepartmental staff support for the coordinated and centralized technical review process for site plans, zoning applications that require site plans, various plat types and Planned Unit Developments. The members of the Technical Review Committee shall be composed of professional staff persons from various City departments which have an interest in the development review process.

2.7.2. Powers and Duties

A. Review and Recommendation
The Technical Review Committee shall review and make a recommendation on the following development review procedures:

1. Planned Unit Developments;
2. Special permits;
3. Master plats;
4. Final plats;
5. Minor amending or vacating plats;
6. Site plans;
7. Administrative relief for site plan applications that require or that are the subject of requests for administrative relief from zoning, plat, utilities, driveway, access management, or other engineering standards for which administrative relief is available by code; and
8. Special Use Exceptions.

B. Final Action
The Technical Review Committee shall take final action on the following development review procedures:

1. Site plans, except site plans for the construction of single-family and two-family dwellings on platted lots shall be reviewed by the Building Official or designee;
2. Final plats, preliminary plats, and master development plans for single family, two family, and townhouse subdivisions of 25 lots or less; and
3. Preliminary plats and master development plans for subdivisions and single lot plats.
2.7.3. Membership

A. Chair
The position of development review manager is created in the Department of Development Services which shall serve as chair of the Technical Review Committee and shall be responsible for all procedures, guidance, coordination, scheduling, and final actions of the Committee.

B. Other Members
In addition to the Chair, the Technical Review Committee shall be comprised of qualified professional staff from each of the departments and agencies which has an interest in the development review process and project managers assigned to coordinate project review and permitting by the Department of Development Services.

C. Project Managers
The position of project manager is hereby created within the Department of Development Services. There may be multiple project managers within the Department of Development Services as authorized by the Assistant City Manager of Development Services, and otherwise as may be approved and funded in the Department’s annual or revised budget. Project managers shall coordinate applications, processing of applications, and application schedules between the City and applicants for various development approvals. The development review manager and members of the Technical Review Committee shall regularly communicate with project managers and conduct coordinated review with them based upon the schedule and project processing requirements presented by the project managers to the Technical Review Committee. Project schedules and processing shall be generally consistent with published review procedures, compliant with all applicable codes, and may be amended as necessary to be consistent either with project needs and timetables, or City staff and review capabilities. When delay in a project schedule is likely or occurs, the project manager may intervene and set new deadlines, processing requirements and special meetings for the Technical Review Committee in order to maintain the project on schedule. Issues between project managers and Technical Review Committee members shall be immediately brought to the Assistant City Manager of Development Services by either the project manager or the development review manager and shall be resolved according to the directive of the Assistant City Manager of Development Services.

2.7.4. Proceedings
The Technical Review Committee shall meet as often as necessary to fulfill its duties or upon call of the Chair of the Committee to discuss and review the applications listed in Subsection 2.7.2. When a subsequent review is required, all comments from such review shall be made available to the applicant for a minimum of three business days prior to consideration by the subsequent review body. An electronic recording will be made of all meetings. The discussion of each application will be concluded by the development review manager with a listing of the conclusions reached and the findings and recommendations of the reviewers regarding the application. The meeting notes of each meeting shall be filed with the Assistant City Manager of Development Services, and will include
the record of the conclusions reached and the findings and recommendations of the Committee regarding each application. Review results for permit applications will be posted immediately by each Committee member on the Development Services electronic permitting system and as otherwise required by the development review manager or by the Assistant City Manager of Development Services.

§ 2.8. Assistant City Manager of Development Services

2.8.1. Powers and Duties
The following powers and duties shall be assigned to the Assistant City Manager of Development Services under this Unified Development Code. Additional powers and duties may be assigned under other portions of the Municipal Code and non-codified ordinances or by the City Manager.

A. Review and Recommendation
The Assistant City Manager of Development Services shall review and make recommendation on the following development review procedures:

1. Unified Development Code text amendments;
2. Zoning Map amendments (Rezoning);
3. Historic Overlay zoning districts or Landmark designations;
4. Minor, amending or vacating plats;
5. Site plan reviews;
6. Certificates of appropriateness;
7. Certificates of appropriateness for demolition;
8. Dune protection permits in Kleberg County;
9. Beachfront construction certificates;
10. Vested rights appeals; and
11. Comprehensive/Master Plans.

B. Final Action
The Assistant City Manager of Development Services shall take final action on the following development review procedures, subject to appeal to the Board of Adjustment.

1. Beachfront construction certificates (provided the standards in Subsection 3.14.3. are met);
2. Written Interpretations; and
3. Administrative Adjustments.

§ 2.9. **Building Official**

2.9.1. **Powers and Duties**
The following powers and duties shall be assigned to the Building Official under this Unified Development Code. Additional powers and duties may be assigned under other portions of the Municipal Code and non-codified ordinances or by the Assistant City Manager of Development Services.

A. **Review and Recommendations**
The Building Official shall review and make a recommendation on the following development review procedures:

1. Site plan reviews.

B. **Final Action**
The Building Official shall take final action on the following development review procedures, subject to appeal to the Board of Appeals.

1. Building and Technical Code permits;
2. Certificates of occupancy;
3. Sign building permits and other Technical Code permits;
4. Annually renewable sign permits; and
5. Temporary Use permits.

§ 2.10. **Assistant Director for Planning**

2.10.1. **Powers and Duties**
The following powers and duties may be assigned to the Assistant Director for Planning under this Unified Development Code. Additional powers and duties may be assigned under other portions of the Municipal Code and non-codified ordinances or by the Assistant City Manager of Development Services.

A. **Review and Recommendations**
The Assistant Director for Planning, upon assignment by the Assistant City Manager of Development Service, shall review and make a recommendation on the comprehensive plan, zoning and rezoning requests, text amendments, landscape plans and permits, and on such other items as may be assigned.
§ 2.11. Floodplain Administrator

2.11.1 Establishment

A. The Assistant City Manager of Development Services shall be appointed the Floodplain Administrator to administer and implement the applicable provisions of this Unified Development Code and other appropriate sections of Title 44 Code of Federal Regulations (National Flood Insurance Program Regulations) pertaining to floodplain management.

B. The Floodplain Administrator shall be assisted by the floodplain review committee consisting of three positions as follows:

1. Senior engineer with knowledge of subdivisions development, hydrology representing Development Services.

2. Development review manager or senior planner with knowledge of subdivision planning, platting, representing Development Services.

3. Engineer/inspector with knowledge of construction practices representing Engineering Services.

2.11.2. Powers and Duties

A. Review and Recommendation

The Floodplain Administrator shall review and make a recommendation on the following development review procedures:

1. Review building permit applications to determine whether the proposed building site, including the placement of Manufactured Homes, will be reasonably safe from flooding.

2. Review for proposed development to assure that all necessary permits have been obtained from those federal, state, or local governmental agencies (including section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 United States Code 1344) from which prior approval is required.

B. Final Action

The Floodplain Administrator shall take final action on the following development review procedures, subject to appeal to the Building Code or Board of Appeals.

1. Floodplain permits;

2. Interpretations of the exact location of the boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions); and
3. Determinations of the base flood elevation in those A zones on the Flood Insurance Rate Map for which no base flood elevation has been established.

C. **Other Duties**

In addition to the duties described in paragraphs A and B above, the Floodplain Administrator shall have the following duties:

1. Maintain and hold open for public inspection all records pertaining to the floodplain provisions of this Unified Development Code.

2. Notify in riverine situations, adjacent communities and the state coordinating agency which is the Texas Commission on Environmental Quality, prior to any alternation or relocation of a watercourse and submit evidence of such notification to the Federal Emergency Management Agency (FEMA).

3. Assure that flood-carrying capacity within the altered or relocated portion of any watercourse is maintained.

4. When base flood elevation data has not been provided in accordance with City requirements, the Floodplain Administrator shall obtain, review, and reasonably utilize any base flood elevation data and floodway data available from a federal, state, or other source, in order to administer the provisions of Section 7.8, Flood Hazard Reduction.

5. When a regulatory floodway has not been designated, the Floodplain Administrator may not allow new construction, substantial improvements, or other development (including fill) to be permitted within zones A1-30 and AE on the City’s (Flood Insurance Rate Map) FIRM, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than 1 foot on any point within the City.

6. Under the provisions of Title 44 Code of Federal Regulations, chapter 1, section 65.12 of the National Flood Insurance Program regulations, the Floodplain Administrator may approve certain development in zones A1-30, AE, AH, on the City’s FIRM, which increases the water surface elevation of the base flood by more than 1 foot, if the City first applies for a conditional FIRM revision through FEMA.

7. The Floodplain Administrator shall have right of entry and may stop work orders in accordance with the following provisions:

   a. Whenever necessary to make an inspection to enforce any of the provisions of this Code, or whenever the Floodplain Administrator, has reasonable cause to believe that there exists in any building or upon any premises any condition or code violation, that makes such building or premises unsafe, dangerous or hazardous, the Floodplain Administrator, may:
Article 2: Organizations and Officers

i. Enter such building or premises at all reasonable times to inspect the same or to perform any duty imposed the Floodplain Administrator by this Unified Development Code.

ii. If the building or premises is occupied, the Floodplain Administrator shall first present proper credentials and request entry.

iii. If the building or premises is unoccupied, the Floodplain Administrator shall first make a reasonable effort to locate the owner or other persons having charge or control of the building or premises and request entry.

iv. If entry is refused, the Floodplain Administrator has recourse to every remedy provided by law to secure entry.

b. When the Floodplain Administrator has first obtained a proper inspection warrant or other remedy provided by law to secure entry, no owner or occupant or any other persons having charge, care, or control of any building or premises may fail or neglect, after proper request is made, to promptly permit entry by the Floodplain Administrator for the purpose of inspection and examination under this Code.

c. Upon notice from the Floodplain Administrator that work on any building, structure, dike, bridge or any improvement that would affect water drainage is being done contrary to the provisions of this Unified Development Code or in a dangerous or unsafe manner, the work shall be stopped immediately.

d. Any notice to stop work shall be in writing and be given to the owner of the property, or to the owner's agent, or the person doing the work, and shall state the conditions under which work may be resumed.

e. When an emergency exists, no written notice is required to be given by the Floodplain Administrator, but written notice must follow within 24 hours from the time oral notice to stop work is issued.

f. The Floodplain Administrator shall maintain a record of all actions involving an appeal and shall report floodplain variances to FEMA upon request.

§ 2.12. Summary of Review Authority

The following table summarizes the powers and duties established in this Article.
### Article 2: Organizations and Officers

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R = Review or Recommendation  
D = Decision  
P = Public Hearing Required  
D* = Provided standards in 3.14.3 are met  
** = Planning Commission acts as Beach/Dune Committee for Kleberg County beach areas  
*** H For property with a current or proposed Historic Overlay zoning district or Landmark designation

#### Note: Nueces County has authority to approve Dune Permits in Nueces County. Corpus Christi has the authority to approve Dune Permits in Kleberg County.
## Article 3. Development Review Procedures

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<td>§ 3.5 Planned Unit Development</td>
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<td>§ 3.10 Minor, Amending or Vacating Plat Review</td>
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<td>§ 3.11 Replat Without Vacation</td>
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<td>§ 3.12 Special Use Exception</td>
<td>92</td>
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<td>§ 3.13 Dune Protection Permit</td>
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<td>§ 3.14 Beachfront Construction Certificate</td>
<td>100</td>
</tr>
<tr>
<td>§ 3.15 Certificate of Appropriateness</td>
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</tr>
<tr>
<td>§ 3.16 Certificate of Appropriateness for Demolition</td>
<td>109</td>
</tr>
<tr>
<td>§ 3.17 Site Plan Review</td>
<td>112</td>
</tr>
<tr>
<td>§ 3.18 Building Permit</td>
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<td>§ 3.23 Written Interpretation</td>
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<td>§ 3.24 Administrative Adjustment</td>
<td>120</td>
</tr>
<tr>
<td>§ 3.25 Variance</td>
<td>121</td>
</tr>
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<td>§ 3.26 Floodplain Variance</td>
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</tr>
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<td>§ 3.27 Appeal of Administrative Decision</td>
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</tr>
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<td>§ 3.28 Alternative Dispute Resolution</td>
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<td>§ 3.29 Traffic Impact Analysis</td>
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</tr>
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<td>§ 3.30 Optional Developer Guarantees</td>
<td>134</td>
</tr>
</tbody>
</table>
Article 3. Development Review Procedures

§ 3.1 Common Review Procedures

3.1.1. Conformity with Development Regulations
Every official and employee with the City vested with the authority to issue a development approval under this Unified Development Code may not issue a development approval for any use, building or purpose that conflicts with any provision of this Unified Development Code. Any development approval issued in conflict with the provisions of this Unified Development Code shall be null and void.

3.1.2. Applicability of Procedures
The following table establishes:

A. The development applications that each apply in the City and its ETJ; and

B. The decision category for each development review procedure.

<table>
<thead>
<tr>
<th>Legislative Decisions</th>
<th>City Limits</th>
<th>ETJ</th>
</tr>
</thead>
<tbody>
<tr>
<td>UDC Text Amendment</td>
<td>√</td>
<td>√</td>
</tr>
<tr>
<td>Zoning Map Amendment (Rezoning)</td>
<td>√</td>
<td></td>
</tr>
<tr>
<td>Historic Overlay Zoning District Designation</td>
<td>√</td>
<td></td>
</tr>
<tr>
<td>Planned Unit Development</td>
<td>√</td>
<td></td>
</tr>
<tr>
<td>Special Permit</td>
<td>√</td>
<td></td>
</tr>
<tr>
<td>Vested Rights Appeal</td>
<td>√</td>
<td>√</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Quasi-Judicial Decisions</th>
<th>City Limits</th>
<th>ETJ</th>
</tr>
</thead>
<tbody>
<tr>
<td>Subdivision Plat Review</td>
<td>√</td>
<td>√</td>
</tr>
<tr>
<td>Replat Without Vacation</td>
<td>√</td>
<td>√</td>
</tr>
<tr>
<td>Special Use Exception</td>
<td>√</td>
<td>√</td>
</tr>
<tr>
<td>Dune Protection Permit (Planning Commission Final Action)</td>
<td>√</td>
<td>√</td>
</tr>
<tr>
<td>Variance and Floodplain Variance</td>
<td>√</td>
<td></td>
</tr>
<tr>
<td>Appeal of Administrative Decision</td>
<td>√</td>
<td>√</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Administrative Decisions</th>
<th>City Limits</th>
<th>ETJ</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minor, Amending or Vacating Plat Review</td>
<td>√</td>
<td>√</td>
</tr>
<tr>
<td>Dune Protection Permit (Asst. City Manager of Dev. Svcs. Final Action)</td>
<td>√</td>
<td>√</td>
</tr>
<tr>
<td>Beachfront Construction Certificate</td>
<td>√</td>
<td>√</td>
</tr>
<tr>
<td>Certificate of Appropriateness</td>
<td>√</td>
<td></td>
</tr>
<tr>
<td>Certificate of Appropriateness for Demolition</td>
<td>√</td>
<td></td>
</tr>
<tr>
<td>Site Plan Review</td>
<td>√</td>
<td></td>
</tr>
<tr>
<td>Building Permit</td>
<td>√</td>
<td></td>
</tr>
<tr>
<td>Certificate of Occupancy</td>
<td>√</td>
<td></td>
</tr>
<tr>
<td>Sign Permit</td>
<td>√</td>
<td>√</td>
</tr>
<tr>
<td>Temporary Use Permit</td>
<td>√</td>
<td></td>
</tr>
<tr>
<td>Written Interpretation</td>
<td>√</td>
<td>√</td>
</tr>
<tr>
<td>Administrative Adjustment</td>
<td>√</td>
<td>√</td>
</tr>
</tbody>
</table>
3.1.3. **Categories of Decision**

A. **Legislative**
Legislative decisions are those which establish or change regulations governing the use of development of land. Legislative decisions may be based upon general considerations of fostering and preserving the public health, safety and general welfare, including the City’s fiscal well-being, and are characterized by the exercise of broad discretion.

B. **Quasi-Judicial**
Quasi-judicial decisions are those in which policies and regulations contained in the Comprehensive Plan, Utility Master Plans and this Unified Development Code are applied to specific development applications. Quasi-judicial decisions require the exercise of considerable discretion and may involve fact-finding or the imposition of conditions.

C. **Administrative**
Administrative decisions are those in which policies and regulations contained in Comprehensive Plan, Utility Master Plans and this Unified Development Code are applied to specific development applications. Administrative decisions may require the exercise of limited discretion.

3.1.4. **Sequence of Development Approval**

A. Where more than one development application is required by this Unified Development Code in order to initiate or continue development of land, the requests or applications shall be decided in the following general sequence:

1. Final action shall be taken on applications classified as legislative prior to all other applications.

2. Final action shall be taken on applications classified as quasi-judicial prior to applications classified as administrative.

3. Applications within a class which are assigned priority under this UDC shall be decided prior to subordinate applications.

B. When a development application is submitted that is assigned priority over an approved development application that remains in effect, and there is a conflict or inconsistency between the priority application and the approved subordinate application, the applicant for the priority application shall submit an unconditional written statement acknowledging that, upon approval of the priority application, all approvals of inconsistent subordinate applications shall be vacated, and the applicant shall be required to resubmit the subordinate applications for amendment consistent with the approved priority application. Failure to submit this statement shall result in denial of the priority application. If the inconsistency between the priority application and the subordinate application is not discovered until after the priority application is approved, the inconsistency shall constitute grounds for revocation of approval of the priority application upon discovery.
3.1.5. **Pre-application Conference**

A. A pre-application conference through the Development Services Early Assistance Program is recommended for all applicants seeking development approval.

B. A mandatory pre-application conference shall be required for the following applications:

1. Zoning Map amendments;
2. Planned Unit Developments;
3. Special permits;
4. Preliminary plats;
5. Dune protection permits;
6. Site plans;
7. Floodplain permits; and
8. Floodplain variances.

C. Pre-application conferences may be combined for simultaneous application for the same project.

D. Pre-application conferences are for the exchange of information regarding application requirements and processes, to establish points of contact and processing procedures, and to initiate the project management process in the Department of Development Services. No statements made at any pre-application conference may be regarded as an affirmative approval of all or part of any application or override later determinations made through the deliberative processes of application review.

E. Outcomes of the pre-application conference shall not preclude any negative final action and shall not include any implied determination that the application will successfully meet any review criteria.
3.1.6. Application Requirements

3.1.6.A. Application Initiation

1. Development applications may be initiated according to the following table.

<table>
<thead>
<tr>
<th>Procedure</th>
<th>Property Owner or Designee</th>
<th>Floodplain Administrator</th>
<th>Assistant City Manager of Dev. Services</th>
<th>Landmark Commission</th>
<th>Building Code Board of Appeals</th>
<th>Board of Adjustment</th>
<th>Planning Commission</th>
<th>City Council</th>
</tr>
</thead>
<tbody>
<tr>
<td>UDC Text Amendment</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
</tr>
<tr>
<td>Zoning Map Amendment (Rezoning)</td>
<td>✓</td>
<td>✓</td>
<td></td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Historic Overlay district or Landmark Designation</td>
<td>✓</td>
<td>✓</td>
<td></td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td></td>
<td></td>
</tr>
<tr>
<td>All other review procedures described in this Article</td>
<td>✓</td>
<td>✓</td>
<td></td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td></td>
<td>✓</td>
</tr>
</tbody>
</table>

✓ = Entity may initiate application

3.1.6.B. Forms

Development applications required under this Unified Development Code shall be submitted on forms and in such numbers as required by the Assistant City Manager of Development Services.

3.1.6.C. Fees

1. Development review application fees are published in the Development Services fee schedule, Chapter 14 of the Municipal Code, as it may be amended from time to time.

2. An applicant submitting an application shall be required to pay in advance the applicable filing fee.

3. All development applications and fees shall be filed with the Assistant City Manager of Development Services.

4. Upon payment of the required fee, copies of the application shall be referred to the appropriate reviewing entities.

5. An applicant who has paid the appropriate fee pursuant to the submission of an application, but who chooses to withdraw such application prior to its determination of completeness, shall be entitled to a refund of the total amount paid upon written request to the Assistant City Manager of Development Services.

3.1.6.D. Application Check-In Conference

The applicant shall attend a short check-in conference at the time of application submittal. The conference allows a member of Development Services staff to confirm that the appropriate application materials have been
submitted in sufficient quantities for review. Where an application lacks any required materials, the application shall not be accepted for further completeness or other review.

3.1.6.E. **Application Completeness Review**

1. A determination of whether a development application is complete shall be made by the Assistant City Manager of Development Services no more than five business days after submittal of the application.

2. An application that contains all of the information necessary to decide whether or not the development as proposed will comply with all of the requirements of this Unified Development Code shall be deemed complete.

3. If an application is determined not to be complete, the Assistant City Manager of Development Services shall notify the applicant in writing within ten business days of the initial application. The notification shall list all missing or incomplete items and provide at least ten business days for the applicant to resubmit the material. The applicant may request an additional meeting for explanation of the missing or incomplete items. If the application is not resubmitted within the period specified, the application shall be deemed rejected and shall not be accepted for filing. After an application has been rejected, a new application and fee shall be required.

4. A determination of completeness does not preclude any negative final action and does not include any implied determination that the application successfully meets any review criteria or that during review additional clarification or information will not be needed.

5. Any time an incomplete application is erroneously deemed complete and later determined to be incomplete, the application shall be rejected and subparagraph 3.1.6.E.3 above shall apply.

3.1.6.F. **Concurrent Submittal**

1. A site plan review application shall be concurrently submitted with a special permit or a special use exception application in accordance with [Section 3.6.2](#) and [Subsection 3.12.2](#).

2. All other development applications may be filed and reviewed simultaneously, at the option of the applicant. Any application that also requires a variance shall not be processed for final approval until the variance has been granted.

3. Applications submitted simultaneously are subject to the approval of all other related applications in accordance with [Subsection 3.1.4](#). Denial or disapproval of any concurrently submitted application shall
stop consideration of any related applications until the denied or disapproved application is resolved.

3.1.7. **Public Notice Requirements**

A. **Summary of Public Notice Required**
Notice shall be required as shown in the table below.

<table>
<thead>
<tr>
<th>Procedure</th>
<th>Published</th>
<th>Posted</th>
<th>Mailed</th>
</tr>
</thead>
<tbody>
<tr>
<td>UDC Text Amendment</td>
<td>✔</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Zoning Map Amendment (Rezoning)</td>
<td>✔</td>
<td>✔</td>
<td>✔</td>
</tr>
<tr>
<td>Area-wide Zoning Map Amendment (Rezoning)</td>
<td>✔</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Historic Overlay District Designation</td>
<td>✔</td>
<td>✔</td>
<td>✔</td>
</tr>
<tr>
<td>Planned Unit Development</td>
<td>✔</td>
<td>✔</td>
<td>✔</td>
</tr>
<tr>
<td>Special Permit</td>
<td>✔</td>
<td>✔</td>
<td>✔</td>
</tr>
<tr>
<td>Special Use Exception</td>
<td>✔</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Dune Protection Permit</td>
<td>✔</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Beachfront Construction Certificate</td>
<td>✔</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Certificate of Appropriateness for Demolition (For Historic Districts)</td>
<td>✔</td>
<td>✔</td>
<td></td>
</tr>
<tr>
<td>Variance (For Zoning Board of Adjustments)</td>
<td>✔</td>
<td>✔</td>
<td></td>
</tr>
<tr>
<td>Replat Without Vacation</td>
<td>✔</td>
<td>✔</td>
<td></td>
</tr>
</tbody>
</table>

✓ = Public notice required

(Ordinance 029376, 02/21/2012)

B. **Replat Without Vacation**
A replat without vacation shall require public notice as mandated by Section 212.015 of the Texas Local Government Code.

C. **All Other Procedures**
Notice for all procedures identified in the chart in paragraph 3.1.7.A above, excluding a replat without vacation, shall comply with the following:

1. **Published Notice**
   a. For review procedures requiring published notice, such notice shall be printed at least once in a local newspaper of general circulation within the City prior to the final public hearing. (Ordinance 029770, 03/19/2013)
   b. The notice shall be published before the 15th day before the date of the public hearing.
   c. The notice for the Board of Adjustment shall be published before the 7th day of the public hearing as in accordance with the established by-laws of the board. (Ordinance 029376, 02/21/2012)

2. **Posted Notice**
a. For review procedures requiring posted notice, a sign shall be posted on the subject property or at a point visible from the nearest public right-of-way after obtaining permission from the City, according to the following standards:

i. One sign shall be required for tracts with less than 300 feet of street frontage on each such street frontage.

ii. For tracts with greater than 300 feet of street frontage, one sign shall be required at each interval of 1,000 feet on each such street frontage.

iii. The total number of signs shall not be required to exceed a total of four signs per street frontage.

b. Signs shall be posted prior to the 14th day in advance of the public hearing at which the application will be reviewed. The sign shall be posted on the property or at a point visible from the nearest public right-of-way. Signs shall not be posted on public right-of-way unless there is no public street frontage.

c. The sign shall be a minimum of 3 square feet in area and 18 inches in height.

d. The applicant shall be responsible for posting and maintaining the sign and for removing the sign within five days following the public hearing on the application

3. Mailed Notice
For review procedures requiring mailed notice, a notice of public hearing shall be sent by United States mail to owners of record of property within 200 feet of the property under consideration, as determined by the most recent tax roll information from the appropriate Appraisal District. The notice shall be deposited in the mail before the 10th day before the public hearing date.

4. Content of Notice
a. Published or Mailed Notice
Published or mailed notices shall contain at least the following information:

i. The general location of land that is the subject of the application. A location map shall be included in the mailed notice but not in the published notice. (Ordinance 029770, 03/19/2013)

ii. The legal description or street address;

iii. A description of the action requested including, where applicable, a general description of the proposed
development including the size of each element of the proposed development;

iv. The time, date and location of the public hearing;

v. A phone number to contact the Development Services office; and

vi. A statement that interested parties may appear at the public hearing.

b. **Posted Notice**
   Posted notices shall contain at least the following specific information:
   
   i. Type of application;
   
   ii. The time, date and location of the public hearing;
   
   iii. A phone number to contact the Development Services office; and
   
   iv. A statement that interested parties may appear at the public hearing
3.1.8. **Public Hearing Requirements**

**A. Summary of Hearings**

A public hearing shall be required for development review procedures as shown in the table below:

<table>
<thead>
<tr>
<th>Procedure</th>
<th>Landmark Comm.</th>
<th>Building Code Board of Appeals</th>
<th>Board of Adjustment</th>
<th>Planning Commission</th>
<th>City Council</th>
</tr>
</thead>
<tbody>
<tr>
<td>UDC Text Amendment</td>
<td></td>
<td></td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
</tr>
<tr>
<td>Zoning Map Amendment (Rezoning)</td>
<td></td>
<td></td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
</tr>
<tr>
<td>Area-wide Zoning Map Amendment (Rezoning)</td>
<td>✓</td>
<td></td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
</tr>
<tr>
<td>Historic Overlay District Designation</td>
<td>✓</td>
<td></td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
</tr>
<tr>
<td>Planned Unit Development</td>
<td>✓</td>
<td></td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
</tr>
<tr>
<td>Special Permit</td>
<td>✓</td>
<td></td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
</tr>
<tr>
<td>Special Use Exception</td>
<td></td>
<td></td>
<td>✓</td>
<td></td>
<td>✓</td>
</tr>
<tr>
<td>Dune Protection Permit (Kleberg County)</td>
<td></td>
<td></td>
<td>✓</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Beachfront Construction Certificate</td>
<td></td>
<td></td>
<td>✓</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Certificate of Appropriateness for Demolition</td>
<td>✓</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Variance</td>
<td></td>
<td></td>
<td>✓</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Floodplain Variance</td>
<td></td>
<td></td>
<td>✓</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Appeal of Administrative Decision</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>✓</td>
</tr>
</tbody>
</table>

✓ = Hearing required
*
*Requires joint hearing

**B. Modification of Application at Public Hearing**

1. With the exception of the change in application provision for Zoning Map amendments in Subsection 3.3.2, the applicant may agree to modify the application, including the plans and specifications submitted, in response to questions or comments by persons appearing at the public hearing or to suggestions or recommendations by the development review body holding the public hearing.

2. Unless such modifications are so substantial that the development review body cannot reasonably be expected to perceive the nature and impact of the proposed changes without revised application materials before it, the review body may approve the application with the stipulation that the development approval will not be issued until materials reflecting the agreed upon changes are submitted to the Assistant City Manager of Development Services. No application may proceed until the revisions have been made.

*Corpus Christi Unified Development Code*
3. Where deemed appropriate by the affected final decision-making body, modifications may be referred back to the recommending body for review prior to further consideration. The final decision-making body shall choose one of the following options:

a. Continue the hearing to a certain new date and time in accordance with the provisions below; or

b. Close the hearing and re-notify the public of any future hearing in accordance Subsection 3.1.7 above.

4. See Article 2 for authority of the development review bodies.

C. Continuing the Hearing
A public hearing may be continued without additional public notification, provided that the motion to continue such hearing, made in open session, specifies the date and time when the hearing will be continued.

3.1.9. Corrected Applications
For any development review application approved with conditions, the applicant shall submit the corrected application addressing any comments or conditions made as part of the approval process to the Assistant City Manager of Development Services.

3.1.10. Appeals

A. Administrative Decisions
With the exception of decisions on building permits, certificates of occupancy and floodplain permits, any person aggrieved by the decision of an administrative official regarding the provisions of this Unified Development Code may appeal to the Board of Adjustment in accordance with Section 3.27. Any applicant who disagrees with any final agency determinations in the form of written interpretations of this Code by a duly authorized administrative official is required to appeal the interpretation to the appropriate board designated to hear such appeals before seeking other relief. Any party who disagrees with any staff interpretation of this Code or of the Building and Technical Construction Codes is required to obtain a written interpretation from the administrative official authorized to interpret the code in question prior to taking any other action. Absent a ruling on an appeal that overturns the staff interpretation, the staff interpretation shall stand in force until such time as it is amended by formal written determination of an official authorized to interpret the applicable Code provision or by a Code amendment. The process for making formal written determinations and the requirement for properly and timely filing appeals by aggrieved parties shall be vigorously enforced and supported within the City government.

B. Quasi-Judicial and Legislative Decisions
Any party aggrieved by a decision of the Landmark Commission, Board of Adjustment, Building Code Board of Appeals, Planning Commission or City Council may appeal to a court of competent jurisdiction.
C. **Construction**
   Any Party aggrieved by a decision on matters regulated in one of the criteria manuals found in an Appendix of this Unified Development Code by a decision related to construction plans as provided in **Subsection 3.8.4**, may appeal to the Building Code Board of Appeals in accordance with Sec. 14-226 of the Municipal Code as it may be amended from time to time.

3.1.11. **Revocation of Permit or Approval**
   A development review body may revoke a permit or approval, issued under the provisions of this Unified Development Code, in any case when there has been any false statement or misrepresentation as to a material fact in the application or plans on which the permit or approval was based or whenever the permit or approval was issued in error.

§ 3.2 **Unified Development Code Text Amendments**

3.2.1. Amendments to the text of this Unified Development Code may be made from time to time in order to:

   A. Establish and maintain sound, stable and desirable development within the City or ETJ

   B. Correct errors in the text; or

   C. Adjust the text of the Unified Development Code to changing conditions in a particular area or in the City generally.

3.2.2. **Review Process**

   A. **Initiation**
      Any text amendment may be initiated by staff or by a member of the public.

   B. **Staff Review**
      The Assistant City Manager of Development Services shall review the amendment and, considering the review criteria in **Subsection 3.2.3**, make a recommendation to the Planning Commission and City Council. Staff shall maintain a list of pending text amendments and report to the Planning Commission on the status of staff review.

   C. **Planning Commission Review**
      Following notice in accordance with **Subsection 3.1.7**, the Planning Commission shall hold a public hearing and make a recommendation to the City Council.

   D. **City Council Final Action**
      Following notice in accordance with **Subsection 3.1.7**, the City Council shall hold a public hearing and approve, approve with modifications, or deny the Unified Development Code text amendment.
3.2.3. Review Criteria
In determining whether to approve, approve with modifications, or deny a proposed Unified Development Code text amendment, the applicable review bodies shall consider the following criteria:

A. The amendment promotes the purpose of this Unified Development Code as established in Section 1.2.

B. The amendment is consistent with the Comprehensive Plan.

C. The amendment is consistent with other codes and ordinances adopted by the City and is otherwise internally consistent with other provisions of this Unified Development Code, or that any provisions with which the amendment is or may be inconsistent also are proposed to be modified. The effects of all such modifications shall meet the above criteria, promote the public health, safety, and welfare, and be consistent with any applicable federal and state requirements.

D. The fiscal impact on the City and the effect on taxpayers and ratepayers of the proposed amendment.

§ 3.3 Zoning Map Amendment (Rezoning)

3.3.1. Applicability
For the purpose of establishing and maintaining sound, stable and desirable development within the City, the Zoning Map may be amended:

A. To rezone an area;

B. To extend the boundary of an existing zoning district; or

C. Based upon changing conditions in a particular area or in the City generally.

3.3.2 Change in Application
Following the giving of public notice of an application for a Zoning Map amendment, the applicant shall not be permitted to amend the application either by increasing the area of the request or requesting a more intense zoning district than originally advertised.

3.3.3. Review Process
The Assistant City Manager of Development Services shall review the application and, considering the review criteria in Subsection 3.3.5, make a recommendation to the Planning Commission and City Council.

A. Landmark Commission Review
Article 3: Development Review Procedures

1. Following notice in accordance with Subsection 3.1.7, the Landmark Commission shall hold a public hearing and make a recommendation to the City Council for every Zoning Map amendment application involving property with a current or proposed historic overlay zoning district or landmark designation. The Landmark Commission shall base its recommendation to the City Council on the relationship of the proposed designation to the Preservation Plan.

2. The Landmark Commission may propose such conditions concerning the proposed designation as it deems necessary in making the recommendation.

B. Planning Commission Review

1. Following notice in accordance with Subsection 3.1.7, the Planning Commission shall hold a public hearing and make a recommendation to the City Council.

2. The Planning Commission shall hold a public hearing on a Zoning Map amendment within 45 days from the date the application is deemed complete.

3. The Planning Commission shall make a recommendation on all Zoning Map amendment applications within six months from the date of the initial Planning Commission public hearing. No zoning case may be tabled without the consent of the applicant for more than two consecutive meetings.

4. In the event an agreement on a recommendation cannot be reached by a majority of the Planning Commission present and voting or if the Planning Commission fails to take action on an application within the time limits prescribed in subparagraphs 3.3.B.2 and 3.3.B.3 above, the proposed amendment shall be forwarded to the City Council with a recommendation of denial.

C. City Council Final Action

1. Following notice in accordance with Subsection 3.1.7, the City Council shall hold a public hearing and approve, approve with conditions, or deny the Zoning Map amendment. If a proposed amendment has been recommended for disapproval by the Planning Commission or when the action taken by the City Council regarding a special permit is less restrictive as to use or density than the recommendation of the Planning Commission, then the amendment shall not become effective except by a favorable vote of at least three-fourths of all members of the City Council. (Ordinance 029770, 03/19/2013; Ordinance 030147, 04/08/2014)
2. The City Council shall take final action on the Zoning Map amendment within six months from the date the recommendation of the Planning Commission is made. In the event the City Council shall fail to act within six months, such proposed Zoning Map amendment shall be deemed in all things denied. (Ordinance 030147, 04/08/2014)

3.3.4. Protest

A. Any protest against an action under Subsection 3.3.2 shall be filed with the City Secretary and shall be duly signed by a minimum of 20% of the owners of the land included in the proposed Zoning Map amendment. Signatures that count toward the 20% requirement may be accepted from owners of or the lots or land immediately adjoining the same area to be rezoned and extending 200 feet there from its boundaries.

B. If a valid protest is filed such change shall not become effective except by a favorable vote of three-fourths of all the City Council.

3.3.5. Review Criteria

In determining whether to approve, approve with conditions or deny a Zoning Map amendment, the applicable review bodies shall consider the following criteria:

A. The Zoning Map amendments are consistent with the Comprehensive Plan.

B. The amendment is compatible with the present zoning and conforming uses of nearby property and to the character of the surrounding area.

C. The property to be rezoned is suitable for uses permitted by the zoning district that would be applied by the proposed amendment.

D. The Zoning Map amendment does not have a negative impact upon the surrounding neighborhood.

3.3.6. Limit on Re-filing

A. Any modification proposed by the applicant to the original Zoning Map amendment application shall be treated as a completely new request requiring the preparation and submission of a new application.

B. If an applicant withdraws the application after the Planning Commission has held a public hearing and made a recommendation on the application, no further applications for rezoning all or part of the property to the same district may be submitted for 12 months from the date of the recommendation unless a waiver is granted as provided in paragraph 3.3.6.D below.

C. If the City Council denies the request for a Zoning Map amendment, no further applications for rezoning all or part of the property to the same district may be considered for that property for 12 months from the date of the final decision unless a waiver is granted as provided in paragraph 3.3.6.D below.
D. The applicant may request that the Planning Commission waive the requirement under paragraph 3.3.6.B above or that the City Council waive the requirement under paragraph 3.3.6.C above upon a finding of changed conditions or significant new information. A City-initiated Zoning Map amendment application shall not be limited by this waiting period.

E. If the waiver is granted, and the applicant files a Zoning Map amendment application before the expiration of the above waiting period, the application fee shall be 150% of the standard application fee.

3.3.7. Large Area Zoning Map Amendments
For zoning map amendments affecting more than ten parcels of property, the City Council may, by a two-thirds vote, prescribe the type of notice to be given of the time and place of a public hearing held jointly by the City Council and Planning Commission. If notice requirements are prescribed under this Subsection, the notice requirements prescribed by Subsection 3.1.7 do not apply.

§ 3.4 Historic Overlay District or Landmark Designation

3.4.1. Applicability

A. The Landmark Commission may recommend and the City Council may approve the expansion of an historic overlay zoning district of the application of such zoning district to a new area in accordance with this Section.

B. The Landmark Commission may recommend and the City Council may approve the designation of a landmark if the Landmark Commission finds that the proposed landmark merits such designation according to this Section.

3.4.2. Review Process

3.4.2.A. Staff Review

1. The Assistant City Manager of Development Services shall notify the owner of such property of the proposed designation and shall secure an affidavit from the owner if required, stating his or her consent to the proposed designation.

2. The Assistant City Manager of Development Services shall review the application and, considering the review criteria in Subsection 3.4.3, make a recommendation to the Landmark Commission and City Council.

3.4.2.B. Landmark Commission Review

1. Following notice in accordance with Subsection 3.1.7, the Landmark Commission shall hold a public hearing and make a recommendation to the City Council.
2. The Landmark Commission shall hold a public hearing on a historic overlay zoning district or landmark designation within 45 days from the date the application is deemed complete.

3. The Landmark Commission shall make a recommendation on all historic overlay zoning district or landmark designation applications within six months from the date of the initial Planning Commission public hearing.

4. In the event an agreement on a recommendation cannot be reached by a majority or the Landmark Commission fails to take action on an application within the time limits prescribed in subparagraphs 3.4.2.B.2 and 3.4.2.B.3 above, the proposed amendment shall be forwarded to the City Council with a recommendation of denial.

3.4.2.C. Planning Commission Review

1. Following notice in accordance with Subsection 3.1.7, the Planning Commission shall hold a public hearing and make a recommendation to the City Council.

2. The Planning Commission shall hold a public hearing on the historic overlay zoning district or landmark designation within 45 days from the date the application is deemed complete.

3. The Planning Commission shall make a recommendation on all historic overlay zoning district or landmark designation applications within six months from the date of the initial Planning Commission public hearing.

4. In the event an agreement on a recommendation cannot be reached by a majority of the Planning Commission present and voting or if the Planning Commission fails to take action on an application within the time limits prescribed in paragraphs 3.4.2.C.2 and 3.4.2.C.3 above, the application shall be forwarded to the City Council with a recommendation of denial.

3.4.2.D. City Council Final Action

1. Following notice in accordance with Subsection 3.1.7, the City Council shall hold a public hearing and approve, approve with conditions, or deny the historic overlay zoning district or landmark designation. If a proposed district or landmark has been recommended for disapproval by the Planning Commission, the designation shall not become effective except by a three-fourths vote of all members of the City Council.

2. The City Council shall take final action on the historic overlay zoning district or landmark designation within six months from the date the recommendation of the Landmark Commission is made. In the event
the City Council shall fail to act within six months, designation shall be denied. (Ordinance 030147, 04/08/2014)

3. Classifications as a Landmark shall be in accordance with the permissible restrictions contained in Section 6.3.

3.4.2.E. Removal or Amendment of Designation
The designation of an historic overlay zoning district or landmark may be amended or removed using the same procedure provided by this Section for its designation. Whenever a designated landmark or a contributing structure in a historic overlay zoning district has been demolished, removed, or altered in whole or in part, the Landmark Commission shall recommend to the City Council whether the designation should be retained or removed.

3.4.3. Review Criteria

A. In addition to the Zoning Map amendment criteria in Subsection 3.3.5, in determining whether to approve, approve with conditions, or deny the historic overlay or landmark designation, the applicable review bodies shall consider the following criteria:

1. The property has received prior recognition as a Registered Texas Landmark, a national historic Landmark or as an entry in the National Register of Historic Places.

2. The property has character, interest or value as part of the development, heritage or cultural characteristics of the City, State of Texas or the United States.

3. The property is the site of significant historic event.

4. Its identification with a person who significantly contributed to the culture and development of the City.

5. The property exemplifies the cultural, economic, social or historic heritage of the City.

6. The property portrays the environment of a group of people in an era of history characterized by a distinctive architectural style.

7. The property embodies distinguishing characteristics of an architectural type or specimen.

8. The property may be classified as the work of an architect or master builder whose individual work has influenced the development of the City.

9. The property embodies elements of architectural design, detail, materials or craftsmanship which represent a significant architectural innovation.
10. The property is related to other distinctive areas which are eligible for 
preservation according to a plan based on a historic, cultural or 
architectural motif.

11. The property has a unique location or singular physical characteristic 
representing an established and familiar visual feature of a 
neighborhood, community of the City.

12. The property has archeological value in that it has produced or can be 
expected to produce artifacts affecting historic or prehistoric study.

B. In consideration of any of the foregoing criteria, designation as a historic 
overlay or landmark shall not be precluded because of subsequent cladding 
of the original façade or object providing that damage done by work is 
minimal and that the building is virtually intact beneath.

§ 3.5 Planned Unit Development

3.5.1. Applicability and Limitations
A planned unit development may be used to permit new or innovative concepts in 
land utilization, master-planned communities or mixed use developments that 
other zoning districts do not easily accommodate. A planned unit development 
also provides site-specific compatibility standards. While greater flexibility is 
given to allow special conditions or restrictions that would not otherwise allow the 
development to occur, procedures are established to ensure against misuse of 
increased flexibility. Planned unit developments are appropriate in areas where 
the Comprehensive Plan reflects either the specific uses proposed in the planned 
unit development or where the Comprehensive Plan reflects mixed use as a land 
use category.

3.5.2. Review Process

A. Planning Commission Review

The notice and review procedures in Section 3.3 applicable to Zoning Map 
Amendments shall apply to the review and approval by the Planning 
Commission of a planned unit development.

B. City Council Action

1. The notice and review procedures in Section 3.3 applicable to 
Zoning Map Amendments shall apply to the review and 
approval by the City Council of a planned unit development.

2. The ordinance granting a planned unit development overlay 
zoning district shall include a statement as to the purpose of 
the development granted. All permitted land uses, 
development standards, requirements for compliance with 
other codes and ordinances, approved project phasing
Article 3: Development Review Procedures

schedule, and other specific conditions of approval that are imposed by the City Council shall be listed in the planned unit development ordinance and the Planned Unit Development Master Site Plan along with any additional approved development plans shall be referenced as attachments. The required Planned Unit Development Master Site Plan shall include lines showing the boundaries of each proposed development phase and a designation of each phase as Phase I, Phase II, etc., which phase designations will be set forth with their proposed start and completion times in the required phasing schedule.

3. A Planned Unit Development Agreement shall cover any items deemed necessary by the staff and the City’s legal counsel to properly implement the planned unit development.

3.5.3. Master Site Plan

A. A proposed Master Site Plan shall be submitted concurrently with a planned unit development application.

B. The development requirements for each separate component and phase of the planned unit development shall be included as a part of the development plan.

C. The applicant shall expressly specify any variation from the adopted standards of this Unified Development Code, including, but not limited to: uses, density, lot area, lot width, yard widths, building height, building elevations, parking, access, streets and circulation, utilities, screening, landscaping, accessory structures, signs, lighting, project phasing or scheduling, management associations and other requirements as the City Council may deem appropriate. The application shall also expressly identify in a form required by the Assistant City Manager of Development Services any variation or waiver required from any other applicable code or ordinance proposed in connection with the proposed Planned Unit Development.

3.5.4. Review Criteria

A. **PUD Zoning Map Amendment Review Criteria**

   In addition to the zoning map amendment criteria in Subsection 3.3.5, in determining whether to approve, approve with conditions or deny a Planned Unit Development zoning map amendment, the applicable review bodies shall consider the following criteria:

   1. The development is in harmony with the character of the surrounding area.
2. The development is in conformity with the Comprehensive Plan and is consistent with the intent and purpose of this Section.

3. The development contains a variety of housing types, employment opportunities or commercial services to achieve a balanced community.

4. The orderly and creative arrangement of all land uses with respect to each other and to the entire community.

5. The development contains a planned and integrated comprehensive transportation system providing for a separation of pedestrian and vehicular traffic, to include facilities such as roadways, bicycle ways and pedestrian walkways.

6. The development is staged in a manner which can be accommodated by the timely provision of public utilities, facilities and services.

B. Master Site Plan Review Criteria
   The form and content of the Master Site Plan shall be in sufficient detail to enable the City staff, Planning Commission and City Council to evaluate the proposal and ascertain that it meets the following criteria. The Assistant City Manager of Development Services shall prepare application forms, procedures, and submission requirements to ensure the necessary information is submitted.

   1. The Master Site Plan ensures the provision of adequate public improvements, including but not limited to transportation, utilities, storm water, parks and other facilities.

   2. The Master Site Plan ensures minimal development-related off-site impacts.

   3. The Master Site Plan provides cultural or recreational facilities.

   4. The site and building layout take maximum advantage of the natural and built environment.

3.5.5. Distribution of Approved Master Site Plan
   Following approval by the City Council, the Master Site Plan with amendments, if any, shall be stamped “Approved Planned Unit Development” and be signed and dated by the Chair of the Planning Commission and the Council approval shall be certified by the City Secretary. One copy of the approved Master Site Plan shall be submitted to the Department of Development Services for use in issuing building permits and other related permits. In addition, other copies of the approved Master Site Plan shall be supplied as directed by the City.
Manager, or the Assistant City Manager of Development Services, to other departments and agencies.

3.5.6. **Binding Nature of Approved Master Site Plan**

An approved Master Site Plan along with any conditions made at the time of approval shall be binding upon the applicant or any successors in interest in the planned unit development. Deviations from an approved Master Site Plan not in accordance with Subsection 3.5.7 shall constitute a violation of this Unified Development Code.

3.5.7. **Modification of Approved Master Site Plan**

A. Minor modifications to an approved Master Site Plan may be approved by the Assistant City Manager of Development Services, as follows:

1. Additions to structures shall not exceed 10% of the total gross floor area of the structures proposed to be expanded provided that overall density of the project does not increase.

2. Changes in the building position or layout shall be less than 10 feet or 10%, whichever is less. A building expansion meeting the requirement of subparagraph 3.5.7.A.1 above shall be permitted to exceed this limitation so long as it meets the limitation in subparagraph 3.5.7.A.1 above.

3. Accessory structures may be added if the location does not interfere with the existing site layout (e.g. principal building arrangements and locations, circulation, parking, loading, utilities, open space, landscaping or buffering).

4. Additions or reductions to parking areas shall comprise no more than 10% of the original number of parking spaces required. However, parking may not be reduced below the minimum number of parking spaces needed to accommodate the planned unit development, unless a variance is approved.

5. Property lines may be adjusted by 10% provided the original total project acreage is not exceeded and provided the property line changes do not result in any violation of or inconsistency with the approved development standards and conditions.

B. All other modifications shall require resubmittal of the Master Site Plan and approval by the City Council.

3.5.8. **Plat Requirements**

A. The property proposed for a planned unit development shall be platted in accordance with Article 8. The Master Site Plan shall be
approved prior to approval of preliminary plat except when the Master Site Plan is submitted in a form and level of detail sufficient to meet the requirements of both the Master Site Plan and the Preliminary Plat. All review requirements for the Preliminary Plat shall be satisfied, including conditional approval by the Technical Review Committee, allowing the Master Site Plan and Preliminary Plat to be simultaneously approved. No Preliminary Plat that is also submitted as a Planned Unit Development Master Site Plan shall be approved by the Technical Review Committee without the condition that the approval shall not be effective until after the City Council has approved the Planned Unit Development and its Master Site Plan without modification. If the Council approves with modification, the modified Preliminary Plat must be submitted to the Technical Review Committee through the process provided for the review of Preliminary Plat for approval. In the event that the property has been platted prior to preparation of a Master Site Plan, replatting may be required to insure the compatibility of the plat with the planned unit development and its Master Site Plan.

B. If the property proposed to be platted within the planned unit development is within the ETJ of the City, the applicant shall request water service from the City according to the Outside the City Limits Water Policy as contained in the Municipal Code as it shall be amended from time to time.

3.5.9. Expiration
An approved development plan shall expire 24 months after the date that the development plan was approved, unless:

A. A complete building permit application has been submitted or, if no building permit is required, a certificate of occupancy has been issued.

B. In case of projects where more than one building or phase is to be built, the applicant may submit a series of building permit applications. The first application shall be submitted within 24 months from the date of development plan approval. Each subsequent application shall be submitted within 24 months from the date of issuance of the last certificate of occupancy for the previous phase of the development.

C. A lapse of a period greater than the periods set forth shall cause the related approvals to expire and be of no further force and effect. Any further action shall require a new application and approval.

§ 3.6 Special Permit

3.6.1. Applicability
A. The special permit provides a means for developing certain uses in a manner in which the use will be compatible with adjacent property and consistent with the character of the neighborhood.

B. The grant of a special permit shall have no effect on the uses permitted as of right and shall not waive the regulations of the underlying zoning district.

C. Specific uses requiring a special permit are identified in the permitted uses sections in Article 4 for each grouping of zoning districts.

D. When an application is submitted for a rezoning to a broader classification, a special permit may be granted in lieu of granting a rezoning to the broader classification when the applicant has plans of sufficient detail showing the full extent of the proposed use of the buildings, structures, and premises and including provisions for sufficient off-street parking facilities, screening walls or fences, landscaping, and open space so as to create a transition between a lesser, more restricted district and the proposed district. (Ordinance 029770, 03/19/2013)

3.6.2. Review Process

A. Concurrent Site Plan Submittal
Application for a special permit shall occur in conjunction with the submittal of a site plan. The City Council may not approve, approve with conditions, or deny a special permit application until after the site plan has been reviewed by the Technical Review Committee in accordance with the procedure in Section 2.7 and a recommendation is made by the Planning Commission. When a rezoning applicant has provided a site plan of sufficient detail to show the full extent of the proposed uses, the site plan shall also be reviewed by the Technical Review Committee prior to the Planning Commission making its final recommendation. (Ordinance 029770, 03/19/2013)

B. Technical Review Committee Review
The Technical Review Committee shall review the application and, considering the review criteria in Subsection 3.6.3, make a recommendation to the Planning Commission. The Assistant City Manager of Development Services shall be responsible for making a recommendation in the event an agreement on a recommendation cannot be reached.

C. Planning Commission Review
The notice and review procedures in Section 3.3 applicable to Zoning Map Amendments shall apply to the review and approval by the Planning Commission of a special permit.

D. City Council Final Action
The notice and review procedures in Section 3.3 applicable to Zoning Map Amendments shall apply to the review and approval by the City Council of a special permit.

3.6.3. Review Criteria
A. At a minimum, a site plan for a special permit shall include the following details:
   1. Dimensions, bearings, and street frontage of the property;
   2. Location of buildings, structures, and uses;
   3. Means of ingress and egress to the public/private street;
   4. Off-street parking and loading arrangements;
   5. Screening, buffer yards, lighting, and landscaping details;
   6. Dumpster location and screening;
   7. Open space calculation and design;
   8. Provisions for drainage;
   9. A traffic analysis in accordance with Section 3.29.2 for rezoning applications; and
   10. Any other information the Assistant City Manager deems necessary for a complete review of the proposed development.

B. In determining whether to approve, approve with conditions or deny a special permit, the applicable review bodies shall consider the following criteria:
   1. The use is consistent with the Comprehensive Plan.
   2. The use complements and is compatible with the surrounding uses and community facilities.
   3. The impact of the use on public infrastructure such as roads, natural gas, water, storm water and wastewater systems, and on public services such as police and fire protection and solid waste collection can be minimized without negatively impacting existing uses in the area and in the City.
   4. The use contributes to, enhances or promotes the welfare of adjacent properties and the surrounding area.
   5. The use does not substantially adversely affect adjacent and neighboring uses permitted in Article 4.
   6. The use does conform in all other respect to regulations and standards in this Unified Development Code.
   7. If located within or adjacent to a residential area, the physical appearance, hours of operation and conduct of the use does not generate excessive noise, dust, smoke, glare, spillover lighting or other forms of environmental or visual pollution or otherwise detrimentally affect the residential character.
   8. The development provides ample off-street parking and loading facilities.

C. The City Council may impose reasonable conditions upon the granting of a special permit consistent with the purposes stated in this Unified Development Code. The City Council may require additional conditions that
shall be compiled with before a certificate of occupancy or UDC compliance may be issued by the Building Official for such use of the buildings or improvements, but such conditions shall not be construed as conditions precedent to the granting of a special permit or the change in zoning of such property. (Ordinance 029770, 03/19/2013)

3.6.4. Limit on Re-filing
The same limitations on re-filing a Zoning Map amendment contained in Subsection 3.3.6 shall apply to the re-filing of a special permit.

3.6.5. Termination
A termination date may be imposed as a condition upon the granting of a special permit. If so imposed, the special permit shall automatically terminate on that date unless extended as provided below.

3.6.6 Expiration
A. The special permit shall expire 12 months after approval unless a complete building permit application has been submitted or, if no building permit is required, a certificate of occupancy or UDC compliance has been issued. A longer expiration date may be provided in the special permit at the time of granting of the same. (Ordinance 029770, 03/19/2013)

B. In case of projects where more than one building or phase is to be built, the applicant may submit a series of building permit applications. The first application shall be submitted within 12 months from the date of site plan approval. Each subsequent application shall be submitted within 12 months from the date of issuance of a certificate of occupancy for the previous phase of the development.

C. A lapse of a period greater than the periods set forth shall cause the related approvals to expire and be of no further force and effect. Any further action shall require a new application and approval.

3.6.7 Extension
An extension of the expiration or termination of the special permit may be granted. All requests by an applicant for extensions shall be filed with the Assistant City Manager prior to the expiration or termination of the use. Following the notice and review procedures in Section 3.3, the City Council may grant a maximum of two consecutive extensions. Thereafter, the applicant shall apply for a new special permit. (Ordinance 029770, 03/19/2013)

3.6.8 Discontinuance
A special permit use that has been discontinued for more than six consecutive months shall be required to resubmit an application in accordance with this Section in order to reestablish the special use.

3.6.9 Uses Ineligible for Special Permits
A special permit shall not be issued to allow:

A. The placement of portable signs where prohibited by the UDC;

B. An increase in area or the number of signs beyond which is allowed as a matter-of-right; or

C. The placement of a manufactured home or trailer where such home or trailer will be the main or accessory use on the property, provided however, that when a special permit is issued for an industrial use, the special permit may also allow the placement of a HUD-code manufactured home as an accessory use for resident watchmen or caretakers employed on the premises.

(Ordinance 029770, 03/19/2013)

§ 3.7 Master Preliminary Plat

3.7.1. Applicability

A. The purpose of a master preliminary plat shall be to delineate the sequence and timing of development within a proposed subdivision, where the tract to be developed is in part of a larger parcel of land owned or controlled by the applicant, in order to determine compliance with the Comprehensive Plan, implementation plan and applicable Utility Master Plan and the availability and capacity of public improvements needed for the subdivision and the larger parcel.

B. A master preliminary plat shall be required for any division of land where proposed development of the tract is to occur in phases. Table 3.7.1 establishes the maximum number of acres that may be subject to a master preliminary plat by type of development.

<table>
<thead>
<tr>
<th>Type of Development</th>
<th>Max. Acres Subject to Plat</th>
</tr>
</thead>
<tbody>
<tr>
<td>Single-Family Residential</td>
<td>300</td>
</tr>
<tr>
<td>All Other Residential</td>
<td>100</td>
</tr>
<tr>
<td>Nonresidential and Mixed Use</td>
<td>400</td>
</tr>
</tbody>
</table>

C. Once a master preliminary plat has been approved, all preliminary and final plats approved thereafter for the same land shall be consistent with the master preliminary plat for as long as the master preliminary plat remains in effect. Minor variations, such as slight shifts in lot lines or street layouts, between the master preliminary plat and the subsequent plat applications shall be permitted. However, in no case shall variations increase the intensity, density, number of units or impervious surface of the subject tract.

3.7.2. Review Process
A. **Technical Review Committee Review**

1. The Technical Review Committee shall review the application in accordance with the procedure established in *Section 2.7* and, considering the review criteria in *Subsection 3.7.3*, make a recommendation to the Planning Commission. The Assistant City Manager of Development Services shall be responsible for making a recommendation in the event an agreement on a recommendation cannot be reached.

2. 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.

**3.7.3. Planning Commission Final Action Review Criteria**

A. In determining whether to approve, approve with conditions or deny a master preliminary plat, the applicable review bodies shall consider the following criteria:

1. The master preliminary plat is consistent with all zoning requirements for the property, and any approved development agreement.

2. The proposed provision and configuration of roads, natural gas, water, storm water, waste water and park facilities is adequate to serve each phase of the subdivision and generally meets the standards of *Article 8*.

3. The schedule of development is feasible and prudent and assures that the proposed development will progress to completion within the time limits proposed.

4. The location, size and sequence of the phases of development proposed assures orderly and efficient development of the land subject to the plat.

5. Where the proposed development proposed assures orderly and efficient development of the land subject to the plat.

B. In addition to any other conditions required to conform the plat to the standards of this Unified Development Code, the Planning Commission may require:

1. Exclusion of land from the master preliminary plat; or

2. Adjustments in the proposed sequence or timing in the proposed phases of the development

**3.7.4. Phasing**
Phasing for the master preliminary plat shall not exceed a time period of up to 10 years, with not more than 48 months between each phase. If the land subject to the master preliminary plat is part of a larger parcel, the remaining land shall be shown as a remainder tract, but shall not be included within the master preliminary plat. The boundaries of each phase shall be clearly shown on the master preliminary plat along with its assigned phase number. A proposed phasing schedule showing the proposed times for the beginning and end of each phase shall be provided, along with the number of acres and the land uses included in each phase. The phasing plan and schedule shall be submitted in the form and format prescribed by the Assistant City Manager of Development Services. The Assistant City Manager of Development Services shall publish procedures, forms, and standards to assist applicants in meeting this requirement.

3.7.5. Remainder Tracts

D. A remainder tract is that portion of a larger parcel that is not included within the boundaries of a plat. Remainder tracts shall not be considered lots or tracts of the subdivision. Approval of a plat shall not constitute approval of development on a remainder tract.

E. Information accompanying a subdivision plat application for remainder tracts shall be deemed to be an aid to the Planning Commission in taking action on the plat application and may be used to determine whether development of the land subject to the plat shall be adequately served by public facilities and services and shall be otherwise in compliance with this Unified Development Code, taking into account the development of the property as a whole. Information concerning remainder tracts, including topography, drainage and existing and planned public improvements may be considered in formulating conditions to approve the plat application. Based upon such information, the Planning Commission may require that additional or less land be included in the plat in order to satisfy the standards applicable to the plat application.

F. Additional acreage in excess of the maximum acres subject to the master preliminary plat shall be annotated on the master preliminary plat as “remainder tract under same ownership”

3.7.6. Expiration

A. Expiration of the master preliminary plat shall be governed by the schedule of development approved by the Planning Commission. The applicant shall submit and receive approval for a preliminary plat for the first and all subsequent phases of the master preliminary plat within the time limits prescribed in the approved phasing schedule.

B. Failure to meet a platting deadline included in the phasing schedule shall result in the expiration of the master preliminary plat for that and all subsequent phases of the subdivision. Expiration of the preliminary plat or final plat for any phase of the master preliminary plat shall result in the
expiration of the master preliminary plat for all phases for which a preliminary plat has not been approved.

C. The expiration date of any phase of the development may be extended by the Planning Commission. Extension of the expiration date for the phase extends the expiration date for the master preliminary plat for a like period. A master preliminary plat shall not be subject to reinstatement following expiration.

§ 3.8 Subdivision Plat Review

3.8.1. **Applicability**

A. Pursuant to the authority granted in Texas Local Government Code Chapter 212, prior to the subdivision, re-subdivision or development of any land within the City or of the ETJ, all plats shall first be approved in accordance with this Section.

B. The owner of a tract of land located within the City limits or the ETJ who divides the tract in two or more parts to lay out a subdivision or to lay out streets, alleys, squares, public open space or other public improvements shall have a plat of the subdivision prepared.

C. A division of a tract under this Section includes a division regardless of whether it is made by using a metes and bounds description in a deed of conveyance or in a contract for a deed, by using a contract for sale or other executory contract to convey, or buy using any other method.

D. No building permit may be issued for any parcel or tract of land until:

1. Such property has received final plat approval; and

2. The plat has been recorded.

E. The division of any lot or any parcel of land by the use of metes and bounds description for the purpose of the development is prohibited.

F. Any conveyance or other division of land transferring any land or interest in land to or from any governmental entity shall be subject to the procedures in this Section.

G. No plat shall be processed which attempts to amend or remove any covenants or restrictions of the preceding plat until such preceding plat, or portion of such preceding plat has been vacated or amended by replat in accordance with Section 3.10.

3.8.2. **Exceptions From Platting Requirements**
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A. A division of land into parts greater than 5 acres, where each part has public street access and no public improvement is being dedicated.

B. In the portions of Nueces, San Patricio, Aransas and Kleberg County outside the City limits in which the City has subdivision plat review authority, a division of land into parts greater than 10 acres;

C. Construction of additions or alterations to an existing building where no drainage, street, public utility extension or public improvement, additional parking or street access changes are required to meet the standards of this Code are necessary to support such building or alterations;

D. Common ownership arrangements on land greater than 5 acres that do not involve a division of fee title to the land;

E. Partitions of land among co-tenants;

F. A change in ownership of a property through inheritance or the probate of an estate;

G. Cemeteries complying with all state and local laws and regulations;

H. Acquisition of land for a governmental purpose by dedication, condemnation or easement; and

I. Public educational facilities meeting the following requirements:

1. The tract of property shall have been in use as of January 1, 1989, as an educational facility.

2. The property shall be in the ownership of a governmental entity with the expressed public purpose of providing educational facilities.

3. The property shall not be platted or replatted for the sole purpose of subdividing to permit future sale or use by a nongovernmental entity.

4. All properties covered by this exception shall be exempt from:
   a. Lot, acreage and pro-rata fee provisions provided by Subsection 8.4.2;
   b. Lot, acreage and pro-rata fee provisions of Subsection 8.4.3; and
   c. Water and wastewater requirements for off-site and on-site improvements required pursuant to Subsections 8.2.6 and 8.2.7.

5. Properties platted under this exception shall not be eligible for reimbursement from trust funds established under Subsections 8.4.2. Applicants submitting plats that qualify under this exception shall be exempt from all plat submission fees, but shall remit to the City all costs necessary for public legal notice in and recording fees before
the final plat is recorded in the County map records. Except for the
exemptions provided in this Section, all plats shall conform to all other
required public improvements (including water and wastewater
requirements) set forth as subdivision requirements in Subsection
8.4.3 of this Code or the Municipal Code.

6. Existing developed unplatted property owned by the City as of July
18, 1987, shall be exempted at the time of platting from water and
wastewater acreage distribution system fees and water and
wastewater pro-rata fees.

3.8.3. Preliminary Plat

3.8.3.A. Preliminary Plat Required

1. Preliminary plat approval shall be required before any division of land
or platting activity that does not meet the definition of a minor,
amending or vacating plat as described in Subsection 3.10.1 or
replat as described in Subsection 3.11.1.

2. All preliminary plats shall be prepared by a Texas Licensed
professional engineer or by a state registered professional land
surveyor.

3.8.3.B. Review Process

1. Technical Review Committee

a. The Technical Review Committee shall review the application in
accordance with the procedure established in Section 2.7 and,
considering the review criteria in paragraph 3.8.3.C below, make
a recommendation to the Planning Commission. The Assistant
City Manager of Development Services shall be responsible for
making a recommendation in the event an agreement on a
recommendation cannot be reached.

b. 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.

2. Appeal to Assistant City Manager

In the event that an applicant disagrees with a requirement of the
Technical Review Committee, the applicant may send written notice of
appeal concerning the requirement to the Assistant City Manager of
Development Services. The Assistant City Manager of Development
Services shall consult with the appropriate department head
concerning the matter and provide a response to the applicant prior to
submission of the matter to the Planning Commission.
3. Planning Commission Final Action

a. The Planning Commission shall hold a public meeting and approve, approve with conditions or deny the preliminary plat. The Planning Commission shall make written findings regarding the review criteria in paragraph 3.8.3.C.

b. The Planning Commission shall take final action on the preliminary plat within 30 days of determination of completeness. In the event the Planning Commission shall fail to act within 30 days, the preliminary plat shall be considered approved.

3.8.3.C. Review Criteria

In determining whether to approve, approve with conditions or deny a preliminary plat, the applicable review bodies shall consider the following criteria:

1. The tract of land subject to the application will be adequately served upon completion by the applicant of required improvements that meet the standards of Article 8.

2. The preliminary plat is consistent with the Comprehensive Plan, Utility Master Plans and any other adopted plans as they relate to:
   a. The City’s future streets, sidewalks, alleys, public open space and other public improvements; and
   b. The extension of the City limits or the extension, improvement or widening of its roads, taking into account access to and extension of water, storm water and wastewater mains and the instrumentalities of public utilities.

3. The preliminary plat is in compliance with any subdivision design and improvement standards adopted by the City pursuant to Texas Local Government Code §212.002 or Texas Local Government Code §212.044 governing plats and subdivision of land within the City’s jurisdiction to promote the health, safety or general welfare of the City and the safe and orderly and healthful development of the City.

4. The plat meets any county standards to be applied under an inter-local agreement between the City and a county under Texas Local Government Code Chapter 242, where the proposed development is located in whole or in part of the ETJ of the City and in the county.

3.8.3.D. Waivers

A waiver of the subdivision standards in Article 8 may be requested in writing by the submission of a waiver letter that specifically states each Code provision from which a waiver is requested and the reasons for the request. By submission with the preliminary plat application, the waivers and preliminary plat can be reviewed in context and together. Waiver letters
submitted following the determination of completeness shall require a new application fee and a new application showing any proposed changes to the plat accompanied by the full fee for an application to amend a preliminary plat. Once the application is filed it will begin a new application period. Justification for such waiver shall be submitted with the plat application and the need for the waiver demonstrated to the Planning Commission’s satisfaction. The waiver may be approved, approved with conditions or denied after consideration of the following factors:

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.

3.8.3.E. Expiration

Preliminary plats for developments that are not phased or not to be developed sequentially shall expire and be deemed null and void 24 months after approval unless a final plat is filed and approved for all of the preliminary plats within that time or unless the Planning Commission in its discretion, extends such period of validity.

1. For preliminary plats for developments that are phased or that will be developed sequentially, the approval of a final plat for a phase of the project shall extend the expiration date for the remaining portion of the original preliminary plat for a period of 24 months after the date of approval of the final plat. Approval of each subsequent final plat with 24 months of the date of approval of the preceding final plat shall extend the expiration date for the portion of the original preliminary plat for which no final plats have been approved for an additional 24 months from the date of approval of such final plat.

a. Each 24-month extension period for the expiration of the original preliminary plat runs from the date of the latest final plat approval. Extension periods shall not be cumulative.

b. If a final plat is not filed and approved during the 24-month extension period, the original preliminary plat, together with any unapproved final plat applications or expired final plats shall expire and be deemed null and void.
2. All requests by an applicant for extensions of the expiration date of the preliminary plat shall be filed with the Assistant City Manager of Development Services prior to the expiration of the 24-month period. A maximum of two consecutive extensions may be granted. Thereafter, the applicant shall submit a new preliminary plat application.

3.8.4. **Construction Plan**
Concurrently with or after submittal of a final plat in accordance with Subsection 3.8.5 the applicant may submit to the Assistant City Manager of Development Services construction plans for all improvements pertinent to platting requirements.

3.8.5. **Final Plat**

3.8.5.A. **Final Plat Requirements**

1. A final plat must contain all the property under the same ownership where the area of the property to be platted is equal to 5 acres or less within the City limits or 10 acres or less with the ETJ, where a preliminary plat was not required.

2. Where a preliminary plat was approved, the final plat must be consistent with the approved preliminary plat. The final plat cannot be approved unless the final plat is consistent with the preliminary plat or the preliminary plat is revised and approved.

3. Where a Master Preliminary Plat was approved, the final plat must also be consistent with the approved Master Preliminary Plat. The final plat cannot be approved unless the final plat is consistent with the Master Preliminary Plat, or the Master Preliminary Plat is revised and the revision is approved in advance of the approval of the final plat.

4. A final plat within the City’s ETJ is subject to the inter-local agreement with the appropriate county or with the governing County’s subdivision regulations and this Unified Development Code.

3.8.5.B. **Disapproval Restriction**
No final plat for land subject to an approved preliminary plat shall be denied or delayed in processing for noncompliance with any requirement not set forth in this Unified Development Code or otherwise required by law.

3.8.5.C. **Review Process**

1. The Planning Commission shall approve or deny the final plat within 30 days of determination of completeness provided that a
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preliminary plat for the same land has been submitted and approved or approved with conditions by the Planning Commission.

2. Reason for denial shall be furnished in writing to the applicant.

3. The Assistant City Manager of Development Services shall not endorse a final plat and the final plat shall not be recorded until the final plat is approved in accordance with the requirements of this Unified Development Code.

3.8.5.D. Review Criteria
A final plat with a previously approved preliminary plat shall be approved if it meets all of the criteria:

1. The final plat is consistent with an approved preliminary plat and the approved master preliminary plat.

2. The final plat is consistent with any required rights-of-way and easements.

3. The final plat is in compliance with any subdivision design and improvement standards adopted by the City pursuant to Texas Local Government Code §212.002 or Texas Local Government Code §212.044 governing plats and subdivision of land within the City’s jurisdiction to promote the health, safety or general welfare of the City and the safe, orderly and healthful development of the City.

4. The tract of land subject to the application is adequately served by the improvements and infrastructure, including water, storm water and wastewater, or will be adequately served upon completion by the applicant of required improvements that meets the standards of Article 8.

3.8.5.E. Recording
The final plat shall not be recorded until it has been endorsed by the Assistant City Manager of Development Services and Development Services Engineer.

3.8.5.F. Expiration
If improvements are not in place or construction initiated on said improvements within six months of such plat approval, the final plat will expire, unless the improvements are secured by a developer’s financial guarantee. A final plat shall not expire if construction has been initiated and substantial progress continues toward completion of the improvements. A determination that a plat has expired as a result of insufficient progress may be appealed to the Planning Commission within 30 days of notification that the plat has expired. An expired plat must be resubmitted to Development Services for processing as a new plat. The applicant may submit a written request for a time extension of six months. Such request shall be submitted no later than five business days prior to the last scheduled meeting of the Planning Commission immediately prior to the date of the expiration of said...
plat. The fee for processing such request is published in the Development Services fee schedule, set forth in Chapter 14 of the Municipal Code.
§ 3.9 Proportionality of Municipal Infrastructure Costs

3.9.1 The provisions of this Unified Development Code are designed to assure that all costs of municipal infrastructure improvements borne by an applicant through the making of dedications, the payment of fees, or the payment of construction costs are roughly proportionate to the proposed development.

3.9.2 Upon the request of the applicant, the City will retain a professional engineer who holds a license issued under Chapter 1001, Occupations Code to make the determination that the proposed requirements satisfy the condition required in Section 3.9.1 above. If the City and the applicant agree to utilize the services of a third party engineer to make such determination, the costs of such engineering determination shall be paid by the applicant.

3.9.3 An applicant who disputes the determination made in Section 3.9.2 above may appeal to the City Council. At the appeal, the applicant may present evidence and testimony under the procedures adopted by the City Council. After hearing any testimony and reviewing the evidence, the City Council shall make the applicable determination within 30 days following the final submission of any testimony or evidence by the applicant.

3.9.4 An applicant may appeal the determination of the City Council to a county court at law or district court in Nueces County within 30 days of the final determination by the City Council.

3.9.5 The City may not require the applicant to waive the right of appeal authorized by this Subsection as a condition of approval for a development project.

3.9.6 An applicant who prevails in an appeal under this Subsection is entitled to applicable costs and to reasonable attorney’s fees, including expert witness fees.

§ 3.10 Minor, Amending or Vacating Plat Review

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

A. Minor Plat

1. A minor plat is any plat for four or fewer lots fronting on an existing street and not requiring the creation of any new street or extension of municipal facilities.

2. Any plat that requires a waiver from subdivision design and improvement standards of this UDC, any utility dedication or any dedication of land shall not be processed as a minor plat.

B. Amending Plat
An amending plat is any plat meeting the definition in Texas Local Government Code §212.016.

C. **Vacating Plat**

1. A vacating plat allows any final plat or any part of any final plat to be vacated by the owners of the tract at any time before any lot in the plat is sold.

2. A vacating plat shall operate to destroy the force and effect of the recording of the final plat so vacated and to divest all public rights to the streets, areas and public grounds and dedications laid out and described in such final plat.

3. If lots subject to the vacating plat have been sold, the final plat, or any part of the final plat, may be vacated on the application of all owners of the lots subject to the final plat with approval obtained in the manner prescribed for the original plat.

### 3.10.2. Review Process

A. **Director for Planning Review**

The Director for Planning shall review the application and, considering the review criteria in Subsection 3.10.3, make a recommendation to the Assistant City Manager of Development Services.

B. **Staff Review**

The Assistant City Manager of Development Services shall refer the application to the Technical Review Committee for review through an administrative process established by the Assistant City Manager of Development Services. The Technical Review Committee shall consider the review criteria in Section 3.8 in making its decision.

C. **Technical Review Committee Final Action**

1. The Technical Review Committee may approve the minor, amending or vacating plat. The Assistant City Manager of Development Services shall be responsible for making the final decision for approval in the event an agreement on a final decision cannot be reached by the Technical Review Committee.

2. The Technical Review Committee may not deny a minor, amending or vacating plat. Any such plat that does not meet the requirements of this UDC shall be forwarded to the Planning Commission for final action.

3. The absence of and resulting lack of comment from a Technical Review Committee member during the review of a minor, amending or vacating plat shall preclude that member or that member’s organization from commenting on or requiring additional materials for the application at a later date.
D. **Recordation**
   The minor, amending or vacating plat shall not be recorded until it has been endorsed by the Assistant City Manager of Development Services and Development Services Engineer.

### 3.10.3. Review Criteria
A minor, amending or vacating plat shall be approved if it meets all of the following criteria:

A. The plat meets or exceeds the requirements of this Code and any applicable state law.

B. The plat is consistent with the Comprehensive Plan, implementation plan, applicable Utility Master Plans and any other adopted plans as they relate to:
   1. The City’s current and future streets, sidewalks, alleys, public open space and other public improvements; and
   2. The extension of the City limits or the extension, improvement or widening of its roads, taking into account access to and extension of water, storm water and wastewater mains and the instrumentalities of public utilities.

C. The plat meets any subdivision design and improvement standards adopted by the City pursuant to Texas Local Government Code § 212.002 or § 212.044, governing plats and subdivision of land within the City’s jurisdiction to promote health, safety or general welfare of the City and the safe, orderly and healthful development of the City.

D. The tract of land subject to the application is adequately served by public improvements and infrastructure.

### 3.10.4. Expiration
An approved minor, amending or vacating plat that has not been filed in the appropriate records of Nueces, San Patricio, Aransas, or Kleberg County within six months of its approval shall expire and be considered null and void. Any further action shall require a new application and approval.

### § 3.11 Replat Without Vacation

#### 3.11.1. Applicability

A. A replat of all or a portion of a recorded plat may be approved without vacation of the recorded plat if:
1. The replat is signed and acknowledged by only the owners of the property being replatted; and

2. The replat does not propose to amend or remove any covenants or restrictions previously incorporated in the recorded plat.

B. Prior to recordation of any replat without vacation of a residential subdivision in the FR district to non-rural densities, the level of improvements and urban services required by this Unified Development Code for non-rural subdivisions shall be available and satisfied by the replatted property.

3.11.2 Partial Replat Without Vacation

Any replat without vacation that adds or deletes lots shall reference the original subdivision and lot boundaries. If a replat without vacation is submitted for only a portion of a previously platted subdivision, the replat shall reference the previous subdivision name and recording information, and shall state on the replat the specific lots which have changed along with a detailed purpose for replat statement.

3.11.3 Review Process

A. The Planning Commission shall approve or deny the replat without vacation within 30 days of determination of completeness.

B. Reasons for denial shall be furnished in writing to the applicant.

C. The replat without vacation shall not be recorded until it has been endorsed by the Assistant City Manager of Development Services.

3.11.4 Review Criteria

A replat without vacation shall be approved if it meets all of the following criteria:

A. The final replat is consistent with an approved preliminary replat, and any applicable approved Master Preliminary Plat.

B. The final replat is consistent with any infrastructure, including water, storm water and wastewater, or will be adequately served upon completion by the applicant of required improvements. The final replat is in compliance with any subdivision design and improvement standards adopted by the City pursuant to Texas Local Government Code §212.002 or Texas Local Government Code §212.044 governing plats and subdivision of land within the City's jurisdiction to promote the health, safety or general welfare of the City and the safe, orderly and healthful development of the City.

C. The tract of land subject to the application is adequately served by improvements and infrastructure, including water, storm water and wastewater, or will be adequately served upon completion by the applicant of required improvements.

3.11.5 Expiration
If improvements are not in place or construction is not initiated on said improvements within six months of such replat approval, the final replat will expire, unless the improvements are secured by a developer’s financial guarantee. A final replat shall not expire if construction has been initiated and substantial progress continues toward completion of the improvements, or the improvements are secured by a developer’s financial guarantee. A determination that a replat has expired as a result of insufficient progress may be appealed to the Planning Commission within 30 days of notification that the replat has expired. An expired replat must be resubmitted to the Department of Development Services for processing as a new replat. The applicant may submit a written request for a time extension of six months. Such request shall be submitted no later than five business days prior to the last scheduled meeting of the Planning Commission immediately prior to the date of expiration of said replat. The fee for processing such request is published in the Development Services Fee Schedule, in Chapter 14 of the Municipal Code.

§ 3.12 Special Use Exception

3.12.1. Applicability

A. Uses requiring a special use exception are identified in the permitted uses Section 4.3, Zoning Districts.

B. A special use exception shall be required for an accessory structure with a gross floor area greater than one-half the gross floor area of the principal structure. Standards in Article 4 may apply to such structure.

C. An application for a special use exception not listed in the relevant zoning district shall not be accepted.

3.12.2. Review Process

A. Concurrent Site Plan Submittal
Application for a special use exception shall occur in conjunction with the submittal of a site plan. The Board of Adjustment may not approve, approve with conditions or deny a special use exception application until after the site plan has been reviewed by the Technical Review Committee in accordance with the process established in Section 2.7.

B. Technical Review Committee
The Technical Review Committee shall review the application in accordance with the procedure established in Section 2.7 and, considering the review criteria in Subsection 3.12.3, make a recommendation to the Planning Commission. The Assistant City Manager of Development Services shall be responsible for making a recommendation in the event an agreement on a recommendation cannot be reached.

C. Board of Adjustment Final Action
1. Following notice in accordance with Subsection 3.1.7, the Board of Adjustment shall hold a public hearing and approve, approve with conditions or deny the special use exception.

2. The Board of Adjustment shall take final action on the special use exception within 45 days from the date the recommendation of the Technical Review Committee or Assistant City Manager of Development Services is made. In the event the Board of Adjustment shall fail to act within 45 days, the special use exception shall be deemed in all things denied.

3.12.3. Review Criteria

A. In determining whether to approve, approve with conditions or disapprove a special use exception, the applicable review bodies shall consider the following areas:

1. The use conforms in all other respects to regulations and standards in this Unified Development Code.

2. The impact of the use on public infrastructure such as roads, natural gas, water, storm water and wastewater systems, and on public services such as police and fire protection and solid waste collection can be minimized without negatively impacting existing uses in the area and in the City.

3. If located within or adjacent to a residential area, the physical appearance, hours of operation and conduct of the use does not generate excessive noise, dust, smoke, glare and spillover lighting or other forms of environmental pollution or otherwise detrimentally affect the residential character of the area.

4. The use takes adequate measures to control or eliminate smoke, dust, glare, hazardous materials, noise or vibration caused by operations.

B. The Board of Adjustment may impose reasonable conditions upon the granting of a special use exception consistent with the purposes stated in this Unified Development Code.

3.12.4. Expiration

A. The special use exception shall expire 12 months after approval unless a complete building permit application has been submitted or, if no building permit is required, a certificate of occupancy has been issued.

B. In case of projects where more than one building or phase is to be built, the applicant may submit a series of building permit applications. The first application shall be submitted within 12 months from the date of site plan approval. Each subsequent application shall be submitted within 12 months.
from the date of issuance of a certificate of occupancy for the previous phase of the development.

C. A lapse of a period greater than the periods set forth shall cause the related approvals to expire and be of no further force and effect. Any further action shall require a new application and approval.

3.12.5. **Extension**
A 90-day extension of the expiration or termination of the special use exception may be granted. All requests by an applicant for extensions shall be filed with the Assistant City Manager of Development Services prior to the expiration or termination of the special use exception. A maximum of two consecutive extensions may be granted. Thereafter, the applicant shall apply for a new special use exception.

3.12.6. **Discontinuance**
In the event a special use exception is discontinued for more than six months, the holder shall be required to resubmit an application in accordance with this Section in order to reestablish the special use exception.

§ 3.13 **Dune Protection Permit**

3.13.1. **Applicability**

A. A dune protection permit under this Unified Development Code shall be required if the site is located seaward of the dune protection line in any area of the City located within Kleberg County.

B. This Section shall apply to all private and public land within the City limits and ETJ that lies seaward of the dune protection line and the beachfront construction line except state or national parks, wildlife refuges, preserves or other designated state or national natural areas, subject to the provisions of the Texas Natural Resources Code, §61.161 et seq.

C. No person may damage, destroy or remove a sand dune or a portion of sand dune seaward of the dune protection line. In addition, no person may kill, destroy or remove in any manner any vegetation growing on a sand dune seaward of the dune protection line, unless the concurrent Beach/Dune Committee properly issues a dune protection permit authorizing the conduct.

D. Landward of the dune protection line, development within 500 feet of the existing concrete seawall shall be required to retain any displaced sand on the site or place it on the beach immediately seaward of the concrete seawall. Such development shall not require a dune protection permit.

3.13.2. **Exempt Activities**
The following activities are exempt from the requirement for a dune protection permit, but are subject of the requirements of the Open Beaches Act and the
rules promulgated under the Open Beaches Act, and may require a beachfront construction certificate in accordance with **Section 3.14**, or a permit pursuant to other City ordinances:

A. Exploration for and production of oil and gas and reasonable and necessary activities directly related to such exploration and production, including construction and maintenance of production and gathering facilities seaward of the dune protection line which serve wells located outside the dune protection line, provided that such facilities are located no farther than 2 miles from the well being served;

B. Grazing livestock and reasonable necessary activities directly related to grazing; and

C. Recreational activities other than operation of a recreational vehicle.

3.13.3. **Review Process**

**A. Staff Review**

1. Applicants proposing construction seaward of the dune protection line shall submit descriptions of proposed construction to the Development Services Early Assistance Team at a pre-application conference as described in **Subsection 3.1.5**.

2. If the applicant seeks to establish that no permit is required, the description shall explain why.

3. The Assistant City Manager of Development Services shall determine whether the construction requires dune protection permit under these regulations or the Assistant City Manager of Development Services may refer the application to the Beach/Dune Committee for such determination.

4. Upon determination by the Assistant City Manager of Development Services that a project does or does not require a dune protection permit or that the application has been forwarded to the Beach/Dune Committee under these regulations, the Assistant City Manager of Development Services shall notify the potential applicant in writing of such action.

5. The Assistant City Manager of Development Services shall review the application and, considering the review criteria in **Subsection 3.13.4**, make a recommendation to the Beach/Dune Committee.

**B. Beach/Dune Committee Final Action**

The Beach/Dune Committee shall hold a public meeting and approve, approve with conditions or deny the dune protection permit.
C. **Administrative Record**

1. The Assistant City Manager of Development Services shall compile and maintain an administrative record which demonstrates the basis for each final decision regarding issuance or denial of a dune protection permit.

2. The Assistant City Manager of Development Services shall keep the administrative record for three years from the date of a final decision on a dune protection permit. Assistant City Manager of Development Services shall provide to the permittee upon request copies of any materials in the administrative record regarding the dune protection permit not submitted to the department by the permittee in the application.

3.13.4. **Review Criteria**

3.13.4.A. **General Criteria**

In determining whether to approve, approve with conditions or disapprove a dune protection permit, the applicable review bodies shall consider the following criteria:

1. The proposed activity is consistent with these regulations, state law, and any other law relevant to dune protection and public beach use and access which affects the activity under review.

2. The proposed activity does not have negative cumulative, direct and indirect effects on dunes and dune vegetation seaward of the dune protection line.

3. Other related activities do not have negative cumulative, direct and indirect effects on dunes and dune vegetation seaward of the dune protection line.

4. The pre-construction type, height, width, slope, volume, vegetation and vegetative cover, continuity and overall condition of the dunes, are not negatively affected by the proposed activity requiring a dune protection permit.

5. The proposed activity does not alter the local historical erosion rate as determined by the University of Texas at Austin, Bureau of Economic Geology. All practicable alternatives to the proposed activity, proposed site or proposed methods of construction have been considered.

6. All practicable alternatives to the proposed activity, proposed site or proposed methods of construction have been considered.

7. The applicant has an effective mitigation plan for any unavoidable adverse effects on the dunes and dune vegetation and the
effectiveness, feasibility, and desirability of any proposed dune reconstruction and re-vegetation.

8. The proposed activity does not have negative impacts on the natural drainage patterns of the site and adjacent property.

9. The proposed activity does not negatively impact any significant environmental features of the potentially affected dunes and dune vegetation such as their value and function as floral or faunal habitat or any other benefits the dunes and dune vegetation provide to other natural resources.

10. Winds, storm and wash-over patterns do not adversely affect the proposed activity.

11. The site is in an acceptable location on the flood insurance rate map.

12. Success rates of dune stabilization projects in the area are high.

13. The proposed activity is not a prohibited activity.

14. The proposed activity will not materially weaken dunes or materially damage dune vegetation seaward of the dune protection line based on substantive findings under Subsection 3.13.4.B.

15. There are no practicable alternatives to the proposed activity and adverse effects cannot be avoided.

16. The applicant's mitigation plan will adequately minimize, mitigate and/or compensate for any unavoidable adverse effects.

17. The proposed activity complies with any applicable requirements of Section 3.14 and Article 10, Beachfront Management and Construction, of the Municipal Code.

18. Any other information the concurrent Beach/Dune Committee considers useful, including resource information made available to them by federal and state natural resource entities.

3.13.4.B. **No Material Weakening**

The Beach/Dune Committee may issue a permit only if it finds as a fact, after a full investigation, that the particular conduct proposed will not materially weaken any dune or materially damage dune vegetation or reduce the effectiveness of any dune as a means of protection against erosion and high wind and water. In making the finding as to whether such material weakening or damage will occur, the Committee shall use the following technical standards. Failure to meet any one of these standards shall result in a denial of the application.

1. The activity will not result in the potential for increased flood damage to the proposed construction site or adjacent property.
2. The activity will not result in runoff or drainage patterns that aggravate shoreline erosion.

3. The activity will not result in significant changes to the natural permeability of a dune or its ability to transmit rainwater to the water table.

4. The activity will not adversely affect unique flora or fauna and will result in significant adverse effects on dune complexes or dune vegetation.

5. The activity will not significantly increase the potential for washovers or blowouts to occur.

3.13.4.C. Denial of Permit
A permit for a project that is inconsistent with these regulations, General Land Office rules, for Management of the Beach/Dune System (31 TAC §§15.1-15.10), the Open Beaches Act (Chapter 61, Texas Natural Resources Code) the Dune Protection act (Chapter 63, Texas Natural Resources Code), and other state, local, and federal laws related to the requirements of the Dune Protection Act and the Open Beaches Act, of which are incorporated into these regulations by reference, shall not be issued.

3.13.5. Expiration
A. Dune protection permits shall be valid for the following periods:

1. Permits involving small-scale construction project, if the property on which the project will be constructed does not need to be platted and a building, electrical, gas, mechanical or plumbing permit is not required under Chapter 14 of the Municipal Code – 12 months from the date of issuance of the permit.

2. Permits involving small-scale construction project, if the property on which the project will be constructed needs to be platted or a building, electrical, gas, mechanical, or plumbing permit is required under Chapter 14 of the Municipal Code –12 months from the later of the date of issuance of the permit, the date of filing of the approved plat with the County Clerk, or the date of issuance of the first building, electrical gas, mechanical or plumbing permit by the Building Official.

3. Permits involving large-scale construction project, if the property on which the project will be constructed does not need to be platted and a building, electrical, gas, mechanical or plumbing permit is not required under Chapter 14 of the Municipal Code – 24 months from the date of issuance of the permit.

4. Permits involving an approved Planned Unit Development project, if the property on which the project will be constructed does not need to
be platted and a building, electrical, gas mechanical or plumbing permit is not required under Chapter 14 of the Municipal Code – 10 years from the effective date of ordinance adopting the master plan.

5. Permits involving large-scale construction project, if the property on which the project will be constructed needs to be platted or a building, electrical, gas, mechanical or plumbing permit is required under Chapter 14 of the Municipal Code – 36 months from the later of the date of issuance of the permit, the date of filing of the approved plat with the county clerk, or the date of issuance of the first building, electrical, gas, mechanical or plumbing permit by the Building Official.

B. A lapse of a period greater than the periods set forth shall cause the related approvals to expire and be of no further force and effect. Any further action shall require a new application and approval.

C. The Beach/Dune Committee may renew a permit for a period not exceeding 90 days if the activity as proposed in the application for renewal complies with this Section, and the permittee supplements the original application materials with additional information indicating any changes to the activity or information. A maximum of two consecutive extensions may be granted. Thereafter, the applicant shall apply for a new permit.

D. If the proposed construction is changed in any manner which causes or increases adverse effects on dunes, dune vegetation, and public beach use and access, the permittee shall not be eligible for a renewal but shall apply for a new permit.

E. A plat shall be required for property located within the ETJ, if the property on which the project will be developed is a portion of a tract of land that has been subdivided since the tract was last platted or replatted, if the owner of the tract of land, at the time the property was subdivided was required to file under an applicable states law.

F. For the purposes of this Section, a plat is required for property located within the City limits if the property on which the project will be developed is a portion of a tract of land that has been subdivided since the tract was last platted or replatted.

3.13.6. Termination of Dune Protection Permits

A. A dune protection permit is voidable if the Beach/Dune Committee finds that:

1. The permit is inconsistent with the state law, the beach/dune rules, and this subchapter or the City’s Comprehensive Plan at the time the permit or certificate was issued;

2. A material change occurs after the permit is issued; or

3. A permittee fails to disclose any material fact in the application.
A material change shall be human or natural conditions which have adversely affected dunes, dune vegetation or beach access and use that either did not exist at the time of the original application, or were not considered by the Beach/Dune Committee in making the permitting decision because the permittee did not provide information regarding the site condition in the original application.

B. A permit automatically terminates if construction comes to lie within the boundaries of the public beach by artificial means or natural causes.

C. Every permit that does not require the platting of property or issuance of a building, electrical, gas, mechanical or plumbing permit, shall become invalid if the work authorized by the permit or certificate is not commenced within two months after the issuance of the permit.

D. Except for a planned unit development project, every permit that requires the platting of property or issuance of a building, electrical, gas mechanical or plumbing permit, becomes invalid unless the plat, if required, is filed and any required building, electrical, gas, mechanical or plumbing permit is obtained within six months of the issuance of the permit.

E. Every permit for a planned unit development project that requires the platting of property becomes invalid unless the plat is filed within six months of approval of the permit.

F. Except for a planned unit development project, any permit becomes invalid if the work authorized by the permit or certificate is suspended or abandoned for a period of six months after the time the work is commenced.

G. Any permit or certificate for a planned unit development project becomes invalid if the work authorized by the permit or certificate is suspended or abandoned for a period of 24 months after the time the work is commenced.

§ 3.14 Beachfront Construction Certificate

3.14.1. Applicability

A. A beachfront construction certificate shall be required if the site is:

1. Located seaward of the beachfront construction line;

2. The City is not authorized to issue a dune protection permit at the site of the proposed construction; or

3. The City is authorized to issue a dune protection permit at the site of the proposed construction, but a dune protection permit is not required.
B. These regulations shall apply to all private and public land within the City’s limits and ETJ that lies seaward of the dune protection line and the beachfront construction line except state or national parks, wildlife refuges, preserves or other designated state or national natural areas subject to the provisions of the Texas Natural Resources Code, §61.161 et.seq.

3.14.2. Review Process

A. **Staff Review and Final Action**

1. The Assistant City Manager of Development Services shall approve, approve with conditions or deny the beachfront construction certificate provided that the criteria in Subsection 3.14.3.A apply to the project.

2. If the criteria in Subsection 3.14.3.A do not apply to the project, the Assistant City Manager of Development Services shall review the application and make a recommendation to the Beach/Dune Committee.

B. **Beach/Dune Committee Final Action**

If the criteria in Subsection 3.14.3.A do not apply to the project, the Beach/Dune Committee shall hold a public meeting and approve, approve with conditions or deny the beachfront construction certificate.

C. **Notice of Decision**

Within three business days of the date the Assistant City Manager of Development Services, or Beach/Dune Committee takes final action on an application, the Assistant City Manager of Development Services shall notify the applicant whether the beachfront construction certificate was approved, approved with conditions or denied.

D. **Administrative Record**

1. The Assistant City Manager of Development Services shall compile and maintain an administrative record which demonstrates the basis for each final decision regarding issuance or denial of a beachfront construction certificate.

2. The Assistant City Manager of Development Services shall keep the administrative record for three years from the date of a final decision on a beachfront construction certificate. The Assistant City Manager of Development Services shall provide to the permittee upon request copies of any materials in the administrative record regarding the beachfront construction certificate not submitted to the Department by the permittee in the application.

3.14.3. **Review Criteria**

A. **Assistant City Manager of Development Services**
1. The Assistant City Manager of Development Services may issue the beachfront construction certificate if the Assistant City Manager of Development Services determines that the proposed construction (other than a dune walkover which is constructed under the dune walkover construction standards in the Texas General Land Office’s Dune Protection and Improvement Manual for the Texas Gulf Coast):
   
a. Is not seaward of the erosion area line or erosion area restriction line;
   
b. Is not located on an existing beach access or future beach access as shown in an element of the City’s Comprehensive Plan;
   
c. Does not functionally support or depend on, or otherwise relate to, proposed or existing structures that encroach on the public beach; and
   
d. Does not include a retaining wall or impervious surface (if the proposed construction is within 200 feet landward of the vegetation).

2. Provided that, the Assistant City Manager of Development Services shall forward the application and the City staff’s recommendation to the Beach/dune Committee, if the Assistant City Manager of Development Services finds that the proposed construction:
   
a. May be seaward of the erosion area line or the erosion area restriction line;
   
b. May be located on an existing beach access or future beach access as shown in an element of the City’s Comprehensive Plan;
   
c. May functionally support or depend on, or otherwise relate to proposed or existing structures that encroach on the public beach;
   
d. Includes a retaining wall or impervious surface and is within 200 feet landward of the vegetation line; or
   
e. Includes a dune walkover which will not be constructed under the dune walkover construction standards in the Texas General Land Office’s Dune Protection and Improvement Manual for the Texas Gulf Coast.

B. Beach/Dune Committee

1. In determining whether to approve, approve with conditions or disapprove a beachfront construction certificate, the Beach/Dune Committee shall consider the following criteria:
   
a. The proposed activity is consistent with this Unified Development Code, the Municipal Code, including Chapter 10, Beachfront
Management and Construction, and State law as they may be amended from time to time;

b. The activity is in compliance with any other law relevant to dune protection and public beach use and access which affects the activity under view;

c. The review criteria for dune protection permits in Subsection 3.13.4 have been met;

d. The construction does not reduce the size of the public beach in any manner, except for man-made vegetated mounds and dune walkovers constructed in compliance with the requirements of these regulations;

e. The construction does not close any existing public beach access or public parking area, unless equivalent or better public access or public parking is established as required in Section 10-37 of the Municipal Code (dedication of equivalent or better access);

f. The construction does not cumulatively, directly or indirectly impair or adversely affect public use of or access to and from a public beach; and

g. The construction does not functionally support or depend on nor is otherwise related to proposed or existing structures that encroach on the public beach, regardless of whether the encroaching structure is on land that was previously landward of the public beach. This provision shall not be construed to prevent construction or reconstruction of structures or facilities landward to the concrete seawall nor those structures or facilities that are functionally dependent on the concrete seawall or are associated with the concrete seawall nor shall this provision be construed to prevent repair or maintenance of the concrete seawall.

3.14.4. Expiration

A. Beachfront construction certificates shall be valid for the following periods:

1. Certificates involving small-scale construction project, if the property on which the project will be constructed does not need to be platted and a building, electrical, gas, mechanical or plumbing permit is not required under Chapter 14 of the Municipal Code - 12 months from the date of issuance of the certificate.

2. Certificates involving small-scale construction project, if the property on which the project will be constructed needs to be platted or a building, electrical, gas, mechanical or plumbing permit is required under Chapter 14 of the Municipal Code—12 months from the later of the date of issuance of the permit, the date of filing of the approved
plat with the County clerk, or the date of issuance of the first building, electrical, gas mechanical or plumbing permit by the Building Official.

3. Certificates involving planned unit development project, if the property on which the project will be constructed does not need to be platted and a building, electrical, gas, mechanical or plumbing permit is not required under Chapter 14 of the Municipal Code – 24 months from the date of issuance of the certificate.

4. Certificates involving an approved planned unit development project, if the property on which the project will be constructed does not need to be platted and a building, electrical, gas, mechanical or plumbing permit is not required under Chapter 14 of the Municipal Code 10 years from the effective date of the ordinance adopting the planned unit development.

5. Certificates involving planned unit development project, if the property on which the project will be constructed needs to be platted or a building, electrical, gas, mechanical or plumbing permit is required under Chapter 14 of the Municipal Code– 36 months from the later of the date of issuance of the certificate, the date of filing of the approved plat with the county clerk, or the date of issuance of the first building, electrical, gas, mechanical or plumbing permit by the Building Official.

B. A lapse of a period greater than the periods set forth shall cause the related approvals to expire and be of no further force and effect. Any further action shall require a new application and approval.

C. The Beach/Dune Committee may renew a certificate for a period not exceeding 90 days if the activity as proposed in the application materials, with any additional information indicating any changes to the activity or information, has not been completed. A maximum of two consecutive extensions may be granted. Thereafter, the applicant shall apply for a new beachfront construction certificate.

D. If the proposed construction is changed in any manner which causes or increases adverse effects on dunes, dune vegetation, or public beach use and access, the applicant shall not be eligible for a renewal but shall apply for a new certificate.

E. For the purposes of this Section, a plat is required for property located within the ETJ of the City, if the property on which the project will be developed is a portion of a tract of land that has been subdivided since the tract was last platted or replatted, if the owner of the tract of land, at the time the property was subdivided was required to file a plat under an applicable state law.

F. For the purposes of this Section, a plat is required for property located within the City limits, if the property on which the project will be developed is a portion of a tract of land that has been subdivided since the tract was last platted or replatted
3.14.5. **Termination of Beachfront Construction Certificates**

A. A certificate is voidable if the concurrent Beach/Dune Committee finds that:

1. The certificate is inconsistent with state law, the beach/dune rules, this subchapter or the City's comprehensive plan at the time the certificate was issued;

2. A material change occurs after the permit or certificate is issued; or

3. A permittee fails to disclose any material fact in the application.

A material change shall be human or natural conditions which have adversely affected dunes, dune vegetation or beach access and use that either did not exist at the time of the original application, or were not considered by the Beach/Dune Committee in making the permitting decision because the permittee did not provide information regarding the site condition in the original application.

B. A certificate automatically terminates if construction comes to lie within the boundaries of the public beach by artificial means or natural causes.

C. Every certificate, which does not require the platting of property or issuance of a building, electrical, gas mechanical or plumbing permit, becomes invalid if the work authorized by the certificate is not commenced within two years after the issuance of the certificate.

D. Except for a planned unit development project, every certificate, which requires the platting of property or issuance of a building, electrical, gas mechanical or plumbing permit, becomes invalid unless the plat, if required, is filed and any required building, electrical, gas, mechanical or plumbing permit obtained within six months of the issuance of the certificate.

E. Every certificate for a planned unit development project, which requires the platting of property, becomes invalid unless the plat is filed within six months of approval of the planned unit development.

F. Except for a planned unit development project, any certificate becomes invalid if the work authorized by the certificate is suspended or abandoned for a period of six months after the time the work is commenced.

G. Any certificate for a planned unit development project becomes invalid if the work authorized by the certificate is suspended or abandoned for a period of 24 months after the time the work is commenced.

§ 3.15 **Certificate of Appropriateness**

3.15.1. **Applicability**
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A. A certificate of appropriateness shall be required in the following circumstances before the commencement of development within or work upon any designated landmark or contributing structure located within an Historic Overlay:

1. Whenever such work or development requires a building permit or certificate of occupancy; or

2. Whenever such work includes the erection, moving, demolition, reconstruction, restoration or alteration of the exterior of any landmark or structure.

B. Ordinary repair or maintenance of any exterior architectural feature as defined in Article 1 shall not be restricted by this Section unless it involves a change in design, material, color or other appearance. Any application to a permitting entity affecting a Landmark shall also be deemed an application for a certificate of appropriateness, and shall be forwarded to the Landmark Commission, together with copies of all detailed plans, designs, evaluation, specifications and documents relating thereto, within five business days after receipt thereof. An application for a certificate of appropriateness may be filed by the Applicant directly with the Landmark Commission at the same time that an application for a permit is filed. If no permit is required for the proposed change, the application for certificate of appropriateness must be filed directly with the Landmark Commission. No change shall be made in the application for any permit after issuance of a certificate of appropriateness without resubmission to the Landmark commission and approval thereof in the same manner as provided for processing the original application. No person, owning, renting or occupying a Landmark shall alter, remove, demolish or provide for new construction unless a certificate of appropriateness has been issued by the Landmark Commission with respect to such change.

C. This provision shall also apply to the City and its boards, commissions, agencies, utilities and those companies or individuals furnishing telephone service, cable television or other utilities to the public.

D. If the Landmark Commission finds that there are reasonable grounds to believe that a designated landmark or contributing structure located within a Historic Overlay zoning district is structurally unsound or in imminent danger of becoming structurally unsound, the Landmark Commission shall file a petition with the Assistant City Manager of Development Services requesting that the Assistant City Manager of Development Services proceed to require correction of defects or repairs to any landmark or structure covered by this Section so that the landmark or structure shall be preserved and protected in accordance with the purpose of this Unified Development Code and the Building and Housing Standards Code.

E. With respect to an application for a certificate of appropriateness for demolition, Section 3.16 of this Unified Development Code shall apply.

3.15.2. Review Process
A. **Staff Review**
The Assistant City Manager of Development Services shall review the application and, considering the review criteria in Subsection 3.15.3, make a recommendation to the Landmark Commission.

B. **Landmark Commission Final Action**

1. Following notice in accordance with Subsection 3.1.7, the Landmark Commission shall hold a public meeting and approve, approve with conditions, or deny the certificate of appropriateness. Any action taken by the Landmark Commission shall be approved by a majority vote but in any event by not less than 5 members.

2. In the event the Landmark Commission shall fail to act within 30 days, the certificate of appropriateness shall be deemed approved by the Landmark Commission.

C. **Negotiation After Denial**

1. If the Landmark Commission denies the application it shall advise the applicant in writing within 30 days of the denial, and the Landmark Commission shall attempt to preserve the landmark as follows:

   a. The Landmark Commission shall have the power to impose and enforce a 90-day waiting period from the date of its notice of denial, during which period the Landmark Commission shall conduct negotiations with the applicant and any other party in an effort to find a means of preserving the landmark or structure.

   b. The Landmark Commission, the applicant and the Assistant City Manager of Development Services shall work together during the period to find a mutually agreeable method of completing the proposed change.

   c. During the waiting period, the Landmark Commission and the applicant shall continue discussions to find a method of preserving the structure or landmark, including without limitation a recommendation to the City Council that fee ownership or a lesser interest in the structure or landmark in question be acquired by gift, devise, purchase, eminent domain or otherwise, pursuant to the City Charter and state and federal law.

2. If a means of preserving the structure or landmark is not agreed to by the Landmark Commission and applicant within the waiting period, Landmark Commission, upon the expiration of such waiting period, shall issue a certificate of appropriateness with respect to the proposed change.

3.15.3 **Review Criteria**
In determining whether to recommend, approve, approve with conditions or deny a certificate of appropriateness, the applicable review bodies shall consider the following criteria:

A. The proposed change will not adversely affect any significant historical or aesthetic feature of the landmark or structure and is appropriate and consistent with the spirit and purposes for preserving the improvement as a landmark or structure.

B. Work proposed in the application is in compliance with the U.S. Secretary of the Interior’s Standards for Rehabilitation of Historic Buildings and following criteria as they relate to surrounding improvements:

1. Site and setting;
2. Building height;
3. Proportion of openings;
4. Rhythm of solids to voids of principal facades;
5. Rhythm of spacing and buildings or structures on the street;
6. Relationship of entrance porch and other projections;
7. Roof shapes;
8. Continuity of walls;
9. Scale of buildings;
10. Signage;
11. Design;
12. Views and vistas; and

C. Archeological sites are identified by number to safeguard their location.

3.15.4. Compliance Inspections

A. It shall be the responsibility of the Assistant City Manager of Development Services to issue the actual certificate of appropriateness following approval by the Landmark Commission, with any designated conditions, and to maintain a copy of the certificate, together with the proposed plans.

B. Work performed pursuant to the issuance of a certificate of appropriateness shall conform to the requirements of the certificate. In the event that work is
not in compliance, the Building Official shall issue a stop work order or citation as prescribed by ordinance.

§ 3.16 Certificate of Appropriateness for Demolition

3.16.1. Applicability
A certificate of appropriateness for demolition is required prior to the demolition or removal of a designated landmark or contributing structure within an Historic Overlay zoning district or permanent landscaping of the landmark or structure.

3.16.2. Review Process

A. Staff Review
The Assistant City Manager of Development Services shall review the application and, considering the review criteria in Subsection 3.16.4, make a recommendation to the Landmark Commission.

B. Landmark Commission Final Action

1. Following notice in accordance with Subsection 3.1.7, the Landmark Commission shall hold a public hearing and approve, approve with conditions, or deny the certificate of appropriateness for demolition. Any action taken by the Landmark Commission to demolish, change the exterior of or remove property on the preservation plan shall require a favorable vote of at least a majority of the Landmark Commission members. (Ordinance 029125, 07/12/11)

2. The Landmark Commission shall hold a public hearing on a certificate of appropriateness for demolition within 60 days from the date the application is deemed complete.

3.16.3. Stay of Demolition

A. The Building Official shall automatically impose a 60-day stay of demolition or removal at the time a permit is requested unless public health, safety and welfare are threatened.

B. If the Landmark Commission denies the certificate of appropriateness for demolition, a maximum 120-day stay of demolition from the initial date of the application may be imposed by the Landmark Commission and any interested parties explore alternatives to demolition. During the stay of demolition period, no demolition or removal permit shall be granted.

3.16.4. Review Criteria
In determining whether to approve, approve with conditions or deny a certificate of appropriateness for demolition, the applicable review bodies shall consider the following criteria:
A. The uniqueness of the landmark or structure as a representative type of style of architecture, historic association or other element of the original designation criteria applicable to such landmark or structure.

B. The condition of the landmark or structure from the standpoint of structural integrity, landscaping and the extent of work necessary to stabilize the structure.

C. The economically viable alternatives available to the demolition applicant, including:

1. Donation of a part of the value of the landmark or structure to a public or nonprofit agency, including the conveyance of development rights and facade easement;

2. The possibility of sale of a part of all of the landmark or structure to a prospective purchaser capable of preserving the landmark or structure;

3. The potential of such structure for renovation and its potential for continuing use;

4. The potential of the site of the structure for rezoning in an effort to render the property more compatible with the physical potential of the structure; and

5. The ability of the landmark or structure to produce a reasonable economic return on investment for its owner, provided however, that it is specifically intended that this factor shall not have exclusive control and effect, but shall be considered along with all other criteria contained in the Section.


3.16.5. Public Safety Hazards and Emergency Securing Measures

A. Notice

1. All City official boards and commissions shall notify the Landmark Commission in writing whenever a structural analysis report has been completed for a landmark or contributing structure within an Historic Overlay zoning district recorded in the Corpus Christi Site Survey by the Building Official indicating the landmark or contributing structure is structurally hazardous and warrants demolition.

2. Notification to the Landmark Commission shall be 10 business days prior to acting on such property by means of public hearing or contracting for demolition of structure. Upon notification to the Landmark Commission of a structural analysis report for a landmark or contributing structure within an Historic Overlay zoning district
which warrants demolition, a 30-day stay shall be imposed in order to allow the Landmark Commission time to act in protecting the landmark or contributing structure within an Historic Overlay zoning district.

B. Emergency Security Measures
The landmark or contributing structure within an Historic Overlay zoning district may be secured by means of boarding up, fencing up or other protecting methods, excluding demolition or structural modification to the landmark or contributing structure within an Historic Overlay zoning district as to preclude the possibility of injury to the public. After notice a public safety hazard or following emergency securing measures of the landmark or contributing structure within an Historic Overlay zoning district, the Landmark Commission will meet with City officials or authorized City commissions/boards desiring demolition of the landmark or contributing structure within an Historic Overlay zoning district to review its condition and develop plans for rehabilitation. If no feasible scheme for further protection of the landmark or contributing structure within an Historic Overlay zoning district is developed within 30 days from the initial demolition order, the Landmark Commission shall issue a certificate of appropriateness for demolition.

C. Demolition for Public Safety
The Assistant City Manager of Development Services, the Building Official, the Director of Public Health or the Fire Official may demolish a landmark or contributing structure within an Historic Overlay zoning district that cannot immediately be secured, or such officials may make structural modifications to the landmark or contributing structure within an Historic Overlay zoning district for the purpose of protecting the public from immediate injury or danger. Demolition or structural modification shall be in accordance with State law and the Municipal Code.

3.16.6. Exceptions
If there exist exigent circumstances, including but not limited to, bankruptcy, foreclosure by a lending institution, or a similar forced change in ownership of the landmark or contributing structure within an Historic Overlay zoning district, any owner may seek approval by the City Council, after recommendation of the Landmark Commission, to issue the requested permit.
§ 3.17 Site Plan Review

3.17.1. Applicability

A. Site plan review shall be required under the following circumstances:

1. Development of any new multifamily or nonresidential use or change in use from a residential use to a nonresidential use, or change in building occupancy or use that requires changes in the site plan, utilities, driveways, parking, loading, or landscaping; or

2. The redevelopment or renovation of such use where the proposed alteration would:
   a. Increase the number of units in a multifamily project by five or more;
   b. Increase the gross floor area of a nonresidential structure; or
   c. Increase the impervious surface on a nonresidential lot by 2,000 square feet or more.

3. In the event that any of the modifications in Subsection 3.17.5 occur cumulatively within a five-year period, then all of the provisions of this Section shall apply.

B. All site plans shall be signed and sealed by the appropriate state-registered or state-licensed design professional, except as otherwise provided in this Unified Development Code. This Unified Development Code supplements, and shall not be interpreted or applied contrary to, federal or state laws or regulations.

3.17.2. Review Process

A. Building Official Review
For site plans requiring review by the Technical Review Committee, the Building Official shall review the application and, considering the review criteria in Subsection 3.17.3, make a recommendation to the Technical Review Committee.

For site plans that are not required to undergo review by the Technical Review Committee, the Building Official shall coordinate the review for compliance with applicable provisions of the City’s building and technical construction codes, and coordinate the review with other agencies through the Development Review Manager.

B. Staff Review
The Development Review Manager shall process the application through the development review process to be reviewed by the Technical Review
Committee in accordance with Section 2.7 and the review criteria in Subsection 3.17.3.

For site plans not subject to review by the Technical Review Committee, the site plan review shall be initiated and processed by the Building Official or designee in accordance with paragraph 3.17.2.A.

C. Technical Review Committee Final Action

1. The Technical Review Committee shall hold a public meeting and approve, approve with conditions, or deny the site plan. The Assistant City Manager of Development Services shall be responsible for making the final decision in the event an agreement on final decision cannot be reached.

2. The absence of and resulting lack of comment from a member of the Technical Review Committee during the review of a site plan shall preclude that member from commenting on or requiring additional materials for application at a later date, except that revisions are subject to comment from all team members when they are submitted.

3.17.3. Review Criteria

In determining whether to approve, approve with conditions, or deny a site plan, the Building Official and the Technical Review Committee shall consider the following criteria:

A. The application and content of the application are consistent with the City construction specifications and standards, applicable standards of this Unified Development Code and any written interpretations of this Unified Development Code.

B. The site plan complies with any approved plat, development agreement, or other agreement or ordinance governing the parcel of land to which the site is related.

C. The site plan complies with any additional standards related to overlay zoning districts, Planned Unit Developments, other zoning approvals, any variances, exceptions, development orders, and any standards adopted as part of the Comprehensive Plan.

D. The extent to which the impact of the use on public infrastructure such as roads, natural gas, water, storm water and wastewater, and public services such as police and fire protection and solid waste collection can be minimized without negatively impacting existing uses in the area and in the City and without creating any negative impacts on facilities, services, or the City’s fiscal resources.

3.17.4. Modifications Required for Approval

Site plans requiring modifications as a condition of approval shall be returned to the Assistant City Manager of Development Services for review in accordance with the procedures required for the review process governing the site plan’s
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review within 90 days of the date final comments are transmitted by the reviewing body, or the site plan application shall be considered withdrawn. An extension period may be granted by the Assistant City Manager of Development Services.

3.17.5. Modification of Approved Site Plan

A. Minor modifications to an approved site plan meeting the following criteria may be approved by the Assistant City Manager of Development Services as follows:

1. Additions to structures shall not exceed 10% of the total gross floor area of the structures proposed to be expanded provided that overall density of the project does not increase.

2. Changes in building position or layout shall be less than 10 feet or 10% of the total gross floor area of the project. A building expansion meeting the requirement of subparagraph 1 above shall be permitted to exceed this limitation so long as it meets the limitation in subparagraph 1 above.

3. Accessory structures may be added if the location does not interfere with the existing site layout (e.g. circulation, parking, loading, storm water management facilities, open space, landscaping or buffering).

4. Additions or reductions to parking areas shall comprise no more than 10% of the original number of parking spaces required so long as it continues to meet the required minimums.

5. Property lines may be adjusted by 10% provided the original total project acreage is not exceeded and provided the property line changes do not result in any violation of or inconsistency with the approved development standards and conditions.

B. All other modifications shall require resubmittal of the site plan and approval by the original reviewing body.

3.17.6. Expiration

A site plan shall expire 24 months after the date that the site plan was approved, unless:

A. A complete building permit application has been submitted or, if no building permit is required, a certificate of occupancy has been issued.

B. In case of projects where more than one building or phase is to be built as shown on an approved site plan, the applicant may submit a series of building permit applications. The first application shall be submitted within 36 months from the date of site plan approval. Each subsequent application shall be submitted within 36 months from the date of issuance of a certificate of occupancy for the last building completed in the previous phase of the development. Phased site plans shall include a phasing schedule in the form of areas of the site plan associated with each phase, and a table showing
what is to be constructed within each phase and the proposed timing of the construction. The format for the phasing plan and table shall be as required by the Assistant City Manager of Development Services.

C. A lapse of a period greater than the periods set forth shall cause the related approvals to expire and be of no further force and effect. Any further action shall require a new application and approval.

3.17.7. Extension
A 90-day extension of the expiration or termination of the site plan may be granted. All requests by an applicant for extensions shall be filed with the Assistant City Manager of Development Services prior to the expiration or termination of the site plan. A maximum of two consecutive extensions may be granted. Thereafter, the applicant shall apply for a new site plan review.

§ 3.18 Building Permit

3.18.1. Applicability
No building or parking lot containing more than four vehicle spaces, shall be erected, constructed, altered, moved, converted, extended or enlarged and no HUD-Code manufactured home shall be placed on any lot without the owner first having obtained a building permit from the Building Official.

3.18.2. Review Process

A. Floodplain Administrator Review
The Floodplain Administrator shall review building permit applications to determine whether the proposed building site, including the placement of manufactured homes, conforms to applicable standards.

B. Building Official Final Action

1. The Building Official shall approve, approve with conditions or deny the building permit.

2. The Building Official shall not issue a building permit unless the plans, specifications and intended use of such building or structure conforms in all respects to the provisions of this UDC and the Building Code.

3.18.3. Review Criteria
In determining whether to approve, approve with conditions or deny a building permit application, the Building Official shall consider the following criteria:

A. The application generally conforms to all prior approved development applications for the property and any variances authorizing variation from the standards otherwise applicable to the permit.

B. The location of the structure on the property is in accordance with all prior approved development applications.
C. The proposed plan for construction or alteration conforms to the Building Code and other applicable construction codes adopted by the City.

3.18.4. **Expiration**
A building permit shall expire in accordance with Chapter 14 of the Municipal Code. (Ordinance 029770, 03/19/2013)

§ 3.19 **Certification of UDC Compliance**

3.19.1. **Relationship to Certificate of Occupancy**
When the Building Code requires the issuance of a new or initial certificate of occupancy in connection with any building, the certificate of occupancy shall serve as certification of UDC compliance.

3.19.2. **Separate Certificate of UDC Compliance**
For any vacant land or other property for which a certificate of occupancy is not being issued, an applicant may request and obtain a certificate of UDC compliance. The certificate of UDC compliance shall be issued by the Assistant City Manager of Development Services after verification that the property is in compliance with the provisions of this Unified Development Code.

3.19.3. **Certification As To Nonconformities**
A person may request and obtain a certificate of UDC compliance setting forth any nonconforming uses on the property which render the property not compliant with this Unified Development Code. The Assistant City Manager of Development Services shall set forth on the certificate of UDC compliance a description of the nonconformities and reference the provisions of this Unified Development Code to which the property fails to comply.

§ 3.20 **Sign Permit**

3.20.1. **Applicability**

A. No sign shall be erected, constructed, altered, moved, extended or enlarged without the owner or operator first obtaining a sign permit.

B. The modification of a sign face shall not require a sign permit in accordance with this Section, provided that such modification does not increase the sign area or height or change the sign type.

3.20.2. **Review Process**
The Building Official shall approve, approve with conditions, or deny the sign permit based upon the standards of Section 7.5.
§ 3.21 Temporary Use Permit

3.21.1. Applicability

A. Temporary uses, as defined in Article 1, may not be commenced until the applicant obtains a temporary use permit from the Assistant City Manager of Development Services. The permit specifies the specific use, the period of time for which it is approved, and any special conditions attached to the approval.

B. A temporary building permit or certificate of occupancy may be required at the sole discretion of the Building Official before any structure used in conjunction with temporary use is constructed or modified.

3.21.2. Review Process

A. The Assistant City Manager of Development Services shall approve, approve with conditions, or deny the temporary use permit.

B. The Assistant City Manager and the Building Official shall review any signs in conjunction with the issuance of the temporary use permit and any associated building and technical code permits. Such signs shall be in accordance with the requirements of this Unified Development Code and the applicable building and technical construction codes.

3.21.3. Review Criteria

In determining whether to approve, approve with conditions, or deny a temporary use permit, the Assistant City Manager of Development Services shall consider the following criteria:

A. Land Use Compatibility

1. The temporary use is compatible with the purpose and intent of this Unified Development Code and the zoning district in which it is located.

2. The temporary use does not endanger or is not materially detrimental to the public health, safety or welfare or injurious to property or improvements in the immediate vicinity of the temporary use, given the nature of the activity, its location on the site, and its relationship to parking and access points.

3. The temporary use does not create any violations of the Americans with Disabilities Act, the Texas Accessibility Standards, or the accessibility standards adopted by the City, as they may be amended from time to time.

B. Compliance with Other Regulations
The structures and the site shall meet all applicable Building Code, zoning district, and fire code standards and shall be promptly removed upon the cessation of the use or event. Upon cessation of the event or use, the site shall be returned to its previous condition (including the removal of all trash, debris, signs and other evidence of the temporary use).

C. **Traffic Circulation**
The temporary use does not cause undue traffic congestion or accident potential given anticipated attendance and the design of adjacent streets, intersections and traffic controls.

D. **Off-Street Parking**
Off-street parking for the temporary use does not eliminate required parking for any of the other existing uses on the site, thus creating a parking shortage; provided that, a temporary outside accessory use may be permitted to reduce the parking available at the site of a permanent use or structure by up to 15% of the minimum number of parking spaces required by this Unified Development Code.

E. **Public Convenience and Litter Control**
Adequate on-site rest room facilities and refuse containers shall be provided. All litter generated by the event or use will be removed at no expense to the City.

F. **Appearance and Nuisances**
The temporary use is compatible in intensity, appearance and operation with surrounding land uses in the area, and it does not unduly impair the usefulness, enjoyment or value of adjacent property due to the generation of excessive noise, dust, smoke, glare, spillover lighting or other forms of environmental pollution.

G. **Other Criteria**
The Building Official may establish any additional review criteria deemed necessary to ensure land use compatibility and to minimize potential adverse impacts on nearby uses, including, but not limited to, restrictions on hours of operation, temporary arrangements for parking and traffic circulation, requirements for screening or buffering and guarantees for site restoration and cleanup following the temporary use.

3.21.4 **Expiration**
The Assistant City Manager of Development Services shall set the time limit of the temporary use permit at the time of approval, but in no case shall the duration exceed 90 days.

§ 3.22 **Floodplain Permit**

3.22.1. **Applicability**
Article 3: Development Review Procedures

A. A floodplain permit shall be required to ensure conformance with the provisions of Section 7.8 or all areas of special flood hazard in the City as defined in Article 1.

B. No structure or land in an area of special flood hazard may be located, altered or have its use changed without a floodplain permit.

C. The areas of special flood hazard identified by FEMA in a scientific and engineering report entitled “The Flood Insurance Study for Corpus Christi, dated September 17, 1992,” with accompanying flood insurance rate maps dated September 17, 1992, the flood boundary-floodway maps (FIRM and FBFM), and any revisions thereto are hereby adopted by reference and declared to be a part of this UDC.

3.22.2. Review Process

The Floodplain Administrator shall approve, approve with conditions, or deny the floodplain permit.

3.22.3. Review Criteria

In determining whether to approve, approve with conditions, or deny a floodplain permit, the Floodplain Administrator shall consider the following criteria:

A. The application generally conforms to all prior approved development applications for the property and any floodplain variance authorizing variation from the standards otherwise applicable to the permit.

B. The location of the structure on the property is in accordance with all prior approved development applications.

C. The proposed plan for construction or alteration conforms to the Building Code, Section 7.8 of the Unified Development Code, and other applicable construction codes adopted by the City, as they may be amended from time to time.

3.22.4. Expiration

A floodplain permit shall expire if the work described in the permit has not begun within six months from the date of issuance. Any further action after the expiration shall require a new application and approval.

§ 3.23 Written Interpretation

3.23.1. Applicability

The Assistant City Manager of Development Services shall have authority to make all written interpretations concerning the provisions of this Unified Development Code.

3.23.2. Review Process
A. The Assistant City Manager of Development Services shall review and evaluate the request in light of the text of this Unified Development Code, the Zoning Map, the Comprehensive Plan and any other relevant information. The Assistant City Manager of Development Services may consult with other staff, as necessary.

B. The Assistant City Manager of Development Services shall render an opinion and provide the interpretation to the applicant in writing by mail within 10 business days of receiving the application.

3.23.3. Official Record

A. The Assistant City Manager of Development Services shall maintain an official record of written interpretations. The record of interpretations shall be available for public inspections during normal City business hours.

B. Annually, written interpretations shall be summarized in a report to the Planning Commission, Board of Adjustment and City Council. Based on the report, the City Council shall authorize such Unified Development Code text amendments as it deems appropriate to be processed in accordance with Section 3.2.

§ 3.24 Administrative Adjustment

3.24.1. Applicability

A. Administrative adjustments are minor, specified deviations from otherwise applicable development standards as authorized by this Section.

B. Except as provided in Subsection 3.24.4., the Assistant City Manager shall have the authority to authorize an adjustment of up to 10% of any numerical standard set forth in this UDC. (Ordinance 029770, 03/24/2013)

C. Developments receiving an administrative adjustment shall comply with all other elements of this UDC not specifically relieved by the administrative adjustment.

D. Any adjustment greater than what is permitted in this Section shall be reviewed by the Board of Adjustment in accordance with Section 3.25, Variances.

E. All administrative adjustments shall be made in writing in a form approved by the Assistant City Manager of Development Services. Verbal adjustments are prohibited, and if made, verbal adjustments shall be invalid.

3.24.2. Application Submittal

The applicant shall not be limited in the number of administrative adjustments permitted for a project. However, all administrative adjustments applicable to the
project shall be submitted in writing on a form approved by the Assistant City Manager of Development Services concurrently with the appropriate development review application.

3.24.3. Review Process
The Assistant City Manager of Development Services shall approve, approve with conditions, or deny the administrative adjustment.

3.24.4. Standards Ineligible for Relief

A. No administrative adjustment shall increase the overall density or intensity of a development or number of units that are permitted by the comprehensive plan and applicable codes and ordinances on the subject parcel.

B. No landscaping standard shall be eligible for an administrative adjustment.

C. No condition of approval imposed by the City Council shall be eligible for an administrative adjustment.

D. No adjustment shall be allowed for work that originally occurred without the appropriate permits.

E. No adjustment of the minimum street, side or rear yard shall extend into any easement without concurrent modification of the easement, vacation of the easement or a change in the recorded plat regarding the easement to accommodate the administrative adjustment, or a permit to allow the use of the easement obtained from the City. No adjustment to any required yard shall be permitted unless it is for the purpose of preserving trees, wetlands, or other environmental resources, or to overcome unusual site topography or other obstacles to construction.

3.24.5 Review Criteria
In determining whether to approve, approve with conditions, or deny an administrative adjustment, the Assistant City Manager of Development Services shall consider the following criteria:

A. The administrative adjustment does not adversely affect the permitted use of adjacent property or the physical character of the surrounding area.

B. Granting the administrative adjustment will be generally consistent with the purposes and intent of this Unified Development Code and the comprehensive plan.

C. The administrative adjustment requested is the minimum adjustment necessary for reasonable use of property.

§ 3.25 Variance
3.25.1. **Applicability**

In accordance with the provisions of the Texas Local Government Code Chapter 211, the Board of Adjustment shall have the authority to hear and grant requests for a variance from the zoning provisions of this Unified Development Code. Waivers of the standards required for plat approval are not considered variances and shall be requested from the Planning Commission during the subdivision review process in accordance with Section 3.8. Any variance request up to 10% of any minimum or maximum measurement required by this Unified Development Code may be treated as an administrative adjustment in accordance with Section 3.24 if the Assistant City Manager of Development Services agrees to make the administrative adjustment. A variance to the development standards of this Unified Development Code shall be considered an exception to the regulations, rather than a right, and shall be the minimum necessary to afford relief.

3.25.2. **Review Process**

A. **Staff Review**

The Assistant City Manager of Development Services shall review the application and, considering the review criteria in Subsection 3.25.3, make a recommendation to the Board of Adjustment.

B. **Landmark Commission Review**

All applications received by the Board of Adjustment for variances affecting a designated historic overlay zoning district or landmark shall be provided to the Landmark Commission. The Landmark Commission may provide a recommendation to the Board of Adjustment on such applications, and may, with the approval of the City Council, appeal any Board of Adjustment decision as provided by law.

C. **Board of Adjustment Final Action**

1. Following notice in accordance with Subsection 3.1.7, the Board of Adjustment shall hold a public hearing and approve, approve with conditions, or deny the variance.

2. The Board of Adjustment shall take final action on the variance within 45 days from the date the recommendation of the Assistant City Manager of Development Services is made. In the event the Board of Adjustment shall fail to act within 45 days, the variance shall be deemed in all things denied.

3. Each case before the Board shall be heard by a minimum of 75% of its members.

4. The concurring vote of 75% of the members of the board shall be necessary to approve a variance request.

3.25.3. **Review Criteria**
3.25.3.A. **Required Findings**
The Board of Adjustment may authorize a variance from the provisions of this Unified Development Code that are not subject to waivers in **Subsection 3.8.3.D** if the variance is not contrary to the public interest and, due to special conditions, a literal enforcement of the requirements would result in unnecessary hardship, so the spirit of this Unified Development Code is preserved and substantial justice done. No variance shall be granted unless the Board of Adjustment finds all of the following:

1. **Extraordinary Conditions**
   There are extraordinary or special conditions affecting the land involved such that strict application of the provisions of this Unified Development Code will deprive the applicant of the reasonable use of the land.

2. **No Substantial Detriment**
   Granting the variance will not be detrimental to the public health, safety or welfare or injurious to other property in the area, or the City in administering this Unified Development Code.

3. **Other Property**
   The conditions that create the need for the variance do not generally apply to other property in the vicinity.

4. **Applicant’s Actions**
   The conditions that create the need for variance are not the result of the applicant’s own actions.

5. **Comprehensive Plan**
   Granting the variance would not conflict with the Comprehensive Plan.

3.25.3.B. **Insufficient Findings**
The following types of findings do not constitute sufficient grounds for granting a variance.

1. The property cannot be used for its highest and best use.

2. There is a financial or economic hardship.

3. There is a self-created hardship by the property owner or its agent.

4. The development objectives of the property owner are or will be frustrated.

3.25.3.C. **Limitations**
The Board of Adjustment may not grant a variance when the effect of the variance would be any of the following:

1. To allow the establishment of a use not otherwise permitted in the applicable zoning district;
2. To increase the density of a use above that permitted by the applicable zoning district or the Comprehensive Plan, whichever is less;

3. To extend physically a nonconforming use of land; and

4. To change the zoning district boundaries shown

3.25.3.D. Limitations on Variances for Signs
No variance for a sign may increase the overall permitted area of a sign. Sign-related variances may only be granted, in accordance with this Section, for height or other locational restrictions.

3.25.4. Appeal to a Court of Competent Jurisdiction
A. Within 10 days after a Board of Adjustment decision, any of the following persons may represent to a district court or county court at law a verified petition stating that the decision of the Board of Adjustment is illegal in whole or in part and specifying the grounds of illegality:

   1. A person aggrieved by a decision of the board;

   2. A taxpayer; or

   3. An official, department, development review body of the municipality.

B. The petition shall be presented within 10 days after the date the decision is filed in the Board’s office.

C. On the presentation of the petition, the court may grant a writ of certiorari directed to the Board of Adjustment to review the decision. The writ shall indicate the time by which the Board’s return shall be made and served on the petitioner’s attorney, which shall be after 10 days and may be extended by the court. Granting of the writ does not stay the proceedings on the decision under appeal, but on application and after notice to the Board the court may grant a restraining order if due cause shown.

D. The Board of Adjustment’s return shall be verified and shall concisely state any pertinent and material facts that show the ground of the decision under appeal. The Board shall not be required to return the original documents on which the Board acted but may return certified or sworn copies of the documents or parts of the documents as required by the writ.

E. If at the hearing the court determines that testimony is necessary for the proper disposition of the matter, it may take evidence or appoint a referee to take evidence as directed. The referee shall report the evidence to the court with the referee’s findings of fact and conclusions of law. The referee’s report
Article 3: Development Review Procedures

constitutes a part of the proceedings on which the court shall make its decision.

F. The court may reverse or affirm, in whole or in part, or modify the decision that is appealed. Costs may not be assessed against the Board of Adjustment unless the court determines that the Board acted with gross negligence, in bad faith, or with malice in making its decision.

§ 3.26 Floodplain Variance

3.26.1. Applicability

A. Floodplain variances may be issued for new construction or other substantial improvements to be erected on a lot contiguous to and surrounded by lots with existing construction below the base flood level.

B. A floodplain variance only shall apply to standards in Section 7.8. Such variance shall be considered an exception to the regulations, rather than a right, and shall be the minimum necessary to afford relief.

3.26.2. Review Process

A. Floodplain Administrator Review
   The Floodplain Administrator shall review the application and, considering the review criteria in Subsection 3.26.3, make a recommendation to the Building Code Board of Appeals.

B. Building Code Board of Appeals Final Action
   1. Following notice in accordance with Subsection 3.1.7, the Building Code Board of Appeals shall hold a public hearing and approve, approve with conditions or deny the floodplain variance.

   2. The Building Code Board of Appeals shall take final action on the variance within 45 days from the date the recommendation of the Floodplain Administrator is made. In the event the Board shall fail to act within 45 days, the variance shall be deemed in all things denied.

   3. Each case before the Board shall be heard by a minimum of four of its members.

   4. The concurring vote of the majority but not less than four of the members of the board shall be necessary to approve a floodplain variance request.

C. Written Notice
   An applicant to whom a floodplain variance is granted may be given written notice that the structure will be permitted to be built with the lowest floor elevation below the base flood elevation and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced
lowest floor elevation. The notice shall state that the variance does not authorize any waiver or variance of the electrical, plumbing, gas, mechanical, and energy codes.

D. **Report of Floodplain Variance**
The Floodplain Administrator shall report variances to the Federal Emergency Management Agency as required by law.

3.26.3. **Review Criteria**
See the variance review criteria in Section 3.25

3.26.4. **Historic Place Exemption**

A. Floodplain variances may be issued for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places or the state inventory of historic places, without regard to the procedures set forth in this Section.

B. Floodplain variances may be issued for the repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure’s continued designation as an historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.

§ 3.27 Appeal of Administrative Decision

3.27.1. **Applicability**
Pursuant to the authority granted to the City by the Texas Local Government Code Chapter 211, the Board of Adjustment may hear and decide an appeal that alleges error in an order, requirement, decision or determination made by an administrative official (including but not limited to the Assistant City Manager of Development Services, Building Official, or Floodplain Administrator) in the enforcement of this Unified Development Code. In exercising its authority under this Section, the Board may affirm or reverse, in whole or in part, or modify the administrative official’s order, requirement, decision or determination from which an appeal is taken and make the correct order, requirement, decision or determination, and for that purpose the Board has the same authority as the administrative official.

3.27.2. **Review Process**

A. **Initiation**
Within 30 days after the date of administrative decision, an appeal of an administrative decision may be initiated by any person aggrieved by the administrative decision or any official or department of the City affected by the decision.

B. **Content of Notice of Appeal**
The notice of appeal shall specifically set forth all grounds for appeal.
C. **Effect of Appeal**

An appeal shall stay all proceedings in furtherance of the action that is appealed unless the official from whom the appeal is taken certifies in writing to the Board facts supporting the official’s opinion that a stay would cause imminent peril to life or property. In that case, the proceedings may be stayed only by a restraining order granted by the Board or a court of record, after notice to the official and a showing of good cause.

D. **Board of Adjustment Final Action**

1. Following notice in accordance with Subsection 3.1.7, the Board of Adjustment shall hold a public hearing and affirm or reverse, in whole or in part, or modify the order, requirement, decision or determination of the administrative official.

2. A vote of three-fourths vote of all members of the Board of Adjustment shall be required to reverse or modify an administrative order, requirement, decision or determination.

3. In exercising its final decision, the Board of Adjustment shall have the same authority as the administrative official.

3.27.3. **Review Criteria**

A. **Considerations**

The Board of Adjustment considers whether the action by the administrative official was appropriate considering the details of the case, the requirements contained in this Unified Development Code, and the information presented to the Board by the applicant and the administrative official.

B. **Burden of Proof in Appeals**

When an appeal is taken to the Board of Adjustment, the action of the administrative official is presumed to be valid. The applicant shall present sufficient evidence and have the burden to justify a reversal of the action being appealed. The administrative official may present evidence and argument to the contrary.

C. **Findings and Conclusions**

All findings and conclusions necessary to the decision of the Board of Adjustment shall be based upon reliable evidence. Competent evidence (evidence admissible in a court of law) shall be preferred whenever reasonably available, but in no case may findings be based solely upon incompetent evidence unless competent evidence is not reasonably available, the evidence in question appears to be particularly reliable, and the matter at issue is not seriously disputed.

§ 3.28 **Alternative Dispute Resolution**

3.28.1. **Written Confirmation of City’s Position**
In the event any person has a dispute with any City department, division or official concerning the issuance of a permit, approval of a project or any other matter arising under this Unified Development Code, the person may request confirmation of the City’s position in writing. The representative of the City department, division or official shall provide a written confirmation of the City’s position in the dispute within five business days after receipt of the written request for confirmation.

3.28.2. Appeal to Assistant City Manager of Development Services
In the event any person disagrees with the City’s position, the person may appeal to the Assistant City Manager of Development Services for a final determination of the City staff’s position on the matter. The appeal shall be submitted in writing and state the reasons for the disagreement with the City’s position. A copy of the City’s written confirmation of position shall be attached to the appeal. The Assistant City Manager of Development Services shall provide a written response to the appeal within ten business days after receipt of the written notice of appeal. The Assistant City Manager may convene a mediation session with the disputing parties in order to resolve the matter or agree to obtain a determination from an outside regulatory body, professional organization or trade association in connection with resolving such matter.

3.28.3. Appeal to Development Review Body
In the event that the person is not satisfied with the final position taken by the City staff in connection with the matter, an appeal may be made to the appropriate development review body related to the subject matter of the dispute. If the person seeks to appeal an administrative decision or a variance, the matter should go to the Board of Adjustment. If the person seeks a text amendment, the matter should go to the Planning Commission. If the matter involves an historic structure, the matter should go to the Landmark Commission. The matter shall be considered at the next regular meeting of the development review body scheduled not earlier than ten business days after receipt of the written notice of appeal. In the event that the matter involves an application or project that is already subject to hearing procedures under this Unified Development Code, the consideration of such appeal shall be made at the same time as the hearing conducted by the appropriate development review body.

§ 3.29 Traffic Impact Analysis

3.29.1. Purpose Statement
A Traffic Impact Analysis is required for certain developments to coordinate land use and transportation facility development. Both the City and the land developer share in the responsibility to consider all reasonable solutions to identified transportation problems. A Traffic Impact Analysis looks at development size and use and determines the effect of that use on the existing roadway system. This process fosters a roadway system that accommodates the proposed land use and will recommend mitigation measures to provide efficient traffic flow around the proposed site.

3.29.2. Rezoning Applications
A Traffic Impact Analysis is required for rezoning projected to generate 501 or more weekday peak hour trips provided:

A. A Traffic Impact Analysis will not be required at the time of application for rezoning if the rezoning request is consistent with the Comprehensive Plan and Urban Transportation Plan or if the rezoning is a City-initiated rezoning.

B. A Traffic Impact Analysis shall be required any time a property owner seeks to rezone property that is not consistent with the Comprehensive Plan and Urban Transportation Plan and the proposed zoning will cause an increase of 501 or more peak hour weekday trips than could have been generated by the adopted Future Land Use Plan.

3.29.3. Site Plan and Street Closures Applications
A Traffic Impact Analysis is required for site plan or street closure applications if the proposed development is projected to generate 501 or more weekday peak hour trips, but one will not be required for right-of-way closure or abandonment of unimproved streets that are not on the Urban Transportation Plan.

3.29.4. Required Peak Hour Traffic Generation Form (PHT)
A PHT Form is required for any rezoning, site plan or street closure request for developments that are projected to contain 500 or fewer weekday peak hour trips.

3.29.5. Study Area Requirement

<table>
<thead>
<tr>
<th>Submittal Category</th>
<th>Peak Hour Weekday P.M. Trips</th>
<th>Study Boundary</th>
</tr>
</thead>
<tbody>
<tr>
<td>Level 2 Traffic Impact Analysis</td>
<td>1,501 or more</td>
<td>All signalized intersections, frontage roads and all unsignalized collector or higher intersections within 1.0 mile of the site property line.</td>
</tr>
<tr>
<td>Level 1 Traffic Impact Analysis</td>
<td>501 - 1,500</td>
<td>All signalized intersections, frontage roads and all unsignalized collector or higher intersections within .50 miles of the site property line.</td>
</tr>
<tr>
<td>PHT Generation Form (no Traffic Impact Analysis is required)</td>
<td>500 or less</td>
<td>The site.</td>
</tr>
</tbody>
</table>

3.29.6. Traffic Impact Analysis Content for Zoning Matters

A. **Existing Zoning.** A description of the existing zoning in the area proposed for rezoning including: existing land area (gross and net) by zoning classification and density figures expressed as square footage, number of hotel rooms, dwelling units, etc.

B. **Proposed Zoning.** A description of the proposed zoning including land area (gross and net) by zoning classification and density figures expressed by square footage, number of hotel rooms, dwelling units, etc.
C. **Transportation Plan.** A description of roadway development according to the Urban Transportation Plan for the entire study area and base volumes of collectors or higher street classifications within the study area.

D. **Impact Determination.** The Traffic Impact Analysis will describe the volume/capacity (V/C) ratio for all collectors or higher street classifications and delay projections for intersections in the studied area to determine if level of service D operation is maintained. The analysis shall contain the following minimum information:

1. **Proposed Trip Generation.** Show in tabular form trip generation rates and the total trips generated by land use assuming full development and occupancy. Indicate trip reductions, if any, resulting from credits for mass transit, passerby, mixed use, etc. (all trip reductions must conform to the Institute of Traffic Engineers Trip Generation Manual) and calculate the net estimated trips.

2. **Existing Trip Generation.** Show in tabular form by land use trips generated based on existing zoning.

3. **Net Increased Trip Generation, Distribution, and Assignment.** Show proposed trip generation minus existing trips generated and the assignment of new trips generated to be calculated for weekday peak hours 4 to 6 pm.

4. **Level of Service Analysis.** Show in tabular form, peak-hour levels of service for existing and proposed zoning. Calculations shall include all thoroughfare links and intersections. Also show level of service and percentage of change (when compared to base volumes) calculations for each link and intersection.

5. **Conclusions.** Summarize points of conflict and congestion, identify all collector or higher street classifications links or intersections exceeding a level of service D, and the percentage of change produced by the proposed zoning change.

E. **Traffic Impact Analysis Mitigation for Zoning Matters**

Traffic produced by the proposed zoning plus the assumed background traffic should not exceed Level of Service D. Locations exceeding Level of Service D, where the proposed zoning contributes 5% or more of the traffic, should be mitigated. Acceptable methods of mitigating negative traffic impacts are:

1. Requirements in addition to those provided in the **Section 7.1 Access and Circulation** relating to driveway median opening location and distance between drives.

2. Modified zoning and/or density reduction or relocation.
3.29.7. Planning Commission Report
The Planning Commission shall make a report to the City Council on all Traffic Impact Analysis it considers in conjunction with requests for rezoning. The Planning Commission may make a recommendation for approval, modification, or denial of the zoning case based on other planning factors in addition to its review of a Traffic Impact Analysis. In addition, the Planning Commission may recommend, in addition to measures defined above, that a study of the Transportation Plan be made to determine amendments required to ensure adequate long-term capacity.

3.29.8. Traffic Impact Analysis Content for Site Plan and Street Closures

A. **Study Area.** A map shall be included delineating the Traffic Impact Analysis study area and all existing and planned streets therein.

B. **Existing Zoning and Development.** Describe existing zoning including land area (gross and net) by zoning classification, including density figures, square footage, number of hotel rooms, dwelling units, etc. Also, describe any existing development onsite and how it will be affected by development proposals.

C. **Transportation Plan Network.** Describe existing collectors and arterials, signals and signal phasing, and traffic volumes within the study area.

D. **Proposed Development.** Describe the proposed development including land area (gross and net) and density figures, number of hotel rooms, dwelling units, etc. Also, describe roadway conditions as expected by date of occupancy. Improvements shown must be funded within the City’s Capital Budget Program, TxDOT Transportation Improvement Program or proposed for development at the developer's expense to be repaid by the City in accordance with the City’s cost-sharing policies as funds become available. Indicate roadway and intersection capacities at study date.

E. **Impact Determination.** Determine the level of service for all collector and higher street classifications and intersections in the study area. The analysis shall contain the following minimum information:

   1. **Proposed Trip Generation.** Calculate total trip generation by use (assuming full development and occupancy) and report any reductions for passerby, mixed use, etc., as permitted by the Institute of Traffic Engineers Trip Generation Manual. Show trip generation by use in tabular form with land use trip generation rates and trips generated.

   2. **Trip Distribution and Assignment.** Trips generated by the proposed development are to be added to the base volumes. Weekday peak hour volumes must be calculated. Distribution assumptions and assignment calculations must be provided.
3. **Level of Service Analysis.** Show in tabular form weekday peak-hour vehicle to capacity (V/C) ratios for links and intersections within the study area. Analyze all points of ingress and egress, median breaks, and turn lanes associated with the proposed site.

4. **Conclusions.** Provide a summary of points of conflict and congestion. Identify all collector or higher street classification links or intersections exceeding a level of service D and the percentage increase in total traffic produced by the proposed site plan. Identify any operational problems (e.g., drives, median openings, and signalization) within 500 feet of the site.

### 3.29.9. Traffic Mitigation for Site Plans and Street Closures

The applicant may propose mitigation measures as described in paragraphs 3.29.9.E and 3.29.9.F as an alternative to denial of the site plan or street closure request. Traffic levels exceeding Level of Service D, where the development is contributing 5% or more of the total weekday peak hour trips should be mitigated.

A. If projected traffic plus site-generated traffic in the impact area will be at level of service C or less (levels A or B) without mitigation, then the applicant will not be required to identify recommendations for improving the level of service.

B. Off-site traffic impact mitigation improvements may be waived where a funded capital improvement project is scheduled to make the Traffic Impact Analysis recommended improvements within three years of the Traffic Impact Analysis review.

C. Requirements for mitigation for land development projects located inside a renewal community area will be considered on a case-by-case basis and may be waived by the City Council for a City-sponsored infill development project.

D. Roadways and intersections, within the study area, that are projected to operate at level of service D, E or F under traffic conditions including projected traffic plus site-generated traffic must be identified and recommendations made for raising the traffic conditions to level of service D or better.

E. Modifying density or intensity of use (e.g. reduction in square footage or percentage of commercial use) may be required to mitigate traffic impact.

F. If on-site or off-site improvements are needed, the improvements must be accomplished no later than the completion of the project phase for which the capacity analyses show that the improvements are needed. If the improvements cannot be completed concurrent with the project phases for which they are needed, financial security shall be posted to guarantee completion of the improvements. Traffic improvements to mitigate increased levels of traffic may include:
1. Pavement widening;
2. Turning lanes;
3. Deceleration lanes;
4. Median islands;
5. Access controls;
6. Curbs;
7. Driveway reconstruction and new driveways;
8. Sidewalks;
9. Traffic signalization;
10. Traffic signage;
11. Pavement markings;
12. Transit bus pull-outs, shelters and seating areas; or
13. Other similar traffic control devices for improvement of safety and traffic flow.

3.29.10. Exemptions
Applications for development approval within the Central Business District are exempt from the provisions of this Section.

3.29.11. Traffic Capacities
In addition to the Institute of Transportation Engineers Trip Generation Manuals, the Traffic Impact Analysis should be consistent with acceptable traffic capacities for arterial and collector streets in the Urban Transportation Plan. Local residential streets not in the plan shall be assumed to have acceptable daily traffic volumes of 800 vehicles per day or less.

3.29.12. Amendments to a Traffic Impact Analysis
An amended Traffic Impact Analysis is required when a proposed activity on a property varies from the activity on which a previous Traffic Impact Analysis was submitted and accepted and the proposed new activity increases peak hour weekday trips by 100 or more trips or places the project into a higher Level Traffic Impact Analysis.

3.29.13. Institute of Transportation Engineers
All Traffic Impact Analyses must meet the minimum recommended standards of the Institute of Transportation Engineers.
3.29.14. **Required Traffic Mitigation Improvements**

Where the property owner can demonstrate that application of the ITE standards would not serve a public purpose, the Assistant City Manager of Development Services may waive any of these requirements.

3.29.15. **Appeals**

The property owner may appeal required traffic mitigation improvements to the City Council.

§ 3.30 **Optional Developer Guarantees**

3.30.1. **Applicability**

A. Neither a final plat approval nor a certificate of occupancy for building development shall be issued until the developer has installed the improvements required by this Unified Development Code or has guaranteed that such improvements will be installed.

B. The developer’s guarantee, in lieu of installation of improvements, shall be in an amount that is 110% of the construction costs of all improvements, including site fill, as estimated by the developer’s professional engineer or architect, as applicable, and verified by the Department of Development Services or City Engineer, as appropriate. Such guarantee shall be in the form of one or more of the following: certified check; cash deposited in an escrow account; a first mortgage on his/her property; letter of credit; or such other guarantee approved by the City Attorney.

C. Such guarantee may be reduced from the original guarantee on a pro rata basis according to the value of any improvements installed as verified by the Department of Development Services or City Engineer, as appropriate.

D. In the case of building development pursuant to an approved building permit, only landscaping, buffer yard, and/or tree replacement improvements may be guaranteed by the developer in accordance with Section 7.3 of this Unified Development Code.

3.30.2. **Review Process**

A. Inspections shall be conducted by the City and certifications shall be submitted by the applicant’s state licensed professionals required herein that confirm the required improvements are installed in accordance with the approved plans, the applicable codes, and professionally-acceptable practices.

B. **Installation of Improvements**

A Texas registered professional engineer, architect, or landscape architect, as appropriate, shall be employed by the developer to design all required improvements as a requirement for the acceptance by the City of a request to secure improvements with a developer’s guarantee. Said professional
shall be required to inspect and certify that the installation of all required improvements is in conformity with the requirements and standards set forth in this Code and all other specifications or requirements of the City.

C Required Improvements
The following improvements are considered required for the purposes of this article:

1. Survey reference markers and monuments;
2. Streets, driveways and off-street parking and loading areas;
3. Storm drainage system;
4. Sidewalks, walkways and bicycle facilities;
5. Sanitary sewage disposal system;
6. Water supply systems;
7. Street name signs, pavement markings, regulatory signs, and other traffic-control devices;
8. Bridges;
9. Bulkheads;
10. Erosion control;
11. Utility lines;
12. Curb and gutter;
13. Landscaping, screening, buffers;
14. Tree removal, relocation and replanting;
15. Any other improvements required by this Unified Development Code, any applicable ordinances and the Municipal Code; a lawful development agreement or other agreement between the owner/developer and the City; a development order issued by the City; and improvements required as a condition of any zoning, platting or other City development approval or permitting process.

D. Inspections and Tests
Appropriately staged inspections during construction shall be required. It shall be the responsibility of the developer or the developer’s contractor to notify the Department of Development Services to arrange for these inspections. Tests required under this paragraph shall be performed by the City or by a competent engineering testing firm, which shall have an engineer registered in Texas as one of the responsible officials of the firm.
E. **Inspections**

The developer shall provide written authorization which will enable City staff to enter upon the property to be developed and make periodic inspections at each stage of construction. During construction, the developer shall notify the Department of Development Services that a City inspector can be sent to make an inspection. The City shall furnish an inspector at the site within a reasonable length of time during normal business days and hours. Alternatively, the Assistant City Manager of Development Services may require the developer’s architect, landscape architect, or engineer, as appropriate, to make any required inspection and present signed and sealed inspection reports with as-built drawings of any changes to the City. Any changes made during construction must be submitted to the Department of Development Services for plan review and approval immediately. All changes must conform to all applicable laws, ordinances, and conditions of approval. The purpose of these inspections is to ensure that construction is in compliance with the approved site plan or subdivision construction plans and applicable laws, codes, ordinances, and conditions of approval. The City accepts no responsibility or liability for the work, or for any contractual conditions involving acceptance, payment or guarantees between any contractor and the developer, by virtue of these inspections. The City assumes no responsibility or commitment guaranteeing acceptance of the work, or for subsequent failure, by virtue of these inspections. Upon completion of the improvements and receipt by the Department of Development Services of the documents required in paragraph 3.30.2.F below, the Department of Development Services will schedule a final on-site inspection of the improvements by all applicable department representatives collectively on a date specified by the developer. The documents required in paragraph 3.30.2.F shall be submitted by the developer at least five days prior to the inspection date. The developer, the developer’s engineer, and contractor shall be represented at the inspection. If any aspect of the work being performed does not comply with acceptable standards, corrections shall be required by the City inspector, the Assistant City Manager of Development Services, or the City Engineer, as appropriate, as a condition for City acceptance. All improvements shall be installed, and have the approval of the Assistant City Manager of Development Services and/or other City agencies prior to their final acceptance for maintenance by the City, where required, or issuance of a certificate of occupancy.

F. **Documentation of Completion of Required Improvements**

Upon completion of the above inspections or prior thereto, the following, where required, shall be provided to the Department of Development Services and/or other appropriate City agencies:

1. The test results;

2. Maintenance guarantees, in accordance with provisions of this Unified Development Code, for facilities to be dedicated or conveyed to the City or a property owners association;
3. As-built drawings for utilities and drainage systems to be dedicated to the City for maintenance, and as otherwise required to ensure compliance of any changes observed in the construction;

4. Certification by the developer’s engineers that all improvements were installed in accordance with the granted development order; and

5. Copy of surveyor’s certificate.

3.30.3. **Responsibility During Maintenance Period for Improvements to be Dedicated or Conveyed to the City or to a Property Owners Association**

A. Following approval by the City of the construction of the required improvements to be dedicated or conveyed to the City or a property owners association, the developer shall be required to maintain the improvements within the development in first-class condition until the City accepts the improvements for City maintenance, or they are turned over to a property owners association for maintenance. Such association shall have all duties and powers necessary to provide for the perpetual maintenance of the improvements. The developer’s maintenance period shall be for one year. During that maintenance period, the developer will be expected to provide any maintenance required, including, but not limited to:

1. Repair and replacement of any system component, or failed section of pavement, etc.;

2. Correction of design faults;

3. Control of erosion, replacement of sod, removal of soil washed onto pavement or into drainage system; and

4. Lost, destroyed or disturbed survey improvements.

B. The developer may request the City to accept the required improvements for maintenance at the time of or after the acceptance of the construction, or during the developer’s one-year maintenance period. When this occurs, it shall be the responsibility of the developer to sod all areas of the required improvements where the potential for erosion exists. Such areas which may require sodding shall include but not be limited to shoulders, swales, drainage systems and retention areas. When such sodding is completed in a manner which is satisfactory to the Assistant City Manager of Development Services, the City may accept the improvements for City maintenance; provided that, all other improvements are in a first-class condition. The financial guarantee required by paragraph 3.30.1.B will be retained for the balance of the developer’s one-year maintenance period to guarantee all improvements against defects in design, materials and workmanship unless a maintenance guarantee is provided as required below. The City shall not accept the improvements for City maintenance or release the financial guarantee until it
has determined that all improvements are in a first-class and acceptable condition.

C. All improvements to be dedicated or conveyed to the City or a property owners association shall be covered by the original financial guarantee or a maintenance guarantee in the amount of 15% of the construction costs of all improvements including site fill. The form of maintenance guarantee shall be as prescribed and approved by the City Attorney. The developer shall guarantee all improvements against defects in design, material and workmanship, in addition to guaranteeing maintenance for the required period of time.

D. Approximately 60 days prior to the expiration of the maintenance period, the developer shall request the Assistant City Manager of Development Services to schedule an inspection that includes all appropriate City personnel. All deficiencies of design, materials, workmanship and/or maintenance identified during the final inspection shall be corrected by the developer.

E. Upon receiving evidence of correction of all deficiencies from the City inspection results from all inspecting agencies, the City may accept those improvements dedicated or conveyed to the City for City maintenance. Those required improvements to be conveyed to a property owners association shall be accepted by the property owners association pursuant to agreements between the developer and the property owners association.

F. Upon acceptance of the improvements by the City or property owners association, the maintenance guarantee shall be released to the developer, less any charges for maintenance or corrections incurred by the City during the maintenance period.

3.30.4. Responsibility for Maintenance of Privately-Owned Improvements

Any improvements made to private property pursuant to a development permit issued under this Unified Development Code shall thereafter be maintained by the private property owner and/or lessee or renter to the minimum standards of this Code and the improved plans. Failure to maintain such improvements shall constitute a violation of this Code.
Article 4 Base Zoning Districts

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Article 4. Base Zoning Districts

§ 4.1 General

4.1.1. Establishment of Zoning Districts

A. The following zoning districts shall be established as authorized by Chapter 211 of the Texas Local Government Code.

B. Where the phrase “residential zoning district” is used in this Unified Development Code, it shall be construed to mean the zoning districts listed under the “Residential Districts” heading on Table 4.1.1 Zoning Districts.

C. Where the phrase “nonresidential zoning district” is used in this Unified Development Code, it shall be construed to mean the zoning districts listed under the “Nonresidential Districts” heading on Table 4.1.1 Zoning Districts.
### Table 4.1.1 Zoning Districts

<table>
<thead>
<tr>
<th>Residential Districts</th>
<th>Existing Designation</th>
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<tbody>
<tr>
<td>FR Farm Rural</td>
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<td>RE Residential Estate</td>
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<td>RS-22 Single-Family 22</td>
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<tr>
<td>RS-15 Single-Family 15</td>
<td>R-1A</td>
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<tr>
<td>RS-10 Single-Family 10</td>
<td>R-1B</td>
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<td>RS-6 Single-Family 6</td>
<td>R-1C</td>
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<tr>
<td>RM-3 Multifamily 3</td>
<td>AT</td>
</tr>
<tr>
<td>RM-AT Multifamily AT</td>
<td>T1-B and T1-C</td>
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<tr>
<td>CN-1 Neighborhood Commercial</td>
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<tr>
<td>CN-2 Neighborhood Commercial (Limited)</td>
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<td>ON Office</td>
<td>AB</td>
</tr>
<tr>
<td>CR-1 Resort Commercial (Bayfront)</td>
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<td>CR-2 Resort Commercial (Barrier Island)</td>
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<td>CR-3 Resort Commercial (North Beach)</td>
<td>BD</td>
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<td>CG-1 General Commercial (Limited)</td>
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<td>CI Intensive Commercial</td>
<td>B-5</td>
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<tr>
<td>CBD Downtown Commercial</td>
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<td>BP Business Park</td>
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<tr>
<td>CC Commercial Compatible</td>
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<tr>
<td>IC Industrial Compatible</td>
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<td>IL Light Industrial</td>
<td>T-1A</td>
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<tr>
<td>IH Heavy Industrial</td>
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<tr>
<td>RV Recreational Vehicle Park</td>
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<th>Special Districts</th>
<th>PUD-1 and PUD-2</th>
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<td>PUD Planned Unit Dev. Overlay</td>
<td>HC, HC-I, HC-II, HC-III,</td>
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<td>H Historic Overlay</td>
<td>HC-IV, HC-F, and HC-A</td>
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<td>-SP</td>
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<tr>
<td>IO Island Overlay</td>
<td>-IO</td>
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<tr>
<td>CH Cottage Housing</td>
<td>-CH</td>
</tr>
</tbody>
</table>

(Ordinance 029125, 07/12/2011)
(Ordinance 029929, 08/27/2013)
4.1.2 **Zoning Map**

A. The City is hereby divided into zoning districts enumerated in Subsection 4.1.1, as shown on the Zoning Map, which is hereby adopted by reference and declared to be a part of this Unified Development Code.

B. If, in accordance with the provisions of this Unified Development Code and §211.006 of the Texas Local Government Code, as amended, changes are made in the zoning district boundaries or other matter portrayed on the Zoning Map, such changes shall be entered on the Zoning Map within five business days after the amendment has been approved by the City Council and signed by the Mayor.

C. No change of any nature shall be made on the Zoning Map except in conformity with procedures set forth in this Unified Development Code. Any unauthorized change shall be null, void and have no force or effect.

D. Regardless of the existence of purported copies of the Zoning Map which may from time to time be made or published, the Zoning Map, which shall be located in the office of the City Secretary, shall be the final authority as to the current zoning status of land and water areas, buildings and other structures in the City.

E. If, because of error or omission in the Zoning Map, any property in the City is not shown as being in a zoning district, the classification of such property shall be (RS-15) Single-Family 15 Zoning District until changed by amendment.

4.1.3 **Digital Mapping**

Digital maps, created through the use of geographic information system technology, containing registration points recorded on the Texas State Plane Coordinate System, as amended, may be used in the administration and enforcement of this Unified Development Code, but shall not replace the paper originals of official maps required by this Unified Development Code.

4.1.4 **Interpretation of Zoning District Boundaries**

A. A zoning district name or letter-number combination shown on the Zoning Map indicates that the regulations pertaining to the district extend throughout the whole area in the City bounded by the zoning district except as otherwise provided by this Section.

B. Where uncertainty exists with respect to the boundaries of the various zoning districts as shown on the Zoning Map the following rules shall apply:

1. Boundaries shown within a street or alley or non-navigable stream shall be deemed to be in the center of the street, alley or stream and if the actual location of such street, alley or stream varies slightly from the location as shown on the Zoning Map, then the actual location shall control.
2. Boundaries given a position shown within a railroad shall be deemed to be in the center of the railroad right-of-way and distances measured from a railroad shall be measured from the center of the designated mainline track.

3. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.

4. In subdivided property, unless otherwise indicated, the zoning district boundary line shall be determined by the use of the scale contained on the Zoning Map.

5. All water areas within the City limits are considered to be within a zoning district and controlled by applicable zoning district regulations. Zoning district boundaries over water areas are located by noted or scaled dimensions, by relation to physical features, by coincidence with the City limit line or by straight line projection of the centerlines of streets, as indicated on the Zoning Map. Straight line zoning district boundaries over water areas shall be assumed to continue as straight lines until they intersect with each other or with the City limit line. Unless otherwise designated on the Zoning Map, all water areas are included in the (RS-15) Single-Family 15 zoning district.

4.1.5. Newly Annexed Territory

A. All new territory hereinafter annexed to the City shall have the initial zoning of FR, Farm-Rural zoning district classification unless action is taken to amend the Zoning Map upon annexation. No special action or hearing will be required for zoning upon annexation into the Farm-Rural zoning district. Newly annexed territory may begin rezoning procedures to any zoning district upon completion of annexation. A request for zoning other than the Farm-Rural zoning district may be initiated concurrently with the annexation process but may not be final until annexation is completed.

B. After initiation of annexation proceedings, and prior to the establishment of a zoning district classification, no building permit or certificate of occupancy shall be issued by the Building Official for the subject property other than for a use permitted in the (FR) Farm-Rural zoning district in accordance with Table 4.3.2. Permitted Uses.

C. The owner of any building in the process of construction that is incomplete at the time the land upon which it is situated is annexed to the City, and that is not permitted in the established zoning district, shall apply for a building permit in accordance with Section 3.18.
4.1.6. **Use Tables**

The following provisions apply to the use tables in Section 4.3 through Section 4.6.

**A. Explanation of Tables**

1. **Use Permitted by Right (P)**
   A “P” in a zoning district column indicates that a use is permitted by right. Such uses are subject to all other applicable regulations of this Unified Development Code.

2. **Use Permitted Subject to Limitations**
   An “L” in a zoning district column indicates that a use is permitted, provided that it meets the supplementary use standards referenced in the far right “Standards” column of the use table. Such uses are subject to all other applicable regulations of this Unified Development Code.

3. **Special Use Exception**
   An “SUE” in a zoning district column indicates that a use is permitted only if approved as a special use exception by the Board of Adjustment in accordance with the procedures in Section 3.12. Special use exceptions are subject to all other applicable regulations of this Unified Development Code, including the specific use standards contained in Section 5.2.

4. **Special Permit**
   An “SP” in a zoning district column indicates that a use is permitted only if approved by special permit by the City Council in accordance with the procedures in Section 3.6. These uses are subject to all other applicable regulations of this Unified Development Code, including the specific use standards contained in Section 5.2.

**B. Uses Not Permitted or Not Listed**

1. An empty cell indicates that a use is not allowed.

2. Where a use table does not expressly list a use (including any applicable use categories described in Section 5.1 such as Retail Sales and Service), and that use or use category is specifically listed on another use table, such use or use category shall be prohibited and shall not be interpreted to be a similar use under Subsection 5.1.1.

3. The criteria in Subsection 5.1.1 should be used to determine how an unlisted use that is unlisted in any other use table should be treated.
C. **Standards**

The use table column entitled “Standards” contains a cross-reference to standards that apply to specific uses listed in Section 5.2 or other applicable standards elsewhere in this Unified Development Code.

§ 4.2 **Measurements**

The regulations set forth in this Section qualify or supplement the zoning district regulations appearing elsewhere in this Article.

4.2.1. **Open Space**

A. Open space area shall be measured as the area within the property lines of the open space, excluding any street, easement for street purposes, street right-of-way and all lands seaward of the state-owned water boundary.

B. The minimum open space required in a development under common ownership or unified control, or within a subdivision, shall be property under public or common private ownership. Such open space may be held privately.

C. Required open space in residential zoning districts shall be measured exclusive of any individual lots.

D. All open space shall be unoccupied or predominately unoccupied by buildings or other impervious surfaces. A maximum of 5% of the area of any required open space may be occupied by buildings or such surfaces.

4.2.2. **Lot Area**

A. Lot area shall be measured as the area contained within the property lines of a lot, excluding any street, easement for street purposes, street right-of-way and all lands seaward of the state-owned water boundary.

B. There shall be one single-family dwelling per lot or as otherwise stated in this Code.

C. Individual lots in new developments or a replat with more than five lots may deviate up to 10% from the minimum lot area, provided that the average lot area in the project shall equal or exceed the minimum lot area for the zoning district. In no case shall the maximum density for the zoning district be exceeded due to such reduced lot size.

D. A lot may consist of one or more portions of adjacent lots under single ownership so long as the lot area per dwelling unit, lot width, yard and lot coverage requirements, and other requirements of this Article are maintained. This requirement shall not be construed to prevent the purchase or condemnation of narrow strips of land for public utilities or street right-of-way purposes.
E. Except for semi-attached and zero lot line houses described in Subsection 4.3.5 and townhouses described in Subsection 4.4.4, no building shall be permitted to be placed upon a lot line.

4.2.3. Lot Width
Lot width shall be the distance between the side lot lines measured at the required setback line, parallel or concentric to the front property line. If the proposed setback is greater than the required setback, the measurement is taken at the required setback.

4.2.4. Site Area and Width

A. Site area for a single-family attached house shall include the combined area and width of the two lots upon which the attached dwelling units are situated.

B. Site area for a townhouse development shall include the combined area and widths of all the lots in the development.

4.2.5. Yards

4.2.5.A. In General

1. Every part of every required yard shall be open and unobstructed to the sky except as authorized in this Unified Development Code.

2. All required yards shall be measured from the edge of the right-of-way and/or property or abutting lot line.

4.2.5.B. Types of Yards

1. Required yard types shall be as follows:
   a. Street;
   b. Street (corner);
   c. Side; and
   d. Rear.
2. Corner lots shall be considered to have one street yard setback and one street corner yard setback.

3. Through lots shall be considered to have two street yards where the property abuts the street.

4. Private garages and carports detached or attached to the main building, which are entered from the street or alley, shall maintain a minimum setback of 20 feet in front of the garage or carport from such street.

4.2.5.C. **Measurement of Yards**

1. Depth of a required street yard shall be measured at right angles to a straight line joining the foremost points of the side lot lines or radially on the curved section of the lot.

2. Width of a required side yard shall be measured in such a manner that the yard established is a strip of the minimum width required by zoning district regulations with its inner edge parallel to the side lot line. Side lot lines shall be substantially at right angles or radial to street lines.

3. Depth of a required rear yard shall be measured in such a manner that the yard established is a strip of the minimum width required by zoning district regulations with its inner edge parallel with the rear lot line.

4.2.5.D. **Features Allowed Within Required Yards**

The following features may be located within a required yard:

1. Landscape features and irrigation;

2. Open, unobstructed, unenclosed porches, decks or patios that do not extend above the level of the first floor of the building and that do not extend or project into the front or side yard more than 6 feet;

3. Sidewalks, fences and walls;
4. Minor utilities as described in Subsection 5.1.3.J;

5. Mechanical equipment such as air conditioning units, pool pumps and similar equipment, provided that no such equipment shall be permitted in a required street yard and provided that such equipment shall be set back a minimum of 3 feet from a street yard or 1 foot from a side or rear lot line;

6. Sills, belt courses, cornices, buttresses, chimneys, flues, eaves and other architectural features that do not extend more than 24 inches into any required yard; or

If any of the above features extend into a public utility or drainage easement (with the exception of eaves), replacement costs shall be the responsibility of the owner.

4.2.5.E. Single and Two-family Residential Driveways

1. The parking of vehicles shall be prohibited in any required street yard except on a paved surface.

2. The cumulative area of any driveway, plus any impermeable surface area located in the required street yard, shall not exceed 70% of the area of the required street yard.

3. Residential driveways shall be made of an all-weather surface, such as asphalt, caliche, concrete or brick.

4. Exceptions: Lots of 1 acre or greater are exempt from residential parking requirements.

4.2.5.F. Setback Averaging

Where the street frontage within 200 feet on either side of a lot within a block is improved with buildings which have a front yard that is less than the required front yard in the district, the required front yard may be reduced, but no building shall project beyond the average front yard of the two adjacent buildings on either side of the lot in question. Where the lot is on a corner within a block that is improved with buildings within 200 feet which have a front yard that is less than the required front yard in the district, the required front yard may be reduced, but no building shall project beyond the front yard of the adjacent building.

4.2.6. Building Separation

Building separation shall be no less than the minimum allowable distance between two buildings.

4.2.7. Building Coverage

A. Building coverage is the maximum area of the lot that is permitted to be covered by buildings,
including both principal and accessory structures. Building coverage does not include paved areas such as driveways, uncovered porches or patios, decks, swimming pools or pool cages, or roof overhangs of less than 3 feet.

B. Where a lot is used for nonresidential or mixed use purpose, more than one principal structure may be located on the lot, but only when such structures conform to the building coverage requirements for the zoning district in which the lot is located.

4.2.8. **Modification of Height Regulations**

A. Height shall be determined by the vertical distance above finished grade to the highest point between the plate line and the ridge of a gable or hip roof.

B. Unless otherwise express stated, the height regulations in this Unified Development Code shall not apply to belfries, chimneys, conveyors, cooling towers, elevator bulkheads, fire towers, flag poles, monuments, ornamental towers and spires, smoke stacks, spires, stage towers or scenery lofts, tanks, and water towers;

C. No multifamily or nonresidential structure shall be located nearer any property line adjacent to a single-family use or two-family use than a horizontal distance of twice the vertical height of the structure as illustrated below. The height shall be measured from the existing ground level to the plate.

(Ordinance 029376, 02/21/12)

D. Unless otherwise stated in this Unified Development Code, the horizontal distance ratio of 1:2 shall not apply to any of the following:

1. Utility structures such as elevated water storage tanks, and electrical transmission lines;
2. Architectural elements such as flagpoles, belfries, cupolas, spires, domes, monuments, chimneys, bulkheads, elevators or chimney flues; or any similar structure extending above the roof of any building where such structure does not occupy more than 33% of the area of the roof; or

3. Residential radio/television receiving antennas.

4. Shall not apply to the first 12 feet in height of the building. (Ordinance 029376, 02/21/12)

E. Buildings in the multifamily zoning district may exceed the maximum height of 60 feet, provided that 40% of the site is devoted to non-vehicular open space.

4.2.9 Visibility Triangle

A. On any corner lot, a visibility triangle shall be established. The visibility triangle shall be formed by extending lines from the intersection of two streets to points 20 feet from the corner of the intersecting streets and then connecting the two points to form a triangle.

B. No construction, planting or grading shall be permitted to interfere with the sight triangle between the heights of 30 inches and 7 feet as measured from the crowns of the adjacent streets.

4.2.10 Back-to-Back

A side yard on the side of a corner lot abutting the street shall be a minimum of not less than ten (10) feet back of the street right-of-way when such a lot is back to back with another corner lot and not less than the required minimum front yard in every other instance. (Ordinance 029376, 02/21/12)

4.2.11 Water Oriented Subdivisions

a. Front Yards:
For lots within a water oriented subdivision due to the openness created by the various waterways within the subdivision the front yard may be reduced to
not less than 10 feet, provided this reduced front building line is indicated on
the face of the recorded plat of the subdivision. Private garages, which open
onto the street, detached or attached to the main building shall maintain a
yard of 20 feet from such garage entrance to the street right-of-way. A water
oriented subdivision is a subdivision along any bay, gulf, cove, canal, lagoon,
or pass and shall be a marina type development which shall include canals,
channels and waterways adjacent to at least 20 percent of the lots within the
subdivision.

b. Side Yards:
For multiple-family structures and accessory structures located within a water
oriented subdivision, due to the openness created by the permanent
waterways abutting the lots, the required side yard may be modified to
deviate from the requirements of the Unified Development Code.
(Ordinance 029376, 02/21/12)

§ 4.3 Single-Family Residential Districts

4.3.1. Purpose Statements

A. Farm-Rural District Regulations
The Farm-Rural zoning district includes lands that are relatively
underdeveloped and agricultural in nature. The zoning district is intended to
permit the continued use of the land for agricultural purposes. It is the default
zoning district for land newly-annexed to the City, but not yet placed in a
zoning classification appropriate for final use.

B. Residential Estate District Regulations
The Residential Estate zoning district provides for single-family residential
development of a spacious character together with related recreational
facilities normally required to provide an orderly, attractive and spacious
residential living environment. The lots are a minimum of 1 acre in area and
are not intended to be served by City water, wastewater or storm water
services. The zoning district is intended to retain a rural character.

C. Single-Family 15, 10, and 6 Districts
The Single-Family 15, 10 and 6 zoning districts provide for orderly suburban
residential development and redevelopment. A limited number of public and
civic uses are allowed, subject to the restrictions necessary to preserve and
protect the single-family character of the neighborhood.

D. Single-Family 4.5 District
The Single-Family 4.5 zoning district provides for residential development
and redevelopment at a higher density than the other residential zoning
districts. A limited number of public and civic uses are allowed, subject to the
restrictions necessary to preserve and protect the single-family character of
the neighborhood.
4.3.2. **Permitted Uses**

The following principal uses are permitted by right, permitted subject to limitations, or require a special use exception or special permit in the single-family residential zoning districts. Uses may be subject to additional limitations specified in Section 6.5 when located inside a Navy Air Installation Compatible use Zone (AICUZ) (including Clear and Accident Potential Zones 1 2).

Table 4.3.2 Permitted Uses (Single-family districts)

<table>
<thead>
<tr>
<th>Residential Uses</th>
<th>P = Permitted Use</th>
<th>SP = Special Permit</th>
<th>RE</th>
<th>RS-22</th>
<th>RS-15</th>
<th>RS-10</th>
<th>RS-6</th>
<th>RS-4.5</th>
<th>Standards</th>
</tr>
</thead>
<tbody>
<tr>
<td>Single-family detached house</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Zero lot line house</td>
<td>L</td>
<td>L</td>
<td>L</td>
<td>L</td>
<td>L</td>
<td>L</td>
<td></td>
<td>4.3.5</td>
<td></td>
</tr>
<tr>
<td>[RE provides for 1 acre lots whereby zero lot line configurations are not necessary.]</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Traditional house</td>
<td>L</td>
<td>L</td>
<td>L</td>
<td>L</td>
<td>L</td>
<td></td>
<td>4.3.5</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Semi-attached house</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>L</td>
<td></td>
<td>4.3.5</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Group home [6 or fewer residences]</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Public and Civic Uses

| Community Service Uses [5.1.3.A] | L | L | L | L | L | L | L | 5.2.3 |
| Day care center | | | | | | | | 5.2.4.B |
| Day care home [6 or fewer children] | L | L | L | L | L | L | L | 5.2.4.C |
| Educational Facility Uses [5.1.3.C] | P | P | P | P | P | P | P | | 5.2.6 |
| Parks and Open Area Uses [5.1.3.F] except for: | P | P | P | P | P | P | P | | 5.2.5 |
| Cemetery, crematorium (human), columbaria, mausoleum, memorial park | | | | | | | | SP for existing facilities expanding on adjacent property only |
| Golf course | P | P | L | L | L | L | L | 5.2.5 |
| Place of Worship Uses [5.1.3.H] | P | P | P | P | P | P | P | |
| Utilities, major [5.1.3.J] except for: | L | L | L | L | L | L | L | 5.2.5 |
| Wind energy units | L | L | L | L | L | L | L | 5.6.4 |
| Wireless telecommunication facility | | | | | | | | See Section 5.5 |

Commercial Uses

| Bed and breakfast home | SP | SP | SP | SP | SP | SP | | 5.2.8 |
| Farmers market | | | | | | | | 5.2.9 |
| Veterinarian or animal hospital with outdoor runs and kennels. | | | | | | | | |

Industrial Uses

| Storage of explosives or other hazardous materials | SUE | SUE | |
| Above ground fuel tanks | SUE | |

Other Uses

| Agriculture Uses [5.1.6.A] except for: | P | |
| Kennel or animal shelter, indoor and outdoor | L | 5.2.18 |
| Stable, public or private | L | L | 5.2.19 |

(Ordinance 029929, 08/27/2013)
4.3.3. **Residential Development Standards**

**Table 4.3.3 Residential Development (single-family districts)**

<table>
<thead>
<tr>
<th>SINGLE-FAMILY DISTRICTS</th>
<th>FR</th>
<th>RE</th>
<th>RS-22</th>
<th>RS-15</th>
<th>RS-10</th>
<th>RS-6</th>
<th>RS-4.5</th>
</tr>
</thead>
<tbody>
<tr>
<td>Min Lot Area</td>
<td>5 ac.</td>
<td>1 ac.</td>
<td>22,000</td>
<td>15,000</td>
<td>10,000</td>
<td>6,000</td>
<td>4,500</td>
</tr>
<tr>
<td>Min. Lot Width (Ft.)</td>
<td>150</td>
<td>150</td>
<td>100</td>
<td>50</td>
<td>85</td>
<td>50</td>
<td>45</td>
</tr>
<tr>
<td>Min. Yards (ft.)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Street</td>
<td>50</td>
<td>50</td>
<td>25</td>
<td>25</td>
<td>25</td>
<td>25</td>
<td>20</td>
</tr>
<tr>
<td>Street (corner)</td>
<td>25</td>
<td>25</td>
<td>25</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Side (single)</td>
<td>25</td>
<td>25</td>
<td>10</td>
<td>5</td>
<td>5</td>
<td>5</td>
<td>5</td>
</tr>
<tr>
<td>Side (total)</td>
<td>50</td>
<td>50</td>
<td>20</td>
<td>15</td>
<td>15</td>
<td>10</td>
<td>10</td>
</tr>
<tr>
<td>Rear</td>
<td>25</td>
<td>15</td>
<td>10</td>
<td>5</td>
<td>5</td>
<td>5</td>
<td>5</td>
</tr>
<tr>
<td>Min. Open Space</td>
<td></td>
<td></td>
<td>30%</td>
<td>30%</td>
<td>30%</td>
<td>30%</td>
<td>30%</td>
</tr>
<tr>
<td>Max. Height (ft.)</td>
<td>45</td>
<td>35</td>
<td>35</td>
<td>35</td>
<td>35</td>
<td>35</td>
<td>35</td>
</tr>
</tbody>
</table>

(Ordinance 029376, 02/21/2012)
(Ordinance 029929, 08/27/2013)

4.3.4. **Housing Types**

The following single-family housing types are established to provide a common terminology for housing in the City. All drawings in this Section are for illustrative purposes only.
Table 4.3.4 Housing Types

<table>
<thead>
<tr>
<th>DESCRIPTION</th>
<th>ILLUSTRATION</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Single-Family Detached House</strong></td>
<td><img src="image1" alt="Illustration" /></td>
</tr>
<tr>
<td>A dwelling unit located on a single lot with private yards on all four sides.</td>
<td></td>
</tr>
<tr>
<td><strong>Zero Lot Line House</strong></td>
<td><img src="image2" alt="Illustration" /></td>
</tr>
<tr>
<td>A dwelling unit located on a single lot with private yards on three sides. The unit has only a single side yard comprising the equivalent of two side yards of a single-family detached house.</td>
<td></td>
</tr>
<tr>
<td><strong>Traditional House</strong></td>
<td><img src="image3" alt="Illustration" /></td>
</tr>
<tr>
<td>A dwelling unit with alley access located on a single lot with private yards on all four sides. However, the house shall be set much closer to the street than a single-family detached house.</td>
<td></td>
</tr>
<tr>
<td><strong>Attached House</strong></td>
<td><img src="image4" alt="Illustration" /></td>
</tr>
<tr>
<td>Two attached single-family units located on two separately owned lots that share a common wall along the lot line, providing for fee-simple ownership.</td>
<td></td>
</tr>
</tbody>
</table>

4.3.5 Zero Lot Line Residential Development

4.3.5.A Purpose

The zero line form of residential development:

1. Provides for the more efficient use of land, as compared with the typical single-family development, making available needed housing at a more affordable cost.

2. Provides for the design of dwellings that integrate and relate internal and external living areas resulting in more pleasant and enjoyable living facilities; and
3. Provides for outdoor space to be grouped and utilized to its maximum benefit by placing the dwelling against one of the property lines.

4.3.5.B. Permitted Zoning Districts

1. A zero lot line development, with a maximum gross density that does not exceed the limitations for the zoning district in which the zero lot line development occurs, may be permitted in the districts identified in Subsections 4.3.2, 4.4.2, and 4.5.2 following approval of a subdivision plat and development site plan by the Planning Commission after a public hearing.

2. The Planning Commission public hearing shall be scheduled following approval of the site plan(s) and subdivision application(s) by the Department of Development Services.

3. The review shall involve other City departments for compliance with all relevant City codes and standards and this Article.

4. No building permit for such development shall be issued until the subdivision plat is recorded.

5. Where the regulations included herein conflict with regulations included in the individual districts or other sections of this Code, the regulations for zero lot line development in this Section shall apply.

6. If this Section is silent regarding a requirement found elsewhere in this Code applicable to a proposed development, the more restrictive requirement shall apply.

4.3.5.C Land Uses and Structures Permitted

1. Detached one-family dwellings on individually-platted lots, including those customary accessory uses not inconsistent therewith, shall be permitted.
2. Fencing, walls, trellises, and other similar structures can be used as connecting elements between one-family dwellings on adjacent lots subject to site plan review and Building Code/Fire Code compliance.

3. Garages, carports and utility storage structures shall be permitted accessory uses. However, said structures shall not be used as connecting elements, and their spacing from principal structures shall not be inconsistent with any applicable building or fire code requirements for the type of construction and occupancy proposed in each case.

4.3.5.5 Development Parameters
All zero lot line developments shall be required to comply with this Section and all other requirements of this Code. In the event of a conflict between those requirements and this Section, the requirements of this Section shall prevail. All applications for a zero lot line development additionally shall comply with the following development parameters:

1. Minimum lot sizes and widths
   Minimum lot sizes and widths shall be the same as prescribed for single family homes in the zoning district in which the zero lot line development is proposed.

2. Dwelling Unit Setback
   a. Interior Side Yard
      The dwelling unit or a portion thereof shall be placed on one interior side property line with a zero setback and the dwelling unit setback on the other interior side property line shall be a minimum of 10 feet excluding the connecting elements such as fences, walls and trellises. Units are not required to be placed on the zero lot line property line, however, when said units fall at the end of a sequential row of units and where said units cannot be placed on a separate zero lot line without attaching the unit to an adjacent unit. In that event, a minimum spacing of 10 feet shall be provided from the dwelling on the adjacent zero lot line lot. Patios, pools, garden features and other similar elements shall be permitted within the 10 foot setback area; provided, however, no structure, with the exception of fences or walls, shall be placed within easements required by subparagraph 4.3.5.5.D.6.

   b. Front Yard Setback
      All structures shall be set back from the front property line the minimum distance required for the front yard by the zoning district regulations applicable to the zoning district in which the proposed development is located.

   c. Rear Yard Setback
      All structures shall be setback from the rear property line the minimum distance required for the rear yard by the zoning district regulations applicable to the zoning district in which the proposed
development is located. Accessory pools, sheds, and other permitted accessory buildings shall only be permitted to encroach within the required rear yard up to 5 feet from any property line, but not in any easement.

d. **Street Corner Setback**
The minimum street corner setback shall be the same as the zoning district in which the zero lot line development is proposed or 15 feet from the street corner property line, whichever is greater.

3. **Accessory Buildings and Structures**
Accessory buildings and structures shall be permitted in accordance with the zoning district regulations in which the zero lot line development is located, except that any more restrictive requirements herein shall apply. No accessory building shall be placed closer than 5 feet from the nearest point of a building on an adjacent lot, and no closer than 4 feet from the nearest point of the roof overhang from the building on an adjacent lot. No accessory fire pit, bar-b-que pit or structure intended for such purposes may be located closer than 6 feet from any part of any building. Accessory structures other than buildings, fire pits and bar-b-que pits may be closer than 5 feet from a building on an adjacent lot, but not within any platted easement, except as otherwise provided herein. Accessory buildings and structures shall comply with the following minimum setback requirements in the table below.
### Table 4.3.5.D Accessory Buildings and Structures Setbacks

<table>
<thead>
<tr>
<th>Pool, spa, gazebo and shed setbacks:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Front</td>
</tr>
<tr>
<td>Rear</td>
</tr>
<tr>
<td>Interior sides</td>
</tr>
<tr>
<td>Street Corner</td>
</tr>
<tr>
<td>Spacing from house for pools or spas</td>
</tr>
<tr>
<td>Spacing from house for structures</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Screen enclosure and trellis setbacks:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Front</td>
</tr>
<tr>
<td>Rear</td>
</tr>
<tr>
<td>Interior side</td>
</tr>
<tr>
<td>ZLL side</td>
</tr>
<tr>
<td>Street Corner</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Accessory structures of 4 feet high or less:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Front</td>
</tr>
<tr>
<td>Rear</td>
</tr>
<tr>
<td>Side(s)</td>
</tr>
</tbody>
</table>
4. **Rain Guttering Required**
   Each building or structure constructed on the zero lot line with an overhang encroaching onto the adjoining property shall be constructed and maintained with rain guttering that prevents rain water run-off onto the adjoining property.

5. **Prohibited Openings on the Zero Lot Line Side**
   a. Openings shall be prohibited on the zero lot line side except as provided herein, and permitted by the applicable Building Code and Fire Code requirements.
   
   b. The wall of the dwelling unit located on the lot line shall have no windows, doors, air-conditioning units, or any other type of openings except as provided in this subparagraph.
   
   c. Atriums or courts shall be permitted on the zero lot line side when the court or atrium is enclosed by three walls of the dwelling unit, and a solid wall of at least 6 feet in height is provided on the zero lot line. Said wall shall be constructed of the same material as exterior walls of the unit.
   
   d. Windows shall not be permitted on the zero lot line.
   
   e. Windows shall be permitted on a building wall which is located perpendicular to the zero lot line property line or where said windows are located at least 10 feet from the property line.
   
   f. Windows shall be permitted on a building wall on the side of the building adjacent to the interior yard opposite the zero lot line side of the building.

6. **Maintenance and Drainage Easements**
   A perpetual 5 foot wall-maintenance easement shall be provided on the lot adjacent to the zero lot line property line, which, with the exception of walls and fences, shall be kept clear of structures. This easement shall be shown on the plat and incorporated into each deed transferring title to the property. The wall shall be maintained in its original color and treatment unless otherwise agreed to in writing by the two affected lot owners. Roof overhangs may penetrate the easement on the adjacent lot a maximum of 24 inches but the roof shall be so designed that water runoff from the dwelling placed on the lot line is limited to the easement area. Building footings may penetrate the easement on the adjacent lot a maximum of 8 inches.

4.3.5.E. **Site Plan Review**

1. **Purpose**
   The purpose of the site plan review is to encourage logic, imagination, innovation and variety in the design process and ensure the congruity of the proposed development and its compatibility with the
Article 4: Base Zoning Districts

surrounding area. The Department shall review plans for compliance with zoning regulations and for compliance with the site plan review criteria.

2. **Required Exhibits**

   The following exhibits shall be prepared by design professionals, such as architects, engineers, and landscape architects, and submitted to the Department of Development Services:

   a. A location map indicating existing zoning on the site and adjacent areas.

   b. Site plan at no less than 1 inch equals 100 feet, including the following information:

      i. Lot lines and setbacks;
      
      ii. Location, shape, size and height of existing and proposed buildings, decorative walls and elements and entrance features;
      
      iii. Landscaping in accordance with this Code;
      
      iv. Recreation facilities (if applicable);
      
      v. Stages or phases of development, if any;
      
      vi. Location of off-street parking; and
      
      vii. Location of on-street parking, if any.

   c. Indication of exterior graphics.

   d. Indication of design methods used to conserve energy.

   e. Floor plans and elevations of all typical units and any other structures such as recreation buildings. The total amount of lineal exterior wall area and that portion which has visual and physical access to outside patio/court areas shall be indicated for each typical unit.

   f. Information indicating the following:

      i. Gross and net acreage;
      
      ii. Lot sizes (dimensions and square footage);
      
      iii. Building heights and stories;
      
      iv. Building coverage for each lot;
Article 4: Base Zoning Districts

v. Amount of common open space in square feet (if applicable); and

vi. Total trees provided and total trees required in accordance with this Code.

g. Parking required and provided including the amount and location of on-street parking, if any, that is proposed to meet minimum parking requirements.

h. Such other architectural and engineering data as may be required by the City staff to evaluate the project. The Department of Development Services may from time to time publish submission requirements for Zero Lot Line development applications. The submission requirements shall reasonably relate to information that the staff finds is needed to determine compliance with applicable laws, codes, and such policies and standards as may be adopted by the City Council.

3. Plan Review Standards

The following criteria shall be utilized in the plan review process:

a. Planning studies
Planning studies and policies approved by the City Council that include development patterns or environmental and other design criteria shall be utilized in the plan review process.

b. Definition of private outdoor living spaces
The zero lot line units shall be designed to integrate interior and exterior living areas. The configuration of the exterior walls of the unit shall define and enclose and/or partially enclose outdoor living areas.

c. Block length
Visual monotony created by excessive block lengths shall be avoided. Block lengths in new subdivisions shall not exceed 660 feet. Block widths in new subdivisions shall not exceed 320 feet. Midblock pedestrian and vehicular access to alleys and through blocks shall be permitted; such access ways shall not exceed 40 feet in total width. In existing subdivisions being replatted to create a subdivision pursuant to these standards, it is recognized that block lengths and widths may need to correspond to the existing public street system. In replats of existing subdivisions where streets are already built, longer and wider blocks may be permitted. However in such replats when the standards of this Section limiting maximum block length and width can be met, these standards shall be met. When the existing street and infrastructure prevent meeting the block length and width maximum standards in this Section, mid-block vehicular and pedestrian, or pedestrian and bicycle, or pedestrian connections shall be required with the intent of maximizing the opportunities for
vehicular and pedestrian access on a grid system. In addition, alleyway connections to streets in such replats shall meet the standards of this Code for separation from other such connections, driveways, and street intersections.

d. **Landscape**
Landscape materials shall minimize the necessity for irrigation. Landscape shall be used to shade and cool, direct wind movements, enhance architectural features, relate structure design to the site, visually screen incompatible uses from one another and ameliorate the impact of noise.

e. **Buffers**
Architectural and/or landscape elements that provide a logical transition to adjoining, existing, or permitted uses shall be provided.

f. **Energy conservation**
Design methods to reduce energy consumption are encouraged. At least two of the following energy conservation methods shall be used: natural ventilation of structures and enhanced attic temperature control; site subdivision and orientation of structures in relation to prevailing breezes and sun angles; insulation of structures including but not limited to the use of insulating glass; and use of landscape materials for shade, transpiration, enhancing the cooling effects of summer breezes, and protecting against the chilling effects of winter winds.

g. **Graphics**
Outdoor graphics shall be designed as an integral part of the overall design of the project.

h. **Visual access**
Visual access shall be provided for the driver of an automobile backing out of the individual lot into the adjacent roadway. Dwelling units on corner lots shall be situated and set back so as to provide unobstructed visual clearance at a roadway intersection.

i. **Private open space**
Open space intended for the private use of each individual dwelling unit shall be so located and designed so as to maximize its utility to the dwelling unit it serves and maximize its privacy, especially in relation to adjacent dwelling units.

j. **Trash containers**
Trash containers shall be screened and designed to be conveniently accessible to their users and collectors.
k. **Visual screening with decorative walls**
In an effort to prevent graffiti vandalism, a decorative wall with landscaping may be utilized for walls abutting planned or dedicated rights-of-way. The wall shall be setback 3 feet from the right-of-way line and the resulting setback area shall contain a continuous extensively landscaped buffer which must be maintained in a good, healthy condition by the property owner, or where applicable, by the condominium, homeowners or similar association. The landscape buffer shall contain one or more of the following planting materials:

i. **Shrubs**
Shrubs shall be a minimum of 3 feet in height when measured immediately after planting and shall be planted and maintained to form a continuous, unbroken, solid, visual screen within one year after time of planting.

ii. **Hedges**
Hedges shall be a minimum of 3 feet in height when measured immediately after planting and shall be planted and maintained to form a continuous, unbroken, solid, visual screen within one year after time of planting.

iii. **Vines**
Climbing vines shall be a minimum of 36 inches in height immediately after planting.

l. **Optional Metal Picket Fence**
A metal picket fence abutting a zoned or dedicated right-of-way may be constructed in lieu of a decorative wall, and landscaping shall not be required.

4.3.5.F. **Nonconforming zero lot line development**

1. Any request for a change to a zero lot line plan, previously or hereafter approved, shall be reviewed and approved by the City Council following a public hearing and recommendation by the Planning Commission. Minor changes in order to adjust engineering construction plans needed to address conditions found on the site or in the existing infrastructure shall be approved by the Assistant City Manager of Development Services, and shall not require approval of the Planning Commission or the City Council.

2. Any zero lot line projects which were approved prior to the effective date of this Code shall remain in effect as approved unless modified or rescinded. Zero lot line projects approved prior to the effective date of this Code that have provisions for maintenance and drainage easements in home owners association documents or in subdivision plats of at least 4 feet in width along the zero setback lot line, and that provide for a minimum separation between principal buildings of not less than 10 feet, shall be permitted to have roof overhang.
encroachments across the common lot line of no more than 2 feet. Accessory structures permitted after the effective date of this Code shall comply with the requirements of this Code.

4.3.6. **Traditional House**
An alley shall be provided to the rear of all traditional houses. All vehicular access shall take place from the alley.

4.3.7. **Industrialized Housing**

4.3.7.A. **Definition**

1. Industrialized housing is a residential structure that is:
   
a. Designed for the occupancy of one or more families;

b. Constructed in one or more modules or constructed using one or more modular components built at a location other than the permanent site; and

c. Designed to be used as a permanent residential structure when the module or the modular component is transported to the permanent site and erected or installed on a permanent foundation system.

2. Industrialized housing includes the structure’s plumbing, heating, air conditioning, and electrical system.

3. Industrialized housing does not include:

   a. A residential structure that exceeds three stories or 49 feet in height as measured from the finished grade elevation at the building entrance to the peak of the roof;

   b. Housing constructed of a sectional or panelized system that does not use a modular component; or

   c. A ready-built home constructed in a manner in which the entire living area is contained in a single unit or section at a temporary location for the purpose of selling and moving the home to another location.

4.3.7.B. **Construction or Installation of Industrialized Housing**

1. In relation to the on-site construction or installation of industrialized housing, the Building Official shall:

   a. Require and review, for compliance with mandatory building codes, a complete set of designs, plans, and specifications;
b. Require that all applicable local permits and licenses that are applicable to single and two-family dwellings be obtained before construction begins on a building site;

c. Require that all modules or modular components bear an approved decal or insignia indicating inspection by the Texas Department of Licensing and Regulation; and

d. Establish procedures for the inspection of:

   i. The erection and installation of industrialized housing or buildings to be located in the municipality, to ensure compliance with mandatory building codes and commission rules; and

   ii. All foundation and other on-site construction to ensure compliance and approved designs, plans, and specifications.

2. Procedures described by subparagraph 4.3.7.B.1.d above shall require:

   a. Before occupancy, a final inspection or test in accordance with mandatory building codes; and

   b. Correction of any deficiency identified by the test or discovered in the final inspection.

4.3.7.C. Single-and Two-Family Industrialized Housing Design Standards

1. For purposes of this subsection, single-or two-family industrialized housing is real property.

2. Single-or two-family industrialized housing shall:

   a. Have a value equal to or greater than the median taxable value for each single-or two-family dwelling located within 500 feet of the lot on which the industrialized house is proposed to be located, as determined after installation of the house by the most recent certified tax appraisal roll for each county in which the properties are located;

   b. Have exterior siding, roofing, roof pitch, foundation, fascia, and fenestration compatible with the single-or two-family dwellings located within 500 feet of the lot on which the industrialized housing is proposed to be located.

   c. Comply with all standards in this Unified Development Code applicable to single-or two-family dwellings; and

   d. Be securely fixed to a permanent foundation.
§ 4.4 Multifamily Residential Districts

4.4.1. Purpose Statements

A. **Two-Family District**
   The Two-Family zoning district maintains a generally spacious residential environment for single-family residential purposes as well as larger parcels of land appropriate for two-family houses. Population density and height of buildings are low enough to be compatible with neighboring single-family development. A minimum of two-unit townhouse structures is permitted per platted property provided each townhouse unit is in compliance with the current Building Code, as amended.

B. **Townhouse Dwelling District Regulations**
   The Townhouse zoning district allows smaller dwelling units than typically occurs in the Single Family zoning districts. This zoning district is appropriate for infill development as well as for a transitional area from residential to nonresidential areas. A townhouse development may be platted and lots may be sold fee-simple or as condominiums or the development may occupy a single parcel with the units being leased.

C. **Multifamily Districts**
   The Multifamily zoning districts provide a variety of housing types at multifamily densities. Housing types may take the form of single-family detached, zero lot line, traditional semi-attached, two-family, townhouse or apartment units. These zoning districts are used in areas having convenient access to collector and arterial streets, and nearby civic and commercial uses, as well as employment opportunities. The Multifamily zoning districts are appropriate adjacent to nonresidential districts.

4.4.2. Permitted Uses

The following principal uses are permitted by right, permitted subject to limitations, or require a special use exception or special permit in the multifamily residential zoning districts. Uses may be subject to additional limitations as specified in Section 6.5 when located inside a Navy Air InstallationCompatible Use Zone (AICUZ) (which includes Clear Zones and Accident Potential Zones 1 and 2).
# Article 4: Base Zoning Districts

## Table 4.4.2 Permitted Uses (multifamily districts)

<table>
<thead>
<tr>
<th>MULTIFAMILY DISTRICTS</th>
<th>RS-TF</th>
<th>RS-TH</th>
<th>RM-1</th>
<th>RM-2</th>
<th>RM-3</th>
<th>RM-AT</th>
<th>Standards</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Residential Uses</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>Single-family detached house</td>
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<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>4.3.5</td>
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<tr>
<td>Zero lot line house</td>
<td>L</td>
<td>L</td>
<td>L</td>
<td>L</td>
<td>L</td>
<td>L</td>
<td></td>
</tr>
<tr>
<td>Traditional house</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td></td>
</tr>
<tr>
<td>Semi-attached house</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td></td>
</tr>
<tr>
<td>Two-family house</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td></td>
</tr>
<tr>
<td>Townhouse</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td></td>
</tr>
<tr>
<td>Apartment</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td></td>
</tr>
<tr>
<td>Cottage Housing Development</td>
<td>P</td>
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<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>4.7</td>
</tr>
<tr>
<td>Group home (6 or fewer residents)</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td></td>
</tr>
<tr>
<td>Group Living Uses except for:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Nursing or convalescent home</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td></td>
</tr>
<tr>
<td><strong>Public and Civic Uses</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Community Service Uses [5.1.3.A]</td>
<td>L</td>
<td>L</td>
<td>L</td>
<td>L</td>
<td>L</td>
<td>L</td>
<td>5.2.3</td>
</tr>
<tr>
<td>Day care center</td>
<td>L</td>
<td>L</td>
<td>L</td>
<td>L</td>
<td>L</td>
<td>L</td>
<td>5.2.4</td>
</tr>
<tr>
<td>Day care home</td>
<td>L</td>
<td>L</td>
<td>L</td>
<td>L</td>
<td>L</td>
<td>L</td>
<td>5.2.4</td>
</tr>
<tr>
<td>Educational Facility Uses [5.1.3.C]</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td></td>
</tr>
<tr>
<td>Parks and Open Area Uses [5.1.3.F] except for:</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td></td>
</tr>
<tr>
<td>Existing Cemetery, columbaria, mausoleum, memorial park</td>
<td>See Section 4.3.2</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Airport, helipad, heliport or landing field</td>
<td>See Section 4.5.2 or</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Place of Worship Uses [5.1.3.H]</td>
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<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td></td>
</tr>
<tr>
<td>Utilities, major [5.1.3.J] except for:</td>
<td>L</td>
<td>L</td>
<td>L</td>
<td>L</td>
<td>L</td>
<td>L</td>
<td>5.2.6</td>
</tr>
<tr>
<td>Wind energy units</td>
<td>L</td>
<td>L</td>
<td>L</td>
<td>L</td>
<td>L</td>
<td>L</td>
<td>5.6.4</td>
</tr>
<tr>
<td>Wireless telecommunication facility</td>
<td>See Section 5.5</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
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</table>

## Commercial Uses

<table>
<thead>
<tr>
<th>Commercial Uses</th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Apartment hotel</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Bed and breakfast home</td>
<td>SP</td>
<td>SP</td>
<td>L</td>
<td>L</td>
<td>L</td>
<td>L</td>
<td>5.2.8</td>
</tr>
<tr>
<td>Bed and breakfast inn</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Extended-stay facilities</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Hotel</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Motel</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

## Industrial Uses

<table>
<thead>
<tr>
<th>Industrial Uses</th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Storage of explosives or other hazardous materials</td>
<td>SUE</td>
<td>SUE</td>
<td>SUE</td>
<td>SUE</td>
<td>SUE</td>
<td>SUE</td>
<td></td>
</tr>
</tbody>
</table>

## Other Uses

<table>
<thead>
<tr>
<th>Other Uses</th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>No uses in this category permitted</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

(Ordinance 029552, 07/10/2012)
4.4.3. **Residential Development Standards**

A. Development standards for the Two-Family and Townhouse zoning districts shall be based on housing type in accordance with the tables below.

<table>
<thead>
<tr>
<th>RS-TF DISTRICT</th>
<th>SF Detached</th>
<th>Zero Lot Line</th>
<th>Attached</th>
<th>Two-Family</th>
</tr>
</thead>
<tbody>
<tr>
<td>Min. Lot Area (sq. ft.)</td>
<td>6,000</td>
<td>6,000</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Min. Lot Width (ft.)</td>
<td>50</td>
<td>50</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Min. Site Area (sq. ft.)</td>
<td></td>
<td></td>
<td>6,000</td>
<td>6,000</td>
</tr>
<tr>
<td>Per Site</td>
<td></td>
<td></td>
<td>3,000</td>
<td>3,000</td>
</tr>
<tr>
<td>Per Dwelling Unit</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Min. Site Width (ft)</td>
<td></td>
<td></td>
<td>50</td>
<td>50</td>
</tr>
<tr>
<td>Min. Yards (ft.)</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Street</td>
<td>20</td>
<td>20</td>
<td>20</td>
<td>20</td>
</tr>
<tr>
<td>Street (corner)</td>
<td>10</td>
<td>10</td>
<td>10</td>
<td>10</td>
</tr>
<tr>
<td>Side (single)</td>
<td>5</td>
<td>0</td>
<td>0</td>
<td>5</td>
</tr>
<tr>
<td>Side (total)</td>
<td>5</td>
<td>10</td>
<td>5</td>
<td>5</td>
</tr>
<tr>
<td>Rear</td>
<td>5</td>
<td>5</td>
<td>5</td>
<td>5</td>
</tr>
<tr>
<td>Min. Open Space</td>
<td>30%</td>
<td>30%</td>
<td>30%</td>
<td>40%</td>
</tr>
<tr>
<td>Max. Height (ft.)</td>
<td>35</td>
<td>35</td>
<td>35</td>
<td>45</td>
</tr>
</tbody>
</table>

(Ordinance 029770, 03/19/2013)

<table>
<thead>
<tr>
<th>Townhouse DISTRICT</th>
<th>Townhouse</th>
</tr>
</thead>
<tbody>
<tr>
<td>Min. Site Area (sq. ft.)</td>
<td>20,000</td>
</tr>
<tr>
<td>Min. Area Per Dwelling Unit (sq. ft.)</td>
<td></td>
</tr>
<tr>
<td>Front Access</td>
<td></td>
</tr>
<tr>
<td>Rear Access</td>
<td></td>
</tr>
<tr>
<td>Shared Parking</td>
<td></td>
</tr>
<tr>
<td>Min. Dwelling Unit Width (ft)</td>
<td></td>
</tr>
<tr>
<td>Front Access</td>
<td></td>
</tr>
<tr>
<td>Rear Access</td>
<td></td>
</tr>
<tr>
<td>Shared Parking</td>
<td></td>
</tr>
<tr>
<td>Min. Yards (ft.)</td>
<td></td>
</tr>
<tr>
<td>Street</td>
<td></td>
</tr>
<tr>
<td>Street (corner)</td>
<td></td>
</tr>
<tr>
<td>Side (single)</td>
<td></td>
</tr>
<tr>
<td>Side (total)</td>
<td></td>
</tr>
<tr>
<td>Rear</td>
<td></td>
</tr>
<tr>
<td>Min. Building Separation (ft.)</td>
<td></td>
</tr>
<tr>
<td>Min. Open Space</td>
<td></td>
</tr>
<tr>
<td>Max. Height (ft.)</td>
<td></td>
</tr>
</tbody>
</table>

(Ordinance 029770, 03/19/2013)

B. The Multifamily zoning districts only shall be developed in conventional subdivisions. Development standards in the multifamily zoning districts shall be in accordance with the tables below.
Table 4.4.3.B Multifamily Zoning Districts

<table>
<thead>
<tr>
<th>Multifamily Districts</th>
<th>RM-1</th>
<th>RM-2</th>
<th>RM-3</th>
<th>RM-AT</th>
</tr>
</thead>
<tbody>
<tr>
<td>Max. Density (units/acre)</td>
<td>22</td>
<td>30</td>
<td>36</td>
<td>18</td>
</tr>
<tr>
<td>Min. Open Space (% site area)</td>
<td>35%</td>
<td>30%</td>
<td>30%</td>
<td>25%</td>
</tr>
<tr>
<td>Min. Lot Area (sq. ft.)</td>
<td>6,000</td>
<td>6,000</td>
<td>6,000</td>
<td>5,000</td>
</tr>
<tr>
<td>Min. Lot Width (ft.)</td>
<td>50</td>
<td>50</td>
<td>50</td>
<td>50</td>
</tr>
<tr>
<td>Min. Yards (ft.) STREET</td>
<td>20</td>
<td>20</td>
<td>20</td>
<td>20</td>
</tr>
<tr>
<td>STREET (corner)</td>
<td>15</td>
<td>15</td>
<td>15</td>
<td>15</td>
</tr>
<tr>
<td>Side (1 fam &amp; 2 fam)</td>
<td>5</td>
<td>5</td>
<td>5</td>
<td>5</td>
</tr>
<tr>
<td>Side (3+ fam)</td>
<td>10(^1)</td>
<td>10(^1)</td>
<td>10(^2)</td>
<td>10(^1)</td>
</tr>
<tr>
<td>Rear</td>
<td>10(^1)</td>
<td>10(^1)</td>
<td>10(^2)</td>
<td>5</td>
</tr>
<tr>
<td>Min. Building Separation (ft.)</td>
<td>10</td>
<td>10</td>
<td>10</td>
<td>10</td>
</tr>
<tr>
<td>Max. Height (ft.) and comply with Section 4.2.8.C., 4.2.8.D., and 4.2.8.E.</td>
<td>45</td>
<td>60</td>
<td>60</td>
<td>See Section 4.2.8.C., 4.2.8.D., and 4.2.8.E.</td>
</tr>
</tbody>
</table>

\(^1\)PI/MI = Padre Island/Mustang Island
\(^2\)Regardless of single- or two-family adjacency, increase yard in accordance with Section 4.2.8.C., but yard shall not exceed a total of 30 feet if property is not adjacent to a single- or two-family use.

(C) Townhouses are permitted in the Multifamily 1 and Multifamily 2 zoning districts and shall be developed in accordance with the standards for townhouses in the Townhouse zoning district.

4.4.4. Housing Types

A. Definitions
The following multifamily housing types are established to provide a common terminology for housing in the City. All drawings in this Section are for illustrative purposes only.
### Table 4.4.4 Multi-family Housing Types

<table>
<thead>
<tr>
<th>DESCRIPTION</th>
<th>ILLUSTRATION</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Two-Family House</strong></td>
<td></td>
</tr>
<tr>
<td>Two attached dwelling units under single ownership, in a single structure and on a single lot (often called a duplex). The two units may be located on separate floors or side-by-side.</td>
<td><img src="image" alt="Illustration of a Two-Family House" /></td>
</tr>
<tr>
<td><strong>Townhouse</strong></td>
<td></td>
</tr>
<tr>
<td>Two or more attached single-family units located on separately owned lots where the units are lined up in a row and share side walls, individual units may be mixed vertically.</td>
<td><img src="image" alt="Illustration of a Townhouse" /></td>
</tr>
<tr>
<td><strong>Apartment</strong></td>
<td></td>
</tr>
<tr>
<td>One or more structures with three or more units in a single structure on a single lot. An apartment can vary in height from two to five stories, individual units can be mixed vertically.</td>
<td><img src="image" alt="Illustration of an Apartment" /></td>
</tr>
</tbody>
</table>

(Ordinance 029376, 02/21/2012)

**B. Additional Townhouses Standards**
A townhouse shall have a street, side or rear privacy yard having a total minimum area of 100 square feet for each unit.

### § 4.5 Commercial Districts

#### 4.5.1. Purpose Statements

**A. Neighborhood Commercial Districts**
The Neighborhood Commercial zoning districts provide areas for commercial activity such as sale of convenience goods and personal services that primarily benefit nearby residential areas. Neighborhood commercial areas are generally located within neighborhoods and have pedestrian access to adjacent residential areas.

**B. Neighborhood Office District Regulations**
The Neighborhood Office zoning district provides a location for office development. The uses allowed have relatively low traffic generation. Areas
of the Neighborhood Office zoning district may be appropriate adjacent to most residential uses, and as a transition between residential and nonresidential areas.

C. **Resort Commercial Districts**
The Resort Commercial zoning districts provide for a wide variety of commercial activity such as tourist, water-oriented, retail commercial and indoor or outdoor amusement uses which reflect the character of a resort area. Emphasis is placed on establishing scenic and/or pedestrian corridors, walking and bike paths, amenities, and public open spaces.

D. **General Commercial Districts**
The General Commercial zoning districts provide sufficient space in appropriate locations for all types of commercial and service activity, particularly along arterial streets where a general mixture of such activity now exists. Such uses are not characterized by extensive warehousing, frequent heavy trucking activity, open storage of material or the nuisance factors of dust, odor and noise associated with manufacturing.

E. **Intensive Commercial District**
The Intensive Commercial zoning district is intended to provide for intense commercial service activities, as well as a few light manufacturing uses. Such uses may be large in scale and generate substantial traffic, making the Intensive Commercial zoning district only appropriate along freeways and major arterials.

F. **Downtown Commercial District**
The Downtown Commercial zoning district encompasses the retail and office core of the central business district. Individual uses are typically limited in size although there may be regular and occasionally heavy traffic. The zoning district is intended to ensure harmonious development, redevelopment and rehabilitation of uses in and around the core historic downtown by integrating an appropriate mix of residential, public and civic office, retail and entertainment, uses.

G. **Business Park District**
The “Business Park” zoning district provides uses in a modern, landscaped, park-like setting. In addition, the zoning district provides opportunities for employment closer to residences in residential areas with corresponding reduction of travel time from home to work. The Business Park zoning district typically has more traffic than in an office area, but fewer heavy vehicles than in an industrial area. Business parks often include commercial activities such as restaurants, banks, day care and similar uses that are intended only to serve the on-site community.

4.5.2. **Permitted Uses**
The following principal uses are permitted by right, permitted subject to limitations, or require a special use exception or special permit in the commercial zoning district. Uses may be subject to additional limitations as specified in Section 6.5 when located inside a Navy Air Installation Compatible Use Zone (AICUZ) (which includes Clear and Accident Potential Zones 1 and 2.)
### Table 4.5.2 Permitted Uses (Commercial zoning districts)

<table>
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<tr>
<th>COMMERCIAL DISTRICTS</th>
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<th>CN-2</th>
<th>ON</th>
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<th>CR-2</th>
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Corpus Christi Unified Development Code  
Page 172
### COMMERCIAL DISTRICTS

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<td>Bar, tavern or pub</td>
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<td>Auto rental</td>
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<td>Kennel or animal shelter, indoor</td>
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*(Ordinance 029770, 03/19/2013)*
4.5.3. Residential Development Standards

A. Development of townhouses in a commercial zoning district shall be in accordance with the development standards for townhouses in the townhouse zoning district.

B. Development of multifamily dwellings in a commercial zoning district shall be in accordance with Table 4.5.3 below.

Table 4.5.3 Residential Development (Commercial Zoning Districts)

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<tr>
<th>COMMERCIAL DISTRICTS</th>
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<th>CN-2</th>
<th>ON</th>
<th>CR-1</th>
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<td>44</td>
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<td>20</td>
<td>0</td>
<td>20</td>
<td>03</td>
<td>0</td>
</tr>
<tr>
<td>Rear</td>
<td>10</td>
<td>04</td>
<td>10</td>
<td>10</td>
<td>10</td>
<td>0</td>
<td>10</td>
<td>03</td>
<td>0</td>
</tr>
<tr>
<td>Side and Rear,</td>
<td></td>
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<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
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</tr>
<tr>
<td>abutting residential district</td>
<td>See Section 4.2.8.C</td>
<td></td>
<td></td>
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<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Min. Open Space</td>
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<td>25%</td>
<td>30%</td>
<td>25%</td>
<td>25%</td>
<td>30%</td>
<td></td>
<td></td>
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</tr>
<tr>
<td>Max Height (ft.)</td>
<td>35</td>
<td>366</td>
<td>45</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

1 36 if on an arterial street or higher.
2 See Section 4.5.5 below.
3 10 feet if adjacent to any residential use.
4 15 feet if adjacent to any residential use.
5 26 feet if adjacent to any residential use.
4.5.4. Nonresidential Development Standards

Nonresidential development in the commercial zoning districts shall be in accordance with the table below.

Table 4.5.4 Nonresidential Development (Commercial Zoning Districts)

<table>
<thead>
<tr>
<th>COMMERCIAL DISTRICTS</th>
<th>CN-1</th>
<th>CN-2</th>
<th>ON</th>
<th>CR-1</th>
<th>CR-2</th>
<th>CR-3</th>
<th>CG-1</th>
<th>CG-2</th>
<th>CI</th>
<th>CBD</th>
<th>RF</th>
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</thead>
<tbody>
<tr>
<td>Min Lot Area (sq. ft.)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
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<td></td>
<td>5a</td>
</tr>
<tr>
<td>Min. Lot Width (ft.)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
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<td></td>
<td></td>
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<td></td>
</tr>
<tr>
<td>Min. Yards (ft.)</td>
<td></td>
<td></td>
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<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Street (front)</td>
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<td>20</td>
<td>20</td>
<td>20</td>
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<td>20</td>
<td>20</td>
<td>0</td>
<td></td>
<td>35</td>
</tr>
<tr>
<td>Street (corner)</td>
<td>15</td>
<td>15</td>
<td>15</td>
<td>15</td>
<td>15</td>
<td>0</td>
<td>15</td>
<td>15</td>
<td>0</td>
<td></td>
<td>35</td>
</tr>
<tr>
<td>Side (single)</td>
<td>0^2</td>
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<td>10</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>20^4</td>
</tr>
<tr>
<td>Side (total)</td>
<td>0^2</td>
<td>0^2</td>
<td>20</td>
<td>0</td>
<td>0</td>
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<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>40^4</td>
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<tr>
<td>Rear</td>
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<td>0^2</td>
<td>10</td>
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<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>30^4</td>
</tr>
<tr>
<td>Min. Open Space</td>
<td>10%</td>
<td>25%</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Max Height (ft.)</td>
<td>35</td>
<td>26^5</td>
<td>45</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

1 See Section 4.5.5 below.
2 10 feet if adjacent to any residential use.
3 15 feet if adjacent to any residential use.
4 No part of any building or accessory structure shall be closer than 100 feet to any residential district boundary.
5 Structures with upper-story residential shall have a maximum height of 36 feet.

4.5.5. Commercial Resort-3 District (Corpus Christi Beach)

A. The minimum street yard shall be a width of 10 feet except as follows:

1. On lots legally platted as of October 24, 1989, with a depth of less than 100 feet from street right-of-way to the rear-most property line, minimum street yard setback shall be 1/10 of the depth of the lot or 5 feet whichever is greater.

2. Lots replatted to a depth of 100 feet or more shall meet the 10-foot minimum street yard requirement in paragraph 4.5.5.A.

B. Rear and side yards along interior lot lines may be zero feet.
§ 4.6 Industrial Districts

4.6.1. Purpose Statements

A. **Light Industrial District**
   The Light Industrial zoning district accommodates light manufacturing, fabricating, warehousing and wholesale distributing in buildings with access by major arterials, freeways or railroads in either central or outlying locations.

B. **Heavy Industrial District**
   The Heavy Industrial zoning district provides for industrial operations for all types that may be noxious or offensive due to odors, smoke, dust, noise, fumes or vibrations. This zoning district is intended to serve the entire community and is not appropriate adjacent to a residential zoning district.

4.6.2. Permitted Uses

The following principal uses are permitted by right, permitted subject to limitations, or require a special use exception or special permit in the industrial zoning districts. Uses may be subject to additional limitations as specified in Section 6.5 when located inside a Navy Air Installation Compatible Use Zone (which includes Clear Zones and Accident Potential Zones 1 and 2).

<table>
<thead>
<tr>
<th>Table 4.6.2 Permitted Uses (Industrial districts)</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>INDUSTRIAL DISTRICTS</strong></td>
</tr>
<tr>
<td>P = Permitted Use</td>
</tr>
<tr>
<td>[blank cell] = Not Permitted</td>
</tr>
</tbody>
</table>

**Residential Uses**
- Caretakers quarters: P, P
- Upper-story residential unit within commercial business structures: L

**Public and Civic Uses**
- Commercial child care: SP, SP
- Government Facility Uses [5.1.3.O]: P, P
- Medical Facility Uses [5.1.3.E]: P
- Parks and Open Area Uses [5.1.3.F] except for: P, P
- Cemetery, columbaria, mausoleum, memorial park: See Section 4.3.2
- Golf course: See Section 4.3.2
  - Airport, helipad, heliport or landing field: L, L
- Social Service Uses [5.1.3.I]: P
- Utilities, major [5.1.3.J], except for: P, P
  - Wind energy units: L, L
- Utilities, minor [5.1.3.I]: P, P
- Wireless telecommunication facility: See Section 5.5
### Commercial Uses

<table>
<thead>
<tr>
<th>Category</th>
<th>Code</th>
<th>Notes</th>
</tr>
</thead>
<tbody>
<tr>
<td>Commercial Parking Uses [5.1.4.A]</td>
<td>P</td>
<td></td>
</tr>
<tr>
<td>Crematorium (animal)</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Fairgrounds</td>
<td>P</td>
<td></td>
</tr>
<tr>
<td>Office Uses [5.1.4.C]</td>
<td>P</td>
<td></td>
</tr>
<tr>
<td>Restaurant Uses [5.1.4.F]</td>
<td>L</td>
<td>5.2.11</td>
</tr>
<tr>
<td>Retail Sales and Service Uses, sales-and service-oriented [5.1.4.G.]</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Self-Service Storage Uses [5.1.4.H]</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Sexually-oriented business</td>
<td>P</td>
<td>See Muni Code Ch. 48</td>
</tr>
<tr>
<td>Truck stop with overnight accommodations</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Vehicle Sales and Service Uses [5.1.4.I] except for:</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Vehicle service, heavy</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Veterinarian or animal hospital without outdoor runs and kennels</td>
<td>P</td>
<td></td>
</tr>
<tr>
<td>Vocational, trade or business school</td>
<td>P</td>
<td></td>
</tr>
</tbody>
</table>

### Industrial Uses

<table>
<thead>
<tr>
<th>Category</th>
<th>Code</th>
<th>Notes</th>
</tr>
</thead>
<tbody>
<tr>
<td>Light Industrial Service Uses [5.1.5.A]</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Warehouse and Freight Movement Uses [5.1.5.B]</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Waste-Related Service Uses [5.1.5.C]</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Wholesale Trade Uses [5.1.5.D]</td>
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<td>P</td>
</tr>
<tr>
<td>Heavy Industrial Uses [5.1.5.E] except for:</td>
<td>SP</td>
<td>P</td>
</tr>
<tr>
<td>Tannery</td>
<td>SP</td>
<td></td>
</tr>
<tr>
<td>Stockyard</td>
<td>SP</td>
<td></td>
</tr>
<tr>
<td>Storage of explosives or other hazardous materials</td>
<td>L</td>
<td>L</td>
</tr>
<tr>
<td>Above ground fuel tanks</td>
<td>SUE</td>
<td>SUE</td>
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</table>

### Other Uses

<table>
<thead>
<tr>
<th>Category</th>
<th>Code</th>
<th>Notes</th>
</tr>
</thead>
<tbody>
<tr>
<td>Kennel or animal shelter, indoor or outdoor</td>
<td>L</td>
<td>L</td>
</tr>
<tr>
<td>Stable, public or private</td>
<td>L</td>
<td>L</td>
</tr>
</tbody>
</table>

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(Ordinance 029376, 02/21/12)

### 4.6.3. District Development Standards

#### A. Residential Use

Development of caretaker’s quarters in an industrial zoning district shall be in accordance with the development standards for the Single Family 6 zoning district in a conventional subdivision.

#### B. Nonresidential Use

Nonresidential development in the industrial zoning districts shall be in accordance with the table below.
§ 4.7 Cottage Housing District Regulations

4.7.1 Purpose
The regulations set forth in this Article, or set forth elsewhere in this Code when referred to in this Article, are the regulations in the “CH” Cottage Housing District. The purpose of this district is to promote a traditional neighborhood development pattern on a scale which serves to maintain and enhance existing small-city character. Use of the Cottage Housing Development design standards contained in this Article will:

A. Create a small community of cottages associated with a common open space that is pedestrian-oriented and minimizes the visibility of off-street parking.

B. Provide more affordable housing primarily for single person households, dual-owner households, retirees, small families, and their occasional guests;

C. Provide a housing development which would otherwise be precluded by contemporary lot size, setbacks, and parking requirements;

D. Allow higher residential density than is normally allowed in a single-family zoning district, through the use of smaller than average home and lot sizes, reduced setbacks, clustered parking, and more compact, and low impact site design;

E. Specify a maximum square footage of residences in Cottage Housing Developments in order to prevent overbuilding of the site and exceeding available off-street parking;

F. Encourage efficient use of land by concentrating earth work activities, preserving large sections of open space, and fostering in-fill development over existing infrastructure;

G. Foster resource and energy conservation by allowing for the construction of homes with smaller environmental footprints; and
H. Fulfill the intent of the City’s Comprehensive Plan policies by utilizing efficient land use development techniques to provide affordable housing and promote in-fill development and provide opportunities for home ownership.

4.7.2 Definitions

A. Cluster: A group of 5 to 12 cottages, with reduced setbacks between cottages associated with a common open space.

B. Common Open Space: An area of green space improved for passive recreational use or gardening. Common open spaces are required to be owned and maintained commonly, as set forth through a homeowners association.

C. Cottage or Cottage Unit: A single family detached dwelling unit that is part of a Cottage Housing Development.

D. Cottage Housing Development (CHD): One to five clusters of cottage units developed under a single development plan, or as part of another development plan.

E. First flush: The first two inches of runoff in any rain event.

F. Footprint: The gross floor area of a structure’s ground-level story, excluding any garage, provided that the garage is not converted to, or utilized as, dwelling space.

G. Impervious Cover: Ground cover that provides storm water flows fairly directly and quickly, with little or no ground infiltration, to adjacent areas onsite.

H. Open Porch: A roofed structure, open at front and sides and unscreened, projecting from the face of a building and used to protect an entrance.

I. Private Open Space: Individual private lot area on a cottage unit lot made available for private use by a cottage owner and includes the square footage of the required open front porch.

4.7.3 District Allowances


B. Commercial use of cottages for commercial leasing purposes must comply with the International Building Codes (IBC) and the City’s Fire Department Codes and is only permitted in the “RM-AT” and “CR-2” Zoning Districts.
4.7.4 Development Characteristics
A Cottage Housing Development consists of detached single family cottages in a cluster, associated with a central shared open space, and must have the following characteristics:

A. Construction Characteristics
Each cottage unit must have the construction characteristics of a detached single family dwelling.

B. Platted Lot
Each cottage unit must be located on a platted lot.

C. Home Owners Association
1. Home owners association covenants, conditions, and restrictions will be automatically renewable at the end of the established term unless 51% of the members agree to dissolve the association and the dissolution of the association is approved by the City.

2. If a cottage unit is leased for more than 30 days, the terms of the lease must be authorized by the restrictive covenants and be enforceable by the home owners association.

3. Cottage units rented or leased for less than a 30-day period shall be considered a commercial use and must comply with the provisions of Subsection 4.7.3.B.

4. Proposed restrictive covenants must be submitted with the plat and state that individually-platted lots and common open spaces, within the Cottage Housing Development may not be further divided into smaller tracts. The restrictions must be noted on the plat and recorded and shall be enforceable by the home owners association.

D. Infrastructure
Cottage Housing Developments only are permitted in areas served by public sewer and water, except when the proposed development is part of a comprehensive development plan providing for adequate infrastructure through phased development.

1. The developer must provide evidence that sufficient and adequate infrastructure facilities and capacity exist to sustain the higher densities of a proposed Cottage Housing Development.

2. If adequate infrastructure and capacity does not exist on the proposed development site, the developer must provide a plan of action indicating what services will be provided to meet the densities of the development.

4.7.5 Density, Minimum Lot Areas and Widths
A. The Cottage Housing Development allows for smaller lot areas and increased densities from 5 to 12 cottage units per acre, however, if the methods and techniques listed in **Subsection 4.7.6.C.** are implemented, an increase in density over 12 units may be permitted by the Assistant City Manager of Development Services.

B. A Cottage Housing Development requires a minimum of ½ acre of land.

C. A Cottage Housing Development is composed of clusters of cottages with:

1. Minimum units per cluster: 5
2. Maximum units per cluster: 12 (See **Subsection 4.7.5.A.**).
3. Maximum clusters per Cottage Housing Development: 5
4. A single cluster Cottage Housing Development must have a minimum of 5 cottage units onsite.
5. Examples of cottage site layouts are included as Figures 1, 2, and 3.

![Figure 1 One Cluster Layout.](image1)

![Figure 2 Multiple Cluster Layout.](image2)

![Figure 3 Beach Cluster Layout.](image3)

D. **Cottage Housing Development Size**
1. A Cottage Housing Development may not exceed 5 acres in total site area.

2. A Cottage Housing Development may exceed 5 acres in size if it is part of an approved Master Plan Community designed and developed according to the design and development standards under this Article.

3. Cottage Housing Developments must be separated by a distance of at least 500 feet.

4. The minimum street frontage width of Cottage Housing Development is 50 feet.

5. An individual platted interior cottage lot must have a minimum front lot width of 25 feet.

6. The front building line around the circular portion of a cul-de-sac or the circular portion of a knuckle where a street makes a turn may be no less than 15 feet.

4.7.6 Impervious Cover Allowance

A. Cottage Lot
The maximum impervious cover allowance for the footprint of an individually platted cottage unit lot must not exceed 75% of the cottage unit lot area.

B. Entire Cottage Housing Development
The maximum impervious cover allowance for the footprint of an entire Cottage Housing Development site is 65%.

C. Increasing Impervious Cover Allowance
Use of low-impact storm water and pervious surface techniques in the design of a Cottage Housing Development in the manner discussed below will not count towards the 65% maximum impervious cover allowance on a site, therefore, the total allowable maximum impervious cover allowance of the entire Cottage Housing Development may be increased. An increase in impervious cover allowance may be gained through the following methods:

1. Where practices, as noted in the City’s Best Management Practices (BMP) Manual, are used to capture, retain, and infiltrate stormwater on-site, and it can be shown through engineering analysis to be capable of retaining the first 2 inches of the 2, 10, and 25 year design storms from a portion of the site, the impervious fraction of the site that is served by these BMP’s may be deducted from the total impervious cover on the site.

2. If porous paving technology, including pervious concrete and pavers, are properly installed, maintained, and incorporated into the design of the project for the driveways, parking areas, sidewalks, or paths,
these areas will be considered 100% pervious and will not count against any total allowable impervious percentage on site, nor will they be considered impervious in determining the hydrologic runoff of that portion of the property.

3. The rooftop portion or side area used for calculating the total site imperviousness can be reduced where a portion or side of the rooftop rainwater runoff is collected by gutters or other conveyances and directed into a rain barrel, vegetated swale, underground storage container, rain garden, or other preferable infiltration-based or retention-based systems, designed and sized in accordance with, and acceptable under, the BMP Manual.

4. Storm water retention ponds are not considered an acceptable BMP unless they include a vegetated littoral shelf or other vegetated component intended to provide water quality treatment.

5. Construction plans detailing the construction of the vegetated rain garden, swale, retention or detention pond component, including target side slopes, depths, retention time, proposed plant species, and a long-term maintenance plan must be approved by the Assistant City Manager of Development Services.

4.7.7 Required Open Space

4.7.7.A. Common Open Space

Each cluster of cottage units must have commonly-owned common open space, owned by all the members of the Cottage Housing Development, to provide a sense of openness and community for residents.

1. The common open space must be adequately sized and located with at least 75% of individual cottage unit entrances oriented towards the open space, or towards a walkway leading to the open space.

2. A minimum of 400 square feet of landscaped common open space per cottage unit is required for the exclusive use of the cottage unit residents.

3. Common open space provided and dedicated to the Cottage Housing Development will be accepted in lieu of the Community Enrichment Fund fee required for development projects, provided that the minimum 400 square feet per cottage unit of common open space is provided within the development.

4. Required common open space may be divided into no more than two separate areas per cluster, with each piece measuring a minimum of 20 feet on at least one side counting toward the requirement.

5. The common open space area must be improved for passive recreation or gardening and incorporate seating areas or gathering
places, such as gazebos, game tables, or small covered picnic pavilion areas.

6. Common open space must be bordered on at least two sides by cottage units.

7. All of the cottage units in a cluster must be within 100 feet walking distance of the common open space.

8. Parking areas, yard setbacks, spaces between buildings of 10 feet or less in width, private open space, and driveways do not qualify as common open space.

9. Sidewalks and paths must comply with Chapter 1101.2 of the City’s Building Code and the Texas Accessibility Standards where required.

10. Cottage units and parking areas must be located so as to preserve as much contiguous and permanently undeveloped open space and natural vegetation as possible in order to maximize filtration and infiltration of stormwater.

11. Interior common sidewalks and paths located within 75 feet of the main common open space area may be counted towards up to 50% of the common open space requirement onsite; provided that, the walkway areas are landscaped according to Subsection 4.7.20 and lighted in accordance with the Illuminating Engineering Society of North America’s (IESNA) “Guideline for Security Lighting for People, Property, and Public Spaces”.

12. Common open space area, except for wetlands, must be at least 75% vegetated (as opposed to gravel, swimming pools, or other pervious ground cover or structures), and landscaped with water-wise and drought-tolerant plant species approved and consistent with the plant list found in the Landscape Handbook.

13. A community building adjacent to or within the common open space area will not require a pitched roof if a community green roof garden or roof-top deck is incorporated into the design of the building.

14. 10% of the total common open space square footage requirement may be used towards the construction of a community building, community swimming pool, or other recreational feature onsite.

4.7.7.B. **Wetlands as Open Space**

   1. If wetlands, as delineated by the United States Army Corps of Engineers (USACE) or a certified wetlands delineator, are protected by buffering, silt fencing, or other USACE practices both during construction and from the impacts of future adjacent land use activities, the onsite wetlands may be counted for up to 50% of the common open space requirements.
2. Non-jurisdictional wetlands, i.e. those for which impacts would not require a USACE permitting process, may be counted in a 2:1 ratio (i.e. 2 acres of open space credit for every 1 acre of wetland preserved) up to 50% of the total open space requirement if incorporated into the design of the Cottage Housing Development property boundaries.

3. Preservation of jurisdictional wetlands (those for which impacts would require USACE permitting) can be used in a 1:1 ratio to offset up to 50% of the total open space requirement if incorporated into the design of the Cottage Housing Development property boundaries.

4.7.7.C. Private Open Space

1. Each cottage unit lot must have a minimum of 200 square feet of private open space per unit, including the required front porch.

2. The private open space must be contiguous to each cottage unit, and may not have a dimension of less than 4 feet on any one side adjacent to each cottage unit.

3. The private open space may be separated from the common open space with a small hedge, picket fence, split rail fence, or other similar visual separation to create a sense of separate ownership.

4. Fences constructed in private open space areas are subject to the requirements of Subsection 4.7.18.

4.7.8 Ownership and Residential Use of Cottages

A. Cottage units within a Cottage Housing Development are for residential use only, and must be held in fee simple ownership, and cannot be used for business, industrial uses or commercial uses unless established as outlined under Subsection 4.7.3.B.

B. Community buildings, common parking areas, common drives, common alleys and common open space must be owned and maintained in common by the Cottage Housing Development residents, through a home owners association, and may not be dedicated to the City.

4.7.9 Architectural Design Standards
Typical cottage units have a medium-pitch hip or gable roof; double-hung, vertical windows, symmetrically arranged; wide horizontal or vertical siding; front porches across all or most of the front elevation with post and balustrade, with or without exterior steps; and fences. (Examples of cottage exterior and interior architectural designs can be viewed under Appendices A and B.)
4.7.9.A. Design Requirements

1. For every four cottage units within a cluster, at least two basic floor plans and at least two elevations must be provided.

2. A floor plan may be reversed or flipped and submitted as a separate floor plan once within a cluster.

3. Manufactured, pre-fabricated, or modular homes are not permitted within a Cottage Housing Development.

4. The front of a cottage unit shall have one or more transparent windows totaling at least eight square feet and a door, the color of which, must adhere to the submitted color palette for the Cottage Housing Development. See Subsection 4.7.9.H.1 for color palette information.

5. Windows located on the side of a cottage unit must be located to avoid a direct view into a neighboring cottage unit or implement a window pane design that screens or masques the view from adjacent cottages units.

4.7.9.B. Street Facing Façade Design Standards and Orientation

Street facing façade of cottages units in a Cottage Housing Development must contribute to the neighborhood by including the following design details: windows, changes in materials, and views of front doors or porches.

1. Each cottage unit abutting a public street, not including a private alley or private drive, shall have a secondary covered entrance, porch, bay window or other architectural enhancement oriented to the public street to avoid a blank wall.

2. Each cottage unit shall include windows and/or doors that comprise at least 25% of any street-facing façade.

4.7.9.C. Height

1. The maximum building height of all buildings in a Cottage Housing Development is 28 feet at the ridge, excluding chimneys or cupolas.

2. The maximum height of a Cottage Housing Development structure located within a flood zone may be increased to measure no more than 28 feet above the point designated as one foot above the Base Flood Elevation (BFE), provided that the total maximum height of the structure measured from the grade does not exceed 35 feet, except as provided under Subsection 4.7.9.C.3 below.

3. Dwelling units within a Cottage Housing Development in an RM-AT or CR-2 district may not exceed 28 feet above the point designated as one foot above the Base Flood Elevation.

4.7.9.D. Exterior Trim
1. Cottage Housing Development structures must not be void of exterior trim elements on front and rear elevations.

2. Window and door trim with a minimum width of 3 inches must be provided on all Cottage Housing Development structures.

4.7.9.E. Roof and Eave Design

1. Roofs on Cottage Housing Development structures must have eaves that shed rain and provide rain protection for exterior walls.

2. All Cottage Housing Development structures must have pitched roofs, excluding common buildings when roof-top decks are incorporated.

3. Eaves of at least 12 inches must be provided on all cottage structures on at least two sides of each building.

4. Where buildings are not square in that one set of exterior parallel walls are longer than the other, the eaves must be provided on the parallel walls that are the longest.

4.7.9.F. Exterior Siding

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

4.7.9.G. Alternate Architectural Styles

Alternate Architectural Styles will be considered as follows:

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

2. Documentation depicting and describing the proposed architectural style and proof of consistency with the remaining standards of this Subsection must be submitted to the Assistant City Manager of Development Services to determine consistency with the remaining requirements.

3. Proposed alternate architectural styles must be incorporated into the restrictive covenants of the individual cottage unit lots.

4.7.9.H. Colors

1. The developer must include in the restrictive covenants a cottage exterior, door and trim color palette showing which colors will be used within the Cottage Housing Development.
2. Exterior colors chosen for cottage units and accessory buildings must adhere to the color palette.

3. Different color schemes must be used for the individual cottage units and accessory buildings on each Cottage Housing Development project site.

4.7.10. **Floor Area**

A. **Cottage Unit Minimum Total Square Foot Area**  
The minimum total square foot area for a cottage unit is 800 square feet.

B. **Cottage Floor Area Requirements**

1. A minimum of 75% of the total number of cottage units may not exceed 1,200 square feet, not including interior spaces with less than six feet of overhead room, architectural projections such as bay windows, fireplaces or utility closets no greater than 24 inches in depth and 6 feet in width, attached unenclosed porches, and breezeways.

2. 25% of the total number of cottage units may exceed 1,200 square feet but may not exceed 1,400 square feet, not including interior spaces with less than 6 feet of overhead room, architectural projections such as bay windows, fireplaces or utility closets no greater than 24 inches in depth and 6 feet in width, attached unenclosed porches, and breezeways.

C. **No Increase in Original Square Footage**  
The total square foot area of a cottage unit may not be increased from the original square footage.

D. **Second Story**  
For any cottage unit, the floor area square footage of a second story shall be no greater than 60% of the first story floor area.

E. **Garage or Carport**  
The square footage of an attached or detached garage or carport will not be included in the livable square footage space calculations of the cottage unit,
Article 4: Base Zoning Districts

provided that the garage area is not air-conditioned or utilized as a dwelling unit, as prohibited in Subsection 4.7.17.G.

4.7.11. Setbacks and Yards

A. There must be a minimum interior cottage unit separation of 8 feet between each cottage unit and all other building walls onsite.

B. There must be a minimum separation between adjacent eaves of 6 feet.

C. Projections may extend into the required separation for the following:
   1. Eaves may not exceed 12 inches.
   2. Minor appurtenances such as pipes, gas and electrical meters, alarm systems, air vents, and downspouts.
   3. Architectural projections such as bay windows, and fireplaces, up to 12 inches.

D. Front and rear yard setbacks for individual cottage unit lots must not exceed 30 feet combined, and must not be less than 5 feet for either yard.

E. Zero lot line development in a Cottage Housing Development is permitted. The cottage unit or a portion thereof must be placed on one interior property line with a zero setback and the cottage unit setback on the other interior side property line shall be a minimum of 8 feet excluding the connecting elements such as fences, walls, and trellises. The easement must be described in detail on the plat.

F. Buildings shall not be located within 10 feet from the front property line along any public street.

4.7.12. Porches

A. All cottage units in a Cottage Housing Development must have a covered main entry porch.

B. The covered main entry porch must be oriented toward the common open space or a walkway that connects the cottage unit to the common open space.

C. The covered main entry porch shall be at least 70 square feet in area with a minimum dimension of 7 feet at least one direction (length or width) on any side.

D. Front porches must not be enclosed in any manner, including screening.

4.7.13. Walkways
A. The developer of a Cottage Housing Development is required to construct sidewalks along all public streets.

B. A system of interior paths, walkways or sidewalks must connect each cottage unit to the common area, to the parking area, and to the sidewalks abutting any public streets that border the Cottage Housing Development.

C. Each interior path, walkway, or sidewalk, must be buffered by 5 additional feet of vegetated space on each side, with a minimum separation of 14 feet between two facing cottage porches along a path or walkway.

D. All sidewalks along public streets, as well as all interior paths, must comply with Chapter 1101.2 of the City’s Building Code and the Texas Accessibility Standards, when required.


A. Heating and cooling equipment must be located behind the primary structure or be screened from view by fencing or landscape hedging, which must not exceed the height of the cooling unit.

B. Fence screening for heating and cooling units must be consistent with the requirements of Subsection 4.7.18.

4.7.15. Driveways

A. Driveway Design
   Incorporating pervious surface construction materials in the design of driveways and parking areas in a Cottage Housing Development will not count towards the 65% maximum impervious surface coverage allowance on a site.

1. Private Driveways
a. The maximum driveway width on a platted cottage unit lot is 10 feet for individual cottage unit lots with a single-car garage, and 18 feet for cottage unit lots with two-car garages.

b. Access to private driveways on a cottage unit lot must be made via a private alley or private drive.

c. Tandem parking is permitted in the rear yard of a platted cottage unit lot; provided that, the minimum length of the driveway is 25 feet or 15 feet if the driveway serves a private garage on the cottage unit lot.

d. Where tandem parking is utilized, no vehicle may obstruct, overhang, or be located in a private or public alley, right-of-way, pedestrian path, walkway, or sidewalk.

2. Common Drives and Driveways

a. The minimum common driveway access width within all Cottage Housing Developments must be at least 20 feet wide.

b. All other driveway dimensions for the project must be in compliance with the driveway design and construction standards of this Code.

4.7.16. Parking Standards

4.7.16.A. Parking

Parking within all Cottage Housing Developments may be provided by private garages located on each individually-platted cottage unit lot, through clustered parking (preferably covered), or a combination of both, to meet the minimum parking requirements of the development.

1. Parking for the Cottage Housing Development must be located on the Cottage Housing Development property.

2. Off-street common parking must be located and designed to be less visible from frontage streets than the Cottage Units themselves.

3. Off-Street common and private parking and garages must be set back a minimum of 20 feet from public street frontage (Figure 4.7.16.A.3)
4. Off-street common parking must be clustered either off an alley or a private driveway with not more than 5 abutting spaces.

5. Common parking lots and garages must not be located between the Cottage Housing Development and the primary street frontage.

6. Parking may be in or under a structure, or outside a structure, provided that parking is screened from direct street view by garage doors, or by solid landscaped screening (Figure 4.7.16.A.6).

7. Solid-surfaced fencing for vehicular and garage screening is not permitted as an architectural screen unless approved under the fence standards of Subsection 4.7.18.

8. Off-street common parking lots designed so that "first flush" is captured and infiltrated on-site using low impact development techniques will not count towards the 65% maximum impervious surface coverage allowance on a site. Such techniques include directing flow to a pervious concrete or gravel section of the lot, an adjacent vegetated area, vegetated swale, underground storage
container, rain garden, or other infiltration-based or retention-based technique designed and sized in accordance with, and acceptable under the City's BMP Manual.

9. Off-street common parking outside a structure (i.e. unenclosed carport or open parking) must not be located between cottage units to ensure homeowner privacy. If, however, the parking is in an enclosed structure, it may be located between a community center and a cottage unit, or two cottage units.

10. Parking is not permitted in any street yard or in any other street yard setback along a public street.

4.7.16.B. Required Number of Parking Spaces

Vehicle parking is required on the Cottage Housing Development site as follows:

1. An average of 1.25 parking spaces per unit is required, rounded up to the next whole number, for dwellings that do not exceed 1,000 square feet and are part of a site located within 1,500 feet of a transit stop.

2. 1.5 parking spaces per unit is required, rounded up to the next whole number, for dwellings that are at least 1,000 square feet and up to 1,400 square feet, and are part of a site located within 1,500 feet of a transit stop.

3. A minimum of two parking spaces per unit is required for dwellings that do not meet the basic criteria of Subsection 4.7.16.B.1 and 4.7.16.B.2 above.

4. In all cases, a maximum of two spaces per unit is permitted.

5. Guest parking shall be located on site or along improved street frontage adjacent to the subject property to equal 0.5 guest parking spaces per cottage dwelling unit.

6. Guest parking may be clustered with resident parking; however, the spaces shall include clear signage identifying them as reserved for visitors.

7. If on-street public parking is available adjacent to the site, the number of available guest parking spaces required under this section may be reduced by the number of public on-street parking spaces available.

4.7.17. Garages

A. Private single and two-car attached and detached garages are permitted on individually-platted cottage unit lots, provided that each private garage:

1. Must be served by a private alley or private driveway;
2. Must be located behind the principal structure;

3. May not exceed 49% of the total cottage unit square footage on an individual lot.

4. Must be included in the total 75% maximum allowable impervious coverage on the cottage unit lot;

5. May not be located in a street yard (i.e. between a public street and a cottage unit); and

6. May not be located any closer than 3 feet from a common private drive or alley.

B. Private garages on individual cottage lots may be connected by an open breezeway, provided that the garage is located in a rear yard.

C. Common garage structures are prohibited within 20 feet of a public street.

D. The design of privately owned or common garage or carport, including roof lines, must be similar to, and compatible with, that of the cottage units within the Cottage Housing Development, and the color scheme must adhere to the submitted color palette for the Cottage Housing Development.

E. A pitched roof design must be provided for all private garages on an individual cottage unit lot.

F. Garage door designs within the “RM-AT” and “CR-2” must incorporate a surface compatible with the design of the cottage units.

G. Garages may not be constructed or converted to a guest house, residential living space, and commercial or home business use.

4.7.18. Fences

A. Interior front and side yard fencing

All fencing on individual cottage unit lots located in any front or side yard forward of the back wall of the cottage façade, may not be more than 48 inches in height.

1. Front fencing must be picket, split rail, iron, or any decorative fencing design outlined under Subsection 4.7.18.B.2 below.

2. Wire and chain-link fencing and walls constructed across the front of the Cottage Housing Development site or in front of individual cottage unit lots are prohibited, with the exception of low stone walls no higher than 3 feet, if a part of the developer’s design scheme for the project.

B. Rear yard fencing
Provided that fencing is not constructed any closer to the front of a cottage unit lot than the rear façade or back wall of the cottage unit, fencing may be constructed along the side and rear side yard property line of a cottage unit lot as follows:

1. The height of the fencing constructed along a rear or side property line may not exceed 6 feet in height.

2. Fencing in a Cottage Housing Development in the rear or side yard may be:
   
   a. Solid vinyl picket design fencing, or a non-solid, alternating picket-style wood, or vinyl picket fencing, provided it is not in conflict with the Island Overlay District and the requirements of Subsection 6.4.11.C. for vinyl material usage; or
   
   b. Solid wood picket design fencing; or
   
   c. Natural split rail fencing.

C. Fencing must not be placed in a right-of-way.

D. Fencing is prohibited in rear or side yards of cottage unit lots if it is determined that fire vehicular or equipment access requirements preclude the construction of fencing due to obstruction of the required access.

E. Fencing must not be located within, or obscure the visibility triangle of, any driveway or right-of-way within the Cottage Housing Development.

F. Fencing for adjacent properties shall be as follows:

1. When a Cottage Housing Development is located adjacent to a lot developed for non-residential uses, a screening fence up to six feet in height must be provided along property lines as a visual buffer and constructed in accordance with Subsection 4.7.18.B.2 above.

2. Fencing is not required when the Cottage Housing Development is located adjacent to lots that have been developed for single-family and multiple-family residential uses.

3. Fencing is required when the Cottage Housing Development is located adjacent to oil and gas wells or telecommunication facilities or structures.

4. Fencing as a visual buffer between Cottage Housing Developments and adjacent undeveloped, vacant lots is not required.

4.7.19. Accessory Uses and Structures
A. Accessory dwelling units are not permitted within a Cottage Housing Development.

B. With the exception of community buildings, private garages, or storage structures provided by the developer under Subsection 4.7.19.C. below, accessory structures are not permitted on individual cottage unit lots.

C. If a private garage is not provided on an individual cottage unit lot, the developer of a Cottage Housing Development must provide a storage structure on each of the cottage unit lots where a garage is not present, for the storage of tools, and other personal items belonging to the cottage unit owner.

1. The size of the storage structure must be included in, and must not exceed, the 75% maximum impervious lot area allowance for each cottage unit lot as determined under Subsection 4.7.6.

2. The dimensions of a storage unit on a cottage unit lot may not exceed 25 square feet, and must be designed to be compatible with design and color palette of the cottage unit onsite.

3. Storage units also may be incorporated into a cottage unit, common garage, or community center design onsite, and must be constructed of wood or fiber cement, unless the storage units are constructed inside a common garage or community building.

D. An elevated deck up to three feet high is permitted within the rear yard of a private cottage lot and in the common open space areas, and is not required to be included in the 75% maximum impervious lot area allowance for each cottage unit lot.

4.7.20. Landscaping Requirements

A. Landscaping
Cottage Housing Developments shall be designed to incorporate existing trees and palms to the greatest extent possible. New trees and plants must be planted to meet the landscape material requirements of Section 7.3 point requirements, and must be located:

1. To create amenities in the common open space and private open space;

2. To provide shade where appropriate;

3. To create separation between buildings when desired; and

4. To screen and soften the perimeter of parking areas and street facing sides of Cottage Housing Developments.

B. Landscape Plan Design Requirements
Article 4: Base Zoning Districts

When landscaping is required in accordance with Section 7.3, the required landscaping plan must be submitted concurrently with the site plan and, in addition to the requirements listed under Subsection 7.3.16, must show the following:

1. Use of native plant species and xeriscape (drought-tolerant) landscaping; and

2. Plants with similar watering needs grouped together by watering zones shown on the landscape plan, with plants having higher watering requirements located in the shade, or located next to or in close proximity to the outflow route of alternative sources of water, such as downspouts, rain barrels, or other rainwater catch systems; and

3. Landscaping for the entire development, if a Cottage Housing Development is within the “RM-AT” or “CR-2” Districts, and that it meet the standards for new development under Subsection 7.3.3.A.2, when the development is proposed for commercial/tourist and single-family residential uses.

C. Irrigation

When irrigation is required in accordance with Section 7.3, Cottage Housing Development underground irrigation systems must:

1. Be designed with rain sensor shut-off device and a water controller that can be programmed for varying run times in different zones, and are programmable for varying days for irrigation;

2. Include irrigation construction plans with a “water use budget” that is available to the home owner’s association and outlines the watering zones, the precipitation rates for the plants in each zone, the gallons-per-minute required for each zone, and the location of the emergency shut-off valve; and

3. Meet the requirements of the City’s Plumbing Codes.

4.7.21. Additional Requirements and Standards

A. Emergency Access

1. If common drives within a Cottage Housing Development are not designed to provide an “in and out” throughway and instead create dead-ends, and the common drive exceeds 150 feet in length, an emergency vehicle turnaround area must be provided.

2. All common drives proposed for use by emergency vehicles within the Cottage Housing Development must be at least 20 feet in width.

3. All cottage units within a Cottage Housing Development must be designed and situated onsite to meet the hose-lay length requirements of the City’s Fire Codes.
B. Off-Street Loading Requirements
There are no off-street loading requirements in a Cottage Housing Development.

C. Trash
Trash receptacles for a Cottage Housing Development must be provided. Trash receptacles may be either an individual container for each cottage unit or a communal trash receptacle system.

1. All communal trash receptacles on-site must be screened from public view by a painted solid or alternating plank/picket fence or vinyl picket fence, with double door fronts.

2. All trash collection receptacles must be made accessible to trash collecting vehicles.
Figure 4.7.21

- Paths & sidewalks connect parking to each unit & each unit to the common open space.
- Clustered Parking off alley, preferably covered common garages, no more than 5 consecutive spaces in a row.

Common Open Space
400 Sq. Ft. Per Unit (vegetated)
within 75' from each unit entrance
- Cottages face common open space or paths

- 25% of units may be 1400 sq. ft. or less
- 8 Foot Min. Building Separation
- 14 Ft. Min. Spacing between facing porches
- 75% of units must be 1200 sq. ft. or less.
Appendix A. Examples of Established Cottage Housing Development Exteriors
(courtesy of Ross Chapin Architects and The Cottage Company/www.cottagecompany.com)
Appendix B. Examples of Established Cottage Housing Development Interiors
(courtesy of Ross Chapin Architects and The Cottage Company/www.cottagecompany.com)
§ 4.8 Compatible Districts

4.8.1 Purpose

A. Commercial Compatible District
The Commercial Compatible (“CC”) District provides for a wide range of business uses in appropriate locations, which can provide a buffer between residential uses and intensive public facilities, private businesses and manufacturing uses which could present a threat to public health, safety and welfare. District uses are not characterized by uses that congregate large groups of people, unscreened outdoor storage, or uses that create nuisance factors of dust, odor and noise associated with certain business and manufacturing uses.

B. Industrial Compatible District
The Industrial Compatible (“IC”) District provides for a wide range of industrial uses in appropriate locations, which can provide a buffer between residential uses and intensive public facilities, private businesses and manufacturing uses which could present a threat to public health, safety and welfare. District uses are not characterized by uses that congregate large groups of people, unscreened outdoor storage, or uses that create nuisance factors of dust, odor and noise associated with certain business and manufacturing uses.

4.8.2 Permitted Uses
The following principal uses are permitted by right, permitted subject to limitations, or require a special use exception or special permit in the “CC” Commercial Compatible and “IC” Industrial Compatible zoning districts. Uses may be subject to additional limitations as specified in Section 6.5 when located inside a Navy Air Installation Compatible Use Zone (“AICUZ”) (which includes Clear and Accident Potential Zones 1 and 2).
### Table 4.8.2 Permitted Uses

<table>
<thead>
<tr>
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<th>L = Subject to Limitations</th>
<th>CC</th>
<th>IC</th>
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<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Waste-Related Service, only including Recycling Center and Solid or liquid waste transfer (no composting)</td>
<td>P</td>
<td>0.14</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Land Fill; Fuel Storage, above ground</td>
<td></td>
<td></td>
<td>5.2.23</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Wholesales Trade Uses [5.5.1.D] except for:</td>
<td>P</td>
<td>0.28</td>
<td>5.2.16</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Cafeteria</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Other Uses</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Kennel or animal shelter, indoor</td>
<td>P</td>
<td></td>
<td>5.2.18</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Kennel or animal shelter, indoor or outdoor</td>
<td>P</td>
<td></td>
<td>5.2.18</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Pasturage</td>
<td>P</td>
<td>P</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Grazing</td>
<td>P</td>
<td>P</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

1 The uses in Table 4.8.2 shall not allow a density greater than 50 occupants per acre.

### Table 4.8.3 Nonresidential Use

<table>
<thead>
<tr>
<th>COMMERCIAL AND INDUSTRIAL COMPATIBLE DISTRICTS</th>
<th>CC</th>
<th>IC</th>
</tr>
</thead>
<tbody>
<tr>
<td>Min. Lot Area (sq. ft.)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Min. Lot Width (ft.)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Min. Yards (ft.)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Street</td>
<td>20</td>
<td>20</td>
</tr>
<tr>
<td>Street (corner)</td>
<td>20</td>
<td>20</td>
</tr>
<tr>
<td>Side (single)</td>
<td>5</td>
<td>5</td>
</tr>
<tr>
<td>Side (total)</td>
<td>10</td>
<td>10</td>
</tr>
<tr>
<td>Rear</td>
<td>10</td>
<td>10</td>
</tr>
<tr>
<td>Side and rear, abutting res. district</td>
<td>See Section 4.2.8.C</td>
<td></td>
</tr>
<tr>
<td>Max Height (ft.)</td>
<td>25</td>
<td>25</td>
</tr>
</tbody>
</table>
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§ 5.1 Use Categories

5.1.1. General

5.1.1.A. Approach to Categorizing Uses
The use categories found in the use tables in Article 4 are described in this Section. Specific uses may be further defined in Section 1.11, Definitions. Any use not specifically set forth in this Section is expressly prohibited, unless the Assistant City Manager of Development Services determines in accordance with Section 3.23, Written Interpretation, that the use is similar to a permitted use or is subject to limited use standards, special use exception or special permit review.

5.1.1.B. Basis for Classifications
Use categories classify land uses and activities based on common functional or physical characteristics. Characteristics include the type and amount of activity, how goods or services are sold or delivered, and likely impact on surrounding properties and site conditions. The use categories provide a systemic basis for assigning land uses to appropriate zoning districts.

5.1.1.C. Use Information

1. The following criteria shall be used to determine both the appropriate category for a use not specifically listed in any of the use tables and whether a use is considered principal or accessory:

   a. The actual or projected characteristics of the activity in relationship to the stated characteristics of each use category;

   b. The relative amount of site area or floor space and equipment devoted to the activity;

   c. Relative amounts of sales from each activity;

   d. The relative number of employees in each activity;

   e. Hours of operation;

   f. Building and site arrangement;

   g. Types of vehicles used and their parking requirements;

   h. The relative number of vehicle trips generated;

   i. Signs;
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j. How the use is advertised;

k. The likely impact on surrounding properties including but not limited to impacts of dust, noise and lighting; and

l. Whether the activity is likely to be found independent of the other activities on the site.

2. The zoning district intent statements in Article 4 shall be taken into consideration for any such determinations.

3. Following a determination that a specific use not listed in Article 4 is similar to another listed use, the proposed use shall be subject to any applicable specific use standards listed in Section 5.2.

4. Where a use not listed in any of the use tables is found by the Assistant City Manager of Development Services not to be similar to any other use in any of the use tables or in the “Principal Uses” columns in the use category tables, the use shall be permitted only following a Unified Development Code text amendment in accordance with Section 3.2.

5.1.1.D. Principal Uses
The “Principal Uses” column of each category table lists principal uses common to that use category. The names of these sample uses are generic and are based on common meanings, not on what a specific use may be called.

5.1.1.E. Developments with Multiple Principal Uses
Developments with multiple principal uses shall conform to the following:

1. When all principal uses of a development fall within one use category, the entire development is assigned to that use category.

2. When the principal uses of a development fall within different use categories, each principal use is classified in the applicable use category and each is subject to all applicable regulations for that use category.

3. A development comprised of uses listed in separate rows on the use tables shall be reviewed using the most restrictive process from among the proposed uses.

4. Where a use requiring a special permit or special use exception lies on a separate legal parcel, only the building containing the use and its separate parcel shall be subject to special permit or special use exception review, not the entire project. However, where the separate legal parcel is an outparcel, the special use exception application shall describe the relationship of the outparcel to the remaining site.

5.1.1.F. Accessory Uses
The “Accessory Uses” column of each use category table lists accessory uses permitted in the use category. Accessory uses are allowed by right in conjunction with a permitted principal use; however, specific accessory uses with parenthetical cross-references in the use category tables are permitted subject to additional standards. Some listed accessory uses also may be considered accessory structures. No accessory use may be established on a site without a principal use.

5.1.1.G. Uses Not Included
The “Uses Not Included” provides cross-references to uses that may appear to be part of a particular category, but that are explicitly handled in a different use category.

5.1.2. Residential Use Categories

5.1.2.A. Household Living

| Characteristics: Residential occupancy of a dwelling unit by a household on a month-to-month or longer basis in structures with self-contained dwelling units including kitchens. |
|---|---|---|
| **Principal Uses** | **Accessory Uses** | **Uses Not Included** |
| Apartment | Accessory dwelling unit* | Assisted living facility (see Group Living) |
| Cottage Housing Development Manufactured homes or subdivisions | Accessory structure that does not involve the conduct of business on the lot | Bed and breakfast home or inn, hotel, motel, inn, extended-stay facility (see Overnight Accommodations) |
| Semi-attached house | Ancillary indoor storage | Boarding, rooming or lodging house (see Group Living) |
| Single-family detached house | Animal pen* | Fraternity or sorority (see Group Living) |
| Townhouse | Fenced pasture* | Nursing home (see Group Living) |
| Traditional house | Dock or pier (noncommercial) | |
| Two-family house | Children’s play area or equipment | |
| Upper-story residential unit | Greenhouse or nursery, personal | |
| Zero lot line house | Home occupation* | |
| | Off-street parking of occupants’ registered vehicles | |
| | Private garage*, barbecue pit, carport, tool or garden shed, storage unit, swimming pool | |
| | Raising of domesticated pets | |
| | Residential leasing office in an RM District | |
| | Satellite dish antenna under 3.2 feet* | |

*See additional standards in Subsection 5.3.2
5.1.2.B. Group Living

**Characteristics:** Residential occupancy of a structure by a group of people that does not meet the definition of Household Living. Tenancy is usually arranged on a monthly or longer basis. Generally, Group Living structures have a common eating area for residents, and the residents may receive care or training.

<table>
<thead>
<tr>
<th>Principal Uses</th>
<th>Accessory Uses</th>
<th>Uses Not Included</th>
</tr>
</thead>
<tbody>
<tr>
<td>Assisted living facility</td>
<td>Associated office</td>
<td>Alternative or post-incarceration facility (see Social Service)</td>
</tr>
<tr>
<td>Boarding, rooming or lodging house</td>
<td>Food preparation and dining facility</td>
<td>Bed and breakfast home or inn, hotel, motel, inn, extended-stay facility (see Overnight Accommodations)</td>
</tr>
<tr>
<td>Dormitory</td>
<td>Off-street parking of vehicles for occupants and staff</td>
<td>Group home for the physically, mentally and emotionally challenged that are not considered single-family residences (7 or more residents) (see Social Service)</td>
</tr>
<tr>
<td>Group home (6 or fewer residents)</td>
<td>Recreational facility</td>
<td>Group home for drug and alcohol treatment (see Social Service)</td>
</tr>
<tr>
<td>Hospice</td>
<td>Satellite dish antenna under 3.2 feet*</td>
<td>Hotel or motel (see Overnight Accommodations)</td>
</tr>
<tr>
<td>Fraternity or sorority</td>
<td></td>
<td>Transient lodging or shelter for the homeless (see Social Service)</td>
</tr>
<tr>
<td>Monastery or convent</td>
<td></td>
<td>Treatment center (see Social Service)</td>
</tr>
<tr>
<td>Nursing home</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Orphanage</td>
<td>*See additional standards in Subsection 5.3.2</td>
<td></td>
</tr>
</tbody>
</table>

5.1.3 Public and Civic Use Categories

5.1.3.A. Community Service

**Characteristics:** Uses of a public, nonprofit, or charitable nature providing ongoing education, training, or counseling to the general public on a regular basis, without a residential component.

<table>
<thead>
<tr>
<th>Principal Uses</th>
<th>Accessory Uses</th>
<th>Uses Not Included</th>
</tr>
</thead>
<tbody>
<tr>
<td>Aquarium</td>
<td>Associated office</td>
<td>Alternative or post-incarceration facility (see Social Service)</td>
</tr>
<tr>
<td>Art gallery</td>
<td>Food preparation and dining facility</td>
<td>Athletic or health club (see Retail Sales and Service)</td>
</tr>
<tr>
<td>Community center</td>
<td>Health, arts and crafts, day care, and therapy area</td>
<td>Church, mosque, synagogue or temple (see Place of Worship)</td>
</tr>
<tr>
<td>Library</td>
<td>Indoor or outdoor recreation and athletic facility</td>
<td>Counseling in an office setting (see Office)</td>
</tr>
<tr>
<td>Museum</td>
<td>Limited retail sale</td>
<td>Exclusive care and treatment for psychiatric, alcohol, or drug problems, where patients are residents (see Social Service)</td>
</tr>
<tr>
<td>Philanthropic institution</td>
<td>Meeting area</td>
<td>Group home for the physically disabled, mentally retarded, or emotionally disturbed that are not considered single-family residences (7 or more residents) (see Social Service)</td>
</tr>
<tr>
<td>Senior centers</td>
<td>Off-street parking</td>
<td>Group home for drug and alcohol treatment (see Social Service)</td>
</tr>
<tr>
<td>Youth club facilities</td>
<td>Satellite dish antenna under 3.2 feet*</td>
<td>Membership club or lodge (see Indoor Recreation)</td>
</tr>
<tr>
<td>Zoo</td>
<td></td>
<td>Transient lodging or shelter for the homeless (see Social Service)</td>
</tr>
</tbody>
</table>

*See additional standards in Subsection 5.3.2*
5.1.3.B. **Day Care**

**Characteristics:** Uses providing care, protection, and supervision for children or adults on a regular basis away from their primary residence. Care is typically provided to a given individual for fewer than 18 hours each day, although the facility may be open 24 hours each day.

<table>
<thead>
<tr>
<th>Principal Uses</th>
<th>Accessory Uses</th>
<th>Uses Not Included</th>
</tr>
</thead>
<tbody>
<tr>
<td>Adult day care facility</td>
<td>Associated office</td>
<td>Counseling in an office setting (see Office)</td>
</tr>
<tr>
<td>Commercial day care</td>
<td>Food preparation and dining facility</td>
<td>Elementary school (see Educational Facility)</td>
</tr>
<tr>
<td>Day care center</td>
<td>Health, arts and crafts, and therapy area</td>
<td></td>
</tr>
<tr>
<td>Day care home</td>
<td>Indoor or outdoor recreation facility</td>
<td></td>
</tr>
<tr>
<td>Latch key program</td>
<td>Off-street parking</td>
<td></td>
</tr>
<tr>
<td>Nursery school</td>
<td>Satellite dish antenna under 3.2 feet*</td>
<td></td>
</tr>
<tr>
<td>Pre-school</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

*See additional standards in Subsection 5.3.2

5.1.3.C. **Educational Facility**

**Characteristics:** Public and private (including charter or religious) schools at the primary, elementary, middle, junior high, or high school level that provide basic academic education. Also includes colleges and other institutions of higher learning that offer courses of general or specialized study leading to a degree usually in a campus setting.

<table>
<thead>
<tr>
<th>Principal Uses</th>
<th>Accessory Uses</th>
<th>Uses Not Included</th>
</tr>
</thead>
<tbody>
<tr>
<td>Boarding school</td>
<td>Adult continuing education program</td>
<td>Commercial day care (see Day Care)</td>
</tr>
<tr>
<td>Community college</td>
<td>Associated office</td>
<td>Dance, art, gymnastic or music studios or classes (see Retail Sales and Service)</td>
</tr>
<tr>
<td>College, seminary or university</td>
<td>Auditorium</td>
<td>Vocational trade or business school (see Retail Sales and Service)</td>
</tr>
<tr>
<td>Public or private elementary, middle or high school</td>
<td>Before- and after-school day care</td>
<td></td>
</tr>
<tr>
<td>Nursing and medical schools not accessory to a hospital</td>
<td>Cafeteria</td>
<td></td>
</tr>
<tr>
<td>Non-Profit dance, art, gymnastic, music studios or classes</td>
<td>Day care center Food service</td>
<td></td>
</tr>
<tr>
<td>Non-Profit vocational trade or business school</td>
<td>Health facility</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Housing for students and faculty</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Laboratory</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Library</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Maintenance facility</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Meeting area</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Off-street parking</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Play area</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Recreational and sports facility</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Satellite dish antenna under 3.2 feet*</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Support commercial (a college-operated bookstore, for example)</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Theater</td>
<td></td>
</tr>
</tbody>
</table>

*See additional standards in Subsection 5.3.2
### 5.1.3.D. Government Facility

**Characteristics:** Offices, storage, maintenance, and other facilities for the operation of local, state, or federal government.

<table>
<thead>
<tr>
<th>Principal Uses</th>
<th>Accessory Uses</th>
<th>Uses Not Included</th>
</tr>
</thead>
<tbody>
<tr>
<td>City Hall</td>
<td>Auditorium and meeting rooms</td>
<td>Community college (see Educational Facilities)</td>
</tr>
<tr>
<td>Detention facility</td>
<td>Cafeteria</td>
<td>College, seminary or university (see Educational Facilities)</td>
</tr>
<tr>
<td>Emergency medical and ambulance station</td>
<td>Day care</td>
<td>Elementary, middle or high school (see Educational Facilities)</td>
</tr>
<tr>
<td>Fire station</td>
<td>Fuel storage, above ground*</td>
<td>Library (see Community Facilities)</td>
</tr>
<tr>
<td>Government office</td>
<td>Fuel pump and island*</td>
<td>Park or open area (see Parks and Open Areas)</td>
</tr>
<tr>
<td>Local, state, or Federal offices</td>
<td>Helipad, heliport or landing field*</td>
<td>Utilities (see Utility)</td>
</tr>
<tr>
<td>Police station</td>
<td>Holding cell</td>
<td>Waste-related service (see Waste-Related service)</td>
</tr>
<tr>
<td>Post office</td>
<td>Infirmary</td>
<td>Vehicle and equipment maintenance facility (see Light Industrial Service)</td>
</tr>
</tbody>
</table>

*See additional standards in Subsection 5.3.2

### 5.1.3.E. Medical Facility

**Characteristics:** Uses providing medical or surgical care to patients. Some uses may offer overnight care.

<table>
<thead>
<tr>
<th>Principal Uses</th>
<th>Accessory Uses</th>
<th>Uses Not Included</th>
</tr>
</thead>
<tbody>
<tr>
<td>Blood plasma donation center</td>
<td>Associated office</td>
<td>Exclusive care and treatment for psychiatric, alcohol, or drug problems, where patients are residents (see Social Service)</td>
</tr>
<tr>
<td>Hospital</td>
<td>Cafeterias</td>
<td>Nursing and medical schools not accessory to a hospital (see Educational Facility)</td>
</tr>
<tr>
<td>Medical and dental clinic</td>
<td>Chapel or other ancillary worship space</td>
<td>Treatment center (see Social Service)</td>
</tr>
<tr>
<td>Medical center</td>
<td>Day care</td>
<td></td>
</tr>
<tr>
<td>Minor Emergency Center</td>
<td>Helipad, heliport or landing field*</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Housing for staff or trainees</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Laboratory</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Limited support retail</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Maintenance facility</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Meeting area</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Off-street parking</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Out-patient clinic</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Patient family accommodations</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Pharmacy</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Recreational facility</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Satellite dish antenna under 3.2 feet*</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Stealth cell antennae</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Teaching facility</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Temporary housing for relatives of patients</td>
<td></td>
</tr>
</tbody>
</table>

*See additional standards in Subsection 5.3.2
5.1.3.F. Parks and Open Area

**Characteristics:** Uses focusing on natural areas consisting mostly of vegetation, passive or active outdoor recreation areas, or community gardens, and having few structures.

<table>
<thead>
<tr>
<th>Principal Uses</th>
<th>Accessory Uses</th>
<th>Uses Not Included</th>
</tr>
</thead>
<tbody>
<tr>
<td>Botanical garden</td>
<td>Boat dock</td>
<td>Athletic field (see Outdoor Recreation)</td>
</tr>
<tr>
<td>Cemetery</td>
<td>Boat house</td>
<td>Recreational vehicle park(see Overnight Accommodations)</td>
</tr>
<tr>
<td>Columbarium</td>
<td>Caretakers quarters</td>
<td>Campground (see Outdoor Recreation)</td>
</tr>
<tr>
<td>Country club</td>
<td>Clubhouse</td>
<td>Golf driving range not part of golf course (see Outdoor Recreation)</td>
</tr>
<tr>
<td>Crematorium (human)</td>
<td>Concessions</td>
<td>Golf driving range accessory to golf course</td>
</tr>
<tr>
<td>Crematorium (animal)</td>
<td>Golf driving range accessory to golf course</td>
<td>Maintenance facilities</td>
</tr>
<tr>
<td>Golf course</td>
<td>Play equipment</td>
<td>Fairgrounds (see Outdoor Recreation)</td>
</tr>
<tr>
<td>Mausoleum</td>
<td>Satellite dish antenna under 3.2 feet*</td>
<td>Miniature golf facility (see Outdoor Recreation)</td>
</tr>
<tr>
<td>Memorial park</td>
<td>Swimming pool</td>
<td>Membership clubs and lodges (see Indoor Entertainment)</td>
</tr>
<tr>
<td>Nature preserve</td>
<td>Tennis court</td>
<td>Stadium or professional sports arena (see Outdoor Recreation)</td>
</tr>
<tr>
<td>Park</td>
<td>Limited support retail</td>
<td>Water park (see Outdoor Recreation)</td>
</tr>
<tr>
<td>Plaza</td>
<td></td>
<td>Water towers, tanks, and standpipes (see Utility)</td>
</tr>
<tr>
<td>Playground</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Recreational trail</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Reservoir</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

*See additional standards in Subsection 5.3.2

5.1.3.G. Passenger Terminal

**Characteristics:** Public or commercial facilities for the takeoff and landing of airplanes and helicopters, and terminals for taxi, rail or bus service.

<table>
<thead>
<tr>
<th>Principal Uses</th>
<th>Accessory Uses</th>
<th>Uses Not Included</th>
</tr>
</thead>
<tbody>
<tr>
<td>Airport</td>
<td>Associated office</td>
<td>Bus barn (see Warehouse and Freight Movement)</td>
</tr>
<tr>
<td>Bus passenger terminals</td>
<td>Concessions</td>
<td>Helipad, heliport or landing field accessory to another use</td>
</tr>
<tr>
<td>Helipad or Heliport</td>
<td>Freight handling area</td>
<td>Commercial parking garage or lot (see Commercial Parking)</td>
</tr>
<tr>
<td>Landing field</td>
<td>Fuel storage, above ground*</td>
<td></td>
</tr>
<tr>
<td>Taxi station</td>
<td>Fuel pump and island*</td>
<td></td>
</tr>
<tr>
<td>Park and ride facility</td>
<td>Limited retail</td>
<td></td>
</tr>
<tr>
<td>Passenger train terminal</td>
<td>Maintenance facility</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Off-street parking</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Satellite dish antenna under 3.2 feet*</td>
<td></td>
</tr>
</tbody>
</table>

*See additional standards in Subsection 5.3.2
### 5.1.3.H. Place of Worship

**Characteristics:** Places of assembly that provide meeting areas for religious practice.

<table>
<thead>
<tr>
<th>Principal Uses</th>
<th>Accessory Uses</th>
<th>Uses Not Included</th>
</tr>
</thead>
<tbody>
<tr>
<td>Church</td>
<td>Associated office</td>
<td>Community Service use (see Community Service)</td>
</tr>
<tr>
<td>Mosque</td>
<td>Fellowship or parish hall</td>
<td>Membership club or lodge (see Indoor Recreation)</td>
</tr>
<tr>
<td>Synagogue</td>
<td>Food services and dining area</td>
<td>Athletic or health club (see Indoor Recreation)</td>
</tr>
<tr>
<td>Temple</td>
<td>Gymnasium</td>
<td>Social Service use (see Social Service)</td>
</tr>
<tr>
<td></td>
<td>Indoor and outdoor recreation facilities</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Meeting room/classroom for meetings or classes</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Off-street parking</td>
<td></td>
</tr>
<tr>
<td></td>
<td>On-site day care, schools or facilities</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Satellite dish antenna under 3.2 feet*</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Staff residences located on-site</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Stealth cell antennae</td>
<td></td>
</tr>
</tbody>
</table>

*See additional standards in Subsection 5.3.2

### 5.1.3.I. Social Service

**Characteristics:** Uses that primarily provide treatment of those with psychiatric, alcohol, or drug problems, and transient housing related to social service programs.

<table>
<thead>
<tr>
<th>Principal Uses</th>
<th>Accessory Uses</th>
<th>Uses Not Included</th>
</tr>
</thead>
<tbody>
<tr>
<td>Alternative or post-incarceration facility</td>
<td>Adult educational facility</td>
<td>Aquarium (see Community Service)</td>
</tr>
<tr>
<td>Exclusive care and treatment for psychiatric, alcohol, or drug problems,</td>
<td>Day care</td>
<td>Art gallery (see Community Service)</td>
</tr>
<tr>
<td>residents</td>
<td>Food services and dining area</td>
<td>Assisted living facility (see Group Living)</td>
</tr>
<tr>
<td>Group home for the physically disabled, mentally retarded, or emotionally</td>
<td>Meeting room</td>
<td>Cemeteries, columbaria, mausoleum, &amp; memorial parks</td>
</tr>
<tr>
<td>disturbed that are not considered single-family</td>
<td>Off-street parking</td>
<td>(see Parks and Open Areas)</td>
</tr>
<tr>
<td>residences (7 or more residents)</td>
<td>Satellite dish antenna under 3.2 feet*</td>
<td>Community center (see Community Service)</td>
</tr>
<tr>
<td>Group home for drug and alcohol treatment</td>
<td>Staff residences located on-site</td>
<td>Community college (see Educational Facilities)</td>
</tr>
<tr>
<td>Soup kitchen</td>
<td>Stealth cell antennae</td>
<td>College, seminary or university (see Educational</td>
</tr>
<tr>
<td>Transient lodging or shelter for the homeless</td>
<td></td>
<td>Facilities)</td>
</tr>
<tr>
<td>Treatment center</td>
<td>Storage</td>
<td>Elementary, middle or high school (see Educational</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Facilities)</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Library (see Community Service)</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Museum (see Community Service)</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Philanthropic institution (see Community Service)</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Senior centers (see Community Service)</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Youth club facilities (see Community Service)</td>
</tr>
</tbody>
</table>

*See additional standards in Subsection 5.3.2
### 5.1.3.J. Utility

**Characteristics:** Public or private infrastructure serving a limited area with generally no on-site personnel (Minor Utility) or the community at-large and possibly having on-site personnel (Major Utility).

<table>
<thead>
<tr>
<th>Principal Uses</th>
<th>Accessory Uses</th>
<th>Uses Not Included</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Minor Utilities:</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Storm water retention and detention facility</td>
<td>Control, monitoring, data or transmission equipment</td>
<td>Landfill (see Waste-Related Service)</td>
</tr>
<tr>
<td>Telephone exchange</td>
<td>Off-street parking</td>
<td>Reservoir (see Parks and Open Areas)</td>
</tr>
<tr>
<td><strong>Major Utilities:</strong></td>
<td>Satellite dish antenna under 3.2 feet*</td>
<td>TV and radio studio (see Office)</td>
</tr>
<tr>
<td>Artesian well</td>
<td>Stealth cell antennae</td>
<td>Utility office (see Office)</td>
</tr>
<tr>
<td>Cell antennae</td>
<td>Storage</td>
<td>Vehicle and equipment maintenance facility (see Light Industrial Service)</td>
</tr>
<tr>
<td>Electrical substation</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Filter bed</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Railroad switching yard, roundhouse, or repair shop</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Stealth cell antennae</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Television and radio broadcasting antenna</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Waste treatment plant</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Water and wastewater pump station</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Water towers, tanks, or standpipe</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Wind energy conversion system or wind-driven generator</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Wireless telecommunication facility</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Exempt Utilities:</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Public/Semi-Public Infrastructure (ie. water, wastewater, storm water, gas, electrical, fiber optics)</td>
<td></td>
<td>*See additional standards in Subsection 5.3.2</td>
</tr>
</tbody>
</table>

* See additional standards in Subsection 5.3.2
5.1.4 Commercial Use Categories

5.1.4.A. Commercial Parking

**Characteristics:** Facilities that provide parking not accessory to a principal use, for which a fee may or may not be charged.

<table>
<thead>
<tr>
<th>Principal Uses</th>
<th>Accessory Uses</th>
<th>Uses Not Included</th>
</tr>
</thead>
<tbody>
<tr>
<td>Commercial parking garage</td>
<td>Satellite dish antenna under 3.2 feet*</td>
<td>Bus barn (see Warehouse and Freight Movement)</td>
</tr>
<tr>
<td>Commercial parking lot</td>
<td>Structure intended to shield parking attendants from the weather</td>
<td>Off-street parking that is accessory to a principal use, but that charges the public to park for occasional events</td>
</tr>
<tr>
<td></td>
<td>Auto Detailing Business</td>
<td>Park and ride (see Passenger Terminal)</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Vehicle Sales and Service use (see Vehicle Sales and Service)</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Motor Vehicle Impound, Salvage, or Wreckage Yard.</td>
</tr>
</tbody>
</table>

*See additional standards in Subsection 5.3.2

5.1.4.B. Indoor Recreation

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

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

*See additional standards in Subsection 5.3.2
### 5.1.4.C. Office

**Characteristics:** Activities conducted in an office setting and generally focusing on business, government, professional, medical or financial services. Accessory uses generally have no external access or signs.

<table>
<thead>
<tr>
<th>Principal Uses</th>
<th>Accessory Uses</th>
<th>Uses Not Included</th>
</tr>
</thead>
<tbody>
<tr>
<td>Advertising office</td>
<td>Cafeteria</td>
<td>Bank or loan establishment (see Retail Sales and Service)</td>
</tr>
<tr>
<td>Business management consulting</td>
<td>Day care</td>
<td>Building, heating, plumbing or electrical contractor’s shop or storage yard (see Light Industrial Service)</td>
</tr>
<tr>
<td>Counseling in an office setting</td>
<td>Health facility</td>
<td>Laboratory, research and experimental (see Light Industrial Service)</td>
</tr>
<tr>
<td>Data processing</td>
<td>Meeting rooms</td>
<td>Mailing and stenographic service (see Light Industrial Service)</td>
</tr>
<tr>
<td>Financial businesses such as investment or brokerage houses, collection agencies, or real estate and insurance agents</td>
<td>Off-street parking</td>
<td>Medical and dental clinic (see Medical Facilities)</td>
</tr>
<tr>
<td>Professional services such as lawyer, accountant, bookkeeper, engineer, or architect</td>
<td>On-site day care, schools or facilities where children are cared for while parents or guardians are occupied on the premises</td>
<td></td>
</tr>
<tr>
<td>Sales office</td>
<td>Other amenities primarily for the use of on-site employees</td>
<td></td>
</tr>
<tr>
<td>Travel agency</td>
<td>Satellite dish antenna under 3.2 feet*</td>
<td></td>
</tr>
<tr>
<td>TV and radio studio</td>
<td>Small retail operations for on-site workers (with no external signs)</td>
<td></td>
</tr>
<tr>
<td>Utility office</td>
<td>Stealth cell antennae</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Technical library</td>
<td></td>
</tr>
</tbody>
</table>

*See additional standards in Subsection 5.3.2

### 5.1.4.D. Outdoor Recreation

**Characteristics:** General commercial uses, varying in size, providing daily or regularly scheduled recreation-oriented activities. Such activities may take place wholly outdoors or within a number of outdoor structures.

<table>
<thead>
<tr>
<th>Principal Uses</th>
<th>Accessory Uses</th>
<th>Uses Not Included</th>
</tr>
</thead>
<tbody>
<tr>
<td>Amusement park</td>
<td>Associated office</td>
<td>Botanical garden (see Parks and Open Areas)</td>
</tr>
<tr>
<td>Athletic field</td>
<td>Concessions</td>
<td>County club (see Parks and Open Areas)</td>
</tr>
<tr>
<td>Batting cage</td>
<td>Food preparation and dining area</td>
<td>Golf course (see Parks and Open Areas)</td>
</tr>
<tr>
<td>Campground</td>
<td>Maintenance facility</td>
<td>Nature preserve (see Parks and Open Areas)</td>
</tr>
<tr>
<td>Commercial amphitheater</td>
<td>Satellite dish antenna under 3.2 feet*</td>
<td>Park (see Parks and Open Areas)</td>
</tr>
<tr>
<td>Commercial lake, pool or tennis court</td>
<td>Off-street parking</td>
<td>Plaza (see Parks and Open Areas)</td>
</tr>
<tr>
<td>Dog or horse track</td>
<td>Restaurant</td>
<td>Playground (see Parks and Open Areas)</td>
</tr>
<tr>
<td>Drive-in theater</td>
<td></td>
<td>Recreational trail (see Parks and Open Areas)</td>
</tr>
<tr>
<td>Fairgrounds</td>
<td></td>
<td>Recreational vehicle park (see Outdoor Recreation)</td>
</tr>
<tr>
<td>Flea market</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Go kart track</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Golf driving range</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Mini amusement park</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Miniature golf facility</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Skate park</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Stadium or professional sports arena</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Water park</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Zoo</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

*See additional standards in Subsection 5.3.2
### 5.1.4.E. Overnight Accommodation

**Characteristics:** Residential units arranged for short term stays of less than 30 days for rent or lease.

<table>
<thead>
<tr>
<th>Principal Uses</th>
<th>Accessory Uses</th>
<th>Uses Not Included</th>
</tr>
</thead>
<tbody>
<tr>
<td>Apartment hotel</td>
<td>Associated office</td>
<td>Campground (see Outdoor Recreation)</td>
</tr>
<tr>
<td>Bed and breakfast home</td>
<td>Food preparation and dining facility</td>
<td>Group home for the physically disabled, mentally retarded, or emotionally disturbed that are not considered single-family residences (7 or more residents) (see Social Service)</td>
</tr>
<tr>
<td>Bed and breakfast inn</td>
<td>Laundry facility</td>
<td>Group home for drug and alcohol treatment (see Social Service)</td>
</tr>
<tr>
<td>Extended-stay facilities</td>
<td>Limited storage</td>
<td>Transient lodging or shelter for the homeless (see Social Service)</td>
</tr>
<tr>
<td>Hotel</td>
<td>Meeting facility</td>
<td></td>
</tr>
<tr>
<td>Motel</td>
<td>Off-street parking</td>
<td></td>
</tr>
<tr>
<td>Recreational vehicle park</td>
<td>Satellite dish antenna under 3.2 feet*</td>
<td></td>
</tr>
<tr>
<td>Truck stop with overnight accommodations</td>
<td>Stealth cell antennae</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Swimming pools and other recreational facilities</td>
<td></td>
</tr>
</tbody>
</table>

*See additional standards in Subsection 5.3.2

### 5.1.4.F. Restaurant

**Characteristics:** Establishments that prepare and sell food for on- or off-premise consumption.

<table>
<thead>
<tr>
<th>Principal Uses</th>
<th>Accessory Uses</th>
<th>Uses Not Included</th>
</tr>
</thead>
<tbody>
<tr>
<td>Catering establishment, small-scale</td>
<td>Decks and patios for outdoor seating</td>
<td>Bar, tavern or club (see Indoor Recreation)</td>
</tr>
<tr>
<td>Fast-food restaurant</td>
<td>Drive-through or drive-in facility</td>
<td>Catering establishment, large-scale (see Light Industrial Service)</td>
</tr>
<tr>
<td>Outdoor vendors with permanent facility</td>
<td>Off-street customer and employee parking</td>
<td>Membership club or lodge (see Indoor Recreation)</td>
</tr>
<tr>
<td>Pizza delivery establishment</td>
<td>Satellite dish antenna under 3.2 feet*</td>
<td></td>
</tr>
<tr>
<td>Restaurant</td>
<td>Valet parking facility</td>
<td></td>
</tr>
<tr>
<td>Yogurt or ice cream shop</td>
<td></td>
<td>(Ordinance 030400; 01/20/2015)</td>
</tr>
</tbody>
</table>

*See additional standards in Subsection 5.3.2
**5.1.4.G. Retail Sales and Service**

**Characteristics:** Companies or individuals involved in the sale, lease, or rental of new or used products, or providing personal services or repair services to the general public.

<table>
<thead>
<tr>
<th>Principal Uses</th>
<th>Associated Uses</th>
<th>Uses Not Included</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Sales-Oriented:</strong> Stores selling, leasing, or renting consumer, home, and business goods including alcoholic beverages, antiques, appliances, art, art supplies, baked goods, bicycles, books, cameras, candy, carpet and floor coverings, crafts, clothing, computers, convenience goods, dry goods, electronic equipment, fabric, flowers, furniture, garden supplies, gifts, groceries, hardware, handicrafts, home improvement products, household products, jewelry, medical supplies, musical instruments, pet food and/or pets, pharmaceuticals, photo finishing, picture frames, plants, printed material, produce, sporting goods, stationery, tobacco and related products, vehicle parts, and videos. Automotive parts sales with no service bays Farmers market Mailing and stenographic service Photo-finishing facility Shopping center Wholesale club</td>
<td>Associated offices Crematorium (animal) Food preparation and dining area Manufacture or repackaging of goods for on-site sale Off-street parking Parking lot/sidewalk sales Satellite dish antenna under 3.2 feet* Storage of goods</td>
<td>Building materials storage and sales (see Wholesale Trade) Car wash, hand operated or automated (see Vehicle Sales and Service) Catering service, large-scale (see Light Industrial Service) Catering service, small-scale (see Restaurant) Greenhouse, wholesale (see Wholesale Trade) Farm stand with retail sale of products produced or harvested on-site (see Agriculture Uses) Laundry, dry-cleaning, and carpet cleaning plant (see Light Industrial Service) Lumber yard or other building material establishment that sells primarily to contractors and does not have a retail orientation (see Warehouse and Freight Movement) Restaurant (see Restaurants) Sexually oriented business (see Indoor Recreation) Truck sales and repair (heavy load vehicles) (see Wholesale Trade) Vehicle sales or leasing facilities (including passenger vehicles, motorcycles, light and medium trucks, RVs and boats) (see Vehicle Sales and Service) Vehicle service (see Vehicle Sales and Service)</td>
</tr>
<tr>
<td><strong>Personal Service-Oriented:</strong> Animal grooming Animal hospital Athletic or health club Bank or loan establishment Barbershop Beauty shop Business, driving, martial arts, trade and other commercial schools Cleaning shop not involving bulk or commercial type plants Dance, art, gymnastic or music studios or classes Dry cleaning and laundry drop-off establishments Funeral home Hair, nail, tanning, and personal care services Laundromat Mail order house Massage therapy Messenger service Newspaper or telegraphic service station</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
**Article 5: Use Regulations**

### Characteristics:
Companies or individuals involved in the sale, lease, or rental of new or used products, or providing personal services or repair services to the general public.

<table>
<thead>
<tr>
<th>Principal Uses</th>
<th>Accessory Uses</th>
<th>Uses Not Included</th>
</tr>
</thead>
<tbody>
<tr>
<td>Parcel service</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Photocopy, blueprint, and quick-sign services</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Psychic or medium</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Security services</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Steam bath or bathhouse</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Studio for an artist, photographer, sculptor or musician</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Tattoo parlor</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Taxidermists</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Teaching of art, music, dancing or other artistic instruction</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Urgent care or emergency medical offices</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Veterinarian</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Vocational trade or business school</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**Repair-Oriented:**
Locksmith
Repair of appliances, bicycles, canvas products, clocks, computers, guns, furniture, jewelry, musical instruments, office equipment, radios, shoes, small engines under 5 horsepower, televisions, and watches
Plumbing, heating, electrical and air conditioning sales and repair
Tailors, milliners, and upholsterers

*See additional standards in Subsection 5.3.2*  

### 5.1.4.H. Self-Service Storage

**Characteristics:** Facilities providing separate storage areas for personal or business use designed to allow private access by the tenant for storing or removing personal property.

<table>
<thead>
<tr>
<th>Principal Uses</th>
<th>Accessory Uses</th>
<th>Uses Not Included</th>
</tr>
</thead>
<tbody>
<tr>
<td>Boat and recreational vehicle storage</td>
<td>Caretakers quarters</td>
<td>Bus barn (see Warehouse and Freight Movement)</td>
</tr>
<tr>
<td>Mini-storage facility</td>
<td>Leasing offices</td>
<td>Storage of any substance listed in the Industrial Use Categories below</td>
</tr>
<tr>
<td>Multi-story enclosed storage facilities</td>
<td>Outside storage of boats and campers</td>
<td>Truck sales and repair (heavy load vehicles) (see Wholesale Trade)</td>
</tr>
<tr>
<td>Storage garages</td>
<td>Satellite dish antenna under 3.2 feet*</td>
<td>Warehouse and Freight Movement uses (see Warehouse and Freight Movement)</td>
</tr>
</tbody>
</table>

*See additional standards in Subsection 5.3.2*
### 5.1.4.I. Vehicle Sales and Service

**Characteristics:** Direct sales of and service to passenger vehicles, light and medium trucks, and other consumer motor vehicles such as motorcycles, boats, and recreational vehicles. Uses classified as Vehicle Service, General involve services provided while the customer waits, same day pick-up of the vehicle or customers leaving a vehicle on-site for less than 24 consecutive hours.

<table>
<thead>
<tr>
<th>Principal Uses</th>
<th>Accessory Uses</th>
<th>Uses Not Included</th>
</tr>
</thead>
<tbody>
<tr>
<td>Alignment shop</td>
<td>Ancillary indoor storage</td>
<td>Bus barn (see Warehouse and Freight Movement)</td>
</tr>
<tr>
<td>Auto detailing</td>
<td>Associated office</td>
<td>Junk, wrecking or salvage yard (see Waste-Related Service)</td>
</tr>
<tr>
<td>Auto rental</td>
<td>Fuel pump and island*</td>
<td>Farm equipment and machinery sales and repair (see Wholesale Trade)</td>
</tr>
<tr>
<td>Auto upholstery shop</td>
<td>Sale of parts</td>
<td>Earth moving and heavy construction equipment sales and repair (see Wholesale Trade)</td>
</tr>
<tr>
<td>Bicycle and watercraft rental</td>
<td>Satellite dish antenna under 3.2 feet*</td>
<td>Truck sales and repair (heavy load vehicles) (see Wholesale Trade)</td>
</tr>
<tr>
<td>Boat and recreational vehicle sales</td>
<td>Single-bay, automatic car wash</td>
<td>Vehicle and equipment maintenance facility (see Light Industrial Service)</td>
</tr>
<tr>
<td>Camper shell sales and service</td>
<td>Vehicle storage</td>
<td>Vehicle parts sales as principal use (see Retail Sales and Service)</td>
</tr>
<tr>
<td>Car wash, hand-operated or automated</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Fuel sales</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Manufactured home sales</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Repair and service of RVs, boats, and light and medium trucks</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Tire sales and service</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Towing service</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Vehicle sales or leasing facilities (including passenger vehicles, motorcycles and light and medium trucks)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Vehicle service, heavy</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Vehicle service, limited</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

*See additional standards in Subsection 5.3.2

(Ordinance 029770, 03/19/2013)

### 5.1.4.J. Water-Oriented

**Characteristics:** Uses that require direct access to navigable waters.

<table>
<thead>
<tr>
<th>Principal Uses</th>
<th>Accessory Uses</th>
<th>Uses Not Included</th>
</tr>
</thead>
<tbody>
<tr>
<td>Boat livery</td>
<td>Fuel storage, above ground*</td>
<td>Water park (see Outdoor Recreation)</td>
</tr>
<tr>
<td>Boat ramp, tandem</td>
<td>Fuel pump and island*</td>
<td></td>
</tr>
<tr>
<td>Dock or pier, commercial</td>
<td>Satellite dish antenna under 3.2 feet*</td>
<td></td>
</tr>
<tr>
<td>Dry storage of boats</td>
<td>Selling, leasing or rental of covered or uncovered boat slips or dock space, dry storage space, boats and boat motors, marine fuel and lubricants, bait and fishing equipment</td>
<td></td>
</tr>
<tr>
<td>Ferry/water taxi</td>
<td>Repair and maintenance of boats and boat motors</td>
<td></td>
</tr>
<tr>
<td>Marina</td>
<td>On-shore restaurants</td>
<td></td>
</tr>
<tr>
<td>Wet storage of boats, commercial</td>
<td>Small boat hauling or launching facilities</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

*See additional standards in Subsection 5.3.2
5.1.5. **Industrial Use Categories**

### 5.1.5.A. **Light Industrial Service**

**Characteristics:** Firms engaged in the manufacturing, assembly, repair or servicing of industrial, business, or consumer machinery, equipment, products, or by-products mainly by providing centralized services for separate retail outlets. Contractors and building maintenance services and similar uses perform services off-site. Few customers, especially the general public, come to the site.

<table>
<thead>
<tr>
<th>Principal Uses</th>
<th>Accessory Uses</th>
<th>Uses Not Included</th>
</tr>
</thead>
<tbody>
<tr>
<td>Book binding and tooling</td>
<td>Cafeterias</td>
<td>Catering, small-scale (see Restaurant)</td>
</tr>
<tr>
<td>Building, heating, plumbing or electrical contractor’s shop or storage yard</td>
<td>Caretakers quarters</td>
<td>Junk, wrecking or salvage yard (see Waste-Related Service)</td>
</tr>
<tr>
<td>Button manufacturing</td>
<td>Day care</td>
<td>Manufacture and production of goods from composting organic material (see Waste-Related Service)</td>
</tr>
<tr>
<td>Catering establishment, large-scale</td>
<td>Employee recreational facilities</td>
<td></td>
</tr>
<tr>
<td>Cleaning and dyeing of garments and rugs</td>
<td>Offices</td>
<td></td>
</tr>
<tr>
<td>Clothing or textile manufacturing</td>
<td>Off-street parking</td>
<td></td>
</tr>
<tr>
<td>Electric motor repair</td>
<td>On-site repair facilities</td>
<td></td>
</tr>
<tr>
<td>Exterminator</td>
<td>Satellite dish antenna under 3.2 feet*</td>
<td></td>
</tr>
<tr>
<td>Fuel storage, above ground*</td>
<td>Storage</td>
<td></td>
</tr>
<tr>
<td>Janitorial and building maintenance service</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Laboratory, research and experimental</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Laundry, dry-cleaning, and carpet cleaning plant</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Manufacture of clocks, medical, dental and drafting instruments, games and toys, millenary products, musical instruments, signs, small electrical or electronic apparatus, watches, and other precision instruments</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Movie production facility</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Optical goods manufacture</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Printing, publishing and engraving</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Vehicle and equipment maintenance facility</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Welding, machine, and tool repair shop</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

*See additional standards in Subsection 5.3.2*
5.1.5.B. Warehouse and Freight Movement

**Characteristics:** Firms involved in the storage or movement of goods for themselves or other firms. Goods are generally delivered to other firms or the final consumer with little on-site sales activity to customers.

<table>
<thead>
<tr>
<th>Principal Uses</th>
<th>Accessory Uses</th>
<th>Uses Not Included</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bus barn</td>
<td>Ancillary indoor storage</td>
<td>Boat and recreational vehicle storage</td>
</tr>
<tr>
<td>Coal and coke storage and sales</td>
<td>Associated office</td>
<td>Mini-storage facility (see Self Service Storage)</td>
</tr>
<tr>
<td>Food locker</td>
<td>Cafeteria</td>
<td>Multi-story enclosed storage facilities</td>
</tr>
<tr>
<td>Household moving and general freight storage</td>
<td>Caretakers quarters</td>
<td>(see Self Service Storage)</td>
</tr>
<tr>
<td>Lumber yard or other building material establishment that sells primarily to contractors and does not have a retail orientation</td>
<td>Employee recreational facility</td>
<td>Stockpile of sand, gravel or other aggregate materials (see Warehouse and Freight Movement)</td>
</tr>
<tr>
<td>Milk distributing station, no bottling</td>
<td>Fuel pump and island*</td>
<td></td>
</tr>
<tr>
<td>Produce and storage warehouse</td>
<td>Fuel storage, above ground*</td>
<td></td>
</tr>
<tr>
<td>Stockpiling of sand, gravel, or other aggregate materials</td>
<td>Off-street parking</td>
<td></td>
</tr>
<tr>
<td>Truck or transfer terminal, freight</td>
<td>Outdoor storage yard</td>
<td></td>
</tr>
<tr>
<td>Warehouse used for storage of retail goods</td>
<td>Satellite dish antenna under 3.2 feet*</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Truck fleet parking and maintenance area</td>
<td></td>
</tr>
</tbody>
</table>

*See additional standards in Subsection 5.3.2

5.1.5.C. Waste-Related Service

**Characteristics:** Uses that receive solid or liquid wastes from others for transfer to another location and uses that collect sanitary wastes or that manufacture or produce goods or energy from the composting of organic material.

<table>
<thead>
<tr>
<th>Principal Uses</th>
<th>Accessory Uses</th>
<th>Uses Not Included</th>
</tr>
</thead>
<tbody>
<tr>
<td>Animal waste processing</td>
<td>Fuel pump and island*</td>
<td>Extraction of sand or gravel (see Resource Extraction)</td>
</tr>
<tr>
<td>Junk, wrecking or salvage yard</td>
<td>Fuel storage, above ground*</td>
<td>Shell dredging (see Resource Extraction)</td>
</tr>
<tr>
<td>Landfill</td>
<td>Office</td>
<td>Stockpile of sand, gravel or other aggregate materials (see Warehouse and Freight Movement)</td>
</tr>
<tr>
<td>Manufacture and production of goods from composting organic material</td>
<td>Off-street parking</td>
<td></td>
</tr>
<tr>
<td>Recycling center</td>
<td>Recycling of materials</td>
<td></td>
</tr>
<tr>
<td>Solid or liquid waste transfer or composting</td>
<td>Repackaging and shipment of by-products</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Satellite dish antenna under 3.2 feet*</td>
<td></td>
</tr>
</tbody>
</table>

*See additional standards in Subsection 5.3.2

5.1.5.D. Wholesale Trade

**Characteristics:** Firms involved in the sale, lease, or rent of products to industrial, institutional or commercial businesses only. The uses emphasize on-site sales or order-taking and often include display areas. Businesses may or may not be open to the general public, but sales to the general public are not permitted. Products may be picked up on-site or delivered to the customer.

<table>
<thead>
<tr>
<th>Principal Uses</th>
<th>Accessory Uses</th>
<th>Uses Not Included</th>
</tr>
</thead>
<tbody>
<tr>
<td>Building materials storage and sales</td>
<td>Cafeteria</td>
<td>Mail order house (see Warehouse and Freight Movement)</td>
</tr>
<tr>
<td>Farm equipment and machinery sales and repair</td>
<td>Caretakers quarters</td>
<td>Stores selling, leasing, or renting consumer, home, and business goods (see Retail Sales and Service)</td>
</tr>
<tr>
<td>Earth moving and heavy construction equipment sales and repair</td>
<td>Day care</td>
<td>Warehouse and Freight Movement use (see Warehouse and Freight Movement)</td>
</tr>
<tr>
<td>Greenhouse, wholesale</td>
<td>Minor fabrication services</td>
<td>Wholesale club (see Retail Sales and Service)</td>
</tr>
<tr>
<td>Truck sales and repair (heavy load vehicles)</td>
<td>Office</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Off-street parking</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Product repair</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Repackaging of goods</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Satellite dish antenna under 3.2 feet*</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Warehouse</td>
<td></td>
</tr>
</tbody>
</table>

*See additional standards in Subsection 5.3.2
### 5.1.5.E. Heavy Industrial

**Characteristics:** Firms involved in research and development activities with fabrication and assembly operations; limited industrial/manufacturing activities. The uses emphasize industrial businesses, and sale of heavier equipment. Factory production and industrial yards are located here. Sales to the general public are limited. These uses may have the following accompanying hazards, such as fire, explosion, noise, vibration, dust or the emission of smoke, odor, or toxic gases.

<table>
<thead>
<tr>
<th>Principal Uses</th>
<th>Accessory Uses</th>
<th>Uses Not Included</th>
</tr>
</thead>
<tbody>
<tr>
<td>Production, processing, distillation or refining of the following: Acids and derivatives; Acetylene, generation and storage; Aluminum powder and paint manufacture; Ammonia; Blast furnace, cupolas; Brick, firebrick, refractories, and clay products (coal fired); Caustic soda; Cellulose and cellulose storage; Cement, lime, gypsum, or plaster of Paris; Chlorine; Coal, tar asphalt, wood, and bones; Coke oven products (including fuel gas) and coke oven products storage; Cotton; Creosote; Explosives (including ammunition and fireworks) and explosives storage; Fat rendering; Fertilizer (organic); Fish processing; Fuel pump and island* Fuel storage, above ground* Glue, gelatin (animal); Hair, hides, and raw fur, curing, tanning, dressing, dyeing and storage; Hydrogen and oxygen; Lamp black, carbon black, and bone black; Match manufacture; Metal and metal ores, reduction, refining, smelting, and alloying; Minerals and earths: quarrying, extracting, grinding, crushing, and processing; Nitration of cotton or other materials; Nitrates (manufactured and natural) of an explosive nature, and storage; Petroleum, gasoline, and lubricating oil refining, and wholesale storage; Plastic materials and synthetic resins;</td>
<td>Cafeteria Drainage structures [Staff - Moved to Principal Uses] Office Off-street parking Product repair Repackaging of goods Satellite dish antenna under 3.2 feet* Warehouse</td>
<td>Animal processing, packing, treating, and storage, provided that these activities are accessory and secondary to normal agricultural activities (see Agriculture Uses) Animal waste processing (see Waste-Related Service) Extraction of phosphate or minerals (see Resource Extraction) Mining (see Resource Extraction) Oil or gas well and appurtenances (see Resource Extraction) Solid or liquid waste transfer or composting (see Waste-Related Service) Stores selling, leasing, or renting consumer, home, and business goods (see Retail Sales and Service) Vehicle Sales and Service uses (see Vehicle Sales and service)</td>
</tr>
</tbody>
</table>
**Characteristics:** Firms involved in research and development activities with fabrication and assembly operations; limited industrial/manufacturing activities. The uses emphasize industrial businesses, and sale of heavier equipment. Factory production and industrial yards are located here. Sales to the general public are limited. These uses may have the following accompanying hazards, such as fire, explosion, noise, vibration, dust or the emission of smoke, odor, or toxic gases.

<table>
<thead>
<tr>
<th>Principal Uses</th>
<th>Accessory Uses</th>
<th>Uses Not Included</th>
</tr>
</thead>
<tbody>
<tr>
<td>Potash;</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Pyroxylin;</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Rendering and storage of dead animals, offal, garbage, or waste products; Rubber; Scrap metal reduction; Sheet metal; Slaughtering of animals; Starch manufacture; Steel works and rolling mill (ferrous); and Turpentine and resin. Bottling Commercial feed lot Sawmill Stockyard</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

*See additional standards in Subsection 5.3.2*
5.1.6. Other Use Categories

5.1.6.A. Agriculture Uses

**Characteristics:** Uses that create or preserve areas intended primarily for the raising of animals and crops, conservation, and the secondary industries associated with agricultural production.

<table>
<thead>
<tr>
<th>Principal Uses</th>
<th>Accessory Uses</th>
<th>Uses Not Included</th>
</tr>
</thead>
<tbody>
<tr>
<td>Animal processing, packing, treating, and storage, provided that these activities are accessory and secondary to normal agricultural activities</td>
<td>Animal pen*</td>
<td>Animal waste processing (see Waste-Related Service)</td>
</tr>
<tr>
<td>Animal raising including horses, hogs, cows, sheep, goats, and swine, poultry, rabbits, and other small animals</td>
<td>Auction ring</td>
<td>Botanical garden (see Parks and Open Areas)</td>
</tr>
<tr>
<td>Animal shelter</td>
<td>Barns</td>
<td>Commercial feed lot (see Heavy Industrial)</td>
</tr>
<tr>
<td>Apiculture (bee keeping)</td>
<td>Farm stands with retail sales of products produced or harvested on-site</td>
<td>Dog or horse track (see Outdoor Recreation)</td>
</tr>
<tr>
<td>Aquaculture</td>
<td>Fenced pasture*</td>
<td>Nature preserve (see Parks and Open Areas)</td>
</tr>
<tr>
<td>Dairying</td>
<td>Garages</td>
<td>Resource Extraction use (see Resource Extraction)</td>
</tr>
<tr>
<td>Farm stand with retail sale of products produced or harvested on-site</td>
<td>Offices</td>
<td>Stockyard (see Heavy Industrial)</td>
</tr>
<tr>
<td>Field or truck crops</td>
<td>Sheds</td>
<td></td>
</tr>
<tr>
<td>Floriculture</td>
<td>Silos</td>
<td></td>
</tr>
<tr>
<td>Greenhouse or nursery not engaged in retail trade</td>
<td>Stables</td>
<td></td>
</tr>
<tr>
<td>Horticulture</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Kennel</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Orchard or vineyard</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Pasturage</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Personal or commercial animal breeding and development</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Riding academy or boarding stable</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Stable, public or private</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

*See additional standards in Subsection 5.3.2

5.1.6.B. Resource Extraction Uses

**Characteristics:** Uses that extract minerals and other solids, gases and liquids from land.

<table>
<thead>
<tr>
<th>Principal Uses</th>
<th>Accessory Uses</th>
<th>Uses Not Included</th>
</tr>
</thead>
<tbody>
<tr>
<td>Extraction of minerals</td>
<td>Ancillary indoor storage</td>
<td>Artesian well (see Utility)</td>
</tr>
<tr>
<td>Extraction of sand or gravel</td>
<td>Associated offices</td>
<td>Field or truck crops, horticulture or pasturage (see Agriculture)</td>
</tr>
<tr>
<td>Mining</td>
<td>Equipment storage</td>
<td>Wind energy conversion system or wind-driven generator (see Utility)</td>
</tr>
<tr>
<td>Oil or gas well and appurtenances</td>
<td>Resource processing</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Stockpiling of sand, gravel, or other aggregate materials</td>
<td></td>
</tr>
</tbody>
</table>

*See additional standards in Subsection 5.3.2
§ 5.2 Specific Standards

5.2.1. Upper-Story Residential Unit
An upper-story residential unit shall be permitted in accordance with the use tables in Article 4 provided that separate, designated parking spaces for the dwelling unit are provided as required in Article 4.

5.2.2. Airport, Helipad, Heliport or Landing Field
An airport, helipad, heliport or landing field shall be permitted in accordance with the use tables in Article 4 subject to the following standards:

A. All Facilities
   1. Adequate land area shall be available for take-off and landing to ensure public safety in accordance with Federal Aviation Administration standards.
   2. All facilities shall meet the approval of the Director of the Corpus Christi International Airport.
   3. In the CN district, the airport, helipad, heliport or landing field shall only be permitted as part of a Medical Facility use.

B. Helipad
   1. A helipad shall be used for the occasional and infrequent landing of rotary wing aircraft.
   2. A helipad shall be limited to use by helicopter with a gross weight of less than 6,000 pounds.
   3. A helipad shall include fuelling or service facilities, except in commercial districts.

C. Heliport
   1. A heliport shall be used for the regularly scheduled landing of rotary wing aircraft.
   2. A heliport shall be limited to use by helicopter with a gross weight of less than 12,500 pounds.
   3. A heliport shall include fueling or service facilities, except in commercial districts.

5.2.3. Community Service
A Community Service use shall be permitted in accordance with the use tables in Article 4 provided that any such use located in or adjacent to any residential zoning district shall have its principal vehicular entrance and exit on an arterial or
a collector street or on a local street within 150 feet of its intersection with an
arterial or collector street.

5.2.4. Day Care

5.2.4.A. General

1. All day care facilities shall meet the minimum state requirements for such facilities.

2. No portion of a play or instruction area shall be located within the required street yard area of the property. Such areas may be located in side or rear yards.

3. Outdoor play or instruction area shall be enclosed by a fence with a minimum of 6 feet in height.

4. An opaque fence a minimum of 6 feet in height shall be provided along any rear or side property line adjoining any residential use in a residentially-zoned district not used for a similar purpose.

5. Day care facilities in residential zoning districts only may operate between the hours of 7 a.m. and 7 p.m. Day care facilities in Neighborhood Commercial and Office zoning districts only may operate between the hours of 7 a.m. and 10 p.m. Hours of operation are not limited for day care facilities in other nonresidential zoning districts.

5.2.4.B. Adult Day Care Facility

An adult day care facility shall be permitted in accordance with the use tables in Article 4 subject to the following standards:

1. An adult day care facility shall provide regular care to five or more persons 18 years of age or older who are not related by blood, marriage, or adoption to the owner or operator of the facility, for less than 24 hours a day.

2. Off-street parking and locating shall be provided in accordance with Section 7.2. Notwithstanding the provisions in Subsection 7.2.7, a drive-through loading area with a minimum width of 10 feet and a holding capacity of at least three 18-foot long vehicles, exclusive of parking spaces, shall be provided.

5.2.4.C. Day Care Home

A day care home shall be permitted in accordance with the use tables in Article 4 subject to the following standards:

1. A day care home shall provide regular care to no more than six children under 14 years of age, excluding children who are related to the caretaker, and may provide care after school hours for not more than six additional elementary school children, but the total number of
children including those related to the caretaker, shall not exceed 12 at any given time.

2. No portion of an outdoor play or instruction area shall be located within the required street yard area of the property. Such areas may be located in side or rear yards.

3. A day care home shall employ only residents of the home, including all paid and unpaid care providers.

5.2.4.D. Day Care Center
A day care center shall be permitted in accordance with the use tables in Article 4 subject to the following standards:

1. A day care center shall provide regular care for between seven and twelve children for less than 24 hours a day.

2. Off-street parking and loading shall be provided in accordance with Section 7.2 notwithstanding the provisions in Subsection 7.2.7. A drive-through loading area with a minimum width of 10 feet and a holding capacity of at least three 18-foot long vehicles, exclusive or parking spaces shall be provided for each day care center.

3. No portion of an outdoor play or instruction area shall be located within the required street yard area of the property. Such areas may be located in side or rear yards.

5.2.4.E. Commercial Day Care
A commercial day care facility shall be permitted in accordance with the use tables in Article 4 subject to the following standards:

1. A commercial day care center shall provide regular care to any number of adults or children for less than 24 hours a day.

2. Signs shall be in accordance with Section 7.5.

3. Off-street parking and loading shall be provided in accordance with Section 7.2. Notwithstanding the provisions in Subsection 7.2.7 a drive-through loading area with a minimum width of 10 feet and a holding capacity of one vehicle per 500 square feet of gross floor area in the facility, exclusive of parking spaces, shall be provided for each commercial day care. No facility shall be required to have a loading zone with a capacity in excess of six spaces for 18-foot long vehicles.

4. No portion of an outdoor play or instruction area shall be located within the required street or side yard area of the property. Outdoor play or instruction areas shall be located in the rear or side yard of the property.

5.2.5. Golf Course
A golf course shall be permitted in accordance with the use tables in Article 4 provided that any structure established in connection with such uses shall be set back a minimum of 50 feet from any residential use in a residential zoning district. Any parking area located adjacent to a residential use shall require a parking buffer in accordance with Section 7.3.

5.2.6. **Utilities, Major**

A major utility shall be permitted in accordance with the use tables in Article 4 subject to the following standards:

A. The major utility shall be screened by a 6-foot high masonry fence (or alternate material approved by the Assistant City Manager of Development Services).

B. The facility shall be secured from entry.

5.2.7. **Bar, Tavern or Pub**

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

To ensure compliance with this subsection, any establishment engaged in the retail sale of alcoholic beverages for on-premise consumption shall provide upon request by a City Code Enforcement Official verified copies of either, 1) the previous quarterly or the previous three monthly sales tax reports and the gross receipts tax reports for the same periods, if the establishment pays the gross receipt tax or 2) the previous three months alcohol sales and sales tax information and other information or documents sufficient to determine the percentage of alcohol sales, if the establishment does not pay the gross receipts tax. Failure to provide the documentation requested or accurately maintain required records is prima facie evidence that the establishment is a bar, tavern or pub. (Ordinance 030400; 01/20/2015)

5.2.8. **Bed and Breakfast Home**

A bed and breakfast home shall be permitted in accordance with the use tables in Article 4 subject to the following standards:

A. Sleeping accommodations shall not exceed five bedrooms and no more than 10 lodgers shall be accommodated at one time, not including the owner-occupied rooms.

B. Kitchen and dining facilities may be included to provide meals to guests only. No food preparation shall be permitted in guest bedrooms.

C. Parking in the street yard of a bed and breakfast home shall be prohibited. All parking shall be screened from an adjacent residential use by an opaque fence or a hedge a minimum of 6 feet in height.
D. In residential districts, no exterior evidence of the bed and breakfast home shall be allowed, except that one attached sign no larger than 1 square foot in area shall be permitted with no additional advertising of any kind allowed on site. In nonresidential districts, the sign provisions of Section 7.5 shall apply.

E. The operator shall keep a current request register including names, permanent addresses, dates of occupancy and motor vehicle license numbers for all guests.

F. A temporary use permit in accordance with Section 5.4 shall be required for any party, reception or similar special event that is anticipated to draw more than 10 total guests (including overnight guests) to the bed and breakfast home. Special events subject to the temporary use permit shall be limited to a total of six such functions per calendar year and shall be limited to between the hours of 7 a.m. and midnight. Such events shall be limited to the interior of the bed and breakfast home.

G. The bed and breakfast home shall be not closer than 1,000 feet to any other bed and breakfast home.

5.2.9. Farmers Market
A farmers market shall be permitted in accordance with the use tables in Article 4 subject to the following standards:

A. The farmers market shall be certified by the Texas Department of Agriculture and shall comply with all local, state and federal laws and regulations.

B. Items sold in the farmers market shall include: fresh fruits, vegetables, dairy products, herbs, eggs, poultry, pork, seafood, fish, shrimp, beef, flowers, baked goods, homemade preserves, candies, soaps, honey, tea, coffee, prepared foods, and similar items approved by the Assistant City Manager of Development Services.

C. The farmers market area shall not encroach upon minimum yards, minimum parking area or fire lanes.

D. The farmers market shall be considered as retail sales floor area for purposes of calculating parking and loading.

E. The farmers market shall be within a permanent roofed structure that does not have any walls.

F. Permanent restroom facilities for employees and customers shall be provided within 300 feet of the farmers market.

G. No demonstrations of processing of non-animal products may be conducted on site.

5.2.10. Fuel Sales
A fuel sales establishment shall be permitted in accordance with the use tables in Article 4 subject to the following standards:

A. No more than eight vehicle fueling stations shall be permitted in Neighborhood Commercial districts.

B. No open storage of any type, including the overnight storage of vehicles, shall occur in conjunction with the operation.

C. Any freestanding light fixtures shall be reduced in height to 15 feet if the use adjoins a residential zoning district.

D. A 6-foot high solid visual barrier or screen shall be provided between the fuel sales establishment and any adjacent residential zoning district.

E. Except as allowed in Subsection 5.3.2.C, fuel pumps and islands shall not be permitted in a required yard.

5.2.11. Restaurant

A Restaurant Use shall be permitted in accordance with the use tables in Article 4 subject to the following standards:

A. Eating establishments permitted in the “CN-1” Neighborhood Commercial District shall not exceed 5,000 square feet in gross floor area.

B. Eating establishments permitted in the “CN-2” Neighborhood Commercial District shall no exceed 3,000 square feet in gross floor area.

C. For eating establishments permitted in the Office zoning district:
   1. The gross floor area shall not exceed 3,000 square feet;
   2. The eating establishment shall clearly be a secondary, support use for the regular operation of the office; and
   3. The eating establishment may not be located in a building where no other uses exist.

(Ordinance 029959, 10/8/2013)

5.2.12. Retail Sales and Service, Sales and Service-Oriented

A sales-oriented Retail Sales and Service use shall be permitted in accordance with the use tables in Article 4 subject to the following standards:

A. The establishment shall be clearly secondary to the principal use on the site.

B. The gross floor area of the facility shall not exceed 10,000 square feet.

5.2.13. Retail Sales and Service, Repair-Oriented

A repair-oriented Retail Sales and Service Use shall be permitted in accordance with the use tables in Article 4 subject to the following standards:
A. The establishment shall be clearly secondary to the principal use on the site.

B. The gross floor area of the facility shall not exceed 10,000 square feet.

5.2.14. **Self-Service Storage, Including Boat and RV Storage**

A self-service storage establishment, including boat and Recreational Vehicle Park storage, shall be permitted in accordance with the use tables in **Article 4** subject to the following standards:

A. The use of the facility and its individual storage units shall be limited to storage purposes only.

B. Where gated, a minimum of four off-street vehicle stacking spaces designed in accordance with the standards in **Subsection 7.2.6** shall be provided between the public right-of-way and the front gate of the self-storage facility.

C. Each compartment may not exceed an area of 500 square feet.

(Ordinance 030450, 03/24/2015)

D. In the “CR” Resort Commercial zoning district, a storage building shall not exceed 15-feet in height.

E. No direct glare from illumination on the site shall be visible from any adjoining lots.

F. No cleaning or maintenance of marine or Recreational Vehicle engines shall be permitted.

G. No purging of inboard and outboard boat engines shall be permitted.

5.2.15. **Vehicle Service, Limited**

A limited vehicle service establishment, including boat and Recreational Vehicle service, shall be permitted in accordance with the use tables in **Article 4** subject to the following standards:

A. A 6-foot high solid visual barrier or screen shall be provided between the limited vehicle service establishment and any adjacent residential zoning district.

B. All automotive parts shall be stored within an enclosed building, and there shall be no open storage of dismantled vehicles visible at any point beyond the property.

C. All repair or service work requiring major repair shall take place either within an enclosed structure or behind a 6 foot screening wall or fence.

D. All vehicles shall be stored on-site and not in the public right-of-way.

E. No objectionable sound, vibration, heat, glare or electrical disturbance shall be created which is perceptible beyond the property line.
5.2.16. Wholesale Trade
A Wholesale Trade use shall be permitted in accordance with the use tables in Article 4 provided that no open storage of junk or salvage materials of any type shall occur in conjunction with the operation.

5.2.17. Light Industrial Service
A Light Industrial Service use shall be permitted in accordance with the use tables in Article 4 provided that no part of any building or accessory structure shall be located closer than 100 feet to any residential zoning district boundary or within 35 feet of any property line adjacent to a public right-of-way.

5.2.18. Kennel or Animal Shelter, Indoor or Outdoor
A kennel or animal shelter shall be permitted in accordance with the use tables in Article 4 subject to the following standards:

A. The indoor or outdoor kennel or animal shelter shall be located a minimum of 300 feet from a residential structure that is located on any property in separate ownership.

B. No outdoor kennel shall be permitted except in an Industrial District.

C. An indoor kennel and/or animal shelter shall be limited to a maximum of 40 animals when located in the General Commercial zoning district.

5.2.19. Stable, Public or Private
A public or private stable shall be permitted in accordance with the use tables in Article 4 provided that the stable shall be located a minimum of 300 feet from a residential structure that is located on any property in separate ownership.

5.2.20. Caretaker’s Quarters
Caretaker’s quarters shall be permitted in accordance with the use tables in Article 4 subject to the following standards:

A. One caretaker’s quarter shall be permitted on the Premises.

B. The caretaker's quarters must be accessory to a primary use.

C. The caretaker's quarters shall not exceed 1500 sq. ft.

D. The caretaker’s quarters shall not be comprised of manufactured housing unless it is in an industrial district.

5.2.21. Car wash, Hand-Operated or Automated
A hand-operated or automated car wash shall be permitted in accordance with the use tables in Article 4 provided that the car wash is not visible from Ocean Drive, Shoreline Drive or the Interstate 37 gateway into the downtown area.
5.2.22. **Storage of Explosives or Other Hazardous Materials**

The storage of explosives or other hazardous materials shall be permitted in accordance with the use tables in Article 4 subject to Fire Marshall and Board of Adjustment review and approval pursuant to Section 3.12.

5.2.23. **Recycling Drop-Off Center**

Recycling drop-off centers shall be permitted in accordance with the use tables in Article 4 subject to the following:

**A.** The recycling drop-off center shall be subject to the following permitting requirements:

1. No permit shall be issued to any vendor to operate his business and no vendor shall vend from or upon any private premises except subject to the following restrictions and regulations in addition to other conditions imposed upon vendors by Chapter 38 of the Municipal Code:

   a. Vendors without a permanent address within the City shall be subject to the bonding requirements of Section 38-8 of Municipal Code.

   b. Vendors are prohibited except in areas allowing retail business in accordance with the Unified Development Code.

   c. Prior to the issuance or renewal of a permit, a sworn affidavit of the owner of the premises proposed to be used by the vendor authorizing such use by the vendor, must be filed with the permit officer.

   d. Prior to the issuance or renewal of a permit, a valid certificate of occupancy for the premises proposed to be used by the vendor must be filed with the permit officer.

   e. Vending units shall be set back from all street-front property lines and from all rights-of-way by a minimum of 20 feet.

   f. Restroom facilities which the vendor has written permission to use must be available on the premises to be occupied by the vendor or within 300 feet of the vending unit.

**B.** The recycling drop-off center shall be conducted from a trailer or readily removable bins or containers, the placement of which does not otherwise require the issuance of a permit under the Municipal Code.

5.2.24. **Rentals (Single Family)**

Single-family units in a single-family district cannot be rented for less than a one-month period, unless approved by the Planning Commission and City Council as a bed and breakfast home.
§ 5.3 Accessory Uses and Structures

5.3.1. General
Any accessory use may be permitted provided that it is customarily associated with a principal use that may be permitted by right consistent with Section 5.1 of this Unified Development Code. The establishment of such accessory uses shall be consistent with the following standards:

A. The accessory use shall be subordinate to and serve a principal use or principal structure.

B. The accessory use shall be subordinate in area, extent or purpose to the principal use served.

C. The accessory use shall be located within the same zoning district as the principal use.

D. An accessory structure located on waterfront property shall be set back a minimum of 20 feet from the mean high water line except for the landward portion of:
   1. A permitted dock; or
   2. A boat house that is accessory to a permitted boat dock or marina.

E. Except as herein provided no accessory building or structure shall project beyond a required yard line along any street.

F. No accessory structure shall be permitted in an easement without approval of a building permit in accordance with Section 3.18.

G. A special use exception shall be required in accordance with Section 3.12 for an accessory structure with a gross floor area greater than one-half the gross floor area of the principal structure.

H. Accessory uses located in residential districts shall not be used for commercial purposes other than authorized home occupations.

I. No accessory building or structure shall be constructed until the construction of the principal structure has commenced. No accessory building or structure shall be used unless the principal structure also is being used.

J. A detached accessory building shall be located behind the front face of the main principal structure and shall not exceed 50% of the main principal structure total square footage. (Ordinance 029770, 03/19/2013)

K. In water-oriented subdivisions, in-ground pools may be located in front of the main principal structure. [continued on next page]
L. Separate meters are permitted except as noted.

5.3.2. **Specific Accessory Uses and Structures**

5.3.2.A. **Accessory Dwelling Units**

1. An accessory dwelling unit may be permitted in any residential zoning district. The unit may include a full kitchen.

2. Only one accessory dwelling unit shall be permitted per lot or parcel.

3. The property owner shall occupy either the principal dwelling or the accessory dwelling unit.

4. The total floor area of the accessory dwelling unit shall not exceed 500 square feet.

5. The principal residential and accessory dwelling unit together shall not exceed the maximum zoning district building coverage.

6. The accessory dwelling unit may be part of or attached to the principal structure or may be a separate structure. All principal structure yard requirements shall be met.

7. The accessory dwelling unit shall not exceed the maximum zoning district height.

8. Separate meters are prohibited.

5.3.2.B. **Animal Pens and Fenced Pasture**

1. An animal pen or fenced pasture (excluding chickens) only shall be permitted in the Farm-Rural district or as an accessory use to an agricultural use as defined in **Subsection 5.1.6.A.**

   (Ordinance 029376, 02/21/2012)

2. Any building or structure used to house animals including, but not limited to, cattle, horses, donkeys, llamas, swine, emus and other domesticated animals not conventionally kept for companionship shall be set back a minimum of 100 feet from all property lines abutting a residential zoning district other than the Farm-Rural zoning district.

3. No setbacks shall be required for fenced pastures a minimum of 1 acre in area used to hold livestock, such as cattle and horses.

5.3.2.C. **Fuel Storage**

1. **Fuel Pumps, Islands or Canopies**

   a. Fuel pumps, islands and canopies not located in the Neighborhood Commercial or Resort Commercial districts may
occupy the required yards, provided that they are a minimum of 12 feet from any public right-of-way line. Above ground fuel storage shall not occupy a required yard.

b. A 6-foot high solid visual barrier or screen shall be provided between the parcel on which the fuel pump, pump island or above-ground fuel storage is located and any adjacent residential zoning district.

2. **Above-Ground Fuel Storage**

   a. Above-ground fuel storage tanks shall be a maximum of 10,000 gallons in CN and CR districts.

   b. Specifications and location of any above-ground fuel storage tank is subject to Fire Marshall and Board of Adjustment review and approval pursuant to Section 3.12.

   c. Fuel storage incidental to marina use is permitted at all marinas in all zoning districts in the City. Above-ground fuel storage is not allowed at boat docks and piers that do not perform all of the activities in the marina definition (Article 1.11).

5.3.2.D. **Garages, Private**

1. [Administrative Note: This section was deleted by Ordinance 029376, passed 02/21/2012.]

2. The standard in subparagraph 5.3.2.D.1 shall not apply to:

   a. A garage facing an alley;

   b. A garage set back an additional 4 feet from the street yard;

   c. A detached garage located behind the rear of the principal structure; or

   d. A side-loaded garage not located on a corner lot.

3. A private garage that faces a public right-of-way, not including an alley, shall conform to the required street yards for the zoning district.

4. Garages for single family residences must not exceed 49% of the main building. If there is a garage attached to the main principal structure, the garage is included as part of the main building for the calculation of the 49%.

5. A private garage that faces an alley shall be set back a minimum of 3 feet.
5.3.2.E. Helipad, Heliport or Landing Field
A helipad, heliport or landing field shall provide adequate land area for take-off and landing to ensure public safety in accordance with Federal Aviation Administration standards.

5.3.2.F. Home Occupation
The following regulations shall apply to the conduct of home occupations and home-based businesses in any zoning district.

1. General Standards
   a. The use of a dwelling unit for a home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants, and shall under no circumstances change the residential character of the dwelling.
   b. A home occupation shall be performed wholly within a main principal structure by a member of a family residing on the premises.
   c. A home occupation shall be permitted one non-illuminated sign of not more than 1 square foot in area placed flat against the building.
   d. No display or storage of materials or generation of substantial volumes of vehicular or pedestrian traffic or parking demand or other exterior indication of the home occupation shall be permitted.
   e. Not more than one person outside the family shall be employed at the home occupation.
   f. No equipment shall be used which creates noise, vibration, smoke, dust, odors, heat or flare, which is offensive to persons of ordinary sensitivity in the neighborhood.
   g. Any activities involving outside visitors or clients and any deliveries by commercial vehicles shall be limited to the hours between 8AM and 8 PM.

2. Prohibited Characteristics
   No home occupation or home-based business shall be permitted that does any of the following:
   a. Requires internal or external alterations inconsistent with the residential use of the building;
   b. Results in the off-street or on-street parking of more than three vehicles at any one time not owned by members of the occupant family;
Article 5: Use Regulations

3. Prohibited Uses
   Notwithstanding compliance with subparagraphs 5.3.2.F.1 and 5.3.2.F.2 above, the following uses shall be prohibited as home occupations:
   a. Vehicle repair;
   b. Outdoor repair;
   c. Barber shop, massage parlor, or beauty parlor;
   d. Retail sales;
   e. Greenhouse, commercial nursery or truck farming;
   f. Food handling, processing or packing, other than services that utilize standard home kitchen equipment;
   g. Medical or dental lab;
   h. Restaurant; and
   i. Sale or repair or firearms.

5.3.2.G. Satellite Dish Antenna
   1. Dishes shall not be permitted in any street yard.
   2. Ground-mounted satellite dishes in excess of 5 feet in height shall be screened from view from the public right-of-way and adjacent property by a minimum 6-foot high screening fence, evergreen hedge, or masonry wall.
   3. Ground-mounted satellite dishes in excess of 10 feet in height or more than 10 feet in diameter shall not be permitted in any residential zoning district. Such dishes shall be screened from view from the public right-of-way and adjacent property by a minimum 6-foot high screening fence, evergreen hedge or masonry wall.
   4. Building-or-roof-mounted satellite dishes shall be permitted in accordance with the following table:

<table>
<thead>
<tr>
<th>Diameter</th>
<th>Permitted Zoning Districts and Structures</th>
</tr>
</thead>
<tbody>
<tr>
<td>Less than 3.3 ft.</td>
<td>All districts</td>
</tr>
</tbody>
</table>
Article 5: Use Regulations

<table>
<thead>
<tr>
<th>Height Range</th>
<th>Zoning District Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>3.3 ft. to 6.6 ft.</td>
<td>Multifamily and nonresidential districts</td>
</tr>
<tr>
<td>Greater than 6.6 ft.</td>
<td>Structures greater than 100,000 s.f. in nonresidential districts</td>
</tr>
</tbody>
</table>

§ 5.4 Temporary Use Standards

5.4.1. Purpose
Temporary uses are declared to have characteristics which require certain controls in order to insure compatibility with other uses in the zoning district within which they are proposed for location.

5.4.2. Temporary Use Permit Required
The following temporary uses are allowed in the frequency stated except that no property shall have more than four of the events listed in paragraph 5.4.2.A below in a calendar year.

A. Commercial Circuses, Carnivals or Fairs
Commercial circuses, carnivals or fairs are allowed for not more than 16 consecutive days, once every three months.

B. Non-Profit Special Events
Special events run by non-profit, philanthropic organizations occurring no longer than seven consecutive days are allowed once every three months. Outdoor motor vehicle or recreational vehicle shows or sales are allowed for three consecutive days, once every three months.

C. Other Temporary Uses
Other temporary uses similar in nature to the ones listed, with corresponding limitations, as determined by the Building Official.

5.4.3. Promotional Events
A permit shall be required for a promotional event, as defined in Article 1.11, and shall be permitted subject to the following standards:

A. The promotional event shall be located on a paved surface covered with solid material.

B. The promotional event shall take place only on the principal use premise responsible for the promotional event.

C. The facilities of a promotional event may occupy off-street parking spaces provided that no more than 25% of either the required off-street parking spaces of the principal use or the actual off-street parking spaces provided on the premise shall be utilized for nonparking purposes.

D. The promotional event shall not be conducted after 12 midnight.
E. The facilities of a promotional event shall be located a minimum of 200 feet to the nearest inhabited residential structure.

F. The number of promotional events shall be limited to four per year, and each promotional event shall not exceed 16 consecutive days at a time.

G. The Building Official may issue a permit for a freestanding banner within the required street yard for a promotional event. The permit shall be subject to the following conditions:

1. One banner shall be permitted for each arterial, expressway, or freeway frontage, however, if any of these street frontages exceed 500 linear feet, an additional banner shall be permitted for that frontage.

2. A banner shall have an area no greater than 0.25 square feet for each linear foot of street frontage along an arterial, expressway or freeway; and the banner shall have an area no greater than 60 square feet and shall have no dimension greater than 20 feet.

3. The height of the banner as measured from the existing grade to the top of the banner shall not exceed 25 feet.

4. Any banner located along an arterial, expressway or freeway and shall be oriented toward that roadway.

5. The permit for a banner shall allow a banner for no more than four promotional events per year for a total duration of 64 days per year, or two promotional events each having a duration of not more than 32 days per year.

6. Banners shall not be located in a visibility triangle as defined in Subsection 1.11.3.

H. The Building Official may issue a permit for an inflatable device which does not exceed 30 feet in height and is secured on the ground or on the roof of a building on the principal use premises which are the location of the temporary promotional event.

5.4.4. Temporary Agricultural Sales

For temporary sales stands permitted in the Farm-Rural zoning district, a minimum of five off-street parking spaces shall be provided and so arranged that ingress and egress to such spaces are from driveways approved by the Traffic Engineer.

5.4.5. Temporary Parking Area

A. Applicability

1. When additional parking is necessary in excess of what this Unified Development Code requires or in excess of what was installed when a
use first opened in order to accommodate business or patronage that was unanticipated when the use first opened, such parking may be supplied using the standards in this Section. All such parking areas shall receive site plan approval in accordance with Section 3.17. If these standards are allowed, the parking area may exist on a temporary basis, not to exceed 12 months. The beginning date of the 12-month period shall be determined by the Assistant City Manager of Development Services.

2. This Section shall apply to development or redevelopment for uses other than the housing types listed in Subsection 4.3.2.

B. Standards
Temporary parking areas shall be subject to the following standards:

1. The surface of the parking area may be gravel or some other temporary material as approved by the Technical Review Committee; Curbs, gutters or other improvements may be required where necessary to comply with drainage regulations;

2. Entrance to the lot from any public right-of-way shall be pursuant to the driveway separation requirements of Section 7.1.

3. When entrance is allowed to the lot from a public right-of-way, that portion of the entrance located in the right-of-way shall be paved with an all-weather surface as approved by the Technical Review Committee; and

4. Steps shall be taken to prevent the blowing of dust onto adjacent properties and the tracking of mud onto public rights-of-way.

C. Future Compliance
At the end of the 12-month period, the temporary parking area shall be improved to full compliance with parking area standards. If no site plan is approved within two months of the expiration of the temporary parking area approval, the lot, including all paving material, shall be removed and the area shall no longer be used for the parking of vehicles. If the lot is removed, the area shall be sodded, seeded or hydro mulched with grass within ten days of removal. Driveway access shall be removed and curb and gutter shall be replaced.

§ 5.5 Wireless Telecommunication Facilities

5.5.1. Purpose
The purpose of this Section is to establish guidelines regulating the location of wireless telecommunication facilities in order to minimize their number, to protect and promote public safety, and to minimize and mitigate any adverse visual or aesthetic impacts on the community while promoting the orderly development of telecommunication facilities within the City. The objective is to avoid the creation
of visual distractions, prevent obstructions to the view of pedestrians and motorists on public thoroughfares, and ensure the structural integrity of supporting structures. Installation, construction, alteration, modification or replacement of telecommunications towers and antennas, when permitted by federal law and the laws of the State of Texas, shall be regulated and governed by the following use regulations and requirements.

5.5.2. General Provisions

5.5.2.A. Applications

1. All applications for building permits or a special permit for a telecommunications tower, antenna or other facility that provides a telecommunications service shall include a completed supplemental information form provided by the City regarding telecommunication facilities. An application shall include the following information:

a. Site and landscape plans drawn to scale;

b. A report, including a description of the tower, with technical reasons for its design and the reason the particular location was selected. The report should disclose the technical performance goals (i.e., desired signal strength) for the provider; whether additional towers will need to be located within the City, and under what conditions to provide adequate coverage; radio frequency coverage prediction maps showing the area to be served before the addition of a new facility; and a radio frequency coverage prediction map that shows coverage after the new cell is operational;

c. Documentation establishing the structural integrity of the tower for its proposed uses;

d. The general capacity of the tower, and information necessary to assure that American National Standards Institute/Telecommunications Industry Association/Electronics Industries Association standards are met;

e. A statement of intent on whether space will be leased to other telecommunication providers;

f. Proof of ownership of the proposed site or authorization to use the site;

g. Copies of any necessary easements to provide utilities to the facility;

h. An analysis of the area containing topographic contours;

i. The proposed location of the interconnection, if any, between the wireless telecommunication provider and a franchised wired,
cable, or fiber-optic telecommunication provider (If the interconnection is not located in the equipment enclosure at the base of the tower, a detailed description of any and all easements that are being used to carry the signal by wire, cable, or fiber-optic cable should be provided); and

j. Identification of any alternative sites that were available for co-location and the reason co-location on an existing site was not a practical alternative.

2. All applications for a special permit for a telecommunications tower, antenna, or other facility to provide a telecommunications service shall include a completed supplemental information form provided by the City regarding telecommunications facilities. An application shall include a report with the following information:

a. Description of the tower, with technical reasons for its design and the reason the particular location was selected.

b. Any alternative sites that were available for co-location and the reason co-location on an existing site is not a practical alternative and the technical performance goals (i.e., desired strength signal) for the provider.

c. Whether additional towers will need to be located within the City and under what conditions to provide adequate coverage. A map showing the general location of future towers may be provided. If the general location of any future towers, whether by description within the report or on the map, is not provided, the fact the telecommunication provider has antennas located on the tower being applied for may not be used to justify the location of any future towers within the City.

d. Information relating to the number of calls being dropped with the current tower coverage, the number of failed hand-offs between existing cell sites, and the number of people denied access to the system because there is not enough capacity to handle all calls.

e. Any maps and information provided under this subsection that are marked and identified as proprietary information will be treated by the City as privileged commercial information under Section 552.110 of the Texas Public Information Act. If a request is received for the information, the request and information will be forwarded to the Attorney General for a determination under Section 552.301 of the Act. The City will withhold the information from the requester under Section 552.302 of the Act, until after the Attorney General’s decision is received. The City will only release the information if directed to do so by the Attorney General.

5.5.2.B. Platted Lots
Telecommunications facilities, including towers and related equipment buildings, shall be located on platted lots.

5.5.2.C. Technical Assistance
When a special permit is required for a telecommunications facility to comply with the provisions of this Section and the technical information provided by the applicant is beyond the technical capacity of City staff to review, the applicant, in addition to the usual application fee, shall reimburse the City for the actual cost to the City for the services of a technical expert to review the application and/or information supplement up to a maximum of $5,000.

5.5.2.D. Pre-application Meetings
Prior to leasing, purchasing, or constructing telecommunication facilities, the telecommunications provider or licensee is required to meet with the Assistant City Manager of Development Services and the Building Official to determine if the location shall require a special permit or other approvals, and to review the merits of potential locations.

5.5.2.E. Master Antenna Map

1. To facilitate co-location and coordination of telecommunication sites, the City shall, within 30 days of the effective date of this Unified Development Code, notify the local providers of telecommunication services of the enactment of this Unified Development Code. Telecommunication service providers shall, within 90 days of the date of such notice, provide the City with their respective master antenna maps. The master antenna map shall show the locations, heights, and co-location capabilities of all telecommunications towers indicating coverage areas for current telecommunications towers.

2. Providers also shall provide the City with any updates to the aforementioned documents within 90 days of the installation of an antenna on any new or existing towers not previously identified and notice of any change in ownership of any telecommunications tower.

5.5.3. Telecommunications Tower Standards

5.5.3.A. Applicable Federal and State Standards
All wireless telecommunications facilities shall be erected and operated in compliance with current Federal Communication Commission and Federal Aviation Administration rules and regulations, and other applicable Federal, State and local standards.

5.5.3.B. Structural Standards
Telecommunications tower structures shall be designed and constructed to conform to the most current revision of Telecommunications Industry Association/Electronics Industries Association 222 standards. Any telecommunications tower structures shall be designed and constructed to the wind load speeds established in the Building Code, rather than the basic wind speeds published in Telecommunications Industry Association/Electronic Industries Association 222.
5.5.3.C. **Co-location**

Towers over 75 feet in height shall be designed and built to accommodate a minimum of two telecommunications providers. The owner of the tower shall certify to the City that the tower is available for use by other telecommunications service providers on a reasonable and nondiscriminatory basis.

5.5.3.D. **Fencing and Support Structure**

1. Security fencing with a minimum height of 6 feet shall be installed and shall be constructed of wood, wrought iron or steel, chain link fence, or a masonry wall.

2. The exterior of equipment buildings, within, adjacent to or visible from a residential zoning district, shall be constructed of materials (such as siding, brick, masonry or stucco) and in a similar style and character (in terms of roofing, color and trim) of adjoining structures and shall blend with adjacent landscaping and other surroundings. Metal equipment cabinets shall not be permitted.

3. The exterior of equipment buildings or metal equipment cabinets within a nonresidential zoning district and visible from public rights-of-way shall have a neutral finish or be painted to reflect the color and character of adjoining structures or blend with adjacent landscaping and other surroundings.

4. The owner or operator of a wireless telecommunications facility may request a waiver of the requirement for a security fence from the City Council.

5.5.3.E. **Setbacks**

1. All wireless telecommunication facilities as well as guys and guy anchors shall be located within the buildable area of the lot and not within the required street, rear or side yards.

2. Wireless telecommunication facilities shall be set back a minimum of one and a half times the height of the tower from the public right-of-way of all federal and state highways and any arterial street.

3. Except as otherwise provided in this Section, wireless telecommunication facilities adjacent to residential dwellings shall be a minimum of one and a half times the height of the tower from any residential dwelling.

4. Amateur radio antennas shall be a minimum of one times the height of the tower from nearest property line, and the owner of such antenna shall obtain the consent of adjoining property owners.
5. The Building Official may allow the construction of a wireless telecommunication facility that is not adjacent to a dwelling within the setback required by this subsection if the tower, including any antennas and other devices installed on the tower, is built to substantially higher wind load standards. The minimum setbacks from roadways may be reduced to the minimum required yard setbacks if the tower will withstand a sustained wind speed of 130 mph, which is equal to the highest recorded sustained wind speeds experienced within the City.

6. The City Council may allow the construction of wireless telecommunication facility that is adjacent to a residential dwelling within the setback required by this subsection if the tower including any antennas and other devices installed on the tower, are built to substantially higher wind load standards. The setback from the nearest residential structure may be reduced to the minimum required yard setbacks if the tower will withstand a sustained wind speed of 130 mph, which is equal to the highest recorded sustained wind speeds experienced within the City.

5.5.3.F. Signs

1. No signs, lettering, symbols, images or trademarks other than one identifying sign that is a maximum of 200 square inches shall be laced on or affixed to any part of a wireless telecommunication facility, other than as required by Federal Communication Commission regulations or other applicable law.

2. An identifying sign shall be posted on the gate of the security fence or on the door of the equipment enclosure. The identifying sign shall contain the following information to enable public safety personnel to contact the wireless telecommunication facility operator:
   
a. Name of the operator of the telecommunications tower; and

b. A telephone number that is monitored 24 hours a day, 365 days a year.

5.5.3.G. Lighting

1. No signals, lights or illumination of any kind shall be permitted on or directed toward any tower unless required by the Federal Communication Commission, the Federal Aviation Administration, or other appropriate public authority with jurisdiction over lighting of towers.

2. Security lighting may be installed to illuminate the area surrounding the tower and the equipment building or equipment enclosures. Any lighting shall be shielded and directed away from any nearby streets or residences so long as the Federal Communication Commission or
Federal Aviation Administration guidelines, standards, and regulations are satisfied.

5.5.3.H. Discontinuance

1. The owner of any wireless telecommunications facility shall provide the Building Official with a copy of any notice of its intent to cease operations sent to the Federal Communication Commission within 30 days of filing the notice with the Federal Communication Commission. The wireless telecommunication facility and accessory structures shall be removed within 90 days of the date operations cease, unless an extension is obtained from the Building Official.

2. In the event the use of any wireless telecommunication facility has been discontinued for a period of 360 days, the antenna support structure shall be deemed to be discontinued. Determination of the date of discontinuance shall be made by the Building Official, who shall have the right to request documentation from the owner regarding the issue of usage.

3. Upon the determination of discontinuance, the owner of the tower or antenna support structure shall remove tower or structure within 90 days of receipt of notice from the Building Official notifying the owner of such discontinuance. If the tower or antenna support structure is not removed within 90 days, the Building Official shall cause it to be removed at the owner’s expense.

5.5.3.I. Landscaping

1. Any side of the security fencing surrounding a wireless telecommunication facility that is visible from a public right-of-way or residence shall be screened from view by landscaping.

2. Plants shall be selected from those listed in the City’s Tree List found in the Appendix to Section 7.3 of this Unified Development Code. The use of drought-tolerant trees, shrubs, and vines is recommended.

3. The owner of the antenna facility shall maintain the required landscaping.

5.5.4. Tower Location Standards

5.5.4.A. Towers Permitted by Right

1. Free-standing monopole telecommunications towers 85 feet or less in height and self-supporting lattice and guys’ towers 50 feet or less in height are permitted in the nonresidential zoning districts indicated in the table in paragraph 5.5.4.F.
2. Free-standing monopole, guyed, and self-supporting lattice work towers of any height are permitted in a Heavy Industrial zoning district.

5.5.4.B. **Towers Requiring a Special Permit**

Monopole towers in excess of 85 feet in height and other telecommunication towers, including self-supporting lattice and guyed towers in excess of 50 feet in height are permitted in the nonresidential zoning districts and monopole telecommunications towers are permitted in residential zoning districts, as indicated in the table in paragraph 5.5.4.F, with a special permit.

5.5.4.C. **Historic/Cultural**

Except for compatible alternative mounting structures that camouflage or conceal the presence of telecommunications antennas, wireless telecommunications facilities shall not be located on or within 300 feet of property within a Historic Overlay zoning district. In addition, said facilities should, wherever possible, be located so as to ensure that historic or culturally significant vistas, and landscapes are protected and that the views of and vistas from architecturally or historically significant structures are not impaired or diminished.

5.5.4.D. **Tower Spacing**

Any new wireless telecommunications tower in excess of 180 feet in height shall be located a minimum of 1 mile from any existing tower in excess of 180 feet in height, unless the wireless telecommunication facility is located within the IH zoning district.

5.5.4.E. **Alternative Mounting Structures**

1. New alternative mounting structures 100 feet or less in height are permitted by right in a nonresidential zoning district.

2. New alternative mounting structures 100 feet or less in height that also are used to provide lighting to parks stadiums, athletic fields, school playgrounds, tennis courts and other recreational areas are permitted by right in a residential zoning district.

3. New alternative mounting structures in excess of 100 feet in height are permitted in a nonresidential zoning with a special permit.

4. All other new alternative mounting structures located in a residential zoning district shall require a special permit.

5. Other alternative mounting structures located in a residential zoning district shall require a special permit and be:

   a. Similar in color, scale and character to adjoining buildings or structures or blend with the landscaping and other surroundings immediately adjacent to them so as to generally avoid the creation of unique visual objects that stand out in the environment; or
b. Designed as an artwork provided that the design of a proposed alternative mounting structure that is intended to also serve as a work of art shall be submitted to the Municipal Arts Commission for review and comment.

### 5.5.4.F. Summary of Locational Standards

The following table summarizes the locational standards for wireless telecommunication facilities established in this subsection.

<table>
<thead>
<tr>
<th>Telecommunication Facility Type</th>
<th>Nonresidential*</th>
<th>Residential*</th>
<th>Historic, Island Overlay</th>
</tr>
</thead>
<tbody>
<tr>
<td>Amateur Radio Towers up to 50 feet</td>
<td>Yes</td>
<td>Yes</td>
<td>No</td>
</tr>
<tr>
<td><strong>Self-supporting Lattice, Guyed, and Other Towers</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>0 to 50 feet</td>
<td>Yes</td>
<td>No</td>
<td>No</td>
</tr>
<tr>
<td>Over 50 feet</td>
<td><strong>SP</strong></td>
<td>No</td>
<td>No</td>
</tr>
<tr>
<td><strong>Monopole Tower</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>0 to 85 feet</td>
<td>Yes</td>
<td><strong>SP</strong></td>
<td>No</td>
</tr>
<tr>
<td>Over 85 feet</td>
<td><strong>SP</strong></td>
<td>No</td>
<td>No</td>
</tr>
<tr>
<td><strong>Alternative Mounting Structures</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>0 to 100 feet</td>
<td>Yes</td>
<td><strong>SP</strong>*</td>
<td>Stealth</td>
</tr>
<tr>
<td>Over 100 feet</td>
<td><strong>SP</strong></td>
<td><strong>SP</strong></td>
<td>Stealth</td>
</tr>
<tr>
<td><strong>Antenna Only Mountings</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Electric Transmission Towers</td>
<td>Yes</td>
<td>Yes</td>
<td>Stealth</td>
</tr>
<tr>
<td>Existing Telcom Towers over 40 feet</td>
<td>Yes</td>
<td>Yes</td>
<td>Stealth</td>
</tr>
<tr>
<td>Utility Poles over 40 feet</td>
<td>Yes</td>
<td>Yes</td>
<td>Stealth</td>
</tr>
<tr>
<td>Light Poles over 40 feet</td>
<td>Yes</td>
<td>Yes</td>
<td>Stealth</td>
</tr>
<tr>
<td>Conforming Billboards</td>
<td>Yes</td>
<td>Yes</td>
<td>Stealth</td>
</tr>
<tr>
<td>Building Mounted Panels</td>
<td>Stealth</td>
<td>Stealth</td>
<td>Stealth</td>
</tr>
<tr>
<td>Building Mounted Whips</td>
<td>Yes</td>
<td>Yes</td>
<td>Stealth</td>
</tr>
<tr>
<td>Roof Mounted Arrays</td>
<td>Yes</td>
<td>Yes</td>
<td>Stealth</td>
</tr>
</tbody>
</table>

* Residential and nonresidential districts shall be construed as established in [Section 4.1.1](#).

** In the IH district, there is no tower height limitation and a special permit shall not be required.

***No special permit required if used for lighting of recreational areas.

5.5.5. **Antenna Mounting Standards**

The purpose of this Section is to promote public safety and maintain order and harmony within the City's business, cultural and residential zoning districts by restricting the size and location of telecommunication antennas.

**A. Whip and Panel Antenna Mounting Standards**

1. Individual telecommunications antennas are allowed by right on existing electric utility poles, light standards, and wireless telecommunication facilities in excess of 40 feet in height, provided that the total length of any antenna does not exceed 15% of the height of the structure.
2. The height or length of a panel or whip antenna shall be determined by measuring from the base or point of attachment to a tower or structure to the highest point of any and all components of the antenna.

3. Telecommunications antennas and arrays shall be permitted by right on existing electric transmission towers.

4. Existing towers in excess of 50 feet in height may be rebuilt by right to support or contain a new antenna or additional antennas; provided that, the new tower is the same height and substantially the same in appearance as the structure it replaces and, at a minimum, is reconstructed to meet the Building Codes, including the State’s windstorm-resistant construction regulations.

5. Panel antennas which do not extend above billboards and outdoor advertising signs, or whip antennas 15 feet or less in height are permitted as a matter of right on permitted billboard structures and signs.

6. Building-mounted panel antennas are permitted by right on nonresidential buildings and structures and on multifamily dwellings in all zoning districts, provided that they do not project to the side more than 36 inches from the surface of the building to which they are attached. The antenna’s appearance shall be such that its color and texture blends with the surrounding surface of the building.

7. Whip antennas are permitted by right on nonresidential buildings and structures and on multifamily dwellings in all zoning districts; provided that, the total length of the whip antennas, regardless of mounting method or location, does not exceed 25 feet or 15% of height of the building.

B. Structural Certification
Prior to the installation of any building or roof-mounted telecommunications antenna, antenna array, or support structure on other than a single-family residence, the Building Official shall be provided with information satisfactory to the Building Official that the structure shall not be adversely affected by the proposed antenna and associated equipment.

5.5.6. Violation Deemed Nuisance
In addition to the penalties provided in this Unified Development Code, any violation of this subchapter is hereby declared to be a nuisance. In addition to any other relief provided by this subchapter, the City may apply to a court of competent jurisdiction for an injunction to prohibit the continuation of any violation of this article, and other available relief.
§ 5.6 Wind Energy Conversion Units

5.6.1. Purpose
The purpose of this Section is to facilitate the siting, installation, and construction of small and medium wind energy conversion units within the City, subject to reasonable restrictions, which will preserve the health and safety of the public, ensure compatibility with surrounding land uses, and provide guidelines in the protection of listed species.

5.6.2. Applicability

A. The requirements of this Section apply within the City where all wind energy conversion units used to generate electricity or perform work that may be connected to a utility grid, serve as an independent source of energy, or serve as a hybrid system.

B. Wind energy units in place prior to November 16, 2009, are not required to meet the requirements of this Section, however, any pre-existing wind energy unit that is not producing energy for a continuous period of six months must meet the requirements of this Section prior to recommencing production of energy.

C. Any physical modification to an existing and permitted wind energy unit that materially alters the size, type, power output, or number of wind energy units, or other equipment, requires a permit modification from the City.

D. Accessory use for this Section refers to the stipulation that the energy generated by a wind energy unit must be used onsite and any additional energy produced above the total onsite demand can only be sold to an electrical utility that normally provides electrical power to the property.

E. The leasing of land or establishment of wind energy units on land for the commercial sale of wind energy is prohibited within the City limits.

5.6.3. Requirements for all Wind Energy Units

A. Certification
All wind energy units must be approved under an Emerging Technology program, such as the California Energy Commission, IEC, or any other small and medium wind certification program recognized by the American Wind Energy Association (AWEA) or the U.S. Department of Energy.

B. Permits
All wind energy units require a Building Permit, Electrical Permit, and Development Services review by the City.

C. Inspection
All wind energy units must be inspected by the City's Building and Electrical Inspectors.
D. **Permit Issuance**

The Development Services review must be performed, and the Building Permit, Electrical Permit, and if applicable, Special Permit, must be issued prior to the mounting, pouring of a concrete pad, or construction and assembly of the wind energy unit.

E. **Agency Review**

All wind energy units are subject to permit review and consultation with all applicable State and Federal agencies having jurisdiction and listed under [Subsection 5.6.6](#).

F. **Survival Wind Speed**

All wind energy units and associated components, including, but not limited to, generator, rotor blades, or other components and covers, must be constructed of materials and be installed to meet or exceed the minimum wind-resistant construction standards of the Texas State Department of Insurance Wind Load Factors for the Corpus Christi area and the City Building Code.

G. **Setbacks**

1. All required setbacks are measured from the property line or utility easement, if present and applicable, and subject to [Subsection 5.6.4.E](#).

2. If an applicant is able to present evidence that the proposed wind energy system has been engineered with a break-point along the tower, the City may determine that the measurement of the length of the longest segment following a break at the break-point can be used in determining the fall radius and setback.

H. **Controls and brakes**

All wind energy units must have automatic and manual braking systems that engage at the maximum wind speeds allowable as designated for the type of wind energy unit in order to prevent uncontrolled rotation and excessive pressure on the tower structure, rotor blades, turbine components, and supporting and mounting structures.

I. **Maintenance**

The owner and operator of a wind energy unit must maintain the unit to manufacturer standards. All required periodic maintenance must be performed as recommended by the manufacturer.

J. **Appearance**

All wind energy units must maintain a non-reflective finish.

K. **Signs**

Advertising or identification of any kind on wind energy conversion units is prohibited.
L. **Wiring**

1. **Storage**
   
   All electrical wires associated with a freestanding wind energy conversion unit must be located on or within the tower or supporting structure in a manner that minimizes their visibility, and must be installed in compliance with the City Electrical Code.

2. **Installation**
   
   All transmission wires must be installed underground and comply with the City Electrical Code.

M. **Lighting**

   Wind energy units may not be artificially-lighted, unless requested or required by the Federal Aviation Administration.

N. **Restrictive Covenants and Easements**

   Wind energy units may not be located in violation of any restrictive covenants on the properties where they are located.

O. **Flood Elevations**

   All electrical and mechanical equipment associated with a wind energy unit must meet the Base Flood Elevation requirements of the “Flood Hazard Prevention Code” under the Municipal Code.

5.6.4. **Uses, Lot Size Allowances, Heights, Setbacks, and Required Permits**

5.6.4.A. **Permitted Use/By Right**

1. All applications for wind energy units as a permitted-by-right use are subject to permit review and the requirements of Subsections 5.6.2, 5.6.3., 5.6.4.A., 5.6.4.C., 5.6.4.D., 5.6.4.E., 5.6.5., 5.6.6., 5.6.7., 5.6.8., and 5.6.9.

2. Wind energy units are allowed as an accessory use to a building or structure requiring energy and as a permitted-by-right use on platted lots as follows:

   a. **Single-Family, Two-Family, and Townhouse Residential Use Districts**

   (Ordinance 029929, 08/27/2013)

   The following standards apply to the single-family, two-family, and townhouse residential uses in zoning districts RE, RS-22, RS-15, RS-10, RS-6, RS-4.5, RS-TH, RS-TF, RM-1, RM-2, RM-3, ON, CN-1, CN-2, CR-1, CR-2, CR-3, or CG-2:

   i. One building or structurally-mounted unit is permitted for every 1,500 square feet of a building requiring energy, not to exceed a height of 15 feet above the highest point of the
structure, excluding chimneys, with a fall radius that falls within the property lines.

ii. In addition to building or structurally-mounted units, one small free-standing unit is permitted on any lot originally platted as 1 acre (43,560 sq. ft.) in size or greater, the total unit height of which may not exceed 55 feet above the natural grade, with a fall radius that falls within the property lines.

b. **Multifamily Residential Use Districts**
The following standards apply to the multifamily residential uses in zoning districts RM-1, RM-2, RM-3, RM-AT, ON, CN-1, CN-2, CR-1, CR-2, CR-3, or CG-2:

i. One building or structurally-mounted unit is permitted for every 20,000 square feet of a building requiring energy, not to exceed a height of 15 feet above the highest point of the structure, excluding chimneys, with a fall radius that falls within the property lines and clears all other structures onsite.

ii. In addition to building or structurally-mounted units, one small free-standing unit is permitted on a platted lot, the total unit height of which may not exceed 55 feet above the natural grade, with a fall radius that falls within the property lines and clears all other structures onsite.

c. **Commercial and Light-Industrial Use Districts**
The following standards apply to the neighborhood business and light-industrial uses in zoning districts ON, CN-1, CN-2, CR-1, CR-2, CG-1, BP, or IL:

i. One building or structurally-mounted unit is permitted for every 20,000 square feet of a building requiring energy, not to exceed a height of 15 feet above the highest point of the structure, excluding chimneys, with a fall radius that falls within the property lines and clears all other structures onsite.

ii. In addition to building or structurally-mounted units, one small free-standing unit is permitted on a platted lot, the total unit height of which may not exceed 55 feet above the natural grade, with a fall radius that falls within the property lines and clears all other structures onsite.

d. **Commercial and Heavy-Industrial Use Districts**
The following standards apply to the general business, heavy-industrial, and agricultural uses in zoning districts CG-2, CI, CBD, or IH:
Article 5: Use Regulations

i. One building or structurally-mounted unit is permitted for every 20,000 square feet of a building requiring energy, not to exceed a height of 35 feet above the highest point of the structure, excluding chimneys, with a fall radius that falls within the property lines and clears all other structures onsite.

ii. In addition to building or structurally-mounted units, one small free-standing unit is permitted on a platted lot, the total unit height of which may not exceed 85 feet above the natural grade, with a fall radius that falls within the property lines and clears all other structures onsite.

e. Agricultural Use Districts
The following standards apply to the agricultural uses in zoning district FR:

i. One building or structurally-mounted unit is permitted for every 1,500 square feet of a building requiring energy, not to exceed a height of 35 feet above the highest point of the structure, excluding chimneys, with a fall radius that falls within the property lines and clears all other structures onsite. Each building that is at least 1,500 square feet that requires energy may have a building or structurally-mounted unit.

ii. In addition to building or structurally-mounted units, two small free-standing units are permitted on a platted lot, the total unit height of which may not exceed 85 feet above the natural grade, with a fall radius that falls within the property lines and clears all other structures onsite.

5.6.4.B. Special Use Exception

1. All applications for wind energy units under a Special Use Exception are subject to permit review and the requirements of Subsections 5.6.2., 5.6.3., 5.6.4.B., 5.6.4.C., 5.6.4.D., 5.6.4.E., 5.6.5., 5.6.6., 5.6.7., 5.6.8., and 5.6.9.

2. All Special Use Exceptions issued for a wind energy unit are for the life of the system, and with the exception of the replacement of parts for the repair of an existing unit, any replacement in the model, height, or power output of the unit requires an amendment to the existing Special Use Exception.

3. Wind energy units, which are in addition to any wind energy units allowed by right under 5.6.4.A., are allowed as an accessory use to a building requiring energy on platted lots under a Special Use Exception as follows:
Article 5: Use Regulations

a. **Single-Family, Two-Family, and Townhouse Residential Use Districts**
   One small free-standing unit is permitted on any lot platted as less than one acre (43,560 sq. ft.) in size, provided that the total unit height may not exceed 55 feet above the natural grade and the unit will fall within the property lines, in the following zoning districts RE, RS-22, RS-15, RS-10, RS-6, RS-4.5, RS-TH, RS-TF, RM-1, RM-2, RM-3, ON, CN-1, CN-2, CR-1, CR-2, CR-3, or CG-2 when the property is being used for single-family, two-family, or townhouse residential uses. (Ordinance 029929, 08/27/2013)

b. **Multifamily Residential, Commercial, and Light-Industrial Use Districts**
   One medium free-standing unit is permitted on any lot platted as four or more acres in size, provided that the total unit height may not exceed 55 feet above the natural grade and the unit will fall within the property lines, in the following zoning districts RM-1, RM-2, RM-3, RM-AT, ON, CN-1, CN-2, CR-1, CR-2, CR-3, CG-1, BP, or IL when the property is used for multifamily residential uses, neighborhood commercial, resort commercial, general commercial and light-industrial uses.

c. **Commercial and Heavy Industrial Use Districts**
   One medium free-standing unit is permitted on any lot platted as four or more acres in size, provided that the total unit height may not exceed 85 feet above the natural grade and the unit will fall within the property lines, in the following zoning districts CG-2, CI, CBD, or IH when the property is used for general commercial, intensive commercial, downtown commercial or heavy-industrial uses.

d. **Agricultural Use Districts**
   Two medium free-standing units are permitted on any lot platted, provided that the total unit height may not exceed 85 feet above the natural grade and the unit will fall within the property lines, in the FR zoning district when the property is used for agricultural uses.

5.6.4.C. **Review Process for a Special Use Exception**

1. **Concurrent Site Plan Submittal**
   a. The application for a Special Use Exception for a wind energy unit must include a site plan as outlined under Subsection 5.6.8.B.

   b. The Board of Adjustment may not approve, approve with conditions, or deny a Special Use Exception application until after the site plan has been reviewed by the Development Services staff.

2. **Development Services Review**
a. The Development Services staff must review the application and, considering the review criteria under this article, make a recommendation to the Board of Adjustment.

b. The Assistant City Manager of Development Services shall be responsible for making a recommendation in the event an agreement on a recommendation from the Development Services staff cannot be reached.

3. **Board of Adjustment Action**

a. The Board of Adjustment must take final action on the Special Use Exception for a wind energy unit within 45 days from the date the recommendation of the Assistant City Manager of Development Services is made.

b. In the event the Board of Adjustment fails to act within 45 days, the application for the Special Use Exception for a wind energy unit shall be deemed, in all things, denied.

c. **Review Standards for a Wind Energy Special Use Exception**

   In determining whether to approve, approve with conditions, or disapprove a Special Use Exception for a wind energy unit, the Board of Adjustment must consider and make a specific finding on each of the following criteria:

   i. The use conforms in all respects to the regulations and standards found in this Code.

   ii. The Impact of the use on public infrastructure, such as roads, natural gas, water, storm water, and wastewater systems, and on public services, such as police and fire protection and solid waste collection, can be minimized without negatively impacting existing uses in the area and in the City.

   iii. The physical appearance, hours of operation, and conduct of the use does not generate excessive noise, dust, smoke, glare, spillover lighting, or other forms of environmental or visual pollution, or otherwise detrimentally affect any residential character of the area or adjacent areas.

   iv. The use takes adequate measures to control or eliminate smoke, dust, gas, glare, hazardous materials, noise, or vibration cause by operations.

   v. The use complements and is compatible with the surrounding uses and community facilities.

   vi. The use does not substantially affect adversely the uses of adjacent and neighboring property.
vii. The use is not detrimental to the public’s health, safety, or general welfare.

5.6.4.D. Additional Unit Allowance

Additional wind energy units are permitted on platted lots in the districts listed below through the Special Use Exception permitting process. The Board of Adjustment shall apply the following additional standards during its review:

1. Requests for additional small or medium wind energy units on a site above what is permitted in Subsections 5.6.4.A. and 5.6.4.B. above, can be considered as an accessory use by the Board of Adjustment in the:
   a. FR, CI, CBD, and IH Zoning Districts;
   b. A Planned Unit Development with at least 4 acres (the Assistant City Manager of Development Services shall submit a recommendation on whether the application is consistent with the plans for the PUD); or
   c. A platted development with at least 4 acres of common areas, subject to the standards established for the uses and underlying zoning districts under Subsections 5.6.4.A. and 5.6.4.B.

2. For all requests made for additional units for the uses and the zoning districts listed under this section, the applicant must be able to show that the additional unit or units are required to power the buildings or facilities for which the additional units are being requested and the energy production of the additional units do not exceed the building or facility electrical power demand onsite by more than 50% of the peak annual demand.

3. Additional units can be approved for the districts listed in Subsection 5.6.4.D.1., except FR, at a ratio of one additional small or medium unit for every additional 4 acres, and one additional small or medium unit for every additional 5 acres for agricultural uses in an FR district.

4. Additional units granted by the Board of Adjustment must meet the standards of this Section, and the review standards of Subsection 5.6.4.C.

5.6.4.E. Additional Setbacks, Clearance, and Height Requirements

All wind energy units must be located under the following setback and clearance requirements, measured from the center of the supporting structure base:

1. Yards
   No wind energy unit may be located in any required street yard, located between a principal building and a required street yard, or located in front of the front building line of the principal residential, commercial, agricultural, rural, or industrial building on the lot served by the wind energy unit.
2. **Vertical Ground Clearance**
The blade tip of any wind energy unit at its lowest point, must have a ground clearance of no less than 12 feet for a vertical axis wind energy unit, and 25 feet for a horizontal axis wind energy unit, as measured at the lowest point of the turbine unit for a vertical axis unit, or lowest point of the arc of the blades for a horizontal axis unit.

3. **Communication and Electrical Lines**
Each wind energy unit must be set back a minimum distance of 100% of the total unit height from any right-of-way, or public or private easement where above ground structures or utility lines exist, or are likely to exist, without proof of the consent of the easement owners.

4. **Professional Engineer Certification**
The maximum height of any structurally-mounted or freestanding wind energy unit will be dependent upon the results of the structural engineering plans approved by a registered professional engineer in Texas.

5. **All Maximum Heights**
Maximum heights for all wind energy units may not exceed the manufacturer's height recommendations for the unit.

5.6.5. **Prohibitions and Nuisance Abatement**

A. **Prohibited Models**
The following wind energy units are prohibited in all zoning districts:

   1. Guyed or latticed towers for small or medium wind energy units;

   2. Experimental, homebuilt, prototype models, or any model not listed on the City's list of approved manufacturers and models.

B. **Signal Interference**

   1. **Prevention**
The manufacturer or wind energy unit representative must take into consideration the proposed location of the wind energy unit and certify that the siting of the wind energy unit will not interfere with any of the following:

      a. Existing microwave communications links.

      b. Existing fixed broadcast, retransmission, or reception antenna (including residential reception antenna) for radio, television, wireless phone, or other personal communication systems.

      c. Military or civil navigational or defense radar signals.

   2. **Military Base Facilities**
Wind energy units are prohibited in areas deemed critical as navigational and defense radar sensitive areas by any military facility or installation.

3. **Mitigation**
   Operation of wind energy units must be discontinued if such interference occurs after the construction, until such time as the interference is mitigated or eliminated.

C. **Sound Emissions**

   1. **Sound Levels**
      The sound levels emitted by all wind energy units at all the neighboring property lines may not exceed the sound levels, or be in violation of, any of the standards established under the City's Chapter 31 "Noise" Ordinance.

   2. **Sound Level Complaints**
      All noise nuisance complaints will be processed by the City in accordance with the standards and requirements of the City's Chapter 31 "Noise" Ordinance and may require the owner of the wind energy unit to cease operation of the unit until the complaint has been resolved and the unit has been brought into compliance.

D. **Security**

   1. **Ground Clearance**
      The bottom of a freestanding tower or mounting structure, measured from ground level to 15 feet above ground level, must be designed in a manner to discourage unauthorized climbing.

   2. **Access**
      All access doors to wind turbine towers and electrical equipment must be lockable.

E. **Enforcement**

   1. **Safety**
      Any wind energy unit found to be unsafe by the Building Official must be repaired by the owner within 60 days of the Building Official's notice to meet Federal, State, local and manufacturer safety standards, and the standards of this section.

   2. **Notice**
      If any wind energy unit is not operated for at least a continuous period of six months due to operational difficulties or abandonment, the landowner shall provide the City the reasons for the operational difficulty or abandonment and provide a reasonable timetable for corrective action, or removal of the wind energy unit as outlined under Subsection 5.6.7.

   3. **Resolution**
Article 5: Use Regulations

If the Assistant City Manager of Development Services deems the timetable for corrective action as unreasonable, the Assistant City Manager of Development Services may notify the landowner or operator, to remove the wind energy unit within six months of receipt of such notice.

5.6.6. Agency Cooperation, Review, and Compliance
All proposed wind energy units are subject to the following agency reviews during the siting, application, site plan review, and permitting processes:

A. Federal Aviation Administration (FAA) Requirements
All proposed wind energy units are subject to the FAA's requirements.

B. Naval Air Station (NAS) & Military Bases and Airports
Wind energy units proposed within military Accident Potential Zones, Air Installation Compatibility Use Zones, or that may interfere with military or civilian Navaid or defense radar systems will require review by the Federal Aviation Administration.

C. State and Federally Protected Species and Wetlands
All proposed wind energy units are subject to review by State and Federal agencies responsible for the protection of listed species, migratory bird species, wetlands, and state waters. Permit review may require proof of consultation with jurisdictional agencies and additional biological assessments may have to be performed on the proposed site if it is determined by the reviewing agency that protected species are likely to be impacted on the site.

1. Sanctuaries
Any wind energy unit proposed within one mile from designated bird sanctuaries, preserves, wildlife state or federal parks, or wildlife resource or management areas require consultation and review by the Texas Parks and Wildlife Department and the U.S. Fish and Wildlife Service and may require mitigation or permitting measures by the applicant.

2. Protected Species
Any wind energy unit proposed within an area inhabited by a protected species or associated rookeries, leks, breeding, or foraging grounds, requires consultation and review by the Texas Parks and Wildlife Department and the U.S. Fish and Wildlife Service and may require mitigation or permitting measures by the applicant.

3. Wetlands
Wind energy units proposed within the boundaries of any jurisdictional wetlands require consultation and review by the Army Corps of Engineers and the Texas General Land Office.

4. Utility Notification
No wind energy unit that has the ability to be connected to a power grid may be installed until the applicant has provided evidence of
compliance with all State laws and provides a copy of the “Application for Interconnection and Parallel Operation of Distributed Generation,” that has been fully executed and approved by the electric utility company.

5. **Permit Issuance**
The applicant must show consideration of, and proof of compliance with the above agencies if required, prior to receiving a Building Permit, Electrical Permit, or Special Use Exception for the wind energy unit from the City.

5.6.7. **Decommissioning**

A. **Useful Life**
The wind energy unit is presumed to be at the end of its useful life if no electricity is generated for a continuous period of 12 months.

B. **Responsibility**
The property owner or operator shall, at its sole expense, complete decommissioning of the wind energy unit within six months from the time it is determined that the wind energy unit has met the end of its useful life as outlined in **Subsection 5.6.7.A**.

C. **Required Action**
Decommissioning must include removal of the entire wind energy unit, including buildings, cabling, electrical components, and any other associated facilities.

D. **Remediation**
Any disturbed earth must be graded and re-seeded.

5.6.8. **Application Requirements**
An application for approval of a wind energy unit must include plans and specifications sufficient to show that the proposed wind energy unit complies with the standards under this Article. An application may not be deemed complete unless it includes the following items:

A. **Permit Application**
Original signatures are required for the applicant and all co-applicants applying for the Special Use Exception, Building Permit, and Electrical Permit. If the applicant or co-applicant is represented by an agent, the original signature of the property owner authorizing the agent to represent the applicant and/or co-applicant is required. The following information must be included on the application under the project description:

1. An estimate of the total on-site electrical demands and the approximate generating capacity of the wind energy unit.

2. The name of the certified manufacturer and model proposed for use from the City's list of certified manufacturers and models.
3. The height of the wind energy unit to be constructed.

4. The phone number and name of a responsible person for the public to contact with inquiries and complaints throughout the life of the project.

B. **Site Plan**
Two copies of a site plan submitted for a small or medium wind energy unit submitted on a minimum size of 8½" X 14" sheets, with the requirement that all of the submittal requirements listed under this Section are included on additional site plan sheets. The site plan must include the following information:

1. Legal description, including lot and block or metes and bounds, and address of the project site.

2. Adjacent land uses and zoning designations.

3. The locations of all easements, rights-of-way, building, street side, and rear yard setback lines, and locations of all existing buildings, fences, and overhead utility lines on the property.

4. The exact location and orientation of each wind energy unit within the site and the direction of the prevailing winds.

C. **System Design Drawings**
Certified and sealed engineered drawings prepared by a professional engineer registered in the State of Texas are required and must include the following information:

1. Engineering design specifications of the wind energy unit, including the tower and supporting structure, base, footings, and the unit components, showing compliance with the City Building Code.

2. Drawings that indicate the total finished wind energy unit heights from the grade level prior to any modifications, including any engineered break points along the tower.

3. The wind survival speed of the entire unit and supporting structure, including turbine, rotor blades, covers, and other components.

4. Data pertaining to the tower or supporting structure's safety and stability, including any safety results from test facilities.

5. A copy of the manufacturer's installation instructions.

6. For building or structurally-mounted systems, the certified and sealed engineering plans must show how the wind energy unit will be installed on the portions of the building or structure and how the unit is compatible with such building or structure.

D. **Written Statements and Additional Documentation**
In addition to the site plan, applications for all wind energy units must include proof of the following in the form of written statements:

1. A statement verifying that any small or medium wind energy conversion unit will be used solely for on-site consumption of electricity and any additional energy produced above the total onsite demand can only be sold to an electrical utility that normally provides electrical power to the property.

2. A statement indicating what safety precautions and emergency plans the applicant proposes to utilize in a storm event greater than Category I (74 mph winds).

3. A statement from any architectural review board, property owners, or homeowners association that the proposed unit complies with association requirements and restrictions, if applicable.

4. A statement that the project site is, or is not, within a protected area surrounding an airport or air installation where air traffic may be a consideration affecting the installation of the unit, if required. (The applicant shall provide evidence of compliance with any applicable aviation regulatory requirements).

5. Copies of any City, State, Federal, or Military reviews, permits, licenses, biological opinions, environmental assessments, records of decision, memoranda of understanding, exemption, variance, or other authorization or approval related to the proposed wind energy project, if required.

6. Copy of the manufacturer’s scheduled maintenance requirements for the proposed unit.

7. For wind energy units that will be connected to an electrical grid, a copy of the fully executed “Application for Interconnection and Parallel Operation of Distributed Generation” is required, as described in Subsection 5.6.6.C.4 above, approved by the electric utility service provider that serves the proposed site indicating that the applicant has been approved for the installation of a wind energy conversion unit.

5.6.9. Review Standards
The applicant’s submittal for a Building Permit, Electrical Permit, and Special Use Exception must demonstrate compliance with the following standards under this section, in addition to the Special Use Exception review standards under Subsection 5.6.4.C.3.c.

A. Public Safety
The proposed wind energy unit must be designed and operated to protect public safety by measures that include, but are not limited to, the following:
1. The proposed wind energy unit must be designed, constructed, and operated so the public cannot come within close proximity to turbine blades and electrical equipment.

2. The proposed wind energy unit must be designed, sited, constructed, operated, and maintained to prevent the structural failure of the system or blades that could endanger public safety.

B. Other Properties
   The wind energy unit may not adversely affect the uses of adjoining and adjacent properties.

C. State, Federal, Military, and Civil Requirements
   The proposed wind energy unit shall be designed, sited, and will operate in compliance with the regulations, codes, statutes, and laws of all local Government, Military, State, and Federal agencies.
Article 6 Special Zoning Districts

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Article 6: Special Zoning Districts

§ 6.1 Special Purpose Districts

6.1.1. R-MH, Manufactured Home District

6.1.1.A. Purpose
The (R-MH) Manufactured Home zoning district preserves appropriate land for the development for single-family residences utilizing manufactured home parks and subdivisions. Both parks and subdivisions provide open space and recreational areas appropriate for the acreages and number of units contained. Manufactured Home parks and subdivisions shall be restricted to the (R-MH) Manufactured Home zoning district.

6.1.1.B. Building Permit Required
It shall be unlawful to construct, alter or extend any Manufactured Home park or Manufactured Home subdivision area within the limits of the City of Corpus Christi without a valid building permit issued by the Building Official accordance with Section 3.18.

6.1.1.C. District Development Standards

1. Development of a Manufactured Home park or Manufactured Home subdivision in the (R-MH) Manufactured Home zoning district shall be in accordance with the table.

<table>
<thead>
<tr>
<th>R-MH DISTRICT</th>
<th>MHP</th>
<th>MHS</th>
</tr>
</thead>
<tbody>
<tr>
<td>Max. Density (units/ gross ac.)</td>
<td>12</td>
<td>8</td>
</tr>
<tr>
<td>Min. Open Space (sq. ft./ unit)</td>
<td>280</td>
<td>---</td>
</tr>
<tr>
<td>Min. Site Area (ac.)</td>
<td>5</td>
<td>8</td>
</tr>
<tr>
<td>Min. Site Width (ft.)</td>
<td>300</td>
<td>300</td>
</tr>
<tr>
<td>Min. Lot Area (sq. ft.)</td>
<td>---</td>
<td>4,500</td>
</tr>
<tr>
<td>Min. Yards (ft.)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Street</td>
<td>20</td>
<td>20</td>
</tr>
<tr>
<td>Street (corner)</td>
<td>20</td>
<td>20</td>
</tr>
<tr>
<td>Side (single)</td>
<td>10</td>
<td>6</td>
</tr>
<tr>
<td>Side (total)</td>
<td>20</td>
<td>20</td>
</tr>
<tr>
<td>Rear</td>
<td>15</td>
<td>10</td>
</tr>
<tr>
<td>Min. Building Separation (ft.)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Broad side to broad side</td>
<td>20</td>
<td>---</td>
</tr>
<tr>
<td>Narrow side to narrow side</td>
<td>10</td>
<td>---</td>
</tr>
<tr>
<td>Building to access drive</td>
<td>5</td>
<td>---</td>
</tr>
<tr>
<td>Min. Internal Access Drive Width (ft.)</td>
<td>25</td>
<td>---</td>
</tr>
<tr>
<td>Max. Building Height</td>
<td>35</td>
<td>35</td>
</tr>
</tbody>
</table>

2. Minimum yard and site area standards for a Manufactured Home park shall apply to the site as a whole. Minimum yard standards for a
Manufactured Home subdivision shall apply to each platted lot in the subdivision.

6.1.1.D. Manufactured Home Standards

The following standards shall apply to all Manufactured Homes, whether located in a park or in a subdivision:

1. The unit shall be placed on a permanent foundation consisting of masonry or concrete and constructed to City Building Code standards.

2. Crawl space shall be provided under each unit with access and ventilation as required by the International Building Code.

3. To insure against natural hazards such as hurricanes, tornadoes, high winds and electrical storms, anchorage at each manufactured home shall be provided at the time of installation, and must be in accordance with applicable construction codes.

4. Skirting or a curtain wall, unpierced except for required ventilation and an access door, shall be installed and maintained so that it encloses the area under the unit. The skirting or foundation shall be a continuous, complete, opaque and rigid surface that lends permanency to the appearance of the unit and totally screens the crawl space under the unit.

6.1.1.E. Specific Standards for Manufactured Home Parks

1. Exception to Building Separation Standard

When an open carport or porch is located contiguous to a Manufactured Home, a minimum building separation of 10 feet shall be permitted from the outer edge of the open carport or porch.

2. Paving, Access and Off-Street Parking

   a. Exposed ground surfaces in all parts of a Manufactured Home park shall be paved or covered with screening or other solid material or protected with a vegetative growth that is capable of preventing soil erosion and eliminating objectionable dust.

   b. Access to the Manufactured Home park shall be from a public right-of-way.

   c. The park shall have a minimum of one access drive to the public right-of-way and one emergency access drive. The number and location of access drives shall be controlled for traffic safety and protection of surrounding properties.

   d. No Manufactured Home space shall be designed for direct access to a public street outside the boundaries of the Manufactured Home park. Interior access drives shall be paved and maintained in a smooth hard and dense surface which shall be well drained.
**Article 6: Special Zoning Districts**

**e.** Off-street parking spaces in Manufactured Home parks shall be provided in the ratio of one and one-half spaces per Manufactured Home in locations convenient to individual Manufactured Home pads.

**f.** Dead-end streets shall be prohibited. Cul-de-sacs shall be permitted in accordance with Section 8.2.

3. **Buffering and Screening**
   The Manufactured Home park shall be screened and buffered from public rights-of-way and adjacent property in accordance with Section 7.3.

4. **Miscellaneous Requirements**
   a. The Manufactured Home park shall conform to all other regulations contained in the City Building Code, Gas Code, Fire Code, Plumbing Code and Electrical Code.

   b. A Manufactured Home park exceeding 600 feet in depth shall be required to install a looped 6-inch fire main, located within the Manufactured Home park and installed at or near the edge of the paving in a dedicated easement or fire lane. Fire hydrants shall be located along the fire main so as to make fire protection available to all surface property in the Manufactured Home park. This facility is to be installed at the applicant’s expense and maintained by the City. Metered service connections are to be provided for the fire main as approved by the Water Director.

   c. Outside lighting shall be erected in such a manner that is not detrimental to or projected onto adjacent properties.

6.1.1.F. **Specific Standards for Manufactured Home Subdivisions**

1. **Office-Street Parking**
   In Manufactured Home subdivisions there shall be at least two off-street parking spaces per lot.

2. **Miscellaneous Requirements**
   Unless otherwise provided in this Section, a Manufactured Home subdivision shall be subject to the same requirements as a conventional subdivision as set forth in this Unified Development Code and shall also conform to all other regulations contained in the Building Code, Gas Code, Fire Code, Plumbing Code and Electrical Code.
 Article 6: Special Zoning Districts

6.1.2. **RV, Recreational Vehicle Park District**

**A. Purpose**
The RV, Recreational Vehicle Park zoning district provides for the development of tourist accommodations which utilize Recreational Vehicle parks. Recreational Vehicle parks shall be restricted to the Recreational Vehicle zoning district.

**B. Building Permit Required**
It shall be unlawful to construct, alter or extend any Recreational Vehicle park area within the limits of the City without a valid building permit issued by the Building Official in accordance with **Section 3.18**.

**C. District Development Standards**

1. Development of a Recreational Vehicle park in the Recreational Vehicle zoning district shall be in accordance with the table.

<table>
<thead>
<tr>
<th>Table 6.1.2.C District Development Recreational Vehicle</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>RV DISTRICT</strong></td>
</tr>
<tr>
<td>Max. Density (trailers/ gross ac.)</td>
</tr>
<tr>
<td>Min. Open Space (% gross site area)</td>
</tr>
<tr>
<td>Min. Site Area (ac.)</td>
</tr>
<tr>
<td>Min. Site Width (ft.)</td>
</tr>
<tr>
<td>Min. Yards (ft.)</td>
</tr>
<tr>
<td>Street</td>
</tr>
<tr>
<td>Street (corner)</td>
</tr>
<tr>
<td>Side (single)</td>
</tr>
<tr>
<td>Side (total)</td>
</tr>
<tr>
<td>Rear</td>
</tr>
<tr>
<td>Min. Trailer Separation (ft.)</td>
</tr>
<tr>
<td>Between Trailers</td>
</tr>
<tr>
<td>Between Trailers and Structures</td>
</tr>
<tr>
<td>Building to access drive</td>
</tr>
<tr>
<td>Min. Internal Access Drive Width (ft.)</td>
</tr>
</tbody>
</table>

2. Minimum yard standards for a Recreational Vehicle park shall apply to the park as a whole.

**D. Specific Standards for Recreational Vehicle Parks**

1. **Exception to Minimum Site Area Standard**
The area occupied by a Recreational Vehicle park may be less than 3 acres if the park is operated in conjunction with, in the same ownership of, and contiguous to or directly across a public right-of-way of not more than 120 feet in width, from a permitted overnight accommodation use (see the table in **Subsection 5.1.4.E.**), or Manufactured Home park the lots or sites of which constitute 3 acres or more in area.
2. **Rental of Pads**
   Trailer pads shall be rented by the day or week only and the occupant of a trailer pad shall remain in the same Recreational Vehicle park not more than 180 continuous days.

3. **Permitted Accessory Uses**
   a. The following uses shall be permitted as accessory uses to a Recreational Vehicle park provided that such uses do not occupy more than one-third of the area within the Recreational Vehicle park development.
      i. Barber shops;
      ii. Beauty parlors;
      iii. Car wash;
      iv. Convenience grocery stores of less than 4,000 square feet;
      v. Day care centers;
      vi. Dry cleaning receiving stations;
      vii. Fuel sales;
      viii. Restaurants excluding bars, taverns or pubs; and
      ix. Self-service laundries.
   b. None of the described uses shall be allowed to operate within Recreational Vehicles. A single-family dwelling unit or Manufactured Home for resident watchmen or caretakers employed on the premises shall be permitted.

4. **Paving, Access and Off-Street Parking**
   a. Exposed ground surfaces in all parts of a Recreational Vehicle park shall be paved or covered with screening or other solid material, or protected with a vegetative growth that is capable of preventing soil erosion and eliminating objectionable dust.
   b. Access to the Recreational Vehicle park shall be from a public right-right-of-way.
   c. The number and location of access drives shall be controlled for safety and protection of personal property.
Article 6: Special Zoning Districts

d. No Recreational Vehicle pad shall be designed for direct access to a street outside the premises of the Recreational Vehicle park. Interior access drives shall be paved and maintained in a smooth hard and dense surface which shall be well-drained.

e. Internal access drives shall meet the following requirements:

<table>
<thead>
<tr>
<th>Access Drive Type</th>
<th>Width</th>
</tr>
</thead>
<tbody>
<tr>
<td>One-way, no parking</td>
<td>11 feet</td>
</tr>
<tr>
<td>One-way, parking on one side only</td>
<td>18 feet</td>
</tr>
<tr>
<td>Two-way, no parking</td>
<td>24 feet</td>
</tr>
<tr>
<td>Two-way, parking on one side only</td>
<td>27 feet</td>
</tr>
<tr>
<td>Two-way, parking on both sides</td>
<td>34 feet</td>
</tr>
</tbody>
</table>

i. A one-way access drive with no parking permitted shall be acceptable only if the drive is less than 500 feet in total length and serves less than 25 pads.

ii. A one-way access drive with parking on one side only shall be acceptable if the drive serves less than 50 pads.

f. Each Recreational Vehicle pad shall provide sufficient parking and maneuverability space so the parking, loading or maneuvering of Recreational Vehicles incidental to parking shall not necessitate the use of any public street, sidewalk, or right-of-way or any private grounds not part of the Recreational Vehicle park.

5. Buffering and Screening
The Recreational Vehicle park shall be screened and buffered from public rights of way and adjacent property in accordance with Section 7.3.

6. Open Space
Open space shall be accessible from all Recreational Vehicle pads.

7. Miscellaneous Requirements

a. The Recreational Vehicle park shall conform to all other regulations contained in Building Code, Gas Code, Fire Code, Plumbing code, and Electrical Code.

b. Storage, collection and disposal of refuse in the Recreational Vehicle park area shall be so conducted as to create no health hazards, rodent harborage, insect breeding areas, accident or fire hazards or air pollution. All refuse shall be stored in fly-tight, water-tight, and rodent-proof containers, which shall be located no more than 150 feet from any parking space.
c. The Recreational Vehicle park area shall be subject to the rules and regulations of the Fire Department. A Recreational Vehicle park exceeding 600 feet in depth shall be required to install a 6-inch fire main, looped if possible, located within the Recreational Vehicle park and installed at or near the edge of the paving in a dedicated easement or fire lane. Fire hydrants shall be located along the main so as to make fire protection available to all surface property in the Recreational Vehicle park. This facility is to be installed at the applicant’s expense and maintained by the City. Metered service connections are to be provided from the fire main as approved in the site plan.

d. The owner of the Recreational Vehicle park area shall at all times operate the Recreational Vehicle park in compliance with this Code and shall provide adequate supervision to maintain the recreational vehicle park area, its facilities, and keep equipment in good repair and in a clean and sanitary condition at all times.

e. Outside lighting shall be in accordance with Section 7.6.

§ 6.2 –PUD, Planned Unit Development Overlay

The following standards establish provisions that apply to all –PUD, Planned Unit Development Overlay zoning districts created in accordance with Section 3.5.

6.2.1. Purpose

A. The Planned Unit Development Overlay zoning district encourages the unified design of a mix of residential, commercial, office, professional, retail or institutional uses. It is further the intent of this article to provide for:

1. A maximum choice in the types of environment and living units available to the public;

2. An integration of open space and recreation areas with residential development;

3. A pattern of development which preserves trees, outstanding natural topography and geologic features;

4. A creative approach to the use of land and related physical development;

5. An efficient use of land resulting in smaller networks of utilities and streets and thereby lower housing and maintenance costs, without material, adverse impact on public costs;

6. An environment of stable character in harmony with surrounding development;
7. The development of vacant property within the presently developed urban area;

8. The redevelopment of property where desirable by providing flexibility in redesign; and

9. The production of a higher level of amenities.

B. The planned unit development concept is a recognition that at times greater quality of development can be achieved by permitting modification of established zoning and subdivision regulations and that when property is planned and developed as a unit, modification to standard regulations is possible without endangering the health, safety and general welfare of the public.

6.2.2. Development Plan Required
An application for the establishment of a Planned Unit Development Overlay zoning district shall be accompanied by a development plan meeting the standards of this Section which, when approved by the City Council, shall become a part of the ordinance zoning or rezoning the land as a planned unit development.

6.2.3. Compatibility with Base Zoning District
A Planned Unit Development is designed to be used in conjunction with a base zoning district. An application for Planned Unit Development zoning shall specify the base zoning district and the uses proposed. If no base zoning exists, the base zoning shall be that zoning designation that is most similar to or compatible with the uses proposed for the planned unit development. Any uses not permitted in the base zoning district shall be specifically identified. Upon approval of the Planned Unit Development Overlay zoning district, the standards and requirements of the base zoning district shall apply unless specifically superseded by the standards and requirements of the ordinance establishing the planned unit development.

6.2.4. Compliance with Applicable City Codes
The granting of a Planned Unit Development Overlay zoning district shall not relieve the applicant from responsibility of complying with all other applicable Sections of this Unified Development Code, and other codes and ordinances of the City unless such relief is specified in the approved development plan.

6.2.5. Development Plan
A. Development requirements for the Planned Unit Development Overlay zoning district shall be set forth in the development plan which shall form the basis for the ordinance establishing the planned unit development.

B. The development plan shall include, at a minimum, the purpose and intent of the planned unit development, uses, density, building height, building setbacks, limits of construction, building elevations, parking, vehicular and
pedestrian access, streets and circulation, screening landscaping, environmental protection, signage, lighting, subdivision phasing or scheduling, and other elements the City Council may deem appropriate for the ordinance establishing the planned unit development. The plan shall be required to specify the extent to which deviation from otherwise applicable ordinance requirements is justified by unique characteristics of the site or other circumstances.

C. The following information shall be shown on the development plan in a schematic form and at a scale satisfactory to the Assistant City Manager of Development Services:

1. Proposed land uses including uses to be prohibited;

2. Existing natural features such as bluffs, sink holes, topography, drainage ways, 100 year flood plain, if applicable, existing topography at a maximum of 5-foot contour intervals;

3. Location of proposed buildings, building envelopes, or building setbacks;

4. A tabulation of proposed dwelling unit density in residential areas;

5. A tabulation of proposed floor area ratios and maximum heights of proposed buildings;

6. Proposed circulation systems, including preliminary street cross-sections;

7. Proposed public parks, greenbelts, and other open space;

8. Proposed public facilities, i.e. school sites, fire station, etc; and

9. Location and type of proposed landscaping including existing landscaping.

6.2.6. Modifications of Approved Development Plan

Modifications to an adopted development plan shall be reviewed and approved following the procedures and requirements of Subsection 3.5.7.
§ 6.3 –H, Historic Overlay

The following standards establish provisions that apply to all –H, Historic Overlay or designated landmarks created in accordance with Section 3.4.

6.3.1. Purpose
The –H, Historic Overlay preserves areas of historical or cultural significance, including areas and landmarks. Each individual overlay shall have the specific standards specified in this Section. The City Council hereby declares as a matter of public policy that the preservation, protection, perpetuation and use of areas, places, buildings, structures, works of art and other objects having a special historical, community or aesthetic interest or value is a public necessity and is required in the interest of the health, prosperity, safety and welfare of the people and that the demolition of such buildings, structures, works of art and other objects would constitute a public nuisance. The purpose of this Section is to:

A. Supplement Sections 2-204 through 2-214 of the Municipal Code regarding the Landmark Commission;

B. Safeguard the heritage of the City by preserving sites and structures which reflect elements of the City’s cultural, social, ethnic, political, archeological and architectural history;

C. Stabilize and improve property values;

D. Strengthen the economy of the City;

E. Protect and enhance the City’s attractions to residents, tourists and visitors, and serve as support and a stimulus to business and industry;

F. Enhance the visual and aesthetic character, diversity and interest of the City;

G. Foster civic pride in the beauty and notable accomplishments of the past;

H. Promote the use and preservation of historic sites and structures for the education and general welfare of the people of the City; and

I. Take the necessary steps to safeguard the property rights of the owners whose property is declared to be landmark.

6.3.2. Zoning Designation
The –H, Historic Overlay is designed to be used in conjunction with a base zoning district. An application for an Historic Overlay shall indicate the underlying base zoning district designation. The zoning map shall reflect each –H, Historic overlay classification as a suffix to the underlying zoning district (e.g. “CBD-H”).

6.3.3. Designation of Existing Historic Sites
Any existing City-designated historic landmark at the time of adoption of this Unified Development Code is designated as an –H, Historic Overlay. Any special requirements or standards for such existing sites shall continue to apply to the Historic Overlay.

6.3.4. Certificates Required

A. A Certificate of Appropriateness in accordance with Section 3.15 or a Certificate of Appropriateness for Demolition in accordance with Section 3.16 shall be required prior to any development or demolition in an –H, Historic Overlay zoning district.

B. The City, in addition to other remedies, may institute any permissible action or proceedings to prevent any unlawful change, alteration, removal, demolition or new construction and to restrain, correct or abate such violation, or to prevent any illegal act, business or maintenance in and about such premises.

6.3.5. Historic Overlay District Standards

All areas designated as an –H, Historic Overlay shall be subject to the following standards or requirements:

A. Any regulations for a specific Historic Overlay shall apply to all properties or structures wholly or partially contained within the Historic Overlay.

B. In case of any conflict between the regulations applicable in the underlying zoning district and the regulations of the Historic Overlay, the more restrictive regulations shall control.

C. The findings adopted by the City Council for the establishment of a specific Historic Overlay shall define the scope of the City’s interest in protecting the historic resource and shall provide the guidelines to be used by the Landmark Commission, along with the applicable regulations, in considering whether to approve, approve with conditions or deny a Certificate of Appropriateness or Certificate of Appropriateness for Demolition.

6.3.6. General Guidelines

In all of its determinations of architectural appropriateness and historical integrity in the design and construction of buildings, signs, and modifications in the Historic Overlay, the Landmark Commission shall use the book entitled, The Secretary Of The Interior’s Standards For The Treatment Of Historic Properties: With Guidelines For Preserving, Rehabilitation, Restoring & Reconditioning and the following criteria as guidelines:

A. Every reasonable effort should be made to provide a compatible use for a property that requires minimal alteration of the building, structure or site and its environment, or to use a property for its originally-intended purpose.

B. The distinguishing original qualities or character of a building, structure or site and its environment should not be destroyed. The removal or alteration of
any historic material or distinctive architectural features should be avoided when possible.

C. All buildings, structures and sites shall be recognized as products of their own time. Alterations that have no historic basis and which seek to create an earlier appearance shall be discouraged.

D. Changes that may have taken place in the course of time are evidence of history and development of a building, structure or site and its environment. These changes may have acquired significance in their own right, and this significance shall be recognized and respected.

E. Distinctive stylistic features or examples of skilled craftsmanship that characterize a building, structure or site shall be treated with sensitivity.

F. Deteriorated architectural features are to be repaired rather than replaced wherever possible. In the event replacement is necessary, the new material should match the material being replaced in composition, design, color, texture and other visual qualities. Repair or replacement of missing architectural features should be based on accurate duplications of features, substantiated by historic physical or pictorial evidence rather than on conjectural designs or the availability of different architectural elements from other buildings or structures.

G. The surface clearing of structures shall be undertaken with the gentlest means possible. Sandblasting and other cleaning methods that will damage the historic building material shall not be undertaken without approval from the Landmark Commission.

H. Every reasonable effort shall be made to protect and preserve archeological resources affected by, or adjacent to any project.

I. Contemporary design for alterations and additions to existing properties shall not be discouraged when such alterations and additions do not destroy significant historic, architectural, or cultural material and when such design is compatible with the size, scale, color, and material, character of the property, neighborhood or environment. Wherever possible, new additions or alterations to a structure shall be done in such a manner that if such additions or alterations were to be removed in the future, the essential form and integrity of the structure would be unimpaired.

6.3.7. Supplemental Guidelines
The Landmark Commission may develop and the City Council may approve such supplemental guidelines as it may find necessary to implement the regulations of a particular Historic Overlay or the findings applicable to the designation of a particular Historic Overlay. Such guidelines may include, but are not limited to, the following:

A. Graphics or samples of acceptable materials for siding, foundations, roofs or other parts of buildings;
B. Illustrations of appropriate architectural details;

C. Numerical specification of appropriate proportions;

D. Specifications of appropriate relationships to streets, sidewalks, other structures and buildings;

E. Illustrations of appropriate porch treatments or entrances; or

F. Illustrations of appropriate signage or street furniture.

6.3.8. Properties to be moved

A. Properties and/or structures with the Historic Overlay must obtain a Certificate of Appropriateness prior to being moved or relocated.

B. Any structure or building moved retains the Historic Overlay designation and all requirements of that Historic Overlay designation.

6.3.9. Preservation Against Decay

All structures within an Historic Overlay zoning district and all designated landmarks shall be preserved against decay and deterioration and kept free from certain structural defects by the owner of the structure or landmark or such other persons who may have legal custody and control. Property owners or legal custodians must show proof of funding possibilities for preservation provided by the appropriate City Departments and presented to Landmark Commission. At the discretion of the Landmark Commission, City staff may be directed to inspect properties.

6.3.10. Deterioration

If an owner allows a structure within a Historic Overlay zoning district or a designated landmark to deteriorate to the extent that the Building Standards Review Board determines that the structure or landmark shall be demolished as a public safety hazard, after all proper notifications have been presented to the owner by the City, no application for a permit for a project, nor for a curb cut needed for the operation of a surfaced or unsurfaced parking area may be considered for a period of two months from the date of demolition of the landmark.

§ 6.4 –IO, Island Overlay

6.4.1. Declaration of Public Policy and Purpose

A. The –IO, Island Overlay zoning district promotes quality development on Padre Island as viewed from public rights-of-way. This zoning district is designed to create a distinctive quality of life of the area by promoting building design characteristic of a resort area. These special regulations will preserve the characteristic nature of a barrier island of scenic and economic importance to the City.
B. The City encourages the use of Planned Unit Developments when any development in the Island Overlay zoning district proposes a type of development not anticipated in these regulations and of a quality at least equivalent to those specified herein.

C. Except as provided by Section 7.4, this zoning district prohibits outdoor storage of any goods.

6.4.2. Commenced Projects

A. The standards for the –IO, Island Overlay zoning district apply only to a project commenced after August 17, 2004. A project shall be deemed “commenced” if plans were filed with a regulatory agency, a regulatory agency took any official action with respect to the project or the project was already under construction.

B. Vinyl wall siding may be replaced on structures that contained vinyl siding on August 17, 2004, subject to the vinyl siding standards contained in Subsection 6.4.11.C, General Standards, Treatments and Materials.

6.4.3. Zoning Designation

The Island Overlay zoning district is designed to be used in conjunction with a base zoning district. An application for the Island Overlay zoning district shall indicate the underlying base zoning district designation. The Zoning Map shall reflect each Island Overlay zoning district classification as a suffix to the underlying zoning district (e.g. “CR-2-IO”).

6.4.4. Use Regulations

A. Base Zoning District

Permitted uses shall be those of the underlying base zoning district except as provided in this Section.

B. Townhouse and Multifamily Dwellings

Townhouses and multifamily dwellings shall have a minimum street yard setback of 10 feet.

C. Boat or Recreational Vehicle Storage or Sales

A boat or recreational vehicle storage or sales facility shall be permitted in the IO, Island Overlay district subject to the following standards:

1. The minimum site area for the storage facility shall be 1 acre.

2. A 6-foot redwood, cedar, and preservative pressure treated wood screening fence shall be required on all sides of the storage facility except for ingress and egress points.

3. Cleaning of Recreational Vehicles and boats shall be permitted, including flushing of engines, subject to federal, state and local
environmental regulations and may only be conducted between 7am and 7pm.

4. Open storage only may occur on improved surfaces. Improved pervious surfaces such as landscaping paving stones are allowed.

6.4.5. **Off-Street Parking and Loading Regulations**

A. Off-street parking shall be provided in accordance with Section 7.2. It is the intent of this Section to encourage parking to the rear or side of businesses to promote storefronts adjacent to Park Road 22 and S.H.361.

1. When 100% of the required off-street parking is located behind the building, the applicant shall receive a 10% credit on the total site parking requirements.

2. Decorative brick, stamped concrete pavers or the equivalent shall be used as an entry feature for pedestrian access areas from the entry driveway to the front building line.

3. Color schemes shall be submitted for review and approval. Any color used to meet health and safety requirements shall be exempt from City approval for those areas. Parking areas shall be built in compliance with construction standards provided by the City.

B. Sites with pedestrian seating areas and amenities, including transit facilities, integrated along the street frontage shall receive a credit toward parking requirements. 1 square foot of such amenity area shall be credited toward 1 square foot of a parking space. The minimum total amenity shall be 162 square feet to realize a one parking space credit.

1. Amenity areas shall not encroach into the public-right-of-way.

2. Amenity areas shall consist of all-weather chairs and tables that complement the design and color pattern of the building.

3. Amenity areas shall include shade from trees and awnings and may include public art, a water feature and potable water for pedestrians.

4. A sidewalk restaurant may be integrated into the design of the amenity provided that access and seating is provided for non-customers.

C. The off-street loading regulations for permitted uses are contained in Section 7.2.

6.4.6. **Development Standards**

The development standards of the underlying base zoning district shall apply.
6.4.7. **Screening Requirements**
Screening shall be provided in accordance **Section 7.3.** In addition, a 6-foot screening wall similar to or complementary with the color of the finish on the building shall be required to screen the following uses from view from the public right-of-way:

A. Boat and RV storage;

B. Self-service storage; and

C. Permitted uses with outside sales, service, storage and display as described in **Section 7.4.**

6.4.8. **Landscaping Requirements**
Extensive landscaping shall be required to provide a lush landscape. All landscaping shall be maintained in a healthy, growing condition. Except as provided in this Section, the landscaping requirements in **Section 7.3** shall apply. The use of drought-tolerant plant species is encouraged. A list of recommended plant species is provided in Appendix A of this Section.

A. Permitted signs may be placed in any landscape area adjacent to street rights-of-way provided that the sign does not obstruct the visibility triangle area required in **Subsection 4.2.9.**

B. The required number of understory trees required in a street yard in **Subsection 7.3.6** may be reduced by one per 200 feet where driveway entrances within required street yards are constructed of pavers, stamped concrete and other equivalent pavement textured material.

C. Shrubs shall be a minimum of 18 inches in height at installation and maintained at no more than 3 feet in overall height.

D. Palm trees shall be a minimum crown height at installation of 8 feet.

E. Palm trees with a minimum crown height of 8 feet shall be planted and spaced on 30 foot centers, 5 feet inside the property line along all arterial roads. Spacing inside the property line may be lengthened or shortened in order to accommodate overhead utilities.

6.4.9. **Sign Requirements**

A. **Purpose**
This Section provides uniform sign standards which promote the safety of persons and property, provide for the efficient transfer of information in sign messages, and protect the public welfare by enhancing the appearance and economic value of the landscape. Except as provided in this Section, the sign requirements in **Section 7.5** shall apply.
B. **Design Standards**

Wall signs and monument signs as defined in **Section 7.5** shall be permitted in the –IO overlay district and shall meet the following standards.

1. **Walls Signs**
   
   a. Wall signs shall have an allowable total sign area as provided in **Section 7.5**.
   
   b. Wall signs shall be uniform in color, style, materials, and illumination, and shall be similar in method of construction and installation. Lettering shall be uniform in location, height and depth and shall be consistent in color.

2. **Monument Signs**
   
   a. A monument sign shall be no higher than 8 feet as measured from natural or average finished grade. The maximum overall square footage for a monument sign is 32 square feet.
   
   b. One monument sign per freestanding building and one additional monument sign per 200 feet of street frontage shall be permitted.
   
   c. Monument signs are to be finished with similar materials to structure and should reflect the design theme of the building style.

C. **Prohibited Signs**

The following signs or types of signs are prohibited:

1. **Off-Premise Signs**
   An off-premise sign as defined in **Section 7.5** shall be prohibited.

2. **Can or Cabinet Sign**
   A sign that contains all of the text and logo symbols within a single enclosed cabinet that may or may not be illuminated shall be prohibited.

3. **Roof-Mounted Signs**
   Roof-mounted signs or any signs that project above the eave of a pitched roof or decking of flat roof or parapet above a flat roof shall be prohibited.

6.4.10. **Outdoor Lighting**

Freestanding light fixtures not attached to a building shall not exceed a height of 20 feet; otherwise, the standards in **Section 7.6** shall apply.
6.4.11. Architectural Overlay Zone Requirements

6.4.11.A. Purpose
The purpose of the architectural overlay zone is to create a theme and style of architecture on the island that celebrates the coastal and Spanish heritage of South Texas and promotes quality building design for multifamily and nonresidential structures on the main thoroughfares of Padre Island. This zone is in addition to the Island Overlay “IO” district, but applies to the areas depicted on the map in Appendix C of this Section. These areas are generally properties along Park Road 22 and SH 361 extending to the Gulf Beach.

1. The regulations are intended to influence and reflect Spanish, Mediterranean or Coastal-style architectural design, appropriate to this region’s climate, in order to achieve a resort feeling, create a visually-desirable environment, and enhance the value of private property.

2. Commercial areas should be attractive to visitors as well as to residents of Padre Island.

3. Quality construction promotes economic growth and preserves values to the benefit of both commercial and residential property owners.

6.4.11.B. Applicability
The standards contained in this Section shall apply to all multifamily and nonresidential structures in the Island Overlay district.

6.4.11.C. General Standards, Treatments and Materials

1. Building Design
All architectural building styles shall be described and controlled by the following design characteristics.

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

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

i. Stucco;

ii. Masonry, brick or stone;

iii. Fiber cement siding; or

iv. Wood.

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

i. Nominal 0.42 mil thickness;

ii. 5/8” profile height;

iii. Reinforced nail hem; and

iv. Designed for 160 MPH wind-load when attached on 16”centers.

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

e. **Roof Form and Materials**
The shape and pitch of the roof shall be specific to the building style and limited to the following:

<table>
<thead>
<tr>
<th><strong>Roof Type</strong></th>
<th><strong>Materials</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>Metal</td>
<td>Standing Seam, 5-V crimp, or corrugated. Unpainted Galvalume finish is preferred.</td>
</tr>
<tr>
<td>Tile</td>
<td>Slate, terra cotta, clay, or concrete tile.</td>
</tr>
<tr>
<td>Shingles</td>
<td>Architectural dimensional composition shingle (the use of 3-tab shingles is prohibited), or metal.</td>
</tr>
<tr>
<td>Roof screening</td>
<td>All roof top equipment shall be screened from view when viewed from the ground.</td>
</tr>
</tbody>
</table>
Article 6: Special Zoning Districts

f. **Openings**
   The shape, proportion, function and rhythm of openings that are visible from the public right-of-way shall be specific to the building style.

g. **Additive Elements**
   Dormers, cupolas, chimneys, balconies, porches, bays, colonnades, brackets, stoops and any other design elements that are visible from the public right-of-way shall be specific to the building style.

h. **Color and Brightness**
   All exterior walls and accents that are visible from the public right-of-way shall complement the building style and shall conform to the color palette in Appendix B of this Section. Deviations shall be submitted for review and approval by the Assistant City Manager of Development Services. Exterior paint shall be flat or non-glossy.

2. **Lighting**
   Outdoor lighting is allowed at the following levels as measured at the property line of the less restrictive zoning district.

   **Table 6.4.11.B Lighting Level Measurements**

<table>
<thead>
<tr>
<th>Zoning District</th>
<th>Maximum Foot-Candles</th>
</tr>
</thead>
<tbody>
<tr>
<td>Single-family</td>
<td>0.2</td>
</tr>
<tr>
<td>Multifamily</td>
<td>1</td>
</tr>
<tr>
<td>Nonresidential</td>
<td>3</td>
</tr>
</tbody>
</table>

6.4.11.D. **Architectural Styles**

Listed are architectural building styles which reflect Spanish, Mediterranean, or Coastal-style architectural design appropriate for Padre Island. A complete description, along with illustrations are depicted in A FIELD GUIDE TO AMERICAN HOUSES (published by Alfred A. Knopf, Inc., New York, copyright 1984), written by Virginia & Lee McAlester.

1. **Folk or Native Style (American Coastal Architecture)**
   b. Stick Styles – See page 255 of A FIELD GUIDE TO AMERICAN HOUSES.
   c. Shingle Style – See page 289 of A FIELD GUIDE TO AMERICAN HOUSES.

2. **Colonial Styles**
a. French Colonial – See page 121 of A FIELD GUIDE TO AMERICAN HOUSES.

b. Spanish Colonial – See page 129 of A FIELD GUIDE TO AMERICAN HOUSES.

3. Eclectic Styles

a. Mission Style – See page 409 of A FIELD GUIDE TO AMERICAN HOUSES

b. Spanish eclectic – See page 417 of A FIELD GUIDE TO AMERICAN HOUSES

c. Monterey – See page 431 of A FIELD GUIDE TO AMERICAN HOUSES

d. Craftsman – See page 453 of A FIELD GUIDE TO AMERICAN HOUSES.

4. Modern Styles

Modern interpretations of any of the above styles shall be contextual by the use of appropriate materials, general massing and proportions and colors.
Appendix A

Recommended plant species list

The plants listed below are recommended for the coastal zone of Corpus Christi. They are chosen because they have a lush, tropical look while being cold-hardy (except as noted) and do not require excessive water and fertilizer once established (except as noted). These plants may not be practical for all areas of Corpus Christi, therefore, the water, sunlight, wind and salt conditions of each specific plant should be considered before its placement on the landscape plan. Plants not specified on this list are allowed if they meet the intent of this Code and are suitable for the environment in which they are to be planted.

NOTE:  F = likely to die in hard freeze, G = suitable for ground cover, H = habitat plant (good for birds and/or butterflies, N= Coastal Bend native, T = tropical look, W = needs moderate water

TREES

Scientific Name  | Common Name
--- | ---
*Citrus sp.*  | Citrus (Mex. lime, orange, lemon) (F,T)
*Cordia boissieri*  | Wild Olive (F,H,T)
*Hibiscus tiliaceus*  | Hibiscus Tree (F,T)
*Ilex vomitoria*  | Yaupon Holly (H,N)
*Juniperus chinensis*  | Twisted Hollywood Juniper
*Morella cerifera*  | Wax Myrtle (H,N,T)
*Pinus thunbergia*  | Japanese Black Pine
*Prosopis spp.*  | Mesquite (H,N)
*Quercus virginiana*  | Live Oak (H,N)

LARGE PALMS

Scientific Name  | Common Name
--- | ---
*Phoenix canariensis*  | Canary Island Date Palm (F,T)
*Phoenix dactylifera*  | Texas Date Palm (T)
*Roystonea spp.*  | Royal Palm
*Sabal palmetto*  | Florida Sabal (T)
*Sabal mexicana*  | Texas Sabal (T)
*Syagrus romanzoffiana*  | Queen Palm
*Washingtonia filifera*  | Fan Palm (T)

SMALL PALMS & CYCADS

Scientific Name  | Common Name
--- | ---
*Butia capitata*  | Pindo, Jelly Palm, Cocos Australis (T)
*Chamaerops humilis*  | Mediterranean Fan Palm (T)
*Cycas revoluta*  | Sago Palm (T)
**Sabal minor**  
Dwarf Palmetto (N,T)

**SHRUBS**

<table>
<thead>
<tr>
<th>Scientific Name</th>
<th>Common Name</th>
</tr>
</thead>
<tbody>
<tr>
<td>Caesalpinia pulcherrima</td>
<td>Pride of Barbados (F,T)</td>
</tr>
<tr>
<td>Callistemon spp.</td>
<td>Bottlebrush (F,H,T)</td>
</tr>
<tr>
<td>Carissa spp.</td>
<td>Natal Plum (F,T)</td>
</tr>
<tr>
<td>Dasyllirion texana</td>
<td>Texas Sotol ()</td>
</tr>
<tr>
<td>Eriobotrya hybrid</td>
<td>Coppertone Loquat (W)</td>
</tr>
<tr>
<td>Erythina herbacea</td>
<td>Coral Bean (H,N)</td>
</tr>
<tr>
<td>Euryops pecinatus</td>
<td>Golden Shrub Daisy (F,H)</td>
</tr>
<tr>
<td>Feijoa sellowiana</td>
<td>Pineapple Guava (F,H,T)</td>
</tr>
<tr>
<td>Hesperaloe parviflora</td>
<td>Red Yucca (H,N)</td>
</tr>
<tr>
<td>Hibiscus spp.</td>
<td>Tropical Hibiscus (F,T)</td>
</tr>
<tr>
<td>Ilex vomitoria nana</td>
<td>Dwarf Yaupon</td>
</tr>
<tr>
<td>Lantana spp.</td>
<td>Lantana (H,N,T)</td>
</tr>
<tr>
<td>Leucophyllum spp.</td>
<td>Texas Sage, Cenizo (H,N,T)</td>
</tr>
<tr>
<td>Nerium oleander</td>
<td>Oleander (F,T)</td>
</tr>
<tr>
<td>Raphiolepis indica</td>
<td>Indian Hawthorn (H,T)</td>
</tr>
<tr>
<td>Tecoma stans (Stenolobium stans)</td>
<td>Esperanza, Yellowbells (H,T)</td>
</tr>
<tr>
<td>Yucca arkansana</td>
<td>Softleaf Yucca (H)</td>
</tr>
<tr>
<td>Yucca rostrata</td>
<td>Thompson Yucca (H)</td>
</tr>
<tr>
<td>Yucca treculeana</td>
<td>Spanish Dagger (H,N)</td>
</tr>
</tbody>
</table>

**HERBACEOUS PERENNIALS**

<table>
<thead>
<tr>
<th>Scientific Name</th>
<th>Common Name</th>
</tr>
</thead>
<tbody>
<tr>
<td>Agapanthus spp.</td>
<td>Blue Lily of the Nile (T,W)</td>
</tr>
<tr>
<td>Asparagus sprengeri</td>
<td>Asparagus Fern (G,H,T)</td>
</tr>
<tr>
<td>Cuphea hussopifolia</td>
<td>Mexican Heather (F,G)</td>
</tr>
<tr>
<td>Hedychium coronarium, Alpina zerumbet</td>
<td>Gingers (F,T)</td>
</tr>
<tr>
<td>Jatropha spp.</td>
<td>Jatropha (F,T)</td>
</tr>
<tr>
<td>Kalanchee sp.</td>
<td>Kalanchee (G)</td>
</tr>
<tr>
<td>Lantana montevidensis, L. sellowiana</td>
<td>Trailing Lantana (G)</td>
</tr>
<tr>
<td>Musa ssp.</td>
<td>Banana (F,T)</td>
</tr>
<tr>
<td>Plumbago spp.</td>
<td>Blue or White Plumbago (F,G,H,T)</td>
</tr>
<tr>
<td>Rosemarinus sp.</td>
<td>Rosemary (G)</td>
</tr>
<tr>
<td>Strelitzia nicolai</td>
<td>Giant or White Bird of Paradise (T,W)</td>
</tr>
<tr>
<td>Strelitzia reginae</td>
<td>Bird of Paradise (T,W)</td>
</tr>
<tr>
<td>Tagetes lemmonii</td>
<td>Copper Canyon Daisy (H)</td>
</tr>
<tr>
<td>Trachelospermum asiaticum</td>
<td>Asiatic Jasmine (G,T)</td>
</tr>
<tr>
<td>Wedelia trilobata</td>
<td>Wedelia (G,T)</td>
</tr>
</tbody>
</table>
### VINES

<table>
<thead>
<tr>
<th>Scientific Name</th>
<th>Common Name</th>
</tr>
</thead>
<tbody>
<tr>
<td>Antigonon leptopus</td>
<td>Coral Vine, Queens Wreath (F,H,T)</td>
</tr>
<tr>
<td>Bougainvillea spp.</td>
<td>Bougainvillea (F,T)</td>
</tr>
<tr>
<td>Lonicera sempervirens</td>
<td>Coral Honeysuckle (H,T)</td>
</tr>
<tr>
<td>Tecomaria capensis</td>
<td>Cape Honeysuckle (F,H,T)</td>
</tr>
<tr>
<td>Trachelospermum Jasminoides</td>
<td>Confederate Jasmine (H,T)</td>
</tr>
</tbody>
</table>

### INTRUSIVE SPECIES - NOT TO BE PLANTED

<table>
<thead>
<tr>
<th>Scientific Name</th>
<th>Common Name</th>
</tr>
</thead>
<tbody>
<tr>
<td>Melia azedarach var. umbraculiformis</td>
<td>Chinaberry, Texas Umbrella Tree</td>
</tr>
<tr>
<td>Ricinus communis</td>
<td>Castor Bean</td>
</tr>
</tbody>
</table>

### GRASS

<table>
<thead>
<tr>
<th>Scientific Name</th>
<th>Common Name</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cynodon dactylon</td>
<td>Bermuda grass</td>
</tr>
<tr>
<td>Stenotaphrum secundatum &quot;Floralawn&quot;</td>
<td>St. Augustine grass “Floralawn”</td>
</tr>
<tr>
<td>Stenotaphrum secundatum “Floratam”</td>
<td>St. Augustine grass “Floratam”</td>
</tr>
<tr>
<td>Sapium sebiferum</td>
<td>Chinese Tallow</td>
</tr>
<tr>
<td>Schinus terebinthifolius</td>
<td>Brazilian Pepper</td>
</tr>
<tr>
<td>Tamarix sp.</td>
<td>Salt Cedar</td>
</tr>
</tbody>
</table>
APPENDIX B
Color Palette

[Diagram showing various color swatches arranged in a grid, with labels for each color.]

[Legend and color code for each swatch is not visible in the text provided.]
§ 6.5 Air Installation Compatible Use Zones (AICUZ)

6.5.1. Purpose
The purpose of the Air Installation Compatible Use Zones program is to achieve compatibility between air installations and neighboring communities by achieving these primary objectives.

A. Protect health, safety, and welfare of civilians and military personnel by discouraging land uses which are incompatible with aircraft operations.

B. Protect Navy and Marine Corps installation investment by safeguarding the operational capabilities of those installations.

C. Reduce noise caused by aircraft operations while meeting operational, training, and flight safety requirements, both on and in the vicinity of air installations; and

D. Inform the public about the Air Installation Compatible Use Zones program and seek cooperative efforts to minimize noise and aircraft accident potential in the vicinity of the military air installations.

6.5.2. AICUZ Program

A. The foundation of the Air Installation Compatible Use Zones program is an active local command effort to work with local communities to prevent incompatible development of land adjacent to military airfields. Incompatible development, a form of encroachment, has become commonplace on privately-owned land contiguous to military air installations. The Department of the Navy is particularly susceptible to such encroachment with many of its installations located in high growth urban areas.

B. This program is subject to the regulations contained in 14 CFR Part 77 and 14 CFR Part 150.

6.5.3. Description of Accident and Potential and Clear Zones

A. Clear Zones
The area immediately beyond the usual runway threshold is designated the “clear zone”. This area, which is adjacent to the runway, possesses a higher potential for accidents than other areas further away from the runway. Traditionally, the clear zone has been acquired by the Government in fee, or by restrictive use easements, to keep it clear of obstructions to flight. Due to the characteristics of flight operations at Navy and Marine Corps installations, the trapezoidal or “fan shaped” clear zone shall be used. The clear zone is required for all active runway ends.

B. Accidental Potential Zone-I (APZ-I)
Accidental Potential Zone-I is the area beyond the clear zone which still possesses a measurable potential for accidents relative to the clear zone. Accidental Potential Zone-I is provided under flight tracks which experience 5,000 or more annual operations (departures or approaches).

C. **Accident Potential Zone-II (APZ-II)**

Accident Potential Zone-II is an area beyond the Accidental Potential Zone-I (or clear zone if the Accidental Potential Zone-1 is not used) which has a measurable potential for aircraft accidents relative to Accidental Potential Zone-1 or the clear zone. Accident Potential Zone-II is used whenever Accidental Potential Zone-1 is required. If Accidental Potential Zone-1 is not warranted, Accident Potential Zone-II may still be used if an analysis of operations and/or accidents indicates a need for it.

### 6.5.4. Accident Potential Zones (APZ) Compatible Land Use Guidelines

Recommended land use compatibility guidelines for clear zones and Accident Potential Zones are shown in the following table. In the event of a zone change request within the Air Installation Compatible Use Zones, the Air Installation Compatible Use Zones Program Office or Chief of Naval Operations shall be consulted for a recommendation on the proposed zone change.

#### Table 6.5.4 Land Use Compatibility in Accident Potential Zone

<table>
<thead>
<tr>
<th>Suggested Land Use Compatibility in Accident Potential Zone</th>
<th>Land Use</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>SLUCM NO.</strong></td>
<td><strong>NAME</strong></td>
</tr>
<tr>
<td>10</td>
<td>Residential</td>
</tr>
<tr>
<td>11</td>
<td>Household Units:</td>
</tr>
<tr>
<td>11.11</td>
<td>Single Units; Detached</td>
</tr>
<tr>
<td>11.12</td>
<td>Single Units; Semi-detached</td>
</tr>
<tr>
<td>11.13</td>
<td>Single Units; Attached Row</td>
</tr>
<tr>
<td>11.21</td>
<td>Two Units; Side-by-Side</td>
</tr>
<tr>
<td>11.22</td>
<td>Two Units; One above the other</td>
</tr>
<tr>
<td>11.31</td>
<td>Apartments; Walk up</td>
</tr>
<tr>
<td>11.32</td>
<td>Apartments; Elevator</td>
</tr>
<tr>
<td>12</td>
<td>Group Quarters</td>
</tr>
<tr>
<td>13</td>
<td>Residential Hotels</td>
</tr>
<tr>
<td>14</td>
<td>Mobile home parks or courts</td>
</tr>
<tr>
<td>15</td>
<td>Transient lodgings</td>
</tr>
<tr>
<td>16</td>
<td>Other Residential</td>
</tr>
<tr>
<td>20</td>
<td>Manufacturing³</td>
</tr>
<tr>
<td>21</td>
<td>Food &amp; Kindred products; Manufacturing</td>
</tr>
<tr>
<td>22</td>
<td>Textile mill products; Manufacturing</td>
</tr>
<tr>
<td>23</td>
<td>Apparel and other finished products made from fabrics, leather, and similar materials; manufacturing</td>
</tr>
<tr>
<td>25</td>
<td>Furniture and Fixtures; Manufacturing</td>
</tr>
<tr>
<td></td>
<td>Description</td>
</tr>
<tr>
<td>---</td>
<td>-----------------------------------------------------------------------------</td>
</tr>
<tr>
<td>26</td>
<td>Paper &amp; allied products; Manufacturing</td>
</tr>
<tr>
<td>27</td>
<td>Printing, Publishing, and allied industries</td>
</tr>
<tr>
<td>28</td>
<td>Chemicals and allied products; Manufacturing</td>
</tr>
<tr>
<td>29</td>
<td>Petroleum refining and related industries</td>
</tr>
<tr>
<td>31</td>
<td>Rubber and Misc. Plastic products; Manufacturing</td>
</tr>
<tr>
<td>32</td>
<td>Stone, Clay, and Glass Products; Manufacturing</td>
</tr>
<tr>
<td>33</td>
<td>Primary Metal Industries</td>
</tr>
<tr>
<td>34</td>
<td>Fabricated Metal Products; Manufacturing</td>
</tr>
<tr>
<td>35</td>
<td>Professional, scientific, and controlling instruments; photographic and optical goods; watches and clocks; Manufacturing</td>
</tr>
<tr>
<td>39</td>
<td>Miscellaneous Manufacturing</td>
</tr>
<tr>
<td>40</td>
<td><strong>Transportation, Communication, and Utilities</strong></td>
</tr>
<tr>
<td>41</td>
<td>Railroad, rapid rail transit, and street railway transportation</td>
</tr>
<tr>
<td>42</td>
<td>Motor Vehicle Transportation</td>
</tr>
<tr>
<td>43</td>
<td>Aircraft Transportation</td>
</tr>
<tr>
<td>44</td>
<td>Marine Craft Transportation</td>
</tr>
<tr>
<td>45</td>
<td>Highway &amp; street right-of-way</td>
</tr>
<tr>
<td>46</td>
<td>Automobile parking</td>
</tr>
<tr>
<td>47</td>
<td>Communication</td>
</tr>
<tr>
<td>48</td>
<td>Utilities</td>
</tr>
<tr>
<td>48.5</td>
<td>Solid waste disposal (landfills, incineration, etc.)</td>
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<tr>
<td>49</td>
<td>Other transportation, communication, and utilities</td>
</tr>
<tr>
<td>50</td>
<td><strong>Trade</strong></td>
</tr>
<tr>
<td>51</td>
<td>Wholesale Trade</td>
</tr>
<tr>
<td>52</td>
<td>Retail trade-building materials, hardware, and farm equipment</td>
</tr>
<tr>
<td>53</td>
<td>Retail trade-shopping centers</td>
</tr>
<tr>
<td>54</td>
<td>Retail trade-food</td>
</tr>
<tr>
<td>55</td>
<td>Retail trade-automotive, marine craft, aircraft and accessories</td>
</tr>
<tr>
<td></td>
<td>Description</td>
</tr>
<tr>
<td>---</td>
<td>-----------------------------------------------------------------------------</td>
</tr>
<tr>
<td>57</td>
<td>Retail trade-furniture, home furnishings, and equipment</td>
</tr>
<tr>
<td>58</td>
<td>Retail trade-eating and drinking establishments</td>
</tr>
<tr>
<td>59</td>
<td>Other retail trade</td>
</tr>
<tr>
<td>60</td>
<td><strong>Services</strong></td>
</tr>
<tr>
<td>61</td>
<td>Finance, insurance, and real estate services</td>
</tr>
<tr>
<td>62</td>
<td>Personal Services</td>
</tr>
<tr>
<td>62.4</td>
<td>Cemeteries</td>
</tr>
<tr>
<td>63</td>
<td>Business services (credit reporting, mail, stenographic reproduction, advertising)</td>
</tr>
<tr>
<td>63.7</td>
<td>Warehousing and storage services</td>
</tr>
<tr>
<td>64</td>
<td>Repair Services</td>
</tr>
<tr>
<td>65</td>
<td>Professional services</td>
</tr>
<tr>
<td>65.1</td>
<td>Hospitals, Nursing homes</td>
</tr>
<tr>
<td>65.1</td>
<td>Other medical facilities</td>
</tr>
<tr>
<td>66</td>
<td>Contract construction services</td>
</tr>
<tr>
<td>67</td>
<td>Governmental services</td>
</tr>
<tr>
<td>68</td>
<td>Educational services</td>
</tr>
<tr>
<td>69</td>
<td>Miscellaneous services</td>
</tr>
<tr>
<td>70</td>
<td><strong>Cultural, entertainment, and recreational</strong></td>
</tr>
<tr>
<td>71</td>
<td>Cultural activities (including churches)</td>
</tr>
<tr>
<td>71.2</td>
<td>Nature exhibits</td>
</tr>
<tr>
<td>72</td>
<td>Public Assembly</td>
</tr>
<tr>
<td>72.1</td>
<td>Auditoriums, concert halls</td>
</tr>
<tr>
<td>72.11</td>
<td>Outdoor music shells, amphitheaters</td>
</tr>
<tr>
<td>72.2</td>
<td>Outdoor sports arenas, spectator sports</td>
</tr>
<tr>
<td>73</td>
<td>Amusements</td>
</tr>
<tr>
<td>74</td>
<td>Recreational activities (including golf courses, riding stables, water recreation)</td>
</tr>
<tr>
<td>75</td>
<td>Resorts and group camps</td>
</tr>
<tr>
<td>76</td>
<td>Parks</td>
</tr>
<tr>
<td>79</td>
<td>Other cultural, entertainment and recreation</td>
</tr>
</tbody>
</table>
### Article 6: Special Zoning Districts

<table>
<thead>
<tr>
<th></th>
<th>Description</th>
<th>Y4</th>
<th>Y8</th>
<th>Y9</th>
</tr>
</thead>
<tbody>
<tr>
<td>81</td>
<td>Agriculture (except livestock)</td>
<td>Y</td>
<td></td>
<td></td>
</tr>
<tr>
<td>81.5, 81.7</td>
<td>Livestock farming and breeding</td>
<td>N</td>
<td>Y9,10</td>
<td>Y9,10</td>
</tr>
<tr>
<td></td>
<td>Maximum FAR of 0.28 in APZ I; 0.56 in APZ II no activity which produces smoke, glare, or involves explosives</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>82</td>
<td>Agricultural-related activities</td>
<td>N</td>
<td>Y9</td>
<td>Y9</td>
</tr>
<tr>
<td>83</td>
<td>Forestry activities</td>
<td>N</td>
<td>Y</td>
<td>Y</td>
</tr>
<tr>
<td>84</td>
<td>Fishing activities</td>
<td>N12</td>
<td>Y</td>
<td>Y</td>
</tr>
<tr>
<td>85</td>
<td>Mining activities and related services</td>
<td>N</td>
<td>Y</td>
<td>Y</td>
</tr>
<tr>
<td>89</td>
<td>Other resource production and extraction</td>
<td>N</td>
<td>Y</td>
<td>Y</td>
</tr>
<tr>
<td>90</td>
<td>Other</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>91</td>
<td>Undeveloped Land</td>
<td>Y</td>
<td></td>
<td></td>
</tr>
<tr>
<td>93</td>
<td>Water Areas</td>
<td>N13</td>
<td>N13</td>
<td>N13</td>
</tr>
</tbody>
</table>

### Abbreviations

- SLUCM – Standard Land Use Coding Manual, U.S. Department of Transportation
- Y (Yes) – Land use and related structures are normally compatible without restriction
- N (No) – Land use and related structures are not normally compatible and should be prohibited.
- Yx (Yes w/ restrictions) – the land use and related structures are generally compatible. However, see notes indicated by the superscript.
- Nx (No with exceptions) – the land use and related structures are generally incompatible. However, see notes indicated by the superscript.
- FAR (Floor Area Ratio) – A floor area ratio is the ratio between the square feet of floor area of the building and the site area. It is customarily used to measure non-residential intensities.
- Du/Ac – Dwelling units per acre. This metric is customarily used to measure residential densities.

### Notes

1. A “Yes” or “No” designation for compatible land use is to be used only for general comparison. Within each, uses exist where further evaluation may be needed in each category as to whether it is clearly compatible, normally compatible, or not compatible due to the variation of densities of people and structures. In order to assist installations and local governments, general suggestions as to floor/area ratios are provided as a guide to density in some categories. In general, land use restrictions which limit commercial, services, or industrial buildings or structure occupants to 25 per acre in APZ I, and 50 per acre in APZ II are the range of occupancy levels considered to be low density. Outside events should normally be limited to assemblies of not more than 25 people per acre in APZ I, and maximum assemblies of 50 people per acre in APZ II.

2. Suggested Maximum density for detached single-family housing is 1-2 dwelling units per acre. In a Planned Unit Development (PUD) of single family detached units where clustered housing development results in large open area, this density could possibly be increased provided the amount of surface area covered by structures does not exceed 20% of the PUD total area. A PUD encourages clustered development that leaves large open areas.

3. Other factors to be considered: Labor intensity, structural coverage, explosive characteristics, air pollution, electronic interference with aircraft, height of structures, and potential glare to pilots.

4. No structures (except airfield lighting), buildings or above-ground utility/communications lines should normally be located in Clear Zone areas on or off the installation. The Clear Zone is subject to severe restrictions. See NAVFAC P-80.3 or Tri-Service Manual AFM 32-1123(I); TM 5-803-7, NAVFAC P-971 “Airfield and Heliport Planning & Design” dated 1 May 99 for specific design details.

5. No passenger terminals and no major above-ground transmission lines in APZ-I

6. Low-intensity office uses only. Accessory uses such as meeting places, auditoriums, etc., are not recommended.
<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>7.</td>
<td>No chapels are allowed within APZ I or APZ II.</td>
</tr>
<tr>
<td>8.</td>
<td>Facilities must be low intensity, and provide no tot lots, etc. Facilities such as clubhouses, meeting places, auditoriums, large classes, etc. are not recommended.</td>
</tr>
<tr>
<td>9.</td>
<td>Includes livestock grazing but excludes feedlots and intensive animal husbandry. Activities that attract concentrations of birds creating a hazard to aircraft operations should be excluded.</td>
</tr>
<tr>
<td>10.</td>
<td>Includes feedlots and intensive animal husbandry.</td>
</tr>
<tr>
<td>11.</td>
<td>Lumber and timber products removed due to establishment, expansion, or maintenance of Clear Zones will be disposed of in accordance with appropriate DOD Natural Resources Instructions.</td>
</tr>
<tr>
<td>12.</td>
<td>Controlled hunting and fishing may be permitted for the purpose of wildlife management.</td>
</tr>
<tr>
<td>13.</td>
<td>Naturally occurring water features (e.g. rivers, lakes, streams, wetlands) are compatible.</td>
</tr>
</tbody>
</table>

### § 6.6 Development Concept and Special Overlay Zoning Districts
(Ordinance 029329, 12/13/2011)

#### 6.6.1 Purpose.
The purpose of this Section is to provide for alternative development standards to address unique site characteristics and to address development opportunities which can exceed the quality of standard developments, by:

A. Establishing authority to adopt property-specific development standards for increasing minimum requirements of the code on individual sites; and

B. Establishing Development Concept Overlay and Special Overlay Districts with alternative standards for special areas designated by the City’s Comprehensive Plan, Area Development Plans, or by adoption by the City Council.

#### 6.6.2 Application.
This Section authorizes the City of Corpus Christi to increase development standards or limit uses on specific properties beyond the general requirements of the Unified Development Code through property-specific development standards, and to carry out Comprehensive Plan and Area Development Plan policies through Development Concept Overlay and Special Overlay Districts which supplement, modify, or expand the range of the underlying Zoning District standards and the standards of the Unified Development Code, through different uses, design, or density standards or review processes. Development Concept Overlay and Special Overlay Districts shall be applied in the following manner:

A. **Development Concept Overlay.**
   A Development Concept Overlay District or Zone may be established to implement a development concept with specific design and development standards as a By-Right permitted use or through the rezoning process.

   1. **By-Right Use.** Where design and development standards of an Development Concept Overlay District or Zone are compatible with the underlying Zoning District and neighboring uses, the Development Concept Overlay District standards may be applied as a By-Right/Permitted Use. The specific zoning districts for which the By-Right
Article 6: Special Zoning Districts

Use applies must be listed within the standards of the Development Concept Overlay District.

2. Where the standards of the Development Concept Overlay District have the potential to negatively affect the neighboring uses through increased densities, inadequate transitioning between differing densities or uses, lack of adequate onsite infrastructure for development, or similar factors, the applicant shall be required to rezone the property to one of the more suitable Zoning Districts listed as a By-Right permitted District. The Development Concept Overlay standards must include a list or statement of the specific Zoning Districts for which rezoning is required for the application of the standards.

B. Special Overlay Districts.
Special Overlay Districts are generally established in order to apply specific development designs and concepts within a specific area to promote infill or redevelopment of an area. Special Overlay Districts may also utilize special financing techniques, including but not limited to, tax abatements, block grants, housing grants, tax increment financing, or other financial or developmental incentives to meet a specific development goal.

1. Council Approval. Special Overlay Districts are established through the City Council review, public hearing, and approval process. The City Council may assign a Special Overlay District designation to any area it feels shall be “targeted” to receive special development consideration in the planning and development or redevelopment of an area.

2. The established Special Overlay District may include development incentives or concepts that are applied as a By-Right/Permitted Use within the Special Overlay District. By-Right/Permitted Uses under a Special Overlay District must be compatible with the surrounding neighborhood and uses.

C. Unless specifically modified, provided for, and permitted under the provisions of this section and the standards of each Development Concept Overlay or Special Overlay District Ordinance, the standard requirements and regulations of the underlying Zoning District and Unified Development Code shall govern the remaining development and land uses within a Development Concept Overlay or Special Overlay District Zone.

§ 6.7. Clustered Development Overlay District

(Ordinance 029330, 12/13/2011)

6.7.1 Purpose.
It is the purpose of this ordinance to permit residential compact or clustered development in order to:

A. Encourage creative and flexible site design.
B. Promote cost savings in infrastructure installation and maintenance by such techniques as reducing the distance over which utilities, such as water and sewer lines, need to be extended or by reducing the width or length of streets.

C. Decrease or minimize nonpoint source pollution impacts by reducing the amount of impervious surfaces in site development.

D. Protect environmentally sensitive areas of a development site and preserve open space, natural features, and prime agricultural lands on a permanent basis.

E. Provide opportunities for social interaction, walking, and hiking in open space areas.

6.7.2 Allowances.

A. The clustered development standards under this ordinance are applied as an “overlay zone” and subject to the rules of the underlying Zoning District, in addition to the rules of the Overlay District standards established under this Ordinance.

1. Development under this Ordinance applies to new development and requires platting of individual lots within the development.

2. Where a conflict exists between the standards of the underlying Zoning District and the Clustered Development Overlay District, the standards established under the Clustered Development Overlay District Ordinance shall take precedence.

3. The standards provided under this Ordinance may only be applied to a clustered development platted, developed, and constructed in accordance with this Ordinance.

4. Commercial use of dwelling units in a clustered development for commercial leasing purposes (i.e. leased for a period of under 30 days) must comply with the International Building Codes (IBC) and the City’s Fire Department Codes, and is only permitted in the “RM-AT”, “CR-2”, and "CR-3" Zoning Districts.

B. Permitted Districts.

1. A clustered development consisting of multiple single-family attached, single-family detached or two-family dwelling units shall be a permitted use (not requiring rezoning) in the RS-6, RS-4.5, RS-TF, RM-1, RM-2, RM-3, RM-AT, ON, CN-1, CR-2, CR-3, and CG-2, when platted, developed, and constructed in accordance with this Ordinance.

2. All principal uses authorized in the applicable residential zoning district(s) shall be allowed in the clustered development.

C. Minimum Acreage.
A residential clustered development consisting of 1 acre or greater shall be permitted in any zoning district allowing for residential uses pursuant to the standards outlined under this ordinance.

D. **Density.**

1. When platted under the standards of this Ordinance, a clustered development may not exceed the maximum density permitted within the underlying zoning district.

2. When platted under the standards of this Ordinance, a clustered development may not exceed a maximum density of 9.68 dwelling units per acre in any zoning district.

3. The minimum density permitted within a clustered development is 4 dwelling units per acre.

4. The maximum density permitted under Section 6.7.2(D)(1) and (2) above may be exceeded if the developer agrees to implement one or more of the density bonus techniques outlined under Section 6.7.6 below.

5. A Clustered Development may not exceed 139 acres without including a transitioning mixed-use, commercial, neighborhood/town center consisting of 3 to 5 acres located within the development boundaries, and in accordance with Traditional Neighborhood Development Ordinance.

6. Multiple clustered developments located within 500 feet of each other and consisting of more than 139 acres shall include a transitioning mixed-use, commercial, neighborhood/town center consisting of 3 to 5 acres, and shall be developed as part of a Master Planned Community and approved through the Planning Commission and City Council public hearing process.

E. **Impervious Coverage Allowance.**

The maximum impervious coverage of the entire clustered development cannot exceed 65% of the development boundaries, which includes parking areas, unless the parking areas consist of pervious surfaces.

F. **Infrastructure.**

Clustered developments are only permitted in areas served by public sewer and water, except when the proposed development is part of a comprehensive development plan providing for adequate infrastructure through phased development.

1. The developer must provide evidence that adequate infrastructure facilities and capacity exist to sustain the higher densities of a proposed clustered development.

2. If adequate infrastructure and capacity does not exist on the proposed development site, the developer must provide a plan of action
indicating what services will be provided to meet the densities of the development.

G. **Stormwater Management.**

1. To compensate for higher densities and increased impervious surfaces within a clustered development project, the project design must include onsite stormwater management techniques acceptable under the Best Management Practices (BMP) Manual.

2. Onsite stormwater management techniques may be included in the required common open space calculations to the extent outlined under Section 6.7.4(F)(4).

### 6.7.3 Platting Restrictions.

New development of sites consisting of 1 acre or greater can be platted, or replatted, as small lot clustered developments for single-family attached, detached, or two-family dwelling units as follows:

A. All lots within the proposed cluster development must be platted.

B. Each clustered development must have a Home Owner’s Association or another designated managing entity approved by the City for the maintenance of common facilities, drives, alleys, pedestrian paths, open space, parking areas, and stormwater maintenance onsite.

C. Proposed deed restrictions must be submitted with the plat and must state that individually platted lots and common open spaces within the clustered development will not be further divided into smaller tracts. The deed restrictions must be noted on the plat and recorded, and are enforceable through the Home Owner’s Association or another assigned managing entity approved by the City.

D. Where a Home Owner’s Association, or other assigned managing entity approved by the City, is assigned as the managing entity of the development, the covenants, conditions, and restrictions of the development will be automatically renewable at the end of the established term unless 51% of the members agree to dissolve the association and the dissolution of the association is approved by the City.

E. Platting or replatting of lots must not create flag lots or inaccessible lots within the development. The portion of the common open space that is inaccessible by a street or lane shall be permitted, provided that the common open space portion of the lot is shown and labeled on the plat, and noted that the common area shall not be developed for anything other than a community building or common recreational use.

### 6.7.4 Required Common Open Space.
A. Not less than 35% of the site shall be conveyed as common open space and shall be applied to the entire development site rather than to any individual lot:

B. Forty percent of the total square footage or acreage required for common open space may consist of active recreational features (i.e. swimming pools, tennis courts, playgrounds), while the remaining 60% must consist of pervious surfaces for passive recreational use (Fig. 6.7.4.B).

Figure 6.7.4.B. Passive Recreational Use.

C. Common open space may include undevelopable areas such as wetlands, creeks, and onsite vegetated stormwater dry detention basins planned for the site, as outlined under Section (F) below.

D. The required common open space must be continuous, shaped for passive or active recreation, and must not measure less than 5 feet for a maximum distance of 20 linear feet, with exception of extraordinary circumstances such as the use of a walking bridge to cross a stormwater ditch or other unusual topographical situations onsite, in which case the minimum width/maximum distance requirement may be extended.

E. Parking areas, impervious surfaces, impervious right-of-ways, impervious driveways, right-of-way yard setbacks, individual lot yard setbacks, and spaces between buildings of 10 feet or less in width do not qualify as common open space.

F. Alternative Compliance Options.

Compliance with the common open space requirement can be met by implementing one or more of the following options:

1. **Exclusive Use by Residents.**
   The required common open space onsite (e.g., private trails, passive and active recreational areas) can be dedicated to a Home Owner’s Association who will be responsible for the maintenance of the common grounds.
2. **Public Recreational Use.**
The common open space provided within the development boundaries may be contributed toward the Community Enrichment Fund land dedication and fees required by the City for new development, provided that the common open space provides at least one recreational element (i.e. green space/small park, jogging or walking trails, etc.) that is available to the public and maintained by the Home Owners’ Association or other designated managing entity.

3. **Wetlands as Open Space.**
   a. Non-jurisdictional wetlands, i.e. those for which impacts would not require a USACE permitting process, may be counted in a 2:1 ratio (i.e. 2 acres of open space credit for every 1 acre of wetland preserved) up to 50% of the total open space requirement if incorporated into the design of the clustered development property boundaries.
   b. Preservation of jurisdictional wetlands (those for which impacts would require USACE permitting) can be used in a 1:1 ratio to offset up to 50% of the total open space requirement if incorporated into the design of the development property boundaries.

4. **Stormwater and Wastewater Management Techniques.**
   a. Vegetated stormwater bioswales, rain gardens, (or other preferable infiltration-based or retention-based systems, designed and sized in accordance with, and acceptable under, the Best Management Practices Manual) planned onsite may be counted towards the common open space requirement using a 1:1 ratio to offset up to 50% of the total open space requirement, if incorporated into the design of the clustered development property boundaries.
   b. Construction plans detailing the construction of the Best Management practices proposed onsite, including target side slopes, depths, retention time, proposed plant species, and a long-term maintenance plan must be pre-approved by the Development Services Department ACM or their designee.

5. **Plazas & Courtyards.**
   Where pedestrian (non-vehicular) plazas or courtyards are incorporated into the design of the project, the square footage of plaza or courtyard areas that incorporate at least three of the features listed below may be contributed toward up to 100% of the common open space required onsite:
   a. Special interest planting with a wide range of plant materials including perennials and drought tolerant flowering shrubs. A minimum of 50% of the plant material used shall provide seasonal flower and/or foliage color.
b. Pedestrian scale, bollard, or other accent lighting in accordance with the Illuminating Engineering Society of North America’s (IESNA) “Guideline for Security Lighting for People, Property, and Public Spaces”.

c. Special porous paving, such as colored/stained pervious concrete, pervious brick, or elevated decks constructed over earthen ground (not over slab), and utilizing methods that allow rainwater to reach and infiltrate into the ground below (Fig. 6.7.4.F).

![Figure 6.7.4.F. Common Courtyard.](image)

d. Seating, such as benches, tables, or low seating walls.

G. **Maximum Common Open Space Alternative Compliance.**

1. Where the common open space in a residential cluster development is conveyed by one, or through a combination of the methods above, no more than 50% of the common open space can be achieved utilizing these methods (excluding the plazas and courtyards listed above, or buffers required between two zoning districts, which can contribute up to 100% of the requirement).

2. A deed restriction enforceable by the Homeowner's Association or another designated managing entity, shall be recorded that provides that the common open space shall be kept in the authorized condition(s), and not be developed for principal uses, accessory uses, parking or roadways. Failure to keep the common open space in its authorized condition shall be considered to be in violation of the City’s Unified Development Code.

6.7.5 **Residential Development Standards.**

The following provisions shall apply to any residential lot within a clustered development, regardless of the general requirements of the applicable residential zoning district:
A. The single-family and two-family dwelling units listed under Section 6.14 shall be permitted units when developed in accordance with the development standards listed under that section for each unit.

B. No minimum width or depth of a lot shall apply.

C. A minimum separation of 8 feet shall be provided between all principal buildings and structures, separation footage shall increase by 1 foot for each additional story added.

D. There must be a minimum eave separation of 6 feet, with an additional 1 foot separation between eaves added for each additional story.

E. Front and rear yard setbacks for individual unit lots must equal a minimum of 15 feet combined, and must not be less than 5 feet for either yard.

F. Buildings located along a public street at the entrance to a clustered development shall not be located within 10 feet from the front property line of the project site along the public street (i.e. street yard). This standard does not apply to the individual dwelling units within the project site located on private alleys or local collector streets.

6.7.6 Density Bonuses.

A. The City’s Development Services Department may approve an increase in the maximum number of dwelling units allowed within a compact or clustered development (based on the maximum impervious coverage allowance onsite) through one of the following options:

1. For each dwelling unit constructed as a fully accessible unit in accordance with the Texas Accessibility Standards, one additional dwelling unit shall be permitted, up to a maximum of 15% increase (above the underlying Zoning District allowance) in the number of dwelling units.

2. For each affordable housing unit (i.e. affordable to families earning 80% of the Area Median Income) provided within the development boundary, one additional dwelling unit shall be permitted, up to a maximum of 15% increase (above the underlying Zoning District allowance) in the number of dwelling units.

a. Affordable housing must be made available on approximately the same schedule as the balance of housing in the proposed development and may not be deferred until the final phases.

b. The bedroom mix of affordable housing units must be roughly proportional to the bedroom mix of the market rate homes in each proposed development.
c. Affordable housing units are expected to vary from the market rate offerings in each development due to smaller sizes and fewer interior amenities; however, these variations must not adversely affect the energy efficiency of the affordable housing units.

d. Affordable housing units must be complimentary in exterior design and materials and must be dispersed throughout each development when planned.

e. Affordable housing units must be sold or rented only to qualified households as defined by the City of Corpus Christi.

f. Affordable housing units used as the basis for approving a density bonus shall be subject to a deed restriction and a mortgage lien to ensure that newly constructed low- and moderate-income sales and rental units remain affordable to low- and moderate-income households for a period of not less than 30 years, which period may be renewed.

B. Where any of the above methods are approved by the City’s Development Services Department, the approved density bonus may not be applied to more than 15% of the gross area designated as the common open space area onsite.

C. Where pervious paving techniques (i.e. the use of pervious concrete, porous pavers, pervious asphalt, etc.) is utilized in the design of clustered development, the pervious areas will not count towards the 65% maximum impervious cover allowance on a site. The impervious surface area from which runoff is collected can be deducted from the maximum allowable impervious surface allowance, provided that the applicant is able to demonstrate the assimilation capacity and the runoff from the impervious surface areas being directed into vegetated green space within the site, on the site plan.

6.7.7 Sidewalks.
Access and connectivity of sidewalks provided for each residential dwelling, office, or commercial building must be developed in accordance with the City’s Building Code and the Texas Accessibilities Standards.

6.7.8 Fences.
All fences proposed within a clustered development shall comply with the following guidelines:

A. Lot Interior front and side yard fencing. All fencing on individual unit lots located in any front or side yard forward of the front wall of the dwelling unit façade, may not be more than 48 inches in height.

1. Front fencing must be picket, split rail, iron, or any decorative fencing that provides a minimum of 50% transparency.

2. Wire, chain-link, or solid fencing is prohibited along the side or front property lines forward of the front wall façade of the dwelling unit, with
the exception of low stone walls no higher than three feet, if a part of the Developers design scheme for the project.

3. Fencing shall not be placed in a right-of-way, shall not be located closer than 1 foot from an existing sidewalk, or not closer than 6 feet from the right-of-way where a sidewalk does not currently exist.

B. **Lot Rear yard fencing.** Provided that fencing is not constructed any closer to the front of a dwelling unit lot than the rear façade or back wall of the dwelling unit, fencing may be constructed along the rear and rear side yard property line of a dwelling unit lot as follows:

   1. The height of the fencing constructed along a rear or rear-side property line may not exceed 6 feet in height.

   2. Wire or chain-link fencing along the rear or rear-side yard property line, and rearward of the front dwelling unit wall is prohibited.

C. **Development Site Fencing.** When a clustered development is located adjacent to a single-family development, a screening fence of up to 6 feet in height must be provided along the property lines of the development as a visual buffer, and is not required to be solid; the fence may be an alternating picket or decorative iron design, provided that the fence does not provide more than 30-40% transparency.

   1. Fencing is not required when the clustered development site that is located 100 yards or greater from the property line of neighboring single-family, multiple-family, or commercial uses.

   2. Fencing as a visual buffer between clustered developments and adjacent undeveloped, vacant lots is not required.

   3. Fencing is required when the clustered development is located adjacent to oil and gas wells or telecommunication facilities or structures.

6.7.9 **Buffers.**

A. Where a proposed clustered development developed under this Ordinance is located adjacent to an RE or RS Zoning District, the applicant is required to provide a minimum buffer between the two differing densities in accordance with the standards of Section 7.9.5.

B. Where the buffer includes walkways, pathways, seating areas, pedestrian or other passive recreation amenities (i.e. those activities that do not include development or alteration of the site other than the creation of hiking, biking, and horseback riding trails, picnic areas, etc.), the square footage of the landscaped area providing the amenities may be contributed towards the common open space requirement onsite.
C. **Street Buffers.**

1. All development located along a street designated as a Freeway, Arterial, or Collector Street on the Urban Transportation Plan Map or Text shall be required to provide one of the following buffers (listed under *Table 6.7.9.C* below) along the entire street frontage abutting the right-of-way, and no vegetation shall interfere with a required clear sight triangle at a driveway or intersection.

2. Parking visible from any public street shall include a continuous evergreen hedge or wall for the entire linear extent of the vehicular use area visible from the right-of-way.

   a. The height of the hedge or wall shall be a minimum of 18 inches and a maximum of 36 inches as measured from the elevation of the vehicular use area or the street curb, whichever is higher.

   b. Such hedge or wall may be substituted for any individual shrubs that may be required in the street buffer.

D. **Utility Lines.**

No trees under utility lines shall have a natural height over 25 feet.
### Table 6.7.9.C.

<table>
<thead>
<tr>
<th>Street Buffer Width</th>
<th>Plant Material Illustration</th>
<th>Plants/100 Ln. Ft.</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Freeway Buffer</strong></td>
<td></td>
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</tr>
<tr>
<td>20 ft</td>
<td>1 four-foot continuous</td>
<td>3 canopy trees</td>
</tr>
<tr>
<td></td>
<td>evergreen hedge</td>
<td></td>
</tr>
<tr>
<td>20 ft</td>
<td>1 four-foot continuous</td>
<td>2 canopy trees</td>
</tr>
<tr>
<td></td>
<td>evergreen hedge</td>
<td>3 understory trees</td>
</tr>
<tr>
<td><strong>Arterial or Collector Street Buffer</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>10 ft</td>
<td>3 canopy trees</td>
<td></td>
</tr>
<tr>
<td>10 ft</td>
<td>2 canopy trees</td>
<td>2 understory trees</td>
</tr>
<tr>
<td><strong>Utility Line Option</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>10 ft</td>
<td>4 understory trees</td>
<td></td>
</tr>
<tr>
<td><strong>Local Access Street Buffer</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>6 ft</td>
<td>1 canopy tree</td>
<td>1 understory tree</td>
</tr>
<tr>
<td></td>
<td></td>
<td>7 shrubs</td>
</tr>
<tr>
<td>6 ft</td>
<td>1 canopy tree</td>
<td>2 understory tree</td>
</tr>
<tr>
<td></td>
<td></td>
<td>3 shrubs</td>
</tr>
</tbody>
</table>
6.7.10 **Site Plan.**
The preliminary and final site plan for a residential clustered development shall include, but shall not be limited to, the following information:

A. The maximum number and type of dwelling units proposed.

B. The areas of the site on which the dwelling units are to be constructed or are currently located and their size (this may take the form of the footprint of the dwelling unit or a building envelope showing the general area in which the dwelling unit is to be located) and the lot setbacks.

C. Illustrations showing the areas of the site designated for common open space and buffers and their dimensions and square footage/acreage.

D. The areas of the site designated for parking and the dimensions of individual spaces.

E. The number and percentage of dwelling units, if any, that are proposed to be accessible and/or affordable housing units.

F. The location of sidewalks, trails, and bike paths.

G. Locations and dimensions of planned right-of-ways, alleys, and onsite stormwater and wastewater features.

H. Landscaping and Lighting Plans required or proposed for all vehicular, common open space, buffer, street yards, and right-of-way areas.

§ 6.8 **Mixed-Use Overlay District**

(Ordinance 029331, 12/13/2011)

6.8.1 **Purpose.**
The purpose of the Mixed Use Overlay District is to provide standards for mixed use development that includes residential uses to promote compatibility between new and existing development and ensure that mixed uses compatibly co-exist, and foster a variety of small, entrepreneurial, and flexible home-based businesses. Mixed residential uses encourage live, work, shop, and recreational environments, and more pedestrian-oriented social and economic neighborhood centers, which are conducive to transit use and can reduce dependence on automobiles for single-purpose trips, by locating residents, jobs, hotels, and transit services near each other.

This Ordinance hereby recognizes Mixed Use as an independent land use designation to be included within the City’s Future Land Use Map.

6.8.2 **Preapplication Conference.**
Required. Prior to submitting an application, and site plan review and approval for a residential mixed use project, the applicant shall request a “preapplication conference” meeting with the City’s Development Services Department.
6.8.3 **Allowances.**
A mixed-use development consisting of a single building on a single lot, or multiple buildings and lots, and incorporating residential uses, shall be a permitted use in the RM-AT, ON, CR-3, CN-1, CN-2, CR-1, CR-2, CG-1, CG-2, CI, and CBD Zoning Districts, when constructed in accordance with the standards of this Ordinance. Proposed residential mixed use development may not be appropriate within areas designated as a Naval Air Installation Compatibility Use Zone (AICUZ), and are not assured approval upon development review.

6.8.4 **Application of Standards.**
The standards under this Ordinance shall be applied to all mixed use development within the City limits that includes a residential use or uses as follows:

A. Where a conflict exists between the standards of the underlying district or the UDC and the Mixed-Use Overlay District standards, the standards established under the Mixed Use Overlay District Standards Ordinance shall prevail.

B. The standards provided under this Ordinance may only be applied to mixed-use development that is platted, developed, and constructed in accordance with this Ordinance.

C. Mixed use development that does not include a residential use or uses shall not be bound by the standards of this ordinance.

D. Where a mixed-use development is constructed under the standards of this Ordinance, the City’s Land Use Maps shall be changed to designate the property as being utilized for mixed-uses.

6.8.5 **Development Overview.**
Mixed use developments for the purpose of this ordinance, consist of two or more different uses which include a residential use, and occupy the same or adjacent buildings that are planned together, and shall be combined in the following manner:

A. Vertically in the same building where separate uses are on different floors (for instance, retail on the ground floor and office and/or residential uses on the second and/or third floors); or

B. Horizontally in multiple buildings where separate uses are placed next to each other, planned as a unit, (e.g. an apartment, single or two-family, or multiple-family residential dwelling building that is adjacent to a neighborhood commercial business or professional office building) planned together; or

C. Through a combination of the two (Fig. 6.8.5.C).
Figure 6.8.5.C. **Vertical & Horizontal Mixed Use.** Commercial use on 1st floor, residential or office space located “vertically” above. Residential use “horizontally” adjacent to the commercial or office use.

D. All floors and uses within a mixed use development must be constructed in accordance with the City’s current Building and Fire Department Codes.

E. At least 20% of the total land area within the residential mixed use project boundaries must be vertical mixed uses, and whether within a single building or multiple buildings on a development site, a minimum of 10% of the building or development shall be non-residential and a minimum of 20% of the development shall be residential. This percentage shall be calculated by determining the percent of net acres devoted to each type of use.

F. The maximum total square footage of a non-residential use in a non-residential/residential mixed use building may not exceed 50% of the mixed use building, to ensure an appropriate scale.

G. Within a vertical mixed use building, the use on the ground floor shall be a commercial, professional office, civic, tourist, or religious use, and must be different from a use on an upper floor or floors; at least one of the floors within a vertical mixed use building shall contain residential dwelling unit(s).

H. Within horizontal mixed use buildings the non-residential use may not occupy more than 50% of the total ground floor area or frontage of the mixed use building, and at least one of the uses must be for residential purposes. The division of lots cannot be used to subvert the 50% residential requirement for horizontal mixed use.

I. Commercial/office strip malls consisting of contiguous single-use, single-story structures are not considered a mixed-use development for the purposes of this Ordinance.
J. Stand-alone big box commercial or warehouse stores are not permitted within a mixed-use development, unless planned and constructed as a Planned Unit Development (PUD) that includes residential uses.

6.8.6 **Lot Area and Density Requirements.**
The minimum lot area and maximum density permitted within a mixed-use development shall be based on the requirements of the zoning district in which the proposed mixed use development is locate, unless otherwise stated under a Development Concept or Special Overlay District Ordinance.

6.8.7 **Maximum Building Square Footage.**
The maximum building square footage requirements for a mixed-use development shall be the same as the zoning district in which the proposed mixed use development is located, with the exception of the minimum building square footage requirements provided for the residential uses within a mixed-use development, which are listed within the Section 6.14.4.A Table, or under a Development Concept or Special Overlay District Ordinance.

6.8.8 **Minimum Lot Widths.**

A. For proposed horizontal mixed use developments consisting of non-residential/residential uses, the minimum lot width shall be 50 feet for the entire mixed use building.

B. For proposed vertical mixed-use developments, the minimum lot width shall be 25 feet.

C. Mixed Use development consisting of multiple-family residential uses (where permitted) shall have a minimum lot width of 50 feet, as listed within Table 6.14.4.A.

6.8.9 **Setbacks.**

A. “Build-To” Zones. The “build-to” zone shall be defined for the purposes of this Ordinance, as the front, side, or rear setback area measured from the property line to the building façade or “build-to line” (Fig. 6.8.9.A).
B. **Front Setbacks:** Minimum of from 0-10 feet measured from the property line.

1. Multiple non-residential/residential mixed-use buildings (including Live-Work units) shall, to the greatest extent possible, be “built-to” the property line, or zero “build-to” line.

2. Multiple Live-Work units designed around a courtyard are not required to be built–to the zero “build-to” line.

3. In order to establish the “build-to” line for new mixed-use development where sidewalks are not yet established, the “build-to” line shall be the property line and must take into consideration the width of the sidewalk proposed for the site by the City’s Urban Transportation Plan.

4. The front-yard/”build-to” line for multiple residential dwelling units that are part of a horizontal mixed-use development (located adjacent to the nonresidential portion of the mixed use), may be used and increased in depth to provide space for privacy, landscaping, private courtyards, open areas, entryways, and similar amenities between the property line and the residential structure(s) (Fig. 6.8.9.B.4).

5. A single residential dwelling unit (listed under Section 6.14 constructed on a single lot, and part of a larger mixed use project, shall provide a front yard setback that is located within 0 to 10 feet from the “built-to” line, as measured from the property line.
C. Side Setbacks:

1. **Multiple Contiguous Attached Buildings.** No interior side yards shall be required, when attached buildings are constructed in accordance with the adopted City Building Codes.

2. Multiple, individual, non-contiguous buildings or detached structures without a constructed firewall shall require the following:
   
   a. A minimum 4-foot side yard for single-story structures, with one additional foot added to each side yard for each additional story.
   
   b. A 6-foot minimum eave separation.
   
   c. A minimum 8-foot separation between building walls.

3. Side yards abutting a side street shall require a minimum side yard of 10 feet, which can include the 5 or 10-foot sidewalk where required.

D. Rear Setbacks: Minimum of 5 feet.

6.8.10 Heights.
Heights for mixed use buildings must follow the same standards established for the zoning districts for which they are located.

6.8.11 Permitted Non-Residential Uses.

A. Bars, Taverns, Clubs, and Alcoholic Beverage Sales.

1. The proposed development of a mixed-use structure incorporating a bar, tavern, nightclub, or liquor store in conjunction with a non-transient (i.e. over 30 days of residency) residential use shall be permitted in the zoning districts allowing for their use.

2. The proposed development of a mixed-use structure incorporating a restaurant with alcoholic beverage sales in conjunction with a
residential use is permitted in the zoning districts where a restaurant with alcoholic beverage service is permitted.

3. The proposed development of a mixed-use structure incorporating alcoholic beverage sales or service in conjunction with a Live-Work unit shall be prohibited in all zoning districts.

B. Drive-through windows for any purpose are not permitted within a mixed use development, unless located behind the principle structure with access to and from the drive-through area provided from the rear of the lot.

C. The non-residential uses permitted in each mixed-use development category are limited to the following uses:

Table 6.8.11.C. Permitted Non-Residential Mixed-Uses.

<table>
<thead>
<tr>
<th>Permitted Non-Residential Mixed-Uses</th>
</tr>
</thead>
<tbody>
<tr>
<td>Adult Day-Care Centers</td>
</tr>
<tr>
<td>Art Studios, Artists and Artisans</td>
</tr>
<tr>
<td>Bakeries, Patisseries, Chocolates, are allowed when the primary use is Retail Sales</td>
</tr>
<tr>
<td>Banks (drive-throughs see Section 6.8.11(B) above)</td>
</tr>
<tr>
<td>Beautician Salons &amp; Barbers (excluding nail care)</td>
</tr>
<tr>
<td>Bed &amp; Breakfast Homes (no allowance for special events)</td>
</tr>
<tr>
<td>Bicycle Rentals</td>
</tr>
<tr>
<td>Boarding, Rooming, Lodge Houses</td>
</tr>
<tr>
<td>Cafes and Bistros</td>
</tr>
<tr>
<td>Child Care Centers</td>
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<tr>
<td>Civic/Government Office Uses</td>
</tr>
<tr>
<td>Community Gardens-Limited Agricultural Uses</td>
</tr>
<tr>
<td>Computer Software and Multimedia Related Professionals</td>
</tr>
<tr>
<td>Convention or Special Events Centers</td>
</tr>
<tr>
<td>Drycleaners (drop-off, pick-up only)</td>
</tr>
<tr>
<td>Farmers Market Retail Stand</td>
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<tr>
<td>Fashion, Graphic, Interior and Other Designers</td>
</tr>
<tr>
<td>Florist</td>
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<tr>
<td>Funeral Home or Parlor (no crematorium)</td>
</tr>
<tr>
<td>Health Spas, Fitness Centers</td>
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<tr>
<td>Home Occupations</td>
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<tr>
<td>Ice Cream Parlors</td>
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<tr>
<td>Laundromats</td>
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<tr>
<td>Liquor Store (except in AT District)</td>
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<tr>
<td>Mail &amp; Packaging Centers</td>
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<tr>
<td>Marina</td>
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<tr>
<td>Medical Offices &amp; Clinics</td>
</tr>
<tr>
<td>Museums</td>
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<tr>
<td>Neighborhood Market (groceries only)</td>
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<tr>
<td>Neighborhood Pharmacy</td>
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</tbody>
</table>

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<table>
<thead>
<tr>
<th>Category</th>
<th>Description</th>
</tr>
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<tbody>
<tr>
<td>Non-Medical Offices</td>
<td></td>
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<tr>
<td>Nutritional Sales</td>
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<tr>
<td>Physical Fitness Gyms, Dance, Martial Arts Studios</td>
<td></td>
</tr>
<tr>
<td>Printing, Publishing, Engraving</td>
<td></td>
</tr>
<tr>
<td>Professional Services (including, attorneys, accountants, insurance sales, barbers, travel agency, consultant firms, engineers, architectural firms, and similar uses)</td>
<td></td>
</tr>
<tr>
<td>Real Estate Offices</td>
<td></td>
</tr>
<tr>
<td>Recreational Centers (Indoors, including arcades)</td>
<td></td>
</tr>
<tr>
<td>Recreational Centers (Outdoors, miniature golf, sports fields, amusement piers)</td>
<td></td>
</tr>
<tr>
<td>Repair &amp; Sales/Services, conducted entirely within a building; (television, computer, plumbing, locksmith, shoe repair, but not including auto repair, detailing, tire service, auto body painting, home appliance repair, or similar uses)</td>
<td></td>
</tr>
<tr>
<td>Restaurants, Food &amp; Beverage Service, (sit-down or take-out services permitted, without alcohol service)</td>
<td></td>
</tr>
<tr>
<td>Restaurants, Food &amp; Beverage Service, (sit-down or take-out services with alcohol service permitted in districts allowing for the use)</td>
<td></td>
</tr>
<tr>
<td>Retail Sales (including Boutiques, Delicatessens, Video/Game Rentals, Musical Instrument Sales/Repair, Fruits &amp; Vegetables Sales, Automotive Parts (no service of vehicles or bays onsite), Crafts, Hardware, Home Décor, News &amp; Books, Jewelry/Repair &amp; Sales, Paint, Sporting Goods, Optical, Office Supplies, Greeting Cards, Antiques)</td>
<td></td>
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<tr>
<td>Schools</td>
<td></td>
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<tr>
<td>School Tutoring Services</td>
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<tr>
<td>Senior Activity Centers</td>
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<tr>
<td>Senior Assisted Living</td>
<td></td>
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<tr>
<td>Tailor/Seamstress/Dressmaking</td>
<td></td>
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<tr>
<td>Utility Offices (no outdoor storage)</td>
<td></td>
</tr>
<tr>
<td>Veterinary Clinics (no outside runs)</td>
<td></td>
</tr>
</tbody>
</table>

6.8.12 **Required Open Space.**

Mixed-use projects located in the RS-6, RS-4.5, RS-TH, RS-TF, RM-1, RM-2, RM-3, RM-AT, ON, CN-1, CN-2, CR-1, CR-2, CG-1, CG-2, CI, and CBD Zoning Districts must provide open space equaling a minimum of 10% of the combined floor area of all residential units.

**A. Outdoor Open Space.** Half of the open space required shall be provided as passive or active recreation outdoor open space (plaza, courtyard, roof-top terrace, or similar space (Figs. 6.8.12.A).

1. The square footage of balconies, porches and patios, or terraced and landscaped rooftops, may count toward half of the outdoor open space requirement, provided that:

   a. The space provided is oriented to the household use.

   b. The space provided is sufficient space for the enjoyment of the occupants.

   c. The space provided is either useable by all the residents of the building or is provided for each residential unit in the structure.

2. Outdoor pedestrian-oriented open space for projects must include:

   a. Visual and pedestrian access (including barrier-free access) to the abutting structures from the public right-of-way or a non-vehicular courtyard.

   b. On-site or building mounted lighting, providing at least 0.6 foot-candles (average) on the ground in accordance with the lighting standards of the Illuminating Engineering Society of North America’s (IESNA) “Guideline for Security Lighting for People, Property, and Public Spaces”.

   c. Outdoor pedestrian-oriented space shall not include asphalt or gravel pavement, adjacent unscreened parking lots or chain link fences, adjacent “blank walls”, adjacent dumpsters, outdoor storage or retail sales that do not contribute to the pedestrian environment.

   d. The adaptive reuse of an existing building may not be required to meet the 10% open space requirement, see Section 7.12.7 of the Adaptive Reuse Ordinance.
e. Paved walking surfaces provided shall consist of either concrete, pervious concrete or asphalt, porous pavers, or other approved unit of paving, in areas intended for foot traffic, made fully accessible under the requirements of the Americans with Disability Act (ADA) standards.

f. Seating provided shall measure at least 3 feet in length (bench, ledge, planter walls, fixed or individual street furniture, etc.), or one individual seat per 60 square feet of plaza area or open space.

g. Roof-top terrace areas provided as open space may not include service areas, outdoor storage or retail sales areas.

h. Landscaping provided to enhance the area shall provide at least 30% of a plaza or courtyard shaded by a structure or tree canopy coverage (at 10 years after planting), the shade landscaping points provided may be doubled when counted toward the required landscaping points onsite.

i. Half of the 10% open space requirement may be met for the mixed-use development where the development is connected to an improved public park located within 1,300 feet of the mixed-use building, by a continuous sidewalk.

B. Indoor Open Space. Half of the 10% open space required must be provided inside the mixed use project and may include the following:

1. Indoor swimming pools.
2. Gymnasiums or fitness rooms.
3. Landscaped indoor atriums or courtyard areas with seating (e.g. as seen in many Omni Hotels).
4. Community recreational space.

C. Within the downtown and uptown CR-1, CI, and CBD Districts, the square footage of outdoor swimming pools may be counted toward the outdoor open space requirement.

6.8.13 Building Orientation, Massing, and Façade Appearance.

A. All properties with frontage on public and private streets shall upon development of a mixed use building have the building or buildings facing the public street.
B. Building facades may “step back” on the upper floors to reduce the bulk (Figs. 6.8.13.B).


C. Each sequential building or block of new construction shall attempt to contain a unique building facade (e.g. contrasting building materials or textures, variations in rooflines along a single block face, variations in color, etc.) so as to encourage architectural variety within large projects with multiple buildings (Fig. 6.8.13.C).

Figure 6.8.13.C.

D. For every 100 feet of building façade length, the building shall incorporate modulated and articulated building wall planes through use of projections, recesses and reveals expressing structural bays, changes in color or graphical patterns, changes in texture, additional display windows, or changes in building material.

E. No permanently installed burglar bars shall be visible from any public street. The ground floor portion of a mixed use building may install fully retractable metal security screening or storm shutters that secure windows and doors when the nonresidential portion of the mixed use building is not open for business, and must not be visible during business hours. (See Section 6.13.1(E)(5), Figs. 8-11).
F. With the exception of (E) above, the adaptive reuse of a historical structure is exempt from the remaining requirements of this section (6.8.13).

6.8.14 Building Entrances.

A. Building entrances may include entrances to individual units, lobby entrances, entrances oriented to pedestrian plazas, or breezeway/courtyard entrances to a cluster of spaces.

B. On corner lots, buildings and their entrances shall be oriented to the street corner as feasible (Figs. 6.8.14.B); however the Adaptive Reuse of a historical structure shall be exempt from this requirement.

Figures 6.8.14.B.

C. Alternatively, a building entrance may be located away from the corner when the building corner is beveled or incorporates other detailing to reduce the angular appearance of the building at the street corner.

D. A building may have an entrance facing a side yard when a direct pedestrian walkway is provided between the building entrance and the street right-of-way.

E. Every dwelling unit with a front façade facing the street in a pedestrian retail or storefront area, if provided, shall to the maximum extent possible have its primary entrance face the street.

F. Prominent, visible, illuminated, and safe entrances shall be provided that lead to upper floor residential and ground floor commercial.

G. The primary public entry to the building shall be clearly defined, and building entrances shall incorporate elements that provide shade from the sun and weather protection for pedestrians, through the use of awnings, arcades, porticos, or marquees which shall be a permitted use for all mixed-use development through a Use Privilege Agreement with the City.

6.8.15 Streetscape Zone.

A Streetscape Zone in accordance with the standards of Section 6.13 shall be provided for all mixed-use projects located on an Arterial or Collector Street.
6.8.16 Access and Driveways.

A. Access to parking areas shall be provided from the rear or side of the mixed-use building, unless the mixed-use building is part of an Adaptive Re-use project in which case the standards of Section 7.12 shall apply.

B. All other access drive dimensions for the lot or development must be in compliance with the City of Corpus Christi’s Manual of Driveway Design and Construction Standards.

C. Mid-Block Pedestrian Pass-throughs.

1. Where a proposed large-scale Mixed Use Special Overlay development project includes coverage of a block area of 400 linear feet or more, a mid-block pedestrian pass-through or galleria shall be provided (Figs. 6.8.16.C.1).

2. The pass-through shall be lighted and designed to be safe and visually interesting for pedestrians, incorporating such features as display windows or artwork.

3. Mid-block pedestrian pass-throughs must be designed so they cannot be enclosed or locked.

4. The pedestrian pass-through can be used to connect separate buildings, or link customer parking located behind buildings to the front of buildings.

6.8.17 Parking.

The requirements of this Section supersede the parking requirements of Section 7.2 “Off-Street Parking, Loading and Stacking” regulations of the City’s Unified Development Code; however, all other requirements of Section 7.2 shall apply.

A. All new off-street parking lot areas must be oriented to a side- or rear-yard (Fig. 6.8.17.A).
B. New parking lot areas cannot be located on a corner lot fronting a pedestrian-oriented street.

C. New parking lot areas may not be located between a pedestrian-oriented street (i.e. Streetscape Zone, Freeway, Arterial, or Collector Street) and the primary building.

D. Parking lot areas on adjoining neighborhood commercial lots shall be connected, whenever practicable.

E. Landscape screening is required between a side yard parking lot and a pedestrian sidewalk (Fig. 15 (b) above), unless located adjacent to an alley, or located behind the principal building (Fig. 15(a) above), and must include shade trees acceptable under the City’s Landscaping Ordinance.

F. **Rear Parking Allowance.** Parking for non-residential uses fronting a Freeway, or Arterial right-of-way shall make every attempt to locate the new required parking spaces behind the rear façade of the principal building (Figs.6.8.17.F).
1. Off-street surface parking areas constructed and located behind the principal buildings which are screened from the view of the Freeway or Arterial Street by the principal building shall be exempt from the parking lot landscape screening requirements of the City’s Landscaping Ordinance, except along the rear property line when a residential development is located across a street or abuts the rear parking lot.

2. For every parking space provided behind a principal building fronting a Freeway or Arterial right-of-way, one parking space may be deducted from the total minimum number of parking spaces required onsite for the use (1:2 ratio, one rear parking space provided for every two spaces required onsite).

3. Where parking is provided behind the principal structure on Freeways or Arterial Streets, the front yard setback for the business or office may be reduced to a minimum of 10 feet, regardless of the requirements for the district in which it is located, provided that the front 10-foot yard of the business or office is supplied with a 10-foot pedestrian-friendly sidewalk.
4. All parking areas provided behind the principal use must be provided with safety lighting, in accordance with the lighting standards of the Illuminating Engineering Society of North America’s (IESNA) “Guideline for Security Lighting for People, Property, and Public Spaces” and shall be shielded.

G. At a minimum, the following parking shall be provided for a mixed use development:

1. Parking for medical, non-medical, retail, commercial, or professional office space shall be in accordance with the parking requirements of Section 7.2.2.D

2. Townhomes, brownstones, duplexes, live/work units and each apartment within a mixed-use building shall require a minimum of one off-street parking space per dwelling unit, with a maximum of two off-street parking spaces per unit, unless other requirements are provided under a Special Overlay District or other Development Concept Overlay District.

H. Parking Garage Structures. Where off-street parking facilities in above-grade structures are proposed within a Mixed Use Special Overlay development, the above grade structures shall comply with the following standards:

1. Where above-ground parking structures must front on an Arterial or Collector retail or commercial street, a continuous street-fronting ground level commercial, office, or institutional spaces and uses shall be provided, except at ingress and egress points into the structure and any required ventilation (Fig. 6.8.17.H.1).

2. Parking structures shall be visually similar in character and scale to adjacent buildings.
3. Except on sides abutting an alley or Collector Street, all floors above the ground floor of the parking structure shall have architecturally articulated facades designed to screen the view of parked cars (Fig. 6.8.17.H.3), or be designed as an enclosed structure above and along the retail, commercial, or professional office Arterial frontage.

Figure 6.8.17.H.3.

4. Design of Entries/Access. Vehicle entries to off-street parking structures shall be oriented away from the primary Arterial Street frontage.

6.8.18 Loading Areas.
Loading and service areas shall be located in interior side yards or rear yards only. The number of loading spaces required for a mixed use development shall be based on the square footage of the Commercial or Professional Office use alone and in accordance with the standards of Section 7.2.

6.8.19 Servicing and Solid Waste Collection.
In order to preserve the pedestrian orientation of the storefront or pedestrian retail area, all servicing, loading, and solid waste collection shall take place off-street away from pedestrian walkways, generally in dumpsters or individual receptacles provided in an alley, or rear access drive, and shall not be directly viewed from a public sidewalk. Solid waste containers located within direct view of a public sidewalk may require screening or relocation. Screening structures shall be designed so they complement and blend with the design of the main building. All trash receptacles and areas shall follow the standards of Sections 7.10.2 and 7.10.3.

6.8.20 Fencing.

A. Prominent facades on street-facing units may not be concealed behind high walls, solid fencing, or privacy fences that provide less than 50% transparency, forward of the front façade of the building (Figs. 6.8.20.A).
B. Residential units consisting of courtyards and entrances located rearward of the “build-to” line may not be concealed behind high walls, solid fencing, or privacy fences that provide less than 50% transparency (Fig. 6.8.20.B).

C. Lower solid fencing, solid landscaping, and walls not exceeding 4 feet in height, or decorative iron fences no greater than 7 feet in height are acceptable (Fig. 6.8.20.C).
6.8.21 Accessory Structures.

A. Accessory dwelling units are not permitted within a mixed-use development.

B. Detached or attached garages are permitted for residential uses, provided the footprint square footage of the garage is included in the total square footage of the lot and does not impose upon the open space requirements of the underlying Zoning District or the requirements of Section 6.8.12 where required.

C. Common garages are permitted and encouraged in a mixed-use development and the footprint square footage of the garage must be included in the total square footage of the lot and must not exceed the open space requirement of the underlying Zoning District or the requirements of Section 6.8.12 where required.

D. All accessory structures permitted within the applicable Zoning District shall be permitted within a mixed-use development, with the exception of billboards, off-premise signs, and telecommunication facilities/structures.

6.8.22 Application Requirements.

In addition to the requirements that generally apply to development applications, the applicant for mixed use development shall also provide the following information when submitting a site plan for the development:

1. Pedestrian connection plan (sidewalk dimensions).

2. Streetscape improvements, dimensions, and additions where required.

3. A plan for any revision of the interior circulation.

4. Landscaping plan.

5. Open space locations and calculations.

6. Density and building dimension calculations.

7. Labeling of residential, commercial, professional office, and Live-Work units where applied.

8. The locations of all setbacks.

9. Lighting plan.

10. Signage Plan.


Alternative compliance is a procedure that allows development to occur where the intent of the Unified Development Code and the design standards for mixed use are met through an alternative design. It is not a general waiver of
Article 6: Special Zoning Districts

regulations. Rather, it permits a site-specific plan to incorporate an alternative design that is equal to or better than the strict application of a design standard in meeting the intent of both the zoning district and the applicable standard.

If a concept plan or development plan is to include a request for approval of alternative compliance, a pre-submittal conference is required to determine the preliminary response from the City’s Development Services Department ACM or designee. Based on that response, the application for a conceptual plan or development plan shall include sufficient explanation and justification, in both written and graphic form, for the alternative compliance requested.

A request for approval of alternative compliance may include proposed alternatives to one or more design standards. To grant a request for alternative compliance the following criteria must be met:

1. The proposed alternative achieves the intent of the subject design standard to the same or better degree than the subject standard.
2. The proposed alternative achieves the mixed-use goals and policies in the Mixed-Use Overlay District Ordinance to the same or better degree than the subject standard.
3. The proposed alternative results and how they benefit the community and how they are equivalent to or better than, compliance with the subject design standard.

Alternative compliance shall apply to the specific site for which it is requested and does not establish a precedent for assured approval of other requests, or the entire development plan, or future developments.

§ 6.11 Uptown-Downtown Mixed-Use (MUS) Special Overlay District
(Ordinance 029332, 12/13/2011)

6.11.1 Purpose.
This Ordinance shall hereby establish a Mixed Use Special Overlay District and boundary within the Uptown and Downtown areas of the City of Corpus Christi. All mixed-use development incorporating residential or tourist mixed uses within the established district shall be developed and constructed and afforded the permitted uses in accordance with the Mixed Use Overlay District Standards of Section 6.8.

6.11.2 Application.
The standards of this Section shall apply to all mixed-use development incorporating residential or tourist mixed uses and proposed within the Uptown and Downtown boundary outlined below, where a residential mixed-use or tourist mixed-use development is proposed.

A. Uptown-Downtown Mixed Use Special Overlay District Boundary. For the purpose of this Ordinance, the standards provided for the Uptown and
Downtown areas shall apply to the areas and lots located within the following boundaries (See Fig. 6.11.2.A, “Map of the Uptown-Downtown Mixed Use (MUS) Special District Boundary”):

**Northern-most Boundary:** Land south of the Ship Channel

**Eastern Boundary:** Corpus Christi Bay

**Southern Boundary:** Furman Avenue, west to Water Street

**Western Boundary Line:** (From South to North) From Furman Avenue north on Tancahua Street to Park Avenue, west on Park Avenue to Staples Street, north on Staples Street to Laredo Street; west on Laredo Street to Highway 286/Crosstown Expressway; North on Highway 286/Crosstown Expressway to Lipan Street; West on Lipan Street across Highway 286/Crosstown Expressway west to North Port Avenue; North on North Port Avenue to Interstate 37 Freeway; following Interstate 37 east and north (and including areas to the south of Interstate 37) to U.S. Highway 181; North on U.S. Highway 181 to the Ship Channel.

**B.** Light Industrial (IL) Zoning Districts located within the Uptown- Downtown Special Mixed-Use Overlay boundaries may be considered for development as a residential-mixed use or tourist mixed use under this Ordinance, if rezoned to a district allowing for less intensive uses (i.e., commercial, Office, or residential uses).
Figure 6.11.2.A. Uptown-Downtown (MUS) Overlay District Boundary Map.
6.11.3 **Uptown-Downtown (MUS) Special Overlay District Standards.**

Mixed-use development incorporating residential uses and proposed within the Uptown-Downtown MUS Special Overlay District boundaries shall follow the Mixed-Use Overlay District Development Standards of Section 6.8, with the following additional requirements, exceptions, and incentives:

A. The establishment of awnings, arcades, porticos, marquees, and streetscape furniture (i.e. public, not privately-owned furniture) within the Uptown-Downtown MUS Special Overlay District boundary shall be permitted under a Use Privilege Agreement with the City; However, the annual Use Privilege Agreement Fee for awnings, arcades, porticos, marquees and streetscape furniture provided and located within the boundaries of this District shall be waived.

B. Awnings must be constructed in accordance with the standards outlined under Section 6.13.1(D), and in compliance with the standards outlined under the awning definition provided under Section 1.11.3 of the Unified Development Code.

C. A Streetscape Zone in accordance with the standards outlined under Section 6.13 shall be provided for all new development of a residential mixed-use or tourist mixed-use development proposed within the Uptown-Downtown MUS Special Overlay District boundaries located on an Arterial or Collector Street.

D. Although the new parking area location standards of Section 6.8.17 shall apply for all residential mixed-use development, no additional parking above what is currently present onsite shall be required for residential mixed-Use development proposed within the Uptown-Downtown (MUS) Special Overlay District, provided that any existing available parking onsite is not reduced;

E. Where the underlying zoning district requires fewer parking spaces for uses proposed within the mixed-use building, the parking space areas above what is required by the underlying zoning district may be used in the development of the mixed-use building.

F. In no case shall the required number of accessible parking spaces constructed in accordance with the Americans with Disabilities Act construction standards be reduced.

G. There shall be no minimum lot area for a residential mixed-use development within the Uptown-Downtown Special Mixed Use District boundary, provided that the remaining minimum lot widths, required yard dimensions, and the minimum open space standards of Section 6.8.8 and 6.8.9 of the Mixed Use Overlay District Ordinance are met.
§ 6.12 Target Area Redevelopment Special Overlay District

(Ordinance 029333, 12/13/2011)

6.12.1 Purpose.
The purpose of the standards of this Ordinance is to provide for alternative development options within areas of the city which have been “targeted” for rehabilitation and redevelopment through the adoption of Area Development Plans, Destination Node Plans, and the City’s Comprehensive Plan. Designated Target Areas may utilize any of the alternative development concepts offered under Section 6.12.3 below to promote revitalization of economically distressed neighborhoods while providing additional employment opportunities for residents within those neighborhoods, thereby decreasing dependence on the automobile and promoting energy efficiency and natural resource conservation goals.

6.12.2 Target Areas Defined.

A. Target Areas, (which may also be referred to as Target Zones or Destination Nodes), are areas defined within the City’s Comprehensive Plan, adopted Area Development Plan (ADP), or designated as a planned redevelopment area by the City. The planned area must include specific street or neighborhood boundaries outlined, and intended as a focal area for rehabilitation or redevelopment. Target Areas chosen for rehabilitation or redevelopment must detail the area boundaries through maps and description in order to be utilized as a Target Area.

B. Target Area Boundaries shall be designated through review and appointment by the City Council. The City Council may designate an area as a Target Area, Target Zone, or Destination Node, anywhere within the City limits where redevelopment, infill development, or specific development concepts or techniques are determined to promote such development.

C. Areas previously designated as a redevelopment area within the Comprehensive Plan or an Area Development Plan must be re-designated as a Target Area by the City Council, following a review of a specific area, planning of the area through the public charrette or planning committee process, and the development of a conceptual site plan for the area.

D. Rehabilitation and redevelopment of a Target Area may, and should, include financial incentives for funding through Neighborhood Block Grants, Tax Increment Financing, Tax Abatement, Tax Incentives, or any other Local, State or Funding options available.

E. An applicant interested in taking advantage of the financial incentives within any of the City’s established Target Areas should contact the City’s Development Services Department for assistance in identifying the Target Areas currently established within the City limits.
6.12.3 Development within a Target Area.

A. When any of the following development concepts are applied to a Target Area, Target Zone, or Destination Node, the development incentives and standards listed under each development concept shall be applied to the development or redevelopment area:

1. Mixed-Use Overlay District Development (§ 6.8)
2. Neighborhood Mixed-Use Development (§ 7.11)
3. Adaptive Re-Use Development (§ 7.12)
4. Clustered Development Overlay District (§ 6.7)
5. Traditional Neighborhood Development Overlay District (§ 6.9)
6. Transit-Oriented Development Overlay District (§ 6.10)
7. Cottage Housing District Development (§ 4.7)

B. Development or redevelopment under one of the development concepts above must follow the standards of the Ordinance established for each development concept. Where a conflict exists between the standards and incentives of one of the development concepts listed above and an underlying zoning district or other standards of the Unified Development Code, the incentives and standards adopted within a Development Concept Overlay or Special Overlay District Ordinance shall prevail and be utilized.

6.12.4 Target Area Development Criteria.

In order for an area to be approved as a Target Development or Redevelopment Area, the Council must find that the proposed Target Area meets a minimum of 4 of the Goals listed below:

A. Goals. Four or more of the following Goals shall be met by the proposed area in order to be considered and designated as a Target Redevelopment Area or a designated Destination Node:

1. The area is considered a blighted area consisting of deteriorated buildings and/or infrastructure.
2. The area consists of public health or safety threats to the physical well-being of area residents and visitors, such as areas with high incidents of personal or property crimes, or fire hazards.
3. The area has been identified as an area with unmet housing needs, with the potential of a net gain in affordable and/or accessible housing units.
4. The area lacks shopping opportunities and personal services to meet the needs of the residents of the area.
5. The area is considered an environmental health hazard, or brownfield.
6. The area has the potential to induce private investment in surrounding properties resulting in a significant number of new, quality jobs for lower-income residents of the project area, and improve income/wage levels in the community.

7. The area and future development will maximize the leveraging of redevelopment funds with private debt and equity, and other governmental funds.

8. The area or future development will establish recapture of redevelopment investment through:
   a. Increase in property values
   b. Increase sales tax revenue
   c. Repayment of redevelopment funds over time

9. The area will have a direct impact on, and increase tourism, especially those projects that will increase off-peak and mid-week visits.

10. The project(s) will promote City Council-adopted community priorities, or enhance a prior City investment.

B. Objectives. Development projects proposed within an established Target Redevelopment Area or Destination Node shall, at a minimum, meet one of the objectives listed below:

1. The proposed development is comprised of a mix of uses in a variety of building sizes and heights, and if a larger project, offer a “village” or “lifestyle center” site and building design.

2. The revitalization plan includes a strong urban design component providing a “sense of place” and ensures that buildings front on the street, and connect the street to activities inside. Such elements may include, but are not limited to, street-oriented storefronts, outdoor eating and dining areas, and outdoor public amenities, such as artwork, fountains, plazas and seating. (Projects with the greatest mix of uses, i.e., retail/service, residential, lodging, and office space will be given priority).

3. The proposed development is Transit-Oriented Development in design and concept, and either in proximity to a transit center, or proposes to provide connection between an area and an existing or proposed transit center.

4. The proposed development is a mixed use Traditional Neighborhood design and concept, promoting a pedestrian-oriented development.

5. The redevelopment of the area will include the Adaptive Reuse of structures that will reduce vacancy rates in a commercial, industrial, or residential structure.

6. The development provides a minimum of 10% of the development as affordable and/or accessible housing.
7. The development includes training services and/or provides additional social services for the community.

8. The development will include sustainable projects that incorporate LEED certified building materials, energy efficient appliances, alternative energy sources, or energy-efficient building techniques to conserve energy within the project boundaries or area.

9. The development proposes stormwater management techniques onsite in accordance with Best Management Practices to offset a minimum of 75% of the post-development stormwater runoff associated with the development of the project.

§ 6.13 Streetscape Zone Standards  
(Ordinance 029334, 12/13/2011)

6.13.1 Permission to Use City Sidewalks.  
The Assistant City Manager of Development Services is authorized to approve Use Privilege Agreements for streetscape zone and pedestrian amenities such as sidewalk cafes, awnings, outdoor displays and sales, street furniture, landscaping, art, planters, lighting, and any other uses or installations that the Assistant City Manager deems appropriate for the Streetscape Zone.  
(Ordinance 029923, 08/20/2013)

6.13.2 Streetscape Zone and Pedestrian Amenities.  
Where a Streetscape Zone is required for a proposed development, the following standards shall be incorporated into the project design:

A. Building Setbacks. To encourage pedestrian-friendly streets by bringing buildings close to pedestrian sidewalks and streetscapes, there shall be a 0-foot “build-to” line for development requiring a Streetscape Zone. Structures shall be built to the property line (0-foot build-to line), except as necessary to allow room for outdoor seating, outdoor dining areas, outdoor sales and displays, landscaping, entryways, and similar pedestrian and customer amenities.

B. Sidewalks. Sidewalks are required as part of a Streetscape Zone as follows:

1. A continuous minimum 10-foot pedestrian walkway shall be provided along all building walls located adjacent to an Arterial or Collector Street.

2. Sidewalks on all lesser classified streets must have a minimum width of 5 feet.

3. Clear Zone. A minimum “Clear Zone” of 5 feet shall be provided for all public sidewalks and shall remain unobstructed for pedestrian use (Fig. 6.13.2.B.3.).
4. All sidewalks must be compliant with the Americans with Disabilities Act construction standards.

5. Sidewalks shall keep as much as possible to the natural path of travel parallel to the improved roadway (but do not need to be perfectly straight), and ideally align with the crosswalk.

6. Additional sidewalk widths may be required at mail boxes, street light poles, at drop-off and pick-up points, etc., in order to conform to the requirements of the Americans with Disabilities Act or other public safety requirements.

C. Street Furniture/Landscaping Zone.

1. The Street Furniture/Landscape Zone of the pedestrian walkway includes the width of the back of the curb, and is defined as the area between the roadway curb face and the front edge of the 5-foot Clear Zone walkway (Fig. 6.13.2.B.3.).

2. The Street Furniture/Landscaping Zone buffers pedestrians from the adjacent roadway and is the appropriate location for street furniture, art, and landscaping. The zone is also the preferred location for street trees, and other elements such as pedestrian lighting, transit shelters, transit signage, benches, litter receptacles, and pedestrian scaled lighting (Figs. 6.13.2.C.1.).
Figures 6.13.2.C.1.

Street Furniture, Planters, and Lighting

Solar Tree Lamps
D. Awnings.

1. Where non-residential buildings are located along the first floor of an Arterial or Collector Street, canopies, awnings, marquees, or porticos shall be provided (Figs. 6.13.2.D.1)
2. Awnings shall require a Use Privilege Agreement with the City and must be compliant with the standards of the definition of an “awning” provided under Section 1.11.3.

3. **Awning Dimensions.**

   a. **Depth.** The awning canopy may not extend any further than within 1 foot measured from the face of the curb.

   b. Awning supports may not be located within 5 feet measured from the face of the curb.

   c. **Height.** The vertical dimension between the underside of a canopy or awning and the sidewalk shall be at least 7 feet and no more than 12 feet (Fig. 6.13.2.D.3).

   ![Figure 6.13.2.D.3.](image)
4. The total signage on an awning or umbrella shall not exceed 20% of the area of the awning or umbrella.

E. Windows.

1. Ground level non-residential uses shall provide large display windows along a minimum of 40% of their horizontal length (black, mirrored, or other opaque surfaces cannot be used).

2. Display windows located on the front facade of a ground floor non-residential use shall be transparent to the extent that the window allows views into and out of the interior (Fig. 6.13.2.E.2.).

3. On facades greater than 100 feet in length, measured horizontally, which face an Arterial or Collector Street, no horizontal wall shall extend for a distance greater than three times its height without a change in elevation of a minimum of 15% of such height. This height change shall continue for a minimum of 20% of the length of either adjacent plane. The adaptive reuse of an existing building shall not be required to adhere to this requirement, and the locations of existing windows shall be permitted to remain.

4. At no time shall any windows within a building located along a required Streetscape Zone be boarded up, except for in preparation of a declared weather emergency.

5. No permanently installed burglar bars shall be visible from any public street. The ground floor nonresidential portion of a mixed use building may install fully retractable metal security screening or storm shutters that secure windows and doors when the nonresidential portion of the
mixed use building is not open for business, and must not be visible
during business hours. (Figs. 6.13.2.E.5.)


F. Sidewalk Cafes.
   1. Sidewalk cafes on public sidewalks are permitted through a Use
      Privilege Agreement with the City and an associated fee, provided
      that the sidewalk cafe shall not reduce the public sidewalk width to
      less than five feet or obstruct the required Clear Zone (Fig.
      6.13.2.F.1.).
      (Ordinance 029923, 8/20/2013)
2. The front building line of any commercial use may be extended further within the property line boundary to incorporate an outdoor dining use, provided that the minimum 5-foot public sidewalk Clear Zone is maintained.

3. Tables, chairs, umbrellas, and similar items that are not permanently installed structures shall be stored in the interior of the restaurant or in similar enclosed area so that a minimum Clear Zone of 5 feet is unobstructed when the outdoor dining area is not in use due to inclement weather, or when the restaurant is closed.

G. **Displays and Equipment**

1. Outdoor displays, sales, and service (in connection with a vegetable stand, news stand, a permitted vendor, farmers market, café, or restaurant) may take place on an outdoor patio or sidewalk, provided that no display or sales shall be allowed to block the required 5-foot Clear Zone of the sidewalk.

2. The outdoor displays, sales, and service outlined under (G)(1) above shall require a Use Privilege Agreement with the City.

3. All booths, stalls, carts, outdoor display items or other equipment utilized for outdoor display, sales, or food and beverage service at the close of business each day shall be removed or immobilized and secured so as to prevent it from becoming a public safety hazard, nuisance or security risk.

4. **Roof-mounted equipment.** Roof-mounted equipment shall be completely screened from public views from the ground elevation.

H. **Signs.** Signs shall be designed for visual communication and orientation to the pedestrians and slow-moving vehicular traffic crossing pedestrian sidewalks as follows:

1. Hanging or Blade signs are permitted and shall be placed perpendicular to the façade, located above or adjacent to the entrance
2. Canopy signs are permitted and shall be oriented perpendicular or parallel to the façade, typically located above or adjacent to the entrance and visible to pedestrian circulation on adjacent sidewalks.


<table>
<thead>
<tr>
<th>Blade Sign</th>
<th>Canopy Sign</th>
</tr>
</thead>
<tbody>
<tr>
<td><img src="image1" alt="Blade Sign" /></td>
<td><img src="image2" alt="Canopy Sign" /></td>
</tr>
</tbody>
</table>

3. Signs shall project no more than 4 feet from the building or one-third of the sidewalk width, whichever is less.

4. All signs shall maintain a minimum clearance of 7 feet above sidewalk level to the bottom of the sign.

5. Pole-mounted signs are prohibited within a Streetscape Zone and may only be used for public traffic, safety, transportation, and directional information purposes.

6. Billboards shall not be permitted within, or attached to, any structure located within Streetscape Zone.
7. Sandwich signs are permitted on sidewalks, provided that they are located adjacent to the building and are not located in, or block the sidewalk Clear Zone.

8. With the exception of the sign standards outlined under this section, all signs must meet the criteria and compliance of the standards of Section 7.5 of the City’s Unified Development Code.

I. Street Tree Planting Requirements. Where existing or planned sidewalks measure at least 10 feet in width, street trees shall be required as part of a Streetscape Zone along the entire building line fronting an Arterial or Collector Street, except along alleys, as follows:

1. Street trees shall be drought tolerant or semi-tolerant species and planted within the Street Furniture/Landscaping Zone area, at a maximum of 40 feet on-center and outside of the 5-foot pedestrian Clear Zone.

2. The dimension of a tree well may be a minimum of a 5-foot radius extending into the walk from the inside edge of the curb, forming a semi-circle or a 5’ x 5’ square tree well. The tree shall be a minimum size of 15 gallons in preference to boxed specimens which tend to be root bound (Fig 6.13.2.I.2.).

Figure 6.13.2.I.2. Tree Trench and Tree Pit Section

3. Sidewalks that do not currently measure 10 feet in width and are planned for less than 10 feet in width (as indicated under the Urban Transportation Plan) shall be provided raised bed planters or isolated planters with drought tolerant flowering plants or evergreens at a maximum of 15 feet on-center. Small ornamental trees, low shrubs and perennials are also appropriate planting material for raised planting beds (Fig. 6.13.2.I.3.).
Figures 6.13.2.I.3. Raised Planting Bed Options

4. A street wall/planter may also be used to meet street tree planting requirements and provide seating opportunities (Fig. 6.13.2.I.4.).

Figure 6.13.2.I.4.

5. Street Tree Planting Location Considerations.
   a. Planning and design of proposed tree planting sites shall take into consideration the location of overhead and underground utilities and ensure that traffic signals, signs, intersections, and vehicles are highly visible to avoid conflicts with pedestrians.

   b. Street tree location and placement shall take into consideration adjacent parallel parking spaces and possible damage from car doors.

6. All planting and landscaping materials shall meet the criteria of the City’s Landscaping Ordinance for commercial uses.

J. Lighting.

1. All Streetscape Zones and parking lot areas must be sufficiently lighted in accordance with the Illuminating Engineering Society of North America’s (IESNA) “Guideline for Security Lighting for People, Property, and Public Spaces”.

2. Prohibited lighting includes mercury vapor, low pressure sodium, high pressure sodium, searchlights, and flashing or changing light sources.
K. **Screening and Fencing.**

1. Solid fence screening shall be prohibited within a Streetscape Zone.

2. Decorative fence screening is permitted provided that the screening fence provides no less than 50% transparency (Fig. 6.13.2.K.2.).

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§ 6.14 Alternative Housing Options  
(Ordinance 029335, 12/13/2011)

6.14.1 **Purpose.**
The City’s Comprehensive Plan supports development that makes efficient use of land and public services, and accommodates a range of housing needs while providing for compact and compatible building and site design at an appropriate neighborhood scale which reflects the neighborhood character. The purpose of this section is to provide additional compact and affordable housing options that may not ordinarily be permitted within some of the City’s Zoning Districts through the use of Development Concept Overlays and Special Overlay Districts.

6.14.2 **Residential Use Allowances.**

A. The development of the optional housing types listed under Section (B) below shall be a permitted use within the following development concepts, when developed and constructed in accordance with the standards outlined under this section and the standards listed under the ordinance for each Development Concept Overlay or Special Overlay listed:

1. Mixed Use (MU) Overlay District.
2. Uptown-Downtown Mixed Use (MUS) Special Overlay District.
3. Target Area Redevelopment (TARS) Special Overlay District.
4. Adaptive Reuse Development Project located within the Uptown-Downtown Mixed Use Special Overlay
5. Adaptive Reuse Development Project located within a Target Area Redevelopment Special Overlay District.
7. Traditional Neighborhood Development (TND) Overlay District
8. Transportation-Oriented Development (TOD) Overlay District.

B. The following residential housing types shall be a permitted use when developed as part of one of the development concepts listed under (A) above, and within the districts listed under Tables 6.14.3.1 through 6.14.3.5 below:

1. Single-family attached or detached Brownstone units.

2. Single-family attached or detached Townhomes.

4. **Two-family vertical Duplexes.**

5. **Two-family horizontal Duplexes.**

6. **Single-family attached or detached Live-Work dwelling units.**

7. **Multiple-family Lofts / Mezzanine Units.**
6.14.3. **Alternative Housing Permitted Districts.**
The residential housing types listed above shall be a permitted use in the Zoning Districts listed in Tables 6.14.3.1 through 6.14.3.5 below for each Development Concept or Special Overlay listed above, when developed in accordance with the standards listed under this Section (other:

**Table 6.14.3.1**

<table>
<thead>
<tr>
<th>MIXED USE DEVELOPMENT</th>
<th>Conventional Single-Family Detached</th>
<th>1 or multiple One-Family Rowhouses</th>
<th>1 or multiple One-Family Townhomes</th>
<th>1 or multiple Two-Family Townhomes</th>
<th>1 or multiple Horizontal Duplex (same or separate lots)</th>
<th>1 or multiple Vertical Duplex (same lot, 1 duplex per lot)</th>
<th>1 or multiple Live/Work Units</th>
<th>1 or multiple Loft Units</th>
</tr>
</thead>
<tbody>
<tr>
<td>RM-AT</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>ON</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>CN-1</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>CN-2</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>CR-1</td>
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<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>CR-2</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
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<tr>
<td>CR-3</td>
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<td>X</td>
<td>X</td>
<td>X</td>
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<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>CG-1</td>
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<td>X</td>
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</tr>
<tr>
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<td>X</td>
<td>X</td>
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<tr>
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<td>X</td>
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<td>X</td>
<td>X</td>
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</tr>
<tr>
<td>CBD</td>
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<td>X</td>
<td>X</td>
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</table>

**Table 6.14.3.2**

<table>
<thead>
<tr>
<th>NEIGHBORHOOD MIXED USE</th>
<th>1 Vertical Duplex (same lot, 1 duplex per lot)</th>
<th>Live/Work Unit</th>
</tr>
</thead>
<tbody>
<tr>
<td>RS-6</td>
<td>X</td>
<td>X</td>
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<tr>
<td>RS-4.5</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>RS-TF</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>RM-1</td>
<td>X</td>
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<td>X</td>
</tr>
<tr>
<td>ON</td>
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<td>X</td>
</tr>
<tr>
<td>CN-1</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>CN-2</td>
<td>X</td>
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<tr>
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<td>X</td>
</tr>
<tr>
<td>CR-3</td>
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<td>X</td>
</tr>
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</table>
### Table 6.14.3.3

<table>
<thead>
<tr>
<th>Uptown-Downtown MU Special District</th>
<th>District</th>
</tr>
</thead>
<tbody>
<tr>
<td>Housing Type</td>
<td>CR-1</td>
</tr>
<tr>
<td>1 or Multiple One-Family Brownstone Units</td>
<td>X</td>
</tr>
<tr>
<td>1 or Multiple One-Family Townhome Units</td>
<td>X</td>
</tr>
<tr>
<td>Multiple One-Family Rowhome Units</td>
<td>X</td>
</tr>
<tr>
<td>1 or Multiple Vertical Duplex Units (same lot, 1 duplex per lot)</td>
<td>X</td>
</tr>
<tr>
<td>1 or Multiple Live-Work Units</td>
<td>X</td>
</tr>
<tr>
<td>Multiple Apartments or Loft Units</td>
<td>X</td>
</tr>
<tr>
<td>Courtyard Homes</td>
<td>X</td>
</tr>
</tbody>
</table>

### 6.14.36.4

<table>
<thead>
<tr>
<th>TRADITIONAL NEIGHBORHOOD OVERLAY DISTRICT</th>
<th>T2</th>
<th>T3</th>
<th>T4</th>
<th>T5</th>
</tr>
</thead>
<tbody>
<tr>
<td>House Lot, Villa, Estate</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Zero Lot-Line</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>Cottages, Bungalows</td>
<td>X</td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Brownstone (attached)</td>
<td>X</td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Brownstone (detached)</td>
<td></td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Rowhome, Townhome (attached)</td>
<td>X</td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Townhome (detached)</td>
<td></td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Live-Work (attached)</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>Live-Work (detached)</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>Horizontal Duplex</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Vertical Duplex</td>
<td>X</td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Apartment House</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Apartment, Loft, Condo Building</td>
<td>X</td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Courtyard Building</td>
<td>X</td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>T-Court Homes</td>
<td></td>
<td></td>
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<td></td>
</tr>
<tr>
<td>Accessory DU</td>
<td>X</td>
<td>X</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

### Table 6.14.3.5

A. **Dwelling Unit (DU) Floor Area, Lot Size, and Density Requirements.**

Alternative housing uses are limited to the minimum and maximum floor, lot, or site coverage per dwelling unit established under Table 6.14.4.A. below, unless a less restrictive standard is provided for under a Development Concept or Special Overlay District.

B. Floor area calculations shall not include hallways or other common areas, or rooftops, balconies, terraces, fire escapes, or other projections or surfaces exterior to the walls of the building.

<table>
<thead>
<tr>
<th>Table 6.14.4.A. Residential Use Standards.</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Dwelling Unit (DU) Type</strong></td>
</tr>
<tr>
<td>-------------------------------</td>
</tr>
<tr>
<td>Permitted Dwelling Units</td>
</tr>
<tr>
<td>Attached and Detached Single-family and Two-Family Dwellings (Townhouses, Brownstones, Rowhouses, Vertical and Horizontal Duplex Dwelling Units)</td>
</tr>
<tr>
<td>Live-Work Units (Residential Function or Unit)</td>
</tr>
<tr>
<td>Loft Units</td>
</tr>
<tr>
<td>Multiple-Family Units</td>
</tr>
</tbody>
</table>

* Must be able to show that the location of the proposed units provide a logical density transition between a Single-Family or lesser density development, and a higher density development or district (such as commercial or multiple-family development).
6.14.5 **Duplex Dwelling Unit Requirements.**

Single-family attached and two-family duplex dwelling units may be permitted in a residential zoning district that does not otherwise allow two-family attached dwelling units, under a Development Concept Overlay or Special Overlay, and developed according to the standards of this Article:

A. Where vertical or horizontal duplex units (Figs. 6.14.5.A) are proposed on the same lot, the lot and both units within the duplex must be owned by the same owner, and the owner must reside within one of the two units within a duplex unit.

B. Duplex dwelling units located on separate lots may be owned separately.

C. A maximum density of one vertical or horizontal duplex dwelling unit per lot is permitted.

D. The conversion of an existing home to a horizontal duplex is prohibited, unless it is part of a Neighborhood Mixed Use/Live-Work unit project located and developed in accordance with the Neighborhood Mixed Use standards of Article 7.11.

E. Duplex and Live-Work units are only permitted in the RS-6 and RS-4.5 districts under one or more of the following conditions:

1. The development of a duplex unit is an infill project on a nonconforming lot.

2. It can be demonstrated that the proposed location of a duplex unit(s) will provide a “transitional density buffer” between a higher density use and a single-family home use.

3. The duplex or Live-Work unit is part of a larger development concept listed under Section 6.14.2.A above.

F. **Duplex Design Standards.** All two-family attached duplex dwelling units should be constructed to have an outside appearance similar to a single-family home, and must be constructed as follows:
Article 6: Special Zoning Districts

1. The heights of proposed vertical duplex dwelling units located within a flood zone may be increased, to measure no more than 28 feet at the ridge (two stories), as measured from the point designated as 1 foot above the Base Flood Elevation (BFE).

2. The height of the two units within a horizontal duplex unit must measure within 4 feet of each other.

3. The predominant roof pitch of each unit of the duplex unit must be the same, and roof eaves must project the same distance from the building wall.

4. The exterior finish material of each dwelling unit within the duplex must be the same, or visually match in type, size and placement, and trim must be the same in type, size, and location for each unit.

5. Windows for each duplex dwelling unit must match in proportion and orientation.

6. **Required Porches.** For horizontal and vertically-constructed duplexes, at least one covered front porch must be provided along the front façade of a unit to equal a minimum of 50% of the length of the front façade.
   
   a. Horizontal duplex units may provide a shared front porch.
   
   b. Horizontal duplex units located on a corner must provide a covered front porch for both unit entrances when fronting different streets.

G. **Duplex Corner Lot Design.** On corner lots, each unit of a horizontal duplex must have its address, and front door oriented to a separate street frontage, and side yard facades of duplexes shall maintain the architectural design consistent with the front facade (Fig. 6.14.5.G).

![Figure 6.14.5.G](image)
H. **Duplex Second-Story Access.**

1. Exterior stairs that provide access to an upper level duplex dwelling unit are not permitted on the front facade of the building, but can be provided through a side or rear staircase entrance, provided that the side staircase is located a minimum of 10 feet rearward of the front facade wall of the dwelling structure.

2. Fire escapes or any additional accesses to a second floor unit must be constructed behind the dwelling unit.

6.14.6 **Brownstone, Townhome, and Rowhome Requirements.**

A. Multiple (more than one unit) Brownstones, Townhomes, and Rowhomes proposed as a mixed use project in the Downtown and Uptown Special Mixed Use Overlay District areas (located within the boundary map of Figure 1 under Section 6.11.2) must be developed in accordance with the standards of this Ordinance.

B. Brownstone dwelling units may be attached or unattached units.

C. Attached Brownstones, Townhomes, and Rowhouses, must be constructed so that each unit within the attached units is placed on its own platted lot, and there shall be no minimum to the number of dwelling units required for development.

D. Townhomes and Rowhomes shall not exceed two stories in height, Brownstone units may not exceed three stories in height.

6.14.7 **Live-Work Unit Requirements.** A Live-Work unit combines in one space, a work space and residential living quarters. Kitchen facilities, a bathroom, and a sleeping area must be provided. The following standards shall apply to the development of all Live-Work units within a development:

A. Multiple Live-Work units are ideally situated around a central courtyard/green space to provide recreational amenities for the residents inhabiting the units. Not more than 5 Live-Work units may be planned within the same City block without providing open space behind the units (either individually platted yards or a common courtyard) consisting of a minimum of 20% of each lot.

B. The Commercial, Professional Office, Institutional, or Civic uses within the Live-Work units may not be divided from the residential area of the unit through sale, rent, or leasing. The Live-Work unit shall be considered one unit.

C. Each Live-Work unit shall contain at least one tenant that resides onsite and operates a business within that unit.

D. No more than two additional employees (other than the onsite residents) residing outside the Live-Work unit may be employed on the premises per shift for the nonresidential use of the building.
E. The residential portion of a Live-Work unit may not exceed 60% of the unit’s total floor area, and the nonresidential portion of a Live-Work unit must not comprise more than 50% of the total square footage of the unit.

F. The minimum size for each residential space in a Live-Work unit is 500 square feet. The residential space within a single Live-Work may not exceed 800 square feet. The floor area of both the living space and the work space shall be combined to determine the size of joint living and work quarters, and may not exceed 1,600 square feet.

G. Residential areas within a Live-Work unit must be constructed above the nonresidential use, unless the entire unit is constructed as an accessible unit, in which case the residential area of the unit may be constructed behind, and attached to, the non-residential use area with adequate accessible access and parking provided behind the unit.

H. The nonresidential portion of the mixed use building may not be used purely for storage. Storage of supplies may not occupy more than 10% of the nonresidential space in the mixed use building.

I. The ground floor entrance must be clearly designated as a business entrance, and a visitor traveling through the business entrance shall not be required to pass through any residential floor area in order to enter into the nonresidential area of the unit.

J. The Live-Work unit setbacks shall be the same setback standards outlined under Section 6.8.9.

K. One parking space per unit plus one additional unassigned visitor or employee parking space shall be provided for every Live-Work unit.

L. Applications and building permit plans for the construction or establishment of Live-Work unit(s) shall clearly state that the proposal includes Live-Work units and labeled as such.

M. **Non-Residential Live-Work Unit Allowances.** Live-Work units are primarily developed as an alternative housing option for Commercial and Professional Office uses that do not generate high degrees of foot or auto traffic, and are located within an area served by mass transit, decreasing the need for additional parking. For this reason, the non-residential portion of a Live-Work unit is limited to the following uses:

<table>
<thead>
<tr>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Accountant Office / small firm</td>
</tr>
<tr>
<td>Antique Furniture Sales</td>
</tr>
<tr>
<td>Architect Office / small firm</td>
</tr>
<tr>
<td>Art Studios, Artists and Artisans and Associated Retail Sales (excluding tattoo parlors)</td>
</tr>
<tr>
<td>Attorney Office / small firm</td>
</tr>
<tr>
<td>Bakeries (when the primary use is Retail Sales and Services)</td>
</tr>
</tbody>
</table>

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Page 360
Beautician or Barber Shop (excluding nail care)
Computer Software and Multimedia Professionals
Consultant Office / small firm
Drycleaners (drop-off, pick-up only, excluding drive-thru)
Engineering Office
Fashion, Graphic, Interior, and other Designer Shop
Florist Shop
Greeting Card Sales
Insurance Agent Office / small firm
Internet Café (minimal snack and beverage sales)
Jewelry Repair & Sales
Mailing & Packaging Center
Military Recruiting Office
Nutritional Sales
Optical Lens and Frames Sales (no physician onsite)
Real Estate Agent Office / small firm
School Tutoring Service (2 or fewer students at a time)
Shoe Repair
Tailor/Seamstress/Dress Maker
Title Agent Office / small firm
Travel Agent Office / small agency

6.14.8 Residential Access, Garages, and Driveway Standards.

A. Driveway Requirements.

1. The maximum driveway width on an individual lot with frontage access is 10 feet, or 12 feet if the driveway is shared with a neighboring dwelling unit (Figs. 6.14.8.A.1).


2. Impervious driveways must be included within the 70% maximum allowable impervious coverage requirement of the site (80% on non-conforming lots).
3. Driveways constructed on properties utilizing access from the front of the lot must be a minimum of 20 feet in length as measured from the front property line, except where a Parking Court is implemented, in which case the standards of Section 6.14.9.E shall apply.

4. Driveway apron widths may be increased up to 22 feet in width within 10 feet of the garage door.

B. Private Garages. Private single and two-car garages are permitted on individually platted lots, provided that no more than two single car garages or one two-car garage is provided per each dwelling unit on a lot, and provided that:

1. Garages may not exceed 49% of the dwelling unit square footage on an individual lot.

2. The garage footprint must be included within the 70% maximum allowable impervious coverage requirement of the site when an impervious coverage percentage is not provided under a Development Concept Overlay or Special Overlay ordinance.

3. Garages may not be converted to dwelling units.

4. Detached garages must always be located behind the rear façade of the principal building.

5. Garages may not be located in a street corner yard (i.e. between a public street and the dwelling unit).

6. Garages may not be located within the required side yard setback, and a minimum of three feet from any common alley where provided.

7. Two-car garages must be located behind the rear façade of the dwelling unit, or recessed within the dwelling unit (Fig. 6.14.8.B.7).

Figure 6.14.8.B.7. Recessed
8. Single car garages may be located behind, adjacent to, or recessed within a dwelling unit, provided that the garage does not extend forward of the front façade of the dwelling unit (Figs. 6.14.8.B.8).


C. Common Garages.

1. Shared common garages, parking areas, and driveways are permitted in all new developments of attached and detached single-family and two-family dwelling units.

2. Common garage structures are prohibited within 20 feet of a public street.

D. Duplex Garages.

1. All parking and garages in the development of a duplex dwelling unit on a single lot must be located behind the duplex dwelling units.

2. No more than two single-car garages or one two-car garage is permitted on a lot per duplex unit.

3. Garages for corner lot duplexes must be located behind or to the side of the dwelling unit, or recessed within the units.

6.14.9 Additional Parking Standards and Options. With the exception of the number of parking spaces required provided for Live-Work units above, the following shall apply for all residential uses:

A. The required number of parking spaces per dwelling unit shall be consistent with the requirements of Article 7.2; However, in all cases, a maximum of 2 parking spaces per dwelling unit shall be permitted.

B. Parking is not permitted in any front yard, side yard, or in any front street yard setback, with the exception of when parking is approved through the use of a driveway located within a front yard, or side yard located between two dwellings.

C. Parking may be in a structure, under a structure, or outside a structure.

D. Tandem parking shall be permitted, provided that a minimum driveway length of 35 feet is provided, or 18 feet is provided if the driveway serves a private garage on the lot where the second car can be placed. Where tandem parking is utilized, no vehicle may obstruct, overhang, or be located in, a private or public alley, right-of-way, pedestrian path, walkway, or sidewalk.

E. Parking Courts. Parking Courts (or “T-Courts”, Figs. 6.14.9.E) are also an option for use when developed under one of the Development Concept Overlays or Special Overlays. Parking Courts shall be developed as follows:

1. The maximum depth of a Parking Court drive is 100 feet and the maximum number of single family detached or attached dwelling units it can serve is six.

2. The minimum driveway width for a Parking Court is 10 feet for one-way access; the maximum two-way access width shall be 24 feet, except as required by the City’s Fire Code.
3. Where pervious concrete, pervious asphalt, and porous pavers, or other pervious paving technologies are utilized to construct a Parking Court, the square footage of pervious surfaces will not count toward the maximum allowable impervious surface on the site, provided they are installed to industry specifications.

4. **Parking Court Drive Ownership and Maintenance.**
   
   a. Half of the total width of a Parking Court drive must be provided for vehicle access from properties on each side of the proposed drive.
   
   b. The private easement right-of-way dedication of the parking court drive shall be required at the time of partition or subdivision plat approval, and shall be recorded on the plat.

**Figures 6.14.9.E. Parking Courts.**
Article 6: Special Zoning Districts

Figure 6.14.9.E. Parking Court Configuration, Preferred

Desirable: Parking Court Emphasizing Entries

Preferred Parking Courtyard Design Elements and Configuration. Garages are recessed and entries are enlarged and used to accent corners and interior vista.

Figure 6.14.9.E. Parking Court Neighborhood.
§ 6.14.10 Zero Lot Line Development

A. Zero lot line development is permitted within the Development Concept or Special Overlays, and with the exceptions provided under this Section, shall be developed in accordance with Section 4.3.5:

1. The setbacks required and where provided for under a Development Concept Overlay or a Special Overlays shall take precedence over the requirements of Section 4.3.5. Where setback requirements are not provided for, the setback requirements of Section 4.3.5 shall prevail.

2. Windows shall be permitted on the zero line side of dwelling units under a Development Concept Overlay or a Special Overlay, provided that the windows are not capable of being opened, and provided that the placement supports the privacy of the neighboring occupants on the abutting lot. The privacy standard must be met by through one or more of the following techniques:

   a. Through strategic placement and spacing of the windows on the zero lot line side of the structure/building, by placing ground-floor windows along zero setback property lines above sight lines, or placed where the windows face a wall of the neighboring building, without direct views into adjacent dwelling units and windows.

   b. Window panes must be designed to provide semi- or complete opaqueness (block glass, stained glass, frosted glass), in order to provide some privacy from direct views into neighboring buildings through the spacing of windows (Figs. 6.14.10.A.2.b).

   c. All windows located along the zero lot line wall must meet the City’s Building and Fire Department Codes.
B. Fences. Fencing for Zero Lot-Line Development shall be accordance with requirements of Section 9.5.9.
Article 7 General Development Standards

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Article 7. General Development Standards

§ 7.1. Access and Circulation

The provisions of this Section shall apply to development types in the table. A development type not shown in the table shall not be subject to the requirements of this Section.

7.1.1. Purpose

A. The purpose of this Section is to provide minimum standards and requirements for safe and convenient access to abutting private property along roadways and to provide for suitable geometric layout. The objectives of driveway access control are to:

1. Assure that access is provided to private property with a minimum of interference with the free and safe movement of vehicular and pedestrian traffic;

2. Assure that all lots have access to a public street;

3. Minimize traffic congestion arising from vehicular entry to or exit from private property; and

4. Help and facilitate commerce and enhance economic development.

B. Facilities constructed under this Section shall comply with the applicable sections of the Americans with Disabilities Act (ADA) as administered by the U.S. Department of Justice and the Texas Accessibility Standards (TAS) as administered by the Texas Department of Licensing and Regulation.

C. Compliance with these regulations is required for new driveways; however, existing non-conforming driveways may be replaced provided that:

1. The construction, on City property behind the back of curb, will not encroach into or impede travel lanes and create a safety hazard; and

2. The construction is subject to obtaining a permit for replacement of all or part of the driveway.

7.1.2. Street Improvements and Existing Driveway

Where the City, as part of a capital improvement program, removes or authorizes the removal of the curb and gutter and concrete driveway approaches, or driveway approaches with pipe culverts, the City will replace the existing concrete driveway approaches at the same location with the property owner’s consent and when such approaches are providing access to a site at the time of construction of such roadway improvements. Provided however, the Assistant City Manager of Development Services, shall have the sole authority, based on a
Article 7: General Development Standards

review of the foregoing criteria, to determine whether an existing driveway approach shall be reconstructed at the same location or whether a new driveway approach shall be constructed. The decision of the Assistant City Manager of Development Services to move or close an existing driveway may be appealed to the City’s Transportation Advisory Committee by the property owner.

7.1.3. Authority of Assistant City Manager of Development Services

A. The Assistant City Manager of Development Services shall be responsible for the administration and enforcement of the provisions contained in construction standards as approved by the City Engineer.

B. The Assistant City Manager of Development Services shall review and approve all proposed driveway approaches on public right of ways within the City with the exception of driveway approaches included in the new construction of one or two family dwelling units.

C. The Assistant City Manager of Development Services shall review and approve the site layout of multifamily, commercial and industrial developments for the purpose of minimizing traffic congestion arising from vehicular entry to or exit from the proposed site development and such review shall include but not be limited to the following items:

1. The location of the driveway approaches with respect to the parking layout so that vehicular conflicts between exiting and entering vehicles is minimized.

2. The adequacy of vehicle storage lengths (queuing area) for facilities such as drive through banks, car washes, restaurants with drive-through window service, and gasoline service stations.

3. The driveway locations with respect to other driveways adjacent and across from the proposed development.

4. Compliance with the provisions of Section 7.1.

7.1.4. Driveway Permit Required

A. It shall be unlawful for any person, firm or corporation to construct, reconstruct, alter, repair, remove or replace a driveway approach on or across any sidewalk, parkway or other portion of public right of way to provide vehicular access to private property without an approved Driveway Permit from the Assistant City Manager of Development Services; provided, however, a Driveway Permit is not required when such construction, reconstruction, alteration, repair, removal or replacement of such driveway approach is part of new construction of single-family or two-family dwelling units for which an approved Building Permit from the Development Services Department has been issued. Only single-family and two-family dwelling unit development is exempted if the residences access streets with curb, gutters and underground drainage. Single-family and two-family developments shall not be exempt from a Driveway Permit if they access any streets without
Article 7: General Development Standards

curb, gutters, and underground drainage, particularly streets with roadside ditches.

B. The application for a Driveway Permit shall include the following items of information:

1. The name and address of the applicant;

2. The name and address of the contractor or the person, firm or corporation that owns or manages the site for which the permit is requested;

3. The subdivision name, block and lot number and street address of the site;

4. A site plan shall be drawn to scale showing the location and dimensions of the existing and proposed driveways on the site; the number and layout of approved parking spaces; and location of existing or proposed sidewalks, curbs and pipe culverts;

5. The date and number of an approved Building Permit or evidence of application for such when development of the lot includes construction, alteration, enlargement or repair of a structure or when an existing parking lot is redesigned or reconstructed;

6. A copy of the application for a Permit to Construct Access Driveway Facilities for approval by the State Department of Highway and Public Transportation Texas Department of Transportation if such driveway approach is within the right of a way of a state highway;

7. The distance to the next adjacent existing driveway or street intersection on the same side of the abutting streets within the distances specified in Subsection 7.1.7.A, Driveway Spacing;

8. The distance to any driveway on the opposite side of the street facing and within 125 feet of the property boundaries;

9. On divided roadways, median breaks shall be identified within 125 feet of the property boundaries;

10. The internal circulation system; and

11. The speed limits on adjacent roadways.

C. The Assistant City Manager of Development Services may inspect the site of proposed work or improvement and inform the applicant of any anticipated problems prior to the issuance of the Driveway Permit, which shall be within a 48-hour period from the date of the application.
D. A non-refundable fee, as outlined on the Department of Development Services Fee schedule, shall be paid at the time application for a Driveway Permit is made.

E. A Driveway Permit shall be void after six months from date of issuance when the requirement for a Building Permit is not applicable. A Driveway Permit shall be void after 12 months from date of issuance when the requirement for a Building Permit is applicable. The time period of a valid Driveway Permit may be extended as requested when construction schedule necessitates such extension.

7.1.5. Driveway Inspection Required

A. The holder of a Driveway Permit shall contact the Driveway Inspector of the Development Services Department, and arrange for and receive an inspection of such driveway approach within a 48-hour period and prior to applying the driveway surface materials, i.e. prior to concrete pour or to surface material over a pipe culvert.

B. The Driveway Permit shall include a plan or description of the approved driveway location and the design and any special terms and conditions of the approved driveway approaches and shall be located at the job site for review by the Driveway Inspector during construction.

7.1.6. Authority of the Driveway Inspector

A. The Driveway Inspector may inspect all driveway approaches for compliance with the provisions of the approved Driveway Permit and applicable construction standards as approved by the City Engineer.

B. The Driveway Inspector shall inform the contractor of the design and construction elements that are not in compliance with the approved Driveway Permit and City construction standards and may establish a reasonable time period for the contractor to comply.

C. The Driveway inspector may, during construction, suspend a Driveway Permit for any of the following reasons:

1. Misrepresentation of facts by the permit holder or his agent in the application for a Driveway Permit;

2. Non-compliance with the provisions of the Manual of Driveway Design, this Code, or the construction standards approved by the City Engineer; or

3. Drainage flow is impeded or results in adverse impact to adjacent properties.

D. If the Driveway Inspector has reason to believe that misrepresentation or non-compliance has occurred, he shall promptly notify the permit holder in writing to stop all work on such driveway. The stop work notice shall be
delivered or mailed to the permit holder at the address contained in the permit and shall state the reason for the notice, that all work on the driveway cease, and that the permit holder has the opportunity with ten days after the mailing of the stop work notice to show cause before the Assistant City Manager of Development Services why the permit should not be suspended. Thereafter, the Assistant City Manager of Development Services will promptly notify the suspended or revoked permit holder in writing of such action. If a Driveway Permit is revoked, the revoked permit holder shall promptly remove all driveway materials installed in connection with the revoked permit and restore the property to a condition substantially similar to its condition prior to driveway construction or better.

7.1.7. Driveway Design Standards

7.1.7.A. Driveway Spacing

The minimum driveway spacing shall be per the Driveway Spacing Table below.

Table 7.1.7.A Driveway Spacing Table

<table>
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<tr>
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<th>PLAN DESIGNATION</th>
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<td>Note 7 200</td>
<td>300</td>
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</tbody>
</table>
Note 1. Driveways on Texas Department of Transportation maintained roadways shall conform to Texas Department of Transportation criteria and shall be permitted by the Texas Department of Transportation.

Note 2. Spacing shall be measured along the tangent curb length; i.e. the distance between curb radii returns or point where flare meets the curb.

Note 3. Notwithstanding the spacing requirements listed, any property having 300 feet of frontage shall be allowed two driveways. The driveways shall be located in such a manner as to maximize the spacing between the driveways and driveways on adjacent properties.

Note 4. Residential driveways are limited to one per lot excepting that circular driveways are allowed provided that the frontage equals or exceeds 70’ and all other parameters can be met.

Note 5. Commercial and industrial driveway restrictions on residential streets are:

   a. Commercial driveways may be allowed on the residential street classifications i.e., residential, residential collector, residential collector, if the following conditions are met:

      i. The zoning classification or adopted future land use plan for the property across the street is equal to or greater than that of the subject property; or

      ii. The applicant can demonstrate that the driveway and commercial use will serve the adjacent neighborhood and can demonstrate that the presence of the driveway will not promote cut-through or cross-town traffic from areas beyond the adjacent neighborhoods.
b. Industrial driveways are not allowed on residential street classifications.

Note 6. Residential driveway access to an arterial or to a collector street as defined by the Urban Transportation Plan shall not be permitted for:

a. A residentially-zoned lot that fronts or sides on an arterial or collector street when it has access to a local street or when driveway access can be constructed to a local street; or

b. A residentially-zoned lot that has a driveway restriction noted on the recorded plat or

c. A residentially-zoned lot that has double frontage and backs up to an arterial or collector street.

Note 7. Residential Driveways are allowed on these street classifications provided that an onsite area is constructed so that vehicles do not back onto the roadway.

7.1.7.B. Change of Use

In the event of a change of zoning from residential to commercial or industrial use, the existing residential driveways may not continue in use but the owner shall be required to comply with the applicable driveway spacing requirements.

7.1.7.C. Minimum Property Line Clearance (See Figures 2A and 2B)

1. The minimum property line clearance for all residential driveways on residentially-zoned lots on local streets shall be the curb radius or flare distance, with the exception of driveways serving zero lot line single family residences where the flare return or flare shall be allowed to encroach over the property line extended by 3 feet, provided that appropriate notice is included on the subdivision plat.

2. The minimum property clearance for all commercial and industrial driveways shall be 5 feet plus the curb return radius or flare distance.
7.1.7.D. Minimum Corner Clearance

The minimum corner clearances shall be per the following corner clearance table. (Also see Figure 3).

Table 7.1.7.D Corner Clearance

<table>
<thead>
<tr>
<th>STREET CLASSIFICATION</th>
<th>TRANSPORTATION PLAN DESIGNATION</th>
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</tbody>
</table>

Note 1. Corner clearance shall be the distance measured from the point formed by the intersecting right-of-way lines to the point of tangency of the driveway curb return radii.

Note 2. The minimum corner clearance design may be reduced as determined by the Assistant City Manager of Development Services, when a shared access driveway has been investigated and has not been found feasible and the lot frontage is such that access to the lot is denied due to the application of the corner clearance design standard.

Note 3. Driveway shall not be allowed within the tapers for exclusive right turn lanes.
7.1.7.E. Driveway Width and Curb Return Radii

The minimum and maximum driveway widths shall be per the following Driveway Width Table.

Table 7.1.7.E Driveway Widths

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</tbody>
</table>

**Note 1**  The minimum driveway width for non-residential driveways may be decreased to 15 feet when on-way traffic movement is consistent with the internal circulation of the site and does not result in vehicular conflict between exiting...
and entering vehicles to the site and when such driveway approaches are used by passenger car vehicles and not by truck vehicles.

**Note 2** The width of the driveway approach shall be measured at the property line or at the point of tangency perpendicular to the roadway.

### 7.1.7.F. Curb Return Radii or Flare Length

The minimum and maximum driveway curb return radii or flare lengths shall be per the following Curb Return Radii and Flare Length Table. (Also see Figure 4).

#### Table 7.1.7.F Curb Return Radii or Flare Length

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<tr>
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</table>

Note: The flare distance equates to the radius.
7.1.7.G. **Throat Length**
The throat length is defined as the distance from the property line to the first point of vehicular conflict. Throats are encouraged for all driveways serving commercial and industrial developments to facilitate movements to and from public streets and minimize congestion. For commercial and industrial developments with greater than 500 parking spaces, a minimum throat length of 64 feet will be required; provided, however, the throat length maybe reduced to 20 feet if a deceleration lane or a wider throat is provided that affords comparable stacking capacity.

7.1.7.H. **Opposing Driveways (See Figure 5)**
Undivided primary collectors and arterials, commercial or industrial driveways serving parking lots with more than 150 spaces shall be aligned or offset a minimum of 125 feet between edges of driveways on opposing sides of the roadway. Placement of opposing driveways shall be such to minimize overlapping left turns and other maneuvers that result in safety hazards or operational problems.
7.1.8. **Shared and Cross Access Driveways**

A. In order to promote traffic flow and to achieve the driveway standards contained in this Section, a shared or cross access easement or a note stating shared or cross access shall be allowed across lot lines shall be encouraged as part of a driveway permit, subdivision plat, rezoning or development agreement.

B. A shared access driveway or access between properties shall be created when a joint contractual agreement, easement shown on the subdivision plat, or easement filed for record by separate instrument is entered into by the respective property owners of the adjacent properties.

C. Cross access easements shall be situated parallel to the street right of way line and laid out in such a manner to enable future connection to adjacent properties.

D. No permanent structure, obstructions, or parking that would interfere with the cross access shall be permitted within the easement. Improvements such as medians and islands are allowed within the easement provided that cross access and circulation between properties is not impaired.

E. Cross access easements shall be waived in those cases where topography or site conditions would render such easement of no benefit to adjoining properties.

F. The Assistant City Manager of Development Services may grant a reduction in driveway spacing requirements, landscaping requirements, and the required number of parking spaces, on a case by case basis, in order to achieve cross access.
7.1.9. **Reconfiguration of Existing Driveways**
Existing Driveways along arterial and collector streets that were permitted under previously adopted criteria may present impediments to the safe and smooth flow of traffic due to location, width, and spacing. The Assistant City Manager of Development Services, subject to the availability of funding, is authorized to implement a program to negotiate with property owners to reconfigure driveways and parking areas. The City may pay all or part of the costs associated with this program. Should the reconfiguration involve multiple property owners, cross access agreements shall be required, subject to the agreement of the property owners.

7.1.10. **Reconstruction of Non-Conforming Driveways**
Non-conforming driveways shall be removed or reconstructed at the owner or developer’s sole cost and expense to comply with provisions of this Code when a lot is rezoned from residential to commercial or industrial.

7.1.11. **Construction Standards**
Driveway approaches shall be constructed in accordance with the standard specifications and standard details as developed by the City Engineer. Such specifications and details are available in the office of the City Engineer.

7.1.12. **Appeals**
If relief is desired from the decision of the Assistant City Manager of Development Services, the applicant may appeal to the Transportation Advisory Committee. The request for appeal shall be filed in writing to the Assistant City Manager of Development Services, within ten days following such denial, for scheduling on the Transportation Advisory Committee agenda.

7.1.13. **Penalties**
Any contractor developer, property owner or person who violates or fails to comply with any provisions of this Section 7.1 shall be deemed guilty of a misdemeanor and upon conviction shall be fined no more than the maximum fine permitted by law. In case a corporation is the violator of any provision of this article, each officer, agent and/or employee in any way responsible for such violation thereof shall be individually liable for the penalties herein prescribed.

7.1.14. **Responsibility of Permittee**
By taking any action in connection with this Section 7.1 (including, but not limited to, inspections, reviews, approvals, investigations, administration, enforcement, record keeping, the granting, suspension and revocation of permits), the City and its agents and employees do not in any way represent or undertake to represent the safety, fitness, or condition of driveways constructed, and such shall be the sole responsibility of each person constructing such driveways without relying on any action of the City.
§ 7.2 Off-Street Parking, Loading and Stacking

7.2.1. Purpose

The purpose of this Section is to:

A. Ensure that each development within the City provide adequate and reasonable parking, stacking and loading spaces necessary to serve the development;

B. Allow for flexibility in the design of parking areas; and

C. Protect adjacent areas and the general public from the

1. Noise, glare of headlights, dust and fumes resulting from the operation of motor vehicles;

2. Glare and heat from parking areas; and

3. Lack of visual relief from expanses of paving and accelerated run-off of surface water from land covered by impervious surfaces.

7.2.2. Off-street Parking Ratio

A. Rules for Computing Required Parking and Loading Spaces

1. There are no parking regulations for the “CBD” Downtown Commercial.

2. Developments containing more than one use shall provide parking and loading spaces in an amount equal to the total of the requirements for all uses, unless otherwise required or permitted herein.

3. Unless otherwise expressly stated, all square-footage based parking and loading standards shall be computed on the basis of gross floor area (GFA). The gross floor area of a building shall be measured from the exterior faces of the walls and from the centerline of the walls separating two buildings and shall include the following areas:

   a. The area of each floor of the structure including but not limited to stairwells, restrooms and elevator shafts;

   b. All attic space used for active commercial space (public display of merchandise, sales, services, office space); and

   c. Outside retail sales areas as described in Section 7.4;

4. Ratios based on number of employees shall be based on the largest number of persons working on any shift.
Article 7: General Development Standards

5. Where fractional spaces result, the parking spaces required shall be constructed to be the next highest whole number.

6. The parking space requirements for a use not addressed in the chart table shall be established by the Assistant City Manager of Development Services according to professionally acceptable standards and practices, such as those referenced in Subsection 7.2.4.B.

B. Required Parking Ratios

The following minimum off-street parking requirements shall be applicable to all base zoning districts. Where in the opinion of the applicant, a listed ratio requires too much or too little parking, the applicant may provide an alternative parking plan with data submitted by the applicant in support of higher or lower ratios (in accordance with Subsection 7.2.4.B).

Table 7.2.2.B Parking Ratios

<table>
<thead>
<tr>
<th>Use Category</th>
<th>Specific Use</th>
<th>Minimum Parking Spaces</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Residential Uses</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Household Living [5.1.2.A]</td>
<td>Apartment</td>
<td>1 bedroom –1 ½ per unit, plus 1 per 5 units labeled for visitors, located in proximity to each building. More than 1 bedroom – 2 per unit, plus 1 per 5 units labeled for visitors, located in proximity to each building.</td>
</tr>
<tr>
<td>Caretakers quarters or upper-story</td>
<td>1 bedroom – 1 per unit</td>
<td>1 per 5 units labeled for visitors, located in proximity to each building. More than 1 bedroom – 2 per unit, plus 1 per 5 units labeled for visitors, located in proximity to each building.</td>
</tr>
<tr>
<td>residential unit</td>
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<td></td>
</tr>
<tr>
<td>All other uses</td>
<td>2 per unit</td>
<td></td>
</tr>
<tr>
<td><strong>Group Living [5.1.2.B]</strong></td>
<td>All uses</td>
<td>1 per 2 bedrooms</td>
</tr>
<tr>
<td><strong>Public and Civic Uses</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Community Service [5.1.3.A]</td>
<td>All uses</td>
<td>1 per 300 SF GFA</td>
</tr>
<tr>
<td>Day Care [5.1.3.B]</td>
<td>All uses</td>
<td>1 per employee, plus sufficient off-street space for the safe loading and unloading of children.</td>
</tr>
<tr>
<td>Educational Facility [5.1.3.C]</td>
<td>Elementary, boarding or nursery school</td>
<td>1 per classroom, plus 1 per 3 seats in any area intended to be used as an auditorium.</td>
</tr>
<tr>
<td></td>
<td>High school, college, seminary, university or nursing or medical school</td>
<td>10 per classroom, plus 1 per 2.5 seats in any area intended to be used as an auditorium.</td>
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<tr>
<td>Government Facility[5.1.3.D]</td>
<td>All uses</td>
<td>1 per 250 SF GFA</td>
</tr>
<tr>
<td>Medical Facility [5.1.3.E]</td>
<td>Hospital</td>
<td>1 per 3 beds</td>
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<td>Medical/Dental Clinic</td>
<td>1 per 225 SF GFA</td>
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<td>All other uses</td>
<td>1 per 200 SF GFA</td>
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<td>Use Category</td>
<td>Specific Use</td>
<td>Minimum Parking Spaces</td>
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<tr>
<td>------------------------</td>
<td>------------------------------------------------------------------------------</td>
<td>---------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td><strong>Parks and Open Area [5.1.3.F]</strong></td>
<td>Botanical garden or nature preserve</td>
<td>1 per 10,000 SF outdoor lot area, plus 1 per 1,000 SF indoor GFA</td>
</tr>
<tr>
<td></td>
<td>Cemetery, columbaria, mausoleum, memorial park</td>
<td>1 per 150 plots plus 1 per 350 SF office area</td>
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<tr>
<td></td>
<td>Country club or golf course</td>
<td>3 per golf hole plus 1 per 4 seats in accessory restaurant, banquet facility and bar</td>
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<tr>
<td></td>
<td>Park, plaza, playground or recreational trail</td>
<td>1 per 10,000 SF outdoor lot area</td>
</tr>
<tr>
<td><strong>Passenger Terminal [5.1.3.G]</strong></td>
<td>All uses</td>
<td>1 per employee, plus 1 per 250 SF of terminal area</td>
</tr>
<tr>
<td><strong>Place of Worship [5.1.3.H]</strong></td>
<td>All uses</td>
<td>1 per 6 seats or bench seating spaces in main worship space</td>
</tr>
<tr>
<td><strong>Social Service [5.1.3.I]</strong></td>
<td>All uses</td>
<td>1 per employee plus 1 per 250 SF office area</td>
</tr>
<tr>
<td><strong>Utility [5.1.3.J]</strong></td>
<td>All uses</td>
<td>1 per vehicle normally required to service the utility</td>
</tr>
<tr>
<td><strong>Commercial Uses</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Commercial Parking [5.1.4.A]</td>
<td>All uses</td>
<td>None</td>
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<tr>
<td>Indoor Recreation [5.1.4.B]</td>
<td>Bowling alley</td>
<td>5.6 per lane</td>
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<td></td>
<td>All other uses</td>
<td>1 per 100 SF</td>
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<tr>
<td>Office [5.1.4.C]</td>
<td>All uses, except Office Park</td>
<td>2.4 per 1,000 SF GFA, Urban</td>
</tr>
<tr>
<td></td>
<td>Recreational vehicle park</td>
<td>2.84 per 1,000 SF GFA, Suburban</td>
</tr>
<tr>
<td>Outdoor Recreation [5.1.4.D]</td>
<td>All other uses with fixed seats</td>
<td>See 6.1.2.D.4</td>
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<tr>
<td></td>
<td>All other uses without fixed seats</td>
<td>1 per 3 seats or seating spaces</td>
</tr>
<tr>
<td></td>
<td></td>
<td>1 per 250 SF GFA</td>
</tr>
<tr>
<td>Overnight Accommodation [5.1.4.E]</td>
<td>Bed and breakfast home or bed and breakfast inn</td>
<td>2 per room</td>
</tr>
<tr>
<td></td>
<td>RV park</td>
<td>1 per 4 pads</td>
</tr>
<tr>
<td></td>
<td>All other uses</td>
<td>1 per room</td>
</tr>
<tr>
<td>Restaurant [5.1.4.F]</td>
<td>All uses</td>
<td>1 per 150 SF GFA</td>
</tr>
<tr>
<td>Use Category</td>
<td>Specific Use</td>
<td>Minimum Parking Spaces</td>
</tr>
<tr>
<td>--------------</td>
<td>-------------</td>
<td>------------------------</td>
</tr>
<tr>
<td><strong>Retail Sales and Service</strong> [5.1.4.G]</td>
<td>Animal hospital</td>
<td>1 per 400 SF GFA plus 1 per employee</td>
</tr>
<tr>
<td></td>
<td>Funeral home</td>
<td>1 per 5 seats or seating spaces</td>
</tr>
<tr>
<td></td>
<td>Retail Sales and Service greater than 100,000 SF GFA and shopping centers over 400,000 SF GFA</td>
<td>1 per 300 SF GFA</td>
</tr>
<tr>
<td></td>
<td>Shopping Centers up to 400,000 SF GFA</td>
<td>1 per 250 SF GFA</td>
</tr>
<tr>
<td></td>
<td>All other uses</td>
<td>1 per 250 SF for first 20,000 SF net retail floor area, plus 1 per 500 SF up to 50,000 SF net retail floor area</td>
</tr>
<tr>
<td><strong>Self-Service Storage</strong> [5.1.4.H]</td>
<td>All uses</td>
<td>1 per 250 SF office space</td>
</tr>
<tr>
<td><strong>Vehicle Sales and Service</strong> [5.1.4.I]</td>
<td>Car wash, self- and full-service</td>
<td>2 per bay</td>
</tr>
<tr>
<td></td>
<td>Auto rental, sales or leasing or boat and recreational vehicle sales</td>
<td>1 per 500 indoor SF GFA, plus 1 per 10,000 SF outdoor lot area</td>
</tr>
<tr>
<td></td>
<td>All other uses</td>
<td>5 per bay or 1 per 250 SF GFA, as applicable and whichever is greater</td>
</tr>
<tr>
<td><strong>Water-Oriented</strong> [5.1.4.J]</td>
<td>Boat ramp, tandem</td>
<td>20 per ramp</td>
</tr>
<tr>
<td></td>
<td>All other uses</td>
<td>1 space per 2 wet boat slips</td>
</tr>
<tr>
<td><strong>Industrial Uses</strong></td>
<td>Research or experimental laboratory, without manufacturing</td>
<td>1 per 250 SF office space</td>
</tr>
<tr>
<td></td>
<td>All other uses</td>
<td>1 per 600 SF GFA office space 1 additional per 1,000 SF GFA outdoor facility 1 per 2,500 SF indoor storage area</td>
</tr>
<tr>
<td><strong>Light Industrial Service</strong> [5.1.5.A]</td>
<td>All uses</td>
<td>1 per 250 SF GFA office space 1 additional per 1,000 SF GFA outdoor facility 1 per 2,500 SF indoor storage area</td>
</tr>
<tr>
<td><strong>Warehouse and Freight Movement</strong> [5.1.5.B]</td>
<td>All uses</td>
<td>1 per 250 SF GFA office space 1 additional per 1,000 SF GFA outdoor facility 1 per 2,500 SF indoor storage area</td>
</tr>
<tr>
<td><strong>Waste-Related Service</strong> [5.1.5.C]</td>
<td>All uses</td>
<td>1 per 250 SF GFA office space 1 additional per 1,000 SF GFA outdoor facility 1 per 2,500 SF indoor storage area</td>
</tr>
<tr>
<td><strong>Wholesale Trade</strong> [5.1.5.D]</td>
<td>All uses</td>
<td>1 per 300 SF GFA office space 1 additional per 1,000 SF GFA outdoor facility 1 per 2,500 SF indoor storage area</td>
</tr>
<tr>
<td><strong>Heavy Industrial</strong> [5.1.3.E]</td>
<td>All uses</td>
<td>1 per 700 SF GFA office space 1 additional per 1,000 SF GFA outdoor facility 1 per 2,500 SF indoor storage area</td>
</tr>
<tr>
<td><strong>Other Uses</strong></td>
<td>Farm stand</td>
<td>2 per stand</td>
</tr>
<tr>
<td></td>
<td>Riding academy or boarding stable</td>
<td>1 per 2 horses</td>
</tr>
<tr>
<td></td>
<td>Resource Extraction [5.1.6.B]</td>
<td>All uses</td>
</tr>
</tbody>
</table>

(Ordinance 029552, 07/10/2012)
Note 1: Where a restaurant or bar use exceeds 40% of the shopping center square footage, the parking requirement for a restaurant or bar shall apply to the square feet comprising the restaurant or bar.

Note 2: When the calculation of parking requirements result in a fractional parking space, one parking space shall be provided to meet this fractional requirement.

7.2.3. Districts Exempt from Parking Ratios

A. The parking requirements in the table shall not apply in the CBD, Downtown Commercial District and to properties in the CI, Intensive Commercial Zoning district located east of U.S. Highway 181 and Upper Broadway Street.

B. The parking regulations for requirements in the table above shall apply to the CR, Resort Commercial zoning districts, except as follows:

   1. Required parking spaces shall be reduced by 50% except for permitted residential hotel, motel and overnight accommodation uses.

   2. Parking shall be located a maximum of 2,000 feet from the property served for non-residential or 750 feet from the property served for residential uses. Distance shall be measured along shortest dedicated walkways.

7.2.4. Alternative Parking Plan Options

A number of specific parking and access alternatives are described. The Assistant City Manager of Development Services shall be authorized to consider and approve any alternative to providing off-street parking spaces on the site of a development, if the applicant demonstrates that the proposed plan will result in a better situation with respect to surrounding neighborhoods, City-wide traffic circulation, and urban design than would strict compliance with otherwise applicable off-street parking standards.

7.2.4.A. General

1. Procedure
   Alternative parking plans shall be reviewed and approved in accordance with the procedures of Section 3.24 Administrative Adjustment.

2. Recordation of Approved Plans
   A copy of an approved alternative parking plan shall be recorded as directed by the Assistant City Manager of Development Services. An alternative parking plan may be amended by following the same procedure required for the original approval. The applicant shall provide proof of recordation prior to approval of the building permit.
3. **Violations**

Violations of an approved alternative parking plan shall constitute a violation of this Unified Development Code and shall be subject to the provisions of Article 10 enforcement.

7.2.4.B. **Applicant-Submitted Parking Data**

Where the applicant feels the parking ratios of the table in Subsection 7.2.2.B are either too high or too low, or where the proposed use is not listed in the table, data submitted by the applicant may be used to determine the appropriate ratio for the specific proposed use. Such data may include site studies from similar uses, generally-accepted engineering standards (for example, Institute of Transportation Engineers trip rates), or independent engineering calculations based on the nature of the proposed use. The Assistant City Manager of Development Services shall evaluate such submittals to determine an acceptable ratio for the proposed use.

7.2.4.C. **On-Street Parking**

On-street parking spaces located within 300 feet of each building entrance open to the public, and not within any required vision triangle or obstructing a fire hydrant, may be used to meet on-site parking requirements with the approval of the Assistant City Manager of Development Services, who shall cause the issuance of an on-street parking permit specifying the number of spaces permitted to be used and their locations. A data base of such permits and the parking spaces committed to use by particular developments shall be maintained by the Department of Development Services.

On-street parking spaces allowed to be used to reduce or satisfy the parking requirement of one land use shall not be used toward meeting the requirement of another land use, unless the other use has different hours of operation or peak parking periods consistent with the criteria for shared parking in Subsection 7.2.4.E, or the on-street parking is found to be underutilized based on a review of recent parking data by the Assistant City Manager of Development Services.

The submittal of data and analysis supporting the use of on-street parking is the responsibility of the applicant. The City staff may provide to the applicant any data and analysis the City has available, but shall not be required to obtain new data or perform a new analysis. Application shall be made on forms and through administrative procedures published by the Assistant City Manager of Development Services.

7.2.4.D. **Off-Site Parking**

Off-site spaces may be located on a separate lot from the lot on which the principal use is located if approved by the Assistant City Manager of Development Services and if the off-site parking area complies with all of the following standards:

1. **Ineligible Activities**

   Except in the Resort Commercial Districts, the Downtown Commercial zoning district, and the –H Overlay district, off-site parking may not be used to satisfy the off-street parking standards for residential uses.
(except for guest parking), restaurants, convenience stores or other convenience-oriented uses. Required parking spaces reserved for persons with disabilities shall not be located off-site.

2. **Location**
   Off-site parking spaces shall be located within 1,000 feet from the primary entrance of the use served unless shuttle bus service is provided to the remote parking area. Off-site parking may not be separated from the use that it serves by a street right-of-way with a width of more than 80 feet unless a grade-separated pedestrian walkway is provided or other traffic control or shuttle bus service is provided to the off-site parking area.

3. **Zoning Classifications**
   Off-site parking areas serving uses located in non-residential zoning districts shall be located in non-residential zoning districts. Off-site parking areas serving uses located in residential zoning districts may be located in residential or nonresidential zoning districts.

4. **Agreement for Off-Site Parking**
   a. In the event that an off-site parking area is not under the same ownership as the principal use served, a written agreement between the record owners shall be required.
   
   b. The owner of the off-site parking area shall enter into a written agreement with the City, with enforcement running to the City, providing that the land comprising the parking area shall never be conveyed except in conjunction with the sale of the building which the parking area serves or subject to such facility requirements; that the owner agrees to bear the expense of recording the agreement; and that such agreement shall bind his or her heirs, successors, and assigns.
   
   c. An off-site parking agreement may be rescinded only if all required off-street parking spaces will be provided in accordance with Section 7.2.

7.2.4.E. **Shared Access and Parking**
   The Assistant City Manager of Development Services may authorize a reduction in the number of required off-street parking spaces for multiple-use developments or for uses that are located near one another and that have different peak parking demands or different operating hours. Shared parking shall be subject to the following standards:

1. **Location**
   Shared parking spaces shall be located within 500 feet of the primary entrance of all uses served, unless shuttle bus service is provided to the parking area.
2. **Zoning Classification**
   Shared parking areas serving uses located in nonresidential zoning districts shall be located in nonresidential zoning districts. Shared parking areas serving uses located in residential zoning districts may be located in residential or nonresidential zoning districts. Shared parking areas shall require the same or a more intensive zoning classification than that required for the most intensive of the uses served by the shared parking areas.

3. **Shared parking Study**
   Applicants wishing to use shared parking as a means of satisfying off-street parking requirements shall submit a shared parking analysis to the Assistant City Manager of Development Services that clearly demonstrates the feasibility of shared parking. The study shall be provided in a form established by the Department and made available to the public. It shall address at minimum, the size and type of the proposed development, the composition of tenants, the anticipated rate of parking turnover and the anticipated peak parking and traffic loads for all uses that will be sharing off-street parking spaces.

4. **Agreement for Shared Parking**
   A shared parking plan will be enforced through written agreement among all owners of record. An acknowledged copy shall be submitted to the Assistant City Manager of Development Services for recordation on forms made available by the Assistant City Manager of Development Services. Recordation of the agreement shall take place before issuance of a Building Permit, if the application supports the proposed development; or certificate of occupancy, if the application supports a proposed change to construction in progress. A shared parking agreement may be rescinded only if all required off-street parking spaces will be provided in accordance with this Section.

7.2.4.F. **Bicycle Parking**
   The Assistant City Manager of Development Services may authorize a reduction in the number of required off-street parking spaces for development or uses that make special provisions to accommodate bicyclists. Examples of accommodations include bicycle lockers, employee shower facilities, and dressing areas for employees. The amount of reduction permitted shall be as stated in a Bicycle Parking Manual published by the Department of Development Services.

7.2.4.G. **Tandem Parking**
   Tandem parking shall be allowed for single-family lots.
   
   (Ordinance 029376, 02/21/2012)

7.2.5. **Off-Street Parking Design Standards**
   Where off-street parking facilities are provided, the location, design and operation of such facilities shall comply with the following standards:
A. **Paving and Striping Required**

Unless otherwise explicitly stated, all surfaces of any vehicular use area containing four or more vehicle spaces shall be paved with all-weather materials such as asphalt, concrete or brick. In addition, all parking spaces shall be legibly marked on the pavement in accordance with the requirements and standards in this Section.

B. **Building Permit Required**

A Building Permit in accordance with **Section 3.18** shall be required for the construction of any parking lot required by the terms of this Unified Development Code that contains four or more vehicle spaces.

C. **Safe and Convenient Access**

1. Each required parking space and parking area shall be:

   a. Arranged for convenient access and safety of pedestrians and vehicles;

   b. Arranged so that no vehicle shall be required to back from a parking area directly onto property lines or public streets or enter the street to reach another aisle within the same parking area; and

   c. Designed to physically prevent any portion of a vehicle from encroaching into or overhanging any public or private property line by means of a permanently installed curb, wall or other such physical barrier.

2. Dead-end aisles shall not be permitted for angle parking unless adequate turn-around is provided.

D. **Off-Street Parking Dimensional Standards**

All parking spaces that are used to meet off-street parking requirements shall satisfy the minimum parking space standards shown in **Table 7.2.5.D**. Smaller parking spaces may be permitted in the CI, CBD and CR zoning districts where lot sizes, environmental constraints, or existing structures justify the use of smaller parking spaces to satisfy parking requirements. Smaller parking spaces may also be permitted if needed to assist economic development projects sponsored by the City, or otherwise recognized by the City Council. Smaller parking spaces are permitted within enclosed parking structures. Parking space dimensions shall not be less than the minimum dimensions recommended by the Institute of Transportation Engineers, or when enclosed parking structures are proposed by the Urban Land Institute.
## Table 7.2.5.D Off-Street Parking (Dimensional Standards)

<table>
<thead>
<tr>
<th>Parking Angle θ</th>
<th>Stall Width A</th>
<th>Curb Length B</th>
<th>Stall Depth C</th>
<th>Stall Line Length D</th>
<th>Stall Depth Interlock E</th>
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<tbody>
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<td>9</td>
<td>18</td>
<td>18</td>
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</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Parking Angle θ</th>
<th>Aisle Width F</th>
<th>Wall to Interlock G</th>
<th>Interlock to Interlock H</th>
<th>Wall to Wall I</th>
<th>Aisle Width J</th>
<th>Wall to Interlock K</th>
<th>Interlock to Interlock L</th>
<th>Wall to Wall M</th>
</tr>
</thead>
<tbody>
<tr>
<td>0°</td>
<td>10°</td>
<td>--</td>
<td>--</td>
<td>26</td>
<td>20</td>
<td>--</td>
<td>--</td>
<td>36</td>
</tr>
<tr>
<td>45°</td>
<td>10°</td>
<td>43.9</td>
<td>42.4</td>
<td>45.4</td>
<td>20</td>
<td>53.9</td>
<td>52.4</td>
<td>55.4</td>
</tr>
<tr>
<td>60°</td>
<td>14°</td>
<td>51.8</td>
<td>50</td>
<td>53.6</td>
<td>20</td>
<td>57.8</td>
<td>56</td>
<td>59.8</td>
</tr>
<tr>
<td>90°</td>
<td>24</td>
<td>--</td>
<td>60</td>
<td>24</td>
<td>--</td>
<td>--</td>
<td>60</td>
<td></td>
</tr>
</tbody>
</table>

### 7.2.6. Vehicle Stacking Areas

**A. Minimum Number of Spaces**

The vehicle stacking standards of this subsection shall apply unless otherwise expressly approved by the Technical Review Committee. The Technical Review Committee may require additional stacking spaces where trip generation rates suggest that additional spaces will be needed. Off-street stacking spaces shall be provided as follows:
Table 7.2.6.A Vehicle Stacking Areas

<table>
<thead>
<tr>
<th>Activity</th>
<th>Minimum Spaces</th>
<th>Measured From</th>
</tr>
</thead>
<tbody>
<tr>
<td>Automated teller machine</td>
<td>3</td>
<td>Machine</td>
</tr>
<tr>
<td>Bank teller lane</td>
<td>4</td>
<td>Teller or window</td>
</tr>
<tr>
<td>Car lubrication stall</td>
<td>2</td>
<td>Entrance to stall</td>
</tr>
<tr>
<td>Car wash stall, automated</td>
<td>4</td>
<td>Entrance to wash bay</td>
</tr>
<tr>
<td>Car wash stall, hand-operated</td>
<td>3</td>
<td>Entrance to wash bay</td>
</tr>
<tr>
<td>Day Care drop off</td>
<td>3</td>
<td>Passenger loading area</td>
</tr>
<tr>
<td>Gasoline pump island</td>
<td>2</td>
<td>Pump island</td>
</tr>
<tr>
<td>Parking area, controlled entrance</td>
<td>4</td>
<td>Key code box</td>
</tr>
<tr>
<td>Restaurant drive through</td>
<td>6</td>
<td>Order box</td>
</tr>
<tr>
<td>Restaurant drive through</td>
<td>4</td>
<td>Order box to pick-up window</td>
</tr>
<tr>
<td>Valet parking</td>
<td>3</td>
<td>Valet stand</td>
</tr>
<tr>
<td>School (Public and Private)</td>
<td>Determined by Technical Review Committee</td>
<td></td>
</tr>
<tr>
<td>Other</td>
<td>Determined by Technical Review Committee</td>
<td></td>
</tr>
</tbody>
</table>

B. Design and Layout

Required stacking spaces are subject to the following design and layout standards:

1. **Dimensions**
   Stacking spaces shall be a minimum of 8 feet by 20 feet in size.

2. **Location**
   Stacking spaces shall not impede on- or off-site traffic movements or movements into or out of off-street parking spaces.

3. **Design**
   Stacking spaces shall be separated from other internal driveways by raised medians if deemed necessary by the Technical Review Committee for traffic movement and safety.

4. **Gatehouse Entries**
   Gatehouse entries shall be designed so that vehicles may turn around without entering the gated area.

C. **Drive-Through Windows**

Drive-through windows and lanes shall be designed to adhere to the following standards:

1. Drive-through windows placed between the right-of-way of a roadway and the associated building shall require a parking buffer, as set forth in Section 7.3, installed and maintained along the entire length of the drive-through lane, located between the drive-through lane and the adjacent right-of-way.

2. No drive-through window shall be permitted on the side of a building adjacent to any residential zoning district.
7.2.7. **Off-Street Loading**

Service drives and other areas shall be provided for off-street loading in accordance with this subsection, in such a way that, in the process of loading or unloading, no vehicle shall block the passage of other vehicles on the service drive or extend into any other public or private drive or street used for traffic circulation.

**A. Design and Layout**

1. The location, design and layout of all loading spaces shall be indicated on the required site plans.

2. A loading space shall be a minimum of 12 feet by 35 feet and shall have a minimum vertical clearance of 14 feet.

3. Loading spaces for a funeral home may be reduced in size to 10 feet by 25 feet and may have a vertical clearance reduced to 8 feet.

4. Any vehicle sales or similar use requiring delivery of vehicles by truck shall demonstrate adequate on-site area exists for the loading and unloading of such trucks. Such loading and unloading activity shall not be permitted in any public right-of-way.

5. Any convenience store or similar use requiring frequent deliveries by truck shall demonstrate that an adequate on-site area exists for the loading and unloading of such trucks. Such loading and unloading activity shall not be permitted in any public right-of-way.

6. Vehicles shall have access to loading areas only from arterial or collector roadways, not from local streets.

**B. Loading Adjacent to Residential Districts**

1. When a loading dock abuts a single-family residential zoning district:
   a. Hours of operation including loading and unloading of supplies or merchandise for commercial uses shall be limited between the hours of 7:00 a.m. and 10:00 p.m.; and
   b. Loading docks shall be signed to indicate “no idling.”

**C. Landscaping and Screening**

1. All loading areas shall be required to provide a parking buffer in accordance with Section 7.3.

2. The following standards shall apply to all sites with loading docks in non-industrially zoned districts. Loading docks shall be:
a. Located at the side or rear of buildings a minimum of 50 feet away from any single-family property lines, unless the loading area is wholly within a closed building; and

b. Screened from view from residential properties or public rights-of-way.

§ 7.3 Landscaping

7.3.1. Finding
The City Council has declared that a goal for the City 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.

7.3.2. Purpose and Intent
The purpose of this Section is to:

A. Improve the appearance, quality, and quantity of landscaping on developed properties;

B. Assure new structures, certain modifications to existing structures and site improvements that require building permits conform to this Section;

C. Assure consistency with and implement the goals found in the Comprehensive Plan, particularly those that suggest improvements of the quality of life, enhancement of natural and man-made amenities and encouragement of a high level of design in the development of the City; and

D. Promote water conservation and other environmental friendly practices by incorporating the seven principles of Xeriscape, which are:

1. Good design;

2. Soil Improvements;

3. Limiting lawn areas;

4. Use of mulch;

5. Use of low water use drought tolerant plants;

6. Efficient use of water; and

7. Good maintenance techniques.
7.3.3. **Application**
The landscaping requirements of this Section shall apply to building permits for the following:

**A. New Development**

1. New construction on property in all zoning districts, except RV, R-MH or construction of single and two-family dwellings in any zoning district used solely for residential purposes.

2. Landscape plans submitted as part of the site plan application shall be signed and sealed by a Texas Registered Landscape Architect or certified nursery man. Landscape requirements within this Section are effective for a building permit application and certificate of occupancy submitted on or after July 31, 2011.

   a. Pursuant to Chapter 245 of the Local Government Code, this Section shall not be applicable to a valid building permit application or valid certificate of occupancy application submitted prior to July 31, 2011.


**B. Existing Development**
All property with existing development on July 31, 2011 which is not in compliance with the provisions of this Section shall be considered nonconforming, and allowed to continue until such time as a building permit is granted whereby:

1. Construction, or alteration within the street yard results in either of the following:

   a. Any increase in ground level area by 1,000 square feet or more of existing structures up to 10,000 square feet, or any increase in the floor area by 10% or more of existing structures greater than 10,000 square feet. However, destruction of more than 50% of an existing nonconforming structure as defined by Section 9.4 shall comply with all landscape requirements and be treated as new development. If destruction is less than 50%, compliance shall not be required unless the ground level floor area is increased beyond the 1,000 square feet or 10% area set forth; or

   b. Any buildings subsequently added within the street yard.

2. If subparagraphs 7.3.3.B.1.a or 7.3.3.B.1.b above are triggered, the provisions of this Section shall apply only to any increased floor area and vehicular use area in the street yard, and all calculations for
landscaping in connection with such areas under any subsection of this Section shall be based upon such increased floor area and vehicular use area required to serve the increase in floor area rather than the entire street yard of previously existing development.

3. Any change from a single-family or two-family residential use to a multi-family residential or non-residential use shall fully comply with all landscape requirements.

4. When this Section becomes applicable to a property, its requirements are binding on all current and all subsequent owners of the property.

5. The requirements of the Section shall also establish the minimum landscape requirements for site plans associated with a special permit or planned unit development project.

6. A common development that includes more than one lot or parcel shall be treated as one development for the purposes of satisfying these landscape requirements. A master plan for the entire development shall be provided to indicate the location of required design features and landscape materials. Split ownership, construction in stages, and multiple building permits for a project shall not prevent it from being a common development. Each phase shall comply with the landscape requirements as indicated on the master plan.

7. The landscape requirements presented in this Section must be implemented in a manner so as not to conflict with other provisions of this Code or articles of the Municipal Code pertaining to traffic and pedestrian safety and the floodplain management program.

8. In a phased development, which may include the construction of temporary improvements, the Assistant City Manager of Development Services may enter into a landscaping deferment agreement with the owner. The landscaping deferment agreement must address when final landscaping will be installed, but the required landscaping must be installed before a certificate of occupancy is issued for any adjacent buildings constructed during that phase of construction, unless a bond or other acceptable form of financial security are deposited to cover the costs of installation of the required landscaping, including any irrigation systems and physical infrastructure such as curbs and islands, as shown on the plans submitted for the development.

7.3.4. Alternative Compliance
The Board of Adjustment may approve alternative compliance with Section 7.3 in special cases where there are practical difficulties with the development of a site to strictly comply with the requirements of this Section. The following guidelines shall be used by the Board of Adjustment to determine if alternative compliance may be approved:
A. That satisfying the requirements of this Section would prohibit an owner of property from using land for a use that this Unified Development Code expressly permits;

B. That the practical difficulties of meeting the requirements of this Section are unique to that property, and not general in character;

C. That the alternative compliance will not adversely affect: the adjoining property; the health, safety and welfare of the general public; the purpose and intent of this Section; or the Comprehensive Plan; and the alternative compliance is done in the public interest.

D. Financial hardship due to meeting the requirements of this Section is not sufficient for alternative compliance.

7.3.5. Landscape Handbook

The Development Services Department shall maintain and revise the Landscape Handbook every five years or earlier and make the same available to the public. The Handbook shall provide an illustrative interpretation of the standards, recommended plant material and suggested guides for landscaping in accordance with the provisions of this Code.

7.3.6. Requirements for All Street Yards

The following landscape requirements shall be achieved for each respective zoning category, except for single and two-family residential uses and Manufactured Home and Recreational Vehicle Park districts.

A. Farm-Rural, Residential Estate, Single Family 1, 2, 3, 4, Townhouse, Two-Family, Multifamily 1, 2, 3 Zoning Districts.

Except as noted elsewhere, the minimum required landscaped area is 30% of the total street yard. The street yard shall be landscaped with plant material to achieve a minimum of 0.06 points per square foot of total street yard area. Multi-family residential uses within commercial zones shall provide minimum required landscaped area and points as required by this subsection.


The minimum required landscaped area is 15% of the total street yard. The street yard shall be landscaped with plant material to achieve a minimum of 0.02 points per square foot of total street yard area.

C. Resort Commercial Zoning District

1. In a Resort Commercial District, the minimum required landscaped area is either 80% of the entire area within the required street yard setback or 100% of the street yard setback area exclusive of driveway approaches, whichever is the less. The area shall be landscaped with plant material to achieve a minimum of 0.15 points per square foot of the area within the required street yard setback. The area within the
remaining street yard is required to have a minimum of 15% landscaped area and shall achieve a minimum of 0.02 points per square foot of the remaining street yard. Each of these landscape areas and point requirements shall be calculated and complied with separately.

2. In a Resort Commercial District for any use other than a single-family or two-family residential use, if the lot or parcel does not abut a local street, the minimum required landscaped area is either 80% of the entire area within the required street yard setback or 100% of the street yard setback area exclusive of driveway approaches, whichever is the less.

3. In a Resort Commercial District, any use other than a single-family or two-family residential use, if the lot or parcel abuts a local street, shall include a 20 foot landscaped setback area with a 6 foot stucco-type fence, required by Section 6.4.7, behind the landscaped setback area. The minimum required landscaped area is 100% of the entire area between the right-of-way line and the required stucco-type fence. The area shall be landscaped with plant material to achieve a minimum of 0.20 points per square foot of the area between the side yard property lines, the fence and the local street right-of-way. A canopy tree listed in the Plant List shall be planted in the designated landscape areas every 30 feet on center.

D. Business Park, Light Industrial, Heavy Industrial Zoning Districts
The minimum required landscaped area is 15% of the total street yard. The street yard shall be landscaped with plant material to achieve a minimum of 0.02 points per square foot of total street yard area. When a building site is used for uses permitted only in the Heavy Industrial District, the site may alternatively have a continuous screen of trees and shrubs planted adjacent to property lines abutting non-industrial zoning districts and street frontages so that such site is totally screened from all such zones and streets. The trees and/or shrubs shall be of a variety that will mature to at least 8 feet in height. This planting shall not be provided within the visibility triangles of driveways or streets.

7.3.7. Historic and Planned Unit Development Overlays and Special Permits
The minimum required landscaped area and points are to be provided according to the underlying zoning district.

7.3.8. Multiple Street Frontages
On building sites with multiple street frontage, the street yard along the primary street shall provide a minimum of 100% of the landscaped area and points, as required; frontage along a second street – 80%; frontage along a third street – 67%; and frontage along a fourth street – 60%. Respective frontage shall be based on highest to lowest traffic volumes.
7.3.9. **Reduction of Landscaping**
Any required landscape area (except for the effective visual screen landscape area) may be reduced by a maximum of 35%, provided that the remaining area shall be provided with additional planting to achieve three times the number of points required for the street yard. For example, if 100 square feet requires a point density of .15 points per square foot of street yard area, 65 square feet would require total points equal to (65 X 0.15) plus (35 X 3 X 0.15). This permissible reduction does not apply to the IO-Island Overlay District.

7.3.10. **Requirements for Buffering Incompatible Uses**

A. Where a commercial or industrial use is established on a lot or parcel adjacent to a lot or parcel zoned for or occupied by residential uses, then the owner of the lot or parcel to be occupied by said commercial or industrial use shall be required to construct a solid screening fence 6 feet in height.

B. All service entrances and exits in the street yard for commercial and industrial uses which are within 50 feet of residential zones or uses must be landscaped to meet the minimum criteria in Subsection 7.3.11.B.

7.3.11. **Landscaping Specification for all Applicable Zones**
The following landscaping specifications apply to all applicable zones and uses:

A. **Vehicular Use Areas**
Required landscape areas specified in items 1 and 2 may be included in the development’s total landscape area requirements.

1. All vehicular use areas within any street yard and within 100 feet of any street shall be visually screened from the street right-of-way by an effective visual screen with a minimum 3 feet width and an average of 5 feet total width of landscaped area along each street frontage. A maximum of 1 foot of the street right-of-way may be included as part of the required width of the effective visual screening landscape area. If a solid screening fence or wall with a height of more than 3 feet is located within 100 feet of any street, all required landscaping areas and points shall be provided in the area between the fence or wall and the abutting street. If an open fence (i.e. wrought iron, chain link without slats) is utilized, required landscaping (including areas and points) may be provided behind the open fence.

2. The vehicular use area within the street yard must contain an effective visual screen within 5 feet of the perimeter of the vehicular use area for a minimum of 100% of the vehicular use area frontage on a street except for driveway approaches. The visual screen may be achieved through the use of plant material in its entirety or up to 50% of the total street frontage in earthen berms. The screen need not be a linear edge, but may vary in width and height as long as the range in height is between 24 and 36 inches as measured from the elevation of the vehicular use area or the street curb, whichever is higher.
3. For vehicular use areas located in the street yard and greater than 40 parking spaces, or 14,000 square feet, whichever is less, a minimum landscaped area of 20 square feet per parking space or per each multiple of 350 square feet, whichever is less, must be provided within the interior of the vehicular use area(s). The interior parking area(s) of multi-level parking structures, underground parking lots, or service and loading zones located behind the street yard are not included.

4. No vehicular use area within any street yard shall be more than 70 feet from a tree, palm, or other landscaped area.

5. All landscaping in or adjacent to a vehicular use area shall be protected from vehicular damage by a raised concrete curb 6 inches in height or equivalent barrier, however, barrier need not be continuous.

6. Landscaped areas adjacent to vehicular use areas shall be landscaped so that no plant material greater than 12 inches in height will be located within 2 feet of the curb, wheel stop, or other protective barrier.

B. Dimensional Criteria

1. Each landscape area shall have at a minimum the following criteria:
   a. 25 square feet in size;
   b. Inside dimensions of 3 feet; and
   c. Perennial plant material shall be planted at a minimum of one plant per 25 square feet of landscape area.

2. Landscaping shall not obstruct visibility between two intersecting streets, between a street and driveway approaches or the parking aisles near the entries and exits to the site.

C. Irrigation

1. All required landscaping shall be irrigated by one or both of the following methods and must meet all City Plumbing Code requirements:
   a. An underground sprinkler and/or drip system; or
   b. A hose attachment within 75 feet of all required landscaping.

2. An exception to subparagraphs 7.3.11.C.1.a and 7.3.11.C.1b may be applied if Xeriscape landscaping and adequate mulching is used. This exception shall not be used for the Island Overlay District or CR Districts.
3. Automatic irrigation systems should be operated between the hours of 6:00 p.m. and 10:00 a.m. to reduce loss of water to evaporation and wind.

4. Rain sensors are required on all in-ground sprinkler systems for the purpose of overriding the normal cycle of an irrigation system when an adequate amount of rainfall has been received.

5. An installer of an irrigation system must be licensed by the Texas Commission on Environmental Quality and registered annually with the City Development Services Department.

7.3.12. Measured Compliance

The following point schedule and requirements apply in all zones to ground planted with established perennial plants in landscaped areas. New or existing plants which are larger than the maximum size listed shall not be credited with additional points. See the Landscape Handbook for the Plant List.

A. Point Schedule for Trees

<table>
<thead>
<tr>
<th>Size</th>
<th>Point Credit*</th>
</tr>
</thead>
<tbody>
<tr>
<td>5 ½” Caliper</td>
<td>200 points</td>
</tr>
<tr>
<td>5” Caliper</td>
<td>160 points</td>
</tr>
<tr>
<td>4 ½” Caliper</td>
<td>105 points</td>
</tr>
<tr>
<td>4” Caliper</td>
<td>80 points</td>
</tr>
<tr>
<td>3 ½” Caliper</td>
<td>55 points</td>
</tr>
<tr>
<td>3” Caliper</td>
<td>45 points</td>
</tr>
<tr>
<td>2 ½” Caliper</td>
<td>40 points</td>
</tr>
</tbody>
</table>

*Point credit shall be given for trees selected from the list of trees in the Plant List.

B. Point Schedule for Palms

<table>
<thead>
<tr>
<th>Common Name</th>
<th>Scientific Name</th>
<th>Point Credit</th>
</tr>
</thead>
<tbody>
<tr>
<td>Queen Palm (Cocus Plumose)</td>
<td>Arecastrum romanoffinum</td>
<td>15 pts/trunk ft.</td>
</tr>
<tr>
<td>Mexican Blue Palm</td>
<td>Brahae armata</td>
<td>20 pts/trunk in.</td>
</tr>
<tr>
<td>Pindo, Jelly Palm, Cocos Australis</td>
<td>Butia capitata</td>
<td>20 pts/trunk ft.</td>
</tr>
<tr>
<td>Mediterranean Fan Palm</td>
<td>Chamaerops humulis</td>
<td>5 pts/ft. of overall height</td>
</tr>
<tr>
<td>Chinese Fan Palm</td>
<td>Livistona chinensis</td>
<td>20 pts/trunk ft.</td>
</tr>
<tr>
<td>Canary Island Date</td>
<td>Phoenix canariensis</td>
<td>10 pts/trunk ft.</td>
</tr>
<tr>
<td>Texas Date Palm</td>
<td>Phoenix dactalifera</td>
<td>10 pts/trunk ft.</td>
</tr>
<tr>
<td>Cabbage Palm (Florida Sabal)</td>
<td>Sabal palmetto</td>
<td>15 pts/trunk ft.</td>
</tr>
<tr>
<td>Texas Sabal</td>
<td>Sabal texana</td>
<td>20 pts/trunk ft.</td>
</tr>
<tr>
<td>Cocus Plumosa</td>
<td>Syagrus romanzonffiana</td>
<td>15 pts/trunk ft.</td>
</tr>
<tr>
<td>Windmill Palm</td>
<td>Trachycarpus fortunei</td>
<td>5 pts/trunk ft.</td>
</tr>
<tr>
<td>Fan Palm</td>
<td>Washingtonia robusta</td>
<td>12 pts/trunk ft.</td>
</tr>
<tr>
<td>Fan Palm (Freeze Hardy)</td>
<td>Washingtonia filifera</td>
<td>20 pts/trunk ft.</td>
</tr>
</tbody>
</table>
C. **Point Schedule for Shrubs, Vines, Groundcovers and Herbaceous Perennials**

<table>
<thead>
<tr>
<th>Size</th>
<th>Point Credit</th>
</tr>
</thead>
<tbody>
<tr>
<td>15 gallon</td>
<td>7 points</td>
</tr>
<tr>
<td>10 gallon</td>
<td>5 points</td>
</tr>
<tr>
<td>5 gallon</td>
<td>3 points</td>
</tr>
<tr>
<td>2 to 3 gallon</td>
<td>2 points</td>
</tr>
<tr>
<td>1 gallon</td>
<td>1 point</td>
</tr>
<tr>
<td>*4 inch pot</td>
<td>0.3 points</td>
</tr>
</tbody>
</table>

*The only groundcover species acceptable in a 4” pot size are Asian Jasmine and Wedelia.*

D. **Existing Trees**

Healthy existing trees 2 inches in caliper or greater and healthy existing palms of a minimum 2 feet trunk height achieve the same amount of points as indicated in point schedules.

E. **Tree of Palm Requirement**

A minimum of 50% of all required points shall be achieved through tree or palm plantings.

### 7.3.13. Interior of Vehicular Use Areas

A. All trees in the interior of vehicular use areas shall be 2 2/12’ caliper size or greater.

B. All palms in the interior of vehicular use areas shall be a minimum of 7 foot trunk height.

C. Minimum three (3) gallon container size shrubs are required for all required effective visual screens for vehicular use areas.

### 7.3.14. Planting in Street Right-of-way

Points shall be given for trees, palms, shrubs or groundcover planted in the street right-of-way if all of the following criteria exist:

A. The landscaping is within 15 feet of the subject lot's or parcel's property line;

B. The street pavement is at its ultimate width according to the current Urban Transportation Plan;

C. Underground utilities are not located in the area where plant material is to be planted;

D. Plant material will not create conflicts with pedestrian and vehicular safety or conflict with overhead or underground utility lines;

E. A variance has been granted by the Board of Adjustment; and
F. In the case of state-owned right-of-way, written authorization from the Texas Department of Transportation to utilize street right-of-way for landscape planting has been obtained.

7.3.15. Tree Protection Credit

A. Credit shall be given for tree and palm preservation within the street yard or landscaping areas. Trees and/or palms preserved from the Plant List in compliance with this Section may satisfy the tree and palm requirements of Subsection 7.3.12.

B. All trees and palms to be preserved within an approved building site shall be flagged and encircled with protective fencing that extends beyond the full spread of the tree branches. No construction activity shall occur in an area that constitutes more than 50% of the critical root zone (as measured from the edge of the drip line to the trunk of the tree and palm) for each tree or palm being reserved. The critical root zone shall be left in a pervious condition after construction and development are completed. The root protection zone for each preserved tree or palm must remain unpaved until approval has been given by the Assistant City Manager of Development Services.

C. A reduction of up to 5% of the required parking spaces shall be permitted when healthy, existing trees or palms identified in the Plant List are preserved on the property to satisfy the tree and palm requirement of Subsection 7.3.12. Landscape areas which qualify for the reduction of required parking spaces must provide impervious area of the critical root zone on a square foot for square foot basis. An average parking space, including aisles, is 350 square feet.

7.3.16. Landscape Plan Submittal Requirements

A. When an application is made for a building permit on any site where these landscape requirements are applicable, the building permit application shall be accompanied by a landscape plan containing the following information:

1. The date, scale, north arrow, title and name of owner;

2. An accurate 1” = 20’ or larger scale site plan of the lot(s) or parcel(s) with boundary lines and dimensions;

3. Total area of the street yard(s), street setback areas and computations of required landscaped areas;

4. A point chart listing plant names, size, point value and the total number of landscapes points accumulated;

5. Existing and proposed utility lines, both overhead and underground, and easements on or adjacent to the lot(s) or parcel(s);
6. Existing and proposed driveway approaches, sidewalks adjacent to the street and the edge of roadway pavement with visibility triangles clearly indicated;

7. Existing and proposed paving and structures with respective heights;

8. The location, size and the scientific and common names of landscaping which is to be installed and maintained on the site for fulfillment of this Section;

9. An indication of the current zoning and land use on surrounding properties;

10. Any factors which may affect the practical application of this Section, such as significant topographical features, water courses and bodies of water, etc.;

11. The certification on the landscape plan by registered architect, Landscape Architect, Certified Nursery Professional, or registered professional engineer certifying that the plans satisfy the requirements of this Section; and

12. Landscaping for properties located within a floodplain shall be evaluated for consistency with the City’s Flood Hazard Prevention Code for rising water, diversion of water and impact on adjoining properties.

B. Payment of the appropriate landscape plan review as published in the Development Services Department fee schedule, which is adopted under Chapter 14 of the Municipal Code.

C. Any deviations from previously approved landscape plans must receive written approval from the Assistant City Manager of Development Services prior to installation.

7.3.17. **Maintenance and Inspection**

A. At the time of application, the owner shall agree, and does by his application agree, that he will maintain all required landscaping. All required landscaped areas shall be maintained so as to present a healthy, neat and orderly appearance conforming with Chapter 53, of the Municipal Code (trimming of trees and shrub overhanging streets and sidewalks) at all times and shall keep all landscaping free from refuse and debris.

B. The installation of Landscape material, as shown on the approved landscape plan, shall be certified by the property owner’s Landscape Architect, Certified Nursery Professional, or registered professional engineer, and shall be inspected and approved by the Assistant City Manager of Development Services prior to the issuance of a certificate of occupancy.
C. Diseased, dead or missing required plant material shall be satisfactorily treated or replaced within 30 days or a date approved by the Assistant City Manager of Development Services with the same plan variety and size.

D. An annual inspection fee shall be assessed for the inspection of a landscaping, as shown on the approved landscape plan. The Assistant City Manager of Development Services shall inspect all required landscape areas every 12 months after issuance of a certificate of occupancy to ensure continuous healthy growth and the replacement of dead or missing required plant material.

E. All landscape materials shall be in compliance with the American Standard for nursery stock (ANSI-Z60.1-1986) and installed in a sound, workman-like manner and according to accepted good planting procedures for the Corpus Christi area. These standards and procedures are described in the Landscape Handbook.

7.3.18. **Enforcement**

A. The Assistant City Manager of Development Services shall review each landscape plan submitted to determine if it complies with the requirements of this Code and other applicable sections of the Municipal Code. All landscape plans must comply with the mandatory requirements for the site.

B. All landscaping must be installed in accordance with the approved landscape plan before a certificate of occupancy is issued for any construction on the lot or parcel except as otherwise provided.

C. If the required landscaping is not submitted, the landscape inspector may, when demonstrated extenuating circumstances prevent the installation of landscape improvements, issue a temporary certificate of occupancy. The owner of the property will have a period of 90 days to provide the necessary landscaping to meet the requirements of this Code, as shown on the approved landscape plan or a revised landscape plan shall be submitted for review and approval.

D. The landscape inspector or one of his staff shall re-inspect each site no sooner than nine months and no later than 12 months after issuance of the certificate of occupancy to ensure compliance with these landscaping requirements.

E. At the time of application, the owner shall agree, and does by his application agree, that he will maintain all required landscaping.

F. It shall constitute a violation of this Section for any person to fail to install the landscaping required hereunder, to fail to permanently maintain such landscaping, or to fail to comply with any other provision of this Section, and any violation of this Section shall be subject to **Article 10** of this Code.
G. In the event landscaping does not comply with the approved landscape plan or the requirements of this Section, the City will cite the violation pursuant to the following requirements:

1. The property owner shall have 30 days or a date approved by the Assistant City Manager of Development Services from the date of such notice to comply with the approved landscape plan and the requirements of this Section.

2. If after 30 days, the landscaping is not in compliance with the approved landscape plan and the requirements of this Section, the property shall be in violation. A fine shall be assessed per day until such landscaping is in compliance.

3. In the event that any owner of a landscaping fails to maintain the landscaping according to the standards of this Section, the City shall have the right to recover the cost of enforcement, including reasonable attorney fees. The City may also, following reasonable notice and a demand that deficiency of maintenance be corrected, enter the landscaping and take maintenance action. The cost of such maintenance shall be charged to the party having the primary responsibility for maintenance of the landscaping.

4. If noncompliance continues beyond a reasonable period as determined by the Assistant City Manager of Development Services, the certificate of occupancy for such use shall be revoked.

Appendix A

The plant list will be incorporated into the Landscape Handbook and amended from time to time by a committee represented by the Corpus Christi Botanical Gardens, Nueces County Agricultural Extension Services, a practicing professional landscape architect, Xeriscape Corpus Christi, Beautify Corpus Christi and other recognized experts in local plant material.

Plant List.

Plants in this list were selected based on average use and sustainability in commercial landscape applications and maintenance. Landscape plants have been classified for local desirability according to the amount of litter they produce, their ability to withstand prevailing winds, compatibility with overhead and underground utilities and have been proven locally. It is important to note that not all of these plants can be used throughout the Corpus Christi area. Specific plant selection should be made after a thorough analysis of each site considering prevailing wind, salt spray, soil type and hydrology, shade or sun situation and size of plant at maturity. Plants qualified for inclusion in the Plant List and Points are as follows:
### CANOPY TREES

<table>
<thead>
<tr>
<th>Scientific Name</th>
<th>Common Name</th>
</tr>
</thead>
<tbody>
<tr>
<td><em>Carya illinoensis</em></td>
<td>Pecan</td>
</tr>
<tr>
<td>Casuarina cunninghamiana</td>
<td>Australian Pine (Island Only)</td>
</tr>
<tr>
<td><em>Chilopsis linearis</em></td>
<td>Desert Willow</td>
</tr>
<tr>
<td><em>Ehretia anacua</em></td>
<td>Anaqua</td>
</tr>
<tr>
<td>Fraxinus berlandieri ana</td>
<td>Mexican Ash</td>
</tr>
<tr>
<td>Fraxinus velutina</td>
<td>Arizona Ash</td>
</tr>
<tr>
<td><em>Pinus eldarica</em></td>
<td>Afgan Pine (sandy soils only)</td>
</tr>
<tr>
<td><em>Pinus elliottii</em></td>
<td>Slash Pine (sandy soils only)</td>
</tr>
<tr>
<td>Pinus halepensis</td>
<td>Alleppo Pine (sandy soils only)</td>
</tr>
<tr>
<td>Pithecellobium flexicaule</td>
<td>Texas Ebony</td>
</tr>
<tr>
<td><em>Prosopis glandulosa</em></td>
<td>Mesquite</td>
</tr>
<tr>
<td><em>Quercus macrocarpa</em></td>
<td>Bur Oak</td>
</tr>
<tr>
<td><em>Quercus virginiana</em></td>
<td>Live Oak (nursery grown)</td>
</tr>
<tr>
<td><em>Sapindus drummondii</em></td>
<td>Western Soapberry</td>
</tr>
<tr>
<td>Taxodium distichum montezuma</td>
<td>Montezuma Bald Cypress</td>
</tr>
<tr>
<td><em>Ulmus crassifolia</em></td>
<td>Cedar Elm</td>
</tr>
</tbody>
</table>

*Indicates protected tree

### UNDERSTORY TREES

<table>
<thead>
<tr>
<th>Scientific Name</th>
<th>Common Name</th>
</tr>
</thead>
<tbody>
<tr>
<td>Acacia farnesiana</td>
<td>Huisache, Sweet Acacia</td>
</tr>
<tr>
<td>Cordia boissiere</td>
<td>Wild Olive</td>
</tr>
<tr>
<td>Ilex decidua</td>
<td>Possumhaw Holly</td>
</tr>
<tr>
<td>Ilex vomitoria</td>
<td>Yaupon Holly Tree</td>
</tr>
<tr>
<td>Lagerstroemia indica</td>
<td>Crapemyrtle</td>
</tr>
<tr>
<td>Laurus nobilis</td>
<td>Bay Laurel (in sandy soils only)</td>
</tr>
<tr>
<td>Parkinsonia aculeata</td>
<td>Retama, Jerusalem Thorn</td>
</tr>
<tr>
<td>Persea borbonia</td>
<td>Native Sweetbay (in sandy soils only)</td>
</tr>
<tr>
<td>Pinus thunbergiana</td>
<td>Japanese Black Pine (sandy soils only)</td>
</tr>
<tr>
<td>Pyrus kawkamii</td>
<td>Ornamental Evergreen Pear</td>
</tr>
<tr>
<td>Sophora secundiflora</td>
<td>Texas Mountain Laurel</td>
</tr>
<tr>
<td>Vitex agnus-castus</td>
<td>Lavender Tree</td>
</tr>
</tbody>
</table>

### SHRUBS, VINES GROUNDCOVERS AND HERBACEOUS PERENNIALS

<table>
<thead>
<tr>
<th>Scientific Name</th>
<th>Common Names</th>
</tr>
</thead>
<tbody>
<tr>
<td>Acalypha spp.</td>
<td>Copperleaf, Copperplant</td>
</tr>
<tr>
<td>Agapanthus spp.</td>
<td>Blue Lily of the Nile</td>
</tr>
<tr>
<td>Agave americana</td>
<td>Century Plant</td>
</tr>
<tr>
<td>Antigonon leptopus</td>
<td>Coral Vine, Rosa-De-Montana, Queens</td>
</tr>
<tr>
<td>Aptinia condifolia</td>
<td>Heart and Flowers</td>
</tr>
<tr>
<td>Asparagus sprengeri</td>
<td>Asparagus Fern</td>
</tr>
<tr>
<td>Aspidistra elatior</td>
<td>Aspidistra, Cast Iron Plant</td>
</tr>
<tr>
<td>Berberis (Mahonia) trifoliata</td>
<td>Agarita, Agarito</td>
</tr>
<tr>
<td>Bamboo spp.</td>
<td>Bamboo</td>
</tr>
</tbody>
</table>
Bougainvilla spp. Bougainvillea  
Caesalpinia spp. Bird of Paradise Bush, Mexican Poinsiana  
Callistemon spp. Bottlebrush  
Campsis radicans Trumpet Vine, Trumpet Creeper  
Capsicum annuum Chilipiquin  
Carissa spp. Natal Plum  
Cassia alata Candlestick Tree  
Cassia spp. Cassia  
Cortaderia selloana Pampas Grass  
Cuphea hyssopifolia Mexican Heather  
Dasyliorn texanum Sotol  
Delosperma spp. Ice Plant  
Duranta repens Brazillian Sky Flower  
Elaeagnus pungens Silverberry  
Eriobotrya x “Coppertone” Coppertone Loquat  
Erythrina herbacea Coral Bean  
Euryops pactinatus Grayleaf Euryops  
Feijoa sellowiana Pineapple Gauva  
Ficus pumila (repens) Fig Ivy  
Gamolepis chrysanthemoides Golden Shrub Daisy  
Ginger spp. Flowering Ginger  
Hamelia patens Fire Bush, Hummingbird Bush  
Hedera canariensis Algerian Ivy  
Hedera helix English Ivy  
Hemerocallis spp. Daylillies  
Hesperaloe parviflora Red Yucca  
Hibiscus syriacus Althea, Rose-of-Sharon  
Ilex cornuta Dwarf Chinese Holly  
Ilex decidua Possumhaw Holly  
Ilex vomitoria Yaupon  
Ilex vomitoria nana Dwarf Yaupon  
Ipomea fitulosa Bush Morning-Glory  
Jasminum floridum Italian Jasmine  
Jasminum mesnyi Primrose Jasmine  
Jatropha spp. Jatropha  
Juniper spp. Juniper  
Justicia brandegeana Shrimp Plant  
Justicia suberecta Mexican Shrimp Plant  
Lagerstroemia spp. Crapemyrtle  
Lantana spp. Lantana  
Leucophyllum spp. Texas Silverleaf, Sage, Cenizo  
Ligustrum spp. Ligustrum  
Liriop e gigantean Giant liriope  
Liriop e muscari vars. Lily Turf, Liriope (Std., “Big Blue”)  
Lonicera japonica chinensis Japanese Purple Honeysuckle  
Malpighia glabra Barbados Cherry  
Malvaviscus drummondii Turk”s Cap  
Moraea spp. African Iris  
Musa spp. Banana Plant  
Nandina domestica Nandina
### Article 7: General Development Standards

#### Nandina domestica “Nana”
Dwarf Nandina  

#### Nerium oleander
Oleander  

#### Ophiopogon japonica
Mondo Grass, Monkey Grass  

#### Passiflora alatocaerulea
Passion Vine (P. pfordtii)  

#### Philodendron selloum
Philodendron  

#### Pittosporum spp.
Pittosporum (excluding Dwarf)  

#### Plumbago auriculata (P. Capensis)
Blue Plumbago  

#### Podocarpus macrophyllus
Yew  

#### Poliomentha longiflora
Mexican Oregano  

#### Punica granatum
Pomegranate (Regular & Dwarf)  

#### Pyracantha spp.
Firethorn, Pyracantha  

#### Raphiolepis indica
Indian Hawthorne  

#### Rosemarinus officinales
Prostrate Rosemary  

#### Russelia equisetiformis
Firecracker Plant  

#### Sabal minor
Palmetto Palm  

#### Salvia farinacea
Blue Sage, Mealy Sage  

#### Salvia greggii
Autumn Sage  

#### Schinus molle
California Pepper Tree  

#### Stralitzia spp.
Bird of Paradise  

#### Senecio confusus
Mexican Flame Vine, Mexican Love Vine  

#### Setcreasea purpurea
Purple Heart  

#### Tecoma stans
Yellowbells  

#### Tecoma capensis
Cape Honeysuckle (Tecoma capensis)  

#### Thyrrallis glauca
Yellow Plumbago  

#### Trachelospermum asiaticum
Asian Jasmine,  

#### Trachelospermum jasminoides
Confederate Jasmine, Star Jasmine  

#### Verbena bipinnatifida and rigida
Perennial Verbena  

#### Viburnum spp.
Viburnum  

#### Vinca major
Large Vinca  

#### Vinca minor
Small Vinca  

#### Xylosma congestum
Xylosma  

#### Yucca pendula
Softleaf Yucca  

#### Yucca thompsonia
Thompson Yucca  

#### Yucca treculeana
Spanish Dagger  

#### Wedelia trilobata
Wedelia  

### PALMS

#### Scientific Name | Common Name
--- | ---
Arecastrum romanzioffinum | Queen Palm (Cocus Plumose)
Brahea armata | Mexican Blue Palm
Butia capitata | Pindo, Cocos Australis, Jelly Palm
Chamaerops humulis | Mediterranean Fan Palm
Livistona chinensis | Chinese Fan Palm
Phoenix canariensis | Canary Island Date
Phoenix dactylifera | Texas Date Palm
Sabal palmetto | Cabbage Palm (Florida Sabal)
Sabal texana | Texas Sabal
Syagrus romanzioffiniana | Cocos Plumosa
Trachycarpus fortunei | Windmill Palm
PLANTS NOT REQUIRED TO HAVE PERMANENT IRRIGATION

The following plants do need watering the first year to successfully establish. The plants listed in the Shrubs, Vines, Groundcover and Herbaceous Perennials category cannot be planted with plants that are on the following list. In order to create a landscape area without irrigation, only the following plants from this list can be used in that landscape area. These plants are not acceptable as parking buffers for vehicular use areas.

SHRUBS, VINES, GROUNDCOVER AND HERBACEOUS PERENNIALS

<table>
<thead>
<tr>
<th>Scientific Name</th>
<th>Common Name</th>
</tr>
</thead>
<tbody>
<tr>
<td>Agave spp.</td>
<td>Agave</td>
</tr>
<tr>
<td>Aloe spp.</td>
<td>Aloe Vera</td>
</tr>
<tr>
<td>Asparagus densiflorus</td>
<td>Sprengeri Asparagus Fern</td>
</tr>
<tr>
<td>Bulbine frutescens</td>
<td>Bulbine</td>
</tr>
<tr>
<td>Cacti spp.</td>
<td>Cactus</td>
</tr>
</tbody>
</table>

PALMS

<table>
<thead>
<tr>
<th>Scientific Name</th>
<th>Common Name</th>
</tr>
</thead>
<tbody>
<tr>
<td>Arecastrum romanzoffinum</td>
<td>Queen Palm (Cocus Plumose)</td>
</tr>
<tr>
<td>Brahea armata</td>
<td>Mexican Blue Palm</td>
</tr>
<tr>
<td>Chamaerops humulis</td>
<td>Mediterranean Fan Palm</td>
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<tr>
<td>Sabal palmetto</td>
<td>Cabbage Palm</td>
</tr>
<tr>
<td>Sabal texana</td>
<td>Texas Sabal</td>
</tr>
<tr>
<td>Washingtonia robusta</td>
<td>Fan Palm</td>
</tr>
<tr>
<td>Washingtonia filifera</td>
<td>Fan Palm (Freeze Hardy)</td>
</tr>
</tbody>
</table>

Washingtonia filifera        Fan Palm (Freeze Hardy)
Washingtonia robusta        Fan Palm
§ 7.4 Outside Display Sales and Storage

7.4.1 Purpose
The purpose of this Section is to provide reasonable limits on the outside display, sales and storage of merchandise in conjunction with a permitted principal use in nonresidential districts. These standards ensure that such display, sales and storage contribute to the normal activities of a use while not creating a public health or safety hazard or a nuisance.

7.4.2 Applicability
Any merchandise, material or equipment situated outdoors in nonresidential zoning districts shall be subject to the requirements of this Section.

7.4.3 Allowed Outside Display, Sales and Storage
Three types of storage shall be allowed in the zoning districts designated in the table. Outside retail display may be allowed in nonresidential zoning districts not designated in the table in accordance with the procedures for obtaining a special permit in Section 3.6.

Table 7.4.3 Allowable Storage (per zoning district)

<table>
<thead>
<tr>
<th>Category</th>
<th>CN, CR</th>
<th>CG</th>
<th>CI, CC</th>
<th>IL, IH, IC</th>
</tr>
</thead>
<tbody>
<tr>
<td>Outside Retail Display</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td></td>
</tr>
<tr>
<td>Outside Retail Sales</td>
<td></td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
</tr>
<tr>
<td>Outside Storage</td>
<td></td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
</tr>
</tbody>
</table>

(Ordinance 029698, 12/18/2012)

7.4.4 Categories of Outside Display and Storage
Outside display, sales and storage shall be classified into the following three categories.

A. Outside Retail Display
Outside retail display is the display of retail items for sale in an area that is not enclosed by four walls and a roof. Such display shall be subject to the following provisions:

1. The display area shall be adjacent to a principal structure wall and may extend a maximum of 5 feet in any direction from the wall.

2. The display area may occupy a maximum of 30% of the linear distance along the principal structure wall and shall not be permitted to block windows, entrances or exits and shall not impair the ability of pedestrians to use the building.
B. Outside Retail Sales
Outside retail sales is the sale of individually-packaged retail items in an area not enclosed by four walls and a roof that accommodates customers and contains items for sale beyond the allowable outside retail display area. Outside retail sales area shall be subject to the following provisions:

1. Outside retail sales shall not exceed 1,000 square feet or 10% of the total site area, whichever is greater. Outside sales areas in excess of that permitted in this paragraph shall be permitted in the Intensive Commercial, Light Industrial and Heavy Industrial zoning districts provided that it is completely screened from view from the public right-of-way and adjacent properties.

2. The outside sales area shall not encroach upon the public right-of-way, minimum required street yards or side yards; minimum required off-street parking areas or fire lanes.

3. The outside sales area shall be considered as part of the gross floor area for purposes of calculating parking loading.

C. Outside Storage
Outside storage consists of all remaining forms of outside display and storage not classified as outside retail display or outside retail sales, including items stored in shipping containers, conexes and semi-trailers not attached to a truck. Outside storage shall be subject to the following provisions:

1. Outside storage shall be allowed in unlimited quantity provided that the storage area is completely screened from view the public right-of-way and adjacent properties.

2. No outside storage shall be permitted within the following areas:
   a. Required street yard or side yards;
   b. Between a required street yard and the building; or
c. Required off-street parking areas or fire lanes.

7.4.5 Exception

A. Outside areas related to the properly permitted sale or rental of portable buildings, automobiles, boats, boat trailers, motorcycles, Manufactured Homes, or Recreational Vehicles shall not subject to the standards of this Section.

B. Temporary outside storage shall only be permitted during holiday seasonal months (October 15 through February 15) without those standards listed in Subsection 7.4.4.

C. Temporary storage containers shall be permitted in those zoning districts not listed in Table 7.4.3 for a period of 72 hours. A temporary use permit shall be required for temporary storage containers located for a period of more than 72 hours, but not to exceed 90 days.

§ 7.5 Signs

7.5.1. Purposes

In addition to the purposes in Section 1.2 of this Code, this Section is enacted to protect the health, safety, welfare, convenience, and enjoyment of the general public by establishing regulations for the erection and maintenance of billboards and signs. While signs are a proper commercial use of private property and serve an important function in identifying properties, businesses, services, residences, events, and other matters of public interest, which are entitled to the protection of the law, signs must be reasonably regulated in the interest of the public safety and welfare and to safeguard and promote the aesthetic quality of the City by establishment of standards for the number, size, height, spacing, and illumination of signs. The purposes of this Section are:

A. To protect the City's appearance and the quality of life of its citizens;

B. To protect the public from the danger of unsafe signs, and from the degradation of the aesthetic qualities of the City;

C. To preserve, protect, and enhance areas of historical, architectural, cultural, aesthetic, and economic value, regardless of whether they are natural or human-made;

D. To establish standards and provide controls that permit reasonable use of signs and enhance the character of the City;

E. To support and promote the use of signs to aid the public in the identification of businesses and other activities, to assist the public in its orientation within the City, to express the history and character of the City, to promote the
Article 7: General Development Standards

... community’s ability to attract sources of economic development and growth, and to serve other informational purposes;

F. To protect the safety and efficiency of the City's transportation network by reducing the confusion and distraction to motorists, reducing collision hazards and enhancing the motorists' ability to see pedestrians, obstacles, other vehicles, and traffic signs;

G. To avoid excessive competition for large or multiple signs, so that permitted signs provide identification and direction while minimizing clutter, unsightliness, confusion, and hazardous distractions to motorists;

H. To preserve the views of natural resources, green space, and other open spaces from unnecessary blight and blockage caused by signage and billboards;

I. To protect adjacent and nearby properties, in particular residentially zoned properties, from the impact of lighting, number, size, height, movement, and location of signs and billboards;

J. To maintain and enhance the impression of the City which is conveyed to tourists and visitors by controlling the location and number of signs and billboards; and

K. To encourage signage and other private communications which aid orientation, identify activities, express local history and character, or serve other educational purposes.

7.5.2. Applicability and Authority

A. Authority

This Section regulates signs when mounted, located, or displayed on property located within the incorporated limits of the City, on land that is either private land or public land over which the City has land use regulatory authority.

B. Applicability, General

1. This Section applies to all signs erected, placed, painted, installed, or otherwise made visible on private or public property in the City, except as otherwise provided in this Section.

2. All signs displayed in the City must comply with all requirements of this Section and all other applicable law.

3. Permits are required for all signs in the City, except as specified in this Section.

4. No sign, outdoor advertising, structure, billboard, or display may be erected, installed, located, or maintained in any zoning district of the City, except in conformity with these regulations.
5. New signs, additional signs, relocations, or structural alterations of existing signs require sign permits.

7.5.3. **Freestanding and Wall Signs Generally**
Except as limited in the special provisions below concerning particular zoning districts, the following provisions shall apply to freestanding and wall signs generally.

**A. Single Tenant Freestanding Sign**
One freestanding sign shall be permitted per street frontage or per lot and shall pertain only to the uses conducted within the buildings located on the premise. Changeable copy signs, including automatic changeable copy signs are allowed as provided in Subsection 7.5.12.

1. Freestanding signs placed within this minimum front yard depth as specified in Article 4 are not to exceed 64 feet in area or 20 feet in height. Such sign located within the front yard shall not overhang or project into the public right-of-way nor utilize or incorporate flashing illumination. In the event two front yards overlap at a corner, the area of overlap shall be designated as only one front yard.

2. Freestanding signs located beyond the front yard requirement in the “ON” Neighborhood Office District, “CN-1” Neighborhood Commercial District, “CN-2” Commercial Business District, “CG-1” General Commercial District, “CG-2” General Commercial District, “CI” Intensive Commercial District, “CBD” Downtown Commercial District, “IL” Light Industrial District, “IH” Heavy Industrial District, “CC” Commercial Compatible District and “IC” Industrial Compatible District are regulated per street type as classified in the Urban Transportation Plan and as listed below and per Subsection 7.5.4 Arterial Street Sections Regulated as Collector Street Sections:

   (Ordinance 029698, 12/18/2012)

   a. **Expressway/Freeways**
   i. Sign Area: 350 square feet (maximum)
   ii. Sign Height: 65 feet (maximum)

   b. **Arterials**
   i. Sign Area: 200 square feet (maximum)
   ii. Sign Height: 40 feet (maximum)

   c. **Collectors**
   i. Sign Area: 64 square feet (maximum)
   ii. Sign Height: 20 feet (maximum)
3. The same project or development greater than 25,000 square feet in size shall be permitted additional freestanding sign(s) for every 500 feet of street frontage calculated beyond the initial 500 feet of street frontage. Each sign shall be separated by a minimum of 150 feet. A project or development located on an arterial and partially on a collector may use arterial sign standards along the collector section of the project or development within 500 feet of the arterial street.

B. Single Tenant Wall Sign
A sign which does not project more than 24 inches above the wall-line or have more than 10% of the area project above the wall-line may be considered a wall sign. The square footage for electric, non-electric, attached or painted wall signage on any building/structure shall not exceed 25% of the building wall square footage for each elevation. All wall signs must be attached flat against the wall of the building, shall not project more than 36 inches from the wall of the building or structure. Changeable copy signs, including automatic changeable copy signs, are allowed as provided in Subsection 7.5.12. Wall signage may contain any noncommercial message but may contain no commercial message except a message related to commercial activity lawfully conducted on the premises; wall signage may contain any noncommercial message.

C. Multi-Tenant (3 or more Tenants) Freestanding Sign
One freestanding sign for building/same project/development of 25,000 square feet or less or two freestanding signs for building/same project development greater than 25,000 square feet shall be permitted, per street frontage, per lot or individual primary building and shall pertain only to the uses conducted within the buildings located on the premise. Signs for building/same project/development shall be separated by a minimum of 150 feet. Changeable copy signs, including automatic changeable copy signs are allowed as provided in Subsection 7.5.12.

1. Freestanding signs placed within the minimum front yard depth as specified in Article 4 are not to exceed 64 feet in area or 20 feet in height. Such sign located within the front yard shall not overhang or project into the public right-of-way nor utilize or incorporate flashing illumination. In the event of two front yards overlap at a corner, the area of overlap shall be designated as only one front yard.

2. Freestanding signs located beyond the front yard requirement in the “ON” Neighborhood Office District, “CN-1” Neighborhood Commercial District, “CN-2” Commercial Business District, “CG-1” General Commercial District, “CG-2” General Commercial District, “CI” Intensive Commercial District, “CBD” Downtown Commercial District, “IL” Light Industrial District, “IH” Heavy Industrial District, “CC” Commercial Compatible District and “IC” Industrial Compatible District are regulated per street type as classified in the Urban Transportation Plan and as listed below and per Subsection 7.5.4 Arterial Street Sections Regulated as Collector Street Sections:
Article 7: General Development Standards

a. Expressway/Freeways

i. Sign Area: 650 square feet (maximum)

ii. Sign Height: 65 feet (maximum); up to an additional 10 feet may be added if the adjacent street grade is elevated. The difference in elevation between the property and the street grade shall be the determining factor in the height allowed.

b. Arterials

i. Sign Area: 500 square feet (maximum)

ii. Sign Height: 50 feet (maximum)

c. Collectors

i. Sign Area: 250 square feet (maximum)

ii. Sign Height: 32 feet (maximum)

(Ordinance 029698, 12/18/2012)

3. The same project or development greater than 25,000 square feet in size shall be permitted additional freestanding sign(s) for every 500 feet of street frontage calculated beyond the initial 500 feet of street frontage. Each sign shall be separated by a minimum of 150 feet. A project or development located on an arterial and partially on a collector may use arterial sign standards along the collector section of the project or development within 500 feet of the arterial street.

D. Multi-Tenant Wall Sign

A sign which does not project more than 24 inches above the wall-line or have more than 10% of the area project above the wall-line may be considered a wall sign. Electric, non-electric, attached and/or painted wall signage on any building/structure shall not exceed 80% of the individual tenant space length and shall be unlimited as to height. All wall signs must be attached flat against the wall of the building, shall not project more than 36 inches from the wall of the building or structure. Changeable copy signs, including automatic changeable copy signs, are allowed as provided in Subsection 7.5.12. Wall signage may contain any noncommercial message but may contain no commercial message except a message related to commercial activity lawfully conducted on the premises; wall signage may contain any noncommercial message.

E. Accessory Freestanding Sign for Specific Uses

Listed uses that customarily display pricing of a product and require separate business signage due to industry standards are allowed one additional freestanding sign per street frontage and are as follows:
1. **Fueling Station**
   
   a. One sign per street frontage or lot
   
   b. 33 feet maximum height; up to an additional 10 feet may be added if the adjacent street grade is elevated. The difference in elevation between the property and the street grade shall be the determining factor in the height allowed.
   
   c. 165 square feet maximum size.

2. **New Auto/Truck Sales and Service**
   
   a. One sign for each different manufacturer
   
   b. 33 feet maximum height; up to an additional 10 feet may be added if the adjacent street grade is elevated. The difference in elevation between the property and the street grade shall be the determining factor in the height allowed.
   
   c. 165 square feet maximum size.

### 7.5.4 Arterial Street Sections Regulated as Collector Street Sections

Signage for single or multi-tenant uses located along arterial street sections with residential proximity is regulated by collector sign standards. Arterial street sections regulated with collector street standards are as follows:

**A. North to South Arterials**

1. **McKinzie Road** – from Atlanta Street south to the north side of Stonewall Blvd.
2. **Rand Morgan Road** – from Up River Road south to the north side of Wilkins Street
3. **Greenwood Road** – from Lawton Street south to the north side of Gollihar Road.
4. **Weber Road** – from McArdle Road south to the north side of Delphine Street.
5. **Everhart Road** – from Avalon Street south to the north side of Jacqueline Drive from Janssen Drive south to the north side of Mt. Vernon Drive, Shadowbend Drive south to Oso Parkway.
6. **Airline Road** – from Gregory Drive south to Belmeade Drive and Wooldridge Road south to Sandra Lane.
7. **Cimarron Road** – from Dunbarton Oak Drive to the north side of Cimarron Lake Drive.
8. **Waldron Road** – from Don Patricio south to the north side of Caribbean Drive.

9. **FM 1889** – along the east right-of-way frontage of FM 1889 from Northwest Boulevard (FM 624), south to City limit line and along the west right-of-way frontage of FM 1889 from Northwest Boulevard (FM 624) south to City limit line.

**B. East to West Arterials**

1. **Ocean Drive/Shoreline Blvd.** – from Resaca Street east to the west side of Country Club Drive.

2. **Alameda Street** – from Angel Avenue to the west side of Brawner Pkwy.

3. **Horne Road** – from Old Brownsville Road east to west side of Cross-Town Expressway.

4. **Gollihar Road** – from Greenwood east to the west side of Vestal Street, Kilgore Street east to the west side of Southwood Street, Randall Drive east to the west side of Sequoia Street and Dody Street, east to the west side of Marie Street.

5. **Holly Road** – from the east side of (driveway entrance) at 3338 Holly Road east to the west side of Carroll Lane and Nelson Street east to the west side of South Staples Street.

6. **Williams Drive** – west side Block 1, Lot 9 and Block 14, Lot 11 to the east side of Block 4, Lot 15 and Block 11, Lot 16 – Gardendale Subdivision.

7. **Yorktown Boulevard** – from Weber Road east to the west side of South Staples Street, Briecesco Drive east to the west side of Annemasse Street and Casa Blanca Court, east to the Laguna Madre.

8. **Northwest Boulevard (FM 624)** – on the south right-of-way frontage from East Riverview Drive west to City limit line and on the north and south right-of-way frontage from River Hill Drive west to East Riverview Drive.

**7.5.5 Compliance with Other Codes**

Signs installed must comply with the provisions of the Municipal Code, the Technical Construction Codes that refer to a Master Electrician required for installation of electrical signs, and the International Building Code (IBC) specifying sign requirements and engineer seal certifying that signs over 10 feet in height comply with the wind code.

**7.5.6 Exempt Signs**
7.5.6.A. On-premise directional signs for entrance and exit, menu boards and directory boards are exempted from the regulations of this Code. Menu boards and directory boards shall only communicate to the on-premises public. Placement of menu boards and directory boards should be to the interior of a site so they are not clearly visible and legible from the exterior of the property. Such boards are not regulated, as to the sign area, number and height calculations.

7.5.6.B. Non-illuminated sandwich board signs or A-frame signs conditioned as follows:

1. Located in one of the following areas:
   
a. The area bounded by Shoreline Drive, Park Street, Tancahua Street, Highway 181, Mesquite Street and Fitzgerald Street.

b. The area bounded by a line drawn along the northern edge of the Booty Street right-of-way between the northeastern corner at the intersection of Booty Street and South Staples Street and the northeastern corner at the intersection of Booty Street and South Alameda Street, thence along the northern edge of the McKenzie Street right-of-way to the northwestern corner at the intersection of Brownlee Boulevard and McKenzie Street, thence along the western edge of the Brownlee Boulevard right-of-way to the southwestern corner at the intersection of Brownlee Boulevard and South Staples Street at Cole Street, thence along the eastern edge of the South Staples Street right-of-way to the southeastern corner at the intersection of South Staples Street and Clifford Street, thence along the southern edge of the Clifford Street right-of-way to the corner at the intersection of Clifford Street and South Alameda Street, thence along the eastern edge of the South Alameda Street right-of-way to the eastern corner at the intersection of South Alameda Street and South Staples Street, thence along the eastern edge of the South Street right-of-way to the beginning corner. **Table 7.5.6.B** is a map of the boundary of the 6 Points A-Frame Sign Area.
7.5.6.C. One sign per building per street front for businesses occupying a zero-lot line building (multi-tenant buildings are allowed one sign per tenant).

7.5.6.D. Not exceeding 4 feet tall and 2 feet wide.

7.5.6.E. When placed on the public sidewalk within two and one-half feet, at its most distant point, from the buildings wall, leaving a minimum free and clear passage on the sidewalk of at least 60 inches, or placed within two and one-half feet, at its most distant point, from the back of the curb leaving a minimum free and clear passage on the sidewalk of at least 60 inches.
7.5.6.F. Not otherwise creating or causing a visual obstruction as defined by Chapter 53 of the Municipal Code, and

7.5.6.G. Displayed during the business hours of the business utilizing the sign and must be removed from the sidewalk by 2 a.m. each day and not be placed on the sidewalk before 6 a.m. each day.

7.5.7. **Signs Partially Exempt from Code**

A. The following signs may be erected or constructed without a permit, but may be subject to additional regulations under this Section:

1. Signs conforming to the Manual of Uniform Traffic Control Devices and bearing no commercial message.

2. Signs installed by employees or officials of a state or federal agency in the course of their governmental duties and bearing no commercial message.

3. Signs required by a state or federal statute.

4. Signs required by an order of a court of competent jurisdiction.

5. Signs installed by public utilities in their rights-of-way or on their facilities and bearing no commercial message other than such message necessary to identify the use.

6. Signs required by the Texas Railroad Commission at the principal entrance to or on each oil or gas producing property, well, tank or measuring facility to identify or to locate the property; the signs shall be no larger in size than is necessary to comply with the Texas Railroad Commission regulations and will have no advertising message other than the name or logo of the company and the necessary directions.

7. Signs installed by a transit company with a franchise or other right to operate in the City, where such signs are installed along its routes and relate to schedules or other information about the transit route or which contain off-premise advertising.

(Ordinance 029840, 05/28/2013)

B. Where a sign is erected under a state statute or a court order, the sign may exceed the size standards of this Section or otherwise deviate from the standards in this Section to the extent that the statute or court order expressly requires the larger size or other deviation. In all other respects, the signs must conform to the standards of this Section.
7.5.8. **Signs and Actions Allowed without a Permit**

A. The following signs and actions related to signs are exempt from the permit requirements of this Section, but are subject to all other standards of this Section:

1. Signs installed by employees or officials of the City that do not fall under the provisions of [Subsection 7.5.3](#).

2. Freestanding signs smaller than 2 square feet in area and less than 4 feet in height, and containing no commercial message.

3. Wall signs smaller than 2 square feet in area and containing no commercial message.

4. Window signs permitted by this Code, where the signs are not illuminated or otherwise electrified.

5. Permanent signs smaller than 7 square feet and permitted in single-family residential districts.

6. Any sign not legible from a public right-of-way or property other than the premises on which the sign is located.

7. Routine maintenance of any sign, not involving structural changes or alterations to the sign.

8. Changes of message, either manually or electronically, on an electronic message sign or changeable copy sign, subject to limitations of this Section on the frequency of message changes.

9. Changes of sign panels or letters that do not involve structural changes or alterations to the sign.

10. Moving off premise vehicular sign, except when operated in a manner to fall within the definition of “portable sign.”

B. The following defined and illustrated signs do not require a sign permit, but must comply with the standards stated in this Section and with all other applicable City regulations. If a district standard is stricter, that standard controls.
SIGNS NOT REQUIRING A SIGN PERMIT
<table>
<thead>
<tr>
<th>SIGN TYPE/DEFINITION</th>
<th>ILLUSTRATION</th>
</tr>
</thead>
<tbody>
<tr>
<td>Address Sign</td>
<td><img src="Image" alt="Address Sign Illustration" /></td>
</tr>
<tr>
<td>A wall sign that identifies the occupant and address of a residential structure.</td>
<td></td>
</tr>
<tr>
<td><strong>Standards</strong></td>
<td></td>
</tr>
<tr>
<td>(1) There may be no more than two address signs per street frontage indicating the name and address of the occupants of a dwelling.</td>
<td></td>
</tr>
<tr>
<td>(2) Address signs may not exceed 2 square feet in area.</td>
<td></td>
</tr>
<tr>
<td>Community Banner Sign</td>
<td><img src="Image" alt="Community Banner Sign Illustration" /></td>
</tr>
<tr>
<td>A civic sign located in a right-of-way in a nonresidential district promoting City economic development initiatives.</td>
<td></td>
</tr>
<tr>
<td><strong>Standards</strong></td>
<td></td>
</tr>
<tr>
<td>(1) The approval of a community banner must be issued in conjunction with permission to use the public right-of-way.</td>
<td></td>
</tr>
<tr>
<td>(2) A community banner may not exceed 8 square feet in area.</td>
<td></td>
</tr>
<tr>
<td>Construction Sign</td>
<td><img src="Image" alt="Construction Sign Illustration" /></td>
</tr>
<tr>
<td>Any freestanding sign intended to provide information about current construction on a site and the parties involved in the project.</td>
<td></td>
</tr>
<tr>
<td><strong>Standards</strong></td>
<td></td>
</tr>
<tr>
<td>(1) There may be up to 6 on-premise construction signs indicating the project information with the total square footage of all signs not to exceed 128 square feet in area.</td>
<td></td>
</tr>
<tr>
<td>(2) Construction signs may be a maximum of 15 feet in height.</td>
<td></td>
</tr>
<tr>
<td>(3) Construction signs must be removed within 30 days of completion of construction.</td>
<td></td>
</tr>
</tbody>
</table>
## SIGN NOT REQUIRING A SIGN PERMIT

<table>
<thead>
<tr>
<th>SIGN TYPE/DEFINITION</th>
<th>ILLUSTRATION</th>
</tr>
</thead>
<tbody>
<tr>
<td>Directory Board</td>
<td>![Directory Board Image]</td>
</tr>
<tr>
<td>A wall sign or freestanding sign that communicates only to the on-premise public and identifies or directs the observer to a business, owner, address, or location on the site.</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Hanging Sign</th>
<th>![Hanging Sign Image]</th>
</tr>
</thead>
<tbody>
<tr>
<td>A sign that hangs perpendicular to a building wall, down from and supported by or attached to the underside of a canopy, awning, marquee, or other extension of a structure.</td>
<td></td>
</tr>
</tbody>
</table>

### Standards

1. Only one marquee sign is permitted per customer entrance.
2. The bottom edge of such signs must be located a minimum of 9 feet above the walkway.
3. Hanging signs may not exceed 4 square feet in area.
4. Hanging signs may be internally illuminated.

<table>
<thead>
<tr>
<th>Home Occupation Sign</th>
<th>![Home Occupation Sign Image]</th>
</tr>
</thead>
<tbody>
<tr>
<td>A sign attached to the wall of a permitted home occupation.</td>
<td></td>
</tr>
</tbody>
</table>

### Standards

1. There may be only one non-illuminated home occupation sign that is physically attached to the exterior wall of the dwelling.
2. Home occupation signs may not exceed 2 square feet in area.
3. The home occupation with which the sign is associated must be allowed by this Code.
### SIGNS NOT REQUIRING A SIGN PERMIT

<table>
<thead>
<tr>
<th>SIGN TYPE/DEFINITION</th>
<th>ILLUSTRATION</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Menu Board Sign</strong></td>
<td><img src="image1" alt="Menu Board Sign Illustration" /></td>
</tr>
<tr>
<td>A permanently mounted sign displaying the bill of fare for a drive-through or drive-in restaurant that communicates only to the on-premise public.</td>
<td></td>
</tr>
<tr>
<td><strong>Standards</strong></td>
<td><img src="image1" alt="Menu Board Sign Illustration" /></td>
</tr>
<tr>
<td>See <strong>Subsection 7.5.19.</strong></td>
<td></td>
</tr>
</tbody>
</table>

| **On-Premises Directional Sign** | ![On-Premises Directional Sign Illustration](image2) |
| Informational signs erected on-premises by public and private developments directing or denoting the entrance, exit, parking, and direction of traffic flow. |
| **Standards**                  | ![On-Premises Directional Sign Illustration](image2) |
| (1) The directional signs may not exceed 4 feet in height and 16 square feet in area. |
| (2) Logos, emblems, or other identifying symbols of the development may be placed on informational signs. |

| **Political Sign** | ![Political Sign Illustration](image3) |
| A temporary sign that supports or opposes any political candidate, political issue, political referendum, or political party. |
| **Standards**      | ![Political Sign Illustration](image3) |
| (1) Political signs may be placed only on private property. |
| (2) Political signs may not block any intersection clear sight triangle. |
| (3) Political signs may not be placed within the public right of way. |
### SIGNS NOT REQUIRING A SIGN PERMIT

<table>
<thead>
<tr>
<th>SIGN TYPE/DEFINITION</th>
<th>ILLUSTRATION</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Real Estate Sign</strong></td>
<td><img src="image1" alt="Real Estate Sign Illustration" /></td>
</tr>
<tr>
<td>A temporary sign that advertises the sale or lease of the premises on which it is located.</td>
<td></td>
</tr>
<tr>
<td><strong>Standards</strong></td>
<td></td>
</tr>
<tr>
<td>See Subsection 7.5.18</td>
<td></td>
</tr>
</tbody>
</table>

| **Non-illuminated Sandwich Board Signs or A-frame Signs** | ![Non-illuminated Sandwich Board Signs Illustration](image2) |
| An advertising or business ground sign constructed in such a manner as to form an “A” or tent-like shape, hinged or not hinged at the top; each angular face held at an appropriate distance by a supporting member. | |
| **Standards:** | |
| See Subsection 7.5.6.B. | |

| **Subdivision Development Sale Sign** | ![Subdivision Development Sale Sign Illustration](image3) |
| A temporary on-premises sign announcing the availability of lots in a residential or nonresidential subdivision of more than five lots. | |
| **Standards** | |
| (1) One subdivision development sale sign may be permitted except that corner lots may have one sign per frontage separated by not less than 50 feet. A maximum of two such signs may be permitted. | |
| (2) Each sign may not exceed 32 square feet in area. | |
| (3) Such signs must be removed when 5% of the lots in the last phase remain unsold or undeveloped, or five total lots remain to be sold or developed, whichever is greater. | |
### 7.5.9 Signs Requiring a Sign Permit

#### SIGNS REQUIRING A SIGN PERMIT

<table>
<thead>
<tr>
<th>SIGN TYPE/DEFINITION</th>
<th>ILLUSTRATION</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>On-Premise Freestanding Signs</strong></td>
<td></td>
</tr>
<tr>
<td><strong>Ground Sign</strong></td>
<td>![Ground Sign Illustration]</td>
</tr>
<tr>
<td>A low-profile freestanding sign which is erected on a vertical framework consisting of two or more uprights, supported by the ground.</td>
<td></td>
</tr>
<tr>
<td><strong>Monument Sign</strong></td>
<td>![Monument Sign Illustration]</td>
</tr>
<tr>
<td>A freestanding sign supported by a solid base or platform to which such sign is affixed forming a sign structure of low profile in nature. The height of a monument sign includes the base.</td>
<td></td>
</tr>
<tr>
<td><strong>Pole Sign</strong></td>
<td>![Pole Sign Illustration]</td>
</tr>
<tr>
<td>A freestanding sign, high profile in nature, which is erected on a vertical framework of one or more uprights, supported by the ground.</td>
<td></td>
</tr>
<tr>
<td><strong>Standards</strong></td>
<td></td>
</tr>
<tr>
<td><strong>Changeable Copy Sign</strong></td>
<td>![Changeable Copy Sign Illustration]</td>
</tr>
<tr>
<td>Any sign that allows the copy to change, including Automatic Changeable Copy Signs and Manual Changeable Copy Signs. These signs may be lighted or unlighted, with detachable precut letters and figures, or the message may be electronic.</td>
<td></td>
</tr>
<tr>
<td><strong>Standards</strong></td>
<td></td>
</tr>
</tbody>
</table>
### Off-Premise Freestanding Signs

#### Off-Premise Directional Sign

An off-premise sign whose content is limited to identification information of a specific property located elsewhere and which tells the location of or route to that property.

![Off-Premise Directional Sign](image1)

### Off-Premise Sign

A sign advertising an establishment, merchandise, service, or entertainment which is not sold, produced, manufactured, or furnished on the premise on which it is located.

![Off-Premise Sign](image2)

### Building Signs

#### Awning Or Canopy Sign

Any sign painted on, attached to or otherwise displayed on a canopy or awning. This sign type does not include canopies over gas pumps (wall signs).

#### Standards

1. No awning or canopy sign may exceed 20% of the area of each awning or canopy (top plus all sides).

2. The letters may not project above or below the canopy or awning.

3. The sign may not extend outside the line of the canopy or awning.

4. The bottom of the sign must clear the sidewalk by 8 feet.
Article 7: General Development Standards

Marquee Sign

A sign attached to the face of a marquee and not projecting above or beneath the marquee face. A marquee is a permanent roof-like structure that projects from the wall of a building and may overhang the public right-of-way.

Standards

(1) The maximum area of a marquee sign must be that described for a wall sign below.

(2) No more than one marquee sign may be permitted for each building frontage that includes an entrance available to the general public.

(3) The marquee may not extend outside the line of the marquee, nor beyond the top or sides of the building.

(4) A marquee may not be oriented toward any residential district.

(5) Such sign may not project into the public right-of-way for a distance of more than 24 inches and must be a minimum of 8 feet above the walkway.

Wall Sign

An illuminated, non-illuminated, attached or painted sign attached parallel or perpendicular to the exterior wall of a building or structure or parallel to or within 60° of the roof of a building.

Standards

See Subsection 7.5.3.
### Miscellaneous Signs

#### Sign Kiosk

Sign structures located within, or immediately adjacent to, a subdivision for the purpose of directing traffic to the location of individual homebuilder communities.

**Standards**

1. Sign kiosks may not obstruct the use of sidewalks, walkways or trails.
2. Such sign may not be internally illuminated.
3. No signs, pennants, flags or other devices for visual attention or other appurtenances may be placed on the sign kiosk.
4. The City Council may grant to a qualified contractor the right to design, erect, and maintain sign kiosks.
5. The contractor may provide, at no cost to the City, sign kiosk panels that comprise up to 10% of all sign panels permitted, for the purpose or providing directions to municipal or community services.

#### Subdivision Entry Sign

A sign designating the entry into a residential or nonresidential subdivision.

**Standards**

1. One double-faced sign or two single-faced signs per subdivision entry may be permitted.
2. Each sign may not exceed 50 square feet in area.
3. The sign may not be located within any public right-of-way.
7.5.10. Signs Prohibited in All Districts

A. The following signs are prohibited in all districts:

1. Any sign erected or painted upon a fence, tree, standpipe, rock, or other natural feature.

2. Any sign attached to or painted on a fire escape or utility pole, except the manufacturer's or installer's ID plate which may not be legible from a distance of more than 3 feet.

3. Any sign which uses a word such as "Stop" or "Danger" prominently displayed or that is a copy or imitation of official traffic control signs, signals or devices, except where such words are a part of an attraction title for a theater or other similar event or purpose.

4. Signs containing flashing, intermittent or changing illuminations, except as required for traffic control. Changing the copy on a bulletin board, changeable copy or electronic message type sign in conformance with the provisions of Subsection 7.5.12. (Design and Operating Standards for Automatic Changeable Copy Signs) are not to be considered a violation of this Section.

5. Signs that produce sound or noise; cause interference with radio, telephone, television, or other communication transmissions; produce or reflect motion pictures; emit visible smoke, vapor, particles, or odor; are animated or produce any rotation, motion, or movement. A sign on which the message is changed electronically is not be considered an animated sign or a sign with movement.

6. Any sign that obscures or otherwise interferes with the effectiveness of an official traffic sign, signal, or device, or obstructs or interferes with the driver's view of approaching, merging, or intersecting traffic that is likely to distract a driver in any way.

7. Sign lighting that is not effectively shielded as to prevent beams or rays of light from being directed at any portion of the traveled ways of an interstate highway system, freeway, non-freeway primary highway, City street, or private street and that is of such intensity or brilliance as to cause glare or to impair the vision of the driver of any motor vehicle, or which otherwise interferes with any driver's operation of a motor vehicle.

8. Any sign that is so illuminated that it interferes with the effectiveness of or obscures an official traffic sign, device, or signal.

9. Any sign erected within the right-of-way of any street, road, interstate highway, freeway, or non-freeway primary highway, or within what would be the right-of-way if the right-of-way boundary lines were projected across an area of railroad right-of-way, utility right-of-way, or road right-of-way not owned by the state or political subdivision of the
state, except signs erected by federal, state, City, county, or other political subdivision officials in the ordinary course of their duties or permitted under a franchise agreement or encroachment permit issued by the political entity controlling the affected right-of-way.

10. Any roof sign or other sign on a roof that projects more than 24 inches above the wall line.

7.5.11. Signs Generally Prohibited but Allowed in Some Districts

The following signs are generally prohibited in the City, but are allowed in specific districts under specific circumstances, under this or other subsections of this Section:

A. Portable signs, except as allowed under Subsection 7.5.20. (Portable Signs Generally).

B. Neon signs are allowed only in nonresidential districts.

C. Automatic changeable copy signs, except as specified under “sign types allowed” in certain business districts, and subject to the limitations set forth in Subsection 7.5.17. (Signs Allowed in Commercial Districts).

Banners for temporary promotional events are allowed for churches, schools, and public buildings located in the FR through RS-TF districts, subject to limitations as set forth in Subsection 5.4.3.

7.5.12. Design and Operating Standards for Automatic Changeable Copy Signs

A. General Rules

1. Signs that move, flash, or simulate movement are prohibited except as allowed under this Section.

2. A changeable copy sign is considered a different classification of sign under this subsection.

3. Conversion of an existing sign to a changeable copy sign or to add changeable copy elements to it is allowed only if the modified sign conforms with all standards related to the location, height, size, and other characteristics of the sign.

B. Special Rules for Automatic Changeable Copy Signs

Automatic changeable copy signs may be allowed only on signs for which “changeable copy sign, automatic” is listed as a permitted sign characteristic and may be subject to the following additional restrictions:

1. The technology must be programmed so that the message or image on the sign changes no more often than every eight seconds and a change of message shall be accomplished within two seconds.
2. There may be no effects of movement, flashing, scintillation, or similar effects in the individual images.

3. Electronic signs may be located on either side of the highway; however, each sign must only be visible from one direction of travel.

4. Electronic signs must contain a default mechanism that freezes the sign in one position if a malfunction occurs.

5. Video technology in signs must use automatic level controls to reduce light levels at night and under cloudy or other darkened conditions, under the following standards:
   
a. All electronic or digital display unit message boards must have installed ambient light monitors, and must automatically adjust the brightness level of the electronic board based on ambient light conditions at all times.
   
b. Maximum brightness levels for electronic or digital display boards may not exceed 5,000 nits when measured from the billboard’s face at its maximum brightness, during daylight hours and 500 nits when measured from the board face at its maximum brightness between sunrise and sunset.

6. Any sign using electronic or electro-mechanical technology for changeable copy message boards, which malfunctions, fails, or ceases to operate in its usual or normal programmed manner causing therein motion, movement, flashing, or any other similar effects, must be repaired or disconnected within 48 hours by the owner or operator of the billboard or sign.

7. The owner of an electronic sign shall:
   
a. Coordinate with the City to display, when appropriate, emergency information important to the traveling public, such as Amber Alerts or alerts concerning terrorist attacks or natural disasters. Emergency information messages shall remain in the advertising rotation according to the protocols of the City; and
   
b. Provide to the department contact information for a person who is available to be contacted at any time and who is able to turn off the electronic sign promptly after a malfunction.

C. Rules for Manual Changeable Copy Signs Allowed under this Chapter

Manual changeable copy signs may be allowed only on signs for which “changeable copy sign, manual” is listed as a permitted sign characteristic.

(Ordinance 029929, 08/27/2013)

7.5.13.A. Wall Signs

1. One wall sign, not exceeding 1 square foot in area, is allowed for each dwelling unit. The wall sign may contain a message related to an activity lawfully conducted on the premises, including a lawful home occupation. The sign may not be illuminated.

2. For permitted uses other than single-family residences, one wall sign per use, not more than 2 square feet in area is allowed, provided that such sign contains no commercial message and is not illuminated.

7.5.13.B. Freestanding Signs

Each occupied premises is allowed a total of four temporary freestanding signs. The temporary freestanding signs are subject to the following standards:

1. One temporary freestanding sign may be up to 40 square feet in area and up to 35 feet in height (allowed in FR districts only).

2. For properties developed with single-family uses, the sign may not exceed 6 square feet, including rider signs, but may additionally include one letter-sized flyer box per premise. Only one sign per street frontage is allowed.

3. For undeveloped properties containing not less than 3 acres and not more than 5 acres, the sign may not exceed a height of 8 feet and a sign area of 16 square feet. Only one sign per street frontage is allowed. The use of one letter-sized flyer box per premise is permitted.

4. For undeveloped properties exceeding 5 acres, the sign may not exceed a height of 8 feet and a sign area of 32 square feet. Only one sign per street frontage is allowed. The use of one letter-sized flyer box per premise is permitted.

5. For the purposes of this Section, street frontage includes frontage along a canal or a golf course.

6. Freestanding signs may not be illuminated.

7. Freestanding signs may not be located in or overhang the public right-of-way.

8. The only commercial messages allowed on freestanding signs are messages related to commercial activity lawfully conducted on the premises, including the sale of agricultural products, the lawful occasional sale of personal property (such as through a garage sale or yard sale) or the sale, rental or lease of the premises.
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9. Signs related to the sale of personal property (not including agricultural products) must be removed within 24 hours after the end of the sale.

10. Signs related to the sale, lease or rental of the premises may be removed no later than the date on which the deed, lease or other document representing the transaction is completed.

11. Any such sign may contain any message other than a commercial message. If a message relates to an election or special event, such sign may be removed within seven days following the conclusion of such election or other event.

7.5.13.C. Additional Signs Allowed in the RMH District Only

1. Each manufactured home park is allowed to have one illuminated identification sign that may not utilize or incorporate flashing, moving, or intermittent illumination, must be placed flat against the wall of the building, may not project more than 36 inches from the wall of the building or structure, and may not extend above the height of the building to which it is attached.

2. The sign may bear any noncommercial message or commercial message related to the operation, marketing, management or other aspects of the manufactured home park.

7.5.13.D. Incidental Signs

Additional freestanding signs, permanent or temporary, of not more than 2 square feet in area and 4 feet in height are allowed, provided that such signs contain no commercial message and are not illuminated.

7.5.13.E. Institutional Signs

1. Any school, house of worship, recreation center or other institutional use permitted in the zoning district and fronts upon a designated arterial street or expressway, may have one freestanding sign, not to exceed 64 square feet in area and 20 feet in height. However, if the use fronts upon a designated local or collector street, the sign shall not exceed 40 square feet in area and 20 feet in height.

   a. Institutional freestanding signs may include changeable copy signs, not to exceed 30% of the sign area.

   b. Institutional freestanding signs may be illuminated.

   c. Such use may also be allowed one wall sign for each public entrance to a building.

   d. Institutional wall signs may not exceed 40 square feet each and may not be illuminated.
e. Such use may have three permits per calendar year at 30 days per permit for banners not exceeding 60 square feet in area. Banners shall not be located within a visibility triangle as defined in Subsection 1.11.3.  

(Ordinance 029376, 02/21/2012)  
(Ordinance 029770, 03/19/2013)

2. In connection with any college or school use, signs, excluding portable signs, which are within 100 feet of a public street, may be used for identifying the facility or publicizing related events, provided that no sign may contain any commercial message that exceeds 35% of the total sign area. Signs not within 100 feet from a public street are permitted without restriction provided such sign does not incorporate flashing, moving, or intermittent illumination but may include changeable copy technology conforming with Subsection 7.5.7.D. The number of signs and square footage of permissible sign area is not otherwise limited. Any sign not in compliance with this paragraph for the use of colleges and schools described herein may be granted the status of a nonconforming sign upon the registration of such sign with the Building Official or his designated representative within six months of the effective date of this Code verifying for each sign:

a. that the sign was constructed and in use prior to January 1, 1989;

b. that the sign is used to identify or publicize educational or related athletic events;

c. the location of the sign; and

d. the percentage of total sign area which is used or dedicated to a commercial logo or commercial message.

All signs registered as nonconforming sign pursuant to this paragraph may be subject to the provisions of Section 9.2, Nonconforming Signs.

7.5.13.F. Traffic Control Signs

Signs conforming with the Manual of Uniform Traffic Control Devices and containing no commercial message are allowed in required off-street parking areas.

7.5.14. Signs Allowed in the RM Districts (including RM-1, RM-2, RM-3, and RM-AT)

A. Wall and Freestanding Signs

The following wall or freestanding signs are allowed in these districts:

1. A sign identifying all permitted uses, except for one and two-family dwellings, as follows:
a. Properties consisting of less than 100 feet of street frontage are permitted one 30 square foot wall identification sign, which may not utilize or incorporate flashing, moving, or intermittent illumination. In the event that a property is occupied by ten or more multi-family units, one ground or monument freestanding sign, which may be set back at least 10 feet from the property line and may not exceed 10 feet in height or 20 square feet in area may be substituted in lieu of a wall sign.

b. Properties consisting of more than 100 feet of street frontage are permitted either one, 40 square foot wall identification sign, which does not utilize or incorporate flashing, moving, or intermittent illumination, or one, 40 square foot ground or monument freestanding sign per premise per street frontage. The freestanding sign must be set back 10 feet from the property line and may not exceed 10 feet in height and may be illuminated by ground lighting only and such lighting must be directed away from traffic flow on the adjacent streets.

c. In addition to the above, multi-family properties may be permitted one banner sign of an unlimited size on a temporary basis, not to exceed 30 days, once a year.

2. No portable sign is allowed in this district.

3. For properties developed with single-family, duplex, townhome or institutional uses, the restrictions stated in Subsection 7.5.13.E. apply.

B. Incidental Signs
Additional freestanding signs, permanent or temporary, of not more than 2 square feet in area and 4 feet in height are allowed, provided that such signs contain no commercial message and are not illuminated.

C. Traffic Control Signs
Signs conforming with the Manual of Uniform Traffic Control Devices and containing no commercial message are allowed in required off-street parking areas.

7.5.15. Permanent Signs Allowed in the Business and Industrial Districts.
The following freestanding and wall signs may be allowed in the business, professional office and industrial districts, including the overlay districts, except to the extent specifically modified by the rules in a particular district. Where the rules for a specific district deviate from these general rules, the specific deviation may be effective in that district, subject to its terms, but the remainder of the general rules in this Section may apply in that district.
A. Applicability

1. The provisions of this Section may apply to the following districts: ON, Office; CN, Neighborhood Commercial; CR, Resort Commercial; CG, General Commercial; CI, Intensive Commercial; CBD Downtown Commercial; BP, Business Park; I-2; IH, Heavy Industrial; CC, Commercial Compatible; and IC, Industrial Compatible.

   (Ordinance 029698, 12/18/2012)

2. The provisions of this Section may also apply to the following districts, except as modified by specific provisions applicable to such districts: RM-3, Multifamily 3; CR, Resort Commercial; -IO, Island Overlay District.

B. Messages

Any sign in these districts may bear any noncommercial message or a commercial message other than an off-premise commercial message; off-premise commercial messages may be allowed only in the -IO District. For purposes of this Section, a message advertising the property on which it is located, or any part thereof, for sale, rent or lease may not be considered an off-premise message.
C. **Table of Sign Types**

A sign type listed below is allowed as a permanent sign in any district which contains a “P” in the cell where the district intersects that sign type and prohibited in any district which contains an “NP” in the cell where the district intersects that sign type. Sign types allowed are further limited by height, size and other restrictions included elsewhere in this Section.

| Permanent Sign Types                          | RM-AT | ON  | CN-1 | CN-2 | CR-3 | CR-1 | CR-2 | CG-1 | CG-2 | CI  | CBD | BP  | IL  | IH  | RV  | CC  | IC  |
|-----------------------------------------------|-------|-----|------|------|------|------|------|------|------|-----|-----|-----|-----|-----|-----|-----|
| Billboard(4)                                  | NP    | NP  | NP   | NP   | NP   | NP   | NP   | NP   | NP   | P   | P   | P   | P   | P   | NP  | NP  | NP  |
| Canopy or Marquee Sign(2)                     | P     | P   | P    | P    | P    | P    | P    | P    | P    | P   | P   | P   | P   | P   | P   | NP  | P   |
| Pole Sign                                     | NP   | P   | P    | P    | NP   | NP   | P    | P    | P    | P   | P   | P   | P   | P   | P   | P   | P   |
| Roof Sign                                     | NP   | NP  | NP   | NP   | NP   | NP   | NP   | NP   | NP   | NP  | NP  | NP  | NP  | NP  | NP  | NP  | NP  |
| Other Characteristics                         |       |     |      |      |      |      |      |      |      |     |     |     |     |     |     |     |     |
| Whirling, Revolving                           | NP   | NP  | NP   | NP   | NP   | NP   | NP   | NP   | NP   | NP  | NP  | NP  | NP  | NP  | NP  | NP  | NP  |
| Noise Producing                               | NP   | NP  | NP   | NP   | NP   | NP   | NP   | NP   | NP   | NP  | NP  | NP  | NP  | NP  | NP  | NP  | NP  |

P in a cell means that the sign type or characteristic is allowed in that district, subject to additional dimensional and other standards set forth for individual districts.

NP in a cell means that the sign type or characteristic is not allowed in that district.

**NOTES TO TABLE:**

1. For design standards for wall signs, see **Subsection 7.5.3**.
2. For design standards for canopy or marquee signs, see **Subsection 7.5.9**.
3. For design and operating standards for automatic changeable copy signs, see **Subsection 7.5.12**.
4. For standards for the size, location and replacement of billboards, see Subsection 7.5.21.

7.5.16. Signs Allowed in the RV District

A. Principal Wall and Freestanding Signs

1. Each permitted Recreational Vehicle Park is allowed one freestanding sign, which:
   a. may not exceed 10 feet in height, may not overhang or project into the public right-of-way; and
   b. may not exceed 30 square feet in area.

2. Each permitted Recreational Vehicle Park is allowed one wall sign located on a building, which:
   a. may not project more than 36 inches from the wall of the building or structure;
   b. may not extend above the height of the building; and
   c. may bear any noncommercial message or a commercial message related to the marketing, renting of space, or other lawful operations of the Recreational Vehicle Park.

B. Incidental Signs

Additional freestanding signs, permanent or temporary, of not more than 2 square feet in area and 4 feet in height are allowed, provided that such signs contain no commercial message and are not illuminated.

C. Traffic Control Signs

Signs conforming with the Manual of Uniform Traffic Control Devices and containing no commercial message are allowed in required off-street parking areas.

7.5.17. Signs Allowed in Commercial Districts

7.5.17.A. Signs Allowed in the Resort Commercial Districts

1. CR-1 District

   a. Signs not exceeding the greater of 60 square feet per side, or one square foot for each linear foot of frontage in excess of 100 feet along an expressway, frontage road, arterial, or collector street, up to a maximum of 260 square feet shall be permitted. The permitted square feet in sign area may be divided among several smaller signs. Only one freestanding sign shall be permitted for
each lot or other area greater than one lot under common ownership, and it may not exceed a maximum of 150 square feet. No sign may project above the height of the building.

b. Any sign may be illuminated provided that it does not contain any flashing, moving, or intermittent illumination. The sign, if illuminated, shall have internal lighting, back lighting, or shielded, directional ground lighting.

2. CR-2 District

a. One freestanding sign shall be permitted not exceeding 60 square feet in area. The height may not exceed 30 feet or project above the roofline. No freestanding sign shall occupy the required 20-foot front yard. For a site with more than 500 feet of frontage measured along the longest street, an additional freestanding sign not exceeding 60 square feet may be permitted.

b. No wall sign may exceed 100 square feet, except that for each 1 foot of lot frontage in excess of 100 feet, one additional square foot of sign area shall be permitted, provided the total sign area on one lot(s) may not exceed 150 square feet. Provided further that in a shopping center each tenant may erect on the face of the building 1 square foot of sign for each front foot of tenant space occupied by the same tenant.

c. Banners not exceeding 20 square feet may be permitted for a period not to exceed 30 days from the time of certificate of occupancy.

d. Any lot or other area greater than one lot under one ownership may erect one real estate sign on each street frontage, setback from the front property line 20 feet and shall not exceed 16 square feet.

2. CR-3 District

Only Monument and wall signs are allowed. Maximum sign area, per lot, is one square foot of signage per foot of street frontage up to 275 square feet of total sign area. One monument sign shall be allowed for each 50-foot length of street frontage, or fraction thereof; provided that, no sign may exceed 25 square feet in area or 4 feet in height. Monument signs may be placed in setback areas. Banners are prohibited with the exception of 3 permits per calendar year at 30 days per permit. Banners may not exceed 20 square feet in area and shall not be located in the setback areas.

7.5.17.B. Sign Size and Number Limits in the Island Overlay District

Signs allowed in the Island Overlay District shall conform to the requirements of Subsection 6.4.9.
7.5.18. **Real Estate Signs**
Real estate signs may be used on a temporary basis while a property is for sale or for lease on the following conditions:

**A. Residential – Developed**
1. For properties developed with single-family uses, the residential real estate sign may not exceed 6 square feet, including rider signs.

2. For properties developed with single-family uses, the residential real estate sign may allow the use of one letter-sized flyer box.

3. For properties developed with single-family uses, only one real estate sign per street frontage is allowed.

**B. Residential – Undeveloped**
1. For undeveloped residential properties containing not less than 3 acres and not more than 5 acres:
   a. the sign may not exceed a height of 8 feet and a sign area of 16 square feet;
   b. only one real estate sign per street frontage is allowed; and
   c. the real estate sign may allow for the use of one letter-sized flyer box per premise.

2. For undeveloped residential properties over 5 acres:
   a. the real estate sign may not exceed a height of 8 feet and a sign area of 32 square feet;
   b. only one real estate sign per street frontage is allowed; and
   c. the use of one letter-sized flyer box per premise is permitted.

**C. Non-Residential**
1. There may be only one on-premises non-residential real estate sign for each building or lot advertising the sale, rental, or lease of the premises on which the sign is displayed.

2. Real estate signs may not be illuminated.

3. Real estate signs must be removed within 15 days after property closing or lease signing.

4. Real estate signs may not exceed 8 square feet per face in residential districts.
5. Real estate signs may not exceed 32 square feet in area in nonresidential districts.

6. One additional real estate sign is allowed on a site abutting more than one roadway.

7.5.19. Product Displays, Sales Devices, Menu Boards in Nonresidential Districts

A. Nothing in this Section may prohibit or limit the outdoor display of products where allowed elsewhere under this Code, although a particular product may be a thing which would be prohibited by this Section if used as a sign and although one or more such products may have on them permanent labels that might otherwise fall under this Section. This Section may, however, apply to any sign, banner, pennant, or other attention-attracting device affixed to a product displayed outdoors. For example, the label “Chevrolet” on an automobile or “John Deere” on a tractor may not be considered a sign for purposes of this Section, but a separate sign attached to such a product may be considered a sign and subject to regulation.

B. Signs on gasoline pumps, vending machines, news racks and similar machines and devices used for the sale or dispensing of products may be allowed without a sign permit if they do not flash and if they are either not legible from any public right-of-way, public property or private property other than the premises on which the sign is located; or they consist entirely of letters, numerals or symbols that are less than 4 inches in height. All other signs on vending machines, gas pumps, news racks and similar machines and devices may be considered “signs” and may be subject to all of the regulations of this Section.

C. In districts where drive-through and drive-up facilities are allowed, menu boards or other instructional or informational devices related to the drive-through or drive-up facilities may be allowed without a sign permit, provided that such device is less than 12 square feet in size, and that the only words, numerals, symbols or pictures on such device that are legible from any location other than the site on which it is located may include no commercial message but may simply identify the device as a “menu,” “directory,” “instructions,” “information” or something similar. If such a menu board or other device is larger than 4 square feet or if it is electrified, it may require a permit.

7.5.20. Temporary and Portable Signs Allowed in the Nonresidential Districts

A. Applicability
   The provisions of this Section may apply to the following districts: RM-3, Multi-family 3; ON, Office; CN, Neighborhood Commercial; CR, Resort Commercial; CG, General Commercial; CI, Intensive Commercial; CBD, Downtown Commercial; IO, Island Overlay; BP, Business Park; IL, Light
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Industrial; IH, Heavy Industrial; CC, Commercial Compatible; and IC, Industrial Compatible.

(Ordinance 029698, 12/18/2012)

B. Messages on Temporary Signs
Temporary signs allowed under this Section may bear any noncommercial message or a commercial message related to a commercial activity lawfully conducted on the lot on which the sign is located; in the case of sandwich board signs, commercial messages may also include those lawfully conducted on the lot immediately abutting the sidewalk on which the sign is placed.

C. Portable Signs Generally
Portable signs are allowed in the following districts: IO, Island Overlay; CR-1 District; BP District. Portable signs are not allowed in the following districts: ON District; CN Districts; CR-2 District; CR-3 District; CG Districts; IL District; IH District; CC District; and IC District.

(Ordinance 029698, 12/18/2012)

D. Other Generally
Banners are prohibited except that banners are allowed in the following districts, subject to the standards of this subsection: CN, Neighborhood Commercial; CR, Resort Commercial; CG, General Commercial; CI, Commercial Intensive; CBD Downtown Commercial; IO, Island Overlay. In these districts only, three permits per calendar year at 30 days per permit are allowed for banners not exceeding 60 square feet in area. Banners shall not exceed a height nor width dimension greater than 20 feet nor be located within a visibility triangle as defined in Subsection 1.11.3.

(Ordinance 029770, 03/19/2013)

7.5.21. Billboards

7.5.21.A. Applicability
This Section, as required by Texas Transportation Code Chapter 391, Highway Beautification on Interstate and Primary Systems and Certain Roads, applies to billboards located within the City and within 660 feet of the nearest edge of the right-of-way of interstate highway systems and freeways, non-freeway primary highway systems, and in certain roads designated by the Texas Transportation Code.

7.5.21.B. Size and Height
Billboards which otherwise conform to the provisions of this Section may be subject to the following height and size limitations and may not be subject to the size and height limitations otherwise applicable to signs in the same zoning districts:

1. The maximum area for any one sign allowed under this Section is 672 square feet. Cut-outs (temporary protrusions), not to exceed 20% of the permitted sign area, may be added so long as the total area, including the cut-out, does not exceed 807 square feet.

2. No sign may exceed 25 feet in height or 60 feet in length.
3. All dimensions include border and trim, but exclude the base or apron, supports and other structural members.

4. Double faced, back-to-back, or V-type signs may be considered as one sign.

5. Signs which exceed 336 square feet in area, including cut-outs, may not be double faced (stacked or side by side).

6. The maximum overall height is 42.5 feet as measured from the highest point of the sign to the grade level of the nearest main traveled right-of-way from which the sign is to be viewed.

7.5.21.C. Location.
Billboards which otherwise conform to the provisions of this Section may be subject to the following location requirements and may not be subject to the setback or other location limits imposed on other signs in the same zoning districts:

1. Billboards may only be erected in an area along the right-of-way which has been zoned for commercial or industrial uses and which is not predominantly for residential purposes.

   a. The area to be considered in determining use for residential purposes may be calculated by the area defined by 1,600 feet (800 feet on each side of the sign location) measured along the highway right-of-way and to a depth defined by either a. or b. below:

      i. Along interstate, freeway, and non-freeway primary highways the depth may be 660 feet; or

      ii. Along all other highways, roads, and streets, the depth may be the various depths of the individual tracts or lots with frontage along the right-of-way, but in no case to exceed 660 feet.

   b. The area may be located on the same side of the highway as the principal part of the qualifying activities.

   c. The area must be considered as a whole prior to the application of the test for predominantly residential.

   d. An area may be considered to be predominantly residential if more than 50% of the area is being used for residential purposes. Roads and streets with residential property on both sides may be considered as being used for residential purposes. Other roads and streets will be considered nonresidential.
2. No billboard may be erected within the City except as permitted under this Section and which is located within 660 feet of the nearest edge of any freeway, highway, road, or street right-of-way. Every billboard erected within the City may comply with the standards established by this Section.

3. Billboards may not be located within 1,500 feet of any public park so designated by a governmental agency, which is adjacent to the highway.

4. Billboards may not be erected along a non-freeway primary highway, City street or private street closer than 300 feet apart on the same side of the highway.

5. Billboards can only be erected along interstate and freeway primary highways a minimum of 1,500 feet apart on the same side of the highway and a minimum of 500 feet from any other billboard.

6. Billboards may be located closer than the spacing requirements established herein, provided such signs are separated by buildings, natural surroundings or other obstructions so that only one sign located within the specified spacing is visible at any one time.

7. Off-premise freestanding signs may only be erected along gateway and commercial corridors indicated on the Off-Premise Freestanding Signs Location Map following issuance of a sign permit in accordance with Section 3.20.

8. One off-premise freestanding sign may be permitted per street frontage or per lot.

9. Off-premise freestanding signs may be no nearer than 20 feet to any property line.

10. Electronic billboards can only be erected along interstate and freeway primary highways a minimum of 1,500 feet apart on the same side of the highway and a minimum of 500 feet from any other electronic billboard, and each electronic billboard may only be visible from one direction of travel.

11. No site containing a permitted on-premise pole sign may be the site of a permit for a new off-premise advertising sign.

12. When an undeveloped parcel of land containing an off-premise advertising sign is developed, the off-premise advertising sign must be removed prior to the issuance of a permit for an on-premise pole sign; provided that, multiple signs may exist on properties having more than 500 feet of frontage as provided in Subsection 7.5.3. On-premise monument signs are allowed provided they do not exceed 12 feet in height.
7.5.21.D. **Applicability of Lighting and Other Limitations**
These provisions that apply to other signs located in the City also apply to billboards allowed under this Section:

1. The limitations on the location, lighting and design of signs set forth in **Subsections 7.5.8** and **7.5.9** also apply to signs permitted under this Section;

2. Automatic changeable copy is allowed on billboards, subject to the provisions of **Subsection 7.5.12**; and

3. Every billboard also shall comply with the Building Code and all other applicable codes and ordinances of the City.

7.5.22. **Existing Signs**

A. **Generally**
The lawful use of a sign existing at the effective date of this Code may be continued although such sign does not conform to the provisions hereof.

B. **Effect of Damage or Destruction**
Termination of all rights as a nonconforming sign may occur when the sign, or a substantial part of it, is blown down or otherwise destroyed or dismantled for any purpose other than maintenance operations or for changing the letters, symbols, or other matter on the sign. A sign or substantial part of it is considered to have been destroyed only if the cost of repairing the sign is more than 60% of the cost of erecting a new sign of the same type at the same location.

C. **Limitations on Changes**
No structural changes may be made to a nonconforming sign unless the result of those structural changes is to bring it into conformity with the currently applicable sign regulations for that location. For purposes of this Section, replacing any structural members or any part of the base of a sign may be considered prohibited “structural changes.” No changeable copy feature of any kind may be added to a nonconforming sign unless the changed sign will conform with the currently applicable sign regulations for that location, including limitations on the use of changeable copy.

D. **Registration of Billboards**
Every owner of every billboard regulated by this Section and existing on September 30, 1994 which lies within the City, and within 660 feet of the nearest edge of any freeway, highway, road, or street right-of-way, may have applied for and obtained a license issued by the Texas Department of Transportation pursuant to the provisions of the Texas Highway Beautification Act and a permit issued by the City in accordance with this Section, authorizing the erection and maintenance of such sign after September 30, 1994. All billboards must be registered with the City by permit address with
map I.D., permit number and size of sign, as required by this Code with all back fees being paid from the inception of the sign ordinance by July 1, 2011.

7.5.23. **New Billboards**

A. **New and Replacement Billboards**

New and replacement billboards may be allowed in accordance with this Section only in the “CI” Intensive Commercial, “IL” Light Industrial and “IH” Heavy Industrial zoning districts.

B. **Replacement Billboards**

1. Replacement Generally Prohibited. If a billboard is removed by the billboard owner or the property owner, if it falls due to an act of god, if it becomes, in the opinion of the Building Official, dilapidated or unsound, then such billboard may be removed and may not be replaced when a new billboard could be placed at such location under this Code. Replacement is the exception to the general rule and is allowed only in accordance with this Section.

2. An existing Billboard may not be converted to an electronic billboard unless it meets the standards in this Code.

3. Installation on gateway and commercial corridors may require removal of existing billboards in order to meet the 1,500 feet separation requirement in Subsection 7.5.21.C. Location. The existing signs to be removed cannot be those that are structurally unsound.

7.5.24. **Licenses, Permits and Fees for Billboards**

A. Only persons who hold valid licenses issued by the Texas Department of Transportation pursuant to the provisions of the Texas Highway Beautification Act may apply for and obtain building permits for signs regulated by this Section.

B. Fees for billboards may include an initial installation fee plus an additional inspection fee for each square foot of the sign in excess of 100 square feet. The fee may not be less than $101.00 plus five cents per square foot over 100 square feet; fees may be established from time to time by resolution of City Council.

7.5.25. **Violations and Penalties**

A. **Violations.**

1. A person violates this Section if:

   a. The person erects a sign requiring a permit without such a permit; or
b. The person obtains a permit to erect or install a sign and the installation or erection deviates significantly from the plans and specifications submitted as part of the application for the permit;

Examples: Installation of a sign that differs in size, style, lighting, materials or design would be considered a violation of this provision; installation of a sign 2 or 3 inches from the proposed location or differing in height by 2 or 3 inches from the proposed height would not be considered a violation of this provision;

c. The person erects a sign which violates any of the standards set forth in this Section;

d. The person alters a permitted or otherwise lawful sign without a required permit;

e. The person adds a commercial message to a sign that is allowed under this Section only without a commercial message;

f. The person erects a sign that is prohibited under this Section;

g. The person erects a sign in a location that is prohibited under this Section; or

h. The person, for pecuniary gain to any person, sells or attempts to sell advertising or advertising space for an off-premises outdoor advertising sign, when such sign is prohibited, without a permit, or otherwise violates the standards established by this Section.

2. Each day an offense occurs is a separate violation of this Section.

3. There may be a rebuttable presumption that any person, real or artificial, whose name, phone number or address appears on a sign, is responsible for placement of the sign and is subject to applicable penalties and remedies under this Section.

B. Penalties and Remedies.

1. An offense under this Section is a Class C misdemeanor punishable by a fine not to exceed two thousand dollars ($2,000.00).

2. In addition to seeking penalties for a misdemeanor violation, the City may seek abatement or other remedies to cause the removal or modification of the sign to eliminate the violation.

3. Any sign placed in the right-of-way or on other public property in violation of this Section or other applicable provisions of the Municipal Code may be deemed abandoned. The City or its agents may remove and dispose of such sign without notice or compensation to the person placing the sign or, if different, the person owning the sign.
Disposal of the sign may not relieve the person placing the sign of criminal or civil liability for the violation.

7.5.26. **Rules for Measurements**

**A. Sign Area.**
That area within a line including the outer extremities of all letters, figures, characters and delineations or within a line including the outer extremities of the framework or background of the sign, whichever line includes the larger area. The support for the sign background, whether it be columns, a pylon or a building or part thereof, may not be included in the sign area. In determining the sign area of a double-faced sign, only one face of said sign may be counted if said sign faces are parallel and not more than 36 inches apart. Supports to any sign may not bear or support any light or lights on or within such support nor be other than one color which may be a metallic or neutral color.

**B. Sign Height.**

1. The height of a sign may be computed as the distance from the base of the sign at a finished grade to the top of the highest attached component of the sign (including the sign face, sign structure, or any other appurtenance).

2. The finished grade may be the elevation of the nearest point of the crown of a public street of the grade of land at the principal entrance to the principal structure on the lot, whichever is lower.

3. The sign structure may exceed 10% of the maximum permitted sign height for the purpose of accommodating design elements of sign
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structure. This may only be allowed where the sign face is not at the maximum permitted sign height.

4. Signs extending or hanging over any sidewalk or pedestrian way may not be less than 8 feet above the sidewalk or pedestrian way.

5. Wall signs may have 10% of their sign area projecting above a roofline, not to exceed 2 feet in height.

7.5.27. Definitions

A. **Purpose**
   It is the purpose of this Section to provide updated definitions for a revised set of regulations for signs in the City.

B. **General Rule**
   The general definitions and rules of construction of this Code may apply to this Section.

C. **Effect, Conflicts**
   The definitions given in this Section may be used in the administration, construction and interpretation of this Section. In case of a conflict between definitions given here and definitions given in Section 1.11, the definitions given in this Section may control in the construction of this Section, and the definitions used in Section 1.11 may control in the construction of all other parts of this Code.

D. **Definitions of Specific Words**
   When used in this Section, words may be given the following meanings, in this order of priority: the definitions provided here; the definitions provided in this Code generally; and the common ordinary meanings of the words not otherwise defined.

1. **Banner:** A piece of cloth, fabric, or other nonrigid material displaying or not displaying an emblem, insignia, motto, slogan, or other message. To qualify as a banner, such cloth or fabric must be affixed to a frame or other structure at two opposite ends or on more than two sides.

2. **Billboard:** A sign bearing a commercial message related to a product, service or activity not offered on the same site on which the sign is located; or a sign that is owned by an individual or entity that rents or otherwise makes available the face of the sign for another party to place an advertisement or some other message.

3. **Commercial Message:** Words, symbols, logos, pictures or any combination thereof that identify which directs attention to a business, commodity, service or entertainment sold or offered for sale or a fee.
4. **Directory Board**: A sign attached to a building or freestanding that communicates only to the on-premise public.

5. **Erect**: means to construct, build, raise, assemble, place, affix, attach, create, paint, draw or in any other way bring into being or establish except when performed incidental to the change of an advertising message or to normal maintenance or repair of an existing sign.

6. **Flag**: A piece of fabric, generally attached to a pole at one end, containing an emblem, pattern, symbol or some combination thereof that represents a nation, other government, or other type of organization.

7. **Flashing Sign**: Any illuminated sign on which the artificial or reflected light is not maintained stationary and constant in intensity and color at all times when in use. Any revolving illuminated sign may be considered a flashing sign.

8. **Free-standing (Ground) Sign**: A self-supporting sign resting on or supported by means of poles, standards, or any other type of base on the ground.

9. **Freeway**: A divided highway with full control of access

10. **Legible**: A sign or message is “Legible” when it can be understood by a person with an eighth-grade education (or more). Where this Section requires a determination of “visibility” or “legibility,” the standard may be based on the eyesight of an adult eligible to receive a Florida driver’s license (wearing any corrective lenses required by such license). Where the height of the person is material to the determination, the person may be presumed to be more than 5 feet and less than 6 feet tall.

11. **License**: An outdoor advertising license issued by the regional office of the Texas Department of Transportation.

12. **Main-traveled way**: The through traffic lanes exclusive of frontage roads, auxiliary lanes and ramps.

13. **Nit**: A measure of luminance. One nit is equal to one candela per square meter (1cd/m²). Ten thousand nits are equal to one stilb. A candela, on which the definition is based, is a unit of measurement of the intensity of light. Part of the SI system of measurement, one candela (cd) is the monochromatic radiation of 540THz with a radiant intensity of 1/683 watt per steradian in the same direction. Another way of putting it is that an ordinary wax candle generates approximately one candela.

14. **Noncommercial messages**: These include but are not limited to: signs expressing political views, religious views, support for a public educational or other institution, support for a noncommercial public
event, or opposition or comment on any of the above. This definition may be broadly construed; there may be a rebuttable presumption that any sign not bearing a commercial message and bearing any other message at all is a noncommercial message, protected under this Code.

15. **On-Premises Signs.** Signs advertising the sale or lease of the property on which they are located, and signs advertising activities conducted on the premises upon which they are located.

16. **Outdoor Advertising or Sign.** An outdoor sign, light, display, device, figure, painting, drawing, message, placard, poster, billboard or other thing which is designated, intended or used to advertise or inform and which has a current permit.

17. **Permit.** An off-premises outdoor advertising sign permit issued by the City which requires annual renewal.

18. **Person.** Includes corporation, organization, government or governmental subdivision or agency, business trust, estate, trust partnership, association, and any other legal entity.

19. **Pole Sign.** A sign, high profile in nature, which is erected on a vertical framework of one or more uprights, supported by the ground.

20. **Portable Sign.** Any sign whose design and/or construction is manifestly intended to be of a portable nature whether anchored, carried, left freestanding, towed, self-propelled. This definition may include any sign attached to a vehicle or watercraft that is regularly or continuously parked where it is legible from the public right-of-way unless such vehicle is used regularly in the ordinary course of the business of the entity that it advertises.

21. **Principal Sign.** In nonresidential zoning districts, any freestanding sign allowed under Subsection 7.5.3 or; the intent of this definition is to distinguish such signs from traffic control signs, additional freestanding signs, incidental and other, generally smaller, signs allowed on the same site.

22. **Scenic Area.** Any area so designated by a governmental agency. “Scenic areas” include, but are not limited to, any such areas designated in the City’s comprehensive plan, transportation plan and the various area development plans or any other scenic area or scenic corridor designated by the City Council whether such designation is adopted by ordinance or resolution.

23. **Sign.** Any device, structure, frame, letter, figure, character, mark, plane, point, design, picture, stroke, stripe, trademark, or reading matter which is used or intended to be used to attract attention,
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convey information, identify or advertise any establishment, product, goods or service when the same is placed out of doors in view of the general public. The term “sign” shall not include a similar structure or device located within a building except illuminated signs within windows. The term “sign” shall not include the flag or pennant, or insignia of any nation or association of nations, or of any state, city, or other political unit, or of any charitable, educational, philanthropic, civic, or religious organization.

24. Sign, Address. A wall sign that identifies the occupant and address of a residential structure.

25. Sign, Awning. Any sign painted on, attached to or otherwise displayed on a canopy or awning. This sign type does not include canopies over gas pumps (walls signs).


27. Sign, Changeable Copy. A sign that allows the copy to change. These signs may be lighted or unlighted, with detachable precut letters and figures, or the message may be electronic.

   a. Automatic Changeable Copy Sign. “Automatic changeable copy sign” means a type of sign on which the copy changes automatically through the use of electronic or electro-mechanical technology. All changeable copy may be included within the allotted face of sign square footage.

   b. Manual Changeable Copy Sign. “Manual changeable copy sign” means any sign on which copy for all or a portion of the sign can be changed by a human being removing or rearranging letters, symbols or numerals. All changeable copy may be included within the allotted face of sign square footage.


29. Sign, Construction. Any freestanding sign intended to provide information about current construction on a site and the parties involved in the project.

30. Sign, Double-Faced: A single sign with two parallel sign faces back to back or less than 61 degrees apart.

31. Sign, Freestanding. Any sign supported by structures or supports that are placed on, or anchored in, the ground and that are independent from any building or other structure.
32. **Sign, Ground.** A low-profile sign which is erected on a vertical framework consisting of two or more uprights, supported by the ground.

33. **Sign, Hanging.** A sign that hangs perpendicular to a building wall, down from and is supported by or attached to the underside of a canopy, awning, marquee or other extension of a structure.

34. **Sign Height.** The vertical distance measured from the lowest adjacent grade to the highest point of the sign or sign structure.

35. **Sign, Internally Illuminated:** Any sign designed to give forth artificial light from a source within.

36. **Sign, Kiosk.** Sign structures located within, or immediately adjacent to a subdivision for the purpose of directing traffic to the location of individual homebuilder communities.

37. **Sign, Marquee.** A sign attached to the face of a marquee and not projecting above or beneath the marquee face. A marquee is a permanent roof-like structure that projects from the wall of a building and may overhang the public right-of-way.

38. **Sign, Menu Board.** A permanently mounted sign displaying the bill of fare for a drive-through or drive-in restaurant that communicates only to the on-premise public.

39. **Sign, Monument.** A sign supported by a solid base or platform to which such sign is affixed forming a sign structure of low profile in nature. The height of a monument sign includes the base.

40. **Sign, Off-premise.** A sign advertising an establishment, merchandise, service, or entertainment which is not sold, produced, manufactured, or furnished on the premise on which it is located.

41. **Sign, Off-premise Directional.** An off-premise sign whose content is limited to identification information of a specific property located elsewhere and which tells the location of or route to that property.

42. **Sign, On-premise:** A sign which pertains to the use of the premises on which it is located.

43. **Sign, On-premise Directional.** Informational signs erected on-premises by public and private developments directing or denoting the entrance, exit, parking, and direction of traffic flow.

44. **Sign, Pole.** A sign, high profile in nature, which is erected on a vertical framework of one or more uprights, supported by the ground.
45. **Sign, Political.** A temporary sign that supports or opposes any political candidate, political issue, political referendum or political party.

46. **Sign, Real Estate.** A temporary sign that advertises the sale or lease of the premises on which it is located.

47. **Sign, Roof.** Any sign constructed, erected or placed above the eave of a sloped roof but not exceeding the highest point of the roofline.

48. **Sign, Subdivision Development Sale.** A temporary on-premises sign announcing the availability of lots in a residential or nonresidential subdivision of more than five lots.

49. **Sign, Subdivision Entry.** A sign designating the entry into a residential or nonresidential subdivision.

50. **Sign, Wall.** An illuminated, non-illuminated, attached or painted sign attached parallel to the exterior wall of a building or structure.

51. **Traveled way.** That portion of the roadway used for the movement of vehicles, exclusive of shoulders and auxiliary lanes.

52. **Window Signs/Advertising Posters.** Signs intended to inform or advertise products or events that are placed in the windows of shops, stores, or similar establishments are considered on the same basis as other wall signs.

### 7.5.28. Severability

#### A. Severability Where Less Speech Results
Without diminishing or limiting in any way the declaration of severability set forth elsewhere in this Section or related ordinances, if any part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term or word of this Section is declared unconstitutional, such declaration may not affect any other part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term or word of this Section, even if such severability would result in a situation where there would be less speech, whether by subjecting previously exempt signs to permitting or otherwise additional standards.

#### B. Severability of Provisions Pertaining to Prohibited Signs
Without diminishing or limiting in any way the declaration of severability set forth elsewhere in this Section or in this Code, if any part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term or word of this Section or any other laws declared unconstitutional by valid judgment or decree of any court of competent jurisdiction, the declaration of such unconstitutionality may not affect any other part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term or word of this Section that pertains to prohibited signs, including specifically those signs and sign types prohibited and not allowed under **Subsection 7.5.10.**
Furthermore, if any part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term or word of this Section or of any part of this Code is declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, the declaration of such unconstitutionality may not affect any other part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term or word of this Section, except as expressly provided in Subsection 7.5.28.A.

C. Severability of Prohibition on Billboards
If any part section, subsection, paragraph, subparagraph, sentence, phrase, clause, term or word of this Section or any other provisions of this Section or other provisions of the Code are declared invalid or unconstitutional by the valid judgment or decree of any court of competent jurisdiction, the declaration of such unconstitutionality may not affect the limitations on billboards as contained herein.

§ 7.6 Outdoor Lighting

7.6.1 Purpose
The purpose of this Section is to require safe, consistent, coordinate and efficient lighting for pedestrians and vehicles. Lighting should be integrated and designed so as to enhance the visual impacts of the development and to fulfill on-site lighting needs without intrusion on adjacent properties.

7.6.2 Prohibited Light Sources
The following light fixtures and sources shall not be used within the City where the direct light emitted is visible from adjacent areas:

A. Building or roof-mounted lighting intended to attract attention to the property and not designated for security purposes as provided in Subsection 7.6.4.

B. A cobra-head-type fixture having dished or drop lenses or refractors which house other than incandescent sources; and

C. Searchlights and other high-intensity narrow-beam fixtures.

7.6.3 Outdoor Lighting Design Requirements
Outdoor lighting shall primarily be used to provide safety while secondarily accenting key architectural elements and to emphasize landscape features. Light fixtures shall be designed as an integral design element that complements the design of the project. This may be accomplished through style, material or color. All lighting fixtures designed or placed so as to illuminate any portion of a site shall meet the following requirements:

A. Fixture (Luminare)
In order to direct light downward and minimize the amount of light spillage into the night sky and onto adjacent properties, all lighting fixtures shall be cutoff or full cutoff fixtures.
B. **Fixture Height**
Light fixtures shall be a maximum of 30 feet in height within parking areas and shall be a maximum of 15 feet in height within non-vehicular pedestrian areas. All light fixtures located within 50 feet of any residential use or residential property boundary shall not exceed 15 feet in height.

C. **Light Trespass**
Lighting designs should be designed to minimize glare and light trespass unto the right-of-way line of adjacent property. Light trespass shall be limited to 1 footcandle.

D. **Mounting**
Fixtures shall be mounted in such a manner that the cone of light is contained on-site and does not cross any property line of the site.

E. **Limit Lighting to Periods of Activity**
The use of sensor technologies, timers or other means to activate lighting during times when it will be needed may be required by the Technical Review Committee to conserve energy, provide safety and promote compatibility between different land uses.

7.6.4 **Specific Lighting Standards**

A. **Security Lighting**

1. Building-mounted security light fixtures such as wall packs shall not project above the fascia or roof line of the building and shall be shielded.
2. Security fixtures shall not face a residential property.
3. Security fixtures shall not be substituted for parking area or walkway lighting and shall be restricted to loading, storage, service and similar locations.

B. **Canopy Area Lighting**
All development that incorporates a canopy area over fuel sales, automated teller machines or similar installations shall use a recessed lens cover flush with the bottom surface of the canopy that provides a cutoff or shielded light distribution.

7.6.5 **Excessive Illumination**
Lighting shall not be oriented so as to direct glare or excessive illumination onto streets in a manner that may distract or interfere with the vision of drivers.
§ 7.7 Building Design

7.7.1 Purpose
The purpose of this Section is to provide interest in design, articulation and human scale to the façade of a building.

7.7.2 Applicability
This Section shall apply to development, renovation or redevelopment of the following uses when such uses are visible from the public right-of-way and located in structures with a gross floor area of more than 60,000 square feet.

A. Indoor recreation, as set forth in Subsection 5.1.4.B;
B. Overnight accommodations, as set forth in Subsection 5.1.4.E;
C. Restaurants, as set forth in Subsection 5.1.4.F;
D. Retail sales and service, as set forth in Subsection 5.1.4.G;
E. Self-Service storage, as set forth in Subsection 5.1.4.H;
F. Vehicle sales and service, as set forth in Subsection 5.1.4.I;
G. Historic Structures, as set forth in Section 6.3.

7.7.3 Facades

A. All nonresidential street facades shall be constructed of the following materials:
   1. Masonry including brick, stucco, architectural concrete, fiber-cement siding or stone;
   2. Wood;
   3. Non-corrugated Metal (for beams, lintels, trim elements and ornaments);
   4. Corrugated metal (a maximum of 40% of a primary façade); or
   5. Glass

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

C. Any side or rear wall facing a street, residential zoning district or public or semipublic area shall consist of the same facing materials as the building front.
7.7.4 Building Articulation Standards

A. Facades greater than 100 feet in length, measured horizontally, which have an entrance or face an arterial or collector street, shall incorporate wall plane projections or recesses having a minimum depth of 3% of the length of the façade and extending a minimum of 20% of the length of the façade. No uninterrupted length of any façade shall exceed 100 horizontal feet.

B. Ground floor facades that have an entrance and that face public rights-of-way shall have arcades, display windows, entry areas, awnings or other such features along a minimum of 40% of their horizontal length.

C. On facades greater than 100 feet in length, measured horizontally, which face an arterial or collector street, no horizontal wall shall extend for a distance greater than three times its height without a change in elevation of a minimum of 15% of such height. This height change shall continue for a minimum of 20% of the length of either adjacent plane.

§ 7.8 Flood Hazard Reduction

7.8.1 Statement of Purpose

The purpose of this Section is to promote the public health, safety, and general welfare and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

A. Protect human life and health;

B. Minimize expenditure of public money for costly flood control projects;

C. Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;

D. Minimize prolonged business interruptions;

E. Minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and wastewater lines, streets and bridges located in flood plains;

F. Help maintain a stable tax base by providing for the sound use and development of flood prone areas in such a manner as to minimize future flood blight areas; and

G. Insure that potential buyers are notified that property is in a flood area.

7.8.2 Warning and Disclaimer of liability

The degree of flood protection required by this Section is considered reasonable for regulatory purposes and is based on scientific and engineering consideration. On rare occasions greater floods can and will occur and flood heights may be increased by man-made or natural causes. This Section does not imply that land outside the areas of special flood hazards or uses permitted within special flood...
hazard areas will be free from flooding or flood damages. This Section does not create liability on the part of the community or any official or employee of the City for any flood damages that result from reliance on this Section or any administrative decision lawfully made under this Unified Development Code.

7.8.3. **General Standards**
In all areas of special flood hazards, as defined in Section 1.11, the following provisions are required for all new construction and substantial improvements:

A. All new construction or substantial improvements shall be designed (or modified) and adequately anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;

B. All new construction or substantial improvement shall be constructed by methods and practices that minimize flood damage;

C. All new construction or substantial improvements shall be constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities that are designed and located so as to prevent water from entering or accumulating within the components during conditions of flooding;

D. All new construction or substantial improvements shall be constructed with materials resistant to flood damage;

E. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;

F. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the system and discharge from the systems into floodwaters;

G. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding; and

H. Additional protection is specifically recommended such that the lowest floor of any building is elevated to a level of 1 foot higher or more above the base flood elevation since such additional protection may provide for significant reductions in insurance premiums.

7.8.4. **Specific Standards**
In all areas of special flood hazards where base flood elevation data has been provided, the following provisions shall be required:

7.8.4.A. **Residential Construction**
New construction and substantial improvement of any residential structure shall have the lowest floor (including basement), elevated to or above the base flood elevation. A registered professional engineer, architect, or land surveyor shall submit a certification to the Floodplain Administrator that the standard of this subsection is satisfied.
7.8.4.B. **Nonresidential Construction**

New construction and substantial improvements of any nonresidential structure shall either have the lowest floor (including basement) elevated to or above the base flood level or together with attendant utility and sanitary facilities, be designed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. A registered professional engineer or architect shall develop and review structural design, specification and plans for the construction, and shall certify that the design and methods of construction are in accordance with accepted standards of practice as outlined in this subsection. A record of such certification which includes the specific elevation (in relation to mean sea level) to which such structures are flood-proofed shall be maintained by the floodplain administrator.

7.8.4.C. **Enclosures**

New construction and substantial improvements with fully enclosed areas below the lowest floor that are usable solely for parking of vehicles, building access or storage in an area other than a basement and which are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement shall either be certified by a registered professional engineer or architect or meet or exceed the following minimum criteria:

1. A minimum of two openings having a total net area of not less than 1 square inch for every square foot of enclosed area subject to flooding shall be provided.

2. The bottom of all openings shall be no higher than 1 foot above grade.

3. Openings may be equipped with screens, louvers, valves or other covering or devices provided that they permit the automatic entry and exit of floodwaters.

7.8.4.D. **Manufactured Homes**

1. All manufactured homes to be placed within zone A on a City’s Flood hazard boundary Map or Flood Insurance Rate Map shall be installed using methods and practices which minimize flood damage.

   a. For the purposes of this requirement, a manufactured home shall be elevated and anchored to resist flotation, collapse, or lateral movement.

   b. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors.

   c. This requirement is in addition to applicable state and local anchoring requirements for resisting wind forces.
2. Manufactured homes that are placed or substantially improved sites within zones A1-30, AH and AE on the City’s Flood Insurance Rate Map shall be on sites:

   a. Outside of a manufactured home park or subdivision;

   b. In a new manufactured home park or subdivision; or

   c. In an expansion to an existing manufactured home park or subdivision on which a manufactured home has incurred substantial damage as a result of a flood, be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated to or above the base flood elevation and be securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement.

3. Manufactured homes shall be placed on substantially improved sites in an existing manufactured home park or subdivision within zones A1-30, AH and AE on the City’s Flood Insurance Rate Map that are subject to the provisions of this subsection shall be elevated so that either:

   a. The lowest floor of the manufactured home is at or above the base flood elevation; or

   b. The manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than 36 inches in height above grade and be securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement.

7.8.4.E. Recreational Vehicles

1. Recreational vehicles placed on sites within zones A1-30, AH and AE on the City’s Flood Insurance Rate Map shall either:

   a. Be on the site for fewer than 180 consecutive days;

   b. Be fully licensed and ready for highway use; or

   c. Meet permit requirements of Section 3.22 and the elevation and anchoring requirements for manufactured homes in paragraph 7.8.3.D above.

2. A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions.
7.8.5. **Standards for Subdivisions**

A. All subdivisions including the placement of manufactured home parks and subdivisions shall be consistent with the purpose of this Section.

B. All subdivisions, including the placement of manufactured home parks and subdivisions, shall meet floodplain permit requirements of Section 3.22.

C. Base flood elevation data shall be generated for subdivisions and other proposed developments, including the placement of manufactured home parks and subdivisions, that are greater than 50 lots or 5 acres, whichever is lesser.

D. All subdivisions, including the placement of manufactured home parks and subdivisions shall have adequate drainage provided to reduce exposure to flood hazards.

E. All subdivision proposals, including the placement of manufactured home parks and subdivisions, shall have public utilities and facilities such as electrical, roads, natural gas, water, storm water and wastewater systems located and constructed to minimize or eliminate flood damage.

7.8.6. **Standards for Areas of Shallow Flooding (AO/AH Zones)**

Locations within the standard for areas of shallow flooding zones are designated as shallow flooding areas. These areas have special flood hazards associated with base flood depths of 1 to 3 feet, where a clearly defined channel does not exist and where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow; therefore, the following provisions apply:

A. All new construction and substantial improvements of residential structures shall have the lowest floor (including basement) elevated above the highest adjacent grade at least as high as the depth number specified in feet on the City’s FIRM (at least 2 feet if no depth number is specified).

B. All new construction and substantial improvements of nonresidential structures:

1. Shall have the lowest floor (including basement) elevated above the highest adjacent grade at least as high as the depth number specified in feet on the City’s FIRM (at least 2 feet), if no depth number is specified; or

2. Together with attendant utility and sanitary facilities shall be designed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads of effects of buoyancy.

3. A registered professional engineer shall submit a certification to the floodplain administrator that the standards of this Section are
satisfied. An engineer’s seal shall indicate to the City that the plans comply with the standards of this Section. A detailed review of the plans by the City to confirm compliance shall not be required.

4. Structures within zones of shallow flooding shall have adequate drainage paths around structures on slopes, to guide floodwaters around and away from proposed structures.

7.8.7. **Floodways**

A. Channels of streams, which must be kept clear of encroachments to enable a 100-year flood to pass without an increase in flood height, and which are located within areas of special flood hazards are designated as regulatory floodways.

B. Since the floodway is an extremely hazardous area due to the velocity of flood waters which carry debris, potential projectiles, and erosion potential, the following provisions shall apply:

1. Encroachments shall be prohibited, including fill, new construction, substantial improvements, and other development within the adopted regulatory floodway unless it has been demonstrated through hydrologic and hydraulic analysis performed in accordance with standard engineering practice that the proposed encroachment would not result in an increase in flood levels within the community during the occurrence of the base flood discharge.

2. If subparagraph 7.8.7.B.1 above is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions in this Section.

3. Under the provisions of 44 CFR 65.12, of the National Flood Insurance Program Regulations, a community may permit encroachments within the adopted regulatory floodway that would result in an increase in base flood elevations, provided that the community first applies for a conditional Flood Insurance Rate Map and flood revision through Flood Emergency Management Agency.

4. The placement of manufactured homes shall be prohibited, except in an existing manufactured home park or existing manufactured home subdivision.

7.8.8. **Coastal High Hazard Areas**

A. Areas with zones V1-30, VE, or V that are subject to possible high-energy wave action, and which are identified as areas of special flood hazard, are areas designated as coastal high hazard areas.

B. These areas have special flood hazards associated with high-velocity waters from tidal surges and hurricane wave wash; therefore, in addition to meeting all provisions outlined in this Code, the following provisions also apply:
1. The applicant shall obtain the elevation (in relation to mean sea level) of the bottom of the lowest structural member of the lowest floor (excluding pilings and columns) of all new and substantially improved structures, and whether or not such structures contain a basement. The Floodplain Administrator maintains a record of all this information.

2. All new construction shall be located landward of the reach of mean high tide.

3. All new construction and substantial improvements shall be elevated on pilings and columns so that:
   a. The bottom of the lowest horizontal structural member of the lowest floor (excluding the pilings or columns) is elevated to or above the base flood level.
   b. The pile or column foundation and structure attached to the foundation is anchored to resist flotation, collapse, and lateral movement due to the effects of wind and water loads acting simultaneously on all building components.
      i. Water loading values used shall be those associated with the base flood.
      ii. Wind loading values used shall be those required by applicable state or local building standards.

4. A registered professional engineer shall develop or review the structural design, specifications and plans for the construction, and shall certify that the design and methods of construction to be used are in accordance with accepted standards of practice for meeting the provisions of subparagraphs 7.8.8.B.3.b.i and 7.8.8.B.3.b.ii above.

5. All new construction and substantial improvements shall have the space below the lowest floor either free of obstruction or constructed with non-supporting breakaway walls, open wood lattice-work, or insect screening intended to collapse under wind and water loads without causing collapse, displacement, or other structural damage to the elevated portion of the building or supporting foundation system.

6. For the purpose of this Section, a breakaway wall shall have a design safe loading resistance of not less than 10, and not more than 20 pounds per square foot.

7. Use of breakaway walls, which exceed a design safe loading resistance of 20 pounds per square foot (either by design or when so required by local or state codes), may be permitted only if a registered professional engineer or architect certifies that the designs proposed meets the following conditions:
Article 7: General Development Standards

a. Breakaway wall collapse shall result from a water load less than that which would occur during the base flood; and

b. The elevated portion of the building and supporting foundation system may not be subject to collapse, displacement, or other structural damage due to the effects of wind and water loads acting simultaneously on all building components (structural and nonstructural).

   i. Water loading values used shall be those associated with the base flood.

   ii. Wind loading values used shall be those required by applicable state or local building standards.

8. Enclosed space below the lowest flood may be usable solely for parking of vehicles, building access, or storage. The enclosed space below the lowest floor shall not be used for human habitation.

9. The use of fill or structural support of buildings shall be prohibited.

10. The use of manmade alteration of sand dunes and mangrove stands, which would increase potential flood damage, shall be prohibited.

11. Manufactured homes, which have incurred substantial damage as the result of a flood, shall meet the standards of subparagraphs 7.8.8.B.1 through 7.8.8.B.10 above, if they are placed or substantially improved within zones V1-30, V, and VE on the City’s Flood Insurance Rate Map on sites:

   a. Outside of a manufactured home park or subdivision;

   b. In a new manufactured home park or subdivision;

   c. In an expansion to an existing manufactured home park or subdivision.

12. Manufactured homes placed or substantially improved on other sites in an existing manufactured home park or subdivision within zones V1-30, V and VE on the City’s Flood Insurance Rate Map meet the requirements of this Code.

13. Recreational vehicles, which are placed on sites within zones V1-30, V and VE on the City’s Flood Insurance Rate Map, shall either:

   a. Be on the site for fewer than 180 consecutive days;

   b. Be fully licensed and ready for highway use; or

   c. Meet the requirements in subparagraphs 7.8.8.B.1 through 7.8.8.B.10 of this subsection.
14. A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions.

§ 7.9 Required Zoning District Buffer Yards

7.9.1. **Zoning District Buffer Yard Defined**
A zoning district buffer yard is a specified land area, located parallel to and within the outer perimeter of a lot and extending to the lot line, together with the planting and landscaping required on the land. A zoning district buffer yard may also contain a barrier such as a berm or wall where such additional screening is necessary to achieve the desired level of buffering between land use activities as identified on the zoning district buffer yard table. A zoning district buffer yard is not intended to be commensurate with the term "yard" or "setback" however a buffer and setback may overlap.

7.9.2. **Location**
Zoning district buffers shall be located within the outer perimeter of a lot or parcel, parallel to and extending to the lot or parcel boundary line only when adjacent to zoning districts as shown in Table 7.9.5.A and Table 7.9.5.B. Buffers shall not be located on any portion of an existing, dedicated or reserved street or right-of-way.

7.9.3. **When Required**
A zoning district buffer yard consisting of an open space with design features that screen or block vision, noise pollutants, and other negative by-products of the adjacent use shall be provided and maintained along the entire length of the boundary line between nonresidential districts adjacent to any one-or two-family districts and between industrial districts adjacent to commercial districts.

7.9.4. **Determining Zoning District Buffer Yard**

A. Identifying the zoning districts of the subject parcel and all adjacent properties.

B. Determining the zoning district buffer yard type required on each property boundary line (or segment of property boundary line) of the subject parcel.

C. Select the specific zoning district buffer yard width to apply to the property boundary.
7.9.5. **Zoning District Buffer Yard – New Development**

**A. Requirements – New Development**

The following table shall be used to determine the type of zoning district buffer yard required between adjacent zoning districts.

<table>
<thead>
<tr>
<th>Subject Property Zoning District</th>
<th>FR³</th>
<th>RE, RS</th>
<th>RS-TH, RS-TF</th>
<th>RM, R-MH, RV,</th>
<th>CN¹, ON, CR</th>
<th>CN², CG, CI, BP, CBD</th>
<th>IL</th>
<th>IH</th>
<th>CC</th>
<th>IC</th>
</tr>
</thead>
<tbody>
<tr>
<td>FR</td>
<td>--</td>
<td>--</td>
<td>--</td>
<td>A</td>
<td>A</td>
<td>A</td>
<td>A</td>
<td>A</td>
<td>A</td>
<td>A</td>
</tr>
<tr>
<td>RE, RS</td>
<td>--</td>
<td>--</td>
<td>--</td>
<td>B</td>
<td>B</td>
<td>C</td>
<td>D</td>
<td>E</td>
<td>C</td>
<td>D</td>
</tr>
<tr>
<td>RS-TH, RS-TF</td>
<td>--</td>
<td>--</td>
<td>--</td>
<td>B</td>
<td>B</td>
<td>C</td>
<td>D</td>
<td>E</td>
<td>C</td>
<td>D</td>
</tr>
<tr>
<td>RM, R-MH, RV</td>
<td>A</td>
<td>B</td>
<td>B</td>
<td>--</td>
<td>A</td>
<td>A</td>
<td>C</td>
<td>E</td>
<td>A</td>
<td>C</td>
</tr>
<tr>
<td>CN¹, ON, CR</td>
<td>A</td>
<td>B</td>
<td>B</td>
<td>A</td>
<td>--</td>
<td>--</td>
<td>B</td>
<td>D</td>
<td>-</td>
<td>B</td>
</tr>
<tr>
<td>CN², CG, CI, BP, CBD, CC</td>
<td>A</td>
<td>C</td>
<td>C</td>
<td>A</td>
<td>--</td>
<td>--</td>
<td>A</td>
<td>C</td>
<td>-</td>
<td>A</td>
</tr>
<tr>
<td>IL, IC</td>
<td>A</td>
<td>D</td>
<td>D</td>
<td>C</td>
<td>B</td>
<td>A</td>
<td>--</td>
<td>A</td>
<td>A</td>
<td>-</td>
</tr>
<tr>
<td>IH</td>
<td>A</td>
<td>E</td>
<td>E</td>
<td>E</td>
<td>D</td>
<td>C</td>
<td>A</td>
<td>--</td>
<td>C</td>
<td>A</td>
</tr>
</tbody>
</table>

1 – Nonresidential development with a single user of 25,000 sf or less.
2 – Nonresidential development with a single user of more than 25,000 sf.
3 – When an abutting parcel is vacant and zoned Farm Rural, the parcel developed second is responsible for the installation of a zoning district buffer yard.

**(Ordinance 029698, 12/18/2012)**

**B. Point System – New Development**

1. Type A Buffer Yards shall consist of a minimum 10-foot wide buffer yard plus at least 5 points based on the points listed in the table.

2. Type B Buffer Yards shall consist of a minimum 10-foot wide buffer yard plus at least 10 based on the points listed in the table.

3. Type C Buffer Yards shall consist of a minimum 15-foot wide buffer yard plus at least 15 points based on the points listed in the table.

4. Type D Buffer Yards shall consist of a minimum 20-foot wide buffer yard plus at least 20 points based on the points listed in the table.
Article 7: General Development Standards

5. Type E Buffer Yards shall consist of a minimum 50-foot wide buffer yard plus at least 50 points based on the points listed in the table.

7.9.6 Zoning District Buffer Yard – Redevelopment

A. Requirements – Redevelopment

The following table shall be used to determine the type of zoning district buffer yard required between adjacent zoning districts.

Table 7.9.6.A Required Zoning District Buffer Yard (Redevelopment)

<table>
<thead>
<tr>
<th>Subject Property</th>
<th>Zoning District</th>
<th>FR³</th>
<th>RE, RS</th>
<th>RS-TH, RS-TF</th>
<th>RM, R-MH, RV</th>
<th>CN², ON, CR</th>
<th>CN², CG, CI, BP, CBD</th>
<th>IL</th>
<th>IH</th>
</tr>
</thead>
<tbody>
<tr>
<td>FR</td>
<td>--</td>
<td>--</td>
<td>--</td>
<td>A</td>
<td>A</td>
<td>A</td>
<td>A</td>
<td>A</td>
<td>A</td>
</tr>
<tr>
<td>RE, RS</td>
<td>--</td>
<td>--</td>
<td>--</td>
<td>A</td>
<td>A</td>
<td>B</td>
<td>C</td>
<td>E</td>
<td></td>
</tr>
<tr>
<td>RS-TH, RS-TF</td>
<td>--</td>
<td>--</td>
<td>--</td>
<td>A</td>
<td>A</td>
<td>A</td>
<td>C</td>
<td>E</td>
<td></td>
</tr>
<tr>
<td>RM, R-MH, RV</td>
<td>A</td>
<td>A</td>
<td>A</td>
<td>--</td>
<td>A</td>
<td>A</td>
<td>B</td>
<td>E</td>
<td></td>
</tr>
<tr>
<td>CN¹, ON, CR</td>
<td>A</td>
<td>A</td>
<td>A</td>
<td>A</td>
<td>--</td>
<td>--</td>
<td>A</td>
<td>B</td>
<td></td>
</tr>
<tr>
<td>CN², CG, CI, BP, CBD</td>
<td>A</td>
<td>B</td>
<td>A</td>
<td>A</td>
<td>--</td>
<td>--</td>
<td>A</td>
<td>B</td>
<td></td>
</tr>
<tr>
<td>IL</td>
<td>A</td>
<td>C</td>
<td>C</td>
<td>B</td>
<td>A</td>
<td>A</td>
<td>--</td>
<td>A</td>
<td></td>
</tr>
<tr>
<td>IH</td>
<td>A</td>
<td>E</td>
<td>E</td>
<td>E</td>
<td>B</td>
<td>B</td>
<td>A</td>
<td>--</td>
<td></td>
</tr>
</tbody>
</table>

¹ – Nonresidential development with a single user of 25,000 sf or less.
² – Nonresidential development with a single user of more than 25,000 sf.
³ – When an abutting parcel is vacant and zoned Farm Rural, the parcel developed second is responsible for the installation of a zoning district buffer yard.

B. Point System – Redevelopment

1. Type A Buffer Yards shall consist of at least 5 points based on the points listed in the table.

2. Type B Buffer Yards shall consist of a minimum 5-foot wide buffer yard plus at least 10 points based on the points listed in the table.

3. Type C Buffer Yards shall consist of a minimum 10-foot wide buffer yard plus at least 15 points based on the points listed in the table.

4. Type D Buffer Yards shall consist of a minimum 15-foot wide buffer yard plus at least 20 points based on the points listed in the table.

5. Type E Buffer Yards shall consist of a minimum of 25-foot wide buffer yard plus at least 50 points based on the points listed in the table.
Article 7: General Development Standards

7.9.7. **Means For Obtaining Points**
The minimum 6-foot screening fence required under **Subsection 7.3.10** shall be in addition to any of the above options not involving a fence, wall or berm having a height of at least 6 feet.

<table>
<thead>
<tr>
<th>Feature in Zoning District Buffer Yard</th>
<th>Points</th>
</tr>
</thead>
<tbody>
<tr>
<td>6-foot solid wood screening fence</td>
<td>5 points</td>
</tr>
<tr>
<td>8-foot solid wood screening fence</td>
<td>10 points</td>
</tr>
<tr>
<td>8-foot concrete panel wall</td>
<td>10 points</td>
</tr>
<tr>
<td>6-foot solid masonry wall</td>
<td>15 points</td>
</tr>
<tr>
<td>8-foot solid masonry wall</td>
<td>20 points</td>
</tr>
<tr>
<td>6-foot combination masonry wall/solid wood screening fence</td>
<td>15 points</td>
</tr>
<tr>
<td>8-foot combination masonry wall/solid wood screening fence</td>
<td>20 points</td>
</tr>
<tr>
<td>Each additional 5 feet in buffer yard width beyond required minimum</td>
<td>5 points</td>
</tr>
<tr>
<td>1 canopy at a minimum 2 ½” caliper trees for every 30 linear feet of</td>
<td>10 points</td>
</tr>
<tr>
<td>buffer yard</td>
<td></td>
</tr>
<tr>
<td>3 foot berm (no greater than 2:1 slope unless an erosion control system</td>
<td>1 point</td>
</tr>
<tr>
<td>is approved by the Assistant City Manager of Development Services.)</td>
<td>plus ½</td>
</tr>
<tr>
<td>3 foot berm with 5-foot wood fence (no greater than 2:1 slope)</td>
<td>20 points</td>
</tr>
<tr>
<td>Hike &amp; Bike trail per the Open Space Master Plan or a trail with public</td>
<td>10 points</td>
</tr>
<tr>
<td>access</td>
<td></td>
</tr>
<tr>
<td>Loading area relocated away from single family residential</td>
<td>10 points</td>
</tr>
</tbody>
</table>

7.9.8 **Use of Walls Within Required Zoning District Buffer Yards**

A. Where walls are built within any required zoning district buffer yard, they shall meet the following requirements:

1. No wall shall be located within any required drainage, utility or similar easement.

2. The applicant shall be required to demonstrate provision for access to and maintenance of landscaping and the wall structure at the time of landscape plan approval.

3. Pedestrian connections through walls that connect to adjacent neighborhoods or other uses are encouraged.

B. A minimum 7-foot wall shall be required when any of one of the following noise generators is located adjacent to Farm-Rural, Single Family and Two-family district.

1. Dumpsters and/or trash compactors;

2. Loading zone;

3. Service alley;
4. Restaurant drive thru lane; or
5. Mechanical equipment.

C. For visual continuity, the height, materials and appearance of a wall or fence, must match existing wall or fence located along the same block face and/or sides.

7.9.9. **Landscape Requirements**

A. The zoning district buffer yard shall be planted with ground cover or shall contain pervious inorganic material.

B. Minimum landscaping shall be provided as outlined in Subsection 7.3.17.

C. The landscaping shall be protected from vehicular encroachment by curbs, railroad ties, concrete retainers and other permanent barriers.

D. Trees and shrubs may be permitted in underground utility easements with Development Services approval, provided a root-barrier system is placed a minimum of 2 feet from the nearest utility line and to a depth of at least equal to or greater than the depth of the underground utility.

E. Where such trees and shrubs are planted, the property owner shall be responsible for replacement of such required vegetation if maintenance or other utility requirements require their temporary removal.

7.9.10. **Maintenance and Irrigation of Zoning District Buffer Yards**

A. Landscape structural features such as walls, fences, berms or water features shall be maintained in a safe and attractive condition.

B. Other permitted uses and structures, including pedestrian, bike or other trails, allowed within a zoning district buffer yard shall be maintained to provide for their safe use.

C. In the event that any owner of a zoning district buffer yard fails to maintain the buffer according to the standards of this Section, the City shall have the right to recover the cost of enforcement, including reasonable attorney fees. The City may also, following reasonable notice and a demand that deficiency of maintenance be corrected, enter the zoning district buffer yard to take maintenance action. The cost of such maintenance shall be charged to the party having the primary responsibility for maintenance of the zoning district buffer yard.

7.9.11 **Permit Requirements**

In order to determine compliance with this Section, an application for a building permit for property that requires a zoning district buffer yard shall include a landscaping plan identifying the planting schedule, buffer yards, buffer yard features, and a written statement indicating the features that were selected in
order to meet the minimum point requirements. Landscaping plans shall be submitted as required by Section 7.3 Landscaping, Buffering and Screening.

7.9.12 Alternative Compliance

A. The zoning district buffer yard requirements may be modified by the Assistant City Manager of Development Services upon findings that a modification would be consistent with the purpose of this Code and the Comprehensive Plan; that such modification would not adversely affect the land use compatibility or public interest; and that the modified buffer complies with one or more of the following criteria:

1. The zoning buffer yard is parallel and adjacent to an existing utility or drainage easement of at least 100 feet in width;

2. The zoning district buffer yard is between uses that are to be developed under the control of a common master development plan or series of development plans;

3. The zoning district buffer yard is adjacent to a property that has a joint use agreement with the subject parcel; or

4. The buffer is parallel and adjacent to an existing railroad right-of-way.

B. Financial hardship due to meeting the requirements of this Section shall not be sufficient justification for alternative compliance.

7.9.13. Zoning District Buffer Yards for Redevelopment Areas

7.9.13.A. Redevelopment areas identified throughout the City where development expansion is to the rear of the property and adjacent to a residential street may be permitted with a buffer yard (examples shown) between the rear of the property and the residential street.

7.9.13.B. The following examples identify the required zoning district buffer yard for a redevelopment area. The buffer yard shall consist of the following minimum features:

1. An 7-foot masonry wall located 10-feet off of the edge of the right-of-way.

2. A 10-foot planting strip with canopy trees (at a minimum 2 ½” caliper) planted 30 feet on center. Refer to Landscape handbook for a listing of canopy trees.

3. The 15-foot utility easement is located outside of the required zoning district buffer yard.
7.9.13.C. The following example illustrates a service alley located at the rear of the building. A local street is located at the rear of the property. Residential lots are located on the other side of the local street. The buffer yard shall consist of the following minimum features:

1. An 7-foot masonry wall located 10-feet off of the edge of the right-of-way; and

2. A 5-foot planting strip with canopy trees (at a minimum 2 ½” caliper) planted 30 feet on center. Refer to Landscape Handbook for a listing of canopy trees.
7.9.13.D. The following example illustrates existing commercial expanding to the rear, adjacent to existing residential. A local street is located at the rear of the property. Residential lots are located on the other side of the local street. The buffer yard shall consist of the following minimum features:

1. An 6-foot concrete panel walls on the shared property lines with the single-family residential. An 6-foot wood screening fence or an 6-foot concrete panel walls on the shared property lines with the single-family residential.

2. Canopy trees would be planted 30-feet on the center within a 5-foot buffer strip on the side of the property adjacent to the street right-of-way.
3. Canopy trees would also be planted along the side property lines on the interior of the screening wall. These trees would count toward required landscaping or district buffer yard points per Section 7.3.

Primary Street

7.9.13.E. Berms
Berms shall have a minimum average height of 3 feet with side slopes of not less than 2 feet horizontal for each 1 foot vertical. Slopes in excess of 2 feet horizontal for each 1 foot vertical may be permitted if an erosion control system is approved by the Assistant City Manager of Development Services.

7.9.14. Plant and Structure Location
The placement of required plants and structures shall be the decision of the applicant, except that the following requirements shall be satisfied:

A. Plant materials shall be located as to achieve the maximum level of protection to the less intense zoning district or use. Unless otherwise required by these regulations, such as in the case of a hedge, the required planting should generally be in an irregular line and spaced (or grouped) at random.
B. Canopy trees shall be located no closer than 5 feet from any structure. Under story trees shall be planted no closer than 3 feet from any structure.

7.9.15. Permitted Use of Buffer Area

A. A buffer may be used for passive recreation and picnic facilities and may contain pedestrian or bike trails, provided:

1. No existing plant material shall be eliminated, other than nuisance exotics;

2. The total width of the buffer shall be maintained; and

3. All other requirements of this Section shall be met.

B. Other appurtenances which require high visibility and easy access, such as fire hydrants, public and emergency telephones, mail boxes and bus shelters or benches, also are permitted in a buffer. No screening of such appurtenances shall be required.

C. A buffer is encouraged to retain areas of native habitat and may incorporate water resources including storm water detention or retention facilities.

D. The buffer may be included as part of the calculation of any required open space or tree preservation.

E. Informational signs may be located with a buffer. The buffer shall be designed to address visibility of allowed ground signs.

F. Any other uses may be located within the buffer where specifically permitted elsewhere in this Unified Development Code.

7.9.16. Ownership of Buffers

Buffers and landscaped areas may remain in the ownership of the original applicant; they may be subjected to restrictive covenants and subsequently be freely conveyed; or they may be transferred to any consenting grantees, such as a park or forest preserve, the City, open space held by association (home owners, etc.), or conservation group. Any such conveyance shall guarantee the protection and maintenance of the buffer in accordance with the provisions of this Section.

A. Landscape structural features such as walls, fences, berms or water features shall be maintained in a safe and attractive condition.

B. Other permitted uses and structures, including pedestrian, bike or other trails, allowed within a buffer shall be maintained to provide for their safe use.

C. In the event that any owner of a buffer area fails to maintain the buffer according to the standards of this Section, the City shall have the right to recover the cost of enforcement, including reasonable attorney fees. The
City may also, following reasonable notice and a demand that deficiency of maintenance be corrected, enter the buffer area to take maintenance action. The cost of such maintenance shall be charged to the party having the primary responsibility for maintenance of the buffer area.

§ 7.10 Screening

The following provisions shall apply to mechanical equipment, refuse areas, and utilities visible from residential properties or public rights-of-way.

7.10.1 Mechanical Equipment

A. All roof, ground and wall-mounted mechanical equipment (e.g. air-handling equipment, compressors, duct work, transformers and elevator equipment) shall be screened from view from residential properties or public rights-of-way at ground level of the property line.

B. Roof-mounted mechanical equipment shall be shielded from view on all sides. Screening shall consist of materials consistent with the primary building materials, and may include decorative galvanized metal screening or louvers or screening or louvers that are painted to blend with the principal structure.

C. Wall or ground-mounted equipment screening shall be constructed of:

1. Planting screens;
2. Brick, stone, reinforced concrete, or other similar masonry materials; or
3. Redwood, cedar, preservative pressure treated wood, or other similar materials.

7.10.2 Refuse

On any lot used for business or multifamily purposes, all trash areas shall be provided in a place accessible to vehicles used for picking up and carrying solid waste away. All solid waste shall be confined in a dumpster or compactor, or otherwise screened from street, public, and neighboring views.

7.10.3 Dumpsters

A. This Section shall apply only in the event of new construction.

B. For all uses, except single-family detached and two-family dwelling units, refuse containers must be provided in a place accessible to collection vehicles and must be screened from street rights-of-way and views from adjacent residential properties.

C. This location of the dumpsters must be identified on submitted site plans.
D. Screening must be composed of a solid or opaque material that matches or compliments the building material of the principal structure. The materials may be fences, berms, walls, gates, landscaping, or combination thereof.

E. A dumpster that is not located in a street yard is deemed not visible from the street.

§ 7.11 Neighborhood Mixed-Use (NMU) Development Standards
(Ordinance 029336, 12/13/2011)

7.11.1 Purpose and Intent.
The purpose of the standards for this Section is to provide for a mix of small to medium scale residential uses, with an emphasis on smaller commercial uses, within a multi-modal environment. The intent of these standards is to:

A. Allow for different types of compatible land uses close together in appropriate locations to shorten transportation trips and facilitate multi-modal development.

B. Encourage infill and redevelopment utilizing commercial, professional office, and residential mixed-use development within surrounding neighborhood uses.

C. Allow flexibility in development standards for residential mixed-use buildings that are similar in scale to surrounding residential development while providing storefront-style shopping streets.

D. Limit the size of any one commercial retail use to keep the scale of commercial activity appropriate to the surrounding area while providing services to local residential communities.

7.11.2 District Allowances. A Neighborhood Mixed-Use building shall be a permitted use when constructed in the RS-6, RS-4.5, RS-TH, RS-TF, RM-1, RM-2, RM-3, ON, CN-1, CN-2, CR-2, and CR-3 Zoning Districts in accordance with the standards of this Ordinance.

7.11.3 General Standards.

A. Neighborhood Mixed-Use (NMU) development shall be defined for the purpose of this Ordinance as a small scale residential mixed-use development (e.g., a small market, dry cleaner, small retail shop, etc., professional office, in combination with a single-family dwelling unit located above the non-residential use).

B. Neighborhood Mixed-Use building must be located on a corner lot and must have frontage and access onto a Arterial or Collector Street, as designated by the City’s Urban Transportation Plan.
C. Lots contiguous to corner lots and fronting on an Arterial Street may also be developed for residential mixed uses where the underlying zoning district allows for non-residential uses, and when developed in accordance with this Ordinance (Figs. 7.11.3.C).

Figures 7.11.3.C. Contiguous Residential Mixed-Use Buildings.

D. Only one Neighborhood Mixed Use building is permitted per block. Two Residential Mixed Use buildings per the same residential block may be permitted, only if the second mixed use proposed offers a non-residential service that is not already present within the same block, and the same nonresidential use is not located within 1/3 mile from the proposed site and use (e.g. only one restaurant, one office, one gift shop, one barber shop per block).

E. Residential uses must be located above the nonresidential use, unless the entire unit is constructed as an accessible unit, in which case the residential area of the unit may be constructed behind, and attached to, the nonresidential use area with adequate accessible access and parking provided behind the unit (Figs. 7.11.3.E).


Figures 7.11.3.E. Examples of Residential Mixed-Uses.

F. The nonresidential portion of the Neighborhood Mixed Use building may not be divided from the residential area of the building through sale, rent, or leasing. The Neighborhood Mixed Use building shall be considered one unit.

G. The non-residential portion of a Neighborhood Mixed Use building may not exceed 50% of the building's total floor area.

H. The minimum size for each residential space in a Neighborhood Mixed Use building shall be 800 square feet. The maximum residential space within the structure must not exceed 1,500 square feet. The maximum floor area of the entire mixed use structure may not exceed 3,000 square feet.

I. The mixture of uses shall occur in the same building. The residential use shall not exceed the maximum number of dwelling units which would otherwise be permitted in the zoning district.

J. The conversion of any accessory structure to commercial use shall be prohibited.

K. Each residential portion of the Neighborhood Mixed Use building shall contain at least one owner, or family member of the owner, or an employee that
works onsite for the owner, that resides onsite and operates a business within that unit.

L. The entire unit may be leased as one unit, only if the tenant operates the business portion of the building, and lives within the residential portion of the building.

M. No more than two additional employees (other than the onsite residents) residing outside of mixed use building may be employed within the business portion of the building per shift.

N. Existing residential buildings may be redeveloped as a Neighborhood Mixed Use Building, provided that non-residential portion of the mixed use building is a permitted use listed under Section 7.11.6, and the structure meets the location requirements of this Section, and subject to the remaining standards of this Ordinance.

O. Neighborhood mixed-use structures shall be required to meet the City’s Building Codes.

P. The non-residential portion of the mixed use building may not be used purely for storage. Storage of supplies may not occupy more than 10% of the non-residential space in the mixed use building.

Q. Properties located within an area or subdivision that fall under a Homeowner’s Association or other managing entity must provide a written statement from the managing entity stating that they approve of the proposed Neighborhood Mixed Use development on the proposed site concurrently with the building application.

7.11.4 Minimum and Maximum Requirements.

A. Lot Area, Density, and Heights. The minimum lot area, maximum density, and maximum height for a Neighborhood Mixed Use building shall be the same as permitted by the underlying Zoning District.

B. Lot Width. The minimum lot width for a Neighborhood Mixed-Use development shall be the same width required by the Zoning District in which the proposed mixed-use development is located.

C. A Live-Work unit may be constructed on a nonconforming lot having a minimum width of 24 feet, when constructed in accordance with the Live-Work standards outlined under Section 6.14.7.

D. Maximum Impervious Surface Allowance. The entire Neighborhood Mixed Use building footprint may not exceed more than 70% of the entire lot, excluding parking areas.
7.11.5 Setbacks.

A. Front Setbacks.

1. New Construction.

a. Where a 5 to 10-foot sidewalk is present along an Arterial or Collector Street for a proposed Neighborhood Mixed Use development, the proposed building may have a 0-10-foot build-to line/front setback measured from the property line.

b. Where a sidewalk is not present along an Arterial or Collector Street, a sidewalk must be provided and designed in accordance with the dimensions proposed within the City’s Urban Transportation Plan for the proposed development site and the standards of the American’s with Disabilities Act Standards. The minimum front building (“build-to” line) setback shall then be measured from the property line for a distance of 0 to 10 feet.

c. The front yard setback of a proposed residential mixed use building on an interior lot where the district allows for a non-residential use, shall be the average of the setbacks of structures on abutting lots (Fig. 7.11.5.A.1.c).

2. Existing Structure Remodel. The existing setback of an existing building shall be permitted to remain. The sides of existing porches and stoops may be enclosed only by screens.

B. Side and Rear Yards Setbacks.

1. The street side yard shall measure a width of within 1 to 5 feet of the existing depth of the adjacent front yard fronting on the Collector or side street (lot or structure located behind the proposed mixed-use building).
2. The non-street side yard must be a minimum of 5 feet, with exception of Neighborhood Mixed-Use development proposed within the CN-2 Zoning District, in which case a 10-foot side yard shall be required if a mixed-use development is proposed within or adjacent to a residential district.

7.11.6 Permitted Commercial, Professional Office, and Civic Uses.

A. The following non-residential uses shall be permitted within a Neighborhood Mixed-Use development:

<table>
<thead>
<tr>
<th>Neighborhood Mixed Use (NMU) Non-Residential Permitted Uses</th>
</tr>
</thead>
<tbody>
<tr>
<td>Adult Day-Care Centers</td>
</tr>
<tr>
<td>Art Studios, Artists and Artisans, Associated retail sales (excluding tattoo parlors)</td>
</tr>
<tr>
<td>Bakeries, Patisseries, Chocolates, are allowed when the primary use is Retail Sales and Services</td>
</tr>
<tr>
<td>Beautician Salons &amp; Barbers (excluding nail care)</td>
</tr>
<tr>
<td>Bed &amp; Breakfast Home (no allowance for special events)</td>
</tr>
<tr>
<td>Bicycle Sales and Rentals</td>
</tr>
<tr>
<td>Cafes and Bistros (no alcohol sales, unless permitted by district)</td>
</tr>
<tr>
<td>Child Day Care Centers</td>
</tr>
<tr>
<td>Civic/Government Office Uses</td>
</tr>
<tr>
<td>Computer Software and Multimedia Related Professionals</td>
</tr>
<tr>
<td>Drycleaners (drop-off, pick-up only, no drive-thru)</td>
</tr>
<tr>
<td>Farmers Market Retail Stand</td>
</tr>
<tr>
<td>Fashion, Graphic, Interior and Other Designers</td>
</tr>
<tr>
<td>Florist</td>
</tr>
<tr>
<td>Home Occupations</td>
</tr>
<tr>
<td>Ice Cream Parlors</td>
</tr>
<tr>
<td>Laundromats</td>
</tr>
<tr>
<td>Mail &amp; Packaging Centers</td>
</tr>
<tr>
<td>Neighborhood Market (no fueling sales)</td>
</tr>
<tr>
<td>Neighborhood Pharmacy</td>
</tr>
<tr>
<td>Non-Medical Offices</td>
</tr>
<tr>
<td>Nutritional Sales</td>
</tr>
<tr>
<td>Physical Fitness Gyms, Dance, Martial Arts Studios</td>
</tr>
<tr>
<td>Professional Services (including, attorneys, accountants, insurance sales, barbers, travel agency, consultant firms, engineers, architectural firms, and similar uses)</td>
</tr>
<tr>
<td>Real Estate Offices</td>
</tr>
<tr>
<td>Repair &amp; Sales/Services, conducted entirely within a building; (computer, plumbing, locksmith, shoe repair, but not including auto repair, detailing, tire service, auto body painting, or similar automotive or truck uses)</td>
</tr>
<tr>
<td>Restaurants, Food &amp; Beverage Service, (sit-down or take-out services permitted, alcohol service only where district permits, no drive throughs)</td>
</tr>
<tr>
<td>Retail Sales, including Boutiques, Delicatessens, Video/Game Rentals, Cell Phone Sales, Musical Instrument Sales/Repair, Fruit &amp; Vegetable Sales, Automotive Parts (no service of vehicles or bays onsite), Crafts, Hardware, Home Décor, News &amp;</td>
</tr>
</tbody>
</table>

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7.11.7 Design Standards.

A. Ground level non-residential uses shall provide large display windows along a minimum of 40% of their horizontal length (black, mirrored, or other opaque surfaces cannot be used). Display windows shall be transparent to the extent that the window allows views into and out of the interior.

B. Display windows and doors should be framed/trimmed.

C. At no time shall building windows fronting or within view of a public street be boarded up, except in cases of weather emergency preparation.

D. No permanently installed burglar bars shall be visible from any public street. The ground floor nonresidential portion of a Neighborhood Mixed Use building may install fully retractable metal security screening or storm shutters that secure windows and doors when the nonresidential portion of the mixed use building is not open for business, and must not be visible during business hours (Figs. 7.11.7.D).

Figures 7.11.7.D. Permitted Security Screening.

E. All buildings with a flat roof should have a decorative cornice at the top of the building; or eaves when the building is designed with a pitched roof.
F. The principal entrance of the Neighborhood Mixed Use building shall be oriented toward the street.

G. The nonresidential and residential uses within the same structure shall be permitted to share a common principal entrance within a Neighborhood Mixed Use.

H. There shall be no outside display of goods and/or services unless a 10-foot sidewalk width is provided, and any display or service does not encroach upon the required 5-foot pedestrian Clear Zone of the sidewalk. (A Use Privilege Agreement and fee may be required by the City).

7.11.8 Sidewalks.

A. Sidewalks must be provided along all Arterial and Collector Streets for all Neighborhood Mixed Use buildings, and constructed in accordance with the American’s with Disabilities Act Standards.

B. If an existing structure located along an Arterial or Collector Street is being remodeled as a Neighborhood Mixed Use, an accessible sidewalk must be present or constructed along the street front.

C. The sidewalk width must be constructed in accordance with the width dimensions proposed within the City’s Urban Transportation Plan for the site.

7.11.9 Access.

A. Where access is currently available to a proposed Neighborhood Mixed Use development site the access shall be permitted to remain, provided that the parking location requirements of Section 7.11.10 below are met.

B. Drive-in/through facilities shall be prohibited within a Neighborhood Mixed Use development.

7.11.10 Parking

A. Parking for a residential mixed-use project is only permitted in the non-street yard side or rear yard of the mixed use structure.

B. Although the Neighborhood Mixed Use building requires direct pedestrian access from the principal entrance to the public sidewalk and parking area in accordance with the American’s with Disabilities Act Standards, may be provided in the rear or non-street yard side of the building.

C. On corner lots, parking shall not be allowed in the area extending from the property line to a line which is parallel to the front facade of the principal structures on the abutting lots, not to exceed 25 feet in depth (Fig. 7.11.10.C).
D. There shall be a minimum of two and a maximum of three parking spaces for the non-residential portion of the mixed use building, plus a minimum of one off-street parking space, with a maximum of two off-street parking spaces for the residential portion of the mixed use building.

7.11.11 Streetscape Zone

A. A full Streetscape Zone shall not be required for a Neighborhood Mixed Use building; however, flower planters or window boxes must be provided to promote an inviting pedestrian atmosphere (Figs 7.11.11.A).

B. Fencing and Screening. It is the intent of this Ordinance that the non-residential use within the Neighborhood Mixed Use is compatible with the existing and adjacent residential neighborhoods, therefore a solid screening fence shall not be required between a residential mixed use building and adjacent residential structures and districts; however, vehicular screening
shall be provided utilizing one of the following methods for each parking location:

1. **Rear Yard.** Vehicular screening shall not be required for parking areas located behind the structure, but must be provided along the rear property line where a residential home exists adjacent to the proposed mixed use building. Screening shall be provided through one of the following methods:
   
   a. Dense landscaping shrubs or hedges (minimum 3 gallon container) that shall be maintained to a height of from 5 feet to 6 feet, as measured from the elevation of the vehicular use area
   
   b. A solid fence measuring no less than 5 feet and no greater than 7 feet in height.

2. **Non-Street Side Yard.** Parking located within the non-street side yard must be screened from the public right-of-way through one or more of the following methods:
   
   a. Hedges (minimum 3 gallon container) that shall be maintained to a height of from 24 to 36 inches as measured from the elevation of the vehicular use area
   
   b. A solid decorative wall not less than 3 feet in height, and not exceeding 4 feet in height.

3. Fencing of any type shall not be permitted along the front property line or along an Arterial or Collector Street; however, decorative iron fences no greater than 5 feet in height and providing 50% or more transparency are acceptable, excluding chain-link fencing.

4. Fencing may not intrude upon, or open onto, any portion of the pedestrian sidewalk.

C. Awnings are permitted and encouraged in accordance with Section 6.13.1.D.

D. **Signs.** Signs for a neighborhood mixed use shall be permitted and limited to the following options:

   1. Attached, commercially-prepared painted wall signs not exceeding 32 square feet in area may be mounted on a building wall, only one sign shall be permitted per building wall/façade. All wall signs must be attached flat against the wall of the building.

   2. Address signs not exceeding 2 square feet in area.
3. Non-illuminated sandwich board signs or A-frame signs, provided they are not located within the 5-foot Pedestrian Clear Zone along a sidewalk.

4. Hanging and wall-mounted blade signs not exceeding 4 square feet in area, provided that the signs shall not project more than 4 feet from the building or one-third of the sidewalk width, whichever is less.

5. All signs shall meet a minimum vertical clearance of 7 feet.

E. Lighting. Lighting provided for the structure shall not be directed at the neighboring residential uses and shall be shielded from spillover.

F. Solid Waste Disposal. All solid waste materials shall be kept in residential waste containers behind the mixed use building. Dumpsters are not permitted onsite.

G. Accessory structures onsite are not permitted to be used for commercial purposes.

H. Outdoor displays and storage other than vegetation planters shall not be permitted onsite.

7.11.12 Hours of Operation. Businesses within a mixed-use must provide reasonable hours of operation that are compatible with the neighboring residential uses. Hours of operation are limited to 7:00 a.m. to 9:00 p.m. daily.
§ 7.12 Adaptive Reuse Development Standards

(Ordinance 029337, 12/13/2011)

7.12.1 Purpose.
The purpose of the Adaptive Reuse Development Standards is to revitalize areas of the City’s downtown areas (and any other pre-determined or targeted area) by facilitating the conversion of older, economically distressed, or historically significant buildings consisting of residential or tourist uses mixed with Commercial, Professional Office, Civic uses, including apartments, Live-Work units, multiple-family residences, and tourist-based facilities. This will help to reduce vacant space as well as encourage the development of a residential community downtown and other blighted areas of the City, thus creating a more balanced ratio between housing and jobs in the region’s primary employment centers.

7.12.2 Application of Standards.
The standards under this Ordinance shall be applied as follows:

A. Where a conflict exists between the standards of the underlying zoning district and the Adaptive Reuse development standards, the standards established under the Adaptive Reuse Standards Ordinance shall apply.

B. The standards provided under this Ordinance may only be applied to Adaptive Reuse development that is platted, developed, and constructed in accordance with this Ordinance.

C. When an adaptive reuse project is approved as an eligible building and proposed within the Uptown-Downtown Mixed Use Special Overlay District, 50% of any Zoning fees required shall be waived.

D. The standards of this Ordinance do not apply to remodeling or reconstruction of a single-family or two-family home, or an addition to a structure for any use when the building is currently in use, but shall be applied in the adaptive re-use of an existing vacant structure for the development of a multiple-family structure, or single-family Live-Work mixed-use structure.

E. Historical buildings are not required to include residential uses in an Adaptive Reuse development.

7.12.3 Applicable Zoning Districts.
For the purpose of this Ordinance, the standards of this Ordinance shall apply to proposed adaptive reuse of a vacant building to a mixed residential or mixed tourist use, and located in the RM-1, RM-2, RM-3, RM-AT, CN-1, CN-2, ON, CR-1, CR-2, CR-3, CG-1, CG-2, CI, CBD, and BP Zoning Districts. Light Industrial (IL) Zoning Districts may be included as an adaptive reuse project under this Ordinance if rezoned to one of the districts listed under this Section.
7.12.4 Permitted Uses.

A. An adaptive reuse project is the conversion and change of use within all or a portion of a vacant eligible building, to include one or more, or any combination of the following new residential uses:

1. Dwelling units (apartments, condos, lofts, single and two-family dwelling units, see Section 7.12.2.D).

2. Joint living and work quarters (Live-Work units mixed with a restricted mix of small Commercial, Professional Office, or Civic uses) in accordance with the development standards of Section 6.14.7.

3. Mixed Uses (as constructed in accordance with Section 6.8 or 7.11, but eligible for the exceptions and provisions under this Ordinance).

4. Guest rooms (in hotels, including a toilet and bathing facilities).

5. Bed and breakfast lodging establishments where permitted under a development concept or special overlay district ordinance.

6. As part of a Traditional Neighborhood or Transit-Oriented development in accordance with Sections 6.9 or 6.10.

B. Commercial, Professional Office, Civic or Institutional uses may be used in combination with the residential uses stated above when developed as, and in accordance with, the Mixed-Use Development Ordinance Standards of Section 6.8.

7.12.5 Review Process.

An abbreviated version of the review process of a proposed adaptive reuse building under this Ordinance is provided in the following flowchart (Fig. 7.12.5), the detailed review process follows the flowchart:
Figure 7.12.5. Adaptive Reuse Review Process

Is the proposed adaptive reuse of the building for residential mixed use or tourist mixed use purposes?

- NO
- YES

Is the proposed non-residential or non-guest room portion of the mixed-use a permitted use listed under Table 6.8.11.C?

- NO
- YES

Is the proposed building located within one of the Zoning Districts listed under Section 7.12.3?

- NO
- YES

Is the building considered an "Eligible Building" as outlined under Section 7.12.6?

- NO
- YES

Will the total square footage of the building exceed more than 25% of the original square footage of the building?

- NO
- YES

Discretionary Use Process

By-Right Use

Is the building an historical building, or a building located within the Uptown-Downtown Mixed-Use Special Overlay District boundaries of Section 6.11.2, Figure 1?

- NO
- YES

Discretionary Use Process

By-Right Use
7.12.6 Eligible Buildings.

Eligible buildings are defined as those structures that have been vacant for a period of at least 5 years, and the building was constructed in accordance with building and zoning codes in effect 5 years prior to the date that an application is made. A Certificate of Occupancy, building permit, utility bill, or other suitable documentation may be submitted as evidence to verify the date of occupancy. Eligible buildings for adaptive reuse reconstruction shall either be considered a By-Right Use or Discretionary Use, as determined by the following:

A. By-Right Use.

1. To be considered as a By-Right use, the existing structure may not increase the building footprint greater than 25% of the original square footage of the structure being re-used.

2. As a By-Right use, any non-conforming and existing floor area, lot area, lot line setbacks, and heights, are “grandfathered in” and a variance, special permit, or public hearing is not required.

3. Historical Buildings. Historically significant buildings (i.e. buildings listed on the National Register of Historic Places, Texas Historical Commission, or any locally established register of historic sites or buildings) are always considered eligible buildings under this Ordinance, and adaptive reuse of the historical structure shall be a By-Right/permitted use. Although the historical structure may not require review through a public hearing process, it may require review by the City’s Landmark Commission prior to approval.

4. Structures in the Uptown-Downtown Special Mixed Use Overlay District: A structure located within the boundaries shown on the map provided under the Uptown-Downtown Special Mixed Use District Ordinance, (Section 6.11.2, Figure 1) shall be considered an eligible By-Right building.

B. Discretionary Use. Any other proposed adaptive reuse of a vacant structure in which new floor area or height is proposed to be added that exceeds 25% of the original floor area, or a change has occurred in the yard setbacks 5 years prior to the date that an application is made, or not classified as an Eligible Building under Section 7.12.6(A) above, may be considered as a Discretionary Use. In order to be classified as a Discretionary Use and qualify for the exceptions and provisions of this Ordinance, the proposed building for reuse must meet the following requirements:

1. The building must have been continuously vacant for at least 5 years (as evidenced by a valid Certificate of Occupancy); and
2. The Development Services Department ACM or designee must determine that the building is no longer economically viable in its current use. In making this finding, the Development Services Department ACM or designee shall consider the building's past and current vacancy rate, existing and previous uses, and real estate market information, and any adverse relationship with adjacent uses.

3. The Development Services Department ACM or designee has the following options in reviewing a proposed adaptive reuse as a Discretionary Use:

   a. Approve the application;
   
   b. Approve the application with conditions;
   
   c. Deny the application;
   
   d. Require the project to go through a public noticing period (for which the applicant will be required to pay for the advertisement fee). Following the required noticing and advertisement period, if no opposition to the project has been received, the ACM or designee may approve the application administratively. If the proposed development does receive opposition during the noticing period, the applicant shall be required to attend a public hearing before the Planning Commission and City Council for review and approval.

7.12.7 Construction Standards.

All structures proposed for adaptive reuse require a Building Permit Application, applicable building permits and inspections, and are required to meet the City’s current adopted Building Codes. Approved By-Right and Discretionary Use Adaptive Reuse projects are entitled to construct the project without having to apply for a variance, special permit, or further participation in a public hearing process if the project is constructed as follows:

A. Density.

1. Uptown-Downtown MUS Special Overlay District. There is no limit to the number of apartments, live/work units, or guest rooms permitted in an adaptive reuse project, provided that no more than 25% of the existing floor area is added as new floor area (New floor area shall be defined and refers to any change in use to an existing eligible building proposed for adaptive reuse, located within the confines of the existing interior portion of the exterior walls and roof).

2. All Other Areas.

   a. Existing floor area which exceeds that permitted by the current Zoning District or any other land use regulation shall be permitted, provided no additional floor area is added.
b. Where increased density is proposed and does not currently exceed the maximum limits for the Zoning District, the proposed increase in density must not exceed the density limits established by the Zoning District for which it is located.

B. **Minimum Lot Area and Lot Width.**

1. The minimum lot area and lot width required shall not be less than the limits established by the underlying zoning district for which the proposed development is located.

2. The minimum lot area and width of a lot and structure proposed within the Uptown and Downtown Mixed Use Boundary area for adaptive reuse shall not be limited, provided any yards required for the underlying district are met, where required.

C. **Height.** Existing heights which exceed that permitted by the current Zoning District or any other land use regulation shall be permitted to remain, provided no additional height is added above the maximum heights permitted by the zoning district in which the development is located.

D. **Yards.** Existing observed yards which do not meet the yards required by the current Zoning District or any other land use regulation shall be permitted, provided that the proposed floor area of the adaptive reuse does not further encroach into the existing yards.

E. **Mezzanines.** New construction to accommodate loft spaces in an existing story is permitted, provided that the new loft area may not exceed 33% of the floor area of the room or space on lower floors. New mezzanines constructed of one-third the floor area of the floor below or less shall not be counted as floor area (Figs. 7.12.7.E).

**Figures 7.12.7.E. Mezzanine Lofts.**

F. **Off-Street Parking.**

1. New parking spaces shall not be required for an adaptive-reuse project, provided that all existing on-site spaces are maintained and not reduced in the adaptive reuse of the site (unless the proposed use requires less parking for the proposed use or by the City’s Unified Development Code). The existing parking may be used for any onsite
or off-site use (For example, the parking may be reserved exclusively for onsite residential tenants, or it may be utilized for public parking).

2. The adaptive reuse of a structure located within the boundaries of the Uptown-Downtown Mixed Use Special Overlay District shall not require any additional parking.

3. The location and construction of new parking areas for an adaptive reuse project must be designed and located in accordance with the requirements of Section 6.8.17.

4. Parking may be located between a pedestrian-oriented street and the primary building if the parking area already exists and the project proposes to renovate only the interior of an existing building where adequate parking for the use currently exists. Redevelopment of a parking lot in connection with the adaptive reuse of a structure shall provide the needed parking behind the adaptive reuse structure.

5. **Commercial Parking.** The adaptive reuse of a lot for the purposes of creating a commercial or public parking lot is permitted, provided that the proposed parking lot is located in compliance with standards of Section 6.8.17.

   a. **Exception to Strict Application of Section 6.8.17.** Where it can be proven that a proposed commercial or public parking site is currently and actively being used for commercial or public parking uses, and not located in accordance with the standards of Section 6.8.17, the proposed commercial or public parking use shall be permitted to remain, provided that the total square footage of the original parking area is not increased and the landscape and vehicular screening requirements of Section 6.8.17 and the City’s Landscaping Ordinance are applied.

6. Where off-street surface parking areas are constructed or located behind, under, or above the principal building which screens the parking area from the direct view of the right-of-way, the vehicular screening requirements shall be waived.

7. **Vehicular Screening Exceptions.** In order to encourage infill and adaptive reuse on constrained sites containing no more than 1 acre and bordered by developed land along the entire perimeter (excluding intervening public streets), the following exceptions to the City’s Landscaping Ordinance vehicular screening requirements are available to infill and adaptive reuse projects occurring within an older/established area:

   a. The Development Services Department ACM or designee may waive up to 50% of the parking lot/vehicular screening landscaping requirements of the City’s Landscaping Ordinance, provided that tree canopy planted along the site perimeter also
serves to screen and shade the interior of the parking lot within 10 years of planting; or

b. The Development Services Department ACM or designee may waive up to 50% of the parking lot/vehicular screening landscaping requirements if a low decorative wall or fence of a minimum height of not less than 42 inches is installed along the parking area perimeter that also serves to screen the parking area from public view. Where fencing is utilized, fencing shall not be solid or chain-linked, and must provide a minimum of 50% transparency.

c. The vehicular screening exceptions under this Section do not apply to the screening requirements for commercial or public parking lots not associated with the adaptive reuse of a building.

G. **Loading Spaces.** Where an existing loading space is provided, the loading space shall be required to remain, but may also be used as additional parking space when deliveries are not scheduled. Adequate signage shall be provided listing the hours of deliveries and designating when the spaces cannot be used for public or private parking. If no loading spaces exist, then a loading space shall not be required in conjunction with the development of an adaptive reuse project.

H. **Access and Driveways.** Existing access and driveways shall be permitted to remain, provided that the proposed development site is not located within a City-planned or funded Capitol Improvement Project or Texas Department of Transportation (TXDOT) proposed project area that may require altering the location of the existing access or drive.

### 7.12.8 Additional Adaptive Reuse Development Requirements.

A. **Open Space.** An adaptive reuse project must provide open space equaling a minimum of 10% of the combined floor area of all residential or tourist lodging units. The open space requirement can be met through, but is not limited to, the following methods:

1. The square footage of common plazas and courtyards, swimming pools, or recreational amenities provided onsite may be counted towards the open space requirement on the site (Figs. 7.12.8.A.1).
2. The Development Services Department ACM or their designee may approve a reduction in the amount of open space required for the residential component of an adaptive reuse building when it finds that all reasonable attempts to fulfill the requirements have been exhausted and the open space is not able to be accommodated due to the urban infill characteristic of the development site.

3. The adaptive reuse of a historical structure for purposes other than residential uses shall be exempt from the open space requirement.

B. Building Orientation and Design Standards.

1. When an adaptive reuse project includes the alteration, reconstruction or remodeling of the exterior walls or facades of a building, the building orientation and design standards of Section 6.8.13 and 6.8.14 shall apply to the greatest extent possible. Deviation from the strict application of one or more of the orientation and design standards may be considered and approved by the Development Services ACM or designee when it is determined that strict application of the standard(s) would not be feasible.

2. Historical Structures. Strict application of the building orientation and design standards shall not be required in the adaptive reuse of historical structures; however, the renovation and remodeling of a historical structure must not destroy or obscure essential architectural features, and to the greatest extent possible, enhance the architectural features of the structure.
C. Sidewalks and Streetscape Zones.

1. The applicant of the adaptive reuse project shall have the option of providing either a Streetscape Zone in accordance with the standards of Section 6.13, or provide the landscaping requirements of the City’s Landscaping Ordinance.

2. Sidewalks shall be provided for all adaptive reuse projects that are located adjacent to an Arterial or Collector Street, and constructed in accordance with the Americans with Disabilities Act construction standards, and the sidewalk widths proposed under the Urban Transportation Plan.

3. Where the interior renovation and adaptive reuse of an existing building is situated on an existing sidewalk that does not meet the minimum 10 foot width requirement, the minimum sidewalk width and Streetscape Zone width may be reduced to the actual width of the existing sidewalk, but must not be less than 5 feet in width, unless the proposed project is located within a City planned streetscape design area, in which case the requirements of the planned streetscape design shall be required.

D. Fencing.

1. Prominent facades on street-facing units may not be concealed behind high walls, solid fencing, or privacy fences that provide less than 50% transparency, forward of the front façade of the building.

2. Residential units consisting of courtyards and entrances located rearward of the “build-to” line may not be concealed behind high walls, solid fencing, or privacy fences that provide less than 50% transparency (Figs. 7.12.8.D.2)

3. Lower solid fencing, solid landscaping, and walls not exceeding 4 feet in height, or decorative iron fences no greater than 7 feet in height are acceptable.
E. Adaptive reuse development must also comply with the following additional standards listed under the following Sections:

6.8.19 Servicing and Solid Waste Collection.
6.8.21 Accessory Structures.
6.13.1(D) Awnings.
Article 8 Subdivision Design and Improvements

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Article 8 Subdivision Design and Improvements


8.1.1. Authority
The provisions of this Chapter are adopted pursuant to Texas Local Government Code Chapters 211 and 212. Subdivisions located in whole or in part in the portion of the ETJ of the City shall be subject to an inter-local agreement under Texas Local Government Code Chapter 242, and Chapter II of the December 13, 2006, Nueces County Subdivision Regulations and Platting Requirements, which incorporate the Model Subdivision Rules as authorized by Chapter 364, Title 31, Texas Administrative Code, as it may be amended from time to time. In cases of conflict, the more stringent regulation shall apply.

(Ordinance 029783, 03/26/2013)

8.1.2. No City Maintenance

A. The City shall not repair, or maintain any public streets or public facilities in any subdivision for which a final plat has not been approved and filed for record in accordance with Subsection 3.8.5, nor in which the standards contained in this Article or referred to in this Article have not been satisfied in full.

B. The City shall, however, maintain and repair accepted public streets and public facilities existing at the time of annexation by the City.

C. Private streets and facilities shall not be repaired, maintained, installed or constructed by the City.

8.1.3. Requirements for Improvements

A. All infrastructure and public improvements shall be designed and installed in accordance with the Comprehensive Plan and applicable area development and master plans. In the event of any conflicts between the master plan for particular infrastructure and an area development plan, the master plan for the infrastructure will prevail. Design and installation shall, at a minimum, meet the requirements established by this Unified Development Code, the Design Standards, the City’s standards for roads, streets, structures and utilities, and any other design or technical criteria issued by the City Engineer. In the event of any conflicts between this Unified Development Code, the City’s standards for roads, streets, structures and utilities, the Design Standards, and any other design standards, requirements or criteria, the Design Standards prevail.

(Ordinance 029765, 03/19/2013)

B. The Assistant City Manager of Development Services shall refer the construction plan to the City’s qualified engineers for review through the Technical Review Committee process established in Section 2.7. The Assistant City Manager of Development Services shall, within 30 days of determination of completeness in accordance with Subsection 3.1.6.E,
approve, approve with conditions, or disapprove the plans giving the reasons for denial in writing to the developer.

C. After the developer corrects all noted deficiencies, if any, and the corrections are reviewed and approved by the City, the Assistant City Manager of Development Services shall sign the construction plans and specifications and forthwith deliver same to the developer or his agent or engineer.

8.1.4. **Type of Improvements Required**
In the absence of any provision to the contrary, the developer shall provide the following improvements, as approved in the construction plans, in conformity with the standards, specifications and requirements of this Unified Development Code, the Design Standards, utility master plans and any state or federal requirements. Improvements eligible for participation shall be in compliance with Section 8.4:

(Ordinance 029765, 03/19/2013)

A. Streets, including but not limited to pavement, curb and gutter, sidewalks, roadside ditches, hike and bike trails, alleys, bridges and street lighting;

B. Water system, including but not limited to water lines, fire hydrants, and valves;

C. Wastewater system, including but not limited to wastewater lines, force mains, manholes and lift stations;

D. Storm water system, including but not limited to drainage easements, channels, storm water lines and inlets and any associated stabilization;

E. Public open space; and

F. Permanent monument markers.

8.1.5. **Continuity of Improvements**
All required improvements shall be designed and installed in order to provide for a system of utilities, storm water and streets and to create continuity of improvements among adjacent properties.

8.1.6. **Acceptance of Improvements**

A. During the course of installation and construction of the required public or private improvements, in addition to developer quality assurance, the City shall make periodic inspections of the work to insure that all improvements comply with City requirements. Upon satisfactory completion of installation and construction of all required improvements and submission of required quality assurance documentation, the developer may seek acceptance of all improvements by submitting the final plat in accordance with Subsection 8.1.11 for recordation. In addition, the developer shall provide an engineer’s certificate of completion for the required improvements. Once documentation for all requirements necessary for final (100%) acceptance of infrastructure improvements have been submitted and approved, the Assistant City Manager of Development Services will issue written notification to the
developer’s designated representative. The notification will specify the
effective dates of the required materials and workmanship warranty for the
improvements. The duration of the warranty will be one year unless otherwise
specified by separate agreement. The purpose of the materials and
workmanship warranty is to ensure that the developer and the developer’s
contractor will be responsible for defects in materials or workmanship for all
public and private infrastructure improvements required for platting and
constructed as part of a development that become apparent within the
effective dates specified by the Assistant City Manager of Development
Services.

B. In the event defects are observed or discovered in public or private
infrastructure improvements required for platting being constructed or
constructed as part of a development, either during construction or during the
warranty period, a mediation process pursuant to Section 3.28 will be
coordinated by the Assistant City Manager of Development Services. The
same mediation process will apply in the event of any unknown or
unforeseeable conditions or constructability issues which prohibit the
completion of proposed public or private infrastructure improvements in
accordance with approved plans and specifications are observed or
discovered. The mediation process will begin within 5 business days of
written notification from the developer, the developer’s design consultant, the
developer’s contractor, or the Assistant City Manager of Development
Services. The purpose of the mediation will be to involve all interested parties
in expediting the resolution of issues in a timely manner. Result of the
mediation shall be documented by the Assistant City Manager of
Development Services in writing and shall be binding on all parties.

8.1.7. Maintenance and Supervision
If a proposed plat identifies improvements as private, provision shall be made for
the establishment of a home owners association or other entity in accordance
with the requirements of Subsection 8.1.8, Home Owners Associations, for the
proper and continuous operation, maintenance and supervision of such
improvements. Private improvements may include, but are not limited to, water,
wastewater, street, storm water infrastructure (including detention ponds), open
spaces, common areas, or other improvements identified as necessary for the
approved use of the property to be platted. Agreements providing for the proper
and continuous operation, maintenance and supervision of such improvements
also shall be developed and executed in accordance with Section 8.1.8.

8.1.8. Home Owners Associations

A. Adequate provision shall be made for a home owners association or legal
entity with direct responsibility to, and control by, the property owners of a
subdivision to provide for the operation and maintenance of any private
improvements required for platting.

B. The developer shall submit a legal instrument:

   1. Establishing a plan for the use and permanent maintenance of the
      private improvements;
2. Demonstrating that the home owners association is self-perpetuating and adequately funded to accomplish its purposes;

3. Providing the City and other governmental authorities with written permission for access at any time without liability when on official business; and

4. Permitting the City to remove obstructions if necessary for emergency vehicle access and to assess the cost of removal to the owner of the obstruction.

C. The instrument shall be approved as to form by the City Attorney prior to any plat recordation and shall be recorded at the same time as the plat.

D. Home owners associations shall be established in such a manner that:

1. Provision for the establishment of the association is made before any lot in the development is sold or any building occupied;

2. Owners of property in the subdivision shall be members automatically and shall be subject to assessments levied to maintain the private improvements for the purposes intended;

3. The association or similar legal entity has clear legal authority to maintain and exercise control over such private improvements; and

4. The association or similar legal entity has the power to compel contributions from residents of the development to cover their proportionate shares of the costs associated with the maintenance and upkeep of such private improvements.

8.1.9. Alternative Compliance

A. The subdivision improvement requirements, including exceptions to existing utility master plans, may be modified by the Technical Review Committee upon a finding that a modification would meet the requirements of the Design Standards; that such modification would be consistent with the purpose of this Unified Development Code, this Article and the Comprehensive Plan; that such modification would not adversely affect the land use compatibility or public interest, and that the subject parcel complies with one or more of the following criteria:

1. The assumptions upon which the existing utility master plan are based do not match existing conditions or current engineering best practices; or

2. The adopted standards of another regulatory agency cannot be met while complying with the standards of this Article.
B. Financial hardship due to meeting the requirements of this Article shall not be sufficient justification for alternative compliance.

C. Any modification must meet the requirements of the Design Standards. This Article does not authorize the Technical Review Committee to modify a requirement, standard, or criteria if the modification would not comply with the Design Standards.

D. The requirement of improvements and payment of fees not specifically contained in this Unified Development Code shall be subject to appeal and review by the Planning Commission in accordance with Subsection 3.8.3.

(Ordinance 029765, 03/19/2013)
(Ordinance 030023, 12/10/2013)

8.1.10. Requirements for Plat Recordation Prior to Final Acceptance of Infrastructure Improvements Based on Financial Security

The Assistant City Manager shall have discretionary authority to approve subdivision plats for recordation prior to completion of improvements required by this Article under the following conditions:

8.1.10.A. The Assistant City Manager determines:

1. The developer has submitted a request for approval of the plat by the City agreeing to complete the required public improvements in accordance with such plans to the satisfaction of the City prior to any occupancy of any building within the subdivision, and agreeing that temporary utility service prior to the completion of the improvements may be terminated by the City with 24-hour notice if required public improvements are not completed as required;

2. The remaining construction of the required public improvements shall not hinder or impede building construction or the issuance of required permits within the subdivision; and

3. All other subdivision requirements, park dedications, park deferment agreements, maintenance agreements, or special covenants have been completed.

8.1.10.B. Upon written application by the developer, the Assistant City Manager may determine reasonable cause exists to delay the required improvements for plat recordation provided that the following conditions are met:

1. The developer has posted a developer guarantee as described in Section 3.30 for the construction of the improvements to ensure completion of the project. The financial security shall be in the amount of 110% of the cost of the delayed public improvements as estimated by developer’s engineer and accepted by the Assistant City Manager; shall be in a form and pursuant to an agreement approved by the City Attorney and the Finance Director; and shall be posted prior to the recording of the plat.
2. Water and sewer service are available to serve the subdivision.

3. The developer has executed a standard form agreement with the City that provides at a minimum the following:
   a. The developer shall construct the improvements in accordance with the Design Standards in effect at the time of construction; (Ordinance 029765, 03/19/2013)
   b. All other subdivision requirements, park dedications, park deferment agreements, maintenance agreements, or special covenants have been completed;
   c. The financial security shall be applied to the construction of the required improvements and that any remaining funds shall be returned to the developer upon completion of the improvements;
   d. If the financial security proves inadequate to complete the improvements, the developer shall reimburse the City for the additional cost of the improvements;
   e. The improvements must be fully completed within a maximum of five years or a lesser time as determined by the Assistant City Manager;
   f. An increase in security may be required on an annual basis if the developer’s engineer/or the City determines that the financial security does not provide for 110% of the estimated construction costs;
   g. The City may accelerate payment or performance or require additional financial security when the City deems itself insecure as to the prospect of payment or performance on a demonstrated reasonable basis;
   h. The developer shall construct the required improvements and such covenant shall be included in the agreement as a covenant running with the land; and
   i. The City, at developer’s expense, shall file for record such agreement in the records of the county in which the property is located.

4. Any deviations from the approved standard form agreement will require a recommendation from the Planning Commission and approval by the City Council.

8.1.10.C. Upon application by a governmental entity or political subdivision to the Assistant City Manager verifying that a construction contract has been awarded which provides for construction of the required public improvements
for water, sewer, streets and drainage as set forth on plans previously approved by the City, a standard form agreement may be approved by the Assistant City Manager for such governmental entity or political subdivision on the same basis as provided above without requiring a cash bond or financial security.

8.1.11. Requirements for Plat Recordation Prior to Final Acceptance of Infrastructure Improvements Based on Technical Compliance

A plat may be recorded prior to completion of all required infrastructure if the following improvements are completed in accordance with approved construction plans, specifications and City of Corpus Christi engineering design standards as determined by the Assistant City Manager. (Ordinance 030183, 5/20/2014)

8.1.11.A. Traffic Control acceptance requirements:

1. All traffic control devices and signs shall be successfully installed.
   a. Sign pipe support material, placement, height, and mounting base are installed.
   b. Sign foundations are in place, and at proper elevation.
   c. Markers/barricades are in place on dead-end streets.
   d. Installation of regulatory signs is complete.

(Ordinance 030183, 5/20/2014)

8.1.11.B. Water system acceptance requirements:

1. All water mains shall be installed.

2. Waterline valves shall be installed. The valves shall be operated by the contractor as required by the City during the hydrostatic test process and the bacteriological test process.

3. Fire hydrants shall be installed and operational.

4. Hydrostatic testing of waterlines shall have been performed by the contractor and observed and approved by the designated City of Corpus Christi inspector.

5. New water lines shall have been flushed and bacteriological testing shall have been successfully completed and approved.

6. All connections to the existing water distribution system shall be complete and approved.

(Ordinance 030183, 12/16/2014)
8.1.11.C. **Wastewater System acceptance requirements:**

1. Fiberglass manhole materials and installation shall be completed for the subdivision project, including manhole dimensions, manhole location, sealing of all wall penetrations, excavation backfill up to the top of the roadway base, invert mortar placement, protective-coating application, hydrostatic/pressure testing, and approval of product submittals.

2. Wastewater line materials and installation shall be completed, including completion and approval of vacuum or hydrostatic/pressure testing, closed-circuit televised inspection and documentation, backfilling of all trenches, and approval of project submittals.

3. All service connections shall be successfully completed, including proper connection, location, and markings.

4. Permanent access will be available to wastewater facilities such as lift stations, etc.

   (Ordinance 030183, 5/20/2014)

8.1.11.D. **Storm Water System acceptance requirements:**

1. Manhole materials and installation shall be completed, including size, location, sealing of wall penetrations, backfill up to top of roadway base, and debris removal.

2. Inlet materials and installation shall be completed, including size, location, sealing of wall penetrations, backfill up to top of roadway base, and debris removal.

3. Storm water line installation shall be completed including completion and approval by either visual inspection and/or closed-circuit televised inspection and documentation, backfilling of all trenches, and approval of project submittals.

4. Permanent access will be available to storm water facilities.

   (Ordinance 030183, 5/20/2014)

8.1.11.E. **Street Construction acceptance requirements:**

Roadway base materials and installation shall be completed, including finished base material elevations, compactions requirements, and test reports.

   (Ordinance 030183, 5/20/2014)

8.1.12. **Technical Requirements for Final Acceptance of Infrastructure Improvements**

The following improvements are required to be completed in accordance with approved plans, specifications and City of Corpus Christi design standards as determined by the Assistant City Manager of Development Services in connection with any recorded plat:

   (Ordinance 030183, 5/20/2014)
8.1.12.A. Traffic Engineering acceptance requirements:

1. All traffic control devices and signs shall be successfully installed.
   a. Sign pipe support material, placement, height, and mounting base are successfully installed.
   b. Sign foundations are in place, and at proper elevation.
   c. Markers/barricades are in place on dead end streets.
   d. Installation of regulatory signs is complete.
   e. Temporary barricades are removed.
   f. Street name signs are successfully installed.

(Ordinance 030183, 5/20/2014)

8.1.12.B. Water System acceptance requirements:

1. All water mains shall be successfully installed.
2. Waterline valves shall be installed. The valves shall be operated by the contractor as required by the City during the hydrostatic test process and the bacteriological test process.
3. Fire hydrants shall be installed at the proper grade and location, and breakaway flanges approved.
4. Hydrostatic testing of waterlines shall have been successfully completed.
5. New water lines shall have been flushed and bacteriological testing shall have been successfully completed.
6. All connections to the existing water distribution system shall be successfully completed.
7. All valve boxes shall have been installed to proper grade and operating nuts shall be visible and accessible.
8. Water service lines shall be at proper grade and properly marked for location.

(Ordinance 030183, 5/20/2014)
8.1.12.C. **Wastewater System acceptance requirements:**

1. Fiberglass Manhole materials and installation shall be completed, including manhole dimensions, manhole location, sealing of all wall penetrations, excavation backfill up to top of roadway base, invert mortar placement, protective-coating application, hydrostatic/pressure testing, and approval of product submittals. Manhole rings and covers shall be installed to grade, concrete collar and inflow inhibitor installed, protective coating applied to concrete collar interiors, and all debris removed.

2. Wastewater line materials and installation shall be completed, including completion and approval of vacuum or hydrostatic/pressure testing, closed circuit televised inspection and documentation, backfilling of all trenches, and approval of project submittals.

3. All service connection materials and installation shall be completed, including proper connection, location, and marking.

4. Permanent access will be available to wastewater facilities such as lift stations, etc.

   (Ordinance 030183, 5/20/2014)

8.1.12.D. **Storm Water System acceptance requirements:**

1. Manhole materials and installation shall be completed, including size, location, sealing of wall penetrations, backfill up to top of roadway base, and debris removal.

2. Inlet materials and installation shall be completed, including size, location, sealing of wall penetrations, backfill up to top of roadway base and debris removal.

3. Rings and covers shall be installed to grade on all manholes and inlets, and concrete collars installed.

4. Storm water line materials and installation shall be completed, including completion and approval by either visual inspection and/or closed circuit televised inspection and documentation, backfilling of all trenches, and approval of project submittals.

5. All curb and gutter materials shall be completed, including alignment, grade, finish, joints, and testing.

6. Permanent access will be available to storm water facilities.

7. All lot grading shall be completed.

   (Ordinance 030183, 5/20/2014)
8.1.12.E. **Street construction acceptance requirements:**

1. Roadway materials and installation shall be completed including finished base material elevations, compaction requirements, and test reports.

2. Installation of Hot-Mix asphalt or concrete surface installation and materials shall be completed, including all required materials testing and documentation.

3. Sidewalk installation shall be completed.

(Ordinance 030183, 5/20/2014)

8.1.12.F. **Administrative acceptance requirements:**

The following administrative items shall be submitted to the Department of Development Services:

1. Engineer’s certified as-built plans.

2. Engineer’s certificate of completion.

8.1.13. **Cash In Lieu of Construction of Half Streets:**

The City shall accept cash in lieu of construction of a half street or cash in lieu of both a half street and either or both of its related water and sanitary sewer infrastructure improvements if the Planning Commission has approved the plat containing the half street in accordance with Subsection 8.2.1.F. The City may approve the plat if these requirements have been met and the Assistant City Manager of Development Services determines that the remaining public improvements for water, sewer, and streets and drainage required for plat recordation as set forth on plans previously approved by the City have been completed or are being constructed as provided in this Article.

§ 8.2 **Design Standards**

If another regulatory agency has authority within the City limits or ETJ, the more stringent design standards shall apply.

A. **City Engineer Authority.** The City Engineer is authorized to determine and issue the required design standards and design and installation criteria for public infrastructure and improvements, referred to herein as the “Design Standards.”

B. **Incorporation by Reference.** The most current version of the Infrastructure Design Manual, containing the most recently issued Design Standards, is incorporated by reference into this Article. The Design Standards will be published in the Infrastructure Design Manual, which will be kept on file at the Department of Engineering Services, on file at the Department of Development Services, and online on the City’s website.
8.2.1. Streets

All streets shall, at a minimum, be designed and installed in accordance with the Comprehensive Plan, applicable area development and master plans, the approved Mobility Plan, and the Design Standards.


2. Streets shall be designed and installed in accordance with the approved Mobility Plan.

3. Streets shall be designed and installed to meet the requirements of the Design Standards.

4. In the event of any conflicts between the Design Standards and any edition or supplement to the AASHTO Design Guide, the Design Standards prevail.

8.2.1-A. Traffic and Signal Design

1. The design and layout of traffic control devices shall comply with the Texas Manual on Uniform Traffic Control Devices (TMUTCD), latest edition.

2. New and existing Intersections shall be designed to meet, at a minimum, a Level of Service “D” as defined by the Highway Capacity Manual (HCM), latest edition, for the horizon year for the project, as approved by the Director of Development Services.

8.2.1-A. Street Classifications

The following street classifications are adopted for streets in the City and its ETJ. Definitions for each street classification may be found in the Urban Transportation Plan.
Table 8.2.1.A Street Classification

<table>
<thead>
<tr>
<th>Urban Streets</th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Local streets</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Minor residential collector</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Secondary collector</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Primary collector</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Parkway collector</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Minor arterial</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Secondary arterial</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Primary arterial</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Freeways</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Rural Streets</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Local rural streets</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Minor rural arterial</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Secondary rural arterial</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Primary rural arterial</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

8.2.1.B. Street Right-of-Way Dimensional Standards

1. Street right-of-way dimensional standards shall be as shown in the table.

Table 8.2.1.B Local Street Standards

<table>
<thead>
<tr>
<th>Local Street Section Type</th>
<th>Right of Way Width</th>
<th>Street Width (BC)</th>
<th>Bump-Out *</th>
<th>Required Sidewalk Width</th>
<th>Tied Sidewalk</th>
<th>Sidewalk Required Both sides</th>
<th>Thru Lane</th>
<th>Traffic Lanes</th>
<th>Parking Sides Allowed</th>
<th>Design Speed (MPH)</th>
<th>Max Trips/Day and Max Length</th>
<th>Cul-de-sac and Max Length</th>
</tr>
</thead>
<tbody>
<tr>
<td>L-1A</td>
<td>50 feet</td>
<td>6 feet</td>
<td>28 feet</td>
<td>With= 6 feet Without = 0 feet</td>
<td>4 feet</td>
<td>Not Allowed</td>
<td>One</td>
<td>2-way</td>
<td>Two</td>
<td>25</td>
<td>1,600 trips/day-NTE 2,640 feet</td>
<td>Yes (800')</td>
</tr>
<tr>
<td>L-1B</td>
<td>50 feet</td>
<td>7 feet</td>
<td>28 feet</td>
<td>6 feet</td>
<td>4 feet</td>
<td>Required</td>
<td>Yes **</td>
<td>One</td>
<td>2-way</td>
<td>25</td>
<td>1,600 trips/day-NTE 2,640 feet</td>
<td>Yes (800')</td>
</tr>
<tr>
<td>L-1C</td>
<td>46 feet</td>
<td>7 feet</td>
<td>28 feet</td>
<td>With= 6 feet Without = 0 feet</td>
<td>4 feet</td>
<td>Not Allowed</td>
<td>One</td>
<td>2-way</td>
<td>Two</td>
<td>25</td>
<td>1,600 trips/day-NTE 2,640 feet</td>
<td>Yes (800')</td>
</tr>
<tr>
<td>L-1D</td>
<td>46 feet</td>
<td>7 feet</td>
<td>28 feet</td>
<td>6 feet</td>
<td>4 feet</td>
<td>Required</td>
<td>No</td>
<td>One</td>
<td>2-way</td>
<td>25</td>
<td>1,600 trips/day-NTE 2,640 feet</td>
<td>Yes (800')</td>
</tr>
<tr>
<td>L-1E</td>
<td>40 feet</td>
<td>7 feet</td>
<td>22 feet</td>
<td>With= 6 feet Without = 0 feet</td>
<td>4 feet</td>
<td>Not Allowed</td>
<td>One</td>
<td>1-way</td>
<td>One</td>
<td>25</td>
<td>800 trips/day-NTE 1,320 feet</td>
<td>No</td>
</tr>
<tr>
<td>L-1F</td>
<td>40 feet</td>
<td>7 feet</td>
<td>22 feet</td>
<td>6 feet</td>
<td>4 feet</td>
<td>Required</td>
<td>No</td>
<td>1-way</td>
<td>One</td>
<td>25</td>
<td>800 trips/day-NTE 1,320 feet</td>
<td>No</td>
</tr>
</tbody>
</table>

* Bump-Out spacing parallel to curb: Minimum 150 feet, Maximum 300 feet
**Sidewalks not required on Residential Estate Zoning District, unless required for ADA compliance.

[Illustrations for each local street section are provided in the Appendix to Article 8]
Table 8.2.1.C Non-Local Street Standards Table

<table>
<thead>
<tr>
<th></th>
<th>ROW Width (ft.)</th>
<th>BB Width (ft.)</th>
<th>Through Lanes</th>
<th>Median/ Turn Lane</th>
<th>Spacing (miles)</th>
<th>Sidewalk** (ft.)</th>
<th>Back of Curb to Property Line (ft.)</th>
<th>Avg. Daily Trips</th>
</tr>
</thead>
<tbody>
<tr>
<td>Non-local Streets*</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Minor Res. Collector</td>
<td>60</td>
<td>40</td>
<td>2</td>
<td>No</td>
<td>0.25 to 0.50</td>
<td>4</td>
<td>10</td>
<td>3,000</td>
</tr>
<tr>
<td>Secondary Collector</td>
<td>65</td>
<td>41</td>
<td>3</td>
<td>Center turn</td>
<td>0.25 to 0.50</td>
<td>5</td>
<td>12</td>
<td>5,250</td>
</tr>
<tr>
<td>Primary Collector</td>
<td>75</td>
<td>50</td>
<td>4</td>
<td>No</td>
<td>0.25 to 0.50</td>
<td>5</td>
<td>12.5</td>
<td>8,250</td>
</tr>
<tr>
<td>Parkway Collector</td>
<td>80</td>
<td>40</td>
<td>2</td>
<td>--</td>
<td>0.25 to 0.50</td>
<td>5 to 8</td>
<td>14.5 to 25.5</td>
<td>5,250</td>
</tr>
<tr>
<td>Minor Arterial</td>
<td>95</td>
<td>64</td>
<td>4</td>
<td>Center turn</td>
<td>1.0 to 1.5</td>
<td>5</td>
<td>15.5</td>
<td>24,000</td>
</tr>
<tr>
<td>Secondary Arterial</td>
<td>100</td>
<td>54</td>
<td>4</td>
<td>Median</td>
<td>1.0 to 1.5</td>
<td>5</td>
<td>15</td>
<td>26,500</td>
</tr>
<tr>
<td>Primary Arterial</td>
<td>130</td>
<td>79</td>
<td>6</td>
<td>Median</td>
<td>1.0 to 1.5</td>
<td>5</td>
<td>17.5</td>
<td>36,000</td>
</tr>
<tr>
<td>Freeway</td>
<td>400</td>
<td>Varies</td>
<td>4-10</td>
<td>Median</td>
<td>--</td>
<td>No</td>
<td>19</td>
<td>--</td>
</tr>
</tbody>
</table>

*Non-local streets contain curb, gutter and underground drainage.
*Sidewalks are not required in industrial areas.

Table 8.2.1.D Rural Street Standards

<table>
<thead>
<tr>
<th></th>
<th>ROW Width (ft.)</th>
<th>Pavement Width (ft.)</th>
<th>Lanes</th>
<th>V-Ditch or Left Turn</th>
<th>Bikeway Capable</th>
<th>Sidewalk*</th>
<th>Roadside Ditch Width</th>
</tr>
</thead>
<tbody>
<tr>
<td>Local rural Streets</td>
<td>60</td>
<td>26</td>
<td>2</td>
<td>--</td>
<td>No</td>
<td>No</td>
<td>34</td>
</tr>
<tr>
<td>Minor Rural Arterial</td>
<td>125</td>
<td>44</td>
<td>2</td>
<td>--</td>
<td>No</td>
<td>No</td>
<td>40.5</td>
</tr>
<tr>
<td>Secondary Rural</td>
<td>150</td>
<td>82</td>
<td>4</td>
<td>Center turn</td>
<td>No shoulder</td>
<td>No</td>
<td>41.5</td>
</tr>
<tr>
<td>Primary Rural Arterial</td>
<td>250</td>
<td>76</td>
<td>4</td>
<td>Median v-ditch</td>
<td>No shoulder</td>
<td>No</td>
<td>48</td>
</tr>
</tbody>
</table>

* Sidewalks are not required in industrial areas.

2. When replatting occurs as a result of a Zoning Map amendment from a residential zoning district to a nonresidential zoning district, additional dedication of public right-of-way shall be required to satisfy the following:

a. Public right-of-way shall be dedicated such that the width of dedicated right-of-way along the street frontage of the replatted lot measures a minimum of 30 feet to the centerline for a minor residential collector and 25 feet to the centerline for a local access street.

b. Additional public right of way shall be required for replatted lots located at the corner of intersecting streets for intersection widening consistent with the Urban Transportation Plan Design Criteria Manual, found in the Appendix of this Unified Development Code.

3. The dedication of all streets shall be in fee simple.
Article 8: Subdivision Design and Improvements

4. Maintenance of all rights-of-way between the edge of pavement or back of curb and the abutting property shall be the responsibility of the abutting property owner.

5. Utility placement within the right-of-way shall match the City’s Utility Accommodation Policy.

6. The height for curbs shall be a minimum of 6 inches.

8.2.1.C. Alleys

1. Alleys shall be provided to the rear of all traditional houses as described in Subsection 4.3.5.

2. Alleys shall be provided for nonresidential uses when it is necessary to provide service access, such as access for emergency vehicles, off-street loading and parking consistent with and adequate for the planned uses.

3. The minimum width of an alley right-of-way shall be 20 feet and the minimum pavement width shall be 15 feet.

4. Alley intersections and sharp changes in alignment shall be avoided, and corners shall be designed in order to permit safe commercial vehicular movement.

5. Dead-end alleys shall be avoided but in any event shall be a maximum of 500 feet in length and shall be provided with adequate turn-around facilities at the dead-end.

6. Alleys shall not access arterial streets.

7. Alleys shall be subject to the block length criteria included in this Unified Development Code.

8. Alleys shall be paved and dedicated to the public unless such alleys are part of a private street development.

8.2.1.D. External Connectivity

1. Existing streets in adjacent or adjoining areas shall be continued in a new subdivision consistent with the City’s Urban Transportation Plan. Whenever connections to anticipated or proposed surrounding streets are required by this Section, the right-of-way shall be extended and the street developed to the property line of the subdivided property (or to the edge of the remaining undeveloped portion of a single tract) at the point where the connection to the anticipated or proposed street is expected. Temporary turnarounds may be required to be constructed at the end of such streets pending their extension when such turnarounds appear necessary to facilitate the flow of traffic or
accommodate emergency or service vehicles. No temporary dead-end street shall be permitted in excess of 500 feet unless no other practical alternative is available.

2. Subdivisions shall require sufficient external access points to the City’s existing or future roadway network and shall be provided in accordance with Table 8.2.1.E.

Table 8.2.1.E Subdivision External Access Points

<table>
<thead>
<tr>
<th>Buildable Lots in Subdivision</th>
<th>Min. External Access Points Required</th>
</tr>
</thead>
<tbody>
<tr>
<td>80 or fewer</td>
<td>1</td>
</tr>
<tr>
<td>81 to 160</td>
<td>2</td>
</tr>
<tr>
<td>161 or more</td>
<td>3</td>
</tr>
</tbody>
</table>

3. A divided entrance may be credited as two access points provided that the divided entrance shall consist of four travel lanes from the intersection with the public road system to the first intersection within the development.

8.2.1.E. Street Layout

1. The arrangement, character, extent, width, and location of all streets shall:

   a. Conform to the Urban Transportation Plan and any applicable area development plan; and

   b. Be considered in relation to existing and planned streets, to topographical conditions, to public convenience and safety and to the proposed uses of the land to be served by such streets.

2. If a street is not shown in the Urban Transportation Plan or any applicable area development plan, the arrangement of streets in a subdivision shall provide for the continuation of an appropriate projection of existing streets in surrounding areas.
3. If a subdivision abuts or contains an existing or proposed arterial street, one of the following shall be provided to assure adequate protection of residential properties and to afford separation of through and local traffic:
   
a. Marginal access streets;
   
b. Reverse frontage containing non-access restrictions along rear property lines with a street buffer in accordance with Subsection 7.3.6 contained in a non-access reservation along the rear property lines;
   
c. Rear service alleys; or
   
d. Such other treatment as may be necessary to protect residential properties and separate traffic.

4. If a subdivision borders or contains a railroad right-of-way or limited access highway right-of-way, a street approximately parallel to and on each side of the railroad right-of-way may be required at a distance suitable for the appropriate use of the intervening land. Such distances shall be determined with due regard for the requirements of approach grades and future grade separations.

5. Reserve strips controlling access to streets shall be prohibited except where they are controlled by the City. Street jogs with centerline offsets of less than 125 feet are prohibited.

6. A tangent at least 100 feet long shall be introduced between reverse curves on arterial and collector streets or on local streets to the extent necessary for public safety.

7. Streets shall be designed to intersect as nearly as possible at right angles.

8. Property lines at residential street intersections shall be rounded with a minimum radius of 10 feet. Collector and arterial street intersections may require a greater radius or an angled corner at the property line.

9. New streets shall be named to provide continuity of name with existing streets and prevent conflict with identical or similar names in other parts of the City.

8.2.1.F. Half Streets

1. Half streets shall be prohibited except when the Planning Commission may approve a plat containing half streets if it finds that it is essential to the reasonable development of the subdivision, lot, or lots in conformity with the other requirements of these regulations, that a half street is necessary for a reasonable and orderly street system, and
that it will be practical to require the dedication of the other half when
the adjoining property is platted.

2. Half streets and related infrastructure, including but not limited to,
water, wastewater and storm water drainage infrastructure, shall
contain a minimum of two travel lanes and be constructed in
accordance with the construction standards contained in this Unified
Development Code and the Urban Transportation Plan.

8.2.1.G. Cul-de-Sacs

1. A cul-de-sac shall have a minimum 50-foot radius of pavement
surface to the back of the curb and a 59-foot radius to the back edge
of the right of way provided that, the radius to the back edge of the
right of way can be reduced to 56 feet if the sidewalk is tied to the
curb.

2. A cul-de-sac shall terminate with a curbed, permanent turn-around.

3. The maximum cul-de-sac length shall be 800 feet, provided that, a
cul-de-sac with an island may have a length of 1,000 feet. Cul-de-sac
length shall be measured from the center line of the connecting street
to the radius point of the cul-de-sac.

4. An unpaved island may be provided at the center of the turnaround
provided that:
   a. The island shall be surrounded by a curb.
   b. The surface of the island shall be landscaped or covered with
decorative pavers.
   c. Landscaping or other elements located in the island shall not
interfere with the sight distance standards in Subsection 4.2.9.
   d. The island shall have a maximum radius of 10 feet measured to
the back of the curb.
   e. The developer shall provide for perpetual maintenance of the
unpaved island through a home owners association or other
acceptable organization.

5. Permitted alternatives to cul-de-sacs include loop lanes,
hammerheads and any similar alternatives approved by the Technical
Review Committee and meeting the minimum requirements of the
International Fire Code. For alternative cul-de-sac designs refer to the
currently adopted International Fire Code.
6. On Terra-Mar lots on the Mustang Island, cul-de-sacs may be a maximum of 1,000 feet in length.

7. In the case of residential properties involving cul-de-sacs, the front building line around the circular portion of a cul-de-sac or the circular portion of a knuckle where a street makes a turn may be reduced to no less than fifteen (15) feet.

(Ordinance 029376, 02/21/2012)

8.2.1.H. Street Grade
Street grades shall be established with due regard for topography, contemplated land use and the existing land to be subdivided. The minimum street grade as measured along the flow line shall be 0.3% and the minimum grade across valley gutters shall be 0.5%.

8.2.1.I. Flood Design
The run-off factor flood design used in design of storm water facilities shall be in accordance with the currently-adopted Storm Water Master Plan.

8.2.1.J. Private Streets
Private streets not included in a planned unit development shall be allowed in a residential subdivision subject to meeting the requirements of this Unified Development Code, the Urban Transportation Plan and the following conditions:

1. General
   a. Private streets shall be the principal access easement between a public street and a platted lot which does not abut a public street. Such private streets are not dedicated to the public and are not publicly-maintained. The term “private street” shall include both the pavement and planting and utility areas of streets, alleys or service roads within such development designated by the developer as a portion of the street. The street yard setback requirements on private streets shall be measured from 1 foot from the outside edge of the sidewalk (if any) or 1 foot from the outside edge of the curb (if no sidewalk).
b. No part of a private street shall be sold or dedicated to any person other than the City.

c. The dimensional standards for a private street shall match the standards listed in paragraph 8.2.1.B above for the most similar street section type in terms of expected average daily trips.

2. **Access**

A private street shall be labeled on the plat as an access easement and assigned a lot and block number from its subdivision. Private streets shall be reserved for use by owners and residents served by such private streets, all governmental entities providing services and regulatory enforcement, and private service entities. Access to subdivisions containing private streets may be controlled by 24-hour security guard or a self-activated gate at the entrance. The gate shall be of a breakaway model which will not damage emergency vehicles responding to a call. All entries to private streets from public streets shall be clearly signed by the owners or home owners association as a "private street."

3. **Lots**

A private street shall be designated as a non-buildable lot. All buildable lots within the subdivision shall have access only to a private street. Double frontage lots abutting a private street (excluding alleys and service drives) and a public right-of-way may be permitted.

4. **Private Street Names**

Private streets shall be named in a manner not to conflict with other street names, whether public or private.

5. **Design Standards**

a. The design standards for private streets, including construction standards, widths, geometric standards, grades and alignments shall be the same as required for public streets as set out in this Article, the Urban Transportation Plan, the approved Mobility Plan, and the Design Standards. The width of the easement for a private street can be less than the right-of-way of a public street of a similar projected carrying capacity so long as sufficient easement area is provided for the required pavement and sidewalk. Concrete street sections are permissible for private streets.

   (Ordinance 029765, 03/19/2013)

b. Any residential subdivision incorporating private streets shall have external access to the City’s existing or future roadway network in accordance with subparagraph 8.2.1.J.5.a. Secondary entrances in accordance with subparagraph 8.2.1.D.2 shall be accessible.
from a public right-of-way for emergency vehicle access with the design and location subject to approval of the Planning Commission.

6. **Construction**
   Prior to recording the final plat with the County Clerk, the developer shall submit construction plans of the proposed private streets to the Assistant City Manager of Development Services for approval. The construction of private streets shall be inspected and approved by the Assistant City Manager of Development Services in the same manner prescribed for public streets. Any fees required for inspection shall be paid prior to inspection and shall not be refundable.

7. **Easements**
   a. Neither public water nor wastewater lines shall be permitted under private concrete streets parallel or approximately parallel to the centerline. Only crossing service lines may be permitted under private concrete streets.
   b. Easements for extension of utilities along or across private streets shall be shown on the plat as required by the Technical Review Committee.

8. **Maintenance**
   The final plat shall make reference to recorded restrictive covenants which shall provide for the perpetual maintenance of private streets by a home owners association to the same standards as connecting public streets for the safe use of persons using the streets and state that the City has no obligation or intention to ever accept such streets as public right-of-way. Such covenants contained in this subsection, as approved by the City, shall not be altered without City approval. The restrictive covenants shall be recorded prior to the issuance of the first building permit for the subdivision.

9. **Street Yards and Frontages**
   All private street access easements shall be treated as public street rights-of-way for purposes of determining required street yards and lot widths.

10. **Future Dedication**
    If the lot owners abutting private streets or the home owners association request the City to accept dedication of the private street as a public right-of-way for purposes of maintenance, a condition of such dedication shall require that the design and installation of the private street meet all of the same City standards and requirements for streets set out in this Unified Development Code, Section 8.2.1 above, the Design Standards, and the approved Mobility Plan; and that the private street be in satisfactory condition for the safe use of such street by the general public upon acceptance by the City.
    (Ordinance 029765, 03/19/2013)
11. **Open Space**
A residential subdivision served by private streets shall meet the open space dedication requirements in Section 8.3.

12. **Street Lighting**
Street lighting shall be in compliance with the Design Standards and the MUTCD, and shall be installed on all private streets. The City shall not accept operation and maintenance of any street lighting not conforming to the Design Standards and the MUTCD (i.e., style, spacing, and illumination intensity). Restrictive Covenants must indicate that the developer or electrical provider is responsible for the maintenance and operation of street lights. 
(Ordinance 029765, 03/19/2013)

13. **Traffic Control Devices**
Traffic on all private streets shall be controlled, guided and warned by traffic control devices (signs, markings, signals, etc.) in conformity with the Design Standards, the MUTCD, and with any other of the City's and State standards; provided that, the developer may include subdivision logos on such signs and alternative displays as approved by the Assistant City Manager of Development Services. 
(Ordinance 029765, 03/19/2013)

14. **Hold Harmless**
The final plat shall contain language whereby the home owners association agrees to release, indemnify, defend and hold harmless any governmental entity for damages to:

a. Private streets occasioned by the reasonable use of the streets by government service vehicles; or

b. Injuries or damages to other persons, properties or vehicles claimed as a result of street design or construction.

8.2.2. **Sidewalks**

A. **Required Improvements**

1. Concrete sidewalks, having a width of not less than 4 feet and thickness of not less than 4 inches, shall be constructed in accordance with Subsection 8.2.1.B, Street Right-of-Way Dimensional Standards, and the ADA Master Plan, within all subdivisions except as provided below.

a. Within industrial subdivisions, sidewalks having a width of not less than 4 feet and thickness of not less than 4 inches shall be required only on streets that meet any of the following conditions:

i. Streets that are in the Urban Transportation Plan as arterials or collectors;
ii. Through-streets that either are connecting to existing streets or to proposed arterials or collectors; or

iii. Perimeter streets where a sidewalk presently exists to the boundary of industrial subdivisions.

2. All required sidewalks generally shall be 1 foot from the property line within the street right-of-way (unless otherwise approved) and shall extend along all street frontages, including the side of corner lots and block ends. If it is impractical for the developer to provide sidewalks on the side lot lines abutting major thoroughfares or drainage ditches, sidewalks shall not be required at such locations.

3. All paved hike and bike trails shall satisfy the minimum construction specifications for sidewalks of the City.

4. Sidewalks shall connect to existing adjacent sidewalks or be designed and placed to allow connection to future adjacent sidewalks.

B. Exceptions for Required Sidewalk Improvements

A waiver may be granted to the standard in paragraph 8.2.2.A in accordance with paragraph 3.8.3.D and only when the following conditions are satisfied:

1. Sidewalks shall not be required along each side of a street right-of-way where such street is a permanent dead-end street and where there is pedestrian access from the permanent dead-end street to a paved hike and bike trail. In such instance, a sidewalk only shall be required on one side of the street right-of-way.

2. Sidewalks shall not be required along street rights-of-way where each lot fronting on such street has direct access from the side or rear to a paved hike and bike trail.

3. Sidewalks shall not be required for residential subdivisions in the Farm-Rural and Residential Estate zoning districts.

4. Sidewalks adjacent to private streets may be allowed to be placed on only one side of the street if the sidewalk width is 6 feet or greater and approved by the Assistant City Manager of Development Services.

8.2.3. Easements

A. Utility Easements

1. Utility easements may be required for the installation, operation, and maintenance of City gas, water, and wastewater utility infrastructure, or for the installation, operation, and maintenance of franchise utilities such as electric, telephone, etc.

2. Utility easements 15 feet in width typically will be required along both sides of arterial or higher classification streets rights of way. Utility
easements 10 feet in width may be required along both sides of collector streets rights of way. No utility easements typically will be required along local street rights of way.

3. City utilities shall be located either within the street right of way or within utility easements adjacent to the street right of way whenever possible. Easement widths and utility placement shall allow for mandatory separation distance requirements between water and wastewater lines.

4. Easements along the rear or side lot lines shall be a minimum of 15 feet in width. The width may be split into two 7.5 foot wide strips if the property owner controls the adjacent tract or can obtain the additional 7.5 foot strip on each side of the property line. When the 7.5 foot width on each side of the property line is not possible, a 10 foot and 5 foot width combination will be considered.

5. Easements required to serve street lights only may have a width of 5 feet.

B. Drainage Easements

1. Drainage easements may be required for the installation, operation, and maintenance of City storm water utility infrastructure.

2. Underground storm water mains and associated structures typically will be located in the street rights of way.

3. Storm water lateral lines, minor ditches, or drainage swales will be placed in drainage easements. Collector, “arterial”, or master drainage channels will be placed in dedicated drainage rights of way.

4. Drainage easements may be located along side or back lot lines, as necessary, but drainage easements and utility easements shall not overlap. Drainage rights of way will be located in accordance with the approved master drainage plan.

5. Drainage easement widths shall be based on the outside diameter of the underground line or width of ditch or swale, plus 5 feet on each side, with the total width rounded up to the nearest 5-foot increment. The minimum drainage easement width shall be 20 feet. Drainage right-of-way widths will be in accordance with the approved master drainage plan. In addition to the width of the ultimate drainage channel, the dedicated drainage right-of-way shall include a minimum 15 foot wide maintenance strip along each top bank of the ultimate channel cross-section.

C. Access easements or other easements

Access easement or other easement requirements will be considered on a case-by-case basis.
8.2.4. **Blocks**

A. Block lengths shall not exceed 1,600 feet.

B. The lengths, widths and shapes of blocks shall be determined with regard to:
   
   1. Provision of adequate building sites suitable to the special needs of the type of use contemplated;
   
   2. Lot dimensions;
   
   3. Need for convenient access circulation, control and safety of street traffic; and
   
   4. Limitations and opportunities of topography.

C. Block length requirements in the Farm-Rural or Residential Estate zoning districts may not exceed ten times the minimum lot width for the largest lot, platted in the subdivision, or 1,600 feet, whichever is greater.

8.2.5. **Lot Grading**

A. Lot grading in subdivisions, wherever practical, shall be such that lots drain toward the street. Accordingly, all lots graded within subdivisions shall be sloped to a minimum grade of 1%. In the event it is not practical to drain lots to the street (rear to front), then an alternate drainage plan must be submitted subject to approval by the Assistant City Manager of Development Services.

B. If drainage from adjacent property crosses the tract of land, the drainage from adjacent property shall be physically diverted to adequate drainage facilities or handled with the runoff from the tract of land itself.

8.2.6. **Water**

A. If an approved, treated water supply system of sufficient capacity as determined by adopted City water distribution standards is available within 1 mile of the property being platted, each lot within the subdivided area shall be provided with access to such water supply regardless of whether or not such subdivision is inside or outside the City limits. The water system shall be designed in accordance with Subchapter “D” of Chapter 290, Texas Administrative Code (TAC): “Rules and Regulations for Public Water Systems”; all other applicable rules and regulations of the Texas Commission on Environmental Quality (TCEQ) or its successor agency; and the Design Standards issued and published by the City Engineer in the latest edition of the Infrastructure Design Manual and supplements.

   (Ordinance 030023, 12/10/2013)

B. All taps, meter services, and meter sets on existing public utility water lines of the City shall be made and installed under the supervision and direction of the Water Director.
8.2.7. **Wastewater**

**A.** Every lot within a proposed subdivision shall be provided with access to an approved wastewater collection and treatment system of sufficient capacity as determined by adopted City wastewater standards and master plans. The wastewater system improvements shall be designed in accordance with Subchapter “C” of Chapter 217, Texas Administrative Code (TAC): “Design Criteria for Domestic Wastewater Systems”; all other applicable rules and regulations of the Texas Commission on Environmental Quality (TCEQ) or its successor agency; and the Design Standards issued and published by the City Engineer in the latest edition of the Infrastructure Design Manual and supplements. (Ordinance 030023, 12/10/2013)

**B.** Requests for a waiver from these requirements shall be submitted to the Assistant City Manager of Development Services and administered in accordance with paragraph 3.8.3.D waivers.

1. **On-site Sewage Facilities and Other Individual Facilities**
   
   When any subdivision is planned that is not reasonably accessible to a public wastewater facility of sufficient capacity as determined by adopted City wastewater standards, it shall provide for the use of an individual aerobic system, wastewater treatment plant, or interim service as follows:

   a. **Individual Aerobic System**
      
      In all subdivisions planned for individual aerobic system use, the minimum lot area shall be one-half acre per single-family dwelling. Individual aerobic systems shall be installed on each lot concurrent with any development thereof, and the design of such system and the method of installation shall conform in all respects to the requirements of the City-County Health Department. The City-County Health Department shall have the authority to vary the lot area requirement if satisfactory evidence is presented indicating that soil conditions are such as to warrant a modification.

   b. **Individual Wastewater Treatment Plant**
      
      In all subdivisions planned to be served by an individual wastewater treatment plant, lots may be the minimum area allowed by the zoning district or county subdivision regulations, and individual wastewater facilities shall be installed to serve each lot. The plant providing such sewage disposal facilities shall be constructed in accordance with the regulations and requirements of the State Board of Health and with the approval, and under the supervision, of the City-County Health Department and the Assistant City Manager of Development Services.

   c. **Interim Service**
      
      If a tract being considered for development is not accessible to wastewater lines, the developer may provide interim service to
such tract by the construction of lift stations and force mains to the Master Plan line intended to serve such tract or to such existing wastewater lines having capacity beyond that needed for the area such wastewater lines are intended to serve. Lift stations and force mains only may be constructed as a means of providing interim service if the Master Plan for wastewater indicates that such lift station can be intercepted and taken out of service by future gravity wastewater construction within such Master Plan areas. The cost of any interim service provided by the developer in this fashion will be totally at the developer’s expense and no future reimbursement to the development will be provided.

d. Reasonably accessible is defined as follows:

i. Master plan facilities including trunk mains and lift stations currently exist in the designated service area in which the development is to occur, and such facilities can be extended to provide service to the development in accordance with Subsection 8.2.7.A of this Code; or Master plan facilities will be built concurrently with the development in accordance with Subsection 8.2.7.A of the Unified Development Code; and

ii. Collection Lines of adequate capacity to service the proposed development are within 1,000 feet of the subdivision and can be extended in accordance with Subsection 8.2.7.A of this Code.

8.2.8. Storm Water

A. A proposed subdivision must connect to an approved storm water drainage system of sufficient capacity as determined by adopted City storm water standards and master plans. The storm water system improvements shall be designed in accordance with the City Engineer-issued Design Standards in effect at the time the final plat for the subdivision is approved.

B. The Design Storm Events shall be as follows:
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<table>
<thead>
<tr>
<th>Type of Facility</th>
<th>Design Event (Years)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Protection of Habitable Structures</td>
<td>100</td>
</tr>
<tr>
<td>Residential (Local) Streets</td>
<td>5</td>
</tr>
<tr>
<td>Collector Streets</td>
<td>5</td>
</tr>
<tr>
<td>Arterial Streets</td>
<td>25</td>
</tr>
<tr>
<td>Conveyance System (not in streets)</td>
<td></td>
</tr>
<tr>
<td>Open Channels:</td>
<td></td>
</tr>
<tr>
<td>Minor Drainage System</td>
<td>5</td>
</tr>
<tr>
<td>Intermediate Drainage System</td>
<td>25</td>
</tr>
<tr>
<td>Major Drainage System</td>
<td>25</td>
</tr>
<tr>
<td>Underground:</td>
<td></td>
</tr>
<tr>
<td>Minor Drainage System</td>
<td>5</td>
</tr>
<tr>
<td>Intermediate Drainage System</td>
<td>25</td>
</tr>
<tr>
<td>Major Drainage System</td>
<td>25</td>
</tr>
</tbody>
</table>

*Design Year is reflective of the annual probability of the specific event happening.

(Ordinance 030023, 12/10/2013)

8.2.8.A. Storm Water Quality Control Measures to Reduce Pollution

1. **Best Management Practices**
   Prior to submission of a preliminary plat or final plat for review, the developer shall review the City’s Storm Water Management Guidance Document for Developmental Planning and Construction Activities and shall incorporate cost-effective best management practices that will reduce pollution of the receiving waters by storm water runoff from the property being platted. A Storm Water Pollution Prevention Plan shall be submitted to the Development Services Department for review and approval.

2. **Permanent Measures to Reduce Pollution from Runoff**
   During the planning for development, areas sensitive to storm water pollution shall be identified, including water supply sources, recreational waters and environmentally sensitive areas, as defined in Section 14-1002 of the Municipal Code, in order to provide a criterion upon which to base cost-effective storm water control measures.

   a. Vegetated buffer strips are encouraged along boundaries of environmentally-sensitive areas. Native vegetation should be utilized where practical.
b. Drainage outfalls that will discharge directly into an environmentally-sensitive area shall be located with consideration of the natural topography and drainage patterns of the environmentally sensitive area. Velocity control shall be provided at outfall openings to eliminate erosion of the environmentally-sensitive area. Rock rubble shall be placed at the outfall to allow for velocity reduction and trapping of some floating debris and sediments from storm water.

c. All jurisdictional wetlands shall be delineated, and any required permits shall be obtained from the U.S. Army Corps of Engineers, or other appropriate regulatory agencies, before work that may disturb the wetlands is commenced.

d. All plats of lands that border submerged lands belonging to the State of Texas shall have the boundary between the State-owned land and privately-owned property established by a Licensed State Land Surveyor. The boundary line shall be shown on the final plat.

e. All projects that are located within 1,000 feet of the mean high tide limit of the Gulf of Mexico shall comply with the City’s Dune Protection and Beach Access Plan; Chapter 10, Beachfront Management and Construction, of the Municipal Code; and the Nueces County Beach Management Plan, if applicable.

f. Any development within the Nueces River watershed that is upstream from the City's raw water supply intake shall be designed to reduce runoff of contaminated storm water to the water supply.

g. Greenbelts should be planned where possible to function in combination with drainage ways, open space, and rights of way. Grassy drainage swales, which will encourage percolation of drainage waters and reduce erosion from unlined drainage channels, are encouraged.

8.2.8.B. Storm Water Management

1. Storm Water Management Plan
A site-specific Storm Water Quality Management Plan, as defined in Section 14-1002 of the Municipal Code, is required for all developments of 1 acre or more. For the purpose of this Section, the area of the development shall include all adjoining land owned by the same person, regardless of the amount of land that will be affected by the development activity. The Storm Water Management Plan shall be submitted at the time of submission of:

a. Construction plans described in Subsection 3.8.4;
b. A final plat if no construction plans were submitted or a Storm Water Management Plan was not submitted previously; or

c. A replat of a final plat, if a Storm Water Management Plan was not submitted with the preliminary plat or final plat.

2. *Storm Water Drainage*

The developer shall be responsible for all storm water drainage caused by the development of the property. This responsibility also includes drainage directed to that property by ultimate development as well as the drainage naturally flowing onto and through the property by reason of topography. The owner of a property shall be responsible for any silt or soils transported downstream from the property by drainage.

**8.2.9 Dead End Mains**

A. **Definition.**

Any water main, whether fire, distribution, grid, arterial, or transmission main that terminates as a point other than a connection to another line or main which provides for Distribution System Looping.

B. **Water Circulation.**

Installation of permanent mains in the distribution system that do not provide for Distribution System Looping required to ensure water circulation and quality shall be prohibited, except as otherwise permitted herein. Dead end water supply mains and distribution mains may be temporarily permitted when an existing line is extended, and the further extension of the line is already programmed to begin construction within three years. All permitted dead end lines shall conform to TCEQ requirements and standards, as well as city standards. No other dead end lines are permitted, whether they are privately owned or publicly owned.

C. **Water Main Extension.**

Water main extensions associated with phased construction that do not fully provide for Distribution System Looping shall not be activated for service beyond the point where looping requirements were met, except as otherwise permitted herein. All permitted dead end lines shall conform to TCEQ requirements and standards, as well as city standards. No other dead end lines are permitted whether they are privately owned or publicly owned.

D. **Distribution System Looping**

Where a proposed development includes areas currently served by Dead End Mains, required infrastructure improvements that provide for establishing Distribution System Looping and elimination of the Dead End Mains shall be defined. If these improvements qualify as arterial, grid, or distribution mains extensions, they will be administered in accordance with the requirements of Article 8 of the Unified Development Code.

(Ordinance 029376, 02/21/2012)
§ 8.3. Public Open Space

8.3.1. Purpose

A. The purpose of this Section is to provide recreational areas in the form of public parks as a function of the subdivision of land for residential uses and site development in the City.

B. Public parks are those public open spaces providing for a variety of outdoor recreational opportunities and located within convenient distances from a majority of the residences to be served. The primary cost of public parks should be borne by the ultimate residential property owners who, by reason of the proximity of their property to such parks, shall be the primary beneficiaries of such facilities.

8.3.2. Applicability

Public park dedications shall apply both to land and development costs for such parks for residential subdivisions of any housing type.

8.3.3. Exemptions

A. The following shall be excluded from the requirements of this Section:

1. Land developed for nonresidential uses;

2. Replats without vacation of existing platted areas or amending plats which have previously satisfied the requirements of this Section;

3. Plats of single-family residential subdivisions containing lots of 5 acres or larger, provided a note is placed on the plat indicating that the area encompassed within the plat has not satisfied the requirements of this Section, and that such requirements shall be satisfied upon the subdivision of the property or development of the property for other than one single-family dwelling; or

B. Property previously owned by Padre Island Investment Corporation (PIIC), as covered by the Water Agreement authorized by Ordinance No. 10169 of September 17, 1971, which incorporated by reference agreements related to the provision of water to PIIC property dated September 30, 1970 and January 5, 1968, other than Cape Summer Unit I, Cape Summer Unit II, and Commodore’s Cove Unit II subdivisions, is exempt from the parkland dedication provisions of this Section as having satisfied the provisions of that agreement. Provided that, the area contained in Cape Summer Unit I, Cape Summer Unit II, and Commodore’s Cove Unit II subdivisions shall not be exempt from parkland dedication, and the park dedication for such lands shall be in accordance with this Section. The park dedication requirement for Cape Summer Unit I, Cape Summer Unit II and Commodore’s Cove Unit II shall remain a total of 45.95 acres for the three units; and not more than 50% credit may be given upon the dedication of not more than 50 acres of habitat.
area comprised of uplands and flats contained in the Commodore’s Cove Unit II area.

8.3.4. Community Enrichment Fund

A. A special fund is established for the deposit of all sums paid in lieu of land dedication in accordance with this Section or any preceding regulations. The fund shall be known as the “Community Enrichment Fund.”

B. The City shall account for all sums paid in lieu of land dedication under this Section with reference to the individual plats involved. Any funds paid for such purposes shall be expended by the City within seven years from the date received by the City for acquisition or development of public parks. Such funds shall be considered to be spent on a first-in, first-out basis. If not so expended, the owners of the property on the last day of such period shall be entitled to a pro rata refund of such sum, computed on a square footage of area basis. The owners of such property shall request such refund in writing within 12 months of the last day of the seven-year period, or such refund right shall be terminated.

8.3.5. Land Dedication

A. Whenever a final plat is filed of record within the City’s jurisdiction (City limits or ETJ) for development of a residential subdivision, such plat shall contain a clear, fee simple dedication of an area of land within the subdivision to the City for park purposes.

B. For subdivisions where all lots are for single-family housing types, the dedication requirement shall be determined by the ratio of 1 acre for each 100 proposed dwelling units. (Example: 1 dwelling unit (du) = 0.01 acres; 25 du’s = 0.25 acres; 75 du’s = 0.75 acres; 200 du = 2 acres.)

C. For subdivisions where all lots are for multifamily housing types, the dedication requirement shall be determined by the ratio of 1 acre for each 200 proposed dwelling units. (Example: 1 dwelling unit (du) = 0.005 acres; 25 du's = 0.125 acres; 75 du’s = 0.375 acres; 300 du = 1.5 acres.)

D. For subdivisions with both single-family and multifamily housing types, the appropriate dedication requirement in paragraphs 8.3.5.B and 8.3.5.C shall apply proportionately.

E. Jurisdictional wetlands and beach recreational areas may be used to satisfy up to one-half of the land dedication requirements.

F. A preliminary plat shall show the area proposed to be dedicated under this Section. The required land dedication of this subsection may be met by a payment of money in lieu of land when permitted or required by the other provisions of this Section.

G. In the event that parkland dedication is required due to the change of a subdivision developed for nonresidential use into a residential subdivision
and a preliminary or final plat is not required, this dedication shall be met prior to the issuance of a building permit.

H. The area of the park to be dedicated shall be measured and calculated to the centerline of any street bounding said park within the subdivision.

8.3.6. Fee in Lieu of Land

A. The City may require a fee in lieu of land dedication. Such payment in lieu of land shall be made at or prior to the time of filing the final plat or prior to the issuance of a building permit where a plat is not required. 

(Ordinance 029727, 01/22/2013)

B. The fee in lieu of land dedication requirement shall be met by a payment proportional to the amount of land required to be dedicated and using the fair market value of the land at the time of construction start.

1. The Assistant City Manager of Development Services shall determine the amount of the fee in lieu of land dedication based on the following formula: \( (A \times V) = M \).

   a. \( A \) = The amount of land required for dedication as determined in Subsection 8.3.5.

   b. \( V \) = The fair market value (per acre) of the property to be subdivided, as established by an approved method.

   c. \( M \) = The number of dollars to be paid in lieu of dedication of land.

2. For purposes of computing the fair market value of property, variable \( V \) in the equation in subparagraph 8.3.6.B.1 above, the developer may select one of the following:

   a. The fair market value at the time of application of the undeveloped land as determined by a MAI certified real estate appraiser at the developer's expense; or

   b. The actual purchase price of the property as evidenced by the developer's most recent purchase money contract or closing statement dated within two years of the date of application.

3. The fair market value, variable \( V \), may not exceed sixty two thousand five hundred dollars ($62,500.00) per acre. The fair market value cap may be revised annually during the City's budget adoption process beginning with the adoption of the fiscal year 2012 budget. The fair market value cap may be adjusted based on an evaluation of property acquisition costs by the City and trends in local development activity.

C. If the City accepts the fee in lieu of land, the fees shall be placed in the City’s Community Enrichment Fund and shall be used for the acquisition or
improvement of neighborhood, community, and/or regional parks most likely to serve the residents of the subdivision. The park most likely to serve a subdivision shall in no case be located more than five miles from the subdivision, taking into consideration factors such as the proximity of major barriers to accessibility, including freeways, navigable streams and bodies of water.

(Ordinance 029727, 01/22/2013)

D. Community Enrichment Fund monies shall be used only for parkland acquisition and park development including utility extensions required to serve recreational areas.

8.3.7. Park Development Fee

A. In addition to the land dedication or fee in lieu set forth in Subsections 8.3.5 and 8.3.6, each developer shall pay a Park Development Fee of $200 per dwelling unit. The fee shall be reviewed by the City Council only once every two years and may be revised as necessary by ordinance. Any increases to the fee should be sufficient to provide for development of the land to meet the standards for a public park to serve the subdivision.

B. The fee shall be collected prior to recordation of the final plat. When a nonresidential subdivision is developed later as a single-family, multifamily, assisted living or nursing home development, the fee will be collected prior to issuance of the building permit.

C. Cash payments may be used only for development of a public recreational area that will serve the subdivision consistent with the Parks, Recreation and Open Space Master Plan.

8.3.8. Park Development Improvements

A developer may propose to construct the public park improvements in lieu of the park development fees described in Subsection 8.3.6 or 8.3.7. Before the City can approve the developer’s proposal, a recommendation is required from the Parks and Recreation Department. All improvements either shall be financially guaranteed or accepted by the City prior to the filing of a final plat in the case of platted developments or prior to issuance of certificates of occupancy in the event that plat approval is not required. The process of financial guarantee shall be the same as that found in Subsection 8.1.10 and shall be used whether a plat approval is required or not. Once improvements are accepted by the City, the developer shall deed the property and improvements to the City.

(Ordinance 029727, 01/22/2013)

8.3.9. Additional Dedication

A. The dedication required by this Section shall be made by filing of the final plat or concurrently by separate instrument unless additional dedication is required subsequent to the filing of the final plat. If the actual number of completed dwelling units exceeds the figure upon which the original dedication was based, additional dedication shall be required and shall be made by the developer by payment of the cash in lieu of land or by the conveyance of additional land required the City.
B. For residential development where parkland was neither previously dedicated nor payment was made with the filing of a plat, the additional dedication or payment in lieu of land required by this Section shall be made at the time of the building permit application.

8.3.10. Prior Dedication

A. Credit shall be given for land dedicated or money paid in accordance with this Section.

B. If a dedication requirement arose prior to the effective date of these provisions, that dedication requirement shall be controlled by the public open space dedication requirements in effect at the time such obligation arose, except that additional dedication shall be required if the actual density of structures constructed upon the property is greater than the previously-assumed density. Additional dedication shall be required only for the increase in density and shall be based upon the ratio set forth in Section 8.3.5 of this Section. Properties within the Renewal Community boundaries that previously have not satisfied public open space dedication requirements (previously a park dedication requirement) will be required to pay 50% of the park dedication fee.

8.3.11. Additional Requirements

A. Any land dedicated to the City under this Section shall be suitable for park and recreation uses as determined by the City.

B. Detention or retention areas may be accepted in addition to the required dedication. If accepted as part of the park, the detention or retention area design shall be as recommended by the Parks and Recreation Department and shall meet all park requirements consistent with the Parks, Recreation and Open Space Master Plan.

C. Parks should be easy to access and open to public view so as to benefit area development, enhance the visual character of the City, protect public safety and minimize conflict with adjacent land uses. The following guidelines should be used in designing parks and adjacent development:

1. Where physically feasible, park sites should be located adjacent to greenways or schools in order to encourage both shared facilities and the potential co-development of new sites.

2. A proposed subdivision adjacent to a park shall not be designed to restrict reasonable access to the park from other area subdivisions. Street and greenway connections to existing or future adjoining subdivisions may be required to provide reasonable access to parks.

3. Streets abutting a public park shall be built in accordance with the Urban Transportation Plan and the standards of this Code; however, the City may require any local access street built adjacent to a park to be constructed to collector width along the park frontage to ensure
access and prevent traffic congestion. The developer shall be entitled to oversize participation in such situations.

8.3.12. Review of Dedication Requirements
The City Council shall review the fees set forth in this Section only once every two years. The City Council shall take into account inflation as it affects land and park development costs as well as the City's targeted level of service for parkland per 1,000 population.

§ 8.4. City Participation in Streets and Drainage Crossings

8.4.1. Streets

A. All Streets
Where the Urban Transportation Plan or project specific traffic analyses indicate the need to construct new streets or reconstruct existing streets to a level higher than that of a residential collector, the City may pay additional construction costs with regard to right of way dedication, pavement thickness and street width greater than those of a minor residential collector street cross-section, provided that all of the following conditions are satisfied:

1. Participation shall comply with Texas Local Government Code § 212.071 et seq.;

2. The developer shall submit a reimbursement application, including all cost-supporting documentation, to the Assistant City Manager of Development Services before approval of the construction plans;

3. No reimbursement shall be made unless, before any construction begins, the reimbursement application and an infrastructure participation agreement have been approved by the City Council after certification that the necessary reimbursement money is fully available as required by Texas Constitution, Article 11, § 5 and City Charter, Article IV, § 7;

4. The reimbursement shall be made available after the City Council approves the reimbursement;

5. No construction shall begin until the Assistant City Manager of Development Services has approved the construction plans in accordance with Subsection 3.8.4; and

6. Where the required street improvements are encompassed entirely within the proposed development, the developer will be considered responsible for the entire width of street improvements, up to and including that of a residential collector.
B. Off-Site Improvements

1. Where any street forms part of the boundary of a subdivision and some part of the width of said street has been dedicated or committed to dedication, the developer shall be required to dedicate such additional land necessary to provide one-half of the street width required in the Urban Transportation Plan.

2. Where the required street improvements are not encompassed entirely within the proposed development, the developer will be considered responsible for one-half of the width of street improvements, up to and including those required for a residential collector.

C. Drainage Crossings

Where crossings over drainage ways are necessary, the developer shall be required to construct the crossings at its expense if the ultimate bottom width of the drainage way does not exceed 15 feet. If two or more developers own property adjacent to the drainage way, they shall deposit an equal share of the estimated cost of the bridge or crossing. The crossing shall be constructed when all developers involved have deposited their share of the money for the construction. The City shall participate in the cost of construction of any drainage way crossing if the ultimate bottom width of the drainage way exceeds 15 feet, the side slope is approved by the Assistant City Manager of Development Services and the following conditions are satisfied:

1. Before construction begins, available funds shall be appropriated and certified and the City Council shall authorize an infrastructure participation agreement.

2. Participation shall comply with Texas Local Government Code §212.071 et seq. The participation shall be an amount determined by multiplying a fraction comprised of the ultimate bottom width less 15 feet divided by the ultimate bottom width and the applicable construction costs. The City shall not under any condition participate in the cost of construction of any drainage way crossing if the ultimate bottom width of the drainage way is 15 feet or less; nor will the City participate in an amount greater than the amount determined by the above formula if the property on one side is an existing street or any other public property; nor will the City participate if the bridge is located outside the City limits. In estimating the total cost of construction for bridge crossings, the plans shall include the structure, headwalls, retaining walls, embankments, roadways, pavement, curbs and gutter, sidewalk, railing and related drainage structures, testing and engineering and related project expenses within the drainage right-of-way excluding 10 feet of improvements on each outside edge of the right-of-way.

3. All engineering work shall be performed by the developer’s Texas licensed professional engineer and approved by the Assistant City
Manager of Development Services. Participation by the City shall be limited to the total costs (inclusive of engineering fees) for the improvements required by the City. Anything in excess or more elaborate than the City’s requirements will be at the developer’s sole expense.

§ 8.5. Trust Fund Policy

8.5.1. Water Trust Fund

8.5.1.A. Purpose

The purposes of the Water Trust Fund are:

1. To encourage the orderly development of subdivisions within and surrounding the City;

2. To establish an equitable system of spreading the cost of water line extensions required for development pursuant to the Water Master Plan;

3. To establish an equitable system that can be effected by the establishment of trust funds to be administered by the City for the purpose of carrying out orderly water line extensions; and

4. To establish a system of credits and reimbursements for developer-installed water line extensions meeting the Water Master Plan when the developer is a non-taxing entity that is contributing acreage or lot fees under this Unified Development Code.

8.5.1.B. Payment of Fees

1. Before any unit of a subdivision or single lot is completed and the final plat recorded, the developer will be required to pay to the City a lot fee or acreage fee, whichever is greater. A surcharge will apply to all property, new or existing, when a service tap application is made. All lot or acreage fees and pro-rata fees will be paid to the developer Trust Fund prior to recordation of the subdivision plat. Tap fees shall be paid to the City concurrently with the tap application for water service on individually-platted properties. These fees shall be applicable regardless of whether the properties are located inside or outside the City limits. Water service for outside the City limits only will be provided in accordance with the Municipal Code, Sections 55-110 through 55-119. (Ordinance 029376, 02/21/12)

2. The fees collected under this Section shall be deposited into two separate trust accounts as follows:

a. Lot and acreage fees and 75% of the surcharge fees shall be deposited into the Water Arterial Transmission and Grid Main
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Trust Fund for use in over-sizing grid mains, constructing arterial transmission mains and grid mains, and reimbursing developers for constructing arterial transmission mains and grid mains in compliance with the current Water Transmission Master Plan (Water Distribution System Standards).

b. Pro-rata fees for distribution mains and 25% of the surcharge fees will be deposited into the Distribution Mains Trust Fund for use in over-sizing distribution mains, constructing distribution mains, and reimbursing developers for over sizing and constructing distribution mains off-site.

c. Prior to the adoption of the City’s annual budget, all fees and charges will be indexed to the Construction Index published in the Engineering News Record.

d. The Tap Fee Ordinance (Municipal Code, Section 55-70) separately establishes the applicable tap fee rates for installation of meters on service lines.

8.5.1.C. Credits and Reimbursements

1. Arterial Transmission and Grid Main Extensions
In the event the arterial transmission and grid main system are not in place when required for development, the developer may install that portion of arterial transmission and grid mains necessary to meet the Water Distribution System Standards, Water Transmission Master Plan, and Fire Suppression Rating Schedule; provided, however, the grid system shall be developed as approximate 1-mile grids beyond the existing grid to ensure that sufficient service is available.

a. Credits
If the developer installs such arterial transmission and grid mains, the developer shall be credited for the actual installation cost up to the amount of his lot or acreage fee, provided an application for credit, including all cost-supporting documentation, has been submitted to the Assistant City Manager of Development Services prior to the installation of such main and is approved.

b. Reimbursement
If the actual costs for installation of such arterial transmission and mains are greater than the lot or acreage fee, the developer shall be reimbursed (less any lot or acreage fee credits) from funds available from the Water Arterial Transmission and Grid Main Trust Fund for that portion of the arterial transmission and grid mains installed by the developer up to a maximum of that which is required by the Water Distribution System Standards to complete the next grid loop from the grid system in place or under construction prior to the developer's installation, i.e., if any portion of a grid loop is in place or under construction prior to the
developer’s installation, the developer may be reimbursed for completing that grid loop, plus up to a maximum of one additional grid loop, if such installation is required by the Water Distribution System Standards. Provided, however, in order to be reimbursed as set forth in this subsection:

i. The developer shall submit an application for reimbursement, including all cost-supporting documentation, to the Assistant City Manager of Development Services prior to the installation of such arterial transmission mains and grid main; and

ii. If the location or size of the developer’s proposed arterial transmission grid mains is not consistent with the City’s Water Transmission Master Plan, Distribution System Standards, and the Fire Suppression Rating Schedule, the developer’s application for reimbursement may not be considered until an amendment to the Water Distribution System Standards has been approved by the City Council. The developer shall prepare and submit a draft amendment to the Water Distribution Systems Standards to the Assistant City Manager of Development Services if such is required. If the Assistant City Manager of Development Services approves the proposed amendment, the amendment shall be submitted to the Planning Commission for its recommendation and to the City Council for consideration.

c. **Plan Amendment and Submission Requirements**
The submissions for draft amendments to the Water Distribution System Standards shall address the current availability of related infrastructure (including wastewater service, adequate drainage facilities, and roads constructed to the standards of the Urban Transportation Plan) at the site of the proposed development and all tracts of land along the route of the proposed transmission or grid main extensions. The draft amendment to the Distribution System Standards should contain a recommended sequencing of construction of transmission or grid main extensions.

d. **Payment and Priority of Reimbursements**
An arterial transmission and grid mains construction and reimbursement agreement must be approved by the City Council before the developer starts construction. Such reimbursement only shall be made when monies are fully available in and appropriated from the Water Arterial Transmission and Grid Main Trust Fund. The order of reimbursement will be determined according to the date the arterial transmission and grid mains construction and reimbursement agreement is approved by the City Council.
2. **Distribution Main Extensions**
   When a subdivision, single lot, or tract is developed within an existing grid or in the adjacent grid area, but is not adjacent to the grid main, the extension of a water line may be made to serve the property either by the City or the developer if such extension is necessary to meet the Water Distribution System Standards. The maximum extension shall be limited to one-half mile (2,640 feet) or, if the fee value of the property does not equal 50% of the off-site extension cost, the extension will not be made unless the developer provides the difference up to 50%, which difference shall be non-reimbursable.

   **a. Credits**
   If the developer installs such distribution main, the developer shall be credited for the actual off-site installation costs up to the amount of his lot or acreage fee, provided an application for credit, including all cost-supporting documentation, has been submitted to the Assistant City Manager of Development Services prior to the installation of such distribution main and is approved.

   **b. Reimbursement**
   If the actual costs for installation of such distribution main are greater than the lot or acreage fee, the developer shall be reimbursed (less any lot or acreage fee credits) from funds available from the Water Distribution Main Trust Fund for that portion of the distribution main installed by the developer up to the maximum extension criteria described. Provided, however, in order to be reimbursed as set forth in this subsection:

   i. The developer shall submit an application for reimbursement, including all cost-supporting documentation, to the Assistant City Manager of Development Services prior to the installation of such distribution main; and

   ii. If the location or size of the developer’s proposed distribution main is not consistent with the City’s Water Distribution System Standards and Fire Suppression Rating Schedule, the developer’s application for reimbursement may not be considered until an amendment to the Water Distribution System Standards has been approved by the City Council. The developer shall prepare and submit a draft amendment to the Water Distribution System Standards to the Assistant City Manager of Development Services if such is required. If the Assistant City Manager of Development Services approves the proposed amendment, the amendment shall be submitted to the Planning Commission for its recommendation and to the City Council for consideration.
c. **Plan Amendment and Submission Requirements**

The submissions for draft amendments to the Water Distribution System Standards shall address the current availability of related infrastructure (including wastewater service, adequate drainage facilities, and roads constructed to the standards in the Urban Transportation Plan) at the site of the proposed development and all tracts of land along the route of the proposed distribution main extensions. The draft amendment to the Water Distribution System Standards should contain a recommended sequencing of construction of distribution main extensions.

d. **Payment and Priority of Reimbursements**

A distribution main extension construction and reimbursement agreement must be approved by the City Council before the developer starts construction. Such reimbursement only shall be made when monies are fully available in and appropriated from the Water Distribution Main Trust Fund. The order of reimbursement will be determined according to the date the distribution main extension construction and reimbursement agreement is approved by the City Council. In instances where properties are adjacent to a distribution main installed by others, a pro-rata fee per front foot will be charged for that portion of the main fronting the property, such amount to be paid when the property is developed.

3. **Residential Subdivisions**

Subdivisions designed for residential use will include in their water main layouts individual service to each lot to be installed and tested with the water mains as required to conform to the Water Distribution System Standards.

4. **Review of Funds**

The City Council may, after a public hearing, transfer monies from one trust fund to the other in order to better carry out the purposes of this Unified Development Code. Water trust funds may be transferred to water trust funds or wastewater trust funds.

Once every two years, the City Council shall review the adequacy of all fees and charges established herein and the sufficiency of the trust fund and may, after a public hearing, adopt a new schedule of fees and charges.

(Ordinance 030369, 12/16/2014)

5. **Exemptions**

The following categories of property are exempt from the lot or acreage fees of this Section:

a. Property which is platted and has existing, metered, water service and is being replatted for the purpose of changing a building line, easement line, lot line, subdivision name, or as a result of a street, alley, or easement closure action, or for a similar reason. (If such
property has metered service and an additional lot or lots are being created by platting, or if such metered service size is being changed, the provisions of this Section will apply to any such lot or lots created).

b. Property being platted within separate or independent water districts where such districts provide water and ensure that fire protection, water extensions, etc., are made to properties within such districts.

c. Property for which the lot or acreage fees previously have been paid through platting and such property is replatted, unless, at the time of replatting, the land use has changed requiring a higher lot or acreage fee rate (the developer will then pay the City the difference in such higher and lower fee rate).

d. Property which has been contractually annexed prior to June 23, 1982; provided that, such property will not be eligible for reimbursement for water lines constructed or proposed to be constructed.

e. Government subdivisions, being defined as federal, state, county, or municipal entities and their subsidiary or affiliate corporations, whose operation is funded by collection of taxes, including sales tax, property tax, income tax, and other forms of taxes as may be established and accessed by such government subdivisions (entities exempt from payment of said fees shall be prohibited from receiving reimbursement from any fund established as a depository of such fees).

6. **Exemption for Certain Padre Island Properties**

Property previously owned by Padre Island Investment Corporation covered by the Water Agreement authorized by Ordinance No. 10169 of September 17, 1971, which incorporated by reference agreements related to the provision of water to Padre Island Investment Corporation property dated September 30, 1970 and January 5, 1968, other than Cape Summer Unit I, Cape Summer Unit II, and Commodore’s Cove Unit II subdivisions, is exempt from the lot or acreage fee provisions of this Section as having satisfied the provisions of that agreement; provided that, the area contained in Cape Summer Unit I, Cape Summer Unit II, and Commodore’s Cove Unit II subdivisions shall also be exempt from lot or acreage fees if:

a. The Developer records an election to pay an additional water tap fee published in the Development Services fee schedule contained in Chapter 14, Municipal Code, with respect to each lot which has an area of 1 acre or less and with respect to each lot which has an area in excess of 1 acre, developer shall pay an amount equal to the PIIC lot fee published in the Development Services fee schedule contained in Chapter 14, Municipal Code, plus an additional amount for each acre, or fraction thereof, that
such lot exceeds 1 acre, calculated at the rate per acre published in the Development Services fee schedule contained in Chapter 14, Municipal Code, in lieu of lot or acreage fees, such sums being deposited into the Water Arterial Transmission and Grid Main Trust Fund (75%) and the Distribution Mains Trust Fund (25%) for use as provided for in paragraph B.2 above;

b. Such election to pay the additional tap fee in lieu of lot or acreage fees shall only apply to the replat or new plat of all or a portion of such property platted as Cape Summer Unit I, Cape Summer Unit II, and Commodore’s Cove Unit II subsequent to August 26, 2003, provided that such replat or new plat reduces the total demand on the water system and the number of lots in the area of the replat or new plat; and

c. The developer of Cape Summer Unit I, Cape Summer Unit II, and Commodore’s Cove Unit II will be solely responsible for the costs of installing all water lines, including distribution mains, and arterial transmission or grid mains on- or off-site, required to service such subdivisions, that all such construction shall be completed in accordance with the platting and engineering requirements of the City, and that upon completion of construction and acceptance of such lines by the City, such improvements shall be owned and maintained by the City. The developer shall have no claim for reimbursement from the Water Arterial Transmission and Grid Main Trust Fund or the Water Distribution Main Trust Fund for any of the construction costs of water lines required for such subdivisions.

8.5.1.D. Main Not Within One Mile of Property

1. In areas where a treated water supply main is not within one mile, the developer shall construct wells in such a manner that an adequate supply of potable water and an adequate supply of water for fire protection shall be available to every lot in the subdivision meeting the then applicable standards of the adopted Fire Code. Such water supply system shall be constructed under the supervision of the City-County Health Department according to the aforesaid Distribution System Standards and shall also comply with the regulations of the State Board of Health in regard to such systems. The City Engineer, or his duly authorized representative, shall be responsible for determining that such well water supply systems comply with the requirements of this subsection.

2. No lot or acreage fee shall be paid if such land for which the fees are paid lies within an area exempted by the City Council from the payment of such fees. Such exempted areas shall be those determined by the City Council not likely to be served by City water services within the next 15 years. The City Council, with the advice of the Assistant City Manager of Development Services and the Planning Commission, may make such determinations whenever
necessary. Any request for a determination of exemption, other than from the Assistant City Manager of Development Services, Planning Commission or the City Council, shall be submitted in writing to the Assistant City Manager of Development Services. The Assistant City Manager of Development Services shall make a recommendation to the Planning Commission and such request will be scheduled for Planning Commission hearing within 60 days after the filing of such request. Thereafter, the Planning Commission shall make its recommendation to the City Council, which shall make the final determination. The City Council may, at any time, cease to exempt any area previously exempted, and thereafter such fees shall apply. Owners of property for which a water lot or acreage fee has been paid under the conditions of this paragraph, may receive a refund of their pro-rata portions (based on the total lots or acreage) of the lot or acreage fee paid if, after 10 years, but not more than 20 years from the date of the filing of the plat, the owners of 50% of the property within said final plat petition the City Council for a hearing to determine whether the fees should be refunded. A refund may be made if the City Council finds:

a. The petitioners are the property owners of lots for which a water lot or acreage fee has been paid;

b. No water lines serve the petitioners’ property from the City’s water system, from another governmental entity, or from existing water control districts or authorities which provide for the furnishing of water; and

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

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

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

iii. The foregoing shall apply with respect to exempting from payment or refunding of lot and acreage fees only and is not intended to exempt or waive any other platting or other requirements.

8.5.2. Wastewater Trust Fund

8.5.2.A. Purpose
The purposes of the Wastewater Trust Fund are:

1. To encourage the orderly development of subdivisions within and surrounding the City;

2. To establish an equitable system of spreading the cost of wastewater line extensions required for development pursuant to the Wastewater Master Plan;

3. To establish an equitable system that can be effected by the establishment of trust funds to be administered by the City for the purpose of carrying out orderly wastewater line extensions; and

4. To establish a system of credits and reimbursements for developer-installed wastewater line extensions meeting the Wastewater Master Plan when the developer is a non-taxing entity that is contributing acreage or lot fees under this Unified Development Code.

8.5.2.B. Payment of Fees

1. Before any unit of a subdivision, single lot, or tract which is completed and the final plat recorded, the lot or acreage fee, whichever is greater, shall be paid.

2. A surcharge per lot will be charged in addition to the tap fee for service to each lot.

3. The surcharge will apply to all property, new or existing, when an application for a wastewater service tap is made. All lot or acreage fees and pro-rata fees will be paid to the City prior to the subdivision plat being recorded. (Ordinance 029376, 02/21/12)

4. Tap fees will be paid to the City concurrently with the tap application for wastewater service on individually-platted lots or properties.

5. These fees shall apply regardless of whether the properties are located inside or outside the City limits, except as provided in subparagraph 8.5.2.D.1, below.

8.5.2.C. Properties Within City Limits
All platted property within the City limits shall be served by a City-approved wastewater treatment system, as per Subsection 8.2.7.

8.5.2.D. Depositing of Fees
The fees collected under this Section will be deposited into two separate trust accounts as follows:

1. Lot and acreage fees and 75% of the surcharge fees will be deposited into the Wastewater Trunk System Trust Fund for use in constructing Wastewater Master Plan trunk lines, Master Plan lift stations, and trunk force main lines and reimbursing developers for constructing Wastewater Master Plan trunk lines, Master Plan lift stations, and trunk force main lines.

2. Pro-rata fees and 25% of the surcharge fees will be deposited into the Wastewater Collection Line Trust Fund for use in over-sizing collection lines, constructing collection lines, and reimbursing developers for over-sizing and constructing collection lines off-site.

3. Prior to the adoption of the City’s annual budget, all fees and charges will be indexed to the Construction Index published in the Engineering News Record.

4. The Tap Fee Ordinance (Municipal Code, Section 55-70, et seq.) separately establishes the applicable tap fee rates.

8.5.2.E. Credits and Reimbursements

1. Wastewater Trunk Line Extensions
   In the event the trunk line system is not in place when required for development, the developer may install that portion of the trunk line system necessary to meet the established design standards.

   a. Credits
      If the developer installs the wastewater trunk line, the developer shall be credited for the actual installation costs up to the amount of his lot or acreage fee, provided an application for credit, including all cost-supporting documentation, has been submitted to the Assistant City Manager of Development Services prior to the installation of the trunk line and is approved.

   b. Reimbursement
      If the actual cost for installation of the wastewater trunk line is greater than the lot or acreage fee, the developer shall be reimbursed (less any lot or acreage fee credits) from funds available from the Wastewater Trunk System Trust Fund for that portion of the trunk lines installed by the developer. Provided, however, in order to be reimbursed as set forth in this subsection:

      i. The developer shall submit an application for reimbursement, including all cost-supporting
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documentation, to the Assistant City Manager of Development Services prior to the installation of the wastewater trunk line.

ii. If the location or size of the developer’s proposed wastewater trunk line is not consistent with the City’s applicable Wastewater Master Plan and Capital Improvement Program for the service area, the developer’s application for reimbursement may not be considered until an amendment to the applicable Wastewater Master Plan has been approved by the City Council. The developer shall prepare and submit a draft amendment to the applicable Wastewater Master Plan to the Assistant City Manager of Development Services if such is required. If Assistant City Manager of Development Services approves the proposed amendment, the amendment shall be submitted to the Planning Commission for its recommendation and to the City Council for consideration.

c. Plan Amendment and Submission Requirements
The submission for draft amendments to the applicable Wastewater Master Plan shall address the current availability of related infrastructure (including water service, adequate drainage facilities, and roads constructed to the standards in the Urban Transportation Plan) at the site of the proposed development and all tracts of land along the route of the proposed trunk line extension. The draft amendment to the applicable Wastewater Master Plan should contain a recommended sequencing of construction of trunk system improvements.

d. Payment and Priority of Reimbursement
A trunk line construction and reimbursement agreement must be approved by the City Council before the developer starts construction. The reimbursement only shall be made when monies are available in and appropriated from the Wastewater Trunk System Trust Fund. The order of reimbursement will be determined according to the date the wastewater trunk system construction and reimbursement agreement is approved by the City Council.

e. Deferred Reimbursement
If the developer is owed funds from the Wastewater Trunk System Trust Fund, the developer will be given credit for lot or acreage fees that are due on subsequent final plats filed with the County Clerk. The amounts credited will be deducted from the outstanding amounts owed to the developer by the Wastewater Trunk System Trust Fund until the total amount owed has been paid, provided that the lands being platted are within or contiguous to the boundaries of the preliminary plat of the originally developed property, the land will be served by the wastewater trunk line for
which the credit was given, and an extension of the trunk line was not required to serve the land.

2. **Collection Line Extensions**

   When a subdivision, single lot, or tract is developed within an area where the Assistant City Manager of Development Services has determined that a collection line will serve such area, the extension of a collection line may be made to serve such property either by the City or the developer. Maximum developer reimbursement will be limited for such off-site extensions to 50% of the mathematical product obtained by multiplying the off-site average pipe diameter in inches by the acreage or lot fee value of the property.

a. **Credits**

   If the developer installs such collection line, the developer shall be credited for the actual off-site installation costs as well as any over-sizing beyond its needs and as required by the Assistant City Manager of Development Services, up to the amount of his lot or acreage fee, provided an application for credit, including all cost-supporting documentation, has been submitted to the Assistant City Manager of Development Services prior to the installation of such collection line and is approved.

b. **Reimbursement**

   If the actual cost for installation of such collection line is greater than the lot or acreage fee, the developer shall be reimbursed (less any lot or acreage fee credits) from funds available from the Wastewater Collection Line Trust Fund for that portion of the collection line installed by the developer up to the maximum reimbursement criteria described. Provided, however, in order to be reimbursed as set forth in this subsection:

   i. The developer shall submit an application for reimbursement, including all cost-supporting documentation, to the Assistant City Manager of Development Services prior to the installation of the collection line.

   ii. If the location or size of the developer’s proposed collection line is not consistent with the City’s applicable Master Plan, the developer’s application for reimbursement may not be considered until an amendment to the applicable Master Plan has been approved by the City Council. The developer shall prepare and submit a draft amendment to the applicable Master Plan to the Assistant City Manager of Development Services if such is required. If the Assistant City Manager of Development Services approves the proposed amendment, the amendment shall be submitted to the Planning Commission for its recommendation and to the City Council for consideration.
c. **Plan Amendment and Submission Requirements**

The submissions for draft amendments to the applicable Wastewater Master Plan shall address the current availability of related infrastructure (including water service, adequate drainage facilities, and roads constructed to the standards in the Urban Transportation Plan) at the site that will be served by the proposed collection line extension. The draft amendment to the applicable Wastewater Master Plan should contain a recommended sequencing of construction of collection system improvements.

d. **Payment and Priority of Reimbursements**

A collection line extension construction and reimbursement agreement must be approved by the City Council before the developer starts construction. The reimbursement only shall be made when monies are fully available in and appropriated from the Collection Line Trust Fund. The order of reimbursement will be determined according to the date the collection main construction and reimbursement agreement is approved by the City Council. In instances where properties are adjacent to a collection line installed by others, unless privately-funded, a pro-rata fee per front foot will be charged for that portion of the line fronting the property, such amount to be paid when the property is platted.

e. **Deferred Reimbursements**

If developer is owed funds from the Collection Line Trust Fund, subsequent lot or acreage fee credits from subsequent final plats filed with the County Clerk, which lands are within or contiguous to the boundaries of the preliminary plat of the originally developed property and which will be served by the wastewater collection line for which the original credit was given but will not be served by any trunk or collection line extension, may be credited to the outstanding amounts owed to the developer by the Collection Line Trust Fund until the total amount owed has been paid regardless of the order reimbursement.

f. **Residential Subdivisions**

Subdivisions designed for residential use shall include collection lines laid out with individual service pre-taps to each lot up to the property line, to be installed in conformity with the currently adopted Wastewater standards.

3. **Wastewater Trunk Force Main Extensions**

If a trunk force main system is not in place when required for development, the developer may install that portion of the trunk force main system necessary to meet currently adopted Wastewater standards and shall comply with the current adopted Wastewater Master Plan.

a. **Credits**
If the developer installs the wastewater trunk force main, the developer shall be credited for the actual installation costs up to the amount of his lot or acreage fee, provided an application for credit, including all cost-supporting documentation, has been submitted to the Assistant City Manager of Development Services prior to the installation of the trunk force main and is approved by the Assistant City Manager of Development Services.

b. Reimbursement
If the actual cost of installing a wastewater trunk force main is greater than the lot or acreage fee, the developer will be reimbursed (less any lot or acreage fee credits) from funds available from the Wastewater Trunk System Trust Fund for that portion of the trunk force mains installed by the developer. No reimbursement shall be available for improvements installed or designed without the approval of the City. Provided, however, in order to be reimbursed as set forth in this subsection:

i. The developer shall submit an application for reimbursement, including all cost-supporting documentation, to the Assistant City Manager of Development Services prior to the installation of the wastewater trunk force main.

ii. If the location or size of the developer’s proposed trunk force main is not consistent with the City’s applicable Master Plan for the service area, the developer’s application for reimbursement may not be considered until an amendment to the applicable Master Plan has been approved by the City Council. The developer shall prepare and submit a draft amendment to the applicable Master Plan to the Assistant City Manager of Development Services if such is required. If the Assistant City Manager of Development Services approves the proposed amendment, the amendment shall be submitted to the Planning Commission for its recommendation, and to the City Council for consideration.

c. Plan Amendment and Submission Requirements
The submissions for draft amendments to the applicable Wastewater Master Plan shall address the current availability of related infrastructure (including water service, adequate drainage facilities, and roads constructed to the standards in the Urban Transportation Plan) in the area that will be serviced by the proposed trunk force main. The draft amendment to the applicable Wastewater Master Plan should contain a recommended sequencing of construction of trunk system improvements.

d. Payment and Priority of Reimbursement
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A trunk force main extension construction and reimbursement agreement must be approved by the City Council before the developer starts construction. The reimbursement only shall be made when monies are available in and appropriated from the Wastewater Trunk System Trust Fund. The order of reimbursement will be determined according to the date the wastewater trunk force main construction and reimbursement agreement is approved by the City Council.

e. **Deferred Reimbursement**
   If the developer is owed funds from the Wastewater Trunk System Trust Fund, the developer will be given credit for lot or acreage fees that are due on subsequent final plats filed with the County Clerk. The amounts credited will be deducted from the outstanding amounts owed to the developer by the Wastewater Trunk System Trust Fund until the total amount owed has been paid, provided that the lands being platted are within or contiguous to the boundaries of the preliminary plat of the originally developed property, the land will be served by the trunk force main for which the credit was given, and an extension of the trunk force main was not required to serve the land.

4. **Wastewater Lift Station Installations**
   If a wastewater lift station is not in place or one that is in place is inadequate when required for development, the developer may install or upgrade the lift station to meet adopted City wastewater standards.

   a. **Credits**
      If the developer installs or upgrades a lift station, the developer shall be credited for the actual installation costs up to the amount of his lot or acreage fee, provided an application for credit, including all cost-supporting documentation, has been submitted to the Assistant City Manager of Development Services prior to the installation or upgrading of the lift station and is approved.

   b. **Reimbursement**
      If the actual cost of installing or upgrading a lift station is greater than the lot or acreage fee, the developer will be reimbursed (less any lot or acreage fee credits) from funds available from the Wastewater Trunk System Trust Fund for that portion of the lift station installed or upgraded by the developer. Provided, however, in order to be reimbursed as set forth in this subsection:

      i. The developer shall submit an application for reimbursement, including all cost-supporting documentation, to the Assistant City Manager of Development Services prior to installing or upgrading the lift station.

      ii. If the location or size of the developer’s proposed collection line is not consistent with the City’s applicable...
Master Plan, the developer's application for reimbursement may not be considered until an amendment to the applicable Master Plan has been approved by the City Council. The developer shall prepare and submit a draft amendment to the applicable Master Plan to the Assistant City Manager of Development Services if such is required. If the Assistant City Manager of Development Services approves the proposed amendment, the amendment shall be submitted to the Planning Commission for its recommendation and to the City Council for consideration.

c. **Plan Amendment and Submission Requirements**
The submissions for draft amendments to the applicable Wastewater Master Plan shall address the current availability of related infrastructure in the area that will be serviced by the proposed lift station. The draft amendment to the applicable Wastewater Master Plan should contain a recommended sequencing of construction of system improvements.

d. **Payment and Priority of Reimbursement**
A lift station construction and reimbursement agreement must be approved by the City Council before the developer starts construction. Reimbursement only shall be made when monies are available in and appropriated from the Wastewater Trunk System Trust Fund. The order of reimbursement will be determined according to the date the waste water lift station construction and reimbursement agreement is approved by the City Council.

e. **Deferred Reimbursement**
If the developer is owed funds from the Wastewater Trunk System Trust Fund, the developer will be given credit for lot or acreage fees that are due on subsequent final plats filed with the County Clerk. The amounts credited will be deducted from the outstanding amounts owed to the developer by the Wastewater Trunk System Trust Fund until the total amount owed has been paid, provided that the lands being platted are within or contiguous to the boundaries of the preliminary plat of the originally developed property, the land is served by the lift station for which the credit was given, a new lift station additional trunk line extension was not required to serve the land, and the new development did not require the modification or expansion of the lift station serving the land.

8.5.2.F. **Property Outside City Limits**
When property requesting wastewater service in accordance with this policy is located outside the City limits, the property owner shall agree to annex or sign a contract to annex such property to the City prior to wastewater service being made available to the subdivision.

8.5.2.G. **Exemptions**
1. No lot or acreage fee shall be paid if such land for which the fees are paid lies within an area exempted by the City Council from the payment of such fees. Such exempted areas shall be those determined by the City Council to not likely to be served by City wastewater services within the next 15 years. The City Council, with the advice of the Assistant City Manager of Development Services and the Planning Commission, may make such determinations whenever necessary. Any request for a determination of exemption, other than from the Assistant City Manager of Development Services, Planning Commission, or the City Council, shall be submitted in writing to the Assistant City Manager of Development Services, along with the filing fee published in the Development Services Fee Schedule, Chapter 14, Municipal Code. The Assistant City Manager of Development Services shall make its recommendation to the Planning Commission and such request will be scheduled for a Planning Commission hearing within 60 days after the filing of such request. Thereafter, the Planning Commission shall make its recommendation to the City Council, which shall make the final determination. The City Council, may at any time, cease to exempt any area previously exempted, and thereafter such fees shall apply. Owners of property for which a wastewater lot or acreage fee has been paid under conditions of this paragraph, may receive a refund of their pro-rata portions (based on the total lots or acreage) of the lot or acreage fee paid if, after 10 years, but not more than 20 years from the date of the filing of the plat, the owners of 50% of the property within said final plat petition the City Council for a hearing to determine whether the fees should be refunded. A refund may be made if the City Council finds:

a. The petitioners are the property owners of lots for which a wastewater lot or acreage fee has been paid;

b. No wastewater lines serve the petitioners' property from the City's wastewater system, from another governmental entity, or from existing wastewater control districts, or authorities which provide for the collection or treatment of sanitary sewage; and

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

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

ii. Governmental entities, wastewater control districts, or authorities other than the City which have provided for the
collection or treatment of sanitary sewage to a tract of land for which a lot or acreage fee has been paid to the City may apply to the City for a reimbursement of the lot or acreage fee paid on such tract if such fee has not already been refunded to the lot owners. Such refund shall include 5.5% interest per annum from the date of the filing of the final plat. Any refunds only shall be made when monies are fully available in and appropriated from the Wastewater Trunk Line Trust Fund. The order of reimbursement will be determined according to the date the application for reimbursements is approved by the City Council.

iii. The foregoing shall apply with respect to exempting from payment or refunding of lot and acreage fees only and is not intended to exempt or waive any other platting or other requirements.

2. Government subdivisions, being defined as federal, state, county, or municipal entities and their subsidiary or affiliate corporations, whose operation is funded by collection of taxes, including sales tax, property tax, income tax, and other forms of taxes as may be established and accessed by such government subdivisions, shall be exempt from payment of acreage fees and surcharge fees described herein. Entities exempt from payment of said fees shall be prohibited from receiving reimbursement from any fund established as a depository of such fees.

8.5.2.H. No Double Credit
A lot or acreage fee for the same property may only be credited against either the Wastewater Trunk System Trust Fund or the Collection Line Trust Fund, but not against both trust funds.

8.5.2.I. Review of Funds
The City Council may, after a public hearing, transfer monies from one trust fund to the other in order to better carry out the purposes of this Unified Development Code. Wastewater trust funds may be transferred to wastewater trust funds or water trust funds.

Once every two years, the City Council shall review the adequacy of all fees and charges established herein and the sufficiency of the trust funds, and may, after a public hearing, adopt a new schedule of fees and charges.
(Ordinance 030369, 12/16/2014)

8.5.3. Storm Water Trust Fund

8.5.3.A. Purpose
The purposes of the Storm Water Trust Fund are:

1. To encourage the orderly development of subdivisions within and surrounding the City;
2. To establish an equitable system of spreading the cost of storm water collector extensions required for development pursuant to the Storm Water Master Plan;

3. To establish an equitable system that can be effected by the establishment of trust funds to be administered by the City for the purpose of carrying out orderly storm water collector extensions; and

4. To establish a system of credits and reimbursements for developer-installed storm water collector extensions meeting the Storm Water Master Plan when the developer is a non-taxing entity that is contributing acreage or lot fees under this Unified Development Code.

8.5.3.B. Payment of Fees

1. Before any unit of a subdivision, or single-lot, or tract is completed and the final plat recorded, the lot or acreage fee, whichever is greater, shall be paid prior to the subdivision plat being recorded.

2. Lot, acreage, and surcharge fees will be deposited into the Storm Water Collector Trust Fund for use in over-sizing and constructing storm water collectors, and reimbursing developers for constructing storm water collectors.

3. All fees and charges will be indexed to the August Construction Index published in the Engineering News Record and adjusted September 1 each year.

8.5.3.C. Credits and Reimbursements

1. **Storm Water Collector Extensions**
   In the event the storm water collector is not in place when required for development, prior to final plat recordation the developer shall install that portion of the storm water collector necessary to meet the Storm Water Master Plan.

2. **Credits**
   If the developer installs the storm water collector, the developer shall be credited for the actual installation cost up to the amount of his lot or acreage fee, provided an application for credit, including all cost-supporting documentation, has been submitted to the Assistant City Manager of Development Services prior to the installation of such collection main and is approved.

3. **Reimbursement**
   If the developer installs the storm water collector and the developer’s cost for installation is greater than the lot or acreage fee, the developer shall be reimbursed (less any lot or acreage fee credits) from funds available from the Storm Water Collector Trust Fund for that portion of the storm water collector installed by the developer.
Provided, however, in order to be reimbursed as set forth in this subsection:

a. The developer shall submit an application before developer starts construction.

b. If the location or size of the developer’s proposed storm water collector is not consistent with the City’s Storm Water Master Plan for the drainage basin, the developer’s application for reimbursement may not be considered until an amendment to the Storm Water Master Plan has been approved by the City Council. The developer shall prepare and submit a draft amendment to the Storm Water Master Plan to the Assistant City Manager of Development Services if such is required. If the Assistant City Manager of Development Services approves the proposed amendment, the amendment shall be submitted to the Planning Commission for its recommendation and to the City Council for consideration.

4. **Plan Amendments and Submission Requirements**

The submissions for draft amendments to the Storm Water Master Plan shall address the current availability of related infrastructure (including water and wastewater service and roads constructed to the standards in the Urban Transportation Plan) at the site of the proposed development and all tracts of land that will be served by the proposed storm water collector. The draft amendment to the applicable Storm Water Master Plan should contain a recommended sequencing of construction of related storm water major drainage channels and storm water collector systems.

5. **Payment and Priority of Reimbursement**

A storm water collector construction and reimbursement agreement must be approved by the City Council before the developer starts construction. The reimbursement only shall be made when monies are available in and appropriated from the Storm Water Collector Trust Fund. The order of reimbursement will be determined according to the date the storm water collector system construction and reimbursement agreement is approved by the City Council.

6. **Deferred Reimbursement**

If an developer is owed funds from the Storm Water Collector Trust Fund, the developer will be given credit for lot or acreage fees that are due on subsequent final plats filed with the County Clerk, and the amounts credited will be deducted from the outstanding amounts owed to the developer by the Storm Water Collector Trust Fund until the total amount owed has been paid, if the following conditions are met:

a. The lands being platted are within or contiguous to the boundaries of the preliminary plat of the originally developed property;
b. The land will be served by the storm water collector for which the credit was given; and

c. An extension of the storm water collector was not required to serve the land.

8.5.3.D. Review of Funds
Once every two years, the City Council shall review the adequacy of all fees and charges established in Subsection 8.5.3.B and the sufficiency of the Storm Water Collector Trust Fund and may, after a public hearing, adopt a new schedule of fees and charges.

8.5.3.E. Exemptions
The following categories of property are exempt from the lot or acreage fees of this Section:

1. When the lot or acreage fees have been paid through platting for property and such property for which fees have been paid is replatted, an additional lot or acreage fee will not be paid except that, if at the time of replatting, the land use has changed to where the higher lot or acreage fee applies, the developer will then pay the City the difference in such higher and lower fee rate.

2. Government subdivisions, being defined as federal, state, county, or municipal entities and their subsidiary or affiliate corporations, whose operation is funded by collection of taxes, including sales tax, property tax, income tax, and other forms of taxes as may be established and accessed by such government subdivisions, shall be exempt from payment of acreage fees and surcharge fees described herein. Entities exempt from payment of said fees shall be prohibited from receiving reimbursement from any fund established as a depository of such fees.

8.5.4. Replatted Property

A. Property which is replatted for the purpose of changing a building line, easement line, lot line, subdivision name, or as a result of a street, alley, or easement closure action, or for a similar reason, but not for purposes of subdividing such property into additional lots, will be exempted from the lot or acreage fee provisions of this Section. If an additional lot or lots are being created by platting, the provisions of this Code shall apply to any such lot or lots created. In addition, the following categories of property also will be exempted from the lot or acreage fee provisions of this Section:

1. Property which has been contractually-annexed to the City prior to the effective date of this Code;

2. Property for which the developer, in accordance with a separate ordinance, has paid a fee for utility services;
3. Property which has specifically been excluded by Ordinance Nos. 16872 and 17143 from payment of an acreage fee;

4. Properties of Padre Island Investment Corporation as covered by the Sewage System Agreement, including third party users, as authorized by Ordinance No. 13627 of February 23, 1977; or

5. Property which is located within the jurisdictional boundaries of a governmental entity, other than the City, which provides for collection and treatment of sanitary sewage, will not be required to pay a lot or acreage fee in accordance with this Section.

B. In the event of replatting where a lot or acreage fee pursuant to this Section has previously been paid on the initial platting, a lot or acreage fee will not be placed on such replat.

[Administrative Note: Article 8, Appendix 8, titled “Corpus Christi Urban Transportation Plan Design Criteria Manual” was deleted in its entirety by Ordinance 029765, passed 03/19/2013.]
Article 9 Nonconformities

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Article 9. Nonconformities

§ 9.1. General

9.1.1. The provisions of this Chapter are adopted pursuant to Texas Local Government Code Chapters 43, 211 and 212 and the City Charter.

9.1.2. Nonconformities are those land uses, signs, improvements, structures or lots that do not conform to the requirements of this Unified Development Code. Nonconformities shall not be made illegal by the adoption of this Unified Development Code; however, nonconformities shall not be modified except in accordance with this Article.

9.1.3. The casual, intermittent, temporary or illegal use of land structures or signs shall not be sufficient to establish the existence of a nonconforming use, structure or sign and shall be deemed a violation of this Unified Development Code subject to the penalties described in Section 10.3.

9.1.4. Nothing in this Article shall prohibit the ordinary repair and maintenance of a nonconformity.

§ 9.2. Nonconforming Uses

A nonconforming use is a land use that, at the effective date of this Unified Development Code or as a result of amendments to this Code, does not meet the standards of this Code. In addition, a use requiring a special permit but lacking such permit shall be deemed a nonconforming use.

9.2.1. Compliance for Nonconforming Uses

Except as otherwise provided herein, a nonconforming use may be continued subsequent to the effective date of this Unified Development Code provided that such continuation is in accordance with the provisions of this Article and all other applicable codes of the City necessary to ensure adequate protection and safety of adjacent property and the users and occupants of the nonconforming use. The right to operate a nonconforming use, however, shall cease and such use shall conform to the provisions of this Unified Development Code under any of the following circumstances:

A. Whenever a nonconforming use is discontinued for 12 months or more, all nonconforming rights shall cease, and the use of the premises shall be in conformity with this Article and all applicable codes of the City. The term “discontinue” shall mean that the property or structure is vacant or that the use has changed from the use that was in place on the effective date of this Code.
B. Whenever the structure in which a nonconforming use is housed, operated or maintained is damaged by natural or accidental causes to the extent of more than 50% of the value of the structure on the date of the damage, the right to operate such nonconforming use shall cease. In the event that a structure in which a nonconforming use is housed, operated or maintained is partially destroyed, such that the damage does not exceed 50% of the value of the structure on the date of the damage, the nonconforming use shall be allowed to continue, and the structure may be rebuilt upon issuance of a building permit in accordance with Section 3.18. Repairs or reconstruction shall be substantially completed within 12 months of the date of such damage. Valuation shall be based upon the calculation of physical reproduction costs made from material and labor, the quantities and prices of materials, and the hours and costs of labor as of the date immediately prior to damage reasonably required to reproduce the building or structure in its condition as of the time of damage.

C. On any lot the ownership of which is different from the ownership of any adjoining property as of March 29, 1961, a single-family dwelling may be erected even though the lot is of less width or area than required by the regulations of the district in which it is located; provided that, the required yard regulations are observed. A lot shall be considered as separately owned even though it adjoins another lot or lots belonging to the same owner if it fronts on a different street from such other adjoining lot or lots. Owners of adjoining lots under the same ownership on which separate dwellings exist may continue, rebuild, alter, or repair such separate dwellings on such separate lots.

D. In any subdivision that has been finally platted by action of the Planning Commission prior to July 21, 1971, which includes lots of less than 6,000 square feet but not less than 5,000 square feet in area, a single-family dwelling may be erected provided the required lot width and yard regulations are observed.

9.2.2. Changing Nonconforming Uses

A. A nonconforming use may be changed to a conforming use. Once such change is made, the use shall not be changed back to a nonconforming use.

B. A change of use from one nonconforming use to another nonconforming use shall not be allowed.

C. The lawful change of tenant or ownership of a nonconforming use or structure without a change in use shall not cause the loss of nonconforming rights.
§ 9.3. Nonconforming Signs
A nonconforming sign is a sign that was lawfully established prior to the effective date of this Unified Development Code, but that does not comply with the current regulations of Section 7.5.

9.3.1. Alterations
A sign registered as an existing, nonconforming sign may undergo a change in the information on the face of the sign provided that the change does not increase the area of the sign face. Any nonconforming sign, however, shall either be eliminated or made to conform to Section 7.5 when any alteration, modification or improvement is more than 50% of the cost of erecting a new sign of the same type at the same location.

9.3.2. Discontinuance
All nonconforming signs that are discontinued for more than 90 days shall be eliminated or made to conform to Section 7.5.

9.3.3. Immediate Termination of Nonconforming Signs
Except as otherwise provided by this Unified Development Code, the Building Official shall cause the immediate removal of any sign constructed, erected, or placed in violation of the provisions of this Unified Development Code or expressly prohibited, or any sign that represents a clear and present danger to the health or safety of the public due to its structural condition.

§ 9.4. Nonconforming Improvements or Structures
A nonconforming structure is any improvement or structure that does not fully conform to the dimensional or design standards in Article 4 or Article 7.

9.4.1. Use Permitted
A nonconforming structure may be used for any permitted use in the applicable zoning district or for any nonconforming use.

9.4.2. Government Acquisition
Where a lot is occupied by a lawful structure, and where government acquisition of right-of-way, by eminent domain, dedication or purchase creates noncompliance of the structure regarding the development standards in Article 4, the structure shall be deemed a conforming structure. In the event that such structure is partially or totally destroyed by natural or accidental causes, the structure may be rebuilt in its original location upon issuance of a building permit in accordance with Section 3.18.

9.4.3. Expansion of Structure
Expansion of a nonconforming structure shall be permitted provided that such expansion does not increase the extent of the nonconformity.

9.4.4. Moving Prohibited
A nonconforming structure shall not be moved to any other location on the same or any other parcel unless the entire structure shall thereafter conform to the regulations of the zoning district in which it is located after being moved.

9.4.5. Nonconforming Improvements that are not Structures
Additions or changes to nonconforming land improvements such as parking lots, landscaping or other constructed features on land shall not be made unless the addition or improvement brings the land improvement or the development of which it is a part into greater conformity with this Unified Development Code. If an improvement of this type is being made in association with enlargement of a nonconforming structure, the application shall be considered under Subsection 9.4.2.

9.4.6. Historic Overlay Districts
A nonconforming structure in a Historic Overlay zoning district shall be allowed to be rebuilt in its original location if damaged or destroyed by fire or any natural disaster. Reconstruction shall begin within 18 months from the first day of the disaster and be completed within 24 months from the first day a building permit is issued.

9.4.7. Variance
Enlargement, reconstruction or improvements to nonconforming improvements or structures that do not meet the provisions listed may be relieved by a variance from this Unified Development Code under the provisions Section 3.25.

§ 9.5. Nonconforming Lots of Record

9.5.1. General
A nonconforming lot of record shall be any legally-established parcel that does not conform to the development standards in Article 4 of the zoning district in which it is located.

A. The creation of a nonconforming lot of record shall be prohibited, except by government acquisition by eminent domain, dedication or purchase.

B. Notwithstanding this prohibition, the creation of a nonconforming lot of record shall be allowed where such lot is comprised of two or more nonconforming lots that are being combined to create a lot that more closely meets the development standards in Article 4.

9.5.2 Authority to Utilize for Single-Family Residence
In any district in which single-family detached dwellings are a permitted use, notwithstanding the regulations imposed by any other provisions of this Article, a
Article 9: Nonconformities

single-family detached dwelling that complies with the restrictions of this subsection may be erected on a non-conforming lot that is not less than 25 feet in width or more than 45 feet, and that:

A. Has less than the required minimum lot area or width but is not less than 2,500 square feet in area;

B. Is shown by a recorded plat or deed to have been a lot of record owned separately and individually from adjoining tracts of land at a time when the creation of a lot of such size and width at such location would not have been prohibited by any zoning or other ordinance; and

C. Has remained in separate and individual ownership from adjoining tracts of land continuously as of January 10, 2006.

9.5.3 Regulations for Single-Family Use of Nonconforming Lots

A nonconforming lot authorized to be used pursuant to Subsection 9.5.2 may be used solely for single-family dwellings and permitted accessory uses. Construction of such single-family dwellings shall comply with all the regulations (except lot area and width) applicable to single-family dwellings in the zoning district in which such lot is located, except that the following side yard requirements shall apply in place of the side yard requirements otherwise applicable:

A. The minimum street yard setback shall be 15 feet.

B. The dwelling shall be placed on the lot as to provide a yard on each side of the dwelling.

C. The sum of the widths of the two side yards shall not be less than the smaller of:

1. 25% of the width of the lot; or

2. The minimum total for both side yards prescribed by the development standards of the applicable zoning district.

D. In no instance shall a side yard be less than 3 feet in width.

E. The single-family dwelling and permitted accessory structures shall be no more than two stories or 26 feet in height.
§ 9.6. Elimination of Nonconforming Status

The owner of a nonconforming use, sign, improvement, structure or lot may employ the following mechanisms in an attempt to eliminate the nonconformity.

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<thead>
<tr>
<th>Nonconformity</th>
<th>Mechanism to Eliminate Nonconforming Status</th>
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<tr>
<td>Use</td>
<td>Replace the existing use with a conforming use.</td>
</tr>
<tr>
<td></td>
<td>Rezone to a district in which the use is permitted.</td>
</tr>
<tr>
<td></td>
<td>Apply for a special permit.</td>
</tr>
<tr>
<td>Sign</td>
<td>Modify the sign to conform.</td>
</tr>
<tr>
<td>Improvement or Structure</td>
<td>Modify the structure or improvement to conform.</td>
</tr>
<tr>
<td></td>
<td>Apply for a variance to allow the structure as built.</td>
</tr>
<tr>
<td></td>
<td>Rezone to district to which the structure would conform.</td>
</tr>
<tr>
<td>Lot of Record</td>
<td>Replat without vacation in accordance with Section 3.10.</td>
</tr>
<tr>
<td></td>
<td>Combine platted lots held in common ownership to create a conforming lot without re-platting.</td>
</tr>
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# Article 10 Enforcement

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Article 10. Enforcement

§ 10.1. Enforcement Authority

10.1.1. It shall be the duty of the Assistant City Manager of Development Services to enforce this Code and to refuse to issue any a building permit or certificate of occupancy and compliance for any building or land use in violation of any of the provisions of this Code. It also shall be the duty of all officials and employees of the City to assist the Assistant City Manager of Development Services by reporting any apparent violation of this Code.

10.1.2. In case any building is erected, constructed, reconstructed, altered, repaired or converted or any building or land is used in violation of this Code, the Assistant City Manager of Development Services is authorized to institute any appropriate actions to end such violation.

§ 10.2. Violations

10.2.1. Parties in Violation
The owner of any structure or land where anything in violation of this Code is placed or used, and any architect, builder, contractor, agent or other person employed in connection with the owner who may have assisted in the commission of any such violation, each shall be deemed guilty of a violation of this Code and upon conviction thereof shall be fined as provided in Section 10.3 below.

10.2.2. Utility Connection
The City shall not connect City utilities to any property in violation of this Code until there is compliance with the provisions of this Code.

10.2.3. Notice of Intent to Suspend or Revoke

A. Before suspension or revocation of a violating use or structure, the Assistant City Manager of Development Services shall give notice of intent to suspend or revoke, unless such violation would cause imminent destruction of property or personal injury. The notice specify a reasonable time for compliance with this Code.

B. If notice of intent is given, suspension or revocation shall not occur before the time for compliance has expired except in cases of emergency.

C. The Assistant City Manager of Development Services shall not be required to provide notice of intent to suspend or revoke for violations of this Code that cause imminent destruction of property or personal injury.
§ 10.3. Penalties

10.3.1. Any person who shall violate any provision of this Code within the City limits shall be guilty of a misdemeanor and upon conviction shall be fined not more than $2,000 for a violation of any provision governing the public health, safety or general welfare and shall be fined not more than $500 for any other violation.

10.3.2. Each day any violation continues shall constitute a separate and distinct offense. Assessment of the fine shall cease temporarily when a person submits a complete development review application to rectify the violation. No fine shall be assessed for the time period that the development review application is being reviewed.

10.3.3. The penalty for violation shall be cumulative of other remedies provided by State law, and the power of injunction may be exercised in enforcing this Code whether or not there has been a criminal complaint filed.