

**Ordinance amending the Corpus Christi Unified Development Code by adding a new Section 7.11 entitled, “Neighborhood Mixed-Use (NMU) Development Standards”, relating to the use, regulations and review standards for residential mixed-use development; Amending conflicting provisions of the City’s Comprehensive Plan; Repealing conflicting ordinances; Providing for severance, penalties, publication and an effective date.**

**WHEREAS**, the Corpus Christi Comprehensive Plan encourages compatible mixed uses of similar type such as, neighborhood retail business and residential activity; as well as the development of commercial areas that contain mixed office use and retail activities;

**WHEREAS**, the Corpus Christi Comprehensive Plan stipulates that stores and businesses be allowed to locate closer to neighborhoods if they provide supportive services; are characterized by activities of low intensity; and are beneficial to residential areas;

**WHEREAS**, with proper notice to the public, public hearings were held on Wednesday, August 3, 2011, during meetings of the Planning Commission, and on Tuesdays, October 11, 2011 and December 13, 2011, during meetings of the City Council, in the Council Chambers, at City Hall, in the City of Corpus Christi, during which all interested persons were allowed to appear and be heard;

**WHEREAS**, the City Council has determined that this amendment to the Unified Development Code (UDC), would best serve the general welfare of the City and its citizens by providing a regulatory base for more sustainable communities by ensuring compatibility in development; maintaining consistency and character; and ensuring growth in an orderly and desirable manner that will preserve the public health and safety;

**NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CORPUS CHRISTI:**

**SECTION 1.** That the Corpus Christi Unified Development Code is amended by adding a new Section 7.11 entitled “Neighborhood Mixed-Use (NMU) Development Standards” to read as follows:

**§ 7.11 Neighborhood Mixed-Use (NMU) Development Standards**

**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 non-residential 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.

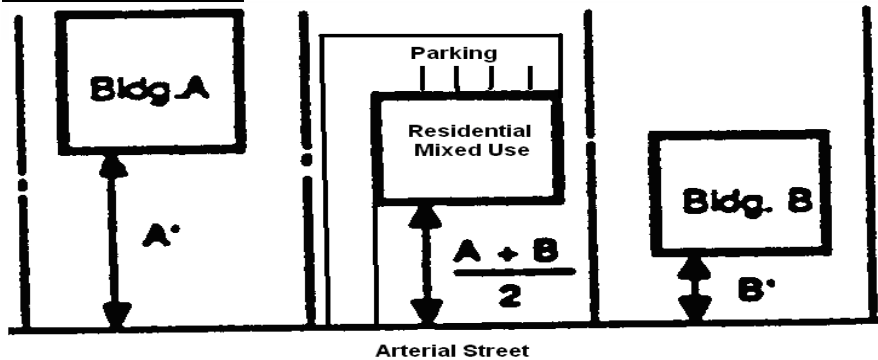
#### **7.11.5** **Setbacks.**

- 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.A1c).

**Figure 7.11.5.A1c**



- 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 7.11.6.A**

<b><u>Neighborhood Mixed Use (NMU) Non-Residential Permitted Uses</u></b>
<u>Adult Day-Care Centers</u>
<u>Art Studios, Artists and Artisans, Associated retail sales (excluding tattoo parlors)</u>
<u>Bakeries, Patisseries, Chocolates, are allowed when the primary use is Retail Sales and Services</u>
<u>Beautician Salons &amp; Barbers (excluding nail care)</u>
<u>Bed &amp; Breakfast Home (no allowance for special events)</u>
<u>Bicycle Sales and Rentals</u>
<u>Cafes and Bistros (no alcohol sales, unless permitted by district)</u>
<u>Child Day Care Centers</u>
<u>Civic/Government Office Uses</u>
<u>Computer Software and Multimedia Related Professionals</u>
<u>Drycleaners (drop-off, pick-up only, no drive-thru)</u>
<u>Farmers Market Retail Stand</u>
<u>Fashion, Graphic, Interior and Other Designers</u>
<u>Florist</u>
<u>Home Occupations</u>
<u>Ice Cream Parlors</u>
<u>Laundromats</u>
<u>Mail &amp; Packaging Centers</u>
<u>Neighborhood Market (no fueling sales)</u>
<u>Neighborhood Pharmacy</u>
<u>Non-Medical Offices</u>
<u>Nutritional Sales</u>
<u>Physical Fitness Gyms, Dance, Martial Arts Studios</u>
<u>Professional Services (including, attorneys, accountants, insurance sales, barbers, travel agency, consultant firms, engineers, architectural firms, and similar uses)</u>
<u>Real Estate Offices</u>
<u>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)</u>
<u>Restaurants, Food &amp; Beverage Service, (sit-down or take-out services permitted, alcohol service only where district permits, no drive throughs)</u>
<u>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; Books, Jewelry/Repair &amp; Sales, Sporting Goods, Optical, Office Supplies, Greeting Cards, Antiques</u>

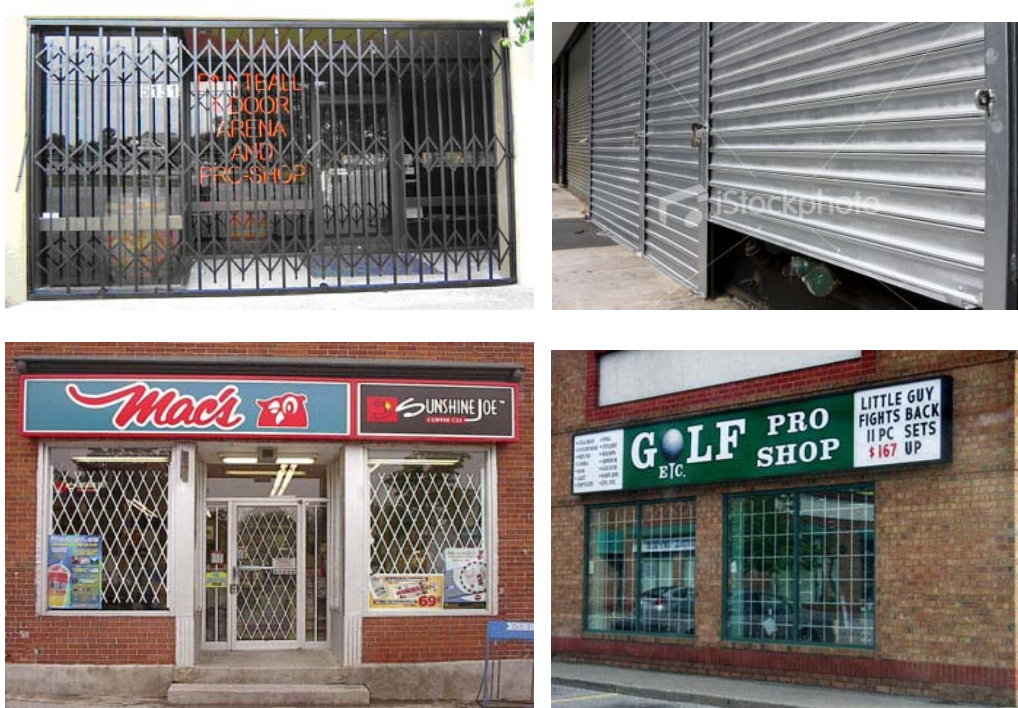


<u>School Tutoring Services</u>
<u>Tailor/Seamstress/Dressmaking</u>
<u>Senior Activity Centers</u>

**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.**

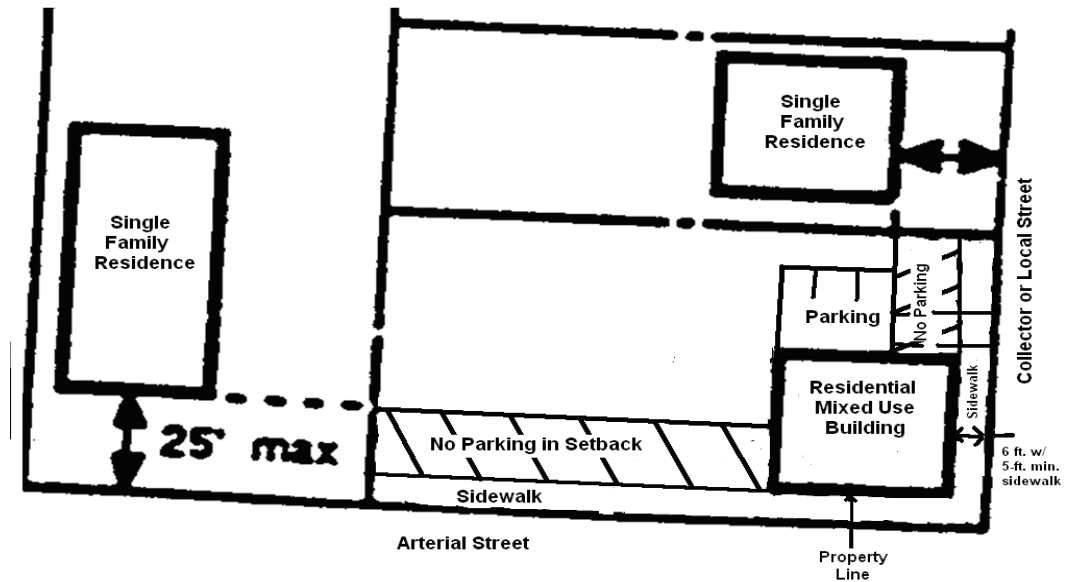
- A.** Where access is currently available to a proposed Neighborhood Mixed Use development site the access shall be permitted to remain, provided that the parking location requirements of Section 7.11.10 below are met.
- B.** Drive-in/through facilities shall be prohibited within a Neighborhood Mixed 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).

**Figure 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).

**Figures 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.

**SECTION 2.** That the UDC and corresponding Zoning Map of the City of Corpus Christi, Texas, effective July 1, 2011, as amended from time to time, except as changed by this ordinance and any other ordinances adopted on this date, remain in full force and effect.

**SECTION 3.** That to the extent that this amendment to the UDC represents a deviation from the Comprehensive Plan, the Comprehensive Plan is amended to conform to the UDC, as amended by this ordinance.

**SECTION 4.** That all ordinances or parts of ordinances in conflict with this ordinance are hereby expressly repealed.

**SECTION 5.** If for any reason any section, paragraph, subdivision, clause, phrase, word or provision of this ordinance shall be held invalid or unconstitutional by final judgment of a court of competent jurisdiction, it may not affect any other section, paragraph, subdivision, clause, phrase, word or provision of this ordinance, for it is the definite intent of this City Council that every section, paragraph, subdivision, clause, phrase, word or provision hereof be given full force and effect for its purpose.

**SECTION 6.** A violation of this ordinance or requirements implemented under this ordinance constitutes an offense punishable as provided in Section 1.10.1 and/or Article 10 of the UDC.

**SECTION 7.** That publication shall be made in the official publication of the City of Corpus Christi as required by the City Charter of the City of Corpus Christi.

**SECTION 8.** This Ordinance shall take effect upon and after publication of this Ordinance.

Signatures on following page.



That the foregoing ordinance was read for the first time and passed to its second reading on this the 11<sup>th</sup> day of October, 2011, by the following vote:

Joe Adame	<u>Aye</u>	David Loeb	<u>Aye</u>
Chris Adler	<u>Aye</u>	John E. Marez	<u>Aye</u>
Larry Elizondo, Sr.	<u>Aye</u>	Nelda Martinez	<u>Aye</u>
Kevin Kieschnick	<u>Aye</u>	Mark Scott	<u>Aye</u>
Priscilla Leal	<u>Absent</u>		

That the foregoing ordinance was read for the second time and passed finally on this the 13<sup>th</sup> day of December, 2011, by the following vote:

Joe Adame	<u>Aye</u>	David Loeb	<u>Aye</u>
Chris Adler	<u>Aye</u>	John E. Marez	<u>Aye</u>
Larry Elizondo, Sr.	<u>Aye</u>	Nelda Martinez	<u>Aye</u>
Kevin Kieschnick	<u>Aye</u>	Mark Scott	<u>Aye</u>
Priscilla Leal	<u>Aye</u>		

PASSED AND APPROVED this the 13<sup>th</sup> day of December, 2011.

ATTEST:

Armando Chapa  
Armando Chapa  
City Secretary

Joe Adame  
Joe Adame  
Mayor

APPROVED as to form only: this the 30<sup>th</sup> day of November, 2011.

For Carlos Valdez, City Attorney

By: Deborah Walther Brown  
Deborah Walther Brown  
Assistant City Attorney

<b>EFFECTIVE DATE</b>
<u>12/19/11</u>