

Ordinance amending the Corpus Christi Unified Development Code by adding a new Section 6.6 entitled, “Development Concept and Special Overlay Zoning Districts”, relating to the establishment and use of specific development concept overlays and special overlay zoning districts; 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 directs the City to promote infill development on vacant tracts or lots and improve the economic viability of infill development through incentives that will attract private investors;

WHEREAS, the Corpus Christi Comprehensive Plan recognizes that traditional land use regulations are not always conducive to development on problematic sites and can prevent innovative design, therefore valid innovations in land planning are encouraged;

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 UDC is amended by adding a new Section 6.6 entitled, “Development Concept and Special Overlay Zoning Districts” to read as follows:

§ 6.6 Development Concept and Special Overlay Zoning Districts.

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 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.

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 found at next page.

That the foregoing ordinance was read for the first time and passed to its second reading on this the 11th 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 13th 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 13th day of December, 2011.

ATTEST:

Armando Chapa
Armando Chapa
City Secretary

Joe Adame
Joe Adame
Mayor

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

For Carlos Valdez, City Attorney

By: Deborah Walther Brown
Deborah Walther Brown
Assistant City Attorney

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

029329