



## MEMORANDUM

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**Date:** July 18, 2019

**To:** Development Services Department, City of Corpus Christi

**From:** Nina Nixon-Mendez, FAICP, Director, Development Services *nmj*  
NinaM@cctexas.com

**RE:** Unified Development Code (UDC) Nonconforming Improvements  
or Structures Interpretation

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**ISSUE:** Policy interpretation of Section 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.

**BACKGROUND:** This language found in this section of the UDC allows nonconforming structures partially or totally destroyed by natural or artificial causes to be rebuilt in their original location. However, the language is located under the subsection “Government Acquisition”. The reader may conclude the provision only applies when a conforming structure has been rendered nonconforming by a Government acquisition or action.

**INTERPRETATION / FINDINGS:** Staff interpretation of the intent of the UDC language may result in inconsistent application of the provision. In order to provide for a consistent interpretation of the intent of the text in this section of the UDC, the City reserves the right to interpret this section to mean the following:

In the event a nonconforming structure, regardless of ownership or acquisition, 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.

This interpretation does not waive, relieve or alter the Owners responsibility to comply with all adopted Federal Emergency Management Agency (FEMA) floodplain regulations or International Code Council (ICC) construction codes adopted by the City of Corpus Christi at the time of permitting.