

Unified Development Ordinance



Additional Policy Questions

1.5 Applicability

- Statement should be added to reflect that residential areas within the City before a specific Date (2019 was mentioned by you and others) shall remain subject to the requirements of the CZO and not the new UDO. The requirements of the UDO are for new development.

The council did not agree with this.
They felt it would create more
confusion than clarity.

1.11 Written Interpretations

- Change to City Administrator or Designee

The Community Development Director shall have the authority to issue interpretations concerning the provisions of this UDO. Interpretations may be initiated by the Community Development Director or may be issued upon request through an application for a written interpretation. Appeals of written interpretations relating to zoning regulations shall be heard by the ZBA and appeals of interpretations relating to subdivision regulations shall be heard by the Planning & Zoning Commission.

The council had no issue with this.

1.14.3.2 Stop Work

- Change to City Administrator, or their designee

Whenever any construction work is being done contrary to the provisions of this UDO, the Community Development Director, or their designee, may order the work stopped by notice in writing served on the owner or contractor doing or causing such work to be done, and such person shall forthwith stop such work until authorized by the Community Development Director, or their designee, to proceed with the work.

The council had no issue with this.

1.14.3.3 Inspections

- Maybe change to City Administrator, or their designee, since Code Enforcement and our third-party reviewer do inspections.

The Community Development Director, or their designee, shall have the right to enter upon any premises at a scheduled time for the purpose of making inspections of buildings or premises necessary to carry out his duties in the enforcement of this UDO.

The council had no issue with this.

2.2.7 and 2.2.8 Neighborhood Plan, Infill

- Remove “one or more standard city blocks”

Neighborhood Plans are for development projects over 3 acres (one or more standard city blocks) on previously undeveloped and/or unplatted land. Neighborhood Plan applications are used to layout new neighborhoods or portions thereof including streets, blocks, lots, Civic Spaces, a parking plan, etc. and to allocated Place Type zoning districts within the new neighborhood. Neighborhood Plans include a general subdivision layout which shall serve as the guide for the preliminary plat(s) that will be submitted after the Neighborhood Plan is adopted.

The council had no issue with this.

2.2.11 Special Use Permit (SUP)

- Items in the UDO that require “S” special considerations that must be brought before P&Z and council such as accessory dwelling units., RV Parks, etc., need to have criteria as to how you evaluate whether to grant a special permit or not. Right now there are no criteria that I have seen.
- We do not have criteria in the Comprehensive Zoning Ordinance, and it follows the same public process.

The council did not agree with this. Currently in the CZO, no criteria is provided, and they thought it would be best to keep it the same. A public process is still required.

2.2.21 Final Plat

- It should read that final plats will not be recorded until the development is completed.

(10) Final plats may not be recorded until the associated subdivision improvements have been constructed and accepted by the City Council or a performance bond executed by a corporate surety licensed to do business in the **State of Texas**, has been issued to the City in an amount equal to the cost, as certified by the design engineer and approved by the City Engineer, of the uncompleted and unaccepted improvements conditioned that the improvements will be completed within two (2) years from the date of final plat approval.

The council had no issue with this.

2.2.23 Amending Plat

- This should always require P&Z review/approval.

Amending Plats are reviewed for compliance with the approved and recorded Final Plat, the approved Preliminary Plat (if applicable), the approved Subdivision Improvement Plans (if applicable), the Comprehensive Plan, the requirements of this UDO, the Engineering Standards and all other applicable City, State and Federal laws and requirements.

The council did not agree with this. Currently, we do not require approval from P&Z and Council for amending plats. The attorney didn't think it was a good idea either because they have strict regulations for this in state law.

2.3.1 Appeal of Administrative Decision

- Should go through ZBoA

The council had no issue with this.

APPLICATION TYPE	REVIEWING PARTY				
	CITY STAFF	ZONING BOARD OF ADJUSTMENTS	PLANNING & ZONING COMMISSION	HISTORIC LANDMARK COMMISSION	CITY COUNCIL
Preliminary Plat Approval/ Disapproval	R		[R]		[D]
Subdivision Improvement Plans Approval/ Disapproval	D				
Final Plat Approval/ Disapproval	R		R		[D]
Minor Plat/Replat Approval/Disapproval	D				
Amending Plat Approval/ Disapproval	D				
Replat Approval/ Disapproval	D				
Plat Vacation	D				
Plat Certification	D		A		
Subdivision Variance	R		[R]		[D]
Administrative Decision Appeal - Subdivision			D		

3.6.4.1 New Neighborhood or Employment Center Plan

- Deviations from the UDO should only be allowed through the variance process or an interpretation ruling issued by the City Administrator.

The Planning and Zoning Commission and City Council may approve deviations from the standards in the UDO that are in keeping with the intent of the Comprehensive Plan and UDO. Any deviations shall be recorded in the approved Neighborhood or Employment Center Plan.

The council did not agree with this. Because this is high-level and is more general, this allows more flexibility for P&Z and Council if the deviation fits with the intent.

3.7 Infill Plans

- I disagree with the ability to turn a previously platted lot to up to six lots through the amending plat process without the review/approval of P&Z.

Infill development that proposes modifications to existing platted lots but does not trigger the requirement of an Infill Neighborhood Plan may submit the required plat applications, Place Type zoning change, and any necessary engineered plans for street, sidewalk, water, sewer or drainage improvements concurrently. Pursuant to Texas Local Government Code Section 212.016(10), up to six lots may be created from a previously platted lot using the Amending Plat application process in a residential improvement area.

The council did not agree with this. Currently, we do not require approval from P&Z and Council for amending plats. The attorney didn't think it was a good idea either because they have strict regulations for this in state law.

3.8.6.5 Cost of Utility Extensions

- I disagree with the waiver of costs for an industrial park or commercial development. I see this as a benefit to a developer at the expense of the current rate payers. I believe the cost of providing water and sewer service should not be used as a bargaining chip to lure development.

(5) **Waiver of costs for industrial parks and commercial developments.**

The requirements of subsections (a) and (b) of this section, for the subdivider to install water and sewer mains from their present locations to the perimeter of the subdivision at his/her own cost and expense, and either to reimburse the city for the cost of electrical primary distribution system extensions and natural gas main extensions from their present locations to the perimeter of the subdivision or to extend these systems at his/her own expense, may be waived by the city council for proposed industrial parks and commercial developments. Such waiver shall be at the discretion of the city council after taking into consideration all the circumstances including, but not limited to, the following:

- (a) The ratio of the potential tax revenues and utility system revenues from property within the industrial park or commercial development to the costs to the city of extending water, gas and sewer mains and electric primary distribution lines to the proposed industrial park or commercial development.
- (b) The availability of funds for the extension of such mains and distribution lines.
- (c) The contribution, if any, by the subdivider for the extension of the mains and distribution lines.

The council did not agree with this. This allows more flexibility for the Council. They believed the Council should be able to have some negotiations if they deem fit.

4.3 Place Type Zoning

- Why did the maximum percentage of lot coverage for residential in P2.5 change from 60% to 40%?

LOTS	P1	P2	P2.5
WIDTH (MINIMUM)	None	None	80'
AREA (MINIMUM)	None	2.5 acre	12,000 sq ft
LOT COVERAGE (MAXIMUM)	N/A	30%	40%

The council thought this should remain as is.

3.8.7 and 4.3.1.9 Civic Space/ Building

- I disagree with the placement of commercial activities in a civic space. This enables the potential expansion of commercial use into established residential areas. A concession with a facility like a museum or civic center is one thing but I disagree with a separate commercial structure within an established residential area.

BUILDING TYPES	
DETACHED DWELLING	<input type="radio"/>
ATTACHED DWELLING	<input type="radio"/>
COTTAGE COURT	<input type="radio"/>
DUPLEX	<input type="radio"/>
TRIPLEX	<input type="radio"/>
QUADRAPLEX	<input type="radio"/>
SMALL APARTMENT	<input type="radio"/>
LARGE APARTMENT	<input type="radio"/>
MANUFACTURED HOME/PARK	<input type="radio"/>
ACCESSORY DWELLING UNIT	<input type="radio"/>
RECREATIONAL VEHICLE PARK	<input type="radio"/>
ACCESSORY BUILDING	<input type="radio"/>
SMALL COMMERCIAL	<input checked="" type="radio"/>

(d) Civic Spaces seeking to change to a noncivic use shall require a rezoning.

CIVIC BUILDING shall mean a building operated by not-for-profit organizations dedicated to art, culture, education, recreation, government, transit, and municipal parking, or as approved by the Planning & Zoning Commission and City Council.

The council thought this should remain as is, except to include place of worship in definition.

5.9.6 Variances

- All variances from the requirements of the UDO require P&Z or ZBA review/approval, whichever is deemed appropriate. No member of city staff should not have the authority to grant variances.

5.9.6.1 The Development Review Committee (DRC) has the discretion to approve any Administrative Plat, Site Development permit, and/or building permit that deviates less than five percent (5%) from any specific standard prescribed in the UDO. If not approved or the deviation is greater than five percent (5%).

The council thought that this language should be removed

5.10.3 Sign is Historic District

TYPES OF SIGNS PERMITTED IN HISTORIC OVERLAY.

This section creates a special signage criteria for illuminated signs within the historic district of **Downtown Castroville**. The historic district is defined in the Historic Preservation chapter (see Chapter 6 and Figure 5.10.3(A) Historic District Map). The historic district incorporates Place Type zoning districts P2.5, P4 and CS. The only permitted form of illumination in the historic district is neon or faux neon signs with Lighting for signage within historic districts which shall refer to the Historic Design Guidelines.

"- Use indirect lighting whenever possible. Small neon and internally lighted signs will be considered only for commercial buildings. Avoid the use of such signs for businesses in residential areas now used for commercial purposes.

- Use spotlights on buildings rather than illuminated signs.

- Avoid the use of backlit plastic and animated signs.

- Indirect lighting is preferred."

The council thought this should change to "The only permitted forms of illumination in the historic district are those specified in the Historic Design Guidelines."

5.10.3.1 Illumination of Signs

The council thought this should reflect dark sky complaint lighting. To allow for electronic signs, but to possibly have them turn off at a certain time or not to exceed an amount of lumens.

(1) *Animated sign:* A sign depicting action, motion, light, or color changes through electrical or mechanical means. Although technologically similar to flashing signs, the animated sign emphasizes graphics and artistic display.

a. *Regulations:* Not permitted in the City of Castroville or its ETJ areas.

e. *Electronic changeable copy:* A sign that includes provisions for electronic message changes, also called changeable copy panel, changeable-copy sign, electronic message center, menu board or video display sign.

1. *Regulations:* For signs with electronic changeable message panels or tracks, the changeable message area of the sign shall not exceed 50 percent of the total sign area. The changeable message display may consist of alphabetic or numeric characters and special visual effects including animation, but it shall not have any distracting special effects that would create a visual impact that could distract motorist or simulate emergency vehicles. Changeable message signs are further regulated by the specific sign and usage definitions herein.

(1) The standards for individual sign types in this UDO, indicate whether illumination is allowed, and the type of illumination allowed (external illumination, neon, faux neon or halo lit).

6.1.5 Designation Process for Local Historic District

- Concerning historic districts, no property owner should be forced to have their home, or property designated as a historic structure against their will.

6.1.5.1 The provisions for designating historic properties and districts are part of the City's comprehensive zoning plan. When extending or creating a historic district, this process must adhere to state law. Property owners within the proposed district will be notified before the Historic Landmark Commission (HLC) hearing on the proposed designation. At the HLC's public hearing, property owners, interested parties, and technical experts may present testimony or documentary evidence, which will become part of the record to assess the historic, architectural, or cultural significance of the proposed district extension. The City may designate a historic landmark without the property owner's approval." This is not allowed without a $\frac{3}{4}$ super majority by P&Z and City Council.

City Council said to remove these two sentences.

7 Definitions: Home Occupation

- Concerning home based businesses, there needs to be much more detail in the UDO about what you can, and cannot do, types of business not allowed, on-site sales, extra employees, etc. can I have a vape shop, tattoo parlor, beauty shop, massage parlor, restaurant, welding shop, etc. is there a maximum amount of the home I can use for business, etc. need details. These go in the ordinance not a nuisance ordinance.

HOME OCCUPATION shall mean a business operated entirely within a residence by its occupants, allowing no more than one non-resident employee on-site and limiting traffic to no more than two client/customer vehicles at a time, with no exterior signage or visible business activity.

The council thought this should remain as is.

7 Definitions: Recreational Vehicle

- The UDO allows RV parking beside and behind houses and residential areas there is no mention made as to how large or how many RVs can be parked on a single lot.

RECREATIONAL VEHICLE shall mean a portable home designed as a temporary dwelling for travel and recreational and vacation uses. Such homes shall not exceed eight feet in width and 46 feet in length and shall be classified as a recreational vehicle whether or not its wheels, rollers, skids or other rolling equipment have been removed, and whether or not any addition thereto has been built on the ground; and shall also include pick-up campers, converted buses, self-powered motor homes, tent trailers, tents and analogous temporary portable housing and accessory buildings.

Add language to include a boat in the list of vehicles. Add language to state that only one RV is allowed, and it can not be occupied.

Appendix

- There are several supporting documents referred to in the UDO such as the Parks master plan, the transportation plan, the comprehensive plan, San Antonio design guidelines, and others that need to be in an attachment or standalone format worded to support the UDO.

City Council said to include the hyperlink to each document in the appendix.

Next Steps

Questions?



Thank you



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