

AN ORDINANCE 2006-11-30-1333

AMENDING CHAPTER 35, UNIFIED DEVELOPMENT CODE, OF THE CITY CODE OF SAN ANTONIO, TEXAS BY MAKING MINOR AND MAJOR AMENDMENTS; ESTABLISHING PENALTIES; AND PROVIDING FOR PUBLICATION.

* * * * *

WHEREAS, the San Antonio City Council adopted the revised Unified Development Code on May 3, 2001 and reenacted the Unified Development Code, 2005 Edition on September 22, 2005; and

WHEREAS, Section 35-111 of the Unified Development Code requires that requests for amendments to the Unified Development Code be submitted annually to the Zoning Commission and the Planning Commission; and

WHEREAS, the Zoning Commission has recommended approval of those amendments pertaining to zoning issues; and

WHEREAS, the Planning Commission has recommended approval of those amendments pertaining to planning issues; **NOW THEREFORE**,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAN ANTONIO:

SECTION 1. The City Code of San Antonio, Texas is hereby amended by adding the language that is underlined (added) and deleting the language that is stricken (~~deleted~~) to the existing text as set forth in this Ordinance.

SECTION 2. Chapter 35 of the City Code of San Antonio, Texas is hereby amended as follows:

Chapter 35, Article I, Section 35-103 is amended as follows:

35-103 Authority

The following chapters and sections of Vernon's Annotated Codes of the State of Texas are hereby adopted:

- Local Government code, Chapters 41, 42, 43, 54, 211, 212, 213, 214, 215, 216, 217, 241, 242, 243, and 431.
- Texas Government code, Chapters 311, Code Construction Act, and Chapter 312, Construction of Laws to the extent applicable to this chapter.

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- Property Code code, Section 12.002.

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Chapter 35, Article I, Section 35-107 is amended as follows:

35-107 Rules of Construction

Interpretation and application of the provisions of this chapter shall be regarded as the basic and minimum requirements for the protection of public health, safety, comfort, morals, convenience, prosperity and welfare. This chapter shall be liberally interpreted in order to further its underlying purposes. The meaning of any and all words, terms or phrases in this chapter shall be construed in accordance with Appendix "A" hereto, which is hereby incorporated by reference as if set forth in its entirety herein.

This chapter contains numerous graphics, pictures, illustrations and drawings in order to assist the reader in understanding and applying the chapter. However, In the event that conflicts of standards and requirements of Chapter 35 occur it shall be noted that the following order of precedence takes place.

1. Written text, excluding text in italics, takes precedence over tables, maps and graphics figures.
2. Tables take precedence over maps and graphic figures.

~~to the extent that there is any inconsistency between the text of this ordinance and any such graphic, picture, illustration or drawing, the text shall control unless otherwise provided in the specific section.~~

When the term *days* appears in this chapter relative to the technical review process for a subdivision plat or any other plat, unless specifically noted as *working days*, the term *days* shall be interpreted to mean *calendar days*. If the reference to *days* for a period of time less than six days, the term shall be interpreted as *working days*.

Chapter 35, Article I, Section 35-111 is amended as follows:

35-111 Annual Updates for Amendments

The purpose of this section is to provide for ~~annual~~ updates to this chapter in order to modify procedures and standards for workability and administrative efficiency, eliminate unnecessary development costs, and to update the procedures and standards to reflect changes in the law or the state of the art in land use planning and urban design. Beginning 2006 the UDC Update program will be conducted every second year on even dated years.

With the exception of amendments initiated by Zoning Commission, Planning Commission, Board of Adjustments, HDRC, City Council, or other appropriate city board or council, amendments submitted during the update program shall be limited to the following:

1. Editing amendments to provide for editing changes that do not alter the impact of the provision being addressed and including changes such as spelling, grammar correction, formatting, text selection, or addition of text in compliance with existing ordinances, statues or case law.
2. Clarification amendments to provide for ease of interpretation and understanding of the existing provisions of the UDC. Clarification amendments should not change or alter the intent or meaning of existing UDC provisions.

3. Rule Interpretation Determinations (RIDs) are written policies and administrative interpretations made by the director of development services for subjects which are not fully provided for in the UDC. RIDs are based on case or project experience and may or may not result in the creation of a UDC amendment.
- (a) No later than May 1st of each year, any person may provide a request for amendment to this chapter to the director of development services. The request for amendment shall be labeled an "annual update request" and shall include a summary of the proposed changes, the reason for the proposed changes, and suggested text amendments.
 - (b) Director shall not receive request for amendments after July 1st. The director shall refer the proposed amendments to various city departments, planning commission technical advisory committee (PC TAC), the planning commission, the zoning commission and the city council. The director may conduct workshops to informally discuss the annual update requests with neighborhoods, developers, homebuilders, design professionals, and other stakeholders in the development process.
 - (c) The director of development services shall refer the annual update requests to the planning commission and/or zoning commission by October 30. The planning commission and/or zoning commission shall refer the Annual Update Request to the city council by December 1. Any amendments that are finally approved shall become effective January 1 of the following year.

Chapter 35, Article II, Section 35-207(b) is amended as follows:

35-207 Traditional Neighborhood Development

(b) Processing Procedures

(1) Generally.

There are three procedures for approval of a TND. First, the TND may be approved administratively with a combined subdivision plat and master site plan in the ETJ or one of the zoning districts set forth in Subsection (a) hereto. Second, where the existing zoning district boundary classification does not permit a TND, the applicant may request a rezoning to an MXD zoning district. In all other respects, the sequence for processing a TND shall be as set forth in Article 4 of this chapter. Variances shall be processed as set forth in Subsections (2) and (3), below, except for applications within the Edwards Recharge Zone District (ERZD) or utility conversion districts.

* * * * *

Chapter 35, Article III, Section 35-303 is amended as follows:

35-303 Establishment of Districts

(a) Base Zoning Districts

In accordance with the requirement of VTCA Local Government Code § 211.005 that zoning regulation be by districts, the city, as shown on the Official Zoning zoning Map accompanying this chapter and incorporated herein by this reference, is hereby divided into the following base zoning districts, the overlay and special zoning districts established in subsections (b) and (c) hereto, and the conditional zoning districts established pursuant to Sec. 35-321 of this Article,

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which shall be governed by all of the uniform use and area requirements of this ordinance, the respective symbol for each type of district being set forth opposite its title:

Residential Base Zoning Districts

<u>"RP"</u>	<u>Resource Protection</u>
<u>"RE"</u>	<u>Residential Estate</u>
<u>"R-20"</u>	<u>Residential Single-Family</u>
<u>"R-6"</u>	<u>Residential Single-Family</u>
<u>"R-5"</u>	<u>Residential Single-Family</u>
<u>"R-4"</u>	<u>Residential Single-Family</u>
<u>"R-3"</u>	<u>Residential Single-Family</u>
<u>"RM-6"</u>	<u>Residential Mixed</u>
<u>"RM-5"</u>	<u>Residential Mixed</u>
<u>"RM-4"</u>	<u>Residential Mixed</u>
<u>"MF-25"</u>	<u>Multi-Family</u>
<u>"MF-33"</u>	<u>Multi-Family</u>
<u>"MF-40"</u>	<u>Multi-Family</u>
<u>"MF-50"</u>	<u>Multi-Family</u>

Non-Residential Base Zoning Districts

<u>"NC"</u>	<u>Neighborhood Commercial</u>
<u>"C-1"</u>	<u>Light Commercial</u>
<u>"C-2NA"</u>	<u>Commercial, Nonalcoholic Sales</u>
<u>"C-2P"</u>	<u>Commercial Pedestrian</u>
<u>"C-2"</u>	<u>Commercial</u>
<u>"O-1"</u>	<u>Office</u>
<u>"O-2"</u>	<u>Office</u>
<u>"C-3NA"</u>	<u>General Commercial, Nonalcoholic Sales</u>
<u>"C-3R"</u>	<u>Restrictive Commercial</u>
<u>"C-3"</u>	<u>General Commercial</u>
<u>"D"</u>	<u>Downtown</u>
<u>"L"</u>	<u>Light Industrial</u>
<u>"I-1"</u>	<u>General Industrial</u>
<u>"I-2"</u>	<u>Heavy Industrial</u>

Flex Base Districts

<u>"FR"</u>	<u>Farm and Ranch</u>
<u>"RD"</u>	<u>Rural Development</u>
<u>"UD"</u>	<u>Urban Development</u>
<u>"MI-1"</u>	<u>Mixed Light Industrial</u>
<u>"MI-2"</u>	<u>Mixed Heavy Industrial</u>

"MI-1" ——— Mixed Light Industrial
"MI-2" ——— Mixed Heavy Industrial

(b) Overlay Districts

The city hereby establishes the following overlay districts which shall be governed by all of the uniform use and area requirements of this chapter. Within these overlay districts, additional requirements are imposed on certain properties within one or more underlying general or conditional zoning districts. The overlay districts established by this chapter, including the symbol for each type of district is as follows: "AHOD" airport hazard overlay district

Overlay Districts (Listed in Alphabetical order)

"AHOD"	Airport Hazard Overlay District
"EP"	<u>Facility Parking/Traffic Control District</u>
"ERZD"	Edwards Recharge
"H"	Historic District
"HE"	Historic Exceptional
"HS"	Historic Significant
"MAOZ"	<u>Military Airport Overlay Zone</u>
"MAOZ-1"	Military Airport Overlay 1
"MAOZ-2"	Military Airport Overlay 2
"NCD"	<u>Neighborhood Conservation Districts</u>
"IH"	National Highway System High Priority Corridor District
"RIO"	River Improvement Overlay Districts
"UCD"	<u>Utility Conversion Districts</u>
"VP"	<u>Viewshed Protection Districts</u>

Corridor Districts

<u>"GC"</u>	<u>Gateway Corridor</u>
<u>"MC"</u>	<u>Metropolitan Corridor</u>
<u>"PC"</u>	<u>Preservation Corridor</u>

(c) Special Districts

Special districts are created by Division 5 of this Article to address unique situations. However, unlike overlay districts, special districts replace the standards and requirements of the base districts.

Special Districts (Listed in alphabetical order)

"BP"	Business Park District
"DR"	Development Reserve
"ED"	Entertainment District
"IDZ"	Infill Development Zone
"MH"	Manufactured Housing District
"MHC"	<u>Manufactured Housing Conventional District</u>
"MHP"	<u>Manufactured Housing Park</u>
"MPCD"	Master Planned Community Districts
"MR"	Military Reservation District
"MXD"	Mixed Use District
"NP-8"	Neighborhood Preservation District
"NP-10"	Neighborhood Preservation District
"NP-15"	Neighborhood Preservation District
"PUD"	Planned Unit Development <u>District</u>
"QD"	Quarry District
"SGD"	Sand & Gravel District
"TOD"	Transit Overlay District

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(f) Conversion Matrix

Districts established prior to the date of adoption of this ordinance are set forth in Appendix "D" to this chapter. The city hereby finds and determines that the existence of two separate sets of zoning districts ~~district classifications~~, one dating from 1938 and the other dating from 1965,

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causes confusion and difficulties in the administration of the zoning regulations and periodic updates to the city's comprehensive planning policies. In order to ease the administration of this ordinance, the city hereby adopts the conversion matrix established in Appendix "D" to this ordinance by reference in order to determine the appropriate zoning district classification of each property within the zoning jurisdiction of the city.

Chapter 35, Article III, Section 35-310, Table 310-1 is amended as follows:

Table 310-1
Lot and Building Dimensions Table

(A)	(B)	(C)	(D)	(E)	(F)	(G)	(H)	(I)	(J)	(K)	(L)	(M)	(N)	(O)	(P)
Zoning District	BLDG ON LOT										Height (max)	Size - Individual Building Size (max)	Size - Aggregate Building Size (max)		
	Lot Size (min)	Lot Size (max)	Density (max) (units/acre)	Street Frontage (min)	Width (min)	Width (max)	Front Setback (min) ****	Front Setback (max)	Side Setback (min)	Rear Setback (min)					
RP	10 acres	—	0.1	—	—	—	15	—	5	—	35 / 2-½	—	—		
RE	43,560	—	1	100	120	—	15	—	5	30	35 / 2-½	—	—		
R-20	20,000	—	2	65	90	—	10	—	5	30	35 / 2-½	—	—		
R-6 ¹	6,000	—	7	30	50	150	10	—	5	20	35 / 2-½	—	—		
R-5 ¹	5,000	—	9	30	45	150	10	—	5	20	35 / 2-½	—	—		
R-4 ¹	4,000	—	11	20	35	150	10	—	5	20	35 / 2-½	—	—		
R-3 ¹	3,000 ¹	—	—	15	20	—	10	35	5	10	35/3	70% of lot area	—		
RM-6 ¹	6,000	—	7	15	15	150	10	—	5	20	35 / 2-½	—	—		
RM-5 ¹	5,000	—	9	15	15	100	10	—	5	10	35 / 2-½	—	—		
RM-4 ¹	4,000	—	11	15	15	80	10	—	5	10	35 / 2-½	—	—		
MF-25 ^{1,4}	—	—	25	50	50	—	—	20 ^{3,4,6}	5	10	35	—	—		
MF-33 ^{1,4}	—	—	33	50	50	—	—	20 ^{3,4,6}	5	10	45	—	—		
MF-40 ^{1,4}	—	—	40	50	50	—	—	20 ^{3,4,6}	5	10	60	—	—		
MF-50 ^{1,4}	—	—	50	50	50	—	—	20 ^{3,4,6}	5	10	—	—	—		
O-1	—	—	—	50	50	—	—	35	20 ²	30 ²	25	10,000	90,000		
O-2	—	—	—	50	—	—	25	80	20 ²	30 ²	—	—	—		
NC	—	—	—	20	—	—	—	15	10 ²	30 ²	25	3,000	—		
C-1	—	—	—	50	50	—	—	20	10 ²	30 ²	25	5,000	15,000		
C-2	—	—	—	20	—	—	—	—	10 ²	30 ²	25	—	—		
C-2P	—	—	—	20	—	—	—	35	10 ²	30 ²	25	—	—		
C-3	—	—	—	20	—	—	—	—	30 ²	30 ²	35	—	—		
D	—	—	—	—	—	—	—	20	—	—	—	—	—		
L	—	—	—	80	—	—	25	—	30 ²	30 ²	35	—	—		
I-1	—	—	—	80	80	—	30	—	30 ²	30 ²	60	—	—		
I-2	—	—	—	100	100	—	30	—	50 ²	50 ²	60	—	—		

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URBAN DEV													
UDSingle-family	—	10,000	—	15	15	150	15	20	0	10	35 / 2-½		
UDMulti-family-15	—	—	15	50	50	—	15	20	5	10	35	—	15 units
UDMulti-family-33	—	—	33	50	50	—	15	20	5	10	—	—	150 units
UDCommercial	—	—	—	—	—	—	0	—	—	—	—	—	—
bldg > 90,000**	—	250,000	—	—	—	500	0	15 ^b	30 ²	30 ²	—	—	—
bldg < 90,000**	—	—	—	20	—	—	0	15 ^b	10 ²	30 ²	—	—	< 90,000
bldg < 6,000**	—	—	—	20	—	—	0	15 ^b	10 ²	30 ²	25	—	< 6,000
RURAL DEV													
RD-Single-Family	43,560	—	1	100	120	—	15	—	5	30	35 / 2-½		—
RD-Commercial	—	—	—	—	—	—	—	—	—	—	—	—	—
bldg > 90,000 sf**	—	250,000	—	—	—	500	0	35	30 ²	30 ²	—	—	—
bldg < 90,000 sf**	—	—	—	20	—	—	0	35	10 ²	30 ²	25	—	< 90,000
bldg < 6,000 sf**	—	—	—	20	—	—	0	35	10 ²	30 ²	25	—	< 6,000
FARM & RANCH													
FR Single-family	25 acres*		0.04	—	—	—	15	—	5	—	35 / 2-½		—
FR-AgCommercial	25 acres*		—	—	—	—	15	—	5	—	35 / 2-½		—
MIXED													
INDUSTRIAL													
MI-1	—	—	—	80	80	—	***	—	30 ²	50 ²	60	—	—
MI-1 < 3,000 sf	—	—	—	50	—	—	***	—	10 ²	30 ²	—	—	3,000
MI-1 Village Center	2 acres	—	—	300	—	—	***	—	10 ²	30 ²	—	—	—
MI-2	—	—	—	100	100	—	***	—	50 ²	50 ²	150	—	—
MI-2 < 3,000 sf	—	—	—	50	—	—	***	—	10 ²	30 ²	—	—	3,000
MI-2 Village Center	2 acres	—	—	300	—	—	***	—	10 ²	30 ²	—	—	—

* Exception allowed for pre-existing lots of record

** See regulations for location standards

Rules for Interpretation of Table 310-1:

Generally. The requirements for the parameters set forth in columns (B) through (NP), above, relate to the zoning district specified in the row under column (A), above. A dash (—) indicates that the requirement does not apply within the particular zoning district. Except for column (B), (C), (D), (MO), & (NP) or otherwise notated the dimensions specified in columns (B) through (NP) are expressed in linear feet. The dimensions specified in columns (B), (C), (D), (MO), & (NP) are expressed in square feet or acres unless otherwise provided. Rules of interpretation and additional standards for setback and height requirements are set forth in the Lot Layout, Height and Density/Intensity Standards (§ 35-515 to 35-517 of this Code).

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Column (B) & (C): Minimum lot size column (B) and Maximum lot size column (C) applies only to Conventional Option, single-family detached developments (see § 35-201 of this chapter). The minimum lot size figures are expressed in square feet, unless otherwise indicated. Additional rules of interpretation are set forth in subsection (d) of this Section for minimum lot area.

* * * * *

Column (F): Minimum lot Let width is defined as the width of the lot at the front setback line. For irregular shaped lots, lot width shall be measured at the front building line rather than the front setback line.

* * * * *

Column (H) & (I) ~~The front setback shall be measured from the front lot line. The Principal Building or Principal Structure shall not be located closer to the front lot line than the distance established in column (H). The front façade of the Principal Building or Principal Structure shall not be located further from the front lot line than the distance established in column (I). For Townhouse and Attached Single-Family, the minimum front setback shall be twenty (20) feet unless all off-street parking is located in the rear of the Principal Building and the lot abuts an alley or driveway with a minimum width of 24 feet. Additional setbacks are required for height increases as set forth in § 35-517(d).~~

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Column (J): The side setback requirements in the "RM-4", "RM-5", "RM-6", "R-3", "R-4", "R-5" and "R-6" ~~RM-6, RM-5, and RM-4~~, districts may be reduced in accordance with Section 35-373 of this Article. Additional setbacks are required for height increases as set forth in § 35-517(d).

Column (K): Rear setback requirements shall not apply to any use in the "NC", "O-1", "O-2" ~~O-1, O-2~~, "C-1", "C-2", or "C-3" ~~C-2, or C-3~~ zoning districts which abuts an alley or another structure within any of these districts. Notwithstanding the requirements of Table 310-1, an "MF-25", "MF-33", "MF-40" or "MF-50" ~~"MF-25", "MF-33", "MF-40" or "MF-50"~~ zoning district adjoining a platted subdivision zoned "RE" or "R-20" as of the effective date of this chapter shall have a minimum rear setback of forty (40) feet, and parking areas shall be located at least five (5) feet from any fence along the rear property line.

* * * * *

Columns (MN & O): Dimensions are in square footage. See §§ 35-310.17(a)(2) and 35-310.18(a)(2) for specific rules of interpretation. Additional square footage may be available if a specific use permit is approved, in accordance with these provisions.

Column (NO): The aggregate square footage refers only to non-residential square footage. Where residential uses are permitted, (1) the square footage of non-residential uses within the contiguous boundaries of the district may not exceed the aggregate square footage, and (2) the aggregate square footage may be exceeded where the square footage exceeding the maximum aggregate square footage is devoted to residential uses.

Note (1) - Column (A): See §§ 35-372, 35-373, 35-515, & 35-516 of this Code for standards applicable to zero lot line dwellings and uses other than detached single-family dwellings.

* * * * *

~~Note (4) – Single family lot development within a “MF” multi-family zoning district shall meet the minimum lot requirements for a “R-4” zoning district.~~

Chapter 35, Article III, Section 35-310.09(b)(2)(A) is amended as follows:

35-310.09 “O-1” and “O-2” Office Districts

(b) “O-1” Office Districts

* * * * *

(2) General Provisions.

A. **Scale.** Buildings in an “O-1” district shall be restricted to a maximum size of 10,000 square feet for individual buildings.

* * * * *

Chapter 35, Article III, Section 35-310.10(a) is amended as follows:

35-310.10 “C-1”, “C-2”, “C-2P,” and “C-3” Commercial Districts

(a) Generally

(1) Purpose.

* * * * *

The “C-1”, “C-2,” “C-2P,” and “C-3” districts implement the following policies of the Master Plan:

* * * * *

Table 310.10-1

(A) District	(B) Maximum Building Size (sf) (Individual)	(C) Maximum Building Size (sf) (Aggregate)	(E) Design Standards
C-1	5,000	15,000	RP, F
C-2	N/A	N/A	N
<u>C-2P</u>	<u>N/A</u>	<u>N/A</u>	<u>RP, F</u>
C-3	N/A	N/A	N

Key:

“Aggregate” refers to the total square footage located within a contiguous district.

“RP” means that parking shall be located in the rear of the principal use or principal building.

“F” means that buildings shall contain ground level fenestration (transparent windows and openings at street level) which conform to the commercial urban design standards, § 35-203(o)(6) of this code.

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"N" specific standards are not required, but may be imposed as a condition of granting a specific use permit consistent with the criteria established in § 35-423 of this code.

Chapter 35, Article III, Section 35-310.15(b) is amended as follows:

35-310.15 "UD" Urban Development District

(b) "UD" Uses & Conditions

* * * *

(1) Single-family ~~Single-family~~ Project Over 5 Acres Residential Uses.

A. Residential development projects in excess of 5 acres shall be required to include a diversity of housing types.

* * * * *

2. Other housing types shall compose 20% to 70% of the total number of dwelling units with a minimum of 5% each of at least three of the following seven categories:

- a. Duplexes
- b. Triplexes or quadruplexes
- c. Cottages
- d. Zero-lot line or garden home
- e. Townhouses ~~or rowhouses~~ ~~or rowhouses~~

* * * * *

D. At least 70% of the single-family housing units along a single block shall front the street and have front porches of at least eight feet in depth along at least 50% of the entire front façade of the house, including ~~excluding~~ the garage width.

* * * * *

Chapter 35, Article III, Section 35-310.06(b) is amended as follows:

35-310.06 "RM-6", "RM-5", & "RM-4" Mixed Residential

(b) Lot and Building Specifications

In all "RM-4", "RM-5" and "RM-6" districts fifteen percent (15 %) of the lots may be developed as "R-3" lots so long as they meet or exceed the minimum lot criteria for "R-3" lots contained in 35-310.05a of this code. Lots provided under this criteria shall only be used for the development and construction of single-family attached dwellings, single-family detached dwellings, townhouses, and zero-lot line houses (cottages and garden homes).

Development of ten or more "RM-6", "RM-5", & "RM-4" Mixed Residential lots in any one project shall have no more than eighty percent (80%) of the lot consisting of one type of housing as outline in (2) below. The remaining twenty percent (20%) of the lots may be developed in any combination of one or more of the housing types not used in the 80% limit defined above.

Requirement for site plan:

- i. "RM-6", "RM-5", & "RM-4" Mixed Residential zoned property must submit with the plat application a housing site plan (HSP) which conforms to the provisions of (B) above which will be utilized as the basis for issuing building permits. The housing site plan may be submitted in one or two formats. The first is by notation of the housing type for each lot in a table or second by a site plan to the same scale as the plat designating housing type for each lot.
- ii. Existing platted property zoned "RM-6", "RM-5", & "RM-4" Mixed Residential shall submit a housing site plan (HSP) if the number of lots in the project exceed ten units.

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Chapter 35, Article III, Section 35-310, Table 311-1 is amended as follows:

Table 311-1

* * * * *

TABLE 311-1 RESIDENTIAL USE MATRIX																			
PERMITTED USE	RP	RE	R-20	NP-15	NP-10	NP-8	R-6	RM-6	R-5	RM-5	R-4	RM-4	MF-25	MF-33	MF-40	MF-50	ERZD	LBCS FUNCTION	LCBS STRUCTURE
Dwelling - Rowhouse, Zero Lot Line							P	P	P	P	P	P	P	P	P	P	P	1000	1122

* * * * *

**Table 311-1a
 Residential use Matrix**

	Urban	Rural	Farm & Ranch	Mixed Industrial
Dwelling - Rowhouse, Zero Lot Line	P			

Chapter 35, Article III, Section 35-310.15 is amended as follows:

35-310.15 "UD" Urban Development District

(c) "UD" Blocks, Lots, Streets, Sidewalks, Parking & Loading Design

* * * * *

(2) Lots.

- A. All lots shall comply with the dimension provisions of Table 310-1.
- B. ~~When a plat is not required by chapter 212 of the TEXAS LOCAL GOVERNMENT CODE~~ Pre-existing lots – The the property owner may elect to develop a residential unit units on a lot of record existing prior to the adoption of this ordinance on August 28, 2003 under the lot and setback standards referenced in Table 310.15-1, provided that the property is developed in accordance with "Article IV Procedures, Division 4 Subdivisions" of this code.

* * * * *

(e) "UD" Non-Residential Building/Site Design

(1) Facades.

Windows and clearly marked public entries that allow for visibility into the commercial building from the street shall be provided along at least 50% of the length of the first floor street frontage and calculated as the area between the first floor and the first floor ceiling or to a height of 15 feet, whichever is less Automobile service bay openings shall be included with windows and public entries in the calculation of the window/public entry façade requirements.

* * * * *

Chapter 35, Article III, Section 35-311(a) is amended as follows:

35-311 Use Regulations

(a) **Generally**

No use shall be permitted pursuant to this ordinance, and no development permit authorizing a use may be authorized, issued, or approved by any officer, official, or agency, unless said use is listed as a permitted or specific use permit in this section and all applicable permits and approvals have been issued by the agency or official with final decision making authority. Those uses permitted as primary uses or buildings within each zoning district shall be those uses listed in the use matrix (Tables 311-1 and 311-2 herein). (~~Permitted~~ permitted accessory uses are set forth in the accessory use regulations, § 35-360 of this chapter.)

Only one primary use may be located on any residential lot, property and/ or premise. Only one primary use may be located on any nonresidential lot, property and/ or premise unless the improvements on the lots are classed as multi-use tenants including strip centers, shopping malls, and multi storied office buildings. A primary or principal use must be established on a property prior to an accessory use being established on the subject property.

Chapter 35, Article III, Section 35-311, Table 311-1 is amended as follows:

TABLE 311-1 RESIDENTIAL USE MATRIX																		
PERMITTED USE	RP	RE	R-20	NP-15	NP-10	NP-8	R-6	RM-6	R-5	RM-5	R-4	RM-4	MF-25	MF-33	MF-40	MF-50	ERZD	LBCS Function
Accessory uses (Supplemental to the residential use)	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	9900
Assisted Living Facility (See 35-321 as a conditional use in any single-family zone)													P	P	P	P	P	
Automobile Non-commercial Parking													P	P	P	P	NAS	2110
Cemetery, Columbarium Or Mausoleum	S	S	S				S		S		S						S	6700
Childcare Daycare Center (Commercial or Nonprofit)	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	P	6562
Child -Care, Licensed Child-Care Group Day-Care Home	S	S	S	S	S	S	S	S	S	S	S	S					P	6562
Child Care - Registered Child Care Family-Home (12-children maximum)		P	P	P	P	P	P	P	S	S	S	S					P	6562
Dwelling - College Fraternity or Sorority (Off Campus)													P	P	P	P	P	1000
Dwelling - Townhouse								P		P		P	P	P	P	P	P	1000
Family Home Community Home		P	P	P	P	P	P	P	P	PS	P	PS	P	P	P	P	P	6560
Park - Public	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Recreation Facility, Neighborhood (Public & Non-Commercial)	P	P	P	P	P	P	P	P	P	P	P	PS	PS	PS	PS	PS	P	6340
Rooming House										S							P	1320

TABLE 311-1 RESIDENTIAL USE MATRIX																		
PERMITTED USE	RP	RE	R-20	NP-15	NP-10	NP-8	R-6	RM-6	R-5	RM-5	R-4	RM-4	MF-25	MF-33	MF-40	MF-50	ERZD	LBCS Function
School - Private (Includes Church Schools, Private Schools K-12) Privately owned-College or University, Trade Or Specialty School-)	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	6100
School - Public Includes All ISD Schools K-12, Open Enrollment Charter Schools, Public College Or University	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	6100
School- University Or College (Private)	S	S	S	S	S	S	S	S	S	S	S	S					P	6130
Skilled nursing facility (see 35-321 as a conditional use in any single-family zone)												P	P	P	P	P	P	

Chapter 35, Article III, Section 35-311, Table 311-2 is amended as follows:

TABLE 311-2 NON-RESIDENTIAL USE MATRIX												
PERMITTED USE	O-1	O-2	NC	C-1	C-2	C-3	D	L	I-1	I-2	ERZD	(LBCS Function)
Accessory Accessory Uses – Secondary Or Incidental To Primary Use	P	P	P	P	P	P	P	P	P	P	P	9900
Alcohol Alcohol - Beverage Retail Sales (Liquor Store)					P	P	P				P	2150
Amusement Carnival And/Or Circus - Event use (Specific time limit set by city council on individual case consideration)						S	S	S			S	5300
Amusement Racing – Motor Vehicle Auto or Truck Track									S		S	
Animal Small Animal Clinic – No Outside Runs			P	P	P	P	P	P			S	2418
Animal Small Animal Hospital – Outside Runs Are Permitted					S	P		P	P		S	2418

SG: 11-30-06 Amended
Item No. 5

TABLE 311-2 NON-RESIDENTIAL USE MATRIX														
Auto	Auto Alarm & Radio - Retail (Install. Incidental To Electronic and Appliance Sales In "C-2")						P	P				P	2115	
Auto	Auto & Vehicle Sales - New And Used Small Scale (No More Than 15 Vehicles Currently Licensed And In Running Condition On Site At Any Given Time For Storage And/Or Sale)							P		P		S	2110	
Auto	Motor Vehicle Sales (full service)							P		P		NA		
Auto	Auto & Motor Vehicle Sales - New And Used Large Scale							P		P		S	2110	
Auto	Auto Paint & Body - Repair With Outside Storage Limited To 3 Vehicles (All Outside Storage Of Parts To Be Totally Screened)							S		P	P	NA	2100	
Auto	Auto Parts Retail - W/Installation & No Outside Storage						S	P		P		S		
Auto	Auto - Rental (Pickup & Drop Off Only In "C-2", "D" and "ERZD")						P	P	P	P	P	P		
Dwelling	Dwelling - 1 Family (Single-family)								P			P		
Industrial	Printer - Large Scale							S		P	P	S	2400	
Office	Office - no restrictions on square footage unless otherwise prescribed in zoning district regulations, §§ 35-310.01 to 35-310.14, above	P	P	P	P	P	P	P	P	P	P	P	2400	
Office	Office - Less Than 3,000 square feet and less than 35 feet in height	P	P	P	P	P	P	P	P	P	P	P		
Print	Printer - Large Scale Other Than Quick Print **							S		P	P	S	2400	
Recreation	Fitness Center					P	P	P	P	P	P	P		
Recreation	Gymnasium					P	P	P	P	P	P	P	5370	
Recreation P	Park - Public	P	P	P	P	P	P	P	P	S	S	S	P	
Service	Assisted living facility					P	P	P				P		
Service	Charitable - food and/or clothing bank						P	P	P	P		P		
Service	Charitable - food service establishment (no charge for meals)						P	P	P	P		P		
Service	Construction Trades Contractors									P	P	S	S	
Service	Delicatessen		P	P	P	P	P	P				P	2520	
Service	Gymnasium - Commercial **						S	P	P	P		P	5370	
Service	Office	P	P	P	P	P	P	P	P	P	P	P	2400	
Service	Office Call Center	P	P				P	P	P	P	P	P		
Service	Office Data Processing & Management	P	P				P	P	P	P	P	P		
Service	Office Professional	P	P	P	P	P	P	P	P	P	P	P	2400	
Service	Record Storage Facility (electronic and/or paper)		P				P	P	P	P	P	P		
Service	Rental - Event Specialties (no outside storage and or display allowed)						P	P	S	P		S		
Service	Tool Rental - Tool, Equipment and Event Specialties (fenced & screened outside storage and display permitted)							P	S	P	P	S	2140	
Service	Skilled nursing facility					P	P	P				P		
Service	Storage, Climate Controlled	S	S				P	P		P	P	P	S	3400
Service	Storage, Cold									P	P	S	3400	
Service	Storage, Moving Pod (see definition in Appendix A)	P	P	P	P	P	P	P	P	P	P	S	3400	
Service	Storage Shipping Container (see definition in Appendix A. Requires registration affidavit with Development Services Dept.)	S	S	S	S	S	S	S	P	P	P	S		

Chapter 35, Article III, Section 35-335(c) is amended as follows:

35-335 "NCD" Neighborhood Conservation District

(c) Zoning Authority

* * * * *

- A. South Presa/South St. Mary's Sts. "NCD-1", November 14, 2002
- B. Alta Vista "NCD-2", May 8, 2003
- C. Ingram Hills "NCD-3", September 9, 2004
- D. Whispering Oaks "NCD-4", February 24, 2005
- E. Beacon Hill Area "NCD-5", December 15, 2005

* * * * *

Chapter 35, Article III, Section 35-373 is amended as follows:

35-373 Attached Dwellings (Duplexes, Rowhouses, and Townhouses, Zero-Lot Line, Cottages, and Housing for Older Persons)

(a) Applicability

The provisions of this section apply to any single-family attached dwelling, duplex, rowhouse, townhouse, zero-lot line house, cottage, or housing facility for older persons.

(b) Townhouse Development General Criteria

- (1) No front yard or side yard is required.
- (2) A rear yard setback shall not be required when the townhouse lot abuts an alley or driveway having a minimum right-of-way width of twenty-four (24) feet which is used to provide ingress and egress to such townhouse development. On townhouses and lots that do not abut, at the rear, an alley or driveway having a minimum width of twenty-four (24) feet, a twelve-foot rear yard setback shall be required.
- (3) On townhouse lots that do not abut, at the rear, an alley or driveway having a minimum width of twenty-four (24) feet, a twelve-foot rear yard setback shall be required. At least six hundred (600) square feet of contiguous open area shall be provided on each individual lot behind the front setback. The 600 square foot of open area may be used for children's play area and/or patio and may be located in front or to the rear of the townhouse. On corner lots or where side yards are present the 600 square foot of contiguous area may include the side yard as long as it is not separated by a fence from the remaining portion of the 600 square foot of space. The "contiguous open area" may consist of lawns, and/or landscaped areas and/or walkways, but shall not include parking, or driveways or other impervious cover, other than walkways from the front entrance to the street or parking areas.

Chapter 35, Article III, Section 35-377 is amended as follows:

35-377 Community Family Homes

**SG: 11-30-06 Amended
Item No. 5**

Community Family homes are permitted in all residential zones and the "C-1" district, subject to the following conditions:

- (a) Not more than six (6) disabled persons, regardless of their legal relationship to one another, and two (2) supervisory personnel may reside in a community familyhome at the same time.
- (b) A community family home must provide to the disabled residents the following services: food and shelter, personal guidance, care, habilitation services, and supervision.
- (c) The residents of a community family home may not keep, on the premise of the home or on the public rights-of-way adjacent to the home, more than one (1) motor vehicle per bedroom for the use of the residents of the home.
- (d) A community family home must meet all applicable licensing requirements.
- (e) A community family home may not be established within one-half (1/2) mile of a previously existing community family home.
- (f) No certificate of occupancy is required for a community familyhome.

Chapter 35, Article IV, Section 35-403 is amended as follows:

35-403 Notice Provisions

* * * * *

(b) Contents of Notice

The notice shall state the time, date and place of hearing and a description of the property subject to the application. The notice shall include, at a minimum, the following:

- The street address, if the street address is unavailable, the legal description by NCB/CB, Block, and Lot metes and bounds or a general description of the location of the property, either using block numbers, nearby street intersections or approximate distances from intersections.
- The current zoning district classification, if any; and

* * * * *

(d) Minor Amendments Not Requiring Renotification

* * * * *

(3) Zoning Intensity

For purpose of notification the following table of intensity of zoning shall be used.

The intensity ranges shall constitute all districts on the following table that lie between the existing zoning district of the subject property and the requested zoning district for the subject property. Consideration of such a recommendation shall not require re-notification.

An applicant may not amend a rezoning request to multi-family without renotification. Flex districts, overlay districts and special districts shall require renotification.

**TABLE 403-2
INTENSITY RANGES**

"RP"
"RE"
"R-20"
"R-6"
"R-5"
"R-4"
"R-3"
"RM-6"
"RM-5"
"RM-4"
"MF-25"
"MF-33"
"MF-40"
"MF-50"
"NC"
"O-1"
"C-1"
"C-2NA", "C-2P"
"C-2"
"O-2"
"C-3NA"
"C-3R"
"C-3"
"D"
"I"
"I-1"
"I-2"

Example an applicant with a property presently zoned "R-6" and requesting "C-3" could receive a recommendation for approval of any of the following districts "R-5", "R-4", "R-3", "NC", "O-1", "C-1", "C-2NA", "C-2P", "C-2", "O-2", "C-3NA", "C-3R OR "C-3" without requiring renotification. Rezoning to a "MF" district would require renotification.

* * * * *

Chapter 35, Article IV, Section 35-404(b) is amended as follows:

35-404 Public Hearings Procedures

* * * * *

(b) Meetings

The planning commission, and zoning commission, and historic and design review commission shall hold regularly scheduled public hearings to receive and review public input on those items required by this chapter. On those items where it has review authority, the zoning commission or planning commission shall recommend that the city council approve, approve with conditions or deny such items. If a comprehensive plan, rezoning, or other land use regulation requiring final approval of the city council, or amendment thereto, or other development approval, has been duly submitted to the zoning commission or planning commission, and said commission has ~~failed to make a recommendation approving or denying~~ continued such action at two (2) consecutive meetings, such action, at the option of the applicant, shall be deemed to be a negative recommendation. In the event that said commission fails to pass a motion, such action shall be deemed to be a negative recommendation. The director shall thereupon submit the proposed land use regulation or amendment thereto or other development approval to the city council for its consideration.

Chapter 35, Article IV, Section 35-412(a)(2) is amended as follows:

35-412 Master Development Plan

(a) Applicability

* * * * *

(2) Optional master development plan

E. Any application requests rezoning from a residential to a non-residential district or to a higher density zoning ~~classification-~~ district.

Chapter 35, Article IV, Section 35-421 is amended as follows:

35-421 Zoning Amendments

* * * * *

(e) Approval Criteria

* * * * *

(7) Right-of-way dedication.

* * * * *

B. A change from ~~either temporary or permanent~~ R-4, RM-4, R-5, R-6, R-20 or MH, to a multiple family residence, business, industrial, business park, or entertainment ~~district zoning~~ district classification shall constitute prima facie evidence that an increase in traffic shall occur and require right-of-way dedication. The property owner shall have the right to introduce evidence to the zoning commission and city council to show that the zoning change will not increase traffic; however, the evidence must be based on all uses permitted in the requested zoning district classification, not solely on the proposed use of the property.

* * * * *

(f) Subsequent applications

(1) **Applicability.**

The provisions of this subsection shall not apply to any application for a rezoning which is initiated by the city council.

(2) **Withdrawal of Zoning Application After Zoning Commission Hearing.**

A. **Withdrawal without time penalty:**

An applicant may withdraw a zoning application up to the time that it is called forward and the city staff begins presentation of the application during a dully advertised public meeting without a time penalty on resubmission of another rezoning application for the property whether by the original applicant or a new applicant.

B. **Withdrawal with time penalty:**

An applicant may withdraw a zoning application after it has been called forward for discussion and staff has begun presentation however such withdrawal shall be penalized by imposing an automatic six month time period following the date of withdrawal before the same or another application for the same property can be submitted for processing.

C. **Waiver of time penalty in B. above for resubmission:**

At the time of withdrawal of an application for rezoning the zoning commission may consider a request by the applicant to bring the application or a modification of the application back prior to the expiration of six months subject to all notifications and postings of the case being observed. If the zoning commission fails to approve such resubmission prior to continuing with the next agenda item the six-month submission limitation shall stand.

D. **Request of relief of time penalty:**

~~No application for the zoning of any lot or lots or block of land situated in the city shall be received or filed with the zoning commission of the city and no hearing had thereon, if within six (6) months prior thereto an application was received or filed and withdrawn after a full, fair and complete and final hearing was had on the rezoning of such lot, lots or block of land before the zoning commission; provided, however, if~~ If new relevant and substantial evidence, which could not have been secured at the time set for the original hearing shall be produced by applicant, under a sworn affidavit to that effect; then in that event, the zoning commission may elect shall have the right to hear and consider such application prior to the expiration of the time penalty.

(3) **Postponement of Case by Applicant**

Prior to the city sending notices to affected landowners for a requested zoning change an applicant may request in writing for the city to postpone the zoning case. In such cases the applicant shall have 6 months from the date of the written request for postponement to reactivate the zoning case. After expiration of the six-month period the zoning fees paid shall be non-refundable and the applicant will have to submit a new application with new fees for further consideration of a zoning change on the subject property.

(4) Denial of Rezoning.

It is further provided that no application for the rezoning of any lot, lots or block of land situated in the city shall be received or filed with the zoning commission of the city and no hearing had thereon, if within one (1) year prior thereto the city council, after consideration and hearing, has denied an application for rezoning of the same property.

* * * * *

(i) Recording Procedures

When the amendment involves changes to the existing zoning district boundaries, the form of the amending ordinance shall contain a narrative description of the land to be reclassified or reference to an accompanying plat of such land showing the new zoning ~~districts~~ classifications and indicating their boundaries. The director of development services shall refer to said attested ordinance as a record of the current zoning status until such time as the zoning map can be changed accordingly.

* * * * *

Chapter 35, Article IV, Section 35-422 is amended as follows:

35-422 Conditional Zoning

The conditional zoning procedure is designed to provide for a land use within an area that is not permitted by the established zoning district but due to individual site considerations or unique development requirements would be compatible with adjacent land uses under given conditions. The granting of a conditional zoning ~~classification~~ shall not be for all of the uses permitted in a given district but shall be only for the conditional use (bookkeeping office, photography studio, etc.) named in the ordinance approving the conditional zoning district.

(a) Applicability

The provisions of this section apply to any application for rezoning ~~reclassification~~ of a tract, parcel or land area to a conditional zoning district. Conditional zoning district may be applied as parallel districts to any of the Base Zoning Districts.

* * * * *

(d) Decision

The procedure for approving a conditional zoning district boundary ~~classification~~ shall be as required for a rezoning (§ 35-421(d)) and as further provided herein. However, if an application for a specific use permit is filed with the application for a conditional zoning district, a public hearing shall be conducted as provided in § 35-404 of this Article. In approving a conditional zoning district ~~classification~~, the city council may impose such requirements and safeguards as indicated by (e)(2) below and may specifically authorize the location of uses, subject to the requirements set forth in subsection (e)(2) of this section.

Procedures for protest petitions shall be as set forth in VTCA Local Government Code § 211.006(d).

* * * * *

(e) Criteria

* * * * *

(2) Development Constraints – Generally.

In considering a request for a conditional zoning district classification, the zoning commission shall make a recommendation to the city council with reference to the use and development conditions which insure compatibility with surrounding properties. Compatibility in the context of this provision of the UDC shall refer to the compatibility of the proposed use with surrounding uses and adjacent zoning districts and not to building character, construction material or architectural design of the structure itself unless covered by other ordinances. Development constraints that may be specified as a requirement for a conditional zoning district classification shall be limited to the following unless approved by the city council:

* * * * *

(3) Development Constraints in Residential Districts.

The following conditions in addition to those in subsection (e)(2) above shall apply to the operation of nonresidential conditional uses permitted within any residential district, unless otherwise approved by the city council:

A. There shall be no exterior display or sign with the exception that a nameplate, not exceeding three (3) square feet in area, may be permitted when attached to the front of the main structure.

B. No construction features shall be permitted which would place the structure out of character with the surrounding residential neighborhood.

C. Business or office hours of operations shall not be permitted before 7:00 a.m. or after 6:00 p.m.

* * * * *

(g) Amendments

* * * * *

(2) Expansion.

Expansion of the building area, land area or intensity of the conditional zoning district classification for a property granted a conditional zoning classification shall not be allowed unless so authorized by the city council after consideration of an application for a new conditional zoning district classification and payment of appropriate fees.

(h) Scope of Approval

(1) Compliance with Development Constraints.

The city council may grant a conditional zoning district classification subject to such development constraints the city council deems necessary to protect the public health,

safety or welfare and as limited by subsection (e)(2) and (e)(3) above. The city council may specify that compliance with certain conditions must be achieved prior to the issuance of a certificate of occupancy. Violation of any condition, subsequent to the issuance of a certificate of occupancy, may result in initiation of a rezoning of the property to its base zoning district classification and judicial and/or administrative action by the city.

(2) Time Period.

A conditional zoning district classification shall run with the land until such time that the zoning is changed or the conditional use granted has been discontinued on the property for a period of twelve (12) months. However, the city council may impose a time limitation on a conditional zoning district classification granted in a single-family residential district. (As a courtesy the city shall notify the property owner by mail of the upcoming conditional zoning district classification expiration sixty (60) days prior to the expiration date of the permitted time period. Lack of notice of the expiration date shall not cause the conditional zoning district classification to be extended or continued.) Failure to renew the conditional zoning district classification prior to the date of its expiration may cause the conditional use to expire and the conditional use to terminate on that date. The director may then initiate proceedings to rezone the property to its former zoning district classification.

(3) Base Zoning District Regulations Apply.

The granting of a conditional zoning district classification does not affect uses permitted by right in other areas of the zoning district, but does not permit the applicant to use the subject property for uses other than those requested in the application for a conditional zoning district classification. The granting of a conditional zoning district classification does not waive the regulations of the underlying zoning district.

(4) Renewal in Single-Family Zoning Districts.

Prior to the expiration of a conditional zoning district classification in a single-family residential district, a permit holder may seek a new conditional zoning district classification for the subject property in a manner that conforms to this section. Recapture of financial investment relative to a conditional zoning district classification shall not be considered as grounds for extension and/or renewal of a conditional zoning district classification.

(i) Recording Procedures

A conditional zoning district classification shall be recorded in the same manner as a rezoning, subject to the additional requirements specified herein. The conditional zoning district classification shall be indicated by the symbols CD following the zoning district designation; e.g. "O-2" "O" (CD-permitted use).

(j) ~~"SUP" Suffix Designation~~

~~Special-use permits granted prior to the effective date of this ordinance shall be re-designated from a suffix of "SUP" to suffix of "ESUP" (existing special use) to distinguish those properties from new special use permits to be designated by the suffix "SUP".~~

Chapter 35, Article IV, Section 35-430(b) and (c) are amended as follows:

35-430 Applicability & General Rules

* * * * *

(b) Classification of Subdivisions

- (1) Minor Subdivisions [reference: VTCA § 212.0065(a)(2).**

* * * * *

A requirement imposing sidewalk, curb, right or left turn lanes, pavement widening or streetscape tree improvement and installation shall not constitute a major plat.

(c) Plat Exceptions

* * * * *

- (12)** The provision of utility service to not more than three (3) dwelling units on an unplatted tract or antiquated plat shall not require a subdivision plat provided all of the following requirements are met: (1) the tract is located outside the city limits within the extraterritorial jurisdiction of the city; (2) the tract has a minimum of fifteen (15) feet of frontage on a public street or a recorded access easement and the tract was created prior to January 1, 2000 July 1, 1990; (3) the tract has a minimum area of five thousand (5,000) square feet for each dwelling unit; (4) the tract is held under single ownership; (5) no major thoroughfare dedication is required; (6) no dwelling unit will be located within a regulatory floodplain; and (7) no utility extension is required. Pursuant to Subsection (c)(9)(5), the owner of an unplatted parcel abutting a designated major thoroughfare may voluntarily execute a street dedication instrument in accordance with form "S" in Appendix "C" in lieu of public dedication through platting when necessary. Any further subdivision shall require approval of a subdivision plat as provided herein.

* * * * *

- (14)** An existing single-family residence can add a second residential structure provided they utilize the same electrical meter and the occupant is family. In addition, the applicant will need to comply with all zoning, building and on-site sewage facility requirements.

Chapter 35, Article IV, Section 35-431 is amended as follows:

35-431 Letters of Certification

(b) Initiation

* * * * *

- (4) Plat Number.**

Prior to submitting a plat, replat, or amending plat for review by the city or any other agency, the applicant shall complete a plat application with the development services department, provide a digital file of the boundaries in accordance with 35-B101 (e) and obtain a plat number.

* * * * *

(c) Completeness Review

Upon receipt of a request for letters of certification, the director of development services shall classify the request as a tentative major subdivision or a tentative minor subdivision. However, a plat that the director of development services finds is for the sole purpose of amending one or more building setback lines shall be submitted to the planning commission for consideration without review by any other agency. Such plat shall be referred to as a building setback line plat (BSL) and shall comply with all provisions of Chapter 212 of the Texas Local Government Code. It is noted that while the City has created an expedited review process and waived the public hearing notification fee, the proposed BSL plat will have to comply with the public hearing provisions noted in Chapter IV.

The appellate agency for purposes of completeness review (see § 35-402(c) of this chapter) shall be the planning commission. When a certifying department determines that the proposed plat or any of the required accompanying data does not conform with the requirements of this chapter, the certifying department shall so notify the applicant and director of development services. If the certifying department issues a letter of certification recommending disapproval of the proposed plat, the letter shall indicate the section and specific requirement of the regulations and the manner in which the request does not comply. The applicant may then revise the nonconforming aspects or may file the proposed request with the planning commission pursuant to § 35-432 of this chapter, with or without a request for a variance (§ 35-483 of this Article) provided, however, that if no variance request is submitted and approved and the application does not conform to this chapter, the application shall be denied.

* * * * *

Chapter 35, Article IV, Section 35-433(a) is amended as follows:

35-433 Development Plat

(a) Applicability

* * * * *

(3) A development plat is not required where:

* * * * *

- C. The tract is greater than five (5) acres, has access with a minimum frontage of fifteen (15) feet onto a public right of way, public street, platted private street or recorded irrevocable access easement, and which requires no public dedications. Providing further that the owner agrees not to further subdivide without filing a subdivision plat and a request for utilities shall not serve more than 3 dwelling units. Pursuant to Subsection (a)(2)(C), the owner of an unplatted parcel abutting a designated major thoroughfare may voluntarily execute a street dedication instrument in accordance with form "S" in Appendix "B" Section 35-B121 in lieu of public dedication through platting when necessary.

Chapter 35, Article IV, Section 35-434(a)(6) is amended as follows:

35-434 Plat Deferral

(a) Applicability

The planning commission may grant a deferral of the requirement to plat for a subdivision of four (4) or fewer lots to allow a submittal for a building permit and/or utility services prior to plat approval. The time period for which the platting requirement may be deferred shall not exceed one hundred eighty (180) days. An application to defer platting may be filed if the following conditions are met:

* * * * *

- (6) The proposed project is not contingent upon a change in zoning district classification.

Chapter 35, Article IV, Section 35-441 is amended as follows:

35-441 Amending Plats

(a) Applicability

* * * * *

- (14) Unrecorded Plats - A plat that has been approved but not recorded in the office of the county clerk may be amended for the purpose permitted for a recorded plat. In addition, an unrecorded plat may be amended to add, delete, or relocate an easement unless a certifying department/agency, upon initial review of the plat, determines that the proposed amendment will require further review and requests in writing to the director of development services that a new plat be submitted.

Chapter 35, Article IV, Section 35-442 is amended as follows:

35-442 Platting Replatting of Antiquated Plats

(a) Applicability

For purposes of this section, any subdivision platted prior to June 14, 1927, the effective date of VTCA, Local Government Code Chapter 212, shall not be considered a plat under that chapter and a replat of such a subdivision shall be considered an original plat and shall be subject to the same notice requirements as a minor subdivision plat.

(b) Initiation

An application for a replat shall be submitted to the director. The plat shall be signed and acknowledged by only the owners of the property being resubdivided. ~~The plat shall be annotated with a certificate the same as form "P", § 35B-120 in Appendix "B" to this chapter.~~

(c) Completeness Review

SG: 11-30-06 Amended
Item No. 5

The director of development services shall review an application for replat in accordance with § 35-432(c) of this chapter. The appellate agency for purposes of completeness review (see § 35-402(c) of this chapter) shall be the planning commission.

(d) Decision

~~The approval authority is in accordance with platting procedures contained in 35-432. The plat must be approved by the planning commission after a public hearing. The notification procedures for a minor subdivision shall apply.~~

* * * * *

Chapter 35, Article IV, Section 35-443(a) is amended as follows:

35-443 Replats Subject to Low-Density Zoning

[Reference: Texas Local Gov't Code § 212.015]

(a) Applicability

The following procedures of this section shall apply if during the preceding five (5) years, any of the area to be replatted was limited by an interim or permanent zoning district classification to residential use for not more than two (2) residential units per lot, or if any lot in the preceding plat was limited by deed restrictions to residential use for not more than two (2) residential units per lot.

Chapter 35, Article IV, Section 35-482 is amended as follows:

35-482 Zoning Variances

(a) Applicability

A request to the Board of Adjustment for permission to vary or depart from a requirement of Article III or Article V Subsections 506(d)(5) & 506(r)(6) (to include Table 506-7), 514, 515, 516, 517, 525, 526, and 527 of this chapter where, due to special conditions, a literal enforcement of the requirement will result in an unnecessary hardship.

This section shall apply to any application for a variance from the terms of Articles II, III, or VI Chapters 2, 3, 5 or 6.

* * * * *

(h) Special Exceptions

The zoning board of adjustment must find that a request for a special exception use permit meets each of the five following conditions exceptions.

* * * * *

Chapter 35, Article IV, Section 35-483 is amended as follows:

35-483 Subdivision Variances

(a) Applicability

This section shall apply to any ~~application for a variance from an applicable provision of provisions of Article 5 of this chapter~~ request to the Planning Commission for permission to vary or depart from a requirement of Article IV or V of this chapter (except for the subsections of Article V reserved to the Board of Adjustment) where, due to special conditions, a literal enforcement of the requirements will result in an unnecessary hardship. Variances to plats, and any associated plans and profiles shall be granted by the planning commission and the applicable county commissioner's court if the property is located within the ETJ, only in conjunction with the consideration of the proposed plat for approval. Except for those administrative exemptions provided by 35-501, variances shall be granted only with respect to the standards for subdivision plat approval, and not for the process for obtaining subdivision plat approval.

Chapter 35, Article IV Section 35-493(c) is amended as follows:

35-493 Violations of Tree Preservation Standards

* * * * *

(c) Work Commencing Before Issuance of a Tree Permit

Any person who commences any work requiring a Tree Permit before obtaining such permit shall be subject to a fine of ~~\$2,000.00~~ \$10,000 or an additional fee equal to the fee established in Appendix C for commencing development without a Tree Permit.

Chapter 35, Article V, Section 35-502 is amended as follows:

35-502 Traffic Impact Analysis

(a) Specific Requirements for Transportation LOS

* * * * *

(7) Limitations on Traffic Impact Mitigation.

* * * * *

D. Left and right turn lanes are required off of arterials and may be required off of collectors based on a minimum 60 PHT right or left turning movements entering into a driveway or street. For TxDOT ROW, right and left turn lanes may be required according to traffic volumes per TxDOT's current edition of the Roadway Design Manual.

Chapter 35, Article V, Section 35-503 is amended as follows:

35-503 Parkland Dedication Requirement

(b) Required Parkland

* * * * *

(5) The following areas shall not be considered parkland pursuant to this subsection:

* * * * *

B. Utility easements, drainage easements, or street rights-of-way, unless such areas are useable for public recreational purposes and will not be permanently converted to a street or trench. Land underneath overhead utility lines shall in no instance be considered a park/open space except where used for jogging trails, bicycle trails, or parking areas accessory to a park/open space. Trails shall conform to standards set forth in Table 503-4 and credit will be given for trail only.

* * * * *

(c) Parkland Characteristics

* * * * *

(2) Designation.

Any areas reserved as parkland shall be indicated on the application for development approval. A Parkland Provision and Maintenance Plan parkland provision and Maintenance plan shall be submitted as a part of the application for development approval including the project phasing schedule. This plan shall designate and indicate the boundaries of all proposed parks or open-space required by this section. The plan shall:

A. Designate areas to be reserved as a PARK (for parkland with improvements) or OPEN SPACE (for parkland without improvements) park or open-space.

* * * * *

Table 503-2

Zoning District	Minimum Dedication Size (in sq. ft)	Minimum <u>Dimensions</u> Width
ETJ	10,000	100' x 100'
"R-20"	20,000	100' x 200'
"R-6", "RM-6"	10,000	100' x 100'
"R-5", "RM-5"	10,000	100' x 100'
"R-4", "RM-4"	10,000	100' x 100'
"MH"	10,000	100' x 100'
"MF-25", "MF-33", "MF-40", "MF-50"	10,000	100' x 100'

1. Planned Unit Developments unit-developments will abide by the minimum requirements set forth in Table 503-2 based on the underlying zoning.

(d) Suitability

* * * * *

(7) Access.

If streets are planned within a proposed single-family project, parkland provided pursuant to this section shall have direct access to said streets. Direct access shall not be less than fifty (50) contiguous feet along a public street or to a private street maintained by a homeowner's association. If no streets are planned within a proposed single-family project, parkland provided pursuant to this section shall have direct access of not less than fifty (50) contiguous feet along a public street. Parkland provided within proposed multi-family projects shall have direct access to a public street or private street maintained by a homeowner's association or condominium association, or an interior driveway maintained by an apartment association.

* * * * *

(e) Designation of Parkland

* * * * *

(1) Dedication of Land to City.

Dedication of parkland to the city shall satisfy the requirements of this subsection. Dedication shall take the form of a fee simple ownership. The city shall accept a dedication of not less than three (3) acres of contiguous undivided parkland provided: (1) such land is accessible to the residents of the city; (2) there is no cost of acquisition other than any costs incidental to the transfer of ownership such as title insurance; (3) the parkland area meets the requirements of subsection (d) of this Section.

- A. such land is accessible to the residents of the city;
- B. the parkland area meets the requirements of subsection (d) of this Section;
- C. there is no cost of acquisition other than any costs incidental to the transfer of ownership such as title insurance;
 - 1. An environmental survey of the property shall be submitted.
 - 2. A metes and bounds and boundary survey of the property shall be submitted.
 - 3. A warranty deed shall be submitted to verify ownership along with a submittal determining property value.

* * * * *

(g) Fee in lieu of Land Dedication (Optional)

* * * * *

- (6) All fees collected shall be used for the acquisition of land for a public park and/or development or construction of improvements to existing public park land, within one (1) mile of the periphery of the proposed development. However, if [1] such

acquisition opportunities are not available or [2] existing park land is already developed or improved within one (1) mile of the proposed subdivision or development, then areas within two (2) miles of the periphery of the proposed subdivision or development may be considered. For fees collected that do not exceed fifteen thousand dollars (\$15,000), and there are no available properties within two (2) miles, then areas within four (4) miles of the periphery of the proposed subdivision or development may be considered for the acquisition and development of public neighborhood park land and/or construction of improvements to existing public park land within such periphery.

- (7) There is hereby established a special fund for the deposit of all fees collected under this subsection (g), which fund shall be known as the Park Acquisition and Development fund. Within the fund all fees paid shall be earmarked for expenditure on acquisition of land for a public park and/or park improvements in a public park generally located within the distance described in subsection (6) above. All fees in lieu of park land dedication paid must be expended within ten (10) years from the date of receipt for park facilities benefiting the residential subdivision or dwelling unit for which the fees are paid. Fees shall be considered expended if they are spent for acquisition or development respectively, of public parks located within the distance described in subsection (6) above for which the fees were paid within the ten-year period. If fees are not expended within such period, the then-current owner shall be entitled to a refund of the principal deposited by the Applicant in such fund, together with accrued interest. The owner must request such refund in writing within three hundred sixty-five (365) days of entitlement or such right shall be waived. Interest accruing to the Park Acquisition or Development Fund shall be expended on public park land acquisition and/or for public park improvements, respectively.

(h) Credit for Park Facilities

* * * * *

**Table 503-4
Park Facilities Credit**

(A) Criteria List	(B) Design Criteria	(C) Credit Acres
* * * * *		
Open Play Areas	An Open Play Area shall include a minimum area of 20,000 square feet. The areas shall be unobstructed by trees, shrubs, or utilities, with a slope not to exceed five percent (5%). Common Bermuda grass shall be established in these areas. one third of an acre is the minimum parkland area required for an Open Play Area. Maximum of one open play area for every five acres of parkland dedication.	1.00
* * * * *		

- (3) Specifications for playgrounds as set forth in Table 503-4 shall conform to the following minimum requirements:

* * * * *

- D. Playgrounds must meet all federal, state, and local regulations and guidelines and be compliant with the Americans with Disabilities Act, as well as guidelines set up by CPAC and NPSI.

- E. The following items shall be provided: at least two park benches, one trash receptacle, and an open shelter.
- F. Playground equipment shall be located no closer than twenty-five (25) feet from a park boundary.

Chapter 35, Article V, Section 35-504 is amended as follows:

35-504 Stormwater Management

* * * * *

(b) Stormwater Management Program

(1) Regional stormwater Management Program (RSWMP).

D. The stormwater development fee in lieu of on site detention must be paid prior to a plat being released for recordation by the city of San Antonio or the issuance of a building permit. The fee shall be determined in accordance with the provisions of ~~Appendix C of this code~~ 35-C109, Stormwater Management Fees.

* * * * *

(c) Method of Computing Runoff

* * * * *

(9) Manning's Roughness Coefficient.

Manning's roughness coefficients ("N" values) for use in routing methods or in hydraulic calculations shall be consistent with the values listed in Table 504-6

* * * * *

The N value to be used in Manning's Formula shall conform to the following for design purposes:

- A. Earth channels--0.035
- B. Concrete lined channels--0.015
- C. Reinforced concrete pipe--0.013
- D. Concrete box culverts--0.013
- E. Corrugated metal pipe:
 - F.i. Unpaved 1/2" corrugated--0.024
 - G-ii. Unpaved 1" corrugated--0.027

Any other N value shall be based on generally accepted engineering principles.

Chapter 35, Article V, Section 35-506 is amended as follows:

35-506 Transportation and Street Design

(a) Applicability

* * * * *

(2) **Building Permit Requirements.**

The construction of standard curbs and sidewalks shall be a condition of the granting of a building permit in each of the following cases:

A. A new building or structure when curbing is in place or curb lines are established for a sidewalk. A curb line is defined when there are curbs at both ends of the streets and/or when there is a sharp edge of pavement (less than 2% deviation of the edge of pavement width).

* * * * *

(d) **Cross-Section and Construction Standards**

(1) **Interior Streets.**

- Table 506-3 and 506-4 provides the standards for all existing and future streets.
- The subdivider shall dedicate all interior streets within the subdivision plat, and shall provide dedication for exterior streets based upon the following tables:

Table 506-3
Conventional Street street Design Standards

Conventional Street Design Standards Street Type	Marginal Access	Alley	Access to Conservation Subdivision	Local Type A	Local Type B	Collector	Secondary Arterial ¹	Primary Arterial ²
R.O.W. (min.) ^{8,11}	36'	24'	36' 34'	50'	60'	70'	86'	120' ¹²
Pavement Width ⁸	26'	18-24'	24' 7'	28'	40'	44'	48'	72-48'
Grade (max.) ³	12%	12%	12%	12%	12%	7%	5%	5%
Grade (min.) ⁴	0.5%	0.5%	0.5%	0.5%	0.5%	0.5%	0.5%	0.5%
"K" Crest Curve	30	NR	30	30	30	55	70	70
"K" Sag Curve	35	NR	35	35	35	55	60	60
Centerline Radius (min.)	100'	50'	100'	100'	100'	400'	700'	1,200'
Stopping Sight Distance	75'	75'	75'	110'	150'	200'	300'	300'
Curb	NRNo	NRNo	NRNo	Yes	Yes	Yes	Yes	Yes
Median	NR	NR	NR	NR	NR	NR	14' min.	14' min.
Sidewalk Width (see subsection (q)(5))	NR	NRNo	4/6 ¹⁰ one Side only	4 ⁹	4 ⁹ /6 ¹⁰			
Bike Facilities ⁵	NR	NR	NR	NR	NR	City Option ⁵	Yes Path ⁵	Yes Path ⁵
Streetscape Planting	NR	NRNo	NR	NR	NR	Yes	Yes	Yes
Planting Strips	NR	NR	NR	NR	2' Min.	2' Min.	2' Min	2' Min.

Notes and Rules of Interpretation:

NR designates the item is « not required »

Table 506-3 is required for conventional option subdivisions (see § 35-202) or subdivisions not subject to Table 506-4, below), except for (access to conservation subdivision) which apply only to conservation subdivisions (§ 35-203).

* * * * *

¹¹R.O.W. width and construction design of State maintained streets and certain inner-city streets and certain primary arterials (approved by City Council ordinance) pertaining to R.O.W. dedication and design standards within the CRAG area boundary shall take precedence over the standard UDC street R.O.W. and design provisions outlined in Table 506-3 above.

¹² 120 feet is the maximum right of way width but may be varied in accordance with the adopted Major Thoroughfare Plan.

* * * * *

**Table 506-4
Traditional Street Design Standards**

Street Type	Trail	Alley	Lane	Local	Avenue	Main street	Boulevard	Parkway
R.O.W. (min.)	14'	20'	38'	48'	82'	58'	124'	86'
Pavement Width ¹	8'-14'	10'-12'	16'-18'	22'-27'	27'-48'	28'-36'	44'-70'	44'+
Grade (max.)	10%	10%	10%	10%	7%	7%	7%	5%
Grade (min.) ⁴	0.5%	0.5%	0.5%	0.5%	0.5%	0.5%	0.5%	0.5%
"K" Crest Curve	NR	NR	30	30	55	55	55	70
"K" Sag Curve	NR	NR	35	35	55	55	55	60
Curb Radius	N/A	15'	15'	15'	25'	15' 25'	25'	25'
Centerline Radius ²	95'	50'	90'	90'	250'	600' 300'	500'	1,000'
Stopping Sight Distance	75'	75'	110'	110'	150'	NA 200'	300'	300'
Intersection-site distance	15'	15'	15'	25'	75'	NA	150'	150'
Curb	NR/No	NR/No	Yes	Yes	Yes	Yes	Yes	NR/No
Median	NR/N/A	NR/N/A	NR/N/A	NR/N/A	14' min.	NR/N/A	14' min.	14' min.
Sidewalk Width (see subsection (g)(5))	NR/N/A	NR/No	4' / 6' / 7'	4' / 6' / 7'	Min. 4' / 6' / 7'	4' / 6' / 7'	4' / 6' / 7'	4' / 6' / 7'
Bike Facilities ^{3, 6}	NR/N/A	NR/N/A	NR/No	NR/No	Yes Path-City Option	City Option	Yes Path-City Option	Yes Path
Streetscape Planting	Yes	NR/No	Yes	Yes	Yes	Yes	Yes	Yes
Planting Strips	NR/N/A	NR/N/A	6'	6'	6'	City Option	6-11'	7-20'

Notes and Rules of Interpretation:

NR designates the item is « not required »

R.O.W. width and construction design of State maintained streets and certain inner-city streets and certain primary arterials (approved by City Council ordinance) pertaining to R.O.W. dedication and design standards within the CRAG area boundary shall take precedence over the standard UDC street R.O.W. and design provisions outlined in Table 506-4 above.

Table 506-4A

Street Width options for Traditional Street Design Standards

* * * * *

Notes and Rules of Interpretation: ~~Rules of interpretation for Table 506-4A:~~

R.O.W. width and construction design of State maintained streets and certain inner-city streets and certain primary arterials (approved by City Council ordinance) pertaining to R.O.W. dedication and design standards within the CRAG area boundary shall take precedence over the standard UDC street R.O.W. and design provisions outlined in Table 506-4A above.

Column A ~~column A~~ (street Width) refers to the width of the street from curb face to curb face.

Column B ~~column B~~ (Parking) indicates whether on-street parking is permitted, whether on both sides or only one side of the street.

* * * * *

Table 506-4B

* * * * *

Notes:

(5) For intersection combinations not listed above, the column with the larger roadway classification applies.

* * * * *

(6) Cul-de-sac Streets.

The following criteria shall be used for cul-de-sac Cul-de-sac street design and fire hydrant layout shall be as required by the currently adopted International Fire Code (for optional turnaround types other than cul-de-sacs the design criteria of the International Fire Code shall be applicable):

- A. For cul-de-sac streets less than or equal to 500 feet in total length, the following is required:
1. Turnaround right-of-way shall be not less than one hundred (100) feet in diameter in residential areas and not less than one hundred fifty (150) feet in diameter in commercial and industrial areas.
 2. Turnaround shall include at least twenty-five (25) feet of paved driving surface with a minimum exterior radius of forty (40) feet for residential areas and sixty (60) feet for commercial and industrial areas.
 3. The interior of the turnaround may be landscaped or paved. A maximum radius of fifteen (15) feet will be allowed for landscaping purposes.

- B. For cul-de-sac streets in residential subdivisions greater than 500 feet and less than or equal to 1000 feet in total length, the following is required:
1. Pavement width for the entire length of the cul-de-sac street shall be a minimum of 30 feet, regardless of the type of residential subdivision.
 2. Turnaround right-of-way shall be not less than one hundred twenty (120) feet in diameter.
 3. Turnaround roadway shall have a minimum exterior radius of fifty (50) feet.
- C. In the "C", "RE", and "R-20", zoning districts cul-de-sac streets over one thousand (1000) feet in length may be permitted subject to approval by the director of development services after consultation with the fire chief or his designee. No such approval shall be granted unless the director of development services finds the following:
1. The cul-de-sac length, layout and topography will not impede safe access and egress by emergency vehicles including fire trucks and emergency medical services
 2. A longer cul-de-sac street is needed because of unique topographical conditions such as steep slopes, wetlands, streams, or similar conditions and an alternative design would not more effectively accommodate said conditions.

* * * * *

(9) Substandard Existing Streets.

A. Where subdivisions within the city limits are adjacent to existing streets and right-of-way widths of those existing streets are less than the minimum right-of-way widths as set out in this chapter for all streets, no building permits shall be granted until the right-of-way widths have been dedicated to the minimum widths required by this chapter abutting the development. In addition, subdivisions of land within the City Limits shall require sidewalk and may require curb, and pavement improvements in accordance with article 5 and ADA guidelines at platting. Substandard ~~substandard~~ existing streets located in the ETJ shall be upgraded to minimum standards as set forth in the code and in connection with plat approval. The provisions of this subsection shall not apply within the Infill development zone "IDZ". Curb, sidewalk and pavement improvements adjacent to the development for multi-family and commercial developments shall be provided on sub-standard width existing streets at the time of building permit. In cases where an existing fence and landscaping is present, the director of development services shall require dedication of the additional right-of-way but may allow existing landscaping and fences to remain until such time as the right-of-way width is needed for infrastructure improvement. The director shall evaluate the condition of the existing fencing and the character of the landscaping and may direct additional reconstruction of the fence or new plantings. In such cases the landscaping required by the director shall not be greater than that required by this chapter for new projects.

B. Where subdivisions are adjacent to platted right-of-ways and no street exists, (paper streets) no building permit shall be granted until one-half of the road is constructed adjacent to the proposed development.

* * * * *

(e) Connectivity

* * * * *

(5) Dead-end-Streets.

Dead-end streets shall be prohibited except as short stubs to permit future expansion. A "short stub" is defined as being the average depth of the adjacent lot(s) lot within the subdivision. Stub outs greater than one lot in depth may be allowed with the dedication of a turnaround easement. For adjacent lots greater than one-half acre, a stub street may require a turnaround easement.

* * * * *

(7) Secondary Access.

At least one access point into a single-family residential subdivision shall be provided for every 2,640 feet (1/2 mile) of frontage. Where a single-family residential subdivision exceeds one-hundredone hundred twenty five (125) units, a secondary access will be required. The secondary access shall meet the same requirements as the primary access (an entry for emergency purposes only shall not be allowed in place of a secondary access.)

* * * * *

(g) Dedication of Arterial

* * * * *

(4) Arterial Streets

Where a primary or secondary arterial street, as shown on the Major Thoroughfare Plan, traverses or is contiguous with an area being platted, such primary or secondary arterial street shall be platted in the location and of the width indicated by the requirements of the Major Thoroughfare Plan and these regulations. In no event shall an area be platted so as to leave a narrow strip of land less than 270 feet deep off the arterial street R.O.W. which is unsuitable as a building site, unmarketable, or is undevelopable (as these terms are commonly known) and which is excluded from platting for the purpose of circumventing these requirements.

* * * * *

(5) Marginal Access Streets

Marginal access streets should be located parallel to and adjacent to an arterial street. Marginal access streets, if not required by the provisions of 35-506, may be constructed at the option of the developer but shall not relieve the developer from the obligation to construct their project's proportional share of major thoroughfares (arterials/collectors) as designated by the Major Thoroughfare Plan.

* * * * *

(i) Street Lights

- (1)** Streetlights shall be provided in all subdivisions within the city. Streetlights are not required in the ETJ. However, if proposed by the applicant, all installation, operational and maintenance cost shall be borne by the developer. Streetlights shall be installed by CPS Energy City Public Service Energy at all public street intersections with other public streets, at the end of cul-de-sacs longer than 200-feet, crosswalks, at safety lane intersections with public streets, midblock areas placed such that streetlights are a minimum of 300-feet apart for residential streets with houses fronting, or service areas as determined by city policies.

* * * * *

(o) Wheelchair Ramps

* * * * *

(2) Design Standards.

Any construction, reconstruction or other improvements addressed in this chapter shall conform as a minimum to the Americans with Disabilities Act and any rules and regulations relating thereto (see § 35-501(d)). The plat or site plan shall show infrastructure construction, reconstruction, repair or regarding and details of curb cut and wheelchair ramps. The location of the curb-cut opening and ramp must be coordinated with respect to the pedestrian crosswalk lines. This planning must ensure that the ramp openings at a fully depressed curb shall be situated within the parallel boundaries of the crosswalk markings. Ramps for persons with disabilities are not limited to intersections and marked crosswalks, and ramps shall also be provided at other appropriate or designated points where there is a concentration of pedestrian traffic, such as loading islands, midblock pedestrian crossings, and locations where pedestrians could not otherwise recognize the proper place to cross the street. Because non-intersection pedestrian crossings are generally unexpected by the motorist, warning signs shall be installed and parking shall be prohibited. Ramps for persons with disabilities shall have a textured nonskid surface for the user which also warns a sight-impaired person of the presence of the ramp. Wheelchair ramps shall be designed and constructed in accordance with the details in Figure-506-8 the City of San Antonio "Handbook for Flatwork Construction", below except for wheelchair ramps located in the ETJ where the Bexar county engineer has approval authority.

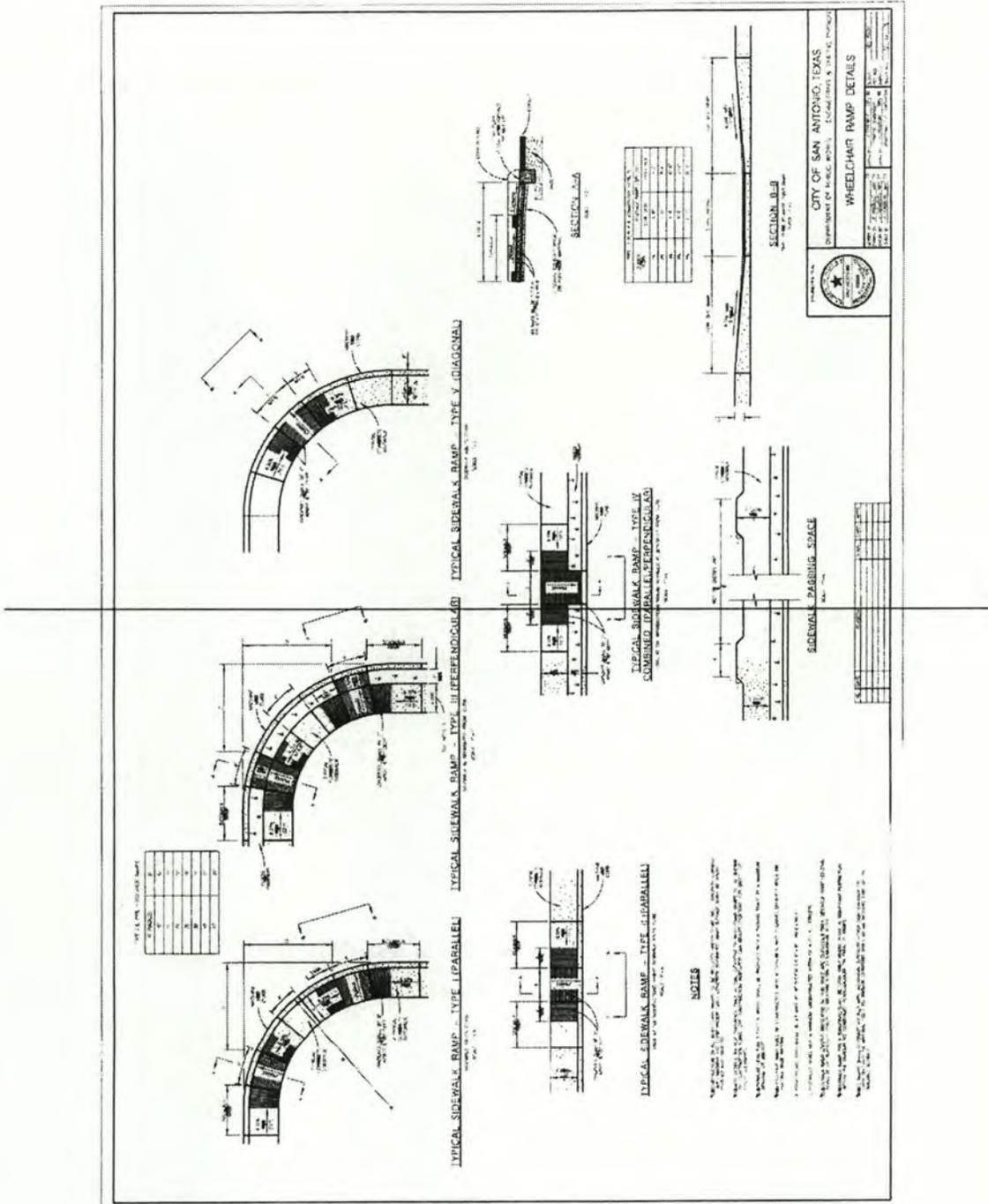


Figure 506-8
[Delete Entire Figure]

(p) Pavement Structure

* * * * *

(7) **Minimum Layer Thickness (Compacted).**

* * * * *

F. Right and left turn lanes constructed on existing asphalt roads shall be constructed with twelve (12) inches of asphalt treated base and two (2) inches of Type D asphalt.

(8) **Curb and Gutter**

Concrete curbs or monolithic curbs and gutters constructed in accordance with the City of San Antonio standard details ~~details shown on Figure 506-9~~ shall be provided where indicated on the typical cross sections provided in Subsection (d) of this section.

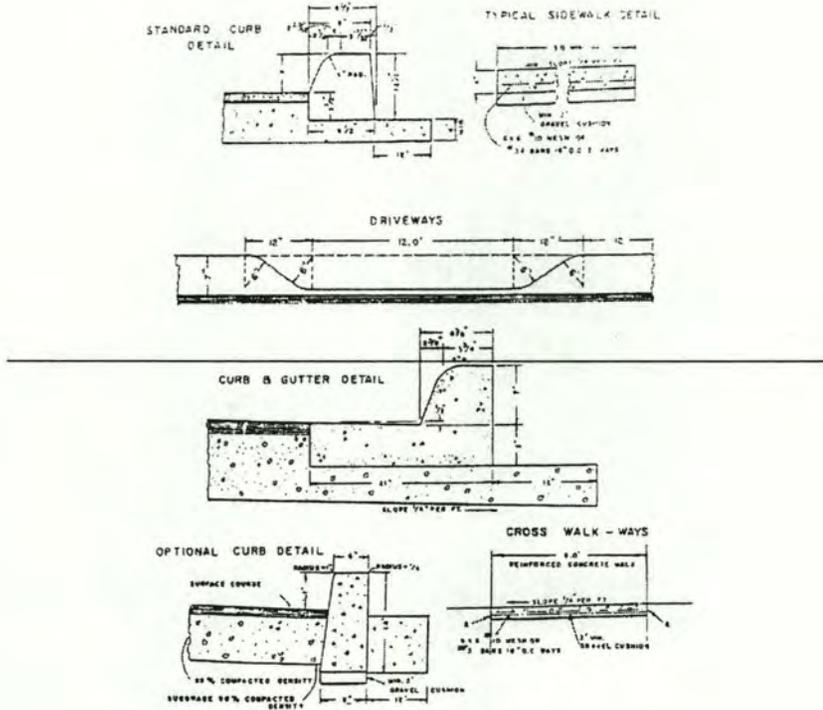


Figure 506-9
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* * * * *

(q) Sidewalk Standards

* * * * *

(5) Width.

Except as otherwise specified in Americans with Disabilities Act (ADA) (see § 35-501(e) herein), sidewalks shall have a minimum unobstructed width as follows:

A. Within the city ~~limits~~ Limits and ETJ, the minimum width of sidewalks adjoining a planting strip shall be four (4) feet and the minimum width of sidewalks adjoining the curb shall be six (6) feet for Local Type B, collectors and arterial streets and four (4) feet for Local Type A streets. ~~In the ETJ, sidewalks shall adjoin the curb and shall be six (6) feet in width for Local Type B, collector and arterial streets and four (4) feet in width for local Type A streets.~~

* * * * *

(r) Access and Driveways

* * * * *

(2) Single-Family Residential Subdivisions

* * * * *

(C). Collector sections are required for a minimum of 40-feet off of an arterial to prevent construction of residential driveways closer than 40-feet from the arterial's end of property line return, or if a Local "B" section is designed, a residential lot shall not side the arterial for a minimum of 40-feet.

* * * * *

(6) Driveway Throat or Vehicle Storage Length.

For purposes of this subsection, "throat length" means the length of extending from the entry into the site at the property line, to the first left-turn conflict or intersection with a parking aisle. Vehicle storage length means the length of a driveway, service lane, bay, or other passageway for motor vehicles which is designed to minimize queuing onto surrounding streets. Throat length shall be designed in accordance with the anticipated storage length for entering and exiting vehicles to prevent vehicles from backing into the flow of traffic on the public street or causing unsafe conflicts with on-site circulation. Throat length and vehicle storage length shall not be less than the standards set forth in Table 506-7 unless approved by the director of development services. These measures generally are acceptable for the principle access to a property and are not intended for secondary, minor driveways such as residential driveways serving less than 4 homes, or a commercial/industrial driveway with less than 400 ADT, or 40 average peak hour volume of vehicles, not located on a major roadway or thoroughfare. The throat length may be reduced by the director of development services.

* * * * *

(7) Spacing and Location on Major Thoroughfares.

This subsection applies to driveway approach spacing and location along major thoroughfares.

A. Where a traffic impact analysis is required, driveways shall be spaced in such a manner as to avoid reducing the traffic LOS below that established in the Section 35-502 traffic impact analysis. A subdivision of land into two or more lots fronting a major thoroughfare may not automatically increase the number of driveway approaches allowed over those allowed prior to the subdivision.

B. Along either side of any corner commercial or industrial property the driveway approaches shall be located so as to maintain a minimum distance from the corner of the intersecting roadways equal to 90 percent of the length of the property along the roadway upon which the proposed driveway approach is to be located, or 125 feet, whichever distance is less. Corner clearance is measured along the property-line from the property-line return or flare. The corner clearance may be reduced by the director of development services to allow a driveway for development where a driveway may not otherwise be allowed.

* * * * *

(9) Parking Approaches.

For minor driveways, parking Parking aisles shall be located a minimum of twenty (20) feet from the intersection of the driveway approach and the thoroughfare property line.

(10) Driveway Approaches.

Driveway approach materials may be asphalt, concrete or other materials as approved by the director of development services. Residential driveway approaches materials shall be concrete.

* * * * *

Chapter 35, Article V, Section 35-510 is amended as follows:

35-510 Buffers

(a) Applicability

* * * * *

(2) Exemptions.

This section shall not apply to the following situations:

- A. Residential uses adjoining residential uses within any residential zoning district.
- B. Agricultural uses.
- C. Non-residential uses adjoining other non-residential uses of the same zoning district.
- D. The reconstruction of an existing building of which fifty (50) percent or less of the floor area was destroyed or ruined by flooding, fire, windstorm or act of God. This exemption shall apply only where reconstruction of that

building will not result in an increase in building size or paving area of the parking facilities to be provided.

- E. Interior finish work or remodeling in a portion of a building unless the work results in an increase in the paving area of the parking facilities within the street yard or in an enlargement of the exterior dimensions of an existing building.
- F. Any use, building or structure for which only a change of use is requested, and which use does not increase the existing building square footage.
- G. Single-family dwellings located on an existing lot of record.
- H. Contiguous commercial parcels or land areas under Common Ownership.

Commentary: subsection H addresses situations where a parcel is rezoned with several different zoning districts classifications, and one of the districts classifications acts as a "buffer" for the other. For example, a landowner rezones part of a parcel to "L", with a strip adjoining a residential area zoned "O-1." A Type "E" buffer is normally required between the "L" and "O-1" districts. No buffer is required between the portion of the parcel zoned "L" and "O-1" internal to the property in this situation.

* * * * *

(e) Location of Buffer Yard

- (1) A buffer yard required by this section shall be provided along the side lot line of abutting uses.
- (2) Buffer yards are not required along the front property line
- (3) ~~At the rear property line of adjoining uses for which a buffer type A, B, or C is required in Table 510-1, the applicant may elect to provide a solid fence at least six (6) feet in height in lieu of the buffer yard.~~

* * * * *

Chapter 35, Article V, Section 35-511 is amended as follows:

35-511 Landscaping

(a) Applicability

* * * * *

(3) Exemptions.

This section shall not apply to the following situations:

- A. Single-family, duplex, tri-plex or four-plex residential Residential uses located within a residential zoning district.

* * * * *

(c) Mandatory Criteria

* * * * *

(6) Irrigation.

Landscaped areas shall be irrigated with a system that is suitable for the type of plantings installed. An irrigation system will be required on projects when any one of the following are used to meet the requirements of this chapter:

- A. an area greater than 2,000 sq ft of new landscape or;
- B. more than 10 trees will be installed or;
- C. projects which exceed 4,300 square feet of impervious surface.

If in-lieu-of in-lieu of an irrigation system is not required as above, a hose bib must be installed within 100 feet of the newly installed plant material. Where an irrigation system is required, the irrigation system shall comply with the requirements of 30 TAC chapter 344, §§ 344.72 – 344.77. An in ground irrigation system consisting of water lines, water emitters and a controller is required to have a separate water service if the San Antonio Water System is the purveyor. In addition to the above irrigation requirements the following is required:

* * * * *

(7) Parking Lot Shading.

* * * * *

B. Calculation of Shaded Area

* * * * *

Newly planted trees planted adjacent to a parking lot within 12 feet of any edge of a parking lot shall be calculated at 50% of the shade coverage shown in Appendix "E", under "shade area." An example calculation is as shown:

The parking area is 10,000 sq ft; therefore 2,500 sq ft of shade is required. If Cedar elm trees are used at a value of 875 sq ft of shade per tree, 2.9 or 3 trees are required to be planted.

* * * * *

(e) Elective Criteria

(1) Generally.

In addition to the mandatory requirements, landscape plans shall earn a minimum of seventy (70) points awarded for elective requirements. As an exception to this requirement, landscape plans for commercial projects which do not include off-street parking within the street yard shall earn a minimum of twenty-five (25) points and those in

a designated "gateway corridor " adopted pursuant to 35-339.01 shall earn eighty-five (85) points.

* * * * *

Chapter 35, Article V, Section 35-512 is amended as follows:

35-512 Streetscape Planting Standards

(a) Applicability

(1) Generally - Interior and Exterior Streets (streetscape provisions are not applicable on existing exterior streets)

In addition to developments subject to the landscaping standards, above, the following shall be subject to the streetscape planting Standards as provided herein:

- A. all developments with five (5) or more parking spaces; and
- B. all developments requiring subdivision review.

Streetscape planting standards shall not apply to any street classification unless street Trees are required by the street improvement standards, § 35-506(d), above. In addition, the streetscape requirement shall not create a major plat from a minor plat.

* * * * *

Chapter 35, Article V, Section 35-515 is amended as follows:

35-515 Lot Layout Regulations

* * * * *

(c) Lots

* * * * *

(4) Frontage.

All lots shall front on a public or private street and shall have a minimum frontage width as indicated in § 35-310. On irregular shaped lots, a minimum street frontage of fifteen (15) feet shall be required. Single-family residential Residential lots shall not front on a collector street, arterial street, or parkway. An "irregular shaped lot" includes any lot located on a cul-de-sac or adjoining a curved section of a roadway with a centerline radius of less than two hundred (200) feet.

(5) Access

Vehicular access to non-residential uses must be by public street and shall not utilize any property that is zoned single-family residential. However, pedestrian access may be provided by means of a dedicated easement or access way to

promote pedestrian circulation on residentially zoned property and/or by means of a public or private street.

(6) Prohibition against creating landlocked conditions

Plat applicants shall ensure that there is no abutting landlock conditions created by the proposed plat.

* * * * *

(h) Flag Lots

* * * * *

- (1) The minimum driveway width shall be ~~ten nine~~ (10 9) feet.

* * * * *

Chapter 35, Article V, Section 35-521 is amended as follows:

35-521 Edwards Aquifer Recharge Protection

See Chapter 34, Article VI, Division 6 of the City Code.

* * * * *

(d) Zoning District Classification

- (1) Overlay District. The Edwards Recharge Zone Overlay District is designated as an overlay to ~~all the regular zoning districts classifications.~~ Property located within this overlay district must also be designated as being within one of the regular zoning districts classifications. Authorized uses must be permitted in both the base regular zoning district classification and the overlay district.
- (2) Zoning Designation. The zoning designation of property located within the Edwards Recharge Zone Overlay District shall consist of the regular zone symbol and the overlay district symbol as a suffix. For example, if a parcel is zoned "MF-33" and is also located within the Edwards Recharge Zone Overlay District, the zoning designation of the property would be "MF-33"(ERZD). In effect, the designation of property as being within the Edwards Recharge Zone Overlay District places such property in a new zoning district ~~classification~~ and all procedures and requirements for zoning and rezoning must be followed.

Chapter 35, Article V, Section 35-525(a) is amended as follows:

35-525 Outdoor Storage Standards

(a) Applicability

* * * * *

- (3) **Class 3 Storage.**

Class 3 Storage includes the following:

A. Storage of automobiles, noncommercial trucks, motorcycles, motor-homes, recreational vehicles, or boats for sale incidental to the use of a lot or parcel as a car dealer, a bus, truck, mobile homes, or large Vehicle dealer, or a mini-warehouse.

i. The area used for outside vehicle storage for display of auto, RV, boat, or trailer inventory shall be limited to 20 % of the total site area for "incidental" auto, RV, boat, or trailer sales. "Incidental" being defined as sales totaling for all such products to be less than 50% of the total income or gross revenues generated on the site.

ii. The area used for outside vehicle storage for display of auto, RV, boat, or trailer inventory for auto lots or dealerships which is the primary source of gross income or revenue shall not be limited in site area except for required buildings, setbacks, landscaping and buffering provisions of Chapter 35.

B. Storage incidental to monument retail sales, including the retail sale of monuments for placement on graves, and the sale, storage, and delivery of headstones, footstones, markers, statues, obelisks, cornerstones, and ledgers.

Chapter 35, Article V, Section 35-526(b) and Table 526-3b is amended as follows:

35-526 Parking and Loading Standards

* * * * *

(b) Table of Off-Street off-street Parking Requirements

* * * * *

(7) The Board of Adjustment may adjust the minimum or maximum parking requirements based on a showing by the applicant that a hardship is created by a strict interpretation of the parking regulations. Any adjustment authorized by the Board of Adjustment shall apply only to the use in the original Certificate of Occupancy.

* * * * *

**TABLE 526-3b
 Parking in Non-Residential Use Districts**

	Permitted Use	Minimum Vehicle Spaces	Maximum Vehicle Spaces
AUTO	AUTO & LIGHT TRUCK REPAIR	1 per 500 sf GFA including service bays, wash tunnels and retail areas <u>plus 2 additional</u>	1 per 375 sf GFA including service bays, wash tunnels and retail areas <u>plus 2 additional</u>

	Permitted Use	Minimum Vehicle Spaces spaces for each inside service bay.	Maximum Vehicle Spaces spaces for each inside service bay.
SERVICE	BANK, <u>CREDIT UNIONS</u> , SAVINGS and LOAN	1 per <u>200</u> 1,000 sf GFA for the portion of building used by the financial institution and 1 per 300 sf of GFA of office lease space.	1 per <u>100</u> 200 sf GFA for the portion of building used by the financial institution and 1 per 140 sf of GFA of office lease space.
SERVICE	Office Call Center, Office Data Processing & Management, Record Storage Facility	1 parking space per 300 sf of GFA of office space plus 1 space for every 5,000 sf of GFA dedicated to storage or data equipment.	1 parking space per 140 sf of GFA of office space plus 2 spaces for every 5,000 sf of GFA dedicated to storage or data equipment.

Chapter 35, Article VII, Section 35-711(a) is amended as follows:

35-711 Recognition of Rights Derived from Common Law

(a) Applicability

The provisions of this section apply to any application for development approval in which the applicant claims an exemption from any provision of this code based on common law rights.

Applications for a determination of rights shall be by contiguous tracts or phases (a tract may be comprised of multiple parcels or lots); non-contiguous tracts or non-contiguous phases shall require an application and determination for each tract or phase.

Chapter 35, Article VII, Section 35-712 is amended as follows:

35-712 Recognition of Rights Derived From Texas Local Government Code Chapter 245

(b) Recognition of Statutory Rights

(1) Initiation.

An application may be made to the director of development services for a determination of rights for a particular project by completion of a form provided by the development services department that indicates which permit or permits are being relied on by the applicant for establishment of rights. The applicant requesting recognition of rights shall provide the department of development services with two copies of a completed application together with a permit application review fee in the amount established by ordinance as set forth in Appendix C and two (2) copies of any documents on which the applicant is relying to establish rights.

Applications for a determination of rights shall be by contiguous tracts or phases (a tract may be comprised of multiple parcels or lots); non-contiguous tracts or non-contiguous phases shall require an application and determination for each tract or phase.

* * * * *

(d) Vested Rights Recognition Process Appeal

In the event an applicant for recognition of statutory rights is aggrieved by an action taken regarding the recognition of those rights or the application of the above requirements, the applicant may appeal the decision of the director of the department development services to the planning commission by filing a request for appeal with the director of development services within fifteen (15) calendar days from the date the applicant is notified of the adverse decision or action taken under these requirements. The application for appeal shall be made in writing and shall contain the applicant's rationale for requesting the appeal together with payment of an application review fee in the amount established by ordinance as set forth in Appendix C. The director of development services shall place the appeal on the agenda of the planning commission and the planning commission shall hold a hearing on the appeal and make its ruling within forty-five (45) days from the date the request for appeal was filed. A rights appeal shall be based solely on the original approved application for the project notwithstanding Section 35-404(e). If the planning commission denies all or part of the relief requested in the appeal, the applicant may make a final appeal to the city council by filing a notice of final appeal in writing together with payment of an application review fee in the amount established by ordinance as set forth in Appendix C to offset the city's costs with the office of the city clerk no later than the tenth (10) day following the party's receipt of the written decision of the planning commission from which the final appeal is brought. If the planning commission approves all or part of the relief requested in the appeal, the City Manager or her designee may make a final appeal to the city council by filing a notice of final appeal in writing with the city clerk no later than the tenth (10) day following the decision of the planning commission from which the final appeal is brought. The city clerk shall schedule the hearing of the final appeal at the earliest regularly scheduled meeting of the city council that will allow compliance with the requirements of the Texas Open Meetings Act. The decision of the city council shall be final.

Chapter 35, Article VIII, Section 35-801 is amended as follows:

35-801 Board of Adjustment.

* * * * *

(b) Terms, Removal of Members

All members of the board shall be appointed for a term of two (2) years ending on May 31 of odd-numbered years and shall serve until their successors are appointed and qualified and shall be removable for cause by the city council upon written charges and after public hearing.

(c) Vacancies

Vacancies in the regular membership of the board of adjustment shall be filled by the city council member from whom the appointment originated for the unexpired term of vacancy. Vacancies of the alternate board of adjustment member(s) shall be appointed at large by the city council, and determined by majority vote, for the unexpired term of

vacancy. The alternate members serve for the same period and are subject to removal the same as regular members.

(d) Minimum of Nine Members at Hearings

The alternate members of the board of adjustment shall serve in the absence of one (1) or more regular members when requested by the director of development services so that all cases heard by the board of adjustment will always be heard by a minimum of nine (9) members, in conformity with state law requiring that 75 percent of the members of the board hear each case.

(e) Minutes / Records

The board shall keep minutes of its proceedings showing the vote of each member upon each question or, if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official action, all of which shall be immediately filed in the office of the board and shall be a public record open to inspection at reasonable times and upon reasonable notice in accordance with the Public Information Act, Chapter 552 of the Texas Government Code.

(f) Meetings and Rules

The board may have weekly meetings or at the call of the chairman or in his absence the acting chairman, and at such other times as the board may determine. All board meetings shall be open to the public in accordance with the Texas Open Meetings Act, Chapter 551 of the Texas Government Code. The board may adopt rules consistent with this code or state law to govern its proceedings.

(g) Powers of Board

The board of adjustment shall have the following powers and duties which must be exercised in accordance with this chapter:

- To hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by an administrative official in the enforcement of this chapter.
- To hear and decide special exceptions in those specific instances authorized by this chapter.
- To authorize upon appeal in specific cases, and subject to appropriate conditions and safeguards such variances from the terms of this chapter as will not be contrary to the public interest, where owing to special conditions, a literal enforcement of the provisions of this chapter will result in unnecessary hardship, and so that the spirit of the chapter shall be observed and substantial justice done. The variance must be necessary to permit development of a specific parcel of land which differs from other parcels of land by being of such a restrictive area, shape, or slope that it cannot be developed in a manner commensurate with the development upon other parcels of land in districts with the same zoning district. A variance may not be granted to relieve a self-created or personal hardship, nor for financial reasons only, nor may a variance be granted to permit any person a privilege in developing a parcel of land not permitted by this chapter to other parcels of land in districts with the same zoning district.
- In exercising its authority, the board may reverse or affirm, 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. The concurrent vote of 75 percent of the members of the board is necessary to reverse an order, requirement, decision, or determination of an administrative official; decide in favor of an applicant on a matter on which the board is required to pass under a zoning ordinance; or authorize a variation from the terms of a zoning ordinance. In exercising their powers, the board may, in conformity with the provisions of this division, reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination appealed from and may make such order, requirement, decision, or determination as ought to be made and to that end shall have all the powers of the officer from whom the appeal is taken. Provided, however, the concurring vote of nine (9) of the members of the board shall be necessary to reverse any order, requirement, decision or determination of any such administrative official or to decide in favor of the applicant on any matter upon which it is required to pass under this chapter or to effect any variation in this chapter.

For purposes of this section, "administrative official" means a that the director person within a city department having the final decision-making authority within the department relative to this Chapter zoning enforcement issue.

* * * * *

Chapter 35, Article IV, Section 35-808(f) is amended as follows:

35-808 Zoning Commission

* * * * *

(f) Quorum, Majority Vote

A quorum shall consist of six (6) members of the commission. The chairman shall be counted as any other member when establishing a quorum. Final action on any matter shall require a majority vote of six (6) members except when the commission has twice held a public hearing and considered a zoning application and is unable to reach a majority vote. In such instances, the commission may submit a report instead of a recommendation to the city council the director shall place the zoning application on the next regularly scheduled agenda. In the event that the commission has twice held a public hearing and considered a zoning application and is unable to reach a majority vote, the commission shall submit a report instead of a recommendation to the city council.

Chapter 35, Appendix A, Section 35-A101 is amended by inserting the following definitions alphabetically into the section with changes as follows:

Appendix A Definitions

Assisted living facility - A residential setting that provides either routine general protective oversight or assistance with activities necessary for independent living to mentally or physically limited persons. Assisted living facilities may be equipped with a full kitchen in each living unit and may or may not also offer communal dining.

Billiard/Pool Hall or Parlor – An amusement facility in which the primary activity is the playing of table games such as billiards, pool, and snooker. Incidental uses within a billiard/pool hall may include domino and card playing as well as electronic video games. A billiard or pool hall, which

receives 75 % or more of its income from alcohol, shall be classed as a bar and not a billiard/pool hall.

Body Piercing - The creation of an opening in an individual's body, other than in an individual's earlobe, to insert jewelry or another decoration.

Construction Trades Contractors – Building trades contractors including but not limited to the areas of flatwork, fencing, foundations, plumbing, electrical, mechanical, carpentry, sheet rock, painting, roofing, masonry, landscaping, yard and lawn irrigation and other similar trades.

Correctional Facilities - The following is a listing of terms and correctional facility types as used by the Texas Department of Corrections and this code.

- A. Transitional Treatment Center (TTC)** is targeted for those releasees who have participated in the In-Prison Therapeutic Community (IPTC) or Substance Abuse Felony Punishment Facility (SAFP) programs. The TTC is the aftercare component of the treatment program for releasees from the IPTC and SAFP facilities, and lasts for three months. An additional twelve months of outpatient care follows. Specially trained parole officers supervise offenders.
- B. Substance Abuse Treatment Facilities (SATFs)** a residential community corrections facility designed specifically to deal with offenders on community supervision who have substance abuse problems. The court may place an offender in a SATF for no less than one-month and not more than 24 months.
- C. Restitution Center.** A community-based corrections facility, which provides 24-hour close supervision and a highly structured environment for non-violent felons. Offenders are confined to the center except to go to their place of employment, to perform community service work, or to attend education or rehabilitation programs.
- D. Intermediate Sanction Facility (ISF).** A fully secured facility used for short-term incarceration of offenders who violate the conditions of their community supervision, parole, or mandatory supervision. ISFs are operated by CSCDs for community supervision offenders and by the Parole Division for parolees and mandatory supervision offenders.
- E. Day (or district) Reporting Center (DRC).** A highly structured, non-residential facility that supervises offenders on community supervision. Offenders report to the centers as part of the court-ordered conditions of their supervision.
- F. Court residential treatment centers (CRTCs)** treat offenders for substance abuse and alcohol dependency. They also offer education and life skills training; they also may offer vocational and employment services in the final phases of the program.
- G. Community Corrections Facility (CCF).** A residential treatment facility run by community supervision and corrections departments (CSCDs).
- H. Pre-Release Therapeutic Community (PRTC).** An intensive six-month treatment program for offenders in a therapeutic community setting which provides pre-release services to offenders within seven months of release. The PRTC is comprised of three components: educational/vocational, substance abuse treatment, and cognitive restructuring.

Applicable abbreviations used in A thru H. above.

PPT - Pre-Parole Transfer Facility

MUF - Multi-Use Facility

ISF - Intermediate Sanction Facility

SAFPF - Substance Abuse Felony Punishment Facility

Cosmetics - Intradermal (permanent makeup) - The practice of applying permanent makeup generally to the eyebrows, eyelids, and lips.

Heavy Equipment - Self-powered, self-propelled or towed mechanical devices, equipment and vehicles of the nature customarily for use in agriculture, mining, industry, business, transportation, building or construction such as tandem axle trucks, backhoes, trenchers, loaders, tractors, bulldozers, graders, cranes forklifts, or similar like equipment but excluding automobiles, recreational vehicles and boats and their trailers.

Motor Vehicle Sales (full service) - An establishment that provides sales of any motorized vehicles including autos, trucks, RV's, boats, motorcycles in addition to vehicle sales other vehicle related services to the general public such as vehicle repair, paint & body work, brake jobs, oil & lube service, vehicle detailing and washing.

Motor Vehicle Sales (sales only) - An establishment that sells only motor vehicles including autos, trucks, RV's, boats, motorcycles and provides no onsite repair for the public or for its own stock of vehicles. Allows for onsite washing and detailing of vehicles.

Office Call Center - An office specifically designed for any of the following - collection of data, provision of technical help, telephone solicitation, telephone buying and selling, account processing.

Office Data Processing & Management - An office specifically designed to provide data processing and management services for its parent company and/or client accounts.

Office - Professional - Facilities for the provision of services that normally require a license, registration or certification issued by the city or state such as but not limited to architects, engineers, landscape architects, physicians, dentist, ophthalmologist, accountants, appraisers, realtors.

Petro-Chemical Bulk Storage - A heavy industrial use some times referred to as "tank farms", "bulk facility" or "fuel depots". Petro-chemical bulk storage is a facility consisting of one or more tanks used for the storage or warehousing of petro-chemicals for distribution to off site receivers by pipeline, trucking or rail service. Petro-chemical bulk storage provides no onsite retail sales to the general public of any of its products.

Record Storage Facility - An establishment limited to the reception and storage electronic and/or paper records for it parent company and or contract clients.

Recreation - Camps, Campgrounds - Establishments that operate sites to accommodate campers and their equipment, including tents, tent trailers, travel trailers, and recreational vehicles; others provide overnight recreational camps, such as children's camps, family vacation camps, hunting and fishing camps, and outdoor adventure retreats that offer trail riding, water activities, hiking, and similar activities. These establishments may provide facilities and services, such as cabins, washrooms, food services, recreational facilities and equipment, and organized recreational activities.

Skilled Nursing Facility - A institution (or a distinct part of an institution) which is primarily engaged in providing skilled nursing care and related services for residents who require medical or nursing care, or rehabilitation services for the rehabilitation of injured, disabled, or sick persons, and is not primarily for the care and treatment of mental diseases. Nursing facilities offer the highest intensity level of long term care and are characterized primarily by the need for 24-hour nursing care. Few persons enter a nursing facility as a matter of choice. Skilled nursing facilities do not contain full kitchens in the living units and residents are served meals in their rooms or a communal dining facility.

Storage (Shipping Container) - A unit designed for the storage and/or shipment of goods by means of boat, train or truck. Portable storage containers are self-contained units which do not have or ever had axels or wheels directly attached to them permanently or temporarily.

Storage (Moving Pods) - A self contained container used for the temporary storage and/or moving of small amounts of goods such as a household's contents or office tenants contents. Moving pods are not allowed to be used as permanent onsite storage and shall only be placed on non-industrially zoned property for a maximum period of 60 days. Long term storage of moving pods with or without goods is permitted in all industrial zones "L", "I-1", "I-2", "MI-1" and "MI-2" zoning districts. A permit may be obtained for a longer period of time but only if the moving pod is placed behind the front of the primarily building, or if no building the front setback line and is not visible from a public street.

Tattoo - The practice of producing an indelible mark or figure on the human body by scarring or inserting a pigment under the skin using needles, scalpels, or other related equipment. The term does not include the application of permanent cosmetics.

Trucks - Vehicles defined as trucks and buses by the National Highway Traffic Safety Administration in Title 49 of the Code of Federal Regulations, Chapter V, Section 571.3.

Truck Farm - A small tract of land (less than 10 acres) on which produce is raised and sold by the owner on-site or at off-site markets.

Variance:

Any of the following:

- A request to the planning commission for permission to vary or depart from a requirement of Articles IV or V of this chapter where, due to special conditions, a literal enforcement of the requirement will result in an unnecessary hardship.
- A request to the board of adjustment for permission to vary or depart from a requirement of article III of this chapter where, due to special conditions, a literal enforcement of the requirement will result in an unnecessary hardship.

For purposes of the Floodplain ordinance, a variance is a grant of relief to a person from the requirement of this ordinance when specific enforcement would result in unnecessary hardship. A variance, therefore, permits construction or development in a manner otherwise prohibited by this division. (For full requirements see Section 60.6 of the National Flood Insurance Program regulations.)

Animal hospital-Veterinary Hospital (small animal) A facility for the prevention, treatment, surgery, cure, or alleviation of disease and/or injury in small or large animals. Overnight and outside boarding of animals are permitted.

Veterinary Hospital (large and/or small animal) A facility for the prevention, treatment, surgery, cure, or alleviation of disease and/or injury of large animals, such as livestock, and may include outside runs, paddocks and pens.

Chapter 35, Appendix B, Section 35-B101, Table B101-1 is amended as follows:

Table B101-1

(A) MATERIAL/INFORMATION

* * * * *	
E. PROPERTY SURVEY AND TOPOGRAPHIC	
* * * * *	
(7)	All monuments erected, and corners established in the field. The material of which the monuments, corners, or other points are made shall be noted at the representation thereof or by legend, except that lot corners need not be shown. <u>Guarantee by the owner or developer of placement of corner monuments for each lot may be by noting on the plat that such lot monumentation shall occur at completion of all onsite infrastructure construction.</u>

F. PLANNING							
* * * * *							
(10)	The location of all proposed uses or zoning <u>districts</u> <u>classifications</u> as applicable and the maximum allowable intensity (residential density or non-residential FAR)		*				

* * * * *

H. DESIGN	
* * * * *	
(4)	Lots <u>and open space</u> numbered as approved by the City. <u>Open space shall be designated by a lot # preceded by the letter "O".</u>
* * * * *	

Chapter 35, Appendix B, Section 35-B121 is amended as follows:

35-B121 Subdivision Plat Applications

* * * * *

(c) Contents

The plat applications shall include the following:

* * * * *

(21) If applicable, an original variance request, the variance fee and a written response from the director as required by section 35-483.

* * * * *

(f) Certification and Forms

* * * * *

(15) Form P: Replat Certification (For areas not limited by zoning or deed restrictions to single or duplex family residential use).

State of Texas	X
	X
County of Bexar	X

The area being replatted was previously platted on plat (name and number) which is recorded in volume _____, page _____, (name) County plat and deed records.

I (we), the owner(s) of the property shown on this replat hereby certify that this replat does not amend or remove any covenants or restrictions. I (we) further certify that no portion of this replat was limited during the preceding five years by an interim or permanent zoning district classification to residential use for not more than two residential units per lot, or that any lot in the preceding plat was limited by deed restrictions to residential use for not more than two residential units per lot.

Chapter 35, Appendix B, Section 35-B122 is amended as follows:

35-B122 Traffic Impact Analysis

(a) Level 2 and 3 TIA Format

(2) Trip Generation and Design Hour Volumes (provide table).

A. A trip generation summary table listing each type of land use, the building size assumed, the average trip generation rates used (total daily traffic and a.m./p.m. peaks), and the resultant total trips generated shall be provided. The number of trips generated shall be based on the average rate for land uses as provided in the Institute of Transportation Engineer's "Trip Generation", latest edition.

(6) Capacity Analysis (the applicant shall provide analysis sheets in appendices).

A. A capacity analysis shall be conducted for all roadway segments within the TIA study area and for all public street intersections and junctions of major driveways with public streets which are significantly impacted

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(within the Study Area Boundary as defined in this code (as agreed to by the developer's engineer and the City Traffic Engineer). A capacity analysis is required as shown below:

* * * * *

(b) Level 1 TIA Format

(2) Peak Hour Trip Generation

* * * * *

C. The estimates of distribution of trips by turning movements from each site exit and to each site entrance.

Chapter 35, Appendix C, Section 35-C102 is amended as follows:

35-C102 Zoning Fees

Fees Established

The following fees are established for zoning cases and zoning related matters. All fees shall be paid at the time an application is filed or the service is requested.

(A) Permit, Development Order, Document or Action	(B) Fee Amount
Zoning commission or City Council filing fees (not combined)	0 to .5 acre . . . \$ 350.00 ea. 0.5 to 5.0 acres . . . \$715.00 ea. 5.01 to 10.0 acres . . . \$890.00 ea. 10.01 to 25.0 acres . . . \$1,070.00 ea. 25.01 acres or more . . . \$1,260.00 ea.
* * * * *	
Master plan policies document sales, per copy	\$35.00 per color copy \$5.00 per black and white copy
* * * * *	
Historic design review commission application fee Historic design review commission application fee	0-5,000 square feet.....\$ 75.00 5,001 to 10,000 square feet ... \$ 100 10,001 to 20,000 sq. ft. \$ 150.00 20,001 to 50,000 sq. ft. \$ 300.00 50,000 + sq. ft. ... \$ 400.00 + \$ 5.00 per additional 1,000 square feet 0-5,000 square feet.....\$ 75.00 5,001 to 10,000 square feet ... \$ 100 10,001 to 20,000 sq. ft. \$ 150.00 20,001 to 50,000 sq. ft. \$ 300.00 50,000 + sq. ft. ... \$ 400.00 + \$ 5.00 per additional 1,000 square feet
* * * * *	
Neighborhood, Community and Perimeter Plans plan amendment fee	0 to 0.5 acres = \$700.00 0.501 to 5.0 acres = \$1,430.00 5.01 to 10.0 acres = \$1,780.00 10.01 to 25 acres = \$2,140.00

**SG: 11-30-06 Amended
Item No. 5**

	25.01 acres or more + \$2,520.00
Sale of digital map files	\$15.00 per hour plus 20%
Penalty for work without a certificate of appropriateness issued by the historic design and review commission (per incident)	\$ 75.00
Facility Parking/Traffic Zone (96038) Commercial Parking lot permit	\$ 150.00

Chapter 35, Appendix C, Section 35-C103 is amended as follows:

Appendix C

35-C103 Subdivision and Platting Fees

The following fees are established for plats and subdivision related matters. Platting fees shall be paid at the time of plat application. Any adjustments to the platting fees and other plat related fees shall be paid at the time of formal plat filing. Other fees shall be paid at the time of application.

(A) Permit, Development Order, Document or Action	(B) Fee Amount
* * * * *	
Major subdivision plat fees	Base fee . . . \$ 425.00 625.00 Single-family development (per lot*) – \$ 64.00 Nonsingle-family development (per acre*) . . . \$480.00
Minor plats	0 to 3 acres \$ 395.00 595.00 3.1 to 10 acres \$ 605.00 805.00 10.01 to 20 acres . . . \$ 875.00 1,075.00 20.1 or greater \$ 1,410.00 1,610.00 Per lot . . . \$58.71 Per acre over 20.1 . . . \$ 110.00
<u>Planning Commission Application Fee</u>	<u>\$200.00</u>
<u>Certificate of Platting Determination</u>	<u>\$100.00</u>
<u>Tree Save Areas</u>	<u>Platting fees shall be waived for designated tree save areas meeting the provisions for tree save areas in Article V of this code.</u>
<u>BSL Replat (excludes notification fee)</u>	<u>\$200.00</u>
* * * * *	

Chapter 35, Appendix C, Section 35-C104 is amended as follows:

35-C104 Zoning Verification Fees

The department of planning will provide written verification of the zoning district classification of a property and/or compliance of site improvements with the zoning requirements upon payment of the appropriate fee(s) explained in Exhibit C.

Chapter 35, Appendix C, Section 35-C108 is amended as follows:

35-C108a Vested Rights Determination

**SG: 11-30-06 Amended
Item No. 5**

For a homestead (1 lot or less than 3 acres) a fee of one hundred sixty dollars (\$160.00) and for residential over 1 lot or 3 acres or more a fee of five hundred dollars (\$500) shall be paid for the processing of any vested rights determination pursuant to § 35-711 of this Chapter.

35-C108b Vested Rights Appeal

A fee of \$500.00 shall accompany filing of an application for an appeal of a vested rights determination to the Planning Commission. Subsequent to the Planning Commission taking action on a vested rights application the applicant may appeal the determination of the Planning Commission to the City Council by filing an application for an appeal of the Planning Commission's determination of vested rights accompanied by a fee of \$500.00.

Chapter 35, Appendix C, Sections 35-C110 is amended as follows:

35-C110 Tree Preservation Fees

The following fees are established for purposes of issuing permits or taking related actions for purposes of the tree preservation standards. All fees shall be paid prior to issuance or certification of the action taken, and shall be earmarked as provided in § 35-C101, above.

Basic Fees

	Residential	Commercial
Tree Permit	\$ 35/Lot \$ 2,000 Maximum	\$ 75/Acre
Affidavit Option 1 No Protected Trees	\$ 35/Lot \$ 1,000 Maximum	\$ 75/Acre \$ 2,000 Maximum
Plan Review Fee	\$ 75	\$ 75

Miscellaneous Fees

Tree Certification Credit	\$ 100/project & \$1/inch (Tree Mitigation Fund)
Tree Mitigation	\$ 100/inch Significant Trees (Tree Mitigation Fund) \$300/inch Heritage Trees (Tree Mitigation Fund)
Tree Maintenance License	\$ 150/Three Years (Four Hours Continuing Education)
Commencing Development without a Tree Permit-Residential	\$ 70/Lot \$ 2,000 Maximum per Development
Commencing Development without a Tree Permit-Commercial	\$ 150/Acre
Commencing Development without a Tree Permit-Small Scale Development	\$3,000 for commercial development of two (2) acres or less and residential development of ten (10) lots or less

Chapter 35, Appendix C, Section 35-C111 is amended as follows:

35-C111 Master Plan Amendments

A fee of \$ 500.00 shall be paid for any amendment of the Major Thoroughfare Plan and a fee of \$450.00 shall be paid for the processing of any master plan amendments pursuant to §35-421 of this chapter. All fees must be paid at the time the master plan amendment is submitted for review.

Chapter 35, Appendix C, Section 35-C112 is amended as follows:

35-C112 Historic Preservation Fees

Fees for applications for changes to zoning district boundaries or for any change of the zoning ordinance shall be paid in accordance with all other zoning fees.

(A) Application or Action	(B) Fee Amount
Historic Plaque Application Fee	\$ 10. 00 per plaque
Certificate of Appropriateness (post work commencement)	\$ 500.00
Historic Design & Review Commission Application (commercial projects only)	\$ 100.00
Historic Site Certification	\$ 40.00

Chapter 35, Appendix D, Section 35-D101 is amended as follows:

**Appendix D
Zoning District Conversion Matrix**

35-D101 General

(a) "1965 Zoning Districts"

The zoning districts ~~classifications~~ established by the City subsequent to June 28, 1965 and prior ~~February 4, 2002~~ to the adoption of this Chapter February 4, 2002 are referred to herein as "1965 Zoning Districts. "Application of the Zoning District Conversion Matrix shall be as follows:

- (1) **Properties that are registered.** Any property that is registered shall be subject to the following provisions:
 - A. **Registered Uses Recognized.** The implementation of the Zoning District Conversion Matrix notwithstanding, the reservation and preservation of the right to continue to use, or establish a single future use of property as was authorized by the zoning regulations in effect prior to the adoption of this Zoning District Conversion Matrix is hereby recognized provided that such property is registered with the City of San Antonio's Department of Development Services.
 - B. **Registration Process.** Registration shall be accomplished by sending notice of the legal description of the property, a description of the particular use right (such as retail sales, multi-family housing multifamily, or manufacturing) to be reserved, and the property's 1965 zoning designation (district) to the Director of Development Services by certified mail with payment of the \$50.00 registration fee. A blanket registration of all or several prior use rights shall not be accepted by the Director.
 - C. **Reserved Use.** A use registered in the manner prescribed immediately above shall be referred to as a "reserved use Use". The registration of a reserve use shall have the effect of preserving the subject property's 1965 zoning designation (district) to the extent necessary in order to

recognize the property owner's right to continue or establish the reserved use. As is the predominate rule of zoning such rights run with the land.

- D. **Rezoning.** The registration of a reserve use shall in no way preclude the initiation of a zoning case. Should a zoning case be initiated on a registered property, which is ultimately approved by the City Council, then in that case any rights derived pursuant to the registration procedures of this section shall expire and be a nullity, and the new regulations, including those relating to non-conforming rights, applicable to the new zoning shall apply.

(2) Properties that are not registered.

Any Property that is not registered shall be subject to the following provision:

Property designated as located within a "1965 Zoning District", as set forth in Column (A) of Table D 102-1, shall be deemed to be located in the zoning district classification shown in Column (C) of Table D 102-1 unless otherwise noted.

(3) Registration Period.

- A. Upon the third anniversary of the effective date of the Zoning District Conversion Matrix the right of an owner of registered property to establish a future use shall expire and be a nullity.
- B. Any property to which this Appendix D subsection (a) applies that is not registered on or before the expiration date described immediately above shall be subject to the provisions of this Appendix D subsection (a) (2).
- C. Any property to which this Appendix D subsection (a) applies that is registered on or before the expiration date described immediately above shall be subject to the provisions of this Appendix D subsection (a) (1).

(b) "1938 Zoning Districts"

The zoning districts classifications established by the City prior to June 28, 1965 are referred to herein as "1938 Zoning Districts." Application of the Zoning District Conversion Matrix shall be as follows:

(1) Properties that are registered.

Any property that is registered shall be subject to the following provisions:

- A. **Registered Uses Recognized.** The implementation of the Zoning District Conversion Matrix notwithstanding, the reservation and preservation of the right to continue to use, or establish a (06272) "single" future use of property as was authorized by the zoning regulations in effect prior to the adoption of this Zoning District Conversion Matrix is hereby recognized provided that such property is registered with the City of San Antonio's Department of Development Services.
- B. **Registration Process.** Registration shall be accomplished b sending notice of the legal description of the property, a description of the particular use right (such as retail sales, ~~multifamily~~ multi-family housing, or manufacturing) to be reserved, and the property's 1938 zoning

designation (district) to the Director of Development Services by certified mail with payment of the \$50.00 registration fee. A blanket registration of all or several prior use rights shall not be accepted by the Director.

- C. **Reserved Use.** A use registered in the manner prescribed immediately above shall be referred to as a "reserved use Use". The registration of a reserve use shall have the effect of preserving the subject property's 1938 zoning designation (district) to the extent necessary in order to recognize the property owner's right to continue or establish the reserved use. As is the predominate rule of zoning such rights run with the land.
- D. **Rezoning.** The registration of a reserve use shall in no way preclude the initiation of a zoning case. Should a zoning case be initiated on a registered property, which is ultimately approved by the City Council, then in that case any rights derived pursuant to the registration procedures of this section shall expire and be a nullity, and the new regulations, including those relating to non-conforming rights, applicable to the new zoning shall apply.

(2) Properties that are not registered.

Any Property that is not registered shall be subject to the following provision:

Property designated as located within a "1938 Zoning District", as set forth in Column (B) of Table D 102-1, shall be deemed to be located in the zoning district classification shown in Column (C) of Table D 102-1, unless otherwise noted.

(3) Registration Period.

- A. Upon the third anniversary of the effective date of the Zoning District Conversion Matrix the right of an owner of registered property to establish a future use shall expire and be a nullity.
- B. Any property to which this Appendix D subsection (a) applies that is not registered on or before the expiration date described immediately above shall be subject to the provisions of this Appendix D subsection (b) (2).
- C. Any property to which this Appendix D subsection (a) applies that is registered on or before the expiration date described immediately above shall be subject to the provisions of this Appendix D subsection (b) (1).

* * * * *

(d) Apartments in former B-1 and B-2 zoning districts

Notwithstanding any provision of this Chapter to the contrary, ~~Multifamily~~ Multi-family Dwellings developed at 33 units or less per acre are a permitted use for any tract or parcel zoned under the 1938 districts as "F", "G", & "GG", or the 1965 districts "B-1," "B-2," or "B-2NA" prior to the adoption date of this Chapter -so long as such tract is not the subject of rezoning in accordance with the provisions of this Chapter and remain within the "C-1," "C-2" or "C-2NA" zoning districts.

(e) Height limitations in former O-1 districts

Notwithstanding any provision of this Chapter to the contrary, the height limitation on any tract or parcel zoned "O-1" prior to the adoption date of Chapter shall be subject to a thirty-five (35) foot height limitation until such tract is rezoned through a public hearing.

(f) Reserved Uses Subject to Overlay Zones Restrictions

An owner of a property may not reserve a use from their 1938 or 1965 Zoning designation (district) if such use is prohibited by any existing overlay zone on that property.

(g) Multi-tenant uses

Business parks, multi-tenant buildings (with two (2) or more business tenants), shopping centers and/or regional malls that obtained their first development permit prior to February 4, 2002 shall be entitled to continue and/or incorporate into the business park, multi-tenant building (with two (2) or more business tenants), shopping centers and/or regional malls all uses previously allowed under the property's zoning district classification prior to February 4, 2002. This provision does not provide for the expansion of the building or buildings housing such uses but allows for exterior maintenance, interior finish out and applications for Certificates of Occupancy for such uses. Should a multi-tenant use undergo a zoning reclassification by public hearing after February 4, 2002 this provision would no longer apply.

(h) Legally existing manufactured homes

Manufactured homes legally existing on a lot at the date of conversion (February 4, 2002) may be replaced with a newer HUD approved manufactured home.

Chapter 35, Appendix D, Section 35-D102 is amended as follows:

35-D102 Zoning District Conversion Matrix

The following table converts the zoning district classification of land that is in one of the following zoning districts classifications to the zoning districts classifications established by this Chapter. Column (C) of Table D102-1 designates the zoning districts classifications established by Article 3 of this Chapter.

* * * * *

Chapter 35, Appendix E is amended as follows:

Appendix E: San Antonio Recommended Plant List-All Suited to Xeriscape Planting Methods

TREES				
Small: Fifteen (15) to twenty-five (25) Feet; Medium: Twenty (25) to Forty (40) Feet; Large: Forty (40) Feet and Higher (60'+)				
Common Name	Scientific Name	Height	Remarks	Shade Area
Anacacho, Orchid tree	Bauhania congesta	S-M	Semi-Evergreen, tree-shrub, white flower clusters	275
Anaqua*, Sandpaper tree	Ehretia anacua	M-L	Evergreen broadleaf; white flower clusters	875
Arizona Cypress	Cupressus arizonica	M-L	Evergreen conifer; gray green foliage; pyramidal shape	875
Texas Ash*, Green	Fraxinus sp.	M-L	Deciduous; fast growing	875

SG: 11-30-06 Amended
Item No. 5

Ash				
Ashe Juniper*	Juniperus ashei	S-M	Evergreen conifer; green foliage, females fruit	275
Bald Cypress*	Taxodium distichum	L	Deciduous conifer; fine textured foliage; fall color	1200
Black Willow*	Salix nigra	M-L	Deciduous; riparian species	875
Bur Oak*	Quercus macrocarpa	L	Deciduous; large acorns and leaves, good shade tree	1200
Carolina Buckthorn*	Rhamnus caroliniana	S-M	Semi-Evergreen; sun-shade, glossy leaves, reddish fruit	275
Cedar Elm*	Ulmus crassifolia	M-L	Deciduous; narrow canopy, good shade tree for R.O.Ws	875
Chinquapin Oak*	Quercus muhlenbergii	M-L	Deciduous; round-topped tree; bold foliage	875
Condalia, Brazil Tree, Bluewood Condalia*	Condalia hookeri, C. viridis	S-M	Evergreen; delicate foliage; very drought tolerant; sun-shade, good shade tree	275
Cottonwood*	Populus deltoides	L+	Deciduous; large leaves, females fluffy seeds	1200
Crabapple, Texas*	Mollis texana	S-M	Deciduous, full to partial sun, spring flowering tree	275
Desert Willow*	Chilopsis linearis	S	Deciduous; pink tubular flowers; willow-like foliage, very drought tolerant	n/a
Deodar Cedar	Cedrus deodara	L	Evergreen; spreading pyramidal shape	1200
Ebony, Texas*	Pithecellobium flexicaule	S	Evergreen; sun; white flowers	n/a
Escarpment Black Cherry*	Prunus serotina var. eximia	M-L	Deciduous; sun to shade; fall foliage	875
Eve's Necklace*	Sophora affinis	M-L	Deciduous; sun-shade; white to pink flowers	875
Goldenball Lead Tree*	Leucaena retusa	S-M	Deciduous; delicate foliage; fragrant yellow flowers	275
Hackberry*	Celtis spp.	M-L	Deciduous; prolific; wildlife favorite	875
Honey Locust	Gleditsia triacanthos	M	Deciduous; thornless varieties available	550
Huisache*	Acacia farnesiana	M	Deciduous; delicate foliage; fragrant yellow flowers	550
Kidneywood*	Eysenhardtia polystachya	S	Deciduous; delicate tree-shrub; fragrant white flowers	n/a
Lacy Oak*	Quercus laceyi	M	Deciduous; sun-partial shade; hill county native, good shade tree	550
Live Oak*	Quercus virginiana	M-L	Evergreen-like; good shade tree	875
Mesquite*	Prosopis glandulosa	S-M	Deciduous; lacy spreading form	275
Monterrey Oak	Quercus polymorpha	S-M	Evergreen-like; good shade tree	875
Mexican Buckeye*	Ungnadia speciosa	S	Deciduous; pink-red spring flowers	n/a
Pecan*	Carya illinoensis	L+	Deciduous; needs lots of space; sensitive to root impact	1200
Persimmon, Texas*	Diospyros texana	S-M	Deciduous; sun-shade, smooth bark; females has black pulpy fruit	275
Plum, Mexican*	Prunus mexicana	S	Deciduous; sun to shade; white flowers, fruit	n/a
Possum Haw*	Ilex decidua	S-M	Deciduous; sun-shade; female has red fruit	275

**SG: 11-30-06 Amended
Item No. 5**

Retama, Paloverde*	Parkinsonia texana	S-M	Deciduous; fast growing, yellow flowers	275
Red Oak, Shumard*	Shumard Quercus shumardii	L	Deciduous; fall color, good shade tree	1200
Red Oak, Texas*	Quercus texana	M	Deciduous; fall color, good shade tree	550
Redbud, Texas, Oklahoma, Mexican*	Cercis canadensis var texana	S-M	Deciduous; sun-shade, red/pink or white flowers	275
Rusty Blackhaw*	Viburnum rufidulum	S	Deciduous; fall color, white flower clusters	n/a
Silk-tassle*	Garrya ovata	S	Evergreen; sun-shade	n/a
Spiny Hackberry*	Celtis pallida	S	Evergreen; greenish white flowers, yellow orange fruit	n/a
Sycamore, Mexican	Platanus mexicana	L+	Deciduous; large leaves, good shade tree	1200
Sycamore, Texas*	Platanus glabrata	L+	Deciduous; large leaves, good shade tree	1200
Texas Mountain Laurel*	Sophora secundiflora	S	Evergreen, part shade to full sun; fragrant purple flowers	n/a
Texas Pistache*	Pistacia texana	S	Semi-Evergreen; full sun to part-shade; red fruit	n/a
Wafer Ash, Hop tree*	Ptelea trifoliata	S	Semi-Evergreen; sun-shade; light green foliage	n/a
Western Soapberry*	Sapindus drummondii	M-L	Deciduous; full to partial sun; good shade tree, cluster large yellow flowers	875
Wild Olive*	Cordia boissiereri	S-M	Semi-Evergreen; large white flowers, hardy to ~14°F	275
Vitex, Chaste Tree, False Hemp Tree, Lavender Tree*	Vitex agnus-castus	S-M	Deciduous; purple, pink, or white flower spikes	275
Yaupon Holly*	Ilex vomitora	S-M	Evergreen; sun-shade; female has red fruit	275

*** = Texas Native**

SECTION 2. Chapter 35 of the City Code of San Antonio, Texas is hereby amended by changing the term “rowhouse” to “townhouse throughout the Chapter. This section applies to all the provisions of Chapter 35 including those contained in Section 1 above.

SECTION 3. All other provisions of Chapter 35 of the City Code of San Antonio, Texas shall remain in full force and effect unless expressly amended by this ordinance.

SECTION 4. Should any Article, Section, Part, Paragraph, Sentence, Phrase, Clause, or Word of this ordinance, for any reason be held illegal, inoperative, or invalid, or if any exception to or limitation upon any general provision herein contained be held to be unconstitutional or invalid or ineffective, the remainder shall, nevertheless, stand effective and valid as if it had been enacted and ordained without the portion held to be unconstitutional or invalid or ineffective.

SG: 11-30-06 Amended
Item No. 5

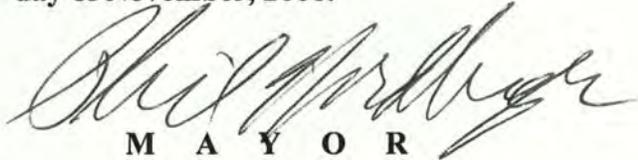
SECTION 5. Notice of these changes to the Unified Development Code shall not require the publication in an official newspaper of general circulation in accordance with Chapter 35, Article IV, Division 1, Table 403-1.

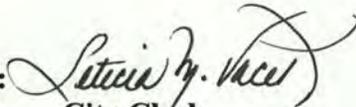
SECTION 6. The publishers of the City Code of San Antonio, Texas are authorized to amend said Code to reflect the changes adopted herein and to correct typographical errors and to format and number paragraphs to conform to the existing code.

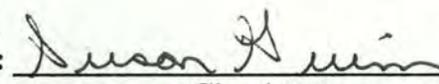
SECTION 7. The City Clerk is directed to publish notice of these amendments to Chapter 35, Unified Development Code of the City Code of the City of San Antonio, Texas. Publication shall be in an official newspaper of general circulation in accordance with Section 17 of the City Charter.

SECTION 8. This ordinance shall become effective January 1, 2007.

PASSED AND APPROVED this 30th day of November, 2006.


M A Y O R

ATTEST: 
City Clerk

APPROVED AS TO FORM: 
for City Attorney

Agenda Voting Results

Name: 5. To deny Pac 3

Date: 11/30/06

Time: 03:38:55 PM

Vote Type: Multiple selection

Description:

Voter	Group	Status	Yes	No	Abstain
ROGER O. FLORES	DISTRICT 1		x		
SHEILA D. MCNEIL	DISTRICT 2		x		
ROLAND GUTIERREZ	DISTRICT 3	Not present			
RICHARD PEREZ	DISTRICT 4	Not present			
PATTI RADLE	DISTRICT 5		x		
DELICIA HERRERA	DISTRICT 6		x		
ELENA K. GUAJARDO	DISTRICT 7			x	
ART A. HALL	DISTRICT 8		x		
KEVIN A. WOLFF	DISTRICT 9		x		
CHIP HAASS	DISTRICT_10		x		
MAYOR PHIL HARDBERGER	MAYOR		x		

Agenda Voting Results

Name: 5. Motion to continue except items CM Radle

Date: 11/30/06

Time: 03:38:20 PM

Vote Type: Multiple selection

Description:

Voter	Group	Status	Yes	No	Abstain
ROGER O. FLORES	DISTRICT 1		x		
SHEILA D. MCNEIL	DISTRICT 2			x	
ROLAND GUTIERREZ	DISTRICT 3	Not present			
RICHARD PEREZ	DISTRICT 4	Not present			
PATTI RADLE	DISTRICT 5		x		
DELICIA HERRERA	DISTRICT 6			x	
ELENA K. GUAJARDO	DISTRICT 7		x		
ART A. HALL	DISTRICT 8			x	
KEVIN A. WOLFF	DISTRICT 9			x	
CHIP HAASS	DISTRICT_10			x	
MAYOR PHIL HARDBERGER	MAYOR		x		

Agenda Voting Results

Name: 5. To approve Pac 2

Date: 11/30/06

Time: 03:36:09 PM

Vote Type: Multiple selection

Description:

Voter	Group	Status	Yes	No	Abstain
ROGER O. FLORES	DISTRICT 1		x		
SHEILA D. MCNEIL	DISTRICT 2		x		
ROLAND GUTIERREZ	DISTRICT 3	Not present			
RICHARD PEREZ	DISTRICT 4	Not present			
PATTI RADLE	DISTRICT 5		x		
DELICIA HERRERA	DISTRICT 6		x		
ELENA K. GUAJARDO	DISTRICT 7		x		
ART A. HALL	DISTRICT 8		x		
KEVIN A. WOLFF	DISTRICT 9		x		
CHIP HAASS	DISTRICT_10		x		
MAYOR PHIL HARDBERGER	MAYOR		x		

Agenda Voting Results

Name: 5. Pac 2 amendment CM Wolff

Date: 11/30/06

Time: 03:35:49 PM

Vote Type: Multiple selection

Description:

Voter	Group	Status	Yes	No	Abstain
ROGER O. FLORES	DISTRICT 1		x		
SHEILA D. MCNEIL	DISTRICT 2		x		
ROLAND GUTIERREZ	DISTRICT 3	Not present			
RICHARD PEREZ	DISTRICT 4	Not present			
PATTI RADLE	DISTRICT 5		x		
DELICIA HERRERA	DISTRICT 6		x		
ELENA K. GUAJARDO	DISTRICT 7			x	
ART A. HALL	DISTRICT 8		x		
KEVIN A. WOLFF	DISTRICT 9		x		
CHIP HAASS	DISTRICT_10		x		
MAYOR PHIL HARDBERGER	MAYOR		x		

Agenda Voting Results

Name: 5. To approve Pac 1

Date: 11/30/06

Time: 03:18:41 PM

Vote Type: Multiple selection

Description:

Voter	Group	Status	Yes	No	Abstain
ROGER O. FLORES	DISTRICT 1		x		
SHEILA D. MCNEIL	DISTRICT 2		x		
ROLAND GUTIERREZ	DISTRICT 3	Not present			
RICHARD PEREZ	DISTRICT 4	Not present			
PATTI RADLE	DISTRICT 5		x		
DELICIA HERRERA	DISTRICT 6		x		
ELENA K. GUAJARDO	DISTRICT 7		x		
ART A. HALL	DISTRICT 8		x		
KEVIN A. WOLFF	DISTRICT 9		x		
CHIP HAASS	DISTRICT_10		x		
MAYOR PHIL HARDBERGER	MAYOR		x		

Affidavit of Publisher

PUBLIC NOTICE

AN ORDINANCE
2006-11-30-1333

AMENDING CHAPTER 35, UNIFIED DEVELOPMENT CODE, OF THE CITY CODE OF SAN ANTONIO, TEXAS BY MAKING MINOR AND MAJOR AMENDMENTS; ESTABLISHING PENALTIES; AND PROVIDING FOR PUBLICATION.

PASSED AND APPROVED this the 30th day of November, 2006.

/s/PHIL HARDBERGER
Mayor

ATTEST:
/s/ LETICIA M. VACEK
City Clerk
12/5

STATE OF TEXAS
COUNTY OF BEXAR
S.A. - CITY CLERK

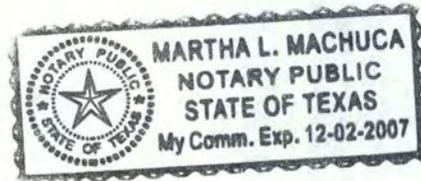
Before me, the undersigned authority, on this day personally appeared Helen I. L. by me duly sworn, says on oath that she is Publisher of the Commercial Recorder, a newspaper of general circulation in the City of San Antonio, in the State and County aforesaid, and that the Ordinance 2006-11-30-1333 here to attached has been published in every issue of said newspaper on the following days, to wit:

12/05/2006.

Helen I. Lutz

Sworn to and subscribed before me this 5th day of of December, 2006.

Martha L. Machuca



MEETING OF THE CITY COUNCIL

lack ordinance needs to be revised

5

AGENDA ITEM NUMBER: _____
DATE: NOV 30 2005

MOTION/SECOND: _____
ORDINANCE NUMBER: 2006-11-30-1333

RESOLUTION NUMBER: _____

ZONING CASE NUMBER: _____

TRAVEL AUTHORIZATION: _____

ALAMODOME
ASSET MANAGEMENT
AVIATION
CITY ATTORNEY
MUNICIPAL COURT
REAL ESTATE
REAL ESTATE (WOOD)
RISK MANAGEMENT
CITY MANAGER
SPECIAL PROJECTS
CODE COMPLIANCE
COMMERCIAL RECORDER
COMMUNITY INITIATIVES
CONVENTION AND VISITORS BUREAU
CONVENTION CENTER EXPANSION OFFICE
CONVENTION FACILITIES
CONTRACT SERVICES
COUNCIL OFFICES
CULTURAL AFFAIRS
CUSTOMER SERVICE/311 SYSTEM
DEVELOPMENT SERVICES
HOUSE NUMBERING
LAND DEVELOPMENT SERVICES
TRAFFIC & DRAINAGE PLAN REVIEW
ECONOMIC DEVELOPMENT
ENVIRONMENTAL SERVICES
SOLID WASTE
EXTERNAL RELATIONS
PUBLIC INFORMATION OFFICE
FINANCE - DIRECTOR
FINANCE - ASSESSOR
FINANCE - CONTROLLER
FINANCE - GRANTS
FINANCE - TREASURY
FIRE DEPARTMENT
HOUSING AND COMMUNITY DEVELOPMENT
HUMAN RESOURCES (PERSONNEL)
INFORMATION SERVICES
INTERNAL REVIEW
INTERNATIONAL AFFAIRS
LIBRARY
MANAGEMENT & BUDGET (OFFICE OF) OMB
MAYOR'S OFFICE
METROPOLITAN HEALTH DISTRICT
MUNICIPAL CODE CORPORATION
MUNICIPAL COURT
NEIGHBORHOOD ACTION
PARKS AND RECREATION
MARKET SQUARE
YOUTH INITIATIVES
PLANNING DEPARTMENT - NEIGHBORHOOD PLNG; URBAN DESIGN/HISTORIC PRESERVATION
DISABILITY ACCESS OFFICE
POLICE DEPARTMENT
GROUND TRANSPORTATION
PUBLIC UTILITIES
PUBLIC WORKS DIRECTOR
CAPITAL PROJECTS
CENTRAL MAPPING
ENGINEERING
PARKING DIVISION
REAL ESTATE DIVISION
TRAFFIC ENGINEERING
PURCHASING AND GENERAL SERVICES
SAN ANTONIO WATER SYSTEMS (SAWS)
VIA

NAME	ROLL	AYE	NAY
ROGER O. FLORES District 1			
SHEILA D. MCNEIL District 2			
ROLAND GUTIERREZ District 3		<i>absent</i>	
RICHARD PEREZ District 4		<i>absent</i>	
PATTI RADLE District 5			
DELICIA HERRERA District 6			
ELENA GUAJARDO District 7			
ART A. HALL District 8			
KEVIN A. WOLFF District 9			
CHRISTOPER "CHIP" HAASS District 10			
PHIL HARDBERGER Mayor			

*Hall
Wolff - To approve Pac 1
as rec. by staff and APPROVED
provide for max. fine.*

*McNeil/Hall - To approve Pac 2
Amendment 1 by CCM Wolff regarding
max. fine w/ instructions to C.A.
to bring said item back by Dec. 14, '06*

McNeil/Hall - To deny Pac # 3.