JAK
04/04/2002
Item 34

AN ORDINANCE 95573

AMENDING CHAPTER 35 OF THE CITY CODE OF SAN ANTONIO (UNIFIED DEVELOPMENT CODE) AS RECOMMENDED BY THE PLANNING AND ZONING COMMISSIONS: AMENDMENT "A" – REPLACING VARIOUS UNIFIED DEVELOPMENT CODE (UDC) SECTIONS PERTAINING TO FLOODPLAIN ADMINISTRATION WITH CROSS-REFERENCES TO APPENDIX F; AMENDMENT "B" – REENACTING A PROVISION FROM THE FORMER UDC THAT PERMITS THE MOVING AND RELOCATION OF BUILDINGS AND STRUCTURES; AMENDMENT "C" – REVISING SETBACK PROVISIONS FOR REVERSE CORNER LOTS SUCH THAT THE SIDE SETBACK ADJACENT TO THE STREET WILL NOT HAVE TO MEET THE FRONT SETBACK FOR THE LOT TO THE REAR; AMENDMENT "D" – ADDING CLARIFICATION TO ADDRESS ANCILLARY OR ACCESSORY USES IN THE "O-1" AND "O-2" OFFICE ZONING DISTRICTS; AMENDMENT "E" – CORRECTING TYPOGRAPHICAL ERRORS IN TABLE 311-1 RELATIVE TO THE RESOURCE PROTECTION ("RP") RESIDENTIAL ZONING DISTRICT, INCLUDING RELABELING A COLUMN HEADING AND ADDING A ONE-FAMILY DETACHED DWELLING AS A PERMITTED USE IN THE "RP" ZONING DISTRICT; AMENDMENT "F" – CORRECTING TYPOGRAPHICAL ERRORS IN THE BED AND BREAKFAST SECTION OF THE UDC, INCLUDING ADJUSTING THE NUMBER OF GUEST ROOMS PERMITTED PER ESTABLISHMENT IN EACH ZONING DISTRICT AND ADDING BED AND BREAKFASTS AS A PERMITTED USE IN MULTIFAMILY ZONING DISTRICTS; AMENDMENT "G" – ADDING DETAILED DESIGN SPECIFICATIONS FOR IRRIGATION SYSTEMS IN AREAS WHERE SAN ANTONIO WATER SYSTEM IS THE SERVICE PROVIDER; AMENDMENT "H" – DELETING AMBIGUOUS LANGUAGE REGARDING THE SCOPE OF NEIGHBORHOOD, COMMUNITY, AND PERIMETER PLANS THAT ARE RECOGNIZED AS COMPONENTS OF THE CITY'S MASTER PLAN TO PROVIDE CONSISTENCY BETWEEN ZONING AND THE MASTER PLAN IN ACCORDANCE WITH CHAPTER 211 OF THE LOCAL GOVERNMENT CODE, AND CORRECTING THE DATE OF ADOPTION OF THE SOUTH CENTRAL SAN ANTONIO COMMUNITY PLAN TO REFLECT THE DATE AT WHICH THE CITY COUNCIL OFFICIALLY

ADOPTED IT IN 1999; AMENDMENT "I" – CORRECTING THE SUBMITTAL REQUIREMENTS FOR REZONING WITH A SPECIFIC USE PERMIT BY DELETING THE REQUIREMENT TO SUBMIT A STORMWATER MANAGEMENT PLAN; AND PROVIDING FOR NOTIFICATION.

* * * * *

WHEREAS, the San Antonio City Council adopted the revised Unified Development Code (UDC) on May 3, 2001; and

WHEREAS, it was anticipated that in the adoption of the revised UDC, a methodology would be necessary to address errors, omissions and implementation difficulties, resulting in the creation of the Unified Development Code Technical Advisory Committee (UDCTAC) to recommend substantive and procedural changes of the revised UDC to the City Council; and

WHEREAS, the UDCTAC has recommended that 9 amendments be made to the UDC; and

WHEREAS, the amendments pertaining to zoning issues have been approved by the Zoning Commission; and

WHEREAS, the amendments pertaining to planning issues have been approved by the Planning Commission; **NOW THEREFORE**,

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

SECTION 1. Amendment "A"

Chapter 35 Article IV, Division 6, Section 35-460 through 35-466 is hereby amended by deleting the language that is stricken (~~deleted~~) to the existing text of said section as follows:

~~Division 6 Floodplain Development Permits~~

~~35-460 Floodplain Administrator~~

~~The office of the City Floodplain Administrator is established in § 35-806 of this Chapter.~~

~~35-461 Floodplain Permits~~

~~(a) Applicability~~

~~No structure or land in an area of special flood hazard shall hereafter be located, altered, have its use changed, or otherwise be developed unless a floodplain development permit has been issued, pursuant to the terms of this Chapter. Where construction of structures in a floodplain is allowed by the director of public works, a floodplain development permit shall be required to ensure conformance with the provisions of this division. In addition, all proposed land development in any area of special flood hazard shall be required to have a floodplain development permit.~~

~~(b) Initiation~~

~~Application for a floodplain development permit shall be presented to the director of public works, on a form furnished by him, prior to any development. Application for a floodplain development permit for a proposed subdivision may be presented prior to or in conjunction with other data required for the platting process. For platting purposes, a floodplain development permit shall serve only as an approval of the floodplain ordinance requirements. No cut/or fill, building, or other site alterations shall proceed until the permit is approved. The permit application shall be accompanied by supporting data prepared by a licensed professional civil engineer in the State of Texas. Data required by Appendix B to this chapter, must accompany all floodplain development permit applications except building renovation, reconstruction and restoration.~~

~~(c) Completeness Review.~~

~~The Floodplain Administrator shall review the application for a floodplain development permit for completeness in accordance with § 35-402 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.~~

~~If a floodplain development permit application is disapproved, the director of public works shall notify the applicant in writing of the section and specific requirement of this division with which the proposed development does not comply and the nature of such noncompliance.~~

~~(e) Approval Criteria.~~

~~(1) Approval or denial of a floodplain development permit by the director of public works shall be based on all of the provisions of § 35-505 and the following relevant factors:~~

~~A. The danger to life and property due to flooding or erosion damage; velocities in excess of six (6) feet per second shall be considered erosive~~

~~and the product of the velocity times the depth of flow in excess of that shown as within the "safe range" by Exhibit D shall be considered dangerous to life.~~

~~B. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner.~~

~~C. The danger that materials may be swept onto other lands to the injury of others~~

~~D. The impact the development may have on the overall function of the storm water facilities and the impact on properties in its own and connecting watersheds. This may include but not be limited to changes in discharges as a result of changes in impervious cover, velocity, storage, creek roughness, etc.~~

~~E. The safety of access to the property in times of flood for ordinary and emergency vehicles; flow depths for access shall not be greater than one (1) foot for proposed subdivisions or buildings.~~

~~F. The cost of providing governmental services during and after flooding conditions.~~

~~G. The expected heights, velocity, duration, rate of rise and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the sites shall be analyzed.~~

~~H. The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;~~

~~I. The relationship for the proposed use to the comprehensive plan for that area, with respect to the dedication of additional drainage easement for future bond projects, in accordance with these subdivision regulations.~~

~~(2) If a flood plain development permit application is disapproved, the director of public works shall notify the applicant in writing of the section and specific requirement of this division with which the proposed development does not comply and the nature of such noncompliance.~~

~~(3) When there is a change in the alignment, width, or elevation of a floodplain identified on a flood insurance rate map, then a conditional letter of map revision CLOMR, or letter of map revision (LOMR) if no improvements are proposed in the floodplain, must be submitted to the Federal Emergency Management Agency prior to approval of the plat. If improvements are proposed in the floodplain the CLOMR must be approved by FEMA and the LOMR submitted to FEMA prior to acceptance of the construction by the city. A hold will be placed on all building permits for lots in a floodplain until FEMA has approved the LOMR or a performance bond is issued per Section 35-463.~~

~~*(f) Subsequent Applications.*~~

~~Not applicable.~~

~~(g) Amendments~~

~~A floodplain development permit shall be amended in the same manner as the approval of the original application.~~

~~(h) Scope Of Approval.~~

~~Proposed work must be started within twelve (12) months of the date of approval of a floodplain development permit or the approval of the plat, whichever occurs later, otherwise the permit will become null and void. The permit shall remain valid for twelve (12) months from start of construction, at which time the permit shall become null and void. The permit shall be automatically renewed for an additional six (6) month period, upon the request of the Applicant, so long as construction has not been discontinued and is continuing in good faith. A new permit shall be required to continue work. Regardless of the above, the floodplain permit shall remain active as long as a viable performance bond provided by the developer/owner remains in effect.~~

~~When there is a change in the alignment, width, or elevation of a floodplain identified on a flood insurance rate map, then a conditional letter of map revision (LOMR) issued by the Federal Emergency Management Agency shall be required prior to acceptance of the construction by the city.~~

~~(i) Recording Procedures~~

~~A floodplain development permit need not be recorded, but shall be maintained by the Applicant on the premises.~~

~~35-462 Enforcement.~~

~~See § 35-495 of this Article.~~

~~35-463 Performance bond.~~

~~(a) All proposed drainage improvements to be made within the limits of the area of special flood hazard as set forth in section 35-505(f), shall require a performance bond which shall be filed with the city clerk, after the approval of the flood plain development permit. An exception to this requirement is made for improvements being made in conjunction with the platting of a subdivision under the requirements of this chapter.~~

~~(b) A performance bond may be issued for the Letter of Map Revision submittal in order to release the hold on the lot building permits. This bond shall be in the amount of the current fees required by FEMA for LOMR review plus $1,000.~~

~~(c) A performance bond will be executed by a surety company, licensed to do business in the State of Texas, in an amount equal to the cost estimate, such cost estimate to include an inflation factor based upon a locally recognized construction cost index, as approved by the director of public works, of all uncompleted and unaccepted improvements required by these regulations, with the condition that the developer shall complete such improvements and have them approved by the director of public works, within three (3) years from the date of approval of the flood plain development permit.~~

~~(d) The performance bond shall be substantially in the same form as the bond instrument set out in Exhibit D of this chapter. The director of public works is authorized to sign the bond instrument on behalf of the city of San Antonio, and the city attorney shall approve the same as to form.~~

~~35-464 Variance procedures.~~

~~(j) Applicability~~

~~The provisions of this Section shall apply to any request for a variance from the Floodplain Development Standards. Variances, without regard to the procedures set forth in the remainder of this section, may be issued for the reconstruction, rehabilitation, or restoration of structures listed on the National Register of Historic Sites and Places or the Texas State Historic Survey List.~~

~~(k) Initiation~~

~~A request for a variance shall be submitted to the Planning Director.~~

~~(l) Completeness Review.~~

~~The Floodplain Development Administrator shall review the application for a variance in accordance with § 35-402 of this Chapter. The Appellate Agency for purposes of completeness review (see § 35-402(c) of this Chapter) shall be the Planning Commission.~~

~~(m) Decision.~~

~~The director of planning shall notify the director of public works of the applicant's request for variance and shall furnish him with copy of the request together with the applicant's statement of facts which he feels warrant the granting of the variance. The director of public works shall reply in writing as to his evaluation of the applicant's request and make a recommendation as to approval or denial of the variance request.~~
~~The planning commission shall consider requests for variances from the requirements of the Floodplain Development Standards. The director of planning shall notify the director~~

~~of public works of the decision of the planning commission. If the commission approves the request, the permit will be issued with the variance and with any special conditions that are attached to the variance. Upon consideration of the factors noted above and the intent of this ordinance, the planning commission may attach such conditions to the granting of variances as it deems necessary to further the purpose and objectives stated in § 35-505 of this Chapter. Variance requests shall be processed as follows:~~

~~***(n) Cut and/or fill, building, building permits, or establishment of a mobile home site***~~

~~For cut and/or fill, building, building permits, or establishment of a mobile home site, the applicant shall present the disapproved permit to the director of planning together with information as to why the variance should be granted. The commission will then hear the request as soon as practical.~~

~~***(o) Subdivision plats***~~

~~For subdivision plats, the applicant may submit the disapproved permit and the request for variance prior to plat submission or in conjunction with other data required for the platting process. This request shall be handled similar to subsection (1) above. If the applicant chooses to submit the disapproved permit as part of the plat submission process, then the variance request shall be handled similar to other variances requested under § 35-483, except that criteria for the floodplain variance shall be governed by this section.~~

~~***(p) Appeals***~~

~~Any person or persons aggrieved by the decision of the planning commission may appeal such decision in the courts of competent jurisdiction.~~

~~***(q) Approval Criteria.***~~

~~Variances may be granted by the commission only upon a finding that:~~

~~(1) The variance is the minimum necessary, considering the flood hazard, to afford relief;~~

~~(2) There is good and sufficient cause;~~

~~(3) Failure to grant the variance will result in exceptional hardship to the applicant; and~~

~~(4) The variance will not result in increased flood heights that cause an additional threat to public safety, result in extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.~~

~~(r) Subsequent Applications.~~

~~In the case of disapproval of an application for a variance by the Planning Commission, a new application for a variance for the same work shall not be resubmitted for consideration until one year has elapsed from the date of disapproval unless the indicated changes in the plans and specifications required to meet the conditions have been incorporated into the new application. The planning commission, by eight (8) affirmative votes, may waive the aforementioned time limitation if the application presents new substantial evidence. If such waiver is granted, a new application shall be filed with the director.~~

~~(s) Amendments~~

~~A floodplain variance shall be amended in the same manner as the approval of the original application.~~

~~(t) Scope Of Approval.~~

~~Any applicant to whom a variance or variances are granted shall be given written notice of the specific parts of the Floodplain Ordinance for which variances were granted and that the cost of flood insurance will be commensurate with the increased risk resulting from the granting of the variance.~~

~~(u) Recording Procedures~~

~~The director of public works shall maintain a record of all actions involving an appeal and shall report variances to the Federal Emergency Management Agency upon request.~~

~~35-465 Continuing obligations.~~

~~Drawings and other material or criteria submitted to the director of public works in applying for such permit shall, upon approval and issuance of such a permit, be a part of a condition and term of such permit. In addition, all standards and requirements of this division and all factors listed in this division as relevant in approving or denying such permit shall be a part of such a permit and a condition and term of such a permit. In addition to named materials required to be submitted in applying for such a permit, the director of public works may require additional submission in order to verify whether such a permit should be issued. The conditions and terms shall constitute a continuing obligation upon all future occupants or users of the land to the extent same are applicable after development has been completed.~~

~~35-466 Letter of Map Revision~~

~~If a letter of map revision (LOMR) is required in conjunction with the plat, an additional guarantee of performance in the amount equal to the cost to prepare the LOMR submittal (including FEMA review fees) or an amount of one thousand dollars ($1,000), whichever is more, shall be required to ensure the engineering data necessary for the LOMR to be completed.~~

Chapter 35 Article IV, Division 11, Section 35-495 is hereby amended by deleting the language that is stricken (~~deleted~~) to the existing text of said section as follows:

~~35-495 Violations of Floodplain Development Regulations~~

~~(v) Generally~~

~~If any person violates any provisions of these regulations, the City Floodplain Administrator shall notify the city attorney and direct him to take whatever action is necessary to remedy the violation, including but not limited to, filing suit to enjoin the violation and submitting a request to FEMA for denial of flood insurance.~~

~~(w) Notice of Violation~~

~~(x) Generally~~

~~Whenever the floodplain administrator receives information of the existence of a floodplain violation, the floodplain administer shall serve the owner of the property with a written notice informing the owner of such condition, directing that action be initiated to bring the property into compliance and advising the owner that he or she must respond in person to the floodplain administrator or authorized representative within fifteen (15) days of receipt of the notice.~~

~~(y) Service - Generally~~

~~Such notice may be served by personal delivery to the owner if he can be located within the city limits, but if he cannot be so located or served after reasonable effort, notice may be served by certified letter addressed to such owner at his post office address, but if such address cannot be ascertained after reasonable effort, notice may be served by publication two (2) times within ten (10) consecutive days in a newspaper of general circulation published in the city. In the case of community property, service upon either the husband or the wife shall be deemed sufficient notice hereunder.~~

~~(z) Service - Corporation~~

~~If the owner is a corporation, service may be made by delivery of same to any office or place of business of such corporation or any officer of the corporation if such office, place of business or officer can be located within the city limits; but if such office, place of business, or officer cannot be so located after reasonable effort, service may be made by certified letter addressed to its corporate headquarters post office address; but if such address cannot be ascertained after reasonable effort, the notice may be served by publication two (2) times within ten (10) consecutive days in a newspaper of general circulation published in the city.~~

~~*(aa) Service by Publication*~~

~~Whether delivered personally, by mail, or by publication, the notice provided for above shall be addressed to the owner, but if the owner is not known, service may be had by publication addressed "To the owner of (legal description of the property involved)." The notice shall give the legal description of the property, state the condition which constitutes a violation hereof, and shall state that upon failure of the owner to take approved steps toward compliance within fifteen (15) days from date the notice is delivered or within fifteen (15) days from date of the second publication, if notice is to be served by publication, a criminal complaint may be filed in the municipal court of the city for violation of this chapter, stating the penalties for violation hereof as given below.~~

~~*(bb) Remediation*~~

~~*(cc) Generally*~~

~~The city may also cause the work necessary to bring any property into compliance herewith to be done, if the owner has failed to respond as set forth in subsection (b) above within fifteen (15) days from the date notice has been received or published, and to charge the owner for the costs incurred by the city. A statement of the costs incurred by the city to abate such condition shall be mailed to the owner of such premises if the owner and mailing address are known and, if not known, may be published in a newspaper of general circulation in the city. The statement shall demand payment within thirty (30) days from the date of receipt or publication.~~

~~*(dd) Failure to Pay*~~

~~If such statement has not been paid within such period, and if such work was further accomplished because the director of the department of health certified that such work was required to abate an unwholesome or unsanitary condition described in Chapter 342 of the Health and Safety Code, V.A.T.S., then the floodplain administrator may cause a statement of the expenses incurred to abate and correct such condition on the premises to be filed with the county clerk of the county in the deed records, and such statement shall be and the city shall have a privileged lien upon the lot, parcel, or tract of land upon which such expenses were incurred, second only to tax liens and liens for street~~

~~improvement, together with ten (10) percent interest per annum on the delinquent amount from the date such payment was due. For any such expenditures and interest as aforesaid, suit may be instituted and foreclosure had in the name of the city; and the statement so made as aforesaid, or a certified copy thereof, shall be prima facie proof of the amount expended in any such work.~~

~~*(ee) Large Trees*~~

~~Although large trees are not covered hereby, and are not felt to be a nuisance or a hazard, it may be necessary at times to remove trees or parts thereof in order for the city crews or city contractors to affect entry of mowing or clearing equipment to property or portions of property not meeting standards established in this division. In such case, the removal of such trees or parts thereof as is found necessary shall be done and is hereby authorized and the cost of this work shall be included in the cost charged to the owner.~~

~~*(ff) Options.*~~

~~*(gg) Options Available*~~

~~The following options are available to an owner of property in violation of the requirements of this Section.~~

- ~~The owner may cause all work, improvements, and grading performed in violation of this Section to be restored to the natural state. Proof of compliance must be provided in the form of a certification signed by a registered professional engineer or surveyor to the effect that the property in question has been restored as nearly as possible to its natural state.~~

- ~~The owner may lease all or a portion of the work, improvements, and grading performed in violation of this division and seek approval of a floodplain development permit by the floodplain administrator. Data presented with the permit application must demonstrate the compliance of any remaining improvements with this division.~~

~~*(hh) Time for Compliance*~~

~~Each of the above options shall require a series of steps to be completed by the property owner at time intervals approved by the floodplain administrator. During the initial meeting set forth in subsection (b)(1) above, these options shall be discussed. Thereafter the owner shall have fifteen (15) days to decide which option to pursue and provide a schedule of steps with completion dates necessary to rectify the violation. Upon failure of the owner to comply with these requirements or to complete the steps according to the schedule approved by the floodplain administrator, the city may choose to pursue the remedies set forth in subsections (b) or (c).~~

~~*(ii) Time Periods*~~

~~Each violation shall be considered on an individual basis. The time period for each step shall be approved by the floodplain administrator on the basis of hardship to the owner and danger to residents and citizens. The maximum time period allowed under any circumstances to perform all work necessary to bring a violation into compliance with the requirements of this division is six (6) months.~~

~~(jj) Reporting violations, other remedies.~~

~~Violations of the Floodplain Ordinance (§ 35-505 of this Chapter and Division 6 of this Article) shall be reported by the city floodplain administrator as set out herein. Any person who fails to comply with these regulations is guilty of a misdemeanor. In addition to the other remedies provided by law, the city council may institute appropriate action to abate violations of these regulations as a public nuisance and in violation of Chapter 35.~~

Chapter 35 Article V, Division 2, Section 35-505 is hereby amended by deleting the language that is stricken (~~deleted~~) to the existing text of said section as follows:

~~35-505 Floodplains~~

~~*Design Criteria outlined in Section 35-504 Storm Water Management are incorporated in this division.*~~

~~(kk) Title, duties of officials.~~

~~The provisions of this Section, Article 4, Division 6 (floodplain permit procedures), § 35-806 (floodplain administrator), and § 35-495 (violations of floodplain ordinance) of this Chapter, including the definitions in Appendix "A" of this Chapter which pertain to floodplains, shall be known as and may be cited as the city's Floodplain Ordinance, and all officials of the city having duties under these regulations are ordered and directed to perform such duties as required of them under these regulations.~~

~~Findings of fact.~~

~~(1) The flood hazard areas of San Antonio are subject to periodic inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, and extraordinary public expenditures for flood protection and relief, all of which adversely affect the public health, safety and general welfare.~~

~~(2) These flood losses are created by the cumulative effect of obstructions in floodplains which cause an increase in flood heights and velocities, and by the occupancy of flood hazard areas by uses vulnerable to floods and hazardous to other lands because they are inadequately elevated, floodproofed, or otherwise protected from flood damage.~~

~~Statement of purpose.~~

~~The purpose of this division is to promote land use controls necessary to qualify the city for flood insurance under requirements of the National Flood Insurance Act of 1968 with provisions designed:~~

~~(1) To protect human life and property exposed to the hazards of flooding;~~
~~(2) To avoid increasing flood levels or flood hazards or creating new flood hazards areas;~~
~~(3) To minimize public and private property losses due to flooding;~~
~~(4) To preserve the natural floodplains where at all possible;~~
~~(5) To ensure that potential property owners are notified if property is in a special flood hazard area;~~
~~(6) To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;~~
~~(7) To minimize prolonged business interruptions;~~
~~(8) To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets, and bridges located in special flood hazard areas;~~
~~(9) To minimize expenditure of future public money for costly flood control projects; and~~
~~(10) To help maintain a stable tax base by providing for the sound use and development of flood prone areas in such a manner as to minimize future flood blight areas.~~

~~Methods of reducing flood losses.~~

~~In order to accomplish its purposes, this division uses the following methods:~~

~~(1) Restricts or prohibits uses that are dangerous to health, safety or property in times of flood, or cause increases in flood heights or velocities;~~
~~(2) Requires that uses vulnerable to floods, including public facilities which serve such uses, be protected against flood damage at the time of initial construction;~~
~~(3) Controls the alteration of natural floodplains, their protective barriers and stream channels;~~
~~(4) Prevents the construction of barriers which will divert flood waters and subject other lands to greater flood hazards;~~
~~(5) Controls development which would cause greater erosion or potential flood damage such as grading, dredging, excavation, and filling.~~
~~(6) Imposes a Regulatory 100-year Floodplain that requires using the ultimate development of the watershed to determine the 100-year water surface elevations. New developments must be constructed above this elevation.~~

~~Lands to which provisions apply.~~

~~This division shall only apply to areas of special flood hazard within the jurisdiction of the city and where applicable in its area of extraterritorial jurisdiction.~~

~~*Basis for establishing the areas of special flood hazards.*~~

~~The areas of special flood hazard identified by the Federal Emergency Management Agency in a scientific and engineering report entitled "The Flood Insurance Study, Bexar County, Texas and Incorporated Areas", updated periodically by the Federal Emergency Management Agency, together with the accompanying Flood Insurance Rate Maps and Flood Hazard Boundary-Floodway Maps and any revisions thereto, are hereby adopted by reference and declared to be a part of these regulations. The areas of special flood hazard identified by the Federal Emergency Management Agency on its Flood Insurance Rate Maps (FIRM), currently published for the City of San Antonio and surrounding counties shall be used as the controlling study for the base flood within the city limits of San Antonio and its ETJ unless a more current study is required by the Floodplain Administrator. Typically, new studies will be required for development where existing studies were performed prior to the City of San Antonio's adoption of the 1997 Drainage "Ordinance 86711" and / or where City records indicate the ultimate development of the watershed has not been considered. Similar studies done by FEMA shall also be used for control in the city of San Antonio's area of extraterritorial jurisdiction, along with the floodplain information reports prepared by the United States Corps of Engineers, and the United States Geological Survey, Water Resources Division District Office, Austin, Texas, 1:24,000 U.S.G.S. quadrangle maps as prepared for the Federal, Emergency Management Agency or the latest revisions thereof. These reports and maps are available for inspection by the public in the office of the city drainage engineer. Information and studies sanctioned and adopted by the floodplain administrator or by city council subsequent to publication of the Flood Insurance Study and associated FIRM which update the base flood elevations, floodplain boundaries or flows shall also be used for control.~~

~~*Compliance.*~~

~~(1) No structure or land in an area of special flood hazard shall hereafter be located, altered, have its use changed, or otherwise be developed unless a floodplain development permit has been issued, pursuant to the terms of this subdivision. Proposed work must be started within twelve (12) months of the date of approval of a floodplain development permit, otherwise the permit will become null and void. The floodplain development permit will be in effect for six (6) months following the start of construction unless otherwise approved on the permit by the Floodplain Administrator.~~

~~(2) No Building Permits, Floodplain Permits or Plat approvals will be issued on properties with past floodplain violations unless the permits will remedy the violation.~~

~~(3) Work permitted with a floodplain development permit shall be undertaken in a manner designed to minimize surface runoff, erosion and sedimentation, and to safeguard life, limb, property and the public welfare in accordance with the NPDES (TPDES) Construction Site Regulation Ordinance, Ordinance No. _____ as amended.~~

~~*Abrogation and greater restrictions.*~~

~~This division is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this division and another conflict or overlap, whichever imposes the more stringent restrictions shall prevail.~~

~~*Interpretation.*~~

~~In the interpretation and application of this division, all provisions shall be:~~

~~(1) Considered as minimum requirements;~~
~~(2) Liberally construed in favor of the governing body; and~~
~~(3) Deemed neither to limit nor repeal any other powers granted under state statutes.~~

~~*Warning and disclaimer of liability.*~~

~~The degree of flood protection required by this subdivision is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. On rare occasions greater floods can and will occur and flood heights may be increased by manmade or natural causes. These regulations do not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. These regulations shall not create liability on the part of the city of San Antonio or any officer or employee thereof for any flood damages that result from reliance on these regulations or any administrative decision lawfully made thereunder.~~

~~*Allowable and Prohibited Development within the Regulatory Floodplain*~~

~~*Generally*~~

~~A. No development will be permitted that has a significant adverse impact to other properties – refer to Section 35-504 (b)(1).~~
~~B. No increase in the Regulatory 100-year Floodplain elevation will be permitted within the watershed as a result of development.~~
~~C. An increase in water surface elevation is permitted solely on the developer's property if the Regulatory 100-year Floodplain is contained in a dedicated drainage easement or right-of-way.~~

~~D. Account for increase in discharge due to loss of storage and increase in impervious cover in all reclamation analysis.~~

~~E. Demonstrate that the development will not increase the Regulatory 100-year Floodplain velocities above 6 fps. No increase in velocity will be permitted if predevelopment velocities in the floodplain exceed 6 fps.~~

~~*Allowable Development*~~

~~The following development may be allowed in the regulatory 100-year floodplain and will require a Floodplain Development Permit:~~

~~A. All weather (passes the ultimate development 100-year flood) street crossings.~~

~~B. Utility Construction~~

~~C. Parks.~~

~~D. Greenways.~~

~~E. Recreational Facilities and Golf Courses.~~

~~F. Hike and bike trails.~~

~~G. Drainage improvements that mitigate existing or anticipated flood hazards.~~

~~H. Capital Improvement Projects.~~

~~I. Maintenance activities necessary to maintain the storm water conveyance of the floodplain.~~

~~J. Drainage infrastructure repair.~~

~~K. Floodplain restoration.~~

~~L. Wetland reestablishment or mitigation.~~

~~M. Habitat reestablishment.~~

~~N. Installation of Flood Monitoring Controls – rain gages, early flood warning systems, high water detection systems, etc.~~

~~O. Installations of emergency devices necessary to warn, alarm and protect citizens at flood hazards.~~

~~P. Improvements to a structure that does not fall under the definition of Substantial Improvement.~~

~~Q. Elevating and / or floodproofing structures in the floodplain.~~

~~R. 100-year floodplain reclamation where the watershed drainage area is less than 320 acres.~~

~~S. Parking lot construction where water depths do not exceed 6".~~

~~T. 100-year floodplain reclamation in areas of ineffective flow.~~

~~U. 100-year floodplain reclamation in overbank areas subject to extensive shallow (0'-3') flooding where flood velocities in the overbank area are less than 3 fps.~~

~~V. Historic structure reconstruction, rehabilitation or restoration.~~

~~W. Development in the Low Risk Flood Area subject to the requirements of Section 35-505(q).~~

~~X. Reclamation between the 100-year floodplain and the regulatory 100-year floodplain. Elevate development one foot (1') above the water surface elevations established for the regulatory 100-year floodplain.~~

~~Y. Projects that are in the best interest of the public.~~

~~Z. Non-residential construction. Some or all of the following restrictions will be placed on non-residential construction in the floodplain:~~

~~1. Demonstrate that no alternate site is available for development within the property that is out of the floodplain.~~

~~2. Meet all the requirements of Sec. 35-505(n)(2) Nonresidential Construction.~~

~~3. Ensure the lowest finished floor elevation and/or the height to which the building must be floodproofed is no lower than the higher elevation of the energy grade line or the water surface elevation plus one foot (1') of the regulatory 100-year floodplain.~~

~~4. No increase in water surface elevations over ultimate conditions is permitted anywhere within the watershed as a result of the construction. An increase in water surface elevation is permitted on the developer's property if the floodplain is contained in a dedicated drainage easement or right-of-way.~~

~~5. Unflooded vehicular access must be available to the development from a public street.~~

~~6. Demonstrate that the development will not increase the 100-year floodplain predevelopment velocities above 6 fps. No increase in velocity will be permitted if predevelopment velocities exceed 6 fps.~~

~~7. Demonstrate that the development will not be subject to damage from hydrostatic or hydrodynamic forces, debris impact, soaking, sediments and contaminants.~~

~~8. Provide, operate and maintain an early flood warning system for the development. Warning Systems will be subject to periodic inspection by the City of San Antonio to ensure they are maintained and operated as intended.~~

~~9. Complete the Letter of Map Revision process for the development.~~

~~10. The owner shall indemnify the City of San Antonio against damages resulting from flooding on the owner's site.~~

~~11. Other site-specific restrictions and / or requirements deemed appropriate by the Floodplain Administrator.~~

~~*Areas of Flood Inundation*~~

~~Construction in areas of Flood Inundation must meet the requirements of subsection (m) (General Standards). Structures associated with park and recreation development (fences, open construction type bleachers, concession stands etc.) may be permitted in areas of flood inundation. Keep this construction out of the flood conveyance section of the~~

~~floodplain. Compensate for loss of storage. Secure structures to minimize damage from hydrostatic or hydrodynamic forces (including buoyancy) and debris impact.~~

~~*Prohibited Development within the Regulatory Floodplain*~~

~~The following development will not be allowed in the regulatory floodplain.~~

~~A. Development without first obtaining a Floodplain Development Permit.~~
~~B. Habitable structures.~~
~~C. Street or access construction that does not provide all weather access.~~
~~D. Activity prohibited by Chapter 34, Article VI of the City Code "Aquifer Recharge Zone and Watershed Protection".~~
~~E. 100-year floodplain reclamation where the watershed drainage area exceeds 100-acres except as provided in Section A.~~

~~*Requirement.*~~

~~No development or other encroachment is allowed in a floodplain that will result in any increase in the base flood elevations within the floodplain during discharge of water of a base flood unless the floodplain is contained within an easement. Where construction of structures in a floodplain is allowed by the Director of Public Works, a floodplain development permit shall be required to ensure conformance with the provisions of this division. In addition, all land development in any area of special flood hazard shall be required to have a floodplain development permit.~~

~~*General standards for flood hazard reduction*~~

~~In all areas of special flood hazards the following provisions are required;~~

~~(1) All new construction or substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads including the effects of buoyancy (see U.S. Corps of Engineers Flood Proofing Regulations, Chapter 6, Section 610).~~
~~(2) All new construction or substantial improvements shall be constructed by methods and practices that minimize flood damage (see the United States Corps of Engineers Flood Proofing Regulations, Chapter 5 and Chapter 6).~~
~~(3) All new construction or substantial improvements shall be constructed with materials and utility equipment resistant to flood damage (see the United States Corps of Engineers Flood Proofing Regulations, Chapter 12 and Chapter 13).~~
~~(4) All new and replacement toilet, sinks, showers, water heaters, pressure tanks, furnaces, and other permanent plumbing installations shall be installed at or above the base flood elevation or floodproofed.~~
~~(5) All new and replacement water supply systems shall be designed to San Antonio Water System standards to minimize or eliminate infiltration of flood waters into the system and discharges from the systems into flood water.~~

~~(6) New and replacement sanitary sewage systems shall be designed to city sanitary sewer standards to minimize or eliminate infiltration of flood waters into the system and discharges from the systems into flood water.~~

~~(7) On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding. Waste disposal systems shall be located above the base flood water surface elevation.~~

~~(8) Filling or the disposal of any materials which will diminish the water flow capacity of any waterway or floodplain defined by this ordinance must be compensated for with remedial action by additional excavation or otherwise so as not to diminish water capacity.~~

~~(9) Floodplain engineering and procedures requirements within FEMA or United States Corps of Engineers official flood prone areas shall conform to the engineering criteria as set out in Exhibit D.~~

~~*Specific standards for flood hazard reduction*~~

~~In all areas of special flood hazards where base flood elevation data has been provided in accordance with these regulations, the following provisions are required:~~

~~*Residential construction.*~~

~~Construction of habitable structures within the regulatory floodplain (base flood) is not allowed unless the floodplain is revised with a floodplain permit. Residential construction must be elevated one foot (1') above the regulatory floodplain.~~

~~*Nonresidential construction.*~~

~~A. New construction or substantial improvements of any commercial, industrial or other nonresidential structure shall have either (a) the lowest floor, including basement, elevated to one foot (1') above the level of base flood elevation, or (b) have the lowest floor, including basement, with attendant utility and sanitary facilities, be floodproofed so that below the base flood level plus one foot (1') and above the lowest floor, the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy.~~

~~B. New construction and substantial improvements, with fully enclosed areas below the lowest floor (including basement) that are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. A minimum of two (2) openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided. The bottom of all openings shall be no higher than one foot above grade. Openings may be equipped with screens, louvers, or other~~

~~covering or devices provided that they permit the automatic entry and exit of floodwaters.~~

~~C. Electrical heating, ventilation, plumbing and air-conditioning equipment and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.~~

~~D. A registered professional engineer or registered architect shall submit a certification to the director of public works that the standards of this subsection are satisfied. The certification shall include a statement to the effect that the engineer has developed and/or reviewed structural design, specifications, and plans for the construction and finds them to be in accordance with this subsection. The director of public works shall utilize the flood proofing regulations manual prepared by the United States Army Corps of Engineers as a guide in determining construction requirements.~~

~~Manufactured homes.~~

~~A. All manufactured homes shall be anchored to resist flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to the following (refer to FEMA Manual #85, Manufactured Home Installation in Flood Hazard Areas):~~

~~1. Over the top ties at each of the four (4) comers of the manufactured home with two (2) additional ties per side at intermediate locations. Manufactured homes more than fifty (50) feet long require one (1) additional tie per side.~~

~~2. Frame ties at each comer of the home with five (5) additional ties per side at intermediate points. Manufactured homes more than fifty (50) feet long require four (4) additional ties per side.~~

~~3. All components of the anchoring system shall be capable of carrying a force of four thousand eight hundred (4,800) pounds;~~

~~4. Any additions to the manufactured home shall be similarly anchored.~~

~~B. All manufactured homes to be placed or substantially improved within Zones A1-30, AH, and AE shall conform to the following criteria:~~

~~1. Stands or lots are elevated on compacted fill or on pilings so that the lowest floor of the mobile home will be one (1) foot above the base flood level. A registered professional civil engineer, registered architect, or registered public surveyor shall submit a certification to the director of public works that the standard of this paragraph complies with subsection (a).~~

~~2. Adequate surface drainage and access for a hauler are provided.~~

3. ~~In the instance of elevation of pilings: (i) lots are large enough to permit steps, (ii) piling foundations are placed in stable soil no more than ten (10) feet apart, and (iii) reinforcement is provided for pilings more than six (6) feet above the ground level.~~

~~Floodways.~~

A. ~~Located within the areas of special flood hazard are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of flood waters which carry debris, potential projectiles and erosion potential, the following provisions shall apply:~~

B. ~~Encroachments are prohibited, including fill, new construction, substantial improvements and other developments, unless certification by a registered professional engineer or architect is provided demonstrating that encroachments shall not result in any increase in flood levels during occurrence of the base flood discharge.~~

C. ~~If subparagraph (1) above is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of this article.~~

D. ~~The placement of any manufactured home is prohibited except in an existing manufactured home park or subdivision.~~

~~Areas of shallow flooding (AO Zones).~~

~~Located within the areas of special flood hazard are areas designated as areas of shallow flooding. These areas have special flood hazards associated with base flood depths one (1) to three (3) feet where a clearly defined channel does not exist and where the path of flooding is unpredictable and indeterminate. Therefore, in these areas the following provisions shall apply:~~

(1) ~~All new construction and substantial improvements of residential structures shall have the lowest floor elevated one (1) foot above the highest adjacent grade or one (1) foot above the depth number specified on the community's FIRM (at least two (2) feet if no depth number is specified), whichever is higher controls.~~

(2) ~~All new construction and substantial improvements of nonresidential structures shall:~~

(3) ~~Have the lowest floor elevated above the highest adjacent grade as high as the depth number specified on the community's FIRM, (at least two (2) feet if no depth number is specified).~~

(4) ~~Together with attendant utility and sanitary facilities, be completely floodproofed to or above that level so that any space below that level is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.~~

~~(5) A registered professional civil engineer, registered public surveyor, or registered architect shall submit a certification to the director of public works that the standards of this section are satisfied.~~

~~(6) Require within Zones AH and AO, adequate drainage paths around structures on slopes to guide floodwaters around and away from proposed structures.~~

~~*Subdivision proposals.*~~

~~(1) All subdivision proposals shall be consistent with sections 35-505(b), 35-505(c), and 35-505(d).~~

~~(2) All proposals for the development of subdivisions shall meet the development permit requirements of this division. No floodproofing of an existing or proposed building in a new subdivision will be allowed as a substitute for providing the proper finished ground elevation, at the slab, above the ultimate development one-hundred year or twenty-five-year plus freeboard flood elevation, whichever is higher. Buildings in a proposed subdivision shall be on land that is above the controlling flood elevation.~~

~~(3) Flood elevation data shall be provided for subdivision proposals and other proposed development, if not otherwise provided, and shall conform to the design requirements of Section 35-504 Stormwater Management.~~

~~(4) All subdivision proposals shall have adequate drainage provided to reduce exposure to flood hazards, and in accordance with this division.~~

~~(5) All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed so that they will not affect the existing water surface elevations of the base flood, the ultimate development one-hundred year or twenty-five year ultimate development flood (whichever is greater) in the area of special flood hazard.~~

~~(6) All proposed subdivisions must be contiguous to high ground that is not subject to flooding (the base flood, ultimate development one-hundred year or the twenty-five-year ultimate development flood, whichever is higher) that is in excess of one (1) foot flow depth, i.e., no "island" will be considered for platting; unless adequate connecting structures capable of passing the base flood, ultimate development one-hundred year or twenty-five-year ultimate development flood (whichever is higher) are provided to high ground (not subject to the controlling flood of the same flood plain), and an additional one (1) foot of free board is provided to all minimum floor slab elevations.~~

~~(7) All proposed subdivisions traversed by an area of special flood hazard where the "buildable" portion of the subdivision is severed by the flood plain shall be provided with adequate access. Adequate access shall be a structure that will pass the control flood (ultimate development one hundred-year development) without overtopping the structure. Upstream property must not be affected by backwater, and velocities in the vicinity of the structure must be controlled to prevent scour, erosion or structural damage. Proposed subdivisions that involve the platting of streets shall have at least one (1) access to an unflooded portion of existing dedicated street or roadway.~~

~~(8) Proposed subdivisions that do not involve the platting of streets shall have access to an existing dedicated street that is not subject to flood depths of over one (1) foot.~~

~~(9) Existing channels shall not be increased or decreased from their natural state until engineering data meeting the requirements of Section 35-504 Stormwater Management has been approved by the city engineering division. Flood plain engineering and procedures requirements for subdivision within FEMA or United States Corps of Engineers official flood prone areas shall conform to the engineering criteria as set out in Section 35-504 Stormwater Management.~~

~~*Low risk flood area.*~~

~~(1) New construction or substantial improvement of any structure, as permitted by other ordinances and regulations unless otherwise stated, may be permitted in a low risk flood area through a flood plain development permit. The low risk flood area, generally known as the River Bend Area, is specifically described in Figure 1. This section shall apply only to the lower level of multilevel structures and the street level adjacent to the river walk area. The lower level of a multilevel structure is in the low risk flood area if it is adjacent to the river walk and has access to the river walk area. The lower level is further defined as being below the regulatory flood level.~~

~~A. Permitted uses in the low risk flood area will be limited to nonresidential uses such as commercial restaurants with open air dining facilities, recreation and entertainment areas, and other commercial establishments.~~

~~B. Any permanent or temporary use as a place of residence or sleeping quarters shall not be permitted in the low risk flood area.~~

~~C. No construction shall be permitted below the River Walk level. All new construction along the River Walk shall be multistory, with street level egress from any newly constructed shop, restaurant, or other establishment on the River Walk. New construction at the River Walk level shall be essentially open with jalousies, folding doors, iron gates, or other similar provisions for security. All new construction in the low risk flood area shall utilize to a maximum extent decorating and building techniques that minimize flood damage. The first habitable floor shall be elevated one (1) foot above the base flood level.~~

~~(2) The flood plain development permit application shall be submitted to the director of public works and signed and sealed by a registered professional engineer. The application shall include two (2) sets of documents with the following information:~~

~~A. Plans and specifications showing the site and location, dimensions of all property lines and topographic elevations of the lot, existing and proposed structures and improvements, fill, storage of materials, location and~~

~~elevations of existing and proposed streets and utilities, floodproofing measures, relationship of the above to the location of the flood boundary, the regulatory flood elevation and data, and the existing and proposed flood control measures and improvements.~~

~~B. Cross-sections and profile of the area and the regulatory flood level.~~

~~C. Flood study and drainage report in areas where a study and report have not been reviewed and accepted by the city.~~

~~D. Description of surrounding properties and existing structures and uses.~~

~~E. Justification and reasons for the construction or substantial improvements with consideration of the intent and provisions of these regulations and information as may be applicable on the general standards of section 35-505(m) and the following:~~

~~1. The danger that materials may be swept onto other lands or downstream to the injury of others.~~

~~2. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owners.~~

~~3. The importance of the services provided by the proposed facility to the community.~~

~~4. The availability of alternative locations not subject to flooding for the proposed use.~~

~~5. The compatibility of the proposed use with existing development and development anticipated in the foreseeable future.~~

~~6. The relationship of the proposed use to the flood plain management program for the area.~~

~~7. The safety of access to the property in times of flood for emergency vehicles.~~

~~8. The expected heights, velocity, duration, rate of rise, and sediment transport of the floodwaters expected at the site.~~

~~9. That the construction or substantial improvement will not result in adverse increase of flood heights, additional threat to public safety, extraordinary public expense, or conflict with other laws or regulations.~~

~~F. An agreement whereby a notice will be inserted in the deed and other conveyance documents of the property and filed with the Bexar county clerk's office that the property is located in a flood prone area. The notice shall also contain a statement of the number of feet the lowest nonfloodproofed floor of the proposed structure is below the one-hundred-year flood level and that actuarial flood insurance rates increase as the first floor elevation decreases.~~

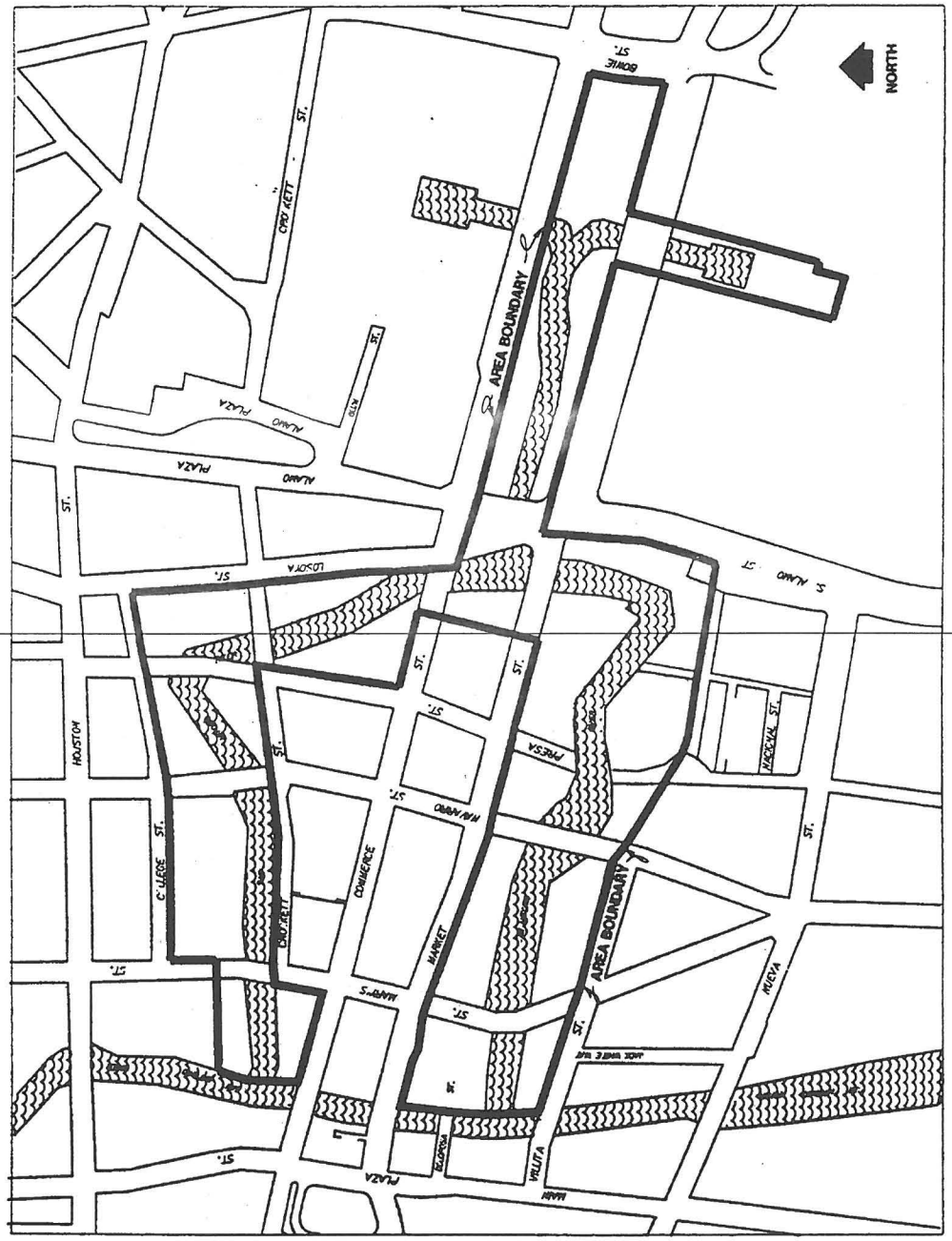
~~G. Such other factors which are relevant to the purposes of these regulations.~~

~~(3) The director of public works shall approve or deny a flood plain development permit in the low risk flood area based on the provisions of this section and other~~

~~requirements of these regulations which may be applicable to the low risk flood area.~~

~~(4) If a flood plain development permit is disapproved, the director of public works shall notify the applicant in writing of the section(s) and the specific requirement(s) of these regulations with which the proposed development does not comply and the nature of such noncompliance.~~

~~(5) Requests for variances shall follow the variance procedures as set forth in section 35-464 of this Chapter.~~



Low Risk Flood Area.

(Ord. No. 65513, § 2(f), 8-13-87)

~~**Figure 1: Low risk flood area**~~

Chapter 35 Article V, Division 5, Section 35-522 is hereby amended by deleting the language that is stricken (~~deleted~~) to the existing text of said section as follows:

~~35-522 Floodplain Development Standards~~

~~See § 35-505 of this Article.~~

Chapter 35 Article VIII, Section 35-806 is hereby amended by deleting the language that is stricken (~~deleted~~) to the existing text of said section as follows:

~~35-806 Floodplain administrator.~~

~~The director of public works is hereby appointed to administer and implement the provisions of the FloodplainOrdinance. Duties and responsibilities of the city floodplain administrator shall include, but not be limited to:~~

~~(a) Maintain and hold open for public inspection all record pertaining to the provisions of these regulations;~~

~~(b) Review, approve or deny all applications for development permits required by Article 4, Division 6 of this chapter;~~

~~(c) Review permits for proposed development to assure that all necessary permits have been obtained from these federal, state or local governmental agencies from which prior approval is required;~~

~~(d) Where interpretation is needed as to the exact location of the boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions) the director of public works shall make the necessary interpretation;~~

~~(e) Notify adjacent communities prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency.~~

~~(f) Assure that maintenance is provided within the altered or relocated portion of a watercourse so that the flood carrying capacity is not diminished, where appropriate easements are provided;~~

~~(g) When base flood elevation data for various flood prone areas has not been provided, the director of public works shall obtain, review, and reasonably utilize any base flood elevation data available from a federal, state or other source, in order to administer the provisions of this division.~~

SECTION 2. Amendment "B"

Chapter 35 Article III, Division 7 is hereby amended by adding the language that is underlined (<u>added</u>) to the existing text of said section as follows:

35-389 Relocation of Building and Structures.

(a) To be granted, a request for a special use permit to move or relocate a building or structure must meet the special exceptions contained in Section 35-482 (h).

(b) The relocation of any building and structures, is subject to the following conditions:

(1) Each house must be comparable in size and quality of construction and in condition to the average of the other homes in the area.
(2) The applicant shall comply with Article VI. (Historic Preservation and Urban Design) of this chapter and with all other applicable codes and ordinances.
(3) The use will comply to such other conditions, as the board may deem proper in harmony with section 801(g) of this chapter.
(4) Permits may be granted under this subsection for buildings, which the city's Historic and Design Review Commission has found to have historic and /or architectural significance and where said commission has made a favorable recommendation as to the relocation site. Such exception shall contain appropriate conditions as to repairs to be made. Provision of other codes of the city or of other chapters of this code shall not be waived.

Chapter 35 Article IV, Division 10, Section 35-482 is hereby amended by adding the language that is underlined (added) to the existing text of said section as follows:

35-482 Zoning Variances

(h) Findings of Fact

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

A. The Special Exception will be in harmony with the sprit and purpose of the chapter.
B. The public welfare and convenience will be substantially served.
C. The neighboring property will not be substantially injured by such proposed use.
D. The Special Exception will not alter the essential character of the district and location in which the property for which the Specific Use Permit is sought.
E. The Special Exception will not weaken the general purpose of the district or the regulations herein established for the specific district.

The above findings of the board shall be incorporated into the official minutes of the board meeting in which the special use permit is authorized.

SECTION 3. Amendment "C"

Chapter 35 Article V, Division 4, Section 35-516 (entitled Setback and Frontage Regulations) is hereby amended by adding the language that is underlined (added) and by deleting the language that is stricken (~~deleted~~) to the existing text of said section as follows:

35-516 Setback and Frontage Regulations

(i) Reversed corner lots.

On reversed corner lots in all single family residential zoning districts within the city and single family subdivisions in the city's ETJ except ~~planned unit developments~~ Planned Unit Developments (PUDs), the side setback adjacent to the Street shall be at least equal to the front setback required for the lot to the rear.

SECTION 4. Amendment "D"

Chapter 35 Article III, Division 2, Section 35-310.9 (entitled "O-1" and "O-2" Office Districts") is hereby amended by adding the language that is underlined (added) to the existing text of said section as follows:

35-310.09 "O-1" and "O-2" Office Districts

(b) "O-1" Office Districts

(1) Purpose

The "O-1" district restricts uses primarily to offices and ancillary uses (for the purposes of this subsection, ancillary uses are those provided for the convenience of on-site tenants and which do not provide services or products to the general public) which do not have peak weeknight or weekend usage in order to provide a buffer between residential areas and more intensive uses.
"O-1" districts provide for the establishment of low to mid rise office buildings. Uses within an "O-1" district are limited to uses incidental to the needs of the occupants of the building and are not designed to serve a regional market area.

(c) "O-2" Office Districts

(1) Purpose

The "O-2" district provides a wider variety of office and accessory retail uses that are primarily designed to serve on-site tenants but may provide services or products to the general public as a secondary market in support of the building's primary office tenants in order to promote mixed uses and the internal capture of vehicular trips, while facilitating economic development. "O-2" districts provide for the establishment of low to high rise office buildings. Uses within an "O-2" district may serve a regional market area.

SECTION 5. Amendment "E"

Chapter 35 Article III, Division 2, Table 311-1 is hereby amended by adding the language that is underlined (added) and deleting the language that is stricken (~~deleted~~) to the existing text of said section as follows:

35-311 Use Regulations
Table 311-1

TABLE 311-1 RESIDENTIAL USE MATRIX																			
PERMITTED USE	~~RCD~~ 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 - 1 Family (Attached Or Townhouse)	P							P		P		P	P	P	P	P	P	1000	1120
Dwelling - 1 Family (Detached)	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	1000	1110
Dwelling - 2 Family								P		P	P	P	P	P	P	P	P	1000	1121
Dwelling - 3 Family								P	P	P		P	P	P	P	P	P	1000	1203
Dwelling - 4 Family								P	P	P		P	P	P	P	P	P	1000	1204
Dwelling – Accessory (Carriage Houses, Granny Flats, Echo Homes)	P	P	P	P	P	P		P		p		p					P	1000	1130

SECTION 6. Amendment "F"

Chapter 35 Article III, Division 2, Table 311-1 is hereby amended by adding the language that is underlined (added) to the existing text of said section as follows:

35-311 Use Regulations

Table 311-1 Residential Use Matrix

TABLE 311-1 RESIDENTIAL USE MATRIX																			
PERMITTED USE	RCD	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~~ FUNCTI ~~CODE~~	~~LBCS~~ STRUC ~~TURE~~
Bed And Breakfast			S	S	S	S	S	S	S	S	S	S	S	P	P	P	P	131 0	

Chapter 35 Article III, Division 2, Table 311-2 is hereby amended by adding the language that is underlined (added) to the existing text of said section as follows:

35-311.1 Use Regulations

Table 311-2 Non-Residential Use Matrix

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)
Housing	Bed and Breakfast	S	P	S	P	P		P				P	1310

Chapter 35 Article III, Division 7, Section 35-374 (entitled "Bed and Breakfast) is hereby amended by adding the language that is underlined (added) and deleting the language that is stricken (~~deleted~~) to the existing text of said section as follows:

35-374 Bed and Breakfast

(c) Number of guest rooms per structure.

The maximum number of permitted guest rooms per bed and breakfast establishment within each zoning district shall be as indicated in the following table. Any bed and breakfast establishment with more than twelve (12) guests rooms shall be considered a hotel and shall be required to comply with the zoning provisions for such uses.

~~Zoning District~~	~~Number of Guest Rooms~~
~~RE, R-20, NP-15, NP-10, NP-8, R-6, RM-6~~	~~2~~
~~R-4, RM-4~~	~~3~~
~~R-4, R-5, RM-4, RM-5, MF-25, MF-33, MF-40, MF-50~~	~~5~~
~~NC, C-1, C-2, C-3, , O-1, O-2~~	~~10~~
~~D~~	~~12~~

Zoning District	Number of Guest Rooms
RE, R-20, NP-15, NP-10, NP-8, R-6, RM-6	2
R-4, R-5, RM-5,	1
RM-4, MH,	3
MF-25,	5
MF-33, MF-40, MF-50, O-1, O-2	10
NC, C-1, C-2, D	12

SECTION 7. Amendment "G"

Chapter 35 Article V, Division 3, Section 35-510 (entitled "Buffers") is hereby amended by adding the language that is underlined (added) to the existing text of said section as follows:

35-510 Buffers

(j) Irrigation Required

Where an irrigation system is required, the irrigation system shall comply with the requirements of 30 TAC Chapter 344, §§ 344.72 – 344.77. No irrigation is required for a Type "N" buffer if no additional planting is required. An in- ground irrigation system consisting of water lines, water emitters and a controller is required to have a separate meter service if the San Antonio Water System is the water purveyor. In addition to the above irrigation requirements the installation shall be designed in compliance with Section 35-511 Landscaping, Section (c) (6)

Chapter 35 Article V, Division 3, Section 35-511 (entitled "Landscaping") is hereby amended by adding the language that is underlined (added) to the existing text of said section as follows:

35-511 Landscaping

(c) Mandatory Criteria

(6) Irrigation

Landscaped areas shall be irrigated with a system that is suitable for the type of plantings installed. 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 meter service if the San Antonio Water System is the water purveyor. In addition to the above irrigation requirements the following is required:

A. Design Requirements:

1. Pressure

(b) System to be designed to the lowest static pressure available during an annual 12 month period.
(c) If static pressure exceeds design pressure by 15 PSI or more in any zone a flow control device shall be installed.
(d) Pressure at any point within a zone shall not vary by more than 10% from the design sprinkler operating pressure.

2. Provide Separate Zoning for:

(a) Turf
(b) Plants with dissimilar watering requirements
(c) Areas with greater or lesser sun exposure
(d) Slopes from flat/level areas (topographic information is required for zoning for slope and flat/level area design).

3. Sprinkler Head Spacing:

(a) Head spacing shall not exceed 50% of diameter
(b) Spacing shall make allowance for local wind conditions
(c) Trim perimeters with correct arc and radii selection to eliminate water thrown onto non-landscape areas
(d) Show radius/diameter and arc of coverage of a representative number of each type of sprinkler

head.

4. Landscape water schedule –produce a water schedule for the landscape at a maximum of 80% ET (evapotranspiration) as determined by the local ET.

B. Equipment

1. Controller Requirements
   (a) On/off rain switch or other rain shut-off device that does not alter program
   (b) Multiple programming capability
   (c) Controllers capable of a minimum of 3 cycles per Program

2. Valves: Flow control devices on all remote control valves (including a master valve).

3. Sprinklers

   (a) Use of low-angle heads is encouraged.

   (b) Pop-up sprinklers and shrub risers will be at a height to clear turf, trees, shrubs, other planting and objects such as fences, allowing no obstruction of spray pattern.

   (c) Pop-up type shrub risers should be used in areas where pedestrian/auto traffic may occur. Drip irrigation should be used in areas between the curb and sidewalk and parking lot areas where over spray onto pavement may occur in accordance with manufacturer's recommendations.

   (d) Low head drainage is to be eliminated or minimized through design or by use of check valves.

   (e) Sprinkler heads shall be attached to rigid lateral lines with flexible material, swing joints to reduce potential for breakage.

4. Any device on a pressurized line (such as a quick-coupler valve) should be preceded by some type of isolation valve separate from the primary shut-off valve.

Chapter 35 Appendix B, Section 35-B107 (entitled "Landscape Plans") is hereby amended by adding the language that is underlined (added) to the existing text of said section as follows:

35-B107 Landscape plans

(d) Irrigation Installations

(6) State of Texas Licensed Irrigator seal with number clearly visible as required by state law and a letter from the Licensed Irrigator stating that the plan conforms to the irrigation design and equipment standards set out in 35-510(j) and 35-510(c)(6) attached to the submittal.

Chapter 35 Article IV, Division 9, Section 35-476 (entitled "Landscaping Plans") is hereby amended by adding the language that is underlined (added) and deleting the language that is stricken (~~deleted~~) to the existing text of said section as follows:

35-476 Landscaping Plans

(d) Processing Procedures Prior to Certificate of Occupancy

(1) Generally

Except as provided below, no final certificate of occupancy shall be issued by the building official for the occupancy of a new or altered building unless the plant and screening materials required by this article have been provided. In addition a letter from a Licensed Irrigator shall be required certifying that the irrigation system was installed in accordance with the certified landscape plan . ~~p~~Prior to the issuance of a certificate of occupancy, the building official shall inspect the building site to verify compliance with the approved landscape plan.

SECTION 8. Amendment "H"

Chapter 35 Article IV, Division 3, Section 35-420 (Comprehensive, Neighborhood, Community and Perimiter") is hereby amended by adding the language that is underlined (added) and deleting the language that is stricken (~~deleted~~)to the existing text of said section as follows:

35-420 Comprehensive, Neighborhood, Community and Perimeter Plans.

(h) Scope of Adopted Plan

~~Adoption as a component of the City's Master Plan gives Neighborhood Plans, Community Plans, and Perimeter Plans the legal effect of the Master Plan. The recommended comprehensive rezoning of an area shall be consistent with the adopted Neighborhood Plan, Community Plan or Perimeter Plan. In addition, the evaluation of rezoning requests for individual parcels shall be guided by the land use proposed in adopted Neighborhood, Community or Perimeter Plan. The provisions of this subsection shall apply only to Neighborhood Plans, Community Plans, and Perimeter Plans adopted by the City Council as amendments to the City's Master Plan. Previously adopted plans referenced herein by their title and date of adoption in which the comprehensive rezoning of an area and rezoning requests of individual parcels shall be consistent (unless and until such plans are repealed or superseded by an amendment or a new plan adopted pursuant to this Section) are:~~

Adoption as a component of the City's Master Plan gives Neighborhood Plans, Community Plans, and Perimeter Plans the legal effect of the Master Plan (unless and until such plans are repealed or superseded by an amendment or a new plan adopted pursuant to this Section as Master Plan component). For previously adopted plans referenced herein by their title and date of adoption and plans adopted pursuant to this section, the recommended comprehensive rezoning of an area and the evaluation of rezoning request for individual parcels shall be consistent with the adopted Neighborhood Plan, Community Plan or Perimeter Plan. The provisions of this subsection shall apply only to Neighborhood Plans, Community Plans, and Perimeter Plans adopted by the City Council as amendments to the City's Master Plan. Previously adopted Master Plan component plans are:

10. South Central San Antonio Community Plan (August 19, ~~2000~~1999)

SECTION 9. Amendment "I"

Chapter 35 Appendix "B" Section 35-B101 (Entitled "Specification for Documents to be Submitted) is hereby amended by adding the language that is underlined (added to the existing text of said section as follows:

35-B101 Specification for Documents to be Submitted

Table B-1

TABLE B-1							
	A	B	C	D	E	F	G
	(A) MATERIAL/INFORMATION	MASTER DEVELOPMENT PLAN	PUD PLAN	MAJOR PLAT APPLICATION	MINOR PLAT APPLICATION	DEVELOPMENT PLAT APPLICATION	SPECIFIC USE PERMIT
H.	DESIGN						
(24)	A storm water management plan (section 35-B119)	*	*	*	*	*	*1

*1 Specific Use Permits shall only require a storm water management plan when the site is located over the Edward Recharge Zone (ERZD).

SECTION 10. All other provisions of Chapter 35 of the City Code of San Antonio shall remain in full force and effect unless expressly amended by this ordinance.

SECTION 11. Should any Article, Section, Part, Paragraph, Sentence, Phrase, Clause, or Word of this ordinance, or any appendix thereof, 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.

SECTION 12. Notice of these changes to the Unified Development Code shall not require the publication in an official newspaper of general circulation as required in Chapter 35 Article IV, Division 1, Table 403-1.

SECTION 13. The publishers of the City Code and the Unified Development Code are authorized to amend said Codes to reflect the changes adopted herein.

SECTION 14. This ordinance shall become effective ten (10) days after passage.

PASSED AND APPROVED this the 4th day of April, 2002.

M A Y O R

EDWARD D. GARZA

ATTEST:
City Clerk

APPROVED AS TO FORM: for
City Attorney

02-14

	ALAMODOME
	ASSET MANAGEMENT
	AVIATION
	CITY ATTORNEY
	MUNICIPAL COURT
	REAL ESTATE (FASSNIDGE)
	REAL ESTATE (WOOD)
	RISK MANAGEMENT
	CITY MANAGER
	SPECIAL PROJECTS
	CITY PUBLIC SERVICE – GENERAL MANAGER
	CITY PUBLIC SERVICE – MAPS AND RECORDS
	CODE COMPLIANCE
	COMMERCIAL RECORDER
	COMMUNITY INITIATIVES
	CONVENTION AND VISITORS BUREAU
	CONVENTION CENTER EXPANSION OFFICE
	CONVENTION FACILITIES
	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 – PUBLIC UTILITIES SUPERVISOR
	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 WORKS DIRECTOR
	CAPITAL PROJECTS
	CENTRAL MAPPING
	ENGINEERING
	PARKING DIVISION
	REAL ESTATE DIVISION
	TRAFFIC ENGINEERING
	PURCHASING AND GENERAL SERVICES
	SAN ANTONIO WATER SYSTEMS (SAWS)
	VIA

MEETING OF THE CITY COUNCIL

AGENDA ITEM NUMBER: 34

DATE: APR 4 2002

MOTION: Moorhouse / Anderson

ORDINANCE NUMBER: 95573

RESOLUTION NUMBER:

ZONING CASE NUMBER:

TRAVEL AUTHORIZATION:

NAME	ROLL	AYE	NAY
BOBBY PEREZ District 1		✓	
JOHN H. SANDERS District 2		✓	
ANTONIETTE "TONI" MOORHOUSE District 3		✓	
ENRIQUE "KIKE" MARTIN District 4		✓	
DAVID A. GARCIA District 5		✓	
ENRIQUE M. BARRERA District 6		✓	
JULIAN CASTRO District 7		absent	
BONNIE CONNER District 8		✓	
CARROLL W. SCHUBERT District 9		✓	
DAVID CARPENTER District 10		✓	
EDWARD D. GARZA Mayor		✓	

File: UDC

02-14

AGENDA ITEM NO. 34

CITY OF SAN ANTONIO
INTERDEPARTMENTAL MEMORANDUM
DEVELOPMENT SERVICES DEPARTMENT

TO: Mayor and City Council

FROM: Christopher J. Brady, Assistant City Manager

THROUGH: Terry M. Brechtel, City Manager

COPIES: Emil R. Moncivais, AIA, AICP, Planning Director; Thomas Wendorf, Public Works Director; Roderick J. Sanchez, AICP Assistant Development Services Director; Steven Arronge, Acting City Attorney; File

SUBJECT: Revision to the Unified Development Code

DATE: April 4, 2002

SUMMARY AND RECOMMENDATIONS

This ordinance contains nine amendments to the Unified Development Code (UDC), which was adopted by the City Council on May 3, 2001. The UDC Technical Advisory Committee (UDC TAC), the Zoning Commission, and the Planning Commission as applicable have reviewed these amendments.

Staff recommends approval of this ordinance.

BACKGROUND INFORMATION

On May 3, 2001 the City Council adopted the revised UDC. To oversee implementation of the new UDC, the UDC TAC was created to solve problems and address any inadvertent errors or omissions. On January 17, 2002 the City Council expanded the role of the UDC TAC to allow it to recommend substantive as well as procedural changes to the UDC. Since it was established, the UDC TAC has recommended over 90 amendments to the UDC including the nine amendments contained in this ordinance. Amendments A, C, G, and H have been approved by both the Zoning Commission and the Planning Commission and the remainder of the amendments only pertain to zoning issues and therefore can only be approved by the Zoning Commission.

POLICY ANALYSIS

This ordinance contains the following amendments to the revised UDC as adopted by City Council on May 3, 2001.

- Amendment A – The UDC consultant wrote the code such that standards for floodplain administration are correlated to each section of the code in which these standards apply. To

comply with the standards of the Federal Emergency Management Agency (FEMA) the Public Works Department created Appendix "F" which duplicates these provisions. It is recommended that the various UDC sections pertaining to floodplain administration be replaced with crossferences to Appendix F. The UDC TAC approved this amendment on August 31, 2001. Zoning Commission recommended approval of this amendment on October 16, 2001. Planning Commission recommended approval of this amendment on November 14, 2001.

- Amendment B – Reenacts a provision from the former UDC that permits the moving and relocation of buildings and structures. This is a popular tool used to protect and restore historic structures in San Antonio. The omission of these provision was deemed inadvertent and in need of correction by the UDC TAC on June 29, 2001. The Zoning Commission recommended approval of this amendment on July 18, 2001.
- Amendment C – Revises setback provisions for reverse corner lots such that the side setback adjacent to the street will not have to meet the front setback for the lot to the rear. The UDC TAC approved this edit on August 31, 2001. The Zoning Commission recommended approval of this amendment on October 16, 2001 and the Planning Commission recommended approval on November 14, 2001.
- Amendment D – Adds clarification to address ancillary or accessory uses in the "O-1" and "O-2" office zoning districts. In the more restrictive "O-1" district, ancillary uses are those provided for the convenience of on-site tenants and which do not provide services or products to the general public. In the more intense "O-2" district, uses are primarily to serve on-site tenants, but may provide services or products to the general public as a secondary market in support of the building's primary office tenants. The UDC TAC recommended this clarification on August 3, 2001. Zoning Commission recommended approval of this amendment on October 16, 2001.
- Amendment E – Corrects typographical errors in Table 311-1 relative to the Resource Protection ("RP") residential zoning district. The correction includes relabeling a column heading and adds a one-family detached dwelling as a permitted use in the "RP" zoning district. The UDC TAC approved this edit on August 3, 2001. The Zoning Commission recommended approval of this amendment on October 16, 2001.
- Amendment F – Corrects typographical errors in the Bed and Breakfast section of the UDC. Compared to the old ordinance, the new UDC is less restrictive in single-family residential zoning districts but more restrictive in commercial, downtown and multifamily zoning districts. This edit corrects the number of guestrooms permitted per establishment in each zoning district and adds bed and breakfasts as a permitted use in multifamily zoning districts. This edit is intended to bring the UDC in accordance with the 1999 Bed and Breakfast ordinance. The UDC TAC approved this correction on August 3, 2001 and the Zoning Commission approved it on October 16, 2001.
- Amendment G – Adds detailed design specifications for irrigation systems in areas where SAWS is the service provider. The design of these systems is intended to promote water conservation as called for in the City's Master Plan Policies. This change was agreed to during the stakeholder involvement process but was inadvertently left out of the ordinance as adopted on May 3, 2001. The UDC TAC approved this edit on August 3, 2001. The Zoning Commission recommended approval of this amendment on October 16, 2001 and the Planning Commission recommended approval on November 14, 2001.

- Amendment H – Deletes ambiguous language regarding the scope of Neighborhood, Community, and Perimeter Plans that are recognized as components of the City's Master Plan. The revised language will require consistency between zoning and the Master Plan in accordance with Chapter 211 of the Local Government Code. This clarification will make the language in this section consistent with Article 1 of the UDC and the Zoning Amendment section of the Article 3. A second minor change is to correct the date of adoption of the South Central San Antonio Community Plan, to reflect the date at which the City Council officially adopted it in 1999. The UDC TAC approved this edit on September 28, 2001. The Zoning Commission recommended approval of this amendment on October 16, 2001 and the Planning Commission recommended approval on November 14, 2001.
- Amendment I – Corrects the submittal requirements for rezoning with a specific use permit by deleting the requirement to submit a stormwater management plan. The UDC TAC agreed that zoning was not the appropriate forum for a stormwater management plan, which is required at the time of platting and when applying for building permits. The UDC TAC approved this edit on August 3, 2001. The Zoning Commission recommended approval of this amendment on October 16, 2001.

FISCAL IMPACT

This ordinance has no financial impact.

COORDINATION

This ordinance was coordinated with the City Manager's Office, City Attorney's Office, the Public Works Department, the Planning Department, and the San Antonio Water System.

SUPPLEMENTARY COMMENTS

Staff's concerns have been incorporated into this ordinance.

SIGNATURES

Christopher J. Brady
Assistant City Manager

Approved:

Terry M. Brechtel
City Manager

UNIFIED DEVELOPMENT CODE AMENDMENTS

City Council Consideration

April 4, 2001

Item No. 34

BACKGROUND

- On May 3, 2001 the City Council approved the new Unified Development Code (UDC) and established a Technical Advisory Committee (TAC) to oversee implementation.
- The new UDC took effect in four phases beginning in June 2001 and ending in February 2002.

BRIEFING PURPOSE

- As the new UDC has been used on specific projects, stakeholders have identified the need for amendments to the code to dispel ambiguities or to meet the intentions of agreements made during the stakeholder involvement process.
- The Development Services Department is presenting nine (9) amendments to the UDC for the City Council's consideration.

BRIEFING PURPOSE - *continued*

- Mark White, the UDC Consultant has reviewed each amendment.
- Each amendment has also been reviewed and approved by the UDC Technical Advisory Committee ("TAC"); the Zoning Commission; and as applicable, the Planning Commission.
- The amendments submitted today are identified as Amendment "A" through Amendment "I".

AMENDMENT A

- Amendment A removes the floodplain standards from various sections of the UDC which have been consolidated into a Appendix F.
- The removed sections will be replaced with cross-references to Appendix F.
- The Public Works Department requested this amendment to comply with FEMA standards.

AMENDMENT B

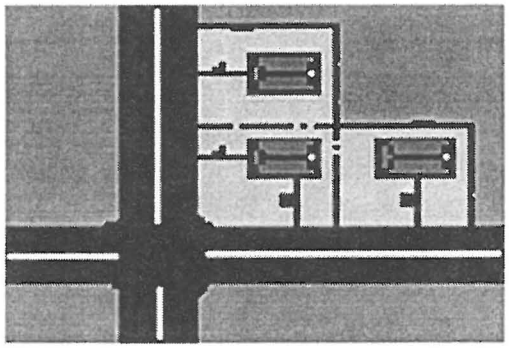
- Amendment B reenacts the provision which permits the moving and relocation of buildings and structures.
- The omission of this provision was inadvertent and is an important tool used to protect and restore historic structures.

AMENDMENT C

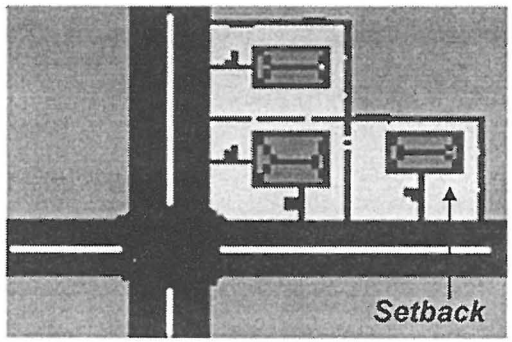
- Amendment C revises setback provisions for reverse corner lots such that the side setback adjacent to the street is not required to be equal to the front setback for the lot to the rear.
- This amendment creates more flexibility for Planned Unit Developments, Mixed Use Developments, and Traditional Neighborhood Developments.

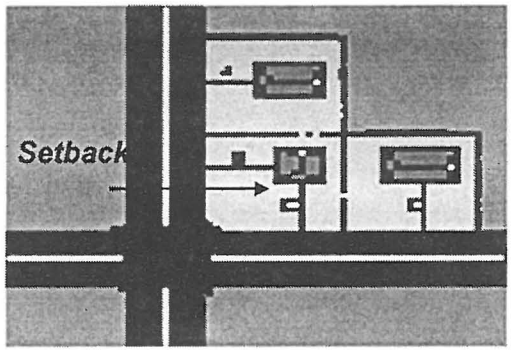
AMENDMENT C

As is:



As amended:





AMENDMENT D

- Amendment D clarifies the extent to which ancillary uses are permitted in the O-1 and O-2 zoning districts.
- Ancillary uses in the O-1 district will be limited to those which serve the on-site tenants.
- Ancillary uses in the more intense O-2 district can serve the general public as a secondary market in support of the office's primary tenants.

AMENDMENT E

- Amendment E corrects the column heading for the Resource Protection (RP) District on Table 311-1 and adds a one-family detached dwelling as a permitted use.
- The RP district is intended to preserve natural areas and has a minimum lot size of ten acres.

AMENDMENT F

- Amendment F corrects typographical errors in the Bed and Breakfast section of the UDC.
  - Corrects the number of guest rooms permitted per establishment in each zoning district.
  - Adds Bed and Breakfasts as a permitted use in Multifamily Zoning Districts.
- This amendment is intended to bring the UDC into accordance with the 1999 Bed and Breakfast ordinance.

AMENDMENT G

- Amendment G adds irrigation requirements inadvertently left out at the time of adoption of the UDC.
- Amendment G was requested by the San Antonio Water System to promote water conservation.

AMENDMENT H

- Amendment H deletes ambiguous language regarding the scope of adopted Neighborhood, Community, and Perimeter Plans.
- This amendment will make the Neighborhood Plan section consistent with two other code references to the scope of Neighborhood Plans.
- This section is intended to comply with Chapter 211 of the Local Government Code which requires zoning and master plan consistency.

AMENDMENT I

- Amendment I corrects submittal requirements for specific use permits by deleting the requirement to submit a stormwater management plan.
- A stormwater management plan is required at the platting stage of the development process.

COORDINATION AND REVIEW

- Mark White, UDC Consultant
- COSA Legal
- COSA Public Works
- COSA Planning
- San Antonio Water System

RECOMMENDATION

- UDC Technical Advisory Committee
- Zoning Commission
- Planning Commission, as applicable
- Staff
  - recommend approval of amendments

UNIFIED DEVELOPMENT CODE AMENDMENTS

City Council Consideration

April 4, 2001

Item No. 34

Affidavit of Publisher

STATE OF TEXAS,

COUNTY OF BEXAR

CITY OF SAN ANTONIO

Before me, the undersigned authority, on[illegible]ally appeared Helen I. Lutz, who being by me duly sworn, sa[illegible]e is Publisher of the Commercial Recorder, a newspaper of ge[illegible] in the City of San Antonio, in the State and County afores[illegible] City of San Antonio City Clerk - Public Notice - Ordinance [illegible]ched has been published in every issue of said newspaper on th[illegible] to-wit: April 11, 2002.

PUBLIC NOTICE

AN ORDINANCE 95573

AMENDING CHAPTER 35 OF THE CITY CODE OF SAN ANTONIO (UNIFIED DEVELOPMENT CODE) AS RECOMMENDED BY THE PLANNING AND ZONING COMMISSIONS: AMENDMENT "A" - REPLACING VARIOUS UNIFIED DEVELOPMENT CODE (UDC) SECTIONS PERTAINING TO FLOODPLAIN ADMINISTRATION WITH CROSS-REFERENCES TO APPENDIX F; AMENDMENT "B" - REENACTING A PROVISION FROM THE FORMER UDC THAT PERMITS THE MOVING AND RELOCATION OF BUILDINGS AND STRUCTURES; AMENDMENT "C" - REVISING SETBACK PROVISIONS FOR REVERSE CORNER LOTS SUCH THAT THE SIDE SETBACK ADJACENT TO THE STREET WILL NOT HAVE TO MEET THE FRONT SETBACK FOR THE LOT TO THE REAR; AMENDMENT "D" - ADDING CLARIFICATION TO ADDRESS ANCILLARY OR ACCESSORY USES IN THE "O-1" AND "O-2" OFFICE ZONING DISTRICTS; AMENDMENT "E" - CORRECTING TYPOGRAPHICAL ERRORS IN TABLE 311-1 RELATIVE TO THE RESOURCE PROTECTION ("RP") RESIDENTIAL ZONING DISTRICT, INCLUDING RELABELING A COLUMN HEADING AND ADDING A ONE-FAMILY DETACHED DWELLING AS A PERMITTED USE IN THE "RP" ZONING DISTRICT; AMENDMENT "F" CORRECTING TYPOGRAPHICAL ERRORS IN THE BED AND BREAKFAST SECTION OF THE UDC, INCLUDING ADJUSTING THE NUMBER OF GUEST ROOMS PERMITTED PER ESTABLISHMENT [illegible] EACH ZONING DIS[illegible]

Helen I. Lutz

Sworn to and subscribed before me this 11th day of April, 2002.

NOTARY PUBLIC STATE OF TEXAS

CYNTHIA AVERY
Notary Public, State of Texas
My Commission Expires 5-19-03

Cynthia Avery

Notary Public in and for Bexar County, Texas

Affidavit of Publ

property.
You are hereby commanded to appear by filing a written answer to plaintiff's original petition on the first Monday after the expiration of forty-two (42) days from and after the date of issuance hereof, the same being the 27th day of May A.D., 2002, (which is the return day of such citation) before the honorable District Court of Bexar County, 407th Judicial District

OF THE UDC, INCLUDING ADJUSTING THE NUMBER OF GUEST ROOMS PERMITTED PER ESTABLISHMENT IN EACH ZONING DIS

STATE OF TEXAS,

COUNTY OF BEXAR

CITY OF SAN ANTONIO

Before me, the undersigned authority, on this day personally appeared Helen I. Lutz, who being 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 City of San Antonio City Clerk - Public Notice - Ordinance 95573 hereto attached has been published in every issue of said newspaper on the following days, to-wit: April 11, 2002.

Helen I. Lutz

Sworn to and subscribed before me this 11th day of April, 2002.

NOTARY PUBLIC STATE OF TEXAS
CYNTHIA AVERY
Notary Public, State of Texas
My Commission Expires 5-19-03

Cynthia Avery
Notary Public in and for Bexar County, Texas