

AN ORDINANCE **40834**

AMENDING CHAPTERS 36 AND 42 OF THE CITY CODE PERTAINING TO ZONING AND SUBDIVISION REGULATIONS BY ESTABLISHING CRITERIA IN REGARD TO THE CONSTRUCTION OF PLANNED UNIT DEVELOPMENTS; PROVIDING A PENALTY NOT TO EXCEED \$200.00 FOR VIOLATION AND PROVIDING FOR SEVERABILITY.

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

SECTION 1. The City Code of the City of San Antonio is hereby amended by making certain changes and additions in Chapters 36 and 42 as follows:

Section 36-2 Definitions

CHANGE: (8) Lot. A "lot" is an undivided tract or parcel of land having frontage on a public street except in the case of a Planned Unit Development (Chapter 42), and which is, or in the future may be, offered for sale, conveyance, transfer or improvement; which is designated as a distinct and separate tract; and which is identified by a tract or lot number or symbol in a duly approved subdivision plat which has been properly filed of record.

ADD: (19) Planned Unit Development: "Planned Unit Development" shall mean an area of land, controlled by a land owner, to be developed as a single entity. A Planned Unit Development may include, but does not require, individual ownership of units, structures, or property. Common areas, however, which relate to and serve the individual occupants, are an essential and major element of such developments.

ADD: (20) PUD-1: "PUD-1" shall mean a Planned Unit Development which conforms to the use regulations, overall density, and character of development as defined by Division 2, Article VIII, in Chapter 42.

ADD: (21) PUD-2: "PUD-2" shall mean a Planned Unit Development which conforms to the use regulations, overall density, and character of development as defined by Division 3, Article VIII, in Chapter 42.

ADD: (22) Private Streets: Any street not dedicated to the public and to be maintained by a private entity.

ADD: (23) Safety Lane: "Safety Lane" shall mean a designated area on an approved plat which has a primary purpose of providing access for safety vehicles in any development where public streets do not adequately provide such access.

Section 36-6 Enforcement

CHANGE: (2) The Director of Public Health shall not issue a permit for the installation of septic tanks upon any lot in a subdivision for which a plat has not been approved in the manner prescribed herein. Planned Unit Developments and Subdivision plats pertaining thereto shall not be permitted with septic tanks.

Section 36-10 L (1) Streets

ADD: (g) Safety lanes shall have a width of at least twenty-two feet.

Section 36-12 Sidewalks

ADD: In the case of a Planned Unit Development the provision for sidewalks as set out in Chapter 42 shall be adhered to regardless of whether or not any existing street is uncurbed.

Section 36-19 Lots

CHANGE: (a) Dimensions. The size, width, depth, shape, and orientation of lots shall be appropriate for the location of the subdivision and for the type of development and use contemplated. Unless the requirements of Chapter 42 of this Code are more stringent or unless a Planned Unit Development is being platted or unless the Commission shall set more stringent requirements as provided for hereafter, the lot dimensions shall be as follows:

CHANGE: (1) Sewered lots: Where off-lot sewerage is provided, each residential lot shall have an area of at least six thousand square feet, and shall be at least fifty feet wide except in the case of a Planned Unit Development. In case of irregularly shaped lots, the minimum width shall be measured at the required front building line.

CHANGE: (2) Unsewered lots: Where off-lot sewerage is not required and is not provided, residential lots shall have an area of at least nine thousand square feet and shall be at least sixty feet wide. Where, as the result of the percolation test prescribed by Section 36-14(b), the Director of Public Health deems the minimum lot area insufficient, the Commission shall require additional lot area sufficient to accommodate the sanitary facilities deemed necessary by the Director of Public Health.

Planned Unit Developments shall not be permitted with septic tanks.

CHANGE: (b) Frontage: Each lot shall front upon a public street except in the case of Planned Unit Developments. Lots of irregular shape shall not be allowed unless they have a street frontage of at least twenty feet except in the case of Planned Unit Developments.

Section 36-21.13 Lot Area

CHANGE: All lots platted in accordance with Sections 36-6.2 and 36-6.3 above, shall have a minimum street frontage of 100' and shall contain a minimum area of one-half acre of land. In certain instances, however, lot area of greater dimension may be required by the Department of Public Health in the event that percolation tests indicate an insufficient area for proper functioning of septic tank or other sewage disposal systems. Planned Unit Developments shall not be permitted in this area with septic tanks.

Section 36-23 Plat Specifications

ADD: (A) Generally: All private streets in Planned Unit Developments shall be delineated and designated as safety lanes on the subdivision plat as required in Chapter 42.

Section 42-7 Definitions

- ADD: "Applicant" shall mean the legal or beneficial owner or owners, or a duly appointed representative, of all of the land proposed to be included in a Planned Unit Development. The holder of an option or contract to purchase, a lessee having a remaining term of not less than forty years, or other person having an enforceable proprietary interest in such land, shall be deemed to be an Applicant for the purpose of this article.
- ADD: "Common Area" shall mean a parcel or parcels of land, or an area of water, or a combination of land and water, and/or developed facilities including but not limited to areas for vehicular and pedestrian access and recreational facilities within the site designated for a Planned Unit Development, and designed and intended for the use or enjoyment of occupants of the Planned Unit Development. Common areas may contain such complementary structures and improvements as are necessary and appropriate for the benefit and enjoyment of the occupants of the Planned Unit Development.
- Current definition of "dwelling" under Section 42-7 of the City Code is hereby repealed.
- ADD: "Dwelling, One Family" - A single structure occupied exclusively by not more than one family.
- ADD: "Dwelling, One Family Attached". - Two or more dwelling units with common walls between units.
- ADD: "Dwelling, Two Family Attached". - Two dwelling units with a common wall between the units and under single ownership which may be attached by a common wall to other units.
- ADD: "Driveway" shall mean that area providing secondary access from a street to one or more dwelling units. Driveways may be paved with any appropriate material that provides an all-weather surface and may be of any appropriate width, but not less than ten feet (10'). Driveways may not be used for general circulation purposes.
- ADD: "Floor Area, Planned Unit Development" shall mean all indoor area except car storage, heating and/or cooling plants, or common use facilities.
- ADD: "Land Use Intensity (LUI)" shall mean the overall structural-mass and open-space relationship in a developed property. It correlates the amount of floor area, open space, livability space, and recreation space of a property with the size of the site. Land use intensity relates to density but is more inclusive in its coverage of planning factors. The land use intensity rating assigned to a property helps to determine the character of a project by establishing the structures to open space relationship.
- ADD: "Livability Space" shall mean all outdoor space other than roads, drives or parking. Recreation space where required may also be considered part of livability space.
- ADD: "Lot" - After the words public street insert:
, except in the case of a Planned Unit Development, in which the requirements are specified in Article VIII of this chapter.

- ADD: "Open Space" shall mean all uncovered outdoor area including streets, parking, lawns, patios, and recreation areas as well as usable roofs and uncovered balconies. One half of the area of all roofed porches, carports and other covered open area may also be counted as open space. Areas within a site subject to flood or otherwise unusable for building may be included as open space.
- ADD: "Plan of Development" shall mean the proposal for development including such drawings, documents, and other information necessary to illustrate completely the proposed development. The plan of development shall specifically include such information as required by Section 42-109 of this article.
- ADD: "Planned Unit Development" shall mean an area of land, controlled by a land owner, to be developed as a single entity. A Planned Unit Development may include, but does not require, individual ownership of units, structures, or property. Common areas, however, which relate to and serve the individual occupants, are an essential and major element of such developments.
- ADD: "PUD-1" shall mean a Planned Unit Development which conforms to the use regulations, overall density, and character of development as defined by Division 2 of Article VIII.
- ADD: "PUD-2" shall mean a Planned Unit Development which conforms to the use regulations, overall density, and character of development as defined by Division 3 of Article VIII.
- ADD: "Private Street" shall mean any street not dedicated to the public and to be maintained by a private entity.
- ADD: "Safety Lane" shall mean a designated area or an approved plat which has a primary purpose of providing access for safety vehicles in any development where public streets do not adequately provide such access.
- ADD: "Recreation Space" shall mean that portion of the livability space developed specifically for active or passive recreation and may include quiet sitting areas, formal and informal sports fields, tot lots, court games, and outdoor pools. Any roofed structure which is essentially a common area may also be included, such as recreation buildings, indoor-outdoor pools, gazebos, and pavilions.

Section 42-68.1 - R-6 Townhouse Residence District

- ADD: (G) Exceptions: In the case of townhouses developed in a Planned Unit Development the provisions of this section shall not apply. All requirements for townhouses in Planned Unit Developments shall be as specified in Article VIII of this Chapter.
- ADD: Division 3 B. Planned Unit Development Districts.

Section 42-77.2 P-2, Planned Unit Development Districts.

- ADD: This District is composed exclusively of PUD-2 developments. The district regulations are designated to protect adjacent development as well as to permit the maximum of flexibility in design to implement special development concepts.

It is intended that these districts be limited to the central business district and other specified centers of intensive or special development.

Section 42-80 - Table of Permitted Uses

Add to dwelling (one family): (One family attached in PUD only.) and permit these uses in the R-6 Townhouse District:

Add to dwelling (two family): (Two family attached in PUD only.) and permit these uses in the R-6 Townhouse District.

Add: Personal services and limited retail uses in R-1, R-2, R-3, R-4, R-5, R-6. *(These uses are intended to serve the residents of a Planned Unit Development only. Documentation shall be required to prove that the types and amounts of these uses can be supported within the development.)

Add townhouse use in the R-3, B-1, B-2, and B-4 Districts. Add P-2 District to the table. Under this district allow the following uses: (Every use allowed in the table with the exception of those uses specifically limited to I-2)

Section 42-81 - Table of Height, Yard and Area Regulations

Add a dagger to title of the table and a footnote at the end of the table stating: In the case of Planned Unit Development this table does not apply. Height, Yard and Area requirements are as specified in Article VIII of this Chapter.

Section 42-83 - Supplementary Area Regulations

CHANGE: (a) Dwelling on small lot. Where a lot located in a residential district contains an area less than the required lot area for the district and on the effective date of this Chapter was existing and of record and held in separate and different ownership from any lot immediately adjoining and is within the proper zoning district, such lot may be used for a one-family dwelling, except as provided in Section 42-63 (lot area) of this Chapter.

CHANGE: (b) Conventional Development Lots. Minimum lot frontage shall be 50' except on irregularly shaped lots which have a minimum street frontage of 20'. In no case, however, shall any lot have less than 50' at the building line.

ADD: (c) Planned Unit Development Lots. Lot requirement for Planned Unit Development shall be as specified in Article VIII of this Chapter.

Section 42-87 Supplementary Yard Regulations

(a) Reversed corner lot. (The following statement is to be added to the end of the paragraph:) This requirement does not apply to a lot in the Planned Unit Development.

Section 42-94 - Table of Off-Street Parking Requirements

Add asterisk before the single family, two family and the multi-family uses. Add footnote at the bottom of the table: These uses developed in a Planned Unit Development shall have two or more parking spaces per unit as specified in Article VIII of this Chapter.

* To be added as a footnote to table.

Section 42-104 - Procedure for Submission and Approval of Special Plans for Building Groups.

Add to the end of sub-section (A) (4): In addition safety lanes shall be provided as determined by the Fire or Police Chief.

Section 2. Section 42 of the City Code is hereby further amended as follows:

ARTICLE VIII. PLANNED UNIT DEVELOPMENT

DIVISION 1. GENERAL CHARACTERISTICS

Section 42-106. PURPOSE.

It is the intent of this Article to encourage unified design of housing, commercial, industrial, or institutional areas and facilities, or combinations, thereof, to provide for related developments having harmony of design and variety of function, and to provide for a greater flexibility in the design of buildings, yards, courts, and circulation, than would otherwise be possible through the strict application of standard regulations. It is further the intent of this Article to provide for:

- (a) A maximum choice in the types of environment and living units available to the public.
- (b) An integration of open space and recreation areas with residential development.
- (c) A pattern of development which preserves trees, outstanding natural topography, and geologic features.
- (d) A creative approach to the use of land and related physical development.
- (e) An efficient use of land resulting in smaller networks of utilities and streets and thereby lower housing and maintenance costs.
- (f) An environment of stable character in harmony with surrounding development.
- (g) The development of vacant property within the presently developed urban area.
- (h) The redevelopment of property where desirable by providing flexibility in redesign.

The Planned Unit Development concept is a recognition that at times greater quality of development can be achieved by permitting modification of established zoning and subdivision regulations and that when property is planned and developed as a unit, modification to standard regulations is possible without endangering the health, safety, and general welfare of the public.

In keeping with the spirit of the Planned Unit Development concept and to accomplish the above stated objectives this Article will provide for two types of Planned Unit Developments - PUD-1 and PUD-2.

It is intended that PUD-1 conform as closely as possible to established zoning and subdivision regulations while still permitting maximum flexibility of design to make Planned Unit Development as desirable as possible.

PUD-2 is envisioned as a tool under which zoning and subdivision regulations would be subject to modification as necessary to solve specific land development problems and to implement special development concepts.

SECTION 42-107. LIMITATIONS.

(a) Development as PUD-1 will be permitted in any zoning district established after June 28, 1965 except for the R-A districts.

(b) Utilization of PUD-1 is at the option of the applicant.

(c) Utilization of PUD-2 will require delineation of a P-2 zoning district by the City Council.

(d) This Article shall not apply to any Planned Unit Development or planned building group which is now fully or partially developed, nor to any such development for which final approval has been granted prior to the adoption of this Article, June 15, 1972. In any such case such development shall remain subject to the provisions of the zoning ordinance prior to the adoption of this Article provided, however, that the land owner of any Planned Unit Development or planned building group, may, as an alternative, upon application to and approval of the Planning Commission, become subject to all of the benefits and burdens of this Article, subject to any right which may have been invested in the residents of the areas affected by said developments.

DIVISION 2. PUD-1

SECTION 42-108. MINIMUM REQUIREMENTS.

1. Size. Planned Unit Developments shall not be permitted on tracts of less than 2 acres in size.

2. Permitted Uses. With the exception of the R-A district, a PUD-1 may be developed which includes any or all of the uses permitted in any specific zoning district established after June 28, 1965 - e.g., a PUD-1 in a B-3 zone could include any, all, or any combination of the uses permitted in the B-3 zone. A PUD-1 may also encompass several zones provided however that the uses permitted in each zone are limited to the boundaries of that zone.

Single family houses or duplexes where permitted may be attached by common walls between units. However, in R-1, R-2, and R-5 districts, the Planning Commission shall retain the prerogative of establishing the number of units which may be attached for all structures which are adjacent to or across the street from conventional development. The number of units which may be attached is understood to be one factor in the control of character which is also determined by density of a development, size of the units, height of the units and design of the units.

3. Heights and Peripheral Yard Requirements.

(a) Height. All structures shall not exceed a maximum height of 3 stories. However, any portion of a building may be erected to exceed the height limit specified provided that such portion is set back from the

required side and rear yards one foot for each two feet of height in excess of the 3 stories.

Yard credits shall be allowed for space occupied by existing buildings, of conforming height, extending from the required yard lines.

(b) Yards Abutting Streets. Structures adjacent to a public street shall maintain a minimum average setback of 20', with no structure closer than 10'. All setbacks shall be measured from the nearest right-of-way line or the line established by Section 36-10, I (2) of Chapter 36 of the City Code, whichever is greater. Structures adjacent to private streets, or adjacent to public streets which are internal to the project under consideration and comprise a distinct block or blocks within the project, have no minimum building set back requirements. However, in no case, shall a structure be located so as to obstruct sight line requirements. The minimum sight line shall be a line joining two points 50' from the intersection of the paving lines of any public street with another public street, private street or driveway, measured along the paving lines of the streets or driveways involved.

Similar criteria shall hold for the intersection of two private streets. There are no specific requirements for the intersection of private streets with driveways; in the case of a T intersection, the sight line distance requirement for the intersection of a public street and a driveway shall be reduced to 25 feet as measured along the paving line of the driveway.

A drawing pertaining to this matter is on file in the Office of the City Clerk.

(c) Yards Abutting Existing Developments. All structures adjacent to the property line of an existing development, or an alley or easement which is adjacent to an existing development, shall have a minimum yard requirement equal to the adjacent yard in the existing development. In no case, however, shall this requirement be greater than 20'.

(d) Yards Abutting Vacant Property. All structures adjacent to the property line of a vacant area, or an alley or easement which is adjacent to a vacant area, shall be a minimum of 5' from the property line, except where the zoning of the property in question permits less than 5', in which case firewalls may be built on the property line.

4. Density

(a) Residential Developments. For residential Planned Unit Developments, this ordinance will utilize density limits and land use intensity in combination to determine the maximum number of units per acre and the maximum allowable floor area. Land use intensity ratings, to be referred to hereafter as (LUI), will determine the character of a project by establishing a structure to open space relationship. The density limits determine the maximum impact a given area is allowed in terms of streets, utilities, schools and other urban services. The maximum densities, land use intensity ratings and floor areas allowed for each district can be found in Table 1 - Land Use Intensity.

TABLE 1

LAND USE INTENSITY

<u>Zoning District</u>	<u>Maximum Density</u>	<u>Floor Area¹ Ratio</u>	<u>Open Space² Ratio</u>	<u>Livability³ Space Ratio</u>
R-1	8	.283	2.6	1.7
R-5	8	.283	2.6	1.7
R-2, R-4	10	.283	2.6	1.7
R-6	20	.492	1.5	.84
R-3	33	.650	1.1	.61
B-1, B-2	33	.650	---	---

1. To determine allowable floor area; the floor area ratio for the proper zoning should be multiplied by the gross site area including allowable bonuses. Floor area is defined as all indoor areas except car storage, heating and/or cooling plants, or common use facilities such as recreation buildings.

2. To determine the open space required, the open space ratio for the proper zoning should be multiplied by the actual floor area proposed for the development as defined above. Open space is defined as all uncovered outdoor area as well as usable roofs, uncovered balconies, and one half of the area of all roofed porches, carports, and other covered open areas.

3. To determine the livability space required, the livability space ratio for the proper zoning should be multiplied by the actual floor area proposed for the development as defined above. Livability space is designed as all outdoor space other than roads, drives or parking. Recreation space may also be included as part of livability space. With the exception of density, deviations from the requirements in the above table of up to 10% will be considered by the Planning Commission. However, it shall be understood that the requirements in the table represent the norm and deviations must be justified by the applicant. In calculating densities and floor areas the gross area of a site is used. In addition, one half of any abutting collector street or arterial street right-of-way may be included as part of the gross area. One half of any abutting park, river, or other beneficial open space which has reasonable expectancy of perpetuity may also be included. In no case, however, may this additional area exceed 10 percent of the total site.

(b) Non-residential Development. The density of all non-residential Planned Unit Development shall be governed by the height, peripheral yard requirements, and site development criteria, contained in this article.

5. Interior Site Requirements

(a) Residential Developments - Open Space, Livability Space, Recreation Space. For all residential developments the (LUI) ratings established in Table 1 - Land Use Intensity (Section 42-108 (4)) shall be used to determine the open space and livability space. Recreation space is also a necessary component of every residential planned unit development, however, there are no specific requirements.

(b) Non-residential Development - Open Space, Livability Space, Recreational Space. In non-residential developments the amount of open space and livability space is determined by the requirements for peripheral yards, space between structures, general circulation needs and landscaping. These requirements are set forth in other sections of this article. Recreational space in non-residential development is optional.

(c) Minimum lot requirements. An individual lot for each structure is not required, but individual lots may be provided at the developer's option. There is no minimum area requirement for lots and lot boundaries may coincide with structure boundaries if desired. If individual lots are provided there shall be no requirement that the lot front a street.

(d) Vehicular access and internal circulation. Vehicle access points shall be limited to the minimum necessary to provide safe, convenient ingress and egress to the planned unit development. These access points shall be located so as to provide a minimum of conflict between the Planned Unit Development traffic and the traffic on the adjacent streets. Internal circulation may be on private streets owned and maintained by the corporation, association, or other legal entity as established in Section 42-108 (6) of this article. The Planning Commission may, however, require dedication of right-of-way and/or construction of paving for a public street or streets through or into the Planned Unit Development as the Planning Commission deems necessary.

The design standards and construction specifications of private streets shall be the same as those provided for marginal residential access streets as defined in Chapter 36 of the City Code of the City of San Antonio with the following exceptions:

1. The 40.0' of right-of-way including a 13.5' parkway shall not be required.
2. The total paving width exclusive of curb exposures shall be reduced from 26' - 0" to 22' - 0".
3. Curbs shall be optional provided provision is made for adequate drainage by means other than the traditional curb and gutter.
4. A reversed crown may be utilized to provide drainage down the center of the street.

Upon completion of construction of these streets, the Director of Public Works shall be provided with written certification signed by a registered Professional Engineer certifying that the private street system was designed and installed as required by the provisions of this Article and the requirements in Chapter 36 of the City Code. Ingress, egress and circulation of safety vehicles-i.e., fire equipment, police equipment, etc. shall be a primary feature in the design of vehicular access and circulation. The following safety provisions shall be included:

1. Parking shall be prohibited on any private street less than 30' in width and if utilized on streets 30' wide or wider it must be clearly distinguishable from the movement lanes.
2. A movement area, a minimum of 22' wide on all private streets, shall be delineated and designated as a safety lane on the plat required in Section 42-109 (4) of this Article.

If in the opinion of the Fire Chief or Police Chief of the City of San Antonio, adequate access for safety vehicles is not provided by the private street system, additional safety lanes as determined by the Fire Chief or Police Chief may be required. These safety lanes shall be a minimum of 22' in width. Paving is not required but unpaved safety lanes must be clearly marked. The safety lanes must remain free of any and all obstructions at all times. These additional safety lanes shall be delineated and designated as safety lanes on the plat required in Section 42-109 (4) of this Article.

All safety lanes shall be owned and maintained by the corporation, association, or other legal entity as established in Section 42-108 of this Article, however, a written agreement between the City of San Antonio and the legal entity shall be provided permitting vehicles and/or personnel of the City of San Antonio when on official business to use the safety lanes for any purpose, at any time, without liability and further to permit the City of San Antonio to remove at any time any and all obstructions of any type in the safety lanes and assess the cost of removal to the owner or owners of the obstruction.

(e) Parking requirements. There shall be a minimum of two paved parking spaces with adequate ingress and egress for every dwelling unit in all residential developments. Certain unique circumstances such as homes for the elderly or student housing, for example, may require either more or less space per unit in which case the number of parking spaces required shall be determined by the Director of Traffic and Transportation and approved by the Planning Commission. Common use facilities may also require additional parking spaces to be determined and approved as above. For all non-residential developments the minimum parking requirements will be as specified in Section 42-92 of the zoning ordinance. Parking in both residential and non-residential areas shall be convenient to all dwelling units or other uses and where appropriate, common driveways, parking areas, walks and steps shall be provided, maintained and lighted for night use. Screening of parking and service areas may be required to avoid conflict between these areas serving different types of uses in a development.

(f) Pedestrian Access. A minimum 3' wide sidewalk which will provide safe, convenient pedestrian access shall be provided on the public street side or sides of all Planned Unit Developments for the entire length of the project. Additional sidewalks of the same standard may be required as deemed necessary by the Planning Commission.

(g) Drainage, Utilities, and Garbage Collection.

Drainage: The use of private streets for storm drainage shall not exceed that permitted for public streets in Chapter 36 of the City Code. Where private streets cross drainage ways of any type, adequate crossings as required by Chapter 36 of the City Code for public streets, shall be provided.

Utilities: Public utilities shall be in public easements or dedicated rights-of-way. Private streets and other private facilities that cross public easements shall be owned and maintained by the Homes Association or other legal entity responsible for maintenance of the common area.

Utility distribution to individual lots may be made from a common metering or connection point or points.

Garbage Collection: Adequate provision for garbage collection and disposal as approved by the Director of Public Health shall be provided.

(h) Building Spacing. The minimum distance between buildings shall be 10' except for firewalls which may be less than 10', but no less than 4' in the clear, provided that the distance where adjacent buildings are less than 10' apart, shall not exceed a length of 15'. The term, in the clear, shall be construed to apply to meters, air conditioning units, and/or other mechanical equipment which may not intrude within the 4' space.

The space between buildings with a separation of less than 10' shall contain no utility mains, but may contain individual utility services.

(i) Landscaping. In keeping with the spirit of this Article, landscaping shall be provided in both residential and non-residential developments. Recognizing the need for diversity in design, there are no specific requirements for the type, amount, or character of the landscaping elements, which shall be left to the discretion of the developer provided the proposed landscaping and maintenance thereof be in keeping with the above mentioned spirit. In the location of landscaping elements such as trees, shrubbery, walls and fences, care should be taken not to obstruct the necessary sight distance of any intersection within or adjacent to the property. Whenever practicable, the preservation of existing trees and appropriate other vegetation is encouraged. Screening, such as fencing, walls, trees, shrubbery, and other landscaping elements, may be required on the perimeter, or parts thereof, of a Planned Unit Development as buffering to adjoining other zoning districts.

6. Common Area Control

All common area shall be controlled by conveying title (including beneficial ownership) to a corporation, association or other legal entity. The terms of such conveyance must include provisions suitable to the Planning Commission for guaranteeing (1) the continued use of such land for the intended purposes; (2) continuity of property maintenance for those portions of the common area requiring maintenance; (3) when appropriate, the availability of funds required for such maintenance; (4) adequate insurance protection; and (5) recovery for loss sustained by casualty, condemnation, or otherwise.

For residential Planned Unit Developments the most currently circulated version of FHA Form 1400 "Suggested Legal Documents for Planned Unit Developments" shall be used as a guide for the establishment, continuance and operation of a Homes Association to meet the above stated requirements. For non-residential developments no guide is specified. However, whatever document is developed shall include at minimums provision one through five above.

In addition, for both residential and non-residential Planned Unit Developments, the corporation, association or other legal entity must provide proof of its authority to contract with the City of San Antonio and execute a written agreement with the City of San Antonio stating that, at any time the maintenance of the common area falls below established health and minimum housing standards, the City of San Antonio may, at its option, after giving proper and reasonable notice and observing due process of law, undertake maintenance of the common area and assess the legal entity or the individual property owners for the cost of said maintenance.

SECTION 42-109. Procedure.

1. Pre-application Conference. (Optional with the Applicant)
It is recommended that the proposed plan of development be reviewed informally with the Director of Planning prior to preparation and submission of the plan.

2. Submittal of Preliminary Plan. (Optional with the Applicant)
Fifteen or more copies, as determined by the Director of Planning, of a preliminary plan of development accompanied by a \$65 processing fee shall be submitted to the Director of Planning. The \$65 processing fee shall be in addition to any other fees that may have been incurred for zoning, platting, etc. The Director of Planning shall upon receipt of the preliminary plan of development distribute one or more of the copies to various City Departments and/or agencies as the Director deems necessary. The departments and/or other agencies receiving copies of the preliminary plan of development shall within 30 days of receipt of the plan submit, in writing, to the Director of Planning, their recommended approval, disapproval and/or comments of or about the plan.

The preliminary plan of development shall include the following drawing or drawings at a scale of 1" = 100' with finished grade contours at intervals of 2 feet.

(a) A dimensioned layout of any buildings, open space, recreational area and other elements basic to the proposed use including the amounts of the proposed uses in square feet or acres.

(b) Locations, amounts, and types of non-residential uses within the area proposed to be developed.

(c) The size and location of all vehicular access points to the Planned Unit Development. The number and location of all parking spaces. The layout, width, and type of paving proposed for all vehicular movement areas. The layout, width and type of paving for all sidewalks and other pedestrian movement areas.

(d) In the event that the Planned Unit Development is to be developed in stages, a staging plan with estimated times of development is to be included as part of the preliminary plan of development.

The preliminary plan of development may also include at an appropriate scale or in some appropriate form:

(a) Elevation drawings and/or perspective sketches which demonstrate visually the general features of the proposed plan.

(b) The required legal documents as specified in Section 42-108 of this Article.

3. Preliminary Plan Approval

No later than 45 days after submission of the preliminary plan of development the Director of Planning shall submit the plan with his recommendation and the comments received from other City Departments and/or other agencies to the Planning Commission for consideration.

The City Planning Commission, after receipt of such plan, may approve the preliminary plan as submitted, amend and approve the plan as amended, or disapprove the plan. If approved, the plan with amendments, if any, shall be stamped, "Approved Preliminary Plan of Development" and be signed by the chairman of the Planning Commission. One copy of the approved Preliminary Plan of Development shall be placed on file in the Planning Department pending approval of the Final Plan of Development.

4. Application for Final Approval

Prior to the issuance of building permits, final approval for a Planned Unit Development shall be obtained. To obtain final approval, one or more copies, as specified below, of the following shall be submitted:

(a) An approved preliminary plan of development to the Director of Planning (15 or more copies as determined by the Director of Planning); or if the preliminary approval option was not followed, submission of all the items required in 42-109 (2) above including the required number of copies and the proper fees.

(b) If not already submitted as part of the preliminary plan of development, elevation drawings and/or perspective sketches which demonstrate visually the general features of the proposed plan, and the required legal documents as specified in Section 42-108 (6) of this article. (Two or more copies as determined by the Director of Planning.)

(c) Platting. The property proposed for PUD-1 shall be platted as required by the most current subdivision regulations and/or the provisions of this article. As platting requirements will in some cases be dictated by the proposed plan of development, the plan of development must be approved simultaneously with approval of the plat. In the event that the property is properly platted prior to preparation of a plan of development, replatting may be required to insure the compatibility of the plat with the plan. (15 or more copies as determined by the Director of Planning.)

The following action is also required for obtaining approval of the final plan of development:

(a) Proper Zoning (if required). The property proposed for PUD-1 shall be zoned in accordance with the zoning regulations as established on June 28, 1965 and amended periodically thereafter. Two copies of a zoning diagram at a scale of 1" = 200' illustrating the existing zoning and land use of the subject property shall be submitted to the Director of Planning. This diagram shall also include a general location of the subject property in relation to the surrounding general area and a statement of the proposed use of the property, i.e., single family, townhouse and apartment, etc.

(b) Sewer fees and performance bond. Where sewer service is provided by the City of San Antonio, Planned Unit Developments with a density of 0-5 units per acre will pay a sewer fee of \$50.00 per unit inside the City and \$150.00 per unit outside the City Limits. Planned Unit Developments with a density of more than 5 units per acre will pay \$250.00 per acre inside the City and \$750.00 per acre outside the City.

A performance bond or trust indenture agreement adequate to cover the cost of installation of all private facilities illustrated on the approved plan of development shall be provided.

5. Approval of the Final Plan of Development.

The Director of Planning shall upon receipt of the final plan of development distribute one or more of the copies to various City departments and/or agencies as the Director deems necessary. The departments and/or other agencies receiving copies of the final plan of development shall within 30 days of receipt of the plan submit, in writing, to the Director of Planning, their recommended approval, disapproval and/or comments of or about the plan. No later than 45 days after submission of the final plan of development the Director of Planning shall submit the plan with his recommendation and the comments received from other City departments and/or other agencies to the Planning Commission for consideration. The City Planning Commission, after receipt of such plan, may approve the plan submitted, amend and approve the plan as amended, or disapprove the plan. If approved, the plan with amendments, if any, shall be stamped, "Approved Planned Unit Development" and be signed by the Chairman of the Planning Commission.

6. Recording of the Approved Plan.

One copy of the approved plan shall be placed on file in the Department of Planning and one copy shall be submitted to the Director of Housing and Inspections for use in issuing building permits. In addition, other copies of the approved plan may be requested as necessary for other departments and agencies.

7. Change in the Plan.

After favorable action by the Planning Commission, minor alterations to the plan that do not affect platting, the general character, or overall design of the plan may be approved by the Director of Planning. Substantial alterations shall be resubmitted for review by the Planning Commission following the same procedure required in the original adoption of the plan. The Director of Planning shall interpret what constitutes a substantial alternation in the plan.

8. Time Limit.

The construction of the Planned Unit Development shall be started within 18 months of the effective date of approval of the plan by the Commission. The Planning Commission may, no sooner than 60 days prior to the end of the time period, upon request of the developer, extend the time one additional year if in the judgment of the Commission additional time is warranted. In any event, construction must be started within 2 ½ years of the effective date of approval. Failure to begin the development within the required time period or the period as extended shall automatically void the plan of development and no building permit shall be issued until the plan or an amended plan has been resubmitted and properly approved by the Commission.

DIVISION 3. PUD-2

SECTION 42-110. MINIMUM REQUIREMENTS.

1. Location. PUD-2 shall be limited to the Central Business District and other centers of intensive or special development to be determined by the Planning Commission.

2. Size. The size of PUD-2 will be determined by the Planning Commission.

3. Permitted Uses. A PUD-2 may include any mixture of compatible uses as listed in Section 42-80 of this ordinance.

4. Density. Density shall be in terms of intensity of uses expressed by floor area ratios. The relationship between uses, and the overall area ratio allowable shall be determined by character considerations and the capacity of the surrounding environment to absorb the intensity in terms of load on the transportation system, the school system and other public facilities. The Planning Commission shall reserve the right to impose density limitations on particular geographical areas of the City, but in all cases the burden of proof shall be on the Applicant to show that existing or proposed facilities can handle the requested intensity.

5. Height and Peripheral Yard Requirements.

(a) Height. There are no general height requirements, however the Planning Commission may set height limitations as it deems necessary on particular geographical areas of the City.

(b) Peripheral Yard Requirements. With the exception of the yards abutting streets the peripheral yard requirements shall be at least as restrictive as the requirements of a PUD-1 development as established in Section 42-108 (3) of this article. Depending on the intensity and uses proposed for a PUD-2 development and its relationship to the surrounding area, the Planning Commission may require greater building setbacks for any peripheral yard, and screen walls, hedges, shrubs and trees as deemed necessary and appropriate for preservation of the character of the surrounding area.

Yards abutting streets shall be determined by the Planning Commission.

6. Open Space, Livability Space, Recreation Space. There are no specific requirements for open space, livability space, or creation space for either residential or non-residential developments. It shall be understood, however, that ratios of the type established by the land use intensity rating (LUI) for residential areas shall represent the norm and that significant deviation from these ratios shall be documented to justify the acceptability of the proposal.

7. Other Minimum Requirements. All other minimum requirements for PUD-2 development shall be the same as those requirements established for PUD-1 development in Section 42-108 (5) and (6) of this article. The Planning Commission may, however, alter the requirements to fit a specific need provided any alternation which is less than that required in Section 42-108 of this article be in general compliance with the spirit of this article. In no case shall the requirements for common area control be altered or waived.

SECTION 42-111. PROCEDURE

1. Pre-application Conference. Prior to submission of a formal application for a PUD-2, the Applicant shall confer with the Director of Planning concerning the proposal.

2. Zoning. The zoning classification required for a PUD-2 development shall be the P-2 District. Proper zoning, obtained as specified in Section 42-109 (4) of this article, shall be a prerequisite to tentative approval, but may be requested at the same public hearing required for the tentative approval as set out in paragraph 3 and 4 below at the option of the Applicant.

3. Application for Tentative Approval. To obtain tentative approval, of a PUD-2 development, 5 copies of a proposed plan of development accompanied by a \$65 processing fee shall be submitted to the Director of Planning. The \$65 processing fee shall be in addition to any other fees that may have been incurred for zoning. The plan of development shall include the following drawing or drawings prepared at a scale of 1" = 100':

(a) A dimensional layout of any buildings, open space, recreational area and other elements basic to the proposed use including the amounts of the proposed uses in square feet or acres as needed to calculate the land use intensity relationship.

(b) The size and location of all vehicular access points to the development. The number and location of all parking spaces. The pattern, width, and type of paving proposed for all vehicular movement areas. The pattern, width and type of paving for all sidewalks and other pedestrian movement areas. All proposed screening and/or lighting of parking and other areas shall also be illustrated.

(c) Elevation drawings and/or perspective sketches drawn to a suitable scale, which demonstrates visually the general features of the proposed plan shall be provided.

4. Public Hearing. Within 30 days after receipt of the application for tentative approval the Director of Planning shall send notice to all property owners within 200' of the proposed development, and any others the Director deems necessary, of a public hearing to be held no earlier than ten (10) days from date of mailing of the notice. After this hearing the Planning Commission shall, subject to City Council approval of zoning, (1) grant tentative approval of the plan as submitted, (2) grant tentative approval subject to specified conditions not included in the plan as submitted, or (3) deny tentative approval of the plan.

5. Application for Final Approval. Application for final approval may be made concurrently with tentative approval provided proper zoning has already been obtained or within one year thereafter. The application shall be submitted to the Director of Planning, accompanied by a processing fee of \$65 which shall be in addition to the fees for zoning, tentative approval and platting, and shall include 15 copies of a plan of development which provides the information required in (3) above and in addition:

(a) The required legal documents as specified in Section 42-108 (6) of this article.

(b) In the event that the Planned Unit Development is to be developed in states, a staging plan with estimated times of development is to be included as part of the development.

(c) A plat of the property as required by the most current subdivision regulations.

(d) Sewer fees and performance bond. Where sewer service is provided by the City of San Antonio, Planned Unit Developments with a density of 0-5 units per acre will pay a sewer fee of \$50.00 per unit inside the City and \$150.00 per unit outside the City limits. Planned Unit Developments with a density of more than 5 units per acre will pay \$250.00 per acre inside the City and \$750.00 per acre outside the City.

A performance bond or trust indenture agreement adequate to cover the cost of installation of all private facilities illustrated on the approved plan of development shall be provided.

The final plan of development shall include any changes, alterations, additions or deletions requested by the Planning Commission in its grant of tentative approval. Except for these modifications, the final plan of development shall not deviate substantially from the plan as tentatively approved. What constitutes substantial deviation shall be determined by the Director of Planning.

Upon receipt of the application for final approval the PUD-2 shall be reviewed, approved or disapproved and recorded as specified in Section 42-109 (5) through (8) of this article.

SECTION 3. Penalty.

It shall be unlawful to do or perform any act prohibited hereby and it shall be unlawful to fail to do or perform any act required hereby. Upon conviction any violation hereof shall be punished by a fine not to exceed \$200.00. Each day's violation hereof shall constitute a separate offense.

SECTION 4. Severability.

* If any section, subsection, sentence, clause or phrase of this Ordinance, or any exhibit or portion of any exhibit to this Ordinance is, for any reason, held to be unconstitutional, or defective or invalid for any reason, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have passed this Ordinance, and each section, subsection, clause, or phrase thereof, and exhibit thereto, irrespective of the fact that any one or more sections, subsections, sentences, clauses, and phrases and exhibits or portions thereof be declared unconstitutional, or defective or invalid for any reason.

PASSED AND APPROVED THIS 15th day of June, 1972.



ATTEST: [Signature]
Asst. City Clerk

[Signature]
MAYOR

APPROVED AS TO FORM: Howard L. Walker
City Attorney

DISTRIBUTION

VIII

ALCOHOL SAFETY ACTION	
AVIATION DIRECTOR	
CITY WATER BOARD	/
CONVENTION BUREAU	
CONVENTION CENTER	
CORPORATION COURT	
FINANCE DIRECTOR	/
ASSESSOR	
BUDGET	/
CONTROLLER	/
TREASURY DIVISION	/
FINANCE-MODEL CITIES	
INTERNAL AUDIT	/
PROPERTY RECORDS	
FIRE CHIEF	/
HEALTH DIRECTOR	/
HOUSING & INSPECTIONS DIRECTOR	/
HUMAN RESOURCES	
LAND DIVISION	/
LEGAL	/
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LIBRARY DIRECTOR	
MANAGEMENT ANALYSIS	
MODEL CITIES	
MUNICIPAL FACILITIES	
PARKS & RECREATION DIRECTOR	/
PERSONNEL DIRECTOR	
PLANNING DIRECTOR	/
POLICE CHIEF	/
PRESS ROOM	/
PUBLIC INFORMATION	/
PUBLIC WORKS DIRECTOR	/
ENGINEERING DIVISION	/
PUBLIC SAFETY-ASSOC. MGR.	/
PURCHASING	
TRAFFIC & TRANSPORTATION	/
CITY PUBLIC SERVICE BOARD	/
AACOG	/
S.A. TRANSIT SYSTEM	
URBAN RENEWAL AGENCY	/

ITEM NO. _____

MEETING OF THE CITY COUNCIL

DATE: JUN 15 1972

MOTION BY: Becker SECONDED BY: Hilliard

ORD. NO. 40834 ZONING CASE _____

RESOL. _____ PETITION _____

COUNCIL MEMBER	ROLL CALL	AYE	NAY
CAROL R. HABERMAN PLACE NO. 1		✓	
ED H. HILL PLACE NO. 2		✓	
CHARLES L. BECKER PLACE NO. 3		✓	
DR. ROBERT L.M. HILLIARD PLACE NO. 4		✓	
LEO MENDOZA, JR. PLACE NO. 5		✓	
GILBERT GARZA PLACE NO. 6 MAYOR PRO TEM		✓	
PLEAS C. NAYLOR, JR. PLACE NO. 7		abs	
ALVIN G. PADILLA, JR. PLACE NO. 8		abs	
JOHN GATTI PLACE NO. 9 MAYOR		✓	

CITY OF SAN ANTONIO

Interdepartment Correspondence Sheet

TO: City Clerk

FROM: Edward F. Davis, Director of Planning

COPIES TO: File

SUBJECT: SKETCH FOR SEC. 42-108 3(b) YARDS ABUTTING STREETS, PLANNED UNIT DEVELOPMENT ORDINANCE 40,834.

Date June 21, 1972

Please find attached our sketch showing street intersection sightline requirements to be filed in your office in addendum to the Planned Unit Development Article.

Edward F. Davis
by Allen Ghormley
Edward F. Davis, AIP
Director of Planning
Planning Department

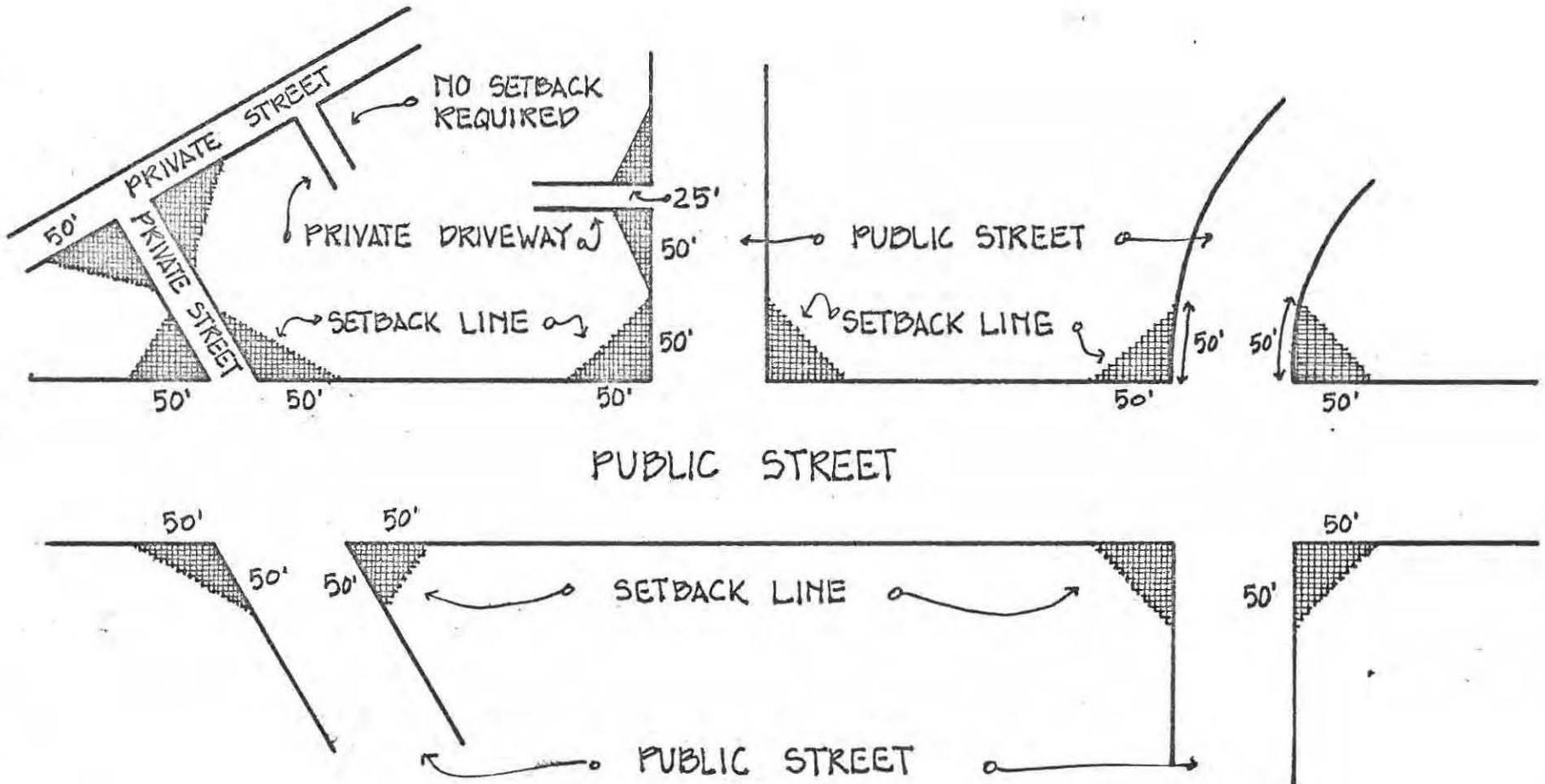
Prepared by:
Allen Ghormley
Assistant Planner

EFD/AG/sjc

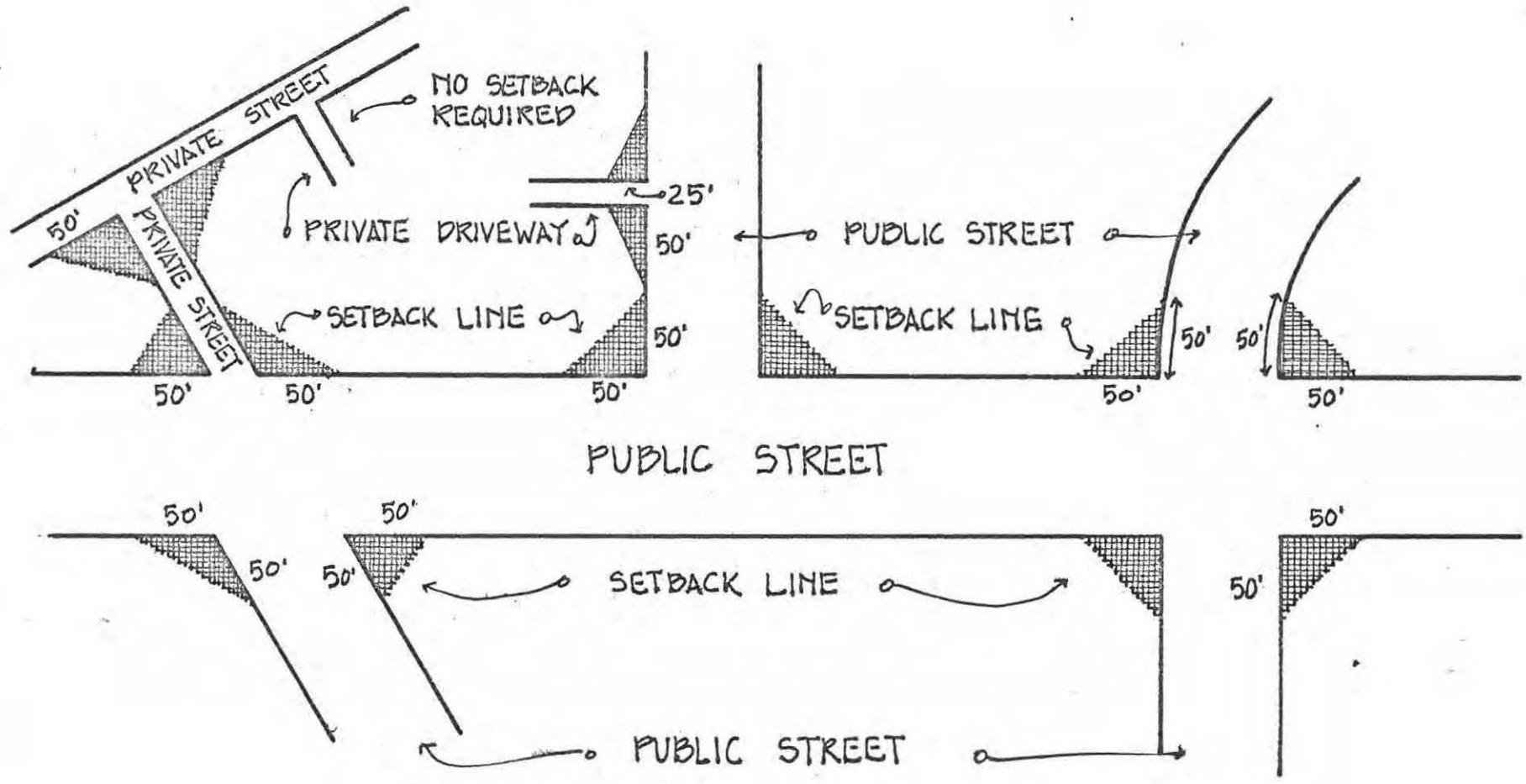
PLANNED UNIT DEVELOPMENT

STREET INTERSECTION SIGHTLINE REQUIREMENTS

SEC. 42-108 3(b) YARDS ABUTTING STREETS



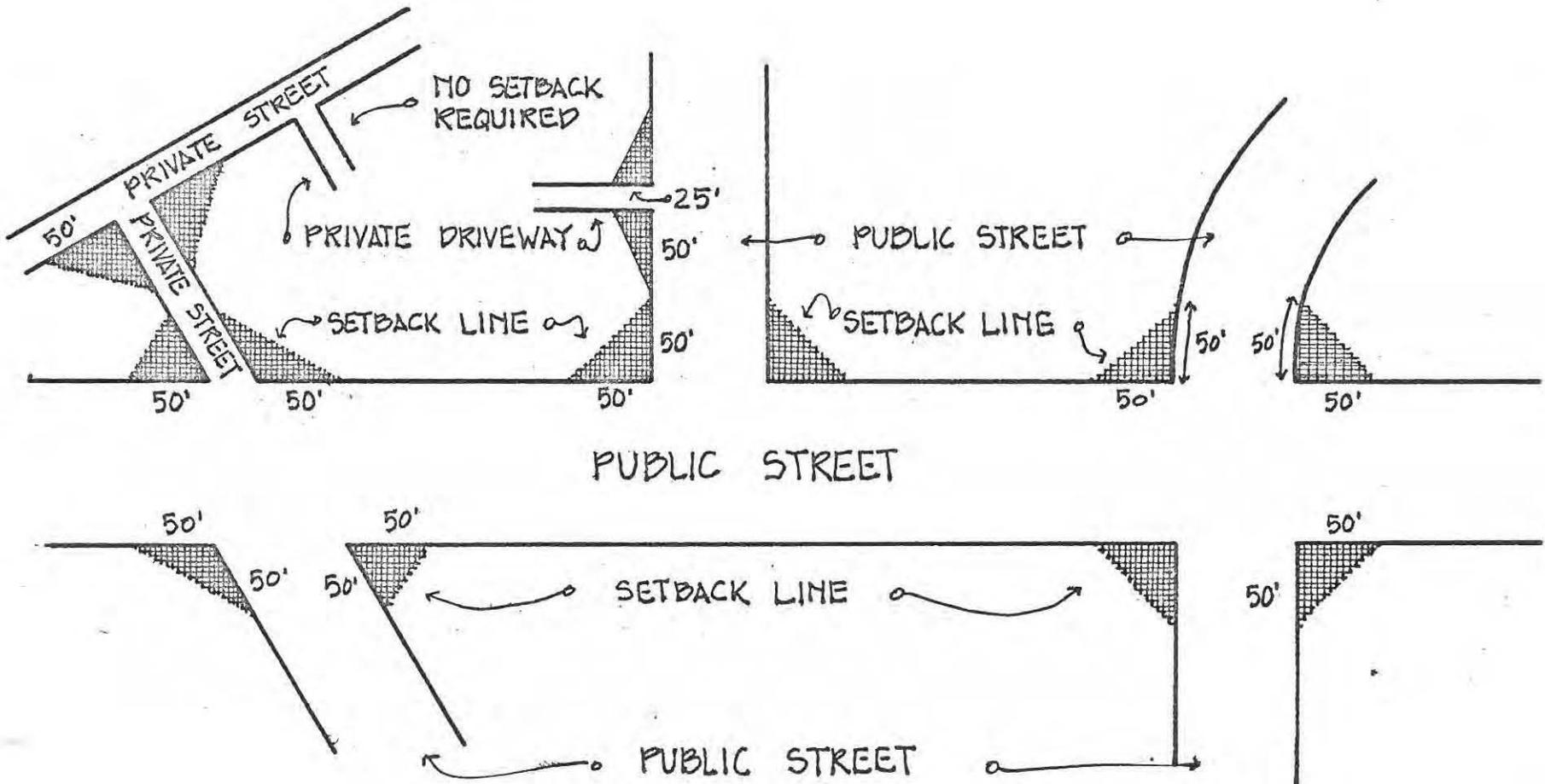
PLANNED UNIT DEVELOPMENT
STREET INTERSECTION SIGHTLINE REQUIREMENTS
SEC. 42-108 3(b) YARDS ABUTTING STREETS



PLANNED UNIT DEVELOPMENT

STREET INTERSECTION SIGHTLINE REQUIREMENTS

SEC. 42-108 3(b) YARDS ABUTTING STREETS



PLANNED UNIT DEVELOPMENT

STREET INTERSECTION SIGHTLINE REQUIREMENTS

SEC. 42-108 3(b) YARDS ABUTTING STREETS

