

AN ORDINANCE 2009-01-15-0001

AMENDING CHAPTER 35, UNIFIED DEVELOPMENT CODE, OF THE CITY CODE OF SAN ANTONIO, TEXAS, BY MAKING SUBSTANTIVE AND MINOR AMENDMENTS; CORRECTING CLERICAL AND FORMATTING ITEMS; CLARIFYING ITEMS; AMENDING DEFINITIONS; PROVIDING AN EFFECTIVE DATE; AND PROVIDING FOR SEVERANCE.

\* \* \* \* \*

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

WHEREAS, Section 35-111 of the Unified Development Code provides an update process every two years for amendments to the Unified Development Code that shall be submitted to the Zoning Commission and the Planning Commission; and

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

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

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

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

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

Chapter 35, Article I, Section 35-104(b) & (c) are amended as follows:

**35-104 Applicability.**

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- (b) **Public Buildings, Structures and Uses.** In the erection of buildings or other structures, city owned utilities are to conform in architectural design or otherwise as nearly as possible to the buildings permitted in the zoning district in which they are erected. The provisions of this chapter do not apply to either the County Courthouse or a building, other structure, or land under the control, administration, or jurisdiction of a state or federal agency. ~~shall not apply to buildings of county, state, or federal agencies, except for those cases in which the land is not owned by the county, state, or federal agency~~

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The provisions of this chapter shall apply to any buildings, structures, or uses of the city or its agencies or instrumentalities including, but not limited to, the department of public works, San Antonio Water System (SAWS), and City Public Service Energy (CPS Energy).

- (c) **Subdivision Regulations.** Subdivision and platting regulations as set out herein shall apply to all of the area within the incorporated areas of the city and it's the extraterritorial jurisdiction ~~as of the city's~~ provided in V.T.C.A. Local Government Code Ch. 212.

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Chapter 35, Article II, Section 35-207 (c)(1) and Table 207-2 & 3 are amended as follows:

**35-207 Traditional Neighborhood Development.**

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- (c) **Size and Location of Site.**

- (1) **Location.** A TND may be located adjacent to, but shall not be bisected by, a secondary arterial or primary arterial street unless the street is designed to conform to the requirements of an avenue or main street (see subsection 35-506(d) of this chapter).

If the TND is located adjacent to a collector or higher classification street and the street is not designed to conform to the standards of an avenue or main street, the following criteria shall apply:

- A. The internal streets providing access to the TND shall be aligned perpendicular to the collector or higher order street.
- B. The buildings or structures which take access from the internal streets shall face the internal streets and not the collector or higher order streets.

On occasion the development of an MXD as an infill or redevelopment project of an area with existing streets in place may not be able to comply with the requirements of Section 35-207(c) (1). In such cases the planning and development services director shall make a determination in writing that failure to comply with the provisions for location relative to existing collector, secondary or primary arterial streets will not preclude the MXD project proposed from accomplishing most of the goals stated in the introduction of the section for the development of a viable MXD project.

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Table 207-2

(A1) Traditional Street	(A2) Conventional Street	(B) Civic Uses	(C) Retail or Service Uses	(D) Multi-Family Uses	(E) Single-Family Uses
Parkways	Primary & Secondary Arterials	*	--	--	--
Boulevard		*	*	*	--
Main street		*	*	*	--
Avenue	Collector Street	*	*	*	--
Local	Local A&B Streets	--	--	*	*
Lanes		--	--	--	*

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Table 207-3

(A1) Traditional Street	(A2) Conventional Street	(B) Min. Frontage <sup>1</sup>	(C) Max. Average Frontage	(E) Min. Front Setback	(F) Max. Front Setback	(G) Min. Side Setback <sup>2</sup>	(H) Max. Side Setback	(I) Min. Rear Setback
Parkways	Primary & Secondary Arterials	100'	--	10'	20'	5'	--	40'
Boulevard		40'	80'	5'	20'	5'	20'	20'
Main street		--	40'	--	5'	--	5'	5'
Avenue	Collector Street	20'	40'	5'	20'	5'	--	20'
Local	Local A&B Streets	20'	70'	5'	30'	5'	--	20'
Lanes		20'	70'	5'	30'	5'	--	20'

Notes to Table 207-3:

1. TXDOT may apply additional standards for connection to state roads, in which case approval from TXDOT may be required
2. Applies only to single-family detached dwellings, or buildings or structures adjacent to a single-family detached dwelling.

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Chapter 35, Article II, Section 35-208 is amended as follows:

**35-208 Transit-Oriented Development.**

*STATEMENT OF PURPOSE*

*Transit The Transit-oriented development (TOD zone) encourages a mix mixture of residential, commercial, and employment opportunities within identified light rail station areas or other high capacity transit areas. The use pattern is intended to encourage a mixture of residential,*

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*commercial, and employment opportunities within transit corridors or areas served by transit. A TOD This district is intended to promote transit supportive development, ensure access to transit, and to limit conflicts between vehicles and pedestrians and transit operations. A TOD The zone allows for a more intense and efficient use of land at increased densities for the mutual re-enforcement of public investments and private development. Uses and development are regulated to create a more intense built-up environment, oriented to pedestrians, to provide a density and intensity that is transit supportive. The TOD development standards of the zone also are designed to ~~support-encourage~~ a safe and pleasant pedestrian environment near transit stations by encouraging an intensive area of shops and activities, ~~with by-encouraging~~ amenities such as benches, kiosks, and outdoor cafes, and by limiting conflicts between vehicles and pedestrians. It is the intent of this section that a TOD district be restricted to areas within one-half (1/2) of a mile of a transit station, an ~~which~~ area is equivalent to a ten-minute walking distance.*

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**(a) Applicability.**

The provisions of this section apply to any use or development located within a transit-oriented development transit overlay zoning special district (“TOD”).

**(b) Processing Procedures.**

Development consistent with the regulations established herein may occur as of right in any transit-oriented development special district overlay zone. Variances shall be processed as set forth in subsections (1) (2) and (2) (3), below, except for applications within the Edwards Recharge Zone District (ERZD) or utility conversion districts.

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**(c) Size and Location of Site.**

The TOD shall consist of ~~be divided into~~ two (2) sub districts known as the “TOD Core” (“TOD-C”) and the “TOD Periphery” (TOD-P), which shall be ~~considered separate zoning districts~~ subject to the requirements set forth in this section. ~~The requirements of this section shall apply to both the TOD-C and TOD-P sub districts, unless otherwise provided.~~ Following any rezoning to a TOD District, the Official Zoning Map shall be amended to denote the ~~following~~ sub districts:

**(d) Locational Criteria.**

- (1) All areas within one-quarter (1/4) of a mile of a transit station or major bus boarding location shall be classified as “TOD-C.”
- (2) All areas between one-quarter (1/4) of a mile and one-half (1/2) of a mile from a transit station or a major bus boarding location shall be classified as

“TOD-P.” No land area shall be zoned “TOD-P” unless it adjoins an area zoned “TOD-C.”

(e) **Uses & Density.**

*STATEMENT OF PURPOSE*

*Purpose and Findings: Because most transit users will walk only one-quarter to one-half of a mile to a transit facility, transit influence areas require high densities on small areas of land. The city therefore finds and determines that uses inconsistent with transit will undermine the most efficient use of limited land areas within a TOD, and may render the transit system unworkable. Accordingly, the uses permitted within the TOD-C ~~TOD-1~~ and TOD-P ~~TOD-2~~ zoning sub districts are those which are dependent upon, or which may generate, a relatively high level of transit usage. Uses which would interfere with transit usage and which generate few transit trips are not permitted. Further, the city finds and determines that minimum levels of density as set forth in Table 208-1 are required to support transit ridership, and that lower levels of density will not support transit ridership and will cause further personal vehicular mode dependence and create unacceptable levels of vehicular congestion.*

- (1) The Use Matrix is not applicable to a Transit-Oriented Development (TOD) special district provided, however, no building permit shall be issued unless the requested use conforms to a zoning site plan approved as part of a rezoning to a “TOD” special district. The zoning site plan shall indicate a mix of commercial, office, and residential uses. Permitted, conditional and prohibited uses shall be governed by the use matrix, § 35-311 of this chapter.

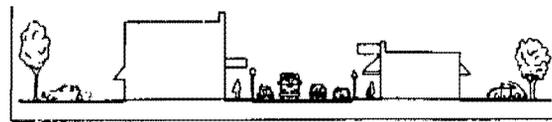
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**Table 208-1**

(A) Location/Size	(B) Minimum Density	(C) Maximum Density	(D) Maximum Density with TDR	(E) Minimum FAR	(F) Maximum FAR	(G) Maximum FAR with TDR
<b><u>TOD-C-TOD-1</u></b>						
Less than 2 acres	16	40	80	2.5	6.0	12.0
2 acres or more	12	36	72	2.0	4.0	6.0
<b><u>TOD-P-TOD-2</u></b>						
Less than 2 acres	12	36	70	1.5	4.0	6.0
2 acres or more	8	32	60	1.0	2.0	4.0

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GRAPHIC LINK: [Click here](#)



Transit related oriented-development



Conventional development

Buildings within a TOD district feature small front setbacks in order to provide efficient pedestrian movement

(Source: USDOT, A Guide to Land Use and Public Transportation (Dec. 1989))

**(g) Lot Arrangement and Dimensions.**

The front setback shall be established as follows:

- (1) Minimum front setback: Zero (0) feet from the edge of the sidewalk. A minimum setback of five (5) feet from the property line shall be required where streetscape planting is required pursuant to section 35-512 of this chapter.
- (2) Maximum front setback: Fifteen (15) feet.
- (3) Retail Uses with an existing front setback of not less than twenty feet may file a minor site plan for redevelopment of the parking areas with liner buildings in accordance with the standards set forth in the infill use pattern regulations, above.

**(h) Transportation.**

For a proposed TOD which involves a subdivision, the street design standards shall conform to § 35-506(d) of this chapter, Table 506-4 "Traditional Street Design traditional street design standards." Any proposed TOD shall conform to the following:

- (1) ~~Generally, All buildings and sites shall orient their interior and on-site circulation to the closest adjacent transit station or bus shelter.~~

**(1) (2) Pedestrian Access.**

New retail, office and institutional buildings within the "TOD-C" district shall provide for convenient pedestrian access to transit through the measures listed below:

- A. Pedestrian connections to adjoining properties shall be provided except where such a connection is impracticable due to unique topography.
- B. Pedestrian connections shall connect the on-site circulation system to existing or proposed streets, walkways, and driveways that abut the property. Where adjacent properties are undeveloped, streets, access ways and walkways on-site shall be aligned or stubbed to allow for extension to the adjoining property.

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- C. A direct pedestrian connection shall be provided between the nearest transit stop and building entrances on the site.
- D. A transit passenger landing pad accessible to disabled persons shall be provided.

**(i)(h) Stormwater Management.**

A transit-oriented development shall comply with the stormwater management standards, § 35-504 of this chapter.

**(j)(+) Utilities.**

See utilities standards, § 35-507 of this chapter.

**(k)(+) Parks & Open Space.**

The parks and open space standards shall not apply to transit oriented-developments ~~development within a transit-oriented overlay district.~~

**(l)(k) Natural Resource Protection.**

Transit-oriented overlay developments shall comply with chapter 34 of the Municipal Code.

**(m)(+) Buffers, Landscaping, Streetscape Planting & Tree Preservation.**

The buffer standards, § 35-510, shall not apply to a transit-oriented development. A transit-oriented development shall comply with the landscaping standards (§ 35-511) and tree preservation standards (§ 35-513) of this chapter. A transit-oriented development shall comply with the streetscape planting standards (§ 35-512) of this chapter provided, however, that street trees may be planted in the sidewalk and conform to the Americans with Disabilities Act.

**(n)(m) Parking.**

The minimum parking requirements ~~shall~~ within the TOD-C and TOD-P districts are as follows:

Table 208-2  
 Transit-Oriented Development Parking

Area	Minimum Parking Requirement
TOD-C, within 500 feet of a Transit Center, Station, Stop, or Major Transit Bus Loading/Boarding Location	None
<b>TOD-C, BALANCE OF AREA</b>	Fifty percent (50%) of the parking spaces required by the parking standards of this chapter.
<u>TOD-P</u> <del>TOD-C</del> , balance of area	75 percent of the parking spaces required by the parking standards of this chapter

**(o) ~~(n)~~ Outdoor Storage.**

The outdoor storage standards shall apply to transit-oriented development.

**(p) ~~(o)~~ Urban Design.**

All new buildings shall comply with the commercial urban design criteria (§ 35-204 (o)).

Parking garages, where allowed, shall have a minimum 15 foot proscenium ~~prosceniums~~ setback at least 15 feet from the property line to avoid vehicles blocking sidewalks.

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

**35-303 Establishment of Districts.**

**(a) Base Zoning Districts.**

In accordance with the requirement of V.T.C.A. Local Government Code § 211.005 that zoning regulation be by districts, the city, as shown on the official zoning map accompanying this chapter and incorporated herein by this reference, is hereby divided into the following base zoning districts, the overlay and special zoning districts established in subsections (b) and (c) hereto, and the conditional zoning districts established pursuant to section 35-321 of this article, which shall be governed by all of the uniform use and area requirements of this chapter, the respective symbol for each type of district being set forth opposite its title:

**Residential Base Zoning Districts**

"RP"	Resource Protection
"RE"	Residential Estate
"R-20"	Residential Single-Family
"R-6"	Residential Single-Family

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"R-5"	Residential Single-Family
"R-4"	Residential Single-Family
"R-3"	Residential Single-Family
"RM-6"	Residential Mixed
"RM-5"	Residential Mixed
"RM-4"	Residential Mixed
"MF-18"	<u>Limited Density Multi-Family</u>
"MF-25"	<u>Low Density Multi-Family</u>
"MF-33"	Multi-Family
"MF-40"	Multi-Family
"MF-50"	Multi-Family

**Nonresidential Base Zoning Districts**

"NC"	Neighborhood Commercial
"C-1"	Light Commercial
"C-2NA"	Commercial, Nonalcoholic Sales
"C-2P"	Commercial Pedestrian
"C-2"	Commercial
"O-1"	Office
"O-1.5"	<u>Mid-rise Office</u>
"O-2"	<u>High-rise Office</u>
"C-3NA"	General Commercial, Nonalcoholic Sales
"C-3R"	Restrictive Commercial
"C-3"	General Commercial
"D"	Downtown
"L"	Light Industrial
"I-1"	General Industrial
"I-2"	Heavy Industrial

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**Special Districts**  
**(Listed in Alphabetical Order)**

"BP"	Business Park District
"DR"	Development Reserve
"ED"	Entertainment District

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"IDZ"	Infill Development Zone
"MH"	Manufactured Housing District
"MHC"	Manufactured Housing Conventional District
"MHP"	Manufactured Housing Park
"MPCD"	Master Planned Community Districts
"MR"	Military Reservation District
"MXD"	Mixed Use District
"NP-8"	Neighborhood Preservation District
"NP-10"	Neighborhood Preservation District
"NP-15"	Neighborhood Preservation District
"PUD"	Planned Unit Development District
"QD"	Quarry District
"SGD"	Sand & Gravel District
"TOD"	Transit Overlay District
<u>"FBZD"</u>	<u>Form Based Zoning District</u>
<u>"AE-1"</u>	<u>Arts and Entertainment District</u>
<u>"AE-2"</u>	<u>Arts and Entertainment District</u>
<u>"AE-3"</u>	<u>Arts and Entertainment District</u>
<u>"AE-4"</u>	<u>Arts and Entertainment District</u>

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

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**Table 310-1  
 Lot and Building Dimensions Table**

(A)	(B)	(C)	(D)	(E)	(F)	(G)	(H)	(I)	(J)	(K)	(L)	(M)	(N)
Zoning District	LOT DIMENSIONS						BLDG ON LOT				BUILDING		
	Lot Size (min)	Lot Size (max)	Density (max) (units/acre)	Street Frontage (min)	Width (min)	Width (max)	Front Setback (min) *****	Front Setback (max)	Side Setback (min)	Rear Setback (min)	Height (max)	Size - Individual Building Size (max)	Size - Aggregate Building Size (max)
RP	10 acres		0.1	—	—	—	15	—	5	—	35 / 2-½	—	—
RE	43,560		1	100	120	—	15	—	5	30	35 / 2-½	—	—
R-20	20,000		2	65	90	—	10	—	5	30	35 / 2-½	—	—
R-6 <sup>1</sup>	6,000		7	30	50	150	10	—	5	20	35 /	—	—

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R-5 <sup>1</sup>	5,000		9	30	45	150			10	—	5	20	2-½	35 / 2-½	—	—
R-4 <sup>1</sup>	4,000		11	20	35	150			10	—	5	20	35 / 2-½	—	—	—
R-3 <sup>1</sup>	3,000 <sup>1</sup>		—	15	20	—			10	35	5	10	35 / 3	70% of lot area	—	—
RM-6 <sup>1</sup>	6,000		7	15	15	150			10	—	5	20	35 / 2-½	—	—	—
RM-5 <sup>1</sup>	5,000		9	15	15	100			10	—	5	10	35 / 2-½	—	—	—
RM-4 <sup>1</sup>	4,000		11	15	15	80			10	—	5	10	35 / 2-½	—	—	—
<u>MF-18</u> <sup>1,4</sup>	—		18	50	50	—			—	20 <sup>3,4</sup> <sub>6</sub>	5	10	35	—	—	—
MF-25 <sup>1,4,8</sup>	—		25	50	50	—			—	20 <sup>3,4</sup> <sub>6</sub>	5	10	35	—	—	—
MF-33 <sup>1,4,8</sup>	—		33	50	50	—			—	20 <sup>3,4</sup> <sub>6</sub>	5	10	45	—	—	—
MF-40 <sup>1,4,8</sup>	—		40	50	50	—			—	20 <sup>3,4</sup> <sub>6</sub>	5	10	60	—	—	—
MF-50 <sup>1,4,8</sup>	—		50	50	50	—			—	20 <sup>3,4</sup> <sub>6</sub>	5	10	—	—	—	—
O-1	—		—	50	50	—			—	35	20 <sup>2</sup>	30 <sup>2</sup>	25	10,000	90,000	—
O-1.5	—		—	50	50	—			—	35	20 <sup>2</sup>	30 <sup>2</sup>	60	—	—	—
O-2	—		—	50	—	—			25	80	20 <sup>2</sup>	30 <sup>2</sup>	—	—	—	—
NC	—		—	20	—	—			—	15	10 <sup>2</sup>	30 <sup>2</sup>	25	3,000	—	—
C-1	—		—	50	50	—			—	20	10 <sup>2</sup>	30 <sup>2</sup>	25	5,000	15,000	—
C-2	—		—	20	—	—			—	—	10 <sup>2</sup>	30 <sup>2</sup>	25	—	—	—
C-2P	—		—	20	—	—			—	35	10 <sup>2</sup>	30 <sup>2</sup>	25	—	—	—
C-3	—		—	20	—	—			—	—	30 <sup>2</sup>	30 <sup>2</sup>	35	—	—	—
D	—		—	—	—	—			—	20	—	—	—	—	—	—
L	—		—	80	—	—			25	—	30 <sup>2</sup>	30 <sup>2</sup>	35	—	—	—
I-1	—		—	80	80	—			30	—	30 <sup>2</sup>	30 <sup>2</sup>	60	—	—	—
I-2	—		—	100	100	—			30	—	50 <sup>2</sup>	50 <sup>2</sup>	60	—	—	—
<b>URBAN DEV</b>																
<i>UD-Single-family</i>	—	10,000	—	15	15	150			15	20	0	10	35 / 2-½	—	—	—
<i>UD-Multifamily-15</i>	—	—	15	50	50	—			15	20	5	10	35	—	—	15 units
<i>UD-Multifamily-33</i>	—	—	33	50	50	—			15	20	5	10	—	—	—	150 units
<b>Zoning District</b>																
	Lot Size (min)	Lot Size (max)	Density (max)	Street Frontage	Width (min)	Width (max)			Front Setback	Front Setback (max)	Side Setback	Rear Setback	Height (max)	Size - Individual Building Size	Size - Aggregate Building Size	
<b>Commercial</b>																
<i>bldg &gt; 90,000**</i>		250,000				500			0	15 <sup>b</sup>	30 <sup>2</sup>	30 <sup>2</sup>				
<i>bldg &lt; 90,000**</i>				20					0	15 <sup>b</sup>	10 <sup>2</sup>	30 <sup>2</sup>				< 90,000
<i>bldg &lt; 6,000**</i>				20					0	15 <sup>b</sup>	10 <sup>2</sup>	30 <sup>2</sup>	25			< 6,000
<b>RURAL DEV</b>																
<i>RD-Single-family</i>	43,560		1	100	120				15		5	30	35 / 2-½			
<i>RD-Commercial</i>																
<i>bldg &gt; 90,000 sf**</i>		250,000				500			0	35	30 <sup>2</sup>	30 <sup>2</sup>				
<i>bldg &lt; 90,000 sf**</i>				20					0	35	10 <sup>2</sup>	30 <sup>2</sup>	25			< 90,000
<i>bldg &lt; 6,000 sf**</i>				20					0	35	10 <sup>2</sup>	30 <sup>2</sup>	25			< 6,000
<b>FARM &amp; RANCH</b>																
<i>FR-Single-family</i>	25 acres*		0.04						15		5		35 / 2-½			

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<b>FR-AgCommercial</b>	25 acres*					15		5		35 / 2-½	
<b>MIXED</b>											
<b>INDUSTRIAL</b>											
<b>MI-1</b>			80	80		***		30 <sup>2</sup>	50 <sup>2</sup>	60	
<b>MI-1 &lt; 3,000 sf</b>			50			***		10 <sup>2</sup>	30 <sup>2</sup>		3,000
<b>MI-1 Village center</b>	2 acres		300			***		10 <sup>2</sup>	30 <sup>2</sup>		
<b>MI-2</b>			100	100		***		50 <sup>(2)</sup>	50 <sup>(2)</sup>	150	
<b>MI-2 &lt; 3,000 sf</b>			50			***		10 <sup>(2)</sup>	30 <sup>(2)</sup>		3,000
<b>MI-2 Village center</b>	2 acres		300			***		10 <sup>(2)</sup>	30 <sup>(2)</sup>		

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**Column (K):** Rear setback requirements shall not apply to any use in the "NC", "O-1", "O-1.5", "O-2", "C-1", "C-2", or "C-3" zoning districts which abuts an alley or another structure within any of these districts. Notwithstanding the requirements of Table 310-1, an "MF-18", "MF-25", "MF-33", "MF-40" or "MF-50" zoning district adjoining a platted subdivision zoned single-family residential use "RE" or "R-20" as of the effective date of this chapter shall have a minimum rear setback of forty (40) feet, and parking areas shall be located at least five (5) feet from any fence along the rear property line.

**Column (L): Height**

The vertical dimension measured from the average elevation of the finished lot grade at the front of the building to the highest point of ceiling of the top story in the case of a flat roof; to the declivity of a mansard roof; and to the average height between the plate and ridge of a gable, hip or gambrel roof. All dimensions are in feet provided, however, that for zoning districts "RP" through "RM-4," the first number refers to feet and the second number refers to stories. A "story" is that part of a building between the surface of a floor and the ceiling immediately above. Additional height may be provided pursuant to subsection 35-517(d). ~~with increases in the minimum front and side setbacks shall increase as provided in~~ Notwithstanding the requirements of Table 310-1, the maximum height (prior to applying any increase provided in subsection 35-517(d)) for an "O-2", "MF-25" or "MF-33" zoning district adjoining a platted subdivision zoned "RE" or "R-20" as of the effective date of this chapter shall be thirty-five (35) feet or 2 ½ stories.

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**Note (2) - Columns (J) & (K):** Applies only to the setback area measured from a lot line which abuts a residential use or residential zoning district. The side or rear setback shall be eliminated where the use does not abut a residential use or residential zoning district or the two districts are separated by a public right-of-way. The indicated setback would not apply if the subject property adjoins a residentially zoned property (single-family or multi-family) which is occupied by an existing non-residential use such as a public or private use school, church, park and/or golf course.

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**Note (6) –** For a lot with one hundred (100) feet or more of frontage along a public or private street the maximum front setback of 20 feet in "MF-18", "MF-25", "MF-33", "MF-40", & "MF-50" may be extended to 90 feet provided that no parking or drives other than egress/ingress drives shall be located within 20 feet of the front property line. For a lot with less than fifty (50) feet of frontage on a public street the front setback shall be at least 20 feet and shall be measured from the point at which the lot first becomes wider than fifty (50) feet in width.

**Note (7) –** May vary in accordance with 35-410.05a(b)(3).

**Note (8) –** When multi-family units (apartments) are developed in a non-multifamily zoning

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district as stand alone apartments the buildings and lot shall conform to the standards of development (setback, yards, buffer, landscaping, etc.) for one of the following MF-18, MF-25, MF-33, MF-40 or MF-50 zoning districts. The specific district shall be determined by the density to which the apartments are being developed.

Chapter 35, Article III, Section 35-310.01 ( c) is amended as follows:

**35-310.01 Generally.**

\*\*\*\*\*

- (c) Unless expressly permitted as an accessory use, a use permitted in the “RE”, “R-20”, “R-6”, “R-5”, “R-4”, “RM-6”, “RM-5”, “RM-4”, “MF-18”, “MF-25”, “MF-33”, “MF-40”, or “MF-50” districts must occur within a completely enclosed structure.

\*\*\*\*\*

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

**35-310.06 "RM-6", "RM-5", and "RM-4" Mixed Residential.**

\*\*\*\*\*

**(a) Lot and Building Specifications.**

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

Development of ten (10) or more "RM-6", "RM-5", and "RM-4" mixed residential lots in any one project shall have no more than eighty (80) percent of the lot consisting of one (1) type of housing as outlined in (2) below. The remaining twenty (20) percent of the lots may be developed in any combination of one (1) or more of the housing types not used in the eighty (80) percent limit defined above.

Requirement for site plan:

- i. "RM-6", "RM-5", and "RM-4" mixed residential zoned property must submit with the plat application a housing site plan (HSP) which conforms to the provisions of subsection (a) above which will be utilized as the basis for issuing building permits. The housing site plan may be submitted in one (1) or two (2) formats. The first is by notation of the housing type for each lot in a table or second by a site plan to the same scale as the plat designating

housing type for each lot. The housing site plan shall be recorded with the plat.

\*\*\*\*\*

Chapter 35, Article III, Section 35-310.07 is amended as follows:

**35-310.07     “MF-18”, “MF-25”, “MF-33”, “MF-40”, and “MF-50” Multi-Family**

**“MF-18” Limited Density Multi-Family.**

***STATEMENT OF PURPOSE***

*Multi-family residence limited density “MF-18” district is the designation for a multi-family use with a maximum density of up to 18 units per acre, depending on unit size. An “MF-18” district designation may be applied to a use in a residential neighborhood that contains a mixture of single-family and multi-family uses or in an area for which limited density multi-family use is desired. An “MF-18” district may be used as a transition between a single-family and higher intensity uses.*

**“MF-25” Low Density Multi-Family ~~Limited Density.~~**

***STATEMENT OF PURPOSE***

*Multi-family residence ~~low-limited~~ density “MF-25” district is the designation for a multi-family use with a maximum density of up to 25 units per acre, depending on unit size. An “MF-25” district designation may be applied to a use in a residential neighborhood that contains a mixture of single-family and multi-family uses or in an area for which ~~low limited~~ density multi-family use is desired. An “MF-25” district may be used as a transition between a single-family and higher intensity uses.*

\*\*\*\*\*

Chapter 35, Article III, Section 35-310.09 is amended as follows:

**35-310.09     “O-1”, “O-1.5” and “O-2” Office Districts**

**Generally.**

***STATEMENT OF PURPOSE***

*These districts permit ~~This district permits~~ institutional, indoor retail, service and office uses requiring arterial or collector street access and business and commercial development along urban arterials. The purpose of the office “O-1” and “O-2” districts is to accommodate well-designed development sites that provide excellent transportation access, make the most efficient use of existing infrastructure and provide for orderly transitions and buffers between uses.*

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*The "O-1", "O-1.5" and "O-2" districts implement the following policies of the master plan:*

\*\*\*\*\*

**(b) "O-1.5" Mid-rise Office Districts.**

*STATEMENT OF PURPOSE*

*The "O-1.5" district allows the same uses as the "O-1" district, however the "O-1.5" district is intended for taller, mid-rise office buildings or campuses.*

**(1) General Provisions.**

- A. Uses.** Uses allowed in the "O-1.5" district are the same as are allowed by right in the "O-1" district.
- B. Scale.** Building size in an "O-1.5" district is unlimited, however any building in an "O-1.5" district shall not exceed a maximum height of sixty (60) feet or five (5) stories regardless of the provisions of §35-517 (d).
- C. Outdoor display/sales.** The outdoor display or sale of merchandise is prohibited in the "O-1.5" district.

**(c) ~~(b)~~ "O-2" High-rise Office Districts.**

*STATEMENT OF 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.*

**(1) General Provisions.**

- A.** Building Height. Unlimited except as specified in Table 310-1.
- B.** Buffer. Where an "O-2" district or use abuts an area either developed with residential uses or zoned as a residential zoning district, a minimum buffer of sixty-five (65) feet zoned "NC", "C-1" or "O-1" shall be provided. Existing areas zoned "NC", "C-1" or "O-1" may be considered in computing the width of this buffer.
- C.** Outdoor Display/Sales. The outdoor display or sale of merchandise is prohibited in the "O-2" district.

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**D. Uses.** Other than office, park, church, or school uses, any other use listed in the Use Matrix as permitted by right in the "O-2" District is only allowed as an accessory use to a primary and principal office use, for example: a deli on the first floor of a high rise office tower.

Chapter 35, Article III, Section 35-310.15 (a) (1) is amended as follows:

**35-310.15 "UD" Urban Development District**

\*\*\*\*\*

**(a) "UD" Uses and Conditions.**

\*\*\*\*\*

**(1) Single-Family Project Over 5 Acres Residential Uses.**

\*\*\*\*\*

F.<sup>(1)</sup> For single-family housing units without an alley access the front building setback for single-family residential uses shall be located in a "build-to zone" located with a minimum front setback of fifteen (15) feet from the right-of-way and a maximum of twenty (20) feet from the right-of-way. For single-family housing units with alley access the front building setback for single-family residential uses shall be located in a "build-to zone" located with a minimum front setback of ten (10) feet from the right-of-way and a maximum of fifteen (15) feet from the right-of-way.

<sup>(1)</sup> Exceptions to F. above may be allowed on up to 5 % of the lots if site physical constraints cannot be overcome.

\*\*\*\*\*

Chapter 35, Article III, Section 35-311, Table 311-1, Table 311-1a, Table 311-2 and Table 311-2a are amended as follows

**35-311-1 Residential Use Matrix**

TABLE 311-1 RESIDENTIAL USE MATRIX																				
PERMITTED USE	RP	RE	R-20	NP-15	NP-10	NP-8	R-6	RM-6	R-5	RM-5	R-4	RM-4	MF-18	MF-25	MF-33	MF-40	MF-50	ERZD	LBCS FUNCTION	LCBS STRUCTURE
Assisted Living Facility (See 35-321 as a conditional use in any single-family zone)													P	P	P	P	P	P		
Assisted Living							S		S			S	P	P	P	P	P	P	1230	

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TABLE 311-1 RESIDENTIAL USE MATRIX																				
PERMITTED USE	RP	RE	R-20	NP-15	NP-10	NP-8	R-6	RM-6	R-5	RM-5	R-4	RM-4	MF-18	MF-25	MF-33	MF-40	MF-50	ERZD	LCBS FUNCTION	LCBS STRUCTURE
Or Elderly Home																				
Athletic Fields (Non-Commercial & Supplemental To The Residential use)	S	S	S	S	S	S	S	S	S	S	S	S	P	P	P	P	P	P	5370	
Automobile Commercial Parking	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA		
Automobile Noncommercial Parking																		NA	2110	
Bed And Breakfast			S	S	S	S	S	S	S	S	S	S	S	S	P	P	P	P	1310	
Bus Shelter (Max Size 6'x13')	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		
Bus Stop	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		
Cemetery, Columbarium Or Mausoleum	S	S	S				S		S		S							S	6700	
Child-Care Daycare Center	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	P	6562	
Child-Care Day Care, Home (No more than 6 children)	p	p	p	p	p	p	p	p	p	p								P	6562	
*****																				
Child-Care Registered Child-Care Home		P	P	P	P	P	P	P	S	S	S	S						P	6562	
Church, Temple, Mosque (facilities that are for worship or study of religion)	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	6600	
Community Home		P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	6560	
Dwelling - 1 Family (Attached Or Townhouse)							P	P	P	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	P	1000	1110
Dwelling - 2								P		P		P	P	P	P	P	P	P	1000	1121

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TABLE 311-1 RESIDENTIAL USE MATRIX																				
PERMITTED USE	RP	RE	R-20	NP-15	NP-10	NP-8	R-6	RM-6	R-5	RM-5	R-4	RM-4	MF-18	MF-25	MF-33	MF-40	MF-50	ERZD	LBCS FUNCTION	LCBS STRUCTURE
Family																				
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 - College Fraternity or Sorority (Off Campus)														P	P	P	P	P	1000	P
Dwelling - School Dormitories or Housing (Off Campus)														P	P	P	P	P	1000	P
Dwelling - HUD-Code Manufactured Homes (Residential) (Requires "MH" special district zoning)	S	S	S	S	S	S	S	S	S	S	S	S						P	1000	1150
Dwelling (loft and/or ARH)													P	P	P	P	P			
Dwelling - Multifamily (18 Units Maximum)													P	P	P	P	P	P	1000	1210
Dwelling - Multifamily (25 Units Maximum)														P	P	P	P	P	1000	1220
*****																				
Dwelling - Multifamily (50 Units Maximum)																	P	P	1000	1250
Dwelling - Zero Lot Line							P	P	P	P	P	P	P	P	P	P	P	P	1000	1122
Farming And Truck Garden	P	P	P	P	P	P		P		P		P	P	P	P	P	P	P	9100	
Foster Family Home			P	P	P	P	P	P	P	S	P	S						P	6560	
Foster Group Home	S	S	S	S	S	S	S	S	S	S	S	S						P	6562	
Golf Course (Accessory To A Residential Subdivision)	P	P	P	P	P	P	S	P	S	P	S	P	P	P	P	P	P	S	5370	
Nursery (1 Acre Minimum)	P	P	P	P	P		P		P		P							S	9140	

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TABLE 311-1 RESIDENTIAL USE MATRIX																				
PERMITTED USE	RP	RE	R-20	NP-15	NP-10	NP-8	R-6	RM-6	R-5	RM-5	R-4	RM-4	MF-18	MF-25	MF-33	MF-40	MF-50	ERZD	LBCS FUNCTION	LCBS STRUCTURE
Park-Public		P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		
Radio / Television Station With Transmitter Tower	S	S	S	S	S													P	4231	
Recreation Facility Neighbor-hood		P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	6340	
School - Private (Includes Church Schools, Private Schools K-12)	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	6100	
School - Public (Includes All ISD Schools K-12, Open Enrollment Charter Schools, Public College Or University)	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	6100	
School - University Or College (Private)	S	S	S	S	S	S	S	S	S	S	S	S						P	6130	
Skilled nursing facility (see 35-321 as a conditional use in any single-family zone).												P	P	P	P	P	P	P		
Transit Center													P	P	P	P	P	P	4133	
Transit Park & Ride													P	P	P	P	P	S	4133	
Transit Transfer Center (Max Size 14'x33' and total footprint no larger than 30' x 40')	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	4133	
Transit Station													S	S	S	S	S	S	4133	
University Or College (Private)	S	S	S	S	S	S	S	S	S	S	S	S						P		

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TABLE 311-1 RESIDENTIAL USE MATRIX																				
PERMITTED USE	RP	RE	R-20	NP-15	NP-10	NP-8	R-6	RM-6	R-5	RM-5	R-4	RM-4	MF-18	MF-25	MF-33	MF-40	MF-50	ERZD	LBCS FUNCTION	LCBS STRUCTURE
Wireless Communication System	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	4233	

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

	Urban	Rural	Farm & Ranch	Mixed Industrial
PERMITTED USE				
Accessory uses (Supplemental To The Residential use)	P	P	P	
Assisted Living Or Elderly Home	P	S		
Athletic Fields (Non-Commercial & Supplemental To The Residential use)	See Non-Residential Matrix			
Automobile Noncommercial Parking	S			
*****				
Church, Temple, Mosque (facilities that are for worship or study of religion)	See Non-Residential Matrix			
*****				
Dwelling - ONE FAMILY HUD-Code Manufactured Homes (Residential)		P	P	
Dwelling - Multifamily (18 Units Maximum)	P			
Dwelling - Multifamily (25 Units Maximum)	P			
*****				

TABLE 311-2 NON-RESIDENTIAL USE MATRIX												
PERMITTED USE	O-1 & O-1.5	O-2	NC	C-1	C-2	C-3	D	L	I-1	I-2	ERZD	(LBCS Function)
Alcohol	Alcohol - Microbrewery					P	P	P		P	S	
Church Temple, Mosque	Church Temple, Mosque (facilities that are for worship or study of religion)	P	P	P	P	P	P	P	P	P	P	6600
Dwelling	Apartment Or Extended Stay Housing - See (Housing - Apartment Or Extended Stay Hotel or Timeshares)	-	-	-	-	-	-	-	-	-	-	
Dwelling	Dwelling - Attached Apartments/Condominiums With Maximum Density Of 6 Dwellings Per Gross Acre (Allowed Ratio Of 1 Square foot Of Residential Floor use To 1 Square foot Of Nonresidential Floor use) City Council may alter ratios by approval of a specific use authorization)				P	P	P				P	
Dwelling	Dwelling - Attached Apartments/Condominiums With Maximum Density Of 10 Dwellings Per Gross Acre (Allowed Ratio Of 1 Square foot Of Residential Floor use To 1 Square foot Of				P	P	P				P	

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TABLE 311-2 NON-RESIDENTIAL USE MATRIX														
	PERMITTED USE	O-1	O-1.5	O-2	NC	C-1	C-2	C-3	D	L	I-1	I-2	ERZD	(LBCS Function)
		&												
	Nonresidential Floor use) City Council may alter ratios by approval of a specific use authorization)													
Dwelling	Dwelling – Attached Apartments/Condominiums With Maximum Density Of 20 Dwellings Per Gross Acre (Allowed Ratio Of 2 Square foot Of Residential Floor use To 1 Square foot Of Nonresidential Floor use) . City Council may alter ratios by approval of a specific use authorization)							P	P				P	
Dwelling	Dwelling - Attached Apartments/Condominiums								P					
Dwelling	Loft	S	S			P	P	P	P	S	S			
Industrial Fabrie	Electronic Component - Fabrication										P	P	S	3360
Industrial	Bookbinder							P		SP	P		P	2135
Industrial	Dry Cleaning - Plant							P		P	P	P	NA	2600
Industrial	Laundry – Plant							P		P	P		S	2600
Recreation	Fitness Center/Health Club			S	P	P	P	P	P	P	P		P	5370
Recreation	Fitness Center					P	P	P	P	P	P		P	
Recreation	Rifle & Pistol Range - Indoor							S	S	S	S	P	S	5300
Recreation	Tennis, Racquetball, Handball, Volleyball or Basketball - Commercial (Outside Courts Not permitted)			P		S	SP	P	P	P			P	5370
Recreation	Tennis, Racquetball, Handball, Volleyball or Basketball - Commercial (Outside Courts permitted)			P		PS	S	P	P	P			P	5370
Recreation	Tennis, Racquetball, Handball, Volleyball or Basketball - Noncommercial (Outside Courts Not permitted)			P		S	SP	P	P	P			P	5370
Retail	Food Store – Limited In "C-1" To Maximum 3000 Square foot Total Floor Area					P	P	P	P				P	2154
Retail	Grocery Store – Retail (Limited to Maximum 3,000 Square Foot Total Floor Area in "C-1")					P	P	P	P				P	2151
Service	Mini wWarehouse/Self Service Storage Over 2.6 Acres Requires Specific Use Permit in "C-3" and "D"							P	P	P	P	P	P	3600
Service	Mortuary- Embalming and Preparation Only							S		P			S	6700
Utilities	Wireless Communication System	S	S	S	S	S	S	S	S	S	P	P	S	4233

311-2a Non-Residential use Matrix

		Urban			Rural		Farm		Mixed Light Industrial					
		> 90,000 sf	< 90,000 sf	< 6,000 sf	Bldg Footprint > 90,000 sf	< 6,000 sf	FR	VILLAGE CENTER -	MI - 1	MI - 1 < 3,000 sf	VILLAGE CENTER -	MI - 2	MI - 2 < 3,000 sf	VILLAGE CENTER -
Church, Temple, Mosque	Church, Temple, Mosque (facilities that are for worship or study of religion)	P	P	P	P	P	P	P			P			
Dwelling	Apartment Or Extended Stay Housing – (See Housing - Apartment Or Extended													

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	Stay Hotel or Timeshares)																		
Dwelling	Dwelling - Attached Apartments/Condominiums With Maximum Density Of 6 Dwellings Per Gross Acre (Allowed Ratio Of 1 Square foot Of Residential Floor use To 1 Square foot Of Nonresidential Floor use)	P	P	P															
Dwelling	Dwelling - Attached Apartments/Condominiums With Maximum Density Of 10 Dwellings Per Gross Acre (Allowed Ratio Of 1 Square foot Of Residential Floor use To 1 Square foot Of Nonresidential Floor use)	P	P	P															
Dwelling	Dwelling - Attached Apartments/Condominiums With Maximum Density Of 20 Dwellings Per Gross Acre (Allowed Ratio Of 2 Square foot Of Residential Floor use To 1 Square foot Of Nonresidential Floor use)	P	P	P															
Dwelling	Dwelling - Attached Apartments/Condominiums With Maximum Density Of 50 Dwellings Per Gross Acre (Allowed Ratio Of 4 Square foot Of Residential Floor use To 1 Square foot Of Nonresidential Floor use)	P																	
Industrial-Fabrie	Electronic Component - Fabrication													P				P	
Retail	Food Store -- Limited In "C-1" To Maximum 3000-Square-foot-Total Floor Area	P	P	P		P	P	P		P								P	
Retail	Grocery Store -- Retail (Limited To Maximum 3,000-Square-Foot-Total In "C-1")	P	P	P		P	P	P		P								P	
Service	Mini w Warehouse / Self Service Storage Over 2.5 Acres Requires Specific Use Permit in "C-3" and "D"	P	P			P	P							P				P	

\*\*\*\*\*

Chapter 35, Article III, Section 35-321 (a) is amended as follows:

**35-321 Conditional Zoning Districts.**

- (a) A conditional zoning district, bearing the designation "C", is hereby established as a companion district for every district established in § 35-303(a), as follows:

"RP-C"	Resource Protection
"RE-C"	Residential Estate
"R-20-C"	Residential Single-Family
"R-6-C"	Residential Single-Family
"RM-6-C"	Residential Mixed
"R-5-C"	Residential Single-Family
"RM-5-C"	Residential Mixed

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"R-4-C"	Residential Single-Family
"RM-4-C"	Residential Mixed
<u>"MF-18"</u>	<u>Limited Density Multi-Family</u>
""MF-25"-C"	<u>Low Density Multi-Family</u>
""MF-33"-C"	Multi-Family
""MF-40"-C"	Multi-Family
""MF-50"-C"	Multi-Family
"O-1-C"	Office
<u>"O-1.5-C"</u>	<u>Mid-rise Office</u>
"O-2-C"	<u>High-rise Office</u>
""NC"-C"	Neighborhood Commercial
""C-1"-C"	Light Commercial
"C-2-C"	Commercial
"C-2NA-C"	Commercial, Non-Alcoholic Sales
"C-3-C"	General Commercial
"C-3R-C"	Restrictive Commercial
"C-3NA-C"	General Commercial, Non-Alcoholic Sales
"D-C"	Downtown
"L-C"	Light Industrial
"I-1-C"	General Industrial
"I-2-C"	Heavy Industrial
""QD"-C"	Quarry district
"ED-C"	Entertainment district
"UD-C"	Urban Development
"RD-C"	Rural Development
"FR-C"	Farm and Ranch
"MI-1-C"	Mixed Light Industrial
"MI-2-C"	Mixed Heavy Industrial

\*\*\*\*\*

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

**35-335 "NCD" Neighborhood Conservation District.**

\*\*\*\*\*

(c) **Zoning Authority.** Separate ordinances are required to designate each "NCD" neighborhood conservation district. Ordinances designating each district shall identify the designated boundaries, applicable designation criteria and design standards for that district, and be consistent with any existing neighborhood and/or community plans. Adopted neighborhood conservation district plans referenced herein by their title and date of adoption are:

- A. South Presa/South St. Mary's Sts. "NCD-1", November 14, 2002.
- B. Alta Vista "NCD-2" May 8, 2003.
- C. Ingram Hills "NCD-3" September 9, 2004.
- D. Whispering Oaks "NCD-4" February 24, 2005.
- E. Beacon Hill Area "NCD-5", December 15, 2005.
- F. Mahncke Park "NCD-6", January 17, 2008.

\*\*\*\*\*

Chapter 35, Article III, Section 35-341 is amended as follows:

**35-341 "MXD" Mixed Use District.**

*STATEMENT OF PURPOSE*

*To provide concentrated residential, retail, service, office and mixed uses. This district does not regulate land uses but, instead, permits any use to be established subject to an approved zoning site plan. ~~design standards established in the use Patterns (Article 2).~~ Urban design standards are required in order to maintain a neighborhood commercial scale, to promote pedestrian activity, and to maintain the unique character of the center. Pedestrian circulation is required as are common parking areas.*

*The "MXD" district implements the following policies of the Master Plan:*

- *Neighborhoods, Policy 2b: Amend the Unified Development Code to create mixed use districts.*
- *Urban Design, Policy 1c: develop zoning regulations that would allow mixed-use development (i.e. residential and commercial) to be placed in the same building.*
- *Urban Design, Policy 1f: Encourage mixed-use zones around existing and new city facilities to foster a greater mix of activities and social interaction.*

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- *Urban Design, Policy 5b: Encourage resident and employment growth within walking distance of the downtown area and neighborhood centers in order to support an inter-modal transportation system.*
- *Urban Design, Policy 5e: Promote public and private sector, ride-sharing, flexible working hours, parking management innovations, and mixed-use developments as means of reducing the demand for peak period vehicular trips.*

(a) **Locational Criteria.**

A An “MXD” district may be designated for any area within the city. ~~areas:~~

- (1) ~~with an existing mix of retail, office, service and residential uses located within a radius of one quarter (¼) of a mile, or~~
- (2) ~~on a tract or parcel for which a TND use Pattern is proposed.~~

(b) **Use Regulations**

(1) Except for the use specified in subsection (i)-(e) below, the use matrix is not applicable to a mixed use district provided, however, that no building permit shall be issued unless the requested uses conform to an approved zoning site plan. A zoning site plan shall include: use conforms

A. Legal description and exhibit of the property at appropriate scale showing the area to be zoned “MXD”

B. The location of all land use categories. Categories may include single-family residential, mixed residential (1-4 residential units per structure), multi-family residential, commercial, office, institutional, and parks/open space. Multiple categories may be designated where a lot or building is sited to include two or more categories of uses.

C. The location of all existing and proposed streets.

(2) A “MXD” zoning site plan that does not provide for a mix of residential and non-residential uses located within the same building or on the same lot shall not be approved.

(3) The zoning site plan shall be submitted with the application for rezoning to “MXD” for review by the Zoning Commission and approval by the City Council. The approved zoning site plan shall accompany all subsequent development applications (including, but not limited to, Master Development Plan, Plats and Building Plans). Subsequent development applications that do not conform to the approved “MXD” zoning site plan shall not be approved.

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~~a master development plan approved as part of a rezoning to an “MXD” district. If an “MXD” district is not approved pursuant to a conditional rezoning, permitted uses shall be governed by the TND Regulations with the exception that a mixed-use development may comprise at minimum size a single building and/or lot. There shall be no maximum size to a “MXD” district as long as it conforms with the maximum size limits, if any, imposed upon TNDs. A TND is permitted in an “MXD” district as of right.~~

**(c) Amendments.**

**(1) Classification.**

Amendments to a previously approved “MXD” zoning site plan shall be classified as a minor or major amendment. Minor amendments may be administratively accepted. Within twenty (20) working days after filing of the proposed amendments, required items and information, the Planning and Development Services Director shall provide a written response indicating whether or not the revised zoning site plan has been accepted as a minor amendment.

**(2) Applicability.**

Minor amendments include the following:

- A. Changes to the timing or phasing of the proposed development provided the use and overall geographic land area remains the same.
- B. Adjustment of land use category boundaries provided the overall geographic land area devoted to each land use category remains the same.
- C. A reduction in the number of proposed platted lots provided the use and overall geographic land area remains the same.
- D. A decrease in overall residential density.
- E. A decrease in the overall land area, provided the initial design is maintained.
- F. Change in internal street circulation pattern not increasing the number of lots or lowering the connectivity ratio.

All other revisions to an approved “MXD” zoning site plan shall require a new application for rezoning and shall be processed in the same manner as the initial “MXD” site plan.

**(e) Lot and Building specifications**

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~~See TND regulations (§ 35-207 of this chapter).~~

(d) **Residential Density.** The maximum density for residential uses in a “MXD” shall be established as part of the rezoning to a “MXD.” In no event shall residential density permitted pursuant to a rezoning exceed fifty (50) units per acre. Additional residential density up to one hundred (100) units per acre may be granted if property is designated as a “receiver site” for the Transfer of Development Rights pursuant to Section 35-361.

(d) **General Provisions**

~~See TND regulations (§ 35-207 of this chapter).~~

(e) **Lot and Building Specifications.** The Lot and Dimensions Table (Article III), including minimum area and frontage requirements, shall not apply to an approved mixed development provided the following lot and building dimensions shall apply:

(1) No new or existing building shall be erected, constructed or expanded to extend within the public right-of-way or within five (5) feet of the rear lot line.

(2) A ten (10) foot building setback shall be provided where a non single-family residential use abuts a single-family use or a single-family zoning district.

(f) **Streets and Sidewalks.** Streets within a “MXD” shall be publicly accessible. Gated streets and gated developments shall not be permitted. Streets shall conform to the transportation standards of this chapter unless an alternative street and sidewalk plan is approved as part of a rezoning to a “MXD”.

(g) **Off-street Parking Requirements.** Off-street parking facilities shall be provided in accordance with Table 526-3b: Parking in Nonresidential Use Districts except that the following reduction to the minimum off-street parking requirements shall apply:

(1) Minimum off-street parking requirement may be reduced one space for each on-street parking space located adjacent to the property.

(2) Minimum off-street parking requirements may be reduced by utilizing the sharing factors in table 341-1: Parking Sharing Factor Matrix when 2 or more categories of uses will share parking facilities. The reduced minimum off-street parking requirement is calculated by adding the total number of spaces required for each separate category of uses and dividing the total number by the appropriate factor from the Parking Sharing Factor Matrix. When more than 2 uses will share parking facilities, choose the sharing factor for the 2 uses that will yield the greatest reduction in the number of required spaces.

**TABLE 341-1: Parking Sharing Factor Matrix**

	<u>Residential</u>	<u>Lodging</u>	<u>Office</u>	<u>Retail</u>
<u>Residential</u>	<u>1.0</u>	<u>1.1</u>	<u>1.4</u>	<u>1.2</u>
<u>Lodging</u>	<u>1.1</u>	<u>1.0</u>	<u>1.7</u>	<u>1.3</u>

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<u>Office</u>	<u>1.4</u>	<u>1.7</u>	<u>1.0</u>	<u>1.2</u>
<u>Retail</u>	<u>1.2</u>	<u>1.2</u>	<u>1.2</u>	<u>1.0</u>

- (h) **Urban Design.** A “MXD” development shall adhere to the Commercial Center Urban Design standards in Section 35-204(o) except that Section 35-204(o)(5): Streetwall Standards shall not apply.
- (i) **(e)**—Bail bond agencies shall require approval of a specific use authorization, pursuant to section 35-423, to be allowed within mixed-use districts.
- (j) **Applicability.** Unless explicitly superseded or modified by this section, the provisions contained in Article V: Development Standards, of this chapter shall be applicable to a “MXD” development.

Chapter 35, Article III, Section 35-342 is amended as follows:

**35-342 “TOD” Transit-Oriented ~~Transit-Oriented~~ Development District.**

*STATEMENT OF PURPOSE*

*The ~~transit-oriented~~ development ~~transit-oriented~~ district encourages a mixture of residential, commercial, and employment opportunities within identified light rail station or other high capacity transit areas. The district allows for a more intense and efficient use of land at increased densities for the mutual re-enforcement of public investments and private development. Uses and development are regulated to create a more intense built-up environment, oriented to pedestrians, to provide a density and intensity that is transit supportive. The development standards of the ~~district-zone~~ also are designed to encourage a safe and pleasant pedestrian environment near transit stations by encouraging an intensive area of shops and activities, by encouraging amenities such as benches, kiosks, and outdoor cafes, and by limiting conflicts between vehicles and pedestrians. It is the intent of this Section that a “TOD” district be restricted to areas within one-half (1/2) of a mile of a transit station, which area is equivalent to a typical 10-minute walking distance.*

(a) **Locational Criteria.**

Sec § 35-208(d)

(b) **Development Standards.**

No Application shall be approved within a “TOD” district unless it complies with the standards set forth in the “TOD” use patterns, § 35-208 ~~35-203~~ of this chapter.

See § 35-208(e)

Chapter 35, Article III, Section 35-343 is amended as follows:

35-343 "IDZ" Infill Development Zone.

\*\*\*\*\*

(b) **Use Regulations.** The "IDZ" may be approved as either a base zoning district or an overlay zoning district.

(1) When the ordinance designates the "IDZ" as an overlay zoning district:

A. A proposed infill development with frontage on a local street may be approved for any use permitted in the base zoning district in which it is located.

B. A proposed infill development located on a collector street or higher classification may be approved with the base zoning district and any use permitted in the following zoning districts: any residential zoning district, "O" office, "NC" neighborhood commercial, "C-1" commercial, "C-2" commercial, "C-3" commercial, or "D" downtown. Each additional individual use must be identified on a site plan which shall be filed with the application for rezoning and be incorporated into the ordinance designating the "IDZ" as an overlay zoning district. The site plan shall be reviewed by the zoning commission and approved by the city council concurrent with the approval of the "IDZ" overlay district.

~~(1) Unless the ordinance designating an "IDZ" provides otherwise~~

~~B. A proposed infill development located on a collector street or higher classification may be approved for any use permitted in the following zoning districts: any residential zoning district, "O" office, "NC" neighborhood commercial, "C-1" commercial, "C-2" commercial, "C-3" commercial, or "D" downtown.~~

(2) When the ordinance designates the "IDZ" as a base zoning district each use within the "IDZ" must be identified on a site plan which shall be filed with the application for rezoning and be incorporated into the ordinance designating the "IDZ" as a base zoning district. The site plan shall be reviewed by the zoning commission and approved by the city council concurrent with the approval of the "IDZ" district.

~~The ordinance designating an "IDZ" may provide:~~

~~A. A list of permitted uses, specific uses, and prohibited uses pursuant to a neighborhood plan; or~~

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B. ~~A designation of the "IDZ" as an overlay zoning district, in which case the permitted uses are those authorized in the base zoning district designation.~~

- (c) **Lot and Building Specifications.** With the exception of infill in residential areas, the side, front and rear setback provisions of the zoning regulations (article III) shall not apply to an approved infill development provided, however, that no new or existing building shall be erected, constructed or expanded to extend within the public right-of-way or within five (5) feet of the rear lot line.

In a Master Development Plan or Development Plat with an area of 5 or more contiguous acres located within an approved infill development zone, lots may be platted without a minimum lot area requirement and/or without frontage on a public or private street, provided that lots without frontage on a public or private street shall be provided with vehicular and/or pedestrian traffic access by means of private drives with perpetual access easements, pedestrian walk ways, service drives, parking facilities, or other alternative means dedicated on the plat or simultaneously recorded by separate instrument.

On blocks with single-family, duplex, triplex, and quadplex detached residential units, the front setback shall be within ten percent (10%) of the median setback of existing buildings on the block face. No new or existing building shall be erected, constructed or expanded to extend within the public right-of-way or within five (5) feet of the rear lot line. If there is a public street right-of-way, the front façade shall front the street.

\*\*\*\*\*

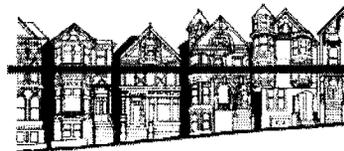
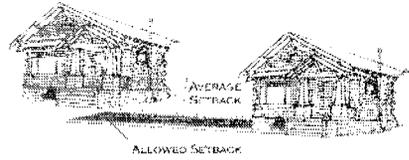
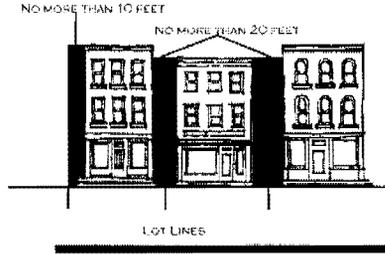
- (m) **Urban Design.** ~~Any new building, or any extension or enlargement of an existing building, shall be compatible in massing to buildings on abutting lots and abutting block faces. Any extension or enlargement of an existing building shall be compatible in "massing" to the building from which it is being added onto.~~ For purposes of this Section, the term "massing" refers to the shape and form of a building provided by all, or a combination of, architectural elements such as roof configuration, spacing between buildings, setbacks from the street right-of-way, proportion of fenestration and entryways, building form, exterior building materials, building scale, architectural styles, and landscaping. For the purpose of this subsection only the term "adjoining" "abutting" refers to being located next to or bordering and "adjacent" refers to lying near or close. See Richard Hedman, Fundamentals of Urban Design (Chicago: American Planning Association, APA Planner's Press, 1985), at 11-19, ~~which document is hereby incorporated by~~ for reference. A building or site plan shall be considered to be compatible in massing" to ~~adjoining~~ adjoining buildings on ~~adjoining~~ abutting lots ~~or and adjacent~~ block faces, or uses if at least two (2) of the following elements are provided:

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**SETBACKS AND SPACING BETWEEN BUILDINGS**

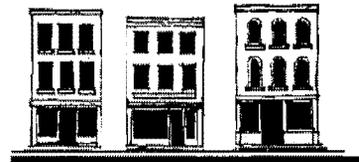
**BUILDING FACADES.** A narrow side setback (not exceeding 10 feet) shall be provided between building facades facing the street public right-of-way in order to frame the structure and to provide spacing and rhythm between the structures. If an adjoining lot is vacant, the building façade shall be located within ten (10) feet of the side setback line.

The side setback provisions of this section shall not apply to Single-Family Detached Dwellings or lots abutting adjoining a Single-Family Detached Dwelling.



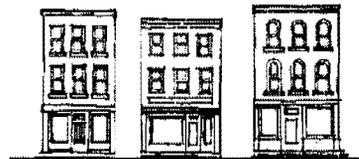
**PROPORTION OF WINDOWS, BAYS, AND DOORWAYS.**

Windows, doorways, bays, and pediments meet the following criteria: (1) windows, doorways, bays, and pediments do not vary more than ten percent (10%) in area size from windows, doorways, bays, and pediments in the facade of abutting adjacent buildings on abutting lots or if the subject property is the only lot on a block, the windows, doorways, bays, and pediments do not vary more than ten percent (10%) in area from windows, doorways, bays, and pediments of buildings on adjacent block faces, and (2) vertical or horizontal elements tied together in bands across facade lengths.



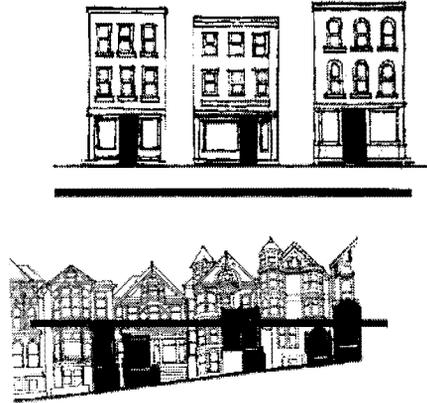
**PROPORTION OF PRIMARY FACADE.**

The size of facades facing the street public right-of-way are similar in area and height to width ratios to buildings on abutting and/or adjacent lots. The size of the facade shall be considered "similar" if the proposed facade does not vary by more than thirty percent (30%) in area circumference from any adjoining facade on a building of an abutting lot or, if the subject property is the only lot on the block, the facade shall not vary by more than thirty percent (30%) in area from building facades on adjacent block faces. If this standard cannot be met because of the variation in size of two adjoining facades on abutting lots or facades on adjacent block faces in the case of a single lot on a block, the proposed building shall not vary by more than thirty percent (30%) from one of the adjoining facades on abutting lots or adjacent blocks, at the discretion of the applicant.

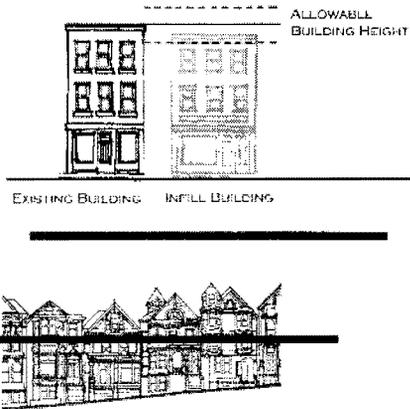


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**LOCATION AND TREATMENT OF ENTRYWAY.** At least one (1) entryway shall be provided along the front façade, which is the façade that faces the street public right-of-way. In order to create visual commonality between structures, the following criteria shall apply: (1) the size of entryways in building facades facing the street public right-of-way shall not vary by more than thirty percent (30%) in size area from entryways on a building of an abutting lot or, if the subject property is the only lot on the block, the entryway shall not vary by more than thirty percent (30%) from entryways on building from adjacent block faces, and (2) the height of entryways for adjacent abutting buildings shall not vary more than thirty percent (30%) from grade, as measured from grade the ground floor elevation.



**BUILDING SCALE.** Building height and footprint configuration shall not vary by more than ten percent (10%), from buildings on abutting lots or, if the subject parcel is the only property on the block, the height shall not vary by more than ten percent (10%) from building heights on adjacent block faces, unless needed to maintain continuity between the ground floor elevations of adjoining buildings on the site. Building height may vary by more than ten percent (10%) only in order to maintain continuity between the ground floor elevations of adjoining buildings on the site.



Chapter 35, Article III, Section 35-344 is amended as follows:

**35-344 “PUD” Planned Unit Development District**

\*\*\*\*\*

**(c) Permitted Uses and Density.**

\*\*\*\*\*

**(2) Density Table.**

The PUD Plan shall divide the PUD into land use categories and shall indicate the uses permitted in each category. For residential land use categories, the maximum number of dwelling units permitted per acre for each land use category is as follows:

Land use Category	Maximum Density
“RE”	1 +
“R-20”	2

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"R-6"	5
"RM-6"	5
"R-5"	6
"RM-5"	6
"R-4"	7
"RM-4"	7
"R-3"	10
"MF-18"	18
"MF-25"	25
"MF-33"	33
"MF-40"	40
"MF-50"	50

\*\*\*\*\*

**(e) Required Setbacks.**

- (1) **For Single Family or Multi-Family Residential uses.** Required PUD perimeter setbacks within the city limits or the ETJ for residential uses in a PUD shall be 20 feet.

**Non-Residential uses.** Required PUD perimeter setbacks within the city limits or the ETJ for non-residential uses in a PUD shall be the same as for the applicable zoning district which the non-residential use would be allowed in if within the city limits of the City of San Antonio.

The PUD perimeter setback lines shall be indicated on the PUD Plan prior to receiving approval of the PUD Plan. The planning commission may approve lesser setbacks after considering physical features such as the location of trees, waterways, steep slopes, other buffers and/or compatibility of the PUD with adjacent land uses provided such setbacks meet the requirements of the current adopted International Building Code.

No There are a setbacks are required for residential or non-residential interior lots provided the requirements of the current adopted International Building Code are met.

Setbacks shall be governed by the PUD Plan. Lots located on the perimeter of a PUD shall adhere to the minimum and maximum setback requirements of the adjacent base district unless a lesser zoning setback is approved in the PUD plan.

- (2) If access to a garage or carport is provided from the front or side of a lot, then the garage/carport shall maintain a setback as indicated in section 35-516(g) of this chapter, ~~twenty foot setback from the back of the sidewalk, or curb if there is no sidewalk, as measured along the centerline of the~~

**(f) Infrastructure Requirements.**

(1) **Streets and Sidewalks.**

Streets within a PUD may be public or private. Vehicular circulation may also be provided by internal private drives. Private drives must meet the requirements for fire lanes as per the International Fire Code Appendix D for width, lengths turnarounds, and parking requirements whether for a commercial or residential base zoning. A building permit must be obtained for private drives, ~~or streets~~ and would include site plan review and inspection for flatwork/civil work within the public ROW. However, the planning commission may require dedication and construction of public streets through or into a PUD. Public or Private streets shall conform to the Transportation Standards of this chapter (see § 35-506 of this chapter (see § 35-506(j) of this chapter).

\*\*\*\*\*

(h) **Parking Requirements.**

Off-street parking and truck loading facilities shall be provided in accordance with parking standards of this chapter. Parking shall be prohibited on any private street or private drive, excluding driveways on interior lots less than twenty-eight (28) feet in width and if utilized on streets twenty-eight (28) feet or wider, the parking must be clearly distinguishable from the movement lanes.

(i) **Common Areas and Facilities.**

Provisions shall be made for a property owners' association that is designated as the representative of the owners of property in a residential subdivision. The property owners' association shall have the direct responsibility to provide for the operation and maintenance of all common areas and facilities, including private streets and sidewalks, which are part of a PUD. The applicant shall submit the dedicatory instrument(s) covering the establishment, maintenance, and operation of a residential subdivision. The dedicatory instrument(s) shall establish a plan for the use and permanent maintenance of the common areas/facilities and demonstrate that the property owners' association is self-perpetuating and adequately funded by regular assessment and/or special assessment to accomplish its purposes. The dedicatory instrument(s) shall include provisions that provide the city with permission for access at any time without liability when on official business, and further, to permit the city to remove obstructions if necessary for emergency vehicle access and assess the cost of removal to the owner of the obstruction. The dedicatory instrument(s) must be approved by the city attorney as to legal form prior to any plat recordation and shall be recorded at the same time as the plat.

"Property owners' association" means an incorporated or unincorporated association that;

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- A. Is designated as the representative of the owners of property in a residential subdivision;
- B. Has a membership primarily consisting of the owners of property covered by the dedicatory instrument for the residential subdivision; and
- C. Manages or regulates the residential subdivision for the benefit of the owners of property in the subdivision.

"Dedicatory instrument" means each governing instrument covering the establishment, maintenance, and operation of a residential subdivision. The term includes restrictions or other similar instruments ~~that subject~~ ~~subjecting~~ property to restrictive covenants, bylaws, or similar instruments governing the administration or operation of a property owners' association; ~~allow for,~~ ~~to~~ properly adopted rules and regulations of the property owners' association; ~~and~~ ~~authorize enactment of~~ ~~and to all~~ lawful amendments to the covenants, bylaws, rules, or regulations.

"Property owners' association" means the designated representative of the owners of property in a subdivision and may be referred to as a "homeowners association," "community association," "civic association," "civic club," "association," "committee," or similar term contained in the dedicatory instrument.

\*\*\*\*\*

Chapter 35, Article III, Section 35-345 is amended as follows:

**35-345 "MPCD" Master Planned Community Districts.**

\*\*\*\*\*

**(h) Infrastructure Requirements.**

**(1) Streets and Sidewalks.**

- A. Streets within an "MPCD" may be public or private.
- B. The entrance to private streets may provide control access by gates or other means permitted by this chapter (see subsection 35-505(s)).
- C. Alternative street and sidewalk standards may be applied within a "MPCD." In order to be applicable to a particular "MPCD" the alternative street and sidewalk standards must be submitted as part of the "MPCD" site plan and the site plan must be approved by the city

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council. For purposes of this subsection, an "alternative street and sidewalk standard" means a standard which varies from the requirements of § 35-5056(d) of this chapter.

D. Whether public or private, streets and sidewalks shall conform to the transportation standards of this chapter, as applicable to streets, or alternative street and sidewalk standards" approved as part of an "MPCD" site plan.

- (2) **Utilities.** All utility systems shall comply with the utilities standards (section 35-506) of this chapter.
- (3) **Easements.** Publicly owned and/or maintained utilities shall be placed in public streets or easements which are a minimum of sixteen (16) feet in width unless a narrower width is approved by the applicable utility. Dead-end easements shall not be permitted unless a city approved vehicular turnaround is provided at the end of each such easement.

\*\*\*\*\*

(i) **Open Space.**

\*\*\*\*\*

(2) **Reduction in Open Space.**

At its discretion, the ~~zoning planning~~ zoning planning commission may recommend ~~approve~~ a decrease in the amount of required open space when the MPCD plan includes unique design features or amenities which achieve an especially attractive and desirable development such as, but not limited to, terraces, sculpture, water features, preservation and enhancement of unusual natural features, or landscape sculpture (areas which are intensely landscaped).

\*\*\*\*\*

Chapter 35, Article III, Section 35-353 is amended as follows:

**35-353 Neighborhood Preservation Districts**

\*\*\*\*\*

(A) Zoning District	(B) Minimum Lot Size Conventional	(C) Maximum Density	(D) Minimum Frontage	(E) Minimum Lot Width	(F) Maximum Lot Width	(G) Maximum Building Height	(H) Minimum Front Setback	(I) Maximum Front Setback	(J) Minimum Side Setback	(K) Minimum Rear Setback
NP-15	15,000	3	55	75	—	35ft /2-½ stories	40 20	—	5	30
NP-10	10,000	4	45	65	—	35ft /2-½ stories	40 20	—	5	20
NP-8	8,000	5	40	60	150	35ft /2-½ stories	40 20	—	5	20

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\*\*\*\*\*

Chapter 35, Article III, Section 35-356 is amended as follows:

**35-356 "MHP" Manufactured Housing Park District.**

\*\*\*\*\*

**(e) Manufactured Homes Developed within a Manufactured House and Recreational Vehicle Park.**

~~(4)~~ Manufactured homes within an "MHP" district not developed on individual lots per the above shall be developed in compliance with the provisions of 35-379 35-381 manufactured homes and recreational vehicle parks.

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

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

\*\*\*\*\*

**(c) Zero Lot Line Development.**

\*\*\*\*\*

~~(6)~~ The zero-lot line for an existing legally permitted zero-lot line residence may be maintained on any addition to the residence, so long as the maintenance easement requirement indicated above is maintained.

\*\*\*\*\*

**(e) Housing Facilities for Older Persons.**

- (1) For purposes of this subsection (e), a "housing facility for older persons" (hereinafter "HFOP") means any apartment which complies with the provisions of 24 C.F.R. §§ 100.3 04--100.307.
- (2) An HFOP shall be permitted as of right:
  - A. in any "RM-4", "RM-5", or "RM-6" zoning district subject to the requirements of this section, or
  - B. in any "MF-18", "MF-25", "MF-33", "MF-40", or "MF-50" subject to the standards generally applicable to other uses within such districts.
- (3) Prior to issuance of an application for development approval authorizing construction or establishment of an HFOP, the applicant shall provide to the director of development services:

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- A. A copy of the policies and procedures required by 24 C.F.R. § 100.306, and
  - B. A copy of the verification of occupancy required by 24 C.F.R. § 100.307.
- (4) An HFOP permitted within the "RM-4", "RM-5", or "RM-6" zoning districts shall comply with the following:
- A. The building shall not exceed two (2) stories in height; and
  - B. The building shall conform to the setback standards generally applicable within the zoning district; and
  - C. The building shall comply with the minimum and maximum parking standards applicable to multi-family dwellings; and
  - D. The proposed development shall comply with all applicable standards of article V of this chapter.

Chapter 35, Article III, Section 35-374 is amended 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, R-5, RM-5	1
RM-4, MH	3
MF-18, MF-25	5
MF-33, MF-40, MF-50, O-1, O-1.5, O-2	10
NC, C-1, C-2, D	12

\*\*\*\*\*

Chapter 35, Article III, Section 35-375 is amended as follows:

**35-375 Day-Care Facilities.**

\*\*\*\*\*

**(c) Outdoor Play Areas.**

The outdoor play space for day-care centers, group day-care homes, and nurseries ~~nursery~~ which abut or are located within a residential zoning district shall be enclosed by a six-foot solid (opaque) fence. If the adjacent property is zoned residential but is in use as a private/public school, church or park a fence shall be required. At the option of the applicant it may be predominantly open or a solid fence.

\*\*\*\*\*

Chapter 35, Article III, Section 35-380 is amended as follows:

**35-380 Miniwarehouses/Self-Service Storage.**

Miniwarehouses/Self-Service Storage facilities may be permitted in the zoning districts designated in the use Matrix (Table 311-2), subject to the following limitations, conditions, and restrictions:

\*\*\*\*\*

- (c) Miniwarehouses/self-service storage facilities may include one building or a group of buildings with or without climate-controlled storage, and either exterior access to individual units or access via interior corridors. Within the authorized zoning districts, the development shall be permitted by right on sites not exceeding two and one half (2 1/2) acres unless the site is zoned "L", "I 1", or "I 2". On sites exceeding two and one half (2 1/2) acres a specific use permit shall be required.

Chapter 35, Article III, Section 35-383 is amended as follows:

**35-383 Oversized Vehicles**

\*\*\*\*\*

**(c) Parking in Residential Districts.**

The parking of an oversized vehicle within the restricted parking area or the parking so that any portion of the vehicle extends into the restricted parking area is prohibited in any of the following zoning districts "R-4", "RM-4", "R-5", "RM-5", "R-6", "RM-6", "R-20", "RE", "RP", "NP-8", "NP-10", "NP-15", "MII", "MF-18", "MF-25", "MF-33", "MF-40", "MF-50", "RD" and "UD" except as permitted in subsection (d) below:

\*\*\*\*\*

Chapter 35, Article III, Section 35-390 is amended as follows:

**35-390 Transitional Homes.**

A transitional home established after November 17, 1997, shall not be located within one thousand ~~five hundred (1,000 1,500)~~ feet of any public/private elementary, middle or high school, public/private children's day care facility requiring a certificate of occupancy and/or public park.

(a) **Method of Measurement and Survey Requirements.**

- (1) Measurements shall be in a straight line, without regard to intervening structures or objects, from the nearest point of the platted property line of the lot on which the transitional home is situated to the nearest point on the property line of a public/private elementary, middle or high school, a public/private children's day care facility requiring a certificate of occupancy, and/or public park.
- (2) A certified survey prepared by a licensed surveyor or licensed engineer showing distance measurements in accordance with this subsection shall be submitted to the director of development services for all transitional homes as part of the application for the certificate of occupancy. Any certificate of occupancy issued for a building or facility used to conduct a transitional home without submission of the required survey shall be null and void.

(b) **Signage.** (See sign regulations under Chapter 28 of the municipal code) ~~All structures uses as a transitional home have an all weather lighted sign of two (2) feet by four (4) feet message area identifying the facility as a transitional home for parolees.~~

(c) **Building Standards.**

- (1) ~~No more two (2) parolees may be assigned to a single bedroom.~~
- (1)(2) Separate One (1) bedroom with two separate beds must be available twenty four (24) hours a day for each resident two (2) paroles housed within the facility.
- (2) Bedrooms shall A bedroom housing one (1) parolee have a minimum of one hundred (100) fifty (50) square feet of usable floor space exclusive of closets or other personal storage areas per resident. ~~A bedroom housing two (2) parolees shall have a minimum of hundred fifty (150) square foot of usable floor space exclusive of closets or other personal storage areas.~~
- (3) ~~One (1) Bathroom~~ facilities consisting of a tub and/or shower and one (1) toilet, and one (1) two (2) lavatory shall be provided for each eight (8) residents housed. ~~Four (4) parolees housed.~~

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- (4) ~~Areas-A Common room~~ for leisure activities shall be provided at the rate of twenty (20) square feet for each resident. ~~two hundred (200) square feet for the first two (2) parolees and an additional fifty (50) square feet for each additional two (2) parolees.~~
- (5) If food is prepared on-site a ~~A~~-full kitchen must be maintained and will be subject to compliance with applicable codes and inspection by the San Antonio Metropolitan Health District.
- (d) **Lot Standards.** A ~~rear~~ yard area of fifty (50) square feet per resident parolee housed shall be provided for the occupants.
- (e) **Staffing.** The transitional home shall have an overall client to program staff ratio of not less than 8 to 1 and not less than one (1) attendant to thirty (30) residents on any given shift. ~~be staffed twenty four (24) hours a day with one (1) attendant per fifteen (15) parolees.~~
- (f) **Parking.**
  - (1) All required parking shall be provided off-street.
  - (2) One (1) space per attendant and one (1) space per six (6) residents parolees shall be provided.
- (g) **Outdoor Activities.** Outdoor leisure activities shall be limited to the hours of 6:00 a.m. until 9:30 p.m. seven (7) days a week.
- (h) **Nuisance.** The transitional home may be considered a public nuisance if any of the following occurs:
  - (1) More than two (2) police disturbance calls are recorded within a thirty-day three month period involving residents parolees housed at any single the transitional facility.
  - (2) A code violation ~~notice goes uncorrected for more than that is not brought into compliance within~~ thirty (30) days of receiving notice; or
  - (3) More than five (5) nuisance complaints from adjoining property owners are received and validated by the police department within a six-month period. If the director of code compliance determines that any of the three (3) provisions occur, he shall request that the city attorney take court action to abate the nuisance where appropriate under law.
- (i) **Permissible Tenants.**

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- (1) No tenant or resident parolee may occupy a transitional home in any capacity if previously convicted of a sex oriented crime, child molestation, and/or murder in any degree.
- (2) No tenant or resident parolee may occupy a transitional home without first being screened for tuberculosis. The operator of the transitional home must demonstrate that any tenant or parolee testing positive for tuberculosis is of no danger to other tenants or parolees relative to possible transference or infection of said residents.

(j) **Violations.**

Violation of any provision of this chapter is a Class C misdemeanor and upon conviction violators are subject to the provisions of the City Code of the City of San Antonio, Texas, entitled "Unified Development Code Section 55-1024." If the provisions herein are in conflict with preemptive state or federal law then the transitional home shall be required to comply with the applicable state or federal law rather than those provisions of this section to the extent of such conflict.

Chapter 35, Article III, is amended by adding Section 35-395:

**35-395 Funeral Home.**

- (a) **Purpose:** The purpose of this section is to regulate funeral home establishments within the city. Such establishments are permitted as designated in the Use Matrix (section 3-311, Tables 311-1 and 311-2.)
- (b) **License and Registration.** All funeral homes must be properly licensed as determined by the Texas Funeral Service Commission.
- (c) **Definitions.** Definitions that appear below apply only to this division and shall prevail if in conflict with the definitions found elsewhere within this chapter.
  1. Funeral home service(s) means those services provided by a funeral home establishment including but not limited to: directing funeral services; coordination of traditional burial or entombment; bereavement counseling; selection and supply of casket or urn; transportation services; filing of legal documents; selection, planning, and coordination of ceremonies; flower arrangements; providing of facilities for funerals and wakes; and short term storing of the dead. A funeral home may also provide cremation services and/or embalming services auxiliary to the services listed above. In such cases a single certificate of occupancy shall be required for all uses.

Chapter 35, Article III, is amended by adding Section 35-396:

**35-396 Auto and Light Truck Repair and Motor Vehicle Sales.**

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Auto and Light Truck Repair or Motor Vehicle Sales uses shall not store junked or inoperable vehicles on site for more than five (5) working days.

**Sec. 35-397 35-395 to 35-399 Reserved**

Chapter 35, Article III, is amended by adding Section 35-399.05:

**35-399.05 Front Yard Fence Height for General Commercial (C-3) and Industrial (L, I-1, I-2) Districts.**

Section 35-514 of the Unified Development Code limits the height of predominantly open fences within front yards to four (4) feet. Fences between four (4) feet and six (6) feet in height may be allowed on commercial “C-3” and industrial lots “L”, “I-1” and “I-2”, but only after consideration and approval of a Special Exception by the board of adjustment subject to the following:

- If, however, the subject property is zoned Historic, within a Historic District or designated as a Historic Landmark, a request for a front yard fence taller than four (4) feet in height shall be considered by the board of adjustment as a variance, rather than as a special exception, but only after review and consideration by the Historic and design review commission pursuant to Chapter 35, Article IV, Division 5.
- If the subject property is within an overlay district which includes design standards that limit the height and/or design of front yard fences, a request for a front yard fence taller than four (4) feet in height shall be considered by the board of adjustment as a variance, rather than as a special exception.

(a) **General Fencing Requirements for Commercial “C-3” and Industrial Lots “L”, “I-1” and “I-2”.**

Any front yard fence approved by the board of adjustment as a Special Exception must adhere to the following conditions:

Application for a Special Exception for a front yard fence over four (4) feet in height shall be filed by the owner or authorized agent with the development services department.

A site plan drawn to scale shall be submitted with the application indicating the size, design, construction materials and location of the fence on the property. On a corner lot, or near a drive-way junction with a street, the fence shall be erected in back of the area designated by this chapter for clear vision area/intersection sight distance.

The tallest element of the fence shall not exceed six (6) feet in height, as measured from the grade on the outside of the fence. In addition to the allowance

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for additional height, barbed wire may be added to said fence in accordance with Chapter 6, Article I, Section 6-2.

The applicant shall comply with all other applicable codes and ordinances.

- (b) In granting a Special Exception for a front yard fence over four (4) feet in height, the board of adjustment may require the fence conform to such other conditions as the board may deem necessary to protect the character of the zoning district and neighborhood in which the lot is located.
- (c) In granting a Special Exception for a front yard fence over four (4) feet in height, the board of adjustment shall take into account the size and scale of the fence as it would relate to the scale of the neighborhood.
- (d) To be granted a request for a Special Exception, the request must meet the conditions set forth in Section 35-482 (h) of this chapter.
- (e) If a Special Exception for a front yard fence over (4) feet in height is approved by the board of adjustment, the applicant/property owner shall secure all necessary permits prior to erecting the fence.

Chapter 35, Article IV, Section 35-402 is amended as follows:

**35-402 Completeness Review.**

\*\*\*\*\*

- (c) **Review Procedures.** These procedures shall be used to review any application for completeness unless a different procedure is established elsewhere in this chapter. For purposes of this subsection, the term "director" shall include any administrative official with original jurisdiction to review an application for completeness, and the phrase "appellate agency" shall include any agency, board or commission with jurisdiction to review any decision of the administrative official for completeness (see subsection (1), below).

\*\*\*\*\*

**(3) Review By Applicable Director and Appeal - Default Procedure.**

\*\*\*\*\*

- D. Applications made to the Historic and Design Review Commission shall be reviewed for completeness within ten (10) days of receipt of the application. The Historic Preservation Officer (HPO) shall determine, in writing, whether the application is complete and shall immediately transmit the determination to the applicant.

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~~E.D.~~ Nothing in this section precludes an applicant and the applicable director from mutually agreeing to an extension of any time limit provided by this section.

\*\*\*\*\*

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

**35-403 Notice Provisions.**

\*\*\*\*\*

**Table 403-1  
Notice Requirements**

(A)	(B)	(C)	(D)	(E)	(F)	(G)	(H)	(I)	(J)	(K)
Type of notice	Amendments to Master Plan or this chapter	Rezoning	Master Development Plan	Appeals to Board of adjustment	Variances from and/or granting of Special Exceptions by the Board of adjustment	Subdivision Plat, Major	Subdivision Plat, Minor	Certificate of Appropriateness	Permits, Orders or Approvals not Mentioned Requiring Public Hearing	Request for Demolition of a Historic Landmark or Potential Historic Landmark

\*\*\*\*\*

Chapter 35, Article IV, Section 35-412 is amended as follows:

**35-412 Master Development Plan.**

**(a) Applicability.**

\*\*\*\*\*

(3) A historical resources/archaeological survey report shall be prepared and submitted to the planning and development services department, and the historic preservation officer, with the Master Development Plan (MDP) prior to approval of the MDP.

\*\*\*\*\*

**(h) Scope of Approval.**

(1) An approved master development plan shall remain valid in accordance with the following time frame:

A. A MDP shall expire unless the plat is approved within 24 months of the acceptance date and the plat used to validate the MDP shall be recorded within 36 months of the plat approval date. The minimum platted area must be at least 20 acres or 8% of the net

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area of the MDP, or a MDP shall expire unless there is at least \$500,000 in project expenses if the MDP is 1,000 acres or less or at least \$1,000,000 in project expenses if the MDP is more than 1,000 acres. Project expenses shall be spent during the first 24 months from the MDP acceptance date.

Project expenses shall be defined to include "infrastructure expenses" as provided in Appendix A of the UDC. It is noted that this section uses the word "paid" in the past tense.

Project expenses shall also be defined to include the Local Government Code definition of progress toward completion as defined in §245.005 (c). It is noted that this section speaks in the past tense when referencing actions that were part of progress toward completion.

- ~~A. The master development plan shall expire unless a final plat is approved within eighteen (18) months from the approval of the master development plan that plats, at least twenty (20) acres or eight (8) percent of the net area of the master development plan area or that requires at least five hundred thousand dollars (\$500,000.00) in infrastructure expenses if the master development plan is one thousand (1,000) acres or less or at least one million dollars (\$1,000,000.00) if the master development plan is more than one thousand (1,000) acres.~~
- B. Further, an approved master development plan shall expire unless fifty (50) percent of the net area within the approved master development plan is the subject of final plats or development within ten (10) years from the date of approval of the master development plan. The remaining fifty (50) percent must obtain final plat approval or be developed within ten (10) years after the initial fifty (50) percent of the net area within the master development plan has been platted or developed. Unless specific provisions to the contrary exist in an individual ordinance or city municipal code provision, the filing of a minor amendment to a master development plan (see § 35-412(g)(2), plat, or replat will not result in a loss of permit rights and abandonment of the original master development plan provided that the required area of acreage within the master development plan platted or value of infrastructure expenses do not fall below the amounts indicated above as a result of the amendment or replat.
- (2) Development activities subject to the requirements of this section may be carried out only in substantial conformance with the approved master development plan and any conditions or restrictions attached thereto. No plat shall be considered for approval until the master development plan is

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accepted for subdivisions of two or more phases. Any deviation from the approved master development plan unless approved in advance and in writing by the director of development services, shall be deemed a violation of this chapter.

\*\*\*\*\*

Chapter 35, Article IV is amended by adding Section 35-414:

**35-414 Pedestrian Circulation Plan.**

- (a) **Applicability.** Developments proposing an alternative pedestrian plan for the purpose of excluding the construction of sidewalks in accordance with 35-506(q)(1) shall have an approved pedestrian circulation plan approved by the planning commission.
- (b) **Requirements.** The following materials shall be submitted for consideration:
- (1) The plan review fee specified in Appendix "C"
  - (2) The pedestrian circulation plan shall contain at a minimum the following information:
    - A. Location and arrangement of all-weather walkways,
    - B. Phasing or time schedule for the construction of the walkways, and
    - C. Identification of the sidewalk segments required under 35-506(q)(1) that will not be constructed.
  - (3) If the proposed walkways are not located within a public right-of-way, a private street or an irrevocable platted ingress/egress easement, then pedestrian easements shall be included on the plat.
  - (4) All sidewalk construction shall conform to the latest criteria of the Americans with Disabilities Act (ADA) ( see 35-501(e)).
- (c) **Consideration.** In considering the plan, the planning commission may require and impose conditions to ensure that access to and along the walkway areas is safe, convenient, and provides pedestrians with adequate paths of movement.

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

**35-421 Zoning Amendments.**

\*\*\*\*\*

- (c) **Completeness Review.**

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The director of development services shall conduct a completeness review as set forth in section 35-402 of this chapter within two (2) working days of application submittal. The appellate agency for purposes of completeness review (see subsection 35-402(c) of this chapter) shall be the zoning commission.

For all applications for rezoning, the planning and development services director ~~development services, with department, consultation and~~ based on the information provided by the applicant, shall make a determination ~~provide an analysis~~ regarding consistency with the policies contained in the master plan of the city or if applicable the land use element of a neighborhood, community, or perimeter plan adopted pursuant to section 35-420 of this chapter, within five (5) working days. If the planning and development services department zoning commission makes a determination that the requested rezoning is inconsistent with the master plan policies or the land use element of the applicable neighborhood, community or perimeter plan, then the application for rezoning shall not be deemed complete until a completed application for a master plan amendment is filed with the planning and development services department, department of development services ~~department of development services~~ provided however, the zoning commission may make a recommendation on the application for rezoning subject to submission of an application for a master plan amendment. If the zoning commission-planning and development services department determines that the requested change is consistent with the master plan policies or the land use element of the applicable neighborhood, community or perimeter plan, then the zoning case may be deemed complete without an amendment to the master plan of the city. The appellate agency for purposes of consistency determination shall be the planning commission.

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*Commentary: The master plan is the comprehensive plan for the physical development of the city, as prescribed in the City Charter. The master plan includes any unit or part of such plan separately adopted and any amendment to such plan or part thereof.*

*Neighborhood, community and perimeter plans are components of the master plan. In those cases where the planning and development services department zoning commission finds that an application for rezoning is not consistent with the land use plan element of a neighborhood, community, or perimeter plan the zoning commission may 1.) Continue the zoning case pending a recommendation by the planning commission on a master plan amendment 2.) Recommend approval of the zoning case contingent on an application for a master plan amendment or 3.) Deny the application for rezoning. Applicants for rezoning are encouraged to request a master plan amendment before the submission of the zoning case so that action on the zoning case is not delayed.*

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

**35-422 Conditional Zoning.**

\*\*\*\*\*

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(b) **Initiation.** A proceeding for approval of a conditional zoning district shall be initiated by filing an application with the director of development services. At a minimum, the application must meet the following minimum criteria:

(1) The application shall include a site plan that is prepared to scale and shall also include associated detail drawings. The site plan must be drawn with dimensions and a graphic scale must be provided. The maximum scale acceptable for a site plan shall be one (1) inch equals one hundred (100) feet.

(2) Each site plan shall show the following information:

A. All of the information required by Table B-101-1, column (G) in Appendix B.

B. All proposed driveways, sidewalks and other infrastructure above grade showing the proposed physical layout, dimensions and other relevant characteristics.

C. All existing driveways, sidewalks and other infrastructure as they currently exist above grade, showing the physical layout, dimensions and other relevant characteristics.

D. The intended use of the property to which the current and proposed improvements relate.

\*\*\*\*\*

**Table 422-1**

(A) Use authorized by right in:	(B) May be permitted pursuant to a conditional zoning district in:
RM-4, RM-5, RM-6, Any residential district O-1, NC, C-1	Any residential district
O-1, C-1, C-2, UD	NC, C-1, UD
O-1, O-2, C-2, C-3, UD	C-1, C-2, UD, RD
L, I-1, QD	C-2, C-3, UD, RD, MI-1

Note: The above table is applicable within all approved overlay zones and special districts, including but not limited to, the "ERZD", "MAOZ" and historic districts.

\*\*\*\*\*

Chapter 35, Article IV, Section 35-430 is amended as follows:

**35-430 Applicability & General Rules.**

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**(a) Subdivisions Subject To This Section.**

- (1) The owner of a tract of land located within the limits or in the extraterritorial jurisdiction of the city who divides the tract in two (2) or more parts to lay out a subdivision of the tract, including an addition to a municipality, to lay out suburban, building, or other lots, or to lay out streets, alleys, squares, parks, or other parts of the tract intended to be dedicated to public use or for the use of purchasers or owners of lots fronting on or adjacent to the streets, alleys, squares, parks, or other parts must have a plat of the subdivision prepared. A division of a tract under this subsection includes a division regardless of whether it is made by using a metes and bounds description in a deed of conveyance or in a contract for a deed, by using a contract of sale or other executory contract to convey, or by using any other method. The division of a tract of land for any of the purposes specified herein does not require a transfer of title of all or part of the tract.

The owner of a tract of land situated within San Antonio's corporate limits or extraterritorial jurisdiction shall cause a plat to be made thereof upon a request for utility service or a building permit; or upon dividing the tract in two (2) or more parts to lay out a subdivision of the tract, including an addition to a municipality, to lay out suburban, building, or other lots, or to lay out streets, alleys, squares, parks, or other parts of the tract intended to be dedicated to public use or for the use of purchasers or owners of lots fronting on or adjacent to the streets, alleys, squares, parks, or other parts unless a specific exception to such requirement is provided for in section 35-430(c). A division of a tract under this subsection includes a division regardless of whether it is made by using a metes and bounds description in a deed of conveyance, or in a contract for a deed, by using a contract of sale or other executory contract to convey, or by using any other method. A division of land under this subsection does not include a division of land into parts greater than five (5) acres, where each part has access and no public improvement is being dedicated. For purposes of this subsection, access shall mean a minimum frontage of twenty (20) feet on a platted public or private street or an irrevocable platted ingress/egress easement.

- (2) The mechanism which is available to municipalities to become aware that a division of land has occurred or will occur is through a request for utility service and/or a building permit. V.T.C.A. Local Government Code ~~§212.012~~ ~~§215.012~~ recognizes this fact by prohibiting cities, officials of cities, city-owned or city-operated utilities, and public utilities from serving or connecting any land with water, sewer, electricity, gas, or other utility service unless the entity has been presented with or otherwise holds a certificate applicable to the land which has been issued by the planning commission indicating that a plan or plat is not required or that a plan or plat is required and has been approved by the commission.

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**(c) Plat Exceptions.**

\*\*\*\*\*

(12) The provision of utility service to not more than three (3) dwelling units on an unplatted tract or antiquated plat shall not require a subdivision plat provided all of the following requirements are met: ~~(1) the tract is located outside the city limits within the extraterritorial jurisdiction of the city; (2) the tract has a minimum of fifteen (15) feet of frontage on a public street or a recorded access easement and the tract was created prior to January 1, 2000; (3) the tract has a minimum area of five thousand (5,000) square feet for each dwelling unit; (4) the tract is held under single ownership; (5) no major thoroughfare dedication is required; (6) no dwelling unit will be located within a regulatory floodplain; and (7) no utility extension is required.~~

- The tract is located outside the city limits within the extraterritorial jurisdiction of the city;
- The tract has a minimum of fifteen (15) feet of frontage on a public street or a recorded access easement;
- The tract was created prior to January 1, 2000;
- The tract has a minimum area of five thousand (5,000) square feet for each dwelling unit;
- The tract is held under single ownership;
- No major thoroughfare dedication is required;
- No dwelling unit will be located within a regulatory floodplain; and
- No utility extension is required.

Pursuant to subsection (c)(9)(5), the owner of an unplatted parcel abutting a designated major thoroughfare may voluntarily execute a street dedication instrument in accordance with form "S" in Appendix "C" in lieu of public dedication through platting when necessary. Any further subdivision shall require approval of a subdivision plat as provided herein.

\*\*\*\*\*

**(f) Performance Agreements.**

**(1) Performance Agreement Required.**

No plat shall be approved unless a performance agreement is provided and filed with the the City of San Antonio ~~office of the city clerk~~ that meets the requirements of § 35-436 of this chapter, unless no improvements are required.

\*\*\*\*\*

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

**35-431 Application for Plat Identification Number/Letters of Certification.**

*STATEMENT OF PURPOSE*

*The purpose of this section is to assist the applicant in obtaining necessary certifications needed for plat approval and to coordinate applications for subdivision approval with the standards and procedures required by this chapter.*

- (a) **Applicability.** Prior to filing an application for plat approval, the applicant shall secure letters of certification as required by this section.
  
- (b) **Initiation.**
  - (1) **Certifying Departments.** A request for letters of certification and required items shall be filed by the applicant with the following departments (hereinafter "certifying departments"):
    - A. ~~Department of Planning and Development Services~~ ~~Department of public works.~~
    - B. ~~Office of Historic Preservation~~ ~~Department of p~~ Planning and Community Development (responsible to attest to cultural and historic resources, including but not limited to archaeology, architecture, and historic sites.)
    - C. SAWS.
    - D. CPS Energy.
    - E. Department of Parks and Recreation. ~~parks and recreation~~ Non-residential plats at the discretion of the Planning and Development Services Director in consultation with the Director of the Parks and Recreation Department may not be submitted to the Parks and Recreation Department for review and comment on park or open space dedication. Non-residential plats will be submitted to the Parks and Recreation Department for information purposes only. If the Parks and Recreation Department should find a plat that they wish to comment on they may do so by submitting such comment to the attention of the Planning and Development Services Director at least 24 hours prior to the Planning Commission meeting at which the plat is to be heard.
    - F Applicable county.
  
  - (2) **Referral.** The ~~applicant department of development services~~ shall circulate the ~~development~~ plat to reviewing agencies and departments for identification of any rights-of-way and easements which may be required. If rights-of-way and/or easements are required, the applicant shall prepare instruments dedicating the rights-of-way/easements to the appropriate agencies and departments. The instruments shall be filed for record in the

county deed records prior to approval of the development plat. In addition to the certifying departments, copies of the requests for plat review along with required information shall be distributed to AT & T, Southwestern Bell Telephone Cable Television, aviation department, City South Management Authority (CSMA), Bexar Metro 911, and development services department, San Antonio River Authority, San Antonio Development Agency, and Bexar County public works department. A letter of certification is not required from these departments.

\*\*\*\*\*

Chapter 35, Article IV, Section 35-432 is amended as follows:

**35-432 Procedures for Subdivision Plat Approval.**

\*\*\*\*\*

**(d) Decision.**

- (1) **Reviewing Agency.** The reviewing agency for major plats is the planning commission. The reviewing agency for minor plats is the director of development services unless a variance ~~or replat~~ is requested, in which case the reviewing agency shall be the planning commission. ~~The reviewing agency for plats located in the ETJ is the planning commission, however, if a proposed plat~~ For plats located in the ETJ which involve a variance or administrative exception the respective county shall also review and may ~~can~~ deny the variance prior to issuing the applicant a letter of certification (LOC).

\*\*\*\*\*

**(h) Scope of Approval.**

- (1) **Approval Does Not Constitute Acceptance.** The approval of a subdivision plat is not considered an acceptance of any proposed dedication for public use or use by persons other than the owner of the property covered by the plat and does not impose on the city or county any duty regarding the maintenance or improvement of any purportedly dedicated parts until the governing body makes an actual appropriation of the dedicated parts by formal acceptance, entry, use, or improvement.
- (2) ~~(1)~~ **Failure to Approve.** An application for plat approval shall expire, and shall be void for all purposes if a plat is not approved in accordance with this chapter within two (2) years from the date that the plat number was assigned. Upon expiration of the plat application, a new plat number, application and fee shall be required if plat approval is still sought. Plat applications that have been submitted prior to September 1, 1997, and that have not been approved in accordance with this chapter, shall expire no later than May 15, 2005 unless otherwise prohibited by state law.

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**(3)-(2) Failure to Record.** If a plat is not recorded in the county deed and plat records within three (3) years from the date of plat approval or upon expiration of any time extension thereto, approval of such plat shall expire. Thereafter, should the applicant desire to record the plat, a new application shall be required in the same manner as for a previously unsubmitted plat. Prior to the three-year expiration date the applicant may request a time extension in accordance with subsection 35-430(f) of this article.

**(4)-(3) Duration.** See section 35-711 of this chapter.

**(i) Recording Procedures.**

**(1) Fees.** At the time an application for a plat located within the city limits is submitted to the director of development services, the applicant shall deposit fees covering the cost of recording the plat. Such fees shall be in the form of a check made payable to the City of San Antonio.

**(2) Recordation.** The director of development services shall file for record an approved plat in the deed and plat records of the county within which the plat is located, provided the property owner consents in writing and the plat meets applicable conditions:

- A. No site improvements are required;
- B. All required site improvements have been completed and accepted by the director of development services;
- C. A performance agreement and a guarantee of performance as described in § 35-436 have been filed with the City of San Antonio city clerk
- D. All required impact and drainage fees have been paid; and/or
- E. Outstanding liens imposed by the city on sites cleared of debris, removal of health hazards, over growth and or the razing of unsafe building(s) is resolved and approved by the director of finance.

Chapter 35, Article IV, Section 35-434 is amended as follows:

**35-434 Scope of Approval.**

\*\*\*\*\*

- (h) Scope of Approval.** A plat deferral may be revoked if any of the conditions set forth below apply. ~~Prior to revoking a plat deferral the commission shall formally~~

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~~consider and adopt a resolution authorizing the termination of electric service and/or revocation of the building permits until such time as a plat is approved and recorded.~~

- (1) **Deferral Conditions Not Applicable.** If any of the conditions relating to applicability of plat deferral, as set forth in subsection (a) hereto, are found and determined not to apply to the proposed application, or if the applicant requests a variance, the director may revoke the plat deferral.

Revocation of a plat deferral shall render any electric service and/or building permit null and void until such time as a plat is approved and recorded. The applicant may appeal the decision of the director to the planning commission within thirty (30) days after notification of revocation of a plat deferral.

- (2) **Failure to Submit a Plat.** If final submittal for plat approval is not complete a plat is not submitted within one hundred thirty-five (135) days of the date the plat deferral was granted by the planning commission, the director of development services shall notify the applicant by certified mail that failure to file a plat within forty-five (45) days may result in the termination of electric service and/or revocation of the building permit. Prior to revoking a plat deferral the commission shall formally consider and adopt a resolution authorizing the termination of electric service and/or revocation of the building permits until such time as a plat is approved and recorded. ~~If the applicant believes such action is unjustified, he may appeal to the planning commission at any time during the forty-five day notice period.~~

- (i) **Recording Procedures.** See subsection 35-432(i), above.

Chapter 35, Article IV Section 35-437 is amended as follows:

**35-437 Performance Agreement.**

When site improvements, other than gas and electric lines, are required in conjunction with a plat, an instrument to ensure construction of the site improvements shall be executed by the applicant and filed with the planning commission together with the plat. Such instrument shall be substantially the same as form "F" in Appendix "B", § 35-119(f) and shall be filed with the City of San Antonio city clerk's office when a guarantee of performance is posted.

- (a) **Guarantee of Performance.** As is provided for in subsection 35-432(i), an approved plat may be filed for record before the required site improvements are completed if one (1) of the following guarantees of performance is filed with the City of San Antonio city clerk within three (3) years after the plat has been

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approved by the planning commission: a performance bond, a trust agreement, a letter of credit, or a cash or cashier's check.

- (1) **Performance Bond.** A performance bond shall be executed by a surety company ~~licensed~~ licensed to do business in the State of Texas state in an amount equal to the cost estimate, as approved by the director of development services, of all uncompleted and unaccepted improvements required by these regulations (other than gas and electric lines), with the condition that the subdivider shall complete such improvements and have them accepted by the director of development services within three (3) years from the date of plat approval. A performance bond must be drawable in Texas and shall be substantially in the same form as form "H" set out in Appendix "B", subsection 35-B121(f). 35-B120(f). The director of development services is authorized to sign the bond instrument on behalf of the city and the city attorney shall approve the same as to form.
  
- (2) **Trust Agreement.** The subdivider shall cause to be placed in a trust account on deposit with an entity that is licensed to do business in the State of Texas (specifically, a bank, trust company, or qualified escrow agent as selected by the subdivider and approved by the director of development services) in a bank, or trust company, or with a qualified escrow agent selected by the subdivider and approved by the director of development services) a sum of money equal to the cost estimate, as approved by the director of development services, of all uncompleted and unaccepted site improvements (other than gas and electric lines) required by these regulations. The trust account must be drawable in Texas and shall be established by agreement which shall be substantially in the same form as form "J" set out in Appendix "B", subsection 35- B121(f). subsection 35- B120(f) The director of development services is authorized to sign the agreement on behalf of the city and the city attorney shall approve same as to form.
  
- (3) **Letter of Credit.** The subdivider shall provide an irrevocable letter of credit issued by an entity licensed to do business in the State of Texas in an amount equal to the cost estimate, as approved by the director of development services, of all uncompleted and unaccepted site improvements (other than gas and electric lines) required by these regulations. The letter of credit, properly executed, must be drawable in Texas and shall be substantially in the same form as form "K" set out in Appendix "B", subsection 35- B121(f). 35-B120(f). The director of development services is authorized to sign the agreement on behalf of the city and the city attorney shall approve same as to form.

\*\*\*\*\*

- (d) **Release Upon Completion of Site Improvements.**

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Upon completion of the required site improvements and acceptance by the director of development services and county engineer if the site is located in the ETJ, an instrument releasing the applicant from the provisions of the performance agreement shall be filed ~~by with the City of San Antonio in the office of the city clerk.~~ Such release shall be substantially the same as form "L" in Appendix "B", § 35-B120 (f). If the necessary permits required to complete the site improvements (including, but not limited to, floodplain development permits) are denied by the city and are no longer required to serve the lots within the subdivision, the director of planning and development services shall approve and ~~notify the city clerk to~~ release the performance agreement and guarantee as provided herein.

\*\*\*\*\*

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

**35-441 Amending Plats.**

(a) **Applicability.**

\*\*\*\*\*

(15) **Conservation areas in previously platted subdivisions.**

Conservation areas may be designated on lots in previously platted subdivisions as follows:

- A. A note shall be added to the plat indicating the conservation areas and specifying that such areas are unbuildable and shall be maintained as non-buildable conservation easements in perpetuity and limited to the uses permitted by UDC 35-203 (j).
- B. A conservation easement shall be shown on an amending plat or replat and recorded with the plat.

\*\*\*\*\*

- (b) **Initiation.** A Subdivider wishing to amend an approved plat shall file with the development services department the amending plat, together with a copy of the plat being amended and a statement detailing the amendments being proposed. The director of development services will determine the extent to which the amending plat will require review by the various departments and agencies of the city. It is noted, however, if the request is to add, relocate or delete an easement or restriction, with the exception of a no build or conservation easement, then limited circulation shall not apply. If the plat being amended has been recorded, the additional recordation fee shall be deposited with the city at the time of plat filing.

\*\*\*\*\*

Chapter 35, Article IV, Section 35-451 is amended as follows:

**35-451 Certificate of Appropriateness.**

\*\*\*\*\*

**(d) Decision.**

\*\*\*\*\*

(2) **City Manager ~~Planning Director~~ Review.** Upon receipt of the recommendation by the commission, the City Manager or designee ~~director of planning~~ shall implement such recommendation by notifying the applicant within ten (10) days from receipt of such recommendation that the ~~his~~ application has been approved, conditionally approved, or disapproved. The City Manager or designee ~~director~~ shall also submit a copy of the decision to the commission for its information, to the department of development services for issuance of permits, and to other departments, as applicable. The City Manager or designee ~~director~~ shall assure the decision is based on the criteria established by the Secretary of the Interior's Standards and Guidelines for Archaeology and Historic Preservation, and was considered by the commission in the determination as to issuance or denial of any certificate.

**(3) Appeal.**

An applicant for a certificate may appeal the decision of the City Manager or designee ~~director~~ to the board of adjustment within thirty (30) days after receipt of notification of City Manager's ~~the director's~~ action. The applicant shall be advised by the City Manager or designee ~~city clerk~~ of the time and place of the hearing at which the appeal will be considered and shall have the right to attend and be heard as to the reasons for filing the appeal. In determining whether or not to grant the appeal, the board of adjustment shall consider the same factors as the commission, the report of the commission, and any other matters presented at the hearing on the appeal. If the board of adjustment approves the application, it shall direct the City Manager or designee ~~director of development services~~ to issue a certificate for the work covered. If the board of adjustment disapproves the application, it shall direct the City Manager or designee ~~director of development services~~ not to issue such certificate. Such disapproval may indicate what changes in the plans and specifications would meet the conditions. Upon receipt of the written disapproval of the board of adjustment, the City Manager or designee ~~director of development services~~ shall immediately advise the applicant and the commission in writing.

\*\*\*\*\*

Chapter 35, Article IV, Section 35-477 is amended as follows:

**Sec. 35-477. Tree Permits.**

- (a) **Applicability.** The provisions of this section apply to any activity subject to the tree preservation standards.
- (b) **Initiation.**
  - (1) **Application to City Arborist.** A valid application for permit must be filed and approved with the city arborist before:
    - A. Mitigating, removing, or destroying any significant or heritage trees that are required to be counted for calculating minimum tree preservation percentages as provided in the tree preservation standards; or
    - B. Any person conducts a regulated activity, as defined in subsection 35-523(a), on property ~~subject to this section~~ that may result in the removal or destruction of any such tree.

\*\*\*\*\*

- (5) Educational Seminars and Pre-Application Meetings.
  - A. Applicants are encouraged, but not required, to attend educational seminars conducted by the city arborist and/or establish pre-application conferences as provided by this subsection.
  - B. Applicants are encouraged, but not required, to request a preliminary plan meeting for a proposed project to determine the specific requirements and to maximize use of preserved trees and understory to meet the tree preservation, landscape and streetscape standards.
  - C. Prior to the commencement of any activities requiring a tree permit, the applicant ~~shall~~may request a pre-construction conference with the city arborist in order to review procedures for protection and management of all significant, heritage or mitigation trees.

\*\*\*\*\*

Chapter 35, Article IV Division 10, is amended by adding Sections 35-480(e) (1), (2) and (3) as follows:

**DIVISION 10. VARIANCES AND APPEALS**

**35-480 Generally.**

\*\*\*\*

(e) **Postponement of a Case.**

- (1) Prior to the city publishing the board of adjustment case in the newspaper, an applicant may request in writing for the city to postpone the case. In such cases, the applicant shall have six (6) months from the date of the written request for postponement to reactivate the case. After expiration of the six-month period the fees paid shall be non-refundable and the applicant will have to submit a new application with new fees for further consideration of the request.
- (2) If a written request for postponement is submitted by the applicant after the city has published the case in the newspaper, the fees paid shall be non-refundable and the hearing will not be rescheduled until the postponement fee has been paid by the applicant. In such cases, the applicant shall have six (6) months from the date of the written request for postponement to reactivate the case; after expiration of the six-month period, the applicant will have to submit a new application with new fees for further consideration of the request.
- (3) If a written request for postponement is submitted by the applicant after the agenda has been posted (72 hours prior to the public hearing), the postponement will be considered by the board of adjustment. If approved by the board, the fees paid shall be non-refundable and the hearing will not be rescheduled until the postponement fee has been paid by the applicant. In such cases, the applicant shall have six (6) months from the date of the board's decision to grant the postponement, to reactivate the case; after expiration of the six-month period, the applicant will have to submit a new application with new fees for further consideration of the request.

Chapter 35, Article IV, Section 35-481 is amended by deleting Section 35-481 (f) as follows:

**35-481. Appeals to Board of adjustment.**

\*\*\*\*

~~(f) — **Postponement of Case.** In the event the zoning board of adjustment postpones a case at the applicant's request, after notice has been given, the hearing will not be rescheduled until the postponement fee specified in Appendix "C" has been paid by the applicant.~~

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

**35-482 Zoning Variances.**

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- (d) **Decision.** The director shall transmit the application to the board of adjustment. ~~Should the board of adjustment postpone a case at the request of the applicant, after notice thereof has been given, the hearing will not be rescheduled until a postponement fee as specified in Appendix "C" has been paid by the applicant.~~
- (e) **Approval Criteria.** No variance shall be granted unless:
1. The variance is not contrary to the public interest.
  2. Due to special conditions, a literal enforcement of the ordinance would result in unnecessary hardship.
  3. By granting the variance, the spirit of the ordinance will be observed and substantial justice will be done.
  4. Such variance will not authorize the operation of a use other than those uses specifically authorized for the district in which the subject property ~~for which the variance is sought~~ is located.
  5. Such variance will not substantially ~~or permanently~~ injure the appropriate use of adjacent conforming conformity property ~~or alter the essential character of the district in which the property is located in the same district.~~
  6. ~~Such variance will not alter the essential character of the district in which it is located or the property for which the variance is sought.~~
  7. ~~Such variance will be in harmony with the spirit and purposes of this chapter.~~
  - 6-8 The plight of the owner of the property for which the variance is sought is due to unique circumstances existing on the property, and the unique circumstances were not created by the owner of the property and are not merely financial, and are not due to or the result of general conditions in the district in which the property is located.
  9. ~~the variance will not substantially weaken the general purposes of this chapter or the regulations herein established for the specified district.~~
  10. ~~the variance will not adversely affect the public health, safety or welfare of the public.~~

\*\*\*\*\*

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

**35-483 Subdivision Variances.**

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\*\*\*\*\*

(e) **Approval Criteria.**

The planning commission may grant variances to the requirements of this article if it concludes that strict compliance with these regulations would result in practical difficulties or unnecessary hardships for the applicant and that, by granting the variance, the spirit of these regulations will be observed, public safety and welfare secured, and substantial justice done. The planning commission may grant a variance only if it finds that:

- The proposed variance will not be contrary to the spirit and intent of this code and the regulations from which the variance is requested and the proposed variance complies with all other applicable standards of 35-432(e) to the extent practicable; and
- ~~If the applicant complies strictly with the provisions of these regulations, he/she can make no reasonable use of his/her property; and~~
- The hardship relates to the applicant's land, rather than personal circumstances; and
- ~~The hardship is unique, or nearly so, rather than one shared by many surrounding properties; and taken all practicable measures to minimize~~
- The hardship is not the result of the applicant's own actions and that the applicant has taken all practicable measures to minimize any adverse impacts on the public health, safety and public welfare;
- Under the circumstances, the public interest underlying the proposed variance outweighs the public interest underlying the particular regulation for which the variance is granted; and
- The granting of the variance will not be injurious to other property and will not prevent the orderly subdivision of other property in the area in accordance with these regulations.

(f) **Subsequent Applications.** The following time limitations shall be imposed so that no application for a variance shall be received or filed with the planning commission board of adjustment.

- If within the previous twelve (12) months an application for a variance or exception was received, considered and denied on the same lot, lots or blocks of land.

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- If within the previous six-month period an application for a variance or exception was withdrawn from consideration by the applicant or his representative before the planning commission.

The aforementioned time limitations may be waived if new substantial evidence is presented to the planning commission and only after receiving five (5) ~~nine (9)~~ affirmative votes shall the time limitations be waived. If granted, a new application shall be filed in the office of the director of development services following the procedures outlined in section 35-403, notice provisions.

- (g) **Scope of Approval.** A variance granted by the planning commission shall remain valid for three (3) years from the date of plat approval. The force and effect of the variance shall become null and void unless the planning commission grants a a ~~an~~ time extension in accordance with subsection 35-430(f)(2).

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

**35-503 Parkland Dedication Requirement.**

\*\*\*\*\*

- (a) **Applicability.**

\*\*\*\*\*

- (3) The provisions of this section do not apply to:
- A. A proposed subdivision located within an Infill Development Zone ~~infill development zone~~, Form Based Zoning District (FBZD); or
  - B. A proposed subdivision located within a planning area which has a surplus of improved neighborhood parks/open space, as designated in the parks system plan unless the surplus has been eliminated by the subsequent approval of residential dwelling units within the planning area, as measured by the level of service standard established in Table 503-1, column (B).

- (b) **Required Parkland.**

- (1) Required parkland shall be reserved for any development in the development zoning districts ~~or~~ areas set forth in column "A" of Table 503-1, below, based upon the number of dwelling units in the proposed development corresponding to the development areas zoning district ~~zoning district~~ as set forth in column "B" in **Table 503-1** hereto.

Table 503-1  
 Required Parkland

(A) <u>Type and location of development projects Areas &amp; Areas Within the ETJ</u>	(B) <u>Required Parkland (Acres per Dwelling)*</u>
ETJ	1 per 70
<u>In the city</u> - "R-20", "R-15", "R-10", "R-8", "R-6", "RM-6", "R-5", "RM-5", "R-4", "RM-4", "MH", TND, "PUD", "DR"	1 per 70
<u>In the city</u> - "MF-25", "MF-33", "MF-40", "MF-50"	1 per 114
<u>In the ETJ</u> - Single-family developments	1 per 70
<u>In the ETJ</u> - Multi-family developments <u>within ETJ</u>	1 per 114

\* The required acreage shall be rounded to the nearest one-tenth (e.g., 150 residential single-family dwelling units x [1/70] = 2.1 acres)

\*\*\*\*\*

(c) **Parkland Characteristics.**

\*\*\*\*\*

(4) **Multi-Use Paths.**

A. Collectors and Arterials.

\*\*\*\*\*

1. The entire areas along a collector or arterial that meet the following requirements may also be counted against the minimum requirements set forth in this chapter:
  - i. Minimum length of collector is two hundred (200) feet.
  - ii. Additional width of twelve (12) feet on either side of the collector, outside of the right-of-way.
  - iii. Construction of multi-use ~~concrete~~ paths adjacent to a collector or arterial roadways, ~~or other material as approved by the director of development services, on both sides of collector~~ that meet minimum AASHTO ASHTO standards for use by both pedestrians and bicyclists.
  - iv. Path shall be defined by placing a planted strip of not less than three (3) feet between the back of the curb and the street edge of the path.

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- v. In addition to the minimum streetscape requirements detailed in section 35-512, one (1) large tree and one (1) medium tree shall be planted every one hundred (100) feet or fraction thereof. Additional tree requirements above and beyond the minimum streetscape requirements shall be counted toward any tree mitigation requirement.
- vi. Additional credit is not awarded for capital improvements.

\*\*\*\*\*

**(d) Suitability.**

\*\*\*\*\*

**(2) Parkland in Floodplains or Water Features.**

- A. Areas within a 100 year floodplain shall not exceed fifty percent (50%) of the required ~~area counted~~ as parkland pursuant to subsection (b), above, except as provided below.

\*\*\*\*\*

**(f) Development Phasing.**

\*\*\*\*\*

- ~~C.~~ **(3)** The city shall authorize the developer to reserve parkland for dedication in subsequent phases of the subdivision by executing an enforceable contract with the city. The contract shall be approved by the city attorney and the director of parks and recreation. In addition, the developer shall dedicate a reversionary public access easement on the final plat of the proposed development where necessary to provide effective public access, maintenance and use of any parkland to be dedicated.

\*\*\*\*\*

**(g) Fee in Lieu of Land Dedication (Optional).**

The intent of the park dedication requirement is to provide parks in neighborhoods. However, circumstances may arise that do not allow parkland dedication.

- (1) In lieu of the dedication of required parkland, an applicant may deposit with the city a cash payment in lieu of land.
  - A. Applicants may meet up to 100% of the parkland dedication requirement through the payment of a fee in lieu of dedication when:

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- i. The proposed subdivision contains less than 210 dwelling units; or
- ii. The proposed subdivision includes-is zoned multi-family development and lies within Loop 410.

\*\*\*\*\*

**(h) Credit for Park Facilities.**

- (1) Where parkland is provided in a proposed residential subdivision, credit may be given to the applicant where the following requirements are met:
  - A. The parkland shall be maintained as provided in Subsection (f) of this section. The ultimate owner of the parkland shall be responsible for raising all monies required for operations, maintenance, or physical improvements to the parks and/or open space through annual dues, special assessments, or similar arrangements.
  - B. One copy of the sealed site plan and sealed construction documents for the proposed park shall be submitted to the appropriate plan review personnel within the Parks and Recreation Department during the development review phase. ~~A registered landscape architect is hired to develop the site plan and construction documents for the proposed park.~~
- (2) The acreage required for dedication pursuant to Table 503-1 above may alternately be reduced by providing park facilities as outlined in Table 503-4 below. Credit shall be given toward the minimum land dedication requirement (see subsection (b) of this section) at the rate specified in column (C) of Table 503-4. Improvements for credit must meet all federal, state and local regulations and guidelines and be compliant with the Americans with Disabilities Act.

**Table 503-4  
 Park Facilities Credit**

(A) Criteria List	(B) Design Criteria	(C) Credit Acres
Playground	See subsection (3), below.	1.25
Picnic area.	Picnic areas shall have a minimum area of <del>two thousand five hundred</del> 2,500 square feet and contain two picnic units. A picnic unit is defined as a concrete, metal, or approved material picnic table, two (2) benches, and a cooking grill all permanently anchored to the slab. For every Three (3) acres of parkland required, credit for one (1) picnic area may be awarded.	0.25
Athletic Courts	The court slab shall have a slope not exceeding two (2) percent and shall be constructed of concrete or approved substitute. A basketball court must be a minimum of fifty (50) feet by forty (40) feet, with two (2) metal goals, nets, backboards, and poles at each end. A tennis court must be a minimum of sixty (60) feet by one hundred twenty (125) feet, with net and metal posts. A volleyball court must be a minimum of thirty (30) feet by sixty (60) feet, with net and metal posts, and the court must be constructed with either sodded Bermuda grass or a twelve (12) inch course of washed masonry sand or silica sand. If the park dedication requirement exceeds five (5) acres, then an additional three-fourths 3/4 acre credit may be awarded for a second athletic court.	.75
Open Play Areas	An Open Play Area shall include a minimum area of <del>twenty thousand (20,000)</del> 20,000 square feet. The areas shall be unobstructed by trees, shrubs, or utilities, with a slope not to exceed five percent (5%). Common Bermuda or approved substitute grass shall be established in these areas. Maximum of one open play area for every five (5) acres of parkland dedication.	1.00
Swimming pool	Minimum 500 square feet of water surface, with adjacent deck and lawn areas. A maximum of one and one-half (1 ½) acres credit may be awarded. A swimming pool may not count towards more than fifty (50%) percent of the parkland dedication requirement.	0.3 acres per five hundred 500 square feet of surface area
Recreation center building	The building shall be in habitable condition and shall have a minimum 1,000 square feet of gross floor area. The covenants and restrictions of the homeowner's association shall restrict the building for use as a recreational and/or meeting area for use by all residents of the subdivision. Architectural design shall conform to the restrictive covenants recorded for the subdivision. Credit shall be awarded for only one building. A recreation building may not count towards more than 50% of the parkland dedication requirement.	.50 for 1,000 – 1,500 square feet; 1.00 for over 1,500 square feet.
Recreation Community Gardening	Community gardens shall have a minimum area of 10,000 square feet with a slope not exceeding two percent (2%). Maximum of one (1) community garden for every five (5) acres of parkland dedication requirement.	0.25
Pavilion / Gazebo	Pavilions must be constructed with galvanized metal roofing or, an approved substitute and posts constructed of wood,	0.25

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	<u>metal, stone, or an approved substitute, and shall be a minimum of 20 feet in width by 20 feet in length. Gazebos may be constructed of either wood, metal, or approved substitute, and shall be a minimum of 100 square feet in size. Architectural design for overhead structures shall conform to the restrictive covenants recorded for the subdivision. Maximum of one overhead structure for every five acres of parkland dedication requirement.</u>	
<u>Outdoor Gymnasium Facilities</u>	<u>Outdoor Gym must meet minimum dimensions of a 40 feet in width by 40 feet in length (or 1600 square feet), and consist of at least 6 stations constructed of metal or an approved substitute material. Stations must be secured as recommended by the manufacturer. A maximum of 1.0 acres credit may be awarded.</u>	<u>1.0</u>
<u>Fitness, Jogging or walking trails</u>	Trails shall have a minimum length of one-quarter (1/4) mile. Trails shall be constructed of crushed granite, concrete, or asphalt, with a minimum thickness of four (4) inches, a minimum width of eight (8) feet, and shall be sloped to drain. A maximum of two and one-fourth (2 ¼) acres credit may be awarded for trails.	1.50 for first quarter (1/4) .25 mile length; .75 for an additional .25 quarter (1/4) mile length

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

- A. Playground is to be of commercial standards. The parks and recreation department will provide a list of potential vendors.
- B. The playground area shall have a slope not exceeding two (2) percent.
- C. Playgrounds are to include equipment for two (2) distinct play abilities and may be located in the same or in separate areas,
  - i. One (1) area designed for ages two (2) through five (5) years old with a minimum of six (6) activities, and a
  - ii. Second area designed for ages five (5) through twelve (12) years old with a minimum of twelve (12) activities.
- D. Playgrounds must meet all federal, state, and local regulations and guidelines and be compliant with the Americans with Disabilities Act, as well as guidelines set up by CPAC and NPSI.
- E. The following items shall be provided: at least two (2) park benches, one (1) trash receptacle, and an open shelter.
- F. Playground equipment shall be located no closer than twenty-five (25) feet from a park boundary.

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

**35-504 Storm Water Management**

\*\*\*\*\*

**(b) Storm Water~~Stormwater~~ Management Program.**

**(1) Regional Storm Water Management Program (RSWMP).**

\*\*\*\*\*

B. ~~Options available to~~ All developers shall ~~to~~ participate in the RSWMP in one of three ways include:

1. Payment of a fee in lieu of on-site detention (except in areas designated by the Director of Public Works as "Mandatory Detention Areas"). The fee schedule is included in Appendix "C"-109.
2. Construction of on-site or off-site measures (typically storm water detention facilities) to mitigate increases in runoff resulting from the proposed development. ~~a RSWF to mitigate an existing flooding problem.~~
3. Construction or participation in the construction of an a off-site RSWF to mitigate increased storm water stormwater runoff anticipated from by ultimate development of the watershed.

C. To determine a significant adverse impact for the purposes of this section, the following criteria will be used to analyze the receiving storm water facilities within stormwater facility for two thousand (2,000) linear feet ~~downstream~~ of the project, ~~or~~ to the nearest downstream RSWF, or to the nearest floodplain with an ultimate analysis accepted by the City, whichever is less. ~~(The 2000 linear feet is based on an estimate that this length will approximate a one hundred acre drainage area. The one hundred acre drainage area represents the lower limit for a 100 year frequency stormwater facility design.)~~ For lots less than three acres in size, adverse impact analyses need only extend to where tributary drainage areas equal 100 or more acres.

1. The storm water design~~stormwater~~ surface elevation (WSE) (~~DSE~~) in the receiving ~~stormwater~~ facility [natural or improved] drainage systems within 2000 linear feet of the proposed development may not be increased by the proposed development within the 2000 linear feet from the

development unless the increased DSE WSE is contained within ~~an easement or right of way~~ easements or rights of way or the receiving ~~facility has~~ systems have sufficient capacity to contain the increased DSE WSE without increasing flooding to a habitable ~~structure~~ structures.

2. Where low water crossings exist within the study area, the DSE cannot be increased above the level of the 100-year ultimate development water surface at the low water crossing. The increase in flow at the low water crossing for the five-year, twenty-five-year and 100-year frequency design must not reclassify the low water crossing from a safe to a dangerous condition crossing based on Figure 504-2. If the increased DSE exceeds this criterion, the development can improve the low water crossing to the standards of this chapter in lieu of providing for onsite controls or paying a fee.
3. Three Development conditions shall be analyzed with each adverse impact analysis.

**Existing Conditions.**

This refers to current development conditions in the watershed and on site. This shall be used as the baseline for determining the impact of the development of the site, or the watershed, to other properties or drainage systems.

**Proposed Conditions.**

This refers to existing conditions with the proposed development added. This shall be used to determine if the increased runoff from the proposed development results in an adverse impact to other properties or drainage systems.

**Ultimate Conditions.**

This refers to ultimate development conditions within the watershed. In addition to being used to design proposed drainage facilities (subsection “(2) System Criteria”, below), this condition shall also be used to determine if the increased runoff from the ultimate development of the watershed results in an adverse impact to other properties or drainage systems.

In addition to verifying low water crossing capacity (item 2, above), this analysis shall be used to assist the city in identifying watershed wide storm water management issues.

3. ~~Where a development is upstream of an existing San Antonio River Authority (SARA) flood control facility or other detention facility constructed prior to 2000, analyses will be provided to insure that capacity exists within the facility to accommodate the increased runoff from the proposed development.~~
4. Minimum standards for identifying Dangerous Roadway conditions are identified in figure 504-2.

Note: The City of San Antonio contends that any runoff crossing a roadway creates a potentially dangerous condition. Figure 504-2 represents the maximum flow over roadways that the City will accept in adverse impact analyses signed and sealed by the licensed professional engineers.

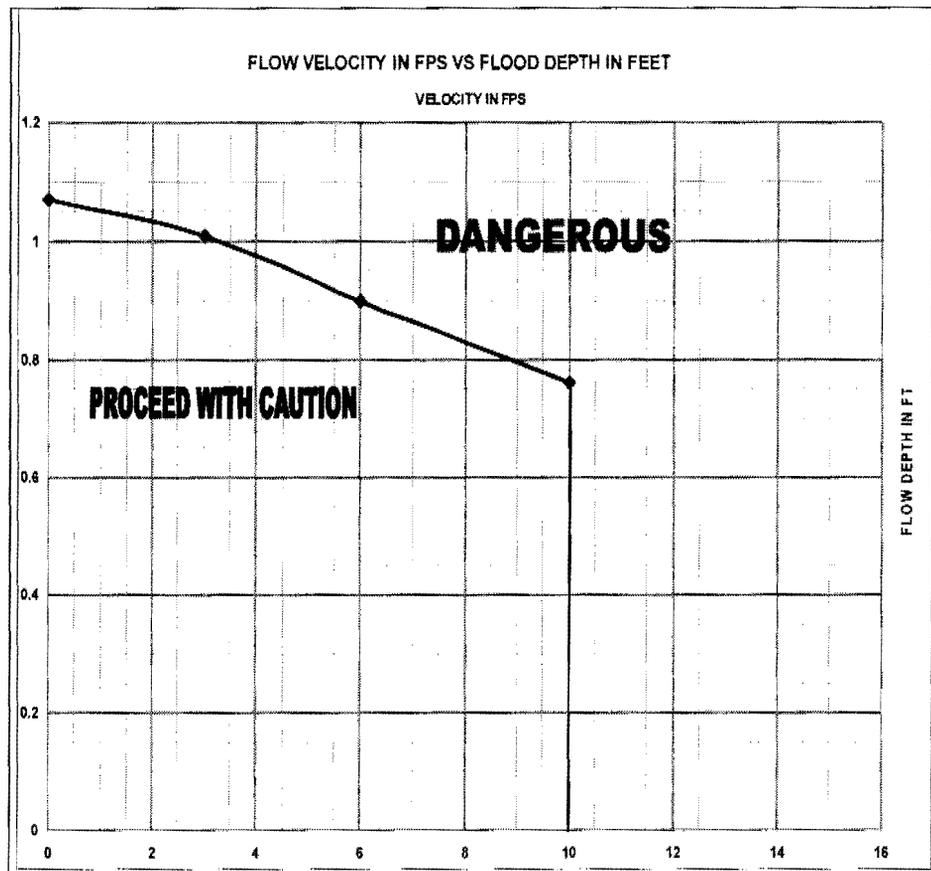


Figure 504-2  
Dangerous Roadway Conditions  
During Flood Events

5. 4. The City of San Antonio may reject a developer's request to participate in the RSWMP by payment or mitigation and require on-site detention. The City's decision will be based on the knowledge of significant adverse impacts that would be created by ultimate development of within the watershed by the proposed development regardless of the distance from the development to the area of concern impacted. The City may also reject a request for participation when it is not in the best interests of the RSWMP. The developer is recommended to meet with the Storm Water Engineering Division of the Department of Public Works ~~stormwater engineering section of the storm water utility~~ to discuss participation options prior to design of a project. This preliminary meeting in no way relieves the developer of his responsibility to prepare the necessary engineering documentation to support his request for participation.

- D. The stormwater development fee in lieu of on-site detention must be paid prior to a plat being released for recordation by the City of San Antonio or the issuance of a building permit. The fee shall be determined in accordance with the provisions of section 35-C109, stormwater management fees.

**(2) System Criteria.**

~~A.~~ All stormwater management facilities, or combination of facilities, shall be designed for ultimate development. Facilities with drainage areas under 100 acres shall be designed for a 25-year storm. Facilities with drainage areas over 100 acres or areas within a FEMA designated floodplain shall be designed for a 100 year storm or a 25 year storm plus ~~B.~~ freeboard (based on Table 504-9) if that elevation is higher. Detention facilities and streets are exceptions to the frequency criteria cited above. Detention facility outflows will be designed for 5-year, 25-year and 100-year frequency storms. Refer to § 35-504(g) for specific drainage design criteria for streets.

C. Three development conditions shall be analyzed for each development.

~~1. Existing Conditions.~~ This refers to current development conditions in the watershed and on site. Use as the baseline analysis for determining the impact of development.

~~2. Proposed Conditions.~~ This refers to existing conditions with the proposed development added. Use to determine if the increased runoff from the proposed development results in an adverse impact to other properties.

~~3. Ultimate Conditions.~~ This refers to ultimate development conditions within the watershed used to design the drainage facilities. This condition may be used in lieu of subsection 2, above, to determine if the increased runoff from the ultimate watershed development results in an adverse impact to other properties.

\*\*\*\*\*

**(c) Method of Computing Runoff.**

\*\*\*\*\*

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

**Table 504-6**  
**Manning's Roughness Coefficient**  
(Table Unchanged)

\*\*\*\*\*

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

- A. Earth channels--0.035
- B. Concrete lined channels--0.015
- C. Reinforced concrete pipe--0.013
- D. Concrete box culverts--0.013
- E. Corrugated metal pipe:
  - i Unpaved 1/2" corrugated--0.024
  - ii Unpaved 1" corrugated--0.027
- F. Asphaltic Concrete – 0.018

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

**(d) Drainage easements / Rights-of-way.**

\*\*\*\*\*

**(5) Lot and Property Line Crossings.** In those cases where drainage easements cross lot and property lines, a statement shall be added to the plat that no fencing or structures that will interfere with adequate drainage flow will be allowed on or across such lines. Fencing may be allowed across drainage easements only in accordance with the following restrictions:

- A. Bottom of fence shall be a minimum of the flow depth, plus freeboard (see Table 504-9 of this Section) above design flow line of channel or drain.
- B. A hinged gate will be placed across the entire width of the drainage easement. Access must be provided to Storm Water Operations staff at all times to allow access to the easement for the City crews to perform maintenance.
- C. Fence posts located within the easement must be structurally designed to resist damage from the stormwater flows and impact from debris.
- D. A floodplain development permit will be required to construct a fence within an easement within the 100-year floodplain.

- (6) **Interceptor Easements.** Drainage easements for proper conveyance of upstream storm water runoff shall be required on all subdivision plats where upstream contributing area exceeds the criteria indicated below. Interceptor drains shall be constructed prior to the issuing of building permits on any lot that would intercept natural drainage. Interceptor drainage easements and channels shall be provided where the drainage area to the back of platted lots exceeds the depth of two (2) average residential lots. Interceptor drains shall be constructed prior to the issuing of building permits on any lot that would be affected by natural drainage being intercepted.
- A. Interceptor drainage easements and channels shall be provided for residential subdivisions where the drainage area to the back of platted lots exceeds the depth of two (2) average residential lots with equivalent zoning.
- B. Interceptor drainage easements shall be required on non-residential subdivision plats where the off-site drainage area contributing to the proposed development exceeds 3 acres. If necessary, an amending plat may be used to correct drainage easements in conjunction with building permits.

\*\*\*\*\*

(f) **Storm Water Detention**

\*\*\*\*\*

(3) **Regional Detention Facilities.**

~~A.~~ General locations and sizes of regional detention facilities have been identified in the master drainage plan for the major watersheds in the city's jurisdiction. The ownership of regional detention facilities may either be public or private. The creation of regional detention facilities designed to service one (1) or several developments is encouraged, but not required. In watersheds where public regional detention facilities exist, mitigation of increased stormwater runoff from new construction may utilize these facilities if the new construction is eligible to participate in the RSWMP. Temporary detention may be required for the development until sufficient capacity in the outfall channel is provided to accommodate increased flows. Maintenance of publicly owned facilities will be the responsibility of the city. Maintenance of private facilities is the responsibility of the property owner or the community association and must be specified in the maintenance schedule submitted to the city. A maintenance schedule for both publicly owned and privately owned facilities must be approved by the director of public works prior to approval of construction drawings.

Drainage easements will be provided for all regional detention facilities. The easement will encompass the 100-year pool elevation plus all structural improvements (levees, dykes, berms, outfall structures etc.) necessary to contain the pool. The easement will extend, at a minimum, to the toe of the downstream embankment. Maintenance access (fifteen-foot minimum) will be provided around the facility, outside the limits of the 100-year pool elevation. Ramps, as necessary, with a maximum slope of seven to one (7:1) will be provided for access to the flow line of the facility.

**(4) Easement Requirements.**

Drainage easements will be provided for all regional detention facilities. The easement will encompass the 100-year pool elevation plus all structural improvements (levees, dykes, berms, outfall structures etc.) necessary to contain the pool. The easement will extend, at a minimum, to the toe of the downstream embankment. Maintenance access (fifteen-foot minimum) will be provided around the facility, outside the limits of the 100-year pool elevation.

**(5) Access Ramps.**

Ramps, as necessary, with a maximum slope of seven to one (7:1) will be provided for access to the flow line of all public detention facilities. ~~the facility~~

**~~(6)(4)~~ Multi-Use Facilities.**

\*\*\*\*\*

**~~(7)(5)~~ Permanent Wet Pool or Pumped Detention Systems.**

\*\*\*\*\*

**~~(8)(6)~~ Location of Detention Facilities and Surrounding Development.**

\*\*\*\*\*

**(g) Streets.**

\*\*\*\*\*

**(7) All-Weather Crossings.**

- A. Where proposed streets cross existing or proposed watercourses, all weather crossings shall be required. Culverts or bridges shall be adequate to allow passage of the design storm identified in Section 35-504(b) (1).

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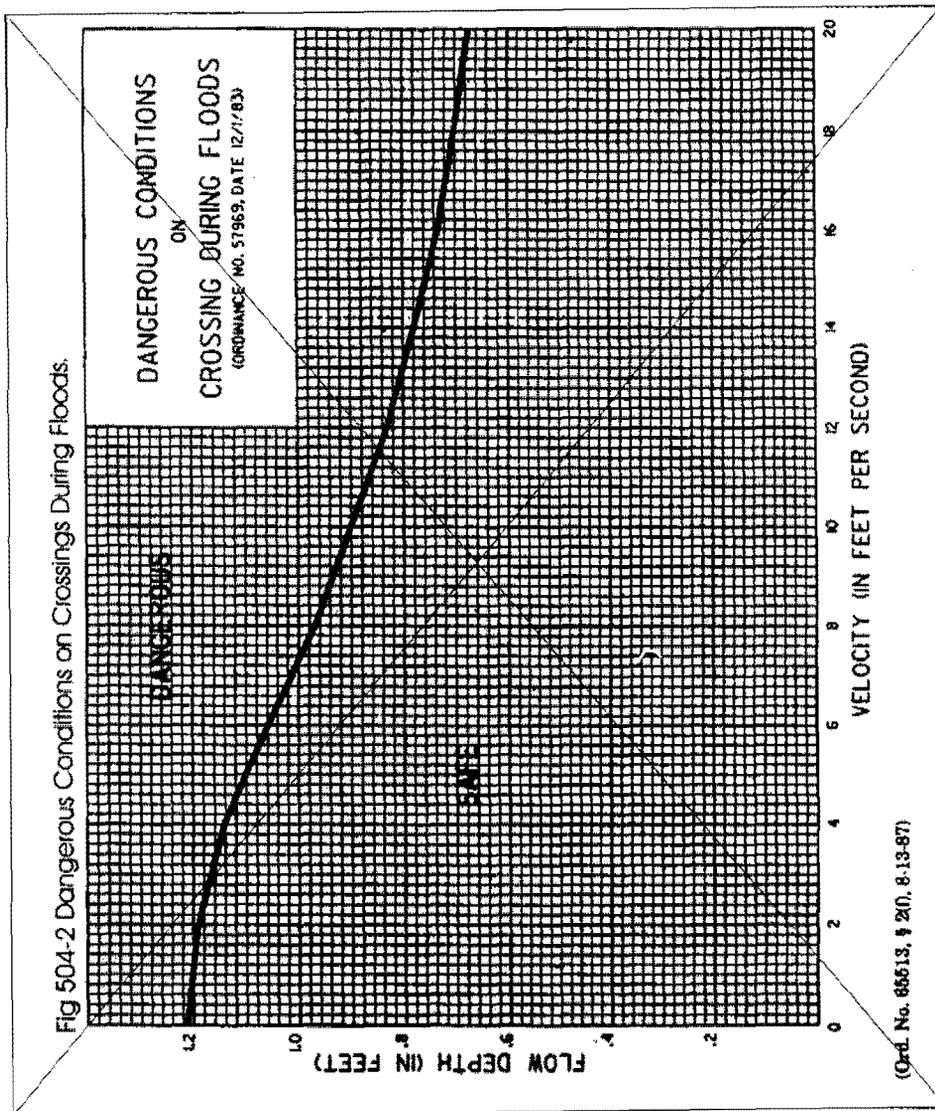
- B. All crossings, culverts and bridges shall be designed for an H-20-44 or HS-20 loading.
- C. ~~Dangerous conditions for existing crossings are defined by Figure 504-2 (Dangerous Conditions on Crossing During Floods).~~

\*\*\*\*\*

**(8) Unflooded Access**

- A. During an ultimate development 5-year storm event unflooded access (within the "Proceed with Caution" range per figure 504-2) shall be available to proposed new developments. This unflooded access shall be accessible to an arterial street that is not adjacent to the development or to a distance of one quarter mile, whichever is less.
- B. The Director of Public Works may waive this requirement for developments under three acres (3 Ac) in size.

Figure 504-2  
 Dangerous Conditions on Crossings During Floods  
 (Table to be deleted)



(h) **Drainage Channels and Watercourses.**

\*\*\*\*\*

(7) **Concrete Lined Channels.** The design of concrete lined channels shall comply with the following general requirements:

- A. Freeboard consistent with Table 504-9 will be applied to the twenty-five-year design.
- B. From the top of the concrete lining to the top of the ditch, a side slope not steeper than three (3) horizontal to one (1) vertical shall be required; nor shall the slope be less than twelve to one (12:1).

The minimum slope of concrete lined channels shall be 0.4%, or 0.1% with a minimum "cleaning" velocity of two feet per second (2 fps) during an existing conditions two year storm event.

\*\*\*\*\*

(8) **Vegetated Earth Channels.**

\*\*\*\*\*

F. For vegetated earthen channels with slopes less than 0.5% or bottom widths greater than 30 ft., concrete pilot channels shall be provided. The minimum bottom width of the pilot channel shall be four foot (4'). The minimum [earthen] slope draining toward the pilot channel shall be one percent (1%).

(9) **Channel Bends and Turns – Freeboard.**

Allowance for extra freeboard shall be made when the centerline radius of the channel is less than three (3) times the bottom width. Where sharp bends or high velocities are involved and the flow regime is sub-critical, the applicant shall use the following formula for computing the extra freeboard:

\*\*\*\*\*

C. For normal design conditions no extra freeboard is required where ~~An accepted rule of thumb to follow is this:~~ Centerline centerline radius of channel should be at least three (3) times the bottom width. For critical and super-critical flow regimes, the extra freeboard calculated with the above formula shall be doubled.

\*\*\*\*\*

(i) **Storm Sewers.**

(1) For all ordinary conditions, storm sewers shall be designed on the assumption that they will flow full under the design discharge; however, whenever ~~the system is placed under a pressure head, or~~ there are constrictions, turns, submerged or inadequate outfall, etc., the hydraulic and energy grade lines shall be computed and plotted in profile. The energy grade line (EGL) shall be below the top of curb and the hydraulic grade line (HGL) shall be below the gutter elevation of the drainage structure. In all cases adequate outfalls shall be provided, and the system adequately designed.

\*\*\*\*\*

(j) **Inlets and Openings.**

\*\*\*\*\*

- (2) **Curb or Drop Inlets.** Where drop inlets are use, the city standard inlets with adequate reinforcing steel may be used. All other types or designs shall be subject to the approval of the director of public works developments services in consultation with the director of planning and development services public works. The following formulas for inlet capacity are based on drop inlets in sag points. Inlet capacities on grades will be considered less, the amount of which depends on street grades, deflections, cross slopes, depressions, etc.

\*\*\*\*\*

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

**35-506 Transportation and Street Design.**

*STATEMENT OF PURPOSE*

*The purpose of this section is to prescribe minimum design standards for streets within new subdivisions, developments requiring site plan approval, and for developments requiring a zoning permit. Unlike the situation in traditional subdivision regulations, one (1) intent of this section is to permit narrower street widths while requiring greater connectivity in order to more efficiently disperse traffic, accommodate bicyclists, protect pedestrians from high vehicular speeds, and to enhance the streetscape. For conventional subdivisions, commercial centers, and applications for development approval within conventional zoning district, the existing street widths and design standards are retained in order to accommodate the heavier traffic levels and greater reliance on vehicular travel.*

*This section implements the following provisions of the master plan:*

- *Urban Design, Policy 1b: Create and adopt urban design guidelines and standards which specifically encourage pedestrian safety and comfort, transit access, street level amenities, and circulation between neighborhood centers.*
- *Urban Design, Policy 1b: Provide design standards for streetscape improvements including appropriate landscaping, furnishings, signage/graphics and pedestrian paths, along with gateways, landmarks, and markers at strategic access/transition points.*
- *Urban Design, Policy 1c: Encourage street patterns that promote pedestrian connections and multiple connection points and do not contribute to collector street congestion.*
- *Urban Design, Policy 1g: Prepare design and construction policies and standards for utility and transportation infrastructure, capital improvement projects, public facilities and development projects that reinforce neighborhood centers and provide diverse, pedestrian-friendly neighborhoods.*
- *Urban Design, Policy 4c: Create streetscapes which emphasize both pedestrians and vehicles.*

\*\*\*\*\*

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(a) **Applicability.**

(1) **Generally.**

The provisions of this Division shall apply to:

- A. Any application for subdivision plat approval.
- B. Any application for master development plan approval if no subdivision plat is required.
- C. Any ministerial permit where one or more of the following applies: required by subsection (2), below.
  - 1. Applications for building permits for new structures or development on a vacant lot where there are no existing structures or development.
  - 2. Applications for a building permit for all new structures, additions, and renovation/remodels on a developed lot with existing buildings, or a single building on several lots under one owner. For existing structure(s), the provisions of this Division apply where the cost of the repair or improvement amounts to twenty-five (25) percent or more of the assessed valuation of the building/structure(s) as set forth by the city tax roll for the entire lot, or if provided by applicant, other proof of valuation such as published by the Planning and Development Services Department's calculated building valuation based on construction type, occupancy and square footage, or proof of recent purchase price of the structure(s). Additional building permit applications that are submitted within a year's time frame by a single owner shall have the project valuations added to determine applicability of this Division. This is not intended to apply to multiple tenant finish-outs in one year caused by tenants moving in and out of multi-leased buildings where the building owner has not intended to remodel the structure.
  - 3. Applications for a building permit for an existing building where a change of occupancy/use increases the required minimum number of vehicle parking stalls by 10 percent over the original occupancy/use, or a parking lot is being modified that adds at least 10 percent new parking spaces.
  - 4. Application for a commercial building permit where a new or additional driveway is proposed.

(a) **Applicability.**

(1) **Generally.**

The provisions of this Division shall apply to:

- A. Any application for subdivision plat approval.
- B. Any application for master development plan approval if no subdivision plat is required.
- C. Any ministerial permit where one or more of the following applies: required by subsection (2), below.
  - 1. Applications for building permits for new structures or development on a vacant lot where there are no existing structures or development.
  - 2. Applications for a building permit for all new structures, additions, and renovation/remodels on a developed lot with existing buildings, or a single building on several lots under one owner. For existing structure(s), the provisions of this Division apply where the cost of the repair or improvement amounts to twenty-five (25) percent or more of the assessed valuation of the building/structure(s) as set forth by the city tax roll for the entire lot, or if provided by applicant, other proof of valuation such as published by the Planning and Development Services Department's calculated building valuation based on construction type, occupancy and square footage, or proof of recent purchase price of the structure(s). Additional building permit applications that are submitted within a year's time frame by a single owner shall have the project valuations added to determine applicability of this Division. This is not intended to apply to multiple tenant finish-outs in one year caused by tenants moving in and out of multi-leased buildings where the building owner has not intended to remodel the structure.
  - 3. Applications for a building permit for an existing building where a change of occupancy/use increases the required minimum number of vehicle parking stalls by 10 percent over the original occupancy/use, or a parking lot is being modified that adds at least 10 percent new parking spaces.
  - 4. Application for a commercial building permit where a new or additional driveway is proposed.

Item No. 6 Amended

(a) **Applicability.**

(1) **Generally.**

The provisions of this Division shall apply to:

- A. Any application for subdivision plat approval.
- B. Any application for master development plan approval if no subdivision plat is required.
- C. Any ministerial permit where one or more of the following applies: required by subsection (2), below.
  - 1. Applications for building permits for new structures or development on a vacant lot where there are no existing structures or development.
  - 2. Applications for a building permit for all new structures, additions, and renovation/remodels on a developed lot with existing buildings, or a single building on several lots under one owner. For existing structure(s), the provisions of this Division apply where the cost of the repair or improvement amounts to twenty-five (25) percent or more of the assessed valuation of the building/structure(s) as set forth by the city tax roll for the entire lot, or if provided by applicant, other proof of valuation such as published by the Planning and Development Services Department's calculated building valuation based on construction type, occupancy and square footage, or proof of recent purchase price of the structure(s). Additional building permit applications that are submitted within a year's time frame by a single owner shall have the project valuations added to determine applicability of this Division. This is not intended to apply to multiple tenant finish-outs in one year caused by tenants moving in and out of multi-leased buildings where the building owner has not intended to remodel the structure.
  - 3. Applications for a building permit for an existing building where a change of occupancy/use increases the required minimum number of vehicle parking stalls by 10 percent over the original occupancy/use, or a parking lot is being modified that adds at least 10 percent new parking spaces.
  - 4. Application for a commercial building permit where a new or additional driveway is proposed.

- D. The owner of any tract of land situated within the corporate limits or the extraterritorial jurisdiction of San Antonio who is required to file a plat shall provide street right-of-way dedication as required by this article.

(2) **Building Permit Requirements for Curbs and Sidewalks.**

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

- A. A ministerial permit requires conformance to this division as defined in one of the conditions covered in 35-506(a)(1)(C), new building or structure when curbing is in place or curb lines are established for a sidewalk. A curb line is defined when there are curbs at both ends of the streets and/or when there is a sharp edge of pavement (less than 2% deviation of the edge of pavement width).
- ~~B. The repair or improvement of an existing building or structure when curbing is in place or curb lines are established and the cost of the repair or improvement amounts to twenty five (25) percent or more of the assessed evaluation of the building/structure as set forth by the city tax roll for the entire lot.~~
- ~~C. A new or an additional driveway approach.~~
- ~~B. D~~ Refer to section (q) for sidewalk standards.

In addition to the above requirement, premises used as motor vehicle service stations or parking lots require the construction of a minimum six (6) inch raised curb or other approved traffic barrier, within the lot, along the entire street frontage except at approved driveway approaches and access walks to prevent vehicular access to the street except at designated driveway(s).

- (3) ~~(E)~~ **Variance.** A variance to the requirements of this section may be granted by the planning commission if the commission finds that there are special circumstances or conditions, unique to the land involved, such that strict application of these requirements would be unreasonable and the granting of the variance would not be detrimental to the public health, safety, or welfare. Application for a variance shall be submitted in writing to the director of planning and community development accompanied by the variance fee specified in Appendix "C" to this chapter and an eight and one-half by eleven (8 1/2 x 11) inch site plan indicating the location of the

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variance request and the location of existing sidewalks and curbs within a two thousand-foot radius.

**(b) Improvements Required.**

- (1) All street grading and base construction shall be in accordance with approved plans. Streets shall be completed consistent with the approved construction plans. A County street cross section, which is a street section that has no curb and no sidewalks and utilizes bar ditches to convey storm drainage off the street and design may be used in the ETJ when the density is less than 2 units per acre. A bar ditch may require cement stabilized fill, rubble, rock, or equivalent lining material if the grade of the ditch exceeds six percent (6%).

\*\*\*\*\*

**Table 506-1**

**Functional Classification System Description**

Functional Class	Level of Mobility	System Access	Level of Accessibility
Freeway	Connects all urban sub regions together, connects urban and rural service areas with metro major activity centers; connection to outside cities.	<u>To</u> <del>to</del> other freeways, principal arterial, and selected arterial; no direct land access.	Long trips at high speed within and through the metro area; express transit trips.
Primary Arterial	Connects two or more sub regions; provides secondary connections outside cities; complements freeway in high volume corridors.	<u>To</u> <del>to</del> freeways, other principal arterial, and high volume collectors; no direct land access except major traffic generators.	Medium distance to long trips at high to moderate speeds within the urban area; express transit trips.
Secondary Arterial	Connects adjacent sub regions and activity centers within sub regions.	<u>To</u> <del>to</del> freeways, principal arterial, other arterial, and collectors; restricted direct land access.	Medium to short trips at moderate to low speeds; Local transit trips.
Collector	Connects neighborhoods within and between sub regions.	<u>To</u> <del>to</del> arterial, <u>and</u> other collectors, <u>and while providing access to local streets; and direct land access for commercial development.</u>	Primarily serves collection and distribution function for the arterial system at low speeds; Local transit trips. <u>Ideal spacing would be ½ mile.</u>
Local (includes Conservation Access, Local Type A, Local Type B,)	Connects blocks within neighborhoods and specific activities within homogeneous land use areas.	<u>To</u> <del>to</del> collectors and other Local streets; direct land access.	Almost exclusively collection and distribution; short trips at low speeds. <u>Ideal spacing would be 175' to 700' (see 35-515(b)).</u>

\*\*\*\*\*

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

\*\*\*\*\*

- (2) **Vertical Curvature.** A gradual transition from one roadway grade to another shall be accomplished by means of a vertical parallel curve connecting two (2) intersecting tangents. No vertical curve for gradients having an algebraic difference of 1.5 or less will be required. The minimum length of vertical curve shall be computed from the following formula and table:

$$L=KA$$

Where **L** = the length of vertical curve in feet

**K** = a constant related to stopping sight distance and geometry of a parabolic curve (see Tables 506-3 and 509-4) The American Association of State Highway & Transportation Officials (AASHTO) Policy on Geometric Design of Highways and streets, or latest revision thereof shall be used to determine the minimum K value.

**A** = the algebraic difference in grades in percent.

Comment: If the AASHTO K-value for a Sag Curve is negative, the vertical curve shall be adjusted to accommodate a positive value or have the algebraic difference adjusted to be less than 1.5.

(3) **Grade.**

\*\*\*\*\*

- B. Grades between 12% and 15% can be negotiated by the fire equipment depending upon the length of such grades, and the approach conditions below these grades. The restrictions on using grades between 12% and 15% are contained in Figure 506-2. Grades over 10% in the extra-territorial jurisdiction shall be approved by the County Fire Marshal.

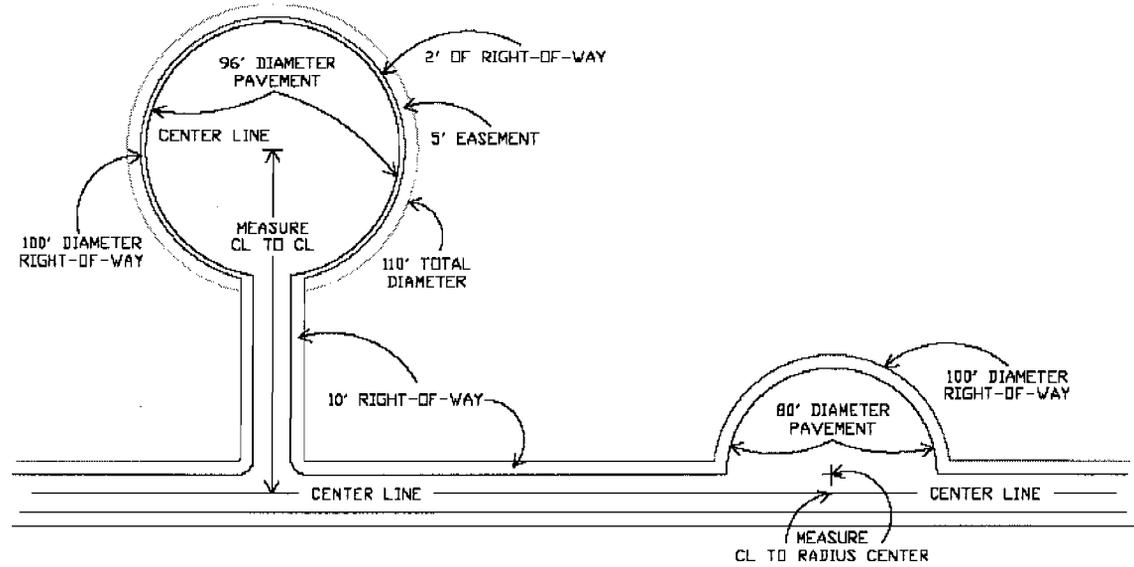
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- (6) **Cul-de-sac Streets.** Cul-de-sac street design and fire hydrant layout shall be as required by the currently adopted International Fire Code (for optional turnaround types other than cul-de-sacs the design criteria of the International Fire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

Residential cul-de-sac streets greater than 150 feet from the centerline of the cross street's pavement to the center point of the cul-de-sac turnaround shall be designed with a minimum 100 foot diameter right-of-way and a minimum 96 foot diameter pavement surface. A 5 foot irrevocable easement for utility service and sidewalk construction and use shall be provided on residential lots adjacent to the right of way. The 5 foot easement combined with the 2 foot of additional unpaved right of way

shall provide a total parkway behind the cul-de-sac curb line of 7 feet for sidewalk and utility construction as needed.

If the developer elects not to provide the easement above then the cul-de-sac shall be dedicated and constructed utilizing a 110 foot diameter right-of-way and a 96 foot diameter pavement surface.



**Measurements for the application of cul-de-sac applications**

This provision does not apply to cul-de-sac streets of less than 150 feet in length or emergency turnarounds. Cul-de-sacs less than 150 feet in length shall provide a minimum of 80 feet of pavement width with 100 feet of right of way

<u>Cul De Sac Type</u>	<u>Pavement Width (Min.)</u>	<u>Right of way (Min.)</u>
<u>&gt; 150' Length</u>	<u>96'</u>	<u>110'</u>
<u>&gt; 150' Length with 5 foot additional easement around cul de sac right of way</u>	<u>96'</u>	<u>100'</u>
<u>&lt; 150' Length</u>	<u>80'</u>	<u>100'</u>

\*\*\*\*\*

(e) **Connectivity.**

**STATEMENT OF PURPOSE**

*The city council hereby finds and determines that discontinuous street systems are inefficient and have the effect of channeling traffic onto relatively few points of the transportation network. A well-connected street spreads traffic efficiently, provides greater opportunities for access by service and emergency vehicles, and furthers pedestrian and bicycle mobility by increasing the number of destinations. (See Master Plan, Urban Design, Policy 1c). Accordingly, this section provides for both external and internal connectivity. External connectivity is promoted by requiring developers to connect to the existing street network. Internal connectivity is promoted by requiring a*

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*connectivity index for internal streets. The city council acknowledges that there is a market for culs-de-sac and streets with few connections. The connectivity index preserves the opportunity to provide culs-de-sac while, at the same, maintaining the integrity of the network as a whole. See R. Ewing, Best development Practices: Doing the Right Thing and Making Money at the Same Time (Jan. 1997).*

\*\*\*\*\*

(3) **Reservations, Reserves, and Reserve Strips Prohibited.**

There shall be no reservations, reserves, or reserve strips controlling access to land dedicated or intended to be dedicated to public use. ~~The applicant shall ensure that there are no reserve strips controlling access to land dedicated or intended to be dedicated to public use.~~

\*\*\*\*\*

- (5) **Dead-End Streets.** Dead-end streets shall be prohibited except as short stubs to permit future expansion. A "short stub" is defined as being the average depth of the adjacent lot(s) within the subdivision, being a maximum of 150 feet. Stub outs greater than one lot in depth may be allowed with the dedication of a turnaround easement. For adjacent lots greater than one-half ( 1/2) acre, a stub street may require a turnaround easement.

\*\*\*\*\*

- (7) **Secondary Access.** At least one access point into a single-family residential subdivision shall be provided for every 2,640 feet (1/2 mile) of frontage. Where a single-family residential or multi-family subdivision exceeds one-hundred twenty five (125) dwelling units, a secondary access will be required.

(f) **Street Intersections.**

- (1) Streets shall intersect at an angle of not less than sixty (60) or more than one-hundred twenty (120) degrees. The centerline offset of intersections shall be at least: ~~one hundred seventy five (175) feet.~~
- A. One hundred twenty-five (125) feet at Local Type A streets intersecting with Local Type A streets;
  - B. One hundred fifty (150) feet or the minimum distance to accommodate a turn lane as required under 35-502(a)(7)(9)(d) at streets intersecting with a collector;
  - C. Two hundred (200) feet or the minimum distance to accommodate a turn lane as required under 35-502(a)(7)(d) where Collectors intersect with one another;

D. Four hundred (400) feet or the minimum distance to accommodate a turn lane as required under 35-502(a)(7)(d) where Collectors intersect with an Arterial.

\*\*\*\*\*

(g) **Dedication of Arterial.**

(5) **Marginal Access Streets.** Marginal access streets should be located parallel to and adjacent to ~~an arterial street with controlled access or an arterial street where residential lots are proposed that are unable to comply with 35-506(r) (2) (A).~~ Marginal access streets, if not required by the provisions of 35-506, may be constructed at the option of the developer but shall not relieve the developer from the obligation to construct their project's proportional share of major thoroughfares (arterials/collectors) as designated by the Major Thoroughfare Plan.

\*\*\*\*\*

(i) **Street Lights.**

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

\*\*\*\*\*

(j) **Private Streets.**

\*\*\*\*\*

(5) **Converting Private Streets Into Public Streets.** Any person Homeowners' associations (HOA) requesting the city to accept private street(s) into the city's street network shall follow this process.

The requesting person, HOA at their expense, must provide an engineering report to the public works department for review. The engineering report shall include:

A. Request from any person HOA that the city can accept the private street(s).

\*\*\*\*\*

(n) **Medians.**

\*\*\*\*\*

(2) **Special Purpose Medians.**

Dividers constructed for aesthetic purposes such as entrances for subdivisions or landscaping shall be permitted. The minimum width for such dividers is fourteen (14) feet with minimum ~~twenty (20) eighteen~~ (18) feet of pavement width on either side of the median. The divider shall maintain the full width for a minimum twenty-five (25) feet after which an appropriate transition shall be provided in accordance with standards for pavement and median transition (Subsection (m), above). The twenty-five (25) feet shall be measured from the edge of pavement of the ultimate width of the intersecting roadway. The nose or rounded portion of the divider shall be placed two (2) feet off the edge of the traveled roadway of the intersecting street unless the turning radius of vehicular traffic indicates other modifications to the median nose are required. No signs, walls or fences, trees, shrubs or other ground cover shall be placed in the median which will obstruct the driver's sight distance (Sec Figure 506-7). The median design and exceptions to pavement width adjacent to median must be approved by the director of development services in consultation with the director of public works. In addition, the director shall seek concurrence from the applicable county authority for all proposed medians located in the ETJ.

\*\*\*\*\*

(o) **Wheelchair Ramps.**

- (1) **Location.** Wheelchair ramps shall be constructed at the entrance to all crosswalks where sidewalks exist or where required as part of these regulations. A waiver of the sidewalk requirements does not waive the wheelchair ramp requirement. Where sidewalks or curbs exist, wheelchair ramps shall be added at locations specified herein, wherever any work is proposed to the existing driveways, curbs, or sidewalks and wherever a street is altered. Also, wheelchair ramps shall be added wherever missing sidewalks or curb segments are added in front of any ~~lot or~~ block of a subdivision. ADA ramps shall be designed and placed considering the topography of the finished grades of a completed intersection. Changes required because of field conditions will be reflected on revised drawings submitted to the reviewing agency (City of San Antonio or Bexar County engineer) for approval prior to completing construction. The use of symbols to indicate approximate locations of ramps is not acceptable unless appropriately detailed elsewhere on the drawings.

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

\*\*\*\*\*

(q) **Sidewalk Standards.**

\*\*\*\*\*

- (1) **Applicability.**
- A. Sidewalks shall be required on both sides of all internal streets and the subdivision side of all adjacent or perimeter streets except as specified in Subsection (2); below.
  - B. All nonresidential, residential corner and reverse residential street lots shall have sidewalks provided on both street frontages. Sidewalks shall be required as part of the street improvements only on one (1) side of subdivision entry streets unless residential lots are platted or planned to be platted on both sides of the street.
  - C. Sidewalks in place at the time of platting or permitting, that do not meet minimum ADA standards shall be reconstructed o meet minimum ADA standards.

B. All sidewalk construction shall conform to the latest criteria of the Americans with Disabilities Act (ADA) (see 35-501(e) herein).

~~A. Sidewalks shall be required on both sides of all internal streets and the subdivision side of all adjacent or perimeter streets except as specified in subsection (2), below. All nonresidential, residential corner and reverse residential street lots shall have sidewalks provided on both street frontages. Sidewalks shall be required as part of the street improvements only on one (1) side of subdivision entry streets unless residential lots are platted or planned to be platted on both sides of the street. In addition, if sidewalks are in place at the time of platting or permitting, the requirement to reconstruct said walks shall be imposed if walks do not meet minimum ADA standards.~~

(2) **Sidewalk Exceptions.** Sidewalks shall not be required in the following situations:

~~A. When a pedestrian circulation plan accompanied by the plan review fee specified in Appendix "C" has been submitted to and approved by the planning commission prior to or at the time of plat approval. The pedestrian circulation plan shall show the location and arrangement of all weather walkways and the phasing or time schedule for the construction of the walkways. In considering the plan, the planning commission shall require and may impose conditions to ensure that access to and along the walkway areas is safe, convenient, and provides pedestrians with adequate paths of movement. If the proposed walkways are not located within a public right-of-way, then pedestrian easements shall be included on the plat.~~

A. B. When the director of development services in consultation with the director of public works determines that the sidewalks will interfere with or disrupt drainage.

B. C When the director of development services in consultation with the director of public works determines that public construction which would require sidewalk replacement will take place on the street within three (3) years.

C-D. On local type A streets in single- or two-family residential subdivisions with a density less than 2.5 residential units per acre

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- ~~D. E.~~ On streets in residential subdivisions where no adjacent lots are platted if approved by the director of development services, such as streets adjacent to walls or drainage ways.
- ~~E. F.~~ Where the director of development services determines that preservation of trees warrants the elimination, reduction in width, or modification to the sidewalk and curb requirements in accordance with the tree preservation standards.
- ~~E. G.~~ In developed blocks, where the area is residentially zoned for single-family detached dwellings, and where both of the following conditions exist:
  - a. Seventy (70) percent or more of the improved lots fronting the street in any one (1) block face do not have sidewalks; and
  - b. A connecting sidewalk does not exist on both sides of the subject property for which construction permits are being sought.

- (3) **Planting Strips.** When required by Table 506-3 or 506-4 above sidewalks shall be defined by placing a planted strip of not less than ~~three (3) two (2)~~ feet ~~minimum~~ between the back of the curb (BOC) and the street edge of the sidewalk. ~~Street trees may be located in the planting strip if trees are a minimum of three (3) feet from the curb.~~

\*\*\*\*\*

- (6) **Location.**

~~All sidewalk construction shall conform to the latest criteria of the Americans with Disabilities Act (ADA) (see § 35-501(e) herein).~~ Changes in the sidewalk location for a maximum linear distance of two hundred (200) feet are permitted to be approved by the field inspector without amending the street plan or utility layout provided such plans are annotated with a note stating that intent and does not relocate an ADA access ramp. If a pedestrian access easement is required, the easement shall be recorded prior to final acceptance. During the plat review process, reviewing agencies may designate areas where prior approval of the agency is necessary for any alteration to the sidewalk location. No other changes shall be allowed without the approval of all agencies that approved the original utility layout.

\*\*\*\*\*

- (r) **Access and Driveways.**

\*\*\*\*\*

(2) **Single-Family Residential Subdivisions.**

A. **Frontage and Access off a Collector or Major Thoroughfare**

Where a subdivision abuts a collector or major thoroughfare, lots for single-family residential use in the ETJ or in residential zoning districts shall not have direct access. front on the thoroughfare, The the sole exception shall be lots greater than one (1) acre in size which provide for permanent vehicular turn around on the lot to prevent backing onto the roadway thoroughfare and this restriction should be noted on the plat. Access points which would permit vehicular access to existing such lots less than one acre in size from the thoroughfare shall be prohibited. However, if conditions are such that vehicular access to such lots cannot be provided other than from the roadway, collector or arterial street the director of development services may permit the creation of a marginal access street or easement to serve two (2) or more lots. The marginal access street or easement shall be designed to permit entry to the roadway thoroughfare without requiring a motorist to execute a backing maneuver. Marginal access streets or easements shall be included on the subdivision plat.

B. **Marginal access streets.**

Where the subdivider furnishes a marginal access street on the subdivision side of an existing, improved primary or secondary arterial, the subdivider he shall not be required to furnish any pavement, curbs, or sidewalks for the primary or secondary arterial. (see also: 35-506(q)(5))

\*\*\*\*\*

**Table 506-7  
 Minimum Driveway Throat Lengths for Collectors and Arterials\***

Land Use	Throat Length or Vehicle Storage Length
Shopping Centers > 200,000 GLA or Non-residential Developments >400 PHT per driveway	Throat Length 200' or as required by the TIA
Non-residential Development between 200 and 400 PHT per driveway Developments < 200,000 GLA not otherwise enumerated in this Table	Throat Length 75' or as required by the TIA
<del>Unsignalized</del> Non-residential Development less than 200 PHT per driveway or other major driveways not otherwise enumerated in this Table	Throat Length 40' minimum
Residential subdivision entryway (Private, gated entries)	Poisson distributed probability model at a 95% confidence level. In addition, the subdivider shall provide for vehicle turnaround capability based on the single unit design vehicle as provided in the 1990 AASHTO Green Book, or latest revision thereof. The minimum entryway vehicle storage length shall be forty (40) feet <u>measured from the call box to the public right of way.</u>
Single-lane drive-in banks	Sufficient to accommodate minimum queue of six (6) vehicles
Drive-in banks with more than one (1) lane	Sufficient to accommodate minimum queue of four (4) vehicles per service lane
Single-lane drive-through car washes	Sufficient to accommodate minimum queue of twelve (12) vehicles
Automatic or self-serve car washes with more than one bay	Vehicle storage of 60 feet per bay
Fast-food restaurants with drive-in window service	Sufficient to accommodate minimum queue of eight (8) vehicles per service lane
Gasoline service stations with pump islands perpendicular to the pavement edge	Minimum 35 feet between pump islands and right-of-way

**\* Note: May include Local B Roadways with traffic volumes above 8,000 vpd where a major driveway (over 40 PHT) is being proposed that would affect exterior traffic.**

*Commentary: The throat lengths in Table 506-7 are provided to assure adequate stacking space within driveways for general land use intensities. This helps prevent vehicles from stacking into the thoroughfare as they attempt to access the site. High traffic generators, such as large shopping plazas, need much greater throat length than smaller developments or those with unsignalized driveways. These standards refer to the primary access drive.*

\*\*\*\*\*

- (10) **Driveway Approaches.** Driveway approach materials may be asphalt, concrete or other materials as approved by the director of development services. Residential driveway approaches materials shall be concrete. Both residential and commercial driveway approaches shall conform to the latest edition of the City of San Antonio Sidewalk and Driveway

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Design and Construction Guidelines compiled by the Department of Public Works. Commercial two-way driveways and residential driveway approaches may have a width greater than that specified by the guideline if approved by the Planning and Development Services Director.

\*\*\*\*\*

(s) **Gated Subdivision Streets.**

\*\*\*\*\*

(4) **Queuing.**

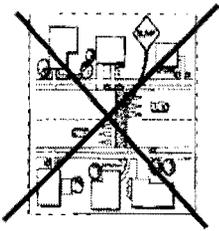
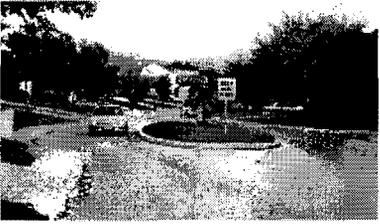
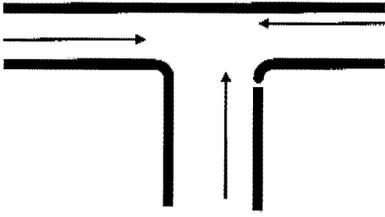
At gated entrances where traffic can queue into public streets, the gates and entrances design must provide for sufficient storage capacity so that no vehicles will queue into the public street. Queuing at a gated entrance shall be designed as follows:

- A. ~~such that a~~ The poisson distributed probability model (95% confidence level) shows that no queuing vehicles will queue into the public street with a 95% confidence level. The minimum queue at the entry way shall be forty (40) feet measured from the call box to the public ROW;-
- B. The entryway, including the paved surface area lying between the public street providing access to the subdivision and the gates, shall include a turning radius of not less than forty (40) feet.

\*\*\*\*\*

Table 506-8 APPROVED TRAFFIC CONTROL DEVICES & DESCRIPTION	
<p>Neckdowns/ Flares /<del>Street</del> <u>street</u> Narrowing / Intersection Throating. Neckdowns are curb extensions at intersections that reduce roadway width curb to curb. They are sometimes called slow points, nubs, bulbouts, knuckles, or intersection narrowing. These traffic control measures reduce the width of a section of roadway in a gradual manner. They shorten crossing distances for pedestrians and drawing attention to pedestrians via raised peninsulas. By tightening curb radii at the corner, the pedestrian crossing distance is reduced and the speeds of turning vehicles are reduced. The effect of this measure is to reduce speed and discourage non-Local traffic. Motorists react to this measure with slower speed because of a concern of a limited travel path.</p>	
<p>Roundabouts /<del>Traffic</del> <u>traffic</u> Circles are raised</p>	

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Table 506-8 APPROVED TRAFFIC CONTROL DEVICES & DESCRIPTION	
<p>circular structures constructed at a three-way or four-way intersection. Its objectives are to slow speeding and reduce the number and severity of vehicular accidents. This measure is most suitable for wide intersections and may accommodate all size vehicles by applying appropriate engineering designs.</p>	
<p><del>Speed Humps are raised pavement features constructed across the width of the street. The speed hump shall be 3 inches high and 12 feet in length from the leading edge to the trailing edge. This feature discourages motorists from speeding and encourages them to obey the posted speed limit. When speed humps are constructed, advisory signs shall be installed to notify motorists of the speed hump and an appropriate advisory travel speed.</del></p>	
<p>Median Islands are raised circular landscaped areas located within non-intersection, midblock locations. Median islands channelize traffic and separate opposing flows. Traffic must slow down to maneuver around a median island. Median islands offer landscaping opportunities and maintenance responsibility. Median islands can be used to protect existing trees. See Figure 506-12</p>	
<p>"T" intersections are at-grade intersections where one of the intersecting street Links is perpendicular to the other two. Traffic must slow down to negotiate the turning maneuvers in a T-intersection. This roadway feature is very common. Motorists are familiar with T-intersections.</p>	

Chapter 35, Article V, Section 35-507 is amended as follows:

35-507 Utilities

\*\*\*\*\*

(d) **Waste, Wastewater and Recycled Water Systems.**

\*\*\*\*\*

(2) **Exemptions.** A water supply and distribution system is not required for subdivisions which meet all of the following conditions:

- A The subdivision is located outside the city limits within its extraterritorial jurisdiction.
- B. The subdivision is located outside the area included within the current San Antonio Water System's master plan for water works improvements; and
- C. Each lot has a minimum size of one and a half (1.5) ~~two (2)~~ acres of usable land outside of any easements and right-of-way dedications; and

\*\*\*\*\*

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

35-515 Lot Layout Regulations

\*\*\*\*\*

(b) **Blocks.**

\*\*\*\*\*

(3) **Block & Street Length. & Perimeter.**

A. **Block Length.** The length of a block where homes front a street within a subdivision or site plan shall be measured from the edge of the property line of the street siding the furthest lot of the block width or to the center of a Cul-de-Sac, 90° Elbow, or 90° Knuckle.

- (i) A street's block length shall not exceed seven-hundred (700) feet when the street is a:
  - Local Type B (with houses fronting),
  - Local Type A which serves as an entrance street to the proposed neighborhood, or
  - Part of a TND use pattern (see 35-207(f)).
- (ii) A street's block length shall not exceed twelve-hundred (1,200) feet when the street is a:
  - Block that ends with a Cul-de-Sac
  - Local Type A

- (iii) Block lengths do not apply to the following unless they transition into a street with houses fronting:
- Local Type B
  - Collectors or Avenues
  - Secondary Arterials or Main Streets
  - Primary Arterials or Boulevards
  - Freeways or Parkways

- B. Street Length. The maximum overall length of streets with homes fronting shall not exceed 3,000 feet. The overall street length shall be measured from the center of the two furthest intersecting streets or from its intersection with a higher tier street whichever is less. There is no limit to the street length of a street without home fronting.
- C. Maximum street or block lengths, except 515(b)(3)(A)(i), may be exceeded in accordance with Section 35-506(t) of this chapter.

The length of blocks within a subdivision or site plan shall be in accordance with 35-506 (t) and shall be in accordance with the following:

- A. ~~If the anticipated traffic volume at the midpoint of the proposed street is greater than or equal to one thousand (1,000) vehicles per day and any of the following conditions apply, then the street length shall not exceed seven hundred (700) feet: (A) the street intersects an arterial roadway, or (B) the street serves as an entrance street to the proposed neighborhood, or (C) the street provides an opportunity for traffic to pass from a street of a higher classification to another street link, or (D) the street width is greater than or equal to 40 feet.~~
- B. ~~If the anticipated traffic volume at the midpoint of the street is less than or equal to 500 vehicles per day, then the street length shall not exceed twelve hundred (1200) feet.~~
- C. ~~If the anticipated traffic volume at the midpoint of the street is greater than 500 vehicles per day, then the street length shall not exceed nine hundred (900) feet.~~
- D. ~~For the TND use pattern, no block shall exceed seven hundred (700) feet in length without an alley or pedestrian pathway providing through access to another street or alley.~~
- E. ~~Maximum street lengths may be exceeded in accordance with subsection 35-506(t) of this chapter.~~

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(c) **Lots.**

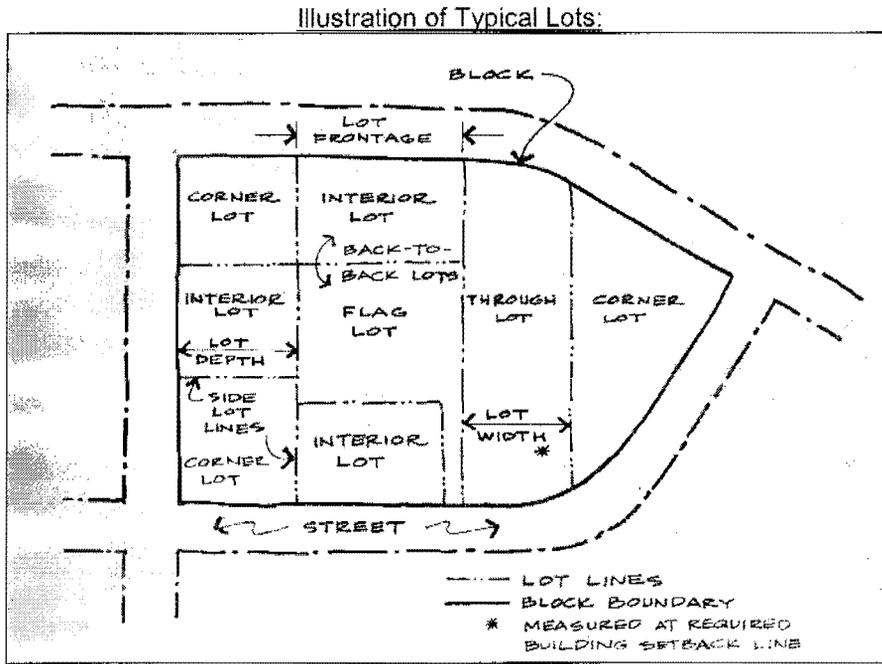
- (4) **Frontage.** All lots shall front on a public or private street or platted irrevocable ingress/egress easement and shall have a minimum frontage width as indicated in § 35-310. Where a platted irrevocable ingress/egress easement is utilized for frontage, the private street provisions of Section 35-506 for street name and design standards shall be met. Neither the use of an irrevocable ingress/egress easement nor use of a private street shall be allowed to satisfy the Major Thoroughfare Plan requirements. Frontage of a lot shall be determined by the property line of the lot adjacent to the right of way of the street upon which the property's address is based. On irregular shaped lots, a minimum street frontage of fifteen (15) feet shall be required. Single-family residential lots shall not front on a collector street, arterial street, or parkway except as specified under Section 35-506(r)(2). An "irregular shaped lot" includes any lot located on a cul-de-sac or adjoining a curved section of a roadway with a centerline radius of less than two hundred (200) feet.
- (5) **Access.** Vehicular access to non-residential uses must be by public or private street or platted irrevocable ingress/egress easement and shall not utilize any property that is zoned single-family residential.

\*\*\*\*\*

(h) **Flag Lots.**

- (1) Not more than the following number of flag lots may be authorized to allow for the more efficient use of irregularly shaped parcels of land, or where the integrated nature of multiple buildings on a site dictates the need for such lots. Flag lots may be used to better use irregularly shaped properties or sites with physical limitations. Flag lots shall not be permitted where they will increase the number of lots that take their access from collector or arterial streets. Table 310-1 and/or §35-353 are superseded by the development standards of this section when applied to flag lots as follows .
- ~~(2)~~ (1) The minimum driveway width shall be ten (10) feet.
- ~~(3)~~ (2) Notwithstanding the provisions above, access to not more than four (4) lots may be provided by a shared driveway.
- ~~(4)~~ (3) The minimum frontage at the right-of-way line for any flag lot shall be equal to the minimum required driveway width plus four (4) feet. The flag pole portion of the lot shall not be considered in determining the area of the lot.

(5) (4) On flag lots the maximum front setback line shall be measured from the nearest point at which the lot meets the minimum width (as required in Table 35-310-1) parallel to the street on which the lot fronts.



Source: *The Latest Illustrated Book of Development Definitions*

(i) **Clear Vision Area.**

See Transportation Standards, § 35-506(d) (5). ~~§ 35-506~~

(j) **Transitional Standards.** Transitional buffer lot standards apply to some lower density zoning districts within the incorporated areas of the city. See subsection 35-310(d) of this chapter.

Chapter 35, Article V, Section 35-516 is amended as follows:

**35-516 Setback and Frontage Regulations.**

\*\*\*\*\*

(b) **Side Yard Building Line.** The building line for an existing residence having a side yard of three (3) or more feet may be maintained on any addition to the residence, but in no instance shall the side yard be less than three (3) feet. For regulations governing zero-lot line development, see Section 35-373(c).

\*\*\*\*\*

(k) **Reduction of Lot Size By Governmental Action.**

\*\*\*\*\*

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- (4) Items (1), (2) & (3) above shall also apply when a property has been reduced in size by means of a donation from the property owner in lieu of a condemnation on behalf of a publicly financed community improvement project if:
- A. the donation is for the furtherance of a goal benefiting the community as a whole;
  - B. the donation does not benefit the property donor more than it does other property donors within the project area; and
  - C. The subject property has been identified as a necessary part of a public project that has been reviewed by the planning commission, if required, and an Ordinance has been passed by the San Antonio city council directing the project to be completed and the subject property to be acquired.

\*\*\*\*\*

Chapter 35, Article V, Section 35-523 is amended as follows:

**35-523 Tree Preservation**

(a) **Applicability.**

(1) **Generally.**

- A. The regulations contained in this division shall apply to any private property located within the city limits ~~of the city~~ and the ETJ of the city ~~that is not the subject of a permit as of the effective date of this provision.~~
- B. The regulations contained in this division shall apply to all public property held by or for the benefit of the city or any agency, board or commission thereof in accordance with the provisions of subsection (o) of this division.
- C. The regulations contained in this division shall regulate all activities that result or may result in the removal of significant or heritage trees as defined herein. Said activities include any of the following: ~~conducted on property to which the division applies:~~

\*\*\*\*\*

(d) **Protected Tree Designations.**

\*\*\*\*\*

(3) **Non-native Trees.**

\*\*\*\*\*

- E. Salt Cedar (Tamerix species)
- F. Japanese Ligustrum (Ligustrum japonicum)

(e) **Minimum Tree Preservation Requirements.**

(1) **Generally.**

\*\*\*\*\*

35-523 Table 523-1

<b>Table 523-1</b>		
	<b>Single-family Dwellings</b>	<b>Multi-family and Non-residential uses</b>
Significant Trees	35% within each platted lot, excluding street right of way and easements. Plus each builder on a single-family dwelling lot shall also be required to plant two <u>one and one half (1.5) inch</u> , 2" caliper new trees, which trees shall generally be native, large canopy trees.	40% within the entire site excluding the street rights-of-way and easements.

\*\*\*\*\*

(7) **Rights-of-Way.**

Unless otherwise allowed by this division, trees ~~of a protected size or larger~~ located within existing rights-of-way or easements may be damaged, destroyed, or removed only if prior approval is granted by the city arborist. If tree(s) are approved to be removed, mitigation will be at 1:1 unless Heritage-size which are mitigated at 3:1 (with the exception of species listed in Table 523-2, Column B, Row 1 which will be mitigated at 1:1) and are to be maintained by the project applicant.

\*\*\*\*\*

(i) **Root Protection Zone.**

\*\*\*\*\*

(2) **Warranty.**

In lieu of establishing root protection zone(s) as prescribed in subsection 35-523(i) or adhering to alternate construction methods as approved by the city arborist, a developer or property owner may choose to provide a tree preservation warranty for multi-family and nonresidential construction only. In the event a developer or property owner chooses to provide a tree

preservation warranty as provided for herein the owner of the property must provide a tree preservation warranty to the city arborist, which shall obligate the then owner of the property to replace any tree (or trees) reflected on the tree survey and which are the subject of the warranty. The term of the warranty shall be five (5) years from the date that a building permit is filed for building construction projects or five (5) years from the date construction is commenced for infrastructure improvements related to development projects. Each tree that is covered by a tree preservation warranty must be identified on a tree survey prepared in accordance with subsection 35-B123(c)(1)A and submitted with the tree preservation warranty. If any tree required to be preserved and which is the subject of a tree preservation warranty shall die during the term of the tree preservation warranty, the tree shall be replaced in accordance with the mitigation provisions of subsection 35-523(f). All replacement trees shall be planted in accordance with the standards set forth in subsection 35-523(l). The city may require such owner to replace a tree (or trees) that has died at any time during the term of the tree preservation warranty, and, if such owner fails to replace the tree within ninety (90) days of the city's written request to replace same, the city at its sole option may refuse to issue any new building permits, accept any development application, or accept any infrastructure improvements from such owner. Nothing in this subsection shall exclude any and all remedies otherwise provided by law.

The tree preservation warranty shall be filed in the records of the development services department of the city. A fee shall be assessed for each warranty tree identified on the preservation plan.

The seller of property subject to a tree preservation warranty shall provide a copy of the warranty and attached tree survey to prospective buyers.

**(j) Tree Protection during Construction.**

\*\*\*\*\*

**(4) Branch/Root Pruning and Wounded Trees.**

All broken branches and exposed roots two (2) inches in diameter or greater of significant, heritage or mitigation trees shall be cut cleanly and in accordance with ANSI-A300 standards. In the case of oak species, in order to prevent infection by oak wilt spores, wounds must be painted with an acceptable wound dressing within thirty (30) minutes.

\*\*\*\*\*

**(l) General Planting Standards.**

- (1)** Mitigation or replacement trees required by this section must have a minimum caliper of three (3) two and one-half (2 ½) inches measured six

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(6) inches above grade at the time of installation and, shall be planted in a pervious area of at least one hundred and sixty-two (162) square feet per tree.

\*\*\*\*\*

(n) **Tree Mitigation Fund.**

\*\*\*\*\*

- (3) **Use of Funds.** The funds collected from civil penalties and mitigation fees in the fund shall be utilized to pay for the planting and maintenance of trees, the funding of tree preservation and planting programs to be administered by the designated department ~~Development services department.~~ The director of the designated department ~~development services~~ shall seek the advice of the open space committee in regard to the selection of projects to be funded. A portion of the fund may be used, on an annual basis, to fund activities directed towards educating the public on the importance of trees in the environment, ecological issues and pollution prevention.

\*\*\*\*\*

(p) **Tree Canopy Investment Fund.**

\*\*\*\*\*

- (3) **Use of Funds.** The funds collected shall be utilized to pay for the planting and maintenance of trees to proactively enhance the city's tree canopy area. The program is to be administered by the development services department designated department. The ~~development services~~ director ~~shall seek the advise of the designated department and the city forester in regard to the selection of projects to be funded.~~ shall advise on the selection of projects to be funded.

\*\*\*\*\*

Chapter 35, Article V, Section 35-526 is amended as follows:

**35-526 Parking & Loading Standards.**

\*\*\*\*\*

(b) **Table of Off-Street Parking Requirements.**

\*\*\*\*\*

- (8) **Bicycle parking spaces.** Bicycle spaces shall, at minimum, equal 10% of the number of the minimum required vehicle spaces required for a given use. Bicycle parking may be short or long term in nature, and shall not create any obstruction to public walkways, bus stops and/or entrances and exits to buildings.

- (9) Bicycle spaces shall be provided in the “D” downtown zoning district and all infill development districts at a minimum rate equal to 25% of the minimum required vehicle spaces for a given use in a “C-3” or “O-2” zoning district.

\*\*\*\*\*

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

	permitted Use	Minimum Vehicle Spaces	Maximum Vehicle Spaces
DWELLING	APARTMENT or EXTENDED STAY HOUSING - see (HOUSING - <del>apartment or extended stay hotel or timeshares</del> )		
DWELLING	DWELLING - attached apartments/Condominiums with maximum density of 6 dwellings per gross acre (allowed ratio of 1 sq. ft. of residential floor use to 1 sq. ft. of nonresidential floor use)	1 per unit	1.9 per unit
DWELLING	DWELLING - attached apartments/Condominiums with maximum density of 10 dwellings per gross acre (allowed ratio of 1 sq. ft. of residential floor use to 1 sq. ft. of nonresidential floor use)	1 per unit	1.9 per unit
DWELLING	DWELLING - attachments apartments/Condominiums with maximum density of 20 dwellings per gross acre (allowed ratio of 2 sq. ft. of residential floor use to 1 sq. ft. of nonresidential floor use)	1 per unit	1.9 per unit
DWELLING	DWELLING - attached apartments/Condominiums with maximum density of 50 dwellings per gross acre (allowed ratio of 4 sq. ft. of residential floor use to 1 sq. ft. of nonresidential floor use)	1 per unit	1.9 per unit

\*\*\*\*\*

(g) **Sharing off-Street Parking Facilities – Cooperative Parking Plan.**

Pursuant to the following procedure, either part of all of the required off-street parking facilities may be located on a site other than the one (1) occupied by the use or structure requiring such facilities.

(1) **Cooperative Parking Plan.**

Two (2) or more uses may share the same off-street parking facilities and each use may be considered as having provided such shared space individually. Such shared parking space, however, shall not be considered as having been provided individually unless the schedules of operation of all such uses are such that none of the uses sharing the facilities require the

off-street parking facilities at the same time. This arrangement for sharing of off-street parking facilities shall be known as a cooperative parking plan. Cooperative parking shall be obtained within 600-feet of the property requiring the additional parking for all permitted uses in Table 526-3b "Parking in Non-Residential Use Districts". This maximum distance shall be measured from the property line to the driveway of the shared parking lot. This shared parking lot shall meet the requirements for a non-commercial parking lot listed in UDC Section 35-526(f).

(2) **Application For Approval of Cooperative Parking Plan.**

An application for approval of a cooperative parking plan shall be filed with the director of development services by the owner of the entire land area to be included within the cooperative parking plan, the owner or owners of all structures then existing on such land area, and all parties having a legal interest in such land area and structures. Sufficient evidence to establish the status of applicants as owners of parties in interest shall be provided. The application shall include plans showing the location of the uses or structures for which off-street parking facilities are required, the location of the off-street parking facilities, measurement between the property requiring additional parking and the shared facility and the schedule of times used by those sharing in common.

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Chapter 35, Article VI, Section 35-605 is amended as follows:

**Sec. 35-605. Designation of Historic Districts.**

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(b) **Processing Applications for Designation of Historic Districts.**

- (1) **Initiation.** Any person, the historic preservation officer, the historic and design review commission, the zoning commission, ~~the director of planning~~ or the city council may initiate a historic district designation by filing an application with the historic preservation officer. Requests for historic district designation must have the concurrence of the owners representing at least fifty-one (51) percent of the property or fifty-one (51) percent of the property owners located within the boundaries of the proposed historic district. Notwithstanding the foregoing, a request for historic district designation may be made by the city council. To the extent that this paragraph conflicts with any other provisions of this chapter, this paragraph shall control except for buildings, objects, sites, structures, or clusters heretofore designated as local landmarks or districts, National Register landmarks or districts, state historic landmarks or sites, or state archaeological landmarks or sites.

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Chapter 35, Article VI, Section 35-606 is amended as follows:

**Sec. 35-606. Designation of Historic Landmarks.**

- (a) **Applicability.** Requests for landmark designation may only be made by or with the concurrence of the property owner. Notwithstanding the foregoing, a request for landmark district designation may be made by the city council. To the extent that this subsection conflicts with any other provisions of this chapter, this paragraph shall control except for buildings, objects, sites, structures, or clusters heretofore designated as local landmarks or districts, National Register landmarks or districts, state historic landmarks or sites, or state archaeological landmarks or sites.
- (b) **Designation of Historic Landmarks.**
- (1) **Initiation.** Any person, the historic and design review commission, zoning commission, ~~the director of planning~~, the historic preservation officer, or the city council may initiate a historic landmark designation by filing an application with the historic preservation officer.
- (2) **Completeness Review.** See section 35-402 of this chapter. For purposes of this section and subsection 35-402(c), the historic preservation officer is the administrative official with original jurisdiction to review an application for completeness.
- (3) **Decision.** The historic preservation officer shall refer an application for historic landmark designation to the historic and design review commission. Property owners of proposed historic landmarks shall be notified by certified mail with return receipt requested prior to a historic and design review commission hearing for historic landmark designation. The historic and design review commission shall make its recommendation, to be forwarded to the zoning commission within forty-five (45) thirty (30) days from date of submittal of designation request by the historic preservation officer. The recommendation shall be made by a two-thirds (2/3) affirmative vote of the members present commission. Upon submittal of the historic and design review commission's recommendation, the proposed historic district or landmark designation shall be submitted to the zoning commission for its review recommendations along with its finding of "historic exceptional" or "historic significant." The zoning commission and the city council shall process the application as prescribed in section 35-421 of this chapter and this section. The zoning commission shall schedule a hearing on the historic and design

review commission recommendation to be held within sixty (60) ~~forty-five (45)~~ days of receipt of such recommendation and shall forward its recommendation to city council which shall schedule a hearing to be held within sixty (60) ~~forty-five (45)~~ days of council's receipt of such recommendation.

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**(c) Resources Not Designated by Initial Ordinance.**

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- (2) **Uninventoried Resources.** As required under the Certified Local Government (CLG) Program of the National Park Service and the Texas Historical Commission, the historic and design review commission on an ongoing basis shall conduct an inventory of buildings, objects, sites, structures and clusters throughout the city to determine cultural, architectural, historical, or archaeological significance, applying the criteria of section 35-607. For such inventories, the commission shall rate the resources as exceptional, significant, not significant or not rated. Those buildings, objects, sites or structures found by the board to meet the criteria for exceptional or significant landmarks shall be recommended for designation following the procedures in subsection (a) of this section. The city shall require an inventory of resources in the extraterritorial jurisdiction as part of the Master Development Plan Process and the subdivision letter of certification process within the area subject to the MDP or subdivision application.

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Chapter 35, Article VI, Section 35-610 is amended as follows:

**Sec. 35-610. Alteration, Restoration, and Rehabilitation.**

In considering whether to recommend approval or disapproval of an application for a certificate to alter, restore, rehabilitate, or add to a building, object, site or structure designated a historic landmark or located in a historic district, the historic and design review commission shall be guided by the Secretary of the Interior's Standards and Guidelines for Archeology and Historic Preservation NPS Guidelines in addition to any specific design guidelines included in this subdivision. Non-public interior spaces are exempt from the authority of this Section. The only interior spaces to be considered for review and therefore not exempt, are those publicly owned spaces that are, or were, accessible to the public (lobbies, corridors, rotundas, meeting halls, courtrooms), and those spaces, both public and privately owned, that are individually designated and are important to the public because of any significant historical, architectural, cultural or ceremonial value.

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**SG: 01-15-09**  
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Chapter 35, Article VI, Section 35-612 is amended as follows:

**Sec. 35-612. Signs and Billboards.**

(a) **General Provisions.**

- (1) All signage within a historic district or on a designated historic landmark shall conform to all city codes and must have approval of the historic and design review commission prior to installation. Permits must be obtained following the historic and design review commission's approval of a certificate application and recommendation to the Office of Historic Preservation. ~~director of planning~~

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(d) **Prohibited Signs.**

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- (10) Digital and/or LED lighted signs, with or without rotating, flashing lettering, icons or images. Except as provided below:
- A. A public transportation agency may incorporate transit information signage into transit shelters, utilizing LED or digital technology, provided the signage is contained within or under the transit shelter, and is limited to five square feet of signage area, and one sign per 30 linear feet of pedestrian shelter.
- B. A public transportation agency may incorporate transit information signage into a monument sign at transit stops, utilizing LED or digital technology, provided it is limited to five square feet of signage area.
- C. A public transportation agency may incorporate transit information signage into a monument sign at transit facilities (other than transit stops), utilizing LED or digital technology, provided it is limited to seven square feet of signage area.

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Chapter 35, Article VI, Section 35-618 is amended as follows:

**Sec. 35-618. Tax Exemption Qualifications.**

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(d) **Certification.**

- (1) **Historic and Design Review Commission Certification.** Upon receipt of the owner's sworn application, together with a fee as specified in

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Appendix "C" of this chapter, the historic and design review commission shall make an investigation of the property and shall certify the facts to the city tax assessor-collector within thirty (30) days along with the historic and design review commission's documentation for approval or disapproval of the application for exemption.

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(c) **Verification of Completion.** Ownership at the time of verification shall be the same as at the time of application. Upon completion of the restoration and rehabilitation, the ~~owner~~ certified applicant shall submit a sworn statement of completion acknowledging that the historically significant site in need of tax relief to encourage preservation has been substantially rehabilitated or restored as certified by the historic and design review commission. The historic and design review commission, upon receipt of the sworn statement of completion, but no later than thirty (30) days thereafter, shall make an investigation of the property and shall approve or disapprove the fact that the property has been substantially completed as required for certification. If the historic and design review commission determines that it has not been substantially completed as so required, then the certified applicant shall be required to complete the restoration or rehabilitation in order to secure the tax exemption provided herein. If the verification of completion is favorable, the historic and design review commission shall notify the tax assessor-collector in writing of compliance. Thereafter, the tax assessor-collector shall provide the property with the historic tax exemption.

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Chapter 35, Article VI, Section 35-645 is amended as follows:

**Sec. 35-645. Signs and Billboards.**

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(c) **Prohibited Signs.** Signs which shall not be permitted include:

- Any sign placed upon a building, object, site, or structure in any manner so as to disfigure, damage, interrupt, or conceal any window opening, door, or significant architectural feature or detail of any building;
- Roof mounted signs, except in the cases of integral design with the building;
- Digital and/or LED lighted signs, with or without rotating, flashing lettering, icons or images. Except as provided below:

- (1) A public transportation agency may incorporate transit information signage into transit shelters, utilizing LED or digital technology, provided the signage is contained within or under the transit shelter, and is limited to five square feet of signage area, and one sign per 30 linear feet of pedestrian shelter.
- (2) A public transportation agency may incorporate transit information signage into a monument sign at transit stops, utilizing LED or digital technology, provided it is limited to five square feet of signage area.

- (3) A public transportation agency may incorporate transit information signage into a monument sign at transit facilities (other than transit stops), utilizing LED or digital technology, provided it is limited to seven square feet of signage area.

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Chapter 35, Article VI, Division 5 is amended as follows:

## **DIVISION 5. PUBLIC ART SAN ANTONIO (PASA) AND DESIGN ENHANCEMENT**

### **STATEMENT OF PURPOSE**

*The purpose of Public Art San Antonio (PASA) ~~the public art and design enhancement program~~ is to support a public process for incorporating artist services and artworks in the design of civic spaces and capital projects and to define the City of San Antonio's ~~program's~~ policies and guidelines for acquiring and commissioning art of the highest standards which shall enrich the quality of life for all residents and visitors of San Antonio.*

*The goals of Public Art San Antonio (PASA) ~~the public art and design enhancement program~~ are to create a better visual environment for the residents and visitors of San Antonio, to integrate the design work of artists into the development of city eligible capital improvement projects, and to promote tourism and the economic vitality of the city through the enhancement of public spaces. Public Art San Antonio (PASA) serves the entire City of San Antonio as the public art program for all city departments, capital projects and public art initiatives, and is a division of the Capital Improvements Management Services Department (CIMS). Public Art San Antonio (PASA) ~~The public art and design enhancement program~~ specifically seeks:*

- *To encourage the selection of artists at the beginning stages of each project who can work successfully as members of the project design team, and to encourage collaboration among all arts and building disciplines;*
- *To foster quality design and the creation of an array of artwork in all media, materials and disciplines that best respond to the distinctive characteristics of each project site and the community that it serves;*
- *To select experienced artists who represent the diverse cultural landscape of San Antonio;*
- *To encourage the selection of design enhancements that are accessible to the public and respect the historical resources and mobility of the citizenry;*
- *To encourage artists, design enhancements and programs for open spaces, parks, infrastructure and facilities that contribute to neighborhood revitalization and enhance the quality and pride of neighborhoods in the city;*
- *To encourage participation by citizens in the process of acquiring and commissioning of design enhancements;*
- *To encourage the role of public art and design enhancements in enhancing economic development and cultural tourism;*
- *To encourage the role of artists ~~and design enhancements~~ in the functional design of eligible capital improvement projects;*

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- *To exhibit art in designated city facilities for the enjoyment of the public and to heighten awareness and appreciation for local artists; and*
- *To maintain and provide stewardship of the city art collection.*

Chapter 35, Article VI, Section 35-650 is amended as follows:

**Sec. 35-650. Funding.**

- (a) **Public Art and Design Enhancement Allowances.** All public art and design enhancement allowances will be developed with the coordination of PASA and shall be maintained within applicable city infrastructure and capital improvement budgets, including eligible bond and grant funded projects and adhere to established timelines. The allowances identified for public art and design enhancements may be used for artist design services, for the development of design concepts and models, for the ~~placement~~, construction and installation of the enhancements. Public art and Design design enhancements may be permanent, may be integral to the architecture or may be incorporated into the city eligible capital construction project. Integration of artist's design concepts into the project ~~architecture~~ should be ensured, insofar as is feasible, by the concurrent selection of the artist(s) with the architect, landscape architect or engineer. ~~project designer~~ The PASA public art and design enhancement program should encompass the broadest possible range of expression, media and materials.
- (b) **Development of Annual Design Enhancement Public Art Plan.**
- (1) ~~PASA~~ ~~The department of public works through the public art and design enhancement program~~ shall review with city departments all planned capital improvement projects to determine if they are eligible for public art and/or design enhancement treatment. In general, capital improvement projects shall budget an amount of "up-to" one percent of the total project cost and projects should be identified as early as possible, prior to appropriation by city council, and whenever possible, prior to the selection of the project architect.
- (2) ~~PASA~~ ~~The department of public works through the public art and design enhancement program~~ will use the following criteria for identifying and recommending capital projects suitable for public art and/or design enhancement treatment:
- a) Available public art and or design enhancement opportunities,
  - b) Size and scope of project,
  - c) Community or neighborhood sensitivity and diversity of communities served, and

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- d) Opportunities for community participation and educational impact.
  - (3) ~~PASA-The department of public works through the public art and design enhancement program~~ shall discuss each eligible project with the assigned architectural and departmental staff to develop a project description, allowance, and timeline.
  - (4) ~~PASA-The department of public works through the public art and design enhancement program~~ shall review and present all eligible capital improvement projects to the city council as part of the capital improvements program. This plan may include the proposed public art and/or design enhancement projects, recommend the specific approach to ~~design enhancement~~ in each of the projects and define the artist selection processes.
  - (5) ~~PASA-The department of public works through the public art and design enhancement program~~ may, from time to time during the course of the year, modify the Annual Public Art Plan ~~plan design enhancement~~.
- (c) **Gifts, Grants and Awards.** Gifts, grants and awards of monies obtained hereunder may be accepted by the City of San Antonio upon city council approval, and said monies shall be credited to PASA. ~~the public art and design enhancement program~~—Any gifts, grants and awards received subject to a condition shall be expended strictly in accordance with such condition.

Chapter 35, Article VI Section 35-651 is amended as follows:

**Sec. 35-651. Eligible and Ineligible Public Art and Design Enhancements.**

- (a) **Eligible Public Art and Design Enhancements.** It is the policy of the City of San Antonio ~~department of public works~~ that all public art and design enhancements commissioned or acquired by the city through PASA ~~the public art and design enhancement program~~ be designed by an a professional visual artist, craftsman or an artist or craftsman in collaboration with the project architect, landscape architect or engineer. Such artworks may include, but are not limited to the following:
- (1) The incremental costs of infrastructure elements, such as sound-walls, utility structures, roadway elements and other items if designed by an artist or design team that includes an artist co-designer.
  - (2) Artistic or aesthetic elements of the overall architecture or landscape design if created by a professional artist or a design team that includes a professional visual artist.

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- (3) Earthworks, neon, glass, mosaics, photographs, prints, calligraphy, any combination of forms of media including sound, literary elements, film, holographic images, and video systems; hybrids of any media and new genres.
  - (4) Murals or portable paintings in any material or variety of materials.
  - (5) Sculpture: freestanding, wall supported, or suspended; kinetic and electronic in any material or combination of materials.
  - (6) Temporary artworks or installations, if such artworks serve the purpose of providing community and educational outreach purposes.
  - (7) Public art and/or design enhancements ~~Enhancements~~ that are an integral part of architecture, landscape architecture, and landscape design.
- (b) **Ineligible Public Art and Design Enhancements.** Public art and design ~~Design~~ enhancements that are mass produced or of standard manufacture, such as playground equipment, fountains or statuary elements, unless incorporated into an artwork by a project artist, or reproductions, by mechanical or other means, of original artwork, except in the case of film, video, photography, printmaking or other media arts.
- (c) Specifically excluded from this section is artwork in the museum collection of the San Antonio Museum of Art and the Witte Museum.

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Chapter 35, Article VI, Section 35-652 is amended as follows:

**Sec. 35-652. Responsibilities.**

- (a) **PASA**, ~~The Department of Public Works~~. The department public works shall:
- (1) Administer the public art and design enhancement allowances, artists registry, and the artist selection panels;
  - (2) Implement policies and procedures relative to applying for and accepting gifts and grants, and disposition-deaccessioning, relocation, maintenance, repair, and alteration of the city art collection;
  - (3) Manage Act as a liaison between artist selection panels, the public art board, ~~committee~~ public art services of city departments, artists, design and building professionals and the public;
  - (4) Develop a public art and design enhancement plan linked to eligible city capital improvement projects;

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- (5) Coordinate and implement public art education and community outreach programs. Maintain an inventory of publicly accessible spaces which are potential sites for placing artworks and/or art projects;
  - (6) Present to city council for acceptance all cash gifts given for the purpose of purchasing or commissioning artworks;
  - (7) Coordinate Discuss with all city departments and project designers the possibility of their acceptance and placement of a gift or loan of an artwork to the city at specific sites;
  - (8) Coordinate Discuss with city departments regarding with eligible sites for the placement of a gift or loan of an artwork the cost of care and maintenance of said artwork; and
  - (9) Staff the seven (7) member ~~Select five (5)~~ at large Public Art Board ~~public art committee members~~ who shall be nominated by the Mayor and confirmed by Council for appointment, advisory to City Council, and non-members of ~~serve as an adjunct public art review board~~ to the historic and design review commission.
- (b) **Other City Departments.** Other city departments shall:
- (1) Plan, develop and coordinate with PASA ~~the department of public works~~ regarding existing and future projects opportunities sites for the incorporation of artworks and artist services.
  - (2) Develop and implement artwork projects at specific sites.
  - (3) Assess information and coordinate with PASA ~~the department of public works~~ on proposals for gifts or loans of artworks and monies.
  - (4) Inform PASA ~~the department of public works~~ regarding any and all departmental activity related to the development and implementation of artwork and artist services.
  - (5) Assist PASA ~~the department of public works~~ in allocating funds, monitoring projects budgets and educating the public.
  - (6) Inform PASA ~~the department of public works~~ on planning for targeted improvement areas which could potentially incorporate an art project.
- (c) **Public Art Board ~~Committee~~.** The Public Art Board ~~public art committee~~ shall be the sole public art review body for the City of San Antonio and shall:

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- (1) Be composed of a seven member at-large council advisory board, nominated by Mayor and confirmed by City Council, consisting of three (3) visual arts representatives (artist, professional, and patron), one (1) architect, landscape architect, or design professional, one (1) visual arts professor from local college or university, one (1) local art and architecture historian or conservationist, and one (1) community and/or neighborhoods representative. Public Art Board members shall be limited to one (1) three year term, however of the initial appointments, four (4) members shall hold a term of two (2) years and three (3) members shall hold a term of (3) years. ~~nine (9) persons from within and outside the historic and design review commission's membership. At least four (4) of the nine (9) members of the public art committee (PAC) shall be members of the historic and design review commission. At large members of the PAC shall be limited to one (1) two-year term; however, of the initial appointments, four (4) shall hold a term of two (2) years and five (5) members shall hold a term of one (1) year; the term for PAC members from the HDRC shall correspond to the term of their membership to the HDRC.~~
- (2) Have a chairperson and shall be initially selected by the ~~chairperson of the historic and design review commission~~ Mayor, and shall have a term of one (1) year. Subsequent chairpersons shall be elected by the Public Art Board ~~PAC~~ for one-year terms to manage the functions of the board; ~~committee and~~
- (3) Develop and approve an annual public art plan.
- (4) Develop policies and goals for the selection, placement, and maintenance of artwork in the City's collection.
- (5) Review and make recommendations on artist selection panelists, artist selections, and all final public art and design enhancement projects ~~to the historic and design review commission~~ and following the criteria set forth in section 35-653; and
- ~~(6)(4)~~ Review and make recommendations on all proposed public art gifts, and loans and memorials following the criteria set forth in section 35-655; and
- ~~(7)(5)~~ Review and make recommendations on the disposition-deaccessioning of artworks following the criteria set forth in section 35-656; and
- ~~(8)(6)~~ Review and make recommendations on the conservation, maintenance, repair, or alteration of artworks in the city art collection; and
- ~~(9)(7)~~ Review and make recommendations on the inventory of artworks in the city art collection, which shall be periodically inspected; and

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~~(10)(8)~~ Develop, promote, educate and preserve aesthetic excellence in public spaces for San Antonio residents and visitors.

~~(11)(9)~~ ~~Relocation of artwork shall be done upon recommendation of the subcommittee to the commission after consideration of the appropriateness of the proposed new location for the artwork ensuring that the new site is properly prepared and landscaped as an appropriate setting for the artwork and, if need be, consultation with the artist of the artwork.~~ The public art board ~~committee~~ shall not bind the City of San Antonio by contract or otherwise. In order to avoid conflicts of interest, no member of the public art committee shall vote or participate as a member in any matter that materially affects the property, income, or business interest of that member or in which the member holds a substantial interest. Such member shall give notice of abstention from voting prior to the taking of a vote.

(d) **Artist Selection Panels.** Artist selection panels shall:

- (1) Be composed of at least five (5) ~~six (6)~~ members including: one (1) project design architect or engineer, one (1) department project manager or architect, one (1) two (2) community stakeholder, members from the area where the project is located one (1) individual knowledgeable in public art and design enhancement, and one (1) public art board ~~committee~~ member.
- (2) Make recommendations to PASA ~~the department of public works~~ and the public art board ~~committee~~ on design, execution, and placement and of public art and design enhancement projects in connection with specific capital projects.
- (3) Make recommendations to PASA ~~the department of public works~~ on appropriate method(s) of artist selection, commissioning, placement and execution of artworks related to the design of each appropriate project.
- (4) Review the artists registry, artist's applications and make final recommendations to PASA ~~the department of public works~~ and on the artist(s) applying for the specific projects.
- (5) Review and select artists taking into consideration the recommendations of the client and/or department of public works ~~and the criteria established by PASA~~ ~~the public art and design enhancement program~~.
- (6) Cease to exist once the artist(s) is selected and approved.
- (7) Shall not bind the City of San Antonio by contract or otherwise.

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- (8) Conflicts of Interest - No member of the artist selection panel shall vote or participate as a member in any matter that materially affects the property, income, or business interest of that member or in which the member holds a substantial interest. Such member shall give notice of abstention form voting prior to the taking of a vote.
- (e) **Artist(s).** The artist(s) shall:
- (1) Submit credentials, visuals, proposals and/or project materials as directed for consideration by the artist selection panel.
  - (2) Conduct necessary research, including attending project orientations and touring project sites, when possible.
  - (3) Design, execute, complete and transfer title of the artwork in a timely and professional manner.
  - (4) Work closely with the project manager and/or other design professionals associated with the project.
  - (5) Submit to PASA, City staff, the Public Art Board ~~the department of public works, the public art committee~~ and whenever applicable to the historic and design review commission any significant changes in the scope of the project, color, material, or design of the approved artwork.
  - (6) Make public presentations, conduct community education workshops or a residency, as required by the contract with the City of San Antonio.
  - (7) Provide a maintenance plan that includes a list of materials, diagrams, names of fabricators describing processes used in fabricating the artwork, and the descriptions and drawings of installations, specifications and details of connecting methods.

Chapter 35, Article VI, Section 35-653 is amended as follows:

**Sec. 35-653. Selection of Artists.**

- (a) **Criteria.** The artist selection process shall be managed by PASA and, whenever ~~Whenever possible, the selection process~~ shall begin at the conceptual stage of the project so the artist(s) will be able to integrate art concepts and artworks with the design of the specific projects ~~and or sites~~. Early participation also allows for dialogue between the artist(s), the community the project serves and architect or designer to discuss the design processes and the inclusion of specifications for the artwork's site preparation that are subject to zoning, design, and construction codes. The selection of artists or artworks must meet the following criteria:

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- (1) The design capabilities of the artist(s) and the inherent quality of the artworks.
- (2) All media forms of visual arts may be considered, subject to any requirements set by the artist selection panel or PASA.~~the department of public works through the public art and design enhancement program~~
- (3) Public art and design ~~Design~~ enhancements of all schools, styles, and tastes should be considered for the public art and design enhancement program.
- (4) Public art and design ~~Design~~ enhancements should be appropriate in scale, materials, form and content for the immediate social and physical environments with which they relate.
- (5) Consideration should be given to structural and surface integrity, permanence and protection of the artwork against theft, vandalism, weathering, excessive maintenance and repair costs.
- (6) Consideration should be given to the fact that public art and design enhancement, as defined by the program, is a genre that is created in a public context and that must be judged by standards that embrace factors other than the aesthetic, including public participation, social and political attitudes, and functional considerations. Public art and design ~~Design~~ enhancement may also serve to establish focal points, terminate areas, modify, enhance or define specific spaces, establish identity, or address specific issues of urban design.
- (7) Public art and design ~~Design~~ enhancements should be examined for unsafe conditions or factors that may bear on public liability.
- (8) ~~The public art and design enhancement program~~ PASA should strive for diversity of style, scale and media. ~~The program~~, and will also strive for an equitable distribution of artworks throughout the city, subject to sources of project funding.
- (9) Consideration ~~should~~ shall be given to ~~the clarity and appropriateness of the budget~~ suitability and/or constraints for each specific project.
- (10) The artist selection process shall ensure that the interests of all concerned parties are represented, including the public, the art community and the city departments.

(b) **Methods of Selecting Artists.**

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- (1) **Design Team Selection.** The design team of a project may directly select an artist(s) following the criteria set forth in subsection 35-653(a).
  - (2) **Limited Competition.** The artist selection panel may invite a limited number of artists to submit credentials or proposal.
  - (3) **Open Competition.** Any artist may submit ~~qualifications-credentials~~ or proposals subject to any requirements established by the artist selection panel or PASA. ~~the department of public works~~ Calls for entries for open competitions shall be sufficiently detailed to permit artists to determine whether their work is appropriate to the project under consideration.
  - (4) **Direct Selection.** The artist selection panel may directly select an artist(s). Generally, direct selection will not be employed except on those projects where an open or limited competition would be inappropriate or impractical, such as a very urgent project timeline or very specific project requirements.
- (c) **Limited Competition Selection Process.**
- (1) PASA ~~The department of public works~~, in consultation with appropriate city departments, shall define the scope of work, project criteria, budget, develop a community profile, assemble the artist selection panel and outline the selection process.
  - (2) PASA ~~The department of public works~~ shall brief the artist selection panel on the project and make appropriate modifications according to the panel's recommendations.
  - (3) The artist selection panel shall review the artists registry or other sources recommended by PASA ~~the department of public works~~ and select a predetermined number of finalists to be interviewed. Depending on the scope of work and timeline of the project, the selected finalists may be required to submit their qualifications or a project proposal to the panel. If the finalists are to submit a project proposal, PASA ~~the department of public works~~ shall present finalists with information pertaining to the selection process and the project, including available background information, a site and community profile. ~~PASA~~ ~~The department of public works~~ ~~or the project architect~~ may set a meeting with the artist to discuss the site and/or project.
  - (4) The artist selection panel shall interview the finalists and review the artists' qualifications or proposals, on a predetermined date. Qualifications may include a resume and samples of artist's past work. Proposals may include models, drawings, and a written statement. After all interviews and reviews have been concluded, discussion between panel members will

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begin based on the material presented, discussion with finalists, project scope of work and criteria. Final artist selection will be a majority vote. The artist selection panel's Panel's recommendation shall be presented to the Public Art Board through PASA. ~~of selected artist(s) will be transmitted to the design enhancement advisory committee~~

(5) ~~PASA may~~ ~~The department of public works shall~~ request a formal proposal from the final artist(s) selected specifying the time frame for project proposal development, payment schedule, ownership and copyrights. All materials related to the proposal including models, drawings etc. will be the property of the artist, but the city shall have the right to exhibit and use them for educational and promotional purposes.

(6) ~~Open Competition Process.~~ The artist selection panel may decide to hold ~~an open competition for a specific project.~~ The department of public works shall ~~prepare and distribute a project announcement to all artists in the artist registry as well as other venues.~~ The artist selection panel shall ~~review all the applications and select a predetermined number of finalists.~~ ~~The limited competition process would then follow.~~

(d) ~~Direct Commission Process.~~ ~~In special circumstances, the artist selection panel may decide, by unanimous decision, on commissioning one (1) artist to work on a project.~~

(d) (e) **Final Recommendations.** ~~The Public Art Board public art committee~~ has the responsibility of reviewing and approving the aesthetic appropriateness of an artist's proposal or artwork for a project and making recommendations whenever necessary to the historic and design review commission for final design approval. The Historic and Design Review Commission (HDRC) shall have the responsibility of reviewing and approving artworks that require a certificate of appropriateness in order to be placed within the city, including those that affect a designated historical landmark, property within a designated historic district, a state archaeological landmark, a recorded Texas historical landmark, property within a National Register Historic District, property listed on the National Register of Historic Places, a National Historic Landmark, or property within the river improvement overlay district.

(e)(f) **Contracts, Fabrication, Installation, Maintenance of Artworks, and Artists Registry.**

(1) Design teams selected for projects eligible for public art and design enhancement treatment will be contracted to provide architects/engineering and unique public art and design enhancement features. ~~Contracts will be negotiated between the project lead consultant and the artist in consultation with the department of public works.~~ The artist may be asked to prepare a budget that includes costs for fabrications,

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materials, labor, transportation, site preparation and installation, insurance, artist fee and a contingency fund. Contracts will require the artist to develop a maintenance plan for the artwork, which must be submitted to PASA and appropriate City departments ~~the department of public works~~ before final acceptance of artwork by city is issued.

- (2) Fabrication of the artwork will be by the artist or under the artist's direct supervision.
- (3) Installations shall be coordinated between PASA ~~the department of public works~~ and the appropriate representatives of each department having jurisdiction over the site and/or construction. Whenever possible, the installation of artworks will become part of the final project's construction contract, and will be executed by the contractor under the artist's supervision.
- (4) Maintenance. All routine maintenance and repairs of permanent public art and design enhancements, including cleaning, shall be the responsibility of the city department housing the artwork, in consultation with PASA ~~the department of public works~~. Each department that houses the public art and/or design enhancements shall notify PASA ~~the department of public works~~ whenever it believes an artwork requires attention. City departments may request from PASA ~~the department of public works~~ guidance in maintenance, cleaning and curatorial services for the city art collection. When applicable, artwork that requires any maintenance shall follow the specific instructions and specifications listed under artist's maintenance plan.

~~(f)~~**(g)** **Documentation.** PASA ~~The department of public works through the public art and design enhancement program~~ shall document the selection process and critical stages of specific projects such as fabrication and installation. The documentation will be used for the production of city promotional material and self-guided tour brochures. A video and still photography of each project may be part of the documentation. This documentation will be used as a promotional, educational and archival resource. All records relating to all projects such as contracts, correspondence, memoranda, proposals, models, and billings will be kept by PASA ~~the department of public works~~.

~~(g)~~**(h)** **Artists Registry.** PASA ~~The department of public works~~ will administer an artists registry accessible to all local, regional, national and international artists interested in applying. This will ensure that the largest numbers of artist(s) will be accessible to all public art and design enhancement projects and programs. The artists registry will be used as a resource by the artist selection panels for commissioning artists and art works. PASA ~~The department of public works~~ will periodically post notice of the registry and application and will use other art organizations' mailing lists to maximize artist participation.

Chapter 35, Article VI, Section 35-654 is amended as follows:

**Sec. 35-654. Guidelines for Temporary Public Art Exhibits and Events.**

~~PASA~~ ~~The department of public works~~ has the joint responsibility with other city departments in implementing and administering exhibitions of art in city facilities such as ~~the central libraries library art gallery, the airport art spaces, and city hall. Other city departments may request services in the future and the department of public works shall seek such opportunities.~~ PASA ~~The department of public works~~ shall design appropriate selection processes and panels to review and select proposals. All final approvals of artworks and exhibitions will be the responsibility of ~~PASA the department of public works~~ and the participating department exhibition space staff. ~~Contracts for art exhibitions and events will be modified versions of the percent art contracts, and~~ will be negotiated between the representative of the proposed exhibition and/or event, PASA, ~~The department of public works~~ and the participating department and/or agency.

Chapter 35, Article III, Section 35-655 is amended as follows:

**Sec. 35-655. Guidelines for Public Art Gifts and Loans.**

- (a) **Policy.** These guidelines for public art gifts and loans outline the process PASA follows in regard to donations of artwork gifts, extended artwork loans, and memorial artworks (including art monuments, art plaques, property for placement of artwork, and funds for the acquisition of artwork) that may be proposed for donation to the City of San Antonio for placement on City property. Due to limited funds for maintenance and conservation of public art and the limited number of suitable sites on City property for the placement of donated artwork, a review process has been established. The Guidelines for Public Art Gifts, Loans, and Memorials outline a procedure and criteria for the Public Art Board to review proposed public art gifts, loans, and memorials. The intent of the guidelines is to ensure that the same standards of excellence applied to City's public art and design enhancements are also applied to public art gifts, loans, and memorials and to the placement of such on City property.
- (b) **Definitions and Responsibilities.** PASA staff shall:
- (1) Serve as liaison between the Donor and the City and its designated authority, the Public Art Board.
  - (2) Convene and facilitate the Public Art Board and its Public Art Gifts, Loans, and Memorials Committee (GLMC, defined below) to review possible donations.

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- (3) Oversee the fabrication (when applicable), site preparation (including, but not limited to foundations and lighting), and the installation of all accepted artworks/memorials and related materials such as donor plaques.
- (4) The Public Art Board is an independent body operating within the City, facilitated by PASA staff and responsible for making recommendations on public art for the City, including matters relating to public art gifts or loan of art for public places as well as for public art memorials. The Public Art Board shall:
  - (A) Appoint a Public Art Gifts, Loans, and Memorials Committee (GLMC). Committee members shall be appointed for a term of two or three years (staggered terms) and may serve a maximum of two terms. Additional adjunct members will be appointed as needed for each proposal. Standing committee members, (five in total) will include three arts and/or design professionals -- a curator, a or art maintenance and conservation specialist, an architect, a landscape architect, a graphic designer, etc., one of whom must be an artist; a historian familiar with the city; and a neighborhood representative who will be assigned depending on the proposal/s. A member of the Public Art Board, who serves as a non-voting facilitator, will chair the GLMC. Other non-voting advisors to the review process may include representatives of the City Departments of CIMS, Risk Management, Development Services, or Legal, as deemed appropriate by the Public Art Board. The GLMC shall convene once every six months on average or on an as-needed basis, as determined by the Public Art Board and depending on the when a gift, loan, or memorial is offered.
  - (B) Serve as a board of appeals for any issues that arise in conjunction with the artwork/memorial donations.
- (5) The Gifts, Loans, and Memorials Committee (GLMC) is a committee of the Public Art Board, facilitated by PASA staff, and responsible for reviewing and making recommendations on proposed public artwork gifts, loans, or memorials to the Public Art Board. GLMC shall follow the procedures for review of gifts, loans, and memorials (described below.)
- (6) Works of public art are all forms of original creations of visual art or art services, including but not limited to:
  - (A) Painting of all media, including both portable and permanently affixed works such as murals.

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- (B) Sculpture which may be in the round, bas-relief, high-relief, mobile, fountain, kinetic, electronic, etc. in any material or combination of materials.
- (C) Other visual media including, but not limited to prints, drawings, stained glass, calligraphy, mosaics, photography, clay, fiber, textiles, wood, metals, plastics, or other materials or combination of materials, or crafts or artifacts.
- (D) Media-based artwork (i.e. electronic, video, Internet reliant).
- (E) Art that incorporates the use of sound.
- (F) Artist design services.
- (7) Artist is a practitioner in the visual arts, generally recognized by critics and peers as a professional of serious intent and recognized ability who produces works of art.
- (8) Public Art San Antonio Program Director is an employee of the City responsible for the operation of the public art program.
- (9) San Antonio Public Art Collection refers to all works on the accession records/inventory of the City.
- (10) Gift Of Art is a work of art donated free and clear to the City for inclusion in the city art collection.
- (11) Loaned Art, for these purposes, is a work of art given without charge for use over a period of time exceeding 90 days, to be returned to the owner at the end of the use period; Artworks loaned for less than one year will be reviewed by the PASA Program Director and staff.
- (12) Public Art Memorial is a work of art designed to artistically memorialize or create an artwork monument to an event, person, group, or other entity on public property. Public Art Memorials must conform to the criteria outlined within the City of San Antonio's policies regarding Markers, Memorials, and Plaques.
- (c) **Procedures for Public Art Review of Public Art Gifts, Loans, and Memorials.**  
All persons interested in donating or gifting works of art to the City will be required to submit the following information in writing to PASA at least six months prior to the anticipated installation date of the project.
- (1) Donor. The name, address, phone, fax number and e-mail address of the donor or donor's agent intent of donor for offering the artwork to the City

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- (2) Artist. Artist's name, resume, birthplace and date, current address if known, gallery representation if any, and examples of artist's previous work.
  - (3) Artwork Gift, Loan, or Memorial. Title, medium, dimensions, weight if applicable, date created, signature/inscriptions.
  - (4) Current owner, statement of ownership, absence of liens, copy of bill of sale, current location.
  - (5) Current condition including conservation history or a conservator's report Maintenance manual and schedule prepared by professional conservator, including an estimate of the annual cost of maintenance.
  - (6) Estimated value, as determined by a professional art appraiser (if the work is existing) Photographs, drawings, models, or designs of proposed artwork/memorial, description and samples (if available) of materials and colors.
  - (7) Site. A site plan of the proposed location, if a particular site is preferred, including photographs of site and neighborhood, drawings of the site with the project to scale, electrical, plumbing, or other utility requirements.
  - (8) Cost. An estimate of any costs to the City arising from the donation of the artwork/memorial (including such items as cost of removal from and restoration of an existing site, relocation costs, and site preparation costs).
  - (9) Installation schedule. Contact information for who is installing the work and the manner in which the installation will be accomplished, including transportation of the artwork/memorial to the site.
  - (10) Proof of insurance sufficient to meet the requirements of the City, if applicable, building permits, if applicable.
  - (11) Any and all approvals as required by the City of San Antonio's policies regarding Markers, Memorials, and Plaques.
- (d) **Design Review Process.** PASA staff will convene the GLMC and present an agenda and schedule for the public art proposals to be considered. The donation information will have been sent to the GLMC for review prior to the meeting. Acceptance or rejection of proposals will be recommended by the GLMC based on the following criteria:

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- (1) Artistic Merit – The inherent quality and excellence of a proposed artwork/memorial. Other artistic credentials to consider include training and critical or other professional recognition.
- (2) Context – Public art memorial must be compatible in scale, material, form, and content with its surroundings. Consideration should also be given to the architectural, historical, geographical, and social/cultural context of the site or community, as well as the way people may interact with the artwork/memorial.
- (3) Relevant Experience of Artist (if applicable) – Experience and professional record of artist/s should provide convincing evidence of ability to successfully complete the project as proposed.
- (4) Permanence/Maintenance – Due consideration will be given to the structural and surface soundness, operational costs and inherent resistance to theft, vandalism, weathering, and excessive maintenance.
- (5) Technical Feasibility and Installation Method.
- (6) Budget, if applicable, and cost for the City to accept and maintain the artwork/memorial.
- (7) Diversity
- (8) Other considerations include the following:
  - (A) Approval by other Boards and Commissions. When applicable, the Donor is responsible for the review and approval by the Historic and Design Review Commission, Parks Board, and any other boards and commissions deemed necessary for final approval.
  - (B) Approval of City Department. The City Department in which the donated public art memorial will be located (e.g. Department of Parks and Recreation) must agree to the maintenance responsibilities, if applicable, as outlined in the donor's application.
  - (C) Associated Costs. Donations of public art memorials that require the City to pay for costs such as installation, transportation, site preparation or repair are not encouraged. The Public Art Board and its GLMC will evaluate such expenditures at the time the work is considered. Public Art Memorials requiring high or excessive maintenance may be declined or the donor may be required to provide funds for installation and maintenance of the public art memorial.

(e) **Eligibility/Criteria.**

- (1) Public Art Memorials must conform to the criteria outlined within the City of San Antonio's policies regarding Markers, Memorials, and Plaques.

(f) **Placement/Site Considerations.** If a donor has specified a site, the artwork should significantly contribute to the setting, from a functional or design standpoint, and significantly enhance the chosen location in a way meaningful to the public. The following factors will be considered;

- (1) Visibility
- (2) Traffic patterns (both interior and exterior)
- (3) Public safety
- (4) Relationship to existing planned architectural and natural features
- (5) Users of the site
- (6) Future development plans for the area (if known)
- (7) Landscape design
- (8) Existing artwork within the proposed site vicinity
- (9) Environmental concerns
- (10) Public accessibility to the work, including ADA requirements
- (11) Social context (intended use of the work if any)
- (12) Significance to the proposed artwork
- (13) Adherence to the City of San Antonio's policies regarding Markers, Memorials, and Plaques.
- (13) Adherence to Existing Master Plans. Artwork/memorial should adhere to any existing master plans of the proposed site.

(g) **Final Recommendations and Acceptance.** Final recommendations and approvals of donated public art memorial will be made by the Public Art Board upon recommendation of its GLMC and acknowledged through a written statement to the donor or donor's agent. The Public Art Board has the responsibility of reviewing and approving the aesthetic appropriateness of a public art memorial and making recommendations whenever necessary to the historic and design review commission. The Historic and Design Review Commission shall have the responsibility of reviewing and approving public art memorials requiring a certificate of appropriateness for their placement within the city, including those that affect a designated historical landmark, property within a designated historic district, a state archaeological landmark, a recorded Texas historical landmark, property within a National Register Historic District, property listed on the National Register of Historic Places, a National Historic Landmark, or property within the river improvement overlay district. Final acceptance will require an Acceptance Agreement approved by City Council.

- (1) This agreement between the City and the donor will be prepared by the CIMS department through PASA staff and authorized by City Council. It

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will describe the terms and conditions under which the public art memorial is to be accepted, including responsibilities for installation, fabrication (if applicable), site preparation, insurance, ongoing maintenance, conservation, informational signage, etc. Included in the agreement will be a statement that the City retains full rights of reproduction, removal, relocation, and de-accessioning, subject to PASA adopted guidelines, policies, and procedures and review by the Public Art Board, of the public art memorial donation.

(2) PASA seeks to ensure the ongoing integrity of the public art memorial and the sites for which they were created, to the greatest extent feasible, in accordance with the artist's original intentions, and consistent with the rights afforded by the 1990 Visual Artists Rights Act.

(3) The following are also required for final acceptance:

(A) Complete records of accession including, but not limited to, a signed deed of gift, acknowledgment of receipt, and a copy donor's application.

(B) Verification that the work is unique and an edition of one (unless stated to the contrary in the agreement and accepted by the City).

(C) The establishment of an endowment fund if the City's existing maintenance budget is not sufficient or if the potential maintenance is deemed excessive. In general, public art memorials will be acquired without legal restrictions as to future use and disposition, except with respect to State or Federal laws on preservation, copyright, and/or resale of works of art.

~~(a) Policy. The department of public works through the public art and design enhancement program shall be responsible for reviewing all proposed gifts and loans of artworks following the guideline's review process for accepting or rejecting, placing and maintaining the artwork(s) in the city art collection;~~

~~(b) Review Process.~~

~~(1) Generally. The donor shall contact and discuss the gift or loan and procedures with the department of public works' public art and design enhancement program. Donor shall submit detailed written descriptions of the artwork, including sketches and/or models of the artwork, all information pertaining to the artist, and a warranty of originality of the artwork. The department of public works' public art and design enhancement program shall review materials with the department responsible for sites receiving the donated artwork. The department of public works shall develop materials including inventory of possible sites to review with the historic and design review commission's public art committee. The public art committee shall be allowed enough time to review and request~~

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~~further information pertaining to the artwork(s) and/or site before final acceptance or refusal of any gift and/or loan. The public art committee shall submit recommendations to the department of public works' public art and design enhancement program and the historic and design review commission for final recommendation to city council. Gifts of state presented to the City of San Antonio by foreign governments or by other political jurisdictions of the United States are exempt from the review process. However, permanent placement and proper site selection of such artworks shall be determined jointly by the appropriate city department and the department of public works and shall be subject to final approval by the historic and design review commission accepted by ordinance by city council.~~

~~(2) Criteria. The public art committee shall review proposals according to the following criteria:~~

- ~~A. Quality of Work. To consider: The quality of the artwork and a written description of the artwork must be submitted including sketches, models, photographs, artist's qualifications and warranty of original creation or limited edition of the artwork.~~
- ~~B. Financial Consideration. Consideration shall be given to the cost of fabrication and installation, a maintenance agreement between the city and the donor, and the estimated cost of maintenance and repair over the expected life of the artwork, including source of funding, and the value of work.~~
- ~~C. Liability. Consideration shall be given to the susceptibility of the artwork to damage, vandalism, public safety, and special insurance requirements.~~
- ~~D. Environment. Consideration shall be given to artwork's appropriateness to the site, scale, historical and ecological impact.~~

Chapter 35, Article III, Section 35-656 is amended as follows:

**Sec. 35-656. Guidelines for the Review and Disposition-Deaccessioning of Art.**

- (a) Policy. The PASA Program Director shall initiate a disposition review for a public artwork placed on city property, upon the existence of one or more of the following conditions:

  - (1) The condition or security of the artwork cannot be ably guaranteed.
  - (2) The artwork requires excessive maintenance or has faults of design or workmanship and repair or remedy is impractical or unfeasible.
  - (3) The artwork has been damaged and repair is impractical or unfeasible.
  - (4) The artwork endangers public safety.
  - (5) No suitable site is available, or significant changes in the use of character or design of the site have occurred, which affect the integrity of the work.

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- (6) Significant adverse public reaction over an extended period of time.
  - (7) The quality of the artwork is called into question.
  - (8) Written request from the artist has been received.
  - (9) The Public Art Board wishes to replace the artwork with a more appropriate work by the same artist.
- (b) Review Procedures. The following steps are required:
- (1) Review of the artist's contract and other agreements that may pertain.
  - (2) Discussion with the artist of the circumstances prompting the review.
  - (3) Gathering of opinions of more than one independent professional qualified to recommend on the concern prompting review (conservators, engineers, architects, critics, art historians, safety experts, etc.)
  - (4) Review of written correspondence, press and other evidence of public debate, if applicable.
  - (5) Review the artwork's historic significance or if placed within a City designated historic in accordance to Historic Design and Review Commission, if applicable.
- (c) Recommendations.
- (1) A recommendation of reasonable measures is formulated to address the concerns that prompted the review and forwarded to Public Art Board by the PASA Program Director.
  - (2) The recommendation shall be reviewed at an open public meeting of the Public Art Board and upon its acceptance by the Public Art Board, the PASA Program Director shall take necessary steps to implement the recommended action, if short of "removal."
  - (3) If the recommendation is removal, or if Public Art Board determines that reasonable efforts to resolve the concern(s) which prompted the review have been made but have failed to resolve the situation, then Public Art Board shall appoint a mediating organization or consultant to designate a panel of impartial persons qualified to carry out steps in considering the removal of the artwork. The Public Art Board shall consider the varying needs of the parties to the dispute in selecting the mediating organization or consultant.

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(4) The mediating organization/consultant may draw panel members from groups such as preservationists, art historians, museum curators, artists, urban planners, arts or public interest lawyers, social psychologists, policy analysts, and community improvement activists. The Panel shall:

(A) Review the Public Art Board's determination that reasonable efforts to resolve the concern have been made, yet have failed to resolve it.

(B) The panel may recommend any specific measures to resolve the concern including relocation or removal. This recommendation shall provide a reasonable timeframe in which to carry out the recommended measures.

(C) Upon the Panel's determination that the Public Art Board's decision was correct, or that recommendations referred to in (1a) above have not resolved all concerns, the panel shall then consider the following, in the following order of priority:

i. Relocation of public display (if the work was designed for a specific site, best efforts should be made to relocate it to a new site consistent with the artist's intention. As a courtesy, the artist(s) should be consulted in this determination. In the event of death or incapacitation of the Artist, best efforts should be made to consult and/or notify the executor of the Artist's estate as to the proposed disposition of the work of art in question.)

ii. Removal from the collection by sale, extended loan, or gift. Three independent professional appraisals of the fair market value of the work shall be secured on which to base decisions.

iii If sale, trade, gift, extended loan, or relocation is not feasible, the work will be destroyed.

- If feasible, the artist should be given first option on purchase.
- Sale may be through auction, gallery resale, or direct bidding by individuals.
- Trade may be through artist, gallery, museum, or other institutions.
- Proceeds from the sale of the work of art shall be deposited into an account to be used for future public art projects. Any pre-existing contractual agreements

between the Artist and the (Responsible Agency) regarding resale shall be honored.

iv Any of the options enumerated above require the prior approval by Public Art Board, and may require review by Historic Design and Review Commission if artwork is deemed historic or located in a historic district.

(d) Project Files and Records. PASA shall maintain records on each project, which shall include, but not be limited to the following:

- (1) All materials in proposals submitted and other visual or written materials relating to the artist's design or method of execution as submitted or become available.
- (2) Conveyance of title enumerating any donor conditions.
- (3) Records of the Public Art Board and City action bearing on the project.
- (4) Any agreements relating to the project.
- (5) Correspondence and memoranda relating to the project.
- (6) Records of all billings made in connection with the project.

(e) Exceptions. These guidelines shall not apply to:

- (1) Artwork loaned to the City for one year or less.
- (2) Artwork loaned for inclusion in temporary exhibitions in City facilities and City-owned and managed by the City.
- (3) Artwork loaned or donated to City employees or appointed City officials for display in their personal offices.
- (4) Gifts of State presented to the City by other governmental entities (municipal, state, national, foreign).
- (5) Artwork loaned or donated to the private collections of nonprofit organizations that manage City entities, or included in temporary exhibitions at those facilities.

~~(a) Policy. Design enhancements in the city art collection has generally been placed in the public domain through a process and under specific public context. Their placement is a result of careful thought, discussion, professional advice and, at times, community participation. Artworks in public spaces are created by artists with sensitivity to the site and the public that access them. Therefore, it should be the city's responsibility to avoid removing or disposing of them but, rather seek to ensure the integrity~~

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~~of the artist, their artwork, the site, and the public for which it is created. Art that is considered for removal from the city art collection should undergo a responsible and careful review process according to carefully developed procedures.~~

~~(b) Review Assessment. The department of shall assess the condition of the city art collection on an ongoing basis and if it recommends deaccessioning of design enhancements, it shall initiate the process to the public art committee to review the status of artwork including, but not limited to, the following reasons:~~

- ~~(1) Maintenance of the artwork is excessive, quality of the design and workmanship becomes questionable, and repair or remedy are impractical or infeasible.~~
- ~~(2) The condition or security of the artwork cannot be reasonably guaranteed.~~
- ~~(3) The artwork endangers public safety and/or the public right-of-way.~~
- ~~(4) The historic and design review commission public art committee, upon assessment of the art collection and/or department responsible for ownership of artwork, may want to replace the art with a more appropriate artwork by the same artist(s).~~
- ~~(5) Unfavorable public reaction for extended period of time.~~
- ~~(6) The quality of work is questioned for extended period of time.~~
- ~~(7) Written request by artist and/or department responsible for maintenance of artwork has been received.~~
- ~~(8) Site of artwork is under serious consideration for relandscaping, reconstruction, and/or demolition.~~

~~(c) Reviewing Steps:~~

- ~~(1) Review existing artist contracts and/or agreements.~~
- ~~(2) Assess the issues at hand with the artist.~~
- ~~(3) Seek opinions from qualified professionals on the conditions or other matters that initiated the review assessment.~~
- ~~(4) Review and analyze all written materials, including press or other publicly contested issues pertaining to artwork.~~
- ~~(5) A recommendation shall be formulated by the public art committee.~~

~~(d) Deaccessioning. If the public art committee fails to resolve a deaccessioning request and determines that removal cannot be prevented, the committee may request that department of public works select a neutral third party to do the following:~~

- ~~(1) Assess the efforts to resolve the issues by the public art committee.~~
- ~~(2) Make other recommendations.~~
- ~~(3) If the third party recommends other measures to be considered other than removal of the artwork, the department of public works shall give the third party a predetermined time frame to execute the proposed measures.~~
- ~~(4) If all recommendations proposed by the third party are unsuccessful, or upon recommendation of the director of public works, the city shall consider the following: (1) if applicable, the artist whose work is under consideration for deaccessioning shall receive written notification by registered mail, and shall have the right of first refusal to purchase the work; (2) relocation of artwork to appropriate and/or specific site with the assistance of the artist; (3) sale, extended loan or trade (fair market value appraisal must be secured to assist further decisions).~~

~~(e) Provisions for Review and Amendment. These guidelines are subject to periodic review and revision by the department of public works, city manager and city council.~~

Chapter 35, Article III, Section 35-657 is amended as follows:

**Sec. 35-657. Community Outreach.**

- (a) **Purpose.** Public participation is a key aspect of PASA ~~public art and design enhancement program~~. ~~The department of public works~~ PASA will make significant efforts to involve the public in community outreach and public education programs. These efforts can create a context in which citizens can

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better understand and appreciate the artworks and the design contributions of the artists.

(b) **Policy.** ~~PASA~~ ~~The department of public works~~ will make significant community outreach and public education efforts on each public art and design enhancement project. Possible activities may include:

- (1) Efforts to raise the level of general awareness about public art and design enhancement, such as slide lectures or presentations to various community groups and service organizations, a regular program of media coverage, and periodic "town hall" meetings in city council districts.
- (2) Community involvement, including appropriate community meetings before the project is defined, community representation on the artist selection panels, community co-sponsorship of public art and design enhancement projects, and public "unveilings" or dedications.
- (3) More formal public education programs, including design competitions and design awards, sponsorship of public art and design enhancement lectures by local museums and galleries, guided tours of public art and design enhancement in the city, and periodic symposia on public art and design enhancement.
- (4) A program for school children that includes the development of curriculum guides for public art and design enhancement, sponsorship of artist residencies in the public schools, and a speaker's bureau on public art and design enhancement for the school system.
- (5) Media relations efforts that target the local print and broadcast outlets, participation by the Public Art Board ~~public art and design enhancement advisory committee~~ and staff members on local media talk shows, and regular press development activities in the form of press releases and media packages.
- (6) A publication program that includes catalogs and guides to the city art collection, a newsletter to interested citizens, and the creation of posters to accompany the unveiling of new artworks.

Chapter 35, Article III, Section 35-612 is amended as follows:

**Sec. 35-658. Local and Non-Local Artists.**

- (a) ~~Purpose. The City of San Antonio's department of public works recognizes that public art and design enhancement program can serve more than one (1) purpose. While the primary mission of the program is the enhancement of public spaces in San Antonio for the general benefit of its citizens and visitors, the public art and~~

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~~design enhancement program can also be an important tool in developing the community of artists who reside in San Antonio and Texas.~~

- (b) **Policy.** ~~PASA~~ ~~The department of public works shall seek a balance in the awarding of contracts for the public art and design enhancement and design projects among San Antonio-based, Texas, national and international artists. Factors such as the size of the design enhancement and design project, the level of visibility of the public site, the availability of outside funding, and state and federal regulations other conditions, all may influence the decision on the part of the department of public works seek artists from local, regional, national or international pool of artists selection of artists. And, recognizing that it is difficult for San Antonio-based artists to participate in design enhancement projects unless they have previous experience, the department of public works~~ PASA shall will seek special opportunities to help develop a growing pool of San Antonio-based artists with experience in public art and design enhancements.

Chapter 35, Article III, Section 35-612 is amended as follows:

**Sec. 35-678. Signs and Billboards.**

(a) **General Provisions.**

- (1) **All Signage Shall be Subject to Approval of the Historic and Design Review Commission.** All signage within "RIO-1", "RIO-2", "RIO-3", "RIO-4", "RIO-5", and "RIO-6" shall conform to all city codes and must have approval of the historic and design review commission prior to installation. Permits must be obtained following the historic and design review commission's approval of a certificate application and recommendation to the Office of Historic Preservation. ~~director of planning~~ Signs should respect and respond to the river improvement overlay district character in which it is constructed.
- (2) **All signage on property abutting the river shall conform in particular to subsection 35-678(p).** All signage on the riverside of property abutting the river shall conform to all city codes, but in particular shall conform to subsection 35-678(p), below. Permits must be obtained following the historic and design review commission's approval of a certificate application and recommendation to the Office of Historic Preservation. ~~director of planning~~. Signs should respect and respond to the river improvement overlay districts character and the historic Riverwalk, generally defined as those areas included in the Robert H. Hugman drawings, in particular.

\*\*\*\*\*

- (e) **Prohibited Signs.** The following signs are prohibited:

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Billboards, junior billboards, portable signs, advertising benches and sandwich boards shall not be permitted within river improvement overlay districts. Other signs that shall not be permitted within these districts include:

\*\*\*\*\*

H. Digital and/or LED lighted signs, with or without rotating, flashing lettering, icons or images. Except as provided below:

1. A public transportation agency may incorporate transit information signage into transit shelters, utilizing LED or digital technology, provided the signage is contained within or under the transit shelter, and is limited to five square feet of signage area, and one sign per 30 linear feet of pedestrian shelter.
2. A public transportation agency may incorporate transit information signage into a monument sign at transit stops, utilizing LED or digital technology, provided it is limited to five square feet of signage area.
3. A public transportation agency may incorporate transit information signage into a monument sign at transit facilities (other than transit stops), utilizing LED or digital technology, provided it is limited to seven square feet of signage area.

\*\*\*\*\*

(p) **Signs on the Riverside of Properties Abutting the River.** This section governs all exterior signs on the riverside of public and private property abutting the San Antonio River and its extensions, and all interior signs hung within ten (10) feet of an exterior fenestration, or those signs intended to be read by exterior patrons on the riverside of a building.

(1) **Character of Signs.** Signs should respect and respond to the character of the historic Riverwalk area. The display of signs and other graphics on the riverside of property abutting the river shall not be permitted except as provided for in this article. This prohibition specifically includes billboards, banners, menus, except as indicated in subsection (2) F. below and other signs of a miscellaneous character.

(2) **Standards for Signage.**

\*\*\*\*\*

K. **Revolving Signs, Etc.** Revolving signs, flashing lights, search lights and attention-getting devices, including, but not limited to, banners, festoons, paper and vinyl rope-like-banners are not permitted. Digital and/or LED lighted signs, with or without rotating, flashing lettering, icons or images are also not permitted.

\*\*\*\*\*

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

**Sec. 35-712. Recognition of Rights Derived From V.T.C.A. Local Government Code Ch. 245.**

\*\*\*\*\*

**(b) Recognition of Statutory Rights.**

**(1) Initiation.**

An application may be made to the director of development services for a determination of rights for a particular project by completion of a form provided by the development services department that indicates which permit or permits are being relied on by the applicant for establishment of rights. The applicant requesting recognition of rights shall provide the department of development services with two (2) copies of a completed application together with a permit application review fee in the amount established by ordinance as set forth in Appendix "C" and two (2) copies of any documents on which the applicant is relying to establish rights. Applications for a determination of rights shall be by contiguous tracts or phases and not by MDPs or POADPs. For these purposes, ~~(a tract may be comprised of multiple parcels or lots.); non-contiguous tracts or non-contiguous phases shall require an application and determination for each tract or phase.~~

\*\*\*\*\*

**(3) Basis for Statutory Rights.**

**A. Master Development Plan (MDP)/Preliminary Overall Area Development Plan (POADP).**

Further, the rights for projects within an approved MDP/POADP will expire unless fifty (50) percent of the net area with the approved MDP/POADP is the subject of final plats or development within ten (10) years from the date of approval of the MDP/POADP. For a POADP existing prior to September 1, 1997 that meets the requirements of subsection 35-1027(i) of the 1987 UDC, the rights for projects will expire ten (10) years from the date of approval of the MDP/POADP or September 25, 2007, whichever is later. The remaining fifty (50) percent must obtain final plat approval or be developed within ten (10) years after the initial fifty (50) percent of the net area within the MDP/POADP has been platted or developed unless specific provisions to the contrary exist in an individual ordinance or city code provision. ~~The the~~ filing of a minor amendment to a MDP/POADP, a plat or a replat will not result in a

loss of rights to the entire MDP/POADP, provided that the required area of acreage within the MDP/POADP platted or the value of project expenses do not fall below the amounts indicated above as a result of the minor amendment, plat, or replat. A plat or replat that changes the project within a particular area of an MDP/POADP will cause rights for that area to terminate.

**(h) Duration.**

This section shall not extend the time of validity for any permit. Any rights recognized by the application of this section shall not extend beyond the time periods prescribed for the validity of the permit or permits that were submitted for recognition except by the granting of a variance from the time limit as provided herein. No determination of rights shall be recognized as valid beyond five years from the date of issuance of said determination. Further, any permit that forms the basis of a rights determination which becomes invalid or expires shall result in a void determination in accordance with §35-714.

\*\*\*\*\*

Chapter 35, Article VIII, Section 35-803 is amended as follows:

**Sec. 35-803. Historic and Design Review Commission.**

- (a) **Appointment.** The historic and design review commission (historic and design review commission) is hereby established. The historic and design review commission shall consist of 11 members ~~fifteen (15)~~ who reside in the City of San Antonio and are appointed by the city council.
- (b) **Duties and functions.** The commission shall serve to assist in an advisory capacity to the City of San Antonio directors of ~~planning~~, parks and recreation, planning and development services, code compliance, public works, arts and cultural affairs, Office of Historic Preservation and other appropriate heads of municipal departments, in accordance with Section 49 of the City Charter, and to the city manager. The commission shall have no authority to bind the City of San Antonio by contract or otherwise. The commission shall have the following duties and functions:

\*\*\*\*\*

- (e) **Election of Officers .** Election of commission officers shall occur in January of each year. On the day of the election of officers, the chairman shall turn the meeting over to the Historic Preservation Officer ~~director of planning~~ who will accept nominations from the membership for chairman and vice chairman. Officers must receive a majority vote of the commission members. The term of office shall begin the day of the election.

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- (f) **Secretary.** The Historic Preservation Officer ~~director of planning~~ or his or her representative shall act as secretary of the commission and shall attend and keep minutes of all meetings, acting in an advisory capacity and participating fully in commission discussions but having no right to vote.

\*\*\*\*\*

Chapter 35, Article VIII, Section 35-804 is amended as follows:

**Sec. 35-804. City Historic Preservation Officer.**

The city historic preservation officer, through the, Office of Historic Preservation ~~director of planning~~ shall administer this article and shall advise the historic and design review commission on each application that shall come before the commission. This person shall have expertise in archaeology, history, architectural history, historic preservation, or a closely related field. The city historic preservation officer shall have the following powers and duties:

- (a) To coordinate with the department of CIMS ~~public works design enhancement coordinator~~ who shall administer the public art and design enhancement program under division 5 of article VI.

\*\*\*\*\*

Chapter 35, Appendix A, Section 35-A101 is amended as follows:

**Appendix A Definitions and Rules of Interpretation**

**35-A101 Generally.**

**1% Annual Chance 400-year Floodplain, (formerly 100 year Floodplain).**

The land ~~in the floodplain~~ within a community subject to ~~to~~ a one percent or greater chance of flooding in any given year. These areas are typically and the area is designated as a Federal Emergency Management Agency (FEMA) Zone A, AE, AH, or AO on the FEMA Flood Insurance rate maps Rate Maps (FIRM Panels).

\*\*\*\*\*

**Caretaker (for office or commercial uses).** An optional supportive function for a permitted use in a commercial or office zoning district that allows for the management, upkeep and protection of a commercial or office property by a person, and with an immediate family in residence if so desired. For the purposes of caretaking, a separate single family dwelling structure or living quarters incorporated in the primary structure is permitted. The caretaker shall be a property owner or a tenant of the property owner. A caretaker residence may be requested concurrently with the primary use at the time of application for Certificate of Occupancy.

\*\*\*\*\*

**Condominium.** A form of property ownership providing for individual ownership of space in a structure or complex, and which may be combined with an individual interest

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in the land, other parts of the structure/complex, and shared facilities in common with other owners.

\*\*\*\*\*

**Dwelling, adaptive reuse housing (ARH).** See Dwelling, loft

\*\*\*\*\*

**Dwelling, loft.** A dwelling unit established in a rehabilitated or renovated existing building that was originally intended for non-residential use. Loft units may be stand alone, constructed as live-work units, or as components of a mixed used building and/or project.

\*\*\*\*\*

**Floodplain Standards or Floodplain Ordinance.** See Appendix F, Floodplains, section 35-505 (Floodplain Standards)

\*\*\*\*\*

**Freeboard**

Freeboard is a factor of safety usually expressed in feet above a flood level for purposes of storm water management. "Freeboard" tends to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, bridge openings, and the hydrological effect of urbanization of the watershed.

\*\*\*\*\*

**Ingress/Egress Easement.** A grant of one (1) or more of the property rights by the property owner to and/or the use of ingress/egress by the public. The property as well as the street improvements shall be the responsibility of the owner(s).

\*\*\*\*\*

**Loft Housing.** See Dwelling, loft.

\*\*\*\*\*

**Lot, flag.** A lot not meeting minimum frontage requirements consistent with the illustration shown in section 35-515(h).

\*\*\*\*\*

**Low Risk Flood Area**

Low Risk Flood Area as used in section 35-F145 to refers to the River Bend area of the San Antonio Riverwalk. For floodplain management purposes, Low Risk Flood Areas are defined as either the areas outside the one percent annual chance floodplain and inside the 0.2 percent annual chance floodplain or areas of shallow flooding.

\*\*\*\*\*

**Master Development Plan (MDP).** Formerly known as a "Preliminary Overall Area Development Plan" (POADP), a master development plan is a long-range plan for the development of property submitted pursuant to section 35-412 of this chapter.

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\*\*\*\*\*

**Miniwarehouse/Self-Service Storage Facility.** A storage enterprise dealing with the reception of goods of residential or commercial orientation which lie dormant over extended periods of time. Separate storage units are rented to individual customers who are entitled to exclusive and independent access to their respective units.

\*\*\*\*\*

**Parking standards.** See section ~~35-551~~ 35-526 of this chapter.

\*\*\*\*\*

~~**Reservation or "reserve".** The designation of a portion of a property for a proposed right of way without dedication of the right of way to the agency providing the facility.~~

**Reservation, Reserve, or Reserve Strip.** Any division of property that:

- a) prohibits or interferes with the orderly extension of streets, bicycle or pedestrian ways, sanitary sewer water mains, storm water facilities or other utilities or improvements between two abutting properties; or
- b) plats an area so as to leave an undevelopable or unmarketable strip of land less than 270 feet deep off of an arterial right-of-way that could otherwise circumvent construction and dedication requirements.

\*\*\*\*\*

**Self-Service Storage Facility.** See Miniwarehouse.

\*\*\*\*\*

**Street, paper.** A right of way that is shown on an approved or recorded subdivision plat or tax map and that is unpaved, uncontinuously paved, or paved at less than 20 feet of average width. Any use of the paper street right of way for construction, storage or other purposes is prohibited unless the street is quitclaimed by the owner and vacated through a replat. Construction or improvements to the paper street shall be required with development on adjacent lots or properties.

\*\*\*\*\*

**Street, private.** Any street not dedicated to the public and to be maintained by a private entity. Informal maintenance or improvements performed by the city, such as the utilization of waste material to temporarily maintain or improve a private street, do not constitute an acceptance of ownership or obligation by the city.

\*\*\*\*\*

**Time-share.** A facility in which the exclusive right of use, possession, or occupancy circulates among the various owners or lessees thereof in accordance with a time schedule on a periodically recurring basis.

\*\*\*\*\*

**Tree, streetscape** . A tree planted in the public right-of-way and may be used to meet the streetscape standards within the Form Based Zoning District and within Sec. 35-512, Streetscape Planting Standards.

\*\*\*\*\*

**Warehouse**. A fully enclosed building used for the storage of goods or merchandise. Outdoor storage shall comply with Section 35-525

\*\*\*\*\*

**Woodland**. For use within subsections 35-523(e)(3)(i) and 35-523(e)(3)(ii), an area of contiguous wooded vegetation where trees are at a density of at least one (1) significant or greater caliper tree per three hundred twenty-five (325) square feet of land and where the branches and leaves form a continuous canopy. A woodland shall include areas with a continuous canopy of trees over an area of at least twenty thousand (20,000) square feet and with any dimension being not less than thirty-five (35) feet. A woodland may be delineated through an aerial photograph or a ground survey. A woodland shall include both understory and protected trees.

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

**35-B101 Table B101-1**

**TABLE B101-1**

A	B	C	D	E	F	G
	MASTER DEVELOPMENT PLAN	PUD PLAN	MAJOR PLAT APPLICATION	MINOR PLAT APPLICATION	DEVELOPMENT PLAT APPLICATION	SPECIFIC USE PERMIT AUTHORIZATION
(A) MATERIAL/INFORMATION						
E. PROPERTY SURVEY AND TOPOGRAPHIC						
(4) Legal description and exhibit of the property, an exhibit of current recorded status of the property to include but not limited to a replat, amending plat, antiquated plat, building setback line replat, lot line removal replat, and/or in the case of arbitrary lots evidence that said property falls within the original 36 square mile area of the City of San Antonio, at appropriate scale showing the boundary. Description may be related to the USGS, state grid north, if two (2) adjacent corners are shown.			*	*		

TABLE B101-1

A	B	C	D	E	F	G
	MASTER DEVELOPMENT PLAN	PUD PLAN	MAJOR PLAT APPLICATION	MINOR PLAT APPLICATION	DEVELOPMENT PLAT APPLICATION	SPECIFIC USE PERMIT AUTHORIZATION
(A) MATERIAL/INFORMATION						
F. PLANNING						
*****						
(27) <u>Historical/Archaeological Survey Report</u>	*	*	*	*		
*****						
G. DESIGN						
*****						
(4) Lots and open space numbered as approved by the city. Open space shall be designated by a 900 series lot # preceded by the letter "O". and the size in acreage shall be provided.		*	*	*		
*****						

Chapter 35, Appendix B, Section 35-B107 (a), is amended as follows:

**35-B107 Landscape Plans**

- (a) **Number of Copies.** A landscape plan shall consist of three (3) ~~two (2)~~ sets of plans with the contents prescribed herein.

\*\*\*\*\*

Chapter 35, Appendix B, Sections 35-B111 (a), (b) & (c) are amended as follows:

**35-B111 Specific Use Authorization Site Plan.**

- (a) **Number of Copies.** ~~The applicant shall provide fifteen (15) folded prints and computer disk of the proposed specific use. One eight and one half by eleven (8 ½ X 11) inch reduced copy of the plan shall also be provided.~~
- (a)-(b) **Format.** A site plan, with ~~associated detail as required in Table B101-1 of this appendix and subsection c below~~ drawings, must be submitted upon application for a rezoning to a Specific Use Authorization when approval of the city is required pursuant to this chapter. The site plan shall be prepared to scale. The

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site plan scale must be drawn numerically and a graphic scale must be provided. ~~The maximum scale acceptable for a site plan shall be one (1) inch equals one hundred (100) feet.~~ The scale must be sufficient to illustrate all required detail and labels in a legible fashion. The applicant shall provide a site plan in the following formats:

- Printed eight and one-half by eleven (8 ½ X 11) inch, plus a larger version if necessary for readability; and
- Digital

**(b) (e) Contents.** The following minimum information shall be shown on the site plan required by this appendix:

- (1) All of the information required by Table B-1 of this appendix.
- (2) All proposed driveways, sidewalks and other infrastructure above, at or below grade, showing the proposed physical layout, dimensions and other relevant characteristics.
- (3) All existing driveways, sidewalks and other infrastructure as they currently exist above, ~~at or below~~ grade, showing the physical layout, dimensions and other relevant characteristics.
- (4) The intended use of the property to which the current and proposed improvements relate.

**(c) Exceptions.** Properties included in City initiated large area rezoning cases (cases inclusive of multiple properties addressed as one case) shall not require a site plan prepared by the City for properties granted a Specific Use Authorization or a Conditional Use at the time the case is considered by the City Council to continue existing uses that were legally in place prior to the rezoning.

Chapter 35, Appendix B, Sections 35-B121 is amended by adding (c) (22) as follows:

**35-B121 Subdivision Plat Applications.**

\*\*\*\*\*

**(c) Contents.** The plat applications shall include the following:

\*\*\*\*\*

- (22) All notes placed on the proposed plat shall be approved by a certifying and/ or reviewing agency and the Planning and Development Services Director for form and content. All notes shall be subject to review by the city attorney or the city attorney's designee for legal sufficiency

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Chapter 35, Appendix B, Sections 35-B121 (f) (4) is amended as follows:

**(f) Certification of Forms.**

\*\*\*\*\*

**(4) Form D:** Approvals; Approval of the planning commission or the director of development services as follow:

**A. For minor plats and amending plats to be approved administratively:**

This plat of (name) has been submitted to the City of San Antonio, Texas, and having been reviewed by the director of development services, is hereby approved in accordance with state or local laws and regulations; ~~as indicated below~~ and/or where administrative exception(s) have been granted.

~~Minor or amending plat approved by the Development Services Director~~

Dated this \_\_\_\_\_ day of \_\_\_\_\_ A.D. \_\_\_\_\_.

By: \_\_\_\_\_  
Director of Planning & Development Services

**B. For all other plats:**

This plat (name) has been submitted to and considered by the planning commission of the City of San Antonio is hereby approved by such commission in accordance with state or local laws and regulations; and/or where administrative exception(s) and/or variance(s) have been granted.

Dated this \_\_\_\_\_ day of \_\_\_\_\_ A.D., \_\_\_\_\_.

By: \_\_\_\_\_  
Chairman

By: \_\_\_\_\_  
Secretary

\*\*\*\*\*

Chapter 35, Appendix B, Sections 35-B121 (8) Form H, (9) Form J and (10) Form K, are amended as follows:

**Sec. 35-B121(f). Certification and Forms.**

\*\*\*\*\*

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**(8) Form H: Performance Bond.**  
**TABLE INSET:**

State of Texas X      X County of Bexar X
Known all men by these presents:
That we, _____, the undersigned subdivider as principal, and _____, as surety, do hereby acknowledge ourselves to be held and firmly bound unto the City of San Antonio, a municipal corporation of the County of Bexar and State of Texas, in the full and just sum of \$ _____, for the payment of which will and truly to be made; we hereby bind ourselves and our respective heirs, administrators, executors and assigns jointly and severally, firmly by these presents.
Whereas, the principal had petitioned the Planning Commission of the City of San Antonio for permission to develop a subdivision within the jurisdiction of the City of San Antonio which is shown on a subdivision plat (number and name) and which is more particularly described as follows, to wit:
; and
Whereas, such subdivision plat was approved by the Planning Commission on _____; and
Whereas, the San Antonio Unified Development Code requires that the site improvements set out below be completed by the subdivider in conformance with the standards established by the code within three (3) years from the date on which the plat was approved; and
Whereas, the aforesaid code requires that an approved subdivision plat may not be filed for record in the office of the County Clerk until such site improvements have been completed and have been accepted by the City of San Antonio, or until there is provided to the City of San Antonio a guarantee of performance that such site improvements will have been completed and will have been accepted by the City within three (3) years of the date on which the plat was approved; and
Whereas, the undersigned subdivider has elected to provide to the City of San Antonio such a guarantee of performance as a condition precedent to the filing of the plat of the subdivision hereinabove described for record in the office of the County Clerk;
Now therefore, the condition of this obligation is such that if the principal shall, on or before the _____ day of _____, _____, construct or cause to be constructed the above mentioned improvements in accordance with the requirements of the City of San Antonio Unified Development Code, then this obligation shall be void; otherwise the obligations under this bond shall remain in full force and effect.
Type of Site Improvement: _____
Streets \$ _____ Sidewalks \$ _____ Sanitary Sewers \$ _____ Alleys \$ _____ Storm drainage \$ _____ Water \$ _____ Other (specify) \$ _____
<u>The parties acknowledge that this agreement is entered into in San Antonio, Bexar County, State of Texas. The construction of this agreement and the rights, remedies, and obligations arising thereunder are governed by the laws of the State of Texas. The parties hereby agree that the Texas conflicts of law rules do not control this agreement and will not be used to cause the application of the laws of a jurisdiction other than Texas. The obligations performable by both parties are performable in San Antonio, Bexar County, Texas.</u>
In testimony whereof, witness our hand and seal this _____ day of _____, _____.
Subdivider and Principal
By: _____ Title: _____
By: _____ Attorney-in-fact
Approved and accepted this _____ day of _____, _____.
City of San Antonio
By: _____ Title: _____
Approved as to form: _____
Office of the City Attorney
(ATTACHMENT: Power of Attorney)

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**(9) Form J: Trust Agreement.**  
**TABLE INSET:**

This agreement is between _____ subdivider, _____ trustee, and the City of San Antonio.
Subdivider has deposited (or herewith deposits) subject to the order of subdivider and trustee jointly as provided in this agreement in the (name and location of bank, trust company or qualified escrow agent), Texas, the sum of \$_____ for the purpose of constructing site improvements in _____ Subdivision, plat # _____, in _____ County, Texas for the benefit of the public represented by the City of San Antonio and more particularly described as follows:
Type of Site Improvement (Gas and electric lines not Estimated Cost included)
Streets \$_____ Sidewalks \$_____ Alleys \$_____ Storm drainage \$_____ Sanitary Sewers \$_____ Water \$_____ Other (specify) \$_____
Trustee agrees to authorize expenditures from such trust account, execute checks, drafts and other orders of withdrawal only for the purpose of paying for the cost of constructing such site improvements, and such orders shall show thereon the purpose of the withdrawals. The expenditure(s) for each type of site improvements shall be made only in amounts not to exceed the estimated cost thereof shown above. Trustees shall provide the Director of Development Services and County Engineer with a statement of such expenditures in the above subdivision (by type of site improvements) within five (5) days of their authorization.
Subdivider shall, within five (5) days after any single withdrawal of one thousand dollars (\$1,000.00) or more, or a combination of withdrawals of one thousand dollars (\$1,000.00) or more has been made, furnish an affidavit showing that the sums of money so withdrawn were expended by subdivider on prescribed site improvements, indicating the percentage of site improvements completion and estimating the date of site improvements completion. The affidavit shall be submitted substantially in the following form:
<u>The parties acknowledge that this agreement is entered into in San Antonio, Bexar County, State of Texas. The construction of this agreement and the rights, remedies, and obligations arising thereunder are governed by the laws of the State of Texas. The parties hereby agree that the Texas conflicts of law rules do not control this agreement and will not be used to cause the application of the laws of a jurisdiction other than Texas. The obligations performable by both parties are performable in San Antonio, Bexar County, Texas.</u>
Affidavit
State of Texas <input checked="" type="checkbox"/> County of Bexar <input checked="" type="checkbox"/>
Before me, the undersigned authority in and for the state and county aforesaid, on this day personally appeared _____, who, being by me first duly sworn upon his oath deposes and says:
I, _____, subdivider of the _____, under date(s) of _____, withdrew the sum(s) of \$_____ from the trust account heretofore deposited with _____, trustee, and created for such use and purpose, and expended such funds so withdrawn on prescribed site improvements to _____ subdivision as follows:
Subdivisions
Site Improvement \$_____ Amount \$_____ Percentage of Completion \$_____
With the expenditure of these funds, it is estimated that the prescribed site improvements will be completed by, _____.
Notary Public in and for The State of Texas
Until this affidavit is accomplished, no further withdrawals shall be made from the trust account. The trustee shall be authorized to release further funds to the subdivider only after receipt of written notification therefor from the Director of Development Services to do so.
Subdivider agrees to construct all site improvements within three (3) years from the date of plat approval.
Upon the failure of the subdivider to provide such site improvements as herein provided, any remaining balance in such trust account shall be paid by trustees to the City of San Antonio for the sole purpose of completing, repairing, maintaining or otherwise working on the site improvements in such subdivision. Upon demand by the City Manager or his duly authorized representative, it is hereby understood that payment to the City shall be made on the order of the trustee without the necessity of joinder by the subdivider.
A certificate that the sum required herein is on deposit in the above named bank, trust company or qualified escrow agent, subject to withdrawal only as provided herein, signed by an authorized official thereof, is attached hereto.

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A copy of this agreement has been supplied to the bank, trust company, or qualified escrow agent, named by the undersigned trustee.
In testimony whereof witness our hand and seal this _____ day of _____, A.D., _____.
_____ Subdivider
Attest:
By: _____ By: _____
Title: _____ Title: _____
_____ Trustee
Attest:
By: _____ By: _____
Title: _____ Title: _____
_____
City of San Antonio
Attest:
By: _____ By: _____
Title: _____ Title: _____
_____
Approved as to form: _____
Title: _____
(ATTACHMENT: Letter of Escrow)

**(10) Form K: Irrevocable Letter of Credit.**

**TABLE INSET:**

No. _____
_____ (Name of bank, trust company or agent)
To: City of San Antonio City Hall Date: _____ P.O. Box 839966 San Antonio, Texas 78283-3966 Amount: _____
Gentleman/Ladies:
At the request of _____ (subdivider) _____, and for the account of _____ (name of company/corporation) _____, we hereby open in favor of the City of San Antonio our irrevocable letter of credit for sum or sums not exceeding \$ _____ dollars available by your demand on us and documents specified below:
_____
A signed statement by the Director of Development Services and County Engineer certifying that the funds drawn under this letter of credit are needed to pay for the completion of all or any of the following improvements:
Type of Site Improvement (Gas and electric lines not Estimated Cost included):
Streets \$ _____ Sidewalks \$ _____ Sanitary Sewers \$ _____ Alleys \$ _____ Storm drainage \$ _____ Water \$ _____ Other (specify) \$ _____
Total: \$ _____
in connection with _____ (name of subdivision and unit #) _____, plat # _____, and further that _____ (subdivider) _____ has failed to complete the work stated. Such demands will be honored if presented at this office on or before _____ (month, date, year) _____ which is three (3) years and ninety (90) days from the date of plat approval.
_____ (Name of bank, trust company or agent), will provide written notification to the City of San Antonio, City Hall, P.O. Box 839966, San Antonio, Texas, 78283-3966 and the Planning and Development Services Director, 1901 South Alamo, San Antonio, Texas 78204 ninety (90) days prior to the expiration of this letter of credit as advice of the pending expiration.

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Bank, Trust Company or Qualified Escrow Agent
Attest:
By: _____ By: _____
Title: _____ Title: _____
Date of Execution
Attest:
Subdivider
By: _____ By: _____
Title: _____ Title: _____
Date of Execution
City of San Antonio
By: _____
Title: _____
Attest:
By: _____
Title: _____
Date of Execution
Approved as to form:
Office of the City Attorney

\*\*\*\*\*

Chapter 35, Appendix B, Section 35-B123 (c) (1) A 1 ii is amended as follows:

**35-B123 Tree Permit-Tree Preservation Plan Option**

\*\*\*\*\*

**(c) Contents.**

(1) The tree preservation plan contains three (3) components: a tree survey, the tree inventory, and the tree protection notes.

A. Multi-family residential, commercial and other development:

1. **The Tree Survey.** The tree survey shall, at a minimum, provide the following:

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- i. A vicinity map, project name, street address (or plat #, parcel #, or legal description), date, scale, north arrow and the names, addresses and telephone numbers of the person(s) preparing the plan;
- ii. The location, species and size in diameter inches of each significant, heritage, (see subsection 35-523(d)) or mitigation trees, and any cluster or natural areas used to meet the requirements within the project area. Each tree is to be given a unique number which cross references or identifies the trees in the inventory. Warranty trees are to be clearly labeled on plan and inventory.

\*\*\*\*\*

Chapter 35, Appendix B, Sections 35-B129 (c) and 35-B129 (e) (1) are amended as follows:

**35B-129 Historic Preservation Materials.**

\*\*\*\*\*

**(c) Tax Abatement Project**

Applications for a tax abatement project shall include the following information:

- (1) Land use category: Commercial or residential;
- (2) A completed certification form or verification form consistent with the information required by section 35-618 and as set forth below:

\*\*\*\*\*

**(e) Archaeological Survey requirements.**

- (1) Refer to UDC Section 35-412 (a) (3) and Appendix B, Table 101-1, #27.

\*\*\*\*\*

Chapter 35, Appendix B, Section 35-B131 (b) is amended as follows:

**35-B131 Application for Plat Identification Number/Letters of Certification**

\*\*\*\*\*

**(b) Data Required for Letters of Certification.** To obtain the required letters of certification, an applicant for plat approval shall submit the following data to the certifying agencies/departments. All data shall be annotated with the plat number of the associated plat.

**(1) Planning and ~~Department of~~ Development Services.**

The following information shall be submitted to the department of planning and development services:

- A. Eleven 11 ~~Four~~4 copies of the tentative plat

\*\*\*\*\*

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F. Three 3 copies ~~One 1 copy~~ of traffic impact analysis with threshold work sheet

\*\*\*\*\*

I. One (1) 8½ X 11 reduction of tentative plat

J. Tree Affidavit

K. Two (2) Storm Water Management Reports

L. If applicable, the following item(s):

1. If a proposed plat traverses or is contiguous with a state maintained facility, a permit from the Texas Department of Transportation (TxDOT) indicating approval of the proposed access point and right-of-way
2. Two (2) copies of utility layout
3. Two (2) copies of street and drainage cost estimates
4. Three (3) sets of plan and profiles (streets, alley, walks, drainage)
5. Three (3) copies of the signage plan
6. One (1) geo-tech report
7. One (1) Site Plan – non-single-family only
8. Two (2) copies of approved POADP, MDP, PUD plans
9. Copy of previous plat(s)

M. Any other information that the Director deems necessary

\*\*\*\*\*

**(4) Parks and Recreation Department.**

A. One (1) copy of the proposed plat

B. Letter including type of land use proposed and number of dwelling units

C. If applicable the following item(s):

1. Letter including Park Dedication credit calculations
2. Copy of the Homeowner's Association Articles of Incorporation
3. Letter including Fee in Lieu Land Dedication calculations

**(5) Historic Preservation Office.**

A. Two (2) copies of proposed plat

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B. One (1) request for review form

**(6) Bexar County.**

A. Digital Copy of plat

B. Two (2) sets of Storm Water Management Plans

C. Two (2) copies of TIA and disk of analysis

D. Address plat

E. If applicable, the following item(s):

1. 2 sets of utility plans
2. 1 copy of approved POADP, MDP, PUD
3. Final Geotech report
4. 3 sets of streets and drainage plans
5. 2 copies of cost estimates streets & drainage
6. 1 digital copy of construction plans
7. Site evaluation form with required soil analysis
8. Water purveyor documentation/letter
9. Plan showing the proposed On-Site Sewage Facility (OSSF) on the property

**(7)-(4) San Antonio Water System.**

B. The San Antonio Water System requires the applicant to submit documentation that describes:

1. How potable water will be supplied and distributed to the subdivision,
2. How wastewater collection and disposal will be handled for the subdivision, and
3. Plans for protection of the Edwards Aquifer (if applicable).

B. The applicant should contact the San Antonio Water System for a listing of current document submittal requirements.

**(8) (5) ~~To~~-CPS Energy:**

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- A. **Gas and electric service.** three (3) copies a ~~copy~~ of proposed plat showing gas and electric easements to be dedicated and three (3) copies a ~~copy~~ of the proposed utilities layout showing locations of utilities, streetlights, fire hydrants, neighborhood delivery and collection box units, and sidewalks.
- B. **Street names.** A copy of the proposed plat showing the names of all public and private streets.
- C. Authorization letter to install streetlights, if applicable.
- D. Subdivision Development Application

\*\*\*\*\*

Chapter 35, Appendix C, Section 35-C102 (b) Zoning Fees is amended as follows:

**Sec. 35-C102. Zoning Fees.**

\*\*\*\*\*

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

TABLE INSET:

(A) Permit, Development Order, Document or Action	(B) Fee Amount
Zoning commission or city council filing fees (not combined)	0 to .5 acre.....\$770.00 ea. 0.5 to 5.0 acres.....\$1,725.00 ea. 5.01 to 10.0 acres.....\$3,110.00 ea. 10.01 to 25.0 acres.....\$5,500.00 ea. 25.01 acres or more.....\$5,690.00 ea. plus \$110.00/acre up to \$11,500.00/max
Special request fee	\$250.00
Zoning administrative refund fee	\$75.00
Conditional zoning district fee	\$300.00
Zoning case postponement fee	\$405.00
Plan review fee	\$370.00
Zoning verification fees, property	\$150.00

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Notification list fee	\$100.00
Nonconforming rights registration fee	\$75.00
<u>Reservation of Use fee</u>	<u>\$75.00</u>
*****	*****

Chapter 35, Appendix C, Section 35-C109 is amended as follows:

**35-C109      Regional Stormwater Storm Water Management Program (RSWMP) Fees**

The following fees are established as fee-in-lieu of providing detention for participation in the regional storm water management program of the City of San Antonio. When approved by the director of public works (requirements are defined in section 35-504) the fees must be paid before a subdivision plat is recorded or a building permit is released.

<b>(A) Development Type</b>	<b>(B) Minimum Fees</b>
Detached single-family and two-family duplex residential developments	\$ 1,200 per <u>participating</u> acre or \$750 per lot, whichever is less
Residential development other than single-family or two-family	\$ 1,600 per <u>participating</u> acre
Nonresidential with less than 65% impervious cover ( <u>e.g. schools, churches, parks</u> )	\$ 2,600 per <u>participating</u> acre
Nonresidential with impervious cover of 65 % or greater ( <u>e.g. commercial development</u> )	\$ 3,000 per <u>participating</u> acre

Development Type refers to the maximum possible development allowed by the current zoning. Development Type for “Unzoned” parcels (e.g. in the City Extra Territorial Jurisdiction, or ‘ETJ’) shall be based on the current development patterns.

Development Types for public rights of way (with the exception of roadways on the major thoroughfare plan) shall be equivalent to the adjacent development type(s). Where development types are different from one side of the right of way to the other, each development type shall be assumed to extend to the centerline of the right of way. Roadways on the major thoroughfare plan shall be exempt from payment of RSWMP fees.

Acreage of participation shall be the entire area of the platted property less any areas specifically designated by restricting easement as being “pervious” and restricted from placement of impervious cover.

RSWMP Fees shall be paid at either the platting stage or at the building permit stage. Any RSWMP fees not previously collected will be due prior to plat recordation or building permit release. Examples of RSWMP fees to be paid may include the remaining fee balance when fees

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were previously paid based on less adverse development types or were paid based solely on impervious cover.

\*\*\*\*\*

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

**35-D101          General**

\*\*\*\*\*

**(d)      Apartments in Former Commercial Zoning Districts**

Notwithstanding any provision of this Chapter to the contrary, Multi-family Dwellings developed at 33 units or less per acre are a permitted use for any tract or parcel zoned under the 1938 districts as “F”, “G”, & “GG”, or the 1965 districts “B-1,” “B-2,” or “B-2NA” prior to the adoption date of this Chapter so long as such tract is not the subject of rezoning in accordance with the provisions of this Chapter and remain within the “C-1,” “C-2” or “C-2NA” zoning districts. Properties with development preservation rights that are entitled to develop or construct new apartments shall not exceed 33 units per acre however all yard, height and setback standards shall comply with Article III Table 310-1 for the density of the apartments being developed. Existing pre 2001 apartment projects that wish to expand shall not be required to bring existing structures into compliance with Article III Table 310-1 however, new construction shall comply with Article III Table 310-1.

Chapter 35, Appendix D, Section 35-D101 is amended by adding 35-D101 (i) as follows:

**35-D101. General.**

\*\*\*\*\*

- (i)      **Registered Uses Recognized in Former “O-2” Office Districts.**  
Notwithstanding the adoption of Ordinance 2009-01-15-0001 amending the “O-2” District as defined in the Use Matrix in effect on December 31, 2008, the reservation and preservation of the right to continue to use, or establish specific uses of property as were authorized by the “O-2” District in effect on December 31, 2008 is hereby recognized provided that such property is registered with the City of San Antonio’s Planning and Development Services Department.
- (1)      **Registration Process.** Registration shall be accomplished by completing and submitting a registration application to the Planning and Development Services Department with payment of the application/registration fee as required by Appendix C. The application shall include the legal description of the subject property, a description of the uses to be reserved, and the subject property’s zoning designation as of December 31, 2008. The registration of reserved uses shall have the effect of preserving the subject property’s “O-2” District, as defined in the Use Matrix in effect on December 31, 2008, to the extent necessary in order to recognize the

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property owner's right to continue to use or establish uses on such property.

- (2) **Reserved Use.** A use registered in the manner prescribed by this subsection shall be referred to as a "reserved use". The right of a property owner to register to continue to use or establish a future reserved uses as prescribed herein shall expire and be a nullity on January 15, 2010. The registration of a reserved use shall in no way preclude the initiation of a rezoning case. Should a rezoning case be initiated on a registered property, which is ultimately approved by the city council, then in that case any rights derived pursuant to the registration procedures of this section shall expire and be a nullity, and the new regulations applicable to the new zoning district shall apply.

\*\*\*\*\*

Chapter 35, Appendix E, Section 35-E100 is amended as follows:

**35-E100 Appendix E: San Antonio Recommended Plant List-All Suited to Xeriscape Planting Methods**

<b>TREES</b>				
<b>Small:</b> Fifteen (15) to twenty-five (25) Feet; <b>Medium:</b> Twenty (25) to Forty (40) Feet; <b>Large:</b> Forty (40) Feet and Higher (60'+)				
<b>Common Name</b>	<b>Scientific Name</b>	<b>Height</b>	<b>Remarks</b>	<b>Shade Area</b>
Anacacho, Orchid tree*	Bauhania congesta	S-M	Semi-Evergreen, tree-shrub, white flower clusters	275
Texas Ash*, Green Ash	Fraxinus sp.	M-L	Deciduous; fast growing	875
Carolina Buckthorn*	Rhamnus caroliniana	S-M	Semi-Evergreen; sun-shade, glossy leaves, reddish fruit	275
Cottonwood*	Populus deltoides	L+	Deciduous; large leaves, females fluffy seeds	1200
Ebony, Texas*	Pithecellobium flexicaule	S	Evergreen; sun; white flowers	n/a
Hackberry*	Celtis spp.	M-L	Deciduous; prolific; wildlife favorite	875
Kidneywood*	Eysenhardtia polystachya	S	Deciduous; delicate tree-shrub; fragrant white flowers	n/a
Monterrey Oak	Quercus polymorpha	S-M	Evergreen-like; good shade tree	875
Mexican Buckeye*	Ungnadia speciosa	S	Deciduous; pink-red spring flowers	n/a
Retama, Paloverde*	Parkinsonia texana	S-M	Deciduous; fast growing, yellow flowers	275
Rusty Blackhaw*	Viburnum rufidulum	S	Deciduous; fall color, white flower clusters	n/a
Spiny Hackberry*	Celtis pallida	S	Evergreen; greenish white flowers, yellow orange fruit	n/a
Texas Pistache*	Pistacia texana	S	Semi-Evergreen; full sun to part-shade; red fruit	n/a
Western Soapberry*	Sapindus drummondii	M-L	Deciduous; full to partial sun; good shade tree, cluster large yellow flowers	875

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Wild Olive*	<i>Cordia boissiereri</i>	S-M	Semi-Evergreen; large white flowers, hardy to ~14°F	275
Vitex, Chaste Tree, False Hemp Tree, Lavender Tree*	<i>Vitex agnus-castus</i>	S-M	Deciduous; purple, pink, or white flower spikes	275

\* = Texas Native

<b>SHRUBS</b>			
<b>Large (Not Taller than Twenty-Five (25) Feet at Maturity)</b>			
Common Name	Scientific Name	Height	Remarks
Buckeye*	<i>Aesculus pavia</i>	6'-12'	Deciduous (even in dry weather), shade, yellow or red flowers

<b>SHRUBS</b>			
<b>Medium (Five (5) to Ten (10) Feet at Maturity)</b>			
Common Name	Scientific Name	Height	Remarks
Elbow Bush *	<i>Forestiera pubescens</i>	3'-6'	Deciduous; sun-shade, small white flowers, black fruit
Fragrant Sumac*	<i>Rhus aromatica</i>	3'-6'	Deciduous; part shade, fall color
Hogplum*	<i>Colubrina texensis</i>	4'-6'	Part shade, full sun; fragrant blooms
White Brush*	<i>Aloysia gratissima</i>	4'-8'	Delicate; fragrant white flower; suckers, can be used as a hedge

<b>SHRUBS</b>			
<b>Small (Not Taller than Five (5) Feet at Maturity)</b>			
Common Name	Scientific Name	Height	Remarks
Rock rose *	<i>Pavonia lasiopetala</i>	2'-4'	Deciduous; sub-shrub, pink or purple flowers
Red Yucca*	<i>Hesperaloe parviflora</i>	3'-4'	Sun, rosette, narrow leaves
Yucca *	<i>Yucca spp. Hesperaloe</i>	3'-4'	Sun, rosette, narrow leaves, white flowers

<b>VINES</b>			
Common Name	Scientific Name	Height	Remarks
Carolina Jessamine *	<i>Gelsemium sempervirens</i>	n/a	Evergreen; yellow spring; sun, part shade
Coral honeysuckle*	<i>Lonicera sempervirens</i>	n/a	Almost Evergreen; red blooms; part shade to full sun
Scarlet Clematis *	<i>Clematis texana</i>	n/a	Shade to part shade, spring and summer blooms; red, rust, maroon, or rose-pink
Virginia Creeper *	<i>Parthenocissus quinquefolia</i>	n/a	Deciduous

<b>GROUNDCOVER</b>			
Common Name	Scientific Name	Height	Remarks
Columbine, Hinckley Columbine *	<i>Aquilegia spp. A. hinckleyana</i>	n/a	Evergreen, gray/green foliage, yellow flowers
Frogfruit*	<i>Phyla incisa (nodiflora)</i>	n/a	Semi-evergreen, creeper, sun-part sun, white flowers
Pigeonberry*	<i>Rivina humilis</i>	1'-2'	Semi-evergreen shrub
Katie' Ruellia	<i>Ruellia spp.</i>	1'-2'	Evergreen, sun-shade, rosette with purple or pink flowers
Verbena*	<i>Verbena spp.</i>	n/a	Evergreen, pink, purple, white, red flowers

<b>GRASSES, TURF</b>			
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Common Name	Scientific Name	Height	Remarks
Buffalograss*	Buchloe dactyloides	4"-6"	Excellent drought tolerance; poor shade tolerance; sun

<b>PERENNIALS</b>			
Common Name	Scientific Name	Height	Remarks
Hinckley's Columbine*	Aquilegia hinckleyana	18"	Yellow; spring flowers; shade
Mist flower, <u>Boneset</u>	<u>Boneset</u> Eupatorium <u>and</u> <u>Ageratum</u> spp.	2'-4'	Hardy perennial, white to blue flowers
Muhly Grass*	Muehlenbergia lindheimeri	3'	Evergreen; hardy perennial; sun
Pigeonberry*	Rivina humilis	1'-2'	Semi-evergreen shrub
Purple Cone Flower *	Echinacea purpurea	2'	Hardy perennial, rosette with pink or white flowers
Perennial verbena*	<u>Verbena</u> <u>sp</u> <u>Glandularia</u> <u>bipinnatifida</u>	6"-1'	Many colors; spring to fall flowers; sun
Rock rose *	Pavonia lasiopetala	2'-4'	Deciduous; sub-shrub, pink or purple flowers
Skullcap *	Scutellaria frutescens	1'	Evergreen sub-shrub; pink or purple flowers
Texas Betony *	Stachys coccinea	1'-2'	Evergreen, gray-green; red tubular flowers
Tropical Sage *	Salvia coccinea	2'-3'	Evergreen, red, pink blooms; part shade to full sun
Turk's Cap *	Malva viscus-drummondii	1'-4'	Shade; red flowers
White Rain Lily*	Zephyranthes candida	1'	Ephemeral; sun, part shade; white

<b>ORNAMENTAL GRASSES</b>			
Common Name	Scientific Name	Height	Remarks
Big Bluestem *	Andropogon gerardi	1'-2'	Sun, clump grass
Eastern Gamagrass *	Tripsacum dactyloides	2'-3'	Dense, part shade, full sun
Inland Sea oats *	Chasmanthium latifolium	2'-4'	Shade, dappled shade, part shade
<u>Maiden Grass</u>	<u>Miscanthus sinensis</u>	<u>3'-5'</u>	<u>Full sun, part shade, specimen or screening</u>
Switchgrass *	Panicum virgatum	3'	Part shade, full sun

<b>RIPARIAN &amp; AQUATIC</b>			
Common Name	Scientific Name	Height	Remarks
Indigobush*	Amorpha fruticosa	6'-10'	Large, deciduous shrub, shade-sun, spikes of purple flowers
Edwards Plateau Sedge *	Carex microdonta	1"-7"	Rhizomatous perennial, calcareous soils
Note:	Red Tip Photinia <u>and</u> Oleander <u>are</u> is no longer recommended due to new disease		

\*\*\*\*\*

Chapter 35, Appendix F, Section 35-F106 is amended as follows:

**35-F106 Special Floodplain Definitions**

\*\*\*\*\*

**1% Annual Chance -100-year floodplain**, (formerly 100-year Floodplain) is the land in the floodplain within with a community subject to ~~to~~ a one percent or greater chance of

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flooding in any given year. These areas are typically and the area is designated as a Federal Emergency Management Agency (FEMA) Zone A, AE, AH, or AO on the FEMA Flood Insurance rate maps Rate Maps (FIRM Panels).

\*\*\*\*\*

**Regulatory 100-year floodplain** is the land within the community subject to a one (1) percent or greater chance of flooding in any given year flooding during a 100 year frequency storm event assuming ultimate development has occurred throughout the watershed. For the purposes of this section the The regulatory 100-year floodplain is limited to the reach of the stream which is designated as an area of special flood hazard on the currently effective FEMA Flood Insurance Rate Maps (FIRM Panels). NOTE: As the City's floodplain ordinance (this Appendix F of the Unified Development Code) is approved by FEMA as a condition of participation in the National Flood Insurance Program (NFIP), the City's regulatory floodplain is considered FEMA's regulatory floodplain.

\*\*\*\*\*

Chapter 35, Appendix F, Section 35-F124 (f) (1) is amended as follows:

**35-F124 Section A - Allowable Development Within the Regulatory Floodplain**

\*\*\*\*\*

- (f) The following development may be allowed in the Regulatory 100-year Floodplain and will require a Floodplain Development Permit (See 35-B106 for permit requirements).
- (1) All-weather ~~(passes the ultimate development 100-year flood)~~ street crossings which pass the ultimate development 100-year flood under the street.

\*\*\*\*\*

Chapter 35, Appendix F, Section 35-F125 (a) (5), (a) (6) and (a) (7) are amended as follows:

**35-F125 Section B - Prohibited Development Within the Regulatory Floodplain**

- (a) The following development will not be allowed in the regulatory floodplain.

\*\*\*\*\*

- (5) 100-year floodplain reclamation where the watershed drainage area exceeds ~~320400-~~ acres, except as provided in Section A.
- (6) 100-year floodplain reclamation in over bank areas that are subject to flood depths greater than 3 feet.
- (7) 100-year floodplain reclamation in over bank areas where flood velocities are greater than 3 fps.

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Chapter 35, Appendix F, Subdivision C, Section A is amended by deleting (f) (26) (E) as follows:

**SUBDIVISION. C. Floodplain Development Permits**

**Section A - Allowable Development Within the Regulatory Floodplain**

\*\*\*\*\*

- (f) The following development may be allowed in the regulatory 100-year floodplain and will require a Floodplain Development Permit.

\*\*\*\*\*

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

\*\*\*\*\*

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

\*\*\*\*\*

Chapter 35, Appendix F, Section 35-F133 (a) is amended as follows:

**35-F133 Permit evaluation**

- (a) Approval or denial of a floodplain development permit by the Director of Public Works ~~director of public works~~ shall be based on all of the provisions of this subdivision and the following relevant factors:
- (1) The danger to life and property due to flooding or erosion damage. Velocities ~~velocities~~ in excess of six (6) feet per second may ~~shall~~ be considered erosive, and the product of the velocity times the depth ~~and the product of the velocity times the depth~~ Depths of flow in excess of that shown as within the "safe range" "Dangerous" range by Figure 504-2 shall be considered dangerous to life.
- ~~(2)~~(1) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner.
- ~~(3)~~(2) The danger that materials may be swept onto other lands to the injury of others.
- ~~(4)~~(3) The impact the development may have on the overall function of the stormwater 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.

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- (5) ~~(4)~~ 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.
- (6) ~~(5)~~ The cost of providing governmental services during and after flooding conditions.
- (7) ~~(6)~~ 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.
- (8) ~~(7)~~ The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use.
- (9) ~~(8)~~ 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.

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

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

**SECTION 5.** The provisions of Chapter 35 Section 35-111(c) of the City Code are waived.

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

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

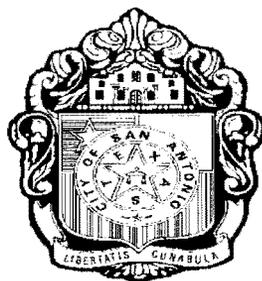
**SECTION 8.** This ordinance shall become effective January 25, 2009

**PASSED AND APPROVED** this 15<sup>th</sup> day of January, 2009.

  
M A Y O R

**ATTEST:**   
City Clerk

**APPROVED AS TO FORM:**   
For City Attorney



# **UDC**

## **2008 Biennial Update Program**

**City Council  
January 15, 2009  
Item No. 6**

Presentation by Planning & Development Services Department

# Briefing Purpose

- Public hearing and consideration of amendments to the Unified Development Code.

# Background

- The San Antonio City Council adopted the Unified Development Code (“UDC”) on May 3, 2001.
- UDC §35-111 provides for an update program every two years:
  - To modify procedures and standards for workability and administrative efficiency, eliminate unnecessary development costs, and to update the procedures and standards to reflect changes in the law or the state of the art in land use planning and urban design.*
- The UDC prescribes criteria for the submittal of amendments to the City for review by the Planning Commission’s Technical Advisory Committee.

# Amendments Submitted

- Amendments submitted by:
  - Planning & Development Services Dept.
  - CIMS Dept.
  - Public Works Dept.
  - Office of Historic Preservation
  - Parks & Recreation Dept.
  - City Attorney's Office
  - Bexar County
  - Development stakeholders
- Changes to 573 individual code sections were submitted.
- Combined into 100 amendments based on topic area.

# Zoning Amendments

- Addition of new zoning districts
  - MF-18 limited density multi-family district.
  - O-1.5 mid-rise office district.
- Updates to supplemental use regulations:
  - Transitional Homes – changes for consistency with state law.
  - Funeral Homes – clarification of multi-use funeral home facilities.
  - Prohibition of storage of junked or inoperable vehicles for more than 5 working days at auto repair and vehicle sales facilities.

# Zoning Amendments – cont'd

- Application procedure changes:
  - Delegation to staff of finding of neighborhood plan consistency, with appeals to the Planning Commission.
  - Site plan requirement for conditional zoning cases and projects in MXD and IDZ special districts.
  - Waiver of site plan requirement for city-initiated zoning cases that require specific use authorizations (S) and conditional zoning (CD).

# Subdivision Amendments

- Minor clarifications to plat application requirements.
- Clarification of variance criteria for subdivisions.
- Clarification of historic resources survey requirement for Master Development Plans and plats in the ETJ.
- Street standards:
  - Cul-de-sac consistency with International Fire Code.
  - Clarification of minimum intersection off-sets and maximum block lengths and in residential subdivisions.
  - Criteria for ADA-compliant sidewalk construction in new subdivisions.
  - Reduction in allowable street grades in the ETJ unless otherwise approved by the County Fire Marshall.
- Exception to lot frontage requirements where ingress/egress easement is provided that meets private street standards.
- Flag lot standards take precedence over zoning district dimensional table standards for lot frontage.
- Minor clarifications to parkland dedication requirements.
- Technical criteria for storm water management and floodplain development.

# Other Text Amendments

- Other topic areas:
  - Minor updates to tree preservation ordinance.
  - Bicycle parking requirements.
  - Changes to reflect programmatic changes for Public Art San Antonio and the Office of Historic Preservation.
  - Criteria to establish and maintain vested rights for a project.
  - Addition of new terms to the glossary in Appendix A.

# Amendment Review

- Technical Advisory Committee Review
  - Amendments are submitted to the Planning & Development Services Department, reviewed by staff and then submitted to the Planning Commission's Technical Advisory Committee ("TAC") for review.
  - The TAC is composed of 17 citizens:
    - 3 Planning Commissioners
    - 1 Zoning Commissioner
    - 4 Community at Large members
    - 3 Engineering Representatives
    - 2 Development Community stakeholders
    - 1 Architectural Professional
    - 1 Planning Professional
    - 1 Historic Preservation representative
    - 1 Parks and Recreation Board member
    - 1 Ex-Officio Member
  - The TAC spent approximately 1,040 "man-hours" reviewing the UDC amendments over twelve meetings from July 14 through October 20, 2008.
- Briefing to City South Management Authority.
- Worksessions and public hearings at the Planning Commission and Zoning Commission.

# Amendment Review – cont'd

- In consultation with the Infrastructure & Growth Committee staff was instructed to conduct additional study on 8 amendments:
  - Requirement to mitigate additional storm water on-site, pay fee, or improve downstream low water crossing with recognition of funding credit to regional storm water program.
  - Requirement to provide permanent 15 foot *easements* to storm water detention facilities for properties that accept upstream runoff at the time of platting (with option to defer to time of building permit). Currently only maintenance *access* is required.
  - Prohibition on variances from the 1978 Major Thoroughfare Plan
  - Eliminate waiver of sidewalk requirement for subdivisions with less than 2.5 dwelling units per acre.
  - Clarification that minimum sidewalk widths shall not include curb width.
  - Clarification that fair notice is required with a vested rights determination.
  - Clarification that expired permits may not be used to accrue vested rights.
  - Allowable floodplain reclamation in areas of ineffective flow.
- Staff will withdraw the Major Thoroughfare Plan amendment and continue to work on the other seven items and return to City Council at a later date with a recommendation.

# Recommendations

- Both the Zoning Commission and Planning Commission recommended to accept the amendments presented today.
- Infrastructure & Growth recommended to accept the amendments presented today.
- The Planning & Development Services Department recommends approval.

# **UDC**

## **2008 Biennial Update Program**

**City Council**

**January 15, 2009**

**Item No. 6**

Presentation by Planning & Development Services Department