

AN ORDINANCE      2012-10-18-0829

**AMENDING CHAPTER 35, UNIFIED DEVELOPMENT CODE OF THE CITY CODE OF SAN ANTONIO, TEXAS IMPLEMENTING RECOMMENDATIONS OF THE INFILL TASK FORCE, MAKING SUBSTANTIVE AND MINOR AMENDMENTS; CLARIFYING AND CORRECTING CLERICAL AND FORMATTING ITEMS; AND AMENDING DEFINITIONS.**

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**WHEREAS**, on February 4, 2010, the City Council adopted the Inner City Reinvestment/Infill Policy (“ICRIP”) to promote growth and development in the heart of the City; and

**WHEREAS**, the main focus of "infill" development is to reuse and reposition obsolete, vacant or underutilized properties within an existing neighborhood as part of a broader scheme of civic regeneration; and

**WHEREAS**, in furtherance of the goals of "infill" development the City has coordinated with stakeholders comprised of both public and private sector representatives interested in infill development creating the Infill Development UDC Taskforce; and

**WHEREAS**, the Infill Task Force developed recommendations to Chapter 35, Unified Development Code of the City Code of San Antonio “UDC” to promote efficiency and minimize the challenges within the infill development process; and

**WHEREAS**, a public hearing was held after notice and publication regarding these amendments at which time parties in interest and citizens were given an opportunity to be heard by the Zoning Commission on September 18, 2012; and

**WHEREAS**, a public hearing was held after notice and publication, regarding these amendments at which time parties in interest and citizens were given an opportunity to be heard by the Planning Commission on September 26, 2012; and

**WHEREAS**, the Planning Commission has submitted a final report to the City Council regarding these amendments to the UDC; and

**WHEREAS**, the Zoning Commission has submitted a final report to the City Council regarding these amendments to the UDC; and

**WHEREAS**, City Council now desires to amend the UDC to further the goals of promoting infill development **NOW THEREFORE**;

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

**SECTION 1.** Chapter 35 of the City Code of San Antonio, Texas is hereby amended by adding 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 II, Section 35-209(a) is amended as follows:

**35-209(a) General to All Plans**

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(2) **Process.**

- A. Sectors [defined geographically in subsection 35-209(b)] permit development patterns [defined by extent and intensity in subsection 35-209(c)], which are composed of transect zones [defined by the elements appropriate to them in subsection 35-209(e)].
- B. The City of San Antonio Department of Planning and Community Development shall include a consolidated review committee (CRC) comprised of a representative from each of the various regulatory agencies and departments that have jurisdiction over the permitting of a project. The CRC shall provide a single interface between the applicant and the agencies. The CRC coordinator shall schedule meetings as needed, but no later than ten working days after a request of an applicant unless additional time is requested by an applicant. ~~have regularly scheduled meetings held twice per month. Applicants shall request to be placed on CRC agenda at least one (1) week before the scheduled meeting date. The CRC coordinator may cancel meetings when there are no outstanding applications.~~

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(3) **Variances and Special Exceptions.**

- A. Variances shall be granted only by the board of adjustment or planning commission. Variances to subsections 35-209(b), 35-209(c)(1)(F), 35-209(c)(6), 35-209(c)(7), and 35-209(c)(8) shall be heard by the planning commission. All other variances shall be heard by the board of adjustment.
- B. The request for a variance shall not subject the entire application to public hearing, but only that portion necessary to rule on the issue under consideration.
- C. The board of adjustment may approve an adjustment of ten (10) percent or less to any dimensional standard contained in subsections 35-209(c) and 35-209(e) and in the tables referenced [therein] [in subsections 35-209(c) and 35-209(e)] as a special exception pursuant to subsection 35-801(k), provided that the board of adjustment shall not increase the overall density, intensity, or height permitted by subsections 35-209(c) and 35-209(e). Such special exception shall only be approved after the board of adjustment makes specific findings as required in subsection 35-801(k).

Chapter 35, Article II, Section 35-209(c)(8)B is amended as follows:

**35-209(c)(8)B. Thoroughfares**

8. Alleys.

- a. All lots in T5 and T6 shall be accessed from an alley. Exemptions shall be made for lots in an infill development pattern that do not abut a pre-existing alley, if lots meet at least one (1) of the following conditions:
  1. Lot size is less than forty thousand (40,000) square feet.
  2. Lot has river frontage and lot size is less than ninety thousand (90,000) square feet.
  3. Lot size is less than one-quarter ( $\frac{1}{4}$ ) of its block.
  4. Lot has vehicular access to two (2) or more streets.
  5. One (1) or more lots on the block are exempt.
  6. Pre-existing alley has been closed and vacated by official City Council action.
- b. Temporary driveways may be constructed through the first and second lot layers to provide access to the third lot layer prior to alley construction. Upon construction of alley, temporary driveway shall be closed to vehicular traffic.
- c. Alleys designated for emergency access must comply with additional standards set forth in the International Fire Code as amended and adopted by the City of San Antonio. Alleys designated for garbage collection must comply with additional standards set forth by the City of San Antonio Solid Waste Management Department.
- d. Alleys designated to provide access to industrial functions shall be built to the standards listed in subsection 35-506(4)(B)(p). Pavement standards based on the expected 18-kip ESAL loading on the alley.
- e. In order to accommodate existing right-of-way and building conditions in infill contexts, narrower alley dimensions than those listed in tables 209-6A and 209-6D may be approved upon review of an emergency access plan and finding by the fire department that an additional access road extends to within one hundred fifty (150) feet of all buildings, as described in section 503.1.1 of the International Fire Code.
- f. Where lots in an infill development pattern abut pre-existing alleys, alleys shall be used to provide vehicular access to the side or rear of property, including parking, utilities, solid waste

disposal, and/or emergency access: unless one (1) or more of the following conditions is present:

1. Width of pre-existing alley right-of-way is less than width required by tables 209-6A and 209-6D.
2. Pre-existing alley right-of-way does not extend through the entire block.
3. Pre-existing alley does not meet the minimum standards set forth in the International Fire Code as amended and adopted by the City of San Antonio and/ or the minimum standards set forth by the City of San Antonio Solid Waste Management Department.
4. Pre-existing alley has been closed and vacated by official City Council action.

Chapter 35, Article II, Section 35-209(c)(8)F. is amended as follows:

**35-209(c)(8)F. Specific to Specialized Districts**

- F. **Specific to Specialized Districts.** The standards for thoroughfares and public frontages within specialized districts shall be indicated on the zoning site plan. When the boundaries of a specialized district and a transect zone meet within a thoroughfare right-of-way, the thoroughfare and public frontage standards for the abutting transect zone shall apply to the portion of the thoroughfare and the public frontage in the specialized district.

Chapter 35, Article II, Section 35-209(c)(10) is amended as follows:

**35-209(c)(10) Specific Designations**

- A. A zoning site plan and master development pattern plan may designate one (1) or more of the following designations:

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9. River Frontage. Designation of mandatory river frontage requiring that lots that abut the San Antonio River meet the following standards:
  - a. Lots shall designate one of the rear or side lot lines that abuts the river as the river frontage lot line.
  - b. A river lot layer shall be identified on each lot. The river lot layer shall extend from the river frontage lot line to the nearest façade of the principal building or outbuilding rear building elevation. For lots with river lot layers, the third lot layer shall be defined as the area between the second lot layer and the river lot layer.

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Chapter 35, Article II, Section 35-209(e)(2) is amended as follows:

### 35-209(e) Building-Scale Plans

(2) **General to T2—T6 and SD.**

A. **Building Disposition.**

1. Newly platted lots shall be dimensioned as shown graphically on the master development pattern plan or on an addendum per subsection 35-357(h)(3) and shall be platted or re-platted according to the standards of table 209-18.
2. One (1) principal building, one (1) back building, and one (1) outbuilding may be built on each lot as shown in table 209-10B.
3. Rear setbacks for outbuildings shall be as indicated on table 209-18.
4. Buildings shall be disposed in relation to the boundaries of their lots according to table 209-11 and table 209-18.
5. Lot coverage by building shall not exceed that shown in table 209-18.
6. Facades shall be built parallel to a rectilinear primary frontage line or tangent to a curved the primary frontage line. Facades in an infill development pattern may instead be built parallel to adjacent building facades to create a uniform street wall. Facades shall be built along a minimum percentage of the primary frontage width between the minimum and maximum setback as prescribed by the Primary Frontage Buildout standard in Table 209-18 or 209-18A1. For lots having two (2) frontages, ~~the one (1)~~ shall be designated the primary frontage. The other shall be designated the secondary frontage.
7. Buildings shall have their principal entrance facing the primary frontage.
8. Setbacks for principal buildings shall be as shown in table 209-18. Maximum setbacks for principal buildings shall be increased in accordance with the following provisions:
  - a. A maximum setback for a principal building shall be increased by 50% if one or more of the following conditions is present:
    - i. Recorded easement held by the City of San Antonio, Bexar County, Texas Department of Transportation, City Public Service Energy, San Antonio Water System or other utility provider (including telephone or cable television) is present between the minimum and maximum setbacks and the easement holder has provided written verification that the easement cannot be relocated or removed,
    - ii. Structure designated as a City of San Antonio historic landmark, National Register landmark, state historic landmark, or state archaeological landmark is present between the minimum and maximum setbacks and will be preserved,

- iii. An existing slope exceeding 10% is present between the minimum and maximum setbacks and will be maintained.  
or
- iv. An existing pedestrian connection to the river is present and will be retained or a new pedestrian connection to the river will be constructed between the minimum and maximum setbacks.
- v. If a significant or heritage tree is present between the minimum and maximum setbacks and will be preserved.

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**C. Building Function.**

- 1. Buildings in each transect zone shall be dedicated to the functions listed in tables 209-13A and 209-13B.
- 2. Intensity of building functions shall be limited by the requirements in table 209-13A.
- 3. Primary functions masked by liner buildings ~~shall provide vehicular access through an alley, and~~ shall provide access by emergency vehicles as required by the latest adopted version of the International Fire Code.

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**D. Parking Standards.**

- 1. Vehicular parking shall be provided as required by the minimum and maximum parking requirements in tables 209-14A and 209-14B. Table 209-14A establishes minimum parking requirements for all parking types (surface, structured, underground). Table 209-14B establishes maximum parking standards for surface parking only. The quantity of required parking spaces shall be adjusted for sharing in accordance with table 209-14C.
- 2. On-street parking immediately adjacent to the frontage lines of a lot shall count toward the minimum (not maximum) parking requirement of the building on the lot.
- 3. The required parking may be provided within one-quarter mile of the site that it serves. A form based parking plan for the area must be provided to exercise this option.
  - a. A form based parking plan shall include the location of public or private surface or structured parking facilities. The number of automobile and bicycle spaces provided by the facility shall be indicated.
  - b. A form based parking plan shall be submitted with the master development pattern plan. The form based parking plan must be approved and the parking facilities built prior to issuance of

building permits or certificates of occupancy for uses that intend to utilize the facilities to meet parking requirements.

4. Parking lots ~~Primary use parking lots~~ shall be masked at the frontage(s) by a ~~liner~~ building or streetscreen. In lieu of a building or streetscreen, parking lots in T2, T3, and T4 may be masked at the frontage(s) by dense native landscaping that will achieve a minimum height of three (3) feet and form an opaque visual barrier at maturity.
5. Exemptions from required parking.
  - a. Nonresidential. The first one thousand five hundred (1,500) square feet of nonresidential space shall be exempt from required parking calculation.
  - b. Rehabilitated building. Building that has been rehabilitated or retrofitted by an investment greater than fifty (50) percent of the building's value prior to rehabilitation or retrofit. Only the rehabilitated or retrofitted square footage is eligible for the parking exemption.
  - c. Small properties. Lots under ten thousand (10,000) square feet in size are exempt from required parking.
6. Bicycle Parking.
  - a. May be shared within the pedestrian shed if demonstrated in a form based parking plan.
  - b. Shall be required in T3, T4, T5 and T6.
  - c. Shall be convenient, secure and visible.
  - d. Shall consist of short term and long term parking as specified in tables 209-14D and 209-14E.
7. Underground Parking. Underground structured parking is allowed in all lot layers.
8. Primary use parking lots may be permitted on A-Grid streets with a Specific Use Authorization in accordance with table 209-13B if the primary use parking lot would facilitate the development of surrounding lots where parking placement is limited due to lot size, shape, configuration, location, or access. Primary use parking lots permitted by a Specific Use Authorization shall comply with the following requirements as well as any standards, conditions, or requirements imposed by City Council in the zoning ordinance or required by this Chapter to protect the public interest and welfare.
  - a. Parking areas shall not be located within ten (10) feet of the primary frontage or within the minimum front building setback, whichever is greater.
  - b. Primary use parking lots shall be masked along the primary,

secondary, and river frontages by a streetscreen.

- c. Parking lot shading and screening shall be required and shall be installed in accordance with the standards outlined in 35-511(c)(7) and (e)(3).
- d. Exterior lighting shall conform to the following criteria:
  - i. Lighting fixtures are shielded with a cutoff of less than ninety (90) degrees. All structural parts of the fixture providing the ninety (90) degree cutoff angle are permanently affixed to the general light structure.
  - ii. Fixtures with a lamp or lamps rated at a total of more than one thousand eight hundred (1,800) lumens, and flood lamps rated at a total of more than nine hundred (900) lumens, do not emit any direct light above a horizontal plane through the lowest direct-light-emitting part of the fixture.
  - iii. All lighting is aimed, located, designed, shielded, fitted and maintained so as not to project light into a neighboring use or property.
  - iv. Flood lamps and the light source they emit are not visible from the thoroughfare.

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F. **Landscape Standards.**

1. Mandatory Criteria. See Section 35-511 (c).

~~A minimum of seventy (70) points are required for each development pattern per point system below:~~

~~a. Landscaping point system.~~

~~i. General Options.~~

~~Street trees—twenty five (25) points~~

~~Parking lot screening—twenty five (25) points~~

~~Preservation of existing native trees—up to forty (40) points~~

~~Native understory preservation—fifteen (15) points~~

~~Native understory installation—fifteen (15) points~~

~~Other non-lawn native vegetation—up to twenty (20) points~~

~~ii. Mandatory Landscaping.~~

~~Parking lot shading minimum thirty (30) percent shading)~~

~~Public frontage streetscape trees~~

~~b. Tree mitigation options.~~

~~Landscaped roofs~~

~~Wildlife enhancement~~

~~Native landscaping along bike, pedestrian network to promote "green corridor"~~

~~Native landscaping in civic space or park~~

~~Native vegetated best management practice (bmp) for natural stormwater features~~

2. Streetscape trees shall be provided in accordance with the public frontage requirements in Section 35-209(c)(8)E. Street and streetscape trees shall be of a type illustrated in table 209-21.
  - a. ~~Street trees are on private frontage at minimum ratio of one (1) per thirty (30) linear feet of lot frontage.~~
  - b. ~~Streetscape trees are mandatory in public frontage at average of thirty (30) feet on center.~~
3. Landscaped areas shall be prepared to no more than fifty (50) percent compaction, must include no less than one (1) percent organic material, and shall be a minimum depth of twenty-four (24) inches (two (2) feet).

**G. Sign Standards.**

1. One (1) address number no more than six (6) inches vertically shall be attached to the building in proximity to the principal entrance or at a mailbox.
2. One (1) blade sign for each business may be permanently installed perpendicular to the facade. Such a sign shall not exceed a total of four (4) square feet unless otherwise specified.
3. Encroachment. Freestanding signs including monument signs shall have a minimum five-foot setback from frontage lines or a fifteen-foot setback from lot lines (see table 209-10C) and shall not exceed six (6) feet in height.
4. Address Numbers. Numbers (not letters spelling numbers) shall be placed near the front door or front porch steps. Numbers shall be mounted to the door, the wall beside the door, the entablature, a porch column or the top riser.
5. Directional Signs. Parking directional signs shall not exceed four (4) square feet in area per side and three (3) feet in height.
6. Lighting.
  - a. In T1, T2, and T3, signs shall not be illuminated.
  - b. In T4, T5, and T6, signs may be illuminated. If illuminated, signs shall only be illuminated by an internal or external lighting source that is shielded and positioned in a manner that illuminates only

the sign and prevents any glare or spillover onto adjacent properties.

7. Configuration. The following sign configurations are allowed in all transect zones except T3 and T4:
  - a. Band Signs. Band signs consist of a band of lettering across the entire width of the building, building wall plane, or tenant space. Band signs may include stylized fonts and logos affixed directly to the exterior façade of the building. Band signs shall be a maximum of thirty-six (36) inches tall, ~~and the bottom of the band sign shall not be installed more than twelve (12) feet or less than eight (8) feet above the sidewalk.~~ and shall be installed between the top of the first story openings and the top of the exterior wall for a single story building or between the top of the first story openings and the bottom of the second story openings for a multi-story building. Band signs may be installed directly above the openings of an upper story of a multi-story building if there are tenants with exterior entries on the upper story. ~~Band signs shall be front-lit.~~
  - b. ~~Plaque Board Signs.~~ A plaque sign ~~Board signs consist of painted or vinyl graphics on~~ is a signboard attached flush with a building wall or streetwall adjacent to an entry. Plaque signs shall be a maximum size of six (6) square feet.
  - c. Window Signs. Window signs may be neon behind the glass, or, paint or vinyl applied directly to the glass. Neither shall be mounted on opaque sign boards. The area of any window sign is limited to one-third (1/3) of the glass in the sash where the sign is installed, excluding muntins.
  - d. Painted Wall Signs. Painted wall signs shall be rectangular, oriented horizontally or vertically, and no larger in area than twenty-five (25) percent of the area of the building façade on which the sign is located ~~area two (2) by two (2) times the building width.~~
  - e. Home-Based Business Signs. Signs advertising a home-based business shall be wood, painted, and a maximum size of four (4) square feet. Signs may have engraved, gold leaf letters and symbols. Signs may be mounted to a freestanding post, hung below a porch roof, or mounted to a building wall. Alternately, brass may be used for signs mounted to masonry building walls. One (1) sign advertising a home-based business is permitted at each frontage.
  - f. Real Estate Sign. One (1) real estate sign advertising a property for sale or rent may be displayed at each frontage, not to exceed six (6) square feet.
  - g. Monument Signs. Monument signs are permanent freestanding signs mounted on a solid base with no more than two (2) sign

faces, and are limited to a landscaped area. Signs shall not exceed four (4) feet in height, including the base, four (4) feet in width, and eight (8) square feet per sign face.

8. Exceptions. The following signs shall be exempt from the sign standards:
  - a. Transit Stops. Signs or markers installed by a public transit agency to designate transit stops.
  - b. Government Signs. Public signs erected by or on behalf of a governmental agency to convey public information, identify public property, post legal notices, or direct or regulate pedestrian or vehicular traffic.
  - c. Noncommercial or Political Speech Signs. Must not exceed fifteen (15) square feet of facing composed of durable material, situated wholly upon private property and securely affixed to a building, fence, or wall, and having a frame or trim not more than three (3) inches wide. Noncommercial or political speech signs may be used for a maximum of ninety (90) days.
  - d. Public Utility Signs. Informational signs of a public utility regarding its lines, pipes, poles, or other facilities.
  - e. Temporary Signs. Temporary signs shall include: cloth banners extending over public right-of-way; A-boards and other portable sidewalk signs; emergency warning signs erected by a government agency, a public utility company or a contractor doing authorized work within the public right-of-way; and balloons less than one (1) foot in diameter. Temporary signs may be used for a maximum duration of thirty (30) days each six (6) months.
9. Prohibited Signs.
  - a. Inflatable Figures/Devices. Three-dimensional wind powered or air-filled figures other than balloons one (1) foot in diameter or less.
  - b. Off-Premises Signs. A sign which is a primary use and advertises businesses, commodities, activities, services or persons which are not usually available or present upon the premises upon which such sign is located, or which directs persons to any location not on the premises. Any sign with more than ten (10) percent of the sign devoted to such use shall be deemed to be an off-premises sign.
  - c. Pole Signs. Freestanding pole signs, not including flag poles.
  - d. Roof Signs. Signs painted on or mounted on a building roof.
  - e. Signs that simulate in color, size, or design, any traffic control sign or signal or that make use of words, symbols, or characters in a

manner that interferes with, misleads, or confuses pedestrian or vehicular traffic.

10. All signs shall comply with Chapter 28 if not expressly addressed in this section and the standards of any overlay zone and the standards of Chapter 35.

11. No sign shall be placed in a manner that disfigures, damages, or conceals any window opening, door, or architectural feature or detail.

Chapter 35, Article II, Sec. 35-209(e)(4) is amended as follows:

**35-209(e)(4) Specific to General Urban Zones (T4)**

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**D. (T4) Parking Standards.**

1. All parking areas shall be located in the second and/or third lot layers.
2. Parking areas in the second lot layer are only allowed as follows:
  - a. At mid-block locations (~~not corner lots~~). Mid-block locations shall be a minimum of sixty (60) feet from either street intersection and shall be masked at the frontage by a liner building or streetscreen; or
  - b. In parking structures above the first story.
3. Garages shall be located in the third lot layer as illustrated in table 209-10D and table 209-10E.
4. Parking may be accessed from the primary frontage by means of a driveway.
5. Parking structures shall have a liner building of at least two (2) stories in height and 25 feet in depth on the primary and secondary frontages, or the primary and river frontages for properties with river frontage. In lieu of a liner building, at least the first and second stories of a parking structure shall be enclosed. The first story shall be enclosed to a minimum depth of 25 feet and the façade detailed as a shopfront. The second story shall be enclosed and the façade detailed in accordance with the (T4) Architectural Standards.

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**G. (T4) Sign Standards.**

- ~~1. Signs may be illuminated. If illuminated, signs shall only be illuminated by an external lighting source that is shielded and positioned in a manner that illuminates only the sign and prevents any glare or spillover onto adjacent properties. Additionally, signs visible through a window.~~
- ~~2. Sign Materials. Signs shall be constructed of wood, synthetic wood or metal, or they may be painted on building walls or windows.~~

~~1.3~~ Address Numbers. Numbers shall be metal, ceramic or paint.

~~2. 4~~ Configuration.

Blade Signs. Blade signs hung from an architectural element shall be centered on that element. Blade signs projecting from the wall may project a maximum of five (5) feet. The top of the blade sign shall be between nine (9) feet and twelve (12) feet above the sidewalk. The blade sign shall be thirty-two (32) inches tall maximum. Blade signs shall be no more than four (4) feet wide nor project more than five (5) feet from the wall. Brackets and other suspension devices shall match the sign style and shall not be computed as part of the allowable size of the sign.

~~3. 5~~ There shall be no signs permitted in T4 other than as specified in this section 35-209(e)(4)(G).

Chapter 35, Article II, Section 35-209(e)(5) is amended as follows:

**35-209(e)(5) Specific to Urban Center Zones (T5)**

A. **(T5) Building Disposition.**

1. Stoops, lightwells, balconies, bay windows and terraces may encroach one hundred (100) percent of the depth of the first lot layer.
2. Awnings, arcades, and galleries may encroach the sidewalk to within two (2) feet of the curb but must clear the sidewalk vertically by at least eight (8) feet.
3. Loading docks, service entrances, and service yards shall be located in the third lot layer and shall only be accessed through the ~~third lot layer~~ or alley when an abutting alley is provided on the MDPP. If an alley is not provided on the MDPP or the alley is pre-existing and meets one (1) or more of the conditions in 35-209(c)(8)B.8.f., loading docks, service entrances, and service yards may be accessed from the primary or secondary frontage by means of a driveway.
4. ~~A minimum of seventy (70) percent of the facade shall be built parallel to the primary frontage line. In the absence of a building along the remainder of the frontage line, a streetscreen shall be built parallel to the primary frontage line.~~

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D. **(T5) Parking Standards.**

1. All parking areas shall be located in the second and/or third lot layer as illustrated in table 209-10D and table 209-10E.
2. Parking areas in the second lot layer are only allowed as follows:
  - a. At mid-block locations ~~(not corner lots)~~. Mid-block locations shall be a minimum of sixty (60) feet from either street intersection and

shall be masked at the frontage by a liner building or streetscreen;  
or

b. In parking structures above the first story.

3. Garages shall be located in the third lot layer.
4. Parking shall be accessed from an alley when an abutting alley is provided on the MDPP. If an alley is not provided on the MDPP or the alley is pre-existing and meets one (1) or more of the conditions in 35-209(c)(8)B.8.f., parking may be accessed from the primary or secondary frontages by means of a driveway.
5. Primary pedestrian ~~Pedestrian~~ entrances to all parking lots and parking structures shall be directly from a frontage line. Parking ~~Only~~ ~~underground parking~~ structures may also be entered by pedestrians directly from a principal building.
6. The vehicular entrance, exit, or entrance/ exit of a parking lot or garage shall be no wider than thirty (30) feet at the frontage line.
7. When a form based parking plan is provided within the long pedestrian shed of a regional center, the effective parking available for calculating the intensity on each lot may be increased by a multiplier of thirty (30) percent without increasing parking requirements cited in table 209-14.
8. Parking structures shall have a liner building of at least two (2) stories in height and 25 feet in depth on the primary and secondary frontages, or the primary and river frontages for properties with river frontage. In lieu of a liner building, at least the first and second stories of a parking structure shall be enclosed. The first story shall be enclosed to a minimum depth of 25 feet and the façade detailed as a shopfront. The second story shall be enclosed and the façade detailed in accordance with the (T5) Architectural Standards.

E. **(T5) Architectural Standards.**

1. The facades on retail frontages shall be detailed as shopfronts.
2. The exterior finish materials on all facades shall be limited to stone, brick, masonry, corrugated metal, composite aluminum panel, and/or stucco. Clapboard and cement fiber siding may be used, but are not permitted on the first story of the primary facade. For accent, external insulation finishing system (EIFS), river rock, glass block, ironwork and/or tile may be used on no more than twenty-five (25) percent of each elevation.
3. Balconies, galleries and arcades shall be made of concrete, painted wood/wood composite or metal.
4. Buildings may have flat roofs enclosed by parapets or sloped roofs.
5. Streetscreens shall be located parallel to a frontage line as shown in table 209-10D.

6. Disposal receptacles shall be stored in the second or third lot layer, ~~and shall only be accessible from the back of the building or the alley.~~
7. Disposal receptacles shall be screened completely from public view at ground level.
  - a. Screening shall consist of a solid wall and be a minimum of six (6) feet in height, or a height sufficient to obscure the area or equipment requiring the screening, whichever is less.
  - b. Screening materials shall conform to transect zone standards as prescribed in subsection 35-209(e)(5)(E)(2).

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F. **(T5) Landscape Standards.**

- ~~1. A minimum of one (1) street tree shall be planted within the first lot layer for each thirty (30) feet of primary frontage line.~~
- 1.2. The first lot layer shall be landscaped or paved to match the adjacent public frontage as shown in tables 209-6E and 209-6F.
- 2.3. Trees shall be a species with shade canopies that, at maturity, remain clear of building frontages.
- 3.4. The landscape installed shall consist of eighty (80) percent native species that are drought tolerant and established by drip irrigation.

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G. **(T5) Sign Standards.**

- ~~1. Signs may be illuminated. If illuminated, signs shall only be illuminated by an external lighting source that is shielded and positioned in a manner that illuminates only the sign and prevents any glare or spillover onto adjacent properties. Additionally, signs visible through a window may be neon lit.~~
- ~~2. Sign Materials. Signs shall be constructed of wood, synthetic wood or metal, or they may be painted on building walls or windows.~~
- 1.3. Address Numbers. Numbers shall be metal, ceramic or paint.
- 2.4. Configuration. The following configurations are allowed in T5 in addition to the configurations allowed in subsection (e)(3)(G)(6).
  - a. Blade Signs. Blade signs hung from an architectural element shall be centered on that element. Blade signs projecting from the wall may project a maximum of five (5) feet. The top of the blade sign shall be between nine (9) feet and twelve (12) feet above the sidewalk. The blade sign shall be thirty-two (32) inches tall maximum. Blade signs shall be no more than four (4) feet wide nor project more than five (5) feet from the wall. No blade sign shall exceed six (6) feet square feet. Brackets and other suspension devices shall match the sign style and shall not be computed as part

of the allowable size of the sign.

- b. Vertical Corner Signs. Vertical corner signs are permitted at the corners of blocks. They may project perpendicular from one side of the building or at a forty-five (45) degree angle to the corner. Vertical corner signs shall be constructed of either signboards or metal, and they may be lit either with gooseneck lights or with surface neon. Vertical corner signs shall be mounted a minimum of twelve (12) feet from the sidewalk, measured to the bottom of the sign. The height of the sign shall not exceed ten (10) feet in height. Vertical corner signs shall be mounted twelve (12) feet maximum away from the exterior wall of the building and shall be a maximum of three (3) feet wide.
5. ~~A single external sign band may be applied to the facade of each building, providing that such sign not exceed three (3) feet in height by any length.~~

Chapter 35, Article II, Section 35-209(e)(6) is amended as follows:

**35-209(e)(6) Specific to Urban Core Zones (T6).**

**A. (T6) Building Disposition.**

1. Stoops, lightwells, balconies, and bay windows may encroach one hundred (100) percent of the depth of the first lot layer.
2. Awnings, arcades, and galleries may encroach the sidewalk to within two (2) feet of the curb but must clear the sidewalk vertically by at least eight (8) feet.
3. Loading docks, service entrances, and service yards shall be located in the third lot layer and shall only be accessed through the ~~third lot layer~~ or alley when an abutting alley is provided on the MDPP. If an alley is not provided on the MDPP or the alley is pre-existing and meets one (1) or more of the conditions in 35-209(c)(8)B.8.f., loading docks, service entrances, and service yards may be accessed from the primary or secondary frontage by means of a driveway.
4. ~~A minimum of eighty (80) percent of the facade shall be built parallel to the primary frontage line. In the absence of building along the remainder of the frontage line, a streetscreen shall be built parallel to the primary frontage line.~~

\* \* \* \* \*

**D. (T6) Parking Standards.**

1. All parking areas shall be located in the second and/or third lot layer as illustrated in table 209-10D and table 209-10E. ~~All parking areas shall be located in the third lot layer.~~

2. Parking areas in the second lot layer are only allowed as follows:
  - a. At mid-block locations. Mid-block locations shall be a minimum of sixty (60) feet from either street intersection and shall be masked at the frontage by a liner building or streetscreen; or
  - b. In parking structures above the first story.
- ~~3.2.~~ Parking shall be accessed from an alley when an abutting alley is provided on the MDPP. If an alley is not provided on the MDPP or the alley is pre-existing and meets one (1) or more of the conditions in 35-209(c)(8)B.8.f., parking may be accessed from the primary or secondary frontages.
- ~~4.3.~~ Primary pedestrian Pedestrian entrances to all parking lots and parking structures shall be directly accessed from a frontage line. Parking Only underground parking structures may also be entered by pedestrians directly from a principal building.
- ~~5.4.~~ The vehicular entrance, exit, or entrance/ exit of a parking lot or garage shall be no wider than thirty (30) feet at the frontage line.
- ~~6.5.~~ When a form based parking plan is provided within the long pedestrian shed of a regional center, the effective parking available for calculating the intensity on each lot may be increased by a multiplier of thirty (30) percent without increasing parking requirements cited in table 209-14.
7. Parking structures shall have a liner building of at least two (2) stories in height and 25 feet in depth on the primary and secondary frontages or the primary and river frontages for properties with river frontage. In lieu of a liner building, at least the first and second stories of a parking structure shall be enclosed. The first story shall be enclosed to a minimum depth of 25 feet and the façade detailed as a shopfront. The second story shall be enclosed and the façade detailed in accordance with the (T6) Architectural Standards.

E. **(T6) Architectural Standards.**

1. ~~The facades on retail frontages shall be detailed as shopfronts and glazed no less than eighty (80) percent on the sidewalk level story.~~
2. The exterior finish materials on all facades shall be limited to stone, brick, masonry, composite aluminum panel, and/or stucco. Clapboard and cement fiber siding may be used, but are not permitted on the first story of the primary facade. For accent, external insulation finishing system (EIFS), river rock, glass block, ironwork and/or tile may be used on no more than twenty-five (25) percent of each elevation.
3. Balconies, galleries and arcades shall be made of concrete, painted wood/wood composite or metal.
4. Buildings may have flat roofs enclosed by parapets, or sloped roofs.
5. Streetscreens shall be located parallel to a frontage line as shown in table

209-10D.

6. Disposal receptacles shall be stored in the second or third lot layer, ~~and shall only be accessible from the back of the building or the alley.~~
7. Disposal receptacles shall be screened completely from public view at ground level.
  - a. Screening shall consist of a solid wall and be a minimum of six (6) feet in height, or a height sufficient to obscure the area or equipment requiring the screening, whichever is less.
  - b. Screening materials shall conform to transect zone standards as prescribed in subsection 35-209(e)(6)(E)(2).

\* \* \* \* \*

**G. (T6) Sign Standards.**

- ~~1. Signs may be illuminated. If illuminated, signs shall only be illuminated by an external lighting source that is shielded and positioned in a manner that illuminates only the sign and prevents any glare or spillover onto adjacent properties. Additionally, signs visible through a window may be neon lit.~~
- ~~2. Sign Materials. Signs shall be constructed of wood, synthetic wood or metal, or they may be painted on building walls or windows.~~
- 1.3.Address Numbers. Numbers shall be metal, ceramic or paint.
- 2.4.Configuration. The following configurations are allowed in T5 in addition to the configurations allowed in subsection 35-209(e)(3)(G)(6):
  - a. Blade Signs. Blade signs hung from an architectural element shall be centered on that element. Blade signs projecting from the wall may project a maximum of five (5) feet. The top of the blade sign shall be between nine (9) feet and twelve (12) feet above the sidewalk. The blade sign shall be thirty-two (32) inches tall maximum. Blade signs shall be no more than four (4) feet wide nor project more than five (5) feet from the wall. No blade sign shall exceed eight (8) square feet. Brackets and other suspension devices shall match the sign style and shall not be computed as part of the allowable size of the sign.
  - b. Vertical Corner Signs. Vertical corner signs are permitted at the corners of blocks. They may project perpendicular from one (1) side of the building or at a forty-five (45) degree angle to the corner. Vertical corner signs shall be constructed of either signboards or metal, and they may be lit either with gooseneck lights or with surface neon. Vertical corner signs shall be mounted a minimum of twelve (12) feet from the sidewalk, measured to the bottom of the sign. The height of the sign shall not exceed ten (10) feet in height. Vertical corner signs shall be mounted twelve (12)

feet maximum away from the exterior wall of the building and shall be a maximum of three (3) feet wide.

5. ~~A single external sign band may be applied to the facade of each building, provided that such sign not exceed three (3) feet in height by any length.~~

Chapter 35, Article II, Section 35-209(g) is amended as follows:

**35-209(g) Definitions.**

\* \* \* \* \*

A-Grid Street: a primary street that by virtue of its pre-existing pedestrian-supportive qualities, or its future importance to pedestrian connectivity, is held to the highest standards prescribed by this section.

\* \* \* \* \*

Lot Layer: a range of depth of a lot within which certain elements are permitted (see table 209-10D and table 209-10E). The first lot layer is measured from the primary frontage property line to the front building facade. The second layer extends twenty (20) feet behind the first layer. The third layer extends from the rear of the second layer to the rear lot line.

\* \* \* \* \*

Monument Sign: a permanent, freestanding sign ~~mounted on set onto~~ a solid base with no more than two (2) sign faces and located in a landscaped area. ~~or other supports where the bottom of the sign face is located within three (3) feet of ground level.~~

\* \* \* \* \*

Parking Structure: a structure used for the temporary storage of motor vehicles. a building containing two (2) or more stories of parking. ~~Parking structures shall have liner buildings of two (2) stories or more on the primary and secondary frontages.~~

\* \* \* \* \*

Shopfront: a retail frontage with seventy (70) percent of the primary facade glazed no less than seventy (70) percent in clear glass on the sidewalk-level story and an awning overlapping the sidewalk.

Storefront: a retail frontage with seventy (70) percent of the primary facade glazed no less than seventy (70) percent in clear glass on the sidewalk-level story and an awning overlapping the sidewalk.

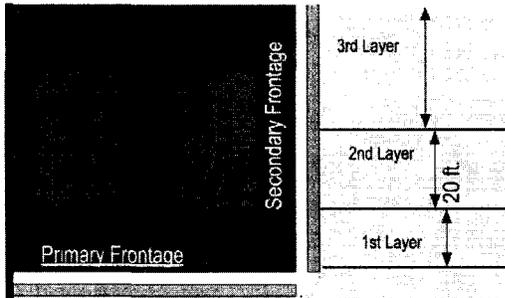
\* \* \* \* \*

Chapter 35, Article II, Sec. 35-209(h) is amended as follows:

(h) **Standards and Tables.**

\* \* \* \* \*

TABLE 209-10D LOT LAYERS

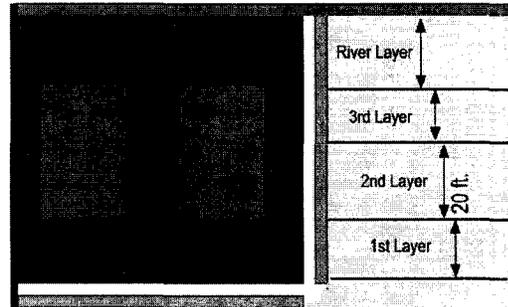


1st Lot Layer - extends from the edge of the primary frontage property line to the front facade of the primary building.

2nd Lot Layer - extends 20 linear ft. from the end of the 1st Lot Layer, the front facade of the primary building.

3rd Lot Layer - Extends from the end of the 2nd Lot Layer, 20 linear ft. behind the front facade of the primary building, to the rear property line.

TABLE 209-10E LOT LAYERS WITH RIVER FRONTAGE



1st Lot Layer - extends from the edge of the primary frontage property line to the front facade of the primary building.

2nd Lot Layer - extends 20 linear ft. from the end of the 1st Lot Layer, the front facade of the primary building.

3rd Lot Layer - In cases of lots with River Lot Layers, the Third Lot Layer is the area between the Second Lot Layer and the River Lot Layer.

River Lot Layer - extends from the River Frontage Lot Line to the nearest facade of the principal building or outbuilding rear building elevation.

\* \* \* \* \*

TABLE 209-13B SPECIFIC FUNCTION BY TRANSECT (CONTINUED)

FORM BASED DEVELOPMENT

Use Pattern

f. OTHER: AGRICULTURE	T1	T2	T3	T4	T5	T6	SD
Grain Storage	■	■					
Livestock Pen	■	■					
Nursery/Greenhouse	■	■	■				
Stable	■	■					
Outdoor Kennel	■	■					

KEY
■ Permitted By Right
□ Permitted on B-Grid Streets only
S Specific Use

f. OTHER: AUTOMOTIVE

Gasoline Station		■	■	■	□	□	
Automobile Service / Repair				□	■		
Truck Maintenance							■
Drive-Through Facility					□	□	
Rest Stop	■	■					
Outdoor Vehicle Sales							■
Shopping Center							■
Primary Use Parking Lot				□ S*	□ S*	□ S*	
Parking Structure				■	■	■	
Truck Depot							■

f. OTHER: CIVIL SUPPORT

Fire Station			■	■	■	■	
Police Station			■	■	■	■	
Cemetery		■					■
Funeral Home				■	■	■	
Hospital					■	■	■
Medical Clinic				■	■	■	

f. OTHER: EDUCATION

College/University				■	■	■	■
High School			■	■	■	■	■
Trade School				■	■	■	■
Elementary School			■	■	■	■	■
Other-Childcare Center		■	■	■	■	■	

f. OTHER: INDUSTRIAL

Heavy Industrial Facility							■
Light Industrial Facility					■	■	■
Wireless Facilities		S	S	S	S	S	
Ancillary Light Industrial Use				■	■	■	

\* Permitted by right on B-Grid Streets, permitted on non B-Grid Streets with a Specific Use Authorization.

- All parking structures shall have a floor-building of at least two stories and 25 ft. depth on the primary and secondary frontages.

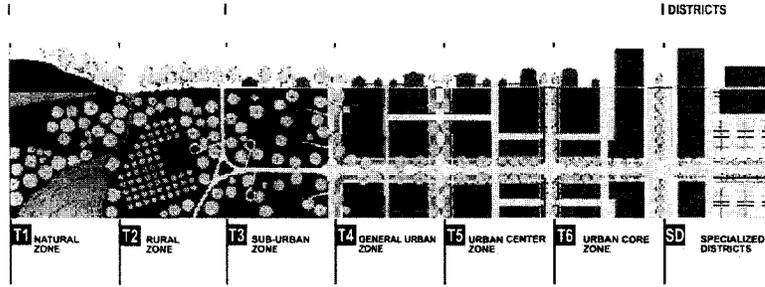


TABLE 209-18 TRANSECT ZONE SUMMARY

	T1 NATURAL ZONE	T2 RURAL ZONE	T3 SUB-URBAN ZONE	T4 GENERAL URBAN ZONE	T5 URBAN CENTER ZONE	T6 URBAN CORE ZONE	SD SPECIALIZED DISTRICTS
<b>A. ALLOCATION OF ZONES</b>							
Hamlet (H)	50% min.		10 - 40 %	10 - 40 %	not permitted	not permitted	not applicable
Village (V)	no minimum	no minimum	10 - 40 %	20 - 60 %	10 - 45 %	not permitted	not applicable
Regional Center (R)	no minimum	no minimum	not permitted	10 - 40 %	10 - 60 %	20 - 70 %	not applicable
Infill Village	not permitted	not permitted	10 - 80%	10 - 80%	10 - 80%	not permitted	not applicable
Infill Regional Center	not permitted	not permitted	not permitted	10 - 85%	10 - 80%	10 - 80%	not applicable
<b>B. OVERALL DENSITY</b>							
By Right	not applicable	not applicable	2 units / ac. gross max.	4 units / ac. gross max.	6 units / ac. gross max.	12 units / ac. gross max.	9 units / ac. gross max.
By Density Bonus	not applicable	not applicable	4 units / ac. gross min.	8 units / ac. gross min.	12 units / ac. gross min.	no min. <sup>1</sup>	not applicable
Other Functions	not applicable	not applicable	0 - 20 %	10 - 30 %	30 - 60 %	50 - 70 %	not applicable
Infill Option	not applicable	not applicable	2 units / ac. gross min.	4 units / ac. gross min.	6 units / ac. gross min.	no min.	not applicable
<b>C. BLOCK SIZE</b>							
Block Perimeter	no maximum	no maximum	3000 ft. max.	2400 ft. max.	2000 ft. max.	2000 ft. max. <sup>2</sup>	3400 ft. max.
Block Face Length	no maximum	no maximum	700 ft. max.	700 ft. max.	600 ft. max.	600 ft. max.	850 ft. max.
<b>D. PUBLIC FRONTS (see Table 209-1E and 209-1F)</b>							
PW	permitted	permitted	not permitted	not permitted	not permitted	not permitted	permitted
BV	not permitted	not permitted	permitted	permitted	permitted	permitted	permitted
RR	permitted	permitted	permitted	not permitted	not permitted	not permitted	permitted
RS	not permitted	not permitted	permitted	permitted	not permitted	not permitted	permitted
SS & AV	not permitted	not permitted	permitted	permitted	permitted	permitted	permitted
CS & AV	not permitted	not permitted	not permitted	not permitted	permitted	permitted	permitted
Alley	not permitted	not permitted	permitted	permitted	required	required	permitted
<b>E. CIVIC SPACE (see Table 209-3A)</b>							
Park	permitted	permitted	permitted	not permitted	not permitted	not permitted	permitted
Green	not permitted	not permitted	permitted	permitted	permitted	permitted	permitted
Square	not permitted	not permitted	not permitted	permitted	permitted	permitted	permitted
Plaza	not permitted	not permitted	not permitted	not permitted	permitted	permitted	permitted
Playground	permitted	permitted	permitted	permitted	permitted	permitted	permitted
<b>F. LDT OCCUPATION</b>							
Primary Frontage Width	not applicable	720 ft. min.	35 ft. - 120 ft.	25 ft. - 200 ft.	18 ft. - 300 ft.	no min. - no max.	50 ft. - 80 ft.
Lot Coverage <sup>3</sup>	not applicable	by variance	60% max.	70% max.	80% max.	90% max.	90% max.
<b>G. SETBACKS - PRINCIPAL BUILDING</b>							
Front Setback (Primary)	not applicable	48 ft. min.	20 ft. min.	6 ft. min. 18 ft. max.	0 ft. min. 12 ft. max.	0 ft. min. 12 ft. max.	0 ft. min.
Front Setback (Secondary)	not applicable	48 ft. min.	0 ft. or 12 ft. min.	6 ft. min. 18 ft. max.	0 ft. min. 12 ft. max.	0 ft. min. 12 ft. max.	0 ft. min.
Side Setback <sup>4</sup>	not applicable	96 ft. min.	12 ft. min.	0 ft. min.	0 ft. min. 24 ft. max.	0 ft. min. 24 ft. max.	0 ft. min.
Rear	not applicable	96 ft. min.	12 ft. min.	3 ft. min.	3 ft. min.	0 ft. min.	0 ft. min.
Primary Frontage Building	not applicable	not applicable	40% min.	60% min.	80% min.	80% min.	40% min.
<b>H. SETBACKS - OUTBUILDING</b>							
Front Setback	not applicable	20 ft. min. - bldg setback	20 ft. min. - bldg setback	24 ft. min. - bldg setback	as ft. min. from rear property	3" no layer	20-30 ft. - bldg setback
Side Setback	not applicable	3 ft. or 9 ft.	3 ft. or 9 ft.	3 ft. or 9 ft.	0 ft. min.	no max. no min.	0 ft. - 16 ft.
Rear Setback	not applicable	3 ft. min.	3 ft. min.	3 ft. min.	3 ft. max.	no max. no min.	3 ft. min.
<b>I. BUILDING DISPOSITION (see Table 209-11)</b>							
Edge Yard	permitted	permitted	permitted	permitted	not permitted	not permitted	permitted
Side Yard	not permitted	not permitted	permitted	permitted	permitted	not permitted	permitted
Rear Yard	not permitted	not permitted	not permitted	permitted	permitted	permitted	permitted
Court Yard	not permitted	not permitted	not permitted	permitted	permitted	permitted	permitted
<b>J. PRIVATE FRONTS (see Table 209-12)</b>							
Common Yard	not applicable	permitted	permitted	not permitted	not permitted	not permitted	not applicable
Porch & Fence	not applicable	not permitted	permitted	permitted	not permitted	not permitted	not applicable
Terrace or L.C.	not applicable	not permitted	not permitted	permitted	permitted	permitted	not applicable
Forecourt	not applicable	not permitted	not permitted	permitted	permitted	permitted	not applicable
Sloop	not applicable	not permitted	not permitted	permitted	permitted	permitted	not applicable
Shopfront & Awning	not applicable	not permitted	not permitted	permitted	permitted	permitted	not applicable
Gallery	not applicable	not permitted	not permitted	permitted	permitted	permitted	not applicable
Arcade	not applicable	not permitted	not permitted	not permitted	permitted	permitted	not applicable
<b>K. BUILDING HEIGHT<sup>1</sup></b>							
Principal Building	not applicable	2 stories max.	2 stories max.	4 stories max.	6 stories max., 2 min. <sup>2</sup>	15 stories max., 2 min. <sup>2</sup>	6 stories max.
Outbuilding	not applicable	2 stories max.	2 stories max.	2 stories max.	2 stories max.	3 stories max.	2 stories max.
<b>L. FUNCTION (see Tables 209-13A &amp; 209-13B)<sup>3</sup></b>							
Residential	see table 209-13B	see table 209-13B	restricted use	limited use	open use	open use	see table 209-13B
Lodging	see table 209-13B	see table 209-13B	restricted use	limited use	open use	open use	see table 209-13B
Office / Service	see table 209-13B	see table 209-13B	restricted use	limited use	open use	open use	see table 209-13B
Retail	see table 209-13B	see table 209-13B	restricted use	limited use	open use	open use	see table 209-13B

DISPOSITION

CONFIGURATION

FUNCTION

FORM BASED DEVELOPMENT  
Use Pattern

SECTION (e)  
SECTION (b) & (c)

1. For purposes of calculating other frontages see Table 209-11.  
2. 200 ft. max. for blocks with parking structures.  
3. Refer to the percentage of the lot that can be covered by the structure.  
4. For angled setbacks, see section 209-12(2)(b)(1).

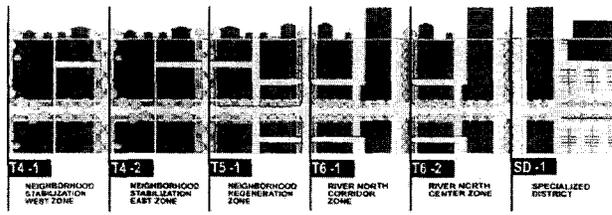


TABLE 204-18A1 TRAFFIC ZONE SUMMARY  
RIVER NORTH CALIBRATION  
FORM BASED DEVELOPMENT  
Use Pattern

A. ALLOCATION OF ZONES (see Section 35-210)						
Infill Regional Center						
B. OVERALL DENSITY (see Section 35-220-c)						
Infill Option						
C. BLOCK SIZE						
Block Perimeter	260' max	180' max	150' max	150' max	200' max	340' max
Block Face Length	400' max	400' max	400' max	400' max	400' max	150' max
D. PUBLIC FRONTAGES (see Tables 204-1E and 204-1F)						
PW	not permitted	not permitted	not permitted	not permitted	not permitted	permitted
EV	permitted	permitted	permitted	permitted	permitted	permitted
HR	not permitted	not permitted	not permitted	not permitted	not permitted	permitted
RS	permitted	permitted	not permitted	not permitted	not permitted	permitted
SS & AV	permitted	permitted	permitted	permitted	permitted	permitted
CR & AV	not permitted	not permitted	permitted	permitted	permitted	permitted
Alley	permitted	permitted	permitted	permitted	permitted	permitted
E. CIVIC SPACE (see Table 204-1A)						
Park	not permitted	not permitted	not permitted	not permitted	not permitted	permitted
Open	permitted	permitted	permitted	not permitted	not permitted	permitted
Square	permitted	permitted	permitted	permitted	permitted	permitted
Plaza	not permitted	not permitted	permitted	permitted	permitted	permitted
Playground	permitted	permitted	permitted	permitted	permitted	permitted
F. LOT OCCUPATION						
Primary Frontage Width	25' min, 200' max	25' min, 200' max	18' min, 50' max	no min, no max	25' min, 10' max	25' min, 250' max
Lot Coverage	20% max	70% max	30% max	30% max	30% max	20% max
G. SETBACKS - PRINCIPAL BUILDING						
Front Setback (Minimum)	10' min, 15' max	10' min, 15' max	0' min, 12' max	0' min, 12' max	0' min, 12' max	0' min, 2' max
River Setback	not applicable	not applicable	not applicable	not applicable	not applicable	not applicable
River Setback (Boundary)	0' min, 10' max	0' min, 10' max	0' min, 12' max	0' min, 12' max	0' min, 10' max	0' min
Side Setback*	0' min, 7' max	0' min, 7' max	0' min, 12' max	0' min, 12' max	0' min, 10' max	0' min
Rear	3' min	3' min	3' min	3' min	3' min	0' min
Primary Frontage Minimum	40% min	60% min	50% min	50% min	60% min	40% min
H. SETBACKS - OUTBUILDING						
Front Setback	24' min, 4' max setback	24' min, 4' max setback	4' min, 4' max setback	3' min, 4' max	3' min, 4' max	20' min, 4' max setback
Side Setback	0' min, 3' min	0' min, 3' min	0' min	no min, no max	no min, no max	0' min, 3' min
Rear Setback	3' min	3' min	3' min	no min, no max	no min, no max	3' min
I. BUILDING DISPOSITION (see Table 204-11)						
Edge Yard	permitted	permitted	not permitted	not permitted	not permitted	permitted
Side Yard	permitted	permitted	permitted	not permitted	not permitted	permitted
Rear Yard	permitted	permitted	permitted	permitted	permitted	permitted
Courtyard	permitted	permitted	permitted	permitted	permitted	permitted
J. PORCHES / FRONTAGES (see Table 204-12)						
Canopy Porch	not permitted	not permitted	not permitted	not permitted	not permitted	not applicable
Screened Porch	permitted	permitted	not permitted	not permitted	not permitted	not applicable
Terrace or L.C.	permitted	permitted	permitted	not permitted	not permitted	not applicable
Fareocut	permitted	permitted	permitted	permitted	permitted	not applicable
Stoop	permitted	permitted	permitted	permitted	permitted	not applicable
Blowup & Awning	permitted	permitted	permitted	permitted	permitted	not applicable
Gallery	permitted	permitted	permitted	permitted	permitted	not applicable
Arcade	not permitted	not permitted	permitted	permitted	permitted	not applicable
K. BUILDING HEIGHT						
Principal Building	2 stories max	4 stories max	2 stories min, 4 max	2 stories min, 8 max	2 stories min, 10 max	3 stories max
Outbuilding	2 stories max	2 stories max	2 stories max	2 stories max	2 stories max	2 stories max
L. FUNCTION (see Tables 204-11A & 204-11B)						
Residential	limited use	limited use	open use	open use	open use	see table 204-13B
Landings	limited use	limited use	open use	open use	open use	see table 204-13B
Office / Service	limited use	limited use	open use	open use	open use	see table 204-13B
Retail	limited use	limited use	open use	open use	open use	see table 204-13B
SECTION (b) & (c)						

1. Permitted to the perimeter of the lot that does not exceed 100 feet width.  
2. For principal buildings, see Section 35-210-11.  
3. The rear setback may be measured between the rear lot line or setback to the 204-12.  
4. Single-story buildings are permitted if they follow all of the following requirements:  
a. The height of a building shall not exceed 10 feet above the ground.  
b. The building shall not exceed 100 feet in length.  
See Section 35-210-11.  
5. See Section 35-210-11.

Chapter 35, Article III, Division 1, 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
"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"	Limited Density Multi-Family
"MF-25"	Low Density Multi-Family
"MF-33"	Multi-Family
"MF-40"	Multi-Family
"MF-50"	Multi-Family
"MF-65"	Urban Multi-Family

Chapter 35, Article III, Division 2, Section 35-310.01 is amended as follows:

**35-310.01 Generally**

\*\*\*\*\*

**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						BUILDING 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) (feet/# of stories)	Size - Individual Building Size (max)	Size - Aggregate Building Size (max)
*****													
R-3 <sup>1</sup>	3,000 <sup>7</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	35/3 35/2-1/2	--	--
RM-5 <sup>1</sup>	5,000		9	15	15	100	10	--	5	10	35/3 35/2-1/2	--	--
RM-4 <sup>1</sup>	4,000		11	15	15	80	10	--	5	10	35/3 35/2-1/2	--	--
MF-18 <sup>1, 4</sup>	--		18	50	50	--	--	20 <sup>3, 4, 6</sup>	5	10	35	--	--

*****														
MF-65 <sup>1,4</sup>	--		65	50	50				$\frac{20^{3,4}}{6}$	5	10	--	--	--
*****														
NC	--		--	20	--	--	--		15	10	30	25	3,000	<u>5,000</u>
C-1	--		--	50	50	--	--		20	10	30	25	5,000	15,000
*****														
Rules for Interpretation of Table 310-1:														
*****														
<b>Column (M):</b> Dimensions are in square footage. See sections 35-310.17 and 35-310.18 for specific rules of interpretation. Additional square footage may be available if a specific use <u>authorization permit</u> is approved, in accordance with these provisions.														

Chapter 35, Article III, Division 2, Section 35-310.07 is amended as follows:

**35-310.07 “MF-18”, “MF-25”, “MF-33”, “MF-40”, and “MF-50” and “MF-65” Multi-Family**

\*\*\*\*\*

**“MF-50” Urban Multi-Family.**

*STATEMENT OF PURPOSE*

*Multi-family residence urban “MF-50” district is the designation for a multi-family use with a maximum density of up to 50 units per acre, depending on unit size. An “MF-50” district designation may be applied to a use in a centrally located area near supporting transportation and commercial areas, an area adjacent to the central business district or a major institutional or employment center, or an area for which very high density multi-family use is desired.*

**“MF-65” Urban Multi-Family.**

*STATEMENT OF PURPOSE*

*Multi-family residence urban “MF-65” district is the designation for a multi-family use with a maximum density of up to 65 units per acre, depending on unit size. An “MF-65” district designation may be applied to a use in a centrally located area near supporting transportation and commercial areas, an area adjacent to the central business district or a major institutional or employment center, or an area for which very high density multi-family use is desired.*

**General Provisions.** See subsection 35-517(d) relating to additional setback for building height increases. An increase of up to 10% of the allowable gross units per acre shall be permitted in the MF-40, MF-50 and MF-65 districts where all on-site visitor and resident parking is provided in a structured parking garage in accordance with Section 35-384(c).

Chapter 35, Article III, Division 2, Section 35-310.08 is amended as follows:

**35-310.08. "NC" Neighborhood Commercial.**

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

(1) In addition to the provisions set forth below, the following restrictions shall apply to the scale of buildings in each "NC" district. Individual buildings shall not exceed the following:

A. Three thousand (3,000) square feet of gross floor area for a single-use building; or

B. A ~~five~~ three thousand (5,000) (~~3,000~~) square foot of gross floor area ~~building footprint~~ for a multiple tenant, mixed-use building or a live-work unit, so long as the building does not exceed two (2) stories.

(2) Buildings shall conform to the design standards established in subsection (b)(2) of this section.

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

**35-311 Use Regulations.**

\* \* \* \* \*

**35-311-1 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 & MF-65	ERZD	LCBS FUNCTION	LCBS STRUCTURE
* * * * *																				
Dwelling - Multi-Family (50 Units/Acre Maximum in MF-50, 65 Units/Acre Maximum in MF-65)																	P	P	1000	1250

\* \* \* \* \*

PERMITTED USE	O-1 & O-1.5	O-2*	NC	C-1	C-2	C-3	D	L	I-1	I-2	ERZD	(LCBS Function)
* * * * *												
Alcohol	Alcohol – Microbrewery						P	P	P	P		S 3110
* * * * *												

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)
Amusement	Museum – public or private	P	P	P	P	P	P	P	P	P		P	5200
*****													
Animal	Animal Clinic			P	P	P	P	P	P			S	2418
Animal	Animal and pet services (no outdoor training, boarding, runs, pens or paddocks)			P	P	P	P	P	P			P	2720
Animal	Animal and pet services (outdoor training, boarding, runs, pens or paddocks permitted)								P	P		S	2720
Animal	Animal – Equestrian Center and Riding Trails (see also 35-348)				S		S		S			S	
Animal	Animal - Pound Or Shelter								P	P		S	2418
Animal	Breeder - Small Animal Only								S	P		N A	2140
Animal	Cemetery – Pets (Limited to Small Animals)					P	P		P	P		S	6730
Animal	Dog Training – Indoor						P		P	P		P	2100
Animal	Dog Training – Outdoor Permitted						S		P	P		S	
Animal	Kennel – Boarding And Breeding								S	P		S	2418
Animal	Pet Grooming – Small Animals Only			P	P	P	P	P	P			P	2136
Animal	Stockyard										S	N A	9300 9200
Animal	Veterinary Hospital - Large And Small Animal (Outside Runs, Pens And Paddocks Permitted)									P		S	2418
Animal	Veterinary Hospital – Large And Small Animal (No Outside Runs, Pens And Paddocks Permitted)						S		P	P		S	
Animal	Veterinary Hospital - Small Animal (Outside Runs, Pens And Paddocks Permitted)								P	P		S	2418
Animal	Veterinary Hospital – Small Animals (No Outside Runs, Pens And Paddocks Permitted)						S	S	P	P		S	
*****													
Auto	Auto and Light Truck Repair (includes motorized vehicles such as motorcycles and all-terrain vehicles)						P		P			NA	2110
*****													
Dwelling	Dwelling- 1 Family (single-family)							P				P	1100
Dwelling	Dwelling – 1 Family Attached (townhome), see 35-373							P				P	1100
Dwelling	Extended Stay, Group Day Care, Hotel (see Service Category)												
Dwelling	Dwelling - Attached Apartments/Condominiums With Maximum Density Of 6 Dwellings Per Gross Acre, see also 35-381 (Allowed Ratio Of 1 Square foot Of Residential Floor use To 1 Square foot Of Nonresidential Floor use) (City council may alter			P	P	P	P	P				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)
	ratios by approval of a specific use authorization)use authorization)												
Dwelling	Attached Single Family Units (townhome)							P					
Dwelling	Dwelling – Attached Apartments/Condominiums With Maximum Density Of 10 Dwellings Per Gross Acre,see also 35-381 (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 20 Dwellings Per Gross Acre,see also 35-381 (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	
Dwelling	Dwelling - Attached Apartments/Condominiums							P					
Dwelling	Live-Work Units, subject to 35-381			P	P	P		P				P	
Dwelling	Loft (see definition of Dwelling, Loft 35-A101)	S	S		P	P	P	P	S	S			
	*****												
Industrial	Construction Contractor Facility – screening required for outdoor storage from public ROWs and adjacent property except in “I-2” (see also Service category, construction trades contractors)						S		S	P	P	S	7100
	*****												
Industrial	Water Well Drilling Contractor									S	P	S	7230
	*****												
Manufacturing	Well Drilling Contractor									S	P	S	7230
	*****												
Retail	Appliance and Electronics – Retail (Appliance Sales Incidental To Other Onsite Retail Items in “C-1” and “D”)				P	P	P	P				P	2125
	*****												
Retail	Computer and Software- Retail			P	P	P	P	P				P	2131
Retail	Convenience Store – Limited to Maximum 3,000 Square Foot Total Floor Area in “I-1”			P	P	P	P	P	P	P			2152
	*****												
Retail	Dry Goods – Retail			P	P	P	P	P	P			P	2133 2130
	*****												
Retail	Grocery Store – Limited to Maximum 3,000 Square Foot Total Floor Area Aea in “NC” “C-1”			P	P	P	P	P				P	2151
Retail	Hardware Sales – Retail (Limited to to Maximum 3,000 Square Foot Total Floor Area in “NC” “C-1”)			P	P	P	P	P				P	2122
Retail	Headshop, see also Section 35-377						S					P	2143 2,000
Retail	Hobby Store – Retail (Limited to to Maximum			P	P	P	P	P				P	2134 2140

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)
	3,000 Square Foot Total Floor Area in "NC" "C-1")												
*****													
Retail	Pet or pet supply store Shop - Retail			P	P	P	P	P	P			P	2710 2136
*****													
Retail	Variety Store - Retail				P	P	P	P				P	2130 2145
*****													
Service	Construction Trades Contractors- screening required for outdoor storage from public ROWs and adjacent property except in "I-2" (see also Industrial category, contractor facility use)									P	P	S	S 7300
*****													
Service	Ice Machine (over 120 square feet)					P	P		P	P		P	
*****													
Service	Radio or Television Station Studio	P	P		P	P	P	P	P	P		P	
*****													
Social	Club - Private (see definition "Club" in 35-A101)					S	P	P				P	6830 9900
Social	Clubhouse - Civic And Fraternal Organizations, Private Including Lodges And Meeting Halls				P	P	P	P				P	6830 9900
*****													
Utilities	Radio or Television Station Without Transmission Tower					S	S	S	S	S		P	4231
Utilities	Radio/Television Antenna, subject to §35-385(b)	P	P	P	P	P	P	P	P	P	P	S	
Utilities	Radio/Television Antenna, unable to comply with §35-385(b)	S	S	S	S	S	S	S	S	S	S	S	
*****													
Warehouse	Office Warehouse (Flex Space) - Outside Storage Not Permitted except in the I-2 district (warehouse/wholesaling use not to exceed 25% of the gross floor area in C-3 district) (office/showroom/retail uses not to exceed 25% of the gross floor area in the I-2 district)							P		P	P	P	S 3600

\*\*\*\*\*

Table 311-2a  
Nonresidential Use Matrix

PERMITTED USE	UD Major Node	UD Minor Node	RD Major Node	RD Minor Node	FR Ag Commercial	VILLAGE CENTER FR /	MI - 1	MI-1 Minor Node	VILLAGE CENTER - M1	MI - 2	MI-2 Minor Node	VILLAGE CENTER - M2
*****												

	PERMITTED USE	UD Major Node	UD Minor Node	RD Major Node	RD Minor Node	FR Ag Commercial	VILLAGE CENTER FR /	MI - 1	MI-1 Minor Node	VILLAGE CENTER - MI	MI - 2	MI-2 Minor Node	VILLAGE CENTER - M2
Amusement	Museum -- public or private	P	P	P	P	P	P	P	P	P			P
*****													
Animal	Animal Clinic	P	P	P	P	P	P	P	P	P		P	
Animal	Animal and pet services (no outdoor boarding, runs, pens or paddocks)	P	P	P	P	P	P	P	P	P		P	
Animal	Animal and pet services (outdoor boarding, runs, pens or paddocks permitted)					P	P	P					
Animal	Animal - Equestrian Center and Riding Trails					S		S					
Animal	Animal - Pound Or Shelter							P					
Animal	Breeder - Small Animal Only					P		S					
Animal	Cemetery - Pets (Limited to Small Animals)					P		P					
Animal	Dog Training - Indoor	P		P		P		P					
Animal	Dog Training - Outdoor Permitted					P		P					
Animal	Kennel - Boarding And Breeding					P		S					
Animal	Pet Grooming - Small Animals Only	P	P	P	P	P	P	P	P	P		P	
Animal	Stockyard							S					
Animal	Veterinary Hospital - Large And Small Animal (Outside Runs, Pens And Paddocks Permitted)					P		P					
Animal	Veterinary Hospital - Large And Small Animal (No Outside Runs, Pens And Paddocks Permitted)					P	P	P					
Animal	Veterinary Hospital - Small Animal (Outside Runs, Pens And Paddocks Permitted)					P		P					
Animal	Veterinary Hospital - Small Animals (No Outside Runs, Pens And Paddocks Permitted)	S		S		P	P	P					
*****													
Auto Manufacturing	Auto Manufacturing Assembly Operations (< 5 acres in MI-1)							P			P		

	PERMITTED USE	UD Major Node	UD Minor Node	RD Major Node	RD Minor Node	FR Ag Commercial	VILLAGE CENTER FR /	MI - 1	MI-1 Minor Node	VILLAGE CENTER - MI	MI - 2	MI-2 Minor Node	VILLAGE CENTER - M2
Auto Manufacturing	Electronic Component Manufacturing (< 5 acres in MI-1)							P			P		
Auto Manufacturing	Metal Fabrication (< 5 acres in MI-1)							P			P		
Auto Manufacturing	Plastics Manufacturing (< 5 acres in MI-1)							P			P		
Auto Manufacturing	Plating Manufacturing										P		
Auto Manufacturing	Plating Manufacturing (< 5 acres)							P			P		
Auto Manufacturing	Auto Parts Sequencing And Assembly										P		
Auto Manufacturing	Auto Parts Sequencing And Assembly (< 5 acres in MI-1)							P			P		
****													
Dwelling	Dwelling - Attached Apartments/Condominiums With Maximum Density Of 6 Dwellings Per Gross Acre, see also 35-381 (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										
Dwelling	Dwelling - Attached Apartments/Condominiums With Maximum Density Of 10 Dwellings Per Gross Acre, see also 35-381 (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										
Dwelling	Dwelling - Attached Apartments/Condominiums With Maximum Density Of 20 Dwellings Per Gross Acre, see also 35-381 (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										

	PERMITTED USE	UD Major Node	UD Minor Node	RD Major Node	RD Minor Node	FR Ag Commercial	VILLAGE CENTER FR /	MI - 1	MI-1 Minor Node	VILLAGE CENTER - MI	MI - 2	MI-2 Minor Node	VILLAGE CENTER - M2
Dwelling	Dwelling - Attached Apartments/Condominiums With Maximum Density Of 50 Dwellings Per Gross Acre, see also 35-381 (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) authorization)	P											
*****													
Dwelling	Live-Work Units, subject to 35-381	P	P										
*****													
Industrial	Construction Contractor Facility – screening required for outdoor storage from public ROWs and adjacent property (see also Service category, construction trades contractors)							S			P		
*****													
Industrial	Water Well Drilling Contractor							S			P		
*****													
Manufacturing	Well Drilling Contractor							S			P		
*****													
Retail	Appliance and Electronics – Retail (Appliance Sales Incidental To Other Onsite Retail Items in “UD and “RD”)	P		P						P			P
*****													
Retail	Computer and Software - Retail	P	P	P	P				P	P		P	P
*****													
Retail	Pet or Pet Supply Store Shop – Retail	P	P	P	P				P	P		P	
*****													
Service	Construction Trades Contractors- screening required for outdoor storage from public ROWs and adjacent property (see also Industrial category, contractor facility use)							P			P		

	PERMITTED USE	UD Major Node	UD Minor Node	RD Major Node	RD Minor Node	FR Ag Commercial	VILLAGE CENTER FR /	MI - 1	MI-1 Minor Node	VILLAGE CENTER - MI	MI - 2	MI-2 Minor Node	VILLAGE CENTER - M2
*****													
Service	Ice Machine (over 120 square feet)	P		P				P		P			
*****													
Service	Radio or Television Station Studio	P		P		S	S	S			S		
*****													
Utilities	Radio/Television Antenna, subject to §35-385(b)	P	P	P	P	P	P	P	P	P	P	P	P
Utilities	Radio/Television Antenna, unable to comply with §35-385(b)	S	S	S	S	S	S	S	S	S	S	S	S
Utilities	Radio or Television Station Without Transmission Tower	P		P		S	S	S			S		

\*\*\*\*\*

Chapter 35, Article III, Division 4, 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.
  - G. Jefferson "NCD-7", August 16, 2009.
  - H. Woodlawn Lake Area "NCD-8", November 18, 2010.
  - I. Westfort Alliance "NCD-9", October 6, 2011.

Chapter 35, Article III, Division 4, Section 35-339.01, is amended as follows:

### **35-339.01. Corridor Districts.**

#### **(c) Initiation Procedures and Zoning Classification.**

- (1) Zoning changes to establish specific corridor districts shall be initiated by city council resolution.
- (2) The department of planning and community services shall undertake land use and other background studies necessary to establish a corridor district. All property owners within the proposed corridor district and adjacent areas shall be afforded an opportunity to participate in drafting the proposed regulations through public hearings and meetings.
- (3) The corridor districts are established as overlays to the regular base zoning districts established by this chapter.
- (4) The zoning designation for the corridor district shall consist of a base zone symbol and the overlay district symbol "GC" "€" gateway corridor, "MC" metropolitan corridor and "PC" preservation corridor as a suffix. Corridor districts shall be numbered sequentially to distinguish among different districts, i.e., "GC-1", "GC-2", etc. Adopted corridor districts referenced herein by their title and date of adoption are:
  - A. Hill Country Gateway Corridor "GC-1"; May 19, 2003.
  - B. Highway 151 Gateway Corridor "GC-2"; April 28, 2005.
  - C. Roosevelt Metropolitan Corridor "MC-1"; October 1, 2009.
  - D. Bulverde Road Preservation Corridor "PC-1"; June 17, 2010.
  - E. South Presa Metropolitan Corridor "MC-2"; May 19, 2011.
  - F. Austin Highway/Harry Wurzbach (TAPS Memorial Boulevard) Metropolitan Corridor "MC-3"; March 15, 2012.

Chapter 35, Article III, Division 5, Section 35-343, is amended as follows:

### **35-343. "IDZ" Infill Development Zone.**

#### **(a) Locational Criteria.**

##### **(1) Generally.**

- A. An "IDZ" may be located within Community Revitalization Action Group (CRAG) target area as defined in 35-A101, ~~designated on the effective date of this chapter~~, which area generally includes the territory located inside the corporate boundaries of the city as they existed in 1940.
- B. An "IDZ" may also be located in a Census Tract inside of Interstate Loop 410, ~~an area subject to a neighborhood plan adopted pursuant to section 35-420 of this chapter~~, or other area ~~designated by the city council pursuant to an ordinance establishing an "IDZ" zone~~, in which at least two (2) of the

following factors are present:

- 1.A. At least ten (10) percent of the structures are abandoned; or
- 2.B At least ten (10) percent of the platted lots are vacant; or
- 3.C. At least ten (10) percent of the lots or structures are subject to tax liens.

C. An "IDZ" may also be designated for a location inside of Interstate Loop 410 that meets one of the following:

1. Within the boundaries of a Community Development Reinvestment Plan adopted by the City Council;
2. Within the boundaries of a Neighborhood or Community Plan adopted by City Council at a location designated by the Plan that is suitable for "IDZ" designation;
3. On properties currently owned by the federal, state, county or city government; or
4. On properties previously owned by the federal, state, county or city government on or after June 4, 2001.

(2) **Mapping.** ~~The department of planning and development may prepare a map of infill development zones "IDZ"s which meet the criteria set forth above. The "IDZ" district may be considered approved by the city council as an amendment to part of the official zoning map when it meets one of the location criteria established by subsection (1) above.~~

(b) **Use Regulations.** The "IDZ" may be approved as either a base zoning district or an overlay zoning district. The standards provided in this section shall apply whether "IDZ" is requested as either a base district or as an overlay except where otherwise specifically stated.

(1) **Overlay District.** 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 conditional use may be permitted utilizing the provisions authorized by Section 35-422, Table 422-1 and payment of the condition use fee pursuant to 35-C102. 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.
- C. An Each additional individual use approved as a conditional 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 include the minimum contents prescribed in subsection (2) below. The site plan shall be reviewed by the zoning commission and approved by the city council concurrent with the approval of the "IDZ" overlay zoning district boundary.

D. When "IDZ" is adopted as an overlay district, the base zoning district standards and the standards for conventional subdivision, in accordance with Section 35-202, shall remain in effect where not specifically provided alternative standards within this section.

(2) **Base District and Site Plan Requirements.** When the ordinance designates the "IDZ" as a base zoning district it shall be accompanied by a list of permitted uses and a zoning 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 zoning site plan shall be reviewed by the zoning commission and approved by the city council concurrent with the approval of the "IDZ" district. A Master Development Plan is not required where "IDZ" is established as a base zoning district that has filed the requisite site plan. A zoning site plan for an "IDZ" shall include:

- A. Legal description and exhibit of the property at appropriate scale showing the area to be zoned "IDZ".
- B. The location of all comprehensive land use categories as defined in Section 35-A101. Multi-family uses shall include an indication of gross density as defined in §35-A101 in units per acre, provided there is no limit on the level of density. For example, a 2.5-acre site with a 65,000 square foot building footprint consisting of 275 units in a three-story building with the balance of the site used for amenities and off-street loading facilities shall be considered 110 dwelling units per acre. (275/2.5 = 110) Categories may include single-family residential, mixed residential (one (1) to four (4) residential units per structure), multi-family residential, retail, service, office, institutional, industrial, and parks/open space. Multiple categories may be designated where a building is sited to include two (2) or more categories of uses.
- C. The location of all streets and, if applicable, ingress/egress facilities in accordance with subsection (c)(1) below.
- D. When "IDZ" is adopted as a base zoning district, the standards for conventional subdivision, in accordance with Section 35-202, shall remain in effect where not specifically provided alternative standards within this section.
- E. A site plan shall not be required for city-initiated "IDZ" rezoning

cases.

(3) **Amendments to "IDZ" Site Plan.**

- A. Initiation. Revisions to a previously approved "IDZ" site plan shall be classified as minor or major changes. The applicant for site plan amendment shall submit a site plan that is consistent with the requirements of Section 35-343(b) (2) above. The submittal shall include the site plan approved with the original application and a revised copy with annotation of the requested changes. The revised site plan shall be prepared to scale and shall include a block for a signature by the property owner and the Development Services Director to indicate acceptance of the revised site plan and, if applicable, shall include appropriate signature and seals of the design professional (i.e. architect, engineer, surveyor) that prepared the site plan. The site plan shall be processed only upon payment of the plan amendment fee indicated in 35-C103.
- B. Completeness Review. Development Services will conduct a completeness review within five (5) working days of submittal. Within five (5) working days after filing the proposed site plan amendment, including all required items and information, the director of development services shall provide a written response to the applicant indicating whether or not the submitted revised "IDZ" site plan has been accepted as a minor or major amendment.
- C. Major amendments. A major amendment shall require a new application for rezoning pursuant to the procedures of 35-421. A major amendment to an "IDZ" site plan shall include:
1. Any increase in the number of dwelling units per acre within the "IDZ" plan area.
  2. Any increase in the total commercial acreage within the "IDZ" plan area.
  3. Any increase in the total industrial acreage within the "IDZ" plan area.
  4. Any decrease above ten (10) percent in the total open space acreage within the "IDZ" plan area.
  5. Any decrease in perimeter buffers between the "IDZ" plan area and adjacent properties.
  6. Any amendment to the location previously identified in the "IDZ" site plan from residential to an office, commercial or industrial use, if the property where the proposed change is to occur abuts existing property in which the principal use is a single-family residence.
- D. Minor Amendments. Any other revision to an "IDZ" site plan not described in subsection 35-343 (b) (3) C above, shall be deemed a

minor change. After the 5 day completeness review process, a site plan revision deemed by the Director as a minor amendment shall undergo a technical review by staff not to exceed thirty-five (35) days and shall not require review by the Zoning Commission nor approval by the City Council. If approved, the Director shall sign the amendment indicating official acceptance in the required signature block.

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

(1) **Lot layout**

- A. Minimum lot size. When “IDZ” is established as a base zoning district lots for the uses permitted on the zoning site plan may be platted without a minimum lot area requirement, provided that detached single family uses shall have a minimum lot size of 1,250 square feet.
- B. Frontage. When “IDZ” is established as a base zoning district lots may be platted 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 indicated on the subdivision plat for the area with the “IDZ” designation. Approximate locations of ingress/egress facilities shall be shown on the zoning site plan. The provisions of this subsection regarding lots shall supersede the requirements of subsection 35-515(c)(4) titled “Frontage.” Minimum fire access requirements shall apply.
- C. See §35-515 (d) (1), table 515-1 relative to front yard design.

(2) **Building location.** The requirements of this subsection shall apply to the construction of new buildings within the “IDZ” district whether used as an overlay or a base district. The provisions of this subsection shall not apply to the reuse and/or rehabilitation of existing structures provided however that these requirements shall apply to any additions, expansion or enlargement of any existing buildings.

- A. **Nonresidential.** The side, front and rear setback provisions of the zoning regulations (Article III) shall not apply to an approved infill development zone 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. A 900 series lot, as defined in Section 35-A101, may be provided in lieu of the required five (5) foot setback from the rear lot line provided that the 900 series lot provides a lot width at least equivalent to the required setback distance.
- B. **Residential.** On blocks where over fifty percent of the blockface is occupied with existing single-family, duplex, triplex, and/or quadraplex residential units, the front setback within IDZ for uses

zoned for single-family, duplex, triplex, and quadraplex uses shall be within ten (10) percent 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 facade shall front the street. A 900 series lot, as defined in 35-A101, may be provided in lieu of the required front or rear setbacks provided that the 900 series lot provides a lot width at least equivalent to the minimum required setback distance.

~~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 five (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 (10) percent 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 facade shall front the street.~~

- (d) **Adequacy of Public Facilities.** The traffic impact and roughly proportionate determination ~~adequate public facilities regulations~~ (section 35-502 of this chapter) do not apply to an application for development approval within an "IDZ" district.
- (e) **Street Construction Standards Transportation.**
  - (1) **Standards Not Applicable.** The street construction transportation standards shall not apply to infill development which involves the activities listed in subsections A and B below, except as provided in subsection (2) below. The street construction transportation standards shall apply to all other infill development not listed below:
    - A. The reuse of an existing building; or
    - B. The development of an existing parcel or lot of less than twenty thousand (20,000) square feet.

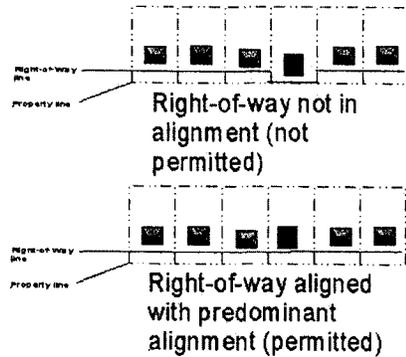


Figure 343-1

(2) **Standards Which Are Applicable.** The following provisions of the street construction transportation standards shall apply to all infill development, including that listed above:

- A. Standards relating to sidewalks, subsection 35-505(q) provided, however, that the applicant shall not be required to provide a sidewalk width exceeding that of any existing sidewalks adjoining the site, provided that minimum ADA standards shall be met in accordance with 35-506(d)(9)C. In single family locations see also §35-506 (q)(2)F.
- B. If the lot adjoins a street in which the right-of-way is not aligned with the adjoining parcels, the standards relating to the dedication of right-of-way (subsection 35-505(g)) shall apply (see Figure 343-1).

\* \* \* \* \*

- (g) **Utilities.** The utilities standards shall apply to infill development.
- (h) **Parks and Open Space.** The parks and open space standards (section 35-503 of this chapter) shall not apply to infill development.
- (i) **Reserved. Natural Resource Protection.** ~~The natural resource protection standards (article V, division 5 of this chapter) shall not apply to infill development.~~
- (j) **Buffers, Landscaping, and Streetscape Streetside Planting and Tree Preservation.** The buffering standards (section 35-510) shall not apply to infill development. The landscaping standards (section 35-511) and streetscape planting standards (section 35-512) shall apply. Only twenty-five (25) points shall be required under subsection 35-511(d) (elective criteria), for landscaping on lots within the "IDZ"district, see also §35-511 (e)(7).
- (k) **Parking.** The minimum vehicle parking requirements of the parking standards shall not apply to infill development. All other provisions of the parking standards shall apply to infill development.

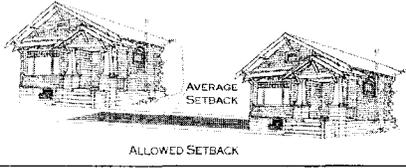
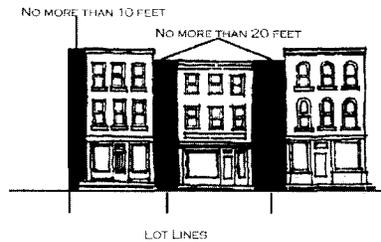
(l) **Outdoor Storage.** The outdoor storage standards shall apply to infill development.

(m) **Urban Design.**

(1). **Compatible design.** Any new 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 "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, for reference. A building or site plan shall be considered to be compatible in massing" to buildings on abutting lots and adjacent block faces, or uses if at least two (2) of the following five (5) elements are provided:

**SETBACKS AND SPACING BETWEEN BUILDINGS.** 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.

The side setback provisions of this section shall not apply to Single-Family Detached Dwellings or lots abutting 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 from windows, doorways, bays, and pediments in the facade of abutting 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.



<p><b>PROPORTION OF PRIMARY FACADE.</b> 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 from any façade on a building of an abutting lot or, if the subject property is the only lot on the block, the façade 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 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 facades on abutting lots or adjacent blocks, at the discretion of the applicant.</p>	
<p><b>LOCATION AND TREATMENT OF ENTRYWAY.</b> 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 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 abutting buildings shall not vary more than thirty percent (30%) as measured from grade.</p>	
<p><b>BUILDING SCALE.</b> Building height and footprint 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. 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.</p>	

(2). **Alternative designs.**

- A. As an alternative to compatible design requirements in subsection (1) above, an applicant requesting "IDZ" designation as a base or as an overlay district on blockfaces that are not occupied by 50% or greater residential uses as established in §35-343(c)2 B above may submit alternative building design plans that demonstrate substantial conformance to the requirements of §35-204(o) for recommendation by the Zoning Commission and consideration by the City Council as part of a request to rezone property to "IDZ" as a base or as an overlay district. Where properties are located within a historic district or a River Improvement Overlay Districts building designs require approved of the Office of Historic

Preservation and Historic and Design Review Commission, as applicable.

- B. As an alternative to the compatible design requirements in subsection (1) above, an applicant, including the city for city-initiated large area rezoning cases, requesting “IDZ” designation as a base or as an overlay district may submit an alternative site and building design plan that conforms to the design guidelines from a physical master plan adopted as a component of the City’s Comprehensive Plan as part of a request to rezone property to “IDZ” as a base or as an overlay district for recommendation by the Zoning Commission and consideration by the City Council. To qualify under this provision, the alternative site and building design plan must at a minimum include building height, build-to-zone, percent of façade in build-to-zone, building and tenant entrance location, parking location, building material, and landscape standards that conform to the physical master plan guidelines that are applicable to the property subject to the rezoning request.

Chapter 35, Article III, Division 5, Section 35-357, is amended as follows:

**35-357(h) Master Development Pattern Plan Required.**

\* \* \* \* \*

- G. The following general application requirements included on the site plan or as a separate exhibit as necessary:

\* \* \* \* \*

4. Site Conditions.
  - a. Existing topography with maximum contour interval of two (2) feet, except where existing ground is on a slope of less than five (5) percent then either one-foot contours or spot elevation shall be provided where necessary.
  - b. All existing easements or right-of-way with street names impacting the development area, their nature and width.
  - c. The location of all entrances onto existing and/or proposed adjacent roadways, whether existing or proposed.
  - ~~d. The location and dimension of all proposed or existing lots.~~
  - d.e. A delineation of EARZ, wetlands, floodplains and woodlands.
  - e.f. Utilities plan.
  - ~~g. Location of proposed fire hydrants, as part of a request for LOC.~~
  - f.h. A stormwater management plan.

- (3) The applicant may elect to omit certain eligible items from the initial master development pattern plan application. If these items are omitted from the initial application, they shall be submitted in a subsequent application or subsequent applications as an addendum to the master development pattern plan. The addenda shall not be considered an amendment to the MDPP. These items shall be submitted according to a phasing schedule included with the initial application and shall be approved through the process described in subsection 35-357(f)(1). The following items from subsection 35-357(f)(2) are eligible for deferred submittal:
- A. Mandatory and recommended frontage designations.
  - B. Cross block passage designations.
  - C. Terminated vista designations.
  - ~~D. The location and dimension of all proposed or existing lots.~~
  - ~~E. The location of proposed fire hydrants, as part of a request for LOC.~~
  - D.F. Housing mix for sustainable development option.

Chapter 35, Article III, Division 7, Section 35-370(b), is amended as follows:

**35-370. Accessory Use and Structure Regulations.**

(b) **Accessory Structures.**

- (1) Accessory structures exceeding thirty (30) inches in height shall be located a minimum distance of five (5) feet from any side or rear property line. In residential districts, however, if an accessory structure has no sills, belt courses, cornices, buttresses, eaves, or similar projecting architectural features, then the minimum distance from any side or rear property line may be reduced to three (3) feet.
- (2) Accessory structures on reverse corner lots shall maintain a minimum distance from the side street lot line equal to the depth of the front setback required on the lot to the rear.
- (3) The maximum lot coverage of all accessory structures shall not exceed fifty (50) percent of the total area of the side and rear yards, provided that in residential districts the total floor area does not exceed a maximum of two thousand five hundred (2,500) square feet.
- (4) Within nonresidential districts, accessory structures, except for carports, are prohibited within the side and rear setback areas of lots adjacent to residential district. The total floor area of all accessory structures shall not exceed two thousand five hundred (2,500) square feet.
- (5) Accessory structures intended for use as accessory dwelling units shall also conform to the provisions of §35-371.

(6) Accessory structures shall only be permitted within the side or rear yard area within all single family and mixed residential districts, as identified in Section 35-303, with the exception of carports and garages permitted pursuant to Section 35-516(g). Subsection (6) shall not apply to residentially zoned property when the primary use is a church, school or other permitted nonresidential use.

Chapter 35, Article III, Division 7, Section 35-381, is amended as follows:

**35-381. Mixed-Use Buildings and Live-Work Units.**

(a) Mixed-use buildings or live-work units shall be subject to the following criteria:

(A) Development Standards	(B) Mixed-use Building	(C) Live-Work Units
Locational Criteria	<ul style="list-style-type: none"> <li>&gt; Where permitted by the Use Matrix</li> <li>&gt; In any PUD, MPCD, <del>or</del> "MXD", <del>or</del> D district</li> <li>&gt; In any TND, "TOD" or Commercial Retrofit use Pattern</li> <li>&gt; In any "IDZ" <u>district Zone</u> where <u>indicated on the site plan required by §35-343(b).</u> <del>at least one adjoining lot is devoted to nonresidential uses.</del></li> </ul>	<ul style="list-style-type: none"> <li>&gt; Where permitted by the Use Matrix</li> <li>&gt; In any PUD, MPCD, <del>or</del> "MXD", <del>or</del> D district</li> <li>&gt; In any TND, "TOD" or Commercial Retrofit Use Pattern</li> <li>&gt; In any "IDZ" <u>district Zone</u> where <u>indicated on the site plan required by §35-343(b).</u> <del>at least one adjoining lot is devoted to nonresidential uses.</del></li> </ul>
Types of Land Uses Allowed	Residential, Retail, Office, Industrial	Residential, Retail, Office
Permitted Density or Intensity	No density restrictions apply, <u>except as provided in subsection (b).</u> The building is subject to the setback and dimensional requirements of the Dimensional Matrix, <u>table 310-1.</u>	See subsection (b), below. The building is subject to the setback and dimensional requirements of the Dimensional Matrix, <u>table 310-1.</u>
Distribution of Uses	By floor (see below)	By floor (see below)
• uses permitted on first floor	Retail, Office, Industrial	Commercial or Office only. <u>Residential may be permitted when shared with common commercial or office space in accordance with the International Building Code.</u>
• uses permitted on second floor	Residential, Retail, Office, Industrial	Residential only
• uses permitted above second floor	Residential, Office	Residential only

(b) The density of mixed-use buildings or live-work units shall not exceed the following, at

locations where the building is listed as a permitted use in the Nonresidential Use Matrix (Table 311-2 - see listing under category "dwelling" and permitted use "dwelling - attached apartments"):

Maximum Density (dwelling units per gross acre)	Ratio of Residential Floor Space to Nonresidential Floor Space (square footage)	Zoning Districts
6	1:1	NC, C-1, C-2, <del>C-3</del> , D, UD, ERZD
10	1:1	C-2, <del>C-3</del> , D, UD, ERZD
20	2:1	<del>C-3</del> , D, UD, ERZD
50	4:1	D, UD – major node only, ERZD

Chapter 35, Article III, Division 7, Section 35-391, is amended by adding subsection (i) as follows:

**35-391. Temporary Uses.**

- (i) **Event parking.** The Director may permit temporary event surface parking in nonresidential zoning districts and special zoning districts in accordance with the following criteria:
- (1) No structure, tent, or equipment shall be located within two hundred (200) feet of property used for residential purposes.
  - (2) The site shall be a minimum of 20,000 square feet in size.
  - (3) The maximum permitted time period of event parking shall be ten (10) days. No more than thirty (30) total days per calendar year may be permitted at the same location.
  - (4) The hours of operation shall be limited from 8:00am to 10:00pm where abutting single family land uses.
  - (5) An improved surface shall be provided in accordance with the definition of “all weather surface (temporary access)” in Appendix A.
  - (6) The parking shall comply with “EP” Facility Parking District, if applicable, and any other overlay zoning district requirements that exist on the property, as applicable.
  - (7) Any lighting facilities shall comply with §35-392.
  - (8) Any signage shall comply with Chapters 28 and 35 of the City Code.

Chapter 35, Article IV, Division 1, Section 35-403(d) is amended as follows:

**35-403. Notice Provisions.**

- (d) **Minor Application and Zoning Site Plan Amendments Not Requiring Renotification.**

- (1) The provisions of this subsection (d) shall govern to the extent not inconsistent with provisions relating to minor amendments for a specific category of development permits ~~or of development orders~~. ~~Minor~~ The reviewing body may allow minor amendments to the application or previously approved zoning site plan may be made without requiring resubmission of the entire application. For purposes of this subsection, "minor amendments" are amendments which:
- A. Permit equal or fewer dwelling units, floor area, lot coverage or impervious surface than that requested on the original application;
  - B. Reduce the impact of the development; or
  - C. Reduce the amount of land involved from that indicated in the notices of the hearing.
- (2) A minor amendment ~~The reviewing agency shall not, in any case, permit as a minor amendment:~~
- A. An increase in the number of dwelling units, floor area, lot coverage or impervious surface development;
  - B. A different land use than that requested in the application;
  - C. A larger land area than indicated in the original application; or
  - D. A greater variance than that requested in the application.
- (3) A minor amendment ~~In addition, the reviewing agency shall not reduce or eliminate conditions adopted in this Chapter or otherwise adopted by City Council ordinance for a specific use authorization or conditional zoning district unless a new notice of Zoning Commission recommendation and City Council action is provided prior to the final decision thereto.~~
- (4) ~~(3)~~ Zoning Intensity. For purpose of notification the following table of intensity of zoning shall be used. The intensity ranges shall constitute all districts on the following table that lie between the existing zoning district of the subject property and the requested zoning district for the subject property. Consideration of such a recommendation shall not require renotification. Upon request of the property owner, imposition of a "NA" or "R" suffix on a request for a rezoning to the "C-2" or "C-3" districts shall not require renotification. An applicant may not amend a rezoning request to multi-family without renotification. Flex districts (UD, RD, FR MI-1 and MI-2), overlay districts and special districts shall require renotification.

Chapter 35, Article IV, Division 1, Section 35-403, Table 403-2 is amended as follows:

**Table 403-2**  
Intensity Ranges

"RP"  
"RE"  
"R-20"

"R-6"  
"R-5"  
"R-4"  
"R-3"  
"RM-6"  
"RM-5"  
"RM-4"  
"MF-18"  
"MF-25"  
"MF-33"  
"MF-40"  
"MF-50"  
"MF-65"  
"NC"  
"O-1"  
"C-1"  
"O-1.5"  
"C-2NA", "C-2P"  
"C-2"  
"O-2"  
"C-3NA"  
"C-3R"  
"C-3"  
"D"  
"L"  
"I-1"  
"I-2"

*Example an applicant with a property presently zoned "R-6" and requesting "C-3" could receive a recommendation for approval of any of the following districts "R-5", "R-4", "R-3", "NC", "O-1", "O-1.5", "C-1", "C-2NA", "C-2P", "C-2", "O-2", "C-3NA", "C-3R OR "C-3" without requiring renotification. Rezoning to a "MF" district would require renotification.*

Chapter 35, Article IV, Division 1, Section 35-408(c) is amended as follows:

### **35-408. Neighborhood Registration**

- (c) **Effect of Neighborhood Registry.** When a neighborhood association has been registered as provided herein, the department of ~~planning and community~~ development services shall notify the neighborhood association of any application for rezoning or planned unit development plan or ~~master development plan approval application~~ filed within the boundaries of a registered neighborhood association or within 200 feet of the site boundary. Individual citizens who reside outside the two hundred-foot notice required by this chapter, but within the boundaries of a registered neighborhood association are

considered notified when any such notification is sent to the neighborhood association within two hundred (200) feet of the subject site. This notice is a courtesy and hearings may proceed despite claims of a lack of notice.

Chapter 35, Article IV, Division 3, Section 35-422(e) and Table 422-1 are amended as follows:

**35-422. Conditional Zoning.**

(c) **Criteria.**

- (1) **Permitted Uses.** Notwithstanding any provisions of this chapter to the contrary, a conditional zoning district may be permitted as provided in this section so long as the criteria for approval of a rezoning are met (see subsection 35-421(d)). A conditional use permitted in a "UD", "RD", "MI-1", or "MI-2" district shall meet all development standards of that district, including location criteria. Any use which requires a specific use authorization as set forth in Tables 311-1 and 311-2 ~~may shall not~~ be permitted in a less intense zoning district (as specified in the Intensity Ranges Table 403-2) pursuant to a conditional zoning district. Uses permitted by right in the districts set forth in column (A) of Table 422-1 below, may be permitted pursuant to a conditional zoning district approved within the zoning districts set forth in column (B) of Table 422-1, as follows:

**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, O-1, NC, C-1	Any residential district
O-1, C-1, C-2, UD	NC, C-1, UD
O-1, <u>O-1.5</u> , 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
O-1, NC, C-1	<u>Any IDZ district with frontage on a Local Street</u>
O-1, <u>O-1.5</u> , O-2, NC, C-1, C-2, C-3, L, I-1	<u>Any IDZ district with frontage on a Collector Street or higher classification street.</u>

Chapter 35, Article IV, Division 3, Section 35-422(g) is amended as follows:

**35-422. Conditional Zoning.**

- (g) **Amendments.** After City Council approval of the conditional use, the Director may approve up to three amendments to the conditional zoning site plan in accordance with the minor amendment criteria established in §35-403 (d)(1) except as otherwise provided below:
- (1) **New or Different Uses.** An amendment to a conditional zoning district to authorize a new or different use shall require a new application for a rezoning to a conditional zoning district and shall be processed as set forth in subsections (b) through (e) of this section.

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

Further a minor amendment shall only be approved where:

- (1) No more than two (2) minor modification have previously been granted pursuant to this subsection;
- (2) Nothing in the currently valid conditional zoning precludes or otherwise limits such modification; and
- (3) The proposal conforms to the provisions of article V and is in keeping with the spirit and intent of any adopted comprehensive plan.

The applicant for a minor amendment shall submit a site plan that is consistent with the requirements of 35-422(b) (2) for conditional uses. The submittal shall include the site plan approved with the original application and a revised copy with annotation of the requested changes. The revised site plan shall be prepared to scale and shall include a block for a signature by the property owner and the Development Services Director to indicate acceptance of the revised site plan and, if applicable, shall include appropriate signature and seals of the design professional (i.e. architect, engineer, surveyor) that prepared the site plan. The site plan shall be processed only upon payment of the plan amendment fee indicated in 35-C103. In accordance with Section 35-402(c)(3), the Development Services Department will conduct completeness review within five (5) working days of submittal. After the 5- day completeness review process, the site plan will undergo a technical review by staff not to exceed thirty-five (35) days.

Chapter 35, Article IV, Division 3, Section 35-423 is amended as follows:

**35-423. Specific Use Authorization.**

*STATEMENT OF PURPOSE*

*The purpose of this section is to provide for certain uses which, because of their unique characteristics or potential impacts on adjacent land uses, are not generally permitted in certain zoning districts as a matter of right, but which may, under the right set of circumstances and conditions be acceptable in certain specific locations. These uses are permitted only through the issuance of a specific use authorization ~~permit~~ by the city council after ensuring that the use can be appropriately accommodated on the specific property, will be in conformance with the comprehensive plan, can be constructed and operated in a manner which is compatible with the surrounding land uses and overall character of the community, and that the public interest and general welfare of the citizens of the city will be protected. No inherent right exists to receive a specific use authorization; such authorizations ~~permits~~ are a special privilege granted by the city council under a specific set of circumstances and conditions, and each application and situation is unique. Consequently, mere compliance with the generally applicable requirements may not be sufficient and additional measures may be necessary to mitigate the impact of the proposed development. Specific use authorizations are authorized by V.T.C.A. Local Government Code §§ 211.005 through 211.007.*

\* \* \* \* \*

- (d) **Decision.** When the director has certified that the application is complete, it shall be deemed received and shall be referred to the zoning commission for its review and decision.
- (1) **Type of Hearing.** The public hearing before the zoning commission and city council shall be conducted as a legislative hearing in accordance with subsection 35-404(d), above.
- (2) **Zoning Commission.** The zoning commission, after public notice in accordance with V.T.C.A. Local Government Code § 211.007(c), shall hold at least one (1) public hearing on such application and as a result thereof shall transmit its final report to the city council. A public hearing shall be conducted, and a recommendation shall be submitted, by the zoning commission in accordance with the requirements of V.T.C.A. Local Government Code § 211.007. All applications for consideration of a specific use authorization ~~a change in zoning~~ which have been considered by the zoning commission shall be presented by the applicant to the city council within six (6) months from the date of the commission's final consideration. The application shall be accompanied by the filing fee specified in Appendix "C". In the event the applicant fails to present the application for a specific use authorization ~~rezoning~~ to the city council within the prescribed period, a new original application and fees shall be required. The new application may be submitted to the zoning commission for consideration after the six-month time period specified in subsection (f), below, is met.
- (3) **City Council.** After receipt of the recommendations of the zoning commission, the city council shall approve or deny the specific use authorization application in accordance with V.T.C.A. Local Government Code § 211.007. Should an applicant request that a zoning hearing be postponed after notice thereof has been given, the hearing will not be rescheduled until the applicant pays the postponement request fee specified in Appendix "C". When a specific use authorization application is accompanied by an application for subdivision approval, such dual applications may be processed and reviewed concurrently in accordance with section ~~35-423~~ 35-422 of this article. If the base zoning district proposed with the specific use authorization is inconsistent with the master plan, an application for an amendment to the master plan shall be submitted by the applicant. Amendments to the master plan may be considered concurrent with an application for rezoning ~~a specific use authorization~~.
- (4) **Conditions.** In approving any specific use authorization, the city council may by ordinance ~~resolution~~:
- A. Impose such reasonable standards, conditions or requirements, in addition to or which supersede any standard specified in this chapter, as it may deem necessary to protect the public interest and welfare. Such additional standards may include, but need not be limited to, special setbacks, yard requirements, increased screening or landscaping requirements, area requirements, development phasing, and standards pertaining to traffic, circulation, noise, lighting, hours of operation, number of occupants and similar characteristics.

- B. Require that a performance guarantee, acceptable in form, content and amount to the city, be posted by the applicant to ensure continued compliance with all conditions and requirements as may be specified.
  - C. At the time of granting special approval for athletic fields in residential, office or light commercial zones, the council may limit the duration of such use to a time period of not less than two (2) years. Upon completion of such period as so established by the council, the use of property for such purpose must cease, unless a new special approval is granted by the council after following the same procedures involving notices and hearings as was followed originally and after receipt of recommendations from the zoning commission and a report from city staff concerning violations of any conditions or detrimental effects the use has had on adjacent property.
- (e) **Approval Criteria.** As may be specified within each zoning district, uses permitted subject to specific use authorization review criteria ~~may shall~~ be considered permitted only if the applicant demonstrates that:
- (1) The proposed specific use authorization shall be in compliance with all regulations of the applicable zoning district, the provisions of article V of this chapter, and any applicable supplemental use regulations as set forth in article III, division 7 of this chapter.

\* \* \* \* \*

- (g) **Amendments.** An amendment is a request for any enlargement, expansion, increase in intensity, relocation, or modification of any condition of a previously approved and currently valid specific use authorization. Amendments shall be processed as follows:
- (1) **Non-Material And Insignificant (Minor) Modifications.** Shifts in on-site location and changes in size, shape, intensity, or configuration in accordance with the minor amendment criteria established in §35-403 (d)(1) of less than five (5) percent, or a five (5) percent or less increase in either impervious surface or floor area over what was originally approved, may be authorized by the director upon submittal of a revised site plan, provided that such minor changes comply with the following criteria:
    - A.• No more than two (2) previous minor modification have previously ~~has~~ been granted pursuant to this subsection;
    - ~~• There will be no detrimental impact on any adjacent property caused by significant change in the appearance or the use of the property or any other contributing factor;~~
    - B.• Nothing in the currently valid specific use authorization precludes or otherwise limits such modification ~~expansion or enlargement;~~ and
    - C.• The proposal conforms to the provisions of this article and is in keeping with the spirit and intent of any adopted comprehensive plan.

The applicant for a minor amendment shall submit a site plan that is consistent with the requirements of Section 35-B111 for specific use authorizations. The

submittal shall include the site plan approved with the original application and a revised copy with annotation of the requested changes. The revised site plan shall be prepared to scale and shall include a block for a signature by the property owner and the Development Services Director to indicate acceptance of the revised site plan and, if applicable, shall include appropriate signature and seals of the design professional (i.e. architect, engineer, surveyor) that prepared the site plan. The site plan shall be processed only upon payment of the plan amendment fee indicated in Section 35-C103. In accordance with Section 35-402(c)(3), Development Services will conduct completeness review within five (5) working days of submittal. After the 5 day completeness review process, the site plan will undergo a technical review by staff not to exceed thirty-five (35) days. If approved, the site plan shall be recorded by the applicant in accordance with subsection 35-423 (i) below.

- (2) **Major Amendments.** Any proposed amendment other than those provided for in subsection (1) above shall be considered a major amendment of a previously approved and currently valid specific use authorization. A new specific use authorization ~~Authorization~~ shall be approved in the same manner and under the same procedures as are applicable to the issuance of the original permit.
- (3) **Nonconforming Uses.** For an existing and currently valid specific use authorization which is no longer allowed as a specific use authorization in the zoning district in which it is located, the city council, upon receipt of an application, may review and approve an amendment to said permit, provided such amendment does not allow the use to be enlarged, expanded, increased in intensity, relocated, or continued beyond any limitation specified in the existing use permit or established in article VII - Nonconforming Uses and Vested Rights.
- (h) **Scope of Approval.** Once a specific use authorization is granted, such use may be enlarged, extended, increased in intensity or relocated only in accordance with the provisions of this section unless the city council, in approving the initial specific use authorization permit, has specifically established alternative procedures for consideration of future expansion or enlargement. The provisions of article VII relative to expansion of nonconforming uses shall not be construed to supersede this requirement unless the conditionally permitted use for which the permit was initially granted is, in fact, no longer a use permitted as of right or as a specific use authorization in the zoning district in which located.
- (i) **Recording Procedures.** A certified copy of all ~~ordinances resolutions~~ authorizing a specific use authorization pursuant to this section shall be recorded by and at the expense of the applicant in the name of the property owner as grantor in the office of the county clerk.

Chapter 35, Article IV, Division 4, Section 35-437(a)(4) is amended as follows:

**35-437 Performance Agreement.**

- (a) **Guarantee of Performance**

- (4) **Cash or Cashier's Check.** The subdivider shall provide to the city cash or a cashier's check 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. Such cash or cashier's check shall be deposited and handled as per city policy. The cash or cashier's check shall be submitted along with a Cash Performance Deposit instrument. Such instrument shall be substantially in the same form as form "W" set out in Appendix "B", subsection 35-B121. ~~Any accrued interest may be utilized by the city to complete site improvements; however should such interest not be needed to complete site improvements it shall be returned to the subdivider.~~ Upon completion of the required improvements and the site improvements passing inspection by the director of development services, the amount will be refunded to the subdivider by the city.

Chapter 35, Article IV, Division 10, Section 35-482 is amended as follows:

**Sec. 35-482. Zoning Variances.**

- (a) **Applicability.** A request to the board of adjustment for permission to vary or depart from a requirement of article III or article V, sections 35-506(d)(5) and 35-506(r)(6) (to include Table 506-7), 35-510, 35-514, 35-515, 35-516, 35-517, 35-525, 35-526, and 35-527 of this chapter where, due to special conditions, a literal enforcement of the requirement will result in an unnecessary hardship. Due to inherent inconsistencies in measurements of property lines and heights from unlevel surfaces, an allowance of up to six inches (6") may be permitted by the Development Services Director subject to a request for an Administrative Exception on a single-lot basis from any required setback or maximum height limit established by this Chapter without requiring a zoning variance from the board of adjustment. This zoning allowance shall not supersede any requirements of the building code, fire code or any other applicable code.

Chapter 35, Article V, Division 1, Section 35-501 is amended as follows:

**35-501 General Provisions**

(h) **Extended Warranty Bond**

- (1) **General.** All subdivisions requiring public streets and/or drainage improvements within the City of San Antonio and the extraterritorial jurisdiction shall be subject to a minimum one-year maintenance bond.

Prior to acceptance of subdivision improvements, the developer shall provide the city, or county if within the ETJ, an extended warranty bond or cashier's check meeting the requirements and timeline set out below.

- (2) **Bond Requirements.** An extended warranty bond submitted under this chapter shall meet the following requirements:

- A. Issued by a corporate surety listed at the time of bond submission on the United States Department of the Treasury's listing of Approved Sureties and be approved by the director of development services;
  - B. The bond shall be of a form acceptable to the city, or county if within the ETJ;
  - C. The amount of the bond shall be based on construction costs submitted by a license engineer in the State of Texas. Construction costs shall detail the specific improvements and amounts covered and shall bear the official seal and signature of the professional engineer attesting to the accuracy of the dollar amounts;
  - D. The warranty bond amount submitted shall be a minimum ten(10) percent value of the construction costs, but no less than twenty-five thousand dollars (\$25,000.00);
  - E. The expiration date of the bond shall be at least one year from the warranty start date specified in subsection 35-501(h) ~~(5)~~ (4);
- (3) **Cash or Cashier's Check.** The Cash or Cashier's check shall be of a form acceptable to the city, or county if within the ETJ. The subdivider may provide to the city cash or a cashier's check in lieu of the warranty bond in an amount equal to a minimum ten percent (10%) value of the construction costs, but no less than twenty-five thousand dollars (\$25,000.00) and as approved by the director of development services. Such cash or cashier's check shall be deposited and handled as per applicable city policies. The cash or cashier's check shall be submitted along with a Cash Warranty Deposit instrument. Such instrument shall be substantially in the same form as form "V" set out in Appendix "B", subsection 35-B121. Upon completion of the warranty period and the site improvements passing the warranty inspection, the amount shall be refunded to the subdivider.
- (4) ~~(3)~~ **Final Inspection Requirements.** Prior to the final inspection of subdivision improvements an extended warranty bond issued by a corporate surety company license to bond such improvements in the State of Texas shall be provided by the applicant to the city, or county if within the ETJ.
- (5) ~~(4)~~ **Warranty Start Date.** The one-year warranty period shall begin on the later of the following dates:
- ~~The warranty period shall begin on the date the plat is recorded or the date of preliminary field approval of the improvements, whichever is later in time.~~
- A. the date the plat is recorded provided that the warranty instrument has been submitted and approved by the Director by that date; or
  - B. the date of preliminary field approval of the improvements provided that the warranty instrument has been submitted and approved by the Director by that date; or

- C. the date the warranty instrument has been submitted and approved by the Director provided the plat is recorded or preliminary field approval of the improvements has occurred.

Chapter 35, Article V, Division 2, Section 35-503(a)(3) 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:
1. An ~~an~~ Infill Development Zone,
  2. Form Based Zoning District (FBZD), or
  3. In the CRAG area, as defined, for a development that includes a designation and rehabilitation of an eligible historic landmark not previously designated; 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).

Chapter 35, Article V, Division 2, Section 35-504, Table 504-2 is amended as follows:

**35-504 Stormwater Management.**

(c) **Method of Computing Runoff**

**Table 504-2 Rainfall Intensities (inches/hour)**

Time	Frequency						
Minutes	2-Year	5-Year	10-Year	25-Year	50-Year	100-Year	500-Year
5	7.2	8.4	9.413	11.1	12.432	13.542	18.204
6	6.684	7.836	8.83	10.331	11.648	12.877	17.258
7	6.277	7.381	8.365	9.722	11.025	12.341	16.497
8	5.944	7.009	7.982	9.224	10.512	11.894	15.864
9	5.666	6.696	7.658	8.806	10.079	11.514	15.327
10	5.427	6.427	7.38	8.447	9.707	11.184	14.862
11	5.22	6.194	7.137	8.136	9.382	10.893	14.453
12	5.038	5.988	6.923	7.862	9.095	10.635	14.09
13	4.877	5.805	6.731	7.618	8.839	10.403	13.763
14	4.731	5.641	6.558	7.399	8.608	10.192	13.468
15	4.6	5.48	6.4	7.2	8.4	10	13.2
16	4.458	5.296	6.159	6.959	8.088	9.551	12.765
17	4.328	5.129	5.942	6.741	7.806	9.147	12.368

SG  
 10/18/2012  
 # 17 Amended

18	4.209	4.977	5.743	6.541	7.549	8.781	12.005
19	4.099	4.836	5.562	6.357	7.314	8.449	11.672
20	3.998	4.707	5.395	6.188	7.098	8.146	11.364
21	3.904	4.587	5.241	6.031	6.898	7.867	11.079
22	3.816	4.476	5.098	5.886	6.713	7.61	10.814
23	3.734	4.372	4.965	5.749	6.541	7.373	10.566
24	3.658	4.275	4.841	5.622	6.38	7.153	10.335
25	3.586	4.184	4.725	5.503	6.229	6.947	10.117
26	3.518	4.098	4.616	5.39	6.088	6.756	9.913
27	3.453	4.017	4.514	5.284	5.955	6.576	9.72
28	3.393	3.941	4.417	5.184	5.83	6.408	9.538
29	3.335	3.868	4.326	5.089	5.711	6.25	9.365
30	3.28	3.8	4.24	5	5.6	6.1	9.2
31	3.209	3.723	4.155	4.905	5.501	6.003	9.025
32	3.142	3.65	4.074	4.814	5.407	5.911	8.87
33	3.078	3.58	3.997	4.727	5.318	5.823	8.722
34	3.018	3.514	3.924	4.644	5.233	5.739	8.581
35	2.96	3.45	3.854	4.565	5.152	5.658	8.446
36	2.906	3.39	3.787	4.49	5.074	5.581	8.317
37	2.853	3.332	3.723	4.418	4.999	5.507	8.194
38	2.803	3.277	3.662	4.349	4.928	5.435	8.075
39	2.755	3.224	3.604	4.283	4.859	5.367	7.961
40	2.709	3.173	3.548	4.219	4.793	5.301	7.852
41	2.665	3.124	3.494	4.158	4.729	5.238	7.747
42	2.623	3.077	3.442	4.099	4.668	5.176	7.646
43	2.582	3.032	3.392	4.043	4.609	5.117	7.548
44	2.543	2.989	3.345	3.988	4.552	5.06	7.454
45	2.505	2.947	3.298	3.936	4.497	5.005	7.363
46	2.469	2.907	3.254	3.885	4.444	4.952	7.275
47	2.434	2.868	3.211	3.836	4.393	4.9	7.19
48	2.4	2.83	3.169	3.788	4.343	4.85	7.108
49	2.368	2.794	3.129	3.743	4.295	4.802	7.028
50	2.336	2.759	3.09	3.698	4.248	4.754	6.951
51	2.306	2.724	3.052	3.655	4.203	4.709	6.876
52	2.276	2.691	3.016	3.613	4.159	4.664	6.804
53	2.247	2.659	2.98	3.573	4.117	4.621	6.733
54	2.22	2.628	2.946	3.534	4.075	4.579	6.665
55	2.193	2.598	2.913	3.496	4.035	4.538	6.598
56	2.167	2.569	2.88	3.459	3.996	4.499	6.534
57	2.141	2.541	2.849	3.423	3.958	4.46	6.471
58	2.117	2.513	2.819	3.388	3.921	4.422	6.41
59	2.093	2.486	2.789	3.354	3.885	4.386	6.35
60	2.07	2.46	2.76	3.32	3.85	4.35	6.3
120	1.285	1.555	1.775	2.175	2.55	2.9	4.05
180	0.933	1.14	1.317	1.633	1.9	2.2	3.133
360	0.552	0.668	0.767	0.95	1.083	1.25	1.767
720	0.315	0.383	0.45	0.533	0.625	0.733	1.033
1440	0.185	0.223	0.25	0.313	0.375	0.417	0.571

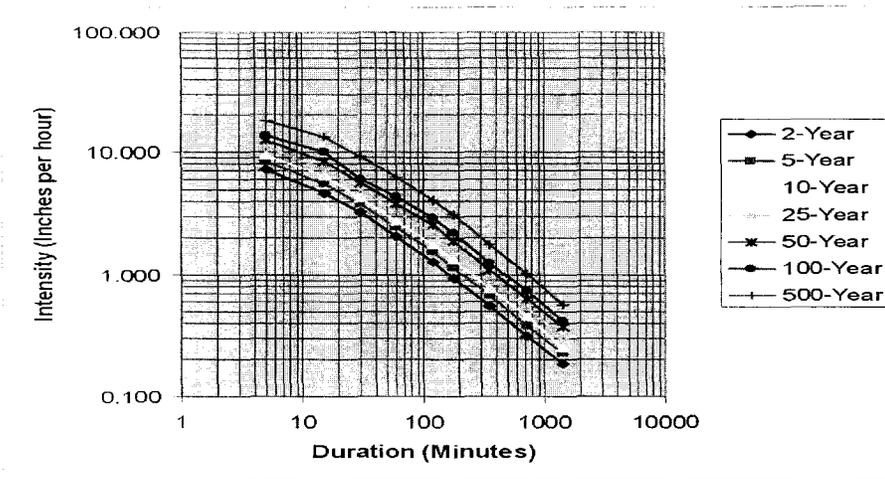


Figure 1. Rainfall Intensities plotted against Duration on Log-Log scale.

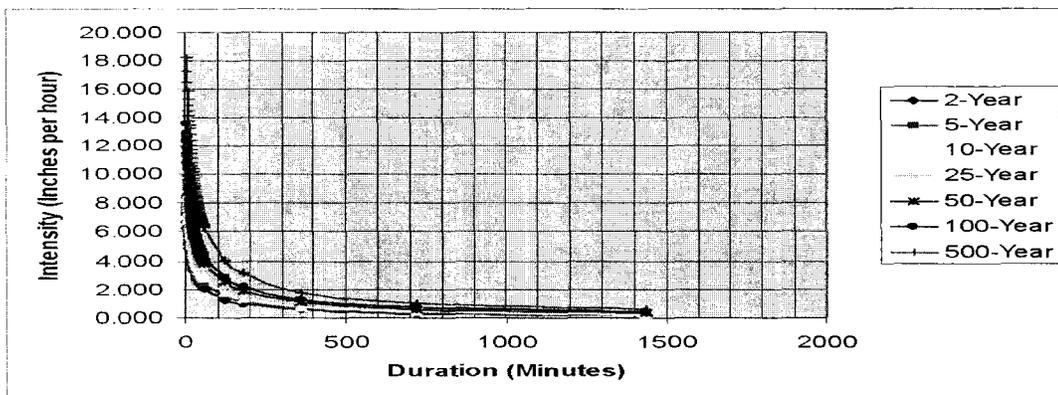


Figure 2. IDF Curves for Bexar County

Hydrological Engineering

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**Figure 504-1**

TIME	FREQUENCY	3.21	3.68	4.37	4.88	5.40	6.69
MINUTES	2-YEAR	3-YEAR	30-YEAR	253-YEAR	808-YEAR	5002-YEAR	5001-YEAR
41	2.95	3.00	3.87	4.29	4.769	5.1292	6.3595
42	2.69	3.08	3.52	4.69	4.669	5.1193	6.3484
43	2.35	3.04	3.27	4.38	4.631	5.1125	6.2373
44	2.22	2.97	3.92	4.08	4.95	5.0059	6.2202
45	2.09	2.98	3.88	3.78	4.50	4.9244	6.2230
46	2.79	2.88	3.32	3.98	4.25	4.9330	6.1198
47	2.22	2.89	3.29	3.90	4.98	4.88	6.1066
48	2.40	2.88	3.95	3.87	3.88	4.87	5.1994
49	2.24	2.78	3.70	3.89	3.29	4.78	5.1901
50	2.04	2.88	3.48	3.78	3.20	3.80	5.0858
51	2.88	2.89	3.23	3.74	3.89	3.65	5.0785
52	2.02	2.52	3.00	3.90	3.45	3.80	5.0702
53	2.68	2.85	3.89	3.86	3.30	3.50	9.68
54	2.05	2.49	3.02	3.58	3.00	3.80	9.98
55	2.02	2.04	3.04	3.90	3.00	3.48	9.60
56	2.03	2.99	3.98	3.25	3.99	3.83	8.89
57	2.02	2.87	2.96	3.58	3.99	3.37	8.78
58	2.03	2.55	2.27	3.00	3.88	3.33	8.88
59	2.90	2.54	2.97	3.96	3.88	3.20	8.98
60	3.00	2.58	3.00	3.88	3.88	3.09	8.20
120	3.70	4.88	4.89	2.77	2.90	2.90	8.38
180	0.88	4.39	4.90	5.68	4.88	3.88	2.98
240	0.90	0.90	4.82	5.99	4.50	4.88	3.90
300	0.51	0.72	0.83	0.90	4.09	4.40	3.04
360	0.28	0.34	0.45	0.55	0.80	0.58	0.94
2640	0.355	0.087	0.273	0.324	0.946	0.493	0.843
27	3.27	3.98	4.49	5.24	5.82	6.39	7.76
28	3.20	3.91	4.41	5.16	5.73	6.30	7.67
29	3.13	3.83	4.33	5.08	5.64	6.21	7.57
30	3.06	3.76	4.26	5.00	5.56	6.12	7.48
31	2.99	3.69	4.19	4.92	5.48	6.03	7.39
32	2.93	3.62	4.12	4.85	5.40	5.95	7.30
33	2.87	3.56	4.05	4.77	5.32	5.86	7.21
34	2.81	3.49	3.98	4.70	5.24	5.78	7.12
35	2.75	3.43	3.92	4.63	5.17	5.70	7.03
36	2.69	3.37	3.86	4.56	5.09	5.62	6.94
37	2.64	3.31	3.80	4.50	5.02	5.54	6.86
38	2.59	3.26	3.74	4.43	4.95	5.47	6.77

### RAINFALL INTENSITIES FOR SAN ANTONIO, BEXAR COUNTY, TEXAS

FOR VARIOUS FREQUENCIES AND DURATIONS  
CITY OF SAN ANTONIO, TEXAS JANUARY 1997  
\* REVISED JANUARY 1999

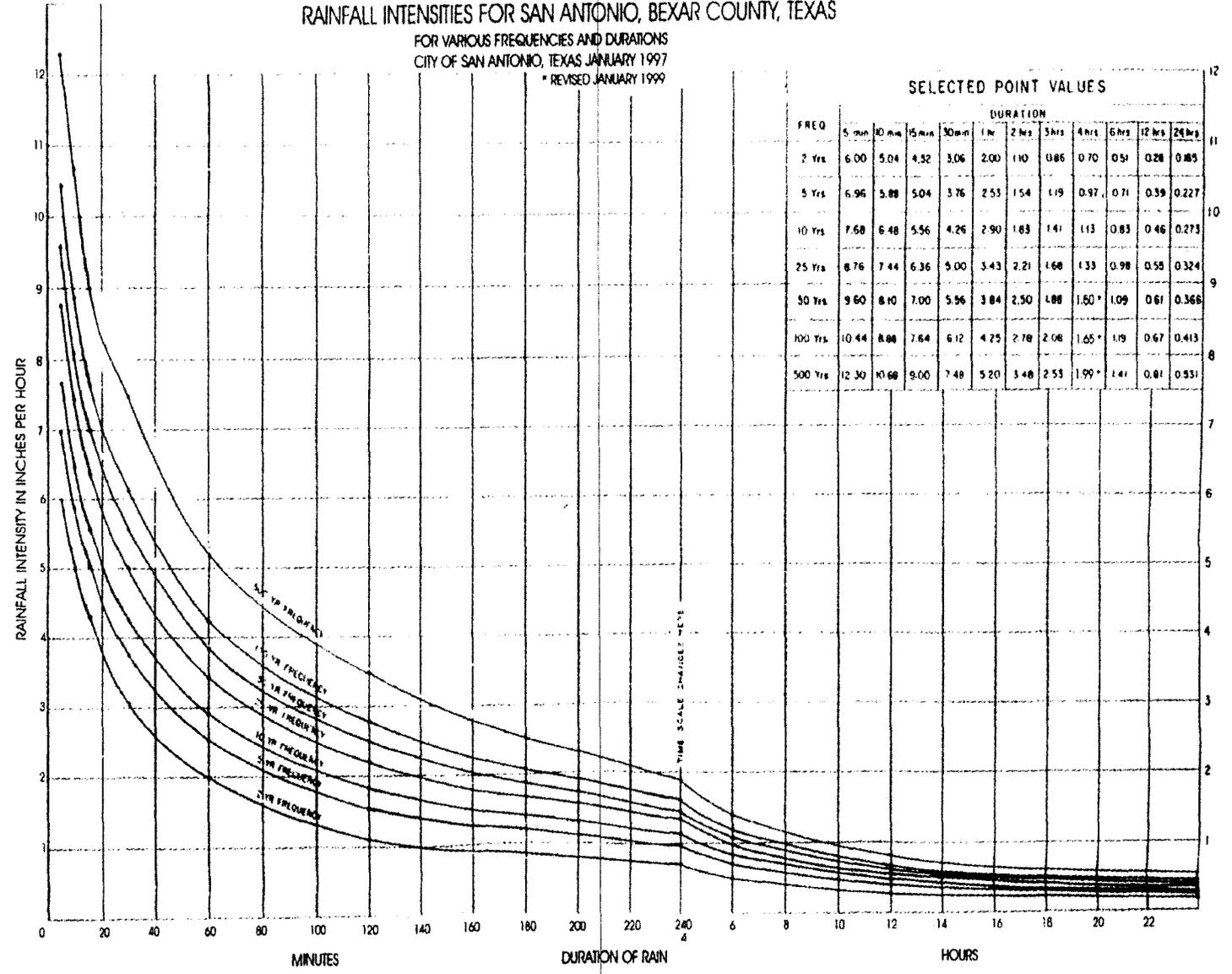


Figure 504-1

Chapter 35, Article V, Division 2, Section 35-504(d)(3) is amended as follows:

(d) **Drainage Easements/Rights-of-Way.**

- (3) **Natural Watercourses or Floodplains.** Easements for natural watercourses shall be the 100-year floodplain or the twenty-five-year plus freeboard (see Table 504-9 of this section) whichever is less ~~greater~~. In floodplain areas where ongoing maintenance is required or the floodplain will be reserved for use by the public, the drainage easements shall be maintained by a public entity and the property will be dedicated to the city as a multi-use drainage easement. A drivable access way shall be provided in floodplain easements for the length of the easement when regular maintenance of the floodplain is required. Diversion of stormwater away from the natural watercourse will not be allowed except within the boundaries of the property controlled by the developer, provided that the diverted water is returned to the watercourse within which it would naturally have been flowing prior to leaving the developer's property. An analysis of the timing of the diverted hydrograph on watersheds greater than twenty (20) acres, as it reenters the receiving watercourse, must be performed to show that the peak flowrate in the receiving watercourse has not been increased as a result of the diversion.

Chapter 35, Article V, Division 2, Section 35-504(h) is amended as follows:

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

\* \* \* \* \*

(2) **Channel Modifications.**

\* \* \* \* \*

- B. **Natural Unimproved Waterways.** Runoff that results from upstream development and is discharged to an unimproved waterway can cause flood damage to properties adjacent to the waterway. Natural undeveloped waterways do not receive regular maintenance. Design of natural waterways shall take into consideration fluvial geomorphologic principals and practices and other erosion control measures. Consulting engineers and development review officials shall work to resolve potential downstream impact issues.

\* \* \* \* \*

Chapter 35, Article V, Division 3, Section 35-510 is amended as follows:

**35-510. Buffers.**

(a) **Applicability.**

- (1) **Activities Subject to Buffer Regulations.** This section shall apply to any of the following, except where exempted pursuant to subsection (2), below.
- A. The construction or erection of any new occupiable building or structure

for which a building permit is required.

- B. Any enlargement exceeding one thousand (1,000) square feet or ten (10) percent in area, whichever is greater, of the exterior dimensions of an existing building for which a building permit is required. When a building or parking lot is enlarged to the extent that a buffer of at least one hundred (100) feet in lineal footage is required, the requirements of this section shall be applied incrementally such that buffers shall be required only in proportion to the enlarged building area or off-street parking area to the existing development. For example, a ten (10) percent increase requires ten (10) percent of the required buffering that would otherwise be required for the entire development. No buffer is required if the incremental footage imposed by this section is less than one hundred (100) lineal feet.
- C. Any construction of a new parking lot regardless of size or
- D. Expansion ~~expansion~~ of an existing parking lot within the street yard by more than two thousand (2,000) square feet or ten (10) percent in area whichever is greater.

(2) **Exemptions.** This section shall not apply to the following situations:

- A. Residential uses adjoining residential uses within any residential zoning district.
- B. Agricultural uses.
- C. Nonresidential uses adjoining other nonresidential uses of the same zoning classification.
- D. The reconstruction of an existing building of which fifty (50) percent or less of the floor area was destroyed or ruined by flooding, fire, windstorm or act of God. This exemption shall apply only where reconstruction of that building will not result in an increase in building size or paving area of the parking facilities to be provided.
- E. Interior finish work or remodeling in a portion of a building unless the work results in an increase in the paving area of the parking facilities within the street yard or in an enlargement of the exterior dimensions of an existing building.
- F. Any use, building or structure for which only a change of use is requested, and which use does not increase the existing building square footage.
- G. Single-family dwellings ~~located on an existing lot of record.~~
- H. Contiguous commercial parcels or land areas under common ownership.

*Commentary: Subsection H addresses situations where a parcel is rezoned with several different zoning districts, and one of the districts acts as a "buffer" for the other. For example, a landowner rezones part of a parcel to "L", with a strip adjoining a residential area zoned "O-1."*

*A type "E" buffer is normally required between the "L" and "O-1" districts. No buffer is required between the portion of the parcel zoned "L" and "O-1" internal to the property in this situation.*

- I. Accessory structures less than 200 square feet in size such as decks, sheds, playhouses, gazebos, security guard huts and non-mobile food vending stands.
  - J. Non-occupiable buildings that provide only maintenance access to the interior of the structure such as ice and water vending machines, DVD kiosks and automated teller machines.
  - K. Non-occupiable buildings or structures regardless of size that serve a utility or infrastructure purpose such as flagpoles, retaining walls, above-ground backflow preventers, sign monuments and sign support structures, cellular and communication equipment and utility systems.
- (3) **Buildings Within Street Yard of Another Building.** A building located within the street yard of another building shall be considered as a separate building site unless it has previously been included within an approved landscape plan.
- (4) **Reduction in Required Bufferyards.** Table 510-2 indicates net minimum bufferyard widths. Such minimum widths shall be provided in a linear fashion along abutting properties where applicable. The width of the bufferyard at any point along its length may be greater or less than the minimum required by Table 510-2 provided that the total calculated area of the bufferyard must remain the same and further provided that the minimum width of the buffer yard at any point is not less than fifty percent (50%) of the minimum width indicated by Table 510-2. The net bufferyard area requirements for a property to be developed shall be reduced where:
- A. A bufferyard exists on an abutting property, and the net bufferyard satisfies the minimum bufferyard requirements of this section; or
  - B. The adjoining property owners have provided a written agreement restricting the use of an established or proposed use triggering the bufferyard requirement bufferyard to the uses provided for in the current zoning district this section. Should the property that was subject to the bufferyard requirement be rezoned after the date of the written agreement, the adjoining property owner's written agreement shall be null and void and the applicable bufferyard shall be required.
  - C. The required bufferyard area may be reduced in width up to twenty percent (20%) where a natural area is provided in accordance with Table 510-2 (Type N).

\* \* \* \* \*

(e) **Location of Bufferyard.**

- (1) A bufferyard required by this section shall be provided along the ~~side~~ lot line of abutting uses as indicated by Table 510-1.

- (2) Bufferyards are not required along the front property line where streetscape planting is provided in accordance with §35-512.
- (f) **Permitted Uses Within the Bufferyard.** No active recreation area, storage of materials, parking, or structures, except for necessary utility boxes and equipment or retaining walls, shall be located within the bufferyard. The bufferyard may be included in the required building setback. Bufferyards may be used as a greenway as defined in the parks/open space standards. Where there is no other alternative to provide vehicular access to a site no more than one driveway may traverse through a bufferyard provided the width of the bufferyard shall be increased to provide an equivalent net amount of bufferyard area.

\* \* \* \* \*

Chapter 35, Article V, Division 3, Section 35-511(a) is amended as follows:

**35-511. Landscaping.**

(a) **Applicability.**

- (1) **Generally.** This section shall apply to any of the following, except where exempted pursuant to subsection (2), below:
- A. The construction or erection of any new occupiable building or structure for which a building permit is required.
  - B. Any enlargement exceeding one thousand (1,000) square feet or ten (10) percent in area, whichever is greater, of the exterior dimensions of an existing building for which a building permit is required.
  - C. Any construction of a new parking lot regardless of size or
  - D. Expansion ~~expansion~~ of an existing parking lot within the street yard by more than two thousand (2,000) square feet or ten (10) percent in area whichever is greater. Parking lots in residential zoning districts shall be subject to the requirements of subsection (e) of this section.
- (2) **Expansion.** When a building or parking lot is enlarged, the requirements of this section shall be applied incrementally such that landscaping shall be required in the same proportion that the enlarged building area or off street parking area has to the existing development. For example, a ten (10) percent increase requires ten (10) percent of the required landscaping.
- (3) **Exemptions.** This section shall not apply to the following situations:
- A. Single-family, duplex, triplex or four-plex residential uses located within a residential zoning district.
  - B. Agricultural uses.
  - C. The reconstruction of an existing building of which fifty (50) percent or less of the floor area was destroyed or ruined by flooding, fire, windstorm or act of God. This exemption shall apply only where reconstruction of that building will not result in an increase in building size or paving area

of the parking facilities to be provided.

- E. Interior finish work or remodeling in a portion of a building unless the work results in an increase in the paving area of the parking facilities within the street yard or in an enlargement of the exterior dimensions of an existing building.
  - F. Any use, building or structure for which only a change of use is requested, and which requires no structural modifications that would increase its volume or scale.
  - G. Single-family dwellings ~~located on an existing lot of record.~~
  - H. Non-occupiable buildings or buildings that provide only maintenance access to the interior of the structure such as ice and/or water vending machines, DVD kiosks and automated teller machines.
  - I. Accessory structures less than 200 square feet in size such as decks, sheds, playhouses, gazebos, security guard huts and non-mobile food vending stands.
  - J. Non-occupiable buildings or structures regardless of size that serve a utility or infrastructure purpose such as flagpoles, retaining walls, above-ground backflow preventers, sign monuments and sign support structures, cellular and communication equipment and utility systems.
- (4) **Buildings Within Street Yard of Another Building.** A building located within the street yard of another building shall be considered as a separate building site unless it has previously been included within an approved landscape plan.

Chapter 35, Article V, Division 3, Section 35-514 is amended as follows:

**35-514 Fences.**

(b) **Fencing Alternatives.**

- (1) **Sport Court Fencing.** Fencing, screening and/or back stops for sport courts such as basketball, tennis, batters cages, etc. shall be constructed only in the side or rear yard and shall be located no closer than twenty (20) feet to a side or rear property line of an adjacent single-family use or residential zoning district and/or a public or private street. The maximum height for sport court fencing shall be limited to 12 feet in height in accordance with section 6-2 of the building code.
- (2) **Large Lot Fencing.** Predominantly open fencing at a maximum height of six (6) feet may be permitted in the front yard of single-family residential lots with at least 20,000 square feet in area ~~within "FR", "RD", "RE" and "R 20" single-family zoning districts~~ by right and on all other single-family zoned lots regardless of lot size by special exception pursuant to section 35-399.04. Where ~~Whether~~ permitted by right ~~or special exception~~ each of the following conditions must be met to construct a six-foot predominantly open fence in the front yard:
  - ~~A. The lot is equal to or greater than twenty thousand (20,000) square feet in~~

size;

~~A. B.~~ The primary building is located at least forty (40) feet from the front property line; and

~~B. C.~~ The lot has at least one hundred (100) feet of street frontage.

(3) **Fencing of Vacant Lots or Parking Lots.** A predominantly open fence not exceeding a height of six (6) feet may be constructed on a vacant lot or parking lot. However, at such time that a house or structure is constructed on the lot, that portion of the fence constructed in the front yard shall be removed or reduced in height to a maximum of three (3) feet in height for a solid fence and four (4) feet in height for a predominantly open fence unless said lot and fence meet the criteria of (2)A., B. and C. above.

(4) **Combined Fence.** As defined in §35-A101 "Fence (combined)" may be permitted in the front yard up to the height allowed for a predominantly open fence provided that the solid portion shall not exceed three feet in height.

(5) **Planned Development.** A Planned Unit Development (PUD) district may designate side and rear yard fence heights up to eight feet in height through a PUD plan adopted by the Planning Commission pursuant to Section 35-413.

(c) **Fence Design**

(1) No fence or wall, other than the wall of a permitted structure, shall be erected or altered in any front yard (that area which lies between the front lot line and that of the nearest principal structure) to exceed a height of four (4) feet with the fence or wall to be so constructed that vision will not be obscured above a height of three (3) feet. Except as otherwise permitted in this Chapter ~~provided in subsection (2), below,~~ no fence or wall, other than the wall of a permitted structure, shall be erected or altered in any side or rear yard to exceed a height of six (6) feet. This subsection shall not apply to fences erected as required by Chapter 16, Article VII of this Code (Salvage Yards and Auto Dismantlers), or in § 35-510 of this chapter.

\* \* \* \* \*

(d) **Height Limitation.**

(1) Except for the provisions in section (b) above no fence constructed shall exceed the following table of heights. In addition, the maximum permitted fence height shall not exceed that of the maximum permitted ~~permitted~~ fence height for the abutting property except as provided in section (d)(2). The height shall be the vertical distance measured from the lowest adjacent ground level (either inside or outside the fence) to the top of the tallest element of the fence material, excluding decorative features affixed to the top of any column, pillar or post. The height of any existing retaining walls, either an integral part of a fence or upon which a fence may be erected, shall be calculated in the height of the fence, except in the following instances:

A. The retaining wall is necessary for structural soundness/integrity of building construction on the lot; or

- B. The retaining wall is abutting a drainage easement or drainage infrastructure.

TABLE OF HEIGHTS  
 Maximum Permitted Fence Heights

Permitted Use	Front Yard	Side Yard	Rear Yard
Single-Family Use	3'0" solid fence 4'0" <u>combined or predominantly open</u> fence Except as provided by (b)(2)	6'0"	6'0"
Multi-Family Use (see also subsection 35-514 (f) below)	3'0" solid fence 4'0" <u>combined or predominantly open</u> fence	6'0"	6'0"
Commercial & Office Use	3'0" solid fence 4'0" <u>combined or predominantly open</u> fence	6'0"	6'0"
Industrial Use <sup>1</sup>	8'0" <sup>1</sup>	8'0" <sup>1</sup>	8'0" <sup>1</sup>
Parking Lots, Vacant Lots, Churches, Schools, Swimming Pools, Stormwater Management Facilities, & Parks (Public property, including parks, require HDRC review)	3'0" solid fence 6'0" <u>combined or predominantly open</u> (see also subsection 35-514 (b) (3) above)	6'0"	6'0"

*Footnotes:*

(1) This subsection shall not apply to fences erected as required by Chapter 16, Article VII of the Code (Salvage Yards and Auto Dismantlers), or in § 35-510, Buffers, of this chapter. Buffer fences shall be limited in height in accordance with §6-2 of the Building Code.

- (2) Notwithstanding the provisions of subsection (d)(1), above, a fence may be erected or altered up to a height of eight (8) feet where:
- A. The ground floor elevation within twenty (20) feet or less of the principal dwelling on either one of the two (2) adjoining lots is at least four (4) feet higher than the elevation at the adjoining lot line; or
  - B. The fence is erected along a side or rear lot line which adjoins a collector street or arterial street (in which case streetscape planting shall be provided in accordance with section 35-512 of this chapter) as part of a multiple lot residential subdivision; or

- C. The fence is a sound barrier or fence required by TXDOT or a security fence required by the Department of Homeland Security for a public or institutional use; or
- D. The additional fence height is permitted by the city council pursuant to a rezoning or specific use authorization; or
- E. The fence is located on a side or rear ~~residential~~ lot line which abuts a "C-2", "C-3" or more intensive use that does not require a buffer yard.

\* \* \* \* \*

Chapter 35, Article V, Division 4, Section 35-517(d) is amended as follows:

**35-517 Building Height Regulations**

**(d) Setbacks for Height Increases.**

- (1) With the exception of residential uses located in single-family residential zoning districts, any ~~Any~~ portion of a structure in any zoning district may be erected to exceed the height limit established in section 35-310.01, Table 310-1, provided that such portion is located back from the side and rear setback lines one (1) foot for each two-foot of height in excess of the height limit prescribed in such section unless otherwise prescribed in subsections (2) and (3), below or through a specific use authorization and further provided the height does not exceed the limitations of the airport hazard zoning regulations. Distance credits shall be allowed for space occupied by structures of conforming height extending from the setback lines, except as specified in Table 310-1(k). The requirements of subsection (2) and (3) shall only apply to permits for new construction submitted after December 31, 2010.

Chapter 35, Article V, Division 5, Section 35-523(h) is amended as follows:

**35-523. Tree Preservation.**

- (h) **100-Year Floodplain(s) and Environmentally Sensitive Areas.** Significant trees shall be preserved at eighty (80) percent preservation within both the 100-year floodplains and environmentally sensitive areas. Heritage trees shall be preserved at one hundred (100) percent preservation within both the 100-year floodplains and environmentally sensitive areas. The 100-year floodplain shall be determined by the floodplain administrator. Mitigation shall be prohibited in floodplains and environmentally sensitive areas except when a variance is granted by the planning commission. If trees are required to be removed by a governmental entity due to existing off-site conditions, then mitigation shall not be required by the applicant. The city arborist, the director of public works, the director of ~~planning and~~ development services, the Bexar County flood control division manager and one (1) representative from the Cibolo Creek Watershed, the Leon Creek Coalition, the Salado Creek Foundation, the San Antonio River Oversight Committee, and the Land Heritage Institute (for the Medina River) shall recommend a standard for treatment of drainageways, which standard shall be approved by the city council. Subsection (h) titled "100-year Floodplain(s) and Environmentally Sensitive Areas" shall

not apply to properties located entirely within the boundaries of the RIO-2 and RIO-3 overlay zoning districts, provided however all other subsections of 35-523 shall apply in the RIO-2 and RIO-3 districts.

Chapter 35, Article V, Division 6, Section 35-526, Table 526-3a is amended as follows:

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

**TABLE 526-3a**  
 Parking in Residential Use Districts

Permitted Use	Minimum Vehicle Spaces	Maximum Vehicle Spaces
* * * * *		
DWELLING - 1 FAMILY (Detached) cluster parking allowed	1 per unit	N/A
DWELLING - 2 FAMILY <u>cluster parking allowed</u>	1 per unit	2 per unit
DWELLING - 3 FAMILY <u>cluster parking allowed</u>	1. 5 per unit	2 per unit
DWELLING - 4 FAMILY <u>cluster parking allowed</u>	1. 5 per unit	2 per unit
DWELLING - ACCESSORY (Carriage houses, Granny flats, Echo homes) cluster parking allowed	1 per unit	N/A

Chapter 35, Article V, Division 6, Section 35-526, Table 526-3b is amended as follows:

**TABLE 526-3b**  
 Parking in Nonresidential Use Districts

	<i>Permitted Use</i>	<i>Minimum Vehicle Spaces</i>	<i>Maximum Vehicle Spaces</i>
Service	Delicatessen	1 per 300 sf GFA	1 per 200 sf GFA
Service	Food – fast food with drive through lane(s)	1 per 150 sf GFA	1 per 40 sf GFA

Service	Food – restaurant or cafeteria	1 per 100 sf GFA	1 per 40 sf GFA
Service	<u>Food - take out, maximum 15 occupants (including employees and customers)</u>	<u>1 per 300 sf GFA</u>	<u>1 per 200 sf GFA</u>

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

**35-801 Board of Adjustment.**

- (k) **Findings of Fact.** Every decision of the zoning board of adjustment shall be based upon findings of fact and every finding of fact shall be supported in the record of its proceedings. The enumerated conditions required to exist on any matter upon which the board is required to pass under this article or to affect any variance or special exception in this chapter shall be construed as limitations on the power of the board to act. A mere finding or recitation of the enumerated conditions unaccompanied by findings of specific facts shall not be deemed findings of fact and shall not be deemed compliance with this article.
- (1) **Power to Make Exceptions.** The zoning board of adjustment may make special exceptions to the terms of this chapter only as provided in section 35-209(a)(3) and division 8 7 of article III of this chapter; however, the board shall not grant a special exception unless it makes specific findings that:
- A. The exception will be in harmony with the spirit and purposes of his chapter.
  - B. The public welfare and convenience will be substantially served.
  - C. The neighboring property will not be substantially injured by such proposed use.
  - D. The exception will not alter the essential character of the district and location which the property for which the exception is sought.
  - E. The exception will not weaken the general purpose of this chapter or the regulations herein established for the specific district.

\* \* \* \* \*

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

**35-A101. Definitions and Rules of Interpretation.**

(b) **Definitions.**

\* \* \* \* \*

**Accessory structure.** ~~In the office of historic preservation,~~ a building, structure or use on the same lot with, and of a nature customarily incidental and subordinate to, the principal building or use. Examples ~~would~~ include garages or tool sheds. See also Section 35-370(b).

\* \* \* \* \*

**Alcohol Beverage Manufacture or Brewery.** This use may include the production of wines, spirits or a brewing facility for the production of malt liquors such as beer and ale, using grains such as oats, hops, rice, wheat and barley, designed and managed to brew more than 75,000 barrels of beer per year. The following uses may be accessory to an alcoholic beverage manufacturer or brewery in conformance with §35-370:

1. Sampling for on-site consumption and the sale for off-site consumption of the products;
2. Meeting/Reception Facilities; and
3. Retail sales of items primarily associated with the use (such as glassware, souvenirs, promotional items) and conducted within the premises or a permitted accessory structure.

Neither a microbrewery nor a brewpub, as defined, shall be considered a beverage manufacture or alcohol brewery facility.

\* \* \* \* \*

**Animal and pet services.** These establishments provide animal and pet care services (except veterinary), such as boarding, grooming, sitting, and training.

**Animal pound or shelter.** A facility used to house or contain stray, homeless, abandoned or unwanted animals. This use may include animal adoption, euthanization services, and veterinary services as defined. Outdoor runs, paddocks and pens are permitted.

\* \* \* \* \*

**Brewpub.** A restaurant, bar or tavern that prepares handcrafted natural beer intended only for on-premises consumption. A brewpub shall be considered either a bar, tavern or food-service establishment, as applicable, for the purposes of zoning district permitted uses.

\* \* \* \* \*

**Caretaker (for ~~nonresidential office or commercial~~ uses).** An optional supportive function for a permitted use in a nonresidential 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.

\* \* \* \* \*

**Comprehensive Land Use Category.** Land Use Categories designated in the comprehensive/master planning process. The following shall be the designated comprehensive land use categories for neighborhood, community and perimeter plans:

\* \* \* \* \*

**Very High Density Residential** - includes mid-rise to high-rise apartments with more than four dwelling units per building. Very high density residential provides for apartments, condominiums and assisted living facilities at urban densities. This form of development is typically located along or near high capacity

roadways including major arterials and collectors. Parking areas should be contained in structured parking garages beneath apartments, wrapped by apartments, or placed to the rear of the lot. Very high density residential development should be located in close proximity to compact, pedestrian-oriented retail and service uses. This classification may be used as a transitional buffer between lower density residential uses and nonresidential uses. Very high density residential uses should be located in a manner that does not route traffic through other, lower density residential uses. Permitted zoning districts: MF-40 ~~and~~ MF-50, and MF-65.

\* \* \* \* \*

**Contractor facility, construction.** ~~An office of an entity or individual that provides construction services including new work, addition, alteration and repair of building projects. and or repair facilities and~~ This use includes one or more of the following: outside or interior storage of equipment, tools, construction materials, salvaged construction materials, heavy equipment, truck or van fleets of three (3) or more vehicles or similar items. Outdoor storage shall comply with the class 5 storage standards of §35-525. Examples of contractor facilities include custom builders, joint-venture contractors, turnkey contractors and construction management firms.

\* \* \* \* \*

**Construction Trades Contractors.** Service establishments that perform specialized construction, repair and maintenance activities including but not limited to plumbing, painting and electric work. Construction trades contractors generally work at the job site but may provide shops for prefabrication and related work. This use includes storage of equipment, tools, construction materials, heavy equipment and service vehicles. Outdoor storage shall comply with the class 5 storage standards of §35-525. Examples of construction trades contractors include flooring contractors, concrete contractors, electrical contractors, glass contractors, masonry and dry wall contractors, painting contractors, plumbing contractors, heating and air conditioning contractors, roofing and siding contractors and groundskeeping and irrigation services.

\* \* \* \* \*

**Dry Goods.** Consumer goods such as textiles, ready-to-wear clothing and sundries. Dry goods retail may include a establishments engaged in retailing clothing, clothing accessories, footwear, jewelry, watches and clocks, luggage, leather goods, trophy and stone engraving. Dry goods retail includes a department store as a use but shall not include a hardware store, wholesale club nor a grocery store.

\* \* \* \* \*

**Electronic changeable message board.** See “digital display, on-premises” in City Code Chapter 28, Section 28-6 titled “Definitions”.

\* \* \* \* \*

**Habitable structure.** See occupiable. A structure that has facilities to accommodate people for an overnight stay. These include, but are not limited to, residential homes, apartments, condominiums, hotels, motels, and manufactured homes. Recreational vehicles are not included

**Habitable use.** See Inhabitable use.

\* \* \* \* \*

**Inhabitable use.** See occupiable. A use which involves the construction or placement of permanent or temporary dwelling units.

**Kenel.** Any lot or premises on which domestic or wild animals are kept, boarded or raised for sale.

\* \* \* \* \*

**Live-work unit.** A building in which offices, studios, or other commercial uses are located on the first floor and a dwelling unit is located on or above the first floor. See also §35-381.

\* \* \* \* \*

**Median.** (1) The middle number in a series of items in which 50 percent of all figures are above the median and 50 percent are below. (2) An island in the center of a roadway that separates traffic flows.

\* \* \* \* \*

**Microbrewery.** A small-scale brewing facility designed for the production of malt liquors such as beer and ale, using grains such as oats, hops, rice, wheat and barley, designed and managed to brew no more than 75,000 barrels of beer per year. The following uses may be accessory to a Microbrewery in conformance with §35-370:

1. Sampling for on-site consumption and the sale for off-site consumption of the microbrewery's products;
2. Meeting/Reception Facilities; and
3. Retail sales of items primarily associated with the brewery (such as glassware, souvenirs, promotional items) and conducted within the microbrewery or a permitted accessory structure.

A brewpub is not considered a microbrewery and has a separate definition in this Chapter.

\* \* \* \* \*

**Occupiable.** A land use, structure, room or enclosed space designed for human occupancy in which individuals congregate for amusement, educational or similar purposes, engaged in labor, or a space in a building for living, sleeping, eating or cooking, and which is equipped with means of egress and light and provides for mechanical or non-mechanical ventilation facilities.

\* \* \* \* \*

**Office warehouse/flex space.** A building configured designed to accommodate a combination of office, showroom, wholesale, and warehousing functions, the exact proportions of each use being subject to user modifications needs over time. Showroom space may provide for regular transaction of business and for the display of uncontainerized merchandise in a finished building setting. Retail sales of products inside the premises may be permitted as accessory to this use. Flex space buildings are typically located in business or industrial parks and usually have a footprint exceeding ten thousand (10,000) square feet. They are usually designed with loading

docks to the rear and parking in the front. Building facades visible from public streets and public entries are often treated with a higher quality of architectural finish than the other sides. A single-purpose building with incidental storage space shall not be considered an office warehouse/flex space use.

\* \* \* \* \*

**Pet or pet supply store.** Establishments in this category include retail pets, pet foods, and other pet supplies.

\* \* \* \* \*

**Radio/Television Antenna (R/TV) Communication Use.** Establishments furnishing point-to-point communication services either aurally, visually or by radio frequency, including radio or television broadcasting stations and the exchange or recording of messages. See also 35-385.

\* \* \* \* \*

**Residential development.** All areas zoned as "R-3", "R-4", "R-5", "R-6", "R-20", "RE", "RM-4", "RM-5", "RM-6", "~~MF-18~~", "~~MF-25~~", "~~MF-24~~", "MF-33", "MF-40" or "MF-50" or "~~MF-65~~", or otherwise zoned or devoted primarily to residential use, and shall include all other areas not zoned or used primarily for commercial or industrial use.

**Residential district or residential zoning district.** Any of the following zoning districts: "R-3", "R-4", "R-5", "R-6", "R-20", "RE", "RM-4", "RM-5", "RM-6", "~~MF-18~~", "~~MF-25~~", "~~MF-24~~", "~~MF-33~~", "MF-40" or "MF-50" or "~~MF-65~~".

~~**Residential zoning district.** Any of the following zoning districts established pursuant to Article III of this chapter: "RE" Residential Estate, "R-20" Residential Single Family, "R-15" Residential Single Family, "R-10" Residential Single Family, "R-8" Residential Single Family, "R-6" Residential Single Family, "R-5" Residential Single Family, "R-4" Residential Single Family, "R-3" Residential Single Family "MF-20" Multi Family, "MF-30" Multi Family, "MF-40" Multi Family, or "MF-50" Multi Family.~~

\* \* \* \* \*

**Secondhand Merchandise – Retail.** Also known as a Thrift Store or Charity Shop, this land use is a retail establishment that mainly sells second-hand goods donated by members of the public.

\* \* \* \* \*

**Small animal.** A canine, or other animal not exceeding 120 pounds, residing within a dwelling unit and not raised for the production of products or for sale.

\* \* \* \* \*

**Take Out Food Establishment.** A business that specializes in the provision of prepared foods for take out type service such as ice cream stands, juice bars, espresso bars and pizza carry-out establishments. A take out food establishment shall not include more than 15 occupants at any given time, inclusive of employees, delivery personnel and customers. The 15 person occupant load shall include dining areas located either indoors or outdoors or a combination thereof.

\* \* \* \* \*

**Variance.** Permission to depart from the literal requirements of this Chapter as provided in subsections 35-482 and 35-483. For floodplain variances see section 35-F106. For purposes of the floodplain ordinance, a variance is a grant of relief to a person from the requirement of this chapter when specific enforcement would result in unnecessary hardship. A variance, therefore, permits construction or development in a manner otherwise prohibited by this division. (For full requirements see Section 60.6 of the National Flood Insurance Program regulations.)

**Variety Store - Retail.** A retail store that sells inexpensive items, often with a single price for all items in the store. Typical merchandise includes cleaning supplies, toys, household goods and gardening equipment.

\* \* \* \* \*

Chapter 35, Appendix B, Section 35-B121(f) (6) is amended as follows:

**35-B121. Subdivision Plat Applications.**

(f) **Certification and Forms.** All declarations, agreements, bonds, releases and other instruments required by the City of San Antonio shall be substantially in the same form as the particular instruments set out in this exhibit.

\* \* \* \* \*

(6) **Form F: Performance Agreement.**

Name:  
Street address  
City, State and Zip

I, \_\_\_\_\_ as \_\_\_\_\_  
(Name) (Title)

do hereby agree that if the proposed plat \_\_\_\_\_,  
(Plat Name) (Number)

filed by me is approved by the Planning Commission of the City Of San Antonio, Texas, the Director of Development Services of the City may retain the plat in his possession without recording same for a maximum period of three (3) years from the date of plat approval, by which time I will have completed all site improvements and same will have been accepted by the City of San Antonio and County if Applicable, or until I have filed with the Finance Department for the City of San Antonio, one (1) of the following forms guaranteeing that all such improvements will be constructed within three (3) years of the date of plat approval and shall be payable to the City of San Antonio. The form of the guarantee of performance shall be as follows:

- (1) A performance bond, meeting the requirements set out in Chapter 35 of the City Code, and which will be substantially in the form set out in Appendix B of Chapter 35, in an amount equal to the cost estimate, as approved by the Director of Development Services, of the uncompleted and unaccepted site improvements.

- (2) A trust agreement, meeting the requirements set out in Chapter 35 of the City Code and which will be substantially in the form set out in Appendix B to Chapter 35, in an amount equal to the cost estimate, as approved by the Director of Development Services, of the uncompleted and unaccepted site improvements.
- (3) Cash or cashier's check in the full amount of the uncompleted and unaccepted site improvements deposited with the Director of Development Services.
- (4) An irrevocable standby letter of credit drawable in the State of Texas on a federally insured commercial bank and meeting the requirements set forth in Chapter 35 of the City Code and which will be substantially in the form set out in Appendix B to Chapter 35, in an amount equal to the cost estimate, as approved by the Director of Development Services, of the uncompleted and unaccepted site improvements. The irrevocable letter of credit shall not expire prior to three years from the date of plat approval.

In any event, I fully understand and agree that, in addition to the requirement for a performance bond, trust agreement, irrevocable standby letter of credit, and/or cash or cashier's check deposit to guarantee completion and acceptance of the site improvements before the plat is recorded, as hereinbefore stated, I, the undersigned subdivider and my heirs, or assigns, successors, or subsequent purchasers having any right, title or interest in the property described as:

---

(Subdivision name)

(Plat #)

or any part thereof, shall be liable to the City of San Antonio that all site improvements will be completed and, except for planned residential district bufferyards and public benefit features, accepted by the City within the time provided herein. However, should the completion of such site improvements be delayed by reason of strikes, riots, acts of God, acts of the public enemy, injunction or other court action, or any other cause similar to those enumerated beyond my control, I shall be entitled to an extension of time equal to the time of such delay, which extension of time is to be fixed finally by written certificate made by the Director of Development Services. It is expressly declared that no such allowance of time will be made unless claimed by me and allowed and certified in writing by the Director of Director of Development Services at the end of each period of such delay.

I further fully understand and agree that, periodically until the expiration of three (3) years from the date of plat approval, the Director of Development Services shall review the cost estimate to complete the uncompleted site improvements outstanding at that date to determine the adequacy of any performance guarantee. Should the Director of Development Services conclude that the sum set out in such performance guarantee is inadequate to provide for the completion of the uncompleted site improvements, he shall require either a substitute or an additional guarantee to cover the newly estimated cost.

Should such necessary additional or substitute guarantee fail to be provided to the Director of Development Services within thirty (30) days of the request for same, I understand and agree that the Director of Public Works and Development Services shall refuse to accept a performance guarantee under any form which is related to the plat of a subdivision in which I have a principal or subsidiary

interest. Such a plat once it has been approved by the Planning Commission may be recorded only in the manner prescribed in Chapter 35 of the City Code.

In addition, I further fully understand and agree that, if after the expiration of the time periods referred to herein, the site improvements have not been satisfactorily completed and accepted, the Director of Development Services shall refuse to accept a performance guarantee, under any form, which is related to a plat in which I have an interest.

In any event, I agree that approval of the plat shall expire after three (3) years from date of approval unless I have either had all site improvements accepted by the City and recorded the plat, or requested a time extension for plat recordation and provided an approved performance guarantee.

Executed this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_.

\_\_\_\_\_  
 (Subdivider)  
 By: \_\_\_\_\_  
 Title: \_\_\_\_\_

Chapter 35, Appendix B, Section 35-B121(f) is amended by adding subsection (21), Form V as follows:

**35-B121. Subdivision Plat Applications.**

**(21) FORM V: Draft for Cash Warranty Deposit.**

State of Texas            §  
    §    **Known all men by these presents:**  
County of Bexar        §

**Cash Warranty Deposit**

<b><u>Subdivider:</u></b>	
<b><u>Subdivider's Texas Address For Notice ("Address"):</u></b>	
<b><u>Deposit Amount:</u></b>	
<b><u>Subdivision Plat</u> (No. and Name):</b>	
<b><u>Site Improvements (Streets, Drainage, Sidewalks):</u></b>	

This Cash Warranty Deposit is given to the City of San Antonio in satisfaction of the warranty requirements of Article 5 of the Unified Development Code of the City of San Antonio. The rights and obligations of Subdivider and the City of San Antonio are governed by the terms and conditions set forth on Exhibit A, which is incorporated into this deposit for all purposes as if fully set forth.

In Witness Whereof, the parties have caused their representatives to set their hands.

<u>/Subdivider Name/, a corporation</u>  By: _____  <u>Printed</u> Name: _____  Title: _____  Date: _____	<u>City of San Antonio, a Texas municipal corporation</u>  By: _____  <u>Printed</u> Name: _____  Title: _____  Date: _____
--	--

\* Warranty Start Date:

Warranty End Date:

\* Warranty period shall begin on the date the plat is recorded or the date of preliminary field approval of the improvements, whichever is later in time.

**Exhibit A: Cash Warranty Deposit Terms and Conditions**

Whereas, the UDC requires that Site Improvements inspected as complete by the City of San Antonio, a municipal corporation of the County of Bexar and State of Texas (“City”) be guaranteed to remain in good repair and to remain in compliance with the UDC for a period of one year after the date of City’s Warranty Start Date.

Whereas, the UDC further requires that Subdivider post security to provide assurance to the City that Subdivider’s guarantee will be honored.

Whereas, the Subdivider has elected to provide such assurance to the City in the form of a cash deposit in the Deposit Amount.

Now therefore, Subdivider posts the Deposit Amount with City as security for Subdivider’s guarantee that the required Site Improvements will remain in good repair and condition –in accordance with the Plans and the then current regulations of the City of San Antonio applicable to the Site Improvements (collectively, the “Applicable Requirements”) for one (1) year from the Warranty Start Date, which shall be the date the plat is recorded or the date of



**Site Improvements:**

This Cash Performance Deposit is given to the City of San Antonio in satisfaction of the Performance requirements of Article 4 of the Unified Development Code of the City of San Antonio. The rights and obligations of Subdivider and the City of San Antonio are governed by the terms and conditions set forth on Exhibit A, which is incorporated into this deposit agreement for all purposes as if fully set forth.

In Witness Whereof, the parties have caused their representatives to set their hands.

<u>/Subdivider Name/, a _____ corporation</u>	<u>City of San Antonio,</u> <u>a Texas municipal corporation</u>
By: _____	By: _____
Printed Name: _____	Printed Name: _____
Title: _____	Title: _____
Date: _____	Date: _____

**Exhibit A: Cash Performance Deposit Terms and Conditions**

Whereas, the Subdivider petitioned the Planning Commission of the City of San Antonio for permission to develop a subdivision within the jurisdiction of the City;

Whereas, the Subdivision Plat, which shows the subdivision, was approved by the Planning Commission on the Date of Planning Commission Approval;

Whereas, the City’s Unified Development Code (“UDC”) requires that the site improvements (“Site Improvements”) be completed by Subdivider in conformance with the UDC within three years from the Date of Planning Commission Approval;

Whereas, the UDC 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 years of the date on which the plat was approved; and

Whereas, the Subdivider has elected to provide to the City of San Antonio such a guarantee of performance in lieu of waiting to record the Subdivision Plat until all Site Improvements have been completed.

Now therefore, Subdivider posts the Deposit Amount with City as security for Subdivider’s guarantee that the required Site Improvements shall be completed and (if applicable) accepted by City within three

years of the Date of Planning Commission Approval or such extended deadline for performance as Subdivider may obtain in conformity with the UDC.

If the Site Improvements are not timely completed, City may make or provide for the completion of the Site Improvements utilizing the Deposit Amount. City shall notify Subdivider at the Address and provide the City's estimate of the cost of completion. Subdivider acknowledges that the statutory formalities applicable to contracting by City may make the City's cost of completion higher than what Subdivider would have incurred had it completed the work itself. City may make multiple draws until all necessary maintenance or repairs are completed or until it has drawn the full Deposit Amount. If upon completion of the Site Improvements City still has unspent Deposit Amount funds, City must refund the unspent funds to Subdivider. Changes in the nature or extent of Site Improvements do not impair Subdivider's obligations, but nothing increases the Bond Amount without Subdivider's written consent.

If, within three years of the Date of Planning Commission Approval or such extended deadline for performance as Subdivider may obtain in conformity with the UDC, Subdivider constructs or causes to be constructed the Site Improvements according to the requirements of the UDC, then this obligation terminates and unspent funds shall be returned to Subdivider. Otherwise the obligation under this deposit remains in full force and effect.

Subdivider shall immediately notify City of any change to the Address, and such notice shall be directed to the Director of Development Services, P.O. Box 839966, San Antonio, Texas, 78283.

Subdivider may contract separately with outside entities regarding aspects of this Cash Performance Deposit not covered by this document but no such agreement may contradict this Cash Performance Deposit agreement or impair the City's rights under it. This document is a fully integrated statement of City's rights as to Subdivider and the Deposit Amount. There are no oral or other written agreements to which City is a party governing the terms of this Cash Performance Deposit.

Chapter 35, Appendix D, Section 35-D101 is amended by adding subsection (j) as follows:

**35-D101. General.**

**(j) Duplexes in former 1938 "B" Zoning District.**

Notwithstanding any provision of this Chapter to the contrary, two-family (duplex) residences are a permitted use for any tract or parcel zoned under the 1938 districts as "B" prior to the adoption date of this Chapter so long as such tract is in the same configuration and so long as such tract is not the subject of rezoning in accordance with the provisions of this Chapter and remains with the 2001 "R-4" zoning district. Pursuant to this subsection, two-family residences may be developed in accordance with the dimensional standards of Table 310-1 and Section 35-516 except as otherwise provided below:

- (1) Minimum front setback of 20 feet.
- (2) Minimum side setback of 5 feet.
- (3) Minimum rear setback of 20% of the lot depth or 20 feet, whichever is less.
- (4) Minimum lot size of 6,000 square feet.

Commentary: The above provisions are based on Section 35-3611 of the 1987 Unified Development Code.

**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 City Clerk is directed to publish notice of this Ordinance in accordance with Section 17 of the Charter of the City of San Antonio.

**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 index, format and number paragraphs to conform to the existing code.

**SECTION 7.** This ordinance shall be effective immediately upon passage by eight or more affirmative votes; otherwise, it shall be effective on the tenth day after passage.

**PASSED AND APPROVED** this 18<sup>th</sup> day of October, 2012.



M A Y O R  
Julián Castro

**ATTEST:**

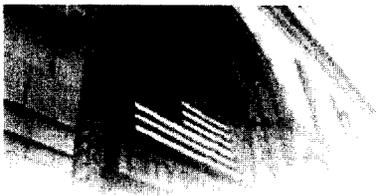
**APPROVED AS TO FORM:**



Leticia M. Vacek, City Clerk

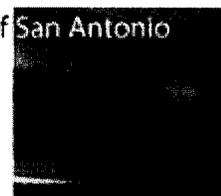


FOR  
Michael D. Bernard, City Attorney



Request for  
**COUNCIL  
 ACTION**

City of San Antonio



## Agenda Voting Results - 17

<b>Name:</b>	17						
<b>Date:</b>	10/18/2012						
<b>Time:</b>	02:13:31 PM						
<b>Vote Type:</b>	Motion to Appr w Cond						
<b>Description:</b>	An Ordinance amending Chapter 35, Unified Development Code, of the City Code of San Antonio, Texas to implement recommendations of the Infill Taskforce, by making substantive and minor amendments; correcting clerical and formatting items; clarifying items; amending definitions; providing an effective date; and providing for severance. [David Ellison, Assistant City Manager; Roderick Sanchez, Director, Development Services]						
<b>Result:</b>	Passed						
<b>Voter</b>	<b>Group</b>	<b>Not Present</b>	<b>Yea</b>	<b>Nay</b>	<b>Abstain</b>	<b>Motion</b>	<b>Second</b>
Julián Castro	Mayor		x				
Diego Bernal	District 1		x				
Ivy R. Taylor	District 2		x			x	
Leticia Ozuna	District 3		x				
Rey Saldaña	District 4		x				x
David Medina Jr.	District 5		x				
Ray Lopez	District 6		x				
Cris Medina	District 7		x				
W. Reed Williams	District 8		x				
Elisa Chan	District 9	x					
Carlton Soules	District 10		x				