

RID (Rule Interpretation Decision)

(Use additional sheets as necessary)

Type of RID		Requested Response Time	DSD Assigned RID # 102
Customer RID	<input type="checkbox"/>	24 hours	<input type="checkbox"/>
Internal Staff RID	<input type="checkbox"/>	10 working days	<input type="checkbox"/>
		As time available	<input type="checkbox"/>

1. **Project Name:** Infill Development Zoning (IDZ) District

2. **Project Number:** n/a
(Plat #, Zoning Case #, etc.)

3. **Project Street Address:** IDZ eligible area, 35-343 (a)
(If not available nearest intersection of two public streets)

4. **Applicant Name:** Andrew Spurgin

5. **Applicant Address:** n/a

6. **Applicant Telephone #:** 210-207-8229

7. **Applicant e-mail Address:** Andrew.Spurgin@sanantonio.gov

8. **Rule in Question:**
(Section and/or policy of UDC, Sign Code, etc)

Applicability of the tree preservation and canopy requirements (35-523) in the IDZ district.

9. **Applicant's Position:**
(Including date position presented and name of city staff point of contact)

Date: September 21, 2011 **Contact:** Andrew Spurgin **Contact Telephone #:** 207-8229

The text of 35-343 "Infill Development Zone" provides the following two provisions

*(i) **Natural Resource Protection.** The natural resource protection standards (article V, division 5 of this chapter) shall not apply to infill development.*

*(j) **Buffers, Landscaping, 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".*

Subsection (i) waives the Edwards Aquifer Recharge Protection requirements for projects with IDZ zoning; by virtue of the location of IDZ eligibility it does not include the Recharge Zone. When the IDZ district was incorporated with the omnibus revision of the

UDC adopted on May 3, 2001 the tree preservation ordinance was part of Article V, Division 3 titled "Landscaping and Tree Preservation", more specifically section 35-513. Subsection (i) was only intended to waive what was contained within Article V, Division 5 during the drafting of the May 3, 2001 UDC.

10. Staff Finding:

(Including date of finding and name of city staff person formulating finding)

Date: September 21, 2011 **Contact:** Andrew Spurgin **Contact Telephone #:** 207-8229

35-343 (j) titled "Buffers, Landscaping, Streetside Planting and Tree Preservation" provides specific provisions indicating nonapplicability of buffer requirements and specific statements about the landscaping and streetscape planting requirements. In the absence of any specific language modifying the tree ordinance provisions, staff has consistently required compliance with the tree preservation ordinance since 2001 within the IDZ district. Since the current organization of the UDC has placed the tree preservation ordinance within Division 5 of Article 5, rather than within Division 3 titled "Landscaping and Tree Preservation" there is a conflict in the references in 35-343 (i) and (j).

11. Staff Position:

(Including date position presented internally and name of city staff person formulating position)

Date: September 21, 2011 **Contact:** Andrew Spurgin **Contact Telephone #:** 207-8229

It is the position of staff that the tree ordinance requirements of 35-523 apply within the IDZ districts. The primary criteria for IDZ designation is the CRAG area pursuant to 35-343 (a)(1)

(a) Locational Criteria

(1) Generally. An "IDZ" may be located within Community Revitalization Action Group (CRAG) target area as 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.

In recognition of the challenges of urban redevelopment, section 35-523(e)(1) of tree ordinance provides specific relief for the CRAG area to require a 15% canopy requirement in lieu of the usual 25 to 38% canopy requirement elsewhere in the City and ETJ. The tree canopy requirement may be met through existing code provisions for parking lot shading, streetscape planting and low impact development ("LID") stormwater management features.

It is staff's position that the tree ordinance requirements of 35-523 do apply to the IDZ district based on the organization of the Code when the May 3, 2001 UDC was drafted. Further it is staff's position to maintain the current business practice of requiring tree preservation at the time of plan review of projects in the IDZ district.

12. Departmental Policy or Action:

(Including date of presentation of policy or action to the applicant, the effective date of the policy or action, schedule for pursuing an amendment to the code if required and signature of the Director)

Date of policy/action: September 21, 2011 **Effective Date of policy/action:** Immediately

The Director concurs with staff's position explained above and directs staff to include the necessary amendments to the UDC with the next available update program to support the interpretation contained in this document.



Roderick Sanchez, AICP, C.B.O
Director

9-22-11

Date