

# SAN ANTONIO PLANNING COMMISSION AGENDA



September 26, 2012



2:00 P.M.

Jose R. Limon, *Chair*  
Marcello Diego Martinez, *Vice Chair*  
Rob Rodriguez, *Chair Pro Tem*  
Andrea Rodriguez  
Lynda Billa Burke  
Jody R. Sherrill  
Daniel D. Kossl  
Donald Oroian

*The Cliff Morton Development and Business Service Center is located at 1901 South Alamo Street*

*This meeting site is accessible to persons with disabilities. Parking is available. Auxiliary aids and services, including Deaf interpreters, must be requested forty-eight [48] hours prior to the meeting. For assistance, call (210) 207-1111 or 711 (Texas Relay Service for the Deaf).*

*DECLARACIÓN DE ACCESIBILIDAD - El lugar de reunión cuenta con el acceso disponible y estacionamiento para personas discapacitadas. También incluye servicios especiales e interpretes para personas con problemas auditivos. Este servicio debe ser solicitado cuarenta y ocho (48) horas antes del día programado para la reunión. Para mas información favor comunicarse al (210) 207-1111 o al 711 (Servicio para personas con problemas auditivos Texas Relay)*

Please note that Citizens Comments are limited up to three (3) minutes per person and may change as needed  
CALL (210) 207-1111 FOR ADDITIONAL INFORMATION ON ANY AGENDA ITEM BELOW.

## 1. PRELIMINARY ITEM(S):

### A. Work session, 1:15 P.M., Tobin Room

- Agenda items may be discussed (Development Services Department)
- Briefing on proposed changes and revisions to the Planning Commission Agenda and meeting

## 2. 2:00 P.M.– Call to Order, Board Room

## 3. Roll Call

## 4. Citizens to be heard

## 5. PUBLIC HEARINGS

Council      Ferguson  
District      Index #

### REPLATS W/ WRITTEN NOTIFICATION:

A. 120377      **Mount Calvary Lutheran Church**      10      583 E-3  
(West and south of the intersection of Chevy Park and Bryn Mawr)

\* Project is located in the Camp Bullis Notification Area.

## CONSENT AGENDA

**NOTICE TO THE PUBLIC:** All matters listed under "Consent Agenda" are considered by the Planning Commission to be routine, and have met all standards for development under state law, and will be enacted by one motion. There will be no separate discussion of these items unless any member of the Planning Commission requests that specific items be removed from the Consent Agenda and added to the Individual Consideration Agenda for discussion prior to the time the Planning Commission votes on the motion to adopt the Consent Agenda.

### **PUBLIC HEARINGS FOR ITEMS 6 HELD ABOVE:**

6. 120377 **Mount Calvary Lutheran Church** 10 583 E-3  
(West and south of the intersection of Chevy Park and Bryn Mawr)

### **PLATS:**

7. 120155 **Tausch Farms Unit 2B** OCL 546 C-7  
(West of the intersection of Tausch Drive and Dove Oak Lane)

### **LAND TRANSACTIONS:**

8. **S. P. No. 1663** - Request to declare as surplus and sell a vacant 8.67 acre tract of City-owned property known as 851 Acme Road in City Council District No. 6 within the Sotuhwest Business and Technology Park, bounded by State Highway 151 to the west, Acme Road to the east and Wintergarden Drive to the south of New City Block 13940. (Capital Improvements Management Services, by Jesse Quesada)

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## INDIVIDUAL CONSIDERATION

### **LAND TRANSACTIONS:**

9. **S. P. No. 1617-** Request to close and barricade to vehicular traffic at Ellis Bean railroad crossing (Department of Public Works, by Amer Gilani)

### **VARIANCES and APPEALS:**

10. **FPV 12-008 Rock Creek NWWC/Outfall** 8 549 D-7  
(Rock Creek from Callaghan Road northwest to IH-10)

### **COMPREHENSIVE MASTER PLANS:**

11. **PA12057** - [Item Continued from July 25, 2012 and September 12, 2012 meetings] - Public hearing and consideration of a resolution amending the future land use plan contained in the Arena District Eastside Community Plan, a component of the Comprehensive Master Plan of the City, by changing the use of approximately 2.166

acres located at 3011 East Commerce Street from Town Center to Light Industrial. (Department of Planning and Community Development by Tyler Sorrells)

12. **PA12059** - [Item Continued from July 25, 2012 and September 12, 2012 meetings] - Public hearing and consideration of a resolution amending the future land use plan contained in the Arena District Eastside Community Plan, a component of the Comprehensive Master Plan of the City, by changing the use of approximately 7.55 acres located at 158 Coca Cola Street from Town Center to Light Industrial. (Department of Planning and Community Development by Tyler Sorrells)
13. **PA12069** - [Item continued from the September 12, 2012 meeting] Public hearing and consideration of a resolution amending the future land use plan contained in the Eastern Triangle Community Plan, a component of the Comprehensive Master Plan of the City, by changing the use of approximately 0.59 acres legally described as NCB 18449 Blk 9 Lot 8 from Medium Density Residential to Community Commercial. (Department of Planning and Community Development by Tyler Sorrells)
14. **PA12073** - Public hearing and consideration of a resolution amending the future land use plan contained in the Downtown Neighborhood Plan, a component of the Comprehensive Master Plan of the City, by changing the use of approximately 7.53 acres located at 354, 401, and 415 Blue Star from Residential to Mixed Use. (Department of Planning and Community Development by Tyler Sorrells)
15. **PA12074** - Public hearing and consideration of a resolution amending the future land use plan contained in the Nogalitos/South Zarzamora Community Plan, a component of the Comprehensive Master Plan of the City, by changing the use of approximately 0.7304 acres located at 1142 Kendalia Avenue from Low Density Residential to Regional Commercial. (Department of Planning and Community Development by Tyler Sorrells)

**OTHER ITEMS:**

16. Consideration of proposed amendments to the Unified Development Code resulting from the Infill Task Force. (Development Services Department by Andrew Spurgin)
17. Approval of the minutes for the September 12, 2012 Planning Commission meeting
18. Director's report - City Council Action Update (Planning Commission Items sent to Council)
19. Executive Session: consultation on attorney-client matters (real estate, litigation, contracts, personnel, and security matters) as well as any of the above agenda items may be discussed
20. **ADJOURNMENT**

**PLANNING COMMISSION**  
**PUBLIC HEARING AND CONSIDERATION OF REPLAT WITH**  
**WRITTEN NOTIFICATION**

AGENDA ITEM NO: 5A&6 September 26, 2012

MOUNT CALVARY

LUTHERAN CHURCH  
SUBDIVISION NAME

MINOR PLAT

120377  
PLAT #

**COUNCIL DISTRICT:** 10

**FERGUSON MAP GRID:** 583 E-3

**OWNER:** Mount Calvary Lutheran Church, c/o Thomas E. Pulliam, Trustee

**ENGINEER:** Rosin Group, Inc., c/o Roy R. Rosin, P.E., R.P.L.S.

**CASE MANAGER:** Donna Camacho, Planner (210) 207-5016

**Date filed with Planning Commission:** August 31, 2012

**Location:** West and south of the intersection of Chevy Park and Bryn Mawr

**Services Available:** SAWS Water and Sewer

**Zoning:** "R-4 MF-33 C-2 AHOD" Residential Single-Family Multi-Family Commercial Airport Hazard Overlay District

**Proposed Use:** Church

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**APPLICANT'S PROPOSAL:**

The applicant proposes to replat a 3.777-acre tract of land that will consist of three (3) non-single family lots.

**DISCUSSION:**

Eleven (11) notices were mailed to the adjacent property owners within two hundred (200) feet of the subject property, and to the Terrell Heights Home Owners Association. To the present, staff received no correspondence from adjacent property owners expressing opposition to the request.

**STAFF RECOMMENDATION:**

Approval



**PLANNING COMMISSION  
SUBDIVISION**

AGENDA ITEM NO:   7   September 26, 2012

TAUSCH FARMS UNIT 2B  
SUBDIVISION NAME

MAJOR PLAT

120155  
PLAT #

**COUNCIL DISTRICT:** Outside San Antonio City Limits

**FERGUSON MAP GRID:** 546 C-7

**OWNER:** Continental Homes of Texas, L.P., c/o Stephen Walkup

**ENGINEER:** Pape Dawson Engineers, c/o Shauna L. Weaver, P.E.

**CASE MANAGER:** Donna Camacho, Planner (210) 207-5016

**Date filed with Planning Commission:** September 14, 2012

**Location:** West of the intersection of Tausch Drive and Dove Oak Lane

**Services Available:** SAWS Water and Sewer

**Zoning:** Outside San Antonio City Limits

**Plat is associated with:**

MDP 012A-07, Tausch Farms, accepted on November 30, 2010

**Proposed Use:** Single Family Residential

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**APPLICANT'S PROPOSAL:**

The applicant proposes to plat a **10.639**-acre tract of land that will consist of thirty-seven (**37**) single-family lots, two (**2**) non-single family lots, and two thousand six hundred thirty-nine (**2,639**) linear feet of public streets.

**STAFF RECOMMENDATION:**

Approval





**CITY OF SAN ANTONIO**  
**CAPITAL IMPROVEMENTS MANAGEMENT SERVICES**  
**INTERDEPARTMENTAL CORRESPONDENCE SHEET**

**TO:** Planning Commission

**FROM:** Marcia Shelf Orlandi, Real Estate Manager, Real Estate Division

**COPY:** Mike Etienne, PhD/Assistant Director, Capital Improvements Management  
Services Department

**SUBJECT:** S. P. No. 1663 – Request to declare as surplus and sell a vacant 8.67 acre tract of City-owned property known as 851 Acme Road in City Council District No. 6 within the Southwest Business and Technology Park, bounded by State Highway 151 to the west, Acme Road to the east and Wintergarden Drive to the south out of New City Block 13940

**DATE:** September 10, 2012

**PETITIONER:** MILCON Construction, LLC  
 C/o Armando A. Aranda, President  
 419 Cevallos Street  
 San Antonio, Texas 78204

Staff is requesting that this item be placed on the Planning Commission Consent Agenda for the meeting on 09/26/2012.

**BACKGROUND**

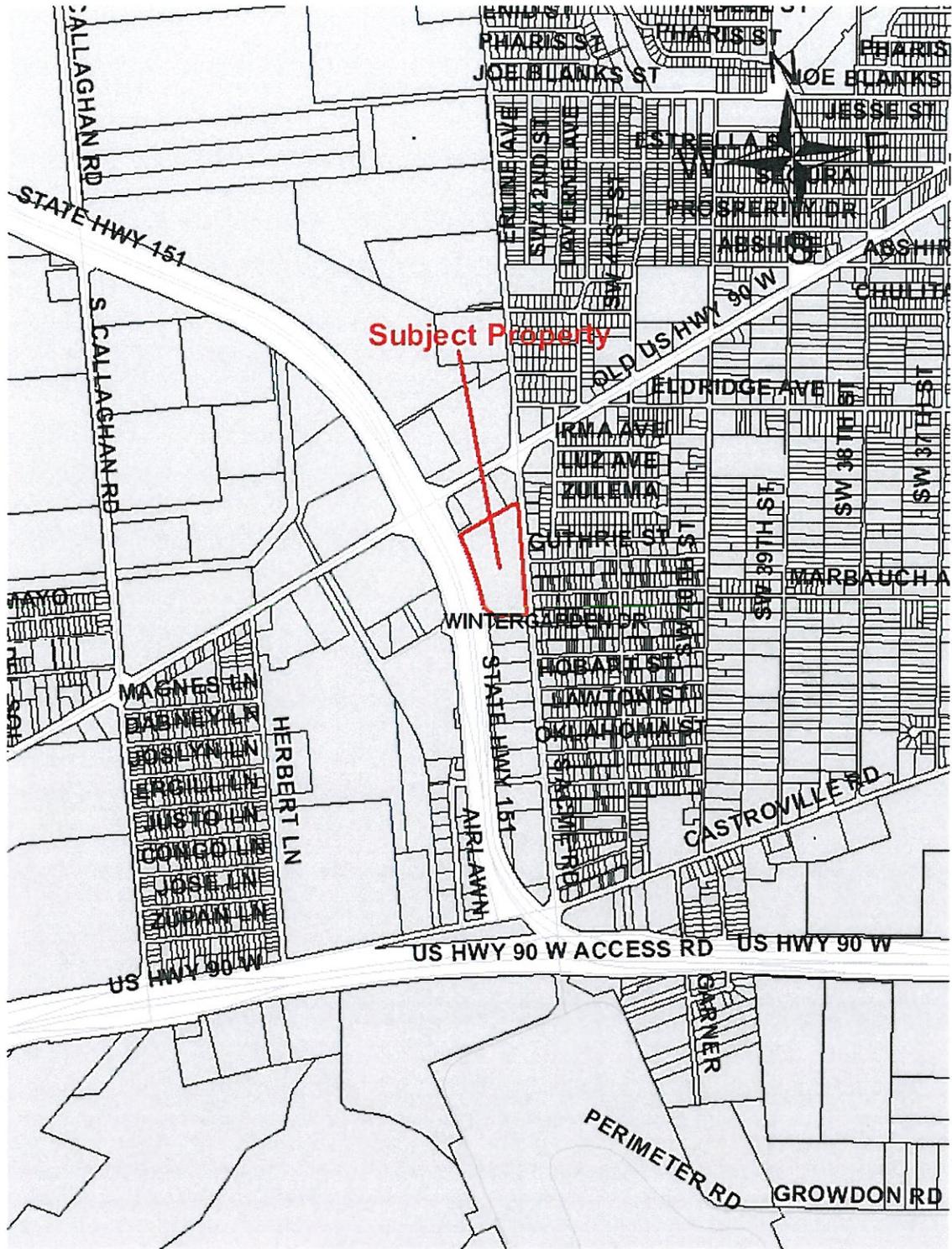
MILCON Construction, LLC (Petitioner) is requesting for the City of San Antonio to declare as surplus and sell an 8.67 acre vacant tract of City-owned property located in the Southwest Business Technology Park (SWBTP) known as 851 Acme Road within New City Block 13940 in City Council District 6, as shown on the attached Exhibit "A." Specifically, the property is bounded by State Highway 151 to the west, Acme Road to the east and Wintergarden Drive to the south. Petitioner focuses in design-build construction with an emphasis in infrastructure in the federal market space and is headquartered in San Antonio, Texas. Petitioner's current facility has been expanded to capacity. If approved, Petitioner plans to construct a new 7,000 square foot single story frame masonry office/warehouse facility. MILCON Construction will invest approximately \$3,500,000.00, retain 42 jobs and create up to 32 new jobs over the next three (3) years.

**COORDINATION AND FINANCIAL IMPACT**

In compliance with City procedures, the subject property was advertised to the public in the Hart Beat Newspaper on Wednesday, January 4, 2012 and Friday, January 6, 2012. The Capital Improvements Management Services Department has coordinated with the City Attorney's Office, Center City Development Office and the Westside Development Corporation (WDC). The City of San Antonio will receive \$345,672.36 for the sale of this property.

**CONCLUSION AND RECOMMENDATION**

Staff recommends approval of this request.



Site Map of Subject Property

# Exhibit "A"



Map of Subject Property



Aerial Photograph of Subject Property

METES AND BOUNDS DESCRIPTION  
FOR

8.67 ACRES  
(377,784 SQUARE FEET)

8.67 ACRE (377,784 SQUARE FEET) TRACT OF LAND CONSISTING OF 0.28 ACRES OUT OF THE I. & G.N.R.R. CO. SURVEY NO. 1 AND 8.39 ACRES OUT OF THE RAFAEL HERRERA SURVEY NO. 1/74, ABSTRACT 311, NEW CITY BLOCK 13940, CITY OF SAN ANTONIO, BEXAR COUNTY, TEXAS, BEING OUT OF TRACT XIII, A 15.372 ACRE TRACT, AS RECORDED IN VOLUME 6696, PAGES 1286-1326, REAL PROPERTY RECORDS OF BEXAR COUNTY, TEXAS, AND MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a set ½" iron pin at the northeast cut-off of Wintergarden Drive and State Highway 151;

THENCE: N 48°36'33" W, a distance of 116.00 feet to a set ½" iron pin at the east right-of-way of State Highway 151, to a non-tangent curve to the left, for the a corner of this tract;

THENCE: along said curve, whose radius is 3039.79 feet, central angle of 03°54'14", tangent length of 103.60 feet, arc length of 207.12 feet, chord bearing of N 10°15'48" W, chord distance of 207.08 feet to a set ½" iron pin;

THENCE: N 11°29'20" W, a distance of 266.26 feet to a set ½" iron pin, for a corner of this tract;

THENCE: N 15°12'12" W, a distance of 214.27 feet to a set ½" iron pin, for a corner of this tract;

THENCE: N 24°06'41" W, a distance of 21.18 feet to a set ½" iron pin at the south corner of Lot 1, Block 4, New City Block 16504, JB #944, as recorded in Volume 9562, Page 105, Deed and Plat Records of Bexar County, Texas;

THENCE: departing the east right-of-way of State Highway 151, N 64°21'24" E, a distance 533.53 feet to a set ½" iron pin, for a corner of this tract;

THENCE: S 89°36'02" E, a distance of 30.80 feet to a set ½" iron pin at the southeast corner of Lot 3, Block 4, New City Block 16504 and the west right-of-way of Acme Road;

THENCE: S 00°23'59" W, a distance of 976.38 feet to a set ½" iron pin at the point of curvature of a curve to the right;

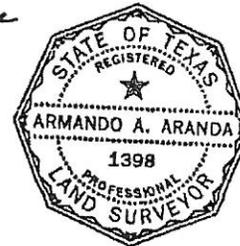
THENCE: along said curve to the right, whose radius is 25.00 feet, central angle of 90°17'07", tangent length of 25.12 feet, arc length of 39.39 feet, chord bearing of S 45°32'31" W, a distance of 35.44 feet to a set ½" iron pin at the north right-of-way of Wintergarden Drive, for a corner of this tract;

THENCE: along the north right-of-way of Wintergarden Drive, N 89°18'55" W, a distance of 237.88 feet to the POINT OF BEGINNING and containing 8.67 acres (377,784 square feet) of land.



Armando A. Aranda  
Registered Public Land Surveyor No. 1398

3305  
Revised July 20, 2012  
July 19, 2012  
AAA/amg

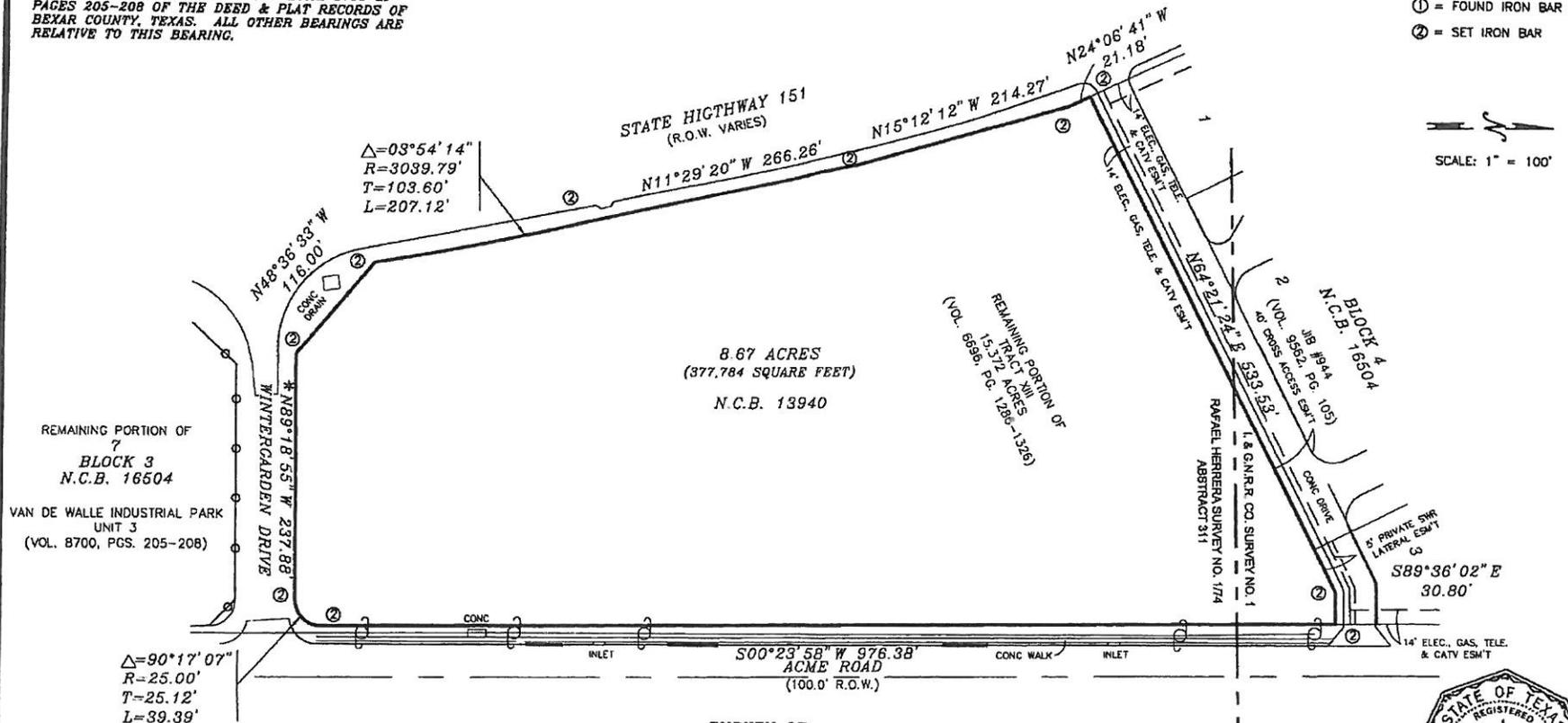


\* REFERENCE BEARING FROM VAN DE WALLE INDUSTRIAL PARK, UNIT 3, AS RECORDED IN VOLUME 8700 at PAGES 205-208 OF THE DEED & PLAT RECORDS OF BEXAR COUNTY, TEXAS. ALL OTHER BEARINGS ARE RELATIVE TO THIS BEARING.

- ① = FOUND IRON BAR
- ② = SET IRON BAR



SCALE: 1" = 100'



REMAINING PORTION OF  
7  
BLOCK 3  
N.C.B. 16504  
VAN DE WALLE INDUSTRIAL PARK  
UNIT 3  
(VOL. 8700, PGS. 205-208)

REMAINING PORTION OF  
TRACT WITH  
15.372 ACRES  
(VOL. 6696, PG. 1286-1326)

8.67 ACRES  
(377,784 SQUARE FEET)  
N.C.B. 13940

PLAT REFERENCE:  
DEED REFERENCE: VOL. 6696, PG. 1286-1326  
DEED REFERENCE:  
DEED REFERENCE:  
C.F. NO.:  
BUYER:  
ADDRESS:

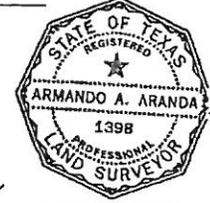
**SURVEY OF**  
8.67 ACRE (377,784 SQUARE FEET) TRACT OF LAND  
CONSISTING OF 0.28 ACRES OUT OF THE I. & G.N.R.R.  
CO. SURVEY NO. 1 AND 8.39 ACRES OUT OF THE  
RAFAEL HERRERA SURVEY NO. 1/74, ABSTRACT 311,  
NEW CITY BLOCK 13940, CITY OF SAN ANTONIO, BEXAR  
COUNTY, TEXAS, BEING OUT OF TRACT XIII, A 15.372  
ACRE TRACT, AS RECORDED IN VOLUME 6696, PAGES  
1286-1326, REAL PROPERTY RECORDS OF BEXAR  
COUNTY, TEXAS.

STATE OF TEXAS  
COUNTY OF BEXAR

I HAVE MADE A SURVEY ON THE GROUND OF THE PROPERTY  
AND CERTIFY THAT THERE ARE NO VISIBLE OR APPARENT,  
EASEMENTS OR ENCROACHMENTS, EXCEPT AS SHOWN,

BY: *Armando A. Aranda*  
ARMANDO A. ARANDA  
REGISTERED PROFESSIONAL LAND SURVEYOR NO. 1398

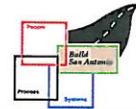
DATE: JULY 19, 2012  
REVISED: JULY 20, 2012



ARMANDO A. ARANDA  
2222 BEECHAVEN  
SAN ANTONIO, TEXAS 78207  
210-432-7405  
JOB NUMBER: 3305

**City of San Antonio  
Capital Improvements Management  
Services (CIMS) Department**

**Planning Commission  
Special Project 1663  
Sale of Vacant City-owned Property  
September 26, 2012**



**Planning Commission Item**

- MILCON Construction, LLC (Petitioner) is requesting for the City of San Antonio to declare as surplus and sell a vacant 8.67 tract of City-owned property known as 851 Acme Road within New City Block 13940 in City Council District No. 6
- The subject property is in the Southwest Business and Technology Park
- Specifically, the property is bounded by State Highway 151 to the west, Acme Road to the east and Wintergarden Drive to the south

## Background

- Petitioner focuses in design-build construction with an emphasis in infrastructure in the federal market space and is headquartered in San Antonio, Texas
- Petitioner's current facility has been expanded to capacity
- If approved, Petitioner plans to construct a new 7,000 square foot single story frame masonry office/warehouse facility
- MILCON Construction will invest approximately \$3,500,000.00, retain 42 jobs and create up to 32 new jobs over the next three (3) years

3

## Exhibit "A" Site Map of Subject Property



4

## Exhibit "A" (Cont.) Map of Subject Property



5

## Exhibit "A" (Cont.) Aerial Photograph of Subject Property



6



## Background (cont.)

### Coordination:

- In compliance with City procedures, the subject property was advertised to the public in the Hart Beat Newspaper on Wednesday, January 4, 2012 and Friday, January 6, 2012
- CIMS has coordinated with the City Attorney's Office, Center City Development Office and the Westside Development Corporation (WDC)

7



## Fiscal Impact

### Financial Impact:

- The City of San Antonio will receive \$345,672.36 for the sale of this property

8



## Issues & Recommendation

### Policy Analysis:

- This action is consistent with City Code and Ordinances relative to the disposition of any City-owned property

### Recommendation:

- Staff recommends approval of this request

RESOLUTION # \_\_\_\_\_

**A RESOLUTION SUPPORTING THE SALE OF AN 8.63 ACRE VACANT TRACT OF CITY-OWNED PROPERTY KNOWN AS 851 ACME ROAD, WITHIN THE SOUTHWEST BUSINESS AND TECHNOLOGY PARK, BOUNDED BY STATE HIGHWAY 151 TO THE WEST, ACME ROAD TO THE EAST AND WINTERGARDEN DRIVE TO THE SOUTH OUT OF NEW CITY BLOCK 13940 IN CITY COUNCIL DISTRICT 6, AS REQUESTED BY MILCON CONSTRUCTION, LLC.**

\* \* \* \* \*

WHEREAS, the City Charter has empowered the Planning Commission to approve certain transactions as consistent with the Master Plan; and

WHEREAS, MILCON Construction, LLC has filed an application requesting to purchase approximately 8.63 acres of vacant City-owned property within New City Block 13940 as identified in Exhibit A and

WHEREAS, after careful consideration and deliberation, the Planning Commission has elected to support the application and recommend its hearing and approval by City Council;

**BE IT RESOLVED BY THE PLANNING COMMISSION OF THE CITY OF SAN ANTONIO:**

**SECTION 1.** The Planning Commission recommends City Council approve the attached sale of land.

**SIGNED this 26th day of September, 2012.**

\_\_\_\_\_  
**Jose R. Limon, Chair**

Attest:

\_\_\_\_\_  
Executive Secretary  
San Antonio Planning Commission

**CITY OF SAN ANTONIO**  
**DEPARTMENT OF PUBLIC WORKS**  
Interdepartmental Correspondence

**TO:** Planning Commission  
**FROM:** Majed A. Al-Ghafry, Director of Public Works  
**COPIES TO:** Nefi Garza, Assistant Director of Public Works  
**SUBJECT:** Request to close and barricade to vehicular traffic at Ellis Bean railroad crossing  
**DATE:** September 12, 2012

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**PETITIONER:** City of San Antonio;  
c/o Public Works Department  
114 W. Commerce Street, 6<sup>th</sup> Floor, San Antonio, TX 78205

The Public Works Staff is requesting that this item be placed on the agenda for the Planning Commission meeting of September 26, 2012.

**Background Information:**

The Petitioner is requesting the rail road crossings closure at the following locations:

1. Ellis Bean Crossing (DOT# 764-299 G)

Quiet Zones are governed by rules of the Federal Railroad Administration (FRA), which enables public entities, including municipalities, to declare a railroad Quiet Zone if specific safety requirements are implemented that reduce the risk at each railroad crossing below the risk levels established by the FRA. The average risk at railroad crossing within the Quiet Zone may be reduced by implementing safety measures such as installation of quad gates, medians or crossing closures. By using a combination of these measures, and upon its review, the FRA may designate the area a Quiet Zone.

**Coordination and Financial Impact:**

In compliance with City procedures, petitioner's request has been canvassed through interested City departments, surrounding neighborhoods, utilities and applicable agencies.

**Conclusion and Recommendation:**

Staff recommends the approval of this request.



# CITY OF SAN ANTONIO

CAPITAL IMPROVEMENTS MANAGEMENT SERVICES

P. O. BOX 839966

SAN ANTONIO TEXAS 78283-3966

Telephone (210) 207-4032

June 21, 2012

**City of San Antonio**  
**Public Works Department**  
**Attn: Nefi Garza**  
**Municipal Plaza, 6<sup>th</sup> Floor**  
**San Antonio, TX 78205**

Re: S.P. 1617 Public Works request to close and barricade the railroad crossing at Ellis Bean

Dear Mr. Garza,

With reference to the captioned project, please be advised that the Capital Improvements Management Services (CIMS) Department of the City of San Antonio has now completed the canvassing process and has received conditional approval as expressed by the following:

**SAWS:**

From discussions with representatives of Capital Improvements Management Services and Public Works, it is my understanding that this will not be a conveyance out of the property and this street closure will not affect the areas Public Right of Way status or SAWS' rights to cross the railroad property. SAWS' intent is to not lose any rights it currently has. If you find out differently, this will need to be revisited.

**DEVELOPMENT SERVICES:**

Code Section UDC 35-506 (d) (6) states that: "Residential cul-de-sac streets greater than one-hundred-fifty (150) feet from the centerline of the cross street's pavement to the center point of the cul-de-sac turnaround shall be designed with a minimum one-hundred-foot diameter right-of-way". Turnarounds shall be provided for the public and emergency vehicles at all times.

**SOLID WASTE MANAGEMENT:**

Solid Waste trucks provide collection services on both sides of city streets. Dead-end streets should be minimized as this requires the truck to back up or down a street. A turn-around location is recommended on the Lonestar side.

**PUBLIC WORKS:**

**Disability Access Office:** Provide detail on how this closure impacts pedestrian traffic.

**Right-of-Way:** Contact & confirm with all utilities that there are no conflicts.

**CAPITAL IMPROVEMENTS MANAGEMENT SERVICES:**

On the petition form, abutting property owners at 133 Ellis Bean, (Peter Glassford and Ernesto Morales), gave conditional consent based on the City obtaining property for the benefit of tractor-trailers and large trucks delivering goods and material to their storage facilities located at 131 and 133 Ellis Bean Street. In accordance with policies and procedures, the consent of all abutting property owners is necessary for a permanent street closure.

This Letter of Acknowledgement is being offered by City of San Antonio only to the petitioner named above and will expire thirty (30) days after date of issuance unless a specific extension is requested by the petitioner and granted by the City.

In acknowledgement of the above mentioned conditions, please countersign this letter in the spaces provided below and return to Mary L. Fors, CIMS Real Estate. *Upon receipt of this executed Letter of Acknowledgement we will continue processing your request.*

Sincerely,

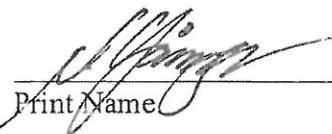
  
\_\_\_\_\_  
Marcia Shelf Orlandi  
Real Estate Manager

**ACKNOWLEDGEMENT**

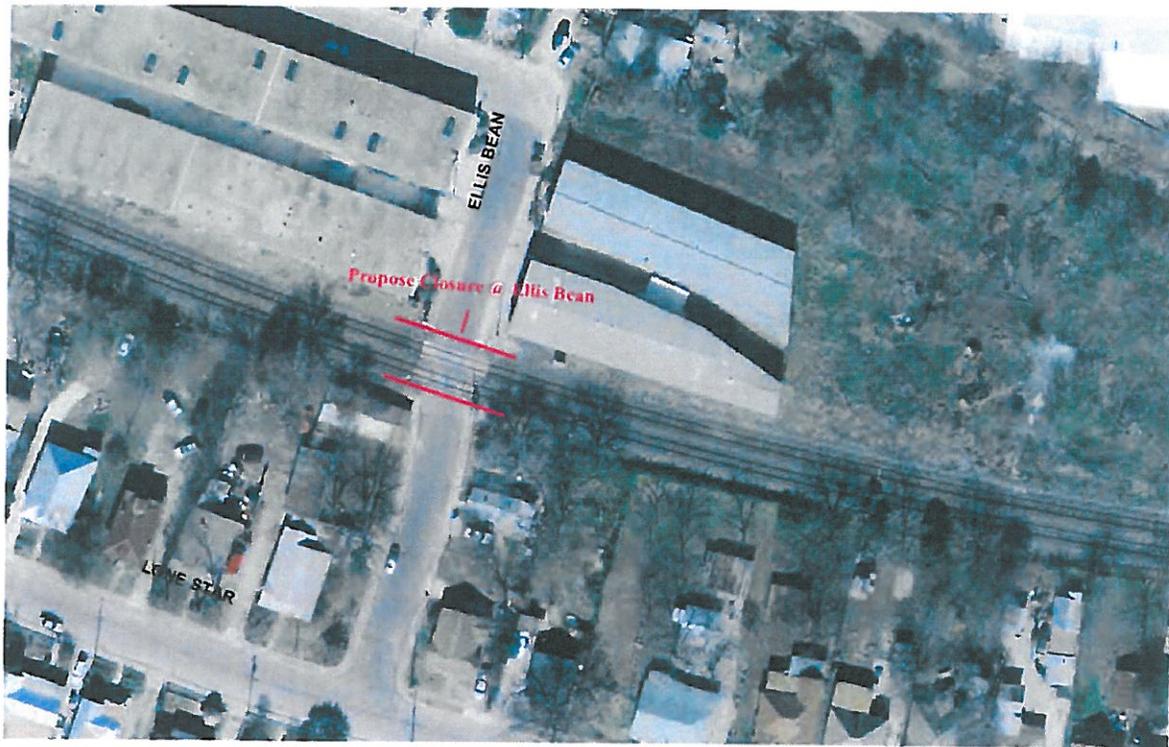
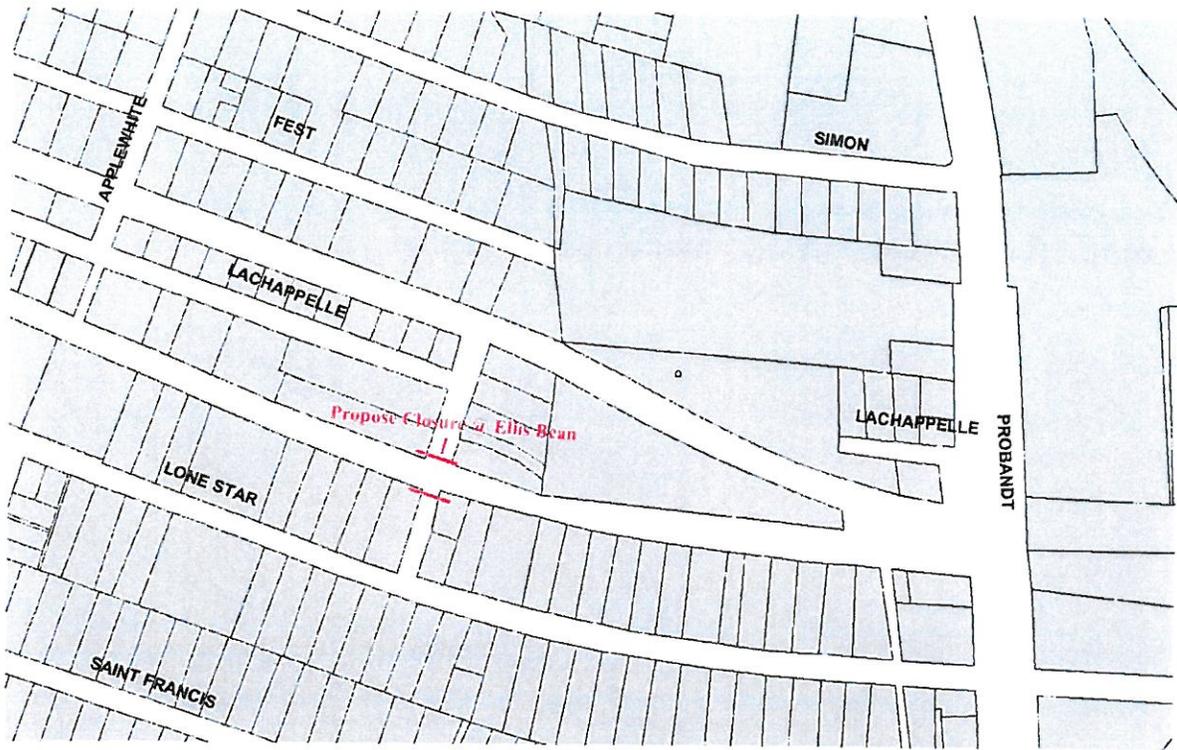
**PETITIONER: PUBLIC WORKS DEPARTMENT**

NEFI GARZA  
By

Asst. Dir. - Public Works  
Title

  
Print Name

4/23/12  
Date



S.P. 1616 – QUIET ZONE Public Works request to close and barricade railroad crossing at Ellis Bean



CITY OF SAN ANTONIO  
CAPITAL IMPROVEMENTS  
MANAGEMENT SERVICES (CIMS)  
PROPERTY DISPOSITION DIVISION

PETITION

\*\*\*\*\*

TO: CITY OF SAN ANTONIO

DATE: 4-17-2012

FORMAL REQUEST FOR: Ellis Bean Crossing Closure (please see attached plans)

PURPOSE: The Public Works Department of City of San Antonio is Planning to establish Lone Star Quiet Zones and this crossing is included in the Quiet Zone

\* Conditional Approval - SEE Attached Addendum.

PETITIONER: Public Works Department, City of San Antonio

REPRESENTATIVE: Amer Gilani

ADDRESS: 114 West Commerce Street, 7<sup>th</sup> Floor, San Antonio Texas 78205

PHONE NUMBER: 210-207-7767 FAX NUMBER: \_\_\_\_\_

EMAIL ADDRESS: amer.gilani@sanantonio.gov

ABUTTING PROPERTY OWNERS (REQUIRED FOR CLOSURE OF PUBLIC RIGHT OF WAY ONLY):

ADDRESS: 133 ELLIS BEAN ST. SAN ANTONIO TX 78204

NCB 2583 BLK 4 LOT 8-12

OWNER(S): Peter Glassford Ernesto Morales

SIGNATURE(S): [Signature] \* [Signature] \*

By signing this petition, the above signed abutting property owner agrees to the closure, vacation, and abandonment of certain Public Right of Way as requested by the petitioner. However, this agreement is not a quitclaim of any entitlement that the abutting property owner may have in the City of San Antonio Public Right of Way. The conditions and other terms of this Petition are subject to the performance of all

ADDRESS: obligations of the City contained in the Addendum to Petition attached.

NCB \_\_\_\_\_ BLK \_\_\_\_\_ LOT \_\_\_\_\_

OWNER(S): \_\_\_\_\_

SIGNATURE(S): \_\_\_\_\_

By signing this petition, the above signed abutting property owner agrees to the closure, vacation, and abandonment of certain Public Right of Way as requested by the petitioner. However, this agreement is not a quitclaim of any entitlement that the abutting property owner may have in the Public Right of Way.

ADDRESS: \_\_\_\_\_

NCB \_\_\_\_\_ BLK \_\_\_\_\_ LOT \_\_\_\_\_

OWNER(S): \_\_\_\_\_

SIGNATURE(S): \_\_\_\_\_

By signing this petition, the above signed abutting property owner agrees to the closure, vacation, and abandonment of certain Public Right of Way as requested by the petitioner. However, this agreement is not a quitclaim of any entitlement that the abutting property owner may have in the Public Right of Way.

ADDRESS: \_\_\_\_\_

NCB \_\_\_\_\_ BLK \_\_\_\_\_ LOT \_\_\_\_\_

OWNER(S): \_\_\_\_\_

SIGNATURE(S): \_\_\_\_\_

By signing this petition, the above signed abutting property owner agrees to the closure, vacation, and abandonment of certain Public Right of Way as requested by the petitioner. However, this agreement is not a quitclaim of any entitlement that the abutting property owner may have in the Public Right of Way.

\* CONDITIONAL APPROVAL - SEE ADDENDUM

UNION PACIFIC AT ELLIS BEAN

A metes and bounds description of a 0.084 acre (3644 sq. ft.) tract of land situated in the City of San Antonio, Bexar County, Texas:

Beginning at a "+" on concrete set for the most northerly corner of the herein described tract, said corner being the most southerly corner of the Ellis Bean, LLC, property described as the south 49.8 feet of Lots 8-12 and the south 49.8 feet of the east 11.95 feet of Lot 7, Block 4, N.C.B. 2583, and the point of intersection of the north right-of-way line of the Union Pacific right-of-way and the west right-of-way line of Ellis Bean Street;

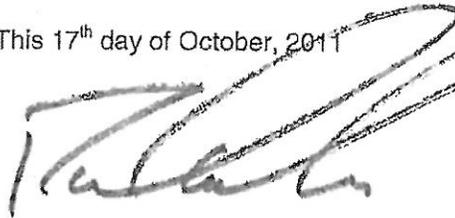
Thence S 71° 07' 10" E, 63.16 feet, along the north line of the herein described tract, along the north line of the Union Pacific Railroad right-of-way, crossing Ellis Bean, to an iron pin set for the most easterly corner of the herein described tract, said corner being the most westerly corner of the George O. Paz property described as the south irregular 46.6 feet of Lot 5, N.C.B. 2584, said corner also being the point of intersection of the north right-of-way line of the Union Pacific right-of-way and the east right-of-way line of Ellis Bean Street;

Thence S 08° 40' 39" W, 61.66 feet, along the east line of the herein described tract, crossing the Union Pacific Railroad right-of-way, to an iron pin set for the most southerly corner of the herein described tract, said corner being the most northerly corner of the De Vargas, Inc. property, described as the north 83 feet of Lot 30, N.C.B. 2585, said corner also being the point of intersection of the south right-of-way line of the Union Pacific Railroad right-of-way and the east right-of-way line of Ellis Bean Street;

Thence N 72° 28' 10" W, 50.00 feet, along the north line of the herein described tract, along the north line of the Union Pacific Railroad right-of-way, crossing Ellis Bean Street, to an iron pin set for the southwest corner of the herein described tract, said corner being the most easterly corner of the Roy & Anita Mendoza property, described as Lot 28, N.C.B. 2585, said corner also being the point of intersection of the south right-of-way line of the Union Pacific Railroad right-of-way and the west right-of-way line of Ellis Bean Street;

Thence N 01° 55' 21" W, 69.34 feet, along the west line of the herein described tract, crossing the Union Pacific Railroad right-of-way, to the point of beginning and containing 0.084 acres (3644 sq. ft.) of land.

This 17<sup>th</sup> day of October, 2011



Paul A. Wilkinson, R.P.L.S.

Project: S-5376.01

A corresponding survey plat of even date herein accompanies this metes & bounds  
All bearings are based on NAD 83 State Plane Coordinates, Texas, South Central Zone  
Copyright 2011. BAIN MEDINA BAIN, INC.

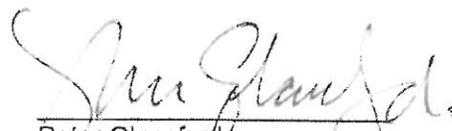
U:\My Documents\BW-CADD\S-5376.01\Metes&Bounds\EllisBean-24Oct11.doc

### Addendum to Petition

Peter Glassford and Ernesto Morales ("Owners"), for valuable consideration provided by the City of San Antonio ("City"), agree give their conditional consent to the closing of the railroad crossing at the intersection of Ellis Bean Street and the Union Pacific railroad crossing for so long as the railroad line is operated as an interstate freight or passenger service at the intersection, subject to the following conditions:

1. The consent and the closing of the intersection will commence and become effective only upon the completion in good and workmanlike manner at no cost whatsoever to the Owners of the following obligations of the City and/or the railroad set forth in this Addendum.
2. The City will obtain fee simple title or a perpetual easement ("Extension") to and on a strip of land at least 29 feet wide and at least 70 feet in length out of a lot believed to be owned by Marshall and Peggy Lasswell, fronting on Ellis Bean and Lachappelle Street, San Antonio, Texas. The size and configuration of the Extension will permit the largest trucks and tractor-trailers customarily delivering goods and materials to and from similar storage facilities to serve 133 ND 131 Ellis Bean Street.
3. The Extension will be designed, constructed using heavy-duty asphalt or better materials, paved, reconstructed and maintained in accordance with City standards and specification streets designed to be used by the largest trucks and heavy equipment. All below-ground and above-ground utilities and pipes at the Extension will be removed or reinforced. The AT&T and other utility poles, wires and facilities which might impede truck access to 133 and 131 Ellis Bean Street will be relocated.
4. The curb on the east side of Ellis Bean Street will be modified to flat-drive, level with the existing street.

Dated April <sup>25</sup>, 2012.

  
Peter Glassford

  
Ernesto Morales

Owners

4/25/12

# City of San Antonio Public Works Department Planning and Engineering Division

Request to close and barricade to vehicular traffic at Ellis Bean crossing railroad tracks

Petitioner: Public Works Department

## Background

### Purpose:

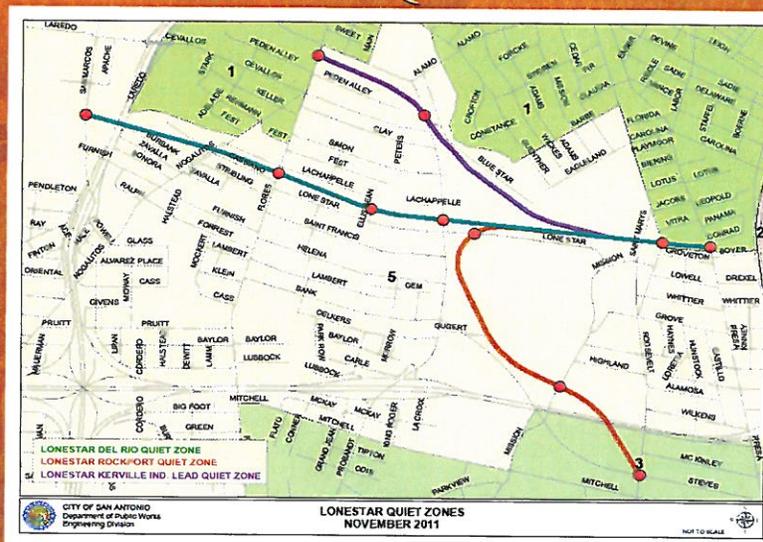
- A Quiet Zone is a portion of railway where trains are prohibited from routinely sounding their horns.
- Quiet Zones are governed by the Federal Railroad Administration (FRA), which enables public entities, including municipalities, to declare a railroad Quiet Zone if specific safety requirements are met.

## Background (Contd.)

- By using a combination of safety measures, a public entity may reduce the risk at each rail road crossings below the risk levels established by the FRA.
- The FRA requires that a Quiet Zone be at least one-half mile in length, and that the average risk at railroad crossing within the Quiet Zone be reduced by implementing safety measures such as installation of quad gates, medians or crossing closures.

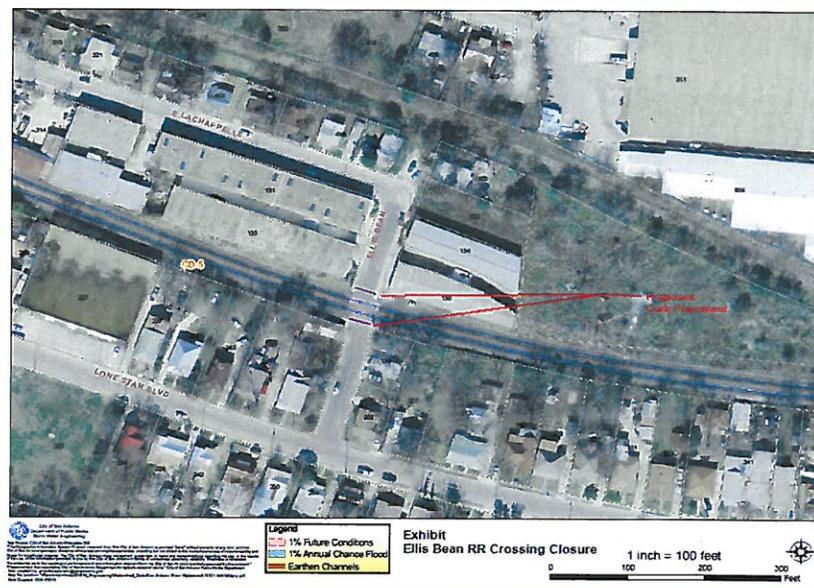
3

## Lone Star Quiet Zones

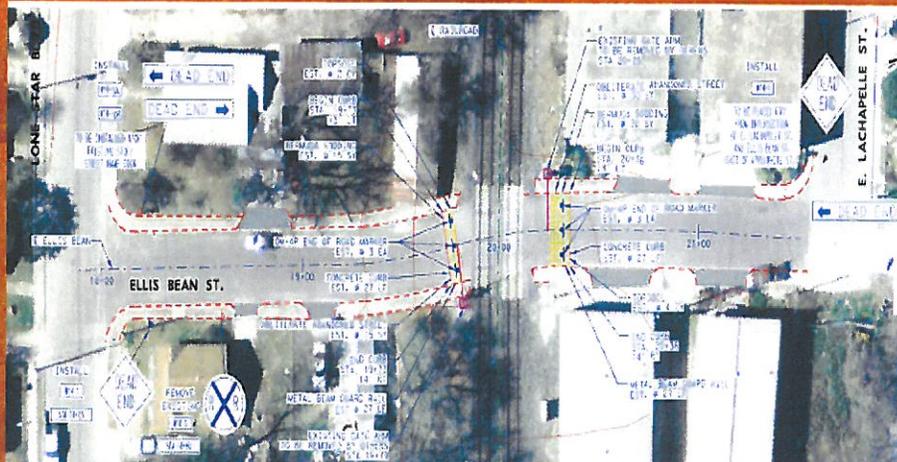


4

# Exhibit A – Ellis Bean



# Exhibit B – Closure Design Plans



## Coordination

- Project has been canvassed to all interested city departments and utility agencies.
- Project received conditional approval.

7

## Notification

- Signs have been posted informing public of the proposed closure.
- 139 notices were mailed to property owners
  - 9 in favor
  - 1 against
- Most Recent Public Meeting on 1/17/2012

8

## Recommendation

- Staff recommends approval of this request

**SAN ANTONIO PLANNING COMMISSION**

**RESOLUTION NO.:**

**A RESOLUTION RECOMMENDING THAT THE CITY COUNCIL AUTHORIZES THE REQUEST TO CLOSE AND BARRICADE TO VEHICULAR TRAFFIC AT ELLIS BEAN RAILROAD CROSSINGS.**

**WHEREAS**, the City Planning Commission is tasked with the review and recommendation for the request to close and barricade to vehicular traffic at Ellis Bean railroad crossings.

**WHEREAS**, these crossing closures are presented for consideration and recommendation to the Planning Commission for the Ellis Bean railroad crossings.

**NOW, THEREFORE, BE IT RESOLVED BY THE PLANNING COMMISSION OF THE CITY OF SAN ANTONIO:**

Recommendation to the City of San Antonio City Council for the closures of these railroad crossings will facilitate establishing a Quiet Zone.

PASSED AND APPROVED ON THIS 26<sup>th</sup> day of September, 2012

Attest:

Approved:

\_\_\_\_\_  
Executive Secretary  
San Antonio Planning Commission

\_\_\_\_\_  
Jose R. Limon, Chair  
San Antonio Planning Commission

**PLANNING COMMISSION**  
**FLOODPLAIN PERMIT VARIANCE REQUEST**  
**AGENDA ITEM NO: 10 September 26, 2012**

ROCK CREEK NWWC/OUTFALL

#FPV 12-008

**COUNCIL DISTRICT:** 8

**FERGUSON MAP GRID:** 549 D-7

**OWNER:** Bexar County Public Works Department Flood Control Division, c/o David Wegmann, P. E.

**ENGINEER:** Bury & Partners, c/o Coy Armstrong, P.E.

**CASE MANAGER:** Donna Camacho, Planner (210) 207-5016

**Location:** Rock Creek from Callaghan Road northwest to IH-10

**Proposed Use:** Creek

---

**APPLICANT'S REQUEST:**

The scope of the project is to restore and stabilize the stream banks to protect them from future erosion. The scope also includes removal of 50% of the invasive vegetation and replanting with native vegetation to promote a native ecosystem and improved conveyance of storm water.

**DISCUSSION:**

The Department of Public Works has sited Section 35-F124(e) of the Unified Development Code which states "Demonstrate that the development will not increase regulatory 1% annual chance floodplain velocities above six (6) feet per second (fps). No increase in velocity will be permitted if predevelopment velocities above six (6) feet per second (fps). The Department of Public Works responded to the variance request as indicated in their attached report and does not object to the granting of the variance.

**STAFF RECOMMENDATION:**

The Director of Public Works recommends approval of the floodplain variance request for the following reasons:

- The proposed improvements to the creek will not significantly impact either the predicted floodplain elevations in the project area or expected peak runoff values.
- The affected velocities are contained within the project limits.
- The project will restore and stabilize the stream banks to protect them from future erosion.
- The project will improve conveyance of storm water.

2012 SEP -4 PM 2: 04

July 26, 2012

Variance Request Review  
c/o Development Services Staff  
Development Services Department  
City of San Antonio  
1901 S. Alamo  
San Antonio, TX 78204

Project No.: R0100408-B0002.80

Re: Rock Creek NWWC (SA-6)  
Section 35-F124(e)

- Administrative Exception
- Floodplain Variance
- Subdivision Platting Variance – Time Extension

Dear COSA DSD:

Rock Creek NWWC (SA-6) is a Bexar County Flood Control project located inside the City of San Antonio city limits. The project limits are Rock Creek from Callaghan Road northwest to IH-10. Rock Creek is a natural waterway that is subject to extensive erosion along the main stream banks. The overbanks of Rock Creek contain a significant amount of invasive vegetation that collects debris and chokes out native vegetation.

The scope of the project is to restore and stabilize the stream banks to protect them from future erosion. The scope also includes removal of 50% of the invasive vegetation and replanting with native vegetation to promote a native ecosystem and improved conveyance of storm water.

Section 35-F124(e) of the Unified Development Code states “Demonstrate that the development will not increase the regulatory 1% annual chance floodplain velocities above six (6) fps. No increase in velocity will be permitted if predevelopment velocities in the floodplain exceed six (6) fps.”

BURY+PARTNERS-SA, INC.  
922 Isom Road, Suite 100  
San Antonio, Texas 78216

TEL (210) 525-9090  
FAX (210) 525-0529

2012 SEP -4 PM 2: 04

Under current conditions, the velocities for the 100-year storm event are greater than 6 feet per second. By removing 50% of the invasive species the roughness coefficient for Rock Creek is reduced and therefore the velocity for the 100-year storm event slightly increases at several locations. Table 1 below compares the pre-project velocities with the proposed-project velocities.

**Table 1 Pre-Project vs. Proposed-Project Velocities**

River Sta	CE	PRO	Vel Chnl (ft/s)
14327	8.21	8.21	0
14083	11	11	0
13566	6.75	6.76	<b>0.01</b>
12222	14.2	<b>14.49</b>	<b>0.29</b>
12049	8.22	8.53	<b>0.31</b>
11804	9.03	9.11	<b>0.08</b>
11308	4.31	4.3	-0.01
10917	4.39	4.38	-0.01
10766	6.1	6.06	-0.04
10634	4.94	4.8	-0.14
10418	7.85	7.64	-0.21
10211	5.51	5.51	0
9801	5.57	5.56	-0.01
9405	5.69	5.7	<b>0.01</b>
9244	6.5	6.82	<b>0.32</b>
9083	5.07	5.15	<b>0.08</b>
8848	6.32	7.14	<b>0.82</b>
8542	10.13	10.13	0
8115	6	6	0
7997	5.07	5.07	0

As can be seen in the above table a maximum increase of 0.82 fps occurs at river station 8848. A maximum velocity of 14.49 fps occurs at river station 12222. It should be noted that river station 12222 is concrete lined immediately downstream of the IH-10 culverts and is currently protected from erosion.

It is our understanding that the maximum allowable velocity of 6 fps was established to minimize the risk of erosion within the earthen/natural waterways. This project is intended to provide protection from erosion through the use of rock walls and natural bank stabilization techniques. Therefore, it is our opinion that the project meets the intent of Section 35-F124(e) by providing protection from erosion despite the fact that there are velocities that exceed 6 fps.

DEVELOPMENT SERVICES  
RECEIVED

2012 SEP -4 PM 2: 04

During design we evaluated other alternatives that would not cause an increase in the velocity of the 100-year storm event. All other alternatives would either increase the depth of the 100-year storm event or require channelizing the natural water way. Given the bank stabilization measures that have been incorporated in to the project, it is our opinion that these slight increases in velocity are more in-line with the intent of the UDC than the other alternatives that were evaluated. Furthermore, with the proposed bank stabilization the increased velocities will not adversely impact the health, safety, and public welfare.

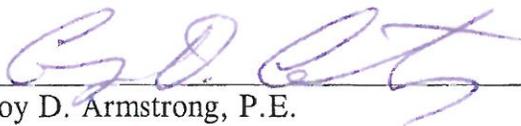
Currently Rock Creek continues to erode with every storm event. Approval of this variance will better serve the public interest because the channel banks will be better protected from future erosion. Also this project will help beautify the natural waterway by removing some of the invasive vegetation that collect trash and panting native vegetation.

We believe that this project meets the following requirements as set forth in the Unified Development Code for variance approvals:

- If the applicant complies strictly with the provisions of these regulations, he/she can make no reasonable use of his/her property; and
- The hardship relates to the applicant's land, rather than personal circumstances; and
- The hardship is unique, or nearly so, rather than one shared by many surrounding properties; and
- The hardship is not the result of the applicant's own actions; and
- The granting of the exception/variance will not be injurious to other property and will not prevent the orderly subdivision of other property in the area in accordance with these regulations.

In my professional opinion, the proposed variance remains in harmony with the spirit and intent of the UDC as it will not adversely affect the health, safety, or welfare of the public.

Sincerely,



Coy D. Armstrong, P.E.  
Principal

\_\_\_\_\_  
Signature of Owner (if applicable)

Attachment(s)

DEVELOPMENT SERVICES  
RECEIVED

2012 SEP -4 PM 2: 04

<b>For Office Use Only:</b>	AEVR #:	_____	Date Received:	_____
<b>DSD – Director Official Action:</b>				
<input type="checkbox"/> APPROVED	<input type="checkbox"/> APPROVED W/ COMMENTS	<input type="checkbox"/> DENIED		
Signature:	_____	Date:	_____	
Printed Name:	_____	Title:	_____	
Comments:	_____ _____			



**CITY OF SAN ANTONIO  
FLOOD PLAIN DEVELOPMENT PERMIT**



Application Number 12-161

Date 9/10/2012

Permit Number 2012161

**1. APPLICANT DATA (Owner)**

Company Name Bexar County Flood Public Works  
 First Name David MI R Last Wegmann  
 Address: Number 233 Street N. Pecos, Ste 480 City SAN ANTONIO  
 State TX Zip Code 78207 Phone (210) 335-6700

THE ABOVE PERMITTEE HAS APPLIED FOR A FLOODPLAIN DEVELOPMENT PERMIT. THE APPLICATION HAS BEEN REVIEWED BY THE FLOOD PLAIN ADMINISTRATOR AND IT IS HIS DETERMINATION THAT THE PROPOSED DEVELOPMENT IS LOCATED WITHIN AN IDENTIFIED FLOOD PLAIN OF THE CITY OF SAN ANTONIO OR E.T.J.

THE FLOOD PLAIN ADMINISTRATOR HAS REVIEWED PLANS AND SPECIFICATIONS OF THE PROPOSED DEVELOPMENT FOR CONFORMANCE WITH THE FLOOD PLAIN ORDINANCE NO. 57969 OF THE CITY OF SAN ANTONIO, TEXAS.

YOU ARE HEREBY AUTHORIZED TO PROCEED WITH THE FOLLOWING PROPOSED CONSTRUCTION:

**2. TYPE OF PROPOSED DEVELOPMENT**

Proposed use: Other\*

\*If non-residential or other selected complete the following:

Type of use proposed: Rock Creek NWWC (SA-6)-removal of invasive vegetation & replacing with native vegetation

Occupant Name \_\_\_\_\_ Phone \_\_\_\_\_

**3. DESCRIPTION OF CONSTRUCTION - NOTE: Applicant shall provide two sets of plans of the proposed construction or development.**

Type: Other Other (Describe): See Project Rock Creek NWWC (SA-6)

**ON THE FOLLOWING DESCRIBED PROPERTY:**

**4. LOCATION**

Subdivision \_\_\_\_\_ Number \_\_\_\_\_ Lot Number \_\_\_\_\_ Block \_\_\_\_\_ NCB \_\_\_\_\_ Tract \_\_\_\_\_

Location Description: Rock Creek between Callaghan Road northwest to IH-10

Permittee Print Name \_\_\_\_\_

Permittee Signature \_\_\_\_\_

Date \_\_\_\_\_

9-10-12

RECOMMEND FOR DISAPPROVAL

Date \_\_\_\_\_

9/11/12

FLOOD PLAIN ADMINISTRATOR (DIR. OF PUBLIC WORKS)

Date \_\_\_\_\_

(Conditions and provisions on next page)



**CITY OF SAN ANTONIO**  
**FLOOD PLAIN DEVELOPMENT PERMIT**



FOR OFFICE USE ONLY

Application Number 12-161

Date 9/10/2012

Permit 2012161

**TO MAINTAIN COMPLIANCE WITH THE FLOOD PLAIN ORDINANCE REGULATIONS AND TO ELIMINATE OR MINIMIZE FLOOD DAMAGE POTENTIAL TO THE PROPOSED DEVELOPMENT, YOU ARE HEREBY DIRECTED TO CONSTRUCT YOUR PROPOSED DEVELOPMENT IN ACCORDANCE WITH THE FOLLOWING SPECIAL PROVISIONS:**

- For residential structures, the lowest floor (including basement) must be elevated to \_\_\_\_\_ feet mean sea level.
- For non-residential structures, the lowest floor (including basement) must be elevated or floodproofed to \_\_\_\_\_ feet mean sea level.
- Permittee must submit an elevation certificate from a registered professional engineer or surveyor that the finished floor level of each structure has been constructed at the specified elevation.
- For non-residential floodproofing, a registered professional engineer or architect must certify that the floodproofing methods are adequate to withstand the flood depths, pressures, velocities, impact and uplift forces and other factors associated with the base flood.

**Other provisions:**

Permit is being denied. The proposed project has increased velocity above the UDC maximum allowable increase of 6 fps.

Is Additional Information Required? NO

Are other Federal, State, or Local Permits required? NO

Permit Application - Reviewed By: Mendi Litman, P.E., CFM.

**WARNING:**

The flood hazard boundary maps and other flood data used by the Flood Plain Administrator in evaluating flood hazards to proposed developments are considered reasonable and accurate for regulatory purposes and are based on the best available scientific and engineering data. On rare occasions greater floods can and will occur and flood heights may be increased by man-made or natural causes. Issuance of this permit does not imply that land outside the areas of special flood hazards or that the uses permitted within such areas will be free from flooding or flood damages due to local conditions. Construction standards required by this permit are the minimum standards deemed necessary to minimize or eliminate flood damage, but reliance on these minimum standards shall not create liability on the part of the City, the Flood Plain Administrator or any officer or employee of the City of San Antonio in the event flooding or flood damage does occur.

\_\_\_\_\_  
 Permittee Initial

**CITY OF SAN ANTONIO**  
**DEPARTMENT OF PUBLIC WORKS**  
**Interdepartmental Correspondence Sheet**

**TO:** Jose Limon, Chair, City of San Antonio Planning Commission  
**FROM:** Nefi Garza, P.E., C.F.M - Assist. Director of Public Works   
**COPIES TO:** Mendi Litman, P.E., C. F. M., Margarita Hernandez, E.I.T., C.F.M.  
**SUBJECT:** Floodplain Development Permit Variance Request – Rock Creek  
NWWC/Outfall (SA-6)  
**DATE:** September 10, 2012

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Storm Water Engineering Division of Department of Public Works has reviewed the request for variance to the floodplain requirements as submitted by Bury + Partners-SA, Inc. on behalf of their client Bexar County Public Works for the above mentioned project.

The variance requested from section-F124(e) of the Unified Development Code states “Demonstrate that the development will not increase the regulatory 1% annual chance floodplain velocities above six (6) fps. No increase in velocity will be permitted if predevelopment velocities in the floodplain exceed six (6) fps.”

Public Works supports this variance because the engineer of record has demonstrated the following:

- The proposed improvements to the creek will not significantly impact either the predicted floodplain elevations in the project area or expected peak runoff values.
- The affected velocities are contained within the project limits.
- The project will restore and stabilize the stream banks to protect them from future erosion.
- The project will improve conveyance of storm water.

Please contact Margarita Hernandez, E.I.T., C.F.M at 207-8045 or Mendi Litman, P.E., C.F.M. at 207-8046 if you have any questions or require additional information.





# CITY OF SAN ANTONIO

DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT

NEIGHBORHOOD PLANNING AND URBAN DESIGN DIVISION

STAFF REPORT

**Public Hearing:**

Planning Commission  
September 26, 2012

**Case Number:**

PA 12057

**Applicant:**

Obaid Ahmadzai

**Representative:**

Patrick W. Christensen

**Owner:**

Obaid Ahmadzai

**Staff Coordinator:**

Tyler Sorrells, AICP  
Planner  
(210) 207-7395  
[tyler.sorrells@sanantonio.gov](mailto:tyler.sorrells@sanantonio.gov)

**Property Address/Location:**

3011 East Commerce Street

**Legal Description:**

NCB 10233 Lot TR-2 and TR-4

**Tract Size:**

2.166 acres

**Council District(s):**

District 2

**Notification:**

Published in Daily Commercial Recorder 7/6/2012  
Notices Mailed 7/12/2012

- 8 to property owners within 200 feet
- Jefferson Heights Neighborhood Association
- 22 to planning team members

Internet Agenda Posting 7/20/2012

**REQUEST**

A Master Plan Amendment to change the future land use plan in the Arena District/Eastside Community Plan from Mixed Use to Heavy Industrial.

**\* The applicant amended this case to Light Industrial at the public hearing held September 12, 2012. An updated staff report and attachments are forthcoming.**

**RECOMMENDED ACTION**

**DENIAL** of the proposed amendment to the Arena District/Eastside Community Plan.

**ALTERNATIVE ACTIONS**

1. Recommend approval of the proposed amendment to the Arena District/Eastside Community Plan, as presented above.
2. Make an alternate recommendation.
3. Continue to a future date.

**SYNOPSIS OF ANALYSIS**

**Land Use:**

The future land use plan classifies this area as a mixed use town center in the area bounded by East Houston Street, Coca Cola Boulevard, and East Commerce Street. The Town Center concept, as envisioned in the community plan would be a dense, urban mixed use development including retail and commercial uses, as well as, more community oriented facilities such as banks, medical facilities, and libraries. In 2008, City Council established the East Commerce Street Arts and Entertainment District in support of the concept and redevelopment of the area. The proposed amendment to Heavy Industrial is incompatible with this Town Center concept and the East Commerce Street Arts and Entertainment District.

**Transportation:**

East Commerce Street is classified as a Primary Arterial Type B. A VIA bus stop is located on the adjacent side of East Commerce Street. The uses accommodated by the proposed amendment could result in increased heavy truck traffic with corresponding negative traffic impacts on adjacent properties and could discourage the recommended type of development related to arts, entertainment, retail, and community services.

**Community Facilities:**

The subject property is approximately 100 feet northwest of the George Gervin Youth Center and approximately 100 feet from Lincoln Park. It is also approximately 0.3 miles south of the AT&T Center and Freeman Coliseum. The proposed land use amendment could create vehicular traffic that could pose a

negative impact on adjacent community facilities. Additionally, the industrial uses accommodated by the proposed land use could pose noise and other impacts that would potentially be detrimental to adjacent community facilities.

**CASE HISTORY**

This case is a continuance from the July 25 and September 12, 2012 Planning Commission meetings. The applicant amended this case to Light Industrial at the public hearing held September 12, 2012. An updated staff report and attachments are forthcoming.

**I. ANALYSIS**

<b>Comprehensive Plan Analysis</b>	
<b>Comprehensive Plan Component:</b> Arena District/Eastside Community Plan	
<b>Plan Adoption Date:</b> December 4, 2003	<b>Update History:</b> December 4, 2008 (Land Use Plan Update)
<b>Urban Design Goal 3.1: Create a town center</b>	
<b>Land Use and Community Facilities 4.5: Create a Mixed Use Town Center south of the AT&amp;T Center</b>	
<p>The Arena District/Eastside Community Plan envisions future redevelopment taking the form of a mixed-use Town Center. The Town Center concept, as envisioned in the community plan, would be a dense, urban mixed use development including retail and commercial uses, as well as, more community oriented facilities such as banks, medical facilities, and libraries. The current land use classification of Mixed Use, in conjunction with appropriate potential future redevelopment of adjacent similarly classified parcels, would provide a land use pattern that would facilitate redevelopment in a fashion that is compatible with the Arena District/Eastside Community Plan. Additionally, the subject property is located in the East Commerce Street Arts and Entertainment District which is intended to allow the community to capitalize on existing arts and entertainment venues in order to draw more visitors into the community and promote infill development and redevelopment of the surrounding neighborhoods. The proposed plan amendment would perpetuate an obsolete development pattern which is inconsistent with future redevelopment as envisioned in the Arena District/Eastside Community Plan and East Commerce Street Arts and Entertainment District. Further, the City Recently purchased the Red Berry Mansion, which is located at 856 Gemblor Road, and has initiated a planning process which will serve to support the vision in the future land use plan. The applicant’s request would detract from the public investment made in surrounding properties.</p>	

<b>Land Use Overview</b>		
	<b>Future Land Use Classification</b>	<b>Current Use</b>
Subject Property	Mixed Use	Warehouse
North	Mixed Use	Manufacturing
East	Mixed Use	Manufacturing, Dry Cleaning Plant
South	Mixed Use	George Gervin Youth Center
West	Parks/Open Space	Lincoln Park

**Land Use:** The Arena District/Eastside Community Plan calls for a mixed use town center in the area bounded by East Houston Street, Coca Cola Boulevard, and East Commerce Street. The Town Center concept, as envisioned in the community plan would be a dense, urban mixed use development including retail and commercial uses as well as more community oriented facilities such as banks, medical facilities, and libraries. The current land use classification of Mixed Use, in conjunction with appropriate potential future redevelopment of adjacent Mixed Use parcels, would provide a land use pattern that would facilitate redevelopment in a fashion that is compatible with the Arena District/Eastside Community Plan.

The requested land use classification would perpetuate an intensive development pattern that would also be incompatible with Urban Design Goal 3.1 and Land Use and Community Facilities 4.5 which call for the creation of a mixed use town center that would provide amenities and services to the community at large

In 2008, City Council established the East Commerce Street Arts and Entertainment District in order for the community to capitalize on existing arts and entertainment venues, draw more visitors into the community, and to promote infill development and redevelopment of the surrounding neighborhoods. The subject property as part of the new district was designated "AE-3" Arts and Entertainment District-3. The "AE-3" zoning district is intended to accommodate large lot, high intensity mixed use development. The AE-3 district allows a limited number of low impact industrial uses with a Specific Use Authorization. The property currently has a specific use authorization for a light industrial use. The Specific Use Authorization, in conjunction with the development regulations contained in the Arts and Entertainment District standards, allows reviewing staff to impose additional design standards that serve to minimize potential impacts and better support the plan's intent to create a more dense pedestrian-oriented, mixed use environment.

**Current And Proposed Land Use Classification Descriptions:** The Arena District/Eastside Community Plan classifies the subject property as Mixed Use. Mixed Use provides for a concentrated blend of residential, retail, service, office, entertainment, leisure, and other related uses at increased densities to create a pedestrian oriented environment where people can enjoy a wide range of fulfilling experiences in one place. Nodal development is preferred around a transit stop, where the density would decrease towards the edge of the node. Mixed Use should be located at the intersection of a collector and arterial street, two arterial streets, or where an existing commercial area has been established. Mixed Use incorporates high quality architecture and urban design features such as attractive streetscapes, parks/plazas, and outdoor cafes. Mixed use evolves from surface parking for cars to a multi-modal transportation system relying on transit, centralized parking, pedestrian linkages, and an option for light rail transit service. Mixed Uses include those in the commercial and residential categories including low, mid and high-rise office buildings and hotels. This classification accommodates a mix of uses in the same building or in the same development such as small offices (dentists, insurance professionals, non-profits, etc.), small storefront retail establishments (coffee shops, cafes, shoe repair shops, gift shops, antique stores, specialty retails shops, hair salons, day care, drug stores, etc.) and residential uses (live/work units, small apartment buildings, townhomes, etc.)

The proposed amendment would change the land use classification for the property to Heavy Industrial. Heavy Industrial includes: heavy manufacturing; processing and fabrication businesses; truck stops; carting crating, haulage and storage; cold storage plant and grocery wholesale. This use is not compatible with residential uses and should be separated from residential uses by either an intermediate land use or significant buffers.

**Transportation:** East Commerce Street is classified as a Primary Arterial Type B. There is a VIA bus stop on the adjacent side of East Commerce Street. The uses accommodated by the proposed amendment could result in increased heavy truck traffic with corresponding negative traffic impacts on adjacent properties and could discourage the recommended type of development related to arts, entertainment, retail, and community services.

**Community Facilities:** The subject property is approximately 100 feet northwest of the George Gervin Center and approximately 100 feet from Lincoln Park. The subject property is approximately 0.3 miles south of the AT&T Center and Freeman Coliseum and is approximately 1.3 miles southwest of the Red Berry Mansion. The intent of the Arena District/Eastside Community Plan, Arts and Entertainment District, and other planning efforts in the area, is to create a cohesive mix of uses in the area that can capitalize on traffic generated by entertainment venues in the area, such as the AT&T Center, Freeman Coliseum, and Red Berry Mansion. The proposed amendment, and the associated rezoning case would perpetuate an obsolete development pattern that is inconsistent with this intent.

## II. SUPPLEMENTAL INFORMATION

**Current Zoning:** AE-3 EP-1 with a Specific Use Authorization for full service motor vehicle sales.

**Proposed Zoning:** I-1 EP-1

**Corresponding Zoning Case:** Z2012158

**Zoning Commission Public Hearing Date:** August 7, 2012

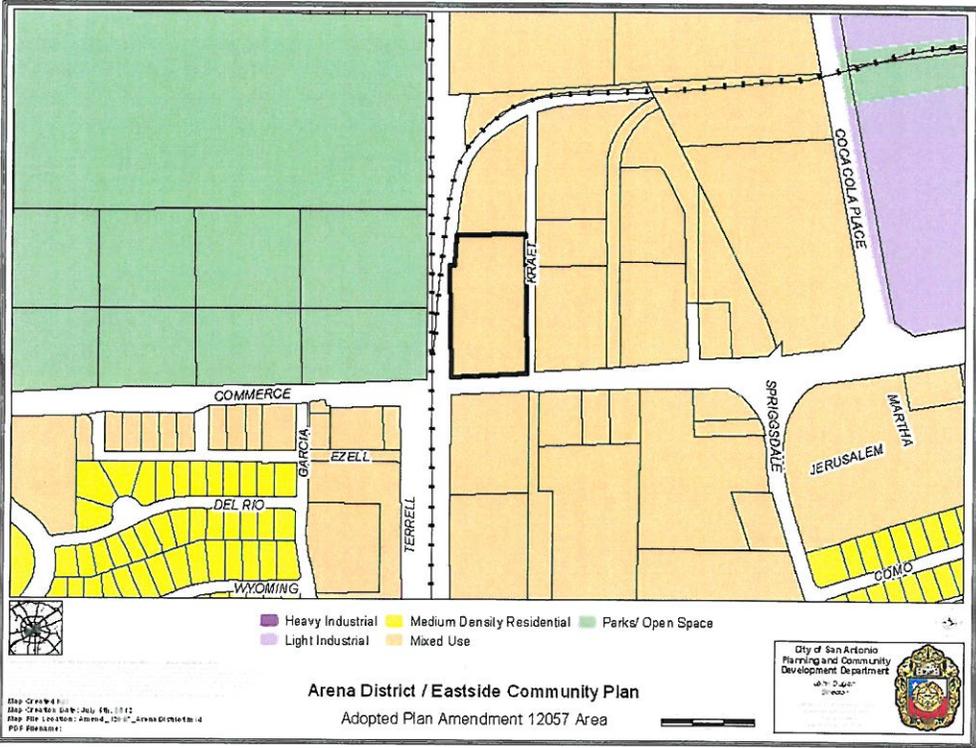
### **III. RECOMMENDATION**

The Department of Planning and Community Development recommends DENIAL of the proposed plan amendment.

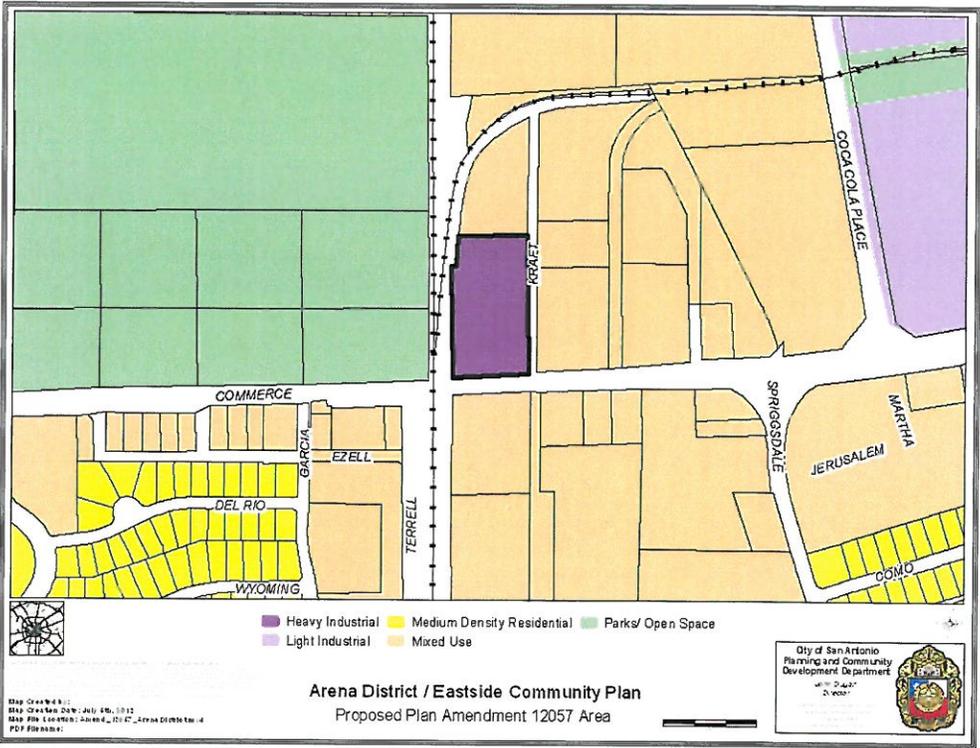
### **III. ATTACHMENTS**

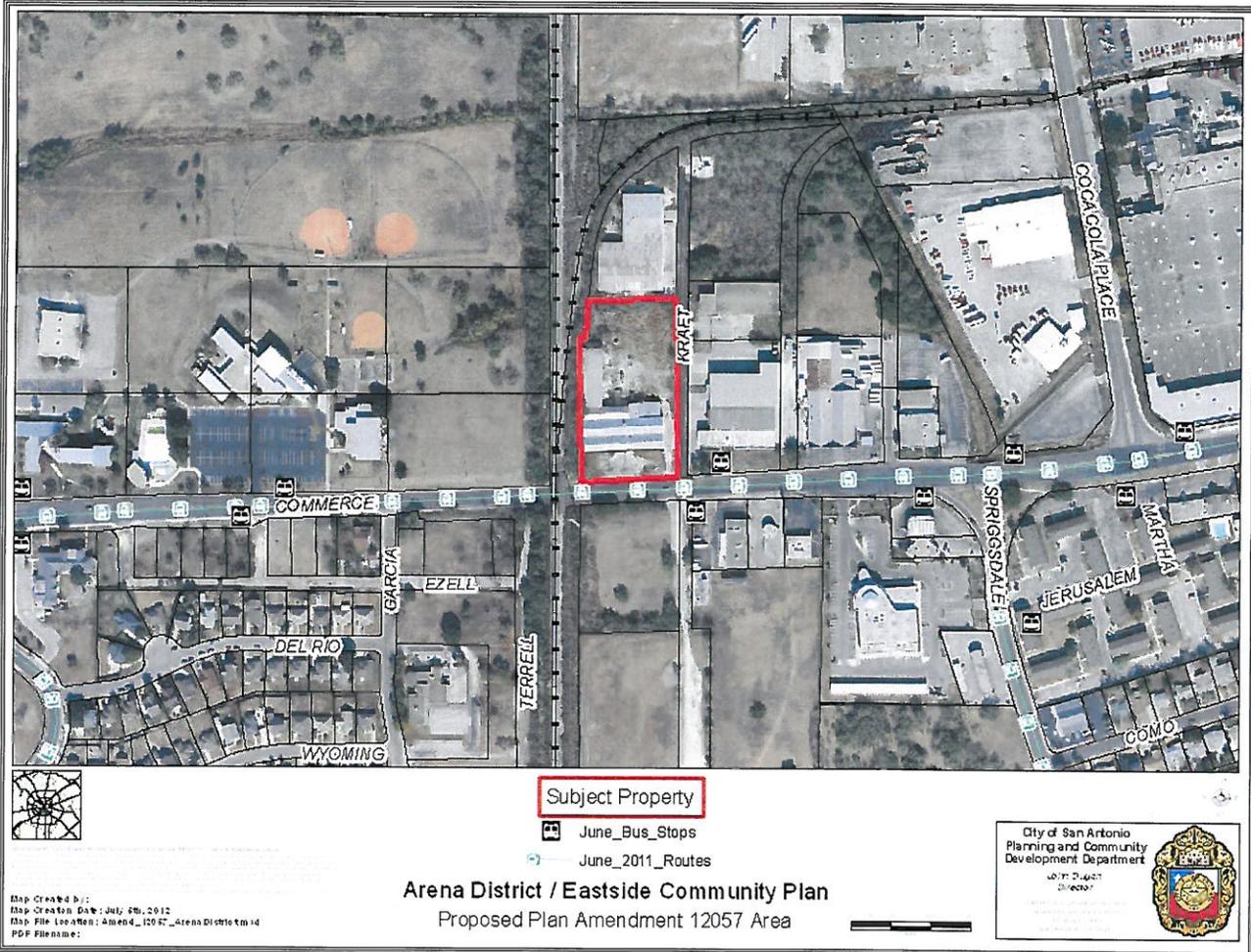
- A. Plan Amendment Maps
- B. Aerial Map

Future Land Use Plan as adopted:



Proposed Amendment:





**RESOLUTION NO.**

**RECOMMENDING TO DENY THE AMENDMENT OF THE LAND USE PLAN CONTAINED IN THE ARENA DISTRICT/ EASTSIDE COMMUNITY PLAN, A COMPONENT OF THE COMPREHENSIVE MASTER PLAN OF THE CITY, BY CHANGING THE USE FROM MIXED USE TO LIGHT INDUSTRIAL FOR AN AREA OF APPROXIMATELY 2.166 ACRES LOCATED AT 3011 EAST COMMERCE STREET.**

**WHEREAS**, City Council approved the Arena District/ Eastside Community Plan as an addendum to the Comprehensive Master Plan on December 4, 2003 and approved an update to the plan on December 4, 2008; and

**WHEREAS**, the May 3, 2001 Unified Development Code requires consistency between zoning and the Comprehensive Master Plan as specified in Sections 35-105, 35-420 (h), and 35-421 (d) (3); and

**WHEREAS**, Chapter 213.003 of the Texas Local Government Code provides that the Comprehensive Master Plan may be amended by ordinance following a public hearing and review by the Planning Commission; and

**WHEREAS**, the San Antonio Planning Commission held a public hearing on July 25, 2012 and **DENIED** the amendment on July 25, 2012; and

**WHEREAS**, the San Antonio Planning Commission has considered the effect of this amendment to the Comprehensive Master Plan as it pertains to land use intensity, compatibility, community facilities, and the transportation network and found the amended plan to be **INCONSISTENT** with City policies, plans and regulations and in conformance with the *Unified Development Code*, Section 35-420, therefore not meeting all requirements; and

**NOW, THEREFORE, BE IT RESOLVED BY THE PLANNING COMMISSION OF THE CITY OF SAN ANTONIO:**

SECTION 1: The amendment to the Arena District/Eastside Community Plan attached hereto and incorporated herein by reference is recommended to the City Council with this Commission's recommendation for **DENIAL** as an amendment to the City's Comprehensive Master Plan.

PASSED AND APPROVED ON THIS 26<sup>th</sup> DAY OF SEPTEMBER 2012.

Attest:

Approved:

\_\_\_\_\_  
Executive Secretary  
San Antonio Planning Commission

\_\_\_\_\_  
Jose R. Limon, Chair  
San Antonio Planning Commission



# CITY OF SAN ANTONIO

DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT

NEIGHBORHOOD PLANNING AND URBAN DESIGN DIVISION

STAFF REPORT

**Public Hearing:**

Planning Commission  
September 26, 2012

**Case Number:**

PA 12059

**Applicant:**

SPFI, LLC

**Representative:**

Patrick W. Christensen

**Owner:**

SPFI, LLC

**Staff Coordinator:**

Tyler Sorrells, AICP  
Planner  
(210) 207-7395  
[tyler.sorrells@sanantonio.gov](mailto:tyler.sorrells@sanantonio.gov)

**Property Address/Location:**

185 Coca Cola Place

**Legal Description:**

NCB 10233 Blk Lot S IRR 548.07 Ft  
of 15

**Tract Size:**

7.558 acres

**Council District(s):**

District 2

**Notification:**

Published in Daily Commercial  
Recorder 7/6/2012  
Notices Mailed 7/12/2012

- 8 to property owners within 200 feet
- Jefferson Heights Neighborhood Association
- 22 to planning team members

Internet Agenda Posting 7/20/2012

**REQUEST**

A Master Plan Amendment to change the future land use plan in the Arena District/Eastside Community Plan from Mixed Use to Heavy Industrial.

**\* The applicant amended this case to Light Industrial at the public hearing held September 12, 2012. An updated staff report and attachments are forthcoming.**

**RECOMMENDED ACTION**

**DENIAL** of the proposed amendment to the Arena District/Eastside Community Plan.

**ALTERNATIVE ACTIONS**

1. Recommend approval of the proposed amendment to the Arena District/Eastside Community Plan, as presented above.
2. Make an alternate recommendation.
3. Continue to a future date.

**SYNOPSIS OF ANALYSIS**

**Land Use:**

The community plan calls for a mixed use town center in the area bounded by East Houston Street, Coca Cola Boulevard, and East Commerce Street. The Town Center concept, as envisioned in the community plan would be a dense, urban mixed use development including retail and commercial uses as well as more community oriented facilities. In 2008, City Council established the East Commerce Street Arts and Entertainment District in support of the concept and redevelopment of the area. The proposed amendment to Heavy Industrial is incompatible with this Town Center concept and the East Commerce Street Arts and Entertainment District.

**Transportation:**

East Houston Street is classified as a Secondary Arterial Type B. Coca Cola Place is a local street. There is a VIA bus stop located at the intersection of East Houston Street and Coca Cola Place. The uses accommodated by the proposed amendment could result in increased heavy truck traffic with corresponding negative traffic impacts on adjacent properties and could discourage the recommended type of development related to arts, entertainment, retail, and community services.

**Community Facilities:**

The subject property is approximately 0.08 miles south of the AT&T Center and Freeman Coliseum. The subject property is also approximately 0.32 miles southwest of the Willow Springs Golf Course and approximately 0.19 miles north of the George Gervin Youth Center and Lincoln Park. The proposed land use

amendment could create vehicular traffic that could pose a negative impact on adjacent community facilities. Additionally, the industrial uses accommodated by the proposed land use could pose noise and other impacts that would potentially be detrimental to adjacent community facilities.

**CASE HISTORY**

This case is a continuance from the July 25 and September 12, 2012 Planning Commission meetings. The applicant amended this case to Light Industrial at the public hearing held September 12, 2012. An updated staff report and attachments are forthcoming.

**I. ANALYSIS**

<b>Comprehensive Plan Analysis</b>	
<b>Comprehensive Plan Component:</b> Arena District/Eastside Community Plan	
<b>Plan Adoption Date:</b> December 4, 2003	<b>Update History:</b> December 4, 2008 (Land Use Plan Update)
<b>Urban Design Goal 3.1: Create a town center</b>	
<b>Land Use and Community Facilities 4.5: Create a Mixed Use Town Center south of the AT&amp;T Center</b>	
<p>The Arena District/Eastside Community Plan envisions future redevelopment taking the form of a mixed-use Town Center. The Town Center concept, as envisioned in the community plan, would be a dense, urban mixed use development including retail and commercial uses, as well as, more community oriented facilities such as banks, medical facilities, and libraries. The current land use classification of Mixed Use, in conjunction with appropriate potential future redevelopment of adjacent similarly classified parcels, would provide a land use pattern that would facilitate redevelopment in a fashion that is compatible with the Arena District/Eastside Community Plan. Additionally, the subject property is located in the East Commerce Street Arts and Entertainment District which is intended to allow the community to capitalize on existing arts and entertainment venues in order to draw more visitors into the community and promote infill development and redevelopment of the surrounding neighborhoods. The proposed plan amendment would perpetuate an obsolete development pattern which is inconsistent with future redevelopment as envisioned in the Arena District/Eastside Community Plan and East Commerce Street Arts and Entertainment District. Further, the City recently purchased the Red Berry Mansion, which is located at 856 Gemblar Road, and has initiated a planning process which will serve to support the vision in the future land use plan. The applicant’s request would detract from the public investment made in surrounding properties.</p>	

<b>Land Use Overview</b>		
	<b>Future Land Use Classification</b>	<b>Current Use</b>
Subject Property	Mixed Use	Warehouse
North	Mixed Use	Parking Facility
East	Light Industrial	Warehouse
South	Mixed Use	Warehouse
West	Mixed Use	School, Community Center

**Land Use:** The Arena District/Eastside Community Plan calls for a mixed use town center in the area bounded by East Houston Street, Coca Cola Boulevard, and East Commerce Street. The Town Center concept, as envisioned in the community plan would be a dense, urban mixed use development including retail and commercial uses as well as more community oriented facilities such as banks, medical facilities, and libraries. The current land use classification of Mixed Use, in conjunction with appropriate potential future redevelopment of adjacent Mixed Use parcels, would provide a land use pattern that would facilitate redevelopment in a fashion that is compatible with the Arena District/Eastside Community Plan.

In 2008, City Council established the East Commerce Street Arts and Entertainment District in order for the community to capitalize on existing arts and entertainment venues, draw more visitors into the community and to promote infill development and redevelopment of the surrounding neighborhoods. The subject property as part of the new district was designated "AE-3" Arts and Entertainment District-3. The "AE-3" zoning district is intended to accommodate large lot, high intensity mixed use development. The AE-3 district allows a limited number of low impact industrial uses with a Specific Use permit. The property currently has a specific use authorization for an industrial use. The Specific Use permit, in conjunction with the development regulations contained in the Arts and Entertainment District standards, allows reviewing staff to impose additional design standards that serve to minimize potential impacts and better support the plan's intent to create a more dense pedestrian-oriented, mixed use environment.

**Current And Proposed Land Use Classification Descriptions:** The Arena District/Eastside Community Plan classifies the subject property as Mixed Use. Mixed Use provides for a concentrated blend of residential, retail, service, office, entertainment, leisure, and other related uses at increased densities to create a pedestrian oriented environment where people can enjoy a wide range of fulfilling experiences in one place. Nodal development is preferred around a transit stop, where the density would decrease towards the edge of the node. Mixed Use should be located at the intersection of a collector and arterial street, two arterial streets, or where an existing commercial area has been established. Mixed Use incorporates high quality architecture and urban design features such as attractive streetscapes, parks/plazas, and outdoor cafes. Mixed use evolves from surface parking for cars to a multi-modal transportation system relying on transit, centralized parking, pedestrian linkages, and an option for light rail transit service. Mixed Uses include those in the commercial and residential categories including low, mid and high-rise office buildings and hotels. This classification accommodates a mix of uses in the same building or in the same development such as small offices (dentists, insurance professionals, non-profits, etc.), small storefront retail establishments (coffee shops, cafes, shoe repair shops, gift shops, antique stores, specialty retails shops, hair salons, day care, drug stores, etc.) and residential uses (live/work units, small apartment buildings, townhomes, etc.)

The proposed amendment would change the land use classification for the property to Heavy Industrial. Heavy Industrial includes: heavy manufacturing; processing, and fabrication businesses; truck stops; carting crating, haulage and storage; cold storage and grocery wholesale. This use is not compatible with residential uses and should be separated from residential uses by either an intermediate land use or significant buffers

**Transportation:** East Houston Street is classified as a Secondary Arterial Type B. Coca Cola Place is a local street. The uses accommodated by the proposed amendment could result in increased heavy truck traffic with corresponding negative traffic impacts on adjacent properties and could discourage the recommended type of development related to arts, entertainment, retail, and community services.

**Community Facilities:** The subject property is approximately 0.08 miles south of the AT&T Center and Freeman Coliseum. The subject property is also approximately 0.32 miles southwest of the Willow Springs Golf Course and approximately 0.19 miles north of the George Gervin Youth Center and Lincoln Park and approximately 0.5 miles southwest of the Red Berry Mansion. The intent of the Arena District/Eastside Community Plan, Arts and Entertainment District, and other planning efforts in the area is to create a cohesive mix of uses in the area that can capitalize on traffic generated by entertainment venues in the area, such as the AT&T Center, Freeman Coliseum, and Red Berry Mansion. The proposed amendment and the associated rezoning case would perpetuate an obsolete development pattern that is inconsistent with this intent.

## II. SUPPLEMENTAL INFORMATION

**Current Zoning:** AE-3 EP-1 with a Specific Use Authorization for Warehousing

**Proposed Zoning:** I-1 EP-1

**Corresponding Zoning Case:** Z2012160

**Zoning Commission Public Hearing Date:** August 7, 2012

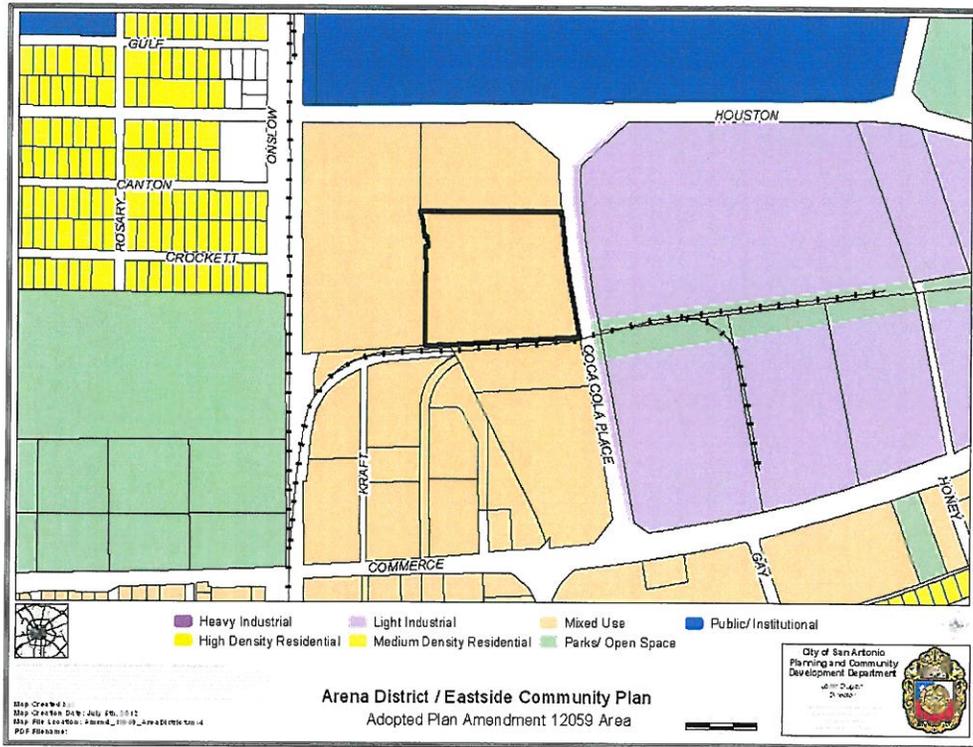
### **III. RECOMMENDATION**

The Planning and Community Development Department recommends DENIAL of the proposed plan amendment.

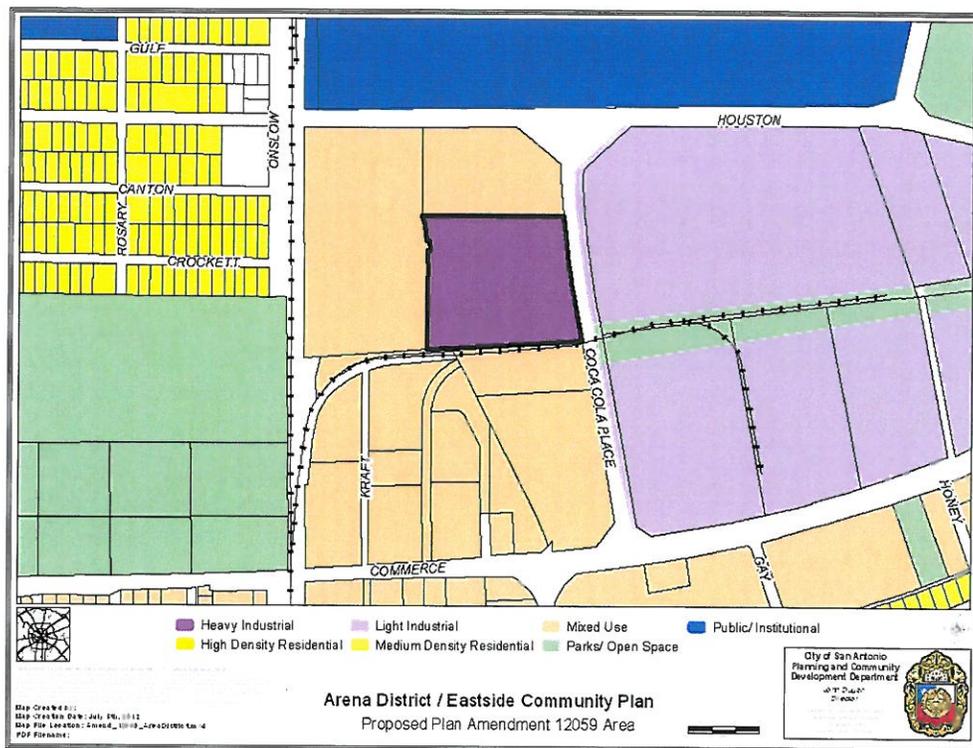
### **IV. ATTACHMENTS**

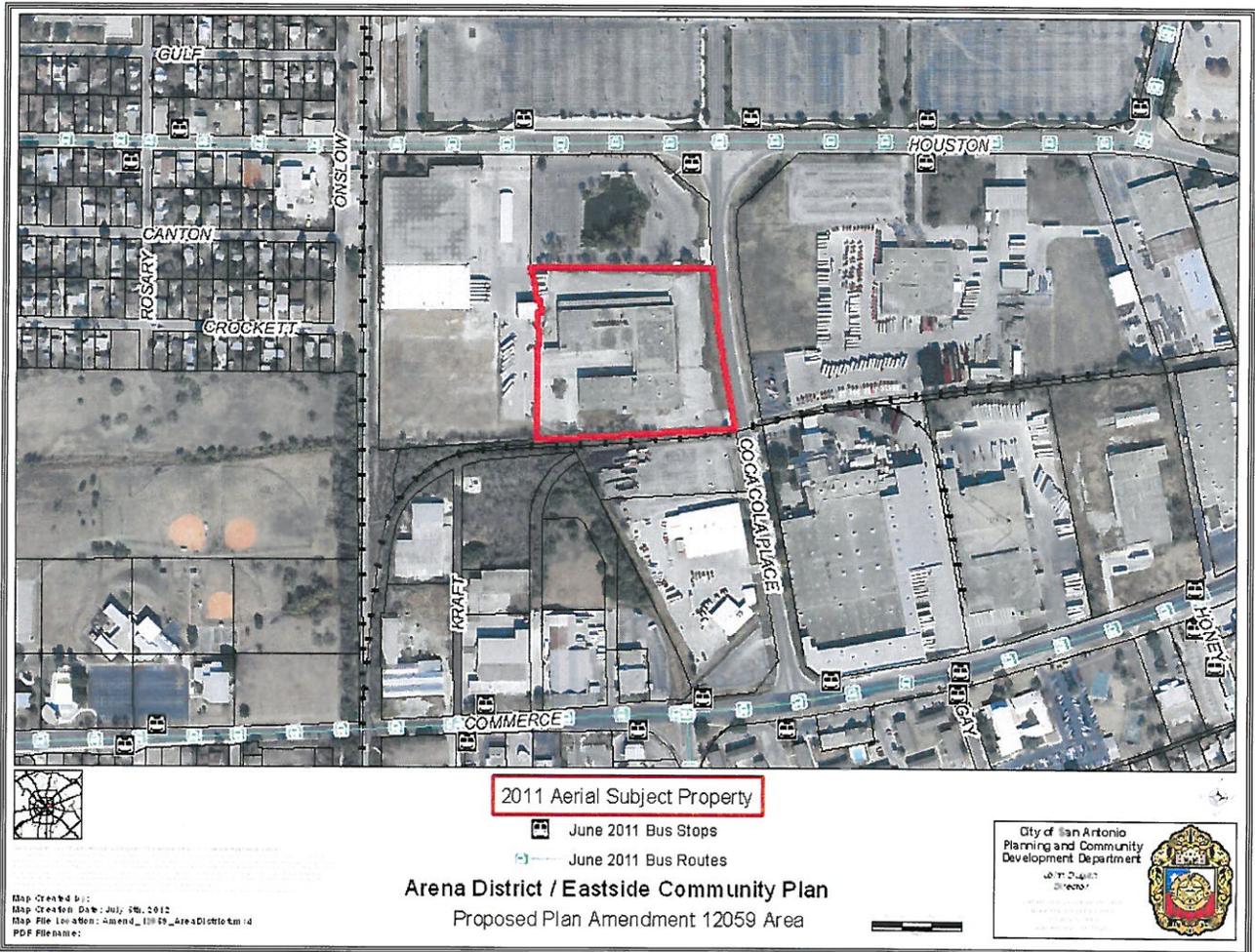
- A. Plan Amendment Maps
- B. Aerial Map

Future Land Use Plan as adopted:



Proposed Amendment:





**RESOLUTION NO.**

**RECOMMENDING TO DENY THE AMENDMENT OF THE LAND USE PLAN CONTAINED IN THE ARENA DISTRICT/ EASTSIDE COMMUNITY PLAN, A COMPONENT OF THE COMPREHENSIVE MASTER PLAN OF THE CITY, BY CHANGING THE USE FROM MIXED USE TO LIGHT INDUSTRIAL FOR AN AREA OF APPROXIMATELY 7.558 ACRES LOCATED AT 185 COCA COLA PLACE.**

**WHEREAS**, City Council approved the Arena District/ Eastside Community Plan as an addendum to the Comprehensive Master Plan on December 4, 2003 and approved an update to the plan on December 4, 2008; and

**WHEREAS**, the May 3, 2001 Unified Development Code requires consistency between zoning and the Comprehensive Master Plan as specified in Sections 35-105, 35-420 (h), and 35-421 (d) (3); and

**WHEREAS**, Chapter 213.003 of the Texas Local Government Code provides that the Comprehensive Master Plan may be amended by ordinance following a public hearing and review by the Planning Commission; and

**WHEREAS**, the San Antonio Planning Commission held a public hearing on July 25, 2012 and **DENIED** the amendment on July 25, 2012; and

**WHEREAS**, the San Antonio Planning Commission has considered the effect of this amendment to the Comprehensive Master Plan as it pertains to land use intensity, compatibility, community facilities, and the transportation network and found the amended plan to be **INCONSISTENT** with City policies, plans and regulations and in conformance with the *Unified Development Code*, Section 35-420, therefore not meeting all requirements; and

**NOW, THEREFORE, BE IT RESOLVED BY THE PLANNING COMMISSION OF THE CITY OF SAN ANTONIO:**

SECTION 1: The amendment to the Arena District/Eastside Community Plan attached hereto and incorporated herein by reference is recommended to the City Council with this Commission's recommendation for **DENIAL** as an amendment to the City's Comprehensive Master Plan.

PASSED AND APPROVED ON THIS 26<sup>TH</sup> DAY OF SEPTEMBER 2012.

Attest:

Approved:

\_\_\_\_\_  
Executive Secretary  
San Antonio Planning Commission

\_\_\_\_\_  
Jose R. Limon, Chair  
San Antonio Planning Commission



# CITY OF SAN ANTONIO

DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT

NEIGHBORHOOD PLANNING AND URBAN DESIGN DIVISION

STAFF REPORT

**Public Hearing:**

Planning Commission  
September 26, 2012

**Case Number:**

PA 12069

**Applicant:**

Yaser Abdelnabi

**Representative:**

Salah Diab

**Owner:**

Yaser Abdelnabi

**Staff Coordinator:**

Tyler Sorrells, AICP Planner  
(210) 207-7395  
[tyler.sorrells@sanantonio.gov](mailto:tyler.sorrells@sanantonio.gov)

**Property Address/Location:**

The subject property is located approximately 0.35 miles east of the intersection of Loop 410 and New Sulphur Springs Road.

**Legal Description:**

Lot 8 Block 9 NCB 18449

**Tract Size:**

0.59 acres

**Council District(s):**

District 2

**Notification:**

Published in Daily Commercial Recorder 8/24/2012  
Notices Mailed 8/30/2012

- 7 to property owners within 200 feet
  - No registered neighborhood association within 200 feet
  - 27 to planning team members
- Internet Agenda Posting 9/7/2012

**REQUEST**

The Applicant requests a Master Plan Amendment to change the Eastern Triangle Community Plan future land use from Medium Density Residential to Community Commercial.

**RECOMMENDED ACTION**

**Denial of the proposed amendment** from Medium Density Residential to Community Commercial.

**ALTERNATIVE ACTIONS**

1. Recommend approval of the proposed amendment to the Eastern Triangle Community Plan, as presented above.
2. Make an alternate recommendation.
3. Continue to a future date.

**SYNOPSIS OF ANALYSIS**

**Land Use:**

The proposed amendment is inconsistent with the Eastern Triangle Community Plan's desire to maintain the rural residential character of this portion of the planning area. Additionally, the subject property is immediately adjacent to residential development to the north and south and could pose negative impacts to these properties.

**Transportation:**

New Sulphur Springs Road is classified as a Secondary Arterial Type A. No negative impacts to the transportation infrastructure are anticipated.

**Community Facilities:**

The subject property is approximately 0.63 miles northeast of Legacy Middle School. No negative impacts to community facilities are anticipated.

**CASE HISTORY**

This case was continued from the September 12, 2012 Planning Commission meeting.

I. ANALYSIS

<b>Comprehensive Plan Analysis</b>	
<b>Comprehensive Plan Component:</b> Eastern Triangle Community Plan	
<b>Plan Adoption Date:</b> May 31, 2009	<b>Update History:</b> N/A
<b>Housing -Goal 12 Recommends development of high quality housing for all residents within the planning area.</b>	
<b>Land Use: East District:</b>	
<ul style="list-style-type: none"> <li>• Provide commercial opportunities within walking distance of residential neighborhoods along Highway 87</li> <li>• Transform existing industrial sites north of Highway 87 into business parks</li> <li>• Maintain light industrial land uses south of Sinclair along the eastern side of Loop 410</li> </ul>	
<p>The Eastern Triangle Community Plan identifies the preservation and expansion of housing opportunities within the planning area as one of the community’s goals. The plan also identifies locations within the planning area where commercial development would be appropriate. The proposed amendment would reduce the number of properties in the planning area that are residentially developable. Additionally, the location of the subject property was not identified by the planning team as an appropriate location for commercial development.</p>	

<b>Land Use Overview</b>		
	<b>Future Land Use Classification</b>	<b>Current Use</b>
Subject Property	Medium Density Residential	Vacant
North	Medium Density Residential	Manufactured Housing
East	Medium Density Residential	Vacant
South	Outside Plan Boundaries	Ranch
West	Medium Density Residential	Vacant

**Land Use:** The subject property is located approximately 0.34 miles east of the intersection of Loop 410 and New Sulphur Springs Road. The properties to the north, east, and west are classified as Medium Density Residential. The property to the south is outside the boundaries of a plan.

The Eastern Triangle Community Plan classifies the subject property as Medium Density Residential. Medium Density Residential includes single-family residential development on one lot, including townhomes, garden homes, zero-lot line, duplexes, triplexes, and fourplexes. This type of development should be located on collectors or residential roads and may serve as a buffer between low density residential and more intensive uses, such as commercial.

The proposed amendment would change the land use for the subject property to Community Commercial. Community Commercial accommodates offices, professional service, and moderately intensive retail uses. Examples include grocery stores, medical offices, shoe stores, or mailing services store. This land use classification can serve as an appropriate buffer between low, medium, and high density residential uses or between an arterial and low density residential development.

The subject property is located in the East District of the Eastern Triangle Community Plan. The area that the subject property is located in consists primarily of large-acreage residential development. The East District portion of the Eastern Triangle land use chapter recommends the preservation of the residential characteristics of the planning area. The proposed amendment is inconsistent with the planning team’s desire to promote residential development throughout the planning area. Further, the subject property is also located mid-block in an area classified as Medium Density Residential. The intensive nature of the

commercial uses accommodated by the Community Commercial classification would disrupt the cohesive land use pattern established in the area.

The subject property is also immediately adjacent to an existing manufactured housing subdivision as well as an active ranch. The commercial nature of the uses accommodated in the requested land use category could pose negative lighting and noise impacts to adjacent residential properties. The Eastern Triangle Community Plan identifies areas along Highway 87 as well as the vicinity of Sinclair Road as being more appropriate for commercial development. There are also areas currently classified as Regional Commercial at the northeast corner of the intersection of Loop 410 and New Sulphur Springs Road where commercial uses would be appropriate.

**Transportation:** New Sulphur Springs Road is classified as a Secondary Arterial Type A. There is a VIA bus stop approximately 620 feet east of the subject property at the intersection of Southcross Ranch Road and New Sulphur Springs Road. Community Commercial is not anticipated to pose negative impacts on existing transportation infrastructure in the vicinity.

**Community Facilities:** The subject property is approximately 0.63 miles northeast of Legacy Middle School. No negative impacts to community facilities are anticipated

## **II. SUPPLEMENTAL INFORMATION**

**Current Zoning:** C-2

**Proposed Zoning:** C-2 CD (Conditional Use for Auto Sales)

**Corresponding Zoning Case:** Z2012195 CD

**Zoning Commission Public Hearing Date:** September 18, 2012

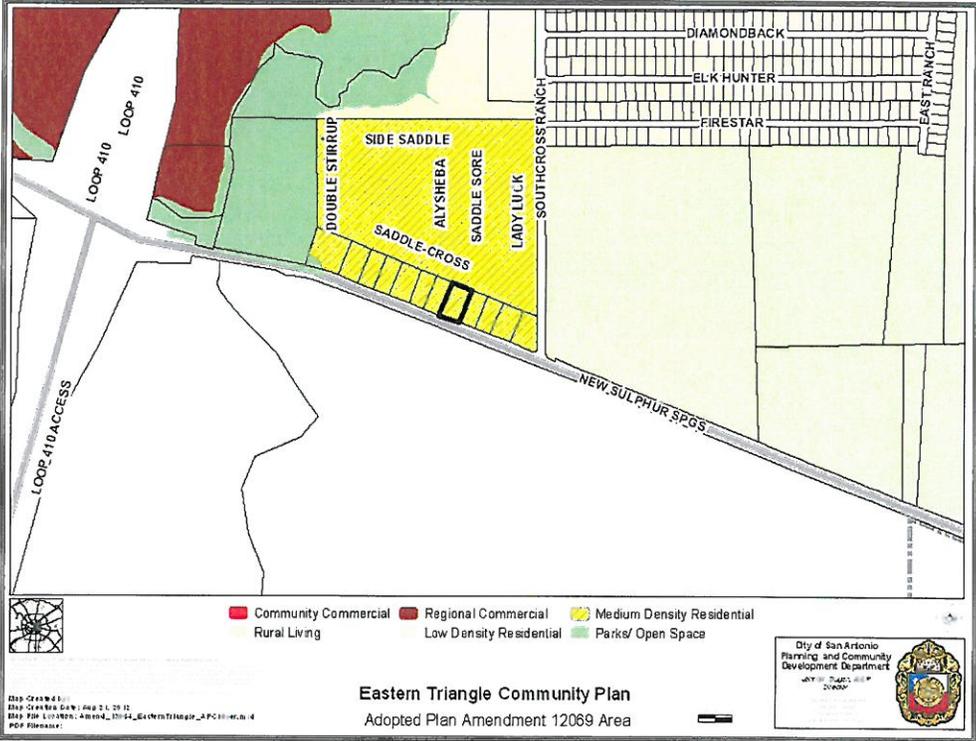
## **III. RECOMMENDATION**

**Denial.** The proposed amendment is not consistent with the Eastern Triangle Community Plan recommendation to preserve the rural and residential character of the East District of the planning area. Additionally, the subject property is immediately adjacent to existing residential development to the north and south and could pose potential lighting, noise, and other negative impacts to these residential properties.

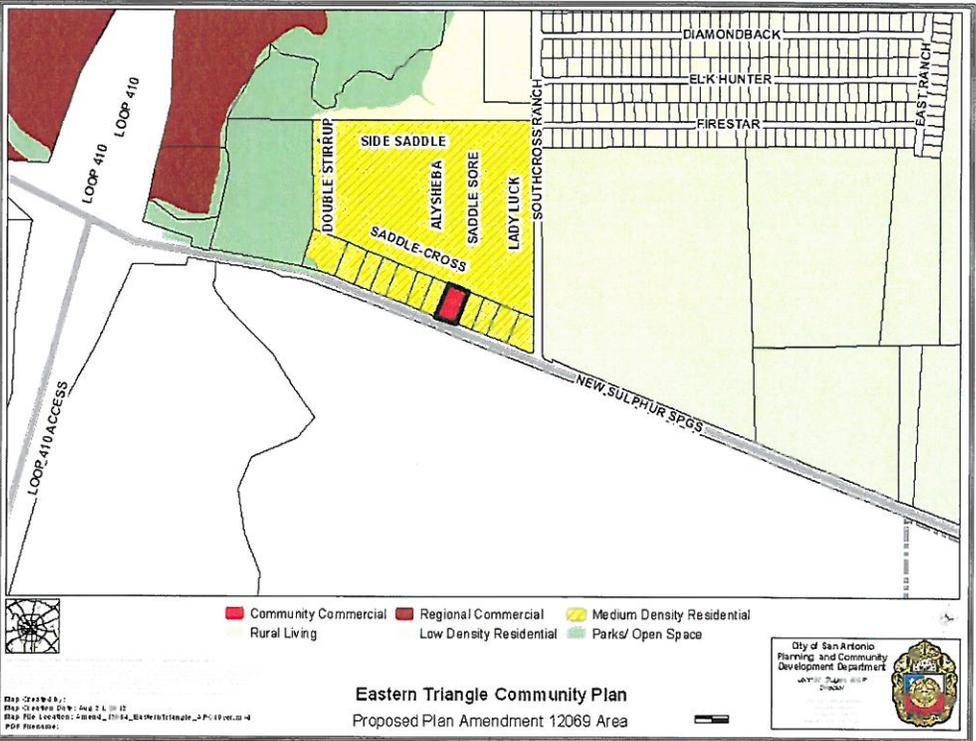
## **IV. ATTACHMENTS**

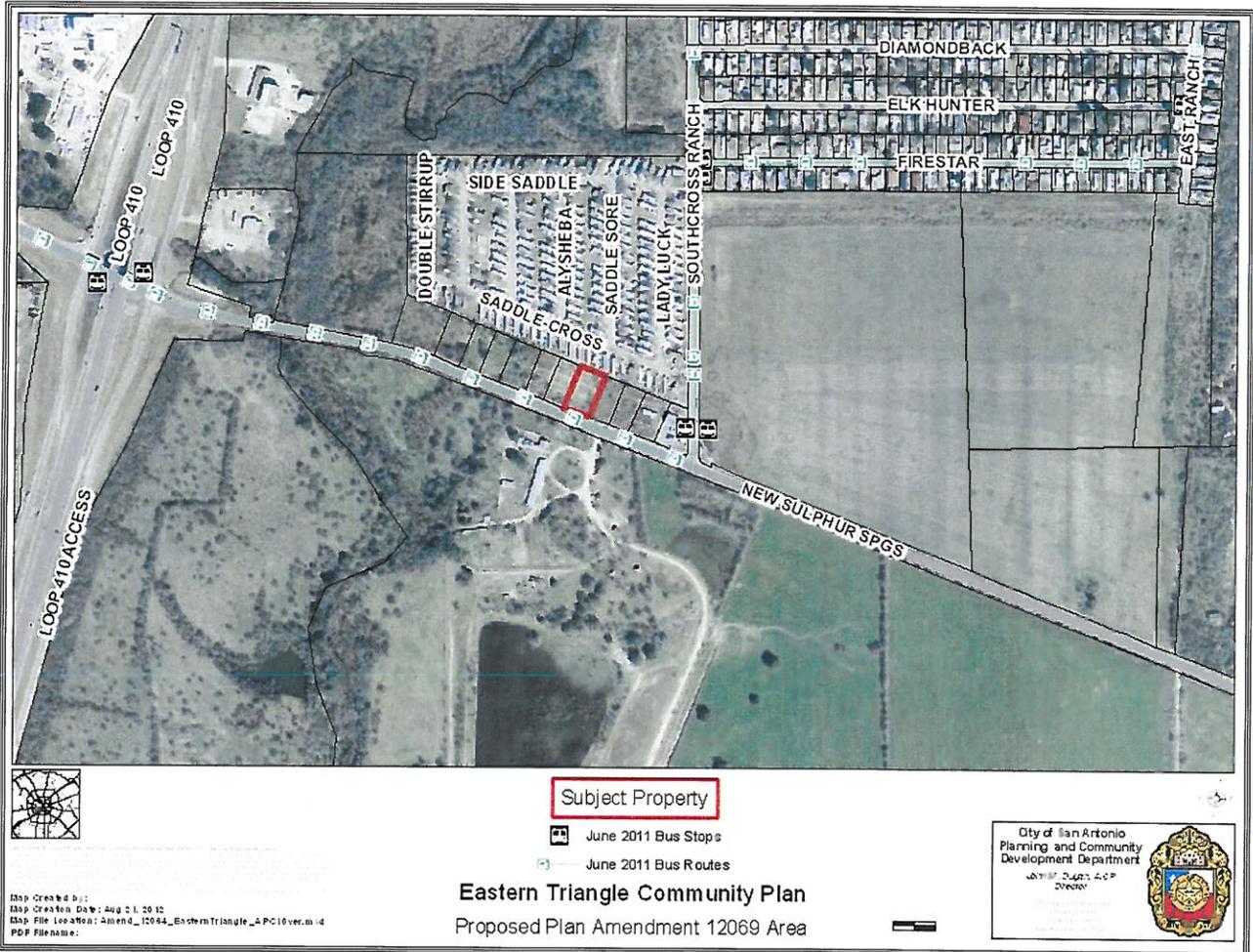
- A. Plan Amendment Maps
- B. Aerial Map

Future Land Use Plan as adopted:



Proposed Amendment:





**RESOLUTION NO.**

**RECOMMENDING TO DENY THE AMENDMENT OF THE LAND USE PLAN CONTAINED IN THE EASTERN TRIANGLE COMMUNITY PLAN, A COMPONENT OF THE COMPREHENSIVE MASTER PLAN OF THE CITY, BY CHANGING THE USE FROM MEDIUM DENSITY RESIDENTIAL TO COMMUNITY COMMERCIAL FOR AN AREA OF APPROXIMATELY 0.59 ACRES LEGALLY DESCRIBED AS LOT 8 BLOCK 9 NCB 18449.**

**WHEREAS**, City Council approved the Eastern Triangle Community Plan as an addendum to the Comprehensive Master Plan on May 21, 2009; and

**WHEREAS**, the May 3, 2001 Unified Development Code requires consistency between zoning and the Comprehensive Master Plan as specified in Sections 35-105, 35-420 (h), and 35-421 (d) (3); and

**WHEREAS**, Chapter 213.003 of the Texas Local Government Code provides that the Comprehensive Master Plan may be amended by ordinance following a public hearing and review by the Planning Commission; and

**WHEREAS**, the San Antonio Planning Commission held a public hearing on September 12, 2012 and **DENIED** the amendment on September 12, 2012; and

**WHEREAS**, the San Antonio Planning Commission has considered the effect of this amendment to the Comprehensive Master Plan as it pertains to land use intensity, compatibility, community facilities, and the transportation network and found the amended plan to be **INCONSISTENT** with City policies, plans and regulations and in conformance with the *Unified Development Code*, Section 35-420, therefore not meeting all requirements; and

**NOW, THEREFORE, BE IT RESOLVED BY THE PLANNING COMMISSION OF THE CITY OF SAN ANTONIO:**

SECTION 1: The amendment to the Eastern Triangle Community Plan attached hereto and incorporated herein by reference is recommended to the City Council with this Commission's recommendation for **DENIAL** as an amendment to the City's Comprehensive Master Plan.

PASSED AND APPROVED ON THIS 26<sup>th</sup> DAY OF SEPTEMBER 2012.

Attest:

Approved:

\_\_\_\_\_  
Executive Secretary  
San Antonio Planning Commission

\_\_\_\_\_  
Jose R. Limon, Chair  
San Antonio Planning Commission



# CITY OF SAN ANTONIO

DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT

NEIGHBORHOOD PLANNING AND URBAN DESIGN DIVISION

STAFF REPORT

**Public Hearing:**

Planning Commission  
September 26, 2012

**Case Number:**

PA 12073

**Applicant:**

Debra Guerrero

**Representative:**

Bobby Perez

**Owner:**

Big Tex San Antonio, LP

**Staff Coordinator:**

Tyler Sorrells AICP, Planner  
(210) 207-7395  
[tyler.sorrells@sanantonio.gov](mailto:tyler.sorrells@sanantonio.gov)

**Property Address/Location:**

354 Blue Star, 401 Blue Star, and 415 Blue Star

**Legal Description:**

NCB A-14 Blk Lot TR1 and TR5 out of TRB; W 306.92 FT of TR2, NCB A-14 Blk Lot E 190 Ft of TR 2 OUT OF TR B, NCB A-14 Lot TR 3 and E 50x139.9 ft of Strip N of TR 3 out of TR B C7-16401, NCB A-14 TR 3 and # 50x139.9 ft of Strip N of TR 3 out of TR B C7-16401, NCB A-14 TR 4 and W 50x88.78 ft strip N of TR 4 out of TR B, NCB A-14 TR C3, NCB A-14 TRC2, NCB A-14 TR C-1

**Tract Size:**

7.53 acres

**Council District(s):**

District 5

**Notification:**

Published in Daily Commercial Recorder 9/7/2012  
Notices Mailed 9/13/2012

- 17 to property owners within 200 feet
- King William Neighborhood Association
- 11 to planning team members

Internet Agenda Posting 9/16/2012

**REQUEST**

The Applicant requests a Master Plan Amendment to change the future land use plan classification in the Downtown Neighborhood Plan from Residential to Mixed Use.

**RECOMMENDED ACTION**

**Approval of the proposed amendment** to the Mixed Use classification.

**ALTERNATIVE ACTIONS**

1. Recommend denial of the proposed amendment to the Downtown Neighborhood Plan, as presented above.
2. Make an alternate recommendation.
3. Continue to a future date.

**SYNOPSIS OF ANALYSIS**

**Land Use:**

The subject property is buffered from the low density residential uses to the east by the San Antonio River and is buffered from industrial uses to the south and west by railroad tracks. The proposed amendment would continue the mixed use development at the Blue Star Arts Complex. Additionally, the proposed amendment is consistent with land use goals and objectives that have been tentatively recommended in the proposed **Lone Star Community Plan**.

**Transportation:**

Blue Star is a local street. Probandt Street is classified as a Secondary Arterial. There is a VIA bus stop at the intersection of Blue Star and Probandt Street. No negative traffic impact to surrounding properties is anticipated. However, while ingress and egress to the subject property could be impeded or blocked by the adjacent railroad tracks which cross the intersection of Probandt Street and Blue Star, there is an alternative exit point at the intersection of South Alamo Street and Blue Star.

**Community Facilities:**

The subject property is approximately 0.1 miles west of Brackenridge High School. The subject property is also approximately 0.2 miles south of the Blue Star Contemporary Art Center, San Angel Folk Art Center, and the Guardian Angel Performance Academy. The subject properties are also immediately adjacent to the San Antonio River. It is anticipated that this land use change will complement these community facilities and improve the vitality and vibrancy of the area.

**CASE HISTORY**

This is the first public hearing of this case.

**I. ANALYSIS**

<b>Comprehensive Plan Analysis</b>	
<b>Comprehensive Plan Component:</b> Downtown Neighborhood Plan	
<b>Plan Adoption Date:</b> May 13, 1999	<b>Update History:</b> None
<p><b>South Neighborhood Long Term Vision: Develop lofts in the area west of Brackenridge High School and along the San Antonio River.</b></p> <p>The proposed amendment to Mixed Use accommodates an array of residential types, including lofts. The requested land use is consistent with the South Neighborhood’s long-term vision to encourage development of lofts in this area.</p> <p><b>Housing/Urban Neighborhood</b></p> <p><b>Create urban neighborhoods and increase the number of residents living downtown.</b></p> <p>The proposed Mixed Use classification accommodates a concentrated blend of retail and residential uses. The residential component of this category will serve to directly increase the number of residents living in this area of downtown. Additionally, this request will accommodate the expansion of the Blue Star Arts Complex which is an established part of the neighborhood fabric. Together, these elements will work together to enhance the existing neighborhood and attract individuals to living downtown.</p> <p>The subject properties are also within the boundaries of the <i>Near River South District</i> of the <b>Center City Strategic Framework Implementation Plan</b>. The Center City Strategic Framework Plan was created in 2011 to serve as an implementation tool for the SA2020 initiative. The plan identified this area as a “growth area” and recommended a housing target of 7,500 dwelling units for this area as well as encouraging adaptive reuse of the industrial heritage of the District for arts, entertainment, and creative living space. The proposed amendment will allow expansion of the existing Blue Star Arts Complex on the site of a former industrial facility. Additionally, the Mixed Use classification encourages a blend of both residential and commercial activities within the buildings on site. These factors are consistent with the Center City Strategic Framework Plan’s desire to increase both the number of housing units available in the Center City and the amount of space available for commercial business operations.</p>	

<b>Land Use Overview</b>		
	<b>Future Land Use Classification</b>	<b>Current Use</b>
Subject Property	Residential	Vacant
North	Residential	San Antonio River; Single family homes
East	Residential	Single family homes, Brackenridge High School
South	Business Park (South Central Community Plan)	Recycling center
West	Business Park (South Central Community Plan)	Recycling center

**Land Use:** The subject properties are located approximately 600 feet southeast of the intersection of Blue Star and Probandt Street. They are immediately adjacent to the San Antonio River and are approximately 290 feet west of Brackenridge High School. The subject property is classified as *Residential* in the Downtown Neighborhood Plan, as are most of the surrounding properties.

The Downtown Neighborhood Plan classifies the subject property as Residential. The Residential land use classification includes single-family houses on individual lots with/without attached or detached accessory dwelling units, such as granny flats, garage apartments and “echo” (elder cottage housing opportunity) units. The proposed amendment would amend the land use classification for the properties to Mixed Use. The Mixed Use classification accommodates buildings containing residential and retail and/or office uses within one building of multiple floors.

The proposed Mixed Use classification provides for a variety of residential, low-intensity retail, professional services, and office uses. These types of neighborhood-oriented commercial enterprises can be easily adapted to a single-family residential structure. By providing an additional real estate option for entrepreneurs in the planning area, the proposed amendment could draw this type of development away from the established residential neighborhoods throughout the planning area; thus, preserving the existing housing stock. Though not specifically mentioned as a goal of the plan, the retail and commercial options available through the Mixed Use classification would also provide beneficial services and additional shopping options to residents in the planning area. Additionally, the subject properties are immediately adjacent to the San Antonio River and approximately 0.1 mile from Brackenridge High School. The Mixed Use classification accommodates an array of medium and higher-density housing options. This would be beneficial to the planning area by providing a greater selection of housing options and is consistent with the community's desire to see the development of lofts and other types of housing develop in this area. The subject property is located within the King William District of the Downtown Neighborhood Plan. This district recommends single-family residential and duplexes at a maximum density of 12 units per acre and maximum densities of 40 units per gross acre along low-rise mixed use corridors along South Alamo and South St. Mary's Streets.

The subject properties are also within the boundaries of the proposed **Lone Star Community Plan**. The **Lone Star Community Plan** is proposed to be an update to the Downtown Neighborhood Plan and the South Central Community Plan. Once adopted it will replace the current adopted plans. While the planning process for this community plan is currently underway and has not been officially adopted by City Council, a number of tentative objectives have been identified with regard to land use. Specifically, two of the prioritized land use objectives are the provision of a variety of housing types appropriate for the planning area and the recruitment and retention of neighborhood-scaled retail and service businesses. The proposed land use classification would be consistent with the land use goals that have been tentatively identified by the planning team and City staff involved with the Lone Star Community Plan.

Further, the subject property lies within an area referred to in the Center City Strategic Framework Plan as a "growth area." The Framework Plan, as adopted in 2012, recommends additional 7,500 residential dwelling units in the downtown area. The applicant's request would support this vital goal by adding at least 300 additional dwelling units.

**Transportation:** Blue Star is a local street. Probandt Street is classified as a Secondary Arterial. There is a VIA bus stop at the intersection of Blue Star and Probandt Street. No negative traffic impact to surrounding properties is anticipated. However, while ingress and egress to the subject property could be impeded or blocked by the adjacent railroad tracks which cross the intersection of Probandt Street and Blue Star, there is an alternative exit point at the intersection of South Alamo Street and Blue Star. Additionally, in order to facilitate greater access to the subject property, the **Lone Star Community Plan** tentatively recommends an additional ingress/egress option; connecting the extension of Blue Star to Lone Star Boulevard with is to the south of the subject property. This extension should mitigate additional concerns related to the current limited access for residents and emergency vehicles.

**Community Facilities:** The subject property is approximately 0.1 miles west of Brackenridge High School. The subject property is also approximately 0.2 miles south of the Blue Star Contemporary Art Center, San Angel Folk Art Center, and the Guardian Angel Performance Academy. The subject properties are also immediately adjacent to the San Antonio River. It is anticipated that the applicant's request would complement these community facilities and improve the vitality and vibrancy of the area.

## II. SUPPLEMENTAL INFORMATION

**Current Zoning:** I-1 RIO-4

**Proposed Zoning:** IDZ RIO-4 with uses permitted in MF-50 and C-2

**Corresponding Zoning Case:** Z2012198

**Zoning Commission Public Hearing Date:** October 2, 2012

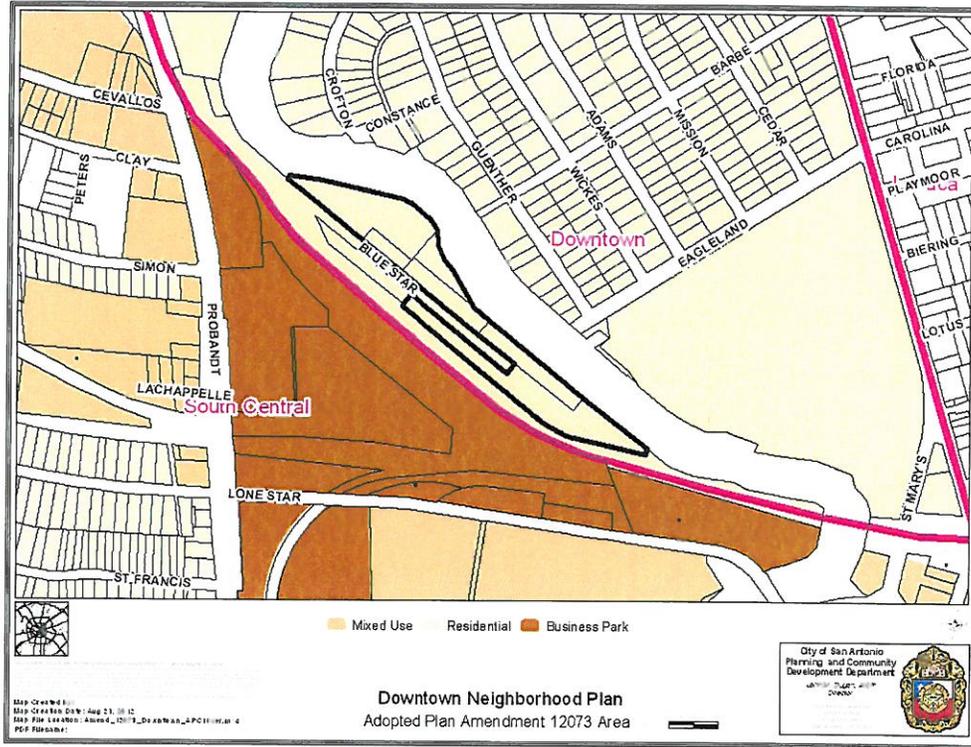
## III. RECOMMENDATION

**APPROVAL.** The requested Mixed Use land use classification is consistent with the adopted and proposed city plans: Downtown Neighborhood Plan, South Central Community Plan, and the upcoming Lone Star Community Plan's recommendation regarding a need to increase the number of housing units in the community surrounding the Lone Star Brewery site. The request would protect adjacent residential neighborhoods from commercial encroachment by providing an appropriate location for a mixture of land uses to include residential and commercial uses. Further, the proposed amendment is consistent with the concept of adaptive reuse of the area's industrial heritage that has been tentatively formulated in the **Lone Star Community Plan**.

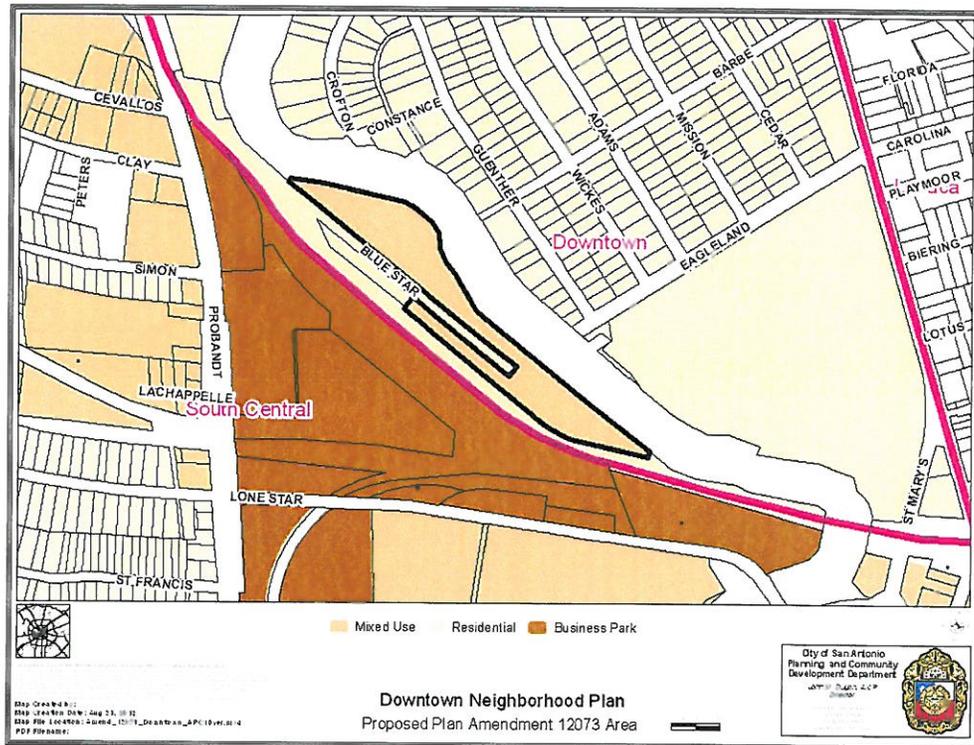
#### **IV. ATTACHMENTS**

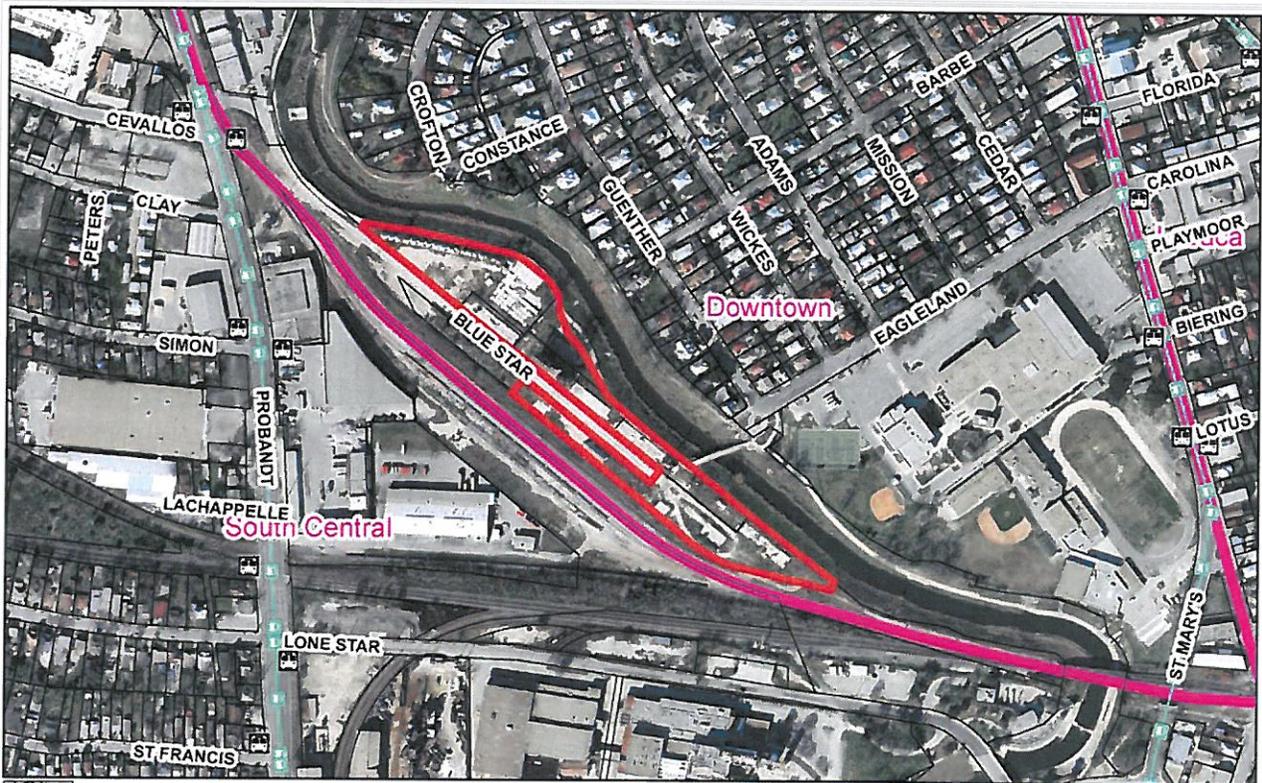
- A. Plan Amendment Maps
- B. Aerial Map

Future Land Use Plan as adopted:



Proposed Amendment:





Map Created by  
Map Creation Date: Aug 23, 2013  
Map File Location: Amend\_12073\_Downtown\_ARC10ver.mxd  
PDF Filename

Subject Property

- June 2011 Bus Stops
- June 2011 Bus Routes

Downtown Neighborhood Plan  
Proposed Plan Amendment 12073 Area



City of San Antonio  
Planning and Community  
Development Department  
John M. Cogan, AICP  
Director  
Development Services  
Service Center  
100 E. Commerce  
San Antonio, TX 78203

**RESOLUTION NO.**

**RECOMMENDING TO APPROVE THE AMENDMENT OF THE LAND USE PLAN CONTAINED IN THE DOWNTOWN NEIGHBORHOOD PLAN, A COMPONENT OF THE COMPREHENSIVE MASTER PLAN OF THE CITY, BY CHANGING THE USE FROM RESIDENTIAL TO MIXED USE FOR AN AREA OF APPROXIMATELY 7.53 ACRES LOCATED AT 354 BLUE STAR, 401 BLUE STAR, AND 415 BLUE STAR.**

**WHEREAS**, City Council approved the Downtown Neighborhood Plan as an addendum to the Comprehensive Master Plan on May 13, 1999; and updated the Downtown Neighborhood Plan on January 15, 2009; and

**WHEREAS**, the May 3, 2001 Unified Development Code requires consistency between zoning and the Comprehensive Master Plan as specified in Sections 35-105, 35-420 (h), and 35-421 (d) (3); and

**WHEREAS**, Chapter 213.003 of the Texas Local Government Code provides that the Comprehensive Master Plan may be amended by ordinance following a public hearing and review by the Planning Commission; and

**WHEREAS**, the San Antonio Planning Commission held a public hearing on September 26, 2012 and **APPROVED** the amendment on September 26, 2012; and

**WHEREAS**, the San Antonio Planning Commission has considered the effect of this amendment to the Comprehensive Master Plan as it pertains to land use intensity, compatibility, community facilities, and the transportation network and found the amended plan to be **CONSISTENT** with City policies, plans and regulations and in conformance with the *Unified Development Code*, Section 35-420, therefore meeting all requirements; and

**NOW, THEREFORE, BE IT RESOLVED BY THE PLANNING COMMISSION OF THE CITY OF SAN ANTONIO:**

SECTION 1: The amendment to the Downtown Neighborhood Plan attached hereto and incorporated herein by reference is recommended to the City Council with this Commission's recommendation for **APPROVAL** as an amendment to the City's Comprehensive Master Plan.

PASSED AND APPROVED ON THIS 26<sup>th</sup> DAY OF SEPTEMBER 2012.

Attest:

Approved:

\_\_\_\_\_  
Executive Secretary  
San Antonio Planning Commission

\_\_\_\_\_  
Jose R. Limon, Chair  
San Antonio Planning Commission



# CITY OF SAN ANTONIO

DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT

NEIGHBORHOOD PLANNING AND URBAN DESIGN DIVISION

STAFF REPORT

**Public Hearing:**

Planning Commission  
September 26, 2012

**Case Number:**

PA 12074

**Applicant:**

South Point Commercial Group, LLC

**Representative:**

Ashley Farimond, Kaufman and Killen, PC

**Owner:**

South Point Commercial Group, LLC

**Staff Coordinator:**

Tyler Sorrells, AICP, Planner  
(210) 207-7395  
[tyler.sorrells@sanantonio.gov](mailto:tyler.sorrells@sanantonio.gov)

**Property Address/Location:**

1142 and 1146 Kendalia Avenue

**Legal Description:**

NCB 7645 Blk 4 Lot 53 and 52 Exc  
SE Tri. 37.93 ft and NW Tri 12.63 ft  
of 50 and N IRR 117.88 Ft of 51 and  
NCB 7645 Blk 4 Lot 54

**Tract Size:**

0.7304 acres

**Council District(s):**

District 4

**Notification:**

Published in Daily Commercial  
Recorder 9/7/2012

Notices Mailed 9/13/2012

- 18 to property owners within 200 feet
- No registered neighborhood association within 200 feet
- 26 to planning team members

Internet Agenda Posting 9/16/2012

**REQUEST**

The Applicant requests a Master Plan Amendment to change the Nogalitos/South Zarzamora Community Plan future land use classification for the property subject to this application from Low Density Residential to Regional Commercial.

**RECOMMENDED ACTION**

**Denial of the proposed amendment** to the Nogalitos/South Zarzamora Community Plan to change the future land use classification of the subject property from Low Density Residential to Regional Commercial.

**ALTERNATIVE ACTIONS**

1. Recommend approval of the proposed amendment to the Nogalitos/South Zarzamora Community Plan, as presented above.
2. Make an alternate recommendation.
3. Continue to a future date.

**SYNOPSIS OF ANALYSIS**

**Land Use:**

The Nogalitos/South Zarzamora Community Plan expresses the community's desire to preserve and enhance the character of existing neighborhoods. Additionally, adjacent properties are predominantly residential. Regional Commercial in such close proximity to residential uses could cause negative impacts to the fabric of this neighborhood. Also, the vehicular traffic that could be posed by the intensive uses accommodated in Regional Commercial would pose impacts that are not consistent with the desire of the community that future economic development build upon the walkable character of the neighborhoods in order to create and enhance walkable neighborhood commercial areas.

**Transportation:**

Access to the subject property is achieved via Kendalia Avenue. The traffic generated by the types of commercial uses accommodated by Regional Commercial would pose negative impacts on the residential properties immediately north of the subject property

**Community Facilities:**

The subject property is approximately 1,500 feet southwest of the Pan American Library. No negative impacts on community facilities is anticipated.

**CASE HISTORY**

This is the first public hearing of this case.

I. ANALYSIS

<b>Comprehensive Plan Analysis</b>	
<b>Comprehensive Plan Component:</b> Nogalitos/South Zarzamora Community Plan	
<b>Plan Adoption Date:</b> September 30, 2004	<b>Update History:</b> June 18, 2009
<p><b>Goal 1: Housing</b>  <b>Improve the quality, appearance, and variety of existing and new housing for people of all ages while preserving the character of the neighborhoods.</b>                      The proposed plan amendment would result in commercial encroachment into an established residential area. Regional Commercial is recommended for properties that are twenty acres or larger, in order to accommodate landscape buffering, internal circulation systems, and other measures intended to lessen negative impacts on adjacent properties. The size and configuration of the subject properties would make it difficult to implement these techniques. This would result in an alteration in the character of the residential neighborhood that is inconsistent with the Nogalitos/South Zarzamora Community Plan.</p> <p><b>Objective 2.1 Neighborhood Character and Appearance</b>  <b>Protect and preserve the character of the neighborhoods and commercial corridors while improving their physical appearance.</b>                      Future land uses consistent with the Regional Commercial land use, such as, automotive repair shops, mini-storage facilities, landscaping companies and mid to high-rise medical or office buildings would conflict with this goal which states the community’s desire to preserve and enhance the character of existing neighborhoods. Adjacent properties are predominantly residential and a Regional Commercial center in such close proximity to residential uses could cause negative impacts to the fabric of this neighborhood.</p> <p><b>Action Step 3.1.4: Identify what types of businesses are needed and not present. Assess what goods and services are needed/wanted by the community. Discourage any additional auto-related businesses, bargain stores, and flea markets in the area.</b>                      The economic development component of the Nogalitos/South Zarzamora Community Plan is intended to support a mix of uses, such as professional offices, retail, and restaurants that enhances the daily experience of residents in the planning area. The request, which is being made in order to facilitate expansion of an existing auto-sales facility, is not consistent with this action step.</p>	

<b>Land Use Overview</b>		
	<b>Future Land Use Classification</b>	<b>Current Use</b>
Subject Property	Low Density Residential	Auto sales
North	Low Density Residential	Single family homes
East	None, right-of-way, Neighborhood Commercial (South Central Plan)	Freeway, Auto sales
South	Neighborhood Commercial; Low Density Residential	Vacant; Single family home
West	Low Density Residential	Single family homes

**Land Use:** The subject property is located at the intersection of Kendalia Avenue and the IH-35 access road. The subject property is classified as Low Density Residential in the Nogalitos/S. Zarzamora Community Plan, as are most of the surrounding properties. However, the vacant property to the south is classified as Neighborhood Commercial. Properties east of the highway are within the South Central San Antonio Community Plan and are classified as Neighborhood Commercial.

The Nogalitos/S. Zarzamora Community Plan classifies the subject property as Low Density Residential. Low Density Residential includes single-family houses on individual lots with/without attached or detached accessory dwelling units, such as granny flats, garage apartments and “echo” (elder cottage housing opportunity) units. Only one accessory dwelling is appropriate per lot and the accessory structure

should reflect the appearance of the main structure. All off-street parking and vehicle use areas adjacent to residential uses should include buffer landscaping, lighting, and signage controls. Certain non-residential activities such as schools, places of worship, and parks are appropriate within these areas and should be centrally located to provide easy access. This form of development should typically be oriented toward the center of the neighborhood and located away from major arterials.

The proposed plan amendment would change the land use designation on the subject property to Regional Commercial land use. Regional Commercial includes uses that are automobile related or draw their customer base from a larger region. The development of Regional Commercial should incorporate well-defined entrances, shared internal circulation, and limited curb cuts to arterial streets. Regional Commercial uses should be linked to adjoining land uses with safe and convenient vehicular and pedestrian access. Buffering is recommended if this use abuts a residential use. Regional Commercial should be located at nodes formed by highways and major arterials and are typically twenty acres or greater in size. The Regional Commercial classification recommends design elements such as well defined entrances, internal pedestrian and vehicular circulation systems, as well landscape buffering to mitigate potential negative impacts on adjacent residential properties.

The size and unique configuration of the subject property would render it difficult to achieve these recommended design elements. Additionally, the intensive nature of the commercial uses consistent with the Regional Commercial classification could present significant lighting and traffic impacts in such close proximity to adjacent residences.

**Transportation:** In the Major Thoroughfare Plan Kendalia Avenue is classified as a local street and IH-35 is classified as a Freeway. The subject property is accessed via Kendalia Avenue. The intensive commercial uses accommodated by Regional Commercial could pose negative impacts to the residential properties directly north of the subject property. There are no VIA transit stops within 500 feet of the subject property.

**Community Facilities:** The subject property is approximately 1,500 feet southwest of Pan American Library. The proposed amendment is not anticipated to pose negative impacts on community facilities in the area.

## II. SUPPLEMENTAL INFORMATION

**Current Zoning:** C-2 with a conditional use for motor vehicle sales, R-4

**Proposed Zoning:** C-2 with a conditional use for motor vehicle sales

**Corresponding Zoning Case:** Z2012138 S

**Zoning Commission Public Hearing Date:** October 2, 2012

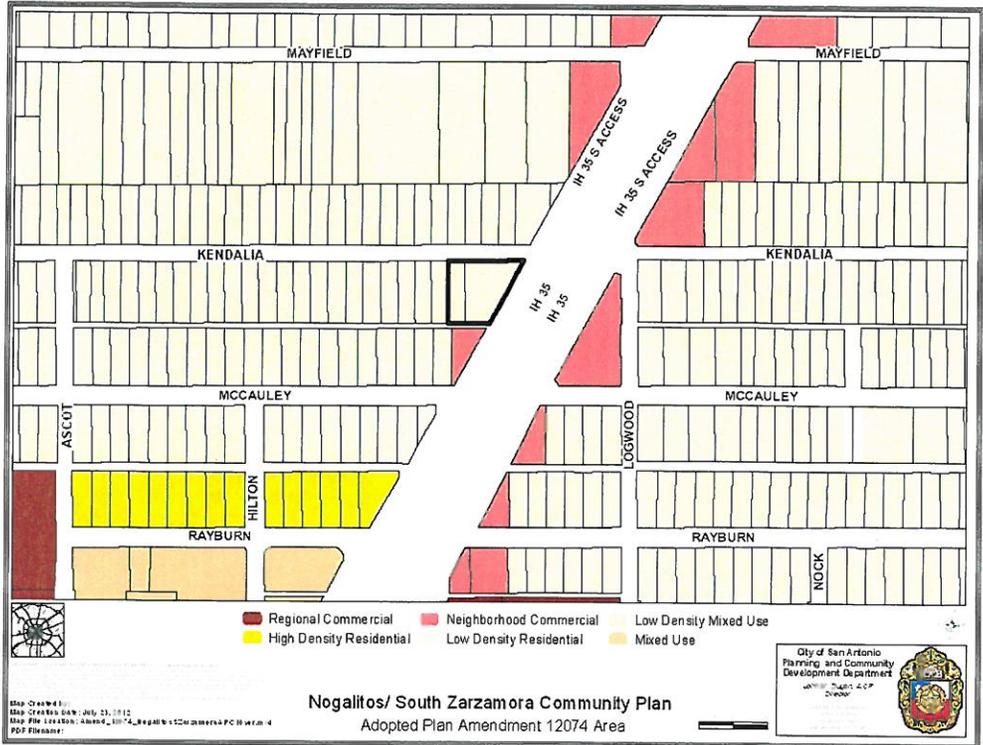
## III. RECOMMENDATION

**Denial.** The proposed plan amendment is not consistent with the community's desire to preserve and enhance the character of existing neighborhoods. The types of intensive commercial uses, in conjunction with the size and configuration of the subject property as well as limited access to the site from the IH-35 access road, are anticipated to pose negative impacts on adjacent residential properties.

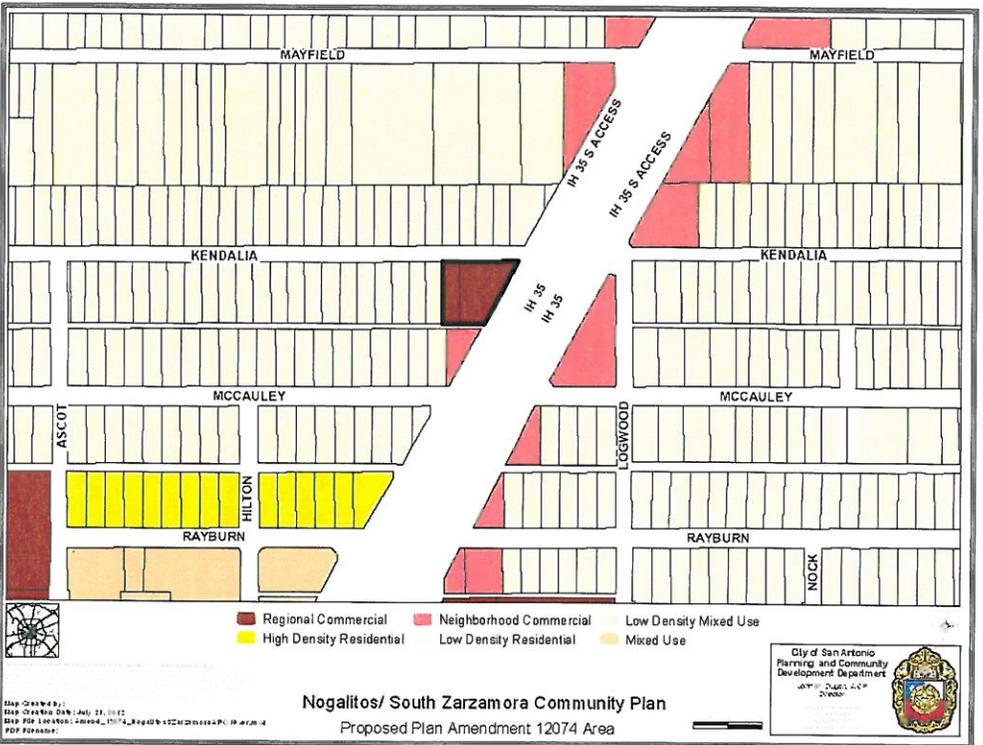
## IV. ATTACHMENTS

- A. Plan Amendment Maps
- B. Aerial Map

Future Land Use Plan as adopted:



Proposed Amendment:





**RESOLUTION NO.**

**RECOMMENDING TO DENY THE AMENDMENT OF THE LAND USE PLAN CONTAINED IN THE NOGALITOS/SOUTH ZARZAMORA COMMUNITY PLAN, A COMPONENT OF THE COMPREHENSIVE MASTER PLAN OF THE CITY, BY CHANGING THE USE FROM LOW DENSITY RESIDENTIAL TO REGIONAL COMMERCIAL FOR AN AREA OF 0.7304 ACRES LOCATED AT 1142 KENDALIA AVENUE.**

**WHEREAS**, City Council approved the Nogalitos/South Zarzamora Community Plan as an addendum to the Comprehensive Master Plan on September 30, 2004, and updated on June 18, 2009; and

**WHEREAS**, the May 3, 2001 Unified Development Code requires consistency between zoning and the Comprehensive Master Plan as specified in Sections 35-105, 35-420 (h), and 35-421 (d) (3); and

**WHEREAS**, Chapter 213.003 of the Texas Local Government Code provides that the Comprehensive Master Plan may be amended by ordinance following a public hearing and review by the Planning Commission; and

**WHEREAS**, the San Antonio Planning Commission held a public hearing on September 26, 2012 and **DENIED** the amendment on September 26, 2012; and

**WHEREAS**, the San Antonio Planning Commission has considered the effect of this amendment to the Comprehensive Master Plan as it pertains to land use intensity, compatibility, community facilities, and the transportation network and found the amended plan to be **INCONSISTENT** with City policies, plans and regulations and in conformance with the *Unified Development Code*, Section 35-420, therefore not meeting all requirements; and

**NOW, THEREFORE, BE IT RESOLVED BY THE PLANNING COMMISSION OF THE CITY OF SAN ANTONIO:**

SECTION 1: The amendment to the Nogalitos/South Zarzamora Community Plan attached hereto and incorporated herein by reference is recommended to the City Council with this Commission's recommendation for **DENIAL** as an amendment to the City's Comprehensive Master Plan.

PASSED AND APPROVED ON THIS 26<sup>th</sup> DAY OF SEPTEMBER 2012.

Attest:

Approved:

\_\_\_\_\_  
Executive Secretary  
San Antonio Planning Commission

\_\_\_\_\_  
Jose R. Limon, Chair  
San Antonio Planning Commission

**CITY OF SAN ANTONIO  
DEVELOPMENT SERVICES DEPARTMENT**

**TO:** Planning Commission and Zoning Commission members

**FROM:** Roderick Sanchez, AICP, CBO, Director  
Development Services Department

**COPY:** David Ellison, Assistant City Manager; Lori Houston, Assistant Director Center  
City Development Office

**SUBJECT:** Infill Task Force UDC Amendments

**DATE:** September 4, 2012

**Summary:**

The purpose of this memo is brief the both the Planning and Zoning Commissions on proposed amendments to the Unified Development Code (“UDC”) relative to infill development.

**Background:**

The concept of “infill” in the urban planning and development industries is the concept of using land within a built-up area for new construction as part of a broader scheme of civic regeneration. Infill focuses on the reuse and repositioning of obsolete or underutilized properties and is an important strategy in renewing neglected neighborhoods.

In February of 2011, the Center City Development Office (“CCDO”) hosted a Center City Developer Stakeholder Meeting. The purpose was to begin a dialogue between CCDO and the development community. As a result of this meeting, The Departments of Development Services and Planning & Community Development and CCDO met and recommended to City Management that an Infill Development UDC Technical Advisory Taskforce be created to assist with this effort.

The Taskforce is comprised of both public and private sector representatives, with the private sector representing technical and provide professional services associated with infill development – plus a representative from the TAC. The following stakeholders serve on this taskforce:

**Public Sector**

Rod Sanchez, Development Services Department, Co-Chair  
Christopher Looney, Planning and Community Development  
Shanon Peterson, Office of Historic Preservation  
Mike Rogers, Public Works  
Lori Houston, Center City Development Office

**Private Sector**

Tom Carter, Pape Dawson, Co-Chair  
Irby Hightower, Alamo Architects

Brenda Kelly Rowe, Bury Partners  
David Adelman, ULI President  
John Beauchamp, Development Community  
Rolando Briones, Planning Commission's Technical Advisory Committee  
David Barnett, Weston Center

The Taskforce recognizes that the City of San Antonio reviews the UDC every five years but recommends that the code be revisited more frequently as it pertains to regulatory challenges to infill development. With resulting recommendations by the Taskforce and staff, a total of 86 proposed UDC amendments were provided. The goal was to minimize the challenges and promote efficiency within the infill development process.

The Planning Commission's Technical Advisory Committee ("TAC") reviewed the proposed amendments in a series of meetings in August 2012. With TAC recommendation, these recommendations are now forwarded to the Planning Commission and Zoning Commission for review and recommendation. With completed review by the Commissions, the proposed and accepted amendments and modifications will proceed to City Council for action with a target of October 2012.

In addition to the UDC changes, the taskforce made recommendations on review procedures for historic properties, amendments to the Electric and Fire Code relative to the use of Romex, aerial access and podium construction requirements. These other code changes were adopted by City Council in December 2011, leaving the UDC amendments as the final item requiring action in order to carry out the recommendations of the taskforce.

**Issue:**

The UDC amendments focus on three main themes: zoning regulations, procedures and development standards. On the issue of zoning regulations, the Taskforce had considerable discussions on Form Based Zoning ("FBZD") and potential conflicts between understandings that formed during preparation of the Code and the final adopted product. Discussions on FBZD during its initial enactment in 2009 focused on its application in a "greenfield" setting. Staff proposes a series of allowances to address the use of FBZD in an "infill" setting. These proposals include exemptions from: a) alley access requirements for infill lots; b) alternative building placement when adjacent building facades are not parallel to the frontage line; c) 25-50% increase in the maximum front setback when specific conditions are present and d) for primary use parking lots on A-Grid streets with a Specific Use Authorization. Other FBZD components include allowance for vegetative screens and expanded areas and lighting sources for signs in specific zones. The amendments to form-based zoning comprise approximately two-thirds of the total proposed amendments.

Other zoning amendments concentrate on increasing flexibility in infill development and relaxing the current prescriptive nature. First there is a proposal to create a new zoning district which allows more than 50 dwelling units per acre. This additional density is critical, as current provisions limit avenues (other than the geographically limited D and IDZ zoning districtz) to establish density higher than 50 units per acre. Due to limitations on the applicability of the district, the new district proposed is MF-65 (65 dwelling units per acre) with an allowable 10%

density bonus if on-site parking was structured. Similarly, staff has received interest from builders to allow 3 story residential structures which is permitted by the International Residential Code however current zoning provisions limit heights to 2 ½ stories. The proposal is to allow up to 3 stories the RM-4, -5, and -6 mixed residential districts which are intended to allow a range of densities and are tied to a site plan when 10 or more units are developed. Finally building size increases in the in the Neighborhood Commercial district are proposed to avoid unnecessarily intense zoning in areas appropriate for neighborhood-serving commercial land uses.

To ease accommodation of dense urban development, the Task Force recommends removal of the prescribed land use ratios for mixed-use buildings plus the addition of an allowance for ground floor residential in a live-work unit, (*per existing RID*). Also proposed is additional clarification to the procedures for designating IDZ districts. Also included are new allowances for cluster parking and decreased parking requirements for take-out/prepared food establishments (*per existing RID*).

For Development Standards, changes focus on simplifying the procedure for small construction projects. Specifics feature clarification of minimum thresholds triggering buffer and landscape requirements in order to facilitate small construction projects and relaxation of fence standards out of recognition that certain infill properties abut existing uses developed without setbacks and buffers. In regard to recently enacted tree preservation requirements, waivers are proposed for the additional environmentally sensitive requirements in RIO-2 and RIO-3 areas (*per existing RID*) and parkland dedication in CRAG area where development results in preservation of a historic landmark. Finally, Public Works has also proposed updates to the rainfall tables in the stormwater management section of the UDC.

A number of the proposed amendments increase staff discretion in decision-making and remove the need for action by the Board of Adjustment or City Council, which will improve certainty in the process and reduce delays in obtaining approvals. One example is a proposed allowance for and administrative exception process for up to 6 inches deviation from UDC setback and height requirements without requiring Board action. Also proposals to allow for administrative approval of minor site plan amendments are suggested for properties with IDZ, conditional use or specific use authorization.

**Recommendation:**

Staff will seek approval of the City Council upon receipt of recommendations of the Planning and Zoning Commissions.



Roderick Sanchez, AICP, CBO, Director  
Development Services

**Amendment 2-1**

The intent of this amendment is to simplify an administrative process to achieve greater staff efficiency while maintaining a similar level of customer service.

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

\* \* \* \* \*

**(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.~~

\* \* \* \* \*

**Amendment 2-2**

The Infill Development Task Force (IDTF) requested that greater flexibility to be allowed through an administrative process. The intent of this amendment is to clarify that the special exception process is available.

**(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).

\*\*\*\*\*

**Amendment 2-3**

The intent of this amendment is to provide additional relief from the alley requirement for infill lots. The IDTF has requested that existing and new alleys not be required in T5 and T6; the proposed amendments would provide additional exceptions for lots that do not abut a pre-existing alley and for lots that abut a substandard pre-existing alley.

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

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**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 (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.

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The intent of this amendment is to clarify the public frontage requirements in the Specialized District (SD).

**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.

\* \* \* \* \*

**Amendment 2-5 (Related to Amendment 2-45)**

The intent of this amendment is to clarify the manner in which river lot layers are measured.

**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:

\* \* \* \* \*

- 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.

\* \* \* \* \*

**Amendment 2-6**

The intent of this amendment is to provide basic standards for building disposition, building configuration, building function, parking, architectural, landscape, and sign standards for the SD district by adding SD to the general requirements for T2-T6

**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.

**Amendment 2-7 (Related to Amendments 2-48 and 2-50)**

The intent of this amendment is to 1) clarify when a façade should be parallel to the primary frontage line and when it should be tangent, 2) allow facades to be built parallel to existing facades on the same side of the street or opposite side of the street instead of being built parallel to the primary frontage line in an infill situation (as requested by IDTF), and 3) reference the buildout percentage requirement.

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.

**Amendment 2-8**

The intent of this amendment is to provide flexibility to the maximum setback requirement for principal buildings by-right if certain conditions are present on the lot. These conditions were identified specifically by the IDTF. Additional analysis reveals a greater increase in the maximum front setback is needed to accommodate the root protection zones of significant or heritage trees located in setback areas.

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.

**Amendment 2-9**

The intent of this amendment is to provide flexibility in how primary functions masked by liner buildings are accessed by vehicles.

- 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.

**Amendment 2-10**

The intent of this amendment is to clarify that on-street parking counts toward the minimum, but not the maximum, parking requirement of the building on the lot.

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.

**Amendment 2-11**

The intent of this amendment is to clarify that all parking lots must be masked at the frontage. Landscape screens are added as an option for T2-T4. New subsection 8 (below) applies specifically to primary use parking lots.

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.

**Amendment 2-12 (Related to Amendment 2-43)**

The intent of this amendment is to allow primary use parking lots with an SUA on A-grid streets to facilitate the development of surrounding lots and provide standards to reduce the impact of the primary use parking lot on adjacent properties and the district overall.

- [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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**Amendment 2-13**

The intent of this amendment is to remove a development pattern landscaping standard from the building-scale plan section of the code. The point requirement for elective criteria is replaced with the mandatory citywide landscaping criteria in 35-511(c) plus the mandatory streetscape tree planting requirements in 35-209 and the mandatory parking lot screening requirements in 35-209.

**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.

**Amendment 2-14**

The intent of this amendment is to provide greater flexibility in the manner in which signs may 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:

**Amendment 2-15**

The intent of this amendment is to provide greater flexibility in the design, placement, and illumination of band signs and differentiate a band sign from a plaque sign (previously called a board sign) and provide criteria for the size and placement of plaque signs.

- 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.

**Amendment 2-16**

The intent of this amendment is to provide a more precise area standard for painted wall signs.

- 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.

**Amendment 2-17**

The intent of this amendment is to provide compatibility standards and prevent the disfigurement of existing buildings for the purpose of accommodating a sign.

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

**Amendment 2-18**

The intent of this amendment is to allow for alternative sign configurations on historic landmark buildings.

12. The Historic Preservation Officer, upon recommendation from the Historic and Design Review Commission, may approve alternative configurations for contributing and non-contributing signs on properties with “historic, landmark” (HL), “historic, exceptional” (HE), or “historic, significant” (HS) zoning designations provided the height and area of new non-contributing signs do not exceed that which would be allowed absent the historic designation.

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

\* \* \* \* \*

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

1. All parking areas shall be located in the second and/or third lot layers.

**Amendment 2-19**

The intent of this amendment is to provide greater flexibility in the placement of parking in parking structures above the first story.

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.

**Amendment 2-20**

The intent of this amendment is to provide relief to properties with primary, secondary, and river frontages by requiring a liner building only on the primary and river frontages and provide an alternative to the liner building by allowing a parking structure to be enclosed on the 1<sup>st</sup> and 2<sup>nd</sup> stories in lieu of constructing a separate liner building.

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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**Amendment 2-21 (Related to Amendment 2-14)**

The intent of this amendment is to eliminate a redundant standard and eliminate material requirements that would prevent the use of internally illuminated signs.

**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.~~

\* \* \* \* \*

**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.

**Amendment 2-22**

The intent of this amendment is to provide greater flexibility in the way in which loading docks, service entrances, and service yards are accessed.

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.

**Amendment 2-23 (Related to Amendment 2-7)**

The intent of this amendment is to replace clause 4 with the minimum buildout percentage requirement to avoid conflicts and confusion (See Amendment 2-7).

~~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.~~

\* \* \* \* \*

**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.

**Amendment 2-24**

The intent of this amendment is to 1) provide greater flexibility in the placement of parking in parking structures above the first story, and 2) correct a non-material error.

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.

**Amendment 2-25**

The intent of this amendment is to clarify the way in which parking is accessed when an alley is not provided on the MDPP.

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.](#)

**Amendment 2-26**

The intent of this amendment is to allow for access to parking structures directly from the principal building while also requiring that a pedestrian entrance be provided from a frontage line.

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.

**Amendment 2-27**

The intent of this amendment is to clarify that the 30 foot width limit is for the access drive whether it be used as an entrance, exit, or entrance/ exit combined.

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.

**Amendment 2-28**

The intent of this amendment is to provide relief to properties with primary, secondary, and river frontages by requiring a liner building only on the primary and river frontages and provide an alternative to the liner building by allowing a parking structure to be enclosed on the 1<sup>st</sup> and 2<sup>nd</sup> stories in lieu of constructing a separate liner building.

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.

**Amendment 2-29**

The intent of this amendment is to provide greater flexibility in the location from which disposal

receptacles may be accessed.

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).

\* \* \* \* \*

**Amendment 2-30**

The intent of this amendment is to eliminate the requirement that trees be planted in the 1<sup>st</sup> lot layer since streetscape trees are already required. Providing trees in the 1<sup>st</sup> lot layer would require deeper front building setbacks that detract from an urban setting.

**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.

\* \* \* \* \*

**Amendment 2-31 (Related to Amendment 2-14)**

The intent of this amendment is to eliminate redundant standards and eliminate material requirements that would prevent the use of internally illuminated signs.

**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.~~

\* \* \* \* \*

**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.

**Amendment 2-32**

The intent of this amendment is to provide greater flexibility in the way in which loading docks, service entrances, and service yards are accessed.

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.

**Amendment 2-33 (Related to Amendment 2-7)**

The intent of this amendment is to replace clause 4 with the minimum buildout percentage requirement to avoid conflicts and confusion (See Amendment 2-7).

- ~~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.**

**Amendments 2-34 and 2-35**

The intent of these amendments is to provide greater flexibility by allowing parking in the second lot layer in T-6 subject to the conditions in subsection 2.

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.

**Amendment 2-36**

The intent of this amendment is to clarify the way in which parking is accessed when an alley is not provided on the MDPP.

- 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.

**Amendment 2-37**

The intent of this amendment is to allow for access to parking structures directly from the principal building while also requiring that a pedestrian entrance be provided from a frontage line.

- 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.

**Amendment 2-38**

The intent of this amendment is to clarify that the 30 foot width limit is for the access drive whether it be used as entrance, exit, or entrance/ exit combined.

- 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.

**Amendment 2-39**

The intent of this amendment is to provide relief to properties with primary, secondary, and river frontages by requiring a liner building only on the primary and river frontages and provide an alternative to the liner building by allowing a parking structure to be enclosed on the 1<sup>st</sup> and 2<sup>nd</sup> stories in lieu of constructing a separate liner building.

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.**

**Amendment 2-40**

The intent of this amendment is to eliminate conflict with the glazing requirement included in the definition of shopfront (70%).

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.

**Amendment 2-41**

The intent of this amendment is to provide greater flexibility in the location from which disposal receptacles may be accessed.

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).

\* \* \* \* \*

**Amendment 2-42(Related to Amendment 2-14)**

The intent of this amendment is to eliminate redundant standards and eliminate material requirements that would prevent the use of internally illuminated signs.

**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.~~

\* \* \* \* \*

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

\* \* \* \* \*

**Amendment 2-43**

The intent of this amendment is to provide a terms and definitions consistent with amendments 2-20, 2-23, 2-28, 2-39, 2-44, 2-45

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.

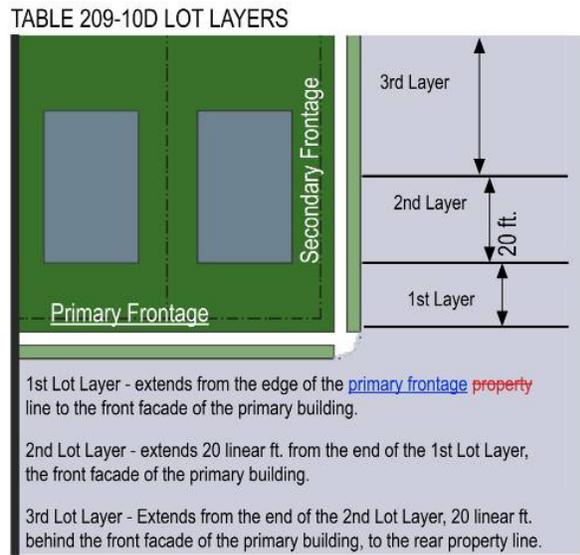
~~Storefront: a retail frontage with seventy (70) percent of the primary facade glazed no less than seventy (70) percent in clear glass on the sidewalk-level story and an awning overlapping the sidewalk.~~

\*\*\*\*\*

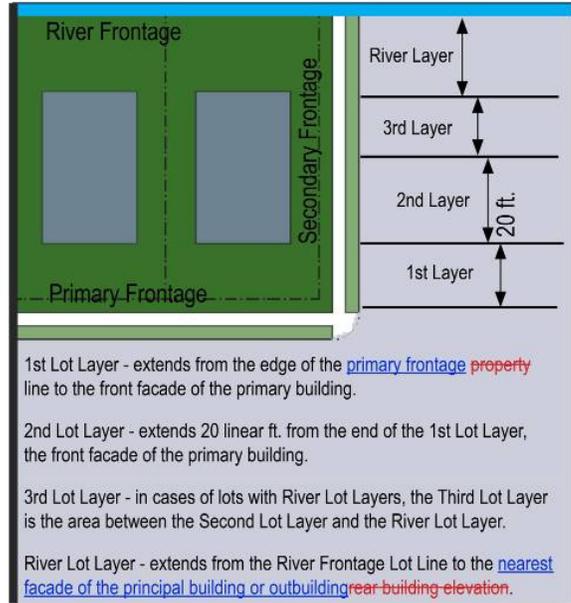
**Amendments 2-44 and 2-45 (Related to Amendment 2-7 and 2-43)**  
 The intent of this amendment is to clarify the manner in which lot layers are measured.

**(h) Standards and Tables.**

\*\*\*\*\*



**TABLE 209-10E LOT LAYERS WITH RIVER FRONTAGE**



\*\*\*\*\*

**Amendments 2-46 (Related to Amendment 2-12) and 2-47 (Related to Amendments 2-20, 2-28, 2-39)**

The intent this amendment is to allow primary use parking lots on non B-Grid streets with a specific use authorization. This is in response to the request by the IDTF and other property owners to provide an avenue to permit primary use parking lots. Amendment 2-12 provides standards for primary use parking lots on non B-Grid streets where they are permitted by a specific use authorization to reduce the impact on adjacent properties and the district overall. The intent of amendment 2-47 is to enhance usability by removing a requirement from the tables section and placing it in the body of 35-209.

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 <sup>2</sup>				■	■	■	
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.

<sup>2</sup>All parking structures shall have a liner building of at least two stories and 25 ft. depth on the primary and secondary frontages.

\*\*\*\*\*

**Amendment 2-48 (Related to Amendment 2-7)**

The intent of this amendment is to clarify that the buildout percentage requirement applies to the primary frontage only.

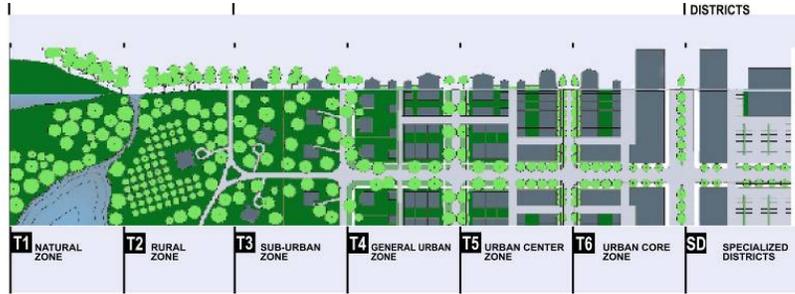


TABLE 209-18 TRANSECT ZONE SUMMARY

A. ALLOCATION OF ZONES							
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 - 80%	10 - 80%	10 - 80%	not applicable
B. OVERALL DENSITY							
By Right	not applicable	not applicable	2 unit / 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 %	30 - 70 %	not applicable
Infill Option	not applicable	not applicable	2 unit / ac. gross min.	4 units / ac. gross min.	6 units / ac. gross min.	no min.	not applicable
C. BLOCK SIZE							
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
D. PUBLIC FRONTAGES (see Table 209-9E and 209-9F)							
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
E. CIVIC SPACE (see Table 209-9A)							
Park	permitted	permitted	permitted	not permitted	not permitted	not permitted	permitted
Green	not permitted	not permitted	permitted	permitted	permitted	not 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
F. LOT OCCUPATION							
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. - 850 ft.
Lot Coverage <sup>3</sup>	not applicable	by variance	60% max	70% max	80% max	90% max	90% max
G. SETBACKS - PRINCIPAL BUILDING							
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	0ft 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	0ft 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	0ft min.
Rear	not applicable	96 ft. min.	12 ft. min.	3 ft. min.	3 ft. min.	0 ft. min.	0ft min.
Primary Frontage Buildout	not applicable	not applicable	40% min.	60%. min.	80 % min.	80% min	40% min.
H. SETBACKS - OUTBUILDING							
Front Setback	not applicable	20 ft. min. +bidg setback	20 ft. min. +bidg setback	24 ft. min. +bidg setback	40 ft. max from rear prop. line	3" lot layer	20-30 ft + bidg setback
Side Setback	not applicable	3 ft. or 6 ft.	3 ft. or 6 ft.	0 ft or 3 ft.	0 ft. min	no max, no min.	0 ft. - 10 ft.
Rear Setback <sup>5</sup>	not applicable	3 ft. min.	3 ft. min.	3 ft. min.	3 ft. max	no max, no min.	3 ft. min.
I. BUILDING DISPOSITION (see Table 209-11)							
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
J. PRIVATE FRONTAGES (see Table 209-12)							
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	not permitted	not applicable
Forecourt	not applicable	not permitted	not permitted	permitted	permitted	permitted	not applicable
Stoop	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
K. BUILDING HEIGHT							
Principal Building	not applicable	2 stories max.	2 stories max.	4 stories max.	6 stories max., 2 min. <sup>6</sup>	15 stories max., 2 min. <sup>6</sup>	8 stories max
Outbuilding	not applicable	2 stories max.	2 stories max.	2 stories max.	2 stories max.	3 stories max	2 stories max
L. FUNCTION (see Tables 209-13A & 209-13B) <sup>7</sup>							
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	restricted 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 functions use 16 ac/ gross min.  
2. 3000 ft. max. for blocks with parking structure  
3. Refers to the percentage of the lot that can be covered by the structure  
4. For sidyard buildings, see section 209(e)(2)(A)(1)

**Amendments 2-49 and 2-50 (Related to Amendment 2-48)**

The intent of amendment 2-49 is to ensure there is not a conflict with the newly amended RIO setback requirements (which are measured from the top of bank). The amendment will also ensure that the RIO river setback requirements apply if the zoning on a property is changed to a different T-zone. The intent of amendment 2-50 is to clarify that the buildout percentage requirement applies to the primary frontage only.

	T4-1	T4-2	T5-1	T6-1	T6-2	SD-1
	NEIGHBORHOOD STABILIZATION WEST ZONE	NEIGHBORHOOD STABILIZATION EAST ZONE	NEIGHBORHOOD REGENERATION ZONE	RIVER NORTH CORRIDOR ZONE	RIVER NORTH CENTER ZONE	SPECIALIZED DISTRICT
<b>A. ALLOCATION OF ZONES</b> see section 35-209(c)						
Infill Regional Center						
<b>B. OVERALL DENSITY</b> see section 35-209(c)						
Infill Option						
<b>C. BLOCK SIZE</b>						
Block Perimeter	1600 ft. max	1600 ft. max	1600 ft. max	1600 ft. max	2000 ft. max	3400 ft. max
Block Face Length	400 ft. max	400 ft. max	400 ft. max	400 ft. max	600 ft. max	650 ft. max
<b>D. PUBLIC FRONTAGES</b> (see Table 209-4E and 209-4F)						
PW	not permitted	not permitted	not permitted	not permitted	not permitted	permitted
BV	permitted	permitted	permitted	permitted	permitted	permitted
RR	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
CS & AV	not permitted	not permitted	permitted	permitted	permitted	permitted
Alley	permitted	permitted	required*	required*	required*	permitted
<b>E. CIVIC SPACE</b> (see Table 209-8A)						
Park	not permitted	not permitted	not permitted	not permitted	not permitted	permitted
Green	permitted	permitted	permitted	permitted	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
<b>F. LOT OCCUPATION</b>						
Primary Frontage Width	25 ft. min. 200 ft. max	25 ft. min. 200 ft. max	16 ft. min. 300 ft. max	no min. - no max	no min. - no max	50 ft. - 850 ft.
Lot Coverage <sup>1</sup>	70% max	70% max	80% max	85% max	90% max	90% max
<b>G. SETBACKS - PRINCIPAL BUILDING</b>						
Front Setback (Primary)	10 ft. min. 15 ft. max	10 ft. min. 15 ft. max	5 ft. min. 12 ft. max	0 ft. min. 12 ft. max	0 ft. min. 12 ft. max	0 ft. min.
River Setback	see 35-672(d) min	see 35-672(d) min	see 35-672(d) min	see 35-672(d) min	see 35-672(d) min 30 ft. min	see 35-672(d) min
Front Setback (Secondary)	6 ft. min. 10 ft. max	6 ft. min. 10 ft. max	5 ft. min. 12 ft. max	0 ft. min. 12 ft. max	0 ft. min. 10 ft. max	0 ft. min.
Side Setback <sup>2</sup>	0 ft. min. 7 ft. max	0 ft. min. 7 ft. max	0 ft. min. 12 ft. max	0 ft. min. 12 ft. max	0 ft. min. 10 ft. max	0 ft. min.
Rear	3 ft. min.	3 ft. min.	3 ft. min.	3 ft. min.	3 ft. min.	0 ft. min.
Primary Frontage Buildout	60% min.	60% min.	80% min.	80% min.	80% min.	40% min.
<b>H. SETBACKS - OUTBUILDING</b>						
Front Setback	24 ft. min. + bldg setback	24 ft. min. + bldg setback	40 ft. max from rear prop. line	3 <sup>rd</sup> lot layer	3 <sup>rd</sup> lot layer	20-30 ft. + bldg setback
Side Setback	0 ft. or 3 ft.	0 ft. or 3 ft.	0 ft. min.	no max, no min.	no max, no min.	0 ft. - 10 ft.
Rear Setback <sup>3</sup>	3 ft. min.	3 ft. min.	3 ft. max	no max, no min.	no max, no min.	3 ft. min.
<b>I. BUILDING DISPOSITION</b> (see Table 209-11)						
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
Court Yard	permitted	permitted	permitted	permitted	permitted	permitted
<b>J. PRIVATE FRONTAGES</b> (see Table 209-12)						
Common Yard	not permitted	not permitted	not permitted	not permitted	not permitted	not applicable
Porch & Fence	permitted	permitted	not permitted	not permitted	not permitted	not applicable
Terrace or L.C.	permitted	permitted	permitted	not permitted	not permitted	not applicable
Forecourt	permitted	permitted	permitted	permitted	permitted	not applicable
Stoop	permitted	permitted	permitted	permitted	permitted	not applicable
Shopfront & 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
<b>K. BUILDING HEIGHT</b>						
Principal Building	3 stories max.	4 stories max.	2 stories min., 4 max. <sup>4</sup>	2 stories min., 6 max. <sup>4</sup>	2 stories min., 10 max. <sup>4</sup>	3 stories max.
Outbuilding	2 stories max.	2 stories max.	2 stories max.	3 stories max.	3 stories max.	2 stories max.
<b>L. FUNCTION</b> (see Tables 209-13A & 209-13B)**						
Residential	limited use	limited use	open use	open use	open use	see table 209-13B
Lodging	limited use	limited use	open use	open use	open use	see table 209-13B
Office / Service	limited use	limited use	open use	open use	open use	see table 209-13B
Retail	limited use	limited use	open use	open use	open use	see table 209-13B
<b>SECTION (e)</b>						
<b>SECTION (b) &amp; (c)</b>						

1. Refers to the percentage of the lot that can be covered by the structure  
 2. For sitelot buildings, see section 209-100(A)(1)  
 3. The rear setback shall be measured from the rear lot line as defined on table 209-10C  
 4. Single story buildings are permitted if they follow all of the following requirements:  
 a. The buildings are no more than 40% of a linear block face  
 b. The buildings are not located on street corners  
 \*\* See Section 209-100(B)  
 \*\* For specific function, see table 209-13B

TABLE 209-18A1 TRANSECT ZONE SUMMARY  
 RIVER NORTH CALIBRATION  
 FORM BASED DEVELOPMENT  
 Use Pattern

**Amendment 3-1 (related to amendment 5-2)**

The intent of this amendment is:

1. To allow three-story structures within the RM-6, RM-5, and RM-4 districts. The International Residential Code (IRC) allows three story structures but currently all single family zoning districts in the UDC limit height to 2 ½ stories.
2. Establish a new multifamily district to allow more than 50 dwelling units per acres, with a further 10% density bonus where structured parking is created.
3. Increase the maximum allowable building size in the “NC” and “C-1” districts.

**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"	<u>Urban Multi-Family</u>

**35-310.01 Generally**

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

(A)	(B)	(C)	(D)	(E)	(F)	(G)	(H)	(I)	(J)	(K)	(L)	(M)	(N)
Zoning District	LOT DIMENSIONS						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	<u>35/3</u> <del>35/2-1/2</del>	--	--
RM-5 <sup>1</sup>	5,000		9	15	15	100	10	--	5	10	<u>35/3</u> <del>35/2-1/2</del>	--	--
RM-4 <sup>1</sup>	4,000		11	15	15	80	10	--	5	10	<u>35/3</u> <del>35/2-1/2</del>	--	--
MF-18 <sup>1,4</sup>	--		18	50	50	--	--	20 <sup>3,4,6</sup>	5	10	35	--	--
*****													
<u>MF-65<sup>1,4</sup></u>	<u>--</u>		<u>65</u>	<u>50</u>	<u>50</u>			<u>20<sup>3,4,6</sup></u>	<u>5</u>	<u>10</u>	<u>--</u>	<u>--</u>	<u>--</u>
*****													
<u>NC</u> <del>“NC”</del>	--		--	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 <a href="#">authorization permit</a> is approved, in accordance with these provisions.													

**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) .

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**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 ~~(3,000)~~ (5,000) 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.

**35-310.10. “C-1”, “C-2”, “C-2P”, and “C-3” Commercial Districts.**

\*\*\*\*\*

**(a) Commercial.**

\*\*\*\*\*

**Table 310.10-1**

(A) District	(B) Maximum Building Size (sf) (Individual)	(C) Maximum Building Size (sf) (Aggregate)	(D) Design Standards
C-1	5,000	15,000	RP, F
C-2	N/A	N/A	N
C-2P	N/A	N/A	RP, F
C-3	N/A	N/A	N

\*\*\*\*\*

**Amendment 3-2 (related to amendment 3-7 and A-1)**

The intent of this amendment is to correct the use matrix:

1. To ensure dwelling related uses are in alphabetical order
2. Clarify mixed use ratios in accordance in 35-381, also proposed for amendment
3. Clarify construction contractor uses in accordance with RID 101
4. Implement RID 103 relative to animal care uses
5. Relate LBSC function codes to permitted uses listed
6. Implement RID 108 relative to Radio-TV Station uses

**35-311 Use Regulations.**

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

TABLE 311-1 RESIDENTIAL USE MATRIX																					
PERMITTED USE	RP	RE	R-20	NP-15	NP-10	NP-8	R-6	RM-6	R-5	RM-5	R-4	RM-4	MF-18	MF-25	MF-33	MF-40	MF-50 & MF-65	ERZD	LBSC FUNCTION	LCBS STRUCTURE	
*****																					
Dwelling - Multi-Family (50 Units/Acre Maximum in MF-50; <a href="#">65 Units/Acre Maximum in MF-65</a> )																	P	P	1000	1250	

\*\*\*\*\*

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	LBSC Function)	
*****													
Alcohol	Alcohol – Microbrewery						P	P	P	<a href="#">P</a>		S	<a href="#">3110</a>
*****													
Amusement	Museum – public or private		P	P	P	P	P	P	P	P		P	<a href="#">5200</a>
*****													
<a href="#">Animal</a>	<a href="#">Animal Clinic</a>			<a href="#">P</a>			<a href="#">S</a>	<a href="#">2418</a>					
<a href="#">Animal</a>	<a href="#">Animal and pet services (no outdoor training, boarding, runs, pens or paddocks)</a>			<a href="#">P</a>			<a href="#">P</a>	<a href="#">2720</a>					
<a href="#">Animal</a>	<a href="#">Animal and pet services (outdoor training, boarding, runs, pens or paddocks permitted)</a>								<a href="#">P</a>	<a href="#">P</a>		<a href="#">S</a>	<a href="#">2720</a>

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)
Animal	Animal – Equestrian Center and Riding Trails ( <a href="#">see also 35-348</a> )				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
<del>Animal</del>	<del>Dog Training—Indoor</del>						P		P	P		P	2100
<del>Animal</del>	<del>Dog Training—Outdoor Permitted</del>						S		P	P		S	
<del>Animal</del>	<del> kennel—Boarding And Breeding</del>								S	P		S	2418
<del>Animal</del>	<del>Pet Grooming—Small Animals Only</del>			P	P	P	P	P	P			P	2136
Animal	Stockyard										S	N A	9300 9200
Animal	Veterinary Hospital - Large And Small Animal ( <del>Outside Runs, Pens And Paddocks Permitted</del> )									P		S	2418
<del>Animal</del>	<del>Veterinary Hospital—Large And Small Animal (No Outside Runs, Pens And Paddocks Permitted)</del>						S		P	P		S	
Animal	Veterinary Hospital - Small Animal ( <del>Outside Runs, Pens And Paddocks Permitted</del> )								P	P		S	2418
<del>Animal</del>	<del>Veterinary Hospital—Small Animals (No Outside Runs, Pens And Paddocks Permitted)</del>						S	S	P	P		S	
*****													
Auto	Auto and Light Truck Repair ( <a href="#">includes motorized vehicles such as motorcycles and all-terrain vehicles</a> )						P		P			NA	2110
*****													
Dwelling	Dwelling- 1 Family (single-family)							P				P	1100
<u>Dwelling</u>	<u>Dwelling – 1 Family Attached (townhome), see 35-373</u>							P				P	1100
<del>Dwelling</del>	<del>Extended Stay, Group Day Care, Hotel (see Service Category)</del>												
Dwelling	Dwelling - Attached Apartments/Condominiums With Maximum Density Of 6 Dwellings Per Gross Acre, <a href="#">see also 35-381</a> ( <del>Allowed Ratio Of 1 Square foot Of Residential Floor use To 1 Square foot Of Nonresidential Floor use</del> ) (City council may alter ratios by approval of a specific use authorization)use authorization)			P	P	P	P	P				P	
<del>Dwelling</del>	<del>Attached Single Family Units (townhome)</del>							P					
Dwelling	Dwelling – Attached Apartments/Condominiums With Maximum Density Of 10 Dwellings Per Gross Acre, <a href="#">see also 35-381</a> ( <del>Allowed Ratio Of 1 Square foot Of Residential Floor use To 1 Square</del>					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)
	<del>foot Of Nonresidential Floor use) (City council may alter ratios by approval of a specific use authorization)</del>											
Dwelling	Dwelling - Attached Apartments/Condominiums With Maximum Density Of 20 Dwellings Per Gross Acre, <del>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)</del>						P	P				P
Dwelling	Dwelling - Attached Apartments/Condominiums							P				
<a href="#">Dwelling</a>	<a href="#">Live-Work Units, subject to 35-381</a>			P	P	P		P				P
Dwelling	Loft ( <a href="#">see definition of Dwelling, Loft 35-A101</a> )	S	S		P	P	P	P	S	S		
*****												
Industrial	<a href="#">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)</a>						S		S	P	P	S 7100
*****												
<a href="#">Industrial</a>	<a href="#">Water Well Drilling Contractor</a>									S	P	S 7230
*****												
<b>Manufacturing</b>	<b>Well Drilling Contractor</b>									S	P	S 7230
*****												
Retail	Appliance and Electronics – Retail ( <a href="#">Appliance Sales</a> Incidental To Other Onsite Retail Items in “C-1” and “D”)				P	P	P	P				P 2125
*****												
<a href="#">Retail</a>	<a href="#">Computer and Software- Retail</a>			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 <a href="#">2133</a> <del>2130</del>
*****												
Retail	Grocery Store – Limited to Maximum 3,000 Square Foot Total Floor Area in “NC” <del>“C-1”</del>			P	P	P	P	P				P 2151
Retail	Hardware Sales – Retail (Limited to to Maximum 3,000 Square Foot Total Floor Area in “NC” <del>“C-1”</del> )			P	P	P	P	P				P 2122
Retail	Headshop, <a href="#">see also Section 35-377</a>						S					P <a href="#">2143</a> <del>2,000</del>
Retail	Hobby Store – Retail (Limited to to Maximum 3,000 Square Foot Total Floor Area in “NC” <del>“C-1”</del> )			P	P	P	P	P				P <a href="#">2134</a> <del>2140</del>
*****												
Retail	Pet or pet supply store <del>Shop—Retail</del>			P	P	P	P	P	P			P <a href="#">2710</a> <del>2136</del>
*****												
Retail	Variety Store - Retail				P	P	P	P				P <a href="#">2130</a> <del>2145</del>

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)
*****												
Service	Construction Trades Contractors— <a href="#">screening required for outdoor storage from public ROWs and adjacent property (see also Industrial category, contractor facility use)</a>								P	P	S	S <a href="#">7300</a>
*****												
Service	<a href="#">Ice Machine (over 120 square feet)</a>					P	P		P	P		P
*****												
Service	<a href="#">Radio or Television Station Studio</a>	P	P		P	P	P	P	P	P		P
*****												
Social	Club – Private ( <a href="#">see definition “Club” in 35-A101</a> )					S	P	P				P <a href="#">6830</a> <del>9900</del>
Social	Clubhouse – <a href="#">Civic And Fraternal Organizations, Private</a> -Including Lodges And Meeting Halls				P	P	P	P				P <a href="#">6830</a> <del>9900</del>
*****												
Utilities	<del>Radio or Television Station Without Transmission Tower</del>											
Utilities	<a href="#">Radio/Television Antenna , subject to §35-385(b)</a>	P	P	P	P	P	P	P	P	P	P	S
Utilities	<a href="#">Radio/Television Antenna, unable to comply with §35-385(b)</a>	S	S	S	S	S	S	S	S	S	S	S
*****												
Warehouse	Office Warehouse (Flex Space) – Outside Storage Not Permitted <a href="#">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)</a>							P		P	P	S <a href="#">3600</a>

\*\*\*\*\*

**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 / FR Minor Node	MI - 1	MI-1 Minor Node	VILLAGE CENTER - M1	MI - 2	MI-2 Minor Node	VILLAGE CENTER - M2
*****													
Amusement	<a href="#">Museum – public or private</a>	P	P	P	P	P	P	P	P	P			P
*****													
Animal	<a href="#">Animal Clinic</a>	P	P	P	P	P	P	P	P	P			P
Animal	<a href="#">Animal and pet services (no outdoor boarding, runs, pens or paddocks)</a>	P	P	P	P	P	P	P	P	P			P

	PERMITTED USE	UD Major Node	UD Minor Node	RD Major Node	RD Minor Node	FR Ag Commercial	VILLAGE CENTER FR / FR Minor Node	MI - 1	MI-1 Minor Node	VILLAGE CENTER - M1	MI - 2	MI-2 Minor Node	VILLAGE CENTER - M2
<a href="#">Animal</a>	<a href="#">Animal and pet services (outdoor boarding, runs, pens or paddocks permitted)</a>					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					
<del>Animal</del>	<del>Dog Training—Indoor</del>	<del>P</del>		<del>P</del>		<del>P</del>		<del>P</del>					
<del>Animal</del>	<del>Dog Training—Outdoor Permitted</del>					<del>P</del>		<del>P</del>					
<del>Animal</del>	<del>Kennel—Boarding And Breeding</del>					<del>P</del>		<del>S</del>					
<del>Animal</del>	<del>Pet Grooming—Small Animals Only</del>	<del>P</del>	<del>P</del>	<del>P</del>	<del>P</del>	<del>P</del>	<del>P</del>	<del>P</del>	<del>P</del>	<del>P</del>	<del>P</del>	<del>P</del>	
Animal	Stockyard							S					
Animal	Veterinary Hospital - Large And Small Animal ( <del>Outside Runs, Pens And Paddocks Permitted</del> )					P		P					
<del>Animal</del>	<del>Veterinary Hospital—Large And Small Animal (No Outside Runs, Pens And Paddocks Permitted)</del>					<del>P</del>	<del>P</del>	<del>P</del>					
Animal	Veterinary Hospital - Small Animal ( <del>Outside Runs, Pens And Paddocks Permitted</del> )					P		P					
<del>Animal</del>	<del>Veterinary Hospital—Small Animals (No Outside Runs, Pens And Paddocks Permitted)</del>	<del>S</del>		<del>S</del>		<del>P</del>	<del>P</del>	<del>P</del>					
*****													
Auto Manufacturing	Auto Manufacturing Assembly Operations (< 5 acres <a href="#">in MI-1</a> )							P				P	
Auto Manufacturing	Electronic Component Manufacturing (< 5 acres <a href="#">in MI-1</a> )							P				P	
Auto Manufacturing	Metal Fabrication (< 5 acres <a href="#">in MI-1</a> )							P				P	
Auto Manufacturing	Plastics Manufacturing (< 5 acres <a href="#">in MI-1</a> )							P				P	
<del>Auto Manufacturing</del>	<del>Plating Manufacturing</del>											<del>P</del>	

	PERMITTED USE	UD Major Node	UD Minor Node	RD Major Node	RD Minor Node	FR Ag Commercial	VILLAGE CENTER FR / FR Minor Node	MI - 1	MI-1 Minor Node	VILLAGE CENTER - M1	MI - 2	MI-2 Minor Node	VILLAGE CENTER - M2
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 <a href="#">in MI-1</a> )							P			P		
****													
Dwelling	Dwelling - Attached Apartments/Condominiums With Maximum Density Of 6 Dwellings Per Gross Acre, <a href="#">see also 35-381</a> (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, <a href="#">see also 35-381</a> (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, <a href="#">see also 35-381</a> (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 / FR Minor Node	MI - 1	MI-1 Minor Node	VILLAGE CENTER - M1	MI - 2	MI-2 Minor Node	VILLAGE CENTER - M2
Dwelling	Dwelling - Attached Apartments/Condominiums With Maximum Density Of 50 Dwellings Per Gross Acre, <a href="#">see also 35-381</a> (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	<a href="#">Live-Work Units, subject to 35-381</a>	P	P										
*****													
Industrial	<a href="#">Construction Contractor Facility – screening required for outdoor storage from public ROWs and adjacent property (see also Service category, construction trades contractors)</a>							S			P		
*****													
Industrial	<a href="#">Water Well Drilling Contractor</a>							S			P		
*****													
Manufacturing	<del>Well Drilling Contractor</del>							S			P		
*****													
Retail	Appliance and Electronics – Retail ( <a href="#">Appliance Sales</a> Incidental To Other Onsite Retail Items in “UD and “RD”)	P		P						P			P
*****													
Retail	<a href="#">Computer and Software - Retail</a>	P	P	P	P				P	P		P	P
*****													
Retail	<del>Pet or Pet Supply Store Shop –Retail</del>	P	P	P	P				P	P		P	
*****													
Service	Construction Trades Contractors– screening required for outdoor storage from public ROWs and adjacent property (see also <a href="#">Industrial category, contractor facility use</a> )							P			P		

	PERMITTED USE	UD Major Node	UD Minor Node	RD Major Node	RD Minor Node	FR Ag Commercial	VILLAGE CENTER FR / FR Minor Node	MI - 1	MI-1 Minor Node	VILLAGE CENTER - M1	MI - 2	MI-2 Minor Node	VILLAGE CENTER - M2
*****													
<u>Service</u>	<u>Ice Machine (over 120 square feet)</u>	P		P			P	P		P			
*****													
<u>Service</u>	<u>Radio or Television Station Studio</u>	P		P		S	S	S			S		
*****													
<u>Utilities</u>	<u>Radio/Television Antenna, subject to §35-385(b)</u>	P	P	P	P	P	P	P	P	P	P	P	P
<u>Utilities</u>	<u>Radio/Television Antenna, unable to comply with §35-385(b)</u>	S	S	S	S	S	S	S	S	S	S	S	S
<u>Utilities</u>	<u>Radio or Television Station Without Transmission Tower</u>	P		P		S	S	S			S		

\*\*\*\*\*

**Amendment 3-3**

The intent of this amendment is to help make people aware of existing Neighborhood Conservation Districts and Corridor Districts that have been adopted by City Council.

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**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.

**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.](#)

**Amendment 3-4 (related to amendment 4-3)**

The intent of this amendment is to:

1. Increase the number areas eligible for IDZ designation
2. Clarify site plan requirements
3. Clarify standards for residential versus nonresidential infill
4. Provide cross references to other UDC provisions relative to infill development sites
5. To provide an IDZ urban design option that will allow a property owner to include the site and building design standards from a physical master plan, such as the MidTown Brackenridge Master plan, as part of the rezoning request.
6. Implement RID # 92, 93, 97 and 102 relative to setbacks, density allowance, MDP requirement and trees respectively.

**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.**

**C. Minor Amendments.** Any other revision to an "IDZ" site plan not described in subsection (2), 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 1,500 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.

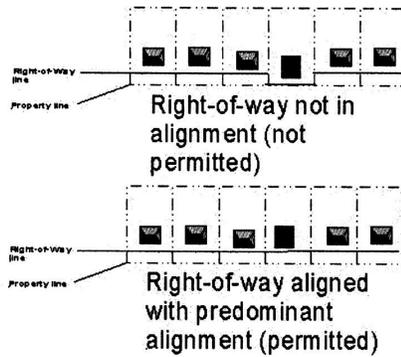


Figure 343-1

(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).

(f) **Stormwater Management.** Infill development shall comply with the stormwater management standards, section 35-504 of this chapter, except as otherwise provided herein. The stormwater management standards shall not apply to the following:

(1) The reuse of an existing building; or

**Public Works Recommendation (retain current code provision):**

(2) *The development of an existing parcel or lot of less than ten thousand (10,000) square feet.*

**TAC Recommendation (amend):**

(2) *The development of an existing parcel or lot of less than ~~ten~~ twenty thousand ~~(10,000)~~ (20,000) square feet.*

The stormwater management standards shall apply to all other infill development not listed above. [Low Impact Development \(LID\) measures are authorized by §35-504 and may be used to meet landscaping and tree ordinance requirements.](#)

(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.

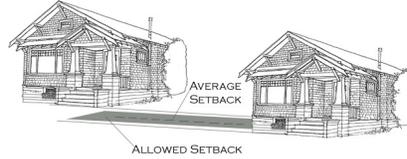
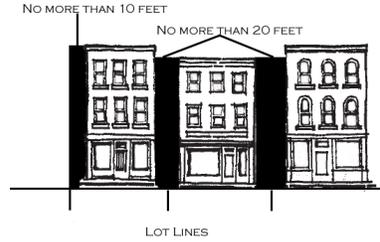
**(m) Urban Design.**

**(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.**

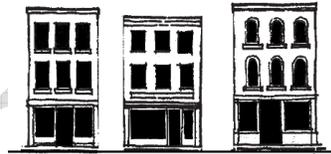
A narrow side setback (not exceeding 10 feet) shall be provided between building facades facing the street public right-of-way in order to frame the structure and to provide spacing and rhythm between the structures.

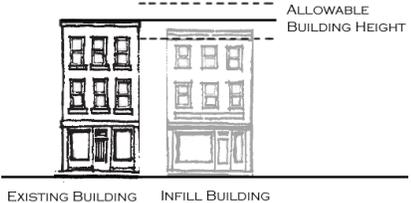
The side setback provisions of this section shall not apply to Single-Family Detached Dwellings or lots abutting a Single-Family Detached Dwelling.



**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.

\* \* \* \* \*

**Amendment 3-5**

The intent of this amendment is to eliminate the requirement that the location and dimension of all lots be shown on the MDPP. Typical diagrams for each category of proposed functions must still be provided.

**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.

**Amendment 3-6**

Clarification of existing Code Enforcement interpretation that accessory structures in residential areas may not be constructed in the front yard area.

**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.

**Amendment 3-7 (related to Amendment 3-2)**  
 The intent of this amendment is to implement RID 90 relative to live-work units and to interpret the mixed use ratios in the code.

**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	> Where permitted by the Use Matrix > In any PUD, MPCD, <del>or</del> "MXD", <u>or</u> D district > In any TND, "TOD" or Commercial Retrofit use Pattern > 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>	> Where permitted by the Use Matrix > In any PUD, MPCD, <del>or</del> "MXD", <u>or</u> D district > In any TND, "TOD" or Commercial Retrofit Use Pattern > 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>
Types of Land Uses Allowed	Residential, Retail, Office, Industrial	Residential, Retail, Office
Permitted Density or Intensity	No density restrictions apply.	See subsection (b), below. The

	<a href="#">except as provided in subsection (b)</a> . The building is subject to the setback and dimensional requirements of the Dimensional Matrix, <a href="#">table 310-1</a> .	building is subject to the setback and dimensional requirements of the Dimensional Matrix, <a href="#">table 310-1</a> .
Distribution of Uses	By floor (see below)	By floor (see below)
• uses permitted on first floor	Retail, Office, Industrial	Commercial or Office only. <a href="#">Residential may be permitted when shared with common commercial or office space in accordance with the International Building Code</a> .
• 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)	<a href="#">Ratio of Residential Floor Space to Nonresidential Floor Space (square footage)</a>	Zoning Districts
6	<a href="#">1:1</a>	<a href="#">NC</a> , C-1, C-2, <del>C-3</del> , D, <a href="#">UD</a> , ERZD
10	<a href="#">1:1</a>	C-2, <del>C-3</del> , D, <a href="#">UD</a> , ERZD
20	<a href="#">2:1</a>	<del>C-3</del> , D, <a href="#">UD</a> , ERZD
50	<a href="#">4:1</a>	D, <a href="#">UD</a> – major node only, ERZD

\*\*\*\*\*

**Amendment 3-8 (related to amendments 2-12 and 2-46)**

The intent of this amendment is to allow temporary event parking in nonresidential locations and locations with unique zoning districts, such as FBZD, which may not normally permit parking lots.

**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.

\* \* \* \* \*

**Amendment 4-1 (related to amendment 4-4)**

The intent of this amendment is codify Information Bulletin #544 (dated April 9, 2012) allowing administrative approval of minor changes to site plans required by “CD”, “S”, “IDZ” and other zoning districts with site plan requirements. The second part of this amendment clarifies the zoning range requiring renotification.

**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.

**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.*

\*\*\*\*\*

**Amendment 4-2**

The intent of this amendment is to clarify existing business practice of notification relative to zoning and PUD plan cases. Notice is not sent for Master Development Plan cases.

**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.

\*\*\*\*\*

**Amendment 4-3 (related to amendment 3-4)**

The intent of this amendment is to: 1) resume previous business practices allowing use of conditional uses or specific use authorization where the base zoning does not allow the use and 2) Clarify the process for allowing Conditional Uses in the IDZ district.

**35-422. - Conditional Zoning.**

**(e) 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, <a href="#">O-1.5</a> , 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
<a href="#">O-1, NC, C-1</a>	<a href="#">Any IDZ district with frontage on a Local Street</a>
<a href="#">O-1, O-1.5, O-2, NC, C-1, C-2, C-3, L, I-1</a>	<a href="#">Any IDZ district with frontage on a Collector Street or higher classification street.</a>

\* \* \* \* \*

**Amendment 4-4 (related to Amendment 4-1)**

The intent of this amendment is 1). to codify the process established in Information Bulletin #544 for administrative approvals of minor changes to “CD” and “S” site plans and to clarify inconsistent language in 35-423 relative to processing specific use authorization requests 2). To clean up section 35-423 so that terminology is used that is consistent with other UDC provisions

**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 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.

\* \* \* \* \*

**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;

~~b. 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 (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.

\* \* \* \* \*

**Amendment 4-5 (related to amendment B-1)**

The intent of this amendment is to offer a cashiers check alternative to the performance agreement required for subdivision infrastructure improvements.

**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.

**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 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.

**Amendment 4-6**

The intent of this amendment is to clarify thresholds for requiring a variance from the Zoning Board of Adjustment

**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.](#)

**Amendment 5-0**

The intent of this amendment is to incentivize preservation of historic landmarks in the CRAG area where dedication of new parkland is impractical.

**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).

**Amendment 5-1**

The intent of this amendment is to clarify standards for stormwater management.

**35-504 Stormwater Management.**

**(c) Method of Computing Runoff**

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

<a href="#">Time</a>	<a href="#">Frequency</a>						
<a href="#">Minutes</a>	<a href="#">2-Year</a>	<a href="#">5-Year</a>	<a href="#">10-Year</a>	<a href="#">25-Year</a>	<a href="#">50-Year</a>	<a href="#">100-Year</a>	<a href="#">500-Year</a>
<a href="#">5</a>	<a href="#">7.2</a>	<a href="#">8.4</a>	<a href="#">9.413</a>	<a href="#">11.1</a>	<a href="#">12.432</a>	<a href="#">13.542</a>	<a href="#">18.204</a>
<a href="#">6</a>	<a href="#">6.684</a>	<a href="#">7.836</a>	<a href="#">8.83</a>	<a href="#">10.331</a>	<a href="#">11.648</a>	<a href="#">12.877</a>	<a href="#">17.258</a>
<a href="#">7</a>	<a href="#">6.277</a>	<a href="#">7.381</a>	<a href="#">8.365</a>	<a href="#">9.722</a>	<a href="#">11.025</a>	<a href="#">12.341</a>	<a href="#">16.497</a>
<a href="#">8</a>	<a href="#">5.944</a>	<a href="#">7.009</a>	<a href="#">7.982</a>	<a href="#">9.224</a>	<a href="#">10.512</a>	<a href="#">11.894</a>	<a href="#">15.864</a>
<a href="#">9</a>	<a href="#">5.666</a>	<a href="#">6.696</a>	<a href="#">7.658</a>	<a href="#">8.806</a>	<a href="#">10.079</a>	<a href="#">11.514</a>	<a href="#">15.327</a>
<a href="#">10</a>	<a href="#">5.427</a>	<a href="#">6.427</a>	<a href="#">7.38</a>	<a href="#">8.447</a>	<a href="#">9.707</a>	<a href="#">11.184</a>	<a href="#">14.862</a>
<a href="#">11</a>	<a href="#">5.22</a>	<a href="#">6.194</a>	<a href="#">7.137</a>	<a href="#">8.136</a>	<a href="#">9.382</a>	<a href="#">10.893</a>	<a href="#">14.453</a>
<a href="#">12</a>	<a href="#">5.038</a>	<a href="#">5.988</a>	<a href="#">6.923</a>	<a href="#">7.862</a>	<a href="#">9.095</a>	<a href="#">10.635</a>	<a href="#">14.09</a>

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
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

<a href="#">120</a>	<a href="#">1.285</a>	<a href="#">1.555</a>	<a href="#">1.775</a>	<a href="#">2.175</a>	<a href="#">2.55</a>	<a href="#">2.9</a>	<a href="#">4.05</a>
<a href="#">180</a>	<a href="#">0.933</a>	<a href="#">1.14</a>	<a href="#">1.317</a>	<a href="#">1.633</a>	<a href="#">1.9</a>	<a href="#">2.2</a>	<a href="#">3.133</a>
<a href="#">360</a>	<a href="#">0.552</a>	<a href="#">0.668</a>	<a href="#">0.767</a>	<a href="#">0.95</a>	<a href="#">1.083</a>	<a href="#">1.25</a>	<a href="#">1.767</a>
<a href="#">720</a>	<a href="#">0.315</a>	<a href="#">0.383</a>	<a href="#">0.45</a>	<a href="#">0.533</a>	<a href="#">0.625</a>	<a href="#">0.733</a>	<a href="#">1.033</a>
<a href="#">1440</a>	<a href="#">0.185</a>	<a href="#">0.223</a>	<a href="#">0.25</a>	<a href="#">0.313</a>	<a href="#">0.375</a>	<a href="#">0.417</a>	<a href="#">0.571</a>

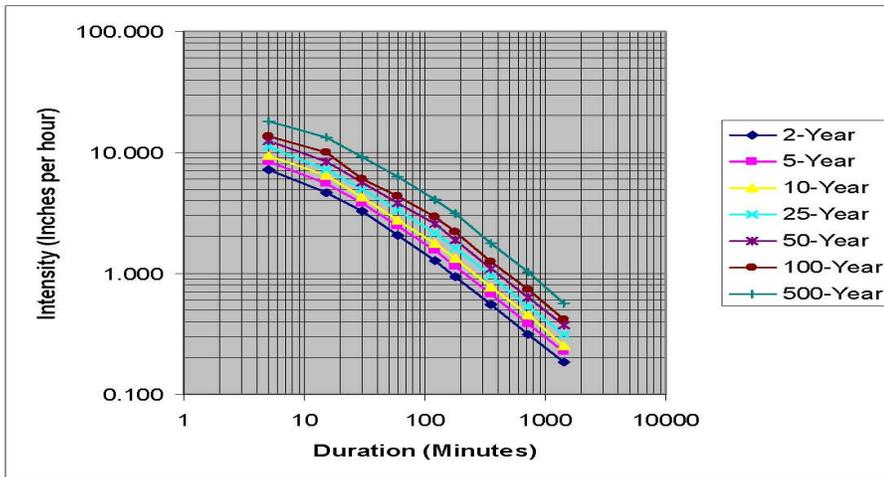


Figure 1. Rainfall Intensities plotted against Duration on Log-Log scale.

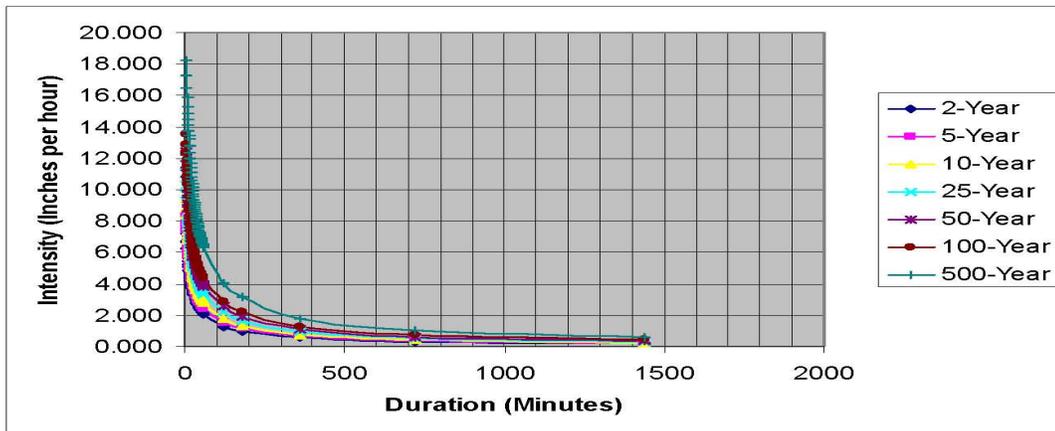


Figure 2. IDF Curves for Bexar County

[Figure 504-1](#)

TIME	FREQUENCY	3.24	3.68	4.37	4.88	5.40	6.69
MINUTES	2-YEAR	5-YEAR	10-YEAR	25-YEAR	50-YEAR	100-YEAR	500-YEAR
41	2.08	2.00	2.87	2.99	4.789	5.1292	6.355
42	2.40	3.02	2.53	2.47	4.069	5.1193	6.3454
43	2.35	3.06	2.27	2.38	4.0631	5.1125	6.2373
44	2.22	2.97	3.43	2.08	2.93	5.0379	6.2202
45	2.00	2.92	3.88	2.02	2.50	4.0244	6.2230
46	2.29	2.88	3.33	2.98	2.23	4.0330	6.1198
47	2.22	2.88	3.27	2.92	2.48	2.88	6.1066
48	2.40	2.88	2.93	3.87	2.88	2.87	5.1994
49	2.26	2.08	2.70	3.89	2.27	2.78	5.1921
50	2.04	2.88	2.48	3.78	2.20	2.88	5.0858
51	2.88	2.89	2.23	3.74	2.89	2.63	5.0785
52	2.02	2.52	2.08	2.98	2.63	2.88	5.0702
53	2.08	2.85	2.87	2.76	2.30	2.58	2.68
54	2.05	2.69	2.02	2.52	2.08	2.88	2.58
55	2.02	2.84	2.86	2.58	2.02	2.68	2.88
56	2.02	2.94	2.98	2.85	2.88	2.83	2.89
57	2.02	2.87	2.96	2.52	2.94	2.32	2.78
58	2.03	2.35	2.97	2.08	2.88	2.33	2.82
59	2.00	2.56	2.92	2.96	2.88	2.20	2.82
60	2.88	2.58	2.08	2.88	2.88	2.09	2.20
220	3.78	4.88	4.99	2.77	2.58	2.98	2.38
220	0.88	4.39	4.40	2.68	4.28	2.88	2.88
240	0.30	0.90	4.82	2.59	4.58	4.88	2.98
260	0.51	0.72	0.83	2.98	4.09	4.68	2.84
280	0.28	0.34	0.45	2.85	2.88	2.58	0.84
2640	0.355	0.227	0.273	2.324	2.946	2.493	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

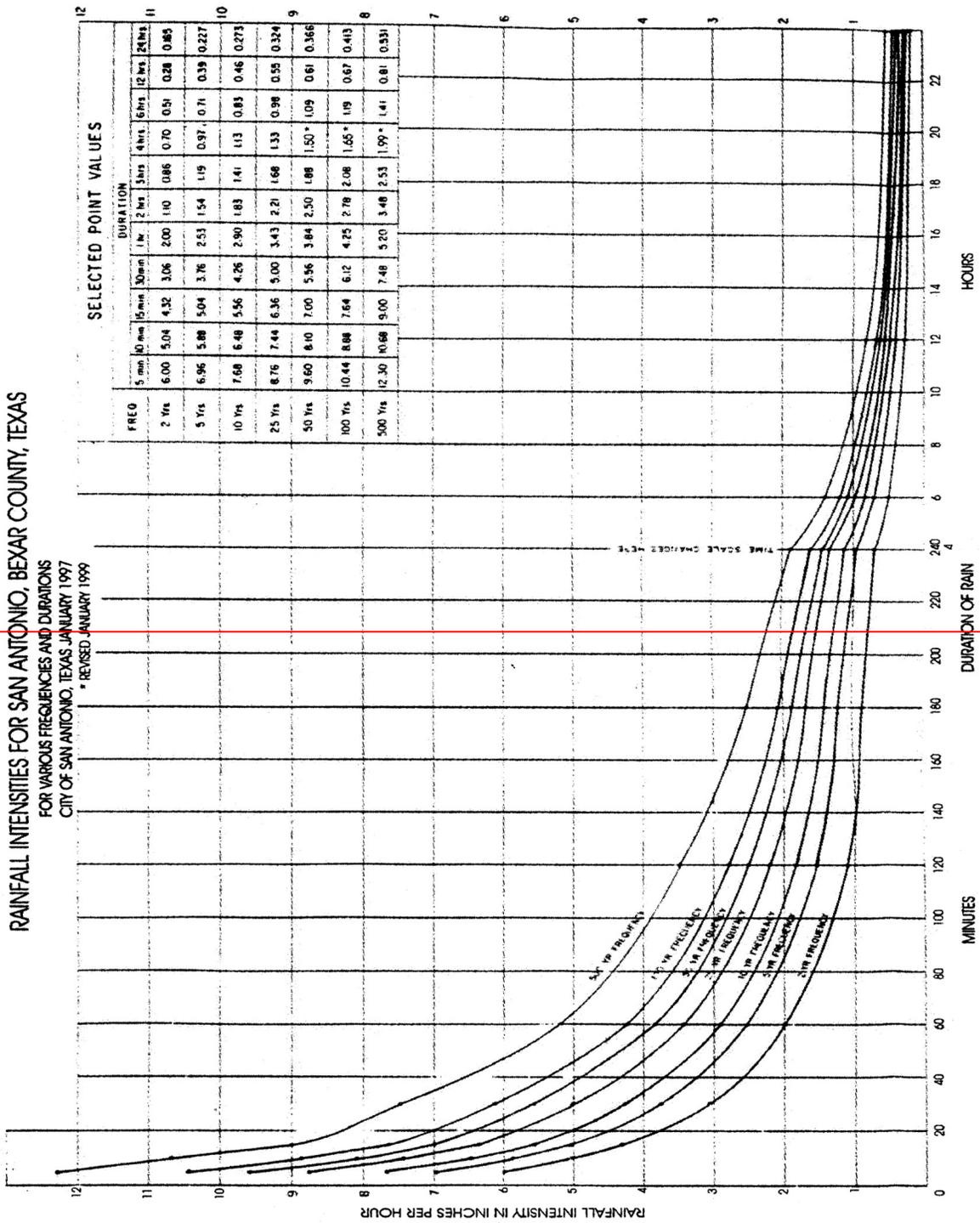


Figure 504-1

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

\* \* \* \* \*

**Public Works Department recommendation (amend Code):**

**(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 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.

**TAC recommendation (retain current Code):**

**(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 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.

**(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.

**Public Works Department recommendation (amend Code to remove use of Bermuda grass):**

**(3) Maintenance.** Design of new channels or alterations to existing channels shall consider future maintenance requirements. A maintenance schedule for any private channel shall be submitted to and approved by the director of public works prior to approval of construction plans. Maintenance requirements of concrete channels consist of de-silting activities, prevention of vegetation establishment in construction joints, and repair of concrete as necessary. Maintenance of earthen channels includes regular observation and repair, as necessary, of erosion, scouring, and removal of silt deposits, as necessary to maintain design parameters. Developers shall be responsible for maintaining newly planted channels until coverage is established throughout eighty-five (85) percent of the area. This area shall include slopes, floor, and any attendant maintenance easement. New earthen channels shall be planted with drought resistant, low growth (growth height no higher than 24 inches), native species grasses, which will allow unobstructed passage of floodwaters. Johnson grass, giant tagweed and other invasive species shall not be allowed to promulgate in channels. Suggested species shall include, but not be limited to, ~~common bermuda, coastal bermuda~~, buffalo grass, ~~sideoats grama~~, hairy grama, Texas wintergrass, whetgrass, blue grama, prairie wildrye, ~~seep muhly~~, little bluestem, and ~~indian grass~~. For full list of native seed mix refer to CIMS Standard Specifications. Mowing frequencies vary with the vegetation growth rates, but is required when the grass exceeds the design roughness coefficient of the channel.

**TAC recommendation (retain current Code allowance for Bermuda grass):**

**(3) Maintenance.** Design of new channels or alterations to existing channels shall consider future maintenance requirements. A maintenance schedule for any private channel shall be submitted to and approved by the director of public works prior to approval of construction plans. Maintenance requirements of concrete channels consist of de-silting activities, prevention of vegetation establishment in construction joints, and repair of concrete as necessary. Maintenance of earthen channels includes regular observation and repair, as necessary, of erosion, scouring, and removal of silt deposits, as necessary to maintain design parameters. Developers shall be responsible for maintaining newly planted channels until coverage is established throughout eighty-five (85) percent of the area. This area shall include slopes, floor, and any attendant maintenance easement. New earthen channels shall be planted with drought resistant, low growth (growth height no higher than 24 inches), native species grasses, which will allow unobstructed passage of floodwaters. Johnson grass, giant tagweed and other invasive species shall not be allowed to promulgate in channels. Suggested species shall include, but not be limited to, common bermuda, coastal bermuda, buffalo grass, ~~sideoats grama~~, hairy grama, Texas wintergrass, whetgrass, blue grama, prairie wildrye, ~~seep muhly~~, and little bluestem, ~~and indian grass~~. For full list of native seed mix refer to CIMS Standard Specifications. Mowing frequencies vary with the vegetation growth rates, but is required when the grass exceeds the design roughness coefficient of the channel.

**Amendment 5-2**

The intent of this amendment is implement RID 99 relative to parking lot construction and to clarify the thresholds for triggering buffer yard and landscaping requirements and to clarify alternatives available to reduce the buffer yard requirements.

**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.

L. 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 bufferyard 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.](#)

\* \* \* \* \*

**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.

\* \* \* \* \*

**Amendment 5-3**

The intent of this amendment is to clarify sport court fencing in accordance with the Building Code and to allow large lot single family to have 6 foot fences to reduce the number of cases requiring hearings before the Board of Adjustment.

**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" <a href="#">combined or</a> predominantly open fence Except as provided by (b)(2)	6'0"	6'0"
Multi-Family Use (see also subsection <a href="#">35-514</a> (f) below)	3'0" solid fence 4'0" <a href="#">combined or</a> predominantly open fence	6'0"	6'0"
Commercial & Office Use	3'0" solid fence 4'0" <a href="#">combined or</a> predominantly open 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)	<a href="#">3'0" solid fence</a> 6'0" <a href="#">combined or</a> <a href="#">predominantly open</a> (see also subsection <a href="#">35-514</a> (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.

\*\*\*\*\*

**Amendment 5-4 (related to amendment 3-1)**

The intent of this amendment is to clarify the "wedding cake" provision of the code allowing additional height based on setback. This provision was never intended for use within single family zoning districts and is in conflict with the 2 ½ story height limit in single family districts (see amendment 3-1).

**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.

\*\*\*\*\*

**Amendment 5-5**

The intent of this amendment is to implement RID 95 relative to trees in RIO-2 and -3.

**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.

\* \* \* \* \*

**Amendment 5-6**

The intent of this amendment is to clarify that cluster parking may be used for 2-family, 3-family and 4-family dwellings. Currently the UDC allows it for single family and multi-family but not for the in between densities of 2, 3 or 4 family dwellings.

**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

**Amendment 5-7**

The intent of this amendment is to implement RID 100 relative to take out parking. RID 100 proposed a 12 seat limit for take out food, the Infill Task Force has recommended 15 occupants based on the Plumbing Code threshold of 16 occupants requiring separate mens/womens bathrooms.

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

	<i>Permitted Use</i>	<i>Minimum Vehicle Spaces</i>	<i>Maximum Vehicle Spaces</i>
<b>Service</b>	<del>Delicatessen</del>	<del>1 per 300 sf GFA</del>	<del>1 per 200 sf GFA</del>
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
<u>Service</u>	<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>

\* \* \* \* \*

**Amendment 8-1 (Related to Amendment 2-1)**

The intent of this amendment is to add the form based code special exception to the list of authorized special exceptions.

**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.

\* \* \* \* \*

**Amendment A-1 (related to amendments 3-2, 3-4, 5-7)**

The intent of this amendment is to implement definitions to support the other code changes in this document.

**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 in this definition.~~

**Habitable use.** See Inhabitable use.

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

**Kennel.** ~~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.

\* \* \* \* \*

**Amendment B-1 (related to amendment 4-5)**

The intent of this amendment is to implement definitions to support the other code changes in this document.

**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: \_\_\_\_\_

State of Texas §

§

County of Bexar §

Before me, the undersigned authority, a notary public for the State of Texas, on this day personally appeared \_\_\_\_\_, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledge to me that he executed the same for the purpose and consideration therein expressed.

Given under my hand and seal of office, this the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
Notary Public in and for the State of Texas

\* \* \* \* \*

**(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.

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

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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 preliminary field approval of the Site Improvements, whichever is later in time (“Warranty Period”).

If the City determines that the Site Improvements need maintenance or repair to conform with the Applicable Requirements within the Warranty Period, City shall notify Subdivider at the Address specifying such required repairs and provide the City’s estimate of the cost of such required maintenance or repairs. If Subdivider fails to commence such repairs within thirty (30) days after receipt of such notice or fails to diligently pursue and complete such repairs, City may make or provide for the maintenance or repairs and recover the cost from the Deposit Amount. City may make multiple draws until all necessary maintenance or repairs are completed or until it has drawn the full Deposit Amount. If the Deposit Amount has not been fully spent, City must refund the unspent portion of the Deposit Amount to Subdivider at the completion of the Warranty Period within thirty days.

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 Warranty Deposit not covered by this document but no such agreement may contradict this Cash Warranty Deposit 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 Warranty Deposit.



## **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.

\*\*\*\*

**Amendment D-1**

The purpose of this amendment is to allow duplexes in properties that were zoned "B" in the 1938 zoning ordinance that are built to the setback and lot dimensions permitted in the 1938 zoning in accordance with Section 35-3611 of the 1987 UDC.

**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.

**P/C AGENDA FOR SEPTEMBER 26, 2012**

Item Number	Item Name	Company	Owner Information	Agent Information
5A & 6	Mount Calvary Lutheran Church	Mount Calvary Lutheran Church	Thomas E. Pulliam	
7	Tausch Farms	Continental Homes of Texas, LLC	Stephen Walkup	
8	SP 1663	Capital Improvements Management Serv		
10	SP 1617	Public Works Department		
11	Rock Creek NWWC/Outfall	Bexar County Public Works Department		
12	PA 12057	Planning and Community Development		
13	PA 12059	Planning and Community Development		
14	PA 12069	Planning and Community Development		
15	PA 12073	Planning and Community Development		
16	PA 12074	Planning and Community Development		