

CITY OF SAN ANTONIO

Zoning Commission Agenda

Cliff Morton Development and Business Services Center
1901 S. Alamo Street
Board Room

Tuesday, September 4, 2012

12:45 PM

ZONING COMMISSIONERS

Mariana Ornelas – District 1

Dan Martinez – District 2

Terry Boyd – District 3

Orlando Salazar – District 4

Rachel Flores – District 5

Christopher Martinez – District 6

Santos Villarreal – District 7

Rick McNealy – District 9

Milton R. McFarland – District 10

Brenna Nava – District Mayor

Billy J. Tiller – District 8

Chairman

1. **12:45 PM** - Work Session - discussion of policies and administrative procedures, and any items for consideration on the agenda for September 4, 2012.
2. **1:00 P.M.** Board Room– Call to Order.
3. Roll Call.
4. Pledge of Allegiance.
5. Approval of the August 21, 2012 Zoning Commission Minutes.
6. **ZONING CASE NUMBER Z2012165 HL (Council District 2):** A request for a change in zoning from “RM-4 AHOD” Residential Mixed Airport Hazard Overlay District to “HL RM-4 AHOD” Historic Landmark Residential Mixed Airport Hazard Overlay District on Lot 9, Block 2, NCB 1411, 711 South Palmetto (also known as 719 South Palmetto).
7. **ZONING CASE NUMBER Z2012172 CD (Council District 9):** A request for a change in zoning from “R-4 NCD-6” Residential Single-Family Mahncke Park Neighborhood Conservation District to “R-4 CD NCD-6” Residential Single-Family Mahncke Park Neighborhood Conservation District with a Conditional Use for a Non-Commercial Parking Lot on Lots 27, 28, 29 and 30, Block 3, NCB 6229, 149 and 153 Perry Court and 152 and 156 Burr Road.
8. **ZONING CASE NUMBER Z2012176 S (Council District 3):** A request for a change in zoning from “C-3 AHOD” General Commercial Airport Hazard Overlay District to “C-3 S AHOD” General Commercial Airport Hazard Overlay District with a Specific Use Authorization for a Specified Financial Institution on 0.291 of an acre out of Lots 17 and 18, Block 40, NCB 8666, 835 Southeast Military Drive.
9. **ZONING CASE NUMBER Z2012175 (Council District 3):** A request for a change in zoning from “R-4 AHOD” Residential Single-Family Airport Hazard Overlay District to “MF-33 AHOD” Multi-Family Airport Hazard Overlay District on 12.250 acres out of Parcel 104, NCB 10934 on a portion of 6402 South New Braunfels Avenue.

10. **ZONING CASE NUMBER Z2012183 (Council District 1):** A request for a change in zoning from “H MF-33 AHOD” Multi-Family Olmos Park Terrace Historic Airport Hazard Overlay District to “H NC AHOD” Neighborhood Commercial Olmos Park Terrace Historic Airport Hazard Overlay District on Lots 105, 106 and the east 20.5 feet of Lot 107, Block 2, NCB 9004, 297 Lovera Boulevard.
11. **ZONING CASE NUMBER Z2012184 (Council District 5):** A request for a change in zoning from “H O-2 MC-1 RIO-4 AHOD” High Rise Office Mission Historic Roosevelt Avenue Metropolitan Corridor Overlay River Improvement Overlay-4 Airport Hazard Overlay District to “H C-2 MC-1 RIO-4 AHOD” Commercial Mission Historic Roosevelt Avenue Metropolitan Corridor Overlay River Improvement Overlay-4 Airport Hazard Overlay District on 1.389 acres out of NCB A19 and NCB A20, 311 Roosevelt Avenue.
12. **ZONING CASE NUMBER Z2012185 (Council District 5):** A request for a change in zoning from “I-2 AHOD” Heavy Industrial Airport Hazard Overlay District to “RM-4 AHOD” Residential Mixed Airport Hazard Overlay District on the west 164.45 feet of Lot 23, Block 2, NCB 2182, 807 North San Marcos.
13. **ZONING CASE NUMBER Z2012188 (Council District 1):** A request for a change in zoning from “I-1 RIO-2 AHOD” General Industrial River Improvement Overlay-2 Airport Hazard Overlay District to “IDZ RIO-2 AHOD” Infill Development Zone River Improvement Overlay-2 Airport Hazard Overlay District with uses allowed in “C-2” Commercial District, coffee roasting, microbrewery, alcohol distillery, ice cream and candy manufacturing, commercial gymnasium, bar and nightclub uses on Lot 1 and the south 3.5 feet of Lot 2, Block 20, NCB 977, 1900 Broadway.
14. **ZONING CASE NUMBER Z2012189 (Council District 4):** A request for a change in zoning from “R-6 AHOD” Residential Single-Family Airport Hazard Overlay District to “O-1.5 AHOD” Mid-Rise Office Airport Hazard Overlay District on Lot 11, Block 9, NCB 15507, 426 Altitude Drive.
15. **ZONING CASE NUMBER Z2012190 (Council District 1):** A request for a change in zoning from “C-3 RIO-2 AHOD” General Commercial River Improvement Overlay-2 Airport Hazard Overlay District to “IDZ RIO-2 AHOD” Infill Development Zone River Improvement Overlay-2 Airport Hazard Overlay District with uses permitted in “C-2” Commercial District and a bar on Lot 5, Block B, NCB 7007, 103 West Grayson Street.
16. Briefing on proposed amendments to the Unified Development Code resulting from the Infill Task Force.
17. Consideration of amendments to the Unified Development Code relating to the regulation of Salvage Yards and Metal Recycling Entities.
18. Consideration of the Zoning Commission's combined agenda policy.
19. **Executive Session:** consultation on attorney-client matters (real estate, litigation, personnel and security matters) as well as any of the above agenda items may be discussed.
20. **ADJOURNMENT.**

Accessibility Statement

This meeting is wheelchair accessible. Accessible entrances are located at the front and side of the building at 1901 South Alamo Street. Accessible parking spaces are located at the front and rear of the building. **Auxiliary Aids and Services are available upon request (Interpreters for the Deaf must be requested forty-eight [48] hours prior to the meeting).** For Assistance, Call (210) 207-7245 Voice/TTY.



Zoning Case Notification Plan

Case Z-2012-165 HL

Council District 2
 Scale: 1" approx. = 100 Feet
 Subject Property Legal Description(s): NCB 1411 BLK 2 LOT 9

Legend

- Subject Properties (Red solid line) (0.1531 Acres)
- 200' Notification Area (Red dashed line)
- Current Zoning (Blue text)
- Requested Zoning Change (Red text)
- 100-Year DFIRM Floodplain (Blue hatched area)
- Single Family Residential (1R)



Development Services Dept
 City of San Antonio
 (07/06/2012 - R Martinez)

Note: All Current and Requested Zoning includes AHOD (Airport Hazard Overlay District).



City of San Antonio Development Services Department Staff Report

To: Zoning Commission
Zoning Case #: Z2012165 HL
Hearing Date: September 4, 2012
Property Owner: Eugene F. Durham, Jr.
Applicant: City of San Antonio Office of Historic Preservation
Representative: City of San Antonio Office of Historic Preservation
Location: 711 South Palmetto (also known as 719 South Palmetto)
Legal Description: Lot 9, Block 2, NCB 1411
Total Acreage: 0.1531
City Council District: 2
Case Manager: Brenda V. Martinez, Planner
Case History: This is the first public hearing for this zoning case.

Proposed Zoning Change

Current Zoning: "RM-4 AHOD" Residential Mixed Airport Hazard Overlay District

Requested Zoning: "HL RM-4 AHOD" Historic Landmark Residential Mixed Airport Hazard Overlay District

Procedural Requirements

The request was publicly noticed in accordance with Section 403 of the Unified Development Code (UDC). The application was published in The Daily Commercial Recorder, an official newspaper of general circulation on August 17, 2012. Notices were sent to property owners and registered neighborhood associations within two hundred (200) feet of the subject property on August 22, 2012. Additionally, notice of this meeting was posted at city hall and on the city's internet website on August 31, 2012, in accordance with Section 551.043(a) of the Texas Government Code.

Notices Mailed

Owners of Property within 200 feet: 36

Neighborhood Associations: Denver Heights Neighborhood Association

Planning Team Members: 34 (Arena District/Eastside Community Plan)

Applicable Agencies: Historic Preservation Office

Property Details

Property History: The subject property is currently developed with a residential structure measuring 1,628 square feet. According to the Bexar County Appraisal District and research provided by the City's Office of Historic Preservation, original construction occurred some time between 1910 and 1919.

The property is located within the City Limits as they were recognized in 1938, and was originally zoned under the 1938 zoning classification. In 1993 City-initiated large area case, the property was rezoned to "R-2" Two Family Residence District. Upon adoption of the of the 2001 Unified Development Code, the previous base zoning district converted to the current "RM-4" Residential Mixed District.

Topography: The property does not include any abnormal physical features such as significant slope or inclusion in a flood plain.

Adjacent Zoning and Land Uses

Direction: North, South, East and West

Current Base Zoning: RM-4

Current Land Uses: Single-Family Residences, Vacant Land and Pittman Park

Overlay and Special District Information: All surrounding properties carry the "AHOD" Airport Hazard Overlay District, due to their proximity to an airport or approach path. The "AHOD" does not restrict permitted uses, but can require additional review of construction plans by both the Development Services Department and the Federal Aviation Administration.

Transportation

Thoroughfare: South Palmetto

Existing Character: Local Street; 1 lane in each direction

Proposed Changes: None known.

Thoroughfare: Fredonia

Existing Character: Local Street; 1 lane in each direction

Proposed Changes: None known.

Public Transit: The nearest VIA buslines are the number 26 line and 225 line which operate along South Palmetto and Iowa Street.

Traffic Impact: A Traffic Impact Analysis is not required.

Parking Information: Single Family Residence – Minimum vehicle spaces: 1 per unit.

Staff Analysis and Recommendation: Approval

Criteria for Review: According to Section 35-421, zoning amendments shall be based on the approval criteria below.

1. Consistency:

The subject property is located within the Arena District/Eastside Community Plan, and is currently designated as Medium Density Residential. The zoning request does not include a change to the existing base zoning district; therefore, a finding of consistency is not required.

2. Adverse Impacts on Neighboring Lands:

Historic landmark designation will not affect the range of permitted uses of the subject property, because potential uses are determined by the property's base zoning district. However, historic designation will regulate the exterior aesthetic of the structure. If the designation is approved, all construction plans must be submitted to and approved by the Historic and Design Review Commission prior to issuing of building permits. The purpose of the requested zoning change is to protect and preserve the structure and make the property eligible for tax incentives for rehabilitation.

3. Suitability as Presently Zoned:

There is no proposed change to the existing "RM-4" base zoning district. Approval of the "HL" designation will require an additional review process for future exterior rehabilitation.

4. Health, Safety and Welfare:

During staff's site visit, the property appeared to be dilapidated. The City of San Antonio Development Services Department, Code Enforcement Division has issued citations on the property in 2011 and 2012. A case was initiated and brought forth to the Building Standards Board on April 5, 2012 after a number of attempts to make contact with the property owner were unsuccessful. The Dangerous Premises Code Enforcement staff recommended that the main structure be repaired (due to its historic significance) and the accessory structure be demolished. The case was continued for 45 days. On June 7, 2012, the case was continued again to allow the property owner more time to apply for a Historic Landmark designation as well as provide the BSB with the scope of work and proof of financial means. On August 8, 2012, City Council approved a resolution to initiate a zoning change to designate the subject property as a historic landmark. On August 16, 2012, the Building Standards Board recommended demolition of the main structure as well as the accessory structure. The property owner intends to appeal the BSB decision.

5. Public Policy:

The subject property and the proposed development meet the criteria of the Inner City Reinvestment Infill Policy (ICRIP). This policy provides development fee waivers to applicants and grant funded reimbursement for city departments, in an effort to encourage redevelopment of under-utilized urban properties.

6. Size of Tract:

The subject property is 0.1531, which is large enough to accommodate the existing single-family use.

7. Other Factors:

On June 15, 2011, the Historic and Design Review Commission issued a Certificate of Appropriateness identifying the property as historically significant based on criteria listed in Section 35-607 of the Unified Development Code. The three criteria identified as being applicable to the subject property are specified in the attached Statement of Significance.

The subject property owner supports the Historic Landmark designation.

719 S. Palmetto
Statement of Significance

The property at 719 S. Palmetto is a two-story, hipped roof residence with a two-story rear el. It is located in the Denver Heights neighborhood and in proximity to the Knob Hill Local Historic District on the City's near east side. The house is clad in wood siding with an asphalt shingle roof and no visible chimney. Windows are original 2/2 wood sash. The façade is symmetrical with a central front door flanked by a window on either side on both the first and second floor. The upper level central door features a small gabled roof projection. The two-story front porch is a modern replacement. A small, one-story garage of board and batten cladding is located in the side yard but is in poor condition.

The house first appears on a 1912 Sanborn Map (address of 701A Palmetto), with an original one-story full front porch. A small one-story stable with a full front porch was located in the side yard. On the 1951 Sanborn, the stable outbuilding with porch remains on the property and a small rear addition has been added to the main structure. The existing garage/outbuilding currently located in the side yard appears to be a slightly later replacement.

City directory, census records, and deed research indicate that the property was constructed in 1910 when Wm. E. Mahavier and wife Willie Mae executed a promissory note to Hillyer-Deutsch-Jarratt Company for \$600 for lumber, building materials and labor in the construction and improvement of the homestead. Other members of the Mahavier family lived in a home one lot north on Palmetto, including Joseph Mahavier who was a carpenter. City directories continue to list W.E. and Willie Mahavier as residents through at least 1915, and by 1924 the property was vacant. By 1929-30 the property was occupied by Rev. John Brooks and changed hands again in the early 1940s. Edwin H. Durham, owner of Durham's Pharmacy at 2806 Nebraska, resided in the property in 1951. The current owner is Eugene F. Durham, and the property has been in the Durham family for at least the past 55 years.

The current owner and his son, acting as representative, would like to see the property preserved. The Denver Heights Neighborhood Association is also interested in the property being retained. Despite the replacement of the front porch, the property appears largely unaltered and has retained much of its historic integrity. It is one of the few two-story structures within the neighborhood. As an early 20th century residence, the property meets the following criteria for landmark designation:

- Its embodiment of distinguishing characteristics of an architectural style valuable for the study of a period, type, or method of construction [35-607(b)5]: one of the few two-story, central-hall style residences within the neighborhood;
- Its historical and architectural integrity of location, design, materials, and workmanship [35-607(b)8]: retention of original 2/2 wood windows, wood siding, and original footprint;
- It is an important example of a particular architectural type or specimen [35-607(b)12]: a two-story vernacular example of an early 20th century residence that has retained integrity and was part of the early development of the Denver Heights neighborhood.



CITY OF SAN ANTONIO

HISTORIC AND DESIGN REVIEW COMMISSION CERTIFICATE OF APPROPRIATENESS

June 15, 2011

HDRC CASE NO: 2011-101

ADDRESS: 719 S Palmetto

LEGAL DESCRIPTION: NCB 1411 BLK 2 LOT 9

APPLICANT: City of San Antonio, Historic Preservation Officer P.O. Box 839966

OWNER: Eugene F. Durham, Jr.

TYPE OF WORK: Finding of Historic Significance

REQUEST:

The applicant is requesting a finding of Historic Significance.

The property at 719 S. Palmetto is a two-story, hipped roof residence with a two-story rear el. It is located in the Denver Heights neighborhood and in proximity to the Knob Hill Local Historic District on the City's near east side. The house is clad in wood siding with an asphalt shingle roof and no visible chimney. Windows are original 2/2 wood sash. The façade is symmetrical with a central front door flanked by a window on either side on both the first and second floor. The upper level central door features a small gabled roof projection. The two-story front porch is a modern replacement. A small, one-story garage of board and batten cladding is located in the side yard but is in poor condition.

The house first appears on a 1912 Sanborn Map (address of 701A Palmetto), with an original one-story full front porch. A small one-story stable with a full front porch was located in the side yard. On the 1951 Sanborn, the stable outbuilding with porch remains on the property and a small rear addition has been added to the main structure. The existing garage/outbuilding currently located in the side yard appears to be a slightly later replacement.

City directory, census records, and deed research indicate that the property was constructed in 1910 when Wm. E. Mahavier and wife Willie Mae executed a promissory note to Hillyer-Deutsch-Jarratt Company for \$600 for lumber, building materials and labor in the construction and improvement of the homestead. Other members of the Mahavier family lived in a home one lot north on Palmetto, including Joseph Mahavier who was a carpenter. City directories continue to list W.E. and Willie Mahavier as residents through at least 1915, and by 1924 the property was vacant. By 1929-30 the property was occupied by Rev. John Brooks and changed hands again in the early 1940s. Edwin H. Durham, owner of Durham's Pharmacy at 2806 Nebraska, resided in the property in 1951. The current owner is Eugene F. Durham, and the property has been in the Durham family for at least the past 55 years.

The current owner and his son, acting as representative, would like to see the property preserved. The Denver Heights Neighborhood Association is also interested in the property being retained. Despite the replacement of the front porch, the property appears largely unaltered and has retained much of its historic integrity. It is one of the few two-story structures within the neighborhood.

RECOMMENDATION:

The Designation and Demolition Committee met on-site to view the property on May 31, 2011. The Committee assessed the integrity of the property and recommended designation and repair of the main structure only.

Staff recommends a finding of historic significance for the main structure only based on the following criteria for landmark designation outlined in UDC Sec. 35-607

Z2012165

2011-101
6/15/11

COMMISSION ACTION:

Recommendation for a finding of Historic Significant for the main structure at 719 S. Palmetto.



Shannon Peterson Wasielewski
Historic Preservation Officer



Zoning Case Notification Plan

Case Z-2012-172

Council District 9
 Scale: 1" approx. = 120 Feet
 Subject Property Legal Description(s): NCB 6229 - BLK 3 - LOT 27,28,29 & 30

- Legend**
- Subject Properties (0.401 Acres)
 - 200' Notification Area
 - Current Zoning
 - Requested Zoning Change
 - 100-Year DFIRM Floodplain
 - Single Family Residential
- TEXT
 (TEXT)
 1R



Development Services Dept
 City of San Antonio
 (07/11/2012 - R Martinez)



City of San Antonio

Development Services Department

Staff Report

To: Zoning Commission

Zoning Case #: Z2012172 CD

Hearing Date: September 4, 2012

Property Owner: University of the Incarnate Word (Douglas B. Endley, Vice President, Business & Finance)

Applicant: University of the Incarnate Word (Douglas B. Endley, Vice President, Business & Finance)

Representative: Kaufman & Killen, Inc.

Location: 149 and 153 Perry Court and 152 and 156 Burr Road

Legal Description: Lots 27, 28, 29 and 30, Block 3, NCB 6229

Total Acreage: 0.4018

City Council District: 9

Case Manager: Pedro Vega, Planner

Case History: This is the second public hearing for this zoning request. The case was continued from the August 7, 2012 Zoning Commission public hearing.

Proposed Zoning Change

Current Zoning: "R-4 NCD-6" Residential Single-Family Mahncke Park Neighborhood Conservation District

Requested Zoning: "R-4 CD NCD-6" Residential Single-Family Mahncke Park Neighborhood Conservation District with a Conditional Use for a Non-Commercial Parking Lot

Procedural Requirements

The request was publicly noticed in accordance with Section 403 of the Unified Development Code (UDC). Notices were sent to property owners and registered neighborhood associations within two hundred (200) feet of the subject property on July 25, 2012. The application was published in The Daily Commercial Recorder, an official newspaper of general circulation on July 20, 2012. Additionally, notice of this meeting was posted at city hall and on the city's internet website on August 31, 2012, in accordance with Section 551.043(a) of the Texas Government Code.

Notices Mailed

Owners of Property within 200 feet: 27

Neighborhood Associations: Mahncke Park Neighborhood Association

Planning Team Members: 21 (Mahncke Park Neighborhood Plan)

Applicable Agencies: None

Property Details

Property History: The subject property is located within the city limits as recognized in 1938, and was originally zoned "B" Residence District. Upon adoption of the 2001 Unified Development Code, the previous base zoning

district converted to the current "R-4" Residential Single-Family District. The property consists of four platted lots and is currently undeveloped.

Topography: The property is relatively flat and does not include any abnormal physical features such as slope or inclusion in a floodplain.

Adjacent Zoning and Land Uses

Direction: East

Current Base Zoning: "MF-33 PUD" Multi-Family District Planned Unit Development

Current Land Uses: Single-Family Dwellings

Direction: West

Current Base Zoning: "R-4" Residential Single-Family District

Current Land Uses: Single-Family Dwellings and Apartments

Direction: South across Perry Court

Current Base Zoning: "R-4" Residential Single-Family District

Current Land Uses: Single-Family Dwellings

Direction: North across Burr Road

Current Base Zoning: Alamo Heights City Limits

Current Land Uses: Single-Family Dwellings

Overlay and Special District Information: All surrounding properties carry the "AHOD" Airport Hazard Overlay District, due to their proximity to an airport or approach path. The "AHOD" does not restrict permitted uses, but can require additional review of construction plans by both the Development Services Department and the Federal Aviation Administration.

The Mahncke Park Neighborhood Conservation District (NCD-6) is an overlay zoning district that contains design guidelines for rehabilitation of existing residential and commercial development. Property owners, together with Planning & Community Development staff, develop the design guidelines. These guidelines can address building materials, height, size, massing, signage, sidewalk location, etc.

Transportation

Thoroughfare: Perry Court

Existing Character: Local Street; one lane in each direction; sidewalks

Proposed Changes: None known.

Thoroughfare: Burr Road

Existing Character: Local Street; one lane in each direction; partial sidewalks

Proposed Changes: None known.

Public Transit: VIA bus lines 8 and 509 operate along North New Braunfels Avenue with a bus stop at Burr Road and North New Braunfels Avenue.

Traffic Impact: A Traffic Impact Analysis (TIA) is not required because traffic generated by the proposed development does not exceed the threshold requirements.

Parking Information: Non-Commercial Parking Lot - Parking lots do not carry Minimum or Maximum Parking Requirements.

Staff Analysis and Recommendation: Denial.

Criteria for Review: According to Section 35-421, zoning amendments shall be based on the approval criteria below.

1. Consistency:

The subject property is located within the Mahncke Park Neighborhood Plan area, and is identified as “Low Density Residential” in the Future Land Use component of the Plan. Low Density Residential land use includes single-family homes on individual lots. Consistency is determined by the base zoning district. The base zoning district request is consistent with the adopted land use designation.

2. Adverse Impacts on Neighboring Lands:

Granting of the Conditional Use could have an adverse impact on the neighborhood. The application of a Conditional Use provides an opportunity to limit the impact of the proposed use on surrounding properties. The proposed parking lot would provide additional parking for the University of the Incarnate Word, which is located at 4301 Broadway Street. A secure off-street parking facility diminishes the likelihood of patrons parking on the streets in the neighborhood; however, encroachment of institutional uses into the residential area may destabilize neighborhood integrity.

3. Suitability as Presently Zoned:

The current “R-4” residential zoning is appropriate for the area. The property is currently undeveloped; therefore approval of the requested Conditional Use will not result in a loss of existing housing stock.

4. Health, Safety and Welfare:

Staff has identified potential adverse effects on the public health, safety, or welfare due to this request. The proposed parking lot should reduce some of the current on-street parking; however it is also likely to increase traffic in the neighborhood. The proposed parking lot is approximately 700 feet from the boundary of the University of the Incarnate Word Campus.

The Unified Development Code Section 35-526(g) provides for Cooperative/ Off-Street Parking Facilities be within six hundred (600) feet of the property requiring the additional parking. Six hundred (600) feet is approximately three (3) typical urban blocks which is an acceptable walking distance for parking in a dense urban area.

5. Public Policy:

The zoning request and proposed use are not in accordance with the Mahncke Park Neighborhood Plan. Goal 1: Preserve and enhance the existing character of the neighborhood. Objective 4.5: Enhance safety of Neighborhood streets and protect the neighborhood’s traditional development style by addressing problems with on- and off-street parking.

6. Size of Tract:

The subject property is 0.4018 of an acre in size, which will accommodate the proposed 33 vehicles as a Non-Commercial Parking Lot (see site plan). Proposed access to the property is from Burr Road.

7. Other Factors:

Should the Zoning Commission recommend approval of the zoning change request, zoning staff recommends the following conditions with site plan and in order to mitigate possible land use conflicts between the proposed parking lot and adjacent residential uses,

1. A 5 foot wide landscape buffer shall be provided along the west property line per section 35-514 (e)(1); and the buffer shall meet the requirements of a Type A buffer;
2. A 7 foot existing solid wall shall be maintained along the east property line;
3. A 5 foot predominantly open decorative steel fence shall be maintained along the north and south property lines;
4. All on-site lighting shall be directed onto the site and point away from any residential uses;

5. No advertising signs shall be permitted on the parking lot other than signs indicating the owner or lessee of the lot and to provide parking instructions (not to exceed three (3) square feet in area).

Should the requested zoning be approved, staff recommends waiver of the hours of operation limitation stipulated by Section 35-422(3)(C) since the parking lot will be gated with restricted access.

The conditional zoning procedure is designed to provide for a land use within an area that is not permitted by the established zoning district but due to individual site considerations or unique development requirements would be compatible with adjacent land uses under given conditions.

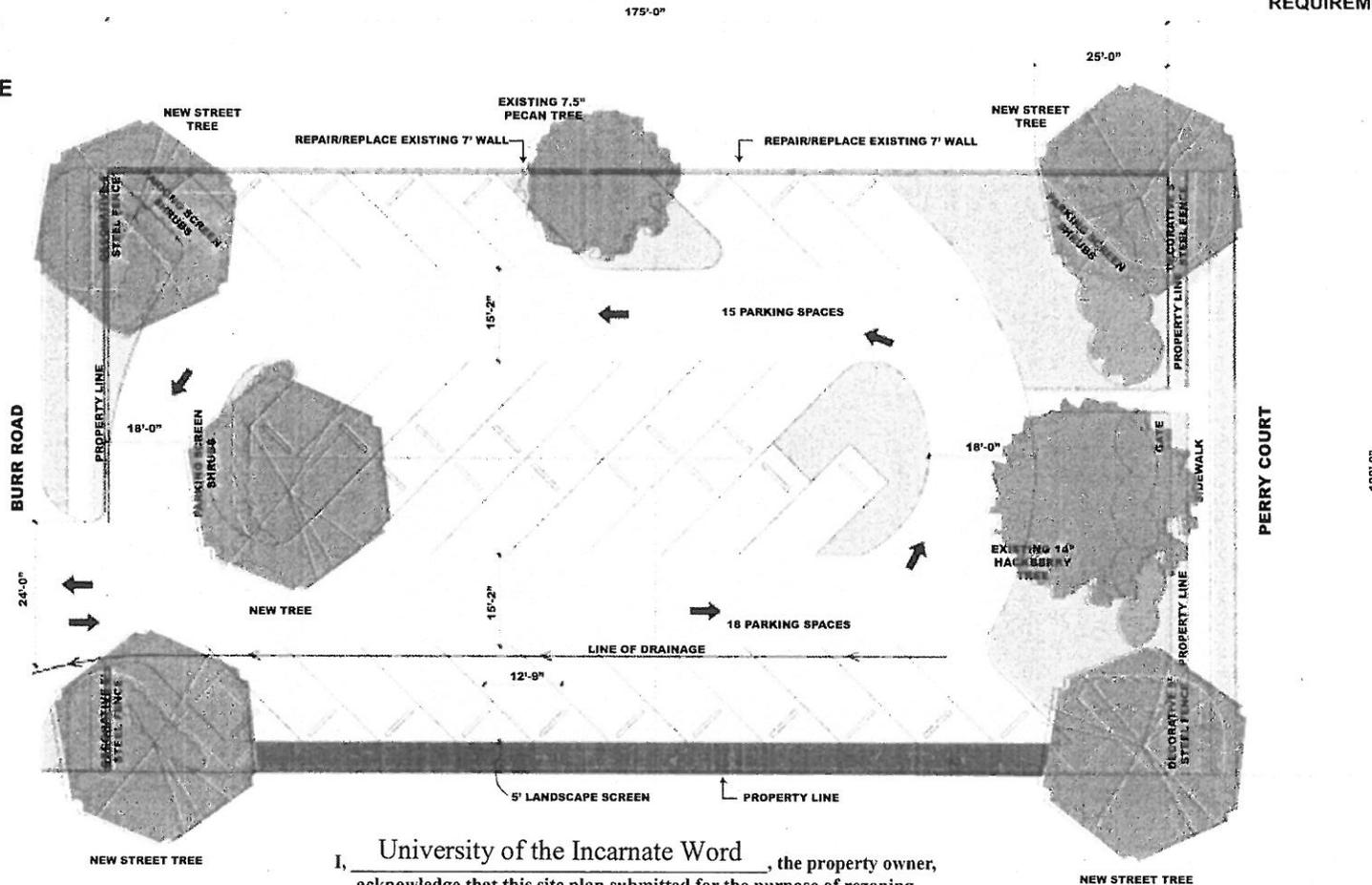
Section 35-526: Parking and Loading Standards. The purpose of this section is to prescribe minimum off-street parking and design standards. Lack of adequate parking can result in motorists parking in adjacent neighborhoods or business areas. This, in turn, can affect the perceived livability of the neighborhood and reduce the ability of business to accommodate customers. Circulation to find parking can increase which adds unnecessary vehicle trips on the surrounding street network, increasing the length of time and distance a vehicle is operated.

SCHEME E

12,682 SQ. FT.
OF PAVED SURFACE

0.4018 OVERALL
ACREAGE

NOTE: PROPERTY OWNER WILL
COMPLY WITH FENCING
REQUIREMENTS OF THE UDC



I, University of the Incarnate Word, the property owner, acknowledge that this site plan submitted for the purpose of rezoning this property is in accordance with all applicable provisions of the Unified Development Code. Additionally, I understand that City Council approval of a site plan in conjunction with a rezoning case does not relieve me from adherence to any/all City adopted Codes at the time of plan submittal for building permits.

JULY 26, 2012

SITE PLAN

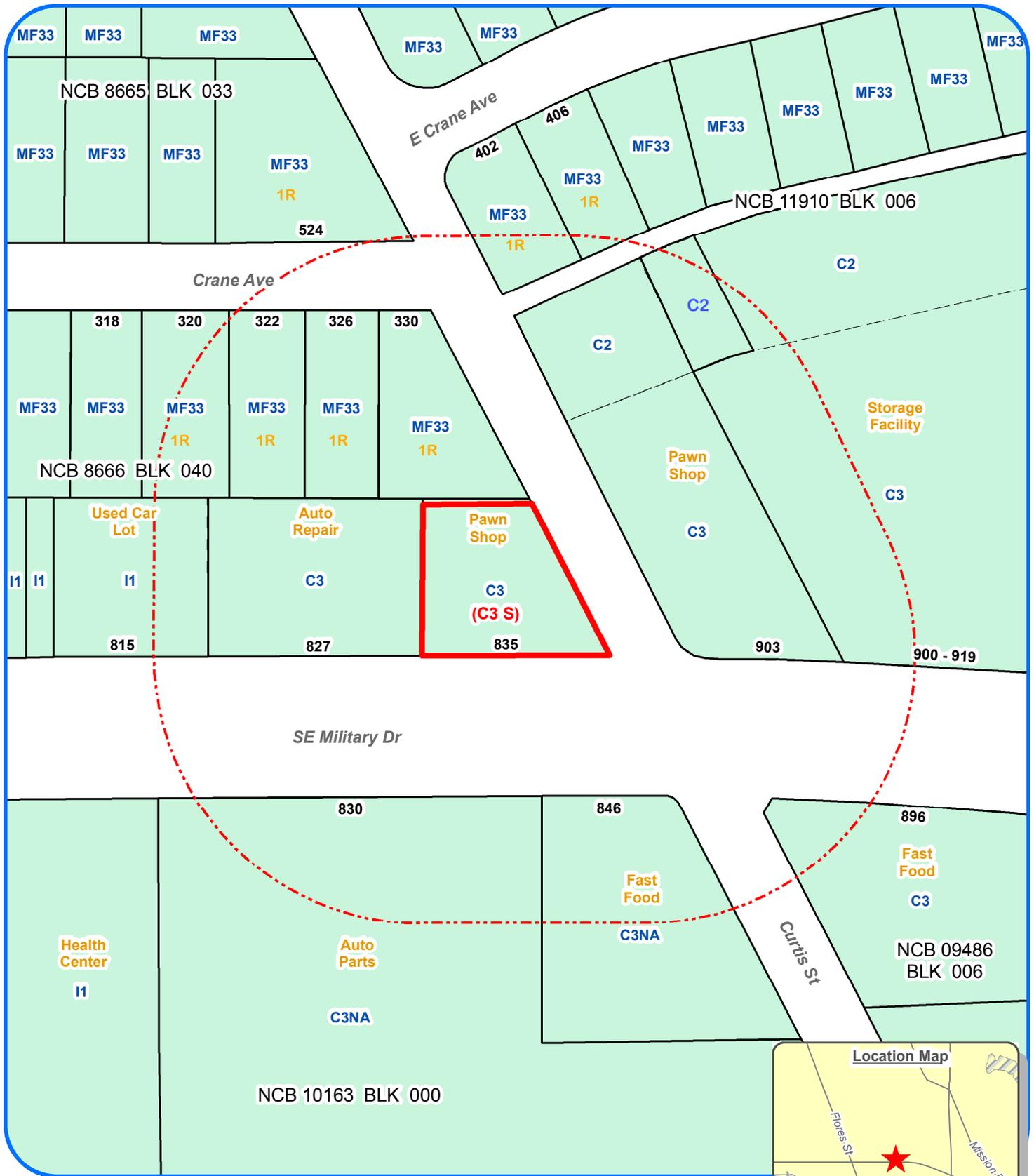


McCHESNEY/BIANCO
ARCHITECTURE
315 NINTH STREET, SUITE 1 SAN ANTONIO, TEXAS 78215
P: (210) 225-4544 F: (210) 225-7991

**PROPOSED BURR ROAD/PERRY COURT
33 CAR PARKING LOT
UNIVERSITY OF THE INCARNATE WORD**



LANDSCAPE ARCHITECTURE
MASTER PLANNING
URBAN DESIGN
LAFFOON
ASSOCIATES
310 HARRISON DR., SUITE 800
SAN ANTONIO, TEXAS 78209
210.520.0000



Zoning Case Notification Plan

Case Z-2012-176

Council District 3

Scale: 1" approx. = 100 Feet

Subject Property Legal Description(s): NCB 08666 BLK 40 LOT E 55 FT OF S 117 FT OF 17 & S 117 FT OF 18 /C/

Legend

- Subject Properties (0.291 Acres)
- 200' Notification Area
- Current Zoning
- Requested Zoning Change
- 100-Year DFIRM Floodplain
- Single Family Residential

— (0.291 Acres)

- - -

TEXT

(TEXT)

1R



Development Services Dept
City of San Antonio
(07/20/2012 - R Martinez)

Note: All Current and Requested Zoning includes AHOD (Airport Hazard Overlay District).



City of San Antonio

Development Services Department

Staff Report

To: Zoning Commission

Zoning Case #: Z2012176 S

Hearing Date: September 4, 2012

Property Owner: GD Bar Family Limited Partnership (by GD Bar LLC, General Partner c/o Jason Dixon)

Applicant: GD Bar Family Limited Partnership (by GD Bar LLC, General Partner c/o Jason Dixon)

Representative: P.W. Christensen, P.C. (Patrick Christensen)

Location: 835 Southeast Military Drive

Legal Description: 0.291 of an acre out of Lots 17 and 18, Block 40, NCB 8666

Total Acreage: 0.291

City Council District: 3

Case Manager: Trenton Robertson, Planner

Case History: This is the second public hearing for this zoning change request. The case was continued from the August 21, 2012 Zoning Commission public hearing.

Proposed Zoning Change

Current Zoning: "C-3 AHOD" General Commercial Airport Hazard Overlay District

Requested Zoning: "C-3 S AHOD" General Commercial Airport Hazard Overlay District with a Specific Use Authorization for a Specified Financial Institution

Procedural Requirements

The request was publicly noticed in accordance with Section 403 of the Unified Development Code (UDC). The application was published in The Daily Commercial Recorder, an official newspaper of general circulation on August 3, 2012. Notices were sent to property owners and registered neighborhood associations within two hundred (200) feet of the subject property on August 8, 2012. Additionally, notice of this meeting was posted at city hall and on the city's internet website on August 17, 2012, in accordance with Section 551.043(a) of the Texas Government Code.

Notices Mailed

Owners of Property within 200 feet: 17

Neighborhood Associations: Mission San Jose Neighborhood Association; the Harlandale Park Neighborhood Association is located within 200 feet of the subject property.

Planning Team Members: 15 - South Central San Antonio Community Plan

Applicable Agencies: None

Property Details

Property History: The subject property was annexed in 1944 and was originally zoned "J" Commercial District. Upon adoption of the 2001 Unified Development Code, the previous base zoning district converted to "I-1" General Industrial District. In 2010 the subject property was rezoned to the current "C-3" General Commercial District. The subject property consists of portions of two previously platted lots. No new construction is proposed. The subject property is developed with a commercial structure that was built in 1984.

Topography: The property does not include any abnormal physical features such as slope or inclusion in a flood plain.

Adjacent Zoning and Land Uses

Direction: North

Current Base Zoning: "MF-33" and "C-2"

Current Land Uses: Single-family residences, storage facility, parking lot

Direction: South

Current Base Zoning: "C-3" and "C-3 NA"

Current Land Uses: Auto parts store, restaurant

Direction: East

Current Base Zoning: "C-3"

Current Land Uses: Pawn shop and storage facility

Direction: West

Current Base Zoning: "C-3", "I-1" and "MF-33"

Current Land Uses: Auto repair, auto sales and single-family residences

Overlay and Special District Information: All surrounding properties carry the "AHOD" Airport Hazard Overlay District, due to their proximity to an airport or approach path. The "AHOD" does not restrict permitted uses, but can require additional review of construction plans by both the Development Services Department and the Federal Aviation Administration.

Transportation

Thoroughfare: Southeast Military Drive

Existing Character: Primary Arterial "Type A"; three lanes with a turn lane each direction with sidewalks

Proposed Changes: None known.

Thoroughfare: Curtis Street and Crane Avenue

Existing Character: Local; one lane each direction with partial sidewalks

Proposed Changes: None known.

Public Transit: VIA bus line 550 and 551 operates south of the subject property, along Southeast Military Drive Boulevard.

Traffic Impact: A Traffic Impact Analysis is not required. The traffic generated by the proposed development does not exceed the threshold requirements.

Parking Information: Service-Loan Office- Minimum parking requirement: 1 per 1,000 sf GFA; Maximum parking requirement: 1 per 200 sf GFA. The site plan shows 11 parking spots.

Staff Analysis and Recommendation: Approval

Criteria for Review: According to Section 35-421, zoning amendments shall be based on the approval criteria below.

1. Consistency:

The subject property is located within the South Central San Antonio Community Plan and is identified as Regional Commercial in the future land use component of the plan. The proposed zoning change is consistent with the adopted future land use designation. Consistency is determined by the base zoning district.

2. Adverse Impacts on Neighboring Lands:

Staff has found no evidence of likely adverse impacts on neighboring properties. The neighboring properties are similarly zoned with uses that are comparable.

3. Suitability as Presently Zoned:

Both the current and requested zoning districts are appropriate for the subject property. The subject property was previously being utilized as a pawn shop.

4. Health, Safety and Welfare:

Staff has found no indication of likely adverse effects on the public health, safety, or welfare.

5. Public Policy:

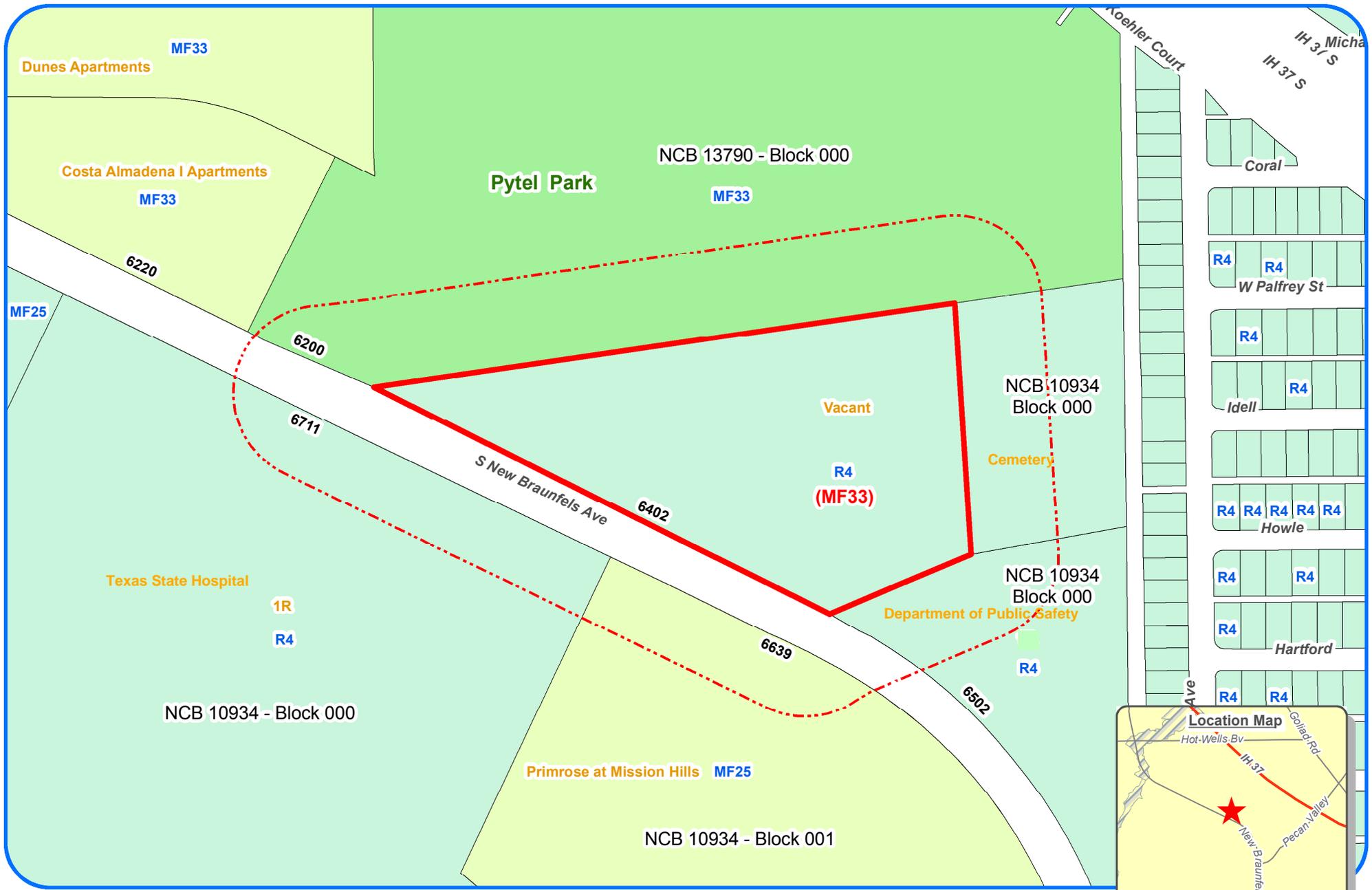
The request does not appear to conflict with any public policy objective.

6. Size of Tract:

The subject property is 0.291 of an acre in size, which should be able to reasonably accommodate the Specified Financial Institution shown in the site plan.

7. Other Factors:

Staff could not locate any other Specified Financial Institutions in the area.



Zoning Case Notification Plan

Case Z-2012-175

Scale: 1" approx. = 300 Feet
 Council District 3
 Subject Property Legal Description(s): NCB 10934 BLK LOT P-104A

Note: All Current and Requested Zoning includes AHOD Zoning (Airport Hazard Overlay District).

Legend

- Subject Properties (12.250 Acres) ———
- 200' Notification Area - - - - -
- Current Zoning TEXT
- Requested Zoning Change (TEXT)
- 100-Year DFIRM Floodplain
- Single Family Residential 1R



Development Services Dept
 City of San Antonio
 (07/20/2012 - R Martinez)



City of San Antonio

Development Services Department

Staff Report

To: Zoning Commission
Zoning Case #: Z2012175
Hearing Date: September 4, 2012
Property Owner: David Shulder and Samuel Panchevre
Applicant: David Shulder and Samuel Panchevre
Representative: P.W. Christensen, P.C. (Patrick Christensen)
Location: A portion of 6402 South New Braunfels Avenue
Legal Description: Being 12.250 acres out of Parcel 104, NCB 10934
Total Acreage: 12.250
City Council District: 3
Case Manager: Pedro Vega, Planner
Case History: This is the first public hearing for this zoning request.

Proposed Zoning Change

Current Zoning: "R-4 AHOD" Residential Single-Family Airport Hazard Overlay District

Requested Zoning: "MF-33 AHOD" Multi-Family Airport Hazard Overlay District

Procedural Requirements

The request was publicly noticed in accordance with Section 403 of the Unified Development Code (UDC). Notices were sent to property owners and registered neighborhood associations within two hundred (200) feet of the subject property on August 22, 2012. The application was published in The Daily Commercial Recorder, an official newspaper of general circulation on August 17, 2012. Additionally, notice of this meeting was posted at city hall and on the city's internet website on August 31, 2012, in accordance with Section 551.043(a) of the Texas Government Code.

Notices Mailed

Owners of Property within 200 feet: 10

Neighborhood Associations: Highland Hills Neighborhood Association; the Hot Wells Neighborhood Association is located within 200 feet of the subject property.

Planning Team Members: 33 (Highlands Community Plan)

Applicable Agencies: None

Property Details

Property History: The subject site is currently undeveloped. The subject property was annexed in 1952 and was originally zoned "B" Residence District. Upon adoption of the Unified Development Code, the previous base zoning district converted to the current "R-4" Residential Single-Family District.

Topography: The property is relatively flat and has a descending slope running east to west. The property does not include inclusion in a flood plain, and has no physical characteristics that are likely to affect the use or development.

Adjacent Zoning and Land Uses

Direction: East

Current Base Zoning: "R-4" Residential Single-Family District

Current Land Uses: Cemetery

Direction: Southeast

Current Base Zoning: "R-4" Residential Single-Family District

Current Land Uses: Texas Department of Public Safety

Direction: North

Current Base Zoning: "MF-33" Multi-Family District

Current Land Uses: Pytel Park and Apartments

Direction: Southwest across South New Braunfels Avenue

Current Base Zoning: "R-4" Residential Single-Family District and "MF-33" Multi-Family District

Current Land Uses: Apartments and Texas State Hospital

Overlay and Special District Information: All surrounding properties carry the "AHOD" Airport Hazard Overlay District, due to their proximity to an airport or approach path. The "AHOD" does not restrict permitted uses, but can require additional review of construction plans by both the Development Services Department and the Federal Aviation Administration.

Transportation

Thoroughfare: South New Braunfels Avenue

Existing Character: Primary Arterial Type B; one lane in each direction

Proposed Changes: None known.

Public Transit: VIA bus lines 20 and 36 operate along South New Braunfels Avenue with a bus stop immediately south of the subject property.

Traffic Impact: A Traffic Impact Analysis (TIA) is required, but can be deferred to the platting or permitting phase. A traffic engineer must be present at the Zoning Commission hearing.

Parking Information: Multi-Family Dwellings (33 units maximum) - Minimum Parking Requirement: 1.5 per unit. Maximum Parking Requirement: 2 per unit.

Staff Analysis and Recommendation: Approval. Pending Master Plan Amendment

Criteria for Review: According to Section 35-421, zoning amendments shall be based on the approval criteria below.

1. Consistency:

The subject property is located within the Highlands Community Plan and is currently designated as “Medium Density Residential” in the Future Land Use Plan. A plan amendment has been initiated to change the land use designation on the subject property to “High Density Residential”. Staff and Planning Commission recommend approval of the plan amendment request.

According to the Highlands Community Plan, the high density residential land use classification should be located along or near major arterials or collectors. This land use classification may be used as a transitional buffer between lower density residential uses and nonresidential uses.

2. Adverse Impacts on Neighboring Lands:

Staff has found no evidence of likely adverse impacts on neighboring lands in relation to this zoning change request. The proposed multi-family zoning is appropriate for the area. Multi-family zoning is most appropriate at the periphery of single-family neighborhoods, and along arterials or major thoroughfares where supporting infrastructure, such as public transportation and commercial facilities are present. The site is located in an area where there is accessibility to public services and traffic circulation to major thoroughfares.

3. Suitability as Presently Zoned:

The existing zoning is appropriate for the subject property’s location along and between major thoroughfares. Both the current and requested zoning districts will allow development that is consistent with the existing pattern of development in the area.

4. Health, Safety and Welfare:

Staff has found no indication of likely adverse effects on the public health, safety, or welfare due to this request.

5. Public Policy:

Goal 4 of the Highlands Community Plan calls for an increase in the variety of new housing choices while preserving the character of the existing neighborhoods. The proposed “MF-33” Multi-Family District would increase the diversity of the housing stock in the area by providing additional housing options for residents within the planning area.

6. Size of Tract:

The property is 12.250 acres, which should be able to accommodate proposed multi-family residential development with adequate parking.

7. Other Factors:

The subject property is located within the South New Braunfels Avenue Corridor portion of the State Hospital Master Plan. The South New Braunfels Avenue Corridor is primarily focused on commercial development, however, it acknowledges that all residential densities, including high density residential uses, are appropriate for the corridor.



Zoning Case Notification Plan

Case Z-2012-183

Council District 1

Scale: 1" approx. = 120 Feet

Subject Property Legal Description(s): NCB 9004 BLK 2 LOT 105, 106 & E 20.5 FT OF 107

Legend

- Subject Properties (0.242 Acres)
- 200' Notification Area
- Current Zoning
- Requested Zoning Change
- 100-Year DFIRM Floodplain
- Single Family Residential



Development Services Dept
City of San Antonio
(07/27/2012 - R Martinez)

Note: All Current and Requested Zoning includes AHOD (Airport Hazard Overlay District).



City of San Antonio

Development Services Department

Staff Report

To: Zoning Commission
Zoning Case #: Z2012183
Hearing Date: September 4, 2012
Property Owner: David W. and Maria Royalty
Applicant: David W. and Maria Royalty
Representative: David & Maria Royalty
Location: 297 Lovera Boulevard
Legal Description: Lots 105, 106 and the east 20.5 feet of Lot 107, Block 2, NCB 9004
Total Acreage: 0.2429
City Council District: 1
Case Manager: Trenton Robertson, Planner
Case History: This is the first public hearing for this zoning case.

Proposed Zoning Change

Current Zoning: "H MF-33 AHOD" Multi-Family Olmos Park Terrace Historic Airport Hazard Overlay District

Requested Zoning: "H NC AHOD" Neighborhood Commercial Olmos Park Terrace Historic Airport Hazard Overlay District

Procedural Requirements

The request was publicly noticed in accordance with Section 403 of the Unified Development Code (UDC). The application was published in The Daily Commercial Recorder, an official newspaper of general circulation on August 17, 2012. Notices were sent to property owners and registered neighborhood associations within two hundred (200) feet of the subject property on August 22, 2012. Additionally, notice of this meeting was posted at city hall and on the city's internet website on August 31, 2012, in accordance with Section 551.043(a) of the Texas Government Code.

Notices Mailed

Owners of Property within 200 feet: 29

Neighborhood Associations: Olmos Park Terrace Neighborhood Association; Northmoor Neighborhood Association is located within 200 feet of the subject property.

Planning Team Members: 46 - North Central Community Plan

Applicable Agencies: Office of Historic Preservation

Property Details

Property History: The subject property was annexed in 1941 and was originally zoned "D" Apartment District. Upon adoption of the 2001 Unified Development Code, the previous base zoning district converted to the current "MF-33" Multi-Family District. In 2007, the Olmos Park Terrace Historic District was applied to the subject property. The lot was platted into its current configuration in 1931 (volume 980, page 282-285 in the Deed and Plat Records of Bexar County, Texas). The subject property is developed with a residential structure measuring 1,204 square-feet that was built in 1946.

Topography: The property does not include any abnormal physical features such as slope or inclusion in a flood plain.

Adjacent Zoning and Land Uses

Direction: North

Current Base Zoning: "C-2", "C-2NA" and "R-4"

Current Land Uses: Auto sales, learning center, single-family residences, vacant commercial structures and restaurant

Direction: South

Current Base Zoning: "C-2" and "R-4"

Current Land Uses: Auto sales, convenient store and single-family residences

Direction: East

Current Base Zoning: "R-4"

Current Land Uses: Single-family residences

Direction: West

Current Base Zoning: "C-2" and "R-4"

Current Land Uses: Auto sales, professional office, single-family residences, vacant commercial structures

Overlay and Special District Information: All surrounding properties carry the "AHOD" Airport Hazard Overlay District, due to their proximity to an airport or approach path. The "AHOD" does not restrict permitted uses, but can require additional review of construction plans by both the Development Services Department and the Federal Aviation Administration.

The surrounding properties are located in the Olmos Park Terrace Historic District, which was adopted in 2007. Historic districts do not regulate use of the property, but do enforce building exterior design standards meant to maintain the architectural character or cultural significance of the designated area. Building plans and permit applications will be subject to review by the Office of Historic Preservation and the Historic and Design Review Commission (HDRC) prior to any permits being issued.

Transportation

Thoroughfare: El Monte Boulevard and Lovera Boulevard

Existing Character: Local streets; one lane in each direction with partial sidewalks

Proposed Changes: None known

Thoroughfare: San Pedro Avenue

Existing Character: Primary Arterial Type 2; two lanes in each direction with sidewalks

Proposed Changes: None known

Public Transit: VIA bus lines 4 and 204 operate along San Pedro Avenue, west of the subject property.

Traffic Impact: A Traffic Impact Analysis is not required. The traffic generated by the proposed development does not exceed the threshold requirements.

Parking Information: In accordance with Section 35-526 of the UDC: Animal-Pet Grooming-small animals only: 1 per 300 sf GFA. Maximum parking requirement: 1 per 200 sf GFA. “NC” district requires all parking to be located in the rear of the primary structure for any new construction.

Staff Analysis and Recommendation: Approval

Criteria for Review: According to Section 35-421, zoning amendments shall be based on the approval criteria below.

1. Consistency:

The property is located within the North Central Plan, and is currently designated as “Neighborhood Commercial” in the Future Land Use Plan. The requested “NC” base zoning district is consistent with the Future Land Use designation.

2. Adverse Impacts on Neighboring Lands:

The requested “NC” district provides an appropriate transition between the single-family residences to the east and the more intense commercial uses to the west. Staff has found no likely adverse impacts on neighboring lands. San Pedro Avenue is an existing commercial corridor with a high occurrence of intense commercial zoning. The requested “NC” district is meant to accommodate small retail, service, and office uses that serve the immediate surrounding neighborhood. Less intense commercial districts like “NC” and “C-1” are appropriate for small properties along established commercial corridors.

3. Suitability as Presently Zoned:

Staff finds the requested zoning appropriate for the subject property as it conforms to the future land use plan. Neighborhood Commercial uses include low intensity commercial uses creating more accessibility for pedestrians. The current “MF-33” zoning could allow multi-family development, which is contrary to the surrounding neighborhood and the future land use plan.

4. Health, Safety and Welfare:

Approval of the zoning request will allow limited commercial uses which may cause a slight increase traffic, noise and lighting in the area. However, many of the properties located along this portion of San Pedro Avenue have transitioned to commercial uses.

5. Public Policy:

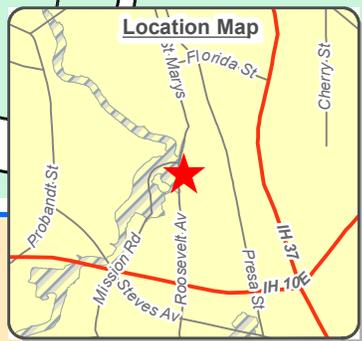
The request does not appear to conflict with any public policy objective.

6. Size of Tract:

The subject property is 0.2429 of an acre in size, which should be able to reasonably accommodate neighborhood commercial uses and parking.

7. Other Factors:

The historic district designation will require that exterior changes to the property, such as signage, must be reviewed and approved by the City’s Office of Historic Preservation.



Zoning Case Notification Plan

Case Z-2012-184

Council District 5

Scale: 1" approx. = 150 Feet

Subject Property Legal Description(s): 1.389 acres out of NCB A-19 and NCB A-20

Legend

- Subject Properties ——— (1.389 Acres)
- 200' Notification Area - - - - -
- Current Zoning TEXT
- Requested Zoning Change TEXT
- 100-Year DFIRM Floodplain ▨
- Single Family Residential 1R



Development Services Dept
City of San Antonio
(07/31/2012 - R Martinez)

Note: All Current and Requested Zoning includes AHOD (Airport Hazard Overlay District).



City of San Antonio

Development Services Department

Staff Report

To: Zoning Commission
Zoning Case #: Z2012184
Hearing Date: September 4, 2012
Property Owner: Fire and Police Pension Fund, San Antonio
Applicant: Ridgemont Investment Group, LLC
Representative: Kaufman & Killen, Inc.
Location: 311 Roosevelt Avenue
Legal Description: 1.389 acres out of NCB A19 and NCB A20
Total Acreage: 1.389
City Council District: 5
Case Manager: Brenda V. Martinez, Planner
Case History: This is the first public hearing for this zoning case.

Proposed Zoning Change

Current Zoning: "H O-2 MC-1 RIO-4 AHOD" High Rise Office Mission Historic Roosevelt Avenue Metropolitan Corridor Overlay River Improvement Overlay-4 Airport Hazard Overlay District

Requested Zoning: "H C-2 MC-1 RIO-4 AHOD" Commercial Mission Historic Roosevelt Avenue Metropolitan Corridor Overlay River Improvement Overlay-4 Airport Hazard Overlay District

Procedural Requirements

The request was publicly noticed in accordance with Section 403 of the Unified Development Code (UDC). The application was published in The Daily Commercial Recorder, an official newspaper of general circulation on August 17, 2012. Notices were sent to property owners and registered neighborhood associations within two hundred (200) feet of the subject property on August 22, 2012. Additionally, notice of this meeting was posted at city hall and on the city's internet website on August 31, 2012, in accordance with Section 551.043(a) of the Texas Government Code.

Notices Mailed

Owners of Property within 200 feet: 28

Neighborhood Associations: Roosevelt Park Neighborhood Association

Planning Team Members: 15 (South Central San Antonio Community Plan)

Applicable Agencies: Office of Historic Preservation

Property Details

Property History: The subject site is currently developed with a commercial structure that measures approximately 9,056 square feet. The property is located within the City Limits as they were recognized in 1938. In a 1985 city-initiated large area rezoning case, the subject property was rezoned to "O-1" Office District. Upon adoption of the 2001 Unified Development Code, the previous "O-1" base zoning district converted to the current "O-2" High Rise Office District. The applicant has indicated that the purpose of the rezoning request is to allow a restaurant.

Topography: The property does not include any abnormal physical features such as significant slope. However, a small portion of the site near the western property line appears to be in the 100 year flood plain.

Adjacent Zoning and Land Uses

Direction: North

Current Base Zoning: "I-1"

Current Land Uses: Monument sales and Industrial wipes

Direction: South and East

Current Base Zoning: "MF-33" and "C-2"

Current Land Uses: Church, Apartments, Vacant Land, Single-Family Residences, Duplexes

Direction: West

Current Base Zoning: "R-6" and "C-3"

Current Land Uses: Roosevelt Park and Linen Supply

Overlay and Special District Information: All surrounding properties carry the "AHOD" Airport Hazard Overlay District, due to their proximity to an airport or approach path. The "AHOD" does not restrict permitted uses, but can require additional review of construction plans by both the Development Services Department and the Federal Aviation Administration.

The surrounding properties are located in the Mission Historic District. Historic districts do not regulate use of the property, but do enforce building exterior design standards meant to maintain the architectural character or cultural significance of the designated area. Building plans and permit applications will be subject to review by the Office of Historic Preservation and the Historic and Design Review Commission (HDRC) prior to any permits being issued.

All surrounding properties carry the "RIO" River Overlay District, due to their proximity to the San Antonio River. The purpose of these districts is to establish regulations to protect, preserve and enhance the San Antonio River and its improvements by establishing design standards and guidelines.

The surrounding properties are located within the "MC-1" Roosevelt Avenue Metropolitan Corridor Overlay. These corridors shall follow arterial streets or expressways in developed portions of the city and shall be directed toward reduction of existing visual clutter, improved design features and preservation of developed areas of the city.

Transportation

Thoroughfare: Roosevelt Avenue

Existing Character: Secondary Arterial Type B; 1 lane in each direction

Proposed Changes: None known.

Thoroughfare: Mission Road

Existing Character: Local Street; 1 lane in each direction

Proposed Changes: None known.

Thoroughfare: South St. Mary's

Existing Character: Secondary Arterial Type B; 2 lanes in each direction

Proposed Changes: None known.

Public Transit: The nearest VIA buslines are the number 34 line, 42 line, 232 line and 242 line which operate along South St. Mary's, Mission Road, Roosevelt Avenue and Grove Avenue.

Traffic Impact: A Traffic Impact Analysis is required, but may be deferred to the platting or permitting stage of development.

Parking Information: Restaurant - Minimum Parking Requirement: 1 space per 100 square feet of GFA. Maximum Parking Requirement: 1 space per 40 square feet of GFA.

Staff Analysis and Recommendation: Approval pending the plan amendment

Criteria for Review: According to Section 35-421, zoning amendments shall be based on the approval criteria below.

1. Consistency:

The subject property is located within the South Central San Antonio Community Plan and is currently designated as "Parks/Open Space" in the Future Land Use Plan. A plan amendment has been initiated to change the land use designation to "Mixed Use". Planning Staff and Planning Commission recommend approval of the plan amendment request.

2. Adverse Impacts on Neighboring Lands:

Staff finds no likely adverse impacts of the requested "C-2" zoning district on neighboring properties. The subject property does not directly abut any neighboring parcels; being bound by roadways on all three sides. Further, medium intensity commercial zoning is most appropriate along arterials or major thoroughfares.

3. Suitability as Presently Zoned:

The existing "O-2" zoning is not appropriate for the subject property or the surrounding neighborhood. The high-rise office zoning was established by the zoning district conversion that accompanied the adoption of the 2001 Unified Development Code, which resulted in overly intense zoning located near a residential neighborhood. Current zoning practices would not place intense high-rise office zoning in or near established residential neighborhoods. In order to provide sustainable development, land uses should transition from more intense uses to less intense uses.

4. Health, Safety and Welfare:

Staff has found no indication of likely adverse effects on the public health, safety, or welfare.

5. Public Policy:

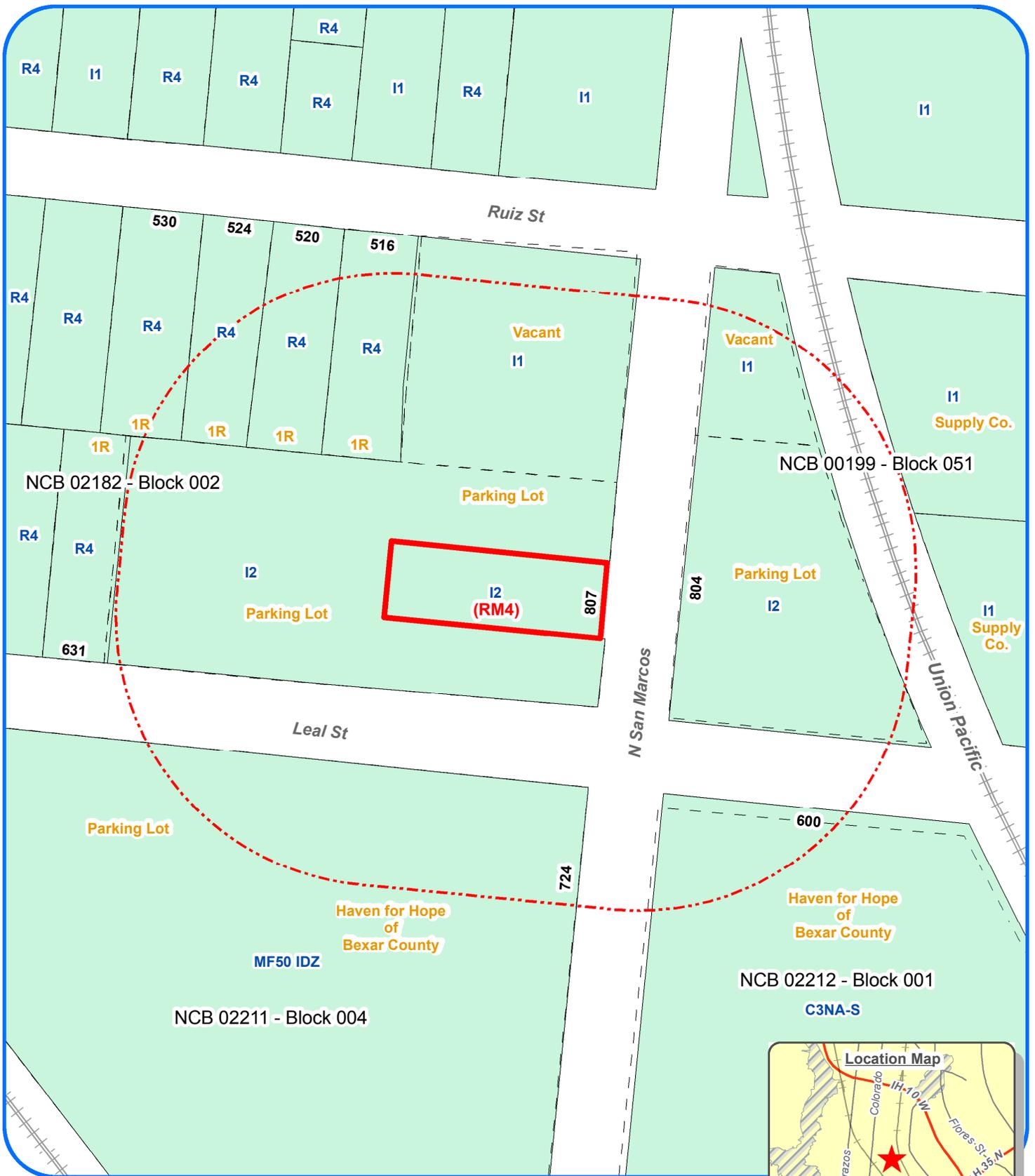
The property is located within the Inner City Reinvestment Policy (ICRIP) area. The purpose of the ICRIP is to promote growth and development in the inner city, specifically in areas that are currently served by public infrastructure and transit, but underserved by residential and commercial real estate markets.

6. Size of Tract:

The subject property measures 1.389 acres and would appear to be of sufficient size to accommodate the proposed restaurant use.

7. Other Factors:

None.



Zoning Case Notification Plan

Case Z-2012-185

Council District 5

Scale: 1" approx. = 100 Feet

Subject Property Legal Description(s): NCB 2182 BLK 2 LOT W 164.45 FT OF 23

Legend

- Subject Properties (0.214 Acres)
- 200' Notification Area
- Current Zoning **TEXT**
- Requested Zoning Change **(TEXT)**
- 100-Year DFIRM Floodplain
- Single Family Residential **1R**



Development Services Dept
City of San Antonio
(08/02/2012 - R Martinez)

Note: All Current and Requested Zoning includes AHOD (Airport Hazard Overlay District).



City of San Antonio

Development Services Department

Staff Report

To: Zoning Commission
Zoning Case #: Z2012185
Hearing Date: September 4, 2012
Property Owner: Vincent Valdez
Applicant: Vincent Valdez
Representative: Vincent Valdez
Location: 807 North San Marcos
Legal Description: The west 164.45 feet of Lot 23, Block 2, NCB 2182
Total Acreage: 0.2146
City Council District: 5
Case Manager: Timothy Mulry, Planner
Case History: This is the first public hearing for this zoning case.

Proposed Zoning Change

Current Zoning: "I-2 AHOD" Heavy Industrial Airport Hazard Overlay District

Requested Zoning: "RM-4 AHOD" Residential Mixed Airport Hazard Overlay District

Procedural Requirements

The request was publicly noticed in accordance with Section 403 of the Unified Development Code (UDC). The application was published in The Daily Commercial Recorder, an official newspaper of general circulation on August 17, 2012. Notices were sent to property owners and registered neighborhood associations within two hundred (200) feet of the subject property on August 22, 2012. Additionally, notice of this meeting was posted at city hall and on the city's internet website on August 31, 2012, in accordance with Section 551.043(a) of the Texas Government Code.

Notices Mailed

Owners of Property within 200 feet: 8

Neighborhood Associations: Gardendale Neighborhood Association

Planning Team Members: 42 (Downtown West Neighborhood Plan)

Applicable Agencies: None

Property Details

Property History: The property is located within the City Limits as they were recognized in 1938, and was originally zoned "L" First Manufacturing District. Upon adoption of the 2001 Unified Development Code, the previous base zoning district converted to the current "I-2" Heavy Industrial District. The property is currently developed as an approximately 2,552 square foot fire station that was originally constructed in 1960.

Topography: The property is relatively flat and does not include any abnormal physical features such as slope or inclusion in a floodplain.

Adjacent Zoning and Land Uses

Direction: North, East

Current Base Zoning: "I-2", "I-1"

Current Land Uses: Parking lot, vacant land

Direction: South

Current Base Zoning: "I-2", "MF-50 IDZ", "C-3NA S" with a Specific Use Authorization for a Human Services Campus

Current Land Uses: Parking lot, Haven for Hope human services campus, Vacant (apartments under construction)

Direction: West

Current Base Zoning: "I-2", "R-4"

Current Land Uses: Parking lot, single-family residences

Overlay and Special District Information: All surrounding properties carry the "AHOD" Airport Hazard Overlay District due to their proximity to an airport or approach path. The "AHOD" does not restrict permitted uses, but can require additional review of construction plans by both the Development Services Department and the Federal Aviation Administration.

Transportation

Thoroughfare: North San Marcos and Leal Street

Existing Character: Local Street; 1 lane in each direction.

Proposed Changes: None known

Public Transit: The nearest VIA bus line is the 77, which operates south of the subject property along Martin Street.

Traffic Impact: A Traffic Impact Analysis is not required. The traffic generated by the proposed development does not exceed the threshold requirements.

Parking Information: Dwelling: Single-family detached – Minimum vehicle spaces: 1 per unit

Staff Analysis and Recommendation: Approval, pending plan amendment

Criteria for Review: According to Section 35-421, zoning amendments shall be based on the approval criteria below.

1. Consistency:

The subject property is located within the Downtown West Neighborhood Plan area, and is designated as Public Institutional in the future land use component of the plan. A Master Plan Amendment has been initiated to change the future land use designation on the subject property to Low Density Mixed-Use. Low Density Mixed-Use provides a mix of low intensity residential and commercial uses. This land use is appropriate for areas adjacent to low density residential uses, and is encouraged for uses fronting San Marcos Street. Staff and the Planning Commission recommend approval of the proposed amendment.

2. Adverse Impacts on Neighboring Lands:

Staff has found no evidence of likely adverse impacts on neighboring lands in relation to this zoning change request.

3. Suitability as Presently Zoned:

The existing "I-2" zoning district is not appropriate for the subject property, which was previously a City of San Antonio fire station. The requested "RM-4" zoning district would allow for adaptive reuse and reutilization of the currently unoccupied structure.

4. Health, Safety and Welfare:

Staff has found no indication of likely adverse effects on the public health, safety or welfare.

5. Public Policy:

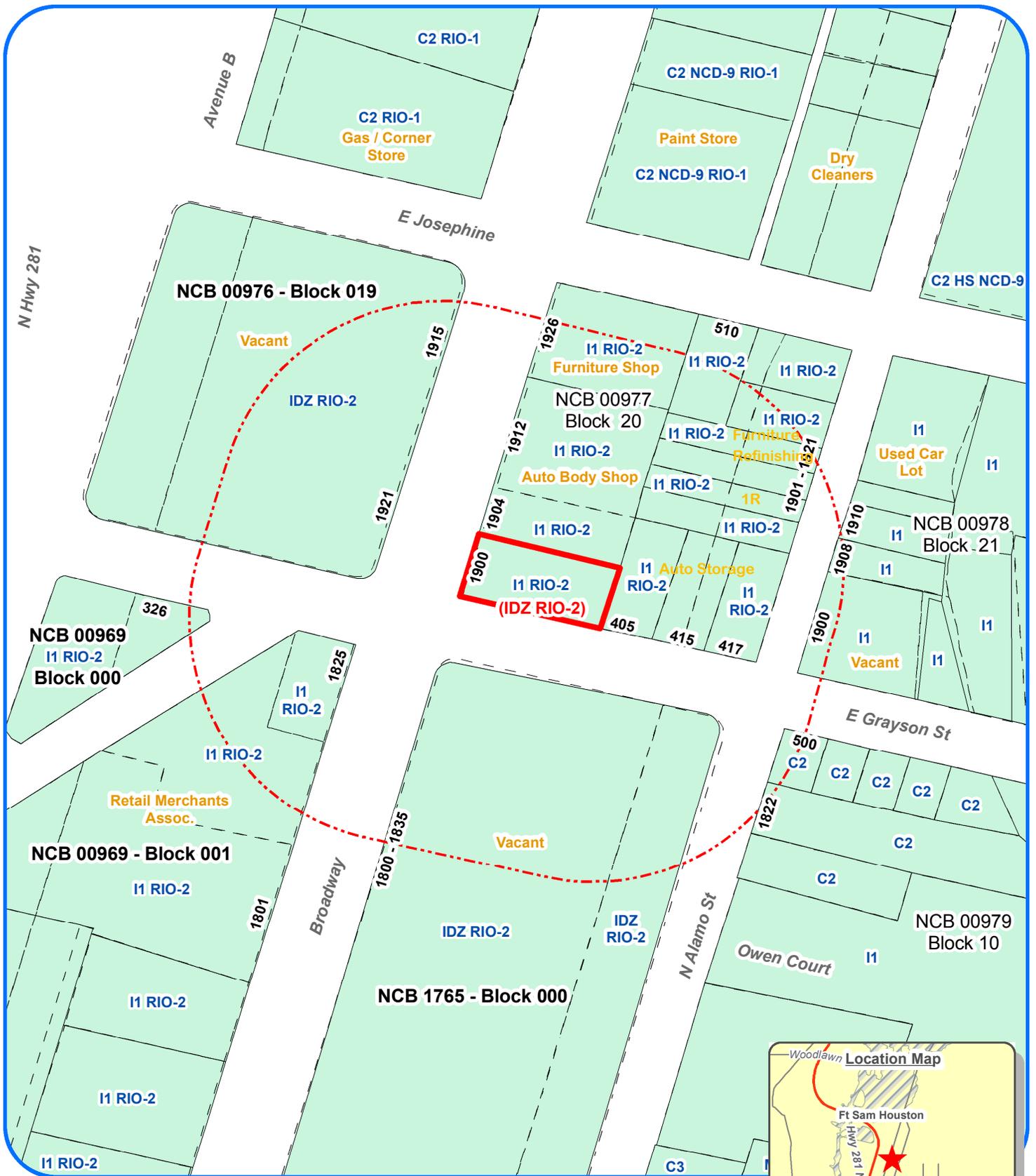
The subject property and the proposed development meet the criteria of the Inner City Reinvestment Infill Policy (ICRIP). This policy provides development fee waivers to applicants and grant funded reimbursement for city departments, in an effort to encourage redevelopment of under-utilized urban properties.

6. Size of Tract:

The property is of sufficient size (0.2146 acres) to accommodate the uses permitted in the "RM-4" district.

7. Other Factors:

The subject property is currently surrounded by an eight (8) foot iron fence. Per Section 35-514(d)(2), the applicant has included a request that a fence may be erected or altered up to a height of (8) feet in the front, rear, and side yards as permitted by the City Council in concurrence with the rezoning request.



Zoning Case Notification Plan

Case Z-2012-188

Council District 2

Scale: 1" approx. = 120 Feet

Subject Property Legal Description(s): NCB 00977 BLK 20 LOT 1 & S 3.5 FT OF LOT 2

Legend

- Subject Properties (0.165 Acres) ———
- 200' Notification Area - - - - -
- Current Zoning **TEXT**
- Requested Zoning Change **(TEXT)**
- 100-Year DFIRM Floodplain
- Single Family Residential **1R**



Development Services Dept
City of San Antonio
(08/03/2012 - R Martinez)

Note: All Current and Requested Zoning includes AHOD (Airport Hazard Overlay District).



City of San Antonio

Development Services Department

Staff Report

To: Zoning Commission
Zoning Case #: Z2012188
Hearing Date: September 4, 2012
Property Owner: OT Partners, L. L. C. (Robert A. Shearer, Managing Member)
Applicant: Robert A. Shearer
Representative: Patrick S. Shearer
Location: 1900 Broadway
Legal Description: Lot 1 and the south 3.5 feet of Lot 2, Block 20, NCB 977
Total Acreage: 0.1658
City Council District: 2
Case Manager: Timothy Mulry, Planner
Case History: This is the first public hearing for this zoning case.

Proposed Zoning Change

Current Zoning: "I-1 RIO-2 AHOD" General Industrial River Improvement Overlay-2 Airport Hazard Overlay District

Requested Zoning: "IDZ RIO-2 AHOD" Infill Development Zone River Improvement Overlay-2 Airport Hazard Overlay District with uses allowed in "C-2" Commercial District, coffee roasting, microbrewery, alcohol distillery, ice cream and candy manufacturing, commercial gymnasium, bar and nightclub uses

Procedural Requirements

The request was publicly noticed in accordance with Section 403 of the Unified Development Code (UDC). The application was published in The Daily Commercial Recorder, an official newspaper of general circulation on August 17, 2012. Notices were sent to property owners and registered neighborhood associations within two hundred (200) feet of the subject property on August 22, 2012. Additionally, notice of this meeting was posted at city hall and on the city's internet website on August 31, 2012, in accordance with Section 551.043(a) of the Texas Government Code.

Notices Mailed

Owners of Property within 200 feet: 21

Neighborhood Associations: Government Hill Neighborhood Association

Planning Team Members: 10 (Government Hill Neighborhood Plan)

Applicable Agencies: None

Property Details

Property History: The property is located within the City Limits as they were recognized in 1938, and was originally zoned "K" Commercial District. Upon adoption of the 2001 Unified Development Code, the previous base zoning district converted to the current "I-1" General Industrial District. The property is currently developed as an approximately 3,882 square foot retail store that was originally constructed in 1959.

Topography: The property is relatively flat and does not include any abnormal physical features such as slope or inclusion in a floodplain.

Adjacent Zoning and Land Uses

Direction: North

Current Base Zoning: "I-1", "C-2"

Current Land Uses: Auto body shop, furniture store, paint store, convenience store

Direction: South

Current Base Zoning: "IDZ" with uses allowed in "C-2", multi-family dwellings 75 units per acre, and a bar/tavern or nightclub

Current Land Uses: Vacant (apartments currently under construction)

Direction: East

Current Base Zoning: "I-1"

Current Land Uses: Auto storage, furniture refinishing

Direction: West

Current Base Zoning: "I-1", "IDZ" with uses permitted in "C-3" and multi-family dwellings 70 units per acre

Current Land Uses: Vacant (apartments currently under construction), retail merchants association

Overlay and Special District Information: All surrounding properties carry the "AHOD" Airport Hazard Overlay District due to their proximity to an airport or approach path. The "AHOD" does not restrict permitted uses, but can require additional review of construction plans by both the Development Services Department and the Federal Aviation Administration.

River Improvement Overlay District "RIO 2": The purpose of the RIO districts is to establish regulations to protect, preserve and enhance the San Antonio River and its improvements by establishing design standards and guidelines.

Transportation

Thoroughfare: Broadway

Existing Character: Primary Arterial Type B; 3 lanes in each direction with sidewalks.

Proposed Changes: None known

Thoroughfare: East Grayson Street

Existing Character: Local Street; 2 lanes in each direction with sidewalks.

Proposed Changes: None known.

Public Transit: The nearest VIA bus lines are the 9, 10, and 14, which operate along Broadway.

Traffic Impact: A Traffic Impact Analysis is not required. Infill Development Zone (IDZ) requests are exempt from the TIA requirement.

Parking Information: The "IDZ" Infill Development Zone District eliminates off-street parking requirements. Although "IDZ" waives minimum parking requirements, the requested uses would normally be required to meet the following parking standards:

Coffee Roasting – Minimum Parking Requirement: 1 per 1,500 square feet GFA. Maximum Parking Requirement: 1 per 300 square feet GFA.

Microbrewery – Minimum Parking Requirement: 1 per 2 seats. Maximum Parking Requirement: 1 per 1.5 seats

Alcohol Distillery – Minimum Parking Requirement: 1 per 600 square feet GFA. Maximum Parking Requirement: 1 per 350 square feet GFA.

Ice Cream and Candy Manufacturing – Minimum Parking Requirement: 1 per 1,500 square feet GFA. Maximum Parking Requirement: 1 per 300 square feet GFA.

Commercial Gymnasium – Minimum Parking Requirement: 1.5 per 1,000 square feet GFA. Maximum Parking Requirement: 10 per 1,000 square feet GFA.

Bar and Nightclub – Minimum Parking Requirement: 1 per 100 square feet of GSF. Maximum Parking Requirement: 1 per 75 square feet of GSF.

Staff Analysis and Recommendation: Approval

Criteria for Review: According to Section 35-421, zoning amendments shall be based on the approval criteria below.

1. Consistency:

The subject property is located within the Government Hill Neighborhood Plan Area and is designated as Mixed-Use in the Future Land Use Component of the plan. The “IDZ” base zoning district is consistent with the adopted land use designation.

The subject property is also located within the Midtown Brackenridge TIRZ Master Plan, and is identified as part of the Midtown neighborhood urban core, which encourages community retail, services, offices, urban residential, restaurants, and entertainment uses. The “IDZ” base zoning district is consistent with the encouraged development pattern in the plan.

2. Adverse Impacts on Neighboring Lands:

Staff has concerns with the potential industrial nature of some of the proposed uses. Many nearby properties along Broadway are transitioning into high intensity residential and commercial mixed-uses, and therefore call for a more pedestrian oriented environment with retail storefronts. The requested coffee roasting, microbrewery, alcohol distillery, ice cream and candy manufacturing uses are primarily industrial in nature.

3. Suitability as Presently Zoned:

The existing “I-1” zoning district is not appropriate for the subject property. The “I-1” General Industrial District accommodates areas of heavy and concentrated fabrication, manufacturing and industrial uses. The subject property’s location just north of downtown and in close proximity to the river encourages high intensity mixed-use development similar to that experienced with the Pearl Brewery and adjoining properties. The requested “IDZ” base zoning district and requested commercial uses are appropriate for the subject property. The requested coffee roasting, microbrewery, alcohol distillery, ice cream and candy manufacturing uses are typically allowed in commercial zoning districts through the granting of conditional zoning.

4. Health, Safety and Welfare:

Staff has found no indication of likely adverse effects on the public health, safety or welfare.

5. Public Policy:

The subject property and the proposed development meet the criteria of the Inner City Reinvestment Infill Policy (ICRIP). This policy provides development fee waivers to applicants and grant funded reimbursement for city departments, in an effort to encourage redevelopment of under-utilized urban properties.

6. Size of Tract:

The property is 0.2146 acres in size and appears to be of sufficient size to accommodate the proposed uses with the flexibility offered by the “IDZ” district. The relatively small size of the lot and structure would limit any potential industrial activity to an appropriate smaller scale.

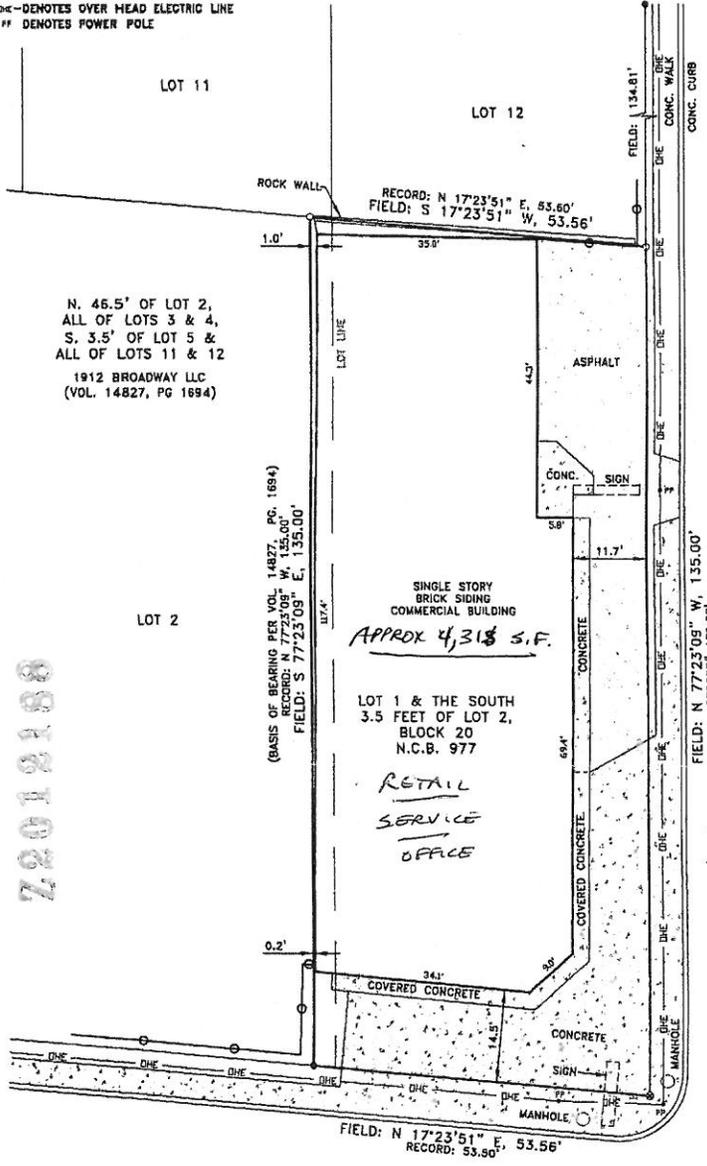
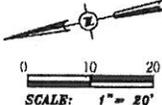
7. Other Factors:

The Midtown Brackenridge TIRZ Master Plan encourages ground floor commercial uses, retail, urban restaurants and bars. The plan further states, “Lower Broadway and River Josephine neighborhoods are the heart of Midtown Brackenridge and could be considered as the neighborhood’s urban core.” Although the requested coffee roasting, microbrewery, alcohol distillery, ice cream and candy manufacturing uses are considered industrial, these uses often include a commercial or sales component. The requested bar and nightclub uses would be permitted live entertainment no more than 2 days per week.

22012188

PLAT LEGEND

- 1/2" IRON PIN FOUND
- 1/2" IRON PIN SET
- ⊗ "X" SET IN CONC.
- DENOTES CHAIN-LINK FENCE LINE
- DHE- DENOTES OVER HEAD ELECTRIC LINE
- # DENOTES POWER POLE



N. 46.5' OF LOT 2,
ALL OF LOTS 3 & 4,
S. 3.5' OF LOT 5 &
ALL OF LOTS 11 & 12
1912 BROADWAY LLC
(VOL. 14827, PG 1694)

LOT 2

(BASIS OF BEARING PER VOL. 14827, PG. 1694)
RECORD: N 77°23'09" W, 135.00'
FIELD: S 77°23'09" E, 135.00'

SINGLE STORY
BRICK SIDING
COMMERCIAL BUILDING
APPROX 4,318 S.F.

LOT 1 & THE SOUTH
3.5 FEET OF LOT 2,
BLOCK 20
N.C.B. 977

RETAIL
SERVICE
OFFICE

PAVED AREA
APPROX. 2,905 S.F.

IDZ RD-2 WITH USES ALLOWED IN C-2 - AND
OTHER USES INCLUDING COFFEE ROASTING, ALCOHOL
DISTILLERY, ICE CREAM AND CANDY MANUFACTURING,
COMMERCIAL GYMNASIUM, RETAIL WINE & SPIRITS,
BAR/LIGHT CLUB, MICRO BREWERY

GRAYSON ST.

BROADWAY

**CROSS BRANCH
SURVEYING**
237 N. LOOP 410, SUITE 5
SAN ANTONIO, TEXAS 78217
(210) 828-1102

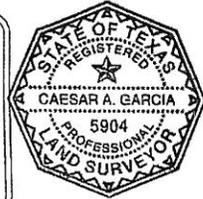
CROSS BRANCH SURVEYING DOES NOT
MAKE OR WARRANT ANY FLOOD ZONE
DETERMINATION.

STATE OF TEXAS
COUNTY OF BEXAR

I hereby certify that the above plat is true and correct according to an actual survey made on the ground under my supervision and that there are no visible encroachments or encroachments of buildings on adjoining property, and that all buildings are wholly located on this property except as shown above and that all pins have been located as indicated above on the dots on this plat. Survey is not for architectural, landscaping, engineering, construction or development purposes. Determination is made to original purchasers and is not transferable to additional institutions or subsequent owners. Municipal records not researched. Surveyor has obtained for boundary lines only. Other matters of record which may affect this tract have not been researched.

This 2nd day of SEPTEMBER, 2011 A.D.

CAESAR A. GARCIA
REGISTERED PROFESSIONAL
LAND SURVEYOR NO. 5904



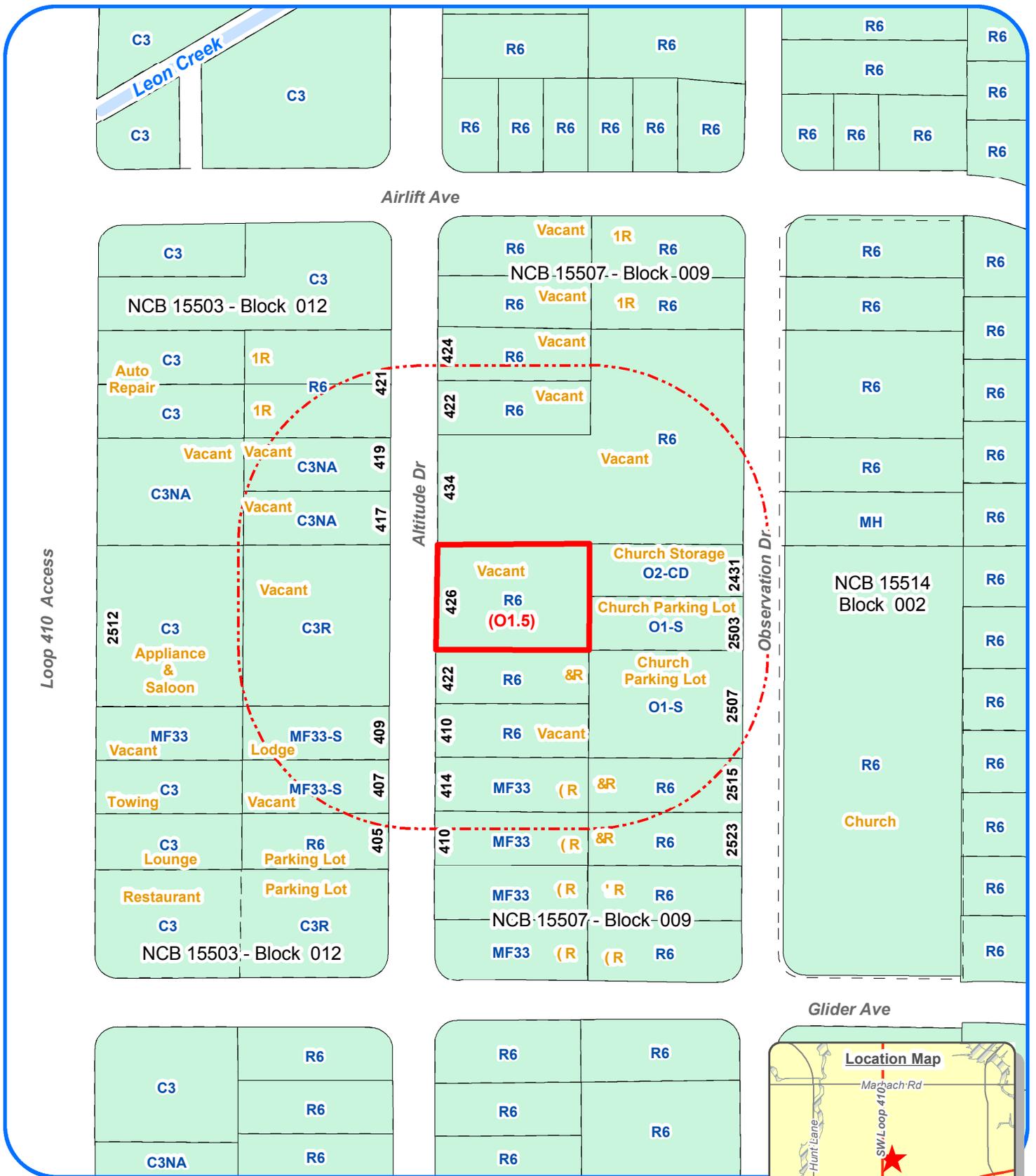
BEING LOT 1 AND THE SOUTH 3.5 FEET OF LOT 2, BLOCK 20, NEW CITY BLOCK 977, IN THE CITY OF SAN ANTONIO, BEXAR COUNTY, TEXAS.

ADDRESS: 1900 BROADWAY
CITY OF SAN ANTONIO, BEXAR COUNTY, TEXAS.
TITLE INFORMATION PROVIDED BY: ALAMO TITLE
(O.F.) REFERENCE: 4008001396
D.B. F.S. S.B. A.D./R.C./K.R.

I, Robert A. Shearer, Managing Member of OT Partners, LLC, the property owner, acknowledges that this site plan submitted for the purpose of rezoning this property is in accordance with all applicable provisions of the Unified Development Code. Additionally, I understand that the City Council approval of a site plan in conjunction with a rezoning case does not relieve me from adherence to any/all City-adopted

Robert A. Shearer
OT PARTNERS, LLC
July 31, 2012

WORK ORDER NO. 11-B-6E



Zoning Case Notification Plan

Case Z-2012-189

Council District 4

Scale: 1" approx. = 120 Feet

Subject Property Legal Description(s): NCB 15507 BLK 9 LOT 11

Legend

- Subject Properties (0.447 Acres)
- 200' Notification Area
- Current Zoning **TEXT**
- Requested Zoning Change **(TEXT)**
- 100-Year DFIRM Floodplain
- Single Family Residential **1R**



Development Services Dept
City of San Antonio
(08/16/2012 - R Martinez)

Note: All Current and Requested Zoning includes AHOD (Airport Hazard Overlay District).



City of San Antonio Development Services Department Staff Report

To: Zoning Commission
Zoning Case #: Z2012189
Hearing Date: September 4, 2012
Property Owner: Grace First Baptist Church
Applicant: Grace First Baptist Church
Representative: P.W. Christensen, P.C. (Patrick Christensen)
Location: 426 Altitude Drive
Legal Description: Lot 11, Block 9, NCB 15507
Total Acreage: 0.4477
City Council District: 4
Case Manager: Osniel Leon, Planner
Case History: This is the first public hearing for this zoning case.

Proposed Zoning Change

Current Zoning: "R-6 AHOD" Residential Single-Family Airport Hazard Overlay District

Requested Zoning: "O-1.5 AHOD" Mid-Rise Office Airport Hazard Overlay District

Procedural Requirements

The request was publicly noticed in accordance with Section 403 of the Unified Development Code (UDC). The application was published in The Daily Commercial Recorder, an official newspaper of general circulation on August 17, 2012. Notices were sent to property owners and registered neighborhood associations within two hundred (200) feet of the subject property on August 22, 2012. Additionally, notice of this meeting was posted at city hall and on the city's internet website on August 31, 2012, in accordance with Section 551.043(a) of the Texas Government Code.

Notices Mailed

Owners of Property within 200 feet: 22

Neighborhood Associations: Lackland Terrace Neighborhood Association

Planning Team Members: 35 – West/Southwest Sector Plan

Applicable Agencies: None

Property Details

Property History: The subject property was annexed in 1964, and was originally zoned "R-1" Single Family Residence District. Upon adoption of the Unified Development Code, the previous base zoning district converted to the current "R-6" Residential Single Family District. The subject property is currently undeveloped, but was platted into its current configuration in 1952 (volume 3025, page 151 of the Bexar County deed and plat records).

Topography: The property does not include any abnormal physical features such as significant slope or inclusion in a flood plan.

Adjacent Zoning and Land Uses

Direction: North

Current Base Zoning: "R-6"

Current Land Uses: Undeveloped land, single family residences

Direction: West

Current Base Zoning: "C-3NA", "C-3R", "MF-33 S", "C-3"

Current Land Uses: Undeveloped land, lodge, appliance sales and repair, towing company, bars, auto repair

Direction: East

Current Base Zoning: "O-2 CD", "O-1 S"

Current Land Uses: Storage, parking lot

Direction: South

Current Base Zoning: "R-6", "MF-33"

Current Land Uses: Undeveloped land and two-, three-, and four-family dwellings

Overlay and Special District Information: All surrounding properties carry the "AHOD" Airport Hazard Overlay District, due to their proximity to an airport or approach path. The "AHOD" does not restrict permitted uses, but can require additional review of construction plans by both the Development Services Department and the Federal Aviation Administration.

Transportation

Thoroughfare: Altitude Drive, Observation Drive

Existing Character: Local Streets; 1 lane in each direction with sidewalks

Proposed Changes: None Known

Public Transit: The nearest VIA busline is number 617, which operates along Gunsmoke Drive east of the subject property

Traffic Impact: A Traffic Impact Analysis (TIA) report is not required. The traffic generated by the proposed development does not exceed the threshold requirements.

Parking Information: None

Staff Analysis and Recommendation: Approval

Criteria for Review: According to Section 35-421, zoning amendments shall be based on the approval criteria below.

1. Consistency:

The subject property is located within the West/Southwest Sector Plan and is currently designated as General Urban Tier in the future land use plan. The base zoning request is consistent with the future land use designation. Although the proposed parking lot may be accommodated by lower-intensity zoning districts, the applicant requests "O-1.5" in order to maintain consistency with the adopted land use designation.

2. Adverse Impacts on Neighboring Lands:

Staff finds no evidence of likely adverse impacts on neighboring properties. The surrounding block includes a broad mix of residential and commercial zoning and uses. The requested office zoning district allows a limited range of office and services uses.

The subject property is currently owned by the Grace First Baptist Church, located on the northeast corner of Observation Drive and Glider Avenue. The church structure is the largest non-residential use in the area, and therefore, has a strong physical presence in the neighborhood. Although worship facilities and their accessory uses are permitted in all zoning districts, church-owned non-worship facilities located on adjacent properties must comply with zoning regulations. The parking lot is intended to serve the church. The expansion project will reduce the amount of parking available on the church site. The surrounding neighborhood would be best served by legitimate off-street parking facilities to accommodate the church.

3. Suitability as Presently Zoned:

The current "R-6" Residential Single-Family District is not consistent with the future land use designation. According to the West/Southwest Sector Plan, the General Urban Tier promotes small tract detached single family housing and multi-family development. Further; community commercial uses, which serve medium and high density residential uses, should be located at the intersections of arterials and/or collectors. Parking for both cars and bikes should be located as to not interfere with pedestrian circulation.

Staff finds this request reasonable due to the location of the subject property and the existing similarly zoned properties in the immediate area.

4. Health, Safety and Welfare:

Staff has found no indication of likely adverse effects on the public health, safety, or welfare due to this request.

5. Public Policy:

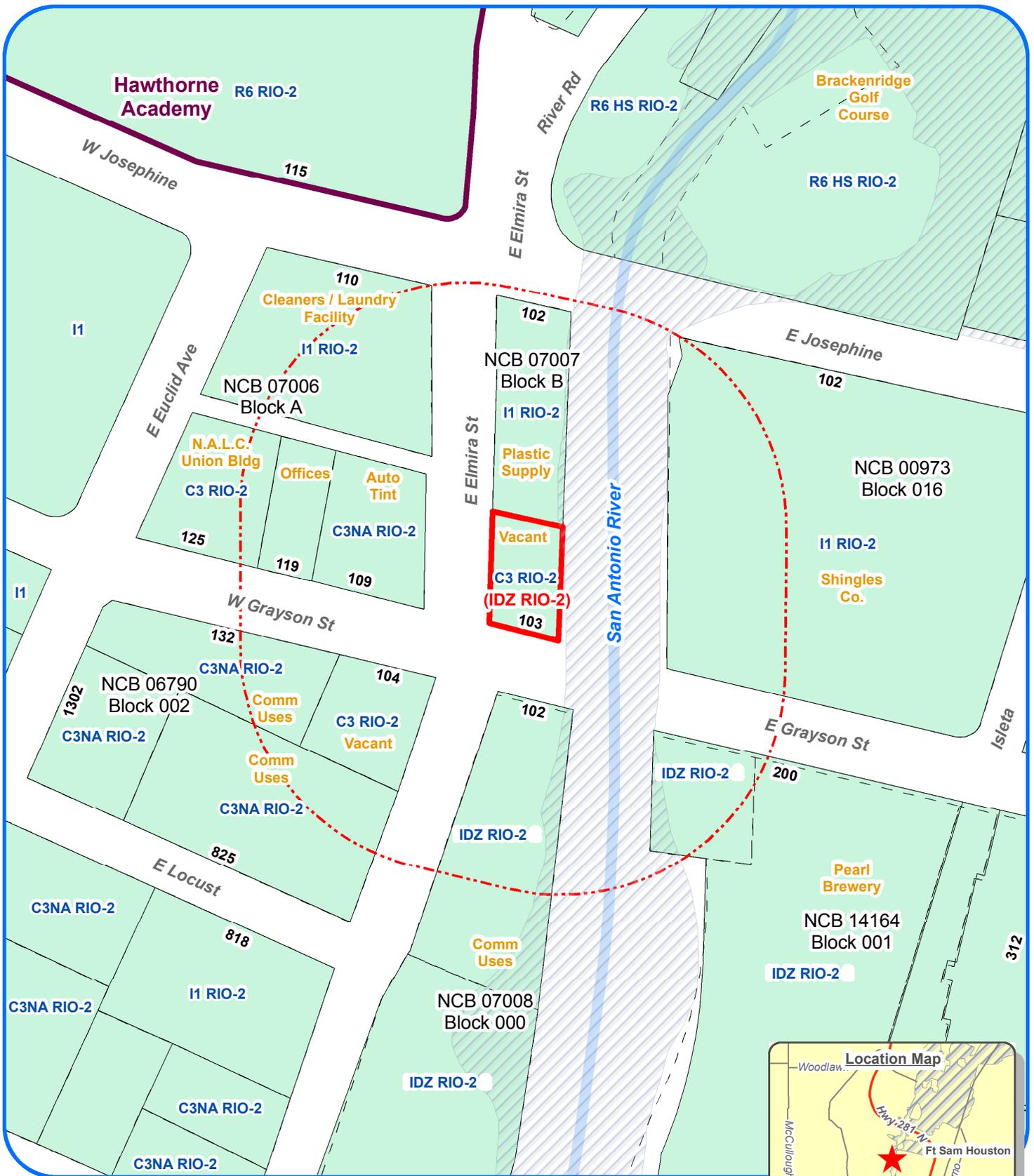
The request does not appear to conflict with any established public policy objective. The requested base zoning is consistent with the adopted land use plan.

6. Size of Tract:

The subject property is 0.4477 of an acre in size, which should be able to reasonably accommodate the proposed development.

7. Other Factors:

Lack of adequate parking can result in motorists parking in adjacent neighborhoods or business areas. This, in turn, can affect the perceived livability of the neighborhood and reduce the ability of business to accommodate customers. Circulation to find parking can increase which adds unnecessary vehicle trips on the surrounding street network, increasing the length of time and distance a vehicle is operated.



Zoning Case Notification Plan

Case Z-2012-190

Council District 1

Scale: 1" approx. = 120 Feet

Subject Property Legal Description(s): NCB 07007 BLK B LOT 5

Legend

- Subject Properties ——— (0.151 Acres)
- 200' Notification Area - - - - -
- Current Zoning **TEXT**
- Requested Zoning Change **(TEXT)**
- 100-Year DFIRM Floodplain
- Single Family Residential **1R**



Development Services Dept
City of San Antonio
(08/28/2012 - R Martinez)

Note: All Current and Requested Zoning includes AHOD (Airport Hazard Overlay District).



City of San Antonio

Development Services Department

Staff Report

To: Zoning Commission
Zoning Case #: Z2012190
Hearing Date: September 4, 2012
Property Owner: Tacoland Studios, LLC
Applicant: Nick Sirianni
Representative: Nick Sirianni
Location: 103 West Grayson Street
Legal Description: Lot 5, Block B, NCB 7007
Total Acreage: 0.1512
City Council District: 1
Case Manager: Osniel Leon, Planner
Case History: This is the first public hearing for this case.

Proposed Zoning Change

Current Zoning: "C-3 RIO-2 AHOD" General Commercial River Improvement Overlay-2 Airport Hazard Overlay District

Requested Zoning: "IDZ RIO-2 AHOD" Infill Development Zone River Improvement Overlay-2 Airport Hazard Overlay District with uses permitted in "C-2" Commercial District and a bar

Procedural Requirements

The request was publicly noticed in accordance with Section 403 of the Unified Development Code (UDC). The application was published in The Daily Commercial Recorder, an official newspaper of general circulation on August 17, 2012. Notices were sent to property owners and registered neighborhood associations within two hundred (200) feet of the subject property on August 22, 2012. Additionally, notice of this meeting was posted at city hall and on the city's internet website on August 31, 2012, in accordance with Section 551.043(a) of the Texas Government Code.

Notices Mailed

Owners of Property within 200 feet: 11

Neighborhood Associations: Tobin Hill Community Association

Planning Team Members: 13 – Tobin Hill Neighborhood Plan

Applicable Agencies: Office of Historic Preservation

Property Details

Property History: The subject property is currently developed with a commercial structure. According to the Bexar County Appraisal District, the structure measures 1,854 square feet and was constructed in 1947. According to the applicant, the property was originally developed with two commercial structures that were later enclosed into a single building measuring approximately 2,800 square feet. The property is located within the City Limits as they were recognized 1938, and was originally zoned "B" Residence District. In a 1995 City-initiated large area case, the property was rezoned to "B-3" Business District. Upon adoption of the Unified Development Code, the previous base zoning district converted to the current "C-3" General Commercial District.

Topography: The property does not include any abnormal physical features such as significant slope or inclusion in a flood plan.

Adjacent Zoning and Land Uses

Direction: North

Current Base Zoning: "I-1", "R-6"

Current Land Uses: Golf course, plastic supply, school

Direction: East and West

Current Base Zoning: "C-3NA", "C-3", "I-1"

Current Land Uses: Offices, auto tint, shingle manufacturing

Direction: South

Current Base Zoning: "C-3", "C-3NA", "IDZ"

Current Land Uses: Commercial and office uses, Pearl brewery, vacant property, restaurant

Overlay and Special District Information: All surrounding properties carry the "AHOD" Airport Hazard Overlay District, due to their proximity to an airport or approach path. The "AHOD" does not restrict permitted uses, but can require additional review of construction plans by both the Development Services Department and the Federal Aviation Administration.

All surrounding properties carry the "RIO" River Overlay District, due to their proximity to the San Antonio River. The purpose of these districts is to establish regulations to protect, preserve and enhance the San Antonio River and its improvements by establishing design standards and guidelines.

A number of surrounding properties carry the "HS" Historic Significant landmark designation, signifying the historic architectural character or cultural significance of the structure or location. Historic Landmark designations do not affect the possible uses of the property, but do regulate the exterior aesthetic of the structure.

Transportation

Thoroughfare: West Grayson Street, East Elmira Street

Existing Character: Local Streets; 1 lane in each direction with sidewalks

Proposed Changes: None Known

Public Transit: The nearest VIA busline is number 20, which operates north of the subject property, along Josephine Street. Additionally, the number 8 line operates west of the subject property, along St. Mary's Street.

Traffic Impact: A Traffic Impact Analysis is not required. Infill Development Zone (IDZ) requests are exempt from the TIA requirement.

Parking Information: Bar – Minimum Parking Requirement: 1 space per 100 square feet of Gross Square Footage (GSF). Maximum Parking Allowance: 1 space per 75 square feet of Gross Square Footage (GSF). Infill Development Zone waives off-street parking requirements.

Staff Analysis and Recommendation: Approval

Criteria for Review: According to Section 35-421, zoning amendments shall be based on the approval criteria below.

1. Consistency:

The property is located within the Tobin Hill Neighborhood Plan and is currently designated as High Density Mixed Use. The subject property is located within the River Redevelopment District, which is a sub-area identified in the plan. The plan includes individualized guidelines for future development of each sub-area. For the River Redevelopment District, the plan encourages a concentration on arts, culture, and entertainment links as well as creation of active and passive recreational spaces. The requested "IDZ" Infill Development District with uses permitted in "C-2" Commercial District and a bar is consistent with the adopted land use designation.

2. Adverse Impacts on Neighboring Lands:

Staff has found no evidence of likely adverse impacts related to the zoning request.

3. Suitability as Presently Zoned:

The existing commercial zoning is not consistent with the adopted future land use designation. The current "C-3" General Commercial District is designed to provide uses that are typically characterized as community and regional power centers such as shopping malls, movie theaters, and hospitals. The "C-3" zoning is most suitable when located on large acreage lots at intersections of highways and major arterials; and therefore, is not appropriate for the subject property.

4. Health, Safety and Welfare:

Staff has found no indication of likely adverse effects on the public health, safety, or welfare.

5. Public Policy:

The request does not appear to conflict with any established public policy. The property is located within the Inner City Reinvestment Policy (ICRIP) area. The purpose of the ICRIP is to promote growth and development in the inner city, specifically in areas that are currently served by public infrastructure and transit, but underserved by residential and commercial real estate markets.

6. Size of Tract:

The subject property is 0.1512 of an acre in size, which should be able to reasonably accommodate the proposed development with the flexibility offered by "IDZ". Although the proposed use is permitted in the existing zoning district, the applicant has stated that the zoning request is meant to reduce parking requirements in order to allow preservation of a large oak tree on the subject property.

7. Other Factors:

The "C-2" Commercial District allows general commercial activities designed to serve the community and promote a broad range of commercial operations and services necessary for large regions of the city, providing community balance. No outdoor storage or display of goods shall be permitted except for outdoor dining.

**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 ~~have regularly scheduled meetings held twice per month~~. Applicants shall provide at least one (1) week notice when requesting request to be placed on CRC agenda at least one (1) week before the scheduled meeting date. ~~The CRC coordinator may cancel meetings when there are no outstanding applications.~~

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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 special exceptions pursuant to Article III, Division 8 of this Chapter.

* * * * *

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

* * * * *

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.

Amendment 2-4

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.](#)

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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.

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.

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 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.

* * * * *

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 four (4) 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. Signs shall be designed to be compatible with the building in scale, proportion, and color. 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)

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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 1st and 2nd 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.

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.~~

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D. (T5) Parking Standards.

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

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 1st and 2nd 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 1st lot layer since streetscape trees are already required. Providing trees in the 1st 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 1st and 2nd 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 209-10D LOT LAYERS

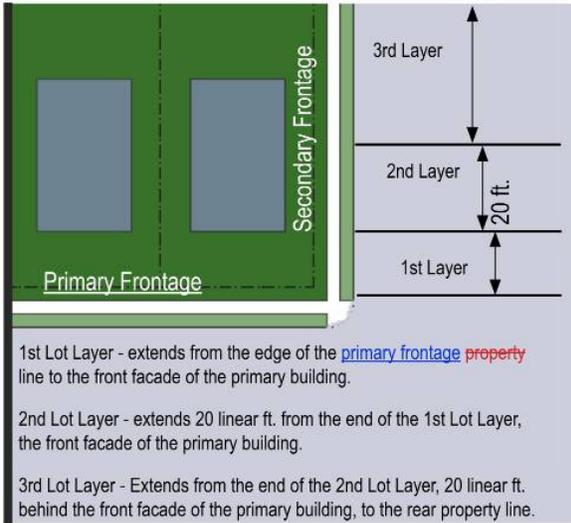
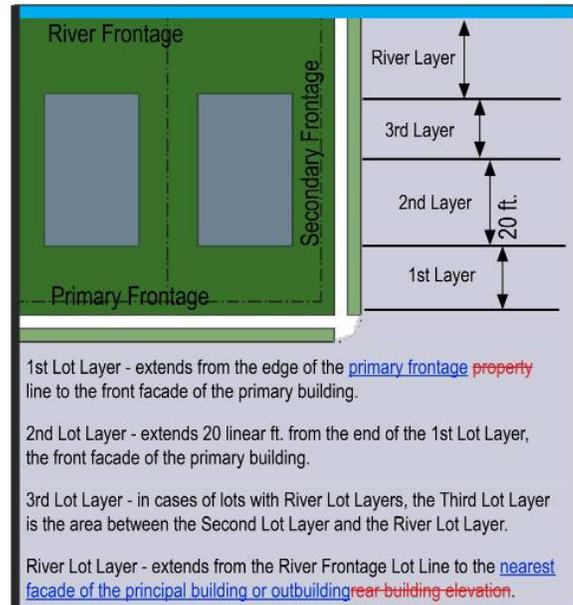


TABLE 209-10E LOT LAYERS WITH RIVER FRONTAGE



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 ²				■	■	■	
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.

²All 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.

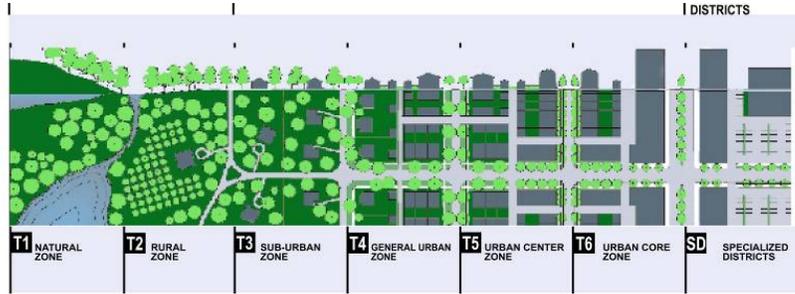


TABLE 209-18 TRANSECT ZONE SUMMARY

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 - 40 %	10 - 45 %	not applicable
Regional Center (R)	no minimum	no minimum	not permitted	10 - 40 %	10 - 40 %	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. ¹	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 ²	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 209-8E and 209-8F)							
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 ³	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 ⁴	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 ⁵	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. ⁶	15 stories max., 2 min. ⁶	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) ⁷							
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

A. ALLOCATION OF ZONES see section 35-209(c)						
Infill Regional Center						

B. OVERALL DENSITY see section 35-209(c)						
Infill Option						

C. BLOCK SIZE						
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

D. PUBLIC FRONTAGES (see Table 209-4E and 209-4F)						
PW	not permitted	permitted				
BV	permitted	permitted	permitted	permitted	permitted	permitted
RR	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

E. CIVIC SPACE (see Table 209-8A)						
Park	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

F. LOT OCCUPATION						
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 ¹	70% max	70% max	80% max	85% max	90% max	90% max

G. SETBACKS - PRINCIPAL BUILDING						
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 ²	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.

H. SETBACKS - OUTBUILDING						
Front Setback	24 ft. min. + bldg setback	24 ft. min. + bldg setback	40 ft. max from rear prop. line	3" lot layer	3" 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 ³	3 ft. min.	3 ft. min.	3 ft. max	no max, no min.	no max, no min.	3 ft. min.

I. BUILDING DISPOSITION (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

J. PRIVATE FRONTAGES (see Table 209-12)						
Common Yard	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

K. BUILDING HEIGHT						
Principal Building	3 stories max.	4 stories max.	2 stories min., 4 max. ⁴	2 stories min., 6 max. ⁴	2 stories min., 10 max. ⁴	3 stories max.
Outbuilding	2 stories max.	2 stories max.	2 stories max.	3 stories max.	3 stories max.	2 stories max.

L. FUNCTION (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

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

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

**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 ¹	3,000 ⁷		--	15	20	--	10	35	5	10	35/3	70% of lot area	--
RM-6 ¹	6,000		7	15	15	150	10	--	5	20	<u>35/3</u> 35/2-1/2	--	--
RM-5 ¹	5,000		9	15	15	100	10	--	5	10	<u>35/3</u> 35/2-1/2	--	--
RM-4 ¹	4,000		11	15	15	80	10	--	5	10	<u>35/3</u> 35/2-1/2	--	--
MF-18 ^{1,4}	--		18	50	50	--	--	20 ^{3,4,6}	5	10	35	--	--

<u>MF-65^{1,4}</u>	--		<u>65</u>	<u>50</u>	<u>50</u>			<u>20^{3,4,6}</u>	<u>5</u>	<u>10</u>	--	--	--

<u>NC</u> “NC”	--		--	20	--	--	--	15	10	30	25	3,000	<u>5,000</u>
C-1	--		--	50	50	--	--	20	10	30	25	5,000	15,000

Rules for Interpretation of Table 310-1:													

Column (M): 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 authorization permit 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) .

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.

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; 65 Units/Acre Maximum in MF-65)																	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	P	S	3110

Amusement Museum – public or private	P	P	P	P	P	P	P	P	P		P	5200

Animal Animal Clinic			P	P	P	P	P	P			S	2418
Animal Animal and pet services (no outdoor training, boarding, runs, pens or paddocks)			P	P	P	P	P	P			P	2720
Animal Animal and pet services (outdoor training, boarding, runs, pens or paddocks permitted)								P	P		S	2720

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 (see also 35-348)				S		S		S			S	
Animal	Animal - Pound Or Shelter								P	P		S	2418
Animal	Breeder - Small Animal Only								S	P		N A	2140
Animal	Cemetery – Pets (Limited to Small Animals)					P	P		P	P		S	6730
Animal	Dog Training—Indoor						P		P	P		P	2100
Animal	Dog Training—Outdoor Permitted						S		P	P		S	
Animal	 kennel—Boarding And Breeding								S	P		S	2418
Animal	Pet Grooming—Small Animals Only			P	P	P	P	P	P			P	2136
Animal	Stockyard										S	N A	9300 9200
Animal	Veterinary Hospital - Large And Small Animal (Outside Runs, Pens And Paddocks Permitted)									P		S	2418
Animal	Veterinary Hospital—Large And Small Animal (No Outside Runs, Pens And Paddocks Permitted)						S		P	P		S	
Animal	Veterinary Hospital - Small Animal (Outside Runs, Pens And Paddocks Permitted)								P	P		S	2418
Animal	Veterinary Hospital—Small Animals (No Outside Runs, Pens And Paddocks Permitted)						S	S	P	P		S	

Auto	Auto and Light Truck Repair (includes motorized vehicles such as motorcycles and all-terrain vehicles)						P		P			NA	2110

Dwelling	Dwelling- 1 Family (single-family)							P				P	1100
<u>Dwelling</u>	<u>Dwelling – 1 Family Attached (townhome), see 35-373</u>							P				P	1100
Dwelling	Extended Stay, Group Day Care, Hotel (see Service Category)												
Dwelling	Dwelling - Attached Apartments/Condominiums With Maximum Density Of 6 Dwellings Per Gross Acre, see also 35-381 (Allowed Ratio Of 1 Square foot Of Residential Floor use To 1 Square foot Of Nonresidential Floor use) (City council may alter ratios by approval of a specific use authorization)use authorization)			P	P	P	P	P				P	
Dwelling	Attached Single Family Units (townhome)							P					
Dwelling	Dwelling – Attached Apartments/Condominiums With Maximum Density Of 10 Dwellings Per Gross Acre, see also 35-381 (Allowed Ratio Of 1 Square foot Of Residential Floor use To 1 Square					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)
	foot Of Nonresidential Floor use) (City council may alter ratios by approval of a specific use authorization)											
Dwelling	Dwelling - Attached Apartments/Condominiums With Maximum Density Of 20 Dwellings Per Gross Acre, see also 35-381 (Allowed Ratio Of 1 Square foot Of Residential Floor use To 1 Square foot Of Nonresidential Floor use) (City council may alter ratios by approval of a specific use authorization)						P	P				P
Dwelling	Dwelling - Attached Apartments/Condominiums							P				
Dwelling	Live-Work Units, subject to 35-381			P	P	P		P				P
Dwelling	Loft (see definition of Dwelling, Loft 35-A101)	S	S		P	P	P	P	S	S		

Industrial	Construction Contractor Facility – screening required for outdoor storage from public ROWs and adjacent property except in “I-2” (see also Service category, construction trades contractors)						S		S	P	P	S 7100

Industrial	Water Well Drilling Contractor									S	P	S 7230

Manufacturing	Well Drilling Contractor									S	P	S 7230

Retail	Appliance and Electronics – Retail (Appliance Sales Incidental To Other Onsite Retail Items in “C-1” and “D”)				P	P	P	P				P 2125

Retail	Computer and Software- Retail			P	P	P	P	P				P 2131
Retail	Convenience Store – Limited to Maximum 3,000 Square Foot Total Floor Area in “I-1”			P	P	P	P	P	P	P		2152

Retail	Dry Goods – Retail			P	P	P	P	P	P			P 2133 2140

Retail	Grocery Store – Limited to Maximum 3,000 Square Foot Total Floor Area in “NC” “C-1”			P	P	P	P	P				P 2151
Retail	Hardware Sales – Retail (Limited to to Maximum 3,000 Square Foot Total Floor Area in “NC” “C-1”)			P	P	P	P	P				P 2122
Retail	Headshop, see also Section 35-377						S					P 2143 2,000
Retail	Hobby Store – Retail (Limited to to Maximum 3,000 Square Foot Total Floor Area in “NC” “C-1”)			P	P	P	P	P				P 2134 2140

Retail	Pet or pet supply store Shop—Retail			P	P	P	P	P	P			P 2710 2136

Retail	Variety Store - Retail				P	P	P	P				P 2130 2145

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— <u>screening required for outdoor storage from public ROWs and adjacent property (see also Industrial category, contractor facility use)</u>								P	P	S	S 7300

Service	<u>Ice Machine (over 120 square feet)</u>					P	P		P	P		P

Service	<u>Radio or Television Station Studio</u>	P	P		P	P	P	P	P	P		P

Social	Club – Private (<u>see definition “Club” in 35-A101</u>)					S	P	P				P 6830 9900
Social	Clubhouse – <u>Civic And Fraternal Organizations, Private</u> -Including Lodges And Meeting Halls				P	P	P	P				P 6830 9900

Utilities	Radio or Television Station Without Transmission Tower											
Utilities	<u>Radio/Television Antenna , subject to §35-385(b)</u>	P	P	P	P	P	P	P	P	P	P	S
Utilities	<u>Radio/Television Antenna, unable to comply with §35-385(b)</u>	S	S	S	S	S	S	S	S	S	S	S

Warehouse	Office Warehouse (Flex Space) – Outside Storage Not Permitted <u>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)</u>							P		P	P	S 3600

**Table 311-2a
Nonresidential Use Matrix**

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

Amusement	<u>Museum – public or private</u>	P	P	P	P	P	P	P	P	P			P

Animal	<u>Animal Clinic</u>	P	P	P	P	P	P	P	P	P		P	
Animal	<u>Animal and pet services (no outdoor boarding, runs, pens or paddocks)</u>	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
Animal	Animal and pet services (outdoor boarding, runs, pens or paddocks permitted)					P	P	P					
Animal	Animal – Equestrian Center and Riding Trails					S		S					
Animal	Animal - Pound Or Shelter							P					
Animal	Breeder - Small Animal Only					P		S					
Animal	Cemetery – Pets (Limited to Small Animals)					P		P					
Animal	Dog Training—Indoor	P		P		P		P					
Animal	Dog Training—Outdoor Permitted					P		P					
Animal	Kennel—Boarding And Breeding					P		S					
Animal	Pet Grooming—Small Animals Only	P	P	P	P	P	P	P	P	P	P	P	
Animal	Stockyard							S					
Animal	Veterinary Hospital - Large And Small Animal (Outside Runs, Pens And Paddocks Permitted)					P		P					
Animal	Veterinary Hospital—Large And Small Animal (No Outside Runs, Pens And Paddocks Permitted)					P	P	P					
Animal	Veterinary Hospital - Small Animal (Outside Runs, Pens And Paddocks Permitted)					P		P					
Animal	Veterinary Hospital—Small Animals (No Outside Runs, Pens And Paddocks Permitted)	S		S		P	P	P					

Auto Manufacturing	Auto Manufacturing Assembly Operations (< 5 acres in MI-1)							P			P		
Auto Manufacturing	Electronic Component Manufacturing (< 5 acres in MI-1)							P			P		
Auto Manufacturing	Metal Fabrication (< 5 acres in MI-1)							P			P		
Auto Manufacturing	Plastics Manufacturing (< 5 acres in MI-1)							P			P		
Auto Manufacturing	Plating Manufacturing										P		

	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 in MI-1)							P			P		

Dwelling	Dwelling - Attached Apartments/Condominiums With Maximum Density Of 6 Dwellings Per Gross Acre, see also 35-381 (Allowed Ratio Of 1 Square foot Of Residential Floor use To 1 Square foot Of Nonresidential Floor use) (City council may alter ratios by approval of a specific use authorization)	P	P										
Dwelling	Dwelling - Attached Apartments/Condominiums With Maximum Density Of 10 Dwellings Per Gross Acre, see also 35-381 (Allowed Ratio Of 1 Square foot Of Residential Floor use To 1 Square foot Of Nonresidential Floor use) (City council may alter ratios by approval of a specific use authorization)	P	P										
Dwelling	Dwelling - Attached Apartments/Condominiums With Maximum Density Of 20 Dwellings Per Gross Acre, see also 35-381 (Allowed Ratio Of 1 Square foot Of Residential Floor use To 1 Square foot Of Nonresidential Floor use) (City council may alter ratios by approval of a specific use authorization)	P	P										

	PERMITTED USE	UD Major Node	UD Minor Node	RD Major Node	RD Minor Node	FR Ag Commercial	VILLAGE CENTER FR / 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, see also 35-381 (Allowed Ratio Of 1 Square foot Of Residential Floor use To 1 Square foot Of Nonresidential Floor use) (City council may alter ratios by approval of a specific use authorization) authorization)	P											

Dwelling	Live-Work Units, subject to 35-381	P	P										

Industrial	Construction Contractor Facility – screening required for outdoor storage from public ROWs and adjacent property (see also Service category, construction trades contractors)							S			P		

Industrial	Water Well Drilling Contractor							S			P		

Manufacturing	Well-Drilling Contractor							S			P		

Retail	Appliance and Electronics – Retail (Appliance Sales Incidental To Other Onsite Retail Items in “UD and “RD”)	P		P						P			P

Retail	Computer and Software - Retail	P	P	P	P				P	P		P	P

Retail	Pet or Pet Supply Store Shop –Retail	P	P	P	P				P	P		P	

Service	Construction Trades Contractors– screening required for outdoor storage from public ROWs and adjacent property (see also Industrial category, contractor facility use)							P			P		

	PERMITTED USE	UD Major Node	UD Minor Node	RD Major Node	RD Minor Node	FR Ag Commercial	VILLAGE CENTER FR / 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.

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.

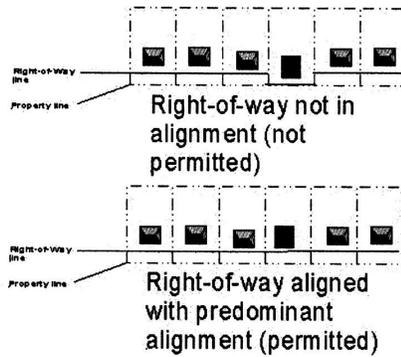


Figure 343-1

(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.

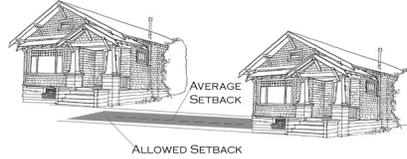
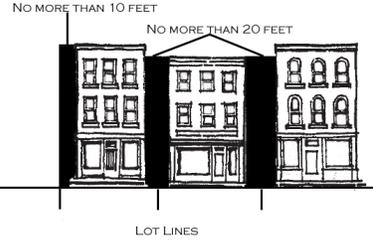
(m) Urban Design.

(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.

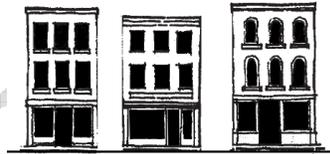
A narrow side setback (not exceeding 10 feet) shall be provided between building facades facing the street public right-of-way in order to frame the structure and to provide spacing and rhythm between the structures.

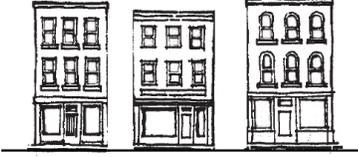
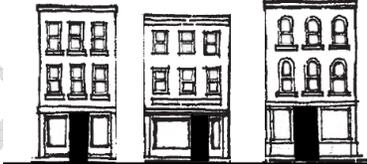
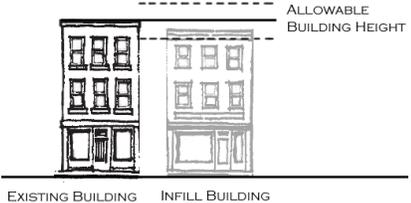
The side setback provisions of this section shall not apply to Single-Family Detached Dwellings or lots abutting a Single-Family Detached Dwelling.



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>PROPORTION OF PRIMARY FACADE. The size of facades facing the street public right-of-way are similar in area and height to width ratios to buildings on abutting and/or adjacent lots. The size of the facade shall be considered “similar” if the proposed facade does not vary by more than thirty percent (30%) in area 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>LOCATION AND TREATMENT OF ENTRYWAY. At least one (1) entryway shall be provided along the front façade, which is the façade that faces the street public right-of-way. In order to create visual commonality between structures, the following criteria shall apply: (1) the size of entryways in building facades facing the street public right-of-way shall not vary by more than thirty percent (30%) in 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>BUILDING SCALE. 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	<ul style="list-style-type: none"> > Where permitted by the Use Matrix > In any PUD, MPCD, or "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> at least one adjoining lot is devoted to nonresidential uses. 	<ul style="list-style-type: none"> > Where permitted by the Use Matrix > In any PUD, MPCD, or "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> at least one adjoining lot is devoted to nonresidential uses.
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

	except as provided in subsection (b) . The building is subject to the setback and dimensional requirements of the Dimensional Matrix, table 310-1 .	building is subject to the setback and dimensional requirements of the Dimensional Matrix, table 310-1 .
Distribution of Uses	By floor (see below)	By floor (see below)
• uses permitted on first floor	Retail, Office, Industrial	Commercial or Office only. Residential may be permitted when shared with common commercial or office space in accordance with the International Building Code .
• uses permitted on second floor	Residential, Retail, Office, Industrial	Residential only
• uses permitted above second floor	Residential, Office	Residential only

(b) The density of mixed-use buildings or live-work units shall not exceed the following, at locations where the building is listed as a permitted use in the Nonresidential Use Matrix (Table 311-2 - see listing under category "dwelling" and permitted use "dwelling - attached apartments"):

Maximum Density (dwelling units per gross acre)	Ratio of Residential Floor Space to Nonresidential Floor Space (square footage)	Zoning Districts
6	1:1	NC , C-1, C-2, C-3 , D, UD , ERZD
10	1:1	C-2, C-3 , D, UD , ERZD
20	2:1	C-3 , D, UD , ERZD
50	4:1	D, UD – 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, O-1.5 , O-2, C-2, C-3, UD	C-1, C-2, UD, RD
L, I-1, QD	C-2, C-3, UD, RD, MI-1
O-1, NC, C-1	Any IDZ district with frontage on a Local Street
O-1, O-1.5, O-2, NC, C-1, C-2, C-3, L, I-1	Any IDZ district with frontage on a Collector Street or higher classification street.

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](#) ~~at 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~~ 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)

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

13	4.877	5.805	6.731	7.618	8.839	10.403	13.763
14	4.731	5.641	6.558	7.399	8.608	10.192	13.468
15	4.6	5.48	6.4	7.2	8.4	10	13.2
16	4.458	5.296	6.159	6.959	8.088	9.551	12.765
17	4.328	5.129	5.942	6.741	7.806	9.147	12.368
18	4.209	4.977	5.743	6.541	7.549	8.781	12.005
19	4.099	4.836	5.562	6.357	7.314	8.449	11.672
20	3.998	4.707	5.395	6.188	7.098	8.146	11.364
21	3.904	4.587	5.241	6.031	6.898	7.867	11.079
22	3.816	4.476	5.098	5.886	6.713	7.61	10.814
23	3.734	4.372	4.965	5.749	6.541	7.373	10.566
24	3.658	4.275	4.841	5.622	6.38	7.153	10.335
25	3.586	4.184	4.725	5.503	6.229	6.947	10.117
26	3.518	4.098	4.616	5.39	6.088	6.756	9.913
27	3.453	4.017	4.514	5.284	5.955	6.576	9.72
28	3.393	3.941	4.417	5.184	5.83	6.408	9.538
29	3.335	3.868	4.326	5.089	5.711	6.25	9.365
30	3.28	3.8	4.24	5	5.6	6.1	9.2
31	3.209	3.723	4.155	4.905	5.501	6.003	9.025
32	3.142	3.65	4.074	4.814	5.407	5.911	8.87
33	3.078	3.58	3.997	4.727	5.318	5.823	8.722
34	3.018	3.514	3.924	4.644	5.233	5.739	8.581
35	2.96	3.45	3.854	4.565	5.152	5.658	8.446
36	2.906	3.39	3.787	4.49	5.074	5.581	8.317
37	2.853	3.332	3.723	4.418	4.999	5.507	8.194
38	2.803	3.277	3.662	4.349	4.928	5.435	8.075
39	2.755	3.224	3.604	4.283	4.859	5.367	7.961
40	2.709	3.173	3.548	4.219	4.793	5.301	7.852
41	2.665	3.124	3.494	4.158	4.729	5.238	7.747
42	2.623	3.077	3.442	4.099	4.668	5.176	7.646
43	2.582	3.032	3.392	4.043	4.609	5.117	7.548
44	2.543	2.989	3.345	3.988	4.552	5.06	7.454
45	2.505	2.947	3.298	3.936	4.497	5.005	7.363
46	2.469	2.907	3.254	3.885	4.444	4.952	7.275
47	2.434	2.868	3.211	3.836	4.393	4.9	7.19
48	2.4	2.83	3.169	3.788	4.343	4.85	7.108
49	2.368	2.794	3.129	3.743	4.295	4.802	7.028
50	2.336	2.759	3.09	3.698	4.248	4.754	6.951
51	2.306	2.724	3.052	3.655	4.203	4.709	6.876
52	2.276	2.691	3.016	3.613	4.159	4.664	6.804
53	2.247	2.659	2.98	3.573	4.117	4.621	6.733
54	2.22	2.628	2.946	3.534	4.075	4.579	6.665
55	2.193	2.598	2.913	3.496	4.035	4.538	6.598
56	2.167	2.569	2.88	3.459	3.996	4.499	6.534
57	2.141	2.541	2.849	3.423	3.958	4.46	6.471
58	2.117	2.513	2.819	3.388	3.921	4.422	6.41
59	2.093	2.486	2.789	3.354	3.885	4.386	6.35
60	2.07	2.46	2.76	3.32	3.85	4.35	6.3

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

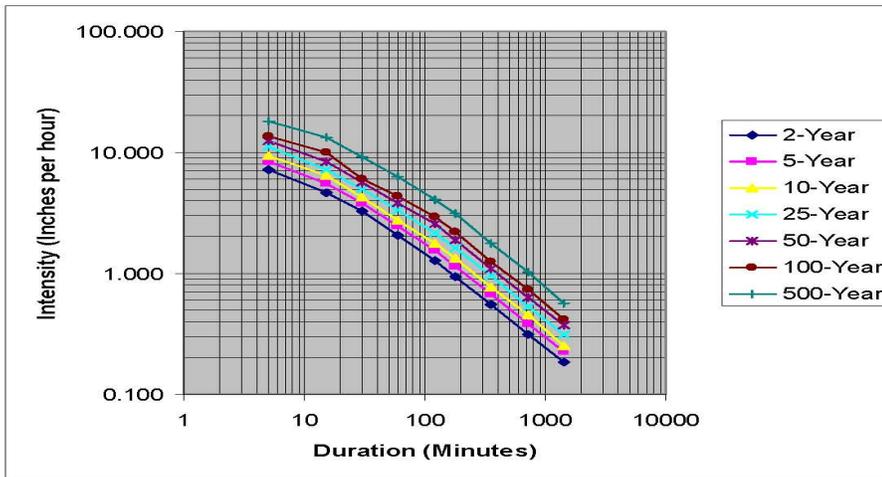


Figure 1. Rainfall Intensities plotted against Duration on Log-Log scale.

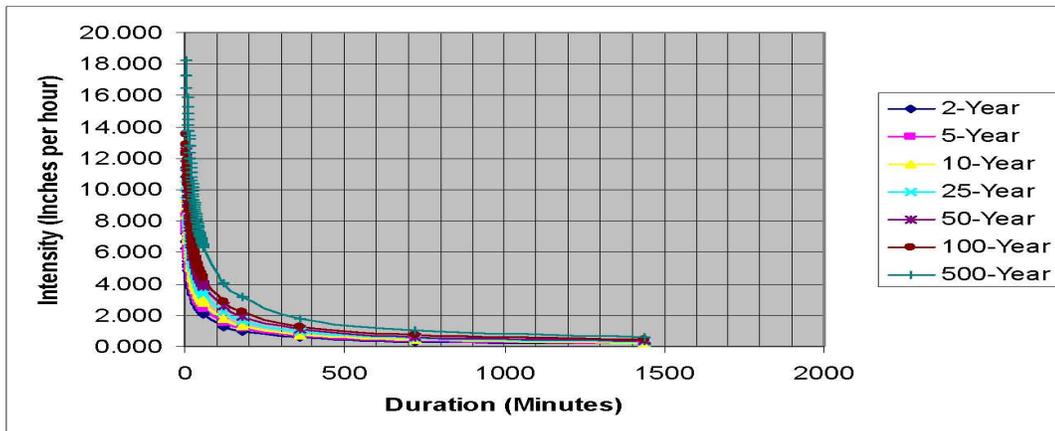


Figure 2. IDF Curves for Bexar County

[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	2.10	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	2.18	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	2.04	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	2.88
59	2.00	2.56	2.92	2.96	2.88	2.20	2.88
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
280	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	2.86
280	0.28	0.34	0.45	2.85	2.88	2.58	0.84
2440	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

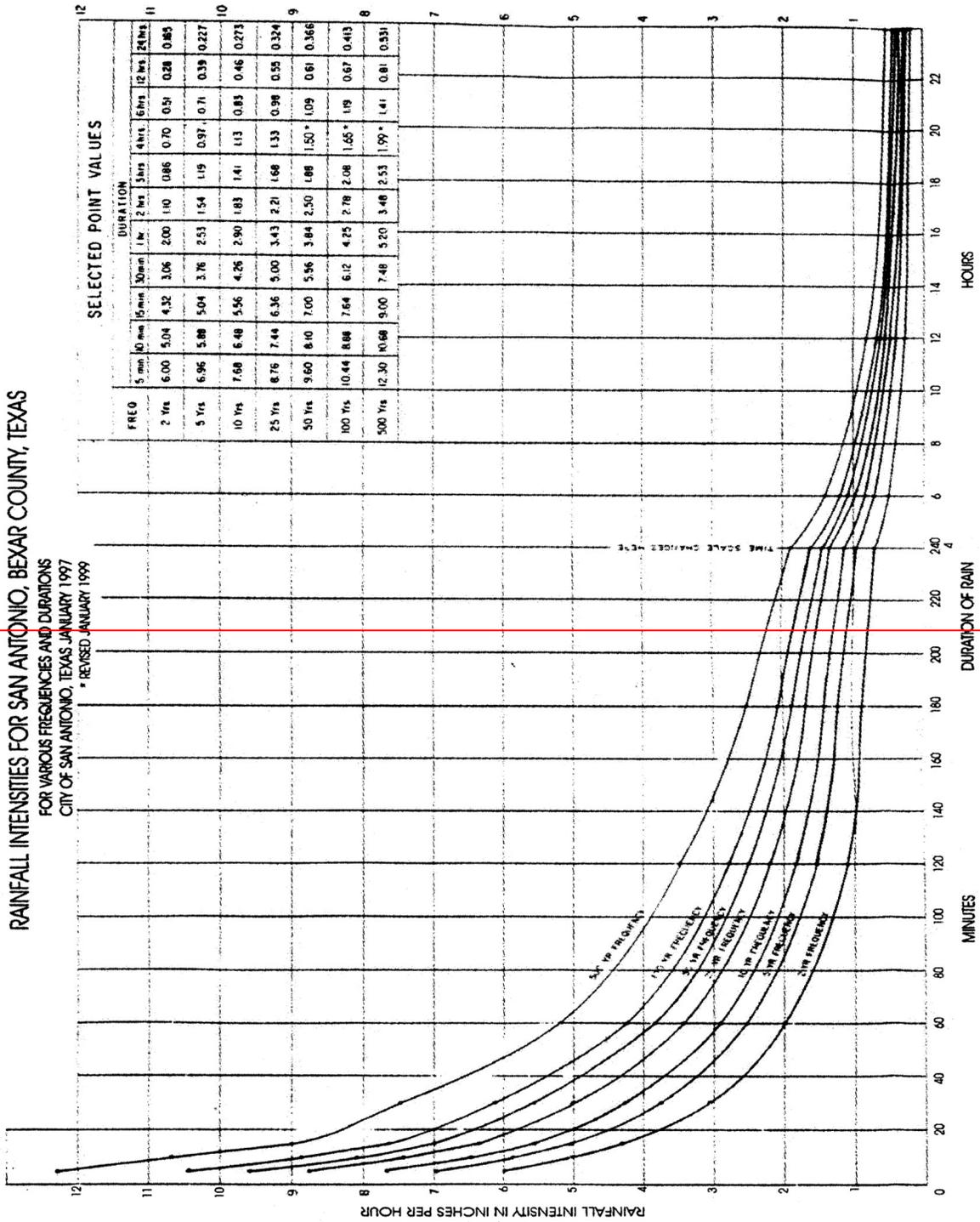


Figure 504-1

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

Footnotes:

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

(2) Notwithstanding the provisions of subsection (d)(1), above, a fence may be erected or altered up to a height of eight (8) feet where:

- A. The ground floor elevation within twenty (20) feet or less of the principal dwelling on either one of the two (2) adjoining lots is at least four (4) feet higher than the elevation at the adjoining lot line; or

- B. The fence is erected along a side or rear lot line which adjoins a collector street or arterial street (in which case streetscape planting shall be provided in accordance with section 35-512 of this chapter) as part of a multiple lot residential subdivision; or
- C. The fence is a sound barrier or fence required by TXDOT or a security fence required by the Department of Homeland Security for a public or institutional use; or
- D. The additional fence height is permitted by the city council pursuant to a rezoning or specific use authorization; or
- E. The fence is located on a side or rear **residential** lot line which abuts a "C-2", "C-3" or more intensive use that does not require a buffer yard.

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>
Service	Delicatessen	1 per 300 sf GFA	1 per 200 sf GFA
Service	Food – fast food with drive through lane(s)	1 per 150 sf GFA	1 per 40 sf GFA
Service	Food – restaurant or cafeteria	1 per 100 sf GFA	1 per 40 sf GFA
<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

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

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

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

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

*** Warranty Start Date:**

Warranty End Date:

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

Exhibit A: Cash Warranty Deposit Terms and Conditions

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

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

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

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

DRAFT 21. THIS IS A DRAFT AND WILL BE REPLACED BY THE FINAL, SIGNED ORDINANCE OR RESOLUTION ADOPTED BY THE CITY COUNCIL.

AN ORDINANCE

AMENDING CHAPTER 35, OF THE CITY CODE OF SAN ANTONIO, TEXAS, BY HARMONIZING APPLICABLE LAND USE PROVISIONS WITH REVISED CHAPTER 16 ARTICLE VII, AND PROVIDING FOR PENALTIES, PUBLICATION AND AN EFFECTIVE DATE.

* * * * *

WHEREAS, changes in Chapter 35 will effectively harmonize land use requirements with licensing and recordkeeping requirements in Chapter 16; **NOW THEREFORE**,

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

Chapter 35, Unified Development Code, of the City Code of San Antonio, Texas, is hereby amended by adding the underlined (added) language and deleting the stricken (~~deleted~~) language in the following manner:

Chapter 35, Table 311-2 Non-residential use matrix is amended by adding Metal recycling entity sections, a Salvage vehicle Recycling Facility section and deleting Junkyard or Salvage Yard from the matrix.

TABLE 311-2 NON-RESIDENTIAL USE MATRIX														
	<i>PERMITTED USE</i>	O-1 & O-1.5	O-2*	NC	C-1	C-2	C-3	D	I	I-1	I-2	ERZD	LBCS	

[Manufacturing	Junkyard or Salvage Yard											S	NA	2120]

Processing	<u>Used automotive parts recycler</u>											S	NA	
Processing	Recycling Facility Without Outside Storage and/or Processing (<u>Excluding Metal recycling entity</u>)									P	P	S		

TABLE 311-2a NON-RESIDENTIAL USE MATRIX		Urban		Rural		Farm		Mixed Industrial					
	<i>PERMITTED USE</i>	UD Major Node	UD Minor Node	RD Major Node	RD Minor Node	FR Ag Commercial	VILLAGE CENTER FR / FR	MI - 1	MI-1 Minor Node	VILLAGE CENTER - M1	MI - 2	MI-2 Minor Node	VILLAGE CENTER - M2
Processing	Recycling Facility With Outside Storage and/or Processing (excluding metal recycling entity)										P		
Processing	Metal recycling entity Without Outside Storage and/or Processing							S			S		
Processing	Metal recycling entity With Outside Storage and/or Processing										S		

Chapter 35, Section 35-334 “MAOZ” Military Airport Overlay Zones is amended to read as follows:

35-334 “MAOZ” Military Airport Overlay Zones

Military Airport Overlay Zone Permitted Use Table

MAOZ Permitted Use	MAOZ-1	MAOZ-2
<u>USED AUTOMOTIVE PARTS RECYCLER</u> [JUNK YARD or SALVAGE YARD]	p ³	p ³

Chapter 35, Section 35-338 “RIO” River Improvement Overlay Districts is amended to read as follows:

35-338 “RIO” River Improvement Overlay Districts**(c) Uses****(1) Prohibited Uses.**

- A. The following uses are prohibited within the river improvement overlay district:

9. Used automotive parts recycler [Junkyard or salvage yard]

Chapter 35, Section 35-525 (a)(5)C Outdoor Storage Standards is amended to read as follows:

35-525 Outdoor Storage Standards

(a) **Applicability.** The provisions of this section apply to the keeping, in an unroofed area, any goods, junk, material, or merchandise in the same place for more than twenty-four (24) hours, where outside storage is permitted as a use in Table 311-2, Nonresidential Use Matrix or in the definition of the use in Appendix A. For purposes of this section, outdoor storage is divided into the following categories:

(5) **Class 5 Storage.** Class 5 storage includes any of the following:

- C. The storage, sale, dismantling or other processing of used or waste materials that are not intended for re-use in their original forms. This use includes automotive wrecking yards, used automotive parts recyclers [junkyards], and paper salvage yards.

Chapter 35, Section 35-706 Termination of Nonconforming Uses is amended to read as follows:

Sec. 35-706. Termination of Nonconforming Uses.

(a) Applicability. The owner of a nonconforming use or structure may register such nonconforming use or structure by filing with the department of planning and development services a registration statement.

(b) Contents.

(1) Generally. Such registration may be made on behalf of the owner by any person, firm, corporation or other entity which has a legal or equitable interest in the nonconforming use or structure. Registration statements shall require a disclosure of the complete ownership of the land and/or structure and shall be in such form and require the furnishing of such information and representation as are needed to show the following:

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A. That the use was lawfully established prior to the effective date of the applicable regulations.

B. That the use has been continuously maintained since it was established.

C. That the use has not been abandoned.

(2) Denial of Registration. The director of planning and development services may deny any registration if it appears that the documents relied thereon are not valid, or that the documents produced to not show the existence of a prior nonconforming use in accordance with the criteria set forth in subsection (1), above. The applicant may appeal this determination to the city in accordance with section 35-481 of this chapter.

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(3) Amendment. At any time after registration, upon application to the department of planning and development services and with the written consent of the owner affected thereby, a registration statement may be amended to indicate changes in ownership. A copy of each registration statement shall be returned to the owner and a copy filed among the records of the department. The department of planning and development services shall accept and file all tendered registration statements within the permitted time period, but the acceptance of such statements shall not constitute an authorization to operate an unlawful use. The filing of a false registration statement with the department shall constitute a violation of this chapter.

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(c) Time Period for Registering. The owner of a use or structure which is rendered nonconforming as a result of the adoption of this chapter shall have three (3) years from the effective date of this chapter to register such use or structure. The owner of a use or structure which is rendered nonconforming as a result of a city-initiated rezoning project or in newly annexed territory, subsequent to the adoption of this chapter is permitted one (1) year after the effective date of the rezoning to register such use or structure. Provided, however, that after the time periods prescribed above, nonconforming rights may be established only upon submission by the owner of sufficient evidence for the director of planning and development services to find that the use or structure existed prior to the date of rezoning and was in legal compliance with all applicable laws.

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(d) When Registration Not Required. It is not required to register a use or structure that is made nonconforming by any governmental action other than annexation or rezoning.

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(f) Applicability to Extraction Facilities. The provisions of this section shall not apply to any tract of real property that is used primarily for the extraction and processing of limestone, sand, gravel, rock, or soil, provided that such use is in compliance with the applicable state and federal permit

requirements.

(g) Applicability to metal recycling entities. Once registered with the Development Services Department, licensed metal recycling entities legally existing as of (City Council adoption date) shall have nonconforming rights and shall be eligible to obtain building permits for rebuilding and expansion within the property boundaries such as they existed on (City Council adoption date). If the metal recycling use has been discontinued for twelve (12) consecutive months following (City Council adoption date) the owner of said property may:

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- (1) Apply for a certificate of occupancy and/or building permit as required by this chapter for one of the permitted uses granted by the zoning districts established by this chapter (see article III, section 35-311);
or
- (2) Submit a request for reinstatement of nonconforming rights where the enforcement of this chapter would result in unnecessary hardship, and where the spirit of this chapter is observed and substantial justice is done;
or
- (3) Submit an application for rezoning to another zoning district.

See also Chapter 16, Article VII of the City Code related to metal recycling entities.

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Chapter 35, Table 526-3b is amended to read as follows:

TABLE 526-3b

Group	Permitted Use	Minimum Vehicle Spaces	Maximum Vehicle Spaces
<u>PROCESSING</u> <u>[MANUFACTURING]</u>	<u>USED AUTOMOTIVE PARTS RECYCLER</u> <u>JUNK YARD or SALVAGE YARD]</u>	1 per employee	N/A

Chapter 35, APPENDIX A, DEFINITIONS AND RULES OF INTERPRETATION is amended to delete “junk yard or salvage yard” and “recycling business” definitions:

~~[Junk yard or Salvage yard.....UDC A:41]~~

~~[Recycling business.....UDC A:54]~~

* * * * *

~~[Junkyard or salvage yard. Any premises where junk, articles or materials, including junked, wrecked or inoperable vehicles, which are ready for destruction or which have been collected or stored for salvage or conversion to some use.]~~

Metal recycling entity means a business that is operated from a fixed location and is predominately engaged in the following and excludes used automotive parts recycling businesses.

- (A) Performing the manufacturing process by which scrap, used, or obsolete ferrous or nonferrous metal is converted into raw material products consisting of prepared grades and having an existing or potential economic value, by a method that in part requires the use of powered tools and equipment, including processes that involve processing, sorting, cutting, classifying, cleaning, baling, wrapping, shredding, shearing, or changing the physical form of that metal;
- (B) The use of raw material products described under Paragraph (A) in the manufacture of producer or consumer goods; or
- (C) Purchasing or otherwise acquiring scrap, used, or obsolete ferrous or nonferrous metals for the eventual use of the metal for the purposes described by Paragraph (A) or (B).

Processing. For the purposes of this Chapter, a series of operations, usually in a continuous and regular action or succession of actions, taking place or carried on in a definite manner. "Processing" is generally associated with the chemical transformation of materials or substances into new products and may include, but is not limited to, the blending and combining of gases and liquids or the shredding and compacting of metals. Processing of recyclable material may include baling, briquetting, cleaning, compacting, crushing, flattening, grinding, shredding and sorting of source-separated recyclable materials and repairing of reusable materials. A processing facility may also contain a warehouse. Outdoor storage shall comply with UDC section 35-525.

~~[Recycling business. A business that is primarily engaged in: (A) Converting ferrous or non-ferrous metals or other materials into raw material products having prepared grades and having an existing or potential economic value; (B) Using raw material products of that kind in the production of new products; or (C) Obtaining or storing ferrous or non-ferrous metals or other materials for a purpose described by subsection (A) or (B).]~~

Recycling facility. For the purposes of this Chapter, a facility in which recyclable products are recycled, processed, and treated to return such products to a condition in which they may be used again in new products. The presence of power-driven processing equipment distinguishes a recycling facility from a facility used merely for drop off or collection of recyclable materials. This use includes the processing of waste material into salable products. Recycling of oil and other liquids may also occur in a recycling facility.

Used Automotive Parts Recycling means the dismantling and reuse or resale of used automotive parts and the safe disposal of salvage motor vehicles or nonrepairable motor vehicles, including the resale of those vehicles.

Should any Article, Section, Part, Paragraph, Sentence, Phrase, Clause, or Word of this ordinance, or any appendix thereof, for any reason, be held illegal, inoperative, or invalid or if any exception to or limitation upon any general provision herein contained be held to be unconstitutional or invalid or ineffective, the remainder shall, nevertheless, stand effective and valid as if it had been enacted and ordained without the portion held to be unconstitutional or invalid or ineffective.

DRAFT

CITY OF SAN ANTONIO
ZONING COMMISSION

RESOLUTION NO. 07-04-03

PROVIDING FOR POLICIES INCREASING THE EFFICIENCY OF ZONING
COMMISSION PUBLIC HEARINGS

* * * * *

Whereas, it is necessary for the City Zoning Commission to conduct its meetings in an efficient and productive manner while providing a fair and comprehensible process for the public; NOW THEREFORE

BE IT RESOLVED BY THE ZONING COMMISSION OF THE CITY OF SAN ANTONIO:

That the following processes shall be implemented:

1. The staff recommendation shall be included in the on-screen presentation.
2. The staff presentation will be reduced by summarizing the recommendation.
3. A handout will be provided to the public explaining the meeting procedures and process by which Zoning Commission makes recommendations.
4. Speaker Time Limits shall be adjusted as such:
 - 5 minutes for applicant/representative
 - 3 minutes per speaker
 - 3 minutes rebuttal limited to one person only
5. Uncontested Zoning Cases Open Hearing and Motion.
 - A. Uncontested Cases Definition: Those cases which have:
 1. staff approval
 2. are not SAWS related
 3. have no opposition *to speak*
 4. Have the approval of the respective District Commissioner.

- B. Process: After staff reviews the citizen's sign-in list, the Chairperson will call for staff to submit the list of Uncontested Zoning Cases by number and address. Each Commissioner will be asked to withdraw any cases on the list for an individual hearing. The Chair will open the hearing for the uncontested cases and will have staff read the Zoning ordinance and ask if there is anyone for or against approval of the ordinance. If any wish to be heard, then the case will be pulled for an individual hearing. If there are no responses, Staff will review the next case. After all cases have been reviewed, the Chair will call for a motion to approve the uncontested cases.
- C. The motion for approval will include the case numbers and accept the recommendations of the Zoning Staff.
- D. Any case which has been heard using the above procedure, and that has been approved for reconsideration, may not be heard until the next regularly scheduled Zoning Commission meeting. When appropriate, re-notifications will be made.
- E. Individual hearings will continue as usual.
6. Staff shall take the appropriate steps to request a speaker timer system be purchased and installed in the Board Room.

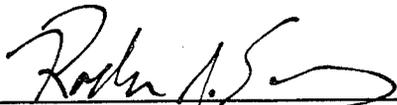
PASSED AND APPROVED THIS 3rd DAY OF April, 2007

APPROVED:



Henry Avila, Chair

ATTEST:



Executive Secretary