

# **OLD BUSINESS**

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

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**(b) Initiation.**

(1) **Certifying Departments.** A request for letters of certification and required items shall be filed by the applicant with the following ~~departments~~ entities (hereinafter "certifying ~~departments~~ entities"):

- A. Department of planning and community development.
- B. Office of historic preservation.
- C. SAWS or other entity/entities providing water and/or wastewater service to the project.
- D. CPS Energy or other entity/entities providing electric and/or natural gas service to the project.
- E. Department of parks and recreation. Nonresidential plats at the discretion of the development services director in consultation with the director of the parks and recreation department may not be submitted to the parks and recreation department for review and comment on park or open space dedication. Nonresidential plats will be submitted to the parks and recreation department for information purposes only. If the parks and recreation department should find a plat that they wish to comment on they may do so by submitting such comment to the attention of the development services director at least twenty-four (24) hours prior to the planning commission meeting at which the plat is to be heard.
- F. Applicable county.
- G. Department of development services.

(2) **Referral.** ~~The applicant shall circulate the plat to reviewing agencies and departments for identification of any rights-of-way and easements which may be required;~~

If rights-of-way and/or easements for telephone, cable television, or internet service are required provided, the applicant shall depict them on the plat. Where applicable, a completed request for review form shall be required from Bexar Metro 911 and/or the City Aviation Department.

~~—prepare instruments dedicating the rights-of-way/easements to the appropriate agencies and departments. The instruments shall be filed for record in the county deed records prior to approval of the development plat. In addition to the certifying departments, copies of the requests for plat review along with required information shall be distributed to AT & T, Cable Television, aviation department, City South Management Authority (CSMA), Bexar Metro 911, and San Antonio River Authority. A letter of certification is not required from these departments~~

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**Section 35-506 – Transportation and Street Design**

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**(q) Sidewalk Standards**

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**(1) Applicability**

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(E) Expansion. When a building or parking lot meets the enlargement threshold in Section 35-506(a)(1)C.2. , the requirements of this section shall be applied incrementally such that sidewalks 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 sidewalks along the site perimeter.

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**Sec. 35-344.01 “PUD” Planned Unit Development Districts established prior to January 1, 2016.**

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(a) **Applicability and Evaluation Criteria.** This section shall be apply to all Planned Unit Development Districts established prior to January 1, 2016. Planned Unit Development Districts established subsequent to January 1, 2016, shall comply with Section 35-344.02 of this Chapter. In order to foster the attractiveness of a planned unit development and its surrounding neighborhoods and thereby preserve property values, and in order to provide an efficient road and utility network, ensure the movement of traffic, implement comprehensive planning, and better serve the public health, safety, and general welfare, the following criteria shall be utilized by the planning commission in reviewing PUD plans. These criteria shall neither be regarded as inflexible requirements nor are they intended to discourage creativity or innovation.

- (1) Insofar as practicable, the landscape shall be preserved in its natural state by minimizing tree and soil removal.
- (2) Proposed buildings shall be sited harmoniously to the terrain and to other buildings in the vicinity that have a visual relationship to the proposed buildings.
- (3) With respect to vehicular and pedestrian circulation and parking, special attention shall be given to the location and number of access points to public streets, width of interior drives and access points, general interior circulation, separation of pedestrian and vehicular traffic, and the arrangement of parking areas that are safe and convenient and, insofar as practicable, do not detract from the design of proposed structures and neighboring properties.
- (4) Private streets and gates shall conform to article V of this chapter.

(b) **Minimum Size.** There is no minimum size for a planned unit development.

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

- (1) **Uses.** A planned unit development may include residential, commercial and industrial uses; cluster housing; common areas; unusual arrangements of structures on-site; or other combinations of structures and uses that depart from standard development. The uses permitted in a "PUD" are those designated in the approved PUD plan. Density limits are used to determine the maximum number of permitted dwelling units.

Planned unit developments containing one (1) single zoning district shall be annotated with the zoning district (PUD "RE," PUD "R-20," etc.) and may be developed to the density indicated in the maximum density table in subsection (2) below.

Planned unit developments which contain more than one (1) zoning district shall have each zoning district annotated as (PUD "RE," PUD "R-20," etc.) and each individual district may be developed to the density indicated in the maximum density table in subsection (2) below.

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

<i>Land Category</i>	<i>Use</i>	<i>Maximum Density</i>
"RE"		1
"R-20"		2
"R-6"		5
"RM-6"		5
"R-5"		6
"RM-5"		6
"R-4"		7
"R-3"		10
"RM-4"		7
"MF-18"		18
"MF-25"		25
"MF-33"		33
"MF-40"		40
"MF-50"		50
<u>"MF-65"</u>		<u>65</u>

Total allowable density is calculated by multiplying the amount of net usable acres times the appropriate number above. Floodplains (100-year), steep slopes, non-buildable areas and existing easements are not used to determine net acreage.

Example: On a twelve (12) acre tract with one and one-half (1½) acres of unusable space, with an "R-6" zoning district. Usable acreage ten and one-half (10½) times table number (5) allows fifty-two and one-half (52½) units. The maximum number of units that may be built may not be further increased by using the provisions of vivision 6 flexible zoning of this article.

- (3) Attached Dwelling Units. Dwelling units may be attached in all PUD districts except for land use categories designated "RE" and "R-20."
- (4) Lots. There is no minimum area requirement for lots and lots need not front onto a street. Lot boundaries may coincide with structure boundaries except where perimeter lot setbacks are required.

**(d) Height and Yard Requirements.**

- (1) Height Limitation. The maximum height of structures shall be as prescribed below; however, any portion of a structure may exceed this limit provided such portion is set back from the side and rear lot lines, or setbacks if required, one (1) foot for each two (2) feet of height in excess of the maximum building height. Distance credit shall be permitted for space occupied by structures of conforming height extending from the lot lines or setbacks as applicable.

<i>Structures devoted to the following uses:</i>	<i>Shall be restricted to the following height:</i>
Dwelling, one family; Dwelling, single-family; Duplex; Dwelling, one-family attached; Dwelling, Single-Family Detached; Dwelling, two-family (duplex); Dwelling, two-family attached; Dwelling, three-family (triplex); Dwelling, four-family (quadrplexes)	35 ft/ <del>32.5</del> stories
Multi-Family not exceeding 25 units/acre	45
Multi-Family not exceeding 33 units/acre	60
Multi-Family not exceeding 40 units/acre	84
Multi-Family not exceeding <del>65</del> 50 units/acre	—
Commercial Buildings ( <del>LBCS Structure Classification 2100—2593, 3000, 4000</del> ), except as otherwise listed below	35
Malls, shopping centers, or collection of shops - regional center (enclosed mall with two (2) or more anchors) or super regional center (similar to regional, but with three (3) or more anchors)	45
Light Industrial uses ( <a href="#">uses permitted in the “L” district</a> <del>LBCS Structure Classification 2610, 2700</del> )	35
General Industrial uses ( <a href="#">uses permitted in the “I-1” and “MI-1” districts</a> <del>LBCS Structure Classification 2610, 2700</del> )	60
<a href="#">Mixed use buildings may be as tall as allowed by the most intense use included in the structure pursuant to this table</a>	

- (2) Fences.
- A. Along collector and arterial streets, fences or walls within a PUD may extend to a height of eight (8) feet subject to the clear vision area [requirements for fences in subsection 35-514](#).
  - B. No such fence or wall, or portion thereof, shall exceed one hundred (100) horizontal feet in length unless one (1) of the following architectural features visible from the paved surface of the street is provided as part of the fence:
    1. A column or pillar; or
    2. Articulation of the surface plane wall by incorporating plane projections or recesses having a depth of at least one (1) foot and extending a horizontal distance not less than three (3) or more than twenty (20) feet.
  - C. The provisions of subsection B., above, shall not apply to a fence or wall constructed of brick, masonry, or wrought iron ~~fences~~—consisting of at least

fifty (50) percent open voids. The square footage of the fence shall be measured by taking the total square footage of an area defined by the length of the fence and its average height. The percent of open voids shall then be derived by dividing the total square footage of the open voids by the total square footage of the area calculated above, and multiplying this figure by one hundred (100). The fence's framing (the vertical posts supporting the fence from the ground and no more than three (3) horizontal cross bars between the posts, or brick or stone pillars) shall not be included in the calculation of the total square footage, provided the framing posts and cross bars do not exceed a four-inch width and the posts are spaced at least eight (8) feet apart.

(e) **Required Setbacks.**

- (1) ~~For Single Family or Multi-Family~~ Residential including Multi-Family Uses. Required PUD perimeter setbacks ~~within the city limits or the ETJ for residential uses in a PUD~~ shall be twenty (20) feet.
- (2) Nonresidential Uses. Required PUD perimeter setbacks ~~within the city limits or the ETJ for nonresidential uses in a PUD~~ shall be the same as for the applicable zoning district which the nonresidential use would be allowed in if it were not a PUD ~~within the city limits of the City of San Antonio.~~

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

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

- (2) If access to a garage is provided from the front or side of a lot, then the garage shall maintain a setback as indicated in subsection 35-516(g) of this chapter.

(f) **Infrastructure Requirements.**

- (1) Streets and Sidewalks. Streets within a PUD may be public or private. Vehicular circulation may also be provided by internal private drives. Private drives must meet the requirements for fire lanes as per the International Fire Code Appendix D for width, lengths turnarounds, and parking requirements whether for a commercial or residential base zoning. A building permit must be obtained for private drives, and would include site plan review and inspection for flatwork/civil work within the public ROW. However, the planning commission may require dedication and construction of public streets through or into a PUD through the platting process. Public or private streets shall conform to the transportation standards of this chapter (see section 35-506 of this chapter).
- (2) Utilities. All utility systems shall comply with the utilities standards of this chapter. Water and sanitary sewer systems within a PUD may be publicly or privately owned; however, the maintenance of private systems shall be the responsibility of

the PUD community association. Public utility systems shall be approved by the applicable agency or city department.

- (3) Easements. Publicly owned and/or maintained utilities shall be placed in public streets or easements which are a minimum of sixteen (16) feet in width unless a narrower width is approved by the applicable utility. Dead-end easements shall not be permitted unless a city approved vehicular turnaround is provided at the end of each such easement.
- (4) Garbage Collection. If in the opinion of the solid waste management director, private streets in a PUD are arranged so that garbage may be collected without creating a safety hazard, the city will collect the garbage provided proper indemnification is received from the community association or individual property owners. Garbage collection locations shall be subject to the approval of the solid waste management director. In the event the city does not collect garbage within a PUD, all units within the PUD may be exempted from payment of garbage fees upon furnishing of evidence ensuring acceptable removal of all garbage and refuse by private means. To receive such exemption, written application must be submitted to and approved by the finance director ~~of finance~~.

**(g) Parks/Open Space.**

- (1) Residential. Each residential PUD plan shall provide for a minimum amount of parks/open space as required by the parks/open space standards (35-503) of this chapter. Residential PUDs may not use a fee in lieu for meeting parks/open space requirements.
- (2) Commercial. All commercial and industrial PUDs will contain a minimum of twenty (20) percent of parks/open space.
- (3) Mixed-Use. Mixed-use developments shall be divided into separate residential and commercial areas which must separately meet the requirements of this paragraph and subsection 35-344(c)(2). [Mixed use buildings that include residential use shall meet the residential requirements of this subsection.](#)
- (4) Reduction in Parks/Open Space. At its discretion, the planning commission may approve a decrease in the amount of required parks/open space when the PUD plan includes unique design features or amenities which achieve an especially attractive and desirable development such as, but not limited to, terraces, sculpture, water features, preservation and enhancement of unusual natural features, or landscape sculpture (areas which are intensely landscaped).

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

- (i) Common Areas and Facilities.** Provisions shall be made for a property owners' association that is designated as the representative of the owners of property in a residential subdivision. The property owners' association shall have the direct responsibility to provide for the operation and maintenance of all common areas and

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

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

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

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

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

"Regular assessment" means an assessment, a charge, a fee, or dues that each owner of property within a residential subdivision is required to pay to the property owners' association on a regular basis and that is designated for use by the property owners' association for the benefit of the residential subdivision as provided by the dedicatory instrument.

"Special assessment" means an assessment, a charge, a fee, or dues, other than a regular assessment, that each owner of property within a residential subdivision is required to pay to the property owners' association, according to the procedures required by the dedicatory instrument, for:

- A. Defraying, in whole or part, the cost whether incurred before or after the assessment, of any construction or reconstruction, unexpected repair, or replacement of a capital improvement in common areas owned by the property owners' association, including the necessary fixtures and personal property related to the common areas;

- B. Maintenance and improvement of common areas owned by the property owners' association; or
  - C. Other purposes of the property owners' association as stated in its articles of incorporation or the dedicatory instrument for the residential subdivision.
- (j) **PUD Plan.** After the PUD zoning is granted, a PUD plan shall be submitted to and approved by the planning commission prior to approval of any plats or the issuance of any building permits or certificates of occupancy. The PUD plan shall incorporate any conditions imposed with the granting of the PUD zoning. The PUD plan shall also delineate the measures that will be taken by the developer and/or owner to disclose to buyers of properties within PUDs of the increased financial responsibilities for the cost and responsibility for the maintenance of any private streets and other commonly owned facilities.
- (1) Public Hearing. Upon submission of the PUD plan, the director of development services shall distribute copies to appropriate city departments and agencies for review. Upon receipt of all required items and reviews, the director of development services shall schedule a public hearing by the planning commission on the proposed plan and shall provide written notice of the hearing to the owners of real property lying within two hundred (200) feet of the PUD boundaries. The notice shall be mailed at least ten (10) days prior to the public hearing date.
  - (2) Plan Approval. After the public hearing the commission may approve the plan as submitted, amend and approve the plan as amended, or disapprove the plan. If approved, the plan with any amendments shall be signed by the chairman and secretary of the commission. A copy of the approved PUD plan shall be distributed to the development services director and other appropriate departments/agencies for use in issuing permits.
  - (3) Amendments for any PUD plan shall be consistent with subsection k below.
- (k) Amendments. Amendments may be classified as minor or major in accordance with the following:
- (1) Minor amendments to the previously approved PUD 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.
    - D. A minor amendment shall not, in any case, permit:
      - i. An increase in the overall density of the PUD by more than ten (10) percent;
      - ii. A different land use than that requested in the original or amended PUD Plan;
      - iii. A larger land area than indicated in the original or amended PUD Plan.
    - E. A minor amendment shall not reduce or eliminate conditions adopted in this chapter or otherwise adopted by city council ordinance or planning commission approval for a PUD approval.

(2) Amendments not classified as minor amendments above shall be classified as major amendments and shall require resubmission of the application to the Planning Commission.

(3) Major amendments shall be considered by the planning commission following the same procedure required for the initial approval of the plan, including payment of the plan review fee.

**(1k) Time Limit.**

- (1) Applications. The director of development services shall provide a written response indicating whether or not the planned unit development application is complete within five (5) working days after submittal. The applicant shall file a written response to any staff comments or resolve outstanding issues prior to final approval of completeness. This response shall occur within thirty (30) days of the notification date of staff comments unless a time extension is requested and granted in writing. The maximum limit on an extension is six (6) months from the original staff comment date. The appellate agency for purposes of completeness review shall be the planning commission.

PUD plan application approval shall expire, and shall be void for all purposes if a PUD plan is not approved in accordance with this chapter within two (2) years from the date of acceptance of the complete application. Upon expiration of the PUD plan application, a new PUD plan number, application, and fee shall be required ~~if~~ when PUD plan approval is still sought.

- (2) PUD Approval and Completion. A PUD plan, deemed complete and approved, shall remain valid for a period of six (6) years from the date of the last recorded plat or the date of planning commission approval if no plats are recorded. Time extensions for up to one year may be granted by the planning commission if it finds that additional time is warranted. Failure to initiate development within the approved time period shall void the approved PUD plan and no building permits or utility connections shall be issued until a new application and plan have been submitted and approved.
- (3) Amendments. An approved/completed PUD may be amended in the future subject to any applicable criteria or requirements of this chapter.

**Sec. 35-344.02 “PUD” Planned Unit Development Districts established subsequent to January 1, 2016.**

(a) Applicability. The provisions of this section apply to any application for rezoning of a tract, parcel or land area to a Planned Unit Development District after January 1, 2016.

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

(1) The application shall include a site plan that is prepared to scale. The site plan must be drawn with dimensions and a graphic scale must be provided.

(2) To provide adequate information for city council to make an informed decision on a request for a planned unit development zoning district, each site plan shall illustrate the following:

A. All proposed and existing points of ingress and egress, sidewalks, parking areas and other infrastructure above grade showing the proposed physical layout, dimensions and other relevant characteristics.

B. PUD Perimeter Setback lines

C. The intended uses of the property to which the current and proposed improvements relate.

D. The location and square footage of all proposed and existing structures.

E. The location, size and type of all fences, walls and/or retaining walls.

F. Landscaping, open space and park areas.

G. Refer to Appendix B: Application Submittal for PUD Plan for remaining requirements.

(c) **Completeness Review.** The director of development services shall conduct a completeness review as set forth in section 35-402 of this chapter. The appellate agency for purposes of completeness review (see subsection 35-402(c) of this chapter) shall be the zoning commission.

(d) **Decision.** The procedure for approving a planned unit development zoning district boundary shall be as required for a rezoning (subsection 35-421(d)) and as further provided herein.

(e) **Evaluation Criteria.** In order to foster the attractiveness of a planned unit development and its surrounding neighborhoods and thereby preserve property values, and in order to provide an efficient road and utility network, ensure the movement of traffic, implement comprehensive planning, and better serve the public health, safety, and general welfare, the following criteria shall be utilized by the zoning commission and city council in reviewing PUD plans in conjunction with the request for PUD zoning. These criteria shall neither be regarded as inflexible requirements nor are they intended to discourage creativity or innovation.

(1) Insofar as practicable, the landscape shall be preserved in its natural state by minimizing tree and soil removal.

(2) Proposed buildings shall be sited harmoniously to the terrain and to other buildings in the vicinity that have a visual relationship to the proposed buildings.

(3) With respect to vehicular and pedestrian circulation and parking, special attention shall be given to the location and number of access points to public streets, width of

interior drives and access points, general interior circulation, separation of pedestrian and vehicular traffic, and the arrangement of parking areas that are safe and convenient and, insofar as practicable, do not detract from the design of proposed structures and neighboring properties.

(4) Private streets and gates shall conform to article V of this chapter.

(f) **Minimum Size.** There is no minimum size for a planned unit development.

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

(1) **Uses.** A planned unit development may include residential, commercial and industrial uses; cluster housing; common areas; unusual arrangements of structures on-site; or other combinations of structures and uses that depart from standard development. The uses permitted in a "PUD" are those designated in the approved PUD plan. Density limits are used to determine the maximum number of permitted dwelling units.

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Planned unit developments which contain more than one (1) zoning district shall have each zoning district annotated as (PUD "RE," PUD "R-20," etc.) and each individual district may be developed to the density indicated in the maximum density table in subsection (2) below.

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

<u>Land Category</u>	<u>Use</u>	<u>Maximum Density</u>
<u>"RE"</u>		<u>1</u>
<u>"R-20"</u>		<u>2</u>
<u>"R-6"</u>		<u>5</u>
<u>"RM-6"</u>		<u>5</u>
<u>"R-5"</u>		<u>6</u>
<u>"RM-5"</u>		<u>6</u>
<u>"R-4"</u>		<u>7</u>
<u>"R-3"</u>		<u>10</u>
<u>"RM-4"</u>		<u>7</u>

<u>"MF-18"</u>	<u>18</u>
<u>"MF-25"</u>	<u>25</u>
<u>"MF-33"</u>	<u>33</u>
<u>"MF-40"</u>	<u>40</u>
<u>"MF-50"</u>	<u>50</u>
<u>"MF-65"</u>	<u>65</u>

Total allowable density is calculated by multiplying the amount of net usable acres times the appropriate number above. Floodplains (100-year), steep slopes, non-buildable areas and existing easements are not used to determine net acreage.

Example: On a twelve (12) acre tract with one and one-half (1½) acres of unusable space, with an "R-6" zoning district. Usable acreage ten and one-half (10½) times table number (5) allows fifty-two and one-half (52½) units. The maximum number of units that may be built may not be further increased by using the provisions of division 6 flexible zoning of this article.

(3) **Attached Dwelling Units.** Dwelling units may be attached in all PUD districts except for land use categories designated "RE" and "R-20."

(4) **Lots.** There is no minimum area requirement for lots and lots need not front onto a street. Lot boundaries may coincide with structure boundaries except where perimeter lot setbacks are required.

(h) **Height and Yard Requirements.**

(1) **Height Limitation.** The maximum height of structures shall be as prescribed below; however, any portion of a structure may exceed this limit provided such portion is set back from the side and rear lot lines, or setbacks if required, one (1) foot for each two (2) feet of height in excess of the maximum building height. Distance credit shall be permitted for space occupied by structures of conforming height extending from the lot lines or setbacks as applicable.

<u>Structures devoted to the following uses:</u>	<u>Shall be restricted to the following height:</u>
<u>Dwelling, one family; Dwelling, single-family; Duplex; Dwelling, one-family attached; Dwelling, Single-Family Detached; Dwelling, two-family (duplex); Dwelling, two-family attached; Dwelling, three-family (triplex); Dwelling, four-family (quadraplexes)</u>	<u>35 ft</u>
<u>Multi-Family not exceeding 25 units/acre</u>	<u>45</u>
<u>Multi-Family not exceeding 33 units/acre</u>	<u>60</u>
<u>Multi-Family not exceeding 40 units/acre</u>	<u>84</u>
<u>Multi-Family not exceeding 65 units/acre</u>	<u>=</u>

<u>Commercial Buildings except as otherwise listed below</u>	<u>35</u>
<u>Malls, shopping centers, or collection of shops - regional center (enclosed mall with two (2) or more anchors) or super regional center (similar to regional, but with three (3) or more anchors)</u>	<u>45</u>
<u>Light Industrial uses (uses permitted in the “L” district</u>	<u>35</u>
<u>General Industrial uses (uses permitted in the “I-1” and “MI-1” districts</u>	<u>60</u>
<u>Mixed use buildings may be as tall as allowed by the most intense use included in the structure pursuant to this table</u>	

(2) **Fences.**

- A. Along collector and arterial streets, fences or walls within a PUD may extend to a height of eight (8) feet subject to the clear vision area requirements for fences in subsection 35-514.
- B. No such fence or wall, or portion thereof, shall exceed one hundred (100) horizontal feet in length unless one (1) of the following architectural features visible from the paved surface of the street is provided as part of the fence:
  - 1. A column or pillar; or
  - 2. Articulation of the surface plane wall by incorporating plane projections or recesses having a depth of at least one (1) foot and extending a horizontal distance not less than three (3) or more than twenty (20) feet.
- C. The provisions of subsection B., above, shall not apply to a fence or wall constructed of brick, masonry, or wrought iron fences—consisting of at least fifty (50) percent open voids. The square footage of the fence shall be measured by taking the total square footage of an area defined by the length of the fence and its average height. The percent of open voids shall then be derived by dividing the total square footage of the open voids by the total square footage of the area calculated above, and multiplying this figure by one hundred (100). The fence's framing (the vertical posts supporting the fence from the ground and no more than three (3) horizontal cross bars between the posts, or brick or stone pillars) shall not be included in the calculation of the total square footage, provided the framing posts and cross bars do not exceed a four-inch width and the posts are spaced at least eight (8) feet apart.

(i) **Required Setbacks.**

(1) **Residential including Multi-Family Uses.** Required PUD perimeter setbacks shall be twenty (20) feet.

(2) **Nonresidential Uses.** Required PUD perimeter setbacks shall be the same as for the applicable zoning district which the nonresidential use would be allowed in if it were not a PUD.

The City Council may approve lesser setbacks after considering physical features such as the location of trees, waterways, steep slopes, easements, other buffers and/or compatibility of the

PUD with adjacent land uses provided such setbacks meet the requirements of the current adopted International Building Code.

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

- (2) If access to a garage is provided from the front or side of a lot, then the garage shall maintain a setback as indicated in subsection 35-516(g) of this chapter.

**(j) Infrastructure Requirements.**

- (1) **Streets and Sidewalks.** Streets within a PUD may be public or private. Vehicular circulation may also be provided by internal private drives. Private drives must meet the requirements for fire lanes as per the International Fire Code Appendix D for width, lengths turnarounds, and parking requirements whether for a commercial or residential base zoning. A building permit must be obtained for private drives, and would include site plan review and inspection for flatwork/civil work within the public ROW. However, the planning commission may require dedication and construction of public streets through or into a PUD through the platting process. Public or private streets shall conform to the transportation standards of this chapter (see section 35-506 of this chapter).
- (2) **Utilities.** All utility systems shall comply with the utilities standards of this chapter. Water and sanitary sewer systems within a PUD may be publicly or privately owned; however, the maintenance of private systems shall be the responsibility of the PUD community association. Public utility systems shall be approved by the applicable agency or city department.
- (3) **Easements.** Publicly owned and/or maintained utilities shall be placed in public streets or easements which are a minimum of sixteen (16) feet in width unless a narrower width is approved by the applicable utility. Dead-end easements shall not be permitted unless a city approved vehicular turnaround is provided at the end of each such easement.
- (4) **Garbage Collection.** If in the opinion of the solid waste management director, private streets in a PUD are arranged so that garbage may be collected without creating a safety hazard, the city will collect the garbage provided proper indemnification is received from the community association or individual property owners. Garbage collection locations shall be subject to the approval of the solid waste management director. In the event the city does not collect garbage within a PUD, all units within the PUD may be exempted from payment of garbage fees upon furnishing of evidence ensuring acceptable removal of all garbage and refuse by private means. To receive such exemption, written application must be submitted to and approved by the finance director of finance.

**(k) Parks/Open Space.**

- (1) **Residential.** Each residential PUD plan shall provide for a minimum amount of parks/open space as required by the parks/open space standards (35-503) of this chapter. Residential PUDs may not use a fee in lieu for meeting parks/open space requirements.

- (2) **Commercial.** All commercial and industrial PUDs will contain a minimum of twenty (20) percent of parks/open space.
- (3) **Mixed-Use.** Mixed-use developments shall be divided into separate residential and commercial areas which must separately meet the requirements of this paragraph and subsection 35-344(c)(2). Mixed use buildings that include residential use shall meet the residential requirements of this subsection.
- (4) **Reduction in Parks/Open Space.** At its discretion, the city council may approve a decrease in the amount of required parks/open space when the PUD plan includes unique design features or amenities which achieve an especially attractive and desirable development such as, but not limited to, terraces, sculpture, water features, preservation and enhancement of unusual natural features, or landscape sculpture (areas which are intensely landscaped).

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

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

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

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

"Dedicatory instrument" means each governing instrument covering the establishment, maintenance, and operation of a residential subdivision. The term includes restrictions

or other similar instruments that subject property to restrictive covenants, bylaws, or similar instruments governing the administration or operation of a property owners' association; allow for properly adopted rules and regulations of the property owners' association; and authorize enactment of lawful amendments to the covenants, bylaws, rules, or regulations.

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

"Regular assessment" means an assessment, a charge, a fee, or dues that each owner of property within a residential subdivision is required to pay to the property owners' association on a regular basis and that is designated for use by the property owners' association for the benefit of the residential subdivision as provided by the dedicatory instrument.

"Special assessment" means an assessment, a charge, a fee, or dues, other than a regular assessment, that each owner of property within a residential subdivision is required to pay to the property owners' association, according to the procedures required by the dedicatory instrument, for:

- A. Defraying, in whole or part, the cost whether incurred before or after the assessment, of any construction or reconstruction, unexpected repair, or replacement of a capital improvement in common areas owned by the property owners' association, including the necessary fixtures and personal property related to the common areas;
- B. Maintenance and improvement of common areas owned by the property owners' association; or
- C. Other purposes of the property owners' association as stated in its articles of incorporation or the dedicatory instrument for the residential subdivision.

(n) **PUD Plan.** The PUD plan shall also delineate the measures that will be taken by the developer and/or owner to disclose to buyers of properties within PUDs of the increased financial responsibilities for the cost and responsibility for the maintenance of any private streets and other commonly owned facilities.

(o) **Amendments.** Alterations to a PUD plan shall be classified as either minor or major amendments. Minor amendments may be approved by the development services director. Major amendments shall be considered by the zoning commission and city council following the same procedure required for the initial approval of the plan, including payment of the application fee. The following criteria shall be used to identify a major amendment:

- (1) A change which would include a land use not previously permitted under the approved PUD zoning.
- (2) A change which would alter the land use type adjacent to a PUD boundary.
- (3) A change which would increase the overall density of the PUD by more than ten (10) percent. However, in no instance may the overall density of the PUD exceed that permitted by the base zoning district.

- (4) A change which the director of development services determines would significantly alter the general character or overall design of the plan.

\* \* \* \* \*

Sec. 35-413. Reserved PUD Plan.

- ~~(a) Public Hearing. Upon submission of the PUD plan, the director of development services shall distribute copies to appropriate city departments and agencies for review. Upon receipt of all required items and reviews, the director of development services shall schedule a public hearing by the planning commission on the proposed plan and shall provide written notice of the hearing to the owners of real property lying within two hundred (200) feet of the PUD boundaries. The notice shall be mailed at least ten (10) days prior to the public hearing date.~~
- ~~(b) Plan Approval. After the public hearing the commission may approve the plan as submitted, amend and approve the plan as amended, or disapprove the plan. If approved, the plan with any amendments shall be signed by the chairman and secretary of the commission. A copy of the approved PUD plan shall be distributed to the development services director and other appropriate departments/agencies for use in issuing permits.~~
- ~~(c) Plan Changes. Alterations to a PUD plan shall be classified as either substantial or non-substantial amendments. Non-substantial amendments may be approved by the development services director. Substantial amendments shall be considered by the planning commission following the same procedure required for the initial approval of the plan, including payment of the plan review fee. The following criteria shall be used to identify a substantial amendment:~~
- ~~(1) A change which would include a land use not previously permitted under the approved PUD zoning.~~
  - ~~(2) A change which would alter the land use type adjacent to a PUD boundary.~~
  - ~~(3) A change which would increase the overall density of the PUD by more than ten (10) percent. However, in no instance may the overall density of the PUD exceed that permitted by the base zoning district.~~
  - ~~(4) A change which the director of development services determines would significantly alter the general character or overall design of the plan.~~

\* \* \* \* \*

1 Sec. 35-210 Low Impact Development and Natural Channel Design Protocol (LID/NCDP)

2  
3 STATEMENT OF PURPOSE

4 Low Impact Development and Natural Channel Design Protocols (LID/NCDP) use high  
5 quality green features that enhance the beauty of a development site and also protect water  
6 quality, decrease downstream erosion, improve water conservation, and preserve natural areas.  
7 LID/NCDP green features can be used for multiple purposes on site (e.g., landscaping,  
8 buffering, parkland, irrigation) to achieve more effective and attractive site design. By  
9 integrating storm water management to address multiple objectives, LID/NCDP will improve the  
10 quality of life, community health and resilience, and safety of the Citizens of San Antonio.  
11 Accordingly, the purpose of this section is to provide site design flexibility, development  
12 incentives, and strategies to implement LID/NCDP. The specific purposes of this section are:

13 • To provide a voluntary permitting and regulatory basis for site design and development  
14 which incorporates LID/NCDP.

15 • To protect and enhance property values by preserving and creating high quality green  
16 features.

17 • To reduce impervious area its effects, and the costs associated with increased storm water  
18 runoff and infrastructure.

19 • To protect and preserve environmentally sensitive features.

20 • To use both natural areas and engineered storm water controls that mimic natural  
21 functions, with a goal of replicating the predevelopment hydrology, including groundwater  
22 recharge.

23 • To more fully address the range of impacts caused by storm water runoff, including  
24 increased overland pollution, channel erosion, nuisance flooding, and elevated stream  
25 temperature caused by frequent, smaller storm events.

26 • To help address total maximum daily load requirements for existing impaired streams in  
27 the city and prevent future degradation of streams.

28 • To implement existing city policies which call for the use of LID/NCDP techniques,  
29 including but not limited to SA2020, Master Plan, and Complete Streets policies.

30 The LID/NCDP use pattern implements the following policies of the master plan:

31 Natural Resource Goals

32 Goal 1 Preserve the unique, rare, and significant features of San Antonio's natural  
33 environment

34 • Sub-Policy 1.a.2. Water. Encourage the conservation of the City's surface and  
35 ground water resources through public education programs and information  
36 programs and protective regulations.

37 • Policy 1.b. Develop and implement a management plan for land use activities which  
38 include the best management practices, based on scientific study that will protect the  
39 recharge and drainage zones of the Edwards Aquifer from pollution.

40 • Sub-policy 1.b.3. Support new development designs that incorporate street,  
41 drainage and lot layouts which reduce storm runoff, pollutant loading, and the need  
42 for landscape irrigation.

43 • Sub-policy 1.b.4. Adopt urban drainage standards which reduce nonpoint source  
44 pollution and minimize downstream flooding.

45 • Sub-policy 1.b.10. Establish standards for vegetation clearing and maintenance.

46 • Sub-policy 1.b.11. Maximize open space and minimize impervious cover through all  
47 available means.

48 • Policy 1.c. Work with elected representatives, other governing bodies, and public  
49 interest groups to develop a comprehensive management plan for water resources  
50 including the development of additional sources of clean water for the San Antonio  
51 area.

52 • Policy 1.d. Encourage retention of the 100-year floodplains as natural drainage  
53 ways without permanent construction, unnecessary straightening, bank clearing or  
54 channeling.

55 • Sub-policy 1.d.1. Encourage the ecological management of floodplains and promote  
56 their use as open space, such as greenways, parks, wildlife habitat, and pedestrian-  
57 friendly linkage corridors.

58 • Sub-policy 1.d.2. Adopt strong storm water management practices throughout the  
59 drainage area which include site specific measures such as:

- 60 – on-site storm water retention and detention;
- 61 – reduction in impervious cover;
- 62 – natural bank contouring;
- 63 – floodplain preservation and buffering;
- 64 – preservation of riparian habitat;
- 65 – storm water harvesting sites for reuse purposes.

66 Goal 2 Integrate environmental quality protection into all phases of local planning and  
67 policy implementation

68 • Policy 2.a. Establish a strong natural resources protection policy for San Antonio.

69 • Sub-policy 2.a.1. Support the preservation and improvement of the current quality  
70 of San Antonio's air, land, and water resources and revise current City codes,  
71 regulations and practices to reflect this policy.

72 • Policy 2.d. Develop ordinances which preserve integrity of the natural settings of  
73 neighborhoods, communities, open spaces and parks, and develop clear procedures  
74 for their enforcement.

75 Goal 3 Achieve a sustainable balance between the conservation, use and development of  
76 San Antonio's natural resources

77 • Policy 3.a. Develop programs to attract environmentally sensitive industry to San  
78 Antonio and to encourage local industry to adopt water conserving and minimal  
79 impact technologies in their operations.

80 • Sub-policy 3.a.4. Provide incentives for companies to reduce water and energy  
81 consumption, and to reuse or recycle water.

82 • Policy 3.c. Develop incentive programs to reduce energy and water consumption.

83 • Sub-policy 3.c.6. Expand programs to encourage individuals and businesses to  
84 replace high water-using vegetation with water saving landscapes.

85 (a) **Applicability.** The provisions of this section shall apply to any voluntary application meeting  
86 the requirements of subsections (b) through (o) of this section and which is designated as a  
87 “Low Impact Development and Natural Channel Design Protocol (LID/NCDP) Plan” by the  
88 applicant.

89 Within the city of San Antonio and its extraterritorial jurisdiction (ETJ), the LID/NCDP Plan  
90 shall be based on the San Antonio River Basin LID Technical Guidance Manual and/or the  
91 Natural Channel Design Protocol – San Antonio, Texas Region as amended.

92 The Unified Development Code continues to be applicable to issues not covered in this  
93 section, except where these would conflict with the LID/NCDP use pattern, in which case the  
94 conflict shall be resolved in favor of the LID/NCDP use pattern as long as the LID/NCDP  
95 does not create an adverse impact to adjacent property owners or drainage structures or  
96 interfere with public safety and emergency response.

97 (b) **Processing Procedures.**

98 (1) **Generally.** A Low Impact Development and Natural Channel Design Protocol Plan is a  
99 voluntary Use Pattern application and shall be processed as part of a plat, tree affidavit,  
100 tree permit building permit Master Plan Development, and other development review  
101 applications.

102 (2) **Incentives.** To encourage multifunctional LID best management practices (BMPs) such  
103 as tree and natural area preservation, bioretention areas, vegetated swales, planter boxes,  
104 permeable pavement, rainwater harvesting systems, and other approved LID BMPs, a  
105 LID/NCDP shall be eligible for the following incentives as approved by the Director of  
106 the Transportation and Capital Improvements Department or designee.

107 A. Credit and Offset Incentives

108 The applicant shall receive credits and offsets for LID/NCDP according to the following  
109 table:

110  
111

**Table 210-1**

<u>Credit/Offset<sup>(1)</sup></u>	<u>Multiplie r</u>
<u>Stream Buffer or Stream Restoration to Parkland Acre<sup>(2)</sup></u>	<u>1.5</u>
<u>LID BMP to Landscape Elective Credit</u>	<u>Up to 25 points</u>
<u>LID BMP to Tree Canopy<sup>(3)</sup></u>	<u>1.5</u>
<u>Stream Restoration to Tree Canopy</u>	<u>1.25</u>
<u>LID BMP to Streetscape Tree<sup>(4)</sup></u>	<u>1</u>
<u>Linear Park to Parkland Acre<sup>(5)</sup></u>	<u>1.5</u>
<u>LID BMP Drainage Area to Parkland Acre<sup>(6)</sup></u>	<u>1.5</u>
<u>Density Bonus<sup>(7)</sup></u>	<u>10%</u>

- 112 (1) A minimum of 60 percent of the Water Quality Volume must be managed by LID BMPs to  
 113 be eligible for these credits and offsets. A single family residential lot, not part of a larger  
 114 development, is ineligible for the storm water fee and FILO fee discount; however a single-  
 115 family dwelling is eligible for the other incentives in this section, as applicable.  
 116 (2) May meet a maximum of 50 percent of the site’s parkland requirement.  
 117 (3) For areas where tree canopy preservation is maintained in conjunction with LID practices,  
 118 the tree canopy offset is 1.5. See 210(k)(3).  
 119 (4) Up to 30 percent of new required landscaping trees in the Right-of-Way may be met by  
 120 installing a landscape LID storm water BMP if part of an approved storm water management  
 121 plan. See 210(k)(5).  
 122 (5) May meet a maximum of 50 percent of the site’s parkland requirement. See 210(i).  
 123 (6) Includes only permeable area draining to the BMP. Must provide multiple uses such as  
 124 recreation and trails. May meet a maximum of 20 percent of the site’s parkland requirement.  
 125 See 210(i).  
 126 (7) A LID/NCDP may increase by 10 percent density allowed in table 310-1 of this chapter. See  
 127 210(c)(1)

128

**B. Fee Based Incentives**

- 129 (i) Storm Water Fee Discount – The storm water fee discount available for  
 130 incorporating the use of LID/NCDP is specified in section 34-235.  
 131  
 132 (ii) Storm Water Fee In Lieu Of (FILO) Discount – Per Table 210-2 below, a  
 133 minimum credit of five (5) percent of the required FILO payment, based on  
 134 section 35-C109, may be designated for parcels that manage seventy (70) percent  
 135 of the Water Quality Volume or greater.

- 136 (iii) Permeable pavement shall not be counted as impervious cover if designed to  
137 store the 2-year, 24-hour storm event as specified by Section 35-504 Storm water  
138 Management.
- 139 (iv) Future modification or dissolution of an approved LID/NCDP integrated storm  
140 water plan or its associated operation and maintenance agreement may require  
141 reimbursement of any fee based incentives provided, and discontinuance of any  
142 ongoing fee based incentives per subsection (n)(6) (A) and (B),
- 143
- 144 (v)

145 **Table 210-2**

	<b>Percent of Water Quality Volume Managed<sup>(1)</sup></b>			
	<u>70%</u>	<u>80%</u>	<u>90%</u>	<u>100%</u>
<u>Credit/Offset</u>				
<u>FILO Fee Discount</u>				
<u>Meets LID Performance Standard</u>	<u>5%</u>	<u>10%</u>	<u>15%</u>	<u>20%</u>
<u>Meets Detention Requirements or Increases Channel Storage through NCDP</u>	<u>Cumulative Reduction in Flow Sliding Scale – see 210(j)(1)(B)</u>			

- 146 (1) Water Quality Volume is defined as the runoff volume resulting from the first 1.5  
147 inches of rainfall falling on the developed portions of the site.
- 148 (3) **Variiances.** Within the incorporated areas of the city and the ETJ, variances shall be  
149 processed in accordance with section 35-483 of this chapter.
- 150 (4) **Application Requirements.**
- 151 A. Minimum Water Quality Volume Requirements. In order to be considered a  
152 LID/NCDP and be eligible for incentives in table 210-1 of this section, a minimum of  
153 sixty (60) percent of the required water quality volume resulting from the increase in  
154 impervious area for the site, including all of the parking and street areas, must be  
155 managed to meet the Performance Standards in (g)(2) below.
- 156 B. Concept Plan and Preliminary Plan Review and Preliminary Development Plan  
157 Review. The Development Services Plan Review Division and applicant may have a  
158 preliminary plan review (PPR) meeting on a concept plan for the post-construction  
159 storm water management system to be used in the proposed development project. For  
160 plat and Master Plan Development applications, the Land Development Division and  
161 applicant may have a Preliminary Development Plan Review (PDPR) meeting on  
162 such concept plan. The PPR and PDPR meetings should not be considered a detailed  
163 code review of plans. The purpose of the PPR and PDPR meeting is to discuss the  
164 post-construction storm water management measures necessary for the proposed  
165 project, as well as to discuss and assess constraints, opportunities, and potential  
166 approaches to storm water management designs before formal site design engineering  
167 is commenced. In advance of the meeting, the applicant should submit a Preliminary  
168 Plan Review or Preliminary Development Plan Review request form to the

169 Development Services Department Plan Review Division or Land Development  
170 Division, as applicable.

171 Along with the PPR and PDPR request form, the applicant should submit a written or  
172 graphic concept plan of the post-construction storm water management system and  
173 include: existing natural drainage areas and natural areas to be preserved and/or  
174 enhanced; preliminary selection and location of proposed structural and non-  
175 structural storm water controls, including LID and NCDP elements; location of  
176 existing and proposed conveyance systems such as swales and storm drains; location  
177 of floodplain/floodway limits; relationship of site to upstream and downstream  
178 properties and drainage; and preliminary location of any proposed riparian area  
179 modifications such as bridge or culvert crossings.

180 C. Owner's or their design team including engineer, architect and landscape architect are  
181 encouraged to schedule a no cost preliminary LID/NCDP Review (PLR) by  
182 submitting a PLR Request form to the stormwater unit at the San Antonio River  
183 Authority. After a PLR is requested, the owner or design team shall provide the same  
184 concept plan information requested for the PPR in (b)(4)B above. The PLR meeting  
185 may only be scheduled before the site layout is performed for roads, lots, easements,  
186 and before infrastructure alignments have been developed. The PLR meeting may be  
187 attended by city of San Antonio Transportation and Capital Improvements staff.

188 D. Requirements of a LID/NCDP Integrated Storm Water Plan. The LID/NCDP  
189 integrated storm water plan required by this section shall contain architectural,  
190 landscape architecture and engineering drawings, maps, assumptions, calculations  
191 and narrative statements as needed to adequately describe the proposed development  
192 or redevelopment of the tract and the measures planned to comply with the  
193 LID/NCDP performance standards in subsection (g)(2) below. The plan must also  
194 meet the requirements of the current Storm Water Engineering Review Team  
195 checklist. Plan content may vary to meet the needs of specific site requirements.  
196 Guidelines for the LID/NCDP integrated storm water plan preparation may be  
197 obtained from the Director of the Transportation and Capital Improvements  
198 Department or designee or on the Transportation and Capital Improvements  
199 Department website. One copy of the approved LID/NCDP integrated storm water  
200 plan shall be kept on file at the job site.

201 All construction of LID and NCDP storm water management measures addressed by  
202 this section should conform to applicable best management practices outlined in two  
203 guidance documents: San Antonio River Basin LID Technical Guidance Manual and  
204 Natural Channel Design Protocol, San Antonio, Texas Region. These guidance  
205 documents may be updated or revised periodically based on new information and new  
206 approved technologies. These sources are recommended for guidance for LID/NCDP  
207 applicants. Choice of specific LID and NCDP measures is at the option of the  
208 applicant.

209 A single family residential lot, not part of a larger development, is exempt from the  
210 full LID/NCDP integrated storm water plan requirements in this section. However, a  
211 plan for a single family residential lot must be provided and include the following: a  
212 brief project summary including the location, description of existing property, and the

213 proposed development; calculations that show the development adheres to the LID  
214 performance standards in subsection (g)(2); and an exhibit showing the site boundary,  
215 proposed locations of building, driveway, parking and other impervious area  
216 footprints. The plan must show the proposed locations of storm water BMPs and the  
217 positive overflow pathways for storms exceeding the flow rate and volume managed  
218 by the BMPs.

- 219 E. Restrictions on Property Usage. Dedications to preserve conservation areas and open  
220 space (floodplains, buffer zones, greenbelts, open space, park dedication, tree save  
221 areas, etc.) if applicable to a site, shall be platted according to existing platting  
222 requirements and procedures of this chapter. The location of all such designated  
223 natural areas and parkland shall be referenced on the final plat. The plat and the  
224 LID/NCDP integrated storm water plan shall be referenced in the city's approved  
225 LID/NCDP deed recordation affidavit, which along with the legal description, shall  
226 be recorded with the county clerk upon final plat approval.

227 Land within the rights-of-way of below and above ground utilities or roads shall not  
228 count toward the site's buffer zone, open space, parkland or other conservation area  
229 requirements. The following guidelines are recommended for minimizing disturbance  
230 of conservation and open space area:

- 231 – Coordinate in the placement of public and private utilities lines to minimize site  
232 disturbance;
- 233 – Use site fingerprinting to identify appropriate buildable areas in locating utilities,  
234 roads, and trails;
- 235 – To the extent feasible, co-locate utilities and trails in designated pathways;
- 236 – For utilities parallel to streams, locate utilities as far from the stream as possible;  
237 and
- 238 – If crossing a stream, construct utility lines so as to minimize impacts to the stream  
239 banks and streambed.

240 Once a LID/NCDP integrated storm water plan has been approved for the site, within  
241 sixty (60) days the applicant shall submit a deed recordation affidavit referencing the  
242 LID/NCDP integrated storm water plan, including a description of all of the structural  
243 engineered BMPs, designated conservation areas and other non-structural BMPs used  
244 to meet the LID performance standards, along with the LID/NCDP storm water plan's  
245 operation and maintenance agreement. If the owner intends to modify the recorded  
246 LID/NCDP, a LID/NCDP integrated storm water plan modification must be  
247 submitted to the city for review and approval, and the conditions of subsection (n)(6)  
248 shall apply. Depending on the nature of the plan modification, the owner may also be  
249 subject to replatting the parcel.

- 250 F. Improvement Security

251 LID/NCDP storm water control measures shall be recognized similar to other site  
252 improvements (e.g. drainage infrastructure, streets, etc.). As such, a performance  
253 agreement shall be required and adhere to the procedures and the guarantees of  
254 performance specified in section 35-437 of this chapter.

255 G. Record Drawings and Final Approval. Upon completion of a LID/NCDP BMP  
256 project, and before a temporary certificate of occupancy or field acceptance of public  
257 or private infrastructure improvements that are part of LID/NCDP integrated storm  
258 water plan shall be granted, the applicant shall conduct a post-construction site  
259 inspection and verify that the completed project is in accordance with the approved  
260 storm water plan and designs. Before a final certificate of occupancy, or release of the  
261 performance bond for construction of public or private infrastructure improvements,  
262 the designer of record shall submit actual record drawings for all structural storm  
263 water management facilities and flow paths after final construction is completed. See  
264 Section (m)(4) for detailed requirements of the record drawings.

265  
266 (c) Density. A LID/NCDP shall comply with the density standards of this chapter, except as  
267 follows:

268 (1) Density Incentives. To reduce impervious area, optimize LID/NCDP site design, and  
269 provide incentives for LID/NCDP, a LID/NCDP may increase by ten (10) percent the  
270 density allowed in table 310-1 of this chapter.

271 (d) Traffic Impact Analysis. A LID/NCDP shall comply with the traffic impact analysis  
272 standards of this chapter.

273 (e) Lot Layout. A LID/NCDP shall comply with the lot layout standards of this chapter except  
274 as follows:

275 (1) Setback, Side Yard, and Rear Yard Incentives. In order to accommodate LID BMPs  
276 and optimize LID/NCDP site design, required setback, side yards, and rear yards in table  
277 310-1 of this chapter may be reduced as long as such reductions meet fire code standards.  
278 The reductions may not compromise public safety such as the sight distance triangles  
279 defined in section 35- 506(d)(5) of this chapter.

280 (f) Transportation.

281 A LID/NCDP shall comply with the transportation standards of this chapter except as  
282 follows:

283 (1) Minimum Pavement Width and Street Design. Applicants shall adhere to the  
284 Traditional Street Design Standards in section 35-506, tables 506-4 and 506-4A of this  
285 chapter.

286 (2) Credit for LID Practices in the Street Right-of-Way. Vegetated LID storm water  
287 management features may be located within the Right-of-Way medians, planting strips,  
288 curb extensions, or other permeable surface within the street Right-of-Way; permeable  
289 pavement may be used for sidewalks per (f)(6) below. The applicant may construct  
290 vegetated LID BMPs in the privately maintained area of the street right-of-way and  
291 receive LID performance standards and detention credits for such BMPs. For the latter, a  
292 sliding scale based on the cumulative reduction in flow for the Water Quality Storm, 2-  
293 year storm, 5-year storm, 25-year storm and 100-year storms will be applied. To receive  
294 a credit, the BMPs must be adjacent to the applicant's development property, must be  
295 privately maintained, and must have a long-term maintenance agreement. Use of swales

- 296 with curb is allowed by right in zones RP, RE, RD, and FR, and allowed with  
297 conditional approval in zones R20, O-1, MI-1, and MI-2.
- 298 (3) **Curb and Edge Treatment.** Where a portion of a project or public improvement has  
299 been designed specifically as a LID storm water management feature, saw tooth curb  
300 edge treatment is encouraged as part of LID/NCDP.
- 301 (4) **Separation of LID Practices and Utilities.** For LID BMPs installed in the right-of-way,  
302 care must be taken to allow the co-placement and separation of utilities in such a way as  
303 to avoid utility damage during construction. The applicant shall adhere to the street cross  
304 sections in the San Antonio River Basin LID Technical Guidance Manual for  
305 appropriate placement and installation of BMPs in the street right-of-way.
- 306 (5) **Use of Permeable Pavement for On-Street Parking.** The applicant shall adhere to the  
307 approved list of permeable pavement materials that may be used for on-street parking  
308 areas in the San Antonio River Basin LID Technical Guidance Manual, as may be  
309 updated periodically.
- 310 (6) **Sidewalks.** In order to reduce effective impervious area, an approved permeable  
311 pavement may be used for sidewalks as long as the materials meet ADA requirements.  
312 The applicant shall adhere to the approved list of permeable pavement materials that  
313 may be used for sidewalk areas in the San Antonio River Basin LID Technical Guidance  
314 Manual as may be updated periodically.
- 315 (7) **Special Purpose Medians.** Designers are encouraged to incorporate BMPs into dividers  
316 constructed for aesthetic purposes such as at entrances for subdivisions and landscaping  
317 features. LID storm water BMPs shall be designed according to specifications in the San  
318 Antonio River Basin LID Guidance Manual. The minimum width for such special  
319 purpose dividers with LID BMPs shall be in accordance with section 506(n)(2) of this  
320 chapter. No vegetation shall be placed in the median that will obstruct the drivers' sight  
321 distance defined in section 35-506(d)(5) of this chapter.
- 322 (8) **Traffic Calming Devices.** Traffic calming devices approved for use in LID/NCDP  
323 developments include curb bump outs with LID/BMPs or curb extensions with LID  
324 BMPs. Such LID BMPs shall be designed according to the San Antonio River Basin  
325 LID Guidance Manual.
- 326

# **NEW BUSINESS**

Sec. 35-477 **Tree Permits**

\* \* \* \* \*

(b) **Initiation.**

\* \* \* \* \*

- (2) **Affidavit.** In lieu of a tree preservation plan, an applicant may submit a notarized tree affidavit with fees and required information verifying that no significant, ~~or~~ heritage trees, or tree canopy required to be counted for calculating minimum tree preservation requirements will be damaged or removed as a result of the application or receipt of the approval requested.

\* \* \* \* \*

- (i) **Scope of Approval.** A tree ~~preservation~~ permit shall remain valid for one of the two ~~the longer of:~~

- (1) The period of validity of the permit or authorization that triggered the requirement for obtaining the tree preservation plan and tree permit approval (i.e. building permit, plat, etc.); or
- (2) One hundred eighty (180) days from the date of issuance if the tree permit approval was obtained solely for the removal of trees was for a stand alone activity (tree removal) not associated with any other permit.

\* \* \* \* \*

**Sec. 35-A101 Definition and Rules of Interpretation**

\* \* \* \* \*

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, sector, ~~and~~ perimeter plans and any other element of the Comprehensive plan:

Mixed use - includes a concentrated blend of residential, retail, professional service, office, entertainment, leisure and other related uses at urban densities to create a pedestrian-oriented environment. Mixed use incorporates high quality architecture and urban design features such as attractive streetscapes, parks/plazas, and outdoor cafes. Parking areas should be located behind buildings. This classification requires a mix of uses in the same building. Examples of mixed use uses include small offices (dentists, insurance professionals, non-profits, etc.), small retail establishments (cafes, shoe repair shops, gift shops, antique stores, hair salons, drug stores, etc.) and high-density residential uses. Permitted zoning districts: IDZ, MXD, MPCD, TOD and FBZD.

\* \* \* \* \*

**Sec. 35-430 Applicability and General Rules.**

\* \* \* \* \*

(c) **Plat Exceptions.** In accordance with V.T.C.A. Local Government Code §§ 212.004 and 212.0045 the platting exceptions set forth below are established. Applicants exempt from subdivision plat approval may be subject to development plat approval requirements pursuant to section 35-432 of this article. Habitable uses within the regulatory floodplain shall always require platting. The applicant for plat exception shall provide proof of ownership in the form of a warranty deed and a current tax certificate with indication of no taxes due. The department of development services may issue building permits, and public utility providers may provide utility service, on any unplatted parcel otherwise subject to this section for the following activities:

(1) The division of land into parts greater than five (5) acres within the city limits of the City of San Antonio, where each part has access and no public improvement is being dedicated, shall not require a subdivision plat. For purposes of this subsection, access shall mean a minimum frontage of fifteen (15) feet onto a public street or recorded access easement of fifteen (15) feet onto a public street. Public improvement shall mean creation of new streets, alleys or the extension of off-site utilities or the installation of drainage improvements. This subsection relates to an unplatted parcel of land within the city and limited to single-family or agricultural uses.

(2) The division of land into parts greater than ten (10) acres in the ETJ of the City of San Antonio, where the owner does not lay out part of the tract for streets, alleys, squares, parks, or other parts of the tract intended to be dedicated to public use or for the use of purchasers or owners of lots fronting on or adjacent to the street, alley squares, parks, or other parts shall not require a subdivision plat.

~~(3)~~(4) Uninhabitable uses that are to be retained in an undeveloped state shall not require a subdivision plat, provided: (1) the division does not create more than three (3) parcels, (2) each parcel contains a minimum area of five thousand (5,000) square feet, (3) the division does not involve the creation of any streets or alleys, and (4) no utility services shall be provided to the parcels, provided however, that the director of development services may exempt other uninhabitable uses from subdivision plat requirements upon determining that the uses are consistent with the intent of these provisions. *Commentary: The intent of this subsection is to allow the division of land without platting so long as the land remains undeveloped. Platting is required at the time utility services or building permits are requested unless one (1) of the other plat exceptions applies.*

~~(4)~~(3) Each tract greater than ten (10) acres in size is eligible for up to three (3) single-family utility connections provided all tracts are held under common ownership, each tract has access and no public improvement is being dedicated. For purposes of this subsection, access shall mean each tract has a minimum frontage of fifteen feet on an existing public or platted private street or irrevocable access easement.

- ~~(5)(H)~~ The provision of utility service to not more than three (3) detached single family dwelling units on an unplatted tract or antiquated plat shall not require a subdivision plat provided all of the following requirements are met:
- (a) The tract is located outside the city limits within the extraterritorial jurisdiction of the city;
  - (b) The tract has a minimum of fifteen (15) feet of frontage on a public street or a recorded irrevocable access easement;
  - (c) The tract was created prior to January 1, 2005;
  - (d) The tract has a minimum area of five thousand (5,000) square feet for each dwelling unit, additional County requirements may be imposed where on-site sewage facility is proposed;
  - (e) The tract is held under single ownership;
  - (f) No dwelling unit will be located within a regulatory floodplain; and
  - (g) No public utility extension is required.
  - ~~(h) No major thoroughfare dedication is required.~~

~~When major thoroughfare dedication is required, the owner of an unplatted parcel abutting a designated major thoroughfare may voluntarily execute a street dedication instrument in accordance with form "S" in Appendix "B" in lieu of public dedication through platting when necessary. Any further subdivision shall require approval of a subdivision plat as provided herein. (The intent of this subsection is to allow the division of land in the ETJ without platting so long as the land remains limited to three single family units.)~~

- (6) The provision of building permit and/or utility service to not more than one (1) detached single family dwelling unit on an unplatted tract or antiquated plat shall not require a subdivision plat provided all of the following requirements are met:
- a) The tract is located inside the city limits of the city;
  - a) The tract has a minimum of fifteen (15) feet of frontage on a public street or a recorded irrevocable access easement;
  - b) The tract must have an existing lot(s), block and NCB number.
  - c) The tract was created prior to January 1, 2005;
  - d) The tract has a minimum square footage required by the zoning classification in place at the time of the request;
  - e) The tract is held under single ownership;
  - f) No dwelling unit will be located within a regulatory floodplain; and
  - g) No public utility extension is required.

- ~~(7)(8) Replacement and/or repair of a preexisting or existing single family dwelling unit or related accessory structure shall not require a subdivision plat if: if it was damaged, destroyed or ruined by flooding, fire, windstorm or other natural disaster. This exception shall only apply in such cases where reconstruction does not increase the building footprint or height by more than ten (10%) percent.~~

- a) The applicant provides evidence that single-family development and/or single-family improvements had received electrical service for more than (5) years prior to the date of application.
- b) Expansion of a preexisting or existing single family dwelling unit, up to 1,000 square feet or related accessory structure shall not require a subdivision plat.
- ~~(8)~~(13) An existing single-family residence can add a second residential structure provided they utilize the same electrical meter and the occupant is family that all requirements of Section 35-371 are met. In addition, the applicant will need to comply with all zoning, building and on-site sewage facility requirements.
- (9) The land for which a building permit or utility service is being requested is a lot or the last remaining portion of a lot previously platted under the jurisdiction of the county or city.
- (10) A tract of land greater than five (5) acres in size is eligible for one (1) single-family utility connection provided the tract is held under common ownership, and no public improvements are being dedicated. For purposes of this subsection, the tract shall have a minimum frontage of fifteen (15) feet on an existing public or platted private street or irrevocable access easement. Property must conform to existing zoning standards.
- (11)~~(5)~~ Nonhabitable uses as defined by the International Building Code or Residential Code and accessory uses of a limited nature that are subordinate to another use shall not require a subdivision plat. Other uninhabitable Nonhabitable uses may include: ~~ing; but not limited to,~~ pumps, oil wells, sheds, security lights, traffic devices, monuments, signs/billboards, utility equipment huts, communication towers, or public infrastructure shall not require a subdivision plat. This shall also include fences as well as unenclosed structures such as porches, carports, decks, gazebos and pavilions.
- ~~(12)~~(6) Public parks and golf courses owned, operated, or maintained by a governmental entity shall not require a subdivision plat. This exception shall not include athletic facilities such as stadiums, natatoriums, concession facilities or similar improvements within park facilities.
- ~~(13)~~(7) Temporary ~~field~~ construction/subdivision sales offices or seasonal type uses shall not require a subdivision plat. These uses may be permitted in any zoning district incidental to a construction project. The office or shed shall not contain sleeping or cooking accommodations and shall be removed within thirty (30) working days after final completion of the construction project with a maximum period of three (3) years; and the applicant can reapply for a new permit. Temporary uses are as defined in Section 35-391 of the UDC and subdivision sales office as defined in Section 35-389 of the UDC.

~~(14)~~(10) The division of any tract of land into parcels which are to be used solely for agricultural, mining, or quarrying purposes shall not require a subdivision plat, provided: (1) each parcel contains a minimum area of twenty (20) acres, and (2) no utility services shall be provided to a habitable ~~an inhabitable~~-use.

~~(15)~~(12) Sewer and water service to existing buildings. If existing buildings on an unplatted tract are occupied, sewer and water services may be provided if all of the following conditions are met:

- a. The applicant provides evidence that single-family and/or non single-family development and/or single-family and/or non single-family improvements had received electrical service for more than (5) years prior to the date of application for sewer and/or water services;
- b. The site is not subject to major thoroughfare dedication;
- c. If applicable, existing building(s) shall comply with the floodplain ordinance;
- d. Service is restricted to existing uses; and
- e. Impact fees are paid at the time of application for service.

~~(16)~~(14) Requests for permits within ~~the~~ a lawfully permitted existing building's footprint including remodeling, general repair and maintenance, roofing, ADA accessibility, trade permits, and similar improvements, shall not require a subdivision plat. ~~area of an otherwise lawfully permitted structure.~~

~~(17)~~(15) A commercial and/or multi family ~~The~~ lot is located within the original thirty-six (36) square mile area of San Antonio, and the boundaries of the lot were recorded in the Deed and Plat Records of Bexar County prior to June 14, 1927 and the lot remains in its original configuration. It shall be the obligation of the applicant for plat exception to provide documentation of the lot's recording prior to June 14, 1927.

**Sec. 35-515. Lot Layout Regulations.**

\* \* \* \* \*

**(c) Lots.**

\* \* \* \* \*

(4) **Frontage.** All lots shall front on a public or private street or platted irrevocable ingress/egress easement and shall have a minimum frontage width as indicated in section 35-310. ~~Where a platted irrevocable ingress/egress easement is utilized for frontage, the private street provisions of section 35-506 for street name and design standards shall be met. Neither the use of an irrevocable ingress/egress easement nor use of a private street shall be allowed to satisfy the major thoroughfare plan requirements.~~ Frontage of a lot shall be determined by the property line of the lot adjacent to the right-of-way of the street upon which the property's address is based. Single-family residential lots shall not front on a collector street, arterial street, or parkway except as specified under subsection 35-506(r)(2). On irregular shaped lots, a minimum street frontage of fifteen (15) feet shall be required. ~~Single-family residential lots shall not front on a collector street, arterial street, or parkway except as specified under subsection 35-506(r)(2).~~ An "irregular shaped lot" includes any lot located on a cul-de-sac or adjoining a curved section of a roadway with a centerline radius of less than two hundred (200) feet. Where a platted irrevocable ingress/egress easement is utilized for frontage, the private street provisions of section 35-506 for street name and design standards shall be met. The ingress/egress easement shall have a plat note prominently displaying: "No structure, fences, walls, or other obstructions shall be placed within the limits of the ingress/egress easement shown on this plat." The ingress/egress easement does not have to be named if;

- It provides access to only a single structure, and the entrance to the ingress/egress easement is from a named road; then the easement will be treated as a driveway and an address assigned at the drive from the named road.
- It provides access to multiple business/family structures and all structures are visible from the named road and can be easily located and addressed with specific addresses off the name road.

Neither the use of an irrevocable ingress/egress easement nor use of a private street shall be allowed to satisfy the major thoroughfare plan requirements.

\* \* \* \* \*

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

\* \* \* \* \*

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

\* \* \* \* \*

(4) **Bicycle Facilities.** Bike ~~paths~~ facilities, when required within the city limits, may be constructed with development of the abutting property at the time building permit acquired.

When identified on the city council approved bike ~~facilities~~ master plan roadways requiring bicycle facilities shall be constructed in accordance with the American Association of State Highway and Transportation Officials "Guide for the Development of Bicycle Facilities:" with additional guidance from the National Association of City Transportation Officials (NACTO) Urban Bikeway Design Guide.

\* \* \* \* \*

(10) **Curbs and Pavement.** Curbs shall be required on both sides of all ~~interior streets.~~ ~~Curbs and pavement are required on the development side of all adjacent~~ streets except:

A. When the director of ~~planning and~~ development services or county engineer in consultation with the director of ~~public works~~ transportation and capital improvements determines that the curbs will interfere with or disrupt drainage.

B. When the director of ~~planning and~~ development services or county engineer in consultation with the director of ~~public works~~ transportation and capital improvements determines that public construction that would require curb replacement will take place on the street within three (3) years.

~~C. On local type A streets in single family or two family residential subdivisions within the "RP" and "RE" zoning districts.~~

~~D. On streets in residential subdivisions where no adjacent lots are platted if approved by the director of planning and development services, such as streets adjacent to walls or drainageways.~~

EC. Where the director of planning and development services determines that preservation of trees warrants the elimination, reduction in width, or modification to the curb requirements in accordance with the tree preservation standards.

FD. When densities of ~~less than two (2) units~~ one (1) unit per acre or less exist and a county section for local streets is proposed in the ETJ.

\* \* \* \* \*

**(i) Street Lights.**

(1) Streetlights shall be provided in all subdivisions within the city. Streetlights are not required in the ETJ. However, if proposed by the applicant, all installation, operational and maintenance cost shall be borne by the developer. Streetlights shall be installed by CPS Energy at all public street intersections with other public streets, at the end of cul-

de-sacs longer than two hundred (200) feet, crosswalks, at safety lane intersections with public streets, midblock areas placed such that streetlights are a minimum of three hundred (300) feet apart for residential streets with houses fronting, or service areas as determined by CPS Energy.

(2) In subdivisions ~~within the "RP" or "RE"~~ in residential zoning districts, which do not exceed ~~two (2)~~ one (1) dwelling units per acre, the director of ~~planning and~~ development services may waive the requirement for streetlights for public street intersections or mid-block areas where he finds that the area does not require such lighting for safe pedestrian or vehicular traffic.

(3) The subdivider shall contract with the city through the department of public works for payment of all costs associated with the engineering and installation of street lighting. Such contracts must be executed prior to issuance of a letter of certification by the department of public works. Full payment for all costs must be made prior to the recordation of the plat. A copy of the current schedule of costs to the city of labor and materials associated with the engineering and installation of street lighting shall be filed by the director of planning and development services with the city clerk and be available for public inspection. New schedules shall be filed whenever there is an increase in costs.

\* \* \* \* \*

**(q) Sidewalk Standards.**

\* \* \* \* \*

**(1) Applicability.**

A. Sidewalks shall be required on both sides of all ~~internal~~ streets and the subdivision side of all adjacent or perimeter streets except as specified in subsection (2) below.

B. All nonresidential, residential corner and reverse residential street lots shall have sidewalks provided on both street frontages. ~~Sidewalks shall be required as part of the street improvements only on one (1) side of subdivision entry streets unless residential lots are platted or planned to be platted on both sides of the street.~~

C. Sidewalks in place at the time of platting or permitting, that do not meet the minimum ~~ADA~~ standards of this chapter shall be reconstructed to meet ~~minimum ADA~~ standards and shall conform to the latest criteria of the Americans with Disabilities Act (ADA) or whichever is more stringent.

~~D. All sidewalk construction shall conform to the latest criteria of the Americans with Disabilities Act (ADA) (see subsection 35-501(eg) herein).~~

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

B. When the director of ~~planning and~~ development services or county engineer, in consultation with the director of ~~public works~~ transportation and capital improvements, determines that public construction which would require sidewalk replacement will take place on the street within three (3) years.

C. On local type A streets in single- or two-family residential subdivisions with a density less than ~~1.0~~ one (1) residential units per acre.

~~D. On streets in residential subdivisions where no adjacent lots are platted, if approved by the director of planning and development services, such as streets adjacent to walls or drainage ways.~~

~~E~~D. Where the director of ~~planning and~~ development services or county engineer, in consultation with the director of transportation and capital improvements, determines that preservation of trees warrants the ~~elimination,~~ reduction in width, or modification to the sidewalk and curb requirements in accordance with the tree preservation standards.

~~F. In developed blocks, where the area is residentially zoned for single family detached dwellings, and where both of the following conditions exist:~~

~~a. Seventy (70) percent or more of the improved lots fronting the street in any one (1) block face do not have sidewalks; and~~

~~b. A connecting sidewalk does not exist on both sides of the subject property for which construction permits are being sought.~~

(3) **Planting Strips or Sidewalk Buffer.** When required by Table 506-3 or 506-4 above sidewalks shall be defined by placing a planted strip or sidewalk buffer of not less than three (3) feet between the back of the curb (BOC) and the street edge of the sidewalk.

\* \* \* \* \*

(t) **Traffic Calming.** The purpose of this section, is to protect the public health, safety and general welfare by ensuring that speeds on local streets are suitable for their intended purpose. The city hereby finds and determines that long blocks, wide street cross sections and uninterrupted traffic flows can encourage speeding on local and collector streets. Accordingly, these design standards will slow traffic on local streets while allowing flexibility in design and offering applicants the choice of treatment that works best for the streets in a proposed development.

(1) **Applicability.** The provisions of this subsection shall apply to local and collector streets when any traffic control devices are proposed and shall be approved by both the city and the county when located in the ETJ.

\* \* \* \* \*