

35-354. "MH" Manufactured Housing District.

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(c) Manufactured Homes on Individual Lots.

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(2) HUD-Code manufactured homes shall be permanently affixed to a foundation with a visible foundation system and skirting acceptably similar in appearance to foundations of site built residences. The foundation shall form a complete enclosure under exterior walls. Wheels and axles shall be removed. All units must also have ~~covered front and rear entries, and~~ site built steps and porches.

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35-355. "MHC" Manufactured Housing Conventional District.

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(c) Manufactured Homes Design and Installation Criteria.

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(2) HUD-Code manufactured homes shall be permanently affixed to a foundation with a visible foundation system and skirting acceptably similar in appearance to foundations of site built residences. The foundation shall form a complete enclosure under exterior walls. Wheels and axles shall be removed. All units must also have ~~covered front and rear entries, and~~ site built steps and porches.

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35-356. "MHP" Manufactured Housing Park District.

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(c) Manufactured Homes on Individual Lots.

* * * * *

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35-310.11. - "D" Downtown.

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(a) Location Criteria.

The "D" downtown district shall be permitted only in the Downtown Business District, as defined in Appendix A ~~encompasses the city's central business district~~, which is the area originally settled and the locus of economic activity in the region. This shall include the area described as follows: Start at the intersection of Salado and El Paso Streets; north on Salado to its intersection with Frio Street; thence northeast in a straight line to the intersection of IH-10 and Cadwallader; south on IH-10 to IH-35; northeast on IH-35 to a perpendicular point connecting with Cherry Street; south on Cherry Street to César E. Chávez Boulevard ~~Durango~~ Boulevard; west on César E. Chávez Boulevard ~~Durango~~ to the San Antonio River; south along the San Antonio River to Arsenal Street; west on Arsenal to El Paso Street; and then west on El Paso to Salado.

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Sec. 35-338. "RIO" River Improvement Overlay Districts.

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(f) Administration. River improvement overlay districts shall be governed in accordance with division 5 of article IV of this chapter, except that proposed changes to the boundary of a "RIO" shall be first submitted to the HDRC for review and recommendation before going to the Zoning Commission.

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Sec. 35-634. - Cemeteries.

- (a) All applicants for permits, excluding burial permits, affecting cemeteries shall be referred to the city historic preservation officer for the purpose of determining whether or not the cemetery is historically, culturally, architecturally, or archaeologically exceptional or significant. If the cemetery is determined by the city historic preservation officer to be exceptional or significant, any proposed change, excluding burials, must be presented to the historic and design review commission for approval of planned work. If a court of competent jurisdiction has granted permission for cancellation or destruction of such cemetery, any plans for new construction must be approved thereafter by the historic and design review commission before construction commences. The historic and design review commission shall be governed in its recommendations by regulations set forth in Texas state law for cemeteries excluding burial permits.
- (b) Public and private development projects must comply with the Texas Health and Safety Code regarding the archaeological procedures for the impact to, or removal of, interred human remains (Texas Health and Safety Code, Title 13, Part 2, Chapter 22).

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Sec. 35-673. - Site Design Standards.

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(p) **New Elevator and building access.** In order to prevent queuing and inhibition of pedestrian flow on the Riverwalk pathway, a landing that is at minimum 6 feet in depth shall be provided between an elevator or building access point or doorway and the Riverwalk pathway. The width of the landing shall further comply with ADA (Americans with Disabilities Act) and/or TAS (Texas Accessibility Standards) requirements.

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Sec. 35-678. Signs and Billboards in the RIO.

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(k) **Prohibited Signs.** The following signs are prohibited:

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(8) ~~Pole Signs;~~ Pole-mounted cabinet signs and pylon signs;

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35-503. Parkland Dedication Requirement.

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(a) Applicability

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(3) The provisions of this section do not apply to:

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A. A proposed subdivision located within:

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(4) When a non residential use is proposed (examples include: public or private schools, assisted living facilities, nursing homes, churches, “D” – downtown district, and ROW).

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35-506. Transportation and Street Design.

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(h) Street Names and Signage

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(5) Street Name Changes.

Requests for public street name changes and street memorial designations within the city limits shall be submitted to the development services department. An application and processing fee as specified in Appendix "C" shall be paid to the director of development services for each street name change request in accordance with Chapter 6, Division 6, Changing of Name of Street, of the City Code of San Antonio, Texas ~~prior to consideration of the request by the city council.~~ Additionally, an installation fee as specified in Appendix "C" for each sign that needs to be changed per each street intersection shall also be paid at the time of application submittal ~~prior to the city council consideration.~~ The installation fee shall be refunded if the request is not approved.

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APPENDIX B - APPLICATION SUBMITTAL

Sec. 35-B101. - **Specifications for Documents to be Submitted.**

TABLE B101-1

A	B	C	D	E	F	G
(A) Material/Information	Master Development Plan	PUD Plan	Major Plat Application	Minor Plat Application	Development Plat Application	Specific Use Authorization
G DESIGN						
(1) Sufficient data to determine readily and reproduce accurately on the ground the location, bearing and length of every street and alley line, lot line, building line, easements required hereunder or of record in Bexar County or ascertainable by physical inspection of the property, and boundary lines of reserved or dedicated areas. All linear dimensions shall be in feet and hundredths thereof. The maximum allowable error of linear closure shall not be in excess of 1:10,000. In closed traverses, the sum of the measured angles shall vary with the			*	*		

<p>theoretical sum by a difference not greater than an average of seven and one-half (7½) seconds per angle, or the sum of the total shall not differ from the theoretical sum by more than ninety (90) seconds, whichever is smaller. Said information shall be provided on tracing cloth or reproducible Mylar and on <u>digital media</u>. a diskette in AreInfo or AreView software, or a computer file with a ".dfx" format which is translatable to AreView.</p>						
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<p>*****</p>						
<p>(4) Lots and open space numbered as approved by the City. Open space shall be designated by a 900 series lot # and the size in acreage shall be provided. <u><i>Commentary:</i></u> <u><i>Information Bulletin (IB) 510 describes the process for the assignment of legal descriptions to properties.</i></u></p>		<p>*</p>	<p>*</p>	<p>*</p>		

(e) **Digital Plat Requirements.**

(1) **Generally.**

- A. Plat information shall be provided to the City of San Antonio in two (2) forms — as hard copy subdivision plat sheets and as plat digital data. The purpose of the plat digital data requirement is to coordinate with the city's GIS program ~~and is to be used for information only. Unlike the hard copy subdivision plat, which represents a legal document, the plat digital data may be subjected to adjustment by the city and would have no legal significance. However, the plat digital data may be used~~ to assist city officials in analyzing, understanding, interpreting and presenting the data.
- B. Digital data of subdivision plats will consist of graphical elements representing the hard copy subdivision plat. The applicant shall provide digital data twice during the subdivision review process — initially, when the subdivision plat is submitted to the department of ~~public works~~ development services for ~~plan plat~~ review, and secondly, before the subdivision plat is approved by the planning commission. Additional digital submittals are required if changes occur between the second digital submittal and the recordation of the plat. The final digital submittal would reflect the graphical elements of the recorded plat.
- C. The initial digital data submittal shall include the subdivision boundary, as a minimum. The ~~diskette~~ digital media shall bear a label similar to that of the final ~~diskette~~ digital media, as described in subsection ~~(a)~~(e)(7), below, with the exception of the plat number.
- D. The final digital data ~~diskette(s)~~ media may be submitted with the final subdivision plat documents to the department of ~~planning and~~ development services. The final digital data ~~diskette(s)~~ media must be submitted before the subdivision plat is considered complete and ready for the planning commission consideration.
- E. The digital data submittals are subject to review and approval as a condition to the subdivision plat review and approval process. The X-Y coordinates indicated with the initial submittal will be subject to approval, as per section 35-B121 of this chapter. If an error is found to exist in the digital data which the city cannot correct, or if the digital data is otherwise unacceptable, the city will contact the submitting organization to have the digital data corrected.
- F. Both the digital files and hardcopy files must contain all the elements consistent with accurately defining the geometry and global position of the proposed subdivision. In addition, the following two (2) key data elements are also required on plat submittals.
1. All new street names must have been approved by the U. S. Postal Service and shown on the hardcopy and digital plat submittals. The city will no longer accept unnamed street designations such as street "A".
 2. The city must be able to determine from the plat a correct tax account number made up of NCB (5 digits), Block (3 digits), and Lot number for each proposed lot. Information on the plat will allow the creation of a correct and

therefore unique tax account number for every proposed lot. The city will no longer accept invalid block numbers such as Block "D".

Failure to provide approved street names and correct and unique NCB, block, and lot numbers may result in significant delays as no plat will be approved until this key data is determined.

(2) **Control Points and Monumentation Guidelines.**

- A. Primary horizontal control points will be used when surveying each tract being subdivided. These primary horizontal control points must be established by using centimeter-grade accuracy GPS devices and procedures and methods that meet the Texas Board of Land Surveyor's minimum standards 22 TAC, part 29 ("the Standards"). The precision of the monumentation will be in accordance with section 663.15 of the Standards. New primary horizontal control points must be established and monumented for each subdivision.
- B. Primary horizontal control points shall be tied to at least one (1) National Geodetic Survey (NGS) mark and the point will be identified datum point on both the hardcopy and digital plat submittals.
- C. The minimum number of required primary horizontal control points (reference corners) is based upon the overall plat size in acres as follows:

Plat Size	Number of Points
20 acres or less	2 points
20 + to 50 acres	3 points
greater than 50 acres	4 points

- D. The X-Y coordinates for each of the primary horizontal control points and consistent and appropriate bearings between each of the primary horizontal control points should be provided. These primary horizontal control points will be provided in NAD83 U.S. Survey feet, State Plane Coordinates for Texas South Central Zone (Zone Number 4204).
 - E. All primary horizontal control points shall be permanently identified with monumentation set to Texas Board of Land Surveyor's minimum standards, Section 663.17.
- (3) **Data Layer/Level Requirements.** Data will be separated into the following feature categories, each residing on its own unique level or layer. Any layer name or level number is acceptable as long as each feature set is on its own individual layer or level.

Layer and Level Element Types

Feature	Element Types
Subdivision Boundary Data	Lines and Curves
Control Points and Ties to Boundary Text	Points and Cells
Text*	Text
Primary Lot Line Data	Lines and Curves
Right-of-Way Centerline Data	Lines and Curves
Right-of-Way Data	Lines and Curves
Easement Data	Lines and Curves

(*Subdivision plat certification data is not required to be included in the plat digital data [until final plat submittal](#).)

- (4) **Additional Digital Criteria.** The following additional criteria will apply to data submitted digitally:
- A. Cells shall be fully expanded.
 - B. Curves shall only be used to represent irregular boundaries.
 - C. The subdivision outside boundary shall be transmitted as a closed figure. For example, the Subdivision boundary would be represented as one (1) polyline rather than a series of lines, arcs, and curves. This will assure closure of the subdivision perimeter.
 - D. Curvilinear boundaries — not lines or arcs — will be represented by sufficient points to unambiguously define the boundary. Examples of curvilinear boundaries might include the centerline of a stream, high water mark, contour lines, and transition curves on railroads.
- (5) **Formats for Graphical Data.** Any of three (3) formats are allowed for digital plat data submitted to the ~~public works~~ [development services](#) department — DXF (generic), DWG (AutoCAD), and DGN (Microstation).
- A. **DGN (Microstation) (Bentley).** This is the graphics format used by the City of San Antonio, so no conversion is required when data is provided in this format. The Microstation software used to produce these files should be the most current or prior version of the product. Files produced using software over two (2) releases old may not be accepted. DGN files created on ~~diskette~~ [digital media](#)

for delivery to the city will be created as ASCII files. No reference files will be attached to DGN files submitted to the city.

B. DWG (AutoCAD) (Autodesk). This file format is used by Autodesk with their AutoCAD product. This is the preferred way for AutoCAD users to transfer files to the city. The AutoCAD software used to produce these files should be the most current or the prior version of the product. File produced using software over two (2) releases old may not be accepted. "Paper Space" will not be used as part of the drawing file being submitted.

C. DXF (All Others) (Drawing Exchange File). DXF is an exchange format developed by Autodesk for use with their AutoCAD product. This format is the preferred exchange format for organizations that use graphics software provided by vendors other than Bentley or Autodesk. Only the ASCII output file option will be accepted for this exchange format. A binary DXF output format option is available, but it will not be accepted as a valid exchange format. The software used to produce these files should be compatible with the current or prior versions of Microstation or AutoCAD. Files produced using file compatibility over two (2) releases old may not be accepted.

(6) **File Naming Conventions.** The applicant shall submit one (1) file for each plat that is submitted to the city. File naming conventions will be used as follows with "xxxxx" representing the assigned plat number.

Plat submitted from AutoCAD	xxxxx.DWG
Plat submitted from Microstation	xxxxx.DGN
Plat submitted from other software products	xxxxx.DXF

(7) **Media Requirements and File Creation.** The city will accept files on ~~DOS 3.5" High Density (1.4 Mb) diskettes or on 650 Mb CD's.~~ digital media. Files created ~~on diskette or CD~~ for delivery to the city will be produced using Windows output formats. ~~WinZip may be used to compress the files being submitted. Diskettes and CD's~~ Digital media will be labeled with the following information:

Plat number, subdivision name, number of files (sheets), ~~on the diskette or CD,~~ disk digital media creation date, company name, ~~and~~ contact name and phone number.

~~(8) Fees for City Workstation Operator Services. If the submitting organization elects to submit the hard copy only, the city will produce digital data from the hard copy as part of the map checking process, but will charge the submitting organization at the rate of thirty dollars (\$30.00) per hour for workstation operator services.~~

~~(9)~~ (8) City's Use of Digital Data. The city staff utilizes the final digital data to create the geometry and global position of the newly established subdivision. ~~may make minor corrections to the digital data if the file needs correcting due to minor differences~~

~~between the hard copy plats and the digital data, or if other minor errors, such as layering errors are detected. In instances where differences exist, the information provided on the hard copy plats will take precedence over the digital information. The digital information has no legal significance.~~

35-B121. Subdivision Plat Applications.

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(c) Contents.

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(22) All notes placed on the proposed plat ([this is applicable to all types of plat applications](#)) shall be approved by a certifying and/or reviewing agency and the ~~planning and~~ development services director for form and content. [In addition, All all](#) notes shall be subject to review by the city attorney or the city attorney's designee for legal sufficiency. *Commentary: [Information Bulletin \(IB\) 526 was created in 2010 and identifies the standard plat notes that have been vetted through a stakeholder public process, and any future text changes shall be vetted through the same public process. Amending and BSL plats will not be eligible for limited review, if the plat notes do not conform to IB 526.](#)*

35-202 Conventional and Enclave Subdivision.

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STATEMENT OF PURPOSE

The purpose of this section is to establish criteria and procedures for the processing of ~~single-family residential~~ subdivisions consisting of ~~"conventional subdivisions" with public streets and "enclave subdivisions"~~ with private streets constructed to public street standards and "conventional subdivisions" with public streets. This conventional use pattern has been the dominant pattern of development in many areas in Texas and the United States during the past fifty (50) years while the enclave subdivision is a predecessor to older municipal and county codes in Texas which allow for the subdivision of property with private streets. Conventional and enclave subdivisions often may feature curvilinear streets and culs-de-sac, few points of access into the subdivision, and large yards

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35-424(g) Manufactured Home Park Plan.

(1) **Applicability.** The director of ~~planning and~~ development services shall not issue building or repair permits or certificates of occupancy for structures in manufactured home parks within the incorporated areas of the city until a plan has been approved in the manner prescribed by this division and duly filed in the office of the director of ~~planning and~~ development services. The city will withhold all public improvements and services from manufactured home parks, including wastewater, water, gas and electric service until a manufactured home park has been approved in the manner prescribed by this subsection. Property to be developed as a manufactured home park shall be platted prior to obtaining any building permits or utility services. Such plats shall be annotated with a statement that it is a "manufactured home community" or a "recreational vehicle park," and shall annotate the plan with same name as the subdivision plat.

(2) **Initiation.** Each applicant seeking approval of a manufactured home park shall submit a manufactured home park site plan to the director of ~~planning and~~ development services. ~~The manufactured home park plan shall not be accepted unless it contains the information required by Appendix "B" to this chapter.~~

(3)Site Plan. A zoning site plan, prepared to scale, illustrating the proposed land uses by location, type (residential, office, commercial, light industry), density and size shall accompany an application for rezoning to "MHP" for review by the zoning commission and consideration by the city council. The approved zoning site plan shall accompany all subsequent development applications (including, but not limited to, master development plan, plats, and building plans). Subsequent development applications that do not conform to the approved "MHP" zoning site plan shall not be approved.

~~(3)~~(4)Completeness Review. See section 35-402~~(e)~~ of this chapter.

~~(4) Decision.~~ Upon receipt of a manufactured home park plan, the director of ~~planning and~~ development services shall distribute copies to various departments and agencies as the director deems appropriate for their review. The departments/agencies receiving copies of the plan shall submit their comments and recommendations for approval or disapproval in writing back to the director of ~~planning and~~ development services within thirty (30) days of receipt of the plan.

~~Within forty five (45) days of the date of submission of the manufactured home park plan, the director of planning and development services shall submit the plan with his recommendation and comments received from other city departments and agencies to the planning commission for consideration. The planning commission may approve the plan as submitted, amend and approve the plan as amended or disapprove the plan.~~

(5) Amendments to "MHP" Site Plan.

- (a) **Initiation.** Revisions to a previously approved "MHP" zoning site plan shall be classified as minor or major changes. The applicant for site plan amendment shall submit a site plan that is consistent with the requirements of section 35-424(g) above. The submittal shall include the site plan approved with the original application and a revised copy with annotation of the requested changes. The revised site plan shall be prepared to scale and shall include a block for a signature by the property owner and the development services director to indicate acceptance of the revised site plan and, if applicable, shall include appropriate signature and seals of the design professional (i.e. architect, engineer, surveyor) who prepared the site plan. The site plan shall be processed only upon payment of the plan amendment fee indicated in 35-C102
- (b) **Completeness Review.** See section 35-402 of this chapter.
- (c) **Major Amendments.** A major amendment shall require a new application for rezoning pursuant to the procedures of 35-421. A major amendment to an "MHP" site plan shall include:
- i. Any increase in the total number of residential units for the entire "MHP."
 - ii. Any increase in the total acreage within the "MHP."
 - iii. Any increase in the cumulative traffic impacts of the entire "MHP" upon outlying transportation infrastructure.
 - iv. Any increase in the total sewer capacity required for the "MHP" as measured in equivalent dwelling units.
 - v. Any increase in the total water capacity required for the "MHP" as measured in equivalent dwelling units.
- (d) **Minor Amendments.** Any other revision to an "MHP" site plan not described as a major amendment above shall be deemed a minor change. After the five-day completeness review process, a site plan revision deemed by the director as a minor amendment shall undergo a technical review by staff not to exceed thirty-five (35) days and shall not require review by the zoning commission nor approval by the city council. If approved, the director shall sign the amendment indicating official acceptance in the required signature block.
- ~~(5) **Approval Criteria.** The manufactured park plan shall comply with the manufactured home and recreational vehicle parks regulations (section 35-382) of this chapter.~~
- ~~(6) **Amendments.** After favorable action by the planning commission, minor changes to the plan that do not increase the density or affect platting, the general character or overall design of the manufactured home park plan may be approved by the director of planning and development services.~~

~~Major changes shall be submitted for consideration by the planning commission following the same procedure required for the original adoption of the plan. The planning commission shall interpret what constitutes a major change in the plan.~~

~~**(7) Scope of Approval.** See subsection (a)(8) of this section. Subdivision plat approval may also be required prior to issuance of a building permit.~~

~~**(8) Recording Procedures.** If the manufactured home park plan is approved, the director of planning and development services shall retain one (1) copy on file in the department of planning and development services and distribute one (1) copy to the director of planning and development services and other departments/agencies as appropriate.~~

~~**(9) Permit for Temporary Use at Construction Sites.**~~

- ~~• Authorization may be issued by the director of planning and development services to permit an individual manufactured home to be temporarily located on a lot upon which a building permit has been previously issued for construction of any building or structure.~~
- ~~• A certificate of occupancy related to construction shall not be issued by the director of planning and development services until the manufactured home has been removed from the premises and further, that the certificate of occupancy shall not be issued until the electrical connection which served the manufactured home has been removed from the lot in question.~~
- ~~• A temporary permit issued pursuant to this section shall be void upon issuance of the certificate of occupancy, or twelve (12) months after issuance of the building permit, whichever time is shorter.~~
- ~~• In any case in which construction is not completed within the twelve month period, the director of planning and development services, after due consideration and determination that active construction is being accomplished, may issue an extension of time for the temporary permit, not to exceed a six month period.~~

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

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(d)**Decision.** A letter of certification shall be issued digitally by the reviewing agency and maintained in the City's application tracking system prior to subdivision plat approval. The following procedures shall apply to the issuance of a letter of certification:

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~~(i)**Recording Procedures.** A letter of certification is not recorded. A letter of certification shall be maintained by the applicant and presented with the proposed application for subdivision plat approval.~~

TABLE 311-1 RESIDENTIAL USE MATRIX																				
PERMITTED USE	RP	RE	R-20	NP-15	NP-10	NP-8	R-6	RM-6	R-5	RM-5	R-4	RM-4	MF-18	MF-25	MF-33	MF-40	MF-50 & MF-65	ERZD	LBCS FUNCTION	LBCS STRUCTURE
Park – Public <u>or</u> <u>Private</u>	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	<u>5500</u>	

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35A-101. Definitions and Rules of Interpretation.

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(b) Definitions. Words with specific defined meanings are as follows:

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Park (public). Land and facilities, such as playgrounds, fountains, or swimming pools, used or to be used as a neighborhood park, community park, large urban park, sports complex, special use facility, or urban space as defined in the parks and recreation system plan, regardless of location, including both the acquisition of such land, the construction of improvements thereon and the expenditure of funds incidental thereto, including but not necessarily limited to planning, engineering and design of the park and improvements, utility relocation, provision of improvements, utility relocation, provision of pedestrian and vehicular access thereto and purchase of equipment, the need for which are attributable to new residential development.

Park (private). Land and facilities, such as playgrounds, fountains, swimming pools, plazas, community gardens, and campgrounds (not to include recreational vehicle parks or parking) used for recreational purposes or open space purposes by the public, members, or patrons (either with or without paying a fee), and maintained by a private entity.

DIVISION 2. - BASE ZONING DISTRICTS

Sec. 35-311. – Use Regulations.

TABLE 311-2 NONRESIDENTIAL USE MATRIX													
	PERMITTED USE	O-1 & O-1.5	O-2	NC	C-1	C-2	C-3	D	L	I-1	I-2	ERZD	(LBCS Function)
<u>Service</u>	<u>Janitorial/Cleaning Service</u>					P	P	P	P	P		S	2452
Service	Laboratory—Research						P	P	P	P		S	2416
<u>Service</u>	<u>Laboratory – Research Or Testing</u>	P	P				P	P	P	P		S	2416
<u>Service</u>	<u>Laundry And Dry Cleaning - Self Service</u>			P	P	P	P	P				S	2600

Table 311-2

TABLE 311-2 NONRESIDENTIAL USE MATRIX													
	PERMITTED USE	O-1 & O-1.5	O-2	NC	C-1	C-2	C-3	D	L	I-1	I-2	ERZD	(LBCS Function)
Storage	Self Service Storage	S	S			P	P	P	P	P	P	P	2321
Storage	Storage, Climate-Controlled	S	S			P	P		P	P	P	S	
Warehousing	Office Warehouse (Flex Space) - Outside Storage Not Permitted except in the I-2 district (warehouse/wholesaling use not to exceed 25% of the gross floor area in C-3 district) (office/showroom/retail uses not to exceed 25% of the gross floor area in the I-2 district)						P		P	P	P	S	3600

1 *****

2 **Sec. 35-399.04. ~~Ornamental Iron Front Yard Fences.~~ Fence Height Modifications.**

3 Section 35-514 of the Unified Development Code limits the height of ~~predominantly open~~
4 ~~fences, within front yards to four (4) feet. Ornamental iron fences between four (4) feet and six~~
5 ~~(6) feet in height may be allowed on residential lots, Fence heights higher than those prescribed~~
6 ~~in Section 35-514 may be allowed,~~ but only after consideration and approval of a special
7 exception by the board of adjustment*. In no case shall the board of adjustment grant a special
8 exception on a residentially zoned property for a fence higher than eight (8) feet, nor shall the
9 board of adjustment grant a special exception on a commercially or industrially zoned property
10 for a fence higher than nine (9) feet. Requests for fences higher than these allowances shall
11 require a variance.

12 ~~*1. If, however, the subject property is zoned historic, within a historic district or~~
13 ~~designated as a historic landmark, a request for an ornamental iron front yard fence~~
14 ~~taller than four (4) feet in height shall be considered by the board of adjustment as a~~
15 ~~variance, rather than as a special exception, but only after review and consideration by~~
16 ~~the historic and design review commission pursuant to chapter 35, article IV, division 5.~~

17 ~~*2. If the subject property is within an overlay district which includes design standards that~~
18 ~~limit the height and design of front yard fences, a request for an ornamental iron front~~
19 ~~yard fence taller than four (4) feet in height shall be considered by the board of~~
20 ~~adjustment as a variance, rather than as a special exception.~~

21 (a) **General Requirements.** Any ~~front yard~~ fence approved by the board of adjustment for a
22 height modification as a special exception must adhere to the following conditions:

- 23 1. Application for a special exception for ~~an ornamental iron front yard fence over four (4)~~
24 ~~feet in~~ height shall be filed by the owner or authorized agent with the department of
25 ~~planning and~~ development services.
- 26 2. A site plan drawn to scale shall be submitted with the application indicating the size,
27 design, construction materials and location of the fence on the property.
- 28 3. ~~On a corner lot, or near a driveway junction with a street, t~~The fence shall not be
29 erected within the fence clear vision area designated by Section 35-514(a)(2). ~~in back of~~
30 ~~the area designated by this chapter for clear vision area/intersection sight distance.~~
- 31 4. The tallest element of the fence shall not exceed ~~six (6)~~ eight (8) feet in height on
32 residentially zoned properties or nine (9) feet in height for commercially and
33 industrially zoned properties, as measured from the grade on the outside of the fence.
34 For the purposes of this condition, the tallest element shall include the top of any
35 column, pillar or post, but shall not include any fixtures or other decorative features
36 attached to the top of any columns, pillars or posts.
- 37 ~~5. Any portion of the fence over three (3) feet in height must be constructed of~~
38 ~~ornamental iron bars, or other forged iron bars. If vertical bars/ballisters are part of the~~
39 ~~design, each shall be no wider than one (1) inch, and the design shall provide a~~

1 ~~minimum of five and one half (5½) inches of spacing between vertical bars/ballisters.~~
2 ~~The overall design of that area of the fence above three (3) feet in height shall be a~~
3 ~~minimum of seventy (70) percent open.~~

4 ~~6. Columns, pillars or posts at a maximum width of eighteen (18) inches each and spaced a~~
5 ~~minimum of eight (8) feet apart, measured from center of post to center of post, are~~
6 ~~permitted. The distance between columns/pillars/posts may be less than eight (8) feet if~~
7 ~~necessary for structural soundness or to accommodate a gate. However,~~
8 ~~columns/pillars/posts shall be at least three (3) feet apart where accommodating a~~
9 ~~pedestrian gate, and at least eight (8) feet apart where accommodating a vehicle gate,~~
10 ~~both measured from the inside edges of the two columns/pillars/posts. Regardless of the~~
11 ~~space between columns/pillars/posts, the seventy (70) percent openness criteria and the~~
12 ~~clear vision area requirements shall be maintained.~~

13 5. If the property is zoned historic, is located within a historic district, or is designated as a
14 historic landmark, the design of the fence must be approved by the Historic Preservation
15 Officer (or their designee) prior to the granting of the requested special exception.

16 6. If the property is located within a Neighborhood Conservation District or Corridor
17 Overlay District, the design of the fence must meet all requirements of that district in
18 order to be considered for a special exception.

19 7. The applicant shall comply with all other applicable codes and ordinances, including
20 engineering requirements, as applicable.

21 (b) In granting a special exception for ~~a front yard ornamental iron fence over four (4) feet in~~
22 ~~height, the board of adjustment may require the fence conform to such other conditions as~~
23 ~~the board may deem necessary to protect the character of the zoning district and~~
24 ~~neighborhood in which the lot is located, including limitations on building materials, design,~~
25 ~~and open space requirements.~~

26 (c) In granting a special exception for ~~a front yard ornamental iron fence over four (4) feet in~~
27 ~~height, the board of adjustment shall take into account the size and scale of the fence as it~~
28 ~~would relate to the scale of the neighborhood, as well as abutting roadways and land uses.~~

29 (d) To be granted a request for a special exception, the request must meet the conditions set
30 forth in subsection 35-482(h) of this chapter.

31 (e) If a special exception for ~~a front yard ornamental iron fence over four (4) feet in~~ height is
32 approved by the board of adjustment, the applicant/property owner shall secure all necessary
33 permits prior to erecting the fence.

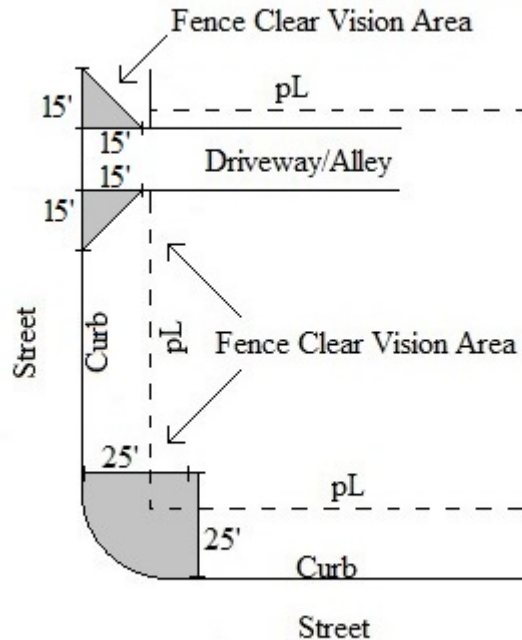
34 *****

35 **Sec. 35-514. Fences.**

36 (a) **General.**

37 (1) No fence may be constructed, repaired, or expanded within the city limits without first
38 obtaining a building permit for such work, with the exception of any fence work
39 specifically exempted by Chapter 10, Section 6(e) of the City Code.

- 1 (2) Fence Clear Vision Area. ~~All fences constructed within the city limits or ETJ shall~~
2 ~~comply with the clear vision area provisions in section 35-506, Transportation and~~
3 ~~Street Design, (d) Cross Section and Construction Standards, 5. Intersection Sight~~
4 ~~Distance.~~ a. Street Intersections on Residential Corner Lots. No fence exceeding
5 three (3) feet in height within the city or ETJ shall be erected, constructed, or built on a
6 corner lot within the area formed by measuring twenty-five (25) feet in each direction
7 from the street curb.
- 8 b. Driveway, Accessway, or Alley Intersections on Residential Lots. No fence
9 exceeding three (3) feet in height within the city or ETJ shall be erected, constructed, or
10 built within a triangle formed by measuring fifteen (15) feet in each direction from the
11 point where a driveway, accessway, or alley intersects with the street curb.
- 12 c. Administrative Exception. Subsections a. and b. above notwithstanding, where it
13 can be demonstrated that a lesser fence clear vision area would be required utilizing the
14 standards of Section 35-506(d)(5) Intersection Sight Distance, an administrative
15 exception may be granted to allow a lesser fence clear vision area than otherwise would
16 be required for a similarly situated property.
- 17 d. Variances. Variances to this section may be permissible in accordance with Section
18 35-482.
- 19 e. Review. All fence clear vision areas are subject to review by the Development
20 Services Department.



21
22

- 1 (3) Freestanding walls, not an integral load bearing portion of a structure, whether
2 constructed of masonry or wood framing, shall be considered fencing. Walls connected
3 to a building and designed as a visual and noise barrier between a loading dock or
4 similar use and a residential use, shall not be considered fencing and may extend to a
5 height of sixteen (16) feet and a distance of fifty-five (55) feet from the building. Walls
6 to be constructed in excess of ~~six eight~~ (68) feet in height shall require certification by a
7 licensed engineer that the foundation and support structure are designed to sustain wind
8 loads in accordance with the International Building Code.
- 9 (4) All solid screen fences allowed to be constructed in excess of ~~six eight~~ (68) feet in
10 height shall require certification by a licensed engineer that the foundation and support
11 structure are designed to sustain wind loads in accordance with the International
12 Building Code.
- 13 (5) If the subject property is within a historic district, corridor overlay or a neighborhood
14 conservation district the historic preservation officer (or their designee) or the director
15 of development services (or their designee)~~planning and community development~~ shall
16 ~~must~~ make a finding of compliance and compatibility with the provisions of the historic,
17 corridor and/or neighborhood conservation district prior to issuance of a building permit
18 for any fence.
- 19 (6) All fences shall be constructed of wood, chain link, stone, rock, concrete block, pre-cast
20 concrete panels, masonry brick, brick, decorative wrought iron or other material(s)
21 which are similar in durability. The following materials shall not be used for fencing:
- 22 a. Cast-off, secondhand, or other items not originally intended to be used for
23 constructing or maintaining a fence.
- 24 b. Plywood less than five-eighths (5/8) inch thick, plywood not of a grade approved
25 by the Development Services Director ~~code enforcement manager~~, particle board,
26 paper, and visqueen plastic, plastic tarp, or similar material.
- 27 c. Barbed wire, razor wire, and other similar fencing materials capable of inflicting
28 significant physical injury; provided, however, that barbed wire may be permitted
29 by right within a governmental facility and through an administrative exception of
30 the development services director for private nonresidential facilities where all of
31 the following findings of fact are made:
- 32 1. The barbed wire, where proposed to be located, will not be capable of
33 inflicting significant physical injury to the general public,
- 34 2. The fence proposed with barbed wire is located behind a minimum setback line
35 except where surrounded by established industrial uses,
- 36 3. The barbed wire is demonstrated by the applicant as a requirement for facility
37 operations and for secured areas within the facility,
- 38 4. The barbed wire conforms with the requirements of section 6-2 of the building
39 code.
- 40 d. Sheet, roll or corrugated metal.
- 41 (7) Variances to this section shall be in accordance with section 35-482

1 (8) Retaining walls shall not be considered a fence however shall conform to the following
2 requirements:

3 a. Retaining walls on private property shall be in conformance with the International
4 Building Code.

5 b. Retaining walls along or within public rights-of-way shall be in conformance with
6 the International Building Code, article IX of chapter 6 of the City Code and where
7 greater than three (3) feet in height shall include plans designed, signed and sealed
8 by a licensed engineer.

9 c. Where a barrier is required by the International Building Code to be located on the
10 top of a retaining wall, such barrier shall not be considered a fence.

11 (9) Fences used to display a message shall comply with chapter 28, "Signs and Billboards."

12 (b) **Fencing Alternatives.**

13 (1) **Sport Court Fencing.** Fencing, screening and/or back stops for sport courts such as
14 basketball, tennis, batters cages, etc. shall be constructed only in the side or rear yard
15 and shall be located no closer than ~~twenty (20)~~five (5) feet to a side or rear property line
16 of an adjacent single-family use or residential zoning district and/or a public or private
17 street. The maximum height for sport court fencing shall be limited to twelve (12) feet
18 in height ~~in accordance with section 6-2 of the building code.~~

19 (2) **Large Lot Fencing.** Predominantly open fencing at a maximum height of six (6) feet
20 may be permitted in the front yard of ~~single-family~~ any residential lots with at least
21 twenty thousand (20,000) square feet in area by right and on all other ~~single-family~~
22 residential zoned lots regardless of lot size by special exception pursuant to section 35-
23 399.04. Where permitted by right each of the following conditions must be met to
24 construct a six-foot predominantly open fence in the front yard:

25 A. The primary building ~~is located at least forty (40) feet from the front property line~~
26 meets the minimum required building setback for the district in which it is located;
27 and

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

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

36 (4) **Combined Fence.** As defined in section 35-A101 "Fence (combined)" may be
37 permitted in the front yard up to the height allowed for a predominantly open fence
38 provided that the solid portion shall not exceed three (3) feet in height.

39 (5) **Planned Development.** A planned unit development (PUD) district may designate side
40 and rear yard fence heights up to eight feet in height through a PUD plan adopted by the
41 planning commission pursuant to section 35-413

1 ~~(c) Fence Design.~~

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

11 ~~(2) The provisions of subsection (1) above shall not apply to a fence constructed of brick,~~
12 ~~masonry, or iron fencing which consists of at least fifty (50) percent open voids. The~~
13 ~~square footage of the fence shall be measured by taking the total square footage of an~~
14 ~~area defined by the length of the fence and its average height. The percent of open voids~~
15 ~~shall then be derived by dividing the total square footage of the open voids by the total~~
16 ~~square footage of the area calculated above, and multiplying this figure by one hundred~~
17 ~~(100). The fence's framing (the vertical posts supporting the fence from the ground and~~
18 ~~no more than three (3) horizontal cross bars between the posts, or brick or stone pillars)~~
19 ~~shall not be included in the calculation of the total square footage, provided the framing~~
20 ~~posts and cross bars do not exceed a four inch width and the posts are spaced at least~~
21 ~~eight (8) feet apart.~~

22 ~~(3) Fences used to display a message shall comply with chapter 28, "Signs and Billboards."~~

23 **(cd) Height Limitation.**

24 (1) Except for the provisions in section (b) above no fence ~~constructed~~ shall exceed the
25 following table of heights. In addition, the maximum permitted fence height shall not
26 exceed that of the maximum permitted fence height for the abutting property except as
27 provided in section ~~(d)~~(2). The board of adjustment may allow fences of greater height
28 by special exception, subject to Section 35-399.04 of this chapter or by variance subject
29 to Section 35-482 if the height of the fence exceeds that height allowances for a special
30 exception. The height shall be the vertical distance measured from the lowest adjacent
31 ground level (either inside or outside the fence) to the top of the tallest element of the
32 fence material, excluding decorative features affixed to the top of any column, pillar or
33 post. The height of any existing retaining walls, either an integral part of a fence or
34 upon which a fence may be erected, shall be calculated in the height of the fence, except
35 in the following instances:

- 36 A. The retaining wall is necessary for structural soundness/integrity of building
37 construction on the lot; or
38 B. The retaining wall is abutting a drainage easement or drainage infrastructure.

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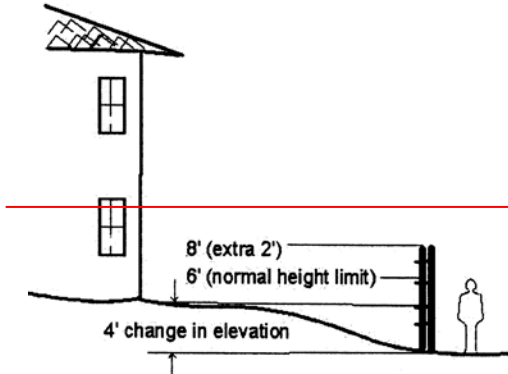
**Table of Heights
Maximum Permitted Fence Heights**

Permitted Use	Front Yard	Side Yard	Rear Yard
Single-Family or Mixed Residential Use	3'0" solid fence 5'0" combined or predominantly open fence Except as provided by (b)(2)	6'0"	6'0"
Multi-Family Use (see also subsection 35-514(f) below)	3'0" solid fence 5'0" combined or predominantly open fence	6'0"	6'0"
Commercial & Office Use	3'0" solid fence 5'0" combined or predominantly open fence	6'0"	6'0"
Industrial Use ¹	8'0" ¹	8'0" ¹	8'0" ¹
Parking Lots, Vacant Lots, Government Facilities, Churches, Schools, Swimming Pools, Stormwater Management Facilities, & Parks (Public property, including parks, require HDRC review)	3'0" solid fence 6'0" combined or predominantly open (see also subsection 35-514(b)(3) above) <u>8'0"</u>	6'0" <u>8'0"</u>	6'0" <u>8'0"</u>
Vacant Lots, Parking Lots	<u>3'0" solid fence 6'0" combined or predominantly open</u> (see also subsection 35-514(b)(3) above)	<u>6'0"</u>	<u>6'0"</u>

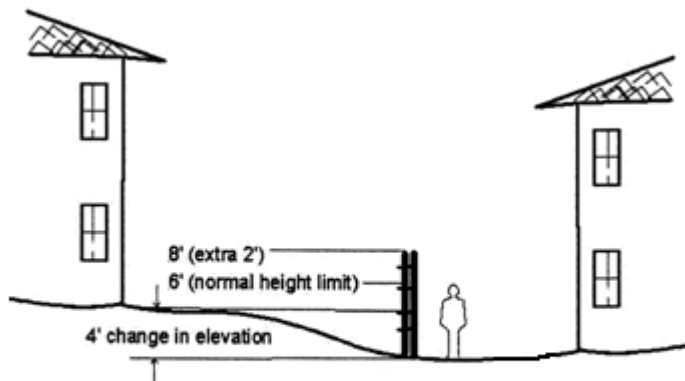
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1 Footnotes:

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



5 **Figure 1: Additional height where home on adjacent lot is 4' higher (subsection (a)(2)B)**



6 **Figure 1: Additional height allowed pursuant to Section 35-514(c)(2)A**

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

9 A. The ground floor elevation ~~within twenty (20) feet or less~~ of either the principal
10 dwelling on the property or the principal dwelling on ~~an either one of the two (2)~~
11 ~~adjoining abutting~~ lots is at least four (4) feet higher than the elevation at the
12 ~~adjoining shared~~ lot line; or

13 B. The fence is erected along a side or rear lot line which adjoins abuts an alley or a
14 street with a classification other than a local street~~collector street or arterial street~~
15 ~~(in which case streetscape planting shall be provided in accordance with section 35-~~
16 ~~512 of this chapter) as part of a multiple lot residential subdivision; or~~

17 C. The fence is a sound barrier or ~~fence required by TXDOT or~~ a security fence
18 ~~required by the Department of Homeland Security~~ for a public or institutional use;
19 or

1 D. The additional fence height is permitted by the city council pursuant to a rezoning
2 or specific use authorization; or

3 E. The fence is located on a side or rear lot line of a single-family, duplex, or mixed-
4 residential use which abuts a multi-family residential, commercial, industrial, or
5 park use ~~"C-2," "C-3" or more intensive use that does not require a buffer yard.~~

6 F. In any side or rear yard where a slope is present, the height of a fence may be adjusted to
7 allow the top of the fence to be level, and perpendicular to the support posts at a height
8 greater than six (6) feet, provided that the height of the fence at the highest elevation does
9 not exceed eight (8) feet. In order to maintain a uniform appearance, whenever a fence
10 higher than 6 feet is allowed by this subsection, all side and rear yard fences may be allowed
11 up to 8 feet in height above grade.

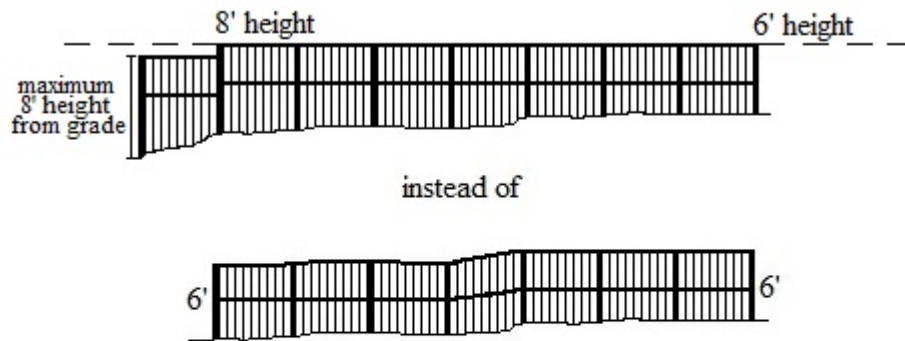
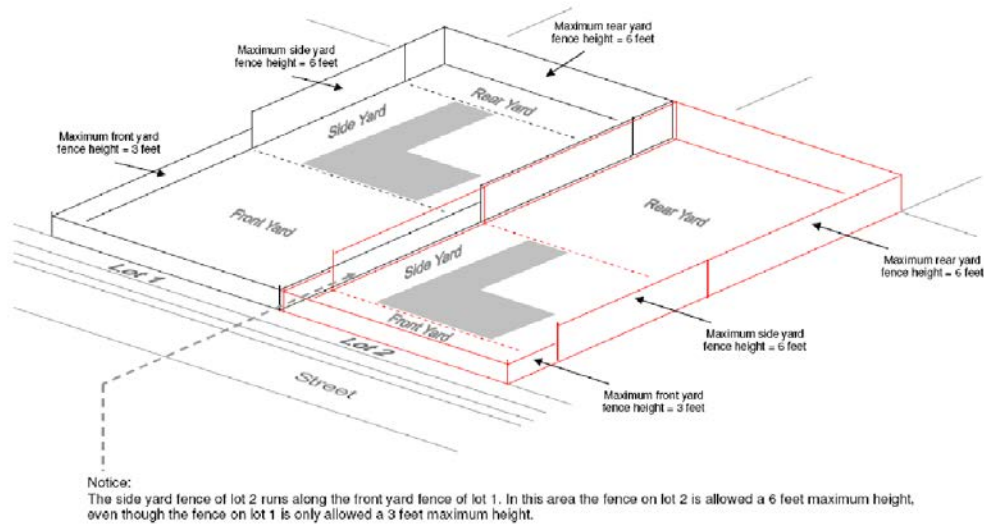


Figure 2: Example of Additional Height allowed pursuant to Section 35-514(c)(2)F.

12
13
14 (3) Notwithstanding the provisions of subsection (d)(1), above, a fence may be erected or
15 altered up to the height of the adjacent building where the fence is located entirely on
16 the interior of a lot behind all required building setback lines, attached to the main
17 structure, and used for security purposes or for part of the intended use of the primary
18 structure, such as fencing for outdoor display, for example an outdoor garden area, or
19 lumber yard attached to a home improvement store or a secure, enclosed courtyard area
20 for residents of an assisted living facility.

21 (4) The following illustration shall be used to determine applicable front, side and rear
22 fence standards:



1

2

3 **(de) Fencing Requirements for Uses Adjoining Single-Family Residential Uses.**

4 (1) All property zoned for nonresidential or multi-family residential uses including
5 residential districts with conditional uses or specific use authorizations for
6 nonresidential uses, excluding property located within the mixed-use district "MXD" or
7 infill development zone "IDZ," shall erect and maintain solid screen (opaque) fencing
8 along the property boundaries adjacent to an existing single-family residential use.

9 (2) As a minimum, the fencing shall consist of solid screen materials and shall be at least
10 six (6) feet in height except where a lower height is required by subsection (de) above.
11 The fencing shall be required to be constructed and finished prior to obtaining the first
12 certificate of occupancy for the newly zoned property.

13 (3) With the zoning applicant's consent, the city council may modify or exempt the
14 requirements of (de)(1) or approve alternative screening measures, such as landscaped
15 buffer yards, when considering a change in zoning, including conditional use and
16 specific use authorization cases.

17 (4) The fencing requirements of section 35-514 shall apply in zoning cases initiated by the
18 City of San Antonio unless a statement specifically exempting the property from the
19 fence provisions is included in the ordinance approving the zoning.

20 **(ef) Multi-Family Dwellings.** Multi-family dwellings consisting of twenty-five (25) or more
21 units may erect fences higher than permitted in subsection (cd) within the front yard in
22 accordance with the following criteria:

23 (1) Fencing shall be limited to a maximum height of six (6) feet and shall be constructed of
24 wrought iron or similar material ~~with a minimum spacing of three (3) inches between~~
25 ~~vertical bars.~~

26 (2) Solid screen fencing may be erected within the front yard along side property lines if a
27 three-foot landscape area is provided and maintained outside the fence if it abuts a more

1 restrictive zoning district. The landscape area shall contain a minimum of five (5)
2 shrubs per twenty-five (25) linear feet and shall include ground cover.

3 ~~(3) All requests for fencing in accordance with this subsection shall be reviewed by the fire
4 and public works departments for accessibility of fire equipment and maintenance of
5 clear vision areas.~~

6 **(f) Residential Subdivision Perimeter Fencing.**

7 (1) **Legislative Findings and Purpose.** The city council finds that it is necessary for the
8 public welfare to impose standards to improve and preserve the quality of a
9 subdivision's perimeter fences in residential neighborhoods in order to avoid blighting
10 influences on neighborhoods and public safety problems.

11 (2) **Applicability.** The requirements of this subsection apply only to fences located along
12 the perimeter of a tract or parcel subject to an application for subdivision plat approval
13 which adjoins a collector or arterial street or a platted multiple lot residential
14 subdivision that adjoins a collector or arterial street.

15 (3) **Standards.**

16 A. A fence constructed of wooden boards shall include at least one (1) of the
17 following architectural or landscaping elements for every fifty (50) lineal feet:

- 18 1. An offset or column extending at least twelve (12) inches vertically and six (6)
19 inches horizontally from the remainder of the fence; or
20 2. The fence shall be articulated by means of a recess or a projection extending
21 not less than twelve (12) inches horizontally from the remainder of the fence;
22 or
23 3. Climbing vines, shrubs or trees shall be planted along the base of that portion
24 of the fence that fronts a public street. The remaining setback area between the
25 fence and property line shall be landscaped with grass or other low ground
26 cover. All plants shall be irrigated and maintained consistent with the
27 provisions of section 35-511 of this article. Only living vegetation may be used
28 to meet these landscaping requirements.

29 B. All fences shall be maintained by a homeowners association established consistent
30 with the requirements of subsection 35-503(f)(2), above, so as not to create a
31 hazard, public nuisance or blight in the surrounding neighborhood.

32 *****

33 **35A-101. Definitions and Rules of Interpretation.**

34 * * * * *

35 **(b) Definitions.** Words with specific defined meanings are as follows:

36 * * * * *

37 *Fence (combined).* A fence with at least eighteen (18) inches, but no more than
38 thirty-six (36) inches, of the lower portion of the fence (measured from the ground up) is
39 composed of an allowable solid material (~~wood, stone and/or masonry~~) with the upper
40 portion of the fencing being constructed with openings equal to fifty (50) percent of the

1 total area of the open portion of the fence calculated by the length times the height of the
2 open section of the fence.

3 *Fence (screening)*. A fence constructed without any surface voids for the purpose
4 of blocking a person's visual view from a public street [or adjacent property](#).

35-480. Generally.

* * * * *

(d) **Recommendation From Other Public Agencies.** The board of adjustment shall receive and consider recommendations from public and semi-public agencies before rendering a decision in any case before the board. To this end, the board shall, in addition to the other requirements of this chapter, notify all agencies deemed to have an interest in the case. All items requiring consideration by other city boards or commissions shall be submitted for consideration to said bodies, for a date prior to board of adjustment consideration. For the purposes of this section, submittal and review by an appropriate subcommittee of the applicable board or commission shall be deemed to meet this requirement. Additionally, pre-application conferences between the applicant and the department staff ~~shall be required~~ are recommended prior to submission of any item for consideration by the board.

* * * * *

(f) **Subsequent Applications.** The following time limitations shall be imposed so that no application for a variance, special exception, or appeal shall be received or filed with the board of adjustment:

- If within the previous twelve (12) months an application for a variance, special exception, or appeal was received, considered and denied on the same lot, lots or blocks of land.
- If within the previous six-month period an application for a variance or special exception was withdrawn from consideration by the applicant or the applicant's representative before the board of adjustment.

The aforementioned time limitations may be waived for variances and special exceptions if new substantial evidence is presented to the board of adjustment and only after receiving nine (9) affirmative votes shall the time limitation be waived. If granted, a new application shall be filed in the office of the director.

* * * * *

35-481. Appeals to the Board of Adjustment

* * * * *

(e) **Appeal from Board of Adjustment.** An appeal from a board of adjustment decision shall be filed pursuant to V.T.C.A. Local Government Code § 211.011. The date the decision is filed in the board's office shall be the date board takes action to approve the minutes for the meeting in which the decision that is being appealed took place. During the pendency of an appeal to district court the proceeding will not be stayed except as provided by V.T.C.A. Local Government Code § 211.011.

* * * * *

35-482. Zoning Variances.

* * * * *

~~(f) **Subsequent Applications.** The following time limitations shall be imposed so that no application for a variance shall be received or filed with the board of adjustment:~~

- ~~• If within the previous twelve (12) months an application for a variance or exception was received, considered and denied on the same lot, lots or blocks of land.~~
- ~~• If within the previous six month period an application for a variance or exception was withdrawn from consideration by the applicant or his representative before the board of adjustment.~~

~~The aforementioned time limitations may be waived if new substantial evidence is presented to the board of adjustment and only after receiving nine (9) affirmative votes shall the time limitation be waived. If granted, a new application shall be filed in the office of the director of planning and development services following the procedures outlined in section 35-403, notice provisions.~~

(g) **Scope of Approval.** Where a variance is granted by the board and no building is started pursuant to such variance within ~~six (6)~~ twelve (12) months after the date of the hearing thereon, the variance becomes null and void and of no force or effect. Due to construction or financing timelines, weather, or other extenuating circumstances, the Board of Adjustment may, upon application, grant up to two (2) twelve (12) month extensions of variance approval if the application for extension is filed within 2 (two) months of the expiration of the variance approval; however, in no case shall a granted variance be modified to an extent greater than which was already granted with an application for extension. Property that is not properly platted shall be subject to the condition that platting shall be accomplished prior to the variance taking effect.

* * * * *

35-801. Board of Adjustment.

* * * * *

(k) **Findings of Fact.** Every decision of the zoning board of adjustment shall be based upon findings of fact and every finding of fact shall be supported in the record of its proceedings. The enumerated conditions required to exist on any matter upon which the board is required to pass under this article or to affect any variance or special exception in this chapter shall be construed as limitations on the power of the board to act. A mere finding or recitation of the enumerated conditions unaccompanied by findings of specific facts shall not be deemed findings of fact and shall not be deemed compliance with this article.

(1) **Power to Make Special Exceptions.** The zoning board of adjustment may make special exceptions to the terms of this chapter only as specifically provided for in ~~section 35-209(a)(3) and division 8 of article III of~~ this chapter; however, the board shall not grant a special exception unless it makes specific findings that:

- A. The exception will be in harmony with the spirit and purposes of this chapter.
- B. The public welfare and convenience will be substantially served.
- C. The neighboring property will not be substantially injured by such proposed use.
- D. The exception will not alter the essential character of the district and location which the property for which the exception is sought.
- E. The exception will not weaken the general purpose of this chapter or the regulations herein established for the specific district.

(2) **Record of Action.** The above findings of the board shall be incorporated into the official minutes of the board meeting in which the special exception is authorized.

(1) **Recommendation From Other Public Agencies.** The board of adjustment shall receive and consider recommendations from public and semipublic agencies, as applicable, before rendering a decision in any case before the board. To this end, the board shall, in addition to the other requirements of this chapter, notify all agencies deemed to have an interest in the case.

Sec. 35-310.06. "RM-6," "RM-5," and "RM-4" Mixed Residential.

STATEMENT OF PURPOSE

These districts provide areas for medium to high-density, ~~single-family~~ residential uses ~~mixed with a variety of housing types~~ where adequate public facilities and services exist with capacity to serve development. These districts are composed mainly of areas containing a mixture of single-family, two-family and multi-family dwellings and open space where similar residential development seems likely to occur. The district regulations are designed to encourage a suitable neighborhood environment for family life by including among the permitted uses such facilities as schools and churches; and to preserve the openness of the area by requiring ~~certain~~ ~~minimum~~ ~~flexible~~ yard and area standards. Mixed residential districts provide flexible ~~minimum~~ ~~lot size and~~ density requirements in order to allow for market and design flexibility while preserving the neighborhood character and permitting applicants to cluster development in order to preserve environmentally sensitive and agricultural land areas.

These districts implement the following policies of the master plan:

- Urban Design, Policy 1a: Based on a comprehensive land use plan, encourage more intensive development in and near neighborhood centers with less intensive development between neighborhood centers, and implement these changes through zoning.*
- Urban Design, Policy 1c: Encourage patterns of urban development that provide a full range of housing choices and promote a sense of community, urban vitality and the efficient provision of infrastructure.*
- Urban Design, Policy 1a: Define, preserve and promote neighborhood centers which include schools, libraries, stores, transit centers and community service facilities in accessible, pedestrian friendly environments.*
- Urban Design, Policy 1a: Define, preserve and promote neighborhood centers which include schools, libraries, stores, transit centers and community service facilities in accessible, pedestrian friendly environments.*
- Urban Design, Policy 5b: Encourage resident and employment growth within walking distance of the downtown area and neighborhood centers in order to support an inter-modal transportation system.*

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

- (1) **Single-Lot Density Allowances for RM-Development.** ~~When a single residential lot is rezoned to "RM-4," "RM-5" or "RM-6" after January 1, 2011,~~ the maximum density requirements (units per acre) of Table 310-1 may be exceeded provided:
 - a. The minimum lot size for the district is met, and
 - b. The maximum number of dwellings is limited to two (2) units for RM-6, three (3) units for RM-5, and four (4) units for RM-4.

~~(2) Multiple Lot RM Development.~~

~~a. **R-3 Lots Permitted.** In all multiple lot "RM 4," "RM 5" and "RM 6" districts fifteen (15) percent of the lots may be developed as "R-3" lots so long as they meet or exceed the minimum lot criteria for "R-3" lots contained in section 35-310.05a of this chapter. Lots provided under this criteria shall only be used for the development and construction of single family attached dwellings, single-family detached dwellings, townhouses, and zero lot line houses (cottages and garden homes).~~

~~b. **Minimum Lot Size.**~~

~~i) The minimum lot size provisions of Table 310-1 shall only apply to single family detached dwellings.~~

~~ii) Maximum density requirements of Table 310-1 shall apply during review of RM-zoned development using the gross area definition for multiple lot subdivisions.~~

~~(b) **Development Requirements for Ten or More Lots.**~~

~~(1) Development of ten (10) or more "RM 6," "RM 5," and "RM 4" mixed residential lots in any one project shall have no more than eighty (80) percent of the lot consisting of one (1) type of housing as outlined in (2) below. The remaining twenty (20) percent of the lots may be developed in any combination of one (1) or more of the housing types not used in the eighty (80) percent limit defined above.~~

~~(2) Where development of ten (10) or more "RM 6," "RM 5," and "RM 4" mixed residential lots in any one project is planned pursuant to a housing site plan the housing types listed below shall be subject only to the density restrictions in the zoning district (Table 310-1, column (C)) and shall not be subject to the front, side and rear setback requirements of Table 310-1 (section 35-310.01 of this chapter):~~

~~A. Single family attached dwellings.~~

~~B. Duplexes.~~

~~C. Triplexes.~~

~~D. Quadraplexes.~~

~~E. Townhouses.~~

~~F. Zero lot line houses.~~

~~G. Cottages.~~

~~H. Housing facilities for older persons.~~

~~(3) **Housing Site Plan (HSP) Required.** RM zoning requires an approved HSP for all the lots that make up any development of ten (10) or more lots with RM zoning.~~

~~A. **Requirement for Site Plan:**~~

- ~~i. "RM-6," "RM-5," and "RM-4" mixed residential zoned property must submit with the plat application a housing site plan (HSP) which conforms to the provisions of subsections (b) and (c) which will be utilized as the basis for issuing building permits. The housing site plan shall be submitted in accordance with subsection (c) to the same or larger scale as the plat designating housing type for each lot. The housing site plan shall be recorded with the plat.~~
 - ~~ii. Existing platted property zoned "RM-6," "RM-5," and "RM-4" mixed residential shall submit a housing site plan (HSP) if the number of lots in the project includes ten (10) or more units.~~
- ~~B. **Contents.** The HSP must be reviewed and meet the requirements of mixed residential for percentage of housing types. This HSP must be submitted with the platting process for review and approval and be then included with the application package for the first building permit(s). A proposal for all one type of development on ten (10) or more lots is an automatic disapproval of the HSP and disapproval of the plat or building permit. The HSP shall be recorded with the plat and subsequent amendments may be approved through the amending plat process. The HSP shall provide the following information:~~
- ~~1. Gross density calculation.~~
 - ~~2. Site zoning district(s), an HSP is not required for PUD districts.~~
 - ~~3. Percentage of lots to be reviewed under R-3 zoning, if applicable.~~
 - ~~4. Lots must meet the 80%/20% criteria of subsection 35-310.06(b).~~
 - ~~5. Legal description of all lots, if not available from the attached plat.~~
 - ~~6. Existing and proposed easements.~~
 - ~~7. Approximate building footprints.~~
 - ~~8. Building setbacks.~~
 - ~~9. Approximate driveway locations.~~
 - ~~10. Building heights.~~
 - ~~11. Indication of street frontage requirements and minimum lot width.~~
 - ~~12. Owner/developer name and address.~~
 - ~~13. Engineer name and address.~~
 - ~~14. Plat name and ID number.~~

TABLE 311-1 RESIDENTIAL USE MATRIX																				
<i>PERMITTED USE</i>	<i>RP</i>	<i>RE</i>	<i>R-20</i>	<i>NP-15</i>	<i>NP-10</i>	<i>NP-8</i>	<i>R-6</i>	<i>RM-6</i>	<i>R-5</i>	<i>RM-5</i>	<i>R-4</i>	<i>RM-4</i>	<i>MF-18</i>	<i>MF-25</i>	<i>MF-33</i>	<i>MF-40</i>	<i>MF-50 & MF-65</i>	<i>ERZD</i>	<i>LBCS FUNCTION</i>	<i>LCBS STRUCTURE</i>
Dwelling – 2 Family								P		P		P	P	P	P	P	P	P	1000	1121
Dwelling – 3 Family								P		P		P	P	P	P	P	P	P	1000	1203
Dwelling – 4 Family								P		P		P	P	P	P	P	P	P	1000	1204

35A-101. Definitions and Rules of Interpretation.

* * * * *

(b) Definitions. Words with specific defined meanings are as follows:

* * * * *

Lot, flag. A lot not meeting minimum frontage requirements consistent with the illustration shown in subsection 35-515(h).

Lot, irregular. A lot of such a shape or configuration that technically meets the area, frontage, and width requirements of this chapter but meets these requirements by incorporating unusual elongations, angles, curvilinear lines unrelated to topography or other natural land features or which fronts a cul-de-sac, eyebrow, elbow, or other curved portion of a street.

Lot, reversed corner. A corner lot, the exterior side lot line of which is a continuation of the front lot line of the lot abutting immediately to the rear.

* * * * *

Section 35.310.01

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

(A)	(B)	(C)	(D)	(E)	(F)	(G)	(H)	(I)	(J)	(K)	(L)	(M)	(N)
LOT DIMENSIONS							BUILDING ON LOT				BUILDING		
Zoning District	Lot Size (min)	Lot Size (max)	Density (max) (units/acre)	Street Frontage (min)	Width (min)	Width (max)	Front Setback (min) * * *	Front Setback (max)	Side Setback (min)	Rear Setback (min)	Height (max) (feet/#of stories)	Size - Individual Building Size (max)	Size - Aggregate Building Size (max)
O-1 ¹⁰	—		—	50	50	—	—	35	20 ²	30 ²	25	10,000	90,000
NC ¹⁰	—		—	20	—	—	—	15	10 ²	30 ²	25	3,000	5,000
C-1 ¹⁰	—		—	50	50	—	—	20	10	30	25	5,000	15,000
C-2P ¹⁰			—	20	—	—	—	35	10 ²	30 ²	25	—	—

Note (10) - Buildings shall contain ground level fenestration (transparent windows and openings at street level) of not less than 30%. Parking areas for new buildings or structures shall be located behind the front façade of the principal use or principal building. For “O-1” and “C-1”, parking shall be located behind the front facade of the principal use or principal building, provided that up to two (2) rows of parking may be located to the front of the principal use or principal building.

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

(2) **Design.**

- ~~A. — Parking areas for new buildings or structures shall be located in the rear of the principal use or principal building. This subsection shall not apply to buildings which exist at the time of a rezoning to "NC."~~
- ~~B. — Buildings shall contain ground level fenestration (transparent windows and openings at street level) which shall conform to the commercial urban design standards, subsection 35-204(o)(6) of this chapter.~~
- ~~C. — Buildings shall be articulated so that facades which face public streets and exceed fifty (50) feet in horizontal length shall include vertical piers or other vertical visual elements to break the plane of the facade. Such vertical piers or any other vertical visual elements shall be between fifteen (15) feet and forty (40) feet apart along the facade. This provision shall not apply to the conversion of a residential building to a commercial use.~~

Sec. 35-310.09. - "O-1," "O-1.5" and "O-2" Office Districts.

a) **"O-1" Office Districts.**

(1) **General Provisions.**

~~C. — Design.~~

- ~~1. — Parking shall be located to the rear of the principal use or principal building, provided that up to two (2) rows of parking may be located to the front, or to the side abutting a residential use, of the principal use or principal building.~~
- ~~2. — Buildings shall contain ground level fenestration (transparent windows and openings at street level) consistent with the commercial urban design standards, subsection 35-204(o) of this chapter.~~
- ~~2. — Buildings shall be articulated so that facades, which face public streets and exceed fifty (50) feet in horizontal length, shall include vertical piers or other vertical visual elements to break the plane of the facade. Such vertical piers or any other vertical visual elements shall be between fifteen (15) feet and forty (40) feet apart along the facade. This provision shall not apply to the conversion of a residential building to a commercial use.~~

Sec. 35-310.10. - "C-1," "C-2," "C-2P," and "C-3" Commercial Districts.

(1) **Lot and Building Specifications.** See subsections (a)(1), (b)(1), (c)(1) and (d)(1), below. ~~In addition to the provisions set forth below, the following restrictions shall apply to the scale of buildings in each commercial district. Individual buildings shall not exceed the maximum square footage established in column (B) of Table 310.10-1. Buildings on lots adjoining on the same side of a block face shall not exceed the maximum square footage established in column (C) of Table 310.10-1. Buildings shall conform to the design standards established in column (D) of Table 310.10-1.~~

Table 310.10-1

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

Key:

~~"Aggregate" refers to the total square footage located within a contiguous district.~~

~~"RP" means that parking shall be located in the rear of the principal use or principal building.~~

~~"F" means that buildings shall contain ground level fenestration (transparent windows and openings at street level) which conform to the commercial urban design standards, subsection 35-204(o)(6) of this chapter.~~

~~"N" specific standards are not required, but may be imposed as a condition of granting a specific use authorization consistent with the criteria established in section 35-423 of this chapter.~~

~~Sec. 35-399.03. -- Relocation of Buildings and Structures.~~

~~Notwithstanding any provision of this chapter to the contrary, the relocation of any residential building or structure shall not be undertaken unless and until a special exception is approved by the board of adjustment.~~

~~(a) To be granted a request for a special exception to move or relocate a building or structure the request must meet the conditions set forth in subsection 35-482(h) of this chapter.~~

~~(b) The relocation of any building and/or structures, is subject to the following conditions:~~

~~(1) Each house must be comparable in size and quality of construction and in condition to the average of the other homes in the area.~~

~~(2) The applicant shall comply with article VI (historic preservation and urban design) of this chapter and with all other applicable codes and ordinances.~~

~~(3) The use shall comply to such other conditions, as the board may deem proper in harmony with subsection 35-801(g) of this chapter.~~

~~(4) Permits may be granted under this subsection for building, which the city's historic and design review commission has found to have historic and/or architectural significance and where said commission has made a favorable recommendation as to the relocation site. Such exception shall contain appropriate conditions as to repairs to be made. Provision of other codes of the city or of other chapters of the City Code shall not be waived.~~

~~(c) **Certificates of Occupancy.** In cases in which structure relocations are permissible, certificates of occupancy shall not be issued by the director of planning and development services until all applicable provisions of subsection (a) above and chapter 6, article VII of the City Code and all other applicable requirements for issuance of certificate of occupancy required by deferral, and state law and City Charter and ordinances are complied with.~~

35-422. Conditional Zoning.

* * * * *

(e) Criteria.

(1) **Permitted Uses.** Notwithstanding any provisions of this chapter to the contrary, a conditional zoning district may be permitted as provided in this section so long as the criteria for approval of a rezoning are met (see subsection 35-421(d)). A conditional use permitted in a "UD," "RD," "MI-1," or "MI-2" district shall meet all development standards of that district, including location criteria. Any use which requires a specific use authorization as set forth in Tables 311-1 and 311-2 may be permitted in a less intense zoning district (as specified in the Intensity Ranges Table 403-2) pursuant to a conditional zoning district [and Table 422-1](#). Uses permitted by right in the districts set forth in column (A) of Table 422-1 below, may be permitted pursuant to a conditional zoning district approved within the zoning districts set forth in column (B) of Table 422-1, as follows:

Table 422-1

(A) <i>Use authorized by right in:</i>	(B) <i>May be permitted pursuant to a conditional zoning district in:</i>
RM-4, RM-5, RM-6, O-1, NC, C-1	Any residential district
O-1, C-1, C-2, UD	NC, C-1, UD
O-1, O-1.5, O-2, C-2, C-3, UD	C-1, C-2, UD, RD
L, I-1, QD	C-2, C-3, UD, RD, MI-1
O-1, NC, C-1	Any IDZ district with frontage on a Local Street
O-1, O-1.5, O-2, NC, C-1, C-2, C-3, L, I-1	Any IDZ district with frontage on a Collector Street or higher classification street.

Note: The above table is applicable within all approved overlay zones and special districts, including but not limited to, the "ERZD", "MAOZ" and historic districts.

* * * * *

Sec. 35-423. - Specific Use Authorization.

STATEMENT OF PURPOSE

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

(a)

Applicability. The provisions of this section apply to any application for approval of a specific use authorization. Specific use authorizations are those uses which are generally compatible with the land uses permitted by right in a zoning district, but which require individual review of their location, design and configuration and the imposition of conditions in order to ensure the appropriateness of the use at a particular location within a given zoning district. Only those uses that are enumerated as specific use authorizations in a zoning district, as set forth in the use matrix (section 35-311), shall be authorized by the city council. A specific use authorization shall not be required for a use allowed as a permitted use in a given zoning district. Up to two (2) Specific Use Authorizations can be authorized by the city council for properties within the Edwards Recharge Zone District, if the uses are permitted by right in the base zoning district.

Sec. 35-808. - Zoning Commission.

* * * * *

- (g) **Meetings.** Regular meetings shall be held the first and third Tuesdays of each month at 1:00 p.m. The place, day and/or hour of meetings may be changed by vote of the commission at any regular meeting. Special meetings may be called by the chairman. All meetings of the commission shall be open to the public and shall provide notice in accordance with the Texas Open Meetings Act. Zoning Applications and any amendments to zoning regulations shall require compliance with Texas Open Meetings Act, Texas Local Government Code 211.007, and Unified Development Code Section 35-403. ~~Regular meetings shall be held the first and third Tuesdays of each month at 1:00 p.m., and notice of each meeting shall be given in accordance with the Texas Open Meetings Act. Special meetings may be called by the chairman, provided written notice thereof is mailed to each member at least forty-eight (48) hours prior to the time thereof. Zoning applications shall be considered only at regular meetings except for city initiated applications to permanently rezone areas with temporary zoning designations or zoning designations under previously adopted zoning ordinances which may be considered at special meetings held in or adjacent to the area under consideration for rezoning. Other matters shall be considered only at regular or special meetings. All meetings of the commission shall be open to the public. The place, day and/or hour of meetings may be changed by vote of the commission at any regular meeting. Notice of such action shall be published in the official city newspaper one (1) time at least ten (10) days prior to the effective date.~~

TABLE 526-3b
Parking in Nonresidential Districts

	<i>Permitted Use</i>	<i>Minimum Vehicle Spaces</i>	<i>Maximum Vehicle Spaces</i>
SCHOOL	SCHOOL - private university or college	1 per 4 students	1 per 2 students According to use
SCHOOL	SCHOOL - public university or college	1 per 4 students	1 per 2 students According to use
SCHOOL	SCHOOL - Montessori	1 per classroom	2 per classroom According to use
SCHOOL	SCHOOL - nursery (public and private)	1 per classroom	2 per classroom According to use
SCHOOL	SCHOOL - private pre-kindergarten through 12th grade	1 per classroom	2 per classroom According to use
SCHOOL	SCHOOL - public pre-kindergarten through 12th grade	1 per classroom	2 per classroom According to use

DIVISION 11. - ENFORCEMENT, VIOLATIONS AND PENALTIES

Sec. 35-490. Types of Violations.

Any act of commission or omission contrary to the commands or directives of this chapter, or any breach of any duty imposed by this chapter, shall constitute a violation hereof. An offense under this section is a Class C misdemeanor, unless specifically indicated otherwise. Each day's violation of any provision of this Chapter shall constitute a separate offense.

Sec. 35-491. -~~Civil~~ Enforcement.

* * * * *

(c) Penalties.

(1) Violation of Subdivision Plat or Development Standards. The criminal penalty for violation of any section or other part of articles I, II, and V, and article IV, division 4 of this chapter is hereby established so that the minimum fine shall be twenty-five dollars (\$25.00) and the maximum fine shall be five hundred dollars (\$500.00) ~~one thousand dollars (\$1,000.00)~~, unless specifically indicated otherwise. Each day a violation is permitted to exist shall constitute a separate offense. A civil penalty for violation of articles I, II, and V, and article IV, division 4 of this chapter may not exceed one thousand dollars (\$1,000.00) a day.

(2) Zoning Violations. The criminal penalty for violation of any section or other part of article III of this chapter is hereby established so that the minimum fine shall be one hundred dollars (\$100.00) and the maximum fine shall be two thousand dollars (\$2,000.00), provided, however, in the event a defendant has once previously been convicted under article III, the defendant shall be fined an amount no less than two hundred dollars (\$200.00) and shall be fined no less than three hundred dollars (\$300.00) for a third conviction and for each conviction thereafter. Each day a violation is permitted to exist shall constitute a separate offense. A civil penalty for violation of article III of this chapter may not exceed one thousand dollars (\$1,000.00) a day

(3) Civil Penalties Regarding Article VI, Historic Preservation. The civil penalties for violation of any section or other part of article VI of this chapter is as follows:

A. Any person who constructs, reconstructs, alters, restores, renovates, relocates, stabilizes, repairs or demolishes any building, object, site, or structure in violation of any section or other part of article VI ~~article VII~~ shall be required to restore the building, object, site, or structure to its appearance or setting prior to the violation. Any action to enforce this provision shall be brought by the City of San Antonio. This

civil remedy shall be in addition to, and not in lieu of, any criminal prosecution and penalty.

* * * * *

(4) Criminal Penalties Regarding Article VI, Historic Preservation. Any persons, firm or corporation violating any section of other part of article VI of this chapter shall be guilty of a misdemeanor, and each shall be deemed guilty of a separate violation for each day during which any violation hereof is committed. Upon conviction, each violation shall be punishable by a fine not to exceed two thousand dollars (\$2,000.00) ~~one thousand dollars (\$1,000.00)~~ per day for each day of each violation.

* * * * *

Sec. 35-492. - Violation of Conditions.

* * * * *

(b) Revocation of Permit. The director of ~~planning and~~ development services is authorized to issue any administrative order necessary to terminate or suspend a use found, as a result of the administrative process noted in section 35-406, to be in violation of a condition.

(c) Civil Action. The director of ~~planning and~~ development services may request the city attorney to institute a civil action as prescribed in subsection 35-491(a) of this chapter regardless of whether a criminal or administrative action is taken against the permit holder.

Sec. 35-493. - Violations of Tree Preservation Standards.

(a) Inside City Limits.

~~(1) Violation Defined.~~ It shall be a violation of this division for any person to intentionally or knowingly remove or destroy, or allow the removal or destruction of a significant or heritage tree or area of canopy, located on any property to which this chapter applies, or for any person to knowingly or intentionally perform any regulated activity in a manner that does not conform to the requirements of this chapter. Any act or omission contrary to the requirements or directives of this chapter, or any breach of any duty imposed by this chapter shall constitute a violation hereof. In addition to enforcement by the city arborist, this section shall be enforceable by and pursuant to the authority provided in section 35-491 of this chapter.

~~(2) Penalty. Any person who commits a violation of this chapter shall be subject to a civil penalty of up to one thousand dollars (\$1,000.00) per violation, or a criminal penalty of up to two hundred dollars (\$200.00) per violation per day~~

- ~~and may be required to attend one or more training seminars. For the purpose of calculating penalties, each day on which a violation is found to exist shall constitute a separate and sanctionable offense.~~
- (b) Outside City Limits. Whenever a violation of this chapter is believed to have occurred or to be occurring outside the corporate limits of the city but within the city's ETJ, criminal penalties shall not be sought, however, enforcement against such violations is hereby authorized pursuant to and under the authority granted by V.T.C.A. Local Government Code § 212.001 et seq.
- (c) Work Commencing Before Issuance of a Tree Permit. Any person who commences any work requiring a tree permit before obtaining such permit shall be subject to a ~~fine of two thousand dollars (\$2,000.00) or an additional fee equal to the fee~~ as established in Appendix "C", but not less than two thousand dollars (\$2,000.00), for commencing development without a tree permit.

~~**Sec. 35-498. Violations of Military Lighting Overlay District Regulations.**~~

~~(a) — **Violations Defined.** It shall be unlawful for any person, firm or corporation to erect, construct, enlarge, alter, repair, move, improve or convert any illumination device of any type, or cause the same to be done, contrary to or in violation of any provision of this chapter. Any person, firm or corporation shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of any provision of this chapter is committed, continued, or permitted.~~

~~(b) — **Enforcement.** The director shall give written notice of noncompliance to the owner/tenant or their agent or other person in control of the property on which an outdoor lighting violation exists. Service shall be made on the owner/tenant or their agent or other person in control of the property:~~

~~(1) — In person or by registered or certified mail, return receipt requested; or~~

~~(2) — If personal service cannot be obtained or the address of the owner/tenant or their agent or other person in control of the property is unknown, by posting a copy of the notice on the premises on which the violation exists or by publishing the notice in a newspaper with general circulation in the city.~~

~~(e) — **Penalties.** Any person who violates the provisions of this chapter upon conviction shall be guilty of a Class C misdemeanor and shall pay such penalties as the court may decide not to exceed five hundred dollars (\$500.00). Each day's continued violation shall constitute a separate violation. Payment of any penalty herein provided shall not relieve a person, firm or corporation from the responsibility of correcting the conditions consisting of the violation.~~