

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

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(b) Initiation.

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

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

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

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

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

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Section 35-506 – Transportation and Street Design

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(q) Sidewalk Standards

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(1) Applicability

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(E) Expansion. When a building or parking lot meets the enlargement threshold in Section 35-506(a)(1)C.2. , the requirements of this section shall be applied incrementally such that sidewalks shall be required in the same proportion that the enlarged building area or off street parking area has to the existing development. The portion of the sidewalk to be constructed or rebuilt shall be at the discretion of the director of transportation and capital improvement or their designee. For example, a ten (10) percent increase requires ten (10) percent of the required sidewalks along the site perimeter.

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

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

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

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

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

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

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

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

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

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

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

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

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

(d) Height and Yard Requirements.

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

<i>Structures devoted to the following uses:</i>	<i>Shall be restricted to the following height:</i>
Dwelling, one family; Dwelling, single-family; Duplex; Dwelling, one-family attached; Dwelling, Single-Family Detached; Dwelling, two-family (duplex); Dwelling, two-family attached; Dwelling, three-family (triplex); Dwelling, four-family (quadrplexes)	35 ft/ 2.5 stories
Multi-Family not exceeding 25 units/acre	45
Multi-Family not exceeding 33 units/acre	60
Multi-Family not exceeding 40 units/acre	84
Multi-Family not exceeding 65 50 units/acre	—
Commercial Buildings (LBCS Structure Classification 2100—2593, 3000, 4000), except as otherwise listed below	35
Malls, shopping centers, or collection of shops - regional center (enclosed mall with two (2) or more anchors) or super regional center (similar to regional, but with three (3) or more anchors)	45
Light Industrial uses (uses permitted in the “L” district LBCS Structure Classification 2610, 2700)	35
General Industrial uses (uses permitted in the “I-1” and “MI-1” districts LBCS Structure Classification 2610, 2700)	60
Mixed use buildings may be as tall as allowed by the most intense use included in the structure pursuant to this table	

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

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

(e) **Required Setbacks.**

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

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

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

- (~~2~~3) If access to a garage is provided from the front or side of a lot, then the garage shall maintain a setback as indicated in subsection 35-516(g) of this chapter.

(f) **Infrastructure Requirements.**

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

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

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

(g) Parks/Open Space.

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

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

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

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

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

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

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

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

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

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

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

- B. Maintenance and improvement of common areas owned by the property owners' association; or
- C. Other purposes of the property owners' association as stated in its articles of incorporation or the dedicatory instrument for the residential subdivision.
- (j) **PUD Plan.** After the PUD zoning is granted, a PUD plan shall be submitted to and approved by the planning commission prior to approval of any plats or the issuance of any building permits or certificates of occupancy. The PUD plan shall incorporate any conditions imposed with the granting of the PUD zoning. ~~The PUD plan shall also delineate the measures that will be taken by the developer and/or owner to disclose to buyers of properties within PUDs of the increased financial responsibilities for the cost and responsibility for the maintenance of private streets and other commonly owned facilities.~~
- (1) Public Hearing. Upon submission of the PUD plan, the director of development services shall distribute copies to appropriate city departments and agencies for review. Upon receipt of all required items and reviews, the director of development services shall schedule a public hearing by the planning commission on the proposed plan and shall provide written notice of the hearing to the owners of real property lying within two hundred (200) feet of the PUD boundaries. The notice shall be mailed at least ten (10) days prior to the public hearing date.
- (2) Plan Approval. After the public hearing the commission may approve the plan as submitted, amend and approve the plan as amended, or disapprove the plan. If approved, the plan with any amendments shall be signed by the chairman and secretary of the commission. A copy of the approved PUD plan shall be distributed to the development services director and other appropriate departments/agencies for use in issuing permits.
- (3) Amendments for any PUD plan shall be consistent with subsection k below.
- (k) **Amendments.** Amendments may be classified as minor or major in accordance with the following:
- (1) Minor amendments to the previously approved PUD plan may be made without requiring resubmission of the entire application. For purposes of this subsection, "minor amendments" are amendments which:
- A. Permit equal or fewer dwelling units, floor area, lot coverage or impervious surface than that requested on the original application;
- B. Reduce the impact of the development; or
- C. Reduce the amount of land involved from that indicated in the notices of the hearing.
- D. A minor amendment shall not, in any case, permit:
- i. An increase in the overall density of the PUD by more than ten (10) percent;
- ii. A different land use than that requested in the original or amended PUD Plan;
- iii. A larger land area than indicated in the original or amended PUD Plan.
- E. A minor amendment shall not reduce or eliminate conditions adopted in this chapter or otherwise adopted by city council ordinance or planning commission approval for a PUD approval.

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

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

(1k) Time Limit.

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

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

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

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

(a) Applicability. The provisions of this section apply to any application for rezoning of a tract, parcel or land area to a Planned Unit Development District after January 1, 2016 with the exception of those Planned Unit Development subdivisions established within the ETJ prior to January 1, 2016 and annexed into the city after January 1, 2016.

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

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

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

A. PUD Perimeter Setback lines

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

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

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

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

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

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

(3) With respect to vehicular and pedestrian circulation and parking, special attention shall be given to the location and number of access points to public streets, width of interior drives and access points, general interior circulation, separation of pedestrian and vehicular traffic, and the arrangement of parking areas that are safe and convenient and, insofar as practicable, do not detract from the design of proposed structures and neighboring properties.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(2) **Fences.**

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

(i) **Required Setbacks.**

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

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

The City Council may approve lesser setbacks after considering physical features such as the location of trees, waterways, steep slopes, easements, other buffers and/or compatibility of the PUD with adjacent land uses provided such setbacks meet the requirements of the current adopted International Building Code.

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

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

(j) **Infrastructure Requirements.**

(1) **Streets and Sidewalks.** Streets within a PUD may be public or private. Vehicular circulation may also be provided by internal private drives. Private drives must meet the requirements for fire lanes as per the International Fire Code Appendix D

for width, lengths turnarounds, and parking requirements whether for a commercial or residential base zoning. A building permit must be obtained for private drives, and would include site plan review and inspection for flatwork/civil work within the public ROW. However, the planning commission may require dedication and construction of public streets through or into a PUD through the platting process. Public or private streets shall conform to the transportation standards of this chapter (see section 35-506 of this chapter).

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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Sec. 35-413. ~~Reserved.~~ ~~PUD Plan.~~

- ~~(a) Public Hearing. Upon submission of the PUD plan, the director of development services shall distribute copies to appropriate city departments and agencies for review. Upon receipt of all required items and reviews, the director of development services shall schedule a public hearing by the planning commission on the proposed plan and shall provide written notice of the hearing to the owners of real property lying within two hundred (200) feet of the PUD boundaries. The notice shall be mailed at least ten (10) days prior to the public hearing date.~~
- ~~(b) Plan Approval. After the public hearing the commission may approve the plan as submitted, amend and approve the plan as amended, or disapprove the plan. If approved, the plan with any amendments shall be signed by the chairman and secretary of the commission. A copy of the approved PUD plan shall be distributed to the development services director and other appropriate departments/agencies for use in issuing permits.~~

- ~~(c) Plan Changes. Alterations to a PUD plan shall be classified as either substantial or non-substantial amendments. Non-substantial amendments may be approved by the development services director. Substantial amendments shall be considered by the planning commission following the same procedure required for the initial approval of the plan, including payment of the plan review fee. The following criteria shall be used to identify a substantial amendment:~~
- ~~(1) A change which would include a land use not previously permitted under the approved PUD zoning.~~
 - ~~(2) A change which would alter the land use type adjacent to a PUD boundary.~~
 - ~~(3) A change which would increase the overall density of the PUD by more than ten (10) percent. However, in no instance may the overall density of the PUD exceed that permitted by the base zoning district.~~
 - ~~(4) A change which the director of development services determines would significantly alter the general character or overall design of the plan.~~

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Sec. 35-477 **Tree Permits**

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(b) **Initiation.**

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

* * * * *

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

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

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Sec. 35-A101 Definition and Rules of Interpretation

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Comprehensive land use category. Land use categories designated in the comprehensive/master planning process. The following shall be the designated comprehensive land use categories for neighborhood, community, sector, ~~and~~ perimeter plans and any other element of the Comprehensive plan:

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

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Sec. 35-430 Applicability and General Rules.

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- (c) **Plat Exceptions.** In accordance with V.T.C.A. Local Government Code §§ 212.004 and 212.0045 the platting exceptions set forth below are established. Applicants exempt from subdivision plat approval may be subject to development plat approval requirements pursuant to section 35-432 of this article. Habitable uses within the regulatory floodplain shall always require platting. The applicant for plat exception shall provide proof of ownership in the form of a warranty deed and a current tax certificate with indication of no taxes due. The department of development services may issue building permits, and public utility providers may provide utility service, on any unplatted parcel otherwise subject to this section for the following activities:
- (1) The division of land into parts greater than five (5) acres within the city limits of the City of San Antonio, where each part has access and no public improvement is being dedicated, shall not require a subdivision plat. For purposes of this subsection, access shall mean a minimum frontage of fifteen (15) feet onto a public street or recorded access easement of fifteen (15) feet onto a public street. Public improvement shall mean creation of new streets, alleys or the extension of off-site utilities or the installation of drainage improvements. This subsection relates to an unplatted parcel of land within the city and limited to single-family or agricultural uses.
 - (2) The division of land into parts greater than ten (10) acres in the ETJ of the City of San Antonio, where the owner does not lay out part of the tract for streets, alleys, squares, parks, or other parts of the tract intended to be dedicated to public use or for the use of purchasers or owners of lots fronting on or adjacent to the street, alley squares, parks, or other parts shall not require a subdivision plat.
 - ~~(3)~~(4) Uninhabitable uses that are to be retained in an undeveloped state shall not require a subdivision plat, provided: (1) the division does not create more than three (3) parcels, (2) each parcel contains a minimum area of five thousand (5,000) square feet, (3) the division does not involve the creation of any streets or alleys, and (4) no utility services shall be provided to the parcels, provided however, that the director of development services may exempt other uninhabitable uses from subdivision plat requirements upon determining that the uses are consistent with the intent of these provisions. *Commentary: The intent of this subsection is to allow the division of land without platting so long as the land remains undeveloped. Platting is required at the time utility services or building permits are requested unless one (1) of the other plat exceptions applies.*
 - ~~(4)~~(3) Each tract greater than ten (10) acres in size is eligible for up to three (3) single-family utility connections provided all tracts are held under common ownership, each tract has access and no public improvement is being dedicated. For purposes of this subsection, access shall mean each tract has a minimum frontage of fifteen feet on an existing public or platted private street or irrevocable access easement.

- ~~(5)(4)~~ The provision of utility service to not more than three (3) detached single family dwelling units on an unplatted tract or antiquated plat shall not require a subdivision plat provided all of the following requirements are met:
- (a) The tract is located outside the city limits within the extraterritorial jurisdiction of the city;
 - (b) The tract has a minimum of fifteen (15) feet of frontage on a public street or a recorded irrevocable access easement;
 - (c) The tract was created prior to January 1, 2005;
 - (d) The tract has a minimum area of five thousand (5,000) square feet for each dwelling unit, additional County requirements may be imposed where on-site sewage facility is proposed;
 - (e) The tract is held under single ownership;
 - (f) No dwelling unit will be located within a regulatory floodplain; and
 - (g) No public utility extension is required.
 - ~~(h) No major thoroughfare dedication is required.~~

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

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

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

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

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

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

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

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

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

Sec. 35-515. Lot Layout Regulations.

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(c) Lots.

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

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

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

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Sec. 35-506. – Transportation and Street Design

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(d) Cross-Section and Construction Standards.

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

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

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

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

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

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

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

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

~~FD. When densities of less than two (2) units per acre exist and a county section for local streets is proposed in the ETJ.~~ On streets utilizing the county road section as allowed in 35-506(b)(1).

* * * * *

(i) Street Lights.

(1) Streetlights shall be provided in all subdivisions within the city. Streetlights are not required in the ETJ. However, if proposed by the applicant, all installation, operational and maintenance cost shall be borne by the developer. Streetlights shall be installed by

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

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

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

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(q) Sidewalk Standards.

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(1) Applicability.

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

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

C. Sidewalks in place at the time of platting or permitting, ~~that which~~ do not meet minimum Americans with Disabilities Act or Texas Accessibility sStandards requirements shall be reconstructed to meet the most stringent minimum ~~ADA~~ standards.

D. All sidewalk construction shall conform to the latest most stringent criteria of the Americans with Disabilities Act (ADA) or the Texas Accessibility Standards (TAS) (see subsection 35-501(eg) herein).

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

B. When the director of ~~planning and~~ development services or county engineer, in consultation with the director of ~~public works~~ transportation and capital

improvements, determines that public construction which would require sidewalk replacement will take place on the street within three (3) years.

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

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

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

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

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

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

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

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

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

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