

Appendix A

Public Safety Facilities. These facilities shall include police, fire, sheriff, and emergency medical service facilities and shall include the facilities of both the City of San Antonio, Bexar County, and other fire and law enforcement providers. A public safety facility may include overnight accommodations for employees, areas for storage of vehicles and emergency response equipment and may or may not be open to the general public. Public safety facilities shall not include hospitals, emergency care clinics, or ambulance services as identified in Tables 311-2 and 2a.

RID 98

Sec. 35-398.01 Ice Machines Over 120 Square Feet

- (a) **Applicability.** These supplemental use regulations shall be required for both accessory and stand-alone ice machines over 120 square feet.
- (b) **Platting or Plat Exception Required.** The property upon which an ice machine over 120 square feet is located shall be platted or meet one of the plat exceptions listed in 35-430(c)
- (c) **Permit and Applicable Building Codes.** All ice machines over 120 square feet shall require commercial building permits, and shall meet all applicable building and building-related code, as applicable.
- (d) **Site Design Requirements.**
 - 1. The placement of the ice machine shall not impede traffic, nor visually impair any motor vehicle operation entering or leaving the parking lot from a street.
 - 2. The ice machine shall not be located within any required building setback, buffer yard, access easement, drainage easement, floodplain, driveway, utility easement, and/or fire lane.
 - 3. A minimum of one (1) stacking or parking space per ice machine shall be required. Such parking or stacking space shall be of sufficient size to accommodate an oversized vehicle as defined in this chapter.
 - 4. Where the ice machine is an accessory use, the location of the ice machine shall not reduce existing parking to an amount below the required minimum parking spaces for the principal use on the lot.
 - 5. All signage shall comply with Chapter 28, Signs and Billboards
 - 6. Permanently located (those with traditional permanent foundations), non accessory ice machines, where platting is required, shall meet site work related UDC requirements for traffic, sidewalk, tree canopy, landscaping, and irrigation if the size of the ice machine is over 150 square feet in size.

7. [Non-permanently located \(those with tie downs\) and/or accessory ice machines are not required to comply with traffic, sidewalk, and landscaping/irrigation requirements. All ice machine projects are required to comply with the city tree ordinance for tree preservation.](#)

RID 99

Sec. 35-511. - Landscaping.

STATEMENT OF PURPOSE

In addition to the purposes recited generally for this division, the purpose of this section is:

- *To improve the appearance of commercial properties when viewed from the street.*
- *To screen the unattractive aspects of commercial properties.*

(a) Applicability.

(1) **Generally.** This section shall apply to any of the following, except where exempted pursuant to subsection (2), below:

A. The construction or erection of any new occupiable building or structure for which a building permit is required.

B. Any enlargement exceeding one thousand (1,000) square feet or ten (10) percent in area, whichever is greater, of the exterior dimensions of an existing building for which a building permit is required.

C. Any construction [or reconstruction \(complete removal of the pavement structure including surface course and base material\)](#) of a ~~new~~ parking lot ~~regardless of size~~.

D. Expansion of an existing parking lot within the street yard by more than two thousand (2,000) square feet or ten (10) percent in area whichever is greater.

Parking lots in residential zoning districts shall be subject to the requirements of subsection (e) of this section.

(2) **Expansion.** When a building or parking lot is enlarged, the requirements of this section shall be applied incrementally such that landscaping shall be required in the same proportion that the enlarged building area or off street parking area has to the existing development. For example, a ten (10) percent increase requires ten (10) percent of the required landscaping.

(3) **Exemptions.** This section shall not apply to the following situations:

A. Single-family, duplex, triplex or four-plex residential uses located within a residential zoning district.

B. Agricultural uses.

C. The reconstruction of an existing building of which fifty (50) percent or less of the floor area was destroyed or ruined by flooding, fire, windstorm or act of God. This exemption shall apply only where reconstruction of that building will not result in an increase in building size or paving area of the parking facilities to be provided.

D. The reconstruction of an existing parking lot which consists of fifty (50) percent or less of the existing surface area. In no case shall an expansion of parking lot be considered an exemption for the purposes of this section.

E. Interior finish work or remodeling in a portion of a building unless the work results in an increase in the paving area of the parking facilities within the street yard or in an enlargement of the exterior dimensions of an existing building.

F. Any use, building or structure for which only a change of use is requested, and which requires no structural modifications that would increase its volume or scale.

G. Single-family dwellings.

H. Non-occupiable buildings or buildings that provide only maintenance access to the interior of the structure such as ice and/or water vending machines, DVD kiosks and automated teller machines.

I. Accessory structures less than two hundred (200) square feet in size such as decks, sheds, playhouses, gazebos, security guard huts and non-mobile food vending stands.

J. Non-occupiable buildings or structures regardless of size that serve a utility or infrastructure purpose such as flagpoles, retaining walls, above-ground backflow preventers, sign monuments and sign support structures, cellular and communication equipment and utility systems.

RID 105

Sec. 35-433. - Development Plat.

(a) Applicability.

(1) Pursuant to V.T.C.A. Local Government Code § 212.041, the city hereby chooses by ordinance to be covered by ~~subch.~~[Subchapter](#) B of V.T.C.A. Local Government Code Ch. 212.

(2) A boundary survey is required for any person who:

A. Is required or elects to file a subdivision plat within the city limits of San Antonio; and

B. Is not required to file a subdivision plat as required in sections 35-431 and 35-432.

(3) A development plat is not required where:

A. The person is required or elects to file a subdivision plat within the city limits of San Antonio; or

B. One (1) of the exceptions established in subsections 35-430(c)(23)—(c)(915) applies; or

C. The tract is greater than five (5) acres if inside the City Limits, or ten (10) acres for properties located within the ETJ, has access with a minimum frontage of fifteen (15) feet onto a public right-of-way, public street, platted private street or recorded irrevocable access easement, and which requires no public dedications. Providing further that the owner agrees not to further subdivide without filing a subdivision plat and a request for utilities shall not serve more than three (3) dwelling units.

RID 107

Appendix A

Structural alteration. Any change in either the primary structural frame or secondary members of a building, such as bearing walls, fire walls, columns, beams, and girders, or any change in the dimensions or configurations of the roof height or building footprint.

RID 118

Appendix A

Bus shelter (public operated system). A roofed structure located on or adjacent to the right-of-way of a street, and which is designed and used primarily for the weather protection and convenience of waiting bus passengers.

Bus stop (public operated system). A fixed location where passengers board and alight usually identified by a sign.

Passenger Depot. Establishments in this classification operate over long distances between metropolitan areas, although some provide additional regional transportation services. This use may include temporary storage or parking of bus or rail rolling stock, facilities for passenger boarding and alighting, as well as ticketing facilities, toilets, food service, and limited retail uses.

Transit station (public operated system). A building, structure, or area designed located on a busway or a light rail line and used for passenger pickup, drop off, embarking, or changing transportation modes. Facilities and improvements may include shelters, benches, signs, structures, and other improvements which provide security, weather protection, and access to nearby services.

RID 118

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	(LBFS Function)
<u>Amusement</u>	<u>Haunted House Attraction (Indoor)</u>						P	P	P	P	P	P	5110
<u>Amusement</u>	<u>Haunted House Attraction (Outdoor)</u>						S	S	P	P	P	P	5110

TABLE 311-2a NONRESIDENTIAL USE MATRIX														
	PERMITTED USE	Urban		Rural		Farm			Mixed Industrial					
		UD Major Node	UD Minor Node	RD Major Node	RD Minor Node	FR Ag Commercial	VILLAGE CENTER FR/FR Minor Node		MI - 1	MI-1 Minor Node	VILLAGE CENTER - MI	MI - 2	MI-2 Minor Node	VILLAGE CENTER - M2
<u>Amusement</u>	<u>Haunted House Attraction (Indoor)</u>	P	P	P	P	P	P		P	P	P	P	P	P
<u>Amusement</u>	<u>Haunted House Attraction (Outdoor)</u>	P	S	P	S	P	S		P	S	P	P	S	P

Appendix A

Haunted House Attraction. Any indoor permanent of temporary building, structure, or facility, or portion thereof, which provides walkways or any other system that transports passengers through a facility or course so arranged where the public is invited to view, be entertained, scared, or amused by simulated creations of sound, theatrical displays or distractions, or sight and feeling of ghoulish, ghostly, spectral, imaginary, and haunting nature.

Haunted House Attraction, Outdoor. Any outdoor amusement which provides walkways or any other system that transports passengers through a facility or course; or a conveyance such as a bus or trailer (similar, but not limited to a hayride) so arranged where the public is invited to view, be entertained, scared, or amused by simulated creations of sound, theatrical displays or distractions, or sight and feeling of ghoulish, ghostly, spectral, imaginary, and haunting nature. Examples of this type of use include, but are not limited to, a cornfield maze or a hayride.

RID 2014-002

TABLE 311-2 NONRESIDENTIAL USE MATRIX

	<i>PERMITTED USE</i>	<i>O-1 & O-1.5</i>	<i>O-2*</i>	<i>NC</i>	<i>C-1</i>	<i>C-2</i>	<i>C-3</i>	<i>D</i>	<i>L</i>	<i>I-1</i>	<i>I-2</i>	<i>ERZD</i>	<i>(LBCS Function)</i>
<u>Transportation</u>	<u>Horse-Drawn Carriage (Base Operations) – Indoor Carriage Storage and/or Animal Boarding only (see also Chapters 5 and 33 of the City Code)</u>						P	P	P	P		P	9372
<u>Transportation</u>	<u>Horse-Drawn Carriage (Base Operations) – Outdoor Carriage Storage and/or Animal Boarding allowed (see also Chapters 5 and 33 of the City Code)</u>						S	S	P	P		S	9372

Appendix A

Horse-Drawn Carriage (Base Operations). A location with a principal building or structure from where carriage operators originate and return to for carriage storage and animal boarding. Carriages may be drawn by other large animals in accordance with Chapters 5 and 33 of the City Code.

Stables. A building or structure where large domesticated animals are provided short or long term boarding and/or shelter, including access to food, water and grooming. Stables may be enclosed, partially enclosed or predominately open structures; stables not completely enclosed shall be subject to the separation requirements from dwellings identified in Chapter 33 of the City Code.

RID (Rule Interpretation Decision)
(Use additional sheets as necessary)

Type of RID		Requested Response Time	DSD Assigned RID # 79
Customer RID	<input type="checkbox"/>	24 hours	<input type="checkbox"/>
Internal Staff RID	<input checked="" type="checkbox"/>	5 working days	<input type="checkbox"/>
		As time available	<input checked="" type="checkbox"/>

1. Project Name: Addition of Parking Standards for Skilled Nursing Facilities

2. Project Number: None
(Plat #, Zoning Case #, etc.)

3. Project Street Address: None
(If not available nearest intersection of two public streets)

4. Applicant Name: Planning and Development Service Staff, Plans & Permits

5. Applicant Address: 1901 S. Alamo

6. Applicant Telephone #: (210) 207-8281

7. Applicant e-mail Address: NA

8. Rule in Question:

Requirement for minimum and maximum parking for Assisted Living or Elderly Home in Table 526-3a Parking in Residential Use Districts, or Table 526-3b Parking in Non-Residential Use Districts, when a skilled nursing facility is being proposed.

9. Applicant's Position: NA
(Including date position presented and name of city staff point of contact)

Date: **Contact:** **Contact Telephone #:**

10. Staff Finding:
(Including date of finding and name of city staff person formulating finding)

Date: 02/17/2009 **Contact:** Richard Chamberlin **Contact Telephone #:** (210) 207-8281

Table 311-1 (Residential Use Matrix), lists the districts that can accommodate Assisted Living Facilities, Assisted Living or Elderly Home, and Skilled Nursing Facilities, while Table 311-2 (Non-Residential Use Matrix), lists the districts that can accommodate Service-Assisted Living Facilities, and Service-Skilled Nursing Facility.

Section 35-526 Parking and Loading Standards lists the minimum and maximum parking for the following uses: Table 526-3a (Parking in Residential Use Districts) – Assisted Living with a minimum of 0.3 parking spaces per room, and a maximum of 1 parking space per room. There are no parking standards listed in Table 526-3b (Parking in Non-Residential Use Districts) for any of the uses listed in Table 311-2.

Appendix A of the UDC defines “Assisted Living Facilities”, “Skilled Nursing Facilities”, but not “Assisted Living Facilities or Elderly Homes”. Skilled Nursing Facilities are defined as “long term care”, and further defined by patients not entering the facility by choice.

As the length of hospital stays have decreased, facilities that provide transition between hospital stay and home care have increased. These facilities are typically short term rather than long term, and are by choice rather than non-choice as defined in the UDC Appendix A. These short term care facilities have larger staff, and the patients have many more visitors than would patients in a long-term care facility. PDSD Staff therefore initially uses the parking standards in Table 526-3a (Parking in Residential Use Districts) for all types of facilities that have nursing care, (since this is the only standard listed by the UDC, regardless of whether the facility is in a residential district or a non-residential district). Once the review comment has been received by the developer, staff has worked with applicants to provide some level of parking between that of a high intensive parking requirement for hospital and low required parking for Assisted Living (elderly home).

11. Staff Position:

(Including date position presented internally and name of city staff person formulating position)

Date: 02/17/2009 **Contact:** Richard Chamberlin **Contact Telephone #:** (210) 207-8281

Staff finds that it is appropriate to provide for increased minimum and maximum parking spaces for a short term care skilled nursing facility. While some of the skilled nursing facilities are designed with one bed per room, others are designed with two beds per room, and with more visitors and staff, more parking is required than that allowed for an assisted living/elderly home.

Since these are short term care facilities, although allowed in a residential district per Table 311-2, the function of the facility and heavier parking requirements are more appropriate for a non-residential district. Therefore PDSD staff proposes the addition of a minimum and maximum parking standard for skilled nursing facilities under Table 526-3b Parking in Non-Residential Use Districts.

12. Departmental Policy or Action:

(Including date of presentation of policy or action to the applicant, the effective date of the policy or action, schedule for pursuing an amendment to the code if required and signature of the Director of Development Services)

Date of policy/action: 02/17/2009 **Effective Date of policy/action:** 02/17/2009

The Director finds that the following policy and UDC interpretation is valid and to be followed by Planning and Development Services staff.

Table 526-3b shall include a new use specifying parking requirements:

Classification	Permitted Use	Minimum Vehicle Spaces	Maximum Vehicle Spaces
SERVI CE	MEDICAL – skilled nursing facilities	0.3 per bed	1 per bed

Staff is directed to utilize this minimum and maximum required parking for all short term nursing care facilities that function as a transition between a hospital and home care. Staff is directed to proceed with a UDC amendment in the next amendment cycle.

Staff is directed to further define a short-term skilled nursing facility in Appendix A for the next UDC amendment cycle. Staff is further directed to review the use matrix tables, Table 311-1 and 311-2 as to where long term/short term skilled nursing facilities are appropriate, and in regards to parking requirements under Table 526-3a and 526-3b.



Roderick Sanchez, AICP, C.B.C.
Director Development Services Department

RID (Rule Interpretation Decision)
(Use additional sheets as necessary)

Type of RID		Requested Response Time	DSD Assigned RID # 94
Customer RID	<input checked="" type="checkbox"/>	24 hours	<input type="checkbox"/>
Internal Staff RID	<input type="checkbox"/>	10 working days	<input type="checkbox"/>
		As time available	<input checked="" type="checkbox"/>

1. Project Name: Emergency facilities

2. Project Number: None
(Plat #, Zoning Case #, etc.)

3. Project Street Address: N/A
(If not available nearest intersection of two public streets)

4. Applicant Name: City of San Antonio

5. Applicant Address: N/A

6. Applicant Telephone: (210) 207-8229

7. Applicant e-mail Address: #: andrew.spurgin@sanantonio.gov

8. Rule in Question: 35-311 Use Regulations
(Section and/or policy of UDC, Sign Code, etc)

9. Applicant's Position:
(Including date position presented and name of city staff point of contact)
Date: January 19, 2011 **Contact:** Andrew Spurgin **Contact Telephone #:** 207-8229

The Unified Development Code provides highly detailed tables of permitted uses for various uses consisting of both public, institutional, quasi-public and private land uses. Despite the existence of over 400 different land uses identified in the UDC, there is not a use table entry for public safety facilities such as fire stations, police stations or emergency medical services. Specific guidance on the appropriate locations for fire stations is necessary due to ongoing need to program such facilities as the community continues to grow and redevelop.

10. Staff Finding:
(Including date of finding and name of city staff person formulating finding)

Date: January 19, 2011 **Contact:** Andrew Spurgin **Contact Telephone #:** 207-8229

Staff finds that as the City of San Antonio continues to grow in size, there will be the need to provide additional service facilities to promote public safety and the City will strive to continue to provide high levels of service for the public.

As one example, staff recognizes that upon annexation of new areas into the City Limits “comparable” services must be provided in accordance with the City’s Fire Master Plan, which establishes very short response time goals.

Staff finds that upon annexation a “DR” Development Reserve designation is placed on properties, which is equivalent to “R-6” single-family district regardless of location or use.

Staff finds that the UDC authorizes temporary uses pursuant 35-391 for uses not typically permitted by the underlying zoning.

Staff recognizes in some instances a temporary emergency service facility is placed in a location with a portable building and equipment canopy until a permanent facility at another location can be constructed.

35-111(b)(3) allows the Director of Development Services to make a determination if a use not mentioned can reasonably be interpreted to fit into a use category where similar uses are described.



Example of a temporary SAFD station that was later relocated to a permanent facility on a different site.

11. Staff Position:

(Including date position presented internally and name of city staff person formulating position)

Date: January 19, 2011 **Contact:** Andrew Spurgin **Contact Telephone #:** 207-8229

To allow public safety providers to maintain level of service goals, staff recommends that temporary public safety facilities may be authorized pursuant to 35-391 for a period of up to one year with the option to renew such temporary use.

Staff recommends the following districts as allowable locations for permanent public safety facilities:

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	ERZD	LBCS FUNCTION
Public Safety Facilities	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	

TABLE 311-2 NON-RESIDENTIAL USE MATRIX												
PERMITTED USE	O-1 & O-1.5	O-2*	NC	C-1	C-2	C-3	D	L	I-1	I-2	ERZD	LBCS Function

Government	Public Safety Facilities	P	P	P	P	P	P	P	P	P	P	

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

PERMITTED USE	Urban		Rural		Farm		Mixed Industrial					
	UD Major Node	UD Minor Node	RD Major Node	RD Minor Node	FR Ag Commercial	VILLAGE CENTER FR / FR Minor Node	M1 - 1	M1-1 Minor Node	VILLAGE CENTER - M1	M1 - 2	M1-2 Minor Node	VILLAGE CENTER - M2
Government	Public Safety Facilities	P	P	P	P	P	P	P	P	P	P	P

**TABLE 358-1
ARTS AND ENTERTAINMENT SPECIAL ZONING DISTRICTS USE MATRIX**

			AE-2	
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	<i>PERMITTED USE</i>	<i>AE-1</i>	<i>Corner</i>	<i>Interior</i>	<i>AE-3</i>	<i>AE-4</i>
Government	Public Safety Facilities	P	P	P	P	P

Public Safety Facilities shall include police, fire, sheriff and emergency medical service facilities and shall include the facilities of both the City of San Antonio, Bexar County and other fire response providers. A public safety facility may include overnight accommodations for employees, areas for storage of vehicles and emergency response equipment and may or may not be open to the general public. Public Safety Facilities shall not include hospitals, emergency care clinics or ambulance service as identified in Tables 311-2 and -2a.

12. Departmental Policy or Action:

(Including date of presentation of policy or action to the applicant, the effective date of the policy or action, schedule for pursuing an amendment to the code if required and signature of the Director)

Date of policy/action:

Effective Date of policy/action:

To allow public safety providers to maintain level of service goals, staff recommends that temporary public safety facilities may be authorized pursuant to 35-391 for a period of up to one year with the option to renew such temporary use.

Staff recommends the following districts as allowable locations for permanent public safety facilities:

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</i>	<i>ERZD</i>	<i>LBCS FUNCTION</i>
Public Safety Facilities	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	

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

Government	Public Safety Facilities												P	P	P	P	P	P	P	P	P	P	P	P	

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

	PERMITTED USE	Urban		Rural		Farm		Mixed Industrial					
		UD Major Node	UD Minor Node	RD Major Node	RD Minor Node	FR Ag Commercial	VILLAGE CENTER FR / FR Minor Node	MI - 1	MI-1 Minor Node	VILLAGE CENTER - M1	MI - 2	MI-2 Minor Node	VILLAGE CENTER - M2
Government	Public Safety Facilities	P	P	P	P	P	P	P	P	P	P	P	P

* * * * *

**TABLE 358-1
ARTS AND ENTERTAINMENT SPECIAL ZONING DISTRICTS USE MATRIX**

	PERMITTED USE	AE-2				
		AE-1	Corner	Interior	AE-3	AE-4
Government	Public Safety Facilities	P	P	P	P	P

Public Safety Facilities shall include police, fire, sheriff and emergency medical service facilities and shall include the facilities of both the City of San Antonio, Bexar County and other fire response providers. A public safety facility may include overnight accommodations for employees, areas for storage of vehicles and emergency response equipment and may or may not be open to the general public. Public Safety Facilities shall not include hospitals, emergency care clinics or ambulance service as identified in Tables 311-2 and -2a.

Staff is further directed to study potential options for a community facilities zoning district to address civic and institutional uses, with special consideration for emergency services in a subsequent UDC update.


Roderick Sanchez, AICP, C.B.O
Director

2-4-11
Date

RID (Rule Interpretation Decision)

(Use additional sheets as necessary)

Type of RID		Requested Response Time	DSD Assigned RID # 98 revised
Customer RID	<input checked="" type="checkbox"/>	24 hours	<input type="checkbox"/>
Internal Staff RID	<input type="checkbox"/>	10 working days	<input type="checkbox"/>
		As time available	<input checked="" type="checkbox"/>

1. Project Name: Commercial Ice Vending Machines over 120 SF in size, revised

2. Project Number: None

(Plat #, Zoning Case #, etc.)

3. Project Street Address: None

(If not available nearest intersection of two public streets)

4. Applicant Name: N/A.

5. Applicant Address: N/A.

6. Applicant Telephone: N/A.

7. Applicant e-mail Address: #: N/A.

8. Rule in Question: Unified Development Code provisions relative to Ice Vending Machines

(Section and/or policy of UDC, Sign Code, etc)

9. Applicant's Position:

(Including date position presented and name of city staff point of contact)

Date: August 10, 2011 **Contact:** Richard Chamberlin **Contact Telephone #:** 210-207-8281

Freestanding commercial ice vending machines have recently become a prevalent use within the City of San Antonio. The staff of the Development Services Department needs additional guidance on permitting requirements, as the UDC does not currently address this land use.

10. Staff Finding:

(Including date of finding and name of city staff person formulating finding)

Date: August 10, 2011 **Contact:** Richard Chamberlin **Contact Telephone #:** 210-207-8281

Small ice machines that serve an individual business have been in existence for quite some time; such facilities are not used by the general public and are generally quite small and subordinate to other uses on a lot or parcel. Such machines are less than 120 square feet in size and thus not subject to permitting by the City of San Antonio.

San Antonio has recently witnessed the installation of numerous large-scale, freestanding commercial ice vending machines at locations throughout the City.

The following characteristics are common of such facilities based on recent permit submittals:

- Fully automated and unmanned, open 24 hours/day and 7 days/week
- Several manufacturers make ice/water vending machines with a footprint of up to 200 SF not including awnings
- Typical weight of up to 10,000 lbs
- Built and anchored to withstand design loads of the International Building Code
- Fully engineered designs and connected to water and electric utilities
- May also connect to phone or cable service to facilitate customer payments
- Machine may dispense large bags of ice and/or large quantities of bulk ice for placement in a container furnished by the customer
- Designed to provide from 300 to 800 bags of ice per day or about 6,500 lbs per day
- May be frequently accessed by Recreational Vehicles, Campers and Contractor Trailers

Due to traffic generation, the inherent noise of the use and its 24 hour/day operations such facilities should be limited to general commercial and industrial areas.

11. Staff Position:

(Including date position presented internally and name of city staff person formulating position)

Date: August 10, 2011 **Contact:** Richard Chamberlin **Contact Telephone #:** 210-207-8281

Ice machines over 120 SF in size shall require commercial building permits and comply with all requirements of the International Building Code, and shall meet all applicable plumbing, mechanical and electrical code requirements.

Typical ice machines foundation designs consist of an engineered tie down system and can be readily moved. They are not permanently located on site by being set on a standard permanent foundation. They are also not an occupiable building for the public. Some types may have a door to service equipment, but many servicing of the equipment can be done remote to the site. Therefore they do not fit into the category of a new permanent commercial building requiring platted property. They more closely resemble other smaller vending machines as stated in Information Bulletin 529 where a site plan is adequate to review easements and any setbacks.

For ice vending machines that are over 120 square feet and intended to be permanent, i.e. built and placed on permanent engineered foundations and not readily moved, the property location of the ice machine shall either be platted or meet one of the plat exceptions listed in 35-430 of the UDC.

Where an ice machine is a principal use on a property such facilities shall be a permitted use in the following zoning districts:

TABLE 311-2 NON-RESIDENTIAL USE MATRIX

	<i>PERMITTED USE</i>	O-1 & O-1.5	O-2	NC	C-1	C-2	C-3	D	L	I-1	I-2	ERZD	(LBCS Function)

Service	Ice Machine Over 120 SF					P	P		P	P		P	

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

		Urban		Rural		Farm	Mixed Industrial						
	<i>PERMITTED USE</i>	UD Major Node	UD Minor Node	RD Major Node	RD Minor Node	FR Ag Commercial	VILLAGE CENTER FR / FR Minor Node	MI - 1	MI-1 Minor Node	VILLAGE CENTER - M1	MI - 2	MI-2 Minor Node	VILLAGE CENTER - M2
Service	Ice Machine Over 120 SF	P		P			P	P		P			

Where an ice vending machine is an accessory use to another use on a property, such as an ice machine within the parking lot of a retail shopping center, then all requirements of §35-370 “Accessory Uses and Structure Regulations”, as amended November 18, 2010 by ord. no 2010-11-18-0985, shall apply.

In addition to complying with the Building, Plumbing, Mechanical and Electrical Codes and the aforementioned zoning requirements, the following supplemental requirements are applicable:

1. The placement of the ice machine shall not impede traffic nor visually impair any motor vehicle operation entering or leaving a parking lot from a street.
2. The ice machine shall not be located in a required building setback, buffer yard, access easement, drainage easement, floodplain, driveway, utility easement and/or fire lane.
3. A minimum of one (1) stacking or parking space per ice machine shall be required. Such parking or stacking space shall be of sufficient size to accommodate an oversized vehicle as defined in UDC 35-A101.
4. The location of the ice vending machine shall not reduce existing parking to below the required minimum parking spaces for the principal use on a lot.
5. All signage shall comply with Chapter 28, Signs and Billboards.
6. Permanently located (those with traditional permanent foundations), non accessory ice vending machines, where platting is required, shall meet site work related UDC requirements for traffic, sidewalk, tree canopy, landscaping and irrigation if over 150 square feet in size. Non permanent (those with tie down systems) and accessory ice vending machines are not required to

comply with traffic, sidewalk and landscaping/irrigation requirements. Any ice vending machine project is required to comply with the city tree ordinance for tree preservation.

12. Departmental Policy or Action:

(Including date of presentation of policy or action to the applicant, the effective date of the policy or action, schedule for pursuing an amendment to the code if required and signature of the Director)

Date of policy/action: Immediate

Effective Date of policy/action: Immediate

Ice vending machines over 120 SF in size shall require commercial building permits and comply with all requirements of the International Building Code and shall meet all applicable plumbing, mechanical and electrical code requirements.

For ice vending machines that are over 120 square feet and intended to be permanent, i.e. built with permanent foundations, the property location of the ice machine shall either be platted or meet one of the plat exceptions listed in 35-430 of the UDC. For ice vending machines whose foundation designs consist of an engineered tie down system and are not permanently located on a site, a site plan showing building lot lines and existing easements is sufficient.

Where an ice vending machine is a principal use on a property such facilities shall be a permitted use in the following zoning districts:

TABLE 311-2 NON-RESIDENTIAL USE MATRIX												
	PERMITTED USE	O-1 & O-1.5	O-2	NC	C-1	C-2	C-3	D	L	I-1	I-2	ERZD (LBCS Function)

Service	Ice Machine Over 120 SF					P	P		P	P		P

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

		Urban		Rural		Farm	Mixed Industrial			
	PERMITTED USE	UD Major Node	UD Minor Node	RD Major Node	RD Minor Node	FR Ag Commercial VILLAGE CENTER FR / FR Minor Node	MI - 1 MI-1 Minor Node	VILLAGE CENTER - MI	MI - 2 MI-2 Minor Node	VILLAGE CENTER - M2
Service	Ice Machine Over 120 SF	P		P		P	P	P		

Where an ice vending machine is an accessory use to another use on a property, such as an ice machine within the parking lot of a retail shopping center, then all requirements of §35-370 "Accessory Uses and Structure Regulations", as amended November 18, 2010 by ord. no 2010-11-18-0985, shall apply.

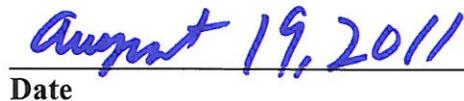
In addition to complying with the Building, Plumbing, Mechanical and Electrical Codes and the aforementioned zoning and platting requirements, the following supplemental requirements are applicable:

1. The placement of the ice machine shall not impede traffic nor visually impair any motor vehicle operation entering or leaving the parking lot from a street.
2. The ice machine shall not be located in a required building setback, buffer yard, access easement, drainage easement, floodplain, driveway, utility easement and/or fire lane.
3. A minimum of one (1) stacking or parking space per ice machine shall be required. Such parking or stacking space shall be of sufficient size to accommodate an oversized vehicle as defined in UDC 35-A101.
4. The location of the ice vending machine shall not reduce existing parking to below the required minimum parking spaces for the principal use on a lot.
5. All signage shall comply with Chapter 28, Signs and Billboards.
6. Permanently located (those with traditional permanent foundations), non accessory ice vending machines, where platting is required, shall meet site work related UDC requirements for traffic, sidewalk, tree canopy, landscaping and irrigation if over 150 square feet in size. Non permanent (those with tie down systems) and accessory ice vending machines are not required to comply with traffic, sidewalk and landscaping/irrigation requirements. Any ice vending machine project is required to comply with the city tree ordinance for tree preservation.

This rule interpretation is limited to the freestanding commercial ice vending machine use described and is not intended to apply to small ice machines accessory to a hotel/restaurant use that is not used by the general public, nor to freezers that contain bags of ice for sale, such as at a convenience store.



Roderick Sanchez, AICP, C.B.O
Director



Date

RID (Rule Interpretation Decision)

(Use additional sheets as necessary)

Type of RID		Requested Response Time	DSD Assigned RID # 099
Customer RID	<input type="checkbox"/>	24 hours	<input type="checkbox"/>
Internal Staff RID	<input checked="" type="checkbox"/>	5 working days	<input type="checkbox"/>
		As time available	<input checked="" type="checkbox"/>

1. Project Name: Parking Lot Reconstruction

2. Project Number: NA

(Plat #, Zoning Case #, etc.)

3. Project Street Address: NA

(If not available nearest intersection of two public streets)

4. Applicant Name: Development Services Staff
Major Plans

5. Applicant Address: 1901 S. Alamo
San Antonio, Texas 78204

6. Applicant Telephone #: (210) 207-0164

7. Applicant e-mail Address: NA

8. Rule in Question:

Landscape Ordinance requirements for demolition and reconstruction of existing parking lots.

9. Applicant Position:

The Unified Development Code is unclear as to whether a rebuild of an existing parking lot constitutes a "new parking lot" which requires landscaping and parking lot shading.

10. Staff Finding:

Department policy on this issue has been that typical maintenance of existing parking lots, including milling of the surface layer, asphalt overlay, surface seals and crack sealing, repair of potholes, or restriping, does not require a permit. However, when the pavement structure of an existing lot is completely removed, consisting of surface course and base material down to sub grade, then a permit is required and UDC 35-511, the landscape ordinance, is applicable. This scope of work is often necessary in order to re-compact and/or otherwise improve the sub grade and has been termed a "rebuild" of the existing lot. When rebuilds occur there is opportunity to improve existing

lots, which may not have any planter islands and very little shading, by planting new trees and creating planter islands within the perimeter. The new trees will eventually help lower the heat index and improve overall air quality in the city.

11. Staff Position:

(Including date position presented internally and name of city staff person formulating position)

Date: 3/15/11 **Contact:** Kevin Collins **Contact Telephone #:** (210) 207-0164

The purpose of this RID is to clarify policy in a manner that recognizes the Department objective of improving the overall quality of the environment in San Antonio while balancing the needs of property owners who simply wish to improve or repair their existing parking lots. Staff recommendation is that the reconstruction of a parking lot ("rebuild") be treated the same as the reconstruction of a building in terms of exemption as per UDC 35-511(a)(3)(C) in that when 50% or less of the lot is rebuilt the project shall be exempt from the landscape ordinance. When more than 50% is rebuilt the ordinance shall apply. The exemption shall apply only where the reconstruction will not result in an increase of size to the paved area. When a property has more than one parking area and the individual lots are separated by driveways or other means, each area shall be considered individually for purposes of exemption in that a rebuild greater than 50% of one of the individual parking areas will result in that area being subject to the landscape ordinance.

12. Departmental Policy or Action:

(Including date of presentation of policy or action to the applicant, the effective date of the policy or action, schedule for pursuing an amendment to the code if required and signature of the Director of Development Services)

Date of policy/action: 4/4/11

Effective Date of policy/action: immediately

The Director concurs with the staff position and directs staff to follow the procedured. Staff is directed to proceed with a UDC amendment in the next amendment cycle.



Roderick Sanchez, AICP, C.B.O
Development Services Director

4-4-11

Date

RID (Rule Interpretation Decision)

(Use additional sheets as necessary)

Type of RID		Requested Response Time	DSD Assigned RID # 105
Customer RID	<input type="checkbox"/>	24 hours	<input type="checkbox"/>
Internal Staff RID	<input type="checkbox"/>	10 working days	<input type="checkbox"/>
		As time available	<input type="checkbox"/>

1. Project Name: Platting Requirements

2. Project Number: n/a

(Plat #, Zoning Case #, etc.)

3. Project Street Address: n/a

(If not available nearest intersection of two public streets)

4. Applicant Name: n/a

5. Applicant Address: n/a

6. Applicant Telephone #: n/a

7. Applicant e-mail Address: n/a

8. Rule in Question:

(Section and/or policy of UDC, Sign Code, etc)

UDC section 35-430(c) lists fifteen conditions where a property may not require platting. The first two items, in subsection (c), are stated as follows:

(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.*

(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.*

9. Applicant's Position:

(Including date position presented and name of city staff point of contact)

Date: March 19, 2012

Contact: Andrew Spurgin **Contact Telephone #:** 207-8229

The purpose of the plat exception in subsection 35-430(c)(1) is to allow minor lot splits into parts greater than five (5) acres as a transactional matter without going through the

full platting process. Likewise Section (2) is to accommodate minor splits of properties, except this provision requires greater than ten (10) and is applicable in the ETJ. Examples include splitting land among heirs in an estate or dividing land among partners in an incorporated legal partnership.

The exceptions in 35-430(c)(1) and (2) are purely to allow the exercise of splitting of properties. A plat may be required at the time of utility connection or building permits unless one of the other plat exceptions in 35-430(c) is met and documented in a Certificate of Determination.

10. Staff Finding:

(Including date of finding and name of city staff person formulating finding)

Date: March 19, 2012 **Contact:** Andrew Spurgin **Contact Telephone #:** 207-8229

UDC Section 35-433 provides for the use of development plats, which is a separate process than conventional subdivision plats. 35-433 provides specifically that an applicant has three options as shown below:

35-433 (a) (3) *A development plat is not required where:*

- A. The person is required or elects to file a subdivision plat within the city limits of San Antonio; or*
- B. One (1) of the exceptions established in subsections 35-430(c)(2)—(c)(9) applies; or*
- C. The tract is greater than five (5) acres, has access with a minimum frontage of fifteen (15) feet onto a public right-of-way, public street, platted private street or recorded irrevocable access easement, and which requires no public dedications. Providing further that the owner agrees not to further subdivide without filing a subdivision plat and a request for utilities shall not serve more than three (3) dwelling units.*

1. An applicant may file a subdivision plat pursuant to Section 35-430
2. An applicant may qualify for one of the plat exceptions lists in 35-430(c)(3) and higher *[note that (c)(1) is not included; subsection (2) should be included as it was a later addition to the UDC requested by Bexar County; the item identified as subsection(2) at the time 35-433 (a)(3) was written is now identified as subsection (3) within 35-430(c)]*
3. The property is over five (5) acres and meets the conditions precedent in subsection C above and further provided does not serve more than three residential dwelling units.

When the plat exceptions listed in 35-430(c) and the conditions in 35-433(a)(3) describing usage of the development option are synthesized, the interpretation is clarified. The additions of cross references in the UDC would facilitate improved understanding.

11. Staff Position:

(Including date position presented internally and name of city staff person formulating position)

Date: March 19, 2012 **Contact:** Andrew Spurgin **Contact Telephone #:** 207-8229

The purpose of the exception in rule 35-430(c)(1) and (2) is to allow minor division of properties into parts greater than five (5) acres or ten (10) acres in the ETJ as a

transactional matter without going through the full platting process. Examples include splitting land among heirs in an estate or dividing land among partners in an incorporated legal partnership. The exception in 35-430(c)(1) and (2) are purely to allow to exercise of splitting of properties. A plat may be required at the time of utility connection or building permits unless one of the other plat exceptions in 35-430(c) is met. A property may, however, establish up to three single family residential dwelling units on the tract provided it meets all the conditions in 35-433(a)(3)C without requiring a subdivision plat or a development plat through issuance of a Certificate of Determination.

12. Departmental Policy or Action:

(Including date of presentation of policy or action to the applicant, the effective date of the policy or action, schedule for pursuing an amendment to the code if required and signature of the Director)

Date of policy/action: March 19, 2012

Effective Date of policy/action: Immediate

Supports staff position and directs Land Entitlements staff to do the following:

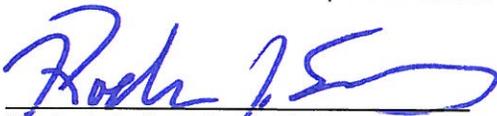
1. Update Information Bulletin #531 to reflect this interpretation
2. Submit appropriate revisions to the UDC for the next update program including appropriate cross-references between 35-430(c)(1), (2) and 35-433(a)(3) and update the development plat criteria to reflect the additional plat exceptions authorized by 35-430 as indicated below:

35-433 (a) (3) A development plat is not required where:

A. The person is required or elects to file a subdivision plat within the city limits of San Antonio; or

B. One (1) of the exceptions established in subsections 35-430(c) (3) ~~(2)~~—(c) (15) ~~(9)~~ applies; or

C. The tract is greater than five (5) acres if inside the City Limits, or ten (10) acres for properties located within the ETJ has access with a minimum frontage of fifteen (15) feet onto a public right-of-way, public street, platted private street or recorded irrevocable access easement, and which requires no public dedications. Providing further that the owner agrees not to further subdivide without filing a subdivision plat and a request for utilities shall not serve more than three (3) dwelling units.



Roderick Sanchez, AICP, C.B.O
Director

3-22-12
Date

RID (Rule Interpretation Decision)

(Use additional sheets as necessary)

Type of RID	Requested Response Time	DSD Assigned RID # 107
Customer RID <input type="checkbox"/>	24 hours <input type="checkbox"/>	
Internal Staff RID <input checked="" type="checkbox"/>	10 working days <input type="checkbox"/>	
	As time available <input type="checkbox"/>	

1. **Project Name:** Nonconforming Uses

2. **Project Number:** n/a

3. **Project Street Address:** n/a

4. **Applicant Name:** n/a.

5. **Applicant Address:** n/a

6. **Applicant Telephone #:** n/a

7. **Applicant e-mail Address:** n/a

8. **Rule in Question:**

Sec. 35-702. - Continuing Lawful Use of Property and Structures.

(b) Limitations on Nonconforming Uses.

(3) Continuance. *The lawful use of any building existing as of the effective date of this chapter may be continued, although such use does not conform to the provisions of this chapter. Such use may be extended throughout the building, provided no structural alterations or additions to the structure, except those required by law or ordinance, are made thereto.*

9. **Applicant's Position:**

Date: 5-11-12 **Contact:** Andrew Spurgin **Contact Telephone #:** 210-207-8229

Staff and Department customers need guidance interpreting 35-702(b)(3) as it applies to the ability of nonconforming uses to reconfigure occupancies within existing buildings.

10. **Staff Finding:**

(Including date of finding and name of city staff person formulating finding)

Date: 5-11-12 **Contact:** Andrew Spurgin **Contact Telephone #:** 210-207-8229

UDC subsection 35-702(b)(3) begins with a qualifying statement, "the lawful use of any building existing as of the effective date of this chapter..." meaning that the expansion provision in this subsection is limited to legally established uses existing as of June 4, 2001 which was the effective date of Chapter 35, the UDC. Nonconforming use

registration pursuant to 35-705 is required to verify the pre-June 4, 2001 establishment date.

The second qualifier to the provision in 35-702(b)(3) is that any expansion within an existing building may only be carried out when there are no structural alterations or additions.

Addition is defined in the UDC, Appendix A, "Definitions," as: *a completely new structure or new component to an existing structure.*

Structural alteration is not defined in the UDC however pursuant to 35-A101 (a) the following provision controls: *Words, phrases and terms not defined in this chapter, but defined in the building code adopted by Chapter 6 of the City Code, shall be given their usual and customary meanings except where the context clearly indicates a different meaning.*

Chapter 6 of the City Code is the Building Code that adopted the International Building Code (IBC) and International Residential Code (IRC). IBC Section 202 has several definitions to support the context what is considered "structural alteration."

Alteration: Any construction or renovation to an existing structure other than repair or addition.

Primary Structural Frame: The primary structural frame shall include all of the following structural members:

- 1. The columns;*
- 2. Structural members having direct connections to the columns, including girders, beams, trusses and spandrels;*
- 3. Members of the floor construction and roof construction having direct connections to the columns; and*
- 4. Bracing members that are essential to the vertical stability of the primary structural frame under gravity loading shall be considered part of the primary structural frame whether or not the bracing member carries gravity loads.*

Secondary Members: The following structural members shall be considered secondary members and not part of the primary structural frame:

- 1. Structural members not having direct connections to the columns;*
- 2. Members of the floor construction and roof construction not having direct connections to the columns; and*
- 3. Bracing members other than those that are part of the primary structural frame.*

Based on these IBC provisions staff finds that "structural alteration" does not include any repairs that are "like for like" in nature, but would include any changes to primary structural frame or secondary structural members. A structural alteration would include any alterations to firewalls or anything outside the existing footprint or roof height.

Structural alteration does not include changes to the location of tenant demising walls or similar space partitions when such walls are not load-bearing in nature. Similarly, any changes to occupant load that would require introduction of new primary or structural members, including increases to fire-rated walls, would be considered a structural alteration.

11. Staff Position:

(Including date position presented internally and name of city staff person formulating position)

Date: May 11, 2012 Contact: Andrew Spurgin Contact Telephone #: 210-207-8229

UDC subsection 35-702(b)(3) was intended as a transitional provision for existing uses that were lawfully in place prior to June 4, 2001 and that were made nonconforming by adoption of the May 3, 2001 Chapter 35 of the City Code, which is the UDC. This does not include any nonconformity created by subsequent amendments to the UDC.

In order to expand a nonconforming within an existing structure pursuant to 35-702(b)(3), the use must be a registered nonconforming use in accordance with 35-705 and limit such interior expansion to that which does not include structural alteration. The nonconforming use registration application is available online at <https://webapps1.sanantonio.gov/dsddocumentcentral/upload/NCU%20Application%2082108.pdf>

Based on the IBC provisions and in discussion with the Department’s Assistant Director for Building Development, staff proposes addition of the following definition to the UDC in a future update to assist with interpretation of 35-701(b)(3):

Structural alteration: Any change in either the primary structural frame or secondary members of a building, such as bearing walls, fire walls, columns, beams, and girders, or any change in the dimensions or configurations of the roof height or building footprint.

12. Departmental Policy or Action:

(Including date of presentation of policy or action to the applicant, the effective date of the policy or action, schedule for pursuing an amendment to the code if required and signature of the Director)

Date of policy/action: Immediately Effective Date of policy/action: Immediately

Accepts staff position.



Roderick Sanchez, AICP, C.B.O
Director



Date

RID (Rule Interpretation Decision)
(Use additional sheets as necessary)

Type of RID		Requested Response Time	DSD Assigned RID # 118
Customer RID	<input type="checkbox"/>	24 hours	<input type="checkbox"/>
Internal Staff RID	<input type="checkbox"/>	10 working days	<input type="checkbox"/>
		As time available	<input type="checkbox"/>

1. Project Name: Nightmare on Grayson (former name pending approval of new location)

2. Project Number:
(Plat #, Zoning Case #, etc.)

3. Project Street Address: 3363 E. Commerce
(If not available nearest intersection of two public streets)

4. Applicant Name: Patrick W. Christensen

5. Applicant Address: 1800 W. Commerce, Suite 1; San Antonio, TX 78207

6. Applicant Telephone #: 210-320-2540

7. Applicant e-mail Address: pwc@christensenpc.com

8. Rule in Question: Section 35-A101 (b) *Definitions* and Table 311-2 of the Unified Development Code

(Section and/or policy of UDC, Sign Code, etc)

9. Applicant's Position:
(Including date position presented and name of city staff point of contact)

The typical Haunted House Attraction operates during the Halloween season, and charges a fee for attendance into a "maze" of scenes and performances by actors that are intended to scare or frighten the attendees. The City's Unified Development Code ("UDC") does not currently clarify this use and it is not listed in the UDC zoning matrices. It is this Firm's opinion that this use should be clarified since although it is a brief seasonal use, usually six weeks per year, the use can be fairly intense in terms of traffic generation and long lines of potential attendees on City sidewalks.

The most similar use in the UDC is the "Laser Hide and Seek Games – Indoors" use in the UDC which is allowed in the C-2, C-3, and D zoning districts. A distinction can be made between the Haunted House Attraction and what is normally called Laser Tag, in that Laser Tag is usually conducted by appointment for teams and parties. The typical Haunted House Attraction is normally conducted on a first come first served basis during its hours of operation. Another similar use could be a "Theater – Indoor" use in the UDC. However, a movie theater has scheduled showings and operates year round. The proposed definition below is intended to clarify the intent that the Haunted House

(3) Interpretation - Materially Similar Uses. *The director of development services shall make a determination if a use not mentioned can reasonably be interpreted to fit into a use category where similar uses are described. Interpretations may be ratified by the city council upon recommendation by the zoning commission at a regularly scheduled meeting. It is the intent of this article to group similar or compatible land uses into specific zoning districts, either as permitted uses or as uses authorized by a specific use permit. Uses not listed as a permitted or specific use permit shall be presumed to be prohibited from the applicable zoning district. In the event that a particular use is not listed in the Use Matrix, and such use is not listed as a prohibited use and is not otherwise prohibited by law, the director of development services shall determine whether a materially similar use exists in this section. Should the director of development services determine that a materially similar use does exist, the regulations governing that use shall apply to the particular use not listed and the director's decision shall be recorded in writing. Should the director of planning and development services determine that a materially similar use does not exist, the matter may be referred to the zoning commission for consideration for amendment to this chapter to establish a specific listing for the use in question. Unless an appeal is timely filed pursuant to section 35-481 of this chapter, a decision of the director of development services pursuant to this section is deemed to be valid. If, when seeking periodic ratification of interpretations, the director's interpretation is reversed, then decisions made in reliance on the director's interpretation shall be deemed to be nonconforming uses.*

(4) Rules of Construction. *The director may determine that a use is materially similar if:*

A. *The use is listed as within the same structure or function classification as the use specifically enumerated in the Use Matrix, as determined by the Land- Based Classification Standards ("LBCS") of the American Planning Association. The director shall refer to the following documents in making this determination, which documents are hereby incorporated by this reference and which shall be maintained on file in the office of the department of planning and development services: American Planning Association, Land-Based Classification Standards, LBCS Structure Dimension with Detail Descriptions (September 13, 1999); American Planning Association, Land-Based Classification Standards, LBCS Function Dimension with Detail Descriptions (September 13, 1999); American Planning Association, Land-Based Classification Standards, LBCS Tables (September 13, 1999); and American Planning Association, Land Based Classification Standards (April 18, 1999). The use shall be considered materially similar if it falls within the same LBCS classification (subject to subsection (5), below), and meets the requirements of subsection C., below.*

B. If the use cannot be located within one of the LBCS classifications pursuant to subsection A., above, the director shall refer to the North American Industry Classification Manual (Executive Office of the President, Office of Management and Budget, 1997)("NAICS"). The use shall be considered materially similar if it falls within the same industry classification of the NAICS (subject to subsection (5), below), and meets the requirements of subsection C., below.

C. The proposed use shall not generate trips exceeding other uses proposed in the zoning district by more than ten (10) percent, as determined by the Institute of Transportation Engineers, Trip Generation (5th ed., 1991)(the "ITE Manual"), which document is hereby incorporated by this reference. If the trip generation is not listed in the ITE Manual, the use shall be considered materially similar.

(5) Construction of LBCS and NAICS. *In order to assist in interpretation of the Use Matrix, the LBCS and NAICS numbers precede each use in the Use Matrix.*

Based on the clear direction from the UDC to consult the LBCS function codes, the following entries were found:

5100 Performing arts or supporting establishment. *Establishments in this category produce or organize and promote live presentations. The classification recognizes the following basic processes: producing events; organizing, managing, and promoting events; managing and representing entertainers; and providing the artistic, creative and technical skills for the production of these live events. Although nightclubs may offer live entertainment, they are excluded from this category. Use the appropriate food, drink, or recreational category for nightclubs.*

5110 Theater, dance, or music establishment. *This subcategory comprises establishments producing live presentations by actors and actresses, singers, dancers, musicians, and other performing artists. Establishments include: companies, groups, or theaters that produce theatrical presentations and dance (ballet, musicals, operas, plays, etc.); dinner theaters that produce theatrical productions and provide food and beverage for consumption on the premises; and groups or freelance artists producing live musical entertainment. Theater/dance groups or companies may or may not operate their own theater or other facility for staging their shows. Musical groups and artists may perform in front of a live audience or in a studio, and may or may not operate their own facilities for staging their shows.*

Staff finds the "Haunted House Attraction" use to be a large-scale indoor amusement use which would most appropriately be classified under LBCS Function 5110 Theater, Dance, or music establishment.

Although some indoor entertainment uses with the same LBCS classification code are permitted in the “C-2” Commercial District, haunted houses are likely to generate significant amounts of vehicle traffic as well as foot traffic and outdoor queuing that would be better suited in the higher-intensity zoning districts. Additionally, Haunted House Attractions require a large space in order to adequately operate their theatrical operations, such as warehouses. Such spaces could be scarce; therefore, additional zoning categories are necessary, such as “L” Light Industrial District, and “I-1” General Industrial.

Date: 1/28/2013 **Contact:** Tony Felts **Contact Telephone #:** 210-207-8214

11. Staff Position:

By including haunted house uses as a permitted use within the City’s established zoning regulations, venue proprietors will have assurance of the ability to have the use year after year when located within appropriate zoning districts. Such uses will be subject to all conventional zoning district development standards and parking requirements. Additionally, the temporary use permit will remain a viable option for proprietors operating seasonal haunted house attractions.

Based on the LBCS function code and on past precedents in determining the appropriate locations of such land uses, the following uses shall be the basis for future permitted use determinations:

	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>Amusement</u>	<u>Haunted House Attraction (Indoor)</u>						<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>		<u>P</u>	<u>5110</u>
<u>Amusement</u>	<u>Haunted House Attraction (Outdoor)</u>						<u>S</u>	<u>S</u>	<u>P</u>	<u>P</u>		<u>P</u>	<u>5110</u>

The following definition shall be used to support the use in the matrix above:

Haunted House Attraction: Any indoor permanent or temporary building, structure or facility, or portion thereof, which provides walkways or any other system that transports passengers through a facility or course so arranged where the public is invited to view, be entertained, scared or amused by simulated creations of sound, theatrical displays or distractions, or sight and feeling of a ghoulish, ghostly, spectral, imaginary and haunting nature.

Haunted House Attraction, Outdoor: Any outdoor amusement which provides walkways or any other system that transports passengers through a facility or course;

or a conveyance such as a bus or trailer (similar, but not limited to a hayride) so arranged where the public is invited to view, be entertained, scared or amused by simulated creations of sound, theatrical displays or distractions, or sight and feeling of a ghoulish, ghostly, spectral, imaginary and haunting nature. Examples of this type of use include, but are not limited to, a cornfield maze or a hayride.

Lastly, Haunted House Attractions, both indoor and outdoor, may still be permitted under Section 35-391 of the UDC involving Temporary Uses if the use is seasonal or transitory, and all other requirements of applicable city code are met.

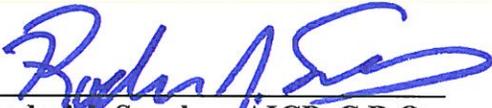
Date: 1/28/2013 **Contact:** Tony Felts **Contact Telephone #:** 210-207-8214

12. Departmental Policy or Action:

(Including date of presentation of policy or action to the applicant, the effective date of the policy or action, schedule for pursuing an amendment to the code if required and signature of the Director)

Date of policy/action:

Effective Date of policy/action:



Roderick Sanchez, AICP, C.B.O
Director

1-30-13

Date



RULE INTERPRETATION DETERMINATION

Determination #: RID 2014-002

Title: Horse-Drawn Carriage (Base Operations)

Drafted by: Land Development Division, Policy Administrator

Rule in Question: Table 311-2 (*Nonresidential Use Matrix*) of the Unified Development Code (*UDC*); animal-related uses.

Department Action: The Director concurs with the staff position, finding horse-drawn carriage base operations materially similar to animal and pet services and identifying appropriate zoning districts for this use. The Director also concurs with the suggested *UDC* amendments.

Roderick Sanchez, AICP, CBO
Development Services Director

Date

Effective Date of Determination: Immediately

Staff Analysis: The *UDC* does not reference horse-drawn carriage uses, provide definitions or identify permitted zoning districts for the base operations of such uses. Therefore, to begin an analysis of this use, other chapters of the City Code that do specifically address this use must first be consulted.

Section 5-52(a) of Chapter 5 (*Animals*) of the San Antonio City Code states:

“Regulation of horse drawn carriages shall be governed by the provisions of chapter 33.”

Chapter 33 (*Vehicles for Hire*) of the City Code underwent substantial revision in August of 2013. Being a transient use, most of these new regulations address the actual conduct of the business activity, including hours and locations of operation, use of public rights-of-way for passenger pick up and drop off, animal care and permitting and licensing requirements. The sole land use-related reference is found in Division 6 (*Stables*), Section 33-471 (*Location*), stating:

“Stables for housing of horses and carriages shall be at locations approved by the director of code compliance or public works, shall be situated in areas properly zoned for such use, and shall be no less than one hundred (100) feet from any dwelling. Such facilities shall conform to all health and sanitation regulations and shall be open for inspection by the director of animal care services and their designees at all reasonable times, with or without prior notice.”

The most intense component of carriage operations is the boarding of horses or other large animals. Though Chapters 5 and 33 of the City Code do not define stables, the term is commonly accepted to mean a building or structure where large, domesticated animals, such as horses or livestock, are boarded and/or sheltered. Chapter 35 (*Unified Development Code*) also does not define stables or attempt to distinguish indoor stables versus outdoor stables. Further, the *UDC* does not offer specific guidance pertaining to the use in question, particularly in those zoning districts common in and around the downtown core of San Antonio.

A definition and two separate use entries for “animal and pet services” were added to the *UDC* in October, 2012. As defined, these uses may provide a combination of boarding, grooming, sitting, and training services. The permitted zoning districts for these service-oriented uses is largely dependent upon the location of the activity (inside or outside of a building) and not the types, sizes or number of animals or the scale of the activity:

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

Staff Position: Since the adoption of the *UDC* in May of 2001, Certificates of Occupancy have been issued for horse carriage operations for properties zoned “I-1.” However, the City has not entertained specific zone change applications for carriage-related uses in non-industrial zoning districts since 2000 when City Council approval authorized a “horse stable” on property in the “B-4” Central Business District. A Certificate of Occupancy was later issued for “Horse Drawn Carriages” at this location (the office and carriage components of the use deemed appropriate for that zoning district). Most zone change requests for animal-related uses since 2001 have involved veterinary clinics.

Section 35-311 (b)(3) of the *UDC* authorizes the Director to “make a determination if a use not mentioned can reasonably be interpreted to fit into a use category where similar uses are described.” The base operations for carriage providers typically involve a combination of office, carriage storage and the long-term boarding of animals, so other animal-related uses such as “Animal – Equestrian Center and Riding Trails,” “Stockyard” and “Animal – Pound and Shelter” are not materially similar to carriage operations. However, “Animal and pet services” is a materially similar use by definition and offers guidance in determining the appropriate zoning for horse-carriage operations.

Given a history of Certificates of Occupancy issuance for carriage operators in industrial zoning districts, staff finds base operations an appropriate by right use in “L” and “I-1” zoning districts. Further, similar to the animal and pet services uses currently identified in the *UDC*, carriage operations are an appropriate use in “C-3” and “D” (and the comparable Form Based zoning Transects 5 and 6) provided all activities associated with carriage operations are conducted inside of a principle building or structure. Identifying “D” and “FBZD” as acceptable zoning districts is important, particularly since many carriage operators conduct business in and around downtown San Antonio where this service is most desired by and available to San Antonio residents and tourists alike; however, should either of the storage or boarding elements be conducted outdoors, the use is permissible in “C-3” and “D” only with the approval of a Specific Use Authorization by City Council. This approach is consistent with previous Certificate of Occupancy and zoning application decisions and recommendations.

Staff finds Horse-Drawn Carriage (Base Operations) materially similar to “Animal and pet services” and suggests amending Table 209-13B (*Form Based Development, Specific Function by Transect*) accordingly and Section 35-A101 and Table 311-2 of the *UDC* as follows:

Section 35-A101. Definitions and Rules of Interpretation.

Horse-Drawn Carriage (Base Operations). A location with a principal building or structure from where carriage operators originate and return to for carriage storage and animal boarding. Carriages may be drawn by other large animals in accordance with Chapters 5 and 33 of the City Code.

Stables. A building or structure where large domesticated animals are provided short or long term boarding and/or shelter, including access to food, water and grooming. Stables may be enclosed, partially enclosed or predominately open structures; stables not completely enclosed shall be subject to the separation requirements from dwellings identified in Chapter 33 of the City Code.

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)
Transportation	<u>Horse-Drawn Carriage (Base Operations) – Indoor Carriage Storage and/or Animal Boarding only (see also Chapters 5 and 33 of the City Code)</u>						P	P	P	P		P	
Transportation	<u>Horse-Drawn Carriage (Base Operations) – Outdoor Carriage Storage and/or Animal Boarding allowed (see also Chapters 5 and 33 of the City Code)</u>						S	S	P	P		S	