



UDC Update Request Application

Part 1. Applicant Information

Name: Gary Kreutziger & Alma Martinez-Jimenez Organization (if applicable): DSD

Address: _____

Phone: _____ Email: _____

Signature: _____ Date: _____
(Include title if representing a governmental agency or public/private organization)

Part 2. Basis for Update (check only one)

- Clarification amendments to provide for ease of interpretation and understanding of the existing provisions of the UDC
(Note: Clarification amendments should not change or alter the intent or meaning of existing UDC provisions)
- Editing change that does not alter the impact of the provisions being addressed including changes such as spelling, grammar correction, formatting, text selection, or addition of text in compliance with existing ordinance, statutes or case law
- Completed Rule Interpretation Determination (*RID*)
- Requested by the Zoning Commission, Planning Commission, Board of Adjustment, HDRC, City Council or other appropriate city board or council (CCR, resolution or signature of the chairperson is required)

Part 3. Reason(s) for Update (check all that apply)

- Modify procedures and standards for workability and administrative efficiency
- Eliminate unnecessary development costs
- Update the procedures and standards to reflect changes in the law or the state of the art in land use planning and urban design
- See Part 4 (if none of the provided choices in this section apply, please discuss the reasons for the proposed update in Part 4)

Part 4. Summary of Proposed Update with Suggested Text (see application instructions)

This amendment clarifies that Section 35-392 Illumination of Uses includes light from adjacent residential properties and makes existing subsections (c) and (d) subsections of existing subsection (b)..

35-392. – Illumination of Uses

- (a) Lighting facilities used to light signs, parking areas, or for other purposes, including residential lighting and light from residentially used properties, shall be so arranged that the source of light is concealed from adjacent residential properties and does not interfere with traffic.
- (b) Lights illuminating off-street parking or loading areas shall comply with the following standards as a protection against excessive glare and light spilling over to adjacent properties.
 - ~~(c)~~(1) When a light source has elements such as shields, reflectors, or refractor panels which direct and cut off the light at a cutoff angle that is less than ninety (90) degrees, the maximum permitted height shall be thirty (30) feet.
 - ~~(d)~~(2) When a light source has a cutoff angle of ninety (90) degrees or greater, the maximum permitted height shall be fifteen (15) feet.



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Part 1. Applicant Information

Name: _____ Kevin Collins _____ Organization (if applicable): _____ DSD _____

Address: _____

Phone: _____ Email: _____

Signature: _____ Date: _____
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Part 4. Summary of Proposed Update with Suggested Text (see application instructions)

This amendment clarifies that Section 35-506(a)(1)C.2. does not apply to renovations and remodels which are less than \$50,000 in valuation, which is consistent with current DSD practice.

Chapter 35 (Unified Development Code)

ARTICLE V. DEVELOPMENT STANDARDS

Sec. 35-506. Transportation and Street Design

(a) **Applicability.**

(1) **Generally.** The provisions of this division shall apply to:

C. Any ministerial permit where one (1) or more of the following applies:

2. Applications for a building permit for all new structures, additions, and renovations/remodels on a developed lot with existing buildings, or a single building on several lots under one (1) owner. For existing structure(s), the provisions of this division apply where the cost of the repair or improvement amounts to twenty-five (25) percent or more of the assessed valuation of the building/structure(s) as set forth by the city tax roll for the entire lot, or if provided by applicant, other proof of valuation such as published by the ~~planning and~~ development services department's calculated building valuation based on construction type, occupancy and square footage, or proof of recent purchase price of the structure(s). Existing renovations and remodels where the cost of repairs or improvements are less than fifty thousand dollars (\$50,000) are not subject to the provisions of this section even when the repair or improvement cost exceeds twenty-five percent (25%) of the building valuation. Additional building permit applications that are submitted within a year's time frame by a single owner shall have the project valuations added to determine applicability of this division. This is not intended to apply to multiple tenant finish-outs in one (1) year caused by tenants moving in and out of multi-leased buildings where the building owner has not intended to remodel the structure.



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Part 4. Summary of Proposed Update with Suggested Text (see application instructions)

This amendment modifies Section 35-389(d) of the UDC to incorporate existing DSD policy into the UDC relating to Subdivision Sales Office Signs

Sec. 35-389. - Subdivision Sales Offices.

(a) **Permitted.** Subdivision sales offices shall be permitted in any district on a temporary basis for a two-year period or until sales of ninety-five (95) percent of the houses in the subdivision have been consummated, whichever is greater.

(b) **Definition of Service Area.** An official map of the addition to be served, along with the proposed office location, shall be furnished the director of planning and development services at the time the permit for such office is requested.

(c) **Occupancy Permit Required.** Occupancy permits shall be reviewed at six-month intervals by application with the director of planning and development services.

(d) **Signs.** Advertising signs, limited to four (4) in number, and restricted to identification of the land developer and to advertising of residences for sale will be permitted. The signs are allowed to be installed on any lot within the defined subdivision. The signs are permitted on a temporary basis for a two year period or until sales of ninety-five (95) percent of the houses in the subdivision have been consummated, whichever is greater. Such signs shall be limited to two hundred eighty-eight (288) square feet in area and shall not be of neon or flashing type. Also, temporary signs advertising individual homes for sale will be permitted when limited to a maximum of twelve (12) square feet.

(e) **Removal of Improvements.** Any lighting, paved area, curb cuts, or signs erected or constructed for use of such office shall be removed and the property returned to complete residential character upon expiration of occupancy permit.

(f) **Construction and Location.** This operation shall be conducted for sales within the subdivision. The office shall be used for sale of houses within the applicable addition only and shall be used for no purpose other than that of conducting sales of residences or for residential use.



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Address: 1901 South Alamo

Phone: 210-207-8281 Email: rchamberlin@sanantonio.gov

Signature: _____ Date: June 10, 2015
(Include title if representing a governmental agency or public/private organization)

Part 2. Basis for Update (check only one)

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Part 4. Summary of Proposed Update with Suggested Text (see application instructions)

Townhome Definition and application of such should be altered to be consistent with the International Residential Code and the International Building Code. Current Definition and text in Article III limits the ability of Developers to use this type of product within the City Limits_____

Sec. 35-A101. - Definitions and Rules of Interpretation

Dwelling, single-family attached (townhouse). ~~A building that has one family dwelling units erected in a row as a single building on adjoining lots, each being separated from the adjoining unit or units by a firewall (constructed in accordance with city codes and ordinances), along the dividing lot line, and each such building being separated from any other building by space on all sides. Each unit maintains a separate lot.~~ A single-family dwelling unit constructed in a group of three or more attached units in which each unit extends from foundation to roof and with a yard or public way on not less than two sides.

Sec. 35-373. - Attached Dwellings.

(b) Townhouse Development.

(1)

No front yard or side yard is required.

(2)

A rear setback shall not be required when the townhouse lot abuts an alley or driveway having a minimum right-of-way width of twenty-four (24) feet which is used to provide ingress and egress to such townhouse development. On townhouses and lots that do not abut at the rear, an alley or driveway having a minimum width of twenty-four (24) feet, a twelve-foot rear setback shall be required.

(3)

~~Six~~ four hundred (~~600-400~~) square feet of contiguous open area shall be provided on each individual lot. The ~~six~~ four hundred (~~600-400~~) square foot of open area may be used for children's play area and/or patio and may be located in front or to the rear of the townhouse. On corner lots or where side yards are present the ~~The six~~ four hundred (~~600-400~~) square foot of contiguous area may include the side yard as long as it is not separated by a fence from the remaining portion of the ~~The six~~ four hundred (~~600-400~~) square foot of space. The "contiguous open area" may consist of lawns, landscaped areas and/or walkways, but shall not include parking or driveways.

(4)

The minimum lot depth shall be eighty (80) feet.

(5)

Townhouses shall not be subject to the minimum lot size for RM districts in Table 310-1.

(6)

Except in the "TOD" district, no townhouse development shall exceed a density of more than ~~twenty (20)~~ forty (40) units per gross acre.

(7)

The total dwelling units in any single townhouse structure shall not exceed ten (10) nor be less than two (2). The minimum lot width shall be fifteen (15) feet.

(8)

Each townhouse shall have either an attached garage, a detached garage, or there shall be a common non-commercial parking lot for the townhouse development. Parking shall not be required in an approved IDZ zoning district.

(9)

A townhouse shall have a maximum of three (3) floors in any zoning district and shall have a maximum of four (4) floors where in an approved IDZ zoning district, or the Downtown (D) zoning district.

(10)

Section 35-343(m) Urban Design does not apply to townhomes.

Sec. 35-311. - Use Regulations.

PERMITTED USE	RP	RE	R-20	NP-15	NP-10	NP-8	R-6	RM-6	R-5	RM-5	R-4	RM-4	MF-18	MF-25	MF-33	MF-40	MF-50 & MF-55	ERZD	LBCS FUNCTION	LCBS STRUCTU
Dwelling - 1 Family (Attached or Townhouse)							P	P	P	P	P	P	P	P	P	P	P	P	1000	1120

Sec. 35-516. - Setback and Frontage Regulations.

(g) **Garages and Carports.** There shall be a minimum of twenty (20) feet between the back of a sidewalk or the property line and any garage entry accessed from a street right-of-way. The garage setback requirement for garages accessed from an alley shall be in accordance with section 25-370. Carports may be erected behind the minimum front setback required in the applicable zoning district, so long as twenty (20) feet of total parking area depth is maintained within the lot.

The minimum twenty (20) feet between back of sidewalk or property line and any garage access does not apply to townhouses.



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Part 4. Summary of Proposed Update with Suggested Text (see application instructions)

Plan Review has problems when houses are demolished creating a vacant lot where there is no plat. Platting is then required. The exemption for platting only covers destruction by flooding, fire, wind or other natural disasters, not demolition for other reasons. A lot, with or without an old foundation should not require platting if there is a demolition permit attached to that address. _____

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

(c)

Plat Exceptions.

(8)

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



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Part 4. Summary of Proposed Update with Suggested Text (see application instructions)

 New residential homes do not require a covered entry according to the IRC, however the UDC requires a manufactured home to have both a front and rear covered entry. All customers are caught by surprise and are forced to build two covered entries to get a permit.

Manufactured Homes and Covered Entries

Sec. 35-354. - "MH" Manufactured Housing District.

(2)

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

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

(2)

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



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The PUD section states there are no setbacks required for interior lots. However permits are applied for with zero-lot line development in a PUD. The zero lot line section of the UDC conflicts with the PUD section. Zero lot line provisions should not be applicable in a PUD. _____

Sec. 35-344 - "PUD" Planned Unit Development District.

(e)

Required Setbacks.

(1)

For Single-Family or Multi-Family Residential Uses. Required PUD perimeter setbacks within the city limits or the ETJ for residential uses in a PUD shall be twenty (20) feet.

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 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, 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 or the International Residential Code](#) are met. [Provisions of Section 35-373\(c\) Zero Lot Line Development do not apply in a PUD.](#)



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Part 4. Summary of Proposed Update with Suggested Text (see application instructions)

The parking standards for IDZ zoning consists of two sentences that seemingly are in direct conflict with each other and totally unclear - requiring interpretation, and that depending on the reviewer. A re-write is needed. _____

Infill Development Zone Parking Standards

Sec. 35-343. - "IDZ" Infill Development Zone.

(k)

Parking. The minimum vehicle parking requirements ~~of the parking standards in Section 35-526(b)~~ shall not apply to infill development. Where parking is provided, all ~~All other~~ provisions of ~~the parking standards~~ Section 35-526(c) through 35-526(f) shall apply to infill development.



UDC Update Request Application

Part 1. Applicant Information

Name: _Tony Felts, Policy Administration_____ Organization (if applicable): _____DSD_____

Address: _____

Phone: _____ Email: _____

Signature: _____ Date: _____
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This amendment makes revisions to RM districts to match current process and interpretations and for clarity

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

STATEMENT OF PURPOSE

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

These districts implement the following policies of the master plan:

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

(a) Lot and Building Specifications.

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

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

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

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

- ~~i) The minimum lot size provisions of Table 310-1 shall only apply to single family detached dwellings.~~
- ~~ii) Maximum density requirements of Table 310-1 shall apply during review of RM-zoned development using the gross area definition for multiple lot subdivisions.~~

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

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

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

~~A. Single family attached dwellings.~~

~~B. Duplexes.~~

~~C. Triplexes.~~

~~D. Quadraplexes.~~

~~E. Townhouses.~~

~~F. Zero lot line houses.~~

~~G. Cottages.~~

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

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

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

- ~~i. "RM 6," "RM 5," and "RM 4" mixed residential zoned property must submit with the plat application a housing site plan (HSP) which conforms to the provisions of subsections (b) and (c) which will be utilized as the basis for issuing building permits. The housing site plan shall be submitted in accordance with subsection (c) to the same or larger scale as the plat designating housing type for each lot. The housing site plan shall be recorded with the plat.~~
- ~~ii. Existing platted property zoned "RM 6," "RM 5," and "RM 4" mixed residential shall submit a housing site plan (HSP) if the number of lots in the project includes ten (10) or more units.~~

~~B. **Contents.** The HSP must be reviewed and meet the requirements of mixed residential for percentage of housing types. This HSP must be submitted with the platting process for review and approval and be then included with the application package for the first building permit(s). A proposal for all one type of development on ten (10) or more lots is an automatic disapproval of the HSP and disapproval of the plat or building permit. The HSP shall be recorded with the plat and subsequent amendments may be approved through the amending plat process. The HSP shall provide the following information:~~

- ~~1. Gross density calculation.~~
- ~~2. Site zoning district(s), an HSP is not required for PUD districts.~~
- ~~3. Percentage of lots to be reviewed under R-3 zoning, if applicable.~~
- ~~4. Lots must meet the 80%/20% criteria of subsection 35-310.06(b).~~
- ~~5. Legal description of all lots, if not available from the attached plat.~~
- ~~6. Existing and proposed easements.~~
- ~~7. Approximate building footprints.~~
- ~~8. Building setbacks.~~
- ~~9. Approximate driveway locations.~~
- ~~10. Building heights.~~
- ~~11. Indication of street frontage requirements and minimum lot width.~~
- ~~12. Owner/developer name and address.~~
- ~~13. Engineer name and address.~~
- ~~14. Plat name and ID number.~~

TABLE 311-1 RESIDENTIAL USE MATRIX

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



UDC Update Request Application

Part 1. Applicant Information

Name: _Tony Felts, Policy Administration_____ Organization (if applicable): _____DSD_____

Address: _____

Phone: _____ Email: _____

Signature: _____ Date: _____
(Include title if representing a governmental agency or public/private organization)

Part 2. Basis for Update (check only one)

- Clarification amendments to provide for ease of interpretation and understanding of the existing provisions of the UDC
(Note: Clarification amendments should not change or alter the intent or meaning of existing UDC provisions)
- Editing change that does not alter the impact of the provisions being addressed including changes such as spelling, grammar correction, formatting, text selection, or addition of text in compliance with existing ordinance, statutes or case law
- Completed Rule Interpretation Determination (RID)
- Requested by the Zoning Commission, Planning Commission, Board of Adjustment, HDRC, City Council or other appropriate city board or council (CCR, resolution or signature of the chairperson is required)

Part 3. Reason(s) for Update (check all that apply)

- Modify procedures and standards for workability and administrative efficiency
- Eliminate unnecessary development costs
- Update the procedures and standards to reflect changes in the law or the state of the art in land use planning and urban design
- See Part 4 (if none of the provided choices in this section apply, please discuss the reasons for the proposed update in Part 4)

Part 4. Summary of Proposed Update with Suggested Text (see application instructions)

This amendment changes scope of approval for granted BOA variances from 6 months to 12 months and adds a process to request an extension of approval by the BOA

35-480

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

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

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

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

35-481

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

35-482

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

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

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

35-801

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

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

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

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

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



UDC Update Request Application

Part 1. Applicant Information

Name: _Tony Felts, Policy Administration_____ Organization (if applicable): _____DSD_____

Address: _____

Phone: _____ Email: _____

Signature: _____ Date: _____
(Include title if representing a governmental agency or public/private organization)

Part 2. Basis for Update (check only one)

- Clarification amendments to provide for ease of interpretation and understanding of the existing provisions of the UDC
(Note: Clarification amendments should not change or alter the intent or meaning of existing UDC provisions)
- Editing change that does not alter the impact of the provisions being addressed including changes such as spelling, grammar correction, formatting, text selection, or addition of text in compliance with existing ordinance, statutes or case law
- Completed Rule Interpretation Determination (*RID*)
- Requested by the Zoning Commission, Planning Commission, Board of Adjustment, HDRC, City Council or other appropriate city board or council (CCR, resolution or signature of the chairperson is required)

Part 3. Reason(s) for Update (check all that apply)

- Modify procedures and standards for workability and administrative efficiency
- Eliminate unnecessary development costs
- Update the procedures and standards to reflect changes in the law or the state of the art in land use planning and urban design
- See Part 4 (if none of the provided choices in this section apply, please discuss the reasons for the proposed update in Part 4)

Part 4. Summary of Proposed Update with Suggested Text (see application instructions)

This amendment clarifies meaning of board and subcommittees providing input to the BOA, Places limitations on subsequent applications, clarifies what the date of decision is for BOA cases in relation to appeals to district or county

1 Sec. 35-482. - Zoning Variances.

2 *****

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

13 *****

14 **Table 403-1**
 15 Notice Requirements

(A)	(B)	(C)	(D)	(E)	(F)	(F G)	(G H)	(H I)	(I J)	(J K)	(K L)
<i>Type of notice</i>	<i>Amendments to Master Plan</i>	<i>Rezoning</i>	<i>Master Development Plan</i>	<i>Items Requiring Public Hearing Before the Board of Adjustment</i>	<i><u>Board of Adjustment Extension Of Approval</u></i>	<i>Subdivision Plat, Major</i>	<i>Subdivision Plat, Minor</i>	<i>Certificate of Appropriateness (Not Including Administrative Approval Certificates)</i>	<i>Permits, Orders or Approvals Not Mentioned Requiring Public Hearing</i>	<i>Request for Demolition of a Historic Landmark or Potential Historic Landmark</i>	<i>Historic Designation Application Approved by Historic Preservation Officer</i>
Publication: Publication in an official newspaper of general circulation before the 15th day before the date of the hearing.	*	*	—	*	<u>I</u> *	*(6)	*(6)	—	*	—	—
Mail: Written notice of the public hearing shall be sent.	—	*(1)(2)(3)	—	*(1)(2)	<u>II</u>	*(6)	*(6)	—	*(1)	*(1)(2)	*(2)(8)
Internet: Post notice on the city's Internet website until the process has been completed.	*(7)	*	*(7)	*	<u>I</u> *	*(7)	*(7)	*	*	*	—
Signage: Post a sign on the property subject to the application. Signs to be installed and provided by the city	—	*(4)(5)	—	—	<u>II</u>	—	—	*	—	*	—

16 Notes:

- 1 (1) Notice shall be sent to each owner, as indicated by the most recently approved municipal tax roll, of real
2 property, within two hundred (200) feet of the property. Notice for zoning cases shall be sent prior to the
3 tenth day before the date of the public hearing at the zoning commission. Notice for demolition
4 applications shall be sent prior to the seventh day before the date of the public hearing at the historic
5 design and review commission.
- 6 (2) Notice shall be sent to registered neighborhood associations within two hundred (200) feet of the project.
- 7 (3) Notice shall be sent to members of the planning team, as defined by subsection 35-420(b)(3), for the
8 affected neighborhood, community or perimeter plan, as applicable.
- 9 (4) The sign shall measure not less than eighteen by twenty-four inches and shall contain:
10 City's name,
11 Zoning Case # _____ or HDRC Case # _____,
12 Name of Case Manager, and
13 Contact telephone number.
14 The sign shall be constructed of corrugated plastic sign stock and shall be in a highly visible fluorescent
15 style color with contrasting colors. Lettering shall be a block font in as large a type as permitted by the
16 sign size.
- 17 (5) The requirement for the posting of signs on individual lots and properties shall be waived for city initiated
18 area-wide rezoning consisting of six (6) or more individual lots. However, signs will be placed at the
19 general location of the boundary of the area-wide zoning project and its intersection with major arterial
20 and collector streets that provide ingress/egress to the area subject to rezoning.
- 21 (6) Notice for replat applications shall be sent in accordance with Local Government Code Ch 212.015.
- 22 (7) Notice will include project name, number of acres, and approximate location.
- 23 (8) The historic preservation officer shall notify all property owners within a proposed historic district
24 boundary of the date, time, place and purpose of the historic and design review commission hearing at
25 least thirty (30) days prior to the historic and design review commission hearing on the historic district
26 designation.

27 *****

28

29



UDC Update Request Application

Part 1. Applicant Information

Name: _Tony Felts, Policy Administration_____ Organization (if applicable): _____DSD_____

Address: _____

Phone: _____ Email: _____

Signature: _____ Date: _____
(Include title if representing a governmental agency or public/private organization)

Part 2. Basis for Update (check only one)

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Part 3. Reason(s) for Update (check all that apply)

- Modify procedures and standards for workability and administrative efficiency
- Eliminate unnecessary development costs
- Update the procedures and standards to reflect changes in the law or the state of the art in land use planning and urban design
- See Part 4 (if none of the provided choices in this section apply, please discuss the reasons for the proposed update in Part 4)

Part 4. Summary of Proposed Update with Suggested Text (see application instructions)

This amendment modified fence regulations.

1 *****

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

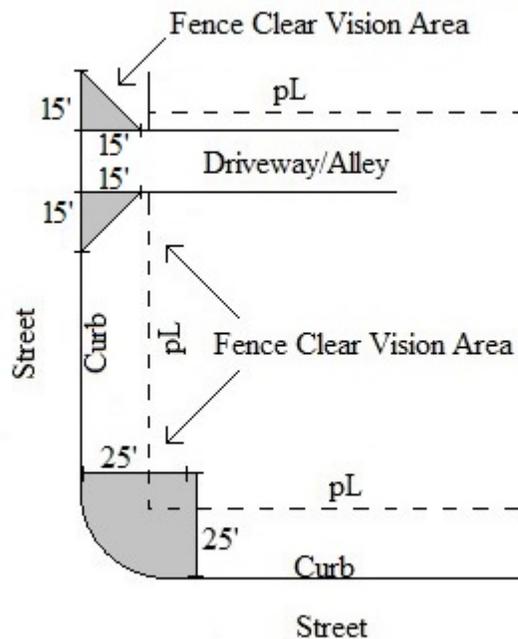
34 *****

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

36 (a) **General.**

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

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



21
 22

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

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

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

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

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

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

12 (b) **Fencing Alternatives.**

13 (1) **Sport Court Fencing.** Fencing, screening and/or back stops for sport courts such as
14 basketball, tennis, batters cages, etc. shall be constructed only in the side or rear yard
15 and shall be located no closer than ~~twenty (20)~~three (3) feet to a side or rear property
16 line of an adjacent single-family use or residential zoning district and/or a public or
17 private street. The maximum height for sport court fencing shall be limited to twelve
18 (12) feet in height ~~in accordance with section 6-2 of the building code.~~

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

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

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

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

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

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

1 ~~(c) Fence Design.~~

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

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

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

23 **(cd) Height Limitation.**

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

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

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**Table of Heights
Maximum Permitted Fence Heights**

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

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Footnotes:

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

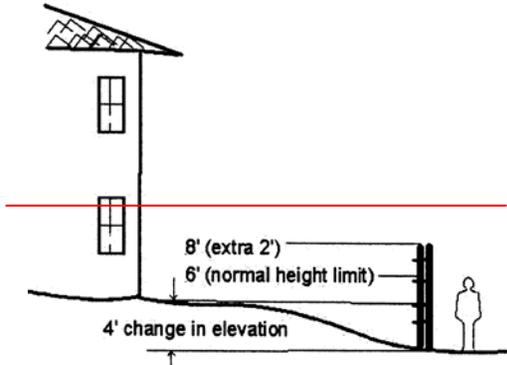


Figure 1: Additional height where home on adjacent lot is 4' higher (subsection (a)(2)B)

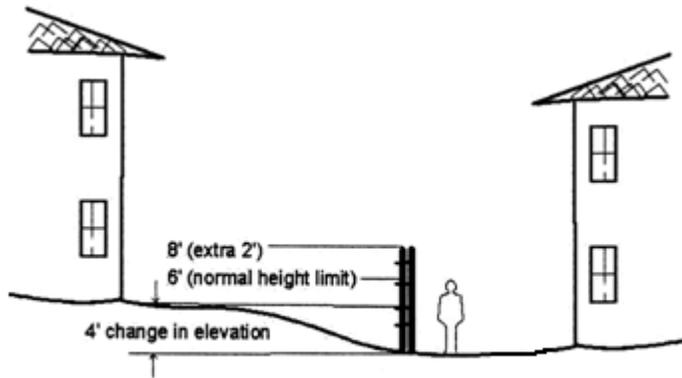


Figure 1: Additional height allowed pursuant to Section 35-514(c)(2)A

- (2) Notwithstanding the provisions of subsection (d)(1), above, a fence may be erected or altered up to a height of eight (8) feet where:
- A. The ground floor elevation ~~within twenty (20) feet or less~~ of either the principal dwelling on the property or the principal dwelling on ~~an either one of the two (2) adjoining abutting~~ lots is at least four (4) feet higher than the elevation at the ~~adjoining shared~~ lot line; or
 - B. The fence is erected along a side or rear lot line which ~~adjoins abuts an alley or a street with a classification other than a local street collector street or arterial street (in which case streetscape planting shall be provided in accordance with section 35-512 of this chapter) as part of a multiple lot residential subdivision;~~ or
 - C. The fence is a sound barrier or ~~fence required by TXDOT or~~ a security fence ~~required by the Department of Homeland Security~~ for a public or institutional use; or

- 1 D. The additional fence height is permitted by the city council pursuant to a rezoning
 2 or specific use authorization; or
- 3 E. The fence is located on a side or rear lot line of a single-family, duplex, or mixed-
 4 residential use which abuts a multi-family residential, commercial, industrial, or
 5 park use ~~"C-2," "C-3" or more intensive use that does not require a buffer yard.~~
- 6 F. In any side or rear yard where a slope is present, the height of a fence may be adjusted to
 7 allow the top of the fence to be level, and perpendicular to the support posts at a height
 8 greater than six (6) feet, provided that the height of the fence at the highest elevation does
 9 not exceed eight (8) feet. In order to maintain a uniform appearance, whenever a fence
 10 higher than 6 feet is allowed by this subsection, all side and rear yard fences may be allowed
 11 up to 8 feet in height above grade.

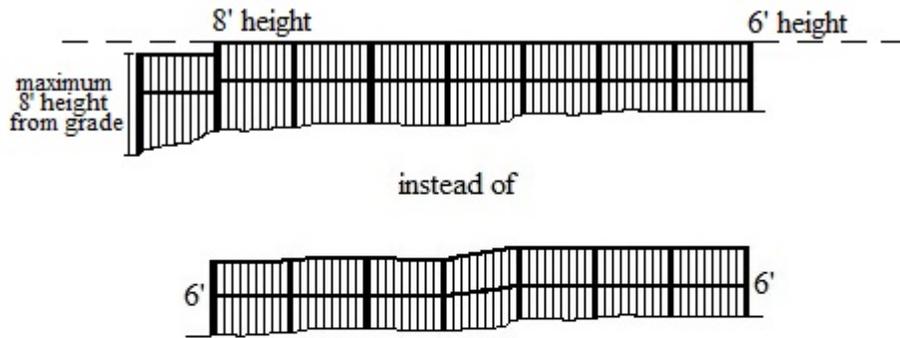
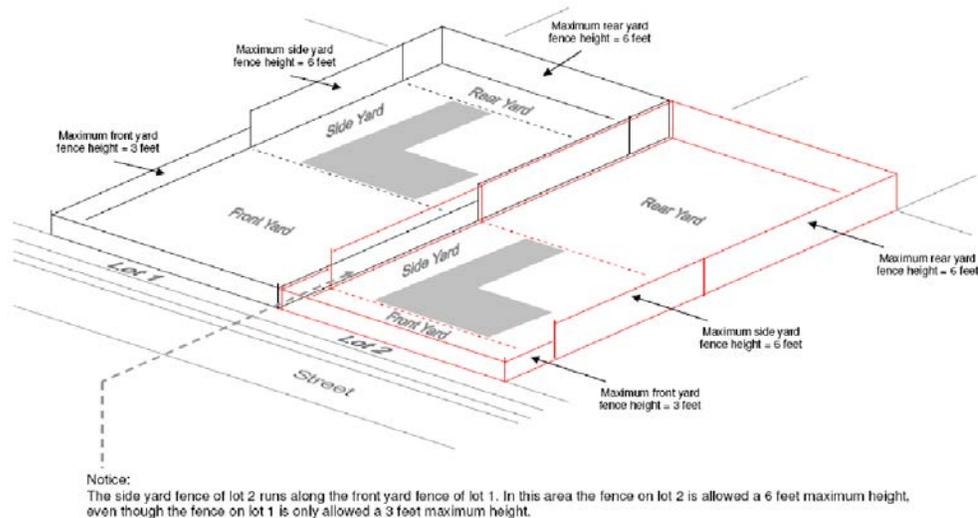


Figure 2: Example of Additional Height allowed pursuant to Section 35-514(c)(2)F.

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



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

- (1) All property zoned for nonresidential or multi-family residential uses including residential districts with conditional uses or specific use authorizations for nonresidential uses, excluding property located within the mixed-use district "MXD" or infill development zone "IDZ," shall erect and maintain solid screen (opaque) fencing along the property boundaries adjacent to an existing single-family residential use.
- (2) As a minimum, the fencing shall consist of solid screen materials and shall be at least six (6) feet in height except where a lower height is required by subsection (de) above. The fencing shall be required to be constructed and finished prior to obtaining the first certificate of occupancy for the newly zoned property.
- (3) With the zoning applicant's consent, the city council may modify or exempt the requirements of (de)(1) or approve alternative screening measures, such as landscaped buffer yards, when considering a change in zoning, including conditional use and specific use authorization cases.
- (4) The fencing requirements of section 35-514 shall apply in zoning cases initiated by the City of San Antonio unless a statement specifically exempting the property from the fence provisions is included in the ordinance approving the zoning.

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

- (1) Fencing shall be limited to a maximum height of six (6) feet and shall be constructed of wrought iron or similar material ~~with a minimum spacing of three (3) inches between vertical bars.~~
- (2) Solid screen fencing may be erected within the front yard along side property lines if a three-foot landscape area is provided and maintained outside the fence if it abuts a more

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

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

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

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

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

15 (3) **Standards.**

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

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

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

32 *****

33 35A-101.(b)

34 Fence. A tangible enclosure or barrier, constructed of any material allowable by
35 this chapter, but not including hedges, shrubs, trees, or other natural growth, erected for
36 the purpose of providing a boundary, separation of areas, means of protection, to prevent
37 uncontrolled access, decorative purposes, or concealment. Retaining walls shall not be
38 considered fences.

1 *Fence (combined).* A fence with at least eighteen (18) inches, but no more than
2 thirty-six (36) inches, of the lower portion of the fence (measured from the ground up) ~~is~~
3 composed of an allowable solid material (~~wood, stone and/or masonry~~) with the upper
4 portion of the fencing being constructed with openings equal to fifty (50) percent of the
5 total area of the open portion of the fence calculated by the length times the height of the
6 open section of the fence.

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

DRAFT



UDC Update Request Application

Part 1. Applicant Information

Name: _Tony Felts, Policy Administration_____ Organization (if applicable): _____DSD_____

Address: _____

Phone: _____ Email: _____

Signature: _____ Date: _____
(Include title if representing a governmental agency or public/private organization)

Part 2. Basis for Update (check only one)

- Clarification amendments to provide for ease of interpretation and understanding of the existing provisions of the UDC
(Note: Clarification amendments should not change or alter the intent or meaning of existing UDC provisions)
- Editing change that does not alter the impact of the provisions being addressed including changes such as spelling, grammar correction, formatting, text selection, or addition of text in compliance with existing ordinance, statutes or case law
- Completed Rule Interpretation Determination (RID)
- Requested by the Zoning Commission, Planning Commission, Board of Adjustment, HDRC, City Council or other appropriate city board or council (CCR, resolution or signature of the chairperson is required)

Part 3. Reason(s) for Update (check all that apply)

- Modify procedures and standards for workability and administrative efficiency
- Eliminate unnecessary development costs
- Update the procedures and standards to reflect changes in the law or the state of the art in land use planning and urban design
- See Part 4 (if none of the provided choices in this section apply, please discuss the reasons for the proposed update in Part 4)

Part 4. Summary of Proposed Update with Suggested Text (see application instructions)

This amendment clarifies that buffer lots for R-20 and RE must meet minimum size dimensions in Table 310-1

DIVISION 2. - BASE ZONING DISTRICTS

Sec. 35-310.01. - Generally.

- (d) An application approval of a subdivision plat within the incorporated areas of the city must comply with Table 310-2, below, where the proposed subdivision abuts an existing subdivision which was recorded and substantially developed as of the effective date of this chapter (hereinafter the "existing subdivision"). The lots abutting the existing subdivision ("buffer lots") must comply with the [lot and building dimensions \(Table 310-1\) of the specified zoning districts identified in the following table](#) ~~minimum lot sizes~~:

Table 310-2
DESIGN REGULATIONS

Zoning of Adjacent Subdivision	Required Zoning of Buffer Lots
R-20	R-20
RE	R-20 or RE



UDC Update Request Application

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- See Part 4 (if none of the provided choices in this section apply, please discuss the reasons for the proposed update in Part 4)

Part 4. Summary of Proposed Update with Suggested Text (see application instructions)

This amendment merges the two entries in the use matrix for Laboratory

DIVISION 2. - BASE ZONING DISTRICTS

Sec. 35-311. – Use Regulations.

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



UDC Update Request Application

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Signature: _____ Date: _____
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Part 2. Basis for Update (check only one)

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Part 3. Reason(s) for Update (check all that apply)

- Modify procedures and standards for workability and administrative efficiency
- Eliminate unnecessary development costs
- Update the procedures and standards to reflect changes in the law or the state of the art in land use planning and urban design
- See Part 4 (if none of the provided choices in this section apply, please discuss the reasons for the proposed update in Part 4)

Part 4. Summary of Proposed Update with Suggested Text (see application instructions)

This amendment adds definition for "Lot, irregular"

35A-101

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



UDC Update Request Application

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Part 2. Basis for Update (check only one)

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Part 3. Reason(s) for Update (check all that apply)

- Modify procedures and standards for workability and administrative efficiency
- Eliminate unnecessary development costs
- Update the procedures and standards to reflect changes in the law or the state of the art in land use planning and urban design
- See Part 4 (if none of the provided choices in this section apply, please discuss the reasons for the proposed update in Part 4)

Part 4. Summary of Proposed Update with Suggested Text (see application instructions)

This amendment modifies "Park" entry in use matrix to include public or private park and adds definition for private park

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

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

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



UDC Update Request Application

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Part 2. Basis for Update (check only one)

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Part 3. Reason(s) for Update (check all that apply)

- Modify procedures and standards for workability and administrative efficiency
- Eliminate unnecessary development costs
- Update the procedures and standards to reflect changes in the law or the state of the art in land use planning and urban design
- See Part 4 (if none of the provided choices in this section apply, please discuss the reasons for the proposed update in Part 4)

Part 4. Summary of Proposed Update with Suggested Text (see application instructions)

This amendment modifies and consolidates several recreation-related entries in the use matrix and adds definitions

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>
Recreation	Archery Range – Outdoor Permitted								S	P	P	P	5300
Recreation	Archery Range – Indoor Only					P	P	P	P	P	P	P	5300
Recreation	Athletic Fields – Nonecommercial	S	S P	S	P	P	P	S	P	P		P	5370
Recreation	Athletic Fields – Commercial	S	S			S	P	S	P				
Recreation	Gymnasium, Natatorium, Indoor Sport Court – Commercial		P	S	P	SP	P	P	P	P		P	5370
Recreation	Gymnasium, Natatorium, Indoor or Outdoor Sport Court		P	S	S	P		P	5370				
Recreation	Gymnasium – Noncommercial				P								
Recreation	Park – Public or Private	P	P	P	P	P	P	P	SP	SP	SP	P	5500
Recreation	Recreational Facility – Community Wide					P	P	P				P	
Recreation	Recreational Facility – Neighborhood (see Definition in Appendix A)			P	P	P	P					P	5370
Recreation	Rifle and Pistol Gun Range – Indoor Only						S	S	S	S	P	S	5300
Recreation	Rifle and Pistol Gun Range – Outdoor Permitted										S	S	5300
Recreation	Tennis, Racquetball, Handball, Volleyball Or Basketball (Outside Courts Permitted)		P		S	S	P	P	P			P	
Recreation	Tennis, Racquetball, Handball, Volleyball Or Basketball (Outside Courts Not Permitted)		P		S	P	P	P	P			P	5370

TABLE 311-2a NONRESIDENTIAL USE MATRIX

		Urban		Rural		Farm		Mixed Industrial					
<i>PERMITTED USE</i>		<i>UD Major Node</i>	<i>UD Minor Node</i>	<i>RD Major Node</i>	<i>RD Minor Node</i>	<i>FR Ag Commercial</i>	<i>VILLAGE CENTER FR/FR Minor Node</i>	<i>MI - 1</i>	<i>MI-1 Minor Node</i>	<i>VILLAGE CENTER - MI</i>	<i>MI - 2</i>	<i>MI-2 Minor Node</i>	<i>VILLAGE CENTER - M2</i>
Recreation	Archery Range – Outdoor Permitted					P	P	P			<u>P</u>		
Recreation	Archery Range – Indoor Only	P		P		<u>P</u>	<u>P</u>	P	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
Recreation	Athletic Fields – Noncommercial	P	S	P	S	P	P	P	S			S	
Recreation	Athletic Fields – Commercial	P	S	P	S			P	S			S	
Recreation	Gymnasium, Natatorium, Indoor Sport Court – Commercial	P	<u>P</u>	P	<u>P</u>			P	<u>P</u>			<u>S</u>	
Recreation	Gymnasium, Natatorium, Indoor or Outdoor Sport Court	<u>P</u>	<u>S</u>	<u>P</u>	<u>S</u>			<u>P</u>	<u>S</u>			<u>S</u>	
Recreation	Gymnasium	P		P				P					
Recreation	Park – Public or Private	P	P	P	P	P	P	S <u>P</u>	P	P	S <u>P</u>	P	P
Recreation	Recreational Facility – Private Community Wide	P		P									
Recreation	Recreational Facility – Private Neighborhood	P	P	P	P								
Recreation	Recreational Facility – Public Community Wide	P		P									
Recreation	Recreational Facility – Public Neighborhood	P	P	P	P								
Recreation	Recreational Facility – Neighborhood (see Definition in Appendix A)	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>						
Recreation	Rifle and Pistol Gun Range – Indoor Only					P	P	P			P		
Recreation	Rifle and Pistol Gun Range – Outdoor Permitted					S		S			S		
Recreation	Tennis, Racquetball Or Handball, Noncommercial (Outside Courts Permitted)	P	S	P	S	P	P	P	S			S	
Recreation	Tennis, Racquetball Or Handball, Commercial (Outside Courts Not Permitted)	P	S	P	S			P	S			S	
Recreation	Tennis, Racquetball Or Handball, Commercial (Outside Courts Permitted)	S	S	S	S			P	S			S	
Recreation	Tennis, Racquetball Or Handball, Noncommercial (Outside Courts Not Permitted)	P	S	P	S			P	S			S	

Athletic field. ~~Within the context of section 35-523 athletic field means an on-site~~ A sports playing field used primarily for organized sports, such as baseball, football, or soccer, for public or private schools, parks, or youth or other amateur athletic associations ~~or for use as a sports playing field off-site for a public or private school in association with youth sports.~~ Athletic field shall not include such uses as sport courts (as defined in this chapter) or professional sports stadiums.

Gymnasium. A place, hall, building for gymnastics. A gymnasium may include trampoline equipment, or a fully enclosed trampoline park.

Natorium. A place, hall, building in which a swimming pool is located.

Gun Range. Any land or structure where there are facilities of any sort for the firing of handguns, rifles, or other firearms.

Sport Court. A surface designed and marked for the playing of sports, such as tennis, racquetball, handball, volleyball, or basketball which may be located indoors or outdoors.



UDC Update Request Application

Part 1. Applicant Information

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Part 2. Basis for Update (check only one)

- Clarification amendments to provide for ease of interpretation and understanding of the existing provisions of the UDC
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- Modify procedures and standards for workability and administrative efficiency
- Eliminate unnecessary development costs
- Update the procedures and standards to reflect changes in the law or the state of the art in land use planning and urban design
- See Part 4 (if none of the provided choices in this section apply, please discuss the reasons for the proposed update in Part 4)

Part 4. Summary of Proposed Update with Suggested Text (see application instructions)

This amendment clarifies Rules of Construction to specify that the version of the LBCS used is the most recently updated LBCS instead of the version from 1999

35-311(b)(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 [most recently updated](#) 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 [most recently updated](#) 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 [most recently updated](#) 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.

Proposal Summary -

The reason for this proposed Unified Development Code (UDC) amendment is to clarify through commentary the purpose of a conventional and enclave subdivision that would allow single-family residential and commercial development projects.

Formatted Proposal-

35-202 Conventional and Enclave Subdivision.

STATEMENT OF PURPOSE

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

Proposal Summary -

The reason for this proposed Unified Development Code (UDC) amendment is to streamline the Manufactured Home Park Plan process to create a Site Plan with the zoning applications.

Formatted Proposal-

Sec. 35-379. - Manufactured Home and Recreational Vehicle Parks.

- 1) Procedures. See subsection 35-424(g) of this chapter.

35-424(g) Manufactured Home Park Plan.

- 1) Applicability. The director of ~~planning and~~ development services shall not issue building or repair permits or certificates of occupancy for structures in manufactured home parks within the incorporated areas of the city until a plan has been approved in the manner prescribed by this division and duly filed in the office of the director of ~~planning and~~ development services. The city will withhold all public improvements and services from manufactured home parks, including wastewater, water, gas and electric service until a manufactured home park has been approved in the manner prescribed by this subsection. Property to be developed as a manufactured home park shall be platted prior to obtaining any building permits or utility services. Such plats shall be annotated with a statement that it is a "manufactured home community" or a "recreational vehicle park," and shall annotate the plan with same name as the subdivision plat.
- 2) Initiation. Each applicant seeking approval of a manufactured home park shall submit a manufactured home park site plan to the director of ~~planning and~~ development services. ~~The manufactured home park plan shall not be accepted unless it contains the information required by Appendix "B" to this chapter.~~
- 3) Site Plan. A zoning site plan, prepared to scale, illustrating the proposed land uses by location, type (residential, office, commercial, light industry), density and size shall accompany an application for rezoning to "MHP" for review by the zoning commission and consideration by the city council. The approved zoning site plan shall accompany all subsequent development applications (including, but not limited to, master development plan, plats, and building plans). Subsequent development applications that do not conform to the approved "MHP" zoning site plan shall not be approved.
- 4) Completeness Review. See section 35-402~~(e)~~ of this chapter.
- 5) Amendments to "MHP" Site Plan.

- a) **Initiation.** Revisions to a previously approved "MHP" zoning site plan shall be classified as minor or major changes. The applicant for site plan amendment shall submit a site plan that is consistent with the requirements of section 35-424(g) above. The submittal shall include the site plan approved with the original application and a revised copy with annotation of the requested changes. The revised site plan shall be prepared to scale and shall include a block for a signature by the property owner and the development services director to indicate acceptance of the revised site plan and, if applicable, shall include appropriate signature and seals of the design professional (i.e. architect, engineer, surveyor) who prepared the site plan. The site plan shall be processed only upon payment of the plan amendment fee indicated in 35-C102
 - b) Completeness Review. See section 35-402 of this chapter.
 - c) Major Amendments. A major amendment shall require a new application for rezoning pursuant to the procedures of 35-421. A major amendment to an "MHP" site plan shall include:
 - (a) Any increase in the total number of residential units for the entire "MHP."
 - (b) Any increase in the total acreage within the "MHP."
 - (c) Any increase in the cumulative traffic impacts of the entire "MHP" upon outlying transportation infrastructure.
 - (d) Any increase in the total sewer capacity required for the "MHP" as measured in equivalent dwelling units.
 - (e) Any increase in the total water capacity required for the "MHP" as measured in equivalent dwelling units.
 - d) Minor Amendments. Any other revision to an "MHP" site plan not described as a major amendment above shall be deemed a minor change. After the five-day completeness review process, a site plan revision deemed by the director as a minor amendment shall undergo a technical review by staff not to exceed thirty-five (35) days and shall not require review by the zoning commission nor approval by the city council. If approved, the director shall sign the amendment indicating official acceptance in the required signature block.
- ~~6) Decision. Upon receipt of a manufactured home park plan, the director of planning and development services shall distribute copies to various departments and agencies as the director deems appropriate for their review. The departments/agencies receiving copies of the plan shall submit their comments and recommendations for approval or disapproval in writing back to the director of planning and development services within thirty (30) days of receipt of the plan.~~
- ~~7) Within forty-five (45) days of the date of submission of the manufactured home park plan, the director of planning and development services shall submit the plan with his recommendation and comments received from other city departments and agencies to the planning commission for consideration. The planning commission may approve the plan as submitted, amend and approve the plan as amended or disapprove the plan.~~

- ~~8) Approval Criteria. The manufactured park plan shall comply with the manufactured home and recreational vehicle parks regulations (section 35-382) of this chapter.~~
- ~~9) Amendments. After favorable action by the planning commission, minor changes to the plan that do not increase the density or affect platting, the general character or overall design of the manufactured home park plan may be approved by the director of planning and development services.~~
- ~~10) Major changes shall be submitted for consideration by the planning commission following the same procedure required for the original adoption of the plan. The planning commission shall interpret what constitutes a major change in the plan.~~
- ~~11) Scope of Approval. See subsection (a)(8) of this section. Subdivision plat approval may also be required prior to issuance of a building permit.~~
- ~~12) Recording Procedures. If the manufactured home park plan is approved, the director of planning and development services shall retain one (1) copy on file in the department of planning and development services and distribute one (1) copy to the director of planning and development services and other departments/agencies as appropriate.~~
- ~~13) Permit for Temporary Use at Construction Sites.~~
- ~~14) Authorization may be issued by the director of planning and development services to permit an individual manufactured home to be temporarily located on a lot upon which a building permit has been previously issued for construction of any building or structure.~~
- ~~15) A certificate of occupancy related to construction shall not be issued by the director of planning and development services until the manufactured home has been removed from the premises and further, that the certificate of occupancy shall not be issued until the electrical connection which served the manufactured home has been removed from the lot in question.~~
- ~~16) A temporary permit issued pursuant to this section shall be void upon issuance of the certificate of occupancy, or twelve (12) months after issuance of the building permit, whichever time is shorter.~~
- ~~17) In any case in which construction is not completed within the twelve-month period, the director of planning and development services, after due consideration and determination that active construction is being accomplished, may issue an extension of time for the temporary permit, not to exceed a six-month period.~~

Proposal Summary -

The reason for this proposed UDC amendment is to create a consistent process to review for validity of Master Development Plans.

Formatted Proposal-

Sec. 35-412. - Master Development Plan.

(i) Scope of Approval.

- (1) An approved master development plan shall remain valid in accordance with the following time frame:

A.

A MDP shall expire unless the plat is approved and recorded within five (5) years ~~twenty-four (24) months~~ of the acceptance date. Failure to achieve a recorded plat every five (5) years from the last recorded plat or the MDP expires ~~and the plat used to validate the MDP shall be recorded within thirty-six (36) months of the plat approval date. The minimum platted area must be at least twenty (20) acres or eight (8) percent of the net area of the MDP,~~ or a MDP shall expire unless there is at least five hundred thousand dollars (\$500,000.00) in project expenses if the MDP is one thousand (1,000) acres or less or at least one million dollars (\$1,000,000.00) in project expenses if the MDP is more than one thousand (1,000) acres. Project expenses shall be spent during the first ~~twenty-four (24) months~~ five (5) years from the MDP approval ~~acceptance~~ date.

Project expenses shall be defined to include "infrastructure expenses" as provided in Appendix A of the UDC. It is noted that this section uses the word "paid" in the past tense.

Project expenses shall also be defined to include the Local Government Code definition of progress toward completion as defined in § 245.005(c). It is noted that this section speaks in the past tense when referencing actions that were part of progress toward completion.

B.

~~Further, an approved master development plan shall expire unless fifty (50) percent of the net area within the approved master development plan is the subject of final plats or development within ten (10) years from the date of approval of the master development plan. The remaining fifty (50) percent must obtain final plat approval or be developed within ten (10) years after the initial fifty (50) percent of the net area within the master development plan has been platted or developed.~~ Unless specific provisions to the contrary exist in an individual ordinance or city municipal code provision, the filing of a minor amendment to a

master development plan (see subsection [35-412](#)(g)(2), plat, or replat will not result in a loss of permit rights and abandonment of the original master development plan provided that the required area of acreage within the master development plan platted or value of infrastructure expenses do not fall below the amounts indicated above as a result of the amendment or replat.

Proposal Summary -

The reason for this proposed UDC amendment is to clarify through commentary; to add new exceptions for single family residential throughout the city; and allow further exception for commercial and multifamily within the original 36 square miles of the city.

Formatted Proposal-

Sec. 35-430 Applicability and General Rules.

(c) Plat Exceptions.

These plat exceptions are designed to accommodate the division of land and they do not allow for utility connections and/or building permits.

- (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. *(Commentary: The intent of this subsection is for 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. *(Commentary: The intent of this subsection is to authorize subdivision of land within the ETJ into parts greater than ten (10) acres of land, which runs with the undeveloped land.)*
- (3) 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 parcel 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.)*

Commentary: These plat exceptions are designed to accommodate residential development within the ETJ and allow for utility connections.

- (4) Each tract greater than ten (10) acres in size is eligible for up to three (3) single-family utility connections provided each part is 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. *Commentary: The intent of this subsection is to allow the division of land without platting so long as the land remains limited to three single family units.*
- (5) 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 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.)~~

These plat exceptions are designed to accommodate residential development within the City, allow for building permits as applicable, and allow utility connections.

- (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;
 - 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 must have an existing lot(s), block and NCB number.
 - d) The tract was created prior to January 1, 2005;

- e) The tract has the proper zoning classification in place at the time of the request;
 - f) The tract is held under single ownership;
 - g) No dwelling unit will be located within a regulatory floodplain; and
 - h) No utility extension is required.
- (7) Replacement and/or repair of a preexisting or existing single family dwelling unit or related accessory structure shall not require a subdivision plat ~~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 within the immediate (5) years prior to the date of application.
 - b. Expansion of a preexisting or existing single family dwelling unit, up to 1,000 square feet or related accessory structure shall not require a subdivision plat.
- (8) An existing single-family residence can add a second residential structure provided they utilize the same electrical meter and the occupant is family. In addition, the applicant will need to comply with all zoning, building and on-site sewage facility requirements. (Commentary: The intent of this subsection is to allow the accessory dwelling units on a parcel without platting. This provision in no way waives any other Code requirements including but not limited to UDC 35-371.)
- (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. (Commentary: The intent of this section is to recognize the validity of a previously platted lot, even if its configuration may have changed due to changes in right of way or replatting of other lots in the original subdivision.)
- (10) A tract of greater than five (5) acres in size is eligible for one (1) single-family utility connections provided the tract is held under common ownership, and no public improvement 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. (Commentary: The intent of this subsection is to allow the division of land without platting so long as the land remains limited to one single family units.). Property must conform to existing zoning standards.

These plat exceptions are designed to accommodate non-residential development within the City and the ETJ and allow for building permits as applicable and utility connections.

- (11) Nonhabitable ~~Other uninhabitable~~ uses including, ~~but not limited to,~~ Pumps, oil wells, sheds that are 300 square feet or smaller, security lights, traffic devices, signs/billboards, monuments, 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. *(Commentary: The intent of this section is to allow division of land without platting for uses that are not habitable in accordance with the International Building Code or Residential Code and for accessory uses of a limited nature that are subordinate to another use.)*

- (12) 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. *(Commentary: The intent of this section to allow division of land without platting for public parks that require tree permits or site work permits only).*
- (13) 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 ten (10) working days after completion of the construction project with a maximum period of one (1) year; and the applicant can reapply for a new permit. (Commentary: The intent of this section to allow division of land without platting for temporary uses described in the UDC 35-391 or subdivision sales offices in accordance with UDC 35-389).*
- (14) 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 uninhabitable~~ use. *(Commentary: The intent of this section to allow division of land without platting for resource extraction activity provided a habitable use under the International Building Code is not provided).*
- (15) 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.
- (Commentary: The intent of this subsection is to promote public health and sanitation by allowing long-standing existing uses to obtain water and sewer service.)*
- (16) Requests for permits within the existing building’s footprint area of an otherwise lawfully permitted structure. *(Commentary: The intent of this subsection is to allow ordinary repairs and maintenance to existing buildings including remodeling, general repair and maintenance, roofing, ADA accessibility, trade permits and similar improvements.)*

These plat exceptions are designed to accommodate development within the City's inner 36 square mile and allow for building permits and utility connections as applicable.

- (17) *A commercial and/or multi family* 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 Property 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. *(Commentary: The intent of this subsection is to recognize the platted status of commercial multi-family properties that have remained in their original configuration prior to enactment of the City's original subdivision ordinance. This exception does not apply to properties that have changed their configuration or that have been further subdivided*

Proposal Summary -

The reason for this proposed Unified Development Code (UDC) amendment is to add an additional year to the performance agreement in an extenuating circumstance.

Formatted Proposal-

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

(f) Performance Agreements.

(2) Performance Agreement and Site Improvement Time Extension Granted by Director of Development Services or Planning Commission.

(C) Time extension requests that are not eligible for approval or are not approved by the director of development services may be considered by the planning commission provided that:

(3) Any approved plat not recorded within seven (7) ~~six (6)~~ years from the date of plat approval, including any time extensions, shall expire; and

Proposal Summary -

The reason for this proposed Unified Development Code (UDC) amendment is to clarify the Letter of Certification process and digital approvals.

Formatted Proposal-

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

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

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

Proposal Summary -

The reason for this proposed UDC amendment is to clarify the BSL replat process regarding plat notes and reviewing agencies.

Formatted Proposal-

35-431(c) Completeness Review

- (a) Upon receipt of a request for letters of certification, the director of ~~planning and~~ development services shall classify the request as a tentative major subdivision or a tentative minor subdivision. However, a plat that the director of ~~planning and~~ development services finds is for the sole purpose of ~~amending replatting~~ one (1) or more building setback lines shall be submitted to the planning commission or director for consideration without review by any other agency so long as all previous and currently required plat notes are identified on the newly submitted replat in accordance with Informational Bulletin (IB) 526. Any plat note deviation will require additional reviews by the applicable agency. Such plat shall be referred to as a building setback line plat (BSL) and shall comply with all provisions of Chapter 212 of the Texas Local Government Code. It is noted that while the city has created an expedited review process and waived the public hearing notification fee, the proposed BSL plat will have to comply with the public hearing provisions noted in article IV.

The appellate agency for purposes of completeness review (see subsection 35-402(c) of this chapter) shall be the planning commission. When a certifying department determines that the proposed plat or any of the required accompanying data does not conform with the requirements of this chapter, the certifying department shall so notify the applicant and director of ~~planning and~~ development services. If the certifying department issues a letter of certification recommending disapproval of the proposed plat, the letter shall indicate the section and specific requirement of the regulations and the manner in which the request does not comply. The applicant may then revise the nonconforming aspects or may file the proposed request with the planning commission pursuant to section 35-432 of this chapter, with or without a request for a variance (section 35-483 of this article) provided, however, that if no variance request is submitted and approved and the application does not conform to this chapter, the application shall be denied.

Proposal Summary -

The reason for this proposed Unified Development Code amendment is to create an administrative approval process for plat deferrals.

Formatted Proposal-

35-434 Plat Deferral.

a. Applicability

The [director of development services](#) ~~planning commission~~ may grant a deferral of the requirement to plat for a subdivision of four (4) or fewer lots to allow a submittal for a building permit and/or utility services prior to plat approval. The time period for which the platting requirement may be deferred shall not exceed one hundred eighty (180) days. An application to defer platting may be filed if the following conditions are met:

- (1) The proposed plat is not part of a [an approved](#) planned unit development and/or other city approved applicable plan.
- (2) The proposed project will not require a floodplain development permit.
- (3) The proposed project is not a replat which requires a public hearing involving notification.
- (4) Construction will not encroach onto an existing or proposed easement, right-of-way, or building setback.
- (5) The proposed plat will not require a variance to this chapter.
- (6) The proposed project is not contingent upon a change in zoning district.
- (7) Construction will not occur over the Edwards Aquifer recharge zone.
- (8) All of the proposed lots have existing frontage and access to a public street.
- (9) All utilities are existing and no public improvements will be required with the proposed plat.
- (10) Does not involve closure or vacating of a public right-of-way.
- (11) Applicant shall secure on-site sewage facility approval from the applicable county if required.

(b) **Initiation.** To request a plat deferral, a plat application and a letter of application signed by the landowner or his authorized agent shall be filed with the director of ~~planning and~~ development services. The letter and supporting documentation shall conform to the requirements of Appendix "B."

(c) **Completeness Review.** The director of ~~planning and~~ development services shall review the plat deferral application for completeness as set forth in subsection [35-432](#)(c) of this chapter. The appellate agency for purposes of completeness review (see subsection [35-402](#)(c) of this chapter) shall be the planning commission.

(d) Decision.

- (1) Review. The application letter and supporting data shall be reviewed by the ~~department of planning and~~ development services [department \(streets, trees and TIA\), office of historic preservation, transportation and capital improvements storm water](#) and

other appropriate departments/agencies within thirty (30) days of receipt of all required documents and fees. Upon receipt of the comments of the reviewing agencies the director of ~~planning and~~ development services shall ~~forward~~ consider the application ~~to the planning commission~~ and may grant or deny a request to defer platting.

(2) Conditions. All plat deferrals shall be subject to the following conditions:

- Recommendations of departments/agencies providing services prior to platting as approved by the director of development services ~~planning commission~~ and consistent with the criteria set forth in article V of this chapter.
- The required subdivision plat shall be formally filed with the director of development services ~~planning commission~~ within one hundred eighty (180) days and shall be considered by the director ~~commission~~ within thirty (30) days thereafter.
- No permanent electrical service or certificate of occupancy shall be issued until the plat is duly approved and recorded in the office of the county clerk.
- If no utility service or building permit is issued within one hundred eighty (180) days, the plat deferral shall become null and void and the platting fees shall not be returned.

(e) **Approval Criteria.** See subsection 35-432(e) of this chapter.

(f) **Subsequent Applications.** See subsection 35-432(f) of this chapter.

~~(g) **Amendments.** See subsection 35-432(g) of this chapter.~~

(h) **Scope of Approval.** A plat deferral may be revoked if any of the conditions set forth below apply.

(1) **Deferral Conditions Not Applicable.** If any of the conditions relating to applicability of plat deferral, as set forth in subsection (a) hereto, are found and determined not to apply to the proposed application, or if the applicant requests a variance, the director may revoke the plat deferral.

Revocation of a plat deferral shall render any electric service and/or building permit null and void until such time as a plat is approved and recorded. The applicant may appeal the decision of the director to the planning commission within thirty (30) days after notification of revocation of a plat deferral.

(2) **Plat Deferral - Failure to Submit Plat.** If final submittal for plat approval is not complete within one hundred eighty (180) days of the date the plat deferral was granted, ~~by the director ~~planning commission~~, staff will schedule the plat deferral for commission to consider and adopt a resolution authorizing the termination~~ shall authorize the termination of electric service and/or revocation of the building permits until such time as a plat is approved and recorded.

~~(i) **Recording Procedures.** See subsection 35-432(i) of this chapter.~~

Proposal Summary -

The reason for this proposed Unified Development Code (UDC) amendment is to remove old code references.

Formatted Proposal-

~~35-435 Subdivision Plat Variances. See section 35-483 of this chapter for subdivision plat variances.~~

Proposal Summary -

The reason for this proposed Unified Development Code (UDC) amendment is to clarify by requiring a before picture and a statement detailing the area being re-platted.

Formatted Proposal-

35-440 Replatting Without Vacating Preceding Plat.

- (a) Initiation. A subdivider wishing to replat a previously approved and recorded plat shall file with the department of ~~planning and~~ development services the proposed replat in accordance with section 35-431. For replats – a before picture depicting the area being replatted and a detailed list of the changes included in the replat.

Proposal Summary -

The reason for this proposed Unified Development Code (UDC) amendment is to clarify through commentary when legal descriptions can remain the same or need to be changed and to make other minor revisions to this section.

Formatted Proposal-

35-441 Amending Plat.

(a) Applicability.

Pursuant to V.T.C.A. Local Government Code § 212.016, a plat may be amended, and the director may issue an amending plat, if the amending plat is signed by the applicants only and is solely for one (1) or more of the following purposes:

(9) *Commentary: The legal description(s) remains the same.* To relocate one (1) or more lot lines between one (1) or more adjacent lots if:

- (A) The owners of all those lots join in the application for amending the plat;
- (B) The amendment does not attempt to remove recorded covenants or restrictions; and
- (C) The amendment does not increase the number of lots;

(11) *Commentary: New legal description(s) will be issued unless the request only effects an easement.* To replat one (1) or more lots fronting on an existing street if:

- (A) The owners of all those lots join in the application for amending the plat;
- (B) The amendment does not attempt to remove recorded covenants or restrictions;
- (C) The amendment does not increase the number of lots; and
- (D) The amendment does not create or require the creation of a new street or make necessary the extension of municipal facilities.

(b) Initiation.

A subdivider wishing to amend an approved or recorded plat shall file with the department of ~~planning and~~ development services the amending plat, together with a copy of the plat being amended and a statement detailing the amendments being proposed. The director of ~~planning and~~ development services will determine the extent to which the amending plat will require review by the various departments and agencies of the city. ~~It is noted, however, if the request is to add, relocate or to delete an easement or restriction, with the exception of a no build, or conservation easement; then limited circulation shall not apply.~~ If the plat being amended has been recorded, the additional recordation fee shall be deposited with the city at the time of plat filing.

Proposal Summary -

The reason for this proposed UDC amendment is to create a consistency in the development business processes. For a period the Planning Commission pursued language that required all public hearings with notification to occur over the course of two Planning Commission Meetings. This added unnecessary time to the approval process.

Formatted Proposal-

Sec. 35-443. Replats Subject to Low-Density Zoning.

(j) Public Hearing.

The planning commission on plat applications where notification is required shall be scheduled for ~~two (2)~~ one (1) planning commission meeting ~~meetings; the first meeting shall be~~ to solicit public comment; and ~~the second meeting shall be~~ for consideration.

Proposal Summary -

The reason for this proposed UDC amendment is to create a consistency between the two sections of the code.

Formatted Proposal-

Sec. 35-503 Parkland Dedication Requirement.

(a) Applicability

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

A. A proposed subdivision located within:

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

Proposal Summary -

The reason for this proposed UDC amendment is to create a consistency between the two sections of the code.

Formatted Proposal-

Sec. 35-504 Storm Water Management

(d) Drainage Easements/Rights-of-Way.

(6) Interceptor Easements

(B) Interceptor drainage easements shall be required on nonresidential subdivision plats where the off-site drainage area contributing to the proposed development exceeds three (3) acres. If necessary, an amending plat may be used to correct drainage easements in conjunction with building permits [provided it conforms to section 35-441.](#)

Proposal Summary -

The reason for this proposed UDC amendment is to create a consistency between the two city codes.

Formatted Proposal-

Sec. 35-506 Transportation and Street Design

(h) Street Names and Signage

(5) Street Name Changes.

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

Proposal Summary –

The reason for this proposed UDC amendment is to create a consistent process to review for rights determination.

Formatted Proposal-

Sec. 35-712 Recognition of Rights Derived from Texas Local Government Code Chapter 245.

(3) Basis for Statutory Rights.

- A. Master Development Plan (MDP) / ~~Preliminary overall area development plan (POADP).~~** Rights under Chapter 245 will be recognized for the project that is the subject of a ~~MDP/POADP~~ that has been approved by the city and maintains validity in accordance with 35-412(i) by the city. ~~A property owner or developer may elect to continue a project under the City Code provisions in effect on September 1, 1997 or to take advantage of changes to this chapter that enhance or protect the project without forfeiting any rights under this chapter provided that information describing the project giving fair notice of the project to the city is provided with a MDP/POADP application in accordance with this chapter or by requesting recognition of rights for an existing and valid MDP/POADP and providing information describing the project to provide fair notice of the project to the city in accordance with this chapter. The rights recognized for projects located within an approved MDP/POADP will expire unless a final plat is approved within two (2) years from the approval of the MDP/POADP that plats, at least eight (8) percent of the net area of the POADP area or an expenditure of at least five hundred thousand dollars (\$500,000.00) in project expenses has been made if the master development plan is one thousand (1,000) acres or less or an expenditure of at least one million dollars (\$1,000,000.00) has been made if the master development plan is more than one thousand (1,000) acres.~~
- B. Preliminary overall area development plan (POADP).** A property owner or developer may elect to continue a project under the City Code provisions in effect on September 1, 1997 or to take advantage of changes to this chapter that enhance or protect the project without forfeiting any rights under this chapter ~~provided that information describing the project giving fair notice of the project to the city is provided with a MDP/POADP application in accordance with this chapter or~~ by requesting recognition of rights for an existing and valid ~~MDP/POADP and providing information describing the project to provide fair notice of the project to the city in accordance with this chapter.~~ The rights recognized for projects located within an approved ~~MDP/POADP~~ will expire unless a final plat is approved within two (2) years from the approval of the ~~MDP/POADP~~ that plats, at least eight (8) percent of the net area of the POADP area or an expenditure of at least five hundred thousand dollars (\$500,000.00) in project expenses has been made if the ~~master development plan~~ POADP is one thousand (1,000) acres or less or an expenditure of at least one million dollars (\$1,000,000.00) has been made if the ~~master development plan~~ POADP is more than one thousand (1,000) acres.

Further, the rights for projects within an approved ~~MDP~~/POADP will expire unless fifty (50) percent of the net area within the approved ~~MDP~~/POADP is the subject of final plats or development within ten (10) years from the date of approval of the ~~MDP~~/POADP. For a POADP existing prior to September 1, 1997 that meets the requirements of subsection 35-1027(j) of the 1987 UDC, the rights for projects will expire ten (10) years from the date of approval of the ~~MDP~~/POADP or September 25, 2007, whichever is later. The remaining fifty (50) percent must obtain final plat approval or be developed within ten (10) years after the initial fifty (50) percent of the net area within the ~~MDP~~/POADP has been platted or developed unless specific provisions to the contrary exist in an individual ordinance or City Code provision. [Rights may continue to be recognized once the aforementioned criteria have been fulfilled provided a plat is recorded every five years thereafter.](#) The filing of a minor amendment to a ~~MDP~~/POADP, a plat, or a replat will not result in a loss of rights to the entire ~~MDP~~/POADP provided that the required area of acreage within the ~~MDP~~/POADP platted or the value of project expenses do not fall below the amounts indicated above as a result of the minor amendment, plat, or replat. A plat or replat that changes the project within a particular area of an ~~MDP~~/POADP will cause rights for that area to terminate. An expired or invalid ~~MDP~~/POADP may not be the basis for accrual of statutory rights under V.T.C.A. Local Government Code Ch. 245 or any other right of claim based on common law. Neither shall any endeavor of project that does not meet the requirements of section 35-1027 of the 1987 UDC as amended nor any permit that has expired in accordance with the dormancy provisions of any state statute or provision of the City Code be used as a basis for approval of permit rights, development rights, or statutory rights.

[POADP is defined as a preliminary overall development plan that was submitted to the City prior to June 4, 2001](#)

B.C.

Plat Applications. Rights under Chapter 245 will be recognized for the project that is the subject of an application for a plat identification number/letters of certification that has been filed with the department of development services, provided all necessary fees have been paid. The rights recognized for a project located within such a plat application will expire unless the plat application is heard by and approved by the director of development services or the planning commission within two (2) years from the date the initial application and information describing the project giving fair notice of the project to the city is provided with the plat application in accordance with this chapter. Neither an expired nor a withdrawn plat application may be relied upon as a permit application for the assertion of statutory rights under Chapter 245 or any other right or claim based on common law. If after the expiration or the withdrawal of a plat application the applicant wishes future plat approval of the subject property, a new plat application shall be filed, new application fees shall be required and a new plat number shall be assigned.

C.D.

Plats. Rights under Chapter 245 will be recognized for projects associated with the property which is the subject of a plat that has been approved by the city planning commission or director of development services if information describing the project giving fair notice of

the project to the city is provided with the plat application in accordance with this chapter. The rights recognized for a project located within an approved plat will expire unless the plat is recorded in the Bexar County Deed Records within three (3) years from the date of approval by the city planning commission or director of development services.

D.E.

Building Permits. A building permit may be relied on as a basis for rights under Chapter 245 for projects identified in the site plan submitted to the city as part of the building permit application provided that information describing the project giving fair notice of the project to the city is provided with the permit application in accordance with this chapter. However, rights that are based on a building permit will expire unless construction authorized by the building permit is begun within six (6) months from the date the building permit is issued.

E.F.

Rights under Chapter 245. Rights accrued under this section shall not extend beyond the time periods prescribed herein except by the granting of a variance from the time limits as provided herein. Under no circumstances shall the extension of a time limit extend the rights conferred herein except through the variance provision of this section

Proposal Summary –

The reason for this proposed UDC amendment is to add more definitions to help depict the meaning and use of words.

Formatted Proposal-

Sec. 35-A101 Definitions

Off-Lot Easement. An easement that is part of the boundary of the plat, however, is outside any lot and is identified by a heavy dash line rather than a solid line.

Lot (Platted). A designated ~~parcel or~~ area of land established by plat to be used, developed or built upon as a unit.

Plat. A complete and exact map representing a tract of land, showing the boundaries and location of individual lots, easements, and streets which has been approved by the planning commission and recorded in the deed and plat records in the office of the county clerk. A plat includes a replat. Plats recorded in the deed records are not considered a valid subdivison plat.

Remaining Portion. When a platted lot is further subdivided, all portion(s) of the original lot need to be replatted to reflect the division of land. A remaining portion exists when all other sections of the original lot have been replatted. There shall only be one remaining portion. If inside the City, the remaining portion must also meet the minimum lot size, as established by zoning.

Proposal Summary –

The reason for this proposed UDC amendment is to modify table to replace references to diskettes in relation to Plat Submission, add commentary to refer to IB 510 that describes the legal description process, and clarify the plat note process.

Formatted Proposal-

APPENDIX B - APPLICATION SUBMITTAL

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

TABLE B101-1

A	B	C	D	E	F	G
(A) Material/Information	Master Development Plan	PUD Plan	Major Plat Application	Minor Plat Application	Development Plat Application	Specific Use Authorization
G DESIGN						
(1) Sufficient data to determine readily and reproduce accurately on the ground the location, bearing and length of every street and alley line, lot line, building line, easements required hereunder or of record in Bexar County or ascertainable by physical inspection of the property, and boundary lines of reserved or dedicated areas. All linear dimensions shall be in feet and hundredths thereof. The maximum allowable error of			*	*		

<p>linear closure shall not be in excess of 1:10,000. In closed traverses, the sum of the measured angles shall vary with the theoretical sum by a difference not greater than an average of seven and one-half (7½) seconds per angle, or the sum of the total shall not differ from the theoretical sum by more than ninety (90) seconds, whichever is smaller. Said information shall be provided on tracing cloth or reproducible Mylar and on digital media. a diskette in ArcInfo or ArcView software, or a computer file with a ".dxf" format which is translatable to ArcView.</p>						
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<p>(4) Lots and open space numbered as approved by the City. Open space shall be designated by a 900 series lot # and the size in acreage shall be provided. <u>Commentary: Information Bulletin (IB) 510 describes the process for the assignment of legal</u></p>		*	*	*		

<u>descriptions to properties.</u>						
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(e) **Digital Plat Requirements.**

(1) **Generally.**

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

2. The city must be able to determine from the plat a correct tax account number made up of NCB (5 digits), Block (3 digits), and Lot number for each proposed lot. Information on the plat will allow the creation of a correct and therefore unique tax account number for every proposed lot. The city will no longer accept invalid block numbers such as Block "D".

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

(2) Control Points and Monumentation Guidelines.

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

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

- D. The X-Y coordinates for each of the primary horizontal control points and consistent and appropriate bearings between each of the primary horizontal control points should be provided. These primary horizontal control points will be provided in NAD83 U.S. Survey feet, State Plane Coordinates for Texas South Central Zone (Zone Number 4204).
- E. All primary horizontal control points shall be permanently identified with monumentation set to Texas Board of Land Surveyor's minimum standards, Section 663.17.

(3) Data Layer/Level Requirements. Data will be separated into the following feature categories, each residing on its own unique level or layer. Any layer name or level number is acceptable as long as each feature set is on its own individual layer or level.

Layer and Level Element Types

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

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

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

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

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

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

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

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

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

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

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

~~(9)~~ **(8) City's Use of Digital Data.** The city staff [utilizes the final digital data to create the geometry and global position of the newly established subdivision.](#) ~~may make minor corrections to the digital data if the file needs correcting due to minor differences between the hard copy plats and the digital data, or if other minor errors, such as layering errors are detected. In instances where differences exist, the information provided on the~~

~~hard copy plats will take precedence over the digital information. The digital information has no legal significance.~~

35-B121 (c)(22)

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

PLACE in IB 526: All previously recorded plat notes shall be identified on the current plat and must conform to the information bulletin IB 526.

Proposal Summary –

The reason for this proposed UDC amendment is to further clarify the \$250.00 Amending Plat Fee.

Formatted Proposal-

Sec. 35-C103 - Subdivision and Platting Fees.

(A) Amending plat fees (to eliminate a lot line, [change the name of the plat or owner, correct a volume and/or page, and/or correct the legal description](#)) (see RID 117)



UDC Update Request Application

Part 1. Applicant Information

Name: Mark C Bird Organization (if applicable): Development Services Department

Address: 1901 S. Alamo

Phone: 210.207.0278

Email: mark.bird@sanantonio.gov

Signature: Mark C Bird, City Arborist

Date: 4/29/2015

(Include title if representing a governmental agency or public/private organization)

Part 2. Basis for Update (check only one)

- Clarification amendments to provide for ease of interpretation and understanding of the existing provisions of the UDC
(Note: Clarification amendments should not change or alter the intent or meaning of existing UDC provisions)
- Editing change that does not alter the impact of the provisions being addressed including changes such as spelling, grammar correction, formatting, text selection, or addition of text in compliance with existing ordinance, statutes or case law
- Completed Rule Interpretation Determination (RID)
- Requested by the Zoning Commission, Planning Commission, Board of Adjustment, HDRC, City Council or other appropriate city board or council (CCR, resolution or signature of the chairperson is required)

Part 3. Reason(s) for Update (check all that apply)

- Modify procedures and standards for workability and administrative efficiency
- Eliminate unnecessary development costs
- Update the procedures and standards to reflect changes in the law or the state of the art in land use planning and urban design
- See Part 4 (if none of the provided choices in this section apply, please discuss the reasons for the proposed update in Part 4)

Part 4. Summary of Proposed Update with Suggested Text (see application instructions)

The reason for this proposed UDC amendment is to clarify that minimum tree canopy cover requirements can be met at platting stage by designating areas of tree canopy and tree preservation as such when the area is platted.

35-523(e)

C. The city arborist may allow the applicant to defer the minimum tree canopy cover requirements to the

building permit phase of the development with plans depicting final canopy cover of preserved trees and newly planted trees and the method to assure that the requirements will be met before the issuance of a building permit, or at platting the final tree canopy cover of preserved tree areas shall be designated as such when the area(s) is platted, or with a guarantee of performance executed and filed with the City of San Antonio. The city arborist shall determine the probable maximum amount of tree mitigation required (measured in dollars) that may be attributable to the development.



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Part 2. Basis for Update (check only one)

- Clarification amendments to provide for ease of interpretation and understanding of the existing provisions of the UDC
(Note: Clarification amendments should not change or alter the intent or meaning of existing UDC provisions)
- Editing change that does not alter the impact of the provisions being addressed including changes such as spelling, grammar correction, formatting, text selection, or addition of text in compliance with existing ordinance, statutes or case law
- Completed Rule Interpretation Determination (RID)
- Requested by the Zoning Commission, Planning Commission, Board of Adjustment, HDRC, City Council or other appropriate city board or council (CCR, resolution or signature of the chairperson is required)

Part 3. Reason(s) for Update (check all that apply)

- Modify procedures and standards for workability and administrative efficiency
- Eliminate unnecessary development costs
- Update the procedures and standards to reflect changes in the law or the state of the art in land use planning and urban design
- See Part 4 (if none of the provided choices in this section apply, please discuss the reasons for the proposed update in Part 4)

Part 4. Summary of Proposed Update with Suggested Text (see application instructions)

The reason for this proposed UDC amendment is to clarify that when using the tree stand delineation preservation method tree save areas shall be designated as such on the plat.

35-523 (f) (3)

Tree Stand Delineation Alternative. Mitigation trees will be as set forth in the standards of table 523-2 using the shade value in Appendix E.

A.

Standards. As an alternative to a tree survey, a tree stand delineation may be used to meet the preservation requirements (see submittal requirements [section 35-B125](#)). In order to utilize this provision the site must have area(s) of tree canopy; however, the presence of understory is not required except in environmentally sensitive areas where the minimum percentage shall include the understory of the preserved trees. The application of this provision will be based on the total tree canopy of a site or project outside the 100-year floodplain and environmentally sensitive areas, with no exclusions for rights-of-way or easements. A tree stand delineation shall meet the following standards:

Table 35-523-1B

Table 523-1B		
	Minimum Preservation Requirements	Other Requirements
Total tree canopy cover on site outside of the regulatory floodplain	35% of total non-heritage tree canopy with subdivision, building permit or other permit after the master development plan stage or 30% of total non-heritage tree canopy with master development plan.	Tree save areas must be designated as such <u>on the plat</u> when the area is platted. Tree canopy area(s) to be preserved as tree save area(s) must include tree canopy in environmentally sensitive areas if such are present on site.
Heritage trees	Heritage trees shall be preserved at 100% using the tree stand delineation method only.	
Environmentally sensitive areas within the project boundaries	80% of the total canopy area and 100% of the heritage trees.	Tree save areas in environmentally sensitive areas shall count toward preservation on the remainder of the site.
Regulatory floodplain	80% of the total canopy area and 100% of the heritage trees.	The trees or tree canopy in the floodplain may not be used to meet preservation requirements set forth above for the developable portion of the land.
Mitigation Maximum	Up to 80% of the total tree canopy area and up to 80% of the heritage trees may be mitigated rather than preserved.	A minimum of 20% of the existing pre-development tree canopy and 20% of the heritage trees shall be preserved and may not be mitigated.





UDC Update Request Application

Part 1. Applicant Information

Name: Mark C Bird Organization (if applicable): Development Services Department
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 Phone: 210.207.0278 Email: mark.bird@sanantonio.gov
 Signature: Mark C Bird, City Arborist Date: 4/29/2015
 (Include title if representing a governmental agency or public/private organization)

Part 2. Basis for Update (check only one)

- Clarification amendments to provide for ease of interpretation and understanding of the existing provisions of the UDC
 (Note: Clarification amendments should not change or alter the intent or meaning of existing UDC provisions)
- Editing change that does not alter the impact of the provisions being addressed including changes such as spelling, grammar correction, formatting, text selection, or addition of text in compliance with existing ordinance, statutes or case law
- Completed Rule Interpretation Determination (RID)
- Requested by the Zoning Commission, Planning Commission, Board of Adjustment, HDRC, City Council or other appropriate city board or council (CCR, resolution or signature of the chairperson is required)

Part 3. Reason(s) for Update (check all that apply)

- Modify procedures and standards for workability and administrative efficiency
- Eliminate unnecessary development costs
- Update the procedures and standards to reflect changes in the law or the state of the art in land use planning and urban design
- See Part 4 (if none of the provided choices in this section apply, please discuss the reasons for the proposed update in Part 4)

Part 4. Summary of Proposed Update with Suggested Text (see application instructions)

The reason for this proposed UDC amendment is to correct the measure designation of the minimum size of a mitigation tree

35-523 Table 523-2 Mitigation

Table 523-2 Mitigation

(A)	(B)	(C)
-----	-----	-----

Method	Description	Restrictions
Establishment and maintenance of new trees at the required ratio on-site	Significant 1:1 Heritage 3:1 All tree species of Ash (all Fraxinus species) Hackberry (all Celtis species) Huisache, Ashe Juniper and Mesquite will be mitigated at 1:1.	No more than twenty-five (25) percent of the replacement trees shall be of the same species for the purposes of mitigation. Replacement trees must be at least one and one-half (1.5) <u>caliper</u> DBH.
Payment to the tree mitigation fund	In lieu of meeting the minimum preservation or final canopy standards of this section, a payment to the tree mitigation fund may be provided in accordance with 35-C110 .	See subsection (o) tree mitigation fund for the authorized collection and disbursement of these funds.
Protection and maintenance of smaller trees within surveyed area	Protection and maintenance of existing trees within the surveyed area that are smaller than the size requirements for a protected tree.	Such trees must be at least two and one-half (2½) inches DBH. See column B ratios for diameter-inches required.
Protection and maintenance of natural areas within the surveyed area	Protection and maintenance of existing natural areas, i.e., prairie, etc.	Area(s) must contain desirable plants as determined by the city arborist and/or by Texas Parks and Wildlife Dept.



UDC Update Request Application

Part 1. Applicant Information

Name: Mark C Bird Organization (if applicable): Development Services Department

Address: 1901 S. Alamo

Phone: 210.207.0278

Email: mark.bird@sanantonio.gov

Signature: Mark C Bird, City Arborist

Date: 4/29/2015

(Include title if representing a governmental agency or public/private organization)

Part 2. Basis for Update (check only one)

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- Modify procedures and standards for workability and administrative efficiency
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- Update the procedures and standards to reflect changes in the law or the state of the art in land use planning and urban design
- See Part 4 (if none of the provided choices in this section apply, please discuss the reasons for the proposed update in Part 4)

Part 4. Summary of Proposed Update with Suggested Text (see application instructions)

The reason for this proposed UDC amendment is to add species to the Non-native Trees list.f

Non-native Trees. Non-native invasive tree species are not protected and will be omitted from the tree survey. Non-native invasive tree species means the following tree species:

- i. Chinese Pistache (*Pistacia chinensis*);
- ii. Chinaberry (*Melia azedarach*);
- iii. Chinese Tallow (*Sapium sebiferum*);
- iv. Tree of Heaven (*Ailanthus altissima*);
- v. Salt Cedar (*Tamerix* species).
- vi. Japanese Ligustrum (*Ligustrum japonicum*).
- vii. Paper Mulberry (*Broussonetia papyrifera*).



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Part 4. Summary of Proposed Update with Suggested Text (see application instructions)

The reason for this proposed UDC amendment is to clarify that the method of preservation a developer and builder elects to preserve trees at the MDP or platting stage must be used throughout completion of the project.

35-523(2)

Tree Survey Methodology.

A.

Standards. Table 523-1A establishes the minimum percentage of all diameter inches of significant or heritage trees or tree stand delineation canopy area that must be preserved or mitigated. In environmentally sensitive areas the minimum percentage shall include the understory of the preserved trees. For all development projects ~~single-family dwellings, developers and builders~~ applicants may elect to preserve trees at the MDP, platting or permitting stage; if an applicant ~~developer or builder~~ elects to preserve trees at the MDP or platting stage, this method must be used throughout completion of the project.



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Part 4. Summary of Proposed Update with Suggested Text (see application instructions)

The reason for this proposed UDC amendment is to clarify that to receive Tree Canopy Credit when using Low Impact Development (LID) Practices the San Antonio River Authority (SARA) Low Impact Development Technical Guidance Manual will be a reference guideline and that a preliminary plan review meeting is recommended with SARA and TCI.

35-523 (i)(13)

Use of Landscaped Low Impact Development (Lid) Practices. A canopy cover credit of one and one-half (1.5) times the existing canopy cover of trees shall be provided for areas where tree preservation is maintained in conjunction with LID practices such as the use of structured soils including infiltration trenches, bioswales, micro-bioretenion areas and where such locations receive appropriate amounts of stormwater runoff. To receive 1.5 times credit, the landscaped LID must be approved by application of section 35-504 standards and generally follow the San Antonio River Authority (SARA) Low Impact Development Technical Guidance Manual. A preliminary plan review meeting with SARA and TCI Stormwater is recommended. Such LID areas may also be used to comply with the buffer and/or landscape requirements of section 35-510 and section 35-511. The City Arborist shall determine the final credit granted for each LID BMP (Best Management Practice) proposed.



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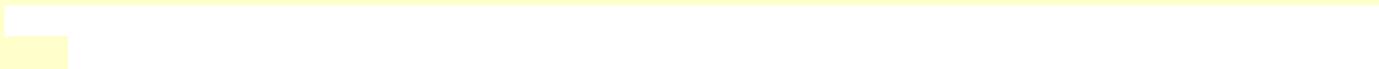
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Part 4. Summary of Proposed Update with Suggested Text (see application instructions)

The reason for this proposed UDC amendment is to add the current industry standards for tree pruning: ANSI-A300 Tree Pruning Standards to be consistent with Subsection (k)(4) 35-523(l)

General Maintenance. Significant, heritage, or mitigation trees must be maintained in a healthy condition at all times. The property owner is responsible for irrigating, fertilizing, pruning in accordance with ANSI-A300 pruning standards and other maintenance of all trees as needed. Except for residential development, mitigation trees that are planted on the property and that die within twelve (12) months of final inspection are subject to the mitigation requirements set forth in subsection (e) at a ratio of one-inch mitigation for every one (1) inch of a significant, heritage, or mitigation trees that dies. However, a significant or heritage or mitigation tree that dies from other than natural causes shall be mitigated at a ratio as defined in

table 523-2. Any tree that dies must be replaced with another living tree of the same category type or better within ninety (90) days after notification by the city. The director of planning and development services may extend this time period up to an additional ninety (90) days due to weather considerations. If the plants have not been replaced after appropriate notification and/or extension, the property owner shall be in violation of this section. If a public utility disturbs trees, it shall make every reasonable effort to preserve the trees and return them to their prior location and condition after the utility work is completed. If nonetheless, trees die, replacement is not the responsibility of the property owner if the death or destruction of the trees is due to the action of a public utility.





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Part 4. Summary of Proposed Update with Suggested Text (see application instructions)

The reason for this proposed UDC amendment is to clarify the requirement to maintain trees planted to meet tree canopy requirements.

35-523 (l) General Maintenance

General Maintenance. Significant trees, heritage trees, ~~or~~ mitigation trees, or trees planted to meet tree canopy requirements must be maintained in a healthy condition at all times. The property owner is responsible for irrigating, fertilizing, pruning and other maintenance of all trees as needed. Except for residential development, mitigation trees that are planted on the property and that die within twelve (12) months of final inspection are subject to the mitigation requirements set forth in subsection (e) at a ratio of one-inch mitigation for every one (1) inch of a significant, heritage, or mitigation trees that dies. However, a significant or heritage or mitigation tree that dies from other than natural causes shall be mitigated at a ratio as defined in table 523-2. Any tree that dies must be replaced with another living tree of the same category type or better within ninety (90) days after notification by the city. The director of planning and development services may extend this time period up to an additional ninety (90) days due to weather considerations. If the plants have not been replaced after appropriate notification and/or extension, the property owner shall be in violation of this section. If a public utility disturbs trees, it shall make every reasonable effort to preserve the trees and return them to their prior location and condition after the utility work is completed. If nonetheless, trees die, replacement is not the responsibility of the property owner if the death or destruction of the trees is due to the action of a public utility.



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Part 4. Summary of Proposed Update with Suggested Text (see application instructions)

The reason for this proposed UDC amendment is to correct the sub-section reference to (g) ~~(e)~~

35-523 (l)

General Maintenance. Significant, heritage, or mitigation trees must be maintained in a healthy condition at all times. The property owner is responsible for irrigating, fertilizing, pruning and other maintenance of all trees as

needed. Except for residential development, mitigation trees that are planted on the property and that die within twelve (12) months of final inspection are subject to the mitigation requirements set forth in subsection (g) ~~(e)~~ at a ratio of one-inch mitigation for every one (1) inch of a significant, heritage, or mitigation trees that dies. However, a significant or heritage or mitigation tree that dies from other than natural causes shall be mitigated at a ratio as defined in table 523-2. Any tree that dies must be replaced with another living tree of the same category type or better within ninety (90) days after notification by the city. The director of planning and development services may extend this time period up to an additional ninety (90) days due to weather considerations. If the plants have not been replaced after appropriate notification and/or extension, the property owner shall be in violation of this section. If a public utility disturbs trees, it shall make every reasonable effort to preserve the trees and return them to their prior location and condition after the utility work is completed. If nonetheless, trees die, replacement is not the responsibility of the property owner if the death or destruction of the trees is due to the action of a public utility.



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Part 4. Summary of Proposed Update with Suggested Text (see application instructions)

The reason for this proposed UDC amendment is to provide consistency with udc references to Appendix E.

35-523 (m)(4)

Plant materials required by this section shall be consistent with Appendix E and must comply with the following minimum size requirements at the time of installation:

A.

In satisfying the requirements of this section, the use of mulch material shall be provided at the time of planting.

B.

Each replacement tree must be planted at least thirty (30) inches away from any impervious surface.

C.

Plant areas must be protected from vehicular traffic through the use of concrete curbs, wheel stops or other permanent barriers.



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Part 4. Summary of Proposed Update with Suggested Text (see application instructions)

The reason for this proposed UDC amendment is to clarify replacement of trees planted with mitigation funds.
35-523 (o)(3)

Use of Funds. The funds collected from civil penalties and mitigation fees in the fund shall be utilized to pay for the planting of trees, to include a maintenance period not to exceed three years. Generated funds may be used by the city forester to plant trees on public or private properties. Trees planted with mitigation funds shall not be used to meet any municipal code requirements for preservation, mitigation, landscaping, buffers, streetscape or other requirements. Trees planted with Tree Mitigation Funds are considered mitigation trees as defined in Appendix A of the UDC. The funding of tree preservation including the yearly digital imagery and planting programs shall be administered by the parks and recreation department and city forester. The director of the parks and recreation department shall seek the advice of the parks and recreation board in regard to the selection of projects to be funded. A portion of the fund may be used, on an annual basis, to fund activities directed towards educating the public on the importance of trees in the environment, ecological issues and pollution prevention.



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Part 4. Summary of Proposed Update with Suggested Text (see application instructions)

The reason for this proposed UDC amendment is to reference permit requirements for public projects.

35-523 (p)

Public Projects. Municipal and utility entities shall obtain a tree permit before any vegetation is removed or new construction activity takes place (as specified in Section 35-B127). Special attention will be given to the

preservation of trees in public rights-of-way that are to help satisfy the objectives of the streetscape planting standards of this article (section 35-512). The city arborist shall approve an application for the reasonable removal of a protected tree in connection with construction, maintenance or repair of public facilities in or above a public street, alley, rights-of-way, easement or other public land.



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Part 4. Summary of Proposed Update with Suggested Text (see application instructions)

The reason for this proposed UDC amendment is to clarify replacement of trees planted with mitigation funds.
35-523 (q)(3)

Use of Funds. The funds collected shall be utilized to pay for the planting and maintenance of trees to include a maintenance period not to exceed three (3) years. Generated funds may be used by the city forester to plant trees on public or private properties and the yearly digital imagery to proactively enhance the city's tree canopy area. Trees planted utilizing funds from the Tree Canopy Fund are protected trees, and if approved to be removed, shall be mitigated at 1:1 unless heritage-size which are mitigated at 3:1 (with the exception of species listed in table 523-2, column B, row 1 which will be mitigated at 1:1) and are to be maintained by the project applicant. In addition, ten (10) percent of the funds collected will be kept in a separate budget line to be used for any litigation necessary in the enforcement of this section. The program is to be administered by the parks and recreation department. The director of the parks and recreation department and the city forester shall seek the advice of the parks and recreation board on the selection of projects to be funded.



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Part 4. Summary of Proposed Update with Suggested Text (see application instructions)

The reason for this proposed UDC amendment is to include 'areas of canopy' to be consistent with the 2010 amendments .

Sec. 35-477. - Tree Permits.

(a)

Applicability. The provisions of this section apply to any activity subject to the tree preservation standards.

(b)

Initiation.

(1)

Application to City Arborist. A valid application for permit must be filed and approved with the city arborist before:

A.

Mitigating, removing, or destroying any significant or heritage trees, or areas of tree canopy that are required to be counted for calculating minimum tree preservation percentages as provided in the tree preservation standards; or



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Part 4. Summary of Proposed Update with Suggested Text (see application instructions)

The reason for this proposed UDC amendment is to clarify that the purpose of buffers is to provide a landscaped separation between residential and nonresidential uses and to screen from view certain land uses such as parking lots regardless of where they are located. within the street yard

Sec. 35-510. - Buffers. STATEMENT OF PURPOSE

The intent of buffering is to implement Policy 3c of the Neighborhoods Element of the Master Plan to provide landscaped separation between residential and nonresidential uses and to screen from view certain land uses that may create visual clutter and distraction. The standards of this section provide for increases in the width and the opacity of the

bufferyard as the land use intensity of the new or expanded development increases.

(a) **Applicability.**

(1) **Activities Subject to Buffer Regulations.** This section shall apply to any of the following, except where exempted pursuant to subsection (2), below.

- A. The construction or erection of any new occupiable building or structure for which a building permit is required.
- B. Any enlargement exceeding one thousand (1,000) square feet or ten (10) percent in area, whichever is greater, of the exterior dimensions of an existing building for which a building permit is required. When a building or parking lot is enlarged to the extent that a buffer of at least one hundred (100) feet in lineal footage is required, the requirements of this section shall be applied incrementally such that buffers shall be required only in proportion to the enlarged building area or off-street parking area to the existing development. For example, a ten (10) percent increase requires ten (10) percent of the required buffering that would otherwise be required for the entire development. No buffer is required if the incremental footage imposed by this section is less than one hundred (100) lineal feet.
- C. Any construction of a new parking lot regardless of size.
- 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.



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Part 3. Reason(s) for Update (check all that apply)

- Modify procedures and standards for workability and administrative efficiency
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- Update the procedures and standards to reflect changes in the law or the state of the art in land use planning and urban design
- See Part 4 (if none of the provided choices in this section apply, please discuss the reasons for the proposed update in Part 4)

Part 4. Summary of Proposed Update with Suggested Text (see application instructions)

The reason for this proposed UDC amendment is to clarify that acceptable landscape material and required plants shall be consistent with Appendix E.

35-511 (c)(2)B.



Acceptable Landscape Materials.

A. No artificial plant materials shall be used to satisfy the requirements of this section.

B. Plant materials required by this section shall be consistent with Appendix E and shall comply with the minimum size requirements of Table 511-1 at the time of installation. Plant height shall be measured from the average grade level of the immediate planting area to the top horizontal plane of the shrub at planting, for single trunk trees, the measurement shall be taken at six (6) inches above grade level, and for multi-trunk trees, the tree shall be measured from the average grade level of the immediate planting area.

C. Planting areas shall consist of permeable surface areas only. The permeable surface areas for shrubs may be included within permeable surface areas required for trees.

D. In satisfying the requirements of this section, the use of four (4) inches of organic mulch material shall be provided at the



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Signature: Mark C Bird, City Arborist

Date: 4/29/2015

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Part 4. Summary of Proposed Update with Suggested Text (see application instructions)

The reason for this proposed UDC amendment is to make consistent the minimum pervious area to plant trees within an island not less than nine (9) feet wide by eighteen (18) feet deep in the landscape (35-511 (c)(7) C.) and tree ordinance (35-523 (f)(3)B.2).

35-511 Table 511

Table 511-1

	Minimum Caliper at the Time of Planting	Minimum Height at the Time of Planting	Minimum Planting Area
Trees	1½ inches for single trunk trees	Not applicable unless multi-trunk trees, in which case the tree shall be a minimum of six (6) feet in height at the time of planting	One hundred <u>sixty-two (162)</u> 100 square feet
Small trees	1½ inches for single trunk trees	Six (6) feet for multi-trunk trees	Twenty-five (25) square feet
Large shrubs	Not applicable	Two (2) feet	Nine (9) square feet
Small to medium shrubs	Not applicable	One (1) foot	Eight (8) square feet



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Part 4. Summary of Proposed Update with Suggested Text (see application instructions)

The reason for this proposed UDC amendment is to clarify that the purpose of landscaping is to improve the appearance of commercial parking lots and provide parking lot shading a regardless of where the parking lot may be located.

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 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.

of soil, etc. and coordinate any projects that modify natural drainage areas in a way that negatively affects trees on private property or public property. update to TCI - Transportation and Capital Improvement



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Part 4. Summary of Proposed Update with Suggested Text (see application instructions)

The reason for this proposed UDC amendment is to remove "affidavit" from Sec. 35-B123, provide

Sec. 35-B123. - Tree Permit—Tree Preservation Plan Option.

- (a) **Number of Copies.** The applicant shall submit a tree preservation ~~permit~~ ~~affidavit~~ application with three (3) sets of tree preservation plans, a survey showing the location of all significant, heritage, or mitigation trees, including clusters, an inventory with calculations, and tree protection notes as provided herein. The applicant shall also provide a Habitat Compliance Form consistent with section 35-B133, as applicable.



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Part 4. Summary of Proposed Update with Suggested Text (see application instructions)

The reason for this proposed UDC amendment is to ensure that tree protection notes and tree protection details are provided by the applicant when doing site work around trees.

Sec. 35-B124. - Tree Permit—Tree Affidavit Option.

In lieu of a tree permit, a notarized tree affidavit with fees and required information may be submitted verifying that no significant or heritage tree 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. The applicant shall also provide a habitat compliance form consistent with section 35-B133, as applicable.

(a) **Number of Copies.** The applicant shall submit a tree preservation/affidavit application with one (1) copy at the platting stage and three (3) sets at the building permit stage.

(b) **Format.**

(1) A vicinity map, project name, street address (or plat #, parcel #, or legal description), date, scale, north arrow and the names, addresses and telephone numbers of the person(s) preparing the plan,

(2) Any aerial photograph that cannot be plotted on a single sheet shall be plotted with appropriate match lines on two (2) or more sheets. A tree preservation survey sheet may also include the tree area calculations and the tree protection notes at the discretion of the applicant. It is the applicant's responsibility to insure that all parts of the tree preservation plan are transferred to each appropriate person concerned with the development project.

(3) Any proposed site work associated with a tree affidavit where there are protected significant, and heritage trees, and areas of tree canopy, the applicant shall provide tree protection notes and tree protection details.

(4) Prior to commencement of any site work, where there are protected significant, and heritage trees, and areas of tree canopy the applicant shall request a pre-construction conference with the city arborist in order to review procedures for protection and management of all significant, heritage or mitigation trees or areas of tree canopy.

(c) **Contents.**

(1) A current aerial photograph (a minimum resolution of six-inch pixels) with an overlay of the development, an outline of the tree area(s) and the tree area(s) and understory that are to be preserved to meet the requirement standards; and

(2) The location of property lines, existing grades and proposed grades, location and widths of existing and proposed streets and alleys, utility easements, driveways, parkways, and sidewalks on or adjacent to the project; and

(3) Basic descriptive information regarding the vegetation type(s) that are within the existing tree area(s).



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Part 4. Summary of Proposed Update with Suggested Text (see application instructions)

The reason for this proposed UDC amendment is to remove "affidavit" from Sec. 35-B125

Sec. 35-B125. - Tree Permit—Tree Stand Delineation Plan Option.

As an alternative option to the tree preservation plan, a tree stand delineation plan may be submitted. The tree stand delineation plan shall include at a minimum a current aerial, satellite, photographic, or digital imagery and stored and analyzed by computer generated software such as but not limited to ArcView or AutoCAD with a minimum resolution of six-inch pixels with a scale of one inch equals four hundred feet (1" = 400'), and additional information contained herein. The applicant shall also provide a habitat compliance form consistent with [section 35-B133](#), as applicable.

(a)

Number of Copies. The applicant shall submit a tree preservation permit / affidavit application with three (3) sets of the tree stand delineation plan.



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Part 4. Summary of Proposed Update with Suggested Text (see application instructions)

The reason for this proposed UDC amendment is to include 'areas of canopy' to be consistent with the 2010 amendments .

Sec. 35-B127. - Tree Permit—Public Project Preservation Plan.

(a)

Number of Copies. A tree preservation plan shall consist of an aerial photograph (where applicable) and one (1) set of construction documents with the contents prescribed herein. The applicant shall also provide a habitat compliance form consistent with [section 35-B133](#), as applicable.

(b)

Format. The aerial photograph and the construction documents shall be at a scale with sufficient clarity to indicate the location, nature and extent of the work proposed, and show in detail that it conforms to the requirements of this section. The plan shall be submitted on sheets of a size not to exceed thirty by forty-two (30 x 42) inches. A plan which cannot be drawn in its entirety on a single sheet shall be drawn with appropriate match lines on two (2) or more sheets with one (1) sheet illustrating the scope of the entire project.

(c)

Contents. The tree preservation plan shall include the following information:

(1)

A current aerial photographs (where applicable) at a minimum of six-inch pixel with an overlay of the project alignment and all easements;

(2)

A vicinity map, existing grades and proposed grades, location of project lines, and dimensions of the project rights-of-ways and/or all easements, and delineation of the proposed limit of clearance;

(3)

Project name, street address, legal description, date, scale, north arrow and the names, addresses and telephone numbers of the person(s) preparing the plan;

(4)

The location, species and size in diameter inches of each Significant or Heritage trees, or areas of canopy within the project area as defined in subsection [35-523\(f\)](#). Each tree is to be given a unique number which cross references or identifies the trees in the inventory;



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Part 4. Summary of Proposed Update with Suggested Text (see application instructions)

The reason for this proposed UDC amendment is to increase the depth of the bore from 24 inches to 36 inches in Sec. 35-B127 Tree Permit-Public Project Preservation Plan Option

Sec. 35-B127. - Tree Permit—Public Project Preservation Plan Option.

(c)(11) For applications that require boring of utilities, show bore pit areas so that the minimum distance of the bore is outside the canopy of the trees or tree clusters and that the minimum depth of the bore shall be thirty-six
(36) ~~twenty-four~~ (24) inches or greater; and



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Part 4. Summary of Proposed Update with Suggested Text (see application instructions)

The reason for this proposed UDC amendment is update Appendix A definition for mitigation tree size.

Appendix A

Mitigation tree. A tree used for the purpose of mitigating the destruction or removal of a protected or heritage tree pursuant to the requirements of the tree preservation standards. A mitigation tree must have a caliper of at least one and one half (1 ½) ~~two and one-half (2½)~~ inches.



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Part 4. Summary of Proposed Update with Suggested Text (see application instructions)

The reason for this proposed UDC amendment is update Appendix E with recommendations for Shade Area values used to calculate Tree Canopy and Landscape credit and added recommended species.

Appendix E:

Appendix E: San Antonio Recommended Plant List—All Suited to Xeriscape Planting Methods

TREES

Small: Fifteen (15) to twenty-five (25) Feet; **Medium:** Twenty (25) to Forty (40) Feet; **Large:** Forty (40) Feet and Higher (60'+)

Common Name	Scientific Name	Height	Remarks	Shade Area
Anacacho, Orchid tree*	Bauhania congesta	S—M	Semi-Evergreen, tree-shrub, white flower clusters	275
Anaqua*, Sandpaper tree	Ehretia anacua	M—L	Evergreen broadleaf; white flower clusters	875
Arizona Cypress	Cupressus arizonica	M—L	Evergreen conifer; gray green foliage; pyramidal shape	875
Texas Ash*, Green Ash	Fraxinus sp.	M—L	Deciduous; fast growing	875
Ashe Juniper*	Juniperus ashei	S—M	Evergreen conifer; green foliage, females fruit	275
Bald Cypress** ₋	Taxodium distichum	L	Deciduous conifer; fine textured foliage; fall color	<u>875</u> ±200
Black Willow** ₋	Salix nigra	M—L	Deciduous; riparian species	875
Bur Oak*	Quercus macrocarpa	L	Deciduous; large acorns and leaves, good shade tree	1200
Carolina Buckthorn*	Rhamnus caroliniana	S—M	Semi-Evergreen; sun-shade, glossy leaves, reddish fruit	275
Cedar Elm*	Ulmus crassifolia	M—L	Deciduous; narrow canopy, good shade tree for R.O.Ws	875
Chinquapin Oak*	Quercus muhlenbergii	M—L	Deciduous; round-topped tree; bold foliage	875
Condalia, Brazil Tree, Bluewood Condalia*	Condalia hookeri, C. viridis	S—M	Evergreen; delicate foliage; very drought tolerant; sun-shade, good shade tree	275
Cottonwood**	Populus deltoides	L+	Deciduous; large leaves, females fluffy seeds, <u>not recommended for</u>	1200

			<u>parking lots</u>	
Crabapple, Texas*	<i>Mollis texana</i>	S—M	Deciduous, full to partial sun, spring flowering tree	275
Desert Willow*	<i>Chilopsis linearis</i>	S	Deciduous; pink tubular flowers; willow-like foliage, very drought tolerant	<u>275</u> n/a
Deodar Cedar	<i>Cedrus deodara</i>	L	Evergreen; spreading pyramidal shape	1200
Ebony, Texas*	<i>Pithecellobium flexicaule</i>	S	Evergreen; sun; white flowers	n/a
Escarpment Black Cherry*	<i>Prunus serotina</i> var. <i>eximia</i>	M—L	Deciduous; sun to shade; fall foliage	875
Eve's Necklace*	<i>Sophora affinis</i>	M—L	Deciduous; sun-shade; white to pink flowers	875
Goldenball Lead Tree*	<i>Leucaena retusa</i>	S—M	Deciduous; delicate foliage; fragrant yellow flowers	275
Hackberry*	<i>Celtis</i> spp.	M—L	Deciduous; prolific; wildlife favorite	875
Honey Locust	<i>Gleditsia triacanthos</i>	M	Deciduous; thornless varieties available	550
Huisache*	<i>Acacia farnesiana</i>	M	Deciduous; delicate foliage; fragrant yellow flowers	550
Kidneywood*	<i>Eysenhardtia polystachya</i>	S	Deciduous; delicate tree-shrub; fragrant white flowers	n/a
Lacy Oak*	<i>Quercus laceyi</i>	M	Deciduous; sun-partial shade; hill county native, good shade tree	550
Live Oak*	<i>Quercus virginiana</i>	M—L	Evergreen-like; good shade tree	875
Mesquite*	<i>Prosopis glandulosa</i>	S—M	Deciduous; lacy spreading form	<u>550</u> 275
Monterrey Oak	<i>Quercus polymorpha</i>	S—M	Evergreen-like; good shade tree	875

Mexican Buckeye*	<i>Ungnadia speciosa</i>	S	Deciduous; pink-red spring flowers	<u>275</u> n/a
Pecan*	<i>Carya illinoensis</i>	L+	Deciduous; needs lots of space; sensitive to root impact	1200
Persimmon, Texas*	<i>Diospyros texana</i>	S—M	Deciduous; sun-shade, smooth bark; females has black pulpy fruit	275
Plum, Mexican*	<i>Prunus mexicana</i>	S	Deciduous; sun to shade; white flowers, fruit	n/a
Possum Haw*	<i>Ilex decidua</i>	S—M	Deciduous; sun-shade; female has red fruit	275
Retama, Paloverde*	<i>Parkinsonia texana</i>	S—M	Deciduous; fast growing, yellow flowers	275
Red Oak, Shumard*	Shumard <i>Quercus shumardii</i>	L	Deciduous; fall color, good shade tree	1200
Red Oak, Texas*	<i>Quercus texana</i>	M	Deciduous; fall color, good shade tree	550
Redbud, Texas, Oklahoma, Mexican*	<i>Cercis canadensis</i> var <i>texana</i>	S—M	Deciduous; sun-shade, red/pink or white flowers	275
Rusty Blackhaw*	<i>Viburnum rufidulum</i>	S	Deciduous; fall color, white flower clusters	n/a
Silk-tassle*	<i>Garrya ovata</i>	S	Evergreen; sun-shade	n/a
Spiny Hackberry*	<i>Celtis pallida</i>	S	Evergreen; greenish white flowers, yellow orange fruit	n/a
Sycamore, Mexican	<i>Platanus mexicana</i>	L+	Deciduous; large leaves, good shade tree	1200
Sycamore, Texas*	<i>Platanus glabrata</i>	L+	Deciduous; large leaves, good shade tree	1200a
Texas Mountain Laurel*	<i>Sophora secundiflora</i>	S	Evergreen, part shade to full sun; fragrant purple flowers	<u>275</u> n/a

Texas Pistache*	<i>Pistacia texana</i>	S	Semi-Evergreen; full sun to part-shade; red fruit	n/a
Wafer Ash, Hop tree*	<i>Ptelea trifoliata</i>	S	Semi-Evergreen; sun-shade; light green foliage	n/a
Western Soapberry*	<i>Sapindus drummondii</i>	M—L	Deciduous; full to partial sun; good shade tree, cluster large yellow flowers	875
Wild Olive*	<i>Cordia boissiereri</i>	S—M	Semi-Evergreen; large white flowers, hardy to 14°F	275
Yaupon Holly*	<i>Ilex vomitoria</i>	S—M	Evergreen; sun-shade; female has red fruit	275

Big Tooth maple** *Acer grandidentatum* M Deciduous: full to partial sun:
Medium water, fall color no 550

Montezuma cypress *Taxodium mucronatum* L Semi-evergreen: full sun: low water 875

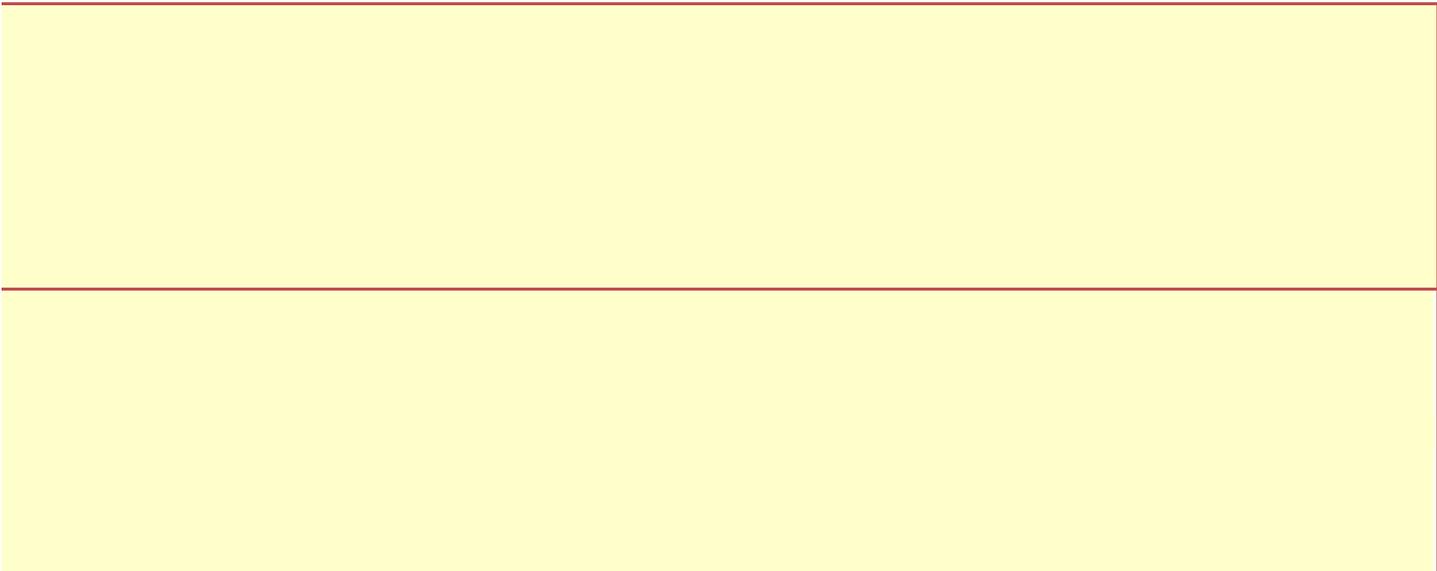
Italian Stone pine *Pinus pinea* L Drought tolerant, needs room to grow 875

* Texas Native Plant

** no credit for planting these trees for parking lot shading, these species do not thrive in these conditions

Note: Red Tip Photinia and Oleander are no longer recommended due to new disease.

(Ord. No. 2006-11-30-1333, § 2, 11-30-06) (Ord. No. 2009-01-15-0001, § 2, 1-15-09)





UDC Update Request Application

Part 1. Applicant Information

Name: Mark C Bird

Organization (if applicable): Development Services Department

Address: 1901 S. Alamo

Phone: 210.207.0278

Email: mark.bird@sanantonio.gov

Signature: Mark C Bird, City Arborist

Date: 4/29/2015

(Include title if representing a governmental agency or public/private organization)

Part 2. Basis for Update (check only one)

- Clarification amendments to provide for ease of interpretation and understanding of the existing provisions of the UDC
(Note: Clarification amendments should not change or alter the intent or meaning of existing UDC provisions)
- Editing change that does not alter the impact of the provisions being addressed including changes such as spelling, grammar correction, formatting, text selection, or addition of text in compliance with existing ordinance, statutes or case law
- Completed Rule Interpretation Determination (RID)
- Requested by the Zoning Commission, Planning Commission, Board of Adjustment, HDRC, City Council or other appropriate city board or council (CCR, resolution or signature of the chairperson is required)

Part 3. Reason(s) for Update (check all that apply)

- Modify procedures and standards for workability and administrative efficiency
- Eliminate unnecessary development costs
- Update the procedures and standards to reflect changes in the law or the state of the art in land use planning and urban design
- See Part 4 (if none of the provided choices in this section apply, please discuss the reasons for the proposed update in Part 4)

Part 4. Summary of Proposed Update with Suggested Text (see application instructions)

The reason for this proposed UDC amendment is clarify requirements for tree stand delineation plan submittals.

Sec. 35-B125. Tree Permit-Tree Stand Delineation Plan Option

As an alternative option to the tree preservation plan, a tree stand delineation plan may be submitted. The tree stand delineation plan shall include at a minimum a current aerial, satellite, photographic, or digital imagery in color and stored and analyzed by computer generated software such as but not limited to ArcView or AutoCAD with a minimum resolution of six-inch pixels with a scale of one inch equals four hundred feet (1" = 400'), and additional information contained herein. The applicant shall also provide a habitat compliance form consistent with section 35-B133, as applicable.



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Part 4. Summary of Proposed Update with Suggested Text (see application instructions)

The reason for this proposed UDC amendment is to clarify that to receive a canopy cover credit of two (2) times the tree canopy area for a heritage tree the tree is located in the ROW and meets the minimum root protection requirements of the udc.

35-523(i) (11) **Heritage Tree Canopy Credit.** A canopy cover credit of two (2) times the tree canopy area of a heritage tree preserved beyond the minimum preservation requirements may be counted toward meeting the final tree canopy coverage using the tree survey or tree stand delineation method. To use this credit when using the tree stand delineation method a heritage tree survey is required. The minimum root protection zone requirements shall be met to receive this credit. A heritage tree with a tree warranty does not receive two (2) times the tree canopy area credit.



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Part 4. Summary of Proposed Update with Suggested Text (see application instructions)

The reason for this proposed UDC amendment is to clarify that no impacts shall be allowed within the Root Protection Zone (RPZ) of protected trees including the installation of silt fencing for storm water pollution prevention plans.

35-523 (j) **Root Protection Zone.**

(1) **Root Protection Zone.** A root protection zone must be established around the trunk of each tree preserved or mitigation tree. For multi-family and nonresidential construction the root protection zone shall be an area defined by an average radius extending outward from the trunk of the tree a distance of one (1) linear foot for each inch (DBH). The root protection zone area shall be preserved at natural grade, with natural groundcover. No cutting, filling, trenching, root disturbance, soil disturbance, or construction impacts (including installation of silt fencing that exceeds a depth of three (3) inches) shall occur closer to the trunk than one-half ($\frac{1}{2}$) the root protection zone radius except in parking areas where approved alternative materials and methods are used, construction may be as close as five (5) feet from the root flares on one (1) side of the tree. Filling shall be allowed to accomplish water conservation goals established by the City of San Antonio or by a public utility. Native understory vegetation within the root protection zone shall be preserved, however this requirement does not apply to root protection zone areas that have been landscaped using native, drought tolerant plants. The root protection zone may be shifted and clustered as long as there is no construction closer to the trunk than one-half ($\frac{1}{2}$) the root protection zone radius. The construction of sidewalks shall be allowed in the root protection zone, as long as excavation does not exceed three (3) inches.

The area contained within a root protection zone required under this subsection must be left in a pervious condition after construction and development are completed unless approved alternative construction methods are used. The arborist shall establish a written set of technical criteria on which such approval shall be based. These criteria will be updated at least every five (5) years with the assistance of a committee consisting of, at a minimum, the city arborist, the regional urban forester from the Texas Forest Service, a landscape architect and an engineer. During construction activity on the site, at least a six-inch layer of coarse mulch shall be placed and maintained over the root protection zone. The impervious cover may encroach within the root protection zone if said encroachment is approved by the city arborist.



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Part 3. Reason(s) for Update (check all that apply)

- Modify procedures and standards for workability and administrative efficiency
- Eliminate unnecessary development costs
- Update the procedures and standards to reflect changes in the law or the state of the art in land use planning and urban design
- See Part 4 (if none of the provided choices in this section apply, please discuss the reasons for the proposed update in Part 4)

Part 4. Summary of Proposed Update with Suggested Text (see application instructions)

The reason for this proposed UDC amendment is to clarify the application of the 100-year floodplain(s) and environmentally sensitive areas standards to public projects.

35-523(p)(1) Public Projects.

- (1) **Preservation.** A minimum of twenty-five (25) percent of all diameter inches of protected trees within the project boundary/limits must be preserved, and shall be in accordance with 35-523(h).



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- Update the procedures and standards to reflect changes in the law or the state of the art in land use planning and urban design
- See Part 4 (if none of the provided choices in this section apply, please discuss the reasons for the proposed update in Part 4)

Part 4. Summary of Proposed Update with Suggested Text (see application instructions)

The reason for this proposed UDC amendment is to clarify the definition of Mulch in Appendix A – definitions:

Appendix A –

Mulch. Non-living organic and inorganic materials customarily used in landscape design to retard erosion, retain moisture, maintain even soil temperature, control weeds, and enrich the soil. Mulch used for tree canopy, streetscape, buffer, mitigation, and landscape requirements shall be organic hardwood material.

Section 35.310.01

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

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

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

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

(2) **Design.**

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

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

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

(1) **General Provisions.**

~~C. Design.~~

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

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

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

Table 310.10-1

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

Key:

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

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

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

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

35.374. Bed and Breakfast

(h)

~~**Cleaning Requirements.** The owner/operator shall provide clean linens and towels as necessary, as well as adequate heating, ventilation, water, and sewage disposal. The owner/operator shall maintain the outside area in a clean and sanitary manner and shall properly clean the premises and facilities during the guest's stay and after each guest has departed.~~

Sec. 35-402. - Completeness Review.

The provisions of this section apply to any application [under this Chapter](#), unless otherwise provided in the provisions pertaining to the regulations for the specific application or permit.

Sec. 35-403. - Notice Provisions.

(a)

Generally. The notice requirements for each type of application for development approval are prescribed in the individual subsections of this article applicable thereto and/or the Texas statutes. The notice requirements for certain types of public hearings are established in Table 403-1 below provided, however, that to the extent of any inconsistency between the provisions of this section and any state statute, the state statute shall govern.

(b)

Contents of Notice. The notice shall state the time, date and place of hearing and a description of the property subject to the application. The notice shall include, at a minimum, the following:

- The street address, if the street address is unavailable, the legal description by NCB/CB, block, and lot metes and bounds or a general description of the location of the property, either using block numbers, nearby street intersections or approximate distances from intersections.
- The current zoning district, if any; and
- The category of permit requested and a brief description of the proposed development including density or building intensity, revised zoning classification (if any), and uses requested.

In Table 403-1, the method for providing notice is provided in column (A) and the types of permits affected are set forth in columns (B) through (J). In Table 403-1, an asterisk (*) indicates that the type of notice prescribed in column (A) is required for the category of development order prescribed in columns (B) through ~~(L)~~, while a dash (—) indicates that the notice is not required.

Table 403-1
Notice Requirements

(A)	(B)	(C)	(D)	(E)	(F)	(G)	(H)	(I)	(J)	(K)	(L)
Type of notice	Amendments to Master Plan	<u>Changes in the future land use component of adopted plans or changes to the text of the adopted plan</u>	Rezoning	Master Development Plan	Items Requiring Public Hearing Before the Board of Adjustment	Subdivision Plat, Major	Subdivision Plat, Minor	Certificate of Appropriateness (Not Including Administrative Approval Certificates)	Permits, Orders or Approvals Not Mentioned Requiring Public Hearing	Request for Demolition of a Historic Landmark or Potential Historic Landmark	Historic Designation Application Approved by Historic Preservation Officer
Publication: Publication in an official newspaper of general circulation before the 15th day before the date of the hearing.	*	*	*	—	*	* (6) (5)	(6) (5)	—	*	—	—
Mail: Written notice of the public hearing shall be sent.	—	* <u>(1)</u> (2)	* <u>(1)</u> (2) (3)	—	* <u>(1)</u> (2)	(6) (5)	(6) (5)	—	* <u>(1)</u>	* <u>(1)</u> (2)	* <u>(2)</u> (8) (7)
Internet: Post notice on the city's Internet website until the process has been completed.	* (7) (6)	*	*	* (7) (6)	*	* (7) (6)	* (7) (6)	*	*	*	—
Signage: Post a sign on the property subject to the	—	* <u>(3)</u> (4)	* (4) (5) (3)(4)	—	—	—	—	*	—	*	—

- C. Reduce the amount of land involved from that indicated in the notices of the hearing.
- (2) A minor amendment shall not, in any case, permit:
- A. An increase in the number of dwelling units, floor area, lot coverage or impervious surface development;
 - B. A different land use than that requested in the application;
 - C. A larger land area than indicated in the original application; or
 - D. A greater variance than that requested in the application.
- (3) A minor amendment shall not reduce or eliminate conditions adopted in this chapter or otherwise adopted by city council ordinance for a specific use authorization or conditional zoning district unless a new notice of zoning commission recommendation and city council action is provided prior to the final decision thereto.

(4) **Zoning Intensity.** For purpose of notification the following table of intensity of zoning shall be used. The intensity ranges shall constitute all districts on the following table that lie between the existing zoning district of the subject property and the requested zoning district for the subject property. Consideration of such a recommendation shall not require renotification. ~~Upon request of the property owner, imposition of a "NA" or "R" suffix on a request for a rezoning to the "C-2" or "C-3" districts shall not require renotification. An applicant may not amend a rezoning request to multi-family without renotification. Flex Districts (UD, RD, RF MI-1 and MI-2), overlay districts and special districts shall require renotification.~~

- A. The following requests for zoning shall require renotification:
- i. Amending a zoning request to or from any multi-family district,
 - ii. Amending a zoning request to or from any Flex district (UD, RD, FR MI-1 and MI-2)
 - iii. Adding or removing an overlay district,
 - iv. Amending a zoning request to or from any Special district; or
 - v. Amending any zoning request outside the range of Table 403-2.
- B. The following requests for zoning shall not require renotification:
- i. Amending a zoning request to decrease the density of a multi-family district,
 - ii. Amending a zoning request to change a use in an IDZ base or overlay district that will decrease density or intensity consistent with Table 403-2; or
 - iii. Request of the property owner for imposition of "NA" or "R" suffix for "C-2" or "C-3" districts.

Table 403-2
Intensity Ranges

- "RP"
- "RE"
- "R-20"
- "R-6"
- "R-5"
- "R-4"
- "R-3"

"RM-6"
"RM-5"
"RM-4"
"MF-18"
"MF-25"
"MF-33"
"MF-40"
"MF-50"
"MF-65"
"NC"
"O-1"
"C-1"
"O-1.5"
"C-2NA," "C-2P"
"C-2"
"O-2"
"C-3NA"
"C-3R"
"C-3"
"D"
"L"
"I-1"
"I-2"

Example an applicant with a property presently zoned "R-6" and requesting "C-3" could receive a recommendation for approval of any of the following districts "R-5," "R-4," "R-3," "NC," "O-1," "O-1.5," "C-1," "C-2NA," "C-2P," "C-2," "O-2," "C-3NA," "C-3R OR "C-3" without requiring renotification. Rezoning to a "MF" district would require renotification.

DIVISION 3. ZONING PROCEDURES

35-420. Comprehensive, Neighborhood, Community, ~~and~~ Perimeter and Sector Plans

STATEMENT OF PURPOSE

Neighborhoods are an essential building block of local planning. The master plan provides strong policies encouraging neighborhood participation in the planning and land development process. Neighborhood planning is an important process when it is participatory and inclusive. At the same time, the master plan requires development approval processes to be fair and equitable, and for permitting to be streamlined.

- (a) Applicability. The provisions of this section govern the development of neighborhood, community and perimeter plans. There are three (3) categories of plans that may be adopted pursuant to this section, as set forth in subsections (1) through (3) below. For purposes of this section, a "plan" shall mean and refer to any neighborhood plan, community plan, ~~or~~ perimeter plan, **sector plan** or any plan adopted pursuant to V.T.C.A. Local Government Code Ch. 219, unless otherwise indicated.
- (1) **Neighborhood Plans.** Neighborhood plans may include at least one (1) neighborhood unit. A neighborhood unit may encompass an area which includes residences, businesses, parks, schools, undeveloped land, and other community facilities. Populations should generally range from four thousand (4,000) to ten thousand (10,000) people depending on the geographic area and boundaries. A neighborhood unit usually contains at least one thousand five hundred (1,500) housing units. Neighborhood plans may be incorporated into community plans and shall function as building blocks in the development of community plans.
 - (2) **Community Plans.** Based on the master plan policy for sector planning, the community building and neighborhood planning program includes a citywide system of community areas in order to develop community plans. The objective of dividing the entire city into community areas is to establish a framework for: developing community plans that impact and service all citizens of San Antonio; creating a citywide service system that fosters community-based partnerships and civic awareness that improves neighborhoods; and providing a means for articulating community values that is readily available to public and private entities which shape the future development of the community. The proposed community areas shall be identified by the department of planning and community development based on the city's current population, and boundaries based on community association areas, the parks and recreation system plan service areas, creeks, freeways, major arterials, and census tracts.
 - (3) **Perimeter Plans.** Perimeter plans are similar to community plans but may cover land areas that lie within the corporate limits, the city's ETJ and that portion of the county outside of the city's present ETJ. Perimeter plans shall serve as amendments to the city's master plan for those areas lying within the city limits and shall be subject under state law to the zoning ordinances of the City of San Antonio. All other areas covered by the perimeter plan outside of the corporate limits of the city shall be for general guidance for the subdivision of land and implementation of the major thoroughfare plan.
 - (4) **Sector Plans.** Sector plans are components of the City's Master Plan Polices, but also provide appropriate guidance for land use, transportation, and public facilities planning in each of the City's sector areas. Sector plans shall serve as amendments to the city's master plan for those areas lying within the city limits and shall be subject under state law to the zoning ordinances of the City of San Antonio. All other areas covered by the sector plan outside of the corporate limits of the city shall be for general guidance for the subdivision of land and implementation of the major thoroughfare plan.

35-420. Zoning Procedures

(f) Subsequent Applications

- (1) Applicability. The provisions of this section apply to any application for a change to the future land use component of adopted plans of a tract, parcel or land area from one land use designation to another or for changes to the text of the plan.
- (2) Initiation. Plans are prepared to address needs of the Planning area, existing development patterns, and opportunities for growth over the next five or more years. As such, physical, market and development conditions will continue to evolve within the planning areas. These variables can result in changes to an adopted plan. All petitions, recommendations or proposals for changes in the future land use component of adopted plans or changes to the text of the plan (referred to as a “master plan amendment”) shall be filed with the planning commission. Text amendments may be proposed by any person. A proposed master plan amendment may be initiated by:

 - A. The city council by resolution; or
 - B. An application properly signed and filed by the owner or, with the owner's specific written consent, a contract purchaser or owner's agent of a property included within the boundaries of a proposed master plan amendment, unless otherwise provided for by this chapter.³¹¹ When an amendment is initiated, an application for such amendment shall be submitted to the director. The applicant may file an application for subdivision plat approval concurrent with an application for a master plan amendment.
 - C. The director of development services pursuant to an annexation service plan or to correct an administrative error in the rezoning of a tract of land pursuant to this chapter.
- (3) Completeness Review. The director of development services shall conduct a completeness review as set forth in section 35-402 of this chapter within two (2) working days of application submittal. The appellate agency for purposes of completeness review (see subsection 35-402(c) of this chapter) shall be the planning commission.
- (4) Decision. Upon certification by the director that the application is complete and required fees have been paid, the application shall be deemed complete and referred to the planning commission for its review and recommendation.

 - A. Type of Hearing. The public hearings before the planning commission and city council shall be conducted as hearings in accordance with section 35-404, above.
 - B. Planning Commission. The planning commission, after public notice in accordance with Table 35.403-1, Notice Requirements, shall hold at least one (1) public hearing on such application and as a result thereof shall transmit its final report to the city council. All applications for a master plan amendment which have been considered by the planning commission shall be presented by the applicant to the city council within six (6) months from the date of the commission's final consideration. In the event the applicant fails to present the application for a master plan amendment to the city council within the prescribed period, a new original application and fees shall be required. A new application

shall not be submitted to the planning commission for consideration prior to the expiration of the six-month time period specified in subsection (5), below. See subsection 35-404(b) for rules relating to failure of the planning commission to submit a recommendation.

- C. **City Council.** After the final report of the planning commission is submitted to the city council as provided in subsection B above the council shall consider a master plan amendment after a public hearing in relation thereto, at which parties in interest and citizens shall have an opportunity to be heard. Before the fifteenth day prior to the date of the hearing, notice of the time and place of the hearing shall be published in an official newspaper or a newspaper of general circulation in the city. After the receipt of the final report of the planning commission, the city council shall approve or deny the master plan amendment.

All applications for a master plan amendment which have been considered by the planning commission shall be presented by the applicant to the city council within six (6) months from the date of the commission's final consideration. In the event the applicant fails to present the application for master plan amendment to the city council within the prescribed period, a new original application and fees shall be required. A new application shall not be submitted to the planning commission for consideration prior to the expiration of the six-month time period specified in subsection (5), below. See subsection 35-404(b) for rules relating to failure of the planning commission to submit a recommendation.

(5) Postponement of a Case by Applicant.

- A. Prior to the city publishing the master plan amendment case in the newspaper, an applicant may request in writing that the case not be scheduled for a public hearing date. In such cases, the applicant shall have six (6) months from the date of the written request to schedule the case. After expiration of the six-month period, the applicant will have to submit a new application with new fees for further consideration of a master plan amendment on the subject property.
- B. If a written request for postponement is submitted by the applicant after the city has published the case in the newspaper, the fees paid shall be non-refundable and the case will not be rescheduled for a public hearing date until the postponement fee has been paid by the applicant. In such cases, the applicant shall have six (6) months from the date of the written request for postponement to reactivate the case. After expiration of the six-month period, the applicant will have to submit a new application with new fees for further consideration of a master plan amendment on the subject property. In no instance shall a postponement extend beyond six (6) months from the date of the commission's final consideration.
- C. If a request for postponement is not received by 4:30 p.m. on the seventh day prior to the public hearing date, the case shall remain on the public hearing agenda and will require the applicant to personally request such a postponement in front of the planning commission or city council.

(6) Subsequent Applications.

- A. **Applicability.** The provisions of this subsection shall not apply to any application for a master plan amendment which is initiated by the city council.
- B. **Withdrawal of Master Plan Amendment Application.**

1. Withdrawal without time penalty. An applicant may withdraw a master plan amendment application up to the time that it is called forward and the city staff begins presentation of the application during a duly advertised public meeting without a time penalty on resubmission of another master plan amendment application for the property whether by the original applicant or a new applicant.
2. Withdrawal with time penalty. An applicant may withdraw a master plan amendment application after it has been called forward for discussion and staff has begun presentation however such withdrawal shall be penalized by imposing an automatic six-month time period following the date of withdrawal before the same or another application for the same property can be submitted for processing.
3. Waiver of time penalty in subsection B. above for resubmission. At the time of withdrawal of an application for master plan amendment the planning commission may consider a request by the applicant to bring the application or a modification of the application back prior to the expiration of six (6) months subject to all notifications and postings of the case being observed. If the planning commission fails to approve such resubmission prior to continuing with the next agenda item the six-month submission limitation shall stand.
4. Request of relief of time penalty. If new relevant and substantial evidence which could not have been secured at the time set for the original hearing shall be produced by applicant, under a sworn affidavit to that effect, then in that event, the planning commission may elect to hear and consider such application prior to the expiration of the time penalty.

C. Reserved.

D. Denial of Master Plan Amendment. It is further provided that no application for the master plan amendment of any lot, lots or block of land situated in the city shall be received or filed with the planning commission of the city and no hearing had thereon, if within one (1) year prior thereto the city council, after consideration and hearing, has denied an application for master plan amendment of the same property.

(7) Amendments. Any subsequent master plan amendment requires a new application for a master plan amendment and shall be processed as set forth in subsections (2) through (4) of this section.

35.421 Zoning Amendments

(d) Consistency. For all applications for rezoning, the development services department, based on the information provided by the applicant, shall make a determination regarding consistency with the policies contained in the master plan of the city or if applicable the land use element of a neighborhood, community, ~~or~~ perimeter, or sector plan adopted pursuant to section 35-420 of this chapter, within five (5) working days. A rezoning request for an “S” or “CD” where the current base district is not requesting to change does not require a determination for consistency with the plan.

- (1) If the development services department makes a determination that the requested rezoning is inconsistent with the master plan policies or the land use element of the applicable neighborhood, community, ~~or~~ perimeter ~~plan~~ or sector plan, then the application for rezoning shall not be deemed complete until a completed application for a master plan amendment is filed with the ~~planning and community development development services~~ department. The requested rezoning shall not be considered by the zoning commission until the planning commission has considered the master plan amendment request.
- (2) If the development services department determines that the requested change is consistent with the master plan policies or the land use element of the applicable neighborhood, community or perimeter plan, then the zoning case may be deemed complete without an amendment to the master plan of the city.
- (3) The appellate agency for purposes of consistency determination shall be the planning commission.

*Commentary: The master plan is the comprehensive plan for the physical development of the city, as prescribed in the City Charter. The master plan includes any unit or part of such plan separately adopted and any amendment to such plan or part thereof. Neighborhood, community, ~~and~~ perimeter **and sector** plans are components of the master plan.*

(e) Decision. Upon certification by the director that the application is complete and required fees have been paid, the application shall be deemed complete and referred to the zoning commission for its review and recommendation as provided by V.T.C.A. Local Government Code § 211.007.

- (3) **City Council.** After the final report of the planning commission is submitted to the city council as provided in subsection B above the council shall consider a master plan amendment after a public hearing in relation thereto, at which parties in interest and citizens shall have an opportunity to be heard. Before the fifteenth day prior to the date of the hearing, notice of the time and place of the hearing shall be published in an official newspaper or a newspaper of general circulation in the city. After the receipt of the final report of the planning commission, the city council shall approve or deny the master plan amendment.

Amendments to both the official zoning map and the neighborhood plan, community plan or perimeter plan may be considered concurrently.

An affirmative vote of at least three-fourths ($\frac{3}{4}$) of all members of the city council is required to approve a proposed change to a regulation or boundary if the change is protested. The protest must be written and signed by the owners of at least twenty (20)

percent of either the area of the lots or land covered by the proposed change or the area of the lots or land immediately adjoining the area covered by the proposed change and extending two hundred (200) feet therefrom. In computing the percentage of land area, the area of streets and alleys shall be included in the computation. Written protests must be received by the director at the department of ~~planning and~~ development services offices no later than 4:00 p.m. of the previous business day prior to the posted date and time for the zoning hearing on the city council's agenda. If the written protests appear to be at least twenty (20) percent of either the area of the lots or land covered by the proposed change or the area of the lots or land immediately adjoining the area covered by the proposed change and extending two hundred (200) feet there from the applicant shall be entitled to, but is not required to request an automatic continuance if all members of the city council are not present.

(g) Postponement of a Case by Applicant.

- (1) Prior to the city publishing the master plan amendment case in the newspaper, an applicant may request in writing that the case not be scheduled for a public hearing date. In such cases, the applicant shall have six (6) months from the date of the written request to schedule the case. After expiration of the six-month period, the applicant will have to submit a new application with new fees for further consideration of a master plan amendment on the subject property.
- (2) If a written request for postponement is submitted by the applicant after the city has published the case in the newspaper, the fees paid shall be non-refundable and the case will not be rescheduled for a public hearing date until the postponement fee has been paid by the applicant. In such cases, the applicant shall have six (6) months from the date of the written request for postponement to reactivate the case. After expiration of the six-month period, the applicant will have to submit a new application with new fees for further consideration of a master plan amendment on the subject property. In no instance shall a postponement extend beyond six (6) months from the date of the commission's final consideration.
- (3) If a request for postponement is not received by 4:30 p.m. on the seventh day prior to the public hearing date, the case shall remain on the public hearing agenda and will require the applicant to personally request such a postponement in front of the planning commission or city council.

(e)

Criteria.

(1)

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

Table 422-1

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

Sec. 35-423. - Specific Use Authorization.

STATEMENT OF PURPOSE

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

(a)

Applicability. The provisions of this section apply to any application for approval of a specific use authorization. Specific use authorizations are those uses which are generally compatible with the land uses permitted by right in a zoning district, but which require individual review of their location, design and configuration and the imposition of conditions in order to ensure the appropriateness of the use at a particular location within a given zoning district. Only those uses that are enumerated as specific use authorizations in a zoning district, as set forth in the use matrix (section [35-311](#)), shall be authorized by the city council. A specific use authorization shall not be required for a use allowed as a permitted use in a given zoning district. **More than one (1) Specific Use Authorization can be authorized by the city council for properties within the Edwards Recharge Zone District, if the uses are permitted by right in the base zoning district.**

**TABLE 526-3b
Parking in Nonresidential Use Districts**

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

Sec. 35-510. - Buffers.

- (4) **Reduction in Required Bufferyards.** Table 510-2 indicates net minimum bufferyard widths. Such minimum widths shall be provided in a linear fashion along abutting properties where applicable. The width of the bufferyard at any point along its length may be greater or less than the minimum required by Table 510-2 provided that the total calculated area of the bufferyard must remain the same and further provided that the minimum width of the buffer yard at any point is not less than fifty (50) percent of the minimum width indicated by Table 510-2. The net bufferyard area for a property to be developed shall be reduced not less than fifty (50) percent where:
- A. A bufferyard exists on an abutting property, and the net bufferyard satisfies the minimum bufferyard requirements of this section; or
 - B. The adjoining property owners have provided a written agreement restricting the use of an established or proposed use triggering the bufferyard requirement to the uses provided for in the current zoning district. Should the property that was subject to the bufferyard requirement be rezoned after the date of the written agreement, the adjoining property owner's written agreement shall be null and void and the applicable bufferyard shall be required.
 - C. The required bufferyard area may be reduced in width up to twenty (20) percent where a natural area is provided in accordance with Table 510-2 (Type N).

**Table 510-1
Required Bufferyards**

Zoning District	Adjoining Zoning District											Adjoining Street Classification		
	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)	(13)	(14)
	RP**	RE, R-20, <u>NP-15</u> , <u>NP-10</u> , <u>NP-8</u> **	R-6, R-5, R-4, <u>R-3</u> , RM-6, RM-5, RM-4, DR**	<u>MF-18</u> , MF-25, MF-33**	MF-40, MF-50, <u>MF-65</u>	NC	O-1, <u>O-1.5</u> , C-1, C-2, <u>C-2P</u>	O-2, C-3, BP, <u>MXD</u> , <u>MPCD</u>	D	L, I-1	I-2	Major Arterial	Minor Arterial	Collector
(1) RP	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
(2) RE, R-20, <u>NP-15</u> , <u>NP-10</u> , <u>NP-8</u>	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
(3) R-6, R-5, R-4, <u>R-3</u> , RM-6, RM-5, RM-4, DR	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
(4) <u>MF-18</u> , MF-25, MF-33	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	F	A	N/A	N/A
(5) MF-40, MF-50, <u>MF-65</u>	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	A	N/A	N/A
(6) NC	C	C	B	N/A	N/A	N/A	N/A	N/A	N/A	E	E	B	A	A
(7) O-1, <u>O-1.5</u> , C-1, C-2, <u>C-2P</u>	C	C*	B	N/A	N/A	A	N/A	N/A	N/A	E	E	B	A	A
(8) O-2, C-3, BP, <u>MXD</u> , <u>MPCD</u>	C	C*	C	C	N/A	A	N/A	N/A	N/A	N/A	D	B	B	A
(9) D	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
(10) L, I-1	E	E	D	E	E	E	E	N/A	N/A	N/A	N/A	C	C	B
(11) I-2	F	F	F	F	F	E	E	D	N/A	N/A	N/A	C	C	B

Sec. 35-808. - Zoning Commission.

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



UDC Update Request Application

Part 1. Applicant Information

Name: Pablo G. Martinez Organization (if applicable): Development Services.

Address: 1901 S. Alamo St., San Antonio, Texas 78204

Phone: 210-207-0265 Email: Pablo.g.martinez@sanantonio.gov

Signature: _____ Date: April 22, 2015
(Include title if representing a governmental agency or public/private organization)

Part 2. Basis for Update (check only one)

- Clarification amendments to provide for ease of interpretation and understanding of the existing provisions of the UDC
(Note: Clarification amendments should not change or alter the intent or meaning of existing UDC provisions)
- Editing change that does not alter the impact of the provisions being addressed including changes such as spelling, grammar correction, formatting, text selection, or addition of text in compliance with existing ordinance, statutes or case law
- Completed Rule Interpretation Determination (RID)
- Requested by the Zoning Commission, Planning Commission, Board of Adjustment, HDRC, City Council or other appropriate city board or council (CCR, resolution or signature of the chairperson is required)

Part 3. Reason(s) for Update (check all that apply)

- Modify procedures and standards for workability and administrative efficiency
- Eliminate unnecessary development costs
- Update the procedures and standards to reflect changes in the law or the state of the art in land use planning and urban design
- See Part 4 (if none of the provided choices in this section apply, please discuss the reasons for the proposed update in Part 4)

Part 4. Summary of Proposed Update with Suggested Text (see application instructions)

§ 35-515(c)(4). Lot/Frontage

I propose the attached amendment because the current rule to adhere to lot frontage by the use of an ingress/egress easement is arbitrary and ultimately contrary to the best interest of the public. The section of the code offers 3 options of frontage to a lot; Public street, Private Street and a platted irrevocable ingress/egress easement. However, the second sentence requires the easement to comply with private street standards. The current COSA street naming and addressing process does not allow easements to be named or addressed. Therefore, the easement is no longer an option for street naming and/or addressing. Please see the following

page for my proposed amendment. Thank you.

§ 35-515(c)(4). Lots/Frontage

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. A ~~Where a~~ platted irrevocable ingress/egress easement ~~is~~ may be utilized for frontage to serve 1 or 2 lots and shall provide a minimum access requirement of section 35-506(d)(11); however, for the purposes of street naming, addressing and/or fronting more than 2 lots, the private street provisions of sections XX-XXX and 35-506 for street name, addressing and design standards, respectively 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. 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.