



UDC Amendment Request Application for Internal Parties ***(City of San Antonio Departments)***

Part 1. Applicant Information

Name: Veronica Soto Organization (if applicable): NHSD/Housing Commission

Address: 100 W Houston St

Phone: 210-207-6620 Email: veronica.soto@sanantonio.gov

Signature: Verónica R. Soto Digitally signed by Verónica R. Soto
Date: 2022.01.31 14:23:58 -06'00' Date: 1/26/2022
(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)
- City of San Antonio Staff Amendment

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 updates to section 35-371 include changes removing requirements that the unit be connected to the electrical, water, and sewer system for the principal structure, removal of occupancy and bedroom limitations, expanding the size of the gross floor area of the unit to allow more flexibility, restricting the location of the ADDU within the rear yard, requiring parking only for ADUs over 800sqft gross floor area, and aligning the setback requirements with that of accessory structures. The changes align the requirements for detached and attached ADUs

The changes are in the attached Word document.

UDC 2021 Proposed Amendment

Amendment 23-6**Applicant:** Neighborhood & Housing Services Department/ Housing Commission**Amendment Title** – ‘Sec. 35-371. – Accessory Dwellings.’**Amendment Language:****(a) Generally.**

- (1) The property owner, which shall include title holders and contract purchasers, must occupy either the principal unit or the accessory dwelling as their permanent residence, and shall at no time receive rent for the owner-occupied unit. "Owner occupancy" means a property owner, as reflected in title records, makes his or her legal residence at the site, as evidenced by voter registration, vehicle registration, or similar means. The property owner shall sign an affidavit before a notary public affirming that the owner occupies either the main building or the accessory dwelling. The applicant shall provide a covenant suitable for recording with the county recorder, providing notice to future owners or long term leases of the subject lot that the existence of the accessory dwelling unit is predicated upon the occupancy of either the accessory dwelling or the principal dwelling by the owner of the property. The covenant shall also require any owner of the property to notify a prospective buyer of the limitations of this section and to provide for the removal of improvements added to convert the premises to an accessory dwelling and the restoration of the site to a single-family dwelling in the event that any condition of approval is violated.
- (2) No accessory dwelling shall be constructed, used or occupied unless and until an accessory dwelling permit is issued.
- (3) ~~The accessory dwelling shall be connected to the central electrical, water and sewer system of the principal structure. This provision does not apply to the electrical service if the distance between the primary structure and the accessory dwelling is greater than one hundred (100) lineal feet.~~
- (4) ~~The total number of occupants in the accessory dwelling unit combined shall not exceed three (3) persons.~~
- (5) The accessory dwelling shall not exceed eight hundred (800) square feet or 50% of gross floor area of the primary structure, whichever is larger, in any single-family residential zoning district other than the "FR" zoning district, or one thousand two hundred (1,200) square feet in the "RE" zoning district. This restriction applies only to that portion of a structure that constitutes living area for an accessory dwelling.

(b) Accessory Detached Dwelling Units. Where permitted pursuant to section 35-311 of this chapter, an accessory detached dwelling unit (ADDU) shall not be established except in accordance with the following criteria:

- (1) The building footprint for the ADDU shall not exceed forty (40) percent of the building footprint of the principal residence. The "building footprint" shall include porches, but shall not include patios.
- (2) ~~Total floor area of the ADDU shall not exceed eight hundred (800) square feet or be less than three hundred (300) square feet.~~
- (3) ~~An ADDU shall not contain more than one (1) bedroom.~~
- (4) Only one (1) accessory unit shall be permitted per lot and it shall be located in the rear yard.
- (5) An ADDU that exceeds eight hundred (800) square feet gross floor area shall provide one parking space. ~~Parking areas shall be located behind the front yard.~~

(6) ~~In order to maintain the architectural design, style, appearance and character of the main building as a single family residence, the ADDU shall have a roof pitch, siding and window proportions identical to that of the principal residence.~~

(7) An ADDU ~~Accessory detached dwelling unit~~ shall require a minimum setback from the rear and side property lines of five (5) feet. If the structure has no overhang the accessory unit may be three (3) feet from the rear and side property lines.

(8) An ADDU may not exceed twenty-five (25) feet or two stories in height.

(c) **Attached Accessory Dwelling Units.**

~~(1) The gross floor area of the accessory apartment shall not exceed thirty-five (35) percent of the total living area of the principal dwelling unit.~~

~~(2) Occupancy of the accessory apartment shall not exceed one (1) person per two hundred (200) square feet of gross floor area.~~

(3) Attached accessory dwelling units shall be in compliance with the required setbacks of the primary structure required by the underlying zoning district.

UDC 2021 Proposed Amendment

*****Revised and Recommended Approved by PCTAC on February 22, 2022*****

Amendment 23-6

Applicant: Neighborhood & Housing Services Department/ Housing Commission

Amendment Title – ‘Sec. 35-371. – Accessory Dwellings.’

Amendment Language:

(a) **Generally.**

- (1) The property owner, which shall include title holders and contract purchasers, must occupy either the principal unit or the accessory dwelling as their permanent residence, and shall at no time receive rent for the owner-occupied unit. "Owner occupancy" means a property owner, as reflected in title records, makes his or her legal residence at the site, as evidenced by voter registration, vehicle registration, or similar means. The property owner shall sign an affidavit before a notary public affirming that the owner occupies either the main building or the accessory dwelling. The applicant shall provide a covenant suitable for recording with the county recorder, providing notice to future owners or long term leases of the subject lot that the existence of the accessory dwelling unit is predicated upon the occupancy of either the accessory dwelling or the principal dwelling by the owner of the property. The covenant shall also require any owner of the property to notify a prospective buyer of the limitations of this section and to provide for the removal of improvements added to convert the premises to an accessory dwelling and the restoration of the site to a single-family dwelling in the event that any condition of approval is violated.
- (2) No accessory dwelling shall be constructed, used or occupied unless and until an accessory dwelling permit is issued.
- ~~(3) The accessory dwelling shall be connected to the central electrical, water and sewer system of the principal structure. This provision does not apply to the electrical service if the distance between the primary structure and the accessory dwelling is greater than one hundred (100) lineal feet.~~
- ~~(4) The total number of occupants in the accessory dwelling unit combined shall not exceed three (3) persons.~~
- (5) ~~(5)~~ The accessory dwelling shall not exceed eight hundred (800) square feet or 50% of gross floor area of the primary structure, whichever is larger, in any single-family residential zoning district other than the "FR" zoning district, or one thousand two hundred (1,200) square feet in the "RE" zoning district. This restriction applies only to that portion of a structure that constitutes living area for an accessory dwelling.

(b) **Accessory Detached Dwelling Units.** Where permitted pursuant to section 35-311 of this chapter, an accessory detached dwelling unit (ADDU) shall not be established except in accordance with the following criteria:

- (1) The building footprint for the ADDU shall not exceed forty (40) percent of the building footprint of the principal residence. The "building footprint" shall include porches, but shall not include patios.
- ~~(2) Total floor area of the ADDU shall not exceed eight hundred (800) square feet or be less than three hundred (300) square feet.~~
- ~~(3) An ADDU shall not contain more than one (1) bedroom.~~
- ~~(2)~~(4) Only one (1) accessory unit shall be permitted per lot and it shall be located in the rear yard.
- ~~(3)~~(5) An ADDU that exceeds eight hundred (800) square feet gross floor area shall provide one parking space. Parking areas shall be located behind the front yard.

~~(6) In order to maintain the architectural design, style, appearance and character of the main building as a single family residence, the ADDU shall have a roof pitch, siding and window proportions identical to that of the principal residence.~~

~~(4)-(7)~~ An ADDU Accessory detached dwelling unit shall require a minimum setback from the rear and side property lines of five (5) feet. If the structure has no overhang the accessory unit may be three (3) feet from the rear and side property lines.

(5) An ADDU may not exceed twenty-five (25) feet or two stories in height.

(c) **Attached Accessory Dwelling Units.**

~~(1) The gross floor area of the accessory apartment shall not exceed thirty-five (35) percent of the total living area of the principal dwelling unit.~~

~~(2) Occupancy of the accessory apartment shall not exceed one (1) person per two hundred (200) square feet of gross floor area.~~

~~(1)-(3)~~ Attached accessory dwelling units shall be in compliance with the required setbacks of the primary structure required by the underlying zoning district.

UDC 2021 Proposed Amendment

*****Revised and Recommended Approval by Zoning Commission on July 5, 2022*****

Amendment 23-6

Applicant: Neighborhood & Housing Services Department

Amendment Title – ‘Sec. 35-371. – Accessory Dwellings.’

Amendment Language:

(a) **Generally.**

- (1) The property owner, which shall include title holders and contract purchasers, must occupy either the principal unit or the accessory dwelling as their permanent residence, and shall at no time receive rent for the owner-occupied unit. "Owner occupancy" means a property owner, as reflected in title records, makes his or her legal residence at the site, as evidenced by voter registration, vehicle registration, or similar means. The property owner shall sign an affidavit before a notary public affirming that the owner occupies either the main building or the accessory dwelling. The applicant shall provide a covenant suitable for recording with the county recorder, providing notice to future owners or long term leases of the subject lot that the occupancy existence of the accessory dwelling unit is predicated upon the occupancy of either the accessory dwelling or the principal dwelling by the owner of the property. ~~The covenant shall also require any owner of the property to notify a prospective buyer of the limitations of this section and to provide for the removal of improvements added to convert the premises to an accessory dwelling and the restoration of the site to a single-family dwelling in the event that any condition of approval is violated.~~
- (2) No accessory dwelling shall be constructed, used or occupied unless and until an accessory dwelling permit is issued.
- ~~(3) The accessory dwelling shall be connected to the central electrical, water and sewer system of the principal structure. This provision does not apply to the electrical service if the distance between the primary structure and the accessory dwelling is greater than one hundred (100) lineal feet.~~
- ~~(4) The total number of occupants in the accessory dwelling unit combined shall not exceed three (3) persons.~~
- ~~(3)-(5)~~ (3) The accessory dwelling shall not exceed eight hundred (800) square feet or 50% of the gross floor area of the primary structure up to a maximum of sixteen hundred (1,600) square feet, in any single-family residential zoning district other than the "FR" zoning district, or one thousand two hundred (1,200) square feet in the "RE" zoning district. This restriction applies only to that portion of a structure that constitutes living area for an accessory dwelling.

(4) Accessory dwelling units used as short-term rentals must comply with Section 35-374.01.

- (b) **Accessory Detached Dwelling Units.** Where permitted pursuant to section 35-311 of this chapter, an accessory detached dwelling unit (ADDU) shall not be established except in accordance with the following criteria:

- ~~(1) The building footprint for the ADDU shall not exceed forty (40) percent of the building footprint of the principal residence. The "building footprint" shall include porches, but shall not include patios.~~
- ~~(2) Total floor area of the ADDU shall not exceed eight hundred (800) square feet or be less than three hundred (300) square feet.~~
- ~~(3) An ADDU shall not contain more than one (1) bedroom.~~
- (1)-(4) Only one (1) accessory unit shall be permitted per lot and it shall be located in the rear yard.
- (2)-(5) An ADDU that exceeds eight hundred (800) square feet gross floor area shall provide one parking space. Parking areas shall be located behind the front yard.

~~(6) In order to maintain the architectural design, style, appearance and character of the main building as a single-family residence, the ADDU shall have a roof pitch, siding and window proportions identical to that of the principal residence.~~

~~(3)-(7)~~ An ADDU ~~Accessory detached dwelling unit~~ shall require a minimum setback from the rear and side property lines of five (5) feet. If the structure has no overhang the accessory unit may be three (3) feet from the rear and side property lines.

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(1)-(3) Attached accessory dwelling units shall be in compliance with the required setbacks of the primary structure required by the underlying zoning district.

UDC 2021 Proposed Amendment

***** Recommended Approval by Planning Commission on July 27, 2022 *****

Amendment 23-6

Applicant: Neighborhood & Housing Services Department

Amendment Title – ‘Sec. 35-371. – Accessory Dwellings.’

Amendment Language:

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